SOUTH DAKOTA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 300-17	PAGE NUMBER 1 OF 19
		DISTRIBUTION:	Public
		SUBJECT:	Offender Discipline System
RELATED STANDARDS:	**ACA 5-ACI: 3C-01, 3C-02, 3C-03, 3C-04, 3C-05, 3C-06, 3C-07, 3C-08, 3C-09, 3C-11, 3C-12, 3C-14, 3C-15, 3C-16, 3C-17, 3C-18, 3C-19, 3C-20, 3C-21, 3C-22, 3D-08 (M)**	EFFECTIVE DATE:	August 15, 2026
		SUPERSESSION:	10/15/2025
DESCRIPTION: Facilities - Security & Management	REVIEW MONTH: June	**NICK LAMB** **SECRETARY OF CORRECTIONS**	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to have ***a written set of disciplinary procedures governing offender rule violations*** in place at all Department of Corrections' (DOC) institutions to impose discipline for offender conduct and behaviors that violate DOC policy or institutional rules **[ACA 5-ACI-3C-02]**. The disciplinary system supports maintenance of order and control of institutional safety, justice, and modification of offender behavior (rehabilitation). Offenders shall not be disciplined unfairly and shall be afforded all applicable rights regarding due process.

II. PURPOSE

The purpose of this policy is to establish procedures, responsibilities, prohibitions, and sanctions that govern offender conduct and behavior in DOC facilities and to establish procedural guidelines to assist corrections officials in regulating the conduct of offenders.

III. DEFINITIONS

Attempt:

An individual commits an attempt when, with the intent to commit a specific offense, they engage in conduct that tends to affect the commission of that offense. It is an affirmative defense that the individual voluntarily and completely abandoned their effort prior to discovery of their participation or before the offense was substantially completed. An attempt is punishable to the same extent as the underlying offense.

Contraband:

An unauthorized item that is not permitted in the institution or is not sold in commissary. Approved items may be contraband if altered, possessed in a higher quantity than authorized, used in ways for which it is not intended, or obtained through an unapproved source.

Dangerous Contraband:

A communication device, firearm, knife, bludgeon, or other weapon, device, instrument, material, or substance whether animate or inanimate, which is readily capable of causing or inducing fear of death or physical injury.

Date of Discovery:

The date at which the officer in charge (OIC) determined an offense has occurred and the identity of the offender to be charged. This is determined by the date the OIC signs the Notice of Charge(s).

Disciplinary Hearing Officer (DHO):
A staff member at the level of lieutenant or above who has successfully completed DHO training and is responsible for conducting the institutional disciplinary hearing in response to an offender who is alleged to have committed a major offense in custody. The DHO shall determine if a preponderance of the evidence exists to support a finding the offender has committed the offense, and the DHO may impose an appropriate sanction(s) when it is determined an offender has committed an offense in custody.

Gang Activity:
The transmission of or attempt to transmit through any form of communication or actions, threats, demands, actions, or suggestions that advocate disruption, including security threat group related activities or the actual disruption of operations of any segment of a facility.

Informal Resolution Sanctions:
Corrective measures designed to address minor infractions through immediate and constructive interventions. These resolutions focus on reinforcing facility rules and expectations without invoking formal disciplinary hearings unless necessary.

Preponderance of Evidence:
Evidence that is more likely than not to be true.

Security Threat Group (STG):
A group of individuals which threatens, intimidates, coerces, or harasses others, or which engages in any activity which violates or encourages the violation of statutes, administrative rules, or department policy.

Unauthorized / Incidental Contact:
An offender commits this offense when they intentionally through negligence or recklessness make unauthorized physical contact with or strikes an employee, contract worker, or volunteer with any part of their person or an object (such as paper, pills, clothing, etc.) with a non-hazardous liquid (to include water, cold beverages, etc.) in which no injuries were sustained.

Unit Disciplinary Hearing (UDH)
One or more unit staff members assigned the duty of convening an initial hearing concerning charges brought against an offender for misconduct. The UDH may determine if a preponderance of evidence exists to support an offender committed an offense in custody and determine an appropriate sanction.

IV. PROCEDURES

1. Offenses in Custody:

A. The Offender Living Guide contains a list of ***written rules of offender conduct*** that ***specify acts prohibited within the institution and penalties that can be imposed for various degrees of violation***; divided into major and minor level rule offenses (also see section "Rule Violation Definitions & Sanctions" in this policy) **[ACA 5-ACI-3C-01]**. Offenses in custody are prohibited behaviors that have direct and adverse effects on offenders, institutional order, and the security of the institution.

B. Offenders found guilty of committing an offense in custody may receive a sanction. All rules and prohibited activity shall be made known and available to all offenders to review. Directives shall be posted, announced, or otherwise made known and available to offenders. At a minimum, directives will be posted to the offender tablets.

C. All offenders are offered avenues to access the Offender Living Guide, in English or Spanish, either electronically through the offender tablet system, kiosks, or as printed matter. The Offender Living Guide shall be made available to all offenders upon admission to a DOC facility. ***A rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is given to each offender and staff member and is translated into those languages spoken by significant numbers of offenders. Signed acknowledgment of receipt of the rulebook is maintained in the offender's file*** **[ACA 5-ACI-3C-03]**.

D. ***When a literacy or language problem prevents an offender from understanding the rulebook, a staff member or translator assists the offender*** who requests assistance ***in understanding the rules,*** offenses in custody, and/or the disciplinary process **[ACA 5-ACI-3C-03]**.

E. Offenders requiring accommodation to access materials that document the offenses in custody, rules, or directives should contact staff or the ADA facility coordinator to request the accommodation. Offenders who require accommodation to participate in the disciplinary system, such as but not limited to, language translation, braille, literacy, or those with a cognitive disability that affects their ability to understand such materials or processes, should contact housing staff or the ADA facility coordinator.

F. Staff and volunteers shall be provided access to the Offender Living Guide during basic training and will familiarize themselves with the material contained within the guide and the applied rationale for rules and sanctions within DOC institutions. ***All personnel*** (including staff and volunteers) ***who work with offenders*** will ***receive sufficient training, so they are thoroughly familiar with the rules of offender conduct, the rationale for the rules, and the sanctions available*** **[ACA 5-ACI-3C-04]**.

G. All offenders in the custody of the secretary of the DOC will be subject to the rules of the offender discipline system. Violations of the rules of the offender discipline system may be punishable as disciplinary violations.

H. Criminal Prosecution: In addition to being subject to the offender discipline system, all offenders in the custody of the secretary of the DOC are subject to all laws of the United States and the state of South Dakota. If a violation of the offender disciplinary system would also be a violation of a federal, state, or local law, an offender may be subject to the provisions of the offender discipline system, as well as to the applicable law. The case will first be referred to the inspector general (IG). The IG will pursue case filings and follow-up as necessary.

I. Disposition: Minor offenses will work through an informal process with the offender's housing staff. Offenders have the right to a formal hearing for all major offenses but may waive this right and handle the offense through the Unit Disciplinary Hearing (UDH).

2. Rule Violation Definitions & Sanctions:

A. The sanctions outlined below may be adjusted at the discretion of the DHO with warden or designee's approval.

B. Attempting or conspiracy to attempt any infraction is inferred as included in the definition of the rules below.

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
MAJOR INFRACTIONS H = HIGH LEVEL, M = MEDIUM LEVEL, L = LOW LEVEL			
H2	Murder; Killing anyone.	Up to 360 days	Up to 90 days

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
H3	Assault resulting in serious bodily injury requiring immediate medical attention, emergency treatment, or hospitalization.	Up to 360 days	Up to 90 days
H7	Inciting a riot, work stoppage.	Up to 360 days	Up to 90 days
H8	Escape from secure custody or a secure facility, or planning, attempting, or assisting an escape from secure custody or a secure facility.	Up to 360 days	Up to 90 days
H9	Sexual assault.	Up to 360 days	Up to 90 days
H11	Throwing or spitting any bodily fluids at or upon any staff.	Up to 360 days	Up to 90 days
H12	Possession of dangerous contraband. A communication device, firearm, knife, bludgeon, or other weapon, device, instrument, material, or substance whether animate or inanimate, which is readily capable of causing or inducing fear of death or physical injury.	Up to 360 days	Up to 90 days
M2	Wearing or possession of a disguise or mask; manufacturing or possession of a mannequin or dummy.	Up to 180 days	Up to 60 days
M5	Unsolicited contact with or in reference to, any non-offender (notes, letters, messages, suggestive remarks or gestures, inappropriate touching, or seeking out personal information).	Up to 180 days	Up to 60 days
M6	Conduct which disrupts or interferes with the security or good order of the institution and interferes with a staff member during performance of his/her duties which could potentially pose a threat to the safety of staff or other offenders. Major Incident Report is required as soon as possible.	Up to 180 days	Up to 60 days
M7	Purposely exposing genitals to a nonoffender for the purpose of annoying, offending, or alarming.	Up to 180 days	Up to 60 days
M8	Throwing any substance at or upon any person; intentionally smearing any substance which could potentially come into contact with any person.	Up to 180 days	Up to 60 days
M9	Extortion, blackmail, or demanding or receiving money or anything of value.	Up to 180 days	Up to 60 days
M10	Manufacturing, possessing instructions to manufacture, or buying or selling narcotics, paraphernalia, syringes, drugs, medicine, or intoxicants.	Up to 180 days	Up to 60 days
M12	Tampering with locks or security devices.	Up to 180 days	Up to 60 days
M13	Setting/attempt to set a fire.	Up to 180 days	Up to 60 days
M14	Non-offender assault/battery without serious injury.	Up to 180 days	Up to 60 days
M15	Receiving, giving, or attempting to receive any unauthorized article to or from a visitor or member of the public.	Up to 180 days	Up to 60 days
L3	Use or possession of an illicit substance, including any narcotic, drug, medicine, or intoxicant. Misuse of prescribed or authorized medicine, including saving or accumulation of authorized medicine contrary to medical orders; failure to turn in medications on or before the expiration date; using authorized medications for an unauthorized purpose, such as giving, trading, or selling authorized medicine to another offender.	Up to 60 days	Up to 30 days
L7	Insolence, conduct, acts, or gestures, harassment, verbal or nonverbal behavior, showing disrespect toward any non-offender or in reference to any non-offender.	Up to 60 days	Up to 30 days
L9	Sexual misconduct.	Up to 60 days	Up to 30 days
L10	Assaulting another without serious bodily injury.	Up to 60 days	Up to 30 days
L11	Fighting with another offender.	Up to 60 days	Up to 30 days

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
L14	Refusing, or failing to produce a urine, saliva, or breath sample, refusing to participate in a urine, saliva, or breath test, attempting to circumvent a urine, saliva, or breath test, or altering the results of the test.	Up to 60 days	Up to 30 days
L17	Being in an unauthorized area or in an area that offenders are not allowed in without staff escort.	Up to 60 days	Up to 30 days
L20	Failure to be present for count; interfering with the taking of count.	Up to 60 days	Up to 30 days
L22	Refusal to work.	Up to 60 days	Up to 30 days
L23	Failure to abide by rules, regulations, or verbal orders.		Up to 30 days
L26	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 are in an altered state.	Up to 60 days	Up to 30 days
L32	Counterfeiting, forging, or other unauthorized reproduction of any official document or form, article of identification, or currency.	Up to 60 days	Up to 30 days
L33	Misappropriation of tools, materials, or supplies of any kind from shops or other places.	Up to 60 days	Up to 30 days
L38	Threatening any person with bodily harm or with any offense against his/her person, his/her family, or his/her property.	Up to 60 days	Up to 30 days
L40	Following 5 violations of any minor rule within a three (3) month period, all future violations may constitute a major violation.	Up to 60 days	Up to 30 days
L41	Conduct which disrupts or interferes with the security or good order of the institution; 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.	Up to 60 days	Up to 30 days
L45	Engaging in gang organization, recruitment, or blatant displays of gang activity or materials related to security threat groups.	Up to 60 days	Up to 30 days
L50	Sexual Harassment.	Up to 60 days	Up to 30 days
L55	Intentionally damaging, altering, destroying, or wasting state property. The value of property, substantiated by written documentation, determines the restitution/reimbursement to be charged to the offender. If evidence is insufficient to sustain a conviction on a charge of L55, the hearing officer has the discretion to modify the charge to the lesser violation of V38 if such conviction is justified by the evidence presented.	Up to 60 days	Up to 30 days
L56	Actively caught tattooing, whether by administering or receiving a new tattoo or adding to an existing tattoo.	Up to 60 days	Up to 30 days
MINOR INFRACTIONS / INFORMAL RESOLUTIONS V = MINOR INFRACTION			
V1	Failure to abide by a lawful directive posted, or written regulations/standards.	Up to 15 days	N/A
V4	Failure to perform work as instructed. Or unexcused absence from work or assignment in the institution; tardiness in reporting to work or an assignment. Unexcused absence from vocational and/or program assignments in the institution; tardiness in reporting to work or an assignment within the institution.	Up to 15 days	N/A
V5	Unauthorized use of communication device.	Up to 15 days	N/A

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
V6	Placing any article over cell bars, cell front, window, or draping articles over bunks or obstructing, altering, or darkening light fixtures or bulbs.	Up to 15 days	N/A
V7	Using any equipment or machinery contrary to its intended purpose; failure to follow staff instructions or written safety standards which apply to any equipment or machinery; operating/controlling equipment or machinery without required training; failure to use the proper safety equipment provided.	Up to 15 days	N/A
V13	Being in an unauthorized area.	Up to 15 days	N/A
V15	Having in your possession, living quarters, storage area, or work site any article or clothing not issued to you, not purchased through commissary, or for which you do not have special authorization; or having articles or clothing in excess of established limits, or articles or clothing which are used for unauthorized purposes or are in an altered state.	Up to 15 days	N/A
V17	Possession of pornographic material includes books, articles, pamphlets, magazines, periodicals, publications, or materials that feature nudity or "sexually explicit" conduct. May include books, pamphlets, magazines, periodicals, or other publications or materials that feature or include photographs, drawings, etchings, paintings, or other graphic depictions of nudity or sexually explicit material.	Up to 15 days	N/A
V18	Engaging in gang activity; possession of material depicting gang symbols or specific gang colors; any act, gesture or display that references any gang or security threat group.	Up to 15 days	N/A
V20	Transferring money or property to, or accepting money or property from, another offender, member of his/her family, representative, or friend(s).	Up to 15 days	N/A
V21	Violating visit rules or failure to terminate a visit upon notification.	Up to 15 days	N/A
V37	Loitering.	Up to 15 days	N/A
V38	Intentionally damaging, altering, destroying, or wasting state property.	Up to 15 days	N/A
V50	Stealing (theft) of property.	Up to 15 days	N/A
V60	Possession of unauthorized or altered clothing or property.	Up to 15 days	N/A
V61	Possession of unauthorized tobacco and/or tobacco products.	Up to 15 days	N/A
V62	Having possession of materials used for tattooing; or having a new tattoo; or adding to an existing tattoo.	Up to 15 days	N/A

3. Immediate Sanctions / Informal Resolution and Reporting Offenses in Custody:

A. When staff have some information/evidence supporting an offender has committed a minor offense in custody, the staff member will determine if it is appropriate to attempt to resolve the matter informally through immediate consequences. The officer in charge (OIC) or supervisor will be consulted. The DOC encourages informal resolution, when possible. This requires agreement to the sanction or staff response by the offender and charging staff member. Informal resolution/immediate sanctions may include, but are not limited to:

1. Repayment for Damages: The offender may be asked to complete a commissary slip for the cost of the replacement/repair of the item and/or the service required accepting financial responsibility for such.
2. Loss of Recreation Privileges: The offender may be restricted from participating in scheduled recreation (yard & gym) times, for up to a maximum sanction of three (3) days.
3. Loss of Library Privileges: The offender may be restricted from accessing the library, for up to a maximum sanction of three (3) days. This sanction will not limit access to legal typing.

4. Loss of Special Events Privileges: The offender may be restricted from attending any facility scheduled special event.
5. Loss of Electronic Devices: The offender may be restricted from utilizing in-cell electronic devices to include but not limited to television, radio, tablet, and any other gaming devices, for up to a maximum sanction of three (3) days.
6. Extra Work Assignment: The offender may be assigned extra work within the living unit or facility, for up to a maximum sanction of three (3) days.
    a. The work assignment will not exceed two (2) hours per day and will not interfere with the offender's current work assignment, programming and/or treatment needs. privileges for remainder of shift.
7. Staff will report the incident to program staff for follow-up. Program staff will review the reported behavior(s) for possible noncompliance with programming requirements, as applicable. Loss of phones: The offender may be restricted from making phone calls for a maximum of three (3) days. This sanction will not limit access to legal phone calls, PREA reporting, or crisis hotlines.

B. Verbal reprimand. The offender will be counseled by the reporting employee on the rule violation and expected future behavior. The verbal reprimand will be followed by an electronic chronological entry into the offender management system (OMS).
    1. Verbal instruction, explanation, response, or warning.

C. The informal resolution/immediate consequences will be documented in the field Facility Rule Violation for minor write ups (in OMS). Informal resolution/immediate consequences shall not be included as part of an offender's disciplinary history and does not count towards violations that may determine an offender's classification or compliance. Repeated patterns of disciplinary behavior may be taken into consideration by staff when determining informal sanction.

D. By imposing immediate accountability resolution procedures, the parties agree that a formal Notice of Charge(s) will not be filed, provided the imposed immediate accountability resolution assignment is satisfied. The parties further agree that any timelines contained in this policy will be waived.

E. If the offender fails to comply with the agreed informal resolution, the supervising officer will document the offender's failure or refusal in an incident report no later than one (1) working day after the assignment was to be completed, which will be submitted to the OIC or other appropriate staff member for initiation of the minor infraction hearing process.

F. Immediate consequences, when agreed to by the offender and staff member, may not be appealed or grieved.

G. If an offender rejects the informal resolution, the reporting staff will submit a disciplinary report for a minor rule infraction.

4. Minor Infraction Hearing (MIH):

A. Minor rule infractions typically involve minor level infractions and non-threatening violations of facility rules that do not compromise safety or security. Minor rule infractions do not require a formal hearing. When staff believe an offender has violated a minor rule infraction, they will complete a disciplinary report in OMS and submit the report to the offender's housing sergeant or housing captain. The housing sergeant or captain will complete a *Minor Infraction Hearing Notice of Sanctions* (attachment #11). A copy of this form will be provided to the offender and a copy scanned into the OMS. After reviewing the disciplinary report, the housing sergeant or housing captain will meet with the offender within seven (7) business days to discuss the incident. If the housing sergeant or housing captain determines that the offender has violated the minor rule, they may issue any of the following immediate sanctions:
    1. Repayment for Damages: The offender may be asked to complete a commissary slip for the cost of the replacement/repair of the item and/or the service required accepting financial responsibility for such.

2. Loss of Recreation Privileges: The offender may be restricted from participating in scheduled recreation (yard & gym) times, for up to a maximum sanction of fifteen (15) days.
3. Loss of Library Privileges: The offender may be restricted from accessing the library, for up to a maximum sanction of fifteen (15) days. This sanction will not limit access to legal typing.
4. Loss of Special Events Privileges: The offender may be restricted from attending any facility scheduled special event.
5. Loss of Electronic Devices: The offender may be restricted from utilizing in-cell electronic devices to include but not limited to television, radio, tablet, and any other gaming devices, for up to a maximum sanction of fifteen (15) days.
6. Extra Work Assignment: The offender may be assigned extra work within the living unit or facility, for up to a maximum sanction of three (3) days.
   a. The work assignment will not exceed two (2) hours per day and will not interfere with the offender's current work assignment, programming and/or treatment needs. privileges for remainder of shift.
   b. Staff will report the incident to program staff for follow-up. Program staff will review the reported behavior(s) for possible noncompliance with programming requirements, as applicable.
7. Loss of phones: The offender may be restricted from making phone calls, for a maximum of fifteen (15) days. This sanction will not limit access to legal phone calls, PREA reporting, or crisis hotlines.

B. The above sanctions will be issued in a progressive manner as deemed appropriate by the housing sergeant or housing captain.

5. Authority and Oversight of Informal Resolutions:

A. All staff are authorized to administer informal resolutions for minor infractions to maintain discipline and compliance with facility rules with approval from the housing sergeant/captain (weekdays) or OIC (weekends).

B. Housing captains and sergeants/OICs are authorized to approve informal resolutions to maintain discipline and compliance with facility rules. Their decisions will be:
   1. Documented: All resolutions must be recorded in the OMS and reported to the housing captain within forty-eight (48) hours.
   2. Reviewed: The housing captain will conduct regular audits to ensure consistency and fairness.
   3. Monitored: Repeat infractions or failure to comply may lead to referral to a Minor Infraction Hearing (MIH).

C. After the proposed informal resolution has been approved, the appropriate step from the graduated scale is applied.

D. The staff member will discuss the violation with the offender, allow the offender to respond, and clearly explain the resolution and expectations moving forward.
   1. The appropriate consequence is issued, documented in the OMS, the *Informal Resolution Notification Form* (attachment #10) is completed and signed, and a copy is provided to the offender.

6. Formal Discipline System Processes:

A. ***Written policy, procedure, and practice provide that when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor*** **[ACA 5-ACI-3C-07]**.

B. Infractions that pose a significant threat to safety, security, or order will not be eligible for informal resolutions and must be referred for formal disciplinary review. These violations will be immediately referred to a UDH unless it is an H level offense which will go directly to a DHO.

C. By the end of shift of receiving the incident report/disciplinary report, the officer in charge (OIC) will review the report for completeness and accuracy, unless there are exceptional circumstances that delay the review.

D. Exceptional circumstances that may delay or postpone the review include, but are not limited to:
   1. The offender is housed at a non-DOC facility or a community work site.
   2. The offender is out to court.
   3. The offender is in the custody of another law enforcement agency.
   4. The offender is in a city/county jail awaiting transport to a DOC facility.
   5. The offender is under investigation for pending criminal charges.
   6. The offender requires emergency medical care.

   Circumstances supporting a delay in the initial investigation will be documented in OMS.

E. ***Written policy, procedure, and practice specify that, when an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation*** **[ACA 5-ACI-3C-09]**.

