

# **SOUTH DAKOTA DEPARTMENT OF CORRECTIONS**

Revised: July 28, 2017



## **JUVENILE OFFENDER LIVING GUIDE**

## RECEIPT OF JUVENILE OFFENDER LIVING GUIDE

### *(JUVENILE RECEIPT)*

Juvenile's Name: \_\_\_\_\_  
(Please Print Clearly)

I acknowledge receiving a copy of the South Dakota Department of Corrections Juvenile Offender Living Guide.

I understand it is my responsibility following all DOC rules, including those contained within the Juvenile Offender Living Guide.

I understand the Juvenile Offender Living Guide must remain in my possession throughout the period of commitment with the South Dakota Department of Corrections, and I am subject to paying the replacement cost for a new Juvenile Offender Living Guide.

\_\_\_\_\_  
Juvenile's Signature

\_\_\_\_\_  
Date

- Send the completed form to the juvenile's central file located with the JCA.

**RECEIPT OF JUVENILE OFFENDER LIVING GUIDE**  
*(PARENTAL/GUARDIAN RECEIPT)*

Juvenile's Name: \_\_\_\_\_

I acknowledge receiving a copy of the South Dakota Department of Corrections Juvenile Offender Living Guide. I understand it is my responsibility to read this guide and to discuss and questions or concerns I have with the Juvenile Corrections agent assigned to my child.

I understand I am responsible for paying all costs associated with my child's commitment to the DOC, as ordered by the court or otherwise required by the DOC. These costs may include parental support, medical, dental, optometric or mental health services. I understand it is my responsibility to provide the Department of Corrections copies (front and back) of my child's insurance and Medicaid information. I understand if my child is placed at a facility, he/she may not be eligible for Medicaid coverage. Medicaid may provide coverage for juveniles placed in private group care and residential treatment facility if certain eligibility requirements are met. Parents who are court ordered to pay for health care costs will be responsible for all ordered expenses not covered by private insurance or Medicaid.

I understand if my child is receiving Social Security or Supplemental Security Income payments from the Social Security Administration, I am not eligible to receive those monies during the time my child is in the Department of Corrections' custody. I understand the Department of Corrections may become the payee of those monies during that time.

DOC public policies and operational memorandums (OMs) are available for review by juveniles committed to the DOC and parents/guardians upon request.

A list of the DOC's policies is available for public access on its website at <http://doc.sd.gov/>. If you have a question regarding a policy or wish to receive a copy of an attachment located within a particular policy, please contact DOC staff assigned to your child.

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Date

- Retain the completed form in the juvenile's central file located with the JCA or scan into COMS.
- Provide a copy of the signed form to the parent/guardian.

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## **SECTION I: INTRODUCTION**

### **MISSION STATEMENT**

The mission of the Department of Corrections is to protect the citizens of South Dakota by providing safe and secure facilities for juvenile and adult offenders committed to our custody by the courts, to provide effective community supervision to offenders upon their release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

### **VISION**

A national leader in corrections that enhances public safety by employing evidence based practices to maximize the rehabilitation of offenders.

### **VALUES**

- We value our staff as our greatest asset.
- We value a safe environment for staff and offenders.
- We value community support and collaboration.
- We value public trust in the operation of our department.
- We value the use of evidence based practices to maximize offender rehabilitation.
- We value diversity and the respect for all individuals.
- We value professionalism, teamwork and the highest standard of ethics.
- We value investment in our staff through training in sound correctional practice and through the provision of opportunities for development and career advancement.

### **INTRODUCTION**

The content and information contained within this handbook applies to all juveniles committed to the South Dakota Department of Corrections (SDDOC) juvenile system and their families. Contained within this guide is basic information about the programs available to you and your rights and responsibilities while committed to the Department of Corrections. This guide is not intended to be a complete list of all DOC rules, regulations, requirements, programs or procedures. If you have questions regarding any information provided in this guide, please contact a staff member.

