

## 1.1.C.1 Staff Code of Ethics

### I Policy Index:



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### II Policy:

The Department of Corrections (DOC) expects from its staff members unflinching honesty, respect for the dignity and individuality of human beings and a commitment to professional service. The DOC requires all staff to familiarize themselves and abide by all rules and regulations pertaining to the staff member's position, duties and conduct while on duty.

### III Definitions:

#### **Code of Ethics:**

A set of rules describing acceptable standards of conduct necessary to protect the health, safety and integrity of employees and offenders that shall apply to each Department of Corrections staff member.

#### **Conflict of Interest:**

Any action by any staff member to derive personal benefit from actions or decisions made in their official capacity beyond compensation provided by the state.

#### **Personal Benefit:**

Financial gain or special consideration for family or friends.

#### **Contraband:**

Any item(s) introduced or found in the facility, including improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.

#### **Corporal Punishment:**

Any act of inflicting punishment directly on the body, causing pain or injury.

#### **Dangerous Weapon:**

Any firearm, stun gun, knife, or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm.

**Disciplinary Action:**

May include suspension without pay, reduction in salary, demotion, or termination/dismissal (See ARSD 55:10:07:04).

**Offender:**

An offender is any person sentenced or remanded to the custody of the SD DOC that is confined in a prison, jail, or other correctional facility that houses those convicted of crimes. Includes Federal inmates and U.S. Marshal holds in the custody of the SD DOC, a parolee (under parole or suspended sentence supervision by SD Parole Services or under parole or supervision of another state) or a juvenile (either in DOC placement, private placement or aftercare).

**Sexual Abuse:**

Engaging or attempting to engage in sexual activity by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

**Sexual Harassment:**

(1) Unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions (physical conduct) of a derogatory or offensive sexual nature; and  
(2) Verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Misconduct:**

Includes acts of institutional sexual abuse, sexual abuse in the community, and sexual harassment.

**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 assigned to the DOC, authorized volunteers and student interns.

**Supervisor:**

Staff who can give directives to a staff member and/or who has authority to affect or make status changes to another staff member. Change in status means to hire, train, evaluate, promote, instruct, direct, discipline, or terminate.

**Volunteer:**

People from the community who freely choose to do or provide direct and/or indirect services to offenders or staff at a facility. These people are not compelled to do so and are not compensated for the services by the State.

**IV Procedures:****1. Standards of Conduct:**

*\*Note: The standards of conduct contained within this policy are used by the DOC to ensure staff members are aware of the basic expectations for their behavior and establish formal rules of ethical conduct. These guidelines operate in conjunction with the appropriate state statutes. The policy is not intended to be an exhaustive list of ethical conduct.*

*This policy and procedure does not constitute an employment contract or a guarantee of continued employment. The DOC reserves the right to change the provisions of these guidelines at any time. Nothing in this policy and procedure limits the authority of the Bureau of Human Resources to establish or revise human resource policy. This policy and procedure is adopted to guide the internal operations of the DOC and does not create a legally enforceable interest or limit the Secretary or designee's authority to terminate any staff member.*

Additional standards of conduct are located in the State Employee Handbook, which is available on the Bureau of Human Resources website at <http://bhr.sd.gov/forms/>.

- A. A Department of Corrections staff member's position, title, authority, and work-based relationships may offer the opportunity to further the staff member's own private interests or the interests of friends, relatives, or persons with whom the staff member is affiliated. The public may lose confidence in the integrity of the Department if it perceives that an employee is using public office to serve a private interest. Accordingly, it is expected that staff members will use Department information, property and time and relationships developed through their position to serve the public interests and will avoid situations and actions that may adversely impact the public's trust.
1. Any effort by a staff member to realize personal benefit through association with the DOC beyond compensation provided by the State of South Dakota or is a violation of public trust.
  2. Staff may not use their official position to secure special privileges or advantages for themselves or others or engage in activities that constitute a conflict of interest.
  3. Staff may not knowingly use funds or property that has been entrusted to them in violation of the public trust and results in a direct financial benefit to the staff member. Violation constitutes theft.
  4. A staff member should avoid impropriety and the appearance of impropriety in all activities.
- B. Any effort by any person to influence any staff member to violate law, breach agency rules, regulations or laws or to act in a manner contrary to the standards of ethical conduct described in this policy is a violation of public trust.
- C. The DOC has zero tolerance for sexual abuse and/or sexual harassment. All allegations of sexual abuse and/or sexual harassment occurring in the workplace involving a staff member will be investigated and appropriate services offered to all identified victims of the sexual abuse or sexual harassment. The DOC will respond to every identified perpetrator, including referral to law enforcement for possible criminal prosecution if the investigation supports sexual abuse or misconduct has occurred. Applicable state laws protecting the victim shall apply.
1. Any sexual abuse or sexual harassment involving a DOC staff member and an offender is expressly forbidden and a violation of DOC policy. Additionally, sexual abuse involving an offender may constitute a violation of state law (See Section F. of this policy).
  2. DOC staff are required to immediately report to their supervisor or human resource manager any knowledge, suspicion or information they may have regarding the following:
    - a. An incident of sexual abuse or sexual harassment that may have occurred involving a DOC staff member.

