



<p style="text-align: center;">SOUTH DAKOTA</p>  <p style="text-align: center;">DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE</p>		POLICY NUMBER	PAGE NUMBER
		100-04	1 OF 10
		DISTRIBUTION: Public	
		SUBJECT: Relationship with News Media, Public, and Other Agencies	
RELATED STANDARDS:	ACA Standards: 5-ACI: 3D-06	EFFECTIVE DATE:	March 01, 2024
		SUPERSESSON:	01/21/2022
DESCRIPTION: General Administration	REVIEW MONTH: February	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to ensure staff deal with recognized news media, the public, and agencies legitimately interested in the DOC, its institutions, offenders, staff, and programs in a manner that maintains and enhances the department's integrity and credibility.

II. PURPOSE

The purpose of this policy is to establish general guidelines for working with the media, rules for news media interviews with offenders, and releasing public records or granting access to the public and other agencies seeking disclosure.

III. DEFINITIONS

Agencies:

Public or private, includes any municipal, county, state, or national government, department, or division.

News Release:

A statement or announcement relating to official public business of the DOC intended for distribution to the news media for publication, circulation, or broadcast.

Recognized News Media:

Includes those persons that carry or deliver news to the general public on a regular and consistent basis, either in printed, electronic, or digital format, or combination thereof. Includes broadcast and written medium.

1. General circulation newspapers which meet the requirements to be a legal newspaper, as outlined in SDCL Chapter § 17-2 Legal Newspapers and Publication of Notice.
2. Radio or television stations or television networks holding an FCC license that regularly carry or deliver news to the public.
3. Periodical newsmagazines sold through newsstands or mail subscriptions to the public.
4. National and International news services that regularly carry or deliver news to the public.

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

SECTION	SUBJECT	DOC POLICY	Page 2 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

Tours:

Single or infrequent visits by pre-approved individuals to a DOC institution for the purpose of observing the physical plant, general operation, or programs. Individuals entering an institution to perform a legitimate job, task, inspection, assignment, or to provide a service, are not considered a tour.

IV. PROCEDURES

1. Public Information Process:

- A. The public information process will support the operations, programs, mission, goals, and objectives of the DOC, while at the same time, preserving the legitimate penological interests of the department. The department’s public information process will include:
 - 1. Appropriate and timely responses to requests and inquiries by recognized news media, the public, and agencies for information or statements, with due regard to state and federal laws or standards regarding staff and offender rights concerning confidentiality, personally identifiable information, and privacy.
 - 2. Access to the department’s institutions and units, consistent with rights to privacy, preservation of safety and security of offenders, staff, and the public, disciplined operation of the institution or unit, and staff availability.
 - 3. Cooperation with recognized news media, the public, and agencies during the process of gathering, exchanging, or reporting information, facts, figures, data, etc.
- B. The DOC public information officer (PIO) or designee will provide and disseminate current, factual information to recognized news media, the public, and agencies. The PIO or designee will ensure to the best of his/her ability that information released is not limited by confidentiality or contrary to the legitimate penological interests of the DOC.
- C. Requests from recognized news media, the public and agencies for information about operations, institutions, units, offenders, or staff, will be responded to by the PIO. The DOC may forward requests to the appropriate entity for response or redirect those requesting the information to DOCInfo@state.sd.us.
 - 1. Requests for information should be sent to DOCInfo@state.sd.us.
- D. Properly filed complaints regarding the public information process of the South Dakota Department of Corrections received from recognized news media, the public, or agencies will be investigated by the department (see the section in this policy: Investigation of Complaints).

2. Department Releases of Information to the Public:

- A. Department news releases, media advisories, public notices, and other information intended for public distribution, shall be controlled by the PIO or designee.
- B. Information intended for public distribution may be posted on the South Dakota DOC website (<http://doc.sd.gov/>) and other approved public locations.

3. Release of Staff and Offender Information:

- A. Information identifying individual offenders or staff members may be disseminated to the public within certain limitations and constraints.
 - 1. Any release or disclosure of information outside the department to those intending to review, inspect or examine such information, is subject to state public records laws protecting individual privacy rights.

