

1.5.G.6 Parole Services- Response to Violations

I Policy Index:



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Replaces Policy: N/A
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Affected Units: Parole
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Office of Primary Responsibility: Director of Parole Services & DOC Administration

II Policy:

Parole agents will respond to every known violation detected in order to hold offenders accountable for their actions. Nothing in this policy or its application creates the basis for establishing a constitutionally protected liberty, property, or due process interest for any offender, other than those already established through SDCL.

III Definitions:

Agreement of Violation and Sanction (AVS):

The form served on an offender following a detected violation of supervision conditions not resulting in a violation or informal response, which outlines the violation(s) committed by the offender, the sanction(s) imposed, the time frame for completion of the imposed sanction, the offender's acknowledgment and waiver of rights that would have been afforded to him/her if the revocation proceeding had been initiated, acknowledgment by the offender that he/she freely admits to having committed the alleged violation(s), acknowledgment by the offender that failure to abide by the RTV Parolee Acknowledgment of Violation and Sanction and/or failure to complete the imposed sanction may result in revocation proceedings being initiated, and acknowledgment by the offender that failure to abide by the Parole Standard Supervision Agreement and/or complete the imposed sanction may result in the original violation being used in revocation proceedings.

Comprehensive Offender Management System (COMS):

A DOC data management system which stores pertinent offender information.

Containment Plan:

Required response by the Supervising Parole Agent when an offender is charged with a felony that does not carry the presumption of probation and the court has determined the offender is eligible for bond. The containment plan will include any bond conditions as set by the court and additional supervision conditions as approved by the Regional Supervisor and Director of Field Services.

Felony offense(s) with the presumption of probation - Class 5 and 6:

Felony that carries the presumption that the court shall sentence the offender to a term of probation, unless aggravating circumstances exist. Exceptions to the presumption of probation for those convicted under specific statutes are outlined in SDCL § 22-6-11 (see Attachment 6).

Jail/Detention:

An arrest and booking into a jail, which is any building or place provided or used any county, municipality or civil township for the arrest and/or detention of an offender by a law enforcement agency, or placement in jail on parole detainment or bond violation, or placement in prison or jail for detainment, community transition program or extended detainment for failure to comply with terms and conditions set by the Parole Board or parole agent.

Offender:

For the purposes of this policy, an offender is a parolee (under parole or suspended sentence supervision by South Dakota Parole Services), to include those offenders transferred to parole supervision from other states under the Interstate Compact.

Parole Agent:

For the purposes of this policy, a parole agent is an employee of the Department of Corrections (DOC) responsible for the direct supervision of offenders (See SDCL § 24-15-14).

Sanction:

A corrective measure imposed upon an offender in response to a violation. A sanction directs an offender toward future compliance. Sanctions may include treatment opportunities or requirements in response to an offender's use or abuse of drugs or alcohol.

Violation:

The failure of an offender to comply with any of the conditions listed on his/her supervision agreement (See [Attachment 1](#)), or the failure of an offender to comply with any special condition(s) imposed by the Board of Pardons and Paroles or parole services staff.

IV Procedures:**1. Violation Severity Scale:**

- A. The RTV Parole Violation Severity Scale will be used to determine the applicable severity category of a violation committed by an offender (See [Attachment 2](#)).
 1. Each **Agreement Condition** from the Parole Violation Severity Scale corresponds to a requirement in the Parole Standard Supervision Agreement (See [Attachment 1](#)).
 2. The **Risk Level** at the top of the scale corresponds to an offender's supervision level (See DOC policy 1.5.G.4 *Parole Services-Community Risk Assessment and Supervision of Offenders*).
 - a. **Ind** = Indirect Supervision.
 - b. **Min** = Minimum Supervision.
 - c. **Med** = Medium Supervision.
 - d. **Max** = Maximum Supervision.
 - e. **Int** = Intensive Supervision.
 3. The **Response Range** will fall into one of the following categories, which corresponds with the RTV Parole Violation Sanction Scale (See [Attachment 3](#)):

- a. **SR** = Supervisor Review Required
 - b. **I** = Informal
 - c. **L** = Low
 - d. **M** = Medium
 - e. **H** = High
 - f. **VS** = Violation Staffing
 - g. **V** = Violation
- B. If a violation by an offender is not included on the RTV Parole Violation Sanction Scale, or the violation calls for “SR” response, the parole agent will staff the case with his/her regional supervisor to determine if a formal response is necessary, and if applicable, the appropriate sanction. The agent will record the approved and applied sanction in Comprehensive Offender Management System (COSM).
- C. If a violation by an offender calls for a “VS” response range, the regional supervisor and director of field services will determine if the supervising parole agent should pursue a revocation or high level response in the form of a containment plan.
- D. For the purposes of this policy, “committing a new felony offense” (all Classes listed) or “committing a new Misdemeanor offense” (all Classes listed) from the RTV Parole Violation Severity Scale means the parolee was arrested by a jurisdiction other than the Board of Pardons and Paroles and there is evidence/information to indicate a new offense was committed.
1. “Other evidence/information” includes, but is not limited to: admission by the offender, a positive portable breath test (PBT), a positive urinalysis test (UA), (See DOC policy 1.3.A.8 [Offender Drug Testing, Sanctions & Treatment](#)) charges filed by a prosecutor, etc.
 2. An offender’s self-admission is not sufficient grounds in and of itself to conclude the offender is guilty of “committing a new felony offense” (all Classes listed) or “committing a new Misdemeanor offense (all Classes listed)”, as noted on the RTV Parole Violation Severity Scale.
 3. Offenders undergoing court processes, when charged with felony offense(s) that carry the presumption of probation or misdemeanor offenses, will normally be allowed to release back on community supervision after any bond or bond/conditions have been met. The offender is subject to additional supervision conditions as deemed appropriate by the regional supervisor. when released back to the community.
 - a. The supervising agent will assist with monitoring bond conditions ordered by the Court and will report back to the Court any violations of the Judge’s ordered bond conditions for the Court’s consideration.
 - b. Additional supervision conditions may include restrictions, directives, and/or conditions aimed at addressing, monitoring and/or controlling behavior specific to the case, with the goal to increase surveillance and accountability of the offender involved.
 - c. The regional supervisor can staff the case with the director of field services to determine if a revocation is more appropriate than additional supervision conditions.

