

1.5.G.6 Parole Services- Response to Violations

I Policy Index:



Date Signed: 07/27/2018
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Replaces Policy: N/A
Supersedes Policy Dated: 03/14/2017
Affected Units: Parole
Effective Date: 07/30/2018
Scheduled Revision Date: March 2019
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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) being 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, an acknowledgment by the offender that he/she freely admits to having committed the alleged violation(s), an 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 an 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 who 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/felonies that carry 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), 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 Chapters [1-15-20](#), [24-15](#), [24-15A](#), [24-15-14](#) and [22-6-11](#).

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 2016: **Reviewed** with no changes.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

07/27/2018

Date

Attachment 1: Parole Standard Supervision Agreement

The **Parole Standard Supervision Agreement** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

- Click [here](#) to access the **Parole Standard Supervision Agreement** by:
 - Placing mouse on the word "here" above
 - Press and hold the "Ctrl" key on the keyboard
 - Click the left button of mouse.
- Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Parole Standard Supervision Agreement**.

The gray areas indicate the information that is to be entered.

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Policy Distribution: Public		Please refer to DOC policy 1.5.G.6 (Response to Violations)	
PAROLE STANDARD SUPERVISION AGREEMENT			
Name: _____			
<input checked="" type="checkbox"/> New System Parole (NSP)		<input checked="" type="checkbox"/> CR System Suspended Sentence (SS)	
<input checked="" type="checkbox"/> CR System Parole (P)		<input checked="" type="checkbox"/> Out of State (OS)	
<input checked="" type="checkbox"/> New System Suspended Sentence (NSS)			
Primary ICI: _____	Sentence ICI: _____		
<p>I have been made aware that SDCC § 20A-21-13 provides that: Any person whose sentence is suspended pursuant to this section is 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 a suspended portion of the sentence for violation of the terms of the suspension.</p>			
In Consideration of Parole and/or Suspended Sentence Supervision being granted me, I agree to the following:			
1.	I will obey all Municipal, County, State, Tribal and Federal Laws.		
2.	I will not purchase, possess or use marijuana, hallucinatory drugs, narcotics, controlled substances, and mind altering drugs/chemicals or drug paraphernalia. I will not purchase, possess or use unapproved prescription medications and/or abuse prescribed or over-the-counter medications.		
3.	I will not gamble or enter places where gambling is practiced.		
4.	<p>Weapons: I will not own, purchase or have in my control, possess, transport or use weapons (including stun guns, tasers, 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).</p> <p>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.</p>		
5.	<p>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.</p> <p>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 1151.</p>		
6.	<p>Advanced Approval: I will secure advance approval from my supervising agent if at any time I wish to:</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> Buy or drive an automobile or any other vehicle. <input checked="" type="checkbox"/> Travel State, either by borrowing or installment buying. <input checked="" type="checkbox"/> Open or use a checking account or any bank. <input checked="" type="checkbox"/> Change employment or place of residence. <input checked="" type="checkbox"/> Travel any State. 		
7.	I will avoid companions with criminal intentions and keep the house specified by my parole agent.		
8.	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.		
9.	I will allow my parole agent to visit me in my home, my employment site, or elsewhere.		
10.	I will comply with all instructions in matters affecting my supervision, and cooperate by promptly and truthfully answering requests directed to me by a parole agent.		
11.	I will take advantage of the opportunities offered me by supervision, secure suitable employment of beneficial occupation and support myself and dependents as directed.		
12.	I understand that violation of any institutional rule before my actual release from the institution may be considered a violation of my supervision agreement.		
13.	<p>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:</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> I will not purchase, possess or consume any beverage containing alcohol, to include beer, wine and those beverages labeled as "non-alcohol" (flavored beer, champagne, etc.) <input checked="" type="checkbox"/> I will not enter establishments where a primary business is the sale of intoxicating beverages. <input checked="" type="checkbox"/> I will make regular and consistent payments as ordered by the Court/Board/Parolement of Corrections in the amount that will be determined by my parole agent. (All court costs, fines, restitution, attorney's fees, and child support). <input checked="" type="checkbox"/> Monthly supervision fees. <input checked="" type="checkbox"/> I will not use, view, purchase or have in my possession any form of pornography or erotica including but not limited to, books, magazines, photographs, films, video tapes, live entertainment or computer internet. <input checked="" type="checkbox"/> Special Conditions: _____ 		
14.	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 at any time 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 do 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 1151. If I am charged with a violation.</p>			
Offender Signature: _____		Date: _____	
Witness Signature: _____		Date: _____	

Attachment 2: RTV Parole Violation Severity Scale

The **RTV Parole Violation Severity Scale** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **RTV Parole Violation Severity Scale** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.

