

SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 300-23	PAGE NUMBER 1 OF 14
		DISTRIBUTION:	Public
		SUBJECT:	Offender Visiting
RELATED STANDARDS:	ACA-5-ACI: 2E-03, 7D-14, 7D-15, 7D-17	EFFECTIVE DATE:	October 15, 2024
		SUPERSESSION:	10/01/2024
DESCRIPTION: Facilities - Security & Management	REVIEW MONTH: September	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to promulgate rules, policies, and procedures for offender visits, pursuant to SDCL. Offenders are eligible for visits with approved visitors, except where there is suspicion that such visitation may jeopardize security, safety, or other legitimate penological interests of the DOC. Nothing within this policy or its application may be the basis for establishing a constitutionally protected liberty, property, or due process interest in any offender.

## II. PURPOSE

It is the purpose of this policy to assist offenders in maintaining family and social relationships while concurrently fulfilling the security requirements of the facility.

## III. DEFINITIONS

### Approved Visit List:

List of an offender's approved Class I, Class II, and Class III visits that have been approved based on eligibility and the completion of a NCIC background check. Class I, Class II, and Class III visits can only be conducted with a person(s) listed in an offender's approved visit list.

### Attorney of Record:

An attorney licensed to practice law who has appeared in court or signed/received pleadings or other forms on behalf of an offender client. The attorney remains the attorney of record until another attorney or other is assigned, the attorney is allowed by the court to withdraw, or the offender's case is closed.

### Class I Visit:

A visit conducted in a visiting room or designated visiting area of a facility, during which limited physical contact is allowed between the offender and the visitor. Conjugal visits are not allowed at SD DOC facilities.

### Class II Visit:

A visit conducted in a facility where the offender and visitor(s) are physically separated from one another by a physical barrier. Often this is conducted in a secured glassed-off area located within the visiting room at a facility. No physical contact between the offender and visitor is allowed during Class II visits.

### Class III Visit:

A visit conducted electronically where the offender and visitor(s) appear via video call. Class III visits may be conducted with visitors listed in the offender's visit list as a Class III restricted visitor, or with approved Class I or Class II visitors. Offenders will use the kiosks located in designated areas of the institution, as provided by the vendor.

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Off-site visitors register through the GTL Connect Network application using their own equipment and the necessary internet connections.

**Clergy:**

Recognized religious leaders. Clergy may be required to provide proof of ordination or leadership, credentials, or other documentation substantiating their standing within a religious sect. Clergy visiting an offender for the purpose of providing clergy services may not be a member of the offender’s immediate family.

**Judge:**

A judge of the circuit court, magistrate judge, or judge of a limited jurisdiction tasked with investigatory authority, i.e., tribal judge, military judge.

**Special Visit:**

A visit between an offender and an eligible visitor not on the offender’s visit list; or a visit with a visitor who is unable to visit during scheduled visiting days or hours; or a visit that requires special arrangements or accommodations not normally available during regular visit days and times. All special visits require prior approval from the warden, associate warden, or designee.

**Visit:**

Interaction between an offender and an approved visitor(s) who meets the eligibility criteria established within DOC policy. Visitors and offenders are permitted to appropriately interact with one another during the visit, as set forth in DOC policy, institutional rules, and directives.

**IV. PROCEDURES**

**1. Application and Verification:**

- A. *Written information regarding procedures governing visitation is made available to the new admission inmate within twenty-four (24) hours after arrival at the facility* while in the Admission and Orientation (A&O) unit [ACA 5-ACI-7D-15].
  - 1. Offenders returned to DOC custody after release or discharge must complete a new *Visit List Verification* form (attachment #1) for each visitor. Each visitor must have a new NCIC background check completed. Each approved visitor must be added to the to the offender’s approved list prior to the visit. Previous visit lists that may exist under a previous admission/booking for the offender may not be reactivated upon return of the offender to DOC custody.
  - 2. Class III restricted visitors must be added to an offender’s visit list.
    - a. Visitors who are not on the offender’s approved visit list for Class I and Class II visits, must be added to the offender’s visit list with a Class III visit restriction.
    - b. Visitors who are a Class III restricted visitor must have a background check completed and approved prior to a Class I or II visit.
- B. Offenders may request to add visitors to their visit list while in the admission and orientation (A&O) unit.
  - 1. Offenders in A&O may request and receive visits from their attorney or clergy, with approval from designated DOC staff.
- C. Offenders may request to have a visitor added to their visit list by completing the Visit List Verification form. A Visit List Verification form must be completed for each prospective Class I, Class II, or Class III restricted visitor.
  - 1. To protect personally identifiable information (PII), all prospective visitors have the option of completing the required form and sending the form directly to the institution/institution staff. The form and mailing addresses for DOC institutions housing adult offenders is available on the DOC website at <http://doc.sd.gov/adult/facilities/>. Forms may also be mailed directly to the offender, who is then responsible for turning in the form to staff for processing.

