

1.5. F.3 Inmate Community Religious Activity Guidelines

I Policy Index:



Date Signed: 03/20/2016
Distribution: Public
Replaces Policy: N/A
Supersedes Policy Dated: 03/27/2015
Affected Units: Adult Units
Effective Date: 03/21/2016
Scheduled Revision Date: January 2017
Revision Number: 8
Office of Primary Responsibility: DOC Administration

II Policy:

As a tool to strengthen the re-entry process. Authorized inmates may be provided the opportunity to attend approved religious and/or cultural activities and/or events in the community.

III Definitions:

Community Religious Host/Transporter:

For the purposes of this policy, a host/transporter is an interested person from a community religious organization who has been approved to provide transportation to an inmate to and from approved activities, and/or to assist the inmate in becoming more involved in their chosen religion or culture.

Work Release Program:

A program that allows approved inmates access to the community for the purposes of employment, vocational training and/or educational programming, pursuant to SDCL § 24-8-1.

Inmate:

Any person who has been sentenced or placed in a facility or program under the control of the Department of Corrections.

IV Procedures:

1. Application Guidelines:

- A. Inmates approved for work release may attend approved religious and/or cultural activities in the community (See DOC policy 1.5.A.5 [Work Release](#)).
- B. Work release inmates interested in participating in the community religious program must complete the [Community Religious Attendance Application](#) (See [Attachment 1](#)) and submit the application to their respective Department of Corrections (DOC) Cultural Activities Coordinator at least ten (10) working days prior to the scheduled date of the community religious activity.
- C. Once the Work Release inmate's [Community Religious Attendance Application](#) has been reviewed and approved by the respective facility Cultural Activities Coordinator, the inmate is required to review and

sign the [Community Religious Attendance Acknowledgement of Rules and Regulations](#) (See [Attachment 2](#)). The Work Release Case Manager will be notified of the approval.

- D. Offenders placed in the Community Transition Program (CTP) on level 2 may request permission from their supervising parole agent to attend religious and/or cultural activities in the community (See DOC policy 1.5.G.2 [Community Transition Program](#)).

2. Approved Religious Activities and Guidelines:

- A. The Cultural Activities Coordinator or designee shall review all community religious or cultural activities which an offender has requested to attend.
1. Religious activities include organized activities at an approved house of worship and/or other scheduled religious and/or cultural events.
- B. An inmate/offender's time away from their assigned housing unit shall not exceed three (3) hours, which shall include travel time to and from the activity/event. The Unit Manager or Associate/Deputy Warden may grant exceptions on a case by case basis.
1. The total distance an inmate/offender may travel from their assigned housing unit to attend an activity or event shall not exceed 25 miles, one way.
 2. Inmates/offenders may not travel outside of the state of South Dakota for the purpose of attending a religious activity or event.
- C. Work release inmates may attend a maximum of one activity/event per week (Monday through Sunday).
- D. Work Release inmates may wear civilian clothing while attending religious or cultural activities/events in the community.

3. Community Religious Host/Transporter Application and Guidelines:

- A. Persons interested in becoming an approved community religious host/transporter must meet the following criteria:
1. Must be 18 (eighteen) years of age or older and the same gender as the inmate/offender they are transporting/hosting.
 2. May not transport inmates/offenders any further than twenty-five (25) miles from the housing area where the inmate/offender is housed or outside the state of South Dakota.
 3. May transport up to three (3) inmates/offenders at one time. This requires prior approval by the Unit Manager and/or designated DOC staff.
 4. May charge the inmate/offender a fee for transportation expenses if properly licensed through the South Dakota Department of Revenue.
 5. The host/transporter must complete the [Community Religious Host/Transporter](#) application and attach a copy of their South Dakota driver's license and automobile insurance information. Applications may be submitted/forwarded to the respective DOC Work Release case manager (See [Attachment 3](#)).

6. All hosts/transporters must complete the [Community Religious Host/Transporter Background Check and Release and Waiver of Liability](#) and return this to the DOC (See [Attachment 4](#)).
 - a. A criminal background check (NCIC) will be completed on all host/transporters and is subject to review and approval by the senior security officer.
 7. Must review and sign the [Community Religious Host/Transporter Rules](#) (See [Attachment 5](#)) prior to transporting inmates/offenders.
- B. Once the host/transporter is approved, a sign-up process will be initiated by the applicable DOC unit informing the inmates/offenders of the religious activity and transporter. The posting will include the following information:
1. Brief description of the community religious activity;
 2. Date, location, start and end time of the community religious activity;
 3. Any necessary details pertaining to the community religious activity; and
 4. The number of inmates the host/transporter is able to transport; not to exceed more than three (3) inmates/offenders per trip.

