



# **JUVENILE JUSTICE PUBLIC SAFETY IMPROVEMENT ACT**

2017 Annual Report

This 2017 annual report is hereby submitted to the people and leaders of South Dakota as required by the Juvenile Justice Public Safety Improvement Act.

The data contained in this report represents a collaboration of efforts by the Department of Corrections, Department of Social Services, Unified Judicial System and various juvenile justice system stakeholders. This report and the information provided is intended to ensure oversight and data collection related to the implementation of juvenile justice reforms and ultimately improving outcomes for the youth of South Dakota.

During the 2017 legislative session a series of changes were made to the Juvenile Justice Public Safety Improvement Act in part as a response to the information made available because of the data tracking mandated by the Act. Those changes included extending initial probationary terms for youth from four months to six months; building into the law a tolling provision for juveniles that abscond or violate conditions of probation; modifying the process for juvenile citations and clarifying the requirements related to mandatory diversion.

The Oversight Council's role is to continue to utilize this data to monitor key indicators of how our system is performing and continuously examine what is happening in South Dakota as the result of the juvenile justice reforms. The data indicates both positive improvements and areas we need to continue to monitor closely.

- There are early indications of a decrease in juvenile recidivism;
- The number of youth who complete probation without a revocation has increased;
- The number of aftercare revocations has decreased significantly from FY 14- FY 17;
- An overwhelming percentage of families completing FFT demonstrated a positive change;
- The percentage of juvenile citations for alcohol possession and truancy violations increased between FY 16 and FY 17.
- After a drop in FY15, the number of arrests for more serious crimes has remained steady while at the same time felony petitions increased statewide.

As we indicated last year, much work remains and we will continue to work hard to make changes that better our youth, families and communities across South Dakota.

Lastly, the Oversight Council wishes to acknowledge the Crime and Justice Institute who has provided technical assistance to South Dakota through a grant from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Respectfully submitted,

Greg Sattizahn

Chairman, South Dakota Juvenile Justice Oversight Council

State Court Administrator, Unified Judicial System

## **Introduction to the Juvenile Justice Public Safety Improvement Act (JJPSIA) Annual Report**

The majority of the policy changes included in JJPSIA went into effect January 1, 2016. The data included in this report reflect performance and outcome measures at the end of Fiscal Year 2017, as well as historical data for prior years, where available (in certain areas historical comparisons are not possible because the data was not routinely collected prior to JJPSIA). The purpose of reporting these measures is two-fold: 1) to monitor the impact of the policy changes and assess whether the goals of JJPSIA are being met; and 2) to continue making sound data-driven policy decisions. Additionally, (JJPSIA), was designed to increase public safety by improving outcomes for youth in the juvenile justice system; effectively hold juveniles more accountable; and, reduce costs by investing in proven community-based practices while saving residential facilities for juveniles who are a public safety risk. The following report is designed to reflect alignment of these goals with what is actually happening in the South Dakota juvenile justice system.

## Increase Public Safety by Improving Outcomes for Youth and Families and Reducing Juvenile Recidivism

One measure of assessing public safety is to examine juvenile arrest data and juvenile petitions filed with the court (displayed in Tables 1, 2 and 3).

### Key Takeaways

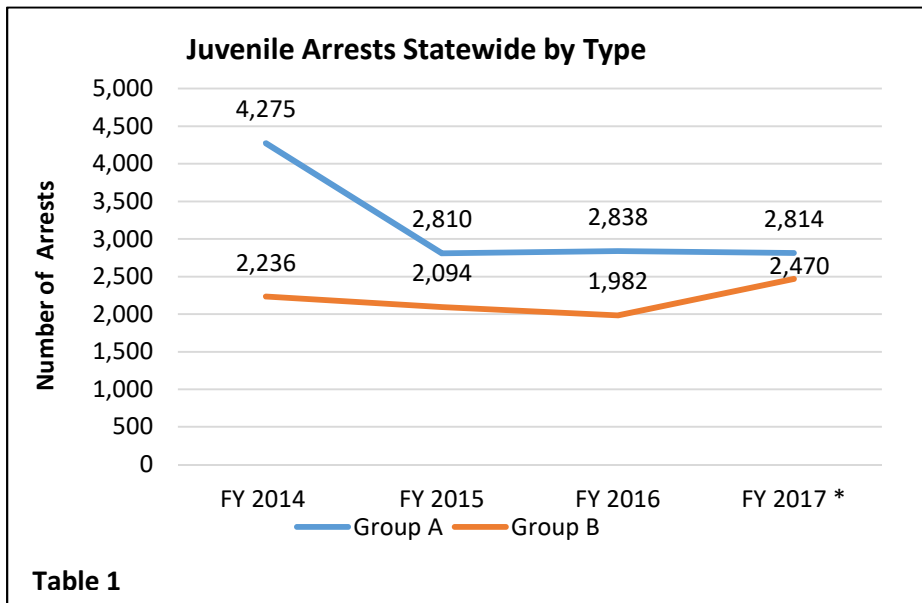
*Table 1*

- Arrest data indicates the number of arrests for Group A offenses has remained steady since FY15.
- The number of arrests for Group B offenses dropped in FY16 and has increased in FY17.

Arrest data is maintained and reported by the Attorney General’s office and the data are divided into two groups: Group A offenses and Group B offenses:

- There are 23 Group A crime categories made up of 49 offenses. Both incidents and arrests are captured for Group A offenses and include serious crimes against persons, property or society.
- There are 11 crime categories for Group B offenses. Only arrests are reported for Group B offenses.

Juvenile arrest data also includes juveniles taken into custody or arrested but merely warned and released without being charged. A more detailed explanation and list of Group A and Group B offenses can be found in Appendix A.



**Table 1**

\*At the time of writing this report, all agencies had not reported for the year of 2017.

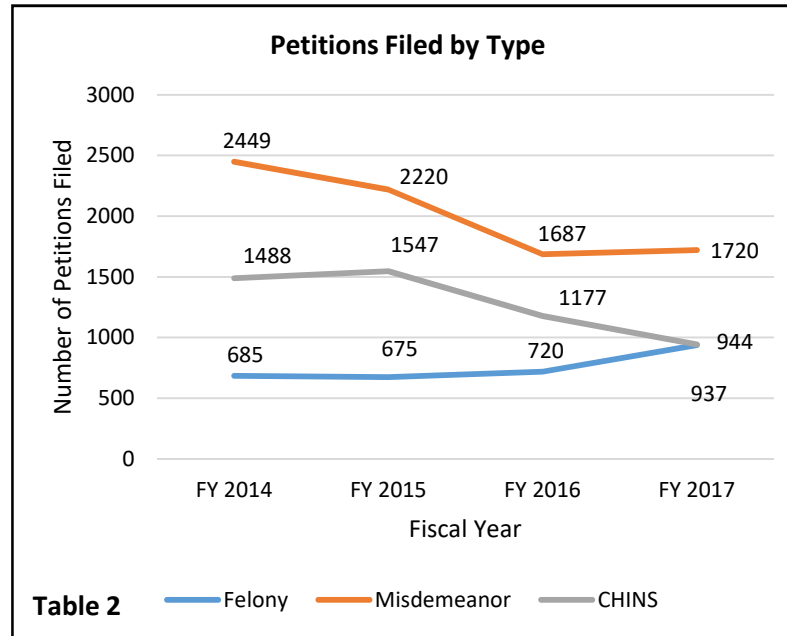
**Key Takeaways**

*Table 2*

- While arrests for Group A offenses has remained steady, felony petition filings have increased 31% since FY14.
- Petitions filed for misdemeanor offenses has decreased 35% since FY14.
- There has been a 45% decrease in CHINS petitions filed since FY14.

*Table 3*

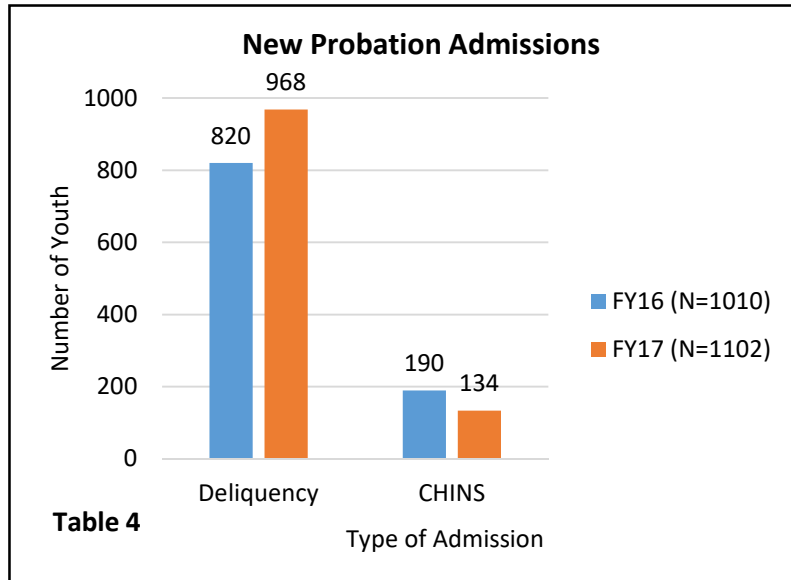
- Across all fiscal years, a percentage of youth have two or more felony petitions filed against them.
  - In FY14, 15 and 16, about 15% of youth had two or more felony petitions filed against them.
  - In FY17, this proportion increased to 21% of youth with two or more felony petitions filed against them.



