

## 8.1. A.3 Disposition Meetings

### I Policy Index:

**Date Signed:** 01/14/2021  
**Distribution:** Public  
**Replaces Policy:** Supersedes March 2017 version  
**Affected Units:** SD Board of Pardons and Paroles  
**Effective Date:** 01/14/2021  
**Scheduled Revision Date:** January 2022  
**Revision Number:** 9  
**Office of Primary Responsibility:** Parole Board Office

### II Purpose:

To delegate to the executive director of the parole board, the initial stages of the parole and suspended sentence revocation process through a disposition meeting process. The process includes the preparation of violators for the revocation process, the preparation and explanation of documentation, scheduling, notification to the courts, attorneys and other interested parties, and potentially coming to a resolution and recommendation of sanction(s) in the matter.

### III Definitions:

#### **Disposition Meeting**

An informal meeting between the offender and executive director, or designee, to assist in determining the options the offender may choose in the matter of his/her parole and/or suspended sentence revocation. The disposition meeting also assists in determining and agreeing upon a resolution and sanction in the matter, or the scheduling of a revocation hearing before the parole board.

#### **Resolution and Recommended Sanction(s)**

A potential resolution to the offender's parole or suspended sentence violation prepared by board staff. The preparation includes an overview of the case history, including current and past violations, non-compliance, and other relevant information used in determining a sanction. The executive director or designee will present the resolution and sanction to the offender at the disposition meeting. Due to the discretionary nature of any sanctioning associated with a revocation, the board may approve or disapprove any agreed upon resolution (See Attachment #1 – Violation Sanctioning Guidelines).

### IV Procedures:

#### **Disposition Meeting Procedures:**

- A. Procedures for the disposition meeting process are outlined in Parole Board Office OM 9.1.A.2 *Disposition Meetings*.

#### **Disposition Meeting Documentation:**

- A. The following documentation will be prepared and used in the disposition meeting process:
  1. Violation report (includes the supervision agreement, law enforcement reports, preliminary hearing documentation, etc.)
  2. Constitutional rights

3. Date calculation worksheet(s) (one per transaction)
4. Waiver of personal appearance and admission
5. Recommended findings of fact and conclusions of law
6. Any other necessary exhibits

### **Disposition Meeting Outcomes:**

A. A disposition meeting may have the following outcomes:

1. Offender agrees to accept the executive director/designee's resolution and sanction
  - a. The waiver and agreed upon resolution will be reviewed by a hearing panel.
    - 1) All revocation documentation will be prepared by the board staff.
  - b. The hearing panel will choose to accept or not accept the agreed upon resolution and sanction.
    - 1) Accepted agreements require the hearing panel to complete the appropriate revocation paperwork/packet indicating approval, as prepared by board staff.
    - 2) Unaccepted/rejected agreements will be referred back to the board and scheduled for a hearing the following month (See Parole Board Policy 8.1.A.2 *Parole/Suspended Sentence Revocation Hearings*; see Attachment #2 – Notice of Rejected Dispositional Agreement).
      - a) Board staff will notify offender of the board's decision and serve notice of a scheduled revocation hearing for the following month.
2. Offender denies all alleged conditions violated, requests a hearing before the board, or fails to agree to the resolution and sanction
  - a. Board staff will serve a notice of hearing on the offender and schedule a contested revocation hearing before the board for the following month.

## **V Related Directives:**

SDCL Chapters 24-15 and 24-15A  
Administrative Rules Chapter 17:60  
Parole Board Policy 8.1.A.2 - Parole/Suspended Sentence Revocation Hearings  
Parole Board Office OM 9.1.A.2 - Disposition Meetings

## **VI Attachments**

Attachment 1: Violation Sanctioning Guidelines  
Attachment 2: Notice of Rejected Disposition Agreement

## **VI Revision Log:**

March 2008: **Revise** new policy delegating responsibility to director and operational memorandum.  
May 2010: **Revise** grammar and layout throughout the policy. **Change** title to *Disposition Meetings*. **Revise** policy index. **Revise** the purpose and definitions. **Add** Resolution and Recommended Sanctions. **Add** to Procedures: Disposition Meeting Procedures, Disposition Meeting Documentation. **Revise** Procedural section-Disposition Meeting Outcomes. **Change** parolee to offender throughout. **Revise** all attachments.  
November 2012: **Delete** 5.Admit/Deny Worksheet review  
September 2014: **Change** Dispositional to Disposition. Minor grammar changes. **Update** attachment 1.

