


Idaho Department of Correction 	Standard Operating Procedure Division of Operations Community Corrections	Control Number: 701.04.02.018	Version: 2.2	Page Number: 1 of 10
		Title: Warrants: The Use of Agent's, Bench, and Parole Commission		Adopted: 2-9-2009 Reviewed: 12-10-2010

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BOARD OF CORRECTION IDAPA RULE NUMBER 701

Probation and Parole Supervision

POLICY STATEMENT NUMBER 701

Probation and Parole Services

POLICY DOCUMENT NUMBER 701

Probation and Parole Services

DEFINITIONS

Standardized Definitions List

Absconder: An offender who avoids the supervision requirements of his probation or parole by fleeing, relocating to another area, or evading supervision.

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.

Commission of Pardons and Parole: The decision-making body that has the authority to grant, revoke, reinstate, or refuse parole. The Commission of Pardons and Parole is commonly referred to as the Parole Commission.

Commission of Pardons and Parole Warrant: A non-bondable warrant of arrest issued by the Commission of Pardons and Parole for an alleged parole violation. The Commission of Pardons and Parole Warrant is commonly referred to as a Parole Commission Warrant.

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

Parole Revocation Hearing: Pursuant to a violation hearing (or the offender's waiver of such hearing) and a finding of guilt on one (1) or more violations, a hearing in which the Commission of Pardons and Parole will determine whether or not to (1) grant parole to the offender or (2) revoke the offender's parole.

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Preliminary Hearing: A hearing (for technical violations only) to establish whether or not there is probable cause to believe the violations may have occurred.

Technical Violation: A violation of the rules of release for reasons other than a misdemeanor or a felony criminal conviction or absconding from supervision. (Technical violations include pending misdemeanor or felony crimes or infractions in which a guilty plea or finding of guilt has not been made in court.)

Violation Hearing: A fact-finding hearing conducted by a Commission of Pardons and Parole hearing officer to make a finding of guilt or innocence on each alleged violation of parole.

PURPOSE

The purpose of this standard operating procedure (SOP) is to provide guidance to probation and parole officers (PPOs) regarding the use of agent's, bench, and parole commission warrants; and the procedures required after a Parole Commission Warrant is served.

SCOPE

This SOP applies to all Community Corrections Unit staff members involved in the supervision and management of offenders who are under the jurisdiction of the Idaho Department of Correction (IDOC), Community Corrections Unit.

RESPONSIBILITY

Deputy Chief of the Community Corrections Unit

The deputy chief of the Community Corrections Unit (or designee) is responsible for overseeing probation and parole services and for ensuring the guidelines and procedures herein are adhered to for the issuance of agent's warrants, and submitting for bench and parole commission warrants for violations of probation and parole conditions.

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

This SOP follows guidelines for responding to violations of probation or parole conditions of supervision as outlined in SOP [701.004.02.001](#), *Probation and Parole Supervision Strategies*. It also sets standards and procedures for issuing agent's warrants, submitting reports of violations and conducting preliminary hearings for parolees alleged to have violated parole conditions.

1. The Use of Agent's Warrants

When a violation of conditions is detected (see SOP 701.04.02.001, *Probation and Parole Supervision Strategies*), the PPO must do the following prior to issuing an Agent's Warrant.

Agent's Warrant Procedure

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation and Parole Officer (PPO)	1	When a violation is detected (see SOP 701.04.02.001), determine whether it is appropriate to issue an Agent's Warrant.
		Note: It is always appropriate to issue a warrant when (1) the offender poses a risk to harm himself or others, or (2) there is reasonable suspicion to believe that the offender is attempting to abscond.
PPO	2	When a supervisor is: <u>Unavailable:</u> <ul style="list-style-type: none"> ◆ Issue an Agent's Warrant. Note: If the offender is a probationer, also complete an Affidavit and issue it when issuing the warrant. ◆ Notify a supervisor <u>and</u> the proper authority (i.e., prosecutor, court, or Commission of Pardons and Parole) within one (1) business day of the arrest.
		Note: If the offender's whereabouts are unknown and the offender cannot be located, see SOP 701.04.02.002, <i>Absconder/Fugitive Procedures</i>. If the warrant is to be served on offenders who are under the supervision of the Interstate Compact, see SOP 704.04.02.001, <i>Interstate Compact Agreement</i>.
		<u>Available:</u> <ul style="list-style-type: none"> ◆ Staff with a supervisor the decision to issue an Agent's Warrant.

