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The Office of the Victim Advocate (OVA) was established as an independent state agency to protect and promote the legal rights of crime victims in Connecticut.

Among its many responsibilities, the OVA provides oversight and advocacy when the criminal justice system fails crime victims.

The OVA may receive and review complaints of persons concerning the actions of any state or other entity providing services to crime victims and investigate those where it appears that a victim or family of a victim may be in need of assistance from the Victim Advocate.

The Victim Advocate is authorized by law to file an appearance in any court proceeding for the purpose of advocating for the rights of crime victims.

In addition, the OVA conducts programs of public education, undertakes legislative advocacy and recommends changes in state policies concerning the treatment and protection of crime victims, including changes in the system of providing direct services to victims.

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PREFACE

Pursuant to Section 46a-13c of the Connecticut General Statutes (C.G.S.), the Victim Advocate investigated the circumstances surrounding the death of Jenny McMechen in Plainfield, Connecticut, on December 31, 2001. Jenny died as a result of gunshot wounds while at a friend's house. At the time of her death, Jenny was thirty-six weeks pregnant. On January 2, 2002, Jenny's ex-boyfriend Michael Latour was arrested by the Connecticut State Police and charged with her murder.¹ The purposes of this investigation include: to evaluate the delivery of services to crime victims, like Jenny McMechen, by agencies and other entities that provide or should provide services to crime victims; to review the procedures established by agencies and other entities that provide services to crime victims or should provide services to crime victims; to review complaints of persons concerning the actions or inactions of agencies and other entities that provide services to crime victims; to recommend changes in policies concerning crime victims; and to make proposals for systemic reform. All of these purposes are statutory mandates of the Victim Advocate. See, C.G.S. § 46a-13c.

In conducting its investigation, the Office of the Victim Advocate (OVA) obtained and reviewed records and documents pertinent to this case, including records of the Plainfield Police Department, records of the Connecticut State Police Department, records from the Putnam Superior Court and the Danielson Superior Court, G.A. 11, and records from the Department of Correction. The State's Attorney for the Judicial District of Windham declined to provide the Victim Advocate with copies of documents and records pertaining to Michael Latour.² The Windham State's Attorney did provide certain information concerning Michael Latour in a letter to the Victim Advocate. Also, OVA personnel interviewed relatives and friends of Jenny McMechen.

The names of individuals, with the exception of Jenny McMechen and Michael Latour, have been omitted from this report and have been redacted from the documents included in the Exhibit section. Where necessary to avoid confusion, individuals are identified by a designated letter (e.g., Police Officer A). The OVA notes publicly that it received complete cooperation in its investigation from the Plainfield Police Department, the Connecticut State Police Department, the Judicial Branch and the Department of Correction. As noted above, the Windham State's Attorney declined the Victim Advocate's request for documents and records relating to Michael Latour.

The OVA initially focused its investigation on two issues. First, Jenny reportedly died as a result of gunshot wounds inflicted by a handgun and she had at one time obtained a restraining order against Michael Latour. Accordingly, the OVA sought to determine whether the provisions of Connecticut's gun restriction laws were adequately enforced.³ Specifically, the OVA investigated whether C.G.S. § 29-36k, which renders persons who are the subject of a restraining or protective order ineligible to possess a pistol or revolver and requires them to transfer or surrender such weapons within two business days of becoming subject to the order, was enforced. Second, at the time of Jenny's death, there was an active warrant for Latour's arrest for committing against Jenny the crime of assault in the second degree, a class D felony, in violation of C.G.S. § 53a-60. The assault allegedly occurred on November 16, 2001, Jenny reported the crime to the Plainfield Police Department on November 17, 2001, and the warrant was

not executed until January 2, 2002, after Latour's arrest for Jenny's murder. The OVA investigated the 46-day delay from the date Jenny reported the assault to the Plainfield Police Department to the date that Latour was arrested on the warrant.

As the OVA conducted its investigation, additional issues regarding services provided to Jenny McMechen, or that should have been provided to her, by agencies or other entities that provide services to crime victims were identified and investigated. Viewed in its entirety, the results of the OVA's investigation into the death of Jenny McMechen reveal that a number of actions could have and should have been taken by various agencies that either provided services to Jenny or should have provided services to her. Furthermore, the OVA's investigation revealed that, had such actions been taken, Michael Latour may very well have been incarcerated well before the date he allegedly murdered Jenny thereby better protecting Jenny and her unborn child.⁴

Of course, the ultimate responsibility for Jenny McMechen's murder lies with the perpetrator. The death of Jenny McMechen, however, has highlighted the need for agencies and entities that provide services to crime victims, particularly those professionals in our justice and public safety systems, to implement new safeguards and/or improve existing safeguards in order to prevent this kind of tragedy from occurring again.

The OVA fully recognizes that, in many cases, perhaps especially in domestic violence cases, what seems self-evident in retrospect may not always be so clear prior to tragedy. In this case, however, there existed many clear signs of impending danger leading up to the death of Jenny McMechen and, thus, law enforcement and criminal justice professionals could have and should have taken action to better protect Jenny based upon that information. Numerous opportunities were presented to various members of law enforcement to apprehend Michael Latour and to charge him with serious crimes long before the night of December 31, 2001. The sheer number of arrests, coupled with the fact that Latour continued to be arrested for committing crimes while his prior arrests were still pending in the court system, along with knowledge of his prior criminal history, should have set off red flags to the judges and prosecutors that Latour was a very dangerous person and that victim and public safety required that he be subject to strong penal sanctions for his criminal conduct. Such actions, had they been taken, could have served to better protect Jenny McMechen and her unborn child.

EXECUTIVE SUMMARY

The OVA's investigation into the death of Jenny McMechen revealed that a number of individuals who had professional contact with Jenny McMechen could have, and should have, done more to protect Jenny McMechen. These failures, summarized below and detailed more fully in the body of this report, demonstrate that a major problem for victims of domestic violence concerns the failure of law enforcement officials to enforce laws that are currently on the books to enhance victim safety, and the failure of justice officials and others in the justice system to respond appropriately to situations that clearly represent serious danger to victims of domestic violence. These failures further illustrate the critical need for comprehensive reforms in our criminal justice system and in the delivery of services to victims of domestic violence and threatened domestic violence.

Michael Latour's Criminal History

Prior to Jenny McMechen's murder, Michael Latour had an extensive criminal history that was known to many in the local law enforcement and criminal justice communities. Latour's criminal record, which is detailed more fully in the body of this report, clearly demonstrated a strong propensity toward violence and, in particular, violence toward women.

In 1993, Latour was arrested and subsequently convicted for biting, beating and repeatedly stabbing his then-girlfriend with a kitchen knife. For this crime, Latour was sentenced to fifteen years in prison, execution suspended, and five years probation. Just one month after being placed on probation, Latour was charged with violating his probation. One year later, the court revoked Latour's probation and sentenced him to serve eight years in prison.

Michael Latour was released from prison in December 2000, after serving approximately seven of his eight-year sentence. He and Jenny McMechen met shortly thereafter and began their relationship.

Between his release from prison in December 2000 and the murder of Jenny McMechen on December 31, 2001, Michael Latour established a clear pattern of escalating criminal activity that resulted in Latour being arrested five times (see Table 1, p. 23). Latour appeared in court on four of the five arrests prior to Jenny's murder. Although none of the arrests were for crimes committed against Jenny McMechen, the sheer number and nature of the arrests during this short time period, coupled with the fact that Latour continued to be arrested for committing crimes while his prior arrests were still pending in the court system, along with knowledge of his prior criminal history, should have set off red flags to the judges and the prosecutors that Michael Latour was a very dangerous person and that victim and public safety required that Latour be subject to strong penal sanctions for his criminal conduct. Tragically, this did not happen. Instead, the justice system appeared to have treated each arrest and each case as an isolated event without any apparent consideration given to the factors set forth above.

The justice system's failure to act throughout this time period is exemplified by the disposition on November 15, 2001, of the assault charge that occurred in January 2001 at a pick-up basketball game. Between the date that the crime was committed and the disposition of the case, a ten-month time period, Latour was arrested three additional times and Latour committed the assault—an unprovoked attack on a participant at the basketball game—just one month after his release from prison. Yet, despite all of the criminal activity allegedly engaged in by Latour since committing the assault, Latour was allowed to enter a no contest plea and the judge sentenced him to one year in prison, execution suspended, and two years of probation. Clearly, in view of the circumstances, both the judge and the prosecutor should have required that any plea agreement contain a substantial period of incarceration. That did not occur here and Latour allegedly assaulted Jenny with scissors the very next day. It is readily apparent that the sanction imposed, i.e., probation, did little if anything to deter Latour from committing further crimes and, coupled with Latour's ability to avoid any real consequences for the other arrests committed after his release from prison, may have served to foster a belief in Latour that he was above the law.⁵

The fact that Latour could escape any serious consequences for his lawlessness is particularly shocking given the fact that the same judge handled the dispositions of each of the four criminal cases and issued the restraining order on Jenny's behalf against Latour and dismissed the order when Jenny failed to appear at the hearing on the order. While it may be claimed that the judge did not recall his prior contacts with Latour on November 15, 2001, information regarding Latour's criminal history should have been available to the judge in the form of a criminal history and a pre-sentence report. The material received from the Judicial Branch concerning the case, however, does not contain a copy of Latour's criminal history. Furthermore, the court accepted Latour's no contest plea and sentenced him that same date without the benefit of a pre-sentence report and the transcript of the proceedings contains no discussion by anyone regarding Latour's prior criminal history. It is possible that the assistant state's attorney had a copy of Latour's criminal history in the state's files. If so, clearly the prosecutor should have brought that information to the judge's attention and should not have agreed to a disposition that called for Latour to only receive probation. Unfortunately, because the Windham State's Attorney declined to provide the Victim Advocate with copies of her files pertaining to Michael Latour, it cannot be determined what information the prosecutor possessed at the time of Latour's plea and sentence on November 15, 2001. In any event, given that the same judge handled so many aspects of Latour's involvement with the judicial system, if anyone in the judicial system should have realized the danger that Latour presented to society, it was this judge. This judge was in a position on November 15, 2001, to have Latour incarcerated. That did not happen and Latour continued on with his criminal ways until his arrest for Jenny's murder.

Law enforcement officials knew of Latour's past criminal history, his escalating criminal activity since being released from prison, and some even had information that Latour was involved in drug dealing and that, despite being a convicted felon, he possessed a firearm. Law enforcement and criminal justice professionals took insufficient action in response to this information. Such actions, had they been taken, could have served to better protect Jenny McMechen and her unborn child.

To address this problem, the OVA makes the recommendation to both the Judicial Branch and the State's Attorneys that policies and procedures, if they do not already exist, be implemented to ensure that prosecutors and judges have up-to-date information regarding all charges filed against a defendant as he stands before the court, including the defendant's prior criminal history, information regarding recent arrests, the issuance of protective or restraining orders and the defendant's compliance with the gun transfer/surrender requirements of C.G.S. § 29-36k

Jenny's May 28, 2001 Report to the Police

As early as May 2001, the Connecticut State Police Department and the Plainfield Police Department had the opportunity to investigate, and possibly arrest, Michael Latour for committing serious domestic violence crimes, including attempted murder, against Jenny McMechen. On May 28, 2001, Jenny McMechen reported to a state trooper assigned to the Troop D barracks that a few hours earlier Latour, after repeatedly threatening to murder her, attempted to strangle her in the parking lot of a bank in Moosup. Also, Jenny reported to the same state trooper that three weeks earlier Latour punched her in the face giving her a black eye and that he restrained her against her will on a number of occasions. Jenny told the trooper that she may be pregnant with Latour's child and did not wish to be with him because of an abusive relationship.

The state police, with statewide jurisdiction, could have and should have pursued the investigation of the allegations of criminal behavior by Michael Latour reported by Jenny McMechen on May 28th. They did not. Although a state trooper contacted Latour in an apparent attempt to interview him regarding the allegations and other troopers located the vehicle driven by Latour, the investigating trooper did not continue his investigation after Latour refused the trooper's request to speak with the trooper at the state police barracks. Instead, the trooper hand-delivered a four-page written statement obtained from Jenny McMechen to the Plainfield Police Department.⁶ The trooper closed his case and there is no documented follow-up by the trooper, or by anyone else in the state police department, with the Plainfield Police Department concerning the status of that department's investigation of the matter. Furthermore, there is no record that the state trooper made any attempt to refer Jenny to a domestic violence agency for counseling and other support services that Jenny clearly needed.

After Jenny told a Plainfield police officer that she did not want to press charges against Latour because she feared that he would retaliate against her, the investigating officer effectively closed the case by writing in his report that he would contact the State Attorney's Office to see if that agency wished to prosecute Latour. There is no record that the State's Attorney's Office was ever contacted and the Plainfield Police Department's investigation of Jenny's May 28th written statement remained "open and active" as of the date of her death on December 31, 2001.

Jenny reportedly did not wish to press charges against Latour because she feared retaliation in the form of greater physical abuse or death at the hands of Latour. However, according to state law, law enforcement's decision whether to arrest Latour,

and certainly the decision whether to investigate Jenny's allegations, should not have been influenced by Jenny's stated desire to not press charges. Indeed, Connecticut has a mandatory arrest policy for domestic violence crimes and the decision to arrest and charge an individual with a family violence crime "shall not be dependent upon the specific consent of the victim." See, C.G.S. § 46b-38b (a). Jenny's stated desire to not press charges against Latour for fear of retaliation, while understandable in view of the circumstances, could not lawfully form the basis for law enforcement's decision to not arrest Latour. Indeed, Jenny's stated fears mandated that law enforcement promptly and thoroughly investigate the matter and, if probable cause existed, arrest Latour and charge him appropriately for any crimes committed by him against Jenny McMechen.

As discussed more fully in the body of this report, the combined investigation by the Connecticut State Police and the Plainfield Police Department of Jenny's May 28th allegations that Michael Latour had committed serious domestic violence crimes against her was grossly deficient and flawed. It was a criminal investigation, however, and the criminal law enforcement ramifications of the deficiencies and flaws, as well as any reasons for the deficiencies and flaws, are matters properly addressed by criminal law enforcement authorities. Accordingly, one of the recommendations made in this report is that the Commissioner of Public Safety and the Chief of the Plainfield Police Department deliver to the State's Attorney for the Judicial District of Windham all material in their respective departments' possession related to Jenny's May 28th written statement. The OVA is requesting that the Windham State's Attorney undertake a full and complete investigation of the allegations contained in Jenny's May 28th statement and, upon completion of the investigation, determine whether Michael Latour should be prosecuted for his acts as alleged by Jenny in her May 28th statement. Also, the OVA is requesting that the Windham State's Attorney, upon completion of her investigation, and in collaboration with the Office of the Chief State's Attorney, the Department of Public Safety and the Connecticut Police Chiefs Association, make appropriate recommendations and take such action(s) directed at avoiding such failures in the future.

It must be noted that if a proper and thorough investigation had been conducted by law enforcement regarding Jenny's May 28th statement, probable cause may have been developed to charge Michael Latour with serious domestic violence crimes, such as attempted murder, that, in all likelihood, would have resulted in Latour's incarceration pending such prosecution. This conclusion is supported by Latour's prior criminal history, that includes a first-degree assault conviction for assaulting a former girlfriend, and the fact that the acts alleged by Jenny in her May 28th statement reportedly occurred a mere five months after Latour was released from prison after serving seven years of an eight-year sentence for violating his probation on the first-degree assault conviction.

As noted above, there is no documentation that anyone in the state police department followed up on the status of the investigation by the Plainfield Police Department of Jenny's May 28th report of serious domestic violence. This failure is significant because members of the state police department subsequently came in contact with Latour on at least two occasions prior to Jenny's murder, including once when he was arrested for an unrelated breach-of-peace charge. These occasions

provided the state police department with the opportunity to re-open its investigation of Jenny's May 28th report in light of the Plainfield Police Department's failure to properly investigate the matter. This did not happen and, as of this writing, Latour has not been charged with these serious domestic violence crimes.

The OVA has made a number of recommendations to address the problems identified with respect to Jenny's May 28th statement. As noted above, the OVA recommends that the Windham State's Attorney investigate the allegations contained in Jenny's May 28th statement to determine whether Michael Latour should be prosecuted based upon the allegations contained in Jenny's statement. Also, the OVA recommends that, upon the completion of her investigation the Windham State's Attorney, in cooperation with others, make appropriate recommendations and take such action to ensure state-wide that such deficient and flawed investigations do not occur in the future. Further, the OVA recommends that the Commissioner of Public Safety implement procedures ensuring that the state police retain jurisdiction over case investigations that present a heightened risk of danger to the victims or the public and that, where investigations are referred to local law enforcement agencies, that the state police monitor the status of those investigations to ensure that the local law enforcement agencies follows through on its investigation. Additionally, the OVA recommends that each police department in the state develop policies and procedures, if not already in place, to provide for the periodic review of open cases.

Jenny's Application for a Restraining Order

In September 2001, Jenny applied for and received an *ex parte* restraining order directed at Michael Latour. In her sworn, written affidavit in support of her application, Jenny stated that Latour had struck her and threatened her in the past and that "I . . . haven't been able to leave." Despite her statement that she was unable to leave Latour, the same superior court judge that issued the *ex parte* restraining order dismissed the order when neither Jenny nor Latour appeared at the hearing scheduled on Jenny's application. There is no record that anyone from the Judicial Branch or other entity made any effort to contact Jenny to determine if her nonappearance was voluntary or a result of Latour's actions. Jenny reportedly did not appear for the hearing because Latour kept her locked in a bathroom to prevent her from attending the hearing.

Upon being served with the *ex parte* order, Michael Latour was required to transfer or surrender any handguns in his possession within two business days. See, C.G.S. § 29-36k. Pursuant to a protocol adopted by the Commissioner of Public Safety and others on March 14, 2001,⁷ the law enforcement agency(ies) with jurisdiction over Michael Latour were required to take certain steps to ensure Latour's compliance with the transfer/surrender requirements of C.G.S. § 29-36k. Both Connecticut State Police Troop D and the Plainfield Police Department had jurisdiction over Michael Latour. Records and documents reveal that Troop D was served with a copy of the order; no records were received by the OVA to indicate that the Plainfield Police Department received a copy of the order. Neither department followed the protocol and, thus, no attempt was made to remove a firearm from a convicted felon, Michael Latour, who at the time was demonstrating a strong propensity towards committing crimes of violence against others, particularly women.

To address the problems identified with respect to the restraining order, the OVA makes the following recommendations: (1) that the Judicial Branch provide that every applicant for a restraining order meet with a domestic violence advocate at the time the application is made and that, if the applicant fails to show for the hearing on the order, the advocate contact the applicant to determine if the applicant's nonappearance was voluntary or the result of conduct by the subject of the order and to report that information to the court before the court dismissed the application based upon the applicant's nonappearance; (2) that for each *ex parte* restraining order issued in the state that the Judicial Branch transmit to the Department of Public Safety Special Licensing and Firearms Unit a copy of each application for the order as well as a copy of the affidavit in support of the application; and (3) that the Judicial Branch require court clerks to indicate on the face of each restraining and protective order which law enforcement agency or agencies were sent a copy of the order along with the date of the mailing.

Jenny's November 17, 2001 Complaint to the Police and Events Thereafter

On November 17, 2001, Jenny reported to a Plainfield police officer that Latour had assaulted her on the prior evening by placing a belt around her neck and lifting her off of a bed by the belt and then slashing her across her stomach three times with scissors. Jenny reported that she was pregnant with Latour's child at the time. Latour had been placed on probation one day before the assault reportedly occurred and Latour's acts of slashing Jenny's stomach could have constituted a violation of his probation. There is no record that the Plainfield Police Department took any steps to alert Latour's probation officer about Jenny's complaint and that an arrest warrant would be sought for Latour's arrest. If the Plainfield Police Department had done so, Latour's probation may have been revoked and, consequently, Latour may have been sentenced to a period of incarceration thereby ensuring Jenny's immediate safety.

Two days after Jenny reported the November 16, 2001 assault, she reported to the same officer that investigated her assault complaint that Latour had smashed the windshield of her automobile and forced her to accompany him to a football game in Foxboro, Massachusetts and to spend the night with him (See transcript of this telephone conversation, Exhibit 21). Latour's acts of forcing Jenny across state lines could have supported state and federal kidnapping charges. The Plainfield officer told Jenny to contact the state police because the events occurred outside of his jurisdiction. He stressed to Jenny the need to tell the state police, for her safety and the safety of her unborn child, that Latour had forced her to go across state lines. Significantly, the officer told Jenny that the police department had information that Latour possessed a gun.

As the Plainfield officer spoke with Jenny on the telephone about her problems with Latour, he urged Jenny to come forward with information the officer believed Jenny possessed that, according to the officer, would enable law enforcement to put Latour in prison for a long time. The officer told Jenny that his department was willing to help her with her problems with Latour but that it was up to her to take steps to initiate that process. Jenny, however, had already sought help with her problems with Latour when,

on November 17, 2001, she reported to that same police officer that Latour had committed felony assault against her. That information was all that was necessary for the Plainfield police officer to act swiftly to apprehend Latour and charge him with a serious felony, a crime that should have resulted in a very high bond being set upon his arrest and the revocation of his probation. Both events would have resulted in Latour's incarceration and would have ensured Jenny's safety for as long as Latour remained incarcerated.

The Plainfield officer, after learning from Jenny that Latour had forced her to accompany him to Foxboro, waited another four days before he prepared the arrest warrant application for the November 16th assault. The information obtained from Jenny—information that the officer realized demonstrated the gravity of Jenny's situation—inexplicably had no demonstrable effect on the officer with respect to the arrest warrant application. The Plainfield police officer literally had the keys to locking up Latour in his possession. The officer's failure to act to expedite the arrest warrant application, coupled with his statements to Jenny placing the burden on her to act to protect herself, is unconscionable.