- b. Any retaliation or adverse treatment that may have occurred against an offender or staff member who reported an incident of sexual misconduct or sexual harassment.
      - c. Any staff member whose negligence or violation of duties, responsibilities or code of ethics, may have contributed to the sexual misconduct or sexual harassment.
    3. A staff member, who fails to report an incident of sexual misconduct or sexual harassment, may be subject to disciplinary action, including termination of employment.
  - D. Certain standards of conduct apply to staff who supervises offenders. All staff shall conduct themselves and perform their duties in such a way as to set a good example for offenders and command their respect. The following activities are prohibited:
    1. Soliciting, trading, bartering or accepting any gift or compensation from any offender, family member of any offender or agent/representative of any offender or his/her family, except as authorized and approved by the DOC.
    2. Developing or engaging in inappropriate relationships or fraternizing with offenders or known member of an offender's family. A staff member will not become emotionally, romantically, financially or sexually involved with any offender. Staff is expected to maintain appropriate, professional boundaries with offenders.
      - a. Includes using social media to engage in unauthorized communications with an offender or known family member of an offender or to contact an offender or known member of the offender's family for the purpose of initiating or engaging in unauthorized or prohibited activities or relations.
      - b. Staff is required to disclose to their supervisor, any pre-existing relationship with an offender or an offender's family.
    3. Engaging in any outside form of personal business or for-profit enterprise with any offender.
    4. No staff member shall provide information to assist an offender in procuring clemency, i.e. personal recommendation, endorsement or input, except staff may provide information, records and facts upon request from the Board of Pardons and Parole, court or governor, pursuant to SDCL § 24-1-26.
    5. Staff may release offender information specified in SDCL § 24-2-20, sections 1-18, for the purposes of community and victim notification, to any governmental entity. Government entity includes any department, division or other public agency of any municipal, county, state or national government.
      - a. At the request of the Board of Pardons and Parole, staff may furnish any requested record, fact or opinion in reference to an offender that may be in their possession or for which they have knowledge.
    6. Acting as a sponsor for any offender or allowing any offender released from DOC custody to reside in a staff member's home/cohabitation, unless fully disclosed and approved by the Warden, Director or Secretary of Corrections.
      - a. Exceptions may be granted to staff who is an immediate family member of an offender.

