

Council of Juvenile Services
Proposed Meeting Agenda
September 28, 2016

LSS Center for Children & Youth
621 E Presentation St, Sioux Falls, SD 57105

Wednesday, September 28, 2016 (LSS Center for Children & Youth)

- 3:00 PM Welcome, Introductions, and Review Agenda (Vice-Chair Beth O'Toole)
- 3:10 PM Disclosure of Conflicts of Interest (Bridget Coppersmith)
- 3:20 PM Disproportionate Minority Contact (DMC) Presentations (Staci Jonson)
- Minnehaha County
 - Pennington County
- 4:00 PM Tour of LSS Center for Children and Youth (Rebecca Kiesow-Knudsen and Sheila Weber)
- 5:00 PM Functional Family Therapy Presentation (Duane Kavanaugh and Annie Brokenleg)
- 5:30 PM Discussion of Proposed Regulations from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Bridget Coppersmith)
- 6:30 PM Recess

Council of Juvenile Services
Proposed Meeting Agenda
September 29, 2016

Holiday Inn City Centre
100 W 8th St, Sioux Falls, SD 57104

Thursday, September 29, 2016 (Holiday Inn City Centre Palisades I and II)

- 8:00 AM Approval of June 2016 Meeting Minutes (Vice-Chair Beth O'Toole)
- 8:10 AM Budget Status Report (Bridget Coppersmith)
- Discussion of FFY 2012 Closeout
 - Discussion of FFY 2013/2014 Budget
 - Subgrant Updates
- 8:30 AM Overview of the South Dakota State Board of Internal Controls (Bridget Coppersmith)
- 8:45 AM DOC Recommendations for Funding DMC Applications (Bridget Coppersmith)
- 9:00 AM Delinquency Prevention Supplemental Application Presentations
- Watertown Healthy youth Coalition (Kelli Rumpza)
 - Action for the Betterment of the Community (Kara Graveman)
- 9:40 AM DOC Recommendations for Funding Supplemental Delinquency Prevention Applications (Bridget Coppersmith)
- 9:50 AM Continued Discussion of Proposed Regulations from OJJDP (Bridget Coppersmith)
- 10:45 AM Juvenile Justice Reinvestment Initiative (JJRI) Update (Bridget Coppersmith and CJS Members)
- 11:15 AM South Dakota Policy Academy Overview (Tiffany Wolfgang)
- 11:45 AM Juvenile Justice Updates (Open to CJS Members)
- 11:55 AM Next Meeting Location and Dates (Bridget Coppersmith)
December 8th (Chamberlain area or Pierre)
- 12:00 PM Wrap-up and Adjourn (Vice-Chair O'Toole)

Compliance with Board Conflict of Interest Provisions

Overview of Chapter 3-23

Pursuant to SDCL 3-23-10, the State Board of Pardons and Paroles is subject to Chapter 3-23, Conflicts of Interest as of July 1, 2016. The SDDOC also provides staff support to the Council of Juvenile Services and the Corrections Commission which were not identified in SDCL 3-23-10 as subject to Chapter 3-23. The Council of Juvenile Services has elected to follow procedures outlined in SDCL 3-23 as related to identifying and monitoring conflicts of interest.

The law prohibits a Board Member from contracting with the State or deriving a direct benefit from a contract or transaction with the State if the contract or transaction is within the jurisdiction or relates to the subject matter of the Member's Board. The law also prohibits a Board Member from contracting with or deriving a direct benefit from a contract with a political subdivision of the State if the political subdivision administers or executes similar subject matter programs as the Member's Board.

A Board Member derives a direct benefit from the contract if one or more of the following is true of the Member, the Member's spouse, or a person with whom the Member lives with and commingles assets:

- 1) Has a five percent ownership or other interest in an entity that is a party to the contract;
- 2) Derives income, compensation or commission directly from the contract or from the entity that is a party to the contract;
- 3) Acquires property under the contract; or
- 4) Serves on the board of directors of an entity (including a nonprofit) that derives income or commission directly from the contract or acquires property under the contract.

"Direct benefit" does not include gain from a contract based solely on the value of a Board Member's investment in an entity that is a party to the contract, if that investment represents less than a five percent ownership in the entity. It also does not apply to contracts or transactions where the Board Member only benefits from an act of the Board that has general application, such as a decision by the Board to increase or decrease a fee that many South Dakotans pay.

The prohibitions of SDCL 3-23 apply while the Member serves on the board and for a period of one year after the end of the Member's term.

Suggested Actions for Chapter 3-23 Compliance

- Each agenda should include an item for conflicts disclosure prior to consideration of any substantive matters on the agenda, and the conflict item must relate to a substantive matter on the agenda.
- Board Members publicly disclose a direct benefit or other conflict in regard to a substantive matter on the agenda.*
- After the Member discloses the conflict and answers questions from the other Board Members, the requesting Member should be excused from discussion and consideration of the substantive matter.
- The Board may waive the conflict and approve a financial transaction with the entity the Board member has an interest in if it determines that, based upon a review of the essential terms of the contract, transaction, or conflict and the Member's role in the same, the transaction and terms of the contract are fair, reasonable, and not contrary to the public interest.
- Both the disclosure by the Member and determination by the Board should be included in the official minutes made available to the public and a copy of the minutes should be filed with the Auditor-General.**
- Based on a recommendation of the Board of Internal Controls, each Board Member should complete an annual disclosure report that identifies the businesses or organizations with which the Board Member, the Member's spouse, or a person with whom the Member lives with and commingles assets are associated.

