

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                                 |   |                              |
|---------------------------------|---|------------------------------|
| UNITED STATES OF AMERICA,       | : |                              |
| Plaintiff,                      | : |                              |
|                                 | : |                              |
| v.                              | : | CIVIL NO. 3:12-CV-1652 (AWT) |
|                                 | : |                              |
| TOWN OF EAST HAVEN AND THE EAST | : |                              |
| HAVEN BOARD OF POLICE           | : |                              |
| COMMISSIONERS,                  | : |                              |
| Defendants.                     | : | August 29, 2014              |

**NOTICE OF FILING OF THE**  
**18-MONTH COMPLIANCE REPORT**

In accordance with Paragraph 198 of the Modified Agreement for Effective and Constitutional Policing (“Agreement”) entered by the Court on December 23, 2013, the parties, on behalf of the Joint Compliance Expert Rafael E. Ruiz of O’Toole Associates, hereby file the 18-Month Compliance Report prepared by the Joint Compliance Expert. For future reference, this Report is entitled “Agreement for Effective and Constitutional Policing 18-Month Compliance Report Agreement for Effective and Constitutional Policing.”

Respectfully submitted this 29th day of August 2014.

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**CERTIFICATION**

I hereby certify that on August 29, 2014, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

A copy of the foregoing was mailed to:

Rafael Ruiz  
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/s/ *Michelle L. McConaghy*  
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# **United States of America v. Town of East Haven and East Haven Board of Police Commissioners**

## **Agreement for Effective and Constitutional Policing 18-Month Compliance Report**

Prepared by:

Kathleen M. O'Toole, Joint Compliance Expert (through June 22, 2014)\*

Joan Brody, JCE Team Coordinator

August 29, 2014

\*Kathleen O'Toole was sworn in as Police Chief in Seattle, Washington on June 23, 2014. The US Department of Justice approved the appointment of Rafael Ruiz as the new Joint Compliance Expert in East Haven, Connecticut on August 4, 2014.

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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 between Town of East Haven and East Haven Police Department (EHPD) and the U.S. Department of Justice (USDOJ), submits this report of the JCE's findings with respect to the first 18 months of the Settlement Agreement ending on June 30, 2014.\* As outlined in the JCE plan of March 2013, the JCE understands its task to be three-fold:

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

As agreed in discussions with the Parties, to accomplish these tasks, the JCE will provide both qualitative and quantitative measurements of outcomes 18 months after the Settlement 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 last 18 months. 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 settlement Agreement through June 30, 2014\*.

\*Parties agreed that since the exact date of the 18-month mark is June 21, 2014, it makes sense to include data and information for the full month of June, which is also the end of the calendar quarter. From this point forward, the Parties will include data and information through the last day of the reporting month.

## **Section I. JCE Summary**

### **A. From Outgoing JCE**

As the outgoing JCE, I would like to say it has been a privilege to serve in this capacity in East Haven, CT. It was clear to me early on that the EHPD required serious operational and cultural change. In retrospect, nearly eighteen months later, the change that has emerged is truly remarkable. I attribute this to many factors, including the following:

1. Total commitment on the part of the Town of East Haven. Mayor Joseph Maturo, Chief Brent Larrabee, Deputy Chief Edward Lennon, Attorney Larry Sgrignari and members of the EHPD have been focused and engaged. They have not wavered once on their commitments under the Settlement Agreement. It is clear that they are determined to meet the requirements of the Settlement Agreement and to drive the necessary cultural and operational reforms required to meet the full spirit of the Settlement Agreement.
2. The Department of Justice has engaged in a robust, but collaborative manner. The U.S. Attorney's Office has been particularly helpful and hands-on in their day-to-day interaction with the JCE and East Haven parties.
3. In meetings with the JCE, many members of the community have expressed the need for change beyond the police department in East Haven. Other town departments, including the School Department, have engaged in meetings with the USDOJ Community Relations Service to seek programs that will lead to greater cultural awareness and respect.
4. The faith-based community has been engaged and committed to assisting with police training, but also with spreading greater cultural awareness and mutual respect among their followers.
5. The current union executive board has engaged in helpful and constructive dialogue with the JCE.
6. Many problem and/or disgruntled personnel have moved on.

When recently visiting the EHPD, I was struck by the dramatic shift in attitudes among officers. It was a stark contrast to those I witnessed during the winter of 2012. During the early days, a



number officers exhibited attitudes of cynicism and frustration. More recently, the majority exhibit pride, camaraderie, and greater professionalism.

The JCE concludes that the milestones accomplished in the first eighteen months are impressive. A solid foundation has been established, particularly with the development, training and ongoing review of the new Policies and Procedures Manual. During the next six months, the JCE will continue to monitor and measure compliance as agreed upon by the Parties to determine if all are leading to the desired outcome of professional, constitutional policing in East Haven. The JCE will continue to monitor and review EHPD progress on completing the Settlement Agreement paragraphs below during quarterly site-visits and ongoing communications with the Parties.

While I am heartened by the objective and subjective data that has led to my conclusions, I understand the importance of close monitoring and verification going forward. I am confident that my former colleagues Rafael Ruiz, Joan Brody and their support team will continue to conduct robust compliance inspections through the duration of the Settlement Agreement.

#### **B. JCE Transition**

The USDOJ notified the Parties on August 4, 2014 that Rafael Ruiz's appointment as the new JCE for the East Haven Settlement Agreement had been approved. Mr. Ruiz has worked on Kathy O'Toole's JCE team from the start of her tenure in February 2013. On June 23, 2014, Ms. O'Toole was sworn in as Chief of Police in Seattle, WA and is no longer involved in the East Haven Settlement Agreement project. Kathy O'Toole has also divested all interest in O'Toole Associates, the firm that is administering the JCE contract.

To date, three court approved revisions to the Settlement Agreement have been made. It is anticipated that during the next six months, the Parties will request a fourth Settlement Agreement modification to make minor language fixes and change the reporting dates to coincide with calendar quarters.

## **Section II. Compliance Overview: Tasks and Milestones**

The Settlement Agreement is divided into seven focus areas: I. General Policies and Training; II. Bias-Free Policing; III. Stops, Searches, and Seizures; IV. Use of Force; V. Civilian Complaints, Internal Investigations, and Discipline; VI. Supervision and Management; and VII. Community Engagement and Oversight. Milestones in these seven areas are presented below:

### **A. General Policies and Training**

**Policy Manual Development** - By the 365-day deadline, the EHPD, JCE and USDOJ reviewed and revised 84 policies. During the EHPD Policies and Procedures Manual training sessions that took place in January and February 2014, specific issues and concerns, primarily related to policy language changes and how policies were presented in the common template, were raised by attendees. EHPD Command staff reviewed all concerns and developed a more user-friendly template. They also determined that 46 policies and procedures should be revised in order to help the EHPD, both operationally and administratively, remain in compliance with the Settlement Agreement. The 46 policies and procedures were submitted to USDOJ and the JCE for review on April 21, 2014. The revised policies were reviewed and approved by the Parties and will be voted on by the East Haven Board of Police Commissioners at the July 29, 2014 Board Meeting. All 46 are presented on the revised common template. Additionally, the East Haven Board of Police Commissioners will vote on approving 34 other policies that have no substantive changes, but have been revised to fit the new common template.

Three other policies: Performance Evaluation - Policy 215.1, Automatic Vehicle Locators and Officer Video Camera Use and Operation - Policy 401.2, and the Secure Communities Program - Policy 428.2, are presented in the new template and have been approved. These three (3) policies went into effect in June and July 2014. Only the EHPD Disciplinary Matrix - Policy 209.1 is still being reviewed and revised by EHPD, USDOJ and the JCE.

The EHPD has placed copies of the Policies and Procedures Manual at the Haganan Public Library, East Haven Town Hall and in the Police Department. The JCE will continue to monitor that all copies are current.

**Policy Training** - The EHPD provided the JCE with a roster of attendees that completed the policy trainings in February and March 2014. The JCE and all Parties met in East Haven in March 2014 to discuss and reach an agreement on how to measure compliance for all 223 paragraphs of the Settlement Agreement and related 84 policies in the Policies and Procedures Manual. All Policies and Procedures Manual Training took place in January and February 2014. All EHPD Officers completed an on-line Power DMS training for Performance Evaluation Policy 215.1. 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. The Disciplinary Matrix training will be scheduled once this policy is completed and approved.

There are currently six (6) recruits who will graduate from the Training Academy in September 2014. They will be trained on all policies in August 2014.

**Other Training** - The EHPD has continued to provide the training to officers pursuant to the requirements of the Settlement Agreement. As in the past, the EHPD has split employees into three (3) different training squads with approximately twenty (20) people in each. These squads consist of full-time sworn and non-sworn employees as well as part-time employees. Civilian staff are only required to attend training sessions that relate to their roles or assignments at the EHPD. By splitting the department into three squads, management is able to balance staffing levels and mitigate overtime costs.

The Settlement Agreement requires in part the following training, which was conducted between April 1, 2014 and June 30, 2014:

1. On April 16, 2014, April 24, 2014 and May 1, 2014, the EHPD hosted trainings on the topics of Crimes Motivated by Bigotry & Bias, Gangs Update, Drug Update, and Citizens with Special Needs. Each officer attended one of the three sessions.

2. On June 11, 2014, June 18, 2014 and June 25, 2014, the EHPD hosted trainings on the topics of Investigative Stops and Arrest, Search and Seizure, and Use of Force. Each officer attended one of the three sessions.

3. During the month June of 2014, officers received training on the TASER Axon Body Cameras.

Personnel that were/are on long-term leave or injury leave in 2013 completed required training when they returned to full duty. There are no EHPD members at this time that have missed a class.

#### **B. Bias-Free Policing**

As required in paragraph 42 of the Settlement Agreement, the JCE has observed Language Access Coordinator, Lt. David Emerman, who is fluent in Spanish, interact with members of the East Haven Latino community in different settings and it is clear that he has established solid lines of communication. The JCE met with Lt. Emerman during several site visits, attended community meetings and discussed ideas for enhancing and expanding communication with the East Haven Latino community.

The Department has complied with all Settlement Agreement requirements related to Language Assistance through utilizing EHPD Authorized Interpreters (EHPDAI's) and the Language Line service. The EHPD has effectively communicated with and provide timely and meaningful access to police services for all members of the community, regardless of their national origin or limited ability to speak, read, write, or understand English. In continued compliance with paragraph 40 of the Settlement Agreement, Lt. Emerman has distributed the Language Assistance Plan (translated to Spanish) to community groups/organizations, including the Spanish American Merchant Association (based in New Haven, CT), the Ecuadorian Consulate (located in New Haven, CT), and La Voz Hispana de Connecticut (Spanish language newspaper, based in Hartford, CT and New Haven, CT). Additionally, an English and Spanish version of the Language Assistance Plan is available in the lobby of Police Headquarters, Town Hall and at the

public library. Lt. Emerman plans to review and revise the Language Assistance Plan in the next six (6) months.

Data collected from Law Enforcement Administration System (LEAS) CAD/RMS as reported by Lt. David Emerman, Access Coordinator/Community Liaison Officer

The “language assistance required” function was added to LEAS and became operational during the update to LEAS version 12.6.01 on or about May 23, 2013. The first documentation of “language assistance required” recorded in LEAS on an EHPD call for service was on May 30, 2013. When the function was initially added to LEAS, no capability existed to document the language that was required for the particular call for service. Since this function (Language Dropdown Menu) was added to LEAS on July 17, 2013, thirty (30) calls for service requiring language assistance (with no language selected) were recorded from the initiation of the function through July 16, 2013. From July 17, 2013 through December 31, 2013, 56 calls for service required language assistance, of which 53 required Spanish.

From the initiation of the feature through December 31, 2013 inclusive, 86 calls for service have been documented as requiring language assistance. Of those, 53 have been recorded with the target language of Spanish. According to Lt. Emerman, the majority of calls for language assistance with ‘no language selected’ also required interpretation in Spanish. From January 1, 2014 through June 30, 2014, there were an additional 39 calls for service requiring language assistance, of which 37 were recorded with the target language of Spanish.

These data verify that Spanish is the primary language of the LEP community and that Spanish speakers are the most likely residents requiring language assistance when having contact with police personnel. While incidents of requests for assistance in other languages have occurred, they have accounted for only 5% of calls that required language assistance (since the initiation of the language selection dropdown menu on July 17, 2013 through June 30, 2014, 95% of requests are for Spanish).

Calls for service requiring language assistance (other than Spanish as the target language) have included Italian, Greek, Russian, Punjabi, Cambodian and Bengali. It should be noted that EHPD

has continued its efforts of recruiting new police officers who speak languages in addition to English. Additional points are granted on the application for those who score high on a language test provided by Language Testing International on the application for employment. Language Testing International is the exclusive licensee of the American Council on the Teaching of Foreign Languages (ACTFL) and is renowned for its testing services. Language Testing International provides testing services for private businesses and government, including federal government agencies. In addition to the existing Spanish speaking officers already employed, the Department has one officer fluent in Greek and officers who are fluent in several different languages including Arabic, French, Luganda and Italian. The new EHPD recruits speak Arabic, Swahili, Luganda, Italian, Spanish and French.

### **C. Stops, Searches and Seizures**

The EHPD has provided the JCE the third report on stop and search activities of the Department. The EHPD is committed to providing bias-free policing in its contacts with the community and ensuring that UNLAWFUL profiling to determine who to stop does not occur. The stop and search data collected by the EHPD provides a picture of these important policing activities. On July 1, 2013, the EHPD submitted the first report following the EHPD training of all personnel in bias-free policing to the JCE. Continuing education and refresher training in bias-free policing will be held in August 2014. The EHPD will release data on stops and searches immediately after the end of each calendar quarter bi-annual basis so the community receives an accurate picture of how the Department is performing against the metrics associated with bias-free policing.

**Excerpted from the EHPD Report:** The analysis of the data in this report addresses the time period beginning January 1, 2014 through June 30, 2014. These data meet all of the requirements under Connecticut Public Acts (PA) 13-75 and 12-74. In addition, it is consistent with the requirements set forth in the Settlement Agreement (SA) between the U.S. Department of Justice (USDOJ) and the Town of East Haven.

**ANALYSIS – JANUARY 1, 2014 THROUGH JUNE 30, 2014**

During the period beginning January 1, 2014 through June 30, 2014, 689 traffic stops were conducted by officers of the EHPD. Of these 689 traffic stops in the six-month period, 411 EHPD stops resulted in either a verbal or a written warning. There were five (5) custodial arrests resulting from these stops. Misdemeanor summons arrests resulted from 8.4 percent of the stops and infraction tickets from 28.3 percent. 2.9 percent of the stops resulted in no enforcement action taken. The majority of stops, 584 or 84.8 percent of stops, were attributable to motor vehicle violations, and 78 stops or 11.3 percent were attributable to equipment violations. 3.6 percent of the total vehicles stopped were searched. Only one vehicle that was stopped and searched was operated by a Hispanic driver.

A review of the stop data collected and analyzed indicates that traffic stops from this reporting period are generally consistent with the racial and ethnic make-up of the driving population in East Haven, CT as reported in the DOJ Civil Rights Division Findings Letter dated December 19, 2011. The finding letter states that the percentage of Hispanic drivers in East Haven was 8.3 percent. Additionally, data from the 2010 U.S. Census shows East Haven's Hispanic population to be estimated at 10.3 percent. The percentage of Hispanic drivers stopped by EHPD officers for the six-month period from January 1, 2014 through June 30, 2014 was 12.3 percent. Just over 92 percent (92.1 percent) of total motor vehicle stops were non-Hispanic white drivers, Hispanic white drivers, or white drivers of an unknown ethnicity. The 92.1% consists of someone who is identified as race white and could fall into any of the three ethnicity choices: Hispanic, Middle Eastern, or Not Applicable. Just as someone could be black, Asian, etc. and fall into one of those ethnicity categories. Hispanic operators are classified as an ethnicity, not a race, in the state data collected by EHPD. Therefore, the statistical categories referenced herein, will not add up to 100% because the data is obtained from two different data sets. To add up to 100% for ethnicity, it would have to be calculated only from the ethnicity category and not include the information from the race category. The JCE will discuss with EHPD how to best collect this data during future site visits.

These stop data statistics for the reporting period do not reveal a significant disproportion of traffic stops of Hispanic drivers based on the DOJ Findings Letter and the U.S. Census Bureau

data for the Town of East Haven. An analysis of the stop data broken down by individual officers also appears to show enforcement consistent with the driving population by race and ethnicity. No individual officer data revealed an anomaly in data that required any further analysis, corrective action, or additional training.

Although these data are helpful, getting an accurate picture of these data is difficult because a Hispanic driver can be either black or white. Deputy Chief Lennon often had to revert to other data to reconcile the information and determine an accurate percentage. **Going forward, it is important to pay attention to this category.** First, it should be determined if there is an easier way to compile this data so the system is more user-friendly. It was difficult to determine the actual number of Hispanic drivers. Once the JCE did, the JCE reached two conclusions.

- 1) The percentage of Hispanic drivers aligns closely with the percentage in the community.
- 2) Reviewing the data in depth indicated that Hispanic drivers are more likely to get formal and more substantial enforcement sanctions. As a result, the JCE conducted a random review of several incidents involving Hispanic drivers to assess the nature of the stop and appropriateness of the enforcement action. The JCE determined in each instance that the action taken was appropriate. Several cases involved unlicensed drivers or unregistered/uninsured vehicles. It is understandable that police cannot give warnings in those instances and/or allow operators to drive away. However, this category, as outlined in Settlement Agreement paragraph 190, should be monitored closely going forward. For example, in the future JCE will review whether there were any white drivers stopped for no license and/or no insurance, and whether those drivers received formal sanctions.

While the JCE was pleased to see that the enforcement is proportionate, the JCE should continue to drill down to ensure that the actual sanctions are properly aligned with the infractions. There has been much discussion among the Parties about motor vehicle stop data and the JCE will continue to monitor these data very closely.

Search Warrants: The JCE reviewed all and they were proper. There is a very small number. From January 1, 2014 to June 30, 2014, fifteen (15) search warrants were issued. Rather than a



random review going forward, the JCE will continue to review all search warrants. No issues in this have been identified by the JCE.

