

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

I Policy Index:



Date Signed: *January 21, 2022*
Distribution: *Public*
Replaces Policy: *1A-8*
Supersedes Policy Dated: *01/17/2020*
Affected Units: *All Units*
Effective Date: *1/24/2022*
Scheduled Revision Date: *January 2022*
Revision Number: *23*
Office of Primary Responsibility: *DOC Administration*

II Policy:

Department of Corrections (DOC) staff will deal with recognized news media, the public and agencies legitimately interested in the DOC, its institutions, offenders, staff and programs, in a manner that maintains and enhances the department's integrity and credibility.

III Definitions:

Agencies:

Public or private, includes any municipal, county, state or national government, department or division.

DOC Staff:

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.

Institution:

All buildings, offices or real property owned, leased, operated or occupied by the DOC, including any community-based program operating under DOC jurisdiction or contract.

News Release:

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

Offender:

Any person sentenced or remanded to the custody of the DOC confined in a prison, jail or other correctional institution that houses those convicted of crimes. Includes Federal offenders and U.S. Marshal holds in the custody of the DOC, parolees under parole or suspended sentence supervision by SD Parole Services or another state and juveniles remanded to the DOC.

Recognized News Media:

Includes those persons that carry or deliver news to the general public on a regular and consistent basis, either in printed, electronic or digital format, or combination thereof. Includes broadcast 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 networks holding an FCC license that regularly carry or deliver news to the public.
- C. Periodical newsmagazines sold through newsstands or mail subscriptions to the public.
- D. National and International news services that regularly carry or deliver news to the public.

Upon receipt of a letter of verification from the media outlet represented, free-lance reporters, talk show hosts, internet news services, authors or documentary film directors or producers, may be considered to be recognized news media for purposes of this policy on a case-by-case basis. Nothing in this definition is intended to remove or limit the DOC's discretion to determine recognized news media.

Security Perimeter:

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

Social Media:

Web-based technology that allows interactive dialogue. Includes but is not limited to print, broadcast, digital, and online services such as blogs, collaborative projects, content communities and social networking sites such as Facebook, LinkedIn, MySpace, Blogger and Twitter, Tik Tok, among others, as well as video and photo-sharing sites such as Flickr and YouTube.

Tours:

Single or infrequent visits by pre-approved individuals to a DOC institution for the purpose of observing the physical plant, general operation or programs. Individuals entering an institution to perform a legitimate job, task, inspection, assignment or to provide a service, are not considered a tour.

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, while at the same time, preserving the legitimate penological interests of the department. The department's public information process will include:
 - 1. Appropriate and timely responses to requests and inquiries by recognized news media, the public and agencies for information or statements, with due regard to state and federal laws or standards regarding staff and offender rights concerning confidentiality, personally identifiable information and privacy.
 - 2. Access to the department's institutions and units, consistent with rights to privacy, preservation of safety and security of offenders, staff and the public, disciplined operation of the institution or unit, and staff availability.
 - 3. Cooperation with recognized news media, the public and agencies during the process of gathering, exchanging or reporting information, facts, figures, data, etc.
- B. The DOC Communications and Information Manager or designee will provide and disseminate current, factual information to recognized news media, the public and agencies. The Communications and Information Manager or designee will ensure to the best of their ability that information released is not limited by confidentiality or contrary to the legitimate penological interests of the DOC.

- C. Requests from recognized news media, the public and agencies for information about operations, institutions, units, offenders or staff, will be responded to by designated and authorized staff. The DOC may forward requests to the appropriate entity for response or redirect those requesting the information to the appropriate entity.

1. Requests for information should be sent to DOCInfo@state.sd.us.

- D. Properly filed complaints regarding the public information process of the South Dakota Department of Corrections received from recognized news media, the public, or agencies will be investigated by the department (See Section 7, Investigation of Complaints).

