

# **SOUTH DAKOTA DEPARTMENT OF CORRECTIONS**

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## **INMATE LIVING GUIDE**

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## **MISSION STATEMENT**

The mission of the Department of Corrections is to protect the citizens of South Dakota by providing safe and secure facilities for offenders committed to our custody by the courts, to provide effective community supervision to offenders upon their release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

## **VISION**

A national leader in corrections that enhances public safety by employing evidence based practices to maximize the rehabilitation of offenders.

## **VALUES**

- We value our staff as our greatest asset.
- We value a safe environment for staff and offenders.
- We value community support and collaboration.
- We value public trust in the operation of our department.
- We value the use of evidence-based practices to maximize offender rehabilitation.
- We value diversity and the respect for all individuals.
- We value professionalism, teamwork and the highest standard of ethics.
- We value investment in our staff through training in sound correctional practice and through the provision of opportunities for development and career advancement.

## **INTRODUCTION**

The content and information contained within this handbook applies to all inmates in the custody of the South Dakota Department of Corrections (DOC). This handbook contains general information to help you with the normal routine of prison life and is not intended to be a complete list of all DOC rules, regulations, programs or procedures.

Read this handbook carefully. Beginning immediately upon your admission to a DOC institution, you are accountable for following all rules and regulations in place at the institution. If you have questions regarding the information provided in this handbook, it is your responsibility to contact a staff person. Additional information about topics described in this handbook may also be obtained by reading the related DOC policy or institutional OM. Information about prison life is posted in your housing unit in the unit plans and on your tablets and the kiosks.

## **AN IMPORTANT MESSAGE**

The DOC treats inmates fairly and humanely. While in custody, you will be afforded opportunities for self-improvement and positive change. You will have access to staff who are responsive to your needs. Staff will help ensure you are in a safe, secure and sanitary environment, and will provide clear and accurate information about decisions affecting you.

Most inmates in prison want to do their time in the best possible way and be released as soon as possible. Some inmates, however, have the mistaken impression the rules and

regulations do not apply to them. They attempt to establish their own methods of operation by creating unrest and causing trouble.

If a situation such as a disturbance, escape attempt, assault or fight occurs, go immediately to your housing area or other area as directed by staff, and remain there for further instructions from staff. Inmates who participate in such activity face disciplinary action and possible criminal prosecution. Avoid any actions or behaviors that will connect you to such activity.

It is the policy of the DOC to house inmates who choose not to abide by the rules separate from general population inmates. This helps provide a safe environment for all inmates to serve their time. See DOC policy 1.3.D.1 *Disciplinary Housing* and DOC policy 1.3.D.4 *Restrictive Housing* for more information.

If, at any time, you believe you are in danger of being physically assaulted or abused (including sexual assault or sexual abuse), you must immediately report your concerns to a staff member so appropriate action can be taken. If you believe you are the victim of excessive use of force by a staff member, you must immediately report this through the Inmate Hotline or by contacting a member of your unit team.

Any decision to violate the rules or refuse required programming, may result in a denial of release to parole supervision, loss of certain privileges, imposition of disciplinary sanctions and/or placement in a restricted housing unit.

## **HARASSMENT**

The DOC is committed to maintaining an environment free of harassing, discriminatory and offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age, genetic information, disability or any other legally protected status or characteristic. The DOC will investigate all complaints involving harassing, discriminatory or offensive behavior.

## **PRISON RAPE ELIMINATION ACT (PREA)**

Sexual abuse is any unwanted sexual contact from another inmate, or any sexual contact involving a staff member, even if it is consensual. Consensual sexual activity between inmates is against the rules. Sexual activity involving inmates and staff is a violation of DOC policy and state law.

Sexual abuse does not have to be a violent act. If the victim feels they would be harmed or retaliated against if they refused...it is sexual abuse.

Sexual harassment is repeated comments or gestures that are sexual nature, unwelcome sexual advances or requests for sexual acts from another.

The DOC has a zero-tolerance policy relating to all forms of sexual abuse and sexual harassment, retaliation by inmates or staff for reporting sexual abuse and harassment, or staff neglect or violation of responsibilities that may have contributed to such abuse or harassment. The DOC will cooperate in the investigation and prosecution of anyone

involved in committing or attempting to commit sexual abuse or sexual harassment. If you believe you are the victim of sexual abuse or sexual harassment, please report this information to any staff member as soon as possible. If you become aware another inmate may be the victim of sexual abuse or harassment, or may be at risk of victimization, it is your obligation to notify a staff member immediately.

If you are not comfortable reporting sexual abuse or sexual harassment directly to a staff member, either in writing, verbally or through an anonymous kite, you may report the abuse or harassment through the institutional telephone “hotline”, or by contacting the South Dakota Division of Criminal Investigation, 1302 East Hwy 14, Suite 5, Pierre, SD 57501-8585. If you choose to report the sexual abuse or harassment to a friend or family member, they may report this information directly to the DOC or Division of Criminal Investigation. The DOC will respond to all reports of sexual abuse or harassment and take steps to protect the victim. Inmates who are a victim of sexual abuse or sexual harassment have access to community victim advocate services. See DOC policy 1.3.E.6 *PREA Response and Investigation of Sexual Abuse and Sexual Harassment*.

Inmates who identify as transgender or intersex may contact unit staff or Behavioral Health staff to request certain accommodations permitted by policy. See DOC policy 1.3.E.5 *PREA Compliance with Prison Rape Elimination Act Standards*.