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Supervisor	3	Decide whether it is/was appropriate to issue an Agent's Warrant. <ul style="list-style-type: none"> • Approve or deny the PPO's recommendation to issue the warrant, <u>or</u> • If in disagreement with the PPO's decision to issue the warrant, make arrangements to have the offender released.
PPO	4	<p><u>Recommendation Approved</u></p> <ul style="list-style-type: none"> ◆ If not already done in step 2, issue an <u>Agent's Warrant</u>. <u>Note:</u> If the offender is a probationer, also complete an <u>Affidavit</u> and issue it when issuing the warrant. ◆ Notify a supervisor <u>and</u> the proper authority (i.e., prosecutor, court, or Commission of Pardons and Parole) within one (1) business day of the arrest. ◆ Submit a Report of Violation (see section 4) <u>and</u> a copy of the <u>Affidavit</u> to the proper authority within three (3) business days of the arrest. ◆ Proceed to step 5. <p>Note: If the offender's whereabouts are unknown and the offender cannot be located, see SOP 701.04.02.002, <i>Absconder (Fugitive) Procedures</i>. If the warrant is to be served on offenders who are under the supervision of the Interstate Compact, see SOP 704.04.02.001, <i>Interstate Compact Agreement</i>.</p> <p><u>Recommendation Denied</u></p> <ul style="list-style-type: none"> ◆ Proceed to step 5. <p><u>Offender Released</u></p> <ul style="list-style-type: none"> ◆ Notify the proper authority within one (1) business day of the decision to release the offender. ◆ Proceed to step 5.
PPO	5	Document in the Corrections Integrated System (CIS) as a "case update" each staffing held with a supervisor, the decision, and the action taken.

2. The Use of Bench and Parole Commission Warrants

A supervisor may determine that an Agent's Warrant should not be issued (see section 1), but may feel that the severity of the violation detected **and** the offender's risk level supports that a Report of Violation be submitted to the proper authority (i.e., prosecutor, court, or Commission of Pardons and Parole). However, when a violation of conditions is detected ensure that the violation is properly responded to in accordance with SOP 701.04.02.001, *Probation and Parole Supervision Strategies*, prior to submitting the Report of Violation.

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Bench and Parole Commission Warrant Procedure

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation and Parole Officer (PPO)	1	<p>When a violation is detected (see SOP 701.04.02.001), determine whether the violation can be handled with intermediate sanctions and interventions, <u>or</u> if a Report of Violation should be submitted.</p> <p><u>Handle with intermediate sanctions and interventions</u></p> <ul style="list-style-type: none"> ◆ <u>Entry-level PPOs</u>: Staff the case with a supervisor; Proceed to step 2. ◆ <u>Senior-level PPOs</u>: Proceed to step 3. <p><u>Submit a Report of Violation</u></p> <ul style="list-style-type: none"> ◆ Staff the case with a supervisor; Proceed to step 2.
Supervisor	2	<p>Review the following:</p> <ul style="list-style-type: none"> ◆ The violation or violations, ◆ The offender's risk level, ◆ Performance on supervision, ◆ Prior violations, ◆ Prior intermediate sanctions and interventions, and ◆ Program plans <p>Decide whether intermediate sanctions and interventions are more appropriate <u>or</u> if a Report of Violation should be submitted.</p> <ul style="list-style-type: none"> • Inform the PPO of the decision.
PPO	3	<p><u>Handle with intermediate sanctions and interventions</u></p> <ul style="list-style-type: none"> ◆ Develop a balanced plan that includes intermediate sanctions and interventions. ◆ Monitor the effectiveness of the intermediate sanction and intervention and make adjustments if necessary. <p><u>Submit a Report of Violation (see section 4)</u></p> <ul style="list-style-type: none"> ◆ <u>Offender a probationer</u>: Complete and submit a Report of Violation to the prosecutor or court within three (3) business days. ◆ <u>Offender a parolee</u>: Complete and submit a Report of Violation to the Commission of Pardons and Parole within three (3) business days.
PPO	4	<p>Document in the Corrections Integrated System (CIS) as a "case update" each staffing held with a supervisor, the decision, and the action taken.</p>

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
PPO	5	Once the warrant is issued: <ul style="list-style-type: none"> Attempt to serve the warrant, <u>or</u> Enlist a law enforcement agency to serve the warrant.
		Note: If the offender's whereabouts are unknown and the offender cannot be located, see SOP 701.04.02.002, <i>Absconder (Fugitive) Procedures</i>. If the warrant is to be served on offenders who are under the supervision of the Interstate Compact, see SOP 704.04.02.001, <i>Interstate Compact Agreement</i>.
PPO	6	If the offender posts bond on a Bench Warrant, resume or continue supervision until the case is adjudicated.

For further assistance with CIS, see your designated CIS super user.

3. Parole Commission Warrants: Parolee Rights and Hearing Procedures

Parolee Rights

During the preliminary and parole violation hearing process, the parolee has the right to:

- Receive written notice of the time and place of the hearings at least 24 hours in advance;
- Be advised of the allegations contained in the Report of Violation;
- Have an attorney present;
- Present evidence and witnesses;
- Confront adverse witnesses, unless such action would subject the witnesses to risk or harm;
- Receive a timely, written decision.

Hearing Procedures

Parolees will be granted a preliminary hearing on a Report of Violation consisting solely of allegations of technical violations for which a warrant has been issued, unless the parolee waives that right.

Note: Parolees alleged to have absconded **or** convicted of a crime, misdemeanor, or felony are not entitled to a preliminary hearing.

Preliminary Hearing Officers

The Commission of Pardons and Parole has delegated the selection of preliminary hearing officers to probation and parole districts. To be designated the preliminary hearing officer, the PPO must not have:

- Been involved in the arrest (or the decision to arrest the offender), or
- Recently supervised the parolee.

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Note: The parolee must not be provided a copy of the Report of Violation at the preliminary hearing because providing the parolee with a copy of the report starts the clock ticking on when the parolee must be granted a violation hearing.

Functional Roles and Responsibilities	Step	Tasks
Probation and Parole Officer (PPO)	1	Serve and explain the following documents to the parolee: <ul style="list-style-type: none"> Agent's Warrant. (Note: If used, replace the Agent's Warrant with the Parole Commission Warrant when it is received.) Parole Commission Warrant Return of Service. (Note: Typically, must be served within three [3] business days of receipt; however, if the detention location exceeds a 50 mile radius, within five [5] business days of receipt.) Notice of Rights for Legal Representation and
		Note: If the warrant is to be served on offenders who are under the supervision of the Interstate Compact, see SOP 704.04.02.001, <i>Interstate Compact Agreement</i> .
PPO	2	If the parolee <u>is</u> entitled to a preliminary hearing (technical violations only): <ul style="list-style-type: none"> Inform the parolee of his rights pertaining to the hearing and of the consequences of waiving the hearing. (See the above subsection titled <i>Parolee Rights</i>.)
		Note: Any such waiver by the parolee must be voluntary. <ul style="list-style-type: none"> If the parolee <u>is not</u> entitled to a preliminary hearing, proceed to step 7.
Parolee	3	Decide whether to waive <u>or</u> request a preliminary hearing (technical violations only). <ul style="list-style-type: none"> Complete the appropriate areas of the Agent's Warrant <u>or</u> Parole Commission Warrant Return of Service, and return the warrant <u>or</u> return of service to the PPO.
PPO	4	Within one (1) business day of receipt: <ul style="list-style-type: none"> Notify the Commission of Pardons and Parole of the parolee's decision.
		Note: If the parolee waives the preliminary hearing, ensure step 2 was followed, and proceed to step 7.

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Functional Roles and Responsibilities	Step	Tasks
Preliminary Hearing Officer	5	<ul style="list-style-type: none"> • Determine if an attorney or witnesses will attend the hearing. • Schedule the hearing at the jail or probation and parole office. (The hearing must be conducted within five [5] business days of the arrest of the parolee. See the note box in step 6 for the exceptions.) <ul style="list-style-type: none"> ◆ If witnesses need to be accommodated, seek the approval of another location from the Commission of Pardons and Parole. • Notify the supervising PPO and any witnesses for the state.
Preliminary Hearing Officer	6	<p>Conduct the hearing within five (5) business days of the arrest, unless the parolee waives part <u>or</u> all of the five-(5) day period <u>and</u> so notes on the Agent's Warrant <u>or</u> Parole Commission Warrant Return of Service.</p> <p>Note: The preliminary hearing officer may exclude any evidence or witnesses deemed irrelevant to the issues. In addition, if a witness' presence at the hearing poses an undue threat to the witness' safety, the hearing officer shall notify the Commission of Pardons and Parole. The commission will determine whether the witness must appear <u>or</u> may be excluded.</p> <p>Record the hearing on audio tape <u>and</u> maintain the tape for six (6) months.</p> <p>Upon completion of the hearing:</p> <ul style="list-style-type: none"> ◆ Make a finding as to whether probable cause exists for each technical violation. ◆ Issue a <u>verbal</u> decision to the parolee <u>and</u> PPO. <p>Within five (5) business days of the completion of the hearing,</p> <ul style="list-style-type: none"> ◆ Submit a <u>written</u> decision to the parolee and the Commission of Pardons and Parole. The written decision must include the reasons for the finding <p>Note: If probable cause is not found, the commission may release the parolee, which will end the process at this step.</p>