2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **RTV Parole Violation Severity Scale**.

The gray areas indicate the information that is to be entered.

AGREEMENT CONDITION	PAROLE BEHAVIOR	Risk Level/Response Range			
		Risk	Min	Max	Den
1. Failure to report to parole officer	Failure to report to parole officer	High	10	10	10
2. Failure to pay fines	Failure to pay fines	High	10	10	10
3. Failure to maintain employment	Failure to maintain employment	High	10	10	10
4. Failure to maintain residence	Failure to maintain residence	High	10	10	10
5. Failure to comply with parole officer instructions	Failure to comply with parole officer instructions	High	10	10	10
6. Failure to attend required programs	Failure to attend required programs	High	10	10	10
7. Failure to provide accurate information	Failure to provide accurate information	High	10	10	10
8. Failure to maintain good character	Failure to maintain good character	High	10	10	10
9. Failure to maintain contact with parole officer	Failure to maintain contact with parole officer	High	10	10	10
10. Failure to maintain good behavior	Failure to maintain good behavior	High	10	10	10
11. Failure to maintain good reputation	Failure to maintain good reputation	High	10	10	10
12. Failure to maintain good conduct	Failure to maintain good conduct	High	10	10	10
13. Failure to maintain good appearance	Failure to maintain good appearance	High	10	10	10
14. Failure to maintain good health	Failure to maintain good health	High	10	10	10
15. Failure to maintain good mental health	Failure to maintain good mental health	High	10	10	10
16. Failure to maintain good social skills	Failure to maintain good social skills	High	10	10	10
17. Failure to maintain good communication skills	Failure to maintain good communication skills	High	10	10	10
18. Failure to maintain good decision-making skills	Failure to maintain good decision-making skills	High	10	10	10
19. Failure to maintain good problem-solving skills	Failure to maintain good problem-solving skills	High	10	10	10
20. Failure to maintain good conflict-resolution skills	Failure to maintain good conflict-resolution skills	High	10	10	10
21. Failure to maintain good self-control	Failure to maintain good self-control	High	10	10	10
22. Failure to maintain good self-esteem	Failure to maintain good self-esteem	High	10	10	10
23. Failure to maintain good self-respect	Failure to maintain good self-respect	High	10	10	10
24. Failure to maintain good self-discipline	Failure to maintain good self-discipline	High	10	10	10
25. Failure to maintain good self-motivation	Failure to maintain good self-motivation	High	10	10	10
26. Failure to maintain good self-awareness	Failure to maintain good self-awareness	High	10	10	10
27. Failure to maintain good self-compassion	Failure to maintain good self-compassion	High	10	10	10
28. Failure to maintain good self-empowerment	Failure to maintain good self-empowerment	High	10	10	10
29. Failure to maintain good self-efficacy	Failure to maintain good self-efficacy	High	10	10	10
30. Failure to maintain good self-actualization	Failure to maintain good self-actualization	High	10	10	10

Attachment 3: RTV Parole Violation Sanction Scale

The *RTV Parole Violation Sanction Scale* form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

1. Click [here](#) to access the *RTV Parole Violation Sanction Scale* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.

2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **RTV Parole Violation Sanction Scale**.

The gray areas indicate the information that is to be entered.

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
- 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	- 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	- 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 *mandatory in felony level drug use	- Jail Detention (supervisor's extension) - Extended Detainment - CTP Placement - Halfway House Placement - Electronic Monitoring – as part of a Containment Plan	- 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 on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **RTV Parole Violation Sanction Descriptions** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **RTV Parole Violation Sanction Descriptions**.

The gray areas indicate the information that is to be entered.

