

Meeting Minutes
South Dakota Council of Juvenile Services
March 29, 2017

Statewide Dakota Digital Network (DDN) Locations

Wednesday, March 29, 2017

Council of Juvenile Services Members Present at DDN Locations: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Beth O'Toole, Vice-Chair and Professor at the University of Sioux Falls; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binegar, Youth Member; Keith Bonenberger, Community Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Chuck Frieberg, Director of Trial Court Services; Renee Gallagher, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Sara McGregor-Okroi, Director of Aliiive-Roberts County Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

Council of Juvenile Services Members Absent: Taniah Apple, Youth Member; Austin Biers, Youth Member; and Miskoo Petite, Rosebud Sioux Tribe Juvenile Facility Administrator.

Others Present at DDN Locations: Secretary Denny Kaemingk, Bridget Coppersmith and Heather Van Hunnik, South Dakota Department of Corrections (DOC); Greg Sattizahn, State Court Administrator; and Brenda Binegar.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Betty Oldenkamp welcomed everyone to the meeting at 2:07 PM on March 29, 2017 and introductions were made. Chair Oldenkamp introduced Keith Bonenberger and Chuck Frieberg as the newest members appointed by Governor Dennis Daugaard and stated that they filled the slots of Nancy Allard and Amy Lake-Harmon. Chair Oldenkamp noted that the meeting was also being shown via live webcast through South Dakota Public Broadcasting and that meeting materials could be found on open.sd.gov on the Boards and Commissions Portal.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Bridget Coppersmith explained that even though there were no funding related actions being taken by the Council, the agenda item of "Disclosure of Conflicts of Interest" was on the agenda to demonstrate the Council's decision to align practices with SDCL 3-23.

Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. No conflicts were disclosed.

3. APPROVAL OF DECEMBER 2016 CJS MEETING MINUTES

Carol Twedt moved to approve the December 2016 meeting minutes, Kristi Bunkers seconded. Motion carried unanimously.

4. BUDGET STATUS REPORT AND SUBGRANT UPDATES

Coppersmith provided an overview of the Formula FFY2013 and FFY2014 budget status as the two awards were combined into one award amount of \$797,616. Coppersmith explained that program areas under the award started drawing down funds in September 2016 resulting in a remaining balance of \$654,171.41 as of March 21, 2017. Coppersmith noted that the combined award has an anticipated end date of September 2018 and that spending patterns will be easier to analyze at future meetings after more funds have been expended and applications are received for new subgrant awards. Coppersmith provided

an update regarding all awarded subgrants and explained that delinquency prevention and disproportionate minority contact (DMC) subgrants are making progress and spending in accordance with their awards and the Native American Program award to Cheyenne River was ready to start drawing down funds after a hold regarding missing documentation.

5. COMPLIANCE MONITORING REPORT AND PLAN SUBMISSION

Coppersmith explained that recent Formula Grant Applications have been separated into two submissions due to new divisions at the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Coppersmith stated that the first section which contained the Compliance Monitoring Report was submitted by the due date of February 28th.

Heather Van Hunnik provided an overview of the DMC section that was submitted with the Compliance Monitoring Report and contains data from various states of the juvenile justice system for the state of South Dakota and Minnehaha and Pennington Counties. Van Hunnik explained that statewide, minority youth have the highest rates of overrepresentation at the stages of arrest and detention and that the stage of arrest is also the highest stage of overrepresentation in Minnehaha and Pennington Counties.

Coppersmith presented an overview of the compliance monitoring report for the period of October 1, 2015 – September 30, 2016. Coppersmith explained that based on the summary produced in the compliance monitoring tool from OJJDP, South Dakota is eligible for a finding of full compliance with de minimis exceptions with the Deinstitutionalization of Status Offenders (DSO) requirement based on 32 violations, full compliance with the separation requirement, and substantive de minimis compliance with the jail removal requirement based on 30 violations. Coppersmith added that one DSO violation was from the Roberts County Detention Center where an accused status offender was held longer than allowable parameters, one DSO violation was from the Minnehaha County Juvenile Detention Center where an adjudicated status offender was held longer than allowable parameters, and the remaining 30 violations DSO and all 30 jail removal violations were from the Yankton County Jail where accused status offenders were held in adult jail cells awaiting transport or release to parents.

Coppersmith noted that all reported violations have been discussed with the facilities reporting violations and that DOC staff believe that the violations will not result in a continued pattern of violations. Coppersmith added that DOC staff developed a plan to increase information sharing and site visits in response to the increase in violations. Specifically regarding the Yankton County Jail violations, Coppersmith explained that staff believes the violations were isolated incidents associated with confusion regarding the differences between status and delinquent offenders and that the issue appears to be resolved. Coppersmith noted that due to the violations crossing two reporting periods for compliance, there will be a handful of violations in next year's reporting period as well. That being said, staff do not expect violations going forward as the jail implemented a new policy to address the issue and has been diligent on ensuring youth are held appropriately since being notified of the violations.

Discussion ensued regarding content in the DMC plan, the violations associated with the Yankton County Jail, and the fact that youth held in jail cells were sight and sound separate from adult offenders and were not held in general population areas.

Chair Oldenkamp turned the meeting over to Vice-Chair Beth O'Toole at 3:00 PM.

6. APPROVAL OF FY2017 FORMULA GRANT APPLICATION

Coppersmith provided an overview of the FY2017 Formula Grants Program Application which was to be submitted to OJJDP by April 17, 2017. Coppersmith explained that the application is the second plan update to the FY2015 3-Year Plan and that the application builds on the original plan and the first update which was submitted and approved in 2016. Coppersmith noted that the main change from previous plans consisted of identifying which budget program areas would be passed through to units of local governments, programs of local private agencies, programs of Indian tribes that perform law enforcement functions, or directly by the state. Coppersmith explained that South Dakota is planning to

pass through \$320,000 which exceeds the required \$256,641 based on the anticipated award amount of \$400,000.

Discussion ensued concerning the content of the application and Coppersmith asked that any edits be sent to her following the meeting.

Aaron McGowan moved to approve the FY2017 Formula Grant Application with the understanding that DOC staff will update the application as needed prior to submission, Lyndon Overweg seconded. Motion carried unanimously.

7. JUVENILE JUSTICE UPDATES

Kristi Bunkers explained that when looking at the impacts of the Juvenile Justice Reinvestment Initiative (JJRI) on minority race and ethnic groups, there is a reduction of Native American Youth committed to the Department of Corrections in FY2017 to date.

8. NEXT MEETING LOCATION AND DATES

Coppersmith explained that the next meeting will be June 28th and 29th in a location to be determined. Coppersmith added that a Positive Action Training will be June 6th and 7th in Pierre, SD.

9. WRAP-UP AND ADJOURN

At 3:24 PM, Kim Cournoyer moved to adjourn, Carol Twedt seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist