

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 juvenile and adult 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

This handbook is designed for inmates living in South Dakota Department of Corrections adult correctional facilities. On the following pages you will find information about the programs available to you, the privileges available to you, and parole and release information. There is also general information to help you with the normal routine of prison life.

Read this handbook carefully. If you do not understand something, ask a staff person for help. You are accountable for the rules and regulations of the institution. Specific information about topics in this handbook may be obtained from your unit team or by reading the particular DOC policy referenced within this handbook.

Other information can be located in posted regulations, unit rules, operational memorandums, and policies and procedures available in inmate libraries and/or the housing units.

AN IMPORTANT MESSAGE

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 disturbance, mass assault, assault, or demonstration occurs, go immediately to your housing area or other area as directed by staff and remain there. Inmates who participate or encourage these actions and behaviors will face disciplinary action and possible criminal prosecution. Avoid any behavior that may connect you with the trouble in any way.

It is the policy of the Department of Corrections (DOC) to segregate identifiable troublemakers from the general population. This helps provide a safe environment for inmates to serve their time and participate in programming.

If at any time, you believe you are in danger of being physically assaulted or abused (including sexual assault or sexual abuse), you should report your concern to a staff member so action can be taken to ensure your safety.

You are not permitted to engage in sexual activity with staff or inmates while incarcerated at a DOC facility, contract facility or while housed at a city/county jail. Engaging in any sexual activity with staff or inmates, even if you consider it to be consensual, is a violation of DOC Prohibited Acts.

Violation of prohibited acts can result in a denial of your release to parole supervision.

PRISON RAPE ELIMINATION ACT (PREA)

The South Dakota Department of Corrections (SDDOC) has a zero-tolerance policy relating to sexual assault/rape of an offender. The SDDOC will cooperate in the investigation and prosecution of anyone involved in a sexual assault/rape. If you believe you are the victim of a sexual assault/rape or attempted sexual assault/rape, report this information to any staff member as soon as possible.

For more information refer to the DOC policy 1.3.E.4 *Prevention of Offender Sexual Assault/Rape*.

ADULT DOC FACILITIES

The following facilities are designated as housing units for male inmates: the South Dakota State Penitentiary and Jameson Annex in Sioux Falls, the Mike Durfee State Prison in Springfield, the Yankton Minimum Facility and the Rapid City Correctional Unit. The South Dakota Women's Prison in Pierre is designated as the primary housing unit for female inmates.

South Dakota law states no inmate under the jurisdiction of the DOC has any implied right or expectation to be housed in any particular facility, participate in any specific

program, or to receive any specific service; and an inmate is subject to transfer from any facility, program, or service at the discretion of the Warden or the Secretary of Corrections.

THE UNIT TEAM

You have been assigned to a unit team. A unit team normally consists of a unit manager, case manager, correctional unit coordinator and transitional case manager. A member of your unit team will work with you to address any serious problems you may encounter and will be your primary resource for the classification process, the Individual Program Directive (IPD) process, release planning and your inmate financial accounts. To gain access to your unit team, submit a written request slip stating your need or concern. You should also read the unit plan for information on daily activities. You may view the unit plan by requesting it from your unit team or this may be posted in your housing area.

If you transfer to another DOC facility, you will be assigned to a new unit team. Your new unit team will be provided with the necessary information concerning your rehabilitative programming and goals.

CLASSIFICATION

The South Dakota Department of Corrections uses a classification system to guide your institutional placement, the degree of control and supervision required to maintain custody of you, and to ensure the security of each facility and the safety of staff, inmates and the public. For more information refer to the DOC policy 1.4.B.2 *Male Inmate Classification* and DOC policy 1.4.B.14 *Female Inmate Classification*.

INDIVIDUAL PROGRAM DIRECTIVE (IPD)

You will be given an Individual Program Directive (IPD) which will outline the expectations for your behavior during your incarceration. As part of your IPD, you will be expected to conform to the rules of the DOC and the institution which you are assigned. You should maintain a good disciplinary record and work diligently and to the best of your ability when you are assigned a job or duty. Your IPD may also require you participate and cooperate within programs or activities to which you are assigned, including but not limited to chemical dependency treatment programs, educational programs and sex offender programming.