#### **D. Use of Force**

The EHPD Use of Force Policy became effective March 1, 2014. Data is collected from the Law Enforcement Administrative System (LEAS), the EHPD in-house computer system, and used to track and monitor the Use of Force data.

During the period from January 1, 2014 to March 31, there were 14 incidents of use of force. This new use of force policy was put into effect on March 1, 2014. From April 1, 2014 to June 30, 2014, there have been 19 incidents where the use of force was reported. The JCE reviewed all use of force reports. The vast majority were for physical use of force. The JCE was told that officers are erring on the side of caution and filling out reports when there is any suggestion that force was utilized.

Of the 19 incidents, there were 51 separate total uses of force reported, which are:

- 25 Physical (hands on)
- 13 Non-Compliant Handcuffing
- 7 Firearm (no discharge)
- 4 Taser (no discharge)
- 2 Taser (discharge)

Twenty-one (21) arrests and eight (8) emergency medical committals resulted from these 19 incidents. From April 1, 2014 to June 30, 2014, there were a total of 209 arrests. The 51 reports for 19 incidents were written by different officers and include reporting on the same incident. The JCE will continue to look monitor and review all use of force reports in depth on future site visits.

The JCE reviewed all Taser incidents and determined that the officers and supervisors followed policy for each.

The Early Intervention System (EIS) would also include information about Taser incidents and other use of force incidents. The EIS is monitored by the IAO daily while on duty. The EIS has not triggered a review of any employee (as of June 30, 2014). The JCE was given a demonstration of the EIS.

**E. Civilian Complaints, Internal Investigations and Discipline**

As required by the Settlement Agreement, within 180 days of the Effective Date, the IAO developed and implemented a centralized numbering and tracking system for all misconduct complaints. Upon receipt of a complaint, the IAO promptly assigns a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the complaint is made. When a misconduct complaint is received in the field, a supervisor shall obtain the unique numerical identifier and provide this identifier to the complainant. (Settlement Agreement paragraph 141)

In compliance with paragraph 141, the EHPD uses a Departmental Review Reporting System that sequentially generates identifying case numbers that convert to Internal Affairs numbers when needed. The numbering system resets every January 1. This same recording system is used by the IAO as well as supervisors receiving misconduct complaints. The system is secure with limited access and cannot be viewed or altered by officers not authorized for use. Upon receipt of a complaint, the complaining citizen receives a Department Review case number.

From January 1, 2014 to June 30, 2014, the EHPD received two (2) Civilian Complaints. On April 16, 2014, a Civilian Complaint was e-mailed to the EHPD pertaining to an officer's attitude. It was found that the officer had not violated any policies or procedures and he was professional in his dealings with the complainant. On April 20, 2014, a Civilian Complaint Form was given to an individual complaining of a Taser being drawn and pointed at him. The supervisor on scene spoke to the individual and gave him a Civilian Complaint Form which was not returned. A Use of Force Review showed the officer used the force necessary to control the situation.

The Civilian Complaint System and the Early Identification System (EIS) under Settlement Agreement paragraph 129 have been developed and implemented. The EIS is a system for identifying officers whose conduct indicates emerging problems affecting the quality of their work performance. The EHPD has conducted complaint intake and policy training for all personnel, and is publicizing the complaint process.

The EIS captures the following fields and thresholds:

- Any firearm discharge or use
- Taser deployment or use; two (2) within a 60-day period
- Baton or O/C use; two (2) within a 60-day period
- Non-compliant handcuffing; three (3) within a 30-day period
- Physical use of force; three (3) within a 30-day period
- Pursuits; two (2) within a 30-day period
- Arrests including interfering with police, obstructing a police officer, resisting arrest, and assault on a police officer; two (2) within a 60-day period
- Traffic accidents involving EHPD equipment; three (3) within 12-month period
- Civil lawsuits; two (2) within a 12-month period
- Excessive absences; eight (8) unscheduled occurrences

For the reporting period, none of the thresholds established in policy 207.1 were triggered.

#### **F. Supervision and Management**

The JCE randomly reviewed arrest reports from January 1, 2014 through June 30, 2014 and found them to be in order. The JCE also reviewed a large sampling of detainee questionnaires signed by those taken into custody. We paid particular attention to two questions:

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

We reviewed incident reports in cases where force was used and also for one case where the arrestee did not feel he was treated properly. The JCE determined that the police performed according to policy in all the cases reviewed. **Going forward, the JCE recommends a random sampling of the detainee reports, but would also ask to see ALL where there is an indication that force was used and/or arrestees indicated they were not treated properly. Then incident reports and supervisors' reports for those should also be reviewed.**

#### **G. Community Engagement and Oversight**

##### **Community Outreach:**

Lieutenant Emerman continues to meet with members of the Latino community on a regular basis. He proactively reaches out to Latino community leaders on a monthly basis. He discusses issues with them that affect their community and gauges how they and other community groups from the residential, business and faith-based communities feel about their interactions and relationships with the EHPD. Lt. Emerman has reported receiving overwhelmingly positive response from his community contacts with whom he has built trust. However, he also reports that some Hispanic residents still remain somewhat fearful of the police. Lt. Emerman feels this sentiment is changing over time and that some may be attributed to cultural issues related to interacting with police in their native countries. In his continuing effort to deliver a positive message to the community, Lt. Emerman met with Hernando Diosa, Editor at La Voz Hispana de Connecticut, the only Spanish language newspaper widely distributed in this area. Mr. Diosa interviewed Lt. Emerman about the Settlement Agreement, the various changes that are taking place in the Department, and several noteworthy policies of particular interest to the Hispanic community relating to paragraphs 179, 180, and 182 of the Settlement Agreement. The EHPD noted that the March 7, 2014 front page, full page article was well received in the East Haven community.

Lt. Emerman has continued to hold monthly community meetings. The meetings have been advertised in various print and online media outlets and have attracted residents with a great variety of questions, suggestions, and interest in learning how officers carry out their duties and how it will affect members of the community. The meetings have rotated between the north and

south side of town in compliance with the modified Settlement Agreement. Overall, the response at meetings has been positive, but unfortunately a limited number of community residents have attended. Lt. Emerman will continue to work with the Parties to develop new strategies for increasing attendance.

Lt. Emerman also met with Raul Erazo, head of the Ecuadorian Consulate in New Haven, CT, to discuss ongoing changes to the Department and relations with the Hispanic community. They agreed to continue discussions and have future meetings. In April 2014, the President of Ecuador, Rafael Correa, visited the New Haven area on a non-diplomatic visit for speaking engagements at Yale University. Mayor Maturo met with President Correa. Lt. Emerman helped with logistics and also had a short meeting with the President.

The JCE and USDOJ/US Attorney's Office attended a community meeting in March 2014. It is recommended that future JCE site visits coincide with the date of a community meeting so the JCE can attend when possible.

During the past six to nine months, the JCE team has worked with EHPD to collect and analyze survey data from the community, Department members and arrested detainees in order to assess their attitudes and experiences about and in the EHPD. Unfortunately, the sample size for the first attempt at an online and department survey were not large enough, despite numerous attempts to boost participation. After unsuccessfully working with a number of evaluators to help boost the sample size, the Parties and JCE are currently in the process of discussing how to fulfill the survey requirements to collect baseline data 18 months into the Settlement Agreement. During the next month, additional options for collecting community survey will be decided. The Parties will also agree upon next steps for analyzing current EHPD survey data and design an effective/efficient process for collecting information from detainees when they are released. A report will be developed and disseminated. It is anticipated that the JCE will conduct a one-year follow-up similar in scope to compare progress as requirements of the Settlement Agreement continue to be fulfilled.

**Section III. Compliance Progress Chart for Modified Settlement Agreement  
Paragraphs 10 through 233, filed on August 29, 2014  
CIVIL NO. 3:12-CV-1652 (AWT)**

**KEY:**

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

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

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

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

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

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

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

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

#### IV. POLICIES AND TRAINING GENERALLY

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Substantial 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 Settlement Agreement time frame.</p>                                                                                                     |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>By the 365-day deadline, the EHPD, JCE and USDOJ reviewed and revised 84 policies. During policy training, attendees determined that 46 policies and procedures needed to be revised in order to help the EHPD both operationally and administratively remain in compliance with the Settlement Agreement (Agreement). The 46 policies and procedures were submitted to USDOJ and the JCE for review on April 21, 2014. The revised policies were reviewed and approved by the Parties and will be voted on by the East Haven Board of Police Commissioners at the July 29, 2014 Board Meeting. All 46 are presented on the revised common template. Additionally, the East Haven Board of Police Commissioners will vote on approving 34 other policies that have no substantive changes, but have been revised to fit the new common template.</p> |

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|                  | Three (3) other policies: Performance Evaluation - Policy 215.1, Automatic Vehicle Locators and Officer Video Camera Use and Operation - Policy 401.2, and the Secure Communities Program - Policy 428.2, are presented in the new template and have been approved. These three (3) policies went into effect in June and July 2014. Only the EHPD Disciplinary Matrix - Policy 209.1 is still being reviewed and revised by EHPD, USDOJ and the JCE. |
| SITE VISIT NOTES | All personnel participated in policy manual field training. The JCE will discuss plans for refresher and/or new training on future site visits.                                                                                                                                                                                                                                                                                                       |

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

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| 11. EHPD shall develop and implement comprehensive and agency-wide policies and procedures that ensure consistency with, and full implementation of, this Agreement, and incorporate each requirement herein. Unless otherwise noted, all policies, procedures, and manuals shall be developed within 270 days of the Effective Date. |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Compliance Rating                                                                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Discussion                                                                                                                                                                                                                                                                                                                            | Agency-wide policies and procedures have been developed and officer training completed. Eighty (80) policies were revised and are about to be approved by the East Haven Board of Police Commissioners. Three (3) policies were already approved and one (1) policy (Disciplinary Matrix Policy 209.1) is still being revised and reviewed by the Parties.                                                                                                 |
| Recommendations                                                                                                                                                                                                                                                                                                                       | None                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                     | Eighty-four (84) policies were reviewed, revised and all but one (Disciplinary Matrix Policy 209.1) are about to be approved and put into effect. New policies on new template will be posted on the website since the Board gave final approval at the July 29, 2014 Board meeting. At this meeting the Board unanimously approved 80 revised policies to be effective September 1, 2014. The Board had previously approved three other revised policies. |
| SITE VISIT                                                                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>The JCE will continue to check that current revised editions of the hard copy policy manual is accessible to all during site visits. It is anticipated that the EHPD Policies and Procedures Manual will be constantly updated as new issues, technologies, training etc. are introduced in policing and in the community.                                                                                                 |

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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 in paragraphs 10 and 11. The JCE and USDOJ reviewed and approved 84 policies and procedures. One (1) policy remains to be reviewed/revised. |



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| Recommendations   | None                                                                                                                                            |
| Evidentiary Basis | Following extensive edits, all EHPD policies and procedures were reviewed and approved by the JCE, USDOJ and the Board of Police Commissioners. |
| SITE VISIT        | The JCE will review future revisions to EHPD policies and procedures.                                                                           |

13. EHPD shall review each policy or procedure related to this Agreement 180 days after it is implemented, and annually thereafter, to ensure that the policy or procedure provides effective direction to EHPD personnel and remains consistent with the Agreement, professional police practices, and current law, including incorporating mechanisms to promote and measure accountability and community engagement. EHPD also shall review policies and procedures as necessary upon notice of a policy deficiency during audits or reviews. Within 60 days of that review, EHPD shall revise the policy or procedure and consult with the JCE and USDOJ. USDOJ and the JCE shall provide the same review and approval of revised policies and procedures as with the initial policies and procedures to ensure consistency with this Agreement.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                         |
| Discussion        | 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.            |
| Recommendations   | None                                                                                                                                                                                                                           |
| Evidentiary Basis | The training for the EHPD Policies and Procedures was completed by March 1, 2014. The JCE reviewed training curriculum and classroom rosters. Some language, administrative and presentation changes were made to 83 policies. |
| SITE VISIT        | <u>Questions/Next Steps</u><br>New training required for any revised policies will continue to be monitored.                                                                                                                   |

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

- a) Field operations, including patrol, supervision task forces, and special operations;
- b) Internal investigations, including case and records management, administrative investigations, confidential investigations, parallel criminal and administrative investigations, audits, and officer drug testing;
- c) Use of force reporting, reviews, and investigations, including both Supervisor and IAO force investigations and reviews; and in-custody death reviews;
- d) Criminal investigations; and
- e) Field and in-service training.

These manuals shall incorporate and otherwise be consistent with the requirements of this Agreement.

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| Compliance | Substantial Compliance |
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| Rating            |                                                           |
| Discussion        | These policies and procedures are included in the manual. |
| Recommendations   | None                                                      |
| Evidentiary Basis | The completed policies and procedures manual.             |
| SITE VISIT        | <u>Questions/Next Steps</u><br>None                       |

15. EHPD shall expressly prohibit all forms of retaliation, whether subtle or direct, including discouragement, intimidation, coercion, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. The default penalty for retaliation shall be termination.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                        |
| Discussion        | The EHPD implementation of policies and procedures to address this Settlement Agreement paragraph will be tracked by the JCE in 2014 after training is completed.                                                                                                                                                             |
| Recommendations   | None                                                                                                                                                                                                                                                                                                                          |
| Evidentiary Basis | Policy 201.2 and 208.1<br>JCE community and police officer interviews (anonymous and non-anonymous)<br>JCE review of all citizen complaints and use of force reports during site visits<br>JCE attendance at community meetings and interactions with community during site-visits and via email and telephonic communication |
| SITE VISIT        | <u>Questions/Next Steps</u><br>Review all complaints and misconduct allegations                                                                                                                                                                                                                                               |

16. EHPD shall develop a policy governing its obligations under *Brady v. Maryland*, 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.

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| Compliance Rating | Substantial Compliance                                                                                                                                            |
| Discussion        | The EHPD implementation of policies and procedures to address this Settlement Agreement paragraph will be tracked by the JCE in 2014 after training is completed. |
| Recommendations   | None                                                                                                                                                              |
| Evidentiary Basis | Policy 201.2 and 214.1                                                                                                                                            |
| SITE VISIT        | <u>Question/Next Steps</u><br>Review all relevant cases; None so far.                                                                                             |

17. EHPD shall submit all new and revised policies, procedures, or manuals related to this Agreement to the JCE and USDOJ for review and comment prior to publication and implementation within 270 days of the Effective Date. If the JCE or USDOJ object that the

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| proposed new or revised policy, procedure, or manual does not incorporate the requirements of this Agreement, or is inconsistent with this Agreement or the law, it shall note this objection in writing to all Parties within 15 business days of the receipt of the policy from EHPD. If neither the JCE nor USDOJ object to the new or revised policy, procedure, or manual, EHPD agrees to implement it within 30 days of it being provided to USDOJ and the JCE. |                                                                                                                                                                                                                                                                                                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                                                                                                                                                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                            | This requirement 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; One(1) remaining policy must be reviewed and enacted. (Disciplinary Matrix – Policy 209). |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                       | None                                                                                                                                                                                                                                                                                                                                                          |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EHPD Policies and Procedures Manual on the EHPD website.                                                                                                                                                                                                                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps</u><br>None                                                                                                                                                                                                                                                                                                                           |

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

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

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

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| Compliance Rating | Substantial Compliance |
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| Discussion        | The EHPD implementation of policies and procedures to address this Settlement Agreement paragraph will continue to be tracked by the JCE.                                                         |
| Recommendations   | None                                                                                                                                                                                              |
| Evidentiary Basis | During quarterly JCE site visits, the JCE reviewed all internal affairs cases and related complaints; JCE also has reviewed all use of force reports and a random sampling of all arrest reports. |
| SITE VISIT        | <u>Questions/Next Steps</u><br>The JCE will continue to monitor on future quarterly site visits and via email/telephonic communication.                                                           |

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

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| 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.<br>A second and revised common template was implemented in early 2014 that is more 'user-friendly' for all policies. |
| SITE VISIT        | <u>Questions/Next Steps</u><br>None                                                                                                                                                                                      |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                 |
| Discussion        | The online requirement was completed by the 12/21/13 deadline.                                                                                                                                         |
| Recommendations   | The JCE also recommended 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 Settlement Agreement Paragraph 184. |
| Evidentiary Basis | The EHPD Policies and Procedures Manual is available online at on the EHPD website, Town Hall, Police HQ and at the Haganan Public Library.                                                            |
| SITE VISIT        | <u>Questions/Next Steps</u><br>The JCE will continue to monitor and ensure that an updated and current Policies and Procedures Manual is available in hard copy at the Haganan Public Library.         |

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

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                    |
| Discussion        | This requirement was completed by the 180-day deadline of June 19, 2013 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                                                                |
| SITE VISIT        | <u>Questions/Next Steps</u><br>None                                                                                                                                                                       |

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

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| 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 occurred in January and February 2014.                                                                                                                                                                      |
| Evidentiary Basis | Policy 201.1 completed.<br>JCE approval memo dated August 23, 2013.<br>Final redlined version reviewed and approved by USDOJ and JCE on December 5, 2013, as noted in emails and at bi-weekly team meeting on December 6, 2013.<br>Roster of attendees who attended training. |
| SITE VISIT        | <u>Questions/Next Steps</u><br>None                                                                                                                                                                                                                                           |

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

24. EHPD shall ensure each officer and employee attends 2 – 4 hour training on the content of this Agreement and the responsibilities of each officer and employee pursuant to it.

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| Compliance Rating | Full Compliance |
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| Discussion        | Within 60 days of the Effective Date; February 19, 2013.                                                                                        |
| Recommendations   | None                                                                                                                                            |
| Evidentiary Basis | EHPD provided documentation that this training was provided to all sworn and civilian department members by the 60-day mark.<br>Training Roster |
| SITE VISIT        | <u>Questions/Next Steps</u><br>None                                                                                                             |

25. Within 30 days after issuing a policy or procedure pursuant to this Agreement, EHPD shall ensure that all relevant EHPD personnel have received, read, and understand their responsibilities pursuant to the policy or procedure, including the requirement that each officer or employee report violations of policy; that supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel will be held accountable for policy and procedure violations. EHPD shall document that each relevant EHPD officer or other employee has received, read, and sufficiently understands the policy. Training beyond roll-call or similar training will be necessary for many new policies to ensure officers understand and can perform their duties pursuant to the policy.

