

## 1.5.A.8 Inmate Operation of Vehicles

### I Policy Index:



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**Office of Primary Responsibility:** DOC Administration

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### II Policy:

Inmates may operate vehicles consistent with Department of Corrections policy and in accordance with applicable local, state and federal laws.

### III Definitions:

#### **Driver license:**

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

#### **Public Roadways:**

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

#### **Security Perimeter:**

Fences and/or walls (including the exterior wall of a building) that provide for the secure confinement of inmates within a facility. All entrances and exits of a security perimeter are under the control of department staff, thereby preventing individuals from leaving the facility unsupervised or without permission.

#### **Vehicle:**

All new or used vehicles propelled by any power other than muscular. Includes automobiles, trucks, off-road vehicles (self-propelled, two or more wheeled vehicles designed primarily to be operated on land other than a highway and includes, but is not limited to, all-terrain vehicles, golf carts/mules and vehicles whose manufacturer's statement of origin {MSO} or manufacturer's certificate of origin {MCO} states the vehicle is not for highway use), farm vehicles (field tractors and other farm machinery) and other "low speed" vehicles (a four-wheeled motor vehicle not capable of exceeding 25 MPH on a paved level surface). Excludes riding lawn mowers.

## IV Procedures:

### 1. Driver License Requirements:

- A. Any inmate operating a motor vehicle on a public roadway, which by state law requires the operator to have a valid driver license, will have his/her driver license in his/her immediate possession while operating the vehicle in such a manner, as required by SDCL § [32-12-39](#).
1. Work supervisors are responsible for verifying an inmate has a current, valid and proper driver license for the motor vehicle which they are operating, prior to allowing the inmate to operate the motor vehicle in a manner that requires the operator to have a current and valid driver license.
  2. Inmates in DOC custody may renew or request a duplicate valid driver license or state Identification card in accordance with DOC policy 1.1.A.7 [Inmate Identification Procedures](#).

### 2. Inmate Operation of Vehicles:

- A. The following inmates are not eligible to operate a vehicle outside the security perimeter of a DOC institution (on or off a public roadway):
1. Any inmate convicted of vehicular battery, vehicular homicide, hit and run with injury or theft of a motor vehicle (See SDCL §§ [32-23-4](#), [32-23-4.6](#), [32-23-4.7](#) and [32-34-5](#)).
  2. Inmates with a history of reckless or irresponsible behavior while operating a motor vehicle, including a history of multiple or significant traffic offenses or citations, may be prohibited by DOC staff or work supervisors from operating a motor vehicle.
  3. Inmates with an escape history on their current booking.
- B. Inmates may operate motor vehicles outside the security perimeter of a DOC institution only after receiving prior authorization by designated DOC staff and the work supervisor.
- C. Inmates may operate designated state vehicles inside the security perimeter of a DOC institution only after receiving specific authorization by the Warden or designee. A state vehicle includes any vehicle owned, leased, rented or borrowed by the state. Inmates authorized to operate a state vehicle:
1. May not have committed a high-level offense in custody within the 6 months prior to the authorization to operate a state vehicle.
  2. May not be currently serving a sentence for a vehicle related accident or crime involving the theft of a vehicle.
  3. May not have any known medical restriction or limitation that would limit or otherwise hinder the inmate's ability to safely and effectively operate a motor vehicle.
- D. Inmates participating in Work Release must secure advance approval from the respective Warden or designee, prior to operating any motor vehicle requiring a driver license on a public roadway (See DOC Policy 1.5.A.5 [Work Release](#)). Unit staff will verify the work release inmate has a valid driver license by reviewing the list on the M-drive and update the status of the driver license in COMS.

1. Work Release inmates authorized to operate a motor vehicle on a public roadway must be able to provide proof of adequate insurance coverage or be an insured/insurable operator of the vehicle under an existing insurance policy attached to the vehicle, as required by State law (See SDCL § [32-35-113](#)).
- E. Inmates will obey all local, state and federal traffic laws. Inmates are legally and financially responsible for all citations, fines and summons received for offenses associated with the operation or access to a motor vehicle. Inmates are responsible for damage caused to property and/or motor vehicles through acts of willful recklessness or negligence associated with operation or access to a motor vehicle.
1. Violation of traffic laws or institutional rules or directives associated with or otherwise related to the operation or access of a motor vehicle may result in suspension or revocation of the inmate's authorization to operate a motor vehicle.
  2. Staff supervising the inmate shall report any known violations or infractions of traffic laws by an inmate directly to the DOC, including expiration of the inmate's driver license.
  3. Inmates must wear seat belts when operating or occupying a motor vehicle (if so equipped) on a public roadway, in accordance with SDCL § [32-38-5](#).
- F. Inmates may not operate motorcycles, mopeds, motorbikes, dune buggies, snowmobiles, or motor homes, on or off public roadways.
- G. Work supervisors will ensure each inmate operating a vehicle receives any necessary vehicle-specific training prior to operating the motor vehicle.
- H. Inmates will drive motor vehicles from point to point, without deviation from the most direct route, or as instructed by their work supervisor. Inmate operation of a motor vehicle shall be for approved and official purposes and not for personal use or pleasure.