For more information, please refer to the “An Inmate’s Guide: Sexual Abuse and Sexual Harassment Awareness” brochure available through your Unit Staff. DOC policy 1.3.E.6 *PREA Response and Investigation of Sexual Abuse/Harassment* includes information about the department’s commitment to comply with the Federal Prison Rape Elimination Act (PREA) standards.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the DOC will not discriminate against inmates with disabilities and will make reasonable accommodations to ensure inmates with disabilities have equal opportunity to participate in programs, services and activities.

To ensure effective communication with inmates who are deaf, hard of hearing or have a speech disability, the DOC will provide appropriate auxiliary aids and services, free of charge. Aides and services include qualified sign language interpreters and oral transliterates, TTY’s, videophones, note-takers, computer-assisted real time transcription services, written materials, telephone handset amplifiers, assistive listening devices and systems, telephones compatible with hearing aids, closed caption decoders, or TV’s with build-in captioning, and open and closed captioning of any programming. See DOC policy 1.1.E.7 *Americans with Disabilities Act* for more information.

If you require accommodation because of a disability, please contact the facility ADA Coordinator. If you wish to file a grievance relating to an ADA related issue, including discrimination on the basis of a disability or denial of reasonable accommodation, you may do so through the Administrative Remedy Process. See DOC Policy 1.3.E.2 *Administrative Remedy for Inmates*.

## **DOC INSTITUTIONS**

The following South Dakota DOC institutions house male inmates: South Dakota State Penitentiary, Jameson Prison Annex, Sioux Falls Community Work Center, Mike Durfee State Prison, Yankton Community Work Center and Rapid City Community Work Center.

The following South Dakota DOC institutions house female inmates: South Dakota Women's Prison, including E-Unit and the Pierre Community Work Center.

In some instances, inmates sentenced to the DOC may be housed in a contract facility or other approved placement, or in another state's correctional facility.

## **UNIT TEAM**

Upon admission to a DOC institution, you will be assigned to a unit team. A unit team normally consists of a unit manager, case manager, unit coordinator, and in some instances, a transitional case manager and parole agent. You may address questions and concerns regarding your assigned programming, employment options, classification, housing placement, Individual Program Directive (IPD), parole/release planning, financial accounts, etc. to a member of your unit team. You may contact your unit team by submitting a written request slip (kite) stating your question, need or concern. Please familiarize yourself with the unit plan for your assigned housing unit. The unit plan contains information about the day-to-day operations, activities and schedules for the unit. You may view the unit plan by contacting your unit team. Unit plans are also posted in designated areas of the unit, on your tablet and available at the various kiosks. See DOC policy 1.3.A.1 *Unit Plans* for more information.

If you transfer to another DOC institution or different housing unit within the institution, you may be assigned a new unit team. Your new unit team will be provided with the necessary information concerning your programming, history, parole plan, etc.

## **CLASSIFICATION, SCREENING AND ASSESSMENT**

The South Dakota Department of Corrections uses a standardized, objective system of classification, assessment and screening to identify appropriate housing, programming, treatment, care and custody for all inmates. The classification system, applied as a whole and in conjunction with assessments, screening and other information gathered help ensure you are appropriately and correctly housed, supervised and offered necessary programming and treatment. Classification is essential to the safety and security of the institution, staff, inmates and public.

You will be notified of all scheduled reviews of your classification and any changes in your classification. See DOC policy 1.4.B.14 *Female Classification* and DOC policy 1.4.B.2 *Male Classification* for more information.

## **IDENTIFICATION**

You will be issued a DOC identification card (ID). Your ID includes a recent facial photograph of you and your ten-digit DOC identification number. You are required to appropriately wear your ID except when sleeping or showering. You may be charged a replacement fee if you lose, alter or destroy your ID. IDs will be updated periodically or as deemed necessary by staff. See DOC policy 1.4.A.1 *Inmate Photo Identification* for more information.

Your unit staff can assist you in applying for a replacement Social Security card, replacement birth certificate or applying for or renewing a state driver's license or state identification card. A valid form of identification is required for employment and operating motor vehicles on public roadways. If you will release from DOC custody but do not have access to these documents, you are encouraged to obtain replacements while incarcerated. If you have a valid state issued ID or driver license, you may be eligible to renew this while incarcerated. Having a valid ID or driver license and access to your Social Security card and birth certification is very helpful when transitioning back into the community. See DOC policy 1.1.A.7 *Inmate Identification Procedures* for more information.

## **INDIVIDUAL PROGRAM DIRECTIVE (IPD)**

All inmates are assigned an Individual Program Directive (IPD). This document outlines the standards of compliance and expectations specific to you and your sentence(s). You are expected to maintain a good disciplinary record and work diligently and to the best of your ability when assigned a job, vocational training or employment and while participating in programming, treatment or education classes.

Your IPD establishes expectations for you to maintain your eligibility for release to parole supervision. Failure to abide by the standards of compliance and expectations contained in your IPD may result in a finding of non-compliance, which may prevent or delay your release to parole. If you are found non-compliant with your IPD at your initial parole hearing, you may have to wait up to two (2) years for another opportunity for parole. Any parole hearing you are scheduled for after a finding of non-compliance is discretionary. The Board of Pardons and Paroles has the authority to require you serve your entire sentence. See DOC policy 1.4.B.1 *Individual Program Directives (IPD)* for more information.

## **RELEASE PLANNING**

You will be offered programming and services to assist you with your transition from prison to the community. If you are within five years of your possible release date, you must participate in release planning and develop an appropriate release plan, which must be approved by your unit team. Your release plan will be reviewed at least annually by you and members of your unit team. Changes to your release plan will normally be completed at your classification review and at least sixty days prior to your initial parole date. Transition case managers and parole staff will work with you to assist you with your release. See DOC policy 1.4.G.1 *Inmate Release Plans and Transitional Programming* for more information.