The most troubling aspect of this telephone call is that it appears, based upon the exchange had between Jenny and the police officer, that while Jenny was attempting to reach out to the Plainfield Police Department for help and assistance regarding her problems with Michael Latour, the Plainfield Police Department may have essentially been using Jenny as a pawn to catch Latour for, in the department's perception, a bigger crime—i.e., drug dealing. This possibility is made clear from the following dialogue between Jenny and the police officer:

Officer: "So are you going to go to the State Police and make a complaint?"

Jenny: "Well, I didn't know if I should call you guys because you guys know what's going on. You know what I mean? And I just got home today. So I called you when I got home."

* * *

Officer: "The thing is you've got to pursue this stuff because, otherwise, he's going to hurt you. I'm telling you."

Jenny: "I know he is."

Officer: "And the thing is if you make a complaint against him, you're going to make sure it's good so he's going to get locked up."

Jenny: "All right."

Officer: "I mean if you just make little complaints and he goes to court and they just extend his probation, and let him back, you could be in trouble."

* * *

Officer: "The thing is, talking to your mother last night, I get the impression that you know plenty of what's going on with him but you're afraid to say anything."

Jenny: "Because he's a terrible person."

Officer: "Well, it's like I'm telling you. The thing is you gotta get him put in jail."

Jenny: "I know."

Officer: "If you've got something that can put him in jail, you ought to come forward with it."

* * *

Officer: "Well, the thing is, he's going to hurt you. You know? There's no doubt about it. I mean he tried killing his other girlfriend."

Jenny: "I know."

Officer: "And now we know he has a gun. That we know. He's been seen with it." You know, the thing is you have to wake up and you gotta do what you have to do."

Jenny: "I know."

Officer: "Otherwise, you going to end up being the loser on this. And you're not doing nothing."

Jenny: "I know."

Officer: "You know? You're the one that's gonna have to pay."

Jenny: "I know."

Officer: "I mean his pushing you around all the time isn't good for the baby."

Jenny: "I know."

Officer: "It could cause you to miscarriage."

Jenny: "I know."

Officer: "It could cause the baby to have a birth defect."

Jenny: "I know."

* * *

Officer: "Well, the thing is, you know, we're trying to help you. But—it's like I'm telling you. You got to want to help yourself."

Jenny: "I know."

Officer: "You gotta come forward with what you know so that we can put him away."

Jenny: "I know." (Interruption in taping)

Officer: Well, the thing is your mother led me to believe last night that you know stuff that could get him in real trouble, but the thing is you're afraid to do it."

Jenny: "I don't know. He just fights a lot."

Officer: "Well, you know, it's like I say. I can't make the decision for you. You know, if you want help, we're willing to help you—"

Jenny: "Yes."

Officer: "—the best we can. But it's like I say. With him, if he finds out you made a complaint against him, he's going to go—"

Jenny: "That's why—"

Officer: "—berserk."

* * *

Officer: "...he's going to hurt both you and the baby."

Jenny: "Yes."

Officer: "I mean he's got no conscience. He's out of control."

Jenny: "Mm-hmm. So I should call the state police then?"
Officer: "Yes. You should go down there and, you know, file a complaint against him that he held you against your will, all evening, all night. He took you out of state."
Jenny: "All right."
Officer: "You know? You gotta do something. You can't let him get away with it. Because that's why he does it; because he's getting away with it."
Jenny: "I know. That's why finally I'm coming forward with everything, because he's just—I can't take it no more."
Officer: "Well, that's what you have to do. Otherwise, you know, you're going to be the one that pays the price."
Jenny: "In a grave somewhere."
Officer: "You know? That's the thing. He tried doing it to his other girlfriend. He might be successful with you, especially if he's got a gun."
Jenny: "I know."
Officer: "Well, give it some thought. If you decide you want to come see us or tell us what you know, we're here. We're willing to help you."
Jenny: "All right. Thank you very much."
Officer: "Okay. Have a good evening."

(See, Exhibit 21 for the transcription of the complete telephone conversation).

This telephone conversation occurred just two days after Jenny reported to the same officer that Latour had assaulted her with scissors. Jenny called to speak with the officer because he was fully aware of the problems she was experiencing with Michael Latour. Instead of responding appropriately to Jenny's needs by taking every action possible to expedite the arrest of Latour for assaulting Jenny, the officer responded by withholding any assistance and conditioned law enforcement assistance with Jenny's problems with Latour upon Jenny providing additional information about Michael Latour to the police department.

The above colloquy strongly suggests that the Plainfield police officer was attempting to offer the assistance Jenny desperately needed in exchange for her coming forward with information regarding Latour's drug dealing. The serious nature of the domestic violence Jenny was enduring is self evident and it is beyond cavil that the information that Jenny had already provided to the Plainfield Police Department should have prompted an immediate and swift response by that department to Jenny's needs by arresting Michael Latour for second-degree assault. The Plainfield Police Department should not have held out to Jenny the promise of assistance on the condition that Jenny place herself at greater risk of harm from Latour, if that was possible, by informing on Latour concerning Latour's alleged drug activities.

This nefarious motive may provide an explanation for the otherwise inexplicable delays that occurred throughout the arrest warrant process, such as the investigating officer's failure to prepare and sign the arrest warrant application until twelve days after Jenny reported the assault; the investigating officer's failure to arrest Latour when they met face-to-face on December 7, 2001; and the token efforts by the Plainfield Police Department to apprehend Latour once the warrant was issued. Any attempt to justify

the department's decision to delay the arrest of Michael Latour for serious domestic violence crimes in order possibly to arrest him for drug offenses cannot be countenanced.

Additionally, it is clear that, by November 19, 2001, at the latest, Jenny was in need of both protection services and services that are available to victims of domestic violence through domestic violence agencies. The Plainfield police officer made no mention to Jenny during their telephone conversation that day of the availability of such services.

Although Jenny did file a complaint with the state police on November 19, 2001, as she was advised to do by the Plainfield police officer, in her written statement she did not expressly state that Latour had forced her across state lines. It appears, though, that the trooper that investigated her complaint may have known about the alleged abduction. The trooper obtained a written statement from Michael Latour. In that statement, Latour claimed that Jenny willingly accompanied him to Foxboro. Also, in a memorandum prepared by the Plainfield officer that investigated Jenny's November 17th assault complaint, the officer wrote that he spoke with the investigating trooper and the trooper said that Jenny had filed a complaint regarding both the windshield damage and Latour forcing her to go to Foxboro. The Plainfield officer wrote further that the trooper told him that he believed Latour and did not believe Jenny and, as a result, he would not pursue the matter.

The trooper's investigative report of Jenny's complaint, however, fails to document any investigation whatsoever by the trooper of the abduction allegation. The trooper suspended his investigation of Jenny's complaint, not because he believed Latour and disbelieved Jenny, but because there were insufficient leads to determine whether Latour was responsible for damaging the windshield. If the trooper was aware of the abduction information, as it appears certain he was, he should have conducted a thorough investigation that was documented in his investigative report. If the trooper was unaware of the abduction information, the Plainfield police officer should have alerted the trooper to that information during the telephone conversation and impressed upon the trooper the need to fully and vigorously investigate Jenny's report that Latour had abducted her and brought her across state lines. In any event, Latour was never charged with any crimes based upon Jenny's report that Latour had forced her to accompany him to Foxboro and to spend the night with him.

To address the problems identified by the OVA in this area, the OVA's recommendations include: that each police department in the state review its policies and procedures to ensure that information regarding criminal activity is made available to the police department with jurisdiction over the criminal activity; and that the Judicial Branch modify the arrest warrant application form to provide a place for the applicant to indicate whether the subject of the application is on probation or other form of supervised release with procedures implemented to provide that that information is made available to the agency or entity supervising the applicant.

Possession of a Firearm by a Convicted Felon is a Felony

As a convicted felon, Latour could not lawfully possess firearms and his possession of a firearm, including a handgun, would subject him to prosecution for criminal possession of a firearm, a felony. Although the Plainfield Police Department reportedly possessed information in November 2001 that Latour possessed a gun and sold drugs, there is no documented investigation by that department concerning that information. In view of Latour's criminal history and the obvious danger that Latour posed to Jenny McMechen at this time, the Plainfield Police Department should have conducted a thorough investigation and, if probable cause existed, Latour could have been arrested and charged with felonies. Action on this information alone could have served to protect the victim, Jenny McMechen, and her unborn child.

To address this problem, the OVA makes the recommendation that each police department in the state develop and implement policies and procedures, if not already in place, to ensure that a documented investigation is conducted whenever information is received that a person unlawfully possesses a firearm.

Delays in the Arrest Warrant Process

A total of forty-six days elapsed between the date Jenny McMechen reported to the Plainfield Police Department that Michael Latour assaulted her with scissors, a felony, and the date that the warrant was served on Latour (see Table 2, p. 24). Thirty days elapsed between the date Jenny reported the crime to the Plainfield Police Department and the date that the judge signed the arrest warrant. Considering that no additional investigation occurred after Jenny reported the crime, a delay of this length in a case involving serious domestic violence is clearly unreasonable. An additional sixteen days elapsed from the date the judge signed the warrant to the date the warrant was served on Latour.

The officer that investigated the November 16, 2001 assault on Jenny waited six days to prepare the application for the arrest warrant for Latour and the warrant application sat in a sergeant's box for an additional six days before the officer and the sergeant signed the arrest warrant application. The State's Attorney's Office received the warrant application on the following day and an assistant state's attorney signed the warrant application eleven days later. Another six days elapsed before a judge signed the warrant. In view of the investigating officer's knowledge of Latour's criminal history, Latour's propensity for violence against women, that Latour possessed a gun and that the safety of Jenny and her unborn child were at stake, the investigating officer should have taken every step possible, including delivering the warrant by hand to the sergeant, the prosecutor and the judge, to expedite the warrant application process. Unfortunately, this did not occur.

On December 7, 2001, and before a prosecutor signed the arrest warrant application and a judge signed the arrest warrant, the investigating officer personally met with Michael Latour. The officer had the authority to arrest Latour for the November 16th incident without a warrant for felony assault and did not do so. As set forth above, in view of the officer's knowledge about Michael Latour and the need to take whatever steps were necessary to protect Jenny McMechen and her unborn child, the officer should have immediately arrested Latour. Upon his arraignment, Latour undoubtedly

would have been held on a substantial bond, thereby ensuring Jenny's safety. Latour's incarceration may have prompted a renewed investigation of the crimes reported by Jenny McMechen in her May 28th written statement and should have resulted in the probation department taking action to revoke Latour's probation.

Although a judge signed the arrest warrant for Michael Latour on December 17, 2001, inexplicably the first and only documented attempt by law enforcement to execute the warrant was not made until December 24, 2001. Moreover, between December 24 and December 31, 2001, the Plainfield Police Department made three token efforts to execute the warrant. The third and final attempt to execute the assault warrant took place during the early morning hours of December 30, 2001, the day before Jenny's death, when Latour eluded capture by fleeing on foot after a Plainfield police officer saw him driving an automobile. Surely by this point in time, the Plainfield Police Department should have obtained assistance from the Connecticut State Police Department, including the aviation and canine units and Major Case Squad, and other law enforcement agencies to mount an intensive search for Michael Latour—a dangerous fleeing felon. Also, Jenny McMechen should have been taken into protective custody until Latour's apprehension. That did not happen here with tragic consequences.

A key recommendation made by the OVA in this report is directed at the delay in the arrest warrant process and calls for the state legislature to commission a formal study of Connecticut's arrest warrant system to determine the state of the arrest warrant system in Connecticut and, in particular, to determine whether the delay that occurred in this case is an anomaly or evidence of a systemic problem affecting both victim and public safety. Also, the OVA's recommendations include that each police department in the state review its policies and procedures governing: (1) the execution of arrest warrants to ensure that such warrants are promptly executed; and (2) warrantless felony arrests.

In conclusion, it cannot be emphasized strongly enough that the ultimate responsibility for the death of Jenny McMechen lies with the perpetrator. The above summary highlights, however, what is set forth in the body of this report—that is, that almost every agency and person who had professional involvement with Jenny McMechen concerning her problems with Michael Latour could have, and should have, done more to protect Jenny McMechen.

RELEVANT BACKGROUND

Jenny McMechen reported to various agencies that provide services to crime victims that she was the victim of threatening and abusive conduct by her ex-boyfriend Michael Latour. Jenny took some steps to address the situation. As outlined below, and as detailed more fully in the body of this report, certain agencies and persons who had professional involvement in Jenny's problems could have, and should have, done more to protect Jenny McMechen. This tragedy highlights critical systemic problems in the protection of domestic violence victims and, specifically, in the handling of this case by the Plainfield Police Department primarily, and also by the Connecticut State Police Department, the Windham State's Attorney's Office and the Judicial Branch.

Prior to Jenny McMechen's murder, Michael Latour had an extensive criminal history that demonstrated a propensity toward violence and, in particular, violence toward women. The events detailed immediately below are incidents that did not involve Jenny McMechen as victim.

- In August 1993, then sixteen-year-old Michael Latour was arrested by the Plainfield Police Department for biting, beating and repeatedly stabbing with a kitchen knife his then-girlfriend. In August 1994, Latour was convicted, upon his guilty plea, of assault in the first degree and was sentenced to fifteen years in prison, execution suspended, and five years probation.
- In September 1994, approximately one month after he was placed on probation, Latour was charged with violating his probation. In August 1995, Latour pled guilty to the violation of probation charge. He was sentenced to serve eight years in jail and his probation was revoked.
- Latour was released from prison in December 2000, after serving approximately seven years of his eight-year sentence.
- On January 17, 2001, a complainant reported to the Connecticut State Police Troop D that Latour, in an unprovoked attack, punched the complainant in the face while at a pick-up basketball game.
- On January 28, 2001, Latour was arrested by the Plainfield Police Department and charged with evading responsibility, operating without a license and traveling too fast after an automobile he allegedly operated struck a parked automobile on January 18, 2001. On March 30, 2001, those charges were nolle.
- On March 28, 2001, Latour was arrested by the Plainfield Police Department for driving while intoxicated, operating without a license and other traffic infractions. On August 27, 2001, Latour's application for the Alcohol Education Program was granted.⁸

- On April 27, 2001, Connecticut State Police Department Troop D arrested Latour for assault in the second degree for the incident that occurred at a basketball game on January 17, 2001. On November 15, 2001, Latour pled guilty to assault in the third degree and was sentenced to one year in jail, execution suspended, and two years probation.
- On May 26, 2001, the Plainfield Police Department arrested Latour for breach of peace, criminal mischief in the third degree and resisting arrest. The charges stemmed from a complaint by a female patron at a bar that on that date Latour had spat in and also struck her in the face. On August 14, 2001, Latour was fined \$50.00 on the resisting arrest charge and the remaining charges were nulled.
- On December 11, 2001, Connecticut State Police Department Troop D arrested Latour for breach of peace for an incident that occurred at a gas station on November 9, 2001. The complainant, a female attendant at the station, alleged that, after Latour became involved in a verbal dispute with a customer, Latour cursed at the attendant and then spat in the attendant's face. This charge was pending as of the date of this report.

The following events involved Jenny McMechen as the victim of Latour's alleged criminal acts. In May of 2001, Jenny made her first documented effort to reach out to the criminal justice system for help with her abusive relationship with Latour.

Jenny's May 28, 2001 Report to the State Police

- On May 28, 2001, Jenny McMechen reported to a state trooper that, during a confrontation with Michael Latour at a nightclub a few hours earlier, Latour pushed her up against a wall, spat in her face and said that he was going to murder her that night. Latour then forced her into an automobile with two other individuals. As they drove, Latour repeatedly threatened to murder Jenny and he attempted to strangle her in a parking lot in Moosup. Also, Jenny reported to the trooper that approximately three weeks earlier Latour had struck her in the face with his hand, causing a black eye that remained black and blue for two and one-half weeks, and that he had kicked her in the legs. Additionally, Jenny reported that Latour had restrained her against her will on many occasions. Jenny told the trooper that she might be pregnant with Latour's child (Exhibits 7, 8).
- The trooper attempted to locate Latour without success. Other troopers located the automobile driven by Latour. On the morning of May 28, 2001, the trooper spoke with Latour on the telephone. Latour declined the trooper's invitation to speak with the trooper at the state police barracks (Exhibit 7).
- Despite having jurisdiction to do so, the trooper did not conduct any further investigation of the allegations of serious domestic violence crimes, including

attempted murder, committed by Michael Latour contained in Jenny's written statement. Instead, on May 28, 2001, the trooper hand-delivered Jenny's written statement to the Plainfield Police Department where a police officer made a copy of the statement. Records and documents reveal that the trooper told the Plainfield police officer that subsequently investigated the matter for that department that Jenny did not want to press charges against Latour because she feared that Latour would retaliate and cause her greater harm or kill her and that Jenny told the trooper that she wanted these events to be known in the event of her death (Exhibits 27, 28).

- There is no record that the investigating trooper, or any member of the state police department, subsequently contacted the Plainfield Police Department to determine the status of that department's investigation of Jenny's May 28th report. This failure is significant because other state troopers subsequently came in contact with Latour on at least two occasions, including once when Latour was arrested and taken into custody on an unrelated charge (Exhibits 18, 37). The state police department had the opportunity on each of those occasions to determine the status of the Plainfield Police Department's investigation of Jenny's May 28th written statement. If that had occurred, the state police would have learned that the Plainfield Police Department's investigation had not been completed, as it should have been, thereby permitting the state police to re-open its investigation of the case.
- A Plainfield police officer that interviewed Jenny McMechen on May 28, 2001, reported that she did not want to press charges against Latour because she was afraid of him. In his report, the Plainfield police officer in charge of the investigation wrote that it appeared that Latour had committed several domestic violence crimes against Jenny. Also, the officer wrote in his report that, because the victim had no known marks, was uncooperative, and was fearful that Latour would retaliate, the officer would contact the State's Attorney's Office to find out if that office wished to pursue criminal charges against Latour for his actions on May 27, 2001 (Exhibit 28).⁹
- There is no record that the Plainfield Police Department conducted any further investigation of the allegations contained in Jenny's May 28th written statement, such as: attempting to interview Michael Latour; interviewing the individuals identified by Jenny in her statement as having accompanied her and Latour as they drove from the nightclub to the bank parking lot, having heard Latour threaten to murder her and that may have witnessed Latour attempt to strangle Jenny in the parking lot; interviewing the friend from whose home Jenny called the state police; canvassing the nightclub to locate potential witnesses; and identifying and interviewing the nightclub patron that fought with Latour (and was arrested by the Plainfield Police Department) during Latour's confrontation with Jenny at the nightclub.
- No reports, documents or information were received from the Plainfield Police Department or the State's Attorney's Office concerning whether the

investigating officer, or any other officer, ever contacted the State's Attorney's Office and, if so, the response from that office.

- The Plainfield Police Department's investigation of Jenny's May 28th statement remained an "open and active" investigation as of the date of her murder on December 31, 2001 (Exhibit 28).

Jenny's Application for a Restraining Order

- On September 6, 2001, Jenny McMechen applied for and received an *ex parte* restraining order directed at Michael Latour on behalf of herself and her parents (Exhibits 10, 11, 12). On September 7, 2001, a state marshal served copies of this restraining order on Latour and Connecticut State Police Troop D (Exhibit 13). In her sworn, written affidavit in support of the order, Jenny stated that on several occasions Latour had struck her and threatened her while she was carrying their child and that he had threatened her parents. Also, Jenny stated, "I have had several bruises and marks all over my body, and haven't been able to leave" (Exhibit 11).
- On September 17, 2001, the same Superior Court judge that signed the *ex parte* restraining order vacated the order and dismissed the application because neither Jenny nor Latour appeared for the scheduled hearing regarding the restraining order (Exhibit 15).
- There is no record that court personnel made any effort to contact Jenny concerning her failure to appear at the scheduled hearing. Jenny reportedly did not appear at the hearing because Latour kept her locked in a bathroom that day to prevent her from attending the hearing.
- Neither the Connecticut State Police Troop D nor the Plainfield Police Department followed the public safety protocol to determine whether Latour complied with the statutory requirement that he transfer or surrender any handguns in his possession, whether possessed lawfully or unlawfully, within two business days of becoming subject to the *ex parte* order. Troop D received a copy of the order; no records were received to indicate that the Plainfield Police Department received a copy of the order.

Jenny's November 17, 2001 Complaint to the Plainfield Police Department and Events Thereafter

- On the evening of November 17, 2001, Jenny McMechen reported to a Plainfield police officer that Latour had assaulted her on the previous night. Jenny reported that, after she refused Latour's request to use her automobile, Latour placed a belt around her neck, lifted her up off of the bed and then pushed her around the room. Jenny told the officer that Latour said that the baby she was carrying was not his and that he then proceeded to slash her stomach in three places with a pair of scissors (Exhibit 31).

Latour's acts of slashing Jenny with scissors, a "dangerous instrument" pursuant to C.G.S. § 53a-3 (7), constituted assault in the second degree in violation of C.G.S. § 53a-60 (a)(2), a class D felony.

