

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 10/01/09	NUMBER 06.01.130
	SUBJECT ABSCONDER RECOVERY UNIT	
SUPERSEDES 06.01.130 (06/13/07)		AUTHORITY MCL 750.193; 764.23; 791.239; 791.265a
ACA STANDARDS NONE		PAGE 1 OF 4

POLICY STATEMENT:

The Absconder Recovery Unit (ARU) shall investigate, locate and arrest escapees, parole violators, and probationers as set forth in this policy.

RELATED POLICIES:

- 03.03.100 Firearms and Chemical Agents
- 04.04.110 Search and Arrest in Correctional Facilities
- 04.05.110 Use of Force

POLICY:

GENERAL INFORMATION

- A. The ARU is responsible for investigating, locating, and arresting prisoners who have escaped from a Correctional Facilities Administration (CFA) or Field Operations Administration (FOA) facility. The ARU also is responsible for locating and arresting parole violators and, when authorized by the court, probationers who leave the Special Alternative Incarceration facility without authorization. Additional responsibilities may be assigned by the Director or designee. A warrant is not required to arrest an escapee or parole violator.
- B. All ARU operations shall be conducted in a manner which minimizes risk of harm to the general public, staff, and offenders. Although ARU staff are authorized to make an arrest without the assistance of law enforcement, local law enforcement may be requested to assist as deemed appropriate.
- C. ARU staff shall participate in a multi-agency regional task force only with prior approval of the appropriate Regional Administrator and advance notice to the FOA Deputy Director. Prior approval of the FOA Deputy Director is required, however, for participation in a multi-agency state-wide task force.
- D. ARU staff shall not violate any laws, including driving and traffic laws, during the course of surveillance, investigation, or arrest. The use of emergency vehicle lights of any nature is prohibited during moving surveillance.
- E. ARU staff shall ensure an arrested offender is either returned immediately to a Department facility or transported immediately to the nearest jail or other appropriate location to be held pending return to a Department facility. In those cases where an arrested offender is held in a jail, a field agent or ARU staff shall ensure that the appropriate Department detainer is filed with the local law enforcing agency holding the offender. Prior to filing the detainer, the field agent or ARU staff shall ensure that the offender is properly identified.

STAFF ASSIGNMENTS

- F. ARU staff shall be assigned an active caseload, make an arrest, or work independently only after successfully completing basic ARU training and FOA handgun and electronic control device training approved by the Office of New Employee Training and Professional Development, Operations Support Administration, and the FOA Deputy Director.

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- G. FOA field agents may accompany and/or assist ARU staff but must function in accordance with ARU staff direction.

REFERRALS

- H. In accordance with PD 01.05.125 "Escape and Apprehension Reporting/Processing", Wardens and the Administrator of the Office of Parole and Probation Services, FOA, shall ensure that the appropriate ARU Supervisor or designee is contacted immediately by telephone or pager, including on weekends and holidays, whenever there is an escape from their respective institutions or, for FOA, from a Residential Reentry Program facility. Electronic Monitoring Center (EMC) staff also shall notify the ARU immediately whenever the EMC enters a warrant for a prisoner into the Law Enforcement Information Network (LEIN). Referrals shall remain open until the apprehension or death of the escapee or absconder.

RESPONSE/INVESTIGATIONS

- I. The FOA Deputy Director or designee shall maintain investigation priority criteria to be followed by ARU staff when conducting investigations. However, if a facility head or appropriate FOA Supervisor requests an immediate response from the ARU because there is additional information available concerning the offender's whereabouts or details of the violation which indicate an immediate response is necessary, the ARU Supervisor shall determine whether an immediate response will be provided at that time.
- J. ARU staff shall run an outstanding warrant check through LEIN for each offender at the time of referral to the ARU. A warrant and criminal history check shall be run at least annually thereafter until the case is closed.
- K. In addition to the LEIN query required above, an investigative contact shall occur on the day of referral for an escape from a CFA institution or from a Residential Reentry Program facility and when otherwise directed by the ARU Supervisor. For all other cases, an initial investigative contact shall occur as soon as feasible but no later than ten business days after the day of referral. Additional investigative contacts shall be made at least every six months thereafter until the case is closed. Investigative contacts may include contacts with the supervising field agent or with any other person or agency that may have information pertinent to locating the offender. Whenever feasible, this shall include contacts at the offender's last known address or with the offender's family, significant others, known acquaintances, and employers.
- L. All searches of places and persons shall be conducted only with a search warrant, unless otherwise authorized by law and Department policy. Searches of offenders shall be conducted in accordance with MCL 791.239, Administrative Rule 791.7735, and PD 04.04.110 "Search and Arrest in Correctional Facilities".
- M. An ARU Arrest Report (CFJ-246) shall be completed within five business days after each apprehension in which the ARU is involved.

