

## 1.5.D.1 Inmate Visiting

### I Policy Index:



**Date Signed:** 01/10/2020  
**Distribution:** Public  
**Replaces Policy:** 5D.4  
**Supersedes Policy Dated:** 08/12/2019  
**Affected Units:** All Institutions  
**Effective Date:** 01/10/2020  
**Scheduled Revision Date:** October 2020  
**Revision Number:** 12  
**Office of Primary Responsibility:** DOC Administration

---

### II Policy:

The Department of Corrections (DOC) may promulgate rules, policies and procedures for inmate visits, pursuant to SDCL § 1-15-20. Inmates are eligible for visits with approved visitors, except where there is suspicion that such visitation may jeopardize security, safety or other legitimate penological interests of the DOC. Nothing within this policy or its application may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.

### III Definition(s):

#### **Attorney of Record:**

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

#### **Class I Visit:**

A visit conducted in a visiting room or designated visiting area of a facility, during which limited physical contact is allowed between the inmate and the visitor. Conjugal visits are not allowed at SD DOC facilities (See ARSD 17:50:02:04).

#### **Class II Visit:**

A visit conducted in a facility where the inmate and visitor(s) are physically separated from one another by a physical barrier. Often this is conducted in a secured glassed-off area located within the visiting room at a facility. No physical contact between the inmate and visitor is allowed during Class II visits (See ARSD 17:50:02:04).

#### **Clergy:**

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

**DOC Staff:**

Any person employed by the DOC, full or part time, including an individual under contract assigned to the DOC, an employee of another state agency assigned to the DOC, authorized volunteers and student interns.

**Ion Mobility Spectrometry (IMS):**

Also referred to as an Ion Scanner. A non-intrusive search tool used to detect the presence of identified substances within objects or on a person. Ion scanners are trace detecting devices that measure deflection of particles exposed to an electronic field.

**Judge:**

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

**Recognized News Media:**

Includes those personnel that regularly carry or deliver news to the general public on a regular and consistent basis in print, electronic or digital format. Includes broadcast and written medium.

- A. General circulation newspapers, which meet the requirements to be a legal newspaper, as outlined in SDCL chapter 17-2 –Notice and Publication.
- B. Radio or television stations or television network holding an FCC license that regularly carries or delivers news to the public as part of its service.
- C. Periodical newsmagazines sold through newsstands or mail subscriptions to the public.
- D. National/International news services that regularly carry or deliver news to the public.

Upon receipt of a letter of verification from the media outlet represented, free-lance reporters, talk show hosts, internet news services, authors or documentary film directors/ producers may be considered on a case-by-case basis. Nothing in this definition is intended to remove or limit the DOC's discretion to determine and define recognized news media.

**Special Visit:**

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

**Visit:**

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

**IV Procedure(s):**

**1. Application and Verification:**

- A. New admission inmates are provided basic information regarding visitation while in the Admission and Orientation (A&O) unit (See ACA #4-4285 and #4-4499).
  - 1. Inmates returned to DOC custody after release or discharge must complete a new *Visit List Verification* form for each visitor. Each visitor must have a new NCIC background check completed. Previous visit lists that may exist for the inmate may not be reactivated upon return of the inmate to

DOC custody. Each approved visitor must be added to the to the inmate's approved list prior to the visit.

- B. Inmates may request to add visitors to their visit list while in A&O.
  - 1. Inmates in A&O may request and receive visits from their Attorney of Record or clergy, with approval from designated DOC staff.
- C. Inmates may request to have visitors added to their approved visit list by completing the *Visit List Verification* form (See [Attachment 1](#)). A *Visit List Verification* form must be completed for each prospective visitor.
  - 1. To protect personal identity information (PII), all perspective visitors have the option of completing the required form and sending the form directly to the institution/institution staff. The form and mailing addresses for DOC institutions housing adult offenders is available on the DOC website at <http://doc.sd.gov/adult/facilities/>. Forms may also be mailed directly to the inmate, who is then responsible for turning in the form to staff for processing.
    - a. Inmates may send the *Visit List Verification* form to their perspective visitor through the inmate correspondence system, or the visitor may access the form from the DOC website.
    - b. Personal identity information (PII) provided on the *Visit List Verification* form will not be released by the DOC to the inmate.
- D. *Visit List Verification* forms must be received at the institution sufficiently prior to the visit to allow for processing. Visitors and inmates should allow up to 15 business days from the date the form is received for processing. The inmate will be notified by staff of the status of the request. Inmates are responsible for notifying visitors of the decision.
- E. Persons wishing to visit an inmate must contact the inmate directly. Inmates must request the visitor be added to their visit list. Visitors are not permitted to request to be added to an inmate's visit list. Inmates may refuse any visit. Visitors should contact the inmate to confirm they are on the inmate's approved visit list prior to scheduling a visit.
- F. To locate where an inmate is housed, visitors may utilize the offender locator, which is available on the DOC website <http://doc.sd.gov/adult/lookup/>, or call the DOC Administration Office at (605) 773-3478 during normal business hour, or the institution.

## 2. Eligible Visitors:

- A. Persons on parole, probation or other forms of conditional release (community program, alternative sentence or furlough), and those with pending criminal charges, are generally not eligible for contact visits with an inmate. Inmates may request video visitation with such persons. The video visit is subject to approval by the Warden, Deputy Warden or designee.
- B. Approved minor children (under the age of 16), must be directly supervised by an accompanying, responsible adult on the inmate's visit list, or other person approved by the Warden, Deputy Warden or designee. Minors are not eligible for visits with an inmate if the following circumstances exist:
  - 1. The institution is notified or made aware of a court order (including any current protection order) prohibiting visits between the minor and the inmate.
  - 2. The institution is notified the parental rights of the inmate have been terminated.

3. The inmate is a sex offender (see Section 13 of this policy).
  4. The minor is known by staff to be a victim of the inmate, unless the visit is supported by the court.
  5. The minor is not a "child" of the inmate, as described in H. below. Inmate requests to add a minor visitor to their visit list who is not the inmate's child must be approved by the Warden, Deputy Warden or designee.
- C. Persons with a past criminal record are not automatically excluded from contact visits with an inmate.
1. Persons convicted of a felony, including those serving a Suspended Imposition of Sentence (SIS), may be eligible for visits after one (1) year has elapsed since the sentence was discharged. The Warden or designee may waive or modify this waiting period, provided the crime(s) was non-violent, as defined in state statute. Certain restrictions may apply, such as limited or no contact visits or restricted to video visitation only.
  2. Persons convicted of a class 1 misdemeanor may be required to wait up to 90 days after expiration of the sentence before being considered for visits with an inmate. The Warden, Deputy Warden or designee has authority to restrict or deny visitation with any person convicted of a misdemeanor that may present a risk to the safety and security of the institution. Examples include but are not limited to, drug offenses or offenses involving violence or assault. Certain restrictions may apply to the visit, such as limited to video visitation only.
  3. The Warden, Deputy Warden or designee will review the nature and extent of the person's criminal history.
    - a. Persons with pending felony charges, those under felony indictment, or those with active warrants, may be considered for visitation only AFTER disposition of the pending action. Appropriate documentation from the court or other authority documenting the disposition may be required.
  4. Subsequent background checks may be conducted on approved visitors on a periodic basis, or as deemed necessary. A new *Visit List Authorization* form is required prior to conducting a subsequent background check on a visitor.
  5. Persons with a criminal history that includes charges or convictions for introduction of contraband into a correctional environment/facility or aiding in the escape or attempted escape of an inmate from secure custody, may be considered for video visits only, and only after approval by the Warden or Deputy Warden. Decisions shall be made on a case-by-case basis. Certain restrictions or conditions may apply.
- D. The Warden has authority to approve, restrict, limit or deny inmate visits.
- E. For the safety of staff, inmates and the public, the Warden, Deputy Warden or designee may restrict, deny or terminate the visit privileges of any person who presents a threat to the safety or security of the institution, staff, inmates or public; or whose presence is contrary to the legitimate penological interests of the DOC.
- F. Former DOC staff are not eligible to visit an inmate, unless there is reasonable cause to support approving the visit. Permitting the visit must be consistent with the legitimate penological interests of the DOC. The Warden or Deputy Warden shall make this determination on a case-by-case basis. If the request is denied, the inmate may submit a second visit request only after one year has passed following the denial. Approved visits may be limited to video visitation.