4. Approved Public Transportation For Inmates:

- A. Work release inmates and CTP offenders may utilize public transportation or other means of self-transportation (walking or biking) to attend a religious activity.

V Related Directives:

SDCL § 24-8-1.

DOC policy 1.5.A.5 -- [Work Release](#)

DOC policy 1.5.G.2 -- [Community Transition Program](#)

VI Revision Log:

June 2010: New policy.

January 2011: **Added** ss 1. A. "may attend approved religious activities in the community" Added hyperlink to DOC Work Release policy. **Replaced** ss 1 B. "participate in" with "utilize". **Deleted** D. in ss 1. **Deleted** "appropriate" in ss D. 1. and renumbered to C. 2. **Deleted** from ss 2 a. "the following community" **Added** "These activities are subject to review and approval by DOC staff. Activities include but are not limited to the following:" Deleted 4. a. b. c. d. & f. from ss 2 in A. Renumbered "weddings" (4) and "other events" (5). Inserted "age 18 (eighteen) or older and" in ss 3 A. 1. **Added** "or transport the inmate outside of the state of South Dakota" to ss 3, A. 2. **Deleted** 5. from ss 3. **Replaced** with "Hosts/transporters who charge inmates for transportation expenses must be licensed through the Department of Revenue". **Added** "Inmates" to 7. in ss 3. **Replaced** 7. a. in ss 3. With "A criminal background check will be completed on all hosts/transporters and be approved by the senior security officer". **Replaced** "The denomination" with "Brief description in ss 3 B. 1. **Deleted** 2. from ss 3 B. **Added** "start and end time" and "location" and replaced "at one time" with "per trip" in the newly re-numbered B.2 in ss 3. **Deleted** ss 4. A. "All inmates who have been approved to utilize public transportation to a community religious activity must have an approved religious host at the religious event and **Replaced** ss 4. A. with "CTP inmates and inmates approved for work release may utilize public transportation to attend approved religious activities or other means of self- transportation as approved by DOC staff." Attachment 2. **Added** "all DOC" to agreement statement. **Added** 1. "except in the case of an emergency to contact the DOC". **Deleted** "arrived at the approved community religious activity" from 5. and **Replaced** with "departed from the facility". **Deleted** "with any member associated with the community religious activity" in 7.

and **Replaced** with “or engage in inappropriate relations with other inmates attending the activity, the transporter or others attending the activity”. **Added** 8. “except those tobacco products approved for use during cultural/religious activities. **Added** “or other inmates attending the activity” to 11. **Deleted** 20. “I will only wear the state approved clothing and shoes while participating in community religious activities”. Attachment 5. **Added** 1. “other than those tobacco products approved and used in conjunction with religious/cultural activities” **Added** “except in the case of an emergency or to contact the DOC and **Deleted** “at community religious activities from 3. **Replaced** “visitors” with “friends or family members” and replaced “activities other than religious services” with “social or romantic relations with boy/girl friends, spouses or partners”. **Deleted** 6. “All religious hosts/transporters must take part in DOC specified training prior to inmate transports and annually thereafter”. **Deleted** 7. Religious hosts/transporters must know where inmates are at all times”. **Deleted** 8. “A religious host/transporter will not be sexually involved with an inmate”. In 7. **Replaced** “drink” with “beverages (absolutely no alcohol)”. **Added** “please call 911” to 9. **Added** “or violating any of the rules or conditions contained in this document” to 10. **Deleted** “arrived at the community religious activity in 12. **Replaced** with “when they departed from the facility”. **Added** “or other communication devices” to 14. **Deleted** 19.” An inmate will only wear the approved personal clothing to community religious activities”.

