

1.3.C.1 Offender Living Guide Policy

I Policy Index:



Date Signed: 04/11/2017
Distribution: Public
Replaces Policy: 4.A.5
Supersedes Policy Dated: 05/24/2016
Affected Units: All Institutions & Division of Juvenile Services
Effective Date: 04/12/2017
Scheduled Revision Date: March 2018
Revision Number: 15
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will provide each inmate an *Inmate Living Guide* upon admission to the DOC. Juvenile offenders committed to the DOC will receive a *Juvenile Offender Living Guide*, as provided by Division of Juvenile Services staff. Living Guides are not intended to be a specific guide to the detailed policies or procedures of the Department of Corrections.

III Definitions:

Offender:

For the purposes of this policy, an offender is an inmate (in custody of the DOC institutional system), a parolee (under parole or suspended sentence supervision by South Dakota Parole Services) or a juvenile under DOC supervision.

IV Procedures:

1. Living Guide Contents:

- A. Living Guides will contain relevant information regarding the DOC and it's respective unit(s).
- B. The Living Guide will include general information about the mission and values of the DOC, Prison Rape Elimination (PREA), offender programs, procedures for offenders to access staff and services, rules and regulations and general information regarding day-to-day routines and expectations of offenders during confinement or commitment to the DOC.

2. Signed Receipt of Living Guide:

- A. Each offender admitted/committed to the DOC will be provided access to the inmate or juvenile Living Guide.
 1. Each offender will sign a form acknowledging initial receipt of the Living Guide.
 2. The form acknowledging receipt of the Living Guide will be documented into the Comprehensive Offender Management System (COMS) or placed in the offender's file.

3. Revisions of the Living Guide will be made available to offenders following significant changes in the Living Guide or subsequent re-publication of the Living Guide.
 4. It is not necessary for offenders to sign an acknowledging receipt for subsequent Living Guides issued or made available to the offender.
 5. Living Guides may be posted on electronic tablets issued to inmates.
- B. The parent(s) or guardian(s) of a juvenile offender, if available, will sign acknowledging form upon receipt of the juvenile Living Guide. The completed form(s) will be placed in the juvenile's file or a note made in COMS by the Juvenile Corrections Agent.
- C. To the extent reasonably possible, a qualified staff member or translator will attempt to assist an offender who has a language or literacy barrier in interpreting the Living Guide (ACA 4-4228).
1. Spanish Living Guides are available for offenders who have an established need for written materials to be translated from English to Spanish.
 2. Additional Living Guides will be translated and published in those primary/first language spoken by an offender, as deemed appropriate by the DOC, given the inherent limitations of resources.
 3. The Living Guide will be made available to staff. All staff who supervise offenders should be familiar with the rules of offender conduct contained in the Living Guide.

3. Annual Review of the Living Guide:

- A. The Living Guide will be reviewed annually for accuracy.
1. When the Secretary of Corrections approves revisions to the Living Guides, arrangements will be made with Prison Industries to produce a sufficient supply of printed Living Guides for distribution to staff, offenders and others. Changes will also be made to any version posted to inmate tablets.
 2. Publication of the Living Guide is generally limited to a maximum of one time per year.
 3. If approved by the Secretary of Corrections, the Warden or Director may authorized the posting or distribution of a memo that clarifies, adds of changes a specified items within the current Living Guide. All changes must be forwarded to the Policy and Compliance Manager.
 - a. Revisions will be effective the date specified on the notice and will be included in the next publication of the Living Guide.

4. Offender Responsibility:

- A. Each offender is responsible for reading and understanding the Living Guide.
- B. If an offender does not understand a particular subject within the Living Guide, it is the offender's responsibility to obtain clarification from staff.
- C. Offenders who lose or intentionally damage the Living Guide issued to them may be charged a replacement fee, as determined appropriate by the Warden or Director.

V Related Directives:

[Inmate Living Guide](#)

[Juvenile Offender Living Guide](#)

VI Revision Log:

October 2002: Revised Central File to Unit File in Signed Receipt of Guide section.

April 2004: Changed the name of the policy from Inmate Living Guide to Living Guide. Added references to the *Juvenile Offender Living Guide*.

May 2005: No changes made.

April 2006: Added PREA as a mandatory living guide topic. Added a statement that current offenders will get a copy of any new living guide published and a note on how to track the receipt of the new living guide. Added a section on Offender Responsibility.

May 2007: Minor style/format changes made. Clarified that the Policy & Compliance Manager is responsible for the annual revision of the Living Guides.

April 2008: Revised policy to be in accordance with new format as set forth in DOC policy 1.1.A.2 Policy and Operational Memorandum Management. Changed "admission" to "commitment to DOC" in the Policy statement section. Revised subsection (A and A 1 of Signed Receipt of Living Guide section) to indicate each new offender committed to DOC will receive a Living Guide vs. admitted to a DOC facility. Changed literacy "problem" to "barrier" in helping an offender understand the rules on offender discipline. Replaced "imprisoned" to "committed" in subsection (A of Signed Receipt of Living Guide section).

March 2009: Revised ss (A3 of Signed Receipt of Living Guide) to read "as revised" vs. "subsequently". Replaced "obligation" with "responsibility" in ss (B of Offender Responsibility).

March 2010: Revised formatting of Section 1. Deleted "new" from ss (A) when referencing offenders and deleted PV, SSV or aftercare violator in ss (A1) when referencing offenders both within Signed Receipt of Living Guide. Added hyperlinks.

March 2011: Added in section 2, C. 1. referencing living guides are available in Spanish.

April 2012: Reviewed with no changes.

March 2013: Added "Juvenile Community Corrections" to affected units. Added definition of "Offender". Added "or contracted juvenile facilities" in Section 1 B. Deleted "obtain an understanding of the contents" and Replaced with "interpret" in Section 2 C. Added 1. to Section 3 A. Deleted "due to loss of intentional damage" and Replaced with "all cases except when a revised Living Guide is published and distributed by staff to offenders" in Section 4 C.

March 2014: Deleted :list of Offenses in Custody" and Added "The adult offender Living Guide includes a list of Offenses in Custody" in Section 1 A. Added "or guardian(s)" in Section 2 B. Added "Secretary of Corrections approved revisions to the" in Section 3 A. 1. Deleted "is" and Replaced with "may be" and Added "as set by the Warden, Superintendent or designee" and Deleted "in all cases except when a revised Living Guide is published and distributed by staff to offenders" in Section 4. C.

March 2015: Added 2. 3. & 4. in Section 2 A.

March 2016: Added "general information about the" and Deleted "a brief description" and Added "rules and regulations" and Added "inmates will encounter during confinement" in Section 1 B. Added "accuracy" in Section 2 A. Added "Director of Prison Operations or a Warden". Deleted "enact revisions to the Living Guide upon a printed notice being posted that informs the offenders of the revision(s)" in Section 2 A. 3. Added 2. and 3. to Section 2 B. Added C. to Section 2.

March 2017: Added 5. to Section 2 A. Added "Changes will also be made to any version posted to inmate tablets" in Section 3 A. 1.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

04/11/2017

Date