

SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER	PAGE NUMBER
		1400-05	1 OF 8
		DISTRIBUTION:	Public
		SUBJECT:	Parole – Response to Violations
RELATED STANDARDS:	None	EFFECTIVE DATE:	March 15, 2026
		SUPERSESSSION:	03/01/2025
DESCRIPTION: Parole Services	REVIEW MONTH: February	 NICK LAMB SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that Parole agents will respond to every known violation detected in order to hold offenders accountable for their actions. Nothing in this policy or its application creates the basis for establishing a constitutionally protected liberty, property, or due process interest for any offender, other than those already established through SDCL.

II. PURPOSE

The purpose of this policy is to provide appropriate and consistent responses to violations of the community supervision agreement based on the offender's assessed risk as established by the community risk assessment/re-assessment.

III. DEFINITIONS

Containment Plan:

Required response by the supervising parole agent when an offender is charged with a felony that does not carry the presumption of probation, and the court has determined the offender is eligible for bond. The containment plan will include any bond conditions as set by the court and additional supervision conditions as approved by the regional supervisor and director of field services.

Felony Offense(s) with the Presumption of Probation - Class 5 and 6:

Felony that carries the presumption that the court shall sentence the offender to a term of probation unless aggravating circumstances exist. Exceptions to the presumption of probation for those convicted under specific statutes are outlined in SDCL.

Policy Driven Response (PDR):

The form served on an offender following a detected violation of supervision conditions not resulting in a violation or informal response, which outlines the violation(s) committed by the offender, the sanction(s) imposed, and the time frame for completion of the imposed sanction.

Sanction:

A corrective measure imposed upon an offender in response to a violation. A sanction directs an offender toward future compliance. Sanctions may include treatment opportunities or requirements in response to an offender's use or abuse of drugs or alcohol.

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Violation:

The failure of an offender to comply with any of the conditions listed on his/her supervision agreement, or the failure of an offender to comply with any special condition(s) imposed by the Board of Pardons and Paroles or parole staff.

IV. PROCEDURES

1. Violation Severity Scale:

- A. The Response to Violation (RTV) Parole Violation Severity Scale will be used to determine the applicable severity category of a violation committed by an offender (see section in this policy).
 - 1. Each Agreement Condition from the Parole Violation Severity Scale corresponds to a requirement in the Parole Standard Supervision Agreement (see section in this policy).
 - 2. The Risk Level at the top of the scale corresponds to an offender’s supervision level.
 - a. Ind = Indirect Supervision.
 - b. Min = Minimum Supervision.
 - c. Med = Medium Supervision.
 - d. Max = Maximum Supervision.
 - e. Int = Intensive Supervision.
 - 3. The Response Range will fall into one of the following categories, which corresponds with the RTV Parole Violation Sanction Scale (See Section 7):
 - a. I = Informal.
 - b. L = Low.
 - c. M = Medium.
 - d. H = High.
 - e. VS = Violation Staffing.
 - f. V = Violation.

- B. If a violation by an offender is not included on the RTV Parole Violation Sanction Scale, the parole agent will staff the case with his/her regional supervisor to determine if a formal response is necessary, and if applicable, the appropriate sanction. The agent will record the approved and applied sanction in the offender management system (OMS).

- C. If a violation by an offender calls for a “VS” response, the case will be staffed to determine if the supervising parole agent should pursue a revocation or continue supervision with a sanction(s) or restrictions imposed by the agent.
 - 1. The regional supervisor and supervising parole agent will review cases in which a lower level and/or nonviolent felony has been committed. These cases will normally continue with supervision unless there are aggravating circumstances. If the offender receives a new prison sentence, the offender may be returned to prison without a revocation.
 - 2. The associate director of field operations and regional supervisor will review cases in which the pending felony is a class 4 or higher and/or those felonies listed in Section 9.