- b. DOC volunteers may assist offenders with re-entry programming.
- E. A staff member committing the following misconduct is subject to disciplinary action (ARSD [55:10:07:04](#)):
1. Accepting any form of a bribe or unlawful inducement or providing or attempting to provide, a bribe or unlawful inducement to an employee of the state to commit an unlawful act or violate department policy.
  2. Staff are prohibited from performing assigned duties or reporting for duty under the influence of illegal drugs or substances while on duty; or unlawfully manufacturing, distributing, dispensing, possessing or using illegal drugs or substances in the workplace (See ARSD [55:05:02:02](#) and SDCL § [3-6F-1](#)). Staff are prohibited from performing DOC duties under the influence of alcohol or medications/drugs (includes valid prescriptions or other lawful substances), when use of such substances render the staff member incapable of safely performing their duties. Staff shall report to their supervisor any narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or intoxicant which has been prescribed to them and for which they are taking.
    - a. Under the influence, is defined as the presence of any measurable or detectable amount of illegal drugs or substances in a staff member's system.
    - b. Staff may be ordered to submit to a drug screen test based on reasonable suspicion. The refusal by staff to submit to a drug screen test requested pursuant to ARSD [55:05:05:02](#) or ARSD [55:05:05:03](#) shall be considered the equivalent of a confirmed test result.
    - c. No staff member shall refuse to submit to a scientific test to measure alcohol blood level when reporting to duty or while on duty if reason exists which supports the staff is or may be, under the influence of alcohol and so ordered by the staff member's supervisor or other with authority to order the test.
    - d. Staff, who receives a confirmed positive drug screen test, is subject to disciplinary action (ARSD [55:05:07:03](#)).
    - e. Staff convicted of a violation of criminal drug law or who admit in court to a criminal drug violation, are subject to disciplinary action.
  3. No staff member shall be insubordinate, neglectful or unwilling to follow lawful orders or perform officially designated duties.
  4. Discriminating against or demonstrating prejudice against any person, group or organization on the basis of race, religion, national origin, creed, gender, disability, political views or other individual characteristics.
  5. Inflicting or contributing to any act of corporal punishment (See SDCL § [24-2-9](#)), brutality, cruelty, abuse/neglect or excessive use of force upon any offender.
  6. Being in possession of any dangerous weapon(s) not specifically authorized by the Secretary of Corrections or his/her designee while on duty or introducing any dangerous weapon(s) into a DOC facility without proper authorization or for unofficial, non-legitimate purpose.
    - a. Personal firearms and duty firearms stored in vehicles on property owned, leased or

occupied by the DOC must be secured as follows:

- 1) In a locked vehicle.
  - 2) Stored in such a way that it cannot be identified as a firearm from outside the vehicle.
  - 3) In accordance with South Dakota law.
7. Knowingly or intentionally releasing or disclosing personally identifiable information (PII) or confidential information, which is information obtained through the course of professional duties, that is protected from disclosure by law or is otherwise intended to be held in confidence, in an unauthorized manner or for an unauthorized purpose, or the release of PII or confidential information to an unauthorized person(s).
    - a. PII is any information about an individual maintained by the DOC, including (1) any information that can be used to distinguish or trace an individual's identity and (2) any information that is directly linked or linkable to an individual, such as medical, employment or financial information.
  8. Taking, using or releasing any visual recording or photograph of any offender, staff member or visitor for an unauthorized or unlawful purpose or to an unauthorized person.
  9. Withholding information in a manner that compromises the safety, security and orderly operation of the DOC, its facilities, staff, offenders or public.
  10. Endangering the well-being of staff members, offenders, visitors or the public through willful, reckless or negligent misconduct or willful, reckless or negligent violation of statutes, rules or policies which puts self or others at risk.
  11. Disrupting the efficiency and morale of the DOC, its facilities or staff, to include deserting an assigned post or walking off the job.
  12. Stealing/theft of state property; or careless, negligent use of state property or using state equipment, materials or property for personal gain (See ARSD [55:10:01:06](#) & [55:10:07:04\(12\)](#)). Staff shall protect and conserve state property, equipment and supplies entrusted or issued to them.
  13. Fraudulently using or abusing leave.
  14. Failing to maintain a satisfactory work attendance record based on established working hours; or having unreported or unauthorized absences (See ARSD [55:10:01:08](#)).
  15. Having any financial interest in any contract or business conducted by the DOC (See SDCL § [24-1-25](#)). No DOC employee who approves, awards, administers or supervises a staff member who approves, awards or administers a contract involving the expenditure of DOC funds, or the sale or lease of DOC property, may have a pecuniary interest in the contract (See SDCL § [5-18A-17-17.6](#)).
  16. Accepting gratuities, or a gift (property/object, service, money or thing of value) without compensation or remuneration from a company, contractor or vender that does business, or actively aspires to do business with the State of South Dakota, except as authorized.

**\*Note:** This does not apply to promotional items or activities associated with business conferences where vendors have provided the organizers of the conference promotional items/gifts and/or food and/or beverages that are then distributed for immediate consumption to the attendees at the conference.

