



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.5.H.08	PAGE NUMBER 1 OF 2
		DISTRIBUTION:	Public
		SUBJECT:	Juvenile Victim Notification
RELATED STANDARDS:	None	EFFECTIVE DATE:	October 15, 2023
		SUPERSESION:	10/15/2022
DESCRIPTION: Juvenile - Response and Reporting for Compliance	REVIEW MONTH: October	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that Juvenile Community Corrections staff must notify and document all victims of Department of Corrections' youth.

II. PURPOSE

The purpose of this policy is to outline procedures related to notification of victim(s) who, under Marsy's Law, have the right to be informed in a timely manner of the time and place of incarceration, detention, furlough, escape of the juvenile from custody, or juvenile absconding from aftercare (see SDCL § 23A-28C-1).

III. DEFINITIONS

None.

IV PROCEDURES

1. New Commitment:

- A. Upon receiving notice of a commitment of a new juvenile, the supervising juvenile corrections agent (JCA) shall review police reports and other information for the purpose of determining victim status. The supervising JCA shall contact the State's Attorney for verification of victim status to include names and current addresses.
- B. The JCA shall forward the victim information to the Sioux Falls or Rapid City senior secretary.
- C. The senior secretary, or designee, shall mail the victim(s) a form letter which allows any identified victims to opt-in to victim notification rights.
- D. The senior secretary, or designee, shall document the time and date the notification letter was mailed to the victim in COMS using the Marsy case note subtype.
- E. Upon receipt of the opt-in letter, it will be added to the Marsy's Law binder and the victim's information will be recorded in the Marsy's Law Victim Notification List.

2. Notification Requirement Types:

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- A. The following movements require notification to victims under Marsy's Law:
 - 1. Placement in a group home or residential treatment facility.
 - 2. Entering the community for a furlough.
 - 3. Escape from custody.
 - 4. Absconded from community supervision.
- B. The senior secretary, or designee, shall document all notifications in COMS using the Marsy-Victim Notice case note subtype.
- C. The obligation to provide victim notice terminates upon the juvenile's final discharge from DOC custody or if the victim provides written or verbal notice to stop receiving notification.

3. Victim Rights

- A. Victims may obtain information about their rights by logging on to <http://atg.sd.gov/victim/marsyslaw.aspx> or by referring to the Marsy's Card, which outlines all victims' rights and the process to invoke these rights.

V. RESPONSIBILITY

The director of Juvenile Services is responsible for the annual review and revision, as needed, of this policy.

VI. AUTHORITY

SDCL §§ 23A-28C-1, 23A-28C-1.2, 23A-28C-4

VII. HISTORY

October 2023

October 2022

May 2021

May 2020

May 2019

June 2018

April 2018 – new policy

ATTACHMENTS

- 1. DOC Policy Implementation / Adjustments