

1.5.G.6 Parole Services- Response to Violations

I Policy Index:



Date Signed: 05/25/2015
Distribution: Public
Replaces Policy: N/A
Supersedes Policy Dated: 03/09/2014
Affected Units: Parole
Effective Date: 06/01/2015
Scheduled Revision Date: March 2016
Revision Number: 11
Office of Primary Responsibility: Director of Parole Services & DOC Administration

II Policy:

Parole agents will respond to every known violation detected in order to hold all offenders accountable for their actions. Nothing in this policy or its application creates the basis for establishing a constitutionally protected liberty, property, or due process interest for any offender, other than those already established through SDCL.

III Definitions:

Violation:

The failure of an offender to comply with any of the conditions listed on his/her supervision agreement (See [Attachment 1](#)), or the failure of an offender to comply with any special condition(s) imposed by the Board of Pardons and Paroles and/or the supervising parole agent.

Offender:

For the purposes of this policy, an offender is a parolee (under parole or suspended sentence supervision by South Dakota Parole Services), to include those offenders transferred to parole supervision from other states under the Interstate Compact.

Parole Agent:

For the purposes of this policy, a parole agent is an employee of the Department of Corrections (DOC) responsible for the direct supervision of offenders (See SDCL § 24-15-14).

Sanction:

A corrective measure imposed upon an offender in response to a violation. A sanction directs an offender toward future compliance and may involve treatment opportunities in some cases.

Agreement of Violation and Sanction (AVS): The form served on an offender following a detected violation of supervision conditions not resulting in a violation or informal response, which outlines the violation(s) committed by the offender, the sanction(s) being imposed, the time frame for completion of the imposed sanction, the offender's acknowledgment and waiver of rights that would have been afforded to him/her if the revocation proceeding had been initiated, an acknowledgment by the offender that he/she freely admits to having committed the alleged violation(s), an acknowledgment by the offender that failure to abide by the [RTV Parolee Acknowledgment of Violation and Sanction](#) and/or

failure to complete the imposed sanction may result in revocation proceedings being initiated, and an acknowledgment by the offender that failure to abide by the [Parole Standard Supervision Agreement](#) and/or complete the imposed sanction may result in the original violation being used in revocation proceedings.

Felony offense(s) with the presumption of probation - Class 5 and 6: Felony/felonies that carry the presumption that the court shall sentence the offender to a term of probation unless aggravating circumstances exist. Exceptions to the presumption of probation for those convicted under specific statutes are outlined in SDCL § 22-6-11 (see [Attachment 6](#)).

Comprehensive Offender Management System (COMS):

A DOC data management system which stores pertinent offender information.

IV Procedures:

1. Violation Severity Scale:

- A. The [RTV Parole Violation Severity Scale](#) will be used to determine the applicable severity category of a violation committed by an offender (See [Attachment 2](#)).
1. Each **Agreement Condition** from the Parole Violation Severity Scale corresponds to a requirement in the [Parole Standard Supervision Agreement](#) (See [Attachment 1](#)).
 2. The **Risk Level** at the top of the scale corresponds to an offender's supervision level (See DOC policy 1.5.G.4 [Parole-Community Risk Assessment and Supervision of Offenders](#)).
 - a. **Ind** = Indirect Supervision.
 - b. **Min** = Minimum Supervision.
 - c. **Med** = Medium Supervision.
 - d. **Max** = Maximum Supervision.
 - e. **Int** = Intensive Supervision.
 3. The **Response Range** will fall into one of the following categories, which corresponds with the [RTV Parole Violation Sanction Scale](#) (See [Attachment 3](#)):
 - a. **SR** = Supervisor Review Required
 - b. **I** = Informal
 - c. **L** = Low.
 - d. **M** = Medium.
 - e. **H** = High.
 - f. **V** = Violation.
- B. If a violation by an offender is not included on the [RTV Parole Violation Sanction Scale](#), or the violation calls for "SR" response range, the parole agent will staff the case to his/her regional

supervisor to determine if a formal response is necessary, and if applicable, the appropriate response range of sanctions. The agent will record the sanction approved by the supervisor and applied to the offender in COMS.

