1.5.D.1 Inmate Visiting

I Policy Index:

II Policy:

The Department of Corrections may promulgate rules, policies and procedures for inmate visits pursuant to SDCL § 1-15-20. Inmates may be allowed visits with approved visitors except where there is suspicion that such visitation would jeopardize the security, safety, or the disciplined operation of an institution.

III Definition(s):

Attorney of Record:
An attorney who is licensed to practice law who has appeared in court or who has signed or received pleadings or other forms on behalf of an inmate client. The attorney remains the Attorney of Record until another attorney or the client substitutes for him/her, he/she is allowed by the court to withdraw, or the case is closed.

Clergy:
Recognized religious leaders. Clergy may be required to provide a copy of their credentials and/or identification substantiating their standing within a religious sect. For the purpose of this policy, this individual shall not be a family member or relative of the inmate.

Recognized News Media:
For the purpose of this policy, includes those personnel that regularly carry or deliver news to the general public on a regular and consistent basis in print, electronic or digital format. Includes broadcast and/or written medium.

A. General circulation newspapers, which have met the requirements to be a legal newspaper as outlined in SDCL Chapter § 17-2 –Notice and Publication.
B. Radio or television stations or television network holding a FCC license that regularly carries or delivers news to the public as part of its service.
C. Periodical newsmagazines sold through newsstands or mail subscriptions to the public.
D. National/international news services that regularly carry or deliver news to the public.

Upon receipt of a letter of verification from the media outlet they are representing, free-lance reporters, talk show hosts, internet news services, authors or documentary film directors/ producers may be considered on a case-by-case basis by the DOC to be recognized news media for purposes of this policy. Nothing in this definition is intended to remove or limit the DOC’s discretion to determine recognized news media.
Visit:
Authorized by the Department of Corrections in its correctional facilities. An inmate and an approved visitor(s) are permitted to see and talk with one another on a scheduled basis for a reasonable period of time with limited physical contact. Regular visits are for predominately social purposes.

Class I Visit:
A visit conducted in a visiting room or designated visiting area of an adult DOC facility during which limited physical contact is allowed between the inmate and the visitor. Conjugal visits are not allowed at SD DOC facilities (See ARSD 17:50:02:04).

Class II Visit:
A visit conducted with the inmate physically separated from the visitor in a secured glassed off area located within the visiting room. No physical contact between the inmate and visitor is allowed during Class II visits (See ARSD 17:50:02:04).

Special Visit:
For the purposes of this policy, a special visit involves anyone not on the inmate’s visit list, anyone who is unable to visit during scheduled visiting hours or other visit requests requiring special arrangements. All special visits require prior approval from the Warden, Deputy Warden or designee.

NCIC III:
National Crime Information Center (NCIC) III is a computerized index of criminal justice information (i.e. - criminal record history information, fugitives, stolen properties, missing persons).

DOCS Staff:
For the purposes of this policy, DOC staff is any person employed by the DOC, full or part time, including an individual under contract assigned to the DOC, an employee of another State agency assigned to the DOC, authorized volunteers and student interns.

ION Mobility Spectrometry (IMS):
Also referred to as Ion Scanner. Non-intrusive search tool that is used to detect the presence of drugs within objects. Ion scanners are trace detecting devices that measure deflection of particles exposed to an electronic field.

IV Procedure(s):

1. Application and Verification:

   A. All inmates housed in DOC facilities will be provided information regarding inmate visitation at that facility within 24 hours of arrival at the institution (See ACA 4-4285 and 4-4499). The inmate or their prospective visitor may complete and submit a Visit List Verification form (See Attachment 1) to request visitation privileges. A Visit List Verification form must be completed for each prospective visitor.

      1. All prospective visitors age eighteen (18) and older are required to provide the DOC with their social security number for the purpose of the DOC conducting a criminal background check.

      2. Prospective visitors who choose not to share their personal identification information i.e., social security number, date of birth with the inmate, may request the inmate mail a Visit List Verification form to them or the visitor may request the form from the facility where the inmate is housed. Inmates shall be responsible for postage expenses associated with mailing the form to the visitor. Forms completed by the visitor may be mailed directly to the facility or to the inmate.
3. Personal information provided directly to the DOC through receipt of the form completed by the prospective visitor will not be released to the inmate.

B. Inmates in Admission and Orientation (A&O) may apply for visits while housed in A&O.

1. Inmates in A&O may request and receive visits from their Attorney of Record and/or clergy with approval from designated DOC staff.

C. Visit Verification forms must be received by the facility sufficiently prior to the visit to allow for staff review, approval and placement of the visitor on the inmate’s approved visit list. Visitors/inmates should allow up to 30 days after submitting a visitor application for the review and approval process. Inmates are responsible for notifying their visitor when the visitor has been added to their approved visit list.

D. Prospective visitors may appeal in writing a decision denying their request for visits with an inmate to the Warden. The Warden will respond in writing to the prospective visitor within fifteen (15) days of receipt of the appeal. The decision of the Warden is final and not subject to further appeal.

2. Eligible Visitors:

A. Minor children (under the age of 18), must be directly supervised for the duration of the visit by a responsible accompanying adult on the inmate’s visit list or person otherwise approved by the Warden or designee. Regardless of an accompanying adult, minors will not be permitted to visit if any of the following circumstances exist:

1. The DOC is notified of a Court Order prohibiting visits between the minor and the inmate.
2. The DOC is notified parental rights of the inmate for the minor have been terminated.

