

# **SOUTH DAKOTA DEPARTMENT OF CORRECTIONS**

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## **INMATE LIVING GUIDE**

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## **MISSION STATEMENT**

The mission of the Department of Corrections is to protect the citizens of South Dakota by providing safe and secure facilities for juvenile and adult offenders committed to our custody by the courts, to provide effective community supervision to offenders upon their release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

## **VISION**

A national leader in corrections that enhances public safety by employing evidence based practices to maximize the rehabilitation of offenders.

## **VALUES**

- We value our staff as our greatest asset.
- We value a safe environment for staff and offenders.
- We value community support and collaboration.
- We value public trust in the operation of our department.
- We value the use of evidence based practices to maximize offender rehabilitation.
- We value diversity and the respect for all individuals.
- We value professionalism, teamwork and the highest standard of ethics.
- We value investment in our staff through training in sound correctional practice and through the provision of opportunities for development and career advancement.

## **INTRODUCTION**

This handbook is designed for inmates living in South Dakota Department of Corrections adult correctional facilities. On the following pages you will find information about the programs available to you, the privileges available to you, and parole and release information. Also included is general information to help you with the normal routine of prison life.

Read this handbook carefully. If you do not understand something, ask a staff person for help. You are accountable for the rules and regulations of the institution. Specific information about topics contained within this handbook may be obtained from your unit team or by reading the particular DOC policy referenced.

Additional information about prison life is located in posted regulations, unit rules, operational memorandums and public policies and procedures which are available in inmate libraries and/or the housing units.

## **AN IMPORTANT MESSAGE**

Most inmates in prison want to do their time in the best possible way and be released as soon as possible. Some inmates, however, have the mistaken impression the rules and regulations do not apply to them. They attempt to establish their own methods of operation by creating unrest and causing trouble.

If a disturbance, mass assault, assault, or demonstration occurs, go immediately to your housing area or other area as directed by staff and remain there. Inmates who participate or encourage these actions and behaviors will face disciplinary action and possible criminal prosecution. Avoid any behavior that may connect you with the trouble in any way.

It is the policy of the Department of Corrections (DOC) to segregate identifiable troublemakers from the general population. This helps provide a safe environment for inmates to serve their time and participate in programming.

If at any time you believe you are in danger of being physically assaulted or abused (including sexual assault or sexual abuse), you should immediately report your concern to a staff member so action can be taken to ensure your safety.

You are not permitted to engage in sexual activity with staff or inmates while incarcerated at a DOC facility, contract facility or while housed at a city/county jail. Engaging in any sexual activity with staff or inmates, even if you consider it to be consensual, is a violation of DOC Offenses in Custody.

Violation of institutional rules can result in a denial of your release to parole supervision and loss of privileges.

## **PRISON RAPE ELIMINATION ACT (PREA)**

The DOC has a zero-tolerance policy relating to all forms of sexual abuse and sexual harassment of an offender. The DOC will cooperate in the investigation and prosecution of anyone involved in the sexual abuse of an offender. If you believe you are the victim of a sexual abuse or sexual harassment, report this information to any staff member as soon as possible. There is no time limit to report incidents of sexual abuse.

If you are not comfortable reporting directly to staff, report the abuse and/or harassment on the institutional "hotline" or to a friend or family member so they can report this to the DOC. The DOC will respond to all reports and steps will be taken to protect the victim.

Sexual Abuse is any unwanted sexual contact from another inmate or any sexual contact involving a staff member. Consensual sexual activity between inmates is against institutional rules and sexual activity with staff is against DOC policy and state law.

Sexual Abuse does not have to be a violent act. If the victim feels they would be harmed or retaliated against if they refused... it is sexual abuse.

Sexual Harassment is repeated comments or gestures of a sexual nature, unwelcome sexual advances or requests from either another offender or staff.

For more information refer to the “An Inmates Guide: Sexual Abuse and Sexual Harassment Awareness” brochure available through your Unit Staff.

## **ADULT DOC FACILITIES**

The following facilities are designated as housing units for male inmates: the South Dakota State Penitentiary and Jameson Annex in Sioux Falls, the Mike Durfee State Prison in Springfield, the Yankton Minimum Facility and the Black Hills Correctional Transition Center. The South Dakota Women’s Prison and Unit H in Pierre are designated as the primary housing units for female inmates.