- C. For the purposes of this policy, “committing a new felony offense”, (all Classes listed) or “committing a new Misdemeanor offense” (all Classes listed) from the [RTV Parole Violation Severity Scale](#) (See [Attachment 2](#)) means that the parolee was arrested by a jurisdiction other than the Board of Pardons and Paroles and there is evidence/information to indicate a new offense was committed.
1. “Other evidence/information” includes, but is not limited to: admission by the offender, a positive portable breath test (PBT), a positive urinalysis test (UA), charges filed by a prosecutor, etc.
 2. An offender’s self-admission is not sufficient grounds in and of itself to conclude that the offender is guilty of “committing a new felony offense” (all Classes listed) or “committing a new misdemeanor offense (all Classes listed)”, as noted on the RTV Parole Violation Severity Scale (See [Attachment 2](#)).
 3. Offenders undergoing court processes, when charged with felony offense(s) that carry the presumption of probation and select misdemeanor offense(s) involving violence or threats of violence (class 1), including simple assault/simple assault – domestic, will normally be released from detainment and placed back on community supervision after any bond or bond/conditions have been met. The offender is subject to additional supervision conditions, a specific containment plan, when released back to the community.
 - a. Containment plans for these cases will require approval by the regional supervisor before releasing the offender back to the community.
 - b. Additional supervision conditions, at a minimum, will include daily alcohol monitoring (SCRAM, 24/7, or Remote Breath Device), and at least one of the following: day reporting, placement into a half-way house (or similar placement), and/or GPS.
 - c. This containment plan may include additional restrictions, directives, and/or conditions aimed at addressing, monitoring, and/or controlling behavior specific to the case, with the goal to increase surveillance and accountability of the offender involved.
 4. If circumstances warrant, including situations when the offender may be eligible for drug or DUI court, or placement into such programs is being considered/sought, offenders charged with new felony offense(s) do not have the presumption of probation and may be placed on extended detainment while undergoing the court process to determine, if the offender will be convicted of the charges prior to a violation being submitted.
- D. For the purposes of the policy, “Conviction on a New Felony Offense (all Classes listed)” or “Conviction on a New Misdemeanor Offense (all Classes listed)” from the RTV Parole Violation Severity Scale (See [Attachment 2](#)) means that an offender has been convicted of an offense by a court.
1. If an offender is convicted of any felony by the court but is not sentenced to a term in prison, the offender will be allowed to remain on or be released back to community supervision with additional supervision conditions applied, if/when applicable.

2. Violation Sanction Scale:

- A. The table in the [RTV Parole Violation Sanction Scale](#) (See [Attachment 3](#)) will be used to determine the appropriate sanction(s) to impose within each severity level after a violation by an offender has occurred.
- B. The [RTV Parole Violation Sanction Descriptions](#) document provides more detailed information regarding each specific sanction (See [Attachment 4](#)).

3. Parole Agent Response to Violations:

- A. If a parole agent determines a violation has occurred, the parole agent will refer to the [RTV Parole Violation Severity Scale](#) (See [Attachment 2](#)) and determine the appropriate severity category.
- B. Once a parole agent determines the appropriate severity category, the parole agent will select a sanction(s) from the corresponding response range of the [RTV Parole Violation Sanction Scale](#) (See [Attachment 2](#)) to impose on the offender after consideration is given to:
 - 1. The risk the offender poses to the community.
 - 2. The severity of the offender's violation.
 - 3. The offender's assessed community risk level (See DOC policy 1.5.G.4 [Parole-Community Risk Assessment and Supervision of Offenders](#)).
 - 4. The offender's programming/treatment needs.
 - 5. The offender's performance while on supervised release.
 - 6. Previous violations by the offender while under supervised release.
 - 7. The offender's attitude.
 - 8. The relationship of the violation to the offender's crime of conviction.
 - 9. The availability of other intervention means and their anticipated affect on the offender.
- C. The parole agent may consult with his/her regional supervisor or the Executive Director prior to imposing a sanction.
 - 1. The parole agent will consult with the regional supervisor prior to imposing any sanction(s) not listed in the [RTV Parole Violation Sanction Scale](#) (See [Attachment 3](#)).
 - 2. The parole agent will consult with the regional supervisor as soon as possible when the [RTV Parole Violation Severity Scale](#) indicates an "SR" response range to determine if formal sanctioning is necessary, the risk level (I. L. M. H. or V) and the sanction from the RTV Parole Violation Sanction Scale (See [Attachment 3](#)). If it is determined a formal sanction is necessary, the parole agent will record the sanction in COMS and the Regional Supervisor will complete the approval in COMS.
 - 3. The parole agent must obtain the approval of the regional supervisor prior to imposing a sanction that is outside (higher or lower) the response range determined by the [RTV Parole Violation Sanction Scale](#).

D. Jail/Detention is a sanction that is listed in the "High" response range of the [RTV Parole Violation Sanction Scale](#).

1. A parole agent can jail/detain an offender, even if such action would fall outside the designated response range for a violation or suspected violation without the prior approval of a regional supervisor in the event the parole agent determines this is necessary:
 - a. To prevent an offender from absconding.
 - b. When parole agent determines the behavior and/or attitude of the offender may constitute a threat or danger to the offender and/or the community, and the agent believes detainment is necessary to provide protection for the offender and/or to the community.
 - c. When more information is needed by the parole agent to determine specifically what violations of the supervision agreement may have been committed by the offender.
 - 1) This is often the case with after-hours offender contact with law enforcement.
 - 2) Once the necessary information is gathered by the parole agent, an appropriate sanction or violation may be administered.
2. Refer to DOC policy 1.5.G.8 [Parole Services-Detainers and Arrest on Violation](#) for additional information.

