1.5.A.5 Work Release

I Policy Index:

II Policy:

Pursuant to SDCL § 24-8-1, the Department of Corrections (DOC) may conditionally release select, eligible inmates to participate in the Work Release Program, in accordance with rules promulgated by the DOC, pursuant to chapter 1-26. The DOC may change the basis of eligibility for the Work Release Program at any time or suspend the program, as deemed necessary.

III Definitions:

Booking:
An offender’s continuous period of custody and/or supervision on a transaction or set of transactions.

Minimal Non-Direct Supervision:
Periodic checks of an inmate. Most activities are independent of supervisor direction and observation.

Mixed Sentence:
Inmates who violate parole or a suspended sentence with an additional conviction and sentence to prison with at least one of their prison sentences as a new system offense. These inmates may have multiple parole dates.

New System:
Inmates sentenced to prison as a result of a crime committed on or after July 1, 1996.

Old System:
Inmates sentenced to prison as a result of a crime committed prior to July 1, 1996.

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

Unit Staff Member:
For the purposes of this policy, a unit staff member is a unit manager, unit director, case manager or unit coordinator.

Vehicle:
For the purposes of this policy, a vehicle includes motor vehicles (automobiles, motor trucks, and all vehicles propelled by power other than muscle power), off-road vehicles (self-propelled, two or more wheeled vehicles designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain and utility vehicles, golf carts/“mules” and vehicles whose manufacturer’s statement of origin (MSO) or manufacturer’s certificate of origin (MCO) states that the vehicle is not for highway use), road tractors (any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn) and farm vehicles (field tractors and other farm machinery). This definition specifically excludes riding lawn mowers, self-propelled lawn mowers, and “push-type” lawn mowers.

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

IV Procedures:

1. Eligibility:

A. Inmates applying for work release must be classified as minimum (MN) custody status (See DOC policy 1.4.B.2 Male Inmate Classification and DOC policy 1.4.B.14 Female Inmate Classification).

   1. Inmates classified as MN custody through use of “compliant” actual risk behavior are not eligible for work release.

B. Inmates identified as a “sex offender”, consistent with the definition included within this policy, are not eligible for work release.

C. Inmates with an active felony warrant, pending felony charge, pending sentencing document for additional felony convictions, or a felony hold/detainer, as noted in the Holds / Warrants / Detainers Module in the adult Comprehensive Offender Management System (COMS), are not eligible to participate in the Work Release Program.

   1. The work release case manager will request an updated warrant check when an inmate’s work release application is reviewed. Prior to an inmate being placed in the Work Release Program, a warrants search must be conducted if more than thirty (30) days has elapsed since a warrants search was last conducted.

   2. All inquiries concerning warrants, charges, holds or detainers placed upon an inmate by another authority will be referred to Central Records staff for clarification and direction. Holds and the status of the hold are noted in the legal section in COMS.

   3. Central Records staff will immediately notify the work release case manager or unit staff any time an active felony warrant, pending felony charge, pending sentencing document for
additional felony convictions, or felony holds/detainers is received or discovered for an inmate in the Work Release Program.

4. An inmate may be removed from the Work Release Program because of a felony warrant, felony charge, etc. The decision to remove an inmate from the program will be made by the Warden. If the inmate is removed the inmate will be informed of the reason.

D. Inmates will serve a minimum of thirty (30) consecutive days at a minimum custody DOC facility prior to being eligible for placement in the work release program. This requirement may be waived on a case-by-case basis by the Warden or Community Service Director.

E. The following eligibility criteria apply to inmates considered for the Work Release Program:

1. Inmates who are serving an old system sentence for a non-violent crime or a violent crime classified 3V, 4V, 5V or 6V (See Crime Codes and Classification List), are eligible for work release when within eighteen (18) months of their parole eligibility date.

2. Inmates serving a new system sentence for a non-violent crime or a violent crime classified 3V, 4V, 5V or 6V, and who are in overall substantive compliance with their individual program directive (IPD), are eligible for work release when within eighteen (18) months of their initial parole date. Inmates assessed as “Non-Compliant” with any element of their IPD are not eligible for work release (See DOC policy 1.4.B.1 Individual Program Directives (IPD)).

3. Inmates otherwise eligible who waive their parole appearance or request “no action”, are eligible when within (12) months of their flat date.

   a. If an inmate has the “no action” clause removed, they are eligible when within twelve (12) months of their next parole date.

F. Inmates whose current booking is for a suspended execution of sentence (SES) or suspended imposition of sentence (SIS) may be eligible if approved by the Warden or Community Service Director.

G. Inmates whose current booking is for a violent crime or accessory to a violent crime classified as 2V or higher, or inmates with a violent offense on their current booking who are past their initial parole date on any transaction, active or inactive, are not eligible for work release. (See DOC Crime Codes and Classification).

H. Inmates who are contractual work release or community placement violators are not eligible for work release for a minimum of thirty (30) days from the date of return to DOC custody.

I. Inmates who are institutional work release, institutional support or community service violators, are not eligible for work release for a minimum of thirty (30) days from the date of the removal from the program.

J. Inmates who fail to secure employment during the approved job search period may be ineligible to participate in work release for up to sixty (60) days from the end of the job search period, at the discretion of the work release case manager, unit staff or Director of Community Services.

K. Inmates whose current booking is for a non-violent crime, and who are past their initial parole date due to non-compliance or who have sustained a suspended sentence or parole violation, may be eligible for the Work Release Program when within twelve (12) months of their next discretionary parole date or flat date at the time of application, provided the inmate:
1. Has not received more than twelve (12) disciplinary points (12.1 points or greater) per year average, or more than one 1.00 disciplinary points per month average (See pg. 17 of DOC policy 1.4.B.1 Individual Program Directives (IPD)) on their most recent admission.

Example: If the inmate was first admitted as a new court commitment on 01/01/17, released on parole on 03/01/17, admitted as a parole violator on 05/01/17, released on parole again on 07/01/17, and admitted as a parole violator again on 09/01/17, the inmate’s most recent admission is the admission starting 09/01/17.

2. Does not have an active IEDC alert noted in COMS.

3. Has not had his/her parole or suspended sentence revoked by the Board of Pardons and Paroles for violating condition 1 (only applies if weapons were involved or assaultive behavior), or condition 4 (weapons), or condition 14 (assaultive behavior) of the inmate’s supervision agreement while serving his/her current booking (See Parole OM 7.4.G.3 Initial Interview Supervision Agreement and Suspended Sentence Supervision and SDCL § 24-15A-28.

   a. Any documented assaultive behavior or actions involving weapons will be considered when determining work release eligibility.

L. Inmates guilty of a major offense in custody that does not result in an increase in custody status or transfer to a higher custody facility, are ineligible for Work Release for sixty (60) days from the completion date/expiration of the sanction.

M. Inmates returned to a DOC institution for a violation of the conditions of extension of confinement (See DOC policy 1.4.G.7 Extension of Confinement) are ineligible for sixty (60) days from the date of their return or date the sanction is complete, whichever is longer. Inmates returned for a violation of condition 1 (only applies if weapons were involved or assaultive behavior) or condition 4 (weapons) or condition 19 (assaultive or abusive behavior) of the inmate’s extended confinement agreement, are ineligible for Work Release on their current admission.

N. Inmates currently serving a sentence for a non-violent offense with multiple parole dates, as defined within this policy’s definition of “mixed” sentence.

   1. Inmates serving mixed concurrent sentences must meet the eligibility requirements for each parole date.

   2. Inmates serving mixed consecutive sentences must be paroled on sentence(s) that have discretionary dates, or be within twelve (12) months of their term expires date and meet the eligibility requirements on the consecutive sentence(s).

