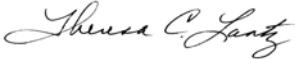
 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 11.3	Effective Date 1/31/2009	Page 1 of 5
	Supersedes Remand of Parolees to Actual Custody, dated 7/1/2006		
Approved By 	Title Remand of Offenders to Actual Custody		

1. Policy. The Department of Correction shall support the successful reintegration and supervision of offenders in the community unless it no longer appears that the offender will live and remain at liberty without violating the law or that the offender's release is no longer compatible with the welfare of society.

2. Authority and Reference.
 - A. Griffin vs. Wisconsin, 483 US 868 (1987).
 - B. United States v. Knights, 534 US 112 (2001).
 - C. Connecticut General Statutes, Sections 18-81, 18-100a through 18-100d, 18-100f, 18-101a, 18-101b, 53a-18, 53a-19, 53a-20, 53a-21, 53a-22, 53a-169, 54-33d, 54-33e, 54-124a(g), 54-124a(j)(1)-1 through 54-124a(j)(1)-11, 54-124c, 54-125a, 54-125e, 54-126 and 54-127.
 - D. Regulations of Connecticut State Agencies, Sections 54-124a(j)(1)-1 through 54-124a(j)(1)-11.
 - E. Administrative Directive 2.7, Training and Staff Development.
 - F. American Correctional Association, Standards for Administration of Correctional Agencies, Second Edition, April 1993, Standards 2-CO-1D-02 and 2-CO-3A-01.
 - G. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standards 4-4090, 4-4190, 4-4202, 4-4204, 4-4206 and 4-4281.
 - H. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-2B-01, 4-ALDF-2B-02, 4-ALDF-2B-07, 4-ALDF-6A-07 and 4-ALDF-7B-16.
 - I. American Correctional Association, Standards for Adult Probation and Parole Field Services, Third Edition, August 1998, Standards 3-3175 and 3-3176.

3. Definitions. For the purposes stated herein the following definitions apply:
 - A. Actual Custody. The physical arrest and return to confinement in a correctional facility of an offender.
 - B. Approved Residence. An offender's residence which has been investigated and approved by the parole officer or a residence that a parole officer has recorded and allowed an offender to move into pending investigation.
 - C. Case Conference. A review initiated by a Department parole manager or parole officer for the purpose of quality assurance or to consider interventions which may be required to address an offender's behavior.
 - D. Custody. The legal authority to control, supervise, restrain or to place conditions on an offender's liberty, whether under supervision in the community or in actual imprisonment, confinement or detention in a correctional facility.
 - E. Emergency Remand. An unplanned remand to actual custody without prior supervisory approval that occurs when a parole officer determines that an imminent threat of violence exists or there is a substantial risk of serious harm to the offender, parole officers or other persons if a remand to actual custody is not undertaken immediately.

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- F. Exigent Circumstances. Situations that demand immediate action due to a compelling need and when there is no time to obtain prior approval of a Department parole manager, including emergency situations involving (1) danger to human life, or (2) destruction of evidence or (3) flight of an offender.
- G. Field Remand. A remand, planned or unplanned, which takes place in the community (e.g., offender's residence, third party residence, contracted residential program, non-residential programs, business, street or other location).
- H. Lead Parole Officer. The parole officer who supervises the offender being remanded shall be the lead parole officer in charge of the remand team unless otherwise designated by a Department parole manager.
- I. Offender. A person placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of the Commissioner of Correction or the Chairman of the Board of Pardons and Paroles.
- J. Office Remand. A remand, planned or unplanned, which takes place in a District Office or other reporting site to which an offender regularly reports to a parole officer.
- K. Parole. The conditional release from imprisonment prior to the end of a criminal sentence granted by the Board of Pardons and Paroles that allows an offender to serve the remainder of the sentence in the community under supervision provided the offender follows the conditions of parole.
- L. Planned Remand. A tactically devised plan for the purpose of taking an offender into actual custody which has been approved by a Department parole manager or higher authority as the result of a case conference with a parole officer.
- M. Proper Officer. Any officer of the Department of Correction, Board of Pardons and Paroles or any officer authorized by law to serve criminal process within the State of Connecticut.
- N. Remand. The physical procedures used to arrest and return an offender to actual custody.
- O. Remand to Actual Custody Order. The written temporary legal authority directed to any proper officer by which an offender is arrested, charged with violating any condition of their release and returned to actual custody.
- P. Special Parole. A mandatory period of parole supervision imposed by the court to commence after the expiration of the maximum term(s) of imprisonment.
- Q. Unplanned Remand. A spontaneous or unforeseen opportunity to return an offender to actual custody for which authorization has been granted by a Department parole manager.
- R. Warrant for Reimprisonment. The formal, continuing legal authority issued by the Board of Pardons and Paroles to a proper officer and based on probable cause, to arrest, hold and confine a person for violation of parole.
4. General Provisions.
- A. The Director of Parole and Community Services as well as all Department parole managers are designated to authorize and initiate the execution of remand to actual custody orders.
- B. All parole officers are designated as persons authorized to supervise offenders and to request, serve, and execute remand to actual custody orders (CN 110301, Remand to Actual Custody Order) and warrants for re-imprisonment (Attachment A, Warrant for Re-Imprisonment).
- C. Except during an emergency remand, an offender may be taken into

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actual custody only with the approval of a Department parole manager. In the absence of the assigned Department parole manager, the parole officer shall contact any other available Department parole manager or the Director of Parole and Community Services.