- D. For the purposes of this policy, “committing a new felony offense” (all Classes listed) or “committing a new misdemeanor offense” (all Classes listed) from the RTV Parole Violation Severity Scale means the parolee was arrested by a jurisdiction other than the Board of Pardons and Paroles and the agent has enough probable cause to believe a new offense was committed.
 - 1. Reasons for probable cause include, but are not limited to admission by the offender, a positive portable breath test (PBT), a positive urinalysis test (UA), charges filed by a prosecutor, etc.
 - 2. Offenders undergoing court processes, when charged with lower level and/or non-violent felony offense(s) or misdemeanor offenses, may be allowed to release back on community supervision after any bond or bond conditions have been met. The offender is subject to additional supervision conditions as deemed appropriate by the supervising parole agent when released back to the community.

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- a. The supervising agent will assist with monitoring bond conditions ordered by the court and will report back to the court any violations of the judge’s ordered bond conditions for the court’s consideration.
 - b. Additional supervision conditions may include restrictions, directives, and/or conditions aimed at addressing, monitoring, and/or controlling behavior specific to the case, with the goal to increase surveillance and accountability of the offender involved.
 - c. the regional supervisor can staff the case with the associate director of field operations to determine if a revocation is more appropriate than additional supervision conditions.
3. Offenders charged with a new felony offense(s) where, at a minimum, at least one (1) of the charges is a class 4 felony or higher and/or a felony listed in Section 9, will only be allowed to release back to supervision when any bond and/or bond conditions are met, and an approved containment plan is put in place. Containment plans must be approved by the regional supervisor and associate director of field operations. The containment plan will normally remain in place until the court process is finalized.
- a. The agent may initiate the revocation process before the court process has concluded with approval by the regional supervisor and associate director of field operations.
 - b. A containment plan approved by the regional supervisor and associate director of field operations will include the following, if not already ordered by the court as a bond condition: drug/alcohol testing (SCRAM, 24/7, RBD, Continuous Drug Testing) if the offense is drug/alcohol related and supervision at an Intensive level with additional supervision conditions as needed. Additional supervision conditions may include day reporting, GPS, restrictions, directives, and/or conditions aimed at addressing, monitoring, and/or controlling behavior specific to the case, with the goal to increase surveillance and accountability of the offender involved.
 - c. Containment Plans may include placement at a contract Community Housing Placement (CHP) or placement in a residential treatment facility or transitional facility, which will be based on known risk and/or needs assessment information, to include but not limited to the ORAS, LSI-R/WRNA, Community Risk Assessment, chemical dependency, mental health, sex offender information, as well as past/current supervision behavior.
 - d. The supervising agent will assist with monitoring bond conditions ordered by the court and will report back to the court any violations of the judge’s ordered bond conditions for the court’s consideration.
 - e. The supervising parole agent will activate the Community Alert of “Containment Plan” and note all conditions imposed on the offender in the comments section of the alert screen in the OMS.
- E. For the purposes of this policy, “Conviction on a New Felony Offense” (all Classes listed) or “Conviction on a New Misdemeanor Offense” (all Classes listed) from the RTV Parole Violation Severity Scale (see section in this policy) means an offender has been convicted of an offense by a court.
1. If an offender is convicted of any felony by the court, but is not sentenced to a term in prison, the offender may be allowed to remain on or be released back to community supervision with additional supervision conditions applied, if/when applicable.
 2. If an offender is convicted of a lower level and/or non-violent felony but is sentenced to a term in prison by the court, the offender may return to prison without revocation of the offender’s current supervision being pursued.

2. Violation Sanction Scale:

- A. The table in the RTV Parole Violation Sanction Scale (see section in this policy) will be used to determine the appropriate sanction(s) to impose within each severity level after an offender has committed a violation.
- B. The RTV Parole Violation Sanction Descriptions (see section in this policy) provide detailed information regarding each specific sanction.