**Table 3**

	FY14	FY15	FY16	FY17
<b>Felony Petitions Filed</b>	685	675	720	936
<b>Youth Committing Felony Offenses</b>	552	558	594	713
<b>Youth committing 2 or felonies</b>	78 (14%)	90 (16%)	88 (15%)	148 (21%)

The number of youth newly admitted to probation has increased slightly, while at the same time the share of youth completing probation supervision has steadily increased. The number of probation revocations has been decreasing since FY14.



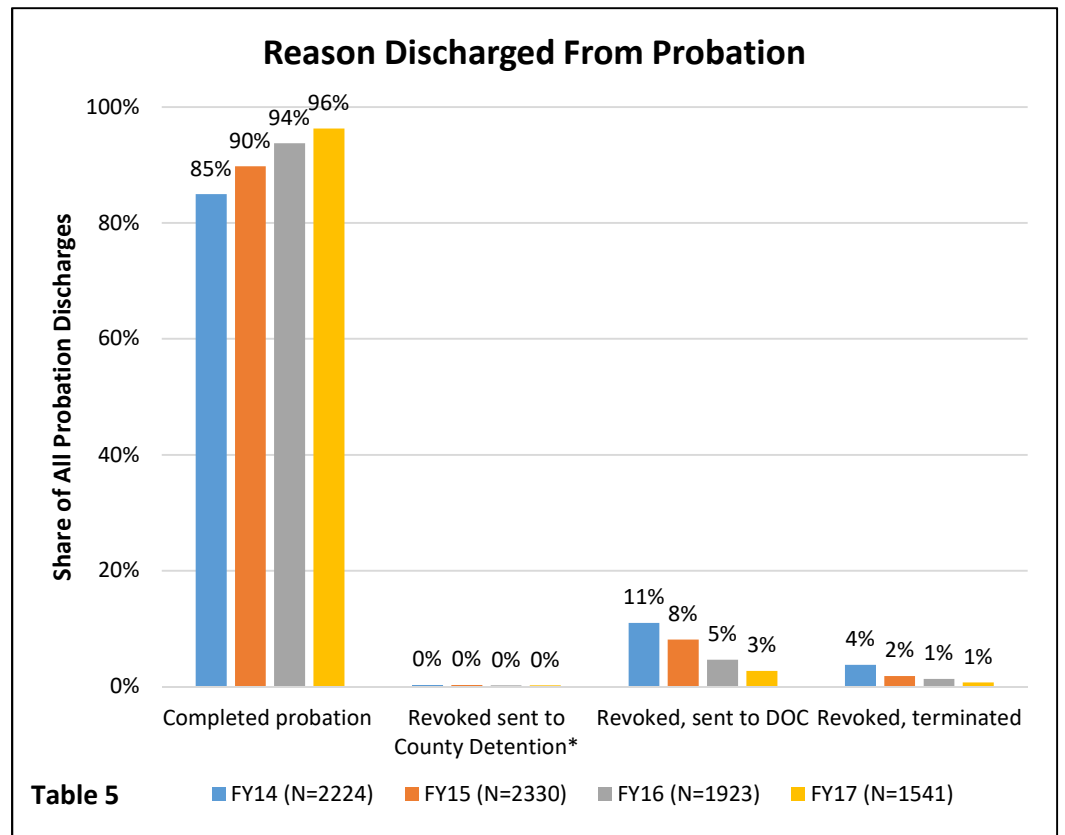
**Key Takeaways**

*Table 4*

- In FY17, 148 more youth were newly admitted to probation for a delinquency offense, while 56 fewer youth were placed on probation for a CHINS violations.

*Table 5*

- In FY17, 96% of youth completed their term of probation, up from 85% in FY14.
- The proportion of youth revoked to DOC continued to decrease, reaching a four-year low of 3% in FY17.

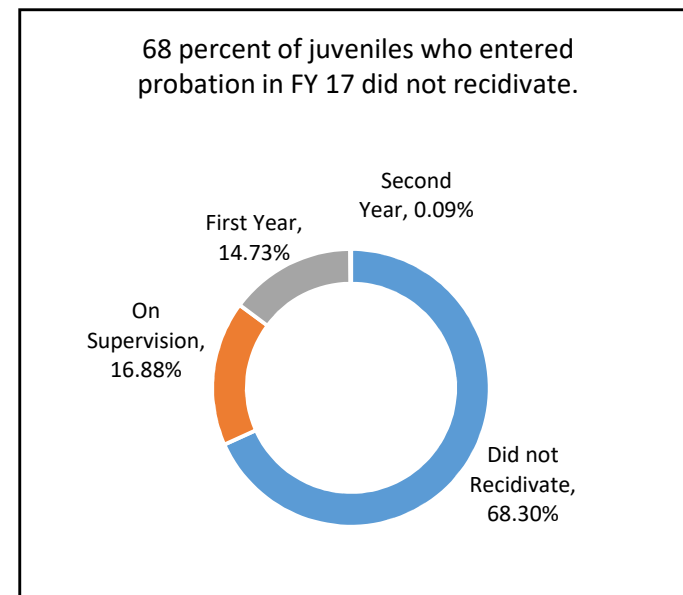
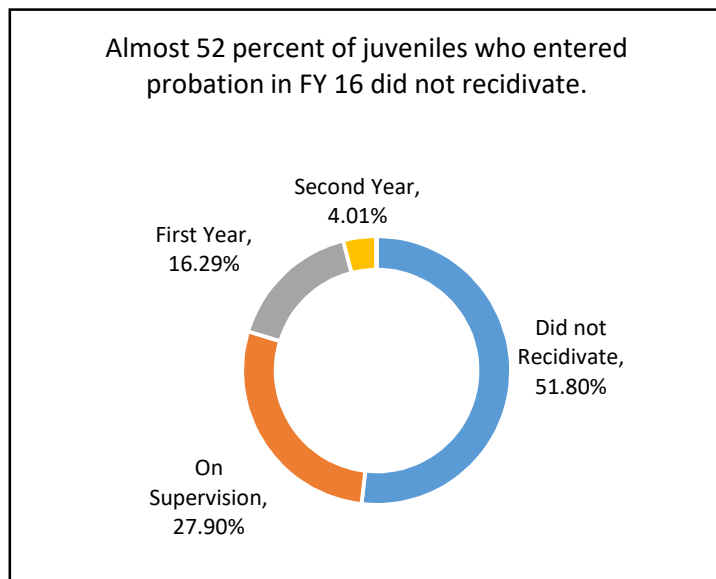
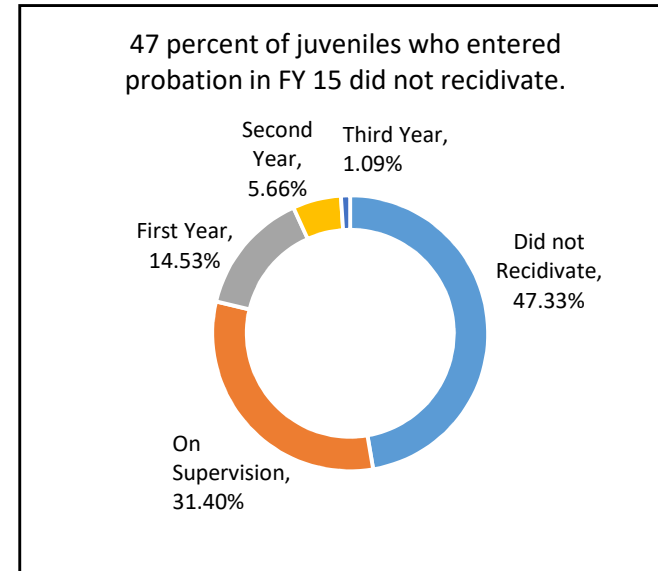
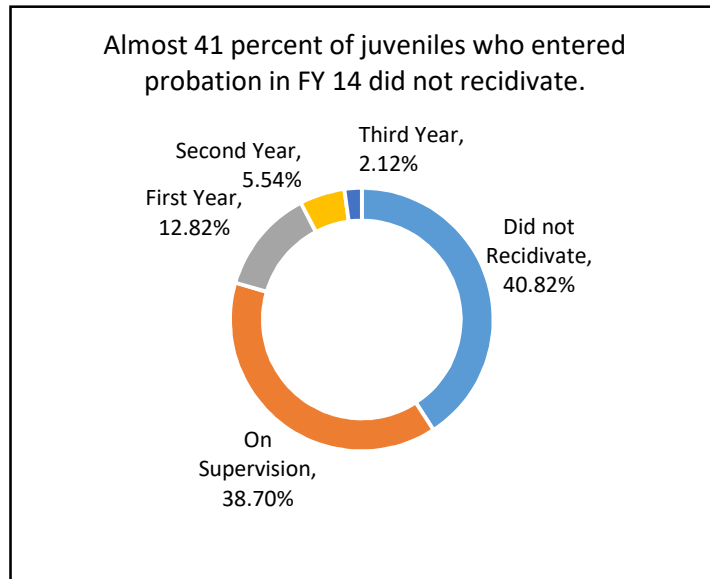


\*Less than 1% of youth were revoked to County Detention in each year shown.

Recidivism for the Unified Judicial System is defined as “being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within one year, two years, or three years after discharge from juvenile probation.” SDCL 26-8D-1(5).

\*Based on the definition of recidivism, the final outcomes for FY 15, 16, and 17 cannot be calculated at this time.