B. Visitors with a criminal record are subject to approval by the Warden, Deputy Warden or designee. This includes but is not limited to those persons on active parole, probation or other forms of conditional release (community program or furloughs) or those with pending criminal charges.

1. Immediate family members convicted of a felony, including those who have received a Suspended Imposition of Sentence, may be eligible to be added to an inmate’s approved visit list after three (3) years has elapsed since their sentence discharged. The Warden may waive or modify this requirement for non-violent offenses.

2. Persons convicted of a misdemeanor may be required to wait up to 90 days after completing jail time, term of probation or final payment of any fine before becoming eligible to visit an inmate. The Warden, Deputy Warden or designee has authority to restrict visitors convicted of misdemeanors presenting elevated risk, such as misdemeanor drug convictions, to class 2 visits.

3. The Warden, Deputy Warden or designee will review the nature and extent of the person’s total criminal history, including any recent criminal activity/pending charges and consider whether the visit will positively benefit the inmate. Exceptions will be limited to immediate family members.

4. Offenders currently incarcerated or under any type of probation, parole or post release supervision may not be on an inmate’s visitor list, unless approved by the Warden, Deputy Warden or designee.

5. If the person has felony charges, is under felony indictment or has active warrants pending, the person may reapply and be considered for visitation AFTER the criminal charges/warrants have
been resolved. Appropriate documentation from the court substantiating the resolution shall be required.

C. For the protection of staff, inmates and the public, the Warden, Deputy Warden, Associate Warden(s) or Special Investigations Unit staff may deny visits from any person deemed a threat to safety, security or the disciplined operation of the institution.

D. A person identified as a victim of the inmate's crime(s) will not be allowed to visit the inmate without prior approval from the Warden, Deputy Warden or designee.

1. The victim must submit a request in writing to the Warden, Deputy Warden or designee listing the reasons for the visit

2. The Warden, Deputy Warden or designee will respond directly to the victim.

3. A minor identified as a victim of a sex offense will not be permitted to visit the perpetrator.

E. At no time will former DOC staff (including contract staff and volunteers), be allowed to visit an inmate unless there is clear demonstration the visit will positively benefit the inmate, or the person is an immediate family member of the inmate. The Warden, Deputy Warden or his/her designee shall make this determination on a case-by-case basis. If the request is denied, the inmate may request the add the visitor after one year has passed following the denial.

1. Exceptions will not be made if there is evidence supporting the former staff member terminated employment or resigned in lieu of termination for inappropriate relations/fraternization with an inmate, possession and/or introduction or attempted introduction of contraband into a DOC facility or aiding or attempting to aid an inmate in escape.

F. Eligible visitors include (See ARSD 17:50:02:01):

1. Spouse;
2. Children; (biological, step, legally adopted)
3. Parent; (biological, step, legally adopted)
4. Brother;
5. Sister;
6. Step-brother;
7. Step-sister;
8. Grandchild;
9. Half-sister;
10. Half-brother;
11. Grandparent;
12. Great Grandparent;
13. Mother-in-law;
14. Father-in-law;
15. Son-in-law (husband of an inmate’s daughter);
16. Daughter-in-law (wife of an inmate’s son);
17. Sister-in-law (spouse of the inmate’s brother or sister);
18. Brother-in-law (spouse of the inmate’s brother or sister);
19. Legal Guardian;
20. Attorney of Record;
21. M-2/W-2 Sponsor;
22. AA or NA Sponsor;
23. Recognized News Media;
24. Clergy (does not include clergy issued a DOC pink tag) and
25. Friends (maximum of 4)
*Persons who do not fit in categories 1 through 24 in the above list will be considered a “friend”.

G. A person will be considered a “spouse” of an inmate only if the marriage was consistent with state law (See SDCL §§ 25-1-1, 25-1-30 and 25-1-38). If staff question whether a person is the “spouse” of an inmate, the inmate and/or visitor/spouse is responsible for providing staff with verification of legal marital status.

H. Visitors who are not an immediate family member of an inmate may be restricted to only one inmate’s visit list, as deemed necessary by the Warden.

I. Current staff, volunteers or contract staff may be approved to visit an immediate family member incarcerated in a SD facility with approval from the Warden, Deputy Warden or designee.

3. Visit List:

A. A list of each inmate’s approved visitors and any subsequent changes made to the inmate’s visit list shall be entered and maintained by designated DOC staff in the Comprehensive Offender Management System (COMS) for system wide utilization and access by staff for the duration of the inmate’s incarceration.

B. Inmates will be provided written notification of all visitation actions (additions and terminations/suspensions). Inmates are responsible for informing their visitors of their visitation status. The results of a criminal history background check conducted on a potential visitor shall remain confidential. Under no circumstance will details/results of a criminal history background check be provided to an inmate.

4. Visitor Identification:

A. Each visitor is required to provide a valid (not expired or canceled) photo ID to the control room staff prior to entrance into the facility/visit area. Children under the age of sixteen (16) are exempt from this requirement.

1. Acceptable forms of a photo ID include a state issued driver’s license, passport, state issued ID, student ID, recognized SD tribal ID, Military ID or other U.S. government issued identification card containing a valid photo of the visitor.

2. If a minor visitor (under the age 18) does not have a valid photo ID, an original or certified true copy of a birth certificate, certificate of adoption, social security card or a court order establishing paternity may be required for identification verification prior to adding the minor visitor the inmate’s approved visit list. Exceptions may be made for young children who are waiting for receipt of a birth certificate or social security card.

