

1.5.A.6 Community Service Program

I Policy Index:



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II Policy:

The Department of Corrections (DOC) may provide inmate labor for approved work projects in the community which State of South Dakota or its political subdivisions are engaged or have an interest (See SDCL § 24-4-7). Participation in work projects provides inmates an opportunity for job skill development and learning appropriate work ethic. The DOC shall have provisions in place to ensure the safety, security, custody, control and care of inmates participating in work projects in the community.

III Definitions:

Community Service:

Allows qualifying inmates the opportunity to work in the community and provide inmate labor to state, federal and local governments (county, township, city), non-profit organizations, charitable agencies, and public educational institutions. Special consideration may be given to short-term, specially identified work projects for private property owners who are elderly or handicapped.

Community Service Supervision:

Community Service inmates are approved to work independent of direct supervision; however, it is expected direct checks (visual observation) of the inmate will be completed periodically. Periodic checks of inmates should occur with such frequency as to give the immediate work supervisor relative confidence that he/she knows the inmate's activities and whereabouts.

Host Agency:

May provide work, transportation, housing and supervision to inmates participating in the Community Service Program.

Immediate Work Supervisor:

Person(s) specifically assigned the duty and responsibility of supervising community service inmates. Inmates will be checked on by the supervisor with such frequency as to give the supervisor relative confidence he/she knows the inmate's activities and whereabouts.

Inmate:

For the purpose of this policy, any adult offender housed in a Department of Corrections facility.

Senior Security Officer:

The Deputy Warden at the South Dakota State Penitentiary, Mike Durfee State Prison and South Dakota Women's Prison. The Senior Security Officer may be responsible for the same duties at ancillary units that fall within the supervision of the main facility, as determined by the Warden.

Sex Offender:

For the purposes of this policy, any adult offender convicted of a felony sex crime, as listed in SDCL § 22-24B-1 or adjudicated as a juvenile for SDCL § 22-24B-1 (1) or an out-of-state or federal offense that is comparable to the elements of the crime of rape, regardless of the offense date or date of conviction; an offender serving a current prison term as a condition of a suspended imposition of sentence for the commission of a sex crime; and offenders identified as having a Sexual Behavior Issue (SBI) by SOMP staff (designated by sexual behavior code of 2), or an offender convicted of any offense requiring sex offender registration.

IV Procedures:

1. Community Service Projects:

- A. Inmates assigned to community service will not be used for structure demolition work. However, inmate labor may be used for clean-up tasks following the demolition of a structure, removing items from the structure, or for renovation projects.
- B. Community service projects, particularly short-term projects, may take place on weekends.
- C. Procedures for using inmate labor to clean-up following a natural disaster are contained in DOC policy 1.3.B.5 [Deployment to a Natural Disaster](#).

2. Inmate Eligibility:

- A. Inmates participating in community service must be classified as minimum (MN) custody level (See DOC policy 1.4.B.2 [Male Inmate Classification](#) and 1.4.B.14 [Female Inmate Classification](#)), or released to Community Transition Program (CTP). Inmates classified as MN custody through use of “exceptional” actual risk behavior are not eligible, unless approved by the Warden.
- B. Inmates with an active felony warrant, pending felony charge, pending sentencing document for additional felony convictions, or a felony hold/detainer, as noted in the Holds / Warrants / Detainers Module in the adult Comprehensive Offender Management System (COMS) are not eligible.
 - 1. Central records staff will conduct an updated warrants search when an inmate is approved for community service. The warrants search will be conducted prior to the inmate being assigned to a community service if more than 30 days has passed since a warrants search was last conducted.
 - 2. All inquiries concerning warrants, charges, holds, detainers will be referred to central records staff for clarification and direction.
 - 3. Central records staff will immediately notify the inmate’s unit manager any time an active felony warrant, pending felony charge or pending sentencing documents for an additional felony conviction is discovered.
- C. Minimum custody inmates approved to work on DOC firefighting crews must first successfully complete the wildland fire suppression training, as defined in the Memorandum of Understanding (MOU) between the Department of Agriculture, Wildland Fire Division and DOC. Offenders released to CTP are not eligible for firefighting assignments.
- D. Sex offenders, per this policy’s definition, will not participate in community service.
- E. Inmates currently serving time for a violent crime, accessory to a violent crime, or who have been convicted of a violent crime in the past, will not be assigned to work on the grounds of any private or

public school serving primary grade students (K-12 inclusive), when students are present (See the *Crime Codes and Classification* for a list of violent crimes).

- F. Inmates with a current booking for committing, attempting to commit or conspiracy to commit, solicitation, aiding and abetting or accessory to any of the following crimes will not be assigned to work on the grounds of any private or public primary grade school when students are present:
1. Enticing Away a Child;
 2. Removal of Child from the State;
 3. Stalking of a Child 12 or Younger;
 4. Violation of a Drug Free Zone;
 5. Distribution of Drugs/Controlled Substance/Flunitrazepam to a Minor;
 6. Child Abuse;
 7. Permitting Physical or Sexual Abuse of a Child; or
 8. Indecent Exposure Involving a Child under 13.
- G. Inmates who are work release, institutional support or previous community service violators are ineligible for community service for a minimum of thirty (30) days from the date they were removed/terminated from the respective program.
- H. Inmates are not entitled to participation in community service. No inmate has an implied right or expectation to participate in any specific program (See SDCL § 24-2-27). Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property or due process interest.
- I. For the purpose of this policy, inmates with a disability, who with or without reasonable accommodation are otherwise eligible to participate in community service and can perform the essential functions of the community service job assignment and required duties, may be assigned to a community service job (ACA 4-4450).
- J. Inmates with a No Work/Volunteer Only designation, as noted in COMS (booking, aliases and other identifiers), will not be approved for community service, unless the inmate agrees to work without pay/volunteer. If the inmate does not wish to volunteer, the inmate will not be assigned community service.

