

1.1. E.1 Adult Offender Case Records Content and Management

I Policy Index:



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Replaces Policy: 1E.1
Supersedes Policy Dated: 07/08/2015
Affected Units: Adult Units
Effective Date: 06/07/2016
Scheduled Revision Date: April 2017
Revision Number: 14
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will create and maintain a legal and institutional file for each offender confined in its facilities or on parole supervision.

III Definition(s):

Offender:

For the purpose of this policy, an offender is any adult inmate (sentenced, placed or committed to or placed in any facility or program under the control of the DOC or parolee (under parole or suspended supervision by South Dakota Parole Services).

Legal Files:

For the purposes of this policy, the legal file contains information necessary to calculate the offender's date computations (See [Attachment 1](#)).

Institutional Files:

For the purposes of this policy, the institution file contains information necessary to document each offender's adjustment, rehabilitative progress and other facts considered pertinent by the Warden (See SDCL § 24-2-17 and SDCL § 24-2-19) and/or the Executive Director of the Board of Pardons and Paroles (See SDCL § 24-15A-14 and SDCL § 24-15-1).

Sex Offender Management Program (SOMP):

The sex offender management program is operated by the DOC. This includes sex offender specific assessments, A&O psychosexual screens, STOP programming, psychosexual reports, community release planning, assistance in community supervision, development and promotion of a community treatment provider network, and sex offender community treatment and supervision standards.

IV Procedure(s):

1. Responsibility for Creating Records:

- A. DOC Central Records staff are responsible for creating each offender's legal file and institutional file at the time of the offender's admission.

1. If an offender returns to a facility or program under the control of the DOC with a new conviction(s) after discharging from previous incarceration, a new legal file and institutional file will be created.
 2. Any additional sentences received while an offender is under DOC control and/or supervision will be included in the offender's legal file.
- B. The format and organization of material in adult offender legal and institutional files will be standardized according to Attachments [1](#) and [2](#).

2. Maintaining and Safeguarding Files:

- A. Adult offender legal files will be stored in the DOC Central Records Office in Sioux Falls.
- B. Offender institutional files will be forwarded to the offender's receiving unit team or parole agent at the time of transfer to or from a DOC facility, unit or to or from parole supervision.
- C. Each offender legal and institutional file will be clearly identifiable and will be safeguarded from unauthorized and/or improper use and/or access.
- D. Under no circumstances will an offender be allowed access to his/her legal or institutional file or the legal or institutional file of another offender (See DOC policy 1.1.E.3 [Offender Access to DOC Records](#) and SDCL § [1-27-1.13](#) and [24-15A-24](#))

3. Pre-Sentence Investigation (PSI):

- A. DOC officials and the Board of Pardons and Paroles may utilize information contained in the pre-sentence investigation (PSI), including any pre-plea report being used as the PSI report and the psycho-sexual assessment for the development of a rehabilitation program for the offender (See SDCL § [23A-27-10](#)).
 1. The original PSI will be maintained in the offender's legal file. One (1) copy will be made for the institutional file and one (1) copy will be made for the Sex Offender Management Program (SOMP) file (when applicable), or the PSI may be available as an IWP document attached to the Legal Cases screen in the Comprehensive Offender Management System (COMS).
 2. Copies of the PSI made for the institutional file and SOMP file will be stamped "Confidential" and may not be further copied. All copies of the PSI will be returned to Central Records upon the offender's discharge.
 3. DOC officials may share information contained in the PSI, including any pre-plea report being used as the pre-sentence investigation report and the psycho-sexual assessment, with Department of Health (DOH), Department of Social Services (DSS), Sex Offender Management Program (SOMP) contracted staff and/or any halfway houses or other state Department of Corrections personnel and other law enforcement agencies who assist the DOC in the development of a rehabilitation program for an offender (See SDCL § [23A-27-10](#)).
- B. The PSI and any psycho-sexual assessment prepared as part of the PSI are considered confidential pursuant to SDCL § [23A-27-47](#) and shall not be released to the public or offender without a written order from the court.
- C. Except as noted in this section, DOC officials cannot share information contained in the PSI, including any pre-plea report being used as the pre-sentence investigation report and the psycho-sexual assessment outside of the DOC without a written order from the court.