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| Compliance Rating | Substantial Compliance                                                                                                                                                     |
| Discussion        | This is currently ongoing with the completion and issuance of the new EHPD Policies and Procedures Manual December 21, 2013.                                               |
| Recommendations   | The EHPD provided the JCE and USDOJ with a list of attendees, their associated job titles and the trainings they attended relevant to the revised policies and procedures. |
| Evidentiary Basis | The JCE and USDOJ reviewed training materials and the training list with associated attendees. (Rosters)                                                                   |
| SITE VISIT        | <u>Questions/Next Steps</u><br>JCE will continue to review training rosters for information noted above.                                                                   |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                           |
| Discussion        | The EHPD is up-to-date and has completed all of the training required by the Settlement Agreement. They have developed a 2014-2016 training plan that all Parties have reviewed. |

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| Recommendations   | The JCE will continue to track all training and review curricula and rosters. An update to the EHPD Training Goals and Objectives report should be completed for 2016-2018 in 2015. |
| Evidentiary Basis | EHPD Training Goals and Objectives report dated September 17, 2013.                                                                                                                 |
| SITE VISIT        | <u>Questions/Next Steps</u><br>JCE will continue to review EHPD training curricula and rosters on quarterly site visits.                                                            |

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.

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| 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 Settlement 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 continue to send the JCE and USDOJ all supervisory, leadership and command accountability training curricula and related materials.                                                                                                                                                                                                                                |
| Evidentiary Basis | Supervisory training curricula were reviewed by the JCE.<br>Rosters                                                                                                                                                                                                                                                                                                                                     |
| SITE VISIT        | <u>Questions/Next Steps</u><br>JCE will continue to review EHPD training curricula and rosters on quarterly site visits.<br>JCE team members will forward EHPD information about new supervisory training classes that are being piloted in other jurisdictions.                                                                                                                                        |

28. The supervisory training program shall include instruction in the following topics:

- a) techniques for effectively guiding and directing officers and promoting effective and ethical police practices;
- b) de-escalating conflict;
- c) evaluation of written reports;
- d) reviewing and investigating officer uses of force;
- e) responding to and investigating allegations of officer misconduct;
- f) risk assessment and risk management;
- g) evaluating officer performance;
- h) appropriate disciplinary sanctions and non-disciplinary corrective action; and
- i) using the Risk Management System to facilitate close and effective supervision.

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| Compliance | Substantial Compliance |
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| Rating            |                                                                                                                                          |
| 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.)                                                       |
| SITE VISIT        | <u>Questions/Next Steps</u><br>The JCE will continue to review training materials to ensure documentation is consistent across training. |

29. EHPD shall submit training curricula and lesson plans, revised pursuant to this Agreement, to the JCE and DOJ for review and comment at least 45 days prior to the scheduled date of training delivery. The JCE shall provide the Parties with written comments regarding the training. The JCE and DOJ shall review all EHPD training curricula and lesson plans promulgated pursuant to this Agreement to determine whether they are consistent with and incorporate the requirements of this Agreement, and comport with professional police practices. The dispute resolution process and associated time frames set forth in Paragraphs 17 and 18 of this Agreement shall apply to DOJ and the JCE's review of training curricula and lesson plans.

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| 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 Settlement Agreement, all agreed 45 days was a more realistic time frame. |
| Recommendations   | None                                                                                                                                                                                                                      |
| Evidentiary Basis | Training curricula and/or relevant training materials for the first 365 days were reviewed and approved by the JCE and USDOJ.                                                                                             |
| SITE VISIT        | <u>Questions/Next Step</u><br>JCE will continue to review EHPD training curricula and rosters on quarterly site visits.                                                                                                   |

30. Unless otherwise noted, the training required pursuant to this Agreement shall be delivered within 365 days of the Effective Date, and annually thereafter. Within 180 days of the Effective Date, EHPD shall set out a schedule for delivering all training required by this Agreement.

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| 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 Settlement Agreement Effective Date. A training plan/schedule was also delivered by the 180-day mark. |
| Recommendations   | None.                                                                                                                                                                                                                                        |
| 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.                                                                                                    |



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| SITE VISIT | <u>Questions/Next Steps</u><br>Review annual training plans including new and refresher courses |
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| 31. Within 270 days of the Effective Date, EHPD shall develop and implement documented and approved testing policies and procedures regarding training to ensure that all testing is valid, reliable, fair, and legally defensible. Both knowledge-based and performance-based tests shall be designed, developed, administered, and scored according to established professional standards of practice. Testing policies and procedures shall include detailed test security measures. All tests shall be job-related, testing knowledge and skills required for successful job performance. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | This requirement was completed by the 270 day mark, however, additional training on this new policy issued November 2013 occurred in January and February 2014.                                                                                                                                                                                                                                                                                                                       |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Policy 106.1<br>Training curricula and tests.<br>Training Rosters.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>Questions/Next Steps</u><br>The JCE, USDOJ and EHPD discussed how to measure compliance for tests that are continuing to be designed, developed, administered and scored professionally. All supported EHPD's approach to identify and incorporate best practices for adult learning and retention into EHPD future teaching and testing. The JCE plans to conduct a site visit during a training session and observe the instruction and discuss the training with the attendees. |

## V. BIAS-FREE POLICING

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| 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**

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:

- 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.

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| 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 Settlement Agreement's requirements, were approved by the JCE. An officer and a Lt. missed the training and were rescheduled (and since taken). 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 Government 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| SITE VISIT        | <u>Questions/Next Steps</u><br>None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

**B. Ensuring Bias-Free Policing**

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| <p>34. EHPD shall, consistent with this Agreement, develop a comprehensive policy prohibiting discrimination on the basis of demographic category in EHPD police practices. This policy shall have the following elements:</p> <p>a) EHPD's policy on bias-free policing shall prohibit officers from using demographic category (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or persons.</p> <p>b) EHPD shall prohibit officer use of proxies for demographic category, including language ability, geographic location, or manner of dress.</p> <p>c) When officers are seeking one or more specific persons who have been identified or described by their demographic category, or any proxy thereto, officers may rely on these descriptions only when combined with other appropriate identifying factors, and may not give exclusive attention or undue weight to demographic category.</p> <p>d) Data collection, as set forth in Paragraphs 64(c) and 65 of this Agreement.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | This is the bias-free policing policy # 203.1<br>Bias-Free policing training occurred in 2013 as noted in paragraph 33 prior to the policy being completely approved and implemented.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Policy 203.1 in the EHPD Policies and Procedures Manual.<br>Additional review training on this policy was included in the policies and procedures manual training in January and February 2014.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><u>Questions/Next Steps</u></p> <p>The JCE has developed a checklist of items to review via quarterly on-site meetings as well as via ongoing telephonic and email communication. These items include, but are not limited to: EIS, Technology Review, Supervisor Reports, Random Audit or Review of Tasers, Citizen Complaints, Use of Force Reports, Arrest Reports, Stop Data from State, Body Cameras, Audit/Review, Search Warrant Applications, Community and Language Line Data and Detainee Reports. Information and data for "Ensuring Bias-Free Policing" will be gathered and analyzed from the checklist materials.</p> |
| <p>35. EHPD shall conduct quarterly analysis, as well as analysis on a cumulative basis, consistent with the methodology employed by the JCE, of its traffic enforcement activities to ensure officer, squad, and Department compliance with the bias-free policy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | This requirement was first completed at the 180-mark. Some quarterly reports                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                   | were delayed due to a since-fixed software problem with a new CAD-based program that automatically tracks and analyzes these data.                                                                                                                                                                                                                                                                         |
| Recommendations   | Quarterly reports need to be received by the JCE and USDOJ within ten (10) days of the end of the quarter. Additional analysis on stop data will need to be reviewed in- depth and a random review of stop incidents involving Hispanic drivers needs to be conducted to assess the appropriateness of the enforcement action. Work with EHPD to develop an easier way to compile user-friendly stop data. |
| Evidentiary Basis | First report submitted at the 180-mark. Second report submitted on January 13, 2014. Third report submitted April 7, 2014. Fourth report submitted July 1, 2014. Stop data reviewed in June 2014.                                                                                                                                                                                                          |
| SITE VISIT        | <u>Questions/Next Steps</u><br>Need to continue getting more detail about data set to ensure that traffic enforcement sanctions are appropriate.                                                                                                                                                                                                                                                           |

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| 36. EHPD shall develop a formalized procedure for officers to notify arrested foreign nationals of their right to contact their consulate, or to contact the appropriate consular official directly. |                                                                                                                       |
| Compliance Rating                                                                                                                                                                                    | Substantial Compliance                                                                                                |
| Discussion                                                                                                                                                                                           | Training on this new policy was completed in January and February 2014.                                               |
| Recommendations                                                                                                                                                                                      | None                                                                                                                  |
| Evidentiary Basis                                                                                                                                                                                    | Policy 304.1 Roster.                                                                                                  |
| SITE VISIT                                                                                                                                                                                           | <u>Questions/Next Steps</u><br>Continue to ask if any foreign nationals have been arrested since previous site visit. |

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| 37. EHPD shall refer any complaint plausibly implicating the bias-free policy to the IAO and to the JCE. EHPD shall treat any violation of the bias-free policy as a serious violation. Officers who engage in discriminatory policing will be subjected to discipline, and, where appropriate, possible criminal prosecution. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Compliance Rating                                                                                                                                                                                                                                                                                                              | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Discussion                                                                                                                                                                                                                                                                                                                     | The EHPD experienced one significant setback resulting from an incident that occurred in New Haven on January 17, 2013, less than one month after the execution of the Settlement Agreement. The facts of the case were very troubling, as they related directly to conduct referenced in this paragraph. The JCE is satisfied that the case was thoroughly investigated and handled properly by the Chief and the Town of East Haven. There have been no additional reports to the IAO and JCE since that 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.<br>Regular and ongoing case briefings.                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|            | Comprehensive internal affairs investigation and report. |
| SITE VISIT | Continue to review IAO files.                            |

38. Within 180 days of the Effective Date, EHPD shall incorporate concrete requirements regarding bias-free policing and equal protection into its hiring, promotion, and performance assessment processes, including giving significant weight to an individual's documented history of bias-free policing, as well as using interviews and other methods to assess the individual's ability and willingness to effectively practice bias-free policing. EHPD's hiring plan shall also include steps to encourage qualified minority and other candidates who have a demonstrated ability to serve diverse communities to apply for positions in EHPD.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                            |
| Discussion        | This requirement was completed by the 180-day mark.                                                                                                                                                                                                                               |
| Recommendations   | Additional review after the 18-month mark is needed to sufficiently capture historical information. The JCE will continue to look at hiring decisions throughout the Settlement Agreement implementation period. The JCE will continue to review who is getting rejected and why. |
| Evidentiary Basis | Reviewed civil service testing process and outcomes.<br>New recruits speaking different languages were recently hired.                                                                                                                                                            |
| SITE VISIT        | <u>Questions/Next Steps</u><br>Continue to monitor                                                                                                                                                                                                                                |

### C. Language Assistance

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

- a) develop and implement a comprehensive language assistance plan and policy that complies, at a minimum, with Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. § 2000d et seq.) and other applicable law, and comports with professional policing practices;
- b) ensure that all EHPD personnel take reasonable steps to provide timely, meaningful language assistance services to LEP individuals they encounter and whenever an LEP individual requests language assistance services;
- c) identify and assess demographic data, specifically the number of LEP individuals within its jurisdiction and the number of LEP victims and witnesses who seek EHPD services;
- d) use collected demographic and service data to develop and meet specific hiring goals for bilingual staff;
- e) regularly assess the proficiency and qualifications of bilingual staff to become a EHPD Authorized Interpreter ("EHPDAI");
- f) ensure that 911 call-takers identify an EHPDAI to respond to an incident involving an LEP individual. If no EHPDAI is available, the personnel shall contact a telephonic interpretation service provider. The call-taker shall note in information to the radio dispatch that the 911 caller is an LEP individual and indicate the language;
- g) develop protocols for interpretation for interrogations and interviews of LEP individuals,

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| <p>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;</p> <p>h) develop and implement a process for taking, responding to and tracking civilian complaints and resolutions of complaints filed by LEP individuals;</p> <p>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</p> <p>j) implement effective incentives for bilingual employees to become EHPDAIs, such as pay differentials and consideration in performance evaluations, assignments, and promotions.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>This requirement was completed by the 180-day mark and EHPD remains in compliance through the 18-month 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 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.</p> |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | JCE will continue to monitor bilingual staff hiring and processes and procedures for assisting LEP individual conducting business with the EHPD.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Language Assistance Plan.</p> <p>Hiring Language Assistance Coordinator.</p> <p>Policy 301.1</p> <p>Interviews with Lt. Emerman.</p> <p>Lt. Emerman 18-month Report (278 language line minutes tracked/used since August 2013).</p> <p>CAD/RMS Calls.</p> <p>Language Line data (39 calls for service from January 1, 2014 through June 30, 2014).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><u>Questions/Next Steps</u></p> <p>Continue meeting/communicating with EHPD Language Access Coordinator/Community Liaison Officer Lt. Emerman regarding his ongoing interactions in the community.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 40. EHPD shall translate the language assistance plan and policy into Spanish and other languages as appropriate, and post the English and translated versions in a public area of the police department building, as well as online, and in any other locations throughout the Town where individuals go to seek police assistance. EHPD shall distribute the language assistance plan and policy to a variety of community organizations serving LEP communities encountered by EHPD. |                                                                                                                                                                                   |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Substantial Compliance                                                                                                                                                            |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | This requirement was completed by the 180-day mark.                                                                                                                               |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Provide the JCE with a list of community organizations who have received the plan.                                                                                                |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Language Assistance Plan.<br>Policy 301.1<br>Language Assistance Plan and policy has been translated into Spanish and is available at the Hagaman Library, Town Hall and at EHPD. |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>Questions/Next Steps</u><br>Continue to ensure this and other needed police materials are available in at least Spanish.                                                       |

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| 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:<br>a) EHPD's LEP plan and policies, and the requirements of Title VI and this Agreement;<br>b) how to access EHPD-authorized, telephonic and in-person interpreters;<br>c) how to work with interpreters in the field;<br>d) cultural diversity and language barrier policing; and<br>e) basic command Spanish for officers assigned to patrol areas with significant LEP populations. |                                                                                                                                                                                            |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Full Compliance                                                                                                                                                                            |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | This requirement was completed by the 180-day mark.                                                                                                                                        |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                                                                                       |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Language Assistance Plan and Training Report.                                                                                                                                              |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Questions/Next Steps</u><br>None                                                                                                                                                        |
| 42. Within 60 days of Effective Date, the Town shall designate a language access coordinator who shall coordinate and ensure EHPD's compliance with its language assistance plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                            |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Substantial Compliance                                                                                                                                                                     |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | This requirement was completed by the 60-day mark.                                                                                                                                         |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                                                                                       |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Lt. Emerman assigned                                                                                                                                                                       |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Questions/Next Steps</u><br>Continue to discuss outreach efforts with Lt. Emerman and ensure a designated language access coordinator is in place if staffing changes/promotions occur. |



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| 43. Within 60 days of the Effective Date, EHPD shall develop and implement a process of consultation with representatives of the LEP community to develop and at least annually review: implementation of the language assistance plan, including areas of possible collaboration to ensure its effectiveness; identification of additional languages that would be appropriate for translation of materials; accuracy and quality of EHPD language assistance services; and concerns, ideas, and strategies for ensuring language access. |                                                                                                              |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Substantial Compliance                                                                                       |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | According to EHPD, this requirement was completed by the 60-day mark.                                        |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | None                                                                                                         |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Language Assistance Plan (LAP).                                                                              |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Questions/Next Steps</u><br>LAP will be reviewed, enhanced and revised by Lt. Emerman in next six months. |

## VI. STOPS, SEARCHES, AND ARRESTS

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| 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                                                                                                                                                                                                                                                       |
| 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                                                                                                                                                                                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Questions/Next Steps</u>                                                                                                                                                                                                                                              |

### A. Investigatory Stops and Detentions

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| 45. EHPD officers shall conduct investigatory stops or detentions only where the officer has reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime. |                                                                                                                                                                                                                                     |
| Compliance Rating                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                                                              |
| Discussion                                                                                                                                                                                            | The EHPD implementation of policies and procedures related to investigatory stops, searches and arrests were issued December 11, 2013. The JCE started randomly sampling supervisor reports and incidents and arrest reports during |



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|                   | site visits in April and June 2014. The EHPD performed according to policy in all cases reviewed.                                                                                                                                                                                                             |
| Recommendations   | Add a coversheet for every arrest to show that Supervisors are reviewing arrests.                                                                                                                                                                                                                             |
| Evidentiary Basis | Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. A random sampling of supervisor reports and incidents that would require supervisory reports were conducted during each site visit and no problems were identified. |
| SITE VISIT        | <u>Questions/Next Steps</u><br>Continue to sample officer and supervisor reports.                                                                                                                                                                                                                             |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                                   |
| Discussion        | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE started randomly sampling supervisor reports and incidents and arrest reports during site visits in April and June 2014. The EHPD performed according to policy in all cases reviewed. |
| Recommendations   | Add a coversheet for every arrest to show that Supervisors are reviewing arrests.                                                                                                                                                                                                                                                        |
| Evidentiary Basis | Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement.                                                                                                                                                                                                |
| SITE VISIT        | <u>Questions/Next Steps</u><br>Continue to sample officers’ reports.<br>Sample citizen complaints.                                                                                                                                                                                                                                       |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                                   |
| Discussion        | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE started randomly sampling supervisor reports and incidents and arrest reports during site visits in April and June 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement.                                                                                                                                                                                                |
| SITE VISIT        | <u>Questions/Next Steps</u><br>Continue randomly sampling supervisor/incident and arrest reports.                                                                                                                                                                                                                                        |