If you are incarcerated for a crime committed on or after July 1, 1996, your IPD establishes what you must do in prison to be eligible for release to parole supervision. Failure to abide by the elements of your IPD may result in a finding of non-compliance, which may prevent your release to parole supervision. If you are non-compliant with your IPD at the time of your initial parole date, you may have to wait up to two (2) years for another opportunity for parole. Any parole hearing after a finding of non-compliance is discretionary and the Board of Pardons and Paroles may require you serve your entire term of incarceration. For more information, refer to the DOC policy 1.4.B.1 *Individual Program Directives (IPD)*.

RELEASE PLANNING

You will be offered programs and services to assist you with your transition from prison to the community. If you are within five (5) years of your possible release date, you will be expected to participate in release planning and to develop a release plan. This section does not apply if you are sentenced under capital punishment or if you are sentenced to life in prison.

HOUSING ASSIGNMENT

Your housing assignment will be determined by your unit team.

LIVING QUARTERS

The care and cleaning of your living area, room or cell is your responsibility. Cleaning supplies will be provided. Cell cleaning times are posted. Refer to your Unit Plan for additional rules.

Any structural problem (leaking faucets and toilets, defective light fixtures, etc.) must be reported to your unit team. Defacing or damaging your living quarters or any other state owned property in any way is strictly prohibited. You will be financially liable for damage you may cause to property or lost state property which has been assigned to you.

PERSONAL PROPERTY

You are allowed to have certain items of personal property. Lists of allowable personal property and approved ways of obtaining these items are available in your housing unit. Personal property will be stored according to unit rules. See DOC policy 1.3.C.4 *Inmate Personal Property* and DOC policy 1.2.E.1 *Inmate Commissary*.

Certain items must be recorded by correctional staff on your property list. The items which must be recorded on your property list are identified in the allowable property listing. Employees cannot ensure the safety of personal property from loss, theft, or damage resulting from negligent acts or omissions by you or other inmates.

In order to possess items of personal property you are required to sign the Admission Document, which absolves all correctional employees from any liability resulting from loss or damage to your property. This does not mean you will not be fairly compensated for loss or damage to your property caused as a direct result of a negligent act or omission by a DOC employee.

An inmate who is found to have committed a Category 5 Prohibited Act at any time or three (3) Category 4 Prohibited Acts within any twelve (12) month period may be required to forfeit a significant portion of his/her personal property. See DOC policy 1.3.C.5 *Forfeiture of Inmate Personal Property*.

CONTRABAND

Any item not authorized for you to have is contraband. Approved items may be contraband if they have been altered, are possessed in higher quantity than authorized, used in ways for which they were not intended, or obtained through an unapproved source. Items purchased must remain in their original containers.

You will be held responsible for contraband found on you, in your living quarters, in a storage space assigned to you or at your work site. Contraband will be confiscated and you will be subject to disciplinary action. See Prohibited Acts.

SEARCHES

You, your possessions, your living quarters, your storage areas and your work site are subject to search at any time.

COUNTS

A count is an official tally to ensure all inmates are in their proper location. A count may be taken at any time.

PERSONAL CLEANLINESS AND GROOMING

You will be issued enough clothing to maintain a neat and clean appearance. You should take a shower and change your clothes regularly unless excused by health services staff.

Alteration of clothing is not permitted. Altered personal clothing will be confiscated. Worn out or torn state issued clothing may be exchanged.

Hair must be kept clean and neat in appearance and cannot pose a safety or sanitation threat in your work or program assignment.

DNA TESTING

If you were admitted to the DOC or are in the custody/supervision of the DOC on or after July 1, 2003 you must provide a DNA sample, if you have not previously done so and/or your information is not registered on the DNA website. You will not be released in any manner until you have provided the required DNA sample. Knowingly refusing to provide the required DNA sample is a Class 5 felony. See DOC policy 1.3.C.10 *DNA Testing*.

FOOD SERVICE

You will be allowed three meals each day. Medical orders for a special diet will be handled according to established policy. Requests for a special religious diet should be directed to the cultural activities coordinator. See DOC policy 1.5.C.2 *Wellness Program*.

Your face, hands and hair should be clean for every meal. Inmate dress code must be followed in the dining area. Use good table manners and leave your table and eating area as neat and clean as possible. Shouting or movement from table to table is not

allowed in dining areas. Some institutions have assigned seating in the dining hall. If you are housed in one of these locations, staff will direct you where to sit in the dining hall.

