

# **SOUTH DAKOTA DEPARTMENT OF CORRECTIONS**

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## **INMATE LIVING GUIDE**

## TABLE OF CONTENTS

Mission Statement .....	3
Vision.....	3
Values.....	3
Introduction .....	3
An Important Message.....	3
Harassment.....	4
Prison Rape Elimination Act (PREA) .....	4
Americans with Disabilities Act.....	5
DOC Institutions.....	5
The Unit Team.....	5
Classification, Screening and Assessment .....	6
Identification.....	6
Individual Program Directive (IPD).....	6
Release Planning.....	7
Housing Assignment.....	7
Living Quarters.....	7
Personal Property .....	7
Contraband .....	8
Searches.....	8
Counts .....	8
Personal Cleanliness .....	8
DNA Collection.....	8
Meals .....	9
Health Care Services .....	9
Banking System.....	9
Commissary.....	10
Correspondence .....	10
Telephone Privileges .....	11
Visiting .....	11
Religious and Cultural Activities and Programs .....	12
Alcohol and Drugs.....	12
Corrections Service Canines.....	12
Legal Access.....	12
Education Opportunities.....	13
Program, Vocational Training and Employment Opportunities.....	13
Administrative Remedy .....	13
Inmate Hotline.....	14
Disciplinary Actions.....	14
Offenses in Custody.....	14-20
Parole and Parole Eligibility .....	21
Good Time .....	21
Revision Index .....	22
Signature and Date .....	23

## **MISSION STATEMENT**

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

## **VISION**

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

## **VALUES**

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

## **INTRODUCTION**

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

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

## **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 situation such as a disturbance, escape attempt, assault or fight occurs, go immediately to your housing area or other area as directed by staff and remain there for

further instructions from staff. Inmates who participate in such incidents will face disciplinary action and possible criminal prosecution. Avoid any actions or behaviors that will connect you to the incident.

It is the policy of the DOC to house inmates who constantly choose not to abide by the rules separately from general population. This helps provide a safe environment for all 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 must immediately report your concerns to a staff member so action can be taken to ensure your safety.

If you believe you are the victim of excessive use of force by a staff member, you must immediately report this through the Inmate Hotline or by contacting a member of your unit team.

You are not permitted to engage in sexual activity with staff or other inmates while in the custody of the DOC. Engaging in sexual activity with staff or inmates, even if you consider it to be consensual, is a violation of the rules.

Your decision to violate the rules and/or not participate in required programming may result in a denial of your release to parole supervision, loss of certain privileges, disciplinary sanctions or placement in a restricted housing unit.

## **HARASSMENT**

The DOC is committed to maintaining a workplace free of harassing, discriminatory and offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age, genetic information, disability or any other legally protected status or characteristic. The DOC will investigate all complaints alleging a staff member has engaged in harassing, discriminatory or offensive behavior.

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

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

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

Sexual Harassment is repeated comments or gestures of a sexual nature, unwelcome sexual advances or requests for sexual acts from another inmate or staff.

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

sexual abuse or sexual harassment, report this information to any staff member as soon as possible. There is no time limit to report incidents of sexual abuse.

If you are not comfortable reporting this information directly to a staff member, either in writing, verbally or through an anonymous report, you may report the abuse and/or harassment on the institutional telephone “hotline”, or by contacting the South Dakota Division of Criminal Investigation, 1302 East Hwy 14, Suite 5, Pierre, SD 57501-8585. If you choose to report the sexual abuse or harassment to a friend or family member, they may report this information directly to the DOC or Division of Criminal Investigation. The DOC will respond to all reports of sexual abuse and/or harassment and will take steps to protect the victim.

For more information about sexual abuse and/or sexual harassment, please refer to the “An Inmates Guide: Sexual Abuse and Sexual Harassment Awareness” brochure available through your Unit Staff and DOC policy 1.3.E.6 *PREA Response and Investigation of Sexual Abuse/Harassment*.

## **AMERICANS WITH DISABILITIES ACT**

To ensure effective communication with inmates who are deaf, hard of hearing, or who have a speech disability, the DOC will provide appropriate auxiliary aids and services free of charge, such as: qualified sign language interpreters and oral transliterators, TTY’s, videophones, note-takers, computer-assisted real time transcription services, written materials, telephone handset amplifiers, assistive listening devices and systems, telephones compatible with hearing aids, closed caption decoders, or TV’s with build-in captioning, and open and closed captioning of any programming.