SECTION	SUBJECT	DOC POLICY	Page 3 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

2. Legitimate inquiries regarding personnel matters, other than salaries, routine directory information, or information otherwise located within the public domain, i.e., Open SD GOV <https://open.sd.gov/>, will be referred to the South Dakota Bureau of Human Resources and Administration (BHRA).
 3. Requests from staff, or former staff, for copies of training records will be forwarded to the associate director of staff development and training. Verification of the staff member requesting information is required.
- B. Department response to inquiries for information, including offender specific information, is subject to statutory provisions pertaining to public information.
1. State law provides a list of offender information that may be released by the department. The release of such information shall be for the purpose of community and victim notification. Release of such information for this purpose does not require authorization or consent by the offender (see the section in this policy: Information Released Regarding Offenders).
 - a. With regard to offender birth dates, it is the policy of the DOC to typically only release an offender's current age. The offender's actual date of birth will typically only be released to agencies with a legitimate interest or need to know an offender's date of birth.
 2. Certain information concerning minor offenders is confidential and will not be released unless the custodial parent or guardian and the juvenile sign an *Authorization for Release of Information* form (see attachment #1), or the court orders the release of specified confidential information.
 - a. Absent a signed Authorization for Release of Information form or court order, certain confidential information concerning an offender supervised by the Division of Juvenile Services will only be available to the offender's parents/guardians, the court, legal counsel (prosecuting and defense attorney), authorized Department of Social Services staff, law enforcement, court service officers, or a correctional or detention institution with a legitimate interest in the juvenile offender.
 - b. Information that may be released shall be limited to the following:
 - 1) Data collection form.
 - 2) Intake summary.
 - 3) Youth Level of Services/Case Management Inventory results.
 - 4) Institution progress report.
 - 5) Placement information.
 - 6) Results of certain assessments.
 - 7) Release summary.
 - 8) Discipline reports.
 - 9) Aftercare violation report.
 - 10) Notice of Intent to Release or Discharge.
- C. In no case will an offender or other unauthorized person be permitted to gain access to personally identifiable information (PII) or information held in confidence by the DOC that is not in the public domain, which if improperly disclosed, could be used to steal a person's identity, violate the person's right to privacy, or otherwise harm the person.
- D. Staff shall forward to the PIO all questions regarding information considered for release that may be proprietary, protected, or confidential. Any information posted to the DOC website (<http://doc.sd.gov/>), OPEN SD <http://open.sd.gov/>, the Boards and Commissions Portal <http://boardsandcommissions.sd.gov/>, social media platforms recognized and approved by the DOC, or released through a media advisory, may be released, forwarded, and shared. Information which is not open to public inspection or release includes the following (not intended to be an inclusive list):
1. Offender medical records, counseling, or treatment records.
 2. Information subject to attorney privilege.
 3. Records that constitute part of an examination or investigation.
 4. Confidential informant information.
 5. Strategic or tactical information used in department training.
 6. Location, configuration or other details about security critical systems or processes.
 7. Emergency or disaster response plans or protocols.

SECTION	SUBJECT	DOC POLICY	Page 4 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

8. Safety or security audits or reviews.
 9. Any records which, if disclosed, could endanger the life or safety of any person, and
 10. Offender disciplinary matters.
- E. Release of department information to social media will be consistent with the mission of the DOC and will not in any way violate established standards of staff conduct, state, or federal law or jeopardize or threaten the legitimate penological interests of the department.
1. Staff posting information to social media will not copy, transfer, release, or disclose records, files or information considered confidential or proprietary, or violate state or federal privacy/confidentiality laws governing the protection and release of information.
 - a. Posting information (records, files, photos, or documents, etc.) on social media can create a public record. Posted information is very difficult to retract after it becomes public record. Questions regarding information, records, files, photos, or documents that may be confidential, protected, or proprietary, shall be directed to the PIO.
- F. Any staff member who knowingly releases records, files, or conditional information to unauthorized persons, may be subject to disciplinary and/or legal action.
- G. Information identified for public release, may have certain portions of the document or record which contain information that unreasonably invades personal privacy, threatens public safety or security, discloses proprietary information, or disrupts department operations, or is otherwise protected or prohibited from release, redacted prior to release.

