

1.5.D.1 Inmate Visiting

I Policy Index:



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II Policy:

The Department of Corrections (DOC) may promulgate rules, policies and procedures for inmate visits, pursuant to SDCL § 1-15-20. Inmates may be allowed visits with approved visitors, except where there is suspicion that such visitation would 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 or received pleadings or other forms on behalf of his/her inmate client. The attorney remains the Attorney of Record until another attorney or other substitutes for him/her, he/she is allowed by the court to withdraw, or the 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 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 and 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 investigory 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 they are representing, 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 and institutional rules and directives.

IV Procedure(s):

1. Application and Verification:

- A. New admission inmates are provided basic information regarding the visitation system and process 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 from the DOC must complete a new *Visit List Verification* form for each visitor. Each visitor requested 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 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 a visitor's personal identity information (PII), all perspective visitors have the option of completing the required visit form and sending it directly to the institution/institution staff. The form and mailing addresses for all DOC institutions is available on the DOC website <http://doc.sd.gov/adult/facilities/>.
 - 2. Inmates may send the *Visit List Verification* form to their perspective visitor through the inmate correspondence system, or the visitor may contact staff at the facility and request the form.
 - 3. Personal identity information (PII) provided on the *Visit List Verification* form by the visitor 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. Visitors and inmates should allow up to 15 business days from the date the form is received at the facility for staff review and respond. The inmate will be notified by staff of the status of their visitor request. Inmates are responsible for notifying visitors of the decision.
- E. Persons wishing to visit an inmate must contact the inmate. The inmate must request the visitor be added to their approved visit list through the approved process. Visitors are not permitted to request the DOC add them to an inmate's visit list. Inmates may refuse a 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 form of conditional release (community program, alternative sentence or furlough), and those with pending criminal charges, are generally not permitted to have contact visits with an inmate. The inmate may request video visitation with the person, which is subject to approval by the Warden, Deputy Warden or designee and generally only considered for those individuals who are an immediate family member of the inmate.
- B. Approved minor children (under the age of 16), must be directly supervised by an accompanying, responsible adult who is on the inmate's visit list or other person approved by the Warden, Deputy Warden or designee. Minors are not permitted to visit 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 (Section 13 of this policy).
 4. The minor child is known to be a victim of the inmate's crime, unless the visit is supported by the court.
 5. Minor children who are not an immediate family member of the inmate will be reviewed on a case-by-case basis by the Warden, Deputy Warden or designees to determine if visitation will be permitted.
- C. Persons with a criminal record are not automatically excluded from **contact** visits an inmate.
1. Immediate family members convicted of a felony, including those serving a Suspended Imposition of Sentence, 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/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. Certain restrictions may apply, such as limited or no contact/video visitation only.
 3. The Warden, Deputy Warden or designee will review the nature and extent of the person's criminal history. The Warden or Deputy Warden may waive the requirement for a criminal background check.
 - 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.
 - b. Subsequent background checks may be conducted on approved visitors on a periodic basis or as deemed necessary. A new *Visit List Authorization* form may be required prior to conducting a background check
 4. Persons whose criminal history includes charges or a conviction for introduction of contraband into a correctional environment/facility or aiding in the escape of an inmate from secure custody, may be considered for video visits only, and only after review by the Warden or Deputy Warden. Decisions shall be made on a case-by-case basis. Certain restrictions may apply.
- D. The Warden has final authority to approve, restrict, limit or deny inmate visits.
- E. For the safety of staff, inmates and the public, the Warden, Deputy Warden or designees may 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. Inmates may not visit a victim of their crime or adjudicated offense, unless prior approval is received from the Warden, Deputy Warden or designee.
1. The victim must contact the Warden, Deputy Warden or designee and explain the reason for the visit. The inmate may be required to explain the purpose of the visit.

G. Former DOC staff are not allowed to visit an inmate, unless the person is an immediate family member of the inmate, and there is clear demonstration the visit will positively benefit the inmate. 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 after one year has passed following the denial. May be limited to video visits only.

1. Exceptions will not be granted if there is evidence supporting the former staff member was terminated or resigned in lieu of termination for inappropriate relations with the inmate, sexual abuse or sexual harassment of an inmate, possession, introduction or attempted introduction of Class A contraband into a DOC facility housing inmates or aiding or attempting to aid an inmate in escape.

H. Eligible visitors include (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)

*Persons in categories 1 through 20 are considered "Immediate Family".

