
 <p style="text-align: center;">State of Connecticut Department of Correction</p> <p style="text-align: center;">ADMINISTRATIVE DIRECTIVE</p>	Directive Number 11.3	Effective Date 12/09/2024	Page 1 of 3
	Supersedes Remand of Offenders to Actual Custody, Dated 1/31/2009		
Approved By  Commissioner Angel Quiros	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. Samson v California, 547 U.S. 843 (2006).
 - c. United States v. Knights, 534 US 112 (2001).
 - d. 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.
 - e. Regulations of Connecticut State Agencies, Sections 54-124a(j) (1)-1 through 54-124a(j) (1)-11.
 - f. BOPP II.10, Diversion for Substance Abuse Programming and Treatment, II.13 Absconder.
 - g. Administrative Directive 2.7, Training and Staff Development.
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. **Case Conference.** A review initiated by a Department parole supervisor or parole officer for the purpose of quality assurance or to consider interventions which may be required to address an offender's behavior.
 - c. **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.
 - d. **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 supervisor, including emergencies involving (1) danger to human life, or (2) destruction of evidence or (3) flight of an offender.
 - e. **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).
 - f. **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.
 - g. **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.
 - h. **Remand.** The physical procedures used to arrest and return an offender to actual custody.
 - i. **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.
 - j. **Time Out Program.** A brief intervention program facilitated by the Addiction Services Unit for inmates who have violated conditions of their release.
 - k. **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.

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4. General Provisions.

- a. The Director of Parole and Community Services as well as all Department parole supervisors 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
- c. Except during an emergency remand, an offender may be taken into custody only with the approval of a Department parole supervisor. In the absence of the assigned Department parole supervisor, the parole officer shall contact any other available Department parole supervisors or the Director of Parole and Community Services or designee.
- d. 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. Staff duties and responsibilities pursuant to this section shall be outlined in the appropriate Parole and Community Services Field Operations Manual, which shall be developed, implemented and promulgated by the Director of Parole and Community Services.

- a. Remand Authorization Procedure (Excluding Emergency Remands). A case conference shall be held between the parole officer and Department parole supervisor 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 supervisor may consider the following (if available):
 - i. The observations of the assigned parole officer.
 - ii. The reliability and/or credibility of any third party information provided.
 - iii. The activity or circumstances that relate to whether the offender should be remanded.
 - iv. Any relevant information provided by the offender related as to whether the offender should be remanded.
 - v. The experience and length of time the parole officer has had with the offender.
 - vi. Any experience the parole officer may have in similar circumstances with the offender.
 - vii. The offender's criminal history, prior prison adjustment, and/or performance while under supervision in the community.
 - viii. Whether continued placement in community supervision is in the offender's best interest and/or that of the public.
 - ix. Any other pertinent or law enforcement information to be taken into account.

b. Instances when an Offender is in Actual Police Custody.

- i. 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.
- ii. 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. A Department parole supervisor must authorize any requests for parole officers to transport an offender in police custody to a Department receiving facility.
- c. Only after a Department parole supervisor has authorized a Remand to Actual Custody Order shall a remand be attempted.

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 supervisor 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 superseded by actions taken by the Board of Pardons and Paroles as specified in Section 54-124a of the Connecticut General Statutes.
7. Time Out Program. During the course of a case conference, factors of non-compliance shall be reviewed to determine the appropriateness and eligibility of a Time Out Placement.
- a. The supervising Parole Officer shall review the requirements and procedures with offenders who are determined appropriate and eligible for TOP.
 - b. Offenders who refuse to participate, fail the program or do not comply with the programs requirements may be issued a CN 9503, Disciplinary Report for Violation of Program Provisions in accordance with Administrative Directive 9.5, Code of Penal Discipline or be subject to revocation proceedings in accordance with BOPP II.10 Diversion for Substance Abuse Programming and Treatment.
8. 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.
9. 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
10. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.