October 2011: **Added** definition of “Work Release”. **Deleted** 2. “The approval for CTP parolees to participate in community religious activities is subject to their respective agent”. in Section 1 A. **Deleted** “3. CTP parolees approved to participate in community religious activities may utilize the same transportation arrangements offered to inmates on work release”. in Section 1. A. **Added** “and submit the application to their respective DOC Cultural Activities Coordinator ten (10) working days prior to the date of the requested activity”. in Section 1 B. **Added** “by the Cultural Activities Coordinator” and “through their DOC Work Release Case Manager” to Section 1 C. **Deleted** “1. Approved CTP parolees are not required to complete the Community Religious Attendance application of the Community Religious Attendance Acknowledgement of Rules and Regulations”. in Section 1 C. **Deleted** “2. Inmates attending religious activities in the community will be allowed to wear civilian clothing to religious activities”. in Section 1 C. **Added** “and Guidelines” to title of Section 2. **Deleted** “but are not limited to the following:” and **Replaced** with “organized religious events at an approved house of worship and other events as approved” in Section 2. A. **Deleted** criteria 1-5. **Added** B. “Time away from the unit for an approved religious activity is not to exceed three (3) hours including travel to and from the activity”. in Section 2. **Added** C. “A maximum of one community religious activity per work (Monday through Sunday) per inmate may be approved”. in Section 2 **Added** “Inmates attending religious activities in the community will be allowed to wear civilian clothing to religious activities”. in Section 2. **Deleted** “3. Will not be allowed to select a specific inmate to transport/host”. in Section 3. **Deleted** a. “Unless the interested person is a family member or friend previously on the inmate’s visit list and wishes to volunteer as a community religious transporter/host” in Section 3 . **Deleted** “not host” and “more than” and **Replaced** with “up to” **Added** “with prior approval in Section 3 A. 4. **Deleted** “cultural activities coordinator” and **Replaced** with “Work Release Case Manager” in Section 3 A.7. **Deleted** “8. Participate in required training set forth by DOC”. in Section 3 A. **Deleted** a. Community religious transporters/hosts who are transporting/hosting CTP inmates are not required to complete the Community Religious Host/Transporter, Community Religious Host/Transporter Background Check and Release and Waiver of Liability of the Community Religious Host/Transporter Rules” in Section 3 A. 9. **Deleted** “CTP inmates and inmates approved for” and **Added** “examples include walking and biking” to Section 4. A.

March 2012: **Reviewed with no changes.**

January 2012: **Added** “approved for” and **Deleted** “and will be informed of the community religious program” in Section 1 A. **Added** the Cultural Coordinator or designated DOC staff” to Section 2 A. and 2 A. 1 **Added** “without prior approval from the unit manager and Deputy/Associate Warden” in Section 2 B. **Added** 1 & 2 to Section 2 B. **Deleted** “DOC staff” and replaced with “unit manager” in Section 3 A. 3. **Added** “unit manager” to Section 4 A.

February 2014: **Reviewed** with no changes.

February 2015: Grammar and sentence structure changes.

February 2016: **Reviewed** with no changes.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

03/20/2016

Date

Attachment 1: Community Religious Attendance Application

The **Community Religious Attendance Application** is located on the states WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Community Religious Attendance Application** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Community Religious Attendance Application**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Community Religious Attendance Application Please refer to DOC policy 1.5.F.3 Community Religious Activity Guidelines
--	---

COMMUNITY ACTIVITY ATTENDANCE APPLICATION

Name: _____ Number: _____

Did you attend religious activities in the community? Yes No

Do you attend religious activities in prison? Yes No

What is your religion/denomination? _____

List the activity are you requesting to attend and the complete address/location of the activity.

<i>List the Activity</i>	<i>Address/Location</i>
--------------------------	-------------------------

Is there an individual who is over 18 years of age and of the same gender that you would like to be your transporter/host? Yes No

Name: _____ Phone #: _____

Street: _____ City: _____ Zip Code: _____

By my signature below, on behalf of myself, my heirs, next of kin, successors in interest, personal representatives and agents, I hereby waive any claim of cause of action against and release from liability the State of South Dakota, its officers, employees and agents from any liability for injuries to my person or property resulting in my attending activities in the community and agree to indemnify and hold harmless the State of South Dakota, its officers, employees and agents for any claims, cause of action or liability to any other person arising from my attending activities in the community.

I understand by my signature below I have given up substantial rights and have signed freely and voluntarily without any inducement, assurance, or guarantee being made to me and intend my signature to be a complete and unconditional release of all liability.

_____ *Inmate's Signature* _____ *Date*

FOR ADMINISTRATION USE ONLY	
<input type="checkbox"/> Recommend Approval	<input type="checkbox"/> Recommend Denial
_____ <i>Unit Manager Signature</i>	_____ <i>Date</i>
_____ <i>Deputy/Associate Warden or Warden Signature</i>	_____ <i>Date</i>

Revised : 02/12/2015 Page 1 of 1

Attachment 2: Community Activity Attendance Acknowledgement of Rules and Regulations

The **Community Religious Attendance Acknowledgement of Rules and Regulations** is located on the states WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Community Religious Attendance Acknowledgement of Rules and Regulations** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Community Religious Attendance Acknowledgement of Rules and Regulations**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Community Religious Attendance Acknowledgement of Rules & Regulations Please refer to DOC policy 1.5.F.3 Community Religious Activity Guidelines
--	--

**COMMUNITY ACTIVITY ATTENDANCE
ACKNOWLEDGEMENT OF RULES AND REGULATIONS**

I, the undersigned, an inmate of the South Dakota DOC do hereby agree to abide by all DOC rules and regulations pertaining to attending activities in the community.

