

1.5.H.3 Use of Force – Juvenile Community Corrections

I Policy Index:



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Office of Primary Responsibility: Director of JCC & DOC Administration

II Policy:

Juvenile Community Corrections staff can employ force that is reasonable and necessary in the performance of their duties. Juvenile Community Corrections staff will only employ the force necessary to accomplish lawful objectives.

III Definitions:

Juvenile Community Corrections Staff:

Employees and contractual employees of the Department of Corrections responsible for the supervision of offenders, pursuant to SDCL § 26-11A-11. Juvenile Corrections Agents (JCAs) and area supervisors are responsible for the direct supervision of offenders.

Offender:

For the purposes of this policy, an offender is a juvenile committed to the DOC by the courts.

Less-Lethal Force:

Force which is used with the intent to quickly subdue by causing incapacitation, disorientation, discomfort or pain; e.g. certain body holds or non-violent crisis intervention methods. Less-Lethal Force is not intended to cause death or serious physical injury, though death or serious physical injuries are possible outcomes. Juvenile Community Corrections staff may only use the specific less-lethal force authorized in this policy.

Lethal Force:

Force which may cause death or serious physical injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury. When applying lethal force, the objective will be to stop or incapacitate the person. Lethal force is not intended for use by any Juvenile Community Corrections staff person, except when the life of self or others is at risk.

Use of Force Incident:

Any act or incident resulting from the use of force, beyond verbal direction, by Juvenile

Community Corrections staff. Use of hands, physical force, restraints.

Mechanical Restraints:

Handcuffs, leg irons, transportation restraint belts (leather, chain or nylon).

Black Box:

A hinged device that is clamped around handcuffs to cover the keyholes. The device contains an opening in the middle to attach to a transport restraint belt which further restricts hand/arm movement.

Weapon of Opportunity:

During a sudden violent encounter, Juvenile Community Corrections staff may be called upon to defend themselves using the article(s) they have at-hand; i.e. flashlight, clipboard, cell phone, etc. An improvised impact device like these could cause serious physical injury or death if used against certain areas of the human body.

Immediate Threat:

Imminent or proximate peril.

Substantial Risk:

The possibility that a certain and undesirable outcome or result is real and considerable.

Reasonable Belief:

A belief that is objectively reasonable based on all the circumstances presented to the Juvenile Community Corrections staff person at the time the belief is formed including, but not limited to: the severity of the situation, whether an assailant is an immediate threat to himself/herself or others, whether a weapon is present, and whether an assailant is attempting to resist compliance with a lawful order.

Excessive Force:

Force that is applied maliciously and sadistically to cause harm is considered excessive force. Courts use the following factors in determining excessive force:

- The need for the use of force.
- The amount of force used, in relation to the need.
- The extent of any injuries.
- Whether the threat was reasonable, as perceived by responsible Juvenile Community Corrections staff.
- Whether any efforts were made to temper the severity of a forceful response.

Working Day:

A standard workweek day, Monday through Friday, except for recognized state holidays, recognized national holidays and any other special holidays declared by the Governor of South Dakota or the President of the United States.

Office of Risk Management:

A service of the South Dakota Bureau of Administration. Risk Management is responsible for efficiently and effectively protecting the assets of the state of South Dakota in the conduct of governmental activity through the use of risk management and insurance programs, safety and loss control techniques. The Office of Risk Management has the primary responsibility of implementing the risk management objectives of the state to ensure its operations are not impaired by a loss.

IV Procedures:

1. Use of Force Overview:

- A. This policy provides guidelines for the use of force by Juvenile Community Corrections (JCC) staff. JCC staff may apply individual discretion when determining whether to apply a use of force, based on the perceived threat and circumstances of the situation.
- B. JCC staff will be familiar with the DOC policies and OMs pertaining to use of force and receive regular training in use of force.
- C. Nothing in this policy is intended to imply or indicate a JCC staff member under investigation for applying use of force has acted improperly.
- D. Nothing in this policy is intended to supersede or limit any of the following by a JCC staff person:
 - 1. The resistance to a public offense as explained in SDCL § 22-5-9 (See [Attachment 2](#)).
 - 2. A JCC staff person who engages in justifiable homicide (See SDCL §§ [22-16-34](#) and [22-16-35](#) on Attachment 2).
- E. In no event shall use of force be justifiable as punishment upon an offender.
- F. Under no circumstances is it lawful to use force on an offender who has been controlled to the point the offender does not pose an immediate and direct threat of inflicting harm upon any person or themselves, or when the offender does not have the immediate ability to damage/destroy property.
- G. The use of mechanical restraints during the routine transportation or escort of an offender is not considered a use of force.

2. Response to Resistance:

- A. The following is offered as a guide for possible responses to resistance by an offender and should not be interpreted as limiting the reasonable actions of JCC staff defending themselves or others:
 - 1. The appropriate response to resistance in any situation depends on the reasonable belief of JCC staff based on the facts presented at the time.
 - 2. JCC staff should attempt to resolve the situation using only the level of force/response to resistance necessary to accomplish lawful objectives.
 - 3. JCC staff may employ force from any point, provided it is objectively reasonable under the circumstances.
- B. The appropriate level of response follows the techniques taught through the Crisis Prevention Institute's/CPI Nonviolent Crisis Intervention program. The response levels include those described for each escalating level of resistance, as well as those described for all lower levels as listed below:
 - 1. An assailant who is demonstrating psychological intimidation:

- a. JCC staff will respond with staff presence, verbal direction and verbal de-escalation.
2. An assailant who is verbally non-compliant by refusing to comply with an order:
 - a. JCC staff will respond with staff presence, verbal direction and verbal de-escalation.
3. An assailant who is defensively resistant by physically resisting, but non-assaultive:
 - a. JCC staff will respond with staff presence, verbal direction, verbal de-escalation, use of hands, mechanical restraints and physical force if necessary.
4. An assailant who is actively aggressive with overt actions of assault:
 - a. JCC staff will use presence, verbal direction, de-escalation, weapons of opportunity, law enforcement, use of hands, mechanical restraints and physical force if necessary.
5. An assailant who has shown aggravated active aggression and may cause death or serious physical injury:
 - a. JCC staff will use presence, verbal direction, de-escalation, weapons of opportunity, law enforcement, use of hands, mechanical restraints, physical force or evacuate to a safe place if possible.

3. Use of Weapons:

- A. The DOC does not issue weapons to JCC staff for use during the performance of their job duties.
- B. JCC staff will not possess or use personal weapons during the performance of their official DOC duties.
- C. JCC staff is authorized to use a weapon of opportunity to defend themselves and/or aid others during a sudden, violent encounter.
- D. JCC staff will contact outside law enforcement staff/agencies as deemed necessary.

4. Use of Less-Lethal Force:

- A. Time permitting; JCC staff will assess each incident to determine which response to resistance is most likely to safely de-escalate resistance by the offender.
- B. JCC staff are authorized to use less-lethal force during a response to resistance and/or within the performance of their duties for the following purposes:
 1. **Self-Defense.** JCC staff can use less-lethal force, as necessary, to defend themselves from an attack or imminent bodily harm or serious injury.
 2. **Defend or aid others,** including other JCC staff or offenders under immediate threat of bodily harm or serious injury from an assailant.
 3. **Restrain or subdue** a resistant offender.

