



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1400-09	PAGE NUMBER 1 OF 6
		DISTRIBUTION: Public	
		SUBJECT: Parole Absconder Management	
RELATED STANDARDS:	None	EFFECTIVE DATE: October 01, 2023	
		SUPERSESSION: 06/11/2021	
DESCRIPTION: Parole Services	REVIEW MONTH: August	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) Parole Division to complete a violation report and request the issuance of a warrant from the South Dakota Board of Pardons and Paroles, pursuant to ARSD 17:60:03:01 and SDCL § 24-15-21, for offenders meeting the criteria of being an absconder.

## II. PURPOSE

The purpose of this policy is to establish and outline the procedures followed by the Parole Division in the supervision and management of offenders who have absconded parole supervision.

## III. DEFINITIONS

### **Absconder:**

Any parolee under the supervision of the Parole Division (on parole and/or suspended sentence) whose whereabouts are unknown to the supervising parole agent and whose intent, it has been determined, is to avoid supervision by Parole or contact by the agent or law enforcement. This includes any offender who is deliberately making his/her whereabouts unknown to his/her agent (see SDCL §23A-48-16).

### **Absconder Apprehension Unit (AAU):**

A Unit consisting of designated parole agents that specialize in the apprehension of higher-risk parole absconders. The AAU works closely with local, state, and federal law enforcement entities including the South Dakota Fusion Center.

### **Attempt to Locate (ATL):**

A notice issued to law enforcement by a supervising parole agent when an offender's whereabouts is unknown, and efforts are currently underway to determine whether the offender has absconded supervision. This process allows for automated notification to all South Dakota law enforcement through state radio of the offender's "wanted" status, provides contact information for the supervising agent, and authorizes law enforcement to detain the offender and contact the supervising agent if contacted.

### **High Risk Offender:**

An offender assigned System Risk 2 or 3 by the risk reduction manager who manages and distributes the list of high-risk offenders.

### **Standard Supervision Offender:**

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A standard supervision offender is an offender supervised on parole who is not on the high-risk offender list managed by the DOC's risk reduction manager.

## IV PROCEDURES

### 1. Attempt to Locate, Violation Report, and Warrant Request for Standard Supervision Offenders:

- A. The ATL status is not required for the issuance of a warrant.
- B. Any time a parole agent or supervisor has indication that an offender has absconded supervision, the parole agent will place the offender on Attempt to Locate (ATL) status by activating the ATL alert in COMS. By doing so, this allows for an automatic notification to all South Dakota Law Enforcement through State Radio of the offender's wanted status and provides the supervising agent's contact information. This also allows law enforcement to detain the offender upon contact.
- C. When an ATL is issued, the parole agent may distribute the ATL posters and/or a parole detainer to local law enforcement; including any Fugitive Task Force(s) (if applicable), law enforcement from the offender's county of conviction, and contacts within other geographic areas the offender is known to travel.
- D. The supervising parole agent or supervisor will attempt to locate the offender to determine if the offender has absconded supervision or is avoiding contact with the agent. The parole agent or supervisor will search for the offender on ATL status for up to fourteen (14) consecutive calendar days.
  1. If, after fourteen (14) consecutive calendar days, the offender is not back in the physical custody of Parole staff or the offender has failed to report as instructed, the parole agent will complete a violation report and submit the report to the regional supervisor for a warrant request. If the agent has received information or made contact indicating the parolee may be located or self-report within a short time, the regional supervisor can approve a reasonable extension and continue the ATL process. If the agent determines, based on information specific to the case, it is in the interest of community safety, the parole agent can request a warrant be placed on NCIC immediately without going through the ATL process.
- E. All attempts to locate an offender and any related information will be documented by the agent on the *Parole Absconder Checklist* (see attachment #1) and in contact logs of Comprehensive Offender Management System (COMS).
  1. Agents will include the ATL Checklist as documentation when requesting warrant authorization.

### 2. Attempt to Locate, Violation Report, and Warrant Request for High-Risk Offenders:

- A. If a high-risk offender has absconded, the parole agent will immediately notify the regional supervisor or the associate director of Parole. An ATL poster and detainer will be immediately distributed to local law enforcement and the DOC Fusion Center analyst. The agent will also immediately activate the ATL alert in COMS that will notify law enforcement to detain the offender should law enforcement have contact with the offender before the warrant can be placed on NCIC.
  1. The agent will notify the Absconder Apprehension Unit (AAU) of the high-risk absconder.
- B. The agent will send a booking summary and narrative to the regional supervisor, director of Parole, and associate director of Parole to be forwarded to DOC senior staff.
- C. The warrant will be requested the same day and immediately issued upon approval of the Board Chair.

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- D. A major incident report will be completed according to DOC policy (100-03 – *Staff Reporting Information to DOC Administration and Office of Risk Management*).
- E. The public information officer (PIO) at the direction of the secretary of corrections (SOC) may issue a media advisory and provide certain information about the high-risk absconder to the public.

