

1.1.A.4 Relationship with News Media, Public and Other Agencies

I Policy Index:



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II Policy:

Department of Corrections (DOC) staff will deal with news media, 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.

III Definitions:

Agencies:

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

DOC Staff:

Any person employed by the DOC, full or part time, including an individual under contract assigned to the DOC, an employee of another state agency assigned to the DOC, authorized volunteers and student interns.

Institution:

All buildings, groups and offices or real property owned, leased, operated or occupied by the DOC, including and any community-based program operating under DOC jurisdiction or contract.

News Release:

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

Offender:

Any person sentenced or remanded to the custody of the DOC that is confined in a prison, jail, or other correctional institution that houses those convicted of crimes. Includes Federal offenders and U.S. Marshal holds in the custody of the DOC, parolees under parole or suspended sentence supervision by SD Parole Services or another state and juveniles remanded to the DOC.

Recognized News Media:

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

- A. General circulation newspapers which have met the requirements to be a legal newspaper, as outlined in Chapter 17-2 –Notice and Publication.
- B. Radio or television stations or television networks holding an FCC license that regularly carry or deliver news to the public as part of its service.
- C. Periodical newsmagazines sold through newsstands or mail subscriptions to the public.
- D. 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 they are representing, free-lance reporters, talk show hosts, internet news services, authors or documentary film directors or producers, may be considered to be recognized news media for purposes of this policy on a case-by-case basis. Nothing in this definition is intended to remove or limit the DOC's discretion to determine recognized news media.

Security Perimeter:

Fences or walls (including the exterior wall of a building) that provide for the secure confinement of offenders. All entrances and exits of a security perimeter are under the control of institution staff, thereby preventing an offender from leaving the institution unsupervised or without permission.

Social Media:

Web-based technology that allows interactive dialogue. Includes but is not limited to print, broadcast, digital, and online services such as blogs, collaborative projects, content communities and social networking sites such as Facebook, LinkedIn, MySpace, Blogger and Twitter, among others, as well as video and photo-sharing sites such as Flickr and YouTube.

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 or assignment or to provide a service are not considered a tour.

IV Procedure:

1. Public Information Process:

- A. The public information process will encourage an understanding of 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 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 news media, the public and agencies during the process of gathering, exchanging or reporting information, facts, figures, data, etc.
- B. The DOC Communications and Information Manager or designee will provide and disseminate current, factual information to news media, the public and agencies. The Communications and

Information Manager 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 news media, the public and agencies to the department for information about operations, institutions, units, offenders or staff, will be responded to appropriately and promptly by designated and authorized DOC staff.
- D. Properly filed complaints regarding the public information process of the department received from news media, the public or agencies, will be investigated (See Section 7, 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 Communications and Information Manager or designee.
- B. Copies of all DOC news releases will be posted on the South Dakota Department of Corrections website (<http://doc.sd.gov/>) and other approved locations. Department information intended to dissemination to the public may also be posted to the website.

3. Release of Staff and Offender Information:

- A. Information regarding DOC offenders may be disseminated to the public with 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 (See Chapter 1-27 and SDCL § 23-5-7) protecting individual privacy rights.
 - 2. Inquiries regarding personnel matters, other than salaries or routine directory information otherwise located with the public domain, i.e. Open SD <https://open.sd.gov/>, will be referred to the South Dakota Bureau of Human Resources (BHR).
- B. Responses to inquiries for certain public information, including offender specific information, is subject to statutory provisions pertaining to public information.
 - 1. SDCL § 24-2-20 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 [Attachment 1](#)).
 - a. It is the policy of the DOC to only release an offender's current age. The offender's actual date of birth will generally only be released to agencies with a legitimate interest
 - 2. SDCL § 23-5-7. Identification records to be filed and preserved--Restrictions as to use. Any department or institution that makes or takes any photograph, impression, measurement, description or record, including confidential criminal investigative information taken or made as provided for in § 23-5-6, shall be filed and preserved by the department or institution. The department or institution may not publish, transfer or circulate any impression, measurement, description, record, or photograph, except a criminal booking photograph for a crime classified as a felony, pursuant to § 22-6-1, outside the department or institution except to a duly authorized law enforcement officer. If the subject of a measurement, description, or other record

becomes a fugitive from justice or escapes from a penal institution, then the measurement, description or record may be exhibited to the public. This section does not apply to the release of information allowed pursuant to § 24-2-20. Any criminal booking photograph for a crime classified as a felony pursuant to § 22-6-1 is a public record pursuant to chapter 1-27.

