

1.1. E.4 Victim Notification

I Policy Index:



Date Signed: 05/31/2018
Distribution: Public
Replaces Policy: 1E.7
Supersedes Policy Dated: 05/08/2017
Affected Units: Adult Units
Effective Date: 06/25/2018
Scheduled Revision Date: April 2019
Revision Number: 18
Office of Primary Responsibility: DOC Administration

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 information is reported into system as required (See SDCL § 23A-28C-10).

III Definition(s):

Marsy's Law:

An initiated constitutional amendment that affords certain crime victims specific rights.

Notice:

For the purpose of this policy, to provide notice means, to provide reasonable, accurate and timely/prompt written or electronic notice to the victim or sentencing judge, for the purpose of informing the victim or sentencing judge of certain status changes or movements of an offender, decisions affecting the offender and the right of the victim to be present and heard (to provide information to be considered) at certain proceedings involving the offender. Electronic notification, means any telephonic, electronic mail, text messaging, and facsimile transmittal notification (See SDCL § 23A-28C-1.2).

Offender:

For the purpose of this policy, offender means an adult 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.

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 (current booking).

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.

Victim:

SDCL § 23A-28C-4 A victim is defined as a person who is the direct subject of an alleged act that would constitute a crime of violence as defined by subdivision § 22-1-2(9), burglary in the second degree, simple assault as defined in § 22-18-1 and § 22-18-1.5, interference with emergency communication as defined in § 49-31-29.2, violation of a protection order or no contact order as defined in § 25-10-13, disorderly conduct between person in a relationship described in § 25-10-3.1, stalking as defined in chapter 22-19A, a violation of chapter 22-19A, a violation of chapter 22-22, a violation of chapter 22-49, or a driving or boating under the influence vehicle accident, under the laws of South Dakota or the laws of the United States. If the victim does not survive, is a minor, or is unable to comment, victim means the members of the immediate family of the primary victim. The victim may also designate a representative to act on the victim's behalf.

IV Procedure(s):

1. Guidelines for Providing Notice:

- A. Victims or sentencing judges who contact the DOC by telephone regarding an adult offender victim notification will be directed to the Statewide Automated Victim Information and Notification (SAVIN) website <https://savin.sd.gov/portal/>, or provided with the telephone number for the SAVIN call center (1-844-299-4608).
- B. Persons who believe they are a victim of a juvenile committed to the DOC and under the supervision of the Division of Juvenile Services, may contact the Sioux Falls or Rapid City Juvenile Services offices to request victim notification (See JCC OM 6.1.E.5 *Juvenile Victim Notification*).
- C. Written or electronic requests (email) received for notification regarding an adult offender will be forwarded to the SAVIN coordinator.
- D. A victim or sentencing judge wishing to request notification regarding an adult offender shall register with the SAVIN system, as defined by statute, where notifications, including electronic notification required by statute, shall be made (See SDCL § [23A-28C-2](#)).
 - 1. If a sentencing judge requests notification regarding an adult offender, this shall be made through the SAVIN system. Judges will be provided notification for the following status changes or movements (SDCL § [24-1-36](#)):
 - a. Releases from prison;
 - b. Escapes and returns from escape;
 - c. Placement on furlough; and
 - d. Placement on or removal from Work Release.
- E. All requests for victim notice received by the DOC will be treated as confidential and will not be disclosed to offenders (See SDCL § [23A-28C-2](#)).
 - 1. Information or records that could be used to locate or harass a victim or victim's family or which could disclose confidential or privileged information about the victim, will not be released to offenders (Marcy's Law).
 - 2. The victim will be notified if an offender requests such information from the DOC.
- F. The victim or sentencing judge of an adult offender is responsible for notifying SAVIN of any changes in their contact information (1-844-299-4608).

G. The obligation to provide victim notice terminates upon the adult offender's discharge from DOC custody.

2. Offender Status Changes:

- A. Notice will be provided by the DOC to SAVIN (either electronically or through other action taken by designated staff) whenever there is a change in an offender's status or a movement occurs which requires notification to victims or sentencing judges, in accordance with state statute and Marsy's Law.
- B. Notice provided to SAVIN by the DOC may be in real time as the status change or movement occurs or in advance of the status change, movement or proceeding involving the offender, as required by statute.

3. Victim Rights:

- A. Victims may obtain information about their rights by logging on to <http://atg.sd.gov/victim/marsyslaw.aspx> or by referring to the Marcy's Card, which outlines all victim's rights and the process to invoke these rights.

V Related Directive(s):

SDCL § 23A-28C-1.2, 23A-28C-2, 23A-28C-4, and 24-1-36.

JCC OM 6.1.E.5 *Juvenile Victim Notification*

VI Revision Log:

April 2016: Extensive revisions to policy to accommodate the transition of victim notification to the SAVIN system.

November 2016: **Deleted** title of Policy "Release and Status Change Notification Requests" and **Replaced** with "Victim Notification". **Revised** definition of Victim. **Deleted** and **Revised** definitions within the policy. **Added** "this shall be made through the SAVIN system. Judges will be provided notification for the following status changes or movements" in Section 1 B. 1. **Added** 1. and 2. to Section 1 C. **Deleted** list of status changes that require notice.

April 2017: **Deleted** "Written or electronic requests for victim notification received by the DOC will be forwarded to the SAVIN coordinator in Section 1 A. **Added** new B. to Section 1. **Deleted** "If the DOC chooses to provide notice to the sentencing judge" and **Replaced** with "If a sentencing judge requests notification" in Section 1 B. 1. **Added** E. to Section 1.

April 2018: **Updated** definition of "victim" to reflect changes in the statute. **Added** B. to Section 1.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

05/31/2018

Date