

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 people and organizations 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:

Any governmental entity, department, division or public or private agency or any municipal, county, state or national government.

DOC Staff:

For the purposes of this policy, a staff member is 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, owned, leased, operated or occupied by the DOC, all real property owned, leased or occupied by the DOC 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 intended for distribution to the news media for publication, circulation or broadcast.

Offender:

Any person sentenced or remanded to the custody of the SD 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 SD DOC, a parolee (under parole or suspended sentence supervision by SD Parole Services or under parole or supervision of another state) or a juvenile (either in private placement or aftercare).

Recognized News Media:

For the purpose of this policy, includes those personnel 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 and/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 a FCC license that regularly carries or delivers news to the public as part of its service.
- C. Periodical newsmagazines sold through newsstands or mail subscriptions to the public.
- D. National/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/ 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 and/or walls (including the exterior wall of a building) that provide for the secure confinement of offenders within an institution. 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 and includes but is not limited to print, broadcast, digital, and online services such as blogs, collaborative projects, content communities and social networking sites including but not limited to Facebook, LinkedIn, MySpace, Blogger, 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 or unit for the purpose of observing the physical plant, general operation or programs. Individuals entering a specific institution or unit to perform a legitimate job, task, inspection or assignment for the institution or unit or to provide a service to the institution or unit 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 penological interests of the department. The department's public information process will include but is not limited to:
 - 1. Appropriate and timely responses to requests and inquiries 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, the disciplined operation of the institution or unit and staff availability.

3. Cooperation with criminal justice agencies and officials 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 as deemed appropriate. The Communications and Information Manager or designee will ensure to the best of his/her ability, the information released is not limited by confidentiality and the safety and security interests of the DOC are not and will not be diminished or compromised by the release of information.
 - C. Requests from federal, state or local agencies or officials to the department for information about DOC 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 public or private agencies, news media or the public will be investigated promptly (See Section 7, Investigation of Complaints).

2. Department Releases of Information to the Public:

- A. Department news releases, media advisories and public notices will be issued by the Communications and Information Manager or designee through approved and accepted communication means.
- B. Copies of all DOC news releases will be posted on the [South Dakota Department of Corrections](http://doc.sd.gov) website (<http://doc.sd.gov>). Other non-confidential department information intended to dissemination to the public may be posted to the website.

3. Release of Staff and Offender Information:

- A. Information regarding offenders sentenced, committed or placed at an institution, unit or program under the control of the DOC or contract facility/placement may be disseminated to the public by the department 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) and laws protecting individual privacy rights.
 2. The Warden or Director may designate a DOC staff member to perform the duties of an institutional or unit Public Information Officer (PIO). The institution or unit PIO's actions shall be consistent with applicable DOC policies and mission, vision and values of the department.
 3. Inquiries regarding personnel matters involving DOC staff, other than salaries or routine directory information, should be referred to the appropriate Bureau of Human Resources (BHR) contact.
- B. Responses to inquiries for offender specific information are 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 information shall be for the purpose of community and victim notification. Release of any of the specified information for the purpose of community and victim notification 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 governmental agencies or officials.
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 of the juvenile and the juvenile signs 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 legitimate interests in the juvenile offender.
 - b. Information that may be released to those persons and agencies described in 2. a. above 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 and 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 whether information considered for release is proprietary, protected or confidential. Any

department related information posted to the DOC website (<http://doc.sd.gov/>), OPEN SD <http://open.sd.gov/> or the Boards and Commissions Portal <http://boardsandcommissions.sd.gov/> websites 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 information maintained by the DOC to social media (You Tube, Flickr, Twitter, Blogger and Facebook) by staff 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 [Code of Ethics](#)).
1. DOC 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 or release of personally identifying information.
 - a. Posting information, records, files, photos or documents on social media can create a 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. Posted information is very difficult to retract after it becomes public record.
- 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 may have portions of the document containing information precluded from public disclosure or 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 a DOC institution 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 officials to access a DOC institution.
- B. Requests for tours of DOC institutions and/or grounds owned or leased by the DOC 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 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 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 or Secretary. 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 designee determines granting an individual or group access to a DOC institution or grounds compromises or may compromise the security and disciplined operation of the institution or presents 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 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 (1) staff member to escort and supervise tour participant(s) within a DOC institution or secure perimeter, in accordance with DOC policy 1.1.D.3 [Institution Access & ID Requirements](#). Tour participants are required to sign-in prior to entry into the secure perimeter and must remain under the constant and direct supervision of a staff member for the duration of time they are within the secure perimeter.
 - a. Access to certain security sensitive areas within a DOC institution, i.e. control rooms, guard towers, restricted housing units, execution chamber at SDSP, armory or infirmary/comfort care, may be limited or restricted by the Secretary, Warden, Director or designee.
 - b. Access to certain classifications of inmates, i.e. classified as maximum custody, housed in disciplinary or restricted housing, serious mental health issue or seriously or terminally ill may be limited or restricted by the Warden, Director or designee in a manner consistent with preserving the inmate's right to privacy and maintaining order and security within the institution.
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 institution (See DOC policy 1.5.D.1 [Inmate Visiting](#)).
9. Tour participants entering a DOC institution 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 regarding their official duties or position/role within the DOC will be referred to and coordinated through the Communications and Information Manager.
 1. To ensure accuracy of information provided to the public regarding the department, staff must receive prior authorization from designated DOC staff before representing the department to the news media or public or posting/contributing information to a social media site in a manner that may be perceived as an official representation of the DOC, 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 confidential information or materials held in confidence by the DOC without prior approval by the Secretary of Corrections or designee, Warden or Director.
 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 or designee.
 3. Members of the news media authorized to interview staff or offenders may be required to meet with the Warden, Director, Secretary of Corrections, designee or the Communications and Information Manager prior to conducting the interview.
 4. Members of the news media must complete and sign a *Media Agreement for Interview* form ([See Attachment 4](#)) prior to conducting an interview with staff or an offender(s).
 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. News media members are subject to a criminal background check prior to entering a DOC institution (See Section 4 B. 6).
 - b. Members of the news media entering the institution must be professionally dressed. Inappropriate attire includes miniskirts, see-through blouses, bra-less attire, tank tops, shorts, undershirts, etc.
 - c. A valid form of photo identification must be presented prior to entering any DOC institution housing inmates.
 6. Members of the news media must be escorted by authorized DOC staff. Random access to staff, offenders or DOC owned or leased property or facilities not specific to the approved purpose of the tour 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 the facility or property may be terminated, cancelled or postponed at any time.

- B. Recognized news media shall submit any request to interview an inmate in-person (does not include interviews in the visit room if the interviewer is an approved visitor of the inmate being interviewed) to the Warden and/or Communications and Information Manager.
- C. Requests 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. In-person interviews with an inmate may be initiated through a special visit request submitted by the inmate to his/her unit staff (See DOC policy 1.5.D.1 *Inmate Visiting*).
 - b. Prior to an in-person interview, the inmate must complete and sign the *Offender Consent for Media Interview* form (See [Attachment 5](#) and Release of Information section of this policy).
 - c. The DOC may designate or limit the location, day, and time of any in-person interview involving an inmate/offender of the DOC.
 - d. If the news media member submits a request for an in-person interview with an inmate/offender to the DOC, designated staff may consult the SAVIN system to determine if the inmate/offender has a victim notify prior to approving the in-person interview.
1. News media may access offenders through correspondence, telephone system or visits, subject to all applicable operational memorandums, rules, regulations and policies (See DOC policy 1.5.D.3 *Inmate Correspondence* and DOC policy 1.5.D.4 *Inmate Access to Telephones* and ACA 4-4279).
 2. Inmates may add recognized media representatives to their visit list, subject to the limitations and provisions of DOC policy 1.5.D.1 *Inmate Visiting*.
- D. Cameras, wireless microphones, micro/miniature cameras or similar such recording devices, are not allowed within a DOC institution, unless approved by the Secretary of Corrections, Warden, Director, Communications and Information Manager or designee. 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.
1. Offenders may be photographed, broadcast, televised or recorded by media representatives, either in groups or individually, without consent. Consent is required to depict or record those who are identifiable.
 2. Permission to obtain photo or video material while on DOC owned or leased property may be limited or denied by the DOC if such activity is inconsistent with the penological interests of the DOC.
- E. News media conferences initiated or hosted by offenders 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, Director and Secretary of Corrections.

6. Notification:

- A. Time permitting, the Secretary of Corrections or Communications and Information Manager will be notified in advance by the Warden, Director or designee of scheduled VIP or official tours of a DOC institution or unit (includes but not limited to, members of the Legislature, Corrections Commission or judicial officers of the court).
- B. In the event a non-scheduled VIP or official tour is approved by the Warden or Director, the Secretary of Corrections and/or Communications and Information Manager will be notified as soon as possible.
- C. The Warden or Director will notify the DOC Communications and Information Manager of all legitimate 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 or response to an individual or public or private agency, may be directed in writing to the respective Warden, Director or Secretary of Corrections.
- B. The Warden, Director or Secretary of Corrections will assign a DOC staff member to investigate the complaint.
 - 1. Staff directly involved/named in the complaint will not initiate the investigation but may be contacted to provide information pertaining to the complaint.
 - 2. Results of the investigation will be forwarded to the Secretary of Corrections or designee and a response generated, as deemed appropriate.

8. Access to Public Records:

- A. Requests submitted by news media, public or other agencies seeking disclosure of public records, information or documents held by the DOC shall 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.
 - 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.
- A. Requests for reproduction of public records are subject to a fee of up to, twenty-five cents (\$0.25) per one sided copy (letter or legal size documents), retrieval costs and staff time.
- B. If a formal (written) request for records from the news media, public or other agency 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](#).

V Related Directives:

SDCL Chapter §§ [17-2](#), [1-27-1.10](#), [1-27-1.5](#), [1-27-37](#), [1-27-38](#), [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.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

04/23/2018

Date

Attachment 1: Information Released Regarding Offenders

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

Please Note: If an offender was incarcerated under a Suspended Imposition of Sentence (SIS) all information concerning the offender is considered confidential.

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 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.A.4, 1.1.B.1, 1.1.E.1 Relationship w/ News Media (Offender Case Records Consent & Ingram 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: _____	Only applies if offender is a minor	
Staff Witness Signature: _____	Date: _____		
Revised: 10/29/2010		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 on the state's WAN.

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

1. Click [here](#) to access the **DOC Access Approval & DOC Release and Waiver of Liability** 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 **DOC Access Approval & DOC Release and Waiver of Liability**.

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

Page 1 of 2

Page 2 of 2

The image displays two side-by-side screenshots of a web-based form titled "DOC ACCESS APPROVAL".

The left screenshot shows the form's header and a list of instructions:

- These instructions **DO NOT** apply to the Media and Tours.
- Access to DOC facilities normally is limited to those agencies that have a governmental, legal, educational, security, or business interest in that facility.
- The DOC Access Approval and Release and Waiver of Liability and Waiver of Liability forms submitted to the Warden, Director or Superintendent of the Institution are effective (2) working days prior to the requested access date.
- Access will normally be scheduled Monday - Friday from 8:00 a.m. to 5:00 p.m. including holidays.
- Early morning access to honor an approved inmate's visitation, an emergency situation may present a scheduled arrival.
- Large groups or managed care, normally no greater than 10 people.
- Requests normally must be made at least 10 days in advance.
- Requests normally must be made to a designated contact person being allowed access to a DOC facility.
- Media requests and tour requests are required to complete a DOC Release and Waiver of Liability form prior to entering the facility premises.
- On inmates family member or other person's (as on an inmate's visitation waiver approval) will not be allowed to enter a DOC facility.
- Requests involving a police or fireman.
- Camera and any video 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.
- Requests for access to the facility may be for property items, which include, but are not limited to, cellular phone, and hearing aids through clothing are among the items not allowed for wearing in a DOC facility.
- Requests are denied to such items, alcoholic beverages, any controlled substances (e.g. Jack-in-the) and tobacco products in their vehicle prior to coming in a DOC facility.

The right screenshot shows a data entry grid with various fields and a "Save" button. The grid contains several rows of data, with some fields highlighted in gray to indicate where information should be entered. The "Save" button is located at the bottom right of the grid.

Attachment 4: Media Agreement for Interview

The **Media Agreement for Interview** 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 **Media Agreement for Interview** 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 **Media Agreement for Interview**.

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

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Media Agreement For Interview Please refer to DOC policy 1.1.A.4 Relationship with News Media, Public and Other Agencies
MEDIA AGREEMENT FOR INTERVIEW	
I, <input type="text"/>	do hereby state that I am
<small>(Name)</small>	
employed/contracted by: <input type="text"/>	
<small>(Media Organization)</small>	
and I am authorized by them to conduct the interview.	
<p>The Institution staff has informed me of the rules governing my conduct during staff/male/ juvenile offender interviews and staffs within the Institution, and I agree to comply fully with them . 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 grounds .</p> <p>I further agree to obtain a release from any juvenile offender and his/her custodial parent or guardian before releasing the name of a juvenile offender, identifying a juvenile offender and before any photo, video recording, or correspondence is used in any publication or broadcast .</p> <p>I acknowledge my professional responsibility to make reasonable attempts to verify any allegations regarding an offender, staff member, or Institutional program .</p> <p>I recognize a visit to a prison or a correctional facility presents certain hazards, and I agree to assume all ordinary and usual risks to my personal safety inherent in a visit to the facility.</p>	
Signature: <input type="text"/>	Date: <input type="text"/>
Revised: 1/15/2009	Page 1 of 1

Attachment 5: Offender Consent for Media Interview

The **Offender Consent for Media Interview** 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 **Offender Consent for Media Interview** 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 **Offender Consent for Media Interview**.

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"/>	<input type="text"/>		do hereby freely give permission to
	(Offender's Name)		
<input type="text"/>	to interview me on or about	<input type="text"/>	
	(Media Organization)		(Date)
and I authorize the media to use and release any information gathered from me during this interview for any legitimate purpose.			
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.			
This consent for media interview may be revoked by me anytime prior to the interview.			
Offender's Signature:	<input type="text"/>	Date:	<input type="text"/>
Staff Witness:	<input type="text"/>	Date:	<input type="text"/>
Parent/Guardian Signature: (for juvenile offenders)	<input type="text"/>	Date:	<input type="text"/>
Revised: 11/5/2008		Page 1 of 1	