F. A preliminary review of the case will be completed by an OIC or housing captain (HC). The OIC/HC will examine all relevant evidence, including documentary evidence submitted by the offender. The OIC/HC conducting the review may not be directly involved in the initial reporting of the offense (submitted a report) and shall remain a neutral party by making no determination of guilt or innocence during the review. The OIC/HC may consult with anyone, including the offender. If this person finds cause to believe that any violation was committed by the offender identified in the report, he/she will advise the offender of the specific charge(s) alleged and the right to waive a formal disciplinary hearing (attachment #7 *Disciplinary Case Reviewer Incident Investigation Report*).

G. ***Written policy, procedure, and practice provide that an offender my waive the right to a hearing provided that the waiver is documented and reviewed by the chief executive officer or designee*** **[ACA 5-ACI-3C-12]**.

H. ***The hearing may be held within twenty-four (24) hours with the offender's written consent*** **[ACA 5-ACI-3C-11]**. See the *Unit Discipline Hearing* form (attachment #4).
   1. Document any statement provided by the offender.
   2. Document any adverse or hostile attitude, behavior, negative demeanor, or insolence presented by the offender.
   3. ***There are written guidelines for resolving minor offender infractions, which include a written statement of the rule violated and a hearing and decision within seven (7) days, excluding weekends and holidays, by a person not involved in the rule violation; offenders may*** attend the hearing, waive his/her right to a hearing, or ***waive his/her right to his/her appearance at the hearing*** **[ACA 5-ACI-3C-05]**. The offender may plead guilty or not guilty. The offender's waiver of their right to a hearing must be documented. Staff serving the offender must ensure the offender understands that waiving the right to a hearing will constitute a plea of guilty. The waiver or plea of guilty also constitutes a waiver of any appeal by the offender of his/her guilt; however, the resulting sanction may be appealed by the offender.
   4. The reviewing staff person will enter their review of the incident, and any resolution accepted by both parties including any resulting sanction, into OMS.

7. Disciplinary Report (Notice of Charge(s)):

A. ***The offender charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The offender is given the statement*** / report by the OIC ***no less than twenty-four (24) hours prior to the disciplinary hearing*** **[ACA 5-ACI-3C-11]**.

B. Following the preliminary review and investigation process, an offender being charged with a rule violation will receive a written statement of the charges including a description of the incident and the specific rules violated. This Disciplinary Report (generated in the OMS) will be served by a sergeant or above and serves as the notice of charge(s).

1. The accused offender will receive a written statement of the charge(s) at the same time as it is filed with the DHO but no less than twenty-four (24) hours prior to the disciplinary hearing. The offender will be considered "charged" upon the receipt/serving of the Disciplinary Report. The staff member serving the offender will:

c. Advise the offender of his/her right to remain silent throughout the entire disciplinary process. The offender must be read his/her rights prior to asking any questions of the offender. Read the charge(s) to the offender.

2. The Disciplinary Report will contain **[ACA 5-ACI-3C-08]**:

a. ***The specific rule(s) violated***.
b. ***A formal statement of the charge***.
c. ***Any unusual offender behavior***.
d. ***Any staff witnesses***.
e. ***Any physical evidence and its disposition***.
f. ***Any immediate action taken***.
g. ***The reporting staff member's signature, date, and time***
h. The date and time of the incident.
i. The place of the incident.
j. The date of discovery of the incident.

C. All available, relevant, nonconfidential, non-repetitious information, and/or documentation that will be presented at the hearing will be made available to the offender, for review, at the hearing.

D. The offender will be informed on the Disciplinary Report of the general substance of any confidential information and/or evidence to be used against them without breaching confidentiality.

E. The UDH or DHO will notify the offender if restitution will be sought as a sanction.

F. Service and Receipt of the Disciplinary Report: The Disciplinary Report will be personally served to the offender and a copy will be forwarded to the DHO with a record of the time and date served and the person serving the notice.

1. If an offender refuses to accept or sign his/her copy of the Disciplinary Report ,the serving officer will note such refusal DHO's copy of the Disciplinary Report

G. Limited English speaking and offenders who require help with communication will be offered assistance by translation or other effective means.

H. Amendment to the Disciplinary Report: If any amendment to the Disciplinary Report is made, the offender will be informed in writing of the amendment at least twenty-four (24) hours prior to the hearing, unless waived by the offender. The correction of clerical mistakes will not be an amendment and can occur at any time and will be made part of the record.

8. Unit Discipline Hearing (UDH):

A. The housing captain will designate housing staff to form a UDH, as soon as practical, but no later than seven (7) business days from the date the offender is charged with an offense. Any delay must be noted and documented.

1. The committee will be comprised of one or more impartial housing staff members (housing captain or housing sergeant).
2. The staff member generating the incident report and any staff who submitted an informational report related to the violation, shall not serve on the UDH.

B. The UDH must advise the offender of his/her rights, including his/her right to remain silent.

C. The offender shall be present at the UDH hearing, unless, after receiving notice of the hearing, he/she waives their right to appear. The waiver must be in writing. An offender is considered present if he/she participates in the hearing telephonically.

D. For major offenses in custody:
   1. The UDH will ensure the offender has received a copy of all written reports and information to be entered as evidence or summary of confidential information to be considered. The UDH will ensure the offender understands the charges.
      a. The UDH may change the offense in custody to one that more accurately represents the offender's alleged actions, based on information provided.
      b. If the identifying description of the offense is changed, the offender must be given the opportunity to recess for a minimum of twenty-four (24) hours to allow time to prepare a defense. The offender must waive this delay to continue with the hearing. The UDH member who changed the offense does not become the charging staff member and remains an unbiased member of the UDC for the purpose of the hearing.
   2. The offender is entitled to make a verbal statement or submit a written statement in their defense and present documentary evidence on his/her own behalf or remain silent. The UDH may make a negative inference if the offender chooses to remain silent; however, an offender's silence alone cannot be used to find the offender committed an offense in custody. Silence will be considered a plea of innocence.
   3. The offender will not be represented by a staff representative, unless the offender has requested accommodation for a disability and requires a staff representative to assist with the process, or the UDH has appointed a representative on the offender's behalf because of an apparent need for accommodation which requires a staff representative.
   4. The offender may not call witnesses during UDH.
   5. Reporting staff will be represented by their written report(s).
   6. The offender may enter a plea or agree to a plea bargain, e.g. reduction of the charge from a high to low level offense. If an offender enters into a plea agreement and accepts the sanction, the offender's right to a hearing before the DHO shall be waived. The offender may plead guilty and agree to the sanction. A guilty plea would constitute a waiver of the offender's right to a hearing before the DHO and any appeal regarding their guilty plea.
   7. The UDH will consider all evidence presented at the hearing and make a decision based on the preponderance of evidence supporting their finding. The UDH's decision shall be based solely on information obtained in the hearing process, including staff reports, statements, evidence, and facts presented.
   8. The UDH will decide one of the following dispositions:
      a. A finding the offender did not commit the violation; or
      b. A finding the offender committed the offense/violation. The UDH will then determine an appropriate sanction.
   9. If the report is for a major offense in custody, and the offender did not accept the offer of the UDH, the UDH will inform the offender the matter will be referred to the DHO for a hearing within seven (7) days of the UDH. If the offense is an H level the DHO hearing will be within seven (7) days of the offender being served The report and attached information will be forwarded to the DHO. The DHO shall schedule a date and time for the hearing.

9. Disciplinary Hearing Officer (DHO) Hearing:

A. Upon receipt of the report(s), information, and evidence supporting an offense in custody was committed by the offender, the DHO will schedule a hearing. The offender will be provided notice of the time and date set for the hearing. ***Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six (6) months.*** **[ACA 5-ACI-3C-15]**.

1. In order to ensure impartiality, the DHO may not be the charging staff member or staff who ordered the writing of the report, submitted a report, was a witness to the incident, or a participant in the investigation. However, the DHO may preside over a hearing involving an incident where virtually every staff member in the institution witnessed the offense.

B. The DHO is responsible for performing the following duties:

1. Ensuring the hearing is recorded.
   a. Taped records of DHO hearings will be retained for three (3) years from the date of the hearing, unless possible criminal charges are pending, or the matter is subject to any other court or legal action, in which case the record may be retained longer. Recordings of DHO proceedings are considered confidential and will not be released without authorization by the warden or DOC attorney.
2. Read the Disciplinary Report and any applicable/related nonconfidential reports to the offender and explain the charge(s).
3. Advise the offender of his/her right to remain silent. An offender's silence shall be considered a plea of not guilty. However, the offender's silence may also be used to draw an inference in the immediate matter but cannot be used as the only evidence.
4. Based on factual evidence presented at the hearing, the DHO may change the offense in custody to another offense within the same level to more accurately reflect the offender's action/offense committed. The DHO may reduce a major offense to a minor offense.
   a. Whenever the DHO changes the charged offense to another offense, the offender will be advised of his/her rights to a recess.
      1) If the action/offense is increased in severity, the original charges are to be dismissed and the disciplinary action for the amended offense will be initiated by the DHO. An additional twenty-four (24) hours will be given to the offender to prepare a defense.
   b. If the offender requests a recess, the hearing will be moved to recess for a minimum of twenty-four (24) hours. The offender may utilize this time to prepare his/her defense to the changed charge.
   c. If the offender does not request a recess, the hearing will proceed.
   d. If evidence is presented that warrants a new charge, a new disciplinary process needs to be initiated.
5. Offer the offender time to make a statement and record any statement.
6. Ensure the offender has a copy of all written information which the DHO will admit as evidence during the hearing, unless disclosure of such information would threaten the safety, security, and disciplined operation of the institution or endanger the confidential informant. Reasons for nondisclosure of any information must be documented. In cases where information is not fully disclosed, the contents shall be summarized for the offender, to the extent institutional order and individual safety are preserved and the legitimate penological interests of the DOC are not jeopardized.
   a. Only evidence presented during the hearing may be considered when determining an offender's guilt or innocence. An offender's prior disciplinary record may be considered as evidence to support the offender's habits or patterns of behavior in similar past incidents when determining an appropriate response/sanction.
7. Ensure the offender is present at all stages of the hearing, except during deliberation, or during testimony provided by any witness who has requested anonymity or has been promised anonymity or is identified as a confidential informant. Offenders may waive their right to be present at all or part of the hearing, in writing or by refusing to attend. Refusal shall be documented by staff.
8. Question witnesses present at the hearing.
9. Read offender witness statements received.
10. The DHO may initiate a ***postponement or continuance of the disciplinary hearing for a reasonable period and good cause*** **[ACA 5-ACI-3C-14]**. The postponement must be documented in the Record of the Hearing in OMS, and the date and time of the rescheduled hearing included in the record. The

offender must be provided notice of the date and time set for the continuation of the hearing a minimum of twenty-four (24) hours prior to commencement of the hearing. Reasons for postponement may include:

a. The offender's continued preparation of a defense.
b. Illness or unavailability of the offender, DHO, or staff representative.
c. Further investigation of factual matters relevant to the hearing.
d. Pending a decision to pursue criminal prosecution.
e. Need for accommodation of a disability not previously noted or requested; or
f. Unacceptable or disruptive behavior by the offender during the hearing, or the offender's refusal to participate in the hearing in a reasonable manner.

11. Upon receipt of all oral testimony and presentation of the evidence and information, the DHO may excuse the offender to deliberate. Deliberation is not part of the hearing and the offender's presence is not required.
12. The DHO will inform the offender of their findings/decision, the basis for the finding/decision (evidence considered), unless doing so would jeopardize security, and any sanction imposed.
    a. ***The DHO's decision is based solely on*** evidence, ***information***, and testimony ***obtained in the hearing process, including staff reports, the statements of the offender charged, and evidence derived from witnesses and documents*** **[ACA 5-ACI-3C-19]**.
    b. If the DHO finds the offender committed the offense, the offender must be provided notice of their right to appeal the finding of guilt and/or the sanction received through the offender grievance process.
    c. A disposition is required for each offense/charge listed within the report. Each disposition must be entered in OMS.
    d. If the offender is found to have committed an offense in custody, a summary report of the offense will become a permanent part of the offender's institutional record in OMS (unless overturned through a response to the offender's request for grievance) and a copy provided to the offender.
    e. If the disposition of the offense is not listed in OMS, and this is not included in the recording of the hearing, it is presumed the offender did not commit the offense.

10. Staff Representatives and Offender Witnesses:

A. ***A staff member or agency representative assists offenders at disciplinary hearings if requested*** **[ACA 5-ACI-3C-18]**.

1. The offender may be assigned a staff representative. The staff representative must be a full-time staff member who is reasonably available and agrees to serve as an unbiased representative of the offender. The staff representative will have completed the DOC approved disciplinary training for disciplinary procedures, due process requirements, and applicable DOC policy and facility rules.
    a. The following staff are exempt from serving as a staff representative:
        1) The warden.
        2) Associate warden.
        3) DHO or his/her alternate.
        4) Housing captain.
        5) Staff reporting the incident.
        6) Staff reviewing/investigating the incident, or
        7) Witnesses to the report.
    b. Any staff member may be excluded when a potential conflict is identified which may impair or otherwise affect the offender's right to an unbiased hearing.
    c. If the staff member selected is unavailable, the offender may:
        1) Select another staff representative, or
        2) Wait for the staff member's return, in the case of absence (maximum of forty-eight (48) hours), or
        3) Proceed with the hearing without a staff representative.
2. ***A representative is appointed when it is apparent that an offender is not capable of collecting and presenting evidence effectively on his/her own behalf*** or does not understand the charge(s) due to his/her having a disability **[ACA 5-ACI-3C-18]**.

a. Offenders who do not appear to have the mental or cognitive capacity to present their defense or to understand the charge(s) may request accommodation, including staff representation, by contacting a member of their unit team at least twenty-four (24) hours prior to the date and time set for the hearing, or DHO may appoint a representative.
b. Behavioral health staff may request the offender complete an evaluation to help staff determine whether the offender is capable of presenting a defense or understanding the potential consequences of a finding of guilt.
c. Staff shall arrange for an interpreter to assist offenders with a communication barrier.

B. Staff representatives act solely on behalf of the offender and will not independently investigate. The staff representative's purpose is to ensure the components of due process are met and to assist the offender when they are unable to act in their own defense. Examples include, but are not limited to, the following:
1. Consult with the offender before the hearing to answer questions about the process.
2. Explain the charge(s) against the offender and answer questions regarding potential consequences.

C. ***Offenders have an opportunity to make a statement, present documentary evidence at the hearing and can request witnesses on their behalf***. Any denial of a witness by the DHO shall be made a part of the disciplinary record; ***the reasons for denying such a request are stated in writing*** **[ACA 5-ACI-3C-17]**.
1. The offender must state the relevancy of any testimony or statements to be provided by the witness. If the offender fails to request witnesses at this time, this shall be considered a waiver by the offender to call witnesses. To the extent possible and provided the request was made within established time frame, every effort will be made to allow witnesses requested by the offender.
2. Outside witnesses, e.g., specialists, consultants, legal counsel, DOC/contractual staff, will not be permitted to appear at the hearing. Offenders may consult with private counsel at their own expense, prior to the hearing.
3. Witnesses must have material knowledge of the incident/offense.
4. Witnesses who are reasonably available at the time of the hearing may be called upon by the DHO to provide testimony at the hearing. The DHO may elect to take written statements in lieu of allowing direct testimony. Testimony may be obtained from witnesses in person, telephonically or via written and sworn statement.
   a. Statements must be signed and dated by the offender witness. The DHO will initial and date the written statements during the hearing as these are read into the record.
5. If an offender does not request a staff representative, but has submitted a list of witnesses, the offender must provide the DHO with a list of questions for the witnesses prior to the start of the hearing.
6. Offenders may not confront or cross-examine witnesses. The DHO or staff representative will normally direct questions submitted by the offender to the witness. Offenders are not allowed to question witnesses for the purpose of harassing the witness or be unduly repetitious or engage in irrelevant questioning or dialog.
7. Witnesses may decline to testify or refuse to answer.
8. The DHO may terminate or disqualify witness testimony if the testimony is not material to the incident, repetitive, duplicative, or it can be determined the witness has no knowledge of the incident. Any such action by the DHO must be documented.
9. Witnesses may be denied appearance or participation in the hearing on the basis of institutional safety or if their appearance or participation poses a threat to safety, security, or legitimate correctional objectives. Offender victims may be denied the opportunity to present as a witness or offer testimony to ensure protection of the victim from verbal or physical abuse or harm.
10. ***Offenders charged with rule violations are present at their hearings unless they waive that right in writing or through their behavior. Offenders may be excluded during the testimony of any offender whose testimony must be given in confidence***; the hearing officer may exclude the accused offender during witness testimony if such exclusion is deemed necessary to protect the confidentiality or safety of the witness. ***The reasons for the offender's absence or exclusion are documented*** and part of the record **[ACA 5-ACI-3C-16]**.

D. The DHO will accommodate the presence of the staff representative assigned to the hearing.
   1. The staff representative will typically be present at the DHO hearing, unless an alternate means of appearance (telephonic), has been approved and arranged by the DHO.
   2. The absence or alternate means of appearance of the staff representative must be agreed to by both the DHO and the offender before the hearing may proceed.

E. The DHO will afford the staff representative adequate time to speak with the offender and offender witnesses prior to the commencement of the hearing. The DHO shall allow the offender to ask questions and request advice from their representative.

F. While it is expected a staff representative will have ample time to prepare prior to the hearing, a delay in the hearing to allow adequate preparation may be granted by the DHO, if requested by the staff representative. Hearing continuance will be completed using the *Hearing Continuance* form (attachment #5).

11. Disposition of Charges and Disciplinary Sanctions:

A. When it is determined by the DHO, upon a preponderance of the evidence, that some evidence exists to support a finding the offender is guilty of committing an offense in custody, the DHO may impose a sanction. ***A written record is made of the decision and the supporting reasons, and a copy is given to the offender. The hearing record and supporting documents are kept in the offender's file*** **[ACA 5-ACI-3C-20]**. The reasons must point out the essential facts upon which the inferences were based, including what evidence or a summary reference to the evidence relied upon to reach the decision. The DHO may suspend the execution of any sanction, or a portion of the sanction. Sanctions may include:
   1. Restrictive housing confinement (maximum of thirty (30) days) before extended restrictive housing (ERH) approval and every thirty (30) days thereafter.
   2. Restriction of privileges, i.e., room restriction, loss of recreation time, loss of commissary privileges, loss of property.
   3. Loss of work assignment.
   4. Additional labor (extra duty) without compensation.
   5. Referral to rehabilitative programming to provide the offender with means of correcting negative behaviors, or referral to allow programming staff to determine if the offender is compliant with the program, if already in programming.
   6. Transfer to a more secure housing unit to provide additional supervision of the offender and correction of negative behaviors.

B. No corporal punishment may be inflicted upon an offender. ***Written policy, procedure, and practice protect offenders from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment*** **[ACA 5-ACI-3D-08 (M)]**.

C. The DHO will inform the offender verbally of his/her decision on the record during the disciplinary hearing.
   1. The DHO has fifteen days (15) days following the hearing to provide the offender with written notice confirming the final disposition. If the written notice cannot be provided within fifteen (15) days, with good cause, an extension may be granted by the warden. The extension must be documented in the OMS.

D. The DHO may take into consideration the offender's overall disciplinary record when determining sanctions.
   1. The disciplinary sanction may not be capricious or retaliatory and shall be proportional to the offense committed. Sanctions will be effective immediately, unless otherwise noted.

E. There will be a ***review of all disciplinary hearings and dispositions***, and sanctions, ***by the warden or designee to assure conformity with policy and regulations*** and to ensure sanctions issued are appropriate **[ACA 5-ACI-3C-22]**. The warden or designee may affirm, modify, or reverse sanctions issued, dismiss the report, or require the matter be remanded for a rehearing or additional investigation for any write-up less than six (6) months prior.

1. In the event the warden does not affirm the DHO finding the justification shall be clearly documented on the *Disposition of Charge(s)* (attachment #3).

12. Restitution and Fines:

A. Monetary restitution, if imposed by the DHO, will be specified and may be equal to an amount up to, but not exceeding, the cost of any damaged or stolen property or service.

1. In all cases, an offender will be assured access to items necessary for personal hygiene.
2. Restitution may be ordered on any charge for the value of service or property.
3. The identified specific amount/cost of restitution will be included on the Disposition of Charge(s).
4. If the amount ordered is $200 or less, the offender's spend account is charged. Any amount ordered over $200 will be applied to the offender's fixed obligations.

B. Fines can be applied to major rule infractions which do not pose a significant threat to facility security or safety. The following graduated scale applies:

1. **Step 1: First Offense**. The offender may receive a written warning, incur up to a fifteen-dollar ($15.00) fine, and have selected privileges revoked for up to seven (7) days.
2. **Step 2: Second Offense**. The offender may be fined up to twenty-five dollars ($25.00), face loss of privileges for up to fourteen (14) days, and be subject to cell restriction no longer than one (1) shift). In addition, a termination from work assignment may be imposed.
3. **Step 3: Third and Subsequent Offenses**. The offender may incur up to a fine of up to fifty dollars ($50.00) per offense, experience loss of privileges for up to thirty (30) days, termination of the offender's work assignment (loss of job), and be subject to administrative review for further sanctions.
4. **Reset Period**: The graduated scale for infractions operates on a one hundred and eighty (180) day rolling window. An offender must go one hundred and eighty (180) consecutive days without any qualifying writeups to reset the scale.

13. Offender Appeal Rights:

A. Each offender shall be notified of entries made to the offender's disciplinary record. Upon receiving the disposition of charge(s), the offender shall have thirty (30) days to utilize the grievance process except when an offender admits to committing the offense in custody. Admission shall be considered a waiver of the offender's right to appeal the finding of guilt. The offender may, however, appeal the sanction utilizing the grievance process.

B. When considering an offender's request for grievance, at least the following three (3) factors will be considered:

1. Whether there was substantial compliance with all institutional standards, procedures, and policy, including any argument raised by the offender that their procedural rights were violated, and
2. Whether the decision was based on a preponderance of evidence that supported the offender committed the offense in custody, and
3. Whether under the circumstances, the sanction imposed was proportionate to the violation.

C. Clerical errors contained in reports, testimony, or related documentation will not typically constitute grounds for dismissing the report or testimony, support a finding of innocence, or invalidate the report or testimony.

1. Corrections to the report may be made by the charging staff member, reviewing supervisor, investigator, or DHO. Copies of corrections will be provided to the offender. If the corrected information is material to a finding of guilt, an additional twenty-four (24) hours must be offered and provided to the offender, unless this is waived. Items such as misspelled names, incorrect

offender ID, failure to put a.m. or p.m. on the report, is not usually material to a finding of guilt and can be corrected without extension.

