


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY and PROCEDURE		POLICY NUMBER 1.1.A.3	PAGE NUMBER 1 OF 9
RELATED STANDARDS: ACA 5-ACL-1A-15		DISTRIBUTION: Public	SUBJECT: Staff Reporting Information to DOC Administration and Office of Risk Management
DESCRIPTION: General Administration		EFFECTIVE DATE: May 1, 2022	
REVIEW MONTH: January		SUPERSESION: 12/13/2019	
		<i>Kellie Wasko</i> KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

Information will be reported to the Department of Corrections (DOC) Administration Office and other officials as described in this policy.

II. PURPOSE

To outline the timely and thorough communication to Senior Staff members for purposes of situational awareness and action during non-routine events.

III. DEFINITIONS

Absconder:

Any parolee under the supervision of the Parole Services Division (on parole and/or suspended sentence) whose whereabouts are unknown to the supervising parole agent and whose intent, it has been determined, is to avoid supervision by Parole Services or contact by the agent or law enforcement. This includes any offender who is deliberately making his/her whereabouts unknown to his/her agent (See SDCL §23A-48-16 and DOC Policy 1.5.G.11 *Parole Absconder Management*).

Absence Without Leave (AWOL):

The failure of a juvenile to return to their assigned facility while on an approved leave. Any juvenile placed at a facility that is unaccounted for a one-hour time period (or longer), while on an approved leave, is considered to be AWOL.

Aggravated Assault:

Any person who (see SDCL § 22-18-1.1):

- (1) Attempts to cause serious bodily injury to another, or causes such injury, under circumstances manifesting extreme indifference to the value of human life;
- (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous weapon;
- (3) Assaults another with intent to commit bodily injury which results in serious bodily injury;
- (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent serious bodily harm; or
- (6) Attempts to induce a fear of death or imminent serious bodily harm by impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck, or by blocking the nose and mouth; is guilty of aggravated assault.

SECTION	SUBJECT	DOC POLICY	Page 2 of 9
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	Effective: 05/01/2022

Attempt to Locate (ATL):

A notice issued to local law enforcement by a supervising parole agent when an offender's whereabouts is unknown, and efforts are currently underway to determine whether the offender has absconded.

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.

Escape:

The unlawful departure of an inmate from the secure perimeter of an institution or the deliberate departure or fleeing of an inmate from secure custody or detainment, such as during a transport. An inmate housed within the secure perimeter of a DOC institution who is unaccounted for one-hour or longer may be placed on escape status by the Warden or designee (See SDCL § 22-11A-1). The failure of an inmate to return to official custody following a temporary leave from work release, community service, furlough, or while approved to access the community for one hour or longer will constitute "walkaway" status.

Inmate:

Any person who has been sentenced or committed to or placed in a facility under the control of the South Dakota Department of Corrections.

Office of Risk Management:

An office of the South Dakota Bureau of Administration responsible for protecting the assets of the state of South Dakota while conducting governmental activity, managing risk through insurance programs, and application of safety and loss control techniques. Risk Management has the primary responsibility of implementing the risk management objectives of the state to ensure its operations are not impaired by loss.

Parolee:

An offender who has been conditionally released to parole or suspended sentence from a South Dakota Department of Corrections (DOC) facility prior to the expiration of the offender's sentence under the supervision of the DOC (See ARSD § 17:60:01:00(6)). Parolee includes an offender received from another state under interstate compact supervision (See SDCL chapter 24-16).

Runaway:

The unauthorized departure of a juvenile committed to the DOC from a private facility, or from a custodian, includes during transport. Any juvenile placed in a private facility who is unaccounted for a one (1) hour time period or longer is considered to be on runaway status.

Serious Bodily Injury:

Bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Sexual Assault:

An assault (see SDCL §23A-35B-1) where the facts show a possibility of exchange of bodily fluids by way of:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument (unrelated staff performance of official duties).
4. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks (unrelated to staff performance of official duties).
5. Any display by a staff member, of his/her uncovered genitalia, buttocks, or breast in the presence of an offender or parolee.

SECTION	SUBJECT	DOC POLICY	Page 3 of 9
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	Effective: 05/01/2022

6. Voyeurism by a staff member.

Simple Assault:

Any person who (see SDCL § 22-18-1):

1. Attempts to cause bodily harm to another and has the actual ability and intent to cause the injury.
2. Recklessly causes bodily harm/bodily injury to another.
3. Negligently causes or attempts to cause bodily injury to another with a dangerous weapon.
4. Attempts by physical menace or credible threat to put another in fear of imminent bodily harm, with or without the actual ability to harm the other person, or
5. Intentionally causes bodily injury to another which does not result in serious bodily injury.

IV PROCEDURES

1. Monthly Reports:

A. The following DOC staff will electronically submit monthly activity reports to the DOC Administration Office Executive Assistant, the Communications and Information Manager and Secretary of Corrections by the fifth (5th) of each month. The report will include information designated within the *Monthly Report to the Secretary of Corrections* form (See Attachment 2).

1. **All Division Directors will be responsible for submitting monthly reports outlining division performance, activities, incidents of consequence, staffing concerns, and all other information necessary to communicate alignment of their division with established protocols** (See ACA 5-ACI-1A-15).

Division Directors include:

- a. Juvenile Services
- b. Parole Services
- c. Prison Operations
- d. Finance and Administration
- e. Correctional and Clinical Services

B. Metrics Monthly Report:

1. Staff responsible for maintaining and submitting data and information for the monthly Metrics report will submit the data/information in the prescribed format, to the designated DOC Administration Corrections Specialist by the tenth (10th) of each month.
2. There will be a scheduled metrics briefing that includes sets of measurements used to quantify results and performance as identified by the Secretary of Corrections.

2. Daily/Weekly Reports:

A. Daily reports and incidents will be obtained from the Comprehensive Offender Management System (COMS) by designated Parole Services staff (the Parole Services Secretary) and distributed to the Director of Parole (See SDCL §24-15-26) and designated DOC Administration staff by way of an email sent to the Administration email distribution group

B. Designated Duty Officers from each institution will submit a Weekly Duty Officer Report to designated DOC staff by way of an email sent to the Administration email distribution group (See DOC Policy 1.1.3.17 *Duty Officer*).

SECTION	SUBJECT	DOC POLICY	Page 4 of 9
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	Effective: 05/01/2022

3. Notification and Follow Up Reporting of Major Incidents:

- A. Major incidents are incidents that are outside the normal, routine business of the unit or Division that may cause public concern or notoriety. Major incidents affect the health, safety, security, custody, control and management of offenders. Major incidents that require **immediate** notification include:
1. Inmate escapes or serious escape attempts.
 2. Death of an inmate or juvenile offender.
 3. Death or serious injury of staff while on duty, including physical assault of a staff member, either with or without a weapon, instrument, or device, that requires immediate medical attention, or emergency treatment that is more extensive than basic first aid.
 4. Serious facility disruption in an institution, building, office, or property owned or leased by the DOC including but not limited to:
 - a. Hostage or riot situation.
 - b. Facility disruption involving 5 or more offenders.
 - c. Bomb threat.
 - d. Major physical plant damage caused by fire, flood/water, wind, tornado, hail, snow or ice, etc. that results in significant damage
 - e. Prior to closing any DOC office located within the community during regular business hours due to adverse weather, bomb threat, staffing/illness, disruption in utilities or services, damage, etc. Does not include statewide office closures ordered by the Governor.
 - f. Receipt of a natural disaster deployment order by the Governor or request for deployment or assistance by the Office of Emergency Management (See DOC policy 1.3.B.5 *Deployment to a Natural Disaster*).
 5. Any incident involving a staff member or inmate who has been or will be referred to the Division of Criminal Investigation (DCI) or outside law enforcement for investigation.
 6. Any use of force resulting in serious injury or death to a staff member, inmate, parolee, or juvenile offender.
 7. Any other incident that, at the discretion of the Warden or Director, with consideration given to the severity and extent of the incident, danger to the community, security of public, & possibility of media contact must be immediately reported.
- B. Major incidents must be reported at the first available opportunity **directly** to the Secretary of Corrections **and** the Deputy Secretary, day or night, seven (7) days a week.
- C. Initial direct notification will include, at a minimum, a brief description of incident, names of offenders and staff involved, relevant dates, times, and locations, and a brief explanation of immediate responses to the incident.
1. “Reported **directly**” is defined as the reporting person speaking directly to the contacted person.
 2. After direct contact has been completed, the reporting staff person will send an email to the major incident reporting group no later than the **end of the shift**. The email will include at a minimum the following information:
 - a. The date, time, and location the incident occurred.
 - b. A narrative of the major incident which includes all relevant information and facts known at the time.
 - c. A list of significant physical plant damages as a result of the major incident.
 - d. A list of significant injuries to staff and/or inmates received as a result of the major incident.
 - e. A list of all inmates/juveniles/parolees involved including name and custody level.
 - f. A Booking Summary for all offenders directly involved.
 - g. All other relevant documentation completed as a result of the major incident, i.e., checklists, informational reports, etc., available at the time.
 - h. The reporting staff’s telephone number where they can be reached if there are questions.
 3. The informational email and booking summary will only be sent **after** direct contact has been made and shall not be accepted in place of direct notification.

