



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 500-13	PAGE NUMBER 1 OF 6
		DISTRIBUTION:	Public
		SUBJECT:	Earned Discharge Credits
RELATED STANDARDS:	None	EFFECTIVE DATE:	May 01, 2024
		SUPERSESSION:	09/01/2022
DESCRIPTION: Offender Management	REVIEW MONTH: April	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to award earned discharge credits to eligible offenders housed in a state correctional facility. Earned discharge credits may be granted if, in the judgement of the warden and secretary of corrections (SOC), the offender has met the criteria set forth in state statute 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 program completion, satisfactory work requirements, or heroic acts.

III. DEFINITIONS

Education Program:

Formal academic education or a vocational training activity designed to improve employment capability.

Evidence Based Programs (EBP):

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

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.

Work:

Work includes employment that is full-time or part-time for a period of time exceeding fourteen (14) days or for an aggregate period of time exceeding thirty (30) days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

IV. PROCEDURES

1. Qualifying Behavior:

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- 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 earned discharge credit in a rolling twelve (12) month period.
- B. Offenders may be awarded up to ninety (90) days of EDC for each completion of an approved 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 may be 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 a state correctional facility under a sentence of probation (Suspended Imposition of Sentence (SIS) or Suspended Execution of Sentence (SES).
 - 4. Offenders committing crimes that fall under § 24-15-4.1 are not eligible for EDC while inside a state correctional facility.
 - a. If an offender commits an offense § 24-15-4.1 but has a qualifier of attempt to commit, or a conspiracy to commit, or a solicitation the offender may be eligible for EDC under the rules of § 24-15-4.2.
 - 5. Offenders held in a state correctional facility 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 in extended restrictive housing (ERH) are not eligible for EDC.
 - 8. Offenders who have refused to participate in, or have been terminated from, any substance use disorder treatment, MRT, STOP, or GED program, during this booking on their most recent program record or assessment, are ineligible to earn work or heroic act EDC. 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.
 - b. The W-IEDC (in COMS) - 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.
 - c. Upon offender admissions, all EDC alerts from prior 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.
- B. Offenders who are unable to work due to disability may request approval through the ADA coordinator to receive Americans with Disabilities Act (ADA) EDCs (see DOC policy 1500-01 – *Americans with Disabilities Act (ADA)*).

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

- A. To be considered for an EDC 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 program (EBP), academic, or vocational, an *EDC Program Requirements* form (see attachment #1) must be completed and submitted to the associate director of education and programs.
1. An EBP review team, made up of the associate director of education and programs, deputy director of prisons, associate director of field services (Parole), reentry program manager, and chief of behavioral health, will review information provided on an EDC Program Requirements form 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 EBP review team will ensure annual audits of approved EBP, academic, and vocational programs are completed to support program fidelity and review evaluation outcomes, unless there is another process in place that audits approved evidence based programs. Audits may be completed by DOC staff or contract staff.

4. Program Credits:

- A. Upon completion of an EDC program, 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 (1) time only for completing a particular EDC program per booking.

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, private sector prison industries (PSPI), and institutional jobs, may be awarded EDC.
- C. Offenders may begin to accrue work EDC 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, and offender work release records in COMS.
- 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 work release will be calculated at a rate of five point seven (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.

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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 SOC.
- B. The associate director of emergency management/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 extension of confinement (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 SOC for final action.
- E. The SOC may concur with the recommendation and grant the offender heroic act EDC, not to exceed three hundred sixty-five (365) days; or deny the warden's recommendation.
- F. Approved EDC Heroic Act Recommendation forms 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. Nothing in this policy may be the basis for establishing a constitutionally protected liberty, property, or due process interest in any offender.
- B. EDC for program completion, work, or combination thereof, cannot exceed two hundred seventy (270) days in a twelve (12) month rolling period.
- C. When an offender releases from a state correctional facility, 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.
- D. Offenders remain subject to the provisions of their individual program directive (IPD) and directives issued by the Parole Board and Parole. 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.
- E. Eligible offenders serving SD prison sentences in another jurisdiction may be awarded EDC. Eligibility shall be determined by the senior case manager.
- F. Offenders who object to determinations or decisions regarding the granting of EDC, as it affects their individual sentence(s), may utilize the grievance for offenders process.
- G. The EDC approval timeline serves as a resource on the schedule for work and program credits.
- H. Offenders may request to refuse the application of EDC to their sentence by completing attachment #3 (*Refusal of Earned Discharge Credits*) and returning this form to the EBP manager.