1. Former staff who were terminated or resigned in lieu of termination for inappropriate relations with an inmate, those who committed sexual abuse or sexual harassment of an inmate, and those who introduced or attempted to introduce Class A contraband into a DOC facility housing inmates or aided or attempted to aid an inmate in escape are not eligible for visits.
- G. Eligible visitors include the following (See ARSD 17:50:02:01):
1. Spouse (some exceptions may apply to former DOC staff who marry an inmate);
  2. Children (biological, step, legally adopted);
  3. Parent (biological, step, legally adopted);
  4. Brother;
  5. Sister;
  6. Step-brother;
  7. Step-sister;
  8. Grandchild;
  9. Half-sister;
  10. Half-brother;
  11. Grandparent;
  12. Great Grandparent;
  13. Mother-in-law;
  14. Father-in-law;
  15. Son-in-law (husband of an inmate's daughter);
  16. Daughter-in-law (wife of an inmate's son);
  17. Sister-in-law (spouse of the inmate's brother or sister);
  18. Brother-in-law (spouse of the inmate's brother or sister);
  19. Aunt;
  20. Uncle;
  21. Legal guardian;
  22. Attorney of Record;
  23. M-2/W-2 sponsor;
  24. AA or NA sponsor;
  25. Recognized News Media;
  26. Clergy (does not include clergy issued a DOC pink tag) and
  27. Friends (maximum of 4)
- H. A person will be considered the "spouse" of an inmate only if the marriage is consistent with state law (See SDCL §§ [25-1-1](#), [25-1-30](#) and [25-1-38](#)). "Spouse" does not include fiancées. The state of South Dakota does not recognize common-law marriage. If staff question whether a person is the "spouse" of the inmate, the inmate is responsible for providing verification of legal marriage to the person.
- I. DOC staff may be eligible for visits with an incarcerated family member with approval from the Warden or Deputy Warden. Staff are not eligible to visit an inmate as a "friend". Volunteers and visitors are not permitted to be on an inmate's approved visit list.

### 3. Visit List:

- A. A list of each inmate's approved visitors and any subsequent changes made to the inmate's visit list shall be entered and maintained by designated DOC staff in the Comprehensive Offender Management System (COMS). Visit lists are intended for system-wide utilization and access by staff for the duration of an inmate's uninterrupted incarceration.

1. Inmates discharging or releasing from DOC custody are required to initiate a new visit list upon re-admission to a DOC institution. All visitors must complete a *Visit List Verification* form. Previous visit lists may not be reactivated upon return of the inmate.
  2. Inmates transferred to another DOC institution may have their visit list reviewed upon transfer.
  3. An inmate's approved visit list will be terminated and no longer valid when the inmate is released from confinement, is deceased or placed on escape status.
  4. Inmates and visitors are responsible for the accuracy of all information provided during the visit request process. The institution should be notified of changes in a visitor's visit information, such as name change from marriage, new address, etc.
- B. Inmates will be provided written notification of all actions affecting their approved visit list (additions, deletions, denial, suspension, termination, limitation).
- C. All visits received by an inmate from a visitor must be recorded in COMS. Includes all special visits. If a visitor is not in COMS on the inmate's approved visit list, they must be added to the visit list.

#### **4. Visitor Identification:**

- A. Each visitor is required to provide a valid (not expired or canceled) government issued photo ID to control room staff prior to entering the institution. Children under the age of sixteen (16) may be exempt from this requirement; however, other documentation may be required to verify the child's identity. Failure or refusal to provide a government issued photo ID prior to entry is grounds for denial.
1. Acceptable forms of government ID include a driver license, passport, state issued ID, student ID, tribal ID, military ID, U.S. Department of Justice Immigration and Customs Enforcement (ICE) ID. The ID must include an expiration date and photo of the holder.
  2. If a child under the age sixteen (16) does not have a government issued photo ID, an original or certified true copy of the minor's birth certificate, certificate of adoption, social security card or court order establishing paternity, may be required. Exceptions may be made for children under the age of five (5), who are waiting for receipt of a birth certificate or social security card. Once received, the documentation must be presented to the facility.
- B. Female visitors wearing a scarf or veil as a religious or cultural face covering are required to remove the covering in a private area in the presence of a female staff member to positively identify the visitor with their photo ID prior to entrance to the institution. The visitor may reapply the scarf or veil following positive identification by staff. Visitors wearing a medical mask for medical reasons will be required to temporarily remove the mask to verify their identity and may reapply the mask.

#### **5. Attorney of Record and Recognized Officials:**

- A. Attorneys, judges, the Chief Justice, Justice of the Supreme Court, Governor, current legislators, parole board members or other recognized federal or state officials (VIPs) may be exempted from a criminal background check by the Warden or Deputy Warden, provided the person's identify and standing can be verified.
1. Attorneys entering the institution for an Attorney of Record visit should be prepared to present a valid "Certificate of Membership" (State Bar card) AND a valid government photo ID (See ARSD 17:50:02:21). If the attorney is not able to produce a valid State Bar card and photo ID, the

attorney is subject to a criminal background check and approval by the Warden or Deputy Warden prior to admittance to the institution.