E. Generally, the least burdensome sanction(s) to the violation will be applied.

4. Agreement of Violation and Sanction:

- A. After the parole agent has selected a sanction, (unless revocation is being sought, or an informal response is indicated and selected), the parole agent will complete a [RTV Parolee Acknowledgment of Violation and Sanction](#) (See [Attachment 5](#)).
1. The Parole Agreement of Violation and Sanction form will specify the following:
 - a. The violation(s) committed by the offender.
 - b. The sanction(s) imposed upon the offender.
 - c. The time frame for completion of the imposed sanction.
 - d. The offender's acknowledgment and waiver of rights that would have been afforded to him/her if the revocation proceeding had been initiated.
 - e. Acknowledgment by the offender that he/she freely admits to having committed the alleged violation(s).
 - f. Acknowledgment by the offender that failure to abide by the [RTV Parolee Acknowledgment of Violation and Sanction](#) and/or failure to complete the imposed sanction may result in revocation proceedings being initiated.
 - g. Acknowledgment by the offender that failure to abide by the [Parole Standard Supervision Agreement](#) and/or complete the imposed sanction may result in the original violation being used in revocation proceedings.
 2. The [RTV Parolee Acknowledgment of Violation and Sanction](#) form is valid only if signed by the offender being supervised.

3. The offenders' agreement to the terms is confirmed by his/her signature on the [RTV Parolee Acknowledgment of Violation and Sanction](#) form.
- B. Once a violation has been resolved, either informally or by the successful completion of the sanction imposed, the violation will normally not be cited as the primary reason for revocation at a later date. However, the violation may be utilized as a contributing factor in forming a decision for revocation, or to recommend revocation at a later date.
- C. The parole agent will document all violations committed by the offender and any/all corresponding responses/sanctions.
1. Response at all levels requiring completion of an AVS will be documented in the "Violations and Sanctions" and "Parole Violation Response" screens in COMS, along with AVS forms.
 2. Responses at the "informal" level will be documented as case notes in COMS.

5. Revocation Recommended by the Parole Agent:

- A. If parole revocation is recommended by the parole agent, the revocation process will be initiated pursuant to Parole Board policy 8.1.A.2 [Parole & Suspended Sentence Revocation Hearings](#).
1. Before reaching the decision to recommend revocation, appropriate steps will be made by the parole agent in an attempt to bring about the proper behavior from the offender to successfully complete supervision.
 2. Sanctions short of recommending revocation will be considered to the extent public safety would not likely be jeopardized.
 3. Parole agents recommending violation "V" as a response range when such a response is outside the responses listed in the response range on the [RTV Parole Violation Severity Scale](#), must obtain the approval of the regional supervisor prior to initiating the violation process, often referred to as an "override to violation".
- B. If the regional supervisor does not concur with the recommendation for violation, the regional supervisor will determine the appropriate intervention with input from the parole agent.

V Related Directives:

SDCL Chapters [24-15](#) and [24-15A](#) , [24-15-14](#) and [22-6-11](#).

DOC policy 1.5.G.4 – [Community Risk Assessment and Supervision of Offenders](#)

DOC policy 1.5.G.8 – [Detainers and Arrest on Violation](#)

Board of Pardons & Parole policy 8.1.A.2 – [Parole/Suspended Sentence Revocation Hearings](#)

VI Revision Log:

September 2005: New policy.

March 2006: **Added** clarification on how to determine what constitutes committing a new offense.

December 2006: **Revised** the policy statement. **Revised** attachment 1. **Updated** policy/OM references.

September 2007: **Corrected** the name of DOC policy 1.5.G.4. **Added** a definition for PATS. **Switched** the order of attachments 1 and 2.

August 2008: **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2. **Added** DOC policy, Parole Services OM and SD Board of Pardons & Parole policy to section (V). **Revised** minor grammatical changes and wording throughout policy. **Revised** titles of Attachments

1, 2, 3, 4 and 5 to be consistent with policy, attachments and WAN. **Replaced** "M,M,H,H,V" to "M,H,H,V,V" on #14 in Attachment 2.

March 2009: **Deleted** technical as referenced to violations throughout policy. **Added** reference to Interstate Compact within definition of Offender. **Deleted** reference to Parole Services OM 7.3.A.4 in ss (D2 of Parole Agent Response to Violations). **Added** Parole Board policy as it references 8.1.A.2 in ss (A) and **added** ss (A3) of Revocation Recommended by the Parole Agent). **Added** check boxes within #6 and former #12 now #13 and disclaimer statement before signature within Attachment 1

August 2009: **Added** ss (D1 and D2 of Violation Severity Scale). **Deleted** repealed Parole Services OM 7.3.A.4 in section V. **Added** terms relating to acronyms, **deleted** former ss (13e) and **added** check boxes in ss (6 and 13) all within Attachment 1. **Added** additional #14 regarding verbal or written threats within Attachment 2. **Clarified** Attachment titles and **added** hyperlinks throughout policy.

April 2010: **Revised** formatting of Section I. **Added** ss (A3d and A3e of Violation Severity Scale). **Revised** Attachment 2 and 3.

April 2012: **Reviewed** with no changes.

November 2013: **Reviewed** with no changes.

