

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF SOUTH DAKOTA**

**IN THE MATTER OF  
DISCLOSURE OF JAIL INCIDENT  
REPORTS OR SIMILAR DOCUMENTS**

**STANDING ORDER  
24-01**

Whereas the probation and pretrial services office sometimes receives incident reports from jails and includes that information in presentence investigation reports for adults and predisposition sentence investigation reports for juveniles; and


Whereas counsel has sought the incident reports from the probation and pretrial services officer, but national policy debars such disclosure absent an order from the Court; and

Whereas the alternative to voluntary disclosure is to have counsel incur the cost and time to seek subpoenas duces tecum for jail officials to provide the reports and potentially attend sentencing hearings, which strikes the Court as unnecessarily cumbersome. Now therefore,

IT IS ORDERED that, if and only requested by the Assistant United States Attorney or the defense attorney, the probation and pretrial services office shall make available any incident report or similar document received from a jail concerning alleged misbehavior of someone while in pre-trial or pre-sentence detention, and further that any attorney receiving such material shall not disseminate the incident reports publicly or share them with anyone not directly connected to the case.

October 1, 2024.

BY THE COURT:

  
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ROBERTO A. LANGE  
CHIEF JUDGE