2. Department Releases of Information to the Public:

- A. Department news releases, media advisories, public notices and other information intended for public distribution, shall be controlled by the Communications and Information Manager or designee.
- B. Information intended for public distribution may be posted on the South Dakota Department of Corrections website (<http://doc.sd.gov/>) and other approved public locations.

3. Release of Staff and Offender Information:

- A. Information identifying individual offenders or staff members may be disseminated to the public within certain limitations and constraints.
1. Any release or disclosure of information outside the department 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) protecting individual privacy rights.
 2. Legitimate inquiries regarding personnel matters, other than salaries, routine directory information or information otherwise located within the public domain, i.e. Open SD GOV <https://open.sd.gov/>, will be referred to the South Dakota Bureau of Human Resources (BHR).
- B. Department responses to inquiries for information, including offender specific information, is subject to statutory provisions pertaining to public information.
1. SDCL § 24-2-20 provides a list of offender information that may be released by the department. The release of such information shall be for the purpose of community and victim notification. Release of such information for this purpose does not require authorization or consent by the offender (See [Attachment 1](#)).
 - a. With regard to offender birth dates, it is the policy of the DOC to typically only release an offender's current age. The offender's actual date of birth will typically only be released to agencies with a legitimate interest or need to know an offender's date of birth.
 2. SDCL § 23-5-7. Identification records to be filed and preserved--Restrictions as to use. Any department or institution that makes or takes any photograph, impression, measurement, description or record, including confidential criminal investigative information taken or made as provided for in § 23-5-6, shall be filed and preserved by the department or institution. The department or institution may not publish, transfer or circulate any impression, measurement, description, record, or photograph, except a criminal booking photograph for a crime classified as a felony, pursuant to § 22-6-1, outside the department or institution except to a duly

authorized law enforcement officer. If the subject of a measurement, description, or other record becomes a fugitive from justice or escapes from a penal institution, then the measurement, description or record may be exhibited to the public. This section does not apply to the release of information allowed pursuant to § 24-2-20. Any criminal booking photograph for a crime classified as a felony pursuant to § 22-6-1 is a public record pursuant to chapter 1-27.

Nothing in this section requires any law enforcement agency to provide or reproduce a criminal booking photograph older than six (6) months from the date the criminal booking photograph was taken. An agency requested to provide or reproduce a criminal booking photograph is entitled to recover costs of retrieval or reproduction pursuant to SDCL § 1-27-35.

3. Certain information concerning minor offenders is confidential and will not be released unless the custodial parent or guardian and the juvenile sign an *Authorization for Release of Information* form (See Attachment 2), or the court orders the release of specified confidential information.
 - a. Absent a signed *Authorization for Release of Information* form or court order, certain confidential information concerning an offender supervised by the Division of Juvenile Services will only be available to the 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 institution with a legitimate interest in the juvenile offender.
 - b. Information that may be released 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
- C. In no case will an offender or other unauthorized person be permitted to gain access to personally identifiable information or information held in confidence by the DOC that is not in the public domain, which 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**).
- D. Staff shall contact the Communications and Information Manager with questions regarding information considered for release that may be proprietary, protected or confidential. Any information posted to the DOC website (<http://doc.sd.gov/>), OPEN SD <http://open.sd.gov/>, the Boards and Commissions Portal <http://boardsandcommissions.sd.gov/>, social media platforms recognized and approved by the DOC, or released through a media advisory, may be released, forwarded and shared. Examples of information not open to public inspection or release include the following (not intended to be an inclusive list - See SDCL §1-27-1.5):
 1. Offender medical records, counseling or treatment records;
 2. Information subject to attorney privilege;
 3. Records that constitute part of an examination or investigation;
 4. Confidential informant information,
 5. Strategic or tactical information used in department training;