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South Dakota Department of Corrections Policy Distribution: Public	Attachment: 4.1.9 Parole Violation Sanction Descriptions Please refer to DOC policy 1.5.G.6 Also please see Violations
RTV PAROLE VIOLATION SANCTION DESCRIPTIONS	
RESPONSE RANGE - LOW	
Verbal Reprimand: Conceding or a reprimand is the next sanction response to a minor violation of parole. It involves confronting the parolee with the apparent violation, lecturing to him or her side of the story, and delivering a stern admonition or warning.	
Apology Letter: An apology letter is most appropriate for a minor violation of parole where the parolee has been inattentive to another person through being late for appointments, forgetting appointments or other inattentions as long as proper social etiquette would warrant an apology.	
Book Reports: Requires parolee to read a book and write a report on the contents of the book which has been assigned to him. The parolee will be spending less time on the violation and he/she may learn something from the book.	
Daily Log/Letter Writing: The requirement to keep a daily log or to write a daily letter/weekly letter is an additional reminder to the parolee that the parolee must be monitoring their behavior and providing ongoing reinforcement of appropriate behavior.	
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 problem is and exactly what needs to be done to change the behavior that is causing a violation of the conditions of the parole agreement.	
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, eat and not be able to get up in the mornings for work or other reporting requirements. Violation of the curfew in the community prevents the community from the parolee and keeps the parolee from a support group on the street.	
Intensive Meetings for AA/NA/CA: Increasing the number of scheduled meetings for alcohol dependency addictions behavior programming has the dual effect of keeping parolees very 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.	
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.	
Loss of Driving Privileges: This may be an effective sanction for parolees who are spending less time driving and getting minor traffic tickets.	
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.	
Case Staffing: This may be an effective sanction for those individuals that have a good community support structure but are struggling. A case staffing with family members, friends, support members of the clergy, counselors, the agent, agent supervisor or others that may be offering support structure to the community to assist the parolee with understanding and changing their behaviors.	
Increased Contact with Agent: For the parolee who commits a minor violation such as not keeping appointments or failing full time employment, an effective strategy is to increase his or her reporting requirements to multiple times per week.	

South Dakota Department of Corrections Policy Distribution: Public	Attachment: 4.1.9 Parole Violation Sanction Descriptions Please refer to DOC policy 1.5.G.6 Also please see Violations
RESPONSE RANGE - MEDIUM	
Criminal Thinking Classes: The sanction is to be used when parolees are acting or intend to act in a way that is not in their best interest and the act is a violation of the conditions of their parole.	
Intensive AA/NA/CA Attendance (Weekly): Intensive attendance of alcohol dependency addictions behavior programming has the dual effect of keeping parolees very 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.	
Additional UA Testing: An increase in UA testing is designed to keep a parolee on notice that they cannot or should not be using alcohol and/or other substances. This sanction is most often used when a parolee has an intention to be grounded in using alcohol or after a parolee has had a positive UA.	
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 is a violation of the conditions of their parole.	
Community Service Work (CSW): Community service work is an appropriate sanction to use in punishment or as 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 promises, failure to follow through on situations or failure to follow through on mandates for other programs.	
Adjustment to Conditions: For the parolee who has demonstrated multiple minor violations such as not keeping appointments or failing full time employment, an effective strategy is to increase his or her reporting requirements to multiple times per week.	
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 a violation of a condition of parole when a condition of parole has not been violated but the parolee's mental health issues are exacerbating their problems.	
Drug Reporting: Requiring a parolee to report to his agent orally a few times a week to check on the parolee's sobriety, drug usage or employment status daily. Parolee status that is not to be derived from that violation of the conditions of their parole agreement by the intentional risk of discovery of behavior that is in violation of the parole agreement and should, over time, develop a very close relationship with his/her parole agent.	
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.	
Verbal Written Reprimand from Regional Supervisor: 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 problem is and exactly what needs to be done to change the behavior that is causing a violation of the conditions of the parole agreement.	
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, eat and not be able to get up in the mornings for work or other reporting requirements. Violation of the curfew in the community prevents the community from the parolee and keeps the parolee from a support group on the street.	