- a. Staff may accept unsolicited gifts or tokens of appreciation from representatives of another state, foreign country or tribe (the gifter), intended to be personal in nature, or when the gift or token is prompted by a personal friendship or professional relationship between the DOC and/or staff member and the intent is not to influence the performance or non-performance of the staff member's duties or to gain influence with the DOC.
  - b. Such gifts or tokens should be accepted when refusal to accept may cause offense, embarrassment or otherwise adversely affect relations between the DOC, and/or staff member and the gifter or those represented by the gifter.
  - c. Staff who receives such gifts or tokens of appreciation will notify the Warden, Director or Secretary of Corrections within 2 business days of receipt of the gift. If the Warden, Director, Secretary or designee determines the gift is in violation of policy or state law, the gift shall be immediately returned to the presenter.
  - d. When practical, gifts or tokens of appreciation accepted by staff member on behalf of the DOC should be displayed in a common area of the facility.
17. Failing to abide by the standards of dress and grooming (See DOC policy 1.1.C.5 [Staff Dress and Grooming Standards](#)).
18. Engaging in outside business or personal activities on state time; or using state property or materials for anything other than state functions (See ARSD [55:10:01:06](#)).
19. Misrepresenting or intentionally omitting relevant facts, or intentionally falsifying a state record, document or report in the performance of job duties, either verbally or in writing.
20. Engaging in conduct that reflects unfavorably on the DOC, undermines confidence in the operation of services or adversely affects public trust or failure to disclose participation in such conduct to the DOC.
21. Theft or attempted theft by a staff member of personal property or funds belonging to any offender or knowingly and intentionally failing to protect personal property or funds as required.
22. Failing to notify the DOC of the lapse, expiration, suspension or revocation of any required license or certification necessary to perform assigned duties and responsibilities.
23. Selling any supplies to the DOC or state which directly benefits the staff member or any firm or corporation which the staff member may be interested (See SDCL § [1-15-12](#)).
24. Engaging in harassing, threatening or violent behavior or making threats to bully or harass another while in the workplace (See DOC policy 1.1.C.10 [Anti-Harassment and Discrimination Policy](#)). The DOC does not tolerate any form of violence including intimidation, threats or violence (physical or verbal), or violent acts in the workplace. Violence and harassment is investigated and corrective action is promptly administered, when warranted.
- F. The DOC does not monitor staff's personal use of social media. However, the DOC may investigate and take responsive action when it becomes aware of, or suspects staffs' conduct or communication on a social media site adversely impacts the DOC, violates applicable DOC policies, is inconsistent with the mission, vision and values of the DOC, or compromises the staff member's ability to adequately perform their assigned duties.

- G. Staff shall comply with federal, state and local law in the performance of official duties. The following conduct by a staff member is a violation of state law and may result in criminal prosecution and disciplinary action:
1. SDCL § [24-1-26.1](#) and [Attachment 1](#). Sexual penetration with an inmate is a Class 6 felony (See SDCL § [22-6-1 \(9\)](#)), punishable by a maximum sentence of two (2) years imprisonment in the state penitentiary or a fine of four thousand dollars (\$4000), or both.
  2. SDCL § [22-22-7.6](#) and [Attachment 1](#). Any person employed at any jail or juvenile correctional facility, who knowingly engages in an act of sexual contact or sexual penetration with another person who is in detention and under the custodial, supervisory, or disciplinary authority of the person so engaging, and which act of sexual contact or sexual penetration does not otherwise constitute a felony pursuant to the provisions of Chapter 22-22, is guilty of a Class 6 felony if the victim is an adult and a Class 4 felony if the victim is a juvenile. A juvenile correctional facility pursuant to this section is a juvenile detention facility as defined in subdivision 26-7A-1(16) or a juvenile facility operated by the Department of Corrections under § 1-15-1.4.
  3. SDCL § [22-21-4](#). No person may use or disseminate any visual recording or photographic device to photograph or visually record any other person without clothing or under or through clothing, for the purpose of viewing the body or undergarments worn by the other person, without the consent or knowledge of the person, with the intent to self-gratify, harass or embarrass and invade the privacy of the person, under circumstances in which the other person has a reasonable expectation of privacy. Violation is a Class 1 misdemeanor. Violation is a Class 6 felony if the victim is seventeen years of age or younger and the perpetrator is at least twenty-one years old.
  4. SDCL § [24-2-22](#). Possession of unauthorized articles with intent to deliver to prisoner as a felony. Any employee or other person who delivers or procures to be delivered, or possesses with the intention to deliver, to any inmate in the state penitentiary, or deposits or conceals in or around any facility or place used to house inmates, or in any mode of transport entering upon the grounds of any facility or place and its ancillary facilities used to house inmates, any article which is unlawful for an inmate to possess pursuant to state law or the rules of the Department of Corrections with the intent that any inmate obtain or receive such article, is guilty of a Class 6 felony (See [Attachment 1](#)).
  5. SDCL § [24-11-48](#). Delivery of certain unauthorized articles to person incarcerated as a felony. No employee or other person may deliver or procure to be delivered, or have in such person's possession with intent to deliver, to any person incarcerated in a jail or a juvenile detention facility, or deposit or conceal in or around any jail or in or around a juvenile detention facility, or in any mode of transport entering the grounds of any jail or juvenile detention facility and its ancillary facilities used to house inmates or juveniles, any article or thing prohibited pursuant to § [24-11-47](#) with intent that any inmate obtain or receive the same. A violation of this section is a Class 6 felony.
- H. Staff members have an affirmative obligation to seek advice from their supervisor or Bureau of Human Resources manager if they have questions concerning the code of ethics.

