

1.4.B.17 Inmate Earned Discharge Credits

I Policy Index:



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Office of Primary Responsibility: DOC Administration

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), Family Spirit, Common Sense Parenting, 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 (EB) 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, 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.

Individual Program Directive (IPD):

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; Construction Tech – Novice; Construction Tech – Intermediate; Construction Tech – Advanced; House Project – ICAP Electrical Year 1 Residential Wiring; House Project – ICAP Electrical Year 2 Motors and Transformers; House Project – ICAP Electrical Year 3 Motor Controls; House Project – ICAP Electrical Year 4 Grounding, Bonding, Exam Prep; Carpentry; Fire Fighting Training; KeyTrain (SDWP); Chainsaw Training S212; Chainsaw Training DOC; DOT Flagging Certification; and DOT 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 rolling 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 or detainee or extended detainee status, placed in DOC custody) (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, tribal 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 have been terminated from any chemical dependency treatment, MRT, STOP, GED, during this booking on their most recent program record or assessment, 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 IEDC Ineligible WIEDC-Term/Refusal Programs “alert” 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.
 - b. Upon offender admissions, all IEDC alerts from prior prison 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.

3. Evidence Based Program, Academic, and Vocational 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 instructors/teachers;
 5. Have written curriculum/manualized programming; and
 6. Have a program fidelity plan and program evaluation plan.
- B. To be designated an Evidence Based (EB) program, academic, or vocational, [Attachment 1- EDC Program Requirements](#) form 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 staff, will review information provided on [Attachment 1](#) 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 EB Program Review Team will ensure annual audits of approved EB, academic and vocational programs are completed to support program fidelity and review evaluation outcomes, unless there is another process in place that audits approved EB programs. Audits may be completed by DOC staff or contract staff.

4. Program Credits:

- A. Upon completion of an EDC 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 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 inmate's program completion in the Accredited Programs in COMS within two (2) days of program completion.
- 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 approved community based academic, vocational or EB programs (as determined by the EB Program Review Team). 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, 90 days of EDC may be awarded to eligible offenders, not to exceed 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 inmates in Work Release, extension of confinement, Private Sector Prison Industries and institutional payroll, may be awarded EDC.
- C. Inmates may begin to accrue work EDC 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 (volunteer only), are eligible for work EDC.
- E. Work EDC is recorded through inmate payroll for institutional work and 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.
- F. Hours of work completed from multiple work assignments can be applied to work EDC, up to a maximum of 360 work hours in a twelve (12) month rolling period.
- G. Work EDC for inmates employed within the Work Release Program and those on pre-release EC, will be calculated at a rate of 5.7 hours per day to reflect full time employment (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.
- I. In the unlikely event work hours are accrued during the same month as the offender is admitted to the prison, those hours will not apply to EDC.

6. Heroic Acts:

- A. The Warden may recommend an award of EDC for a heroic act by an eligible inmate within the institution to the Secretary of Corrections.
- B. The Director of Community Service may recommend an award of EDC for a heroic act by an eligible inmate(s) in support of the State Emergency Operations Plan, to the Warden.
- C. The Director of Parole Services may recommend an award of EDC for a heroic act by an eligible inmate released to 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 3](#)). The Warden shall forward the completed form to the Secretary of Corrections for final action.
- 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.
- F. Approved *EDC Heroic Act Recommendation* forms (see [Attachment 3](#)) 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 rolling 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). If the inmate returns to custody, work hours accumulated from an inmate's prior admission do not carry over and shall not be applied towards hours completed on the inmate's current admission.
- C. Inmates remain subject to the provisions of their IPD and directives issued by the Parole Board and 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. Eligibility shall be determined by the Sioux Falls Lead Case Manager.
- 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 4](#)) 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 request to refuse the application of EDC to their sentence by completing [Attachment 5](#) and returning this form to the Evidence Based Practices Manager.

- I. Inmates who choose to refuse EDC are required to sign the *Refusal of Earned Discharge Credits* form ([Attachment 5](#)). The refusal is valid for 6 months from the date the form is signed. Inmates are required to renew their refusal upon expiration of the form.
- J. Inmates who refuse EDC are not eligible for placement in the Work Release Program or release to EC. The Refusal Acknowledgements form must be signed by the inmate and valid prior to any consideration of placement of the inmate in work release or release to EC.
- K. The granting of the refusal is documented by the EBP Manager in COMS as an alert so the individual will not receive further credits.

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 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 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 EDC moves an inmate to 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 their initial parole date 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. and 5.

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.