B. Female visitors who wear scarves or veils as a face covering for religious purposes will be required to remove the covering in a private area in the presence of a female staff member to positively identify the visitor prior to entrance to the facility/visit room.

5. Attorney of Record Visits:

A. Attorneys are not subject to a criminal background check if the attorney possesses and presents a valid “Certificate of Membership” (Bar Card) AND accepted photo ID. Absent a valid bar card, all attorneys are subject to a criminal background check prior to admittance to the facility and/or placement on an inmate’s approved visit list.
B. Any request by an attorney or inmate for an attorney/inmate visit outside the scheduled visitation hours/days must be made at least one business day prior to the visit and approved by designated staff. The attorney must present evidence of the attorney’s license to practice law, i.e. Bar Card or other documents approved by the Warden or designee (See ARSD 17:50:02:21). Approval will be based on the existence of extenuating circumstances, such as an imposed deadline for filing or a hearing date. Circumstances will be considered on a case-by-case basis.

C. If an attorney who is not the inmate’s Attorney of Record wishes to visit an inmate, the attorney visit will take place during scheduled visit times/days.

D. Attorneys may only meet with one (1) inmate at a time, unless prior authorization to meet with multiple inmates has been granted by the Warden, Deputy Warden or designee (See ARSD 17:50:02:23). Attorneys will not be allowed to visit non-identified/specifed inmates, i.e., all maximum security inmates, or “any inmate wishing to meet with an attorney”. Attorneys must specifically identify the inmate(s) by name prior to the visit.

E. Any items or materials brought into a facility by an attorney are subject to search by DOC staff (See ARSD 17:50:02:24). Legal documents that are case specific may be searched/inspected for contraband by staff but not read.

   1. Attorneys may not physically transfer documents or articles to an inmate during a visit without authorization by the DOC staff member supervising the visit. Legal documents may be given to the inmate after first being inspected, not read, by the supervising staff. If the attorney needs the inmate to review documents in advance of the visit, the attorney may mail the documents to the inmate.

   2. Legal documents must be in paper format, no CD’s DVD’s, flash drives or other data storage formats may be given to the inmate.

   3. No photograph, audio or video recording may be made during the visit without specific prior approval.

F. If an attorney or representative of any attorney who is not the inmate’s Attorney of Record or on the inmate’s visit list requests a visit with an inmate regarding open legal action, staff shall consult with the respective DOC staff attorney prior to approving the visit (See DOC policy 1.3.E.1 Inmate Legal Assistance).

   1. A representative acting on the attorney’s behalf will be required to present a letter on official letterhead signed by the attorney or law firm.

G. Inmate(s) are not required to accept an attorney visit. If an inmate refuses a visit with an attorney, the inmate should sign the Attorney Visit Refusal Form (See Attachment 2). If the inmate refuses to sign the form, his/her refusal to sign will be noted on the form by DOC staff.

H. Audio monitoring of an inmate/attorney visit by DOC staff is not allowed. DOC staff will visually/sight monitor the visit. A private visiting area may be made available to the attorney and inmate for the purpose of discussing legal matters (See ARSD 17:50:02:06)

I. The Warden, Deputy Warden or Associate Warden(s) may refuse admission to any attorney, or terminate, limit or suspend an attorney/inmate visit for failure by the attorney to comply with state law, DOC policy or established institutional rules and/or regulations or just cause (See ARSD 17:50:02:25).
6. Clergy and Media Visits:

A. Inmates may request visits with clergy approved and assigned to the facility by contacting the Cultural Activity Coordinator (CAC) or designated staff member (See DOC policy 1.5.F.4 Inmate Religious and Cultural Activities).

B. Outside clergy not assigned to the facility (pink tag volunteer) may visit an inmate during normal visit times or through a special visit request submitted by the inmate for extenuating circumstances, i.e. death or serious injury of an inmate’s immediate family member.

C. In addition to the requirements set forth in Section 4 A., clergy and recognized media representatives may be required to provide written verification of his/her status, membership, affiliation with a recognized religious or media organization/group (clergy card/press ID) prior to admittance to the facility for the purpose of visiting an inmate.

D. In-person interviews conducted by recognized media representatives with an inmate during regular visits are subject to the criteria contained in Section 5 of DOC policy 1.1.A.4 Relationship with News Media, Public and Other Agencies.

7. Special Visit Requests:

A. Special visits are visits that occur when the regular visiting schedule cannot accommodate the visit or a visit that is an exception to the normal visiting rules. Special visits may be approved by designated staff, provided the visit is in the best interest of the inmate and is not a threat to the safety, security and good order of the facility. All inmates, with the exception of those currently in A&O, are allowed four (4) special visits per year. For the purpose of this policy, a “year” is defined as January 1 to December 31.

1. Additional special visits may be requested by the inmate and are subject to approval by the Warden, Deputy Warden or his/her designee.

2. Special visits may be approved on a case-by-case basis for visitors on the inmate’s approved visit list who must travel at least 200 miles one way from their place of residence to the DOC facility.

3. Special visits may be approved for visitors who are not currently on the inmate’s approved visit list but meet the visiting criteria.

4. Special visitors are subject to staff approval and a criminal record check prior to admittance to the facility.

B. The inmate requesting the special visit must complete and submit a Special Visit Request form (See Attachment 3). Each prospective visitor, regardless of age must be included on a Special Visit Request form.