4. Offenders charged with a new felony offense(s) where at a minimum at least one of the charges does not carry the presumption of probation, will only be allowed to release back to supervision when any bond and/or bond conditions are met and an approved containment plan is put in place. Containment plans must be approved by the regional supervisor and director of field services. The containment plan will normally remain in place until the court process is finalized.
 - a. The agent may initiate the revocation process before the court process has concluded with approval by the regional supervisor and director of field services.
 - b. A containment plan approved by the regional supervisor and director of field services will include the following, if not already ordered by the Court as a bond condition: drug/alcohol testing (SCRAM, 24/7, RBD, Continuous Drug Testing) if the offense is drug/alcohol related, Day Reporting (contact in the office, 24/7, reporting to a Law Enforcement or Community Resource agency, or use of GPS technology), and supervision at an Intensive level.
 - c. Additional supervision conditions may include restrictions, directives and/or conditions aimed at addressing, monitoring, and/or controlling behavior specific to the case, with the goal to increase surveillance and accountability of the offender involved.
 - d. Containment Plans may include Extended Detainment, CTP or placement in a halfway house/treatment facility, which will be based on known risk and/or needs assessment information, to include but not limited to the LSI-R, Community Risk Assessment, chemical dependency, mental health, sex offender information as well as past/current supervision behavior.
 - e. The supervising agent will assist with monitoring bond conditions ordered by the court and will report, back to the court, any violations of the judge's ordered bond conditions for the court's consideration.
 - f. The supervising parole agent will activate the Community Alert of "Containment Plan" and note all conditions imposed on the offender in the comments section of the alert screen in COMS.
- E. For the purposes of this policy, "Conviction on a New Felony Offense" (all Classes listed) or "Conviction on a New Misdemeanor Offense" (all Classes listed) from the RTV Parole Violation Severity Scale (See [Attachment 2](#)) means an offender has been convicted of an offense by a court.
 1. If an offender is convicted of any felony by the court, but is not sentenced to a term in prison, the offender will be allowed to remain on or be released back to community supervision with additional supervision conditions applied, if/when applicable.
 2. If an offender is convicted of a felony that carries the presumption of probation, but is sentenced to a term in prison by the court, normally the offender will return to prison without revocation of the offender's current supervision being pursued.

2. Violation Sanction Scale:

- A. The table in the RTV Parole Violation Sanction Scale (See [Attachment 3](#)) will be used to determine the appropriate sanction(s) to impose within each severity level after an offender has committed a violation.
- B. The RTV Parole Violation Sanction Descriptions document (See [Attachment 4](#)) provides detailed information regarding each specific sanction.

3. Parole Agent Response to Violations:

- A. If the supervising parole agent determines the offender has committed a violation, the parole agent will refer to the RTV Parole Violation Severity Scale (See [Attachment 2](#)) and determine the appropriate severity category.
- B. Once a parole agent determines the appropriate severity category, the parole agent will select a sanction(s) from the corresponding response range of the RTV Parole Violation Sanction Scale to impose on the offender. Consideration will be given to the following:
1. The risk the offender poses to the community.
 2. The severity of the offender's violation.
 3. The offender's assessed community risk level (See DOC policy 1.5.G.4 [Parole Services-Community Risk Assessment and Supervision of Offenders](#)).
 4. The offender's programming/treatment needs.
 5. The offender's performance while on supervised release.
 6. Previous violations by the offender while under supervised release.
 7. The offender's attitude.
 8. The relationship of the violation to the offender's crime of conviction.
 9. The availability of other intervention means and their anticipated affect on the offender.
- C. The Parole Agent shall complete EPICS sessions as required by Parole Services OM 7.3.D.3. [Effective Practices in Community Supervision \(EPICS\)](#) when issuing an AVS.
1. EPICS sessions can and should also be completed whenever an offender is displaying antisocial behavior, regardless if the behavior constitutes an AVS.
- D. The parole agent may consult with his/her regional supervisor or the Director of Field Services prior to imposing a sanction.
1. The parole agent will have the regional supervisor's approval prior to imposing any sanction(s) not listed in the RTV Parole Violation Sanction Scale and prior to imposing a sanction that is outside (higher or lower) the response range determined by RTV Parole Violation Sanction Scale (See [Attachment 3](#)).
 2. The parole agent will consult with the regional supervisor as soon as possible when the RTV Parole Violation Severity Scale indicates an "SR" response range to determine if formal sanctioning is necessary, the risk level (I. L. M. H. or V) and the sanction from the RTV Parole Violation Sanction Scale. If it is determined a formal sanction is necessary, the parole agent will record the sanction in COMS and the Regional Supervisor will complete the approval in COMS.
 3. When the RTV Parole Violation Sanction Scale calls for a "VS" response, the supervising agent will inform the regional supervisor, who will staff the case with the Director of Field Services. This staffing will determine if a formal sanction in the form of a containment plan is necessary or if revocation should be pursued.

- E. Jail/detention is a sanction that is listed in the "High" response range of the RTV Parole Violation Sanction Scale.
1. A parole agent can jail/detain an offender, even if such action would fall outside the designated response range, for a violation or suspected violation without the prior approval of a regional supervisor in the event the parole agent determines this is necessary:
 - a. To prevent an offender from absconding.
 - b. When the parole agent determines the behavior and/or attitude of the offender may constitute a threat or danger to the offender and/or the community, and the agent believes detainment is necessary to provide protection for the offender and/or to the community.
 - c. When more information is needed by the parole agent to determine specifically what violations of the supervision agreement may have been committed by the offender.
 - 1) This is often the case with after-hours offender contact with law enforcement.
 - 2) Once the necessary information is gathered by the parole agent, an appropriate sanction or violation may be administered.
 2. Offenders who test positive or admit to use of a controlled substance will have a period of jail or detention.
 - a. Any exceptions to this will have the Regional Supervisor's approval.
 3. Refer to DOC policy 1.5.G.8 [Parole Services-Detainers and Arrest on Violation](#) for additional information.
- F. Offenders who receive an AVS will not be eligible for Earned Discharge Credits that month in accordance to SDCL [24-15A-50](#).
- G. Generally, the least burdensome sanction(s) to the violation will be applied.

