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| <p style="text-align: center;">SOUTH DAKOTA</p>  <p style="text-align: center;">PAROLE BOARD<br/>POLICIES AND PROCEDURES</p> |                       | POLICY NUMBER<br>8.1.A.3                                                                                                                              | PAGE NUMBER<br>1 OF 5  |
|                                                                                                                                                                                                               |                       | DISTRIBUTION:                                                                                                                                         | Public                 |
|                                                                                                                                                                                                               |                       | SUBJECT:                                                                                                                                              | Dispositional Meetings |
| RELATED STANDARDS:                                                                                                                                                                                            | N/A                   | EFFECTIVE DATE: 6/10/2026                                                                                                                             |                        |
|                                                                                                                                                                                                               |                       | SUPERSESSION:                                                                                                                                         |                        |
| DESCRIPTION:<br>Parole Board                                                                                                                                                                                  | REVIEW MONTH:<br>June | <br><b>Myron Rau, Chair</b><br><b>Board of Pardons and Paroles</b> |                        |

## I. POLICY:

It is the policy of the South Dakota Department of Corrections Board of Pardons and Paroles that offenders who are non-compliant with their Individual Program Directive (IPD), non-compliant with their suspended sentence, or have violated the terms of their parole/suspended sentence while on parole receive a dispositional meeting.

## II. PURPOSE:

The purpose of this policy is to delegate to the Parole Board Administration Manager the initial stages of the non-compliance with their Individual Program Directive (IPD), non-compliance with suspended sentence, or parole and suspended sentence revocation processes through a disposition meeting process.

## III. DEFINITIONS:

### **Disposition Meeting:**

An informal meeting between the offender and the Parole Board Administration Manager, or designee, to assist in determining the options the offender may choose in the matter of their non-compliance with their Individual Program Directive, non-compliance with their suspended sentence, or parole and/or suspended sentence revocation. The disposition meeting also assists in determining and agreeing upon a resolution and sanction in the matter, or the scheduling of a non-compliance or revocation hearing before the parole board.

### **Good Time:**

For old system offenders, all time considered and calculated as good time on an offender's sentence. Good time is not applicable to new system offenders.

### **Hearing Officers:**

The chair of the board may designate individual board members as hearing officers who may conduct hearings pursuant to SDCL chapters 24-13, 24-14, 24-15, and 24-15A, take testimony and make recommendations to the board.

### **Hearing Panel:**

The chair of the board may designate panels of two or more board members to conduct hearings pursuant to SDCL chapters 24-13, 24-14, 24-15, and 24-15A, take testimony, and take final action. SDCL 24-15A-10

### **Individual Program Directive:**

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

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### **Official Record:**

An official record of the dispositional meeting proceedings will be created and maintained. A recording device will be present at all revocation hearings, and each hearing will be recorded. Recordings will be transcribed as needed for litigation purposes. All recordings will be kept until the offender's appeal period has passed.

### **Parolee:**

An individual who has been conditionally released to parole or suspended sentence from a South Dakota Department of Corrections facility prior to the expiration of the individual's sentence under the supervision of the Department of Corrections. ARSD 17:60:01:00

### **Resolution and Recommended Sanction(s):**

A potential resolution to the offender's non-compliance or parole or suspended sentence violation prepared by the parole board's administrative staff. The preparation includes an overview of the case history, including current and past violations, non-compliance, and other relevant information used in determining a sanction. The Parole Board Administration Manager, or designee, may present the resolution and sanction to the offender at the disposition meeting. Due to the discretionary nature of any sanctioning associated with a finding of non-compliance or revocation, the board may approve or reject any agreed upon resolution.

### **Street Time:**

For new system offenders, all time spent on supervision, including time spent on suspended sentence, will be considered street time. For old system offenders, all time spent serving the suspended portion of the sentence will be considered street time. When calculating the amount of street time an offender has accumulated, the date released to parole (start) and the in-custody date (end) will be used.

### **Supervision Agreement:**

A document setting forth the general and special limitations, restrictions, and conditions that are imposed by the Board of Pardons and Paroles, the director of Parole, a parole supervisor, and a parole agent. Any violation of institution rules after being paroled but before actual release may be considered a violation of parole.