You are not permitted to trade or give away any food from your special diet. You will be held financially responsible if you do not pick up a special diet meal that was prepared for you. See Prohibited Acts.

HEALTH SERVICES

The DOC will make provisions for reasonably necessary medical care for you while you are an inmate. Such services may include medical, mental, dental, optometry and emergency medical care. If you have questions on how to access health services, contact your unit team.

You will be charged a fee for each medical visit you initiate. See DOC policy 1.4.E.10 *Inmate Medical Co-Pay* for the fee schedule.

INMATE ACCOUNTS

An account will be established in your name upon your arrival at a DOC facility. Money received for you will be deposited in this account. Money may be received from the outside through the mail or from wages paid in an institutional program or job. In order to have any outside funds deposited, you are required to sign the Admission Document.

You may receive business/payroll checks, cashier's checks, government checks or money orders through the mail only for deposit into your account. You will be provided a monthly statement of your account. You are responsible for keeping track of the balance in your account and may be subject to disciplinary action for overdrawing your account. For more information refer to DOC policy 1.1.B.2 *Inmate Accounts & Financial Responsibility*.

COMMISSARY

You may be allowed the privilege of accessing commissary to purchase food items, toiletries and other items such as pop tokens. Your total purchase at commissary, including tokens, may not exceed the amount specified on the commissary list. Excess commissary items will be confiscated as contraband.

If you do not have funds in your commissary account, you may request and receive indigent commissary once every twenty-eight (28) days and only if you meet the guidelines established in DOC policy 1.2.E.1 *Inmate Commissary*. You can not exceed the weekly spend limit. You may reference more information regarding indigent commissary from your facility operational memorandums.

Trading, buying, selling, or holding property for others is forbidden. Any irregularity in connection with a commissary order will result in disciplinary action. Inmates who have their accounts frozen due to lack of funds or administrative action may not access commissary unless given approval.

Family members may purchase “care packages” on your behalf from the commissary vendor, subject to institutional procedures.

MAIL

Mail may be inspected and is subject to the rules of the institution and as prescribed in DOC policy 1.5.D.3 *Offender Correspondence*. Correspondence or publications may be confiscated or rejected if they violate institution or DOC policies.

Incoming and outgoing mail must be sent via the U.S. Postal Service or UPS. Outside orders/packages may only be received from authorized sources. Outside orders/packages must be approved in advance through your unit team. Outside orders for religious items must typically be approved in advance by the cultural activities coordinator. Correspondence cannot be passed through the control room or visit room. Correspondence to another inmate must be pre-approved through your unit team.

TELEPHONE PRIVILEGES

Telephone calls are a privilege and are subject to the rules of the institution. Rule violations can result in the loss of your telephone privileges. By using the inmate telephone system, you automatically give consent to the monitoring and recording of your calls. The State does not pay for outgoing inmate calls.

You have the option of either placing a collect call or a debit call, provided you have funds available in your debit phone account or the approved party called has an account set up. The cost of a collect call will be charged to the recipient. A debit call is charged against your debit phone account or the approved party's account which shall be established according to DOC policy 1.5.D.4 *Inmate Access to Telephones*. The DOC may place a maximum limit on your phone account balance. The DOC does not accept inmate phone monies as these should be sent directly to the phone service provider. Incoming money orders or cashier's checks received by the DOC, designated as "phone funds" will be deposited into your institutional account.

VISITING

You may be allowed to visit with those people who have been approved and are listed on your visit list. Attorneys and clergy will be allowed to visit, pursuant to DOC policy 1.5.D.1 *Inmate Visiting*, after presenting proper credentials and identification.

While in Admissions & Orientation, with prior approval from unit staff, you may be allowed visits only from attorneys or clergy. Visits from family and friends may be permitted after you have been transferred to a permanent housing unit.

Visits consist of two classes: Class I is a contact visit in a designated area and Class II is a non-contact visit in which you are separated from your visitor. If housed at the Sioux Falls complex, all Class II visits must be scheduled in advance. You may be placed on Class II visits for violating institutional rules or policies pertaining to visits.

You will be searched after your visit. Your visitors may be searched in private by a staff member of the same sex. A visitor may choose to leave the facility rather than submit to a search, but refusing to submit to a search may result in the denial of future visiting privileges.

Violation of visiting rules may result in any or all of the following:

- The termination of your visit;
- The loss of visiting privileges;
- Restriction to Class II visits;
- Disciplinary action.