4. Agreement of Violation and Sanction:

- A. After the parole agent has selected a sanction, (unless revocation is being sought, or an informal response is indicated and selected), the parole agent will complete a RTV Parolee Acknowledgment of Violation and Sanction (See [Attachment 5](#)).
1. The Parole Agreement of Violation and Sanction form will specify the following:
 - a. The violation(s) committed by the offender.
 - b. The sanction(s) imposed upon the offender.
 - c. The time frame for completion of the imposed sanction.
 - d. The offender's acknowledgment and waiver of rights that would have been afforded to him/her if the revocation proceeding had been initiated.
 - e. Acknowledgment by the offender that he/she freely admits to having committed the alleged violation(s).

- f. Acknowledgment by the offender that failure to abide by the RTV Parolee Acknowledgment of Violation and Sanction and/or failure to complete the imposed sanction may result in revocation proceedings being initiated.
 - g. Acknowledgment by the offender that failure to abide by the Parole Standard Supervision Agreement and/or complete the imposed sanction may result in the original violation being used in revocation proceedings.
2. The RTV Parolee Acknowledgment of Violation and Sanction form is valid only if signed by the offender being supervised.
 3. The offenders' agreement to the terms is confirmed by his/her signature on the RTV Parolee Acknowledgment of Violation and Sanction form.
- B. Once a violation has been resolved, either informally or by the successful completion of the sanction imposed, the violation will normally not be cited as the primary reason for revocation at a later date. However, the violation may be utilized as a contributing factor in forming a decision for revocation, or to recommend revocation at a later date.
- C. The parole agent will document all violations committed by the offender and any/all corresponding responses/sanctions.
1. Response at all levels requiring completion of an AVS will be documented in the "Violations and Sanctions" and "Parole Violation Response" screens in COMS, along with AVS forms.
 2. Responses at the "informal" level will be documented as case notes in COMS.

5. Revocation Recommended by the Parole Agent:

- A. If parole revocation is recommended by the parole agent, the revocation process will be initiated pursuant to Parole Board policy 8.1.A.2 *Parole & Suspended Sentence Revocation Hearings*.
1. Before reaching the decision to recommend revocation, appropriate steps will be made by the parole agent in an attempt to bring about the proper behavior from the offender to successfully complete supervision.
 2. Sanctions short of recommending revocation will be considered to the extent public safety would not likely be jeopardized.
 3. Parole agents recommending violation "V" as a response range when such a response is outside the responses listed in the response range on the RTV Parole Violation Severity Scale, must obtain the approval of the regional supervisor prior to initiating the violation process, often referred to as an "override to violation".
- B. If the regional supervisor does not concur with the recommendation for violation, the regional supervisor will determine the appropriate intervention, with input from the parole agent, Director of Field Services, and/or Executive Director of Parole.

V Related Directives:

SDCL§§ chapter 1-15-20, chapter 24-15, chapter 24-15A and 22-6-11.

DOC policy 1.3.A.8 – *Offender Drug Testing, Sanctions & Treatment*

DOC policy 1.5.G.4 – *Community Risk Assessment and Supervision of Offenders*

DOC policy 1.5.G.8 – [Detainers and Arrest on Violation](#)

Parole Services OM 7.3.D.3. – [Effective Practices in Community Supervision \(EPICS\)](#)

Board of Pardons & Parole policy 8.1.A.2 – [Parole/Suspended Sentence Revocation Hearings](#)

VI Revision Log:

September 2005: New policy.

March 2006: **Added** clarification on how to determine what constitutes committing a new offense.

December 2006: **Revised** the policy statement. **Revised** attachment 1. **Updated** policy/OM references.

September 2007: **Corrected** the name of DOC policy 1.5.G.4. **Added** a definition for PATS. **Switched** the order of attachments 1 and 2.

August 2008: **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2. **Added** DOC policy, Parole Services OM and SD Board of Pardons & Parole policy to section (V). **Revised** minor grammatical changes and wording throughout policy. **Revised** titles of Attachments 1, 2, 3, 4 and 5 to be consistent with policy, attachments and WAN. **Replaced** “M,M,H,H,V” to “M,H,H,V,V” on #14 in Attachment 2.

March 2009: **Deleted** technical as referenced to violations throughout policy. **Added** reference to Interstate Compact within definition of Offender. **Deleted** reference to Parole Services OM 7.3.A.4 in ss (D2 of Parole Agent Response to Violations). **Added** Parole Board policy as it references 8.1.A.2 in ss (A) and **added** ss (A3) of Revocation Recommended by the Parole Agent). **Added** check boxes within #6 and former #12 now #13 and disclaimer statement before signature within Attachment 1

August 2009: **Added** ss (D1 and D2 of Violation Severity Scale). **Deleted** repealed Parole Services OM 7.3.A.4 in section V. **Added** terms relating to acronyms, **deleted** former ss (13e) and **added** check boxes in ss (6 and 13) all within Attachment 1. **Added** additional #14 regarding verbal or written threats within Attachment 2. **Clarified** Attachment titles and **added** hyperlinks throughout policy.

April 2010: **Revised** formatting of Section I. **Added** ss (A3d and A3e of Violation Severity Scale). **Revised** Attachment 2 and 3.

April 2012: **Reviewed** with no changes.

November 2013: **Reviewed** with no changes.