**Table 6**



In an effort to better utilize out-of-home residential placements, JJPSIA defined the criteria for commitment to the Department of Corrections (DOC) for youth posing a serious risk to public safety. As the population of youth in DOC custody has changed with the implementation of JJPSIA, the length of commitment to DOC has increased. The increase in length of commitment, including in some residential placements, is not unexpected as youth posing a serious risk to public safety may require more time to be effectively rehabilitated before returning to the community.

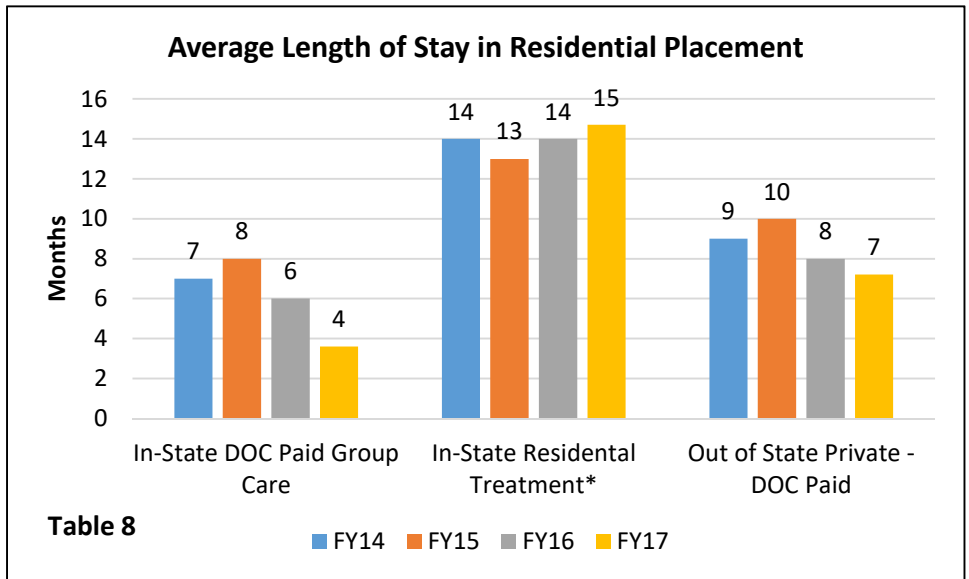
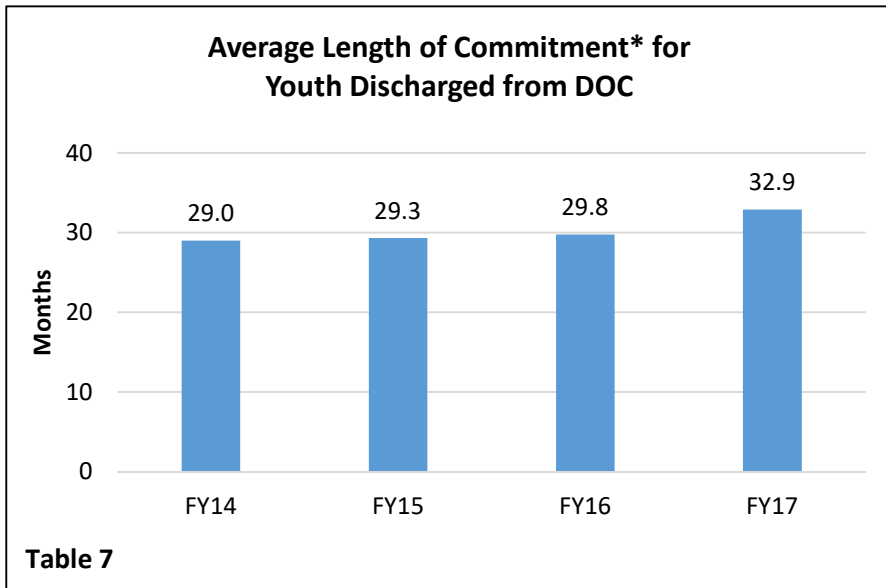
**Key Takeaways**

*Table 7*

- Average length of commitment was steady from FY14 to FY16, but rose by 10% from FY16 to FY17.

*Table 8*

- There was a steady decrease from FY15 to FY17 in average length of stay for In-State DOC Paid Group Care and Out of State Private – DOC Paid.
- After falling from FY14 to FY15, there has been an increase of 2 months in average length of stay for In-State Residential Treatment from FY15 to FY17.

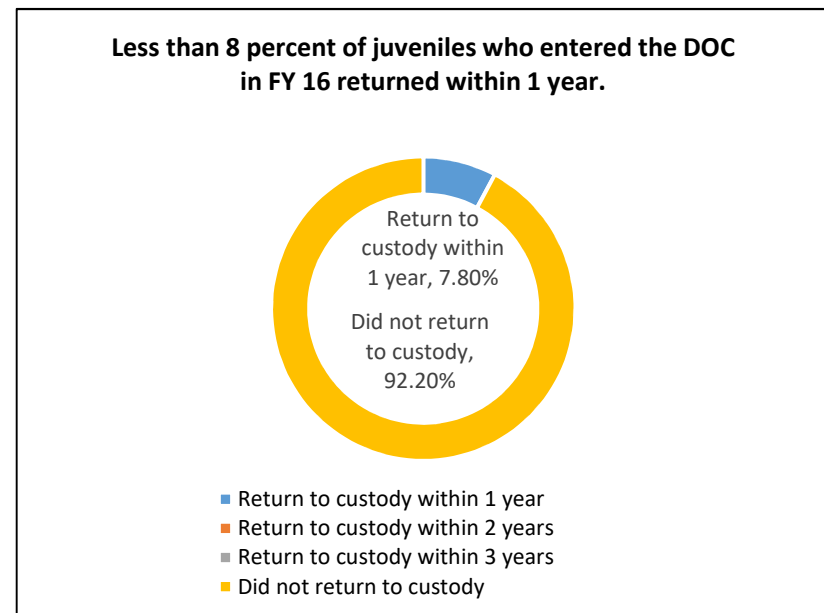
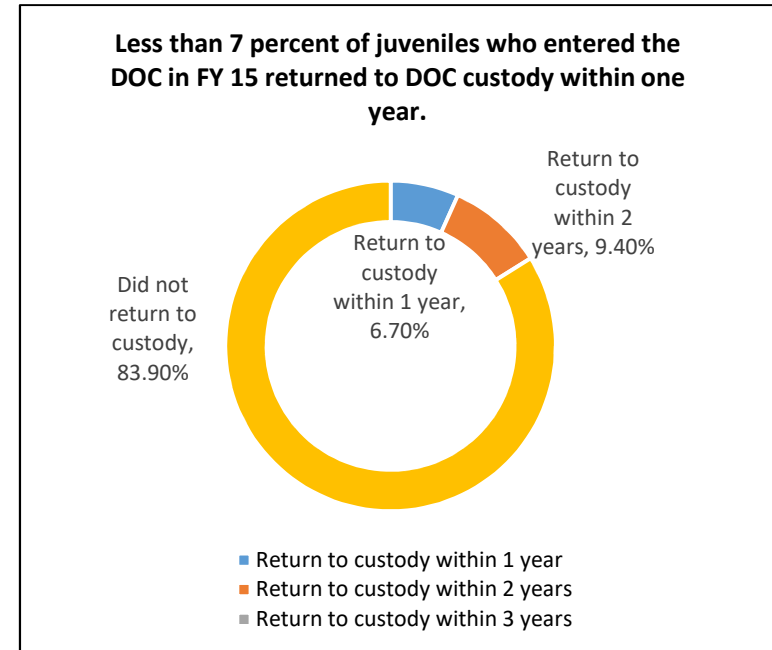
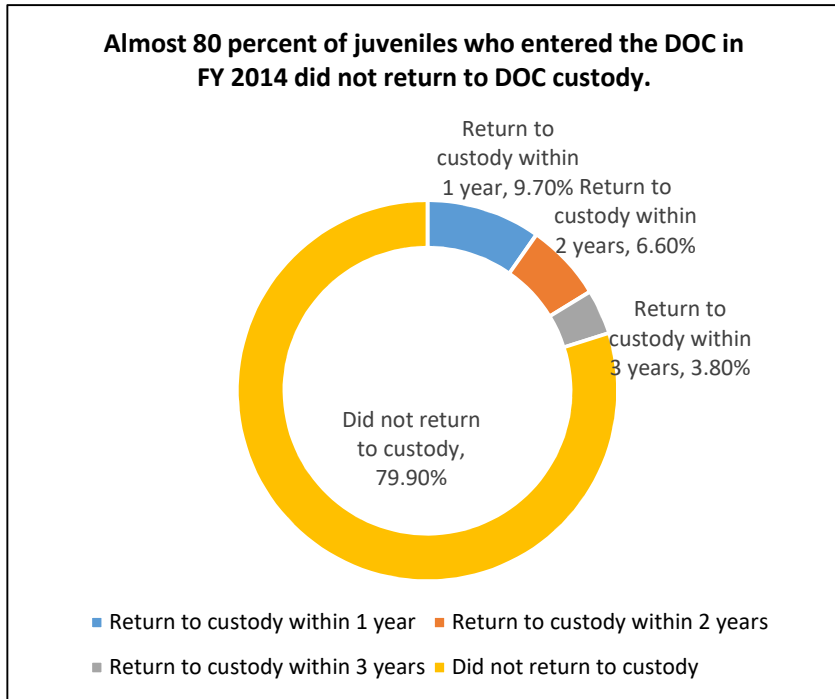


\*Length of commitment includes the total time a youth was under the custody of the Department of Corrections, including residential placement and time spent on aftercare.

