

Idaho Department of Correction 	Standard Operating Procedure Division of Community Corrections	Control Number: 710.04.02.001	Version: 1.1	Page Number: 1 of 7
		Title: Arrest Procedures		Adopted: 11-9-2007 Reviewed: 9-3-2010 Next Review: 9-3-2012

This document was approved by Kevin Kempf, chief of the Division of Community Corrections, on 11/9/07 (signature on file).

BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY STATEMENT NUMBER 710

[Arrest of Offenders](#)

POLICY DOCUMENT NUMBER 710

[Arrest of Offenders](#)

DEFINITIONS

[Standardized Definitions List](#)

Agent's Warrant: An arrest warrant issued by a probation and parole officer to detain a probationer, parolee, or drug and/or mental health court offender.

Bench Warrant: A document issued by an officer of the court authorizing a probation/parole or law enforcement officer to perform a specified action.

Offender: A person under the legal care, custody, supervision, or authority of the Board--including a person within or without the State of Idaho pursuant to agreement with another state or contractor.

Parolee: An offender who (1) is released from a facility by the paroling authority prior to the completion of his sentence, (2) agrees to comply with certain conditions established by the paroling authority, and (3) remains under the control of a parole officer for the established period of supervision.

Probationer: An offender who the courts allow to continue to live and work in the community--instead of being sent to prison--while being supervised by a probation and parole officer (PPO) for an established period of time.

PURPOSE

The purpose of this standard operating procedure (SOP) is to provide guidance to probation and parole officers (PPOs) in arresting offenders who are under the jurisdiction of the Idaho Department of Correction (IDOC), Division of Community Corrections.

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SCOPE

This SOP applies to all Community Corrections staff members involved in the supervision and management of offenders who are under the jurisdiction of the IDOC, Division of Community Corrections.

RESPONSIBILITY

Chief of the Division of Community Corrections

The chief of the Division of Community Corrections (or designee) is responsible for overseeing probation and parole services and for ensuring acceptable safety practices in the apprehension of probationers and parolees are adhered to for the safety of everyone involved.

District Managers and Supervisors

District managers and supervisors are responsible for implementing this SOP and for ensuring PPOs are practicing the guidelines, standards, and procedures provided herein. In addition, all managers and supervisors will be required to read this SOP annually.

Probation and Parole Officers

PPOs are responsible for practicing the guidelines, standards, and procedures provided herein. In addition, all PPOs will be required to read this SOP annually.

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GENERAL REQUIREMENTS

1. Authority to Arrest

Pursuant to Idaho Code 20-227, a PPO may arrest a probationer, parolee, or person under drug or mental health court supervision without a warrant if the probationer, parolee, or other person is reasonably believed to be in violation of (1) drug and/or mental health court orders or (2) the conditions of his probation or parole. (See SOP [701.04.02.018](#), *Warrants: The Use of Agent's, Bench, and Parole Commission.*)

PPOs will make arrests in accordance with law and Departmental policy [710](#), Arrest of Offenders. Pursuant to Idaho Code 19-602, "an arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of an officer. The defendant must not be subjected to any more restraint than is necessary for his arrest and detention."

PPOs may authorize any other officer with the power of arrest to do so, by giving such officer an Agent's Warrant setting forth that the probationer, parolee, or person under drug or mental health court supervision has violated drug and/or mental health court orders or the conditions of his probation or parole. (Also see Idaho Code 20-228 and 19-510A.)

Limitations

Only PPOs, and other IDOC employees commissioned by the director of IDOC, may exercise, in the performance of their duties, their authority to arrest. All arrests will be performed with the minimum amount of force necessary to make the arrest. (See SOP [307.04.02.001](#), *Use of Force: Community Corrections.*)

2. The Pre-arrest Briefing

Whenever possible, a pre-arrest briefing will be conducted with all officers and/or agencies participating in the action. At a minimum, the pre-arrest briefing shall include the authority (e.g., existing warrants) or if using an Agent's Warrant, the reason for the arrest, and the following:

Identifying Information

- A photograph of the offender being arrested (if available)
- A physical description of the offender (include name, race, sex, height, weight, hair color/style/length, date of birth, scars, marks, tattoos, etc.)

Risk Assessment Information

- Prior criminal and/or mental illness history
- Prior violence, gang involvement, or escapes
- Address and physical description of the offender's location (i.e., a description of the exterior and/or interior of the premises)
- Other persons, including children, who may be with the offender
- Potential dangers, such as history of weapons, pets, surveillance cameras, etc.
- Assignment of officer responsibilities and logistics (e.g., who's arresting, covering, providing surveillance, record keeping, transporting, etc.)

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3. Apprehension/Arrest Procedures

Arrests will be carried out with primary consideration for the safety and welfare of the public, the officer, and the offender. When possible, arrests will be conducted in a controlled environment, such as an IDOC facility; law enforcement agency; etc.

Any individual arrested will be placed in physical restraints immediately upon arrest. He will then be searched and transported pursuant to SOP [322.04.01.000](#), *Transporting Offenders*. The offender will remain in physical restraints until such time as the proper authority assumes custody or the proper authority releases the offender.

Non-offenders

Pursuant to Idaho Codes 19-510A and 20-209C, PPOs have limited peace officer status. When engaged in the transport, apprehension, and arrest of persons who are suspected of having violated the terms and conditions of their probation or parole, PPOs may place non-offenders in restraints for the purpose of officer safety.

Interaction with the Offender

The officer making the arrest will inform the offender of the cause of arrest and the authority to make it. An exception occurs when the offender is actually engaged in the commission of, or making an attempt to commit, a violation, or is pursued immediately after its commission, or after an escape.