- I. A person will be considered a "spouse" of an inmate only if the marriage was 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.
- J. DOC staff may be approved to visit an incarcerated immediate family member with approval from the Warden or Deputy Warden. Staff are not eligible to visit an inmate as a "friend". Volunteers and visitors at the facility may not be on an inmate's approved visit list at the facility without an exception being granted by the Warden or Deputy Warden.

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 the inmate's incarceration.
1. Inmates discharging or releasing from DOC custody are required to initiate a new visit list upon re-admission to a DOC institution. This requires all visitors to complete a *Visit List Verification* form. Previous visit lists may not be reactivated upon return of the inmate.
 2. Inmates transferred to another DOC facility may have their visit list reviewed by staff. Inmates are responsible for notifying their visitors of their transfer to another unit or institution and any changes made to their list as a result of the transfer.
 3. Visit lists will be terminated and no longer valid when an inmate is released from confinement, is deceased or placed on escape status.
 4. Inmates and visitors are responsible for making certain the information on the inmate's approved contact list is current and accurate. Visitor name changes or a change in immediate family status should be promptly reported to the facility.
- B. Inmates will be provided written notification of all actions affecting their list (approval, denial, suspension, termination, limitation, of a visitor).
- C. All visits received by an inmate from a visitor must be recorded in COMS, this includes all special visits and any visitor who visits the inmate. The visitor must be added to the inmate's 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) are exempt from this requirement; however, other documentation may be required to verify identity. Visitors are required to display a valid photo ID for entry to the institution. Those who fail, or refuse will be denied entry to the institution.
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 or other government issued identification that includes a photo of the visitor and expiration date.
 2. If a minor visitor (under the age 16) does not have an accepted 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 to verify the minor's identity. Exceptions may be made for young children (under the age of 5) waiting for receipt of a birth certificate or social security card.
- B. Female visitors wearing a scarf or veil as a face covering will be required to remove the covering in a private area and in the presence of a female staff member to positively identify the female visitor with their photo ID prior to entrance to the institution. The visitor may then reapply the scarf or veil. Visitors wearing a medical mask will be required to temporarily remove the mask to verify their identity.

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, provided their identify and standing can be verified.
1. Attorneys entering the institution for an Attorney of Record visit with an inmate should be prepared to present a valid "Certificate of Membership" (State Bar card) AND a valid photo ID (See ARSD 17:50:02:21). If the attorney is not able to produce a valid State Bar card and valid photo ID, the attorney is subject to a criminal background check and staff approval prior to admittance to the institution for the purpose of visiting an inmate.
- B. Any request by an inmate for an Attorney of Record visit or representative of the attorney i.e. paralegal or another attorney from the same firm that is outside the scheduled visitation hours or days set by the institution, must be submitted at least one full business day prior to the visit to the inmate's unit staff, unless the attorney can show to staff there is a justified emergency, in which case the Warden, Deputy Warden or designee may waive requirement of the advance notice.
1. Inmate attorney 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 designees. Inmates may request to add an attorney to their approved visit list or request a special visit.
 - 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.
 - b. The attorney is subject to the a criminal background check.
- C. Judges, the Chief Justice, Justices of the Supreme Court, 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 for response. 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, 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 determined to be a citizen of a foreign country by Central Records shall be permitted to visit with a consular representative of the inmate's foreign county on matters of legitimate business. The visitor must have proof of identity.
- E. Approval of visits outside scheduled visitation for any of the above officials will be based on staff availability.
- F. All approved visits for an attorney or other recognized official must be recorded in COMS the same as a regular visit. The visitor must be added to the inmate's visit list.
- G. An attorney may only visit one inmate at a time, unless prior authorization to visit multiple inmates 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 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.
 2. Legal documents must be in paper, no CD's DVD's, flash drives or other data storage devices may be given 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.
 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.
 - a. No inmate may be photographed or recorded without consent.
 - b. Cameras and recorders are subject to inspection and stipulation on the time, place and manner of use, as is necessary to preserve institutional security, safety and the 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 an attorney special visit to identify if the inmate has an open legal case.
1. A representative acting on the 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 a 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 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 to any attorney; or terminate, limit or suspend an attorney from visiting an inmate for failure to comply with state law, DOC policy, rules or other just 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. Inmates requesting a clergy visit who do not wish to add the clergy member to their visit list, may request a clergy visit by contacting the Cultural Coordinator. Special clergy visits may be approved by the Cultural Coordinator for volunteer clergy. Outside special clergy visits are handled the same as a special visit.
- C. All visits by clergy or media of an inmate during scheduled visit days and times, must be recorded on the inmate's approved visit list in COMS. This includes documenting the visitor's personal information and the day and time the visit took place.
- D. Clergy may request a clergy card. The Cultural Coordinator will review documentation to establish the person's standing or affiliation with a recognized religious organization. Clergy cards are provided to qualifying person's requesting to offer clergy visits or other religious services to inmates.
 - 1. Clergy must have a valid photo ID and a completed criminal background check prior to receipt of a clergy card.
- E. 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.
 - 1. Media representatives must complete a *Visit List Verification* form, criminal background check and present a valid photo ID prior to admittance to the institution.
 - 2. Questions regarding inmate interviews or verification of recognized news media should be directed to the DOC Communications and Information Manager.