- As Jenny McMechen spoke with the Plainfield police on November 17, 2001, she spoke with a second officer regarding illegal drug activity by Latour and Latour's possession of a gun. The officer told Jenny that he had heard that Latour sold cocaine and Jenny said that that was true. The officer asked Jenny if she had ever seen Latour with a gun because, according to the officer, Latour was rumored to carry a handgun. Jenny stated that she had never seen the handgun but she had heard that Latour had buried it somewhere (Exhibit 42).
- On November 15, 2001, just two days before Jenny reported the assault to the police, Latour appeared in a superior court and pleaded no contest to an unrelated third-degree assault charge. On that same date, the court sentenced Latour to one year in jail, execution suspended, and two years probation (Exhibit 30). Thus, Latour was on probation at the time he allegedly assaulted Jenny.¹⁰
- On November 19, 2001, Jenny told the Plainfield police officer investigating her November 17th complaint that on the previous night (November 18, 2001) she was at a friend's house in Hopeville when Latour arrived, damaged the windshield of her automobile, and then forced her to go with him to a football game in Foxboro, Massachusetts, and forced her to spend the night with him (Exhibits 21, 22). The officer warned Jenny that Latour had a gun and of the danger that Latour posed to her and her unborn child (Exhibit 21).
- The officer told Jenny to contact the State Police at Troop E because the incident happened in Hopeville. On November 19, 2001, Jenny did so and told a state trooper that Latour had damaged her windshield and that, while doing so, said that he was going to kill her before the day was over and that she was going to go with him, not her parents. Also, Jenny advised the trooper that Latour had previously assaulted her and that she had filed a complaint with the Plainfield Police Department. Jenny provided the trooper with the name of the Plainfield police officer investigating that complaint (Exhibits 18, 19).
- On November 23, 2001, the Plainfield police officer investigating Jenny's complaint relating to the November 16th incident prepared his report and an application for a warrant for Latour's arrest (Exhibit 31). The officer placed the report and warrant application in a sergeant's box for review (Exhibit 22).
- On November 25, 2001, the trooper investigating Jenny's November 19th complaint personally interviewed Latour. Latour claimed that Jenny had damaged the windshield herself and that she voluntarily accompanied him to

Foxboro. After twice interviewing a witness, who did not see who damaged the windshield, the trooper suspended his investigation pending further evidence/leads. The trooper's report did not contain any reference to, or detail any investigation of, Jenny's complaint that Latour had forced her to accompany him to an out-of-state location (Exhibit 18).

- During this time period, the trooper investigating Jenny's November 19th complaint reportedly spoke with the Plainfield officer investigating the November 16th incident. The Plainfield officer reportedly told the trooper that Latour was violent and advised the trooper about the nature and circumstances of the assault and that he would be applying for a warrant for Latour's arrest for the November 16th incident (Exhibit 22). The trooper reportedly told the Plainfield officer that Jenny had reported to the state police that Latour had forced her to accompany him to Foxboro and forced her to spend the night with him (Exhibit 22).
- On November 29, 2001, the Plainfield police officer investigating the November 16th incident and a sergeant signed the arrest warrant application (Exhibit 34).
- On November 30, 2001, the Windham State's Attorney's Office received the arrest warrant application from the Plainfield Police Department (Exhibits 38, 51).
- On December 7, 2001, Latour called the Plainfield Police Department and asked to speak to the officer investigating the November 16th incident. On that same day, the investigating officer met with Latour outside of a premises in Moosup. The officer did not arrest Latour pursuant to his statutory authority to make a warrantless arrest for a felony. Instead, the officer spoke with Latour and permitted Latour to claim that Jenny had falsely accused him of the assault. The officer advised Latour that he had applied for a warrant for Latour's arrest and told Latour to stay away from Jenny until the matter was resolved. Latour told the officer that he would stay away from Jenny (Exhibits 22, 35). As previously noted, Latour was on probation at the time and his acts of slashing Jenny's stomach with scissors constituted a violation of his probation.
- On December 11, 2001, an assistant state's attorney signed the arrest warrant application and an information charging Latour with assault in the second degree relating to the November 16th incident (Exhibit 34, 36).
- Also on December 11, 2001, a state trooper assigned to Troop D served an arrest warrant on Latour for a breach of peace committed by Latour at a Killingly gas station on November 9, 2001. Latour posted the \$2,500 bond set in the warrant and he was released from custody (Exhibit 37).

- On December 17, 2001, a Superior Court judge signed the arrest warrant for the November 16th incident (Exhibit 36). The State's Attorney's Office returned the signed warrant to the Plainfield Police Department on December 20, 2001 (Exhibits 38, 51).
- No documented attempt was made to execute the warrant until the morning of December 24, 2001, and after the arrest warrant was entered into the COLLECT System (Exhibit 39). On that morning, two Plainfield police officers arrived at Latour's residence to attempt to execute the warrant. They did not find Latour there and left three minutes after they arrived (Exhibit 40).
- On Friday December 28, 2001, the Plainfield officer investigating the November 16th incident spoke on the telephone with Latour's attorney regarding the arrest warrant. The officer told the attorney that he should surrender Latour the first thing in the morning so Latour could be presented in court that same day. The attorney said that the earliest he could do so was on the following Wednesday, January 2, 2002 (Exhibits 22, 41).
- On or about December 28, 2001, an off-duty Plainfield police officer reportedly heard a "fire call" at Latour's residence. The officer, who knew about the warrant for Latour's arrest, did not go to Latour's residence. Instead, the officer spoke with a fire fighter who was present at the fire call. The fire fighter reportedly told the officer that Latour was not at the scene (Exhibit 42).
- Shortly after midnight on December 30, 2001, a Plainfield police officer that knew of the arrest warrant and of Latour's efforts to avoid apprehension reportedly saw Latour driving an automobile in Moosup (Exhibit 43). After Latour drove into a parking lot and parked behind a building, he got out of the vehicle and ran. The officer began to chase Latour but stopped because he forgot to bring his flashlight with him, his portable radio was not working and because he had left his police car unlocked with the keys in the ignition and the engine running (Exhibit 43).
- After Latour avoided apprehension on December 30th, the officer and another Plainfield police officer reportedly searched the surrounding area, but they could not locate Latour (Exhibit 43). The officer did not seek assistance from other law enforcement agencies, such as the Connecticut State Police Department's aviation and canine units or Major Case Squad,¹¹ to assist in the effort to apprehend Latour, a dangerous fleeing felon, or make arrangements to place Jenny in protective custody.¹²
- On the night of December 31, 2001, Jenny McMechen died with her unborn child after being shot twice at a friend's home in Plainfield.

- On January 1, 2002, a state police detective prepared an arrest warrant application for Michael Latour for the murder of Jenny McMechen (Exhibit 44). On that same date, an assistant state's attorney signed the warrant application (Exhibit 44) and an information charging Latour with Jenny's murder (Exhibit 45) and a superior court judge signed the arrest warrant (Exhibit 45).
- On January 2, 2002, state troopers, aided by state police canine units, served the arrest warrant relating to Jenny's murder on Latour and placed him under arrest (Exhibit 45). On that same date, a Plainfield police officer served the assault warrant on Latour while Latour was being held at a state police barracks (Exhibit 46).

Table 1
Chronology of Events: Michael Latour

DATE	EVENT
8/25/93	Latour arrested for assault 1 st degree of former girlfriend.
8/19/94	Latour pleads guilty to assault 1 st degree; sentenced to 15 years in prison, execution suspended, and 5 years probation.
9/13/94	Latour charged with violating probation.
8/2/95	Latour admits to violating probation; probation revoked and Latour sentenced to serve 8 years in prison.
12/2000	Latour released from prison & meets Jenny McMechen.
1/17/01	Complainant reports that Latour punched him in the face at basketball game.
1/28/01	Latour arrested for evading responsibility, operating w/o a license & other traffic infractions for incident occurring on January 18, 2001.
3/28/01	Latour arrested for driving while intoxicated, operating w/o a license & other traffic infractions.
3/30/01	Evading responsibility and other charges from 1/28/01 arrest nulled.
3/30/01	Plainfield P.D. investigates report of smashed automobile windows; time of report: 11:33 p.m.; Latour named as suspect.
3/31/01	Plainfield P.D. investigates report of damage to an automobile door; Latour named as suspect.
4/27/01	Latour arrested for assault 2 nd for incident at basketball game on 1/17/01.
5/26/01	Plainfield P.D. arrests Latour for breach of peace, criminal mischief 3 rd degree & resisting arrest for altercation at nightclub.
5/28/01	Jenny McMechen reports to state trooper that Latour repeatedly threatened to murder her and attempted to strangle her a few hours earlier & that he hit and kicked her three weeks earlier & restrained her against her will numerous times.
8/14/01	Latour fined \$50.00 on resisting arrest charge from 5/26/01 incident at nightclub; remaining charges nulled.
8/27/01	Latour's application for Alcohol Education Program granted re 3/28/01 DUI arrest.
9/6/01	Jenny obtains <i>ex parte</i> restraining order against Latour.
9/17/01	Neither Jenny nor Latour appear at hearing scheduled on restraining order & court dismisses the order.
11/9/01	Female cashier at gas station reports that Latour cursed at her and spat in her face several times.
11/15/01	Latour pleads no contest to assault 3 rd for 1/17/01 incident at basketball game; sentenced to 1 year in prison, execution suspended, 2 years probation.
11/16/01	Latour allegedly places belt around Jenny's neck, lifts her up from bed using belt and slashes her stomach three times with scissors.
11/17/01	Jenny reports 11/16/01 assault to Plainfield P.D.
11/19/01	Jenny reports to officer investigating assault complaint that on 11/18/01 Latour smashed windshield of her automobile and forced her to go with him to Foxboro, MA; Jenny files complaint with State Police.
12/11/01	State police arrest Latour for breach of peace for 11/9/01 incident.
12/31/01	Jenny murdered.
1/2/02	State police arrest Latour for Jenny's murder; Plainfield P.D. serves warrant on Latour for 11/16/01 assault.

Table 2

Forty-Six day period between date Jenny reports assault and Latour's arrest on the warrant

Date	Events re: Warrant Application	Other Events
11/17/01 (Saturday)	Jenny reports the 11/16/01 assault to a Plainfield police officer.	
11/19/01 (Monday)		Jenny reports to a Plainfield police officer that on 11/18/01 Latour smashed her automobile's windshield and forced her go to Foxboro with him; Jenny referred to State Police Troop E. Complaint filed with Troop E on 11/19/01 and a state trooper interviews Jenny that day. Jenny alerts trooper to prior complaint against Latour for assault filed with Plainfield Police Department and names investigating officer (the officer investigating the 11/16/01 assault)
11/23/01 (Friday)	Plainfield officer investigating assault prepares police report and arrest warrant application for Latour & places them in a sergeant's box for review. (6 days after Jenny reports assault)	
11/25/01 (Sunday)		Trooper investigating windshield damage interviews Latour in person.
11/29/01 (Thursday)	Investigating officer & sergeant sign arrest warrant application. (12 days after Jenny reports assault)	
11/30/01 (Friday)	State's Attorney's Office receives arrest warrant application from Plainfield Police Department (13 days after Jenny reports assault)	
12/07/01 (Friday)	(20 days after Jenny reports assault)	Investigating officer meets face-to-face with Latour but does not arrest Latour pursuant to statutory authority to make felony arrest without a warrant.
12/11/01 (Tuesday)	An assistant state's attorney signs arrest warrant application & information charging Latour with assault 2 nd , a class D felony. (24 days after Jenny reports assault & 11 days after State's Attorney's Office receives warrant application)	A state trooper executes arrest warrant for Latour for an unrelated breach of peace charge & takes Latour into custody. Latour posts \$2,500 bond and is released.

Date	Events re: Warrant Application	Other Events
12/17/01 (Monday)	A Superior Court judge signs arrest warrant. (30 days after Jenny reports assault & 6 days after prosecutor signs warrant application)	
12/20/01 (Thursday)	Signed arrest warrant returned to Plainfield Police Department by State's Attorney's Office. (33 days after Jenny reports assault & 20 days after State's Attorney's Office received warrant application)	
12/24/01 (Monday)	Arrest warrant entered into COLLECT System. (37 days after Jenny reports assault)	First attempt made to execute warrant. Two Plainfield police officers go to Latour's residence, do not find him and leave three minutes later.
12/28/01 (Friday)	(41 days after Jenny reports assault)	Investigating officer speaks with Latour's attorney re Latour's surrender.
On or about 12/28/01		Off-duty Plainfield officer hears fire call at Latour's residence speaks with firefighter at scene and is told that Latour is not there. No further action.
12/30/01 (Sunday)	(43 days after Jenny reports assault)	Plainfield officer sees Latour operating motor vehicle. When Latour flees on foot, officer stops foot pursuit after short distance.
12/31/01 (Monday)	Jenny is murdered	
01/02/02 (Wednesday)	Arrest warrant for assault executed on Latour at state police barracks where Latour held after his arrest for Jenny's murder. (46 days after Jenny reports assault)	

SUMMARY OF FINDINGS

Based upon the OVA's investigation of the facts and circumstances surrounding the death of Jenny McMechen, the following findings have been made regarding the services that were provided or should have been provided to Jenny McMechen.

- Jenny McMechen reportedly was the victim of threatening and extreme abusive conduct by Michael Latour. Latour, a convicted felon, had been released from prison in December 2000 after serving approximately seven years of an eight-year sentence for violating the terms and conditions of his probation on a first-degree assault conviction. In 1993, Plainfield police officers arrested the then sixteen-year-old Latour for biting, beating and stabbing multiple times with a kitchen knife his then girlfriend. In August 1994, Latour was convicted, upon his guilty plea, of assault in the first degree in violation of C.G.S. § 53a-59 (a)(3). A superior court judge sentenced Latour to fifteen years in jail, execution suspended, and five years probation. One month after being placed on probation, Latour was charged with violating probation. In August 1995, Latour admitted to the violation of probation charge and the court sentenced him to eight years in jail and revoked his probation.
- Between his release from prison in December 2000 and the murder of Jenny McMechen on December 31, 2001, a short one year period, Michael Latour established a record of escalating criminal activity that involved serious assault charges; serious motor vehicle charges, including DUI and evading responsibility; resisting arrest; and a variety of other criminal offenses, some committed against women. None of these charges involved Jenny McMechen as the victim.
- In December 2000, after Latour's release from prison, Latour met Jenny McMechen and their relationship began. Shortly thereafter, Latour reportedly began to physically abuse Jenny. The abuse continued despite the fact that Jenny became pregnant, reportedly with Latour's child.
- Jenny McMechen took several steps to address the situation. Every agency and almost every person who had professional involvement with Jenny McMechen and her problems with Michael Latour could have, and should have, done more to protect her.
- The state police have statewide jurisdiction (see, C.G.S. § 29-7) and should have fully investigated the allegations in Jenny's May 28th statement that Latour attempted to strangle her on the night of May 27, 2001, that he struck her in the face three weeks earlier and that he restrained her against her will on prior occasions. The state police did not do so and, instead, the state police closed its investigation of the matter after a state trooper hand

delivered a copy of Jenny's May 28th statement to the Plainfield Police Department.

- State troopers came in direct contact with Latour on at least two occasions subsequent to the May 27, 2001 incident and could have pursued an investigation of the allegations contained in Jenny's May 28th statement at that time. There is no documentation that anyone from the state police department ever contacted the Plainfield Police Department to determine the status of that department's investigation of Jenny's May 28th statement.
- The Plainfield Police Department's investigation of the allegations contained in Jenny's May 28th statement was grossly deficient and flawed because the investigating officer failed to follow obvious investigative leads to obtain information to corroborate Jenny's allegations.
- The investigating officer failed to interview the two individuals that, according to Jenny's written statement, accompanied Latour and her as they drove from the nightclub to the bank parking lot, heard Latour threaten to murder her and who may have witnessed Latour attempt to strangle her. In her written statement, Jenny provided the first and last names of one of those individuals (J.B.) and the first name of the other individual (D.) (Exhibit 8). J.B.'s name and address appears in the police reports prepared by the Plainfield Police Department in connection with Latour's arrest on January 28, 2001, for evading responsibility. The Plainfield police officer that investigated Jenny's May 28th statement also participated in the investigation of the evading responsibility incident (Exhibit 49).
- Also, the investigating officer failed to canvass the nightclub where the incident began for witnesses or to attempt to locate, through police department records or other means, the individual that, according to Jenny's statement, was arrested by the Plainfield Police Department on the night of May 27, 2001 for fighting with Latour at the nightclub (Exhibit 8)
- Further, the investigating officer failed to interview any persons that may have been present at the house from where Jenny called the state police. That person or persons may have been able to provide information regarding, among other things, Jenny's physical appearance upon her arrival at the house to corroborate Jenny's report that Latour had attempted to strangle her.
- Finally, although Jenny reportedly did not wish to press charges against Latour because she feared retaliation in the form of greater physical abuse or death at the hands of Latour, law enforcement's decision whether to arrest Latour, and certainly the decision whether to investigate Jenny's allegations, should not have been influenced by Jenny's stated desire to not press charges. Indeed, Connecticut has a mandatory arrest policy for domestic violence crimes and the decision to arrest and charge an individual

with a family violence crime “shall not be dependent upon the specific consent of the victim.” See, C.G.S. § 46b-38b (a). Jenny’s stated desire to not press charges against Latour for fear of retaliation could not lawfully form the basis for law enforcement’s decision to not arrest Latour. Indeed, Jenny’s stated fears mandated that law enforcement promptly and thoroughly investigate the matter and, if probable cause existed, arrest Latour and charge him appropriately for any crimes committed by him against Jenny McMechen.

- The Plainfield Police Department was well aware of Latour’s criminal history and should have recognized that Latour presented a grave risk that he would carry out his threats to kill Jenny. Indeed, the Plainfield police officer that investigated Jenny’s November 17th complaint warned her that Latour would continue his violence against her with fatal consequences possible. The Plainfield Police Department should have taken all steps necessary to develop probable cause to arrest Latour when the opportunity presented itself.
- In her application for an *ex parte* restraining order, Jenny McMechen stated that Latour had struck her and threatened her while pregnant with his child. Significantly, she alleged that Latour restrained her from leaving. When Jenny did not appear for the hearing on the application, no one from the Judicial Branch or other agency or entity that provides services to domestic violence victims attempted to contact Jenny to determine the reasons for her non-appearance. Jenny reportedly did not appear at the hearing because Latour kept her locked in a bathroom that day to prevent her from attending the hearing.
- Despite his criminal background, Latour was placed on probation for a third-degree assault conviction the day before he allegedly assaulted Jenny by slashing her stomach with scissors. Based upon the information provided by Jenny concerning the assault, Latour could have been charged with violating probation. The Plainfield Police Department never notified the defendant’s probation officer or took other steps to have Latour charged with a probation violation.
- At this time, the Plainfield Police Department possessed information that Latour possessed a gun. As a convicted felon, Latour could not legally possess firearms and, if he did, he was subject to prosecution for criminal possession of a firearm or criminal possession of a pistol or revolver, both class D felonies. Also, Latour’s possession of a firearm could have resulted in the revocation of his probation. Given the Plainfield Police Department’s knowledge that Latour possessed a gun, that he was on probation and that he had embarked on a course of domestic violence against Jenny McMechen, the department should have sought an arrest warrant and/or a search and seizure warrant to locate the weapon and to arrest Latour. There is no documented investigation by the Plainfield Police Department of

Latour's illegal possession of a firearm and Latour was never arrested and charged with illegal possession of a firearm until after Jenny's death.

- Based upon Jenny's complaint, the Plainfield Police Department could have arrested Latour without a warrant for assault in the second degree, a class D felony, for the November 16th incident. See, C.G.S. § 54-1f (b). Instead, the investigating officer elected to apply for an arrest warrant. The investigating officer waited six days before he prepared his report and the arrest warrant application. The warrant application sat in a sergeant's box waiting review for an additional six days before the sergeant and the investigating officer signed the application. Another twelve days passed before an assistant state's attorney signed the warrant application and an information charging Latour with assault in the second degree. Six more days elapsed before a judge signed the arrest warrant and three more days elapsed before the State's Attorney's Office returned the signed warrant to the Plainfield Police Department. Thus, a total of 33 days elapsed from the date Jenny reported the assault to the date that the signed warrant was returned to the Plainfield Police Department.
- On November 19, 2001, two days after Jenny reported that Latour assaulted her with scissors, she told the Plainfield police officer investigating her assault complaint that on the previous night (November 18, 2001) she was at a friend's house in Hopeville when Latour arrived, damaged the windshield of her automobile, and then forced her to go with him to a football game in Foxboro, Massachusetts, and forced her to spend the night with him. The officer, after warning Jenny that Latour had a gun and recognizing that Latour's acts of forcing Jenny to accompany him across state lines could constitute kidnapping, told her to contact Connecticut State Police Troop E because the windshield damage occurred in Hopeville. Jenny reported the windshield damage to a state trooper and, in her written statement, alleged that, as Latour smashed her windshield, he threatened to kill her and told her that she was going to with him, not her parents. She did not expressly state in her written statement that Latour forced her to accompany him across state lines and/or to spend the night with him.
- The trooper investigating Jenny's November 19th complaint reportedly spoke with the Plainfield police officer investigating her assault complaint. The officer reportedly advised the trooper of Latour's violent history, of the nature and circumstances of Jenny's assault complaint and of the fact that he would be applying for a warrant for Latour's arrest. The trooper reportedly told the Plainfield officer that Jenny had reported to the state police that Latour had forced her to go with him to Foxboro and to spend the night with him. After interviewing Latour and a witness who was present when the windshield damage occurred but was unable to state whether Latour was responsible for the damage, the trooper suspended his investigation of the complaint. The trooper's report contains no reference to, or details of any investigation of, Jenny's complaint that Latour forced her to accompany him to an out-of-state location and to spend the night with him.