## **THE UNIT TEAM**

You have been assigned to a unit team. A unit team normally consists of a unit manager, case manager, correctional unit coordinator and transitional case manager. A member of your unit team will work with you to address any serious problems you may encounter and will be your primary resource for the classification process, the Individual Program Directive (IPD) process, release planning and your inmate financial accounts. To gain access to your unit team, submit a written request slip (kite) stating your need or concern. You should also read the unit plan for information on daily activities in your assigned housing unit. You may view the unit plan by requesting it from your unit team or this may be posted in your housing area.

If you transfer to another DOC facility, you will be assigned to a new unit team. Your new unit team will be provided with the necessary information concerning your rehabilitative programming and goals.

## **CLASSIFICATION**

The South Dakota Department of Corrections uses a classification system to guide your facility and program placement and custody level to ensure the security of each facility and the safety of staff, inmates and the public. All new admission inmates will be classified prior to transfer from the admissions unit and assigned a classification code. You will be notified of all future classification reviews and any changes made to your classification level. For more information refer to the DOC policy 1.4.B.2 *Male Inmate Classification* and DOC policy 1.4.B.14 *Female Inmate Classification*.

## **INDIVIDUAL PROGRAM DIRECTIVE (IPD)**

You will be given an Individual Program Directive (IPD) which will outline the expectations for your behavior during your incarceration. As part of your IPD, you will be expected to conform to the rules of the DOC and the institution which you are assigned. You should maintain a good disciplinary record and work diligently and to the best of your ability when you are assigned a job or duty. Your IPD may also require you

participate and cooperate within programs or activities to which you are assigned, including but not limited to, chemical dependency treatment programs, educational programs and sex offender programming.

If you are incarcerated for a crime committed on or after July 1, 1996, your IPD establishes what you must do to be eligible for release to parole supervision. Failure to abide by the elements of your IPD may result in a finding of non-compliance, which may prevent your release to parole supervision. If you are non-compliant with your IPD at the time of your initial parole date, you may have to wait up to two (2) years for another opportunity for parole. Any parole hearing after a finding of non-compliance is discretionary and the Board of Pardons and Paroles may require you serve your entire term of incarceration. For more information, refer to the DOC policy 1.4.B.1 *Individual Program Directives (IPD)*.

## **RELEASE PLANNING**

You will be offered programs and services to assist you with your transition from prison to the community. If you are within five (5) years of your possible release date, you will be expected to participate in release planning and to develop a release plan. Initial release plans will be completed during the admission process. This section does not apply if you are sentenced under capital punishment or if you are sentenced to life in prison.

## **HOUSING ASSIGNMENT**

Your housing assignment will be determined by your unit team. No inmate has any implied right or expectation to be housed in any facility, participate in any specific program, or receive any specific service and an inmate is subject to transfer from any one facility, program or service at the discretion of the Warden or Secretary of Corrections

## **LIVING QUARTERS**

The care and cleaning of your living area, room or cell is your responsibility. Cleaning supplies will be provided. Cell cleaning times are posted in your unit. Refer to your Unit Plan for additional rules.

Any structural problem (leaking faucets and toilets, defective light fixtures, etc.) must be reported to your unit team. Defacing or damaging your living quarters or any other state owned property in any way is strictly prohibited. You will be financially liable for damage you cause to property or lost state property which has been assigned to you.

## **PERSONAL PROPERTY**

You are allowed to have certain items of personal property. Lists of allowable personal property and approved ways of obtaining these items are available in your housing unit. Personal property will be stored according to unit rules. Certain items must be recorded by correctional staff on your property list. The items which must be recorded on your property list are identified in the allowable property listing. Employees cannot ensure the

safety of personal property from loss, theft, or damage resulting from negligent acts or omissions by you or other inmates.

In order to possess items of personal property you are required to sign the Admission Document, which absolves all correctional employees from any liability resulting from loss or damage to your property. This does not mean you will not be fairly compensated for loss or damage to your property caused as a direct result of a negligent act or omission by a DOC employee. See DOC policy 1.3.C.4 *Inmate Personal Property* and DOC policy 1.2.E.1 *Inmate Commissary* for more information.

An inmate who is found to have committed a high or moderate offense in custody or three (3) low offenses in custody within any twelve (12) month period may be required to forfeit a significant portion of his/her personal property. See DOC policy 1.3.C.5 *Forfeiture of Inmate Personal Property*.

