

1.4.B.17 Inmate Earned Discharge Credits

I Policy Index:



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Supersedes Policy Dated: 06/25/2018
Affected Units: All Institutions
Effective Date: 10/23/2018
Scheduled Revision Date: June 2019
Revision Number: 1
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) may award Earned Discharge Credits (EDC) to eligible inmates. Earned discharge credits may be granted if, in the judgement of the Warden and Secretary of Corrections, the inmate has met the criteria set forth in SDCL § 24-15A-50.1 and this policy. Inmates are not entitled to earned discharge credits or consideration for earned discharge credits.

III Definitions:

Academic program:

General Education Development test (GED) Writing for Reentry and Credit where Credit is Due.

Admission:

An entry into a DOC facility that results in adding the inmate to the count.

Booking:

An offender's continuous period of custody, and/or supervision on a set of transactions.

COMS:

Comprehensive Offender Management System. Computerized inmate records system used to maintain individual offender records, support DOC operations and provide a source for generation of aggregate and statistical data.

Evidence Based Programs:

Treatment and intervention programs that scientific research demonstrates reduce recidivism among individuals under correctional supervision.

Heroic Acts:

Significant and courageous acts in life threatening situations involving extraordinary heroism in direct lifesaving actions through administering aid to another, protecting another from assault or preventing major property damage during a disturbance, significant efforts in disaster response or providing exceptional assistance in maintaining the safety and security of a prison.

Individual Program Directive:

A directive which establishes standards and criteria for parole for each inmate sentenced to a term of years and committed to the DOC for a crime committed on or after July 1, 1996.

Vocational programs:

Auto Body, Auto Mechanics, Welding and Construction Technology at Mike Durfee State Prison; Electrical Apprenticeship and Carpentry Apprenticeship through SD Housing, Fire Fighting Training (excluding refresher training) Chainsaw Training and DOT Flagging certification.

Work:

Institutional, prison industry, private sector prison industry, work release and work on extended confinement.

Working Day:

A standard workweek day, Monday through Friday, except for recognized state holidays, recognized national holidays and any other special holidays declared by the Governor of South Dakota or the President of the United States.

IV Procedures:**1. Qualifying Behavior:**

- A. Inmates may be awarded up to 90 days of EDC for completion of each 360 hours of work, not to exceed 180 days in a twelve (12) month period;
- B. Inmates may be awarded up to 90 days of EDC for each completion of academic, vocational; or evidence-based programs
- C. Inmates may be awarded up to 365 days for a heroic act in addition to any other credits for that time period.

2. General Eligibility:

- A. Inmates are eligible for EDC consideration, with the following exceptions:
 1. Sentences for crimes committed prior to July 1, 1996;
 2. Sentences of life or death;
 3. Individuals held in prison under a sentence of probation (Suspended Imposition of Sentence (SIS) or Suspended Execution of Sentence (SES));
 4. Parolees, regardless of whether held in a prison facility or in the community (CTP, detainee or extended detainee status) (does not include EDC awarded pursuant to SDCL § 24-15A-50);
 5. Sentences issued from jurisdictions other than the State of South Dakota, including Federal inmates;
 6. Inmates classified as level 3 system risk during the review month (See DOC policy 1.4.G.6 [System Risk Level](#)), are not eligible for work or heroic act EDC.
 7. Inmates who have refused to participate in or have been terminated from chemical dependency treatment, MRT, STOP, GED, or T4C during this booking on their most recent program record, are ineligible to earn work or heroic act EDC and are ineligible to enroll in

vocational programs. Provided the inmate is otherwise eligible, they may earn EDC for academic, and other evidence-based programs. Once the inmate is attending previously refused/terminated program(s), they may be eligible for work and heroic act EDC and enrollment in vocational programs.

- a. The "alert" which is documented in COMS by staff when an inmate refuses programming, must be removed before the inmate is eligible for work EDC or vocational enrollment.

3. Evidence Based Program Requirements:

A. To be considered an evidence based (EB) program:

1. The program must meet the definition of an evidence-based program;
2. Program placement must be assessment-based;
3. The program must address criminogenic need(s);
4. The program must have appropriately trained facilitators/teachers;
5. The program must have written curriculum/manualized programming; and
6. The program must have a program fidelity plan and program evaluation plan.

B. To be designed as an EB program, **Attachment 1- Evidence Based Program Outline** shall be completed and submitted to the DOC Evidence Based Program Manager.