D. Offenders with a communication disability shall be permitted to equally access and engage in the grievance process. See DOC policy 500-04 *Grievance Procedure*.

E. ***If*** a finding of guilt is overturned, and ***an offender is found not guilty of an alleged rule violation, the disciplinary report shall be so noted and may be removed from the offender's files*** **[ACA 5-ACI-3C-21]**. All disciplinary reports, regardless of disposition, may be retained and used for statistical research or reporting.

14. Criminal Investigation:

A. ***Where an offender allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution*** **[ACA 5-ACI-3C-06]**. If it appears an offender's actions or involvement in an incident may be subject to criminal investigation or criminal charges, the OIC, or Office of Inspector General (OIG) staff will ensure investigations into the violation are suspended and deliver a copy of the Incident Report to the offender.

1. The OIC will advise the offender of the violation he/she is alleged to have committed and permitted to enter a plea. When the Disciplinary Report is served to the offender, no statement will be taken at that time from the offender by any correctional operations staff.
   a. If the offense is determined to be criminal, the OIG staff will contact the Division of Criminal Investigation (DCI) at the direction of the IG. Staff will not take the offender's statement unless otherwise directed by the DCI. If the OIG determines the offense is not criminal, the investigation will be resumed by the OIC.
   b. The offender may be placed in restrictive housing pending investigation. The IG shall be provided updates on the status of the criminal investigation as information becomes available.
2. If a criminal case is not pursued, or the investigation is terminated, the report will be referred to the OIC with authority to investigate the institutional violation. A decision not to pursue a criminal case or the dismissal of the case shall not be interpreted as innocence or that the offender did not commit an offense in custody.

15. Confidential Informant Information:

A. Confidential informant information may be admitted as evidence. Confidential witnesses may provide testimony.

B. The DHO must be advised in advance if confidential information will be presented at the hearing. The information must be provided to the DHO prior to the hearing.

1. If confidential information will be presented at the disciplinary hearing, the accused offender shall be advised of such at least twenty-four (24) hours prior to the hearing. A summary of the confidential information shall be included in the report or described to the offender by the DHO in general terms, which protect the confidential informant and/or legitimate penological interests of the DOC.

C. A confidential informant is a person (usually an offender) who provides information about the offense/violation committed, including confirming the offender's identity and involvement in the offense/violation.

1. A confidential informant's identity may be withheld, as deemed appropriate, by the DHO if there is reason to support the safety of the informant may be compromised through such disclosure, or that disclosure is likely to threaten the safety, security, and good order of the institution (penological interests).
2. The reliability of a confidential informant must be established before the information may be admitted as evidence.
   a. The reliability of the confidential informant shall be established by review of past reliability and other factors supporting the credibility of the informant.

b. The staff member providing the information obtained from a confidential informant (usually the OIG) will include:
   1) The frequency which the confidential informant has provided information.
   2) The period of time during which the confidential informant has provided information to staff.
   3) A brief statement describing the accuracy of past information provided by the informant.

3. Staff providing the information to the DHO have an affirmative obligation to determine whether there is any basis to conclude the confidential informant is unreliable. The DHO shall not determine the genuineness of the information provided but will consider the information with all other information and facts presented.
4. Confidential information will not be accepted in exchange for avoiding disciplinary action, charges, sanctions, the granting or denial of privileges, or intervening in an offender's status or sentence.
5. A finding of guilt (that an offender committed an offense in custody) must be supported by more than one confidential informant, or in combination with other evidence and information presented during the proceeding which corroborates the offender committed the offense.
   a. Uncorroborated confidential information from a single informant is insufficient as the sole basis for a finding an offender committed an offense in custody.
6. Confidential informant information should not be relied on when other compelling information and evidence exists.

D. Confidential information presented to the DHO will be in writing and must state facts. The manner in which the confidential informant gained knowledge of those facts must be included.
   1. The statement(s) will be signed by the confidential informant.
   2. If the confidential informant does not write a statement, the staff member receiving the information will provide that information in language as close to the confidential informant's description as possible and have the offender sign the statement or record the testimony, which shall include the date and time which the testimony was provided. If the offender refuses to sign the statement, the refusal shall be noted.

E. Information received anonymously does not meet the reliability standard and may not be relied upon during disposition. Anonymous information received may be used as a basis for initiating disciplinary action, provided additional information is identified that supports the action.

16. Referral to Behavioral Health:

A. When an offender is found guilty of a substance use incident, the housing captain of the assigned unit will contact behavioral health staff. The offender's recommended programming will be reviewed for changes deemed necessary per a behavioral health supervisor.

B. Behavioral health staff will be notified immediately when an offender with an identified behavioral health assessment code of P4 or higher, and all SMI offenders that are charged with a major offense in custody.

C. If, at any stage of the disciplinary process, staff believe an offender may require a mental health evaluation to determine the offender's level of functioning, staff shall refer the offender to behavioral health staff. Offenders who appear to be experiencing a mental health crisis, including but not limited to the presence of suicidal threats, self-injurious behavior, or exhibiting signs and symptoms of severe mental illness, must be referred to behavioral health for evaluation immediately.

D. If it is determined at any time during the disciplinary process that an offender is impaired to the extent that they are unable to make important decisions relevant to the disciplinary hearing process and/or their defense, the process will be terminated or postponed.

V. RESPONSIBILITY

The director of Prison Operations is responsible for annual review of this policy and revision as necessary.

VI. AUTHORITY

A. SDCL § 22-22-7.6 **Sexual acts between jail or juvenile correctional facility employees and detainees-Felony.**
B. SDCL **§** 22-24-1.1 **Public indecency-Misdemeanor.**
C. SDCL **§** 22-24-1.2 **Indecent exposure-Misdemeanor or felony.**
D. SDCL **§** 22-24-1.4 **Private indecent exposure-Misdemeanor.**
E. SDCL **§** 24-12-6.1 **Sexual acts prohibited between prison employees and prisoners-Felony.**
F. SDCL **§** 24-29 **Disciplinary sanctions authorized-Corporal punishment prohibited.**
G. SDCL **§** 24-2-17 **Record of inmate conduct and infractions-Notice-Challenge to findings or sanctions-Investigation-Modification-Use of record.**
H. SDCL **§** 24-2-18 **Warden's recommendation respecting good conduct time-Hearing and decision by secretary.**
I. SDCL **§** 24-51 **Graduated scale of reductions from sentence for good conduct.**
J. SDCL § 24-15A-5 **Record of inmate conduct and infractions-Notice-Challenge to findings or sanctions-Investigation-Modification-Use of record**.

VII. HISTORY

August 2026
October 2025
February 2025
December 2024
May 2024
October 2023
October 2018

REPORTS

1. Informational Report (Report generated in OMS from Report Submission Screen)
2. Incident Report (Report generated in OMS from Report Submission Screen)
3. Disciplinary Report (Report generated in the OMS from Report Submission Screen)

ATTACHMENTS

1. Administrative Detention Order (*generated in OMS*)
2. Disciplinary – Your Rights (*generated in OMS*)
3. Disposition of Charge(s)
4. Unit Discipline Hearing
5. Hearing Continuance
6. Disciplinary Hearing Format
7. Disciplinary Case Reviewer Incident Investigation Report
8. Offender Living Guide English
9. Offender Living Guide Spanish
10. Informal Resolution Notification Form
11. Minor Infraction Hearing Notice of Sanctions

ADMINISTRATIVE DETENTION ORDER

Facility: _____

To: Restrictive Housing Unit Officer/ Housing Captain

From: _____
(Staff Name and Title)

Re: Placement of Offender: _____

DOC #: _____ In Administrative Detention

From: _____ Unit to: _____

P Code: _____ Current Custody Level: _____ PREA Code: _____

Separation Requirements: _____ If yes, from whom? _____

☐ Is pending an investigation and/or hearing for a violation of a prohibited act(s) or is pending an investigation on a criminal act.

☐ Is to be admitted because the offender has requested admission for protection, or a threat exists to the offender's safety as perceived by staff.

☐ Is pending transfer or classification.

It is the officer's decision based on the available information and/or circumstances that the above-named offender's continued presence in the general population poses a threat to life, property, self, staff, other offenders, or to the security or orderly running of the institution because:
(FREE TEXT)

Therefore, the above-named offender is to be placed on Administrative Detention until further notice.
The offender received a copy of this order on: Date: _____ Time: _____

X_____ _____
Staff Witness: Printed Name / Signature *Date*

Original: Save to System.
Copy: To Warden, Offender's Housing Captain, Facility Custody/Control Major, & Clinical Services.

DISCIPLINARY – YOUR RIGHTS

Your Rights When Appearing Before the Disciplinary Hearing Officer

Offender Name: _____

DOC Number: _____ Date: _____

These rights apply when you have been charged with committing a major prohibited act(s), which may result in your status changing to Restrictive Housing and/or the loss of Good Time (where applicable).

1. You have the right to remain silent. Any statement you make may be used against you in further disciplinary proceedings, classification actions, and/or criminal proceedings. Your silence may also be used to draw an inference in the immediate matter but cannot be used as the only evidence. You will be informed of the evidence supporting the charge against you and you will have the opportunity to present evidence and/or make a statement regarding this/these charge(s). The Department of Corrections has the burden of proof to establish guilt based upon a preponderance of evidence. You must have received a copy of the Notice of Charge(s) as submitted by the reporting employee.

2. A hearing before the disciplinary hearing officer on this matter may not be scheduled until a minimum of twenty-four (24) hours have passed after receiving a copy of the Notice of Charge(s). You can waive the twenty-four (24) hours if you advise the disciplinary hearing officer, and it is read into the official record.

3. You have the right to present your case to an impartial disciplinary hearing officer who shall not have personal knowledge of material facts related to the alleged violation prior to the hearing. You may also submit a written statement or present documentary evidence.

4. You have the right to a staff representative to assist you with preparation for the hearing.

5. At the hearing before the disciplinary hearing officer, you have the right to call a reasonable number of offender witnesses who are reasonably available and who were present at the scene of the incident or would testify as to mistaken identity (alibi witnesses). Any questions you have of these offender witnesses must be asked through your staff representative or through the disciplinary hearing officer. You must submit these questions in writing to the disciplinary hearing officer prior to the start of the hearing. The disciplinary hearing officer may accept written statements from unavailable offender witnesses.

6. You acknowledge that you have been read your rights, and that you have received your notice of charge(s).

I Personally Advised The Offender of The Above Rights.

Staff Signature/Print Name **Date**

X_____ _____

Offender Signature/ Print Name **Date**

Copy of the Signed Form: To the Offender

DISPOSITION OF CHARGE(S)

FACILITY: _____

Case #		Offender Name			DOC #		Charge(s)				
Continuation of hearing	Yes		No		If yes, describe date/time/continued from:						
Location of Hearing					Date		Time of hearing				
Offender right to remain silent	Waived		Exercised								
Offender Representative Request	Yes		No		Offender Representative allowed	Yes		No		Offender Representative Name:	
Offender Witness Requested	Yes		No		Identify:						
Was a translator requested	Yes		No		Translator Used:						
Mental Health Consultation Completed (for MMI) Name/Date:											
Finding of Fact:	(List specific evidence relied upon to support finding(s) including the general substance of confidential information and/or/evidence										
Charge:	Plea:	Guilty		Not Guilty		Guilty with explanation					
Finding:	Not guilty		Guilty		Dismissed						
Disciplinary Officer Name and Title:											
Describe the testimony and evidence presented:											
The state presented the Notice of Charge(s); Read Disciplinary Report into Record; Offenders disciplinary history.											
Was confidential information used?	Yes		No		If yes, was it determined reliable by the DHO	Yes		No			
Describe accused offender testimony:											
Briefly describe witness testimony, or justification for not allowing requested witnesses:											
How did the behavior violate policy, procedure, or law?											
Describe specific evidence relied on to reach finding:											
Other comments:											
Waivers signed:	Waiver to hearing		Waiver to attend hearing		Removal from hearing/ refusal to attend		Waiver of hearing time				
Summary of Sanctions											
Describe any aggravating or mitigating factors considered:									None		
Describe any stayed or probated sanctions:									None		
Description of sanctions imposed:									None		
Date sanctions start and end: Explanation of Pre-hearing RH time credit:									None		
Explanation of monetary restitution imposed/ Information relied upon to determine amount:									None		
Printed Name of DHO:			Signature of DHO:				Date:				

Warden/Director Review							
[redacted]	Affirm:		[redacted]	Modify:		[redacted]	Reverse/Remand:	
New evidence (if applicable):							
Justification/Rationale for Action Taken:							
New hearing:	Date: _____ DHO assigned: _____						

Warden or designee printed name:	Signature:	Date:
[redacted]		
SERVING DOC EMPLOYEE/CONTRACT WORKER: You are hereby served with a copy of Disposition of Charge(s)		
Print Name:	Signature:	Date:
OFFENDER ACKNOWLEDGMENT:	I acknowledge receipt of a copy of this Disposition of Charge(s).	
Print Name:	Signature:	Date:

UNIT DISCIPLINE HEARING

Offender Name:	Offender Number:
Date:	Incident Number:

Your rights when appearing before the disciplinary hearing officer (DHO).

These rights apply when you have been charged with committing a major prohibited act(s), which may result in your placement in restrictive/disciplinary housing.

1. You are advised of your right to remain silent. Any statement you make may be used against you in further disciplinary proceedings, classification actions, and/or criminal proceedings. Your silence may also be used to draw an inference in the immediate matter but cannot be used as the only evidence. You will be informed of the charge against you, and you will have the opportunity to present evidence and/or make a statement regarding this/these charge(s). The Department of Corrections has the burden of proof to establish guilt based upon a preponderance of the evidence. You must have received a copy of the Notice of Charge(s) / Disciplinary Report as submitted by the reporting employee.
2. A hearing before the DHO on this matter may not be scheduled until a minimum of twenty-four (24) hours have passed after receiving a copy of your Notice of Charge(s) / Disciplinary Report. However, you may request an earlier hearing by submitting a written request to the DHO.
3. You have the right to present your case to an impartial DHO who shall not have personal knowledge of material facts related to the alleged violation prior to the hearing. You may also submit a written statement or present documentary evidence.
4. At the hearing before the DHO you have the right to call a reasonable number of offender witnesses who are reasonably available and who were present at the scene of the incident or would testify as to mistaken identity (alibi witnesses). Any questions you have of these offender witnesses must be asked through your staff representative or through the DHO. You must submit these questions in writing to the DHO prior to the start of the hearing. This DHO may accept written statements from unavailable offender witnesses.
5. Should you desire to admit to committing the rule infraction at the UDH hearing and waive your rights, the penalty described below will be imposed upon you as soon as possible.

I personally advised the offender of the above rights.

Staff Signature/Print Name Date

☐	I admit to committing the rule violation and waive my rights to a hearing before the DHO and accept the following penalty:
☐	I do NOT admit to committing the rule violation and am exercising my right to a hearing before the DHO. • Staff Representative Requested? • Witness Statements Requested?

Offender Signature/Print Name Date

HEARING CONTINUANCE

Offender Name_____. DOC #_____.

Current Facility_____. Cell House / Unit_____.

FACILITY AT TIME OF OFFENSE

Case Number _____.

Your hearing scheduled for _____.
Date Time
Has been continued until _____.
Date Time
For the following reason(s):_____.
_____.
_____.
_____.

CONTINUANCE
Requested By: { } Offender { } Disciplinary Hearing Officer { } Other

_____.
Disciplinary Hearing Officer Print and Sign Date/Time

_____.
Offender Acknowledgment Print and Sign Date/Time

_____.
Serving Officer Print and Sign Date/Time

DISCIPLINARY HEARING FORMAT

1. Prior to starting any hearing, review the documents to ensure:
   a) All time frames are met.
   b) All signatures are present.
   c) All attachments mentioned in the Notice of Charge are there.
   d) Review and prepare as much as possible for any requests for representation and witnesses.
   e) Test the recording device to ensure proper operation and quality recording.

2. TURN ON RECORDING DEVICE

3. "This is a __(Facility Name)__ Disciplinary Hearing, Case # ____, regarding the alleged behavior/actions of (offender name), _(DOC#)_ who is being charged with _(State all charges). This hearing is being conducted at _(Location in facility), on _(Date)_, at approximately _(time). Please answer all questions with a verbal response as this hearing is being recorded." (Note if this is a continuation of the case).

4. "I am (name/position/assignment), the disciplinary hearing officer in this case." If other people are present, have them introduce themselves and state the reason for their presence in the hearing).

5. State to the accused offender: "Please state your name, DOC# and date of birth for the record." Wait for a verbal response. If the response isn't loud enough for recording, have offender repeat.

6. "Do you promise that any testimony you will give will be truthful?" (Wait for a verbal response).

7. "You have the right to request representation, witnesses, and continuances. Any request you make will be evaluated within the guidelines of policy 300-17. You have the right to remain silent. Any statement you make may be used against you in further disciplinary proceedings, classification actions, and/or criminal proceedings. Your silence may also be used to draw an inference in the immediate matter but cannot be used as the only evidence. You will be informed of the evidence supporting the charge against you and you will have the opportunity to present evidence and/or make a statement regarding this/these charge(s). The Department of Corrections has the burden of proof to establish guilt based upon a preponderance of evidence."

8. "Do you understand what I have stated to you"? (Wait for verbal response and address any issues).

9. "Did you receive a copy of the Notice of Charge"? If offender answers "no", refer to the Notice of Charge receipt block for offender signature, or if offender refused to sign, serving officer receipt block and their indication of refusal to sign, address and clarify in the audio and written record.

10. "At this time do you request a representative and/or witnesses?" (If any problems exist with the issue of representation, address them now and make decision. Make note of any witnesses and address each witness during the offender's opportunity to present evidence – see #19 / also, at this time address any waivers of rights on record and note in the disposition).

11. "So that you understand the charges against you as they are defined in policy and the possible sanctions if you are found guilty, I will read them to you" (read the definition for each charge followed by the possible sanctions). "Do you understand these charges and possible sanctions?" Wait for response. Address any issues that arise; however, do not take testimony at this time.

12. Have representative (if requested) identify themselves by name and DOC# (or by name/position/assignment if staff). This person will also need to be sworn (see #6).

13. "Now that we have addressed these items, are you ready to proceed?" (Wait for response)

14. "At this time, you may plead guilty, not guilty, or guilty with an explanation to each charge." (State charge(s) and ask for a plea for each).

15. If the plea is guilty, or guilty with an explanation: "Have there been any promises of leniency made to you, or any threats made against you to entice you to enter this plea?" (Wait for response) "Are you on any medication or drugs that could affect your decision?" (Wait for response). If YES, then "Are you able at this time to participate in presenting your defense to these allegations?" "Please describe the incident in your own words."

16. For all pleas: "I will ask you to present your case when appropriate."

17. Ensure to swear in all persons testifying. "Please state your name/position/assignment for the record." (Wait for response). "Do you solemnly swear or affirm that the testimony you are about to give in this case is the truth, the whole truth and nothing but the truth under penalty of perjury?" (Wait for response).

18. "State for the record that you will present the department's case at this time." The disciplinary hearing officer will state the case by entering into the record the Notice of Charges and any other attachments and documented evidence at this time. Department witnesses will be called at this time. Offender witnesses will be identified and sworn in (see 5 and 6) followed by: "You have been called for as a witness in this case; however, you are not compelled to testify. Do you wish to testify?" Wait for response and address any issues that arise. Staff witnesses will be identified and sworn in (see #17).

19. Offender will now present their defense. "(Offender Name), you will now make a statement regarding your plea. You may ask for witnesses, present evidence, and give testimony" disciplinary hearing officer will ask for clarification. Address witness requests individually. If a witness is not allowed to testify, reason for denial will be made verbally on record and written on the Disposition of Charges. All allowed witnesses will be required to testify under oath; see #5 and 6 for offender testimony, include exclusion statement from #18; #17 for staff testimony. "Does this conclude your testimony or is there anything else you would like to add?"

20. Once the case is presented by both parties (offender and disciplinary hearing officer) state: "All parties are to leave the room while the facts are reviewed, and a decision is reached." (TURN RECORDING DEVICE OFF).

21. Once a decision is made and proper documentation is completed, request all parties return to the room.

22. (TURN RECORDING DEVICE ON)

23. Have all parties identify themselves verbally for the record.
    a) State the decision (for each charge).
    b) State the evidence that was relied upon to reach that decision.
    c) State the sanctions that were imposed and reasons for sanctions.
    d) State any aggravating or mitigating factors that were identified.

24. If offender was removed from population prior to a hearing, and any restrictive housing was imposed, give credit for time served.

25. "This action and sanction(s) are subject to the approval or modification by the warden or designee. You have the right to appeal this decision in writing within 30 days from the date you receive the written Notice of Disposition."

26. "This concludes case #_____" (TURN RECORDING DEVICE OFF).

DISCIPLINARY CASE REVIEWER INCIDENT INVESTIGATION REPORT

Facility: _____

Offender Name: _____ _____ DOC# _____
Last First

Case #:
Incident #:

The offender was advised of his/her rights: ☐

The offense appears to be criminal in nature. Therefore, the offender was served their notice of charges, but a statement was NOT taken: ☐

In my investigation/review of this incident, I conducted the following (if not applicable, an explanation will be included in the comments):

		Date:	Comments:
	Initiated Investigation		
	Contacted IG prior to questioning offender if criminal charges might be filed		
	Interviewed Offender		
	Interviewed Initiating Officer		
	Interviewed Witnesses (staff)		
	Examination of Contraband		
	Photocopy of Contraband/Evidence Attached		
	Did offender waive hearing or right to appear? (Explain to the right and attach if applicable)		
	Behavioral Health Review		
	Anatomical:		
	Evidence Photos:		

Charges:

Charge Code: _____ Charge Description: _____

Charge Code: _____ Charge Description: _____

Investigation/Review Completed by: _____ Sign: _____ Date: _____
Printed Staff Name and Position

Investigation/Review Completed by: _____ Sign: _____ Date: _____
Printed Staff Name and Position

SOUTH DAKOTA
DEPARTMENT OF CORRECTIONS

Revised: **August 2026**

SOUTH DAKOTA
CORRECTIONS

OFFENDER LIVING GUIDE

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MISSION STATEMENT

Support service with purpose in a culture of respect through integrity, humility, and character.