3. Inmate Conduct and Rules for Community Service:

- A. Rules governing the Community Service Program apply to all participating inmates, regardless of whether the inmate is housed at a host agency or a DOC facility (See [Attachment 1- Community Service Acknowledgment of Rules](#)).
1. Unit staff will scan signed copies of the *Community Service Acknowledgement of Rules* form into COMS, under institutional activities.
- B. Inmates assigned to a host agency are subject to the rules of the host agency. Host agency rules directing inmate conduct may not be less restrictive than the *DOC General Host Agency Rules for Community Service Work Projects* (See [Attachment 2](#)). In the case the DOC rule is more

restrictive, the DOC rule shall prevail over the host agency rule, unless an exception is granted by the Warden or Director of Community Services to utilize the host agency rule.

- C. The use and/or possession of weapons, alcohol, tobacco products, narcotics, synthetic drugs, illegal drugs and medications not prescribed or approved for the inmate, is strictly prohibited.
 - 1. Inmates may be tested for alcohol or drug use at any time, in accordance with DOC policy 1.3.A.8 *Offender Drug Testing, Sanctions & Treatment*.
 - 2. Inmates testing positive for drug or alcohol use, or those who refuse to comply with applicable rules, may be removed from the Community Service Program and are subject to disciplinary action.
- D. Inmates may operate a vehicle while performing community service work, in accordance with DOC policy 1.5.A.8 *Inmate Operation of Vehicles*.
- E. An inmate, their possessions, property and assigned areas/space, i.e. lockers, equipment, drawers, desks, tool boxes, storage closets, are subject to search at any time (See DOC policy 1.3.A.5 *Searches - Institutions*).
- F. Inmates permitted access to computers for community service work are subject to the rules and procedures contained within DOC policy 1.5.A.7 *Inmate Use of Computers*.
- G. Inmate housing assignments to a host agency. A housing plan is required and will be approved by the Community Service Director and Warden when inmates are housed off site for community service assignment. A plan is not required if the offenders are placed in a county jail.
- H. State issued clothing, footwear and equipment.
 - 1. Community service inmates will be issued standard DOC inmate clothing and footwear, appropriate for the work conditions.
 - 2. Protective clothing, footwear and safety equipment will be furnished to inmates, as determined necessary by the host agency, employer or supervisor. Protective clothing, footwear and safety equipment issued to the inmate will be appropriately worn and used by inmates, as instructed.
- I. Inmate access to telephones, tablets, visits, correspondence, commissary and inmate banking system while participating in community service will generally be directed by the applicable DOC policy (See DOC policies 1.2.E.1 *Inmate Commissary*, 1.1.B.2 *Inmate Accounts and Financial Responsibility*, 1.5.D.1 *Inmate Visiting*, 1.5.D.3 *Inmate Correspondence* and 1.5.D.4 *Inmate Access to Telephones and Tablets*).
- J. Inmates violating DOC rules are subject to disciplinary action, including removal from the community service program. Inmates have no right to reassignment to any community work assignment from which they removed/released. Inmates have no right to continued placement within a particular community work assignment.

4. Inmate Compensation:

- A. Inmates will be paid wages for work completed, in accordance with DOC policy 1.5.A.1 *Inmate Work Assignments and Pay* (See SDCL § 24-4-9). It is the policy of the State of South Dakota that each inmate of a DOC facility shall be employed or work in some productive capacity if there is a suitable work situation. Any inmate may be required to work without compensation as a condition of confinement (See SDCL § 24-2-30).

- B. Inmates receiving wages for work completed must have a valid Social Security number assigned by the Social Security Administration. This must be verified by unit staff (See DOC policy 1.5.A.1 [Inmate Work Assignments and Pay](#)).
- C. Wages paid to the inmate shall be direct deposited into the inmate's institutional sub-accounts, in accordance with DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#). Inmates have no right to participate in community service and no right to the full amount of wages earned. Appropriate and reasonable deductions and obligation disbursements shall be applied against wages earned.
- D. Records showing the total number of days and hours worked by an inmate will be maintained by the assigned work supervisor or employer. The record shall be turned over the DOC to ensure inmates are appropriately compensated (ACA 4-4461). Work hours and breaks offered to inmates will be approximate to those provided to workers in the community assigned to similar work tasks/duties.

5. Host Agency Eligibility:

- A. State, federal and local government, non-profit organizations, charitable agencies, public educational institutions and qualifying elderly or handicapped citizens, may apply for inmate labor/ community service by contacting the DOC.
- B. Inquiries regarding the Community Service Program will be referred to the Warden, Unit Manager of the local minimum custody unit and Community Service Director.
 - 1. For-profit businesses may not receive inmate labor through the Community Service Program, but may be referred to the Work Release Program (See DOC policy 1.5.A.5 [Work Release](#)).
- C. Host agencies and individual recipients of community service must agree to comply with all guidelines of the program, as depicted in the *Community Service General Host Agency Rules* (See [Attachment 2](#)). Host agencies or individuals are responsible for providing a safe and secure work environment, which shall include providing sufficient supervision of inmates.
 - 1. Only immediate work supervisors directly responsible for the supervision of inmates are required to sign the *Community Service General Host Agency Rules*.
 - 2. A copy of the signed *Community Service General Agency Rules* will be kept on file, and readily available upon request, by the unit coordinator. The copy may be recorded electronically.
- D. Host agencies must abide by all applicable state, federal and local laws. The host agency shall conform to all mandatory employee health and safety requirements and standards regulating and applying to their business/service.
- E. Inmates may not be employed/assigned in any capacity or to any position which may afford access to Social Security numbers or other confidential personal identification information (not accessible within the public domain).
- F. Host agencies or individual recipients of community service who fail or refuse to comply with guidelines of the Community Service Program, may be terminated from the program.
- G. If the host agency is a private, non-profit agency, all immediate work supervisors assigned to supervise inmates must consent to a criminal background check (NCIC III). Checks will be completed by trained and approved DOC security staff (See [Attachment 4](#)).

1. The senior security officer will determine if a supervisor's criminal background is acceptable to supervise inmates.
 2. Any person whose duties include supervision of community service inmates is considered to be an "immediate work supervisor".
- H. A host agency must be able to provide a minimum of two (2) approved immediate work supervisors. Exceptions may be requested by contacting the Community Service Director.
- I. Immediate work supervisors must be at least twenty-one (21) years of age. Exceptions may be granted by the Community Service Director.

