

 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 11.4	Effective Date 6/30/2009	Page 1 of 4
	Supersedes New Directive		
Approved By <i>Theresa C. Lantz</i>	Title Searches Conducted in the Community		

1. Policy. The Department of Correction shall conduct random and periodic searches of offenders released to the community in order to enhance public safety and ensure compliance with program provisions and conditions of release. The Department may seize contraband in order to promote public and staff safety.

2. Authority and Reference.
 - A. Court Cases. Cases include, but are not limited to the following:
 1. Samson v. California, 547 US 843 (2006);
 2. California v. Chimel, 395 US 752 (1967);
 3. Maryland v. Buie, 494 US 325, 334 (1990);
 4. Terry v. Ohio, 392 US 1 (1968);
 5. State v. Spencer, 268 Conn. 575, 591 (2004);
 6. State v. Reddick, 15 Conn. App. 342, 345-46, cert. denied, 209 Conn. 819 (1988);
 7. State v. Fletcher, 63 Conn. App. 476, 480, cert. denied, 257 Conn. 902 (2001).

 - B. Connecticut General Statutes, Sections 18-81, 18-100(e), 18-100c, 53a-3, 54-125, 54-125a, and 54-125e.

 - C. Administrative Directives 6.5, Use of Force; 6.6, Reporting of Incidents; 6.7, Searches Conducted in Correctional Facilities; 6.8, Urinalysis; 6.9, Control of Contraband and Physical Evidence; and 6.11, Canine Unit.

 - D. Department of Correction, Parole and Community Services Division, Field Operations Manual.

 - E. American Correctional Association, Standards for Adult Probation and Parole Field Services, Third Edition, August 1998, Standard 3-3177.

3. Definitions. For the purposes stated herein, the following definitions apply:
 - A. Compliance Search. A periodic, random search, announced or unannounced, with or without reasonable suspicion, to monitor compliance with parole or community supervision conditions.

 - B. Consent Search. A search of an individual, other than the offender, and/or his/her property or premises by a parole officer when the individual has given voluntary consent for such search.

 - C. Contraband. An item not authorized to be in an offender's possession or control whether on the offender's person, or in other areas including but not limited to a vehicle, contract program area, etc.

 - D. Dangerous Instrument. Any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury.

 - E. Exigent Circumstances. Situations that demand immediate action due to a compelling need and when there is no time to obtain prior approval of a parole manager, including emergency situations involving:

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1. a danger to human life;
2. the destruction of evidence;
3. the flight of an offender; or,
4. the commission of a crime.

- F. Investigative Detention. The limited detention for the purpose of a restricted, incidental pat search when the employee believes that there is a threat and there is reasonable suspicion that the individual being searched has a weapon or dangerous instrument.
- G. Offender. An individual 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.
- H. Pat Search. A systematic observation and physical inspection, using the hands, of a person while clothed. A pat search shall include an inspection of the person's clothing and any item in the person's possession.
- I. Reasonable Suspicion. Judgment based on specific objective facts and reasonable inferences drawn in light of experience, training and education.
- J. Residential Services Provider (Halfway Houses). A non-profit agency contracted to provide residential and support services to assist offenders with a successful community re-integration.
- K. Search. Any inspection of a person, area or property.
- L. Strip-Search. A strip-search shall mean a visual body cavity search which includes a systematic visual inspection of an unclothed person's hair, body cavities (to include the individual's ears, nose, mouth, under arms, soles of the feet and between the toes, and rectum) and genitalia. This search shall also include a physical search of the clothing and any personal effects.
- M. Toxicology Test. The analysis of a specimen (e.g., urine, swab, breath, etc.) for the purposes of determining the presence of an illegal or prohibited substance.
- N. Weapon. Any firearm, including a BB gun, loaded or unloaded; any knife including a pocketknife; any baton, nightstick, martial arts weapon; any electronic defense weapon; or anything else that can reasonably be anticipated to be used to cause physical injury to staff, the offender or others.
4. Searches. Searches with or without reasonable suspicion shall be conducted as follows:
- A. Searches when Supervisory Authorization is Not Required. Supervisory authorization shall not be required for searches in the following circumstances:
1. Metal Detector Scan. A metal detector scan shall be performed on each offender prior to entry into the secure area of the district parole office in accordance with the Parole and Community Services Field Operations Manual.
 2. Offender Pat Search. A pat search shall be conducted:
 - a. when an offender cannot pass a metal detector scan;
 - b. prior to a toxicology test; or,
 - c. to ensure the safety of the officer, the offender and others, when warranted.