4. Release of Offender Case Records:

- A. Offender case records developed, maintained, and stored by the DOC are the property of the DOC and shall be a permanent record of the department.
1. Behavioral health summaries, psychological, psychiatric information, chemical dependency discharge summaries, and records or information created by behavioral health staff or medical staff, including records of outside medical staff stamped “confidential” may require a signed release from the offender (see attachment #1 *Authorization for Release of Information*) before being released outside of the DOC.
- B. The DOC shall make an offender’s case records accessible to the members of the Board of Pardons and Paroles, its executive director, the secretary of corrections (SOC), and any person specifically delegated for such access by the SOC for the purpose of providing proper supervision to the offender and to identify and guide a response to the offender’s needs when released to parole supervision. Those delegated such access include any agency which will assume custody, supervision, or management of the offender, such as a contract facility, law enforcement, out of state correctional agency, court services, etc.
1. The circuit court may order or subpoena an offender’s records to be open to inspection by others not granted access through statute by providing such notice to the SOC. The SOC shall have opportunity to a hearing if he/she objects to the inspection of the records. The SOC shall have ten (10) days after receipt of the notice to inform the court of his/her request for a hearing.
- C. The DOC may release offender case records, including an offender’s criminal history, photographs, fingerprints, or other identifying information relating to an offender, and other such information or records as may be required, to the attorney general (AG)/Division of Criminal Investigations (DCI), law enforcement, federal and state probation, the court or agent of the court, and others designated by the SOC or designee.

SECTION	SUBJECT	DOC POLICY	Page 5 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

- D. Certain information contained within an offender's case record may be released to victims and the public for purpose of community and victim notification and to governmental entities, which is defined as any department, division, or other public agency or any municipal county, state, or national government. Offender information released to the public is limited to the following:
1. Name and any known aliases.
 2. Year of birth or age.
 3. Race and gender.
 4. Location of incarceration.
 5. Community of residence.
 6. Custody status and conditions of supervision.
 7. Any Department of Corrections sentence identification number.
 8. Any crime of conviction.
 9. Number of felony convictions.
 10. Sentence, time suspended, jail time credit, and revoked good-time credits.
 11. Offense, sentence, admission, release, and parole eligibility dates.
 12. Dates of pending hearings and final determinations of parole, suspended sentence, pardon, and commutation hearings.
 13. Status as an offender, parolee, or person who has completed a prison term.
 14. County of conviction.
 15. Plea.
 16. Citizenship status.
 17. Birth town, state, and country.
 18. Identification photograph, and
 19. Physical description.
- E. When requested for modification of sentence, parole, pardon, or early release, the warden shall furnish only to the sentencing court, SOC, Board or Pardons and Paroles, or governor, any requested offender's case record/file.
- F. The DOC shall not publish, transfer, or circulate any impression, measurement, description, record, or photograph (except criminal booking photograph) of any offender obtained outside of the DOC, except to duly authorized law enforcement officers/agencies.
- G. Case records for offenders currently serving the incarceration portion of a suspended imposition of sentence (SIS) shall be treated the same as those offenders sentenced to the custody of the DOC, with the following stipulation:
1. Case records for offenders incarcerated under a SIS who successfully complete and discharge their sentence are deemed confidential and may not be subject to release without proper authority (usually an order from the court).
- H. Offender case records released to a sentencing judge will generally be communicated in the form of a progress report or Parole Services memo describing the offender's conduct while incarcerated and/or while under parole supervision.
- I. Progress reports are prepared by the offender's assigned unit staff and may be released to a judge, a court services worker representing the judge, the prosecuting attorney, the offender's attorney, or other correctional agencies.

5. Access to DOC Institutions:

- A. The governor, attorney general, chief justice, circuit court judges, and associate justices shall have access to DOC institutions. The director or deputy director and the SOC will be notified as soon as possible upon receipt of a request by any of the above officials to access an institution owned or operated by the DOC.

SECTION	SUBJECT	DOC POLICY	Page 6 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

- B. Requests for tours of DOC owned, operated, or leased institutions are subject to the following:
1. Tours are limited to those approved persons with a legitimate governmental, legal, educational, research, security, or business interest.
 2. Requests for tours must normally be received at least five (5) working days in advance of the tour date, unless an exception is granted by the warden, deputy director, director, SOC, or designee. Tour participants are required to complete and submit in advance, a *DOC Access Approval and DOC Release and Waiver of Liability* form (see DOC policy 300-01 – *Facility Access and ID Requirements*).
 3. Requests for tours must be approved through the warden, deputy director, director, SOC, or designee and will be scheduled for days and times when sufficient staff is available to supervise the tour.
 4. Tour groups must be composed of a manageable size, normally no greater than fifteen (15) participants.
 5. Tour participants must be at least eighteen (18) years of age, unless an exception is granted by the warden, director, SOC or designee. Exceptions shall be considered on a case-by-case basis.
 6. Tour applicants are subject to a National Crime Information Center (NCIC) criminal record background check, which will be conducted by trained and approved NCIC terminal users, with the results reviewed by the designated security staff.
 - a. Tour requests may be denied if the SOC, director, deputy director, warden, or designee determine granting an individual or group access to a DOC institution or grounds may compromise the security and disciplined operation of the institution, may present a significant and direct threat to the safety of staff, offenders, or the tour participants, or is inconsistent with the mission, vision, or values, and legitimate penological interests of the DOC.
 - b. Persons on an offender’s visit list will normally not be allowed to participate in tours of the institution where they are an approved visitor. Exceptions may be granted by the SOC, warden, or designee.
 7. The warden or designee will arrange for at least one (1) staff member to escort and supervise tour participant(s), in accordance with DOC policy 300-01 – *Facility Access & ID Requirements*. Tour participants shall remain under the direct supervision of a staff member for the duration of time they are within the secure perimeter of a DOC facility.
 - a. Access to certain security sensitive areas within a DOC institution, i.e., control rooms, watch towers, restrictive housing units, the execution chamber, armories, or infirmary/comfort care units, are restricted.
 - b. Access to certain classifications of offenders, i.e., close custody, restrictive housing, and those with serious behavioral or physical health issues, are restricted consistent with preserving the offender’s right to privacy and maintaining safety and security.
 8. All tour participants at an institution housing adult offenders must present a valid government photo identification (ID) to staff assigned to points of entry, prior to entering the institution.
 9. Tour participants entering an institution housing adult offenders will be issued a temporary visitor ID and body alarm by control room staff.
 10. Additional rules or restrictions may be applied to tour participants by the respective warden, director, or designee. The DOC retains the right to limit, restrict, terminate, or deny access to grounds, property or institutions owned, leased, or controlled by the DOC for cause. Visitors or tour participants who fail to follow the rules or directives of the tour may be banned from access to DOC institutions.
- C. Cameras, wireless microphones, micro/miniature cameras, smart phone cameras, hidden/concealed cameras including smart watches) or similar recording devices are not allowed within a DOC institution, except by special invitation from the SOC.
1. Only cameras or recording devices that allow for the video, photographs, or recordings to be reviewed before leaving the facility, when requested, are allowed by special invitation. The camera may not be a feature of a phone.

SECTION	SUBJECT	DOC POLICY	Page 7 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

- D. Permission to obtain video, photographs, or recordings of offenders, staff, or DOC owned or leased property, shall be controlled by the DOC, and may be limited or denied if contrary to the legitimate penological interests of the DOC. Capture of video, photographs, or other recordings that may compromise security within a DOC institution is prohibited.
 - 1. Any person and/or the media outlet who publishes or broadcasts video, photographs or recordings that could compromise security may be prohibited from returning to any institution.
- E. If use of a camera or recording device within a DOC institution is approved, use of the camera or other recording device is limited to an approved area in the institution. Cameras and recording devices cannot be removed from bags or turned/power on until the person authorized arrives at their designated area in the institution.
- F. If an offender is identifiable in any video, photograph or recording and the intent is to make public any video, photograph or recording, the owner of the material must have the offender complete an *Offender Consent For a Media Interview* (see attachment #3). All persons have a right to decline being photographed or recorded.
- G. In the event of an emergency, any visitor to a DOC facility may be restricted to a designated area, in accordance with institutional emergency response protocol and DOC policy. Access to a DOC institution or leased property may be interrupted, delayed, or terminated at any time.

6. Media Access to Offender/Staff:

- A. The DOC will *provide for reasonable access between offenders and the news media, subject only to the limitations necessary to maintain order and security, protect offenders' privacy* and promote the rehabilitative goals of the DOC [ACA 5-ACI-3D-06].
- B. Members of the news media may contact offenders within a DOC institution through the offender correspondence system, the telephone/messaging system, or through approved visits, subject to all applicable rules, regulations, and policies.
- C. In-person interviews with offenders by members of the news media are not permitted, except by special invitation from the SOC.
 - 1. Requests to conduct in-person interviews with offenders must be consistent with the mission, vision, and values of the DOC and may not pose a risk to safety, security, or the penological interests of the DOC, or jeopardize the well-being of the offender. Those interviewed must voluntarily agree to the interview and be capable of giving informed consent.
 - 2. Offenders participating in a DOC approved interview must complete and sign the Offender Consent for Media Interview form. Interviews with offenders that are not conducted with specific permission from the DOC do not require the form.
 - 3. If DOC approves an interview with an offender, DOC staff must pre-screen the offender candidates for concerns or victim registrations. Staff conducting the pre-screen shall contact DOC central records office to determine if an offender has a victim registration. Preference shall be given to those offenders who do not have a victim registration.
 - 4. Additional factors to be taken into consideration when determining if an offender may be eligible for a DOC approved in-person interview include, but are not limited to:
 - a. The offender's disciplinary record in the past twelve (12) months.
 - b. The offender has a no contact order with any person, such as a victim or witness.
 - c. The offender is serving a capital punishment sentence.
 - d. The offender is under investigation, indictment or sentence relating to criminal conduct committed while in custody.
 - e. The offender has their visit privileges suspended or is limited to class II visits only.
 - f. The offender is a confirmed member of a security threat group.
 - g. Interviews that are intended to be used in a documentary entertainment production that glorify, promotes, or sensationalizes criminal activity or bring notoriety to a specific crime/offense or offender shall not be approved.

SECTION	SUBJECT	DOC POLICY	Page 8 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

5. If no suitable candidate can be identified other than an offender with a victim registration, an in-person interview with an offender may not be approved.
- D. If news media is invited into a DOC institution, the media member(s) must be under direct supervision of DOC staff, may include the PIO, while in the secure perimeter of any DOC institution. Random or unsupervised access to staff, offenders, or DOC owned or leased property is prohibited.
 - E. News media entering a DOC institution or leased property must complete and sign the *DOC Release and Waiver of Liability* form and *Consent to Search Authorization and Registration* (see attachments in DOC policy 300-01) prior to entering a DOC institution.
 1. News media members entering a DOC institution or leased property are subject to criminal background checks prior to entering the property.
 2. Interviewers and news media entering a DOC institution or leased property must be professionally dressed. Inappropriate attire includes miniskirts, see-through blouses, braless attire, tank tops, shorts, or disclose personally identifiable information or materials held in confidence without the prior approval of the SOC or PIO.

