


SOUTH DAKOTA  PAROLE BOARD POLICIES AND PROCEDURES		POLICY NUMBER 8.1. A.15	PAGE NUMBER 1 OF 4
		DISTRIBUTION:	Public
		SUBJECT:	Suspended Sentence Status Report
RELATED STANDARDS:	Standards	EFFECTIVE DATE: 06/15/2023	
		SUPERSESSION: 12/16/2021	
DESCRIPTION: Parole Board	REVIEW MONTH: June	Myron Rau, Chair Board of Pardons and Paroles	

I. POLICY

It is the policy of the South Dakota Department of Corrections Board of Pardons and Paroles to outline the procedure for proceeding with the revocation of suspended sentence.

II. PURPOSE

The purpose of this policy is to establish objective standards for compliance and non-compliance with suspended sentence.

III. DEFINITIONS

Suspended Sentence Notice

The written notice that shall be served on all offenders that contains: their name, DOC number, a statement that she/he must conform to the rules and program requirements of the Department of Corrections, maintain a good disciplinary record, and satisfactorily participate in programs as assigned, and that any violation may result in the offender's suspended sentence being imposed, and that the board may impose all or a portion of the offender's suspended sentence after a due process hearing.

If a notice does not get served upon an offender, this policy does not apply. Offenders who receive a copy of the notice but refuse to sign acknowledging receipt of the notice will still be considered to have been served for purposes of this policy.

Suspended Sentence Status Report:

A written report submitted to the board of pardons and paroles to be used as evidence of an offender's violation of suspended sentence conditions. Attachments to the report will include, but are not limited to: suspended sentence notice, copy of disciplinary record, program refusal information (if applicable), program termination information (if applicable).

IV. PROCEDURES

Suspended Sentence Supervision Notice:

- A. All offenders admitted to the Department of Corrections will be served a suspended sentence notice by staff during the admissions process or as soon thereafter as is practical.
 1. The suspended sentence notice will be explained and served on the offender by unit staff. An offender signature is encouraged but not required. If an offender refuses to sign the notice, staff will note such refusal on the paperwork.

SECTION	SUBJECT	DOC POLICY	Page 2 of 4
Parole Board	Suspended Sentence Status Report	8.1.A.15	Effective: 06/15/2023

2. Staff will sign and date the notice when served, scan notice into COMS, and file original notice.

Suspended Sentence Compliance Standards:

- A. Disciplinary compliance is scored from the date the suspended sentence notice is presented to the offender to the offender's suspended sentence release date (SSRD). Or, if the offender has a previous parole revocation, disciplinary compliance is scored from the date of the most recent board action of "revoke" to the offender's SSRD. Programming compliance is also applicable during this same time period.
 1. Disciplinary non-compliance:
 - a. An offender is determined to be in violation of the disciplinary requirement if the per month average of his/her disciplinary points is at or exceeds 1.0.
 - i. Each High (H-) category infraction counts as ten (10) points
 - ii. Each Medium (M-) category infraction counts as six (6) points
 - iii. Each Low (L-) category infraction counts as three (3) points
 - b. In situations where multiple disciplinary reports or infractions are included for a single incident, only the most serious category infraction will be scored.
 - c. Only disciplinary reports where the sanction included disciplinary segregation and the finding is "guilty" will be scored
 - d. If an offender is found to be non-compliant with the disciplinary requirement at a suspended sentence violation hearing and the board does not impose or partially imposes the suspended sentence, future compliance will be scored from the date of that hearing to the suspended sentence release date.
 2. Programming non-compliance:
 - a. Programming compliance is monitored from the date the suspended sentence notice is served to the offender's "no credit" suspended sentence release date.
 - b. A program refusal or termination from programming is the basis for non-compliance.
 - c. If an offender is found to be non-compliant with the programming requirement at a suspended sentence violation hearing and the board does not impose or partially imposes the suspended sentence, future compliance will be determined from the date of that hearing to the suspended sentence release date.

Suspended Sentence Compliance Review:

- A. Parole Admin Staff will monitor offenders for compliance with the conditions of their suspended sentences. Within six (6) months of an offender's suspended sentence release date, board staff will review an offender's compliance with the conditions of his/her suspended sentence.
- B. If the offender meets the eligibility criteria for being non-compliant as outlined above or is determined to be non-compliant with any other condition of his/her suspended sentence, including court-ordered conditions, or committing a felony while incarcerated, a board staff will write a violation report and issue a warrant ahead of the offender's suspended sentence release date.
- C. The offender will be served a notice of hearing and scheduled for a suspended sentence violation hearing before the board.
- D. An offender's compliance with suspended sentence conditions may also be reviewed under the following circumstances:

SECTION	SUBJECT	DOC POLICY	Page 3 of 4
Parole Board	Suspended Sentence Status Report	8.1.A.15	Effective: 06/15/2023

1. If an offender is scheduled for a hearing to determine whether he/she is noncompliant with the elements of his/her Individual Program Directive pursuant to DOC Policy 1.4.B.1 *Individual Program Directive*.
2. At the request of a member of the Board of Pardons and Paroles or DOC staff.

V. RESPONSIBILITY

The executive director or his/her designee is responsible for the annual review and maintenance of this policy.

VI. AUTHORITY

SDCL § 23A-27-19

VII. HISTORY

July 2015
September 2016
February 2017
October 2020
December 2021

ATTACHMENTS (Published in PolicyTech unless otherwise noted) (*Indicates document opens externally)

Attachment 1: Suspended Sentence Notice

SECTION	SUBJECT	DOC POLICY	Page 4 of 4
Parole Board	Suspended Sentence Status Report	8.1.A.15	Effective: 06/15/2023

Attachment 1:

SUSPENDED SENTENCE NOTICE

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 sentences 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 and impose the entire sentence. 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.

In Consideration of Suspended Sentence being granted me, I agree to the following:

I will conform to the rules and program requirements of the Department of Corrections, maintain a good disciplinary record and satisfactorily participate in programs as assigned.

I have read, or have had read to me and fully understand, this condition of supervision. I acknowledge receipt and understanding of the rules I am expected to live by while in the custody of the Department of Corrections and that I am expected to satisfactorily participate in programs as assigned. I specifically acknowledge that I have been warned/advised that a violation of this notice can result in my suspended sentence being revoked prior to my release to serve such suspended sentence. I also understand that this notice applies to any future suspended penitentiary sentence I may receive during my current admission.

Source: 5 SDR 51, 5 SDR 53, effective January 4, 1979; 12 SDR 213, effective July 14, 1986; 24 SDR 44, effective October 14, 1997.

General Authority: SDCL 1-15-20.

Law Implemented: SDCL 24-15-19, 24-15A-37.

Witness Printed Name

Witness Signature

Date

Inmate Signature

Date