Visiting hours are posted in your housing unit.

RELIGIOUS AND CULTURAL ACTIVITIES AND PROGRAMS

Religious and cultural activities are offered on a regular basis and may be attended on a voluntary basis. You are expected to conduct yourself in an appropriate manner while attending or participating in these programs or activities by showing respect for the faith and religious/cultural practices of others, as well as your own. You may contact the cultural activities coordinator for more information about religious and/or cultural activities available at your institution.

ALCOHOL AND DRUG TESTING

A testing program is used to detect the use of drugs, alcohol and unauthorized substances. Refusing, altering, circumventing, or failing to produce a urine or breath sample is against prison rules and you will be subject to disciplinary action. See Prohibited Acts. See DOC policy 1.3.A.8 *Drug Testing, Sanctions and Treatment*.

EDUCATION OPPORTUNITIES

SDDOC recognizes the value of education. Mandatory educational programming includes GED, special education and Thinking for a Change. Inmates who lack a high school diploma or GED prior to incarceration will have academic programming included on his/her IPD (Individual Program Directive). All inmates under the age of 21 who were under an IEP (Individual Education Plan) from any school district prior to incarceration will receive continued special education services contracted through the applicable school district. If you are assessed as needing Thinking for a Change class, this will be included on your IPD.

The availability of specific coursework varies by site and is dependent upon an inmate's housing assignment. Additional classes include (but are not limited to): Anger/Stress Management, Job Search Assistance Program, Credit when Credit is Due, Impact of Crime on Victims, and computer skills.

Inmates with a high school diploma or GED have an opportunity to pursue post-secondary education through correspondence. DOC does not provide financial assistance and a pre-approval process must be followed prior to having coursework sent

in to the prison. Inmates interested in taking college correspondence courses should contact the prison education department for further information.

LEGAL ACCESS

The DOC provides all inmates access to the courts through access to private legal staff. Most private legal staff has regularly scheduled office hours, or you can make an appointment to see them. Legal reference books are also available at designated areas of the South Dakota State Penitentiary, the Jameson Annex, the Mike Durfee State Prison and the South Dakota Women's Prison. See DOC policy 1.3.E.1 *Inmate Legal Assistance*.

Private practice attorneys and/or court appointed attorneys may meet with you in person. These meetings should be scheduled during regular visiting hours. See DOC policy 1.5.D.1 *Inmate Visiting*. Telephone calls to an attorney will not be monitored or recorded upon request; however, the name and phone number of the attorney must first be verified. Telephone calls to attorneys will be made collect or will be charged to your debit account. See DOC policy 1.5.D.4 *Inmate Access to Telephones*

Properly addressed incoming and outgoing legal mail will be inspected in your presence. Your unit team can provide you with a list of what is considered legal mail. See DOC policy 1.5.D.3 *Offender Correspondence*.

WORK AND PROGRAM OPPORTUNITIES

You may have the opportunity or obligation to participate in educational, vocational, work, chemical dependency, sex offender, parenting and counseling programs. If the crime for which you were convicted was committed on or after July 1, 1996, your parole release may be dependent on your adherence to your Individual Program Directive (IPD) and your compliance with certain work and/or program assignments.

Inmates whose crimes were committed prior to July 1, 1996 also need to maintain a good work and/or program record as this information is provided to and considered by the Board of Pardons and Paroles.

South Dakota law states that you may be required to work without compensation as a condition of your imprisonment.

K-9 OFFICER AND K-9 DOG

When the K-9 officer is with the K-9 you do not approach, touch or antagonize them. A K-9 is considered an officer and you are subject to disciplinary action if you fail to follow the guidelines. Each animal that is working will be marked with a K-9 vest.

ADMINISTRATIVE REMEDY FOR INMATES

If you are unable to resolve a complaint through informal contacts with staff members, you may seek formal review of your complaint through the use of the Administrative Remedy for Inmates system. You may appeal disciplinary and classification actions,

decisions regarding the restoration of forfeited good time or your designation as an unconvicted sex offender. Forms for filing complaints and appeals, and details on how the procedure is to be followed can be obtained from your unit team as prescribed in DOC policy 1.3.E.2 *Administrative Remedy for Inmates*.

You may use the Administrative Remedy for while housed at any DOC facility, contractual agency or while at a community service assignment. Abuse of the Administrative Remedy process may result in you being disqualified from further use of specific parts or all of the administrative remedy procedure.