## **CONTRABAND**

Any item not authorized for you to have is contraband. Approved items may be contraband if they have been altered, are possessed in higher quantity than authorized, used in ways for which they were not intended, or obtained through an unapproved source. Items purchased must remain in their original containers.

You will be held responsible for contraband found on you, in your living quarters, in a storage space assigned to you or at your work site. Contraband will be confiscated and you will be subject to disciplinary action.

## **SEARCHES**

You, your possessions, your living quarters, your storage areas and your work site are subject to search at any time.

## **COUNTS**

A count is an official tally to ensure all inmates are in their proper location. A count may be taken at any time.

## **PERSONAL CLEANLINESS AND GROOMING**

You will be issued enough clothing to maintain a neat and clean appearance. You should take a shower and change your clothes regularly. Alteration of clothing is not permitted. Altered personal clothing will be confiscated. Worn out or torn state issued clothing may be exchanged.

Hair must be kept clean and neat in appearance and cannot pose a safety or sanitation threat in your work or program assignment. Specific inmate dress requirements may vary at each adult facility and will be posted in an institutional operations memorandum.

## **DNA COLLECTION**

If you were admitted to the DOC or are in the custody/supervision of the DOC on or after July 1, 2003 you must provide a DNA sample if you have not previously done so and/or your information is not registered with the DNA database. You will not be released until you have provided the required DNA sample. Knowingly refusing to provide the required DNA sample is a Class 5 felony. See DOC policy 1.3.C.10 *DNA Collection*.

## **FOOD SERVICE**

You will be allowed three nutritional meals each day. Medical orders for a special diet will be handled according to established policy. Special medical diets may be ordered by a physician or dentist. Requests for a special religious diet should be directed to the cultural activities coordinator. See DOC policy 1.5.F.2 *Religious Diet*. You are responsible for maintaining a healthy diet. See DOC policy 1.5.C.2 *Wellness Program*.

Your face, hands and hair should be clean for every meal. Inmate dress code must be followed while in the dining area. Use good table manners and leave your table and eating area as neat and clean as possible. Shouting or movement from table to table is not allowed in dining areas. Some institutions have assigned seating in the dining hall. If you are housed in one of these locations, staff will direct you where to sit in the dining hall.

You are not permitted to trade or give away any food from your special diet. You may be held financially responsible if you do not pick up a special diet meal that was prepared for you.

## **MENTAL HEALTH & HEALTH SERVICES**

All new admission inmates will receive a basic overview mental health and medical screening. The DOC will make provisions for reasonably necessary medical care to be provided for you while you are an inmate. Such services include medical, mental, dental, optometry and emergency medical care. If you have questions on how to access mental health or health services or about what services or groups are available, contact your unit team.

You will be charged a fee for each medical visit you initiate. See DOC policy 1.4.E.10 *Inmate Medical Co-Pay* for the fee schedule.

## **INMATE ACCOUNTS**

An account will be established in your name upon your arrival at a DOC facility. Money received for you will be deposited in this account. Money may be received from the outside through the mail or from wages paid in an institutional program or job. In order to have any outside funds deposited, you are required to sign the Admission Document.

You may receive business/payroll checks, cashier's checks, government checks or money orders through the mail only for deposit into your account. All monies received must be in U.S. dollars and include the name of the sender. Personal checks and cash will not be accepted. You will be provided a monthly statement of your account. You are



responsible for keeping track of the balance in your account. For more information refer to DOC policy 1.1.B.2 *Inmate Accounts & Financial Responsibility*.

## **COMMISSARY**

You may be allowed the privilege of accessing commissary to purchase snack food items, toiletries, correspondence supplies and other approved items such as pop tokens. Your total purchase at commissary each week, including tokens, may not exceed the amount specified on the commissary list. A commissary slip may be used to pay for postage, legal copies, disciplinary fines and/or restitution owed to the DOC or deposits required for "loaner" property to be issued to you. You are responsible for managing your account balance and commissary purchases.

If you do not have funds in your commissary account, you may request and receive indigent commissary to purchase certain necessary items once per month, if you meet the guidelines established in DOC policy 1.2.E.1 *Inmate Commissary*. You may reference more information regarding indigent commissary from your facility operational memorandums.

Trading, buying, selling, or holding property for others is forbidden. Any irregularity in connection with a commissary order may result in disciplinary action. Inmates who have their accounts frozen due to lack of funds or administrative action may not access commissary unless given approval by unit staff.