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| 48. EHPD officers shall not use demographic category as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, except as part of an actual and credible description of a specific suspect in an ongoing investigation. |                                                                                                                                                                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                          | Substantial Compliance                                                                                                                                                                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                                 | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE started randomly sampling supervisor reports and incidents and arrest reports during site visits in April and June 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement.                                                                                                                                                                                                |
| SITE VISIT                                                                                                                                                                                                                                                 | <u>Questions/Next Steps</u><br>Continue randomly sampling supervisor/incident and arrest reports.                                                                                                                                                                                                                                        |

## B. Searches

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| 49. EHPD officers shall not use demographic category in exercising discretion to conduct a warrantless search or to seek a search warrant, except as part of an actual and credible description of a specific suspect in an ongoing investigation. |                                                                                                                                                                                                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                  | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                         | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE began randomly sampling arrest reports and stop data as well as reviewing all search warrant applications after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement.<br>Random review of arrest reports, stop data and search warrants on April and June 2014 site visits.                                                                                                                          |
| SITE VISIT                                                                                                                                                                                                                                         | <u>Questions/Next Steps:</u><br>Continue review of arrest reports, stop data and search warrants.                                                                                                                                                                                                                                                                        |

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| 50. Where an officer seeks consent for a search, the officer shall affirmatively inform the subject of his or her right to refuse and to revoke consent at any time, articulate and document the independent legal justification for the search, and document the subject's consent on a written form that explains these rights. |                                                                                                                                                                                                                                                                                                            |
| Compliance Rating                                                                                                                                                                                                                                                                                                                 | Substantial Compliance                                                                                                                                                                                                                                                                                     |
| Discussion                                                                                                                                                                                                                                                                                                                        | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE began randomly sampling arrest reports and stop data as well as reviewing all search warrant applications after training was completed in February 2014. |

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|                   | The EHPD performed according to policy in all cases reviewed.                                                                                                                                                                                |
| 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 Settlement Agreement. Random review of arrest reports, stop data and search warrants on April and June 2014 site visits. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue review of arrest reports, stop data and search warrants.                                                                                                                                            |

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| 51. EHPD shall ensure that the consent to search form includes separate signature lines for civilians to affirm that they understand they have a right to refuse, and for officers to certify that they have read and explained the right to refuse to the civilian |                                                                                                                                                                                                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                   | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                                          | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE began randomly sampling arrest reports and stop data as well as reviewing all search warrant applications after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement. Random review of arrest reports, stop data and search warrants on April and June 2014 site visits. The JCE has reviewed the search consent form and it conforms to requirements of Settlement Agreement                        |
| SITE VISIT                                                                                                                                                                                                                                                          | <u>Questions/Next Steps:</u><br>Continue to review reports, forms and documentation related to searches.                                                                                                                                                                                                                                                                 |

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| 52. An affidavit or sworn declaration supporting an application for a search warrant shall provide an accurate, complete, and clear description of the offense, the place or thing to be searched, scope of the search, and time and method of the search. |                                                                                                                                                                                                                                                                                                                        |
| Compliance Rating                                                                                                                                                                                                                                          | Substantial Compliance                                                                                                                                                                                                                                                                                                 |
| Discussion                                                                                                                                                                                                                                                 | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE reviewed all search warrant applications and affidavits after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement. Random review of arrest reports, stop data and search warrant applications and affidavits on April and June 2014 site visits.                                                |
| SITE VISIT                                                                                                                                                                                                                                                 | <u>Questions/Next Steps:</u><br>Continue to review all search warrant affidavits/applications.                                                                                                                                                                                                                         |

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| 53. A supervisor shall review each request for a search or arrest warrant, including each affidavit or declaration before it is filed by an officer in support of a warrant application, for appropriateness, legality, and conformance with EHPD policy and this Agreement. The supervisor shall assess the information contained in the warrant application and supporting documents for authenticity, including an examination for “canned” or conclusory language, inconsistent information, and lack of articulation of a legal basis for the warrant. |                                                                                                                                                                                                                                                                                                                                 |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Substantial Compliance                                                                                                                                                                                                                                                                                                          |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE reviewed supervisory reports and all search warrant applications after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement. Random review of arrest reports, stop data and search warrant applications and affidavits on April and June 2014 site visits.                                                         |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Questions/Next Steps:</u><br>Continue to review supervisor reports and search warrant applications.                                                                                                                                                                                                                          |

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| 54. As part of the supervisory review, the supervisor shall document in an auditable format those warrant applications that are legally unsupported, are in violation of EHPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The supervisor shall take appropriate action to address violations or deficiencies, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. The quality and accuracy of search warrants and supportive affidavits or declarations shall be taken into account in officer performance evaluations. |                                                                                                                                                                                                                                                                                                                                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE began randomly sampling supervisory reports, arrest reports and stop data as well as reviewing all search warrant applications after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement. Random review of arrest reports, stop data and search warrants on April and June 2014 site visits. Fifteen (15) were applied for and granted. The supervisors and JCE found no unsupported warrant applications                                     |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Questions/Next Steps:</u><br>Continue review supervisory reports and search warrant applications                                                                                                                                                                                                                                                                                           |

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| 55. A supervisor shall review the operational plan for the execution of a search warrant and, absent exceptional circumstances, shall be present for execution of the search warrant. A supervisor shall document in the case file the exceptional circumstances preventing his or her presence. Once executed, a supervisor shall review the execution of the search warrant. Supervisors shall memorialize their reviews in writing within 24 hours of the execution of a search warrant. The quality of these supervisory reviews shall be taken into account in the supervisor's performance evaluations. |                                                                                                                                                                                                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE began randomly sampling arrest reports and stop data as well as reviewing all search warrant applications after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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 Settlement Agreement. Random review of arrest reports, stop data and search warrants on April and June 2014 site visits. Fifteen (15) were applied for and granted. A supervisor was present at each search and reviews were documented properly     |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>Questions/Next Steps:</u><br>Continue to review supervisory reports and search warrant applications.                                                                                                                                                                                                                                                                  |

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| 56. EHPD shall maintain centrally a log listing each search warrant, the case file where a copy of such warrant is maintained, the officer who applied for, and each supervisor who reviewed the application for a search warrant. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                  | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                         | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches were issued December 11, 2013. The JCE reviewed all search warrant applications (15) after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. Due to the low number, in lieu of a log, the EHPD kept a copy of each one in a separate folder readily accessible for review. Should the volume increase, the EHPD told the JCE, they will implement a log. |
| Recommendations                                                                                                                                                                                                                    | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Evidentiary Basis                                                                                                                                                                                                                  | Policy 409.1, 420.1, 427.1 as well as other relevant stop, search and arrest policies and procedures throughout the Settlement Agreement. Random review of arrest reports, stop data and search warrants on April and June 2014 site visits. The JCE reviewed all 15 search warrant folders.                                                                                                                                                                                                                             |
| SITE VISIT                                                                                                                                                                                                                         | <u>Questions/Next Steps:</u><br>JCE will continue to review all search warrants.                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**C. Arrests**

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| 57. EHPD officers shall only arrest an individual where the officer has probable cause. In effectuating an arrest, EHPD officers shall not rely on information known to be materially false or incorrect. Officers may not consider demographic category in effecting an arrest, except as part of an actual and credible description of a specific suspect in an ongoing investigation |                                                                                                                                                                                                                                                                                                 |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                       | Substantial Compliance                                                                                                                                                                                                                                                                          |
| Discussion                                                                                                                                                                                                                                                                                                                                                                              | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE randomly sampled arrest reports and reviewed all use of force reports after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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. Review of all use of force reports and random sample of arrest reports reviewed on April and June 2014 site visits.                                             |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                              | <u>Questions/Next Steps:</u><br>JCE will continue to review all use of force reports and randomly sample arrest reports.                                                                                                                                                                        |

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| 58. An officer shall immediately notify a supervisor when effectuating: a felony arrest; an arrest where the officer used force; an arrest for obstructing or resisting an officer; any arrest for the violation of interfering with an officer; any arrest for violation of either breach of the peace in the second degree or disorderly conduct in which the violative conduct is (a) a reaction to police presence or officer conduct, or (b) targeted towards a police officer; or a custodial arrest for a vehicle infraction, and the supervisor shall, absent exceptional circumstances, immediately respond to the scene. A supervisor shall document in the case file the exceptional circumstances preventing his or her presence. |                                                                                                                                                                                                                                                                                                                     |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Substantial Compliance                                                                                                                                                                                                                                                                                              |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE randomly sampled arrest reports, supervisor reports and reviewed all use of force reports after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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. All use of force reports and random sample of arrest reports reviewed on April and June 2014 site visits revealed proper notification of supervisors.                               |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>Questions/Next Steps:</u><br>JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports to look for notifications of supervisors for such arrests                                                                                                                   |

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| 59. The responding supervisor shall approve or disapprove the officer's arrest recommendation, based on the existence of justifiable probable cause and EHPD policy. The supervisor shall take appropriate action to address violations or deficiencies in the officer's arrest recommendation, including releasing the subject, recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. |                                                                                                                                                                                                                                                                                                                         |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Substantial Compliance                                                                                                                                                                                                                                                                                                  |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE randomly sampled arrest reports and supervisory reports and reviewed all use of force reports after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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. Review of all use of force reports and random sample of arrest reports reviewed on April and June 2014 site visits.                                                                     |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Questions/Next Steps:</u><br>The JCE did not find any violations or deficiencies but will continue to monitor closely.<br>JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.                                                                                   |

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| 60. At the time of presentment at EHPD headquarters, a watch commander or supervisor shall visually inspect each detainee or arrestee for injury, interview the detainee or arrestee for complaints of pain, and ensure that the detainee or arrestee receives medical attention from an appropriate medical provider, as necessary. The watch commander or supervisor shall document the results of the visual inspection in writing. |                                                                                                                                                                                                                                                                                                                 |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                      | Substantial Compliance                                                                                                                                                                                                                                                                                          |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                             | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. The JCE randomly sampled arrest and supervisory reports and reviewed all use of force reports after training was completed in February 2014. The EHPD performed according to policy in all cases reviewed. |
| 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. Review of all use of force reports and random sample of arrest reports reviewed on April and June 2014 site visits.                                                             |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Questions/Next Steps:</u><br>The JCE did not find any violations or deficiencies but will continue to monitor closely.<br>JCE will continue to review all use of force reports and randomly sample arrest, supervisory and visual inspection reports.                                                        |



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| 61. EHPD officers shall complete all arrest reports before the end of shift. EHPD field supervisors shall review each arrest report of officers under their command and shall memorialize their review in writing within 12 hours of the arrest, absent exceptional circumstances. Supervisors shall review reports and forms for “canned” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct. |                                                                                                                                                                                                                                                     |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Substantial Compliance                                                                                                                                                                                                                              |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. Review of all use of force reports and random sample of arrest and supervisory reports reviewed on April and June 2014 site visits.            |
| 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. Review of all use of force reports and random sample of arrest reports reviewed on April and June 2014 site visits. |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Questions/Next Steps:</u><br>JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.                                                                                                            |

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| 62. As part of the supervisory review, the supervisor shall document in an auditable format those arrests that are unsupported by probable cause, are in violation of EHPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The supervisor shall take appropriate action to address violations or deficiencies in making arrests, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken, to identify officers needing repeated corrective action. The supervisor shall ensure that each violation or deficiency is noted in the officer’s performance evaluations. The quality of these supervisory reviews shall be taken into account in the supervisor’s own performance evaluations. EHPD shall take appropriate corrective or disciplinary action against supervisors who fail to conduct reviews of adequate and consistent quality. |                                                                                                                                                                                                                                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                                                                                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. Review of all use of force reports and random sample of arrest and supervisory reports reviewed on April and June 2014 site visits. There were no arrests unsupported by probable cause. |
| 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.                                                                                                                                                               |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>The JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.                                                                                                                                                  |



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| 63. A command-level official shall review, in writing, all supervisory reviews related to arrests that are unsupported by probable cause, are in violation of EHPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The commander's review shall be completed within seven days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken, including referring the incident to the IAO for investigation. |                                                                                                                                                                                                                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Substantial Compliance                                                                                                                                                                                                                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The EHPD implementation of policies and procedures related to arrests were issued December 11, 2013. Review of all use of force reports and random sample of arrest reports reviewed on April and June 2014 site visits. There were no arrests unsupported by probable cause. |
| 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. Review of all use of force reports and random sample of arrest and supervisory reports reviewed on April and June 2014 site visits.           |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Questions/Next Steps:</u><br>JCE will continue to review all use of force reports and randomly sample arrest and supervisory reports.                                                                                                                                      |

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

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| 64. EHPD shall, consistent with this Agreement, develop a comprehensive policy on stops, searches and seizures. This policy shall have the following elements:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <p>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;</p> <p>b) A detailed description of the justification necessary for officers to make stops and arrests;</p> <p>c) A requirement that all stops, searches, and seizures be documented in an Incident Report that records:</p> <ul style="list-style-type: none"> <li>i. the officer's name and badge number;</li> <li>ii. date, time, and location of the stop;</li> <li>iii. duration of the stop;</li> <li>iv. the apparent race, color or ethnicity of the individual, based on the police officer's reasonable observation and perception;</li> <li>v. the suspected violation that led to the stop;</li> <li>vi. whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence;</li> <li>vii. the post-stop action taken with regard to the violation (including a warning, a citation, an arrest, or a use of force); and</li> </ul> |  |

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| viii. whether any search was conducted, the kind of search conducted, the basis for the search,<br>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 Settlement 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.                                                                                            |
| SITE VISIT                                                                                                                                                                             | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                                                     |

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| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The JCE reviewed stop and search data collected/analyzed in a new computer system fully implemented within the 270 days, but had some data categorization glitches that were not corrected until just after the 365-day mark. Getting an accurate view of these data is difficult as Hispanic can be either black or white, which meant EHPD had to revert to other data to reconcile this information and develop accurate statistics. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The JCE will need to carefully review this paragraph's requirements and conduct random review of cases involving Hispanic drivers to assess the appropriateness of the enforcement action in addition to reviewing the data. The aggregate data does not always provide enough detailed data and information.                                                                                                                           |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The on-site database and EHPD reports were reviewed.<br>Random incidents involving Hispanic drivers were reviewed.                                                                                                                                                                                                                                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Questions/Next Steps:</u><br>Continue to drill down into the data and incident reports.                                                                                                                                                                                                                                                                                                                                              |

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| 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:<br>(a) those investigatory stops and detentions that appear unsupported by reasonable suspicion, (b) |  |
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| those searches that appear to be without legal justification; (c) stops or searches in violation of EHPD policy or this Agreement, or (d) stops or searches that indicate a need for corrective action or review of agency policy, strategy, tactics, or training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                       |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Substantial Compliance                                                                                                                                                                |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches any were issued December 11, 2013 and training completed in February 2014. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Supervisory reports should be reviewed.                                                                                                                                               |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Supervisory Reports.<br>Individual interviews with officers and supervisors.                                                                                                          |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>Questions/Next Steps:</u><br>JCE will continue to monitor supervisory reports                                                                                                      |
| 67. The supervisor shall take appropriate action to address all violations or deficiencies in investigatory stops or detention or executing a search, including recommending non-disciplinary corrective action for the involved officer, and/or referring the incident for administrative or criminal investigation. For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken, if any, to identify officers needing repeated corrective action. The supervisor shall ensure that each violation or deficiency is noted in the officer's performance evaluations. The quality and completeness of these supervisory reviews shall be taken into account in the supervisor's own performance evaluations. EHPD shall take appropriate corrective or disciplinary action against supervisors who fail to conduct complete, thorough, and accurate reviews of officers' investigatory detentions and searches. |                                                                                                                                                                                       |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Substantial Compliance                                                                                                                                                                |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The EHPD implementation of policies and procedures related to investigatory stops, detentions and searches any were issued December 11, 2013 and training completed in February 2014. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Supervisory reports should be reviewed.                                                                                                                                               |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Policy 215.1<br>Supervisory Reports.<br>Interviews with officers and supervisors and reviews of EIS. No violations or deficiencies were found                                         |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>Questions/Next Steps:</u> JCE will continue to monitor supervisory reports                                                                                                         |

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| 68. EHPD shall develop a protocol for comprehensive analysis, on at least a quarterly basis, of the stop and search data collected. This protocol shall be subject to the review of the Joint Compliance Expert and DOJ, and shall identify and incorporate appropriate benchmarks for comparison. |                                                                                                                                              |
| Compliance Rating                                                                                                                                                                                                                                                                                  | Substantial Compliance                                                                                                                       |
| Discussion                                                                                                                                                                                                                                                                                         | A report covering these data for December 2012 through June 2013 was completed. A new computer program to collect and analyze these data was |

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|                   | added. The software that had caused data categorization problem was corrected in April 2014. |
| Recommendations   | Continue to review data and conduct individual interviews as needed.                         |
| Evidentiary Basis | Quarterly stop and search data report.<br>DIS.                                               |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue monitoring quarterly reports.                       |

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| 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                                                                                                                                                                                                                                                                              | Quarterly stat sheets and semi-annual reports were agreed upon by the Parties.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Recommendations                                                                                                                                                                                                                                                                         | Continue to carefully review and analyze report data.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Evidentiary Basis                                                                                                                                                                                                                                                                       | Reports delivered and reviewed. (quarterly and semi-annual)<br>Conversations with EHPD Compliance Coordinator.<br>Discussions on conference calls with Parties.                                                                                                                                                                                                                                                                                                                                                           |
| SITE VISIT                                                                                                                                                                                                                                                                              | <u>Questions/Next Steps:</u><br>Go over quarterly data in detail with Compliance Coordinator; Request additional data/materials as needed in addition.<br><br>Although the data is released in a table form that is made public every quarter, the JCE will continue to closely monitor the stop and search data/report and work with EHPD to make sure the report adequately summarizes and analyzes the data.<br><br>The EHPD has also been doing semi-annuals of the full report and it is available on their website. |

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| 70. EHPD shall ensure that all databases containing individual specific data comply fully with federal and state privacy standards governing personally identifying information. EHPD shall develop a process to restrict database access to authorized, identified users who are accessing the information for a specific and identified purpose. |                                                                                                     |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                  | Substantial Compliance                                                                              |
| Discussion                                                                                                                                                                                                                                                                                                                                         | The JCE confirmed that there are current privacy processes in place and sufficient database access. |
| Recommendations                                                                                                                                                                                                                                                                                                                                    | None                                                                                                |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                  | Policy 204.1<br>JCE visit and review.                                                               |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                         | <u>Questions/Next Steps:</u><br>None                                                                |

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

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| 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 were trained on this policy by March 2014. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | None                                                                                                                     |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Policy 204.1<br>EIS                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Questions/Next Steps:</u><br>JCE will work with Parties to develop metrics.                                           |

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| 72. Individuals observing stops, detentions, arrests and other incidents shall be permitted to remain in the proximity of the incident unless there is an actual and articulable law enforcement basis to move an individual, such as: an individual's presence would jeopardize the safety of the officer, the suspect, or others in the vicinity; the individual violates the law; or the individual incites others to violate the law. |                                                                       |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                         | Substantial Compliance                                                |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                | All Department members were trained on all policies in February 2014. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                           | None                                                                  |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                         | Policy 204.1<br>Training Roster.<br>On-site observation.              |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>Questions/Next Steps:</u><br>None                                  |

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| 73. Individuals shall be permitted to record police officer enforcement activities by camera, video recorder, cell phone recorder, or other means, unless there is an actual and articulable law enforcement basis to deny permission. |                                                                                                                       |
| Compliance Rating                                                                                                                                                                                                                      | Substantial Compliance                                                                                                |
| Discussion                                                                                                                                                                                                                             | This policy was issued in November 2013 and 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                                                                                                          |

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| SITE VISIT | <u>Questions/Next Steps:</u><br>Follow up discussion with USDOJ |
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74. Officers shall not threaten, intimidate, or otherwise discourage an individual from remaining in the proximity of or recording police officer enforcement activities.

