

1.3.C.11 Offender Obligations

I Policy Index:



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II Policy:

Offenders are liable for any obligation incurred while under the jurisdiction of the Department of Corrections (DOC) pursuant to SDCL § 24-2-29. The DOC will determine what constitutes an obligation and the specific offender liability for an obligation.

III Definitions:

Fixed Obligation:

For the purposes of this policy, a fixed obligation is an expense incurred by the DOC as the result of an offender violating the rules pertaining to conditional release or a parole or suspended sentence revocation (See DOC Policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#)). An obligation also includes an expense incurred by the DOC as the result of an offender violating institutional rules, both major and minor Prohibited Acts (See DOC policy 1.3.C.2 [Inmate Discipline System](#)).

Credit Obligation:

For the purposes of this policy, a credit obligation is considered a loan resulting from a withdrawals transaction that would have overdrawn an inmates' sub-account (ex: Spend or work release expense account) in Inmate Banking System (IBS).

Contracted Agency:

For the purposes of this policy, a contracted agency is any agency providing services to the DOC, or to any offender under the supervision of the DOC, i.e. South Dakota Department of Health, South Dakota Department of Social Services, outside medical providers, etc.

Conditional Release:

The release of an offender to parole or suspended sentence supervision, or the temporary release of an offender on a furlough, bedside visit or funeral attendance (See DOC policy 1.4.G.4 [Furlough/Bedside Visit/Funeral Attendance](#)).

Offender Liability:

The monetary amount of an obligation an offender is required to reimburse the DOC. Examples include but are not limited to:

- Medical bills for an offender who intentionally injures himself/herself or others.

- Replacement or repair costs of state property damaged, lost or destroyed by an offender.
- Transportation costs to return an offender to custody or to a higher custody level facility as a result of a rule violation committed by that offender.
- Costs to hold an offender in jail as a result of his/her violation of conditional release or DOC rules. Including outside medical bills incurred while in jail.
- Costs to hold an offender in jail (including outside medical bills while in jail) as a sanction when the offender admits to a technical violation during conditional release (See DOC policy 1.5.G.6 [Response to Violations](#)).
- Court reporter fees at offender due process hearings for a conditional release violation, if the offender's supervision is revoked.
- Court reporter fees for a non-compliance hearing if the offender is found to be non-compliant.
- Drug testing costs where an offender on conditional release requested a confirmation drug test and the confirmation sample is positive.

Offender:

For the purposes of this policy, an offender is an inmate (in the custody of the DOC institutional system), a parolee (under parole or suspended sentence supervision by South Dakota Parole Services), including those inmates who have been approved for an interstate compact.

IV Procedures:

1. Guidelines for Determining an Obligation:

- A. Offenders may not be charged by the DOC for obligations until a bill is received from the outside entity or an internal bill (See [Attachment 1](#)) or commissary slip is completed by the DOC.
- B. The DOC will pay the bill/obligation and the offender liability reimbursement will go to the DOC.
- C. Offenders who intentionally injure themselves or others may be billed either a flat rate or the actual cost of providing medical care for an injury they intentionally caused, including any medical-copay that may be due (See DOC policy 1.4.E.10 [Inmate Medical Co-Pay](#)). The decision to bill the offender is at the discretion of the DOC (See SDCL § [24-2-28](#)).
 1. The offender liability will be documented on either a commissary slip, "Offender Liability Calculation" form or through a bill from the DOC contracted agency or the outside entity.
 2. Flat rate charges are \$25 per offender per incident for in-house care and \$50 per offender per incident for outside care.
- D. Obligations for transportation costs as a result of segregation bed shortages may not be assessed to the offender.

Example: A low medium inmate at MDSP who has disciplinary segregation time to serve and who is transported to SDSP because MDSP's segregation cells are full will not be charged transportation costs.
- E. Obligations for jail and transportation bills as a result of a minimum custody violation will not be assessed if the offender was found to have not committed a violation or found to committed only a minor violation pursuant to the inmate discipline system (See DOC policy 1.3.C.2 [Inmate Discipline System](#)).

