

***Meeting Minutes***  
***South Dakota Council of Juvenile Services***  
***June 28-29, 2017***

Best Western Ramkota Hotel, Aberdeen, SD

Wednesday, June 28, 2017

**Council of Juvenile Services Members Present:** Betty Oldenkamp, Chair and CEO of Lutheran Social Services (LSS); Taniah Apple, Youth Member; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Charles Frieberg, Director of Trial Court Services; Renee Gallagher, Youth Member; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; Miskoo Petite, Rosebud Sioux Tribe Juvenile Facility Administrator ; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

**Council of Juvenile Services Members Absent:** Beth O'Toole, Vice-Chair and Professor at the University of Sioux Falls; Dadra Avery, School Counselor at Sturgis Brown High School; Austin Biers, Youth Member; Keith Bonenberger, Community Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Sheriff Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; and Sara McGregor-Okroi, Director of Aliive-Roberts County.

**Others Present:** Bridget Coppersmith, Heather Van Hunnik, and Kaycee Cronin, South Dakota Department of Corrections; Rachel Adair, chaperone of Taniah Apple; Angie Collignon, Statewide Juvenile Detention Alternative Initiative (JDAI) Coordinator; Tasha Hoeltzner, LSS Community Resource Person; and three youth presenters from Young Voices.

1. WELCOME

Chair Betty Oldenkamp called the meeting to order at 3:02 PM on Wednesday, June 28, 2017 and welcomed all participants.

2. CONFLICT OF INTEREST DISCUSSION

Bridget Coppersmith explained that House Bill 1170 amended South Dakota Codified Law Chapter 3-23 regarding conflicts of interest for authority board or commission members. Coppersmith noted that House Bill 1170 builds upon House Bill 1214 from the 2016 Legislative Session which did not include the Council of Juvenile Services as being required to adhere to the requirements. Coppersmith explained that the Council of Juvenile Services adheres to all practices regarding potential conflicts of interest with awarding funds associated with state law up until the requirement to file waivers to the auditor general and attorney general. Coppersmith added that House Bill 1170 added the distinction of the disclosed conflict being an interest or a direction benefit in the action being taken. Coppersmith noted that more information and direction will be provided regarding the new distinction when it is made available to DOC staff.

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

### 3. JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI) UPDATE PRESENTATION

Angie Collignon, Statewide JDAI Coordinator, presented an overview of the implementation of JDAI in South Dakota. Topics of the presentation included the history and governance structure of JDAI in South Dakota, the Risk Assessment Instrument (RAI), the current implementation in Minnehaha and Pennington Counties, and the statewide expansion plan. Collignon highlighted that South Dakota's RAI has been validated and that the results have placed South Dakota in the national spotlight for the effectiveness of the tool. Collignon noted that presentations regarding JDAI and expansion are currently taking place and that both Brown and Division Counties have agreed to take the next steps to becoming JDAI sites. Collignon added that additional materials and information concerning JDAI are available on the Unified Judicial System's website under programs and services.

### 4. YOUNG VOICES PRESENTATION

Chair Oldenkamp introduced the Young Voices Youth and Advocacy Group and explained that another chapter of the group presented to the Council in 2013. Youth presenters provided an overview of Young Voices, explained the top priorities of keeping connections, employment, and education, and discussed the opportunities the program offers for the girls enrolled in the group. The youth also discussed their personal journeys within the foster care system and explained how Young Voices has helped them attain life skills to transition into adulthood and work through the struggles they face within the foster care system.

The meeting recessed for the evening at 4:40 PM.

An optional tour of New Beginnings Center was provided for Council Members and DOC staff at 5:45 PM.

### Thursday, June 29, 2017

**Council of Juvenile Services Members Present:** Betty Oldenkamp, Chair and CEO of Lutheran Social Services (LSS); Beth O'Toole, Vice-Chair and Professor at the University of Sioux Falls; Taniah Apple, Youth Member; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Charles Frieberg, Director of Trial Court Services; Renee Gallagher, Youth Member; Aaron McGowan, Minnehaha County States Attorney; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; Miskoo Petite, Rosebud Sioux Tribe Juvenile Facility Administrator; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

**Council of Juvenile Services Members Absent:** Dadra Avery, School Counselor at Sturgis Brown High School; Austin Biers, Youth Member; Keith Bonenberger, Community Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Sheriff Mike Leidholt, Hughes County Sheriff; and Sara McGregor-Okroi, Director of Aliive-Roberts County.

**Others Present:** Bridget Coppersmith, Heather Van Hunnik, and Kaycee Cronin, South Dakota Department of Corrections; and Rachel Adair, chaperone of Taniah Apple.