## **HOUSING ASSIGNMENT**

Your housing assignment will be determined by your unit team. You do not have any implied right or expectation to be housed in any particular institution or location. While in the custody of the DOC, you are subject to transfer to or from any institution, unit, or program. Your housing is affected by many different factors. Refusing a housing assignment is against the rules.

## **LIVING QUARTERS**

You are responsible for caring for and cleaning your living quarters. Living quarters shall be kept neat and organized. Cleaning supplies will be provided. Designated days and times for cleaning are posted in the unit plan. Refer to the unit plan for additional information about your living quarters.

Any structural problem, such as leaking faucets or toilets, defective light fixtures or broken or damaged state property, must be promptly reported to a staff member. All property in your living quarters which is not your personal property is state property. Defacing, damaging, altering, destroying or otherwise misusing state property is strictly prohibited. You may be held financially liable for any state property lost or intentionally damaged as a direct or indirect result of your actions and subject to disciplinary action.

Keep your property picked up and stored in its rightful space within your living quarters. Respect other's property. Stealing, damaging, destroying or possessing another's property is against the rules.

## **PERSONAL PROPERTY**

You are allowed to access, obtain and possess certain items of personal property through approved means. Property may be purchased through commissary or approved outside sources, such as craft or book vendors. Property is issued to you. Lists of allowable property, methods of obtaining property, and the amount of property you have in your possession is available in the unit plan. Property you are allowed to possess will vary, depending on your assigned institution, housing unit, classification and status. Your privilege to possess personal property is subject to the rules and requirements of the DOC. Certain items of personal property must be recorded on your property list.

You are not entitled to reimbursement or compensation for personal property that is lost, stolen, confiscated, damaged, destroyed or discarded. Access to certain personal property items may be temporarily forfeited as a consequence of your actions or based on your housing or program assignment. You may not transfer, trade, barter, loan or sell property to another inmate. Altered or damaged property must be sent out or properly destroyed. Property found in your possession that is not yours or for which you are not authorized to possess, will be confiscated. See DOC policy 1.3.C.4 *Inmate Personal Property* and DOC policy 1.3.C.5 *Inmate Forfeiture of Personal Property* for more information.

## **CONTRABAND**



Contraband is any item you are not authorized to possess. Approved items may be contraband if they are altered, possessed in higher quantity than authorized, used in unintended ways, obtained through an unapproved means or source, or stored in an unapproved manner or location.

You are responsible for contraband found on you, in your living quarters, in a storage space assigned to you, at your work site, or otherwise in your possession or control. Contraband found in your possession will be confiscated and you will be subject to disciplinary action.

Possession, or attempts to introduce or receive items such as weapons, alcohol, marijuana, prescription or non-prescription drugs not issued to you by an approved medical authority, controlled substances or other articles of indulgence, is a felony.

## **SEARCHES**

Searches prevent the introduction, use or concealing of contraband and help detect unauthorized or inappropriate activity. You, your possessions, living quarters, assigned storage areas and work sites are subject to search at any time. Personal communication, including telephone calls, written correspondence and messaging, unless deemed privileged, are subject to search at any time. All inmates are subject to pat search, visual search and strip search. Searches may be random or targeted.

## **COUNTS**

A count is an official tally of all inmates. Count is conducted by staff to ensure all inmates are in their proper location. Inmate counts will be conducted multiple times each day. Count may be conducted at any time. If you are not present at your assigned and approved location, or you fail to report as required when count is conducted, you may be placed on escape status and subject to disciplinary action. There is no talking or playing radios, TVs or using tablets or telephones during count. During "standing count", each inmate shall be standing until counted (with the exception of those with a medical restriction or ADA accommodation). There is no inmate movement until count is cleared.

## **PERSONAL CLEANLINESS**

You will be issued enough clothing to maintain a neat and clean appearance. You are expected to take a shower and use deodorant. You are responsible for exchanging your clothes for clean clothes and obtaining clean bedding, regularly, as scheduled. Intentional alteration of clothing, footwear, bedding, towels, etc. is not permitted. Worn, torn, soiled, stained or otherwise damaged clothing, footwear and bedding shall be turned in for exchange or proper disposal. Specific inmate dress and grooming requirements and schedules apply at each institution and may vary based on your housing assignment.

Hair, including facial hair, must be kept clean and neat in appearance and cannot pose a threat to the safety, security or sanitation of the institution. Inmate barbers are available.

Clothing, laundry and hygiene requirements and schedules are included in the unit plan or posted directives.

## **DNA COLLECTION**

You are required by law to provide a DNA sample, if you have not previously done so, or if your information is not registered and on file with the state's DNA database. You will not be released from custody until you have provided the required DNA sample. Inmates who refuse to provide the required DNA sample may be subject to criminal prosecution. See DOC policy 1.3.C.10 *Offender DNA Collection* for more information.

## **MEALS**

You are allowed a minimum of three nutritional meals each day. Meals are served at designated times. Medical orders for special medical or dental diets are handled by health services. Requests for a religious tray must be directed to the Cultural Activities Coordinator. You are responsible for all rules and procedures that apply to meals, including medical or religious meals and the responsibilities and obligations that apply. See DOC policy 1.5.F.2 *Inmate Religious and Alternative Diets* for more information.

You are expected to wash your hands before meals and have clean hygiene. Dress and behaviors while eating meals shall be appropriate and consistent with the expectations set by the institution. Clothing worn in the dining area shall not be torn, soiled, odorous or wet. Appropriate footwear is required. Food may not be removed from the dining area. Some institutions have assigned seating in the dining area. Your status may dictate you eat your meals in your cell. In such cases, meals will be delivered to you.