December 2020: Added “Family Spirit, Common Sense Parenting” to definition of Academic Program. Deleted “disaster response” and Replace with “support of the State Emergency Operations Plan.” Updated definition of Vocational Programs to match the list of vocational programs in Attachment 2. Added “rolling” to Section 1. A. Added “tribal” to Section 2 A. 5. Added “any” and “or assessment” to Section 2 A. 7. Added “IEDC Ineligible WIEDC-Term/Refusal Programs” to Section 2 A. 7.a. Added “b. Upon offender admissions, all IEDC alerts from prior prison 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.” in Section 2 A. 7. Added “Academic, and Vocational Program” to Section 3 title. Added “academic, or vocational” to Section 3 B. Deleted “Evidence Based Program” attachment title and Replaced with “EDC Program Requirements form” in Section 3 B. Deleted “Behavioral Health staff” in Section 3 B. 1. Deleted “EB” and Replaced with “EDC” in Section 3 B. 2. Added “academic, and vocational programs” and “Audits may be completed by DOC staff or contract staff.” to Section 3 B. 3. Added “eligibility criteria” to Section 4 B. Added “or designee” and “within two (2) days of program completion” to Section 4 C. Added “rolling” to Section 5 A. Deleted “EDC for work cannot exceed 180 days in a twelve-month period” in Section 5 G. and H was renumbered to G. Added “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 inmate.” in Section 5. Added “I. In the unlikely event that work hours are accrued during the same month that the offender is admitted to the prison, those hours will not apply to EDC. in Section 5. Deleted “while assigned to a disaster response” and Replaced with “(s) in support of the State Emergency Operations Plan” in Section 6 B. Added “rolling” to Section 7 A. Added “Eligibility shall be determined by the Sioux Falls Lead Case Manager.” in Section 7 D. Deleted “refuse” and Replaced with “request to” in Section 7 H. Added “K. The granting of the refusal is document by the EBP Manager in COMS as an alert so the individual will not receive further credits.” in Section 7. Deleted “Evidence Based” and Replaced with “EDC” in Attachment 1. Added “WORD (SDWP)” and “90” to Attachment 2. Updated 10 day programs to 20 day programs for Chainsaw Training S212, Chainsaw Training DOC, DOT Flagging Certification, and DOT Fork Lift in Attachment 2. Deleted Attachment 3 “EDC COMS Instructions” and renumbered attachment references.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

12/21/2020

Date

Attachment 1: EDC Program Requirements

The *EDC Program Requirements* form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\EDC Program Requirements.doc>

South Dakota Department of Corrections Policy Distribution: Public	Attachment: EDC Program Requirements Refer to DOC policy 1.4.B.17 Inmate Earned Discharge Credits
EDC PROGRAM REQUIREMENTS	
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):	
Revised 01/15/2020	

Attachment 2: EDC Programs and Days

ATTACHMENT 2	
EDC PROGRAMS AND CREDIT	
Academic/Education	
FAMILY SPIRIT	90
GED	90
USF CREATIVE WRITING	20
COMMON SENSE PARENTING	20
CREDIT WHERE CREDIT IS DUE	20
EBP	
MRT	90
DV MRT	90
STOP	90
PREP PROGRAM	90
MOVING ON	90
CBISA/NATIVE AMERICAN CBISA	90
DBT	90
WORD (SDWP)	90
HELPING WOMEN RECOVER	45
DBT SUBSTANCE ABUSE (SDWP)	45
CBISA PRE-TREATMENT	20
Vocational	
AUTO BODY	90
AUTO MECHANICS	90
WELDING	90
CONSTRUCTION TECH-NOVICE	90
CONSTRUCTION TECH-INTERMEDIATE	90
CONSTRUCTION TECH-ADVANCED	90
HOUSE PROJECT-ICAP ELECTRICAL YEAR 1 RESIDENTIAL WIRING	90
HOUSE PROJECT-ICAP ELECTRICAL YEAR 2 MOTORS AND TRANSFORMERS	90
HOUSE PROJECT-ICAP ELECTRICAL YEAR 3 MOTOR CONTROLS	90
HOUSE PROJECT-ICAP ELECTRICAL YEAR 4 GROUNDING, BONDING, EXAM PREP	90
CARPENTRY	90
FIRE FIGHTING TRAINING	45
KEYTRAIN (SDWP)	45
CHAINSAW TRAINING S212	20
CHAINSAW TRAINING DOC	20
DOT FLAGGING CERTIFICATION (SDWP)	20
DOT FORK LIFT (SDWP)	20

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>

Attachment 4

**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:

IV. Recommended award in days (not to exceed 365 days): _____

V. Eligible inmates for consideration (list below or attach list of inmates 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 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>

Attachment 5

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.

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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>

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Refusal of Earned Discharge Credits Please refer to DOC policy 1.4.B.17 Inmate Earned Discharge Credits
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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:

Inmates 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 34
Pierre, SD 57501

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