- D. Except during an emergency or unplanned remand in which exigent circumstances exist, authorization shall be obtained before each and every separate attempt made to remand an offender.
- E. All parole officers shall be authorized to remand to actual custody any offender who is an escapee or an absconder from the custody of the Department of Correction.

5. Procedures.

- A. Remand Authorization Procedure (Excluding Emergency Remands).
A case conference shall be held between the parole officer and Department parole manager to consider whether continued individualized interventions designed to foster rehabilitation or further use of services are likely to correct the misbehavior. When deciding whether there are reasonable grounds upon which to issue CN 110301, Remand to Actual Custody Order, the Department parole manager may consider the following (if available):

- 1. The observations of the assigned parole officer.
- 2. The reliability and/or credibility of any third party information provided.
- 3. The activity or circumstances that relate to whether the offender should be remanded.
- 4. Any relevant information provided by the offender related as to whether the offender should be remanded.
- 5. The experience and length of time the parole officer has had with the offender.
- 6. Any experience the parole officer may have in similar circumstances with the offender.
- 7. The offender's criminal history, prior prison adjustment, and/or performance while under supervision in the community.
- 8. Whether continued placement in community supervision is in the offender's best interest and/or that of the public.
- 9. Any other pertinent or law enforcement information to be taken into account.

Only after a Department parole manager has authorized a Remand to Actual Custody Order shall a remand be attempted.

- B. Remand Execution Procedure. Staff duties and responsibilities pursuant to this section shall be outlined in the appropriate post orders, which shall be developed, implemented and promulgated by the Director of Parole and Community Services.

6. Remand to Actual Custody Order.

- A. CN 110301, Remand to Actual Custody Order shall be completed by a parole officer, authorized by the Department parole manager and lodged at the appropriate facility in which the offender is detained, at either the time of remand to a Department facility by lodging the remand with the Department facility, or upon notification that the offender has been arrested and taken into actual custody, by lodging the remand with the arresting authority who has actual custody of the offender.

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- B. Offenders remanded to actual custody for violating any condition of their release shall have no right to bail and shall be detained pending further order of the Board of Pardons and Paroles or the Department's Division of Parole and Community Services.
 - C. For releases authorized by the Board of Pardons and Paroles, a CN 110301, Remand to Actual Custody Order issued by the Department's Division of Parole and Community Services shall expire after 30 days and shall be superceded by actions taken by the Board of Pardons and Paroles as specified in Section 54-124a of the Connecticut General Statutes.
7. Updating Offender Information.
- A. Upon issuance of CN 110301, Remand to Actual Custody Order the parole officer shall immediately advise the appropriate law enforcement agency that there is an active remand to actual custody order for the offender.
 - B. If lodged with a law enforcement agency, CN 110301, Remand to Actual Custody Order shall be valid for 30 days, after which it shall be void, provided that any CN 110301, Remand to Actual Custody Order not executed may be renewed and reissued. After 30 days, CN 110301, Remand to Actual Custody Order shall be physically retrieved or reissued at the agency where it was lodged.
8. Instances when an Offender is in Actual Police Custody.
- A. Whenever notice is received that an offender is in actual police custody, the parole officer receiving the notification shall coordinate the positive identification, supervision status, and return of the remanded offender to the nearest Department intake facility as appropriate.
 - B. Whenever an offender is in actual police custody for new misdemeanor or felony charges, the parole officer receiving notification shall verify the identification and supervision status of the offender. The parole officer shall evaluate the nature of the offense to assess the appropriateness of a Remand to Actual Custody Order and the method of its lodging. The Department parole manager shall be notified as appropriate. A Department parole manager must authorize any requests for parole officers to transport an offender in police custody to a Department receiving facility. Any criminal offense, which may be expected to cause significant media attention, shall be immediately reported to a Department parole manager.
9. Training and Equipment.
- A. All parole officers shall be trained in the proper use of Division equipment in accordance with Administrative Directive 2.7, Training and Staff Development.
 - B. All parole officers shall be trained in the proper remand policies, procedures, practices and any case law and/or legal issues as provided for in this directive.
 - C. Subsequent Department and Division specific training shall be conducted as part of annual in-service training.
 - D. Only state-issued equipment shall be used in the performance of remands.

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10. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function:
 - A. CN 110301, Remand to Actual Custody Order; and,
 - B. Attachment A, Warrant for Re-Imprisonment.

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