1. An EB Program Review Team, made up of the EB Program Manager and at least two additional DOC/Behavioral Health staff, shall review information provided on **Attachment 1** and determine whether the program meets the requirements of an EDC eligible evidence-based program.
2. If the program does not meet the requirements of an EB program, the review team may provide assistance to the facilitator/teacher to facilitate changes in the program to meet the EB program requirements.
3. The EB Program Review Team will conduct annual audits of approved EB programs to support program fidelity and review evaluation outcomes.

4. Program Credits:

- A. Upon completion of an EB program, as identified in **Attachment 2**, on or after July 1, 2018 by an eligible inmate, the designated number of days of EDC will be awarded to the inmate.
- B. Inmate enrollment in EB programs eligible for EDC will be determined by staff, through assessment information, agency priorities and staff scheduling.
- C. The program facilitator/teacher is required to enter the inmate's program completion in Accredited Programs in COMS (See **Attachment 3**).
- D. Inmates will receive EDC one time only for completing an EB program, unless an assessment supports the inmate take and complete the same EB program a subsequent time.
- E. Inmates placed in the community under Extension of Confinement (EC) (See DOC policy 1.4.G.7 [Extension of Confinement](#)), are eligible for credits upon completion of community based academic, vocational or EB programs (as determined by the DOC based on the same process described in Section 3). The inmate's supervising parole agent will notify DOC Central Records of EC inmate EB program completions in the community. The EDC will be applied to the EC inmate's sentence(s).

5. Work Credits:

- A. Upon completion of 360 hours of work after July 1, 2018, 90 days of EDC may be awarded to eligible inmates. To be eligible for an award of work credits, the work hours must occur on or after July 1, 2018.
- B. Eligible employed inmates in Work Release, extended confinement, Private Sector Prison Industries and payroll, may be awarded EDC.
- C. Inmates employed in eligible work, who do not earn a wage for work completed due to not having a valid Social Security number, are eligible for EDC.
- D. Work EDC is recorded through inmate payroll for institutional work, PSPI payroll, via alerts in COMS for inmates on pre-release EC and offender Work Release records in COMS (See **Attachment 3**).
- E. Hours of work completed from multiple work assignments can be used to reach 360 hours.
- F. EDC for work completed cannot exceed 180 days in a twelve-month period.
- G. EDC for inmates working within the Work Release Program and while on pre-release EC will be calculated at 5.7 hours per day, to reflect full time employment (40 hour work week).

6. Heroic Acts:

- A. The Warden may recommend an award of EDC for heroic acts by an eligible inmate to the Secretary of Corrections. The recommendation shall be documented by completing the *EDC Heroic Act Recommendation* form (see **Attachment 4**).
 - 1. The Director of Community Service may recommend an eligible inmate for EDC to the Warden for a heroic act demonstrated by an inmate assigned to Disaster Response (See DOC policy 1.3.B.5 *Deployment to a Natural Disaster*).
 - 2. The Director of Parole Services may recommend an inmate on EC for EDC to the Warden for a heroic act demonstrated by the inmate while released to EC.
- B. The Secretary may (1) concur with the recommendation and grant the inmate EDC, not to exceed 365 days; or (2) Deny the recommendation for EDC; or (3) Grant the inmate a modified number of days of EDC.
- C. Approved *EDC Heroic Act Recommendation* forms will be provided to DOC Central Records for application to the inmate's sentence. The total EDC shall be specified on the form.

7. General Administrative Provisions:

- A. EDC for program completion, work, or combination of work and programs, cannot exceed 270 days in a twelve (12) month period.
- B. When an inmate releases from a DOC institution (not including a transfer to EC), the inmate's work hours for determining EDC eligibility returns to zero (0) that month. Work hours accumulated from an inmate's prior admission to the DOC do not carry over and shall not be applied to the inmate's current admission.

- C. Inmates remain subject to the provisions of their IPD and Parole Board directives. An award of EDC does not imply compliance or non-compliance of an inmate with their IPD or other conditions or requirements of the inmate's sentence (See DOC policy 1.4.B.1 [Individual Program Directives \(IPD\)](#)).
- D. Eligible inmates serving SD prison sentences in another jurisdiction may be awarded EDC.
- E. Inmates who object to determinations regarding the granting of EDC, as it effects their sentence(s), may utilize the Administrative Remedy (AR) process (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)). Inmates who believe application of EDC makes them immediately eligible for discharge from custody, who have not been contacted by unit staff, must kite their unit staff.
- F. The *EDC Approval Timeline* form (**Attachment 5**) serves a resource on the schedule for work and program credits.
- G. Nothing in this section may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.
- H. Inmates may refuse the application of EDC to their sentence.

