



<p style="text-align: center;">SOUTH DAKOTA</p>  <p style="text-align: center;">DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE</p>		POLICY NUMBER	PAGE NUMBER
		500-10	1 OF 7
		DISTRIBUTION: Public	
SUBJECT: Parole Releases & Supervision Agreement			
RELATED STANDARDS:	None	EFFECTIVE DATE:	June 01, 2024
		SUPERSESION:	03/01/2023
DESCRIPTION: Offender Management	REVIEW MONTH: May	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to ensure offenders are successfully released from prison to community supervision.

II. PURPOSE

The purpose of this policy is to establish and define the procedures for the release of offenders from prison to community supervision.

III. DEFINITIONS

Case Manager (CM):

Staff member who manages a caseload of offenders in a prison setting. Such tasks or responsibilities include classifying offenders, tracking, and updating offender compliance, participating in, and preparing an offender for parole hearings, offender release planning, and completion of various offender assessments.

Discretionary Cases:

Offenders who are scheduled for a discretionary parole hearing before the Board of Pardons and Paroles and must be granted parole by the Board in order to be eligible for release to parole supervision.

Parole Staff:

Employees of the Department of Corrections responsible for the supervision of offenders in the community.

Possible Release Date:

An initial parole date, next parole date, suspended sentence release date, good time release date, or term expires date on which an offender is eligible for possible release from incarceration.

Programmed Release Date:

The initial parole date (INPD) for offenders compliant with their Individual Program Directive (IPD).

Release Plan:

An individualized and detailed plan provided by the offender to their case manager and reviewed by the reentry team. The plan will include information regarding proposed residence, employment, school, etc. Program staff will also make appropriate referrals for the offender for community placements and/or treatment programs to include substance use disorder treatment, sex offender treatment, and mental health counseling, etc. Staff will also determine if there are holds/warrants for the offender. The completed plan will be entered into COMS for parole staff to investigate.

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Scheduled Programs:

Programs that are required as part of an offender's individual program directive (IPD) to address criminogenic needs. These programs typically include the following programs and needs to be addressed: Academic (GED, Basic Ed., and Literacy), Substance Use Disorder Treatment, Sex Offender Treatment, Vocational Education, Moral Reconciliation Therapy (MRT), Thinking for Change (T4C), and Domestic Violence MRT.

Successful Release:

A release on parole at the time of an offender's initial new system parole date with an acceptable release plan and the ability of the offender to avoid conditional release violation or recidivism.

Supervision Agreement - Release:

A written agreement of supervision conditions placed upon a parolee by the director of Parole and/or the Board of Pardons and Paroles. The written agreement shall be exercised prior to release in all parole supervision cases, to include those from other states under Interstate Compact supervision and those releasing to suspended sentence, pursuant to SDCL and ARSD.

Suspended Sentence Release Date:

Offenders sentenced to the South Dakota DOC with a split sentence, who have completed the required term of incarceration and are eligible for release to community supervision for the remainder of their suspended sentence.

IV. PROCEDURES

1. Community Risk Assessment:

- A. Parole supervision levels, participation in electronic monitoring, or GPS as applicable, will be determined through:
1. The completion of an initial Community Risk Assessment by an admissions case manager upon the offender's admission to the DOC.
 2. Follow-up Community Risk Assessments completed by an offender's case manager prior to the offender's release to parole or suspended sentence, or prior to any appearance by an offender at a discretionary parole hearing.
 3. This information will be used in discretionary decision making by the Board of Pardons and Paroles and for release planning by institutional staff.
 4. An offender who does not have an initial Community Risk/Needs Assessment completed prior to being released to supervision; (e.g., a South Dakota offender housed in another state, an offender from another state paroling to South Dakota); will be maintained on a final supervision level of maximum until the appropriate information is gathered and an initial Community Risk Assessment is completed.