7. Special Visit Requests:

- A. Special visits are visits 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. Special visits may be approved by the Warden, Deputy Warden or designated staff. Special visits must be in the best interest of the inmate and 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. Examples of a special visit include:
 - 1. Visitors on an inmate's approved visit list who must travel at least 250 miles one way from their place of residence.
 - 2. Visitors on the inmate's approved visit list who have not visited the inmate in the last 6 months.
 - 3. Visitors who have not previously completed and returned a Visit Application who the inmate wishes to visit. Typically limited to regular visits. The visitor must meet all of the established visiting criteria and be approved (ACA-4-4500).
 - 4. Family emergency, such as a death or serious illness of an immediate family member.
- B. 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 visitors who choose not to share their personal identification information with the inmate i.e., social security number, date of birth, may complete the *Special Visit Request* form and return the form directly to the facility.
- C. Special visit requests will normally be processed within two (2) business days of receipt. The inmate will be notified of the decision to grant or deny the special visit.
- D. 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 and rules specific to visits offered at the institution, consistent with this policy. All visit related directives must be made available to inmates and the public. Visit room rules shall include 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 items that are prohibited. The list(s) shall be posted in a public area outside of the visit room. Non-essential or prohibited visitor items must be stored outside the facility in available lockers or returned to the visitor's 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 to 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 will be considered. Inmates placed on Class II visits may be restricted to video visits.
 1. Physical contact during contact 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 visitors, as deemed necessary by the Warden or Deputy Warden for safety and security. Repeated violations may lead to being placed on no contact visits or video visits.
 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. Exceptions may be granted to immediate family visiting multiple inmates at the same time, with staff approval.

- E. Inmates and visitors will be closely monitored at all times by staff. Inmates may be assigned 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 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 during visits is subject to search.
 - 2. Visit rooms shall have appropriate furniture/seating/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 result in injury to any visitor.
- H. Visitors must request and receive approval for service or guide animals (must meet federal ADA requirements). Service animals may not be petted by other visitors. 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 or interfere with the security and safety of visit room operations. Service animals are subject to search. The visitor may be required to provide:
 - 1. Documentation identifying the animal as a service animal.
 - 2. Utilize a harness or leash to control the service animal.
 - 3. Provide a brief description of the service(s) the service animal provides.

9. Cancelled or Revised 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, based on space and personnel constraints; or when there are emergency reasons to justify the limitation. Visits may be limited by the Warden or Deputy Warden when conditions exist that 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) system.
 - 3. Emergency construction projects that affect the visit 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 or 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) to inmates, staff or the public, may be temporarily denied visitation. Department of Health staff may be consulted when terminating or resuming the person's visit privileges.

10. Searches and Unauthorized Articles:

- A. Participation in visits is strictly voluntary. All visitors are subject to search, including hand pat search by DOC staff. Space adequately designed to permit searching of visitors shall be made available (ADA 4-4156). All personal belongings accompanying a visitor into the visit room 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 hand pat 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 be subjected to a metal detector search (upright walk-through or hand-held wand) due to medical reasons, such as an implant or prosthesis (may require a letter from a medical doctor), are required to submit to a hand pat search.
- D. Visitors may decline to be searched; however, refusal to consent to search will be sufficient 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. The visitor may be removed from the inmate's approved visit list.
 - 1. Minor children are subject to the same search processes. 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 (the person to be searched will be removed from the visit area and searched in private to minimize disruptions in the visit area), 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 on a person or within personal property accompanying those participating in visits.
- F. Any visitor participating in the visit process found to be in possession (includes ingestion) of alcoholic beverages or controlled substance(s) will have his/her visit privileges immediately terminated and removed from the inmate's approved visit list. Visitors will not be detained by DOC staff; however, staff will contact local law enforcement immediately.
- 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 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, including limitation, suspension or termination of visit privileges, as well as criminal charges. The following SD state statute applies to all visitors to a DOC facility:
 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](#)).
 - J. Persons found to have committed such actions or who have conspired to commit actions prohibited by SDCL § [24-2-22](#) will have their visit privileges revoked and be removed from the inmate's approved visit list.
 - K. 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 personal property items.
 - L. Inmates are subject to a strip search before and after visits. Any inmate found in possession of contraband proximate to visits may have their visiting privileges with the visitor(s) terminated or restricted.