2. Offender Responsibility for an Obligation:

- A. An offender is responsible for all obligation(s), including but not limited to the following situations:
1. The offender was subject to the institutional disciplinary process (See DOC policy 1.3.C.2 [Inmate Discipline System](#)) and was found to have committed an Offense in Custody/violation that resulted in an obligation/sanction (See SDCL §§ [24-2-9](#) and [24-15A-4](#)).
 2. The offender was subject to a due process hearing with the Board of Pardons and Paroles and was found to have violated conditional release conditions that resulted in an obligation.
 3. The offender admitted to committing an Offense in Custody or admitted to violating conditional release conditions that resulted in an obligation/sanction.
 - a. An offender's signature on a commissary slip or on the [Offender Liability Calculation](#) form serves as an admission of the obligation (See [Attachment 1](#)).
 - b. The offender's signature will be requested but is not required on a commissary slip or an Offender Liability Calculation form if the offender was found to have committed an Offense in Custody, found to have violated conditional release conditions or admitted to committing and Offense in Custody.
- B. Offender obligations are not to be handled as fines assessed through the Inmate Discipline System, nor can the requirement of restitution be listed as a disciplinary sanction (See SDCL §§ [24-2-9](#) and [24-15A-4](#)).

3. Documentation of Offender Liability:

- A. In order to hold an offender responsible for an obligation, the expense must be documented and include information to support the violation(s) the offender committed and/or actions of the offender caused the DOC to incur the expense. Expenses incurred will normally be documented through:
1. Bills, invoices or similar documents from outside entities.
 - a. Bills from outside entities on an incarcerated offender will be sent to the offender's assigned unit staff and will be retained in the offender's institutional/parole file.
 - b. Bills from outside entities on conditional release offenders who are in the community will be sent to the assigned parole agent, as applicable.
 - 1) Bills will be retained in the offender's institutional/parole file.
 - 2) The parole agent will include these obligations in the offender's supervision budget.
 2. Internal bills generated by the DOC by the Institution or parole division and documented on the [Offender Liability Calculation](#) form.
 - a. Unit staff is responsible for completion of a commissary slip or [Offender Liability Calculation](#) form for obligations an incarcerated offender incurs which do not result in an outside bill, invoice or similar document being generated.

- b. Parole staff is responsible for completion of the *Offender Liability Calculation* form for obligations a conditional release offender incurs that were not documented by a bill, invoice or similar document (See Parole Services OM 7.4.F.2 *SCRAM and Twice Daily PBTs*).
 3. A commissary slip or *Offender Liability Calculation* form signed by the inmate agreeing that the specified amount will be withdrawn from their institutional account.
- B. Transportation bills for the shuttle and costs associated with a special trip(s) and supervision fees associated with an inmate attending a bedside visit or funeral attendance (See DOC policy 1.4.G.4 *Furlough, Bedside Visit, Funeral Attendance*) will be recorded on the *Offender Liability Calculation* form and based on rates listed on offender transportation costs (See *Attachment 2*).
1. Special trip costs will include the mileage (See *Attachment 2*) and staff lodging (if applicable).
 2. Transportation bills and special trip costs will also include any expenses/obligations charged by another law enforcement agency or private company relating to the transport of the offender.
- C. The offender liability is listed as "restitution owed to the DOC" in DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*.
- D. Documentation of obligations the offender is liable for will be in the form of jail bills, transportation bills and other bills not documented through a commissary slip will be sent to unit staff for inclusion in the restitution owed to the DOC account.

4. Reimbursement of Offender Liability:

- A. A conditional release offender who posted an interstate compact security bond prior to March 3, 2010 will have his/her offender liability deducted from the proceeds of that bond (See Parole Services OM 7.3.E.5 *Collection of Financial Obligations*).
1. Documentation of the offender liability will be forwarded for processing to the SDSP business office for male offenders and to the SDWP business office for female offenders.
 - a. If the amount of the offender liability is less than the amount of the interstate compact security bond:
 - 1) The balance will be put in the offender's "old funds" account if the offender posted the bond from his/her own funds;
 - 2) The balance will be sent out to the person who posted the bond on behalf of the offender; or
 - 3) The balance will be prorated between the offender and the outside person, if the bond was posted through a combination of funds from the offender and an outside person. The offender's residual share will be put in his/her "old funds" account and the outside person's residual share will be sent out to them.
 - b. If the amount of the offender liability is greater than the amount of the interstate compact security bond, the business office will document the difference in the restitution owed to the DOC account.