Nothing in this section requires any law enforcement agency to provide or reproduce a criminal booking photograph older than six months from the date the criminal booking photograph was taken. An agency requested to provide or reproduce a criminal booking photograph is entitled to recover costs of retrieval or reproduction pursuant to § 1-27-35.

3. Certain information concerning minor juvenile 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 2), or the court orders the release of specified confidential information. A juvenile offender 18 years of age or older, may grant consent absent authorization from a custodial parent or guardian.
 - a. Absent a signed *Authorization for Release of Information* form or court order, certain confidential information concerning a juvenile offender will only be available to the juvenile offender's parents/guardians, 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 to said persons and agencies 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 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 (See DOC policy 1.1.E.3 *Offender Access to DOC Records*).
- D. Staff should contact the Communications and Information Manager with questions regarding information considered for release that may be proprietary, protected or confidential. Any department related 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/> or social media platforms recognized and approved by the DOC, may be released, forwarded and shared publically. Examples of information not open to public inspection or release include the following (this is not intended to be an inclusive list- See SDCL §1-27-1.5):
 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;
 8. Safety or security audits or reviews;
 9. Any records which, if disclosed, could endanger the life or safety of any person; and
 10. Inmate disciplinary matters.
- E. Release of DOC related information by staff to social media (You Tube, Flickr, Twitter, Blogger and Facebook) will be consistent with the mission of the DOC (See DOC policy 1.1.A.1 [Mission, Vision and Values](#)) and will not in any way violate established standards of staff conduct (See DOC policy 1.1.C.1 [Staff Code of Ethics](#)) or jeopardize or threaten the legitimate penological interests of the department.
1. Staff posting department information to social media will not copy, transfer, release or disclose records, files or information considered confidential or proprietary by the DOC or violate state or federal privacy/confidentiality laws governing the protection and release of protected information.
 - a. Posting information, records, files, photos or documents 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 Communications and Information Manager.
- F. Any staff member who knowingly violates the confidential nature of records, files or information held by the DOC may be subject to disciplinary action and/or legal action.
- G. Any portion of a document or record to be released by the DOC may have portions of the document or record that contain information which unreasonably invades personal privacy, threatens public safety and security, discloses proprietary information or disrupts department operations, redacted from the document or record prior to release (see SDCL § [1-27-1.10](#)).

4. Access to DOC Institutions:

- A. The Governor, Attorney General, Chief Justice and Circuit Court judges may access DOC institutions at any time. The Warden of the institution and the Secretary of Corrections will be notified as soon as possible upon receipt of a request by any of the above to access a DOC institution.
- B. Requests for tours are subject to the following:
1. Tours are limited to those approved persons with a legitimate governmental, legal, educational, research, security or business interests.
 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, Director, Secretary 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 Attachment 3](#)).
 3. Requests for tours must be approved through the Warden, Director, Secretary of Corrections or designees 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 or Secretary or designees. Exceptions shall be considered on a case by case basis.
6. Tour applicants are subject to a NCIC criminal record background check, which will be conducted by trained and approved NCIC terminal users, with the results reviewed by designated and approved DOC staff.
 - a. Tour requests may be denied if the Secretary, Warden, Director or designees 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 of the DOC.
 - b. Immediate family members currently on an inmate's visit list (See DOC policy 1.5.D.1 *Inmate Visiting*), will normally not be allowed to participate in a tour of the institution where the inmate is housed. Exceptions may be granted by the Secretary, Warden or designee
7. The Warden or designee will arrange for at least one staff member to escort and supervise tour participant(s), in accordance with DOC policy 1.1.D.3 *Institution Access & ID Requirements*. Tour participants are required to sign-in prior to entry into a DOC facility and must remain under the constant and 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, guard towers, restricted housing units, the execution chamber, armories or infirmary/comfort care units may be limited or restricted by the Secretary, Warden, Director or designees.
 - b. Access to certain classifications of inmates, i.e. maximum custody, disciplinary, Restricted Housing and those with serious mental or physical health issues, may be limited or restricted by the Secretary, Warden, Director or designees, consistent with preserving the inmate's right to privacy and maintaining order and security.
8. All tour participants must present a valid photo ID to control room staff or staff assigned to a designated point of entry, prior to entering the facility.
9. Tour participants entering a DOC facility 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.