* Prior written disclosure is not required as long as the item of conflicts of interest disclosure is on the agenda.

** Since Chapter 3-23 does not apply to the Council of Juvenile Services, any disclosure and corresponding minutes will not be filed with the Auditor General.

Impact of Proposed Regulations Related to the JJDP Act Formula Grant Program

OJP Docket No. 1719

Overview of the Juvenile Justice and Delinquency Prevention Act's (JJDP Act) Formula Grant Program:

- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers the Formula Grant program, pursuant to Title II, part B, of the JJDP Act.
- The Formula Grant program is a mandatory statutory formula program under which OJJDP is required to make an award to each participating state, so long as the conditions established by the law are met.
- States receiving formula grant funding from OJJDP are obligated to follow the requirements in the Act. Among other provisions, the Act includes four “core requirements,” referred to as such because the Formula Grant Program funding that states receive is reduced by 20% for each of these requirements with which OJJDP determines the state to be non-compliant.
- South Dakota came into compliance with the JJDP Act in 2003 under Governor Rounds. SD has been in compliance ever since and is currently receiving awards of \$400,000 (floor level for states to receive) through the Formula Grant program.

Proposed Regulations which Pose the Greatest Impact to SD:

1. Establish new compliance standards in place of the current de minimis standards for determining compliance with deinstitutionalization of status offenders (DSO), separation of juveniles from adult offenders, and removal of juveniles from adult jails.
2. Provide a definition for the term “detain or confine” as used in the separation and jail removal requirements.
3. Proposed deletion of the federal wards provision concerning DSO violations.

Establishment of New Compliance Standards:

“As a reflection of the continued progress over the past years made by states in improving compliance, the acceptable level of deviation allowable to remain in substantial compliance needs to be adjusted to reflect the new compliance reality.” – Proposed Rules by the Office of Justice Programs

Under current regulations, there is a range under which states can be found in full or de minimis compliance.

The current rate for DSO that a state must be at or under to still be considered in compliance is 29.4 violations per 100,000 youth. Based on SD having around 200,000 youth, SD could have 58 violations. Since 2004, SD has not had more than 11 DSO violations and only had 3 in 2015.

The current rate for jail removal that a state must be at or under to be considered in compliance is 9 violations per 100,000 youth. Based on SD having 200,000 youth, SD could have 18 violations. SD has had 0 jail removal violations since 2009.

The core requirement of separation is based on a numerical finding, not a rate. Currently, full compliance is met with 0 violations but states are eligible for a finding of compliance with any number of violations as long as narratives and plans to acquire compliance are submitted. South Dakota has had 0 separation violations since 2008.

New standards would eliminate the possibility for a finding of de minimis compliance and give a universal rate of **0.24 violations per 100,000 youth for DSO** and a rate of **0.12 violations per 100,000 youth for jail removal**. The numerical determination for separation would remain at 0 violations but would remove the ability for states to justify violations and develop a plan to be found in compliance.

Based on the new standards, SD could not have a violation under any of the core requirements, an accomplishment that SD only achieved once in 2010.

Noncompliance with one requirement would result in SD losing \$76,000, reallocating \$152,000 to address the violation and leave \$172,000 to local and tribal delinquency prevention and intervention programs and required staff and the Council of Juvenile Services. Noncompliance with two requirements would result in SD losing \$152,000, reallocating \$114,000 to address the violations and having a remaining balance of \$134,000 to programming, staff and the advisory board.

Definition of “Detain or Confine”:

Proposed Definition: *Detain or confine* means to hold, keep, or restrain a person such that a reasonable person would believe that he is not free to leave.

This new definition includes non-secure detention – that is, a juvenile is detained when he is not free to leave even though he is not securely detained within a locked room or cell, or by being handcuffed to a cuffing rail or bench.

Currently, status offenders and most delinquent offenders are held in non-secure areas of a jail or lockup, usually the sheriff’s or other administrative offices or conference rooms. Under the new definition, these areas would be considered part of the jail and therefore result in violations.

To avoid a jail removal violation, states must not detain any status offender in an adult jail or lockup for any length of time. South Dakota has 36 jails and lockups

- 7 jails have collocated juvenile facilities which would not be impacted by the definition.
- Minnehaha and Pennington Counties have regional detention centers which could hold status and delinquent offenders.
- The remaining 27 jails and lockups would, under the new definition, have jail removal violations if status offenders enter their building (including administrative offices in the buildings) or if a delinquent offender is present more than 6 hours in any part of the building.