VISION

Safer South Dakota communities for the next generation.

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

The content and information contained within this handbook apply to all offenders in the custody of the South Dakota Department of Corrections (DOC). This handbook contains general information to help you with the normal routine of prison life and is not intended to be a complete list of all DOC rules, regulations, programs, or procedures.

Read this handbook carefully. Beginning immediately upon your admission to a DOC institution, you are accountable for following all rules and regulations in place at the institution. If you have questions regarding the information provided in this handbook, it is your responsibility to contact a staff person. Additional information about topics described in this handbook may also be obtained by reading the related DOC policy. Information about prison life is posted in the unit plans on your tablets and the kiosks.

AN IMPORTANT MESSAGE

The DOC treats offenders fairly and humanely. While in custody, you will be afforded opportunities for self-improvement and positive change. You will have access to staff who are responsive to your needs. Staff will help ensure you are in a safe, secure, and sanitary environment, and will provide clear and accurate information about decisions affecting you.

Most offenders in prison want to do their time in the best possible way and be released as soon as possible. Some offenders, 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 situation such as a disturbance, escape attempt, assault, or fight occurs, go immediately to your housing area or other area as directed by staff, and remain there for further instructions from staff. Offenders who participate in such activity face disciplinary action and possible criminal prosecution. Avoid any actions or behaviors that will connect you to such activity.

It is the policy of the DOC to house offenders who choose not to abide by the rules separate from general population offenders. This helps provide a safe environment for all offenders to serve their time. See DOC policy 300-19 *Restrictive Housing* for more information.

If, at any time, you believe you are in danger of being physically assaulted or abused (including sexual abuse), you must immediately report your concerns to a staff member so appropriate action can be taken. If you believe you are the victim of excessive use of force by a staff member, you must immediately report this through the Offender Hotline or by contacting a member of your housing staff. Your room/cell may be equipped with an emergency call button. Staff will respond promptly to emergency calls. Emergency call buttons may only be used to report an emergency, such as a medical emergency, self-harm, assault, fight, etc.

Any decision to violate the rules or refuse required programming may result in a denial of release to parole supervision, loss of certain privileges, imposition of disciplinary sanctions, and/or placement in a restricted housing unit.

HARASSMENT

The DOC is committed to maintaining an environment free of harassing, discriminatory, and offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age, genetic information, disability, or any other legally protected status or characteristic. The DOC will investigate all complaints involving harassing, discriminatory, or offensive behavior.

PRISON RAPE ELIMINATION ACT (PREA)

Sexual assault/rape is any unwanted sexual contact from another offender, or any sexual contact involving a staff member, even if it is consensual. Consensual sexual activity between offenders is against the rules. Sexual activity involving offenders and staff is a violation of DOC policy and state law.

Sexual assault/rape does not have to be a violent act. If the victim feels they would be harmed or retaliated against if they refused, then it is sexual assault/rape.

Sexual harassment is repeated comments or gestures that are sexual in nature, unwelcome sexual advances, or requests for sexual acts from another.

The DOC has a zero-tolerance policy relating to all forms of sexual assault/rape and sexual harassment, retaliation by offenders or staff for reporting sexual assault/rape and harassment, or staff neglect or violation of responsibilities that may have contributed to such abuse or harassment. The DOC will cooperate in the investigation and prosecution of anyone involved in committing or

attempting to commit sexual assault/rape or sexual harassment. If you believe you are the victim of sexual assault/rape or sexual harassment, please report this information to any staff member as soon as possible. If you become aware another offender may be the victim of sexual assault/rape or harassment or may be at risk of victimization, it is your obligation to notify a staff member immediately.

If you are not comfortable reporting sexual assault/rape or sexual harassment directly to a staff member, either in writing, verbally, or through an anonymous kite, you may report the abuse or harassment through the institutional telephone "hotline", or by contacting the South Dakota Division of Criminal Investigation (DCI), 1302 East Hwy 14, Suite 5, Pierre, SD 57501-8505. If you choose to report the sexual assault/rape or harassment to a friend or family member, they may report this information directly to the DOC or DCI. The DOC will respond to all reports of sexual assault/rape or harassment and take steps to protect the victim. Offenders who are victims of sexual assault/rape or sexual harassment have access to community victim advocate services.

Offenders who identify as transgender or intersex may contact housing staff or behavioral health staff to request certain accommodations permitted by policy.

For more information, please refer to the "An Offender's Guide: Sexual assault/rape and Sexual Harassment Awareness" brochure available through your housing staff. DOC policy 1100-01 *Prison Rape Elimination Act (PREA)* includes information about the department's commitment to comply with the Federal PREA standards.

AMERICANS WITH DISABILITIES ACT (ADA)

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the DOC will not discriminate against offenders with disabilities and will make reasonable accommodations to ensure offenders with disabilities have equal opportunity to participate in programs, services, and activities.

To ensure effective communication with offenders who are deaf, hard of hearing, or have a speech disability, the DOC will provide appropriate auxiliary aids and services, free of charge. . See DOC policy 1500-01 *Americans with Disabilities Act* for more information.

If you require accommodation because of a disability, please contact the facility ADA Coordinator. If you wish to file a grievance relating to an ADA-related issue, including discrimination on the basis of a disability or denial of reasonable accommodation, you may do so through the administrative grievance process. See DOC policy 500-04 *Grievance Procedure*.

DOC INSTITUTIONS

The following South Dakota DOC institutions house male offenders: South Dakota State Penitentiary, Jameson Prison, Rapid City Correctional Facility, Sioux Falls Minimum Center, Mike Durfee State Prison, Yankton Minimum Center, and Rapid City Minimum Center.

The following South Dakota DOC institutions house female offenders: South Dakota Women's Prison, including E-Unit, and the Pierre Minimum Center.

In some instances, offenders sentenced to the DOC may be housed in a contract facility or other approved placement, or in another state's correctional facility.

HOUSING STAFF

Upon admission to a DOC institution, you will be assigned housing staff which normally consists of a housing captain, case manager, housing sergeant, and in some instances, a transitional case manager and parole agent. You may address questions and concerns regarding your assigned programming, employment options, classification, housing placement, Individual Program Directive (IPD), parole/release planning, financial accounts, etc. to a member of your housing staff. You may contact your housing staff by submitting a written request slip (kite) stating your question, need, or concern. Please familiarize yourself with the unit plan for your assigned housing unit. The unit plan contains information about the day-to-day operations, activities, and schedules for the unit. You may view the unit plan by contacting your housing staff. Unit plans are also posted on your tablet, and available at the various kiosks.

If you transfer to another DOC institution or a different housing unit within the institution, you may be assigned a new housing staff. Your new housing staff will be provided with the necessary information concerning your programming, history, parole plan, etc.

CLASSIFICATION, SCREENING AND ASSESSMENT

The South Dakota Department of Corrections uses a standardized, objective system of classification, assessment, and screening to identify appropriate housing, programming, treatment, care, and custody for all offenders. The classification system, applied as a whole and in conjunction with assessments, screening and other information gathered helps ensure you are appropriately and correctly housed, supervised, and offered necessary programming and treatment. Classification is essential to the safety and security of the institution, staff, offenders, and the public.

You will be notified of all scheduled reviews of your classification and any changes in your classification.

IDENTIFICATION

You will be issued a DOC identification card (ID). Your ID includes a recent facial photograph of you and your ten-digit DOC identification number. You are required to appropriately wear your ID except when sleeping or showering. You may be charged a replacement fee if you lose, alter, or destroy your ID. IDs will be updated periodically or as deemed necessary by staff. See DOC policy 400-01 *Offender Identification Procedures* for more information.

Your case manager can assist you in applying for a replacement Social Security card, replacement birth certificate, or applying for or renewing a state driver's license or state identification card. A valid form of identification is required for employment and operating motor vehicles on public

roadways. If you will be released from DOC custody but do not have access to these documents, you are encouraged to obtain replacements while incarcerated. If you have a valid state-issued ID or driver's license, you may be eligible to renew this while incarcerated. Having a valid ID or driver license and access to your Social Security card and birth certification is very helpful when transitioning back into the community. See DOC policy 400-01 *Offender Identification Procedures* and policy 500-01 *Offender Reentry Services and Transitional Planning* for more information.

INDIVIDUAL PROGRAM DIRECTIVE (IPD)

All offenders are assigned an Individual Program Directive. This document outlines the standards of compliance and expectations specific to you and your sentence(s). You are expected to maintain a good disciplinary record and work diligently and to the best of your ability when assigned a job, vocational training, or employment and while participating in programming, treatment, or education classes.

Your IPD establishes expectations for you to maintain your eligibility for release to parole supervision. Failure to abide by the standards of compliance and expectations contained in your IPD may result in a finding of non-compliance, which may prevent or delay your release to parole. If you are found non-compliant with your IPD at your initial parole hearing, you may have to wait up to two (2) years for another opportunity for parole. Any parole hearing you are scheduled for after a finding of non-compliance is discretionary. The Board of Pardons and Paroles has the authority to require you to serve your entire sentence. See DOC policy 1000-02 *Individual Program Directives (IPD)* for more information.

RELEASE PLANNING

You will be offered programming 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 must participate in release planning and develop an appropriate release plan, which must be approved by your parole agent. Your release plan will be reviewed at least annually by you and your case manager. Changes to your release plan will normally be completed at your classification review and at least sixty (60) days prior to your initial parole date. Transition case managers and parole staff will work with you to assist you with your release. See DOC policy 500-10 *Parole Releases and Supervision Agreement* for more information.

HOUSING ASSIGNMENT

Your housing assignment will be determined by your housing staff. You do not have any implied right or expectation to be housed in any particular institution or location. While in the custody of the DOC, you are subject to transfer to or from any institution, unit, or program. Your housing is affected by many different factors.

LIVING QUARTERS

You are responsible for cleaning and caring for your living quarters, which includes sanitizing frequently touched surfaces. Living quarters shall be kept neat and organized. Cleaning supplies

will be provided. Designated days and times for cleaning are posted in the unit plan. Refer to the unit plan for additional information about your living quarters.

Any structural problem, such as leaking faucets or toilets, defective light fixtures or broken or damaged state property, must be promptly reported to a staff member. All property in your living quarters which is not your personal property is state property. Defacing, damaging, altering, destroying, wasting, or otherwise misusing state property is strictly prohibited. You may be held financially liable for any state property lost or intentionally damaged as a direct or indirect result of your actions and subject to disciplinary action.

Keep your property picked up and stored in its rightful space within your living quarters. Respect other's property. Stealing, damaging, destroying, or possessing another's property is against the rules. Each offender is responsible for keeping their living quarters free of contraband.

PERSONAL PROPERTY

You are allowed to access, obtain, and possess certain items of personal property through approved means. Property may be purchased through commissary or approved outside sources. Property is issued to you. Lists of allowable property, methods of obtaining property, and the amount of property you have in your possession, are available in DOC policy 500-02 *Offender Personal Property*. The property you are allowed to possess will vary, depending on your assigned institution, housing unit, classification, and status. Your privilege to possess personal property is subject to the rules and requirements of the DOC. Certain items of personal property must be recorded on your property list.

You are not entitled to reimbursement or compensation for personal property that is lost, stolen, confiscated, damaged, destroyed, or discarded. Access to certain personal property items may be temporarily forfeited as a consequence of your actions or based on your housing or program assignment. You may not transfer, trade, barter, loan, or sell property to another offender. Altered or damaged property must be sent out or properly destroyed. Property found in your possession that is not yours or for which you are not authorized to possess will be confiscated. See DOC policy 500-02 *Offender Personal Property* for more information.

CONTRABAND

Contraband is any item you are not authorized to possess. Approved items may be contraband if they are altered, possessed in higher quantity than authorized, used in unintended ways, obtained through an unapproved means or source, or stored in an unapproved manner or location.

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

Possession, or attempts to introduce or receive items such as weapons, alcohol, marijuana, prescription, or non-prescription drugs not issued to you by an approved medical authority, controlled substances, or other articles of indulgence, is a felony.

SEARCHES

Searches prevent the introduction, use, or concealing of contraband, and help detect unauthorized or inappropriate activity. You, your possessions, living quarters, assigned storage areas, and work sites are subject to search at any time. Personal communication, including telephone calls, written correspondence, and messaging, unless deemed privileged, is subject to search at any time. All offenders are subject to pat search, visual search, and strip search. Searches may be random or targeted.

COUNTS

A count is an official tally of all offenders. Count is conducted by staff to ensure all offenders are in their proper location. Offender counts will be conducted multiple times each day. Count may be conducted at any time. If you are not present at your assigned and approved location, or you fail to report as required when count is conducted, you may be placed on escape status and subject to disciplinary action. There is no talking or playing radios, or TVs, or using tablets or telephones during count. During "standing count" each offender shall be standing until counted (except for those with a medical restriction or ADA accommodation). There is no offender movement until count is cleared.

PERSONAL CLEANLINESS

You will be issued enough clothing to maintain a neat and clean appearance. You are expected to take a shower and use deodorant. You are responsible for exchanging your clothes for clean clothes and obtaining clean bedding, regularly, as scheduled. Intentional alteration of clothing, footwear, bedding, towels, etc. is not permitted. Worn, torn, soiled, stained, or otherwise damaged clothing, footwear, and bedding shall be turned in for exchange or proper disposal. Specific offender dress and grooming requirements and schedules apply at each institution and may vary based on your housing assignment.

Hair, including facial hair, must be kept clean and neat in appearance and cannot pose a threat to the safety, security, or sanitation of the institution. Offender barbers are available. Clothing, laundry, and hygiene requirements and schedules are included in the unit plan or posted directives.

Offenders are expected to practice personal cleanliness, which includes washing their hands with soap and water (for at least 20 seconds). Cover your nose and mouth with a tissue when coughing or sneezing, and promptly dispose of used tissues in appropriate waste receptacles. Do not share cups, utensils, washcloths, towels, etc. with others.

DNA COLLECTION

You are required by law to provide a DNA sample, if you have not previously done so, or if your information is not registered and on file with the state's DNA database. You will not be released from custody until you have provided the required DNA sample. Offenders who refuse to provide

the required DNA sample may be subject to criminal prosecution. See DOC policy 1100-02 *Offender DNA Collection* for more information.

MEALS

You are allowed a minimum of three (3) nutritional meals each day. Meals are served at designated times. Medical orders for special medical or dental diets are handled by clinical services. Requests for a religious tray must be directed to the cultural activities coordinator (CAC). You are responsible for all rules and procedures that apply to meals, including medical or religious meals, and the responsibilities and obligations that apply. See DOC policy 700-31 *Medical and Religious Diets* for more information.

You are expected to wash your hands before meals and have clean hygiene. Dress and behaviors while eating meals shall be appropriate and consistent with the expectations set by the institution. Clothing worn in the dining area shall not be torn, soiled, odorous, or wet. Appropriate footwear is required. Food may not be removed from the dining area. Some institutions have assigned seating in the dining area. Your status may dictate you eat your meals in your cell. In such cases, meals will be delivered to you.

BANKING SYSTEM

An account will be established in your name upon admission to the DOC. The DOC is authorized to cash checks and deposit accepted funds while you are in the custody of the DOC. This process is explained during admission. Personal checks, cash, or checks received from unauthorized sources will be rejected and returned to the sender at your expense.

Wages earned through employment in institutional support jobs and employment with outside employers, such as work release, will be deposited into your account. Most funds received while in the custody of the DOC are subject to the institutional banking formula, with some exceptions. The DOC maintains the authority to disperse your funds as deemed appropriate, based on your obligations. You are responsible for keeping track of your spending and account balances.

Fixed obligations, such as debts related to your crime, court-ordered fines, costs, fees, sanctions, and restitution will be listed on your financial plan. For more information refer to DOC policy 600-02 *Offender Accounts & Financial Responsibility*.

COMMISSARY

You may be allowed access to commissary to purchase approved items, such as snack food, toiletries/hygiene supplies, correspondence supplies, clothing, and personal property. The maximum amount you may spend each week on commissary and the accounts you may access for commissary spending are controlled by the DOC. See DOC policy 800-06 *Offender Commissary* for more information.

If you do not have funds to purchase certain commissary items, such as hygiene supplies or legal materials, you may request indigent commissary. Indigent commissary allows you to receive a

"loan" from the DOC to purchase approved indigent commissary items. You are required to repay the loan.

Family members and friends may purchase care packages on your behalf from the commissary vendor, subject to your housing location, disciplinary status, and rules and procedures set forth by the DOC.

Your commissary privileges may be temporarily suspended or restricted based on your status, housing location, or through disciplinary sanctions for committing behaviors that violate the DOC rules.

CORRESPONDENCE

All general correspondence items are subject to reading, inspection, approval, and copying by staff. Printed matter such as books, magazines, newspapers, and periodicals must be sent directly from an approved source. All incoming and outgoing general correspondence is subject to approval by mailroom staff. Correspondence cannot be passed through the control room, staff, volunteers, or during visits. Correspondence that violates the rules or policies may be withheld, excluded, confiscated, and/or rejected.

Legal correspondence must be sent to, or received from, a recognized, approved legal source and clearly marked as being sent to or from an approved legal source. Correspondence that is clearly identified by the sender as "privileged/legal" and verified as originating from an official legal source will be handled as legal correspondence and only opened/copied in your presence. It is your responsibility to notify the sender of these requirements. Correspondence that cannot be clearly identified as privileged/legal may be opened and handled as general correspondence. Privileged/legal correspondence will not be read by staff but remains subject to inspection by staff. Privileged/legal mail is generally only processed Monday through Friday, not including recognized state or federal holidays.

If you transfer to a different facility or are released from DOC custody, it is your responsibility to notify others of your new address. See DOC policy 500-06 *Offender Correspondence* for more information.

TELEPHONE & TABLET PRIVILEGES

Telephones and tablets are a supplemental means of maintaining community and family ties. Use of telephones and tablets shall be voluntary and for lawful purposes only. Wall-mounted telephones and kiosks are available in designated areas of your unit. You may be issued a tablet to use while at the institution. You are responsible for taking care of the tablet. You will be issued a Personal Identification Number (PIN) and a tablet access code. You will be provided information about how to access the telephone and tablet system and how to create an account. You may not share your PIN or tablet access code with other offenders. All telephone numbers you wish to contact must be on your approved contact list.

Access to tablets and telephone services is a privilege. All telephone calls, with the exception of calls known to be to or from your attorney or other privileged calls, may be monitored and recorded. Violations of the rules may result in restricted access to the telephone and/or tablet system.

You may request a special telephone call by sending a kite to your housing staff. You must contact your housing staff to arrange an attorney call. Approved and arranged privileged telephone calls (including calls to your attorney) are not monitored or recorded.

Issues with the telephone or tablet service, accounts, or rates/fees must be directed to the service provider. See DOC policy 500-05 *Offender Access to Telephones and Tablets* for more information.

VISITING

All DOC institutions have established visit days and times. Family and friends must apply to access the institution during visits. Visitors should go to the DOC website or contact the institution for more information about the visit requirements. Approved visitors will be added to your visit list. Minor children (under the age of 18) must be accompanied and supervised during visits by a responsible adult.

You will be allowed visits with your attorney and clergy. A private visit area is available for attorney and clergy visits. Attorneys are encouraged to visit during regular visit hours. However, visits from an attorney may be arranged at other times based on the circumstances of each case and the availability of DOC staff to arrange and supervise the visit. Attorney visits are subject to visual monitoring by staff but not audio monitoring.

You may request a "special visit" with an approved person(s) not on your regular approved visit list, or an approved visitor who is unable to visit during normal visit days and times by contacting your housing staff.

There are three types of visits:

- Class I visits are contact visits in a designated area of the institution.
- Class II visits are non-contact visits.
- Class III visits are video call visits using kiosks located in a designated area of the institution.

A non-contact visit means you will be separated from your visitor by a physical barrier, or the visit will be conducted using the video visitation system. Non-contact visits must be scheduled in advance. Class II visits may be required as a consequence of you or your visitor violating institutional rules, committing certain behaviors, or because of the crime you committed.

All institutions offer Class III video visits. Certain fees and conditions apply. Class III video visiting allows you to visit with approved family or friends remotely, through the use of technology and hardware provided by the institution. You may contact your housing staff or a representative of the service provider for more information about Class III visiting.

Participation in visits is strictly voluntary. You, your visitor(s), and any belongings permitted at the visit are subject to search before, during, and after a visit. All visitors eighteen (18) years of age and older are required to present a valid and accepted form of photo identification prior to admittance to the institution.

Violation of visiting rules by you or your visitor may result in any or all of the following:

- Immediate termination of your visit.
- Loss of visiting privileges.
- Removal of your visitor from your approved visit list.
- Placement on Class II visits.
- Disciplinary action and sanction.

Law enforcement will be contacted if a visitor is found in possession of a controlled substance, illegal contraband, or suspected of being under the influence of drugs or alcohol. It is a class 6 felony for a visitor to deliver, or attempt to deliver to an offender, any article which is unlawful for an offender to possess. Any offender suspected of receiving contraband through visits is subject to disciplinary action and restricted visits.

Visiting hours are posted in your housing unit. Certain limitations or changes to the visit schedule may be imposed by the warden or designee, as deemed necessary. It is your responsibility to notify your visitors if you are unable to participate in visits due to disciplinary action, work, programming, treatment, transfer, illness, etc. See DOC policy 300-23 *Offender Visiting* for more information.

RELIGIOUS AND CULTURAL ACTIVITIES AND PROGRAMS

Religious and cultural programs and activities are offered at all institutions. Participation in these programs and activities is voluntary. You are expected to conduct yourself in an appropriate manner while attending or participating in these activities. Spiritual counseling and access to clergy or religious volunteers may be arranged by contacting the cultural activities coordinator. All institutions have a Chapel or designated area for services, prayer, and religious study groups. You may contact the cultural activities coordinator for more information about religious and cultural activities available at the institution. Offenders shall have access to certain religious property, as approved. See DOC policy 500-07 *Offender Religious and Cultural Activities* for more information.

ALCOHOL AND DRUGS

Drug testing, searches, and other security measures are used to detect the use or possession of drugs, alcohol, and unauthorized substances. Offenders using, distributing, or possessing illegal substances are subject to disciplinary action and criminal prosecution. You may be asked to give a urine or breathalyzer sample at any time. Refusal to comply with drug testing as ordered will be treated as an admission of usage and a positive result.

