



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 400-02	PAGE NUMBER 1 OF 4
		DISTRIBUTION:	Public
		SUBJECT:	Adult Offender Case Records Content and Management
RELATED STANDARDS:	ACA Standards: 5-ACI: 1E-01	EFFECTIVE DATE:	January 15, 2024
		SUPERSESSION:	05/21/2021
DESCRIPTION: Offender Services	REVIEW MONTH: December	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to ensure maintenance, collection, organization, security, retention, and disposition of adult offender case records.

II. PURPOSE

The purpose of this policy is to establish procedures for record maintenance, release, and disposal.

III. DEFINITIONS

Case Records:

The entirety of documents, records, descriptions, and other information necessary to document the history of the offender and their adjustment, including rehabilitative progress, shall be kept by the DOC

Legal File/Record:

File or record containing legal documents and information necessary to calculate an offender's date computations.

IV. PROCEDURES

1. Collection of Offender Case Records and Legal Files:

- A. *Written policy and procedure govern case record management, including at a minimum, the following areas: the establishment, use, and content of offender records; the right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records [ACA 5-ACI-1E-01].* DOC central records shall collect, gather, record, and maintain legal records for each offender sentenced to the custody of the DOC. The record shall be initially documented or updated when an offender is admitted to the facility.
1. If an offender returns to a DOC facility after receiving final discharge of all previous sentences which he/she was serving, the subsequent admission shall be a new admission, which shall require a new record be created.
 2. Any additional sentences received by an offender while under the custody or supervision of the DOC will be included in the offender's legal file.
 3. The offender's driver license or state ID, birth certificate, social security card, and other identification documents/records will be kept by transition staff.

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- B. The DOC shall maintain files, documentation, and records (a case record) of each offender’s adjustment, rehabilitative progress, medical history, disciplinary conduct, and other facts considered pertinent by the warden. The case record shall contain a complete history of the offender, including the offender’s criminal history.
1. In the instance when an offender has had a legal name change, a formal order signed by any judge authorizing the name change is required and must be reviewed by DOC legal counsel to verify authenticity.
 2. When authenticity of the name change paperwork is verified, legal counsel will forward the paperwork on to central records for entry into the comprehensive offender management system (COMS) and notification to the statewide automated victim information and notification (SAVIN) and Sex Offender Registry when applicable.
- C. The warden shall direct that a true record of the conduct of each offender be maintained, including all infractions committed by the offender. Offender disciplinary matters are included in offender case records; however, disciplinary matters are not open records and not subject to public inspection or copying. Offender disciplinary matters consist of all matters relating to individual offender behavior and to all matters relating to the maintenance of order, control, and safety within any institution under the supervision of the DOC.
- D. The warden shall direct staff to take, make, and preserve photographs, measurements, descriptions, and records relating to all offenders for the purpose of identifying the offender and to prevent escape or facilitate the recapture of an offender.
- E. The Board corrections specialist, Parole administrative office staff, and/or designee(s) shall generate an adequate case history of each offender that can be accessed by the director when making recommendations to the Board of Pardons and Paroles regarding the offender. The case history shall include assessment results, including identified risks and needs of the offender and copies of records relevant to the supervision and treatment of the offender, including any violations committed. The case history shall serve as a guide to the offender’s needs and shall be maintained as part of the offender’s case record.
- F. Electronic offender case records will be developed and stored in COMS/file director in an approved and standardized format.

2. Maintaining and Safeguarding Offender Records/Files:

- A. Upon transfer or discharge all file content that is not currently scanned or entered into the offender database needs to be uploaded into COMS. Once all information is uploaded into the COMS database, the file can be destroyed.
1. Offenders received after 5/1/2021 will no longer have an institution file created. Information will be scanned or loaded into COMS.
- B. Each offender’s legal and institutional file will be clearly identifiable and will be safeguarded from unauthorized access or improper use. The security of electronic case records is controlled by the use of an active directory to manage individual permissions assigned to staff, which allows access to all or portions of an offender’s stored records.