- The Plainfield police officer that investigated Jenny's assault complaint met face-to-face with Latour on December 7, 2001. Although the arrest warrant had not been signed by a judge or a prosecutor, the investigating officer could have and should have arrested Latour without a warrant for felony assault. Latour's arrest would have provided the Plainfield Police Department with the opportunity to continue its investigation of Jenny's May 28th statement and may have led to the filing of additional charges against Latour. In any event, given Latour's previous criminal history, the fact that he allegedly assaulted Jenny one day after he was placed on probation for a prior assault conviction, and the nature and circumstances of the charge (second-degree assault), Latour undoubtedly would have been held on a very high bond at his arraignment, thus ensuring Jenny's safety. Also, Latour's arrest would have provided Latour's probation officer with the opportunity to charge Latour with violating probation.
- The Plainfield Police Department did not make any attempt to execute the arrest warrant until the warrant was entered into the COLLECT system on December 24, 2001—seven days after the judge signed the warrant and four days after the State's Attorney's Office returned the warrant to the police department. The first attempt to execute the warrant (the only attempt documented by a police report) consisted of a three-minute visit to Latour's residence by two Plainfield police officers on the morning of December 24, 2001.
- On Friday December 28, 2001, Latour's attorney spoke with the Plainfield officer investigating the November 16th assault. The officer told the attorney that he should surrender Latour the first thing in the morning so that Latour could be presented in court that same day. The attorney said that he would not be able to do so until the following Wednesday, January 2, 2002. The investigating officer took no further action.
- On or about December 28, 2001, a fire reportedly occurred at Latour's residence. An off-duty Plainfield police officer that knew of the warrant spoke with a fire fighter present at Latour's residence. The officer relied upon the fire fighter's statement that Latour was not present at the residence and took no further action.
- On December 30, 2001, a Plainfield police officer that knew of the warrant and Latour's efforts to avoid apprehension reportedly saw Latour driving an automobile. When Latour fled from the officer on foot, the officer stopped his foot pursuit after a short distance because he forgot his flashlight, because his portable radio was not functioning properly and because he had left his police car unlocked with the keys in the ignition and the engine running.
- The only additional effort made by the officer to apprehend Latour that night was to notify the other Plainfield officer on patrol in the area and to look for Latour. The officer did not seek assistance from other law enforcement

agencies, such as the Connecticut State Police Department's aviation and canine units or Major Case Squad, to mount an intensive manhunt to apprehend Latour. Also, Jenny should have been placed in protective custody by this time. Given the serious nature of the offense committed by Latour, his violent history and his efforts to avoid apprehension, so much more could have and should have been done by law enforcement to apprehend Latour.

- Jenny McMechen died on the night of December 31, 2001, after being shot twice at a friend's home in Plainfield. On January 1, 2002, a state police detective prepared an application for an arrest warrant for Latour for the murder of Jenny McMechen and a judge signed the warrant that same day. Ironically, the arrest warrant for the November 16th assault was executed on Latour after he had been arrested on the murder warrant. Given the collective knowledge of the Plainfield Police Department regarding Michael Latour, the warrant for assaulting Jenny should have been handled as expeditiously as the warrant for her murder.
- Both the Judicial Branch and the State's Attorney's Office had repeated contacts with Michael Latour during the period between his release from prison and Jenny's murder. During that time period, Latour was arrested five times and he appeared in court on four of the five arrests. Despite the fact that Latour continued to commit crimes and, indeed, continued to commit crimes while previous arrests were still pending in the court system, judges and prosecutors failed to respond appropriately to Latour's continued criminal activity—behavior that should have signaled to everyone in the justice system that Michael Latour was a dangerous person and that both victim and public safety required that Latour receive a strong penal sanction, i.e., incarceration, for his repeated violations of the law. That did not occur in this case and Latour continued to engage in criminal activity without receiving any real consequences for his lawless behavior.
- The same judge handled the disposition of the four arrests and issued the *ex parte* restraining order on Jenny's behalf and dismissed the application when neither Jenny nor Latour appeared at the hearing on the order. By the time Latour pled guilty in November 2000 to third-degree assault in connection with the January 2000 incident at the basketball game, the judge should have required that any disposition of that case include a substantial period of incarceration in order to deter future criminal activity and to protect society. In the event that the judge did not recall the prior contacts with Latour, the judge should not have accepted the plea agreement without obtaining and reviewing a copy of Latour's criminal history. The material received from the Judicial Branch pertaining to this case does not contain a copy of Latour's criminal history and the judge accepted the plea and sentenced Latour without ordering a pre-sentence report. If the State's file contained a copy of Latour's criminal history, clearly the assistant state's attorney should have shared that information with the court. There is no record that that occurred in this case, the transcript of the plea and sentence reveals no discussion

whatsoever regarding Latour's prior criminal history, and it appears that the case was disposed of in an expedited fashion for Latour's benefit and to the detriment of society and Jenny McMechen.

SUMMARY OF RECOMMENDATIONS

The Victim Advocate and his staff in the Office of the Victim Advocate (OVA) investigated the facts and circumstances surrounding the death of Jenny McMechen that occurred in Plainfield, Connecticut, on December 31, 2001. The specific focus of the OVA's investigation was on the victim issues set forth throughout this report. As a result of its independent investigation into this matter, the OVA recommends a number of actions for improving the protection of victims of domestic violence and the general public as well.

The Victim Advocate enthusiastically supports any and all efforts to improve services to crime victims. Further, the OVA would appreciate the opportunity to work with the various agencies/entities and others to discuss, design, draft and implement any proposed policies, procedures and training programs to effectively address the problems outlined in this report.

The Victim Advocate and his staff respectfully request that each agency/entity herein mentioned inform the OVA in a timely manner, in writing, of any action taken with respect to, or the reasons for not being able to comply with, the recommendations set forth herein.

FURTHER INVESTIGATION OF JENNY'S MAY 28, 2001 COMPLAINT

As discussed more fully in the body of this report, the combined investigation by the Connecticut State Police Department and the Plainfield Police Department of Jenny's May 28th allegations that Michael Latour had committed serious domestic violence crimes against her was grossly deficient and flawed. It was a criminal investigation, however, and the criminal law enforcement ramifications of the deficiencies and flaws, as well as any reasons for the deficiencies and flaws, are matters properly addressed by criminal law enforcement authorities. Accordingly,

- ***The OVA recommends*** that the Commissioner of Public Safety and the Chief of the Plainfield Police Department promptly deliver all material in their respective departments' possession related to Jenny's May 28th written statement to the State's Attorney for the Judicial District of Windham. The OVA requests that the Windham State's Attorney investigate the allegations contained in Jenny's May 28th statement and, upon the completion of her investigation, determine whether Michael Latour should be prosecuted for his acts against Jenny McMechen as alleged in her May 28th statement.
- Also, ***the OVA requests*** that, upon completion of her investigation, the Windham State's Attorney, in cooperation with the Chief State's Attorney, the Commissioner of Public Safety and a representative from the Connecticut Police Chief's Association, make appropriate recommendations and take such action(s) to ensure that, throughout

the state, such deficient and flawed investigations do not occur in the future, thereby enhancing victim and public safety.

CALL FOR STATE LEGISLATURE TO COMMISSION A FORMAL STUDY OF CONNECTICUT'S ARREST WARRANT SYSTEM

The OVA has received complaints and reviewed reports published in the news media concerning the delay in obtaining and executing arrest warrants comparable to the delay that occurred in this case. Without additional data, however, it cannot be determined with certainty whether the delay that occurred in this case is an anomaly or is evidence of a systemic problem affecting victim and public safety. Statistical information is critical to evaluating the present system and in determining whether changes need to be implemented to eliminate unnecessary delay in order to promote victim and public safety. The OVA recommends that the appropriate agencies, along with the Victim Advocate or his designee, work with the legislature to develop a means to evaluate the effectiveness of the arrest warrant system and, after the evaluation is completed, review, analyze and report on the results of the study with appropriate recommendations. Accordingly,

- ***The OVA strongly recommends that our state legislature commission a study, to be conducted immediately, to determine the state of the arrest warrant system in Connecticut and, in particular, to determine whether the delay that occurred in this case between the date the crime was reported to the police and the arrest warrant was signed by a judge was an anomaly or is evidence of a systemic problem affecting victim and public safety.***

PROMPT EXECUTION OF ARREST WARRANTS

An arrest warrant may be executed the moment that a judge signs the warrant. A police department that obtains an arrest warrant for a suspect should not wait, as was done in this case, until the warrant is entered into the COLLECT system before efforts to execute the warrant commence.

- ***The OVA recommends that every police department in the state review its policies and procedures governing execution of arrest warrants to ensure that police officers are aware that efforts to serve arrest warrants can and should begin upon receipt by a police department of a signed warrant and should not await entry of the warrant into the COLLECT or any other data system.***

FELONY EXCEPTION TO THE ARREST WARRANT RULE

In Connecticut, a police officer is authorized to make an arrest without a warrant if the officer has probable cause to believe that a suspect has committed a felony,

regardless of whether or not the offense is committed in the officer's presence. See, C.G.S. § 54-1f (b). Speedy information is not required for a warrantless felony arrest. Id.

- ***The OVA recommends that every police department in the state review its policies and procedures for warrantless arrests to ensure that said policies and procedures make clear that police officers in Connecticut are authorized by statute to make a felony arrest without a warrant regardless of whether the offense was committed in the officer's presence and that speedy information is not needed to make a warrantless felony arrest.***
- ***The OVA recommends that all law enforcement recertification programs provide training on the laws pertaining to warrantless arrests.***

COORDINATION AND COOPERATION AMONG LAW ENFORCEMENT AGENCIES

The OVA recommends that, particularly with respect to domestic violence, sexual assault and other serious cases, the Commissioner of Public Safety implement procedures that will ensure that: (1) the state police will retain jurisdiction over the investigation of cases that present a heightened risk of harm to the victim or to public safety and (2) where investigations that are initially handled by a state trooper are referred to local law enforcement agencies for further investigation, that the state police monitor the status of that investigation and, where appropriate, resume investigation of the case to ensure victim and public safety.

- ***The OVA recommends that each police department in the state develop policies and procedures, if not already in place, to ensure that information regarding criminal activity in possession of one police department is made available to the police department with jurisdiction over the criminal activity.***
- ***The OVA recommends that each police department in the state develop and implement a system, if not already in place, to provide for periodic review of open cases, particularly domestic violence, sexual assault and other serious crimes.***
- ***The OVA recommends that the Commissioner of Public Safety implement procedures that will ensure that: (1) the state police retain jurisdiction over the investigation of cases that present a heightened risk of harm to the victim or public safety; and (2) where investigations that are initially handled by the state police are referred to local law enforcement agencies for further investigation, that the state police suspend rather than close their investigation, monitor the status of those investigations and, where appropriate, resume investigation of the case to ensure victim and public safety.***

OTHER RECOMMENDATIONS

- ***The OVA recommends*** that the Judicial Branch, in conjunction with agencies and entities that provide services to victims of domestic violence, provide that every applicant for a restraining order meet with a domestic violence advocate at the time the application is made.
- ***The OVA recommends*** that the Judicial Branch modify the arrest warrant application form to include a check box or other suitable method to permit the applicant to indicate whether the subject of the application is on supervised release. Accompanying this form change, a procedure should be developed to provide that a copy of the signed arrest warrant is promptly forwarded to the agency or entity supervising the subject to permit the agency or entity to take appropriate action in response to the issuance of an arrest warrant for a person under its supervision.
- ***The OVA recommends*** that for each *ex parte* restraining order issued, the Judicial Branch immediately begin transferring to the Special Licensing and Firearms Unit at the Department of Public Safety a copy of each application for an *ex parte* restraining order as well as a copy of the affidavit in support of the application.
- ***The OVA recommends*** that each State's Attorney review his or her policies and procedures to ensure that, where an offender is arrested and charged with new crimes during a criminal prosecution, the "new arrest" information is made available to the prosecutors responsible for each case or cases so that that information is taken into account by prosecutors in making an appropriate disposition and is made available to the judge in each case.
- ***The OVA recommends*** that the Judicial Branch require court clerks to indicate on the face of each restraining and protective order which law enforcement agency or agencies were sent a copy of the order along with the date of such mailing(s).
- ***The OVA recommends*** that each police department in the state develop and implement policies and procedures, if not already in place, to ensure that an investigation is conducted whenever information is received that a person unlawfully possesses a firearm and that all steps taken with respect to the investigation are documented in a written report.

DISCUSSION OF ISSUES

I. Introduction

On August 25, 1993, Plainfield police officers arrested then-sixteen-year-old Michael Latour for assaulting his then girlfriend by beating, biting and stabbing her multiple times with a kitchen knife (Exhibit 1). On August 19, 1994, Latour was convicted, upon his guilty plea, of assault in the first degree in violation of C.G.S. § 53a-59 (a)(3) (Exhibit 2). A superior court judge sentenced Latour to fifteen years in jail, execution suspended, and placed Latour on probation for five years (Exhibit 2). One month later, Latour was charged with violating probation (Exhibit 3). In August of 1995, Latour admitted to the violation of probation charge and the court sentenced him to eight years in jail and revoked his probation (Exhibit 3). Latour served approximately seven years of his eight-year sentence and was discharged by the Department of Correction in December 2000 (Exhibit 4).

Shortly after his release from prison, Latour met Jenny McMechen and their relationship began.

II. Police Involvement

The discussion of the involvement of the Connecticut State Police Department and the Plainfield Police Department centers on the actions (or inactions) of those departments prior to the homicide incident. The OVA has no criticism of the conduct of the officers who responded to the location where Jenny died on December 31, 2001.

A. The Connecticut State Police

On April 27, 2001, a state trooper from Troop D arrested Michael Latour for an incident that occurred at a pick-up basketball game at a high school on January 17, 2001 (Exhibit 6). The complainant alleged that Latour, in an unprovoked attack, punched the complainant in the face (Exhibit 5).

Shortly before 1:00 a.m. on May 28, 2001, Jenny McMechen called Connecticut State Police Troop D and reported suspicious activity at a house in Killingly, where she was visiting. Trooper A interviewed Jenny at the Killingly house. The trooper learned that Jenny had been at the house when Latour appeared there looking for her. Latour did not discover that Jenny was there and left. Jenny told the trooper that she might be pregnant with Latour's child and that she did not want to be with Latour because of an abusive past relationship with him (Exhibit 7).

Trooper A obtained from Jenny a four-page written statement in which she described abuse she had suffered at the hands of Latour, with whom she was living with at the time (Exhibit 8). In her written statement, Jenny said that approximately three weeks earlier she and Latour became involved in an argument after she told Latour that she went to a hospital for an anxiety attack when, in fact, she did not go to the hospital but, instead, went out to dinner with a relative and became intoxicated. Jenny said that, upon learning this, Latour struck her in the face once with his hand, kicked her in the

legs three or four times and would not allow her to leave their bedroom. Jenny stated that she sustained a black eye that remained black and blue for two and one-half weeks. Jenny told the trooper that no one reported this incident to the police (Exhibit 8).

Also, Jenny told the trooper that Latour would not allow her to go anywhere without him or a member of his family present. She said that on the day he struck and kicked her, she told Latour that she was going to leave him but she did not do so because Latour would not allow her to leave. Jenny stated that on that same day Latour left their residence for a few minutes to buy cigarettes and that, before he left, he told one of his brothers to stay with Jenny in the bedroom, to not let her leave, and that if the brother did let her leave, Latour would take it out on his brother (Exhibit 8)

Further, Jenny stated the following: At approximately 10:00 p.m. on May 27, 2001, she was at a bar by herself in Central Village when Latour entered the establishment. Latour, who had been previously barred from the premises, told Jenny that she was leaving and that she was coming with him. Once outside the bar, patrons tried to intervene. Latour returned to the bar. Jenny followed him. They went back outside and, as they did, Latour pushed Jenny against a wall, spat in her face, and said, "I'm gonna murder you tonight." Jenny ran back into the bar and Latour fought with a patron. (According to Jenny, this patron was subsequently arrested by the Plainfield Police Department.) Latour then ordered Jenny to get into an automobile with him and two of his friends.¹³ Latour, who has never had a driver's license, then drove to a parking lot in Moosup. En route, Latour stated between fifteen and twenty times to the occupants in the car, "I'm gonna murder her tonight, she's driving me crazy" (Exhibit 8).

Jenny stated further that, upon arriving at the parking lot, Latour grabbed her by the arms and forcefully removed her from the car. Latour then "slammed her head outside of the car" causing her pain and a headache. Latour, now standing face to face with Jenny, "took both of his hands and strangled [her]." Jenny said that she "felt that [her] body was collapsing. [Her] whole body shook like convulsions." She then reentered the car and cried. Jenny concluded her written statement by stating that Latour strangled her at approximately 10:25 p.m. (Exhibit 8).¹⁴

Trooper A tried but could not locate Latour. Other troopers located the vehicle driven by Latour that morning but did not locate Latour. On the morning of May 28, 2001, Latour called Troop D and spoke with Trooper A. Latour declined the trooper's request that Latour come to the state police barracks for an interview (Exhibit 7).

Also on May 28, 2001, Trooper A drove to the Plainfield Police Department and spoke with Plainfield Police Officer A. Officer A told Trooper A that the department was familiar with Latour and knew where he resided. Officer A made copies of Jenny's written statement and told Trooper A that he would forward the statement to a supervisor for "further review and disposition" (Exhibit 7).

Trooper A subsequently prepared a memo concerning the incident and placed a copy of the memo in the Troop D Barracks roll call. In his memo, Trooper A advised all patrols that Latour and Jenny had ended their relationship and that Latour had threatened to murder Jenny. Also, Trooper A stated that Latour had assaulted Jenny in

Moosup and that he and two other troopers had responded to an address in Killingly on the morning of May 28, 2001. Further, Trooper A noted that Latour had served eight years in jail for violation of probation on a first-degree assault charge for stabbing his last girlfriend. Trooper A wrote that the Plainfield Police Department stated that the department had dealt with Latour in the past, that Latour may own a B.B. gun and that Latour “wants SUICIDE BY A COP” (emphasis in original). The trooper’s memo contained Latour’s address and a description of the vehicle operated by him. Trooper A stated in his memo that copies of Jenny’s statement had been turned over to Plainfield Police Officer A (Exhibit 9).

On September 6, 2001, Jenny McMechen filed with the Putnam Superior Court an Application For Relief From Abuse (Exhibit 10). In her application, Jenny requested that the court order that the relief requested extend to her mother and father. In her sworn, written affidavit filed in support of the application, Jenny stated that on several occasions Latour had struck her and threatened her while she was carrying their child and that he had threatened her parents. Also, she stated, “I have had several bruises and marks all over my body, and haven’t been able to leave” (Exhibit 11).

On that same date, a Superior Court judge issued on behalf of Jenny and her parents an *ex parte* restraining order on Michael Latour (Exhibit 12). The court scheduled a hearing on the application for September 17, 2001. In her application, Jenny listed her parents’ home in Brooklyn as her dwelling and the premises from which she sought to have Latour restrained from entering (Exhibit 10). Also in her application, Jenny listed Latour’s residence in Moosup, within the jurisdiction of both the Plainfield Police Department¹⁵ and Troop D (Exhibit 10).

On September 7, 2001, a state marshal served copies of the following documents on Latour in hand and on Connecticut State Police Troop D: Ex Parte Restraining Order-Relief From Abuse, Application For Relief From Abuse, Order And Notice Of Court Hearing, Notice Re: Handgun Restrictions, Affidavit-Relief From Abuse, Application For Waiver Of Fees/Appointment of Counsel (Exhibit 13). The marshal’s affidavit does not indicate that service was made also on the Plainfield Police Department, the local law enforcement agency with jurisdiction over the town wherein Latour resided, and the Plainfield Police Department did not provide the OVA with a copy of the *ex parte* order¹⁶ in response to the OVA’s request for documents and records pertaining to Michael Latour.

Upon being served with a copy of the *ex parte* restraining order, Latour became ineligible to possess pistols or revolvers and he was required to transfer or surrender any such weapons in his possession within two business days. See, C.G.S. §§ 29-36f (b)(6), 29-36k. On March 14, 2001, the Commissioner of Public Safety and others adopted a protocol (public safety protocol) to be followed by law enforcement agencies to determine whether a person who becomes ineligible to possess handguns had complied with the transfer/surrender requirements of C.G.S. § 29-36k (Exhibit 14). Pursuant to the public safety protocol, Troop D was required to immediately electronically transmit a copy of the restraining order, referencing the date of service and any supporting documentation on file, including any incident reports, to the Department of Public Safety’s Special Licensing and Firearms Unit. Also, Troop D was

required to query the Special Licensing and Firearms Unit for any information available on Latour's permit status and firearms registration data. Two business days after Latour was served with the restraining order, Troop D was required to query the Special Licensing and Firearms Unit to determine if Latour had transferred any pistol or revolver to an eligible person or delivered or surrendered any pistol or revolver to the Department of Public Safety. Finally, in the event that Latour did not comply with the requirements to transfer, deliver or surrender any pistol or revolver, Troop D was required to conduct a follow-up investigation.

There is no record that Troop D complied with the public safety protocol. The Connecticut State Police did not provide the OVA with a copy of the *ex parte* restraining order, despite the OVA's request for copies of all documents in the department's possession pertaining to Michael Latour. Furthermore, no documents were received to indicate that Troop D faxed the restraining order, or any information regarding the restraining order, to the Special Licensing and Firearms Unit on September 17, 2001, or any other date; or that Troop D queried the Special Licensing and Firearms Unit on that or any other date for any available information on Latour's permit status and firearms registration data. Nor is there any record that Troop D queried the Special Licensing and Firearms Unit two business days after Latour was served with the restraining order to determine whether Latour had complied with the transfer/surrender requirements of C.G.S. § 29-36k.