Chemical dependency treatment and services are available based on available resources and assessed needs. You will be evaluated upon admission to determine if you require chemical dependency treatment or programming. See DOC policy 400-05 *Offender Drug Testing, Sanctions & Treatment* for more information.

CORRECTIONS SERVICE CANINES

Trained corrections service canines are used by the DOC to detect the odor of articles that are unlawful or not approved for offenders to possess. Canines are used during visits at the institution to search offenders and visitors. Canines are under the control of the canine handler. Corrections service canines are officers of the DOC. Offenders who assault, harm, injure, harass, or interfere with a corrections canine are subject to disciplinary action. Do not approach or pet the canine unless authorized to do so by the handler. When a canine is used to search an area, you are required to follow the instructions of the canine handler.

ACCESS TO THE COURTS

The DOC affords all offenders reasonable opportunities to access the courts and legal reference materials. Legal reference materials and legal documents are available electronically through your tablet or the kiosks. You may conduct legal research from the database and legal service which contains the latest updates on case law from each federal district and circuit court in the United States and is available on the tablets or kiosks. You may contact staff to request assistance obtaining copies of legal documents and forms and legal mailing. You will be charged a fee for copies. If you require assistance accessing the electronic law library, for any reason, please kite your housing staff. A Notary Public is available at most institutions.

Private practice attorneys and court-appointed attorneys, or their authorized representatives, may meet with you in the institution. Meetings with your attorney may be scheduled during regular visiting hours, or at other times by contacting your housing staff. Telephone or video court appearances may be arranged by the court.

You may correspond with your attorney, privileged sources, the courts, and legal aid offices through legal/privileged correspondence. See DOC policy 1500-02 *Offender Access to the Courts* for more information. You may arrange to use the telephone system to make confidential legal or privileged telephone calls by contacting housing staff.

Offenders may assist other offenders with legal matters, such as legal research or preparing legal materials. Any assistance provided shall be voluntary and not subject to any form of compensation. Offenders providing legal assistance to other offenders shall do so within the confines of all applicable rules and conduct. The DOC shall not take any affirmative action to assist offenders in providing or seeking offender legal assistance.

EDUCATION OPPORTUNITIES

The DOC recognizes the value of education. You may be required to participate in educational programming, assessments, and testing. These requirements will be included in your Individual Program Directive (IPD). If you are eligible for parole, your release to parole supervision may be dependent on your successful completion of specified education requirements.

The availability of specific coursework and classes varies by institution, classification level, and housing assignment.

ACADEMIC, EVIDENCE-BASED PROGRAMMING, VOCATIONAL PROGRAMMING, AND EMPLOYMENT OPPORTUNITIES

You may be required to participate in, and complete programming offered at the institution. If you are eligible for parole, your release to parole supervision may be impacted by your successful completion of all required programming and/or participation in training and/or employment.

You may be offered opportunities to participate in academic, evidence-based, and vocational programming. Opportunities vary depending on your classification/risk, crime and sentence, housing location, and other factors. If you complete an academic, evidence-based, or certain vocational programs, you may be eligible for earned discharge credits. See DOC policy 500-13 *Earned Discharge Credits* for more information.

You may be assigned employment in institutional support, community service, natural disaster response, or traditional prison industry, depending on your classification/risk, housing location, disciplinary record, job skills, and other factors. You may be paid a wage and/or earn earned discharge credits, depending on the job assignment. See DOC policy 400-10 *Offender Work Assignments and Pay* for more information.

You may be eligible to apply for a job in Private Sector Prison Industries or participate in work release while incarcerated. Eligibility is dependent on your classification/risk, disciplinary record, housing location, job skills, and other factors. Jobs in Private Sector Prison Industries and employment obtained through participation in work release pay regular wages, as set by the employer and in accordance with state and federal law. See DOC policy 1000-01 *Work Release* and DOC policy 800-03 *Prison Industry Enhancement Certification Program* for more information.

OFFENDER GRIEVANCE

The DOC encourages informal resolution of grievances and complaints. If you are unable to resolve a complaint through informal resolution, a formal process exists that requires staff to review and respond to your complaint. Certain time constraints apply. Only certain issues may be addressed through the offender grievance process. Only a single complaint may be included in a grievance. Emergency issues, such as those affecting your safety, emergency medical issues, sexual assault/rape or harassment, need for protective custody, or reporting of excessive use of force by staff, must be reported immediately to staff and are not subject to the offender grievance process.

Forms for filing complaints are available by contacting your housing staff. Some issues may be appealed to the secretary of corrections after being reviewed and responded to by the warden. See DOC policy 500-04 *Grievance Procedure* for more information.

OFFENDER HOTLINE

The offender hotline is a confidential line of communication between you and security staff. You may remain anonymous when reporting information on the hotline. Examples of information that can be reported include threats to the safety and security of the institution, assaults or fights, gang activity, major rule violations, activities involving drugs, alcohol, cell phones, weapons, or other

contraband, sexual assault/rape or harassment, excessive use of force by a staff member, escape attempts, etc. Directions for use of the hotline are posted near the telephones.

If you are experiencing thoughts of self-harm or suicidal ideations, or you have information that makes you fear for your safety or the safety of others, you must immediately report this to a staff member.

DISCIPLINARY

Rule violations or offenses in custody are divided into four categories. Level H (high) is the most severe. Offenders who commit rule violations are subject to disciplinary action. If you are found guilty of committing a rule violation, you are subject to the disciplinary process. If found guilty or you enter a plea of guilty, you may be issued a sanction. Sanctions include restitution, forfeiture of personal property, loss of privileges, and extra work duties. See DOC policy 300-17 *Offender Discipline System* for more information.

Other consequences for committing rule violations may be assignment to a higher classification level, loss of employment, or placement in restrictive housing.

Committing certain rule violations or frequent rule violations may cause you to be non-compliant with your Individual Program Directive and may negatively impact your opportunity for participation in certain programs. Your disciplinary history also affects your eligibility for release to parole supervision or suspended sentence status.

The sanctions outlined below may be adjusted at the discretion of the DHO with warden or designee's approval.

Attempting or conspiracy to attempt any infraction is inferred as included in the definition of the rules below.

OFFENSES IN CUSTODY

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
MAJOR INFRACTIONS H = High Level, M = Medium Level, L = Low Level			
H2	Murder; Killing anyone.	Up to 360 days	Up to 90 days
H3	Assault resulting in serious bodily injury requiring immediate medical attention, emergency treatment, or hospitalization.	Up to 360 days	Up to 90 days

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
H7	Inciting a riot, work stoppage.	Up to 360 days	Up to 90 days
H8	Escape from secure custody or a secure facility, or planning, attempting, or assisting an escape from secure custody or a secure facility.	Up to 360 days	Up to 90 days
H9	Sexual assault.	Up to 360 days	Up to 90 days
H11	Throwing or spitting any bodily fluids at or upon any staff.	Up to 360 days	Up to 90 days
H12	Possession of dangerous contraband. A communication device, firearm, knife, bludgeon, or other weapon, device, instrument, material, or substance whether animate or inanimate, which is readily capable of causing or inducing fear of death or physical injury.	Up to 360 days	Up to 90 days
M2	Wearing or possession of a disguise or mask; manufacturing or possession of a mannequin or dummy.	Up to 180 days	Up to 60 days
M5	Unsolicited contact with or in reference to, any non-offender (notes, letters, messages, suggestive remarks or gestures, inappropriate touching, or seeking out personal information).	Up to 180 days	Up to 60 days
M6	Conduct which disrupts or interferes with the security or good order of the institution and interferes with a staff member during performance of his/her duties which could potentially pose a threat to the safety of staff or other offenders. Major Incident Report is required as soon as possible.	Up to 180 days	Up to 60 days
M7	Purposely exposing genitals to a nonoffender for the purpose of annoying, offending, or alarming.	Up to 180 days	Up to 60 days
M8	Throwing any substance at or upon any person; intentionally smearing any substance which could potentially come into contact with any person.	Up to 180 days	Up to 60 days
M9	Extortion, blackmail, or demanding or receiving money or anything of value.	Up to 180 days	Up to 60 days
M10	Manufacturing, possessing instructions to manufacture, or buying or selling narcotics, paraphernalia, syringes, drugs, medicine, or intoxicants.	Up to 180 days	Up to 60 days
M12	Tampering with locks or security devices.	Up to 180 days	Up to 60 days

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
M13	Setting/attempt to set a fire.	Up to 180 days	Up to 60 days
M14	Non-offender assault/battery without serious injury.	Up to 180 days	Up to 60 days
M15	Receiving, giving, or attempting to receive any unauthorized article to or from a visitor or member of the public.	Up to 180 days	Up to 60 days
L3	Use or possession of an illicit substance, including any narcotic, drug, medicine, or intoxicant. Misuse of prescribed or authorized medicine, including saving or accumulation of authorized medicine contrary to medical orders; failure to turn in medications on or before the expiration date; using authorized medications for an unauthorized purpose, such as giving, trading, or selling authorized medicine to another offender.	Up to 60 days	Up to 30 days
L7	Insolence, conduct, acts, or gestures, harassment, verbal or nonverbal behavior, showing disrespect toward any non-offender or in reference to any non-offender.	Up to 60 days	Up to 30 days
L9	Sexual misconduct.	Up to 60 days	Up to 30 days
L10	Assaulting another without serious bodily injury.	Up to 60 days	Up to 30 days
L11	Fighting with another offender.	Up to 60 days	Up to 30 days
L14	Refusing, or failing to produce a urine, saliva, or breath sample, refusing to participate in a urine, saliva, or breath test, attempting to circumvent a urine, saliva, or breath test, or altering the results of the test.	Up to 60 days	Up to 30 days
L17	Being in an unauthorized area or in an area that offenders are not allowed in without staff escort.	Up to 60 days	Up to 30 days
L20	Failure to be present for count; interfering with the taking of count.	Up to 60 days	Up to 30 days
L22	Refusal to work.	Up to 60 days	Up to 30 days

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
L23	Failure to abide by rules, regulations, or verbal orders.		Up to 30 days
L26	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 are in an altered state.	Up to 60 days	Up to 30 days
L32	Counterfeiting, forging, or other unauthorized reproduction of any official document or form, article of identification, or currency.	Up to 60 days	Up to 30 days
L33	Misappropriation of tools, materials, or supplies of any kind from shops or other places.	Up to 60 days	Up to 30 days
L38	Threatening any person with bodily harm or with any offense against his/her person, his/her family, or his/her property.	Up to 60 days	Up to 30 days
L40	Following 5 violations of any minor rule within a three (3) month period, all future violations may constitute a major violation.	Up to 60 days	Up to 30 days
L41	Conduct which disrupts or interferes with the security or good order of the institution; 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.	Up to 60 days	Up to 30 days
L45	Engaging in gang organization, recruitment, or blatant displays of gang activity or materials related to security threat groups.	Up to 60 days	Up to 30 days
L50	Sexual Harassment.	Up to 60 days	Up to 30 days
L55	Intentionally damaging, altering, destroying, or wasting state property. The value of property, substantiated by written documentation, determines the restitution/reimbursement to be charged to the offender. If evidence is insufficient to sustain a conviction on a charge of L55, the hearing officer has the discretion to modify the charge to the lesser violation of V38 if such conviction is justified by the evidence presented.	Up to 60 days	Up to 30 days

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
L56	Actively caught tattooing, whether by administering or receiving a new tattoo or adding to an existing tattoo.	Up to 60 days	Up to 30 days
MINOR INFRACTIONS / INFORMAL RESOLUTIONS V = Minor Infraction			
V1	Failure to abide by a lawful directive posted, or written regulations/standards.	Up to 15 days	N/A
V4	Failure to perform work as instructed. Or unexcused absence from work or assignment in the institution; tardiness in reporting to work or an assignment. Unexcused absence from vocational and/or program assignments in the institution; tardiness in reporting to work or an assignment within the institution.	Up to 15 days	N/A
V5	Unauthorized use of communication device.	Up to 15 days	N/A
V6	Placing any article over cell bars, cell front, window, or draping articles over bunks or obstructing, altering, or darkening light fixtures or bulbs.	Up to 15 days	N/A
V7	Using any equipment or machinery contrary to its intended purpose; failure to follow staff instructions or written safety standards which apply to any equipment or machinery; operating/controlling equipment or machinery without required training; failure to use the proper safety equipment provided.	Up to 15 days	N/A
V13	Being in an unauthorized area.	Up to 15 days	N/A
V15	Having in your possession, living quarters, storage area, or work site any article or clothing not issued to you, not purchased through commissary, or for which you do not have special authorization; or having articles or clothing in excess of established limits, or articles or clothing which are used for unauthorized purposes or are in an altered state.	Up to 15 days	N/A

Rule #	Rule Definition	Loss of Privileges	Restrictive / Disciplinary* Housing *Disciplinary with female offenders only
V17	Possession of pornographic material includes books, articles, pamphlets, magazines, periodicals, publications, or materials that feature nudity or "sexually explicit" conduct. May include books, pamphlets, magazines, periodicals, or other publications or materials that feature or include photographs, drawings, etchings, paintings, or other graphic depictions of nudity or sexually explicit material.	Up to 15 days	N/A
V18	Engaging in gang activity; possession of material depicting gang symbols or specific gang colors; any act, gesture or display that references any gang or security threat group.	Up to 15 days	N/A
V20	Transferring money or property to, or accepting money or property from, another offender, member of his/her family, representative, or friend(s).	Up to 15 days	N/A
V21	Violating visit rules or failure to terminate a visit upon notification.	Up to 15 days	N/A
V37	Loitering.	Up to 15 days	N/A
V38	Intentionally damaging, altering, destroying, or wasting state property.	Up to 15 days	N/A
V50	Stealing (theft) of property.	Up to 15 days	N/A
V60	Possession of unauthorized or altered clothing or property.	Up to 15 days	N/A
V61	Possession of unauthorized tobacco and/or tobacco products.	Up to 15 days	N/A
V62	Having possession of materials used for tattooing; or having a new tattoo; or adding to an existing tattoo.	Up to 15 days	N/A

FINES AND RESTITUTION

Fines can be applied to major rule infractions which do not pose a significant threat to facility security or safety. For more details on fines and sanctions review DOC policy 300-17 *Offender Discipline System*.

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

Each offender sentenced to a penitentiary term, except those under a sentence of life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial parole date set by the DOC. This date shall be calculated by applying the percentage indicated in the following grid to the full term of the sentence pursuant to § 22-6-1.

Felony Convictions							
Nonviolent				***Violent***			
Felony Class	First	Second	Third	Felony Class	First	Second	Third
Class 6	.25	.30	.40	Class 6	.35	.45	.55
Class 5	.25	.35	.40	Class 5	.40	.50	.60
Class 4	.25	.35	.40	Class 4	.40	.50	.65
Class 3	.30	.40	.50	Class 3	.50	.60	.70
Class 2	.30	.40	.50	Class 2	.50	.65	.75
Class 1	.35	.40	.50	Class 1	.50	.65	.75
Class C	.35	.40	.50	Class C	.50	.65	.75
				Class B	1.0	1.0	1.0
				Class A	1.0	1.0	1.0

Please note, that SDCL § 24-15A-16 provides that any felony conviction in this state, any other state, or the United States, shall be considered to determine an initial parole date under SDCL §§ 24-15-4 and 24-15A-32.

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. Offenders serving a life sentence are not eligible for good time.

Eligible offenders may submit a written request for the return of good time to their case manager. If you are unsure about your eligibility for the return of good time, please contact your case manager. See DOC policy 400-03 *Date Computation* for more information.

The following table shows the amount of good time you receive based on the length of your sentence:

Sentence (in years)	Good Time (days/month)	Total Good Time Reduction
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.

CLINICAL SERVICES

All new admission offenders will be assessed by clinical services staff at the time of admission to a DOC institution. The DOC will ensure you are provided medically necessary care. If you have questions about how to access health services or questions about health services available at the institution, contact clinical services. See DOC policy 700-02 *Medical Scope of Service* – and/or 700-07 – *Offender Health Examinations* for more information.

Rights and Responsibilities: Clinical services and DOC support your right to medically necessary care, your right to provide informed consent prior to the initiation of a clinical procedure, your right to refuse medical treatment, and your right to be provided confidential care. You also have the responsibility to play an active role in your healthcare and follow the guidance outlined by clinical services.

Clinical services that are available include medical, behavioral health, dental, optometry, and emergency care. Services are provided by qualified healthcare professionals and practitioners. Clinical services ensure you have access to services that will maintain your healthcare needs and will encourage measures to prevent your health deterioration. All offenders are assessed and assigned a medical, behavioral health, and dental code at intake. This code ensures that you are housed at a facility that can accommodate your healthcare needs. Clinical services and DOC reserve the right to provide necessary emergent care to you according to your level of need despite the ability

to provide consent (i.e. unconscious), to house you according to your need or potential need for medical attention (including requiring twenty-four (24) hour medical access for uncontrolled and non-compliant medical conditions), to refer you for disciplinary action for misuse of clinical services, including suspected medication abuse or diversion of prescription or non-prescription medications, for illegal drug possession, or for any other infractions outlined by clinical services.

Preventative care that is available includes a health screening upon admission, immunizations that are provided based on qualification, supportive self-care, and education on health-related topics. Additional physical exams are offered every three (3) years if you are under the age of forty (40) and every two (2) years if you are over the age of forty (40) or if you have a qualifying chronic care condition. If you are identified as having symptoms of an infectious disease, please know that you may be separated from other offenders or may be required to follow specific medical orders to help prevent the spread of diseases.

Emergency services are provided for those who experience medical distress or have a medical emergency. In the event of a medical emergency, you are encouraged to contact the closest DOC staff member. If you work in food services, clinical services, or non-essential work assignments, you should not report to work when sick. If you feel ill and would like to be excused from attending work, you must fill out a kite request for 'sick call' and notify a DOC staff member prior to the start of your shift. You will then be assessed by a healthcare professional. If you are medically excused from work, you will be placed on a medical lay-in. For the duration of the lay-in, you are required to remain in your room/cell unless otherwise directed by staff.

Sick Call is a time when nursing staff complete assessments or provide education on your specific healthcare requests/needs that are non-emergent or not life-threatening. To request or initiate an appointment you must submit a sick call kite to the specific clinical services department (i.e. medical, behavioral health, dental, or optometry) with the details explaining your request. You will be charged a co-payment fee for clinical services that you initiate. However, there is NOT a co-pay fee for behavioral health services related to counseling, maternity services, care provided to a sexual assault victim, chronic care appointments, or other (follow-up) appointments that are initiated or scheduled by a healthcare professional. You will not be refused medically necessary care because of a lack of available funds or your inability to pay for the service. Clinical services kite requests are picked up and reviewed daily by a qualified healthcare professional. Appointments for sick call are scheduled based on the priority determined by the healthcare professional. Non-urgent sick call kites received on the weekend may be scheduled for an appointment on the next weekday. You will be assigned a no-show co-pay fee for not attending a clinical services appointment or sick call. Attendance to all clinical services appointments is required within fifteen (15) minutes of the scheduled appointment time or of being called for a second time. For more information contact your housing captain.

Durable medical equipment is provided by clinical services such as eyeglasses, hearing aids, dentures, inhalers, wheelchairs, or prosthetic devices when medically necessary and ordered by a healthcare practitioner. You will be responsible for the care and maintenance of any medical equipment issued to you. Any willful or negligent damage, destruction, or loss of the item will result in a co-payment fee for the cost or replacement of the item.

Prescription medications are provided when approved by a health care practitioner. Generic equivalents may be used according to the DOC clinical services formulary. Over-the-counter medications are available in the commissary. Medications that are not being taken, not being taken according to the practitioner's instructions, or are suspected of diversion will be discontinued. Medication pass times occur twice daily. The times a medication will be available are determined by the healthcare practitioner. ID is required at that time to receive medications.

Behavioral health services are available upon kite request. Services include screening, assessment, individual or group counseling, psycho-educational services, self-help, and supportive services. There is no co-payment fee for accessing behavioral health counseling services. If you are experiencing suicidal ideations, depression, anxiety, thoughts of self-harm, or other issues that may be related to mental illness, you must contact behavioral health services or another staff member. If you observe another person engaging in self-harm or suicide or become aware of another's plan to commit such behavior, you are obligated to notify a staff member immediately.

Dental care includes tooth repair, extractions, and dentures for qualifying offenders only. Dental care is provided upon medical necessity, cosmetic care is not provided.

Optometry or **eye care** is provided at intake then based on the offender's request and medical need.

Admission to the medical housing unit or hospitalization is determined by a healthcare practitioner based on the severity of illness or level of service needed. Clinic procedures will be performed onsite unless otherwise determined by a healthcare practitioner. Medically necessary, non-emergent, community care must be pre-approved by the healthcare practitioner and by the chief medical officer.

Refund/Grievance. If you believe you have been charged incorrectly for a clinical services encounter, you may request a refund of the co-pay charge within thirty (30) days of the charge. To request a refund, you must submit a kite request to the health services administrator (HSA) at the site you received the copay charge. The HSA will process your request within five (5) business days and provide a decision to you in writing within seven (7) business days. If you do not agree with the decision of the HSA, you may file a grievance as described in DOC policy 500-04 *Grievance Procedure*.

Continued care services that are offered prior to and upon your release include prescription medications provided, assistance with coordinating follow-up healthcare at a community clinic, and assistance with determining eligibility for Medicare/Medicaid benefits.

For more information about sick call or copayments see your housing location unit plan or contact your housing captain.

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Nick Lamb, Secretary of Corrections	Date

DEPARTAMENTO DE CORRECCIONES DE SUR DAKOTA

Revisado: **agosto 2026**

SOUTH DAKOTA

CORRECTIONS

GUÍA DE VIDA PARA EL PRESO

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DECLARACIÓN DE OBJETIVOS

Servicio de asistencia con un propósito en una cultura de respeto a través de la integridad, la humildad y el carácter.

VISIÓN

Comunidades más seguras en South Dakota para la próxima generación.

VALORES

- Valoramos a nuestro personal como nuestro mayor activo.
- Valoramos un entorno seguro para el personal y los delincuentes.
- Valoramos el apoyo y la colaboración de la comunidad.
- Valoramos la confianza de los ciudadanos en el funcionamiento de nuestro departamento.
- Valoramos el uso de prácticas basadas en pruebas para maximizar la rehabilitación de los delincuentes.
- Valoramos la diversidad y el respeto a todas las personas.
- Valoramos la profesionalidad, el trabajo en equipo y la máxima ética.