## **DOC INSTITUTIONS**

The following DOC institutions house male inmates: South Dakota State Penitentiary, Jameson Annex and Sioux Falls Community Work Center, Mike Durfee State Prison, Yankton Community Work Center and Rapid City Community Work Center. Female inmates are housed at the South Dakota Women’s Prison, E-Unit and the Pierre Community Work Center.

## **THE UNIT TEAM**

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

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

## **CLASSIFICATION, SCREENING AND ASSESSMENT**

The South Dakota Department of Corrections uses a standardized, objective system of classification, assessment and screening to help identify appropriate housing, programming, treatment, care and custody levels for all inmates. The classification system, applied in conjunction with assessments and screening, helps ensure the safety and security of the institution, staff, inmates and the public. You will be notified of all scheduled reviews of your classification and the results of classification hearings and reviews. See DOC policy 1.4.B.14 *Female Classification* and DOC policy 1.4.B.2 *Male Classification* for more information.

## **IDENTIFICATION**

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

Your unit staff can assist you in applying for a replacement Social Security card, birth certificate or applying for or renewing a state driver's license or state identification card. A valid form of identification may be required for employment purposes and operating certain vehicles on public roadways and is essential and necessary for inmates who will be released from custody. See DOC policy 1.1.A.7 *Inmate Identification Procedures* for more information.

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

You will be assigned an Individual Program Directive (IPD). This document outlines the standards of compliance and expectations for you during your incarceration. You should maintain a good disciplinary record and work diligently and to the best of your ability when assigned to a job, training, employment, program, treatment, etc.

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

## **RELEASE PLANNING**

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

## **HOUSING ASSIGNMENT**

Your housing assignment will be determined by your unit team. You do not have any implied right or expectation to be housed in any particular institution or location, to participate in any specific program or to receive any specific service. While in the custody of the DOC, you are subject to transfer from any institution, program or group.

## **LIVING QUARTERS**

You are responsible for caring for and cleaning your living area. Cleaning supplies will be provided. Designated days and times for cleaning may be posted in your unit. Refer to the Unit Plan for additional information about your responsibilities.

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

## **PERSONAL PROPERTY**

You are allowed to access, obtain and possess certain items of personal property. Comprehensive lists of allowable personal property and approved methods of obtaining personal property are available in your assigned unit. Allowable personal property will vary depending on your assigned institution or housing unit and classification. Your privilege to possess personal property is subject to the rules and requirements of the DOC. Certain items of personal property must be recorded on your property list.

You are not entitled to reimbursement or compensation for personal property which is lost, stolen, confiscated, damaged, destroyed or discarded. Access to certain personal property items may be temporarily forfeited as a consequence of your actions or based on your housing assignment. You may not transfer any item of personal property to another inmate, or trade, barter, loan or sell any item of personal property without proper authorization. See DOC policy 1.3.C.4 *Inmate Personal Property* for more information.

## **CONTRABAND**

Contraband is any item you are not authorized to possess. Approved items may be considered contraband if altered, possessed in higher quantity than authorized, used in ways for which it was not intended, or obtained through an unapproved source.

You are responsible for contraband found on you, in your living quarters, in a storage space assigned to you, at your work site or otherwise in your possession or control. Contraband will be confiscated and you may be subject to disciplinary action. Possession of certain prohibited items in prison or attempts to introduce items such as weapons, alcohol, marijuana, prescription or non-prescription drugs not issued to you by a medical authority, controlled substances or other articles of indulgence without proper approval, may constitute a felony and lead to criminal prosecution, which may result in you serving additional time in custody.

## **SEARCHES**

Searches prevent the introduction, use or concealing of weapons, controlled substances and other contraband, and help detect unauthorized or inappropriate activity. You, your possessions, living quarters, assigned storage areas, work sites, etc. are subject to search at any time. All visitors to a DOC institution are subject to search.