3. Pre-Sentence Investigation (PSI):

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- A. When an offender is sentenced to the DOC, a copy of the offender’s pre-sentence report received by the DOC will be uploaded into the COMS database as an integrated word processor (IWP) document attached to the legal cases screen. DOC staff and members of the Board of Pardons and Paroles may utilize information contained in the PSI, including any pre-plea report used as the PSI report and the psycho-sexual assessment, to develop an individualized rehabilitation program for the offender. The PSI may not be disclosed to the offender without a written order from the sentencing judge or the sentencing judge’s successor.
- B. The report shall contain the offender’s prior criminal record and information about their characteristics, financial condition, circumstances surrounding his/her behavior that may be helpful in providing correctional treatment/programming for the offender, and other such other information as may be required by the sentencing court.
 1. The PSI will be available as an IWP document attached to the Legal Cases screen in COMS.
 2. All hard copies of an offender’s PSI, such as those made for the institutional file and SOMP file, will be stamped “Confidential” and may not be further copied. Any scanned image of the PSI saved into a database or other electronic records shall include a “Confidential” watermark on the saved pages of the PSI. Electronic and paper copies of an offender’s PSI shall only be accessible to those staff with permissions assigned.
 3. DOC officials may share information contained in the PSI, including any pre-plea report used as the PSI report and the psycho-sexual assessment, with DOC clinical staff, Sex Offender Management Program (SOMP) staff, contract or halfway house staff, out of state corrections staff, or law enforcement staff assisting the DOC in developing and providing a rehabilitation program for the offender. DOC staff may NOT provide an outside agency with a copy of an offender’s PSI. Offender PSIs are a court record and not accessible to the public.
- C. The PSI of any offender convicted of a felony sex crime shall include a psycho-sexual assessment, the offender’s sexual history, an identification of precursor activities to sexual offending; intellectual, adaptive, and academic functioning, social and emotional functioning, previous legal history, previous treatment history, victim selection and age, risk to the community, and treatment options recommended.
- D. The psycho-sexual assessment prepared as part of the report by a court services officer is considered confidential and shall not be released to unauthorized persons without order from the court.
- E. The state’s attorney of the county in which the offender was convicted shall furnish the warden with an official statement of the facts and circumstances constituting the crime for which the offender was convicted, with all information accessible to the state’s attorney in regard to the offender’s history, prior to conviction, and other records or information that may support the offender is capable of again becoming a law-abiding citizen. If a PSI has been prepared, this may be furnished to the warden/DOC in lieu of the state’s attorney’s official statement/report.

4. Disposition of Records:

- A. Upon final discharge of an offender from the DOC, the offender’s digital file will be stored in a designated, secure location for five (5) years from the date of final discharge, after which, the files will be destroyed/deleted.
 1. Exception may apply to offender records that are part of ongoing legal cases, as identified by DOC legal staff or others with authority to hold offender records.

V. RESPONSIBILITY

The director of Prisons is responsible for the annual review and maintenance of this policy.

VI. AUTHORITY

- A. SDCL § [1-15-20.1](#) **Inmate defined.**
- B. SDCL § [1-27-1.13](#) **Certain records not available to inmates.**

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- C. SDCL § [1-27-1.5](#) Certain records not open to inspection and copying.
- D. SDCL § [15-15A-7](#) Court records excluded from public access.
- E. SDCL § [22-22-1.3](#) Contents of presentence investigation report for person convicted of sex crime.
- F. SDCL § [23-5-6](#) Identification records made by wardens and superintendents of penal institutions.
- G. SDCL § [23-5-7](#) Identification records to be filed and preserved--Restrictions as to use.
- H. SDCL § [23-5-10](#) Definition of terms.
- I. SDCL § [23-5-11](#) Confidential criminal justice information not subject to inspection--Exception.
- J. SDCL § [23A-27-6 \(Rule 32\(c\)\(2\)\)](#) Contents of report of presentence investigation.
- K. SDCL § [23A-27-10](#) Return of presentence report to court services officer--Filing with board of pardons and paroles, state correctional facility, sheriffs, and jail administrators--Use of information upon written order of judge.
- L. SDCL § [23A-27-32](#) Restitution plan and statement of crime provided--Presentence investigation report in lieu of statement.
- M. SDCL § [23A-27-47](#) Confidentiality of records--Court order.
- N. SDCL § [24-2-17](#) Record of inmate conduct and infractions--Notice--Challenge to findings or sanctions--Investigation--Modification--Use of record.
- O. SDCL § [24-2-19](#) Documentation of pertinent information regarding inmates.
- P. SDCL § [24-2-20](#) Records and information furnished court, secretary, board, or Governor--Information that may be released for certain other purposes.
- Q. SDCL § [24-2-20.1](#) Governmental entities defined.
- R. SDCL § [24-15-1](#) Files and case histories of inmates--Purposes--Access to file.
- S. SDCL § [24-15A-5](#) Record of inmate conduct and infractions--Notice--Challenge to findings or sanctions--Investigation--Modification--Use of record.
- T. SDCL § [24-15A-14](#) File containing history of inmate--Purposes--Access to file.

VII. HISTORY

December 2023
 May 2021
 April 2020
 July 2019
 April 2018
 April 2017
 April 2016
 April 2015
 April 2014
 May 2013

ATTACHMENTS (*Indicates document opens externally)

1. Directions to Scan Information into COMS
2. DOC Policy Implementation / Adjustments