INMATE HOTLINE

A confidential line of communication is established between you and Security staff. This is an inmate phone line designated to relay information anonymously to security staff. The directions for use are posted near the inmate telephones.

DISCIPLINARY ACTIONS

Prohibited Acts are divided into five categories. The higher the category, the more serious the offense. See DOC policy 1.3.C.2 *Inmate Discipline System*.

You may be subject to disciplinary action and sanctions for violating any Prohibited Act. Rule violations may also negatively impact your classification status and your parole release.

If you are incarcerated for a crime committed on or after July 1, 1996 violation of prohibited acts may result in a finding of non-compliance with your Individual Program Directive (IPD). If you are found to be non-compliant with your IPD, you may not be released on parole at your initial parole date and may have to wait up to two (2) years for another opportunity for parole consideration.

PROHIBITED ACTS

PROHIBITED ACTS CLASSIFIED AS MAJOR VIOLATIONS:

Category 5

- 5-1. 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 particular law or laws allegedly violated.
- 5-2. Killing any person.
- 5-3. Assaulting any person resulting in injury or risk of injury; including the throwing of any substance or object at or upon any non-inmate.
- 5-4. Engaging in or encouraging a riot, work stoppage, group demonstration, and group food or group hunger strike.
- 5-5. Escape; planning, attempting or assisting in escape.
- 5-6. Wearing or possession of a disguise or mask; manufacture or possession of a mannequin or dummy.
- 5-7. Tampering with or blocking any locking device or camera.
- 5-8. Setting a fire, attempting to set a fire, or tampering with fire detection equipment or fire fighting equipment.
- 5-9. Use of, possession of, introduction of, or manufacturing of , plans or drawings to manufacture, or attempt to procure an explosive device, ammunition, firearm, weapon, sharpened instrument, knife, hacksaw blade, wire cutter, or unauthorized tool.
- 5-10. Use of, possession of, introduction of, manufacturing of plans or drawings to manufacture, buy or sell, or attempt to do the same of any narcotics, narcotic paraphernalia, drugs, medicine or intoxicants not prescribed by the medical staff.
- 5-11. Refusing or failing to produce a urine or breath sample, refusing to participate in a urine or breath test, or attempting to circumvent or alter a urine or breath test.
- 5-12. Threatening any non-inmate (e.g. staff, volunteers, visitors, etc.) with bodily harm or with any offense against his/her person, his/her family or his/her property.
- 5-13. Extortion, blackmail, protection- demanding or receiving money or anything of value in return for protection against others or to avoid bodily harm.
- 5-14. Unauthorized use, possession, introduction or manufacturing of a hazardous chemical, poison, or caustic substance.

- 5-15. Making unsolicited contact with, or in reference to any non-inmate (writing notes or letters, making suggestive remarks or gestures, inappropriate touching or seeking out personal information).
- 5-16. Attempting to commit any of the offenses in this section, aiding another person to commit any of the offenses in this section, and/or making plans to commit any of the offenses in this section and/or threatening to commit any of the offenses in this section will be considered the same as commission of the offense.
- 5-17. Conduct which disrupts or interferes with the security or good order of the institution or interfering with a staff member in the performance of his/her duties.
- 5-18. Sexual assault: rape, sexual assault with any object and sexual fondling against any person. Sexual assault includes the use of force or threat of force, against a person's will or against a person incapable of consenting.

Category 4

- 4-1. Insolence (any conduct, acts, or gestures, verbal or non-verbal, showing disrespect) toward any non-inmate or in reference to any non-inmate.
- 4-2. Giving or offering any non-inmate a bribe or anything of value.
- 4-3. Engaging in consensual sexual contact and/or unnatural acts or propositioning sexual contact or sexual harassment with any person.
- 4-4. Assaulting another person which does not result in injury.
- 4-5. Fighting with another person.
- 4-6. Damaging, altering or wasting state property (Comparable to a Category 2-18 infraction).
- 4-8. Misuse of prescribed or authorized medicine, including saving, cheeking or accumulating authorized medicine contrary to medical orders, failure to turn in medications on or before their expiration date, or using authorized medication for an unauthorized purpose, such as giving, trading or selling authorized medicine to another inmate.
- 4-9. Stealing (theft) or possession of stolen property.
- 4-10. Adulteration (altering) of any food or drink.
- 4-11. Being in an area posted as unauthorized for inmates and/or areas inmates are not allowed to be without staff escort
- 4-12. Having possession of materials used for tattooing, or administering tattoos.