January 2014: **Added** "known" to policy statement. **Added** definition of "AVS" and "Felony Offenses with Presumption of Probation" and **Deleted** definition of PATS. **Added** a. "Supervisor Review Required" and b. "Informal" and **Deleted** d. "Agent Review Required" in Section 1 A. 3. **Added** "or the violation calls for "SR" response range" in Section 1 B. **Deleted** "committing a new misdemeanor offense (Class 1 mis.) and **Replaced** with "(all Classes listed) or committing a new Misdemeanor offense (all Classes listed)" in Section 1 C. **Added** (all Classes listed) and **Deleted** (Class 1 mis. or committing a new offense (class 2 mis)" and **Replaced** with "(all Classes listed) as noted on the RTV Parole Violation Severity Scale" in Section 1 C. 2. **Deleted** previous D. regarding reported threats and **Replaced** with D. 1. a. b. 2. 3. **Added** new 2. "The parole agent will consult with the regional supervisor as soon as possible when the RTV Parole Violation Severity Scale indicates an "SR" response range to determine if formal sanctioning is necessary and the response level (I L M H or V) from which to select an intervention/sanction" in Section 3 C. **Added** "or when an informal response is indicated" in Section 4 A. **Deleted** "on the PATS database" and **Replaced** with "COMS" and **Added** 1. 2. to Section 4 C.

Revised attachments to conform with policy changes.

April 2015: **Deleted** "response to violations" in policy statement. **Deleted** "the appropriate severity category and which, if any, sanctions shall be applied" and **Replaced** with "if a formal response is necessary, and if applicable the appropriate response range of sanctions to apply. The agent will record the sanction applied in COMS resulting in the supervisor's approval in COMS" in Section 1 B. **Added** 3. and 4. in Section 1 C. **Deleted** 1 and 2 in Section 1 D. **Added** "if it is determined a formal sanction is necessary, the parole agent will record the sanction in COMS and the Regional Supervisor will complete the approval in COMS" in Section 3 C. 2.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

05/25/2015

Date

Attachment 1: Parole Standard Supervision Agreement

The **Parole Standard Supervision 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 **Parole Standard Supervision Agreement** 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 **Parole Standard Supervision Agreement**.

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

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Policy Distribution: Public		Please refer to DOC policy 1.5.G.6 Response to Violations	
PAROLE STANDARD SUPERVISION AGREEMENT			
Name: _____			
<input checked="" type="checkbox"/> New System Parole (NSP)		<input checked="" type="checkbox"/> CR System Suspended Sentence (SS)	
<input checked="" type="checkbox"/> CR System Parole (P)		<input checked="" type="checkbox"/> Out of State (OS)	
<input checked="" type="checkbox"/> New System Suspended Sentence (NSS)			
Primary I.D.: _____		Sentence I.D.: _____	
I have been made aware that SDCCL § 25A-27-19 provides that: Any person without sentence or suspended pursuant to the 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, impose the entire sentence, and I may not be given credit for time spent on parole and/or suspended 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 supervision.			
In Consideration of Parole and/or Suspended Sentence/Supervision being granted me, I agree to the following:			
1. I will obey all Municipal, County, State, Tribal and Federal Laws.			
2. I will not purchase, possess or use marijuana, hallucinatory drugs, narcotics, controlled substances, and medical altering drugs/chemicals or drug paraphernalia. I will not purchase, possess or use unauthorized prescription medications and/or abuse prescribed or over-the-counter medications.			
3. I will not gamble or enter places where gambling is practiced.			
4. Weapons: I will not own, purchase or have in or on my control, possess, transport or use weapons (including stun guns, tasers, mace, pepper spray) or explosives considered dangerous by my parole agent, or any type of firearm. (Title 7, P. 1-50-410; Gun Control Act of 1968) (SDCL § 22-54-15). Knives are considered dangerous. Exceptions are knives used for work and must be left at work, and household knives properly placed in the kitchen of the home.			
5. Search and Seizure: I will submit my person, property, place of residence, vehicle and personal effects to search and seizure at any time, with or without a search warrant, whenever reasonable suspicion is determined by a parole agent or law enforcement. I agree to such a search and seizure at any place within or outside of the boundaries of the State of South Dakota, and at any place within or outside of "Indian Country" as defined by 18 USC 1151.			
6. Advanced Approval: I will secure advance approval from my supervising agent if at any time I wish to: <ol style="list-style-type: none">a. <input checked="" type="checkbox"/> Buy or drive an automobile or any other vehicle.b. <input checked="" type="checkbox"/> Rent a home, either by borrowing or rental lease (paying).c. <input checked="" type="checkbox"/> Open or use a checking account of any kind.d. <input checked="" type="checkbox"/> Change employment or place of residence.e. <input checked="" type="checkbox"/> Travel any time.			
7. I will avoid companions with criminal intentions and keep the hours specified by my parole agent.			
8. I will not leave my assigned parole agent's area of the State of South Dakota without permission, keeping my parole agent informed of my whereabouts and activities and submit such reports as required.			
9. I will allow my parole agent to visit me at my home, my employment site, or elsewhere.			
10. I will comply with all instructions in matters affecting my supervision, and cooperate by promptly and truthfully answering inquiries directed to me by a parole agent.			
11. I will take advantage of the opportunities offered me by supervision, secure suitable employment or benefits of occupation and support myself and dependents as directed.			
12. I understand that violation of any institutional regulations my actual release from the institution may be considered a violation of my supervision agreement.			
13. Special Limitations: I will faithfully comply with special limitations and conditions imposed by the Court, the Board of Pardons and Paroles, and my parole agent as follows: <ol style="list-style-type: none">a. <input checked="" type="checkbox"/> I will not purchase, possess or consume any beverage containing alcohol, to include beer, wine and those beverages labeled as "non-alcohol". (Non-alcohol beer, champagne, etc.)b. <input checked="" type="checkbox"/> I will not enter establishments where a primary business is the sale of intoxicating beverages.c. <input checked="" type="checkbox"/> I will make regular and consistent payments as ordered by the Court/Board/Department of Corrections in the amount that will be determined by my parole agent. (All court costs, fines, restitution, attorney's fees, and child support).d. <input checked="" type="checkbox"/> Monthly supervision fees.e. <input checked="" type="checkbox"/> I will not use, view, purchase or have in my possession any form of pornography or erotica including, but not limited to, books, magazines, photographs, films, video tapes, live entertainment or computer Internet.f. <input checked="" type="checkbox"/> Special Conditions: _____			
14. I will not engage in any sexual, abusive or violent behavior, including stalking or threat of violence.			
I have read and have had read to me, fully understand and agree to abide by the conditions of supervision. I understand and agree that any parole agent has the authority to place me in custody any time and begin revocation proceedings if I am alleged to be in violation of any conditions of this agreement, and that my supervision may be revoked. I may be returned to an institution ("lose my or all "Good Time" and any or all of the time spent on supervision"). I do also hereby voluntarily waive extradition to the State of South Dakota from any state or foreign nation if I am charged with a violation. I further voluntarily waive extradition from the State of South Dakota from any Indian Tribe or Indian Reservation or from any state within Indian Country as defined by 18 USC 1151, if I am charged with a violation.			
Offender Signature		Date	
_____		_____	
Witness Signature		Date	
_____		_____	