4. Release of Other Information:

- A. Information (other than the PSI) contained in the records section of the legal file and the institutional file may be released without offender authorization to DOC staff, contract staff, or other agency staff working for or on behalf of the DOC, the Attorney General or law enforcement agencies (See SDCL § 24-15-1 and § 24-15A-14) with the following exceptions:
1. Any mental health summaries, psychological and psychiatric information and other paperwork generated by a medical or mental health treatment provider stamped "confidential" require the author's permission before release to anyone outside the DOC.
 2. Chemical Dependency discharge summaries and paperwork generated by Behavioral Health staff stamped "confidential" may not be released to anyone outside of the DOC without a signed release from the offender, or a court order or subpoena (See [Attachment 3](#)).
- B. Certain offender information may be released to victims and the public for purposes of community and victim notification pursuant to SDCL § 24-2-20 and DOC policy 1.1.E.4 [Release Notification Requests](#).
1. Information regarding an offender currently serving the incarceration portion of a Suspended Imposition of Sentence (SIS) may be released.
 2. Information regarding a discharged/released offender incarcerated under a SIS is confidential and may not be released.
- C. Information contained in the legal file and institutional file, excluding the PSI and any pre-plea report being used as the pre-sentence investigation report, and any psychological or psycho-sexual assessments, may be released with an offender's authorization (signed release) to other agencies providing correctional services to the offender, e.g. halfway houses, treatment centers, etc.
- D. Offender information released to a sentencing judge will generally be communicated in the form of a progress report or a Parole Services memo describing the offender's conduct while incarcerated and/or while under parole supervision.
- E. Progress reports are prepared by the offender's assigned unit staff and may be released to a judge, a court services worker representing the judge, the prosecuting attorney, the inmate's attorney, or other correctional agencies.
- F. Offender photos may be released to the offender for purposes of securing identification documents and in the form of an ID at the time of the offender's release/discharge from DOC custody.
- G. Pursuant to SDCL § 1-27-1, the following information regarding an offender can be released pursuant to an open records request: Name and any known aliases; Year of birth or age; Race and gender; Location of incarceration; Community of residence; Custody status and conditions of supervision; Any Department of Corrections sentence identification number; Any crime of conviction; Number of felony convictions; Sentence, time suspended, jail time credit, and revoked good-time credits; Offense, sentence, admission, release, and parole eligibility dates; Dates of pending hearings and final determinations of parole, suspended sentence, pardon, and commutation hearings; Status as an inmate, parolee, or person who has completed a prison term; County of conviction; Plea; Citizenship status; Birth town, state, and country; and identification photograph and physical description.
- H. Other release of institutional or legal file material requires a subpoena or court order pursuant to SDCL § 24-15A-14 and SDCL § 24-15-1.

V Related Directive(s):

SDCL §§ [1-27-1.13](#), [23-5-7](#), [23A-27-10](#), [23A-27-47](#), [24-2-1](#), [24-2-17](#), [24-2-18](#), [24-2-19](#), [24-2-20](#), [24-15-1](#), [24-15A-14](#), [1-27-1](#)

DOC policy 1.1.E.3 – [Offender Access to Records](#)

DOC policy 1.1.E.4 – [Release Notification Requests](#)

VI Revision Log:

June 2002: Changed Inmate to Offender when procedure applied to both inmates and parolees.

June 2003: **Added** references to policies 1.1.E.2, 1.1.E.3 and 1.1.E.4. **Revised** attachments. **Revised** policy statement.

May 2004: **Revised** the policy statement. **Added** references to SDCL § 24-2-18, 24-2-20 and 24-15-1. **Added** information required in the institutional file. **Included** additional information on attachment 1 concerning good time withheld pursuant to SDCL § 24-2-18.

May 2005: **Updated** the name of policy 1.1.E.3. **Revised** attachment 1. **Changed** policy name from Inmate and Parole to Offender. **Revised** handling of sex offender records to reflect that the STOP program is now under the DOC.

June 2006: **Added** a reference to SDCL § 23-5-7, 23A-27-10 and 23A-27-47. **Revised** attachments 2 and 3. **Deleted** specific information on mental health summaries, psychological and psychiatric information, etc. **Clarified** restrictions on sharing information from the PSI.

June 2007: Minor style and format changes throughout the policy. **Revised** attachments 1 and 2.

Combined the sections on Safeguarding Files and Maintaining Files. **Added** a new section specifically for the PSI. **Added** the attachment for Authorization for Release of Information.