## 2. Supervision:

- A. A conflict of interest exists when there is a consensual romantic, sexual or dating relationship between a staff member and their supervisor. To minimize the risk of conflicts of interest and promote fairness, any supervisor who becomes involved in a consensual romantic, sexual or

- dating relationship with a staff member they supervise, must immediately disclose the matter to their supervisor.
- B. No supervisor may directly or indirectly supervise or have influence over any staff member when a consensual romantic, sexual or dating relationship exists between the supervisor and staff member, including but not limited to hire, evaluation, promotion, termination, discipline, compensation or other working condition of the staff member, unless such relationship has been clearly and properly disclosed to the department and an exception is made by the Director, Warden or Secretary.
  - C. A supervisor must not directly or indirectly hire, evaluate, promote, terminate, discipline, compensate anyone with whom he/she is related by blood, marriage or adoption.
  - D. Supervisors who fail to clearly and properly report such a conflict/relationship shall be subject to disciplinary action.
  - E. The DOC reserves the right to investigate and when appropriate, take prompt action if an actual or potential conflict of interest arises concerning staff that have not properly reported and are found to be engaged in a consensual romantic, sexual or dating relationship with another staff member who may affect terms and conditions of their employment.

### **3. Reporting:**

- A. It is the responsibility of every staff member to promptly report any knowledge of misconduct, or breach of the code of ethics, standards of conduct or conflict of interest, to their supervisor(s), Bureau of Human Resources manager or other appropriate authority.
- B. Staff should report any public official, including staff, who knowingly use funds or property entrusted to the public official in violation of public trust and whose use of such funds or property results in a direct financial benefit to the public official. Such conduct constitutes theft.
- C. Staff must report any violation or suspected violation of a law or rule, an abuse of funds, abuse of authority or substantial and specific danger to public health or safety to their supervisor, unless providing such report is a violation of law.
- D. Any staff member who has been arrested or charged or who has reasonable knowledge they will be arrested or charged with, 1) any felony; or 2) any crime (including misdemeanors), must report the incident to their supervisor at the beginning of the next working day. Violation of criminal law, either on or off duty by a staff member, may be a breach of the code of ethics. This includes but is not limited to:
  - 1. Any sex offense, violation of criminal drug statute, use, possession or distribution of illegal drugs and driving under the influence (See SDCL § [32-23-1](#)).
  - 2. Any temporary and/or permanent domestic or stalking protection orders issued by any court and served upon a staff member.
    - a. Staff should contact their supervisor when and if the order is terminated by the court or the order has officially expired.
  - 3. Minor violations such as parking or speeding tickets or violations which the fine or bond forfeiture is \$200 or less; do not need to be reported unless the violation(s) results in the revocation or suspension of a staff member's driver's license or privilege to drive.

4. Staff authorized to carry DOC issued firearms must immediately report to their supervisor any adverse legal action or finding that may prohibit or impede their ability to possess a firearm.
- C. Staff who report violations/misconduct in good faith through their chain of command or other appropriate authority will not be retaliated against or subject to adverse treatment. Staff that self-report, provide false report or make a report with reckless disregard for the truth are subject to disciplinary action.

