1.5.F.3 Inmate Community Religious and Cultural Activity Guidelines

II Policy:

Access to structured community religious and cultural activities and programming shall be used to support successful community reintegration of inmates. Eligible inmates may be offered opportunity to attend structured religious and cultural activities and programming in the community.

III Definitions:

Community Religious Host/Transporter:
For the purposes of this policy, a host/transporter is a person from the community who has been approved to transport an inmate to and from community religious and cultural activities and programming or assist the inmate in becoming involved in community religious and cultural activities and programming.

Inmate:
Any person sentenced or placed in a facility or program under the control of the Department of Corrections.

Work Release Program:
A program that allows approved inmates to be competitively employed in the community. The DOC shall promulgate rules necessary for placement, supervision and confinement of Work Release inmates and the administration of the program, pursuant to chapter 1-26.

IV Procedures:

1. Eligibility and Application Process:

A. Inmates approved for participation in the Work Release Program may attend structured religious and cultural activities or programming in the community (See DOC policy 1.5.A.5 Work Release).

B. Work release inmates interested in attending religious or cultural activities or programming in the community must complete the Community Religious or Cultural Activity or Programming Application (See Attachment 1). The completed form must be submitted to the Cultural Activities Coordinator or designated staff member at least ten (10) working days prior to the scheduled date of the activity or programming.
1. The Work Release Case Manager will be notified of all inmates approved to attend religious or cultural activities or programming in the community.

C. Offenders released to Community Transition Program (CTP) with off-campus privileges, may request permission from their supervising parole agent to attend religious or cultural activities or programming in the community (See DOC policy 1.5.G.2 Parole Services-Community Transition Program).

D. Approved inmates or offenders are required to review and sign the Community Activity Attendance Acknowledgement of Rules and Regulations form (See Attachment 2).

2. Guidelines:

A. The Cultural Activities Coordinator designated institutional staff or parole agent (if a CTP offender) will review the activity or program which the inmate or offender has requested to attend. Review may include verifying the activity, location, time, length, etc.

B. An inmate's total time off the unit shall not exceed three (3) hours per activity or program, including travel time.
   1. The total distance traveled to attend an activity shall not exceed twenty-five miles from the unit, one way.
   2. Inmates may not travel outside the state of South Dakota.

C. Work release inmates may attend a maximum of one (1) activity or programming per week (Monday through Sunday). Parole agents shall determine CTP offender frequency to attend such activities or programming.

D. Inmates/CTP offenders may wear civilian clothing while attending religious or cultural activities or programming in the community, unless otherwise restricted.

3. Community Religious Host/Transporter Application and Guidelines:

A. Persons interested in becoming an approved community religious host/transporter must meet the following criteria:
   1. Must be at least eighteen (18) years of age and the same gender as the inmate/offender they are transporting.
   2. May transport no more than three (3) inmates at the same time.
   3. May charge inmates a fee only if licensed by the South Dakota Department of Revenue (sales tax ID).
   4. Must complete the Community Host/Transporter application and attach a copy of their current South Dakota driver's license and automobile insurance information (See Attachment 3).
   5. All hosts/transporters must complete the DOC Access and Approval form and return this to the DOC (See Attachment 4).
      a. A criminal background check (NCIC) will be completed on all host/transporters. The report shall be reviewed and approved by the senior security officer.
6. All hosts/transporters must review and sign the Community Host/Transporter Rules (See Attachment 5) prior to transporting inmates/offenders.

4. Approved Transportation:

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

5. Termination:

   A. Inmate/offender access to community religious or cultural activities or programming is a privilege and may be revoked at any time by the DOC. Nothing within this policy nor its application may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.

   B. Inmates/offenders are responsible for notifying staff if/when the activity or programming is discontinued; or they will no longer attend the activity or programming.

   C. The inmate’s case manager or parole agent (CTP offender) remove the inmate from the eligibility list if the inmate is terminated from CTP or the Work Release Program.

   D. A community host/transporter’s access to inmates/offenders may be terminated by the DOC at any time with or without cause.

V Related Directives:

   DOC policy 1.5.A.5 -- Work Release
   DOC policy 1.5.G.2 -- Community Transition Program

VI Revision Log:

June 2010: New policy.

January 2011: Added ss 1. A. “may attend approved religious activities in the community” Added hyperlink to DOC Work Release policy. Replaced ss 1 B. “participate in” with “utilize”. Deleted D. in ss 1. Deleted “appropriate” in ss D. 1. and renumbered to C. 2. Deleted from ss 2 a. “the following community” Added “These activities are subject to review and approval by DOC staff. Activities include but are not limited to the following:” Deleted 4. a. b. c. d. & f. from ss 2 a in A. Reenumerated “weddings” (4) and “other events” (5). Inserted “age 18 (eighteen) or older and” in ss 3 A. 1. Added “or transport the inmate outside of the state of South Dakota” to ss 3, A. 2. Deleted 5. from ss 3. Replaced with “Hosts/transporters who charge inmates for transportation expenses must be licensed through the Department of Revenue”. Added “Inmates” to 7. in ss 3. Replaced 7. a. in ss 3. With “A criminal background check will be completed on all hosts/transporters and be approved by the senior security officer”. Replaced “The denomination” with “Brief description in ss 3 B. 1. Deleted 2. from ss 3 B. Added “start and end time” and “location” and replaced “at one time” with “per trip” in the newly re-numbered B.2 in ss 3. Deleted ss 4. A. “All inmates who have been approved to utilize public transportation to a community religious activity must have an approved religious host at the religious event and Replaced ss 4. A. with “CTP inmates and inmates approved for work release may utilize public transportation to attend approved religious activities or other means of self-transportation as approved by DOC staff.” Attachment 2. Added “all DOC” to agreement statement. Added 1. “except in the case of an emergency to contact the DOC”. Deleted “arrived at the approved community religious activity” from 5. and Replaced with “departed from the facility”. Deleted “with any member associated with the community religious activity” in 7. and Replaced with “or engage in inappropriate relations with other inmates attending the activity, the transporter or others attending the activity”. Added 8. “except those tobacco products approved for use during cultural/religious activities. Added "or other inmates attending the activity" to 11. Deleted 20. “I will only wear

Revised: 01/10/2020
the state approved clothing and shoes while participating in community religious activities”. Attachment 5.