## **COUNTS**

A count is an official tally to ensure all inmates are in their proper location. Inmate counts will be conducted multiple times each day. Inmate counts may be conducted at any time. If you are not present at your assigned and approved location, or you fail to report as required when count is conducted, you may be placed on escape status or subject to disciplinary action.

## **PERSONAL CLEANLINESS**

You will be issued enough clothing to maintain a neat and clean appearance. You are expected to take a shower, use deodorant and change your clothes and bedding regularly, as scheduled. Intentional alteration of clothing is not permitted. Worn or torn state issued clothing, foot wear and bedding may be exchanged. Specific inmate dress requirements may vary at each institution and housing unit.

Hair must be kept clean and neat in appearance and cannot pose a threat to the safety or security or sanitation of the institution. Barbers may be available at some institutions. Clothing, laundry and hygiene requirements, including schedules for laundry exchange are included in the unit plan.

## **DNA COLLECTION**

You will be required to provide a DNA sample if you have not previously done so; or if your information is not registered with the DNA database. You will not be released until you have provided the required DNA sample. Inmates who refuse to provide the required DNA sample may be subject to criminal prosecution. See DOC policy 1.3.C.10 *Offender DNA Collection* for more information.

## **MEALS**

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

Your face, hands and hair should be clean for every meal. The dress and behavior code set by the institution will be followed by all inmates in the dining area. Some institutions have assigned seating in the dining area.

## **HEALTH CARE SERVICES**

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

You may be charged a co-payment fee for accessing medical services. You will not be refused medically necessary health care due to a lack of available funds or your inability to pay for the service. See DOC policy 1.4.E.10 *Inmate Medical Co-Pay Fees* for the fee schedule.

Behavioral Health Services are available to all inmates. There is no co-payment fee for accessing behavioral health services. If you are experiencing suicidal ideations, depression, anxiety, thoughts of self-harm, or other issues that may be related to mental illness, you must contact behavioral health services or a staff member. Staff members are trained to identify and refer those who may be at risk of suicide, self-harm or a danger to others due to serious mental illness to behavioral health. Staff members are trained to help and respond to those who need help. If you observe other inmates engaging in self-harm or a suicide attempt, you must report this immediately to a staff member.

## **BANKING SYSTEM**

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

Wages earned through employment in institutional support jobs and employment with outside employers will be direct deposited into your account. Most funds received by you while in the custody of the DOC are subject to the institutional banking formula, with

some exceptions. You are responsible for keeping track of your spending and account balances.

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

## **COMMISSARY**

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

If you do not have funds to purchase commissary, you may request indigent commissary. Indigent commissary allows you to receive a “loan” from the DOC to purchase certain approved indigent commissary items, such as hygiene products.

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

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

## **CORRESPONDENCE**

All written correspondence, including text messages, sent to you, received by you or generated by you will be inspected. All incoming and outgoing correspondence must be processed through the institution’s approved procedures. Written correspondence cannot be passed through the control room or visit room. Third party corresponding is not allowed. Correspondence that violates the rules or policy of the DOC may be confiscated and/or rejected.

Correspondence to or from a family member who is an inmate at a correctional facility must be pre-approved through your unit team.

Legal correspondence must be clearly identified as “privileged/legal”. Privileged/legal mail will not be read by staff but is subject to inspection by staff. Privileged/Legal mail is generally only processed Monday-Friday, not including recognized state or federal holidays.

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

## TELEPHONE PRIVILEGES

You will be provided with information about how to access the telephone system set up a telephone account and add telephone numbers to your approved telephone list. Violation of the rules may result in restricted access to the telephone system. All telephone calls, with the exception of attorney calls, are monitored and may be recorded.

Issues with the telephone system should be directed to the telephone service provider. See DOC policy 1.5.D.4 *Inmate Access to Telephones* for more information.

## VISITING

All DOC institutions have established visit days and times. Family and friends must apply for visits. Approved visitors will be added to your visit list. Minor children (under the age of 18) must be accompanied and supervised by an adult.

You will be allowed visits with your attorney and clergy upon request and with approval from staff. A private visit area is available for attorney and clergy visits. You may request a "special visit" with a person(s) not on your visit list by contacting your unit team.