Proposed deletion of the federal wards provision

Currently, the provision comes into effect if a state’s DSO rate was above 29.4 per 100,000 juveniles in the population. At that time, OJJDP would consider a request from the state that exceptional circumstances existed that would allow the state to deduct any violations resulting from the detention of federal wards. The proposed regulations state that “the elimination of the policy on federal wards may affect a very small number of states that have a DSO rate above 29.4 that, because they could no longer deduct the “federal wards” from their DSO rate, would be found out of compliance”. In years where SD had violations, at least one violation each year would have been dropped if SD went over the de minimis threshold due to being a federal exception. With the proposed DSO rate of 0.24, the ability to remove federal exceptions is more crucial than it currently is due to the current rate of 29.4.

Summary of Concerns:

Reduced rates of compliance leave no room for error and require 100% compliance. A single violation would result in a reduction of funds to support programming. The reduced rates also justify the need to keep the federal wards provision under DSO.

The new definition of “detain or confine” would result in an increase of jail removal violations and could lead to more status offenders being held securely in collocated or juvenile detention facilities due to non-secure administrative offices in jails no longer being able to hold them. The new definition also poses a threat to established relationships between the DOC and counties.

The DOC and the Council of Juvenile Services will submit comments concerning the proposed changes prior to the close of business on October 7, 2016.

Proposed Outline for CJS Comments Regarding Proposed Regulations in OJP Docket No. 1719

- 1) Summarize the Council's involvement with the JJDP A and progress to date.

- 2) List areas of the juvenile justices system and Council members represent.

- 3) Discuss top concerns.
 - a) Proposed new definition of "detain or confine"
 - i) Financial/ programmatic impact

 - b) Proposed compliance standards
 - i) Financial/ programmatic impact

 - c) Proposed removal of the federal ward exception
 - i) Financial/ programmatic impact

- 4) Express the unanimous support of comments from various aspects of the juvenile justice system which the Council members represent.

Meeting Minutes- DRAFT
South Dakota Council of Juvenile Services
June 15-16, 2016

Boys and Girls Club of Brookings, Brookings, SD

Wednesday, June 15, 2016

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; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Renee Gallagher, Youth Member; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Amy Lake-Harmon, Brown County Juvenile Detention Center Administrator; Sheriff Mike Leidholt, Hughes County Sheriff; 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: Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Austin Biers, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Aaron McGowan, Minnehaha County States Attorney; and Sara McGregor-Okroi, Director of Aliive-Roberts County.

Others Present: Bridget Coppersmith, Heather Van Hunnik, and Paige Venard, South Dakota Department of Corrections; Kara Graveman, Action for the Betterment of the Community; Christina Lloyd, Avera St. Luke's Worthmore Addiction Services/ Aberdeen Roundtable Coalition; and Kelli Rumpza, Watertown Healthy Youth Coalition/Human Service Agency.

1. WELCOME

Council Chair Betty Oldenkamp called the meeting to order at 3:35 PM on Wednesday, June 15, 2016 and welcomed all participants. Chair Oldenkamp noted that the meeting was Kristi Bunkers' first meeting as a Council Member and that she was appointed by the Governor's Office following the retirement of Doug Herrmann from the Department of Corrections in March 2016.

2. CONFLICT OF INTEREST DISCUSSION

Chair Oldenkamp explained that during the past legislation session a bill was passed to address conflict of interest and related reporting requirements for boards and commissions. Oldenkamp stated that House Bill 1214 has application to the Council and that she and DOC staff feel it would be best to align the practices of the Council with the bill even though it doesn't specifically list the Council as a board required to adhere to the outlined requirements. Bridget Coppersmith added that in future meetings, following the review of the agenda, Council Members who have conflicts of interest are to disclose their conflict at that time and then leave the room when the agenda item comes up. Coppersmith noted that Council Members will also not be able to present on behalf of an application they may be tied to. Oldenkamp added that a form will also be developed for Council Members to complete to further disclose conflicts of interest on an annual basis.

Discussion ensued concerning the benefit of having a form and aligning the Council with the previously discussed bill and if the Council's By-Laws are consistent with the new practices.

Dadra Avery disclosed that she has a conflict of interest regarding the delinquency prevention applications. Judge Karen Jeffries disclosed that she has a conflict of interest regarding the Native American Programs applications.

3. PREVENTION SUBGRANT PROGRAM PRESENTATIONS

Coppersmith explained that implementation of the current delinquency prevention programs under the Council began in 2014. Awards were given to Avera St. Luke's Worthmore Addiction Services/ Aberdeen Roundtable Coalition, Watertown Healthy Youth Coalition/Human Service Agency, and Action for the Betterment of the Community in Sturgis. Coppersmith noted that all three subgrantees are implementing the evidence based programs of Project Success and Positive Action and that each subgrantee has sent a representative to present to the Council regarding their progress over years one and two and their application for their third and final year.

