

# **SOUTH DAKOTA DEPARTMENT OF CORRECTIONS**

Revised: March 28, 2016



## **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 that it is my responsibility to read and follow the rules and regulations of the Juvenile Offender Living Guide.

I also understand that 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 document. I further understand I have an opportunity to discuss any information contained within this document with my child's juvenile corrections agent or program personnel.

I understand I may have been ordered by the Unified Judicial System to pay for costs associated with my child's placement within the Department of Corrections. These costs could include parental support, medical, dental, optometric and mental health services. I understand it is in my best interest to provide the Department of Corrections copies (front and back) of all insurance and Medicaid information. I also understand juveniles placed at county operated facilities are not eligible for Medicaid coverage. Medicaid may provide coverage for a juvenile placed at private group care and residential treatment facilities if eligibility requirements are met. Parents who are court ordered to pay for health care costs will be responsible for those expenses if the juvenile is not covered under 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 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 the DOC Policy and Compliance Manager by telephone at 605-773-3478.

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

\_\_\_\_\_  
Date

- Retain the completed form in the juvenile's central file located with the JCA.
- 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**

This handbook is designed for juveniles committed to the South Dakota Department of Corrections (SDDOC) juvenile system and their families. On the following pages you will find information about the programs available to you and your rights and responsibilities while committed to the Department of Corrections.

### **PERIOD OF COMMITMENT**

You have been committed to the DOC until age twenty-one or until discharge, as provided in South Dakota Codified Law (SDCL) § 26-11A-5 and § 26-11A-7. Your actual length of commitment to the DOC depends on several factors, including your history of offenses, your behavior while committed to the DOC and successful completion of an 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 determines the amount of parental support to be paid to the DOC for the care, custody and control of the juvenile. Parents or guardians will remain responsible for the juvenile's medical and dental costs while in a private facility, in accordance with the court order. It is in your best interest to 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 your guardian during your commitment to the DOC. The Secretary of Corrections can appoint the person in charge of a public or private institution or program in which you are placed as your custodian, in accordance with SDCL.

### **DNA COLLECTION**

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

DNA collection simply requires collection of fingerprints and saliva from identified juveniles. This data is sent 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. The JCA will ensure all sex offenders committed to the DOC are registered, as required by state law. Juvenile sex offenders are subject to certain assessment protocols and tests.

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

The SDDOC has a zero-tolerance policy relating to sexual abuse or sexual harassment of a juvenile. The SDDOC will cooperate in the investigation and prosecution of anyone involved in a sexual abuse of a juvenile. If you believe you are the victim of a sexual abuse or sexual harassment, report this information to any staff member as soon as possible.

Sexual abuse is any unwanted sexual contact from another juvenile or staff member.

Sexual harassment is repeated comments or gestures of a sexual nature, unwelcome sexual advances or requests from either another juvenile or staff.

If you are not comfortable reporting this directly to staff, you may report the sexual abuse to a friend or family member so they can report this to the DOC. The DOC will respond to all reports of sexual abuse and steps will be taken to protect the victim.

### **REPORTING OF ABUSE**

It is your right to be free of abuse while placed in a facility. If you believe you are in danger or have been abused, report your concern to a staff member so action can be taken to ensure your safety. IF ANOTHER JUVENILE OR A STAFF MEMBER HAS PHYSICALLY OR SEXUALLY ASSAULTED YOU, REPORT THIS TO A STAFF PERSON AS SOON AS POSSIBLE. You may contact your Juvenile Corrections Agent or other staff member for assistance. All Juvenile Community Corrections staff members are required to report suspected instances of 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/or complaints with staff. Juveniles who have complaints involving a DOC policy, program, rule, procedure or a decision involving disciplinary actions or classification should first discuss their complaint with their JCA. JCAs will respond to all complaints brought to their attention by a juvenile and take action to resolve the complaint in a prompt, fair and thorough manner.

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

### **USE OF FORCE**

The DOC follows strict guidelines on the use of force applied towards juveniles committed to the DOC. Staff can employ force that is reasonable and necessary to accomplish lawful objectives. The use of force will never be used as punishment.

