1.4.B.17  Inmate Earned Discharge Credits

I  Policy Index:

II  Policy:

The Department of Corrections (DOC) may award Earned Discharge Credits (EDC) to eligible inmates. Earned discharge credits may be granted if, in the judgement of the Warden and Secretary of Corrections, the inmate has met the criteria set forth in SDCL § 24-15A-50.1 and this policy. Inmates are not entitled to earned discharge credits or consideration for earned discharge credits.

III  Definitions:

**Academic program:**
General Education Development test (GED), USF Creative Writing, and Credit where Credit is Due.

**Admission:**
An entry into a DOC facility that results in adding the inmate to the institutional count.

**Booking:**
An offender’s continuous period of custody, and/or supervision on a set of transactions.

**COMS:**
Comprehensive Offender Management System. A computerized offender records system used to maintain individual offender records, support DOC operations and provide a source for generation of aggregate and statistical data.

**Evidence Based Programs:**
Treatment and intervention programs that scientific research demonstrates reduce recidivism among offenders under correctional supervision.

**Extension of Confinement:**
Inmates may be released to the community under “extension of confinement”, as provided in SDCL §§ 24-15-14, 24-2-25 and 24-2-27. Inmates released to extension of confinement shall be placed in a residential facility (for example, a halfway house or nursing home) or in a private residence (home-based). Inmates who meet the set criteria for release to extension of confinement will be released as a services release or pre-release.
Heroic Acts:
Significant and courageous acts performed by an inmate in a life-threatening situation which involves
extraordinary heroism in direct lifesaving actions through administering aid to another, protecting another
from assault or preventing major property damage during a disturbance, significant efforts in disaster
response or providing exceptional assistance in maintaining the safety and security of a prison.

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

Vocational programs:
Auto Body, Auto Mechanics, Welding and Construction Technology at Mike Durfee State Prison; Electrical
Apprenticeship and Carpentry Apprenticeship through SD Housing, Fire Fighting Training (excluding
refresher training) Chainsaw Training and DOT Flagging certification, keytrain (SDWP) and forklift (SDWP).

Work:
The act of being assigned to specific work duties within the following: institutional support, prison industry,
private sector prison industry, work release and while released to extended confinement.

IV Procedures:

1. Qualifying Behavior:
   A. Inmates may be awarded up to 90 days of Earned Discharge Credits (EDC) for completion of each
      360 hours of work, not to exceed 180 days of EDC in a twelve (12) month period;
   B. Inmates may be awarded up to 90 days of EDC for each completion of an academic, vocational or
      evidence-based program.
   C. Inmates may be awarded up to 365 days of EDC for performing a heroic act, in addition to any
      other EDC awarded for that time period.

2. General Eligibility:
   A. Inmates 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. Inmates 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 (CTP, detainee or extended
         detainee status) (does not include parole EDC awarded pursuant to SDCL § 24-15A-50);
      5. Inmates held in prison under a sentence issued from any jurisdiction other than the State of
         South Dakota, including Federal inmates/detainees or Interstate Compact;
      6. Inmates classified as Level 3 System Risk during the review month (See DOC policy 1.4.G.6
         System Risk Level), are not eligible for EDC for work or heroic acts.
7. Inmates who have refused to participate in, or terminated from chemical dependency treatment, MRT, STOP, GED, during this booking on their most recent program record, are ineligible to earn work or heroic act EDC and are ineligible to enroll in vocational programs. Provided the inmate is otherwise eligible, he/she may earn EDC for completion of academic and evidence-based programs. Once an inmate is attending previously refused/terminated program(s), he/she is eligible for work and heroic act EDC and enrollment in vocational programs.

a. The "alert" which is documented in COMS when an inmate refuses programming or is terminated from programming must be removed before the inmate is eligible for work EDC or vocational enrollment.

3. Evidence Based 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 facilitators/teachers;
5. Have written curriculum/manualized programming; and
6. Have a program fidelity plan and program evaluation plan.

B. To be designed as an EB program, Attachment 1- Evidence Based Program Outline must be completed and submitted to the DOC Evidence Based Program Manager.

1. An EB Program Review Team, made up of the EB Program Manager and at least two additional DOC/Behavioral Health staff, will review information provided on Attachment 1 and determine whether the program meets the requirements of an EDC eligible evidence-based program.

2. If the program does not meet the requirements of an EB program, the review team will offer assistance to the facilitator/teacher in making changes to the program that meet the EB program requirements.

3. The EB Program Review Team will ensure there are annual audits of approved EB programs to support program fidelity and review evaluation outcomes, unless there is another process in place that audits approved EB programs.

4. Program Credits:

A. Upon completion of an IEDC program identified in Attachment 2 on or after July 1, 2018 by an eligible inmate, the designated number of days of EDC will be awarded to the inmate.

B. Inmate enrollment in IEDC programs will be determined through the application of assessment information, department priorities and staff/resource availability.

C. The program facilitator/teacher is required to enter the inmate's program completion in Accredited Programs in COMS (See Attachment 3).