CASE FILES/REVIEWS

- N. A case file shall be maintained for each referral to the ARU. The file shall be developed within ten business days after referral unless a shorter period of time is required by the ARU Supervisor. At a minimum, the file shall contain a photograph of the offender, if available, and basic information on the offender (e.g., prior residential addresses; prior employment addresses; name and address of contacts). Chronological notes on investigative efforts, including contacts and progress to locate and apprehend the offender, shall be documented in OMNI. Closed files not documented on OMNI shall be retained a minimum of three years or until any pending litigation is completed, whichever is longer.

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- O. ARU supervisors and/or lieutenants shall conduct annual case reviews on at least 25% of each investigator's assigned cases to ensure that the minimum standards set forth above are maintained. Whenever an investigator vacates a position, the appropriate supervisor and/or lieutenant shall conduct a case review of all cases assigned to that investigator; this does not apply to temporary absences of 90 calendar days or less. Whenever possible, the case review shall be conducted prior to the investigator vacating the position. Each case review shall be documented in OMNI.

EQUIPMENT AND USE

- P. ARU staff are authorized to possess firearms, ammunition, electronic control devices, and chemical agents, including a personally owned handgun, in accordance with PD 03.03.100 "Firearms and Chemical Agents". ARU staff shall be provided with bullet-resistant/ballistic vests, which shall be worn when conducting investigations at any residence, when effecting a planned arrest, on stakeout, and as otherwise directed by an ARU supervisor.
- Q. A lost or missing firearm or chemical agent shall be reported as set forth in PD 01.05.120 "Critical Incident Reporting". A lost or missing electronic control device shall be reported in the same manner as a lost or missing chemical agent under PD 01.05.120.
- R. Firearms, ammunition, electronic control devices, and chemical agents shall be used only in accordance with PD 03.03.100 "Firearms and Chemical Agents" and PD 04.05.110 "Use of Force". However, if circumstances arise during the course of attempting or making an arrest which present a potential danger to staff or other persons, ARU supervisors and investigators are authorized to draw and hold their firearm at the ready position (i.e., muzzle pointed in a safe direction to the ground with safety off; trigger finger resting on frame, off trigger and outside trigger guard). A firearm shall not be aimed or fired unless the threat of danger has escalated to the point that it is reasonably believed that death or serious physical injury otherwise will result. The firearm shall be holstered immediately after the threat has passed.
- S. A Firearms Use Evaluation (CAJ-238), an FOA Critical Incident Notification form (CFJ-144) and a Critical Incident Participant Report (CAJ-571) shall be completed whenever an ARU staff member points or aims his/her firearm at anyone, or discharges a firearm, except as required during training, qualification, or practice. A Critical Incident Notification form and a Critical Incident Participant Report also shall be completed whenever an ARU staff member fires an electronic control device, or uses the device in touch stun mode, except as required during training, qualification, or practice; a post incident report also shall be completed as set forth in PD 01.05.120 "Critical Incident Reporting". Any additional reporting requirements set forth in PD 01.05.120 also apply. A copy of all reports shall be sent to the Administrator of the Office of New Employee Training and Professional Development or designee, who shall be a member of the Post Incident Review Committee, if convened.
- T. An employee who used an electronic control device which caused serious injury or death shall not be placed on an assignment which requires the use of the device until the FOA Deputy Director has reviewed the Post Incident Report and determined that the use was appropriate. The employee shall be immediately referred to the Employee Services Program or other appropriate counseling services.

PROCEDURES

- U. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive. Procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing procedures and manuals are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

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AUDIT ELEMENTS

- V. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: PLC 09/01/09