
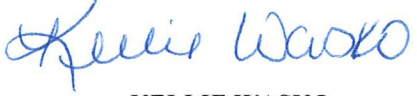


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER I.1.A.5	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Legal – Service, Tracking, and Dissemination of Legal Documents
RELATED STANDARDS:	None	EFFECTIVE DATE:	August 1, 2022
		SUPERSESSION:	04/01/2021
DESCRIPTION: General Administration	REVIEW MONTH: August	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that the DOC Attorney will monitor the status of all open lawsuits involving the DOC and oversee the processes regarding service, tracking, and distribution of legal documents.

## II. PURPOSE

The purpose of the Legal – Service, Tracking, and Dissemination of Legal Documents policy is to establish the processes involved with the acceptance of service of legal documents pertaining to lawsuits involving the DOC and any DOC staff, and the proper dissemination and tracking of documents involved with other legal matters.

## III. DEFINITIONS

None.

## IV PROCEDURES

### 1. Acceptance of Service of Summonses and Complaints:

- A. Each DOC institution and unit shall designate persons who will accept service of summonses and complaints. A primary and a backup will be identified at each facility. The persons designated may only accept service for current DOC employees. If non-DOC employees need to be served (food service contractor, vendor, etc.), the persons designated to accept service for DOC employees can assist by contacting an on-site representative for those entities but may not accept service on their behalf.
1. At no time will anyone other than the identified persons at each institution or unit accept legal service.
  2. When a summons and complaint is served and accepted, the person accepting service shall immediately **scan and email all documents received**, as well as a list of those defendants for whom service was accepted, to the email address: [DOC.LSNOTICE@state.sd.us](mailto:DOC.LSNOTICE@state.sd.us). This distribution group includes designated individuals from the Department of Corrections; the Attorney General's Office; and designated staff in the Public Entity Pool for Liability/State Risk Management Office.
  3. The designated person accepting service may accept service from the U.S. Marshals, a sheriff's office, or process server.
  4. Upon notification, the DOC Attorney shall track the date and time of service, who served the summons and complaint, a list of the defendants for whom service was accepted (not a list of all named defendants), and the name of the person who accepted service. This information will be maintained by the DOC Attorney.

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5. The DOC Attorney will maintain contact with the attorney defending the matter to remain informed of all significant actions and developments.

B. This process includes other documents as well. The designated persons at each facility will also process notice of intent to file a lawsuit per SDCL § 3-21, a Writ of Habeas Corpus (or any follow-up paperwork related to the Writ), or any other legal paperwork including, but not limited to, notice of small claims action, administrative notice of appeal, etc.). The designated person for each facility shall immediately scan and email all documents received, to the email address [DOC.LSNOTICE@state.sd.us](mailto:DOC.LSNOTICE@state.sd.us).

## 2. Staff Expectations and Standards Regarding Legal Matters:

- A. Staff members are to comply with all matters regarding the defense of a lawsuit as directed by the attorney defending the lawsuit. This includes providing information to assist in the defense, providing information required pursuant to discovery requests, and testifying at depositions or trial.
- B. No DOC staff member may publicly comment, discuss, editorialize, or provide verbal or written statements, including statements of opinion, pertaining to ongoing or current lawsuits involving the state or the DOC without prior authorization from the Secretary of Corrections. This restriction does not apply to discussions with defense counsel or legal proceedings such as a deposition or testimony in court.

## 3. Tracking and Documentation of Legal Matters:

- A. Lawsuit tracking will be maintained and updated as changes occur with pending cases. The DOC attorney updates the information in collaboration with the Attorney General’s Office.
- B. All settlement agreements and related information will be tracked and updated by the DOC Attorney.

## V. RESPONSIBILITY

The responsibility for the annual review and revision, as needed, of this policy is with the Secretary’s office.

## VI. AUTHORITY

SDCL § 32-1

## VII. HISTORY

August 2022  
 April 2021  
 February 2020  
 February 2019  
 March 2018  
 March 2017  
 February 2016  
 March 2015  
 March 2014  
 March 2013  
 April 2012

## ATTACHMENTS (Published in PolicyTech unless otherwise noted)

1. DOC Policy Implementation / Adjustments

## DOC POLICY IMPLEMENTATION/ADJUSTMENTS

DESCRIPTION	TITLE	POLICY #	EFFECTIVE
General Administration	Legal – Service, Tracking, and Dissemination of Legal Documents	1.1.A.5	08/01/2022

(FACILITY/WORK UNIT NAME)

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

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_  
Warden / Director