### 3. Following the Issuance of a Warrant:

- A. Upon approval of the warrant by the chair of the Board of Pardons and Paroles, email notification will be generated by parole board staff authorized to issue the warrant. The email will be sent to the supervising parole agent advising a warrant has been issued, the warrant number, and date of issuance. A color copy of the warrant will be included with the notification for use by the agent/supervisor as needed.
  - 1. The parole agent will create a community alert of “Absconder” in COMS, to include in the “comment section” of the alert, a statement to be included in the download to State Radio interface used by law enforcement. The statement will generally be formatted as follows:
    - a. \*\*\*This subject is currently an absconder. Please confirm the warrant with Pierre Dispatch via LETS or phone call at 605.773.3536\*\*\*
  - 2. Main control room staff or the parole agent will respond to inquiries from law enforcement for information regarding the absconder. If control room staff respond, the parole agent will be included in the response.
- B. Parole agents will continue to contact known family, friends, present or recent employers, and law enforcement contacts to ensure individuals are aware a warrant has been issued for the offender and to gather any additional information from those contacted that may be helpful in locating the offender.
- C. Designated Parole staff will email an updated listing of current absconders weekly to designated DOC staff, law enforcement agencies, government agencies, and other interested parties, ensuring the most current information regarding the status of the absconder is available.
- D. The parole board office staff and central records staff will ensure the South Dakota State Penitentiary control room has an absconder packet for each absconder and that the warrant of arrest is listed on the NCIC database.
- E. Upon the issuance of a warrant of arrest for an absconder, designated Parole Board office staff will send notification to law enforcement in both the county the offender absconded from and the county of conviction. These agencies may disseminate the information further, to include Fusion Center bulletins and specific law enforcement agencies.

### 4. Supervising and Managing an Absconder Case:

- A. Following the issuance of the warrant, the supervising parole agent will retain primary supervision of the absconder case.
- B. The following minimum contact requirements apply to parole agents supervising an absconder case:
  - 1. Two (2) investigatory contacts (attempted personal contact with offender or offender’s family and/or other collateral contact(s)) will be completed/attempted each thirty (30) day period for absconders not designated as a high-risk offender or classified to intensive supervision at the time the warrant was issued.
  - 2. Four (4) investigative contacts (attempted personal contact with offender or offender’s family and/or collateral contact[s]) will be completed/attempted each thirty (30) day period on absconders with an active “High Risk Offender” alert and absconders classified to intensive supervision at the time the warrant was issued.

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- C. Parole agents can utilize social media sites to identify and establish potential leads to locate absconders. Staff's use of social media will be consistent with the rules contained in DOC policy.
- D. Parole agents, as part of, or in addition to, the required investigatory contacts, may contact the absconder's family, friends, or law enforcement where the absconder was originally sentenced, and/or the absconder's last known residence or other frequented locations where the absconder is suspected/believed to be traveling or staying (based on information provided to the agent and review of past behaviors).
  - 1. The parole agent may send law enforcement in areas where the absconder may frequent, an "Absconder from Parole" poster, with any updated information, for display and distribution.
- E. The AAU is available to parole staff attempting to locate absconders. They can also assist in locating offenders listed as ATL when information is received about possible whereabouts.
  - 1. The AAU will generate a list of parole's highest risk absconders to be disseminated weekly through local, state, and federal task forces specializing in the apprehension of fugitives.
  - 2. The AAU will collaborate by gathering information from and sharing information with interested law enforcement entities and DOC staff.

## **5. Absconders Placed into Custody and returning to SD DOC:**

- A. The South Dakota State Penitentiary control room, directly following contact by the holding/arresting jurisdiction or SD State Radio, will contact the parole agent by email and provide contact information for the contact person in the holding/arresting jurisdiction.
- B. The supervising parole agent will report the custody/detainment to the regional supervisor.
- C. Following notification of the absconder's placement into custody, the supervising parole agent will contact the holding/arresting jurisdiction no later than the following business day to confirm the hold/arrest and ensure the holding agency has the proper documentation to hold the absconder. If applicable, the agent will notify the holding agency of the pre-signed waiver of extradition included in the Supervision Agreement previously signed by the absconder.
  - 1. The agent will collect and document any information regarding additional charges (if applicable), affecting the offender.
- D. The agent will continue to make follow-up contact with the holding/arresting jurisdiction and document any transfers of the absconder between agencies, ensuring the proper paperwork is obtained by all agencies.
- E. The following task(s) will be completed in the COMS database when the absconder placed in custody:
  - 1. The agent will document information of the arrest, charges, extradition, circumstances of the arrest, contact information, etc., into the Contact Logs in COMS.
  - 2. The agent will add an additional alert (Absconder in Custody) to the offender's alert screen with a comment that the offender has been placed into custody and the location of the holding jurisdiction. The original absconder alert will remain active.
- F. Following notification by the arresting/holding jurisdiction to the parole agent that the absconder will be released from custody, the parole agent will notify offender services to assist in arranging transportation to return the absconder to DOC custody. Arrangements shall be communicated to the holding authority.
  - 1. DOC staff will be utilized whenever possible with transporting offenders back to DOC custody in lieu of private transport. The parole agent will contact the designated offender services staff to complete transportation arrangements for absconders apprehended with consideration given to costs, distance, and other circumstances.
  - 2. When notifying the offender services staff, the parole agent will include the following information:
    - a. Name of holding facility.