Christina Lloyd from Avera St. Luke's Worthmore Addiction Services/ Aberdeen Roundtable Coalition explained that their program is funded by their award from the Council for targeted individuals who are referred for one on one services and an award from the Department of Social Services (DSS) to serve the larger, universal population in the school district. Lloyd noted that the first two years of implementation were a struggle due to turnover but a solid team now in place for year three which will include an additional part time staff. Lloyd stated that 14 youth were served in their second year of implementation which included six referred youth at the high school and eight youth in a small group at New Beginning Center in Aberdeen. Lloyd added that when rating the overall program, 40% of participants said it was good while 50% said it was excellent. 70% of participants agreed that counselors were helpful and they felt they were being listened to. For the third year of implementation, Lloyd explained that the goals are to continue at New Beginnings Center, provide more training to staff members, and hopefully move into the elementary and middle schools and the juvenile detention center to serve more youth in addition to the individual, targeted youth to be served.

Discussion ensued concerning the number of hours spent with each youth, how youth were referred, and the implementation at New Beginning Center.

Kelli Rumpza from Watertown Healthy Youth Coalition/Human Service Agency explained that implementation in Watertown focused on targeted youth at the middle school and high school where 26 and 43 youth were served respectively. Rumpza noted that 7th and 8th grade implementation also occurred in the Small Teams alternative learning program which will be changing for the upcoming year due to new school practices. Rumpza and her staff are working with the school to figure out how to expand into 7th and 8th grade universal implementation as well as into the Sophomore Language Arts class which is required for all sophomores. Rumpza also provided an overview of data compiled from the 2015 PRIDE survey administered to Watertown students in grades 7-12. Rumpza stressed that the survey reflected an increase in the number of students who reported they have never been arrested and a decline in the 30-day use of alcohol, tobacco and marijuana since 2013.

Discussion ensued concerning the school wide data collected, the community survey currently being implemented, the role of Mountain Plains Evaluation with the programs, the Small Teams program dissolving, and the strong relationship between the school and the community organization/coalition.

Kara Graveman from Action for the Betterment of the Community (ABC) in Sturgis provided an overview of their past two years of implementation. Graveman explained that to date, ABC has worked with 138 youth in individual and group settings at the high school and middle school that were referred for targeted services. Graveman added that their program became a state accredited program to assist in sustainability and was also chosen to be the court approved diversion program for Meade County. Graveman noted that Dadra Avery, a law enforcement officer, and herself are recognized as fellows of Georgetown University for the work that has been done through their implementation. Graveman explained that the statewide Positive Action Training provided by the Council in 2015 trained every counselor in their school system and that the counselors are providing universal curriculum of Positive Action from kindergarten through twelfth grade. Graveman noted that by having the counselors provide universal implementation, ABC was able to focus solely on targeted youth with funding under the Council's award. For the third year of implementation, Graveman explained that the goals are to partner with school counselors to continue the universal classroom guidance, implement a juvenile justice diversion committee, and sustain both the Project Success and Positive Action programming in all Meade county Schools.

Discussion ensued concerning sustainability, expansion of services to surrounding communities, the three phases of the diversion program,

4. TOUR OF BROOKINGS BOYS AND GIRLS CLUB AND TEEN CENTER

Vanessa Merhib provided an information tour of the Brookings Boys and Girls Club and the adjacent Teen Center. Merhib explained that the Boys and Girls Club of Brookings was started in 2003 and the mission is "to inspire and enable all young people, especially those who need us most, to realize their full potential as productive responsible and caring citizens". Merhib explained that the club serves youth from age three through twelfth grade in after school and out of school programs. The main site, which serves age three through fifth grade, was built in September 2007 and has over 1000 members and up to 400 kids served a day. The cost to be a member of the club is \$20 a year per youth and contains programming focused on their priority outcomes of academic success, good character and leadership, and healthy lifestyles.

The Teen Center was built in July 2015 also focuses on the three priority outcomes of academic success, good character and leadership, and healthy lifestyles and has over 500 members and serves up to 100 youth a day. The teen center is unique in that it has a high-level STEM (science, technology, engineering, and mathematics) program, workforce development program, and Teen Court program.

5. TEEN COURT PRESENTATION

The Teen Court program at the Boys and Girls Club oversees teen court program for Brookings County, Moody County and Yankton County. The program has been running for six years. The Club works closely with the State's Attorney, who identifies the cases to be sent to Teen Court. Youth go through a 120 day diversion program. Success of the Teen Court program in reducing recidivism has been proven annually.

Following an overview of what the Teen Court program looks like for Brookings County, the Council was able to participate in a mock trial demonstration by the Brookings County Teen Court which demonstrated the process from referral to check-ins following the hearing.

Thursday, June 16, 2016

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; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Renee Gallagher, Youth Member; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Amy Lake-Harmon, Brown County Juvenile Detention Center Administrator; Sheriff Mike Leidholt, Hughes County Sheriff; 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; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

Council of Juvenile Services Members Absent: Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Austin Biers, Youth Member; and Sara McGregor-Okroi, Director of Allive-Roberts County.

Others Present: Bridget Coppersmith, Heather Van Hunnik, and Paige Venard, South Dakota Department of Corrections; and Kelli Rumpza, Watertown Healthy Youth Coalition/Human Service Agency.

1. APPROVAL OF DECEMBER 2015 MEETING MINUTES

Lyndon Overweg moved to approve the December 2015 meeting minutes, Aaron McGowan seconded. Motion carried unanimously.

