

1.4.G.2 Inmate Release Procedure

I Policy Index:



Date Signed: 02/12/2020
Distribution: Public
Replaces Policy: 4G-13
Supersedes Policy Dated: 01/02/2019
Affected Units: Adult Units
Effective Date: 02/12/2020
Scheduled Revision Date: October 2020
Revision Number: 13
Office of Primary Responsibility: DOC Administration

II Policy:

To ensure appropriate authority to release inmates from Department of Corrections (DOC) custody or supervision, adult units will use a standard, uniform release process when preparing to release an inmate.

III Definitions:

Working Day:

A standard workweek day, Monday through Friday, except for recognized state holidays, national holidays and any other special holidays declared by the Governor of South Dakota or President of the United States.

IV Procedures:

1. Types of Releases:

- A. Each inmate shall be under the jurisdiction of the DOC, either in custody or under parole release, or a combination thereof, for the entire term of the inmate's total sentence length (SDCL § 24-15A-6).
- B. Inmates are considered released from DOC custody through the following actions:
 1. Expiration of sentence (including granting of early final discharge);
 2. Release to suspended sentence;
 3. Release to parole supervision, including release as a detainee, release to Community Transition Program or extension of confinement (EC);
 4. By order of the U.S. Marshal Service (for Federal prisoners only);
 5. Death; or
 6. Escape.
- C. Inmates may be temporarily released from DOC custody to the custody of another authorized authority.

1. The DOC central records office must receive an official order from the authorized authority/agency intending to take custody of the inmate. Central records staff shall verify the order, including the time and day when custody shall be transferred.
 - a. U.S. Marshals may transport federal prisoners assigned to the U.S. Marshal Service outside of the secure perimeter of the DOC facility as deemed necessary, including but not limited to, escorting the prisoner to required court appearances.
 2. Central Records will update the court transport list sent by e-mail to unit staff and security staff. This list tracks inmates who must be transported to court for court-ordered appearance.
 - a. Updates to the list are made as necessary, or at the end of each work day.
 3. Security staff will use the court transport list to verify any transfer of custody to another agency responsible for transporting the inmate to court or supervising the inmate while at court or not in the custody of the DOC.
 - a. If an inmate identified for release is not included on the court transport list, staff must contract central records directly to verify the release, prior to the inmate being released.
 - 1) If the request for verification is not within normal business hours, security staff must contact either the Records Administrator or Director of Classification and Transfer.
- D. Parolees on extended detainee status or CTP inmates will be released to the custody of a parole agent/release to supervision. Institutional staff will be notified by central records of the authorization to release the detainee to parole services.
- E. Procedures to account for the temporary absence (TAP) of an inmate to the temporary custody of another jurisdiction, is contained in DOC policies 1.3.A.2 [Inmate Counts](#).
- F. Inmates with a scheduled release date that falls on a weekend, will be released the preceding Friday. Inmates scheduled for release on a state or federal holiday will be released the business day preceding the holiday. If the holiday falls on a Monday, the inmate will be released on the preceding Friday (ARSD [17:50:13:01](#)).

2. Expiration of Sentence and Suspended Sentence Release:

- A. The DOC shall establish a sentence discharge date for each inmate based on the inmate's total sentence length, minus court ordered jail time credit. The total sentence length is the sum of imprisonment time and any suspended time (SDCL § [24-15A-6](#)).
- B. Each month, central records staff will prepare an *Initial Release List* (See [Attachment 1](#)) for the following month. The list contains the names of inmates/offenders scheduled to release for that month.
 1. The *Initial Release List* will be distributed or made available to transition case managers (TCM) and Sex Offender Management Program (SOMP) staff by the 25th day of the preceding month.
 2. After earned discharge credits are applied to the sentences of offenders on supervision, the list will be updated to include the term expires date for offenders on parole supervision. The parole agents will close the community bookings for the parolee.
 3. Release information for each inmate is available in the Comprehensive Offender Management System (COMS).

- a. The release schedule will be available in COMS -Legal, Schedule, Release Schedules. This list includes only those inmates releasing from custody and does not include those releasing from parole supervision.
- C. Central records staff is responsible for the following when preparing the *Initial Release List*:
1. Re-calculation of all inmate release dates by at least two (2) staff members assigned to this duty (See DOC policy 1.1.E.2 [Date Computation](#)). Any discrepancies in the dates must be resolved prior to the scheduled release date.
 - a. When the calculations are complete, the staff member conducting the calculation will place their initials and the date of the calculation on the legal file audit log.
 - b. If there is any change to the inmate's release date, central records staff will promptly notify the inmate's unit staff or parole agent, after confirming the changes are correct. Unit staff or the parole agent will inform the inmate of the change.
 - 1) A memo explaining the change will be sent by central records to the inmate's unit staff or parole agent and the inmate.
 - 2) A copy of the memo will be maintained in the inmate's legal file.
 - 3) Inmates may utilize the administrative remedy process (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)) to grieve their release date or date calculations. Parolees must contact the Board of Pardons and Paroles with questions about their sentence.
 - c. Central records staff will complete an updated NCIC III background check for each offender on the Initial Release List to check for any holds or pending charges in which an entity wishes to take custody of the inmate/offender upon release from DOC custody. A NCIC III is not required for parole detainees or those releasing to CTP.
 2. Notification of pending release will be made to all authorities with active/current holds or detainers noted in the inmate's legal file or identified through the NCIC III.
 - a. If an agency has an active hold or detainer for an inmate, Central Records staff will attempt to contact the agency at least five (5) business days prior to the release by telephone or e-mail to determine the agency's intent. Prior to the inmate's scheduled release, the agency issuing the hold must notify the DOC if they intend to take custody of the inmate. If the agency intends to take custody of the inmate, such arrangements must be made by the agency with the DOC in advance of the inmate's release date.
 - 1) Contact made with the agency, including any response or details concerning transfer of the inmate to the agency's custody, will be logged in the discharge list.
 - 2) Court service officers will be notified by central records staff via e-mail of the scheduled release of an inmate releasing to probation or suspended sentence. A copy of the e-mail will be maintained in the inmate's legal file or scanned into COMS.
 3. Notification to facility staff.
 - b. The Release Schedule will be available in COMS- Legal, Schedule, and Release Schedules. This list includes only those inmates releasing from custody and does not include offenders releasing from parole supervision.

3. Releases to Parole:

- A. On the first of each month, central records staff will prepare a list of inmates with an initial parole release date for that month. A list of inmates approved for extension of confinement will be provided to central

records. Upon completion of the Board of Pardons and Paroles hearings, central records will run NCIC III checks on all inmates granted parole.

1. Inmates with an initial parole release date during the month will be included on the list, regardless of the inmate's compliance status at the time the list is composed.
 2. Central records staff will run a NCIC III on each inmate identified on the list. Staff will check for any new warrants or holds not already noted in COMS for the inmate.
 3. The actual parole release date for inmates identified on the list will be determined by the inmate's TCM.
 4. One central records staff member will re-calculate the release dates for inmates on the initial parole release list by the 15th of the preceding month. The release dates will be re-calculated by a second staff member after the date of release is set by the TCM.
 - a. When each re-calculation is complete, the staff member(s) performing the check will place their initials and the date of the re-calculation in the audit file log and document this information in COMS and the legal file.
 - b. If there is a change in the initial or discretionary parole date or change in the date the inmate will discharge from parole supervision, central records staff will immediately notify the TCM who will inform the inmate of the change.
 - 1) A memo explaining the change will be sent by central records staff to unit staff and the inmate.
 - 2) A copy of the memo will be maintained in the inmate's legal file.
- B. Once a parole release date has been set for the inmate and the results of new system compliance or a discretionary parole decision factored in, the TCM will send a parole slip to central records.
1. The parole release slip must be received at least five (5) working days in advance of date an inmate is approved to release to parole. Any scheduled release with less than five (5) days advance notice must be approved by the Director of Classification and Transfer or the Records Administrator.
 2. As part of the release planning process, the TCM will address any holds or detainers noted by contacting the requesting agency and informing them of the inmate's scheduled and pending release.
 - a. Before a parole release slip is sent to central records, holds and detainers must be resolved or addressed in the inmate's approved parole plan. This should be noted on the release slip.
 - b. The TCM will note any special instructions pertaining to any holds, detainers or pending charge, including resolution of the hold, detainer or charge(s).
 3. During the release planning process, the case manager will determine if the inmate is a high risk release in accordance with DOC policy 1.4.G.6 [System Risk Level](#).
 4. Two central records staff members will re-calculate inmate release dates on discretionary paroles when the parole slip is received from the TCM.
 - a. When this calculation is complete, staff will place their initials and the date of the calculation in the legal file audit log and document this information in COMS.

