

## 1.1.E.4 Victim Notification

### I Policy Index:



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**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):

#### 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 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:

A victim is defined as a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. A victim also includes any spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, or a

lawful representative of a victim who is deceased, incompetent, and a minor or physically or mentally incapacitated. A victim is not the offender or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated person.

## **IV Procedure(s):**

### **1. Guidelines for Providing Notice:**

- A. All victims or sentencing judges who contact the DOC for 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. Written or electronic requests for victim notification received by the DOC will be forwarded to the SAVIN coordinator. A victim or sentencing judge wishing to participate 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, 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. Placed on or removed from Work Release.
- C. All requests for victim notice received by the DOC will be treated as confidential and will not be disclosed to an offender (See SDCL § [23A-28C-2](#)).
  1. Information or records that could be used to locate or harass an offender's victim or victim's family, or which could disclose confidential or privileged information about the victim will not be released to the offender (Marcy's Law).
  2. The victim will be notified if an offender requests such information from the DOC.
- D. The victim or sentencing judge requesting notice is responsible for notifying SAVIN of any changes in their contact information (1-844-299-4608).
- E. The obligation to provide victim notice terminates upon an offender's final discharge from DOC custody/parole supervision.

### **2. Offender Status Changes:**

- A. Notice/report 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/report 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 or Marcy's law.

### 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](#) and [24-1-36](#).

### 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.

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

05/08/2017

Date