Family members may purchase "care packages" on your behalf from the commissary vendor, subject to institutional procedures.

## **MAIL**

Incoming and outgoing inmate mail is inspected and subject to the rules of the institution and DOC policy 1.5.D.3 *Offender Correspondence*. Correspondence or publications may be confiscated or rejected if they violate institutional rules or DOC policies.

Incoming and outgoing mail must be sent via the U.S. Postal Service or UPS. Outside orders/packages may only be received from authorized sources and after advance approval by your unit team. Outside orders for religious items must be approved in advance by the cultural activities coordinator. Correspondence cannot be passed through the control room or visit room to outsiders or to you. Correspondence to another inmate must be pre-approved through your unit team. See your unit staff for assistance.

## **TELEPHONE PRIVILEGES**

Telephone calls are a privilege and are subject to the rules of the institution. Rule violations may result in the loss of your telephone privileges. By using the inmate telephone system, you automatically give consent for all calls to be monitored and recorded. The State does not pay for outgoing inmate calls. The duration of your calls, the times when you may use the telephone and the number of people who may be on your approved calling list shall be limited by the DOC. You are not allowed to receive telephone calls.

You have the option of being assigned a personal identification number (PIN) which will allow you to place a collect call or make a debit call. The cost of a collect call will be charged to the recipient. A debit call is charged against your debit phone account or the approved party's account. The DOC does not accept inmate telephone monies as these should be sent directly to the telephone service provider. Incoming money orders or cashier's checks received by the DOC, designated as "telephone funds" will be deposited into your institutional account. See DOC policy 1.5.D.4 *Inmate Access to Telephones*.

## **VISITING**

You may be allowed to visit with those people who have been approved by the DOC and are listed on your visit list. All visitors are subject to a criminal background check. Attorneys and clergy will be allowed to visit after presenting proper credentials and identification.

While in Admissions & Orientation, with prior approval from unit staff, you may be allowed visits only from attorneys or clergy. Visits from family and friends may be permitted after you have been transferred to a permanent housing unit.

Visits consist of two classes: Class I is a contact visit in a designated area. Class II is a non-contact visit in which you are separated from your visitor. If housed at the Sioux Falls complex, all Class II visits must be scheduled in advance. You may be placed on Class II visits for violating institutional rules or policies pertaining to visits.

You will be searched after your visit. Your visitors may be searched in private by a staff member of the same sex. A visitor may choose to leave the facility rather than submit to a search but refusing to submit to a search may result in the denial of future visiting privileges.

Violation of visiting rules may result in any or all of the following:

- The termination of your visit;
- The loss of visiting privileges;
- Restriction to Class II visits;
- Disciplinary action.

Law enforcement will be contacted if a visitor is found to be in possession of a controlled substance, contraband or suspected to be under the influence of drugs or alcohol. It is a class 6 felony for a visitor to deliver or attempt to deliver to an inmate any article which is unlawful for an inmate to possess.

Visiting hours are posted in your housing unit. All visitors are required to present a accepted form of photo identification. Certain visit limitations may be imposed by the Warden or his/her designee. See DOC policy 1.5.D.1 *Inmate Visiting* for more information.

## **RELIGIOUS AND CULTURAL ACTIVITIES AND PROGRAMS**

Religious and cultural activities are offered on a regular basis and may be attended on a voluntary basis. You are expected to conduct yourself in an appropriate manner while attending or participating in these programs or activities by showing respect for the faith and religious/cultural practices of others, as well as your own. You may contact the cultural activities coordinator for more information about religious and/or cultural activities available at your institution.

## **ALCOHOL AND DRUGS**

A testing program is used to detect the use of drugs, alcohol and unauthorized substances. Possession of illegal drugs/substances by an inmate may result in criminal prosecution. Refusing, altering, circumventing, or failing to produce a urine or breath sample is against prison rules and you will be subject to disciplinary action. See DOC policy 1.3.A.8 *Drug Testing, Sanctions and Treatment* for more information. Chemical dependency treatment and services are available to inmates based on available resources. New admission inmates will receive a chemical dependency evaluation to determine if there is a need for chemical dependency treatment.

## **EDUCATION OPPORTUNITIES**

The DOC recognizes the value of education. Mandatory educational programming includes GED, special education and Thinking for a Change. Inmates who lack a high school diploma or GED will have academic programming included on his/her IPD (Individual Program Directive). If you are assessed as needing Thinking for a Change class, this will be included on your IPD.