11. Revoked, Terminated, Denied Visits:

- A. Visits may be revoked, terminated, denied by DOC staff with authorization from the shift commander when the 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 an inclusive list) (See ARSD 17:50:02:05):
1. The visitor is 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. The visitor or inmate refuses to submit to search, or is the subject of a canine alert, positive Ion scan reading or fails to clear a metal detector and wand search without reasonable explanation to support 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 the visitor or inmate 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 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 to smuggle contraband into or out of the institution or left contraband in an area of the institution or grounds or otherwise attempted to transfer contraband to an inmate.
 10. The visit is determined to have a detrimental effect on the inmate.
 11. Harassment, 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) will be documented in COMS.
- C. A visitor's visiting privileges may be denied for a period to be determined by the Warden in the following circumstances:
1. Smuggling, conspiracy to smuggle, or attempt to smuggle illegal contraband into the institution or transfer of contraband to an inmate.
 2. Assault on staff or others.
 3. Assisting or conspiring to assist an inmate in escape.
 4. Any behaviors or actions that present a risk to security or safety.
- 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 just cause. The visitor must be informed of the suspension. Written notice should include the reason for the suspension and the start and end date of the suspension period. The reason for the suspension may be excluded from the statement if, in the opinion of the Warden or Deputy Warden, revealing the specifying reason for the suspension may jeopardize security or safety.
- B. The visitor may appeal (seek review or reconsideration of the suspension) in writing to the Warden within fifteen (15) days of the notice being generated. The Warden will respond in writing to the visitor within fifteen (15) days of receipt of the appeal. The Warden's decision is final and is not subject to further appeal.

13. Restricted Visits:

- A. The Warden, Deputy Warden or designees may restrict the visits of any inmate presenting excessive risk, which may be supported by the inmate's conviction(s), victims, nature of crime, length of sentence, status, assessment results, prior behaviors/history or other factors.
- B. Sex offenders who are not compliant with treatment or determined by SOMP staff to present excessive risk may be placed on class II visits or have their visits restricted, such as video visits in a dedicated area outside the visit room or in the visit room but not during regular 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, Deputy Warden or designees.
 3. Sex offenders whose sex crime involved a minor victim, may be denied visits with any minor, including immediate family (adopted, biological or step children) by SOMP staff, the Warden or Deputy Warden or have their visits restricted.
- 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 §§ [24-2-9](#) & [24-15A-4](#)).
- 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 the removal of a visitor from his/her approved visit list at any time. Inmates must submit a written request to his/her unit staff to request the removal of the visitor.
 - 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 request 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 for any reason are not eligible for placement on the inmate's visit list for at least 90-days following the effective date of the removal.
- 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, and attending physician/care provider, a hospitalized inmate may receive visits from immediate family on the inmate's approved visit list, the inmate's Attorney of Record or clergy (See DOC policy 1.4.E.12 *Inmate Hospitalization*). DOC staff shall directly supervise the visit.
- B. Inmates may apply for a special visit for perspective visitors who are not on the inmate's approved visit list (See *Attachment 3*).
- C. Hospital visits are subject to the provisions of this policy, directives and any applied restrictions set by Warden or designee, and all rules pertaining to patient visits administered and set forth by the hospital.

16. Video Visits:

- A. Visitors must be on the inmate's approved visitor list to participate in the video visit with the inmate, unless an exception is approved by the Warden or Deputy Warden. Judges, the Chief Justice, Justices of the Supreme Court, the Governor, legislators, parole board members or other recognized state official (VIPs) are exempt.
 - 1. Approved minors (under the age 16) must be supervised by a responsible adult on the inmate's approved visiting list for the duration of the video visit.
- 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 in 20-minute increments, and may not exceed one hour in duration. 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 or paraphernalia associated with any Security Threat Group.
 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. 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 visitation for inappropriate conduct. 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.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:

April 2003: Revised language in Policy. **Added** section on Restrictions on Visits