There are two types of visits. Class I visits are contact visits in a designated area of the institution. Class II visits are non-contact visits. A non-contact visit means you will be separated from your visitor by a physical barrier. Non-contact visits must be scheduled in advance. Class II visits may be required as a consequence for your decision to violate certain rules or as a result of the crime you have committed.

Some institutions may offer video visiting. Video visiting allows you to visit with approved family or friends remotely through the use of technology. You may contact your unit team for more information about video visiting.

You and your visitor(s) are subject to search before and after visiting. All visitors over the age of 18 are required to present a valid and accepted form of photo identification prior to admittance to the institution.

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

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

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

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

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

Religious and cultural activities are offered at all institutions. Participation in these programs is voluntary. You are expected to conduct yourself in an appropriate manner while attending or participating in these activities. Spiritual counseling and access to clergy or religious volunteers may be arranged by contacting the cultural coordinator. You may contact the Cultural Coordinator for more information about religious and cultural activities available at your institution. See DOC policy 1.5.F.4 *Inmate Religious and Cultural Activities* for more information.

## **ALCOHOL AND DRUGS**

Drug testing and other security measures are used to detect use of drugs, alcohol and unauthorized substances. Inmates possessing illegal substances in an institution are subject to criminal prosecution. Refusal to comply with drug testing as ordered may be treated as an admission of usage and a positive result.

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

## **CORRECTIONS SERVICE CANINES**

Trained corrections service canines are used by the DOC to detect the odor of articles which are unlawful or not approved for inmates to possess. Canines are under the control of the canine handler. Corrections service canines are officers of the DOC. Inmates who assault, harm, injure or harass a corrections canine are subject to disciplinary action. When a canine is used to search an area, you are required to follow the instructions of the canine handler.

## **LEGAL ACCESS**

The DOC affords inmates reasonable opportunities to access the courts. Contract legal staff is available to provide legal assistance to all inmates, including inmates who are illiterate, non-English speaking and/or disabled. You may contact legal staff through a kite directed to the "Contract Attorney". Legal reference materials are also available. You may contact the contract attorney for assistance in obtaining copies of legal documents.

Private practice attorneys, court appointed attorneys and contract legal staff may meet with you in person at the institution. Meetings with your attorney may be scheduled during regular visiting hours or at other times by contacting your unit team. Telephone calls to your attorney may be requested and arranged by contacting your unit staff.

You may correspond with your attorney, the courts and other legal service providers through legal mail. Your unit team can provide you with a list of entities which are covered by the provisions of legal mail. See DOC policy 1.3.E.1 *Inmate Legal Assistance* for more information.

## **EDUCATION OPPORTUNITIES**

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

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

## **PROGRAM, VOCATIONAL TRAINING AND EMPLOYMENT OPPORTUNITIES**

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

You may be offered opportunities to participate in vocational training. Such opportunities vary depending on your classification level, housing location and other factors.

You may be assigned employment in institutional support, community service, natural disaster response or traditional prison industry, depending on your classification level, housing location and other factors. You may be paid a wage, depending on the job. You may be assigned job duties without pay. See DOC policy 1.5.A.1 *Inmate Pay* and DOC policy 1.5.A.6 *Community Service* for more information.

Some inmates are eligible to apply for a job in Private Sector Prison Industries or participate in work release. Eligibility is dependent on your classification, disciplinary record, housing location, job skills and other factors. Jobs in Private Sector Prison Industries and employment obtained through participation in the work release program pay regular wages, as set by the employer and in accordance with state and federal law. See DOC policy 1.5.A.5 *Work Release* and DOC policy 1.5.A.2 *Private Sector Prison Industries Employment*.

## **ADMINISTRATIVE REMEDY**

The DOC encourages informal resolution of appeals and complaints. If you are unable to resolve a complaint through informal resolution, a process exists that requires staff to formally review and respond to your appeal or complaint. Only certain issues or complaints may be addressed through the formal administrative remedy process. Issues affecting your safety, such as emergency medical issues, sexual abuse or harassment,

protective custody or being a victim of excessive use of force must be reported immediately to staff.