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| Compliance Rating | Substantial Compliance                                                                           |
| Discussion        | None                                                                                             |
| Recommendations   | None                                                                                             |
| Evidentiary Basis | Policy 204.1<br>On-site observation.                                                             |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE to continue reviewing police reports, complaints by citizens |

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.

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| Compliance Rating | Substantial Compliance               |
| Discussion        | None                                 |
| Recommendations   | None                                 |
| Evidentiary Basis | Policy 204.1<br>On-site observation. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

76. Officers shall report to their supervisors whenever they believe they have been recorded by a member of the public.

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| Compliance Rating | Substantial Compliance                                                                  |
| Discussion        | Supervisors know they need to report this, but the JCE is not aware of any occurrences. |
| Recommendations   | None                                                                                    |
| Evidentiary Basis | Policy 204.1<br>Incident and Supervisory Report.                                        |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE continue to monitor reports                         |

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

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| a felony, the officer may secure such evidence for no more than six hours while a legal subpoena, search warrant, or other valid order is obtained. |                                                                                                                                                                                                                                                               |
| Compliance Rating                                                                                                                                   | Substantial Compliance                                                                                                                                                                                                                                        |
| Discussion                                                                                                                                          | Modified from three (3) hours from the original Settlement Agreement under July 17, 2013 Order Modification, because three hours would not be long enough time to draft search warrant affidavit, review by a supervisor and prosecutor, and submit to judge. |
| Recommendations                                                                                                                                     | None                                                                                                                                                                                                                                                          |
| Evidentiary Basis                                                                                                                                   | Policy 204.1<br>Incident and Supervisory Reports.                                                                                                                                                                                                             |
| SITE VISIT                                                                                                                                          | <u>Questions/Next Steps:</u><br>Monitor reports to ensure it is being done                                                                                                                                                                                    |

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

78. EHPD shall provide all officers with comprehensive training on stops, searches and arrests, including the requirements of this Agreement, of no fewer than 8 hours within 180 days of the Effective Date and between 4 – 6 hours on an at least an annual basis thereafter. Such training shall be taught by a competent legal instructor with significant experience litigating, or teaching at an accredited law school, Fourth Amendment issues, and shall:

- 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.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Discussion        | Training was provided by June 19, 2013, the 180-day mark. The Spector Training Network has provided eight (8) hours of stop, search, and arrest training as required in this Settlement Agreement paragraph, including instruction in the Fourth Amendment and related law, as well as First Amendment and related law. This training was provided prior to the completion and approval of the policy manual. Additional training on revised policies was included in the January and February 2014 training. |
| Recommendations   | The JCE should be notified of any additional review or new training in this area if policies are revised again.                                                                                                                                                                                                                                                                                                                                                                                               |
| Evidentiary Basis | Training curricula reviewed by JCE and USDOJ. Training Roster.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## VII. USE OF FORCE

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| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Substantial Compliance                                                                                                                                                                                                                                    |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | This is an introductory paragraph outlining the goals and objectives of the use of force section. The Town of East Haven will reach compliance in this introductory paragraph after compliance is achieved for all the sub-paragraphs that it introduces. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | None                                                                                                                                                                                                                                                      |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | n/a                                                                                                                                                                                                                                                       |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                                      |



**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.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                           |
| Discussion        | JCE reviewed all use of force reports and found 46 incidents with the vast majority involving non-compliant handcuffing. There were no serious injuries. There were two (2) Taser deployments and officers/supervisors followed policy for each. |
| Recommendations   | Continue to review all Use of Force Reports                                                                                                                                                                                                      |
| Evidentiary Basis | Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1<br>Reviewed all use of force reports.                                                                                                                                                           |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all use of force reports on all site visits.                                                                                                                                                              |

**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

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| 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 took place in January and February 2014 and covered 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 Training Roster.                                                        |
| SITE VISIT                                                                                                                                                         | <u>Questions/Next Steps:</u><br>None                                                                                     |

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| 82. In addition to a primary agency-wide use of force policy, EHPD shall develop and implement policies and protocols for each authorized weapon, including each of the types of force addressed below. No officer shall carry any weapon or use force that is not authorized by the Department. EHPD use of force policies shall include training and certification requirements that each officer must meet before being permitted to carry and use the authorized weapon. |                                                                                                                           |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Substantial Compliance                                                                                                    |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | New Policy Manual training took place in January and February 2014, and covered use of force policies and related issues. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                                      |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1 Training Roster.                                                         |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Questions/Next Steps:</u><br>JCE continue to monitor and on field observation of weapons carried by officers           |

### C. Use of Firearms

|                                                                                                                                                                                                                                                          |                                                                                                                                                 |
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| 83. Officers shall not possess or use unauthorized firearms or ammunition, or obtain service ammunition from any source, except through official EHPD channels. All officers' firearms shall be filled with the capacity number of rounds while on duty. |                                                                                                                                                 |
| Compliance Rating                                                                                                                                                                                                                                        | Substantial Compliance                                                                                                                          |
| Discussion                                                                                                                                                                                                                                               | Although use of force training was completed in 2013, the new policies and revisions required additional training in January and February 2014. |
| Recommendations                                                                                                                                                                                                                                          | None                                                                                                                                            |
| Evidentiary Basis                                                                                                                                                                                                                                        | Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1 Training Roster.<br>Supervisor Interviews.<br>Supervisor Reports.                              |

|            |                                                                                              |
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|            | On-site observation of inspection.                                                           |
| SITE VISIT | <u>Questions/Next Steps:</u><br>Check supervisor reports for evidence of random inspections. |

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

|                   |                                                                                               |
|-------------------|-----------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                        |
| Discussion        | New Policy Manual training occurred in January and February 2014                              |
| Recommendations   | None                                                                                          |
| Evidentiary Basis | Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1<br>Training Roster.<br>Use of Force Reports. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE continue to monitor reports                               |

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

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|-------------------|-------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                      |
| Discussion        | New Policy Manual training occurred in January and February 2014                                            |
| Recommendations   | None                                                                                                        |
| Evidentiary Basis | Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1<br>Training Roster.<br>Use of Force Reports.               |
| SITE VISIT        | <u>Questions/Next Steps:</u> There are no officers who failed to qualify. The JCE will continue to monitor. |

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

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| Compliance Rating | Substantial Compliance                                                                        |
| Discussion        | New Policy Manual training occurred in January and February 2014.                             |
| Recommendations   | None                                                                                          |
| Evidentiary Basis | Policy 404.1, 405.1 406.1 407.1, 408.1 and 302.1<br>Training Roster.<br>Use of Force Reports. |

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|            | EIS.<br>There have not been any critical discharges.               |
| SITE VISIT | <u>Questions/Next Steps:</u><br>JCE to monitor supervisory reports |

#### **D. Electronic Control Weapons**

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| 87. EHPD shall limit the use of ECWs to only those situations in which such force is necessary to protect the officer, the subject, or another party from immediate physical harm.                                                                                                    |                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                                                            | New Policy Manual training occurred in January-February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both.     |
| Recommendations                                                                                                                                                                                                                                                                       | Review all Taser incidents.                                                                                                                                                              |
| Evidentiary Basis                                                                                                                                                                                                                                                                     | Policy 406.1 and 401.2<br>Use of Force Reports.<br>Taser Incidents.                                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                              |
| 88. Unless it would present a danger to the officer or others, officers shall issue a verbal warning to the subject that the ECW will be used prior to use. Where feasible, the officer will defer ECW application a reasonable time to allow the subject to comply with the warning. |                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                                                            | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations                                                                                                                                                                                                                                                                       | Review all Taser incidents.                                                                                                                                                              |
| Evidentiary Basis                                                                                                                                                                                                                                                                     | Policy 406.1 and 401.2<br>Use of Force Reports.<br>Taser Incidents.                                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                              |

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| 89. ECWs will not be used where such deployment may cause serious injury or death from situational hazards, including falling, drowning, losing control of a moving vehicle, or becoming ignited from the presence of a potentially explosive or flammable material or substance, except where lethal force would be permitted. |                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                                                                               | Substantial Compliance                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                                                                                                      | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |

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| Recommendations   | Review all Taser incidents.                                 |
| Evidentiary Basis | Policy 406.1<br>Use of Force Reports.<br>Taser Incidents.   |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents. |

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

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|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                                                                                                   |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations   | Review all Taser incidents.                                                                                                                                                              |
| Evidentiary Basis | Policy 406.1 and 401.2<br>User of Force Reports.<br>Taser Incidents.                                                                                                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                              |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                     |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. Neither incident involved drive stun. |
| Recommendations   | Review all Taser incidents.                                                                                                                                                                                                |
| Evidentiary Basis | Policy 406.1 and 401.2                                                                                                                                                                                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                                                                |

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.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                   |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations   | Review all Taser incidents.                                                                                                                                                              |
| Evidentiary Basis | Policy 406.1 and 401.2<br>User of Force Reports.<br>Taser Incidents                                                                                                                      |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                              |

93. ECWs may not be applied to a subject's head, neck, and genitalia, absent exigent circumstances. ECWs shall not be used on handcuffed persons, except in emergencies in which a reasonable officer would believe that serious bodily harm to another person or persons is imminent.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                   |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations   | Review all Taser incidents.                                                                                                                                                              |
| Evidentiary Basis | Policy 406.1 and 401.2<br>User of Force Reports.<br>Taser Incidents.                                                                                                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                              |

94. Officers shall receive annual ECW certifications, which should consist of physical competency; weapon retention; EHPD policy, including any policy changes; technology changes; and scenario-based training.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                   |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations   | Review all Taser incidents                                                                                                                                                               |
| Evidentiary Basis | Policy 406.1 and 401.2<br>User of Force Reports.<br>Taser Incidents.<br>Certification confirmed                                                                                          |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents and continue to ensure all officers are certified.                                                                            |

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

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                 |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1- June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations   | The EHPD should train officers on the protocol for working with fire department paramedics.                                                                                            |
| Evidentiary Basis | Policy 406.1 and 401.2<br>User of Force Reports.<br>Taser Incidents.                                                                                                                   |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents.<br>Continue dialogue with Fire Department.                                                                                 |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                   |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1 to June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations   | Review all Taser Incidents.                                                                                                                                                              |
| Evidentiary Basis | Policy 406.1 and 401.2<br>User of Force Reports.<br>Taser Incidents.<br>Supervisor Reports and Interviews.                                                                               |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all Taser incidents.                                                                                                                              |

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| 97. EHPD shall develop and implement integrity safeguards on the use of ECWs to ensure compliance with EHPD policy, including conducting random and directed audits of ECW deployment data. The audits should compare the downloaded data to the officer's report on use of force. Discrepancies within the audit should be addressed and appropriately investigated. |                                                                                                                                                                                        |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                                                                                 |
| Discussion                                                                                                                                                                                                                                                                                                                                                            | New Policy Manual training occurred in January and February 2014. There were two (2) Taser deployments from April 1- June 30, 2014. Officers and supervisors followed policy for both. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                       | Review random audits                                                                                                                                                                   |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                     | Policy 406.1 and 401.2<br>Taser Incident Reports.<br>EHPD Technology Review.<br>Supervisory Reports.                                                                                   |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>Review all Taser incidents and random and directed audits.                                                                                             |

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| 98. EHPD shall include the number of ECWs in operation and the number of ECW uses as elements of the EIS. Analysis of this data shall include a determination of whether ECWs result in an increase in the use of force and whether officer and subject injuries are affected by the rate of ECW use. ECW data and analysis shall be included in EHPD's Use of Force Annual Report. |                                                                                                                                                                                         |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                   | Substantial Compliance                                                                                                                                                                  |
| Discussion                                                                                                                                                                                                                                                                                                                                                                          | ECW data and analysis included in EHPD's UOF Annual Report. The first annual report was completed in July 1, 2014 after all new policy training as completed and data collection began. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                     | None                                                                                                                                                                                    |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                   | Policy 406.1 and 401.2<br>EHPD UOF Annual Report.<br>All Taser Incident Reports.<br>Supervisor Interviews.<br>EIS.                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                          | <u>Questions/Next Steps:</u><br>Continue to review all reports/EIS.                                                                                                                     |

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

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| 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 |  |
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force reporting policy shall explicitly prohibit the use of “canned” or conclusory language in all reports documenting use of force.

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| Compliance Rating | Substantial Compliance                                                                     |
| Discussion        | New Policy Manual training occurred in January and February 2014.                          |
| Recommendations   | None                                                                                       |
| Evidentiary Basis | Use of Force Annual Report.<br>All Use of Force Incident Reports.                          |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all use of force reports in depth every site visit. |

100. Officers who use or observe force and fail to report it, shall be held strictly accountable, and face discipline up to and including termination, regardless of whether the force was reasonable.

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|-------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                                         |
| Discussion        | New Policy Manual training occurred in January and February 2014. There were no occurrences of failure to report use of force. |
| Recommendations   | None                                                                                                                           |
| Evidentiary Basis | Use of Force Incident Reports.<br>Supervisory Reports.                                                                         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all use of force reports in depth every site visit.                                     |

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.

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| Compliance Rating | Substantial Compliance                                                                     |
| Discussion        | New Policy Manual training occurred in January and February 2014.                          |
| Recommendations   | None                                                                                       |
| Evidentiary Basis | Use of Force Incident Reports.<br>Supervisory Reports.                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all use of force reports in depth every site visit. |

102. Officers' Use of Force Reports (whether primary or supplemental) shall completely and accurately describe the use of force. Officers shall be held strictly accountable for material omissions or inaccuracies in the Use of Force Report.

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| Compliance Rating | Substantial Compliance                                            |
| Discussion        | New Policy Manual training occurred in January and February 2014. |

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| Recommendations   | None                                                                                       |
| Evidentiary Basis | Use of Force Incident Reports.<br>Supervisory Reports.                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all use of force reports in depth every site visit. |

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| 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                                                                                                                                                                                        | Substantial Compliance                                                                     |
| Discussion                                                                                                                                                                                               | New Policy Manual training occurred in January and February 2014.                          |
| Recommendations                                                                                                                                                                                          | None                                                                                       |
| Evidentiary Basis                                                                                                                                                                                        | Policy 407.1<br>Use of Force Incident Reports.<br>Supervisory Reports.                     |
| SITE VISIT                                                                                                                                                                                               | <u>Questions/Next Steps:</u><br>Review all use of force reports in depth every site visit. |

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

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| 105. At least annually, EHPD shall analyze the year's force data, including force-related outcome data, to determine significant trends; identify and correct deficiencies revealed by this analysis; and document its findings in a public report. |                                                                                                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                   | Substantial Compliance                                                                                                                                                                                   |
| Discussion                                                                                                                                                                                                                                          | New Policy Manual training occurred in January and February 2014.                                                                                                                                        |
| Recommendations                                                                                                                                                                                                                                     | None                                                                                                                                                                                                     |
| Evidentiary Basis                                                                                                                                                                                                                                   | Use of Force Incident Reports since policy in effect.                                                                                                                                                    |
| SITE VISIT                                                                                                                                                                                                                                          | <u>Questions/Next Steps:</u><br>Review all use of force reports in depth every site visit.<br>Review website and press release schedule for end of year after one (1) complete year of data is obtained. |

**F. Force Reviews by Supervisors**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                               |
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| 106. Absent exceptional circumstances, the direct supervisor of any officer using force, upon notification of a use of force or allegation of excessive force, shall respond to the scene of the use of force. If a supervisor is unable to respond to the scene, the supervisor shall document in the case file the exigent circumstances preventing his or her presence. The direct supervisor of any officer using force shall review all uses of force except those incidents involving a serious use of force, a use of force that appears potentially unjustified or criminal, a use of force by EHPD personnel of a rank higher than sergeant, or a use of force reassigned to the IAO by the Chief of Police or designee or the IAO. No supervisor who was involved in the incident, including by participating in or ordering the force being investigated, shall be responsible for the investigation of the incident.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Substantial Compliance                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | None                                                                          |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | None                                                                          |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Policy 407.1<br>Supervisor Reports.<br>Review of all Use of Force Incidents.  |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |
| <p>107. The reviewing supervisor shall:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) notify the IAO immediately of the use of force and obtain a use of force tracking number;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>g) review all Use of Force Reports and ensure that all reports include the information required by this Agreement and EHPD policy; and</li> </ul> |                                                                               |

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.