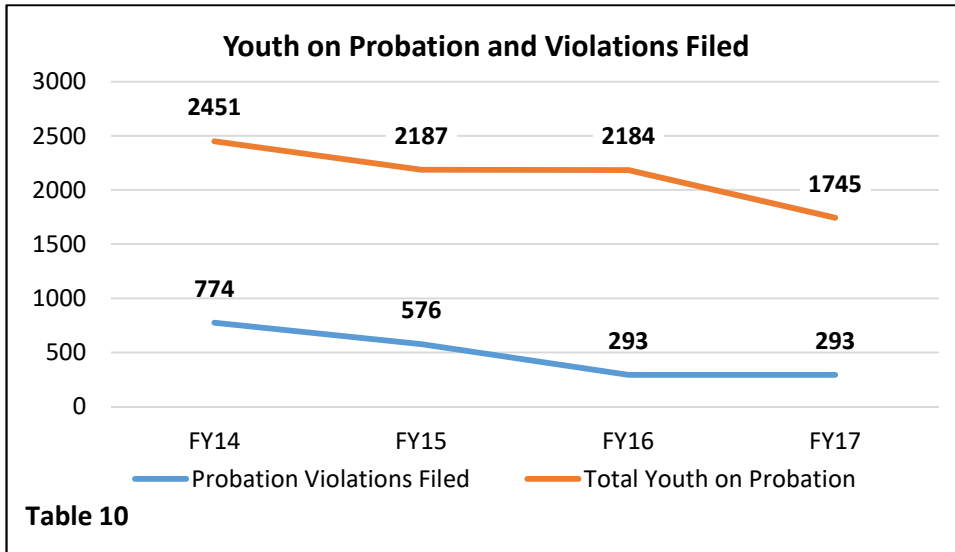


The Department of Corrections (DOC) measures a return to custody “within one year, two years, or three years of discharge from the custody of the Department of Corrections, a juvenile commitment or conviction in adult court for a felony resulting in a sentence to the Department of Corrections” SDCL 26-8D-1(5).

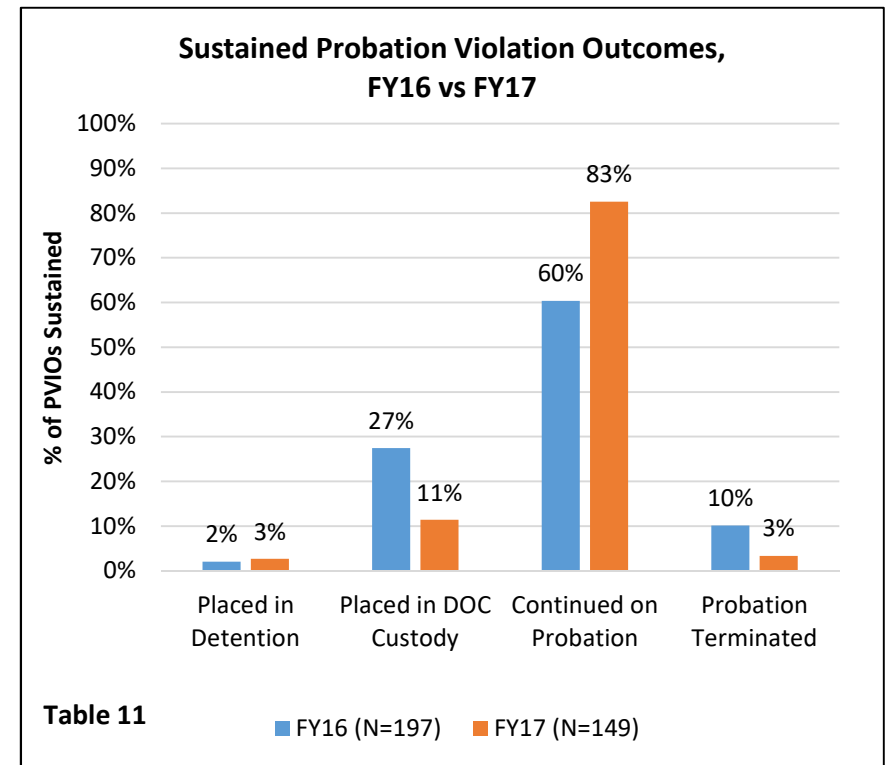
**Table 9**



## Effectively Hold Juvenile Offenders Accountable



When youth on probation are repeatedly failing to show positive behavioral changes and are not consistently following the rules of probation, Court Services Officers (CSOs) use available tools to appropriately respond to their behavior. A probation violation is the last resort after CSOs work with youth to problem-solve and address their needs and behavior to get the youth on a better path. Tables 10 and 11 show probation violations filed and the outcomes of the violations as decided by a juvenile court judge.



### Key Takeaways

#### Table 10

- During FY17 a total of 1,745 youth were supervised on probation, a 20% reduction from FY16 and an almost 30% reduction from FY14.
- The number of probation violations filed remained unchanged from FY16 to FY17, and have dropped by 62% from FY14 to FY17.

#### Table 11

- In FY17, 11% of youth were placed in DOC custody in response to a probation violation, while the majority of youth (80%) continued on probation supervision.

Graduated responses are the use of incentives and sanctions to encourage youth to alter their attitudes and behavior toward prosocial alternatives. The emphasis of graduated responses in supervision is skill-building and positive communication between the youth and supervising officer. It is important to consistently address positive and negative behaviors, but addressing the positive behaviors must outweigh the negative consequences to positively impact behavior change. Research repeatedly suggests that efforts to change juvenile behavior are most effective when they incorporate positive reinforcements that are utilized at a much higher rate than negative sanctions<sup>1</sup>. It is important to continuously identify opportunities to reinforce a youth’s prosocial behavior and attitudes. By doing so, the youth’s positive behavior is more likely to be repeated and sustained.

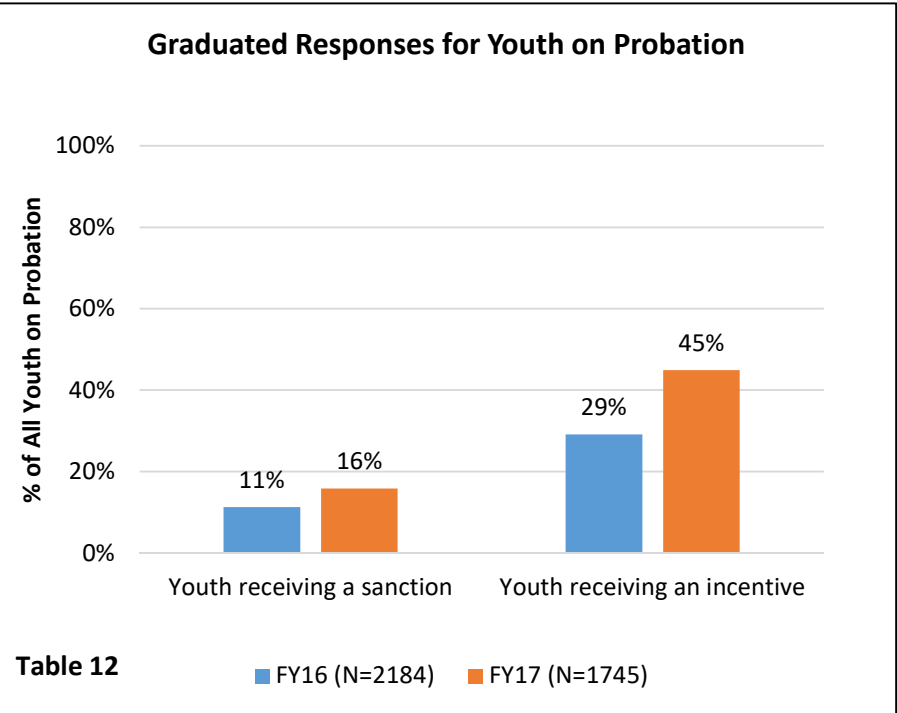
The Juvenile Supervisory Responses (JSR) Matrix, a graduated response system, has been developed and adopted statewide.

The JSR includes sanctions to address negative behavior and incentives to encourage positive behavior and hold juvenile probationers more accountable through swift, certain and proportional responses to behavior.

**Key Takeaways**

*Table 12*

- Almost half (45%) of youth on probation received an incentive as part of the juvenile probation graduated response system; while 16% received a sanction.
- The increase for both categories indicates that CSOs are using graduated responses more often to respond to youth behavior.



<sup>1</sup> Guevara, M. and Solomon, E. (2009). Implementing Evidence-based Policy and Practice in Community Corrections, *National Institute of Corrections, US DOJ*, 2<sup>nd</sup> edition.

During the 2017 legislative session, guidelines for the initial term for youth on probation was modified to 6 months. If youth need more time to complete treatment, up to two extensions can be requested allowing for a total time on probation of up to 18 months. The shorter initial probation term prevents youth from being in the juvenile justice system longer than necessary and ensures that needed services are provided to the youth as soon as possible.