   3. Inmates with a violent offense on their current booking, with multiple parole dates, as defined under the definition of mixed sentence, are not eligible.

O. Inmates with a “No Work/Volunteer” only designation noted in COMS are not eligible for work release.

P. Inmates who are within ninety (90) days of their next release date are ineligible for work release unless their parole plan is to release locally, as determined by the unit manager or unit director.
2. Application and Approval Process:

A. Inmates may apply for work release up to thirty (30) days prior to becoming eligible. Inmates may submit a Work Release Application form (See Attachment 1) to their case manager, who will review the application for eligibility and determine appropriate action.

B. Inmate participation in the Work Release Program is strictly voluntary. The DOC may change the basis of program eligibility at any time, including the criteria for initial selection or continued participation in the program, or suspend the program for cause.

C. Unit staff will initiate work release placement proceedings for inmates meeting the established eligibility criteria.

   1. Staff will utilize the Work Release Routing Checklist located in COMS (See Attachment 11), when an inmate is considered for work release.

D. Before an inmate’s application is approved, a warrants check must be completed and COMS will be reviewed for a “No Work/Volunteer only” designation. This designation is found under booking, aliases and other identifiers.

E. In the event staff determine an inmate is not eligible for work release, the case manager will notify the inmate.

F. Decisions regarding an inmate’s participation or continued placement in the Work Release Program shall not be influenced by stereotypes or bias based on race, color, ethnicity, disability or other protected status.

G. Inmates are not entitled to work release. No inmate has an implied right or expectation to participate in any specific program (See SDCL § 24-2-7). Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.

H. Inmates who violate the provisions of this policy or the rules of the Work Release Program (See Work Release Rules and Regulations (Attachment 2) are subject to disciplinary action, including and up to, termination from the Work Release Program. The list of rules contained in Attachment 2 are not intended as an exhaustive guide for the conduct of inmates participating in work release.

I. Inmates whose request to participate in work release is denied, or whose participation in work release is terminated by the DOC (not the employer), may file an Administrative Remedy (See DOC policy 1.3.E.2 Administrative Remedy for Inmates).

3. Placement Proceedings:

A. The work release case manager/unit staff will initiate work release placement proceedings for approved inmates.

   1. Staff will initiate the Work Release Routing Checklist (See Attachment 11).

B. Job Search.

   1. If an inmate fails to secure employment within two (2) weeks of being approved for job search, the unit manager may grant an extension for good cause. Inmates removed from job search for failure to locate employment may be allowed employment if a previously submitted job application results in a job offer.
a. Inmates housed at a contract facility are allowed a minimum of two (2) weeks on job search.

b. Inmates releasing to the Community Transition Program (CTP), or paroling locally (as determined by the unit manager/director), who have not secured employment, may be allowed to continue job search if within sixty (60) days of their release date.

c. Inmates may be approved for multiple part-time jobs in the event full-time employment is not available.

C. Inmates approved for work release who do not have a social security card, driver license, certified copy of their birth certificate, or who do not have reasonable access to these documents, may be required to apply for these documents. The work release case manager/unit staff will assist inmates with the respective application processes.

D. During the initial meeting with the employer, the work release case manager/unit staff will review the Work Release Rules and Regulations, Work Release Information for Employers, and Work Release Acknowledgement form with the employer (See Attachment 2, Attachment 4, and Attachment 12).

1. The inmate will be present at the initial meeting. All necessary forms relating to participation in the work release program must be completed prior to the inmate accepting employment.

2. Staff and/or the inmate will inquire about any benefits offered by the employer; i.e. health insurance, retirement accounts, labor union, etc.

3. The initial meeting may take place at the place of employment or the inmate’s housing unit.

E. A work release inmate is not an agent, employee, or involuntary servant of the DOC (See SDCL § 24-8-13).

F. Inmates who do not have sufficient funds in their account to cover approved start-up expenses associated with employment, may be granted a loan (credit obligation) by the DOC (See DOC Policy 1.1.B.2 Inmate Accounts and Financial Responsibility).

1. The work release loan may only be used to pay approved work release expenses (footwear, headwear, safety gear, transportation costs, tools, etc.).

   a. A loan may be issued each time an inmate is placed on work release status, provided all previous loans have been paid in full.

2. The loan must be approved in full by unit staff (no partial loans).

4. Housing:

A. Inmates approved for work release will be housed in a DOC Community Work Center, county jail, contract facility or other agency of the state (See SDCL § 24-8-4 and ACA 5-ACI-7A-15).

B. Inmates may be required to pay room and board costs based on a percentage rate established and approved by the Secretary of Corrections, in accordance with SDCL §§ 24-8-11 and 24-11-45 and DOC Policy 1.1.B.2 Inmate Accounts and Financial Responsibility.

C. Room and board costs may begin to accrue upon receipt of the inmate at the eligible facility.
5. Inmate Financial Responsibility:

A. Inmates on work release are required to apply a portion of their employment earnings toward fixed obligations listed within the inmate’s Financial Responsibility (IFR), consistent with DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*.

B. Appropriate and reasonable costs incident to confinement may be collected from the inmate’s work release earnings. The priority of fixed obligation disbursements shall be deposited into the inmate’s account and distributed in the order set forth below, pursuant to SDCL § 24-8-9:

1. Room and board charges.
2. Credit obligations, which include travel expenses and other incidental expenses related to participation in the program.
4. Restitution.
5. Fines.
6. The balance, if any, will be retained in the inmate’s institutional frozen subaccount and is payable to the inmate upon release to parole, suspended sentence, transfer outside the SD DOC, or discharge.

C. Unit staff is responsible for maintaining the inmate’s IFR (See *Attachment 9*).

1. Inmates may join a labor union representing employees at their place of employment if this is a condition of employment. Dues will be paid from the inmate’s spend subaccount. Inmates are permitted to only contribute the minimum amount required.

2. Inmates may participate in an employer-provided retirement plan if this is a condition of employment. This requirement will be confirmed in writing through the employer. Inmates are permitted to only contribute the minimum amount required.

3. Work release inmates must obtain health and/or dental (medical) insurance through their employer if such insurance is offered. The inmate is responsible for the insurance premium, copayment for services received, and may be responsible for costs not covered by the insurance plan (See DOC policy 1.4.E.10 *Medical Services Copayments*).

   a. Inmates are not allowed to contribute a portion of their earnings to a health savings account (HSA). Inmates may participate in a well-being program offered by the employer whereby participation results in the employer contributing funds to a HSA. The inmate’s participation with a well-being program does not require the DOC to make any accommodation for the inmate to meet the well-being program goal.

4. Inmates may make a charitable donation from their net earnings after all required fees and/or payments have been deducted from their earnings. The donation shall be paid from the inmate’s spend subaccount.

D. Inmates unwilling to make payments toward costs or obligations, as required, are not permitted to participate in the Work Release Program and may be terminated from the program and employment. Inmates have no right to the full amount of their work release earnings.
6. Transportation:

A. Approved transportation methods for work release inmates are limited to the following:

1. Walking.
2. Bicycle.
3. Public transportation (does not include Uber, Lyft or any on-demand transportation company).
4. Transportation provided by a work associate of the inmate.
5. An approved person from the community.
   a. A criminal background check is required for private individuals regularly transporting an inmate (see 4 and 5 above).
      1) The senior security officer or designee will determine if the person’s criminal background check is acceptable.
   b. The person must be eighteen (18) years of age or older, possess a valid driver license, current automobile insurance policy and be the same gender as the inmate.
   c. The person must complete the Work Release Transportation Person form (See Attachment 10).