2. APPROVAL OF COUNCIL OF JUVENILE SERVICES BY-LAWS

Bridget Coppersmith explained that Department of Corrections (DOC) staff presented potential revisions to the Council's By-Laws at the December CJS Meeting for consideration. Coppersmith noted that the suggestions were recommended to tie the by-laws to the Juvenile Justice and Delinquency Prevention Act (JJDP), specifically concerning new language regarding the vice-chairperson. The amendment article in the Council's By-Laws outlines that any proposed amendments must be distributed at least seven days prior to the meeting. Coppersmith noted that the amendments were distributed to Council Members three weeks prior to the meeting to adhere to the requirement. Coppersmith added that if approved, all amendments would go into effect immediately.

Judge Karen Jeffries moved to approve the Council's By-Laws as amended, Virgena Wieseler seconded. Motion carried unanimously.

3. BUDGET STATUS REPORT

Discussion of Formula FFY2012 Budget: Coppersmith provided a summary of program area performance under the FFY2012 Formula Grant Award. Coppersmith explained that the award is to be fully expended prior to September 30, 2016 and that as of claims processed by June 8, 2016, there was a balance of \$108,823.51 left to be spent out of the \$400,000 award. Coppersmith noted that up to \$40,000 can be moved internally between all program areas except for planning and administration to assist in closing out the award. Coppersmith stated that she expects an excess of funds in the program area of Native American Programs due to two of the three subgrants not implementing their awards until several months into their project areas. Coppersmith expects the program areas of delinquency prevention, disproportionate minority contact, and compliance monitoring to make up for the unspent funds due to compliance time associated with a summer intern and the spending patterns of current subgrants under the program areas.

Discussion of Prison Rape Elimination Act FFY2014 Budget: Coppersmith explained that the current balance under the Prison Rape Elimination Act (PREA) Award is \$6,491 which was the supplemental amount added to the FFY2014 award after the reduction of funds to the FFY2015 Formula Grant Award. Coppersmith stated that the funds will be spent by the end date of September 30, 2016 through a subgrant to Our Home, Inc. to conduct PREA audits of their programs.

Approval of FFY2013 Formula Grant Adjustment Notice: Coppersmith explained that an amendment is needed to align the program areas under the FFY2013 Formula Grant Award to the current focus of the Council. Coppersmith noted that when the application was approved, the program area of alternatives to detention was the main focus of the Council and that the focus has since shifted to delinquency prevention programs. Coppersmith described how funds would be moved from existing program areas to support the addition of delinquency prevention programs after the FFY2012 Formula Grant Award is fully expended.

Sheriff Mike Leidholt moved to approve the submission of the FFY2013 Formula Grant Adjustment Notice to the Office of Juvenile Justice and Delinquency Prevention, Amy Lake-Harmon seconded. Motion carried unanimously.

4. FFY2016 FORMULA GRANT SOLICITATION

Ratification of the Decision from the May 25, 2016 Executive Committee Conference Call: Coppersmith explained that the first half of the FFY2016 Formula Grant application was due on June 1, 2016 which required the Council's Executive Committee to meet via conference call to approve the submission. Coppersmith added that Chair Oldenkamp appointed Carol Twedt to the Executive Committee following Doug Herrmann's departure from the Council. Twedt was present on the conference call along with Chair Oldenkamp, Vice-Chair Beth O'Toole, and Judge Steven Jensen. Aaron McGowan, the fifth member of the Executive Committee, was not in attendance due to previous commitments.

Coppersmith described the changes for the FFY2016 plan which consisted of having to outline the 28 requirements of section 223(a) of the Juvenile Justice and Delinquency Prevention Act, breaking down the planning and administration budget line item, and expanding the FFY2015 plan rather than having a standalone plan for FFY2016. Coppersmith provided an overview of the content of the plan including the progress made in each program area and the significant decrease in the numbers of arrests, court referrals, court services activities, detention center admissions, and Department of Corrections admissions since the reported data in the FFY2015 plan.

Vanessa Merhib moved to ratify the decision from the May 2016 Executive Committee conference call, Aaron McGowan seconded. Motion carried unanimously.

Approval of Staff Amended Value Statement: Coppersmith explained that with the change of documenting the 28 requirements of section 223(a) of the Juvenile Justice and Delinquency Prevention Act in the FFY2016 Formula Grant application, one of the Council's Value Statements was amended by DOC staff to match the language of one of the 28 requirements. Coppersmith explained that the words family, gender, and disability were added to the statement "All children shall have the same access to needed services regardless of family income, geography, gender, race, disability, or jurisdiction". Coppersmith noted that the Council's Value and Problem Statements are approved annually and since they also act as a standalone document, it is appropriate for the Council to take action on the specific statement even though they already approved the plan as a whole.

Lyndon Overweg moved to approve Council Value Statement as amended, Carol Twedt seconded. Motion carried unanimously.