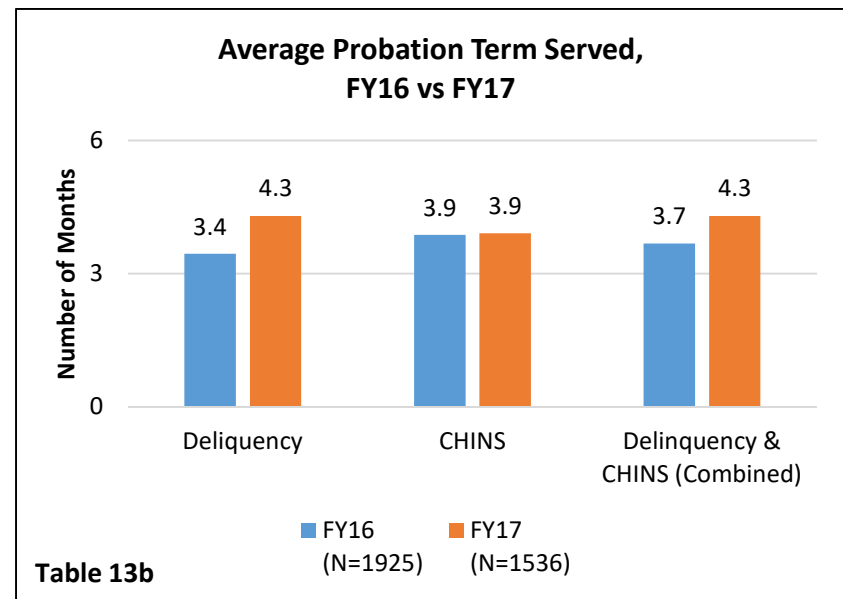
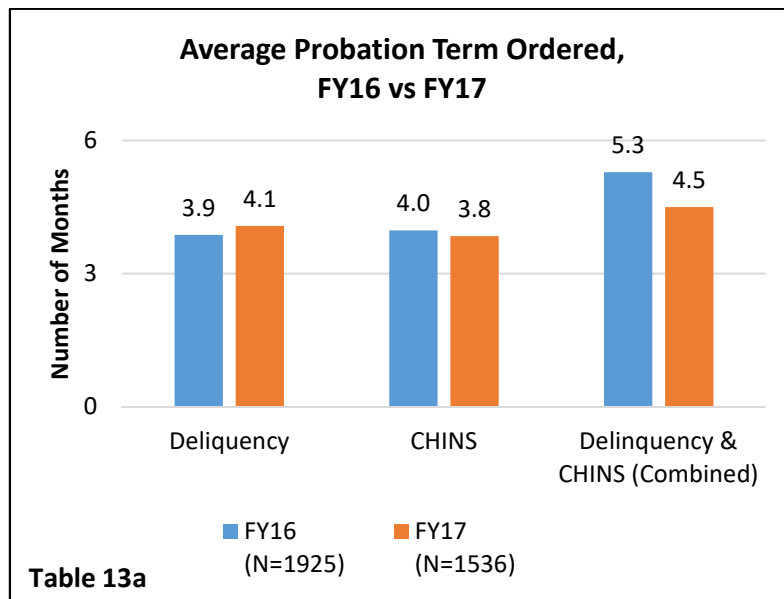
**Key Takeaways**

*Table 13a*

- From FY16 to FY17, there was a slight increase in time ordered for delinquency cases, and a slight decrease for CHINS cases.
- Time ordered for both case types is around 4 months. There was a decrease in both time ordered and served for combined delinquency & CHINS cases.

*Table 13b*

- In FY16, youth served less time than ordered for all categories; however, in FY17, youth served more time than ordered for only delinquency & only CHINS cases.



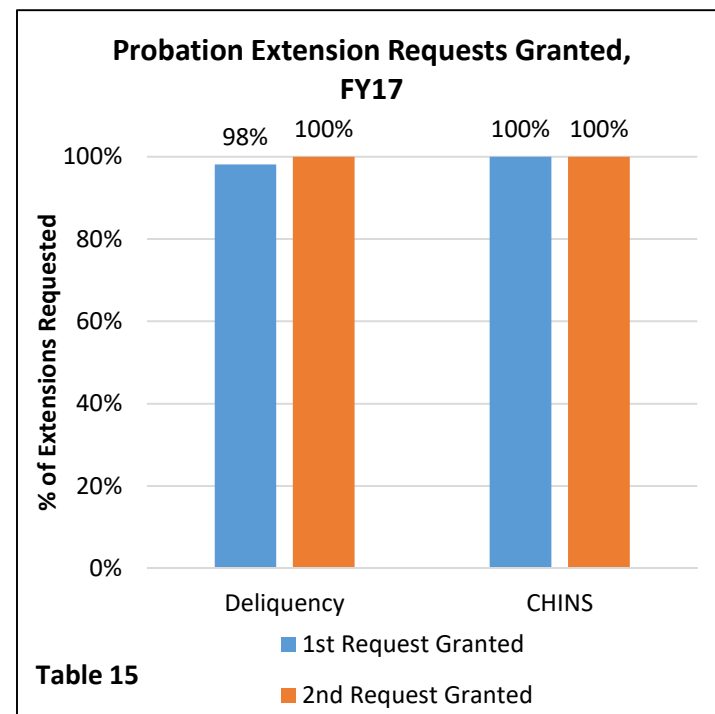
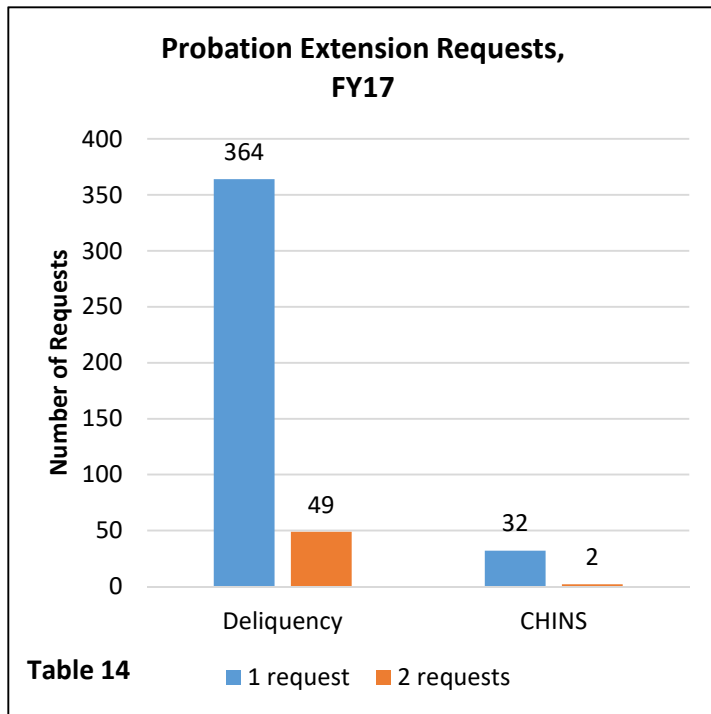
**Key Takeaways**

*Table 14*

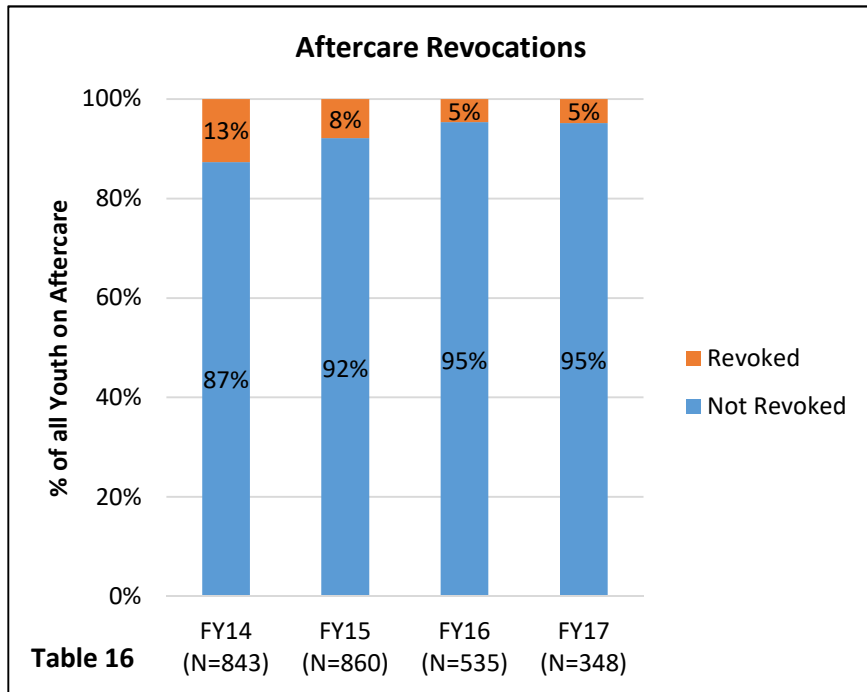
- Requests were made to extend probation in 364 delinquency cases and 32 CHINS cases; a second extension request was made for 49 delinquency cases and 2 CHINS cases.

*Table 15*

- For delinquency cases, nearly all (98%) of the first extension requests were granted and 100% of the second requests were granted. All requests for CHINS extensions were granted.



Aftercare is a conditional release to the community during which time the youth remains under DOC guardianship. Youth on aftercare are typically released home with monitoring and services. In some cases, youth on aftercare are placed in Sequel Transition Academy (males) or other independent living programs if there is not an appropriate home/residence for the youth to return. Juvenile Corrections Agents (JCAs) work with youth to ensure they have a positive reentry to the community. In some cases, despite efforts by JCAs to intervene and redirect behavior, youth may continue to exhibit antisocial behavior and aftercare may be revoked. Table 17 shows data on aftercare revocations.