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| Compliance Rating | Substantial Compliance                                                        |
| Discussion        | None                                                                          |
| Recommendations   | None                                                                          |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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

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| Compliance Rating | Substantial Compliance                                                                                                            |
| Discussion        | End of shift interpreted as end of tour of duty. Supervisors shall provide written report to shift commander before they go home. |
| Recommendations   | None                                                                                                                              |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.                                                                                             |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force reports.                                                       |

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

a) the supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the supervisor's independent review of the facts and circumstances of the incident;

b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;

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| <p>c) the names of all other EHPD employees witnessing the use of force;</p> <p>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</p> <p>e) documentation of any non-disciplinary corrective action taken.</p> |                                                                                                             |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Substantial Compliance                                                                                      |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | None                                                                                                        |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                                        |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Policy 407.1<br>Use of Force Supervisory Reports.                                                           |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents, including supervisory reports |

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

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| Compliance Rating | Substantial Compliance                                                        |
| Discussion        | There has been no need for additional investigation.                          |
| Recommendations   | None                                                                          |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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

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| supervisors under the command of the patrol commander. |                                                                               |
| Compliance Rating                                      | Substantial Compliance                                                        |
| Discussion                                             | There have been no occurrences.                                               |
| Recommendations                                        | None                                                                          |
| Evidentiary Basis                                      | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT                                             | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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| 112. Where a reviewing supervisor repeatedly conducts deficient investigations, the supervisor shall receive the appropriate corrective action, including training, demotion, and/or removal from a supervisory position. |                                                                               |
| Compliance Rating                                                                                                                                                                                                         | Substantial Compliance                                                        |
| Discussion                                                                                                                                                                                                                | There have been no occurrences.                                               |
| Recommendations                                                                                                                                                                                                           | None                                                                          |
| Evidentiary Basis                                                                                                                                                                                                         | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT                                                                                                                                                                                                                | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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| 113. Whenever a reviewing supervisor or patrol commander finds evidence of apparent criminal conduct by an officer, he or she shall suspend the investigation immediately and notify the Chief of Police, the IAO, the State Attorney's Office, and the State Police. The IAO shall immediately notify the FBI and USAO, where appropriate. |                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                           | Substantial Compliance                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                  | There have been no occurrences.                                               |
| Recommendations                                                                                                                                                                                                                                                                                                                             | None                                                                          |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                           | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                  | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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| 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 |  |
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| shall be explained in |                                                                               |
| Compliance Rating     | Substantial Compliance                                                        |
| Discussion            | There have been no occurrences.                                               |
| Recommendations       | None                                                                          |
| Evidentiary Basis     | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT            | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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| 115. Where, after a force review, a use of force is found to be out of policy, the Chief of Police shall direct and ensure appropriate discipline, including forwarding the outcome of the force review to the Board of Police Commissioners for disciplinary action. Where the use of force indicates policy, training, tactical, or equipment concerns, the Chief of Police shall ensure also that necessary training is delivered and that policy, tactical or equipment concerns are resolved. |                                                                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Substantial Compliance                                                                                                   |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | There have been no occurrences.                                                                                          |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Review training needs related to any use of force case may be required.                                                  |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Policy 407.1<br>Use of Force Reports.                                                                                    |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents and any new training associated with cases. |

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

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| 116. EHPD shall establish a single, uniform reporting and investigation/review system for all serious uses of force, including critical firearm discharges. |                                                                               |
| Compliance Rating                                                                                                                                           | Substantial Compliance                                                        |
| Discussion                                                                                                                                                  | None                                                                          |
| Recommendations                                                                                                                                             | None                                                                          |
| Evidentiary Basis                                                                                                                                           | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT                                                                                                                                                  | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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| 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; |  |
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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.

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| Compliance Rating | Substantial Compliance                                                        |
| Discussion        | None                                                                          |
| Recommendations   | None                                                                          |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.                                         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

118. Where appropriate to ensure the fact and appearance of impartiality, investigations of serious uses of force or force indicating apparent criminal conduct by an officer shall be referred for investigation to an independent and highly competent entity outside EHPD.

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| Compliance Rating | Substantial Compliance |
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| Discussion        | New FBI SAC Patricia Ferrick has worked with EHPD on reviewing Use of Force incidents. The JCE is satisfied with the quality and thoroughness of use of force investigations. |
| Recommendations   | None                                                                                                                                                                          |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.<br>Patti Ferrick, the Special Agent in Charge of the FBI for Connecticut, met with Chief Larrabee on March 5, 2014.                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents.                                                                                                 |

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| 119. In every incident involving a serious use of force, or any use of force indicating apparent criminal conduct by an officer, the supervisor shall immediately notify the IAO and obtain a use of force tracking number. |                                                                               |
| Compliance Rating                                                                                                                                                                                                           | Substantial Compliance                                                        |
| Discussion                                                                                                                                                                                                                  | There have been no occurrences.                                               |
| Recommendations                                                                                                                                                                                                             | None                                                                          |
| Evidentiary Basis                                                                                                                                                                                                           | Policy 407.1<br>Use of Force Reports.<br>Supervisory Reports.                 |
| SITE VISIT                                                                                                                                                                                                                  | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents. |

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| 120. The IAO shall respond to the scene of every incident involving a serious use of force, any use of force indicating apparent criminal conduct by an officer, any use of force by an officer of a rank higher than sergeant, or as ordered by the Chief of Police or designee. |                                                                                        |
| Compliance Rating                                                                                                                                                                                                                                                                 | Substantial Compliance                                                                 |
| Discussion                                                                                                                                                                                                                                                                        | There have been no occurrences.                                                        |
| Recommendations                                                                                                                                                                                                                                                                   | None                                                                                   |
| Evidentiary Basis                                                                                                                                                                                                                                                                 | Policy 407.1<br>Use of Force Reports.<br>Interview with IAO and review of IAO reports. |
| SITE VISIT                                                                                                                                                                                                                                                                        | <u>Questions/Next Steps:</u><br>Ongoing review of all use of force incidents.          |

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| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Substantial Compliance |

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| Rating            |                                                                                                   |
| Discussion        | The EHPD has established a strong and productive relationship with the FBI.                       |
| Recommendations   | None                                                                                              |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.<br>Interviews with IAO Naccarato and review of IAO reports. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review all use of force Incidents.                                |

122. If the case may proceed criminally, or where EHPD requests a criminal prosecution, any compelled interview of the subject officers shall be delayed, consistent with Paragraphs 148 and 150 of this Agreement. No other part of the investigation shall be held in abeyance unless specifically authorized by the Chief of Police in consultation with the agency conducting the criminal investigation.

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| Compliance Rating | Substantial Compliance                    |
| Discussion        | Unaware of any relevant incident to date. |
| Recommendations   | None                                      |
| Evidentiary Basis | Policy 407.1<br>Use of Force Reports.     |
| SITE VISIT        | <u>Questions/Next Steps:</u>              |

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:

- 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

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| f) documentation of any disciplinary and/or non-disciplinary corrective action recommended. |                                                                                                   |
| Compliance Rating                                                                           | Substantial Compliance                                                                            |
| Discussion                                                                                  | There has not been an incident that this policy applies to since the JCE started.                 |
| Recommendations                                                                             | None                                                                                              |
| Evidentiary Basis                                                                           | Policy 407.1<br>Use of Force Reports.<br>Interviews with IAO Naccarato and review of IAO reports. |
| SITE VISIT                                                                                  | <u>Questions/Next Steps:</u><br>None                                                              |

### H. Review by Chief of Police

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| <p>124. The Chief of Police shall review all force reviews by supervisors and force investigations by the IAO. The Chief of Police shall:</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p> <p>f) document his or her findings within 45 days of receiving the force review or investigation.</p> |                                                                          |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Substantial Compliance                                                   |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | None                                                                     |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | None                                                                     |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Policy 407.1<br>Use of Force Reports.<br>Interviews with Chief Larrabee. |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Questions/Next Steps:</u><br>Ongoing review continued.                |

**J. Use of Force Training**

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

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

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| Compliance Rating | Substantial Compliance                                                              |
| Discussion        | None                                                                                |
| Recommendations   | Ongoing review.                                                                     |
| Evidentiary Basis | Use of Force Reports.<br>Training Rosters and curricula reviewed.                   |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE to monitor yearly in-service training completed |

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

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

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| Compliance Rating | Substantial Compliance                                                    |
| Discussion        | None                                                                      |
| Recommendations   | Ongoing review                                                            |
| Evidentiary Basis | Use of Force Reports.<br>Training Rosters and curricula reviewed.         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE to monitor yearly in-service training |

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

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

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| Compliance Rating | Substantial Compliance                                                                                                                                              |
| Discussion        | None                                                                                                                                                                |
| Recommendations   | None                                                                                                                                                                |
| Evidentiary Basis | Use of Force Reports.<br>IAO Reports.<br>Supervisor Reports.<br>Citizen Complaints.<br>Interviews with Chief Larrabee and IAO Naccarato.<br>Policies 201, 208, 407. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                |

**A. Reporting Misconduct**

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| 128. EHPD shall require that all officers and employees report apparent misconduct by another EHPD officer or employee to a supervisor or directly to the IAO for review and investigation. Where apparent misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to the IAO. Failure to report or document apparent misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment. The default discipline for a failure to report criminal behavior shall be termination. |                                                                                                                                                                    |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Substantial Compliance                                                                                                                                             |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | None                                                                                                                                                               |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | None                                                                                                                                                               |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Use of Force Reports.<br>IAO Reports.<br>Supervisor Reports.<br>Citizen Complaints.<br>Interviews with Chief Larrabee and IAO Naccarato.<br>Policies 201, 208, 407 |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>Questions/Next Steps:</u><br>JCE to monitor reports                                                                                                             |

**B. Complaint Information**

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

130. The Town and EHPD shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including EHPD headquarters, EHPD and Town websites, Town Hall, and the public library. Individuals shall be

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| 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. JCE will continue to insure that forms are available and the process is fair and open.                                                                                                                                                                                                                                                                                                                                                                                                              |
| SITE VISIT                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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.

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|-------------------|--------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                                   |
| Discussion        | The JCE will continue to monitor that complaint forms and related materials are available at locations and via officers. |
| Recommendations   | The JCE will continue to check compliance regarding these materials with specific information at specific locations.     |
| Evidentiary Basis | Visual inspection in the EHPD lobby.<br>Ridealongs and interviews with officers and sergeants.                           |
| SITE VISIT        | <u>Questions/Next Steps:</u> None                                                                                        |

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

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

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

|                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                           |
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| 133. Within 180 days of the Effective Date, EHPD shall revise policy and train all officers and supervisors to ensure that all officers properly handle complaint intake, including how to properly provide complaint materials and information; and the consequences for failing to take complaints; and strategies for turning complaints into positive police-civilian interactions. |                                                                                                                                                                                           |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                       | Substantial Compliance                                                                                                                                                                    |
| Discussion                                                                                                                                                                                                                                                                                                                                                                              | There was one (1) legitimate civilian complaint about the process during the 18 months of the Settlement Agreement. The JCE is satisfied that the Chief addressed the complaint properly. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                         | The EHPD must underscore the importance of this paragraph and management should continually closely monitor the complaint process.                                                        |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                       | Policy 208.1 and training.<br>Information from Chief.<br>Review of all citizen complaints.                                                                                                |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                              | <u>Questions/Next Steps:</u><br>JCE will continue to review all citizen complaints on-site and off-site.                                                                                  |

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| 134. The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint, shall be grounds for discipline, up to and including termination. |                                                                                                                                                                                           |
| Compliance Rating                                                                                                                                                                                                                                         | Substantial Compliance                                                                                                                                                                    |
| Discussion                                                                                                                                                                                                                                                | There was one (1) legitimate civilian complaint about the process during the 18 months of the Settlement Agreement. The JCE is satisfied that the Chief addressed the complaint properly. |
| Recommendations                                                                                                                                                                                                                                           | The EHPD must underscore the importance of this paragraph and management should continually closely monitor the complaints process.                                                       |
| Evidentiary Basis                                                                                                                                                                                                                                         | Policy 208.1 and training.<br>Information from Chief.<br>Review of all citizen complaints.                                                                                                |
| SITE VISIT                                                                                                                                                                                                                                                | <u>Questions/Next Steps:</u><br>JCE will continue to review all citizen complaints on-site and off-site.                                                                                  |



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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                              |
| Discussion        | The JCE will continue to carefully track compliance on this paragraph.                                                                                                                              |
| Recommendations   | None                                                                                                                                                                                                |
| Evidentiary Basis | Policy 208.1 and training.<br>Interview and information from Lt. Emerman, Language Access Coordinator and Community Liaison Officer including 18-month report.<br>Review of all citizen complaints. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE will continue to review all citizen complaints on-site and off-site.                                                                                            |

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

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| Compliance Rating | Substantial Compliance                                                                                                    |
| Discussion        | The JCE will continue to track compliance on this paragraph. Policy manual training re this paragraph has been completed. |
| Recommendations   | None                                                                                                                      |
| Evidentiary Basis | Policy 208.1 and training.                                                                                                |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                      |

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

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|-------------------|----------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                               |
| Discussion        | Ongoing compliance check. There have been no occurrences.            |
| Recommendations   | Track all lawsuits against EHPD personnel; Continue to monitor EIS   |
| Evidentiary Basis | Policy 208.1<br>Information from IAO Naccarato.<br>EIS review.       |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Meet with IAO Naccarato; Review EIS. |

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

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

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|-------------------|------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                       |
| Discussion        | Ongoing tracking of all IAO reports.                                         |
| Recommendations   | Continue to monitor EIS                                                      |
| Evidentiary Basis | Policy 208.1<br>Information from IAO Naccarato.<br>IAO reports.              |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Meet with IAO Naccarato; Review IAO reports. |

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.

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| Compliance Rating | Substantial Compliance                                                                          |
| Discussion        | The JCE will continue to track review all IAO reports.                                          |
| Recommendations   | None                                                                                            |
| Evidentiary Basis | Policy 208.1<br>All IAO reports reviewed.                                                       |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue to review all IAO reports and meet with IAO Naccarato. |

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| 140. EHPD shall track, as a separate category of misconduct complaints, allegations of discriminatory policing, along with characteristics of the complainants. EHPD shall ensure that complaints of discriminatory policing are captured and tracked appropriately, even if the complainant does not specifically label the misconduct as such. |                                                                                                                                                                |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                | Substantial Compliance                                                                                                                                         |
| Discussion                                                                                                                                                                                                                                                                                                                                       | Working with EHPD, the JCE will continue to track compliance on this paragraph. There have been no occurrences.                                                |
| Recommendations                                                                                                                                                                                                                                                                                                                                  | None                                                                                                                                                           |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                | Policy 208.1<br>EIS Report and on-site system review.                                                                                                          |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                       | <u>Questions/Next Steps:</u><br>Continue to review all IAO reports and meet with IAO Naccarato.<br>JCE review of all complaints on every quarterly site visit. |

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| 141. Within 180 days of the Effective date, the IAO shall develop and implement a centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the IAO shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the complaint is made. Where a misconduct complaint is received in the field, a supervisor shall obtain the unique numerical identifier and provide this identifier to the complainant. |                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                               |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | In compliance with this Settlement Agreement paragraph, the EHPD Internal Affairs Officer (IAO) has developed a centralized numbering and tracking system that will allow the prompt assignment of a unique numerical identifier to each civilian complaint and insure that complainants are informed of this number at the time the complaint is made. The JCE will continue to track compliance on this paragraph. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The JCE will continue to monitor compliance to ensure that the unique numerical identifier is used for all complaints.                                                                                                                                                                                                                                                                                               |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EHPD compliance report; Policy 208.1<br>Review of all IAO complaints and numbering system.<br>Meetings with IAO Naccarato.                                                                                                                                                                                                                                                                                           |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Questions/Next Steps:</u><br>Continue to meet with IAO Naccarato and review all complaints and numbering system.                                                                                                                                                                                                                                                                                                  |

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| 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. |  |
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| Compliance Rating | Substantial Compliance                                                                                                                   |
| Discussion        | Ongoing review of IAO reports will continue.                                                                                             |
| Recommendations   | The JCE will continue to monitor compliance to ensure that the unique numerical identifier is used for all complaints.                   |
| Evidentiary Basis | EHPD compliance report; Policy 208.1<br>Review of all IAO complaints.<br>Review of IAO numbering system.<br>Meetings with IAO Naccarato. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue to meet with IAO Naccarato and review all complaints and numbering system.                      |

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

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| Compliance Rating | Substantial Compliance                                                                                             |
| Discussion        | Ongoing review of all IAO reports.                                                                                 |
| Recommendations   | Continue to track all IAO reports and supervisor reports.                                                          |
| Evidentiary Basis | Policy 208.1<br>IAO Files, IAO Reports and Supervisor Reports.                                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue carefully tracking and reviewing IAO reports and meet with IAO Naccarato. |

#### **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.

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|-------------------|---------------------------------------------|
| Compliance Rating | Substantial Compliance                      |
| Discussion        | Ongoing review of all IAO reports.          |
| Recommendations   | Continue to track all IAO incident reports. |
| Evidentiary Basis | Policy 208.1<br>IAO Files and Reports.      |

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|            | Meetings with IAO Naccarato.                                                                                                |
| SITE VISIT | <u>Questions/Next Steps:</u><br>Continue carefully tracking and reviewing IAO incident reports and meet with IAO Naccarato. |

145. Where the alleged misconduct is particularly serious or information from an officer or other witness may be necessary to resolve an allegation, the investigator shall conduct an in-person interview of the officer or other witness. Each officer, witness, and complainant shall be interviewed separately. An EHPDAI not involved in the underlying complaint will be used when taking statements or conducting interviews of any LEP complainant or witness.

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| Compliance Rating | Substantial Compliance                                                                                                      |
| Discussion        | Ongoing review of all IAO reports. There have been no occurrences.                                                          |
| Recommendations   | Continue to track all IAO incident reports.                                                                                 |
| Evidentiary Basis | Policy 208.1<br>IAO Files and Reports.<br>Meetings with IAO Naccarato.                                                      |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue carefully tracking and reviewing IAO incident reports and meet with IAO Naccarato. |

146. All officer and civilian witness statements should be documented in their entirety, including any statement that the witness saw or heard nothing. All interviews should be recorded. All recordings shall be stored and maintained in a secure location within IAO.