The availability of specific coursework/classes varies by facility and is dependent upon your housing assignment.

Inmates with a high school diploma or GED may have an opportunity to pursue post-secondary education through correspondence. DOC does not provide financial assistance for such coursework and a pre-approval process must be followed prior to having material sent in to the prison. Inmates interested in taking college correspondence courses should contact the education department for further information.

## **LEGAL ACCESS**

The DOC provides inmates access to the courts through private legal staff hired by the DOC. You may contact legal staff through a kite to set up an appointment to meet with them. Legal reference books are also available at designated areas within DOC facilities. See DOC policy 1.3.E.1 *Inmate Legal Assistance*.

Private practice attorneys and/or court appointed attorneys may meet with you in person. These meetings should be scheduled during regular visiting hours. See DOC policy 1.5.D.1 *Inmate Visiting*. Telephone calls to an attorney will not be monitored or recorded upon request; however, the name and phone number of the attorney must first be verified.

Properly addressed incoming and outgoing legal/privileged mail will be inspected in your presence. Your unit team can provide you with a list of what is considered legal mail. See DOC policy 1.5.D.3 *Offender Correspondence*.

## **PROGRAM AND EMPLOYMENT OPPORTUNITIES**

You may have the opportunity or obligation to participate in educational, vocational, work, chemical dependency, sex offender, parenting and counseling programs. If the crime for which you were convicted was committed on or after July 1, 1996, your parole release may be dependent on your adherence to your Individual Program Directive (IPD) and your compliance with certain work and/or program assignments.

Inmates whose crimes were committed prior to July 1, 1996 also need to maintain a good work and/or program record as this information is provided to and considered by the Board of Pardons and Paroles.

You may be assigned employment in institutional support, community service or traditional prison industry. These jobs pay a wage, which is determined by the Secretary of Corrections. You may have an opportunity to apply for a job in the Private Sector Prison Industries, fire-fighting assignment, or to participate in the work release program. Staff may assign you duties without pay in accordance with South Dakota state law. You do not have an implied right or expectation to be assigned a job.

## **K-9 OFFICER AND K-9 DOG**

When the K-9 officer is with the K-9 you do not approach, touch or antagonize them. A K-9 is considered an officer and you are subject to disciplinary action if you fail to follow the guidelines. Each animal that is working will be marked with a K-9 vest.

## **ADMINISTRATIVE REMEDY FOR INMATES**

If you are unable to resolve a complaint through informal contacts with staff members, you may seek formal review of your complaint through the use of the Administrative Remedy for Inmates system. For a complete list of issues subject to complaints or appeals, see DOC policy 1.3.E.2 *Administrative Remedy for Inmates*.

Additionally, you may appeal disciplinary and classification actions, decisions regarding the restoration of forfeited good time or your designation as an unconvicted sex offender. Forms for filing complaints and appeals and information regarding the administrative remedy procedure is available by contacting your unit team. Some decisions/complaints may be appealed to the Secretary of Corrections.

You may use the Administrative Remedy for while housed at any DOC facility, contractual agency or while at a community service assignment. Abuse of the Administrative Remedy process may result in you being disqualified from further use of specific parts or all of the administrative remedy procedure.

## **INMATE HOTLINE**

A confidential line of communication is established between you and Security staff. This is an inmate phone line designated to relay information anonymously to security staff. The directions for use are posted near the inmate telephones.

## **DISCIPLINARY ACTIONS**

Offenses in custody are divided into four categories. Offenses designated by H, M, or L are a major violation, offenses designated by a V are a minor violation.

You may be subject to disciplinary action and sanctions for violating any offense in custody. Such violations may also negatively impact your classification status and your parole release.

If you are incarcerated for a crime committed on or after July 1, 1996 violation of a offense in custody may result in a finding of non-compliance with your Individual Program Directive (IPD). If you are found to be non-compliant with your IPD, you may not be released on parole at your initial parole date and may have to wait up to two (2) years for another opportunity for parole consideration.

