SOUTH DAKOTA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1400-11	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Search and Seizure - Parole
RELATED STANDARDS:	None.	EFFECTIVE DATE:	August 01, 2026
		SUPERSESSION:	08/01/2025
DESCRIPTION: Parole Services	REVIEW MONTH: July	**NICK LAMB** **SECRETARY OF CORRECTIONS**	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that offenders under supervision in the State of South Dakota submit to warrantless search and seizure of their person, possessions, vehicle, and any other personal property. Searches of an offender being supervised are also authorized when conducted as part of an investigation, or when an offender under supervision is transported.

II. PURPOSE

The purpose of this policy is to establish and provide guidelines governing search and seizure by Parole Services staff and any subsequent disposition of confiscated contraband.

III. DEFINITIONS

Parole Contraband:

Any item that is deemed dangerous, inappropriate, or illegal. Supervising agent will make that decision based on the offender's supervision conditions, criminal history, SDCL, and other information provided to the agent.

Reasonable Suspicion:

Reasonable suspicion means that any reasonable person would suspect that a crime was in the process of being committed, has been committed, or is going to be committed very soon.

IV. PROCEDURES

1. Search of an Offender:

A. A parole agent can conduct a warrantless search with reasonable suspicion in accordance with the terms of the parole supervision agreement. A search can be done on the following:
   1. Search of the offender's person (body).
   2. Search of any offender's personal property.
   3. Search of the offender's residence, to include those areas which the parolee is believed to exercise complete or joint authority.
      a. Agents must have probable cause to believe the parolee is a resident of the home
      b. Searches should not extend to other people who may be residing with or are otherwise closely associated with the offender, except for officer safety. Searches in a home should be limited to places the offender has sole or shared access, but not areas a cohabitant has exclusive access.
   4. Search of the offender's vehicle.

5. Search of any additional real or personal property under the offender's control.

B. The search must be rationally and reasonably related to the performance of the parole agent's duties.

C. Under no circumstances will the search be arbitrary, capricious, or harassing.

D. Whenever possible, parole staff will conduct the search with the assistance of another parole agent or law enforcement, as determined necessary by the parole agent.

E. Staff will maintain universal precautions while searching offenders or property. Personal protective equipment is effective in protecting staff from exposure to sharp objects or hazardous substances that may be present at the scene or on the offender.
   1. Whenever possible parole staff will wear gloves to conduct the search.
   2. Parole staff shall ensure they have reasonable access to Naloxone while conducting searches.

F. Parole staff, at their discretion for safety and control, may utilize mechanical restraints, such as handcuffs, leg cuffs, and belly chains, when conducting a search of an offender.
   1. Parole agents may conduct a limited (pat-down) search of other people (not on parole) who are present, specifically to search for weapons, if the circumstances reasonably require it, to ensure the safety of all parties involved.

G. Searches will be conducted in a manner avoiding unnecessary force, property damage, undue embarrassment, and/or indignity to an offender.

H. Parole staff conducting a search will handle religious and/or cultural items with respect for the item and the religion and/or culture.

I. All searches will be recorded in the offender management system (OMS) as a case note, any contraband taken will be listed in the narrative.

2. Seizure of Contraband:

A. During the course of a search, parole agents may confiscate contraband.

B. All contraband confiscated, will be handled as follows:
   1. All contraband will be handled in a manner which will preserve the evidence and the chain of custody.
   2. Parole agents will document all evidence collected using the *Parole Services Evidence/Inventory/Disposal Receipt* (attachment #1).

C. The following procedures will be followed by parole agents when they suspect controlled substances and/or weapons are possessed by an offender:
   1. If a parole agent discovers firearms and/or what appears to be any quantity of a controlled substance or other illicit substance, the agent will immediately notify the proper law enforcement authorities.
   2. Confiscated materials or substances will be turned over to law enforcement under most circumstances. If law enforcement rejects confiscated materials for any reason, a regional supervisor shall be notified for instruction on disposal.

D. Only property that is considered contraband will be held by the parole division.
   1. Personal property of parole violators given to parole staff from doc admissions staff will be held at the parole office for thirty (30) days, the parolee can make arrangements for the property to be picked up at the parole office. Any property not picked up within thirty (30) days will be disposed of or donated.

3. Disposal of Confiscated Contraband:

A. Any item confiscated during the search of an offender that is deemed dangerous or inappropriate, but not unlawful, will be turned over to the respective regional supervisor for proper disposal.

B. The regional supervisor, or designee, will document disposal method, date, and staff present, using the Evidence/Inventory/Disposal Receipt.
   1. When contraband is destroyed, it will be done in the presence of at least one (1) witness.
   2. Each regional supervisor will maintain the Parole Services Evidence/Inventory/Disposal Receipt for all contraband that is destroyed.

V. RESPONSIBILITY

The director of Parole Services is responsible for the annual review and revision of this policy.

VI. AUTHORITY

None.

VII. HISTORY

August 2026
August 2025
August 2024 – New Policy

ATTACHMENTS

1. Parole Services Evidence/Inventory/Disposal Receipt (v1)

SOUTH DAKOTA PAROLE SERVICES
EVIDENCE/INVENTORY/DISPOSAL RECEIPT

Offender: _____ Parole Agent: _____

Search Date: _____ Search Location: _____

Description of Seized Item(s):	
Current Location of Seized Item(s):	
Was Law Enforcement Contacted? If so, Who? Date? Time?	

Comments: _____

Offender Signature: _____ **Date:** _____

Parole Agent Signature: _____ **Date:** _____

Method of Disposal:	
Date of Disposal:	
Witness to Disposal :	
Were item(s) returned to owner? If so, To whom? Date?	

Comments: _____

Parole Supervisor Signature: _____ **Date:** _____