

1.1.E.4 Release and Status Change Notification Requests

I Policy Index:



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II Policy:

The Department of Corrections (DOC) will maintain a system to track requests for notice received from victims, judges or interested parties and provide notice of certain changes in an offender's status. Notice to victims and judges shall be provided in accordance with South Dakota Codified Law.

III Definition(s):

Notice:

For the purpose of this policy, the term notice means either written notification or electronic notification.

Victim:

For purposes of this policy, the term victim means any person being the direct subject of an alleged act which would constitute a crime of violence as defined by subdivision SDCL § 22-1-2(9), simple assault between persons in a relationship described in SDCL § 25-10-3.1, stalking as defined in Chapter 22-19A, a violation of Chapter 22-22, or driving under the influence vehicle accident under the laws of South Dakota or the laws of the United States. In cases involving a crime of violence where the victim does not survive the act, the term victim shall mean the member(s) of the immediate family of the primary victim (See SDCL § 23A-28C-4).

Sentencing Judge:

For purposes of this policy, a sentencing judge is the judge who imposed at least one (1) of the sentences an offender is currently serving on his/her most recent admission to the adult correctional system.

Interested Party:

For purposes of this policy, an interested party is any person, business or agency, including law enforcement, state agencies, court officials and financial institutions, which do not meet the definition of "victim" or "sentencing judge" but have requested notice of an offender's change in status.

Minimum Custody Status:

This is a custody classification which allows an offender to be housed in a non-secure facility. Minimum custody offenders may be transported/escorted outside the secure perimeter without mechanical restraints and may be permitted unsupervised access to the community for certain approved purposes/activities (See DOC policy 1.4.B.2 *Male Offender Classification* and 1.4.B.14 *Female Offender Classification*).

Offender:

For the purpose of this policy, offender means an 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.

Furlough:

For the purpose of this policy, a furlough is the authorized absence of an inmate from DOC custody for an approved reason. An inmate released to furlough shall remain in the legal custody of the Department but will have unsupervised access to the community.

Work Release:

A program that allows approved inmates to be competitively employed in the community pursuant to SDCL § 24-8 (See DOC policy 1.5.A.5 [Work Release](#)). Work release offender's activities are periodically monitored by correctional staff; however, the majority of the offender's time spent in the community is not under the direct supervision of DOC staff.

Community Transition Program (CTP):

A program to assist an offender's transition to community supervision. Offenders participating in CTP may be housed within a DOC facility but receive most of the benefits of parole/suspended sentence. CTP Phase 2 offenders may access the community for employment purposes and other reasons as approved by the DOC (See DOC policy 1.5.G.2 [Parole Community Transition Program](#)).

Adult Comprehensive Offender Management System (COMS):

A DOC database for staff use in the management, storage, and collection of informational and statistical data pertaining to adult corrections and parole agent caseloads.

IV Procedure(s):**1. Guidelines for Notice:**

- A. All requests for notice, regardless of the offender's housing location or status, will be processed by DOC Central Records staff and entered in the Comprehensive Offender Management System (COMS) Victim Module. All requests for notice are confidential and will not be disclosed to the offender (See SDCL § 23A-28C-2). Requests for notice only apply to offenders currently serving a South Dakota prison sentence and/or SD offenders who are on parole/suspended sentence release and under the supervision of the South Dakota Parole Services.
 - 1. Victim Notice: The DOC will provide notice to the victim pursuant to SDCL Chapter § 23A-28C and South Dakota Administrative Rule 17:60:05:19.
 - 2. Interested Party Notice: The DOC will provide notice to an interested party of an offender's release to parole, release to suspended sentence, discharge, return to prison as a result of parole/suspended sentence violation, release to CTP, removal from CTP and/or death.
 - 3. Sentencing Judge Notice:
The DOC will provide notice to the sentencing judge in accordance with SDCL § 24-1-36.
- B. Requests for notice may be submitted to the DOC either by telephone or in writing.
 - 1. The request shall be submitted directly by the victim, sentencing judge, interested party.
 - a. The prosecutor shall forward notice information received from a victim to the DOC if the defendant

is sentenced to the DOC (See SDCL § [23A-28C-2](#)).

