

1.1. E.1 Adult Offender Case Records Content and Management

I Policy Index:



Date Signed: 08/09/2018
Distribution: Public
Replaces Policy: 1E.1
Supersedes Policy Dated: 09/12/2017
Affected Units: Adult Units
Effective Date: 08/09/2018
Scheduled Revision Date: April 2019
Revision Number: 16
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will ensure the uniform maintenance, collection, organization, security, retention, and disposition of adult offender case records.

III Definition(s):

Case Records:

For the purposes of this policy, case records contain the entirety of offender documents, records and information necessary to document the offender's adjustment, rehabilitative progress which are available to DOC staff based on job roles (See SDCL § 24-2-17 and SDCL § 24-2-19) and/or the Executive Director of the Board of Pardons and Paroles (See SDCL §§ 24-15A-14 and 24-15-1).

Legal File/Record:

For the purposes of this policy, the legal file/record contains information necessary to calculate the offender's date computations (See Attachment 1), including but not limited to the judgement of conviction, along with other legal documents and information pertinent to the offender.

Offender:

For the purpose of this policy only, an offender is any inmate (sentenced, placed or committed to or placed in any facility or program under the control of the DOC or parolee (under parole or suspended supervision by South Dakota Parole Services).

Sex Offender Management Program (SOMP):

The sex offender management program is operated by the DOC. This includes sex offender specific assessments, A&O psychosexual screens, STOP programming, psychosexual reports, community release planning, assistance in community supervision, development and promotion of a community treatment provider network, and sex offender community treatment and supervision standards.

IV Procedure(s):

1. Collection of Offender Case Records and Legal Files:

- A. DOC Central Records staff are responsible for recording and maintaining legal files/records for each offender sentenced to the custody of the DOC. The file/record shall be documented at the time of admission (ACA 4-4095).
 1. If an offender returns to a facility or program under the control of the DOC with a new conviction (new booking) after final discharge from a previous sentence, a new legal file/record will be created for the offender.
 2. Any additional sentences received by an offender under the custody or supervision of the DOC will be included in the offender's legal file/record.
 3. The offender's driver license or state ID, birth certificate, social security card and other identification documents/records in the offender's possession at the time of admission shall be retained in the offender's legal file (See DOC policy 1.1.A.7 [Inmate Identification Procedures](#)).
- B. The DOC as a whole shall maintain written documentation/case records of each offender's adjustment, rehabilitative progress, medical history, disciplinary conduct and other facts considered pertinent to the offender within the inmate's case record (See SDCL § [24-2-19](#)).
- C. The Executive Director of the Board of Pardons and Paroles or his/her designees shall generate an adequate case history of each offender to enable the Director to make recommendations to the Board. The case history shall include results or risk and needs assessments of the offender conducted by the DOC and other agencies and copies of records relevant to the supervision and treatment of the offender, including any violations. The case history shall serve as a guide to the offender's needs and be maintained as part of the offender's case record in COMS (SDCL § [24-15-1](#)).
- D. The format and organization of hard copy material in legal and institutional files will be standardized at all facilities, as described in [Attachments 1](#) and [2](#). Electronic offender case records will be kept in the Comprehensive Offender Management System (COMS) in the approved and standardized format.

2. Maintaining and Safeguarding Offender Records/Files:

- A. All offender legal files (hard copy files) will be stored in the DOC Central Records office in Sioux Falls.
- B. Institutional files may include any medical, dental, behavioral health or chemical dependency files created for the offender. Hard copies of such records shall be stored in the institutional file, which will be transferred to the offender's unit team or parole agent whenever an offender is transferred from one DOC facility to another, or when an offender is released to parole supervision. Transfer of the file should occur within 72 hours of transfer or release (ACA 4-4096). Offender case records may be accessed by DOC staff either electronically through COMS and/or review of the institutional file.
- C. Each offender's legal and institutional file will be clearly identifiable and safeguarded from unauthorized access or improper use (ACA 4-4095 and DOC policy 1.1.E.3 [Offender Access to DOC Records](#)). The security of electronic case records is controlled by the use of an active directory to manage individual permissions assigned to staff which allow access to all or portions of an offender's stored records.
- D. Offenders may access their records/files consistent with applicable state statutes regarding the procedures and conditions for reviewing such records/files (ACA 4-4098). Exceptions may be made if

permitting such access may result in harm to the offender or others, or providing such access is inconsistent with the penological interests of the DOC. Offender's may contact their unit staff to request access or copies of specified case records.

3. Pre-Sentence Investigation (PSI):

- A. When an offender is sentenced to the DOC, a copy of the offender's pre-sentence report received by the DOC will be filed with the Board of Pardons and Paroles and Central Records. DOC staff and members of the Board of Pardons and Paroles may utilize information contained in the pre-sentence investigation (PSI), including any pre-plea report used as the PSI report and the psycho-sexual assessment, to develop an individualized rehabilitation program for the offender (See SDCL § [23A-27-10](#)).
- B. The report shall contain the offender's criminal record and information about his/her characteristics, financial condition and circumstances surrounding his/her behavior that may be helpful in providing correctional treatment/programming for the offender, and other such other information as may be required by the sentencing court (See SDCL § [23A-27-6](#))
 1. The original PSI will be maintained in the offender's legal file. One (1) copy will be made for the inmate's institutional file and one (1) copy will be made for the Sex Offender Management Program (SOMP) file (when applicable). The PSI will be available as an IWP document attached to the Legal Cases screen in the Comprehensive Offender Management System (COMS).
 2. All copies of a PSI, such as those made for the institutional file and SOMP file will be stamped "Confidential" and may not be further copied. Any scanned image of the PSI saved into a database or other electronic records shall include a watermark "Confidential" on the saved pages of the PSI. Inmate PSI's shall only be accessible to those staff with permissions assigned.
 3. DOC officials may share information contained in the PSI, including any pre-plea report used as the PSI report and the psycho-sexual assessment with Department of Health (DOH) staff, Department of Social Services (DSS) staff, Sex Offender Management Program (SOMP) staff, contract or halfway house staff, out of state corrections staff or law enforcement staff assisting the DOC in developing and providing a rehabilitation program for the offender (See SDCL § [23A-27-10](#)).
- C. The PSI of any offender convicted of a felony sex crime shall include a psycho-sexual assessment, to include the following information: the offender's sexual history; an identification of precursor activities to sexual offending; intellectual, adaptive and academic functioning; social and emotional functioning; previous legal history; previous treatment history; victim selection and age; risk to the community; and treatment options recommended (See SDCL § [22-22-1.3](#)).
- D. The PSI and any psycho-sexual assessment prepared as part of the report by court service officers is considered confidential, pursuant to SDCL § [23A-27-47](#), and shall not be released to unauthorized persons without order from the court. Also, see SDCL § [15-15A-7 \(s\)](#). The contents of these reports contained within the PSI may not be disclosed to the offender without written order from the sentencing judge or the sentencing judge's successor (See SDCL § [23A-27-10](#)).
- E. The state's attorney of the county in which the offender was convicted shall furnish the Warden with an official statement of the facts and circumstances constituting the crime the offender was convicted, with all information accessible to the state's attorney, in regard to the offender's history, prior to conviction, and other records or information that may be support the offender is capable of again becoming a law abiding citizen. If a PSI has been prepared, this may be furnished to the Warden/DOC in lieu of the state's attorney official statement/report (See SDCL § [23A-27-32](#))