2. Institutional Release Plan Approval Process:

- A. For new system initial parole releases, the final release plan review is initiated six (6) months prior to the initial parole date.
1. If the offender is serving ninety (90) days or less in prison, the final release plan review should be initiated forty-five (45) calendar days prior to the initial parole date.
 2. For releases on suspended sentence, the final release plan review is initiated six (6) months prior to the offender being released and referred to a transition case manager.
 3. For releases on good time dates, term expires dates, or suspended imposition of sentence/suspended execution of sentence (SIS/SES), the final release plan review is initiated six (6) months prior to the release date and referred to a transition case manager.
 4. For discretionary cases, the final release plan review is conducted prior to the Board of Pardons and Paroles hearing, then reviewed and adjusted as needed following a decision to grant parole.

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5. Offenders granted a commutation of sentence from the governor or an amended sentence from the court that results in the release of the offender are required to complete a release plan, which will be reviewed by the case manager.
- B. The assigned case manager will conduct the final release plan review.
1. Case managers will have new system initial plans reviewed/approved and notification sent to the transition case manager and field agent six (6) months prior to the initial parole release date and within seven (7) calendar days after a discretionary release decision.
 2. For SIS/SES cases, the case manager will notify the transition case manager and the assigned court services officer when the plan is finalized.
 3. For parole and suspended sentence releases, the case manager will notify transition case managers and request an agent assignment when the plan is finalized.
 4. The case manager will e-mail the appropriate e-mail group/office based upon the county/region to which the offender is releasing. The assigned parole agent will review the offender's release plan.
 - a. Parole agents will review/approve placement investigations as soon as possible, but in all cases no later than five (5) working days after receipt of the e-mail from the case manager.
 - b. If the parole agent determines the plan does not support the offender's successful release, they will document this in the Agent's Recommendation field located in the plan details tab on the Release Plan screen in COMS and notify transition case managers and the case manager.
 - c. The case manager will notify the offender immediately that revisions are required to their release plan before it will be approved by the parole agent.
 - d. The offender will be instructed to resubmit a release plan to their case manager so the case manager can forward the revised release plan to the parole agent and notify transition case managers within five (5) working days.
 - e. If the offender is unable to develop an acceptable transition release plan, they will be referred to the senior case manager for possible assignment to a transition case manager.
 5. When the parole agent approves the release plan, the agent will document this in the Agent's Recommendation field located in the plan details tab on the Release Plan screen in COMS and email the case manager and transition case manager.
 6. The parole agent will complete the *Parole Standard Supervision Agreement* (see DOC policy 1400-05 – *Parole – Response to Violations*).
 7. Upon approval, the transition case manager will notify the case manager, the parole agent, and central records at least five (5) working days prior to the confirmed final release date.
 8. The case manager will notify the offender and produce two (2) copies of the parole agreement, one provided to the offender, the other saved into COMS and emailed to the supervising parole agent and the transition case manager.
 9. In the event the director of Parole or designee finds the plan unacceptable, the director of Parole or designee will email the parole agent, transition case managers, and case manager, and the procedures outlined in this section will be repeated until an acceptable plan is established.
- C. All established timeframes are included on the *Release Planning Deadlines* list (see attachment #1).

3. Parole Timeframe for Release Plan Investigations:

- A. In-state release plan investigations will be reviewed and approved/denied as soon as possible, but in most cases no later than five (5) business days after receipt of the notification email from the unit staff.
 1. If unique circumstances exist, a regional supervisor can approve additional time to approve the release plan.
- B. Release plans for interstate compact transfers to South Dakota will be completed within thirty (30) business days after receipt of the notification/transfer application from the sending state, deputy interstate compact administrator, or regional supervisor by the assigned parole agent.

