

***Meeting Minutes -DRAFT***  
***South Dakota Council of Juvenile Services***  
***September 6-7, 2017***  
Rapid City, SD

**Wednesday, September 6, 2017– Western South Dakota Juvenile Services Center**

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

**Others Present:** Eileen Garry, Office of Juvenile Justice and Delinquency Prevention; Bridget Coppersmith, South Dakota Department of Corrections; Rachel Adair, Chaperone of Taniah Apple; and Nate Ellens and Tiffany Wolfgang, Department of Social Services and only present via conference call for the Juvenile Justice Initiative Overview and Updates agenda item.

1. WELCOME

Chair Betty Oldenkamp called the Council of Juvenile Services (Council) meeting to order at 3:02 PM on Wednesday, September 6, 2017 and welcomed all participants.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Bridget Coppersmith explained that the Council 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 as the Council was not identified in the law as being required to observe all requirements. Coppersmith noted that the Department of Corrections (DOC) staff will continue to follow direction provided regarding the implementation of conflict of interest laws to ensure that the Council’s practices are in line with the best practices for identifying and disclosing conflicts of interest.

Coppersmith asked if any Council Member had a conflict of interest with the proposed agenda to disclose. Betty Oldenkamp disclosed that she had a direct benefit conflict of interest with the disproportionate minority contact applications from Lutheran Social Services as she is the President and CEO of Lutheran Social Services of South Dakota. Carol Twedt disclosed that she had an interest in the action being taken regarding the disproportionate minority contact applications due to her position on a Lutheran Social Services Foundation Board. Twedt noted that her conflict is only an interest, not a direct benefit, as she does not derive compensation from her voluntary board membership.

### 3. WELCOME ADDRESS

Eileen Garry, Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), introduced herself to the Council and provided an overview of her career with the federal government including within OJJDP, the Bureau of Justice Assistance (BJA), the Public Safety Officers' Benefits Program, the State and Local Anti-Terrorism Training Program, the Counter-Terrorism Training Work Group, and the Indian Law and Order Commission.

Acting Administrator Garry expressed her gratitude to the Council for allowing her to be present at their September Meeting and explained that she is working with her staff to repair the broken relationships between states and OJJDP that occurred in the past 15 years when she was with BJA was not working with OJJDP. Acting Administrator Garry explained that the lack of a sense of community, the fact that the Juvenile Justice and Delinquency Prevention Act (JJDP) had not been reauthorized since 2002, and the new proposed regulations have added to the disconnection with the states. Acting Administrator Garry stated the work State Advisory Groups (SAG) do is underappreciated and undervalued and that she truly enjoys meeting with SAGs to learn about serving youth in their states.

Acting Administrator Garry spoke regarding the appointment of a permanent administrator of OJJDP. Acting Administrator Garry explained that final interviews were being conducted and that the hope is to have an administrator in place by November 2017. Acting Administrator Garry also provided an overview of the reauthorization of the JJDP bills which are going to conference from the House of Representatives and the Senate, the process that led to the partial final rule from the rules and regulations that OJJDP published last year, and the appropriation process for OJJDP's budget and how the two bills would impact OJJDP's budget.

Acting Administrator Garry complimented the Council on their work related to conflicts of interest including the appearance of conflicts of interest and congratulated the state on being a juvenile justice reform reinvestment state and for being in the practice of implementing evidence and research based programs with fidelity which speak strongly to the caliber of work that South Dakota does.

Chair Betty Oldenkamp turned the meeting over to Vice-Chair Beth O'Toole at 3:57 PM due to needing to leave for prior engagements.

The meeting recessed at 3:57 PM for tours and dinner.

The meeting reconvened at 7:05 PM. Vice-Chair O'Toole confirmed that no discussion of official business occurred during the recess.