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- a. Offenders may send the Visit List Verification form to their prospective visitor through the offender correspondence system, or the visitor may access the form from the DOC website at [Visitation Forms \(sd.gov\)](http://doc.sd.gov).
  - b. Personally identifiable information provided on the Visit List Verification form will not be released by the DOC to any unauthorized person or entity.
- D. Visit List Verification forms must be received at the institution prior to the visit to allow for processing. Visitors and offenders should allow up to fifteen (15) business days from the date the form is received by the institution for processing. The offender will be notified by staff when the application is accepted or denied. Offenders are responsible for notifying visitors of the decision.
- E. Persons wishing to visit an offender must contact the offender directly to arrange a visit. The offender must request the visitor be added to their visit list for a Class I, Class II, or Class III visit. Visitors are not permitted to request to be added to an offender's visit list. Offenders may refuse any visit. Visitors should contact the offender to confirm they are on the offender's approved visit list prior to scheduling a visit. At no time will ex-offenders previously incarcerated in a South Dakota DOC institution be allowed inside any of the facilities or added to a current offender's visit list.
- F. To locate where an offender is housed, visitors may utilize the offender locator, which is available on the DOC website <http://doc.sd.gov/adult/lookup/>, call the DOC Administration Office at (605) 773-3478 during normal business hours, or call the DOC institution.
- G. All minor children need to be verified as children of the adult to be added to the visit list.

## 2. Eligible Visitors:

- A. Persons on parole, probation, or other forms of conditional release (community program, alternative sentence, or furlough), and those with pending criminal charges, are not eligible for contact visits with an offender, or visits on site. Offenders may request Class III visitation with such persons only. The Class III visit is subject to approval by the warden, or designee.
- B. Approved minor children (under the age of eighteen (18)) must be directly supervised and accompanied by an approved parent or guardian on the offender's visit list, or designee. Minors are not eligible for visits with an offender if the following circumstances exist:
1. The institution is notified or made aware of a court order (including any current protection order) prohibiting visits between the minor and the offender.
  2. The institution is notified that the parental rights of the offender have been terminated.
  3. The offender is a sex offender (see the "Restricted Visits" section of this policy).
  4. The minor is a victim of the offender unless the visit is supported by the court.
  5. The offender does not have legal custody of the child, as described in this policy. Exceptions may be approved by the warden or designee.
- C. Offenders are not allowed to be approved to be on the visiting list of any other offender. Persons with a past criminal record are not automatically excluded from contact visits with an offender.
1. Persons convicted of a felony, including those serving a suspended imposition of sentence (SIS), may be eligible for visits after three (3) years have elapsed since the sentence was discharged. The warden or designee may waive or modify this period if the crime(s) was non-violent, as defined by state statute. Certain restrictions may apply, such as limited or no contact visits, or restricted to Class III visitation only.
  2. The warden or designee will review the nature and extent of the person's criminal history. Decisions will be made on a case-by-case basis.

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- a. Persons with pending felony charges, under felony indictment, or active warrants, may be considered for visitation privileges after disposition of the case. Documentation from the court showing disposition of the case will be required.
  3. Subsequent background checks will be conducted on approved visitors on an annual basis. A new Visit List Verification form is required prior to conducting a subsequent background check on a visitor.
  4. Persons whose criminal history includes charges or convictions for introduction of contraband into a correctional environment/facility or aiding in the escape or attempted escape of an offender from secure custody, may be restricted to Class III visits only, and only after approval by the warden or designee. Decisions shall be made on a case-by-case basis. Certain restrictions or conditions may apply.
- D. The warden has authority to approve, restrict, limit, or deny offender visits.
- E. Former DOC staff and volunteers are not eligible to be on an offender's approved visit list unless approved by the warden, which will be done on a case-by-case basis. Approval must be consistent with the penological interests of the DOC. The offender may submit a visit request after one (1) year has passed since the denial. If approved, visits may be limited to Class III visitation. The following persons are not permitted to visit:
1. Terminated staff.
  2. Anyone who resigned in lieu of termination.
  3. Those who committed sexual abuse against an offender.
  4. Those who were involved in the introduction of dangerous contraband into a DOC facility, or
  5. Those involved in an offender escape or escape attempt.
- F. Class I, Class II, and Class III eligible visitors include the following:
1. Spouse (some exceptions may apply to former DOC staff who marry an offender).
  2. Children (biological, step, legally adopted).
  3. Parent (biological, step, legally adopted).
  4. Brother or half-brother.
  5. Sister or half-sister.
  6. Stepbrother.
  7. Stepsister.
  8. Grandchild (biological).
  9. Grandparent.
  10. Great Grandparent.
  11. Mother-in-law.
  12. Father-in-law.
  13. Son-in-law (husband of an offender's daughter).
  14. Daughter-in-law (wife of an offender's son).
  15. Sister-in-law (spouse of the offender's brother or sister).
  16. Brother-in-law (spouse of the offender's brother or sister).
  17. Legal guardian.
  18. Attorney of Record.
  19. Clergy, and
  20. Friends (maximum of four (4)).
- G. A person will be considered the "spouse" of an offender only if the marriage is consistent with state law. "Spouse" does not include fiancées. The state of South Dakota does not recognize common-law marriage. If staff question a person's status as "spouse" of an offender, the offender may be required to provide documentation verifying the legal marriage.

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- H. DOC staff may be eligible for visits with an incarcerated family member with approval from the warden or associate warden. Staff are not eligible to visit an offender as a “friend.” Volunteers are not permitted to be on an offender’s approved visit list.
- I. Offenders may not visit a victim of their crime or adjudicated offense unless prior approval is received from the warden.
  - 1. The victim must contact the warden and explain the reason for the visit. The offender may be required to explain the purpose of the visit.
- J. Visitors will be restricted to only one (1) offender’s visit list, including offenders located at another institution. The warden or designee may grant exceptions as deemed appropriate.
  - 1. Attorneys and clergy are exceptions and may appear on more than one offender’s visit list.

