

8.1. A.15 Suspended Sentence Status Report:

I Policy Index:

Date Signed: 9/15/16
Distribution: Public
Replaces Policy: This policy supersedes the 7/16/2015 version.
Affected Units: South Dakota Board of Pardons and Paroles
Effective Date: Upon Signature
Scheduled Revision Date: 9/2017
Revision Number: 2
Office of Primary Responsibility: South Dakota Board of Pardons and Paroles

II Purpose:

The purpose of this policy is to establish objective standards for compliance and non compliance with a Suspended Sentence Supervision Notice.

III Definitions:

Suspended Sentence Notification

A written notification given to an offender. The written notice shall be served on all inmates with suspended sentences. If practical, the notice should be served on inmates upon their arrival. If an inmate is not served upon their arrival, they shall be served thereafter at the earliest convenience of the Department.

Suspended Sentence Status Report:

A written report submitted to the Parole Board to be used as evidence of non compliance. Attachments to the report will include but are not limited to; Suspended Sentence Notification, copy of disciplinary record, and program refusal document if applicable.

IV Procedures:

Suspended Sentence Supervision Notice:

- A. All inmates admitted to the Department of Corrections who have a portion of their prison sentence suspended will be served their Suspended Sentence Notice by staff during the admissions process, or after, if it is necessary.
1. The Suspended Sentence Notice will be explained and served on the offender by a Unit Case Manager or Unit Staff. An inmate signature is encouraged but not required. Staff should sign and date the notice when served. The notice should be scanned and recorded into the DOC data system with the original kept in the unit file.
- B. The Suspended Sentence Supervision Notice (Attachment #1) will include the following:
1. The notice advising the offender that she/he 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.
 2. Any violation may result in the inmates Suspended Sentence being revoked.

3. The Parole Board may impose all or a portion of the inmate's suspended sentence after a due process hearing.

Suspended Sentence Compliance Standards:

- A. An inmate serving a suspended sentence is responsible for compliance with the rules of the DOC and the rules of the institutions in which she/he is held. Disciplinary compliance is scored from the service date of the Suspended Sentence Supervision Notice and the inmate's suspended sentence release date. Programming compliance is also applicable during the same time period.

1. **Disciplinary Non-Compliance:**

Disciplinary compliance is scored from the service date of the Suspended Sentence Supervision Notice and the inmate's suspended sentence release date.

More than .75 disciplinary points* per month average or any single conviction of Offenses in Custody H-1, H-2, H-3, H-4, H-5, H-6, H-7, H-8, H-9, H-10 (See [Inmate Living Guide](#)).

*Each Moderate category infraction counts as ten (10) points.

Each Low category infraction counts as six (6) points.

In situations where multiple disciplinary reports are included for a single incident, only the most serious report will be scored. Only disciplinary reports where the sanction was disciplinary segregation will be scored.

If an inmate is found non-compliant at a suspended sentence violation hearing and the sentence is not imposed or partially imposed, future compliance will be based from the date of the final hearing and suspended sentence release date.

2. **Required Programming Non-Compliance:**

Programming compliance is monitored from the service date of the Suspended Sentence Supervision Notice and the inmate's suspended sentence release date. A program refusal or termination is the basis for non-compliance.

If an inmate is found non-compliant at a suspended sentence violation hearing and the sentence is not imposed or partially imposed, future compliance will be based from the date of the final hearing and suspended sentence release date.

3. **Additional Reviews:**

- a. If an Individual Program Directive non compliance hearing is required, staff will check the suspended sentence status.

- b. Status checks may also be requested by a Parole Board Member or a Warden.

Suspended Sentence Violation Hearing:

- A. Staff will monitor inmates for compliance with the Suspended Sentence Supervision Notice. If an inmate is found to be non-compliant a Suspended Sentence Status Report will be generated and the inmate will be scheduled for a suspended sentence violation hearing.

V Related Directives:
SDCL § 23A-27-19;

VI Revision Log: New
7/2015- No changes
9/2016 – No changes

	<i>9/15/16</i>
<i>Kay Nikolas, Chair</i>	<i>Date</i>

Attachment 1: Suspended Sentence Notice
SUSPENDED SENTENCE NOTICE

Name:

ID:

I have been made aware that SDCL § 23A-27-19 provides that: Any person whose sentence(s) is/are suspended pursuant to this section is under the supervision of the Board of Pardons and Paroles. Also, I understand and agree that in the event I violate these conditions 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 the suspension.

The Board hereby placed the following additional condition of suspended sentence on you; in addition to any placed by the courts

You 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 agreement can result in my suspended sentence being revoked prior to my release to serve such suspended sentence.

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