8. Application of Credits to Sentence:

- A. Inmate earned discharge credits shall be applied to the sentence prior to calculation of the initial parole date (See DOC policy 1.1.E.2 [Date Computation](#) and SDCL § [24-15A-50.1](#)).
- B. In a string of consecutive sentences, credits are applied to the first active sentence.
- C. If an award of earned discharge credits moves the inmate to or past their sentence discharge date or suspended sentence release date, the inmate will be released no later than within five working days from the date of the application of the credits.
- D. If an award of earned discharge credits moves an inmate within 30 days of their initial parole date, the compliance report required in SDCL § [24-15A-35](#), will be completed no later than within five working days from the date of the application of the credits.
 - 1. If the inmate meets the requirements of SDCL § [24-15A 38](#), the inmate will be released to parole supervision no later than within 5 working days of compliance report completion.

V Related Directives:

SDCL § [24-15A-50.1](#)

DOC policy 1.1.E.2 [Date Computation](#)
 DOC policy 1.3.B.5 [Deployment to a Natural Disaster](#)
 DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)
 DOC policy 1.4.B.1 [Individual Program Directives \(IPD\)](#)
 DOC policy 1.4.G.6 [System Risk Level](#)
 DOC policy 1.4.G.7 [Extension of Confinement](#)

VI Revision Log:

June 2018: New Policy

October 2018: Revised definition of "Academic Program" and **Added** definition of "Admission" and **Revised** definition of "Heroic Acts" and "Vocational Program" and **Added** definition of "Working Day" **Added** "in addition to other credits for that time period" in Section 1 C. **Added** "and are ineligible to enroll in

vocational programs” in Section 2 7. **Added** ‘or vocational programming” in Section 2 7. a. **Added** G. to Section 5. **Added** 2. to Section 6 A. **Deleted** G. in Section 7. **Added** “Inmates who believe application of EDC makes them immediately eligible for discharge from custody, who have not been contacted by unit staff, must kite their unit staff” in Section 7 E. **Added** B. C. and D. to Section 8. **Updated** Attachment 2. 3. and 5.

Denny Kaemingk (original signature on file)

10/23/2018

Denny Kaemingk, Secretary of Corrections

Date

Attachment 1: Evidence Based Program Requirements

The ***Evidence Based Program Requirements*** form is located on the state's WAN.

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

1. Click [here](#) to access the ***Evidence Based Program Requirements*** 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 ***DOC*** tab / Select ***Evidence Based Program Requirements***.

| | |
|--|---|
| South Dakota Department of Corrections Policy Distribution: Public | Attachment: EDC Program Requirements Refer to DOC policy 1.4.B.17 Inmate Earned Discharge Credits |
| EDC PROGRAM REQUIREMENTS | |
| Program Goals/Problem(s) to be addressed/ Criminogenic Needs? | |
| Target Population/Assessment process/Placement process: | |
| Curriculum (must be written ideally a program manual): | |
| Facilitator/teacher, training: | |
| Interventions i.e. workbooks, lectures, journals, videos, etc. | |
| Time Frames/Dosage: | |
| Evaluation plan: | |
| Fidelity plan: | |
| Program Documentation (attach) | |

Attachment 2: EDC Programs and Days

| ATTACHMENT 2 EDC PROGRAMS AND CREDIT | |
|---|----|
| Academic/Education | |
| GED | 90 |
| WRITING FOR REENTRY | 90 |
| CREDIT WHERE CREDIT IS DUE | 10 |
| EBP | |
| T4C | 45 |
| MRT | 90 |
| DV MRT | 90 |
| STOP | 90 |
| PREP PROGRAM | 90 |
| COURAGE TO CHANGE | 90 |
| COMMON SENSE PARENTING | 20 |
| HELPING WOMEN RECOVER | 45 |
| MOVING ON | 90 |
| CBISA/NATIVE AMERICAN CBISA | 90 |
| CBH AFTERCARE-STAYING QUIT | 20 |
| DBT | 90 |
| Vocational | |
| AUTO BODY | 90 |
| AUTO MECHANICS | 90 |
| WELDING | 90 |
| CONSTRUCTION TECH-NOVICE | 90 |
| CONSTRUCTION TECH-INTERMEDIATE | 90 |
| CONSTRUCTION TECH-ADVANCED | 90 |
| HOUSE PROJECT-ICAP ELECTRICAL YEAR 1 RESIDENTIAL WIRING | 90 |
| HOUSE PROJECT-ICAP ELECTRICAL YEAR 2 MOTORS AND TRANSFORMERS | 90 |
| HOUSE PROJECT-ICAP ELECTRICAL YEAR 3 MOTOR CONTROLS | 90 |
| HOUSE PROJECT-ICAP ELECTRICAL YEAR 4 GROUNDING, BONDING, EXAM | 90 |
| PREP | 90 |
| CARPENTRY | 90 |
| DOT FORK LIFT CLASS (WP) | 10 |
| FIRE FIGHTING TRAINING | 45 |
| CHAINSAW TRAINING S212 | 10 |
| CHAINSAW TRAINING DOC | 10 |
| DOT FLAGGING CERTIFICATION (WP) | 10 |
| KEYTRAIN CLASS (WP) | 45 |