January 2014: **Added** “known” to policy statement. **Added** definition of “AVS” and “Felony Offenses with Presumption of Probation” and **Deleted** definition of PATS. **Added** a. “Supervisor Review Required” and b. “Informal” and **Deleted** d. “Agent Review Required” in Section 1 A. 3. **Added** “or the violation calls for “SR” response range” in Section 1 B. **Deleted** “committing a new misdemeanor offense (Class 1 mis.) and **Replaced** with “(all Classes listed) or committing a new Misdemeanor offense (all Classes listed)” in Section 1 C. **Added** (all Classes listed) and **Deleted** (Class 1 mis. or committing a new offense (class 2 mis)” and **Replaced** with “(all Classes listed) as noted on the RTV Parole Violation Severity Scale” in Section 1 C. 2. **Deleted** previous D. regarding reported threats and **Replaced** with D. 1. a. b. 2. 3. **Added** new 2. “The parole agent will consult with the regional supervisor as soon as possible when the RTV Parole Violation Severity Scale indicates an “SR” response range to determine if formal sanctioning is necessary and the response level (I L M H or V) from which to select an intervention/sanction” in Section 3 C. **Added** “or when an informal response is indicated” in Section 4 A. **Deleted** “on the PATS database” and **Replaced** with “COMS” and **Added** 1. 2. to Section 4 C. **Revised** attachments to conform with policy changes.

April 2015: **Deleted** “response to violations” in policy statement. **Deleted** “the appropriate severity category and which, if any, sanctions shall be applied” and **Replaced** with “if a formal response is necessary, and if applicable the appropriate response range of sanctions to apply. The agent will record the sanction applied in COMS resulting in the supervisor’s approval in COMS” in Section 1 B. **Added** 3. and 4. in Section 1 C. **Deleted** 1 and 2 in Section 1 D. **Added** “if it is determined a formal sanction is necessary, the parole agent will record the sanction in COMS and the Regional Supervisor will complete the approval in COMS” in Section 3 C. 2.

March 2017: **Revised** definition of “Containment Plan”. **Added** definition of “Jail/Detention”. **Deleted** “the supervising parole agent” and **Replaced** with “parole services staff” in definition of “Violation”.

Added f. VS Violation staffing to Section 1 A. 3. **Added** C. to Section 1. **Deleted** “involving violence or

threats of violence (class 1) including simple assault/simple assault domestic” and **Deleted** “released from detainment and placed” and **Replaced** with “allowed to release” and **Deleted** “a specific containment plan” and **Replaced** with “as deemed appropriate by the Regional Supervisor” in Section 1 D. 3. **Deleted** “Containment plans for these cases will require approval by the regional supervisor before releasing the offender back to the community” and **Replaced** with “The supervising agent will assist with monitoring bond conditions ordered by the Court and will report, back to the Court, any violations of the Judge’s ordered bond conditions for the Court’s consideration” in Section 1 D. 3. a. **Deleted** b. in Section 1 D. 3. **Deleted** “The Agent will activate the community alert of “Containment Plan” and include all conditions imposed on the offender on the alert screen” and **Replaced** with “The Regional Supervisor can staff the case with the Director of Field Services to determine if a revocation is more appropriate than additional supervision conditions” in Section 1 D. 3. d. **Added** 4. a. - e. in Section 1 D. **Added** 2. to Section 1 E. **Added** new C. in Section 3. **Added** “and prior to imposing a sanction that is outside (higher or lower) than the response range determined by RTV Parole Violation Sanction Scale” in Section 3 D. 1. **Deleted** “The parole agent must obtain the approval of the regional supervisor prior to imposing a sanction that is outside (higher or lower) the response range determined by the RTV Parole Violation Sanction Scale” and **Replaced** with “When the RTV Parole Violation Sanction Scale calls for a “VS” response, the supervising agent will inform the Regional Supervisor who will staff the case with the Director of Field Services. This staffing will determine if a formal sanction, in the form of a containment plan, is necessary or if revocation should be pursued” in Section 3 D. 3. **Added** 2. and a. to Section 3 E. **Added** F. to Section 3. **Revisions** to Attachments 2, 3, 4, & 6.

June 2018: Reviewed with no changes.

July 2019: Reviewed with no changes.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

10/04/2019

Date

Attachment 1: Parole Standard Supervision Agreement

The **Parole Standard Supervision Agreement** form is located at:
<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Parole Standard Supervision Agreement.doc>