### **PERIOD OF COMMITMENT**

You have been committed to the DOC until age twenty-one or discharge from the DOC, as provided in South Dakota Codified Law (SDCL) § 26-11A-5 and § 26-11A-7. Your actual length of commitment depends on several factors, including your history of offenses, your behaviors and decision to follow the rules while committed to the DOC and successful completion of the aftercare program.

### **PARENTAL RESPONSIBILITY**

In accordance with SDCL § 26-7A-42, parents, guardians or custodians of a juvenile committed to the DOC will maintain financial responsibility of the juvenile. The committing judge has the authority to determine the amount of parental support that must be paid to the DOC for the care, custody and control of a juvenile committed to the DOC. Parents or

guardians remain responsible for the juvenile's medical and dental costs while not otherwise covered. Parents or guardians should report any health and dental insurance coverage to the Juvenile Corrections Agent (JCA) as soon as possible.

### **SECRETARY OF CORRECTIONS AS GUARDIAN**

The Secretary of Corrections is the guardian of all juveniles committed to the DOC. The Secretary of Corrections may appoint a person to be your custodian.

### **DNA COLLECTION**

Every juvenile committed to the DOC as an adjudicated delinquent for a qualifying felony offense, is required to provide a DNA sample as described in SDCL Chapter § 23-5A and DOC policy 1.3.C.10 *Offender DNA Collection*.

DNA collection requires submission of the person's fingerprints and saliva to the state laboratory in Pierre for recording.

### **SEX OFFENDER REGISTRATION**

During the intake process, the JCA will check each juvenile's name against the national sex offender registry and note if the juvenile is a sex offender. All sex offenders required by state law to register are responsible for completing and abiding by all sex offender registry rules and applicable law. JCAs will ensure sex offenders committed to the DOC are registered, as required by state law. Juvenile sex offenders are subject to assessments and screening to develop a treatment plan.

### **PRISON RAPE ELIMINATION ACT (PREA)**

The SDDOC has a zero-tolerance policy relating to sexual abuse or sexual harassment of offenders. The SDDOC will cooperate in the investigation and prosecution of anyone involved in a sexual abuse of a juvenile offender or negligence or violation of responsibilities that may have contributed to the abuse or harassment of the offender. If you believe you are the victim of a sexual abuse or sexual harassment, you must report this information to a staff member as soon as possible.

Sexual abuse is any unwanted sexual contact from another person.

Sexual harassment is repeated comments or gestures of a sexual nature, unwelcome sexual advances or requests by another person.

If you are not comfortable reporting this directly to staff, either in writing, verbally or through an anonymous report, you may report the abuse or harassment to a friend or family member so they can report this to the DOC or South Dakota Division of Criminal Investigation. The DOC will respond to all reports of sexual abuse and steps will be taken to protect the victim.

## **REPORTING OF ABUSE AND HARASSMENT**

It is your right to be free of physical or emotional injury, neglect, or sexual abuse. The DOC is committed to maintaining an environment free of harassing, discriminatory and offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age, genetic information, disability or any other legally protected status. If you believe you are in danger or have been abused or harassed, you must report this to a staff member so action can be taken to ensure your safety. All Division of Juvenile Services staff are required to report all known or suspected instances of a juvenile being physically or emotionally injured, neglected or sexually abused, as required by law and DOC policy 1.1.C.3 Staff Reporting Abuse or Neglect.

## **ISSUES/COMPLAINTS AND REQUESTS FOR REMEDY**

All juveniles, regardless of classification or placement/housing location, have the right to share and discuss issues and complaints with staff. If you have concerns or a complaint involving a DOC policy, program, rule, procedure or a decision involving disciplinary actions or classification, you should first discuss this with your JCA. Your JCA will review your concerns and respond to request for resolution.

