

8.1. A.3 Disposition Meetings

I Policy Index:

Date Signed:	12/11/14
Distribution:	Public
Replaces Policy:	This policy supersedes the 12/12 version.
Affected Units:	SD Board of Pardons and Paroles
Effective Date:	Upon signature
Scheduled Revision Date:	12/20/15
Revision Number:	6
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 their 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. The following outcomes may be the result of a Disposition meeting:

1. Offender agrees to accept the Executive Director or designee's resolution and sanction
 - a. The agreed upon resolution and sanction will be presented to a Board hearing panel for review (also referred to as a Revocation Waiver hearing).
 - 1) All the revocation documentation will be prepared by the Board Office staff.
 - a. 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 in 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 Rejected Waiver 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

<i>Kay Nikolas</i>	12/11/14
Kay Nikolas, Chair	Date

Attachment 1: Violation Sanctioning Guidelines

Suggested Sanction Guidelines for Violators

(Staff guidelines for MINIMUM suggested sanctions offered to violators at disposition meetings)

Sanctions may be based on but not limited to the inmate's behavior while on supervision, previous violations/non-compliance this admission and behavior/s indicating an intention to re offend.

This document or its application shall not bind the Board, Director or designee. Neither this document nor its application may be the basis for establishing a constitutionally protected liberty or due process interest in any prisoner.

Street Time:

-Typically time taken may be months only, giving inmate credit for the odd days in most cases.

-Time spent with good behavior may be estimated by calculating time from parole release to first PDR and/or based on information in violation report.

-Typically, except for absconders, loss of ST may be limited to one year maximum in most cases.

Impose sentence in every case when inmate is on the SS side of sentence. If on parole side discretion is used.

Agents/Supervisor's Recommendation:

Typically sanction will be the same or less severe than Agent/Supervisor recommendation. Agent/Supervisor recommendation may be used if less severe than those noted below.

New felony conviction- next review date

The minimum next review date may be set using information noted below or set to the month prior to the parole eligibility date on the new number, whichever is greater.

Sanctions: (minimum suggested guidelines)

3 months or less: OS parole release and first violation this admission, no violent behavior and no new charges or convictions and/or category four major rule violation, condition #8 whereabouts violator.

Street time will be adjusted according to behavior in the community, may give ST credit for time spent with good behavior.

6 months (or ½ way to flat date if less than 6 months to flat): 2nd violation this admission and/or non-violent misdemeanor arrest/conviction and no violent behavior and/or category 5 major rule violation and/or violation of Board ordered condition. Street time will be adjusted according to behavior in the community, may give ST credit for time spent with good behavior.

Absconding: (supercedes agents recommendation)

ST loss at a minimum should be X 1 ½ time inmate absconded. If multiple absconding this admission X 2 time inmate absconded. Next Review < 90 days = 8m, > 90 days = 10m, 4th or more time absconding, next review will be in 12 months.

8 months: New charges or conviction for non-violent felony and/or violent behavior with no arrest but noted in reports and/or violent misdemeanor charges or new conviction and/or terminated from sex offender TX and/or possession of a firearm. Refusal to give UA which may have resulted in felony level drug conviction. Impose a minimum ½ ST as punishment.

10 months: New charges or conviction for violent felony and/or 3rd violation this admission. Inordinate number of incidents noted in previous sections. Impose a minimum ¾ ST as punishment.

12 months: 4 or more violations on this admission. Street time will be adjusted according to behavior in the community, may give ST credit for time spent with good behavior.

-If more than one section is applicable use most severe sanction.

-In some cases, it may be better to credit ST and continue to expiration if inmate is relatively short.

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 should be set for: _____

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

Board Member _____ Date _____

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