Valoramos la inversión en nuestro personal mediante la formación en buenas prácticas penitenciarias y la oferta de oportunidades de desarrollo y promoción profesional.

INTRODUCCIÓN

El contenido y la información de este manual se aplican a todos los delincuentes bajo custodia del Departamento Correccional de Dakota del Sur (DOC). Este manual contiene información general para ayudarle con la rutina normal de la vida en prisión y no pretende ser una lista completa de todas las normas, reglamentos, programas o procedimientos del DOC.

Lea atentamente este manual. A partir del momento de su admisión en una institución del DOC, usted es responsable de cumplir todas las normas y reglamentos vigentes en la institución. Si tiene preguntas con respecto a la información proporcionada en este manual, es su responsabilidad ponerse en contacto con un miembro del personal. También puede obtener información adicional sobre los temas descritos en este manual leyendo la política relacionada del DOC. La información sobre la vida en prisión está expuesta en su unidad de alojamiento en los planos de la unidad y en sus tabletas y en los quioscos.

UN MENSAJE IMPORTANTE

El DOC trata a los delincuentes de forma justa y humana. Mientras esté bajo custodia, se le brindarán oportunidades de superación personal y cambio positivo. Usted tendrá acceso al personal que responde a sus necesidades. El personal le ayudará a asegurarse de que se encuentra en un entorno seguro e higiénico, y le proporcionará información clara y precisa sobre las decisiones que le afecten.

La mayoría de los delincuentes en prisión quieren cumplir su condena de la mejor manera posible y salir en libertad cuanto antes. Sin embargo, algunos delincuentes tienen la impresión equivocada de que las normas y reglamentos no se aplican a ellos. Intentan establecer sus propios métodos de actuación creando malestar y causando problemas.

Si se produce una situación como un disturbio, un intento de fuga, una agresión o una pelea, diríjase inmediatamente a su zona de alojamiento o a otra zona que le indique el personal y permanezca allí a la espera de nuevas instrucciones del personal. Los delincuentes que participen en este tipo de actividades se enfrentan a medidas disciplinarias y a posibles acciones penales. Evite cualquier acción o comportamiento que le relacione con dicha actividad.

Es la política del DOC a los delincuentes de la casa que eligen no seguir las reglas separadas de delincuentes generales de la población. Esto ayuda a proporcionar un ambiente seguro para que todos los delincuentes sirvan su tiempo. Vea la política 300-19 del DOC *Restrictive Housing* para más información.

Si, en cualquier momento, usted cree que está en peligro de ser agredido o abusado físicamente (incluyendo agresión sexual o abuso sexual), debe informar inmediatamente de sus preocupaciones a un miembro del personal para que se puedan tomar las medidas apropiadas. Si cree que es víctima de un uso excesivo de la fuerza por parte de un miembro del personal, debe comunicarlo inmediatamente a través de la línea directa para delincuentes o poniéndose en contacto con un miembro del equipo de su unidad. Su habitación/celda puede estar equipada con un botón de llamada de emergencia. El personal responderá rápidamente a las llamadas de emergencia. Los botones de llamada de emergencia sólo pueden utilizarse para informar de una emergencia, como una urgencia médica, autolesiones, agresión, pelea, etc.

Cualquier decisión de violar las normas o rechazar la programación requerida, puede dar lugar a la denegación de la liberación a la supervisión de la libertad condicional, la pérdida de ciertos privilegios, la imposición de sanciones disciplinarias y / o la colocación en una unidad de vivienda restringida.

ACOSO

El DOC se compromete a mantener un ambiente libre de acoso, comportamiento discriminatorio y ofensivo basado en raza, color, religión, origen nacional, sexo (incluyendo embarazo), edad, información genética, discapacidad, o cualquier otro estatus o característica legalmente protegida. El DOC investigará todas las quejas relacionadas con conductas de acoso, discriminatorias u ofensivas.

LEY DE ELIMINACIÓN DE LA VIOLACIÓN EN PRISIÓN (PREA)

Agresión sexual/violación es cualquier contacto sexual no deseado por parte de otro delincuente, o cualquier contacto sexual en el que participe un miembro del personal, aunque sea consentido. La actividad sexual consensual entre los delincuentes está contra las reglas. La actividad sexual que implica a delincuentes y al personal es una violación de la política del DOC y de la ley del estado.

El agresión sexual/violación no tiene por qué ser un acto violento. Si la víctima siente que va a sufrir daños o represalias si se niega, se trata de agresión sexual/violación.

El acoso sexual son los comentarios o gestos repetidos de naturaleza sexual, las insinuaciones sexuales no deseadas o las solicitudes de actos sexuales por parte de otra persona.

El DOC tiene una política de tolerancia cero en relación con todas las formas de agresión sexual/violación y acoso sexual, represalias por parte de los delincuentes o el personal por denunciar el agresión sexual/violación y el acoso, o negligencia del personal o violación de las responsabilidades que puedan haber contribuido a tal abuso o acoso. El DOC cooperará en la investigación y persecución de cualquier persona involucrada en cometer o intentar cometer agresión sexual/violación o acoso sexual. Si usted cree que es víctima de agresión sexual/violación o acoso sexual, por favor reporte esta información a cualquier miembro del personal tan pronto como sea posible. Si tiene conocimiento de que otro delincuente puede ser víctima de acoso o agresión sexual/violación, o puede estar en riesgo de victimización, es su obligación notificarlo inmediatamente a un miembro del personal.

Si no se siente cómodo denunciando el agresión sexual/violación o el acoso sexual directamente a un miembro del personal, ya sea por escrito, verbalmente o a través de una cometa anónima, puede denunciar el abuso o el acoso a través de la "línea directa" telefónica institucional, o poniéndose en contacto con la División de Investigación Criminal de Dakota del Sur (DCI), 1302 East Hwy 14, Suite 5, Pierre, SD 57501-8505. Si decide denunciar el acoso o agresión sexual/violación a un amigo o familiar, ellos pueden denunciar esta información directamente al DOC o a la DCI. El DOC responderá a todas las denuncias de acoso o agresión sexual/violación y tomará medidas para proteger a la víctima. Los delincuentes que son víctimas de agresión sexual/violación o acoso sexual tienen acceso a los servicios comunitarios de defensa de las víctimas.

Los delincuentes que se identifiquen como transexuales o intersexuales pueden ponerse en contacto con el personal de la unidad o con el personal de salud conductual para solicitar determinadas adaptaciones permitidas por la política.

Para más información, consulte la "Guía del delincuente: El Abuso Sexual y el Acoso Sexual Awareness" folleto disponible a través de su personal de la unidad. DOC política 1100-01 - *Prison Rape Elimination Act (PREA)* incluye información sobre el compromiso del departamento para cumplir con las normas federales PREA.

LEY DE ESTADOUNIDENSES CON DISCAPACIDADES (ADA)

De acuerdo con los requisitos del Título II de la Ley de Estadounidenses con Discapacidades (ADA), el DOC no discriminará a los delincuentes con discapacidades y hará ajustes razonables para asegurar que los delincuentes con discapacidades tengan igualdad de oportunidades para participar en programas, servicios y actividades.

Para asegurar la comunicación eficaz con los delincuentes que son sordos, duros de oído, o tienen una inhabilidad del discurso, el doc. proporcionará las ayudas y los servicios auxiliares apropiados, gratuitamente. Las ayudas y los servicios incluyen intérpretes cualificados de la lengua de signos y transliterates orales, TTYs, videophones, note-takers, servicios en tiempo real computadora-

asistidos de la transcripción, materiales escritos, amplificadores del auricular del teléfono, dispositivos y sistemas que escuchan assistive, teléfonos compatibles con las ayudas auditivas, decodificadores cerrados del subtítulo, o TVs con el subtítulo incorporado, y el subtítulo abierto y cerrado de cualquier programación. Para más información, véase la política DOC 1500-01 *Americans with Disabilities Act*.
Si necesita adaptaciones debido a una discapacidad, póngase en contacto con el Coordinador de la ADA del centro. Si desea presentar una queja sobre un asunto relacionado con la ADA, incluida la discriminación por discapacidad o la denegación de ajustes razonables, puede hacerlo a través del proceso de quejas administrativas. Vea DOC policy 500-04 *Grievance Procedure*.

DOC INSTITUCIONES

Las siguientes instituciones del DOC de Dakota del Sur albergan a delincuentes masculinos: South Dakota State Penitentiary, Jameson Prison, Sioux Falls Minimum Center, Mike Durfee State Prison, Yankton Minimum Center y Rapid City Minimum Center.

Las siguientes instituciones del Departamento de Justicia de Dakota del Sur albergan a mujeres delincuentes: Prisión de Mujeres de Dakota del Sur, incluyendo la Unidad E y el Centro Mínimo de Pierre.

En algunos casos, los delincuentes condenados al DOC pueden ser alojados en un centro contratado o en otro centro aprobado, o en un centro penitenciario de otro estado.

EQUIPO DE UNIDAD

Al ingresar en una institución del DOC, se le asignará un equipo de unidad. Un equipo de la unidad consiste normalmente en un encargado de la unidad, encargado del caso, coordinador de la unidad, y en algunos casos, un encargado de caso transitorio y agente de la libertad condicional. Puede dirigir sus preguntas e inquietudes sobre la programación asignada, las opciones de empleo, la clasificación, el alojamiento, la Directiva de Programa Individual (IPD), la planificación de la libertad condicional/liberación, las cuentas financieras, etc. a un miembro de su equipo de unidad. Puede ponerse en contacto con el equipo de su unidad presentando una hoja de solicitud por escrito (kite) en la que exponga su pregunta, necesidad o inquietud. Familiarícese con el plan de su unidad de alojamiento. El plan de unidad contiene información sobre las operaciones, actividades y horarios diarios de la unidad. Puede consultar el plan de la unidad poniéndose en contacto con el equipo de su unidad. Los planes de unidad también están expuestos en zonas designadas de la unidad, en su tableta y disponibles en los distintos quioscos.

Si se traslada a otra institución del DOC o a una unidad de alojamiento diferente dentro de la institución, es posible que se le asigne un nuevo equipo de unidad. Su nuevo equipo de unidad recibirá la información necesaria sobre su programación, historial, plan de libertad condicional, etc.

CLASIFICACIÓN, CRIBADO Y EVALUACIÓN

El Departamento Correccional de Dakota del Sur utiliza un sistema estandarizado y objetivo de clasificación, evaluación y selección para identificar el alojamiento, la programación, el tratamiento, la atención y la custodia adecuados para todos los delincuentes. El sistema de clasificación, aplicado

en su conjunto y en conjunción con las evaluaciones, el cribado y otra información recopilada, ayuda a garantizar que se le aloja, supervisa y ofrece la programación y el tratamiento necesarios de forma adecuada y correcta. La clasificación es esencial para la seguridad de la institución, el personal, los delincuentes y el público.

Se le notificarán todas las revisiones programadas de su clasificación y cualquier cambio en la misma.

IDENTIFICACIÓN

Se le expedirá una tarjeta de identificación DOC (ID). Su identificación incluye una fotografía facial reciente de usted y su número de identificación DOC de diez dígitos. Se requiere que usted use su identificación apropiadamente excepto cuando duerme o se ducha. Si pierde, altera o destruye su identificación, se le puede cobrar una cuota de reemplazo. Las identificaciones se actualizarán periódicamente o cuando el personal lo considere necesario.

El personal de su unidad puede ayudarle a solicitar una tarjeta de la Seguridad Social de sustitución, un certificado de nacimiento de sustitución o a solicitar o renovar un permiso de conducir estatal o una tarjeta de identificación estatal. Una forma válida de identificación es necesaria para el empleo y la operación de vehículos de motor en la vía pública. Si usted va a salir de la custodia del DOC pero no tiene acceso a estos documentos, se le anima a obtener reemplazos mientras está encarcelado. Si usted tiene una identificación válida emitida por el estado o licencia de conducir, usted puede ser elegible para renovar esto mientras encarcelado. Tener una identificación válida o licencia de conducir y acceso a su tarjeta de Seguro Social y certificado de nacimiento es muy útil cuando se hace la transición de regreso a la comunidad. Vea la política DOC 400-01 *Offender Identification Procedures* para más información.

DIRECTIVA DE PROGRAMA INDIVIDUAL (DIP)

A todos los delincuentes se les asigna una Directiva de Programa Individual. Este documento contornea los estándares de la conformidad y las expectativas específicas a usted y a su sentence(s). Se espera que mantenga un buen expediente disciplinario y que trabaje diligentemente y lo mejor que pueda cuando se le asigne un trabajo, formación profesional o empleo y mientras participe en clases de programación, tratamiento o educación.

Su IPD establece las expectativas para que usted mantenga su elegibilidad para la liberación a la supervisión de la libertad condicional. El incumplimiento de las normas de cumplimiento y las expectativas contenidas en su IPD puede dar lugar a una constatación de incumplimiento, lo que puede impedir o retrasar su puesta en libertad condicional. Si se determina que usted no cumple con su IPD en su audiencia inicial de libertad condicional, es posible que tenga que esperar hasta dos (2) años para otra oportunidad de libertad condicional. Cualquier audiencia de libertad condicional que se le programe después de un fallo de incumplimiento es discrecional. La Junta de Indultos y Libertad Condicional tiene la autoridad para exigirle que cumpla toda su condena. Vea la política del DOC 1000-04 *Individual Program Directives (IPD)* para más información.

PLANIFICACIÓN DE LA LIBERACIÓN

Se le ofrecerán programas y servicios para ayudarle en su transición de la prisión a la comunidad. Si le quedan menos de cinco (5) años para su posible puesta en libertad, deberá participar en la planificación de su puesta en libertad y elaborar un plan de puesta en libertad adecuado, que deberá ser aprobado por el equipo de su unidad. Su plan de puesta en libertad será revisado al menos una vez al año por usted y los miembros del equipo de su unidad. Los cambios a su plan de liberación se completarán normalmente en su revisión de clasificación y al menos sesenta (60) días antes de su fecha inicial de libertad condicional. Los administradores de casos de transición y el personal de libertad condicional trabajarán con usted para ayudarle con su liberación. Vea la política DOC 500-10 - *Parole Releases and Supervision Agreement* para más información.

ASIGNACIÓN DE VIVIENDA

Su asignación de alojamiento será determinada por el equipo de su unidad. Usted no tiene ningún derecho implícito o expectativa de ser alojado en cualquier institución o lugar en particular. Mientras esté bajo la custodia del DOC, usted está sujeto a ser transferido hacia o desde cualquier institución, unidad o programa. Su vivienda se ve afectada por muchos factores diferentes. Rechazar una asignación de vivienda es contra las reglas.

VIVIENDA

Usted es responsable de la limpieza y el cuidado de su vivienda, lo que incluye desinfectar las superficies que se tocan con frecuencia. La vivienda se mantendrá limpia y organizada. Se le proporcionará material de limpieza. Los días y horas designados para la limpieza están indicados en el plan de la unidad. Consulte el plano de la unidad para obtener información adicional sobre su alojamiento.

Cualquier problema estructural, como grifos o inodoros que gotean, lámparas defectuosas o bienes estatales rotos o dañados, debe comunicarse inmediatamente a un miembro del personal. Todos los bienes de su vivienda que no sean de su propiedad personal son propiedad del Estado. Está estrictamente prohibido desfigurar, dañar, alterar, destruir, malgastar o hacer cualquier otro uso indebido de los bienes del Estado. Usted puede ser considerado financieramente responsable de cualquier propiedad estatal perdida o dañada intencionalmente como resultado directo o indirecto de sus acciones y sujeto a medidas disciplinarias.

Mantén tus pertenencias recogidas y guardadas en el lugar que les corresponde dentro de tu vivienda. Respeta la propiedad ajena. Robar, dañar, destruir o poseer propiedad ajena va contra las normas. Cada infractor es responsable de mantener su vivienda libre de contrabando.

BIENES PERSONALES

Se le permite acceder, obtener y poseer ciertos artículos de propiedad personal a través de medios aprobados. Los bienes pueden adquirirse a través del economato o de fuentes externas autorizadas, como un proveedor de artesanía, un editor de libros o un vendedor. Los bienes se le entregan a usted. Las listas de bienes permitidos, los métodos de obtención de bienes y la cantidad de bienes que tiene en su posesión están disponibles en el plan de la unidad. Los bienes que se le permite poseer variarán en función de la institución, unidad de alojamiento, clasificación y estatus que se le asigne. Su

privilegio de poseer bienes personales está sujeto a las normas y requisitos del DOC. Ciertos artículos de propiedad personal deben ser registrados en su lista de propiedad.

Usted no tiene derecho a reembolso o compensación por bienes personales perdidos, robados, confiscados, dañados, destruidos o desechados. El acceso a ciertos artículos de propiedad personal puede ser confiscado temporalmente como consecuencia de sus acciones o basado en su asignación de vivienda o programa. Usted no puede transferir, intercambiar, trocar, prestar, o vender la característica a otro delincuente. La característica alterada o dañada se debe enviar hacia fuera o destruir correctamente. La característica encontrada en su posesión que no es la suya o para la cual usted no se autoriza a poseer, será confiscada. Vea la política 500-02 de la *Offender Personal Property* del DOC para más información.

CONTRABANDO

Se considera contrabando cualquier artículo cuya posesión no esté autorizada. Los artículos autorizados pueden ser de contrabando si se alteran, se poseen en una cantidad superior a la autorizada, se utilizan de forma no prevista, se obtienen a través de un medio o fuente no autorizados, o se almacenan de una forma o en un lugar no autorizados.

Usted es responsable del contrabando que se le encuentre encima, en su vivienda, en un espacio de almacenamiento que se le haya asignado, en su lugar de trabajo o, de cualquier otra forma, en su posesión o bajo su control. El contrabando que se encuentre en su posesión será confiscado y usted será objeto de medidas disciplinarias.

La posesión o el intento de introducir o recibir artículos como armas, alcohol, marihuana, medicamentos con o sin receta que no le hayan sido expedidos por una autoridad médica autorizada, sustancias controladas u otros artículos indulgentes, es un delito grave.

BUSCA

Los registros impiden la introducción, el uso o la ocultación de contrabando y ayudan a detectar actividades no autorizadas o inapropiadas. Usted, sus pertenencias, su vivienda, las zonas de almacenamiento asignadas y los lugares de trabajo están sujetos a registro en cualquier momento. Las comunicaciones personales, incluidas las llamadas telefónicas, la correspondencia escrita y la mensajería, a menos que se consideren privilegiadas, están sujetas a registro en cualquier momento. Todos los infractores están sujetos a cacheos, registros visuales y cacheos sin ropa. Los registros pueden ser aleatorios o selectivos.

CUENTAS

Una cuenta es una cuenta oficial de todos los delincuentes. La cuenta es conducida por el personal para asegurarse de que todos los delincuentes están en su localización apropiada. Las cuentas del delincuente serán conducidas épocas múltiples cada día. La cuenta se puede conducir en cualquier momento. Si usted no está presente en su localización asignada y aprobada, o usted no puede divulgar según lo requerido cuando se conduce la cuenta, usted puede ser colocado en estado del escape y conforme a la acción disciplinaria. Durante el recuento no se puede hablar ni utilizar radios, televisores, tabletas ni teléfonos. Durante el "recuento de pie", cada delincuente permanecerá de pie

hasta que se realice el recuento (a excepción de aquellos con una restricción médica o una adaptación de la ADA). No se permite el movimiento de los delincuentes hasta que finalice el recuento.

ASEO PERSONAL

Se le entregará ropa suficiente para mantener un aspecto pulcro y limpio. Deberá ducharse y usar desodorante. Usted es responsable de cambiar su ropa por ropa limpia y de obtener ropa de cama limpia, regularmente, según lo programado. No se permite la alteración intencionada de la ropa, el calzado, la ropa de cama, las toallas, etc. La ropa, el calzado y la ropa de cama desgastados, rotos, sucios, manchados o dañados de cualquier otro modo deberán entregarse para su cambio o eliminación adecuada. Los horarios y requisitos específicos de vestimenta y aseo de los infractores se aplican en cada institución y pueden variar en función de su asignación de alojamiento.

El cabello, incluido el vello facial, debe mantenerse limpio y ordenado en apariencia y no puede suponer una amenaza para la seguridad o la salubridad de la institución. Hay barberos disponibles para los reclusos. Los requisitos y horarios de vestimenta, lavandería e higiene se incluyen en el plan de la unidad o en las directivas publicadas.

Se espera que los infractores practiquen la limpieza personal, que incluye limpiarse las manos con los desinfectantes disponibles y/o lavarse las manos con agua y jabón (durante al menos 20 segundos). Cubrirse la nariz y la boca con un pañuelo desechable al toser o estornudar y desechar rápidamente los pañuelos usados en los recipientes de basura adecuados. No comparta vasos, utensilios, paños, toallas, etc. con otras personas.

RECOGIDA DE DNA

La ley le exige que proporcione una muestra de DNA, si no lo ha hecho anteriormente, o si su información no está registrada y archivada en la base de datos de DNA del estado. No será puesto en libertad hasta que haya proporcionado la muestra de DNA requerida. Los delincuentes que se nieguen a proporcionar la muestra de DNA requerida pueden ser objeto de enjuiciamiento penal. Para obtener más información, consulte la política del DOC 1000-02 *Offender DNA Collection*.

COMIDAS

Se le permite un mínimo de tres (3) comidas nutritivas cada día. Las comidas se sirven a horas determinadas. Las órdenes médicas para dietas especiales médicas o dentales son gestionadas por los servicios clínicos. Las peticiones de una bandeja religiosa deben dirigirse al Coordinador de Actividades Culturales (CAC). Usted es responsable de todas las reglas y procedimientos que se aplican a las comidas, incluyendo comidas médicas o religiosas y las responsabilidades y las obligaciones que se aplican. Vea la política 700-31 del DOC - *Offender Religious and Medical Diets* para más información.

Se espera que se laven las manos antes de las comidas y que tengan una higiene limpia. La vestimenta y el comportamiento durante las comidas deberán ser apropiados y coherentes con las expectativas establecidas por la institución. La ropa que se lleve en el comedor no deberá estar rota, sucia, maloliente ni mojada. Es obligatorio llevar calzado adecuado. No se podrá sacar comida del

comedor. Algunas instituciones tienen asientos asignados en el comedor. Es posible que su situación le obligue a comer en su celda. En estos casos, se le entregarán las comidas.

