

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 03/09/2015	NUMBER 06.01.120
	SUBJECT ARREST, RESTRAINT AND DETENTION OF PAROLEES AND PROBATIONERS	
SUPERSEDES 06.01.120 (08/26/13)		AUTHORITY MCL 764.15, MCL 771.4, MCL 791.239, MCL 791.236 (19), MCL 791.238
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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 his or her 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 arresting or detaining an offender in the field office.

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- E. The ARU may also locate and arrest parole absconders in accordance with PD 06.01.130, "Absconder Recovery Unit."

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. If a probationer is detained pending arrest and pick-up by law enforcement, entries shall be made in Offender Management Network Information (OMNI) detailing the circumstances of the detainment and whether the probationer was taken into custody by law enforcement or released. A probationer shall not be detained in a Field Office for longer than the close of the business day (5:00 p.m.) unless otherwise authorized by the Operations Administrator. A probationer wanted in connection with an assaultive offense shall not be released without authorization of the Deputy Administrator.
- 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 s/he 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 that within 60 days of its effective date, procedures implementing this policy directive are developed.

AUDIT ELEMENTS

- L. 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: DHH 02/09/15