Chair Oldenkamp reconvened the meeting at 8:33 AM.

### 4. APPROVAL OF DECEMBER 2016 MEETING MINUTES

*Lyndon Overweg moved to approve the March 2017 meeting minutes, Carol Twedt seconded. Motion carried unanimously.*

## 5. COMPLIANCE STATUS AND OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) UPDATE

Heather Van Hunnik explained that since the March Council Meeting, DOC staff were informed that South Dakota was found out of compliance with two of the four core requirements of the Juvenile Justice and Delinquency Prevention Act. Van Hunnik noted that a letter was sent to OJJDP in anticipation of the non-compliance findings which described the violations as being tied to an isolated incident that was corrected upon discovery. Unfortunately, OJJDP's Office of General Council still found the state as out of compliance with the Jail Removal and Deinstitutionalization of Status Offenders requirements. Van Hunnik stated that the DOC has 30 days from the receipt of the final determination letter to file an appeal and that an appeal will be sent prior to the 30 day deadline. Coppersmith added that the Council will be updated on the determination of the appeal and that the Executive Committee would take action on any required decisions if they are needed prior to the September Council Meeting.

Van Hunnik presented a compliance data summary for the period of October 1, 2016 – March 31, 2017. Van Hunnik stated that for the time frame, 975 records were submitted and all have been reviewed except for 31 records at the time of the meeting as they were with the facilities for additional information. Van Hunnik noted that 15 records had been flagged as having the potential for violations and that additional follow-up and direction from OJJDP is needed before a final determination can be made for those records. Van Hunnik added that at the March Council Meeting, the Council recommended that a publication be put together for statewide distribution regarding holding youth in accordance with state and federal requirements. Van Hunnik explained that the pamphlets were distributed at the statewide sheriffs and police chiefs' conference and that they are also given to facilities on site visits and upon request.

Van Hunnik explained that South Dakota was scheduled to have a Compliance Audit from OJJDP the week of July 17<sup>th</sup> and that DOC staff had learned prior the Council Meeting that the audit had been postponed to a date to be determined due to competing factors with OJJDP. Van Hunnik noted that the audit was not in response to the recent violations but rather due to the fact that South Dakota has not had an audit since 2006 and OJJDP is trying to get back on the cycle of auditing states every three years. Van Hunnik added that the audit will consist of visits to adult and juvenile facilities with different classifications and an entrance interview and exit interview. The Council will be updated when new dates are scheduled.

Coppersmith stated that OJJDP Acting Administrator Eileen Garry will be coming to South Dakota for the September Council Meeting. Coppersmith explained that Acting Administrator Garry has the goal of participating in a State Advisory Group (SAG) meeting in each state in the next three years. Coppersmith noted that South Dakota's program manager with OJJDP recommended that a visit should occur to South Dakota in her first year as South Dakota appears to be a high-functioning SAG that has a good working relationship with the designated state agency, the DOC. Coppersmith noted that Acting Administrator Garry's presentations will be informal as her main role will be to observe the meeting.

Coppersmith explained that OJJDP will be hosting a training September 12<sup>th</sup>-15<sup>th</sup> in Washington D.C. Coppersmith noted that September 12<sup>th</sup> will be an all-day SAG training and each state is able to send three SAG members to the training. Coppersmith noted that once she knows more about the training and the agenda, information will be sent out to the Council to determine interest from members. Coppersmith added that the remaining three days of the training have a focus on Disproportionate Minority Contact (DMC) and compliance.

## 6. BUDGET STATUS REPORT

Coppersmith reported that the Federal Fiscal Year (FFY) 2013 award was currently being spent and that when combined with the 2014 award, had an award amount of \$797,616. Coppersmith stated that the current end date is September 30, 2017 and an extension request will be submitted to OJDP to extend the end date to September 30, 2018. Coppersmith noted that the FFY 2013 portion of the award should be spent by September of 2017 and that the extension will be for the FFY 2014 part of the award. Coppersmith explained that the current balance as of June 20, 2017 was \$520,637.19 and that projected balance after June expenses are submitted should bring the total down to just under \$453,000. Coppersmith provided an overview for each program category and explained that a more detailed report should be available at the September meeting with better projections based on the action taken by the Council regarding subgrants at the current meeting.

Discussion ensued regarding what the budget would look like if OJJDP rejected the appeal concerning the compliance findings and the fact that the Council is currently spending FFY 2013 funds with FFY 2014, FFY 2015, and FFY 2016 funds awarded and not able to be penalized by the compliance reporting period that is under review.