1. I will be on time and ready for transport according to my schedule.
2. I will remain in the area indicated to me by the host/transporter and will not leave without his/her knowledge and approval.
3. I understand I will not be permitted to use the telephone except in the case of an emergency or to contact the DOC. I will not possess a cell phone.
4. I understand if the host/transporter is not satisfied with my conduct, I may be removed from the program with or without disciplinary action.
5. I understand I am not allowed to bring anything back from the community to the housing unit, except the items I had when I departed from the facility.
6. I will not operate a motor vehicle.
7. I understand I may not ask for or receive personal favors or gifts from the host/transporter or anyone involved in the community activity. I will not engage in inappropriate relations with other inmates attending the activity, the host/transporter or others.
8. I will not use or possess any alcoholic beverage, narcotic or tobacco products.
9. I will not involve myself in any financial dealings, to include; lending, borrowing, giving money or purchasing or selling. This does not preclude contributing to a community religious offering.
10. I understand any blatant, disruptive or intentional misconduct (arguing, refusing to cooperate, damaging property etc.) by me will be reported to facility staff and may result in disciplinary action.
11. I will report any inappropriate behavior exhibited by the host/transporter or other inmates attending the activity to DOC staff.
12. I understand any unauthorized activities I engage in, or my absence from my designated location during the scheduled community may result in disciplinary action and/or criminal prosecution.
13. I will not use the privilege of attending activities in the community to meet visitors who are not usual attendees of the activity.
14. I will not engage in sexual activity in the community.
15. I understand my person, possessions and living quarters is subject to search at any time.
16. I understand I will be held responsible for any contraband found on my person, in my possession and/or in my living quarters.
17. I will not use/operate any computer while in the community.
18. I will report any accident, unsafe condition or injury incurred while attending activities in the community to DOC staff.

I have read, understand, and agree to the above rules and regulations.

 Inmate Signature Number Date Witness

Revised: 02/13/2015 Page 1 of 1

Attachment 3: Community Religious Host/Transporter

The **Community Religious Host/Transporter** application is located on the states WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Community Religious Host/Transporter** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Community Religious Host/Transporter**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Community Religious Host/Transporter Please refer to DOC policy 1.5.F.3 Community Religious Activity Guidelines
COMMUNITY RELIGIOUS HOST/TRANSPORTER Please Complete Sections A, B and C and turn into the respective institution's Cultural/Activities Coordinator	
Date: _____	
A.	
Pastor/Priest: _____	Church Name: _____
Address: _____	
City/State/Zip: _____	Telephone #: _____
B.	
Host/Transport Person's Name: _____	
Address _____	Phone #: _____
Street Address _____	City _____ State _____ Zip Code _____
Date of Birth: _____	Boo. Sec. #: _____ Driver License #/State: _____
Are you on any Inmates Visit List? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Inmates Name: _____	
Transport Arrangements: <input type="checkbox"/> Public Transportation <input type="checkbox"/> Transporter _____	
Name of Auto Insurance Carrier: _____ Full Name of Transporter _____	
**A copy of copy of driver license and insurance is required. If private transporter, Attach both documents to this form.	
C. COMMUNITY RELIGIOUS TRANSPORTER (Not Applicable, if using public transportation)	
I, _____ agree to transport inmates: _____	
to and from the community religious activities. I certify that I do have a valid driver's license. I agree that I will take inmates directly to the approved community religious activities, without any unauthorized stops. I understand that these inmates have limited access to the community. It is my responsibility to come into the unit and identify myself when I pick the inmates up for community religious activities and when I drop the inmates off from community religious activities.	
Community/Religious Host/Transporter/Signature _____	Date _____
D. For DOC Staff Use Only	
Background Check Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Driver License Verified: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date: _____ Staff: _____
Training Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No Training Date: _____	
Forms Attached: Copy of Background Check: <input type="checkbox"/> Yes <input type="checkbox"/> No	Copy of Driver License: <input type="checkbox"/> Yes <input type="checkbox"/> No ←N/A if not transporter→
Unit Staff Member Signature: _____	
*NOTE: A separate form is required for each person who will be hosting and/or transporting inmates.	
Created: 7/1/2010	Page 1 of 1

Attachment 4: Community Religious Host/Transporter Background Check and Release and Waiver of Liability

The **Community Religious Host/Transporter Background Check and Release and Waiver of Liability** is located on the states WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Community Religious Host/Transporter Background Check and Release and Waiver of Liability** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Community Religious Host/Transporter Background Check and Release and Waiver of Liability**.