1. Prospective visitors who choose not to share their personal identification information with the inmate i.e., social security number, date of birth, may complete the Special Visit Request form and mail this directly to the facility.

2. Special visitors under the age of 18 are not required to provide a social security number.

C. Special visit requests will normally be processed within 5 business days of receipt. The inmate will be notified of the decision to grant or deny the special visit.
8. Visiting Room Operation:

A. Each facility housing inmates may establish guidelines/rules for visiting room operation, consistent with this and other applicable DOC policies. The guidelines/rules will be made available to inmates and their visitors. Visit rules include but are not limited to the following:

1. Visiting hours and days will be posted in a public area of the facility (ARSD 17:50:02:02).
2. Proper attire and conduct/behavior of visitors and inmates during a visit.
3. Identification/admission requirements for visitors.
4. Property items which visitors and inmates are allowed to possess during a visit.
5. Prohibited items, i.e. weapons, cell phones, drugs, alcohol, tobacco or other prohibited or illegal items.
6. Any special rules.

B. Visits will be either Class I (contact) or Class II (non-contact). Contact visits are conducted in an open, designated area of the facility. Staff assigned to supervise visits will maintain direct, visual supervision of inmates and visitors. Non-contact visits are conducted in a secure, glassed-off area of the visit room that allows for physical separation of the visitor and inmate (See ARSD 17:50:02:04).

1. During contact visits, physical contact between the inmate and visitor is prohibited, except for a brief kiss on the cheek, embrace or hand shake at the beginning and/or end of the visit. The visitor and inmate may hold hands while seated provided both hands remain visible.
2. An inmate who is the parent or grandparent of an infant (under two years of age) attending visits may appropriately touch/hold the infant/toddler.

C. Inmates are only allowed to visit with their approved visitor(s). Cross visitation or visiting with other inmates’ approved visitors is not allowed.

D. Inmates and visitors will be closely monitored at all times by staff to ensure contraband is not passed and inappropriate behaviors do not occur. Inmates may be assigned a seat or table to permit staff to monitor the visit, particularly if the inmate or visitor presents a special concern to the security, safety and efficient operation of the facility.

E. Visitors with mobility impairments should contact the facility before visiting to ensure accommodations are in place. All outside wheel chairs are subject to search.

F. Visitors must request and receive prior approval for service or guide animals needed in the visitation area. Service animals should not be petted by visitors. Service animals are subject to search. The visitor may be required to provide:

1. Documentation of the need for a service animal.
2. Brief description of the service(s) the service animal provides.
9. Visit Limitations:

A. The number of visitors and inmates permitted in the visit room and time allowed for visits/length of visits may be limited based on space and personal constraints, or when there are substantial reasons to justify the limitations. Visits may be limited by the Warden, Deputy Warden or designee when conditions exist that may jeopardize the safety and security of the institution or staff (See ACA 4-4498), such as:

1. Adverse weather conditions.
2. Issues with the building’s heating, ventilating and air conditioning (HVAC) system.
3. Ongoing or emergency construction projects that affect the visit area.
4. Disruption of electrical, water or other necessary utilities.
5. Disruption in essential computer applications necessary for the operation of visits, i.e. server, Intranet, COMS, etc.
6. Emergency situations that may affect the security, safety or disciplined operation of the facility.

B. Regularly scheduled visits may be cancelled by staff only after prior approval by the Warden, Deputy Warden, or designee.

C. Persons representing a potential health hazard (i.e., communicable disease) to inmates, staff or the public may be temporarily denied visitation. Department of Health staff may be consulted when terminating or resuming the person’s visit privileges.

10. Searches and Unauthorized Articles:

A. Participation in visits is strictly voluntary. All visitors are subject to hand pat by DOC staff trained to conduct such searches. All visitors are subject to electronic device search. Approved personal belongings accompanying a visitor into the visit room are subject to search. Visitors who fail to successfully pass a metal detector search (an alert signal is activated), or who are unable to be subjected to a metal detector search due to medical reasons, may be required to submit to a hand pat search.

1. Pat searches will be conducted by staff of the same sex as the visitor being searched.
   a. Visitors who indicate to staff they are transgender will be searched by a female staff member, when possible.

2. Visitors may decline the search process; however, refusal to consent to search will be sufficient cause for denial or termination of the visit and possible termination or suspension of visitation privileges (See ARSD 17:50:02:08).

3. If the visitor is under the age of eighteen (18), verbal consent must be provided by the custodial parent, legal guardian or an accompanying adult prior to staff completing a hand pat search of the minor.

4. Inmates and visitors are subject to search prior to entering the visit area, during visits (the person to be searched will be removed from the visit area and searched in private), and prior to departure from the visit area (See ARSD 17:50:02:08).

B. DOC canines, Ion scanners or electronic devices may be used to detect the presence of controlled substances or narcotics.
C. Any visitor attending visits or on DOC grounds found in possession of any alcoholic beverages or controlled substance(s) will have his/her visit immediately terminated. Visitors in possession or under the influence of alcoholic beverages or controlled substances will be denied entrance/access to the facility. Visitors will not be detained by DOC staff; however, staff will contact local law enforcement immediately.

D. Visitors may not use or possess cameras, wireless microphones, micro-cameras and/or other types of visual recording or photographic devices while attending visits. Use or possession of hidden/concealed cameras while in a DOC facility is strictly prohibited.