4. **Control offender conduct** that disrupts or interferes with the performance of the JCC staff person's duties; e.g. taking an offender into custody.
- C. Mechanical restraints (may include a black box), as defined in this policy, may be used by Juvenile Community Corrections staff trained in the use and application of restraints under the following circumstances:
1. When taking an offender into custody and/or to prevent escape.
 2. When transporting an offender taken into custody (See DOC policy 1.5.H.2 [Juvenile Offender Transport and Use of Restraints by JCC](#)).
 3. When an offender is disruptive.
 4. When an offender has injured or harmed himself/herself or others, or there is an imminent danger of the offender injuring or harming himself/herself or others.
 5. To prevent imminent property damage by an offender.
 6. At staff's discretion, when the staff member's safety is an issue; e.g. during searches.
- D. Mechanical restraints will not be used in a way that causes undue physical discomfort or pain, or in a manner that restricts the blood circulation and/or breathing of an offender, or as a means of punishment.
- E. Staff will check the offender for injury, swelling or bruising after restraints have been applied. Staff will check restraints for appropriate placement/fitting.
- a. Any injury received by an offender that may have resulted from restraints being applied by JCC staff will be photographed, documented and reported to the area supervisor.
 - b. Medical attention will be provided as determined necessary by JCC staff or as requested by the offender.
- F. If the offender is continuously restrained for one (1) hour, JCC staff will check the restraints to ensure they are secure and the offender has no injuries, swelling or bruising resulting from the application of the restraints. Restraints will be checked by JCC staff at one (1) hour intervals thereafter until the restraints are removed.

5. Medical Attention Following a Use of Force Incident:

- A. Following any use of force incident, if JCC staff has reasonable belief an offender may require medical attention; staff will assist the offender in receiving medical attention.
1. Medical attention will be obtained as quickly as possible, in light of the circumstances.
 2. Circumstances to consider include, but are not limited to:
 - a. Severity of any injuries.
 - b. The safety of people at the scene of the incident.
 - c. The JCC staff member's physical capacity to render or summon aid.

- B. Medical attention provided by JCC staff may include:
1. Increased observation to detect obvious changes in the offender's condition;
 2. Administering basic first aid; and/or
- C. In the event an offender sustains serious injury during a use of force, medical attention may include emergency treatment or hospitalization. In such instances, medical attention will be sought immediately.
- D. JCC staff injured in a use of force incident will seek medical attention and promptly notify his/her supervisor.
- E. Staff who sustain serious injury as a result of a use of force incident will complete a [Major Incident Report](#) (See [Attachment 1](#)) in accordance with DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#).
- F. A [Report of Accident, Incident or Unsafe Condition](#) form must be completed by JCC staff if an offender or staff member is injured during a use of force incident. The form is available from the Office of Risk Management at:
http://boa.sd.gov/divisions/risk/forms/accident_incident_unsafe_condition_fill.pdf
- G. JCC staff involved in a use of force that resulted in serious injury or death of any person will remain available for official interviews and statements regarding the incident and will notify the area supervisor before leaving the state.
1. JCC staff will only discuss the use of force incident with the investigating agencies, authorized DOC or other state agency personnel, his/her attorney or mental health personnel for post-trauma counseling.
 2. Designated staff will consult with the Director of Juvenile Community Corrections and/or other appropriate staff to determine if post-trauma counseling is needed.
 - a. The area supervisor is responsible for contacting a Critical Incident Stress Management team and setting up post-trauma counseling for staff involved in a use of force as needed (See [Attachment 3](#) for a list of resources).
 3. In situations where use of force by JCC staff results in the serious injury or death of any person, staff involved will be debriefed by the Director of Juvenile Community Corrections or designee within twenty-four (24) hours of the incident.

6. Reporting Use of Force:

- A. The area supervisor and the Director of Juvenile Community Corrections will be verbally notified by JCC staff immediately when:
1. A use of force results in the death or serious injury of any person.
 - a. "Serious injury" for the purpose of this policy is defined as an injury that requires immediate medical attention, emergency treatment or hospitalization.
- B. Following a use of force incident involving a juvenile offender, (limited to steps 3-5 in Section 2 B. of this policy), staff will complete a [Major Incident Report](#) (See [Attachment 1](#)) in accordance with DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#).

- C. Off-duty JCC staff involved in a use of force incident involving an offender, are subject to the same reporting procedures as on-duty JCC staff.
- H. The Major Incident Report will be forwarded within three (3) working days to the doc.ADMININ@state.sd.us email group.
- F. Media contacts, including press releases and requests for information regarding a use of force incident shall be directed to the Secretary of Corrections or the DOC Communication and Information Manager to respond to media/press requests (See DOC Policy 1.1.A.4 [Relationship with News Media, Public and Other Agencies](#)).