- B. Any request by an inmate for an Attorney of Record visit, which shall include a representative of the attorney i.e. paralegal or another attorney from the same firm, outside the scheduled visitation hours or days set by the institution, must submit the request at least one full business day prior to the visit.
  - 1. Visits with an attorney who is not the inmate's Attorney of Record are limited to regular visit days and times, unless otherwise approved by the Warden, Deputy Warden or designee. Inmates may request to add an attorney to their approved visit list or request a special visit with the attorney.
    - a. Attorney visits outside normal visit hours may be approved based on the existence of extenuating circumstances, such as an imposed deadline for filing or a hearing date. Extenuating circumstances will be considered on a case-by-case basis.
- C. Judges, the Chief Justice, Justices of the Supreme Court, the Governor, current legislators, parole board members or other recognized state and federal officials (VIPs), may request to visit an inmate at any time and are not required to be on the inmate's approved contact list. The request will be immediately forwarded to the Warden or Deputy Warden. The inmate must consent to the visit. The visit will be accommodated, provided it does not pose a risk to safety or security, or is contrary to the legitimate penological interests of the DOC.
  - 1. Judges, the Chief Justice, Justices of the Supreme Court, the Governor, legislators, parole board members or other recognized state and federal officials (VIPs) will be provided the *Visit List Guidelines* sheet prior to the visit.
- D. Inmates who are a citizen of a foreign country, as determined by central records staff, shall be permitted to visit with a consular representative of the inmate's country on matters of legitimate business. The visitor must have proof of identity and position.
- E. Approval of visits outside scheduled visitation times and days for any of the above officials will be based on staff and inmate availability.
- F. All approved VIP visits must be recorded in COMS. The visitor must be added to the inmate's visit list to document the visit.
- G. An attorney may only visit one inmate at a time, unless prior authorization to visit multiple inmates at the same time, has been granted by the Warden, Deputy Warden or designee (See ARSD 17:50:02:23). Attorneys are not allowed to visit non-identified/specified inmates. Example, "all maximum-security inmates", or "any inmate wishing to meet with an attorney". Attorneys must specifically identify the inmate(s) they wish to meet with by name and/or prison ID number prior to the visit.
- H. Items or materials accompanying an attorney, paralegal or other representative of a legal firm, judges, the Chief Justice, Justices of the Supreme Court, Governor, current legislators, parole board members or other recognized state or federal officials (VIPs) during a visit are subject to search by DOC staff (See ARSD 17:50:02:24). Legal documents that are case specific may be inspected for contraband by DOC staff but not read.
  - 1. Items and materials may not be transferred to an inmate from a visitor during visits without prior authorization and approval by the OIC.
  - 2. Documents must be paper, no CD's DVD's, flash drives or other data storage devices may be transferred to an inmate. Any accompanying photograph or recording made during the visit must

be relevant to the pending or prospective lawsuit, judicial or administrative proceeding or official business. Limitations may apply to staples, paper clips, etc.

3. No photograph or recording (audio or video) may be made during a visit without specific, prior approval from the Warden, Deputy Warden or designees. Requests to record the visit or inmate must be submitted in advance of the visit by the visitor with an explanation of the purpose of the recording.
  - a. No inmate may be photographed or recorded without his/her consent.
  - b. Approved cameras and recorders are subject to inspection and stipulation on the time, place and manner of use, as deemed necessary by staff to preserve security, safety, privacy and other legitimate penological interests of the DOC.
- I. If an attorney or representative of the attorney is not the inmate's Attorney of Record, staff may consult with the DOC attorney prior to approving the person for a special "attorney visit". The DOC attorney may attempt to identify if the inmate has an open legal case and eligibility of the attorney to visit.
  1. A representative acting on an attorney's behalf may be required to present a letter on official letterhead from the firm they are representing. The letter shall be signed by the Attorney of Record or authorized agent of the firm.
- J. Inmates are not required to accept attorney visits. If an inmate refuses an approved visit with an attorney, the inmate must sign the *Attorney Visit Refusal Form* (See [Attachment 2](#)). If the inmate refuses to sign the form, his/her refusal will be noted on the form by a staff member.
- K. Audio monitoring (either electronically or in-person) of attorney visits is not permitted. DOC staff may visually monitor attorney visits. A private visiting area will be made available to inmates for the purpose of discussing legal matters (See ARSD 17:50:02:06). Inmates may be restricted to non-contact visits with an attorney, based on risk and status.
- L. The Warden, Deputy Warden or designee may refuse admission of any attorney to a DOC institution; or may terminate, limit or suspend any attorney from visiting an inmate for failure to comply with state law, DOC policy, visit rules or other cause (See ARSD 17:50:02:25).

## **6. Clergy and Media Visits:**

- A. Clergy not assigned a DOC volunteer ID badge may visit an inmate during normal visit times, or through a special visit request submitted by the inmate. A completed visit form and background check is required.
- B. Clergy may request a clergy card. The Cultural Coordinator will review documentation provided by the person to establish his/her standing or affiliation with a recognized religious organization. Clergy cards may be provided to qualifying clergy requesting to offer clergy visits or other religious services to inmates.
  1. Clergy must have a valid government photo ID and a complete a criminal background check prior to receipt of a clergy card.
  2. Clergy who have not completed volunteer training are limited to visiting inmates during regular visits, or the inmate may request a special visit.
- C. Inmates may visit recognized news media representatives during regular visit times. Media representatives must be on the inmate's approved visit list or approved through a special visit request



submitted by the inmate. Interviews conducted by recognized media representatives with an inmate during visits are subject to DOC policy 1.1.A.4 [Relationship with News Media, Public and Other Agencies](#) and the provisions of this policy. All rules pertaining to regular inmate visits shall apply. Special rules and limitations may apply.

1. Media representatives must complete a *Visit List Verification* form, criminal background check and present a valid government issued photo ID prior to admittance to the institution. Media may be required to present proof they are a member of recognized news media, as defined in DOC policy.
  2. Questions regarding inmate interviews or verification of recognized news media should be directed to the DOC Communications and Information Manager.
- E. Inmates are not permitted to bring unapproved property items (including paper documents) to visits without prior approval by the Warden or Deputy Warden.

## 7. Special Visit Requests:

- A. Special visits are visits between an inmate and an eligible visitor who is not on the inmate's visit list; or a visit with a eligible visitor who is unable to visit during regularly scheduled visit days or times; or a visit that requires special arrangements or accommodations not normally available during regular visit days and times; or a visit that is in response to a time sensitive matter, such as a visit with an attorney or a family emergency.
- B. A special visit may not be requested for persons who are ineligible for visitation.
- C. Special visits may be approved by the Warden, Deputy Warden or designated staff. Special visits must not present a threat to safety or security or contradict the legitimate penological interests of the DOC (ACA 4-500). Inmates are permitted a maximum of four (4) special visits per year. For the purpose of this policy, a "year" is defined as January 1 to December 31.
- D. The inmate requesting the special visit must complete and submit a *Special Visit Request* form (See [Attachment 3](#)). Each prospective visitor, regardless of age, must be included on a *Special Visit Request* form.
  1. Prospective special visitors who choose not to share their personal identification information with the inmate may complete the *Special Visit Request* form available on the DOC website and return this to the facility in advance of the special visit.
- E. Special visit requests will normally be processed within two (2) business days of receipt. The inmate will be notified of the decision and the time and date set for the visit.
- F. All approved special visits must be recorded in the inmate's visit list in COMS.