### **Violation Report:**

A report issued by the parole agent which details the reason(s) supporting a revocation request.

## **IV. PROCEDURES:**

### **1. Disposition Meeting Procedures for Parole and Suspended Sentence Revocation:**

- A. The disposition meeting will normally occur within thirty (30) days of the parolee's return to a DOC facility.
- B. Offenders will be provided with a dispositional packet, which may include the constitutional rights for revocation, waiver of personal appearance/admission, violation date calculation worksheet(s), violation report, supervision agreement, and any other relevant exhibits.
- C. All offenders will be read and explained their constitutional rights before individual proceedings begin.
- D. Offenders will meet individually with the Parole Board Administration Manager, or designee, to address the violation(s). A recording device will record the hearing for the official record.
  - i. If the offender admits or pleads no contest to a violation(s), they may waive an appearance at a revocation hearing with the Parole Board. The Parole Board Administration Manager, or designee, will offer a resolution and recommended sanction. ARSD 17:60:03:03
  - ii. If the offender requests an attorney, requests a hearing before the board, denies all the violation(s), or rejects the resolution and recommended sanction, the offender will be

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provided a notice of board hearing and scheduled for a contested hearing before a hearing officer or hearing panel at the next available Special Session. An application for court appointed attorney will be provided if requested. *See Policy 8.1.A.2 Parole & Suspended Sentence Revocation Hearings.*

- E. Following the offender's acceptance of the offered resolution and recommended sanction, parole board administrative staff will obtain offender's signatures on constitutional rights for revocation, waiver of personal appearance/admission, violation date calculation worksheet(s), and recommended findings of fact and conclusions of law.
- F. All offered resolutions and recommended sanctions will be reviewed by a hearing panel, and the hearing panel may approve or reject any agreed upon resolution.
  - i. If the board accepts the resolution and recommended sanctions, it will enter a board order adopting the recommended findings of fact and conclusions of law and enter an order outlining the resolution and recommended sanctions.
  - ii. If the board rejects the resolution and recommended sanctions, the board will reject the offer and propose a new resolution. Parole Board Administrative Staff will present the offender with the new proposed resolution. If the offender agrees, the board will enter a board order. If the offender disagrees, the offender will be provided a notice of board hearing and scheduled for a contested hearing before a hearing panel at the next available Special Session. An application for court appointed attorney will be provided if requested. *See Policy 8.1.A.2 Parole & Suspended Sentence Revocation Hearings.*

## **2. Disposition Meeting Procedures for Noncompliance with Suspended Sentence:**

- A. The disposition meeting will normally occur prior to the offender's suspended sentence release date (SSRD).
- B. Offenders will be provided with a dispositional packet, which may include the constitutional rights for revocation, waiver of personal appearance/admission, suspended sentence violation report, suspended sentence notice, and any other relevant exhibits.
- C. All offenders will be read and explained their constitutional rights before individual proceedings begin.
- D. Offenders will meet individually with the Parole Board Administration Manager, or designee, to address the violation(s). A recording device will record the hearing for the official record.
  - i. If the offender admits or pleads no contest to a violation(s), they may waive an appearance at a suspended sentence violation hearing with the Parole Board. The Parole Board Administration Manager will offer a resolution and recommended sanction. ARSD 17:60:03:03
  - ii. If the offender requests an attorney, requests a hearing before the board, denies all the violation(s), or rejects the resolution and recommended sanction, the offender will be provided a notice of board hearing and scheduled for a contested hearing before a hearing officer or hearing panel at the next available Special Session. An application for court appointed attorney will be provided if requested. *See Policy 8.1.A.15 Revocation of Suspended Sentence.*
- E. Following the offender's acceptance of the offered resolution and recommended sanction, parole board administrative staff will obtain offender's signatures on constitutional rights for revocation, waiver of personal appearance/admission, and recommended findings of fact and conclusions of law.
- F. All offered resolutions and recommended sanctions will be reviewed by a hearing panel, and the hearing panel may approve or reject any agreed upon resolution.