Attachment 3: RTV Parole Violation Sanction Scale

The *RTV Parole Violation Sanction Scale* 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 *RTV Parole Violation Sanction Scale* 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 **RTV Parole Violation Sanction Scale**.

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: RTV Parole Violation Sanction Scale Please refer to DOC policy 1.5.G.6 Response to Violations	
RTV PAROLE VIOLATION SANCTION SCALE			
RESPONSE RANGE	SANCTION		
LOW	<ul style="list-style-type: none"> • Verbal reprimand • Apology letter • Book reports • Daily Log Report Writing • Written reprimand by agent • Curfew – 30 days or less 	<ul style="list-style-type: none"> • Increase AA/NA/GA meetings • Travel restrictions – 30 days or less • Loss of driving privileges • Loss of computer/gaming devices • Case Staffing • Increased Contact with Agent 	
MEDIUM	<ul style="list-style-type: none"> • Criminal thinking classes • Intensive AA/NA/GA Attendance (weekly) • Additional UA testing • Anger management classes • Community Service Work (CSW) • Adjustments in contacts • Counseling from a community agency • Day reporting 	<ul style="list-style-type: none"> • Travel restrictions – over 30 days • Verbal/Written reprimand by regional supervisor • Curfew – over 30 days • Chemical Use Patch • House arrest – 30 days or less • Electronic Monitoring – 30 days or less • Drug/Alcohol assessment/aftercare • 24/7 / Daily BET's / 30 days or less (* Mandatory in some cases) 	
AGENT RESPONSE REQUIRED	<ul style="list-style-type: none"> • Agent will review issue(s) / violation(s) and determine if: <ul style="list-style-type: none"> - Formal sanctioning is necessary. - No Response, Low Response, Medium Response, High Response, Supervisor Review or Violation. 		
HIGH	<ul style="list-style-type: none"> • Drug/Alcohol treatment • Jail Detention • Travel restrictions (specific areas, i.e. city, county, etc.) • Daily UA testing • Antabuse • Case transfer 	<ul style="list-style-type: none"> • Relapse/CTP Placement • Halfway House placement • House arrest – over 30 days • Electronic Monitoring – over 30 days • 24/7 / Daily BET's / SCRAM / over 30 days (* Mandatory in some cases) • Administrative hearing with the Director of Parole 	
SUPERVISOR REVIEW REQUIRED	<ul style="list-style-type: none"> • Agent and supervisor will review current issue(s) / violation(s) to determine appropriate level of sanctioning. 		
VIOLATION	<ul style="list-style-type: none"> • Violation 	<ul style="list-style-type: none"> • Violation with reinstatement and loss of street time 	
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Attachment 4: RTV Parole Violation Sanction Descriptions

The **RTV Parole Violation Sanction Descriptions** form is located on the state's WAN.

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1. Click [here](#) to access the **RTV Parole Violation Sanction Descriptions** 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 **RTV Parole Violation Sanction Descriptions**.

