



<p style="text-align: center;">South Dakota</p>  <p style="text-align: center;">DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES</p>		POLICY NUMBER 1.5.G.08	PAGE NUMBER 1 OF 3
		DISTRIBUTION: Public	
		SUBJECT: Parole - Detain and Arrest on Violation	
RELATED STANDARDS:	None	EFFECTIVE DATE: February 01, 2024	
		SUPERSESION: 05/01/2022	
DESCRIPTION: Parole	REVIEW MONTH: January	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

Parole agents may arrest and detain a parolee, pending the issuance of a warrant of arrest by the executive director, when parole supervision requirements have not been met or criminal activity is suspected.

II. PURPOSE

This policy outlines the authority and procedures for detention of offenders.

III. DEFINITIONS

Detainer:

A document issued by Parole that authorizes a parolee to be detained in jail for a designated period of time for investigative purposes. The detainer is generated as an integrated word processing (IWP) document from the comprehensive offender management system (COMS).

Supervision Agreement:

A document setting forth the general and special limitations, restrictions, and conditions that are imposed by the Board of Pardons and Paroles, the director of Parole, a parole supervisor, and a parole agent.

Violation Report:

A report issued by the parole agent which details the reason(s) supporting a revocation request.

IV. PROCEDURES

1. General Guidelines for Detainers/Detention:

- A. Parole staff may detain a parolee under one (1) or more of the following conditions:
1. There is reasonable belief the parolee violated a condition(s) of his/her supervision agreement.
 2. The parolee's behavior is such that the purposes of parole are not being served.
 3. Parole agents are authorized to detain a parolee in a jail.
 4. The jail will be promptly notified of the detention and furnished a copy of the detainer, when required or requested.
 5. The supervising parole agent will submit a violation report or release the parolee from jail back to community supervision.

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- a. If a parole agent determines a parolee should be released back to community supervision, the parole agent will notify the jail of the release and provide any information or documentation required to facilitate the release, which may include providing the agency with a “Detainer Release Form” if requested.
 - b. Only if the chair of the Board of Pardons and Paroles approves the warrant, can the parolee be remanded to the custody of the South Dakota Department of Corrections. A copy of the warrant will be submitted to SDDOC facility staff at the time of admission. A preliminary hearing must be conducted within ten (10) days of the arrest and a revocation hearing before the parole board will occur within thirty (30) days of the arrest.
- B. Reporting arrests and detention to the associate director of field services:
1. The supervising parole agent must report all arrests and detentions to the regional supervisor within three (3) hours of the detention or notification of arrest by law enforcement.
 2. At a minimum, the following information will be provided to the regional supervisor:
 - a. The parolee’s name and identification number.
 - b. The reason for the detention or arrest, and
 - c. Any other pertinent facts related to the situation.
- C. When a detainer is issued, the supervising agent will add a “Detained by Agent” alert in COMS to include the date of the agent’s detainer.

2. Violation Reports:

- A. When a parolee is determined to have violated his/her supervision agreement, and an alternative sanction is not deemed appropriate, the supervising parole agent will save the violation report in COMS and notify the regional supervisor to complete a review. If the regional supervisor supports the request for a warrant, he/she will notify the director of Parole and associate director of field services to review the request. If approved, the request will be forwarded to the chair of the Board of Pardons and Paroles or designee, requesting that a warrant be authorized and issued.

3. Warrant of Arrest:

- A. All decisions involving warrants shall be authorized by the chair of the Board of Pardons and Paroles, or another appointed board member, to the executive director.
1. All relevant information pertaining to a request for a warrant or action on a warrant from Parole will be provided to the designated board member by the executive director, the director of Parole, or the associate director of field services to authorize a warrant or continue to supervise the parolee with added conditions to the supervision agreement.
- B. Only the chairman of the board or designee has the authority to authorize a warrant of arrest for a parolee.
1. If a warrant is not authorized by the board chair or designee, the parolee may be detained in jail until a supervision plan is developed, as warranted by the situation.
 2. If the board chair or designee reviews the violation report and agrees with the request, a warrant of arrest will be authorized.
 1. Upon approval by the board chair, the executive director will issue the warrant and place it on NCIC.
 - a. Designated staff will be notified by e-mail that the warrant of arrest was issued.
 - b. After a warrant of arrest is issued, Parole staff will ensure the parolee is afforded his/her due process rights, as outlined in statute, administrative rules, and DOC policy.
 3. The warrant of arrest can be issued as a detainer when a parolee is in the custody of another law enforcement agency.
 4. Parole staff are authorized to place a copy of a warrant of arrest as a detainer when a parolee is in the custody of another law enforcement agency on pending charges or a conviction.
 5. A copy of the warrant of arrest must be filed with the appropriate holding authority.

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V. RESPONSIBILITY

The director of Parole is responsible for maintenance and review of this policy.

VI. AUTHORITY

SDCL §§ 24-15-19, 24-15-21, 24-15-26, 24-15A-27, 24-16

ARSD:

- 17:60:01:00: Definitions
- 17:60:02:09: Supervision agreement
- 17:60:03:01: Issuance of warrant
- 17:60:03:02: Arrest warrant as detainer
- 17:60:11:01: Issuance of arrest warrant
- 17:60:11:02: Arrest warrant as detainer
- 17:61:01:01: Definitions
- 17:61:01:09: Violation of rules

VII. HISTORY

February 2024
April 2022
July 2019
June 2018
March 2017
March 2016
November 2015
April 2015
April 2014
March 2013
April 2012
January 2011

ATTACHMENTS (*Indicates document opens externally)

1. Parole Detainment Form*
2. DOC Policy Implementation / Adjustments

STATE OF SOUTH DAKOTA
BOARD OF PARDONS AND PAROLES
DIVISION OF PAROLE



DETAINER

IN THE MATTER OF THE SUPERVISION OF:

Offender:

DOC #:

SORR: Yes No

DOB:

The State of South Dakota, Board of Pardons and Paroles, Division of Parole, to any Sheriff, Constable, Marshal, Chief of Police, or other law enforcement officer.

You are THEREFORE REQUESTED forthwith to take into custody and control, detain, hold for discipline or for the violation of supervision in accordance with SDCL § 24-15-19 and immediately notify the undersigned officer.

On this day: _____

Disciplinary

Violation

Parole Agent
Division of Parole
Board of Pardons and Paroles