4. Release of Case Records:

- A. Records (other than the PSI), contained in the offender's legal file/record and institutional records, is the property of the DOC and exist solely for the proper supervision of the offender and as a guide to the offender's needs. With the exception of case records authorized for release, pursuant to SDCL § 24-2-20, case records may only be released without the offender's authorization to DOC staff, the Parole Board, the Executive Director, the Secretary of Corrections, sentencing court, Governor or others designated by the Secretary, unless otherwise ordered by a circuit court or subpoena after notice to the Secretary (See SDCL § 24-15A-14).
1. Mental health summaries, psychological, psychiatric information, chemical dependency discharge summaries, and records created by Behavioral Health staff or medical staff, including records of outside medical staff stamped "confidential", may require the author's permission before being released to anyone outside the DOC, and/or a signed release from the offender (See [Attachment 3.](#))
- B. Certain information contained within an offender's case record may be released to victims and the public for purposes of community and victim notification, pursuant to SDCL § 24-2-20 (See DOC policy 1.1.E.4 [Victim Notification](#)). This information/record is limited to the following:
1. Name and any known aliases; Year of birth or age; Race and gender; Location of incarceration; Community of residence; Custody status and conditions of supervision; Any Department of Corrections sentence identification number; Any crime of conviction; Number of felony convictions; Sentence, time suspended, jail time credit, and revoked good-time credits; Offense, sentence, admission, release, and parole eligibility dates; Dates of pending hearings and final determinations of parole, suspended sentence, pardon, and commutation hearings; Status as an offender, parolee, or person who has completed a prison term; County of conviction; Plea; Citizenship status; Birth town, state, and country; and identification photograph and physical description.
- C. Case records for offender's 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 be not be subject to release without proper authority, (usually an order from the court).
- D. Records contained in the legal file/record and institutional records, excluding the PSI and any pre-plea report included within the PSI or used as the pre-sentence investigation report, and any psychological or psycho-sexual assessments, may be released with an offender's authorization (signed release), to other agencies providing correctional services to the offender, e.g. halfway houses, treatment centers, etc.
- E. 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.
- F. 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. Disposition of Offender Case Records:

- A. Upon final discharge of an offender from the DOC, the offender's legal file and institutional/unit file will be stored in a designated, secure location for five (5) years from the date of final discharge, after which, the files will be turned over to an approved contractor for shredding and proper disposal.
1. Exception may apply to offender records that are part of ongoing legal cases, as identified by DOC legal staff or others with authority to hold offender records.

V Related Directive(s):

SDCL §§ 1-27-1.13, 15-15A-7 (s), 22-22-1.3, 23-5-7, 23A-27-10, 23A-27-47, 24-2-1, 24-2-17, 24-2-18, 24-2-19, 24-2-20, 24-15-1 and 24-15A-14.

DOC policy 1.1.E.3 – [Offender Access to Records](#)

DOC policy 1.1.E.4 – [Victim Notification](#)

VI Revision Log:

June 2002: Changed Inmate to Offender when procedure applied to both inmates and parolees.

June 2003: **Added** references to policies 1.1.E.2, 1.1.E.3 and 1.1.E.4. **Revised** attachments. **Revised** policy statement.

May 2004: **Revised** the policy statement. **Added** references to SDCL § 24-2-18, 24-2-20 and 24-15-1. **Added** information required in the institutional file. **Included** additional information on attachment 1 concerning good time withheld pursuant to SDCL § 24-2-18.

May 2005: **Updated** the name of policy 1.1.E.3. **Revised** attachment 1. **Changed** policy name from Inmate and Parole to Offender. **Revised** handling of sex offender records to reflect that the STOP program is now under the DOC.

June 2006: **Added** a reference to SDCL § 23-5-7, 23A-27-10 and 23A-27-47. **Revised** attachments 2 and 3. **Deleted** specific information on mental health summaries, psychological and psychiatric information, etc. **Clarified** restrictions on sharing information from the PSI.

June 2007: Minor style and format changes throughout the policy. **Revised** attachments 1 and 2. **Combined** the sections on Safeguarding Files and Maintaining Files. **Added** a new section specifically for the PSI. **Added** the attachment for Authorization for Release of Information.

April 2008: **Replaced** "normal" with "routine" when referring routine business under the Release of Information section. **Revised** "Division of Alcohol and Drug" to read "Division of Drug and Alcohol" in the Release of Other Information section. **Replaced** "including" with "excluding" in subsection (C of Release of Other Information section) indicating the PSI cannot be released by the offender's authorization. **Revised** the statement explaining when photos and physical descriptions can be released to a duly authorized law enforcement officer and the public, in accordance with SDCL 23-5-7. **Added** subsection (G of Release of other Information section) explaining that photos may be released to obtain identification documents and as discharge ID. **Revised** headings on Attachments 1, 2 and 3 to be consistent with file name on the WAN. **Added** headers, footers and hyperlinks to Attachments 1, 2 and 3. **Deleted** "Parent's Signature" on Attachment 3 and **added** DOC policy Offender Access to Records in header and **revised** formatting of "Person/Organization/Address). **Updated** pictures of Attachments 1, 2 and 3.

