



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.7.A.01	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Offender Operation of Vehicles
RELATED STANDARDS:	ACA: 5-ACI-3A-24	EFFECTIVE DATE:	December 01, 2023
		SUPERSESSION:	12/10/2019
DESCRIPTION: Offender Programs – Work and Correctional Industry	REVIEW MONTH: November	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that offenders may operate vehicles consistent with DOC policy and in accordance with applicable local, state, and federal laws.

## II. PURPOSE

The purpose of this policy is to *govern the use and security of institution vehicles* and outline the process utilized to identify and authorize offenders who are approved to operate state vehicles and the safety and security procedures to be followed [ACA 5-ACI-3A-24].

## III. DEFINITIONS

### Driver License:

A document issued by a state or jurisdiction to a qualifying individual which identifies the individual and includes information authorizing the individual to operate certain motor vehicle types specified on the license on public roadways.

### Public Roadways:

All streets, alleys, public roads, public thoroughfares, or highways.

## IV. PROCEDURES

### 1. Driver License Requirements:

- A. Any offender operating a motor vehicle on a public roadway, which by state law requires the operator to have a valid driver license, will have his/her driver license in his/her immediate possession while operating the vehicle in such a manner, as required by SDCL § 32-12-39.
  1. Case managers will inform work supervisors when an offender has a current, valid, and proper driver license prior to allowing the offender to operate any motor vehicle.
    - a. Driver license verification will be accomplished within the job board.
  2. Offenders in DOC custody may renew or request a duplicate valid driver license or state identification card in accordance with DOC policy.

### 2. Offender Operation of Vehicles:

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- A. The following offenders are not eligible to operate a vehicle outside the security perimeter of a DOC institution (on or off a public roadway):
1. Any offender convicted of vehicular battery, vehicular homicide, hit and run with injury, or theft of a motor vehicle (see SDCL §§ 22-16-41, 22-18-36, 32-23-4, 32-23-4.6, 32-23-4.7 and 32-34-5).
  2. Offenders with a history of reckless or irresponsible behavior while operating a motor vehicle, including a history of multiple or significant traffic offenses or citations, who have been prohibited by DOC staff or work supervisors from operating a motor vehicle.
  3. Offenders serving an escape sentence on their current booking or with a history of escape from secure custody.
- B. Offenders may operate motor vehicles outside the secure perimeter of a DOC institution only after receiving prior authorization by designated DOC staff (warden or designee) and the work supervisor.
- C. Eligible offenders may operate designated state motor vehicles inside the security perimeter of a DOC institution, only after receiving specific authorization by the warden or designee. A state vehicle includes any motor vehicle owned, leased, rented, or borrowed by the state. Offenders authorized to operate a state vehicle:
1. May not have committed a high-level offense in custody within the six (6) months prior to the authorization to operate a state vehicle, unless granted an exception by the warden or designee.
  2. May not be currently serving a sentence for escape on their current booking or with a history of escape from secure custody.
  3. May not have any known medical restriction or limitation that would adversely affect the offender's ability to safely and effectively operate a motor vehicle.
- D. Offenders participating in work release must secure advance approval from the respective warden or designee prior to operating any motor vehicle requiring a driver license on a public roadway. Unit staff will verify the work release offender has a valid driver license by reviewing the list and then updating the status of the driver license in COMS.
1. Work release offenders authorized to operate a motor vehicle on a public roadway must be able to provide proof of adequate insurance coverage or be an insured/insurable operator of the vehicle under an existing insurance policy attached to the vehicle, as required by state law (see SDCL § 32-35-113).
- E. Offenders will obey all local, state, and federal traffic laws. Offenders are legally and financially responsible for all citations, fines, and summons received for offenses associated with the operation or access to a motor vehicle. Offenders are responsible for damage caused to property and/or motor vehicles through acts of willful recklessness, negligent acts, or behaviors associated with operation or access to a motor vehicle.
1. Violation of traffic laws, rules, or directives associated with or otherwise related to the operation or access of a motor vehicle may result in suspension or revocation of the offender's authorization to operate a motor vehicle.
  2. Staff supervising the offender shall report any known violations or infractions of traffic laws by an offender directly to the DOC, including operating a motor vehicle with no valid license or suspended license.
  3. Offenders must wear seat belts when operating or occupying a motor vehicle (if so equipped) on a public roadway, in accordance with SDCL § 32-38-1.
- F. Work supervisors will ensure each offender operating a vehicle receives all necessary vehicle specific training prior to operating the motor vehicle.
- G. Offenders will drive motor vehicles from point to point, without deviation from the most direct route, or as instructed by their work supervisor. Offender operation of a motor vehicle shall be for approved and official purposes and not for personal use or pleasure.

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## **V. RESPONSIBILITY**

It is the responsibility of the director of Prisons to annually review and revise this policy as needed.

## **VI. AUTHORITY**

SDCL §§ 22-16-41, 22-18-36, 32-12-39, 32-23-4, 32-23-4.6, 32-23-4.7, 32-34-5, 32-35-113, 32-38-1

## **VII. HISTORY**

November 2023  
February 2022  
December 2019  
February 2019  
September 2018  
April 2018  
December 2016  
December 2015  
January 2015  
May 2014  
December 2013

## **ATTACHMENTS** (\*Indicates document opens externally)

1. DOC Policy Implementation / Adjustments