### **3. Community Service Inmates:**

- A. The following guidelines apply specifically to inmates approved for the Community Service Program (See DOC Policy 1.5.A.6 [Community Service Program](#)):
1. Operation of a motor vehicle is restricted to official, approved business and for approved purposes only. Operation is limited to the grounds of federal, state and local government property or the grounds of non-profit organizations, unless otherwise approved by the Director of Community Service, Warden or designee.
    - a. Community Service inmates will not operate motor vehicles on public roadways, with the exception inmates may operate motor vehicles on public roadways located within the confines or boundaries of federal, state or local government property, or public roadways directly adjacent to the boundaries of federal, state or local governmental property.

### **4. Community Transition Program (CTP):**

- A. CTP offenders (phase 2), with prior authorization from the unit manager and/or parole agent, may operate and park personal vehicles on state owned or leased property, for authorized and legitimate purposes.

- B. CTP offenders must have a current and valid driver license to operate a motor vehicle. All authorized personal vehicles which the offender may operate or park on state owned or leased property must have proof of current registration and vehicle insurance, in accordance with applicable state law.
- C. A CTP offender's personal vehicle is subject to search by DOC staff. Search may be conducted provided the following are met:
1. With written or verbal consent by the offender or supervising parole agent.

## V Related Directives:

SDCL §§ chapters [32-12](#), [32-23](#) and [32-34-5](#), [32-35-113](#), [32-38-5](#).

DOC policy 1.1.A.7 -- [Inmate Identification Procedures](#)

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

DOC policy 1.5.A.6 – [Community Service Program](#)

## VI Revision Log:

**December 2004:** New policy.

**November 2005:** **Changed** third offense or fourth offense DWI to third or subsequent DWI offense.

**Added** reference to SDCL § 32-23-4.7. **Deleted** reference to house trailers.

**January 2006:** **Changed** policy name and policy statement. **Added** a reference to DOC policy 1.4.

B.2. **Changed** driver license requirements for Community Service inmates. **Added** an exception from possessing a driver license for inmate's operating a vehicle inside a security perimeter.

**Revised** the definition of vehicle to exempt lawn mowers. **Added** a definition for security perimeter.

**Clarified** that an inmate cannot ever have had certain driving violations in order to be approved to operate a vehicle. **Removed** the requirement that the valid and proper driver license must be issued from the State of South Dakota.

**January 2007:** Minor style and format changes throughout the policy. **Revised** the definition of Security Perimeter.

**January 2008:** **Revised** the driver licensing requirements for inmates who operate a vehicle.

**December 2008:** **Revised** formatting of policy in accordance with DOC policy 1.1. A.2. **Deleted** trailers from the definition of vehicle. **Replaced** 30 days with 6 months in ss (A1) and **deleted** reference to institutional to read legal file in ss (A2) of Driver License Requirement to Operate a Vehicle. **Revised** ss (C) to state that the Warden must authorize an inmate to use a State vehicle and **added** ss (C1) both within Inmate Operation of a Vehicle. **Replaced** SDCL 22-16-42 with 22-18-36 and **added** SDCL 32-23-4.7 to Section V.

**December 2009:** **Added** reference to Attachment 1 in ss (F2) and **added** Note all within Driver License Requirement to Operate a Vehicle. **Added** Attachment 1. **Added** hyperlinks.

**December 2010:** **Removed** "Note" in ss (F2) **Added** reference to SDCL 32-35-113 to ss (D2) Inmate Operation of a Vehicle.

**February 2012:** **Added** "and producing all documents required by the licensing office relative to applying for and receiving a state driver's license" to Section 1 B. 3. **Deleted** C. "Unit staff will not approve any inmate for testing who has had his/her driver license privileges suspended, revoked, disqualified or canceled in South Dakota or any other jurisdiction." in Section 1. **Renumbered** subsections that follow. **Deleted** "and his/her" and **Replaced** with "The Unit Manager shall contact the inmate's" and "to verify the inmate's need for a driver license other than a Class 1" to Section 1 D. 1. **Deleted** "arrange for" and **Replaced** with "approve" in Section 1 E. 3. **Deleted** "The decision on retesting will be made by" and **Replaced** with "in accordance with the State Driver Licensing office and approval by" to Section 1 F. **Deleted** 1. "Any inmate who has had his/her driver license privileges suspended, revoked, disqualified or canceled in South Dakota or any other jurisdiction." In Section 2 A. **Deleted** "motorized" in Section 2 C. 1. **Added** "as part of their employment" in Section 2 D. and D. 1. **Deleted** "wishes" and **Replaced** with "is authorized" in Section 2 D. 2. **Deleted** 3.

“An inmate housed at a contractual facility may be permitted to drive a personal vehicle if doing so does not conflict with any rules or regulations of the contract facility” in Section 2 D. **Added** “with the exception that inmates may operate vehicles on public roads located within the confines or boundaries of federal, state or local government property, or public roads directly adjacent to the boundaries of federal, state or local governmental property.” to Section 2 E. 1. a. **Added** “public roads adjacent to the boundaries of said property” to Section 2 E. 2. b.

**January 2013: Deleted** 1. “Unit staff will verify inmates have a valid and proper driver license every six months through a law enforcement teletype check. Documentation of these checks will be kept in the inmate’s institutional file” in Section 1 A. **Deleted** (if in his/her possession) and **Deleted** “unit manager determines the inmate must possess the license as part of his/her job. Any other inmate use of his/her driver license must be approved by the Unit Manager” and **Replaced** with “assigned to the Community Service program, Work Release or CTP” in Section 1 A. 2. **Deleted** “if staff determines this is in the best interest of the DOC” and **Replaced** with “must receive approval by unit staff prior to renewing or applying for a license” in Section 1 B. **Added** “And who are or will be eligible for Community Service, Work Release or the CTP” and **Added** “are within six months of release to parole supervision/final discharge” in Section 1 B. 2. **Added** “while in the custody of the DOC” in Section 1 C. **Added** G. in Section 1 and **Renumbered** H. to G. **Deleted** “does not possess a valid and proper driver license” and **Replaced** with “has not been issued a valid and proper driver license or who does not have their license in their possession” in Section 2 A. 2. **Added** 3. to Section 2 A. **Deleted** “while on Work Release” in Section 2 D. 1. and in Section 2 D. 1. a. and b. **Deleted** “a vehicle on Work Release” and **Replaced** with “for employment purposes” in Section 2 D 2. **Added** “in the custody of the DOC” in Section 2. E. 3.

**December 2013: Added** definition of “Public Highway” **Deleted** definition of “Licensed Vehicle” **Added** “In addition to the requirements set forth in SDCL regarding the operation of a vehicle, it is the policy of the DOC to require” in Section 1 A. **Added** “certain designated” to Section 2 C. **Added** “Work Release” and **Deleted** “DOC or authorized contractual personnel (jail or halfway house staff)” and **Added** “on a public roadway” in Section 2 D. **Deleted** “for employment purposes” and **Replaced** with “on a public roadway” in Section 2 E. **Added** “by the Warden” and **Deleted** “for employment purposes” and **Replaced** with “on a public roadway” and **Added** “or insurable” to Section 2 E 2. **Deleted** b. and c. in Section F. 2.

**May 2014: Deleted** definition of “Vehicle” and **Replaced** with new definition. **Deleted** “In addition to the requirements set forth in SDCL regarding the operation of a vehicle it is the policy of the DOC to require any inmate authorized to operate a vehicle outside of the security perimeter to have a valid and proper driver license” and **Replaced** with “Any inmate operating a motor vehicle which by state law requires a driver license to operate will have a valid and proper drive license in his/her immediate possession when operating the vehicle” in Section 1 A. **Deleted** 2. “Inmates are responsible for informing unit staff if their driver license is expired and/or within six (6) months of expiration on the license” in Section 1 A. **Deleted** “prior to allowing the inmate to operate any vehicle in a manner which requires the inmate to have a valid and proper driver license” in Section 1 A. 1. **Added** a. to Section 1 A. 1. **Added** new Section 2 “Application and/or Renewal of an Inmate Driver License” **Added** 4. to Section 2 A. **Deleted** “has been” and **Replaced** with “currently” and **Added** “or who is currently ineligible to receive a driver license” in Section 2 B. **Added** “The DOC is not responsible for lost or misplaced inmate driver licenses” in Section 2 F. **Deleted** H. “Possession of a driver license by an inmate must be approved by the Unit Manager” in Section 2. **Added** “or is otherwise prohibited from operating a vehicle by state law (revoked or suspended license)” in Section 3 A. **Deleted** “a third or subsequent DWI offense” in Section 3 A. 1. **Deleted** 2. and 3. in Section 3 A. **Deleted** “state” and **Deleted** “grounds if they have a valid and proper driver license and have” in section 3 B. **Added** “and/or the work supervisor” in Section 3 B. **Deleted** 2. and 3. **Deleted** E. “Any inmate who operates a vehicle on a public roadway must have a valid and proper driver license in their possession while operating the vehicle.” in Section 3. **Deleted** 1. in Section 3 E. **Added** new E. and 1. and 2. to Section 3. **Added** G. and H. to Section 3. **Added** “(engaged in maintenance or other work assignments)” in Section 4 A. 1.

**January 2015:** **Added** "Minimum and Low Medium custody level" and **Added** "parolees assigned to the" and **Deleted** "or who are within 6 months of release to parole supervision or final discharge" in Section 2 A. 1. **Added** 2. to Section 2 A.

**December 2015:** **Added** "by DOC staff or the supervisor" to Section 1 A. 1. a.

**December 2016:** **Added** 3. to Section 3 E.

**April 2018:** **Deleted** Section 2 regarding driver licenses.

**September 2018:** **Added** "theft of a motor vehicle" to Section 2 A. 1. **Added** 1-3 to Section 2 c.

**Added** Section 4. Minor language revisions.

**February 2019:** **Added** Section 4.

*Mike Leidholt (original signature on file)*

Mike Leidholt, Secretary of Corrections

02/27/2019

Date