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3. Toxicology Tests. Toxicology tests shall be conducted in accordance with the offender's conditions of release and his/her level of supervision.
 4. Consent Searches of Third Parties. A search of a third party may be performed with the consent of the individual. Such searches may include a search of the individual's person, property (including a motor vehicle) or residence. Parole staff must obtain the individual's consent to be searched. When feasible, such consent shall be in writing using CN 114001, Consent to Search and Examine Evidence.
 5. Investigative Detention of a Third Party. A third party may be temporarily detained and pat searched when the employee believes that there is a threat and there is reasonable suspicion that the individual being searched has a weapon or dangerous instrument. All detentions of a third party shall be documented on CN 6601, Incident Report by the employee detaining the third party. The completed incident report shall be submitted to employee's supervisor prior to the conclusion of the employee's shift.
- B. Searches when Supervisory Authorization is Required. Supervisory authorization shall be required prior to conducting a search in the following circumstances:
1. Search of an Offender's Residence, Property and Place of Employment. Absent exigent circumstances, a search of an offender's residence, property (including a motor vehicle) or place of employment shall only be conducted when authorized by a parole manager or higher authority. Such authorization shall be documented in accordance with the Parole and Community Services Field Operations Manual.
 2. Strip-Search of an Offender. Absent exigent circumstances, a strip-search of an offender shall only be conducted when authorized by a parole manager or higher authority. Such authorization shall be documented in accordance with the Parole and Community Services Field Operations Manual. Strip-searches shall be performed in accordance with Administrative Directive 6.7, Searches Conducted in Correctional Facilities.
- C. Searches of Residential Services Provider. The Parole and Community Services Division (Residential Services Unit) shall coordinate random searches of each residential services provider. Such searches shall be conducted, at a minimum, once per year. Searches of residential service providers shall include, but not be limited to, the program building, pat searches of all offenders present, random toxicology tests, and searches of all offender property. Canine units may be used in accordance with Section 6 of this Directive.
5. Seizure and Storage of Contraband. The Director of Parole and Community Services shall develop and implement procedures for the handling and storage of seized contraband resulting from searches conducted in the community in accordance with Administrative Directive 6.9, Control of Contraband and Physical Evidence.

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6. Use of Canines in the Community. Canine units may be used in the community as follows:
 - A. Use of Department of Correction Canines. The Parole and Community Services Division may request canine support from the Department's Operations Division (Canine Unit) in accordance with Administrative Directive 6.11, Canine Unit. Such use of canines shall be limited to residential service provider (halfway house) searches only.
 - B. Use of Department of Public Safety and/or Municipal Police Department Canines. The Parole and Community Services Division may request canine support from the Department of Public Safety and/or the appropriate municipal police department(s) for the purposes of contraband searches, offender tracking and/or remands to custody.

7. Forced Entries. Forced entries shall only be authorized with a valid search warrant or if there are exigent circumstances and the parole officer has specific, clearly stated facts which justify the urgency of using an immediate forced entry. Any such use of force to gain entry must be documented in an incident report in accordance with Administrative Directive 6.6, Reporting of Incidents, and shall include the specific, clearly stated facts justifying the forced entry, the nature and extent of force used, and the nature and extent of the injury or damage, if any, to person or property. Photographs shall be taken of each entry point used in order to document any damage, or lack of damage, to the residence.

8. Forms and Attachments. The following form is applicable to this Administrative Directive and shall be utilized for the intended function:
 - A. CN 11.0401, Consent to Search and Examine Evidence.

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