



CONNECTICUT POLICE CHIEFS ASSOCIATION
365 Silas Deane Highway, Suite 1-A, Wethersfield, CT
06109
(860) 757-3909 FAX (860) 436-6054
Web site: www.cpcanet.org

WEEKLY BULLETIN

July 19, 2019

ANNOUNCEMENTS

Marcia will be on vacation next week, returning Monday, July 29th. If any other departments are planning to attend the Channel 3 Kids Camp on Thursday, July 25th, please inform Pam Hayes.

No Bulletin next week.

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FUTURE CPCA TESTING DATES

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|----------------------|---|
| July 27, 2019 - | Fairfield, CT – Entry, Certified, Dispatcher |
| August 24, 2019 - | Bloomfield, CT – Entry, Certified, Dispatcher |
| September 28, 2019 - | Meriden, CT – Entry, Certified, Disptcher |
| October 26, 2019 - | Suffield, CT – Entry, Certified, Dispatcher |
| November 23, 2019 - | Monroe, CT – Entry, Certified, Dispatcher |

Important Save the Dates –

August 26, 2019 - CPCA Golf Classic, TPC River Highlands, Cromwell, CT

September 10, 2019 – State Chief Attorney’s Update, P.O.S.T.

September 13, 2019 - CPCA Fall Meeting, Woodwinds, Branford, CT

December 12, 2019 - CPCA Winter Meeting, Cromwell, CT

From: Garguilo, Bob [<mailto:Bob.Garguilo@madd.org>]

Sent: Tuesday, July 16, 2019 10:12 AM

To: Kulhawik, Thomas <TKulhawik@norwalkct.org>

Subject: Law Enforcement Summit Report

Tom,

Please take the time to review this report that was generated by MADD and many law enforcement officials from across the country.

Making Traffic Enforcement a Priority www.madd.org/LEsummitreport

Perhaps you would consider sharing it with CPCA.

Thank you

Hope all is well.

Bob



Bob Garguilo

State Executive Director

Mothers Against Drunk Driving

MADD Connecticut, State Office

317 Foxon Road

East Haven, CT 06513

203.764.2566 ext.6960 direct

877.MADD.HELP victim support | 877.ASK.MADD

bob.garguilo@madd.org | madd.org



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From legislation to law enforcement to the latest technology, learn how the [Campaign to Eliminate Drunk Driving](#) will do just that—end drunk driving.

Update: State v. Jacques - Reasonable Expectation of Privacy, Incarceration, Overdue Rent

From: Sugrue, Timothy <Timothy.Sugrue@ct.gov>

Sent: Thursday, July 18, 2019 4:16 PM

Subject: Update: State v. Jacques - Reasonable Expectation of Privacy, Incarceration, Overdue Rent

In State v. Jacques, 332 Conn. 271 (2019), the court concluded that the police unlawfully entered and searched the defendant's leased apartment and, therefore, the fruits of the illegality were subject to suppression.

On June 10, 2015, the defendant, a parolee, rented an apartment on a month-to-month basis and paid the landlord the first month's rent. Five days later, the defendant was arrested and incarcerated on drug charges. While incarcerated on the pending drug charges, he was arrested and charged with murder. The defendant did not pay his July rent nor did he make any arrangements with his landlord regarding his possessions or his tenancy. On July 15, 2015, while the defendant was incarcerated on the pending drug and murder charges, the police, acting without a warrant and on the written consent of the defendant's landlord, entered the defendant's apartment and conducted a limited search in order to confirm an investigative lead. The police thereafter secured the apartment, obtained and executed a search warrant, and seized evidence relating to the murder.

Several factors informed the court's conclusion that, despite being incarcerated and not paying his rent in a timely fashion, the defendant retained a reasonable expectation of privacy in the apartment. Importantly, neither incarceration nor the nonpayment of rent alone results in the loss of an otherwise reasonably held expectation of privacy. Here, the defendant's rent was only five days overdue, he was absent from the apartment only as a result of being arrested and held, and the record contained no evidence that he did anything *affirmatively* to clearly and unequivocally abandon the apartment or relinquish his right of privacy in it. The actions or non-actions of the defendant's landlord are a pertinent factor in the reasonable expectation of privacy analysis. Here, the landlord never communicated to the defendant that he was required to vacate the apartment, the landlord made no attempt to get the keys back from the defendant, and he had not commenced eviction proceedings. Similarly, property law concepts are a pertinent factor in the reasonable expectation of privacy analysis. Here, Connecticut's landlord tenant statutory scheme supported the defendant's belief that he retained a right of privacy in the apartment. See e.g., § 47a-11b (a) (defining abandonment); § 47a-15a (9-day grace period before terminating month-to-month lease for nonpayment of rent); and § 47a-23 (eviction procedure). Landlords, moreover, generally cannot lawfully retain the authority to grant the police entry to rented premises for the purpose of conducting a search, and relying upon a landlord's consent to enter such premises for this purpose entails significant legal risk.

Note: *Parole status* did not play an important role in this case, but do not overlook it in the context of search and seizure because it is well established that parolees have a diminished expectation of privacy. See State v. Jacques, 332 Conn. at 303 (*Kahn, J.*, concurring).

TIMOTHY J. SUGRUE | ASSISTANT STATE'S ATTORNEY

Direct: 860-258-5901 | Fax: 860-258-5828 | timothy.sugrue@ct.gov

DIVISION OF CRIMINAL JUSTICE

OFFICE OF THE CHIEF STATE'S ATTORNEY | www.ct.gov/csao
300 Corporate Place | Rocky Hill | CT | 06067