#### 4. Investigations:

- A. Staff members will cooperate fully and truthfully with any investigation ordered by the Secretary, Warden, Director or designee.
- B. Failure to cooperate may be grounds for disciplinary action, including termination.
- C. The DOC is committed to providing a safe workplace for its employees. The DOC will take appropriate action to investigate all staff complaints regarding violations of the code of ethics or threats by staff to commit violations of the code of ethics.

#### 5. Disciplinary Action:

- A. Conduct by any staff member within or outside the scope of employment that violates the code of ethics or is included in the just causes listed in ARSD [55:10:07:04](#) is prohibited and may subject the staff member to disciplinary action.

#### 7. Staff Appeal:

- A. A staff member may appeal disciplinary action pursued by the department or its representative for alleged violations of the code of ethics within 14-days of notification of the disciplinary action. Appeals shall be filed in accordance with departmental grievance procedures (See DOC policy 1.1.C.4 [Staff Grievances](#) and ARSD Chapter § [55:10:07](#) and [55:10:09:02](#)).
- B. A current copy of the state grievance procedure may be obtained through the human resource office and/or DOC policy 1.1.C.4 [Staff Grievances](#).

### V Related Directives:

SDCL §§ [1-15-12](#), [5-18A-17](#), [22-6-1 \(9\)](#), [22-22-7.6](#), [24-1-25](#), [24-1-26](#), [24-1-26.1](#), [24-2-9](#), [24-2-20](#), [24-2-22](#), [24-11-48](#) and [32-23-1](#).  
ARSD [55:10:07](#), [55:10:01:06](#), [55:10:01:08](#), [55:10:07:04](#) and [55:10:09:02](#).

DOC policy 1.1.C.2 – [Supervision of Offenders](#)

DOC policy 1.1.C.4 – [Staff Grievances](#)

DOC policy 1.1.C.5 – [Staff Dress and Grooming Standards](#)

DOC policy 1.1.C.10 – [Harassment and Discrimination Policy](#)

[Bureau of Human Resources Employee Handbook](#) [Click here](#) or go to:  
<http://bhr.sd.gov/forms/policies/Handbook.pdf>

### VI Revision Log:

**March 2002:** Added # 22, 23, 24, and 25 to General Standards of Conduct section D. Added reference to Administrative Rules in #15 & #18 under General Standards of Conduct section D. Added section E under General Standards of conduct. Added Attachment 1. Re-lettered section

F, added on-duty language. **Removed** previous section A from Investigations. **Added** section on Acknowledgement of Review. **Added** supervisor to Reporting Violations B.

**January 2004:** **Added** definitions for Contraband and for Volunteer. **Revised** item C.4 under General Standards of Conduct from “profitable” to “for-profit”. **Revised** items D.18 and D.19 under General Standards of Conduct from “inmate, parolee or juvenile under DOC commitment” to “offender”.

**January 2005:** **Clarified** the limitations on writing recommendations for any offender. **Added** OMs to the list of things that staff cannot violate. **Added** unauthorized weapon possession while on duty to the list of things prohibited by staff. **Deleted** the section title of “distribution” and moved the information into other areas of the policy. **Added** information on who is authorized to order an investigation. **Clarified** language in the section on “Acknowledgment of Review”. **Added** #12 and #25 to actions prohibited by staff. **Clarified** what adverse actions with law enforcement must be reported to a supervisor or the personnel office.

**January 2006:** **Added** specific guidelines regarding offenders on aftercare living with a staff member and reporting of such violations. **Deleted** information/reference to SDCL § 22-30A-22. **Changed** CEO to specific facility/agency supervisor titles. **Revised** the policy statement. **Revised** the definitions of contraband, offender and volunteer. **Added** private employer to approved sources of remuneration. **Added** reference to DOC policy 1.1.C.10. **Clarified** the change in penalties for a Class 6 felony effective 7/1/06. **Clarified** language on staff member throughout the policy.

**December 2006:** Minor style/format changes throughout the policy. **Updated** the penalties for a Class 6 felony. **Revised** the definition of offender. **Expanded** on the prohibited activities regarding confidential information.

**December 2007:** **Revised** the definition of offender. **Revised** remuneration provided by the DOC to remuneration provided by the State of South Dakota under the section on General Standards of Conduct.