Although, as a convicted felon, Latour was ineligible to obtain a handgun permit (see, C.G.S. § 29-36f(b)(2)) and could not lawfully possess any firearms (see, C.G.S. §§ 53a-217, 53a-217c), that did not excuse Troop D from complying with the public safety protocol because the transfer/surrender requirements of C.G.S. § 29-36k apply to illegally as well as legally possessed handguns.¹⁷

On September 17, 2001, the same judge who issued the *ex parte* order vacated the order and dismissed Jenny's application for relief from abuse on the ground that neither Jenny nor Latour had appeared for the hearing (Exhibit 15). Jenny reportedly did not appear at the hearing because Latour kept her locked in a bathroom that day to prevent her from attending the hearing.¹⁸

On November 9, 2001, a female cashier at a gas station in Killingly filed a complaint with Connecticut State Police Troop D. In her complaint, the cashier claimed that Latour had entered the station shortly after midnight on that date, engaged in a verbal confrontation with a customer in the store, used vulgar language toward her and then spat four or five times in her face. Trooper B investigated the complaint and, after speaking with a number of witnesses, he drove to Latour's residence but could not locate Latour. A short time later, Latour called Troop D and spoke with Trooper B. Latour admitted to being involved in an incident at the gas station but refused to tell the trooper where he was calling from if the trooper was going to arrest him. When the trooper told Latour that he would be arrested for breach of peace, Latour responded with vulgarities and a racial epithet (Exhibit 16). Trooper B subsequently prepared an arrest warrant application for Latour (Exhibit 17).

On November 19, 2001, Jenny filed a complaint with Connecticut State Police Troop E alleging that Latour had smashed the windshield of her automobile (Exhibit 18). Trooper C investigated the complaint and he obtained a written statement from Jenny (Exhibit 19). In that statement, Jenny reported that in the afternoon of November 18, 2001, she was at a friend's house in Griswold. Latour, who Jenny described as her ex-boyfriend, stopped at the friend's house. Jenny claimed that Latour forced her to go outside and then "punched out" the windshield of her automobile with both fists. Jenny said that Latour then broke the ignition key with his hands and threw it away. She stated that she was pregnant with Latour's child. Jenny then stated, "While he was smashing my windows he said to me, 'I'm going to kill you before the day is over' and 'Your [sic] going with me, not your parents.'" Jenny concluded her written statement by stating that Latour had assaulted her in the past and that she had filed a complaint with the Plainfield Police Department and she provided the name of the investigating officer (Officer B). Trooper C examined Jenny's automobile and observed that the windshield had been smashed "by multiple hits" and that the windshield "was caved in approximately [six inches]" (Exhibit 18).

On November 21, 2001, Trooper C interviewed the friend at whose house the incident reportedly occurred. The friend stated that she was inside her home when Jenny and Latour became involved in an argument outside. The friend heard "a loud smashing sound, looked out of a window and saw that the windshield had been smashed. Neither Jenny nor Latour were near the vehicle. Later, the friend saw Jenny kicking her auto. Jenny and Latour then left together (Exhibit 18).

On the morning of November 25, 2001, Trooper C met personally with Latour. Latour orally and in a written statement denied smashing the windshield and claimed that Jenny had kicked in the windshield (Exhibits 18, 20). Latour stated also that he and Jenny then left in his brother's automobile and went to a football game at Foxboro stadium. The trooper noted in his report that he did not see any cuts, bruises or other signs that Latour had punched out Jenny's windshield (Exhibit 18). Later that day, Trooper C re-interviewed Jenny's friend. The friend said that she was friends with both Jenny and Latour and that she did not see who damaged the windshield. The trooper suspended his investigation of the case due to insufficient leads and physical evidence to determine whether Latour or Jenny damaged the windshield. The trooper noted in his report that he would reopen the case should any new leads or suspects arise (Exhibit 18).

Trooper C's investigative report is silent with respect to the trooper conducting any investigation regarding Latour forcing Jenny to accompany him to Foxboro. Prior to filing her complaint with the state police regarding the damage to her car windshield, Jenny spoke on the telephone with Plainfield Police Officer B. Officer B told Jenny to contact Troop E because, according to Jenny, the incident occurred in Hopeville. During a lengthy recorded conversation (Exhibit 21), Jenny said that after Latour smashed her windshield he forced her to go with him to Foxboro, Massachusetts, to a football game. Officer B told Jenny that this constituted unlawful restraint and possibly kidnapping and he strongly urged Jenny to tell this to the state police (Exhibit 21). Officer B also alerted Jenny that the police department knew that Latour had a gun (Exhibit 21).

Officer B reportedly spoke with Trooper C regarding Jenny's complaint about the windshield damage (Exhibit 22). Trooper C reportedly told Officer B that Jenny had filed a complaint with the state police concerning the windshield damage and concerning Latour forcing her to accompany him to Foxboro and forcing her to spend the night with him (Exhibit 22). Also, Trooper C reportedly told Officer B that he had spoken to Latour and that Latour claimed that Jenny damaged the windshield herself and that she willingly accompanied him to the football game (Exhibit 22). Trooper C's investigative report regarding this complaint contains no information about, and details no investigation of, Jenny's abduction report (Exhibit 18).

On December 11, 2001, Trooper D arrested Latour on the warrant for the November 9, 2001 incident at the gas station. After he was processed, Latour posted a \$2,500 bond and he was released with a court date of December 24, 2001, in the Danielson Superior Court, G.A. 11 (Exhibit 23).¹⁹

Summary

- On May 28, 2001, Connecticut State Police Troop D received information from Jenny McMechen that a few hours earlier Michael Latour had repeatedly threatened to kill her and attempted to strangle her in a parking lot in Moosup. Also, Jenny reported that three weeks earlier Latour had struck her in the face with his hand giving her a black eye and that he had restrained her against her will on numerous occasions. A state trooper met with Jenny approximately two and one-half hours after the attempted strangulation had occurred and he completed taking a written statement from Jenny about the incident approximately four and one-half hours after the incident. Jenny's allegations that Latour had repeatedly threatened to murder her, coupled with his acts of grabbing her by the throat and strangling her to the point that she experienced convulsions, could have supported a charge of attempted murder. Also, Jenny's allegations that Latour struck her in the face with his hand three weeks earlier and restrained her against her will may have supported additional charges, such as assault in the third degree and unlawful restraint.
- The state police has statewide jurisdiction to investigate criminal conduct. See, C.G.S. § 29-7. The trooper that obtained the written statement from Jenny apparently began to investigate the complaint by attempting to interview Michael Latour and by locating the vehicle driven by Latour. When Latour refused the trooper's request to speak with the trooper at the state police barracks, records and documents reveal that the trooper did not conduct any further investigation and, instead, closed the investigation after the trooper hand-delivered Jenny's written statement to the Plainfield Police Department.
- On two occasions subsequent to the state police obtaining information that Latour had attempted to strangle, assaulted and unlawfully restrained Jenny McMechen, state troopers came in direct contact with Latour. On each occasion, the state police could have re-opened its investigation of Jenny's

May 28th statement. There is no record that the state police contacted the Plainfield Police Department at any time to determine the status of that department's investigation of Jenny's May 28th statement.

- These events demonstrate that police departments that have jurisdiction to investigate allegations of serious domestic violence crimes, such as those alleged in Jenny's May 28th statement, should conduct the investigation and, absent compelling reasons, should not refer the investigation to another law enforcement agency. The referral of cases from one police department to another increases the likelihood that the subsequent agency will not follow through on the investigation, that serious domestic violence crimes will go unpunished and that, as a consequence, the violence will continue and, as it did in this case, end in the death of the victim.
- On November 19, 2001, two days after the incident where Latour reportedly slashed Jenny's stomach with scissors, Jenny contacted Plainfield Police Officer B and complained that Latour had smashed the windshield of her automobile on November 18, 2001. Also, she told the officer that, after he smashed the windshield, Latour forced her to go with him to a football game in Foxboro, Massachusetts. Officer B recognized that such acts could constitute the crimes of unlawful restraint or kidnapping and he strongly urged Jenny to report this to the state police. Jenny assured Officer B that she would. In her written statement to the trooper, however, Jenny did not expressly state that Latour had abducted her and taken her across state lines. Instead, Jenny wrote, "While he was smashing my windows he said to me, 'I'm going to kill you before the day is over,' and 'Your going with me, not your parents.'" Also, Jenny stated that Latour had previously assaulted her and that she had filed a complaint with Plainfield Police Officer B. Trooper C reportedly spoke with Officer B and Trooper C reportedly told Officer B that Jenny had filed a complaint with the state police regarding both the windshield damage and Latour forcing her to accompany him to Foxboro. This information coupled with Latour's extensive criminal background, which was available to the state police, Jenny's statements that Latour threatened to kill her and that Latour said, "Your going with me, not your parents," should have triggered a thorough investigation by the trooper of Jenny's allegations that Latour abducted her to Foxboro. If such investigation had occurred, the state police may have developed probable cause to arrest Latour for first or second-degree kidnapping (see, C.G.S. §§ 53a-92, 53a-94). Also, Latour's acts of forcibly taking Jenny across state lines could have subjected him to federal kidnapping prosecution. See, 18 U.S.C.A. § 1201(a)(1). There is no indication that any such investigation occurred. Indeed, the trooper's investigative report concerning this matter is addressed solely to the relatively minor incident pertaining to the damaged windshield.

B. The Plainfield Police Department

On March 30, 2001, and March 31, 2001, the Plainfield Police Department received two separate reports from two different complainants of automobile damage. The March 30th complaint reported that someone had smashed an automobile windshield with a baseball bat (Exhibit 24). The March 31st complaint reported damage to the door of an automobile (Exhibit 25). The police reports prepared in connection with the two complaints identified Michael Latour as a suspect (Exhibits 24, 25). Plainfield Police Officer B investigated the March 30th complaint and determined that probable cause did not exist to arrest Latour for the damage to the automobile (Exhibit 24). Plainfield Police Officer C investigated the March 31st complaint and determined that a follow-up investigation was required (Exhibit 25). Documents and records reveal that Officer C did not conduct the follow-up investigation.

On May 26, 2001, Plainfield Police Officer A arrested Latour for breach of peace, criminal mischief in the third degree and interfering with a police officer after Latour became involved in an altercation with a female patron at a nightclub. The patron reported that Latour uttered obscenities toward her and then later spat in her face and punched her in the face. Officer A reported that Latour fled from him and another officer and that Latour struggled with the officers as they placed him under arrest (Exhibit 26).

At approximately 4:00 a.m. on May 28, 2001, Plainfield Police Officer D spoke with Trooper A and obtained information from the trooper regarding Jenny's allegations of domestic violence (Exhibit 27). Trooper A told Officer D that Jenny did not wish to press any charges out of fear that Latour would come after her and cause her greater harm or kill her. Trooper A said that Jenny "wanted these incidents to be know[n] 'in case she wound up dead'" (Exhibit 28).

Recognizing that "this case is a serious domestic problem," Officer D arranged for Plainfield Police Officer E to speak with Jenny. Officer E spoke with Jenny some time on May 28, 2001. Officer E reported to Officer D that Jenny did not want to press charges against Latour because she was afraid of him. Jenny stated also that she was leaving town with a friend for a few weeks to get away from Latour. Jenny stated further that she had not called the state police and that the police were at the house where she was staying for a separate incident when she gave the written statement to Trooper A (Exhibit 28).

In his report, Officer D wrote, "Based on the victim['s] statement it appears as though several domestic violence crimes have been committed. But due to [the] fact that the victim had no known marks, is uncooperative and is fearful of retaliation from Michael Latour I will be contacting the State's Attorney's office to find out if they wish to pursue criminal charges against Michael Latour for his actions on 05/27/01. This case will remain open and active."²⁰

Also on May 28, 2001, Latour spoke on the telephone with Sergeant S and Officer G and complained that Jenny was calling him and harassing him (Exhibit 29).

On November 15, 2001, Latour appeared in the Danielson Superior Court and entered a *nolo contendere* plea to assault in the third degree for the January 17, 2001 incident at the basketball game. The court entered a finding of guilty and sentenced Latour on that same date to one year in jail, execution suspended, and two years probation (Exhibit 30).

Two days later, at approximately 6:30 p.m. on November 17, 2001, Jenny McMechen came to the Plainfield Police Department and reported that Latour had assaulted her. Plainfield Police Officer B interviewed Jenny. Jenny told the officer that she had been living with Latour for the past eleven months and that she was pregnant with his child. Jenny stated that at approximately 5:00 p.m. on November 16, 2001, she was with Latour at Latour's residence. Latour told Jenny that he wanted to use her automobile. Jenny said no. Jenny said that Latour then placed a belt around her neck and lifted her up. Latour then pushed her around the room. Jenny became upset and lay on the bed. She stated that Latour told her that the baby was not his and that he then slashed her stomach in three places with a pair of scissors. Latour left the house and drove off in Jenny's car. Officer B reported that he observed "three minor slash marks" on Jenny's stomach, each approximately four inches in length.²¹ Officer B concluded his report by stating that he would apply for an arrest warrant for Latour (Exhibit 31).

While Jenny McMechen was at the Plainfield Police Department on November 17, 2001, she reportedly spoke also with Plainfield Police Officer E. Officer E participated in the investigation of Jenny's May 28th written statement and he was the officer that spoke with Jenny that morning and learned from Jenny that she did not wish to file charges against Latour because she was afraid of him (Exhibit 28). Officer E reportedly had heard that Latour had been selling cocaine and Jenny stated that that was true. Also, Officer E asked Jenny if she had ever seen Latour with a gun. Jenny replied that she had never seen Latour with a gun, but she said that she had heard that he had buried it somewhere (Exhibit 42).

On November 18, 2001, Jenny's mother called Officer B worried that Jenny had not returned home when expected and because she had not heard from her daughter. She told the officer that Jenny's car could not be driven and that a friend of Jenny's had called and said that she would be giving Jenny a ride home. Jenny's mother stated that she believed that Latour was responsible for the car's inoperability. Jenny's mother called Officer B again approximately one hour later and said that Jenny had called. She told Officer B that, as she spoke with her daughter, she heard Latour in the background. Jenny told her mother that she would not be home until morning because Latour was forcing her to go to a ball game. Jenny did not say where she was calling from or to what game she was going (Exhibit 22).

Officer B advised all officers on patrol to try to locate Jenny's car and provided a description of the vehicle.²² According to Officer B, attempts made to locate the vehicle were unsuccessful (Exhibit 22). The next day Officer B called Jenny's mother. Jenny answered the telephone and said that, while at a friend's house in Hopeville, Latour arrived, damaged her automobile, and then forced her to go to a football game in Foxboro, Massachusetts, and forced her to spend the night with him (Exhibit 22). In a

recorded conversation (Exhibit 21), Officer B spoke with Jenny about what had happened. Jenny stated that Latour, after damaging her automobile windshield, forced her to accompany him to Foxboro and would not let her leave until they returned home the next morning. Officer B recognized that Latour's acts of forcing Jenny to go out of state with him constituted the crime of unlawful restraint or possibly kidnapping and advised Jenny of this. Officer B told Jenny that that the department knew that Latour had a gun. He strongly urged Jenny to tell the state police that Latour had forced her to go out of state with him and Jenny said that she would. Officer B recognized the danger that Latour presented to Jenny and warned her that Latour would continue to abuse her or worse if she did not come forward and provide whatever information she could to the police that would enable them to arrest Latour.

On or about November 20, 2001, Plainfield Police Officer B reportedly received a telephone call from Trooper C. The trooper said that he was investigating a complaint from Jenny that Latour had smashed the windshield of her automobile and that he had forced her to go to Foxboro. The trooper asked for information about Latour. Officer B said that Latour was violent and had spent time in prison for stabbing a former girlfriend. Officer B said that he would be applying for a warrant for Latour for placing a belt around Jenny's neck and slashing her stomach with scissors. According to Officer B, Trooper C stated that he spoke with Latour, that Latour said that Jenny had damaged her own car because she was mad at him and that Jenny had willingly accompanied him to a football game. Also, Trooper C stated that he believed Latour and did not believe Jenny and, therefore, that he would not be pursuing the windshield matter (Exhibit 22).²³

There is no indication that Officer B mentioned to the trooper Jenny's allegations that Latour had forced her to go to Foxboro with her, his concerns for Jenny's safety and the need to take whatever steps were necessary to apprehend Latour to ensure Jenny's safety. Officer B should have alerted the trooper to the abduction information, sought to determine whether the trooper was aware of that information and what action, if any, the trooper had taken concerning that information. If the trooper was unaware of the abduction information, or did not fully appreciate the significance of the allegations, Officer B should have impressed upon the trooper the need for vigorous investigation and prosecution of Latour. Such action was reasonable given Officer B's knowledge of the abusive relationship that Jenny McMechen was in, his stated concern for Jenny's safety and that Jenny had followed his advice and contacted the state police and that the opportunity was present for law enforcement to take action to apprehend Latour for serious offenses and to ensure Jenny's safety.

On November 23, 2001, Plainfield Police Officer B prepared the case report concerning Jenny's assault complaint and an application for an arrest warrant for Latour (Exhibits 22, 33, 34, 50).²⁴ Officer B placed the report and the warrant application in Sergeant A's box for his review (Exhibit 22). On November 29, 2001, Officer B and Sergeant A signed the arrest warrant application (Exhibits 22, 34, 50).

On the night of December 7, 2001, Latour called the Plainfield Police Department and asked to speak with Officer B. The officer met Latour outside of a premises in Moosup. Latour said that Jenny had told him that she had filed a complaint against him

for slashing her stomach with scissors. Latour denied cutting Jenny's stomach because she was carrying his child and said that he would not hurt her or the baby. Officer B told Latour that an application had been made for an arrest warrant for his arrest. Latour asked if Jenny could go to the police department and make a statement that she had lied in her first statement. Officer B said that Jenny could do that and, if she did, he would notify the court that she had done so. He told Latour that the court would probably issue the warrant and would have Jenny appear in court and testify that she had lied in the first statement. Latour then said that Jenny had filed a report with Troop E that he had kidnapped her and forced her to go to a football game at Foxboro. Latour said that she had accompanied him freely and willingly spent the night with him. Latour stated that the state police had talked to him, believed him and did not take any action against him. Officer B told Latour to stay away from Jenny until the matter was resolved and Latour said that he would stay away from her (Exhibits 22, 35).

On December 11, 2001, an assistant state's attorney signed the arrest warrant application and an information charging Latour with assault in the second degree, a class D felony, for the November 16th incident (Exhibits 34, 36). On that same date, Trooper D of Troop D served Latour with an arrest warrant for breach of peace for the incident at the gas station on November 9, 2001 (Exhibit 37). The trooper took Latour into custody and he was processed. Latour subsequently posted the \$2,500 bond set by the court in the warrant and he was released from custody. Latour was given a court date of December 24, 2001 (Exhibit 37).²⁵

On December 17, 2001, a Superior Court judge signed the arrest warrant application and the arrest warrant for Latour charging him with assault in the second degree for slashing Jenny's stomach on November 16, 2001 (Exhibits 34, 36). The State's Attorney's Office returned the signed warrant to the Plainfield Police Department on December 20, 2001 (Exhibits 38, 51). The arrest warrant was entered into the COLLECT System on December 24, 2001, at approximately 5:34 a.m. (Exhibits 39, 50). At 6:26 on the morning of December 24, 2001, Plainfield Police Officers F and G arrived at Latour's residence in Moosup to attempt to execute the arrest warrant. The officers did not find Latour there and left three minutes after they arrived (Exhibit 40).²⁶

On December 28, 2001, Officer B spoke on the telephone with an attorney who said he represented Latour. In a recorded conversation (Exhibit 41), the attorney said that Latour had told him that there was a warrant for his arrest. Officer B confirmed that there was a warrant for Latour's arrest and told the attorney that the court had set bond at \$12,500. Officer B told the attorney to have Latour surrender early in the morning so that he could be processed that day. The attorney said that he would do so but said that the earliest he could do so would be the following Wednesday, January 2, 2002 (Exhibits 22, 41). On or about that same date, Plainfield Police Officer E reportedly heard a "fire call" to Latour's residence. Because he was off-duty at the time, Officer E, who knew about the arrest warrant, did not go to Latour's home. Instead, he spoke to a firefighter who was at Latour's residence and learned that Latour was not there (Exhibit 42).

Shortly after midnight on December 30, 2001, Plainfield Police Officer G reportedly drove past Latour's residence while on patrol and observed an automobile

pull out of the driveway of Latour's residence. There were several occupants in the vehicle but the officer could not see if Latour was one of them. Aware of the arrest warrant and Latour's previous efforts to elude apprehension, Officer G checked the registration on the vehicle and learned that it was registered to one of Latour's brothers. Officer G followed the vehicle as it pulled into a parking lot and stopped behind a restaurant. As the driver stepped out of the vehicle, he looked at Officer G and the officer saw that it was Michael Latour. Latour then ran toward Main Street. Officer G chased Latour on foot. Officer G attempted to radio the dispatcher as he ran after Latour, but his portable radio was "broken up" and the dispatcher could not understand his transmissions. Once on Main Street, Officer G saw Latour run across the parking lot of a store. Officer G decided not to continue his pursuit of Latour because he forgot to take his flashlight with him and because he had left his police car running and unlocked and he did not know the location of the other occupants of the Latour vehicle. Upon returning to his police car, Officer G discovered that the remaining occupants had fled. Officer G contacted Officer F, who was on patrol in Plainfield, and told him what had happened. The two officers then searched the surrounding area but could not locate Latour (Exhibit 43).

Jenny McMechen died with her unborn child on the night of December 31, 2001, after being shot twice at a friend's home in Plainfield. On January 1, 2001, a state police detective with the Eastern District Major Case Squad prepared an arrest warrant application for Michael Latour for Jenny's murder, an assistant state's attorney signed the warrant application and an information charging Latour with murder, and a Superior Court judge signed the warrant application and arrest warrant (Exhibits 44, 45).²⁷ On January 2, 2001, state troopers, reportedly with the aid of state police canines, apprehended Latour for the murder of Jenny McMechen (Exhibit 45). On that same date, a Plainfield police officer served on Latour the arrest warrant for the November 16, 2001 assault on Jenny while Latour was in state police custody (Exhibit 46).