### 3. Visit List:

- A. A list of each offender’s Class I, Class II, Class III visitors, and any subsequent changes made to the offender’s visit list shall be entered into the comprehensive offender management system (COMS) and maintained by designated visitation DOC staff. Visit lists are intended for system-wide utilization and access by staff for the duration of an offender’s uninterrupted incarceration.
  - 1. Offenders transferred to another DOC institution may have their visit list reviewed by the receiving facility. Changes to the approved visit list may be ordered by the warden or designee of the receiving facility.
  - 2. Visit lists will be terminated and made invalid when the offender is released from confinement, discharged, or placed on escape status.
  - 3. Offenders and visitors are responsible for the accuracy of all information provided to the DOC. Visitors must promptly notify the institution of any changes to their visit information or status, i.e., name change, change in contact information, change in criminal history.
  - 4. Visit lists will contain no more than fifteen (15) active visitors including children.
- B. Offenders will be provided written notification of all actions affecting their visit list (additions, deletions, denial, suspension, termination, limitation).
- C. A list of approved visitors, including any visitor’s restrictions, will be recorded in COMS.

### 4. Visitor Identification (ID):

- A. Each visitor is required to provide a valid (not expired or canceled) government issued photo ID to control room staff prior to entering the institution. Children under the age of eighteen (18) may be exempt from this requirement; however, other documentation will be required to verify the child’s identity. Failure or refusal to provide a government issued photo ID prior to entry is grounds for denial.
  - 1. Acceptable forms of government ID include a driver license, passport, state issued ID, student ID, tribal ID, military ID, and U.S. Department of Justice Immigration and Customs Enforcement (ICE) ID. The ID must include an expiration date and photo of the holder.
  - 2. If a child under the age eighteen (18) does not have a government issued photo ID, an original or certified true copy of the minor’s birth certificate, certificate of adoption, social security card, or court order establishing paternity will be required. Exceptions may be made for children under the age of five (5) who are waiting for receipt of a birth certificate or social security card. Once received, the documentation must be presented to the facility.

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- B. Female visitors wearing a scarf or veil as a religious or cultural face covering are required to remove the covering in a private area in the presence of a female staff member to positively identify the visitor with their photo ID, prior to entering the institution. The visitor may reapply the scarf or veil following positive identification by staff. Visitors wearing a medical mask may be required to temporarily remove the mask to verify their identity and may reapply the mask.

## 5. Attorney of Record and Recognized Officials:

- A. Judges, chief justice, justice of the supreme court, governor, lieutenant governor, governor's staff and cabinet, current legislators, parole board members, or other recognized federal or state officials will be allowed entry into institutions with valid ID verifying their identity and position.
1. Attorneys entering the institution for an attorney visit should be prepared to present a valid "Certificate of Membership" (State Bar card) and a valid government photo ID. If the person refuses or is not able to produce a valid State Bar card and valid government issued ID, the person is required to complete a Visit List Verification form and is subject to approval by the warden or designee prior to admittance to the institution.
- B. Any request by an offender for an attorney visit, which may include the attorney or any representative of an approved attorney (i.e., paralegal or another attorney from the same firm) that is requested for a time or day outside the regularly scheduled visitation hours or days, must be forwarded to visitation staff at least one (1) business day prior to the requested attorney visit.
1. Approval of attorney visits outside regular visit hours or days may be contingent on the existence of extenuating circumstances, such as an imposed deadline for filing or a hearing date. Extenuating circumstances will be considered on a case-by-case basis.
- C. Judges, chief justice, justices of the supreme court, governor, lieutenant governor, governor's staff and cabinet, current legislators, parole board members or other recognized state and federal officials, may request to visit an offender at any time and are not required to be on the offender's approved contact list. The request will be immediately forwarded to the warden or designee. The offender must consent to the visit. The visit will be accommodated, provided it does not pose a risk to safety or security, or is deemed contrary to the legitimate penological interests of the DOC.
1. Visitors shall be provided the "Family-Friends Visitor Apparel & Items Allowed Guidelines" as defined in this policy prior to the visit.
- D. Offenders who are a citizen of a foreign country, as determined by central records staff, shall be permitted to visit with a consular representative of the offender's county regarding matters of legitimate business. The visitor must have proof of identity and position.
- E. An attorney may only visit one (1) offender at a time, unless prior authorization to visit multiple offenders at the same time has been granted by the warden or designee. Attorneys are not allowed to visit non-identified/non-specified offenders. Attorneys must specifically identify the offender(s) they wish to meet with by name and/or DOC ID number prior to the visit.
- F. Items or materials accompanying an attorney, paralegal, or approved state or federal government official during a visit are subject to search by DOC staff. Legal documents that are case specific may be inspected for contraband by DOC staff but not read.
1. Items and materials may not be transferred to an offender from a visitor during visits without prior authorization and approval by the OIC or housing staff.
  2. Documents must be paper, no CDs, DVDs, flash drives, or other data storage devices may be transferred to an offender. Any accompanying photograph or recording made during the visit must be relevant to the pending or prospective lawsuit, judicial or administrative proceeding, or official business. Limitations may apply to staples, tape, paper clips, etc.