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- b. Address.
- c. Contact person.
- d. Phone number(s), and
- e. Any other information deemed necessary.
- 3. Transportation may be arranged using the following methods:
  - a. Private transport company.
  - b. Northwest shuttle system.
  - c. SD state shuttle system.
  - d. SD DOC institutional staff.
  - e. Parole Services staff, or
  - f. Other methods, at the discretion of the associate director of offender services.

G. In the event the absconder is placed into custody in another state jurisdiction and refuses to waive extradition, and/or the holding agency's jurisdiction will not honor South Dakota's pre-signed waiver of extradition, the regional supervisor will contact the director of Parole to determine course of action.

## 6. Absconders in Custody with New Conviction - Out-of-State:

- A. Following notification to the parole agent that an absconder is in custody, and new charges are pending, or the absconder has received a new conviction requiring an extended stay in custody (usually in another state), the parole agent will transfer the case as a "Detainee Out-of-state," under the supervision of designated Parole administrative staff.
  - 1. Parole administrative staff will create a new Community Alert of "Detainee Out-of-State" and inactivate the absconder alert in COMS.
  - 2. Parole administrative staff will document any applicable information – location, charges, sentence/court dates, contact information, possible release dates, etc., in the Contact Logs of COMS.
- B. Parole agents will notify designated Parole administrative staff prior to transferring the case and provide necessary information and notice of the forthcoming transfer.

## 7. Absconders Returned to a SD DOC Facility:

- A. Once an absconder has been returned to a SD DOC facility, the parole agent will complete the following tasks:
  - 1. Inactivate the "Absconder" alert and "Absconder in Custody" alert (if applicable) in COMS.
  - 2. Update the violation report (if applicable), and provide the following information so the violation process can continue: date placed in custody, detainer custody date, service date, etc. This information is documented on the Parole Violation Response screen in COMS.
  - 3. Complete a Returned Absconder Report (IWP in COMS), which will include the following information for review by the Parole Board:
    - a. Location, date, and circumstances of arrest.
    - b. Any local charges (pending, convicted, charged, etc.).
    - c. Method and cost of transportation, and
    - d. Subject's history of absconding.
  - 4. Serve or make arrangements for other staff to serve the absconder the violation report, the Preliminary Hearing Rights/Waiver/Notice of Hearing form (if applicable), and the Returned Absconder report. The applicable forms (Returned Absconder Report) along with any addendums to the original Violation Report, shall be forwarded to the Parole administrative office after service, or prior, if the agent is requesting assistance from other staff to serve the absconder.
  - 5. Complete the applicable processes to close the community booking for the absconder using appropriate dates/information.
  - 6. The return of the absconder to a SD DOC facility will be tracked by designated Parole administrative office staff (by tracking admissions). Upon return of the absconder to the designated DOC facility, parole board office staff will cancel the warrant on NCIC and notify designated central records staff to inactivate the warrant in COMS.

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## **V. RESPONSIBILITY**

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

## **VI. AUTHORITY**

SDCL §§ 23A-48-16, 24-15-21

## **VII. HISTORY**

August 2023

June 2021

June 2019

June 2018

December 2016 – New policy

## **ATTACHMENTS**

1. Parole Absconder Checklist\*
2. DOC Policy Implementation / Adjustments

## Parole Absconder Checklist

*Please complete checklist below prior to requesting the absconder warrant.*

**Offender Name:** Click or tap here to enter text. **DOC#:** Click or tap here to enter text. **Date Listed as Attempt to Locate:** Click or tap to enter a date.

**Attempted phone contact, leave voicemails and text messages, if applicable:**

**Home visit completed at last known address(es), contacted landlord(s), if applicable:**

Click or tap here to enter text.

**Contacted any known family, friends, or acquaintances and reviewed various contact lists:**  
*(may include lists from initial office contact, case planning worksheet, visit lists and inmate phone lists, leave voicemail and text messages if no response)*

Click or tap here to enter text.

**Contacted current employer(s)/Supervisor(s):**

Click or tap here to enter text.

**Contacted current programming provider(s):**

Click or tap here to enter text.

**Checked eCourts for any active warrants and/or status of any pending cases:** Click or tap here to enter text.

**Contacted Law Enforcement:**

**Date of any missed appointments not already mentioned:**

Click or tap here to enter text.

**Checked social media accounts:**

Click or tap here to enter text.

You may type in any information/contacts you have attempted and will include this in the Warrant Request. Any contact attempts need to be entered into COMS. You can copy and paste any information directly into or from the case notes.