5. Media Interviews with Offenders and Staff:

- A. Requests by news media to interview DOC staff will be referred to and coordinated through the Communications and Information Manager.
 1. To ensure the accuracy of information provided to the public, staff must receive prior authorization from the Warden, Director, Secretary Communications and Information Manger prior to representing the department or responding to the news media or posting/contributing information to a social media site in a manner that may be perceived as an official representation of the department; or acting/serving as a spokesperson for or behalf of the department. Staff shall not copy, transfer, release, publish or disclose personally identifiable

- information or materials held in confidence by the DOC without prior approval by the Warden, Director, Secretary of Corrections or designees.
2. Except for scheduled events, access to DOC staff by the news media for the purpose of conducting interviews is limited to normal business hours, 7:00 a.m.-5:00 p.m., Monday through Friday, excluding state or federally recognized holidays, unless an exception is granted by the Warden, Director, Secretary of Corrections, Communications and Information Manager or designees.
 3. Members of the news media may be required to meet with the Warden, Director, Secretary of Corrections, Communications and Information Manager or designees prior to interviewing staff or offenders.
 4. Members of the news media must complete and sign a *Media Agreement for Interview* form (See Attachment 4) prior to interviewing staff and when conducting department approved interviews of offenders.
 5. Members of the news media must complete and sign the *DOC Access Approval* form and *DOC Release and Waiver of Liability* form (see Attachment 3) prior to entering a DOC institution.
 - a. Members of the news media are subject to criminal background checks prior to entering a DOC institution.
 - b. Members of the news media entering a DOC institution housing offender must be professionally dressed. Inappropriate attire includes miniskirts, see-through blouses, bra-less attire, tank tops, shorts and undershirts.
 - c. A valid form of photo identification must be presented prior to entering any DOC institution housing offenders.
 6. Members of the news media must be escorted by authorized DOC staff while within the secure perimeter of any DOC institution. Random access by news media to staff, offenders or DOC owned or leased property or facilities is prohibited.
 7. During an emergency, members of the news media may be restricted to a designated area in accordance with institutional emergency response protocol, DOC policy and operational memorandums (See DOC policy 1.3.B.1 *Emergency Response*). Access to a DOC institution, property, staff or offenders may be interrupted, delayed or terminated at any time.
- B. Members of the news media may submit a request to interview an inmate (does not include interviews in the visit room if the interviewer is an approved visitor of the inmate) to the Warden or Communications and Information Manager. The Communications and Information Manager will be notified of all requests to interview an inmate.
- C. Requests by members of the news media to interview offenders or staff must be consistent with the mission, vision and values of the DOC (See DOC policy 1.1.A.1 *Mission, Vision and Values*). The interview must not compromise the penological interests of the DOC. Offenders and staff must voluntarily agree to the interview and be capable of giving informed consent.
- a. Non-DOC approved news media interviews with an inmate may be initiated by the inmate submitting a special visit request or requesting to add the news media person to the inmate's approved visit list (See DOC policy 1.5.D.1 *Inmate Visiting*).