E. The exchange of any article between visitors and inmates without prior approval by DOC staff is a violation of visit rules and may result in disciplinary sanctions, limitation, suspension or termination of visit privileges, and criminal charges. The following SD state statute applies to all visitors to a DOC facility:

1. Any employee or other person who delivers or procures to be delivered, or possesses with the intention to deliver, to any inmate in the state penitentiary, or deposits or conceals in or around any facility or place used to house inmates, or in any mode of transport entering upon the grounds of any facility or place and its ancillary facilities used to house inmates, any article which is unlawful for an inmate to possess pursuant to state law or the rules of the Department of Corrections with the intent that any inmate obtain or receive such article, is guilty of a Class 6 felony (See SDCL § 24-2-22).

F. Persons found to have committed such actions or conspired to commit actions prohibited by SDCL § 24-2-22 will have their visit privileges revoked.

G. Inmates and visitors are not allowed to bring any items into or take any items out of the visit area without prior staff approval. DOC staff is not responsible for lost, damaged, stolen or misplaced personal property items.

H. Any inmate found in possession of contraband during or directly following a visit may have future visits restricted with the visitor(s) as an assumption may be made that the contraband was exchanged during the visit.

11. Terminated and Denied Visits:

A. Visits may be limited or terminated by DOC staff with authorization from the shift commander for the following behaviors (this is not intended to be an all-inclusive list) (See ARSD 17:50:02:05):

1. The visitor was found in possession or suspected to be under the influence of alcoholic beverages, controlled drugs or unauthorized substance(s).

2. For any of reason listed in Section 8 A. of this policy.

3. The visitor or inmate refuses to submit to search, or is subject to a canine alert, positive Ion Scan reading, or fails to clear a metal detector/wand search or other electronic device search without reasonable explanation to support why the alert may be false.

4. The visitor refuses or fails to produce an accepted form of photo identification, or presents identification suspected of being false or altered.

5. The visitor and/or inmate fail to abide by facility rules, policies or guidelines. Inmates who commit an H or M prohibited act while attending visits will have their visit terminated immediately.
6. The visitor refuses or fails to prevent children in their custody from disturbing other individuals in the visit room, or the visitor or inmate inflicts corporal punishment of any type upon a child, or the inmate engages in loud and/or abusive language (language must be appropriate for a public place), loud noises, sexual, disturbing or otherwise disruptive or destructive behavior/actions, or other behaviors which in the judgment of staff interferes with the visit period.

7. The visitor leaves the visit area for any reason, other than as directed or approved by staff.

8. The inmate refuses the visit.

9. There is knowledge or evidence supporting the visitor is in possession of contraband, or has smuggled, attempted to smuggle or conspired to smuggle contraband into or out of the facility or left contraband in an area of the facility or grounds.

10. The visit or visitor is determined to have a detrimental effect on the inmate, or the visit or visitor presents a threat to the security or safety of the institution, staff, or others.

11. The visitor and inmate engaged in excessive physical contact.

12. The visitor assaulted staff or others, or threatened staff or others with physical harm.

13. The visitor is suspected or known to have assisted, conspired to assist or attempted to assist an inmate in escape.

14. The inmate or visitor intentionally submitted or provided false information or statements to the DOC during the application process, i.e. failure to disclose a felony conviction.

15. Receipt of reliable information supporting the visitor is no longer eligible for placement on an inmate’s visit list, i.e. new criminal conviction or pending criminal charges, court order.

16. The visitor is currently suspended from visiting any DOC facility.

17. The visitor’s dress and/or grooming standards do not meet guidelines set forth by the facility.

18. Minors (those under age 18) not accompanied by a responsible accompanying adult on the inmate’s visit list or person otherwise approved by the Warden or designee may not visit.

B. Staff will document violations of the visit rules in an Informational Report and/or Disciplinary report. Denied or terminated visits will be documented in COMS.

C. A visitor’s visiting privileges will be denied for a period to be determined by the Warden in the following circumstances:

1. Smuggling, conspiracy to smuggle, or attempt to smuggle illegal contraband into a facility.

2. Assault on staff or others resulting in serious physical injury.

3. Assisting or conspiring to assist an inmate in escape.

D. Inmates may appeal the termination or denial of visit privileges through Administrative Remedy process (See DOC Policy 1.3.E.2 Administrative Remedy for Inmates).

E. If circumstances allow, staff will verbally explain to the inmate and/or visitor why a visit has been denied or terminated.
F. Once the visitation ban period has expired, the inmate may reapply for visits with the visitor through the regular visitation application process.

12. Suspension of a Visitor's Visit Privileges:

A. The Warden, Deputy Warden or designee may suspend a visitor's visit privileges for up to 90-days for any incident that results in a terminated visit. If the visitor has not been directly/verbally informed by DOC staff of the suspension, the DOC will notify the visitor in writing within five (5) business days of the decision to suspend the person's visit privileges. The notice shall include the reason for the suspension and the start and end date of the suspension period.

B. The visitor may appeal the suspension in writing to the Warden within fifteen (15) days of receipt of notice. The Warden will respond in writing to the visitor within fifteen (15) days of receipt of the appeal. The Warden's decision is final and is not subject to further appeal.

13. Limiting Inmate Visit Privileges:

A. The Warden, Deputy Warden or designee has authority to limit the visits of any inmate presenting excessive risk due to assessment findings, test scores/results, prior behavior, history, or other factors. The inmate may be subject to limited visits, including non-contact/Class II visits. Limitations may apply to a specified visitor on a case-by-case basis or to all of the inmate's visitors/visits.