Summary

- On May 28, 2001, Plainfield Police Officer D. investigated the allegations contained in Jenny's May 28th written statement. That investigation consisted of the officer speaking with the state trooper who obtained the statement from Jenny and another Plainfield police officer interviewing Jenny. After Officer D. learned that Jenny did not want to press charges against Latour because she feared that Latour would retaliate against her, Officer D concluded his investigation by writing in his report: "Based on the victims statement it appears as though several domestic violence crimes have been committed. But due to [the] fact that the victim had no known marks, is uncooperative and is fearful of retaliation from Michael Latour I will be contacting the State's Attorney's office to find out if they wish to pursue criminal charges against Michael Latour for his actions on 05/27/01. This case will remain open and active." There is no record that Officer D ever contacted the State's Attorney's Officer or that Officer D or any member of the Plainfield Police Department conducted any further investigation of the allegations contained in Jenny's written statement.

- Two days before Jenny McMechen's November 17th complaint to the Plainfield Police Department that Latour had assaulted her with a pair of scissors, Latour had been placed on probation for an unrelated third-degree assault conviction. Latour's acts of slashing Jenny's stomach constituted a violation of the terms and conditions of his probation and should have resulted in the filing of a violation of probation charge. The Plainfield Police Department, however, never notified Latour's probation officer or took other steps to have Latour charged with a probation violation.
- The Plainfield police officer who investigated Jenny's November 17, 2001, complaint [Officer B] had probable cause to arrest Latour for assault in the second degree, a class D felony. The officer, aware of the abusive nature of the relationship between Jenny and Latour, in possession of information that Latour possessed a gun and of Latour's prior criminal history, should have taken every possible measure to expedite the processing of the arrest warrant application. He should not have waited six days to prepare the warrant application and the application should not have sat for another six days in a sergeant's box waiting for the sergeant's signature. Furthermore, once the officer spoke with Jenny on November 19, 2001, and learned from Jenny that Latour had abducted her and forced her across state lines, the warrant application should have been completed immediately, hand-delivered by the officer to a prosecutor and a judge for their review and signature, and the arrest warrant, once signed, should have been immediately returned to the police department. If that occurred in this case, other law enforcement personnel who subsequently came into contact with Latour, such as the trooper who spoke with Latour on November 25, 2001, regarding the damage to Jenny's car windshield and the trooper who on December 11, 2001, arrested Latour on a warrant for the breach of peace at the gas station, would have been able to hold Latour for Plainfield police officers to execute the arrest warrant for the November 16th assault.
- As of November 17, 2001, the Plainfield Police Department possessed information that Michael Latour was selling cocaine and that he possessed a firearm. As a convicted felon, Latour could not legally possess a firearm and his possession of a firearm would subject him to prosecution for criminal possession of a firearm (see, C.G.S. § 53a-217) or criminal possession of a pistol or revolver (see, C.G.S. § 53a-217c), both class D felonies. Also, Latour's illegal possession of a firearm would constitute a violation of his probation. There is no documented investigation by the Plainfield Police Department regarding information reportedly in the department's possession that Latour sold cocaine and that he possessed a firearm. Given Latour's criminal history and the obvious danger Latour posed to Jenny McMechen at this time, the Plainfield Police Department should have thoroughly investigated any information in its possession regarding Latour's illegal possession of a firearm and the illegal sale of narcotics including, but not limited to, making application for a search warrant. If the department had done so, Latour could have been charged appropriately with serious felonies

and the probation department could have taken steps to revoke his probation.

- Officer B should have immediately arrested Latour for second-degree assault for the November 16th incident when he met Latour in person in Moosup on December 7, 2001. Officer B unquestionably had probable cause to arrest Latour for felony assault and should have arrested Latour pursuant to his statutory authority to make a warrantless arrest for a felony. See, C.G.S. § 54-1f (b). Given Officer B's knowledge of the history of violence by Latour against Jenny, Latour's criminal history, and particularly in view of Jenny's recent complaint to Officer B that Latour abducted her and brought her across state lines and Officer B's statements to Jenny that Latour had a gun, Officer B should have immediately arrested Latour.
- The signed warrant for Latour's arrest for assault was returned by the State's Attorney's Office to the Plainfield Police Department on December 20, 2001. No documented effort was made to execute the warrant until four days later when the warrant was entered into the COLLECT System on the morning of December 24, 2001. The Plainfield Police Department should have made an intensive effort to execute the warrant immediately upon its return from the State's Attorney's Office and should not have waited until the warrant was entered into the COLLECT system before making any attempt to execute the warrant.
- Only one attempt to execute the assault warrant is documented in a police report. That attempt occurred on December 24, 2001, and consisted of a three-minute visit to Latour's residence by two Plainfield police officers. Given the Plainfield Police Department's collective knowledge of Latour's propensity for violence and the danger presented to Jenny each day that Latour remained at liberty, the Plainfield Police Department should have enlisted every available resource, including calling in the Connecticut State Police Department's specialized squads, such as the aviation and canine units and the Major Case Squad, to assist in an intensive coordinated manhunt for Latour.
- When a Plainfield police officer reportedly saw Latour operating an automobile on December 30, 2001, his efforts to apprehend Latour consisted of giving brief foot pursuit after Latour got out of his vehicle and ran from the officer. Surely at this point in time, Latour should have been considered extremely dangerous and the Plainfield Police Department should have sought assistance from the Connecticut State Police Department's aviation and canine units and Major Case Squad and other law enforcement agencies to assist in what should have been an intensive manhunt for Latour. Also, by this time Jenny McMechen should have been placed in protective custody until Latour's apprehension.

Conclusions and Recommendations

This investigation highlights several failures by law enforcement to enforce existing laws designed to protect victims of domestic violence and the general public. As set forth in the body of this report, numerous opportunities were presented to various members of law enforcement to apprehend Michael Latour and to charge him with serious crimes long before the night of December 31, 2001, by simply enforcing current laws designed to protect the safety of the public, and particularly victims of domestic violence. As a result, the OVA has made a number of recommendations addressing the following issues: (1) the delay between the time a victim reports a crime to the police and the date that an arrest warrant for the offender is issued and served; (2) the authority of police officers to make warrantless felony arrests; (3) investigation of crimes by more than one law enforcement agency; (4) periodic review of open cases; (5) enforcement of gun laws; and (6) the investigation by the Connecticut State Police Department and the Plainfield Police Department of the allegations contained in Jenny McMechen's May 28, 2001 written statement.

1. Arrest Warrant Process

A. Delay Between Report Of Crime And Execution Of Arrest Warrant

A total of forty-six days elapsed between the date Jenny McMechen reported to the Plainfield Police Department that Michael Latour assaulted her with scissors, a felony, and the date that the warrant was served on Latour. Thirty days elapsed between the date Jenny reported the crime to the Plainfield Police Department and the date that the judge signed the arrest warrant. Considering that no additional investigation occurred after Jenny reported the crime, a delay of this length in a case involving serious domestic violence is clearly unreasonable. An additional sixteen days elapsed from the date the judge signed the warrant to the date the warrant was served on Latour.

The OVA has received complaints and reviewed reports published in the news media concerning the delay in obtaining and executing arrest warrants comparable to the delay that occurred in this case. Without additional data, however, it cannot be determined with certainty whether the delay that occurred in this case is an anomaly or is evidence of a systemic problem affecting victim and public safety. Accordingly, the OVA recommends that our state legislature commission a study, to be conducted immediately, to determine the state of the arrest warrant system in Connecticut. Statistical information is critical to evaluating the present system and in determining whether changes need to be implemented to eliminate unnecessary delay in order to promote victim and public safety. The OVA recommends that the appropriate agencies, along with the Victim Advocate or his designee, develop a means to evaluate the effectiveness of the arrest warrant system and, after the evaluation is completed, review, analyze and report on the results of the study with appropriate recommendations.

Next, the OVA recommends that all police departments in the state review their policies and procedures governing the execution of arrest warrants. An arrest warrant

may be executed the moment that a judge signs the warrant. A police department that obtains an arrest warrant for a suspect should not wait until the warrant is entered into the COLLECT system before efforts to execute the warrant commence.

B. Felony Exception to Arrest Warrant Rule

In Connecticut, a police officer is authorized to make an arrest without a warrant if the officer has probable cause to believe that a suspect has committed a felony, regardless of whether or not the offense is committed in the officer's presence. See, C.G.S. § 54-1f (b). Speedy information is not required for a warrantless felony arrest. Id.

The Plainfield police officer that investigated Jenny McMechen's November 17, 2001 complaint that Michael Latour assaulted her with a pair of scissors unquestionably had probable cause to believe that Latour had committed felony assault. The officer, therefore, could have and should have arrested Latour, pursuant to his statutory authority to make a warrantless arrest for a felony, when the officer met face to face with Latour on December 7, 2001, notwithstanding the fact that the officer had applied for an arrest warrant.²⁸ This conclusion is compelled by the officer's knowledge that Jenny was in an extremely abusive relationship with Latour, that Latour had previously assaulted a former girlfriend, that Latour possessed a gun, and that two days after he allegedly assaulted Jenny, Latour reportedly forced her to accompany him across state lines. No legal basis prevented the officer from arresting Latour without a warrant or required him to wait until a judge signed the arrest warrant before arresting Latour.

The OVA recommends that each police department in the state review its policies and procedures for warrantless arrests. Said policies and procedures should make clear that: (1) police officers are authorized to make an arrest without a warrant if the officer has probable cause to believe that the suspect has committed a felony; (2) the fact that the officer has applied for an arrest warrant does not prevent the officer from making a warrantless felony arrest if the opportunity presents itself; and (3) police officers should not wait for a warrant and should arrest felony suspects in cases where there is a victim or public safety concern or where it may be difficult to locate the suspect at a later time. Also, the OVA recommends that police officers receive periodic training on these issues.

2. Jurisdiction – State Police and Local Police Departments

The OVA's investigation of the death of Jenny McMechen reveals that opportunities were presented to law enforcement to apprehend Michael Latour for committing additional serious crimes against Jenny McMechen before her death on December 31, 2001. Jurisdictional issues resulted in allegations by Jenny McMechen that Michael Latour had committed serious crimes against – attempted murder and kidnapping – not being properly investigated by the Connecticut State Police Department and the Plainfield Police Department.

The first opportunity for law enforcement to protect Jenny McMechen occurred on May 28, 2001, when Jenny reported to the state police that Michael Latour had

threatened to murder her, forced her to go with him in an automobile and that he had attempted to strangle her approximately two hours earlier. Despite having statewide jurisdiction, the investigating trooper did not fully investigate the matter. After the trooper spoke with Latour and Latour declined the trooper's invitation to speak with the trooper at the state police barracks, the trooper hand-delivered Jenny's written statement to the Plainfield Police Department where the investigation quickly ended without resolution. The state police promptly closed its case and never conducted any follow-up inquiry to determine the status of the investigation by the Plainfield Police Department. The Plainfield officer that investigated Jenny's report never completed his investigation of the case and the case remained officially "open and active" as of the date of Jenny's murder. As a result, no determination was made whether to charge Latour with crimes based upon Jenny's May 28, 2001 report, and the state police, the agency that initiated the matter, closed its case without any follow-up with the Plainfield Police Department.

The State Police Department's failure to maintain communication with the Plainfield Police Department is significant because the state police subsequently met face to face with Michael Latour on at least two subsequent occasions. Each meeting presented the opportunity for the state police to take action with respect to Jenny's May 28th written statement and to re-open its investigation of the allegations of serious criminal conduct by Michael Latour against Jenny McMechen contained in that statement.

The OVA recommends that, particularly with respect to domestic violence, sexual assault and other serious cases, the Commissioner of Public Safety implement procedures that will ensure that: (1) the state police will retain jurisdiction over the investigation of cases that present a heightened risk of harm to the victim or to public safety and (2) where investigations that are initially handled by a state trooper are referred to local law enforcement agencies for further investigation, that the state police monitor the status of that investigation and, where appropriate, resume investigation of the case to ensure victim and public safety.

Finally, two days after Jenny reported that Latour assaulted her with scissors she reported to the same Plainfield police officer that investigated her assault complaint that Latour damaged the windshield of her automobile and forced her to accompany him across state lines and held her against her will. The investigating officer told Jenny to file a complaint with the state police because the incident occurred outside of his jurisdiction. Jenny filed a complaint with the state police, but there was no documented investigation by the state police of her report that Latour abducted her and transported her across state lines - allegations that could support state and federal kidnapping charges. This failure occurred even though the Plainfield officer reportedly spoke with the trooper investigating Jenny's complaint and the investigating trooper reportedly told the Plainfield officer that Jenny had reported to the state police that Latour had damaged her windshield and forced her to accompany him to Foxboro.

The OVA recommends that all police departments develop policies and procedures to ensure that information regarding criminal activity in possession of one

police department is made available to the police department with jurisdiction over the activity. Also, police officers should receive training on this subject.

3. Periodic Review of Open Cases

The Plainfield police officer that investigated Jenny's May 28th report prepared a police report that indicated that the case was an active investigation and that he would be contacting the State's Attorney's Office regarding the prosecution of Michael Latour. There is no record that the officer ever contacted the State's Attorney's Office and the Plainfield Police Department's case pertaining to Jenny's May 28th report officially remained "open and active" until the date of her death.

The OVA recommends that all police departments design and implement a system to periodically review open cases, particularly cases involving domestic violence and other serious crimes, to ensure that cases like Jenny's May 28, 2001 report are not forgotten.

4. Enforcement of Gun Laws

A. Transfer/Surrender Requirements of C.G.S. § 29-36k

Michael Latour became the subject of an *ex parte* restraining order on September 7, 2001, and Connecticut State Police Troop D received a copy of the order on that same date.

Pursuant to the protocol developed by the Commissioner of Public Safety and others on March 14, 2001, Troop D was required to fax immediately a copy of the restraining order to the Department of Public Safety's Special Licensing and Firearms Unit and to obtain from the Unit Latour's gun registration information. There is no documented evidence that Troop D complied with this requirement. Moreover, two business days later Troop D was required to query the Special Licensing and Firearms Unit to determine if Latour had complied with the transfer/surrender requirements of C.G.S. § 29-36k. Again, there is no documented evidence that Troop D complied with this requirement. Although Latour, as a convicted felon, was ineligible to lawfully possess firearms, that fact does not excuse compliance with the protocol because the transfer/surrender requirements apply to illegally as well as legally possessed handguns.

The OVA recommends that each police department in the state, including the Connecticut State Police Department, review its policies and procedures for ensuring that, upon receipt of a protection order, the requisite steps are taken to ensure that the subject of the order has complied with the transfer/surrender requirements of C.G.S. § 29-36k. As noted in the OVA's independent investigative report on State v. Iannone,²⁹ the Commissioner of Public Safety has recently implemented a centralized enforcement mechanism to ensure that, in cases where the subject of a protection order is a registered handgun owner, the law enforcement agency with jurisdiction takes the necessary action to remove handguns from those subjects of protection orders that are out of compliance with the transfer/surrender requirements of C.G.S. § 29-36k. In

cases where the subject of a protection order illegally possesses handguns, the centralized mechanism will not ensure compliance and local law enforcement agencies must be vigilant to ensure that, in cases where information is available to the law enforcement agency that the subject of the order illegally possesses firearms, that an investigation is conducted to ensure that the subject has complied with the requirements of C.G.S. § 29-36k and, if not, that appropriate law enforcement action is taken.

As set forth more fully in the recommendations to the Judicial Branch, the OVA recommends that the Judicial Branch provide to the Department of Public Safety Special Licensing and Firearms Unit copies of the applications for *ex parte* restraining orders and the affidavits in support of the application.

Additionally, the OVA requests that the Commissioner of Public Safety provide to the OVA an explanation in writing for the failure of his agency to provide the OVA with a copy of the *ex parte* order and a description of the steps he will take to ensure that, in response to future requests from the OVA, copies of all documents and records in the possession of his agency are provided to the OVA.

B. Criminal Possession Of A Firearm By A Felon

As a convicted felon, Michael Latour could not lawfully possess a firearm and his possession of a firearm constituted a class D felony. See, C.G.S. §§ 53a-217 (a)(1); 53a-217c (a)(1). In November 2001 the Plainfield Police Department reportedly possessed information that Michael Latour sold cocaine and that he possessed a gun. Despite this information and the department's knowledge that Latour was a convicted felon and of the danger that Latour presented to Jenny McMechen, there is no documented investigation by the Plainfield Police Department regarding the information that Latour unlawfully possessed a firearm. If the Plainfield Police Department had conducted an investigation of this information, the department may have established probable cause to arrest Latour for criminal possession of a firearm and/or violations of controlled substance laws and/or to support the issuance of a search and seizure warrant. See, C.G.S. § 54-33a.

The OVA recommends that all police departments develop and implement policies and procedures to ensure that an investigation is conducted whenever information is received that a person unlawfully possesses a firearm and that all steps taken with respect to the investigation are documented in a written report.

5. The Investigation by the Connecticut State Police Department and the Plainfield Police Department of Jenny McMechen's May 28, 2001 Statement

The combined investigation conducted by Connecticut State Police Troop D and the Plainfield Police Department of the allegations of criminal conduct by Michael Latour contained in Jenny McMechen's May 28, 2001 written statement was grossly deficient and flawed.

The state trooper that first interviewed Jenny McMechen on the morning of May 28, 2001, obtained from Jenny a four-page written statement in which Jenny alleged

that Michael Latour committed several serious domestic violence crimes against her. Although the trooper apparently began to investigate Jenny's allegations by attempting to locate Michael Latour, by locating the vehicle driven by Latour and then by speaking on the telephone with Latour, the trooper ended his investigation after Latour declined the trooper's request to speak with the trooper at the state police barracks. The trooper then hand-delivered Jenny's written statement to the Plainfield Police Department.

The investigation by the Plainfield Police Department of the allegations contained in Jenny's May 28, 2001 written statement was grossly deficient and flawed for several reasons. First, the investigating officer (Officer D) failed to pursue clear leads to obtain information to corroborate the allegations contained in Jenny's report. In her report, Jenny stated that two individuals accompanied her and Latour as they drove from the nightclub to the bank parking lot where Latour reportedly assaulted and attempted to strangle Jenny. Her statement contains the first and last name of one of those persons (J.B.) and the first name of the other person who was present (D.).³⁰ Also, Jenny's statement indicated that a number of patrons at the nightclub witnessed Latour's actions toward her at the nightclub and prior to their departure to the bank parking lot. One of the patrons reportedly fought with Latour and was arrested by the Plainfield Police Department (Exhibit 8). There is no record that Officer D, or any other police officer, made any attempt to locate and to interview these potential witnesses. Nor is there any record that Officer D, or any other police officer, interviewed the person from whose house Jenny called the state police on the morning of May 28, 2001. This person may have been able to provide useful information to corroborate Jenny's statement, such as the appearance of marks on Jenny's neck upon her arrival at the house, markings that may have dissipated or completely disappeared by the time she was interviewed by Officer E more than five hours after Latour allegedly attempted to strangle Jenny. Finally, there is no record that Officer D, or any other Plainfield police officer, attempted to interview Michael Latour.

Second, Officer D based his decision to contact the State's Attorney's Office to determine if that office would prosecute Latour, *inter alia*, upon Jenny's stated fear that Latour would retaliate against her if he were arrested. Connecticut has a mandatory arrest policy for domestic violence crimes and a police officer may not base his or her decision whether to arrest an individual for domestic violence crimes upon whether or not the victim wishes to have the offender arrested. C.G.S. § 46b-38b(a).

Finally, there is no record that Officer D, or any other Plainfield police officer, ever contacted the State's Attorney's Office. This conclusion is supported by the fact that, according to the records received by the OVA from the Plainfield Police Department, that department's investigation of Jenny's May 28th statement remained "open and active" as of the date of Jenny's death.

It is clear that the combined investigation by Connecticut State Police Troop D and the Plainfield Police Department of the allegations contained in Jenny's May 28, 2001 written statement was grossly deficient and flawed. That investigation, however, was a criminal investigation and the criminal law enforcement ramifications of the deficiencies and flaws, as well as any reasons for the deficiencies and flaws, are matters properly addressed by criminal law enforcement authorities. Accordingly, the

OVA strongly recommends that the Commissioner of Public Safety and the Chief of the Plainfield Police Department promptly deliver all material in their respective departments' possession related to Jenny's May 28th written statement to the State's Attorney for the Judicial District of Windham. The OVA requests that the Windham State's Attorney investigate the allegations contained in Jenny's May 28th statement and, upon the completion of her investigation, determine whether Michael Latour should be prosecuted for his acts against Jenny McMechen as alleged in her May 28th statement. Also, the OVA requests that, upon completion of her investigation, the Windham State's Attorney, in cooperation with the Chief State's Attorney, the Commissioner of Public Safety and a representative from the Connecticut Police Chiefs Association, make appropriate recommendations and take such action(s) to ensure that, throughout the state, such deficient and flawed investigations do not occur in the future, thereby enhancing victim and public safety.

III. The Judicial Branch

From the date of his release from prison in December 2000 until his arrest on January 2, 2002, for the murder of Jenny McMechen, Michael Latour was arrested on five separate occasions. On January 28, 2001, Latour was arrested for evading responsibility and other motor vehicle offenses after an automobile he allegedly drove collided with a parked automobile on January 18, 2001 (Exhibit 49). Latour appeared in the Superior Court, G.A. 11, on the evading charges on February 8, 2001, and again on March 9, 2001.