7. Interviews with Offenders and Staff:

- A. Except for scheduled events, access to DOC staff for the purpose of conducting an interview is limited to normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding state or federal holidays, unless an exception is granted by the warden, deputy director, director, SOC, or designee.
 1. Interviews are limited to one (1) hour, unless otherwise approved.
 1. Interviewers may be required to meet with the warden, deputy director, director, SOC, PIO, or designee prior to interviewing staff or offenders.
 2. Those conducting an interview of staff or offenders will be required to complete a *Media Agreement for Interview* form (see attachment #2) prior to conducting the interview.
 3. Interviewers approved by the DOC to conduct an interview of staff or offenders must complete and sign the DOC Access Approval form and DOC Release and Waiver of Liability form prior to entering a DOC institution.
 - a. Interviewers and news media are subject to criminal background checks prior to entering a DOC institution.
 - b. Interviewers and news media entering a DOC institution housing offenders will adhere to the search procedures defined in DOC policy 300-07 *Searches – Institutions*.
- B. Members of the news media may submit requests to interview offenders to the PIO. Requests should be received at least five (5) business days prior to the interview and may be submitted by telephone or email.
- C. Interviewers may contact offenders within a DOC institution through written correspondence, by telephone, or visits, provided the interviewer is on the offender's approved visit list and the interview does not disrupt other visit room activities. Video visits with an interviewer may be permitted but video visits will not be recorded.
 1. Recording devices are not permitted in the visit room. Pen and paper may be made available.
 2. The DOC may designate or limit the day, time, location, and duration of any interview of DOC staff or offenders.

8. Notification:

- A. The SOC or PIO will be notified in advance by the warden, director, or designees of scheduled tours of a DOC institution or unit by members of the Legislature, Corrections Commission, or judicial officers of the court.

9. Investigation of Complaints:

- A. Complaints by news media, the public, or other agencies may be directed in writing to the SOC.

SECTION	SUBJECT	DOC POLICY	Page 9 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

10. Access to Public Records:

- A. Requests submitted by news media, the public or agencies seeking disclosure of public records, information, data, or documents, in accordance with state law, must be made via the South Dakota Public Records Request portal on the State of South Dakota website (www.sd.gov/cs). In writing and directed to the DOC public records officer or PIO, who will in turn forward the request to the DOC public records officer. The DOC public records officer will forward the request to appropriate staff or group of staff for response and action.
 1. The public records officer or their designee shall respond to the request.
 2. If the public records officer fails to respond to the written request within ten (10) business days, the request shall be deemed denied.
- B. Requests for reproduction of public records are subject to fees, up to twenty-five cents (\$0.25) per one-sided copy provided, retrieval costs, and staff time.
- C. If a written request for records is denied in whole or in part by the DOC public records officer, a written request may be made by the requestor.
- D. Certain records are excluded from public access.

11. Information Released Regarding Offenders:

- A. The following information regarding offenders may be provided to victims, the public, and governmental entities. **Note:** Records of offenders under suspended imposition of sentence are sealed upon successful completion of probation conditions and discharge.
 1. Name and any known aliases.
 2. Age (not date of birth).
 3. Race and gender.
 4. Location of incarceration.
 5. Community of residence.
 6. Custody status and conditions of supervision.
 7. Any Department of Corrections sentence identification number(s).
 8. Any crime of conviction.
 9. Number of felony convictions.
 10. Sentence, time suspended, jail time credit, and revoked good-time credits.
 11. Offense, sentence, admission, release, and parole eligibility dates.
 12. Dates of pending hearings and final determinations of parole, suspended sentence, pardon, and commutation hearings.
 13. Status as an offender, parolee, or person, who has completed a prison term.
 14. County of conviction.
 15. Plea.
 16. Citizenship status.
 17. Birth town, state, and country.
 18. Identification photo and physical description.

V. RESPONSIBILITY

The deputy secretary of corrections is responsible for the annual review and revision of this policy.

VI. AUTHORITY

SECTION	SUBJECT	DOC POLICY	Page 10 of 10
General Administration	Relationship with News Media, Public and Other Agencies	100-04	Effective: 03/01/2024

