

## 1.5.F.1 Marriage of an Inmate

### I Policy Index:



**Date Signed:** 01/07/2017  
**Distribution:** Public  
**Replaces Policy:** 5F.4  
**Supersedes Policy Dated:** 03/30/2016  
**Affected Units:** All Institutions  
**Effective Date:** 01/11/2017  
**Scheduled Revision Date:** December 2017  
**Revision Number:** 16  
**Office of Primary Responsibility:** DOC Administration

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### II Policy:

Unless legitimate penological interest dictates otherwise, inmates shall be permitted to marry during incarceration. Inmates will not be permitted to marry other incarcerated individuals or those on probation, parole or suspended sentence supervision. The proposed marriage may not present a threat to the security or good order of an institution or the protection of staff, the public or other inmates.

### III Definitions:

#### **Staff Member:**

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

### IV Procedures:

#### **1. DOC Participation:**

- A. The requesting inmate will submit a written request to the Warden or designee at least 60 days prior to the proposed date of the marriage.
  1. The request will include the name of the intended spouse, date of the marriage and name of the individual performing the marriage.
  2. The Warden or his/her designee will approve or establish a date, time and place for the marriage, provided the marriage does not compromise the legitimate penological interests of the DOC.
  3. The Warden or designee will notify the inmate in writing if the marriage is denied.
  4. The inmate and intended spouse are responsible for securing the marriage license.

- B. The inmate and intended spouse shall accept full financial responsibility for all expenses related to the marriage, i.e. clergy fee, marriage license fee. The Warden shall not permit state funds be used for the marriage of an inmate except those indirect funds inherent in providing a place for the marriage and staff supervision of those attending the marriage.
- C. The DOC and its staff shall not:
  - 1. Transport inmates from the institution for the purposes associated with the marriage, to include obtaining a marriage license.
  - 2. Grant exception, supersede or circumvent state law, DOC policy, procedure, operational memorandums or security standards to accommodate the marriage or activity associated with the marriage of an inmate.
    - a. An authorized individual entering the facility to solemnize the marriage must be on the inmate's approved visiting list or have a clergy card (See DOC policy 1.5.D.1 [Inmate Visiting](#)). The institutional chaplain may not perform marriage ceremonies for inmates, unless an exception is granted by the Warden or designee.
    - b. The intended spouse must be on the inmate's approved visit list (See DOC policy 1.5.D.1 [Inmate Visiting](#)).
    - c. Marriages will typically be scheduled during regular visit hours.
- D. If marriage of an inmate is denied, halted or suspended the reason(s) shall be documented and forwarded to the Director of Prison Operations.
- E. South Dakota inmates housed in an out-of-state facility (including Interstate Compact inmates) are subject to the receiving/holding state's statutes, rules and/or policies pertaining to inmate marriages while in the custody of the out-of state facility.
- F. Inmates may not marry while on Temporary Absence status (TAP), while in the temporary custody of another authority, or while in the community on furlough, work release or other status.

## V Related Directives:

DOC policy 1.5.D.1 – [Inmate Visiting](#)

## VI Revision Log:

**December 2002:** Revised policy statement to include term while incarcerated.

**July 2003:** Changed signature block.

**November 2004:** Revised the policy statement. Added language that limits what activities the DOC will allow.

**December 2005:** No changes made.

**January 2007:** Updated the name of policy 1.5.D.1. Added a definition of employee. Revised the section on DOC Participation.

**January 2008:** No changes made.

**December 2008:** Revised formatting of policy in accordance with DOC policy 1.1.A.2. Added off the complex in ss (A1 of DOC Participation. Replaced title of DOC policy 1.5.D.1 to Inmate Visits in ss (A2) and section V, as well as referenced DOC policy in section V.

**December 2009:** Revised title of DOC policy 1.5.D.1. Added hyperlinks.

**December 2010:** No Changes

**March 2012:** Deleted “cannot assist in an inmate marriage” and Replaced with “shall not” and Added “any duties that may assist or help facilitate the marriage of an inmate outside of their regularly assigned duties. The DOC and its employees shall not help or assist” and Added “but not limited to the following:” to Section 1. A. Deleted “complex” and Replaced with “facility for the purpose of the marriage.” to Section 1 A. 1. Deleted “Prepare” and Replaced with “Granting exceptions to” and Deleted “outside of” and Replaced with “for the purpose of the marriage or making exceptions to” in Section 1 A. 2.

**January 2013:** Added C. to Section 1.

**December 2013:** Reviewed with no changes.

**December 2014:** Added “Unless legitimate penological interest would dictate otherwise” and Added “(does not include marriage to another inmate)” and Added “provided all legal and departmental requirements are met” and Added “The marriage may not pose a threat to the safety and security of a facility, staff the public or other inmates” in the policy statement. Added “The marrying couple are responsible for all costs associated with the marriage” in Section 1 A. Added a. to section 1 A. 2.

**June 25, 2015:** Deleted “(does not include marriage to another inmate)” and Deleted “all legal and departmental requirements are met” and Deleted “South Dakota law” and Replaced with “any legal restrictions” Added “Inmates will not be permitted to marry other incarcerated individuals, or those on parole supervision/suspended sentence” and added “or the protection of” in the policy statement. Added new A. 1.-4. Deleted “The DOC and its staff shall not incur any expense associated with an inmate marriage” and Added “shall accept full financial responsibility” Added “The Warden may not permit state funds to be used for the marriage of an inmate except those inherent in providing the place and supervision of the event and Deleted “Staff will not perform any duties that assist or facilitate the marriage of an inmate, outside regularly assigned duties, i.e. supervision of inmates” in Section 1 B. Added “or obtain marriage license” in Section 1 C. 1. Added “supersede or change any policies, procedures or operational memorandums governing inmate visitation” in Section 1 C. 2. Added “the institutional chaplain may not perform marriage ceremonies for inmates” in Section 1 C. 2. A. Deleted “DOC” and Replaced with “Warden” in Section 1 D. Added new E. to Section 1. Added G. to Section 1.

**December 2015:** Deleted “change” and Replaced with “circumvent” in Section 1 C. 2. Added “or have a clergy card” and Added “unless an exception is granted by the Warden” and Added “or allow or permit any activity associated with the marriage of an inmate if there is reason to believe the activity violates policy, law or may be detrimental to inmates, staff or the security and/or good order of the institution” in Section 1 C. 2. Deleted “the protection of” in Section 1 E. Added “(including Interstate Compact inmates)” to Section 1 F.

**December 2016:** Deleted D. in Section 1. Deleted due to the marriage presenting a threat to the security or good order of the institution, staff, other inmates or the penological interests of the institution, the perceived threats” in Section 1 E.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

01/07/2017

Date