B. Sex offenders who are not compliant with treatment or are determined to present excessive risk by SOMP staff and/or the Warden may be limited to class II visits.

1. If a non-compliant sex offender chooses to participate in SOMP/STOP, he/she may request Class I visits only after actively participating and remaining compliant with SOMP/STOP for three (3) consecutive months (as determined by SOMP staff).

2. Sex offenders compliant with SOMP/STOP may receive Class 1 visits after receiving approval from SOMP staff and the Warden.

3. Sex offenders whose sex crime involved a minor victim may be denied visits with any minor or restricted to class 2 visits with a minor. The Sex Offender may request an exception/approval by contacting SOMP staff and/or Warden. If denied, the inmate may reapply in 6 months.

4. Sex offenders may appeal visit limitations through the administrative remedy procedure (See DOC policy 1.3.E.2 Administrative Remedy for Inmates).

C. Inmates sentenced to capital punishment are limited to Class II visits only (See DOC policy 1.3.D.2 Capital Punishment Housing).

D. Inmates committing a prohibited act or otherwise violating rules or institutional policies/OMs, may be subject to limitation or denial of their visiting privileges through the inmate discipline system (disciplinary sanction) (See SDCL §§ 24-2-9 & 24-15A-4).

E. All limitations and/or suspensions of an inmate's visit privileges will include an effective date and end date (if applicable) and will be documented in COMS.

F. Visiting privileges will not be limited or denied on the basis of race, religion, sex, national origin, or physical disability.
14. Removal of a Visitor from the Inmate’s Approved Visit List:

A. An inmate may request removal of a visitor from his/her approved visit list at any time by submitting a written request to his/her unit staff.
   1. Visitors removed from an inmate’s visit list by the inmate may not appeal the removal.

B. A visitor may request removal from an inmate’s approved visit list at any time by submitting a written request to the facility where the inmate is housed.
   1. The inmate may not appeal the visitor’s removal from the inmate’s visit list.

C. Visitors removed from an inmate’s approved visit list are not eligible for placement on the same inmate’s visit list for 90-days.

D. Removal of a visitor from an inmate’s approved visit list may take up to five (5) business days from the date the request was received.

15. Visitation with a Hospitalized Inmate:

A. If authorized in advance by the Warden, Deputy Warden, Senior Security Officer or designee, a hospitalized inmate may receive visits from immediate family, an Attorney of Record or clergy (See DOC policy 1.4.E.12 Inmate Hospitalization). DOC staff shall directly supervise the visit.

B. All visitors must be on the inmate’s approved visit list or approved through a Special Visit Request (See Attachment 3).

C. Hospital visits are subject to the provisions of this policy, guidelines set by the facility/Warden, and all rules pertaining to patient visits administered and set forth by the hospital.

V Related Directive(s):


DOC policy 1.1.A.4 -- Relationship with News Media, Public and Other Agencies
DOC policy 1.3.D.2 -- Capital Punishment Housing
DOC policy 1.3.E.1 -- Inmate Legal Assistance
DOC policy 1.3.E.2 -- Administrative Remedy for Inmates.
DOC policy 1.4.E.12 -- Inmate Hospitalization
DOC policy 1.5.F.4 -- Inmate Religious and Cultural Activities

VI Revision Log:

April 2003: Revised language in Policy. Added section on Restrictions on Visits
March 2008: Added definition of “Attorney of Record”. Added W-2 to the list of possible visitors. Added section on “Attorney Visits”. Added that inmates are not allowed to have visits while in A & O. Added information explaining once inmates complete A & O, to place names on their visit list, they are required to complete the Visit List Verification form. Added a sentence explaining with prior approval of unit staff an inmate in A & O may receive permission to visit with an attorney and/or clergy. Revised and Added Attachment 1 Visit List Verification form to include universal language across all adult DOC facilities when

Revised: 08/10/2016
referred to as witnesses only when the inmate refuses to sign. Revised that “unit staff” vs. “Warden or designee” is the contact to organize visits throughout policy. Added definitions of Class I and II Visits. Added Attorney of Record and listed all possible visitors under the Approval of Visits section. Added language limiting inmates to Class I and Class I and II visits when inmates present extensive risk to the security, safety or disciplined operation of an institution under the Restrictions of Visits section. Removed “non-complaint” when referring to sex offenders under the Restrictions of Visits section. Added legal guardian, Attorney of Record, M-2/W2 sponsors and AA sponsors to Attachment 1 Visit List Verification form to coincide with Approval of Visitors List section in this policy. Added hyperlinks to policy to Attachments 1 and 2 and hyperlinks from Attachment 1 and 2 to this policy and updated attachment pictures in policy. Changed title of Attachment 2 to “Attorney Visit Refusal Form” vs. “Visit Refusal Form”.

October 2008: Added definition of Special Visit. Revised listing of visitors and added 6, 7 and 15 of ss (A), added ss (E, F G and G1) of Approval for Visits. Added Visitor Identification section. Replaced unit staff with appropriate institutional staff in ss (C of Attorney Visits). Added Special Visit Requests section. Added drug dog search and Ion Scan in ss (A) and revised ss (C) that law enforcement will be contacted vs. detaining visitor of Searches. Added special security office in ss (A of Suspension of Visiting Privileges). Added DOC policy 1.4.E.12 to V. Replaced unit staff with senior security staff as appropriate throughout policy. Revised Attachment 1 and added Attachment 3.

October 2009: Added reference to photo in ss (A) and added respective as it relates to DOC staff attorney in ss (E) both within Attorney Visits. Added hyperlinks to policy.

October 2010: Revised formatting of Section I. Added male or female to Attachment 1.

December 2012: Added definition of NCIC III and Clergy and DOC Staff. Added “and reviewed by designated staff. All visitors are” to Section 1 A. Added new B. “A list of each inmate’s approved visitors shall be maintained in Citrix by designated DOC staff”. to Section 1. Renumbered subsections that follow. Added “social worker” to Section 1. D. Deleted “allowed to visit” and Replaced with “disqualified from visiting” and Deleted “but may be approved for visitation by senior security staff” and Replaced with “Persons with a criminal record may be granted an exception to visit by the Warden or his/her designee” to Section 1 E. Added “With the exception of clergy and attorneys and (all adult DOC facilities) to Section 1 F. Added I. “Visitors who are not immediate family may be added to the inmate’s approved visit list as a ‘friend’. to Section 1. Added “who are accompanied by an approved visitor who is at least eighteen (18) years of age.” to Section 2 A. Added “state issued ID” and “tribal ID” to Section 2 A. 1. Added “an acceptable form” to Section 3. C. Deleted “twelve (12) month period and Replaced with “year, which is defined as January 1st to December 31st” to Section 4 A. Added 1. “Additional special visits may be approved by the Warden or his/her designee” to Section 4. Deleted “at least four (4) working days prior to the visit” to Section 4 B. Deleted “people visiting an inmate and the length of visits” and Replaced with “visitors/inmates permitted in the visit room and/or length of visits may be imposed when the following occur” and Deleted “to prevent overcrowding” in Section 5 A. Added items 1-6 to Section 5 A. Added B. “Visits may be cancelled only after prior approval by the Warden or his/her designee” to Section 5. Added to Section 5. A. Added “Pat searches will be conducted by staff of the same sex as the visitor being searched. Searches may be conducted prior to the visitor entering the visit room, during the visit, or when leaving the visit area.” to Section 6. A. Added 1. and 2. to Section 6 A. Added new B. “The use of a specially trained dog or Ion scanner may be used to detect the presence of controlled substances or narcotics and may be utilized at the entrance way of other designated areas of the visit room” to Section 6. Renumbered subsections that follow. Added “time a “is” “of a controlled substance of suspected of being under the influence” and “possessing” to Section 6. C. Added 1. to Section 6. C. Added E. “DOC staff are not responsible for lost, damaged, stolen, misplaced visitor personal property items.” to Section 6. Added 9. “The inmate refuses the visit, violates the rules pertaining to visits, or is removed from the visit room by staff due to being disruptive, for excessive physical contact with their visitor(s),” to Section 7 A. Added “or other reasons listed in Section 5 of this policy” in Section 7 A. 2. Added B. “Staff will document visits that are terminated as a result of the above circumstances occurring in an informational report of a Disciplinary report, if the visit was terminated as a result of an inmate committing a prohibited act” to Section 7. Added “or the Warden or his/her designee” to Section 8 A. Deleted “to security, safety or the disciplined operation of an institution” and Replaced with “due to assessment findings, prior behavior or history” Added Section 10 Visitation with Hospitalized Inmate. Added A. B.C. to Section 10.
October 2013: Combined institutional visit OM’s into the policy and rescinded the facility visit OMs.

November 2014: Deleted “fifteen” and Replaced with “sixteen” in Section 1 A. 1. Deleted (2) and Replaced with (4) in Section 1 E. 26. Deleted A. “When a clergy leader requests to visit an inmate, he/she must contact the facility’s CAC or designated staff member” and Added new A. to Section 6. Added 1. to Section 13 B.