## 7. SUBGRANT UPDATES

Coppersmith provided a summary of the Delinquency Prevention subgrants in Watertown and Sturgis and their expansion sites. Coppersmith explained that both awards are currently under the closeout process of their awards which end June 30<sup>th</sup>. Coppersmith noted that Sturgis was awarded \$97,500 for implementation in Meade, Lawrence, and Butte counties and Watertown was awarded \$72,500 for implementation in the Watertown high school, middle school, and the new intermediate school. Coppersmith stated that both sites are expected to draw down their entire awards by the end of their award period and they are not eligible for renewal as they are in their third year of funding. Coppersmith noted that OJJDP advises that, when possible, subgrants should be limited to three years of funding. Coppersmith explained that both sites will continue to implement their services in the original sites, and seek additional funding through their communities and other grants and contracts for the expansion sites.

Coppersmith stated that the Native American Programs subgrant with Cheyenne Sioux Tribe was also in the closeout period and that their entire award of \$20,000 for a juvenile probation officer would be spent by the end date of June 30<sup>th</sup>. Coppersmith added that the probation officer resigned in May 2017.

Van Hunnik explained that the current DMC subgrants in Minnehaha and Pennington Counties are with Lutheran Social Services and they both provide case management services to pre-adjudicated youth to help the youth and their families navigate through the criminal justice system and also connect them to services within the community. Van Hunnik stated that at the time of the Council Meeting, the Minnehaha County case manager served 17 youth and although they are a little bit behind on spending their award, Van Hunnik does not foresee any issues with them drawing down on their award by the end of their funding period as they have increased the managers hours during the summer months to try to make up for the time that they weren't serving youth. Van Hunnik added that Pennington County is on target to fully expend their award and they had served 119 youth at the time of the Council Meeting.

Van Hunnik added that the Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program was accepting applications and that the DOC is planning to release subgrant applications to both Minnehaha and Pennington Counties for costs associated with attending the program if they are selected.

Van Hunnik noted that the subgrant application would only be for funding to attend the program and successful sites would be responsible for submitting an application to the Center for Juvenile Justice Reform which is due August 4<sup>th</sup>. Coppersmith added that since acceptance to the program is not guaranteed, the DOC is planning to continue to send out DMC applications in August for the current DMC subgrants for another year of implementation that could occur simultaneously with the program.

#### 8. RECCOMENDATIONS FOR FUNDING DELINQUENCY PREVENTION APPLICATIONS

Coppersmith explained that a Positive Action Training was held in Fort Pierre on June 6th and 7th regarding pre-kindergarten through twelfth grade implementation and school systems who attended the training were eligible to apply for two different funding opportunities. Coppersmith stated that applications for up to \$2,500 in Positive Action curriculum were submitted from Edmunds Central, McIntosh, and Dell Rapids School Districts and a delinquency prevention application for implementation with staffing assistance was submitted from the Andes Central School District. Coppersmith noted that the Dell Rapids School District will be submitting a delinquency prevention application for implementation with staffing assistance by July 21st as they were granted an extension for their application and the Executive Committee will need to act on their application prior to the September Council Meeting.

Coppersmith provided an overview of each application and explained that Edmunds Central School District applied for \$2,500 for pre-kindergarten, 4th grade, 5th grade, 7th grade, high school, counselors, and conflict resolution curriculum kits; McIntosh School District applied for \$2,475 for kindergarten, 2nd grade, 4th grade, and 6th grade curriculum kits; Dell Rapids School District applied for \$600 for a community kit for their middle school students; and Andes Central School District applied for \$31,961 for implementation in their middle school including a new hire and onsite training. Coppersmith noted that the forthcoming application from Dell Rapids is expected to be around \$30,000 for elementary level implementation.

Coppersmith mentioned that a statewide workgroup is in place to assist state agencies with complying with the federal Uniform Grant Guidance which includes the use of new forms and agreements that will be uniform across state government. Coppersmith stated that in practice with the implementation of the new forms, a pre-award risk assessment for awards having a subrecipient relationship was conducted for the Andes Central School District and the assessment classified them as low-risk.

Discussion ensued regarding the length of the awards, the content of the applications, and the importance of having prevention services in schools.

