



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.6(3).F.2	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Juvenile Victim Notification
RELATED STANDARDS:	None	EFFECTIVE DATE:	October 15, 2022
		SUPERSESSSION:	05/11/2021
DESCRIPTION: 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 Correction's 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 absconding from aftercare

III. DEFINITIONS

Marsy's Law:

An initiated constitutional amendment designed to afford crime victims equal rights (See SDCL §23A-28C-1). The amendment includes various provision regarding victim's rights to due process, notification of all proceedings affecting the disposition of the juvenile/offender and to be heard at all such proceedings, among other provisions.

Notice:

To provide reasonable, accurate and timely/prompt written, verbal, or electronic notice to the victim or sentencing judge for the purpose of informing of certain status changes or movements of an offender/juvenile, decisions affecting the offender/juvenile, and the right to be present and heard (to provide information to be considered) at certain proceedings involving the offender/juvenile. Electronic notification means any telephonic, electronic mail, text messaging, and facsimile transmittal notification (See SDCL § 23A-28C-1.2).

Comprehensive Offender Management System (COMS):

A DOC data management system which stores pertinent offender information.

Victim:

SDCL § 23A-28C-4 A victim is defined as a person who is the direct subject of an alleged act that would constitute a crime of violence as defined by subdivision § 22-1-2(9), burglary in the second degree, simple assault as defined in § 22-18-1 and § 22-18-1.5, interference with emergency communication as defined in § 49-31-29.2, violation of a protection order or no contact order as defined in § 25-10-13, disorderly conduct between person in a relationship described in § 25-10-3.1, stalking as defined in chapter 22-19A, a violation of chapter 22-19A, a violation of chapter 22-22, a violation of chapter 22-49, or a driving or boating under the influence vehicle accident, under the laws of South Dakota or the laws of the United States. . If the victim does not survive, is a minor, or is unable to comment, victim means the members of the immediate family of the primary victim. The victim may also designate a representative to act on the victim's behalf

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IV PROCEDURES

1. New Commitment

- A. Upon receiving notice of a commitment of a new juvenile, the supervising 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

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

VI. AUTHORITY

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

VII. HISTORY

October 2022
 May 2021
 May 2020
 May 2019
 June 2018

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April 2018 – new policy

ATTACHMENTS (Published in PolicyTech unless otherwise noted)

1. DOC Policy Implementation / Adjustments (*Not published in PolicyTech*)