- b. If the victim is a minor, the victim's parent or guardian may request notice on behalf of the minor (See SDCL § [23A-28C-14](#)).
2. Requests for notice are most commonly recorded on a "Notification Request Letter" (See [Attachment 1](#)) and require the following information:
 - a. The offender's name.
 - b. The requestor's name.
 - c. The requestor's address.
 - d. The requestor's e-mail address.
 - e. The requestor's telephone number(s).
- C. It is the requestor's responsibility to notify the DOC of any changes in their notice information. The DOC shall keep a record of the requestor's request for notice and the most recent place of notification until the offender's final discharge from the DOC (See SDCL § [23A-28C-2](#)).
 1. If a letter of notice to a requestor or victim is returned to the DOC because of an incorrect address, and no forwarding address is provided, DOC Records staff will attempt to provide notice to the requestor by telephone or e-mail, provided this information is contained in the Victim Module of COMS.
 2. If a letter or email providing notice to a victim is returned to the DOC or can't be reached by the telephone and the notice involves an offender who has been scheduled for a clemency hearing, parole hearing before the full Board, or the offender has a presumptive parole release and received a 15-year sentence or longer for a non-violent crime, or the offender received a 10-year sentence or longer for a violent crime, or the offender was convicted of a Class A, B, C or 1 felony, Records staff will contact the State's Attorney's office in the county where the conviction originated and request any contact information that office may have on file for the victim(s).
 - a. If the State's Attorney's office provides updated or different contact information for the victim(s), Records staff will re-send the notice to the victim(s) using the updated or different contact information. Records staff may contact the victim by telephone if a telephone number has been provided.
 - b. After the contact information has been verified, the COMS Victim Module will be updated to reflect the victim's current address.
 3. If Records staff is unsuccessful in providing notice to a victim, the request for notice may be placed on "Inactive status" in the COMS Victim Module only after staff have contacted the State's Attorney who prosecuted the case and inquired about contact information for the victim.

2. Notice Requests from the Sentencing Judge:

- A. The sentencing judge may request to be notified by the DOC of changes in an inmate's status.
 1. The notice may be by means of written communication, telephonic, electronic mail, text messaging or facsimile transmission (See SDCL § [24-1-36](#)).

2. Notice will be sent to the sentencing judge anytime an offender is released from prison, escape/return from escape, placed on furlough or placed on or removed from Work Release.

3. Notice Requests from a Victim or Interested Party:

- A. As a matter of procedure, the DOC requires a Victim Notification Request Letter or Interested Party Notification Letter (See [Attachments 1 & 2](#)) from each requestor to ensure notice; however, this provision may be waived at the discretion of Records staff.
 1. Telephone inquiries for a Notification Request Letter will typically be referred to the South Dakota DOC website (See <http://doc.sd.gov/forms/victim>).
- B. If the request for notice is submitted in the form of a letter or email, staff may send the requestor a blank Notification Request Letter.
- C. Each victim or interested party requesting notice is required to submit a Notification Request Letter.

4. Review of Notice Requests:

- A. Designated Central Records staff will review all requests for notice for completeness.
- B. If the request is incomplete, Records staff will attempt to contact the requestor to obtain any missing information deemed necessary.
- C. All approved requests for notice will be documented in the COMS Victim Module.
- D. DOC staff may contact individuals requesting notification as a victim of the offender to determine if the individual/requestor meets the statutory definition of "victim".