## 8. Visiting Room Operation:

- A. The Warden may establish guidelines, rules and directives specific to visit room operation at the institution, consistent with this policy. Such information must be made available to inmates and the public sufficiently prior to visits. Visit room rules shall include at a minimum, the following:
  1. Visiting hours and days will be posted in a public area of the facility (ARSD 17:50:02:02). Visitors may contact the institution for specific information about visit times and days or visit the DOC website <http://doc.sd.gov/adult/facilities/> for details about visits at each institution. Some institutions

- require visitors to sign-up for visits in advance. This can be completed on-line through the DOC website.
2. Proper attire and conduct of visitors and inmates.
  3. Property items which visitors and inmates are allowed to possess during a visit and a list of common property items that are prohibited. The list(s) shall be posted in a public area outside of the visit room. Visitors found with prohibited items must store the item in the available lockers or secure the item in their vehicle.
  4. Staff assigned to supervise visits will maintain direct, visual supervision of inmates and visitors.
- B. Visits will be class I (contact) or class II (non-contact). Contact visits are conducted in an open, designated area of the facility. Inmates have no absolute or implied right to contact visits or privacy during regular visits.
- C. Non-contact visits (class II) are conducted in a secure area of the visit room, or other designated location at the facility that allows for physical separation of the visitor and inmate (See ARSD 17:50:02:04). Non-contact visits are generally limited to one (1) hour. An inmate's crime, disciplinary history, length of sentence and status may be considered when restricting an inmate to non-contact visits. Inmates placed on Class II visits may be restricted to video visits.
1. Physical contact during class 1 visits is generally limited to a brief kiss on the cheek or embrace and/or a hand shake at the beginning and/or end of the visit. The visitor and inmate may hold hands while seated, provided both hands remain visible to staff. Specific contact limitations may be applied to individual inmates or particular approved visitors on an inmate's approved visit list, as deemed necessary by the Warden or Deputy Warden.
  2. Inmates who are the parent, legal guardian or grandparent of an infant (under two years of age) may appropriately hold the infant, unless otherwise prohibited.
- D. Inmates are only allowed to visit with visitors on their approved visit list. Cross visitation or visiting with other inmates' visitors is not allowed.
- E. Inmates may be assigned to a seat or table. Inmates and visitors are subject to continuous video surveillance while inside the facility. Visits may be recorded.
- F. It is the policy of the DOC to comply with the provisions of the Americans with Disabilities Act, 42 U.S.C.A. Section 12101, et. Seq. ("ADA"). Qualified visitors with disabilities shall not be excluded from participating in visits. The DOC is not required, however, to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or results in undue financial and administrative burdens. The DOC is committed to providing reasonable accommodations to its visitors with disabilities. Depending on the nature of the accommodation request, advance notice of the requested accommodation may be required. Visitors with questions or requests concerning reasonable accommodation should contact the Facility ADA Coordinator by calling or writing the facility.
1. Any outside wheel chair, mobility aid or prosthetic accompanying a visitor to a visit is subject to search.
  2. Visit rooms shall have appropriate seating and space available for those requiring accommodation.
- G. Visitor participation in visits is strictly voluntary. The DOC shall take precautions to protect visitors participating in visits; however, the DOC is not liable for injuries caused by unforeseeable actions or conditions that may exist or occur which may result in injury.

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

## 9. Cancelled and Limited Visits:

- A. The number of visitors and inmates permitted in the visit room and the time allowed for visits (length of individual visits), may be limited. Visits may be limited by the Warden or Deputy Warden when conditions exist that may jeopardize the safety and security of the institution or staff (See ACA 4-4498). Examples include:
1. Adverse weather conditions.
  2. Issues with the building's heating, ventilating and air conditioning (HVAC) systems.
  3. Emergency construction projects that affect the area.
  4. Disruption of electrical, water or other necessary utilities.
  5. Disruption in essential computer applications necessary for the operation of visits, i.e. server. Intranet, COMS, etc.
  6. Emergency situations that may affect the security, safety or disciplined operation of the facility, i.e. lockdown.
  7. Medical quarantine, to control the spread of contagious disease.
- B. Scheduled visits may be cancelled by staff only after approval by the Warden or Deputy Warden.
- C. In the case of overcrowding within the visit room, individual visits may be limited. Consideration should be given to visitors who have traveled more than 250 miles, have not visited in the past 30 days, who are disabled and require special accommodations, have special travel challenges that makes returning for a visit difficult, and those visiting due to a family emergency (death or serious illness of a family member).
- D. Persons representing a potential health hazard (i.e., communicable disease) may be temporarily denied visitation or required to wear a mask.

## 10. Searches and Unauthorized Articles:

- A. All visitors are subject to search, including hand pat search by DOC staff (See DOC policy 1.3.A.5 [Searches - Institutions](#)). Space adequately designed to permit searching of visitors shall be available (ADA 4-4156). All personal belongings accompanying a visitor into the institution are subject to search. All institutions shall post a notice outside the visit area advising visitors they are subject to search.
- B. Hand pat searches will be conducted by trained staff of the same sex as the visitor being searched.
1. Visitors who indicate to staff they are transgender, will be searched by a female staff member.

- C. Visitors who fail to successfully pass a metal detector search (an alert signal is activated), and those unable to submit to a metal detector search (upright walk-through or hand-held wand) for approved reasons, i.e. medical or mobility, are required to submit to a hand pat search.
- D. Visitors may decline to be searched at any time; however, refusal to consent to search will be cause for denial or termination of the visit, and possible suspension of future visitation privileges (See ARSD 17:50:02:08). Any visitor who refuses to be searched will be required to promptly leave the institution. Refusal to vacate shall be considered trespass.
  - 1. Minor children are subject to search. Children too young to walk through the metal detector alone may be carried through the detection area by the accompanying adult.
  - 2. Inmates and visitors are subject to search prior to entering the visit area, during visits and prior to departure from the visit area (See ARSD 17:50:02:08).
- E. DOC canine teams (See DOC policy 1.3.A.14 [Canine Teams](#)), Ion scanners or electronic devices designed to aid in the search process, may be used to detect the presence of controlled substances or narcotics.
- F. Any visitor participating in visits found in possession (includes ingestion) of alcoholic beverages or controlled substance(s), will have his/her visit privileges immediately terminated and the person shall be removed from the inmate's approved visit list. Visitors will not be detained by DOC staff; however, staff may contact local law enforcement.
- G. Visitors may not use or possess cameras, wireless microphones, micro-cameras or other types of visual or audio recording or photographic devices while attending visits, unless authorized in advance by staff. Use of hidden/concealed/undisclosed cameras or other recording devices while on DOC owned or leased property is strictly prohibited.
- H. No visitor may knowingly possess or cause to be present, any firearm or other dangerous weapon inside the secure perimeter of any DOC institution housing inmates. Only those persons specifically authorized to possess a firearm while within the secure perimeter of an institution owned or leased by the DOC may possess a firearm while inside the perimeter.
  - 1. Firearms stored in vehicles parked on property/grounds owned, leased or occupied by the DOC, must be secured as follows:
    - a. In a locked vehicle.
    - b. Stored in such a way that it cannot be identified as a firearm from outside the vehicle.
    - c. In accordance with South Dakota law.
- I. The exchange of any article between a visitor and inmate without prior approval by DOC staff is a violation of visit rules and may result in disciplinary action, limitation, suspension or termination of visit privileges, and criminal charges. The following SD state statute applies to all visitors:
  - 1. Any employee or other person who delivers or procures to be delivered, or possesses with the intention to deliver to any inmate in the state penitentiary, or deposits or conceals in or around any facility or place used to house inmates, or in any mode of transport entering upon the grounds of any facility or place and its ancillary facilities used to house inmates, any article which is unlawful for an inmate to possess pursuant to state law or the rules of the Department of Corrections, with the intent that any inmate obtain or receive such article, is guilty of a Class 6 felony (See SDCL § [24-2-22](#)).