On March 28, 2001, Latour was arrested and charged with driving while intoxicated and other motor vehicle offenses. He was released from police custody on that same date after posting a \$500.00 non-surety bond and with a court date of April 9, 2001, in the Superior Court, G.A. 11 (Exhibit 52). On March 30, 2001, three days after Latour's arrest for DUI, Latour appeared in the Superior Court, G.A. 11, on the evading responsibility case and an assistant state's attorney nolleed the charges. Judge A presided over the proceedings and the transcript of the proceedings reveals that neither the prosecutor nor the judge mentioned Latour's recent DUI arrest before the prosecutor nolleed the charges (Exhibit 53).³¹

On April 27, 2001, Latour was arrested and charged with second-degree assault for an incident that occurred at basketball game on January 17, 2001, approximately one month after his release from prison (Exhibit 37). The complainant in that case alleged that Latour punched him in the face in an unprovoked attack (Exhibit 5). On May 2, 2001, Latour appeared in the Superior Court, G.A. 11, on the second-degree assault charges. While the second-degree assault and DUI charges were still pending against Latour, he was arrested on May 26, 2001, and charged with breach of peace, criminal mischief in the third degree and interfering with an officer after he allegedly struck a woman in the face and spat in the woman's face while a bar and then ran from and struggled with police officers as they placed him under arrest (Exhibit 26).

On June 18, 2001, Latour appeared in the Superior Court, G.A. 11, on the DUI and assault cases. Both cases were continued until July 23, 2001.

On August 14, 2001, Latour appeared before Judge A in the Superior Court, G.A. 11, on the case involving the May 26, 2001 incident at the nightclub. Latour pleaded guilty to interfering with an officer. The prosecutor, noting that Latour had paid for the damage to the police officer's equipment, recommended a \$50.00 fine. The court found Latour guilty of interfering with an officer and fined Latour \$50.00 plus costs. The court noted that the State had nolle prosequi the remaining charge. The record reveals that neither the judge nor the prosecutor mentioned the pending assault and DUI charges (Exhibit 54).

On August 27, 2001, Latour appeared before Judge A in the Superior Court, G.A. 11, on the DUI case. Judge A granted Latour's application for the Alcohol Education Program and the case was continued until August 26, 2002 (Exhibit 55).³²

On September 6, 2001, Jenny McMechen filed with the Putnam Superior Court an Application For Relief From Abuse from Michael Latour for herself and her parents (Exhibit 10). On that same date, Judge A granted Jenny application and issued an *ex parte* restraining order against Michael Latour (Exhibit 12). In her sworn, written statement in support of the order, Jenny claimed that on several occasions Latour had struck her and threatened her while she was carrying their child and that he had threatened her parents. Also, she stated, "I have had several bruises and marks all over my body, and haven't been able to leave" (Exhibit 11). On September 7, 2001, a state marshal served copies of the following documents on Latour in hand and on Connecticut State Police Troop D: *Ex Parte* Restraining Order-Relief From Abuse, Application For Relief From Abuse, Order And Notice Of Court Hearing, Notice Re: Handgun Restrictions, Affidavit Relief From Abuse, Application For Waiver Of Fees/Appointment of Counsel (Exhibit 13). The court documents pertaining to the *ex parte* order do not contain any notations from the clerk's office indicating to which law enforcement agency or agencies, if any, the clerk mailed a certified copy of the restraining order within forty-eight hours of issuance. See, C.G.S. § 46b-15 (e).³³

On September 17, 2001, Judge A dismissed the *ex parte* restraining order after neither Jenny nor Latour appeared at the hearing scheduled on the order (Exhibits 15, 56). Jenny reportedly did not appear at the hearing because Latour had locked her in a bathroom that day to prevent her from attending the hearing.

On November 15, 2001, Michael Latour appeared before Judge A in the Superior Court, G.A. 11, on the second-degree assault case that occurred at the basketball game on January 17, 2001. After Latour entered a plea of *nolo contendere* to a substitute information charging him with assault in the third degree, Judge A entered a guilty verdict finding and sentenced Latour on that same date to one year in prison, execution suspended, and two years probation. Judge A ordered the following special condition of probation: no contact with the victim; restitution to the victim of out-of-pocket medical expenses; and a \$215.00 charitable contribution to be made by January 10, 2002 (Exhibits 57, 58).

On December 11, 2001, a state trooper arrested Michael Latour on a warrant charging him with committing breach of peace at a gas station in Killingly on November 9, 2001. Latour was released after he posted \$2,500 bond (Exhibit 23).

Summary

- Michael Latour was arrested five times for various offenses ranging from breach of peace to assault in the second degree during the thirteenth-month period between his release from prison and his arrest for the murder of Jenny McMechen. During that period Latour appeared in the Danielson Superior Court numerous times on four of the five arrests. Despite Latour's history and his propensity to commit crimes, in not one of the cases did the court impose a sentence that would require Latour to be incarcerated.
- In her sworn, written affidavit in support of her application for a restraining order, Jenny McMechen stated that Michael Latour had struck her and threatened her several times while she was pregnant with his child. Also, she stated that Latour had threatened her parents. Further, she stated, "I have had several bruises and marks all over my body, and haven't been able to leave." When neither Jenny nor Latour appeared at the hearing scheduled on the application, the same superior court judge that issued the *ex parte* order dismissed Jenny's application based upon their non-appearance. Despite Jenny's statement, "I . . . haven't been able to leave," no one from the judicial branch contacted or arranged for a domestic violence advocate to contact Jenny to ascertain whether Jenny voluntarily decided not to appear for the hearing or whether she did not appear because Latour continued to restrain her. Jenny reportedly did not appear at the hearing because Latour locked her in a bathroom to prevent her from attending the hearing.

Conclusions and Recommendations

From the date of his release from prison in December 2000 until his arrest on January 2, 2002, for the murder of Jenny McMechen, Michael Latour was arrested on five separate occasions for various criminal and motor vehicle offenses. Four of the arrests occurred within a four-month period, two of the four arrests involved the use of physical force by Latour against other persons, and Latour continued to be arrested while cases were pending against him. Significantly, Judge A presided over the disposition of those four arrests. Also, Judge A issued the *ex parte* restraining order on Jenny McMechen's behalf against Michael Latour and dismissed the order after both Jenny and Latour failed to appear at the hearing scheduled on the order.

By the time Michael Latour appeared before the court on November 15, 2001, and pleaded *nolo contendere* to the third-degree assault charge, Judge A should have realized Latour's propensity to commit crimes, including crimes that involved the use of physical force against others, and the danger that Latour presented to society. Accordingly, the judge should have required that any plea-bargain agreement include a sentence of imprisonment.

The OVA has made a number of recommendations to the Judicial Branch addressing the following issues: (1) the failure of applicants for restraining orders to

appear at the hearing on the application; (2) expediting the warrant application process in cases involving danger or the threat of danger to the victim of the public; (3) providing for the inclusion in arrest warrant applications of information that the subject of the warrant is on probation or other form of supervised release at the time the crimes alleged in the warrant were committed; and (4) enforcement of the transfer/surrender requirements of C.G.S. § 29-36k.

1. Restraining Orders

A. Applicant's Failure to Appear at Hearing on Restraining Order

When Jenny McMechen failed to appear at the hearing on the restraining order, the court dismissed the order notwithstanding that, in her sworn, written affidavit in support of the order she alleged that Michael Latour had restrained her against her will. No one contacted Jenny, before the order was dismissed, to determine if Jenny voluntarily decided not to appear at the hearing or if her failure to appear was the result of conduct by Latour. Jenny reportedly did not appear at the hearing because Latour kept her locked in a bathroom to prevent her from attending the hearing.

During the 2002 legislative session, the General Assembly enacted, and the Governor signed into law, legislation mandating that the Judicial Branch provide to applicants for restraining orders in domestic violence cases information on the steps that must be taken to continue an *ex parte* restraining order beyond the initial period and also mandating that the Judicial Branch provide applicants with information on how to contact domestic violence counselors and counseling organization. See, P.A. 02-127 (2) (effective October 1, 2002).

Although P.A. 02-127 (2) addresses some of the problems identified by the Victim Advocate's investigation of the deaths of Jenny McMechen and Brian Brown in February 2002, it does not go far enough. The OVA recommends that the Judicial Branch, in conjunction with the agencies/entities that provide services to victims of domestic violence, provide that every applicant for a restraining order meet with a domestic violence advocate at the time the application is made. This would permit the advocate to discuss such issues as safety planning with the applicant, to educate the applicant about the obligation to appear at the hearing scheduled on the application and to arrange for a safe and appropriate way to contact the applicant in the future. If the applicant does not appear at the hearing, the advocate will be able to contact the applicant to ascertain whether the applicant did not appear voluntarily or because of conduct by the subject of the order. With this information made available to the court, the court will be able to determine whether the application should be dismissed because of the applicant's non-appearance or whether the application should be continued or other steps taken by the court to protect the applicant.

B. Mailing of Protection Orders by the Clerk's Office to Law Enforcement Agencies

Section 46b-15 (e) of the General Statutes provides that the clerk of the court shall send a certified copy of any *ex parte* order and of any order after notice and

hearing to the law enforcement agency for the town in which the applicant resides and, if the subject resides in a different town, to the law enforcement agency for the town in which the subject resides within forty-eight hours of the issuance of such order.³⁴ Additionally, if the applicant is employed in a town different than the town in which she resides, the clerk of the court shall, upon the request of the applicant, send a certified copy of such order to the law enforcement agency to the town in which the applicant resides also within forty-eight hours of the issuance of the order.³⁵ The OVA recommends that the Judicial Branch require clerks of the court to note, on the court's copy of any restraining or protective order, the law enforcement agencies to which copies of the order were mailed along with the date of such mailing.

2. Inclusion Of Information That Subject Of Application Is On Probation Or Other Form Of Supervised Release

The information contained in the arrest warrant application pertaining to the November 16th assault of Jenny McMechen provided a basis to charge Latour with violating the conditions of his probation relating to the November 15th assault conviction. The judge that reviewed the arrest warrant application for the November 16th assault (Judge B) could have contacted Latour's probation officer and alerted the probation officer to the information contained in the warrant application, if Judge B was aware of Latour's probation status. There is nothing in the arrest warrant application, a Judicial Branch form (JD-CR-64), that would have alerted Judge B to the fact that Latour was on probation at the time that he committed the crime for which the arrest warrant was being sought (Exhibit 34).³⁶

Accordingly, the OVA recommends that the Judicial Branch modify the form used to apply for an arrest warrant to permit the applicant to indicate (by checkbox or other suitable method) that the subject of the application is on probation or other form of supervised release. A procedure should be implemented to provide that a copy of any application that indicates supervised release, once signed by the judge, is promptly forwarded to the appropriate supervising agency to permit the agency to take appropriate action. Also, the OVA recommends that training or instructions accompany this form change.

3. Enforcement of the Gun Transfer/Surrender Requirements of C.G.S. § 29-36k

The OVA recognizes and appreciates the recent cooperation and collaboration between the Judicial Branch and the Department of Public Safety that has resulted in the implementation of a state-wide centralized enforcement unit within the Department of Public Safety Special Licensing and Firearms Unit to ensure that persons who become the subject of a restraining or protective order transfer or surrender their handguns within two business days of becoming subject to the order. The OVA's investigation into the facts and circumstances surrounding the death of Jenny McMechen has highlighted one situation where the newly created centralized enforcement mechanism may not have worked to remove Michael Latour's handgun. Where the subject of a protection order is not a registered handgun owner yet possesses handguns or other firearms illegally, the centralized unit will take no action with respect to such order. In these situations, it is essential that the Special Licensing

and Firearms Unit have access to any available information that the subject of the order possesses firearms illegally. To achieve that goal, the OVA recommends that the Judicial Branch provide to the Special Licensing and Firearms Unit copies of the applications for all *ex parte* restraining orders issued as well as the affidavit prepared by applicants in support of such orders. Both forms are Judicial forms. The application has a box that the applicant can check to indicate that the subject of the order possesses firearms. The affidavit often contains information that the subject of the order possesses firearms.

4. Availability Of Up-To-Date Criminal And Other Offender History

The OVA recommends that the Judicial Branch implement policies and procedures, if they do not already exist, to ensure that judges have up-to-date information regarding all charges filed against a defendant as he stands before the court, including the defendant's prior criminal history, as well as information regarding recent arrests, the issuance of protective or restraining orders and the defendant's compliance with the gun transfer/surrender requirements of C.G.S. § 29-36k

IV. The State's Attorney's Office

From the date of his release from prison in December 2000 and his arrest on January 2, 2002, for the murder of Jenny McMechen, Michael Latour was arrested on five separate occasions and appeared in court numerous times on four of the five arrests.³⁷ Prosecutors from the State's Attorney's Office for the Danielson Superior Court, G.A. 11, represented the State in each of the criminal cases against Michael Latour.³⁸

On January 28, 2001, Latour was arrested for evading responsibility and other traffic infractions after an automobile he allegedly drove collided with a parked automobile on January 18, 2001 (Exhibit 49). On March 28, 2001, Latour was arrested for driving while intoxicated (Exhibit 52). On March 30, 2001, three days after Latour's arrest for DUI, an assistant state's attorney nolleed the charges pertaining to the evading responsibility arrest. The transcript of the March 30, 2001 proceedings reveals that the prosecutor made no mention of Latour's recent DUI arrest before he nolleed the charges (Exhibit 53).³⁹

On April 27, 2001, Latour was arrested on a warrant and charged with second-degree assault and breach of peace for an incident that occurred at a basketball game on January 17, 2001, approximately one month after his release from prison (Exhibit 6). The complainant in that case alleged that Latour punched him in the face in an unprovoked attack (Exhibit 5).

On May 26, 2001, while the DUI and assault charges were still pending against Latour, Latour was arrested and charged with breach of peace, criminal mischief in the third degree and interfering with an officer after he allegedly struck a woman in the face and spat in the woman's face while at a bar and then ran from and struggled with police officers as they placed him under arrest (Exhibit 26). On August 14, 2001, and while

the DUI and assault charges were still pending, an assistant state's attorney disposed of the charges relating to the May 26, 2001 incident by entering nolle prosequi on the breach of peace and criminal mischief charges and by permitting Latour to plead guilty to interfering with an officer and to pay a \$50.00 fine. A review of the transcript of the plea proceedings reveals that the prosecutor made no mention of the pending DUI or assault charges (Exhibit 54).

On November 15, 2001, Latour appeared in court on the second-degree assault case that occurred at the basketball game on January 17, 2001. Latour, represented by counsel, entered into a plea agreement with the prosecutor and entered plea of *nolo contendere* to a substitute information charging him with assault in the third degree, a class A misdemeanor, in exchange for a sentence of one year in jail, execution suspended, and two years probation. The court accepted Latour's plea, entered a finding of guilty, and sentenced Latour in accordance with the plea agreement (Exhibits 30, 57).

On November 30, 2001, the Office of the State's Attorney, Judicial District of Windham, received from the Plainfield Police Department the arrest warrant application for Michael Latour pertaining to the November 16th assault on Jenny McMechen (Exhibits 38, 51). On December 11, 2001, eleven days after the State's Attorney's Office received the warrant application from the Plainfield Police Department, an assistant state's attorney signed the warrant application and an information charging Latour with assault in the second degree (Exhibits 34, 36). On December 17, 2001, a superior court judge signed the arrest warrant application and the arrest warrant (Exhibits 34, 36). On December 20, 2001, the State's Attorney's Office returned the signed arrest warrant to the Plainfield Police Department (Exhibits 38, 51).

Summary

- Michael Latour was arrested five times for various offenses ranging from breach of peace to assault in the second degree during the thirteenth-month period between his release from prison and his arrest for the murder of Jenny McMechen. During that period Latour appeared in court numerous times on four of the five arrests. Prosecutors from the State's Attorney's Office in the Danielson Superior Court prosecuted the cases against Latour. Despite Latour's history, in not one of the cases did the prosecutor on the record recommend that the court impose a sentence that would require Latour to be incarcerated.
- On Friday November 30, 2001, the State's Attorney's Office for the Windham Judicial District received from the Plainfield Police Department the arrest warrant application for Michael Latour for the November 16th assault on Jenny McMechen. An assistant state's attorney signed the warrant application and an information eleven days later on Tuesday December 11, 2001.
- A Superior Court judge signed the arrest warrant application and arrest warrant six days later on Monday December 17, 2001, and the State's

Attorney's Office returned the signed arrest warrant to the Plainfield Police Department three days later on Thursday December 20, 2001.

Conclusions and Recommendations

Michael Latour was arrested a total of five times during the thirteen-month period between his release from prison and his arrest for the murder of Jenny McMechen. Four of the arrests occurred during a four-month period and two arrests involved the use of physical force by Latour against another person (assault second and interfering with a police officer). Also, Latour continued to be charged with committing crimes while charges were pending against him. Michael Latour's arrest history after his release from prison amply demonstrates that he did not believe that he was bound by the law and that he would continue to commit crimes against the public unless incarcerated. Latour's ability to avoid any real consequences for his continued criminal behavior no doubt reinforced in Latour a belief that he could continue to commit crimes with impunity.

Notwithstanding this history of continued criminal behavior, Latour's cases were disposed of without Latour receiving any period of incarceration for his offenses. This may have occurred because the four cases were not consolidated by the State's Attorney's Office for plea and disposition purposes. Rather, the cases were prosecuted independent of each other and three prosecutors represented the State at the four dispositions.

With respect to Latour's third-degree assault conviction on November 15, 2001, Latour's criminal history, which was available to the prosecution, warranted that Latour be sentenced to a period of incarceration as part of any plea-bargain agreement. That did not occur in this case and Jenny reported that Latour assaulted her with scissors just one day after he was placed on probation for this conviction. In view of the number and nature of Latour's arrests after his release from prison, it is readily apparent that stronger sanctions against Michael Latour should have been sought by the State's Attorney's Office for his crimes, particularly the third-degree assault conviction.

The OVA has made a number of recommendations to the State's Attorneys addressing the following issues: (1) expediting the arrest warrant application process; (2) providing information in arrest warrant applications that the subject of the warrant is on probation or other form of release; and (3) consolidation of cases for disposition purposes.

1. **Inclusion Of Information That Subject Of Application
Is On Probation Or Other Form Of Supervised Release**

As previously noted, the information contained in the arrest warrant application pertaining to the November 16th assault provided a basis to charge Latour with violating the conditions of his probation relating to his November 15th conviction. If the prosecutor that reviewed the arrest warrant application for the November 16th assault was aware that Latour was on probation at the time he allegedly committed the offense

charged in the arrest warrant application, the prosecutor could have taken steps to have Latour's probation revoked. The assistant state's attorney that signed the arrest warrant application for the November 16th assault did not represent the State at Latour's November 15th plea and sentence and there is nothing in the arrest warrant application that would have alerted the prosecutor reviewing the application to the fact that Latour was on probation at the time he allegedly committed the crime charged in the arrest warrant application (Exhibit 34).

Accordingly, the OVA recommends that each State's Attorney, in cooperation with the Judicial Branch and law enforcement, establish policies and procedures to ensure that information that a subject of an arrest warrant application is on probation or other form of supervised release is brought to the attention of the prosecutor reviewing the warrant application so that prompt action can be taken to revoke the subject's release.

2. Availability Of Up-To-Date Criminal And Other Offender History

The OVA recommends that the State's Attorney implement policies and procedures, if they do not already exist, to ensure that prosecutors have up-to-date information regarding all charges filed against a defendant as he stands before the court, including the defendant's prior criminal history, as well as information regarding recent arrests, the issuance of protective or restraining orders and the defendant's compliance with the gun transfer/surrender requirements of C.G.S. § 29-36k

ENDNOTES

¹ Latour was subsequently charged in an information with murder in violation of C.G.S. § 52a-54a(a) and criminal possession of a firearm in violation of C.G.S. § 217 (a)(1). The information alleged that Latour intentionally killed Jenny with a firearm and that Latour, having previously been convicted of a felony, illegally possessed a firearm.

² Section 46a-13d (a) the General Statutes imposed a duty on the Windham State's Attorney to cooperate with the Victim Advocate's investigation of the death of Jenny McMechen. That section also provides that, consistent with the confidentiality provisions of the general statutes, the Victim Advocate "shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Victim Advocate as provided in section 46a-13c." The Victim Advocate intends to renew his request for subpoena power to the legislature during the next legislative session.

³ In 2000, the Victim Advocate investigated the murder of Josephine Giaimo on the East Haven Green by her estranged husband. That investigative report highlighted critical systemic problems in the enforcement of current handgun restriction laws that are intended to protect victim and public safety. Based on the findings in the Giaimo Report, the Victim Advocate called publicly for the creation of a statewide, centralized enforcement mechanism to ensure that the gun transfer/surrender and gun seizure laws are enforced. No such enforcement mechanism was created.

In response to the findings and recommendations made by the Victim Advocate in the Giaimo Report, the Commissioner of Public Safety, the Chief State's Attorney and the Police Chiefs Association did finally comply with Public Act No. 99-210, Section 10 and developed protocol on March 14, 2001 "to ensure that persons who become ineligible to possess a pistol or revolver [by virtue of becoming the subject of a restraining or protective order] have, in accordance with C.G.S. § 29-36k, transferred or surrendered such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to [the Commissioner of Public Safety]." P.A. 99-210, Section 10. The OVA's investigation of the death of Jenny McMechen, and the OVA's investigation into the matter of State v. Iannone, released to the public on June 17, 2002, provided an opportunity to examine the effectiveness of the March 14, 2001 public safety protocol. Both investigations demonstrated a failure on the part of law enforcement officials to follow the public safety protocol. On March 19, 2002, the Victim Advocate met with the Governor's Office, the Commissioner of Public Safety, a representative from the Office of the Chief State's Attorney, and a representative from the Judicial Branch to renew his request for the creation of a centralized enforcement mechanism to ensure compliance with Connecticut's gun restriction laws. As detailed in the Victim Advocate's report on the State v. Iannone incident, such an enforcement mechanism has now been established and is, to the best of the Victim Advocate's knowledge and belief, fully operational. See Endnote 14 additional details.

