



OLR RESEARCH REPORT

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CHAIN OF CUSTODY OF ARRESTEES

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You asked about the chain of custody of a person arrested by a local police officer, from arrest to arraignment.

SUMMARY

In most cases when a person is arrested by a local police officer, the person can be released after an interview and agreeing to certain conditions, such as posting a bond, set by the police department or a bail commissioner. The arrestee then agrees to appear in court for arraignment. If the person is not released from custody, the police department detains the person in its lockup until arraignment. According to Don Murphy, Judicial Marshal Services deputy director, two police departments, Hartford and New Haven, use lockups operated by the Judicial Branch's judicial marshals to detain arrestees.

Police departments generally transport arrestees from their lockups to court for arraignment on the court's next business day. According to Deputy Director Murphy, judicial marshals transport arrestees to the courthouse from the Judicial Branch lockups used by the Hartford and New Haven police and provide transportation for several other police departments.

After arraignment, if an arrestee is not released on bail, judicial marshals transport the person to a Department of Correction (DOC) facility. Deputy Director Murphy states that judicial marshals continue to transport defendants from DOC facilities to court during the trial process until sentencing.

Different rules apply when an officer arrests someone on a court-issued bench warrant that indicates the person must not be released on bail or must be presented to the court. In this case, the law requires the officer to bring the person to court or an appropriate prison if the court is closed.

CUSTODY PRIOR TO ARRAIGNMENT

In most cases, a police officer can release a person arrested for a crime before arraignment. When an officer arrests someone for a misdemeanor, the officer may issue a written complaint and summons and release the person on a promise to appear ([CGS § 54-1h](#)). When an officer arrests someone for any offense, the officer must (1) advise the arrestee of his or her rights (the right to counsel and to refuse to make statements) and the right to be interviewed about terms and conditions of release, (2) promptly interview the arrestee unless the arrestee waives or refuses the interview, (3) check the National Crime Information Center computerized index, and (4) order the arrestee's release on a written promise to appear or posting bond. The law imposes additional restrictions when someone is arrested for a capital offense or certain family violence crimes (Connecticut Constitution Art. I, § 8; [CGS § 54-63c](#)).

If the police department requires an arrestee to post bail and he or she does not do so, the officer must immediately notify a bail commissioner ([CGS § 54-63c](#)). A bail commissioner then promptly interviews the arrestee and recommends terms of release. If the police department objects to a bail commissioner's order or conditions of release, the department must promptly notify a prosecutor who may authorize delaying the arrestee's release until a court hearing ([CGS §§ 54-63b](#) and [-63d](#)).

If the person is not released from custody, such as when the person cannot post a required bond, the police department detains the person in its lockup. But according to Deputy Director Murphy, two police departments (Hartford and New Haven) use lockups operated by the Judicial Branch.

Different rules apply when a person is arrested on a bench warrant issued by a judge that specifies no bail or that the person must be brought to court. In these situations, the officer must bring the arrestee to the appropriate court clerk without undue delay or an appropriate prison if the court is closed. If the person does not agree to conditions of release or if the person is arrested for an offense that is not bailable (this appears to be only certain capital felonies under the state constitution), the court must commit the person to a prison ([CGS § 54-64b](#)).

ARRAIGNMENT

An arrestee who is not released sooner (or is released but charged with certain crimes such as family violence crimes) must be promptly presented before the court at its next regular day. If an arrested person is hospitalized, has escaped, or is incapacitated, the person must be presented, if practicable, at the court's first regular sitting after his or her return to police custody ([CGS § 54-1g](#)).

Police departments detaining arrestees in their lockups generally transport them to court for arraignment. According to Deputy Director Murphy, judicial marshals transport arrestees from the Judicial Branch lockups used by the Hartford and New Haven police departments. They also provide prisoner transportation to court for arraignment for several local police departments, including departments in Groton, Norwich, Plainfield, Stonington, Waterford, and Willimantic.

When an arrestee is presented in court, the court must in bailable offenses promptly order the person's release on conditions sufficient to reasonably assure his or her appearance in court. If the person is not released, the court orders him or her committed to DOC custody ([CGS § 54-64a](#)). Judicial marshals then transport the person to a DOC facility. Deputy Director Murphy states that judicial marshals continue to transport defendants from DOC facilities to court during the trial process until sentencing.

The law establishes the Judicial Branch's responsibilities for transportation and custody of prisoners in lockups but allows the branch to change these responsibilities through agreements with DOC and other agencies ([CGS § 6-32d](#)).

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