- b. If there is any change to the calculated parole date that would affect an inmate's release to parole, or a change to the date the inmate will discharge from supervision, central records staff will promptly notify the TCM, who will in turn inform the inmate of the change.
 - 1) A memo explaining the change will be sent by Central Records staff to the unit staff and the inmate.
 - 2) A copy of the memo will be maintained in the inmate's legal file and/or scanned into COMS.
 5. Central records staff will enter the release dates into the release schedule.
 - a. The release schedule will be maintained in COMS.
- C. Releasing of parolees back to supervision from CTP, detainee and extended detainee status:
1. If a parolee is detained on the admission and orientation (A&O) unit, they may be released to the parole agent.
 2. If a parolee is detained in custody under extended detainment, parole staff will contact central records staff by 12:00 p.m. on the day prior to the requested release date and have the release included in the daily notice to release inmates.
 3. If an offender is released to CTP (See DOC policy 1.5.G.2 [Parole Services-Community Transition Program](#)) is releasing to the community, a release slip will be created by the TCM with a five (5) day notice for release.
 4. If the parolee detained in custody is transferring to CTP, a release slip will be created by the TCM with a five (5) day notice.
 5. A follow-up Initial Community Risk/Needs Assessment will be completed by the offender's unit case manager prior to the offender's release to parole or suspended sentence or prior to appearance by the offender at a discretionary hearing (See DOC policy 1.5.G.4 [Parole Services-Community Risk Assessment and Supervision of Offenders](#)).

4. Release by Commuted Sentence or by Order of the Court:

- A. If release is not immediate, the same steps used in Section 2 will be followed.
- B. If release is immediate, central records staff will telephone or e-mail all necessary information to designated DOC staff. All steps described within Section 2 shall apply to the release.

5. Release by Order of the U.S. Marshal Service:

- A. When an order is received by DOC staff from the U.S. Marshal Service to release a federal prisoner, the order will be communicated to central records staff.
- B. Central records staff will include the name of the federal prisoner on the notice to release inmates for the applicable date.

6. DOC Notice to Release Inmates:

- A. The release schedule will be maintained in COMS.

1. This list will include all releases from the facility scheduled for the month, releases from parole supervision and releases from extension of confinement for the following week. This is for informational purposes only.
 2. Staff will reference the release schedule in COMS when making preparations for inmate releases; e.g. gathering payroll information, arranging for medications to be sent with the inmate.
 3. Unit staff will review the release schedule and determine if any system risk Level 2 or Level 3 inmate are scheduled for release (See DOC policy 1.4.G.6 [System Risk Level](#)).
 - a. High risk release packets will be completed for Level 3 inmates a minimum of 45 days prior to the inmate's release date.
 - b. Law enforcement and media notification will be completed, in accordance with DOC policy 1.4.G.6 [System Risk Classification](#).
 - c. Level 2 and 3 inmates releasing to parole or suspended sentence will be placed on the *Absconder Direct Notification* list by the Risk Reduction Manager.
 4. The release schedule does not apply to parolees discharging their sentences from the community.
- B. The *Notice to Release Inmates* list will be completed by central records staff.
- C. The afternoon prior to scheduled release, the Central Records Administrator or designee will complete and publish the list.
1. Inmates scheduled to release on a Monday or state, or federal holiday will be published the afternoon of the preceding business day.
 2. The list will be faxed or e-mailed to the business office and control rooms at Mike Durfee State Prison (MDSP), South Dakota Women's Prison (SDWP) and South Dakota State Penitentiary (SDSP). The list may be provided to contract facilities.
 3. Any discrepancies noted by staff must be immediately brought to the attention of central records staff and the staff person with authority to release an inmate.
 4. No inmate will be released until the staff person with authority to release an inmate has been advised by central records staff that all discrepancies have been resolved.
- D. Designated facility staff will receive updated notices to release.
1. Central Records staff will keep the original notice to release.
- E. Releases from DOC facilities in Sioux Falls:
1. Releases will normally occur after 8:00 a.m. Central Time, unless otherwise noted on the notice to release.
 2. An institutional staff person with the rank of Captain, Unit Manager or above must be present to authorize control room staff to release the inmate from custody.
- F. Releases from other DOC facilities: Every DOC facility housing inmates (includes inmates on the facility's count that are housed outside the facility) will designate a staff member to serve as the release authority.

