

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

I Policy Index:



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II Policy:

Department of Corrections (DOC) staff will deal with people and organizations legitimately interested in the DOC, its institutions and agencies in a manner that maintains and enhances integrity and credibility.

III Definitions:

News Release:

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

Recognized News Media:

For the purpose of this policy, recognized news media includes:

- A. General circulation newspapers, which have met the requirements to be a legal newspaper as outlined in SDCL Chapter 17-2.
- B. Radio/Television stations holding a FCC license who provide news as part of their service.
- C. Periodical newsmagazines sold through newsstands or mail subscriptions to the general public.
- D. National/International news services.

Free-lance reporters, talk show hosts, internet news services, authors, documentary film directors/producers and other media members may be considered recognized news media for purposes of this policy on a case-by-case basis upon receipt of a letter of verification from the media outlet they are representing.

Tours:

As used in this policy, tours are single or infrequent visits to an institution for purposes of observing the physical plant, operations and/or programs. Individuals or groups entering an institution to perform a job or provide services in a specific area are not considered to be touring.

Security Perimeter:

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

IV Procedure:

1. Public Information Process:

- A. The public information process will encourage an understanding of the operations, programs, mission and goals of the DOC and its institutions/agencies and will include:
1. Appropriate and timely responses to requests from the public, private agencies and individuals and the recognized news media.
 2. Access to the institutions/agencies consistent with privacy concerns, as well as the security and disciplined operation of each facility and staff availability.
 3. Cooperation with other criminal justice agencies in gathering, exchanging and reporting information in a standard manner.
- B. Complaints directed toward the DOC or its institutions/agencies from public or private agencies or citizens will be investigated promptly (See section on [Investigation of Complaints](#)).

2. News Releases:

- A. Department news releases and media advisories will be issued by the DOC Communications and Information Manager or designee upon review and approval of the Secretary of Corrections.
- B. In the event of a major incident as defined in DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#), facilities and agencies may issue a news release if the DOC Communications and Information Manager is not available.
- C. Copies of all DOC news releases will be posted on the [South Dakota Department of Corrections](#) website.

3. Release of Information:

- A. The Warden, Director or Superintendent is responsible for the orderly dissemination of information from his/her institution or agency.
1. The release of sensitive information such as emergency response procedures, offender records or security procedures is subject to State and Federal laws, DOC policy and approval of the Warden, Director or Superintendent.
 2. The Warden, Director or Superintendent may designate a staff member as the Public Information Officer.
 3. Inquiries concerning institutional/agency operations may be referred to the Public Information Officer for a response.
- B. If staff are asked to offer official opinions concerning DOC operations or are presented with questions regarding the DOC's official stance, policy or practice on issues, these requests for opinions or questions will be referred to the DOC Administration for official comment.
- C. Responses to inquiries regarding an individual or requiring the identification of an offender are subject to statutory provisions regarding public information, DOC policy, and operational memorandums.

1. A list of public record information concerning an adult offender that may be released without offender authorization to inquiring parties is contained in [Attachment 1](#).
2. Information concerning specific juvenile offenders is confidential and will not be released to the general public unless a custodial parent or guardian and the juvenile offender sign an [Authorization for Release of Information](#) form ([See Attachment 2](#)).
 - a. Without a signed [Authorization for Release of Information](#) form ([Attachment 2](#)), information concerning a specific juvenile offender will only be available to that juvenile offender's parents/guardians, the court (judges) and legal counsel (the prosecuting and defense attorney).
 - b. This information is limited to the following:
 - 1) Data Collection Form.
 - 2) Intake Summary.
 - 3) Youth Level of Services/Case Management Inventory results.
 - 4) Institution Progress Report (See DOC policy 1.4.B.7 [Progress Reports](#)).
 - 5) Release Summary.
 - 6) Discipline Reports.
 - 7) Aftercare Violation Report.
- D. In no case should an offender or other unauthorized person be given direct access to an offender's file or other official institutional or DOC records (See DOC policy 1.1.E.3 [Offender Access to Records](#)).
- E. If an employee is in doubt regarding the propriety of a request for information, the employee should contact the DOC Communications and Information Manager.

