

SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.5.G.8	PAGE NUMBER 1 OF 4
		DISTRIBUTION:	Public
		SUBJECT:	Parole Services-Detain and Arrest on Violation
RELATED STANDARDS:	None.	EFFECTIVE DATE:	05/01/2022
		SUPERSESION:	09/03/2019
DESCRIPTION: Parole Services	REVIEW MONTH: May	<i>Kellie Wasko</i> 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 (See SDCL § 24-15-19).

II. PURPOSE

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

III. DEFINITIONS

Comprehensive Offender Management System (COMS):

A DOC data management system which stores pertinent offender information.

Detainer:

A document issued by Parole Services that authorizes a parolee to be detained in jail or a designated DOC facility 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) (See ARSD 17:61:01:01(4) and 17:61:01:11).

Parolee:

An offender who has been conditionally released by the South Dakota Board of Pardons and Paroles to parole or suspended sentence from a South Dakota Department of Corrections (DOC) facility prior to the expiration of the offender's sentence under the supervision of the DOC (See ARSD 17:60:01:00(6)). Parolee includes an offender received from another state under interstate compact supervision (See SDCL § 24-16).

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 Executive Director of the Board of Pardons and Paroles, a parole supervisor and a parole agent (See ARSD 17:60:02:09).

Violation Report:

A report issued by the Parole Agent which details the reason(s) supporting the revocation request.

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IV PROCEDURES

1. General Guidelines for Detainers/Detention:

- A. Parole Services 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 (See SDCL §§ 24-15-19 and 24-15A-27).
- B. Parole agents are authorized to detain a parolee, whether in a jail or DOC facility, for a period not to exceed five (5) days, including the day the parolee is first detained.
1. The facility will be promptly notified of the detention and furnished a copy of the detainer, when required or requested.
 2. The supervising parole agent will submit a violation report or release the parolee back to community supervision within the 5-day time frame outlined above.
 - a. If a parole agent determines a parolee should be released back to community supervision, the parole agent will notify the holding facility 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. If the Chair of the Board of Pardons and Paroles approves the warrant within the 5-day time frame, the parolee will be remanded to the custody of the South Dakota Department of Corrections. A preliminary hearing must be conducted within 10 days of the arrest and a parole revocation hearing will be conducted within 30 days of the arrest.
- C. 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 (See SDCL § 24-15-26).
 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.
- D. When a detainer is issued, the supervising agent will add a "Detention 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 Services and Associate Director of Field Services to review the request. The request will be forwarded to the Executive Director requesting that a warrant be issued (See SDCL § 24-15-21 and DOC policy *1.5.G.6 Response to Violations*).
- B. A warrant of arrest will be requested only when in compliance with statutes, administrative rules and DOC policy.

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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 Services will be provided to the designated Board member by the Executive Director to authorize a warrant or continue to supervise the parolee with added conditions to the supervision agreement (See SDCL § 24-15-21).

- B. Only the Executive Director or designee has the authority to issue a warrant of arrest for a parolee (See SDCL § 24-15-21 and ARSD 17:60:11:01).
 - 1. If a warrant is not authorized by the Board, the parolee may be detained for no more than 5 days and remain on a supervision plan, as warranted by the situation.
 - 2. If the Executive Director reviews the violation report and the designated Parole Board Member concurs and authorizes it, a warrant of arrest will be issued (See SDCL § 24-15-21, ARSDs 17:60:03:01 and 17:60:11:01).
 - 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 Services staff will ensure the parolee is afforded his/her due process rights, as outlined in statute, administrative rules and DOC policy.

- C. The warrant of arrest can be issued as a detainer when a parolee is in the custody of another law enforcement agency (See ARSD 17:60:03:02 and 17:60:11:02).
 - 1. Parole Services is 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.
 - 2. A copy of the warrant of arrest must be filed with the appropriate holding authority.

4. Related ARSDs

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

V. RESPONSIBILITY

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

VI. AUTHORITY

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

VII. HISTORY

- April 2022
- July 2019
- June 2018
- March 2017
- March 2016

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November 2015
April 2015
April 2014
March 2013
April 2012
January 2011

ATTACHMENTS

1. Parolee Detainment Form.