Approval of Core Requirement Sections for Submission to the Office of Juvenile Justice and Delinquency Prevention: Heather Van Hunnik provided an overview of the second part of the FFY2016 Formula Grant application which includes plans for monitoring compliance with the core requirements of jail Removal,

Separation of Juveniles from Adult Offenders (Separation), Deinstitutionalization of Status Offenders (DSO), and Disproportionate Minority Contact (DMC). Van Hunnik explained that there were minimal changes from the previous year across the monitoring of the first three requirements of DSO, Jail Removal, and Separation and that once new federal guidance is provided regarding compliance monitoring, the plan will be updated accordingly. Van Hunnik noted that in calendar year 2014, there were zero violations of Jail Removal and Separation and only seven violations of DSO and that the programmatic plan to help the state remain in compliance with the first three requirements is to continue to fund the county reimbursement program.

Van Hunnik explained that a majority of the DMC section is made up of required charts and graphs with data generated from the Office of Juvenile Justice and Delinquency Prevention's online DMC tool. Van Hunnik stated that South Dakota has a waiver in place to only report on two jurisdictions instead of the required three as Minnehaha and Pennington Counties are the only locations that have enough local system activity to track minority over-representation in a statistically significant and valid manner. Van Hunnik noted that when looking at all minorities statewide, minority youth are 2.94 times more likely to be arrested, 1.45 times more likely to be admitted to detention, and 1.10 times more likely to be committed to the DOC than white youth.

Beth O'Toole moved to approve the submission of the core requirement sections of the FFY2016 Formula Grant Application to the Office of Juvenile Justice and Delinquency Prevention, Judge Karen Jeffries seconded. Motion carried unanimously.

5. COMPLIANCE MONITORING REPORT

Van Hunnik provided an overview of the number of violations South Dakota will report for the reporting period of January 1, 2015 through September 30, 2015. Van Hunnik explained that the reporting period was shortened to have states report based on youth admitted during the federal fiscal year starting next year. Van Hunnik explained that South Dakota had no violations under the core requirements of Jail Removal and Separation. Van Hunnik added that she will be reporting three violations under the core requirement of DSO. Van Hunnik commended the progress made by collocated facilities across the state to keep South Dakota in de minimis compliance with the DSO requirement and explained that each violation was unique compared to previous violations and that she does not expect patterns of violations to form based on the parameters surrounding each violation.

Discussion ensued concerning the factors contributing to each violation, what action would be taken to ensure that youth are not held inappropriately in the future, and upcoming guidance from the Office of Juvenile Justice and Delinquency Prevention concerning compliance monitoring and use of the valid court order exception.

6. SUBGRANT UPDATES

Coppersmith provided an overview of the progress of each active award under the Formula Grant Program. Coppersmith explained that the three subgrants under the program area of delinquency prevention have all completed their second year of implementation and that she expects Avera St. Luke's Worthmore Addiction Services/ Aberdeen Roundtable Coalition in Aberdeen and Action for the Betterment of the Community in Sturgis to fully expend their awards and that the Watertown Healthy Youth Coalition/Human Service Agency in Watertown is projected to have a small balance remaining at the end of their award. Coppersmith explained that performance measures and student data tied to the three delinquency prevention programs is monitored by Mountain Plains Evaluation and will be presented at an upcoming Council Meeting.

Coppersmith explained that the Native American Programs subgrants will complete their awards at the end of June 2016. Coppersmith added that Lower Brule Sioux Tribal Court started implementation of their juvenile beading class in November 2015 for juveniles in the community and court ordered youth. The program was delayed after a fall storm required relocation of the Tribal Court offices which resulted

in less youth being served than projected and less money being drawn down. Coppersmith noted that 51 youth were served through beading program through March. Coppersmith explained that juvenile programs being implemented on the Rosebud Sioux Tribe in the detention center and in the community have gone well with almost 200 youth served through March. Coppersmith stated that the probation officer funded through Cheyenne River Sioux Tribe's award did not start until March 7, 2016 which will result in a majority of the award not being spent.

Coppersmith stated that of the two Prison Rape Elimination Act (PREA) subgrants awarded in December, one has completed implementation. The installation of cameras at Lutheran Social Service's Summit Oaks Program was completed in March. Coppersmith noted that the camera project was paid for with funds from Juvenile Accountability Block Grant interest funds and additional federal funds from a grant which became available following the closure of STAR Academy since those funds were allocated to services at that facility. Coppersmith explained that the second award will be fully expended following the completion of audits at the two Our Home Inc. programs in July.

Van Hunnik provided an overview of the two DMC subgrants in Minnehaha and Pennington Counties. Van Hunnik explained that both sites have been visited by her and are on track to complete their current awards by the end date of September 30, 2016. Van Hunnik added that due to the success of the programs, it is the intent of DOC staff to offer each program a chance to reapply for funding in the fall.

7. DOC RECOMMENDATIONS FOR FUNDING DELINQUENCY PREVENTION APPLICATIONS

Coppersmith stated that based on the applications and progress demonstrated in the first two years of implementation, DOC staff are recommending funding all three applications for a third and final year. Coppersmith noted that the presentations provided by the subgrantees the evening before showed that one subgrant was slow to define the parameters of what their program would look like for implementation, but that there are plans for their third year to bring the program to a place it should have been in the previous years of implementation.