### 4. JUVENILE JUSTICE INITIATIVES OVERVIEW AND UPDATES

Charles Frieberg provided an overview of the Juvenile Detention Alternatives Initiative (JDAI) in South Dakota. Frieberg explained that JDAI was brought to South Dakota by the Council in 2009 through pilot sites in Minnehaha and Pennington Counties and that the implementation of JDAI on a statewide scale started in 2013 under the Unified Judicial System (UJS). Frieberg added that based on data from calendar year 2016, the average daily detention population in Minnehaha and Pennington Counties, statewide DOC commitments, and statewide youth on probation all decreased by more than 51% since 2009. Frieberg noted that in addition to the sites in Minnehaha and Pennington Counties, Brown, Davison, and Codington Counties have agreed to take the initial steps in moving forward to becoming JDAI sites, and Hughes and Brookings Counties are still considering implementation.

Discussion ensued concerning what makes a site a full JDAI site, the percentage of South Dakota youth under the JDAI umbrella, implementing alternatives in communities outside of Sioux Falls and Rapid City, how counties reallocate and or save money with JDAI, and the Risk Assessment Instrument (RAI) process.

Kristi Bunkers provided an overview of how the Juvenile Justice Reinvestment Initiative (JJRI) began in South Dakota and its main goals of increasing public safety by improving outcomes for youth and families and reducing juvenile recidivism, effectively holding juvenile offenders more accountable, and reducing juvenile justice costs by investing in proven community-based practices and preserving residential facilities for serious offenders.

Friberg presented an overview of JJRI components under UJS including the implementation of mandatory diversion, Community Response Teams, narrowing disposition to the DOC, defining probation duration, graduated responses, and juvenile citations. Friberg added that in FY2017, the number of youth on probation and the number violations filed are continuing to decrease, the largest citation by offense type is alcohol possession at 40% of the citations followed by truancy at 39%, and the number of youth receiving incentives under the graduated response for youth on probation increased from 29% of youth in FY2016 to 45% of youth in FY2017.

Bunkers explained that DOC is associated with the components of a diversion fiscal incentive program, a detention reimbursement program, a community based intervention service model with the Department of Social Services (DSS), performance based contracting, an amended DOC violator policy, and a Native American Youth Outcomes Study which is coordinated by the Department of Tribal Relations. Bunkers added that DOC commitments continued to decrease in FY2017 as have the total number of youth under DOC jurisdiction.

Tiffany Wolfgang provided an overview of DSS's role with JJRI which focuses on implementing community-based, evidence-based programs. Wolfgang stated that the three interventions of Functional Family Therapy (FFT), Moral Reconciliation Therapy (MRT), and Aggression Replacement Training (ART) were identified as good fits for South Dakota's population. Nate Ellens explained that FFT services began in January 2016 and served 755 families in FY2017; MRT services began in February 2017 and served 75 youth in FY2017; and ART services began in March 2017 and served 29 youth in FY2017. Ellens provided an overview of the referral processes for JJRI treatment services and the differences between referrals from schools or self-referrals and Child Protective Services, UJS, or DOC. Ellens added that in FY2017, there was 63% successful completion rate for FFT services and an average of 86% of adolescents and 88% of parents/families reported a positive general change in their family upon completion of FFT.

Discussion ensued regarding the age or grade that most youth are experiencing truancy issues at, chemical dependency services in a youth's community versus in-patient services, and the usage of telehealth services for youth in rural and frontier areas,

## 5. JUVENILE JUSTICE UPDATES

Bridget Coppersmith presented an overview of the 2015 Easy Access to the Census of Juveniles in Residential Placement Report. Coppersmith explained that the census was administered for the first time in 1997 by the Bureau of the Census for OJJDP and is administered roughly every two years. Coppersmith stated in each report from 1997 to 2013, South Dakota rated in the top three of states with its juvenile incarceration rate and at times was double the national average. Coppersmith added that the 2015 report demonstrates South Dakota's commitment to decrease the juvenile incarceration rate as South Dakota is now ranked number five with a rate of 254 youth per 100,000 juveniles. Coppersmith noted that the rate for American Indian youth has also decreased. In 2011, the

South Dakota American Indian rate was 5.3 times the rate for White youth and in 2015, it decreased to 4.5 times that of White youth. Coppersmith concluded by stating that she is hopeful that the 2017 numbers and rates will continue to show improvement as South Dakota continues to participate in JDAI and implement JJRI.

Vice-Chair O'Toole asked Council Members if there were any additional juvenile justice updates. No updates were identified.

The meeting recessed at 7:16 PM for the evening.