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

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RTV PAROLE VIOLATION SANCTION DESCRIPTIONS		RESPONSE RANGE - LOW	
<p>Verbal Reprimand: Conceding or a reprimand is the most common response to a minor violation of parole. It involves confronting the parolee with the appropriate violation, listening to his or her side of the story, and delivering a stern admonition or warning.</p> <p>Apology Letter: An apology letter is most appropriate for a minor violation of parole where the parolee has been inconsiderate of another person through being late for appointments, forgetting appointments or other non-compliance as long as the parolee would request an apology.</p> <p>Book Reports: Requires parolee to read a book and write a report on the contents of the book which has been assigned to them. The parolee will be spending five to ten minutes a day on the book and he/she may learn something from the book.</p> <p>Daily Legitimate Writing: The requirement to keep a daily log or to write a daily weekly monthly letter for additional reminder to the parolee that the parolee must be monitoring their behavior and providing ongoing reinforcement of appropriate behavior.</p> <p>Written Reprimand by Agent: A written reprimand is used when a verbal reprimand has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problem is and exactly what needs to be done to change the behavior that is causing a violation of the conditions of the parole agreement.</p> <p>Curfew - 30 days or less: This may be an effective sanction for individuals that need to be at their place of residence vs. being on the streets, not late and unable to get up in the morning for work or other reporting requirements. Revocation of the 30 minutes in the community prevents the autonomy from the parolee and keeps the parolee from a negative peer group on the streets.</p> <p>Intensive Meetings for AA/NA/CA: Increasing the number of scheduled meetings for alcohol dependency addictions behavior programming has the dual effect of keeping parolees very busy and forcing them to associate with a group of others who are controlling their alcohol dependency. This sanction should be used for parolees who have had a minor relapse or who have had a more major relapse but have had a long period of sobriety prior to their relapse.</p> <p>Travel Restrictions - 30 days or less: This may be an effective sanction for parolees who frequently travel to meet family and friends in the state or who often travel to large cities for entertainment or shopping.</p> <p>Loss of Driving Privileges: This may be an effective sanction for parolees who are spending too much time going minor traffic tickets.</p> <p>Loss of Computer/Gaming Privileges: This may be an effective sanction for these individuals that tend to spend too much time playing computer games, or on the Internet when they should be working, looking for work or engaged in programming.</p> <p>Case Staffing: This may be an effective sanction for these individuals that have good community support structures that are struggling. A case staffing with family members, friends, spouse, members of the clergy, associates, the agent, agent supervisor or others that may be offering supportive structure to the community to assist the parolee with understanding and changing their behaviors.</p> <p>Intensive Contact with Agent: For the parolee who needs minor violations such as not keeping appointments or finding full time employment, an effective strategy is to have one intensive reporting requirement to multiple times per week.</p>		<p>Crime Thinking Classes: The sanction is to be used when parolees are using criminal thinking to excuse their behavior and the next advanced level that thinking is offering their violation of the conditions of their parole.</p> <p>Intensive AA/NA/CA Attendance (Weekly): Intensive attendance of alcohol dependency addictions behavior programming has the dual effect of keeping parolees very busy and forcing them to associate with a group of others who are controlling their alcohol dependency. This sanction should be used for parolees who have had a minor relapse or who have had a more major relapse but have had a long period of sobriety prior to their relapse.</p> <p>Additional UA Testing: An increase in UA testing is designed to keep parolees on notice that they must not use alcohol without being caught and violated. This sanction is most often used when parolee has an immediate background in using alcohol or after a parolee has had a positive UA.</p> <p>Anger Management Classes: The sanction is to be used when parolees are using anger to control others or are allowing anger to control their behavior and the next advanced level that anger would affect the violation of the conditions of their parole.</p> <p>Community Service Work (CSW): Community service work is an appropriate sanction to serve as punishment for a means of holding a parolee accountable for an administrative violation of the conditions of parole. CSW can serve as a meaningful punishment for dealing with a broad range of violations such as not reporting as scheduled, failure to maintain employment, failure to follow through on treatment, failure to follow through on education or failure to follow through on attendance for other programs.</p> <p>Adjustment to Conditions: For the parolee who has demonstrated multiple minor violations such as not keeping appointments or finding full time employment, an effective strategy is to increase his or her reporting requirements to multiple times per week.</p> <p>Continuing from a Community Agency: Continuing should be used as a sanction when a parolee has mental health issues that are causing behavior problems that may eventually affect violation of a condition of parole or when a condition of parole has been violated but the parolee's mental health is not exacerbating their problems.</p> <p>Day Reporting: Requiring a parolee to report to his agent daily allows the agent to check on the parolee's sobriety, drug usage or employment status daily. Parolee under this sanction should be directed from further violation of the conditions of their parole agreement by the increased risk of discovery of behavior that violates his/her parole agreement and should, over time, develop a very close relationship with his/her parole agent.</p> <p>Travel Restrictions - over 30 days: This may be an effective sanction for parolees who have demonstrated the inability to control travel to meet family and friends in the state or who often travel to large cities for entertainment or shopping.</p> <p>Verbal Written Reprimand from Regional Supervisors: A verbal/written reprimand is used when a verbal/written reprimand by the agent has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problem is and exactly what needs to be done to change the behavior that is causing a violation of the conditions of the parole agreement.</p> <p>Curfew - longer than 30 days: This may be an effective sanction for individuals that need to be at their place of residence vs. being on the streets, not late and unable to get up in the morning for work or other reporting requirements. Revocation of the time specific the autonomy prevents the autonomy from the parolee and keeps the parolee from a negative peer group on the streets.</p>	