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3. No photograph or recording (audio or video) may be made during a visit without specific, prior approval from the warden or designee and public information officer (PIO). Requests to record the visit or offender must be submitted prior to the visit by the visitor along with an explanation of the purpose of the recording.
    - a. No offender may be photographed or recorded without his/her consent.
    - b. Approved cameras and recorders are subject to inspection and stipulation on the time, place, and manner of use, as deemed necessary by staff to preserve security, safety, privacy, and other legitimate penological interests of the DOC.
- G. Offenders are not required to accept attorney visits. If an offender refuses an attorney visit, the offender must sign the *Attorney Visit Refusal Form* (attachment #2). If the offender refuses to sign the form, his/her refusal will be noted on the form by a staff member and witnessed.
- H. Audio monitoring (either electronically or in-person) of attorney visits is not permitted. DOC staff may visually monitor attorney visits. A private visiting area will be made available to offenders for the purpose of discussing legal matters. Offenders may be restricted to non-contact visits with an attorney, based on risk and status.
- 6. Special Visit Requests:**
- A. ***Written policy and procedure govern special visits [ACA 5-ACI-7D-17].*** Special visits are visits between an offender and an eligible visitor who is not on the offender's visit list; or a visit with an eligible visitor who is unable to visit during regularly scheduled visit days or times; or a visit that requires special arrangements or accommodations not normally available during regular visit days and times; or a visit that is in response to a time sensitive matter, such as a visit with an attorney or a family emergency.
- B. Audio monitoring (either electronically or in-person) of visits by clergy for the purpose of confession is not permitted. DOC staff may visually monitor these clergy visits. Offenders may be restricted to non-contact visits with clergy, based on risk and status.
- C. Offenders may visit recognized news media representatives who are approved by the warden and PIO. Interviews conducted by recognized media representatives with an offender during visits are subject to DOC policy. All rules pertaining to offender visits shall apply.
  1. Media representatives must complete a Visit List Verification form, criminal background check, and present a valid government issued photo ID prior to admittance to the institution. Media may be required to present proof they are a member of recognized news media, as defined in DOC policy.
  2. Questions regarding offender interviews or verification of recognized news media should be directed to the PIO.
- D. A special visit may not be requested for persons who are ineligible for visitation.
- E. Special visits may be approved by the warden or designated staff. Special visits must not present a threat to safety, security, or contradict the legitimate penological interests of the DOC.
- F. The offender requesting the special visit must complete and submit a *Special Visit Request* form (attachment #3). Each prospective visitor, regardless of age, must be included on a Special Visit Request form.
  1. Prospective special visitors who choose not to share their personal identification information with the offender may complete the *Special Visit Request* form available on the DOC website and submit the form to the facility in advance of the special visit.
- G. Special visit requests will be processed within five (5) business days of receipt. The offender will be notified of the decision, and the time and date set for the visit.

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H. All approved special visits must be recorded in the offender's visit list in COMS.

## 7. Visiting Room Operation:

- A. The warden will establish guidelines, rules, and directives specific to visit room operation at the institution, consistent with this policy. Such information must be made available to offenders and the public sufficiently prior to visits. Visit room rules shall include at a minimum, the following:
1. Visiting hours and days will be posted in a public area of the facility. Visitors may contact the institution for specific information about visit times and days or visit the DOC website <http://doc.sd.gov/adult/facilities/> for details about visits at each institution.
  2. Proper attire and conduct of visitors and offenders.
  3. Property items which visitors and offenders are allowed to possess during a visit and a list of common property items that are prohibited. The list(s) shall be posted in a public area outside of the visit room. Visitors found with prohibited items must store the item in the available lockers or secure the item in their vehicle.
  4. Staff assigned to supervise visits will maintain direct, visual supervision of offenders and visitors.
- B. Visits will be Class I (contact) or Class II (non-contact). Contact visits are conducted in an open, designated area of the facility. Offenders have no absolute or implied right to contact visits or privacy during regular visits.
1. Physical contact during Class I visits is limited to a brief kiss on the cheek or embrace and/or a handshake at the beginning and/or end of the visit. Specific contact limitations may be applied to individual offenders or particular approved visitors on an offender's approved visit list, as deemed necessary by the warden or designee.
- C. Non-contact visits (Class II) are conducted in a secure area of the visit room, or other designated location at the facility that allows for physical separation of the visitor and offender. Non-contact visits are generally limited to one (1) hour. An offender's crime, disciplinary history, length of sentence, and status may be considered when restricting an offender to non-contact visits. Offenders placed on Class II visits may be restricted to video visits.
- D. Offenders may be assigned to a seat or table. Offenders and visitors are subject to continuous video surveillance while inside the facility. Visits may be recorded by the DOC.
- E. It is the policy of the DOC to comply with the provisions of the Americans with Disabilities Act, 42 U.S.C.A. Section 12101, et. Seq. ("ADA"). Qualified visitors with disabilities shall not be excluded from participating in visits. The DOC is not required, however, to take any action that would result in a fundamental alteration in the nature of a service, program, or activity that results in undue financial and administrative burdens. The DOC is committed to providing reasonable accommodations to its visitors with disabilities. Depending on the nature of the accommodation request, advance notice of the requested accommodation may be required. Visitors with questions or requests concerning reasonable accommodation should contact the facility ADA coordinator by calling or writing the facility.
1. Any outside wheelchair, mobility aid, or prosthetic accompanying a visitor to a visit is subject to search.
  2. Visit rooms shall have appropriate seating and space available for those requiring accommodation.
- F. Visitor participation in visits is strictly voluntary. The DOC shall take precautions to protect visitors participating in visits; however, the DOC is not liable for injuries caused by unforeseeable actions or conditions that may exist or occur which may result in injury.