2. Persons found to have committed such actions, or who have conspired to commit actions prohibited by SDCL § 24-2-22, will be removed from ALL DOC inmate visit lists.
- J. Inmates and visitors are not allowed to bring any items into or take any items out of the visit area without prior staff approval. DOC staff is not responsible for lost, damaged, stolen or misplaced visitor personal property items.
- K. Inmates are subject to a strip search before and after visits. Any inmate found in possession of contraband proximate to having participated in visits, may have his/her visiting privileges limited, restricted or denied.

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

- A. A visit may be immediately terminated or denied by DOC staff with authorization from the shift commander when a visitor or inmate's behavior jeopardizes safety or security (ACA 4-4498). The following is a list of behaviors that may result in terminated or denied visits (this is not intended to be an inclusive list) (See ARSD 17:50:02:05):
  1. Those participating in the visit are found in possession of alcoholic beverages, controlled drugs, unauthorized substance(s) or suspected to be under the influence of alcoholic beverages, controlled drugs or unauthorized substance(s).
  2. For any of reasons listed in Section 8 A. of this policy.
  3. Those participating in the visit refuse to submit to search, or are the subject of a canine alert, positive Ion scan reading or fail to clear a metal detector and wand search without reasonable explanation of the source of the alert.
  4. The visitor refuses or fails to produce an accepted form of photo identification, or presents identification suspected of being false, altered or expired.
  5. Failure by those participating in the visit to abide by rules, policies or directives.
  6. Refusal or failure to prevent children from disturbing other individuals in the visit room; or inflicting corporal punishment of any type upon a child; or engaging in loud and/or abusive language (language must be appropriate for a public place).
  7. Engaging in sexual touching or excessive physical, inappropriate or otherwise disruptive behavior or actions, which in the judgment of staff, interferes with visits or constitutes a safety or security risk.
  8. Leaving the visit area for any reason, other than as directed or approved by staff.
  9. Knowledge or evidence exists supporting a visitor or inmate has smuggled, attempted to smuggle or conspired/intended to smuggle contraband into or out of the institution, or left contraband in an area of the institution or grounds, or otherwise violated SDCL § 24-2-22.
  10. The visit is determined to have a detrimental effect on the inmate.
  11. The existence of harassing, abusive, assaultive or threatening behavior.
  12. Intentionally submitting or provided false information or statements during the application process. Includes receipt of information supporting the visitor is no longer eligible for placement on an inmate's visit list, i.e. new criminal conviction or pending criminal charges, court order.

13. Unacceptable dress and/or grooming.
  14. Minors (those under age 16) not accompanied by a responsible adult.
- B. Staff will document violations of the visit rules in an Informational Report and/or Disciplinary report. Revoked, terminated, denied or restricted status of an inmate's visits with a visitor(s) as a sanction to committing an offense, must be documented in COMS.
  - C. A visitor's visiting privileges may be denied for a period of time to be determined by the Warden or designee for cause.
  - D. Inmates may appeal revoked or denied visit privileges through Administrative Remedy process (See DOC Policy 1.3.E.2 [Administrative Remedy for Inmates](#)).
  - E. If circumstances allow, staff will verbally explain to the inmate and/or visitor why the visit has been revoked, terminated or denied.
  - F. If a visit is terminated, the visitor shall promptly exit the institution and the inmate will be escorted from the visit room by staff.

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

- A. The Warden or Deputy Warden may suspend a visitor's visit privileges for up to 90-days for cause. The visitor must be informed of the suspension. Written notice should include the reason/cause for the suspension and the start and end date of the suspension period. The reason/cause may be withheld, if in the opinion of the Warden or Deputy Warden, revealing the reason/cause may jeopardize security or safety.
- B. The visitor may appeal the decision by writing the Secretary of Corrections. The appeal must be received within fifteen (15) days of the decision to suspend the visitors visit privileges. The Secretary will respond in writing to the visitor within fifteen (15) days of receipt of the appeal. The Secretary's decision is final and is not subject to formal appeal.

## **13. Restricted Visits:**

- A. The Warden, Deputy Warden or designee may restrict the visits of any inmate presenting excessive risk, which may be supported by the inmate's conviction(s), victim demographics, nature of crime, length of sentence, status, assessment results, prior behaviors/history, non-compliance with rules, or other factors.
- B. Sex offenders who are not compliant with treatment, or who are determined by SOMP staff to present excessive risk, may be placed on class II visits or have their visits restricted, such as video visits.
  1. If a non-compliant sex offender chooses to participate in SOMP/STOP, he/she may request class I visits only after actively participating and remaining compliant with SOMP/STOP for three (3) consecutive months (as determined by SOMP staff).
  2. Sex offenders who are compliant with SOMP/STOP (as determined by SOMP staff), may receive class I visits if approved by SOMP staff and the Warden or Deputy Warden.
  3. Sex offenders whose sex crime involved a minor victim, may be denied visits with any minor, as recommended by SOMP staff and approved by the Warden or Deputy Warden.

- C. Inmates sentenced to capital punishment are limited to class II visits only (See DOC policy 1.3.D.2 [Capital Punishment Housing](#)).
- D. Inmates committing a prohibited act, or otherwise violating rules, policies or directives, may be sanctioned to restricted visits through the inmate discipline system (See SDCL §§
- E. All limitations of an inmate's visit privileges will include an effective date and end date (if applicable) and will be documented in COMS.
- F. Visiting privileges will not be limited or denied on the basis of race, religion, sex, national origin, or physical disability.
- G. If an inmate is limited to class II visits only, this may be applied to all visits, including clergy and attorney visits. Avenues to facilitate confidential conversation between the inmate and clergy or attorney shall be made available.

#### **14. Removal of a Visitor from the Inmate's Approved Visit List:**

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

#### **15. Visitation with a Hospitalized Inmate:**

- A. If authorized in advance by the Warden, Deputy Warden or designee, a hospitalized inmate may receive visits from eligible visitors, including the inmate's Attorney of Record or clergy (See DOC policy 1.4.E.12 [Inmate Hospitalization](#)). DOC staff shall directly supervise the visit. Hospital visits are limited to inmates with a life-threatening condition, birth of a child, or when the inmate is confined to the hospital for an extended duration of time. The inmate's custody level shall be considered.
- B. No visitor shall be permitted to remain with the inmate past the time approved by the DOC for the visit, regardless of hospital policy. Visits are limited to one hour, or less.
- C. Hospital visits are subject to the provisions of this policy, all directives or applied restrictions set by Warden or Deputy Warden, and applicable hospital rules.