## **OFFENSE IN CUSTODY**

### **CLASSIFIED AS MAJOR VIOLATIONS:**

#### Category 5

- H-1 Any act or acts defined as felonies or misdemeanors by South Dakota Law or Federal Law. Inmates charged with a violation of this rule will be given a copy of the particular law or laws allegedly violated.
- H-2 Killing any non-inmate.
- H-3 Assaulting any non-inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
- H-4 Inmate assault on staff which did not result in serious injury.
- H-5 Throwing or spitting any substance at or upon any non-inmate or intentionally smearing any substance to come into contact with any non-inmate.
- H-6 Assaulting another inmate resulting in serious injury requiring immediate medical attention, emergency treatment or hospitalization.
- H-7 Engaging in, or encouraging a riot, work stoppage, group demonstration, group food or hunger strike.

- H-8 Escape; planning, attempting or assisting in escape from secure custody or secure facility.
- H-9 Inmate sexual abuse: Any of the following acts, if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse.
- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
  - (2) Contact between the mouth and the penis, vulva, or anus.
  - (3) Penetration of the anal or genital opening of another person, however slight, by a hand, object, or other instrument; and
  - (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- H-10 Killing another inmate.
- M-1 Escape; planning, attempting or assisting in escape from non-secure custody or facility.
- M-2 Wearing or possession of a disguise or mask; or, manufacturing or possession of a mannequin or dummy.
- M-3 Possession of, or introduction of plans or drawings to manufacture or attempting to procure an explosive, ammunition, firearm, weapon, sharpened instrument, knife, hacksaw blade, wire cutter or unauthorized tool.
- M-4 Threatening any non-inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- M-5 Making unsolicited contact with or in reference to any non-inmate (writing notes or letters, making suggestive remarks or gestures, inappropriate touching, or seeking out personal information).
- M-6 Conduct that disrupts or interferes with the security of good order of the institution or interferes with a staff member in the performance of his/her duties and clearly poses a threat to the safety of staff or other inmates.
- M-7 Purposely exposing your genitals to a non-inmate for the purpose of annoying, offending or alarming a non-inmate.
- M-8 Throwing or spitting any substance at or upon any inmate or intentionally smearing any substance to come into contact with any inmate.
- L-1 Tampering with or blocking any locking device, cell door or slider.

- L-2 Setting a fire, attempting to set a fire or tampering with fire detection equipment or firefighting equipment.
- L-3 Use of illicit substance: including any narcotics, drugs, medicine or intoxicants not prescribed to the inmate by medical staff.
- L-4 Refusing or failing to produce a urine or breath sample, refusing to participate in a urine or breath test or attempting to circumvent a urine or breath test or alter the results of the test.
- L-5 Extortion, blackmail, protection: demanding or receiving money or anything of value in return for protection against others to avoid bodily harm.
- L-6 Unauthorized use, possession, introduction or manufacture of a hazardous material: toxic, flammable, explosive, poisons, corrosive, caustic, etc.
- L-7 Insolence (any conduct, acts, or gestures, verbal or non-verbal, showing disrespect) toward any non-inmate or in reference to any non-inmate.
- L-8 Giving or offering any non-inmate a bribe of anything of value.
- L-9 Inmate consensual sexual contact. Engaging in consensual sexual contact and/or unnatural acts with another inmate or non-staff member.
- L-10 Assaulting another inmate which does not result in serious injury.
- L-11 Fighting with another inmate.
- L-12 Damaging, altering or wasting state property.
- L-13 Refusing medically necessary care which could result in serious harm to your health or the health of others.
- L-14 Misuse of prescribed or authorized medicine, including saving or accumulation of authorized medicine contrary to medical orders, or failure to turn in medications on or before their expiration date, or using authorized medications for an unauthorized purpose, such as giving, trading or selling authorized medicine to another inmate.
- L-15 Stealing (theft) or possession of stolen property.
- L-16 Adulteration of any food or drink.
- L-17 Being in an area posted as unauthorized for inmates and/or in areas inmates are not allowed to be without staff escort.
- L-18 Having possession of materials used for tattooing, administering or receiving tattoos.