- b. Offenders participating in a DOC approved new media interview should complete and sign the *Offender Consent for Media Interview* form (See [Attachment 5](#)).
 - c. The DOC may designate or limit the location, day, and time of any news media interview of a DOC staff member or approved interview of DOC offenders.
 - d. If the news media member submits a request for an interview with a specific offender in DOC custody, staff may consult the SAVIN system to determine if the offender has a victim notify.
1. News media may access offenders through correspondence, the telephone/messaging system and visits, subject to all applicable operational memorandums, rules, regulations and policies (See DOC policies 1.5.D.3 [Inmate Correspondence](#), 1.5.D.4 [Inmate Access to Telephones and Tablets](#), 1.5.D.1 [Inmate Visiting](#) and ACA 4-4279).
- D. Cameras, wireless microphones, micro/miniature cameras or similar devices are not allowed within a DOC institution, unless approved by the Secretary of Corrections, Warden, Director, Communications and Information Manager or designees.
1. Use or possession of hidden/concealed cameras while in a DOC institution is strictly prohibited. Use of cameras and other recording or photographic devices is allowed at parole hearings (See Parole Board policy 8.1.A.1 [News Media and Cameras at Board Hearings](#)), provided the broadcasting, televising, recording or taking of photographs does not distract participants, impair or impede the dignity and efficiency of the proceedings and is conducted openly.
 2. Inmates may be photographed, broadcast, televised or recorded by news media, either in groups or individually. If the intent is to make public, a recording or photo of an inmate that is identifiable within the recording or photo, the inmate should complete an *Offender Consent to a Media Interview* ([Attachment 5](#)).
 3. Permission to obtain photos or video material of offenders, staff or DOC owned or leased property while on DOC owned or leased property may be limited or denied by the DOC if contrary to the penological interests of the DOC.
- E. News media conferences initiated or hosted by inmates are not allowed.
- F. Live broadcasts by news media are not allowed on property owned or leased by the DOC, unless expressly authorized by the Warden or Director or designees and Secretary of Corrections or designee.

6. Notification:

- A. Time permitting, the Secretary of Corrections or Communications and Information Manager 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, etc.
- B. In the event a non-scheduled tour by any of the above listed officials, the Warden, Director or designees will notify the Secretary of Corrections or Communications and Information Manager as soon as possible.
- C. The Warden or Director will notify the DOC Communications and Information Manager of all media contacts directed to the institution or unit as soon as possible.

7. Investigation of Complaints:

- A. Complaints regarding the department's response and dealings with the news media, the public or other agencies may be directed in writing to the Secretary of Corrections or designee.
- B. The Secretary of Corrections will assign staff to investigate the complaint and provide information/a report that summarizes the findings.
 - 1. Staff directly involved/named in the complaint will not conduct the investigation but may be contacted to provide information pertaining to the complaint.
 - 2. The findings will be forwarded to the Secretary of Corrections or designee and a response generated, as directed by the Secretary or designee.

8. Access to Public Records:

- A. Requests submitted by news media, the public or other agencies to the DOC seeking disclosure of public records, information or documents, in accordance with state law, must be in writing and directed to the DOC public records officer or Communications and Information Manager, who will in turn forward the request to the DOC public records officer and designated staff for consideration and response.
 - 1. The public records officer shall respond to the written request, pursuant to SDCL § [1-27-37](#).
 - 2. If the public records officer fails to respond to the written request with ten business days, the request shall be deemed denied.
- B. Requests for reproduction of public records is subject to a fee of up to, twenty-five cents (\$0.25) per one sided copy, 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 pursuant to SDCL § [1-27-38](#).
- D. It should be noted that certain records are excluded from public access, pursuant to SDCL § [15-15A-7](#).

V Related Directives:

SDCL: Chapter 1-27, Chapter 17-2, [15-15A-7](#), [23-5-7](#) and [24-2-20](#).

DOC policy 1.1.A.1 – [Mission, Vision and Values](#)
 DOC policy 1.1.A.3 – [Reporting Information to DOC Administration](#)
 DOC policy 1.1.C.1 -- [Code of Ethics](#)
 DOC policy 1.1.D.3 -- [Institution Access & ID Requirements](#)
 DOC policy 1.1.E.3 – [Offender Access to Records](#)
 DOC policy 1.1.E.4 -- [Release and Status Change Notification Requests](#)
 DOC policy 1.3.B.1 – [Emergency Response](#)
 DOC policy 1.5.D.1 – [Inmate Visiting](#)
 DOC policy 1.5.D.3 -- [Inmate Correspondence](#)
 DOC policy 1.5.D.4 -- [Inmate Access to Telephones](#)
 Parole Board policy 8.1.A.1-- [News Media and Cameras at Board Hearings](#)

VI Revision Index:

June 1998: Addition: Section V.A.6. on not allowing interviews with adults in the Admissions and Orientation Unit. **Removed:** V. B. 2. Juvenile offenders not being permitted to do

interviews. **Revised:** II.A.1. Release of sensitive information is now subject to DOC policy and CEO review. **Revised:** II.D.2. to say specific information about juveniles is confidential and will Not be released to public. **Revised:** V.A.1. to say juvenile must agree to interview. **Addition:** Section II.D.3. on who can receive information on juvenile offender. **Deleted:** V. E. 2. on photos of identifiable offenders in group. **Deleted:** Social Security Number on Attachment 1, number 1. **Addition:** Crime, Plea, Prosecution & defense counsel, judge, # of felonies and custody status to Attachment 1. V. D. & V.E. now include the word videotaped.

July 1999: Affected Units **changed** to All. Section V. Interviews with staff included. Section VI. new separate section on Notification and Approval.

July 2000: **Revisions** to sections III and V requiring approval for access to DOC institutions and advance arrangements for tours. **Added** Attachment 5. Revisions to section IV on how media requests require approval of CEO & Sec. of Corrections. **Revisions** to section IV on rules concerning adult and juvenile offenders being identified by media. **Revised** Attachments 2 & 4 to read offenders rather than offender's and to include parent/guardian's signature for juvenile interviews and information release.

March 2002: **Revised** Interviews D. to allow photos and video of adult offenders without consent **Added** section on media representative required background check to enter institution.

Revised Interviews D to include individuals. **Revised** Investigation of Complaints A to include Agencies. **Revised** "Central Office" references to "DOC Administration"

July 2003: **Added** references to policies 1.1.E.3 and 1.4.G.8. **Discontinued** interviews with offenders. **Added** M2/W2 sponsors can come in for a tour. **Revised** the advance notice for tours to five (5) working days. **Revised** attachments 2 and 4.

December 2003: **Revised** section on Interviews to allow interviews with offenders if it ties into the mission of the DOC. **Rearranged** the order of the attachments. **Added** an attachment for offender interviews with the media. **Revised** the order of the attachments. **Added** references to other DOC policies. **Replaced** Master Intake Form with Intake Data Collection Form and **replaced** Classification/Reclassification Form with Youth Level of Services/Case Management Inventory results in the Release of Information section.

July 2004: **Changed** attachment 3 from "Tour Request" form to the "DOC Institution Access Request" form. **Changed** the body of the policy to reflect the change in attachment 3. **Added** a definition for security perimeter. **Added** reference to policy 1.4.B.7.

April 2005: **Added** requirement for free-lance writer verification in the section on Interviews. **Replaced** CEO and Chief Executive Officer with Warden, Director or Superintendent. **Replaced** Operations Memorandum with Operational Memorandum. **Added** reference to SDCL § 24-2-20.

August 2006: **Added** a definition and section on News Releases. **Revised** the definition of Security Perimeter. **Added** a note that live broadcasts are not allowed on DOC property. **Revised** attachment 4.

March 2007: **Revised** procedures to allow an offender to have a special visit for the purposes of an interview. **Added** a statement regarding media coming into an institution to do a story on a program, vocation, etc. **Removed** the Secretary of Corrections from approving tours.

March 2008: **Replaced** the word "intending" for the word "purporting" in the Interviews section. **Revised** language on # 5 of the Interviews section to state that media representatives "may" be subject to a background check vs. "are" subject to a background check and added offenders and juveniles to the list who media may be requesting to interview. **Added** reference to the Release of Information section when media are requesting to interview staff, offenders, juveniles, and/or for the purpose of a tour. **Added** reference to the Release of Information section when recognized media are requesting to interview offenders and/or juveniles when it supports the DOC Mission Statement. **Added** Secretary of DOC or the DOC Communications and Information Manager to be contacted for prior approval of any type of camera or recording device in Attachment 3 DOC Access Institution Request. **Revised** the title of the "DOC Communications Information Officer" to "DOC Communications and Information Manager" throughout policy.

January 2009: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2. **Added** DOC Access Approval form in ss (B6) and **added** ss (B7) regarding tour participants are required to sign the waiver with Access to DOC Institutions. **Added** DOC Access Approval form to ss (A5), **added** ss (A6) regarding the media signing the DOC Release & Waiver of Liability form and **added** language excluding

parole hearings in ss (C) of Interviews. **Added** reference to Board policy 8.1.A.1 in section V. **Deleted** Attachment 3, DOC Institution Access Request and **replaced** with updated DOC Access Approval and DOC Release and Waiver of Liability form and **revised** instructions.