## **HEALTH CARE SERVICES**

All new admission inmates will be assessed by Health Services staff at the time of admission to a DOC institution. The DOC will ensure you are provided medically necessary care. Health services available at DOC institutions include medical, dental, optometry and emergency care. If you have questions about how to access health services or questions about health services available at the institution, contact Health Services. See DOC policy 1.4.E.1 *Inmate Health Care Services*, DOC policy 1.4.E.2 *Inmate Medically Necessary Health Care* and DOC policy 1.4.E.3 *Inmate Intake Medical Assessment* for more information.

You may be charged a co-payment fee for accessing health services. You will not be refused medically necessary health care because of a lack of available funds or your inability to pay for the service. DOC policy 1.4.E.10 *Inmate Medical Co-Pay Fees*. You may request an appointment with Health Services through "sick call". See the unit plan for more information about sick call.

Behavioral Health Services are available to all inmates. Services include screening, assessment, individual or group counseling, psycho-educational services, self-help and supportive services. There is no co-payment fee for accessing Behavioral Health services. If you are experiencing suicidal ideations, depression, anxiety, thoughts of self-harm or other issues that may be related to mental illness, you must contact Behavioral

Health Services or a staff member. Staff are trained to identify, monitor and respond to those who may be at risk of suicide, self-harm or a danger to others because of their behavioral health issues or illness. If you observe another person engaging in self-harm or suicide or become aware of another's plan to commit such behavior, you are obligated to notify a staff member immediately.

## **BANKING SYSTEM**

An account may be established in your name upon admission to the DOC. You may choose to authorize the DOC to cash checks and deposit accepted funds sent to you while in the custody of the DOC. Personal checks, cash or checks received from unauthorized sources will be rejected and returned to the sender at your expense.

Wages earned through employment in institutional support jobs and employment with outside employers, such as work release, must be direct deposited into your account. Most funds received by you while in the custody of the DOC are subject to the institutional banking formula, with some exceptions. The DOC maintains authority to disperse your funds as deemed appropriate, based on your obligations. You are responsible for keeping track of your spending and account balances.

Fixed obligations, such as debts related to your crime, court-ordered fines, costs, fees, sanctions and restitution will be listed on your financial plan. For more information refer to DOC policy 1.1.B.2 *Inmate Accounts & Financial Responsibility*.

## **COMMISSARY**

You may be allowed access to commissary to purchase approved items, such as snack food, toiletries/hygiene supplies, correspondence supplies, clothing and personal property. The maximum amount you may spend each week on commissary and the accounts you may access for commissary spending, is controlled by the DOC. See DOC policy 1.2.E.1 *Inmate Commissary* for more information.

If you do not have funds to purchase certain commissary items, such as hygiene supplies or legal materials, you may request indigent commissary. Indigent commissary allows you to receive a "loan" from the DOC to purchase approved indigent commissary items. You are required to repay the loan.

Family members and friends may purchase care packages on your behalf from the commissary vendor, subject to your housing location, disciplinary status and rules and procedures set forth by the DOC.

Your commissary privileges may be temporarily suspended or restricted based on your status, housing location or through disciplinary sanctions for committing behaviors that violate the DOC rules.

## **CORRESPONDENCE**

All general correspondence, including electronic messages or images sent to you or generated by you, are subject to reading and inspection by staff. Printed matter such as books, magazines, newspapers and periodicals must be sent directly from an approved source. All incoming and outgoing general correspondence is subject to approval by mailroom staff. Correspondence cannot be passed through the control room, staff, volunteers or during visits. Correspondence that violates the rules or policies may be withheld, excluded, confiscated and/or rejected.

Legal correspondence must be sent to, or received from, a recognized, approved legal source and clearly marked as being sent to or from an approved legal source. Correspondence that is clearly identified by the sender as "privileged/legal" will be handled as legal correspondence and only opened in your presence. It is your responsibility to notify the send of these requirements. Correspondence that cannot be clearly identified as privileged/legal may be opened and handled as general correspondence. Privileged/legal correspondence will not be read by staff but remains subject to inspection by staff. Privileged/legal mail is generally only processed Monday-Friday, not including recognized state or federal holidays. Privileged/legal correspondence should not be sent through the tablet messaging system and is subject to reading by staff.

If you transfer to a different facility or release from DOC custody, it is your responsibility to notify others of your new address. See DOC policy 1.5.D.3 *Inmate Correspondence* for more information.

## **TELEPHONE & TABLET PRIVILEGES**

Telephones and tablets are a supplemental means of maintaining community and family ties. Use of telephones and tablets shall be voluntary and for lawful purposes only. Wall mounted telephones and kiosks are available in designated areas of your unit. You may be issued a tablet to use while at the institution. You are responsible for taking care of the tablet. You will be issued a Personal Identification Number (PIN) and provided information about how to access the telephone and tablet system and how to create an account. You may not share your PIN with other inmates. All telephone numbers you wish to contact must be on your approved contact list.

Access to tablets and the telephone service is a privilege. All telephone calls, with the exception of calls known to be to or from your attorney, may be monitored and recorded. All messages are subject to reading by staff. Violations of the rules may result in restricted access to the telephone and/or tablet system.

You may request a special telephone call by sending a kite to your unit team. You must contact your unit staff to arrange an unmonitored attorney call. Approved and arranged telephone calls to your attorney are not monitored or recorded.

Issues with the telephone or tablet service, accounts or rates/fees must be directed to the service provider. See DOC policy 1.5.D.4 *Inmate Access to Telephones and Tablets* for more information.

## **VISITING**

All DOC institutions have established visit days and times. Family and friends must apply to access the institution during visits. Some institutions require inmates and visitors to sign-up for visits in advance of the visit due to time and space constraints. Visitors should go to the DOC website or contact the institution for more information about the visit requirements. Approved visitors will be added to your visit list. Minor children (under the age of 18) must be accompanied and supervised during visits by a responsible adult.