5. Notice of Change in Status:

- A. Notice will be provided to a victim when an offender's status changes as a result of the following (See SDCL §§ [22-28C-1](#), [23A-28C-5](#), [23A-28C-11](#) & [23A-28C-12](#)):
 1. An offender's escape from custody and return to custody;
 2. Pending release of the offender due to expiration of sentence;
 3. Offender is granted a furlough;
 4. Offender is placed on work release or removed from work release;
 5. Offender is granted parole or suspended sentence;
 6. Offender is returned to custody for a parole revocation or suspended sentence violation;
 7. Offender is placed in Community Transition Program (CTP) or removed from CTP;
 8. Offender absconds from parole supervision or CTP and offender's return to custody;
 9. Offender is placed on Global Positioning System (GPS) monitoring or removed from GPS monitoring;
 10. Offender is placed in a minimum custody facility or returned to a secure custody housing facility;

11. Offender is scheduled for discretionary parole hearing or an unscheduled parole hearing;
 12. Offender is scheduled for clemency hearings before the full Board (following approval by the panel to forward the request for a hearing to the Board);
 13. The outcome of clemency hearing before the full Board;
 14. The Governor's decision regarding an offender/offender's clemency request (pardon or commutation);
 15. The offender will be considered for early final discharge or partial final discharge by the Board, and
 16. Death of the offender.
- B. Notice will be provided to an interested party when an offender's status changes as a result of the following:
1. Pending release of the offender due to expiration of sentence;
 2. Offender is granted parole or suspended sentence;
 3. Offender is returned to custody for a parole revocation or suspended sentence violation;
 4. Death of the offender; and
 5. Offender is placed in Community Transition Program (CTP) or removed from CTP

6. Notice Process:

- A. A letter or email will be sent to the requestor by Records staff confirming receipt of the request for notice/ receipt of the Notification Request Letter.
- B. The Victim Module in COMS will be updated to show the request(s) for a notice.
- C. Upon being notified of any change in an offender's status, as described in Section 5 of this policy, notice will be provided to the requestor(s) by DOC staff utilizing the most recent contact information available in the Victim Module in COMS.
1. If an offender escapes or is granted a furlough, notice will be provided to the requestor via telephone followed by a letter or email.
 - a. During normal business hours, Central Records staff will initiate the telephone call(s).
 - b. When a change in an offender's status occurs, as described in Section 5 of this policy, outside the normal business hours the Central Records office, the officer in charge (OIC) at the facility where the offender is housed, or the offender's parole agent in the case of a offender on parole, will contact the DOC Central Records Administrator or the OIC at the South Dakota State Penitentiary. The OIC may initiate the notice to the requestor(s) by telephone.
 - c. Records staff is responsible for sending the follow-up letter or email to the requestor and documenting the notice has been sent in the Victim Module in COMS.
 2. Notice of an offender's pending release due to expiration of sentence or release from custody to suspended sentence supervision, will occur by letter or email and will be sent at least two (2) weeks prior to the date of discharge or release.

- a. Notice of discharges not scheduled; for example, when an inmate has good time returned or receives a sentence modification, will be completed by Records staff via telephone or email if the date of discharge is less than two (2) weeks.
3. Parole staff will provide notice to a victim at least ten (10) days before the date of an offender's discretionary parole hearing. The notice shall include the offender's parole eligibility date and date of the parole hearing. The notice will advise the victim he/she may be present at the hearing and state an opinion regarding the possible parole of the offender (See SDCL § [23A-28C-12](#)).
4. Parole staff will provide written notice by letter or email to the victim(s) within ten (10) days of adjournment of a Board hearing wherein the Board has granted or denied an offender parole (See ARSD [17:60:02:08](#)).
5. Upon being notified of any change in an offender's status contained in Section 5 and not described in Section 6 C. 1-3 of this policy, DOC staff will provide notice by letter or email to the requestor(s) within five (5) days of the change in the offender's status.

7. Notice of Executive Clemency:

- A. The Executive Director of Parole will provide notice via letter or email to a victim at least two (2) weeks prior to an offender's scheduled clemency hearing before the full Board of Pardons and Paroles (Board). The notice will include the date, time and location of the clemency hearing and will advise the victim he/she may be present at the hearing and state an opinion regarding clemency (See SDCL § [23A-28C-11](#) and ARSD [17:60:05:19](#)).
 1. Staff will provide notice to the victim of the Board's decision. The notice will advise the victim they may contact the governor to state their opinion regarding the offender's request for clemency
 2. Upon notification of the governor's decision to recommend or deny an offender's request for clemency, staff will notify the victim by letter or email of the governor's decision.

