

BACKGROUND

On March 14, 2001, the Commissioner of the Department of Public Safety, in conjunction with the Chief State's Attorney and the President of the Connecticut Police Chiefs Association, approved and adopted a protocol concerning the transfer/surrender of pistols or revolvers by persons who become ineligible to possess such weapons. The protocol was issued to comply with the provisions of Public Act 99-212 (10), which became effective on October 1, 1999. The Public Act mandated the development of a protocol to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with the provisions of C.G.S. § 29-36k, transferred such pistol or revolver to an eligible person or surrendered such weapon to the Public Safety Commissioner. The Public Act addressed a two-fold public policy concern. First, persons who became the subject of a protective/restraining order and, therefore, ineligible to possess pistols and revolvers, were not complying with the transfer/surrender requirements of existing laws. Second, local police departments were not taking the necessary steps to ensure compliance with such laws, including applying for a gun seizure warrant in appropriate cases.

Pursuant to C.G.S. § 46a-13c(3), the Victim Advocate is charged with the responsibility to "[r]eview the procedures established by any state agency or other entity providing services to victims with respect to the constitutional rights of victims." In furtherance of this mandate, the Office of the Victim Advocate (OVA) decided to review the procedures established by the various municipal and other police departments throughout the state concerning the Commissioner of Public Safety's protocol (hereinafter, P.S. protocol)

OVA REQUESTS FOR INFORMATION

On May 2, 2001, OVA mailed letters to 102 municipal and other police departments in the state to ascertain what policies and procedures were being or had been developed by the various police departments to implement the P.S. protocol. As shown in Table 1 below, forty-five departments (44%) responded to OVA's initial letter of request for information.

On June 26, 2001, OVA sent a second, follow-up letter to the fifty-seven departments that did not respond to OVA's initial request. Thirty departments responded to OVA's June 26, 2001 letter.

A combined total of seventy-five police departments responded to OVA's first and second letters of request for information, a 74 per cent response rate.

TABLE 1
Response Rates

Request Letter	Respondents/Letters Sent	%
1 st Letter – May 2, 2001	45/102	44%
2 nd Letter – June 26, 2001	30/57	53%
TOTAL	75/102	74%

PRELIMINARY RESULTS

As indicated below in Table 2, of the seventy-five departments responding to OVA's initial request for information, eight departments (11%) submitted either a copy of the P.S. protocol or a "cut and paste" version of the P.S. protocol with the department's name inserted thereon. Twenty-seven departments (36%) responded by letter addressing the department's compliance with the protocol, but did not submit any formal written policies or procedures. Of those twenty-seven departments, eleven departments stated that the department follows the P.S. protocol while twelve departments described the procedures followed by the department in order to comply with the P.S. protocol. The remaining four departments stated either that the department does not have any policy or procedures regarding the P.S. protocol or that the department was in the process of developing such policy and procedures. Thirty-eight departments (51%) submitted formal written departmental procedures (e.g., general orders) addressing the P.S. protocol while two departments (2%) submitted formal written procedures that did not address the P.S. protocol.

TABLE 2
*Form of Response to OVA's Initial Requests for Policies/Procedures
Regarding P.S. Protocol*

Form of Response	Count	%
P.S. Protocol or Departmental Version	8	11
Letter re Compliance with P.S. Protocol	27	36
Written Procedures (e.g. general orders) w/reference to P.S. Protocol	38	51
Written procedures w/o reference to protocol	2	2
TOTALS	75	100

Of the thirty-eight departments that submitted formal written material addressing the P.S. protocol, twenty submissions (53%) were dated after OVA's request, seven submissions (18%) were undated, and eleven submissions (29%) pre-dated OVA's request. (See, Table 3)

TABLE 3
*Date Formal Written Procedures Referencing P.S.
Protocol Promulgated Relative to OVA Request*

Relative Date	Count
Prior to OVA Request	11
Undated	7
After OVA Request	20
TOTAL	38

POLICIES AND PROCEDURES BEYOND P.S. PROTOCOL

Although Section 10 of P.A. 99-212 (C.G.S. 29-36k) clearly mandates that a protocol be developed "...to ensure that persons who become ineligible to possess a pistol or revolver have...delivered or surrendered such pistol or handgun to [the Commissioner of Public Safety], the P.S. Protocol developed, dated March 14, 2001, does nothing more than restate the statutory steps that must be taken by the Department of Public Safety and instructs local law enforcement agencies to "conduct a follow-up investigation." No guidance is provided in the protocol regarding the procedures for conducting a follow-up investigation. Protocol regarding such follow-up investigation is essential to reasonably protect victim and public safety.

Of the seventy-five departments that responded to OVA's May 2, 2001 and June 26, 2001 letters, eleven departments submitted material that went beyond the P.S. protocol and addressed in some fashion the follow-up investigation that must be conducted when a person who is disqualified from possessing a pistol or revolver has not complied with the transfer/surrender requirements of C.G.S. § 29-36k (See, Table 4). The remaining sixty-four departments submitted material that failed to address such follow-up investigation.

TABLE 4
*Departments Responding to Initial Requests for
Policy/Procedures That Addressed Follow-Up Investigation*

Response Type	Count
Addressed Follow-Up Investigation	11
Failed to Address Follow-Up Investigation	64
TOTAL	75

On August 17, 2001, OVA mailed a third letter to sixty-nine of the seventy-five departments that responded to OVA's initial requests for information.¹ In that letter, OVA requested copies of the department's policies and procedures concerning the follow-up investigation. OVA specifically requested that the material submitted describe the procedures for the follow-up investigation when a person who is disqualified from possessing pistols or revolvers fails to surrender such weapons as required by statute. OVA also requested that the material submitted address the situation where information available to the department indicates that the disqualified person possesses pistols or revolvers and the query to the Department of Public Safety Special Licensing Unit reveals that the person does not have a valid permit to possess such weapons (i.e., the unlicensed handgun owner). Also on that date, OVA sent letters to the twenty-seven departments who still had not responded to OVA's May 2, 2001 and June 26, 2001 letters again requesting copies of the department's procedures regarding the P.S. protocol, including the follow-up investigation. Thus, on August 17, 2001, letters were mailed to a total of ninety-six police departments.

¹ Six departments were not included in this mailing because those departments previously submitted formal written procedures that contained detailed provisions for the follow-up investigation.

As of the date of this report, thirty-nine of the ninety-six departments (40%) have responded in some form to OVA's August 17, 2001, request for copies of follow-up investigation policies and procedures. As set forth in Table 5 below, the departments responded in various forms. Nine departments submitted formal written procedures (e.g., general orders) containing procedures for the follow-up investigation. Seven departments responded by letter setting forth, with varying degrees of specificity, the department's procedures for the investigation. Ten departments responded by submitting material that did not address the follow-up investigation. Two departments responded that the department does not have any procedures in place for this investigation. Eleven departments responded by letter or otherwise indicating that the department was in the process of developing the requested procedures.

TABLE 5
*Form of Response to OVA's Request for Follow-Up
 Investigation Policies/Procedures*

Form of Response	Count
Formal Written Procedures	9
Letter Describing Procedures	7
Submitted Material w/no reference to follow-up investigation	10
No Procedures Currently But Department Developing Procedures	11
No Such Procedures in Effect	2
TOTAL	39

Fourteen of the twenty-seven departments who had not responded to OVA's May 2, 2001 and June 26, 2001 letters responded to OVA's August 17, 2001 letter. Three departments submitted copies of the P.S. protocol. Five departments responded that the requested procedures were under development. Six departments submitted formal written procedures. Of those six departments, four submitted material that addressed the follow-up investigation. Of those four submissions, three were promulgated after OVA's request and one was undated. (See Table 6 for a summary of the relative dates of formal written procedures submitted in response to OVA 5/6/01 & 6/26/01 letters, those submitted in response to OVA's 8/17/01 letter, and the combined totals.) Two of these submissions expressly addressed the unlicensed gun owner situation.

TABLE 6
Relative Date Formal Written Procedures Promulgated

Relative Date	Responded to 5/6/01 & 6/26/01 letters	Responded only to 8/17/2001 letter	TOTALS
After OVA Request	20	3	23 (52%)
Undated	7	2	9 (21%)
Before OVA Request	11	1	12 (27%)
TOTALS	38/75 = 51%	6/27 = 22%	44/102 = 43%

Table 6 demonstrates that 52 per cent of the departments that submitted formal written material in response to OVA's requests developed the material after, and in response to, OVA's request.

Also as of the date of this report, twelve departments have not responded to any of OVA's requests for information (See, Table 7).

TABLE 7
*Departments That Have Not Responded To Any
OVA Request For Information*

Bethel	Bridgeport
East Hampton	East Haven
ECSU	Granby
Mashantucket Indian	Meriden
Naugatuck	SCSU
Stamford	Woodbridge

NOTEWORTHY RESPONSES

The following responses are noteworthy because they reflect changes in policy and procedures made in response to OVA action.