You will be allowed visits with your attorney and clergy. A private visit area is available for attorney and clergy visits. Attorneys are encouraged to visit during regular visit hours. However, visits from an attorney may be arranged at other times based on the circumstances of each case and availability of DOC staff to arrange and supervise the visit. Attorney visits are subject to visual monitoring by staff but not audio monitoring.

You may request a "special visit" with an approved person(s) not on your regular approved visit list, or an approved visitor that is unable to visit during normal visit days and times by contacting your unit team.

There are two types of visits. Class I visits are contact visits in a designated area of the institution. Class II visits are non-contact visits. A non-contact visit means you will be separated from your visitor by a physical barrier or the visit will be conducted using the video visitation system. Non-contact visits must be scheduled in advance. Class II visits may be required as a consequence for you or your visitor violating institutional rules, committing certain behaviors or because of the crime you committed.

All institutions offer video visiting. Certain fees and conditions apply. Video visiting allows you to visit with approved family or friends remotely, through the use of technology and hardware provided by the institution. You may contact your unit staff or a representative of the service provider for more information about video visiting.

Participation in visits is strictly voluntary. You, your visitor(s) and any belongings permitted at the visit, are subject to search before, during and after a visit. All visitors 18 years of age and older are required to present a valid and accepted form of photo identification prior to admittance to the institution.

Violation of visiting rules by you or your visitor may result in any or all of the following:

- Immediate termination of your visit
- Loss of visiting privileges
- Removal of your visitor from your approved visit list
- Placement on class II visits
- Disciplinary action and sanction

Law enforcement will be contacted if a visitor is found in possession of a controlled substance, illegal contraband or suspected of being under the influence of drugs or alcohol. It is a class 6 felony for a visitor to deliver or attempt to deliver to an inmate, any article which is unlawful for an inmate to possess. Any inmate suspected of receiving contraband through visits is subject to disciplinary action and restricted visits.

Visiting hours are posted in your housing unit. Certain limitations or changes to the visit schedule may be imposed by the Warden or designee, as deemed necessary. It is your responsibility to notify your visitors if you are unable to participate in visits due to disciplinary action, work, programming, treatment, transfer, etc. See DOC policy 1.5.D.1 *Inmate Visiting* for more information.

## **RELIGIOUS AND CULTURAL ACTIVITIES AND PROGRAMS**

Religious and cultural programs and activities are offered at all institutions. Participation in these programs and activities is voluntary. You are expected to conduct yourself in an appropriate manner while attending or participating in these activities. Spiritual counseling and access to clergy or religious volunteers may be arranged by contacting the cultural coordinator. All institutions have a Chapel or designated area for services, prayer and religious study groups. You may contact the cultural coordinator for more information about religious and cultural activities available at the institution. Inmates shall have access to certain religious property, as approved. See DOC policy 1.5.F.4 *Inmate Religious and Cultural Activities* for more information.

## **ALCOHOL AND DRUGS**

Drug testing, searches and other security measures are used to detect use or possession of drugs, alcohol and unauthorized substances. Inmates using, distributing or possessing illegal substances are subject to disciplinary action and criminal prosecution. You may be asked to give a urine or breathalyzer sample at any time. Refusal to comply with drug testing as ordered, will be treated as an admission of usage and a positive result.

Chemical dependency treatment and services are available based on available resources and assessed need. You will be evaluated upon admission to determine if you require chemical dependency treatment or programming. See DOC policy 1.3.A.8 *Offender Drug Testing, Sanctions and Treatment* for more information.

## **CORRECTIONS SERVICE CANINES**

Trained corrections service canines are used by the DOC to detect the odor of articles which are unlawful or not approved for inmates to possess. Canines are used during visits at the institution to search inmates and visitors. Canines are under the control of the canine handler. Corrections service canines are officers of the DOC. Inmates who assault, harm, injure, harass or interfere with a corrections canine are subject to disciplinary action. Do not approach or pet the canine unless authorized to do so by the handler. When a canine is used to search an area, you are required to follow the instructions of the canine handler.

## **ACCESS TO THE COURTS**

The DOC affords all inmates reasonable opportunities to access the courts and legal reference materials. Legal reference materials and legal documents are available electronically through your tablet or the kiosks. You may conduct legal research from the database and legal service which contains the latest updates on case law from each

federal district and circuit court in the United States and is available on the tablets or kiosks. You may contact staff to request assistance obtaining copies of legal documents and forms and legal mailing. You will be charged a fee for copies. Inmates who meet established criteria may request legal assistance from a contract attorney. If you require assistance accessing the electronic law library, for any reason, please kite your unit staff. A Notary Public is available at most institutions.

Private practice attorneys and court appointed attorneys or their authorized representatives, may meet with you in the institution. Meetings with your attorney may be scheduled during regular visiting hours, or at other times by contacting your unit team. Telephone or video court appearances may be arranged by the court.

You may correspond with your attorney, privileged sources, the courts and legal aid offices through legal/privileged correspondence. See DOC policy 1.3.E.1 *Inmate Access to the Courts* for more information. You may arrange to use the telephone system to make confidential legal or privileged telephone calls by contacting unit staff.

Inmates may assist other inmates with legal matters, such as legal research or preparing legal materials. Any assistance provided shall be voluntary and not subject to any form of compensation. Inmates providing legal assistance to other inmates shall do within the confines of all applicable rules and conduct. The DOC shall not take any affirmative action to assist inmates providing or seeking inmate legal assistance.

## **EDUCATION OPPORTUNITIES**

The DOC recognizes the value of education. You may be required to participate in educational programming, assessments and testing. These requirements will be included on your Individual Program Directive (IPD). If you are eligible for parole, your release to parole supervision may be dependent on your successful completion of specified education requirements.