Forced Entry

The Division of Community Corrections prohibits Community Corrections staff from forcing entry into homes, which includes entering residences through unlocked doors and windows. The only exception is when an officer has knowledge that someone is in imminent danger and forcing entry could possibly prevent serious bodily injury or loss of life. The district manager (or designee) may also approve a forced entry.

4. Arrest Process Steps

Planned Arrests—Office Environment

For planned arrests that will be carried out in the office environment, the PPO must do the following, **in the order provided**:

- Confirm whether or not the authority to make the arrest exists (e.g., an active-issued warrant if not using an Agent's Warrant);
- Ensure there are no undue risks to the public, employees, or the offender;
- Obtain the approval to arrest from the district manager (or designee) and **if approved, document approval in the Corrections Integrated System (CIS) as a case update** (**Note:** If approval not granted, the process ends here.);
- When possible, seek the assistance of local law enforcement;
- Ensure that there are, at a minimum, two (2) armed officers, with issued safety equipment, per offender (**Note:** One (1) or more armed officers may be from a local law enforcement agency. In addition, in some areas, such as satellite offices, it may not be possible to have two (2) armed officers per offender **or** law enforcement resources may not be readily available. Under such circumstance, staff are encouraged to use their best professional judgment and determine whether or not

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the arrest can be executed without placing the safety and welfare of all involved in jeopardy.);

- Conduct a pre-arrest briefing with all officers and/or agencies participating in the arrest;
- Carry out the arrest, taking into consideration the safety and welfare of all involved;
- Place those arrested in physical restraints and search them; and
- **Document the arrest in the Corrections Integrated System (CIS) as a case update.**

Planned Arrests—In the Field

For planned arrests that will be carried out in the field, the PPO must do the following, **in the order provided**:

- Confirm whether or not the authority to make the arrest exists (e.g., an active-issued warrant if not using an Agent's Warrant);
- Ensure there are no undue risks to the public, employees, or the offender;
- Obtain the approval to arrest from the district manager (or designee) and **if approved, document approval in the Corrections Integrated System (CIS) as a case update** (**Note:** If approval not granted, the process ends here.);
- Notify local law enforcement and seek their assistance. If law enforcement is not available, discuss the arrest with the district manager (or designee) to determine whether or not the planned arrest should continue;
- Ensure that there are, at a minimum, two (2) armed officers, with issued safety equipment, per offender (**Note:** One (1) or more armed officers may be from a local law enforcement agency. In addition, in some areas, such as satellite offices, it may not be possible to have two (2) armed officers per offender **or** law enforcement resources may not be readily available. Under such circumstance, staff are encouraged to use their best professional judgment and determine whether or not the arrest can be executed without placing the safety and welfare of all involved in jeopardy.);
- Conduct a pre-arrest briefing with all officers and/or agencies participating in the arrest;
- Carry out the arrest, taking into consideration the safety and welfare of all involved;
- Place those arrested in physical restraints and search them; and
- **Document the arrest in the Corrections Integrated System (CIS) as a case update.**

Unplanned Arrests

The majority of arrests carried out by PPO offices should be planned events, with the utmost care taken to ensure the safety and welfare of all involved is not in jeopardy. Therefore, if time permits, seek the approval of the district manager (or designee) before making the arrest.

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However, under circumstances where an offender must be arrested immediately, staff are encouraged to use their best professional judgment and determine whether or not the offender can be taken safely into custody.

For unplanned arrests, the PPO must do the following, **in the order provided**:

- Based on the offender's behavior and level of compliance towards the supervision requirements, determine whether or not an unplanned arrest is warranted. In addition, determine whether or not the arrest can be executed without placing the safety and welfare of all involved in jeopardy;
- When possible, seek the assistance of local law enforcement and other IDOC officers prior to making the arrest;
- When possible, ensure that there are, at a minimum, two (2) armed officers, with issued safety equipment, per offender (**Note:** One (1) or more armed officers may be from a local law enforcement agency);
- Carry out the arrest, taking into consideration the safety and welfare of all involved;
- Place those arrested in physical restraints and search them;
- Notify the district manager (or designee) as soon as the situation is secured or the offender has been released to the proper authority; and
- **Document the arrest in the Corrections Integrated System (CIS) as a case update.**

REFERENCES

Department Policy [701](#), *Probation and Parole Services*

Department Policy [710](#), *Arrest of Offenders*

Idaho Code, Section 19-510, *Peace Officers Enumerated*

Idaho Code, Section 19-510A, *Peace Officers' Powers to Employees of the State Board of Correction*

Idaho Code, Section 19-601, *Arrest Defined*

Idaho Code, Section 19-602, *Arrest, How Made*

Idaho Code, Section 19-608, *Information to Person Arrested*

Idaho Code, Section 19-610, *What Force May be Used*

Idaho Code, Section 20-209C, *Authority to Designate Employees as Peace Officers*

Idaho Code, Section 20-227, *Arrest of Parolee, Probationer, or Person Under Drug Court or Mental Health Court Supervision without Warrant—Agent's Warrant—Detention—Report to Commission or Court*

Idaho Code, Section 20-228, *Conditions of Parole to be Specified in Writing—Warrant for Arrest of Suspected Violators—Effect of Suspension and Arrest*

IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 701](#), *Probation and Parole Supervision*

Standard Operating Procedure [307.04.02.001](#), *Use of Force: Community Corrections*

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Standard Operating Procedure [322.04.01.000](#), *Transporting Offenders*

Standard Operating Procedure [701.04.02.018](#), Warrants: The Use of Agent's, Bench, and Parole Commission

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