February 2016: **Revise** page 2 section A and 1a. **Replace** old sanction grid with new.

March 2017: No changes

December 2020: **Revise** Attachment 1: Disposition Hearing Matrix. **Add** “for each transaction” regarding date calculation worksheets. **Add** Attachments heading. Minor grammar/formatting changes.

<i>Original on file</i>	<i>01/14/2021</i>
Myron Rau, Chair	Date

**Attachment 1: Disposition Hearing Matrix**

<b>Non- Absconder</b>			
<b><u>Supervision Level</u></b>	<b><u>Violation Count</u></b>	<b><u>NRD</u></b>	
Intensive/ Maximum	1st violation	4-6 months	
Intensive/Maximum	2nd violation	5-7 months	
Intensive/Maximum	3rd/ subsequent violation	6-8 months	
Medium/Minimum/In direct	1st violation	3-5 months	
Medium/Minimum/In direct	2nd violation	4-6 months	
Medium/Minimum/In direct	3rd violation/subsequent violation	5-7 months	
<b>Deviations from the matrix must be noted on the disposition investigative summary paperwork, for parole board panel review.</b>			
<b>Absconding</b>			
<b><u>Supervision Level</u></b>	<b><u>Violation Count</u></b>	<b><u>Loss of</u></b>	<b><u>NRD</u></b>
ALL	1st violation	absconding time	3-5 Months
	2nd violation	absconding time	4-6 months
	3rd violation	absconding time	5-7 months
	4th/ subsequent violation	absconding time	6-8 months

\* SDCL 24-15A-29 Can be taken into consideration.

The next review date and loss of street time sanction may be based on but not limited to the inmate's behavior while on supervision, previous violations/non-compliance this admission and behaviors indicating an intention to re-offend. Time that has lapsed in between revocations will also be taken into consideration.

Jail time and detainment time can be considered when determining the amount of street time to take as a sanction and if they turned themselves in (TSI) prior to their apprehension. Absconding time can be taken up to amount of days absconded.

This document or its application shall not bind the Board, Director or designee. Neither this document nor its application may be the basis for establishing a constitutionally protected liberty or due process interest in any prisoner.

Updated 12/18/2020

## Attachment 2: Notice of Rejected Disposition Agreement

The **Notice of Rejected Disposition 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 **Notice of Rejected Disposition Agreement** form 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 **Parole** tab / Select **Notice of Rejected Disposition Agreement**.

South Dakota Board of Pardons and Paroles Attachment: Notice of Rejected Disposition Agreement  
Policy: 8.1.A.3  
Distribution: Public Disposition Meetings

STATE OF SOUTH DAKOTA  
BOARD OF PARDONS AND PAROLES  
1600N Drive, P.O. Box 8911  
Sioux Falls, SD 57117-8911

**Notice of Rejected Disposition Agreement**

Inmate Name: \_\_\_\_\_ DOC #: \_\_\_\_\_

The Above named inmate previously reached an agreement with the Executive Director, or designee, on a recommended resolution and sanction to their parole and/or suspended sentence violation. This Hearing Panel, in reviewing the violation packet, has found that **resolution and sanction to be unacceptable** for the following reason(s):

1) \_\_\_\_\_

2) \_\_\_\_\_

This Hearing Panel makes the following recommendation(s) as to the sanction:

\_\_\_\_\_

Street Time to be taken: \_\_\_\_\_

Next Review Date s should be set for: \_\_\_\_\_

The inmate will be served notice and a Rejected Waiver hearing will be held: \_\_\_\_\_ (Month/Year)

Board Member \_\_\_\_\_ Date \_\_\_\_\_

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