SECTION	SUBJECT	DOC POLICY	Page 5 of 9
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	Effective: 05/01/2022

- D. A completed *Major Incident Report* (See Attachment 3) with all relevant facts and information will be forwarded to the major incident reporting group **within twenty-four (24)** hours of the incident being reported.
1. Existing Informational Report(s) will be included as an attachment to the Major Incident Report.
 2. If a status report is generated or required, this will be communicated to the major incident reporting group, unless otherwise exempted by the Secretary of Corrections.
 3. All Major Incident Reports will be saved to the "Incident" folder on the M-drive by the DOC Administration Executive Secretary.
- E. Requests received by DOC staff from the public or media for information related to a major incident will be directed to the Communication and Information Manager.
- F. The Secretary of Corrections may redact or withhold any information that, if released, may unreasonably invade personal privacy, diminish or threaten safety and/or security, discloses proprietary information, or is or may be, part of an official investigation or may disrupt the normal and disciplined operations of the department (See SDCL chapter [1-27](#)). The DOC attorney may be consulted.
- G. At his/her discretion, the Secretary of Corrections or designee will notify the Governor's office of major incidents.

4. Notification and Reporting of Other Significant Incidents:

- A. Notifications will be made to the Secretary of Corrections, Deputy Secretary **and** Communication and Information Manager of other significant incidents by telephone or electronically. If no answer by telephone, staff may leave a voicemail briefly describing the incident and providing a telephone number where they may be reached.

An email will be sent following the notification and a booking summary and related documentation **must be** included with the e-mail when the significant incident involves an offender(s).

- B. Significant incidents that require notification by the **end of shift** on which the incident occurred include:
1. Any discharge of a DOC issued firearm by a staff member.
 2. Any incident or condition that significantly threatens the safety and security of a DOC institution, building, office, or property owned or leased by the DOC, such as major mechanical breakdown of equipment or services.
 3. The capture (placement in custody (DOC or non-DOC custody) and return of an escaped inmate to DOC custody.
 4. Arrest of an offender in the community for a serious offense involving multiple victims, negative impact to the public (significant property damage, endangerment of human life), serious assault of another, adverse contact with law enforcement, or when the arrest is likely to generate a high level of media attention.
 5. Any incident (alleged or substantiated) of sexual abuse by a staff member towards an offender.
 6. A high-risk parolee, as noted by their inclusion on the Absconder Direct Notification List, absconds supervision.
- C. Other significant incidents that require a Major Incident Report within **twenty-four (24) hours** of becoming aware of occurrence include:
1. A juvenile runaway or when a juvenile is placed on AWOL status and return of a juvenile runaway to DOC custody.
 2. Fluid assault of a staff member, as defined within SDCL §§ [22-18-26](#) and SDCL [22-18-29.1](#).
 3. Staff reporting for duty while intoxicated; and/or in possession of dangerous contraband.
 4. Death of a parolee.

SECTION	SUBJECT	DOC POLICY	Page 6 of 9
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	Effective: 05/01/2022

- D. A completed Major Incident Report (See Attachment 3) will be forwarded to the major incident reporting group contain the following:
1. Any Informational Report(s) relating to a reportable incident will be included with the Major Incident Report.
 2. A booking summary will be included for any offender directly involved in the incident.
 3. All received reports will be saved to the "Incident" folder on the M-drive by the DOC Administration Office Executive Secretary.
- E. The Secretary of Corrections or his/her designee will notify the Communication and Information Manager of reported incidents which may necessitate a press release or generate media contact.
1. In the case of a juvenile runaway, the Secretary of Corrections may release the name of the juvenile to law enforcement, media and the public if it is determined that doing so is in the best interest of the juvenile.
- F. The Secretary of Corrections or his/her designee will notify the Office of the Governor of reported incidents at his/her discretion.