## 16. Video Visits:

- A. The person must be on the inmate's approved visitor list or otherwise eligible for video visits. Judges, the Chief Justice, Justices of the Supreme Court, the Governor, legislators, parole board members or other recognized state official (VIPs) requesting a video visit with an inmate are not required to be on the inmate's visit list.
  - 1. Approved minors (under the age 16) must be supervised by a responsible adult who is eligible for visits or on the inmate's approved visit list for the duration of the video visit.
  - 2. If the video visit is only approved for the minor visitor, the responsible adult shall not visit with the inmate.
- B. Inmates will use the kiosks located in designated areas of the institution, as provided by the vender, to participate in video visitation. Video visits will be limited to the kiosk hours of operation, as determined by the Warden or Deputy Warden at each institution.
  - 1. Video visits will be scheduled on a first come, first served basis and scheduled for 20-minute increments. Visits may not exceed one hour in duration without approved exception. Video visits are typically provided in the visit room, during regular visits.
  - 2. Visitors may sign up for video visitation through the DOC website <http://doc.sd.gov/adult/facilities/>.
  - 3. Inmates on class II visits must request approval to participate in video visits.
- C. Visitors must provide their own equipment and the necessary internet connections to participate in video visitation. Visitors must contact the vender to set up a video visitation account.
- D. Conduct during video visits. The following is prohibited during video visits:
  - 1. Any display of nudity or sexually explicit behavior.
  - 2. Use or display of weapons, drugs, alcohol or related paraphernalia.
  - 3. Activity or display of graphics, signs or other paraphernalia associated with any security threat group/gang.
  - 4. Unlawful activity or depiction of unlawful activity.
  - 5. Recording or filming a visit by any visitor, participant or third party.
  - 6. Inappropriate dress. The visit dress requirements apply to video visits.
- E. Monitoring. All video visits are subject to monitoring and recording by the DOC. Staff may monitor inmates participating in video visitation and may review recorded video visits for compliance with policy and institutional rules. Staff have the authority to interrupt or terminate any video visit for cause. Approved attorney visits may be scheduled for video visitation. Attorney visits will not be monitored or recorded.
- F. Participation in video visits is strictly voluntary. Those participating have no expectation or right to privacy.
- G. Video visits shall be counted against the allotted number of visits permitted to the inmate. As applicable. Visitors may only schedule 1 video visit per day.



## V Related Directive(s):

SDCL §§ [1-15-20](#), [24-2-9](#), [24-2-22](#), [24-15A-4](#), [25-1-1](#), [25-1-30](#) and [25-1-38](#).  
ARSD 17:50:02:01, 17:50:02:02, 17:50:02:04, 17:50:02:05, 17:50:02:08, 17:50:02:21, 17:50:02:23,  
17:50:02:24, 17:50:02:25 and 17:50:02:26.

DOC policy 1.1.A.4 -- [Relationship with News Media, Public and Other Agencies](#)  
DOC policy 1.3.A.5 -- [Searches - Institutions](#)  
DOC policy 1.3.A.14 -- [Canine Teams](#)  
DOC policy 1.3.D.2 -- [Capital Punishment Housing](#)  
DOC policy 1.3.E.2 -- [Administrative Remedy for Inmates](#)  
DOC policy 1.4.E.12 -- [Inmate Hospitalization](#)  
DOC policy 1.5.F.4 -- [Inmate Religious and Cultural Activities](#)

## VI Revision Log:

Removed revisions from April 2003 to October 2009.

**October 2010:** Revised formatting of Section I. **Added** male or female to Attachment 1.

**December 2012:** **Added** definition of NCIC III and Clergy and DOC Staff. **Added** "and reviewed by designated staff. All visitors are" to Section 1 A. **Added** new B. "A list of each inmate's approved visitors shall be maintained in Citrix by designated DOC staff". to Section 1. **Renumbered** subsections that follow. **Added** "social worker" to Section 1. D. **Deleted** "allowed to visit" and **Replaced** with "disqualified from visiting" and **Deleted** "but may be approved for visitation by senior security staff" and **Replaced** with "Persons with a criminal record may be granted an exception to visit by the Warden or his/her designee" to Section 1 E. **Added** "With the exception of clergy and attorneys and (all adult DOC facilities) to Section 1 F. **Added** I. "Visitors who are not immediate family may be added to the inmate's approved visit list as a "friend". to Section 1. **Added** "who are accompanied by an approved visitor who is at least eighteen (16) years of age. to Section 2 A. **Added** "state issued ID" and "tribal ID" to Section 2 A. 1. **Added** "an acceptable form" to Section 3. C. **Deleted** "twelve (12) month period and **Replaced** with "year, which is defined as January 1<sup>st</sup> to December 31<sup>st</sup>" to Section 4. A. **Added** 1. "Additional special visits may be approved by the Warden or his/her designee" to Section 4. **Deleted** "at least four (4) working days prior to the visit" to Section 4 B. **Deleted** "people visiting an inmate and the length of visits" and **Replaced** with "visitors/inmates permitted in the visit room and/or length of visits may be imposed when the following occur" and **Deleted** "to prevent overcrowding" in Section 5 A. **Added** items 1-6 to Section 5 A. **Added** B. "Visits may be cancelled only after prior approval by the Warden or his/her designee" to Section 5. **Added** to Section 5. A. **Added** "Pat searches will be conducted by staff of the same sex as the visitor being searched. Searches may be conducted prior to the visitor entering the visit room, during the visit, or when leaving the visit area." to Section 6. A. **Added** 1. and 2. to Section 6 A. **Added** new B. "The use of a specially trained dog or Ion scanner may be used to detect the presence of controlled substances or narcotics and may be utilized at the entrance way of other designated areas of the visit room" to Section 6. **Renumbered** subsections that follow. **Added** "time a" "is" "of a controlled substance of suspected of being under the influence" and "possessing" to Section 6. C. **Added** 1. to Section 6. C. **Added** E. "DOC staff are not responsible for lost, damaged, stolen, misplaced visitor personal property items." to Section 6. **Added** 9. "The inmate refuses the visit, violates the rules pertaining to visits, or is removed from the visit room by staff due to being disruptive, for excessive physical contact with their visitor(s)." to Section 7. A. **Added** "or other reasons listed in Section 5 of this policy" in Section 7 A. 2. **Added** B. "Staff will document visits that are terminated as a result of the above circumstances occurring in an informational report of a Disciplinary report, if the visit was terminated as a result of an inmate committing a prohibited act" to Section 7. **Added** "or the Warden or his/her designee" to Section 8 A. **Deleted** "to security, safety or the disciplined operation of an institution" and **Replaced** with "due to assessment findings, prior behavior or history" **Added** Section 10 Visitation with Hospitalized Inmate. **Added** A. B.C. to Section 10.

**October 2013:** Combined institutional visit OM's into the policy and rescinded the facility visit OMs.

**November 2014:** **Deleted** "fifteen" and **Replaced** with "sixteen" in Section 1 A. 1. **Deleted** (2) and **Replaced** with (4) in Section 1 E. 26. **Deleted** A. "When a clergy leader requests to visit an inmate, he/she

must contact the facility's CAC or designated staff member" and **Added** new A. to Section 6. **Added** 1. to Section 13 B.