If you are not satisfied with the response you receive from your JCA, you may contact the Director of Juvenile Services to request additional review of the issue and a resolution. You will not be retaliated against for exercising your right to seek a resolution to your concerns or complaints.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the South Dakota Department of Corrections will not discriminate against qualified individuals with disabilities on the basis of disability in Department of Corrections services, programs, or activities.

The Department of Corrections will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Department of Corrections programs, services, and activities. If you require such aids or services, please contact your JCA.

## **USE OF FORCE**

The DOC follows strict guidelines regarding the use of force. Staff may employ any level of force that is reasonable and necessary to accomplish a lawful objective. Force will never be used as punishment. If you believe you are a victim of excessive force by staff or others, you must immediately report this to a staff member.

## **SECTION II: INTAKE, CLASSIFICATION, AND INITIAL PLACEMENT**

### **JUVENILE CORRECTIONS AGENT (JCA)**

When you are committed to the Department of Corrections, you will be assigned a Juvenile Corrections Agent (JCA). Your JCA will maintain regular contact with you, your family and service providers in the community. Your JCA is your single point of contact throughout your commitment to the DOC. Your JCA will advocate for you on your behalf and will work

with you, your family and service providers to help you be successful. Your JCA may also communicate with staff at any facility where you may be placed, the Director of Juvenile Services or other DOC staff regarding changes in your placement. Your JCA will monitor your progress and is responsible for working with you and your family to identify aftercare placement resources and community based services to help you succeed in the community.

### **THE INTAKE PROCESS**

Intake involves the initial collection of data and information about you. This information will come from a variety of sources and will be used to guide decisions about your placement, programming and any treatment that you may require. The information gathered in the intake process will assist your JCA in developing a case plan with you.

The intake process also involves providing information to you and your family about the juvenile corrections system and what it means to be committed to the DOC. Input from you, your parents or guardians is valued. We understand parents or guardians know their child best and our goal is to work with parents or guardians to help set goals for the child that will further their success.

Intake also involves assessments, which may be conducted at detention centers, private placements or at your home by staff or other professionals. Assessments help identify areas of concern, risk factors, skills and needs. During the intake process, you may receive a physical to measure your overall health. You will be assessed for medical needs, disabilities, chemical dependency, sexual abuse, sex offender behaviors, mental health, education and vocational skills/employment history. The assessments utilized by your JCA and others help drive your treatment by targeting your areas of need that need to be addressed for you to be successful in your community.

Through the standardized risk assessment inventory, (YLS/CMI 2.0), your risks, needs and responsivity factors are assessed and directly linked to decisions regarding placement, case planning, aftercare supervision levels and treatment progress. Your JCA will update your assessments and conduct reassessments as required. Your YLS/CMI 2.0 score will help your JCA determine your level of service and any treatment needs.

The factors to be considered when determining offender risk levels include prior and current offenses, family circumstances, parenting, education, employment, peer relations, substance abuse, leisure/recreation, personality, behaviors, attitudes and orientation. The higher your risk score, the higher the level of supervision you will receive. Risk factors, along with any current psychiatric diagnostic impressions and behavioral concerns, are the initial criteria for determining an appropriate level of care and placement. It is important to note that juveniles who are referred to a higher level of care, Psychiatric Residential Treatment Facilities (PRTF) & Intensive Residential Treatment Facilities (IRT), must meet additional requirements of a medical necessity review by an outside agency in order to qualify for admission. Admission to this type of facility is not determined solely by the Department of Corrections.

You are subject to transfer from any facility, program, or service at the discretion of the Chief Executive Officer of any facility where you may be placed, the Secretary of Corrections or the Director of Juvenile Services.

## SECTION III: PRIVATE PLACEMENT

### PRIVATE PLACEMENT

You will be placed in a program consistent with your risk, needs, and medical necessity status. You are required to follow the rules and regulations of the DOC in addition to the rules of any facility where you may be placed.

