

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 09/23/2024	NUMBER 06.01.120
SUBJECT ARREST, RESTRAINT AND DETENTION OF PAROLEES AND PROBATIONERS	SUPERSEDES 06.01.120 (03/09/2015)	
AUTHORITY MCL 764.15, MCL 771.4, MCL 791.239, MCL 791.236 (19), MCL 791.238		
PAGE            1            OF            2		

**POLICY STATEMENT:**

Parolees may be arrested and/or detained and restrained by Field Operations Administration (FOA) staff as set forth in this policy. Probationers may be detained and restrained by FOA staff as set forth in this policy.

**RELATED POLICIES:**

- 04.05.110        Use of Force (EXEMPT)
- 06.01.130        Absconder Recovery Unit

**DEFINITIONS:**

Arrest: An exercise of the power to deprive an offender of their liberty; the taking or keeping of an offender in custody by legal authority.

MCL 791.239 states:

A probation officer, a parole officer, a peace officer of this state, or an employee of the Department other than a probation or parole officer who is authorized by the Director to arrest parole violators may arrest without a warrant and detain in any jail of this state a paroled prisoner, if the probation officer, parole officer, peace officer, or authorized departmental employee has reasonable grounds to believe that the prisoner has violated parole or a warrant has been issued for his or her return under section 38. [791.238]

Detain: To delay, hinder, or hold an offender until an arrest can be made.

Restrain: Placing an offender in handcuffs or other Department approved restraint equipment, whether to arrest or detain.

**POLICY:**

GENERAL INFORMATION

- A. Whenever possible, FOA Field Agents shall consult with immediate supervisory staff when action is being considered which may result in the arrest, restraint, or detention of a parolee or probationer. The supervisor shall determine the appropriate action to be taken.
- B. Local law enforcement shall be summoned to effect an arrest whenever possible. If the whereabouts of an absconder, or alleged parole or probation violator is known, local law enforcement and/or the Absconder Recovery Unit (ARU) shall be notified and requested to make the arrest.
- C. If it is necessary to arrest and detain an offender and law enforcement response is not available, or will be delayed such that the offender must be detained by staff pending arrest, only the amount of force that is reasonable under the circumstances shall be used in accordance with PD 04.05.110 "Use of Force."
- D. Safety precautions shall be taken in accordance with local office safety plans when arresting or detaining an offender in the field office.
- E. The ARU may also locate and arrest parole absconders in accordance with PD 06.01.130 "Absconder Recovery Unit."

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 09/23/2024	NUMBER 06.01.120	PAGE 2 OF 2
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### DETAINMENT OF OFFENDERS

- F. A parolee may be arrested and detained by MDOC staff or at the request of law enforcement and held pending pick-up by law enforcement or Department staff as determined by the FOA Deputy Director.
- G. A probationer shall not be detained unless authorized by the sentencing court. If a probationer is detained pending arrest and pick-up by law enforcement, entries shall be made in the Department's Computerized Database (DCD) detailing the circumstances of the detainment and whether the probationer was taken into custody by law enforcement or released. A probationer who has a valid warrant shall not be released without authorization of the Region Manager (RM).
- H. Initial notification to law enforcement of the need to take the offender into custody shall include the urgency of the request based on factors such as time of day, medical concerns, and disruptive behavior. Detainment of offenders may require the use and application of restraints consistent with PD 04.05.110 "Use of Force."

### ARREST OF PROBATIONERS

- I. The court may, in its probation order or by blanket order, provide for the apprehension, detention and confinement of any probationer accused of a probation violation. A Field Agent has no authority to arrest a probationer unless authorized to do so by order of the sentencing court or if the probationer committed a felony in the Agent's presence.

### ARREST OF PAROLEES

- J. A Field Agent, law enforcement officer, or a Department employee authorized by the Director to arrest a parole violator, may arrest and restrain a parolee without a warrant and detain the parolee in any jail of the State if they has reasonable grounds to believe that the parolee violated parole or when a parole violation warrant has been issued.

### OPERATING PROCEDURES

- K. The FOA Deputy Director shall ensure procedures implementing the requirements of this policy directive are developed.

### AUDIT ELEMENTS

- L. A Primary Audit Elements List has been developed to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits."

APPROVED: HEW 07/30/2024