Discussion ensued concerning the presentations from the three applicants and concerns with funding the application from Aberdeen for a third year due to the third year having a focus on sustainability and the fact that they do not have a program in place that is sustainable after two years of implementation and that there is not a guarantee that a significant number of youth would be served following low numbers in the first two years.

Carol Twedt moved to not fund the third year application from St. Luke's Worthmore Addiction Services/ Aberdeen Roundtable Coalition, Sheriff Mike Leidholt seconded. Motion carried with two dissenting votes and Dadra Avery abstaining due to being out of the room for having a conflict of interest.

Sheriff Mike Leidholt moved to approve funding the third year applications from the Watertown Healthy Youth Coalition/Human Service Agency and Action for the Betterment of the Community, Kristi Bunkers seconded. Motion carried unanimously with Dadra Avery abstaining due to being out of the room for having a conflict of interest.

8. DOC RECOMMENDATIONS FOR FUNDING NATIVE AMERICAN PROGRAMS APPLICATIONS

Coppersmith provided an overview of the two Native American Programs applications. Coppersmith explained that the Lower Brule Sioux Tribal Court applied to continue their juvenile beading program to provide a culturally meaningful approach for tribal youth and youth involved in the juvenile justice system with caring and responsible role models in a safe and controlled environment. Coppersmith

explained that through continuing the beading program, there is a goal to expand the program for youth to make their own regalias, star quilts, belts, and shawls in addition to earrings, medallions, hats, pens, moccasins, and bracelets that are already being made. Coppersmith noted that some community elders have also taken interest in the program and are willing to volunteer their time and be a part of the class. Coppersmith stated that the Cheyenne River Sioux Tribe applied to improve the juvenile probation department to supervise youth who are court ordered for probation and community service. Coppersmith noted that the juvenile probation officer would improve the functioning of the system by providing increased juvenile sentencing options and accountability through working with first time offenders. Coppersmith added that juveniles on probation will also be required to attend Lakota Language and culture classes offered on the reservation.

Discussion ensued regarding disclosure of conflict of interest and monitoring conflict of interest with Lower Brule's application, having community members attend and assist with the beading classes, and how the excess funds would be spent as funding was available for three awards and only two applications were received.

Sheriff Mike Leidholt moved to approve funding the applications from Lower Brule Sioux Tribal Court and Cheyenne River Sioux Tribe, Virgena Wieseler seconded. Motion carried unanimously with Judge Karen Jeffries abstaining due to being out of the room for having a conflict of interest.

9. JUVENILE JUSTICE REINVESTMENT INITIATIVE (JJRI) UPDATE

Coppersmith, Kristi Bunkers, and Virgena Wieseler provided updates regarding the implementation of the Juvenile Justice Reinvestment Initiative (JJRI). Coppersmith, presenting on behalf of Nancy Allard, provided an overview of the Unified Judicial System's (UJS) implementation to date. Coppersmith highlighted that the juvenile citation process for petty theft in the 2nd degree, intentional damage to property \$400 or less, minor possession/consumption, and truancy offenses began January 1, 2016 and since then, there have been 1,077 juvenile citation cases filed statewide. Coppersmith added that additional focus areas under UJS include the implementation of a maximum probation term of four months initially for juveniles on standard probation and an initial maximum term of eight months for juveniles on intensive probation, the mandating of the use of a standardized Juvenile Response Grid by the Supreme Court which was implemented February 1, 2016, and the implementation of Community Resource Teams (CRT) in the first and second circuits to assist judges with dispositional recommendations when a youth is facing a potential disposition to the DOC.

Bunkers provided an overview of JJRI implementation and how it relates to the DOC. Bunkers explained that between January 1, 2016 and June 13, 2016 40 youth have been committed to the DOC. Bunkers noted that of the 40 admissions, eight have been for sex offenses, nine for violent crimes, and 23 for youth with a delinquent act or a children in need of supervision (CHINS) who have a significant threat of physical harm to another person which is a significant decrease thanks to JJRI and the Juvenile Detention Alternatives Initiative (JDAI). Bunkers added that other areas of impact under the DOC are addressing length of stay and reassessing on a monthly basis if a youth should continue to be held, performance based reimbursement for private providers, aligning the revocation structure to match the requirements to be committed to the DOC since implementation of Senate Bill 73, development and implementation of a diversion fiscal incentive program to pay counties for youth who complete court approved diversion programs starting in FY2017, and a detention cost sharing process to work with counties to determine if the law does increase detention bed days based on a three year average provided by counties.

Wieseler explained that community mental health centers across the state are implementing Functional Family Therapy (FFT) and that South Dakota was awarded participation in policy academy to look at youth referred to the states attorney's office with a possible behavioral health issue and getting them into the right services to address the issue. Wieseler noted that a screening tool will be developed in Sioux Falls to be implemented by the end of September.

Discussion ensued concerning the CRTs, statewide implementation of FFT and the mindset to effectively implement the program,

10. JUVENILE JUSTICE UPDATES

Chair Oldenkamp stated that the topic of the Tribal Advisory Group will be discussed at Council Meetings even though the potential development of a group has been put on hold as the Native American focus group with JJRI was being developed. Bunkers explained that she now sits on the Native American Workgroup under JJRI and that 373 surveys were sent to individuals and 174 surveys were returned which included representation from seven tribes and 56 counties. Bunkers provided an overview of the survey results and noted that a specific list of recommendations from the group has not been developed yet.