6. Facility/contract staff may transport inmates.

B. Inmates must inform unit staff of changes in their work transportation.

C. Persons who charge inmates for transportation are subject to licensing and sales tax reporting requirements, as set forth by the Department of Revenue and state law.

D. Transportation methods not approved include:

1. Transport by an immediate family member, another inmate, or significant other.
2. Transport by a person of the opposite gender, unless they meet the criteria in 4 or 5 in subsection A, of this section.
3. Transport by any person not previously approved by the DOC.

E. Transportation methods must be pre-approved by the supervising authority.

7. Operation of a Motor Vehicle:

A. Inmates may not operate motor vehicles on a public highway. A public highway is defined as all streets, alleys, public roads, public thoroughfares or highways.

B. The Warden or his/her designee may grant exceptions and approval on a case by case basis.

C. Inmate operation of motor vehicles will be consistent with DOC policy 1.5.A.8 Inmate Operation of Vehicles.
8. General Rules and Conduct:

A. Inmates must agree to follow the procedures contained in this policy and all rules, regulations and agreements applying to their participation in the work release program and in accordance with Administrative Rule 17:50:01:28.

B. Employers must agree to follow the procedures contained in this policy and all rules, regulations and agreements that apply to employment of an inmate through the Work Release Program.

C. Inmates approved for work release may attend religious/cultural activities in the community, as provided in DOC policy 1.5.F.3 *Inmate Community Religious and Cultural Activity Guidelines*.

D. Inmates are subject to the rules and policies of the employer, the facility where they are housed and the DOC. In the case the employer or facility rules and regulations governing employee/inmate conduct and behavior are less restrictive than the *Work Release Rules and Regulations* (See Attachment 2), the DOC rules and policies shall apply (See ARSD 17:50:01:28).

E. A urine sample or breath test may be required of any inmate, at any time, by DOC staff, contract staff, employers or law enforcement (See DOC policy 1.3.A.8 *Offender Drug Testing, Sanctions & Treatment*). Inmates are subject to drug testing by a potential employer if such testing is a pre-employment requirement.

F. Work spaces or items assigned to an inmate (includes lockers, equipment, tool boxes, work clothing, vehicles, computers or other electronic devices) are subject to search at any time by DOC staff, contract staff or the employer. Search of an inmate’s person must be conducted by DOC staff or law enforcement.

G. An inmate’s access to the community is limited to approved and authorized purposes only.

9. Staff Responsibilities:

A. The work release case manager/unit staff must verify extended work hours or changes to the inmate’s schedule directly with the employer.

   1. Normal working hours for inmates are between 5:00 AM and 11:30 PM, Monday-Sunday. Work hours outside of the normal working hours may be permitted, as approved by the unit manager or unit director.

   2. Any changes to the inmate’s previously disclosed and approved work schedule must be immediately reported to staff by the inmate. Changes should be verified by staff with the inmate’s employer.

B. Staff will ensure the employer is contacted if a work release inmate is unable to work due to illness or other approved reason.

C. The work release case manager/unit staff will initiate regular contact with the employer to measure employer and inmate compliance with all requirements of the work release program. Contact is defined as a job site visit, phone contact or face-to-face meeting. The unit manager or unit director or designee will ensure all employer contacts are documented in COMS. All employers are subject to the following:

   1. A job site visit or face-to-face contact with unit staff during the inmate’s second week of employment.
2. The employer will be contacted by unit staff a minimum of once a month. Monthly contact shall continue for the duration of the inmate’s employment with the employer.

3. The work release case manager/unit staff will contact the employer any time staff becomes aware an inmate has received a verbal or written reprimand at work, is placed on a work improvement plan or receives a written or verbal notice that adversely affects the inmate’s employment status.

4. The work release case manager/unit staff will contact the employer randomly to verify the inmate’s presence at the place of employment.

D. Escape.

1. Any inmate who fails to report or return from planned employment, job search or vocational training as directed by the DOC shall be considered on escape status (SDCL § 24-8-6). Any inmate who fails to return to custody following an assignment or temporary leave granted for work release, is considered to have committed second degree escape, which is a class 5 felony (SDCL § 22-11A-2.1).

2. SDCL § 24-15A-20. Consecutive sentencing--Parole eligibility. If an inmate is convicted of a felony while under the custody of the DOC, the sentence shall run consecutively, and the inmate is not eligible for consideration for parole until he/she has served the last of all such consecutive sentences, unless the sentencing court specifically orders otherwise. The inmate’s parole date shall be established subject to the provisions of § 24-15A-32.

3. If a work release inmate cannot be accounted for, or the inmate has departed from his/her assigned worksite without authorization, or the inmate fails to return within one (1) hour of their scheduled return time, DOC staff will immediately contact the Warden, unit manager or unit director if the inmate is housed at a DOC Community Work Center.

   a. The Warden, unit manager or unit director retains discretion to implement any steps he/she deems appropriate to determine the whereabouts of the inmate and/or verify the inmate has escaped. Steps include, but are not limited to, search of the work site, contact with the employer, contacting friends or family of the inmate, review of phone records/messaging system.

   b. Escape procedures will not be initiated without authorization by the Warden, unit manager or unit director. Reasonable steps will be initiated to attempt to locate the inmate and verify the escape.

   c. Upon decision by the Warden to place an inmate on escape status, designated DOC staff will immediately report the escape in accordance with DOC Policy 1.1.A.3 Staff Reporting Information to DOC Administration and Office of Risk Management.

E. Case managers should verify the inmate’s earnings by reviewing payroll deposits into the inmate’s institutional account at least once per month.

   1. Any lapses in the inmate’s regular payroll deposits, a pattern of delayed or irregular payroll deposits, or significant changes in the amount deposited must be reported to the unit manager.

F. The Community Service Director will be notified whenever an inmate is removed from the program for institutional disciplinary.
G. The Warden may, with or without cause, terminate or suspend the release of any inmate for the purpose of participating in the Work Release Program (See SDCL § 24-8-1).

10. Inmate Compensation:

A. Wages paid to inmates by the employer must meet or exceed federal and state minimum wage requirements. Inmates will be compensated a prevailing wage rate for the position occupied (ACA 5-ACI-7A-15).
   1. Inmates may not be used as a cut-rate labor force.
   2. The earnings of work release inmates are not subject to garnishment, attachment or execution, either through the employer or an agent authorized to hold or transmit such funds (See SDCL § 24-8-10).
   3. Inmates have no right to work release and thus have no right to the full amount of wages earned through the Work Release Program.

B. Inmates must sign the Work Release Assignment of Check form (See Attachment 3) and a revised Inmate Financial Worksheet (See Attachment 9) prior to participating in the Work Release Program.

C. Inmate paychecks will be made payable to the inmate and mailed to the DOC Administrative Office (See SDCL § 24-8-8). Inmates will not be issued their paycheck. Payroll payments may also be completed by the employer via direct deposit into the inmate’s institutional account.
   1. Each pay stub must include the hours worked, gross wage, net wage and all federal and state withholding taxes. Inmates must turn in all cash tips to their employer. The employer shall issue a check for the total cash amount and mail this to the DOC or direct deposit this into the inmate’s account. Inmates may not bring cash back to the facility.
   2. Inmates may not receive an advance against a paycheck unless authorized by the Community Service Director.
   3. Inmates removed from work release for misconduct will have any work release earnings received by the DOC, subsequent to their removal from work release, frozen.
      a. All room and board costs and credit obligations, including work release expense loans, will be deducted from the inmate’s pay check. The spend and savings account will be bypassed in the distribution formula. Deductions will apply towards fixed obligations and any remaining funds will be frozen.