- 4-13. Attempting suicide, self mutilation and/or deliberately injuring yourself or permitting others to harm you.
- 4-14. Failure to be present for count or interfering with the taking of count.
- 4-15. Defrauding or attempting to defraud an individual, business or institution.
- 4-16. Refusing to work.
- 4-17. Failure to abide by rules or regulations governing special programs including, work release, community service, furloughs, or private employment inside an institution.
- 4-18. Receiving, giving or attempting to receive any unauthorized article to or from a visitor or the public.
- 4-19. Refusing to obey a verbal or written order of a staff member.
- 4-20. Having in your possession, living 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 (Comparable to a Category 3-15 infraction).
- 4-21. Unauthorized contact with outsiders or visitors, or violation of a protection order issued by any court.
- 4-22. Gambling or participating in games of chance such as poker, black-jack, gambling pools, etc. or having in your possession any paraphernalia used in gambling such as dice, etc.
- 4-23. Transferring money or property to, or accepting money or property from, another inmate, a member of his/her family or his/her friends (Comparable to a Category 3-21 infraction).
- 4-24. Unauthorized possession of money or currency.
- 4-25. Unauthorized group activities or assembly, including circulating or signing a petition.
- 4-26. Counterfeiting, forging or unauthorized reproducing of any document, article of identification, money, pass, or official paper or form.
- 4-27. Misappropriation of tools or materials of any kind from shops or other places.
- 4-28. Non-emergency use of or tampering with the emergency call button system.
- 4-29. Conducting a business without authorization.

- 4-30. Tampering with or removal of security inspection stickers or identification numbers affixed to inmate owned property or appliances.
- 4-32. Threatening any other inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- 4-33. Attempting to commit any of the offenses in this section, aiding another person to commit any of the offenses in this section, and/or making plans to commit any of the offenses in this section and/or threatening to commit any of the offenses in this section will be considered the same as commission of the offense.
- 4-34. Following three violations of any minor rules by an inmate within a six month period, the Warden or designee may declare that all future violations of minor rules constitute a major violation. The Warden or designee must give prior notice to the inmate concerned that future violations of the minor rules will constitute a major violation.
- 4-35. Conduct which disrupts or interferes with the security or good order of the institution or 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.
- 4-36. 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.
- 4-37. Refusing to eat for a period of seventy-two (72) hours or more, other than for a religious fast or prescribed medical reason.
- 4-38. Refusing to accept a program or living quarters assignment.
- 4-39. Engaging in gang activity. Possession of material depicting gang symbols, specific gang colors, or any act or gesture that references gangs (Comparable to a Category 3-19 infraction).
- 4-40. Lying or knowingly providing a false statement to a staff member (Comparable to a Category 3-3 infraction).

PROHIBITED ACTS CLASSIFIED AS MINOR VIOLATIONS:

Category 3

- 3-1. Failure to abide by posted or written regulations/standards.
- 3-2. Overloading electrical outlets.
- 3-3. Lying or knowingly providing a false statement to a staff member (Comparable to a Category 4-40 infraction).
- 3-4. Failure to perform work as instructed.
- 3-5. Unauthorized use of telephone or intercom.
- 3-6. Placing any article over cell bars, cell front or windows.
- 3-7. Using any equipment or machinery contrary to instructions or posted safety standards; failure to use the proper safety equipment provided.
- 3-8. Failure to comply with standards of grooming or dress.
- 3-9. Failure to comply with sanitation standards.
- 3-10. Failure to be in a position in your living quarters to be readily observed at any time or not standing at designated area during standing count.
- 3-11. Failure to vacate living quarters or designated area during a fire drill.
- 3-12. Using a mirror to observe outside of your cell (jiggering).
- 3-13. Being in a housing unit other than your own, or entering living quarters other than your own, or being on the wrong floor or tier of your housing area.
- 3-14. Failure to respond to a pass.
- 3-15. Having in your possession, living quarters, storage area or work site, any article not issued to you, not purchased through 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 (Comparable to a Category 4-20 infraction).
- 3-16. Attempting to commit any of the offenses in this section, aiding another person to commit any of the offenses in this section, and/or making plans to commit any of the offenses in this section and/or threatening to commit any of the offenses in this section will be considered the same as commission of the offense.
- 3-17. Conduct which disrupts or interferes with the security or good order of the institution or interfering with a staff member in the performance of his/her duties.