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|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                                                     |
| Discussion        | Ongoing review of all IAO reports.                                                                                                         |
| Recommendations   | Continue to track all IAO incident reports.                                                                                                |
| Evidentiary Basis | Policy 208.1<br>IAO Files and Reports.<br>Meetings with IAO Naccarato.<br>Recordings.                                                      |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue carefully tracking and reviewing IAO incident reports and recordings and meet with IAO Naccarato. |

147. EHPD shall require officers to cooperate with administrative investigations, including appearing for an interview when requested by an EHPD investigator and providing all requested documents and evidence. Supervisors shall be notified when an officer under their supervision is summoned as part of an administrative investigation and shall facilitate the officer's appearance, absent extraordinary and documented circumstances.

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| Compliance Rating | Substantial Compliance             |
| Discussion        | Ongoing review of all IAO reports. |

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| Recommendations   | Continue to track all IAO incident reports.                                                                                 |
| Evidentiary Basis | Policy 208.1<br>IAO Files and Reports.<br>Meetings with IAO Naccarato.                                                      |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue carefully tracking and reviewing IAO incident reports and meet with IAO Naccarato. |

148. The subject officer shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer, until consultation with the criminal investigative agency (e.g. State Attorney's Office or USAO and approval by the Chief of Police. EHPD, the Town, and the State Attorney's Office shall develop and implement protocols to ensure that the criminal and administrative investigations are kept appropriately separate after a subject officer has provided a compelled statement.

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| Compliance Rating | Substantial Compliance                                                                                      |
| Discussion        | This is law.                                                                                                |
| Recommendations   | None                                                                                                        |
| Evidentiary Basis | Policy 208.1<br>Reviewed all IAO reports/cases.                                                             |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue to review files and cases to ensure law is being closely followed. |

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

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| Compliance Rating | Substantial Compliance                                                        |
| Discussion        | The JCE will track compliance; If issue arises, JCE will investigate further. |
| Recommendations   | None                                                                          |
| Evidentiary Basis | Policy 208.1<br>All IAO reports/cases.                                        |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE will closely monitor.                     |

150. If at any time during complaint intake or investigation the investigator determines that there may have been criminal conduct on the part of any officer or employee, the investigator shall

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

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| Compliance Rating | Substantial Compliance                                                                        |
| Discussion        | The JCE will track compliance on this paragraph.                                              |
| Recommendations   | None                                                                                          |
| Evidentiary Basis | Example of compliance following January 2013 New Haven incident; Policy 208.1<br>IAO reports. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE will continue to review IAO files.                        |

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

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| Compliance Rating | Substantial Compliance                                                                                                                                                                              |
| Discussion        | Need to ensure this continues even after new IAO Officer; JCE recommends a succession plan to ensure these paragraph requirements continue even after Settlement Agreement monitoring is completed. |
| Recommendations   | None                                                                                                                                                                                                |
| Evidentiary Basis | Policy 208.1<br>All IAO reports.                                                                                                                                                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE will continue to review IAO case files and meet with IAO.                                                                                                       |

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

- a) "Unfounded," where the investigation determines, by a preponderance of the evidence, that the
- 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



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| misconduct did occur;<br>c) “Not Sustained,” where the investigation is unable to determine, by a preponderance of the<br>d) evidence, whether the alleged misconduct occurred; or<br>e) “Exonerated,” where the investigation determines, by a preponderance of the evidence, that<br>the<br>alleged conduct did occur but did not violate EHPD policies, procedures, or training. |                                                                                |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                   | Substantial Compliance                                                         |
| Discussion                                                                                                                                                                                                                                                                                                                                                                          | The JCE will track compliance on this paragraph.                               |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                     | None                                                                           |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                   | Policy 208.1<br>IAO files.                                                     |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                          | <u>Questions/Next Steps:</u><br>Ongoing careful review of all IAO cases/files. |

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

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| Compliance Rating | Substantial Compliance                                                             |
| Discussion        | The JCE will track compliance on this paragraph.                                   |
| Recommendations   | None                                                                               |
| Evidentiary Basis | Policy 208.1<br>IAO files and documented implementation of recommendations by IAO. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ongoing careful review of all IAO cases/files.     |

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

|                   |                                                                                                   |
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| Compliance Rating | Substantial Compliance                                                                            |
| Discussion        | Continual review of all complaints. One hundred percent (100%) have been resolved within 60 days. |
| Recommendations   | Keep in close communication between quarterly site visits with IAO.                               |



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| Evidentiary Basis | Policy 208.1<br>All Citizen Complaints.<br>IAO Files. |
| SITE VISIT        | <u>Questions/Next Steps</u> : None                    |

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.

|                   |                                                                                                 |
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| Compliance Rating | Substantial Compliance                                                                          |
| Discussion        | Ongoing careful review of all complaints and IAO investigations.                                |
| Recommendations   | None                                                                                            |
| Evidentiary Basis | Policy 208.1<br>IAO Files and Review of all Citizen Complaints.<br>Meetings with IAO Naccarato. |
| SITE VISIT        | <u>Questions/Next Steps</u> :<br>Continue close communication with IAO on-site and off-site.    |

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

|                   |                                                    |
|-------------------|----------------------------------------------------|
| Compliance Rating | Substantial Compliance                             |
| Discussion        | Ongoing tracking. None reported since last report. |
| Recommendations   | None                                               |
| Evidentiary Basis | Policy 208.1 and Review of all citizen complaints. |
| SITE VISIT        | <u>Questions/Next Steps</u> : None                 |

## E. Discipline

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

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|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                                                        |
| Discussion        | Policy 209.1 is still being revised by Parties                                                                                                |
| Recommendations   | None                                                                                                                                          |
| Evidentiary Basis | Policy 209.1<br>Review of all cases and reports involving discipline for sustained allegations of misconduct.<br>Meetings with Chief and IAO. |

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| SITE VISIT | <u>Questions/Next Steps:</u><br>None |
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158. EHPD, in consultation with the Board of Police Commissioners and the Town, shall create a disciplinary matrix that:

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

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|-------------------|--------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                     |
| Discussion        | Policy 209.1 still being revised by Parties.                                               |
| Recommendations   | None                                                                                       |
| Evidentiary Basis | Policy 209.1                                                                               |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review training roster after policy complete and approved. |

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

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|-------------------|-------------------------------------------------------------|
| Compliance Rating | Partial Compliance                                          |
| Discussion        | Policy 209.1 still being revised by Parties.                |
| Recommendations   | None                                                        |
| Evidentiary Basis | Policy 209.1                                                |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Discuss on next site visit. |

160. EHPD and the Board of Police Commissioners shall develop and establish written policies and procedures to ensure that the Town Attorney provides close guidance to EHPD and the Board at the disciplinary stage to ensure that EHPD's and the Board's disciplinary decisions are as fair and legally defensible as possible.

|            |                    |
|------------|--------------------|
| Compliance | Partial Compliance |
|------------|--------------------|

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| Rating            |                                              |
| Discussion        | Policy 209.1 still being revised by Parties. |
| Recommendations   | None                                         |
| Evidentiary Basis | Policy 209.1                                 |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None         |

## IX. SUPERVISION AND MANAGEMENT

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

### A. Duties of Supervisors

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| 162. EHPD supervisors shall provide, and shall be held accountable for providing, the close and effective supervision necessary to direct and guide officers. Close and effective supervision requires that supervisors: (a) respond to the scene of certain arrests; (b) review each arrest report; (c) respond to the scene of uses of force; (d) investigate each use of force (except those investigated by the IAO); (e) confirm the accuracy and completeness of officers' written reports; (f) respond to each complaint of misconduct; (f) ensure officers are working actively to engage the community and increase public trust and safety; and (g) provide counseling, redirection, support to officers as needed, and are held accountable for performing each of these duties. |                                                                                                                                                                                                                                         |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Substantial Compliance                                                                                                                                                                                                                  |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Although the JCE has witnessed and learned about effective supervision inside the EHPD during the past 15 months and the Policies and Procedures Manual training was completed, this paragraph will continue to be carefully monitored. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                    |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | On-site observations in the EHPD; Discussions about supervisory response to use of force and misconduct cases with Chief Larrabee.<br>Review of Supervisory reports.                                                                    |

|            |                                                                                                         |
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|            | Review of IAO files.                                                                                    |
| SITE VISIT | <u>Questions/Next Steps:</u><br>JCE to continue discussion with Chief Larrabee and on-site observations |

163. On-duty field supervisors shall be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other shifts.

|                   |                                                                                                                                                                              |
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| Compliance Rating | Substantial Compliance                                                                                                                                                       |
| Discussion        | The JCE will continue to carefully track compliance on this paragraph.                                                                                                       |
| Recommendations   | None                                                                                                                                                                         |
| Evidentiary Basis | Policy 215.1<br>On-site interviews with supervisors.<br>On-site interviews with officers.<br>Supervisory Reports.<br>Arrest Reports (sampling).<br>All Use of Force Reports. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                         |

164. Shift commanders shall closely and effectively supervise the officers under their command. All EHPD Commanders and supervisors shall ensure that all supervisors and officers under their command comply with EHPD policy, state and federal law, and the requirements of this Agreement.

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| Compliance Rating | Substantial Compliance                                                                                                                                                       |
| Discussion        | The JCE will continue to carefully track compliance on this paragraph.                                                                                                       |
| Recommendations   | None                                                                                                                                                                         |
| Evidentiary Basis | Policy 215.1<br>On-site interviews with supervisors.<br>On-site interviews with officers.<br>Supervisory Reports.<br>Arrest Reports (sampling).<br>All Use of Force Reports. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                         |

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.

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| Compliance Rating | Substantial Compliance |
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|                   |                                                                                                                                                                                            |
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| Discussion        | The JCE will continue to carefully track compliance on this paragraph                                                                                                                      |
| Recommendations   | None                                                                                                                                                                                       |
| Evidentiary Basis | Policy 215.1<br>On-site interviews with supervisors (Lieutenants).<br>On-site interviews with officers.<br>Supervisory Reports.<br>Arrest Reports (sampling).<br>All Use of Force Reports. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                       |

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

- a) community engagement and communication with the public;
- b) use of community-policing and problem-solving strategies;
- 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.

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Discussion        | The East Haven Board of Police Commissioners and executive board of the collective bargaining group reviewed and approved Policy 215.1. The policy became effective on June 15, 2014 and calls for annual performance evaluations on an employee's anniversary date. Due to the effective date, some performance evaluations for the next 12 months may encompass a full year. Employees have reviewed and signed off on Policy 215.1 via the online Power DMS system as well as received individual and roll call training. Supervisors have also received training on completing the evaluation forms. |
| Recommendations   | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Evidentiary Basis | Policy 215.1<br>Power DMS System Roster.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Review Power DMS on-line curricula.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| 167. Annual performance evaluations shall be based upon work performance completed during the specific rating period. The officer's current direct supervisor shall complete the performance evaluation, but all supervisory personnel who supervised the officer during the rating period should provide written input, which shall be considered by the officer's current supervisor and incorporated into the performance evaluation. |                                                            |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                        | Substantial Compliance                                     |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                               | Training completed.                                        |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                          | None                                                       |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                        | Policy 215.1                                               |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Questions/Next Steps:</u><br>Review random evaluations. |

### B. Early Identification System

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>At the 180-day mark, the EHPD had begun implementing protocols for designing the data fields for an Early Identification System (EIS). At the 365-day mark, the EHPD started using/implementing the EIS to automatically draw information from the Law Enforcement Administrative System (LEAS), the in-house computer reporting system. According to a report by EHPD, the EIS can capture the following fields and thresholds:</p> <ul style="list-style-type: none"> <li>• Any firearm discharge or use.</li> <li>• Taser deployment or use; two (2) within a 60-day period.</li> <li>• Baton or O/C use; two (2) within a 60-day period</li> <li>• Non-compliant handcuffing</li> <li>• Physical use of force: three (3) within a 30-day period</li> <li>• Pursuits; two (2) within a 30-day period</li> <li>• Officers arrests, including interfering with police, obstructing a police officer, resisting arrest, and assault on a police officer; two (2) within a 60-day period</li> <li>• Traffic accidents involving EHPD equipment; three (3) within 12-month period</li> <li>• Civil lawsuits; two (2) within a 12-month period</li> <li>• Excessive absences; eight (8) unscheduled occurrences in any 12-month period</li> </ul> <p>The EIS is fully operational at month 18 and is monitored by the IAO and bi-weekly by the officer's supervisor. IAO and supervisors initiate and</p> |

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|                   | implement any intervention deemed necessary for the officer and document same in writing on the Departmental Review reporting area of LEAS consistent with the EHPD Early Intervention System (EIS) – Policy 207.1. |
| Recommendations   | None                                                                                                                                                                                                                |
| Evidentiary Basis | Policy 207.1; Supplemental Reports on EIS by EHPD IAO Naccarato; JCE on-site review of EIS.                                                                                                                         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Continue on-site review of EIS and any updates/upgrades.                                                                                                                            |

169. Within 180 days of the Effective Date, EHPD shall develop and begin implementing a protocol setting out which fields in EIS shall include historical data; deadlines for inputting data related to current and new information; and the individuals responsible for capturing and inputting data.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Discussion        | In compliance with this Settlement Agreement paragraph, the EHPD implemented protocols for designing the data fields for an Early Identification System (EIS) that captures both historical data and emerging information about all sworn employees, automatically drawing data from the EHPD's Law Enforcement Administrative System (LEAS). The EIS provides a single repository of all relevant information about each sworn employee, both positive and negative. The system has been designed to identify patterns and will establish thresholds in such areas as civilian complaints, uses of force, firearms discharges, vehicle pursuits, excessive absences, and other factors to identify officers who may be at risk for misconduct and in need of supervisory intervention. |
| Recommendations   | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Evidentiary Basis | Policy 207.1<br>Onsite observation of completed EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SITE VISIT        | <u>Questions/Next Steps</u><br>JCE will continue to review EIS on-site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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

- a) comparative data analysis, including peer group, shift and unit analysis, to identify patterns of activity by individual officers and groups of officers;
- b) EHPD commander and supervisor review, on a regular basis, but not less than bi-weekly, of EIS reports regarding each officer under the commander or supervisor's direct command and, at least quarterly, broader, pattern-based reports;
- c) EHPD commanders and supervisors to initiate, implement, and assess the effectiveness of interventions for individual officers, supervisors, and shifts, based on assessment of the



information contained in the EIS;

d) require an array of intervention options to facilitate an effective response to identified problems. Interventions may take the form of counseling or training, or of other supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system;

e) specify that the decision to order an intervention for an employee or group using EIS data shall include peer group analysis, including consideration of the nature of the employee's 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.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Discussion        | In compliance with this Settlement Agreement paragraph, the EHPD implemented protocols for designing the data fields for an Early Identification System (EIS) that captured both historical data and emerging information about all sworn employees, automatically drawing data from the EHPD's Law Enforcement Administrative System (LEAS). The EIS provided a single repository of all relevant information about each sworn employee, both positive and negative. The system has been designed to identify patterns and will establish thresholds in such areas as civilian complaints, uses of force, firearms discharges, vehicle pursuits, excessive absences, and other factors to identify officers who may be at risk for misconduct and in need of supervisory intervention. |
| Recommendations   | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Evidentiary Basis | Policy 207.1<br>Onsite observation of completed EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SITE VISIT        | <u>Questions/Next Steps</u><br>JCE will continue to review EIS on-site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

171. The EIS shall include all relevant information available to EHPD to assess the conduct of each officer, including:

- 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;



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| 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<br>j) any disciplinary or other corrective action taken against the officer. |                                                                                                                                                                                                              |
| Compliance Rating                                                                                                                                                                                                                              | Substantial Compliance                                                                                                                                                                                       |
| Discussion                                                                                                                                                                                                                                     | The EIS includes all information required by this Settlement Agreement paragraph. Additional training data is available on another computer.                                                                 |
| Recommendations                                                                                                                                                                                                                                | Discuss issues with IAO Naccarato                                                                                                                                                                            |
| Evidentiary Basis                                                                                                                                                                                                                              | The JCE reviewed the EIS system on-site.<br>IAO Naccarato's 365-day supplemental report and Policy 207.1<br>IAO Naccarato's 18-month supplemental report.<br>On-site review of EIS and training information. |
| SITE VISIT                                                                                                                                                                                                                                     | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                         |

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| 172. The EIS shall include appropriate identifying information for each involved officer (i.e., name, badge number, shift and supervisor) and civilian.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Substantial Compliance                                                                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                                                                                                          |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The JCE will continue to review EIS for updates.                                                                              |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Policy 207.1, Deputy Chief Lennon's 365-day and 18-month report and IAO Naccarato's 365-day and 18-month supplemental report. |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Questions/Next Steps:</u> None                                                                                             |
| 173. EHPD shall maintain all personally identifiable information about an officer included in the EIS for at least five years following the officer's separation from the agency. Information necessary for aggregate statistical analysis will be maintained indefinitely in the EIS. On an ongoing basis, EHPD will enter information into the EIS in a timely, accurate, and complete manner, and shall maintain the data in a secure and confidential manner. No individual within EHPD shall have access to individually identifiable information that is maintained only within EIS and is about an officer not within that individual's direct command, except as necessary for investigative, technological, or auditing purposes. |                                                                                                                               |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Substantial Compliance                                                                                                        |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                                                                                                          |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The JCE will continue to review EIS for updates.                                                                              |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Policy 207.1, Deputy Chief Lennon's 365-day and 18-month report and IAO Naccarato's 365-day and 18-month supplemental report. |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Questions/Next Steps:</u>                                                                                                  |

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| 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 |  |
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| 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                                                                                                                                                                                                                                                   | Full Compliance                                                                                                                                          |
| Discussion                                                                                                                                                                                                                                                          | None                                                                                                                                                     |
| Recommendations                                                                                                                                                                                                                                                     | The JCE will continue to review EIS for updates.                                                                                                         |
| Evidentiary Basis                                                                                                                                                                                                                                                   | Policy 207.1, Deputy Chief Lennon's 365-day and 18-month report and IAO Naccarato's 365-day and 18-month supplemental report.<br>JCE verified in person. |
| SITE VISIT                                                                                                                                                                                                                                                          | <u>Questions/Next Steps:</u><br>None                                                                                                                     |

