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| SOUTH DAKOTA<br><br>DEPARTMENT OF CORRECTIONS<br>POLICY AND PROCEDURE |                            | POLICY NUMBER<br>400-03  | PAGE NUMBER<br>1 OF 3 |
|  |                            | DISTRIBUTION: Public   |                       |
|  |                            | SUBJECT: Date Computation  |                       |
| RELATED STANDARDS:   | ACA 5-ACI-1E-03            | EFFECTIVE DATE: November 01, 2023  |                       |
|  |                            | SUPERSESSION: 04/26/2021   |                       |
| DESCRIPTION:<br>Offender Services  | REVIEW MONTH:<br>September | <br><b>KELLIE WASKO</b><br><b>SECRETARY OF CORRECTIONS</b> |                       |

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to promulgate rules, policies, and procedures for the purpose of calculating an offender's sentence, pursuant to SDCL § 1-15-20. A standard system will be used to *provide that offender time* (including release and parole dates) *is accurately computed and recorded in conformance with applicable statutes and regulations* [ACA 5-ACI-1E-03]. The system includes safeguards to ensure calculation accuracy and adheres to and abides by judicial sentencing orders, in accordance with state law.

## II. PURPOSE

The purpose of this policy is to ensure consistency in date computations in compliance with South Dakota Codified Law

## III. DEFINITIONS

### Dead Time:

A period during a sentence in which an offender ceases to receive credit for the time he/she normally would be serving.

### Earned Discharge Credits:

Eligible parolees deemed compliant with the terms of supervision shall be awarded earned discharge credit of the number of days in that month, which shall be deducted from the parolee's sentence discharge date established in SDCL §§ 24-15A-6 and 24-5-1. Earned discharge credits shall be applied to the sentence discharge date within thirty (30) days of the end of the month which the credits were earned (see SDCL § 24-15A-50).

### Good Time:

A length of time credited to a sentence which reduces the actual time an offender must serve. Good time shall be applied to qualifying offender sentences in accordance with SDCL § 24-5-1. Applicable to old system offender sentences only (offenders sentenced to the South Dakota prison system as a result of offenses committed prior to July 1, 1996).

### Judgment:

Also referred to as "judgment of conviction", "order", "sentence", or "commitment papers". A certified statement signed by a Judge that sentences the offender to a term in prison.

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### **Mixed System:**

Offenders with a result of a parole violation, suspended sentence violation, or a finding of non-compliance who receive an additional conviction and sentence to prison where at least one of the prison sentences is a new system offense. Offenders with mixed sentences may have multiple parole dates.

### **New Sentence While on Parole:**

Offender sentences received while on parole without a violation.

### **New System:**

Offender sentences to the South Dakota prison system as a result of an offense committed on or after July 1, 1996.

### **Offender Earned Discharge Credits:**

The department may grant an offender up to ninety (90) days of earned discharge credits for each program completion; up to ninety (90) days of earned discharge credits upon completion of three hundred sixty (360) hours of work not to exceed one hundred eighty (180) days of earned discharge credit for work in a twelve (12) month period (applies to **work credit only**, see SDCL § 24-15A-50.1). An additional ninety (90) days can be earned from program credits, for a total of two hundred seventy (270) possible credits overall. Heroic acts may be granted up to three hundred sixty-five (365) days per twelve (12) month period.

### **Old System:**

Offender sentences to the South Dakota prison system as a result of an offense committed prior to July 1, 1996.

### **Transaction:**

An occurrence of felony criminal behavior.

### **Working Day:**

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

## **IV PROCEDURES**

### **1. Overview:**

- A. At the time an offender is added to the DOC system in the Comprehensive Offender Management System (COMS), a corrections analyst will perform a comprehensive evaluation of the sentence(s) ordered, by reviewing the judgment of conviction to ensure time computation reflects the correct sentence for the offender. Each Offender's sentences will be computed pursuant to statute and policy.
- B. If there are any discrepancies on the judgment and conviction received by the court, the corrections analyst will contact the courts for clarification. The analyst, until clarification is obtained from the courts, will make no determination of eligibility dates for parole or discharge.
- C. All judgments of convictions received from the courts will have two (2) separate time computation audits completed. Once these audits are completed notice will be sent to the orientation units.
- D. Upon receipt of an amended or additional judgment of conviction, a corrections analyst will perform a comprehensive evaluation of the offenders' sentencing records for the current booking to ensure sentences are computed as ordered by the court, according to statute and policy.

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- E. Updates to offender parole or discharge dates will be recalculated as necessary, taking into account applicable law codes, sentence effective dates, earned time granted, decision of parole board, and amended court orders.
- F. In all calculations, compliance with the sentencing court's orders will be of high consideration. When conflict exists between two statutes, corrections analysts will make every effort to harmonize the conflicting statutes. The sentencing court will be contacted to correct or clarify any questionable materials.

## V. RESPONSIBILITY

The director of Prisons is responsible for the review and maintenance of this policy.

## VI. AUTHORITY

SDCL §§ 24-5-1, 24-15A-6, 24-15A-50, and 24-15A-50.1.

## VII. HISTORY

October 2023  
September 2021  
April 2021  
February 2020  
April 2018  
April 2017  
May 2016  
May 2014  
February 2013  
June 2012

## ATTACHMENTS *(\*Indicates document opens externally)*

1. DOC Policy Implementation / Adjustments