The release authority must be a staff member with authority and training to interpret and accurately and correctly apply and implement the release process.

1. The release authority for Mike Durfee State Prison (MDSP) is a Captain or Major. At the South Dakota Women's Prison (SDWP), the release authority is the Lieutenant or Deputy Warden. At the Rapid City Community Work Center and Yankton Community Work Center the release authority is the Unit Manager.
 - a. If the release authority is unavailable at the time of an inmate's scheduled release, the Warden, Deputy Warden or Unit Manager at a Community Work Center, has authority to designate a staff member to temporarily serve as the acting release authority.
2. The release authority will contact the respective control room to ensure there are no changes to the *Notice to Release*.
3. If the inmate is not included on the *Notice to Release* or other information is known that contradicts the release, the release authority will terminate the inmate's release until central records has been contacted and all discrepancies or conflicting information has been resolved or addressed.
4. Central records may be contacted between 7:30 AM-4:00 PM Monday- Friday, excluding state or federal holidays. In the event central records staff cannot be contacted, staff shall contact the Deputy Warden.

G. Release from a contract facility:

1. The Central Records Administrator or designee will e-mail the DOC contact person at the contract facility and inform them details of the offender's release at least one (1) day prior to the scheduled release.
 2. On the day of the offender's scheduled release, central records staff will confirm the release and advise the DOC contact person immediately if the release is terminated.
- H. All questions regarding release of any offender shall be directed to central records staff.
- I. The original *Final Notice to Release Inmates* form (See [Attachment 3](#)) and release list will be maintained by central records staff.
- J. The *Final Notice to Release Inmates* confirming release of the offender must be received by the DOC facility or contract facility prior to releasing the offender.

7. Transportation, Money and Clothing at Release:

- A. Qualifying inmates (does not include suspended execution of sentence, suspended imposition of sentence or parole detainees) releasing from a DOC institution or contract facility to discharge, parole or extension of confinement (treated same as release to parole), may be provided suitable clothing (not to exceed \$100 in actual cost), a sum of money for travel expenses (minimum of \$50) and means of transportation to the county of commitment or place of equivalent distance (See DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#) and SDCL §§ [24-15-12](#) and [24-5-3](#)). May be limited to a single release on the same booking.
1. Inmates may be permitted to have appropriate, personal clothing (dress-outs) sent to the facility via U.S. Mail, UPS or Federal Express directly prior to discharge or release to parole or suspended sentence.

