

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

I Policy Index:



Date Signed: 05/24/2016
Distribution: Public
Replaces Policy: 1A-8
Supersedes Policy Dated: 03/27/2015
Affected Units: All Units
Effective Date: 05/25/2016
Scheduled Revision Date: January 2017
Revision Number: 18
Office of Primary Responsibility: DOC Administration

II Policy:

Department of Corrections (DOC) staff will deal with people and organizations legitimately interested in the DOC, its institutions and agencies in a manner that maintains and enhances the department's integrity and credibility.

III Definitions:

News Release:

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

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 in print, electronic or digital format. Includes broadcast and/or written medium.

- A. General circulation newspapers, which have met the requirements to be a legal newspaper as outlined in SDCL Chapter § 17-2 –Notice and Publication.
- B. Radio or television stations or television network 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 on a case-by-case basis by the DOC to be recognized news media for purposes of this policy. Nothing in this definition is intended to remove or limit the DOC's discretion to determine recognized news media.

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 an institution or unit to perform a job or provide a service in a specific institution or unit are not considered to be part of a tour.

Security Perimeter:

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

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.

Offender:

An offender is any person sentenced or remanded to the custody of the SD DOC that is confined in a prison, jail, or other correctional facility that houses those convicted of crimes. Includes Federal inmates 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).

Institution/Facility:

All buildings and offices, owned, leased, operated or occupied by the DOC, all real property owned, leased or occupied by the DOC, or a community-based program under DOC jurisdiction or contract.

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 Face book, LinkedIn, MySpace, Plaxo, Twitter, among others as well as video and photo- sharing sites such as Flickr and YouTube.

Agencies:

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

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. 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/or federal standards regarding staff and/or offender rights to confidentiality and/or privacy.
 2. Access to the department's institutions/facilities and units consistent with rights to privacy, preservation of safety and security of offenders, staff and others, the disciplined operation of the institution/facility or unit and staff availability. No part of the public information process shall compromise the legitimate penological interests held by the DOC.
 3. Cooperation with other criminal justice agencies/officials during the process of gathering information or evidence, the exchange of information, or the reporting of information, facts, figures, data, etc.

- B. The DOC Communications and Information Manager or his/her designee, will provide and disseminate current, factual information as deemed appropriate. The Communications and Information Manager, or his/her designee will ensure to the best of his/her ability, information released is not limited by confidentiality and the safety and security interests of the DOC are not and will not be diminished by the release of the information.
- C. Requests from federal, state and local agencies/officials for information about DOC operations, institutions, units, offenders or staff will be responded to appropriately and promptly by designated DOC staff.
- D. Properly filed complaints regarding the public information process of the DOC, its institutions or units, 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 his/her designee.
- 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/>).

3. Release of Information:

- A. The Warden or Director may develop and approve a means to disseminate information to the public involving staff or offenders assigned/housed at the facility/unit, programs or events at the institution/facility or unit, and any ancillary facilities or units under his/her authority.
 - 1. The release or disclosure of information outside the department by the DOC 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 state and federal laws regarding privacy rights.
 - 2. The Warden or Director may designate a DOC staff member to serve and perform the duties of a facility or unit Public Information Officer (PIO). The facility or unit PIO's actions shall be consistent with the provisions of this policy.
 - 3. Inquiries regarding a personnel matter or employment of a staff member (specific to staff employed by the DOC or assigned to the DOC by state agency) will be referred to and/or shared with Bureau of Human Resources (BHR) staff.
- B. If staff not authorized by the department to offer an official opinion(s) concerning DOC operations or to speak regarding the department's official stance/position on an issue or to provide an official statement on behalf of the department, are contacted by the media or others, the staff member will refer the person(s) making the request to his/her supervisor. The supervisor will ensure the Communications and Information Manager is contacted regarding the contact/request.
- C. Responses to inquiries involving an inmate or parolee are subject to certain statutory provisions pertaining to public information.
 - 1. SDCL [§ 24-2-20](#) provides a list of information concerning an inmate or parolee that may be released by staff or the department for the purpose of community and victim notification (does not require authorization by the inmate, See [Attachment 1](#)).