**July 2016:** **Deleted** "sixteen (16)" and **Replaced** with "eighteen (16)" in Section 1 A. 1. **Deleted** "complete the form and send this to" and **Replaced** with "request the inmate mail a form to them or request the form from the facility where the inmate is housed. Inmates shall be responsible for postage expenses associated with mailing the application" in Section 1 A. 2. **Added** "The form must be received by the facility sufficiently prior to the visit to allow for the necessary review, approval and placement of the visitor on the inmate's approved visit list" and **Deleted** "be treated as confidential" in Section 1 A. 3. **Deleted** "prospective visitors and notifying the visitor of the status of their Visit List Verification form ("approved" or "denied") and when the visitor has been added to the " and **Replaced** with "their visitor when the visitor has been added to their approved visit list" in Section 1 C. **Added** "and the person is an immediate family member of the inmate" and **Added** "The Warden may waive or modify this requirement" in Section 2 B. 1. **Deleted** "minimum of one year" and **Replaced** with "misdemeanor may be required to wait up to 90 days after completing jail time, term of probation or final payment of any fine before becoming eligible to visit an inmate. The Warden, Deputy Warden or designee has authority to restrict visitors convicted of misdemeanors presenting elevated risk, such a misdemeanor drug conviction, to class 2 visits" in Section 2 B. 2. **Added** 5. to Section 2. B. **Added** "A person identified as" in Section 2 C. **Added** "listing the reasons for the visitation" in Section 2 C. 1. **Added** 3. to Section 2 C. **Added** "or the person is an immediate family member of the inmate" in Section 2 D. **Added** 2. to Section 4 A. **Deleted** "An inmate's Attorney of Record may visit the inmate during scheduled visitation hours without prior notice" and **Added** "at least one business day" and **Added** "The attorney must present evidence of the attorney's license to practice law, i.e. Bar Card or other documents approved by the Warden or designee" and **Added** "Approval will be based on the existence of extenuating circumstances, such as an imposed deadline for filing of a hearing date. Circumstances will be considered on a case-by-case basis" in Section 5 B. **Deleted** "must request the visit in advance through unit staff" and **Replaced** with "visit shall take place during the scheduled visit time/day" in Section 5 C. **Added** language from Section 5 G. to Section 5 D. **Deleted** "not normally allowed" and **Replaced** with "may not" and **Added** "without authorization by the DOC staff member supervising the visit" and **Deleted** "The Deputy Warden or his/her designee may grant exceptions on a case by case basis" in Section 5 D. 2. **Added** "A private visiting area may be made available to the attorney and inmate for the purpose of discussing legal matters" in Section 5 G. **Added** new B. to Section 6. **Added** "requested by the inmate" in Section 6 A. 1. **Added** "Special visits are one-time visits between an inmate and person (adult or minor) who is not on the inmate's approved visit list. Special visits will be approved on the basis that the visit is in the best interest of the inmate and is not a threat to the safety, security and good order of the facility" in Section 7 A. **Added** "case by case basis" and **Added** "on the inmate's approved visit list" and **Deleted** "long distance" and **Added** "from their place of residence to the DOC facility" in Section 7 A. 2. **Added** 2. to Section 7 B. **Deleted** "until the health hazard is addressed" in Section 8 D. **Added** "by DOC staff trained to conduct searches" and **Added** "an alert signal is activated" in Section 9 A. **Deleted** "and the pat search must be authorized by the Warden" and **Replaced** with "or accompanying immediate family member" in Section 9 A. 4. **Deleted** "may" and **Replaced** with "will" and **Deleted** "or when the visitors are leaving the area and **Replaced** with "and may be conducted upon inmate and/or visitors prior to departure from" in Section 9 A. 5. **Deleted** "A specially trained dog" and **Replaced** with "DOC canine" in Section 9 B. **Added** "attending visits or on DOC grounds for the purpose of visiting an inmate" in Section 9 C. **Added** new D. to Section 9. **Added** 13. to Section in Section 8 C. **Deleted** "suspended" in title of Section 10. **Added** a. to Section 10 A. 1. **Added** "with authorization from the shift commander" in Section 10 A. **Added** "or is subject to a canine alert, positive Ion Scan reading or fails to clear a metal detector search" in Section 10 A. 3. **Added** "Inmates who commit an H or M prohibited act while attending visits will have their visit immediate terminated" in Section 10 A. 5. **Added** 14-17 in Section 10 A. **Added** C. to Section 10. **Deleted** "or when there is reason to believe a visitor has initiated activities that are intended to subvert facility security or has engaged in other suspicious and/or inappropriate conduct" and **Replaced** with "a visitor's visit privileges for up to 90-days per incident, or permanently terminate a visitor's visit privileges at that particular facility" in Section 11. A. **Added** "without reasonable explanation to support why the alert may be false" in Section 11 A. 1. **Revised** Section 13. B. and **Added** 1-3. **Added** D. to Section 13. **Added** "DOC staff shall be present at all times during the visit" in Section 14 A.

**August 2016:** **Added** definition of Recognized News Media. **Added** "All inmates housed in DOC facilities will be provided information regarding inmate visitation at that facility within 24 hours of arrival at the institution (See ACA 4-4285 and 4-4499)" in Section 1 A. **Added** "Visitors/inmates should allow up to 30 days after submitting a visitor application for the review and approval process" in Section 1 C. **Added** "Regardless of an accompanying adult, minors will not be permitted to visit if any of the following circumstances exist:" and **Added** 1-2 in Section 2 A. **Added** "for non-violent offenses" in Section 2 B. 1. **Added** "If the request is denied, the inmate may request to add the visitor after one year has passed following the denial" in Section 2 E. **Added** 24. Recognized News Media to list of approved visitors. **Added** I. to Section 2. **Added** "Legal documents may be given to the inmate after first being inspected, not read, by the supervising staff" in Section 3 E. 1. **Added** 2.-3. in Section 3 E. **Added** 1. to Section 3. F. **Added** B. to Section 4. **Added** "Media" and D. to Section 6. **Deleted** one-time visits between an inmate and visitor who is not on the inmate's approved visit list" and **Replaced** with "visits that occur when the regular visiting schedule cannot accommodate the visit or a visit that is an exception to the normal visiting rules" in Section 7 A. **Deleted** "the rules and guidelines that apply to regular visits" and **Replaced** with "approval and a criminal record check will be conducted by staff on all special visitors prior to admittance to the facility" in Section 7 A. 4. **Added** new 3. and 5-6. in Section 8 A. **Added** "embrace" and "at the beginning and/or end of the visit" in Section 8 A. 1. **Added** E. and F. to Section 8. **Added** new C. and F. to Section 11. **Added** 3. to Section 13 B. **Revised** Attachment 1.