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

**October 2011:** **Added** definition of “Work Release”. **Deleted** 2. “The approval for CTP parolees to participate in community religious activities is subject to their respective agent”. in Section 1 A. **Deleted** “3. CTP parolees approved to participate in community religious activities may utilize the same transportation arrangements offered to inmates on work release”. in Section 1 A. **Added** “and submit the application to their respective DOC Cultural Activities Coordinator ten (10) working days prior to the date of the requested activity”. in Section 1 B. **Added** “by the Cultural Activities Coordinator” and “through their DOC Work Release Case Manager” to Section 1 C. **Deleted** 1. “Approved CTP parolees are not required to complete the Community Religious Attendance application of the Community Religious Attendance Acknowledgement of Rules and Regulations”. in Section 1 C. **Deleted** 2. “Inmates attending religious activities in the community will be allowed to wear civilian clothing to religious activities”. in Section 1 C. **Added** “and Guidelines” to title of Section 2. **Deleted** “but are not limited to the following:” and **Replaced** with “organized religious events at an approved house of worship and other events as approved” in Section 2 A. **Deleted** criteria 1-5. **Added** B. “Time away from the unit for an approved religious activity is not to exceed three (3) hours including travel to and from the activity”. in Section 2. **Added** C. “A maximum of one community religious activity per work (Monday through Sunday) per inmate may be approved”. in Section 2 Added “Inmates attending religious activities in the community will be allowed to wear civilian clothing to religious activities”. in Section 2. **Deleted** “3. Will not be allowed to select a specific inmate to transport/host”. in Section 3. **Deleted** a. “Unless the interested person is a family member or friend previously on the inmate’s visit list and wishes to volunteer as a community religious transporter/host” in Section 3. **Deleted** “not host” and “more than” and **Replaced** with “up to” Added “with prior approval in Section 3 A. 4. **Deleted** “cultural activities coordinator” and **Replaced** with “Work Release Case Manager” in Section 3 A. 7. **Deleted** “8. Participate in required training set forth by DOC”. in Section 3 A. **Deleted** a. Community religious transporters/hosts who are transporting/hosting CTP inmates are not required to complete the Community Religious Host/Transporter, Community Religious Host/Transporter Background Check and Release and Waiver of Liability of the Community Religious Host/Transporter Rules” in Section 3 A. 9. **Deleted** “CTP inmates and inmates approved for” and **Added** “examples include walking and biking” to Section 4. A. **March 2012:** **Reviewed with no changes.**

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

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

**February 2015:** Grammar and sentence structure changes.

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

**February 2017:** **Reviewed with no changes.**

**March 2018:** **Added** “This shall include verifying the validity of the activity, location, time, length and level of supervision provided” in Section 2 A.

**May 2019:** **Added** All rules regarding inmate conduct while participating in the Work Release Program or CTP Programming shall apply to inmate conduct while accessing the community for religious or cultural activities or programming in Section 1 C. **Added** Section 5. **Revisions** to Attachments 1-3.

**January 2020:** No changes.
1.5.F.3
Inmate Community Religious and Cultural Activity Guidelines

Mike Leidholt (original signature on file) 01/10/2020
Mike Leidholt, Secretary of Corrections Date
### Attachment 1: Community Religious or Cultural Activity or Programming Application

The **Community Religious or Cultural Activity or Programming Application** is located at:

M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Religious or Cultural Activity or Programming application.doc

![Application Form Image](image-url)
Attachment 2: Community Activity Attendance Acknowledgement of Rules and Regulations

The Community Religious Attendance Acknowledgement of Rules and Regulations is located at:

M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Activity Acknowledgement of Rules and Regulations.doc

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**COMMUNITY ACTIVITY ACKNOWLEDGEMENT OF RULES AND REGULATIONS**

1. The undersigned do hereby agree to abide by all DOC rules and regulations pertaining to attending activities in the community.
   1. I will be on time and ready for transport.
   2. I will travel directly to and from the location of the activity or program.
   3. I understand I will not be permitted to use the telephone except in the case of an emergency or to contact the DOC.
   4. I understand I am not allowed to transport items/proberty to or from the activity or program(s).
   5. I will not operate a motor vehicle.
   6. I will not engage in inappropriate relations with other inmates attending the activity, the host/transporter or others.
   7. I will not use or possess any alcoholic beverages, drugs, or tobacco products.
   8. I will not involve myself in any financial dealings.
   9. I will not use the privilege of attending activities or programming in the community to meet visitors.
   10. I will not engage in sexual activity.
   11. I understand my person, possessions and living quarters are subject to search.
   12. I understand I will be held responsible for any contraband found on my person, in my possession and/or in my living quarters.
   13. I will not use/operate any computer while in the community.

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

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Inmate Signature | Number | Date | Witness

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Revised: 02/1/2015

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Attachment 3: Community Host/Transporter

The *Community Host/Transporter* application is located at:

M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Religious Host-Transporter.doc
Attachment 4: DOC Access Approval form

The DOC Access Approval form is located at:

M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\DOC ACCESS APPROVAL FORM.doc
Attachment 5: Community Religious Host/Transporter Rules

The Community Religious Host/Transporter Rules is located at:

M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Community Religious Host-Transporter Rules.doc