D. Inmates will receive EDC one time only for completing a particular EB program, unless an assessment supports the inmate complete the same EB program a subsequent time.
E. Inmates placed in the community under Extension of Confinement (EC) (See DOC policy 1.4.G.7 Extension of Confinement), are eligible for credits upon completion of community based academic, vocational or EB programs (as determined by the DOC based on the same process described in Section 3). The inmate’s supervising parole agent will notify DOC Central Records of the EC inmate’s EB program completions in the community. The EDC will be applied to the EC inmate’s sentence(s).

5. Work Credits:

A. Upon completion of 360 hours of work after July 1, 2018, 90 days of EDC may be awarded to eligible offenders. To be eligible for an award of work credits, the work hours must occur on or after July 1, 2018.

B. Eligible employed inmates in Work Release, extension of confinement, Private Sector Prison Industries and institutional payroll, may be awarded IEDC.

C. Inmates may begin to accrue work credits the month following admission to the DOC.

D. Inmates employed in eligible work, who do not earn a wage for work completed due to not having a valid Social Security number, are eligible for EDC.

E. Work IEDC is recorded through inmate payroll for institutional work, PSPI payroll, via alerts in COMS for inmates on pre-release extension of confinement (EC) (See DOC policy 1.4.G.7 Extension of Confinement) and offender Work Release records in COMS (See Attachment 3).

F. Hours of work completed from multiple work assignments can be used to reach the maximum 360 work hours.

G. EDC for work cannot exceed 180 days in a twelve-month period.

H. EDC for inmates working within the Work Release Program and while on pre-release EC will be calculated at 5.7 hours per day to reflect full time employment (40-hour work week).

6. Heroic Acts:

A. The Warden may recommend an award of EDC for a heroic act performed by an eligible inmate within an institution to the Secretary of Corrections.

B. The Director of Community Service may recommend an award of EDC for a heroic act performed by an eligible inmate while assigned to a disaster response to the Warden (See DOC policy 1.3.B.5 Deployment to a Natural Disaster).

C. The Director of Parole Services may recommend an award of EDC for a heroic act performed by an eligible inmate while released to EC to the Warden.

D. All recommendations for heroic act EDC shall be documented by completing the EDC Heroic Act Recommendation form (see Attachment 4). If approved by the Warden, the form shall be forwarded to the Secretary of Corrections for final decision.

E. The Secretary may (1) concur with the recommendation and grant the inmate heroic act EDC, not to exceed 365 days; or (2) deny the Warden’s recommendation for heroic act EDC; or (3) grant the inmate a modified number of days of EDC.
F. Approved *EDC Heroic Act Recommendation* forms will be provided to DOC Central Records for application to the inmate’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 270 days in a twelve (12) month period.

B. When an inmate releases from a DOC institution (not including release to EC), the inmate’s work hours for determining EDC eligibility returns to zero (0). Work hours accumulated from an inmate’s prior admission to the DOC do not carry over and shall not be applied to the inmate’s current admission.

C. Inmates remain subject to the provisions of their IPD and directives issued by the Parole Board or parole services. An award of EDC does not imply compliance or non-compliance of an inmate with their IPD or other conditions or requirements of the inmate’s sentence (See DOC policy 1.4.B.1 *Individual Program Directives (IPD)*).

D. Eligible inmates serving SD prison sentences in another jurisdiction may be awarded EDC.

E. Inmates 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 (See DOC policy 1.3.E.2 *Administrative Remedy for Inmates*).

F. The *EDC Approval Timeline* form (*Attachment 5*) 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 inmate.

H. Inmates may refuse the application of EDC to their sentence by completing *Attachment 6* and returning this form to the Evidence Based Practices Manager.

I. Inmates who choose to refuse EDC are required to sign the *Refusal Acknowledgments* form. The refusal is valid for 6 months from the date signed. Inmates are required to renew their refusal upon expiration of the granted refusal to accept EDC.

J. Inmates who refuse EDC are not eligible for placement in Work Release or release to EC. The Refusal Acknowledgements must be signed and valid prior to any consideration of Work Release or Extension of Confinement is initiated.

### 8. Application of EDC to Inmate Sentences:

A. EDC shall be applied to an inmate’s sentence prior to calculation of the inmate’s initial parole date (See DOC policy 1.1.E.2 *Date Computation* and SDCL § 24-15A-50.1). Application of EDC earned after the IPD 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 inmate to or past their sentence discharge date or suspended sentence release date, the inmate will be released within seven calendar days from the date the application of EDC made the inmate eligible for discharge or release to suspended sentence.
D. If an award of earned discharge credits moves an inmate within 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. Inmates eligible for release to initial parole upon the application of EDC are subject to policy provisions directing the release of inmates from custody, including but not limited to, DOC policy 1.4.G.2 Inmate Release Procedure.