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- i. If the board accepts the resolution and recommended sanctions, it will enter a board order adopting the recommended findings of fact and conclusions of law and enter an order outlining the resolution and recommended sanctions.
- ii. If the board rejects the resolution and recommended sanctions, the board will reject the offer and propose a new resolution. Parole Board Administrative Staff will present the offender with the new proposed resolution. If the offender agrees, the board will enter a board order. If the offender disagrees, the offender will be provided a notice of board hearing and scheduled for a contested hearing before a hearing panel at the next available Special Session. An application for court appointed attorney will be provided if requested. *See Policy 8.1.A.15 Revocation of Suspended Sentence.*

### **3. Disposition Meeting Procedures for Noncompliance with Individual Program Directive:**

- A. The disposition meeting will normally occur prior to the offender's initial parole date (INPD).
- B. Offenders will be provided with a dispositional packet, which may include the constitutional rights for revocation, waiver of personal appearance/admission, IPD Progress Review Summary/ Compliance Report, IPD, IPD Standards of Compliance, and any other relevant exhibits.
- C. All offenders will be read and explained their constitutional rights before individual proceedings begin.
- D. Offenders will meet individually with the Parole Board Administration Manager, or designee, to address the violation(s). A recording device will record the hearing for the official record.
  - i. If the offender admits or pleads no contest to a violation(s), they may waive an appearance at a noncompliance hearing with the Parole Board. The Parole Board Administration Manager will offer a resolution and recommended sanction. ARSD 17:60:03:03
  - ii. If the board rejects the resolution and recommended sanctions, the board will reject the offer and propose a new resolution. Parole Board Administrative Staff will present the offender with the new proposed resolution. If the offender agrees, the board will enter a board order. If the offender disagrees, the offender will be provided a notice of board hearing and scheduled for a contested hearing before a hearing panel at the next available Special Session. An application for court appointed attorney will be provided if requested. *See Policy 1000-02 Individual Program Directives (IPD).*
- E. Following the offender's acceptance of the offered resolution and recommended sanction, parole board administrative staff will obtain offender's signatures on constitutional rights for revocation, waiver of personal appearance/admission, and a non-compliance admission form.
- F. All offered resolutions and recommended sanctions will be reviewed by a hearing panel, and the hearing panel may approve or reject any agreed upon resolution.
  - i. If the board accepts the resolution and recommended sanctions, it will enter a board order adopting the recommended findings of fact and conclusions of law and enter an order outlining the resolution and recommended sanctions.
  - ii. If the board rejects the resolution and recommended sanctions, the offender will be provided a notice of board hearing and scheduled for a contested hearing before a hearing panel at the next available Special Session. An application for court appointed attorney will be provided if requested. *See Policy 1000-02 Individual Program Directives (IPD).*

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## **V. RESPONSIBILITY**

- A. The Parole Board's administrative staff will be responsible for updates to this policy.

## **VI. AUTHORITY**

- A. South Dakota Codified Laws: Chapters 1-26, 24-15 and 24-15A
- B. South Dakota Administrative Rules: Chapters 17:60 & 17:61
- C. Board of Pardons and Paroles Policy 8.1.A.2 Parole & Suspended Sentence Revocation Hearings.
- D. Board of Pardons and Paroles Policy 8.1.A.15 Revocation of Suspended Sentence
- E. DOC Policy #1400-06 Parole – Detain and Arrest on Violation
- F. DOC Policy #1000-02 Individual Program Directive

## **VII. REVISION LOG**

June 2026

## **ATTACHMENTS**

1. Parole and Suspended Sentence Revocation – New System Offenders Resolution and Recommended Sanctioning Guidelines
2. Parole and Suspended Sentence Revocation – Old System Offenders Resolution and Recommended Sanctioning Guidelines
3. Non-Compliance with Suspended Sentence – Resolution and Recommended Sanctioning Guidelines
4. Non-Compliance with Individual Program Directive – Resolution and Recommended Sanctioning Guidelines

## **Parole & Suspended Sentence Revocation – New System Offenders Resolution and Recommended Sanctioning Guidelines**

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### **I. Revocation of Parole / Suspended Sentence**