***Carol Twedt moved to approve the three curriculum applications from the Edmunds Central, McIntosh, and Dell Rapids School Districts and the delinquency prevention application from the Andes Central School District, Lyndon Overweg seconded. Motion carried unanimously.***

#### 9. RECCOMENDATIONS FOR FUNDING NATIVE AMERICAN PROGRAMS APPLICATIONS

Coppersmith provided an overview of the Native American Program application submitted from the American Horse School on the Pine Ridge Indian Reservation. Coppersmith explained that representatives from the American Horse School attended the Positive Action training and that the school's application was for \$49,956 to implement both Positive Action and Lakota Language and Cultural curriculum to students in their school and at the Tribal Detention Center. Coppersmith noted that a pre-award risk assessment was completed for the applicant and resulted in a low-risk score.

Coppersmith added that an onsite visit would take place in the early stages of the award to discuss implementation and subaward requirements if the Council approved the application. An onsite visit would be conducted with Andes Central staff as well as they are a new subrecipient.

Discussion ensued regarding who was eligible to apply for the Native American Programs subgrant program and the content of the application.

***Vanessa Merhib moved to approve the application from the American Horse School, Charles Frieberg seconded. Motion carried unanimously.***

#### 10. JUVENILE JUSTICE REINVESTMENT INITIATIVE (JJRI) UPDATE

Charles Frieberg provided an update regarding JJRI implementation through the Unified Judicial System (UJS). Frieberg explained that for the time frame of July 1, 2016 through June 27, 2017, the average length of stay on probation was 128 days and the average length of days ordered to probation was 124 days. Frieberg added that there were a total of 2,793 citations issued statewide for the same time period with the breakdown of 1,133 possession of alcohol citations, 1,105 truancy citations, 461 petty theft of \$400 or less citations, and 94 intentional damage to property under \$400 citations. Frieberg noted that there were 203 extensions of probation for evidence based programs during the time frame and that he anticipates that extensions will decrease starting July 1, 2017 when the length of probation increases to six months from the previously implemented four months.

Kristi Bunkers provided an implementation update from the Department of Corrections (DOC). Bunkers explained that the DOC juvenile population is continuing to decrease and that the end of April 2017 count was 295 which is down from a count of 380 at the end of June 2016. Bunkers noted that of the 295 youth, 162 were on aftercare and that nearly all DOC youth are delinquent offenders. Bunkers explained that in order for a youth to be committed to the DOC they need to either have committed a crime of violence, a sex offense, or are found to be a danger to others. Bunkers added that 38 counties submitted detention data under the Detention Cost Sharing Program and a total of \$150,000 was reimbursed to twelve counties whose 2016 detention bed-days exceed their 2013-2015 three-year average.

Bunkers added that there will be a Juvenile Justice Summit in Sioux Falls on September 26<sup>th</sup> and 27<sup>th</sup> and that Council Members are invited to attend. Bunkers explained that Coppersmith will be provided registration information when it is available for distribution to Council Members.

Virgena Wieseler provided an update from the Department of Social Services (DSS). Wieseler explained that Functional Family Therapy teams have moved into phase two of their three year training period and that DSS plans to hold two Functional Family Therapy Replacement Trainings in state fiscal year 2018 as well as supporting additional out-of-state trainings, as needed, to ensure an adequate number of trained clinicians for successful implementation. Wieseler added that Moral Recognition Therapy (MRT) sessions began in February and are available in person at seven agencies as well as statewide via telehealth through Lutheran Social Services. Wieseler noted that there will be two MRT trainings and two advanced MRT trainings in state fiscal year 2018. Wieseler mentioned that Aggression Replacement Training (ART) services began in March and are available at five agencies and there will be two ART trainings in state fiscal year 2018. Wieseler noted that DSS has also reached out to JJRI providers to attend Motivational Interviewing training in July which is free to providers. Wieseler added that DSS staff has been working closely with rural and frontier providers to problem solve the unique challenges in serving those areas.

#### 11. JUVENILE JUSTICE UPDATES

Chair Oldenkamp opened the floor for members to provide any juvenile justice related updates. Vanessa Merhib stated that a new Teen Court opened in Clay County and is overseen by the Brookings Boys and Girls Club. Chair Oldenkamp explained that Staci Johnson resigned from her position as the

Program Manager of the LSS–Arise youth Center in Rapid City and that her position was filled by Mark Kiepke.

#### 12. NEXT MEETING, WRAP-UP AND ADJOURN

Coppersmith stated that the next meeting will be in September located in Rapid City. Coppersmith explained that the first day will likely consist of tours and presentations and the second day will include the business of the Council. Coppersmith reminded the Council that OJJDP Acting Administrator Eileen Garry will be in attendance at the meeting.

***At 10:14AM, Charles Frieberg moved to adjourn, Keegan Binigar seconded. Motion carried unanimously.***

*Recorded by Bridget Coppersmith, Juvenile Justice Specialist*