SISTEMA BANCARIO

Una cuenta puede ser establecida en su nombre al ser admitido al DOC. Usted puede elegir autorizar el DOC para cambiar cheques y depositar fondos aceptados enviados a usted mientras que en la custodia del DOC. Este proceso se explica durante la admisión. Cheques personales, en efectivo, o cheques recibidos de fuentes no autorizadas serán rechazados y devueltos al remitente a su cargo.

Los salarios ganados a través del empleo en trabajos de apoyo institucional y el empleo con empleadores externos, tales como la liberación por trabajo, deben ser depositados directamente en su cuenta. La mayoría de los fondos recibidos por usted mientras está bajo la custodia del DOC están sujetos a la fórmula bancaria institucional, con algunas excepciones. El DOC mantiene la autoridad de dispersar sus fondos como considere apropiado, basado en sus obligaciones. Usted es responsable de llevar un control de sus gastos y saldos de cuenta.

Las obligaciones fijas, tales como deudas relacionadas con su delito, multas ordenadas por el tribunal, costos, honorarios, sanciones y restitución se enumerarán en su plan financiero. Para más información refiera a la política del DOC 600-02 *Offender Accounts & Financial Responsibility.*

COMISARIO

Se le puede permitir el acceso al economato para comprar artículos aprobados, tales como bocadillos, artículos de tocador / artículos de higiene, suministros de correspondencia, ropa y objetos personales. La cantidad máxima que puede gastar cada semana en el economato y las cuentas a las que puede acceder para gastar en el economato están controladas por el DOC. Vea la política DOC 800-06 *Offender Commissary* para más información.

Si usted no tiene fondos para comprar ciertos artículos del comisario, tales como artículos de higiene o materiales legales, usted puede solicitar el comisario indigente. El economato para indigentes le permite recibir un "préstamo" del DOC para comprar artículos aprobados del economato para indigentes. Usted está obligado a devolver el préstamo.

Los familiares y amigos pueden comprar paquetes de atención en su nombre al vendedor del economato, sujeto a su ubicación de vivienda, estado disciplinario, y las normas y procedimientos establecidos por el DOC.

Sus privilegios de comisario pueden ser temporalmente suspendidos o restringidos en base a su estatus, ubicación de vivienda, o a través de sanciones disciplinarias por cometer comportamientos que violan las reglas del DOC.

CORRESPONDENCIA

Toda la correspondencia general, incluidos los mensajes electrónicos o las imágenes que se le envíen o que usted genere, están sujetos a lectura e inspección por parte del personal. El material impreso, como libros, revistas, periódicos y publicaciones periódicas, debe enviarse directamente desde una

fuente autorizada. Toda la correspondencia general entrante y saliente está sujeta a la aprobación del personal de la sala de correo. La correspondencia no puede pasar por la sala de control, el personal, los voluntarios o durante las visitas. La correspondencia que infrinja las normas o políticas podrá ser retenida, excluida, confiscada y/o rechazada.

La correspondencia jurídica debe enviarse a, o recibirse de, una fuente jurídica reconocida y aprobada, y debe estar claramente marcada como enviada a o procedente de una fuente jurídica aprobada. La correspondencia que el remitente identifique claramente como "privilegiada/legal" se tratará como correspondencia legal y sólo se abrirá en su presencia. Es su responsabilidad notificar al remitente estos requisitos. La correspondencia que no pueda identificarse claramente como privilegiada/legal podrá abrirse y tratarse como correspondencia general. La correspondencia privilegiada/legal no será leída por el personal, pero seguirá estando sujeta a inspección por parte del personal. Por lo general, la correspondencia privilegiada/legal sólo se procesa de lunes a viernes, sin incluir los días festivos estatales o federales reconocidos. La correspondencia privilegiada/legal no debe enviarse a través del sistema de mensajería de la tableta y está sujeta a lectura por parte del personal.

Si usted se transfiere a una facilidad diferente o es liberado de la custodia del DOC, es su responsabilidad notificar a otros de su nueva dirección. Vea la política 500-06 del DOC - *Offender Correspondence* para más información.

PRIVILEGIOS PARA TELÉFONOS Y TABLETAS

Los teléfonos y las tabletas son un medio complementario para mantener los lazos comunitarios y familiares. El uso de teléfonos y tabletas será voluntario y sólo con fines lícitos. Hay teléfonos de pared y quioscos disponibles en zonas designadas de su unidad. Es posible que se le entregue una tableta para que la utilice mientras esté en la institución. Usted es responsable del cuidado de la tableta. Se le entregará un número de identificación personal (PIN) y se le proporcionará información sobre cómo acceder al sistema de teléfonos y tabletas y cómo crear una cuenta. No podrá compartir su PIN con otros delincuentes. Todos los números de teléfono con los que desee ponerse en contacto deben figurar en su lista de contactos aprobados.

El acceso a las tabletas y al servicio telefónico es un privilegio. Todas las llamadas telefónicas, con la excepción de las llamadas que se sabe que son para o de su abogado u otras llamadas privilegiadas, pueden ser controladas y grabadas. Todos los mensajes están sujetos a lectura por parte del personal. El incumplimiento de las normas puede dar lugar a la restricción del acceso al teléfono y/o al sistema de tabletas.

Puede solicitar una llamada telefónica especial enviando una cometa al equipo de su unidad. Debe ponerse en contacto con el personal de su unidad para concertar una llamada a su abogado sin supervisión. Las llamadas telefónicas privilegiadas aprobadas y concertadas (incluidas las llamadas a su abogado) no se supervisan ni graban.

Los problemas con el servicio del teléfono o de la tableta, las cuentas, o las tarifas/los honorarios se deben dirigir al abastecedor de servicio. Vea la política 500-05 del DOC - *Offender Access to Telephones and Tablets* para más información.

VISITAS

Todas las instituciones DOC tienen días y horarios de visita establecidos. La familia y los amigos deben solicitar el acceso a la institución durante las visitas. Algunas instituciones requieren que los delincuentes y los visitantes se inscriban para las visitas antes de la visita debido a limitaciones de tiempo y espacio. Los visitantes deben visitar el sitio web del DOC o ponerse en contacto con la institución para obtener más información sobre los requisitos de visita. Los visitantes aprobados se añadirán a su lista de visitas. Los niños menores (de menos de 18 años) deben estar acompañados y supervisados durante las visitas por un adulto responsable.

Se le permitirá visitar a su abogado y al clero. Hay una zona privada para las visitas de abogados y clérigos. Se anima a los abogados a visitar durante las horas regulares de visita. Sin embargo, las visitas de un abogado se pueden arreglar en otros tiempos basados en las circunstancias de cada caso y la disponibilidad del personal de DOC para arreglar y para supervisar la visita. Las visitas de abogados están sujetas a supervisión visual por parte del personal, pero no a supervisión auditiva.

Puede solicitar una "visita especial" con una(s) persona(s) autorizada(s) que no figure(n) en su lista de visitas autorizadas habituales, o con un visitante autorizado que no pueda visitarle durante los días y horas de visita normales, poniéndose en contacto con el equipo de su unidad.

Hay tres tipos de visitas:

- Las visitas de clase I son visitas de contacto en una zona designada de la institución.
- Las visitas de clase II son visitas sin contacto.
- Las visitas de clase III son visitas por videollamada mediante quioscos situados en una zona designada de la institución.

Una visita sin contacto significa que usted estará separado de su visitante por una barrera física, o que la visita se realizará utilizando el sistema de visitas por vídeo. Las visitas sin contacto deben programarse con antelación. Las visitas de clase II pueden ser requeridas como consecuencia de que usted o su visitante violen las reglas institucionales, cometan ciertos comportamientos o debido al delito que cometieron.

Todas las instituciones ofrecen visitas por vídeo de clase III. Se aplican determinadas tasas y condiciones. Las visitas por vídeo de clase III le permiten visitar a distancia a familiares o amigos autorizados, mediante el uso de tecnología y hardware proporcionados por la institución. Puede ponerse en contacto con el personal de su unidad o con un representante del proveedor de servicios para obtener más información sobre las visitas de clase III.

La participación en las visitas es estrictamente voluntaria. Usted, su(s) visitante(s) y cualquier pertenencia permitida en la visita, están sujetos a registro antes, durante y después de la visita. Todos los visitantes mayores de 18 años deben presentar un documento de identidad válido y aceptado con fotografía antes de ser admitidos en la institución.

La infracción de las normas de visita por su parte o por parte de su visitante puede dar lugar a alguna o a todas las siguientes sanciones:

- Finalización inmediata de su visita.
- Pérdida del derecho de visita.

- Eliminación de su visitante de la lista de visitas autorizadas.
- Colocación en visitas de clase II.
- Acción disciplinaria y sanción.

Se contactará con las fuerzas del orden si se encuentra a un visitante en posesión de una sustancia controlada, contrabando ilegal o sospechoso de estar bajo la influencia de drogas o alcohol. Es una felonía de la clase 6 para que un visitante entregue, o procure entregar a un delincuente, cualquier artículo que sea ilegal para que un delincuente posea. Cualquier delincuente sospechado de recibir contrabando con visitas está conforme a la acción disciplinaria y a visitas restrictas.

Los horarios de visita están expuestos en su unidad de alojamiento. El alcaide o la persona designada pueden imponer ciertas limitaciones o cambios en el horario de visitas, según lo consideren necesario. Es su responsabilidad notificar a sus visitantes si usted no puede participar en visitas debido a la acción disciplinaria, al trabajo, a la programación, al tratamiento, a la transferencia, a la enfermedad, al etc. Vea la política 300-23 del DOC *Offender Visiting* para más información.

ACTIVIDADES Y PROGRAMAS RELIGIOSOS Y CULTURALES

En todas las instituciones se ofrecen programas y actividades religiosos y culturales. La participación en estos programas y actividades es voluntaria. Se espera de usted que se comporte de manera apropiada mientras asista o participe en estas actividades. Para obtener asesoramiento espiritual y acceso a clérigos o voluntarios religiosos, póngase en contacto con el coordinador de actividades culturales. Todas las instituciones disponen de una capilla o zona designada para servicios, oración y grupos de estudio religioso. Puede ponerse en contacto con el coordinador de actividades culturales para obtener más información sobre las actividades religiosas y culturales disponibles en la institución. Los delincuentes tendrán acceso a cierta característica religiosa, según lo aprobado. Vea la política 500-07 del DOC *Offender Religious and Cultural Activities* para más información.

ALCOHOL Y DROGAS

Se realizan pruebas de detección de drogas, registros y otras medidas de seguridad para detectar el consumo o la posesión de drogas, alcohol y sustancias no autorizadas. Los infractores que consuman, distribuyan o posean sustancias ilegales están sujetos a medidas disciplinarias y a acciones penales. Se le puede pedir que entregue una muestra de orina o de alcoholemia en cualquier momento. La negativa a someterse a las pruebas de detección de drogas ordenadas se considerará una admisión de consumo y un resultado positivo.

El tratamiento y los servicios de dependencia química están disponibles en función de los recursos disponibles y la necesidad evaluada. Usted será evaluado sobre la admisión para determinar si usted requiere el tratamiento o la programación de la dependencia química. Vea la política DOC 400-05 *Offender Drug Testing, Sanctions & Treatment* para más información.

CANINOS DE SERVICIO CORRECCIONAL

Los caninos entrenados del servicio de correcciones son utilizados por el DOC para detectar el olor de los artículos que son ilegales o no aprobados para que los delincuentes posean. Los caninos se

utilizan durante las visitas a la institución para registrar a los delincuentes y a los visitantes. Los perros están bajo el control de su adiestrador. Los caninos del servicio correccional son oficiales del DOC. Los delincuentes que asaltan, dañan, hieren, acosan, o interfieren con un canino de las correcciones están conforme a la acción disciplinaria. No se acerque ni acaricie al can a menos que el adiestrador lo autorice. Cuando se utilice un canino para registrar una zona, deberá seguir las instrucciones del adiestrador.

ACCESO A LOS TRIBUNALES

El DOC ofrece a todos los delincuentes oportunidades razonables para acceder a los tribunales y materiales de referencia legal. Materiales de referencia legal y documentos legales están disponibles electrónicamente a través de su tableta o los quioscos. Usted puede conducir la investigación legal de la base de datos y del servicio legal que contiene las actualizaciones más últimas de la jurisprudencia de cada corte federal del districto y del circuito en los Estados Unidos y está disponible en las tabletas o los quioscos. Puede ponerse en contacto con el personal para solicitar asistencia en la obtención de copias de documentos y formularios jurídicos y correo jurídico. Se le cobrará una tarifa por las copias. Si necesita ayuda para acceder a la biblioteca jurídica electrónica, por cualquier motivo, póngase en contacto con el personal de su unidad. En la mayoría de las instituciones hay un notario público a su disposición.

Los abogados privados y los abogados designados por el tribunal, o sus representantes autorizados, pueden reunirse con usted en la institución. Las reuniones con su abogado pueden programarse durante las horas de visita habituales, o en otros momentos poniéndose en contacto con el equipo de su unidad. El tribunal puede organizar comparecencias telefónicas o por vídeo.

Usted puede corresponder con su abogado, fuentes privilegiadas, las cortes, y las oficinas de la ayuda legal a través de correspondencia legal/privilegiada. Vea la política 1500-02 del DOC *Offender Access to the Courts* para más información. Usted puede arreglar utilizar el sistema telefónico para hacer llamadas telefónicas legales o privilegiadas confidenciales poniéndose en contacto con el personal de la unidad.

Los infractores pueden ayudar a otros infractores en cuestiones jurídicas, como la investigación jurídica o la preparación de material jurídico. Cualquier ayuda proporcionada será voluntaria y no conforme a ninguna forma de remuneración. Los delincuentes que proporcionan ayuda legal a otros delincuentes harán dentro de los límites de todas las reglas y conducta aplicables. El DOC no tomará ninguna acción afirmativa para asistir a delincuentes que proporcionan o que buscan ayuda legal del delincuente.

OPORTUNIDADES EDUCATIVAS

El DOC reconoce el valor de la educación. Se le puede exigir que participe en programas educativos, evaluaciones y pruebas. Estos requisitos se incluirán en su Directiva de Programa Individual (IPD). Si usted es elegible para la libertad condicional, su liberación a la supervisión de la libertad condicional puede depender de su finalización con éxito de los requisitos educativos especificados.

La disponibilidad de cursos y clases específicos varía según la institución, el nivel de clasificación y la asignación de alojamiento.

PROGRAMACIÓN ACADÉMICA BASADA EN PRUEBAS, PROGRAMACIÓN PROFESIONAL Y OPORTUNIDADES DE EMPLEO

Se le puede exigir que participe y complete los programas ofrecidos en la institución. Si es elegible para la libertad condicional, su liberación a la supervisión de la libertad condicional puede verse afectada por su finalización exitosa de toda la programación requerida y/o participación en capacitación y/o empleo.

Se le pueden ofrecer oportunidades de participar en programas académicos, basados en pruebas y vocacionales. Las oportunidades varían en función de su clasificación/riesgo, delito y condena, ubicación de la vivienda y otros factores. Si usted completa un programa académico, basado en evidencia, o ciertos programas vocacionales, usted puede ser elegible para créditos de descarga ganados. Vea la política 500-13 del DOC *Earned Discharge Credits* para más información.

Se le puede asignar un empleo en apoyo institucional, servicio comunitario, respuesta a catástrofes naturales o industria penitenciaria tradicional, dependiendo de su clasificación/riesgo, ubicación del alojamiento, antecedentes disciplinarios, aptitudes laborales y otros factores. Usted puede ser pagado un salario y / o ganar créditos de descarga ganados, dependiendo de la asignación de trabajo. Vea la política 400-10 de DOC *Offender Work Assignments and Pay* para más información.

Usted puede ser elegible para solicitar un trabajo en Industrias Penitenciarias del Sector Privado o participar en el Programa de Libertad Condicional para Trabajar mientras está encarcelado. La elegibilidad depende de su clasificación/riesgo, antecedentes disciplinarios, ubicación de la vivienda, habilidades laborales y otros factores. Los trabajos en las Industrias Privadas de Prisiones y el empleo obtenido a través de la participación en el Programa de Libertad Condicional para Trabajar pagan salarios regulares, según lo establecido por el empleador y de conformidad con las leyes estatales y federales. Consulte la política DOC 1000-01 - *Work Release* y la política DOC 800-03 - *Prison Industry Enhancement Certification Program* para obtener más información.

QUEJA DEL INFRACTOR

El DOC fomenta la resolución informal de quejas y reclamaciones. Si usted no puede resolver una queja a través de la resolución informal, existe un proceso formal que requiere que el personal revise y responda a su queja. Se aplican ciertas limitaciones de tiempo. Sólo ciertas cuestiones pueden ser tratadas a través del proceso de queja del delincuente. En una queja sólo puede incluirse una única queja o cuestiones relacionadas. Las cuestiones de emergencia, como las que afectan a su seguridad, las cuestiones médicas de emergencia, el acoso o agresión sexual/violación, la necesidad de custodia protectora o la denuncia del uso excesivo de la fuerza por parte del personal, deben comunicarse inmediatamente al personal y no están sujetas al proceso de queja del delincuente.

Los formularios para presentar quejas están disponibles poniéndose en contacto con el equipo de su unidad. Algunos asuntos pueden ser apelados al secretario de correcciones después de ser revisados y respondidos por el alcaide. Consulte la política DOC 500-04 - *Grievance Procedure* para obtener más información.

LÍNEA DIRECTA PARA DELINCUENTES

La línea directa para delincuentes es una línea de comunicación confidencial entre usted y el personal de seguridad. Puede permanecer en el anonimato cuando comunique información a través de la línea directa. Entre los ejemplos de información que puede notificarse se incluyen amenazas a la seguridad de la institución, agresiones o peleas, actividad de bandas, infracciones graves de las normas, actividades relacionadas con drogas, alcohol, teléfonos móviles, armas u otro contrabando, acoso o agresión sexual/violación, uso excesivo de la fuerza por parte de un miembro del personal, intentos de fuga, etc. Las instrucciones para utilizar la línea directa se encuentran cerca de los teléfonos.

Si tienes pensamientos de autolesión o ideas suicidas, o tienes información que te hace temer por tu seguridad o la de los demás, debes comunicarlo inmediatamente a un miembro del personal.

DISCIPLINARIO

Las infracciones de las normas o delitos bajo custodia se dividen en cuatro categorías. El nivel H (alto) es el más grave. Los infractores de las normas están sujetos a medidas disciplinarias. Si se le declara culpable de cometer una infracción de las normas, estará sujeto al proceso disciplinario. Si se le declara culpable o se declara culpable, se le puede imponer una sanción. Las sanciones incluyen restitución, confiscación de propiedad personal, pérdida de privilegios, y deberes de trabajo adicionales. Vea la política de DOC 300-17 *Offender Discipline System* para más información.

Otras consecuencias por cometer infracciones de las normas pueden ser la asignación a un nivel de clasificación superior, la pérdida del empleo o la colocación en una vivienda restrictiva.

Cometer ciertas infracciones de las normas o infracciones frecuentes de las normas puede hacer que no cumpla con su Directiva de Programa Individual y puede afectar negativamente a su oportunidad de participar en ciertos programas. Su historial disciplinario también afecta a su elegibilidad para la libertad condicional o la suspensión de condena.

Las sanciones descritas a continuación pueden ajustarse a discreción del DHO con la aprobación del director o su designado.

El intento o la conspiración para intentar cometer cualquier infracción se infiere como incluido en la definición de las reglas siguientes.