D. When an inmate’s parole or release date has been confirmed by Central Records, and the inmate is within approximately one (1) week of being released from DOC custody, unit staff will send the inmate’s employer a Check Assignment Cancellation form (See Attachment 6).
   1. Employer payroll checks issued prior to and on the actual release date of the inmate’s scheduled release date, as noted on the Check Assignment Cancellation form, must be sent to the DOC.
   2. Employer payroll checks issued after the inmate’s scheduled release date, as noted on the Check Assignment Cancellation form, will be released to the inmate.
3. All inmates releasing to parole supervision with credit obligations at the time of their release, will have the credit obligation written off and the amount transferred to “costs incurred” (See Attachment 7).

4. Payments on these costs shall be made directly to the DOC Administration office until the amount is paid in full. The expectation is that the total amount due be repaid within six (6) months of the date of the inmate’s release, dependent upon the financial plan developed by the parole agent and parolee.

11. Medical Care:

A. Inmates housed at a DOC institution will access health care through Correctional Health Services, unless otherwise referred to an outside provider by Health Services. Health Services will manage health care for all work release inmates.

1. Inmates are not permitted to independently pursue, seek or obtain health care outside of Health Services without prior approval from Health Services, except in the case of a medical emergency occurring while in the community.

B. Inmates are financially responsible for medical expenses and co-pay fees, as determined by the DOC and Health Services, in accordance with DOC policy 1.4.E.10 Medical Service Copayments.

C. Eligible inmates are required to apply for health insurance coverage and/or dental insurance offered through their employer. Inmates must provide unit staff with a copy of their insurance card and insurance information.

1. Unit staff will email Health Services the name of any inmate who is known to have health insurance and must provide Health Services with a copy of inmate’s provider information (insurance card).

2. Inmates known to have health insurance through their employer may be referred for necessary medical services to an outside provider (preferred provider of the insurance company), as deemed appropriate by Health Services. All invoices for medical services received will first be filed through the inmate’s insurance provider. Services not covered by the provider shall be the responsibility of the inmate or DOC.

3. Inmates may request to add their spouse or legal dependent(s) to their insurance plan with approval from unit staff. If approved, the inmate, spouse or parent/legal guardian of the added dependent, shall be responsible for any co-pays or out-of-pocket expenses due as a result of services received.

D. If an inmate sustains a work-related injury, state law requires the inmate notify their supervisor immediately. The inmate must provide written notice to the employer of the injury within three business days of the injury occurring. The employer or workers’ compensation insurance carrier must ensure necessary first aid, medical, surgical and hospital services are provided to the inmate. This includes replacement of any eyeglasses, dentures or hearing aids damaged as a result of the inmate’s work-related injury.

E. Work release inmates housed in a county jail or contract facility will access medical services for non-work-related accidents/injuries as determined and instructed by facility staff.
12. Employer Responsibility and Eligibility:

A. Employer responsibilities are located within the Work Release Information for Employers (see Attachment 4). The information described is not intended to serve as an exhaustive guide or list of all responsibilities that apply to employers of DOC inmates.

1. Employers must operate a legitimate business (registered with the South Dakota Department of Revenue and assigned a sales tax license (if required).

2. Employers must comply with local, state and federal laws.

3. Employers may not discriminate against inmates on the basis of race, sex, religion or national origin, or engage in any discriminatory practices prohibited by law.

4. Employers shall refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment by an employee. Employers should have a policy in place prohibiting sexual harassment within the workplace.

5. Employers must provide workers' compensation insurance. Employers informed of an injury by an employee or otherwise learn an employee has sustained a work-related injury, are responsible for completing the First Report of Injury form and submitting it to their workers' compensation insurance carrier within seven business days. Failure to notify the provider of a worker's compensation claim is a Class 2 misdemeanor.

B. Inmates participating in the Work Release Program remain under the supervision of the DOC (See ARSD 17:50:01:28). Inmate employees must be under the direct supervision of a non-inmate employee of the employer for the duration of time which the inmate working for the employer. Direct supervision means to be physically present, or within immediate distance of the employee, such as on the same floor, and available to respond to the needs of the employee. The supervisor shall have control over the employee and shall have knowledge of the work being done by the employee.

1. Employers must have at least one (1) supervisor on duty any time inmates are present at the worksite.

2. Any employer who knowingly or intentionally allows or assists an inmate to depart/escape from their assigned work site, shall be terminated from the Work Release Program and may be charged criminally.

C. Inmates may be employed in a “family business” if the criteria outlined in A. and B. of this section is met. Inmates participating in work release may not be self-employed.

1. Employers previously incarcerated or known to have a criminal record are not automatically barred from participating in the Work Release Program.

2. The Warden or designee or Community Service Director may grant exceptions on a case-by-case basis.

D. An inmate’s employment may be terminated at any time through notice provided by the inmate, the employer, or the DOC.

E. Employers hiring inmates to work on projects that receive federal funding must comply with Executive Order 12943 (See Attachment 8):
1. Employers requesting inmates to perform any trade, craft or skill for which a local union, central body, or similar unit organization regularly engages in collective bargaining on behalf of more than twenty percent (20%) of those engaged in the trade, craft, or skill within the county in which the work will actually be performed, must have consulted with representatives of the corresponding union.

2. If the unemployment rate of the county in which the work will actually be performed exceeds four percent (4%), pursuant to the most recent calculations published by the Labor Market Information Center, South Dakota Department of Labor, the employer must demonstrate to the South Dakota DOC that their employment of inmates will not displace employed workers, impair existing contracts for services, and that non-inmate applicants of equal skills and abilities for the position(s) are not available.

F. Inmates on work release may not be employed directly by local, state or federal government.

13. Reports and Record Keeping:

A. The Community Service Director shall report program information through the Department’s monthly metrics briefing.

1. Metrics will include the following:

a. Average daily count and end of month counts by participating facility and department total.

b. Number of inmates released or removed from the program by month.

c. Average account balances for released or removed offenders for each month.

d. Average number of days spent in the program for released or removed offenders for each month.

B. Copies of all signed agreements concerning an inmate’s participation in the Work Release Program shall be maintained by facility work release case managers.

C. Additional requests for information concerning the Work Release Program will be directed to the Director of Community Services.