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- I. Offenders who choose to refuse EDC are required to sign the Refusal of Earned Discharge Credits form. 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. 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.
- K. Offenders housed at contracted facilities will be awarded credits for completion of qualifying activities when confirmation is received by SD DOC from the contracted facility. Credits for contracted 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. 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 by SDCL will be completed no later than seven (7) 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 400-06 – *Offender Release Procedure*.
- E. Offenders committing crimes that fall under § 24-15-4.2 may be eligible to earn up to 15% of their sentence if they have a portion of their sentence suspended, at the time of review. These credits are not able to reduce the overall sentence (TED) but may be used towards a reduction in the suspended sentence release date (SSRD).

9. EDC Approval Timeline:

- A. **Step 1:** Offender work hours will be entered by the Wednesday before payroll (general payroll runs the second Friday of each month).
- B. **Step 2:** On the first working day following payroll, unit staff completes the program EDC review by 3pm CST.
- C. **Step 3:** 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. **Step 4:** On the second working day following payroll, unit staff completes the work EDC review by 3pm CST.
- E. **Step 5:** 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. **Step 6:** A batch report runs that night and work credits are applied to offender sentences.

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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.

V. RESPONSIBILITY

The director of Prisons and the reentry program manager are responsible for the annual review and revisions as necessary of this policy.

VI. AUTHORITY

- A. SDCL § [16-22-1](#) **Definitions (Evidence-Based Practices).**
- B. SDCL § [22-24B-3](#) **Work defined.**
- C. SDCL § [24-2-25](#) **Extension of confinement limits to permit visits to designated places.**
- D. SDCL § [24-2-27](#) **Facilities, programs, or services outside correctional facilities--Contracts with other agencies for care of inmates--No right or court order for housing in particular facility or participation in specific program or services--Escape.**
- E. SDCL § [24-15-4.1](#) **Inmate sentenced to term of imprisonment ineligible for parole--Exception--No discharge credit.**
- F. SDCL § [24-15-4.2](#) **Inmate sentenced to term of imprisonment ineligible for parole--Exception--Limited discharge credit.**
- G. SDCL § [24-15-14](#) **Supervision of parolees--Employment of personnel.**
- H. SDCL § [24-15A-35](#). **Notification of inmate's substantive compliance, noncompliance, or undetermined compliance with program directive.**
- I. SDCL § [24-15A-50](#) **Award of earned discharge credits.**
- J. SDCL § [24-15A-50.1](#) **Additional earned discharge credits.**

VII. HISTORY

May 2024
August 2022
June 2021
December 2020
November 2019
April 2019
December 2018
October 2018
June 2018 – New policy

ATTACHMENTS *(*Indicates document opens externally)*

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

EDC PROGRAM REQUIREMENTS

Pursuant to SDCL, evidence-based practices include supervision policies, procedures and practices, treatment and intervention programs, and practices that scientific research demonstrates reduce recidivism among individuals under correctional supervision.

Program Name: _____

Program Goals/Problem(s) to be addressed/ Criminogenic Needs?

Target Population/Assessment process/Placement process:

Curriculum (must be written ideally a program manual):

Instructor/teacher, training:

Interventions i.e., workbooks, lectures, journals, videos, etc.

Time Frames/Dosage:

Evaluation plan:

Fidelity plan:

Program Documentation (attach):

RECOMMENDATION FOR EARNED DISCHARGE CREDITS HEROIC ACTS

I. The offender(s) listed under section V. are being recommended for an award of earned discharge credits for meeting the below criteria.

____ Significant and courageous act(s) in life threatening situations.

____ Significant efforts in disaster response.

____ Exceptional assistance in maintaining the safety and security of a correctional facility.

II. Date(s) of act: _____

III. Description of act:

IV. Recommended award in days (not to exceed three hundred sixty-five (365) days):

V. Eligible offenders for consideration (list below or attach list of offenders to include ID#):

VI. Warden Signature: _____ Date: _____

VII. Secretary of Corrections Decision

Approved

Denied

Amount of award (in days): _____

Signature: _____ Date: _____

If approved this document shall be provided to central records within five (5) days for EDC application.