2. Any residual funds from an interstate compact security bond posted by the offender will not be released to that offender until he/she discharges his/her sentence(s) or paroles in state and it is determined there is no remaining offender liability.
 3. If a conditional release offender remains on supervised release or is revoked and reinstated, the parole agent can require the offender to reimburse the DOC directly through a money order(s) for the amount of the obligation.
- B. Offender liability assessed to the offender's spend account will be documented on a commissary slip and will be sent to the applicable business office for processing.
1. Any available funds in the offender's spend account will be applied towards the offender liability.
 2. The offender's spend account may be assessed a credit obligation as the result of an offender liability documented on a commissary slip.
 3. The offender's assigned unit staff will review the offender's financial obligations account when the inmate is transferred to a different unit or information needs to be added or changed.
- C. An *Offender Liability Calculation* form will be sent to the applicable business office for processing if the offender is still incarcerated.
1. The business office will apply the offender liability to the restitution owed to the DOC account.
- D. The *Offender Liability Calculation* form will be sent to the offender's parole agent if the offender is on parole or suspended sentence supervision. The parole agent will include the obligation in the offender's budget (See Parole Services OM 7.4.F.2 *SCRAM and Twice Daily PBTs*).
- E. If an offender has multiple obligations and already has disbursement account obligations, the assigned unit staff member may collect the documentation for the obligations and add these to the inmate's IFR.

V Related Directives:

SDCL § 24-2-9, 24-2-28, 24-2-29 and 24-15A-4
DOC policy 1.1.B.2 – *Inmate Accounts and Financial Responsibility*
DOC policy 1.3.C.2 – *Inmate Discipline System*
DOC policy 1.4.B.2 – *Inmate Classification*
DOC policy 1.4.G.4 – *Furlough/Bedside Visit/Funeral Attendance*
DOC policy 1.5.G.6 – *Response to Violations*
Parole Services OM 7.4.F.2. – *SCRAM and Twice Daily PBTs*
Parole Services OM 7.3.E.5 – *Collection of Financial Obligations*

VI Revision Log:

December 2004: New policy.

June 2006: Revised attachment 2.

July 2007: Revised the definition of Offender Liability. **Added** a reference to DOC policy 1.5.G.6. **Clarified** where the Offender Liability Calculation form is sent based on an offender's status. **Deleted** the reference to bypassing the commissary spending account on the section on documentation of offender liability.

June 2008: Revised formatting of policy in accordance with 1.1.A.2 Policy and Operational Memorandum Management. **Added** "Contracted Agency" within the Definitions section. **Deleted** "See DOC Inmate Living Guide" in subsection (A1 of Offender Responsibility for an Obligation section) and within the Related Directives section. **Added** "or admitted to committing the Prohibited Act" in subsection (3b of Offender Responsibility for an Obligation section). **Deleted** "his/her sentence(s)" and **added** "or paroles in state" in subsection (2) and **added** "or is revoked and reinstated" in subsection (3), all within the (Reimbursement of Offender Liability section). **Replaced** "database" with "worksheet" when referring to IFR in subsection and **deleted** "account" and "(Obligation #5 on the inmate's IFR database)." in subsection (B4 of Reimbursement of Offender Liability section). **Replaced** "DSP" with "MDSP" throughout policy. **Replaced** "commissary spending account" to "spend account" throughout policy. **Added** "DOC policy" in front of referenced policies within Related Directives section. **Revised** Attachment 1 within header, footer and hyperlink. **Updated** the Cost Per Mile and the Total Costs columns in Attachment 2.

June 2009: **Added** reference to Parole Services OM 7.4.F.2 throughout policy. **Revised** title of DOC policy 1.5.G.6. throughout policy. **Added** hyperlinks throughout policy. **Clarified** attachment titles throughout policy. **Revised** formatting of Attachment 1 in accordance with DOC policy 1.1.A.2. **Deleted** reference to transportation to/from Redfield within Attachment 2.

June 2010: **Revised** formatting of Section 1. **Added** reference to March 3, 2010 and Parole Services OM 7.3.E.5 in ss (A of Reimbursement of Offender Liability). **Added** Parole Services OM 7.3.E.5 to Section V. **Revised** minor wording. **Revised** Attachment 2 with updated figures.