Sheriff Leidholt stated that a meeting will take place between detention centers to discuss how to best provide services in a cost effective way as the cost to house youth in detention is increasing. Sheriff Leidholt added that he would like to see if the Council's County Reimbursement Program could assist the transportation costs especially if some centers decide to close.

Bunkers added that STAR Academy in Custer closed on April 8th due to the decreasing juvenile population and the cost of maintaining and operating the facility.

Chair Oldenkamp explained that the Volunteers of America VOA Shelter Care program in Sioux Falls ceased operation in February 2016. Chair Oldenkamp noted that Lutheran Social Services has since opened a shelter care on May 2nd for Minnehaha County and started a reception center component in Center for Children and Youth. Chair Oldenkamp stated that 35 kids were served in the new shelter care in the month of May with an average length of stay of six days. Chair Oldenkamp added that work is being done to open an Evening Report Center by the start of school year in the same facility as the shelter care through using a classroom that is utilized during the school day.

11. NEXT MEETING, WRAP-UP AND ADJOURN

Chair Oldenkamp stated that the next meeting will be September 28-29, 2016 in a location to be determined. Coppersmith explained that the first day will likely consist of tours and presentations and the second day will include the business of the Council.

At 11:13AM, Aaron McGowan moved to adjourn, Vanessa Merhib seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

Budget Status Report September 2016

FFY 2012 Formula Grant Award (End Date 9/30/2016)

State Program Title	Federal Budget	Exp to Date	Current Balance (9/16/16)
Delinquency Prevention	\$140,000.00	\$147,782.88	-\$7,782.88
Planning/Admin	\$20,000.00	\$20,000.00	\$0.00
CJS	\$15,000.00	\$10,283.35	\$4,716.65
Deinstitutionalization of Status Offenders	\$24,000.00	\$22,074.55	\$1,925.45
Separation	\$12,000.00	\$11,037.27	\$962.73
Jail Removal	\$24,000.00	\$22,074.55	\$1,925.45
Compliance	\$20,000.00	\$30,346.56	-\$10,346.56
DMC	\$85,000.00	\$98,023.17	-\$13,023.17
Native American Programs	\$60,000.00	\$38,377.67	\$21,622.33
Available Funds	\$400,000.00	\$400,000.00	\$0.00

FFY 2013 and FFY 2014 Formula Grant Awards (End Date 9/30/2017)

State Program Title	Federal Budget	Exp to Date	Current Balance (9/16/16)
Delinquency Prevention	\$290,000.00	\$4,914.66	\$285,085.34
Planning/Admin	\$50,000.00	\$6,471.10	\$43,528.90
CJS	\$28,667.00	\$0.00	\$28,667.00
Deinstitutionalization of Status Offenders	\$42,000.00	\$0.00	\$42,000.00
Separation	\$21,000.00	\$0.00	\$21,000.00
Jail Removal	\$42,000.00	\$0.00	\$42,000.00
Compliance	\$40,000.00	\$0.00	\$40,000.00
DMC	\$160,000.00	\$0.00	\$160,000.00
Native American Programs	\$123,949.00	\$0.00	\$123,949.00
Available Funds	\$797,616.00	\$11,385.76	\$786,230.24

FFY 2015 PREA Budget Status Report (End Date 9/30/2016)

State Program Title	Awarded Budget	Exp to Date	Current Balance (9/16/16)
Prison Rape Elimination Act - Juvenile	\$6,491.00	\$6,491.00	\$0.00

South Dakota State Board of Internal Control (SBIC)

SBIC:

- Created by Senate Bill 162 signed during the 2016 Legislative Session.
- Objective is to establish 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.
- The Bureau of Finance and Management provides administrative support to the board.

Uniform Grant Guidance (UGG) Workgroup:

- Objective is to improve State Agency compliance with the Uniform Grant Guidance/Super Circular.
- Starting focus is to address pass-through entity/subrecipient responsibilities.
- Work products to be brought before the SBIC:
 - Contractor vs. subrecipient determinations
 - Pre-award risk assessment
 - Award monitoring
 - Post-award risk assessments
 - Grant agreements
 - Attestation Form (only adopted form to date)

State of South Dakota Grant Recipient or Subrecipient Attestation:

Per SDCL 1-56-10: The grant agreement for each grant, pass-through grant, or any other award granted by a state agency to a nonstate agency after July 1, 2016 shall include an attestation by the award recipient or subrecipient.

The below attestation can be copied into the grant agreement form created by the agency.

By completing this form, you, the recipient or subrecipient, attest to meeting the following requirements per SDCL 1-56-10:

- (1) A conflict of interest policy is enforced within the recipient's or subrecipient's organization;
- (2) The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the recipient's or subrecipient's website;
- (3) An effective internal control system is employed by the recipient's or subrecipient's organization; and
- (4) If applicable, the recipient or subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the recipient's or subrecipient's website.