V Related Directives:


Administrative Rule 17:50:01:28

DOC policy 1.1.A.3 – Staff Reporting Information to DOC Administration and Office of Risk Management

DOC policy 1.1.B.2 – Inmate Accounts & Financial Responsibility

DOC policy 1.3.A.8 – Offender Drug Testing, Sanctions and Treatment

DOC policy 1.3.E.2 – Administrative Remedy for Inmates

DOC policy 1.4.B.1 – Individual Program Directives (IPD)

DOC policy 1.4.B.2 – Male Inmate Classification

DOC policy 1.4.B.14 – Female Inmate Classification

DOC policy 1.4.E.10 – Medical Services Copayments

DOC policy 1.4.G.7 – Extension of Confinement

DOC policy 1.5.A.8 – Inmate Operation of Vehicles

DOC policy 1.5.F.3 – Inmate Community Religious and Cultural Activity Guidelines
VI Revision Log:

January 2011: Added SS 3. a. b. & c. to Section 1 A. Removed from Section 1 H. “two weeks” from the job search period. Deleted “require a consult from” Health Services and Added “must be approved” to N in Section 1. Removed “In the event the inmate is not eligible according to the section on Inmate Eligibility, the inmate will be notified by the case manager of the reason for the ineligibility” from Section 2 A. Added 1. and a. describing the warrant check requirement to Section 2 A. Revised B. in Section 2. Added new section to C in Section 2. “In the event the case manager determines an inmate is not eligible to participate in the Work Release program, as set forth by in the “Inmate Eligibility” section of this policy, the case manager will notify the inmate of the reason(s) they are ineligible. Moved language in B. to C. and C. to D. and D. to E. Language in previous E. became new SS F. in Section 2. Added hyperlink to DOC Policy 1.1.E.4 to SS E. in Section 2. Removed “and allowed two (2) weeks to obtain employment.” from Section 3 B. 1. and Replaced with “Each inmate is allowed job search for a minimum of two (2) weeks. If an inmate is unable to obtain employment during the two (2) week period, the Unit Manager may grant an extension” Removed “allow an inmate to continue on job search” and Replaced with “for a period to be determined by the Unit Manager”. Removed “If after two (2) weeks the inmate has not been able to secure employment the” Replaced with “An inmate who is removed from job search may still”. Removed from Section 3 1 A. “The unit manager may grant an extension of time for good cause”. Replaced with “Inmates housed at contract facilities are allowed a minimum of two weeks on job search”. Removed from Section 3. 1. C. job search “and” Replaced with “but” Removed “finding” employment and Replaced with “securing”. Removed “business” location and Replaced with “work release” location in Section 3 4. Added hyperlink SDCL 24-8-11 and DOC Policy 1.1.B.2 to B. in Section 4. Changed 2. In Section 4. to f. Added 3. “Inmates on work release may make a charitable donation from their net earnings through their spend account.” to Section 5 B. Added “as set forth by SDCL 24-8-9” to C. in Section 5. Removed “may be” required and Replaced “are” and Added “unless granted a waiver by the Secretary of Corrections” and Added hyperlink “SDCL 24-8-11” to E. in Section 5. Added “or approved community member” to 4. in Section 6. Added f. to Section 6. 4. Deleted “Through the” facility staff Added “may transport inmates”. to Section 6. 5. Deleted 6. a. b. c. d. in Section 6. Added “or community member” to B. 2. in Section 6. Added hyperlink to SDCL 32-35-113 to C. in Section 7. Deleted D. in Section 7. Added D. in Section 7. Added hyperlink to Administrative Rule 17:50:01:28 to Section 8 A. Added E. “Inmates on work release may attend religious activities in the community (See policy 1.5.F.3 Community Religious Activity Guidelines) to Section 8. Removed “a contact is made with the employer by telephone at least monthly by facility staff and Replaced with “the employer is contact at least once a month by staff” in Section 9 E. Added hyperlink (SDCL 24-8-6 and DOC Policy 1.1.A.3 Reporting Information to DOC Administration to Section 9 G. Added hyperlink (SDCL 24-8-8) in Section 10. C. Added “access the internet” to page 1, 9. of the Work Release Rules and Regulations (Attachment 2). Added “approved transporter” to 13 of Attachment 2. Added “knowingly” to 16 of Attachment 2. Added “minimum” of two (2) weeks and Added “If after two (2) weeks I have not obtained employment, I understand the Unit Manager may, at his/her discretion, grant me an extension for a period to be determined by the Unit Manager.” to page 2, 30 of Attachment 2. Added “Employers shall contact the DOC if an inmate will have internet access for the purpose of completing their job duties” to page 1, in Telephone and Computer Usage section, Attachment 4. Added section “Inmate Operation of Vehicles” to page 1, of Attachment 4. Added “Inmates must be paid on a regularly scheduled basis, as designated in advance by the employer. Employers shall pay all wages due at least once each calendar month unless otherwise provided by law pursuant to SDCL § 60-11-9.” “Holiday or one-time bonuses must be in the form of check or direct deposit and made payable to the Department of Corrections. Inmates cannot receive gift cards, accept gifts of cash, or accept gifts of any kind.” on page 2 of Compensation and Benefits on Attachment 4. "Added “Employers shall provide proof of insurance” to Attachment 4, page 2. Added “Normal working hours for inmates on work release will be between 5:00 AM and 11:30 PM.” to the Work Schedule section on page 2 of Attachment 4. Added “Normal working hours for work release inmates will be between 5:00 a.m. and 11:30 p.m. Any changes to this schedule must be approved by unit staff” to Attachment 5. Added “If an inmate’s location cannot be verified of a one (1) hour time period, or the
inmate fails to return to their housing unit within one (1) hour of their scheduled time of return and they not received authorization from unit staff for a late return, the inmate will be considered on escape status and escape procedures will be initiated.” to attachment 5. Added “Copy: Parole Agent” to bottom of Attachment 7.

**March 2012:** Deleted The provisions described in letter “F” of this section still apply to letter “J” and Replaced “and the following do not apply” in Section 1 L. Added 1-4 to Section 1 L. Added “or removed from the Work Release Program” to Section 2 E. Added a. “Records staff will be immediately notify the unit/case manager if a response is received from a victim regarding and inmate who has been approved for work release” in Section 2 E. Deleted “may complete this check through their appropriate unit staff member” and Replaced with “staff may contact their facility contact person to request a check of DOC records regarding a potential employer” in Section 3 B. 3. c. Deleted d. in same section. Deleted “approved” and Added “or other agency of the state designated by the Secretary of Corrections” to Section 4 A. Added “shall be in the order set forth below” to Section 5 A. 1 and Changed subsection to B. 1-5. Added 1. to Section 4 B. Deleted “Work release inmates are required to pay for the cost of room and board at the rate established by the Secretary of Corrections unless granted a waiver by the Secretary of Corrections from Section 5 B. Added 4. “Payments on Restitution” and renumbered items that follow in Section 5 B. Added “and have a valid driver license and automobile insurance” to Section 6 A. 4. c. Replaced term “halfway house” with “contract facility throughout the policy. Deleted “An inmate on Work release will not operate a vehicle while his/her license is surrendered” and Replaced with “Each work release inmate shall have their driver license in their immediate possession at all times when operating a motor vehicle” in Section 7 B. 2. Added “or be insurabl through the employer’s insurance provider” in Section 7 C. Deleted C. and D. in Section 8 (already listed in attachments). Deleted “Any time an inmate is having problems on the job, a contact visit with the employer will be required” and Replaced with “Unit staff shall contact the employer any time they become aware an inmate has received a verbal or written reprimand, been placed on a work improvement plan, or received other notice, written or verbal, that adversely affects the inmate’s employment.” in Section 9 E. 2. Added (including medical, dental, optometry, lab, e-rays, medications or other related medical expenses) to Section 11 A. Added 2. “Work Release inmates will be charged according to the fees listed in Attachment 12 for any appointment they initiate with Health Services wherein they fail to provide notice to Health Service staff informing he/she cannot attend the appointment. Notice is required at least twenty-four (24)-hours prior to scheduled day and time of the appointment” to Section 11 A. Renumbered subsections that followed. Added “and/or dental insurance” to Section 11 B. Added “and non-emergency psychiatric services through DSS staff” to Section 11 D. Added 1. “Inmates are responsible for all medical expenses described in DOH policy P-C-06A Medical Expenses in the amounts specified” to Section 11 D. Added “when the emergency services are required” to Section 11 D. 2. Added a. “Outside referrals and access to off-site medical services or specialists must be pre-approved by the on-site prison physician” to Section 11 D 4. Added Attachment 12.

