

1.5.A.8 Inmate Operation of Vehicles

I Policy Index:



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Office of Primary Responsibility: DOC Administration

II Policy:

Inmates may operate vehicles only when properly authorized and in a manner consistent with Department of Corrections policy and state law.

III Definitions:

Driver license:

"Driver license," is a document issued by a state or jurisdiction to an individual that authorizes the individual to drive motor vehicle types authorized by the license on public roadways.

Public Roadways:

A public roadway is defined as all streets, alleys, public roads, public thoroughfares or highways.

Security Perimeter:

Fences and/or walls (including the exterior wall of a building) that provide for the secure confinement of offenders within a facility. All entrances and exits of a security perimeter are under the control of facility staff, thereby preventing an inmate from leaving the facility unsupervised or without permission.

Vehicle:

For the purposes of this policy, a vehicle includes all new or used vehicles propelled by any power other than muscular. Includes automobiles, trucks, off-road vehicles (self-propelled, two or more wheeled vehicles designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, golf carts/mules and vehicles whose manufacturer's statement of origin {MSO} or manufacturer's certificate of origin {MCO} states the vehicle is not for highway use), farm vehicles (field tractors and other farm machinery) and other "low speed" vehicles (a four-wheeled motor vehicle not capable of exceeding 25 MPH on a paved level surface). This definition specifically excludes riding lawn mowers.

IV Procedures:

1. Driver License Requirements:

- A. Any inmate operating a motor vehicle on a public roadway, which by state law requires the operator to have a valid driver license, will have his/her driver license in his/her immediate possession while operating the vehicle in such a manner (See SDCL § [32-12-39](#)).
1. Work supervisors are responsible for verifying an inmate has been issued a valid and proper driver license prior to allowing the inmate to operate a vehicle(s) in a manner that requires a valid driver license.
 2. Inmates in DOC custody may renew or request a duplicate valid driver license or state Identification cards as prescribed in DOC policy 1.1.A.7 [Inmate Identification Procedures](#).

2. Inmate Operation of Vehicles:

- A. The following inmates are not eligible to operate a vehicle outside the security perimeter of a DOC institution (on or off a public roadway):
1. Any inmate convicted of vehicular battery, vehicular homicide or hit and run with injury (See SDCL §§ [32-23-4](#), [32-23-4.6](#), [32-23-4.7](#) and [32-34-5](#)).
 2. Inmates with a history of reckless or irresponsible behavior while operating a vehicle, including a history of traffic offenses or citations, may be prohibited by DOC staff or work supervisors from operating vehicles.
- B. Inmates may operate vehicles outside the security perimeter of a DOC facility only after receiving prior authorization by designated DOC staff and/or the work supervisor.
- C. Inmates may operate designated state vehicles inside the security perimeter only after receiving specific authorization by the Warden. A state vehicle includes any vehicle owned, leased, rented or borrowed by the state
1. The Warden's authority to authorize an inmate to operate a state vehicle within a secure perimeter may not be delegated to others.
- D. Work Release inmates must secure advance approval from the respective Warden or designee prior to operating any vehicle requiring a driver license on a public roadway (See DOC Policy 1.5.A.5 [Work Release](#)). Staff will verify the work release inmate has a valid driver license by reviewing the list on the M-drive and update the status of the driver license in COMS.
1. Work Release inmates authorized to operate a vehicle on a public roadway must be able to provide proof of adequate insurance coverage or be an insured operator of the vehicle under an existing insurance policy attached to the vehicle, as required by State law (See SDCL § [32-35-113](#)).
- E. Inmates will obey all local and State traffic laws and are legally and financially responsible for all citations and fines received for offenses committed while operating a vehicle. Inmates are responsible for damage caused to property and or vehicles through acts of willful recklessness or negligence.
1. Violation of traffic laws or facility rules associated with, or otherwise related to the use

and/or operation of a vehicle, may result in suspension or revocation of the inmate's authorization to operate a vehicle.

2. Staff supervising the inmate shall report any known violations or infractions of traffic laws by an inmate directly to the DOC, including expiration of the inmate's driver license.
 3. Inmates will wear seat belts when operating a vehicle on a public roadway, in accordance with SDCL § [32-38-5](#).
- F. Inmates may not operate motorcycles, mopeds, motorbikes, dune buggies, snowmobiles, or motor homes, on or off public roadways.
- G. Work supervisors will ensure each inmate operating a vehicle receives any necessary vehicle-specific training prior to operating the vehicle.
- H. Inmates will drive vehicles from point to point without deviations from the most direct route or as instructed by their work supervisor.