### IN-STATE PRIVATE GROUP CARE PLACEMENTS

- **McCrossan Boy's Ranch (male only):** 47135 260<sup>th</sup> Street, Sioux Falls, SD 57107, phone: 605-339-1203
- **New Beginnings Center (LSS):** 1601 Milwaukee Avenue NE, Aberdeen, SD 57401, phone: 605-229-1239
- **Wellfully:** 1205 E. Saint James St., Rapid City, SD 57709, phone: 605-342-0345

### IN-STATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES (PRTF)

- **Abbott House (female only):** 909 Court Merrill, Mitchell, SD 57301, phone: 605-996-2486
- **Black Hills Children's Home Society:** 24100 S. Rockerville Rd., Rapid City, SD 57702, phone: 605-343-5422
- **Sioux Falls Children's Home Society:** 801 N. Sycamore Ave., Sioux Falls, SD 57110, phone: 605-334-6004
- **Canyon Hills:** 2519 Windmill Drive, Spearfish, SD 57583, phone: 605-559-3501
- **Our Home-Parkston:** 103 W. Maple St., Parkston, SD 57336, phone: 605-928-7907
- **Our Home ASAP-Adolescent Sexual Adjustment Program (male only):** 40354 210<sup>th</sup> St., Huron, SD 57350, phone: 605-352-9098
- **Summit Oaks I:** 621 East Presentation St., Sioux Falls, SD 57104, phone: 605-221-2346

### IN-STATE INTENSIVE RESIDENTIAL TREATMENT FACILITIES (IRT's)

- **Aurora Plains:** 1400 E. 10<sup>th</sup> Street, Plankinton, SD 57368, phone: 605-942-5437

### OUT OF STATE PLACEMENTS

- **Benchmark:** 592 West 1350 South, Woods Cross, UT 84087, phone: 801-299-5319

- **Clarinda Academy:** 1820 N. 16<sup>th</sup> St., Clarinda, IA 51632, phone: 712-542-6128
- **Coastal Harbor Treatment Center:** 1150 Cornell Ave., Savannah, GA 31406, phone: 912-354-3911
- **Copper Hills Youth Center:** 5899 W. Rivendell Rd., West Jordan, UT 84081, phone: 800-776-7116
- **Forest Ridge Academy:** PO Box 515, Estherville, IA 51334, phone: 712-362-5231
- **Mesabi Academy:** PO Box 726, Buhl, MN 55713, phone: 888-270-5013
- **Natchez Trace Youth Academy:** 415 Seven Hawks Lane, Waverly, TN 37185, phone: 931-296-5415
- **Southwestern Youth Services:** 401 W. Luverne, Magnolia, MN 56158 phone: 507-283-4425
- **Woodward Academy:** 1251 334<sup>th</sup> St., Woodward, IA 50276, phone: 515-438-3481

### **SECONDARY PLACEMENT**

As part of the release planning process, a determination will be made concerning your residence during your period of aftercare supervision. A suitable family situation is the ideal release plan for every juvenile in the DOC. We will do everything possible, including providing assistance to your family through a referral to Functional Family Therapy, dependent on need to help you return to your home. If placement with your family or other caregiver is not a suitable option, you may be placed in a secondary placement facility or foster care. Secondary placement facilities include independent living programs operated by Volunteers of America, Stepping Stones, McCrossan's and Sequel Transitional Academy. These programs provide a positive living environment for juveniles who are ready to succeed in a community setting.

### **PERSONAL PROPERTY**

If you are placed in a facility, please know that the amount and type of personal property you may possess and your access to the property will be controlled by the facility or program rules. Your basic living needs will be met; however, you may be responsible for purchasing or obtaining other non-essential property. Lists of personal property that is permitted and the approved ways of obtaining personal property are available through staff at each facility or program.

Staff cannot ensure the safety of your personal property from loss, theft, or damage resulting from negligent acts or omissions by you or others. Access to certain property may be temporarily forfeited as a consequence of your actions or behaviors.

To prevent the concealing or possession of weapons, drugs, or other property which you are permitted to possess, Juvenile Community Corrections staff may search your body, property, residence, vehicle, locker, work site, etc. You are responsible for all property in your control. Searches will not be conducted as a means of punishment or harassment.

Items of personal property you are not allowed to possess or property possessed in a higher quantity than permitted is considered contraband and will be removed. You may be required to dispose of the property as directed by staff.

Any item discovered in your possession that is deemed dangerous or illegal (weapons or illegal drugs) may be turned over to law enforcement and may result in criminal prosecution or disciplinary sanctions.

### **TOBACCO PRODUCTS**

In accordance with state law (SDCL § 34-46-2 and § 26-10-20), juveniles under the age of 18 may not use or possess tobacco products. Juveniles on aftercare are expected to adhere to their aftercare contract. If you violate the law or your aftercare contract, you are subject to court action and disciplinary sanctions.

### **DRUG AND ALCOHOL TESTING**

All juveniles committed to the DOC are subject to drug and alcohol testing. You may be required to submit to testing anytime there is reason to believe you are under the influence of alcohol, marijuana or any unauthorized controlled substance or when alcohol, marijuana or any unauthorized substance is found in your possession, or you are in an area where such substances are located. All juveniles are subject to random testing, as directed and required by your JCA or facility staff. Juveniles who test positive or found to have drugs or alcohol in their possession are subject to disciplinary sanctions and/or criminal prosecution.

### **FINANCIAL ACCOUNTS**

In some private facilities, you may have an account set up in your name to help you manage your money and pay court ordered sanctions, restitution, child support and any other obligations or expenses you incur during your commitment, in accordance with DOC policy 1.3.C.11 *Offender Obligations*. Questions regarding any account set up for you (account balances, account statements, deposits, etc.) should be directed to program staff. Questions regarding any obligations you may be required to make payments towards should be directed to your JCA or program manager.

### **FURLOUGHS FROM A FACILITY**

With appropriate supervision, you may be allowed to leave a facility to attend things such as funeral trips/bedside visits for immediate family members, medical appointments, court appearances, home visits or other reasons approved facility staff and your JCA. Your JCA should be your first point of contact to discuss requests for temporary absence from the facility. Any unauthorized departure from a facility or program is considered absconding and will result in a warrant being issued and you will be subject to detainment and

disciplinary action. Absconding from custody or supervision will affect the amount of time which you must remain under the commitment of the DOC.

## **SECTION IV: AFTERCARE**

### **AFTERCARE CONTRACT**

Your release on aftercare is contingent on the development of an acceptable aftercare plan, which will involve input by you, your family/caregiver, your JCA, program staff and community treatment providers. Your aftercare contract is based on your own individual needs and risks. The plan will include any legal conditions imposed by the court outlining any expectations or behaviors required of you while on aftercare. The terms of the contract may include but are not limited to:

- The location of your residence.
- Your agreement to get approval from your JCA prior to leaving the city, county or state.
- Abiding by all federal, state and local laws.
- Attending school daily with no unexcused absences.
- Not using or possessing controlled substances, marijuana or alcohol.
- Submitting to drug testing when directed.
- Locating and maintaining an agreed upon level of employment.
- Maintaining satisfactory performance in all required programs.
- Complying with all instructions and directions by staff.
- Following your curfew.
- Involvement in community service.
- Agreeing to a warrantless search of your person, residence, locker, vehicle, or any personal property.
- Establishing a restitution payment plan, if applicable.

### **SERVICES**

In addition to the legal requirements outlined as conditions and terms in your aftercare contract, your JCA will work with you and your family to identify your goals and needs while on aftercare. All juveniles with an YLS 2.0 score of moderate or above are required to have a case plan. The case plan is an individualized services plan developed with input from you and your JCA. Your case plan will define your areas of risk and need as identified through the YLS 2.0. Your case plan will help prepare you for your responsibilities in the community. Aftercare services may include monitoring and supervision by your JCA and individual, family and cognitive behavioral group counseling. You may be required to work on chemical dependency issues, sex offender behaviors, education and/or vocational needs, mental health issues and participate in self-help programs.