- L-19 Attempting suicide, self-injurious behavior, deliberately injuring yourself or permitting others to harm you.
- L-20 Failure to be present for count or interfering with the taking of count.
- L-21 Defrauding or attempting to defraud an individual, business or institution.
- L-22 Refusing to work.
- L-23 Failure to abide by rules or regulations governing programs, including work release, community service, furlough or private employment inside a DOC institution.
- L-24 Receiving, giving or attempting to receive or give any unauthorized article to or from a visitor or the public.
- L-25 Refusing to obey a verbal or written order of a staff member.
- L-26 Having in your possession, quarters, storage area or work site any article not issued to you, not purchased through the commissary, or for which you do not have special authorization; or having articles in excess of established limits, or articles which are used for unauthorized purposes or in an altered state. .
- L-27 Unauthorized contact with outsiders or visitors, or violation of a protection order issued by the court.
- L-28 Gambling or games of chance such as poker, black-jack, gambling pools, fantasy sports, etc. or having in your possession any paraphernalia used in gambling, such as dice, etc.
- L-29 Transferring money or property to, or accepting money or property from another inmate, member of his/her family, or his/her friends..
- L-30 Unauthorized possession of money or currency.
- L-31 Unauthorized group activities or assembly, including circulating or signing a petition.
- L-32 Counterfeiting, forging or unauthorized reproducing or any document, article of identification, money, security or official paper or form.
- L-33 Misappropriation of tools or materials of any kind from shops or other places.
- L-34 Non-emergency use of, or tampering with the emergency call button system.
- L-35 Conducting a business without authorization.
- L-36 Tampering with or removal of security inspection stickers or identification numbers affixed to inmate owned property or appliances.



- L-38 Threatening any other inmate with bodily harm or with any offense against his/her person, his/her family or his/her property.
- L-39 Possession of tobacco products at a secure facility.
- L-40 Following 5 violations of any minor rule by an inmate within a three-month period, all future violations may constitute a major violation.
- L-41 Conduct which disrupts or interferes with the security of good order of the institution or interfering with a staff member in the performance of his/her duties including circumventing or attempting to circumvent any rule, regulation or procedure contained in DOC policies or institutional operational memorandums.
- L-42 Filing a false, frivolous or malicious action or claim with the court; bringing an action or claim with the court solely or primarily for delay or harassment; unreasonably expanding or delaying a judicial proceeding; testifying falsely or otherwise submitting false evidence or information to the court; attempting to create or obtain a false affidavit, testimony or evidence; or abusing the discovery process in any judicial action or proceeding.
- L-43 Refusing to eat, other than an approved religious fast.
- L-44 Refusing to accept a living quarters assignment or refusing to accept a cellmate/roommate.
- L-45 Engaging in gang organization, recruitment or blatant displays of gang activity or materials related to security threat groups.
- L-46 Lying or knowingly providing a false statement while under oath or deposition.
- L-47 Possession of a cell phone.
- L-48 Possession of an illicit substance, including any narcotics, drugs, medicine or intoxicants not prescribed to the inmate by medical staff.
- L-49 Manufacturing, possessing instructions to manufacture or buying or selling narcotics, narcotic paraphernalia, drugs, medicine or intoxicants.
- L-50 Sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward any person.

**CLASSIFIED AS MINOR VIOLATIONS:**

- V-1 Failure to abide by posted or written regulations/standards.

- V-2 Overloading electrical outlets.
- V-3 Lying or knowingly providing a false statement to a staff member.
- V-4 Failure to perform work as instructed.
- V-5 Unauthorized use of telephone or any communication system.
- V-6 Placing any articles over cell bars, cell front, windows or draping articles over bunks.
- V-7 Using any equipment or machinery contrary to instructions, posted safety standards or without being trained; failure to use the proper safety equipment provided.
- V-8 Failure to comply with standards of grooming, dress or sanitation.
- V-10 Failure to be in position in your living quarters to be readily observed, or not standing at designated area during standing count.
- V-11 Failure to vacate living quarters or designated area during a fire drill.
- V-12 Using a mirror or similar article/device to observe outside of your cell (jiggering).
- V-13 Being in a housing unit, cell or living area other than your own or being on the wrong floor, tier or area of your housing area.
- V-14 Failure to respond to a pass or page.
- V-15 Having in your possession, living quarters, storage area or work site any article not issued to you, not purchased through commissary, or for which you do not have special authorization; or having articles in excess of established limits, or articles which are used for unauthorized purposes or in an altered state.
- V-16 Conduct which disrupts or interferes with the security or good order of the institution or interfering with a staff member in the performance of his/her duties.
- V-17 Possession of pornographic material. Pornographic material includes books, pamphlets, magazines, periodicals or other publication or material that features, describes, depicts or includes photographs, drawings, etchings, paintings, or other graphic depictions of nudity or sexually explicit material.
- V-18 Engaging in gang activity. Possession of material depicting gang symbols, specific gang colors, or any act or gesture that references any specific threat group.
- V-19 Having a new tattoo, or adding to existing tattoo.