The availability of specific coursework and classes varies by institution, classification level and housing assignment.

## **ACADEMIC AND VOCATIONAL PROGRAMMING AND EMPLOYMENT OPPORTUNITIES**

You may be required to participate in, and complete programming offered at the institution. If you are eligible for parole, your release to parole supervision may be impacted by your successful completion of all required programming and/or participation in training and/or employment.

You may be offered opportunities to participate in academic and vocational programming. Opportunities vary depending on your classification/risk, crime and sentence, housing location and other factors. If you complete an evidence-based program or certain vocational programs, you may be eligible for earned discharge credits. See DOC policy 1.4.B.17 *Inmate Earned Discharge Credits* for more information.

You may be assigned employment in institutional support, community service, natural disaster response or traditional prison industry, depending on your classification/risk, housing location, disciplinary record, job skills, and other factors. You may be paid a wage and/or earn earned discharge credits, depending on the job assignment. See DOC policy 1.5.A.1 *Inmate Pay* and DOC policy 1.5.A.6 *Community Service* for more information.

You may be eligible to apply for a job in Private Sector Prison Industries or participate in the Work Release Program while incarcerated. Eligibility is dependent on your classification/risk, disciplinary record, housing location, job skills and other factors. Jobs in Private Sector Prison Industries and employment obtained through participation in the Work Release Program pay regular wages, as set by the employer and in accordance with state and federal law. See DOC policy 1.5.A.5 *Work Release* and DOC policy 1.5.A.2 *Private Sector Prison Industries Employment* for more information

## **ADMINISTRATIVE REMEDY**

The DOC encourages informal resolution of grievances and complaints. If you are unable to resolve a complaint through informal resolution, a formal process exists that requires staff to review and respond to your complaint. Certain time constraints apply. Only certain issues may be addressed through the administrative remedy process. Only a single compliant or related issues may be included on a request for administrative remedy. Emergency issues, such as those affecting your safety, emergency medical issues, sexual abuse or harassment, need for protective custody or reporting of excessive use of force by staff, must be reported immediately to staff and are not subject to the administrative remedy process.

Forms for filing complaints are available by contacting your unit team. Some issues may be appealed to the Secretary of Corrections after being reviewed and responded to by the Warden. See DOC policy 1.3.E.2 *Administrative Remedy for Inmates* for more information.

## **INMATE HOTLINE**

The inmate hotline is a confidential line of communication between you and security staff. You may remain anonymous when reporting information on the hotline. Examples of information that can be reported include threats to the safety and security of the institution, assaults or fights, gang activity, major rule violations, activities involving drugs, alcohol, cell phones, weapons or other contraband, sexual abuse or harassment, excessive use of force by a staff member, escape attempts, etc. Directions for use of the hotline are posted near the telephones.

If you are experiencing thoughts of self-harm or suicidal ideations, or you have information that makes you fear for your safety or the safety of others, you must immediately report this to a staff member.

## **DISCIPLINARY**



Rule violations or offenses in custody are divided into three categories. Level H (high) is the most severe. Inmates who commit rule violations are subject to disciplinary action. If you are found guilty of committing a rule violation, you are subject to the disciplinary process. If found guilty or you enter a plea of guilty, you may be issued a sanction. Sanctions include fines, forfeiture of personal property, placement in disciplinary housing, loss of privileges and extra work duties. See DOC policy 1.3.C.2 *Inmate Discipline System* for more information.

Other consequences for committing rule violations may be assignment to a higher classification level, loss of employment or placement in restrictive housing.

Committing certain rule violations or frequent rule violations may cause you to be non-compliant with your Individual Program Directive and may negatively impact your opportunity for participation in certain programs. Your disciplinary history also effects your eligibility for release to parole supervision or suspended sentence status.

## **OFFENSES IN CUSTODY**

### **HIGH LEVEL VIOLATIONS:**

- H-1 Any act or acts defined as felonies or misdemeanors by South Dakota Law or Federal Law. Inmates charged with a violation of this rule will be given a copy of the applicable law.
- H-2 Killing any non-inmate.
- H-3 Assaulting any non-inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
- H-4 Assault on any non-inmate without serious injury.
- H-5 Throwing or spitting any substance at or upon any non-inmate; or intentionally smearing any substance to come into contact with any non-inmate.
- H-6 Assault on an inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
- H-7 Engaging in, or encouraging a riot, work stoppage, group demonstration or group food strike.
- H-8 Escape from a secure custody or secure facility, including release to extended confinement, or planning, attempting or assisting an escape from secure custody or a secure facility.
- H-9 Inmate sexual abuse- if the victim does not consent, is coerced into such an act by overt or implied threats of violence or is unable to consent or refuse.
- H-10 Killing any inmate.

