

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS

Revised: May 9, 2019



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 to follow all DOC rules, including those contained within the Juvenile Offender Living Guide.

I understand I must keep a copy of this guide in an accessible place for the duration of my commitment to the South Dakota Department of Corrections, and that I may be subject to a replacement fee to replace a lost or damage 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 receipt of the South Dakota Department of Corrections Juvenile Offender Living Guide. I understand it is my responsibility to read and understand this guide. I will discuss any questions or concerns I have with this guide 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 and mental health services. I understand it is my responsibility to provide the Department of Corrections with a copy (front and back) of my child's insurance and Medicaid information. I understand if my child is placed at a contract facility, he/she may not be eligible for Medicaid coverage. Medicaid may provide coverage for those placed in private group care or a residential treatment facility, provided 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. Any court orders debt owed to the state if not paid, the principal amount times 20%, will be turned over to the Obligation Recovery Center, in accordance with SDCL chapter 1-55.

I understand if my child is receiving Social Security or Supplemental Security Income payments (SSI) 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.

I understand I have an obligation to participate in my child's treatment process. While services may include out-of-home placement for my child, I will remain committed to participating in such services to increase the likelihood my child will have the opportunity for a successful reentry to the community and discharge from the Department of Corrections.

I understand public DOC policies and operational memorandums (OMs) are available for review by my child and parents/guardians of the child.

I understand a list of the DOC's policies is available for public access on the DOC website at <http://doc.sd.gov/>. If I have questions regarding a policy or wish to receive a copy of an attachment located within a particular policy, I may contact DOC staff assigned to my child or the Department of Corrections Administration office, located in Pierre, SD.

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

We recognize anytime a young person is involved in the juvenile justice system, it is likely a difficult time for the person and the person's family. This guide is intended to help you understand what to expect during your commitment. 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 your juvenile corrections agent.

PERIOD OF COMMITMENT

You have been committed to the DOC until age twenty-one or you are discharged 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. This includes your history of offenses, your behaviors while committed and willingness to follow the rules and engage in treatment services during your commitment, and successful completion of the aftercare program and its requirements.

PARENTAL RESPONSIBILITY

In accordance with SDCL § 26-7A-42, parents, guardians and custodians of a juvenile committed to the DOC shall maintain financial responsibility of the committed 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. Parents or guardians shall remain responsible for the juvenile's medical and dental costs not otherwise covered. Parents or guardians must report any health and dental insurance coverage to the Juvenile Corrections Agent (JCA) as soon as possible. Any court ordered debt owed to the state, if not paid, the principle times 20%, will be turned over to the Obligation Recovery Center, in accordance with SDCL chapter 1-55.

We view parents, guardians and custodians as partners and key to helping your child and family function more effectively. We encourage you to engage in all treatment services as they are designed to assist you to fully resume your role as the one who is fully responsible for your child. Our role is intended to be temporary.

SECRETARY OF CORRECTIONS AS GUARDIAN

In accordance with state law, the Secretary of Corrections is the guardian of all juveniles committed to the DOC. The Secretary of Corrections may appoint another to act as custodian of a juvenile committed to the DOC (See DOC policy 1.1.A.6 *Juvenile Delegation of Authority*).

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, SD for recording.

SEX OFFENDER REGISTRATION

During the intake process, the Juvenile Corrections Agent (JCA) will check each juvenile's name against the national sex offender registry and note if the juvenile is identified as 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 assessment, evaluation and screening to help identify programming needs and to develop an individual 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 juvenile.

Juveniles who believe they are the victim of a sexual abuse or sexual harassment, must report this information to their JCA or DOC 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~~member, so they can report this to the DOC. A report may also be made with the 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, gender, sex (including pregnancy), age, genetic information, disability or any other legally protected status. If you believe you are in danger or you 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, 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 decision involving disciplinary actions, placement or supervision, you should first discuss this with your JCA. Your JCA will review your concerns or complaint and respond to your concerns.

If you are not satisfied with the response you receive from your JCA, you may contact the Director of Juvenile Services to request a review of your concern or complaint. You will not be retaliated against for exercising your right to seeking a review and response to a concern or complaint.

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 in Department of Corrections services, programs, or activities.

The Department of Corrections will generally, upon advance notice and request, provide appropriate aids and services leading to effective communication for persons with communication 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, 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, status, care, programming, etc. 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.

THE INTAKE PROCESS

Intake involves the initial collection of information about you. This information may come from a variety of sources and will be used to guide decisions about your placement, programming, treatment and supervision. The information collected 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 and your parents or guardians is valued. We understand your parents or guardians may know you best and our goal is to work with your parents or guardians to help set goals for the you that will help you succeed.

Intake also involves assessments, screenings and evaluations, which may be conducted at detention centers, in private placement or at your home by staff or other professionals. These help identify areas of concern, risk factors, skills and programing needs or treatment. 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, risk behaviors, mental health, education, vocational skills and employment history. The results will be utilized by your JCA and others help identify and target your areas of need.

Through the standardized risk assessment inventory, (YLS/CMI 2.0), your risks, needs and responsivity factors are assessed, which are directly linked to decisions regarding placement, case planning, aftercare supervision and treatment. Your JCA will update this information and conduct or arrange for additional assessments, screening and evaluations as deemed necessary.

