
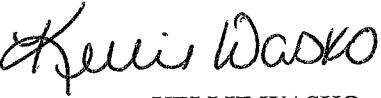


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.4.B.17	PAGE NUMBER 1 OF 8
		DISTRIBUTION:	Public
		SUBJECT:	Offender Earned Discharge Credits
RELATED STANDARDS:	None	EFFECTIVE DATE:	September 1, 2022
		SUPERSESSION:	06/18/2021
DESCRIPTION: Classification	REVIEW MONTH: August	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to award Earned Discharge Credits (EDC) to eligible offenders. Earned discharge credits may be granted if, in the judgement of the Warden and Secretary of Corrections, the offender has met the criteria set forth in SDCL § 24-15A-50.1 and this policy.

II. PURPOSE

The purpose of this policy is to establish the criteria for the governing and application of offender earned discharge credits received through compliance with terms of supervision pursuant to SDCL § 24-15A-50.1.

III. DEFINITIONS

Academic Program

General Education Development test (GED), Family Spirit, Common Sense Parenting, USF Creative Writing, and Credit where Credit is Due.

Comprehensive Offender Management System (COMS)

A DOC data management system which stores pertinent offender information.

Evidence Based (EB) Programs

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

Heroic Acts

Significant and courageous acts performed by an offender in a life-threatening situation, which involves extraordinary heroism in direct lifesaving actions through administering aid to another, protecting another from assault, preventing major property damage during a disturbance, significant efforts in support of the State Emergency Operations Plan, or providing exceptional assistance in maintaining the safety and security of a prison.

Individual Program Directive (IPD)

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

Work

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SDCL § 22-24B-3, as used in SDCL § 22-24B-2, the term, work, includes employment that is full-time or part-time for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during any calendar year, whether financially compensated, volunteered or for the purpose of government or educational benefit.

IV PROCEDURES

1. Qualifying Behavior:

- A. Offenders may be awarded up to ninety (90) days of Earned Discharge Credits (EDC) for completion of each three hundred sixty (360) hours of work, not to exceed one hundred eighty (180) days of EDC in a rolling twelve (12) month period.
- B. Offenders may be awarded up to ninety (90) days of EDC for each completion of an academic, vocational, or evidence-based program.
- C. Offenders may be awarded up to three hundred sixty-five (365) days of EDC for performing a heroic act, in addition to any other EDC awarded for that time period.

2. General Eligibility:

- A. Offenders are eligible for EDC consideration, with the following exceptions:
 1. Sentences for crimes committed prior to July 1, 1996.
 2. Life sentence or capital punishment sentence.
 3. Offenders 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 an institution or community (detainee status, placed in DOC custody) (does not include parole EDC awarded pursuant to SDCL § 24-15A-50).
 5. Offenders held in prison under a sentence issued from any jurisdiction other than the State of South Dakota, including Federal offenders/detainees, tribal or Interstate Compact.
 6. Offenders classified as Level 3 System Risk during the review month, are not eligible for EDC for work or heroic acts.
 7. Offenders who have refused to participate in, or have been terminated from any chemical dependency treatment, MRT, STOP, GED, during this booking on their most recent program record or assessment, are ineligible to earn work or heroic act EDC and are ineligible to enroll in vocational programs. Provided the offender is otherwise eligible, he/she may earn EDC for completion of academic and evidence-based programs. Once an offender is attending previously refused/terminated program(s), he/she is eligible for work and heroic act EDC and enrollment in vocational programs.
 - a. The IEDC Ineligible WIEDC-Term/Refusal Programs “alert” documented in COMS when an offender refuses programming or is terminated from programming, must be removed before the offender is eligible for work EDC or vocational enrollment.
 - b. Upon offender admissions, all IEDC alerts from prior prison admissions that are related to program refusal should be inactivated by the admission staff, so the offender is awarded the opportunity to reenroll in the assessed service on this admission.

3. Evidence Based Program, Academic, and Vocational Program Requirements:

- A. To be considered an Institutional Earned Discharge Credit (IEDC) program, the program must:
 1. Meet the definition of an evidence-based program, academic or vocational program.
 2. Have a defined target population.
 3. Address criminogenic needs.
 4. Have appropriately trained instructors/teachers.
 5. Have written curriculum/manualized programming; and
 6. Have a program fidelity plan and program evaluation plan.

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- B. To be designated an Evidence Based (EB) program, academic, or vocational, Attachment 1- EDC Program Requirements form must be completed and submitted to the Associate Director of Education and Programs.
1. An EB Program Review Team, made up of the Associate Director of Education and Programs and at least two additional DOC staff, will review information provided on Attachment 1 and determine whether the program meets the requirements of an EDC eligible program.
 2. If the program does not meet the requirements of an EDC program, the review team may offer assistance to the instructor/teacher about what changes may be made to the program to meet the EDC program requirements.
 3. The EB Program Review Team will ensure annual audits of approved EB, academic and vocational programs are completed to support program fidelity and review evaluation outcomes, unless there is another process in place that audits approved EB programs. Audits may be completed by DOC staff or contract staff.