8. Notice for Offenders on Global Positioning System (GPS):

- A. Records staff, or the offender's parole agent, will document in the Victim Module of COMS all notices provided to the requestor(s) for the following actions:
 1. The offender has been placed on or removed from the GPS program.
 2. The offender has removed the Global Positioning System (GPS) device without permission;
 3. The offender is within the exclusion zone without authorization.
- B. The GPS provider will immediately notify the parole agent when any of the following actions occur (See DOC policy 1.4.B.10 - [GPS Monitoring Program](#)):
 1. The offender has removed the GPS device without permission; or
 2. The offender is entering an exclusion zone and is not responding to instructions.

V Related Directive(s):

SDCL Chapter [23A-28C](#) and [24-1-36](#).
South Dakota Administrative Rule § [17:60:05:19](#) and [17:60:02:08](#).

DOC policy 1.4.B.2 – [Male Offender Classification](#)
DOC policy 1.4.B.10 - [GPS Monitoring Program](#)
DOC policy 1.4.B.14 – [Female Offender Classification](#)
DOC policy 1.5.A.5 – [Work Release](#)
DOC policy 1.5.G.2 – [Community Transition Program](#)

DOC Homepage <http://doc.sd.gov/forms/victim/>

VI Revision Log:

June 2002: **Changed** offender to offender to reflect policy application to offenders and parolees. **Clarified** notice of discharge procedures and responsible staff in section 2 and 3 of Notification Process

June 2003: **Added** notification information put on the QS screen. **Added** reference to Work Release policy. **Rearranged** information into new sections. **Added** reference on minor's request for notification. **Revised** Attachment 1 (Victim Notification Request Letter).

May 2004: **Added** commutation recommendations and early discharge recommendations to the complete notice. **Added** reference to the Notifier Database under the Citrix Program. **Added** reference to policies 1.4.B.2, 1.4.E.6 and 1.4.G.4. **Added** a statement to allow some agencies to request a complete notice.

April 2005: **Revised** the definition of Sentencing Judge and Interested Party. **Added** reference to the Community Transition Program under the section on Notification Options. **Revised** attachment 1. **Added** language that notification requests from judges can be via e-mail. **Added** that Central Records staff may fill out the "Notification Request Letter" if a victim contacts their office by telephone. **Added** the DOC web site as a place to obtain the "Victim Notification Letter".

July 2006: **Added** a specific Central Records staff person to review notification requests. **Deleted** "in Sioux Falls" from the Central Records staff references. **Added** a definition for CTP. **Clarified** that staff will attempt to contact inquiring parties for missing information deemed necessary. **Added** CTP absconders as part of the notification process. **Revised** the policy statement and several definitions. **Revised** the section on Guidelines for Notification. **Added** information for scheduled parole hearings under a "complete notice". **Clarified** notifications apply to Phase 2 of the CTP. **Revised** attachment 1.

April 2008: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2 Policy and Operational Memorandum Management. **Revised** various numbering and lettering of statements throughout policy as a result of adding, deleting or moving items in policy. **Deleted** "businesses" in the Definition of "Interested Party". **Added** "or e-mail contact" and "or e-mail address" in subsection (C 1 of Guidelines for Notification) as it pertains to a notification letter being returned, due to wrong or old address. **Deleted** "The DOC will provide a supply of blank "Notification Request Letters" to each State's Attorney's office In South Dakota" in subsection (A 1 of Notification Requests from a Victim or Interested Party section) and **revised** sentence to state DOC will inform each State's Attorney's Office in South Dakota upon request on how to access a blank Notification Request Letter through the website. **Added** "the party may be referred to the website" in subsection (B of Notification Requests from a Victim or Interested Party section) concerning if the initial request for notice is made by the victim or another party in another format. **Added** SDCL 24-14-4.1 to subsection (A 1 of Guidelines for Notification section). **Changed** SDCL 24-25-3 to 24-15-3 in subsection (A 1 of Guidelines for Notification section), as 24-25-3 does not appear to be an existing SDCL. **Moved** subsection (A 2 of Guidelines for Notification section) to subsection D of Guidelines of Notification section) indicated all information relating to notification requests from a victim or sentencing judge will be kept confidential. **Added** subsection (d of 3 of the Guidelines for Notification section) to include the victim, or sentencing judge or interested party's e-mail address. **Replaced** "computer offender notifier program" with "Citrix Notifier Database" throughout policy. **Replaced** "normally" with "most commonly" throughout policy. **Revised** subsection (B of Review of Notification Requests section) to indicate attempts will be made to obtain complete contact information to complete the notification. **Moved** Review of Notification Requests section before Notification Options section. **Added** "An interested party can only select a release notice" in subsection (A of Notification Options section). **Revised** subsection (B 1 through 14 of Notification Options section) to combine when a Complete Notice is relevant. **Replaced** "discharged" with "released" in subsection (B 2 and C 1 of Notifications Options section). **Added** subsections (B 9 & 10 of Notification Options section) noting any type of absconding and placement in a halfway house. **Added**