6. Host Agency Supervision of Inmates:

- A. Immediate work supervisors must take part in, and complete, the DOC Working with Inmates training prior to supervising community service inmates.
1. Immediate work supervisors are required to take part in the training on an annual basis, or as directed by the Community Service Director. Supervisors may be required to complete a "refresher" course if concerns involving work site safety, security or supervision of assigned inmates are identified.
 2. Questions regarding the required training may be directed to the Community Service Director.
- B. Inmates are required to be under the supervision of a host agency supervisor during work hours.
1. The host agency is responsible for notifying the DOC as soon as possible if no supervisors are available when an inmate is present. The DOC will make arrangements for unsupervised inmate to be returned to the institution.
 2. Inmate access to the community is limited to approved and authorized community service-related purposes.
 3. The DOC may discontinue sending inmates to any host agency that repeatedly violates the requirements and rules of the community service program.
 - a. The Community Service Director will be notified if inmates are removed from a host agency for lack of proper supervision or repeated rule violations.
- C. Host agencies will provide inmates with proper supervision, tools, training and safety equipment necessary to safely and efficiently complete the work.
1. When it is determined impractical by the Warden or Community Service Director to transport inmates from a DOC facility to the host agency or work site, the host agency may be required to provide security, supervision, housing and meals for inmates housed away from a DOC facility.
 2. These arrangements must be part of the original proposal and reviewed and approved by the Warden and Community Service Director.
- D. Immediate work supervisors must be aware of, and enforce to the best of their ability, the guidelines for inmate conduct outlined in the section on Inmate Restrictions in the *Community Service Acknowledgment of Rules and Regulations* (See [Attachment 2](#)).

1. Immediate work supervisors must report violations of the community service rules and regulations to the respective control room or DOC contact person by the end of the work day in which the supervisor is made aware of the violation.
- E. Immediate work supervisors will conduct periodic checks of all inmates under their supervision.
1. A minimum of two (2) direct, visual observations of working inmates is required in both the morning and afternoon of each work day.
 2. In the event of a non-typical work schedule, a minimum of two (2) direct, visual observations of the inmate must take place during the first half of the inmate's work schedule, and a minimum of two (2) direct, visual observations during the second half of the inmate's work schedule.
 3. Additional direct, visual observation of the inmate(s) by the supervisor is strongly recommended and encouraged.
 4. Any person (an immediate work supervisor or host agency employer) who is responsible for the custody/supervision of a community service inmate, shall immediately report the unauthorized absence of an inmate to the DOC (See SDCL § 24-4-8).
- F. Immediate work supervisors will conduct an evaluation of the inmate's work performance and submit the *Community Service Work Evaluation* form and a record of hours worked, as directed, to the DOC (See [Attachment 6](#)).
1. Inmate work hours shall consist of hours worked only. Inmates are not considered working when in transit to or from the work site, during break times, or any time when the inmate is not actively involved in their assigned duties.
 2. Inmates will be afforded a minimum of one day off per week (period of seven consecutive days).
 3. Inmates will not work more than 185 hours per month, unless otherwise authorized by the DOC.
 4. Inmates will not receive paid vacation, holidays or sick leave.
- G. Any work-related accident, incident or unsafe condition involving a community service inmate must be documented in writing by the host agency and immediate work supervisor and reported to the DOC contact person. DOC staff will ensure the Office of Risk Management, appropriate DOC facility staff and Director of Community Service receive a copy of the report.
1. The report is to be completed by using the *Incident, Accident or Unsafe Condition* form, which is located at <https://boa.sd.gov/risk-management/accident-report-nonstatevehicle.aspx>.
- H. The host agency may be responsible for the costs of medical care provided to a community service inmate who is injured in the line of work while under the supervision of the host agency.
- I. The host agency is required to immediately notify the DOC when an immediate work supervisor has ended employment, or a new immediate work supervisor has been assigned to supervise inmates. The supervisor must have completed the required training prior to being assigned to supervise inmates.
1. The host agency must maintain and provide the DOC facility with a current and complete list of names and work telephone number and email address for its immediate work supervisors.
- J. The host agency will notify the DOC contact in advance any time an inmate under its supervision is expected to return to the DOC due to illness, injury, or when no supervisor is available to supervise

the inmates. DOC must be notified immediately when there is a change in the inmate's work schedule.

- K. Host agency employees and immediate work supervisors will instruct inmates in a consistent and fair manner. Employees will avoid fraternization with inmates and over-personalization by not becoming personally involved with inmates.
- L. Discrimination or harassment of any inmate on the basis of race, color, religion, national origin, creed, gender, disability, age or other legally protected status or characteristic is expressly forbidden.
- M. No host agency employee (including immediate work supervisor), may become emotionally, romantically, financially or sexually involved with an inmate. Consensual romantic, sexual or dating relationships between employees/supervisors and inmates is strictly prohibited and must be immediately reported to the DOC. Any state employee who engages in sexual penetration with an inmate is guilty of a class 6 felony.
- N. It is the responsibility of the host agency or immediate work supervisor to promptly report any knowledge of misconduct by an inmate, including any violation of community service program rules, policies or agreements. Reports documenting such information should be in writing or direct reported to the DOC contact.

7. DOC Responsibilities:

- A. The DOC is responsible for providing initial and annual Working with Inmates training to community service partners and immediate work supervisors.
 - 1. The training curriculum and list of training attendees, to include the name of the agency or organization, will be kept on file or electronically recorded by the unit coordinator. Records will be retained for three (3) years, at which time the record may be destroyed.
- B. The DOC is generally responsible for costs associated with providing regular health care to inmates participating in the Community Service Program (See DOC policy 1.4.E.2 [Inmate Medically Necessary Health Care](#)), except for:
 - 1. Inmates on firefighting crews (medical care is covered by the host agency).
 - 2. Cases wherein the host agency is deemed responsible for health care costs to treat an inmate, such as when an inmate is injured at the community service job site or while under the supervision of the host agency.
- C. The DOC will provide inmates in community service with state issued clothing and footwear. The DOC will provide necessary protective clothing/footwear and safety equipment to inmates assigned to community service projects directly supervised by the DOC.
- D. The DOC will provide sack lunches/meals for inmates housed at DOC facilities who are transported from the facility to the host agency/job site, unless other arrangements are made. Inmates will receive meal breaks equivalent to other employees of the host agency.
- E. Designated DOC staff will contact each host agency at least monthly and conduct regular on-site visits to verify the safety, security, and supervision of the inmates assigned to the host agency. While on site, staff will contact the supervisor(s) and verify the location of the inmate(s). Host agency compliance with Community Service Program rules will be monitored.

1. When an on-site visit of a host agency is completed, staff conducting the visit will complete and sign the *Community Service Site Visit Summary Report* (See [Attachment 5](#)).
 2. The report shall be forwarded to the host agency supervisor for review and signature.
 3. The original signed report shall be electronically recorded or kept on file by the unit coordinator. Records will be maintained for three (3) years at which time they may be destroyed. Copies of the report may be provided to the host agency immediate work supervisors. Copies will be scanned to the Director of Community Service.
- F. The DOC maintains a zero-tolerance policy relating to all forms of sexual abuse or sexual harassment of inmates and will initiate and cooperate in the investigation and prosecution of anyone involved in prohibited acts against an inmate.
1. The DOC will respond to all reports of sexual abuse or sexual harassment involving an inmate and take appropriate steps to protect the victim.

8. Transportation:

- A. DOC or approved host agency staff may transport community service inmates.
1. Inmates assigned community service will not be transported to the host agency site by the DOC when there is no travel advisory issued for the area. If safe, consideration may be given to host agencies with essential services requiring inmate labor.
- B. All host agency staff whose duties include transporting inmates must complete the DOC Working with Inmates training.
- C. Other means of transporting inmates to or from the work site/host agency must be approved in advance by the Warden, designee or the Community Service Director.
- D. Transporters who are not federal, state or local government employees must be approved to transport community service inmates through completion of the *Community Service Transportation Person* form (See [Attachment 7](#)).

9. Emergency Procedures:

- A. Inmates requiring emergency medical care while in the community will be directed to or transported to the nearest medical treatment facility. The respective Control Room or DOC contact person must be contacted as soon as possible.
1. Serious injury or illness of a community service inmate that requires immediate medical attention, emergency treatment or hospitalization, will be reported in accordance with DOC policy 1.1.A.3 [Staff Reporting Information to DOC Administration](#).
- B. DOC staff or immediate work supervisors who determine or have reason to believe an inmate has walked away, or who become aware of an inmate's unauthorized absence from their assigned work site/location must immediately report the walk-away/unauthorized absence to the respective DOC Control Room (See SDCL § [24-4-7](#)).
1. The Warden has authority to order the return of any community service inmate to DOC custody at any time and as they deem necessary (See SDCL § [24-4-8](#)).
 2. If an inmate's location cannot be verified for a one (1) hour period, or the inmate fails to

return to his/her housing unit from his/her work assignment within one (1) hour of his/her scheduled time of return and he/she has not received authorization from his/her unit staff for a late return, the inmate will be considered a walk-away. \

3. It is not necessary for staff to wait one (1) hour before initiating the Emergency Response steps if it is clear the inmate has walked away.
- C. Emergency response procedures shall be initiated immediately in accordance with the facility's Emergency Response Manual.
 - D. Immediate work supervisors and/or other host agency staff should not attempt to physically restrain an inmate attempting to depart (walk away) from a vehicle transport or assigned work site.
 - E. All confirmed walk-aways will be promptly reported to the Secretary of Corrections and the Director of Community Services, in accordance with DOC policy 1.1.A.3 [Staff Reporting Information to DOC Administration](#).

V Related Directives:

SDCL § [24-4-7](#), [24-4-8](#), [24-4-9](#), [24-15A-32](#), [32-12-39](#), chapters [32-5](#) and [34-48A](#).

DOC policy 1.1.A.3 – [Staff Reporting Information to DOC Administration](#)

DOC policy 1.1.B.2 – [Inmate Accounts and Financial Responsibility](#)

DOC policy 1.2.E.1 – [Inmate Commissary](#)

DOC policy 1.3.A.5 – [Searches – Institutions](#)

DOC policy 1.3.A.8 – [Offender Drug Testing, Sanctions & Treatment](#)

DOC policy 1.3.B.1 – [Emergency Response](#)

DOC policy 1.3.B.5 – [Deployment to a Natural Disaster](#)

DOC policy 1.4.B.2 – [Male Inmate Classification](#)

DOC policy 1.4.B.9 – [Sexual Behavior Issue Review](#)

DOC policy 1.4.E.2 – [Medically Necessary Health Care](#)

DOC policy 1.5.A.1 – [Inmate Work Assignments and Pay](#)

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

DOC policy 1.5.A.7 – [Inmate Use of Computers](#)

DOC policy 1.5.A.8 – [Inmate Operation of Vehicles](#)

DOC policy 1.5.D.1 – [Inmate Visiting](#)

DOC policy 1.5.D.3 – [Inmate Correspondence](#)

DOC policy 1.5.D.4 – [Inmate Access to Telephones](#)

Crime Codes and Classification

Inmate Living Guide

VI Revision Log:

Removed revisions from April 2003-October 2009.

January 2012: Added “(not to include exceptional LM custody inmates) in Section 2 A. **Added** 1. “A minimum or low medium custody inmate who has an official felony hold or detainer noted in the inmate’s legal file and on the query sentence (QS) screen on the mainframe inmate records system may not be placed in the Community Service Program” to Section 2 A. **Added** 2. “Questions concerning possible felony charges/hold or detainers will be referred to the DOC Central Records office” to Section 2 A.