6. Location, configuration or other details about security critical systems or processes;
 7. Emergency or disaster response plans or protocols;
 8. Safety or security audits or reviews;
 9. Any records which, if disclosed, could endanger the life or safety of any person; and
 10. Offender disciplinary matters.
- E. Release of department information to social media will be consistent with the mission of the DOC (See DOC policy **1.1.A.1 Mission, Vision and Values**, and DOC policy **1.1.C.12 Staff Use of State Computer Equipment and Technology**) and will not in any way violate established standards of staff conduct (See DOC policy **1.1.C.1 Staff Code of Ethics**), state or federal law or jeopardize or threaten the legitimate penological interests of the department.
1. Staff posting information to social media will not copy, transfer, release or disclose records, files or information considered confidential or proprietary, or violate state or federal privacy/confidentiality laws governing the protection and release of information.
 - a. Posting information (records, files, photos or documents, etc.) on social media can create a public record. Posted information is very difficult to retract after it becomes public record. Questions regarding information, records, files, photos or documents that may be confidential, protected or proprietary, shall be directed to Communications and Information Manager.
- F. Any staff member who knowingly releases records, files or conditional information to unauthorized persons, may be subject to disciplinary and/or legal action.
- G. Information identified for public release, may have certain portions of the document or record which contain information that unreasonably invades personal privacy, threatens public safety or security, discloses proprietary information or disrupts department operations, or is otherwise protected or prohibited from release, redacted prior to release (see SDCL § 1-27-1.10).

4. Access to DOC Institutions:

- A. The Governor, Attorney General, Chief Justice, Circuit Court judges and Associate Justices shall have access to DOC institutions. The Director or Warden of the institution and the Secretary of Corrections will be notified as soon as possible upon receipt of a request by any of the above officials to access an institution owned or operated by the DOC.
- B. Requests for tours of DOC owned, operated or leased institutions are subject to the following:
1. Tours are limited to those approved persons with a legitimate governmental, legal, educational, research, security or business interest.
 2. Requests for tours must normally be received at least five (5) working days in advance of the tour date, unless an exception is granted by the Warden, Director, Secretary or designee. Tour participants are required to complete and submit in advance, 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 scheduled for days and times when sufficient staff is available to supervise the tour.
 4. Tour groups must be composed of a manageable size, normally no greater than fifteen (15) participants.

5. Tour participants must be at least eighteen (18) years of age, unless an exception is granted by the Warden, Director or Secretary or designee. Exceptions shall be considered on a case by case basis.
6. Tour applicants are subject to a NCIC criminal record background check, which will be conducted by trained and approved NCIC terminal users, with the results reviewed by the Senior Security officer or designated security staff.
 - a. Tour requests may be denied if the Secretary, Warden, Director or designee determine granting an individual or group access to a DOC institution or grounds may compromise the security and disciplined operation of the institution, may present a significant and direct threat to the safety of staff, offenders or the tour participants or is inconsistent with the mission, vision or values and legitimate penological interests of the DOC.
 - b. Persons on an inmate's visit list (See DOC policy **1.5.D.1 Inmate Visiting** will normally not be allowed to participate in tours of the institution where they are an approved visitor. Exceptions may be granted by the Secretary, Warden or designee
7. The Warden or designee will arrange for at least one staff member to escort and supervise tour participant(s), in accordance with DOC policy **1.1.D.3 Facility Access & ID Requirements**. Tour participants shall remain under the direct supervision of a staff member for the duration of time they are within the secure perimeter of a DOC facility.
 - a. Access to certain security sensitive areas within a DOC institution, i.e. control rooms, guard towers, restricted housing units, the execution chamber, armories or infirmary/comfort care units, may be limited or restricted by the Secretary, Warden, Director or designees.
 - b. Access to certain classifications of offenders, i.e. maximum custody, disciplinary, restricted housing and those with serious mental or physical health issues, may be limited or restricted by the Secretary, Warden, Director or designees, consistent with preserving the offender's right to privacy and maintaining order, safety and security.
8. All tour participants at an institution housing adult offender must present a valid government photo ID to control room staff or staff assigned to designated points of entry, prior to entering the institution.
9. Tour participants entering an institution housing adult offender will be issued a temporary visitor ID and body alarm by control room staff.
10. Additional rules or restrictions may be applied to tour participants by the respective Warden, Director or designee. The DOC retains the right to limit, restrict, terminate or deny access to grounds, property or institutions owned, leased or controlled by the DOC for cause. Visitors or tour participants who fail to follow the rules or directives of the tour may be banned from access to DOC institutions.