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3. Parole Agent Response to Violations:

- A. If the supervising parole agent determines the offender has committed a violation, the parole agent will refer to the RTV Parole Violation Severity Scale (see section in this policy) and determine the appropriate severity category.
- B. Once a parole agent determines the appropriate severity category, the parole agent will select a sanction(s) from the corresponding response range of the RTV Parole Violation Sanction Scale to impose on the offender. Consideration will be given to the following:
1. The risk the offender poses to the community.
 2. The severity of the offender's violation.
 3. The offender's assessed community risk level.
 4. The offender's programming/treatment needs.
 5. The offender's performance while on supervised release.
 6. Previous violations by the offender while under supervised release.
 7. The offender's attitude.
 8. The relationship of the violation to the offender's crime of conviction.
 9. The availability of other intervention means and their anticipated effect on the offender.
- C. The parole agent will utilize cognitive interventions to address the offender's thought processes that led to the violation and any antisocial behaviors.
- D. The parole agent may consult with his/her regional supervisor or associate director of field operations prior to imposing a sanction.
1. The parole agent will have the regional supervisor's approval prior to imposing any sanction(s) not listed in the RTV Parole Violation Sanction Scale and prior to imposing a sanction that is outside (higher or lower) the response range determined by RTV Parole Violation Sanction Scale (see section in this policy).
 2. When the RTV Parole Violation Sanction Scale calls for a "VS" response, the supervising agent will inform the regional supervisor, who will staff the case with the Associate Director of Field Operations. This staffing will determine if a formal sanction in the form of a containment plan is necessary or if revocation should be pursued.
- E. Jail/detention is a sanction that is listed in the "High" response range of the RTV Parole Violation Sanction Scale.
1. A parole agent can jail/detain an offender, even if such action would fall outside the designated response range, for a violation or suspected violation, without the prior approval of a regional supervisor in the event the parole agent determines this is necessary:
 - a. To prevent an offender from absconding.
 - b. When the parole agent determines the behavior and/or attitude of the offender may constitute a threat or danger to the offender and/or the community, and the agent believes detainment is necessary to provide protection for the offender and/or to the community.
 - c. When more information is needed by the parole agent to determine specifically what violations of the supervision agreement may have been committed by the offender.
 - 1) This is often the case with after-hours offender contact with law enforcement.
 - 2) Once the necessary information is gathered by the parole agent, an appropriate sanction or violation may be administered.
 2. Offenders who test positive for a controlled substance will have a period of jail or detention.
 - a. House arrest, a period of electronic monitoring, or a parole monitored detainment meet the requirement of the mandatory detainment in this situation.
 - b. Any exceptions to this will have the regional supervisor's approval.

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- F. Offenders who receive a Policy Driven Response (PDR) will not be eligible for Earned Discharge Credits that month in accordance with SDCL.
- G. Generally, the least burdensome sanction(s) to the violation will be applied.

4. Policy Driven Response:

- A. After the parole agent has selected a sanction, (unless revocation is being sought, or an informal response is indicated and selected), the parole agent will complete a *Policy Driven Response* (see attachment #2).
 - 1. The Policy Driven Response form will specify the following:
 - a. The violation(s) committed by the offender.
 - b. The sanction(s) imposed upon the offender.
 - c. The time frame for completion of the imposed sanction.
 - d. Informs the offender that failure to abide by the sanction and/or failure to complete the imposed sanction may result in revocation proceedings being initiated.
 - e. Informs the offender that failure to abide by the Parole Standard Supervision Agreement (see attachment #1) and/or complete the imposed sanction may result in the original violation being used in revocation proceedings.
- B. Should the offender deny the behavior or refuse the sanction, the offender may be brought before the Board of Pardons and Paroles to determine if a violation of the supervision agreement occurred.
- C. Once a violation has been resolved, either informally or by the successful completion of the sanction imposed, the violation will normally not be cited as the primary reason for revocation at a later date. However, the violation may be utilized as a contributing factor in forming a decision for revocation, or to recommend revocation at a later date.
- D. The parole agent will document all violations committed by the offender and any/all corresponding responses/sanctions.
 - 1. Response at all levels requiring completion of a PDR will be documented in the “Violations and Sanctions” and “Parole Violation Response” screens in the OMS, along with the PDR forms.
 - 2. Responses at the “informal” level will be documented as case notes in the OMS.