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- G. Visitors must request and receive approval for service or guide animals (must meet federal ADA requirements) to accompany visitors during a visit. It is the responsibility of the owner/visitor to ensure the service animal is properly controlled and behaved at all times, is not disruptive to visits, and is not permitted to interfere with the security and safety of visit room operations. Service animals are subject to search. The visitor may be required to:
1. Provide documentation identifying the animal as a service or guide animal.
  2. Utilize a harness or leash to control the animal.
  3. Be prepared to provide a brief description of the service(s) the animal provides.

## 8. Cancelled and Limited Visits:

- A. Visits may be limited by the warden or designee when conditions exist that may jeopardize the safety and security of the institution or staff. ***The number of visitors an inmate may receive, and the length of visits may be limited only by the institution's schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations [ACA 5-ACI-7D-14].*** Scheduled visits may be cancelled by the warden or designee.
1. In the event of visitation cancellation, notifications will be made by visitation staff.

## 9. Searches and Unauthorized Articles:

- A. All visitors are subject to search, including hand pat search by DOC staff. ***There is adequately designed space to permit screening and searching of both inmates and visitors [ACA 5-ACI-2E-03].*** All personal belongings accompanying a visitor into the institution are subject to search. All institutions shall post a notice outside the visit area advising visitors they are subject to search.
- B. Hand pat searches will be conducted by trained staff of the same gender as the visitor being searched.
1. Visitors who indicate to staff they are transgender, will be searched by a female gender staff member.
- C. Visitors may decline to be searched at any time; however, refusal to consent to search will be cause for denial or termination of the visit, and possible suspension of future visitation privileges. Any visitor who refuses to be searched will be required to promptly leave the institution. Refusal to vacate shall be considered trespass.
1. Minor children are subject to search. Children too young to walk through the metal detector alone may be carried through the detection area by the accompanying adult.
  2. Offenders and visitors are subject to search prior to entering the visit area, during visits, and prior to departure from the visit area.
- D. DOC canine teams, ion scanners, or electronic devices designed to aid in the search process, may be used to detect the presence of controlled substances or narcotics.
- E. Any visitor participating in visits found in possession (includes ingestion) of alcoholic beverages or controlled substance(s), will have his/her visit privileges immediately terminated and the person shall be removed from the offender's approved visit list. Visitors will not be detained by DOC staff; however, staff may contact local law enforcement.
1. If a visitor is caught introducing drugs through visits, they will be banned from visiting in all DOC facilities for a minimum of two (2) years. After which, the ban will be reconsidered with the potential to reinstate visitation privileges.
- F. No visitor may knowingly possess or cause to be present, any firearm or other dangerous weapon inside the secure perimeter of any DOC institution housing offenders. Firearms stored in vehicles parked on property/grounds 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.

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- G. The exchange of any article between a visitor and offender without prior approval by DOC staff is a violation of visit rules and may result in disciplinary action, limitation, suspension, or termination of visit privileges, and criminal charges. The following SDCL applies to all visitors:
1. Any employee or other person who delivers or procures to be delivered, or possesses with the intention to deliver to any offender in the state penitentiary, or deposits or conceals in or around any facility or place used to house offenders, or in any mode of transport entering upon the grounds of any facility or place and its ancillary facilities used to house offenders, any article which is unlawful for an offender to possess pursuant to state law or the rules of the Department of Corrections, with the intent that any offender obtain or receive such article, is guilty of a Class 6 Felony.
  2. Persons found to have committed such actions, or who have conspired to commit actions prohibited by SDCL will be removed from ALL DOC offender visit lists.
- H. Offenders and visitors are not allowed to bring any items into or take any items out of the visit area with exception to approved items listed in this policy. DOC staff is not responsible for lost, damaged, stolen, or misplaced visitor personal property items.
- I. Offenders are subject to a strip search before and after visits. Any offender found in possession of contraband proximate to having participated in visits, may have his/her visiting privileges limited, restricted, or denied.

## **10. Revoked, Terminated, Denied Visits:**

- A. The following is a list of behaviors that may result in terminated or denied visits (this is not intended to be an inclusive list):
1. Those participating in the visit are found in possession of alcoholic beverages, controlled drugs, unauthorized substance(s), or suspected to be under the influence of alcoholic beverages, controlled drugs, or unauthorized substance(s).
  2. For any reasons listed in this policy.
  3. Those participating in the visit refuse to submit to search, or are the subject of a canine alert, positive Ion scan reading, or fail to clear a metal detector and wand search without reasonable explanation of the source of the alert.
  4. The visitor refuses or fails to produce an accepted form of photo identification, or presents identification suspected of being false, altered, or expired.
  5. Failure by those participating in the visit to abide by rules, policies, or directives.
  6. Refusal or failure to prevent children from disturbing other individuals in the visit room; or inflicting corporal punishment of any type upon a child; or engaging in loud and/or abusive language (language must be appropriate for a public place).
  7. Engaging in sexual touching or excessive physical, inappropriate, or otherwise disruptive behavior or actions, which in the judgment of staff interferes with visits or constitutes a safety or security risk.
  8. Leaving the visit area for any reason, other than as directed or approved by staff.
  9. Knowledge or evidence exists supporting a visitor or offender has smuggled, attempted to smuggle, or conspired/intended to smuggle contraband into or out of the institution, or left contraband in an area of the institution or grounds, or otherwise violated SDCL § 24-2-22.
  10. The visit is determined to have a detrimental effect on the offender and/or visitor.
  11. Harassing, abusive, assaultive, or threatening behavior.
  12. Intentionally submitting or providing false information or statements during the application process. Includes receipt of information supporting the visitor is no longer eligible for placement on an offender's visit list, i.e., new criminal conviction or pending criminal charges, court order.
  13. Unacceptable dress and/or grooming.
  14. Minors (those under age eighteen (18)) not accompanied by an approved parent, custodian, or guardian on the offender's visit list, or designee.