7. Allegations of Excessive Use of Force:

- A. Allegations by an offender of excessive use of force by JCC staff shall be responded to through the administrative remedy process if the offender has been taken back into the physical custody of a DOC facility (See DOC policy 1.3.E.3 [Juvenile Administrative Remedy Procedure](#)). If the offender is not in the custody of DOC, the offender may contact the Director of Juvenile Community Corrections with his/her complaint (normally a written complaint shall be required). JCC staff will explain this process to any offender who alleges excessive use for force has been applied against his/her person.
- B. The Director of Juvenile Community Corrections will ensure all reports involving an allegation of excessive use of force are investigated.
- C. If the investigation supports an excessive use of force by JCC staff may have occurred, the Secretary of Corrections, Division of Criminal Investigation (DCI) and the Department of Social Services (if the alleged victim is under eighteen (18) years old) will be promptly notified by the Director of Juvenile Services or his/her designee.

V Related Directives:

SDCL § [22-5-9](#), [22-16-34](#), [22-16-35](#) and [26-11A-11](#)

DOC policy 1.1.A.3 – [Reporting Information to DOC Administration](#)

DOC policy 1.3.E.3 – [Juvenile Administrative Remedy Procedure](#)

DOC policy 1.5.H.2 – [Offender Transport and Use of Restraints by JCC Staff](#)

VI Revision Log:

April 2006: New policy.

October 2006: **Added** a reference to the Critical Incident Stress Management team **Updated** attachment 2 **Added** attachment 3.

September 2007: **Added** a definition for working day **Changed** business day to working day in notifications to the Director of Juvenile Community Corrections.

October 2008: **Revised** formatting of policy and attachment in accordance with DOC policy 1.1.A.2.

Deleted "intended" relating to causing death and **added** statement regarding when lethal force may be used by JCC staff within definition of Lethal Force. **Revised** title to Response to Resistance and revised ss (B) of same section and **added** use of hands, mechanical restraints and physical force to ss ((B3, B4 and B5) **Added** weapons of opportunity to ss (B of Use of Less-Lethal Force) **Added** "EMT" to ss (B3 of Medical Aid Following a Use of Force Incident). **Revised** instructions to access and complete the First Report of Injury in ss (D of Medical Aid Following a Use of Force Incident).

Replaced less lethal force with force beyond verbal directives in ss (C), **replaced** reference to DOC policy 1.A.1.3 with 1.1.A.3 in ss (F) and **added** injury, death or complaint to ss (H2 and I) all within Reporting Use of Force **Replaced** offender with assailant as appropriate throughout policy **Added** reference to DOC policy in section V. **Deleted** reference to continuum throughout policy. **Replaced**

Attachment 1 with new form and **revised** where it is saved on the WAN **Revised** Attachment 3 with updated contact information.