- A. If any provision of § 24-15A-27 has been violated, the Parole Board may revoke the parole and reinstate the terms of the original sentence and conviction. SDCL § 24-15A-28
- B. Any suspended portion of an offender's sentence(s) (both concurrent and consecutive) may be imposed, in part or in full, under the current admission and violation. SDCL § 23A-27-18.4, 23A-27-19, 23A-27-18.6

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### **II. Loss of Street Time**

- A. The Parole Board may order the denial of credit for time served on parole. SDCL § 24-15A-28
- B. All time considered and calculated as street time under the current admission and violation may be denied credit towards the offender's sentence.
  - a. Jail time and detainment time can be considered when determining the amount of street time to take as a sanction if the offender turned themselves in before their apprehension.
  - b. If an offender is serving multiple sentences (transactions), any sentence that has flattened while on parole may not have the street time added to that sentence.
- C. If the Parole Board denies an offender credit for any time considered street time, the offender may only request the reinstatement of that time at subsequent discretionary parole hearings. ARSD 17:60:11:13

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### **III. Loss of Time Granted Toward a Partial Early Final Discharge**

- A. The Parole Board may withdraw or rescind any time granted to the offender toward a partial early final discharge. SDCL §24-15A-28

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#### **IV. Establishment of Discretionary Parole Date (Next Review Date)**

- A. The Parole Board shall establish a discretionary parole date (next review date) of not more than two years from the date of revocation. SDCL § 24-15A-29
  - a. Exception: The Parole Board is not required to see an offender for a discretionary parole hearing at two-year intervals following a revocation if the offender receives an additional felony sentence that carries an initial parole date longer than two years from the revocation. SDCL § 24-15A-29
  - b. Exception: No discretionary parole dates (next review dates) will be set for NPE (not parole eligible) transactions.
- B. If a suspended sentence is revoked and the sentence is imposed, a discretionary parole date (next review date) shall be calculated based on the entire imposed term. SDCL § 24-15A-29.1
- C. In determining an appropriate discretionary parole date (next review date), minimum review periods should be considered as follows:
  - a. One (1) year for the following:
    - i. Offenders with 3 previous violations during this current admission
    - ii. Offenders convicted of any new violent felony crime or any new felony crime (violent or nonviolent) involving assaultive, threatening, abusive, or violent behavior
    - iii. Offenders convicted of a new felony DWI, vehicular battery, or vehicular homicide
  - b. Ten (10) months for the following:
    - i. Offenders convicted of any new nonviolent felony that did not involve assaultive, threatening, abusive or violent behavior
  - c. Eight (8) months for the following:
    - i. Offenders with a pending felony charge for anything other than possession of a controlled substance or ingesting a controlled substance
  - d. Seven (7) months for the following:
    - i. Offenders who absconded supervision and did not turn themselves in
  - e. Six (6) months for the following:
    - i. All other offenders
- D. Deviations from the minimum review periods, up or down, are allowed. Several factors supporting deviation may be considered, including but not limited to:
  - a. Factors outlined in SDCL 24-15A-17 and 24-13-7
  - b. The offender's behavior while on supervision
  - c. Previous violations or patterns of non-compliance
  - d. Conduct associated with the current violation admission
  - e. Behavior indicating an intention or likelihood to reoffend

- f. The amount of time that has lapsed between revocations
  - g. The amount of time on previous and current supervisions
  - h. The offender's overall supervision history, including length of time on supervision without sanctions
  - i. For absconders, length of absconding period, whether the offender absconded out of state, whether the absconder turned themselves in
  - j. Offender's possession of weapons or use of violence, threatening, or assaultive behaviors while on supervision
  - k. The offender's level of cooperation with parole services and law enforcement personnel while on supervision
  - l. Public safety concerns
  - m. The offender's pending criminal charges
  - n. The offender's new INPD on a subsequent felony conviction
  - o. The offender's support system
  - p. The offender's residential and employment history
  - q. The offender's success plan for subsequent parole opportunities
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## **V. Disclaimer**

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## **Parole & Suspended Sentence Revocation – Old System Offenders Resolution and Recommended Sanctioning Guidelines**

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### **I. Revocation of Parole / Suspended Sentence**

- A. If any provision of § 24-15-20 has been violated, the Parole Board may revoke the parole and reinstate the terms of the original sentence and conviction. SDCL § 24-15-24
- B. Any suspended portion of an offender's sentence(s) (both concurrent and consecutive) may be imposed, in part or in full, under the current admission and violation. SDCL § 23A-27-18.4
  - a. When the Parole Board imposes a suspended sentence, good time is not taken. Good time is not granted under 24-5-1 until after the sentence is imposed and Central Records calculates the good time and sets the official dates.

