

1.1.E.4 Release and Status Change Notification Requests

I Policy Index:



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II Policy:

The Department of Corrections (DOC) will participate in a Statewide Automated Victim Information and Notification (SAVIN) system. The DOC will cooperate with the Office of the Attorney General to ensure victims are properly notified of the SAVIN system.

III Definition(s):

Notice:

For the purpose of this policy, the term notice means either written notification or electronic notification (See SDCL § 23A-28C-1.1). Electronic notification, means any telephonic, electronic mail, text messaging, and facsimile transmittal notification (See SDCL § 23A-28C-1.2).

Victim:

Any person being the direct subject of an alleged act which would constitute a crime of violence, as defined by subdivision SDCL § 22-1-2(9), simple assault between persons in a relationship described in SDCL § 25-10-3.1, stalking as defined in Chapter 22-19A, a violation of Chapter 22-22, or driving under the influence vehicle accident under the laws of South Dakota or the laws of the United States. In cases involving a crime of violence where the victim does not survive the act, the term victim shall mean the member(s) of the immediate family of the primary victim (See SDCL § 23A-28C-4).

Sentencing Judge:

For purposes of this policy, a sentencing judge is the judge who imposed at least one (1) of the sentences an offender is currently serving on his/her most recent admission to the adult correctional system.

Interested Party:

For purposes of this policy, an interested party is any person, business or agency, including law enforcement, state agencies, court officials and financial institutions that do not meet the definition of "victim or sentencing judge" but have requested notice of an offender's change in status.

Minimum Custody Status:

This is a custody classification which allows an offender to be housed in a non-secure facility. Minimum custody offenders may be transported/escorted outside the secure perimeter without mechanical restraints and may be permitted unsupervised access to the community for certain approved purposes/activities (See DOC policy 1.4.B.2 *Male Offender Classification* and 1.4.B.14 *Female Offender Classification*).

Offender:

For the purpose of this policy, offender means an offender in the custody of the Department of Corrections, a parolee participating in the Community Transition Program (CTP), or a parolee under parole or suspended supervision by South Dakota Parole Services.

Furlough:

For the purpose of this policy, a furlough is the authorized absence of an inmate from DOC custody for an approved reason. An inmate released to furlough shall remain in the legal custody of the Department but will have unsupervised access to the community (See DOC policy 1.4.G.4 [Inmate Furlough](#)).

Work Release:

A program that allows approved inmates to be competitively employed in the community pursuant to SDCL § 24-8 (See DOC policy 1.5.A.5 [Work Release](#)). Work release inmate's activities are periodically monitored by correctional staff; however, the majority of the inmate's time spent in the community is not under the direct supervision of DOC staff.

Community Transition Program (CTP):

A program to assist an offender's transition to community supervision. Offenders participating in CTP may be housed within a DOC facility but receive most of the benefits of parole/suspended sentence. CTP Phase 2 offenders may access the community for employment purposes and other reasons as approved by the DOC (See DOC policy 1.5.G.2 [Parole Community Transition Program](#)).

Adult Comprehensive Offender Management System (COMS):

A DOC database for staff use in the management, storage, and collection of informational and statistical data pertaining to adult corrections and parole agent caseloads.

Statewide Automated Victim Information and Notification (SAVIN):

A free automated service provided by the Office of the Attorney General that provides crime victims with vital information and notification 24 hours a day, 365 days a year. This service allows victims to obtain offender information and to register for notification of a change in offender status. All registrations are kept confidential.

IV Procedure(s):**1. Guidelines for Notice:**

- A. All requests for notice received by the DOC from a victim or interested party, regardless of the offender's housing location or status, will be directed or forwarded to the SAVIN coordinator or to the SAVIN website (savin.sd.gov). All requests for notice received by the DOC will be treated as confidential and will not be disclosed to an offender (See SDCL § [23A-28C-2](#)).
 1. Sentencing judges may be provided notice by written communication, telephone, electronic mail, text or facsimile by SAVIN (See SDCL § [24-1-36](#)).
 - a. If sentencing Judge's request for notice is processed by the DOC, the DOC will only provide notice when the offender is released from prison, escapes/returns from escape, is placed on furlough or placed on or removed from Work Release.
 2. If the victim is a minor, the victim's parent(s) or guardian(s) may request notice from SAVIN on behalf of the minor (See SDCL § [23A-28C-14](#)).
- B. The person requesting notice is responsible for notifying SAVIN of any changes in their contact information.