Attachment 3: EDC COMS Instructions

The **EDC COMS Instructions** form is located on the state's WAN.

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

1. Click [here](#) to access the **EDC COMS Instructions** 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 **DOC** tab / Select **EDC COMS Instructions**.

Programs IEDC Review Screen

MONTHLY PROGRAMS IEDC REVIEW - (OIDMPRGC)

Program IEDC Review

Date* July 2018 Facility* Unit* Retrieve Review Status IEDC Eligibility Check

Offender Transactions

| [DOC#] | Offender | Txn # | #IPD Override | Program | Date Completed | Days | Ineligibility Reason | Override |
|--------|----------|-------|---------------|---------|----------------|------|----------------------|----------|
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Override Reason Overridden By Accredited Programs Sentence History

Override Comment

Completion and Approval

IEDC Review Status*

Completed By Completion Date Approved By Approval Date

Work IEDC Review Screen

MONTHLY WORK IEDC REVIEW - (OIDMWRKC)

Work IEDC Review

Date* July 2018 Facility* Unit* Retrieve Review Status IEDC Eligibility Check

Offender Transactions

| [DOC#] | Offender | Txn # | #IPD Override | Work | Hours | Days | Ineligibility Reason | Override |
|--------|----------|-------|---------------|------|-------|------|----------------------|----------|
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Override Reason Overridden By Display Trust Account Sentence History Override Payroll

Override Comment

Completion and Approval

IEDC Review Status*

Completed By Completion Date Approved By Approval Date

Attachment 4: EDC Heroic Act Recommendation

The **EDC Heroic Act Recommendation** form is located on the state's WAN.

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

1. Click [here](#) to access the **EDC Heroic Act Recommendation** 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 **DOC** tab / Select **EDC Heroic Act Recommendation**.

Attachment 4

**RECOMMENDATION FOR EARNED DISCHARGE CREDITS
HEROIC ACTS**

I. The inmate(s) listed under section V, are being recommended for an award of earned discharge credits for meeting the below criteria.

____ Significant and courageous act(s) in life threatening situations

____ Significant efforts in disaster response

____ Exceptional assistance in maintaining the safety and security of a prison

II. Date(s) of act: _____

III. Description of act:

IV. Recommended award in days (not to exceed 365 days): _____

V. Eligible inmates for consideration (list below or attach list of inmates to include ID#):

VI. Warden Signature: _____ Date: _____

VII. Secretary of Corrections Decision

Approved

Denied

Amount of award (in days): _____

Signature: _____ Date: _____

If approved this document shall be provided to Central Records within 5 days for EDC application.

Attachment 5: EDC Approval Timeline

The **EDC Approval Timeline** form is located on the state's WAN.

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

1. Click [here](#) to access the **EDC Approval Timeline** 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 **DOC** tab / Select **EDC Approval Timeline**.

Attachment 5

EDC Approval Timeline:

1. Inmate work hours entered by the Wednesday before payroll (general payroll runs the second Friday of each month).
2. On the first working day following payroll, unit staff completes the program IEDC review by 3pm CST.
3. Following step 2, central records checks program review (to determine if it is done, not to determine accuracy) and completes approval.
 - A batch report runs that night and work credits are applied to inmate sentences.
4. On the second working day following payroll, unit staff completes the work IEDC review by 3pm CST.
5. Following step 4, central records staff checks the program review (to determine if it is done, not to determine accuracy) and complete the approval.
6. A batch report runs that night and work credits are applied to inmate sentences.

This timeline is provided solely for staff guidance. Nothing in this timeline may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.

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