Deleted “warden of Mike Durfee State Prison” and **Replaced** with “Secretary of Corrections” in Section 2 C. **Deleted** “Only inmates serving time for a crime of non-violence on their current admission will be” and **Replaced** with “Inmates who are currently serving time for a violent crime of who have been convicted of a violent crime in the past will not be” in Section 2 E. **Added** “synthetic drugs” to Section 3 D. **Added** “or weapons by an inmate” to Section 3 D. **Deleted** “disciplinary action” and **Replaced** with

“the inmate being subject to sanctions/responses in accordance with policy” to Section 3 D. 2. **Added** “with the exception that inmates may operate vehicles on public roads found within the confines or boundaries of federal, state or local government property, or public roads directly adjacent to boundaries of federal, state or local government property” to Section 3 E. 1. a. Added c. “The immediate work supervisor will ensure inmates receive any necessary vehicle specific training prior to an inmate operating a vehicle” to Section 3 E. 1. **Deleted** “on the grounds of federal, state and local government property/facilities or on the grounds of non-profit organizations” and **Replaced** with “pursuant to this policy” and **Added** “in their possession during the operation of the vehicle”. to Section 3 E. 2. b. Deleted 1) and 2) from Section 3 E. 2. b. and **Changed** 3) to c. **Added** d. “Inmates will operate vehicles for approved work-related purposes only” in Section 3 E. 2. **Added** 4. “Authorization for an inmate to operate a vehicle while performing community service may be withdrawn by DOC staff or the immediate work supervisor at any time” to Section 3 E. 3. **Added** 4. “Inmates may not use computers for personal business, e.g. legal work, writing personal letters, playing computer games, listening to music, etc.” to Section 3 F. **Added** “An inmate, their possessions” and **Added** “and work site” to Section 3 G. 2. **Added** a. “Inmates will be held responsible for any contraband found on the inmate, in the inmate’s possession, at the inmate’s living quarters of their work site” to Section 3 G. 1. **Deleted** “Special” and **Added** “or safety equipment” and “or required” and Deleted “while at work” and **Replaced** with “as directed by the host agency or immediate work supervisor” to Section 3. H. 2. **Added** “and hours” to Section 4. B. **Deleted** “one” and **Replaced** with “two” in Section 4 D. 1. b. **Deleted** “The host agency is responsible for administering furloughs for inmates living at host agency facilities in accordance with DOC policy” and **Replaced** with “Inmate access to the community is limited to work related purposes only” in Section 5 B. **Added** “or as directed by the Community Service Director” to Section 7 A. 1. **Added** “The Community Service Director will be notified if inmates are removed from a host agency due to a lack of adequate supervision.” to Section 7 B. **Added** “The host agency/immediate work supervisor shall report” and **Added** “or their DOC contact person” and **Added** “by the end of the work day which staff became aware of the violation” to Section 7 D.1. **Deleted** 2. “The host agency and its immediate work supervisors will refrain from doing any personal favors for inmates” from Section 7 D. **Added** “DOC facility staff” to Section 7 G. **Added** J. “The host agency will contact DOC facility staff if an inmate does not go to work due to health reasons (illness) or other approved reasons” to Section 7. **Added** 1. “The host agency should provide the DOC with a list of the names and telephone numbers of immediate work supervisors and maintain the list as necessary” to Section 7 I. **Added** 1. “The host agency shall contact the DOC facility staff if an inmate becomes ill while at their work site and will be transported back to the DOC or to the host agency” to Section 7 J. **Deleted** “non-specialized work clothing for inmates participating in the Community Service Program” and **Replaced** with “inmates in the community service program with state issued clothing. Community service inmates who are supervised by the DOC will be provided necessary protective clothing or safety equipment as needed or required, by the DOC.” to Section 8 C. **Deleted** “check progress” and **Replaced** with “verify the safety, whereabouts (location of the inmate is consistent with their assignment) and compliance” to Section 8 E. **Deleted** “This requirement is waived if the DOC is transporting inmates or if public transportation is used to provide transportation” to Section 9 B. **Deleted** “director of nursing” and **Replaced** with “DOC contact person” in Section 10. An Added “unauthorized absence” and “Immediate work supervisors shall promptly return any inmate to the custody of the Warden if ordered to do so by the DOC” to Section 10 B **Added** 2. “All escapes or walkways shall be immediately reported to the Secretary of Corrections and the Director of Community Services to Section to Section 10 B.

November 2012: **Added** I. and I. 1. to Section 3 **Added** D to Section 6. **Added** “DOC contact person who will ensure the” and **Added** “appropriate” and **Added** “receive a copy of the report” to Section 7 G. **Deleted** “while participating in the CSP” and **Replaced** with “in the line of duty while under the supervision of the host agency” in Section 7 H. **Added** K. to Section 7. **Deleted** “monthly” and **Replaced** with “regular” in Section 8 E **Added** F. to Section 9. **Added** B and moved B. 1-3 from Section 3 in Section 10 and further revised Section 10 **Added** 1. to Section 10 A.

January 2014: **Deleted** “for minimum and low medium custody inmates, who can be supervised by outside staff in a community setting” and **Replaced** with “to provide inmate labor for work in the community. The SOC and Warden shall make provisions for the custody, control and maintenance of inmates assigned to the CSP” in II Policy. **Deleted** definition of “Licensed Vehicle” and **Replaced**

definition of "Sex Offender". **Deleted** "normally" in Section 2 A. **Deleted** "In the event there are not enough MN custody level inmates available to sufficiently respond to an approved project, LM custody level inmates (not to include exceptional LM Custody inmates) may be utilized at the discretion of the Warden or his/her designee" in Section 2 A. **Deleted** "and/or low medium custody inmates" and **Deleted** "by the SOC" and deleted "suppression" in Section 2 B Deleted C. in Section 2 Deleted 2, 3 and 4. in Section 3 D. reference inmate operation of vehicles and referred to DOC policy "Inmate Operation of Vehicles" in Section 3. **Deleted** 1-4 in Section 3 E. regarding inmate use of computers and referenced DOC policy Inmate Use of Computers **Deleted** "weekly" and **Deleted** "total days" in Section 6 F **Deleted** 2 "Training information will also be recorded in the Citrix database" in Section 8 A.

April 2014: **Deleted** definition of "Non-Violent Crimes". **Added** "when students are present" to Section 2 D. **Added** 1. to Section 2 D. **Added** "with a valid and proper driver license" in Section 3 D. 1. a. **Deleted** "is restricted to official business and is limited to the grounds of federal, state and local government property/facilities or highways directly adjacent thereto, or on the grounds of non-profit organizations" and **Replaced** with "May operate a vehicle" in Section 3 D. **Added** "Director of Community Services" to Section 6 E. 2. **Deleted** "two" and **Replaced** with "one" and **Added** 1. to Section 7 B.

