

## 1.1.C.1 Staff Code of Ethics

### I Policy Index:



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**Replaces Policy:** 1C.9  
**Supersedes Policy Dated:** 12/19/2015  
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**Office of Primary Responsibility:** DOC Administration

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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.

### III Definitions:

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

A set of rules describing acceptable standards of conduct that shall apply to each Department of Corrections staff member.

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

Any action by any staff member which adversely affects the interests of the Department of Corrections.

#### **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.

#### **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.

#### **Corporal Punishment:**

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

#### **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.

#### **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).

**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.

**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.

**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.

**Disciplinary Action:**

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

## IV Procedures:

### 1. General Standards of Conduct:

**\*Note:** The examples included in this policy indicate the types of conduct that may be cause for disciplinary actions. This is not an exhaustive list. Additional information regarding staff conduct is located in the Employee Handbook available on the Bureau of Human Resources website at <http://bhr.sd.gov/forms/> .

- A. Any effort by any staff member to realize personal gain through association with the DOC beyond compensation provided by the State of South Dakota or their private employer is a violation of public trust.
- B. Any effort by any person to influence any staff member to violate law, breach agency rules or regulations 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. The state will protect the confidentiality of such allegations to the extent possible.

1. Any sexual abuse and/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 the sexual misconduct or sexual harassment.
    - c. Any staff member whose negligence or violation of staff duties, responsibilities or code of ethics may have contributed to the sexual misconduct or sexual harassment.
  3. A staff member who fails to report the above may be subject to disciplinary action, including termination of employment.
- D. The following activities or relationships between staff members and offenders are prohibited:
1. Providing or accepting unauthorized gifts or favors to or from any offender, family member of any offender or agent of any offender or his/her family.
  2. Developing inappropriate relationships with offenders. A staff member will not become emotionally, romantically, financially or sexually involved with any offender.
    - a. Using social media to engage in inappropriate and/or unprofessional social communication with an offender(s) for the purpose of furthering unauthorized activity or relations with an offender.
  3. Engaging in any outside form of business or for-profit enterprise with any offender.
  4. Providing personal recommendation(s) or endorsement(s) for any offender to a court, board, public agency, employer, etc. except as authorized through the performance of the staff member's assigned job duties (See SDCL § [24-1-26](#)).
    - a. This does not preclude DOC staff from cooperating with requests for offender information from the Parole Board (See SDCL § [24-15A-12](#)).
      - 1) Communication of information regarding an offender to the Board of Pardons and Paroles by a DOC volunteer does not constitute a violation of this policy or code of ethics.
  5. Acting as a sponsor for any offender or allowing any offender released from DOC custody to reside in the staff member's home, unless first approved by the Warden, Director or Secretary of Corrections.
    - a. Exceptions may be granted to a staff member who is an immediate family member of the offender.
    - b. Any staff member who becomes aware of an offender residing with a staff member is obligated to check on the appropriateness of the situation and/or report the situation to their supervisor (See section on [Reporting Violations](#)).

- c. DOC volunteers may assist an offender with re-entry programming.
- E. A staff member who commits 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. DOC staff are prohibited from performing assigned duties under the influence of illegal drugs/ 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](#)). Staff are prohibited from performing DOC duties under the influence of alcohol or medications/drugs (includes valid prescriptions) or other otherwise lawful substances when use of such substances renders the staff member incapable of safely performing their duties.
    - a. No staff member may perform assigned DOC duties with the presence of any measurable or detectable amount of illegal drugs or substances in their 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. Staff who receives a confirmed positive drug screen test is subject to disciplinary action (ARSD [55:05:07:03](#)).
    - d. Staff who are convicted of a violation of criminal drug law, or who admit in court to a criminal drug violation, are subject to disciplinary action.
  3. Violating or disobeying established rules, regulations, policies, operational memorandums, lawful orders, or oral and/or written directions from a supervisor or other person in authority.
  4. Discriminating against any offender 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. Does not include lawful acts done in self-defense, protection of others or in preventing the escape of an offender.
  6. Being in possession of any dangerous weapon(s) not specifically authorized by Secretary of Corrections or his/her designee or DOC policy while on duty or introducing any dangerous weapon(s) or item(s) declared contraband into a DOC facility without proper authorization and/or for unofficial purposes.
    - a. Personal firearms stored in personal 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. Releasing personally identifiable information not in the public domain without proper authorization. Personally identifiable information is information that if improperly disclosed, could be used to steal a person's identity, violate the individual's right to privacy, or otherwise bring harm to the person.
8. Taking or disseminating any unauthorized visual recording or photograph of any offender, or using a visual recording or photograph of an offender for an unauthorized purpose.
9. Withholding information that could threaten the safety, security of the DOC, its facilities, staff, offenders, visitors or the public.
10. Endangering the well-being of staff members, offenders, visitors or the public through negligence; or violating statutes, rules or policies established for the safe, efficient or effective operation of the DOC.
11. Disrupting the efficiency and morale of the DOC, its facilities and staff members; e.g. deserting a post or walking off the job.
12. Stealing/theft of state property, or careless, negligent use of state property. Including using state equipment for personal gain (See ARSD [55:10:01:06](#) & [55:10:07:04\(12\)](#)).
13. Fraudulently using or abusing earned 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, service, money or any type of gift or thing of value 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 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 the gifts or tokens may cause offense, embarrassment or otherwise adversely affect relations between the DOC, and/or staff member and 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.