### **Thursday, September 7, 2017– Pennington County Courthouse**

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

**Others Present:** Eileen Garry, Office of Juvenile Justice and Delinquency Prevention; Bridget Coppersmith and Heather Van Hunnik, South Dakota Department of Corrections; Rachel Adair, Chaperone of Taniah Apple; Emily Olson, Reporter at News Center 1; and Amy Witt and Mark Kiepkke, Lutheran Social Services for the Disproportionate Minority Contact Funding Presentations only.

The meeting reconvened at 8:43 AM.

#### 1. APPROVAL OF JUNE 2017 MEETING MINUTES

*Judge Steven Jensen moved to approve the June 2017 meeting minutes as written, Charles Frieberg seconded. Motion carried unanimously.*

#### 2. RATIFICATION OF AUGUST 2, 2017 EXECUTIVE COMMITTEE MEETING ACTIONS

*Sheriff Mike Leidholt moved to approve all action taken at the August 2, 2017 Executive Committee Meeting, Kristi Bunkers seconded. Motion carried unanimously with Aaron McGowan and Carol Twedt abstaining.*

#### 3. BUDGET STATUS REPORT

Coppersmith provided a summary of program area performance under the FY2013 Formula Grant Award. Coppersmith explained that the 2013 award contains both the 2013 and 2014 awards and has an approved extended end date of September 30, 2018. Coppersmith stated that as of August 21, 2017, the remaining balance of the \$797,616 award was \$440,090.81 and that she expected the balance to be down to \$350,519.54 by September 30, 2017. Coppersmith noted that she anticipates that most of the program areas will be fully expended prior to the new end date with some program areas having the potential to draw down more than their budgeted amounts. Coppersmith added that states can move up to 10% of their award between approved program areas without a formal amendment to close out awards and that the program areas with excess expenditures will assist in closing out program areas that may not utilize the full budgeted amount. OJJDP Acting Administrator Garry added that

new restrictions are in place regarding extensions and that a new limit of one extension request per federal award will be enforced going forward.

#### 4. PROGRAM AREA UPDATES

Coppersmith provided an overview of subgrants under the Delinquency Prevention and Native American Programs program areas. Coppersmith explained that awards to the Meade County School System, Watertown School System, and the Cheyenne River Sioux Tribe ended June 30, 2017 and new awards have started with the Andes Central School System, Dell Rapids Public School System, and the American Horse School to implement the evidence-based program Positive Action. Coppersmith added that the American Horse School will also implement Lakota Language Curriculum. Coppersmith noted that in their three years of implementation, the Meade County School System served 220 youth and the Watertown School System served 388 youth in the same timeframe. Coppersmith added that in the last reporting year, the probation officer with the Cheyenne River Sioux Tribe served 72 youth. New award visits were conducted with the three new awards and they are expected to start implementing their programs in the current school year.

Coppersmith explained that the program areas of Jail Removal, Separation, and Deinstitutionalization of Status Offenders are associated with the County Reimbursement Program which assists counties with being in compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP) and state law when it comes to holding juveniles in appropriate facilities such as juvenile detention centers, shelter care, and holdover sites. Coppersmith stated that the program runs on a calendar year basis and that as of the meeting, 112 youth had been served across the categories of transportation, detention care, shelter care, holdover facilities, and electronic monitoring.

Heather Van Hunnik provided an overview of the current Disproportionate Minority Contact awards in Minnehaha and Pennington Counties which have an end date of September 30, 2017. Van Hunnik explained that both awards are implemented through Lutheran Social Services and are for Case Management Services which target pre-adjudicatory minority youth. Van Hunnik stated that through June 30, 2017, the Pennington County program served 299 youth and the Minnehaha County program had served 47 youth. Van Hunnik noted that the Minnehaha County program did not start their services at the same time as the Pennington County program which resulted in the lower number of youth served through the third quarter of their award.