2. Offender Status Changes:

- A. Notice will be provided by the DOC electronic data transfer system to SAVIN in real time when an offender's status changes as a result of the following (See SDCL §§ [23-28C-1](#), [23A-28C-5](#), [23A-28C-11](#) & [23A-28C-12](#)):
1. An offender's escape from custody and return to custody;
 2. Pending release of the offender due to expiration of sentence;
 3. Offender is granted a furlough;
 4. Offender is placed on work release or removed from work release;
 5. Offender is granted or denied parole or suspended sentence by parole staff (See ARSD [17:60:02:08](#));
 6. Offender is returned to custody for a parole revocation or suspended sentence violation;
 7. Offender is placed in Community Transition Program (CTP) or removed from CTP;
 8. Offender absconds from parole supervision or CTP and offender's return to custody;
 9. Offender is placed on electronic tracking/monitoring or removed from electronic tracking/monitoring;
 10. Offender is placed on minimum classification or removed from minimum classification;
 11. Offender is scheduled for discretionary parole hearing or an unscheduled parole hearing by parole staff;
 12. Offender is scheduled for clemency hearings before the full Board (following approval by the panel to forward the request for a hearing to the Board) by parole staff;
 13. The outcome of clemency hearing before the full Board;
 14. The Governor's decision regarding an offender/offender's clemency request (pardon or commutation);
 15. The offender will be considered for early final discharge or partial final discharge by the Board, and
 16. Death of the offender (notice will be delayed up to 5 days to allow notification of the offender's next of kin or emergency contact).

V Related Directive(s):

SDCL Chapter [22-22](#), [22-19A](#), [22-1-2\(9\)](#), [22-28C-1](#), [23A-28C-1.1](#), [23A-28C-1.2](#), [23A-28C-2](#), [23A-28C-4](#), [23A-28C-5](#), [23A-28C-11](#), [23A-28C-12](#), [23A-28C-14](#), [24-1-36](#) and [25-10-3.1](#)
South Dakota Administrative Rule § [17:60:02:08](#) and [17:60:05:19](#).

VI Revision Log:

June 2002: Changed offender to offender to reflect policy application to offenders and parolees. **Clarified** notice of discharge procedures and responsible staff in section 2 and 3 of Notification Process
June 2003: **Added** notification information put on the QS screen. **Added** reference to Work Release policy.
Rearranged information into new sections. **Added** reference on minor's request for notification. **Revised** Attachment 1 (Victim Notification Request Letter).

May 2004: **Added** commutation recommendations and early discharge recommendations to the complete notice. **Added** reference to the Notifier Database under the Citrix Program. **Added** reference to policies 1.4.B.2, 1.4.E.6 and 1.4.G.4. **Added** a statement to allow some agencies to request a complete notice.

April 2005: **Revised** the definition of Sentencing Judge and Interested Party. **Added** reference to the Community Transition Program under the section on Notification Options. **Revised** attachment 1. **Added** language that notification requests from judges can be via e-mail. **Added** that Central Records staff may fill out the "Notification Request Letter" if a victim contacts their office by telephone. **Added** the DOC web site as a place to obtain the "Victim Notification Letter".

July 2006: **Added** a specific Central Records staff person to review notification requests. **Deleted** "in Sioux Falls" from the Central Records staff references. **Added** a definition for CTP. **Clarified** that staff will attempt to contact inquiring parties for missing information deemed necessary. **Added** CTP absconders as part of the notification process. **Revised** the policy statement and several definitions. **Revised** the section on Guidelines for Notification. **Added** information for scheduled parole hearings under a "complete notice". **Clarified** notifications apply to Phase 2 of the CTP. **Revised** attachment 1.