⁴ The OVA is cognizant of the fact that, as of the date of this report, Michael Latour has not been convicted of any crimes for the death of Jenny McMechen. Even if that were

never to occur, the flaws and errors identified by the Victim Advocate during his investigation of the death of Jenny McMechen raise major concerns for both victim and public safety that must be addressed.

⁵ This notion receives support from the fact that on several occasions during the time period commencing with his release from prison in December 2000 and ending with the murder of Jenny McMechen on December 31, 2001, Michael Latour showed a propensity for getting into trouble shortly after interacting with the criminal justice system. As shown in Table 1, just two days after being arrested for DUI and other charges on March 28, 2001, and on the same day charges including evading responsibility were nulled, Latour was named a suspect following two investigations involving damage caused to two separate automobiles. Similarly, shortly after Latour's application for the Alcohol Education Program, related to his March 28, 2001 arrest for DUI, Jenny McMechen applied for, and received an *ex parte* restraining order against Latour after claiming that Latour was physically abusive toward her and had threatened her parents. Also, the very next day after the court placed Latour on probation for a one year time period, related to the January 17, 2001 assault 3rd charge, Latour allegedly placed a belt around Jenny's throat, lifted her up from bed using the belt, and slashing her stomach three times with scissors.

⁶ The Plainfield Police Department provides police services to Plainfield, Central Village, Moosup and Warren.

⁷ Beginning in May 2002, the March 14, 2001 public safety protocol has been superceded by a statewide, centralized enforcement mechanism to ensure compliance with Connecticut's gun restriction laws as they relate to subjects of restraining and protective orders. See Endnotes 3 and 17 for the history and details of the development and operation of this centralized enforcement mechanism.

⁸ In April 2002 the DUI charge was restored to the criminal calendar and was pending at the time of this report.

⁹ In the course of his duties, the Victim Advocate has had several discussions with prosecutors concerning whether the police should make an arrest in a particular case. The Victim Advocate has received a uniform message from those prosecutors. The message is that the decision whether to arrest and charge a person with a crime in Connecticut is vested in the police and not the Office of the State's Attorney. Thus, the investigating officer's stated intent to contact the State's Attorney's Office to ascertain whether that agency would pursue criminal charges against Latour is counter to that message. Even if the investigating officer's decision to contact the State's Attorney's Office could be deemed reasonable under the circumstances, as noted in this report, there is no record that the officer ever contacted the State's Attorney's Office on this matter.

¹⁰ One of the conditions of Latour's probation was that he not commit any new crimes (Exhibit 48).

¹¹ News reports have documented numerous successes by these units in apprehending individuals that attempt to avoid apprehension by law enforcement (Exhibit 47). While there is no guarantee that these units would have apprehended Latour any sooner, it is clear that the request should have been made. Moreover, placing Jenny in protective custody would have protected her from Latour until his apprehension.

¹² In response to the tragic deaths of Leroy Brown, Jr., and Karen Clarke in 1999, the Legislature enacted a witness protection program, to be administered by the Chief State's Attorney's Office, to provide for the protection of witnesses during criminal investigations and criminal proceedings. See, C.G.S. §§ 54-82s – 54-82u. The protections afforded by the witness protection program, or similar protections, should have been made available to Jenny McMechen by this time.

¹³ Jenny written statement contains the first and last name of one of these individuals (J.B.) and the first name of the other individual (D.) (Exhibit 8). J.B.'s name and address appears in the police reports prepared by the Plainfield Police Department in connection with Latour's arrest on January 28, 2001, for evading responsibility (Exhibit 49). The Plainfield police officer that investigated Jenny's May 28th statement also participated in the investigation of the evading responsibility incident (Exhibit 49).

¹⁴ Trooper A was dispatched to respond to Jenny's call at 12:57 a.m. on May 28, 2001. Trooper A began taking Jenny's written statement at 1:36 a.m. and concluded the statement at 3:01 a.m. on that same date. In her written statement, Jenny reported that Latour strangled her at approximately 10:25 p.m. on May 27, 2001 (Exhibits 7, 8). Thus, approximately one and one-half hours elapsed between the time that Latour reportedly attempted to strangle Jenny and the time the state police were dispatched to Jenny's call for assistance and the state trooper concluded taking the written statement from Jenny approximately four and one-half hours after Latour reportedly attempted to strangle Jenny. Based upon this timeline, it is reasonable to believe that Troop D and the Plainfield Police Department were in possession of speedy information that a family violence crime or crimes had been committed and that, as a result, the mandatory arrest provision of C.G.S. § 46b-38b (a) applied. That provision provides, in relevant part: "Whenever a peace officer determines upon speedy information that a family violence crime, as defined in subdivision (3) of section 46b-38a, except a family violence crime involving a dating relationship, has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crimes. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship of the parties or (3) be based solely on a request by the victim." Because Jenny and Latour resided together at the time of the reported criminal activity (see, Exhibits 7, 8), Latour's acts against Jenny constituted a "family violence crime." See, C.G.S. § 46b-38a (2), (3).

¹⁵ See, endnote 6.

¹⁶ Pursuant to Public Act 02-127 (7), effective October 1, 2002, marshals will be required to provide copies of all *ex parte* orders, including the applicant's affidavit, to the

law enforcement agencies for the town in which the applicant resides, for the town in which the respondent resides if different from the town in which the applicant resides, and for the town in which the applicant is employed in different from the town in which the applicant resides. This change in the law should prevent the situation that happened in this case – the marshal serving only a state police barracks that has jurisdiction over both the town in which the applicant resides and the town in which the respondent resides (Troop D) but not serving a copy of the order on the local law enforcement agency for the town in which the applicant resides (Plainfield P.D.). Also pursuant to P.A. 02-127 (7), clerks of the court will be required to send certified copies of any *ex parte* order and of any order after notice and hearing to the same law enforcement agencies as the marshal thereby creating a system that should result in every *ex parte* order reaching the proper law enforcement agency.

¹⁷ During the course of the OVA's investigation of the murder of Josephine Giaimo in 2000, the death of Jenny McMechen, and of State v. Iannone, the OVA identified issues regarding the March 14, 2001 public safety protocol that could place the safety of victims and the general public at risk. The main concern was the lack of a centralized enforcement unit to monitor the local law enforcement agencies to ensure that local police departments were following the public safety protocol and to step in when they did not. Under the public safety protocol adopted on March 14, 2001, the primary, if not sole, responsibility for ensuring compliance with handgun restriction laws is vested in the local law enforcement agencies. This had proven to be ineffective. Crucially, the public safety protocol lacks any provision for the Department of Public Safety or any other agency or entity to monitor the response by local law enforcement agencies upon the issuance of a restraining or protective order and to ensure that those agencies follow the protocol.

Under the public safety protocol, if a local law enforcement agency, upon receipt of a restraining or protective order, failed to transmit the order to the Department of Public Safety Special Licensing and Firearms Unit (SLFU) as required under the protocol, as occurred in this case and in the Iannone case, the SLFU had no way of knowing that a registered handgun owner is the subject of a restraining/protective order and was, therefore, ineligible to possess handguns. Furthermore, as occurred in State v. Iannone, absent receipt of the order from the local law enforcement agency, the SLFU had no way of knowing that the subject's pistol permit is subject to revocation. Also, if a local law enforcement agency fails to communicate with the SLFU pursuant to the public safety protocol, such agency is without the information it needs to trigger the required investigation into the matter and, thus, can not take timely action to seek to remove weapons from those individuals who are out of compliance with the gun transfer/surrender requirements of C.G.S. § 29-36k.

Moreover, the public safety protocol adopted on March 14, 2001, does not contain any provision for monitoring compliance with the protocol by local law enforcement agencies. As a result, there was a lack of accountability and compliance with the protocol was entirely self-policing. Consequently, inaction or insufficient action by a local law enforcement agency concerning the subject's compliance with the requirements of C.G.S. § 29-36k went unnoticed by the Department of Public Safety or any other agency. That alone mandated the creation of a centralized enforcement

mechanism to ensure that local law enforcement agencies follow the protocol and enforce the gun transfer/surrender and seizure laws.

Finally, the March 14, 2001 public safety protocol did not contain any procedures for the conduct of the follow-up investigation required after a local law enforcement agency determines that a subject of a restraining or protective order has failed to comply with the transfer/surrender requirements of C.G.S. § 29-36k. The protocol addresses only the acquisition and exchange of basic information necessary to take appropriate action and provides no direction or guidance to local law enforcement agencies regarding what action(s) need to be taken once information indicating non-compliance on the part of a subject of a restraining/protective order is acquired. The problems, however, with the enforcement of the gun transfer/surrender and seizure laws are clearly not related to any lack of access to information but, rather, to law enforcement's failure to access that information (as in this case) or to act on that information (as in the Giaimo and Iannone cases). The protocol simply did not solve these problems.

Additionally, as noted in the OVA's review of police department policies and procedures for enforcing Connecticut's gun transfer/surrender and gun seizure laws, released in October 2001, a substantial number of local police departments are operating without formal written policies and procedures regarding the public safety protocol, particularly in regard to the follow-up investigation. The absence of such policies and procedures raised the concern that police officers will not have the requisite information available to them to properly and thoroughly investigate whether a person who becomes ineligible to possess handguns 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 handguns.

As a result of the deficiencies noted in the protocol and the OVA's findings in its review of police department policies and procedures, there was a substantial risk that persons that are ineligible to possess handguns will continue to possess such weapons thereby placing victims and the public at risk. The findings in the Iannone and Giaimo investigation, the OVA's more recent investigations, and complaints received from crime victims by the OVA, all have highlighted the existence and critical nature of the faults with the public safety protocol and the need to immediately address this problem to ensure victim and public safety in the future.

On March 19, 2002, the Victim Advocate met with the Governor's Office, the Commissioner of Public Safety, a representative from the Chief State Attorney's Office and a representative from the Judicial Branch to discuss the issue of continued non-enforcement of the gun transfer/surrender and gun seizure laws, despite the existence of the public safety protocol, and to renew his request for the development and implementation of a centralized enforcement mechanism to ensure compliance with these laws.

As a result of these efforts, the Commissioner of Public Safety and the Judicial Branch agreed to cooperate and to quickly develop and implement a set of procedures to place the ultimate responsibility of ensuring compliance with the handgun transfer/surrender requirements where it should be—in the hands of a single centralized entity, i.e., the SLFU. As outlined more fully immediately below, the Victim Advocate's repeated calls for a centralized enforcement mechanism have recently been answered

and the result is that an enforcement mechanism is now in place that will ensure that law enforcement officials take the required action to ensure that persons who become ineligible to possess handguns surrender or transfer their handguns as required by law and, if such persons fail to do so, law enforcement officials will act to seize such weapons. The establishment of this mechanism is a major improvement over the March 14, 2001 public safety protocol, effectively supplants that protocol, and represents a quantum leap forward in protecting victim and public safety.

Under the newly implemented procedures, the SLFU will no longer be dependent, as it is under the public safety protocol, upon the local law enforcement agencies for information pertaining to the issuance of restraining and protective orders. The Judicial Branch will now electronically transmit to the SLFU: (1) copies of every restraining order that is entered or modified upon entry or modification via facsimile; and (2) a daily updated report containing basic information regarding all new protective orders and standing criminal restraining orders issued each day. Such transmittals will include all information needed by the SLFU to carry out its responsibilities under the new procedures. Under the new procedures, the SLFU is charged with the responsibility to monitor local law enforcement's response to the issuance of the restraining and protective orders. Local law enforcement agencies will still receive copies of restraining and protective orders as they currently do and will have the primary responsibility for ensuring that the subjects comply with the handgun transfer/surrender requirements.

The new procedures provide that, within eight hours after the expiration of two business days after the event that disqualifies a person from possessing handguns, the SLFU is required to contact the local law enforcement agency having jurisdiction if it is determined, based upon the information available to the SLFU, that the subject of a restraining or protective order has failed to comply with the two business day rule. The SLFU contacts the local agency to notify the agency of the subject's non-compliance and to determine what action, if any, the local agency has taken or plans to immediately take. In the event that the SLFU determines that the local law enforcement agency having jurisdiction has failed to take enforcement action within the requisite time period, or does not intend to conduct an immediate follow-up investigation to determine what, if any, action should be taken, the SLFU shall take concurrent jurisdiction over the non-compliance. Once the SLFU assumes concurrent jurisdiction, the SLFU, utilizing the personnel and resources of the Statewide Firearms Trafficking Task Force when necessary or appropriate, is required to initiate an investigation and necessary enforcement action which may include, but not be limited to, any of the following: (1) attempting to achieve voluntary compliance; (2) obtaining a sworn statement attesting to the prior sale or transfer and confirming the information contained therein; (3) applying for a search and seizure warrant; and (4) if firearms are located, applying for an arrest warrant.

If, in response to the SLFU's initial contact, the local law enforcement agency indicates either it has taken or will immediately take enforcement action, that agency shall report back to the SLFU with critical information regarding what action was taken, when such action was taken and the results of such action, including information pertaining to any and all handguns and/or other weapons confiscated.

Further, the new procedure requires that the SLFU maintain a Protective Order/Restraining Order Revocation Tracking Report for keeping detailed records of

any and all actions taken (by the SLFU and local law enforcement agencies) for each and every restraining and protective order issued in Connecticut. The Commissioner of Public Safety has agreed to provide copies of the report to the OVA on a monthly basis to permit the OVA to monitor and evaluate the effectiveness of the new procedure.

The Victim Advocate strongly believes that these new procedures effectively create what he has been calling for since the OVA's investigation into the death of Josephine Giaimo—i.e., a centralized enforcement mechanism to ensure that persons who become ineligible to possess handguns comply with the gun transfer/surrender requirements and, more importantly, that law enforcement officials will respond quickly and appropriately in the event of non-compliance with such requirements.

It is possible that the Troop D personnel responsible for following the public safety protocol in this case did not do so under the belief that, because Jenny's application for the *ex parte* order listed Latour's residence as Moosup, a town that receives police services from the Plainfield Police Department, that department was responsible for following the protocol. If that is the case, the OVA requests that the Commissioner of Public Safety provide the OVA with an affidavit to that effect from the person(s) responsible for Troop D's compliance with the protocol in this case.

¹⁸ The OVA obtained this information during interviews with Jenny's friends and relatives.

¹⁹ Records and documents reveal that Latour first appeared in court on this charge on January 2, 2002 (Exhibit 58).

²⁰ The records received from by the OVA from the Plainfield Police Department contain no report of Officer D or any other police officer contacting the State's Attorney's Office. Trooper A closed his case "by an assist to the Plainfield Police Department" (Exhibit 7) and no records were received by the OVA from the Connecticut State Police Department to indicate that any follow-up contact was made by anyone in the State Police to determine the status of the Plainfield Police Department's investigation.

The Victim Advocate initially requested from the Windham State's Attorney copies of any and all records, reports, etc., in her agency's possession regarding Michael Latour. In response to the Windham State's Attorney's request to the Victim Advocate to narrow the scope of the OVA's request for documents in order to expedite her response to the OVA's request, the Victim Advocate requested, among other things, "copies of any and all reports, records, etc., including computerized records, regarding whether any member of law enforcement, or any other person, communicated with your office regarding a written statement by Jenny McMechen, dated May 28, 2001, concerning whether Michael Latour should be arrested/prosecuted for his conduct as reported by Jenny McMechen in her statement" (Exhibit 57 (as redacted)). In response, the Windham State's Attorney wrote, "A search of our files has revealed no written statement from Jenny McMechen regarding whether Michael Latour should be arrested or prosecuted" (Exhibit 51 (as redacted)). The Windham State's Attorney declined to provide the OVA with copies of any reports concerning Michael Latour (Exhibit 51). No basis, therefore, exists to believe that the investigating officer, or anyone in the Plainfield Police Department, ever contacted the State's Attorney's Office regarding the

prosecution of Michael Latour based upon the allegations contained in Jenny's May 28th written statement.

²¹ During the course of its investigation, the OVA learned that one or more Polaroid photographs had been taken of Jenny's injuries. In response to the OVA's request for copies of those photographs, the Plainfield Police Department reported that photographs had been taken but that the photographs did not come out.

²² Jenny's mother had told Officer B that Jenny's automobile was inoperable and that she believed that Latour was responsible. Officer B should have alerted his fellow officers to be on the lookout for any vehicle known to be driven by Latour, and not Jenny's vehicle.

²³ The telephone calls from Jenny's mother on November 19, 2001, from Jenny on November 19, 2001, and from Trooper C on or about November 20, 2001, and the attempts to locate Jenny's automobile on November 19, 2001, were not documented by Officer B in any of the reports received from the Plainfield Police Department in response to OVA's request for documents. The information regarding the matters was contained in a memo prepared by Officer B after Jenny's death (Exhibit 22). A tape recording of the telephone call between Jenny and Officer B on November 19, 2001, was provided by the Plainfield Police Department to the OVA (Exhibit 21). The documents received from the Connecticut State Police do not contain any report concerning a telephone conversation between Officer B and Trooper C on or about November 20, 2001. Further, as set forth above at page 41, Officer B's statement that Trooper C discontinued his investigation of Jenny's November 19th complaint because he believed Latour and not Jenny is contradicted by Trooper C's report (Exhibit 18). Moreover, the trooper's investigative report does not mention, nor detail, any investigation of Jenny's reported abduction (Exhibit 18).

²⁴ The OVA received from the Plainfield Police Department two case reports concerning the November 16, 2001 incident. One case report, signed by Officer B and Sergeant A, listed assault in the third degree, a misdemeanor, as the offense committed by Latour (Exhibit 31). A second report, unsigned but with Officer B's name typed at the bottom of the report, appears virtually identical in form and identical in content to the signed report except that the unsigned report listed assault in the second degree, a felony, as the crime committed by Latour (Exhibit 33). The arrest warrant application does not identify the specific crime, by title or otherwise, allegedly committed by Latour (Exhibit 34). Given that Jenny alleged that Latour caused her physical injury by means of a dangerous instrument, i.e., a pair of scissors, it is patently obvious that assault in the second degree, a felony, was the appropriate charge and that Officer B had probable cause to arrest Latour for a felony.

²⁵ See, endnote 19.

²⁶ This is the only attempt by the Plainfield Police Department to execute the arrest warrant that is documented in a police report. The remaining attempts to serve the warrant that follow were contained in departmental memos prepared by officers after

Jenny's death. Although Sergeant A, in a departmental memo, wrote that numerous other attempts to apprehend Latour were made (Exhibit 50), no documents or records were received by the OVA from the Plainfield Police Department or any other source to support Sergeant A's assertion. If such efforts did in fact occur, they should have been documented in a police report and provided to the OVA.

²⁷ The factual allegations contained in the application have been redacted.

²⁸ This meeting occurred outside of a premises that was not Latour's residence and within the jurisdiction of the Plainfield police department. Thus, no issues exist regarding warrantless arrests made inside of a suspect's home or outside of a police officer's jurisdiction.

²⁹ Copies of the OVA's report on State v. Iannone are available upon request from the OVA.

³⁰ As noted in endnote 13, J.B.'s name and address appeared in the Plainfield Police Department's report concerning Latour's January 28, 2001 arrest for evading responsibility and Officer D participated in that investigation.

³¹ According to the Windham State's Attorney, the prosecutor handling the evading responsibility case would have no reason to know of Latour's DUI arrest at the time the nolle was entered because Latour's first court appearance on the DUI was not until April 9, 2001. According to the Windham State's Attorney, "conducting a criminal history inquiry would not necessarily reveal the existence of such an arrest because operating under the influence charges do not appear on the COLLECT system. Further, conducting an inquiry of the Judicial Information System computer would not have provided any assistance because the case would not yet have been entered into the system" (Exhibit 51). If this is the case, the OVA recommends that the State's Attorneys consider implementing a procedure that requires that defendants state under oath that they have not been arrested since their last court appearance before a prosecutor enters a nolle or otherwise disposes of a case.

³² See endnote 8.

³³ In response to the OVA's request for all documents pertaining to Michael Latour, neither the Plainfield Police Department nor the Connecticut State Police Department provided the OVA with a copy of the *ex parte* order. The marshal's affidavit establishes that Troop D was served with a copy of the order by the marshal.

³⁴ Section 54-82r (b) imposes the same obligation on the clerk's office with respect to protective orders issued in criminal cases.

³⁵ Public Act 02-127 (7), effective October 1, 2002, amended C.G.S. § 46b-15 (e) to require that the clerk of the court, in cases where the applicant resides and is employed in different towns, to mail certified copies of the order to both the law enforcement agency for the town in which the applicant resides and to the law enforcement agency

for the town in which the applicant is employed. Thus, the clerk's obligation to mail a copy of the order to the law enforcement agency for the town where the applicant is employed, if different from the town for the agency where the applicant resides, will not depend upon the specific request of the victim.

³⁶ Judge B did not preside over the plea and sentence proceedings on the assault charge and there is nothing to indicate that Judge B had knowledge of Latour's probation status at the time he reviewed and signed the arrest warrant application.

³⁷ The fifth arrest was for the incident on November 9, 2001, in which Latour allegedly cursed at and spat in the face of a female cashier at a gas station. State police arrested Latour on that charge on December 11, 2001, and he was given a future court date of December 24, 2001 (Exhibit 23). According to records received from the Judicial Branch, Latour first appeared in court on this matter on January 2, 2002 (Exhibit 59).

³⁸ Prosecutors in that same office also represented the State in the prosecution of Latour for the 1993 assault of his then girlfriend and in the proceedings that resulted in the revocation of Latour's probation and subsequent incarceration.

³⁹ See, endnote 31.