May 2013: **Added** definition of “Office of Risk Management” **Deleted** “adjudicated” and **Replaced** with “committed to the DOC by the courts” in definition of “Offender” **Deleted** “belly chains. Black boxes are also considered a mechanical restraint and will be provided to JCA offices upon request” and **Replaced** with “transportation restraint belts, (leather chain or nylon) to definition of “Mechanical Restraints” **Added** “cell phone” to definition of “Weapon of Opportunity” **Added** “or death”. **Deleted** “issued copies of and be instructed in” and **Replaced** with “familiar with DOC policies and OMs” and **Added** “and receive regular training in the use of force” in Section 1 B. **Added** E. to Section 1. **Added** F. and G. to Section 1. **Deleted** “many of” and **Replaced** with “follows the techniques taught through the Crisis Prevention Institute’s CPI Nonviolent Crisis Intervention program” **Added** “should not be interpreted as limiting the reasonable actions of staff who are defending themselves or others” in Section 2 A. **Deleted** “all JCC staff are required to attend the initial and subsequent annual recertification training sessions” and **Replaced** with “The response levels include” in Section 2. B. **Added** “possess or use” and **Deleted** “for their DOC job duties” and **Replaced** with “during the performance of their official DOC job duties” in Section 3 B. **Added** D. to Section 3. **Deleted** “less lethal techniques” and **Replaced** with “response to resistance” and **Added** “safely” and **Deleted** “and bring the situation under control in a safe manner” to Section 3 C. **Added** “imminent” and “or serious injury” to Section 4 B.1. **Added** “of bodily harm or serious injury” and **Added** “It is the duty and responsibility of JCC staff to aid others under duress or imminent or proximate peril, through the direct or indirect actions of an offender, or otherwise” to Section 4 B. 2. **Added** “trained in the use and application of restraints” in Section 4 C. **Added** “and/or to prevent escape” in Section 4 C. 1. **Deleted** “is likely to” and **Replaced** with “there is an imminent danger of the offender” in Section 4 C. 4. **Added** 5. to Section 4 C. **Added** D. E. E. a. and F. to Section 4. **Added** “to the offender” to Section 5 C. **Updated** procedure for “First Report of Injury” in Section 5 E. **Deleted** “physical” and **Added** a. to Section 5 B. **Deleted** “appear to be life threatening” and **Replaced** with “requires immediate medical attention, emergency treatment or hospitalization” in Section 5 c. **Deleted** 2 “Whenever a JCC staff person has been killed or sustains serious physical injury” in Section 6 B. **Added** “or reports” in Section 6 B.3. **Deleted** “immediately” and **Replaced** with “complete a Major Incident Report and directly” and **Deleted** “or his/her designee” and **Replaced** with “in accordance with DOC policy” in Section 6 C. **Deleted** reference to Garrity Rule in Section 6 D. and D.1. **Deleted** “to overcome an assailant’s resistance” and **Replaced** with “(level 3, 4, or 5 response to resistance)” in Section 5 F. **Added** “an offender or” to Section 6 E. **Deleted** “also provide for the immediate” and **Replaced** with “be used to” and **Deleted** “force used so that if a complaint is filed the pertinent facts are readily available” in Section 6 F. 1. **Added** “and/or policy, procedure” in Section 6 F. 2. **Added** “on any incident that required the use of force beyond giving verbal directive” and **Added** “The area supervisor will notify and forward the Major Incident Report to the Director of Juvenile Community Corrections. This will be completed no later than one working day after the area supervisor’s receipt of the report” in Section 6 G. **Added** c. to Section 6 G. 1. c. **Deleted** 2. “If not already done, The Director of Juvenile Community Corrections will be notified by the area supervisor following any use of force incident on an assailant no later than one working day after the area supervisor receives the report” in Section 6 G. **Deleted** H. The area supervisor will forward the Major Incident Report to the Director of Juvenile Community Corrections within 3 working days” **Added** “resulted in serious injury or death of any person” in Section 6 H. **Deleted** 1. “If not already done, the Director of Juvenile community Corrections will notify the Director of Juvenile Services and the SOC upon the receipt of the Major Incident Report” in Section 6 H. **Added** “serious” and “or death of an offender of staff member following the use of force incident” and **Deleted** “the Director of Juvenile Services and SOC” and **Replaced** with “within 24 hours of the incident in accordance with DOC policy” in Section 6 G. **Deleted** “The area supervisor” and **Replaced** with “Designated staff” and **Added** “and/or other appropriate staff” in Section H. 2. **Deleted** b. “In the event the area supervisor was involved in the use of force incident, the Director of Community Corrections will determine if post trauma counseling is needed and if so, is also responsible for making arrangements with a Critical Incident Stress Management Team” in Section 6 H. **Added** “Director of Juvenile Services” to Section 6 H. 2. **Deleted** “The area supervisor” and **Replaced** with “Designated staff” in Section 6 H. 2. a. **Added**

Deleted “An offender who is not under physical custody of a DOC facility may contact” and **Replaced** with “or by an offender” and **Added** “(normally a written complaint shall be required” and **Added** “JCC staff will explain this process to any offender who allege excessive use of force by JCC staff” in Section 7 A. **Added** “Director of Juvenile Services” and **Added** “complete a Major Incident Report and” and **Deleted** “immediately concerning the” and **Replaced** with “regarding all reports involving” and **Added** “staff member” to Section 7 B. **Deleted** “either personally conduct a formal investigation of” and **Replaced** with “ensure” and **Deleted** “or he/she may assign a staff member of other agency personnel (not involved with the use of force incident) to conduct a formal investigation” in Section 7 C. **Added** “Secretary of Corrections” and **Added** “by the Director of Juvenile Services or his/her designee” and **Added** “may have occurred” in Section 7 D. **Updates** to Attachment 3.