5. Reporting Incidents to the Office of Risk Management:

- A. The following incidents must be reported to the Office of Risk Management by calling (605) 773-5879 during normal business hours or by sending a report electronically.
1. Death of an inmate.
 - a. If the death involves suspected foul play or is self-inflicted (suicide), Risk Management should be notified immediately. During normal business hours: (605) 773-5879, after hours contact State Radio at (605) 773-3536 (they have protocol in place to contact Risk Management).
 - b. All other deaths (natural causes or accidental) will be reported to Risk Management within twenty-four (24) hours of becoming aware of the death of the inmate.
 2. Death of staff member while on duty.
 3. Any incident (alleged or substantiated) of sexual abuse of an offender by staff or the sexual abuse of a DOC juvenile in placement will be reported within twenty-four (24) hours of staff becoming aware of the incident.
 4. State insured building or contents/property losses over one thousand dollars (\$1000).
 5. Serious adverse public contact, such as, but not limited to:
 - a. Serious injury to a visitor or a member of the public on DOC grounds.
 - 1) If the incident involved a fatality, serious bodily injury, or significant property damage, this shall be reported immediately to Claims Associates, Inc. at their 24-hour telephone number 1-888-430-2249.
 - b. Any significant damage to private property resulting from adverse public contact through the actions of DOC staff or an inmate.
 6. Any time a staff member serving in his/her official capacity is named as a defendant in a claim or lawsuit or is served legal documents making the staff member party to a lawsuit.
- B. Staff will complete a State Vehicle Accident Report form for all accidents involving a state vehicle. Forms are available at <https://boa.sd.gov/risk-management/forms.aspx>.
- C. All accidents involving a DOC staff member or offender and a non-state vehicle, or injuries sustained by a staff member as a result of an accident, or assault upon a staff member by an offender that occur during while a staff member is on duty, must be immediately reported to the staff member's supervisor. A Report of Accident, Incident or Unsafe Condition form must be completed. The form is available at: <https://boa.sd.gov/risk-management/forms.aspx>.

SECTION	SUBJECT	DOC POLICY	Page 7 of 9
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	Effective: 05/01/2022

6. Format of Major Incident Reports:

- A. All major incident reports will be documented utilizing the Major Incident Report (see Attachment 3).

V. RESPONSIBILITY

It is the responsibility of the Wardens and all Division Directors to ensure this communicative procedure is adhered to by staff and that information is conveyed in a thorough and timely manner.

VI. Authority

SDCL Chapter [1-27](#), and SDCL §§ [22-11A-1](#), [22-18-1](#), [22-18-26](#), [22-18-29.1](#), [23A-35B-1](#), [23A-48-16](#), and [24-15-26](#)

VII. History

April 2022
December 2019
February 2018
January 2017
June 2016
May 2016
December 2015
May 2015
January 2015
February 2014
August 2013

ATTACHMENTS (All attachments are in PolicyTech unless otherwise indicated).

1. DOC Policy Implementation / Adjustments
2. Monthly Report to the Secretary of Corrections.
3. Major Incident Report.

DOC POLICY IMPLEMENTATION/ADJUSTMENTS

DESCRIPTION	TITLE	POLICY #	EFFECTIVE
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	May 1, 2022

(PAROLE SERVICES)

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN

NOT APPLICABLE

WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT OF THE POLICY

IV. 4.B and 4.C:

A completed Major Incident Report will be forwarded by the regional supervisor to the major incident reporting group by the end of the following business day.

(SIGNED) Brad Lewandowski
Director of Parole Services

(DATE) 5/01/2022

DOC POLICY IMPLEMENTATION/ADJUSTMENTS

DESCRIPTION	TITLE	POLICY #	EFFECTIVE
General Administration	Staff Reporting Information to DOC Administration and Office of Risk Management	1.1.A.3	May 1, 2022

(JUVENILE SERVICES)

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN

NOT APPLICABLE

WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT OF THE POLICY

IV. 4.B and 4.C:

A completed Major Incident Report will be forwarded by the regional supervisor to the major incident reporting group by the end of the following business day.

(SIGNED) *Kristi Bunkers*
Director of Juvenile Services

(DATE) 5/01/2022