

Former juvenile detention center employee sentenced for secretly recording nude girls

Shalom Baer Gee Apr 28, 2023 0



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A former correctional officer at the Juvenile Detention Center in Kyle was sentenced to 16 years in federal prison Friday for taking videos of two underage girls in the facility's showers.

"The message has to be sent that this is completely intolerable behavior," U.S. District Judge Jeffrey Viken said before sentencing 45-year-old Shayne Begay to two consecutive eight-year sentences, one for each receipt of child pornography count.

Begay — who worked at the center for five years — placed a phone inside a clear plastic bag and positioned it in the shower at the detention center once in September 2021 and once in October 2021, according to court documents and testimony at the sentencing hearing.

Each time, the camera was strategically pointed to capture the pubic and buttocks area of the girls — a 13-year-old on the first occasion and a 16-year-old on the second. The video of the 13-year-old was about 12 minutes long. The second video was almost seven minutes long.

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Surveillance footage of the October 2021 incident showed Begay going into the shower area before retrieving the 16-year-old from her cell, according to a factual basis statement Begay signed as part of his plea deal. After the girl was done showering, he returned to the showers.

Begay's common law wife at the time found the videos on his phone, prompting an FBI investigation and ultimately Begay's arrest in Rapid City in December 2021.

FBI Special Agent Jeremy Ewan visited the detention center and confirmed the showers matched the setting in the videos. The agent also interviewed both girls, who confirmed they were in the respective videos.

The 13-year-old girl's mother spoke to the court at Begay's sentencing. She said her daughter — who now lives out of state — is "traumatized really, really bad."

She said the girl attempted suicide last fall, is afraid people with phones are recording her, and distrusts men who are nice to her. The woman said her daughter told her about a correctional officer who was being nice to her and giving her extra supplies.

"I don't think she's gonna recover from this," she said. "I hope you feel sorry for it."

Begay expressed his remorse before the mother, who was experiencing car trouble, had arrived at the courthouse. He said he was "here to take accountability."

"I wish I could address the people that I hurt and tell them I'm sorry and for their forgiveness," Begay said.

When Viken asked Begay why he committed the crimes, he wasn't able to provide a specific answer.

"I can't really say why," Begay said, adding he never thought he would do something "like this," especially because he is a father and was a member of law enforcement.

"It was a complete lapse in my judgment," Begay said.

The judge disagreed.

"There's no mistake in doing this a second time," Viken said.

Both the government and Viken noted the abuse of power on Begay's part. Viken said the power Begay had over the victims was "absolute" and what he did was "exactly the opposite course of your oath."

Assistant U.S. Attorney Sarah Collins, who prosecuted the case, said she has a hard time thinking of more vulnerable victims.

Collins asked the judge to "send a message" to the community and the girls that such a violation of trust will be taken seriously, "so these girls know this matters." She asked for consecutive sentences within federal guidelines to account for the harm done to both girls.

Based on a number of factors, including Begay's position of authority, federal sentencing guidelines suggested Viken sentence Begay to anywhere from 17.5 years to 21 years. Guidelines are designed to promote uniformity in federal sentences, but are not binding on judges.

Begay's defense attorney, Ellie Bastian with the Federal Public Defender's Office in Rapid City, asked the judge to sentence Begay to the mandatory minimum of five years in prison.

Bastian acknowledged the seriousness of the offense, but noted her client had no other child pornography in his possession, something she would have expected in a case like his.

"It's these two dates," she said, calling his actions "completely out of character behavior."

"Five years is a pretty serious depredation of his liberty for someone who has never been incarcerated," Bastian said.

The defense attorney also noted Begay was remorseful and deleted the files. Collins took issue with the statement and stated Begay deleted the files only after his wife found them and before the FBI seized his phone and interviewed him.

Thanks to a plea deal, which Viken called "a huge break," Begay faced a much lower sentence than he would have under his original charges of producing and possessing child pornography. The two production counts have mandatory 15-year minimums.

He pleaded guilty Feb. 2 to the two counts of receipt of child pornography, which have mandatory minimums of five years, a "substantial act of leniency in your favor," Viken said.

After completing his time in Bureau of Prisons custody, Begay will have to register as a sex offender and spend five years under supervision.



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