October 2014: **Deleted** “Non-Public” and **Replaced** with “Public”.

October 2015: **Deleted** “it is the duty and responsibility of JCC staff to aid others under duress or imminent or proximate peril, through the direct or indirect actions of an offender or otherwise” in Section 4 B. 2. **Added** 2. to Section 4 E. **Added** “continuously” to Section 4 F. **Deleted** “appropriate medical aid” and **Replaced** with “medical attention” in Section 5. **Deleted** “will evaluate the physical condition of the offender in custody to determine the need, if any, for medical attention” and **Replaced** with “has reasonable belief an offender may require medical attention, staff will assist the offender in receiving medical attention” in Section 5 A. **Deleted** “Medical attention does not mean every offender has to be evaluated at a medical facility” in Section 5 B. **Deleted** 3. “Evaluation by an Emergency Medical Technician (EMT) or paramedic” in Section 5 B. **Added** “JCC staff if an offender or staff member is injured during a use of force incident” and **Updated** the web link in Section 5 E. **Deleted** 2. “Misconduct by JCC staff is alleged or reported, or is suspected to have been committed during a use of force incident. **Deleted** 3. An individual or offender complains or reports an injury was inflicted by a JCC staff person during the application of a use of force” in Section 6 A. **Deleted** “If any of the above described situations occur, the area supervisor or the Director of JCC will complete a” and **Replaced** with “Following a use of force incident involving a juvenile offender” in Section 6 B. **Deleted** “The Secretary may direct the Director of JCC” in Section 6 D. **Deleted** E. in Section 6. **Deleted** “area supervisor” and **Replaced** with “DOC email group” and **Deleted** “The area supervisor will notify and forward the report to the Director of JCC. This will be completed no later than one working day after the area supervisor’s receipt of the report” in Section 6 E. **Deleted** 1. and 2. In Section 6 E. **Deleted** “or a complaint of excessive use of force by staff” in Section 6 F. **Deleted** “may be resolved” and **Replaced** with “shall be responded to” and **Added** “if the offender in not in the custody of DOC” in Section 7 A. **Deleted** B. “The Director of Juvenile Community Corrections will complete a [Major Incident Report](#) and notify the Secretary of Corrections, the Director of Juvenile Services and the Office of Risk Management regarding all reports involving an allegation of excessive use of force by JCC staff.” in Section 7.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

12/03/2015

Date

Attachment 1: Major Incident Report

The **Major Incident Report** form will be generated as an Integrated Word Processing (IWP) document in COMS located in JCCCOM/Community Management.

1. Select offender record in COMS.
2. Select Case Management/Case Plan module
3. Select IWP icon on Syscon toolbar
4. Select document type “Major Incident Report” utilizing the List of Values (LOV)
5. Select “New” and then “Generate” to view document

