

 State of Connecticut Department of Correction ADMINISTRATIVE DIRECTIVE	Directive Number: 2.24	Effective Date: 06/03/2013	Page 1 of 3
	Supersedes: Employee Arrests, Restraining Orders and Criminal Summons Dated 11/27/2012		
Approved:  Commissioner James E. Dzurenda	Title: Employee Arrests, Restraining Orders and Criminal Summons		

1. **Policy.** The Department of Correction shall develop and maintain procedures to address employee arrests, restraining orders and criminal summons.
2. **Authority and Reference.**
 - A. Persico v. Burns, Docket No. 3700305, 1997 Conn. Super. LEXIS 2059 (Conn. Super. Ct. July 29, 1997).
 - B. Connecticut General Statutes, Sections 5-201, 5-202, 5-240, 18-81, 21a-267(d) 46b-15, 46b-15a, 46b-38c, 54-1h, 54-1k, 54-82r
 - C. Regulations of Connecticut State Agencies, Sections 5-201-1 through 5-201-3, 5-240-1 through 5-240-3, and 5-240-5a.
 - D. Public Act 11-71, An Act Concerning the Penalty for Certain Non-Violent Drug Offenses.
 - E. Collective Bargaining Contracts:
 1. New England Health Care Employees Union, District 1199 (P-1 and NP-6) Bargaining Unit, July 2005, Article 33.
 2. American Federation of State, County and Municipal Employees (P-2) Bargaining Unit, July 2006, Article 16.
 3. Connecticut State Employees Association (P-3B) Bargaining Unit, July 2005, Article 15.
 4. Connecticut State Employees Association (P-4) Bargaining Unit, July 2005, Article 15.
 5. Administrative and Residual Employees Union (P-5) Bargaining Unit, July 2003, Article 17.
 6. Connecticut Employees Union Independent (NP-2) Bargaining Unit, July 2005, Article 17.
 7. American Federation of State, County and Municipal Employees (NP-3) Bargaining Unit, July 2006, Article 16.
 8. American Federation of State, County and Municipal Employees (NP-4) Bargaining Unit, July 2004, Article 13.
 9. Connecticut State Employees Association (NP-8) Bargaining Unit, June 2005, Article 18.
 - F. Administrative Directives 1.10, Investigations; and 2.6, Employee Discipline.
3. **Definitions.** For purposes stated herein the following definitions shall apply:
 - A. **Arrest.** To deprive a person of liberty by legal authority. Taking, under real or assumed authority, custody of another for the purpose of holding or detaining the person to answer a criminal charge or civil demand.
 - B. **Criminal Summons.** A document provided to an individual upon or after arrest for the purpose of notifying that individual where and when the person is required to appear in court to answer the charges against him or her.

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- C. On-Duty Supervisor. For facility-based employees, the on-duty Shift Commander or designee. For all other employees, the employee's immediate supervisor during normal business hours.
- D. Restraining Order or Protective Order. An order issued by a court for the protection of a victim and others from threats, harassment, injury or intimidation by another. Such an order may include, but is not limited to, an order forbidding a person from (1) imposing any restraint upon the person or liberty of the victim or others; (2) threatening, harassing, assaulting, molesting or sexually assaulting the victim or others; or (3) entering the family dwelling of the victim or others.

4. Responsibilities.

- A. Department employees shall immediately report the suspension or revocation of their driver's license and/or loss of firearms privileges to an on-duty supervisor.
- B. Department employees shall notify an on-duty supervisor of any arrest, criminal summons, any charge of infraction of C.G.S.21a-267(d) (Prohibited Acts re: Drug Paraphernalia) and/or protective or restraining order prior to returning to work or within 48 hours (whichever occurs first). Such violations are subject to investigation in accordance with A.D. 1.10. The supervisor who receives such notification shall complete CN 22401, Employee Arrest Report when notified by the employee.
- C. Department employees shall complete CN 6601, Incident Report and attach a copy of the criminal summons and any other relevant documents, noting ALL charges. Failure to provide complete and accurate documents shall subject the employee to discipline, up to and including dismissal from state service.
- D. The Unit Administrator or designee shall notify the Security Division via report package as well as forwarding a copy of the report package to the appropriate District Administrator and to the Human Resources Unit. The report package shall be in accordance with Section 5 of this Directive.
- E. Upon receipt of the report package, the Security Division shall review the specifics of the incident and make a determination regarding any follow-up action. The Security Division shall provide direction to the facility/unit, as appropriate.
- F. The Security Division shall be the Department's designated liaison with outside law enforcement agencies.
- G. The Office of Labor Relations shall make a recommendation on appropriate discipline, if any to the appropriate appointing authority pursuant to Administrative Directive 2.6, Employee Discipline.

5. Report Package. The report package shall consist of:

- A. the original CN 22401, Employee Arrest Report (CN 22401 shall be the coversheet);
- B. a copy of CN 6601, Incident Report (to include any supplemental pages);
- C. a copy of the criminal summons; and,
- D. any other relevant documentation.

6. Investigation. All Department investigations shall be in accordance with the provisions of Administrative Directive 1.10, Investigations. Employees

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shall be offered union representation. If the employee declines union representation, the employee shall sign a waiver indicating such action.

7. Leave of Absence Pending an Investigation and/or Pre-disciplinary Conference. A leave of absence pending an investigation and/or pre-disciplinary conference shall be in accordance with applicable collective bargaining agreement, state statute and/or state regulation.

8. Administrative Actions.
 - A. Suspension or Revocation of Driver's License. If an employee has his/her driver's license suspended or revoked, the employee shall be prohibited from driving a state-owned vehicle or operating any vehicle on state-owned property.
 - B. Loss of Ability to Carry Firearms. If an employee loses the ability to carry a firearm, the employee must surrender any state-owned weapons and ammunition to an on-duty supervisor. Where applicable, an employee shall be removed from any post requiring the employee to carry a weapon, and shall be prohibited from working any assignment which requires a weapon to be carried.

9. Forms and Attachments. The following form is applicable to this Administrative Directive and shall be utilized for its intended function:
 - A. CN 22401, Employee Arrest Report.

10. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.