4. Access to DOC Institutions:

- A. The Governor, Attorney General and Circuit Court Judges may access a DOC institution at any time. The Warden, Director or Superintendent should be notified as soon as possible upon the arrival of these officials.
- B. Other officials or the public may access a DOC institution through a tour.
 1. Tours will normally be limited to those people who have a governmental, legal, educational, security or business interest in that institution.
 2. Tours must be requested at least five (5) working days in advance through completion of the [DOC Access Approval and DOC Release and Waiver of Liability](#) form ([See Attachment 3](#)).
 3. Tours must be approved through the Warden, Director or Superintendent.
 4. Tour groups will be of a manageable size, normally no greater than fifteen (15) people.
 5. Tour participants will normally be at least eighteen (18) years old.
 6. Prospective tour members may be subject to a background check by completing the DOC Access Approval prior to being allowed to participate in a tour.
 - a. A tour may be denied for an individual or group if their presence could compromise the security or disciplined operation of the institution.

- b. People who are an immediate family member of an offender or who are on an offender's visit list (except M2/W2 sponsors) will not be allowed to participate in a tour.
7. Tour participants are required to complete a [DOC Release and Waiver of Liability](#) form prior to entering the security perimeter ([See Attachment 3](#)).
8. The institution will arrange for at least one (1) staff member to provide an escort for the tour group.
9. All tour participants must bring a picture ID with them.
10. Additional rules and guidelines regarding tours may be developed by each institution.

5. Interviews:

- A. Requests for interviews with staff will be coordinated through the DOC Communications and Information Manager.
 1. Any interview with staff intending to speak for the State of South Dakota must be approved in advance through the Warden, Director or Superintendent and the Secretary of Corrections.
 2. Except for scheduled events, recognized news media access to DOC facilities and staff is limited to normal business hours, Monday through Friday, excluding holidays.
 3. While in the institution, media representatives will usually meet first with the Warden, Director or Superintendent, or the Public Information Officer.
 4. Media representatives must complete and sign a [Media Agreement for Interview](#) form ([See Attachment 4](#)) prior to entering a security perimeter, housing unit or an area occupied by offenders.
 5. Media representatives are required to complete the [DOC Access Approval](#) form prior to entering a DOC facility for purposes of an interview with staff, inmate, juvenile and/or a tour ([See section on Release of Information and Attachment 3](#)).
 - A. Media representatives may be subject to a background check.
 6. Media representatives are required to complete a [DOC Release and Waiver of Liability](#) form prior to entering the security perimeter ([See Attachment 3](#)).
 7. Media representatives must be escorted by staff. Random access, not specific to the purpose of the visit is prohibited.
 8. During an emergency, media representatives will be restricted to a designated area per institutional emergency response manuals ([See DOC policy 1.3.B.1 Emergency Response](#)).
- B. Recognized news media representatives are allowed to interview inmates or juveniles in person if the interview is consistent with the mission statement of the DOC ([See DOC policy 1.1.A.1 Mission Statement](#) and the [Release of Information](#) section of this policy).
 1. The Secretary of Corrections or his designee will make the final determination if the interview is consistent with the mission statement of the DOC.

- a. In-person interviews will typically be done through a special visit initiated by the inmate.
 - b. Prior to an interview, the inmate or juvenile in custody must complete and sign the [Offender Consent for Media Interview](#) form (See [Attachment 5](#) and the [Release of Information](#) section of this policy).
2. Recognized news media representatives may correspond with inmates or juveniles in custody through U.S. mail or telephone calls, subject to the limitations of facility operational memorandums, rules and/or regulations, and/or DOC policy.
 3. Recognized news media representatives may be placed on an inmate's visit list, subject to the limitations of facility operational memorandums, rules and/or regulations, and/or DOC policy (See DOC policy 1.5.D.1 [Inmate Visiting](#)).
 4. Free-lance reporters are included as recognized news media, but may be required to verify their assignment with a letter from the media outlet they are representing.
- C. Camera and recording equipment is not allowed on the grounds of a DOC institution unless prior approval has been obtained through the Secretary of Corrections or the DOC Communications and Information Manager and the Warden, Director or Superintendent, except for parole hearings (See [Parole Board policy 8.1.A.1](#)).
1. Adult offenders may be photographed or videotaped by media representatives either in groups or as individuals without their consent. Such photographs and video taping may take place at a DOC facility or while offenders are participating in community service work (See DOC policy 1.4.G.8 [Community Service Program](#)).
 2. Juvenile offenders may not be photographed or videotaped by media representatives either in groups or as individuals unless consent has been granted by the juvenile and their custodial parent or guardian.
 3. If a juvenile offender in a picture is identifiable, in cases where he or she hasn't signed an [Offender Consent for Media Interview](#), written consent of the juvenile offender and custodial parent or guardian is required prior to release of the picture (See [Attachment 2](#)).
 4. Adult offenders must sign an [Offender Consent for Media Interview](#) form prior to an interview (See [Attachment 5](#)).
- D. News conferences by offenders are not allowed.
- E. Live broadcasts are not allowed on DOC property unless expressly authorized by the Warden, Superintendent or the Secretary of Corrections.
- F. Nothing in this policy prohibits recognized news media from coming into a DOC facility to do a story on a program, vocation, etc.

6. Notification and Approval:

- A. The Secretary of Corrections or the DOC Communications and Information Manager will be notified in advance by the Warden, Director or Superintendent of scheduled VIP, Legislative, news media or other official visits to an institution or contact with an agency.

- B. In the event of a non-scheduled VIP, Legislative, news media or other official contacts (telephone calls or visits), the Secretary of Corrections or the DOC Communications and Information Manager will be notified as soon as reasonable following the contact.
- C. The DOC Communications and Information Manager will be notified of all media contacts.

7. Investigation of Complaints:

- A. Complaints regarding an institution's or agency's relationship with the media, public, and other agencies should be brought to the attention of the respective Warden, Director or Superintendent and the Secretary of Corrections.
- B. The Warden, Director or Superintendent will promptly assign a staff member to investigate the complaint.
 - 1. Staff involved in the complaint will not initiate the investigation.
 - 2. Results of the investigation will be disseminated to the complaining party, the subject of the complaint, and the Secretary of Corrections, if personnel policy and public information concerns do not preclude such release.

V Related Directives:

SDCL Chapter [17-2](#) and [24-2-20](#)

DOC policy 1.1.A.1 – [Mission Statement](#)

DOC policy 1.1.A.3 – [Reporting Information to DOC Administration](#)

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

DOC policy 1.3.B.1 – [Emergency Response](#)

DOC policy 1.4.B.7 – [Progress Reports](#)

DOC policy 1.4.G.8 – [Community Service Program](#)

DOC policy 1.5.D.1 – [Inmate Visiting](#)

Parole Board policy 8.1.A.1 – [News Media and Camera's at Board Hearing](#)

VI Revision Index:

June 1998: Addition: Section V.A.6. on not allowing interviews with adults in the Admissions and Orientation Unit. **Removed:** V. B. 2. Juvenile offenders not being permitted to do interviews. **Revised:** II.A.1. Release of sensitive information is now subject to DOC policy and CEO review. **Revised:** II.D.2. to say specific information about juveniles is confidential and will not be released to public. **Revised:** V.A.1. to say juvenile must agree to interview. **Addition:** Section II.D.3. on who can receive information on juvenile offender. **Deleted:** V. E. 2. on photos of identifiable offenders in group. **Deleted:** Social Security Number on Attachment 1, number 1. **Addition:** Crime, Plea, Prosecution & defense counsel, judge, # of felonies and custody status to Attachment 1. V. D. & V.E. now include the word videotaped.

July 1999: Affected Units **changed** to All. Section V. Interviews with staff included. Section VI. new separate section on Notification and Approval.

July 2000: Revisions to sections III and V requiring approval for access to DOC institutions and advance arrangements for tours. **Added** Attachment 5. Revisions to section IV on how media requests require approval of CEO & Sec. of Corrections. **Revisions** to section IV on rules concerning adult and juvenile offenders being identified by media. **Revised** Attachments 2 & 4 to read offenders rather than inmate's and to include parent/guardian's signature for juvenile interviews and information release.

March 2002: Revised Interviews D. to allow photos and video of adult offenders without consent **Added** section on media representative required background check to enter institution. **Revised** Interviews D to include individuals. **Revised** Investigation of Complaints A to include

Agencies. **Revised** "Central Office" references to "DOC Administration"

July 2003: Added references to policies 1.1.E.3 and 1.4.G.8. **Discontinued** interviews with offenders.

Added M2/W2 sponsors can come in for a tour. **Revised** the advance notice for tours to five (5) working days. **Revised** attachments 2 and 4.

December 2003: Revised section on Interviews to allow interviews with offenders if it ties into the mission of the DOC. **Rearranged** the order of the attachments. **Added** an attachment for offender interviews with the media. **Revised** the order of the attachments. **Added** references to other DOC policies. **Replaced** Master Intake Form with Intake Data Collection Form and **replaced** Classification/Reclassification Form with Youth Level of Services/Case Management Inventory results in the Release of Information section.

July 2004: Changed attachment 3 from "Tour Request" form to the "DOC Facility Access Request" form. **Changed** the body of the policy to reflect the change in attachment 3. **Added** a definition for security perimeter. **Added** reference to policy 1.4.B.7.

April 2005: Added requirement for free-lance writer verification in the section on **Interviews**.

Replaced

CEO and Chief Executive Officer with Warden, Director or Superintendent. **Replaced** Operations Memorandum with Operational Memorandum. **Added** reference to SDCL § 24-2-20.

August 2006: Added a definition and section on News Releases. **Revised** the definition of Security Perimeter. **Added** a note that live broadcasts are not allowed on DOC property. **Revised** attachment 4.

March 2007: Revised procedures to allow an inmate to have a special visit for the purposes of an interview. **Added** a statement regarding media coming into a facility to do a story on a program, vocation, etc. **Removed** the Secretary of Corrections from approving tours.

March 2008: Replaced the word "intending" for the word "purporting" in the Interviews section.

Revised language on # 5 of the Interviews section to state that media representatives "may" be subject to a background check vs. "are" subject to a background check and added inmates and juveniles to the list who media may be requesting to interview. **Added** reference to the Release of Information section when media are requesting to interview staff, inmates, juveniles, and/or for the purpose of a tour. **Added** reference to the Release of Information section when recognized media are requesting to interview inmates and/or juveniles when it supports the DOC Mission Statement. **Added** Secretary of DOC or the DOC Communications and Information Manager to be contacted for prior approval of any type of camera or recording device in Attachment 3 DOC Access Facility Request. **Revised** the title of the "DOC Communications Information Officer" to "DOC Communications and Information Manager" throughout policy.

January 2009: Revised formatting of policy in accordance with DOC policy 1.1.A.2. **Added** DOC Access Approval form in ss (B6) and **added** ss (B7) regarding tour participants are required to sign the waiver with Access to DOC Institutions. **Added** DOC Access Approval form to ss (A5), **added** ss (A6) regarding the media signing the DOC Release & Waiver of Liability form and **added** language excluding parole hearings in ss (C) of Interviews. **Added** reference to Board policy 8.1.A.1 in section V. **Deleted** Attachment 3, DOC Facility Access Request and **replaced** with updated DOC Access Approval and DOC Release and Waiver of Liability form and **revised** instructions.

January 2010: Revised formatting of Section 1. **Clarified** titles of Attachments 2 and 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 2. **Revised** page 2 of Attachment 3 to read form must be returned within 5 working days vs. 2 weeks prior to the visit. **Added** hyperlinks.

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.



Tim Reisch, Secretary of Corrections

03/02/2011

Date

Attachment 1: Information Released Regarding Adult Offenders

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

Please Note: If an offender was incarcerated under a Suspended Imposition of Sentence (SIS) all information concerning this offender is considered confidential.

1. Name and any known aliases.
2. 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 inmate, parolee, or person who has completed a prison term.
14. County of conviction.
15. Plea.
16. Citizenship status.
17. Birth town, state and country.

Attachment 2: 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.A.4, 1.1.E1 or 1.1.E2 Relationship with News Media (Offender Case Records Control & Ingram/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: _____	_____
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Attachment 3: DOC Access Approval and DOC Release and Waiver of Liability

The **DOC Access Approval & DOC Release and Waiver of Liability** is located on the state's WAN.

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

1. Click [here](#) to access the **DOC Access Approval & DOC Release and Waiver of Liability** 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 **DOC Access Approval & DOC Release and Waiver of Liability**.

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

Page 1 of 2

Page 2 of 2

Page 3 of 3

The image displays three sequential pages of a form titled "DOC ACCESS APPROVAL AND DOC RELEASE AND WAIVER OF LIABILITY".

- Page 1 of 2:** Titled "DOC ACCESS APPROVAL". It contains instructions for the media and tour, followed by a series of checkboxes and fields for approval. The form includes sections for "INSTRUCTIONS", "APPROVAL", and "RELEASE".
- Page 2 of 2:** Continues the "DOC ACCESS APPROVAL" form. It features a large section with a grid of checkboxes for various items, including "APPROVAL", "RELEASE", and "WAIVER".
- Page 3 of 3:** Titled "DOC RELEASE AND WAIVER OF LIABILITY". It contains a section for "RELEASE AND WAIVER OF LIABILITY" with a large area for text entry, followed by a signature line and a date field.

Attachment 4: Media Agreement for Interview

The **Media Agreement for Interview** 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 **Media Agreement for Interview** 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 **Media Agreement for Interview**.

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
MEDIA AGREEMENT FOR INTERVIEW	
I, <input type="text"/>	do hereby state that I am
<small>(Name)</small>	
employed/contracted by: <input type="text"/>	
<small>(Media Organization)</small>	
and I am authorized by them to conduct the interview.	
<p>The Institution staff has informed me of the rules governing my conduct during staff/male/ juvenile offender interviews and staffs within the Institution, and I agree to comply fully with them . 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 grounds .</p> <p>I further agree to obtain a release from any juvenile offender and his/her custodial parent or guardian before releasing the name of a juvenile offender, identifying a juvenile offender and before any photo, video recording, or correspondence is used in any publication or broadcast .</p> <p>I acknowledge my professional responsibility to make reasonable attempts to verify any allegations regarding an offender, staff member, or Institutional program .</p> <p>I recognize a visit to a prison or a correctional facility presents certain hazards, and I agree to assume all ordinary and usual risks to my personal safety inherent in a visit to the facility.</p>	
Signature: <input type="text"/>	Date: <input type="text"/>
Revised: 1/15/2009	Page 1 of 1

Attachment 5: Offender Consent for Media Interview

The **Offender Consent for Media Interview** 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 **Offender Consent for Media Interview** 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 **Offender Consent for Media Interview**.

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

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	
OFFENDER CONSENT FOR MEDIA INTERVIEW			
I, <input type="text"/>	<input type="text"/>		do hereby freely give permission to
	(Offender's Name)		
<input type="text"/>	to interview me on or about	<input type="text"/>	
	(Media Organization)		(Date)
and I authorize the media to use and release any information gathered from me during this interview for any legitimate purpose.			
I further freely give permission to the media organization to make recordings of my voice during this interview and to take photos of me (still, motion, or video) and authorize the use and release of such recording or pictures by the media represented for any legitimate purpose.			
This consent for media interview may be revoked by me anytime prior to the interview.			
Offender's Signature:	<input type="text"/>	Date:	<input type="text"/>
Staff Witness:	<input type="text"/>	Date:	<input type="text"/>
Parent/Guardian Signature: (for juvenile offenders)	<input type="text"/>	Date:	<input type="text"/>
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