**July 2012:** Revised definition of Sex Offender. Added “sentence in accordance with SDCL for violating condition 1 (only applies if weapons were involved or assautive behavior)” to Section 1 L. 4. Added “Work release eligibility for” and Deleted “the eligibility requirements for each parole date to be work release eligible” and Replaced with “one of the following” in Section 1 O. Added 1. and 2. to Section 1 O. Deleted “violator” and Replaced with “suspended sentence violator” and Added “or suspended sentence” to Section 2 C. Added new G. and G. 1 to Section 9 and Renumbered items that followed. **January 2013:** Added “or accessory to a violent crime” to Section 1 F. Added “institutional support or” in Section 1 J. Added “or their flat date” and Added “at the time of their application” in Section 1 J. Added “This advance will create a credit obligation in the inmate’s account” in Section 3 E. Deleted “second” in Section 3 E. 4. Deleted “housing and meals and Replaced with “room and board” throughout Section 4. Deleted “will” and Replaced with “may” and Deleted “jail or contract facility” and Replaced with “board of county commissioners not to exceed the average daily prisoner cost of the facility. The rate must be” in Section 4 D. Deleted “to accumulate on” and Replaced with “after their first paycheck is received after the” in Section 4 E. Deleted “Necessary” and Replaced with “Credit obligations which include” in Section 5 B. 2. Added D. to Section 7. Added D- H in Section 8. Deleted “on escape status and escape” and Replaced with “and Emergency Response procedures” in Section 9 H. Added 1-3 to Section 9 H. Deleted “Inmates will receive the regular competitive wage for the job
performed" and Replaced with “Work release inmates will be paid wages that meet or exceed federal and state minimum wage requirements” in Section 10 A.  

**April 2013: Deleted 1. “Inmates on work release who have fully paid all disbursement obligations and whose minimum savings and frozen account balances have been met may be charged a work release supplemental charge of ten dollars per day for room and board” in Section 4 B. Added “costs based on a percentage rate established by the DOC. (The facility’s rate…) and Deleted “The rate must be approved by the Community Service Director” in Section 4 D. Deleted “Work release inmates who have disbursement obligations cannot have their union dues payable through a company payroll deduction.**

and Deleted “net earnings” in Section 5 B. 1. Added E. to Section 5. Added “who provides the inmate transportation as part of their work duties (is being compensated by the employer while transporting the inmate)” in Section 6 A. 4. Added 5. “An approved member of the community” to Section 6 A.  **Added new B. and C. to Section 6. Deleted “work associate” from Section 6 D. 2. Added 1. to Section 8 H.**

Moved G. to I and Renumbered subsections in Section 9. Added “terminated or escaped” to Section 9 J. Deleted “Funds will be retained in the inmate’s account and paid to them upon their release to parole, suspended sentence or discharge” in Section 10 C. 3. **Deleted “Any debts incurred due to the removal from the work release program, any outstanding work release expenses on debts incurred while on work release and any current disbursement obligations” and Replaced with “All room and board costs and credit obligations, including work release expense loans will be deducted from the inmate’s work release pay check, the spend and savings account will be bypassed in the distribution formula, deductions will still apply towards fixed obligations and any remaining funds will be frozen” and Deleted “retained in the inmate’s account” and in Section 10 C. 4. Deleted 3. “If it appears a work release inmate releasing to parole supervision owes the DOC money for involvement with the WR program, the parolee’s parole agent will ensure the DOC debt is included in the inmate’s obligations. A copy of the parolee’s budget plan will be sent to the respective DOC business office” in Section 10 D. 3. **Deleted “owe the DOC money are required to provide his/her forwarding address/contact information and acknowledgement in writing he/she owes the debt and he/she will make a good faith effort to settle the debt” and Replaced with “releasing to parole supervision who have credit obligations at the time of their release will have the credit obligation written off and the amount transferred to “costs incurred” This information will be included on the inmate’s IFR and forwarded to the inmate’s assigned parole agent” in Section 10 D. 3. Added 4. to Section 10 D. Deleted 2. & 3. and 3. a. b. c. in Section 11 (refer to Inmate Medical Copay policy). Deleted 2. “If a work release inmate is referred for medical services outside the DOC facility by HS, the inmate is financially responsible for all expenses incurred” in Section 11.  

**December 2013: Added “and utility” to definition of “Vehicle”. Deleted F. “A copy of all approved Work Release Applications will be sent to the Community Service Director for statistical purposes” in Section 2. Deleted “During the inmate’s second week of employment, the” and Added “make contact with the employer” and Deleted “telephone contact is completed with the employer” and Replaced with “program compliance” and Added “Contact is defined as either a physical job site visit, phone contact of facility face-to-face meeting” in Section 9 D. Deleted “During the third week of employment, the unit manager will ensure a contact visit is completed with the employer” and Replaced with “A physical job site visit or facility face-to-face contact will be made during the second week of employment for each inmate beginning new employment” in Section 9 D. 1. **Deleted “This meeting may include the inmate if he/she is available” and Replaced with “A minimum of one monthly contact for each inmate on work release is required for the duration of the time the inmate is on work release” in Section 9 D. 2. **Added 3. 4. and 5. to Section 9. Deleted E. “During the remainder of the time the inmate is employed through the Work Release Program with the employer, the unit manager will ensure the inmate’s employer is contacted at least once a month by unit staff” in Section 9. Deleted 1. “Physical spot checks at the inmate’s place of employment will be completed by DOC staff as time allows” in Section 9 E. Deleted “Unit staff shall contact the employer anytime they become aware an inmate has received a verbal or written reprimand, been placed on a work improvement plan or received other notice, written of verbal, that adversely affects the inmate’s employment” in Section 9. E. **Deleted F. “DOC staff may contact the employer periodically to verify the inmate’s presence at the job site” in Section 9. Deleted H. “The unit manager will ensure employment/employer contacts are documented and maintained in the COMS” in Section 9. Deleted “terminated or has escaped from Work Release” and Replaced with “work release due to disciplinary action or escape/walk away” in Section 9. J. Deleted “Inmates on work release from the Community Alternatives of the Black Hills will have their paychecks sent to CABH” in Section 10 C.**
December 2014: Deleted H. in Section 1. Added “If an inmate is accepted back into programming and completes the required programming, the inmate may be considered for work release” in Section 1 K. 3. Added 4. to Section 1 K. 3. Added a. to Section 1 K. 5. Deleted “when a slot is available” in Section 3 A. Deleted 6. Payments of personal debts and obligations upon proof and the discretion of the inmate” in Section 5 B. 6. Deleted “The contribution amount shall be paid from the inmate’s spend subaccount” in Section 5 C. 2. Added “Payroll may be done via direct deposit in Section 10 B. Deleted “This information will be included on the inmate’s IFR and forwarded to the inmate’s assigned parole agent” in Section 10 C. 3. Deleted “minimum of 35 hours a week” and Added “as defined by the employer” and Added “or supplement their full-time employment through part-time employment” in Section 12 a. Added 1. to Section 12 B.

April 2015: Deleted P. “Inmates are ineligible for work release placement at a contractual facility if they have less than sixty (60) days to serve prior to their scheduled release date” in Section 1 Deleted 1. “An exception may be granted by the Warden for female inmates participating in the Intensive Meth Treatment (IMT) program” and 2. “Contractual” facility includes but is not limited to CABH, the Glory House and MCC” in Section 1 P. Deleted 1. “Inmates will sign the Medical Expenses for Work Release Inmates form acknowledging their obligation for medical expenses (See Attachment 12)” in Section 11 A. Deleted Attachment 12.