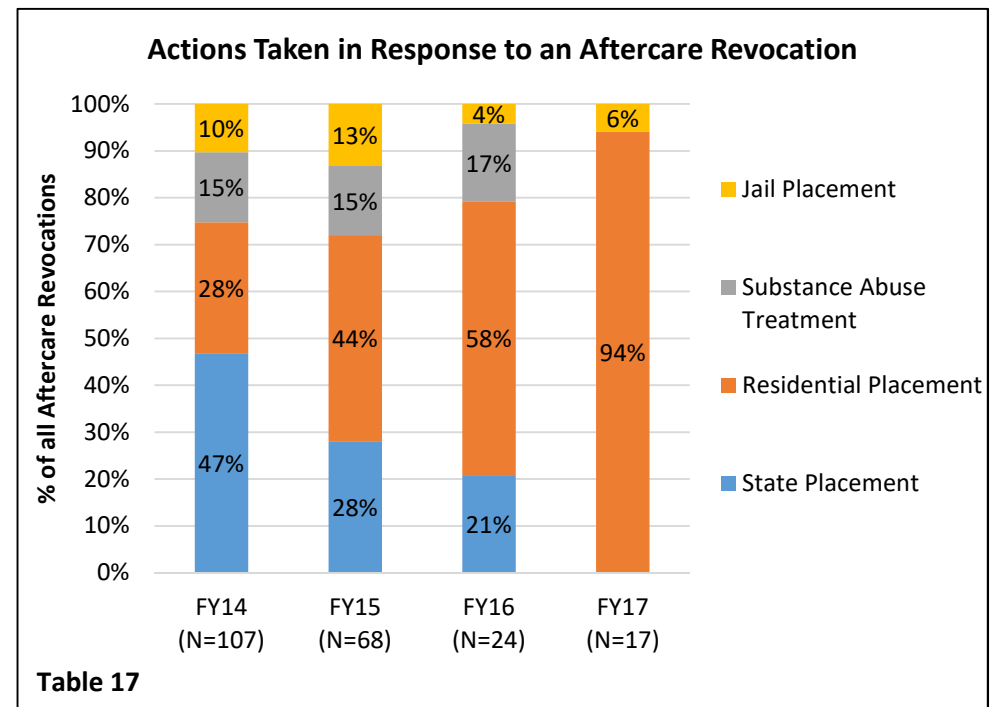
**Key Takeaways**

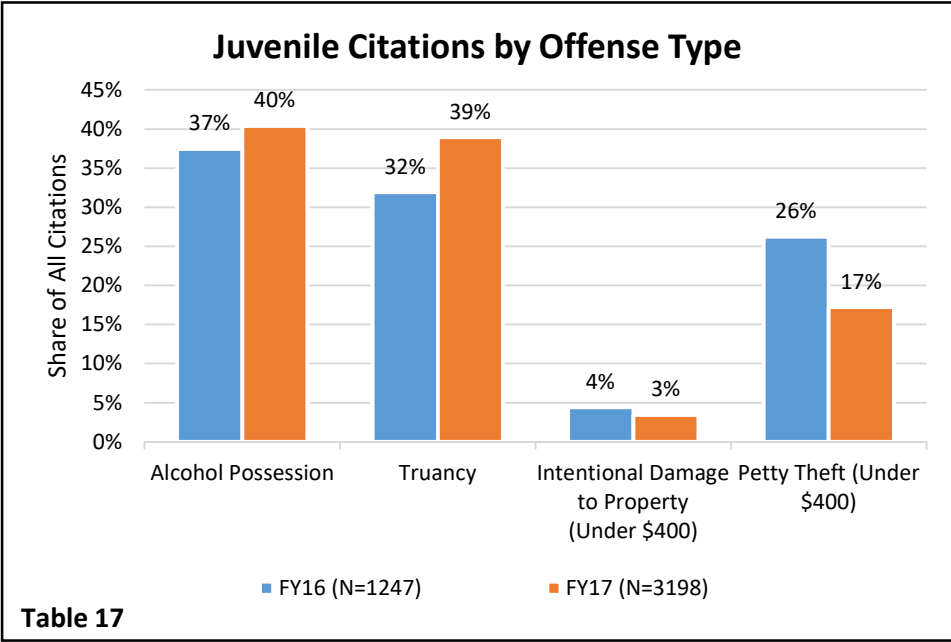
*Table 16*

- A small portion of youth on aftercare (5%) had their aftercare revoked in FY17, an 8% decline since FY14.
- There was an 84% reduction in the number of aftercare revocations from FY14 to FY17.

*Table 17*

- The most common response to aftercare violations in FY17 was placement in a residential facility.





Juvenile citations were introduced in South Dakota in January 2016. Citations are being issued to address certain delinquency violations swiftly and certainly in the community. Youth receiving a citation may have a judgement imposed by the court requiring them to participate in a diversion program, pay a fine, or complete community service.

**Key Takeaway**

*Table 17*

- Alcohol possession and truancy together comprised 80% of all juvenile citations in FY17, compared to 69% in FY16.

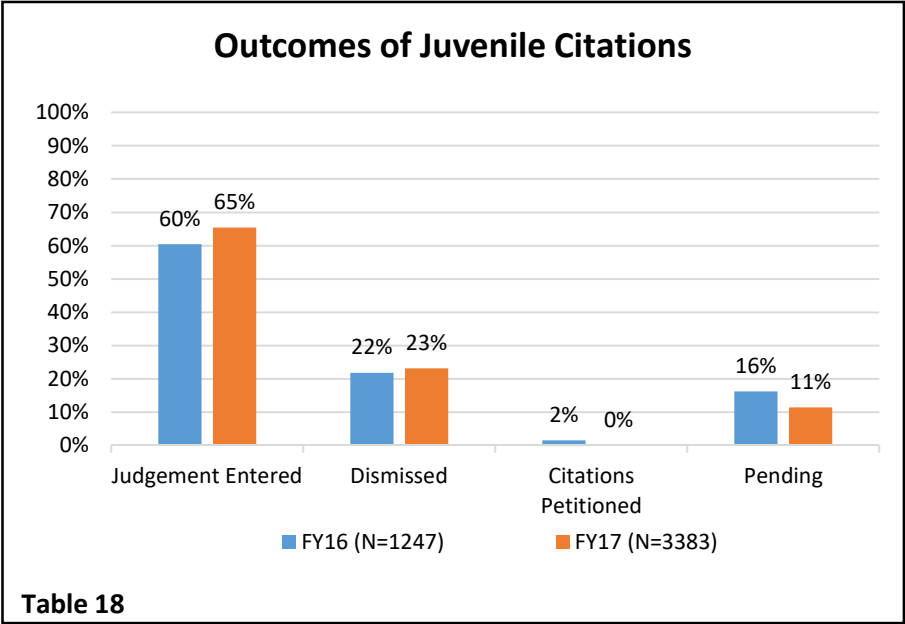
*Table 18*

- The majority of citations in FY16 (60%) and FY17 (65%) result in a judgment entered by the court.

**Note:** Citations were only in effect for 6 months of FY16

In January 2017 the following amendments were made to improve the juvenile citation statute:

- Allow school officials to file a report directly with the state’s attorney for any of the citable offenses;
- Clarify the authority of the state’s attorney to refer any youth with a citation to a diversion program before proceeding on the citation in court;
- Expand the judgement options for citations to include referral to a diversion program; and,
- Strengthen the court’s authority to respond to youth who fail to appear in court for a citation or fail to comply with the court’s decision on a citation by permitting the state’s attorney to file a petition for these failures.



**Key Takeaways:**

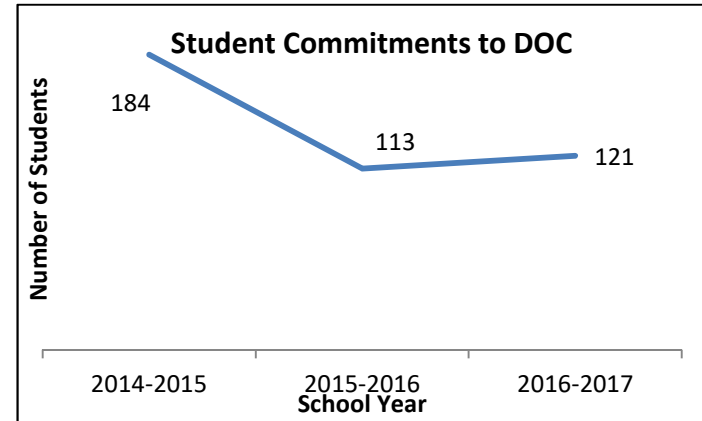
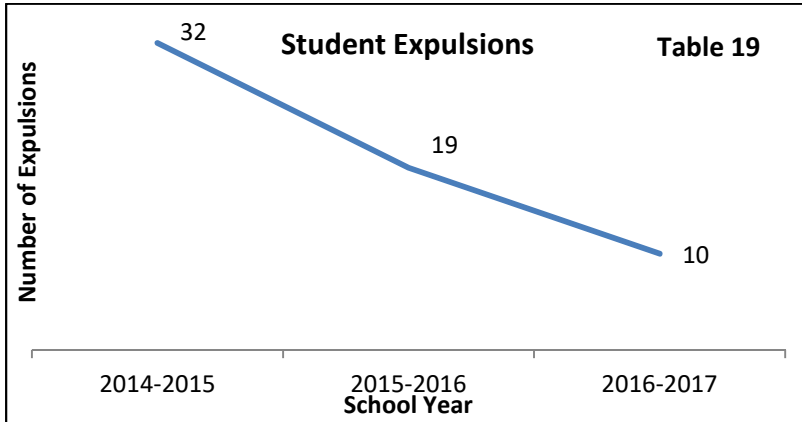
Table 19

- The number of students expelled from a public school decreased statewide the last three school years.\*
- The total number of students expelled decreased almost 69 percent from 2014-2017.