#### 5. COMPLIANCE UPDATE

Van Hunnik explained that at the June Council Meeting, staff discussed receiving formal notification from OJJDP that South Dakota was out of compliance with the core requirements of Jail Removal and Deinstitutionalization of Status Offenders. Van Hunnik added that the notification outlined the opportunity to appeal the findings and that a formal appeal was sent by DOC staff based on the ex post facto application of the partial final rule and the fact that states were not provided the opportunity to comment on the implementation timeframe of the new regulations. The appeal was found to have merit with the Office of General Counsel and at their request; the DOC withdrew their appeal with the agreement that South Dakota's compliance submission would be analyzed with previous standards including the de minimis exceptions allowances. Van Hunnik added that DOC staff has received confirmation that based on the previous standards, South Dakota is in compliance with the core requirements of Jail Removal and Deinstitutionalization of Status Offenders and the FY2017 Formula Grants Award will not be impacted.

Van Hunnik provided an update of the status of analyzing compliance data through June 2017. Van Hunnik explained that through June, a total of 1,471 records were submitted from 12 facilities across the state. Van Hunnik noted that at the time of the meeting, 19 records were still under review with various facilities and there were 15

records that were identified as potentially impacting South Dakota's violation rate within the annual Compliance Monitoring Report which will be finalized in February 2018.

## 6. ANNUAL REPORT INPUT

Coppersmith explained that per the JJDP, the Council is responsible to make an annual report to the Governor and Legislature on the States' progress in meeting the requirements of the JJDP and pursuant to SDCL 1-15-30 (8), the Council is required to submit an annual report to the Governor, Chief Justice, and the Legislature on the status of children in need of supervision (CHINS) in South Dakota. Coppersmith stated that the Council's Annual Report meets both of the reporting requirements. Coppersmith presented a mockup of a possible report for FY2017. Coppersmith explained that the sample contained content categories and initial formatting and that once the Council agreed on the desired format for the FY2017 report, all narratives and charts would be updated with a final draft ready for review at the December Council Meeting.

Discussion ensued regarding the benefits of having a smaller, easy to read publication, the desire to continue with the format of the FY2016 report, and a recommendation to include content from the 2015 Easy Access to the Census of Juveniles in Residential Placement Report. Sara McGregor-Okroi, Kim Cournoyer, and Beth O'Toole volunteered to assist Coppersmith with the review of the report prior to the December Meeting.

## 7. OVERVIEW OF THE SOUTH DAKOTA STATE BOARD OF INTERNAL CONTROLS (SBIC)

Coppersmith stated that the South Dakota SBIC was created by Senate Bill 162 during the 2016 Legislative Session with the objectives of establishing and maintain guidelines for an effective system of internal control to be implemented by state agencies that is in accordance with internal control standards, a code of conduct for use by state agencies, and a conflict of interest policy for use by state agencies. Coppersmith discussed that the Uniform Grant Guidance (UGG) Workgroup under the SBIC was established to improve state agency compliance with the Uniform Grant Guidance/Super Circular that was released in December 2014. Coppersmith explained that the UGG Workgroup has since been renamed the Federal Grant Compliance Workgroup to allow for flexibility in discussing and providing recommendations on more than the Uniform Grant Guidance/Super Circular. Coppersmith added that to date, the Federal Grant Compliance Workgroup has produced a uniform subrecipient agreement template, a subrecipient monitoring guide, a contractor/subrecipient determination checklist, and a pre-award risk assessment which have all been approved by the SBIC.

## 8. OVERVIEW OF DISPROPORTIONATE MINORITY CONTACT (DMC) IN SOUTH DAKOTA

Coppersmith and Van Hunnik provided an overview of DMC in South Dakota based on the three-year plan submitted in the spring of 2017 and current local and statewide activities. Van Hunnik explained that the purpose of the DMC core requirement is to ensure equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity. Coppersmith and Van Hunnik noted that youth are tracked at various points throughout the juvenile justice system and then compared to the volume the contact point has of majority and minority youth. In South Dakota, minority youth are most disproportionately represented at the points of arrest and detention when compared with white youth at the same contact points. Van Hunnik explained that on a state level, South Dakota has a part-time DMC Coordinator with the DOC who, along with other Formula Grants Staff, collects data for all nine contact points in the juvenile justice system, updates data annually in the three-year plan, monitors trends over time, and monitors DMC subrecipient performance measures on a quarterly basis. Van Hunnik also noted that the Council has also shown a commitment to DMC through investing in initiatives in Minnehaha and Pennington Counties, providing opportunities for trainings, and funding formal assessments through the Burns Institute in 2013 for each site.