### **SUPERVISION**

Your JCA will supervise you while on aftercare and document contacts he/she has with you, your family and monitor your involvement in programs, services, counseling, etc. Your JCA will document and respond to any incidents of noncompliance by you involving your aftercare conditions. Your JCA will assist you and help your family/care givers to hold you accountable for maintaining positive behavior while on aftercare and for working toward your goals and meeting your needs and challenges. Your aftercare supervision level will

be determined by your JCA. The levels of supervision range from maximum to minimum. Supervision and monitoring by your JCA will help stress accountability of your actions through the use of incentives and sanctions. You may be eligible to participate in the Independent Living Incentive Plan, which is used to encourage juveniles to prepare to live independently.

### **REASSESSMENT OF RISK LEVEL**

Your JCA will conduct a reassessment of your risk level using the YLS/CMI 2.0 approximately three (3) months following your release from a facility and every six (6) months thereafter. A reassessment will also be completed in the event you commit a new delinquent offense, an aftercare revocation, or as required by policy.

### **RESTITUTION**

You are required to pay restitution related to your offenses or damages to property as ordered by the court. Your JCA will assist you in developing a payment schedule at the time you are released to aftercare for any restitution to victims, fines or other court ordered obligations you owe.

### **VIOLATIONS**

Violations of your aftercare contract may result in adverse consequences, consistent with the law, including, but not limited to:

- Community service;
- Verbal reprimand;
- House arrest;
- Electronic monitoring;
- Increased level of supervision,
- Urinalysis testing/breath analysis;
- Aftercare revocation; and/or
- Return to placement.

### **REVOCAION**

It is our goal to help you succeed. However, if you violate the conditions of your aftercare contract in such a manner that warrants revocation, your JCA may initiate revocation of your aftercare. As part of the revocation proceedings, you will be taken into custody and transported to a detention facility or shelter facility. You will be afforded due process with a probable cause hearing within twenty-four (24) hours of placement in the detention/shelter facility. Revocation of aftercare may result in your return to the physical custody of a facility or an alternative community-based program.

## **SECTION V: JUVENILE CORRECTION OFFICES**

Aberdeen Office  
1234 4<sup>th</sup> Avenue SW Ste 1  
Aberdeen, SD 57401  
(605) 626-2268

Rapid City Office  
1600 Sedivy Lane  
Rapid City, SD 57703  
(605) 394-1617

Huron Office  
79 3<sup>rd</sup> Street, SE  
Huron, SD 57350  
(605) 353-7366

Sioux Falls Office  
4001 W Valhalla Blvd, Suite  
103 Sioux Falls, SD 57106  
(605) 362-3580

Mitchell Office  
116 E 11<sup>th</sup> Ave  
Mitchell, SD 57301  
(605) 995-8155

Spearfish Office  
735 North 12<sup>th</sup> Street  
Spearfish, SD 57783  
(605) 642-6853

Pierre Office  
2510 E. Irwin St.  
C/o 500 E. Capitol Ave.  
Pierre, SD 57501-5070  
(605) 773-2156

Watertown Office  
2001 9<sup>th</sup> Ave. SW Ste 400  
Watertown, SD 57201-4029  
(605) 882-5002

Winner Office  
313 Main Street  
Winner, SD 57580-0408  
(605) 842-3910

White River Office  
PO Box 202  
White River, SD 57579  
(605) 259-3382

Yankton Office  
1719 Broadway Ste C  
Yankton, SD 57078  
(605) 688-3200

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<b><i>Denny Kaemingk (original signature on file)</i></b>	<b><i>10/18/2017</i></b>
Denny Kaemingk, Secretary of Corrections	Date