- M-2 Wearing or possession of a disguise or mask; manufacturing or possession of a mannequin or dummy.
- M-3 Possession, attempting to procure, or introduction of plans or drawings to manufacture, an explosive, ammunition, firearm, weapon, sharpened instrument, knife, hacksaw blade, wire cutter or unauthorized tool.
- M-4 Threatening any non-inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- M-5 Unsolicited contact with or in reference to, any non-inmate (notes, letters, messages, suggestive remarks or gestures, inappropriate touching, or seeking out personal information).
- M-6 Conduct that disrupts or interferes with the security or good order of the institution or interferes with a staff member during performance of his/her duties which clearly poses a threat to the safety of staff or other inmates.
- M-7 Purposely exposing your genitals to a non-inmate for the purpose of annoying, offending or alarming a non-inmate.
- M-8 Throwing or spitting any substance at or upon any inmate; intentionally smearing any substance to come into contact with any inmate.
- M-9 Extortion, blackmail or demanding or receiving money or anything of value in return for protection or to avoid bodily harm by others.
- L-1 Tampering with or blocking any locking device, cell door, slider or secure door or window.
- L-2 Setting or attempting to set a fire; tampering with fire detection or firefighting equipment.
- L-3 Use of an illicit substance, including any narcotics, drugs, medicine or intoxicants not prescribed by medical staff.
- L-4 Refusing, or failing to produce a urine or breath sample, refusing to participate in a urine or breath test, attempting to circumvent a urine or breath test or altering the results of the test.
- L-6 Unauthorized use, possession, introduction or manufacture of hazardous material.
- L-7 Insolence- any conduct, acts, or gestures, verbal or non-verbal, showing disrespect toward any non-inmate or in reference to any non-inmate.
- L-9 Inmate consensual sexual contact. Engaging in consensual sexual contact and/or unnatural acts with another inmate or non-staff member.
- L-10 Assaulting another inmate without serious injury.

- L-11 Fighting with another inmate.
- L-14 Misuse of prescribed or authorized medicine, including saving or accumulation of authorized medicine contrary to medical orders; failure to turn in medications on or before the expiration date; using authorized medications for an unauthorized purpose, such as giving, trading or selling authorized medicine to another inmate.
- L-17 Being in a posted unauthorized area or in an area inmates are not allowed without staff escort.
- L-20 Failure to be present for count; interfering with the taking of count.
- L-22 Refusing to work.
- L-23 Failure to abide by rules or regulations governing programs, including work release, community service, extended confinement, furlough or private employment inside a DOC institution.
- L-24 Receiving, giving or attempting to receive any unauthorized article to or from a visitor or member of the public.
- L-25 Refusing to obey a verbal or written order issued by a staff member.
- L-26 Having in your possession, quarters, storage area or work site, any article not issued to you, not purchased through the commissary, or for which you do not have special authorization; or having articles in excess of established limits, or articles which are used for unauthorized purposes or are in an altered state.
- L-27 Unauthorized contact with a member of the public or visitor, or violation of a protection order issued by the court.
- L-31 Unauthorized group activity or assembly; circulating or signing a petition.
- L-32 Counterfeiting, forging or other unauthorized reproduction of any official document or form, article of identification or currency.
- L-33 Misappropriation of tools, materials or supplies of any kind from shops or other places.
- L-38 Threatening any inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- L-39 Possession of unauthorized tobacco products at a secure facility.
- L-40 Following 5 violations of any minor rule within a three-month period, all future violations may constitute a major violation.

- L-41 Conduct which disrupts or interferes with the security or good order of the institution; interfering with a staff member in the performance of his/her duties, including circumventing or attempting to circumvent any rule, regulation or procedure contained in DOC policies or institutional operational memorandums.
- L-42 Filing a false, frivolous or malicious action or claim with the court; bringing an action or claim with the court solely or primarily for delay or harassment; unreasonably expanding or delaying a judicial proceeding; testifying falsely, or otherwise submitting false evidence or information to the court; attempting to create or obtain a false affidavit, testimony or evidence; or abusing the discovery process in any judicial action or proceeding.
- L-44 Refusing to accept a living quarters assignment; refusing to accept a cellmate/roommate.
- L-45 Engaging in gang organization, recruitment or blatant displays of gang activity or materials related to security threat groups.
- L-47 Possession of a cell phone at a secure facility.
- L-48 Possession of an illicit substance, including any narcotic, drug, medicine or intoxicant not prescribed to the inmate by medical staff.
- L-49 Manufacturing, possessing instructions to manufacture or buying or selling, narcotics, paraphernalia, drugs, medicine or intoxicants.
- L-50 Sexual harassment- repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward any person.
- L-51 Escape, or planning, attempting or assisting in escape from non-secure custody or a minimum custody facility.

**LOW LEVEL VIOLATIONS:**

- V-1 Failure to abide by posted or written regulations/standards.
- V-2 Overloading electrical outlets.
- V-3 Lying or knowingly providing a false statement to a staff member under oath or deposition.
- V-4 Failure to perform work as instructed.
- V-5 Unauthorized use of a telephone or any communication system.
- V-6 Placing any article over cell bars, cell front, window, or draping articles over bunks.

- V-7 Using any equipment or machinery contrary to its intended purpose; failure to follow staff instructions or written safety standards apply to any equipment of machinery; operating/controlling equipment or machinery without required training; failure to use the proper safety equipment provided.
- V-8 Failure to comply with standards of grooming, dress or sanitation.
- V-10 Failure to be in position in your living quarters or designated area to be readily observed; not standing during standing count.
- V-11 Failure to vacate living quarters or designated area; failure or refusal to follow instructions during a fire drill.
- V-12 Using a mirror or similar article/device to observe outside of a room or cell (jiggering).
- V-13 Being in a housing unit, cell or living area other than your own; being on the wrong floor, tier or area of your housing area without authorization.
- V-14 Failure to respond to a pass or page.
- V-15 Having in your possession, living quarters, storage area or work site any article or clothing not issued to you, not purchased through commissary, or for which you do not have special authorization; or having articles or clothing in excess of established limits, or articles or clothing which are used for unauthorized purposes or are in an altered state.
- V-16 Conduct which disrupts or interferes with the security or good order of the institution; interfering with a staff member in the performance of his/her duties.
- V-17 Possession of pornographic material- includes books, articles, pamphlets, magazines, periodicals, publications or material that feature nudity or "sexually-explicit" conduct. May include books, pamphlets, magazines, periodicals or other publication or material that features or includes photographs, drawings, etchings, paintings or other graphic depictions of nudity or sexually explicit material.
- V-18 Engaging in gang activity; possession of material depicting gang symbols or specific gang colors; any act, gesture or display that references any gang or security threat group.
- V-19 Having possession of materials used for tattooing; administering or receiving tattoos; having a new tattoo or adding to an existing tattoo.
- V-20 Transferring money or property to, or accepting money or property from, another inmate, member of his/her family, representative or friend(s).
- V-21 Violating visit rules.
- V-22 Disrupting staff during count.