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4. Residence Verification:

- A. Parole agents shall complete the release plan investigation process by way of an in-person home visit or by a telephonic interview. During such investigations, parole agents will ensure the following:
 - 1. Residence is clean and inhabitable.
 - 2. Residence is free of illegal substances and alcohol.
 - 3. Residence is free of firearms and other weapons considered dangerous.
 - 4. Residence will be a safe and secure place for the parolee to reside.
- B. When the parole agent is unable to verify a residence by an in-person or telephone interview, the parole agent will contact the case manager to obtain additional information, which may include a new housing plan, from the offender.
- C. The investigation of release plans to a halfway house or residential treatment facility (RTF) or other transitional program/placement may not require an on-site visit unless the parole agent deems it necessary.
 - 1. Parole agents will verify the availability of an open “bed” at the specific RTF or other transitional program prior to approving or denying such a release plan. This verification may be done via a telephonic interview.
- D. Residence verification for release plans of offenders identified as having a registerable offense by the DOC require an on-site investigation/verification, and includes the following additional restrictions:
 - 1. The residence must be in compliance with all sex offender registry laws, to include community safety zone restrictions.
 - 2. The residence will be located within reasonable distance of the supervising parole agent’s office and treatment providers or have the ability to accommodate telehealth programming. The regional supervisor may approve exceptions to this rule.
- E. For offenders identified as having a registerable offense by the DOC on community supervision to be eligible to have approved contact with children under the age of eighteen (18), the offender will need to meet the following criteria:
 - 1. Must have completed their sexual history polygraph to assess their risk to children.
 - 2. Must obtain prior approval from their parole agent and treatment provider for planned contact with children under the age of eighteen (18) years.
 - 3. The parole agent, treatment provider, and/or SOMP staff may place any restrictions on contact that are deemed necessary for the safety of the children.
 - 4. Any request for exceptions to the above listed criteria will normally be staffed with the regional supervisor, supervising parole agent, and SOMP staff.

5. Employment Verification:

- A. Employment details listed within a release plan will be verified by the case manager or transition case manager. This verification will be shared with the assigned parole agent. The assigned parole agent may also contact the proposed employer.
- B. Employment verification for sex offenders requires the supervising parole agent to visit the proposed employment site if they are unfamiliar with its location, management, and other potential concerns.

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- C. Parolees who submit a release plan without employment details will be granted thirty (30) days to find suitable employment. Parolees are required to actively seek employment, to the extent possible, until employment or adequate means of support is secured.
1. Although parolees are encouraged to maintain one (1) full-time position, a parolee may secure and maintain several part-time positions to adequately satisfy the “hours per week” employment requirement.
 - a. If a parolee fails to actively seek and/or maintain employment this will be considered a violation of the supervision agreement and the parole agent may issue a formal response, resulting in a sanction and loss of earned discharge credit and compliant discharge eligibility.
 - b. A parolee may be required to complete community service until adequate employment is secured.
 - c. A parolee must show that employment or adequate means of support is possible in the respective community or consideration should be given to relocate to an area of the state where employment possibilities or adequate means of support are available and more favorable.
- D. Parolees may have adequate means of support other than employment.
1. A supervising parole agent may approve a parolee with other adequate means of support, to be employed less than full-time.
 2. A supervising parole agent may require a parolee, with other adequate means of support, to participate in productive activities (i.e., community service, volunteer work) during the work week, to the extent possible.
- E. Generally, parolees will not be allowed to maintain employment in the following industries or business types, unless an exception is approved by the regional supervisor and associate director of field operations:
1. Bars.
 2. Casinos.
 3. Tattoo and/or body piercing shops.
 4. Adult video and/or adult sexually oriented material shops.
 5. Other locations as restricted by the supervising parole agent, regional supervisor, associate director of field operations, director of Parole, or the Board of Pardons and Paroles.
 - a. Further restrictions may be applied based upon a parolee’s current crime and/or criminal history.

6. School Verification:

- A. Parolees attending secondary education or continuing education classes will need to show proof of enrollment.

7. Community Treatment Verification:

- A. Parolees assessed as needing CD treatment will have an aftercare appointment established for them by transition staff prior to their release to parole supervision.
1. Parole agents will verify the aftercare appointment has been set.
 - a. This verification may occur following the approval of a parole release plan, as the appointment may not be established at the time of investigation.
 2. Parolees required to attend sex offender treatment in the community will have treatment services established for them by the SOMP staff as part of their release plan.