April 2008: **Replaced** “normal” with “routine” when referring routine business under the Release of Information section. **Revised** “Division of Alcohol and Drug” to read “Division of Drug and Alcohol” in the Release of Other Information section. **Replaced** “including” with “excluding” in subsection (C of Release of Other Information section) indicating the PSI cannot be released by the offender’s authorization. **Revised** the statement explaining when photos and physical descriptions can be released to a duly authorized law enforcement officer and the public, in accordance with SDCL 23-5-7. **Added** subsection (G of Release of other Information section) explaining that photos may be released to obtain identification documents and as discharge ID. **Revised** headings on Attachments 1, 2 and 3 to be consistent with file name on the WAN.

Added headers, footers and hyperlinks to Attachments 1, 2 and 3. **Deleted** “Parent’s Signature” on Attachment 3 and **added** DOC policy Offender Access to Records in header and **revised** formatting of “Person/Organization/Address). **Updated** pictures of Attachments 1, 2 and 3.

March 2009: **Deleted** Legal and Institutional Files from former ss (C and D of Responsibility For Creating Records) and **added** to Definition section. **Deleted** reference to DOC policy 1.1.E.2 in definition of Legal File.

Added reference of SDCL’s in definition of Institutional File. **Added** reference to SDCL 24-2-20 and 24-2-20.1 in ss (E of Maintaining and Safeguarding Files). **Replaced** “respective” with “offender’s” file in ss (A1), **added** SDCL 24-2-1 in ss (A3), **added** new ss (A4), **replaced** “may” with “shall” not and **added** reference to released to the public in ss (B) and **deleted** “with anyone” in ss (C) of PSI. **Added** reference to the Circuit Court and SDCL 24-15A-14 in ss (A3) and **reversed** ss (B1 and B2) and **added** “psychological” in ss (C) of Release of Other Information. **Added** additional state laws to Section V. **Deleted** DOC policy 1.1.E.2 in ss (V). **Replaced** inmate with offender as appropriate throughout policy. **Added** multiple sentences filing directions in Section One and **added** “ID Documents” in # 2 of Section Four within Attachment 1. **Deleted** “Identification Envelope” in #8 of Section Three of Attachment 2.

April 2010: **Revised** formatting of Section 1. **Added** SOMP staff, halfway houses, and/or other DOC staff within ss (A3) and **added** SDCL 23A-27-10 to ss (A3) both within Pre-Sentence Investigation). **Replaced** inmate with offender in title of DOC policy 1.1.E.3. **Added** signature line and date for custodial parent or guardian, **added** reference that guardian signature only applies when offender is a minor and **clarified** signature line for offender within Attachment 3.

May 2011: **Added** definition of Sex Offender Management Program. **Deleted** “STOP” and **Replaced** with “SOMP” in Section 3 1. & 2. **Deleted** 4. “Information in the PSI may be required to defend the State against civil claims brought by the offender” from Section 3. A. **Added** “Attorney General” to Section 4 A. **Deleted** “that is considered public record” from Section 4 b. **Deleted** F. “Offender photos and physical descriptions may be

released to a duly authorized law enforcement officer at any time and to the public when the subject of the photograph becomes a fugitive from justice or escapes from a penal institution” from Section 4.~~Deleted~~ 3. “Parole information in the legal file may not be released to or reviewed by anyone other than members of the Board of Pardons and Paroles, Parole staff, Central Records staff, the Secretary of Corrections and any person specifically delegated for such access by the Secretary of Corrections or otherwise ordered by a Circuit Court” from Section A. 4.~~Added~~ G. and H. to Section 4.~~Deleted~~ attachment 4 from policy.

May 2012: ~~Deleted~~ “Department of Human Services” and **Replaced** with “Department of Social Services” in Section 3 A. 3. ~~Deleted~~ “Division of Drug and Alcohol” and **Replaced** with “Behavioral Health” in Section 4. A. 2.

May 2013: **Added** “or the PSI may be available as an IWP document attached to the Legal Cases screen in the Corrections Offender Management System (COMS)” in Section 3 A. 1.

April 2014: Reviewed with no changes made to the policy.

April 2015: ~~Deleted~~ D. in Section 2. **Added** “all copies of the PSI will” in Section 3 A. 2. **Added** “and other law enforcement agencies” in Section 3 A. 3. **Added** “or a court order or subpoena” to Section 4 A. 2.