4. Program Credits:

- A. Upon completion of an EDC program identified in Section 10, on or after July 1, 2018, by an eligible offender, the designated number of days of EDC will be awarded to the offender.
- B. Offender enrollment in EDC programs will be determined through the application of assessment information, eligibility criteria, department priorities and resource availability.
- C. The instructor/teacher, or designee, is required to enter the offender's program completion in the Accredited Programs in COMS within two (2) days of program completion.
- D. Offenders will receive EDC one time only for completing a particular EB program, unless an assessment supports the offender complete the same EB program a subsequent time.
- E. Offenders placed in the community under Extension of Confinement (EC) are eligible for credits upon completion of approved community based academic, vocational or EB programs (as determined by the EB Program Review Team). The offender's supervising parole agent will notify the Sioux Falls Senior Case Manager of the EC offender's EB program completions in the community. The EDC will be applied to the EC offender's sentence(s).

5. Work Credits:

- A. Upon completion of three hundred sixty (360) hours of work, ninety (90) days of EDC may be awarded to eligible offenders, not to exceed one hundred eighty (180) days of EDC in a twelve (12) month rolling period. To be eligible for an award of work EDC, the work hours must occur on or after July 1, 2018.
- B. Eligible employed offenders in Work Release, extension of confinement, Private Sector Prison Industries, and institutional payroll, may be awarded EDC.
- C. Offenders may begin to accrue work EDC the month following admission to the DOC.
- D. Offenders employed in eligible work, who do not earn a wage for work completed due to not having a valid Social Security number (volunteer only), are eligible for work EDC.
- E. Work EDC is recorded through offender payroll for institutional work and PSPI payroll, via alerts in COMS for offenders on pre-release extension of confinement (EC), and offender Work Release records in COMS.

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- F. Hours of work completed from multiple work assignments can be applied to work EDC, up to a maximum of three hundred sixty (360) work hours in a twelve (12) month rolling period.
- G. Work EDC for offenders employed within the Work Release Program and those on pre-release EC, will be calculated at a rate of 5.7 hours per day to reflect full time employment (forty (40) hour work week).
- H. If an offender has an alert which makes them ineligible for work EDC, they are ineligible for that entire month regardless of when the alert was placed on the offender.
- I. In the unlikely event work hours are accrued during the same month as the offender is admitted to the prison, those hours will not apply to EDC.

6. Heroic Acts:

- A. The Warden may recommend an award of EDC for a heroic act by an eligible offender within the institution to the Secretary of Corrections.
- B. The Associate Director of Emergency MGMT/Security Audit Controller may recommend an award of EDC for a heroic act by an eligible offender(s) in support of the State Emergency Operations Plan, to the Warden.
- C. The Director of Parole may recommend an award of EDC for a heroic act by an eligible offender released to EC to the Warden.
- D. All recommendations for EDC for a heroic act shall be documented/requested by completing the EDC Heroic Act Recommendation form (see Attachment 2). The Warden shall forward the completed form to the Secretary of Corrections for final action.
- E. The Secretary may (1) concur with the recommendation and grant the offender heroic act EDC, not to exceed three hundred sixty-five (365) days; or (2) deny the Warden’s recommendation.
- F. Approved EDC Heroic Act Recommendation forms (see Attachment 2) will be provided to DOC Central Records for application to the offender’s sentence. The total EDC shall be specified on the form.

7. General Administrative Provisions:

- A. EDC for program completion, work, or combination thereof, cannot exceed two hundred seventy (270) days in a twelve (12) month rolling period.
- B. When an offender releases from a DOC institution (not including release to EC), the offender’s work hours for determining EDC eligibility returns to zero (0). If the offender returns to custody, work hours accumulated from an offender’s prior admission do not carry over and shall not be applied towards hours completed on the offender’s current admission.
- C. Offenders remain subject to the provisions of their IPD and directives issued by the Parole Board and parole services. An award of EDC does not imply compliance or non-compliance of an offender with their IPD or other conditions or requirements of the offender’s sentence.
- D. Eligible offenders serving SD prison sentences in another jurisdiction may be awarded EDC. Eligibility shall be determined by the Sioux Falls Senior Case Manager.