8. Completed Release Plan Investigations:

- A. Upon completion of a release plan investigation, parole agents will complete the following:
1. Enter the completed investigation information into the Release Plan Screen in COMS.
 2. Notify (via email) the assigned case manager, the assigned transition case manager, and applicable program staff of the approved or denied release plan, including the reasons for any denial of a plan.

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3. If approved, the agent will inform the assigned transition case manager to set a release date.

9. Initial Interview:

- A. The initial interview will take place prior to the offender release (pre-release interview). The assigned parole agent, case manager, and offender will discuss the topics listed on the initial case plan and *Pre-Release Interview* form (see attachment #2) and answer any questions the agent or offender have for one another. The purpose of this interview is to:
 1. Build rapport with the offender.
 2. Open communication between the assigned parole agent, offender, and case manager.
 3. Learn what the offender feels is important to his/her success on supervision and what is needed to contribute to this success.
 4. Emphasize the importance of supervision as part of the sentence.
 5. Clarify and establish the terms of supervision to include review of the supervision agreement.
 6. Provide for immediate field agent assistance, as needed.
 7. Provide the offender with an immediate contact point in reference to his/her parole status.
 8. During the pre-release interview, a follow up meeting will be scheduled for after the offender's release. This meeting will include the following topics: Review and complete explanation of the conditions of supervision, including parole and suspended sentence supervision.
 - a. The suspended sentence can be imposed for violations of the conditions of the supervision agreement.
 9. Convey the importance of supervision as a condition of parole.
 10. Develop a plan of supervision, based on the needs identified in the initial case plan worksheet, to include DLR referral, community resources information, educational services, and financial information.
 11. Specify expectations and achievable goals for the period of supervision, including:
 - a. Those established by parole staff.
 - b. Those established by individual offenders.
 12. Identifying ways and motivating offenders to establish and achieve prosocial changes while on supervision.
 - a. This includes reviewing eligibility for earned discharge credits, compliant discharge, and early/partial final discharge.

10. Supervision Agreement:

- A. DOC unit staff will initially review the supervision agreement with each offender prior to their release from prison to parole supervision.
 1. Upon review of the supervision agreement with unit staff, the parolee will sign the supervision agreement, acknowledging their agreement to the conditions of supervision.
 2. Refusal to agree to and sign the supervision agreement is grounds for the rescindment or revocation of supervision.
 3. Following the signing of the supervision agreement, the offender will be furnished a copy of the signed supervision agreement.
- B. The supervision agreement will include the following:
 1. The standard conditions of supervision.
 2. Special conditions as assigned by the Board of Pardons and Paroles.
 3. Special conditions or exceptions to the conditions, as decided by director of Parole, the Chair of the Board of Pardons and Paroles, and/or parole staff.
- C. Parole staff may add special conditions, in writing, to the supervision agreement.

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- D. The supervision agreement may also be reviewed at subsequent meetings after the offender's release, in addition to the pre-release meeting.
1. The offender and agent may re-sign the completed supervision agreement, further acknowledging their agreement to the conditions of supervision.
 2. The offender will be furnished a copy of the re-signed supervision agreement.

11. Suspended Sentence Supervision:

- A. All offenders released under a suspended sentence will be supervised by parole staff in accordance with ARSD.
1. Parolees released to a suspended sentence are obligated to comply with court ordered conditions as well as the standard supervision agreement and any other conditions assigned by the Board of Pardons and Paroles or the parole agent. Failure to do so may result in the revocation and imposition of the suspended sentence.

V. RESPONSIBILITY

The director of Parole is responsible for the annual review and revision of this policy.