3. Community Service Inmates:

- A. The following guidelines apply specifically to inmates on Community Service (See DOC Policy 1.5.A.6 [Community Service Program](#)):
1. A Community Service inmate's operation of a vehicle is restricted to official business (engaged in maintenance or other work assignments) and is generally limited to the grounds of federal, state and local government property/facilities or on the grounds of non-profit organizations.
 - a. Community Service inmates will not operate vehicles on public roadways, with the exception that inmates may operate vehicles on public roadways located within the confines or boundaries of federal, state or local government property, or public roadways directly adjacent to the boundaries of federal, state or local governmental property.

V Related Directives:

SDCL §§ [32-5](#), [32-12-2](#), [32-12-4](#), [32-12-16](#), [32-12-39](#), [32-12-56](#), [32-23-4](#), [32-23-4.6](#), [32-23-4.7](#), [32-34-5](#) and [32-35-113](#).

DOC policy 1.1.A.7 -- [Inmate Identification Procedures](#)

DOC policy 1.5.A.5 – [Work Release](#)

DOC policy 1.5.A.6 – [Community Service Program](#)

VI Revision Log:

December 2004: New policy.

November 2005: **Changed** third offense or fourth offense DWI to third or subsequent DWI offense. **Added** reference to SDCL § 32-23-4.7. **Deleted** reference to house trailers.

January 2006: **Changed** policy name and policy statement. **Added** a reference to DOC policy 1.4.B.2. **Changed** driver license requirements for Community Service inmates. **Added** an exception from possessing a driver license for inmate's operating a vehicle inside a security perimeter.

Revised the definition of vehicle to exempt lawn mowers. **Added** a definition for security perimeter.

Clarified that an inmate cannot ever have had certain driving violations in order to be approved to operate a vehicle. **Removed** the requirement that the valid and proper driver license must be issued from the State of South Dakota.

January 2007: Minor style and format changes throughout the policy. **Revised** the definition of Security Perimeter.

January 2008: **Revised** the driver licensing requirements for inmates who operate a vehicle.

December 2008: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2. **Deleted** trailers from the definition of vehicle. **Replaced** 30 days with 6 months in ss (A1) and **deleted** reference to institutional to read legal file in ss (A2) of Driver License Requirement to Operate a Vehicle. **Revised** ss (C) to state that the Warden must authorize an inmate to use a State vehicle and **added** ss (C1) both within Inmate Operation of a Vehicle. **Replaced** SDCL 22-16-42 with 22-18-36 and **added** SDCL 32-23-4.7 to Section V.

December 2009: **Added** reference to Attachment 1 in ss (F2) and **added** Note all within Driver License Requirement to Operate a Vehicle. **Added** Attachment 1. **Added** hyperlinks.

December 2010: **Removed** "Note" in ss (F2) **Added** reference to SDCL 32-35-113 to ss (D2) Inmate Operation of a Vehicle.

February 2012: **Added** "and producing all documents required by the licensing office relative to applying for and receiving a state driver's license" to Section 1 B. 3. **Deleted** C. "Unit staff will not approve any inmate for testing who has had his/her driver license privileges suspended, revoked, disqualified or canceled in South Dakota or any other jurisdiction." in Section 1. **Renumbered** subsections that follow. **Deleted** "and his/her" and **Replaced** with "The Unit Manager shall contact the inmate's" and "to verify the inmate's need for a driver license other than a Class 1" to Section 1 D. 1. **Deleted** "arrange for" and **Replaced** with "approve" in Section 1 E. 3. **Deleted** "The decision on retesting will be made by" and **Replaced** with "in accordance with the State Driver Licensing office and approval by" to Section 1 F. **Deleted** 1. "Any inmate who has had his/her driver license privileges suspended, revoked, disqualified or canceled in South Dakota or any other jurisdiction." In Section 2 A. **Deleted** "motorized" in Section 2 C. 1. **Added** "as part of their employment" in Section 2 D. and D. 1. **Deleted** "wishes" and **Replaced** with "is authorized" in Section 2 D. 2. **Deleted** 3. "An inmate housed at a contractual facility may be permitted to drive a personal vehicle if doing so does not conflict with any rules or regulations of the contract facility" in Section 2 D. **Added** "with the exception that inmates may operate vehicles on public roads located within the confines or boundaries of federal, state or local government property, or public roads directly adjacent to the boundaries of federal, state or local governmental property." to Section 2 E. 1. a. **Added** "public roads adjacent to the boundaries of said property" to Section 2 E. 2. b.