V Related Directives:
SDCL § 24-15A-50.1

DOC policy 1.1.E.2 – Date Computation
DOC policy 1.3.B.5 – Deployment to a Natural Disaster
DOC policy 1.3.E.2 – Administrative Remedy for Inmates
DOC policy 1.4.B.1 – Individual Program Directives (IPD)
DOC policy 1.4.G.2 – Inmate Release Procedure
DOC policy 1.4.G.6 – System Risk Level
DOC policy 1.4.G.7 – Extension of Confinement

VI Revision Log:

June 2018: New Policy

October 2018: Revised definition of “Academic Program” and Added definition of “Admission” and Revised definition of “Heroic Acts” and “Vocational Program” and Added definition of “Working Day” Added “in addition to other credits for that time period” in Section 1 C. Added “and are ineligible to enroll in vocational programs” in Section 2 7. Added “or vocational programming” in Section 2 7. a. Added G. to Section 5. Added 2. to Section 6 A. Deleted G. in Section 7. Added “Inmates who believe application of EDC makes them immediately eligible for discharge from custody, who have not been contacted by unit staff, must kite their unit staff” in Section 7 E. Added B. C. and D. to Section 8. Updated Attachment 2. 3.

December 2018: Deleted “5 working days” and Replaced with “7 calendar days” in Section 8 C. and D. Deleted “If the inmate meets the requirements of SDCL § 24-15A 38, the inmate will be released to parole supervision no later than within 5 working days of compliance report completion” and Replaced with Inmates eligible for release to initial parole upon the application of EDC are subject to policy provisions directing the release of inmates from custody, including but not limited to, DOC policy 1.4.G.2 Inmate Release Procedure in Section 8 D. 1.

April 2019: Deleted “Writing for Reentry” and Replaced with “USF Creative Writing” in definition of Academic Program. Added definition of “Extension of Confinement”. Added “keytrain (SDWP) and forklift (SDWP) to definition of “Vocational Program” Deleted definition of Working Day. Added “unless there is another means of auditing” in Section 3 B. 3. Added “completing Attachment 6 and returning this to the EBP Manager” in Section 7. H. Added I and J to Section 7. Added “Application of EDC after the IPD does not impact a next parole review date on that transaction” in Section 8 A. Deleted “Writing for Reentry”, Problem Solving and Decision Making, T4C and CBH Aftercare Staying Quit” in Attachment 2.

November 2019: Added “IEDC” to Section 3 A. Added “academic or vocational program” to Section 3 A. 1. Deleted “Be assessment-based” and Replaced with “Have a defined target population” in Section 3 A. 2. Formatting and language changes in Section 6.

Mike Leidholt (original signature on file)  11/14/2019

Mike Leidholt, Secretary of Corrections

Revised: 11/13/2019  Page 6 of 12
Attachment 1: Evidence Based Program Requirements

The *Evidence Based Program Requirements* form is located at:

M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\EDC Program Requirements.doc
## Attachment 2: EDC Programs and Days

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<th>ATTACHMENT 2</th>
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<td>KEYTRAIN CLASS (WP)</td>
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Attachment 3: EDC COMS Instructions

The *EDC COMS Instructions* form is located at:
M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\EDC Programs Instructions.doc
Attachment 4: EDC Heroic Act Recommendation

The EDC Heroic Act Recommendation form is located at:
M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\EDC Heroic Act Recommendation.doc

RECOMMENDATION FOR EARNED DISCHARGE CREDITS
HEROIC ACTS

I. The inmate(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 prison

II. Date(s) of act: ________________________________

III. Description of act:

   [Blank box for description]

IV. Recommended award in days (not to exceed 366 days) ________________________________

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

   [Blank box for list of inmates]

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 5 days for EDC application.
Attachment 5: EDC Approval Timeline

The EDC Approval Timeline form is located at:
M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\EDC Approval Timeline.doc

EDC Approval Timeline:

1. Inmate work hours entered by the Wednesday before payroll (general payroll runs the second Friday of each month).

2. On the first working day following payroll, unit staff completes the program IEDC review by 3pm CST.

3. Following step 2, central records checks program review (to determine if it is done, not to determine accuracy) and completes approval.
   - A batch report runs that night and work credits are applied to inmate sentences.

4. On the second working day following payroll, unit staff completes the work IEDC review by 3pm CST.

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.

6. A batch report runs that night and work credits are applied to inmate 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 inmate.
Attachment 6: Refusal of Earned Discharge Credits

The *Refusal of Earned Discharge Credits* form is available at: [M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Refusal of EDC.doc](M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Refusal of EDC.doc)

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**Request for Consideration of Refusal for Institutional Earned Discharge Credits**

Inmate Name: ___________________ DOC Number: ___________ Date ___________

(Inmate)
Please provide a brief statement of why you want to refuse Institutional Earned Discharge Credits:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

_________________________________________ _____________________________
Inmate's Signature: ________________________ Date _______________________

Case Manager (printed name) acknowledging the issue was discussed _____________________________ 

Case Manager Signature __________________________ Date: __________________

(Case Manager Use Only)
Explanation/outcome

________________________________________________________________________

________________________________________________________________________

Upon completion of the information above in its entirety, offender can mail to the address below:

DOC Administration Office
Attention: Evidence Based Practices Manager
3200 East HWY 54
Pierre, SD 57501

Created: 04/01/2010