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### **II. Loss of Good Time**

- A. The Parole Board may order the reduction of time in full or in part for good conduct granted under § 24-5-1. SDCL § 24-15-24
- B. The Parole Board may deny credit towards the offender's sentence for all time considered and calculated as street time under the current admission and violation.
  - a. If an offender is serving multiple sentences (transactions), any sentence that has flattened while on parole will not have the street time denied credit.
- C. The Parole Board may order that all time considered and calculated as good time on the offender's sentence be denied credit or reduced in full or in part.
- D. The Parole Board may order that all time considered and calculated as dead time under the current admission and violation may be denied credit towards the offender's sentence.
- E. If the Parole Board denies an offender credit for any time considered street time, dead time, or good time, the offender may only request the reinstatement of that time at subsequent discretionary parole hearings. ARSD 17:60:03:13 and ARSD 17:60:11:13

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### **III. Loss of Time Granted Toward a Partial Early Final Discharge**

- A. The Parole Board may withdraw or rescind any time granted to an offender toward a partial early final discharge. SDCL § 24-15-24

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### **IV. Establishment of Discretionary Parole Date (Next Review Date)**

- A. The Parole Board shall establish a discretionary parole date (next review date) of not more than eight months from the date of revocation. SDCL § 24-15-10
- B. If a suspended sentence is revoked and the sentence is imposed, a discretionary parole date (next review date) shall be calculated based on the entire imposed term. SDCL § 24-15A-29.1
- C. In determining an appropriate discretionary parole date (next review date), minimum review periods should be considered as follows:
- a. Eight (8) months for the following:
    - i. Offenders with 3 previous violations during this current admission
    - ii. Offenders convicted of any new violent felony crime or any new felony crime (violent or nonviolent) involving assaultive, threatening, abusive, or violent behavior
    - iii. Offenders convicted of a new felony DWI, vehicular battery, or vehicular homicide
    - iv. Offenders convicted of any new nonviolent felony that did not involve assaultive, threatening, abusive or violent behavior
  - b. Seven (7) months for the following:
    - i. Offenders with a pending felony charge for anything other than possession of a controlled substance or ingesting a controlled substance
    - ii. Offenders who absconded supervision and did not turn themselves in
  - c. Six (6) months for the following:
    - i. All other offenders
- D. Deviations from the minimum review periods, up or down, are allowed. Several factors supporting deviation may be considered, including but not limited to:
- a. Factors outlined in SDCL 24-15A-17 and 24-13-7
  - b. The offender's behavior while on supervision
  - c. Previous violations or patterns of non-compliance
  - d. Conduct associated with the current violation admission
  - e. Behavior indicating an intention or likelihood to reoffend
  - f. The amount of time that has lapsed between revocations
  - g. The amount of time on previous and current supervisions

- h. The offender's overall supervision history, including length of time on supervision without sanctions
  - i. For absconders, length of absconding period, whether the offender absconded out of state, whether the absconder turned themselves in
  - j. Offender's possession of weapons or use of violence, threatening, or assaultive behaviors while on supervision
  - k. The offender's level of cooperation with parole services and law enforcement personnel while on supervision
  - l. Public safety concerns
  - m. The offender's pending criminal charges
  - n. The offender's new INPD on a subsequent felony conviction
  - o. The offender's support system
  - p. The offender's residential and employment history
  - q. The offender's success plan for subsequent parole opportunities
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## **Noncompliance with Suspended Sentence Resolution and Recommended Sanctioning Guidelines**

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### **I. Revocation of Suspended Sentence**