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

## **INMATE HOTLINE**

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

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

## **DISCIPLINARY ACTIONS**

Violations are divided into three categories, with level H (high) being the most severe. Inmates who commit rule violations are subject to disciplinary action. If you are found guilty of committing a rule violation, you may receive a disciplinary sanction. Sanctions may include fines, forfeiture of personal property, placement in disciplinary segregation, extra work duties, etc. Other consequences for committing rule violations may include assignment to a higher classification level, loss of employment or placement in a more restrictive housing unit.

Committing certain rule violations or frequent rule violations may cause you to be non-compliant with your Individual Program Directive and may negatively impact your opportunity for participation in certain programs and eligibility for release to parole supervision or suspended sentence status. See DOC policy 1.3.C.2 *Inmate Discipline System* for more information.

## **OFFENSE IN CUSTODY**

### **HIGH LEVEL VIOLATIONS:**

- H-1 Any act or acts defined as felonies or misdemeanors by South Dakota Law or Federal Law. Inmates charged with a violation of this rule will be given a copy of the applicable law.
- H-2 Killing any non-inmate.
- H-3 Assaulting any non-inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.

- H-4 Assault on staff without serious injury.
- H-5 Throwing or spitting any substance at or upon any non-inmate; or intentionally smearing any substance to come into contact with any non-inmate.
- H-6 Assault on an inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
- H-7 Engaging in, or encouraging a riot, work stoppage, group demonstration or group food/hunger strike.
- H-8 Escape from a secure custody or secure facility, or planning, attempting or assisting in escape from secure custody or a secure facility.
- H-9 Inmate sexual abuse- if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse.
- H-10 Killing an inmate.
- M-2 Wearing or possession of a disguise or mask; manufacturing or possession of a mannequin or dummy.
- M-3 Possession, attempting to procure, or introduction of plans or drawings to manufacture, an explosive, ammunition, firearm, weapon, sharpened instrument, knife, hacksaw blade, wire cutter or unauthorized tool.
- M-4 Threatening any non-inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- M-5 Unsolicited contact with, or in reference to, any non-inmate (notes, letters, messages, suggestive remarks or gestures, inappropriate touching, or seeking out personal information).
- M-6 Conduct that disrupts or interferes with the security or good order of the institution, or interferes with a staff member during performance of his/her duties which clearly poses a threat to the safety of staff or other inmates.
- M-7 Purposely exposing your genitals to a non-inmate for the purpose of annoying, offending or alarming a non-inmate.
- M-8 Throwing or spitting any substance at or upon any inmate; intentionally smearing any substance to come into contact with any inmate.
- M-9 Extortion, blackmail or demanding or receiving money or anything of value in return for protection or to avoid bodily harm by others.
- L-1 Tampering with or blocking any locking device, cell door, slider or secure door/window.

- L-2 Setting or attempting to set a fire; tampering with fire detection or firefighting equipment.
- L-3 Use of an illicit substance, including any narcotics, drugs, medicine or intoxicants not prescribed by medical staff.
- L-4 Refusing, or failing to produce a urine or breath sample, refusing to participate in a urine or breath test, attempting to circumvent a urine or breath test or altering the results of the test.
- L-6 Unauthorized use, possession, introduction or manufacture of hazardous material.
- L-7 Insolence- any conduct, acts, or gestures, verbal or non-verbal, showing disrespect toward any non-inmate or in reference to any non-inmate.
- L-9 Inmate consensual sexual contact. Engaging in consensual sexual contact and/or unnatural acts with another inmate or non-staff member.
- L-10 Assaulting another inmate without serious injury.
- L-11 Fighting with another inmate.
- L-14 Misuse of prescribed or authorized medicine, including saving or accumulation of authorized medicine contrary to medical orders; failure to turn in medications on or before the expiration date; using authorized medications for an unauthorized purpose, such as giving, trading or selling authorized medicine to another inmate.
- L-17 Being in a posted unauthorized area or in an area inmates are not allowed without staff escort.
- L-20 Failure to be present for count; interfering with the taking of count.
- L-22 Refusing to work.
- L-23 Failure to abide by rules or regulations governing programs, including work release, community service, furlough or private employment inside a DOC institution.
- L-24 Receiving, giving or attempting to receive any unauthorized article to or from a visitor or member of the public.
- L-25 Refusing to obey a verbal or written order issued by a staff member.
- L-26 Having in your possession, quarters, storage area or work site, any article not issued to you, not purchased through the commissary, or for which you do not have special authorization; or having articles in excess of established limits, or articles which are used for unauthorized purposes or are in an altered state.