March 2009: **Deleted** Legal and Institutional Files from former ss (C and D of Responsibility For Creating Records) and **added** to Definition section. **Deleted** reference to DOC policy 1.1.E.2 in definition of Legal File. **Added** reference of SDCL's in definition of Institutional File. **Added** reference to SDCL 24-2-20 and 24-2-20.1 in ss (E of Maintaining and Safeguarding Files). **Replaced** "respective" with "offender's" file in ss (A1), **added** SDCL 24-2-1 in ss (A3), **added** new ss (A4), **replaced** "may" with "shall" not and **added** reference to released to the public in ss (B) and **deleted** "with anyone" in ss (C) of PSI. **Added** reference to the Circuit Court and SDCL 24-15A-14 in ss (A3) and **reversed** ss (B1 and B2) and **added** "psychological" in ss (C) of Release of Other Information. **Added** additional state laws to Section V. **Deleted** DOC policy 1.1.E.2 in ss (V). **Replaced** inmate with offender as appropriate throughout policy. **Added** multiple sentences filing directions in Section One and **added** "ID Documents" in # 2 of Section Four within Attachment 1. **Deleted**

"Identification Envelope" in #8 of Section Three of Attachment 2.

April 2010: Revised formatting of Section 1. Added SOMP staff, halfway houses, and/or other DOC staff within ss (A3) and added SDCL 23A-27-10 to ss (A3) both within Pre-Sentence Investigation). Replaced inmate with offender in title of DOC policy 1.1.E.3. Added signature line and date for custodial parent or guardian, added reference that guardian signature only applies when offender is a minor and clarified signature line for offender within Attachment 3.

May 2011: Added definition of Sex Offender Management Program. Deleted "STOP" and Replaced with "SOMP" in Section 3 1. & 2. Deleted 4. "Information in the PSI may be required to defend the State against civil claims brought by the offender" from Section 3. A. Added "Attorney General" to Section 4 A. Deleted "that is considered public record" from Section 4 b. Deleted F. "Offender photos and physical descriptions may be released to a duly authorized law enforcement officer at any time and to the public when the subject of the photograph becomes a fugitive from justice or escapes from a penal institution" from Section 4. Deleted 3. "Parole information in the legal file may not be released to or reviewed by anyone other than members of the Board of Pardons and Paroles, Parole staff, Central Records staff, the Secretary of Corrections and any person specifically delegated for such access by the Secretary of Corrections or otherwise ordered by a Circuit Court" from Section A. 4. Added G. and H. to Section 4. Deleted attachment 4 from policy.

May 2012: Deleted "Department of Human Services" and Replaced with "Department of Social Services" in Section 3 A. 3. Deleted "Division of Drug and Alcohol" and Replaced with "Behavioral Health" in Section 4. A. 2.

May 2013: Added "or the PSI may be available as an IWP document attached to the Legal Cases screen in the Corrections Offender Management System (COMS)" in Section 3 A. 1.

April 2014: Reviewed with no changes made to the policy.

April 2015: Deleted D. in Section 2. Added "all copies of the PSI will" in Section 3 A. 2. Added "and other law enforcement agencies" in Section 3 A. 3. Added "or a court order or subpoena" to Section 4 A. 2.

April 2016: Added "and/or while under parole supervision" in Section 4 D.

April 2017: Added B. to Section 3. Added "Also see SDCL § 15-15A-7 (s)) the contents of the reports contained within the PSI may not be disclosed to the offender without written order from the sentencing judge or the sentencing judge's successor (See SDCL § 23A-27-10)" in Section 3 C. Deleted D. in Section 3. Deleted F. in Section 4.

April 2018: Added new Section 5 and other sentence and structure changes within the policy.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

08/09/2018

Date

Attachment 1: Legal File Content

The **Legal File Content** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Legal File Content** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Legal File Content**.

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

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Legal File Content Please refer to DOC policy 1.1.E.1 Adult Offender Case Records Content & Management	
LEGAL FILE CONTENT			
(Section contents are listed in order from the bottom to the top)			
Section One (Multiple sentences are listed by sections in order from the bottom to the top)			
1. Sentencing Appeals 2. NCC Information 3. Sentencing Correspondence 4. Sentencing Documents 5. Amended Sentences 6. Commitments		7. Good Time Taken Through SDCL § 24-2-18 8. Date Computation Worksheet 9. Discharge Certificate 10. Admission Worksheet 11. Audit Record	
Section Two			
1. Court Transcripts 2. Psycho-sexual Assessment 3. Pre-Service Investigation (PSI) 4. Table of Contents (this document)			
Section Three			
1. Release of Information 2. Holds/Detainers/Notifications			
Section Four			
1. Miscellaneous Information 2. FBI Cards/Physical Description/Pictures/ ID Documents			
Section Five			
1. Parole Board Action Steps 2. Parole/Suspended Sentence Agreements 3. Violation Reports 4. Orders Revoking Parole or Suspended Sentence 5. Findings of Fact/Conclusions of Law		6. Appeals 7. Commitment/Pardon Envelope 8. Orders Establishing Sentence 9. Warrants	
Section Six			
1. Letters/Correspondence 2. Summary Sheets 3. Pre-Parole Placement Investigation 4. CD Discharge Summaries		5. STOP Reports 6. Unconvicted Sex Offender Reviews 7. Psychiatric/Psychological Reports 8. Compliance Reports	
Copy of the PSI in the STOP file.			
Initials			
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Attachment 2: Institutional File Content

The **Institutional File Content** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Institutional File Content** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Institutional File Content**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Institutional File Content Please refer to DOC policy 1.1.E.1 Adult Offender Case Records Content & Management
INSTITUTIONAL FILE CONTENT	
(Section contents are listed in order from the bottom to the top unless otherwise noted)	
Section One	
1. Inmate Received Envelope 2. NCIC Information 3. Sentencing Correspondence 4. Holds/Detainers/Notifications 5. Sentencing Documents	6. Date Computation Worksheets 7. Amended Sentences 8. Commitments 9. Good Time Taken Through SDCL § 24-2-18 10. Table of Contents (this document)
Section Two	
1. Court Transcripts 2. Pre-Sentence Investigation (PSI) 3. Copy of Unconvicted Sex Offender Review Documents	4. Psychological Information 5. Psychiatric Information 6. LSIR
Section Three	
1. Accident Reports 2. Incident Reports 3. Waivers 4. Release of Information	5. Receipts 6. Miscellaneous Information/Correspondence 7. Pictures/Physical Description
Section Four	
1. Classification Documents (newest documents placed on top) AIMS Code/Housing Documents (where applicable)	
Section Five	
1. Disciplinary (documents are grouped by disciplinary action. Newest document group placed on top)	
Section Six	
1. Grievance/Grievance Responses (grouped together) 2. Informal Resolution Requests/Responses (grouped together) 3. Administrative Remedy Requests/Responses (grouped together) (Newest document group is placed on top)	
Section Seven	
1. IFDC Compliance Documents 2. Financial Documents: IFR Paperwork Offender Obligation Paperwork 3. CD Discharge Summary	
Section Eight	
1. Parole Plan 2. Parole Documents 3. Narratives 4. Monthly Reports	
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Attachment 3: Authorization for Release of Information

The **Authorization for Release of Information** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Authorization for Release of Information** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Authorization for Release of Information**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Authorization for Release of Information Please refer to DOC policy 1.1.E.1, 1.1.E.2 or 1.1.E.3 Relationship w/ News Media (du) : Offender Case Records Content & Mgmt./Offender Access to Records
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: _____	
This authorization for release may be revoked by me at any time except to the extent that information has been released based on this authorization prior to receipt of notice of revocation.	
Offenders Signature: _____	Date: _____
Custodial Parent or Guardian Signature: _____	Date: _____
<i>Only applies if offender is a minor</i>	
Staff Witness Signature: _____	Date: _____
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