April 2008: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2 Policy and Operational Memorandum Management. **Revised** various numbering and lettering of statements throughout policy as a result of adding, deleting or moving items in policy. **Deleted** "businesses" in the Definition of "Interested Party". **Added** "or e-mail contact" and "or e-mail address" in subsection (C 1 of Guidelines for Notification) as it pertains to a notification letter being returned, due to wrong or old address. **Deleted** "The DOC will provide a supply of blank "Notification Request Letters" to each State's Attorney's office In South Dakota" in subsection (A 1 of Notification Requests from a Victim or Interested Party section) and **revised** sentence to state DOC will inform each State's Attorney's Office in South Dakota upon request on how to access a blank Notification Request Letter through the website. **Added** "the party may be referred to the website" in subsection (B of Notification Requests from a Victim or Interested Party section) concerning if the initial request for notice is made by the victim or another party in another format. **Added** SDCL 24-14-4.1 to subsection (A 1 of Guidelines for Notification section). **Changed** SDCL 24-25-3 to 24-15-3 in subsection (A 1 of Guidelines for Notification section), as 24-25-3 does not appear to be an existing SDCL. **Moved** subsection (A 2 of Guidelines for Notification section to subsection D of Guidelines of Notification section) indicated all information relating to notification requests from a victim or sentencing judge will be kept confidential. **Added** subsection (d of 3 of the Guidelines for Notification section) to include the victim, or sentencing judge or interested party's e-mail address. **Replaced** "computer offender notifier program" with "Citrix Notifier Database" throughout policy. **Replaced** "normally" with "most commonly" throughout policy. **Revised** subsection (B of Review of Notification Requests section) to indicate attempts will be made to obtain complete contact information to complete the notification. **Moved** Review of Notification Requests section before Notification Options section. **Added** "An interested party can only select a release notice" in subsection (A of Notification Options section). **Revised** subsection (B 1 through 14 of Notification Options section to combine when a Complete Notice is relevant. **Replaced** "discharged" with "released" in subsection (B 2 and C 1 of Notifications Options section). **Added** subsections (B 9 & 10 of Notification Options section) noting any type of absconding and placement in a halfway house. **Added** "of scheduled parole hearings" in subsection (B 11 of Notifications Option section). **Replaced** "commutation" with "clemency" in subsection (B 12 of Notification Options section) and **added** "by the Board of Pardons and Paroles" to the same section. **Added** "failure to return from a furlough, and" in subsection (C 1 of Notification Process section) and **deleted** "from CTP" in that same subsection. **Added** "from a furlough or return" in subsection (C 1 a of Notification Process section). **Revised** subsection (C 1 a of Notification Process section) into two individual bullets regarding who makes the telephone call concerning an escape during working hours and non-working hours. **Added** "from DOC Central Records staff" in subsections (2 a and 2 b of Notification Process section) indicating who makes the contact. **Deleted** "DOC Central Records staff is responsible for notices of discharges, via letter and telephone" in subsection (C 4 of Notification Process section) and combined with subsection (C 4 of the same section). **Added** "or capture of an offender who failed to return from a furlough" and "(parole release) or within five (5) working days of the offender being received at a DOC facility (other situations)" in subsection (C 4 of Notification Process section). **Added** "Phase 2 of the CTP" in subsection (D 5 of Notification Process section). **Added** SDCL 24-14-4.1 and www.state.sd.us/corrections/forms.htm to Related Directive(s) section. **Replaced** Community Transition Program to CTP as appropriate throughout policy. **Revised** other minor grammatical and sentence structure throughout policy. **Updated** Attachment 1 with header, footer, hyperlink, e-mail address and updated attachment picture to policy.

March 2009: **Added** “escape to “death” in ss (A2 of Guidelines for Notification). **Added** ss (B10) regarding GPS, **replaced** statement regarding letter and telephone contact with notifying by letter within 3 weeks and 1 week in ss (B11), **added** reference to facility in ss (C1) and **added** ss (C4 – C8) of Notification Options. **Deleted** reference to B1 and B2 in ss (C), **added** capture from a furlough in ss (C1a), **revised** ss (C1b) to include contacting Central Records or OIC at SDSP to make the call, **deleted** former ss (C2b) regarding unscheduled discharges notification by letter, **added** “CTP” and **deleted** capture of an offender who failed to return from a furlough in ss (C4) and **deleted** reference of Phase 2 of CTP in ss (C5) of Notification Process. **Added** discretionary parole hearing to Option 1 within Attachment 1

May 2009: **Replaced** “offender” with “parolee” and **added** “removed from GPS monitoring” in ss (B10) and **added** “offender” in ss (B11) all within Notification Options. **Added** reference to “capture of an offender who failed to return from a furlough” in ss (C1 of Notification Process).

April 2010: **Revised** formatting of Section 1. **Replaced** “are” with “may be” in definition of CTP regarding housing placement. **Added** reference to Complete Notice in ss (A1), **added** Release Notice to ss (A2) **deleted** escape, return from escape and absconding supervision in ss (A2) and **added** removed from CTP in ss (A2) all within (Guidelines for Notification). **Revised** title of DOC policy Offender Classification by referencing both 1.4.B.2 and 1.4.B.14. **Deleted** Phase 2 within ss (B8), **deleted** escape and return from escape in former ss (C6), **deleted** absconding supervision from former ss (C7) and **added** removed from CTP in new ss (C7) all within (Notification Options). **Replaced** commutation with clemency, **added** absconds supervision and placed on or removed from GPS within (Option 1), **added** released and removed from CTP in (Option 2) all within (Attachment 1).

March 2011: **Added** “serving” and “prison sentence or” to Section 1 ss 2, 3. **Added** reference to SDCL to Section 1, B 2. **Replaced** “wrong” with “incorrect” and **Deleted** “telephone or e-mail contact will be attempted when a number or e-mail address has been provided” **Replaced** with “Records staff will attempt to establish contact with the person or interested party via telephone or e-mail provided the person/party included this information in their application” in Section 1 C. 1. **Deleted** C. 2 in Section 1 “If a correct address cannot be obtained, the request for notice may be removed from the offender’s record” **Replaced** with “If Records staff are unsuccessful in contacting the person/interested party and a correct address cannot be located, the request for notice may be placed on inactive status in the Citrix Notifier data base.” **Added** “previously listed in the Citrix Notifier Database” to E in Section 1. **Deleted** “the judge imposed” **Replaced** with “imposed by the requesting judge” in Section 2, A. **Added** “requests notification and **Deleted** “make a separate written request” **Replaced** with “be required to submit a Notification Request Letter” in Section 3, D. **Deleted** all after the word “hearings” in Section 5 B. 12. **Replaced** “from” with “following” in Section 5 B. 1. **Deleted** “Pending” from Section 5. B.2. **Revised** Section 5. B. 3 to say “Granted a furlough or failure to return from a furlough”. **Removed** B. 5 from Section 5. (Placement on minimum custody status or removal from minimum custody status). **Deleted** “Release on” **Replaced** with “When granted” in Section 5 B. 6. **Deleted** “a parolee” and **Replaced** with “an offender” in Section 5 B. 9. **Added** reference to DOC policy 1.4.B.10 GPS monitoring to Section 5. B.10. **Deleted** “a halfway house, return to a DOC facility after residing in a halfway house” **Replaced** with “a minimum custody facility, removal from a minimum custody facility” in Section 5 B. 11. **Added** “and unscheduled parole hearings” to Section 5 B. 11. **Added** 13. “Scheduled Clemency hearings before the full Board. **Revised** Section 5 B. 14 to “Outcome of clemency hearing before the full Board”. **Revised** Section 5 B. 15 to “Governor’s decision regarding clemency request (pardon or commutation”. **Renumbered** 14. “Early discharge recommendations to 16. and 15. “Death” was **renumbered** to 17. **Added** “If an offender” and **replaced** “will be noticed by a telephone call to the victim/sentencing judge and followed with a notification letter within one (1) working day” with “staff will attempt to contact those who have requested a Complete Notice via a telephone call” in Section 6 C. 1. **Added** “is granted a furlough to Section 6 C. 1.a. **Replaced** “regarding furloughs, escapes and returns to custody following escape” with “to the victim(s) and or sentencing judge whenever any of the above stated activities occur the next working day” in Section 6 C. 1. c. **Deleted** “release” and **Replaced** with “discharge from custody” in Section 6. C. 2. **Added** “the next working day” to Section 6 C. 2. a. and **Replaced** “prison” with “custody”. **Added** parole “granted” and **Deleted** “to include” with “removal from “CTP in Section 6.C. 4. **Added** 7 to Section 6 C. **Added** a. and b. to Section 6, C. 7. **Added** new Section 7 GPS Notifications. **Added** new section 8 “Returned Notification Letters”. **Added** A. 1. & 2 and B. 1 & 2. to new Section 7.

May 2012: **Deleted** “Non-Public” and **Replaced** with “Public”. **Added** “on offenders” to Policy statement. **Added** “In cases involving a crime of violence where the victim does not survive the act, the term victim shall mean the member(s) of the immediate family of the primary victim”. **Deleted** “The offender on whom a

notification is requested must” and **Replaced** with “Requests for notification only apply to offenders” and **Added** “and/or SD offenders who are” to Section 1 A. 3. **Deleted** “or in the case of a victim from the” and **Replaced** with or prosecutor/State’s Attorney’s office” to Section 1 B. 1. **Added** a. to Section 1 B. 1. **Added** “Requests for notification shall be kept by the DOC until the offender’s discharge from prison and/or parole” in Section 1 D. **Deleted** “Discharge from custody of the DOC “and **Replaced** with “Pending release of the offender due to expiration of sentence” to Section 4 B. 2. **Added** new 12. “Following approval by the panel to grant an offender’s request for a hearing before the full board” to Section 4 B. **Deleted** “Discharge from custody of the DOC “and **Replaced** with “Pending release of the offender due to expiration of sentence” to Section 4 C. 1. **Deleted** “and/or unscheduled parole hearings” and **Added** “following approval by the panel to forward request for a hearing to Board”. in Section 5 B. 11. **Added** “DOC” custody and **Deleted** “captured and **Replaced** with “returned to DOC custody” and **Added** “or is removed from the Work Release program or CTP and **Deleted** “absconds” in Section 6 C. 1. **Deleted** “the month proceeding” and **Replaced** with “at least two (2) weeks prior to” in Section 6 C. 2. **Deleted** “letter” and **Replaced** with “first class mail” and **Deleted** “three (3) and **Replaced** with two (2) in Section 6 C. 3. **Deleted** “Offender deaths will be noticed by letter to” and **Added** “shall be notified of an offender’s death via first class mail within two (2) weeks of the DOC receiving notice of the death” in Section 6 C. 4. **Added** “or outcome of early final or partial discharge consideration” and **Deleted** “working” in Section 6 C. 5. **Added** “and shall include the offender’s clemency hearing date, time and location and shall advise that they may be present at the hearing and state an opinion regarding the clemency request” in Section 6 C. 7. **Added** “The notice shall advise the victim that they may contact the Governor to state their opinion regarding the offender’s request for clemency” in Section 6 C. 7. a.

May 2013: **Added** definition of “COMS”. **Removed** “Phase 2” from definition of offender. **Deleted** Citrix Notifier database” and **Replaced** with “COMS Victim Model” throughout the policy. **Deleted** “the victim” and **Replaced** with “meeting the definition of a “victim” as set forth in Chapter 23A-28C” in Section 1 B. 1. a. **Added** “and the most recent place for notification” in Section 1 D. **Added** “each” to Section 3 C. **Deleted** “The notice shall include the scheduled date of release from supervision” from Section 5 B. 5. **Added** “notification will be provided to the most recent place of notification for” in Section 6 C. **Deleted** “contact” and **Replaced** with “provide notification to” in Section 6 C. 1. **Deleted** “a notice shall be sent via first class mail” and **Replaced** with “or consideration of early final discharge” and **Deleted** “two weeks” and **Replaced** with “will be notified of the hearing a minimum of one week” and **Deleted** “or one week prior to an unscheduled hearing or the Board’s consideration of early final discharge” and **Replaced** with “Notification may be by telephone or first class mail. If by mail, the notice must be sent a minimum of two weeks prior to the scheduled hearing” in Section 6 C. 3. **Deleted** “or the outcome of the Board’s” in Section 6 C. 5. **Deleted** “by the DOC Classification/Transfer office staff” in Section 6 C. 6. **Added** a. to Section 6 C. 8.

April 2014: **Changed** title of policy from “Release Notification Request” to “Release and Status Change Notification Requests”. Revisions to the policy to comply with SDCL 23A-28C.

April 2015: **Added** “or victim” to Section 1 C. 1. **Added** “or can’t be reached by telephone” to Section 1 C. 2. **Updated** Attachment 1 and **Added** Attachment 2.

April 2016: Extensive revisions to policy to accommodate the SAVIN system.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

08/15/2016

Date