**November 2008:** **Revised** formatting of policy and attachment in accordance with DOC policy 1.1.A.2. **Replaced** remuneration with compensation in ss (A), **added** purchasing favors or gifts in ss (C1) **added** new ss (C7) regarding not providing or receiving legal advice from offenders and/or family and **revised** ss (D20) to state that purchasing solely or personal use from DOC is prohibited and **added** note that this does not prohibit the purchase of products from DOC for work of state related events within the General Standards of Conduct. **Revised** ss (A and B of Acknowledgment of Review) to include reference to the SDCL Signature Form and the Receipt and Acknowledgment form attached in DOC policy 1.1.D.1. **Added** reference to DOC policy in section V. **Revised** title of Attachment 1.

**November 2009:** **Revised** minor grammatical errors throughout the policy. **Added** reference to SDCL 22-6-1 (9) in ss (E-1 of General Standards of Conduct) and section V. **Added** hyperlinks.

**March 2010:** **Added** reference to clemency in ss (C6), **added** new ss (C61) and **added** new ss (D17 and Note) regarding taking money, etc. all within General Standards of Conduct. **Added** SDCL 24-15A-12 to Section V.

**October 2010:** **Added** Prison Industries in ss (D21) and **added** items for personal use from Prison Industries within ss (D21 Note) both within (General Standards of Conduct).

**October 2011:** **Changed** the definition of Offender **Added** “legal advice to” and “their” to Section 1 C. 7. **Deleted** “such living arrangements” and **Replaced** with “such exceptions” and **Added** “staff who are an” and “member to the offender” to Section 1 C. 8.a. **Added** “or unlawfully manufacturing, distributing, dispensing or possessing such substances in the workplace or while on duty”. to Section 1 D. 2. **Added** “oral and/or written” to Section 1 D. 3. **Added** a. “Staff members may not store firearms in personal vehicles parked on property owned, leased or occupied by the DOC.” to Section 1 D. 6. **Added** “State property or careless, negligent” and **Deleted** “misusing” **Replaced** with “use of” to Section 1 D. 13. **Added** “or accepting” and “or thing of value” and “contractor or vender” to Section 1 D. 17. **Deleted** “those activities” and **Replaced** with “anything other than State functions” to Section 1 D. 18. **Added** (also referred to as Pheasantland Industries)” and Added reference to PI policy to Section 1 D. 21. **Added** “directly” and “which directly benefit the offender” to Section 1 D. 23. **Added** “or intentionally omitting

relevant” to Section 1 D. 24 **Added** 29 “Stealing or attempting to steal personal property or money belonging to any offender” to Section 1 D **Added** 30 “Failure to notify the DOC of the lapse, expiration, suspension or revocation of any license or certification necessary for the employee to perform their assigned duties”. to Section 1 D. **Added** 31. “Staff may not sell any supplies to the DOC or state government which directly benefits the employee of any firm or cooperation which the employee may be interested” to Section 1 D. **Deleted** “the disciplinary sanctions outlined in this policy” and **Replaced** with “possible disciplinary action and/or termination” to Section 1 E. **Added** 2. “Includes Ex Parte, temporary and permanent domestic or stalking protection orders issued by any recognized court and served upon a staff member” to Section 2. B. **Added** a. “Staff should contact their supervisor when and if the court grants an order to withdraw the order, or when the term of the order has officially expired” to Section 2 B. 1 **Added** Section 6 Employee Appeal.

**December 2012:** **Deleted** “Non-Public” and **Replaced** with “Public. **Updated** cited ARSD **Added** definition of “Dangerous Weapon” **Added** 32. to Section 1 D.

**February 2013:** **Added** definition of “Sexual Abuse” **Added** new C. and C. 1. and C. 2 a. b. c. and C. 3 within Section 1 **Renumbered** subsections that followed. **Deleted** A. “Only the SOC, a Warden, the Director of Juvenile Services, the STAR Academy Superintendent, the Director of Classification/Community Services or the Executive Director of the Board of Pardons and Paroles may order an official investigation of their subordinate staff under the terms of this policy” in Section 3 **Renumbered** subsections that followed. **Deleted** 32 (previous reference to sexual abuse) in Section 1 D. **Deleted** “on supervised release” from Section 1 D. 8 b. **Added** “gratuities” and **Deleted** “special event tickets” and **Added** “beverages that are customary and are regularly and normally offered to customers, potential customers or the general public as samples for public relations and/or advertising purposes” in Section 1 E. NOTE. **Added** new 18 and a. b. c. in 18 and **Renumbered** subsections that followed in Section 1 E. **Added** “has been arrested or charged with or has reasonable knowledge they will be arrested or charged with 1) any felony; or 2) any crime (including misdemeanors). This includes but is not limited to any sex offense, use, possession or distribution of illegal drugs” in Section 2 B. 1 **Added** BHR Employee Handbook to Related Directives.