- a. Due to individual privacy concerns, it is the policy of the DOC to only release an inmate or parolee's age. The actual date of birth will only be released to governmental entities.
2. Certain information concerning juvenile offenders is confidential and will not be released unless a custodial parent or guardian and the juvenile signs an [Authorization for Release of Information](#) form (See [Attachment 2](#)), or the court orders the release of specified information. A juvenile offender 18 years of age or older may grant consent without authorization from a custodial parent or guardian.
 - a. Without a signed [Authorization for Release of Information](#) form(s) (see [Attachment 2](#)), or a court order, certain information concerning a specific juvenile offender will only be available to the juvenile offender's parents/guardians, the court, legal counsel (prosecuting and defense attorney), authorized Department of Social Services staff, law enforcement, court service officers or a correctional or detention facility with legitimate interests in the juvenile offender.
 - b. Information that may be released to those 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
- D. In no case will an offender or other unauthorized person be given access to personally identifiable information not in the public domain, and 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](#)).
- E. If DOC staff is in doubt regarding the propriety of a request for information, staff will contact the Communications and Information Manager. Any information currently and readily available placed/stored on the DOC website (<http://doc.sd.gov/>) may be released.
- F. Release of information maintained by the DOC through social media (You Tube, Flicker, Twitter, Blogger and Facebook) by staff authorized to release such information, will be consistent with the mission of the DOC (See DOC policy 1.1.A.1 [Mission, Vision and Values](#)) and will not violate standards of staff conduct contained in DOC policy 1.1.C.1 [Code of Ethics](#).
 1. DOC staff utilizing social media will not copy, transfer, release or disclose information generally considered confidential by the DOC or violate state or federal privacy or confidentiality laws governing the protection and/or release of personally identifying information.
 - a. Posting information/photos/documents on social media can be considered public record. Questions regarding information/photos/documents being considered for posting to a social media site should be directed to Communications and Information Manager.

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 CEO of the institution and the Secretary of Corrections will be notified as soon as possible upon the arrival of any of these officials.
- B. Requests for tours of DOC institutions and/or grounds owned or leased by the DOC are subject to the following rules and criteria:
1. Tours will normally be limited to those with a governmental, legal, educational, security or business interest.
 2. Requests for tours will be received at least five (5) working days in advance of the date requested for the tour through the completion of 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 arranged at a reasonable time of the day and as staff availability and time permits.
 4. Tour groups will be of a manageable size, normally no greater than fifteen (15) people.
 5. Tour participants will normally be at least eighteen (18) years of age. Exceptions may be granted on a case by case basis.
 6. Prospective tour participants are subject to a NCIC criminal records background check, which shall be reviewed by designated DOC staff. Tour participants must complete and sign the [DOC Access Approval](#) form prior to participating in a tour.
 - a. Tour requests may be denied if reasonable belief exists supporting the presence of an individual(s) or tour group will/may compromise the security and/or disciplined operation of the institution, or present a risk to the safety of staff, offenders or tour participants.
 - b. Individuals currently on an inmate's approved visit list (See DOC policy 1.5.D.1 [Inmate Visiting](#) for definition), except M2/W2 sponsors, will normally not be allowed to participate in a tour of a DOC facility.
 7. The Warden, Director, or designee will arrange for at least one (1) staff member to escort and supervise tour participant(s), in accordance with DOC policy 1.1.D.3 [Facility Access & ID Requirements](#). Tour participants will be under the constant and direct supervision of a staff member while participating in the tour.
 - a. Access to certain security sensitive areas within a DOC facility, i.e. control rooms, guard towers, protective/segregation units, special housing unit (SHU), execution chamber at SDSP, may be limited or restricted by the respective Warden or Director.
 - b. Access to certain classifications of inmates, i.e. those classified as maximum custody, disciplinary or restricted housing, inmates with a serious mental health issues, or seriously or terminally ill inmates, may be limited or restricted by the Warden or Director in a manner consistent with preserving the inmate's right to privacy and maintaining order and security within the institution/facility.