South Dakota Department of Corrections Policy Distribution: Non-Public		Attachment: Major Incident Report Please refer to DOC policy 1.1.A.3 / 1.5.H.3 Reporting Information to DOC Administration / Use of Force - JCC	
MAJOR INCIDENT REPORT			
TO:	FROM: Amy Miklos		
<input type="button" value="+"/>	NAME OF OFFENDER(S): <small>Last - First</small>	Offender#	DOB
			Crime or Adjudication
TYPE OF INCIDENT: <input type="text"/>			
DATE OF INCIDENT: <input type="text"/>		TIME OF INCIDENT: <input type="text"/> <input type="checkbox"/> AM <input type="checkbox"/> PM	
LOCATION OF INCIDENT: <input type="text"/>			
NARRATIVE SUMMARY: (Provide how the incident occurred, how the incident was discovered and all details of the incident in chronological order). <input type="text"/>			
WHO WAS INVOLVED? (Include the names of all staff involved in the incident)			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
HOW WAS ESTABLISHED POLICY AND PROCEDURE FOLLOWED? <input type="text"/>			
RESPONSE: (List whether and when law enforcement, media, and others were contacted)			
Media Contacted:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date/Time Contacted: <input type="text"/> at <input type="text"/> <input type="checkbox"/> AM <input type="checkbox"/> PM	
Law Enforcement Contacted:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date/Time Contacted: <input type="text"/> at <input type="text"/> <input type="checkbox"/> AM <input type="checkbox"/> PM	
Others Contacted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Who? <input type="text"/>	
		Date/Time Contacted: <input type="text"/> at <input type="text"/> <input type="checkbox"/> AM <input type="checkbox"/> PM	
Others Contacted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Who? <input type="text"/>	
		Date/Time Contacted: <input type="text"/> at <input type="text"/> <input type="checkbox"/> AM <input type="checkbox"/> PM	
CORRECTIVE ACTION: (Briefly state any corrective action or disciplinary action that has been taken or will be taken as a result of this incident). <input type="text"/>			
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Attachment 2: Related Use of Force SDCL

SDCL § [22-5-9](#). Resistance to public offenses permitted. Any person may lawfully resist, by force or violence, the commission of any public offense as follows:

- (1) Any person, upon reasonable apprehension of threat of bodily injury, may make sufficient resistance to prevent an offense against his or her person or the person of any family or household member, or to prevent an illegal attempt by force to take or injure property in his or her lawful possession; and
- (2) Any person may make sufficient resistance in aid or defense of any other person, threatened with bodily injury, to prevent such offense.

Source: SDC 1939 & Supp 1960, § 34.0101; SDCL, § 23-13-3; SL 1978, ch 185, § 4; SL 2005, ch 120, § 382; SL 2006, ch 116, § 1.

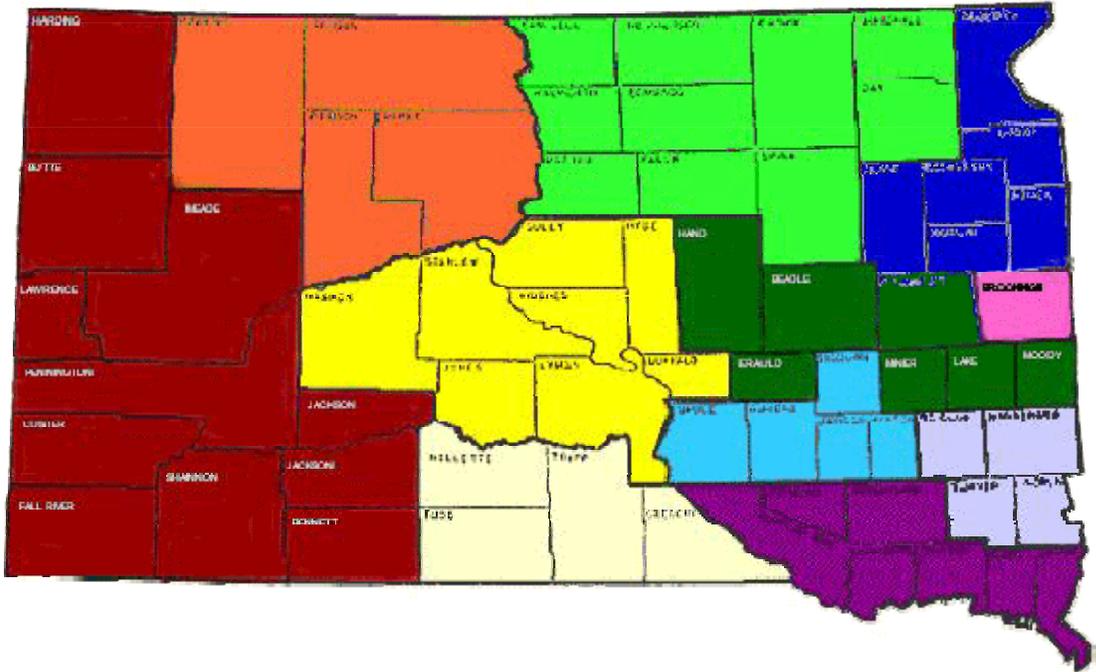
SDCL § [22-16-34](#). Justifiable homicide--Resisting attempted murder--Resisting felony on person or in dwelling house. Homicide is justifiable if committed by any person while resisting any attempt to murder such person, or to commit any felony upon him or her, or upon or in any dwelling house in which such person is.