- V-23 Physical resistance or physical interference with staff, contract staff, volunteer or visitor at a level less than assault.
- V-24 Making excessive loud noises; unruly conduct; use of a radio or television without headphones.
- V-25 Overdrawing spending account.
- V-26 Failure to make your bed as instructed or by the designated time.
- V-27 Failure to terminate a visit upon notification
- V-28 Scratching or marking walls or furnishings; taping or attaching pictures or other articles to walls or other furnishings.
- V-29 Posting personal notices without authorization.
- V-30 Wasting food, throwing food; throwing food, beverages or other items onto the floor.
- V-31 Giving, receiving or demanding special food/beverages or extra portions of food/beverages.
- V-32 Removing unauthorized food/beverages from the dining room or kitchen.
- V-33 Possession of unauthorized tobacco products at a non-secure facility.
- V-34 Refusing medically necessary care or failing to comply with medical orders or directives which could result in serious harm to your health or the health of others.
- V-35 Violating correspondence rules.
- V-36 Unexcused absence from work or assignment in the institution; tardiness in reporting to work or an assignment within the institution.
- V-37 Loitering.
- V-38 Intentionally damaging, altering, destroying or wasting state property.
- V-40 Misusing or unauthorized use or access of state computers, hardware, software or computer system.
- V-41 Possession of unauthorized or altered clothing or property.
- V-43 Failure to use proper receptacles for pop cans, trash or other litter.
- V-44 Obstructing, altering or darkening light fixtures or bulbs.

- V-45 Accumulation of containers, newspapers, paper, magazines and/or trash.
- V-46 Overspending the established limit in the commissary.
- V-47 Having food or beverages in unauthorized areas.
- V-49 Giving or offering any non-inmate a bribe or anything of value.
- V-50 Stealing (theft) or possession of stolen property.
- V-51 Adulteration of any food or beverage.
- V-52 Defrauding or attempting to defraud an individual, business or institution.
- V-53 Unauthorized possession of money/currency.
- V-54 Possession of a cell phone at a minimum custody facility.
- V-55 Gaming- where anything of value is bet or wagered. A bet or wager is defined as directly or indirectly taking, receiving or accepting money or thing of value contingent upon the result of a race, contest, game or happening of an event not known to be certain or, having in your possession any paraphernalia used in gaming, such as dice.
- V-56 Failure to pick up any meal that has specifically prepared for you.
- V-57 Tampering with or removal of, security inspection stickers or identification markings affixed to property.
- V-58 Non-emergency use of or tampering with the emergency call button system.
- V-59 Conducting a business without authorization.

## **PAROLE AND PAROLE ELIGIBILITY**

If you are serving a sentence for a crime committed prior to July 1, 1996, parole eligibility is based on the number of felony convictions on your record after the deduction of good time. A first-time felony offender is eligible for parole after serving one-fourth of the sentence; a second-time offender is eligible for parole after serving three-eighths of the sentence; a three time or more offender is eligible for parole after serving one-half of the sentence.

If you are serving a sentence for a crime committed on or after July 1, 1996, an initial parole date will be established. The minimum sentence for a Class A or Class B felony is life. A Class C felony carries a maximum sentence of life. Inmates serving life sentences are not eligible for parole.

Each inmate sentenced to a penitentiary term, except those under a sentence of life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial parole date set by the DOC. This date shall be calculated by applying the percentage indicated in the following grid to the full term of the sentence pursuant to § 22-6-1.

Felony Convictions			
Felony Class	First	Second	Third
Nonviolent			
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50
Violent			
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70
Class 2	.50	.65	.75
Class 1	.50	.65	.75
Class C	.50	.65	.75
Class B	1.0	1.0	1.0
Class A	1.0	1.0	1.0

Please note, SDCL § 24-15A-16 provides that any felony conviction in this state, any other state, or the United States shall be considered to determine an initial parole date under SDCL §§ 24-15-4 and 24-15A-32.

## **GOOD TIME**

If you are serving a sentence for a crime you committed prior to July 1, 1996, good time was credited to you upon your admission to a DOC facility. Good time may only be taken away or restored as provided by South Dakota law. See DOC policy 1.4.B.5 *Withholding Good Time* for more information. Inmates serving a life sentence are not eligible for Good Time.

Eligible inmates may submit a written request for the return of good time to their case manager. If you are unsure sure about your eligibility for the return of good time, please contact your case manager. See DOC policy 1.3.C.6 *Restoration of Good Time*.



The following table shows the amount of good time you receive based on the length of your sentence:

Sentence (in years)	Good Time (days/month)	Total Good Time Reduction
less than 1 year	10	Pro-rata
1	10	4 months
2	10	8 months
3	10	1 year
4	10	1 year, 4 months
5	10	1 year, 8 months
6	10	2 years
7	10	2 years, 4 months
8	10	2 years, 8 months
9	10	3 years
10	15	3 years, 6 months

For each additional year after ten (10) years, your total good time reduction is six (6) months per year. If you are serving a sentence for a crime committed on or after July 1, 1996 you do not receive good time.

## REVISION INDEX

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*Mike Leidholt (original signature on file)*

*09/09/2019*

Mike Leidholt, Secretary of Corrections

Date