5. Interviews with Offenders and Staff:

- A. Requests to interview DOC staff will be referred to and coordinated through the DOC Communications and Information Manager. Requests are accepted by telephone or email.
 1. To ensure the accuracy of information provided to the public, staff must receive prior authorization from the Warden, Director, Secretary Communications and Information Manger prior to representing the department to news media or responding to news media questions or

- posting/contributing information to social media in a manner that may be perceived as an official representation of the department, or acting/serving as a spokesperson for or behalf of the department. Staff shall not copy, transfer, release, publish or disclose personally identifiable information or materials held in confidence without prior approval by the Warden, Director, Secretary of Corrections or designee.
2. Except for scheduled events, access to DOC staff for the purpose of conducting an interview is limited to normal business hours, 7:00 a.m.- 5:00 p.m., Monday through Friday, excluding state or federal holidays, unless an exception is granted by the Warden, Director, Secretary of Corrections or designee.
 3. News media must be under direct supervision of DOC staff while within the secure perimeter of any DOC institution. Random or unsupervised access to staff, offenders or DOC owned or leased property or institutions is prohibited. Interviews are limited to one (1) hour, unless otherwise approved.
 4. Interviewers may be required to meet with the Warden, Director, Secretary of Corrections, Communications and Information Manager or designee prior to interviewing staff or offenders.
 5. Those conducting an interview of staff or offenders may be required to complete a *Media Agreement for Interview* form ([See Attachment 4](#)) prior to conducting the interview.
 6. Interviewers approved by the DOC to conduct and interview of staff or offenders must complete and sign the *DOC Access Approval* form and *DOC Release and Waiver of Liability* form ([see Attachment 3](#)) prior to entering a DOC institution.
 - a. Interviewers and news media are subject to criminal background checks prior to entering a DOC institution.
 - b. Interviewers and news media entering a DOC institution housing offender must be professionally dressed. Inappropriate attire includes miniskirts, see-through blouses, bra-less attire, tank tops, shorts and undershirts.
 7. During an emergency, 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](#)). Access to a DOC institution, property, staff or offenders may be interrupted, delayed or terminated at any time.
- B. Members of the news media may submit requests to interview offenders to the Director, Warden, Communications and Information Manager or designee. Requests should be received at least five (5) business days prior to the interview and may be by telephone or email.
- C. Interviewers may contact offenders within a DOC institution through written correspondence, by telephone or visits, provided the interviewer is on the inmate's approved visit list and the interview does not disrupt other visit room activities ([See DOC policy 1.5.D.1 Inmate Visiting](#)). Video visits with an interviewer may be permitted but video visits may not be recorded.
1. Recording devices are not permitted in the visit room. Pen and paper may be made available.
- D. Requests to interview offenders or staff must be consistent with the mission, vision and values of the DOC ([See DOC policy 1.1.A.1 Mission, Vision and Values](#)) and may not pose a risk to safety, security or the legitimate penological interests of the DOC or jeopardize the well-being of the offender or staff. Those interviewed must voluntarily agree to the interview and be capable of giving informed consent.