Source: SDC 1939, § 13.2003 (1); SL 2005, ch 120, § 165.

SDCL § [22-16-35](#). Justifiable homicide--Defense of person--Defense of other persons in household. Homicide is justifiable if committed by any person in the lawful defense of such person, or of his or her husband, wife, parent, child, master, mistress, or servant if there is reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and imminent danger of such design being accomplished.

Source: SDC 1939, § 13.2003 (2); SL 2005, ch 120, § 166.

Attachment 3: Post-Trauma counseling; Community Mental Health Center (CMHC) and Latitude Employee Assistance Program (LEAP) resources:



Alphabetical by City	Name of Center	Counties Served:
ABERDEEN	<u>Northeastern Mental Health Center</u> 703 Third Avenue SE, Aberdeen, SD 57401 (605) 225-1010	Brown, Campbell, Day, Edmunds, Faulk, Marshall, McPherson, Potter Spink, & Walworth.
BROOKINGS	<u>East Central Behavioral Health</u> 211 Fourth Street, Brookings, SD 57006 (605) 697-2850	Brookings
HURON	<u>Community Counseling Services</u> 357 Kansas SE, Huron, SD 57350 (605) 352-8596	Beadle, Hand, Jerauld, Kingsbury, Lake, Miner, & Moody.
LEMMON	<u>Three Rivers Mental Health and Chemical Dependency Center</u>	Corson, Dewey, Perkins, & Ziebach.

	Box 447 ~ 11 E. 4th St., Lemmon, SD 57638 (605) 374-3862	
MITCHELL	<u>Dakota Counseling Institute</u> 910 West Havens, Mitchell, SD 57301 (605) 996-9686	Aurora, Brule, Davison, Hanson & Sanborn.
PIERRE	<u>Capital Area Counseling Services</u> P. O. Box 148 ~ 803 E. Dakota Ave. Pierre, SD 57501-0148 (605) 224-5811	Buffalo, Haakon, Hughes, Hyde, Jones, Lyman, Stanley & Sully.
RAPID CITY	<u>Behavior Management Systems</u> 350 Elk Street, Rapid City, SD 57701 (605) 343-7262	Bennett, Butte, Custer, Fall River, Harding, Jackson, Lawrence, Meade, Pennington & Shannon.
SIOUX FALLS	<u>Southeastern Behavioral HealthCare</u> 2000 S. Summit Avenue, Sioux Falls, SD 57105 (605) 336-0510	Lincoln, McCook, Minnehaha & Turner.
WATERTOWN	<u>Human Service Agency</u> P. O. Box 1030 ~ 123 19th Street, NE Watertown, SD 57201-6030 (605-) 886-0123	Clark, Codington, Deuel, Grant, Hamlin & Roberts.
WINNER	<u>Southern Plains Behavioral Health Services</u> 500 E. 9th Street, Winner, SD 57580 (605) 842-1465	Gregory, Mellette, Todd & Tripp
YANKTON	<u>Lewis & Clark Behavioral Health Services</u> 1028 Walnut, Yankton, SD 57078 (605) 665-4606	Bon Homme, Charles Mix, Clay, Douglas, Hutchinson, Union & Yankton.

Latitude Employee Assistance Program (LEAP)

LEAP is administered by APS Healthcare and is a free service offered to benefit eligible State Employees. LEAP resources may be accessed by calling **800-713-6288** or by visiting <http://www.apshelplink.com> and entering company code **southdakota**. Pop-up menus will highlight counseling sources available for eligible Juvenile Community Corrections personnel.