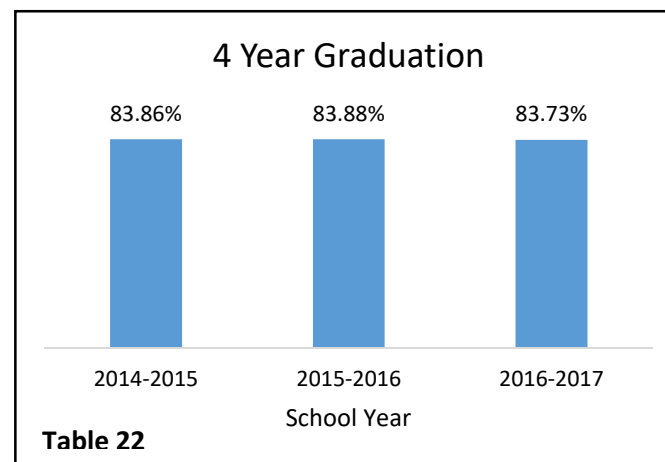
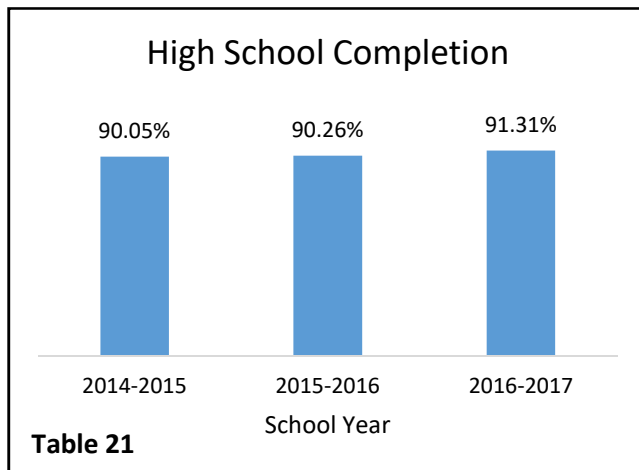
Table 20

- The number of students committed to an institution decreased statewide the last three years.
- The total number of students committed to an institution decreased 34 percent from 2014-2017

*\*Expelled student definition is based on unduplicated enrollment within a public school district*



**Key Takeaway:** Tables 21 & 22 – The proportion of youth completing and graduating from high school has remained steady over the last three school years.





## Reduce Juvenile Justice Costs by Investing in Proven Community-Based Services and Preserving Residential Facilities for Serious Offenders

Research consistently shows youth placed in out-of-home placements recidivate at much higher rates than those who are treated in the community. Studies have shown that youth receiving community-based supervision/services are more likely to go to school, have employment, and avoid future delinquency. These findings emphasize the importance of keeping youth in their community and using alternative strategies to address their behavior and supervise them effectively.

Since the passage of JJPSIA, the Department of Social Services (DSS) has expanded community-based services statewide to include Functional Family Therapy (FFT), Aggression Replacement Training (ART) and Moral Reconciliation Therapy (MRT). These services are referred to as Juvenile Justice Reinvestment Initiative (JJRI) services.

### Functional Family Therapy (FFT)

FFT is a research-based prevention and intervention program for justice system involved youth or youth at-risk of justice system involvement, and their families. The program is short-term, three to five months, and addresses a range of antisocial behaviors including violence, drug abuse/use, conduct disorder, and family conflict.

### Aggression Replacement Training (ART)

ART is a cognitive behavioral intervention, training youth to cope with their aggressive and violent behaviors. The program consists of 30 sessions and is divided into three components—social skills training, anger-control training, and training in moral reasoning.

### Moral Reconciliation Therapy (MRT)

MRT is a cognitive-behavioral program that combines education, group and individual counseling, and structured exercises designed to assist youth in addressing negative thought and behavior patterns.

#### Key Takeaway

Table 23

- In FY 17 985 youth were referred for community-based services.
- In FY17 there was a nearly 72% increase in referrals as compared to FY16 over the same time period (January through the end of the fiscal year).

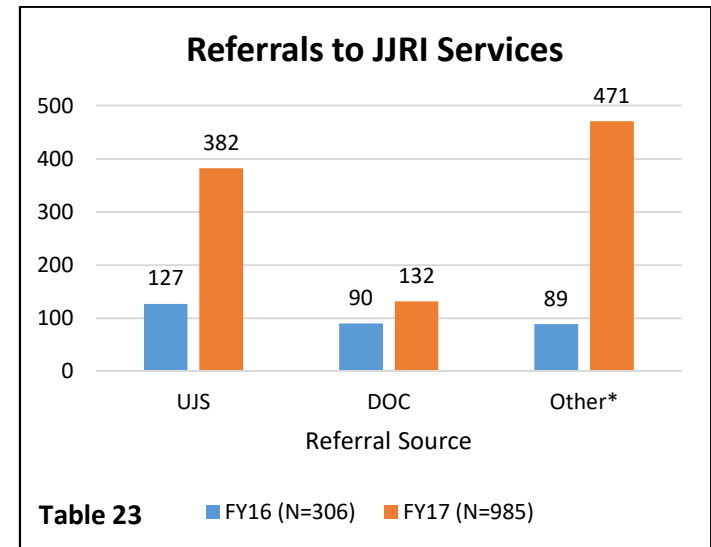


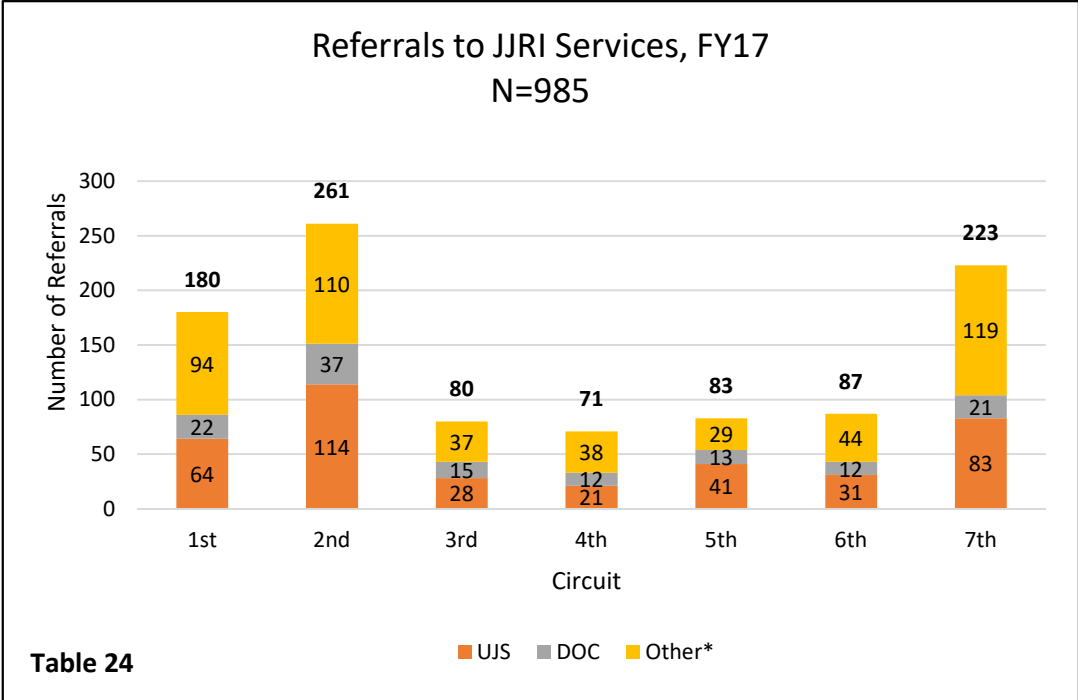
Table 23

■ FY16 (N=306) ■ FY17 (N=985)

\*Other includes any referral received outside of UJS or DOC, such as schools, parents, and diversion programs, for youth at risk of justice system involvement.

**Note:** In FY16, new services were just beginning to be implemented and rolled out statewide, as service expansion increased in FY17, referrals for services also increased.

Referrals to community-based services come from Unified Judicial System Court Service Officers and Department of Corrections Juvenile Corrections Agents. Referrals can also come from sources such as parents seeking assistance, Child Protection Services, school districts, and internal referrals made by agencies for youth at risk of justice involvement. The graph below shows the number of referrals made by each referral source by circuit in FY17.



**Key Takeaways**  
*Table 24*

- For the 2<sup>nd</sup> and 5<sup>th</sup> circuits, the greatest number of referrals are from UJS.
- The high number of referrals from other sources demonstrates the need for services in these communities.

\*Other includes any referral received outside of UJS or DOC, such as schools, parents, and diversion programs, for youth at risk of justice system involvement.

## Functional Family Therapy in Communities in South Dakota

JJRI services have already had positive effects on individuals and communities throughout our state and the funding available creates potential for even greater impact on areas of concern.

63%, or 346,  
families completed  
FFT successfully.

Only 3% or 17  
adolescents did not  
complete FFT  
services due to legal  
violations resulting  
in placement.