1. Offenders participating in a DOC approved interview must complete and sign the *Offender Consent for Media Interview* form (See [Attachment 5](#)). Interviews with offenders that are not conducted with specific permission from the DOC do not require the form.
 2. The DOC may designate or limit the day, time, location and duration of any interview of DOC staff or offenders.
 3. If the DOC is contacted with a request to interview an offender, or there is a request to identify offenders willing to be interviewed, DOC staff responding to the request must pre-screen the offender candidates for concerns or victim registrations. Staff conducting the pre-screen shall contact DOC Central Records office to determine if the interview candidates have a victim registration. Preference shall be given to those offenders who do not have a victim notify.
 - a. If no suitable candidate can be identified other than an offender with a victim registration, the full name or video/image of an offender with a victim registration shall not be authorized for use.
 - b. Additional factors to be taken into consideration when determining if an offender may be eligible for a DOC approved interview include, but are not limited to:
 - 1) The offender's disciplinary record in the past twelve (12) months.
 - 2) The offender has a no contact order with any person, such as a victim or witness.
 - 3) The offender is serving a capital punishment sentence.
 - 4) The offender is under investigation, indictment, or sentence relating to criminal conduct committed while in custody.
 - 5) The offender has their visit privileges suspended or is limited to class 2 visits only.
 - 6) The offender is a confirmed member of a security threat group (gang).
 - 7) Interviews that are intended to be used in a documentary entertainment production that glorify, promotes or sensationalizes criminal activity or a specific offense or offender shall not be approved.
 - 8) Interviews that intend or may bring notoriety to an offender or a specific crime/offense shall not be approved.
 4. News media may contact offenders in custody through the offender correspondence system, the telephone/messaging system and visits, subject to all applicable rules, regulations and policies (See DOC policies **1.5.D.3 Inmate Correspondence**, **1.5.D.4 Inmate Access to Telephones and Tablets**, **1.5.D.1 Inmate Visiting** and ACA #5-ACI-3D-06).
 5. News media and interviewers who fail to follow the rules of the DOC and or verbal directives issued by staff, are subject to removal from the institution/unit, and may be prohibited from entering DOC institutions/units in the future.
- E. Cameras, wireless microphones, micro/miniature cameras, cell phones or similar recording devices are not allowed within a DOC institution, unless approved by the Secretary of Corrections, Warden, Director, Communications and Information Manager or designees.
1. Use of hidden/concealed cameras (including smart watches) while in a DOC institution is strictly prohibited.
 - a. Use of cameras and other recording or photographic devices is allowed at parole hearings (See Parole Board policy **8.1.A.1 News Media and Cameras at Board Hearings**), provided the broadcasting, televising, recording or taking of photographs does not distract

participants, impair or impede the dignity and efficiency of the proceedings and the recording is conducted openly (not with a concealed or hidden camera).

2. Offenders may be photographed, broadcast, televised or recorded, either in groups or individually. If the intent is to make public, a recording or photo of an offender who is identifiable within the recording or photo, the owner of the material must have the offender complete an *Offender Consent to a Media Interview* ([Attachment 5](#)). All persons have the right to decline being photographed or recorded.
 3. Permission to obtain photos or video recording of offenders, staff or DOC owned or leased property, shall be controlled by the DOC and may be limited or denied if contrary to the legitimate penological interests of the DOC.
 4. Capturing video/images that may compromise security within a DOC institution is prohibited. Any person who publishes or broadcasts video/images that could compromise security may be prohibited from returning to the institution.
- F. News media conferences initiated or hosted by offenders are not allowed. Offenders may not invite news media to special events approved to be held at the institution. Offenders may submit a request for news media to be invited to attend such events to the Cultural Coordinator, who will forward the request to the Warden and Communications and Information Manager for consideration.
- G. Live broadcasts by news media are not allowed on property owned or leased by the DOC, unless expressly authorized by the Warden or Director or designees and Secretary of Corrections or designee.

6. Notification:

- A. Time permitting, the Secretary of Corrections or Communications and the Information Manager will be notified in advance by the Warden, Director or designee of scheduled tours of a DOC institution or unit by members of the Legislature, Corrections Commission or judicial officers of the court.
- B. In the event of a non-scheduled tour by any of the above listed officials, the Warden, Director or designees 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 or requests directed to the institution or unit as soon as possible.