- V-20 Transferring money or property to, or accepting money or property from another inmate, a member of his/her family or his/her friends.
- V-21 Violating visit regulations.
- V-22 Disrupting staff during count.
- V-23 Physical resistance or physical interference with an employee, contract service provider, volunteer or visitor at a level less than assault.
- V-24 Making excessive loud noises or unruly conduct, or use of a radio or television without headphones.
- V-25 Overdrawing of spending account by an inmate.
- V-26 Failure to make your bed as instructed or by the designated time.
- V-27 Failure to terminate a visit upon notification
- V-28 Scratching or marking walls or furnishings, taping or attaching pictures or other articles to walls or other furnishings.
- V-29 Posting personal notices without authorization.
- V-30 Wasting food or throwing food or throwing food, beverages or other items on the floor.
- V-31 Giving, receiving or demanding special or extra portions of food.
- V-32 Removing unauthorized food from the dining room or kitchen.
- V-33 Possession of tobacco products or electronic cigarettes at a non-secure facility.
- V-34 Failure to comply with medical orders and/or directives.
- V-35 Violating correspondence regulations.
- V-36 Unexcused absence from work or assignment in the institution or tardiness in reporting to work or an assignment within the institution.
- V-37 Loitering.
- V-38 Damaging, altering or wasting state property.
- V-39 Failure to follow a religious diet, medical diet or other special diet; or failure to pick up any meal that has specifically prepared for you as an individual.
- V-40 Misusing state computers or the state computer system.
- V-41 Possession of unauthorized or altered clothing or property.

- V-42 Gambling or games of chance such as poker, black-jack, gambling pools, fantasy sports, etc. or having in your possession any paraphernalia used in gambling.
- V-43 Failure to use proper receptacles for pop cans, trash or other litter.
- V-44 Obstructing, altering or darkening light fixtures or bulbs.
- V-45 Accumulation of containers, newspapers, magazines and/or trash.
- V-46 Overspending the established limit in the commissary.
- V-47 Having food or beverages in unauthorized areas.

### **PAROLE AND PAROLE ELIGIBILITY**

If you are serving a sentence for a crime committed prior to July 1, 1996, parole eligibility is based on the number of felony convictions on your record after the deduction of good time. A first time felony offender is eligible for parole after serving one-fourth of the sentence; a second time offender is eligible for parole after serving three-eighths of the sentence; a three time or more offender is eligible for parole after serving one-half of the sentence.

If you are serving a sentence for a crime committed on or after July 1, 1996, an initial parole date will be established based upon the following formula:

<b>FELONY CONVICTIONS</b>			
<i>Non-Violent</i>			
Felony Class	First	Second	Third
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50

<b>FELONY CONVICTIONS</b>			
<i>Violent</i>			
Felony Class	First	Second	Third
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70
Class 2	.50	.65	.75

Class 1	.50	.65	.75
Class C	.50	.65	.75

The minimum sentence for a Class A or Class B felony is life. A Class C felony carries a maximum sentence of life. Inmates serving life sentences are not eligible for parole.

### **GOOD TIME**

If you are serving a sentence for a crime you committed prior to July 1, 1996, Good Time was credited to you upon your admission to a DOC facility. Good Time may only be taken away or restored as provided by South Dakota law. See DOC policy 1.4.B.5 *Withholding Good Time*. Inmates serving a life sentence are not eligible for Good Time.

If eligible, a written request for the return of Good Time must be submitted to your case manager. If you are unsure sure about your eligibility for the return of Good Time contact your case manager. See DOC policy 1.3.C.6 *Restoration of Good Time*.

The following table shows the amount of Good Time you receive based on the length of your sentence:

<b>Sentence(in years)</b>	<b>Good Time (days/month)</b>	<b>Total Good Time Reduction</b>
less than 1 year	10	Pro-rata
1	10	4 months
2	10	8 months
3	10	1 year
4	10	1 year, 4 months
5	10	1 year, 8 months
6	10	2 years
7	10	2 years, 4 months
8	10	2 years, 8 months
9	10	3 years
10	15	3 years, 6 months

For each additional year after ten (10) years, your total Good Time reduction is six (6) months per year. If you are serving a sentence for a crime committed on or after July 1, 1996 you do not receive good time.

### **REVISION INDEX**

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<i>Denny Kaemingk</i>	<i>03/13/2013</i>
Denny Kaemingk, Secretary of Corrections	Date