Discussion ensued how to best address disproportionality at the stage of arrest, the difficulty of addressing DMC nation-wide, and the new DMC evaluation tool from OJJDP.

## 9. DMC FUNDING PRESENTATIONS

Amy Witt presented an overview of the DMC application from Lutheran Social Services for implementation in Minnehaha County. Witt discussed successes experienced with the DMC Case Manager in the current year of funding and the benefit of continuing the program with the next round of funding. Witt explained that the purpose of the project is to continue to devote a case manager to work with individual minority families who are at risk of sliding further into the juvenile justices system through assisting the youth and their families in navigating the court system and knowing what is expected of them. The case manager also reviews community options with the families, helps determine eligibility for various programs, assists with contacts and signing up for services and supports, helps set up appointments and develop transportation plans, and assists in troubleshooting barriers to participating in programs and being successful in the court process.

Mark Kiepke presented an overview of the DMC application from Lutheran Social Services for implementation in Pennington County. Kiepke discussed stories of successful youth and families that were served by the DMC Case Manager in the current year, accomplishments that the program was experiencing in the current year of funding, and barriers that came up and how the case manager is working to overcome them. Kiepke explained that the purpose of the Pennington County proposal was the same as Minnehaha County's purpose with a focus on minority youth who are at risk of noncompliance and escalation within the juvenile justice system.

Discussion ensued concerning serving different minority groups and the need for translator services, the slow start in Minnehaha County in the first year of implementing the program, partnerships with the court system, failure to appear rates, and if the services are also available in the post-dispositional phase.

## 10. DOC RECOMMENDATIONS AND FUNDING ACTIONS ON DMC APPLICATIONS

Van Hunnik explained that based on current and previous performance from the applicant, the low risk score on the pre-award risk assessment, and the findings that Lutheran Social Services is not on the state or federal debarment lists, is up to date on the Single Audit requirements, has an established accounting system, and documented prior grant experience, the DOC was comfortable recommending that the Council award the requested amount of \$35,000 to both Minnehaha and Pennington Counties.

***Sheriff Mike Leidholt moved to approve the DMC applications from Minnehaha and Pennington Counties, Miskoo Petite seconded. Motion carried unanimously with Carol Twedt abstaining. NOTE: Betty Oldenkamp was not in attendance for this portion of the meeting and therefore was not present to abstain.***

## 11. CLOSING REMARKS

Acting Administrator Garry expressed that she was thrilled to be in South Dakota and was very impressed with the work South Dakota has accomplished and is continuing to accomplish and that the Council should be proud of the work they have done. Acting Administrator Garry stated that it amazes her how a relatively small state that is receiving less than half a million dollars in Formula Grants funding is able to do the amount of work and accomplish a high level of achievements like South Dakota has been able to do. Acting Administrator Garry stated that she was impressed with composition of Council, especially the different constituents, representation of races, and an active youth member and that in her opinion; South Dakota is one of the best kept secrets of Title II Formula Grants Program. Acting Administrator Garry explained that she is really encouraged by what she

experienced while in South Dakota and will have nothing but good things to say when she returns to Washington, DC and meets with the Attorney General and Assistant Attorney General after a terrific visit.

Discussion ensued concerning appreciation for Acting Administrator Garry's visit, reaching out to representatives in Washington, DC, and ways of sharing the Council's success and stories with others in South Dakota.

#### 12. NEXT MEETING LOCATION AND DATES

Coppersmith explained that the next meeting is scheduled for December 14<sup>th</sup> in Pierre or Chamberlain. Coppersmith also reminded the Council of the Juvenile Justice Summit in Sioux Falls on September 26<sup>th</sup> and 27<sup>th</sup> and encouraged all members to attend. NOTE: Since the adjournment of the meeting, Pierre was finalized as the location for the December 14<sup>th</sup> meeting.

#### 13. WRAP-UP AND ADJOURN

***At 11:14 PM, Vanessa Merhib moved to adjourn, Kim Cournoyer seconded. Motion carried unanimously.***

*Recorded by Bridget Coppersmith, Juvenile Justice Specialist*

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