- L-27 Unauthorized contact with a member of the public or visitor, or violation of a protection order issued by the court.
- L-31 Unauthorized group activity or assembly; circulating or signing a petition.
- L-32 Counterfeiting, forging or other unauthorized reproduction of any official document or form, article of identification or currency.
- L-33 Misappropriation of tools, materials or supplies of any kind from shops or other places.
- L-38 Threatening any inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- L-39 Possession of unauthorized tobacco products at a secure facility.
- L-40 Following 5 violations of any minor rule within a three-month period, all future violations may constitute a major violation.
- L-41 Conduct which disrupts or interferes with the security or good order of the institution; interfering with a staff member in the performance of his/her duties, including circumventing or attempting to circumvent any rule, regulation or procedure contained in DOC policies or institutional operational memorandums.
- L-42 Filing a false, frivolous or malicious action or claim with the court; bringing an action or claim with the court solely or primarily for delay or harassment; unreasonably expanding or delaying a judicial proceeding; testifying falsely, or otherwise submitting false evidence or information to the court; attempting to create or obtain a false affidavit, testimony or evidence; or abusing the discovery process in any judicial action or proceeding.
- L-43 Engaging in a hunger strike.
- L-44 Refusing to accept a living quarters assignment; refusing to accept a cellmate/roommate.
- L-45 Engaging in gang organization, recruitment or blatant displays of gang activity or materials related to security threat groups.
- L-47 Possession of a cell phone at a secure facility.
- L-48 Possession of an illicit substance, including any narcotic, drug, medicine or intoxicant not prescribed to the inmate by medical staff.
- L-49 Manufacturing, possessing instructions to manufacture or buying or selling, narcotics, paraphernalia, drugs, medicine or intoxicants.
- L-50 Sexual harassment- repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or

offensive sexual nature by an inmate directed toward any person.

- L-51 Escape, or planning, attempting or assisting in escape from non-secure custody or a minimum custody facility.

**LOW LEVEL VIOLATIONS:**

- V-1 Failure to abide by posted or written regulations/standards.
- V-2 Overloading electrical outlets.
- V-3 Lying or knowingly providing a false statement to a staff member under oath or deposition.
- V-4 Failure to perform work as instructed.
- V-5 Unauthorized use of a telephone or any communication system.
- V-6 Placing any article over cell bars, cell front, window, or draping articles over bunks.
- V-7 Using any equipment or machinery contrary to its intended purpose; failure to follow staff instructions or written safety standards apply to any equipment of machinery; operating/controlling equipment or machinery without required training; failure to use the proper safety equipment provided.
- V-8 Failure to comply with standards of grooming, dress or sanitation.
- V-10 Failure to be in position in your living quarters or designated area to be readily observed; not standing during standing count.
- V-11 Failure to vacate living quarters or designated area; failure or refusal to follow instructions during a fire drill.
- V-12 Using a mirror or similar article/device to observe outside of a room or cell (jiggering).
- V-13 Being in a housing unit, cell or living area other than your own; being on the wrong floor, tier or area of your housing area without authorization.
- V-14 Failure to respond to a pass or page.
- V-15 Having in your possession, living quarters, storage area or work site any article or clothing not issued to you, not purchased through commissary, or for which you do not have special authorization; or having articles or clothing in excess of established limits, or articles or clothing which are used for unauthorized purposes or are in an altered state.