8. All tour participants must present an accepted form of photo ID to control room staff or staff assigned to a designated point of entry, prior to entering the facility (See DOC policy 1.5.D.1 [Inmate Visiting](#)).
9. Tour participants entering a DOC facility will be issued a temporary visitor ID. Tour participants entering the secure perimeter of a facility will be issued a body alarm.
10. Additional rules and guidelines regarding facility tours may be developed and implemented by the respective Warden, Director, or designee. The DOC retains the right to limit or deny access to its facilities, units, staff and inmates.

5. Offender and Staff Interviews by the Media:

- 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, 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 an official DOC spokesperson. Staff shall not copy, transfer, release, publish or disclose personal or confidential information/materials held in confidence by the DOC without prior approval by the Warden, Director, or Secretary of Corrections.
 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.
 3. Recognized news media will usually first meet with the Warden, Director, Secretary of Corrections or Communications and Information Manager prior to conducting an interview with staff.
 4. Recognized 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. Recognized news media are required to complete and sign the [DOC Access Approval](#) form and [DOC Release and Waiver of Liability](#) form (see [Attachment 3](#)) prior to entering a DOC facility (See section on [Release of Information](#) and [Attachment 3](#)).
 - a. Recognized news media are subject to a criminal background check prior to entering a DOC facility.
 - b. Recognized news media entering the institution/facility shall be professionally dressed. Inappropriate attire includes miniskirts, see-through blouses, bra-less attire, tank tops, shorts, undershirts, etc.
 - c. An approved form of photo identification is required before entering any DOC facility.
 6. Recognized news media must be escorted by authorized DOC staff. Random access to staff or DOC owned or leased property/facilities not specific to the approved purpose is prohibited.
 7. During an emergency, recognized 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*), or access may be cancelled or postponed.

- B. Recognized news media submitting an interview request to the Communications and Information Manager may be approved to interview offenders or staff, provided the purpose of the interview is consistent with the mission, vision and values of the DOC (See DOC policy 1.1.A.1 *Mission, Vision and Values*) and the content of the interview does not compromise or otherwise disrupt the security and safety of the institution, its staff and/or offenders. Offenders and staff to be interviewed must voluntarily agree to the interview and be capable of giving informed consent.
1. The Secretary of Corrections or his/her designee will make the final determination regarding whether a request to interview is consistent with the mission, vision and values of the DOC.
 - a. In-person interviews with an inmate may be initiated through a special visit request submitted by the inmate (See DOC policy 1.5.D.1 *Inmate Visiting*) or through individual telephone or mail correspondence.
 - b. Prior to an in-person interview approved by the DOC, the inmate must complete and sign the *Inmate Consent for Media Interview* form (See *Attachment 5* and the Release of Information section of this policy).
 - c. The Secretary of Corrections or his/her designee may designate or limit the location, day, time and duration of any interview approved by the DOC, as well as the number of inmates who may be interviewed.
 - d. If an inmate has a victim notifier on file (See DOC policy 1.1.E.4 *Release and Status Change Notification Requests*), all efforts shall be made to contact the victim prior to the inmate being authorized for a media interview, or prior to the story/report/interview being released to the public. Input and/or responses received by the DOC from a victim notified by the DOC will be considered when approving and/or selecting inmates for interviews by the media.
 2. Media representatives may correspond with inmates through U.S. mail or telephone calls, subject to the limitations of facility operational memorandums, rules and/or regulations and applicable DOC policies (See DOC policy 1.5.D.3 *Inmate Correspondence*).
 3. Inmates may add media representatives to their visit list, subject to the limitations and provisions described in DOC policy 1.5.D.1 *Inmate Visiting*.
- C. Cameras, wireless microphones, micro/miniature cameras, or other such types of visual recording or photographic 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 facility is strictly prohibited. Cameras and other visual recording or photographic devices are allowed at parole hearings (See Parole Board policy 8.1.A.1 *News Media and Cameras at Board Hearings*).
1. Inmates may be photographed or videotaped by media representatives, either in groups or individually without consent.
 2. Recognized news media access or photo/video opportunity on DOC owned or leased property or facilities may be limited or denied by the DOC if such access places an undue burden on the institution/facility, its staff, inmates or presents a safety and/or security concern.
- D. News conferences initiated or hosted by inmates are not allowed.