5. Revocation Recommended by the Parole Agent:

- A. If parole revocation is recommended by the parole agent, the revocation process will be initiated pursuant to Parole Board policy.
 - 1. Before reaching the decision to recommend revocation, appropriate steps will be made by the parole agent in an attempt to bring about the proper behavior from the offender to successfully complete supervision.
 - 2. Sanctions short of recommending revocation will be considered to the extent public safety would not likely be jeopardized.
 - 3. Parole agents recommending violation “V” as a response range when such a response is outside the responses listed in the response range on the RTV Parole Violation Severity Scale, must obtain the approval of the regional supervisor prior to initiating the violation process, often referred to as an “override to violation.”
- B. If the regional supervisor does not concur with the recommendation for violation, the regional supervisor will determine the appropriate intervention, with input from the parole agent, associate director of field operations, and/or director of Parole.

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6. RTV Parole Violation Severity Scale

- A. If the violation is not included in this table, the case should be staffed by the area supervisor to determine the appropriate severity level.

AGREEMENT CONDITION	PAROLEE BEHAVIOR	Risk Level/Response Range				
		Ind	Min	Med	Max	Int
1 - All laws	Committing/Conviction of any Felony	VS	VS	VS	VS	VS
1 - All laws	Committing or conviction on a New Misdemeanor Offense (Class # 1 misd.)	L	M	M	H	H
1 - All laws	Committing or conviction on a New Misdemeanor Offense (Class #2 misd.)	L	L	L	L	L
2 - Drugs	Admission of Use, Possession of, or Testing Positive for Drugs – All Except Marijuana	H	H	H	H	H
2 - Drugs	Admission of Use, Possession of, or Testing Positive for Drugs – Marijuana	L	L	L	M	M
2 - Drugs	Failure to Submit to Urine/Drug Analysis	H	H	H	H	H
2 - Drugs	Abusing Prescription/over the counter medication	M	M	M	H	H
3 - Weapons	Possession of a Firearm	H	H	H	H	H
3 - Weapons	Possessing Weapons/Contraband Other Than Firearm	M	M	M	H	H
4 - Search and Seizure	Failure to Submit to a Search	H	H	H	H	H
5 - Keep agent informed	Violating Travel Restrictions	L	L	L	L	M
5 - Keep agent informed	Absconding	V	V	V	V	V
5 - Keep agent informed	Failure to Report Activities, including employment and residence status, failure to report whereabouts, and/or Failure to turn in Monthly Reports	L	L	L	L	M
5 – Keep Agent Informed	Avoiding Agent Phone Calls/Visits at Home/Work, etc.	L	L	M	M	H
6 - Comply/cooperate/truthfully	Making False Statements/Lying by Omission	L	L	L	L	L
6 - Comply/cooperate/truthfully	Failure to Comply with Imposed Sanctions	L	M	M	H	H
6 - Comply/cooperate/truthfully	Failure to Follow Orders/Directions	L	L	M	M	M
7 - Opportunities/employment/support	Being Financially Irresponsible	L	L	L	L	L
7 - Opportunities/employment / support	Failure to Gain and Maintain Employment	L	L	L	L	L
9a - Consume, purchase, possess alcohol	Failure to Submit to a PBT	H	H	H	H	H
9a - Consume, purchase, possess alcohol	Positive PBT -- < (Less than) .08 % BAC /Possession or Purchase of Alcohol	L	L	M	M	M
9a - Consume, purchase, possess alcohol	Positive PBT -- > (Greater Than) .08% BAC	L	L	M	H	H
9b - Entering an Establishment	Entering an Establishment	L	L	L	L	L