- V-16 Conduct which disrupts or interferes with the security or good order of the institution; interfering with a staff member in the performance of his/her duties.
- V-17 Possession of pornographic material- includes books, articles, pamphlets, magazines, periodicals, publications or material that feature nudity or “sexually-explicit” conduct. May include books, pamphlets, magazines, periodicals or other publication or material that features or includes photographs, drawings, etchings, paintings or other graphic depictions of nudity or sexually explicit material.
- V-18 Engaging in gang activity; possession of material depicting gang symbols or specific gang colors; any act, gesture or display that references any gang or security threat group.
- V-19 Having possession of materials used for tattooing; administering or receiving tattoos; having a new tattoo or adding to an existing tattoo.
- V-20 Transferring money or property to, or accepting money or property from, another inmate, member of his/her family, representative or friend(s).
- V-21 Violating visit rules.
- V-22 Disrupting staff during count.
- V-23 Physical resistance or physical interference with staff, contract staff, volunteer or visitor at a level less than assault.
- V-24 Making excessive loud noises; unruly conduct; use of a radio or television without headphones.
- V-25 Overdrawing spending account.
- V-26 Failure to make your bed as instructed or by the designated time.
- V-27 Failure to terminate a visit upon notification
- V-28 Scratching or marking walls or furnishings; taping or attaching pictures or other articles to walls or other furnishings.
- V-29 Posting personal notices without authorization.
- V-30 Wasting food, throwing food; throwing food, beverages or other items onto the floor.
- V-31 Giving, receiving or demanding special food/beverages or extra portions of food/beverages.
- V-32 Removing unauthorized food/beverages from the dining room or kitchen.
- V-33 Possession of unauthorized tobacco products at a non-secure facility.

- V-34 Refusing medically necessary care or failing to comply with medical orders or directives which could result in serious harm to your health or the health of others.
- V-35 Violating correspondence rules.
- V-36 Unexcused absence from work or assignment in the institution; tardiness in reporting to work or an assignment within the institution.
- V-37 Loitering.
- V-38 Intentionally damaging, altering, destroying or wasting state property.
- V-40 Misusing or unauthorized use or access of state computers, hardware, software or computer system.
- V-41 Possession of unauthorized or altered clothing or property.
- V-43 Failure to use proper receptacles for pop cans, trash or other litter.
- V-44 Obstructing, altering or darkening light fixtures or bulbs.
- V-45 Accumulation of containers, newspapers, paper, magazines and/or trash.
- V-46 Overspending the established limit in the commissary.
- V-47 Having food or beverages in unauthorized areas.
- V-49 Giving or offering any non-inmate a bribe or anything of value.
- V-50 Stealing (theft) or possession of stolen property.
- V-51 Adulteration of any food or beverage.
- V-52 Defrauding or attempting to defraud an individual, business or institution.
- V-53 Unauthorized possession of money/currency.
- V-54 Possession of a cell phone at a minimum custody facility.
- V-55 Gaming- where anything of value is bet or wagered. A bet or wager is defined as directly or indirectly taking, receiving or accepting money or thing of value contingent upon the result of a race, contest, game or happening of an event not known to be certain or, having in your possession any paraphernalia used in gaming, such as dice.
- V-56 Failure to pick up any meal that has specifically prepared for you.
- V-57 Tampering with or removal of, security inspection stickers or identification markings affixed to property.

V-58 Non-emergency use of or tampering with the emergency call button system.

V-59 Conducting a business without authorization.

## PAROLE AND PAROLE ELIGIBILITY

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

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

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

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

Class A	1.0	1.0	1.0
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Please note, SDCL § 24-15A-16 provides that any felony conviction in this state, any other state, or the United States shall be considered to determine an initial parole date under SDCL §§ 24-15-4 and 24-15A-32.

## GOOD TIME

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

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. See DOC policy 1.3.C.6 *Restoration of Good Time*.

The following table shows the amount of Good Time you receive based on the length of your sentence:

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

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

## REVISION INDEX

- Revised:** November 6, 1995
- Revised:** July 26, 1996
- Revised:** October 15, 1996
- Revised:** June 23, 1997
- Revised:** November 20, 1998
- Revised:** April 14, 2000
- Revised:** September 21, 2001
- Revised:** April 22, 2003

**Revised:** May 3, 2004  
**Revised:** June 21, 2005  
**Revised:** May 9, 2007  
**Revised:** December 31, 2008  
**Revised:** August 13, 2009  
**Revised:** July 20, 2010  
**Revised:** July 30, 2011  
**Revised:** April 26, 2012  
**Revised:** March 9, 2013  
**Revised:** June 24, 2016  
**Revised:** May 1, 2017

<i>Denny Kaemingk (original signature on file)</i>	<i>05/05/2017</i>
Denny Kaemingk, Secretary of Corrections	Date