7. Investigation of Complaints:

- A. Complaints by news media, the public or other agencies may be directed in writing to the Secretary of Corrections.
- B. The Secretary of Corrections will assign staff to investigate the complaint and provide a report that summarizes the findings, as deemed appropriate.
 1. Staff directly involved in the complaint will not conduct the investigation but may be contacted to provide information pertaining to the complaint.
 2. The Secretary of Corrections, or designee may respond to the complaint, as deemed appropriate.

8. Access to Public Records:

- A. Requests submitted by news media, the public or agencies seeking disclosure of public records, information, data or documents, in accordance with state law, must be in writing and directed to the DOC public records officer or Communications and Information Manager, who will in turn forward the request to the DOC public records officer. The public records officer will forward the request to appropriate staff or group of staff for response and action.
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 within ten (10) business days, the request shall be deemed denied.
- B. Requests for reproduction of public records are subject to fees, up to twenty-five cents (\$0.25) per one-sided copy provided, retrieval costs and staff time.
- C. If a written request for records 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.
- D. Certain records are excluded from public access, pursuant to SDCL § 15-15A-7, 1-27-1.5, 1-27-1.6 and 1-27-1.9.

V Related Directives:

SDCL: chapter [1-27](#), chapter [17-2](#), [1-27-1.5](#), [1-27-1.6](#), [1-27-1.9](#), [1-27-1.10](#), [1-27-35](#), [15-15A-7](#), [22-6-1](#), [23-5-7](#) and [24-2-20](#).

DOC policy 1.1.A.1 – [Mission, Vision and Values](#)
 DOC policy 1.1.A.3 – [Staff Reporting Information to DOC Administration and Office of Risk Management](#)
 DOC policy 1.1.C.1 – [Code of Ethics](#)
 DOC policy 1.1.C.12 – [Staff Use of State Computer Equipment and Technology](#)
 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 – [Victim Notification](#)
 DOC policy 1.3.B.1 – [Emergency Response](#)
 DOC policy 1.5.D.1 – [Inmate Visiting](#)
 DOC policy 1.5.D.3 – [Inmate Correspondence](#)
 DOC policy 1.5.D.4 – [Inmate Access to Telephones and Tablets](#)
 Parole Board policy 8.1.A.1 – [News Media and Cameras at Board Hearings](#)
 ACA #5-ACI-3D-06 – Access to Media

VI Revision Index:

Removed revisions from June 1998 to January 2010.

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 “offender” and “Institution/Institution” 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 offenders” 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 offenders, 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 offender 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 institution 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 institution with legitimate interest in the juvenile offender” 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 offender 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, offenders 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 institution” 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 offenders” 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 institution” 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 offenders 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, offenders 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, offenders 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 offender 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 institution 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.

January 2017: **Added** “offenders, staff and programs” to Policy statement. **Added** list of non-public information to Section 3 D. **Added** F. and G. to Section 3. **Added** “armory, infirmary/comfort care” in Section 4 B. 7 a. **Added** “unless an exception is granted by the Warden, Director, Secretary of Corrections or designee” in Section 5 A. 2. **Added** “in-person” in Section 5 B.

February 2018: **Added** “Other non-confidential department information intended to dissemination to the public may be posted to the website” in Section 2 B. **Added** 2. to Section 3 B. **Added** “Inappropriate attire includes miniskirts, see-through blouses, bra-less attire, tank tops, shorts, undershirts, etc.” in Section 5 A. 5. b. **Added** “Recognized news media shall submit any request to interview an inmate in-person (does not include interviews during approved visits at the facility) to the Communications and Information Manager” to Section 5 B. **Added** “provided the broadcasting, televising, recording or taking of photographs does not distract participants or impair the dignity of the proceedings and is conducted openly” in Section 5 C. **Added** “Consent is required to depict or record those who are identifiable” in Section 5 C. 1.

February 2019: **Deleted** 2. in Section 3 A. Language and formatting updates.