December 2014: **Added** "Each host agency shall maintain a minimum of two (2) trained immediate work supervisors on their staff at all times" to Section 7 B. **Added** 1. to Section 9 A. **Deleted** Section 5 "Furloughs".

December 2015: **Revised** definition of "Sex Offender". **Deleted** definition of "outside staff".

December 2016: **Updated** definition of Sex Offender. **Added** definition of "inmate". **Added** "or assigned to CTP" in Section 2 A. **Added** "Offenders assigned to CTP are not eligible for firefighting assignment" in Section 2 B. **Updated** language in Section 2 E. to include the qualifiers and **Added** "Child Abuse" and Permitting Physical or Sexual Abuse of a Child". **Added** "public educational institutions" to Section 5 A. **Revised** language in Section 6 B. **Added** 4. to Section 6 E. **Added** L. in Section 6. **Revised** language in M. in Section 6.

March 2018: **Added** "Inmates classified as MN custody through use of "exceptional" actual risk behavior is not eligible for Community Service, unless approved by the Warden" in Section 2 A. **Added** G. H. and I. to Section 2. **Added** B. and C. to Section 4. **Added** "Work hours and breaks will be approximate to those provided to community workers assigned to similar work tasks/duties" to Section 4 C. **Added** 2. to Section 5. **Added** "Supervisors may be required to complete a "refresher" course if concerns involving the work site safety or security of assigned inmates is identified by the DOC" in Section 6 A. 1. **Added** 2. to Section 6 B. **Added** "The staff checks should be varied" in Section 6 E. 1. **Added** 1.-3. to Section 6 F.

February 2019: **Updated** definition of "Sex Offender". **Deleted** "60 days" and **Replaced** with "30 days" in Section 2 G. **Added** 1. to Section 3 A. **Added** 2. to Section 5 C. **Added** "and must be immediately reported to the DOC" in Section 6 M. **Added** "initial and" and **Added** "community service partners" and **Deleted** "inmate employers" and **Added** "immediate work" in Section 7 A. **Deleted** "A paper copy of the *Community Service General Host Agency Rules* signed by each immediate work supervisor" and **Replaced** with "The training curriculum and list of training attendees, to include the name of the agency or organization, will be kept on file or electronically recorded by the unit coordinator. Records will be retained for three (3) years at which time they may be destroyed" in Section 7 A. 1. **Added** "electronically recorded or kept on file by the unit coordinator. Records will be maintained for three (3) years at which time they may be destroyed" and **Added** "Copies will be scanned to the" in Section 7 E. 3.

October 2019: **Added** J. to Section 2. **Added** "A housing plan is required and will be approved by the Community Service Director and Warden when inmates are housed off site for community service assignment. A plan is not required if the offenders are placed in a county jail" and deleted rules 1.-5. in Section 3 G. **Added** "It is the policy of the State of South Dakota that each inmate of a DOC facility shall be employed or work in some productive capacity if there is a suitable work situation. Any inmate may be required to work without compensation as a condition of confinement (See SDCL § 24-2-30)" in Section 4 A.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

01/06/2020

Date

Attachment 1: Community Service Acknowledgement of Rules and Regulations

The *Community Service Acknowledgement of Rules and Regulations* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Service Acknowledgement Of Rules And Regulations.doc>

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Community Service Acknowledgement of Rules and Regulations Please refer to DOC policy 1.5.A.6 Community Service Program		
COMMUNITY SERVICE ACKNOWLEDGEMENT OF RULES AND REGULATIONS			
I, <input type="text"/> the undersigned, an inmate of the South Dakota DOC, do hereby agree to abide by the rules and regulations of the Community Service Program. I understand that my participation in this program will not be compensated by sentence reduction. However, by my doing a good job and complying with the rules and regulations as established by the DOC, this service will be placed in my permanent file for review by the Parole Board or a reviewing sentencing judge.			
1. I will be on time and ready to work according to my schedule.			
2. I will perform the job assigned to me to the best of my ability without complaining.			
3. I will remain in the area assigned to me by my supervisor and will not leave without his/her knowledge and approval.			
4. I understand I will not be permitted to use the telephone while at work unless it is an emergency or it is part of my job and has been approved by my work supervisor.			
5. I understand I cannot possess a cell phone.			
6. I understand there will be no visit or contact at the job or any where else during working hours.			
7. I understand that if the supervisor is not satisfied with my work, I can be removed from the program with or without disciplinary action.			
8. I understand that I am not allowed to bring anything back from work to the housing unit except items I had when I arrived at work.			
9. I understand that I can only operate a motor vehicle for official business on the grounds of federal, state and local government property/facilities or on the grounds of non-profit organizations. Vehicles will be operated only at the direction of the work supervisor and I must maintain a valid driver license in order to operate a motor vehicle.			
10. I understand I cannot ask for or receive personal favors or gifts from anyone in the host agency. I will not involve myself in non-work related activity with any member of the host agency.			
11. I understand that I am not allowed to use or possess any alcoholic beverage, narcotic or tobacco products at any time while an inmate of the Department of Corrections.			
12. I understand that I may not involve myself in any financial dealings with any employees of the host agency (lending, borrowing, giving money or purchasing or selling).			
13. I understand that any blatant, disruptive or intentional misconduct by me will be reported and will result in disciplinary action (arguing, refusing to work, damaging property, etc.).			
14. I understand that I will report any inappropriate behavior, including my work supervisor(s) and/or any member of the community, to unit staff or any DOC staff.			
15. I certify that I presently have no litigation, either criminal or civil, which would necessitate my personal presence or appearance and would result in my inability to participate in the Community Service Program.			
16. I certify that to the best of my knowledge and belief, I have no medical, dental or psychological handicaps, which would require professional treatment and would interfere with my involvement in the Community Service Program.			
17. I fully understand that any unauthorized activities or absence from my designated assignment will result in disciplinary action and/or criminal prosecution.			
18. I understand that my person, my possessions, my living quarters and my work site are subject to search at any time.			
19. I understand that I will be held responsible for any contraband found on my person, in my possessions, in my living quarters and at my work site.			
20. I will not use/operate any computer unless authorized by the work supervisor for work-related reasons.			
21. I understand that I will report any work-related accident, incident, unsafe condition or injury received while on community service to my immediate supervisor and DOC staff.			
22. I will not enter any public establishment unless accompanied by a member of the host agency.			
23. I will not purchase lottery tickets, play video lottery or participate in any gambling pool/activities.			
24. I will only wear the state-issued clothing and shoes issued to me while participating in community service projects. I understand I am required to wear special personal protective equipment issued to me by the host agency supervisor.			
I have read, understand and agree to the above rules and regulations.			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Inmate Signature	Number	Date	Witness
Revised: 12/28/2009		Page 1 of 1	