- a. Limits to the type of clothing and amount of clothing allowed to be sent shall be set by the facility. All clothing received shall be searched.
 - b. The clothing will be held until the day and time set for the inmate's discharge/release.
 - c. Inmates who receive personal clothing will not be issued clothing by the DOC upon release.
2. Unit staff will assist with transportation of the inmate and make this information available to the institution's business office. If shuttle transportation is required, central records and the transfer office will be notified.
- B. The inmate's account within the Inmate Banking System will be closed upon release to parole, suspended sentence, extension of confinement or final discharge. The balance of the subaccounts, after credit obligations owed, will be issued to the inmate or parole agent in a single check.
 - C. For inmates releasing to parole supervision, any unsatisfied obligations, including restitution owed, will be included in the inmate's release plan.
 - D. Each inmate discharging from DOC who owes court-ordered obligations/restitution on the sentence or sentences he/she is discharging, shall have the outstanding amount transferred by the DOC to the administrative financial accountability system, pursuant to SDCL §§ [23A-47-2](#) and [24-15A-54](#).
 - E. Inmates discharging with a credit obligation owed to the DOC are responsible for repayment of the obligation amount within six months of discharge. The Warden has authority to close accounts with a negative balance as he/she deems appropriate (See SDCL § [24-5-6](#)).

8. Requirement for DNA Sample:

- A. Each DOC facility will designate at least one staff member to check the DNA web site to ensure the releasing inmate (excludes temporary releases) is compliant with state law and DOC policy 1.3.C.10 [Offender DNA Collection](#).
- B. The Director of Parole Services will designate parole staff to check the DNA web site to ensure parolees discharging from parole supervision have provided an adequate DNA sample, in accordance with state law, prior to final discharge from parole. A DNA sample must be obtained from any parolee who has not provided an adequate sample prior to final discharge (See DOC policy 1.3.C.10 [Offender DNA Collection](#) and chapter [23-5A](#)).

9. Sex Offenders:

- A. Inmates convicted of a sex offense will be informed of their duty to register and community safety zone restrictions, in accordance with DOC policy 1.3.C.12 [Sex Offender Registration](#) and chapter [22](#).

10. Inmate Identification (I.D.) Documents and Photo ID:

- A. Central Records staff will inspect the inmate's legal file to determine if the releasing inmate has a social security card, birth certificate, driver license, tribal ID, state issued ID or other official forms of personal identification in their legal file. All ID documents will be released to the inmate.
- B. Each facility will designate a staff person who shall be responsible for ensuring each inmate releasing from custody is photographed prior to release.

- C. All releasing inmates must have a current (updated) photo including in their booking summary in COMS (See DOC policy 1.4.A.1 [Inmate Photo Identification](#)).
- D. All inmates must be issued a DOC photo ID at the time of release (See DOC policy 1.4.A.1 [Inmate Photo Identification](#)).

11. Discharge Certificates:

- A. Offenders discharging under the provisions of SDCL §§ [24-5-1](#), [24-5-7](#), [24-15A-6](#) or [24-15A-8.1](#) and/or those discharging from a DOC facility, contract facility, parole supervision or suspended sentence release, (including those receiving an early final discharge from the Board of Pardons and Paroles (See SDCL § [24-15A-8](#))), will receive a discharge certificate from the Secretary of Corrections stating all rights withheld in accordance with SDCL § [23A-27-35](#) are restored (See SDCL §§ [24-5-2](#) and [24-15A-7](#)).
 - 1. The voting rights of any person sentenced to imprisonment are governed by Title 12 of SDCL.
- B. Central Records staff will prepare and issue the discharge certificate.
 - 1. The Central Records Administrator will review the discharge dates. If the Administrator agrees the inmate has fulfilled the complete terms of his/her sentence and should therefore be discharged from the DOC, the Administrator or designee will affix the Secretary of Corrections' signature to the discharge certificate.
 - 2. Central Records staff will make copies of the discharge certificate.
 - a. One (1) copy will be placed in the inmate's legal file.
 - b. One (1) copy will be emailed to the Clerk of Courts for the county from the inmate was sentenced.
 - c. A copy of the certificate shall be scanned and uploaded to the Legal Screen in COMS.
- C. The original discharge certificate will be sent to the facility where the inmate is counted. The inmate's unit staff will ensure the inmate receives the discharge certificate prior to discharge.
- D. If an inmate is on parole supervision at the time, he/she discharges, Central Records staff will issue the original discharge certificate to the Parole Services secretary, who will ensure the offender is issued the certificate.