December 2015: Updated definition of “Sex Offender” Deleted “burglary 2nd” from Section 1 F. Deleted “programming” and Added “chemical dependency, moral recognition therapy or Thinking for a Change” and Deleted “they were assessed as needing i.e. chemical dependency or education programming” in Section 1 K. 3. Added F. to Section 2. Deleted C. “The room and board costs for inmates housed at minimum custody level units will not begin to accrue until the day the inmate has started his/her work release job” in Section 4. Added “or as established in the applicable contract” in Section 4. C.

December 2016: Added definition of “Booking”. Added “felony” to Section 1 C. Added “if more than 30 days have passed since the warrants search was conducted” in Section 1 C. 1. Added 3. to Section 1 C. Added “or a violent crime classified 3V, 4V, 5V or 6V.” to section 1 E. 1, 2, and 3. Added “or accessory to a violent crime, classified 1V or 2V” and Added “current booking is ineligible” to Section 1 g. Deleted E. and 1. in Section 1. Added “serving a sentence for a non-violent crime and” in Section 1 K. Added GED to Section 1 K. 3. Added “had his/her parole or suspended sentence revoked by the” in Section 1 K. 5. Added new L. to Section 1. Added “Offenders with a non-violent offense” and added 3. to Section 1 O. Deleted P in Section 1. Added 1. to Section 3 A. Added language to Section 4 B. Revised language in Section 13. Deleted Attachment 12. Medical Expenses for Work Release Inmates.

August 2017: Added 3. to Section 1 C. Deleted “If at any time DOC staff become aware a work release inmate has an active felony warrant(s), pending felony charge, pending sentencing documents for additional felony convictions, or felony holds/detainers, the Warden and Director of Community Services will be notified immediately and Replaced with “unit staff member will notify staff using the appropriate chain of command” in Section 1 C. Deleted (4) months and Replaced with 60 days in Section 1 H. I. and J. Added “in custody requiring a transfer from a community work center to a higher security facility due to an increase in custody status or policy directive” and Added “Inmates found to have committed a major offense in custody that does not result in an increase in their custody classification or required transfer from a community work center are ineligible for 60 days from the date of the sanction completion” in Section 1 M. Added 2. to Section 8 H. Added “Work hours outside of the normal working hours are permitted as approved by designated staff” in Section 9 A. 1. Deleted B. “Inmates will normally be back to the unit by 12:00 AM. Designated staff must approve any exceptions” in Section 9. Added H. to Section 9.

December 2017: Added 4. to Section 1 C. Section 1 G Deleted “1V or 2V” and Changed to “2V or higher” Added B. to Section 2. Added F. and H. to Section 2. Added 2. to Section 11 C. Revised Section 11 D. Added 2-4 to Section 12 A. Revised Section 12 A. 5. Added B. 1.-2. to Section 12. Updates to Attachment 2.

February 2019: Added “twelve (12) disciplinary points (12.1 points or greater) per year average or more than one 1.00 and Deleted (9) and Deleted (9.1 points or greater) and Added “per month average...
and Deleted “year average or more than .75 disciplinary points per month average” in Section 1 K. 2. Deleted “30” and Replaced with “60” in Section 1 N. Added 3. to Section 5 C. Added “does not include Uber, Lyft or any on-demand transportation company” in Section 6 A. 3. Added new B. in Section 6. Added “employer if the employer requires drug testing of employee as a condition of employment” in Section 8 E. Added or the employer. Search of an inmate’s person must be conducted by DOC staff or law enforcement in Section 8 F. Added “review of the phone records/messaging system” in Section 9 D. 3. a. Added “Reasonable steps will be initiated to attempt to locate the inmate” in Section 9 D. 3. b. Added “actual release date” in Section 10 D. 1. July 2019: Deleted “Been found guilty of committing any of the following offenses in custody” and Deleted a. e. listing of H-level offenses in Section 1 K 1. Deleted “(9.1 points or greater)” and Deleted “year average, or more than .75 disciplinary points per month average” in Section 1 K. 2. Deleted “Refused or been removed from chemical dependency, GED, moral recognition therapy (MRT) or Thinking for a Change (T4C) for non-compliance on their most recent admission. If the inmate is accepted back in the program and completes the required programming, the inmate may be eligible” and Replaced with “Does not have an active IEDC alert noted in COMS” in Section 1 K. 3. Deleted “In the last year of employment or assigned work, the inmate has a documented report of refusal to work or has quit a job (with or without a disciplinary report) or has received a work-related disciplinary report involving a Level H, M or L Offense in Custody” in Section 1 K. 4. Deleted “Inmates who are found to have committed a major offense in custody that required transfer to a higher security facility because of a change in custody status within the last four (4) months, are ineligible. The inmate may be eligible four (4) months from the completion date/expiration of the sanction for the major offense that triggered the transfer” in Section 1 M. Deleted “thirty” and Replaced with “sixty” in Section 1 N. Deleted O. “Inmates are ineligible if they have committed five (5) minor level offenses in custody in a three (3) month period (See Inmate Living Guide)” in Section 1. Added C. to Section 3. Updated Attachment 1. December 2019: Added P. to Section 1. Added “and COMS will be reviewed for a “No Work/Volunteer only” designation. This designation is found under booking, aliases and other identifiers” in Section 2 D. Added “or unit manager if the inmate is housed at a DOC Community Work Center” to Section 9 D. 3. Added “and/or verify the inmate has escaped” in Section 9 D. 3. a. February 2020: Deleted “exceptional” and Replaced with “compliant” in Section 1 A. 1. Added “may be” and Added “felony” and Added “The decision to remove an inmate from the program will be made by the Warden. If the inmate is removed” in Section 1 C. 4. Deleted “with no felonies” in Section 1 E. 1. Deleted 2. regarding old system inmates in Section 1 E. Deleted “are not eligible” and Replaced with “or inmates with a violent offense on their current booking, who are past their initial parole date on any transaction, active or inactive, are not eligible for work release” in Section 1 G. Deleted “Inmates with a violent offense on their current booking, who are past their initial parole date on any transaction, active or inactive, are not eligible for work release.” in Section 1 L. July 2021: Added “Sentence” to the term “Mixed” in the Definitions section. Added “unit director” to the definition of “Unit Staff Member”. Reformatted Section 1 E as subitem numbering skipped 3. Added “P. Inmates who are within ninety (90) days of their next release date are ineligible for work release, unless their parole plan is to release locally, as determined by the unit manager or unit director.” in Section 1. Deleted “G. If the inmate’s current admission is for a parole or suspended sentence violation, the unit manager will determine the inmate’s eligibility” and subitem 1 in Section 2, and Reformatted subsequent subitems in Section 2. Deleted “(See SDCL § 24-2-7)” in Section 2 G (new format). Added “/director” to Section 3 B 1 b. Added “and Work Release Acknowledgement” and “Attachment 12” to Section 3 D. Added “a. Inmates are not allowed to contribute a portion of their earnings to a health savings account (HAS). Inmates may participate in a well-being program offered by the employer whereby participation results in the employer contributing funds to a HSA. The inmate’s participation with a well-being program does not require DOC to make any accommodation for the inmate to meet the well-being program goal.” in Section 5 C 3. Deleted “C. Inmates may access a motor vehicle for transporting themselves to and from work with permission.” in Section 6 and Reformatted numbering of subsequent subsections. Deleted “friend” from Section 6 D 1. Deleted “(does not apply to fellow employees of the inmate)” and Replaced with “unless they meet the criteria in 4 or 5 in subsection A, of this section” in Section 6 D 2. Added “the procedures contained in this policy and” and “participation in the work release program and” and Deleted “particular work release situation (See Attachments 1, 2, 3, 4, 5, 7, 9, and 11)” in Section 8 A. Added “the procedures contained in this
policy and" and **Deleted** "(See Attachments 4, 5 and 8)" in Section 8 B. **Updated** policy 1.5.F.3 title in Section 8 C. **Added** "or unit director" in Section 9 A 1. **Added** "or unit director" in Section 9 C. **Added** "or unit director" in Section 9 D 3, and in subitems a and b. **Updated** policy 1.1.A.3 title in Section 9 D 3 c. **Deleted** “28-8-1” and **Replaced** with “24-8-1” in Section 9 G. **Updated** policy 1.4.E.10 title in Section 11 B. **Deleted** “and median” in Section 13 A 1 c. **Deleted** "DOC policy 1.3.C.11 – Offender Obligations" and **Updated** policy titles in the Related Directives. **Updated** ACA Standards based on 2021 edition. **Deleted** M:\drive location for Attachments and **Replaced** with PolicyTech as the location for all Attachments. **Updated** Attachment 2. **Added** Attachment 12 “Work Release Acknowledgement” form.