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<p>South Dakota Department of Corrections Policy Distribution: Public</p> <p style="text-align: right;">Attachment: Parole Standard Supervision Agreement Please refer to DOC policy 1.5.G.6 Response to Violations</p> <h3 style="text-align: center;">PAROLE STANDARD SUPERVISION AGREEMENT</h3> <p>Name: _____</p> <p><input type="checkbox"/> New System Parole (NSP) <input type="checkbox"/> Old System Suspended Sentence (SS)</p> <p><input type="checkbox"/> Old System Parole (P) <input type="checkbox"/> Out of State (OS)</p> <p><input type="checkbox"/> New System Suspended Sentence (NSIS)</p> <p>Primary ID: _____ Sentence ID: _____</p> <p>I have been made aware that SDCC § 25C-21-19 provides that "Any person whose sentence is suspended pursuant to this section or under the supervision of the Board of Pardons and Paroles. Also, I understand and agree that in the event I violate these conditions prior to my suspended sentence commencing, the Board has the authority to revoke the suspended portion, impose the entire sentence, and I may not be given credit for time spent on parole and/or suspended sentence. The Board is charged with the responsibility for enforcing the conditions imposed by the sentencing judge and the Board retains jurisdiction to revoke the suspended portion of the sentence for violation of the terms of the suspension.</p> <p>In Consideration of Parole and/or Suspended Sentence Supervision being granted me, I agree to the following:</p> <ol style="list-style-type: none"> I will obey all Municipal, County, State, Tribal and Federal Laws. I will not purchase, possess or use marijuana, hallucinatory drugs, narcotics, controlled substances, and medical allowing drugs/chronic or drug paraphernalia. I will not purchase, possess or use unauthor used prescription medications and/or abuse or misuse or over-the-counter medications. I will not gamble or enter places where gambling is practiced. Weapons: I will not own, purchase or have under my control, possess, transport or use weapons (including stun guns, lasers, mace, pepper spray) or explosives considered dangerous by my parole agent, or any type of firearm. (Title 7, P. 1-50-010, Gun Control Act of 1968) (SDCC, § 22-14-15). Knives are considered dangerous. Exceptions are knives used for work and must be left at work, and household knives properly placed in the kitchen of the home. Search and Seizure: I will submit my person, property, place of residence, vehicle and personal effects to search and seizure at any time, with or without a search warrant, whenever reasonable suspicion is determined by a parole agent or law enforcement. I agree to such a search and seizure at any place within or outside of the boundaries of the State of South Dakota, and at any place within or outside of "Indian Country" as defined by 18 USC 1155. Advanced Approval: I will require advance approval from my supervising agent if at any time I wish to: <ol style="list-style-type: none"> <input type="checkbox"/> <input checked="" type="checkbox"/> "Travel or drive an automobile or any other vehicle; <input type="checkbox"/> <input checked="" type="checkbox"/> "Travel (SSS), either by borrowing or installment buying; <input type="checkbox"/> <input checked="" type="checkbox"/> "Open or use a checking account of any kind; <input type="checkbox"/> <input checked="" type="checkbox"/> "Change employment or place of residence; <input type="checkbox"/> <input checked="" type="checkbox"/> "Present any debts. I will avoid companionship with criminal influences and keep the house specified by my parole agent. <p style="text-align: right;">Document: 0002330 Page: 1 of 2</p>	<p>South Dakota Department of Corrections Policy Distribution: Public</p> <p style="text-align: right;">Attachment: Parole Standard Supervision Agreement Please refer to DOC policy 1.5.G.6 Response to Violations</p> <ol style="list-style-type: none"> I will not leave my assigned parole agent's area or the State of South Dakota without permission, keeping my parole agent informed of my whereabouts and activities and submit such reports as required. I will allow my parole agent to visit me in my home, my employment site, or elsewhere. I will comply with all instructions in matters affecting my supervision, and cooperate by promptly and truthfully answering inquiries directed to me by a parole agent. I will take advantage of the opportunities offered me by supervision, secure suitable employment or beneficial occupation and support myself and dependents as directed. I understand that violation of any institutional rule before my actual release from the institution may be considered a violation of my supervision agreement. Special Limitations: I will truthfully comply with special limitations and conditions imposed by the Court, the Board of Pardons and Paroles, and my parole agent as follows: <ol style="list-style-type: none"> <input type="checkbox"/> <input checked="" type="checkbox"/> I will not purchase, possess or consume any intoxicating beverages alcoholic (to include beer, wine and those beverages labeled as "non-alcohol", (flavored/other beer, champagne, etc.); <input type="checkbox"/> <input checked="" type="checkbox"/> I will not enter establishments where a primary business is the sale of intoxicating beverages. <input type="checkbox"/> <input checked="" type="checkbox"/> I will make regular and consistent payments as ordered by the Court/Board/Department of Corrections in the amount that will be determined by my parole agent. (All court costs, fees, restitution, attorney's fees, and child support). <input type="checkbox"/> <input checked="" type="checkbox"/> Identify supervision fees. <input type="checkbox"/> <input checked="" type="checkbox"/> I will not use, view, purchase or have in my possession any form of pornography or media including, but not limited to, books, magazines, photographs, film, video tapes, live entertainment or computer Internet. <input type="checkbox"/> <input checked="" type="checkbox"/> Special Conditions: _____ I will not engage in any sexual, abusive or violent behavior, including stalking or threat of violence. <p>I have read or have had read to me, fully understood and agree to abide by the conditions of supervision. I understand and agree that any parole agent has the authority to place me in custody, file and begin revocation proceedings if I am alleged to be in violation of any conditions of this agreement, and that my supervision may be revoked. I may be returned to an institution ("Loss of my or all "Good Time" and any or all of the time spent on supervision"). It is also hereby voluntarily waive extradition to the State of South Dakota from any state or foreign nation if I am charged with a violation. I further voluntarily waive extradition from the State of South Dakota from any Indian Tribal or Indian Reservation or from any state within Indian Country as defined by 18 USC 1155, if I am charged with a violation.</p> <p>_____ _____ Offender Signature Date</p> <p>_____ _____ Witness Signature Date</p> <p style="text-align: right;">Document: 0002330 Page: 1 of 2</p>
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Attachment 2: RTV Parole Violation Severity Scale

The *RTV Parole Violation Severity Scale* form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\RTV Parole Violation Severity Scale.doc>

The image displays two screenshots of the RTV Parole Violation Severity Scale form. The top screenshot shows the header information, including the policy name and distribution status, followed by the title 'RTV PAROLE VIOLATION SEVERITY SCALE'. Below the title is a note: 'If the violation is not included in this table, the assessor should be notified by the case supervisor to determine the appropriate Severity Level.' The table has three main columns: 'AGREEMENT CONDITION', 'PAROLE VIOLATION', and 'Risk Level/Response Range'. The 'Risk Level/Response Range' column is further divided into 'Del', 'Min', 'Med', 'Max', and 'Del'. The bottom screenshot shows a continuation of the table with various violation codes and descriptions, such as 'Failure to report to parole officer' and 'Failure to pay fines', with corresponding risk levels and response ranges.

Attachment 3: RTV Parole Violation Sanction Scale

The **RTV Parole Violation Sanction Scale** form is located at:
<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\RTV PAROLE VIOLATION SANCTION SCALE.doc>