April 2016: **Added** “and/or while under parole supervision” in Section 4 D.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

06/06/2016

Date

Attachment 1: Legal File Content

The **Legal File Content** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Legal File Content** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Legal File Content**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Legal File Content Please refer to DOC policy 1.1.E.1 Adult Offender Case Records Content & Management	
LEGAL FILE CONTENT			
(Section contents are listed in order from the bottom to the top)			
Section One <i>(Multiple sentences are listed by sections in order from the bottom to the top)</i>			
1. Sentencing Appeals 2. NCC Information 3. Sentencing Correspondence 4. Sentencing Documents 5. Amended Sentences 6. Commitments		7. Good Time Taken Through SDCL § 24-2-18 8. Date Computation Worksheet 9. Discharge Certificate 10. Admission Worksheet 11. Audit Record	
Section Two			
1. Court Transcripts 2. Psycho-sexual Assessment 3. Pre-Service Investigation (PSI) 4. Table of Contents (this document)			
Section Three			
1. Release of Information 2. Holds/Detainers/Notifications			
Section Four			
1. Miscellaneous Information 2. FBI Cards/Physical Description/Pictures/ ID Documents			
Section Five			
1. Parole Board Action Steps 2. Parole/Suspended Sentence Agreements 3. Violation Reports 4. Orders Revoking Parole or Suspended Sentence 5. Findings of Fact/Conclusions of Law		6. Appeals 7. Commitment/Pardon Envelope 8. Orders Establishing Sentence 9. Warrants	
Section Six			
1. Letters/Correspondence 2. Summary Sheets 3. Pre-Parole Placement Investigation 4. CD Discharge Summaries		5. STOP Reports 6. Unconvicted Sex Offender Reviews 7. Psychiatric/Psychological Reports 8. Compliance Reports	
Copy of the PSI in the STOP file.			
Initials			
Revised: 4/7/2009		Page 1 of 1	

Attachment 2: Institutional File Content

The **Institutional File Content** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Institutional File Content** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Institutional File Content**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Institutional File Content Please refer to DOC policy 1.1.E.1 Adult Offender Case Records Content & Management
INSTITUTIONAL FILE CONTENT	
(Section contents are listed in order from the bottom to the top unless otherwise noted)	
Section One	
1. Inmate Received Envelope 2. NCIC Information 3. Sentencing Correspondence 4. Holds/Detainers/Notifications 5. Sentencing Documents	6. Date Computation Worksheets 7. Amended Sentences 8. Commitments 9. Good Time Taken Through SDCI § 24-2-18 10. Table of Contents (this document)
Section Two	
1. Court Transcripts 2. Pre-Sentence Investigation (PSI) 3. Copy of Unconvicted Sex Offender Review Documents	4. Psychological Information 5. Psychiatric Information 6. LSIR
Section Three	
1. Accident Reports 2. Incident Reports 3. Waivers 4. Release of Information	5. Receipts 6. Miscellaneous Information/Correspondence 7. Pictures/Physical Description
Section Four	
1. Classification Documents (newest documents placed on top) AIMS Code/Housing Documents (where applicable)	
Section Five	
1. Disciplinary (documents are grouped by disciplinary action. Newest document group placed on top)	
Section Six	
1. Grievance/Grievance Responses (grouped together) 2. Informal Resolution Requests/Responses (grouped together) 3. Administrative Remedy Requests/Responses (grouped together) (Newest document group is placed on top)	
Section Seven	
1. IFDC Compliance Documents 2. Financial Documents: IFR Paperwork Offender Obligation Paperwork 3. CD Discharge Summary	
Section Eight	
1. Parole Plan 2. Parole Documents 3. Narratives 4. Monthly Reports	
Revised: 3/19/2009	Page 1 of 1

Attachment 3: Authorization for Release of Information

The **Authorization for Release of Information** form is located on the state's WAN.

A copy may be printed using **Microsoft Word 97** as follows:

1. Click [here](#) to access the **Authorization for Release of Information** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Authorization for Release of Information**.

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 DOC policy 1.1.E.1, 1.1.E.2 or 1.1.E.3 Relationship w/ News Media (Adult Offender Case Records Content & Management) Offender Access to Records
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: _____	
This authorization for release may be revoked by me at any time except to the extent that information has been released based on this authorization prior to receipt of notice of revocation.	
Offenders Signature: _____	Date: _____
Custodial Parent or Guardian Signature: _____	Date: _____
<i>Only applies if offender is a minor</i>	
Staff Witness Signature: _____	Date: _____
Revised: 04/18/2016	Page 1 of 1