Tim Reisch (original signature on file)                     08/23/2021
Tim Reisch, Interim Secretary of Corrections              Date
Attachment 1: Application for Work Release

The Work Release Application form is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 2: Work Release Rules and Regulations

The Work Release Rules and Regulations form is in PolicyTech.

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

WORK RELEASE RULES AND REGULATIONS

1. I will obey all Department of Corrections (DOC) rules and regulations.
2. I will obey all federal, state and local laws and the ordinances of the community in which I reside and work.
3. I will not possess or use any alcohol, tobacco, vaping, narcotics, synthetic drugs or illegal substances.
4. I will submit to a urinalysis test, breathalyzer test or any other test approved to determine chemical use when requested by the DOC or my employer.
5. I will not store or conceal contraband (including tips and/or other currency) at my work site or anywhere else in the community.
6. I will not involve myself in banking activities outside of the DOC inmate banking system.
7. I will not operate a motor vehicle on any public highway and will possess a valid driver license when authorized by the DOC and employer to operate a motor vehicle requiring a driver license. A public highway includes all streets, alleys, public roads, public thoroughfares, or highways.
8. I will report to, and return from, work at pre-determined times using only approved routes. If I am released from my job earlier than scheduled, I will have my employer notify my housing unit and I will return directly to my housing unit. Failure to report to, or return from, work at the pre-determined times may constitute escape.
9. I will utilize transportation means approved by DOC staff or contract/jail staff.
10. I will not have family or friends visit my work site.
11. I will not bring any unauthorized item(s) to the housing unit.
12. I will follow my approved work schedule and will not alter the schedule. I understand any change to my work schedule must be approved by DOC staff or contract/jail staff.
13. I will not leave the site of my employment unless I have prior approval from the DOC or contract/jail staff.
14. I will not use a telephone or mobile device at work unless authorized by my employer as part of my job or in the case of an emergency.
15. I understand accessing the internet for personal use is strictly prohibited.
16. I will not receive my paycheck, ask for an advance against them or circumvent the payroll process.
17. I will not purchase or possess a cell phone or any mobile device.

I ______ have received a copy of the rules and regulations for the work release program. This is to certify that I have read and fully understand the rules and that my participation in the work release program may be forfeited for violating the rules and regulations of the program.

Inmate Signature: ___________________________ ID#: __________ Date: __________

Staff Signature: ___________________________ Date: __________

Revised: 07/21/2021  
Page 1 of 1
Attachment 3: Work Release Assignment of Check

The Work Release Assignment of Check form is located in PolicyTech.

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

WORK RELEASE ASSIGNMENT OF CHECK

I hereby assign and transfer to the Department of Corrections, heron designated as assignee, all wages and other funds that I have earned or may earn from my involvement in the Work Release Program pursuant to SDCL 24-6-6.

I authorize said assignee to take and receive the same, endorse my name heron, and collect the money on such check, and credit me the amount received; and if such check more than pays my indebtedness, the balance will be paid to me upon my parole or discharge. This assignment and authorization is to remain in full force and effective until I am released to parole or discharged from the DOC.

Inmate Name (Printed and Signature)               Date

Inmate ID Number

Staff Witness (Printed and Signature)               Date

All checks earned are to be made payable to the work release inmate and mailed to:

Community Service Director
South Dakota Department of Corrections
3200 East Hwy 34
Pierre, SD 57501

Questions: Please call the SD Department of Corrections (605) 773-3478

Revised: 06/01/2012
Attachment 4: Work Release Information for Employers

The Work Release Information for Employers form is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 5: Work Release Schedule

The Work Release Schedule form is located in PolicyTech.

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

![Work Release Schedule Form]

The above schedule must be completed by the inmate in conjunction with his/her employer. The schedule runs Monday through Sunday and must be submitted to your point of contact as instructed. Normal working hours for work release inmates will be between 5:00 a.m. and 11:30 p.m. Any changes to this schedule must be approved by unit staff.
Attachment 6: Work Release Check Assignment Cancellation

The Work Release Check Assignment Cancellation form is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 7: Work Release Acknowledgment of Costs Incurred

The Work Release Acknowledgment of Costs of Incarceration form is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 8: Documentation of Compliance with Executive Order 12943

The *Documentation of Compliance with Executive Order 12943* form is located in PolicyTech.

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

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**DOCUMENTATION OF COMPLIANCE WITH EXECUTIVE ORDER 12943**

**Employer:**
Is there a local union or similar unit organization which regularly engages in collective bargaining on behalf of more than 20 percent of those engaged in the work the inmate will be doing within the county in which the work will be performed?

- [ ] Yes  
- [ ] No

If Yes, have representative of the corresponding union been consulted?

- [ ] Yes  
- [ ] No

**Department of Corrections:**
Based on the SD Department of Labor "SD Labor Bulletin", what is the unemployment rate of the county in which the work will actually be performed?

If the unemployment rate of the county in which the work will be actually performed is more than 4%:

**Employer:**

Does the employment of this inmate worker displace employed workers?

- [ ] Yes  
- [ ] No

Does the employment of this inmate worker impair existing contracts for services?

- [ ] Yes  
- [ ] No

Are there non-inmate applicants of equal skills and abilities for the position available?

- [ ] Yes  
- [ ] No

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**Employer Signature**  
**Date**

**DOC Staff Signature**  
**Date**

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Revised: 12/29/2008  
Page 1 of 1
Attachment 9: Inmate Financial Worksheet

The **Inmate Financial Worksheet** form is located in PolicyTech.

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

### INMATE FINANCIAL WORKSHEET

- **Costs incurred:** Revenue, Food, and Miscellaneous
- **Inmate Financial Worksheet**
- **Policy No:** 08/02/2021
- **Page:** 29 of 32
- **Attachment:** 228 of 32

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Income</td>
<td>$10,000</td>
</tr>
<tr>
<td>Gross Expenditures</td>
<td>$7,000</td>
</tr>
<tr>
<td>Net Income</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

**Note:** The gray areas indicate the information that is to be entered.
Attachment 10: Work Release Transportation Person

The **Work Release Transportation Person** form is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 11: Work Release Routing Worksheet

The form **Work Release Routing Worksheet** is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 12: Work Release Acknowledgement

The form **Work Release Acknowledgement** form is located in PolicyTech.

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