Attachment 2: Community Service General Host Agency Rules

The **Community Service General Host Agency Rules** is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\COMMUNITY SERVICE GENERAL HOST AGENCY RULES .doc>

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

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South Dakota Department of Corrections Policy Distribution: Public	Attachment: Community Service General Host Agency Rules Please refer to DOC policy 1.5.A.6 Community Service Program	South Dakota Department of Corrections Policy Distribution: Public	Attachment: Community Service General Host Agency Rules Please refer to DOC policy 1.5.A.6 Community Service Program
COMMUNITY SERVICE GENERAL HOST AGENCY RULES			
1. Alcoholic beverages, legal drugs or tobacco products will not be available to inmates at any time.		16. Sexual misconduct by inmates is to be reported immediately to the control room (arguing, refusing to work, etc.).	
2. Inmates may operate vehicles only when instructed by work supervisors and only on official business.		17. Walk-outs must be reported immediately to the control room. No employee of the host agency will try to restrain or stop any inmate who attempts to leave the work location.	
3. Vehicle operation by inmates is restricted to official business on the grounds of federal, state and local government, property/facilities or on the grounds of non-profit organizations. Inmates are not allowed to operate vehicles on public roads.		18. Inmates are not allowed to bring anything back to their housing unit, except items that they had when they arrived at work.	
4. Inmates must possess a valid South Dakota driver's license to operate a vehicle, with the exception of a riding lawn mower.		19. An inmate, an inmate's possessions, an inmate's living quarters and an inmate's work site are subject to search at any time by DOC staff. An inmate's possessions, an inmate's living quarters and an inmate's work site are subject to search at any time by the host agency and/or the Immediate Work Supervisor.	
5. Inmates will not be allowed to use the telephone at the job site at any time unless it is an emergency or it is part of the inmate's job and has been approved by the work supervisor. Inmates may not possess a cell phone.		20. Inmates working for state host agencies will not have access to networked computers unless arrangements are made with and authorized by DIT. See attachment 3 of DOC policy 1.5.A.6 Community Service Program.	
6. There will be no visitor contact at any time on the job.		21. Inmates working for non-state agencies are discouraged from having access to networked computers.	
7. No employee of the host agency will do any personal favors for the inmates (mail letters, mail packages, arrange phone calls, make unauthorized articles available to the inmates, etc.).		22. Under no circumstances will an inmate have access to the internet or internet.	
8. Immediate Work Supervisors must take part in DOC Working with Inmates training prior to inmate assignments and annually thereafter.		23. The host agency and/or its Immediate Work Supervisors agree to provide all necessary job and safety training for the inmate(s) assigned to their agency. All training will be documented in writing by the host agency.	
9. Immediate Work Supervisors must know where inmates are at all times. It is recommended that host agency Immediate Work Supervisors conduct periodic direct checks (visual observation) of the inmate(s). Frequency should consist of two (2) direct, visual observations in the morning and two (2) direct, visual observations in the afternoon. In the event of a non-typical work schedule, two (2) direct, visual observations should take place during the first half of the work schedule and two (2) direct, visual observations during the second half of the work schedule. Additional direct, visual observations are recommended.		24. Immediate Work Supervisors are responsible for reporting any work-related accident, incident or unsafe condition involving an inmate to: 1) The Office of Risk Management if a state host agency or 2) The Director of Community Service if a non-state host agency.	
10. No employee of the host agency will develop relationships with inmates other than those necessary in the official course of business. A host agency employee will not become emotionally, romantically or sexually involved with an inmate.		25. Inmates residing with a host agency can only be released from DOC custody if the host agency possesses a release list authorizing the inmate's release and the host agency receives a confirmation telephone call from Central Records confirming the inmate's release.	
11. No employee of the host agency will participate in any financial dealings with the inmates (lending, borrowing, giving money, purchasing or selling).		26. An inmate will only wear the standard state-issued clothing they are provided. They must wear any special personal protective clothing that is required as part of their community service assignment.	
12. Inmates may share in food and drink offered by the host agency if: a. Food and drink are made available to all inmates, staff and participants. b. The Immediate Work Supervisor gets prior authorization through the DOC contact. If food and drink are offered as part of an office function, the inmates will not be directly involved with the function. Inmates will be secluded with proper supervision.		27. The host agency is required to notify the DOC when an Immediate Work Supervisor has ended the employment or had their employment ended and a new Immediate Work Supervisor has been assigned.	
13. A work schedule will be provided to the institution and any changes must be approved before taking effect.		28. All approved host agency transporters must participate with the DOC Working with Inmates training. This requirement is waived if DOC is transporting inmates or if public transportation is used to provide transportation.	
14. A list of Immediate Work Supervisors and their work phone numbers will be furnished to the facility staff. Each host agency shall have multiple Immediate Work Supervisors when possible to ensure there is an Immediate Work Supervisor at the job site while inmates are working. If there is no Immediate Work Supervisor at the job site the DOC may discontinue sending inmates to, or remove inmates from, the job site until this requirement is met.		29. For clarification or any questions regarding the rules or policies, please contact the: Community Service Director or 775-5465 Central Control Room 361-5120 Main DOC Office 775-5475 361-5121 SDWP Control Room 775-5385 361-5122 MOSP 365-2201 Director of Nursing 361-5185	
15. Medical emergencies will be handled at the nearest treatment facility and reported to the control room or the Director of Nursing as soon as possible. The host agency can be held liable for the costs of medical care related to an inmate injured while participating in the community service program.		Name of Host Agency: _____	
		I attest that I have read the above rules and viewed the Working with Inmates training video and that I will enforce to the best of my abilities the rules set forth by the Department of Corrections.	
		Signature of Immediate Work Supervisor	Date
Revised: 10/5/2009	Page 1 of 2	Revised: 10/5/2009	Page 2 of 2

Attachment 4: DOC Access Approval & DOC Release and Waiver of Liability

The *DOC Access Approval & DOC Release and Waiver of Liability* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\DOC ACCESS APPROVAL FORM.doc>

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

Page 1 of 2

Page 2 of 2

The image shows a two-page document template. The left page is a form with a grid of input fields, many of which are shaded gray. The right page contains a title section, followed by several paragraphs of text with checkboxes, and a signature block at the bottom.