VI. AUTHORITY

- A. ARSD: [17:61:01:01](#) Definitions
- B. SDCL § [22-24B](#) Sex Offender Registry
- C. SDCL § [23A-27-18.4](#) Suspension of correctional facility sentence--Conditions--Supervision.
- D. SDCL § [23A-27-18.6](#) Maintenance of good disciplinary record and compliance with program requirements.
- E. SDCL § [23A-27-19](#) Continuing jurisdiction to suspend sentence--Notice to prosecuting attorney and victim--Supervision--Revocation.
- F. SDCL § [23A-27-38](#) Guilty but mentally ill finding or plea--Sentence--Treatment.
- G. SDCL § [24-15-14](#) Supervision of parolees--Employment of personnel.
- H. SDCL § [24-15-16](#) Interstate agreements for supervision and return of parolees unimpaired.
- I. SDCL § [24-15A-24](#) Restrictions on parolee--Bond--Restitution--Child support--Supervision fees.
- J. SDCL § [24-15A-30](#) Parole release of inmate requiring treatment.
- K. SDCL § [24-15A-37](#) Parole agreement on conditions of supervision.

VII. HISTORY

June 2024
February 2023
December 2021
October 2017
December 2016
June 2015
October 2013
February 2013
October 2011
October 2010

ATTACHMENTS *(*Indicates document opens externally)*

1. Release Planning Deadlines
2. Pre-Release Interview*
3. DOC Policy Implementation / Adjustments

Release Planning Deadlines

Release Type	Duty	Staff Responsible	Timeline
All	Initial Release plan	Admissions case manager	5 years of possible release
All	Subsequent release plan	Unit staff	5 years of possible release
All	SUD review	Behavioral Health staff	During/after treatment or upon referral from the unit staff
All	Medical/Mental review	Clinical Services staff	When the need for ongoing care in the community is discovered
All	Sex offender review	SOMP staff	Completion of STOP or upon referral from unit staff
All	Release plan review	Unit staff	As Scheduled
All	Poor release plan referral to Transition case manager	Unit staff	1 year of possible release
All	ID, social security card, birth certificate, driver license	Unit staff	A&O
Programmed	Final release plan review - Out of state transfers	Unit staff	120 days prior to possible release
Programmed	Final release plan review – in state releases	Unit staff	60 days prior to possible release
Suspended Sentence	Final release plan reviewed	Unit staff	60 days prior to release
Discretionary	Final plan review	Unit staff	7 calendar (5 working) days after discretionary release decision
Programmed	Compliance report	Unit	45 days prior to initial parole date via IPD
Programmed	Final release plan out to the field	Unit staff	30 calendar days prior to the initial parole date
All	Investigate/approve plan in the field	Parole agent	5 working days after notification receipt from case manager
All	Change release plan based upon agent's investigation	Unit staff	5 working days after notification receipt from agent
All	Approval for release	Director	3 working days after notification receipt from agent
All	Release date established	Director	5 working days required between the establishment of a release date and the actual release date
Discretionary	SUD Appointment	Behavioral Health staff	Upon the establishment of the release date by the director
Discretionary	STOP Appointment	SOMP staff	Upon establishment of the release date by the director
Programmed	Establish projected release date	Director	3 days working days after the receipt of the compliance report
Programmed	SUD appointment	Behavioral Health staff	Upon the establishment of a projected release date by the director
Programmed	STOP appointment	SOMP staff	Upon the establishment of a projected release date by the director

Pre-Release Interview

Objectives:

*Rapport building with new release / case manager.

*Open communication with case manager.

*Diminish potential for absconding/ violation.

1. What have you learned about yourself during this period of incarceration that will help you be successful on Parole Supervision?
2. What strengths do you have?
3. What are your weaknesses, and what have you done to address those issues?
4. Employment History - What kind of work do you enjoy doing? (Job Skill)
Did you have a job while you have been incarcerated?
5. What hobbies do you have or enjoy doing?
6. Who is your closest family member or friend? Why is that person or persons important to you?
7. Have you ever absconded from Parole/Probation. If yes, why?
8. What is the potential you will abscond from Parole.
9. What questions or concerns do you have about being on Parole Supervision?

Note: Other things that could be talked about:

*Eligibility for compliant discharge (agent needs to make sure they are familiar with what crimes are eligible and what the criteria are).

*Sex offender is GPS necessary.

*If plan is to halfway house, what placement, rules etc. (Points of contact...CSM).

*If a female offender is assessed as needing Moving On, a Moving On facilitator will also be a part of the pre-release interview.

*Programming Questions.