

# South Dakota Juvenile Detention Alternatives Initiative (JDAI)

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## *USE AND PURPOSE OF SECURE DETENTION STATEMENT*

### MISSION STATEMENT

Our mission is to support the juvenile justice system which ensures the safety of youth and the community, utilizes the assessment of risks, eliminates the unnecessary detention of youth, provides a safe environment for the youth held in detention, and promotes healthy youth development by providing due process and collaborative, evidenced-based interventions for youth and families.

### USE AND PURPOSE OF SECURE DETENTION

Detention is the temporary care of individuals under the jurisdiction of the Juvenile Court for whom secure custody is required pending court disposition or transfer to another jurisdiction or agency. Admissions criteria and the South Dakota Risk Assessment Instrument (RAI) limit detention eligibility to youth likely to commit serious offenses pending resolution of their cases, youth likely to fail to appear in court, and youth held pursuant to a specific court order for detention.

Prior to disposition, a minor should not be held in secure detention unless:

1. The minor is alleged to have committed a delinquent offense **AND**
2. The objective assessment via the Risk Assessment Instrument (RAI) demonstrates there is a high risk for the minor to either commit another offense and/or not appear at future hearings.

South Dakota Codified Law, 26-7A-13, authorizes the court to find temporary custody for a juvenile who is at risk to harm himself or herself. However, no juvenile should be securely detained solely for self-protection unless the court, after considering the alternatives, finds that no less restrictive alternative is available. Additionally, an order detaining a juvenile for self-protection should include a specific, time-limited plan for the juvenile's release to the least restrictive environment appropriate to the juvenile's needs.

The purpose of detention following disposition is to sanction delinquent conduct or violations of probation as may be required by law or as determined appropriate by the judicial officer. The decision to detain and the length of detention should be logically related to the seriousness of the offense or violation and the juvenile's risk to community safety and should be made in the context of an articulated system of graduated responses. Detention as a sanction should also be paired with appropriate therapeutic and remedial responses aimed at correcting the behavior and building competency.

### Ensuring Safe and Humane Conditions in Secure Confinement

Safe and humane conditions of confinement are one of JDAI's core requirements. Detention facilities where juveniles are held, must meet federal, state and professional standards.