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AGREEMENT CONDITION	PAROLEE BEHAVIOR	Risk Level/Response Range				
		Ind	Min	Med	Max	Int
10 - Participate/complete programs	Failing to Participate in Treatment Programs and/or Parole Ordered or Assigned Programs	L	L	M	H	H
10- Participate/complete programs	Removal from Sex Offender Treatment Programs	NA	NA	V	V	V
10- Participate/complete programs	Removal from a Parole Board Ordered Placement	V	V	V	V	V
11- Violent behavior/stalking /threats	Act of violence committed (including, but not limited to, stalking, threats)	H	H	H	H	H

7. RTV Parole Violation Sanction Scale

Informal Response: Agent addresses violation/behavior and provides direction and response and records this via case notes in the OMS; no PDR is completed; OR an override is requested and approved by the supervisor in which the response is recorded as a PDR.				
Violation Staffing Response: Supervisor and director of field services review the case to determine if the offender should continue supervision with a sanction or response imposed by the supervising agent or if the supervising agent should initiate the revocation process.				
LOW RESPONSE	MEDIUM RESPONSE	HIGH RESPONSE	HIGH RESPONSE REQUIRING SUPERVISOR'S APPROVAL	VIOLATION
<ul style="list-style-type: none"> -Verbal Reprimand -Apology Letter -Book Reports -Daily Log/Report Writing -Written Reprimand by Agent -Curfew – 30 days or less -Increase AA/NA/GA meetings -Travel Restrictions – 30 days or less -Loss of Driving Privileges -Loss of Computer/Gaming Devices -Increased Contact with Agent 	<ul style="list-style-type: none"> -Intensive AA/NA/GA attendance (weekly) -Additional Drug Testing -Anger Management Classes -Community Services Work -Adjustment in Contacts -Counseling from a Community Agency -Travel Restrictions – Over 30 days -Verbal/Written Reprimand by regional supervisor -Curfew – over 30 days -House Arrest – 30 days or less -GPS – 30 days or less 	<ul style="list-style-type: none"> -Drug/Alcohol Treatment -Cognitive Based Therapy -Jail/Detention -Day Reporting -Travel Restrictions – specific limitations -Continuous Drug Testing -Administrative hearing with Director of Parole -Case Transfer -House Arrest over 30 days -GPS– over 30 days -24/7 /PBTs/ SCRAM/Remote Breath – over 30 days -Domestic Violence Programming 	<ul style="list-style-type: none"> - Community Contract -Residential treatment/transitional facility Placement - GPS – as part of a Containment Plan 	<ul style="list-style-type: none"> -Violation -Violation with Reinstatement and Loss of Street Time

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	-Drug/Alcohol Assessment/Aftercare -24/7 / PBTs/ Remote Breath - 30 days or less			
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V. RESPONSIBILITY

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

VI. AUTHORITY

- A. SDCL § [22-6-11](#) Presumptive sentence of probation or fully suspended state correctional facility sentence—
Departure for aggravating circumstances.
- B. SDCL § [24-15-14](#) Supervision of parolees--Employment of personnel.
- C. SDCL § [24-15A-50](#) Award of earned discharge credits.

VII. HISTORY

March 2026
March 2025
March 2024
February 2023
December 2021
July 2019

ATTACHMENTS

- 1. Parole Standard Supervision Agreement (*Generated in the OMS*)
- 2. Parole Services Policy Driven Response (*Generated in the OMS*)



PAROLE/SUSPENDED SENTENCE STANDARD SUPERVISION AGREEMENT

NAME:

DOC ID#:

I have been made aware that SDCL §§ 23A-27-18.4 and 23A-27-19 provide that persons whose sentences are suspended are under the supervision of the Board of Pardons and Paroles as provided in the statutes previously referenced. Also, I understand and agree that in the event I violate the conditions of my suspended sentence as imposed by the sentencing judge, the Board of Pardons and Paroles, or SDCL § 23A-27-18.6 even if the violation is prior to my suspended sentence commencing, the Board has the authority to revoke the suspended portion, impose the entire sentence, and I may not be given credit for time spent on parole and/or suspended sentence. I also understand and agree that the Board is charged with the responsibility for enforcing the conditions imposed by the sentencing judge and the Board retains jurisdiction to revoke the suspended portion of the sentence for violation of the terms of parole or the terms of the suspension. I understand that when I move to my suspended sentence time the conditions of my supervision will be the same as they were for parole supervision.