January 2010: **Revised** formatting of Section 1. **Clarified** titles of Attachments 2 and 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 2. **Revised** page 2 of Attachment 3 to read form must be returned within 5 working days vs. 2 weeks prior to the visit. **Added** hyperlinks.

January 2011: **Deleted** "may be subject to a background check by completing" and **Added** "are required to complete" to 5. of ss 5 **Added** A. to 5. in ss 5.

March 2013: **Added** definition of "offender" and "Institution/Institution" and "Social Media". **Added** "Nothing in this definition is intended to remove or limit the DOC's discretion to determine who constitutes recognized news media for purposes of access to offenders" in definition of Recognized News Media. **Added** "and objectives" to Section 1 A. **Added** "with due regard to privacy protection standards" to Section 1 A. 1. **Added** "safety of offenders, staff and other and the." to Section 1 A. 2. **Added** C. and D. to Section 1. **Deleted** "facilities and agencies" and **Replaced** with "authorized staff" and **Added** "as directed by the Secretary of Corrections of his/her designee" in Section 2 B. **Deleted** "agency" and **Replaced** with "unit and any ancillary units/facilities under their authority" to Section 2 C. **Deleted** "sensitive information, such as a response to an emergency situation or certain offender records is subject to" and **Replaced** with "or disclosure of records and/or information to citizens of this state and all other persons interested in the inspection and examination of records or information is subject to SDCL" and **Deleted** "and the approval of the Warden, Director or Superintendent" in Section 3 A. 1. **Added** 4. to Section 3 A. **Deleted** "the identification of" and **Deleted** "an individual or requiring" and **Deleted** "DOC policy and institution OMs" from Section 3 C. **Added** a. in Section 3 C. 1. **Deleted** "to the general public" and **Added** "or the court order the release of specific information" in Section 3 C. 2. **Added** "or a court order" and **Added** "authorized DSS staff, law enforcement staff, court services officer or a correctional or detention institution with legitimate interest in the juvenile offender" in Section 3 C. 2. a. **Added** 5) 6) and 10) to list in Section 3 C. 2. b. **Added** "medical records, legal file" and **Added** "personally identifying offender records kept or maintained by the DOC, either electronically or on file" in Section 3 D. **Added** "Any information currently and readily available on the DOC website may be released" in Section 3 E. **Added** F. and 1. and a. to Section 3. **Added** "Chief Justice" to Section 4 A. **Added** "Secretary of Corrections or designee" and "and will be arranged at a reasonable time of the day and as staff availability and time permits" to Section 4 B. 3. **Added** "or the safety of staff, offenders or tour participants" to Section 4 B. 6. a. **Added** "Tour participants shall be under direct supervision of the staff member" to Section 4 B. 7. and **Added** a. and b. **Added** "accepted form of" and **Added** "to the control room staff prior to entering the secure institution" to Section 4 B.8 **Added** new 9. and **Renumbered** previous 9 to 10. In Section 4 B. **Added** "The DOC retains the right to deny access to its facilities, staff and offenders" in Section 4 B 10. **Deleted** Any interview wherein staff may be asked to speak for/on behalf of the State of South Dakota" and **Replaced** with "To ensure accuracy of information provided to the public, the DOC does not authorize staff to represent the DOC to the news media or post/contribute to a social media site in a manner that may be perceived as an official representation of the DOC or act as an official department spokesman or copy, transfer, publish or disclose personal identifying/confidential information or materials held in confidence by the DOC without prior approval" on behalf of the Department of Corrections" in Section 5 A. 1. **Deleted** "or the institutions Public Information Officer" from Section 5 A. 3. **Added** "video or still shots" to Section 5 C. 3. **Deleted** 6. "Media representatives are required to complete a DOC Release and Waiver prior to entering the security perimeter of any DOC institution" and **Renumbered** items that followed in Section 6. A. **Added** b. and c. to Section 5 A. 5. **Added** "authorized DOC staff" and "approved purpose" to Section 5 A. 7. **Added** "DOC policy and operational memorandums" and **Added** "or the tour may be cancelled or postponed" to Section 5 A. 7. **Added** "the offenders and staff must voluntarily agree to the interview and be capable of giving informed consent" in Section 5 B. **Deleted** "statement" and **Replaced** with "vision and values" in Section 5 B. and Section 5 B. 1. **Added** "and does not compromise the security and/or disciplined operation of the institution of the safety of staff, offenders or media representatives" to Section 5 B. 1. **Added** c. to Section 5 B. **Added** "under the age of 18" and "signed

written consent” to Section 5 C. 2. **Added** 5. to Section 5 C. **Added** “owned or leased by the DOC” to Section 5 E. **Added** “Corrections Commission” to Section 6 A. and B. **Deleted** “personnel policy and public information concerns do not preclude such release” and **Replaced** with “not prohibited by policy and/or state or federal statute” in Section 7 B. 2. **Deleted** “disseminated to the complaining party, the subject of the complaint and the SOC” and **Replaced** with “forwarded as deemed appropriate by the DOC of his/her designee” in Section 7 B. 2. **Added** Section 8.

February 2014: **Added** 5. to Section 3 A.

February 2015: **Added** “will deliver news to the general public on a regular and consistent basis in print, electronic or digital format” to definition of Recognized News Media. **Deleted** B. in Section 2.

Added 2. to Section 8 A.

January 2016: **Deleted** “superintendent” throughout the policy. **Added** “No part of the public information process shall compromise the legitimate penological interests held by the DOC” in Section 1 A. 2. **Added** “to the public involving staff, offenders or programs” in Section 3 A. **Added** “and state and federal law regarding privacy rights” to Section 3 A. 1. . **Added** d. to Section 5 B. 1. **Added** “A juvenile offender 18 years of age or older may grant consent without authorization from a custodial parent or guardian” in Section 3 C. 2. **Added** “by staff authorized to release such information” in Section 3 F.

Added “micro/miniature cameras” and **Added** “Use or possession of hidden/concealed cameras while in a DOC institution is strictly prohibited. Cameras and other visual recording or photographic devices are allowed at” in Section 5 C. **Revised** language in Section 5 C. 1. **Added** “Time permitting” to Section 6 A. **Added** “shall be in writing” in Section 8 A.

January 2017: **Added** “offenders, staff and programs” to Policy statement. **Added** list of non-public information to Section 3 D. **Added** F. and G. to Section 3. **Added** “armory, infirmary/comfort care” in Section 4 B. 7 a. **Added** “unless an exception is granted by the Warden, Director, Secretary of Corrections or designee” in Section 5 A. 2. **Added** “in-person” in Section 5 B.

February 2018: **Added** “Other non-confidential department information intended to dissemination to the public may be posted to the website” in Section 2 B. **Added** 2. to Section 3 B. **Added** “Inappropriate attire includes miniskirts, see-through blouses, bra-less attire, tank tops, shorts, undershirts, etc.” in Section 5 A. 5. b. **Added** “Recognized news media shall submit any request to interview an inmate in-person (does not include interviews during approved visits at the facility) to the Communications and Information Manager” to Section 5 B. **Added** “provided the broadcasting, televising, recording or taking of photographs does not distract participants or impair the dignity of the proceedings and is conducted openly” in Section 5 C. **Added** “Consent is required to depict or record those who are identifiable” in Section 5 C. 1.

February 2019: **Deleted** 2. in Section 3 A. Language and formatting updates.

Mike Leidholt (original signature on file)

02/27/2019

Mike Leidholt, Secretary of Corrections

Date

Attachment 1: Information Released Regarding Offenders

The following information regarding offenders may be provided to victims, the public and governmental entities (SDCL § 24-2-20):

Please Note: Records of offenders under suspended imposition of sentence are sealed upon successful completion of probation conditions and discharge (23A-27-13.1; 23A-17-17).

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

Attachment 2: Authorization for Release of Information

The **Authorization for Release of Information** form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Authorization for Release of Information.doc>

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.A.4, 1.1.E1 or 1.1.E2 Relationship With News Media Adult Offender Case Records Consent & Minor Offender Access to Records
AUTHORIZATION FOR RELEASE OF INFORMATION	
I, <input type="text"/> , hereby authorize and request that the below information be	
released by <input type="text"/> (Staff Member/Facility)	of the S.D. Department of Corrections to
Person and/or Organization & Address: <input type="text"/> <input type="text"/> <input type="text"/>	for the purpose of: <input type="text"/> <input type="text"/>
Specific Information Authorized To Be Released: <input type="text"/> <input type="text"/> <input type="text"/>	
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: <input type="text"/>	Date: <input type="text"/>
Custodial Parent or Guardian Signature: <input type="text"/>	Date: <input type="text"/>
<i>Only applies if offender is a minor</i>	
Staff Witness Signature: <input type="text"/>	Date: <input type="text"/>
Revised: 12/2009 Page 1 of 1	

Attachment 3: DOC Access Approval and DOC Release and Waiver of Liability

The **DOC Access Approval & DOC Release and Waiver of Liability** are located at:
<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\DOC ACCESS APPROVAL FORM.doc>

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

Page 1 of 2

Page 2 of 2

The image shows two pages of a form titled "DOC ACCESS APPROVAL".

Page 1: Contains the title "DOC ACCESS APPROVAL" and the instruction "These Instructions ONLY apply to the Media and Tour". It lists several instructions:

- 1. Access to DOC facilities is normally granted to those people who have a governmental, legal, educational, security, or business interest in the facility.
- 2. The DOC Access Approval and Release of Liability and Waiver of Liability form must be submitted to the Warden, Director of Superintendence of the Institution or as a tie (2) working day prior to the requested access date.
- 3. Access is normally granted on business days - weekdays 9:00 a.m. to 4:00 p.m.
- 4. Access is normally granted on an approved access date with an emergency release may prevail in excluded access.
- 5. Groups must be managed on site, normally no greater than 10 people.
- 6. Applicants normally must be at least 18 years old.
- 7. Applicants must be subjected to a background check prior to being allowed access to a DOC facility.
- 8. Media releases and tour participants are required to complete a DOC Release and Waiver of Liability form prior to entering the security perimeter.
- 9. An immediate family member or an employer of a person or an on-site visitor who is not a spouse will not be allowed to enter a DOC facility.
- 10. Applicants must carry a picture to the facility.
- 11. Cameras and any other recording device cannot be brought into the facility without prior approval from the Secretary of Corrections, or the DOC Communications and Information Manager and the Warden, Director or Superintendent.
- 12. Applicants to be granted access to the facility may not carry any items, such as: firearms, knives, tools or any type, and needles (as long as they are in their original packaging) for use in a DOC facility.
- 13. Applicants are asked to not consume alcoholic beverages and/or any other items (e.g. jackets, etc.) and tobacco products in their vehicle prior to coming in a DOC facility.

Page 2: Contains a data entry section with various fields and checkboxes. The fields include:

- NAME: _____
- ADDRESS: _____
- CITY: _____ STATE: _____ ZIP: _____
- PHONE: _____
- EMAIL: _____
- DATE OF BIRTH: _____
- SEX: _____
- RACE: _____
- HAIR: _____
- EYES: _____
- HEIGHT: _____
- WEIGHT: _____
- HAIR COLOR: _____
- EYE COLOR: _____
- HAIR STYLE: _____
- EYE GLASSES: _____
- HAIR COLOR: _____
- EYE COLOR: _____
- HAIR STYLE: _____
- EYE GLASSES: _____
- HAIR COLOR: _____
- EYE COLOR: _____
- HAIR STYLE: _____
- EYE GLASSES: _____

Attachment 5: Offender Consent for Media Interview

The **Offender Consent for Media Interview** form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Offender Consent for Media Interview.doc>

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Offender Consent for Media Interview Please refer to DOC policy 1.1.A.4 Relationship with News Media, Public and Other Agencies
OFFENDER CONSENT FOR MEDIA INTERVIEW	
I, <input type="text"/>	do hereby freely give permission to
(Offender's Name)	
<input type="text"/>	to interview me on or about
(Media Organization)	
(Date)	
<p>and I authorize the media to use and release any information gathered from me during this interview for any legitimate purpose.</p> <p>I further freely give permission to the media organization to make recordings of my voice during this interview and to take photos of me (still, motion, or video) and authorize the use and release of such recording or pictures by the media represented for any legitimate purpose.</p> <p>This consent for media interview may be revoked by me any time prior to the interview.</p>	
Offender's Signature: <input type="text"/>	Date: <input type="text"/>
Staff Witness: <input type="text"/>	Date: <input type="text"/>
Parent/Guardian Signature: <input type="text"/> (for juvenile offenders)	Date: <input type="text"/>
Revised: 1/15/2009	
Page 1 of 1	