The factors to be considered when determining risk include prior and current offenses, family circumstances, parenting, education, employment, peer relations, substance use/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 for you. It is important to note that juveniles who are referred to a higher level of care, such as placement at a Psychiatric Residential Treatment Facility (PRTF) or Intensive Residential Treatment Facility (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 the facility, the Secretary of Corrections or the Director of Juvenile Services.

SECTION III: PRIVATE PLACEMENT

PRIVATE PLACEMENT

You may be placed in private placement program/facility, 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 the program/facility.

IN-STATE PRIVATE GROUP CARE PLACEMENTS

- **Falls Academy:** 46560 264th Street, Sioux Falls, SD 57107, phone: 605-528-3550.
- **McCrossan Boy's Ranch (male only):** 47135 260th Street, Sioux Falls, SD 57107, phone: 605-339-1203
- **New Beginnings Center (LSS):** 1601 Milwaukee Avenue NE, Aberdeen, SD 57401, phone: 605-229-1239
- **Sequel Transition Academy:** 46560 264th Street, Sioux Falls, SD 57107, phone: 605- 528-3550
- **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 210th 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. 10th 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. 16th 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
- **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 334th St., Woodward, IA 50276, phone: 515-438-3481

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 through its rules. Your basic living needs will always be met; however, you may be responsible for purchasing or obtaining non-essential property items. Lists of personal property that is

permitted and the approved ways of obtaining personal property are available through staff at each facility.

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 property which you are permitted to possess, 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 allowed property possessed in a higher quantity than permitted, is considered contraband and will be removed. You may be required to dispose of the contraband as directed by staff.

Any item discovered in your possession that is deemed dangerous or illegal 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. You are always expected to adhere to your aftercare contract, which may include provisions regarding tobacco use. If you violate state law or your aftercare contract, you may be subject to 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 random testing, or targeted testing, which includes any time there is reason to believe you are under the influence of alcohol, marijuana or any unauthorized controlled substance, or when such substances are found in your possession, or when you are in an area where such substances have been located. Juveniles who test positive or are found to have drugs or alcohol in their possession, are subject to disciplinary sanctions/responses and/or criminal prosecution (See DOC policy 1.3.A.8 *Offender Drug Testing, Sanctions and Treatment*).

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 or other obligations. You may also be responsible for certain costs associated with your commitment to the DOC. Questions regarding any account that is set up for you while in private placement (account balances, account statements, deposits, etc,) should be directed to facility 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 temporarily leave the 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 leave from the facility. Any unauthorized departure from a facility or program is considered absconding and will result in a warrant being issued for your arrest. You will be subject to detainment and disciplinary action upon your apprehension. Absconding may extend the time which you must remain committed to the DOC.

SECTION IV: AFTERCARE

RELEASE PLANNING

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 primary goal for every juvenile in the DOC. We do everything possible, including providing assistance to your family or guardian through 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 available, you may be placed in a subsequent facility or foster care. These facilities include independent living programs operated by Volunteers of America, McCrossan's and Sequel Transitional Academy. These programs provide a positive living environment for juveniles who are ready to succeed in a community setting.

AFTERCARE CONTRACT

The aftercare supervision program is in place to help equip juveniles with the ability to conduct themselves in a lawful manner and prepare them for discharge from the DOC. The aftercare contract is an individualized legal contract that establishes the conditions of your supervised release. Your release on aftercare is contingent on the development of an acceptable aftercare plan, which will involve input by you, your family, 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 your plan may include the following:

- 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 treatment and 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.

SERVICES

In addition to the legal requirements outlined as conditions and terms in your aftercare contract, your JCA will serve as your manager. Your JCA will work with you and your family to identify your goals and needs while on aftercare. The Youth Level of Service (YLS 2.0) risk factors and need. 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 and helps prepare you for progressively increased responsibility and independence in the community. 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 or cognitive behavioral group counseling and medication management, as needed. You may be required to work on chemical dependency/treatment issues, sex offender behaviors, education and/or vocational needs, employment skills, mental health issues and participating in self-help programs (See DOC policy 1.5.H.4 *Juvenile Services Aftercare and Discharge*).

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, treatment, 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 behaviors while on aftercare and working on your goals, needs and challenges. Your aftercare supervision level will be determined by your JCA. 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 other action that affects risk.

RESTITUTION

You may be required to pay restitution related to your offenses or damages, 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. Discharge from the DOC constitutes a complete release from all penalties, excluding unpaid fines, fees, or restitution (SDCL 26-11A-20).

VIOLATIONS

Violations of your aftercare contract may result in adverse consequences, consistent with law and the supervision response grid. Adverse consequences include, but are not limited to:

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

REVOCAATION

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, usually by committing an eligible offense, as defined within SDCL 26-11A-15, 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. You may request a hearing before two members of the Board of Pardons and Paroles or waiver your right to a hearing. 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 4th Avenue SW Ste 1
 Aberdeen, SD 57401
 (605) 626-2268
 Huron Office
 79 3rd Street, SE
 Huron, SD 57350
 (605) 353-7366

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

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

Yankton Office
 1101 S. Broadway Ste 119
 Yankton, SD 57078
 (605) 688-3200

Rapid City Office
 1600 Sedivy Lane
 Rapid City, SD 57703
 (605) 394-1617
 Sioux Falls Office
 4001 W Valhalla Blvd, Suite
 103Sioux Falls, SD 57106
 (605) 362-3580

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

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

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

REVISION INDEX & SIGNATURE

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Revised: February 7, 2003
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<i>Mike Leidholt</i>	<i>07/23/2019</i>
Mike Leidholt, Secretary of Corrections	Date