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- B. Staff will document violations of the visit rules in a disciplinary report. Revoked, terminated, denied, or restricted status of an offender's visits with a visitor(s) as a sanction for committing an offense, must be documented in COMS.
- C. Offenders may appeal revoked or denied visit privileges through the grievance process.
- D. Staff will verbally explain to the offender and/or visitor why the visit has been revoked, terminated, or denied.
- E. If a visit is terminated, the visitor shall promptly exit the institution, and the offender will be escorted from the visit room by staff.

### **11. Suspension of a Visitor's Visit Privileges:**

- A. The warden or designee may suspend a visitor's visit privileges for cause. The visitor must be informed of the suspension. Written notice should include the reason/cause for the suspension and the start and end date of the suspension period. The reason/cause may be withheld, if in the opinion of the warden or designee, revealing the reason/cause may jeopardize security or safety.
- B. The visitor may appeal the decision by writing the secretary of corrections. The appeal must be received within fifteen (15) days of the decision to suspend the visitors visit privileges. The secretary will respond in writing to the visitor within thirty (30) days of receipt of the appeal. The secretary's decision is final and is not subject to formal appeal.

### **12. Restricted Visits:**

- A. The warden or designee may restrict the visits of any offender presenting excessive risk, which may be supported by the offender's conviction(s), victim demographics, nature of crime, length of sentence, status, assessment results, prior behaviors/history, non-compliance with rules, or other factors.
  - 1. If an offender is caught attempting to introduce drugs through visiting, their visits with ANYONE will be suspended for one (1) year. The only exception is the offender's attorney of record.
- B. Sex offenders who are not compliant with treatment, or who are determined by Sex Offender Management Program (SOMP) staff to present excessive risk, may be placed on Class II visits, have their visits restricted (such as Class III visits).
  - 1. If a non-compliant sex offender chooses to participate in SOMP/STOP, he/she may request Class I visits only after actively participating and remaining compliant with SOMP/STOP for three (3) consecutive months (as determined by SOMP staff).
  - 2. Sex offenders who are compliant with SOMP/STOP (as determined by SOMP staff), may receive Class I visits if approved by SOMP staff and the warden or designee.
  - 3. Sex offenders whose sex crime involved a minor victim, may be denied visits with any minor, as recommended by SOMP staff, and approved by the warden or designee.
- C. Offenders committing a prohibited act, or otherwise violating rules, policies, or directives, may be sanctioned to restricted visits through the offender discipline system.
- D. All limitations of an offender's visit privileges will include an effective date and end date (if applicable) and will be documented in COMS.
- E. Visiting privileges will not be limited or denied on the basis of race, religion, sex, national origin, or physical disability.

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- F. If an offender is limited to Class II and Class III visits only, this may be applied to all visits, including clergy and attorney visits. Avenues to facilitate confidential conversation between the offender and clergy or attorney shall be made available.

### **13. Removal of a Visitor from the Offender's Approved Visit List:**

- A. An offender may request removal of a visitor from his/her approved visit list at any time. Offenders must submit a written request to visitation staff.
1. Visitors removed from an offender's visit list by the offender may not appeal the removal.
- B. A visitor may request removal from an offender's approved visit list at any time by contacting the institution and requesting to be removed from the offender's visit list.
1. The offender may not appeal the visitor's removal.
- C. The warden, secretary of corrections, or designees may order the removal of a visitor from an offender's visit list.
- D. Visitors removed from an offender's approved visit list by their own request or by the offender's request are not eligible for placement on an offender's approved visit list for at least ninety (90) days following the effective date of the removal and will require completion of a visit application.
- E. Requests by an offender to remove a visitor from their approved visit list, or by a visitor to be removed from an offender's visit list, may take up to five (5) business days from the date the request is received.

### **14. Visitation with a Hospitalized Offender:**

- A. If authorized in advance by the warden or designee, a hospitalized offender may receive visits from eligible visitors, including the offender's attorney or clergy. DOC staff shall directly supervise the visit. Hospital visits are limited to offenders with a life-threatening condition, birth of a child, or when the offender is confined to the hospital for an extended duration of time. The offender's custody level shall be considered.
- B. No visitor shall be permitted to remain with the offender past the time approved by the DOC for the visit, regardless of hospital policy. Visits are limited to one (1) hour, or less.
- C. Hospital visits are subject to the provisions of this policy, all directives, or applied restrictions set by warden or designee, and applicable hospital rules.

### **15. Class III Visits:**

- A. Class III visitors are required to be on the offender's visit list. Visitors must check with the offender who they are wishing to visit to ensure they are allowed to call. Visitors who are not approved for Class I or II visits, must be listed as a Class III restriction on the offender's visit list.
1. All visitors participating in a Class III visit must identify themselves at the start of the visit.
  2. Minors (under age eighteen (18)) must be supervised by an approved parent or guardian on the offender's visit list, or designee, for the duration of the Class III visit.
  3. Class III visitors must meet visitor eligibility criteria as defined in this policy.
- B. Class III visits will be limited to the kiosk hours of operation, as determined by the warden or designee at each institution.
1. Class III visits will be scheduled on a first come, first served basis, and scheduled for twenty (20) minute increments. Visits may not exceed one (1) hour in duration without approved exception. Class III visits are typically provided in the visit room, during regular visiting hours.
  2. Visitors may sign up for Class III visitation through the DOC website <http://doc.sd.gov/adult/facilities/>.