January 2020: **Added** “The DOC may forward requests to the appropriate entity for response or redirect those requesting the information to the appropriate entity” in Section 1 C. **Added** “Associate Justices” to Section 4 A. **Added** “Visitors or tour participants who fail to follow the rules or directives of the tour may be banned from access to DOC institutions” in Section 4 B. 10. **Added** “Requests are accepted by telephone or email” in Section 5 A. **Added** “Interviews are limited to 1 hour, unless otherwise approved” in Section 5 A. 3. **Added** “Requests should be received at least 5 business days prior to the interview” in Section 5 B. **Added** 5. to Section 5 D. **Added** new 5 C. **Added** a and b. to Section 5 D. 1. **Added** “or jeopardize the well-being of the offender or staff” in Section 5 D. **Added** “Offenders may not invite news media to special events held at the institution. Offenders may submit a request for news media to be invited to attend such events to the Cultural Coordinator, who will forward the request to the Warden and Information Manager for consideration” and **Added** “cell phones” in Section 5 E. **Added** “smart watch” to Section 5 E. 1. **Added** “All persons have the right to decline being photographed or recorded” in Section 5 E. 2. **Added** 4. to Section 5 E.

January 2022: Definitions: Social Media – **Added** Tik Tok; 1.C – **Deleted** “appropriately and promptly; **Added** 1.C.1 – “Requests for information should be sent to DOCinfo@state.sd.us.”; 3.F – **Replaced** “released” with “releases”; minor grammatical and formatting changes made for correctness and uniformity.

Doug Clark (Original signature kept on file)

Doug Clark, Interim Secretary of Corrections

01/21/2022

Date

Attachment 1: Information Released Regarding Offenders

The following information regarding offenders may be provided to victims, the public, and governmental entities (SDCL § 24-2-20):

Please Note: Records of offenders under suspended imposition of sentence are sealed upon successful completion of probation conditions and discharge (23A-27-13.1; 23A-17-17).

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 offender, 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 in PolicyTech.
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 DDC policy 1.1.A.4 Relationship w/News Media
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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: _____

I understand the entity receiving these records and/or information may not be under the Health Insurance Portability and Accountability Act (HIPAA) and Privacy Act of 1974 and once the above information/records is disclosed or redisclosed, the information may not be protected.

I hereby consent voluntarily, knowingly, and competently without any element of force, fraud, deceit, duress, threat or other form of coercion to the release of the specified records and information.

This authorization for release may be revoked by me in writing at any time, except to the extent that information has been released based on this authorization prior to receipt of notice of revocation. If this authorization has not been revoked, it will terminate one year from the date of my signature unless a different expiration date is stated.

A photocopy or facsimile of this release shall be honored as if it were the original.

Offender's Signature: _____ Date: _____

Printed Name: _____

Staff Witness Signature: _____ Date: _____

Printed Name: _____

Attachment 3: DOC Access Approval and DOC Release and Waiver of Liability

The **DOC Access Approval & DOC Release and Waiver of Liability** are located in PolicyTech. The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections
Policy
Distribution: Public

Relationship with News Media, Public and Other Agencies
Phone or fax to DOC policy 605.763.1111 or 711 (Toll Free)
@SouthDakota | @SD Corrections | @SouthDakota Corrections

Background Check Authorization

CHECK ONE: M-1 M-2 Volunteer Social Event Visitor Clergy Vendor/Contractor Yes Other

Last Name: _____ First Name: _____ Middle Initial: _____
Mailing Address: _____
City: _____ State: _____ ZIP Code: _____
Home Telephone Number: _____ Work Telephone Number: _____ Cell Phone Number (optional): _____
E-mail: _____ Driver's License Number: _____ Voting Address: _____

I hereby authorize the South Dakota Department of Corrections, or its designated agents and representatives to obtain and review my criminal background. I certify that the information given by me is true, complete and correct, to the best of my knowledge and belief and made in good faith.

The DOC and its designated agents or representatives shall maintain all information received from this authorization in a confidential manner in order to protect my personal information, including, but not limited to, addresses, social security numbers and dates of birth.