- A. SDCL § [1-27](#) **Public Records and Files.**
- B. SDCL § [1-27-1.5](#) **Certain records not open to inspection and copying.**
- C. SDCL § [1-27-1.9](#) **Documents or communications used for decisional process arising from person's official duties not subject to compulsory disclosure.**
- D. SDCL § [1-27-1.10](#) **Redaction of certain information.**
- E. SDCL § [1-27-35](#) **Informal requests for disclosure of records--Costs of retrieval or reproduction.**
- F. SDCL § [1-27-37](#) **Written request for disclosure of records.**
- G. SDCL § [1-27-38](#) **Civil action or administrative review of denial of written request or estimate of fees.**
- H. SDCL § [15-15A-7](#) **Court records excluded from public access.**
- I. SDCL § [17-2](#) **Legal Newspapers and Publication of Notice.**
- J. SDCL § [22-6-1](#) **Felony classes and penalties--Restitution--Habitual criminal sentences.**
- K. SDCL § [23-5-6](#) **Identification records made by wardens and superintendents of penal institutions.**
- L. SDCL § [23-5-7](#) **Identification records to be filed and preserved--Restrictions as to use.**
- M. SDCL § [23A-27-13.1](#) **Copy of suspension order forwarded to criminal investigation division.**
- N. SDCL § [24-2-17](#) **Record of inmate conduct and infractions--Notice--Challenge to findings or sanctions--Investigation--Modification--Use of record.**
- O. SDCL § [24-2-20](#) **Records and information furnished court, secretary, board, or Governor--Information that may be released for certain other purposes.**
- P. SDCL § [24-2-20.1](#) **Governmental entities defined.**
- Q. SDCL § [24-15A-14](#) **File containing history of inmate--Purposes--Access to file.**

VII. HISTORY

March 2024
January 2022
January 2020
February 2019
February 2018
January 2017
January 2016
February 2015
February 2014
March 2013
January 2011

ATTACHMENTS *(* Indicates document opens externally)*

1. Authorization for Release of Information*
2. Media Agreement for Interview*
3. Offender Consent for Media Interview*
4. DOC Policy Implementation / Adjustments

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____, _____ hereby authorize and request that the below information be

released by _____ of the S.D. Department of Corrections to
(Staff Member/Facility)

Person and/or _____
Organization _____
& Address: _____ for the purpose of: _____

Specific Information Authorized to be Released: _____

I understand the entity receiving these records and/or information may not be under the Health Insurance Portability and Accountability Act (HIPAA) and Privacy Act of 1974 and once the above information/records is disclosed or redisclosed, the information may not be protected.

I hereby consent voluntarily, knowingly, and competently without any element of force, fraud deceit, duress, threat, or other form of coercion to the release of the specified records and information.

This authorization for release may be revoked by me in writing at any time, except to the extent that information has been released based on this authorization prior to receipt of notice of revocation. If this authorization has not been revoked, it will terminate one year from the date of my signature unless a different expiration date is stated.

A photocopy or facsimile of this release shall be honored as if it were the original.

Offender's
Signature: _____ Date: _____

Printed Name: _____

Staff
Witness Signature: _____ Date: _____

Printed Name: _____

NEWS MEDIA AGREEMENT FOR INTERVIEW

I, _____ do hereby state that I am
(Name)

employed/contracted by: _____
(News Media)

and I am authorized to conduct the interview.

I am aware of and agree to abide by the rules governing my conduct while conducting interviews with offenders or staff of the Department of Corrections (DOC). I hereby fully and completely waive my right to be free from search of my person or property so long as I remain within the boundaries of the facility and/or while on grounds owned or leased by the DOC.

I further agree to obtain a release of information from any offender and if the offender is under age 18, his/her custodial parent or guardian, before releasing for public distribution identifying information about the offender. This includes but is not limited to any photo, video recording, or correspondence.

I recognize a visit to a correctional facility presents certain hazards, and I agree to assume all ordinary and usual risks to my personal safety inherent to such visits.

Signature: _____ Date: _____

Printed Name: _____

OFFENDER CONSENT FOR NEWS MEDIA INTERVIEW

I, _____ do hereby freely give permission to
(Offender's Name)

_____ to interview me on or about _____
(News Media) (Date)

and I authorize the news media to use and release any information gathered from me during this interview for any legitimate purpose.

I further freely give permission to the above identified news media to make recordings of my voice during this interview and to take photos of me (still, movie, or video) and authorize the use and release of such recordings or pictures by the news media represented for any legitimate purpose.

I understand I may revoke this consent in writing at any time to the news media organization, except to the extent that action has been taken in reliance on this authorization. If this authorization has not been revoked, it will terminate one year from the date of signature unless a different expiration date is stated.

Offender's Signature: _____ Date: _____

Staff Witness Name: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____
(juvenile - Under age 18)

Parent/Guardian Printed Name: _____