March 2008: **Added** definition of "Attorney of Record". **Added** W-2 to the list of possible visitors. **Added** section on "Attorney Visits". **Added** that inmates are not allowed to have visits while in A & O. **Added** information explaining once inmates complete A & O, to place names on their visit list, they are required to complete *the Visit List Verification* form. **Added** a sentence explaining with prior approval of unit staff an inmate in A & O may receive permission to visit with an attorney and/or clergy. **Revised and Added** Attachment 1 *Visit List Verification* form to include universal language across all adult DOC facilities when

referring to staff. **Revised and Added** Attachment 2 *Visit Refusal Form* to request two signatures from staff as witnesses only when the inmate refuses to sign. **Revised** that “unit staff” vs.” Warden or designee” is the contact to organize visits throughout policy. **Added** definitions of Class I and II Visits. **Added** Attorney of Record and listed all possible visitors under the Approval of Visits section. **Added** language limiting inmates to Class I and Class I and II visits when inmates present extensive risk to the security, safety or disciplined operation of an institution under the Restrictions of Visits section. **Removed** “non-complaint” when referring to sex offenders under the Restrictions of Visits section. **Added** legal guardian, Attorney of Record, M-2/W-2 sponsors and AA sponsors to Attachment 1 *Visit List Verification* form to coincide with Approval of Visitors List section in this policy. **Added** hyperlinks to policy to Attachments 1 and 2 and hyperlinks from Attachment 1 and 2 to this policy and updated attachment pictures in policy. **Changed** title of Attachment 2 to “Attorney Visit Refusal Form” vs. “Visit Refusal Form”.

October 2008: **Added** definition of Special Visit. **Revised** listing of visitors and **added** 6, 7 and 15 of ss (A), **added** ss (E, F G and G1) of Approval for Visits. **Added** Visitor Identification section. **Replaced** unit staff with appropriate institutional staff in ss (C of Attorney Visits). **Added** Special Visit Requests section. **Added** drug dog search and Ion Scan in ss (A) and **revised** ss (C) that law enforcement will be contacted vs. detaining visitor of Searches. **Added** special security office in ss (A of Suspension of Visiting Privileges). **Added** DOC policy 1.4.E.12 to V. **Replaced** unit staff with senior security staff as appropriate throughout policy. **Revised** Attachment 1 and **added** Attachment 3.

October 2009: **Added** reference to photo in ss (A) and **added** respective as it relates to DOC staff attorney in ss (E) both within Attorney Visits. **Added** hyperlinks to policy.

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 1st to December 31st” 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.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

08/12/2019

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 immediate family members 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		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.

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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 here to open DOC Policy 1.5.D.1 Inmate Visiting
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ATTORNEY VISIT REFUSAL FORM

Inmate: _____ ID #: _____

Date of Refused Visit: _____ Time of Refused Visit: _____

Attorney Name and Firm:

Reason Refused (optional):

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

_____	_____	_____	_____
Inmate's Name (Print)	Inmate #	Inmate's Signature	Date

_____	_____	_____
Staff Name (Print)	Staff Signature	Date

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

_____	_____	_____
Staff Name (Print)	Staff Signature	Date

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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	
SPECIAL VISIT REQUEST			
Inmate Name: <input type="text"/>		Number: <input type="text"/>	
Facility: <input type="text"/>		Cell/Room: <input type="text"/>	
<small>Special visits must be arranged by the inmate prior to the visit. Special visits are for one full visiting period or one hour, which will be set by staff, and must be used during regular visiting hours unless otherwise approved. Anyone not on the inmates visiting list must have a SPECIAL VISIT REQUEST in order to visit.</small>			
Visitors Name: <input type="text"/>		Relationship: <input type="text"/>	
DOB: <input type="text"/>		SSN#: <input type="text"/>	
Drivers License #: <input type="text"/>		State: <input type="text"/>	
Date of Visit: <input type="text"/>			
Reason For Special Visit: <input type="text"/>			
Visitors Name: <input type="text"/>		Relationship: <input type="text"/>	
DOB: <input type="text"/>		SSN#: <input type="text"/>	
Drivers License #: <input type="text"/>		State: <input type="text"/>	
Date of Visit: <input type="text"/>			
Reason For Special Visit: <input type="text"/>			
Visitors Name: <input type="text"/>		Relationship: <input type="text"/>	
DOB: <input type="text"/>		SSN#: <input type="text"/>	
Drivers License #: <input type="text"/>		State: <input type="text"/>	
Date of Visit: <input type="text"/>			
Reason For Special Visit: <input type="text"/>			
Visitors Name: <input type="text"/>		Relationship: <input type="text"/>	
DOB: <input type="text"/>		SSN#: <input type="text"/>	
Drivers License #: <input type="text"/>		State: <input type="text"/>	
Date of Visit: <input type="text"/>			
Reason For Special Visit: <input type="text"/>			
<input type="checkbox"/> 1 Hour		<input type="checkbox"/> Full Period	
Approval Signature: <input type="text"/>		Date: <input type="text"/>	
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