Attachment 5: Community Service Site Visit Summary Report

The *Community Service Site Visit Summary Report* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\COMMUNITY SERVICE SITE VISIT SUMMARY REPORT.doc>

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Community Service Site Visit Summary Report Please refer to DOC policy 1.5.A.6 Community Service Program	
COMMUNITY SERVICE SITE VISIT SUMMARY REPORT			
Agency: █		Work site location: █	
Date of site visit: █		Time of site visit: █	
DCC staff conducting visit: (Please print or type) █		DCC staff signature: █	
Agency immediate Work Supervisor: (Please print or type) █		Agency immediate Work Supervisor signature: █	
Please answer "yes" or "no" to the following checklist of items. In the adjacent column please provide any findings, comments or suggestions to address any areas of concern.			
1) Supervisor on site:		Comments/Suggestions: █	
Yes			
No			
2) Assigned inmates are present and accounted for:		Comments/Suggestions: █	
Yes			
No			
3) Work site is secure (rules are being followed): i.e. no tobacco products, no cell phone left unattended, no visitors, etc.		Comments/Suggestions: █	
Yes			
No			
4) Safety practices being exercised:		Comments/Suggestions: █	
Yes			
No			
Note: Visit with the work supervisor if you have any questions on something that appears unsafe.			
Safety training documentation on file:		Comments/Suggestions: █	
Yes			
No			
Training history on each inmate should be on file.			
5) Inmates operating vehicles have a valid driver license:		Comments/Suggestions: █	
Yes			
No			
6) Searches conducted:		Comments/Suggestions: █	
Person: Yes No			
Possessions: Yes No			
Work site: Yes No			
Living quarters: Yes No			
7) Other (please state): █		Comments/Suggestions: █	
Revised: 12/30/2008		Page 1 of 1	

Attachment 6: Community Service Work Evaluation

The *Community Service Work Evaluation* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Service Work Evaluation.doc>

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Community Service Work Evaluation Please refer to DOC policy 1.5.A.6 Community Service Program				
COMMUNITY SERVICE WORK EVALUATION						
For the week of:		Month	Day			
			Year			
Inmate Last Name		First	ID#			
DOC Project Pay Code		Work Site/Location				
TYPE OF WORK: <input type="checkbox"/> Permanent Work Assignment <input type="checkbox"/> Temporary Special Project						
For Temporary Special Project, list:		Contact Name				
Project Description:		(mailing, cleaning, move, etc.)				
Rating:						
<input type="checkbox"/> Full Compliance:	Worked diligently and to the best of his/her ability. Completed assigned job in a timely manner without complaint.					
<input type="checkbox"/> Minimal Compliance:	Performed minimally acceptable work. Completed assigned job to a minimal extent, less than his/her ability.					
<input type="checkbox"/> Non-Compliance:	Refused work assignment, was disciplinary discharged from work or was removed from work because of noncomplaint behavior.					
Comments (Mandatory for minimal compliance or non-compliance):						
HOURS WORKED						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Supervisor's Signature					Date	
Agency				Division		
Revised: 12/31/2008				Page 1 of 1		

Attachment 7: Community Service Transportation Person

The *Community Service Transportation Person* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Service Transportation Person.doc>

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Community Service Transportation Person Please refer to DOC policy 1.5.A.6 Community Service Program	
COMMUNITY SERVICE TRANSPORTATION PERSON			
DATE:	[REDACTED]		
INMATE(S) NAME:	[REDACTED]		
WORK LOCATION:	[REDACTED]		
NAME OF AGENCY:	[REDACTED]		
ADDRESS:	[REDACTED]		
CITY/STATE:	[REDACTED]		
TELEPHONE:	[REDACTED]		
TRANSPORTATION PERSON'S NAME:	[REDACTED]		
ADDRESS:	[REDACTED]		
CITY/STATE/ZIP CODE:	[REDACTED]		
DATE OF BIRTH:	[REDACTED]		
SOCIAL SECURITY #:	[REDACTED]		
DRIVER LICENSE NUMBER/STATE:	[REDACTED]		
** Obtain a copy of the driver license, attach to this form and keep on file.			
NAME OF AUTO INSURANCE CARRIER:	[REDACTED]		
** Obtain a copy of the proof of insurance, attach to this form and keep on file.			
BACKGROUND CHECK COMPLETE:	<input type="checkbox"/> Yes		<input type="checkbox"/> No
** Attach a copy of the background check to this form and keep on file.			
DRIVER LICENSE VERIFIED:	<input type="checkbox"/> Yes		<input type="checkbox"/> No
DATE:	[REDACTED]	STAFF:	[REDACTED]
UNIT STAFF MEMBER SIGNATURE: [REDACTED]			
*NOTE: A SEPARATE FORM IS REQUIRED FOR EACH PERSON WHO WILL BE TRANSPORTING AN INMATE.			
TRANSPORTER AGREEMENT			
I, [REDACTED]	Agree to transport Inmate [REDACTED]		[REDACTED]
to and from the job site. I certify that I do have a valid driver's license. I agree that I will take this Inmate directly to the approved work site, without any unauthorized stops. I understand that this Inmate is on community service, and as such has limited access to the community. It is my responsibility to come into the unit and identify myself when I pick the Inmate up for work and when I drop the Inmate off from work.			
[REDACTED] Transporter Signature			[REDACTED] Date
Revised: 12/31/2006		Page 1 of 1	