January 2013: **Deleted** 1. "Unit staff will verify inmates have a valid and proper driver license every six months through a law enforcement teletype check. Documentation of these checks will be kept in the inmate's institutional file" in Section 1 A. **Deleted** (if in his/her possession) and **Deleted** "unit manager determines the inmate must possess the license as part of his/her job. Any other inmate use of his/her driver license must be approved by the Unit Manager" and **Replaced** with "assigned to the Community Service program, Work Release or CTP" in Section 1 A. 2. **Deleted** "if staff determines this is in the best interest of the DOC" and **Replaced** with "must receive approval by unit staff prior to renewing or applying for a license" in Section 1 B. **Added** "And who are or will be eligible for Community Service, Work Release or the CTP" and **Added** "are within six months of release to parole supervision/final discharge" in Section 1 B. 2. **Added** "while in the custody of the DOC" in Section 1 C. **Added** G. in Section 1 and **Renumbered** H. to G. **Deleted** "does not possess a valid and proper driver license" and **Replaced** with "has not been issued a valid and proper driver license or who does not have their license in their possession" in Section 2 A. 2. **Added** 3. to Section 2 A. **Deleted** "while on Work Release" in Section 2 D. 1. and in Section 2 D. 1. a. and b. **Deleted** "a vehicle on Work Release" and **Replaced** with "for employment purposes" in Section 2 D. 2. **Added** "in the custody of the DOC" in Section 2. E. 3.

December 2013: **Added** definition of "Public Highway" **Deleted** definition of "Licensed Vehicle" **Added** "In addition to the requirements set forth in SDCL regarding the operation of a vehicle, it is the policy of the DOC to require" in Section 1 A. **Added** "certain designated" to Section 2 C. **Added** "Work Release" and **Deleted** "DOC or authorized contractual personnel (jail or halfway house staff)" and **Added** "on a public roadway" in Section 2 D. **Deleted** "for employment purposes" and **Replaced** with "on a public roadway" in Section 2 E. **Added** "by the Warden" and **Deleted** "for

employment purposes" and **Replaced** with "on a public roadway" and **Added** "or insurable" to Section 2 E 2. **Deleted** b. and c. in Section F. 2.

May 2014: **Deleted** definition of "Vehicle" and **Replaced** with new definition. **Deleted** "In addition to the requirements set forth in SDCL regarding the operation of a vehicle it is the policy of the DOC to require any inmate authorized to operate a vehicle outside of the security perimeter to have a valid and proper driver license" and **Replaced** with "Any inmate operating a motor vehicle which by state law requires a driver license to operate will have a valid and proper drive license in his/her immediate possession when operating the vehicle" in Section 1 A. **Deleted** 2. "Inmates are responsible for informing unit staff if their driver license is expired and/or within six (6) months of expiration on the license" in Section 1 A. **Deleted** "prior to allowing the inmate to operate any vehicle in a manner which requires the inmate to have a valid and proper driver license" in Section 1 A. 1. **Added** a. to Section 1 A. 1. **Added** new Section 2 "Application and/or Renewal of an Inmate Driver License" Added 4. to Section 2 A. **Deleted** "has been" and **Replaced** with "currently" and **Added** "or who is currently ineligible to receive a driver license" in Section 2 B. **Added** "The DOC is not responsible for lost or misplaced inmate driver licenses" in Section 2 F. **Deleted** H. "Possession of a driver license by an inmate must be approved by the Unit Manager" in Section 2. **Added** "or is otherwise prohibited from operating a vehicle by state law (revoked or suspended license)" in Section 3 A. **Deleted** "a third or subsequent DWI offense" in Section 3 A. 1. **Deleted** 2. and 3. in Section 3 A. **Deleted** "state" and **Deleted** "grounds if they have a valid and proper driver license and have" in section 3 B. **Added** "and/or the work supervisor" in Section 3 B. **Deleted** 2. and 3. **Deleted** E. "Any inmate who operates a vehicle on a public roadway must have a valid and proper driver license in their possession while operating the vehicle." in Section 3. **Deleted** 1. in Section 3 E. **Added** new E. and 1. and 2. to Section 3. **Added** G. and H. to Section 3. **Added** "(engaged in maintenance or other work assignments)" in Section 4 A. 1.

January 2015: **Added** "Minimum and Low Medium custody level" and **Added** "parolees assigned to the" and **Deleted** "or who are within 6 months of release to parole supervision or final discharge" in Section 2 A. 1. **Added** 2. to Section 2 A.

December 2015: **Added** "by DOC staff or the supervisor" to Section 1 A. 1. a.

December 2016: **Added** 3. to Section 3 E.

April 2018: **Deleted** Section 2 regarding driver licenses.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

04/23/2018

Date