DELITOS BAJO CUSTODIA

Regla #	Definición de la regla	Pérdida de privilegios	Viviendas restrictivas
INFRACCIONES GRAVES H = NIVEL ALTO, M = NIVEL MEDIO, L = NIVEL BAJO			
H2	Asesinato; Matar a alguien.	Hasta 360 días	Hasta 90 días
H3	Agresión con resultado de lesiones corporales graves que requieran atención médica inmediata, tratamiento de urgencia u hospitalización.	Hasta360 días	Hasta 90 días
H7	Incitación a disturbios, paro laboral.	Hasta 360 días	Hasta 90 días

Regla #	Definición de la regla	Pérdida de privilegios	Viviendas restrictivas
H8	Fuga de un centro de custodia o de un centro de seguridad, o planificación, intento o ayuda a una fuga de un centro de custodia o de un centro de seguridad.	Hasta 360 días	Hasta 90 días
H9	Agresión sexual.	Hasta 360 días	Hasta 90 días
H11	Arrojar o escupir cualquier fluido corporal a o sobre cualquier miembro del personal.	Hasta 360 días	Hasta 90 días
H12	Posesión de contrabando peligroso. Un dispositivo de comunicación, arma de fuego, cuchillo, cachiporra u otra arma, dispositivo, instrumento, material o sustancia animada o inanimada que sea fácilmente capaz de causar o inducir miedo de muerte o lesiones físicas.	Hasta 360 días	Hasta 90 días
M2	Uso o posesión de un disfraz o máscara; fabricación o posesión de un maniquí o muñeco.	Hasta 180 días	Hasta 60 días
M5	Contacto no solicitado con —o en referencia a— cualquier persona que no sea un infractor (notas, cartas, mensajes, comentarios o gestos sugestivos, contacto físico inapropiado o búsqueda de información personal).	Hasta 180 días	Hasta 60 días
M6	Conducta que perturba o interfiere con la seguridad o el buen orden de la institución e interfiere con un miembro del personal durante el desempeño de sus funciones, lo que podría suponer una amenaza para la seguridad del personal u otros delincuentes. Se requiere un informe de incidente grave lo antes posible.	Hasta 180 días	Hasta 60 días
M7	Exposición intencionada de los genitales a una persona no infractora con el fin de molestar, ofender o alarmar.	Hasta 180 días	Hasta 60 días
M8	Arrojar cualquier sustancia a o sobre cualquier persona; untar intencionadamente cualquier sustancia que pudiera entrar en contacto con cualquier persona.	Hasta 180 días	Hasta 60 días
M9	Extorsión, chantaje, o exigir o recibir dinero o cualquier cosa de valor.	Hasta 180 días	Hasta 60 días
M10	Fabricar, poseer instrucciones para fabricar o comprar o vender estupefacientes, parafernalia, jeringuillas, drogas, medicamentos o intoxicantes.	Hasta 180 días	Hasta 60 días
M12	Manipulación de cerraduras o dispositivos de seguridad.	Hasta 180 días	Hasta 60 días
M13	Incendio/intento de incendio.	Hasta 180 días	Hasta 60 días
M14	Agresión física o lesiones sin resultado de lesiones graves.	Hasta 180 días	Hasta 60 días
M15	Recibir, entregar o intentar recibir cualquier artículo no autorizado de o a un visitante o miembro del público.	Hasta 180 días	Hasta 60 días
L3	Uso o posesión de una sustancia ilícita, incluyendo cualquier narcótico, droga, medicamento o intoxicante. Uso indebido de medicamentos recetados o autorizados, lo que incluye guardar o acumular medicamentos autorizados en contra de las órdenes médicas; no entregar los medicamentos en la fecha de vencimiento o antes; usar medicamentos autorizados para un fin no autorizado, como dar, intercambiar o vender medicamentos autorizados a otro infractor.	Hasta 60 días	Hasta 30 días
L7	Insolencia - Conducta, actos o gestos, acoso, comportamiento verbal o no verbal, mostrando falta de respeto hacia cualquier persona no infractora o en referencia a cualquier persona no infractora.	Hasta 60 días	Hasta 30 días
L9	Mala conducta sexual.	Hasta 60 días	Hasta 30 días
L10	Agresión a otro sin lesiones corporales graves.	Hasta 60 días	Hasta 30 días

Regla #	Definición de la regla	Pérdida de privilegios	Viviendas restrictivas
L11	Pelea con otro delincuente.	Hasta 60 días	Hasta 30 días
L14	Negarse o no presentar una muestra de orina, saliva o aliento, negarse a participar en una prueba de orina, saliva o aliento, intentar eludir una prueba de orina, saliva o aliento, o alterar los resultados de la prueba.	Hasta 60 días	Hasta 30 días
L17	Estar en una zona no autorizada o en una zona en la que los infractores no pueden entrar sin escolta del personal.	Hasta 60 días	Hasta 30 días
L20	No estar presente en el recuento; interferir en la realización del recuento.	Hasta 60 días	Hasta 30 días
L22	Negativa a trabajar.	Hasta 60 días	Hasta 30 días
L23	Incumplimiento de normas, reglamentos u órdenes verbales.	Hasta 60 días	Hasta 30 días
L26	Tener en su poder, en sus dependencias, en su zona de almacenamiento o en su lugar de trabajo, cualquier artículo que no le haya sido expedido, que no haya adquirido a través del economato o para el que no tenga autorización especial; o tener artículos que excedan los límites establecidos, o artículos que se utilicen para fines no autorizados, o que se encuentren en un estado alterado.	Hasta 60 días	Hasta 30 días
L32	Falsificación o reproducción no autorizada de cualquier documento o formulario oficial, artículo de identificación o moneda.	Hasta 60 días	Hasta 30 días
L33	Apropiación indebida de herramientas, materiales o suministros de cualquier tipo de tiendas u otros lugares.	Hasta 60 días	Hasta 30 días
L38	Amenazar a cualquier persona con lesiones corporales o con cualquier ofensa contra su persona, su familia o sus bienes.	Hasta 60 días	Hasta 30 días
L40	Después de 5 infracciones de cualquier norma leve en un periodo de tres meses, todas las infracciones futuras pueden constituir una infracción grave.	Hasta 60 días	Hasta 30 días
L41	Conducta que perturbe o interfiera con la seguridad o el buen orden de la institución; interferir con un miembro del personal en el desempeño de sus funciones, lo que incluye eludir o intentar eludir cualquier norma, reglamento o procedimiento contenido en las políticas del DOC.	Hasta 60 días	Hasta 30 días
L45	Participar en la organización o el reclutamiento de pandillas, o realizar manifestaciones evidentes de actividad de pandillas o de posesión de materiales relacionados con grupos que representan una amenaza para la seguridad.	Hasta 60 días	Hasta 30 días
L50	Acoso sexual.	Hasta 60 días	Hasta 30 días
L55	Dañar, alterar, destruir o malgastar intencionadamente bienes del Estado. El valor de la propiedad, corroborado por documentación escrita, determina la restitución / reembolso que se cobrará al infractor. Si las pruebas son insuficientes para sostener una condena por un cargo de L-55, el oficial de audiencia tiene la discreción de modificar el cargo a la violación menor de V-38 si dicha condena está justificada por las pruebas presentadas.	Hasta 60 días	Hasta 30 días
L56	Tatuarse activamente, ya sea administrando o recibiendo un nuevo tatuaje o añadiendo otro a un tatuaje existente.	Hasta 60 días	Hasta 30 días
INFRACCIONES LEVES / RESOLUCIONES INFORMALES V = INFRACCIÓN MENOR			
V1	Incumplimiento de una directriz legal, expuesta o escrita.	Hasta 15 días	N/A

Regla #	Definición de la regla	Pérdida de privilegios	Viviendas restrictivas
V4	No realizar el trabajo según las instrucciones. Ausencia injustificada del trabajo o asignación en la institución; tardanza en presentarse al trabajo o a una asignación. Ausencia injustificada de las asignaciones vocacionales y/o del programa en la institución; tardanza en presentarse al trabajo o a una asignación dentro de la institución.	Hasta 15 días	N/A
V5	Uso no autorizado de un dispositivo de comunicación.	Hasta 15 días	N/A
V6	Colocar cualquier artículo sobre los barrotes de la celda, la fachada de la celda, la ventana, o colgar artículos sobre las literas u obstruir, alterar u oscurecer las luminarias o bombillas.	Hasta 15 días	N/A
V7	Utilizar cualquier equipo o maquinaria de forma contraria a su uso previsto; no seguir las instrucciones del personal o las normas de seguridad escritas que se aplican a cualquier equipo o maquinaria; operar/controlar equipos o maquinaria sin la formación requerida; no utilizar el equipo de seguridad adecuado proporcionado.	Hasta 15 días	N/A
V12	Utilizar un espejo o un artículo/dispositivo similar para observar fuera de una habitación o celda (jiggering).	Hasta 15 días	N/A
V13	Estar en una zona no autorizada.	Hasta 15 días	N/A
V15	Tener en su posesión, alojamiento, almacén o lugar de trabajo cualquier artículo o prenda que no le haya sido expedido, que no haya adquirido a través del economato o para el que no tenga autorización especial; o tener artículos o prendas que superen los límites establecidos, o artículos o prendas que se utilicen para fines no autorizados o se encuentren en un estado alterado.	Hasta 15 días	N/A
V17	Posesión de material pornográfico: incluye libros, artículos, folletos, revistas, publicaciones periódicas, publicaciones o materiales que presenten desnudez o conductas "sexualmente explícitas". Puede incluir libros, folletos, revistas, publicaciones periódicas u otras publicaciones o materiales que presenten o incluyan fotografías, dibujos, grabados, pinturas u otras representaciones gráficas de desnudez o material sexualmente explícito.	Hasta 15 días	N/A
V18	Participar en actividades de pandillas; posesión de material que muestre símbolos de pandillas o colores específicos de pandillas; cualquier acto, gesto o manifestación que haga referencia a alguna pandilla o grupo que represente una amenaza a la seguridad.	Hasta 15 días	N/A
V20	Transferir dinero o bienes a, o aceptar dinero o bienes de, otro delincuente, miembro de su familia, representante o amigo(s).	Hasta 15 días	N/A
V21	Incumplir las normas de visita o no poner fin a una visita tras recibir una notificación.	Hasta 15 días	N/A
V37	Merodeo.	Hasta 15 días	N/A
V38	Dañar, alterar, destruir o malgastar intencionadamente bienes del Estado.	Hasta 15 días	N/A
V50	Robo (hurto) de bienes.	Hasta 15 días	N/A
V60	Posesión de prendas o bienes no autorizados o alterados.	Hasta 15 días	N/A
V61	Posesión de tabaco y/o productos del tabaco no autorizados.	Hasta 15 días	N/A
V62	Estar en posesión de materiales utilizados para tatuar; o hacerse un nuevo tatuaje; o añadir algo a un tatuaje existente.	Hasta 15 días	N/A

MULTAS Y RESTITUCIÓN

Se pueden aplicar multas por infracciones graves que no representen una amenaza significativa para la seguridad de las instalaciones. Para más detalles sobre multas y sanciones, consulte la política 300-17 del DOC, Sistema Disciplinario para Infractores.

LIBERTAD CONDICIONAL Y DERECHO A LA LIBERTAD CONDICIONAL

Si está cumpliendo una condena por un delito cometido antes del 1 de julio de 1996, el derecho a la libertad condicional se basa en el número de condenas por delitos graves que consten en su expediente después de deducir el tiempo de condena. Un delincuente de primer delito grave es elegible para la libertad condicional después de cumplir un cuarto de la sentencia; un delincuente de segundo delito es elegible para la libertad condicional después de cumplir tres octavos de la sentencia; un delincuente de tres veces o más es elegible para la libertad condicional después de cumplir la mitad de la sentencia.

Si está cumpliendo condena por un delito cometido a partir del 1 de julio de 1996, se establecerá una fecha inicial de libertad condicional. La sentencia mínima para un delito grave de Clase A o Clase B es cadena perpetua. Un delito grave de Clase C conlleva una sentencia máxima de cadena perpetua. Los delincuentes condenados a cadena perpetua no pueden optar a la libertad condicional.

A cada delincuente condenado a una pena penitenciaria, excepto a los condenados a cadena perpetua o a muerte, o a los que se haya determinado que no reúnen los requisitos para la libertad condicional según lo autorizado en § 24-15A-32.1, el DOC le fijará una fecha inicial de libertad condicional. Esta fecha se calculará aplicando el porcentaje indicado en la siguiente tabla a la duración total de la condena de conformidad con § 22-6-1.

Condenas por delitos graves							
Sin violencia				***Violento***			
Clase de delito	En primer lugar	Segundo	Tercera	Clase de delito	En primer lugar	Segundo	Tercera
Clase 6	.25	.30	.40	Clase 6	.35	.45	.55
Clase 5	.25	.35	.40	Clase 5	.40	.50	.60
Clase 4	.25	.35	.40	Clase 4	.40	.50	.65
Clase 3	.30	.40	.50	Clase 3	.50	.60	.70
Clase 2	.30	.40	.50	Clase 2	.50	.65	.75
Clase 1	.35	.40	.50	Clase 1	.50	.65	.75
Clase C	.35	.40	.50	Clase C	.50	.65	.75
				Clase B	1.0	1.0	1.0
				Clase A	1.0	1.0	1.0

Tenga en cuenta, SDCL § 24-15A-16 establece que cualquier condena por delito grave en este estado, cualquier otro estado, o los Estados Unidos, se considerará para determinar una fecha de libertad condicional inicial bajo SDCL §§ 24-15-4 y 24-15A-32.

BUEN TIEMPO

Si usted esta cumpliendo una sentencia por un crimen que cometio antes del 1 de Julio de 1996, el buen tiempo le fue acreditado cuando fue admitido a una facilidad del DOC. El buen tiempo sólo puede ser quitado o restaurado según lo dispuesto por la ley de Dakota del Sur. Los delincuentes que cumplen cadena perpetua no son elegibles para el Buen Tiempo.

Los delincuentes que reúnan los requisitos pueden presentar una solicitud por escrito para la devolución del tiempo de condena a su gestor de casos. Si no está seguro de su elegibilidad para la devolución del buen tiempo, póngase en contacto con el administrador de su caso. Vea la política del DOC 400-03 *Date Computation* para más información.

La siguiente tabla muestra la cantidad de tiempo de condena condicional que recibe en función de la duración de su condena:

Sentencia (en años)	Buen tiempo (días/mes)	Reducción total del tiempo útil
menos de 1 año	10	Prorrata
1	10	4 meses
2	10	8 meses
3	10	1 año
4	10	1 año, 4 meses
5	10	1 año, 8 meses
6	10	2 años
7	10	2 años, 4 meses
8	10	2 años, 8 meses
9	10	3 años
10	15	3 años, 6 meses

Por cada año adicional después de diez (10) años, su reducción total de tiempo bueno es de seis (6) meses por año. Si está cumpliendo condena por un delito cometido el 1 de julio de 1996 o después de esa fecha, no se le aplica la reducción de tiempo.

SERVICIOS CLÍNICOS

Todos los delincuentes de nueva admisión serán evaluados por el personal de servicios clínicos en el momento de la admisión a una institución DOC. El DOC se asegurará de que se le proporcione la atención médicamente necesaria. Los servicios clínicos disponibles en las instituciones del DOC incluyen atención médica, conductual, dental, optometría y de emergencia. Si usted tiene preguntas sobre cómo tener acceso a los servicios de salud o preguntas sobre los servicios de salud disponibles en la institución, póngase en contacto con los servicios clínicos. Vea la política 700-02 del DOC - *Medical Scope of Service* y/o la política 700-07 del DOC - *Offender Health Examinations* para más información.

Derechos y responsabilidades: Los servicios clínicos y DOC apoyan su derecho a la atención médicamente necesaria, su derecho a dar su consentimiento informado antes del inicio de un procedimiento clínico, su derecho a rechazar un tratamiento médico y su derecho a recibir una

atención confidencial. Usted también tiene la responsabilidad de desempeñar un papel activo en su atención sanitaria y seguir las orientaciones indicadas por los servicios clínicos.

Los servicios clínicos disponibles incluyen atención médica, salud conductual, odontología, optometría y urgencias. Los servicios son prestados por profesionales sanitarios cualificados. Los servicios clínicos aseguran que usted tenga acceso a los servicios que mantendrán sus necesidades de asistencia sanitaria y fomentarán medidas para prevenir el deterioro de su salud. Todos los delincuentes son evaluados y se les asigna un código médico, de salud conductual y dental en el momento de su ingreso. Este código se asegura de que le alojen en una facilidad que pueda acomodar sus necesidades del healthcare. Los servicios clínicos y el DOC. reservan la derecha de proporcionar cuidado emergency necesario a usted según su nivel de la necesidad a pesar de la capacidad de proporcionar el consentimiento (es decir inconsciente), de alojarle según su necesidad o necesidad potencial de la atención médica (incluyendo requerir el acceso médico de veinticuatro (24) horas para las condiciones médicas incontroladas e incumplidas), de referirle para la acción disciplinaria para el uso erróneo de los servicios clínicos incluyendo abuso sospechado de la medicación o el desvío de la prescripción o de las medicaciones sin receta, para la posesión ilegal de la droga, o para cualquier otra infracción contorneada por los servicios clínicos.

La atención preventiva disponible incluye un examen de salud al ingreso, vacunas que se proporcionan en función de la cualificación, autocuidado de apoyo y educación sobre temas relacionados con la salud. Se ofrecen exámenes físicos adicionales cada tres (3) años si tiene menos de cuarenta (40) años y cada dos (2) años si tiene más de cuarenta (40) años o si padece una enfermedad cornices que cumpla los requisitos. Si se identifica que usted tiene síntomas de una enfermedad infecciosa, por favor sepa que usted puede ser separado de otros delincuentes o puede ser requerido seguir órdenes médicas específicas para ayudar a prevenir la extensión de la enfermedad.

Los servicios de emergencia se prestan a las personas que experimentan dificultades médicas o tienen una urgencia médica. En caso de emergencia médica, le recomendamos que se ponga en contacto con el miembro del personal del DOC más cercano. Si trabaja en servicios de alimentación, servicios clínicos o tareas no esenciales, no debe presentarse a trabajar cuando esté enfermo. Si se siente enfermo y desea ser excusado de asistir al trabajo, debe rellenar una solicitud de "llamada por enfermedad" y notificarlo a un miembro del personal del DOC antes del comienzo de su turno. A continuación, será evaluado por un profesional sanitario. Si se le dispensa del trabajo por motivos médicos, pasará a una situación de reposo médico. Mientras dure la baja, deberá permanecer en su habitación o celda a menos que el personal le indique lo contrario.

La llamada por enfermedad es un momento en el que el personal de enfermería realiza evaluaciones o imparte formación sobre sus peticiones/necesidades específicas de atención sanitaria que no son urgentes ni ponen en peligro su vida. Para solicitar o iniciar una cita, debe enviar un formulario de llamada por enfermedad al departamento de servicios clínicos específico (es decir, médico, de salud conductual, dental u optometría) con los detalles que expliquen su solicitud. Se le cobrará una cuota de copago por los servicios clínicos que inicie. Sin embargo, NO se cobra copago por los servicios de salud mental relacionados con el asesoramiento, los servicios de maternidad, la atención prestada a una víctima de agresión sexual, las citas de atención crónica u otras citas (de seguimiento) iniciadas o programadas por un profesional sanitario. No se le denegará la atención médicamente necesaria por falta de fondos disponibles o por su incapacidad para pagar el servicio.

Un profesional sanitario cualificado recoge y revisa diariamente las solicitudes de citas para servicios clínicos. Las citas por enfermedad se programan en función de la prioridad determinada por el profesional sanitario. Las solicitudes no urgentes recibidas durante el fin de semana pueden ser citadas para el siguiente día laborable. Se le asignará una cuota de copago por no acudir a una cita de servicios clínicos o por llamada de enfermedad. Se requiere la asistencia a todas las citas de servicios clínicos dentro de los quince (15) minutos siguientes a la cita programada o de ser llamado por segunda vez. Para más información, póngase en contacto con el responsable de su unidad.

Los aparatos para el cuidado de la salud son proporcionados por servicios clínicos como gafas, audífonos, prótesis dentales, inhaladores, sillas de ruedas o prótesis cuando son médicamente necesarios y ordenados por un profesional sanitario. Usted será responsable del cuidado y mantenimiento de cualquier aparato que se le entregue. Cualquier daño intencionado o negligente, destrucción o pérdida del artículo dará lugar a una cuota de copago por el coste o sustitución del artículo.

Los medicamentos recetados se proporcionan cuando son aprobados por un profesional de la salud. Los equivalentes genéricos se pueden utilizar según el formulario de los servicios clínicos del DOC. Los medicamentos de venta libre están disponibles en el economato. Los medicamentos que no se toman, no se toman de acuerdo con las instrucciones del médico, o se sospecha de desviación se suspenderá. Los horarios de pase de medicamentos se producen dos veces al día. Las horas en las que un medicamento estará disponible las determina el profesional sanitario. En ese momento es necesario presentar una identificación para recibir los medicamentos.

Los servicios de salud conductual están disponibles a petición de la cometa. Los servicios incluyen detección, evaluación, asesoramiento individual o en grupo, servicios psicoeducativos, autoayuda y servicios de apoyo. No hay cuota de copago para acceder a los servicios de asesoramiento de salud conductual. Si tiene ideaciones suicidas, depresión, ansiedad, pensamientos de autolesión u otros problemas que puedan estar relacionados con una enfermedad mental, debe ponerse en contacto con los servicios de salud conductual o con otro miembro del personal. Si observa que otra persona se autolesiona o se suicida, o tiene conocimiento de que otra persona planea cometer tal comportamiento, está obligado a notificarlo inmediatamente a un miembro del personal.

La atención odontológica incluye la reparación de dientes, extracciones y prótesis dentales sólo para los infractores que cumplan los requisitos. La atención odontológica se proporciona en función de la necesidad médica, no se proporciona atención cosmética.

La atención optométrica u **oftalmológica** se proporciona en el momento de la admisión y, a continuación, en función de la solicitud y la necesidad médica del delincuente.

La admisión en la unidad de alojamiento médico o la hospitalización la determina un profesional sanitario en función de la gravedad de la enfermedad o del nivel de servicio necesario. Los procedimientos clínicos se realizarán in situ, a menos que un profesional sanitario determine lo contrario. La atención comunitaria médicamente necesaria y no urgente debe ser aprobada previamente por el profesional sanitario y por el director médico.

Reembolso/queja. Si cree que se le ha cobrado incorrectamente por un encuentro de servicios clínicos, puede solicitar un reembolso del cargo de copago dentro de los treinta (30) días siguientes

al cargo. Para solicitar un reembolso, debe presentar una solicitud de kite al administrador de servicios sanitarios (HSA) del centro en el que recibió el cargo de copago. El HSA tramitará su solicitud en un plazo de cinco (5) días hábiles y le comunicará su decisión por escrito en un plazo de siete (7) días hábiles.Si usted no está de acuerdo con la decisión de la HSA, puede presentar una queja como se describe en la política DOC 500-04 - *Grievance Procedure.*

Los servicios de atención continuada que se ofrecen antes y después de su puesta en libertad incluyen el suministro de medicamentos con receta, asistencia para coordinar la atención sanitaria de seguimiento en una clínica de la comunidad y asistencia para determinar la elegibilidad para las prestaciones de Medicare/Medicaid.

Para más información sobre la baja por enfermedad o los copagos, consulte el plan de su unidad de alojamiento o póngase en contacto con el responsable de su unidad.

ÍNDICE DE REVISIÓN

Revisado: marzo 2020
Revisado: abril 2021
Revis ado: julio 2023
Revisado: mayo 2024
Revisado: diciembre 2024
Revisado: febrero 2025
Revisado: octubre 2025
Revisado: agosto 2026

Sec.	8-19-26
Nick Lamb, Secretario de Correccionales	Fecha

INFORMAL RESOLUTION NOTIFICATION FORM

Offender Name: _____ Offender ID #: _____ Date of Incident: _____

Housing Unit: _____ Incident Description: _____

Informal Resolution Issued:
☐ Verbal Reprimand
☐ Loss of Privileges (Specify): _____
☐ Loss of Privileges for 3 Days
☐ Written Warning and Loss of Privileges for up to three (3) Days
☐ Termination from Work Assignment
☐ Termination from Work Assignment, and Administrative Review

☐ Other: _____

Issued By (Print Name): _____ Title: _____

Signature: _____ Date: _____

Acknowledgement of Receipt:

I, _____, acknowledge receipt of this resolution and understand the consequences of non-compliance.

Offender Signature: _____ Date: _____

Copy to offender

MINOR INFRACTION HEARING NOTICE OF SANCTIONS

Offender Name:	Offender ID#	Date of Incident:
Housing Unit:	Incident #:	Incident Charge:

It is the finding of the MIH that you have committed the following prohibited acts:

You have been issued the following sanction:

Sanction effective date:

☐ Offender has been advised of the sanction issued against them, and their right to appeal via grievance within thirty (30) days.

Offender Signature: Date:

Serving Staff Signature: Date: