



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1200-09	PAGE NUMBER 1 OF 2
		DISTRIBUTION:	Public
		SUBJECT:	Juvenile Victim Notification
RELATED STANDARDS:	None	EFFECTIVE DATE:	November 01, 2024
		SUPERSESION:	10/15/2023
DESCRIPTION: Juvenile Services	REVIEW MONTH: October	 <b>KELLIE WASKO</b> 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.

## 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 program assistant or Rapid City senior secretary.
- C. The program assistant, 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 program assistant, 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.

SECTION	SUBJECT	DOC POLICY	Page 2 of 2
Juvenile Services	Juvenile Victim Notification	1200-09	Effective: 11/01/2024

2. Entering the community for a furlough.
3. Escape from custody.
4. Absconded from community supervision.

- B. The program assistant, 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**

- A. SDCL § [23A-28C-1](#) Rights of crime victim.
- B. SDCL § [23A-28C-1.2](#) Electronic notification and SAVIN system defined.
- C. SDCL § [23A-28C-4](#) Victim defined.

## **VII. HISTORY**

November 2024  
October 2023  
October 2022  
May 2021  
May 2020  
May 2019

## **ATTACHMENTS**

1. DOC Policy Implementation / Adjustments