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- E. Offenders who object to determinations or decisions regarding the granting of EDC, as it affects their individual sentence(s), may utilize the Administrative Remedy (AR) process.
- F. The EDC Approval Timeline form (Section 9) serves a resource on the schedule for work and program credits.
- G. Nothing in this policy may be the basis for establishing a constitutionally protected liberty, property, or due process interest in any offender.
- H. Offenders may request to refuse the application of EDC to their sentence by completing Attachment 3 and returning this form to the Evidence Based Practices Manager.
- I. Offenders who choose to refuse EDC are required to sign the Refusal of Earned Discharge Credits form (Attachment 3). The refusal is valid for six (6) months from the date the form is signed. Offenders are required to renew their refusal upon expiration of the form.
- J. Offenders who refuse EDC are not eligible for placement in the Work Release Program or release to EC. The Refusal Acknowledgements form must be signed by the offender and valid prior to any consideration of placement of the offender in work release or release to EC.
- K. The granting of the refusal is documented by the Associate. Director of Education and Programs in COMS as an alert so the individual will not receive further credits.
- L. Offenders housed at Virtual Facilities will be awarded credits for completion of qualifying activities when confirmation is received by SD DOC from the custodial facility. Credits for Virtual Facility offenders will not be backdated.

8. Application of EDC to Offender Sentences:

- A. EDC shall be applied to an offender's sentence prior to calculation of the offender's initial parole date (See SDCL § 24-15A-50.1). Application of EDC earned after the initial parole date does not impact a next parole review date on that transaction.
- B. In a string of consecutive sentences, credits are applied to the first active sentence.
- C. If an award of EDC moves the offender to or past their sentence discharge date or suspended sentence release date, the offender will be released within seven (7) calendar days from the date the application of EDC made the offender eligible for discharge or release to suspended sentence.
- D. If an award of EDC moves an offender to within thirty (30) days of their initial parole date, the compliance report required in SDCL § 24-15A-35 will be completed no later than within seven calendar days from the date of the application of the credits.
 - 1. Offenders eligible for release to their initial parole date upon the application of EDC are subject to policy provisions directing the release of offenders from custody, including but not limited to, DOC policy 1.4.G.2 *Offender Release Procedure*.

9. EDC Approval Timeline

- A. Offender work hours entered by the Wednesday before payroll (general payroll runs the second Friday of each month).

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- B. On the first working day following payroll, unit staff completes the program IEDC review by 3pm CST.
- C. Following step 2, central records check program review (to determine if it is done, not to determine accuracy) and completes approval.
 - 1. A batch report runs that night and work credits are applied to offender sentences.
- D. On the second working day following payroll, unit staff completes the work IEDC review by 3pm CST.
- E. Following step 4, central records staff checks the program review (to determine if it is done, not to determine accuracy) and complete the approval.
- F. A batch report runs that night and work credits are applied to offender 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 offender.

10. EDC Programs and Days

EDC PROGRAMS AND CREDIT	
Academic/Education	
GED	90
USF CREATIVE WRITING	20
COMMON SENSE PARENTING	20
CREDIT WHERE CREDIT IS DUE	20
EBP	
MRT	90
DV MRT	90
STOP	90
PREP PROGRAM	90
MOVING ON	90
CBISA/NATIVE AMERICAN CBISA	90
DBT	90
WORD (SDWP)	90
HELPING WOMEN RECOVER	45
DBT SUBSTANCE ABUSE (SDWP)	45
CBISA PRE-TREATMENT	20
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

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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 PREP	90
CARPENTRY	90
FIRE FIGHTING TRAINING	45
KEYTRAIN (SDWP)	45
CHAINSAW TRAINING S212	20
CHAINSAW TRAINING DOC	20
DOT FLAGGING CERTIFICATION (SDWP)	20
DOT FORKLIFT (SDWP)	20

V. RESPONSIBILITY

The Division of Prison Operations and the Associate Director of Education and Programs are responsible for the annual review and revisions as necessary of this policy.

VI. AUTHORITY

- A. SDCL §§ 22-24B-2, 22-24B-3, 24-15A-35, 24-15A-50, 24-15A-50.1

VII. HISTORY

August 2022
June 2021
December 2020
November 2019
April 2019
December 2018
October 2018
June 2018 – New policy

ATTACHMENTS (Published in PolicyTech unless otherwise noted)

1. EDC Program Requirements
2. EDC Heroic Act Recommendation
3. Refusal of Earned Discharge Credits
4. DOC Policy Implementation / Adjustments

DOC POLICY IMPLEMENTATION/ADJUSTMENTS

DESCRIPTION	TITLE	POLICY #	EFFECTIVE
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(SDSP / MDSP / SDWP / Juvenile Services / Parole Services / YMC / RCMC)

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN

NOT APPLICABLE

WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT OF THE POLICY

(SIGNED) _____ (DATE) _____
Director / Warden