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3. Offenders on Class II visits must request approval to participate in Class III visits.
- C. Visitors must download the GTL Connect Network application to a phone, tablet, or computer, and create a visitor account in order to participate in a Class III visit. See the DOC Offender Visitation page for instructions, <https://doc.sd.gov/about/faq/visitation.aspx>.
  - D. Appropriate conduct must be maintained during video visits. The following is prohibited during Class III visits:
    1. Any display of nudity or sexually explicit behavior.
    2. Use or display of weapons, drugs, alcohol, or related paraphernalia.
    3. Activity or display of graphics, signs, or other paraphernalia associated with any security threat group/gang.
    4. Unlawful activity or depiction of unlawful activity.
    5. Recording or filming a visit by any visitor, participant, or third party.
    6. Inappropriate dress. The visit dress requirements apply to Class III visits as defined in this policy.
  - E. All Class III visits are subject to monitoring and recording by the DOC. Staff may monitor offenders participating in Class III visitation and may review recorded Class III visits for compliance with policy and institutional rules. Staff have the authority to interrupt or terminate any Class III visit for cause. Approved attorney visits may be scheduled for Class III visitation. Attorney visits will not be monitored or recorded.
  - F. Participation in Class III visits is strictly voluntary. Those participating have no expectation or right to privacy.
  - G. Class III visits will not be counted against the allotted number of Class I or II visits permitted to the offender. Offenders may only be allowed one (1) Class III visit per day.

## **16. Family-Friends Visitor Apparel and Items Allowed Guidelines:**

- A. Copies of this list will be printed and made available to visitors and posted publicly facing in each facility.
- B. The following types of apparel are not appropriate for visitors:
  1. Sleeveless garments.
  2. Backless garments.
  3. Midriff baring garments.
  4. Shorts with hems shorter than knee length.
  5. Skirts and dresses shorter than knee length are not permitted for any age.
  6. Hats, bandanas, or other headgear.
  7. Any form of revealing clothing that is sheer, shows visible cleavage, and/or a visible outline of genitalia through garments.
  8. No bare feet; footwear must be worn at all times.
  9. Leggings/yoga pants may only be worn under skirts/dresses that are knee length or longer.
- C. The following items are allowed in a visit room visit:
  1. Two (2) baby bottles.
  2. Two (2) factory sealed plastic container of baby food.
  3. One (1) receiving blanket.
  4. Four (4) clean diapers in a clear, plastic bag.
  5. One (1) travel size package of wipes in a clear, plastic bag.
  6. One (1) sippy cup.
  7. One (1) pacifier.
  8. Cash in single bills or change for vending machines in a clear, plastic bag.
    - a. A ten-dollar (\$10.00) limit at all DOC facilities.
    - b. Pre-loaded cards for vending machines that do not accept tokens, credit cards, or cash.

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## V. RESPONSIBILITY

It is the responsibility of the director of Prisons to review this policy annually and update as necessary.

## VI. AUTHORITY

- A. Americans with Disabilities Act, 42 U.S.C.A. Section 12101, et. Seq.
- B. SDCL § [1-1A-4](#) Government authority--Limitations related to the exercise of religion.
- C. SDCL § [1-15-20](#) Rules, policies, and procedures for management of institutions and agencies--Inmate discipline.
- D. SDCL § [24-2-9](#) Disciplinary sanctions authorized--Corporal punishment prohibited.
- E. SDCL § [24-2-22](#) Possession of unauthorized articles with intent to deliver to inmate as felony.
- F. SDCL § [25-1-1](#) Marriage defined--Consent and solemnization required.
- G. SDCL § [25-1-30](#) Persons authorized to solemnize marriages.
- H. SDCL § [25-1-38](#) Validity of marriages contracted outside state--Same-sex marriages excluded.
- I. ARSD [17:50:02:01](#) Visits.
- J. ARSD [17:50:02:02](#) Visiting Hours.
- K. ARSD [17:50:02:04](#) Classes of Visits.
- L. ARSD [17:50:02:05](#) Conduct of Visitors.
- M. ARSD [17:50:02:08](#) Search of Visitors.
- N. ARSD [17:50:02:21](#) Attorney Identification.
- O. ARSD [17:50:02:23](#) Attorney-Client Visits.
- P. ARSD [17:50:02:24](#) Attorneys Subject to Search.
- Q. ARSD [17:50:02:25](#) Warden may Refuse Attorney Admission.
- R. ARSD [17:50:02:26](#) Private Visiting Area.

## VII. HISTORY

October 2024  
September 2024  
July 2023  
October 2022  
January 2021  
November 2020  
January 2020  
March 2019

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

- 1. Visit List Verification\*
- 2. Attorney Visit Refusal Form\*
- 3. Special Visit Request\*
- 4. DOC Policy Implementation / Adjustments

### VISIT LIST VERIFICATION

(to be completed by the offender or applicant)

Offender Name: \_\_\_\_\_ Offender #: \_\_\_\_\_ Facility / Unit: \_\_\_\_\_ Cell #: \_\_\_\_\_

The following persons may be eligible to be placed on an offender’s visit list. Class I and Class II visitors are subject to a criminal history background check.