- E. Live broadcasts are not allowed on property owned or leased by the DOC unless expressly authorized by the Warden, Director and Secretary of Corrections.
- F. Nothing in this policy expressly prohibits recognized news media from entrance into a DOC facility or onto property owned or leased by the DOC to produce/generate a story on a DOC program, vocation, event, etc.

6. Notification:

- A. Time permitting, the Secretary of Corrections or Communications and Information Manager will be notified in advance by the Warden or Director of scheduled VIP or official visits to a DOC institution or unit (includes members of the Legislature, Corrections Commission, court or the news media).
- B. In the event of a non-scheduled VIP or official visit, DOC staff 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 facility or unit as soon as possible.

7. Investigation of Complaints:

- A. Complaints regarding a DOC institution, unit or the department's relationship with the media, or response to an individual, public or private agency or media for release of public information controlled by this policy, may be directed in writing to the respective Warden or Director and the 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.
 - 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, the public or other agencies seeking disclosure of public records held by the DOC, shall be in writing and directed to the Communications and Information Manger, who will 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.
- B. Requests for reproduction of public records are subject to a fee of twenty-five cents (\$0.25) per one sided copy (letter or legal size documents), retrieval costs and staff time.
- C. 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](#), [1-27-1.5](#), [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 -- [Facility 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](#)

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 inmates 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 inmate. **Deleted:** V. E. 2. on photos of identifiable inmates 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 inmates being identified by media. **Revised** Attachments 2 & 4 to read inmates rather than inmate'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 inmates 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 inmates. **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 inmates if it ties into the mission of the DOC. **Rearranged** the order of the attachments. **Added** an attachment for inmate 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 Facility 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 inmate to have a special visit for the purposes of an interview. **Added** a statement regarding media coming into a facility 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 inmates 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, inmates, juveniles, and/or for the purpose of a tour. **Added** reference to the Release of Information section when recognized media are requesting to interview inmates 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 Facility 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 Facility 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 inmate is a minor and **clarified** signature line for inmate 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 "inmate" and "Institution/Facility" 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 inmates" 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 inmates, 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 inmate 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 facility 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 facility with legitimate interest in the juvenile inmate" 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 inmate 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, inmates 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 facility” 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 inmates” 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 facility” 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 inmates 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, inmates 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, inmates 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 inmate 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 facility 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.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

05/24/2016

Date

Attachment 1: Information Released Regarding Inmates

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

Please Note: If an inmate was incarcerated under a Suspended Imposition of Sentence (SIS) all information concerning the inmate 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 inmate, 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.E.1 and 1.1.E.2 Relationship with 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** is 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 screenshots of a form titled "DOC ACCESS APPROVAL".

The left screenshot shows the title and a list of instructions:

- These instructions **DO NOT** apply to the Media and Tours.
- Individuals applying to DOC facilities normally are required to have a government-issued educational security, or business license in that facility.
- The DOC Access Approval and Release and Waiver of Liability form must be submitted to the Warden, Director or Superintendent of the Institution and 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 appointment with an attorney is normally granted a scheduled access.
- Large groups or managed access normally no greater than 10 people.
- Outings normally must be at least 10 days out.
- Prisoners are not to be taken to a facility and their prior being allowed access to a DOC facility.
- Media interviews and tour programs 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 schedule) sponsors will not be allowed to enter a DOC facility.
- Outings must carry a picture ID to remain.
- Cameras 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.
- Weapons will be defined access to the facility (may be not properly arm, whole, knives, tear gas, or any other weapons and weapons through clothing are among the same not allow for leaving in a DOC facility.
- Weapons are defined to be (guns, knives, handguns, any other weapons (e.g. jackknives) and tobacco products in their vehicle prior coming in a DOC facility.

The right screenshot shows a data entry form with various fields and a grid of checkboxes. The form includes fields for "DOC ACCESS APPROVAL" and "DOC RELEASE AND WAIVER OF LIABILITY". The grid contains checkboxes for various categories, with some cells shaded gray to indicate where information should be entered.

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	