“of scheduled parole hearings” in subsection (B 11 of Notifications Option section). **Replaced** “commutation” with “clemency” in subsection (B 12 of Notification Options section) and **added** “by the Board of Pardons and Paroles” to the same section. **Added** “failure to return from a furlough, and” in subsection (C 1 of Notification Process section) and **deleted** “from CTP” in that same subsection. **Added** “from a furlough or return” in subsection (C 1 a of Notification Process section). **Revised** subsection (C 1 a of Notification Process section) into two individual bullets regarding who makes the telephone call concerning an escape during working hours and non-working hours. **Added** “from DOC Central Records staff” in subsections (2 a and 2 b of Notification Process section) indicating who makes the contact. **Deleted** “DOC Central Records staff are responsible for notices of discharges, via letter and telephone” in subsection (C 4 of Notification Process section) and combined with subsection (C 4 of the same section). **Added** “or capture of an offender who failed to return from a furlough” and “(parole release) or within five (5) working days of the offender being received at a DOC facility (other situations)” in subsection (C 4 of Notification Process section). **Added** “Phase 2 of the CTP” in subsection (D 5 of Notification Process section). **Added** SDCL 24-14-4.1 and www.state.sd.us/corrections/forms.htm to Related Directive(s) section. **Replaced** Community Transition Program to CTP as appropriate throughout policy. **Revised** other minor grammatical and sentence structure throughout policy. **Updated** Attachment 1 with header, footer, hyperlink, e-mail address and updated attachment picture to policy.

March 2009: **Added** “escape to “death” in ss (A2 of Guidelines for Notification). **Added** ss (B10) regarding GPS, **replaced** statement regarding letter and telephone contact with notifying by letter within 3 weeks and 1 week in ss (B11), **added** reference to facility in ss (C1) and **added** ss (C4 – C8) of Notification Options. **Deleted** reference to B1 and B2 in ss (C), **added** capture from a furlough in ss (C1a), **revised** ss (C1b) to include contacting Central Records or OIC at SDSP to make the call, **deleted** former ss (C2b) regarding unscheduled discharges notification by letter, **added** “CTP” and **deleted** capture of an offender who failed to return from a furlough in ss (C4) and **deleted** reference of Phase 2 of CTP in ss (C5) of Notification Process. **Added** discretionary parole hearing to Option 1 within Attachment 1

May 2009: **Replaced** “offender” with “parolee” and **added** “removed from GPS monitoring” in ss (B10) and **added** “offender” in ss (B11) all within Notification Options. **Added** reference to “capture of an offender who failed to return from a furlough” in ss (C1 of Notification Process).

April 2010: **Revised** formatting of Section 1. **Replaced** “are” with “may be” in definition of CTP regarding housing placement. **Added** reference to Complete Notice in ss (A1), **added** Release Notice to ss (A2) **deleted** escape, return from escape and absconding supervision in ss (A2) and **added** removed from CTP in ss (A2) all within (Guidelines for Notification). **Revised** title of DOC policy Offender Classification by referencing both 1.4.B.2 and 1.4.B.14. **Deleted** Phase 2 within ss (B8), **deleted** escape and return from escape in former ss (C6), **deleted** absconding supervision from former ss (C7) and **added** removed from CTP in new ss (C7) all within (Notification Options). **Replaced** commutation with clemency, **added** absconds supervision and placed on or removed from GPS within (Option 1), **added** released and removed from CTP in (Option 2) all within (Attachment 1).

March 2011: **Added** “serving” and “prison sentence or” to Section 1 ss 2, 3. **Added** reference to SDCL to Section 1, B 2. **Replaced** “wrong” with “incorrect” and **Deleted** “telephone or e-mail contact will be attempted when a number or e-mail address has been provided” **Replaced** with “Records staff will attempt to establish contact with the person or interested party via telephone or e-mail provided the person/party included this information in their application” in Section 1 C. 1. **Deleted** C. 2 in Section 1 “If a correct address cannot be obtained, the request for notice may be removed from the offender’s record” **Replaced** with “If Records staff are unsuccessful in contacting the person/interested party and a correct address cannot be located, the request for notice may be placed on inactive status in the Citrix Notifier data base.” **Added** “previously listed in the Citrix Notifier Database” to E in Section 1. **Deleted** “the judge imposed” **Replaced** with “imposed by the requesting judge” in Section 2, A. **Added** “requests notification and **Deleted** “make a separate written request” **Replaced** with “be required to submit a Notification Request Letter” in Section 3, D. **Deleted** all after the word “hearings” in Section 5 B. 12. **Replaced** “from” with “following” in Section 5 B. 1. **Deleted** “Pending” from Section 5. B.2. **Revised** Section 5. B. 3 to say “Granted a furlough or failure to return from a furlough”. **Removed** B. 5 from Section 5. (Placement on minimum custody status or removal from minimum custody status). **Deleted** “Release on” **Replaced** with “When granted” in Section 5 B. 6. **Deleted** “a parolee” and **Replaced** with “an offender” in Section 5 B. 9. **Added** reference to DOC policy 1.4.B.10 GPS monitoring to Section 5. B.10. **Deleted** “a halfway house, return to a DOC facility after residing in a halfway house” **Replaced** with “a minimum custody facility, removal from a minimum custody facility” in Section 5 B. 11. **Added** “and unscheduled parole hearings”

to Section 5 B. 11. **Added** 13. "Scheduled Clemency hearings before the full Board. **Revised** Section 5 B. 14 to "Outcome of clemency hearing before the full Board". **Revised** Section 5 B. 15 to "Governor's decision regarding clemency request (pardon or commutation)". **Renumbered** 14. "Early discharge recommendations to 16. and 15. "Death" was **renumbered** to 17. **Added** "If an offender" and **replaced** "will be noticed by a telephone call to the victim/sentencing judge and followed with a notification letter within one (1) working day" with "staff will attempt to contact those who have requested a Complete Notice via a telephone call" in Section 6 C. 1. **Added** "is granted a furlough to Section 6 C. 1.a. **Replaced** "regarding furloughs, escapes and returns to custody following escape" with "to the victim(s) and or sentencing judge whenever any of the above stated activities occur the next working day" in Section 6 C. 1. c. **Deleted** "release" and **Replaced** with "discharge from custody" in Section 6. C. 2. **Added** "the next working day" to Section 6 C. 2. a. and **Replaced** "prison" with "custody". **Added** parole "granted" and **Deleted** "to include" with "removal from " CTP in Section 6.C. 4. **Added** 7 to Section 6 C. **Added** a. and b. to Section 6, C. 7. **Added** new Section 7 GPS Notifications. **Added** new section 8 "Returned Notification Letters". **Added** A. 1. & 2 and B. 1 & 2. to new Section 7.

May 2012: **Deleted** "Non-Public" and **Replaced** with "Public". **Added** "on offenders" to Policy statement. **Added** "In cases involving a crime of violence where the victim does not survive the act, the term victim shall mean the member(s) of the immediate family of the primary victim". **Deleted** "The offender on whom a notification is requested must" and **Replaced** with "Requests for notification only apply to offenders" and **Added** "and/or SD offenders who are" to Section 1 A. 3. **Deleted** "or in the case of a victim from the" and **Replaced** with "or prosecutor/State's Attorney's office" to Section 1 B. 1. **Added** a. to Section 1 B. 1. **Added** "Requests for notification shall be kept by the DOC until the offender's discharge from prison and/or parole" in Section 1 D. **Deleted** "Discharge from custody of the DOC " and **Replaced** with "Pending release of the offender due to expiration of sentence" to Section 4 B. 2. **Added** new 12. "Following approval by the panel to grant an offender's request for a hearing before the full board" to Section 4 B. **Deleted** "Discharge from custody of the DOC " and **Replaced** with "Pending release of the offender due to expiration of sentence" to Section 4 C. 1. **Deleted** "and/or unscheduled parole hearings" and **Added** "following approval by the panel to forward request for a hearing to Board". in Section 5 B. 11. **Added** "DOC" custody and **Deleted** "captured and **Replaced** with "returned to DOC custody" and **Added** "or is removed from the Work Release program or CTP and **Deleted** "absconds" in Section 6 C. 1. **Deleted** "the month proceeding" and **Replaced** with "at least two (2) weeks prior to" in Section 6 C. 2. **Deleted** "letter" and **Replaced** with "first class mail" and **Deleted** "three (3) and **Replaced** with two (2) in Section 6 C. 3. **Deleted** "Offender deaths will be noticed by letter to" and **Added** "shall be notified of an offender's death via first class mail within two (2) weeks of the DOC receiving notice of the death" in Section 6 C. 4. **Added** "or outcome of early final or partial discharge consideration" and **Deleted** "working" in Section 6 C. 5. **Added** "and shall include the offender's clemency hearing date, time and location and shall advise that they may be present at the hearing and state an opinion regarding the clemency request" in Section 6 C. 7. **Added** "The notice shall advise the victim that they may contact the Governor to state their opinion regarding the offender's request for clemency" in Section 6 C. 7. a.

May 2013: **Added** definition of "COMS". **Removed** "Phase 2" from definition of offender. **Deleted** Citrix Notifier database" and **Replaced** with "COMS Victim Model" throughout the policy. **Deleted** "the victim" and **Replaced** with "meeting the definition of a "victim" as set forth in Chapter 23A-28C" in Section 1 B. 1. a. **Added** "and the most recent place for notification" in Section 1 D. **Added** "each" to Section 3 C. **Deleted** "The notice shall include the scheduled date of release from supervision" from Section 5 B. 5. **Added** "notification will be provided to the most recent place of notification for" in Section 6 C. **Deleted** "contact" and **Replaced** with "provide notification to" in Section 6 C. 1. **Deleted** "a notice shall be sent via first class mail" and **Replaced** with "or consideration of early final discharge" and **Deleted** "two weeks" and **Replaced** with "will be notified of the hearing a minimum of one week" and **Deleted** "or one week prior to an unscheduled hearing or the Board's consideration of early final discharge" and **Replaced** with "Notification may be by telephone or first class mail. If by mail, the notice must be sent a minimum of two weeks prior to the scheduled hearing" in Section 6 C. 3. **Deleted** "or the outcome of the Board's" in Section 6 C. 5. **Deleted** "by the DOC Classification/Transfer office staff" in Section 6 C. 6. **Added** a. to Section 6 C. 8.

April 2014: **Changed** title of policy from "Release Notification Request" to "Release and Status Change Notification Requests". Revisions to the policy to comply with SDCL 23A-28C.

April 2015: **Added** "or victim" to Section 1 C. 1. **Added** "or can't be reached by telephone" to Section 1 C. 2. **Updated** Attachment 1 and **Added** Attachment 2.

Denny Kaemingk (original signature on file)

05/25/2015

Denny Kaemingk, Secretary of Corrections

Date

Attachment 1: Victim Notification Request Letter

The **Victim Notification Request Letter** form is located on the DOC website.

1. Click [here](#) to access the **Victim Notification Request Letter** 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.

VICTIM NOTIFICATION REQUEST LETTER

Records Administrator
Department of Corrections
PO Box 5911
Sioux Falls, SD 57117-5911

(605) 357-5190 or (605) 357-5140

Offender Name: *(Please Print Clearly)* _____

South Dakota's Crime Victim's Act provides that a victim has the right to receive notice of certain changes in an offender's status.

The following is the definition of Victim from state law (23A-230-4):

23A-230-4. Victim defined. For the purpose of this chapter, the term, victim, means any person being the direct subject of an alleged act, which would constitute a crime of violence as defined by subdivision 22-1-2(5), simple assault between family or household members as defined in subdivision 25-10-1(2), stalking as defined in chapter 22-18A, auto theft of chapter 22-22, or a driving under the influence vehicle accident, under the laws of South Dakota or the laws of the United States. If the victim does not survive such act or is unable to comment, the term, victim, means the members of the immediate family of the primary victim.

Crime of violence as defined in (22-1-2(5)):

(5) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 25-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;

If the victim is a minor, the victim's parent or guardian may request notification.

Are you a victim of a crime of violence from this offender or a minor victim's parent or guardian? _____ (yes) _____ (no)

If you aren't a victim of a crime of violence but want notice, please complete the "Interested Party Notification Request Letter".

As a victim requesting notice, you will be notified if/when the following activities occur with this offender:

Discharges his/her prison sentence	Death of the offender while an inmate
Released to parole or suspended sentence	Scheduled for a parole hearing or demerit hearing
Returned to prison as a parole or suspended sentence violator	Recommended for demerit
Placed on or removed from minimum custody facility	Governor's decision regarding demerit
Escapes and returned to custody from escape	Placed on or removed from GPS monitoring
Placed on or removed from work release	Granted a furlough to return from furlough
Released to or removed from the community transition program	Reviewed by the Board for early final discharge
Absconds from parole or the community transition program	

There is also an offender look-up website at <http://doc.sd.gov/OffenderLookup> you can use to access information about offenders within the Department of Corrections. This website contains information about offenders including current location and release dates.

Print your name, address and telephone numbers so that you may be contacted. You will be sent a letter confirming your notification request. NOTE: You are responsible to keep the Department of Corrections informed of any change in your contact information.

Name: _____

Address: _____

City, State Zip Code: _____

Email Address: _____

Home Phone: () - _____ Work Phone: () - _____

Cell Phone: () - _____

Signature: _____ Date: _____

If an offender is released and later is re-incarcerated due to a new conviction, you must make a new request. To be notified of any changes in the offender's status, this form must be signed and returned. A separate form is required for each victim wishing to be notified.

Revised 04/11/2014

Attachment 2: Interested Party Notification Request Letter

The *Interested Party Notification Request Letter* form is located on the DOC website.

1. Click [here](#) to access the *Interested Party Notification Request Letter* 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.

INTERESTED PARTY NOTIFICATION REQUEST LETTER

Records Administrator
Department of Corrections
P.O. Box 5911
Sioux Falls, SD 57117-5911

(605) 367-5190 or (605) 367-5140

Offender Name: *(Please Print Clearly)* _____

By completing this form, you are requesting to be notified if/when the offender:

- Discharges his/her prison sentence
- Released to parole or suspended sentence
- Returned to prison as a parole or suspended sentence violator
- Released to or is removed from the community transition program
- Death of the offender while an inmate

There is also an offender look-up website at <http://doc.sd.gov/adultlookup> you can use to access information about offenders within the Department of Corrections. This website contains information about offenders including current location and release dates.

Print your name, addresses and telephone numbers so that you may be contacted. You will be sent a letter confirming your notification request. **NOTE:** You are responsible to keep the Department of Corrections informed of any change in your contact information.

Name: _____

Address: _____

City, State, Zip Code: _____

Email Address: _____

Home Phone: () - _____ Work Phone: () - _____

Cell Phone: () - _____

Signature: _____ Date: _____

If an offender is released and later is re-incarcerated due to a new conviction, you must make a new request. To be notified of any changes in the offender's status, this form must be signed and returned. A separate form is required for each victim wishing to be notified.

Revised 02/11/2014