South Dakota Department of Corrections Policy Distribution: Public		Attachment: RTV Parole Violation Sanction Scale Please refer to DOC policy 1.5.G.6 Response to Violations		
RTV PAROLE VIOLATION SANCTION SCALE				
Informal Response: Agent addressed violation behavior and provided direction and response; no AVS is completed; OR Responses are limited to those listed in the "Low Response" column unless an override is requested and approved by supervisor in which case the behavior and response is recorded as an AVS				
Supervisor Review Response: Agent and Supervisor review case to determine if 1) Formal sanctioning is necessary and applicable; 2) The appropriate response range of sanctions to apply				
Violation Staffing Response: Supervisor and Director of Field Services review the case to determine if the supervising agent should issue a High Sanction in the form of a Containment Plan or if the agent should initiate the revocation process				
LOW RESPONSE	MEDIUM RESPONSE	HIGH RESPONSE	HIGH RESPONSE REQUIRING SUPERVISOR'S APPROVAL	VIOLATION
<ul style="list-style-type: none"> - Verbal Reprimand - Apology Letter - Book Reports - Daily Log/Report Writing - Written Reprimand by Agent - Curfew – 30 days or less - Increase AA/NA/GA meetings - Travel Restrictions – 30 days or less - Loss of Driving Privileges - Loss of Computer/Gaming Devices - Increased Contact with Agent 	<ul style="list-style-type: none"> - Intensive AA/NA/GA attendance (weekly) - Additional Drug Testing - Anger Management Classes - Community Services Work - Adjustment in Contacts - Counseling from a Community Agency - Travel Restrictions – Over 30 days - Verbal/Written Reprimand by Regional Supervisor - Curfew – over 30 days - House Arrest – 30 days or less - Electronic Monitoring – 30 days or less - Drug/Alcohol Assessment/Aftercare - 24/7 / PBTs/ Remote Breath - 30 days or less 	<ul style="list-style-type: none"> - Drug/Alcohol Treatment - Cognitive Based Therapy - Jail Detention* - Day Reporting - Travel Restrictions – specific limitations - Continuous Drug Testing - Administrative hearing with Director of Parole - Case Transfer - House Arrest over 30 days - Electronic Monitoring – over 30 days - 24/7 / PBTs/ SCRAM/Remote Breath – over 30 days - Domestic Violence Programming <p style="font-size: x-small; margin-top: 5px;">*mandatory in felony level drug use</p>	<ul style="list-style-type: none"> - Jail Detention (supervisor's extension) - Extended Detainment - CTP Placement - Halfway House Placement - Electronic Monitoring – as part of a Containment Plan 	<ul style="list-style-type: none"> - Violation - Violation with Reinstatement and Loss of Street Time
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Attachment 4: RTV Parole Violation Sanction Descriptions

The **RTV Parole Violation Sanction Descriptions** form is located at:
<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\RTV Parole Violation Sanction Descriptions.doc>

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South Dakota Department of Corrections Policy Distribution: Public	Attachment: RTV Parole Violation Sanction Descriptions Please refer to DOC policy 1.5.G.6 Response to Violations	South Dakota Department of Corrections Policy Distribution: Public	Attachment: RTV Parole Violation Sanction Descriptions Please refer to DOC policy 1.5.G.6 Response to Violations
<h3 style="text-align: center;">RTV PAROLE VIOLATION SANCTION DESCRIPTIONS</h3> <p style="text-align: center;">RESPONSE RANGE - LOW</p> <p>Verbal Reprimand: Counseling or a reprimand is the most common response to a minor violation of parole. This is an confronting the parolee with the apparent violation, looking to him or her side of the story, and delivering a stern admonition or warning.</p> <p>Apology Letter: An apology letter is most appropriate for a minor violation of parole where the parolee has been inconsiderate of another person through being late for appointments, forgetting appointments or other inconsiderate actions where preparation objects would warrant an apology.</p> <p>Book Reports: Requires a parolee to read a book and write a report on the contents of the book which has been assigned. The parolee will be spending five or more minutes than on the story and he/she may learn something from the book.</p> <p>Daily Leg/Letter Writing: The requirement is to keep a daily log or to write a daily weekly monthly letter to a central reminder to the parolee that the parolee is still being monitored their behavior and provide ongoing reinforcement of appropriate behavior.</p> <p>Written Reprimand by Agent: A written reprimand is used when a verbal reprimand has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problems are and exactly what needs to be done to change the behavior that is causing a violation of the conditions of parole agreement.</p> <p>Curfew - 30 days or less: This may be an effective sanction for individuals that need to be at their place of residence vs. being on the streets, not late and unable to get up in the morning for work or other reporting requirements. Not a violation of the time spent in the community program, but a violation from the parolee and helps the parolee from a negative peer group on the street.</p> <p>Intensive Meetings for AA/NA/CA: Increasing the number of individual meetings for alcohol dependency addictions behavior programming has the dual effect of keeping parolees busy and forcing them to associate with a group of others who are controlling their alcohol dependency. This sanction should be used for parolees who have had a minor relapse or who have had a more major relapse but have had a long period of sobriety prior to their relapse.</p> <p>Travel Restrictions - 30 days or less: This may be an effective sanction for parolees who frequently travel to meet family and friends in the state or who often travel to large cities for entertainment or shopping.</p> <p>Loss of Driving Privileges: This may be an effective sanction for parolees who are spending too much time riding and getting minor traffic tickets.</p> <p>Loss of Computer/Gaming Devices: This may be an effective sanction for those individuals that tend to spend too much time playing computer games, or on the Internet when they should be working, looking for work or engaged in programming.</p> <p>Case Staffing: This may be an effective sanction for those individuals that have good community support structures but are struggling. A meeting with family members, friends, spouse, members of the church, neighbors, the agent, agent supervisor or others that may be offering support structure in the community to meet the parolee with understanding and changing their behaviors.</p> <p>Intensive Contact with Agent: For the parolee who commits minor violations such as not keeping appointments, or finding full time employment, an effective strategy is to increase his or her reporting requirements to multiple times per week.</p>		<p style="text-align: center;">RESPONSE RANGE - MEDIUM</p> <p>Criminal Thinking Classes: The sanction is to be used when parolees are using criminal thinking to excuse their behavior and the act administered have their thinking affecting their violation of the conditions of their parole.</p> <p>Intensive AA/NA/CA Attendance (Weekly): Increasing the number of alcohol dependency addictions behavior programming has the dual effect of keeping parolees busy and forcing them to associate with a group of others who are controlling their alcohol dependency addictions. This sanction should be used for parolees who have had a minor relapse or who have had a more major relapse but have had a long period of sobriety prior to their relapse.</p> <p>Additional UA Testing: An increase in UA testing is designed to keep a parolee on notice that they cannot be alcohol without being caught and violated. This sanction is used for a parolee who has an increase in UA drug use or a parolee who has had a positive UA.</p> <p>Anger Management Classes: The sanction is to be used when parolees are using anger to control others or are allowing anger to control their behavior and the act administered have their anger affect the violation of the conditions of their parole.</p> <p>Community Service Work (CSW): Community service work is an appropriate sanction to use as punishment or a means of holding parolees accountable for an administrative violation of the conditions of parole. CSW can serve as a meaningful sanction for dealing with a broad range of violations such as not reporting as scheduled, failure to maintain employment, failure to follow through on treatment, failure to follow through on situation or failure to follow through on maintenance for other programs.</p> <p>Adjustment to Contacts: For the parolee who has demonstrated multiple minor violations such as not keeping appointments or finding full time employment, an effective strategy is to increase his or her reporting requirements to multiple times per week.</p> <p>Counseling from a Community Agency: Counseling should be used as a sanction when a parolee has mental health issues that are causing behavior problems that may eventually affect violation of a condition of parole or when a condition of parole has been violated but the parolee's mental health issues are exacerbating their problems.</p> <p>Day Reporting: Requiring a parolee to report to his agent daily allows the agent to check on the parolee's sobriety, drug usage or employment status daily. Parolees under this sanction should be deterred from further violation of the conditions of their parole agreement by the increased risk of absence of behavior that violate their parole agreement should occur, develop a very close relationship with their parole agent.</p> <p>Travel Restrictions - over 30 days: This may be an effective sanction for parolees who have demonstrated the inability to control travel to meet family and friends in the state or who often travel to large cities for entertainment or shopping.</p> <p>Verbal Written Reprimand from Regional Supervisors: A verbal written reprimand is used when a verbal written reprimand by the agent has not been effective. A written reprimand has the additional benefit of putting in writing exactly what the problems are and exactly what needs to be done to change the behavior that is causing a violation of the conditions of the parole agreement.</p> <p>Curfew - longer than 30 days: This may be an effective sanction for individuals that need to be at their place of residence vs. being on the streets, not late and unable to get up in the morning for work or other reporting requirements. Not a violation of the time spent in the community program, but a violation from the parolee and helps the parolee from a negative peer group on the street.</p>	

