

1.1.E.4 Victim Notification

I Policy Index:



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II Policy:

The Department of Corrections (DOC) will 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).

III Definition(s):

Marsy's Law:

An initiated constitutional amendment that affords certain crime victims specific rights.

Notice:

To provide reasonable, accurate and timely/prompt written 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).

Offender:

An adult offender in the custody of the Department of Corrections, a parolee participating in the Community Transition Program (CTP) or a parolee under parole or suspended supervision by South Dakota Parole Services.

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 24-hours a day, 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:

SDCL § 23A-28C-4: Defined as a person who is the direct subject of an alleged act that would constitute a crime of violence, as defined by subdivision § 22-1-2(9), burglary in the second degree, simple assault as defined in SDCL § 22-18-1 and § 22-18-1.5, interference with emergency communication as defined in SDCL § 49-31-29.2, violation of a protection order or no contact order as defined in SDCL § 25-10-13, disorderly conduct between

person in a relationship described in SDCL § 25-10-3.1, stalking as defined in chapter 22-19A, a violation of chapter 22-19A, a violation of chapter 22-22, a violation of chapter 22-49, or a driving or boating under the influence vehicle accident, under the laws of South Dakota or the laws of the United States. If the victim does not survive, is a minor, or is unable to comment, victim means the members of the immediate family of the primary victim. The victim may also designate a representative to act on the victim's behalf.

IV Procedure(s):

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. Persons who believe they are a victim of a juvenile presently committed to the DOC and under the supervision of the Division of Juvenile Services, may contact the Sioux Falls or Rapid City Division of Juvenile Services office to request victim notification (See JCC OM 6.1.E.5 *Juvenile Victim Notification*).
- C. 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 (SDCL § 24-1-36):
 - a. Releases from prison;
 - b. Escapes and returns from escape;
 - c. Placement on furlough; and
 - d. Placement on or removal from work release.
- D. 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.
- E. 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 Marcy's Law).
- F. 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.
- G. 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 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 Marcy's Card, which outlines all victim's rights and the process to invoke these rights.

V Related Directive(s):

SDCL § 22-1-2(9), 22-18-1, 22-18-1.5, chapter 22-19A, chapter 22-22, chapter 22-49, 23A-28C-1.2, 23A-28C-2, 23A-28C-4, 23A-28C-10, 24-1-36, 25-10-3.1, 25-10-13, and 49-31-29.2.

JCC OM 6.1.E.5 *Juvenile Victim Notification*

VI Revision Log:

April 2016: Extensive revisions to policy to accommodate the transition of victim notification to the SAVIN system. **Deleted** content of policy and replaced with current content.

November 2016: **Deleted** title of Policy "Release and Status Change Notification Requests" and **Replaced** with "Victim Notification". **Revised** definition of Victim. **Deleted** and **Revised** definitions within the policy. **Added** "this shall be made through the SAVIN system. Judges will be provided notification for the following status changes or movements" in Section 1 B. 1. **Added** 1. and 2. to Section 1 C. **Deleted** list of status changes that require notice.

April 2017: **Deleted** "Written or electronic requests for victim notification received by the DOC will be forwarded to the SAVIN coordinator in Section 1 A. **Added** new B. to Section 1. **Deleted** "If the DOC chooses to provide notice to the sentencing judge" and **Replaced** with "If a sentencing judge requests notification" in Section 1 B. 1. **Added** E. to Section 1.

April 2018: **Updated** definition of "victim" to reflect changes in the statute. **Added** B. to Section 1.

April 2019: **Reviewed** with no changes.

April 2020: **Reviewed** with no changes.

May 2021: **Reviewed** with no changes.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

05/10/2021

Date