**March 2019:** **Added** definition of "Judge". **Added** 1. and 2. in Section 1 A. **Added** D. and E. to Section 1. **Deleted** "All inmates are eligible for visits unless they have temporarily lost visit privileges due to disciplinary action" in Section 1 F. **Added** 4. to Section 2 B. **Added** new C. to Section 2. **Added** "The Warden or Deputy Warden may waive the requirement for a criminal background check when warranted" in Section 2 C. 3. **Added** "who presents a direct threat to the safety or security of the facility, staff, inmates or public or whose presence within the facility is contrary to the legitimate penological interests of the DOC" in Section 2 E. **Added** "Spouse does not include fiancée of the inmate" and **Added** "The state of South Dakota does not recognize common-law relationships" in Section 2 I. **Added** 1. to Section 3 A. **Added** "and an expiration date" in Section 4 A. 1. **Added** 3. to Section 4 A. **Added** "and Recognized State Official" to Section 5. **Added** "Judges, the Chief Justice, Governor, Legislators, parole board members or other recognized state official (VIPs) are not" in Section 5 A. **Added** "and/or representative i.e. paralegal or another attorney from the firm" in Section 5 B. **Added** C. to Section 5. **Added** new D. to Section 5. **Added** "and Recognized State Official" to Section 5. **Added** "Judges, the Chief Justice, Governor, Legislators, parole board members or other recognized state official (VIPs) are not" in Section 5 G. **Added** "or official business" in Section 5 B. 2. **Added** "A visit form is required" in Section 6 A. **Added** B. to Section 6. **Added** D. to Section 6. **Added** 2. to Section 8 A. **Added** "An inmate's crime, disciplinary history, length of sentence and status may direct that they receive only non-contact visits" in Section 8 C. **Added** "Specific contact limitations may be applied to individual inmates or particular visitors, as deemed necessary by the Warden or Deputy Warden" in Section 8 C. 1. **Added** F. to Section 8. **Added** new H. to Section 8. **Added** 7. to Section 9 A. **Added** C. to Section 9. **Added** "All institutions shall have a notice posted outside the visit area warning that all visitors are subject to being searched" in Section 10 A. **Added** "such as an implant or prosthesis (may require a letter from a medical doctor" in Section 10 C. **Added** "Any visitor who refuses to be searched will be required to promptly leave the institution. Refusal shall be considered trespass" in Section 10 D. **Deleted** "If the visitor is under the age of eighteen (16), verbal consent must be provided by the custodial parent, legal guardian or an accompanying adult prior to staff completing a hand pat search of the minor" and **Replaced** with "Children are subject to the same searches. Children too young to walk through the metal detector alone may be carried through by the accompanying adult" in Section 10 D. 1. **Added** "Only those persons specifically authorized to possess a firearm while in an institution owned or leased by the DOC may possess a firearm while inside the institution" in Section 10 H. **Added** 4. to Section 11 C. **Added** F. to Section 11. **Added** A. to Section 12. **Added** D. to Section 13. **Added** E. to Section 14. **Added** Section 16. **Revisions** to Attachments 1 and 2.

**January 2020:** **Deleted** reference to "Immediate Family Member" in Section 2. **Added** E. to Section 6. **Added** "Media may be required to present proof they are recognized media, as defined in DOC policy" in Section 6 C. 1. **Added** "or a visit that is in response to a time sensitive matter, such as a visit with an attorney" in Section 7 A. **Deleted** examples of a special visit (1-4) in Section 7 B. **Added** and the time and date set for the visit in Section 7 D. **Deleted** "the inmate's approved visit list" and **Replaced** with "all inmate

visit lists" in Section 10 I. 2. **Deleted** 1-4 (reasons to deny visit) in Section 11 C. **Deleted** "Warden" and **Replaced** with "Secretary" in Section 12 B. **Added** "non-compliance with rules" in Section 13 A. **Added** "Usually limited to inmates with a life-threatening condition, child birth or confined to the hospital for an extended duration of time. The inmate's custody level shall be considered" in Section 15 A. **Added** B. to Section 15. **Added** 2. to Section 16 A.

*Mike Leidholt (original signature on file)*

*01/10/2020*

Mike Leidholt, Secretary of Corrections

Date

## Attachment 1: Visit List Verification

The **Visit List Verification** form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Visit List Verification form.doc>

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

### VISIT LIST VERIFICATION

(to be completed by the inmate or applicant)

Inmate Name: \_\_\_\_\_ Inmate #: \_\_\_\_\_ Unit: \_\_\_\_\_ Cell #: \_\_\_\_\_

The following persons may be eligible to be placed on an inmate's visit list. All visitors are subject to a criminal history background check.

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

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

	Full Name & Gender	Relationship to Inmate	Date of Birth	Soc. Security #	Drv. Lic # & State of Issue	Physical Address (city, county, state & zip code)	Telephone Number	Approved or Denied
1.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____
2.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____
3.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____
4.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____
5.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____
6.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____
7.	_____ <input type="checkbox"/> Male <input type="checkbox"/> Female	_____	_____	_____	_____	_____	_____	_____

Staff Name: \_\_\_\_\_ Staff Unit: \_\_\_\_\_ Date: \_\_\_\_\_

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

Revised: 12/30/2019 Page 1 of 1

## Attachment 2: Attorney Visit Refusal Form

The *Attorney Visit Refusal Form* is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Attorney Visit Refusal form.doc>

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Attorney Visit Refusal Form Click <a href="#">here</a> to open DOC Policy 1.5.D.1 Inmate Visiting		
<b>ATTORNEY VISIT REFUSAL FORM</b>			
<b>Inmate:</b> _____	<b>ID #:</b> _____		
<b>Date of Refused Visit:</b> _____	<b>Time of Refused Visit:</b> _____		
<b>Attorney Name and Firm:</b> _____			
<b>Reason Refused (optional):</b> _____			
<input type="checkbox"/> At this time, I fully understand I am refusing this visit. I have signed this refusal form freely and voluntarily without inducement, assurance or guarantee being made to me and intend my signature to be a complete and unconditional indication of my refusal to accept this visit. I understand that this refusal shall not be binding to future visits and that a renewed <i>Attorney Visit Refusal Form</i> will be required for each refused visit.			
_____	_____	_____	_____
Inmate's Name (Print)	Inmate #	Inmate's Signature	Date
_____	_____	_____	_____
Staff Name (Print)	Staff Signature	Date	
<b>If the inmate refuses to sign, a staff member witness must sign and date.</b>			
_____	_____	_____	
Staff Name (Print)	Staff Signature	Date	
Revised: 03/08/2019		Page 1 of 1	

### Attachment 3: Special Visit Request

The **Special Visit Request** form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Special Visit Request.doc>

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

South Dakota Department Of Corrections Policy Distribution: Public		Attachment: Special Visit Request Please refer to DOC policy 1.5.D.1 Inmate Visiting	
<b>SPECIAL VISIT REQUEST</b> (To be completed by the inmate or applicant)			
Inmate Name:		ID #:	
Facility:		Unit:	Cell/Room:
<p>Special visits must be requested by the inmate in advance and are subject to approval by DOC staff. Special visits are for one full visiting period and must take place during regular visiting hours, unless otherwise approved. Special visits are limited to four (4) per calendar year.</p> <p>Applicants must provide complete information. Aliases or nicknames will not be accepted. Social Security numbers must be provided for all visitors age 18 or older to complete a criminal background check. Applications containing incomplete information will not be accepted. <b>Please print clearly.</b></p>			
Visitors Name:		Relationship:	
DOB:		SSN#	
Driver License # and state:		Physical Address (City, County State, Zip:	
Date Of Visit:		Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Reason For Special Visit:			
Visitors Name:		Relationship:	
DOB:		SSN#	
Driver License # and state:		Physical Address (City, County State, Zip:	
Date Of Visit:		Approved: <input type="checkbox"/> Denied <input type="checkbox"/>	
Reason For Special Visit:			
Visitors Name:		Relationship:	
DOB:		SSN#	
Driver License # and state:		Physical Address (City, County State, Zip:	
Date Of Visit:		Approved: <input type="checkbox"/> Denied <input type="checkbox"/>	
Reason For Special Visit:			
One Hour <input type="checkbox"/>		Full Period <input type="checkbox"/>	
Staff Approval (Signature/Print)		Date	
<p>NOTE: Applicants may choose to mail/deliver the completed form directly to the facility where the inmate is housed. All information provided shall remain confidential and will not be shared with inmates.</p>			
Revised 08/11/2016		Page 1 of 1	