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Functional Roles and Responsibilities	Step	Tasks
Commission of Pardons and Parole	7	Schedule a violation hearing if any of the following exist: <ul style="list-style-type: none"> ◆ The parolee was not entitled to a preliminary hearing, ◆ The parolee waived the preliminary hearing, or ◆ The preliminary hearing officer determined that probable cause exists. Send a Notice of Hearing to the supervising PPO.
Supervising PPO	8	<ul style="list-style-type: none"> • Within two (2) business days of receipt, serve the parolee with the Notice of Hearing. • Arrange with the detention facility a location for the hearing. • Attend the violation hearing or send a representative that is familiar with the case.

4. Warrants in Extraordinary Circumstances

If extraordinary circumstances exist such that neither an Agent's, Bench, nor Parole Commission Warrant is appropriate, the director of the DOC (or designee), may request by affidavit that an Ada County magistrate issue a permanent arrest warrant. (Idaho Code, Section 20-209F)

Note: SOP [507.02.01.002](#), *Escape/Walk-away Response*, describes the process for the director to issue a temporary arrest warrant and obtain a permanent arrest warrant from an Ada county magistrate.

5. Reports

It is important that the jurisdiction authority be aware of how offenders under their jurisdiction are performing on probation or parole. PPOs use both formal (Report of Violation) and informal (intermediate sanctions and interventions) means to manage offender behavior in the community. When using intermediate sanctions, the PPO should keep the court or Commission of Pardons and Parole informed.

Report of Violation

When available, a Report of Violation shall be written using a Department-approved format as provided in the Corrections Integrated System (CIS).

Recommendations for the disposition of a Report of Violation can include the following examples:

Probationers

- Additional conditions, sanctions, and continued or extended probation.
- Revocation, sanctions, and reinstatement.
- Retained jurisdiction.
- Revocation and imposition of sentence.

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Parolees

- Reinstatement and additional special conditions.

Special Progress Report

If a decision is made not to submit a Report of Violation (in accordance with section 1 or section 2) for serious violations as outlined in SOP 701.04.02.001, *Probation and Parole Supervision Strategies*, a Special Progress Report should be submitted. The Department will provide a computerized form (located in the CIS) to be used for special progress reports that includes information pertaining to the offender's behavior, the actions taken, and the PPO's recommendations.

Note: Anytime a special report is issued, document the issuance in the CIS as a "case update," to include each staffing held with a supervisor, the decision, and the action taken.

REFERENCES

[Agent's Warrant](#)

[Affidavit](#)

Idaho Code, Title 20, Chapter 2, Section 20-209F, *Warrants for Certain Fugitives*

Idaho Code, Title 20, Chapter 2, 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, Title 20, Chapter 2, Section 20-228, *Conditions of Parole to be Specified in Writing—Warrant for Arrest of Suspected Violators—Effect of Suspension and Arrest*

Idaho Code, Title 20, Chapter 2, Section 20-229, *Parole Revocation Hearing*

Idaho Code, Title 20, Chapter 2, Section 20-229A, *Notice—Service—Waiver*

Idaho Code, Title 20, Chapter 2, Section 20-229B, *Commission Rulings*

Standard Operating Procedure [701.04.02.001](#), *Probation and Parole Supervision Strategies*

Standard Operating Procedure [507.02.01.002](#), *Escape/Walk-away Response*

Standard Operating Procedure [701.04.02.002](#), *Absconder (Fugitive) Procedures*

Standard Operating Procedure [704.04.02.001](#), *Interstate Compact Agreement*

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