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

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

When you are committed to the Department of Corrections, you are assigned a Juvenile Corrections Agent (JCA). The JCA will maintain regular contact with you, your family and service providers in the community. The JCA is your single point of contact throughout your commitment. The JCA can advocate on your behalf and will work with you, your family and service providers to help you be successful. The JCA may also make recommendations to the Chief Executive Officer of any facility where you may be placed, the Director of Juvenile Services or the Secretary of Corrections regarding changes in your placement. The JCA will monitor your progress is responsible to work with your family or aftercare placement resource to establish and maintain community based services as part of your aftercare case plan. Your JCA will provide services directly to you based on your needs.

### **THE INTAKE PROCESS**

Intake involves the initial collection of data and information about you from a variety of sources, which will be used to guide the decision making process regarding your placement, programming and any treatment that you may require. The information gathered in the intake process will assist the 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 and/or guardians is valued and necessary. We understand parents and /or guardians know your child best and our goal is to work with you as a family to help your child and to set goals for the future.

Intake also involves assessments, which may be conducted at detention centers, private placements or at home. The DOC will determine the location of the assessment part of the intake process.

The assessment process involves identifying each juvenile's areas of concerns/risk factors and needs. During the intake process, you may receive a physical, be assessed for special medical needs, chemical dependency issues, sexual abuse or offender needs, mental health concerns/needs, education, employment and appropriate placement. The assessments utilized by the JCA and others help drive the treatment process by targeting areas and needs that need to be addressed in order 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 considered in determining risk levels include prior and current offenses, family circumstances, parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behavior and attitudes/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, 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. 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: foster care, independent living programs operated by Volunteers of America, Stepping Stones, McCrossan's, and Sequel Transitional Academy. These opportunities are intended to 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 some programs and facilities may limit the personal property items you may have in your possession while in the program or facility. Lists of allowable personal property and approved ways of obtaining personal property are available through staff at each facility or program. Each facility or program has different allowable and restricted personal property items.

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.

In certain situations, Juvenile Community Corrections staff may search your body, personal property, residence, vehicle, or any other property under your control. Searches will not be conducted as a means of punishment or harassment.

Items of personal property not allowed at the facility are considered contraband and will be disposed of in accordance with the facility's established procedures.

Any item discovered that is deemed dangerous or illegal (weapons or illegal drugs) will be turned over to law enforcement and may result in criminal prosecution and/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 chose to violate the law or rules of your aftercare contract pertaining to tobacco use and or possession, you will be subject to court action and other disciplinary sanctions.

## **DRUG AND ALCOHOL TESTING**

All juveniles committed to the DOC are subject to drug and alcohol 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 found or detected. All juveniles are subject to random testing, as required by your JCA or facility staff. Juveniles who test positive are subject to disciplinary sanctions.

## **FINANCIAL ACCOUNTS**

In some private facilities, you may have an account set up in your name to help you manage money used to pay court ordered sanctions, restitution, child support and any other 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 by the CEO of the facility and your JCA. Your JCA should be your first point of contact to discuss a request 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 disciplinary sanctions.

## **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 based treatment provider and is based on your own individual needs and risks. The plan will include legal conditions that outline the expectations for 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 while on aftercare. All youth with a 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. The case plan should define your areas of risk and need as identified through the YLS 2.0. A case plan will help prepare you for progressively increased responsibilities in the community. Aftercare services may include counseling and monitoring by the JCA, individual, family, and cognitive behavioral group counseling, chemical dependency continuing care, mental health treatment, self-help programs and mentors.

### **SUPERVISION**

The JCA will supervise your aftercare. The JCA will monitor and document contacts made with you, your family and other programs involved in aftercare services. The JCA will document and respond to any aftercare incidents involving noncompliance of the conditions of aftercare. The JCA will assist you and help your family to hold you accountable in maintaining positive behavior while on aftercare. 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. Some juveniles will 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, 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 will be required to pay restitution related to your offenses or damages to property as required by court order. 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.

### REVOCATION

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, any 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 by law enforcement, the JCA or other authorized person. 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 the 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</i></b> <i>(original signature on file)</i>	<b><i>03/30/2016</i></b>
Denny Kaemingk, Secretary of Corrections	Date