Policy Distribution: Public	Revision: 1.5.G.6 Please refer to DOC policy 1.5.G.6 Date posted in Website	Policy Distribution: Public	Revision: 1.5.G.6 Please refer to DOC policy 1.5.G.6 Date posted in Website
<p>Chemical Use/Parole: An inmate on drug testing is designated to keep a parole on an inmate that they assist or obstruct while being assigned to parole. This sanction is met when a parolee has an on-site drug test in using alcohol or after parolee has had a positive U.A.</p> <p>House Arrest – 30 days or less: An assignment to house arrest limits the parolee's access to the community and the peer group which may be causing adjustment problems.</p> <p>Electronic Monitoring – 30 days or less: A parolee who needs to be monitored closely because of a failure to comply with an address should be considered for electronic monitoring. If electronic monitoring reduces the parolee's risk to the community and likelihood of committing any violations, a period of 30 days or less should be specified. An assignment to electronic monitoring requires the approval of the region supervisor.</p> <p>Drug/Alcohol Assessment/Intervention: A parolee with a history of substance abuse problems and no treatment should be referred to a designated program for counseling only after the agent has made an effort to refer, have and/or receive testing, and conduct other interventions such as self-help sessions. Counseling, frequent contacts, mandatory after-school regular substance abuse testing are all part of the after-school program.</p> <p>24/7 Daily PHT's (30 Days or Less): This sanction is met when a parolee has a history of alcohol abuse problems and commit alcohol use. It is designated to keep a parolee on an inmate that they assist or obstruct while being assigned to parole. The 24/7 Program will be used when a parolee is unable to comply with a PHT reading of 85 or any time or the parolee has two (2) indicators of alcohol use within a six (6) month period.</p> <p style="text-align: center;">RESPONSE RANGE – HIGH</p> <p>Drug/Alcohol Treatment: A parolee with a history of substance abuse problems and no treatment should be referred to a designated program only after the agent has made an effort to refer, have and/or receive testing, and conduct other interventions such as self-help sessions. Counseling, frequent contacts, mandatory treatment and regular substance abuse testing are all part of the treatment program.</p> <p>Jail Detention: The imposition of jail detention is a sanction that should be used in a case where parolee has a willful and consistent failure to abide by the conditions and regulations of parole and other less severe sanctions have been demonstrated to be ineffective. Sanctions should be used when a parolee is a threat to him or her or public safety due to drug or alcohol use in a case.</p> <p>State A Parole Agent as Detainee/Offender, even if such action would fall outside the designated Response Range for such action, and without the prior approval of a supervisor, in the event it is necessary, in the agent's discretion, to prevent absconding or while the behavior and attitude of the parolee presents a threat or danger to the parolee and/or the community, and it is necessary to provide proper protection for the parolee and/or the community, or, more information is necessary to determine specifically what violations of supervision conditions may be a threat to the agent, the current supervision level of the parolee, etc., in which the use of after-school contacts with law enforcement regarding a parolee or violation. Once the necessary information is gathered, an appropriate sanction or violation, if warranted, can and should be administered as soon as possible.</p> <p>Travel Restrictions – Specific Limitations: This may be an effective sanction for parolees who have demonstrated the inability to control their traveling activities. They have demonstrated through contact with others in a case or out of case, meeting family and friends or traveling to begin a life for their situation, a violation or shopping.</p> <p>Daily U.A. Testing: Daily U.A. testing may be an effective sanction for the parolee that has demonstrated problems with alcohol or drugs. It is used when a parolee has an on-site drug test in using alcohol or after parolee has had a positive U.A.</p>		<p>Alcohol Use/Parole: The use of alcohol while on parole should be used when a parolee has had difficulty in maintaining his sobriety. Medication must participate in the decision to use alcohol.</p> <p>Admission to the Housing with Director of Parole/Probation Report on file: A substantial personal appearance of the parolee, the supervising agent and the director. This verbal written report should be a written report of putting the parolee on notice that their behavior is very close to a violation. An administrative hearing is not necessary if the director's violation of the conditions of the parole will result in a violation of parole.</p> <p>Case Transfer: This may be an effective sanction for parolees that (1) is determined an individual to a specific community, has a violation in the community, and not find or maintain work, or can not avoid occupations, gangs, and social programming is not available in the community they are residing.</p> <p>Community Treatment Program/After-School Program: An assignment to the after-school program allows a parolee to be removed from the community for a period of time to deal with the ongoing behavior and make appropriate plans to deal with the behavior when he/she returns to the streets. This sanction is met when a parolee has an on-site drug test in using alcohol or after a parolee has had a positive U.A.</p> <p>Halfway House Placement: An assignment to a halfway house allows a parolee to be removed from the community for a period of time to deal with the ongoing behavior and make appropriate plans to deal with the behavior when he/she returns to the streets. This sanction is met when a parolee has an on-site drug test in using alcohol or after a parolee has had a positive U.A.</p> <p>House Arrest – over 30 days: An assignment to house arrest limits the parolee's access to the community and the peer group, which may be causing adjustment problems. This sanction would be used when the parolee has an on-site drug test in using alcohol or after parolee has had a positive U.A. and is not providing the parolee from violating the conditions of the community supervision agreement.</p> <p>Electronic Monitoring – over 30 days: A parolee who needs to be monitored closely because of a failure to comply with an address should be considered for electronic monitoring. If electronic monitoring reduces the parolee's risk to the community and likelihood of committing any violations, a period of between 31 and 90 days should be specified. An assignment to electronic monitoring requires the approval of the region supervisor.</p> <p>24/7 Daily PHT's (SCLAM) over 30 Days: This sanction is met when a parolee has a history of alcohol abuse problems and commit alcohol use. It is designated to keep a parolee on an inmate that they assist or obstruct while being assigned to parole. The 24/7 Program will be used when a parolee is unable to comply with a PHT reading of 85 or any time or the parolee has two (2) indicators of alcohol use within a six (6) month period. SCLAM 24/7 hours a day, electronic monitoring for alcohol use, where and when available, will be implemented in areas where the 24/7 Program is not available or in situations where the agent believes constant monitoring for alcohol use is necessary.</p> <p style="text-align: center;">RESPONSE RANGE – VERY HIGH</p> <p>Violations with or without a notice of violation: This sanction is met when a parolee has a violation of parole before the parolee has had a notice of violation from the agent and a violation of the parolee is in violation of all of the parolee's terms of parole and that the parolee is a threat to the community.</p> <p>Violations: A non-compliance to violate parole is the final and most serious sanction available.</p>	