Simsbury Police Department

The Simsbury Police Department initially submitted a letter stating that the department does not have a written policy concerning the P.S. protocol and describing the procedures followed by the department. OVA sent a letter to the department pointing out that the procedures as described did not comply with the P.S. protocol. Specifically, OVA advised the department that the P.S. protocol places the obligation on the department to query the Department of Public Safety for firearm registration data. The department's letter indicated that it was Public Safety's obligation to notify the department, upon receipt of a restraining/protective order, of the subject's permit and firearm registration status. Also, OVA advised the department that the P.S. protocol requires

the department to conduct a follow-up query to Public Safety two business days after the disqualifying event. The procedures as outlined in the department's letter to OVA did not provided for the follow-up query. The department responded by issuing a formal departmental operational protocol that corrected the deficiencies noted by OVA. Finally, in response to OVA's request for follow-up investigation procedures, the department amended the operational protocol to include such procedures.

Groton Long Point & New Milford Police Departments

Groton Long Point and New Milford submitted general orders containing detailed procedures for conducting the follow-up investigation. The orders superseded previously submitted orders that contained no procedures for the follow-up investigation.

New Britain Police Department

New Britain initially submitted a letter describing the department's procedures regarding protective/restraining orders. The procedures as described, however, did not comply with the protocol. The letter made no mention of the steps the P.S. protocol requires departments to take upon notification of a disqualifying event and the time frames within which the steps must be taken. In response to a letter from OVA outlining these deficiencies, the department responded by letter stating that a copy of OVA's letter had been distributed to the personnel responsible for ensuring compliance with the P.S. protocol. The department also promulgated a formal written order. The formal written order did not provide procedures for the follow-up investigation. In response to another letter from OVA, the department responded by letter that officers would obtain arrest warrants and/or search and seizure for non-complying subjects based upon the circumstances of the case.

Other Police Departments

Cheshire submitted a letter that specifically addressed procedures for seizing unregistered handguns, one of the few departments to do so. Enfield initially responded by letter stating that the officers had received instruction on the statute. The department responded to OVA's follow-up investigation request by letter setting forth specific procedures to be followed upon noncompliance. The cities of Groton and Waterford did not respond to OVA's first two requests for information. In response to OVA's third letter, both departments submitted written procedures that contained detailed provisions for conducting the follow-up investigation that were promulgated after OVA's letter.

Attached hereto are samples of follow-up investigation procedures submitted to OVA.

CONCLUSIONS & RECOMMENDATIONS

Fifty-one percent (38/75) of the police departments responding to OVA's initial requests for policies and procedures regarding the P.S. protocol submitted formal written material. The remaining forty-nine per cent (37/75) of the responding police departments failed to submit formal written material. Moreover, of those departments that responded to OVA's request for follow-up investigation policies and procedures, only twenty-three per cent supplied formal written procedures.

These results indicate that a substantial number of departments are operating without formal written policies and procedures regarding the P.S. protocol, particularly in regard to the follow-up investigation. The absence of such policies and procedures raises the concern that police officers will not have the requisite information available to them to properly and thoroughly investigate whether a person who has become ineligible to possess pistols or revolvers has complied with the transfer/surrender requirements of C.G.S. § 29-36k. Moreover, the absence of formal policies and procedures lessens accountability in the event that a department does not properly investigate whether an ineligible person has transferred or surrendered his handguns.

In order to ensure victim safety in an area of law enforcement that has the very real potential for tragic consequences in every case, OVA recommends that a model policy be developed to ensure that police departments take the necessary steps to ensure compliance with the transfer/surrender requirements of C.G.S. § 29-36k. This model policy should not only incorporate the P.S. protocol but also should provide specific procedures for conducting the follow-up investigation. The promulgation of a model policy that includes specific procedures for conducting the follow-up investigation will serve to ensure that victims throughout the state are protected when a person becomes ineligible to possess pistols or revolvers. OVA welcomes the opportunity to work with members of the law enforcement community to develop this model policy.

Finally, more than half of the departments that submitted formal written material in response to OVA's requests for information developed the materials after, and in response to, OVA's request. This result suggests that formal requests made by OVA for policies and procedures will result in criminal justice and other agencies providing services to crime victims promulgating formal written policies and procedures. OVA should, where appropriate, continue to make requests for policies and procedures for two reasons. First, agency promulgation of formal written policies and procedures concerning victim services will serve to ensure that agency members, those who are providing direct services to victims, will have such policies and procedures available to guide them as they service crime victims. Second, the existence of such formal procedures will better enable OVA to monitor and evaluate the services provided to crime victims, respond to complaints from crime victims and to ensure agency compliance with their internal policies and procedures.