**November 2013:** **Added** “sentenced or remanded to the custody of the SD DOC” in the definition of “Offender” **Updated** language in Section 1 E. 8 **Deleted** 22 and 23 in Section 1 E **Deleted** “Staff members may not store unauthorized firearms in personal vehicles parked on property owned, leased or occupied by the DOC” and **Replaced** with “Personal firearms stored in personal vehicles on property owned, leased or occupied by the DOC must be secured as follows: In a locked vehicle, Store in a way that it cannot be identified as a firearm from outside the vehicle. In accordance with South Dakota law” in Section 1 E. 6. a. **Added** 4. to Section 1 F. **Updated** language in Section 1 F. 2.

**April 2014:** **Added** b. to Section 1 D. 6. **Added** c. to Section 1 D. 8

**November 2014:** **Added** “providing or attempting to provide a bribe or inducement to an employee of the state to commit an unlawful act or violate department policy” in Section 1 E. 1. **Added** “alcohol” and **Added** “while operating state equipment” to Section 1 E. 2. **Added** “excessive use of force” to Section 1 E. 5. **Deleted** 7. **Added** “or violating statutes, rules or policies established for the safe, efficient or effective operation of the DOC or facility” in Section 1 E. 10. **Deleted** 12. **Added** statute 5-18A language to Section 1 E. 14. **Deleted** “Utilizing any offender for labor or services that personally benefits the staff member” and **Replaced** with “Failing or refusing to take a drug test administered in accordance with SDCL” in Section 1 E. 21. **Added** 31. to Section 1 E. **Added** “or intentionally falsifying a state record, document or report” in Section 1 E. 23. **Deleted** 25. **Added** “violation of criminal drug statute” in Section 2 B. **Added** C. to Section 3. **Added** “or is included in the just causes listed in ARSD 55:10:07:04” in Section 4 A. **Added** B. to Section 6.

**August 2015:** **Deleted** 1. & 5. & 7. & 20. & 22. in Section 1 D. **Added** 2. and a.-d. in Section 1 E. **Added** new 8. to Section 1 E. **Added** 3. to Section 1 F.

**December 2015:** **Added** a. to Section 1 D. 2. **Added** new F. to Section 1.

**May 2016:** Deleted reference to STAR and STAR Superintendent. Updated language in Section 1 G. 2. Added 4. to Section 2 B. Revised language in Section 5 A. and B.

**December 2016:** Added definition of Supervisor. Added "Staff shall report to their supervisor any narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or intoxicant which they intend on taking and which has been prescribed to them" to Section 1 E. 2. Added c. to Section 1 E. 2. Added "conflict of interest" to Section 3 A. Added "violations which the fine or bond forfeiture is \$200 or less" in Section 3 B. 3. Added new Section 3. Deleted Section 6, Acknowledgement of Review. Deleted This does not preclude DOC staff from cooperating with requests for offender information from the Parole Board (See SDCL § 24-15A-12)" and Deleted "Reasonable communication of information regarding an offender to the Board of Pardons and Paroles by a DOC volunteer may be permitted" and Replaced with new language in Section 1 D. 4.

**March 2018:** Added "to derive personal benefit from actions or decisions made in their official capacity beyond compensation provided by the state to definition of Conflict of Interest. Added definition of "Personal Benefit. Added new A. to Section 1. Added 2. and 4. to Section 1. A. Added "unless such relationship has been clearly disclosed to the department and an exception is made by the Director, Warden or Secretary" to Section 2 B. Added "property/object" Added "without compensation or remuneration" and Added "for immediate consumption" in Section 1 E. 16. Added "if the Warden, Director or Secretary determine the gift is in violation of policy or state law, the gift shall be immediately returned to the presenter" in Section 1 E. 16. c. Added "or other appropriate authority" in Section 3 A. Added B. and C. to Section 4. Added "in good faith through" and Added "or other appropriate authority" and Added "provide false report to make a report with reckless disregard for the truth" in Section 4 C.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

03/01/2018

Date