Attachment 5: RTV Parolee Acknowledgment of Violation and Sanction

The *RTV Parolee Acknowledgment of Violation and Sanction* 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 *RTV Parolee Acknowledgment of Violation and Sanction* 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 **RTV Parolee Acknowledgment of Violation and Sanction**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: RTV Parolee Acknowledgment of Violation and Sanction Please refer to DOC policy 1.5.G.6 Response to Violations
RTV PAROLEE ACKNOWLEDGMENT OF VIOLATION AND SANCTION	
<u>Parolee's Name</u> You are hereby notified of the following alleged violations of the terms and conditions of your supervision agreement: Violations violated (both number and language) and description/comment to be placed here. Pursuant to the Response to Technical Violations policy (1.5.G.6), the following is the sanction recommended by the Parole Services as a result of this violation: Sanctions imposed are listed here. The Parole Services Department is recommending that this sanction be administered within the Parole Services office by a agreement between Parole Services and me. If I accept this agreement and complete the recommended action, no further action will be taken at this time. If I have not committed the violation or if I do not accept this sanction and/or do not complete the recommended action, this matter may be referred to the Board of Pardons and Paroles for review in the form of a violation report and I may be detained until the review process has been completed. The information contained in this Agreement of Violation and Sanction will become part of any subsequent Violation Report submitted to the Board of Pardons and Paroles and may be used as a Condition Violated or to enhance the Board's Sanction. With a full understanding that I am waiving my right to a due process revocation hearing by admitting to the violation(s) and a agreeing to complete the sanction(s) above, and not acting under any threat, fear, coercion or pressure, and acting of my own free will, I hereby admit that I have violated the conditions of my supervision agreement. I will complete the recommended action by (date). Parolee Signature _____ Date _____ Witness: _____ Date: _____ <u>Parolee</u> Approved by: [Only required if a parolee is requested] Supervisor _____	
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Attachment 6: Class 5/Class 6 Felony Convictions NOT Eligible for Presumptive Probation (SDCL § 22-6-11)

<u>SDCL §</u>	<u>Crime Description</u>	<u>Felony</u>
22-11A-2.1	Second Degree Escape (prisoner)	Class 5 felony
22-18-1	Simple Assault	Class 6 felony
22-18-1.05	Simple or aggravated assault against law enforcement officer	Class 6/5 felony
22-18-26	Assault by inmate (sliming)	Class 6 felony
22-19A-1	Stalking 1 st	Class 6 felony
22-19A-2	Violation of Restraining order, injunction, protection order or no contact order	Class 6 felony
22-19A-3	Stalking	Class 5 felony
22-19A-7	Stalking a child less than 12 years of age	Class 6 felony
22-19A-16	Violation of protection order	Class 6 felony
22-22A-2	Incest-Prohibited Sexual Contact	Class 5 felony
22-22A-4	Removal of minor from state for adoption without parents consent	Class 6 felony
22-24A-3	Possessing, manufacturing or distributing child pornography	Class 4/3 felony
22-22-24.3	Sexual exploitation of a child	Class 6/5 felony
22-24-1.2	Indecent exposure	Class 6 felony
22-24B-2	Fail to register as a sex offender	Class 6 felony
22-24B-12	Sex offender failure to update address	Class 6 felony
22-24B-12.1	Failure to register sex offender-2 nd offense	Class 5 felony
22-24B-23	Violation of community safety zones	Class 6/5 felony
22-42-7	Felony distribution of marijuana	Varies (5/6 only)
24-2-14(1)	Possession of alcohol or marijuana by an inmate	Class 6 felony
32-34-5	Hit and run resulting in death or injury	Class 6 felony
23A-27-12	No person previously convicted of a violent crime may be placed on probation for a subsequent conviction involving a violent crime (Rule 32 (e))	None