Policy	Response Range	Policy	Response Range
Distribution: Public	Please refer to SDCC policy 1.5.G.6 (See page 6 to Violations)	Distribution: Public	Please refer to SDCC policy 1.5.G.6 (See page 6 to Violations)
<p>Chemical Use/Parole: An inmate is being tested to determine if they are on parole and if they are not on parole, they should be considered for parole. This situation is most often used when a parolee has an arrest or a bad grade in using alcohol or after a parolee has had a positive U.A.</p> <p>House Arrest – 30 days or less: An assignment to house arrest is the parolee's sanction for the community and the parolee group which may be causing adjustment problems.</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 it is not of ascending case violations. A period of 30 days or less should be specified. An assignment to electronic monitoring requires the approval of the region supervisor.</p> <p>Drug/Alcohol Assessment/Offense: A parolee with a history of substance abuse problems and/or a drug use should be referred to a designated program for counseling only after the agent has made an assessment, interview, testing, and used other intermediate sanctions without success. C.A.F.A.S., Fragrant sessions, mandatory where and regular substance abuse testing are all part of the offense program.</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 cannot abstain. It is designed to keep a parolee on parole so that they can continue to work and live with their family. 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</u></p> <p>Drug/Alcohol Treatment: A parolee with a history of substance abuse problems and/or a drug use should be referred to a designated program only after the agent has made an assessment, interview, testing, and used other intermediate sanctions without success. C.A.F.A.S., Fragrant sessions, mandatory treatment and regular substance abuse testing are all part of the offense program.</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 conscious failure to abide by the conditions and regulations of parole and other law enforcement sanctions have been exhausted or would significantly harm the community of the institution. Jail time should also be used when a parolee is a threat to himself or public safety due to drug or alcohol use or abuse.</p> <p>Post A Parole Agent's Status as Offender, even if such action would fall outside the designated Response Range for such action, and without the prior approval of a supervisor, in the event it is necessary, in the agent's discretion to prevent absconding or when the behavior or attitude of the parolee constitutes a threat to the parolee and/or the community, and it is necessary to provide proper protection for the parolee and/or the community, or more information is necessary to determine specific risk factors, violations of supervision conditions may be taken into account, the agent supervisor level of the parolee, etc. . . . in addition to the use of other law enforcement sanctions regarding a parolee or violation. Once the necessary information is gathered, an appropriate sanction, or violation, if warranted, can and should be administered as soon as possible.</p> <p>Travel Restrictions – Specific Locations: This may be an effective sanction for parolees who have demonstrated the inability to control their traveling activities. They have demonstrated through criminal acts that they are a risk to the community, family and friends or traveling to large cities for entertainment, recreation or shopping.</p> <p>Daily U.A. Testing: Daily U.A. testing may be an effective sanction for the parolee that has demonstrated problems with alcohol or drugs. It is designed to keep a parolee on parole so that they can continue to work and live with their family. This sanction is most often used when a parolee has an arrest or a bad grade 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 difficulty in maintaining his sobriety. Media of staff must participate in the decision to use alcohol.</p> <p>Administrative Monitoring with Directives of Parole (Verbal Warnings/Reports): A verbal warning or report of the parolee, the supervising agent and the director. This verbal warning report must be added to the parolee's file so that the behavior is a clear violation. An administrative warning is given to a parolee to ensure that a further violation of the conditions of the parole will result in a violation of parole.</p> <p>Case Transfer: This may be an effective sanction for parolees that do not respond to a specific community, law enforcement or community, case manager or treatment team, or are not in compliance with the community, law enforcement or community, case manager or treatment team. An assignment to a case manager or treatment team is made when a parolee has an arrest or a bad grade in using alcohol or after a parolee has had a positive U.A.</p> <p>Community Treatment Program/Relapse Program: An assignment to the relapse program allows a parolee to be removed from the community for a period of time to deal with the relapsing behavior and make appropriate plans to deal with the behavior when he/she returns to the community. This sanction is most often used when a parolee has an arrest or a bad grade in using alcohol or after a parolee has had a positive U.A.</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 relapsing behavior and make appropriate plans to deal with the behavior when he/she returns to the community. This sanction is most often used when a parolee has an arrest or a bad grade 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 for the community and the parolee group which may be causing adjustment problems. This sanction would be used when the parolee has an arrest or a bad grade in using alcohol or after a parolee has had a positive U.A.</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 it is not of ascending case violations. A period of between 31 and 90 days is indicated. An assignment 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 cannot abstain. It is designed to keep a parolee on parole so that they can continue to work and live with their family. 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 style="text-align: center;">RESPONSE RANGE – <u>VIOLATIONS</u></p> <p>Violations with no contact and loss of case: This sanction is used when a parolee has a violation of the conditions of the parole and the agent and a decision of the board to take action on all of the parolee's case at 30 and then release the parolee.</p> <p>Violations: A non-sentenced violation is the final and most serious sanction available.</p>

Attachment 5: RTV Parolee Acknowledgment of Violation and Sanction

The *RTV Parolee Acknowledgment of Violation and Sanction* form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

1. Click [here](#) to access the *RTV Parolee Acknowledgment of Violation and Sanction* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **RTV Parolee Acknowledgment of Violation and Sanction**.

The gray areas indicate the information that is to be entered.

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:

Violations 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 a 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 Report submitted to the Board of Pardons and Paroles and may be used as a Condition Violated or to enhance the Board's Sanction.

With a full understanding that I am waiving my right to a due process revocation hearing by admitting to the violation(s) and a agreeing to complete the sanction(s) above, and not acting under any threat, fear, coercion or pressure, 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