In Consideration of Parole and/or Suspended Sentence Supervision being granted me, I agree to the following:

SA1: I will obey all Municipal, County, State, Tribal, and Federal Laws.

SA2: I will not purchase, possess, or use marijuana, hallucinatory drugs, narcotics, controlled substances, and mood-altering drugs/chemicals/intoxicants or drug paraphernalia. I will not purchase, possess, or use unauthorized prescription medications and/or abuse prescribed or over-the-counter medications.

SA3: I will not own, purchase, or have under my control, possess, transport, or use weapons (includes stun guns, tasers, mace, pepper spray, knives) or explosives considered dangerous by my parole agent, or any type of firearm. (Title 7, P.1.90-618, Gun control Act of 1968) (SDCL § 22-14-15).

SA4: I will submit my person, property, place of residence, vehicle, and personal effects to search and seizure at any time, with or without a search warrant, whenever reasonable suspicion is determined by a parole agent or law enforcement. I agree to such a search and seizure at any place within or outside of the boundaries of the State of South Dakota, and at any place within or on an Indian Tribe or Indian Reservation.

SA5: I will not leave my assigned Agent's area or the State of South Dakota without permission, keeping my parole agent informed of my whereabouts and activities and submit such reports as required. My Parole Agent can visit me in my home, my employment site, or elsewhere.

SA6: I will comply and cooperate with all instructions in matters affecting my supervision. I will promptly and truthfully answer inquiries directed to me by a Parole Agent.

SA7: I will secure suitable employment of beneficial occupation and support myself and dependents as directed and be financially responsible.

SA8: I understand that a violation of any institutional rule before my actual release from the institution may be considered a violation of my supervision agreement.

SA9A: I will not purchase, possess, or consume any beverage containing alcohol.

SA9B: I will not enter establishments where a primary business is the sale of intoxicants.

SA10: I will participate, cooperate, and complete any programs as directed.

SA11: I will not engage in any assaultive, abusive, or violent behavior, including stalking, or threats of violence.

I have read or have had read to me, fully understand, and agree to abide by the conditions of supervision. I understand and agree that any parole agent has the authority to place me in custody any time and begin revocation proceedings if I am alleged to be in violation of any conditions of this agreement, and that my supervision may be revoked. I may be returned to an institution (lose any or all good time and/or any or all of the time spent on supervision). I do also hereby voluntarily waive extradition to the State of South Dakota from any state or foreign nation, if I am charged with a violation. I further voluntarily waive extradition to the State of South Dakota from any Indian Tribe or Indian Reservation.

X _____ X _____ Date _____
Offender Signature Witness

**STATE OF SOUTH DAKOTA
BOARD OF PARDONS AND PAROLES
POLICY DRIVEN RESPONSE**

Name:

Offender DOC number:

You are hereby notified of the following alleged violations of the terms and conditions of your supervision agreement.

CONDITION(S) VIOLATED:

INCIDENT DESCRIPTION:

Pursuant to DOC Policy 1400-05 - *Parole Services Response to Violations*, the following is the specific behavior(s) identified along with the corresponding sanction(s) recommended by parole services for this violation:

BEHAVIOR(S) AND SANCTION(S) IMPOSED:

No further action will normally be taken if the recommended action is completed by the specified date. If the above-named offender states that he/she has not committed the violation or if the above-named offender does not accept this sanction/or does not complete the recommended action, this matter may be referred to the Board of Pardons and Paroles for review in the form of a violation report, and the offender may be detained until the review process has been completed.

The information contained in this Policy Driven Response form will become part of any subsequent Violation Report submitted to the Board of Pardons and Paroles and may be used as a Condition Violated or to enhance the Board's Sanction.

The recommended actions will be completed by (fill)

Issuing Agent: _____ Date: _____