Policy	Response Range	Policy	Response Range
Distribution: Public	Please refer to SDCC policy 1.5.G.6	Distribution: Public	Please refer to SDCC policy 1.5.G.6
Response to Violations	Response to Violations	Response to Violations	Response to Violations
<p>Checklist Use/Parole: An inmate on drug testing is assigned to keep parole on an order that they cannot use alcohol while being assigned and visited. This sanction is most often used when a parolee has an on-site drug result in using alcohol or after a parolee has had a positive U.A.</p>		<p>Parole: The use of alcohol to resist the use of alcohol should be used when a parolee has had 200+ days of remaining his sobriety. Media of staff must participate in the decision to use alcohol.</p>	
<p>House Arrest – 30 days or less: An assignment to house arrest is the parolee's sanction with the community and the peer group which may be causing adjustment problems.</p>		<p>Administrative Monitoring with Directives of Parole (Directives of Parole): A verbalized personal opinion of the parolee, the supervising agent and the director. This verbalization opinion must be added to the final report of the parolee on order that the behavior is very close to a violation.</p>	<p>Administrative Monitoring: An administrative monitoring is used to check that a further violation of the conditions of the parole will result in a violation of parole.</p>
<p>Electronic Monitoring – 30 days or less: A parolee who needs to be monitored closely because of a failure to comply with conditions should be considered for electronic monitoring. If electronic monitoring rules are the parolee's risk to the community and if all other of remaining non-violent. A period of 10 days or less should be specified. An assignment to electronic monitoring requires the approval of the region supervisor.</p>		<p>Case Transfer: This may be an effective solution for parolees that is that assigned an individual to a specific community, has a violation in the community, can not find or maintain work, or can not avoid companions, gangs, and social programming to not available that the community they are residing.</p>	<p>Community Transition Program (Lapras Program): An assignment to the release program allows a parolee to be removed from the community for a period of time to deal with the ongoing behavior and make appropriate steps to deal with the behavior when he/she returns to the state. This sanction is most often used when a parolee has an on-site drug result in using alcohol or after a parolee has had a positive U.A.</p>
<p>Drug/Alcohol Assessment/Offense: A parolee with a history of substance abuse problems and remaining a user should be referred to a designated program for counseling only after the agent has made an assessment, interview, and other interventions to address the substance abuse. Outlets, frequent contacts, mandatory where and regular substance abuse testing are all part of the offense program.</p>		<p>Halfway House Placement: An assignment to a halfway house allows a parolee to be removed from the community for a period of time to deal with the ongoing behavior and make appropriate steps to deal with the behavior when he/she returns to the state. This sanction is most often used when a parolee has an on-site drug result in using alcohol or after a parolee has had a positive U.A.</p>	<p>House Arrest – over 30 days: An assignment to house arrest is the parolee's sanction with the community and the peer group, which may be causing adjustment problems. This sanction would be used when the parolee has an on-site drug result in using alcohol or after a parolee has had a positive U.A.</p>
<p>24/7 (Daily) PHT's (30 Days or Less): This sanction is most often used when a parolee has a history of alcohol abuse problems and remains alcohol use. It is designed to keep a parolee on an order that they cannot use alcohol while being assigned and visited. The 24/7 Program will be used (behavioral only) if a parolee has a violation PHT reading of .05 at any time or the parolee has two (2) indications of alcohol use within a six (6) month period.</p>	<p style="text-align: center;">RESPONSE RANGE – <u>HOUSE ARREST</u></p>	<p>Electronic Monitoring – over 30 days: A parolee who needs to be monitored closely because of a failure to comply with conditions should be considered for electronic monitoring. If electronic monitoring rules are the parolee's risk to the community and if all other of remaining non-violent. A period of between 31 and 90 days is used. A sanction to electronic monitoring requires the approval of the region supervisor.</p>	<p>24/7 (Daily) PHT's (SCRAM) (over 30 Days): This sanction is most often used when a parolee has a history of alcohol abuse problems and remains alcohol use. It is designed to keep a parolee on an order that they cannot use alcohol while being assigned and visited. The 24/7 Program will be used (behavioral only) if a parolee has a violation PHT reading of .05 at any time or the parolee has two (2) indications of alcohol use within a six (6) month period. SCRAM is a daily electronic monitoring for alcohol only where and when available, will be implemented in areas where the 24/7 Program is not available or in situations where the agent believes constant monitoring for alcohol use is necessary.</p>
<p>Jail Detention: The imposition of jail detention is a sanction that should be used in a case where a parolee has a willful and consistent failure to abide by the conditions and regulations of parole and other less severe sanctions have been considered but would significantly harm from the consequences of the violation. Jail time should also be used when a parolee is a threat to himself or public safety due to drug or alcohol use in a case.</p>		<p style="text-align: center;">RESPONSE RANGE – <u>VIOLATION</u></p>	<p>Violations with no contact and loss of site of time: This sanction is used when a parolee has a violation of the conditions of the parole before the parolee has had a violation of the conditions of the parole to take some or all of the parolee's time at 5 and then release the parolee.</p>
<p>Travel Restrictions – Specific Locations: This may be an effective solution for parolees who have demonstrated the inability to control their traveling activities. They have demonstrated through criminal records that in a state or out of state, meeting family and friends or traveling to large cities for entertainment, recreation or shopping.</p>		<p>Violations: A non-sentenced to violate parole is the final and most serious sanction available.</p>	
<p>Daily U.A. Testing: Daily U.A. testing may be an effective solution for the parolee that has demonstrated problems with alcohol or drugs. It is designed to keep a parolee on an order that they cannot use alcohol while being assigned and visited. This sanction is most often used when a parolee has an on-site drug result in using alcohol or after a parolee has had a positive U.A.</p>			