Spouse	Sister	Half-brother	Mother-in-law	Son-in-law	Legal Guardian		
Child	Step-brother	Grandchild	Father-in-law	Daughter-in-law	Friend (Max of 4)	Media Representative	
Parent	Step-sister	Grandparent		Sister-in-law	Attorney of Record	Clergy	
Brother	Half-sister	Great Grandparent		Brother-in-law	M-2/W-2 Sponsors		

Complete information is required. Aliases or nicknames will not be accepted. P.O. boxes are not accepted for a “physical address”. Social Security numbers must be provided for all visitors aged 18 or older for the purpose of conducting a criminal background check. Applications containing incomplete information will not be considered. **Please print clearly.** **\*\*A DL is not required to conduct a BG check.**

Full Name & Gender	Relationship to Offender	Date of Birth	Soc. Security #	**Drv. Lic # & State of Issue	Physical Address (city, county, state & zip code)	Telephone Number	Approved or Denied

***NOTE: Applicants may choose to mail/deliver the completed form directly to the facility. All information provided shall remain confidential and will not be shared with offenders.***

1	Full Name	Gender	Relationship to Offender	Date of Birth
	DL # & State of Issue	Telephone #	Physical Address	Soc. Sec. #
_____ Approved _____ Denied				

2	Full Name	Gender	Relationship to Offender	Date of Birth
	DL # & State of Issue	Telephone #	Physical Address	Soc. Sec. #
_____ Approved _____ Denied				

3	Full Name	Gender	Relationship to Offender	Date of Birth
	DL # & State of Issue	Telephone #	Physical Address	Soc. Sec. #
_____ Approved _____ Denied				

4	<b>Full Name</b>	<b>Gender</b>	<b>Relationship to Offender</b>	<b>Date of Birth</b>
	<b>DL # &amp; State of Issue</b>	<b>Telephone #</b>	<b>Physical Address</b>	<b>Soc. Sec. #</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied				

5	<b>Full Name</b>	<b>Gender</b>	<b>Relationship to Offender</b>	<b>Date of Birth</b>
	<b>DL # &amp; State of Issue</b>	<b>Telephone #</b>	<b>Physical Address</b>	<b>Soc. Sec. #</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied				

6	<b>Full Name</b>	<b>Gender</b>	<b>Relationship to Offender</b>	<b>Date of Birth</b>
	<b>DL # &amp; State of Issue</b>	<b>Telephone #</b>	<b>Physical Address</b>	<b>Soc. Sec. #</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied				

Staff Name		Staff Unit		Date:	
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## ATTORNEY VISIT REFUSAL FORM

**Offender:** \_\_\_\_\_ **ID #:** \_\_\_\_\_

**Facility:** \_\_\_\_\_

**Date of Refused Visit:** \_\_\_\_\_ **Time of Refused Visit:** \_\_\_\_\_

**Attorney Name and Firm:**

\_\_\_\_\_

**Reason Refused (optional):**

\_\_\_\_\_

At this time, I fully understand I am refusing this visit. I have signed this refusal form freely and voluntarily without inducement, assurance or guarantee being made to me and intend my signature to be a complete and unconditional indication of my refusal to accept this visit. I understand that this refusal shall not be binding to future visits and that a renewed *Attorney Visit Refusal Form* will be required for each refused visit.

\_\_\_\_\_  
Offender's Name (Print)                      Offender #                      Offender's Signature                      Date

\_\_\_\_\_  
Staff Name (Print)                      Staff Signature                      Date

**If the offender refuses to sign, a staff member witness must sign and date.**

\_\_\_\_\_  
Staff Name (Print)                      Staff Signature                      Date

### SPECIAL VISIT REQUEST

(To be completed by the offender or applicant)

Offender Name:		ID #:
Facility:	Unit:	Cell/Room:
<p>Special visits must be requested by the offender in advance and are subject to approval by DOC staff. Special visits are for one full visiting period and must take place during regular visiting hours, unless otherwise approved. Special visits are limited to four (4) per calendar year.</p> <p>Applicants must provide complete information. Aliases or nicknames will not be accepted. Social Security numbers must be provided for all visitors aged 18 or older to complete a criminal background check. Applications containing incomplete information will not be accepted. <b><u>Please print clearly.</u></b></p>		
Visitors Name:	Relationship:	
DOB:	SSN#	
Driver License # and state:	Physical Address (City, County State, Zip:	
Date Of Visit:		
Reason For Special Visit:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Visitors Name:	Relationship:	
DOB:	SSN#	
Driver License # and state:	Physical Address (City, County State, Zip:	
Date Of Visit:		
Reason For Special Visit:	Approved: <input type="checkbox"/> Denied <input type="checkbox"/>	
Visitors Name:	Relationship:	
DOB:	SSN#	
Driver License # and state:	Physical Address (City, County, State, Zip:	
Date Of Visit:		
Reason For Special Visit:	Approved: <input type="checkbox"/> Denied <input type="checkbox"/>	
<p>One Hour <input type="checkbox"/> Full Period <input type="checkbox"/></p>		
Staff Approval (Signature/Print)		Date

**NOTE:**

Applicants may choose to mail/deliver the completed form directly to the facility where the offender is housed. All information provided shall remain confidential and will not be shared with offenders.