V Related Directives:

SDCL §§ [23-5A](#), [23A-27-35](#), [23A-47-2](#), [23A-31-3](#), [23A-31-1](#), [23A-31-2](#), [24-5-1](#), [24-5-2](#), [24-5-3](#), [24-5-7](#), [24-15A-6](#), [24-15A-7](#), [24-15A-8](#), [24-15A-8.1](#) and [24-15A-54](#).

ARSD [17:50:13:01](#)

- DOC policy 1.1.A.7 – [Inmate Identification Procedures](#)
- DOC policy 1.1.B.2 – [Inmate Accounts and Financial Responsibility](#)
- DOC policy 1.1.E.2 – [Date Computation](#)
- DOC policy 1.1.E.4 – [Release Notification Request](#)
- DOC policy 1.3.A.2 – [Inmate Counts](#)
- DOC policy 1.3.C.10 – [Offender DNA Collection](#)
- DOC policy 1.3.C.12 – [Sex Offender Registration](#)
- DOC policy 1.3.E.2 – [Administrative Remedy for Inmates](#)
- DOC policy 1.4.A.1 – [Inmate Photo Identification](#)
- DOC policy 1.4.G.6 – [System Risk Level](#)

DOC policy 1.4.G.7 – [Extension of Confinement](#)

DOC policy 1.5.G.2 – [Parole Services-Community Transition Program](#)

DOH policy P-E-10 – [Discharge Planning](#)

VI Revision Log:

Removed revisions from August 1999 thru October 2009.

October 2010: **Revised** formatting of Section I. **Added** new ss (C of Types of Releases). **Added** new ss (C, C1 and C2 of Parole Release). **Replaced** fax the Notice to Release inmates with email them notifying them of the scheduled release within ss (F1), **deleted** jail administrator and **revised** who is to make the call to confirm final approval of the inmate’s release within ss (F2) both within (DOC Notice to Release Inmate). **Deleted** former ss (C1) regarding gate money coming from inmate’s account and **added** reference to inmate’s account to ensure inmate leaves with \$50 in new ss (C1) both within Transportation, Money and Clothing at Release). **Revised** wording within ss (A1a of Inmate Identification (I.D.) Documents. **Added** DOH policy P-E-13 in section V.

August 2015: **Updates** to the policy.

June 2017: **Added** 3. to Section 1 A. **Added** “date for release to extension of confinement” to Section 3. A. **Added** “release to extension of confinement” to Section 6 A. 1. **Added** “extension of confinement” to Section 7 A. B. and C. **Added** “from DOC custody, excluding temporary releases” to Section 8 A.

December 2017: **Added** 5. to Section 3 C. **Revisions** to Section 5 A. **Deleted** J. from Section 6.

December 2018: **Added** A. to Section 1. **Added** “In the event Central Records staff cannot be contacted, staff shall contact the Deputy Warden” in Section 6 F. 4. **Added** 1. to Section 7 A.

February 2020: No changes.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

02/12/2020

Date

Attachment 1: Initial Release List

The **Initial Release List** form is created by central records staff and emailed to the appropriate unit staff.

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS LIST OF SENTENCES ENDING FROM <i>month day, year</i> THROUGH <i>month day, year</i>				
DOC #	NAME	FAC	WING	DATE/COMMENTS

Attachment 2: Pre-Release List

See COMS Screen

Attachment 3: Final Notice to Release

The *Final Notice to Release* form is created by central records staff and emailed to the appropriate unit staff.

DEPARTMENT OF CORRECTIONS
NOTICE TO RELEASE INMATES

DATE _____

The following inmate(s) are to be released according to the Release Type and Special Order(s) below. If no specific time is given, the release may be accomplished at the discretion of security/unit personnel.

Inmate ID	Name	Facility	Release Type	Special Order(s)

THE CENTRAL RECORDS ADMINISTRATOR OR DESIGNEE MUST SIGN THIS FORM. IF QUESTIONS DEVELOP REGARDING THE RELEASE OF ANY INMATE, CONTACT CENTRAL RECORDS AT 367-5100/5140 IMMEDIATELY.

Melinda Johnson, Records Administrator (or designee)