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

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| 175. EHPD shall maintain and operate video cameras and AVL in all police vehicles and shall repair or replace all non-functioning video cameras or AVL units. EHPD shall ensure that that recordings are captured, maintained, and reviewed as appropriate by supervisors, in addition to any review for investigatory or audit purposes, to assess the quality and appropriateness of officer interactions, uses of force, and other police activities. |                                                                                                                                                         |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                        | Substantial Compliance                                                                                                                                  |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                               | The JCE will continue to track compliance on this paragraph.                                                                                            |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                          | Since all technology is in-car and tied to computer, if not operating correctly, the car will not start. No need for extra two-week checks and reports. |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                        | Policy 401.1                                                                                                                                            |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>Questions/Next Steps:</u><br>Ask about how often this happens.                                                                                       |

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

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| <p>review into their ongoing evaluation and supervision of officers;</p> <p>f) that EHPD retain and preserve all recordings for at least three years; however if a case is reasonably anticipated to lead to litigation or remains under investigation or litigation longer than three years, EHPD shall retain and preserve the recordings for at least three years after the final disposition of the matter, including appeals; and</p> <p>g) that an officer notify a supervisor immediately when an event was not recorded.</p> |                                                                                                                                                                                    |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Substantial Compliance                                                                                                                                                             |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The policy was completed and went into effect in September 2013. Training was completed in January and February 2014. The JCE will continue to track compliance on this paragraph. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | None                                                                                                                                                                               |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Policy 401.1<br>Training Roster.                                                                                                                                                   |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Questions/Next Steps:</u><br>None                                                                                                                                               |

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| <p>177. Within 90 days of the Effective Date, EHPD shall develop and implement a schedule for testing AVL, in-car recorder, and ECW camera recording equipment to confirm that it is in proper working order. Officers shall be responsible for ensuring that recording equipment assigned to them or their car is functioning properly at the beginning and end of each shift and shall report immediately any improperly functioning equipment.</p> |                                                                                                                             |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                     | Substantial Compliance                                                                                                      |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                            | In compliance with this paragraph. If the in-car technology (computer) is not functioning properly, the car will not start. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                       | None                                                                                                                        |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                     | Policy 401.1                                                                                                                |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Questions/Next Steps:</u><br>None                                                                                        |

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

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| SITE VISIT | <u>Questions/Next Steps:</u><br>Interview supervisors regarding functionality of iPhones. |
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## **X. COMMUNITY ENGAGEMENT AND OVERSIGHT**

179. EHPD shall create robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and increase community confidence in the Department. EHPD shall establish community and problem-oriented policing principles in its policing operations. EHPD shall also engage the public in the reform process through the dissemination of public information on a regular basis. EHPD and the Town shall develop, implement, and maintain systems to ensure comprehensive, effective, and transparent oversight of EHPD that will be sustained after the completion of this Agreement. To achieve these outcomes, EHPD shall implement the requirements below.

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

180. EHPD shall, in all of its policing operations, adopt the professional police practices of community oriented and problem-solving policing, including robust community partnerships, cooperative strategies, and promoting trust in the community.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                    |
| Discussion        | The EHPD has made considerable progress in this area. This paragraph will continue to be monitored by the JCE. The Chief and his leadership team have been visible in the community. The importance of constant community engagement must be underscored. |
| Recommendations   | Chief continues to emphasize the importance of formal and informal community engagement throughout all ranks.                                                                                                                                             |
| Evidentiary Basis | Group and individual meetings with residents, businesses and faith-based members of the community and EHPD.<br>Community Liaison Officer Report.<br>Onsite observation at community meetings.<br>Meetings with community members.                         |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>JCE continue to attend community meetings and interview members of the residential, business and faith-based communities.                                                                                                 |

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

182. EHPD shall make the contact information and duty hours of the Community Liaison Officer public on its website and on any EHPD document generally available to the public. The Community Liaison Officer shall be directly available for public contact during normal business hours. The Community Liaison Officer shall have the following duties:

- 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.

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| Compliance Rating | Substantial Compliance                                                                                                                                                                                                                                   |
| Discussion        | This paragraph was modified from the original Settlement Agreement to clarify where meetings should be held in town to make the meetings more convenient to residents throughout the town. Monthly meetings now take place on alternating sides of town. |
| Recommendations   | Need to develop secession plan for Community Liaison Officer to continue this work.<br>Discuss new ideas for attracting more community members; only approximately 60 total have attended.                                                               |
| Evidentiary Basis | 365-day Supplemental Report and JCE on-site meetings and interviews.<br>18-month Report.<br>On-site meetings with Lt. Emerman.                                                                                                                           |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Work on strategy to attract more community members.                                                                                                                                                                      |

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.

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| Compliance Rating | Substantial 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 Settlement Agreement. These changes support the Department's goals of moving towards a highly competent professional law enforcement agency. On March 11, 2013, the Civil Service Commission implemented the rule changes for the recruitment and hiring of both sworn and non-sworn EHPD employees. These changes include a tiered point system to encourage the recruiting of a more professional and well suited applicant. Although the hiring provisions |

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|                   | <p>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:</p> <ul style="list-style-type: none"> <li>• All local newspapers (both English and Spanish)</li> <li>• Postings on EHPD and Town website</li> <li>• Multiple and frequent announcements on the EHPD's Facebook© and Twitter© pages</li> <li>• Online media advertisements on local news sources such as the East Haven Patch</li> </ul> |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SITE VISIT        | <p><u>Questions/Next Steps:</u></p> <p>Review recruitment plan strategies with EHPD leaders.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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

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| 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. |  |
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| Compliance Rating | Substantial Compliance                                                                                                                                              |
| Discussion        | The JCE is continuing to work with USDOJ and EHPD to track compliance on this paragraph since all training on the new Policy Manual was completed in February 2014. |
| Recommendations   | None                                                                                                                                                                |
| Evidentiary Basis | n/a                                                                                                                                                                 |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Discuss any new ideas regarding transparency and information sharing with EHPD.                                                     |

## XI. AGREEMENT IMPLEMENTATION AND ENFORCEMENT

### A. Role of the Joint Compliance Expert

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                   |
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| 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 O’Toole was just sworn in as Police Chief in Seattle, Washington on June 23, 2014. The US Department of Justice approved the appointment of Rafael Ruiz as the new Joint Compliance Expert in East Haven, Connecticut on August 4, 2014. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | None                                                                                                                                                                                                                                              |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | JCE written reports, regular USDOJ and EHPD phone conference updates and interviews with members of the East Haven community and EHPD.                                                                                                            |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                              |

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| 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 |



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|                   | under the Settlement 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. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                       |

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.

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| Compliance Rating | n/a                                                                                           |
| Discussion        | Completed on-site meeting with Parties to agree upon metrics for measuring future compliance. |
| Recommendations   | None                                                                                          |
| Evidentiary Basis | April 30 meeting at EHPD.<br>JCE Checklist.                                                   |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                          |

### C. Outcome Assessments

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

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

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| Compliance Rating | n/a                                                                                                                                          |
| Discussion        | Completed on-site meeting with Parties to agree upon metrics for measuring future compliance.                                                |
| Recommendations   | None                                                                                                                                         |
| Evidentiary Basis | April 30, 2014 meeting at EHPD.<br>EHPD Reports.<br>JCE 365-day, 18-month Report include qualitative and quantitative measures of all above. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                         |

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.

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| Compliance Rating | Partial Compliance                                                                                                                                                                                                     |
| Discussion        | Researcher Dr. John DeCarlo, formerly of New Haven University and now of John Jay College, was retained to develop, analyze and report back to the JCE, USDOJ and EHPD on a community survey, EHPD survey and detainee |

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|                   | survey. Dr. DeCarlo completed setting up the surveys, but not enough department members or community members took the survey. Similarly, collecting accurate information from detainees about their treatment while being detained became challenging. The original author of the Harvard University Kennedy School of Government community survey instrument that Dr. DeCarlo used to develop the EHPD survey, identified a recent graduate who agreed to complete all three surveys during June and July 2014. Unfortunately, she was offered and took a full time job and was not able to start the project. Another survey firm was asked to submit a proposal, but their schedule precludes them from starting the work until October 2014. The Parties have agreed to hold a separate meeting to discuss other options. |
| Recommendations   | Revamp the process for collecting the survey data, i.e., focus groups and/or individual interviews in the community should be discussed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Evidentiary Basis | EHPD Community Survey, EHPD Survey and the draft Detainee Survey instruments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Discuss new baseline data collection tools with Parties on a specially scheduled conference call.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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

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| 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;<br>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<br>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.                                              |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>Questions/Next Steps:</u><br>None                       |

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| 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,                                                                                                                                                                           |  |

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| <p>indicating which requirements will be assessed together;</p> <p>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</p> <p>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.</p> |                                                                                                                                                                                                           |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | n/a                                                                                                                                                                                                       |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The JCE Plan was submitted to USDOJ and EHPD in July 2013.                                                                                                                                                |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | None                                                                                                                                                                                                      |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The JCE Plan.</p> <p>April 30, 2014 meeting in East Haven with all Parties.</p> <p>June 2014 meeting in East Haven with Parties to discuss revamped reporting to coincide with end of the quarter.</p> |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><u>Questions/Next Steps:</u></p> <p>None</p>                                                                                                                                                           |

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| <p>194. At least 90 days prior to the initiation of any outcome measure assessment or compliance review or audit, the JCE shall submit a proposed methodology for the assessment, review or audit, to the Parties. The Parties shall submit any comments or concerns regarding the proposed methodology to the Joint Compliance Expert within 45 days of the proposed date of the assessment, review or audit. The Joint Compliance Expert shall modify the methodology as necessary to address any concerns or shall inform the Parties in writing of the reasons it is not modifying its methodology as proposed.</p> |                                                                                                                                                                                                |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | n/a                                                                                                                                                                                            |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The proposed methodology was presented in the JCE Plan in July 2013 and approved by the Parties.                                                                                               |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The JCE will work collaboratively with USDOJ and EHPD to track compliance for the Settlement Agreement requirements after policy manual training and policy implementation is fully completed. |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | JCE Plan.                                                                                                                                                                                      |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><u>Questions/Next Steps:</u></p> <p>None</p>                                                                                                                                                |

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

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| <p>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.</p> |  |
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| Compliance Rating | Substantial Compliance                                |
| Discussion        | This has been done.                                   |
| Recommendations   | None.                                                 |
| Evidentiary Basis | Chief has provided regular briefings on case to date. |

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                 |
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| 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 Settlement 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 Settlement Agreement requirements. |
| Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | None                                                                                                                                                                                                                                                                                                                                                            |
| Evidentiary Basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Modified Settlement Agreement and OJP Diagnostic Center materials. Diagnostic Center team Meeting with EHPD in June 2014.                                                                                                                                                                                                                                       |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Questions/Next Steps:</u><br>Discuss next steps with Sgt. Rybaruk.                                                                                                                                                                                                                                                                                           |

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

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

|                   |                                      |
|-------------------|--------------------------------------|
| Rating            |                                      |
| Discussion        | Will occur at the two-year mark.     |
| Recommendations   | None                                 |
| Evidentiary Basis | n/a                                  |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

## 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.

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| Compliance Rating | n/a                                                                                                                                                                                                                           |
| Discussion        | The JCE submitted a timely 180-day and 365-day report which was subsequently filed by the Parties. The JCE now respectfully submits this 18-month 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 <sup>nd</sup> Semi-annual Report.<br>JCE 365-day and 18-month Report.                                                                                                                                                   |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                          |



|                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 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 was filed by the Parties on January 24, 2014. The 18-month report will be filed by the Parties on August 22, 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 with all Parties in person and via telephone and email. |
| Recommendations                                                                                                                                                                                                                 | None                                                                                                                                                                                                                                                                                                                                        |
| Evidentiary Basis                                                                                                                                                                                                               | Phone Meeting Agendas, Scheduled Visits and Meetings to East Haven.                                                                                                                                                                                                                                                                         |
| SITE VISIT                                                                                                                                                                                                                      | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                                                                                                                        |

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

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



|                   |                                                                                                                                                                                                                                        |
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|                   | not made any public statements whatsoever without expressed consent from the 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 | n/a                                                                                                                                                                                                                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                   |

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.

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| 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 Settlement 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.

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| 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                                                                                                           |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                          |

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                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None   |

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                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None   |

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

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

|                   |                                                                                                                                   |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | Substantial Compliance                                                                                                            |
| Discussion        | Deputy Chief Lennon has been and continues to be an exceptionally hard working and effective compliance coordinator for the EHPD. |
| Recommendations   | Deputy Chief Lennon should be commended for his efforts.                                                                          |
| Evidentiary Basis | This compliance report.                                                                                                           |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>Ensure a designated Compliance Coordinator is in place if staffing changes/promotions occur.      |

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

207. The Town shall collect and maintain all data and records necessary to: (a) document implementation of and compliance with this Agreement, including data and records necessary for the Joint Compliance Expert to conduct reliable outcome assessments, compliance reviews, and

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| audits; and (b) perform ongoing quality assurance in each of the areas addressed by this Agreement. |                                                                                                           |
| Compliance Rating                                                                                   | Substantial Compliance                                                                                    |
| Discussion                                                                                          | The Town has collected, maintained and continues to share needed records and data with the JCE and USDOJ. |
| Recommendations                                                                                     | None                                                                                                      |
| Evidentiary Basis                                                                                   | Data provided to JCE and USDOJ.                                                                           |
| SITE VISIT                                                                                          | <u>Questions/Next Steps:</u><br>None                                                                      |

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

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| Compliance Rating | n/a                                                                                                     |
| Discussion        | The Town has provided the JCE with timely status reports at 60-, 90-, 180-, 365-day and 18-month marks. |
| Recommendations   | Additional materials to supplement the reports may be requested for each JCE semi-annual report.        |
| Evidentiary Basis | Summary reports on EHPD website.                                                                        |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                    |

#### **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. |

|                   |                                                                         |
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| Recommendations   | Continue strong lines of communication.                                 |
| Evidentiary Basis | Regularly scheduled and unscheduled conversations and scheduled visits. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                    |

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

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|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance Rating | n/a                                                                                                                                                                                                                                                |
| Discussion        | The Town has ensured complete and open access to the JCE throughout the Settlement 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.                                                                                                                                                                                          |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                                                                                                                                                               |

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.

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|-------------------|--------------------------------------------------------------------------------------------------------|
| 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                                                                                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                   |

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

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| 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.                                 |
| SITE VISIT                                                                                                                                                                                                                                                                                          | <u>Questions/Next Steps:</u><br>None                                                                         |

|                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                             |
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| 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 provided 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.                                                                              |
| Evidentiary Basis                                                                                                                                                                                                                                                                                         | The EHPD policies are currently available electronically on their website and available to all personnel. The hardcopy policy manual is in the process of being reprinted and the EHPD plans to send a hardcopy by August 29, 2014 to the Parties.          |
| SITE VISIT                                                                                                                                                                                                                                                                                                | <u>Questions/Next Steps:</u><br>Confirm Parties have received updated hard copy.                                                                                                                                                                            |

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| 214. The Joint Compliance Expert shall have access to all records and information relating to criminal investigations of EHPD officers as permissible by law. The Joint Compliance Expert shall have access to all documents in criminal investigation files that have been closed by EHPD. The Joint Compliance Expert shall also have reasonable access to all arrest reports, warrants, and warrant applications whether or not contained in open criminal investigation files. Where practicable, arrest reports, warrants, and warrant applications shall be obtained from sources other than open criminal investigation files. |                        |
| Compliance Rating                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Substantial Compliance |
| Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | None                   |

|                   |                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------|
| Recommendations   | None                                                                                                 |
| Evidentiary Basis | The JCE had access to and was properly informed of all status updates for the January 2013 incident. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                                                 |

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

|                                                                                                                                                                                                                                                                                                                                                                                                                      |                                           |
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| 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                                       |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Questions/Next Steps:</u><br>None      |

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| 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.                                                                   |
| SITE VISIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Questions/Next Steps:</u><br>None                                            |

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

|                   |                                      |
|-------------------|--------------------------------------|
| Rating            |                                      |
| Discussion        | n/a Settlement Agreement was reached |
| Recommendations   | n/a                                  |
| Evidentiary Basis | n/a                                  |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

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.

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|-------------------|----------------------------------------|
| Compliance Rating | n/a                                    |
| Discussion        | Overview paragraph (not a requirement) |
| Recommendations   | n/a                                    |
| Evidentiary Basis | n/a                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None   |

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.

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|-------------------|----------------------------------------|
| Compliance Rating | n/a                                    |
| Discussion        | Overview paragraph (not a requirement) |
| Recommendations   | n/a                                    |
| Evidentiary Basis | n/a                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None   |

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.

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|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                                                                               |

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| SITE VISIT | <u>Questions/Next Steps:</u><br>None |
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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                                  |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

#### **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                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None    |

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

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|-------------------|-----------------------------------------|
| Compliance Rating | n/a                                     |
| Discussion        | Overview paragraph (not a requirement). |
| Recommendations   | n/a                                     |
| Evidentiary Basis | n/a                                     |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None    |



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                                    |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None   |

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.

|                   |                                      |
|-------------------|--------------------------------------|
| Compliance Rating | n/a                                  |
| Discussion        | To date, this has not occurred.      |
| Recommendations   | None                                 |
| Evidentiary Basis | n/a                                  |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

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                             |

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| SITE VISIT | Questions/Next Steps:<br>None |
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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 Settlement 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 Settlement Agreement.                                                                                                                |
| SITE VISIT        | Questions/Next Steps:<br>None                                                                                                                     |

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                            |

|                   |                                      |
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| Evidentiary Basis | n/a                                  |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

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-,365-days and 18-month marks. |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None                                   |

### **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                                  |
| SITE VISIT        | <u>Questions/Next Steps:</u><br>None |

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,

|                                                                                                                                                                                                                                            |                                      |
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| 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                                  |
| SITE VISIT                                                                                                                                                                                                                                 | <u>Questions/Next Steps:</u><br>None |