- d. When practical, gifts or tokens of appreciation accepted by the DOC and/or a staff member 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 for anything other than state functions (See ARSD [55:10:01:06](#)).
  19. Failing or refusing to take a drug test administered in accordance with SDCL § [3-6F-1](#).
  20. 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.
  21. Engaging in conduct that reflects unfavorably on the DOC, destroys confidence in the operation of services, or adversely affects the public trust in the DOC.
  22. Failing to disclose personal conduct committed by the staff member that occurred prior to employment with the DOC that reflects unfavorably on the DOC or destroys confidence in the operation of DOC services, or adversely affects the public trust in the DOC.
  23. Theft or attempted theft by a staff member of personal property or money belonging to any offender.
  24. Failing to notify the DOC of the lapse, expiration, suspension or revocation of any license or certification necessary for the staff member to perform their assigned duties.
  25. 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](#)).
  26. 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 [Harassment and Discrimination Policy](#)). Harassment, threats and/or bullying by a staff member will not be tolerated.
- F. The DOC does not monitor staff 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. 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 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. Reporting:

- A. It is the responsibility of every staff member to promptly report any misconduct, breach of the code of ethics or suspected misconduct or breach of the code of ethics by a staff member to their supervisor(s) or Bureau of Human Resources manager.
- B. 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.
  1. This includes but is not limited to, any sex offense, violation of criminal drug statute, use, possession or distribution of illegal drugs, and/or driving under the influence (See SDCL § [32-23-1](#)).
  2. This includes 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 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 are reminded to immediately report to their supervisor if they enter a plea of guilty or nolo contendere to a criminal offenses as their ability to possess a DOC issued firearm may be impacted by such action and possession of a firearm may be a violation of DOC policy and state and/or federal law.
- C. Staff who report violations/misconduct through their chain of command will not be retaliated against or subject to adverse treatment. Staff who self-reports remain subject to disciplinary action.

### **3. Investigations:**

- A. Staff members will cooperate fully and truthfully with any investigation ordered by the Secretary, Warden or Director.
- B. Failure to cooperate by the staff member may be grounds for disciplinary action, including termination.
- C. The DOC is committed to providing DOC staff a safe workplace. 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.

### **4. 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 subject to disciplinary action.

### **5. Acknowledgment of Review:**

- A. Each new staff member will have access to this policy and have an opportunity to ask questions of their supervisor or trainer during pre-service training. Trainers will document each staff member's receipt of this policy. New staff members acknowledging review of this policy agree they are fully aware of, have reviewed, understand and agree to abide by the code of ethics.
- B. DOC staff are responsible for reviewing this policy annually and whenever a new version of this policy is approved by the Secretary of Corrections and is distributed and made available to staff. Staff acknowledging review of this policy agrees they are fully aware of, have reviewed, understand and agree to abide by the code of ethics.

### **6. Staff Appeal:**

- A. A staff member may appeal disciplinary action pursued by the department or its representative for alleged violations by a staff member 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](#), [24-2-22](#), [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.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

05/09/2016

Date