July 2011: **Deleted** "Human Services" and **Replaced** with "Social Services" in definition of "Contracted Agency". **Deleted** "adult community corrections" **Added** "lost" to definition of "Offender Liability". **Added** "including those inmates approved for an interstate compact" to the definition of "Offender". **Deleted** "where the injury results in medical care provided by a DOC contracted agency or an outside entity". **Deleted** "charged" and **Replaced** with "billed". **Added** "providing medical care for an injury they intentionally caused. The decision to bill the offender is at the" and **Deleted** "based on". in Section 1. C. **Replaced** "will" with "may" in Section 1 D. **Deleted** "or an adult community corrections violation" in Section 1. E. **Deleted** "under and one of the" **Added** "including but not limited to the" to Section 2 A. **Deleted** "will" and **Replaced** with "must" **Deleted** "will be" **Replaced** with "included" **Deleted** "fact the offender" **Replaced** with "violation(s) the offender committed" **Deleted** "due to the offender's violation(s)" in Section 3. A. **Deleted** "from either" **Replaced** with "by" **Deleted** "institutional system" and **Replaced** with "institution" **Deleted** "department" and **Replaced** with "division" in Section 3 A. 2. **Added** "invoice or similar document being generated." in Section 3 A. 2. a. **Deleted** "they are supervising" **Added** "were not documented by a bill, invoice or similar document. **Deleted** "do not result in an outside bill" in Section 3. A. 2. B. **Deleted** "offender" and **Replaced** with "inmate" **Deleted** "taken" and **Replaced** with "withdrawn" in Section 3. A. 3. **Deleted** "to transport the offender to the custody of the DOC" and **Replaced** with "relating to the transport of the offender" in Section 3.B. 2. **Deleted** 1. "The offender Liability Calculation form will be sent to the business office responsible for the offender's housing unit if the offender is incarcerated." in Section 4 C. **Updated** Attachment 2 "Offender Transportation Costs".

July 2012: **Added** "not committed a Prohibited Act or found" and **Added** "through the inmate discipline system" in Section 1 E. **Added** "and supervision fees associated with an inmate attending a bedside visit or funeral" to Section 3 B.

February 2013: **Deleted** definition of "Obligation" and **Added** definition of "Fixed Obligation" and "Credit Obligation". **Deleted** "Prohibited Acts" and **Replaced** with "Offense in Custody" throughout entire policy. **Added** "including any medical-copay that may be due" in Section 1 C. **Deleted** "run a negative balance" and **Replaced** with "as assessed a credit obligation" in Section 4 B. 2. **Deleted** "check the inmate's account annually, normally at the time of a scheduled classification review" and **Replaced** with "review the inmate's financial obligations account when the inmate changes units or information needs to be added or changed" in Section 4 B. 3. **Deleted** 4. "If the inmate's spend account is more than \$100 negative, the unit staff member will revise the inmate's IFR worksheet and notify the business office to move the amount in excess of

the \$100 negative from the spend account to the inmate's costs incurred while in DOC." in Section 4. B. **Deleted** "on an annual basis, normally at the time of the inmate's annual classification hearing" in Section 4 E.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

03/31/2013

Date

Attachment 1: Offender Liability Calculation

The **Offender Liability Calculation** form sample is located on the state's WAN.

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

1. Click [here](#) to access the **Offender Liability Calculation** 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 **Offender Liability Calculation**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections		Attachment: Offender Liability Calculation	
Policy		Please refer to DOC policy 1.3.C.11	
Distribution: Public		Offender Obligations	
OFFENDER LIABILITY CALCULATION			
Offender Name:			
Offender Number:			
Name of Staff Submitting this form:			
Date Form was Submitted:			
Violation Description:			
Transportation Costs:			
Shuttle:	(See In-state shuttle rates)		
Other:			
Medical Costs:			
In-House:	\$25.00 flat		
In-House:	actual costs		
Outside:	\$50.00 flat		
Outside:	actual costs		
Property Replacement:			
Item 1:			
Item 2:			
Miscellaneous Costs:			
Describe:			
Total Cost Incurred:			
Staff Signature:		Date:	
Offender Signature:		Date:	
Revised: 6/26/2009		Page 1 of 1	

Attachment 2: Offender Transportation Costs

Pickup Point And Destination Point	Mileage	Cost Per Mile	Total Costs
Springfield to Sioux Falls	139	\$.55	\$76.45
Yankton to Sioux Falls	146	\$.55	\$80.30
Pennington County Jail to Sioux Falls	348	\$.55	\$191.40
Pennington County Jail to Springfield	341	\$.55	\$187.55
Pennington County Jail to Pierre	193	\$.55	\$106.15
Springfield to Yankton	43	\$.55	\$23.65
Pennington County Jail to Yankton	384	\$.55	\$211.20
Pierre to Sioux Falls	226	\$.55	\$124.30
Pierre to Springfield	219	\$.55	\$120.45
Pierre to Pennington County Jail	193	\$.55	\$106.15
CABH to Custer	98	\$.55	\$53.90
CABH to Pennington County Jail	8	\$.55	\$4.40
Sioux Falls to Mitchell	73	\$.55	\$40.15
Sioux Falls to Vivian Junction	192	\$.55	\$105.60
Pierre to Vivian Junction	34	\$.55	\$18.70
Mitchell to Brown County	153	\$.55	\$84.15
Yankton to Mitchell	89	\$.55	\$48.95
Special Trips	Round Trip	\$.55	TBD