



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 500-09	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Adult Offender Victim Notification
RELATED STANDARDS:	None	EFFECTIVE DATE:	November 01, 2023
		SUPERSESION:	05/10/2021
DESCRIPTION: Offender Management	REVIEW MONTH: October	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to participate in the Statewide Automated Victim Information and Notification (SAVIN) system. The DOC will cooperate with the South Dakota Office of the Attorney General to ensure information is reported into system (see SDCL § 23A-28C-10).

II. PURPOSE

The purpose of this policy is to establish victim notification procedures for offenders who are currently serving a Department of Corrections sentence.

III. DEFINITIONS

Marsy's Law:

An initiated constitutional amendment that affords certain crime victims specific rights (see SDCL § 23A-28C-1). The amendment includes various provision regarding victim's rights to due process, notification of all proceedings affecting the disposition of the offender, and to be heard at all such proceedings, among other provisions.

Notice:

To provide reasonable, accurate, and timely/prompt written, verbal, or electronic notice to the victim or sentencing judge for the purpose of informing of certain status changes or movements of an offender, decisions affecting the offender, and the right 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).

Sentencing Judge:

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 South Dakota Office of the Attorney General that provides crime victims with vital information and notification twenty-four (24) hours a day, three hundred sixty-five (365) days a year. This service allows victims to obtain offender information and register for notification of a change in offender status. All registrations are confidential.

Victim:

Staff and offenders who are a direct subject of an alleged act which would constitute a crime of violence, as defined in subdivision § 22-1-2(9), a violation of chapter 22-22 (sex offenses), simple assault, as defined by SDCL § 22-18-

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1, violation of SDCL § 22-18-26 (offender assault on staff, visitor, or other authorized person) who has potentially been exposed to a blood-borne pathogen.

IV PROCEDURES

1. Guidelines for Providing Notice:

- A. Victims or sentencing judges who contact the DOC by telephone to request an adult offender 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. A victim or sentencing judge wishing to request notification regarding an adult offender must register with the SAVIN system. The SAVIN system shall provide notifications, including electronic notification, as required by statute (see SDCL § 23A-28C-2).
 1. If a sentencing judge requests notification regarding an adult offender, this shall be made through the SAVIN system. Sentencing judges will be provided notification for the following status changes or movements (see SDCL § 24-1-36):
 - a. Releases from prison.
 - b. Escapes and returns from escape.
 - c. Legal name change, and
 - d. Placement on or removal from work release.
- C. Written or electronic requests (email) received by the DOC from a victim requesting notification regarding an adult offender will be forwarded to the SAVIN coordinator.
- D. All requests from a victim received by the DOC will be treated as confidential and not disclosed to an offender (see SDCL § 23A-28C-2).
 1. Information or records maintained by the DOC that could be used to locate or harass a victim or victim's family, or which could disclose confidential or privileged information about the victim, will not be released (see Marsy's Law).
- E. The victim or sentencing judge requesting notification for an adult offender shall be responsible for notifying SAVIN of any changes in the contact information (1-844-299-4608). Information received by the DOC shall be forwarded to the SAVIN coordinator.
- F. The obligation to provide victim notice terminates upon the offender's final discharge from DOC custody.

2. Offender Status Changes:

- A. Notice 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 legal name, status, or a movement occurs which requires notification to a victim or sentencing judge, in accordance with state statute and Marsy's Law.
- B. Notice 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.

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 Marsy's Card, which outlines all victim's rights and the process to invoke these rights.

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V. RESPONSIBILITY

The director of Prisons and records administrator are responsible for the annual review and maintenance of this policy.

VI. AUTHORITY

- A. SDCL §§ 22-1-2(9), 22-18-1, 22-18-26, 23A-28C-1, 23A-28C-1.2, 23A-28C-2, 23A-28C-4, 23A-28C-10, and 24-1-36.

VII. HISTORY

October 2023
May 2021
April 2020
April 2019
April 2018
April 2017
November 2016
April 2016

ATTACHMENTS

1. DOC Policy Implementation / Adjustments