

8.1. A.3 Disposition Meetings

I Policy Index:

Date Signed:	2/11/16
Distribution:	Public
Replaces Policy:	This policy supersedes the 4/2014 version.
Affected Units:	SD Board of Pardons and Paroles
Effective Date:	Upon signature
Scheduled Revision Date:	2/2017
Revision Number:	7
Office of Primary Responsibility:	Parole Board Office

II Purpose:

To delegate to the Executive Director of the Parole Board, the initial stages of the parole and suspended sentence revocation process through a Disposition meeting process. The process includes the preparation of violators for the revocation process, the preparation and explanation of documentation, scheduling, notification to the courts, attorneys and other interested parties, and potentially coming to a resolution and recommendation of sanction(s) in the matter.

III Definitions:

Disposition Meeting

An informal meeting between the offender and Executive Director, or designee, to assist in determining the options the offender may choose in the matter of his/her parole and/or suspended sentence revocation. The Disposition meeting also assists in determining and agreeing upon a resolution and sanction in the matter, or the scheduling of a revocation hearing before the Parole Board.

Resolution and Recommended Sanction(s)

A potential resolution to the offender's parole or suspended sentence violation prepared by Board Office staff. The preparation includes an overview of the case history, including current and past violations, non-compliance, and other relevant information used in determining a sanction. The Executive Director or designee will present the resolution and sanction to the offender at the Disposition meeting. Due to the discretionary nature of any sanctioning associated with a revocation, the Board may approve or disapprove any agreed upon resolution (See Attachment #1 – Violation Sanctioning Guidelines).

IV Procedures:

Disposition Meeting Procedures:

- A. Procedures for the Disposition Meeting process are outlined in Parole Board Office OM 9.1.A.2 *Disposition Meetings*.

Disposition Meeting Documentation:

- A. The following documentation will be prepared and used in the Disposition Meeting process:
 1. Violation Report (includes the supervision agreement, law enforcement reports, preliminary hearing documentation, etc.)
 2. Constitutional Rights
 3. Date Calculation Worksheets

4. Waiver of Personal Appearance and Admission
5. Recommended Findings and Conclusions
6. Any other necessary exhibits

Disposition Meeting Outcomes:

A. A Disposition meeting may have the following outcomes:

1. Offender agrees to accept the Executive Director or designee's resolution and sanction
 - a. The waiver and agreed upon resolution will be reviewed by a hearing panel.
 - 1) All the revocation documentation will be prepared by the Board Office staff.
 - b. The hearing panel will choose to accept or not accept the agreed upon resolution and sanction.
 - 1) Accepted agreements require the hearing panel to complete the appropriate revocation paperwork/packet indicating approval, as prepared by the board office staff.
 - 2) Unaccepted/rejected agreements will be referred back to the Board and scheduled for a hearing the following month (See Parole Board Policy 8.1.A.2 *Parole/Suspended Sentence Revocation Hearings*; see Attachment #2 – Notice of Rejected Dispositional Agreement).
 - a) Parole Board office staff will notify offender of the Board's decision and serve notice of a scheduled Revocation Hearing for the following month.
2. Offender denies all alleged conditions violated, requests a hearing before the Board, or fails to agree to the resolution and sanction
 - a. The Board office staff will serve a notice of hearing on the offender and schedule a contested revocation hearing before the Board for the following month.

V Related Directives:

SDCL Chapters 24-15 and 24-15A
Administrative Rules Chapter 17:60
Parole Board Policy 8.1.A.2 - Parole/Suspended Sentence Revocation Hearings
Parole Board Office OM 9.1.A.2 - Disposition Meetings

VI Revision Log:

March 2008: **Revised** to New Board Policy deligating responsibility to Director and Operational Memorandum.
May 2010: **Revised** grammar and layout throughout the policy. **Changed** title to *Disposition Meetings*. **Revised** policy index. **Revised** the purpose. **Revised** the definitions, **adding** Resolution and Recommended Sanction. **Added** to the Procedures: Disposition Meeting Procedures, Disposition Meeting Documentation. **Revised** procedural section Disposition Meeting Outcomes. **Changed** parolee to offender throughout. **Revised and added** all attachments.
November 2012: delete 5.Admit/Deny Worksheet review, no other changes
September 2014 change Dispositional to Disposition, grammar changes. Update attachment 1
February 2016: revise page 2 section A and 1 a.. Delete old sanction grid replace with new

<i>Kay Nikolas</i>	2/11/16
Kay Nikolas, Chair	Date

Attachment 1: Violation Sanctioning Guidelines

Guidelines

Behavior	Next Review	Street time
1st violation, no violent behavior, no new charges	3 months	1/4 ST, <365 X 1/4, >365 take 90 days ST
2nd violation, non-violent misdemeanor/arrest, violation of board-ordered condition , K2 1st use	6 months	1/4 ST, <365 X 1/4, >365 take 90 days ST
New charges, conviction of non-violent felony, violent behavior, termination from sex- offender treatment, possession of firearm, refusal to give UA , K2 2nd or more	8 months	1/2 ST, <365 X 1/2, >365 take 180 days ST
New charges, conviction of violent felony, 3rd violation this admission	10 months	3/4 ST, <365 X 3/4, >365 take 275 days ST
or more violations this admission	12 months	3/4 ST, <365 X 3/4, >365 take 275 days ST
		*discretionary modification based on behavior

Absconding Behavior	Next Review	Street Time
<60 days, whereabouts, (revoke and reinstate), OR < 180 days; 1st time absconding only	3 months	X 1.5
> 180 days; 2nd time absconding	6 months	X 2
> 180 days; 3rd time absconding	10 months	X 2
4th or more time absconding	12 months	X 2
		Turned themselves in= just take days absconded


Attachment 2: Notice of Rejected Disposition Agreement

The **Notice of Rejected Disposition Agreement** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Notice of Rejected Disposition Agreement** form by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **Parole** tab / Select **Notice of Rejected Disposition Agreement**.

South Dakota Board of Pardons and Paroles Policy Distribution: Public	Attachment: Notice of Rejected Disposition Agreement 8.1.A.3 Disposition Meetings
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STATE OF SOUTH DAKOTA
BOARD OF PARDONS AND PAROLES
1800 N. Drive, P.O. Box 8911
Sioux Falls, SD 57117-8911

Notice of Rejected Disposition Agreement

Inmate Name: _____ DOC #: _____

The Above named Inmate previously reached an agreement with the Executive Director, or designee, on a recommended resolution and sanction to their parole and/or suspended sentence violation. This Hearing Panel, in reviewing the violation packet, has found that **resolution and sanction to be unacceptable** for the following reason(s):

1) _____

2) _____

This Hearing Panel makes the following recommendation(s) as to the sanction:

Street Time to be taken: _____

Next Review Date s should be set for: _____

The inmate will be served notice and a Rejected Waiver hearing will be held: _____
(Month/Year)

Board Member

Date

Revised: May 2010 Page 1 of 1