Signature of Approver: _____ Date: _____
Printed Name: _____ Printed Name: _____

FOR OFFICE USE ONLY: Background Check Complete: Yes No (Attach Printout)
Special Security/Manager Approval: _____ Date: _____
Deputy Warden/Designer Signature: _____ Date: _____

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South Dakota Department of Corrections
Policy
Distribution: Public

DOC RELEASE AND WAIVER OF LIABILITY

By my signature below, I acknowledge that I am aware of, appreciate the character of, and voluntarily assume the risks associated with being on DOC property, or participating in DOC activities within the following facilities:

South Dakota State Penitentiary, Janssen Prison Annex, Mike Durline State Prison, Yankton Community Work Center, Rapid City Community Work Center, South Dakota Women's Prison or Pierre Community Work Center

I understand that risks associated with such entry and/or participation in DOC activities include, but are not limited to, bodily injury, property loss or damage and death.

By my signature below, on behalf of myself, my heirs, next of kin, successors in interest, assigns, personal representatives, and agents, I hereby:

- Waive any claim or cause of action against and release from liability the State of South Dakota, its officers, employees, and agents for any liability for injuries to my person or property resulting from such entry and/or participation in DOC activities;
- Agree to indemnify and hold harmless the State of South Dakota, its officers, employees, and agents for any claims, causes of action, demands, expenses, judgments, fees and costs of whatever kind or character arising from, by reason of, or in connection with my entry to a DOC facility or participation in DOC activities.

I have carefully read this RELEASE AND INDEMNITY AGREEMENT, or had it read to me in a language I fully understand, and I understand all of the terms. I understand I have given up substantial rights by signing this agreement and that it is the intention of the parties that the State and its officers, agents and employees shall not be liable or in any way responsible for injury, damages, liability, loss or expense resulting to me due to accidents, mishaps, misconduct, negligence or injuries. My signature below has been made freely and voluntarily without any inducement, assurance or guarantee being made.

Name: _____ Date of Birth: _____
Signature: _____
Address: _____
State: _____

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Attachment 4: Media Agreement for Interview

The **Media Agreement for Interview** form is located in PolicyTech.
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
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NEWS MEDIA AGREEMENT FOR INTERVIEW

I, _____ do hereby state that I am
(Name)

employed/contracted by: _____
(News Media)

and I am authorized to conduct the interview.

I am aware of and agree to abide by the rules governing my conduct while conducting interviews with offenders or staff of the Department of Corrections (DOC). 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 and/or while on grounds owned or leased by the DOC.

I further agree to obtain a release of information from any offender and if the offender is under age 18, his/her custodial parent or guardian, before releasing for public distribution, identifying information about the offender. This includes but is not limited to any photo, video recording, or correspondence.

I recognize a visit to a correctional facility presents certain hazards, and I agree to assume all ordinary and usual risks to my personal safety inherent to such visits.

Signature: _____ Date: _____

Printed Name: _____

Attachment 5: Offender Consent for Media Interview

The **Offender Consent for Media Interview** form is located in PolicyTech.

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
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OFFENDER CONSENT FOR NEWS MEDIA INTERVIEW

I, _____ do hereby freely give permission to
(Offender's Name)

_____ to interview me on or about _____
(News Media) (Date)

and I authorize the news media to use and release any information gathered from me during this interview for any legitimate purpose.

I further freely give permission to the above identified news media to make recordings of my voice during this interview and to take photos of me (still, movie, or video) and authorize the use and release of such recordings or pictures by the news media represented for any legitimate purpose.

I understand I may revoke this consent in writing at any time to the news media organization, except to the extent that action has been taken in reliance on this authorization. If this authorization has not been revoked, it will terminate one year from the date of signature unless a different expiration date is stated.

Offender's Signature: _____ Date: _____

Staff Witness Name: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____
(juvenile offenders-Under age 18)

Parent/Guardian Printed Name: _____