Attachment 5: RTV Parolee Acknowledgment of Violation and Sanction

The *RTV Parolee Acknowledgment of Violation and Sanction* form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\RTV PAROLEE ACKNOWLEDGMENT OF VIOLATION AND SANCTION.doc>

South Dakota Department of Corrections Policy Distribution: Public	Attachment: RTV Parolee Acknowledgment of Violation and Sanction Please refer to DOC policy 1.5.G.6 Response to Violations
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RTV PAROLEE ACKNOWLEDGMENT OF VIOLATION AND SANCTION

Parolee's Name

You are hereby notified of the following alleged violations of the terms and conditions of your supervision agreement:

Conditions violated (both number and language) and description/comment to be placed here.

Pursuant to the Response to Technical Violations policy (1.5.G.6), the following is the sanction recommended by the Parole Services as a result of this violation:

Sanctions imposed are listed here.

The Parole Services Department is recommending that this sanction be administered within the Parole Services office by agreement between Parole Services and me. If I accept this agreement and complete the recommended action, no further action will be taken at this time. If I have not committed the violation or if I do not accept this sanction and/or do not complete the recommended action, this matter may be referred to the Board of Pardons and Paroles for review in the form of a violation report and I may be detained until the review process has been completed.

The information contained in this Agreement of Violation and Sanction will become part of any subsequent Violation Reports submitted to the Board of Pardons and Paroles and may be used as a Condition Violated or to enhance the Board's Sanction.

With full understanding that I am waiving my right to a due process revocation hearing by admitting to the violation(s) and agreeing to complete the sanction(s) above, and not acting under any threat, fear, coercion or promise, and acting of my own free will, I hereby admit that I have violated the conditions of my supervision agreement.

I will complete the recommended action by (date).

Parolee Signature _____ Date _____

Witness: _____ Date: _____

Parolee

Approved by: [Only required if a parolee is requested]

Supervisor _____

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Attachment 6: Class 5 & 6 Felony Convictions NOT Eligible for Presumptive Probation (SDCL § 22-6-11)

<u>SDCL §</u>	<u>Crime Description</u>	<u>Felony</u>
22-11A-2.1	Second Degree Escape (prisoner)	Class 5 felony
22-14-15	Possession of firearm with prior violent crime conviction or certain drug-related conviction	Class 6 felony
22-18-1	Simple Assault	Class 6 felony
22-18-1.05	Simple or aggravated assault against law enforcement officer	Class 6/5 felony
22-18-26	Assault by inmate (sliming)	Class 6 felony
22-18-29	Assault by adult prisoner in county or municipal jail--Intentionally causing contact with bodily fluids or human waste	Class 6 felony
22-19A-1	Stalking 1 st	Class 6 felony
22-19A-2	Violation of Restraining order, injunction, protection order or no contact order	Class 6 felony
22-19A-3	Stalking	Class 5 felony
22-19A-7	Stalking a child less than 12 years of age	Class 6 felony
22-19A-16	Violation of protection order	Class 6 felony
22-22A-2	Incest-Prohibited Sexual Contact	Class 5 felony
22-22A-4	Removal of minor from state for adoption without parents consent	Class 6 felony
22-24A-3	Possessing, manufacturing or distributing child pornography	Class 4/3 felony
22-22-24.3	Sexual exploitation of a child	Class 6/5 felony
22-23-2(2)	Promoting prostitution of a minor	Class 5 felony
22-24-1.2	Indecent exposure	Class 6 felony
22-24B-2	Fail to register as a sex offender	Class 6 felony
22-24B-12	Sex offender failure to update address	Class 6 felony
22-24B-12.1	Failure to register sex offender-2 nd offense	Class 5 felony
22-24B-23	Violation of community safety zones	Class 6/5 felony
22-30A-46	Commission of a direct criminal conflict of interest	
22-42-7	Felony distribution of marijuana	Varies (5/6 only)
24-2-14(1)	Possession of alcohol or marijuana by an inmate	Class 6 felony
32-34-5	Hit and run resulting in death or injury	Class 6 felony
23A-27-12	No person previously convicted of a violent crime may be placed on probation for a subsequent conviction involving a violent crime (Rule 32 (e))	None