- 3-18. Possession of pornographic material.
- 3-19. Engaging in gang activity. Possession of material depicting gang symbols, specific gang colors, or any act or gesture that references gangs (Comparable to a Category 4-39 infraction).
- 3-20. Having a new tattoo.
- 3-21. Transferring money or property to, or accepting money or property from another inmate, a member of his/her family or his/her friends (Comparable to a Category 4-23 infraction).
- 3-22. Inappropriate contact in the visit area or during an authorized visit (e.g. touching, kissing); or inappropriate conduct in the visit area or during an authorized visit (e.g. arguing, loud noises).
- 3-23. Disrupting staff during count.
- 3-24. Physical resistance or physical interference with an employee, contract service provider, volunteer or visitor at a level less than assault.
- 3-25. Gambling or participating in games of chance, such as poker, black-jack, gambling pools, etc. Having in your possession any paraphernalia used in gambling such as dice, etc.
- 3-26. Failure to follow work release or special program rule.

Category 2

- 2-1. Loud noises after curfew or quiet hours, such as use of a typewriter, loud radio or television.
- 2-2. Making unnecessary or loud noises or unruly conduct.
- 2-3. Overdrawing spending account.
- 2-4. Failure to make your bed as instructed or by the designated time.
- 2-5. Not terminating a visit upon notification.
- 2-6. Scratching or marking walls or furnishings, taping or attaching pictures or other articles to walls or other furnishings.
- 2-7. Posting personal notices without authorization.
- 2-8. Wasting food or throwing food, beverages or other items on the floor.
- 2-9. Giving, receiving or demanding special or extra portions of food.

- 2-10. Removing food from the dining room or kitchen.
- 2-11. Failure to comply with a "Cell Clean-up Notice" within a 24 hour period.
- 2-12. Failure to comply with medical orders and/or directives.
- 2-13. Violating correspondence regulations.
- 2-14. Unexcused absence from work or assignment or tardiness in reporting to work or assignment.
- 2-15. Loitering.
- 2-16. Attempting to commit any of the offenses in this section, aiding another person to commit any of the offenses in this section and/or making plans to commit any of the offenses in this section and/or threatening to commit any of the offenses in this section will be considered the same as commission of the offense.
- 2-17. Conduct which disrupts or interferes with the security or good order of the institution or interfering with a staff member in the performance of his/her duties.
- 2-18. Damaging, altering or wasting state property (Comparable to a Category 4-6 infraction).
- 2-19. Failure to follow a religious diet, medical diet or other special diet; or failure to pick up any meal that has been specifically prepared for you as an individual (e.g. diet tray, Kosher tray, Halal tray, etc.).
- 2-20. Misusing state computers or the state computer system.

Category 1

- 1-1. Possession of unauthorized or altered personal clothing or property.
- 1-2. Failure to use proper receptacles for pop cans, trash or other litter.
- 1-3. Sweeping dirt, dust or refuse from your living quarters onto the galleries or hallways.
- 1-4. Obstructing, altering or darkening light fixtures or bulbs.
- 1-5. Accumulation of containers, newspapers, magazines and/or trash.
- 1-6. Overspending the established limit in the commissary.
- 1-7. Possession of food or beverages in unauthorized areas.
- 1-8. Attempting to commit any of the offenses in this section, aiding another person to commit any of the offenses in this section, and/or making plans to commit any of

the offenses in this section and/or threatening to commit any of the offenses in this section shall be considered the same as commission of the offenses.

- 1-9. Conduct which disrupts or interferes with the security or good order of the institution or interfering with a staff member in the performance of his/her duties.

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 based upon the following formula:

FELONY CONVICTIONS			
<i>Non-Violent</i>			
Felony Class	First	Second	Third
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

FELONY CONVICTIONS			
<i>Violent</i>			
Felony Class	First	Second	Third
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

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.

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. Inmates serving a life sentence are not eligible for Good Time.

If eligible, a written request for the return of Good Time must be submitted to your case manager. If you are unsure sure about your eligibility for the return of Good Time contact your case manager.

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.

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<i>Denny Kaemingk</i>	<i>09/29/2011</i>
Denny Kaemingk, Secretary of Corrections	Date