The gray areas indicate the information that is to be entered.

Attachment 5: Community Religious Host/Transporter Rules

The **Community Religious Host/Transporter Rules** is located on the states WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Community Religious Host/Transporter Rules** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Community Religious Host/Transporter Rules**.

The gray areas indicate the information that is to be entered.

<p>South Dakota Department of Corrections Policy Distribution: Public</p>	<p>Attachment: Community Religious Host/Transporter Rules Please refer to DOC policy 1.5.F.3 Community Religious Activity Guidelines</p>
<p>Community Host/Transporter Rules</p>	
<ol style="list-style-type: none">1. Hosts/transporters are required to remain at the activity with the inmate(s) they are approved to transport.2. Alcoholic beverages, illegal drugs or tobacco products will not be made available to inmates.3. Inmates will not operate motor vehicles.4. Inmates are not allowed to use telephones, except in the case of an emergency or to contact the DOC. Inmates may not possess cell phones.5. Community activities are not a time or place for inmates to receive or interact with visitors other than the approved transporter/host and persons on their approved visit list and who are regular attendees of the activity. Inmates are not to use the privilege of attending community activities to meet friends or family members who are not regular attendees of the activity or to engage in social or romantic relations with boy/girl friends, spouses or partners. Sexual activity is specifically prohibited.6. No host/transporter may perform personal favors for inmates (mail letters or packages, arrange phone calls, make unauthorized articles available to inmates).7. No host/transporter may participate in any type of financial dealing with inmates; including but not limited to, lending, borrowing or giving money to an inmate or purchasing or selling items for inmates.8. Inmates may share in food and beverages (absolutely no alcohol) offered or provided at the community activity; provided the food and beverages are available as part of the service, event or activity.9. An activity schedule will be provided to the institution staff by the host/transporter and shall include the number of inmates who may sign up for the activity and transportation to the event.10. In case of a medical emergency involving an inmate, please call 911. Inmates should be transported to the nearest medical treatment facility. The facility where the inmate is housed must be notified as soon as possible.11. Misconduct by inmates will not be tolerated and must be reported immediately to the institution; (arguing, refusing to cooperate or violating any of the rules or conditions described herein).12. Walk-aways must be reported immediately to the institution. A host/transporter should not attempt to restrain or stop an inmate who attempts to leave a community religious event. If you notice an inmate is missing, or you suspect the inmate has left the activity without your knowledge, contact the DOC institution where the inmate is housed immediately.13. Inmates are not allowed to bring anything back to their housing unit except the items they had when they departed from the facility.	
<p>Revised: 02/12/2015</p>	<p>Page 1 of 2</p>

<p>South Dakota Department of Corrections Policy Distribution: Public</p>	<p>Attachment: Community Religious Host/Transporter Rules Please refer to DOC policy 1.5.F.3 Community Religious Activity Guidelines</p>
<ol style="list-style-type: none">14. An inmate, an inmate's possessions and an inmate's living quarters are subject to search at any time by DOC staff.15. Inmates will not utilize computers, electronic messaging, or other communication devices while in the community.16. Hosts/transporters are responsible for reporting any accident, incident, or unsafe condition involving an inmate that occurs while the inmate is in the community or attending the religious activity to facility staff. <p>For clarification regarding the rules or policies pertaining to inmates or the community activity program, or to report inmate misconduct or a medical emergency, please contact the facility where the inmate(s) is housed.</p> <p>SD State Penitentiary (Sioux Falls, SD) Control Room 367-5120 or 367-5121 or 367-5122 SD Women's Prison Control Room 773-5368 Mike Durfee State Prison Control Room 369-2201</p> <p>I attest I have read and understand the above stated rules and conditions and have participated in any training required of me to be a host/transporter, as prescribed by the DOC. I will enforce to the best of my ability the rules set forth by the DOC as they relate to inmates participating in community religious activities.</p> <p>Name of church/religious activity: _____</p> <p>Location of activity: _____</p> <p>Signature of host/transporter: _____</p>	
<p>Revised: 02/12/2015</p>	<p>Page 2 of 2</p>