July 2016: Deleted “sixteen (16)” and Replaced with “eighteen (18)” in Section 1 A. 1. Deleted “complete the form and send this to” and Replaced with “request the inmate mail a form to them” or request the form from the facility where the inmate is housed. Inmates shall be responsible for postage expenses associated with mailing the application” in Section 1 A. 2. Added “The form must be received by the facility sufficiently prior to the visit to allow for the necessary review, approval and placement of the visitor on the inmate’s approved visit list” and Deleted “be treated as confidential” in Section 1 A. 3. Deleted “prospective visitors and notifying the visitor of the status of their Visit List Verification form (“approved” or “denied”) and when the visitor has been added to the “ and Replaced with “their visitor when the visitor has been added to their approved visit list” in Section 1 C. Added “and the person is an immediate family member of the inmate” and Added “The Warden may waive or modify this requirement” in Section 2 B. 1. Deleted “minimum of one year” and Replaced with “misdemeanor may be required to wait up to 90 days after completing jail time, term of probation or final payment of any fine before becoming eligible to visit an inmate. The Warden, Deputy Warden or designee has authority to restrict visitors convicted of misdemeanors presenting elevated risk, such as a misdemeanor drug convictions, to class 2 visits” in Section 2 B. 2. Added 5. to Section 2. B. Added “A person identified as” in Section 2 C. Added “listing the reasons for the visitation” in Section 2 C. 1. Added 3. to Section 2 C. Added “or the person is an immediate family member of the inmate” in Section 2 D. Added 2. to Section 4 A. Deleted “An inmate’s Attorney of Record may visit the inmate during scheduled visitation hours without prior notice” and Added “at least one business day” and Added “The attorney must present evidence of the attorney’s license to practice law, i.e. Bar Card or other documents approved by the Warden or designee” and Added “Approval will be based on the existence of extenuating circumstances, such as an imposed deadline for filing of a hearing date. Circumstances will be considered on a case-by-case basis” in Section 5 B. Deleted “must request the visit in advance through unit staff” and Replaced with “visit shall take place during the scheduled visit time/day” in Section 5 C. Added language from Section 5 G. to Section 5 D. Deleted “not normally allowed” and Replaced with “may not” and Added “without authorization by the DOC staff member supervising the visit” and Deleted “The Deputy Warden or his/her designee may grant exceptions on a case by case basis” in Section 5 D. 2. Added “A private visiting area may be made available to the attorney and inmate for the purpose of discussing legal matters” in Section 5 G. Added new B. to Section 6. Added “requested by the inmate” in Section 6 A. 1. Added “Special visits are one-time visits between an inmate and person (adult or minor) who is not on the inmate’s approved visit list. Special visits will be approved on the basis that the visit is in the best interest of the inmate and is not a threat to the safety, security and good order of the facility” in Section 7 A. Added “case by case basis” and Added “on the inmate’s approved visit list” and Deleted “long distance” and Added “from their place of residence to the DOC facility” in Section 7 A. 2. Added 2. to Section 7 B. Deleted “until the health hazard is addressed” in Section 8 D. Added “by DOC staff trained to conduct searches” and Added “an alert signal is activated” in Section 9 A. Deleted “and the pat search must be authorized by the Warden” and Replaced with “or accompanying immediate family member” in Section 9 A. 4. Deleted “may” and Replaced with “will” and Deleted “or when the visitors are leaving the area and Replaced with “and may be conducted upon inmate and/or visitors prior to departure from” in Section 9 A. 5. Deleted “A specially trained dog” and Replaced with “DOC canine” in Section 9 B. Added “attending visits or on DOC grounds for the purpose of visiting an inmate” in Section 9 C. Added new D. to Section 9. Added 13. to Section in Section 8 C. Deleted “suspended” in title of Section 10. Added a. to Section 10 A. 1. Added “with authorization from the shift commander” in Section 10 A. Added “or is subject to a canine alert, positive Ion Scan reading or fails to clear a metal detector search” in Section 10 A. 3. Added “Inmates who commit a H or M prohibited act while attending visits will have their visit immediate terminated” in Section 10 A. 5. Added 14-17 in Section 10 A. Added C. to Section 10. Deleted “or when there is reason to believe a visitor has initiated activities that are intended to subvert facility security, or has engaged in other suspicious and/or inappropriate conduct” and Replaced with “a visitor’s visit privileges for up to 90-days per incident, or permanently terminate a visitor’s visit privileges at that particular facility” in Section 11. A. Added “without reasonable explanation to support why the alert may be
false" in Section 11 A. 1. **Revised** Section 13. B. and **Added** 1-3. **Added** D. to Section 13. **Added** "DOC staff shall be present at all times during the visit" in Section 14 A.  

**August 2016:** **Added** definition of Recognized News Media. **Added** “All inmates housed in DOC facilities will be provided information regarding inmate visitation at that facility within 24 hours of arrival at the institution (See ACA 4-4285 and 4-4499)” in Section 1 A. **Added** “Visitors/inmates should allow up to 30 days after submitting a visitor application for the review and approval process” in Section 1 C. **Added** “Regardless of an accompanying adult, minors will not be permitted to visit if any of the following circumstances exist:” and **Added** 1-2 in Section 2 A. **Added** “for non-violent offenses” in Section 2 B. 1. **Added** “If the request is denied, the inmate may request the add the visitor after one year has passed following the denial” in Section 2 E. **Added** 24. Recognized News Media to list of approved visitors. **Added** I. to Section 2. **Added** “Legal documents may be given to the inmate after first being inspected, not read, by the supervising staff” in Section 3 E. 1. **Added** 2.-3. in Section 3 E. **Added** 1. to Section 3. F. **Added** B. to Section 4. **Added** “Media” and D. to Section 6. **Deleted** one-time visits between an inmate and visitor who is not on the inmate’s approved visit list” and **Replaced** with “visits that occur when the regular visiting schedule cannot accommodate the visit or a visit that is an exception to the normal visiting rules” in Section 7 A. **Deleted** “the rules and guidelines that apply to regular visits” and **Replaced** with “approval and a criminal record check will be conducted by staff on all special visitors prior to admittance to the facility” in Section 7 A. 4. **Added** new 3. and 5-6. in Section 8 A. **Added** “embrace” and “at the beginning and/or end of the visit” in Section 8 A. 1. **Added** E. and F. to Section 8. **Added** new C. and F. to Section 11. **Added** 3. to Section 13 B. **Revised** Attachment 1.

---

**Denny Kaemingk (original signature on file)**

08/26/2016

Denny Kaemingk, Secretary of Corrections

Date
Attachment 1: Visit List Verification

The Visit List Verification form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click here to access the Visit List Verification by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Visit List Verification.

The gray areas indicate the information that is to be entered.
Attachment 2: Attorney Visit Refusal Form

The **Attorney Visit Refusal Form** is located on the state’s WAN.

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

1. Click [here](#) to access the **Attorney Visit Refusal Form** by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Attorney Visit Refusal Form**.

The gray areas indicate the information that is to be entered.
Attachment 3: Special Visit Request

The **Special Visit Request** form is located on the state’s WAN.

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

1. Click [here](#) to access the **Special Visit Request** by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Special Visit Request**.

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