- A. Offenders whose sentences are suspended are under the supervision of the Parole Board. SDCL § 23A-27-18.4 and 23A-27-19
  - B. The Parole Board has the authority to revoke the suspended portion and impose the entire sentence for a violation of the conditions of the suspended sentence as imposed by the sentencing judge, the Parole Board, or SDCL 23A-27-18.6, even if the violation is prior to the suspended sentence commencing. The suspended sentence notice signed by the offender applies to any future suspended penitentiary sentences received during the offender's current admission. SDCL § 23A-27-18.4 and 23A-27-19
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### **II. Establishment of Discretionary Parole Date (Next Review Date)**

- A. The Parole Board shall establish a discretionary parole date (next review date) of not more than two years from the date of revocation and imposition of suspended sentence. SDCL § 24-15A-29
  - a. Exception: The Parole Board is not required to see an offender for a discretionary parole hearing at two-year intervals following a revocation if the offender receives an additional felony sentence that carries an initial parole date longer than two years from the revocation. SDCL § 24-15A-29
  - b. Exception: No discretionary parole dates (next review dates) will be set for suspended sentences on NPE (not parole eligible) transactions.
- B. If a suspended sentence is revoked and the sentence is imposed, a discretionary parole date (next review date) shall be calculated based on the entire imposed term. SDCL § 24-15A-29.1
- C. In determining an appropriate discretionary parole date (next review date), minimum review periods should be considered as follows:
  - a. One (1) year for the following:
    - i. Offenders convicted of an in-system crime
  - b. Eight (8) months for the following:
    - i. Offenders with a pending in-system crime
  - c. Six (6) months for the following:

- i. For offenders revoked for disciplinary noncompliance, six (6) months from the date of the last major violation;
- ii. All other offenders

D. Deviations from the minimum review periods, up or down, are allowed. Several factors supporting deviation may be considered, including but not limited to:

- a. Factors outlined in SDCL 24-15A-17 and 24-13-7
- b. The offender's system risk level
- c. The offender's behavior while incarcerated
- d. Behavior indicating an intention or likelihood to reoffend
- e. Offender's possession of weapons or use of violence, threatening, or assaultive behaviors
- f. The offender's level of cooperation with DOC staff
- g. Public safety concerns
- h. The offender's pending criminal charges
- i. The offender's new INPD on a subsequent felony conviction
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## **Noncompliance with Individual Program Directive Resolution and Recommended Sanctioning Guidelines**

### **I. Non-Compliance with Individual Program Directive (IPD) and Loss of Initial Parole Date (INPD)**

- A. Offenders who have not substantively met the requirements of the individual program directive (IPD) established by the Department of Corrections, have not agreed to the conditions of supervision, or do not have an approved parole release plan may not be released from incarceration to parole supervision at the time of their initial parole date (INPD). SDCL § 24-15A-38

### **II. Establishment of Discretionary Parole Date (Next Review Date)**

- A. The Parole Board shall establish a discretionary parole date (next review date) of not more than two years from the date of non-compliance. SDCL § 24-15A-29
- a. Exception: The Parole Board is not required to see an offender for a discretionary parole hearing at two-year intervals following a revocation if the offender receives an additional felony sentence that carries an initial parole date longer than two years from the revocation. SDCL § 24-15A-29
- B. In determining an appropriate discretionary parole date (next review date), minimum review periods should be considered as follows:
- a. One (1) year for the following:
    - i. Offenders convicted of an in-system crime
  - b. Eight (8) months for the following:
    - i. Offenders with a pending in-system crime
  - c. Six (6) months for the following:
    - i. For offenders revoked for disciplinary noncompliance, six (6) months from the date of the last major violation
    - ii. All other offenders
- C. Deviations from the minimum review periods, up or down, are allowed. Several factors supporting deviation may be considered, including but not limited to:
- a. Factors outlined in SDCL 24-15A-17 and 24-13-7
  - b. The offender's system risk level
  - c. The offender's behavior while incarcerated
  - d. Behavior indicating an intention or likelihood to reoffend

- e. Offender's possession of weapons or use of violence, threatening, or assaultive behaviors
  - f. The offender's level of cooperation with DOC staff
  - g. Public safety concerns
  - h. The offender's pending criminal charges
  - i. The offender's new INPD on a subsequent felony conviction
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