According to  
**therapists**, 92% of  
families who  
completed FFT  
demonstrated a  
positive general  
change

88% of  
**parents/families**  
reported a positive  
general change in  
their family upon  
completion of FFT

86% of **adolescents**  
reported a positive  
general change in  
their family upon  
completion of FFT

JJPSIA gives circuits the option to establish Community Response Teams (CRTs) as resources to help judges identify community-based alternatives to DOC commitment. The purpose of the CRTs is to utilize proven community-based options to improve outcomes for youth and families while improving public safety, and preserve residential facilities for the most serious offenders.

**Key Takeaways**

*Tables 25 & 26*

- Three community response teams (CRTs) have been established in the 1st and 2nd circuits and have received a total of 12 referrals in FY17.
- In both circuits the CRT recommended a community based alternative in 10 out of 12 cases.
- The Court in the 1<sup>st</sup> circuit agreed fully with half of the recommendations of the CRT (3 cases).
- In the 2<sup>nd</sup> circuit the Court agreed partially four of six recommendations of the CRT.

<b>Table 25</b>				
<b>1st Circuit (FY17)</b>				
	<b>CRT Recommendation</b>	<b>Community Based Alternative</b>	<b>Court Disposition</b>	<b>Agreement*</b>
<i>Case 1</i>	Counseling, CD evaluation and EM	Yes	Probation	Yes
<i>Case 2</i>	Treatment at HSC if Possible	Yes	Placed with DOC	No
<i>Case 3</i>	Placement out of Home	No	Placed with DOC	Yes
<i>Case 4</i>	CD Evaluation And Treatment	Yes	Intensive probation	Yes
<i>Case 5</i>	Intensive Probation	Yes	Placed with DOC	No
<i>Case 6</i>	Placement by Family with Relative	Yes	Placed with DOC	No

<b>Table 26</b>				
<b>2nd Circuit (FY17)</b>				
	<b>CRT Recommendation</b>	<b>Community Based Alternative</b>	<b>Court Disposition</b>	<b>Agreement</b>
<i>Case 1</i>	Psych evaluation, consider intensive probation	Yes	Suspend DOC; 8 months intensive probation; FFT, Restitution	Yes
<i>Case 2</i>	Suspend DOC, intensive probation	Yes	Suspend DOC; Intensive probation, 30d house arrest, 90d JDC, 30h community service, restitution	Yes
<i>Case 3</i>	Intense, psych consult for medications	Yes	Placed with DOC	No
<i>Case 4</i>	Intensive probation and psych consult or evaluation, FFT, MRT, CD Evaluation	Yes	Placed with DOC	No
<i>Case 5</i>	DOC placement	No	Placed with DOC	Yes
<i>Case 6</i>	Supervised Probation	Yes	Probation	Yes

*\*Agreement means the court's final disposition in the case was in agreement with the recommendation put forth by the CRT.*

As effective programs in the community are becoming more widely available across the state, and practices in UJS and DOC continue to be evidence-based, the number of youth committed to the DOC continues to steadily decline. There has been a steady reduction in the number of youth newly placed in DOC custody over the last four fiscal years; and, the total number of youth under DOC's jurisdiction has significantly declined during this time period.

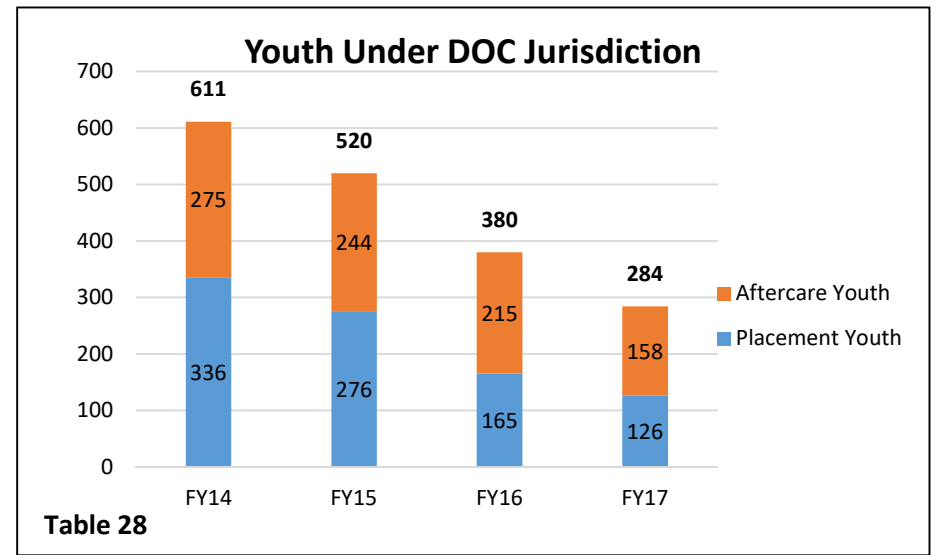
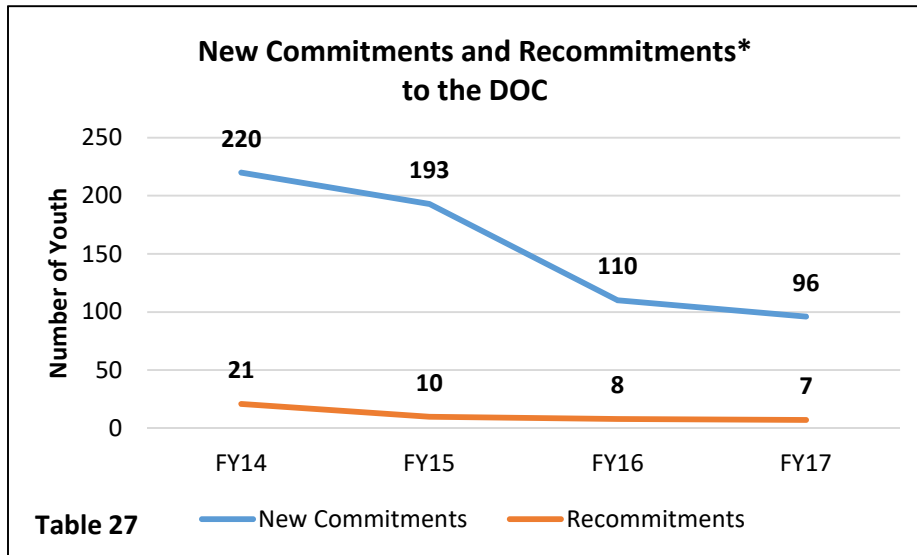
### Key Takeaways

#### Table 27

- New commitments to DOC declined steadily since FY14 with a 56% reduction between FY15 and FY16.
- The number of recommitments to DOC declined by two-thirds from FY14 to FY17.

#### Table 28

- The total number of youth under the jurisdiction of the DOC fell by 25% from FY16 to FY17, for a total drop over four years of 54%.
- The reduction in youth under DOC jurisdiction occurred both for placement (63%) and aftercare (43%) youth.



\*A recommitment involves a youth who was previously under the jurisdiction of the Department of Corrections (DOC) and discharged and then has been adjudicated as a delinquent or CHINS for a new offense and is being recommitted to the DOC.

In FY16, DOC entered into performance based contracts with providers to ensure treatment goals are met within established timeframes.

FY17 payments reflect the most success with out-of-state and in-state group care providers.

Research shows longer lengths of stay do not improve outcomes or reduce recidivism.<sup>2</sup>

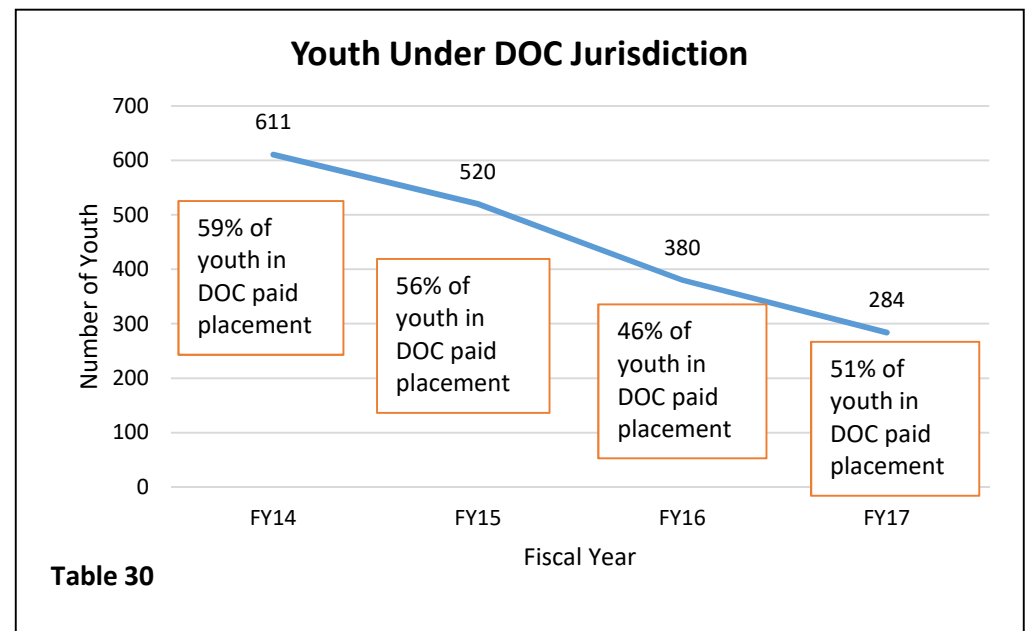
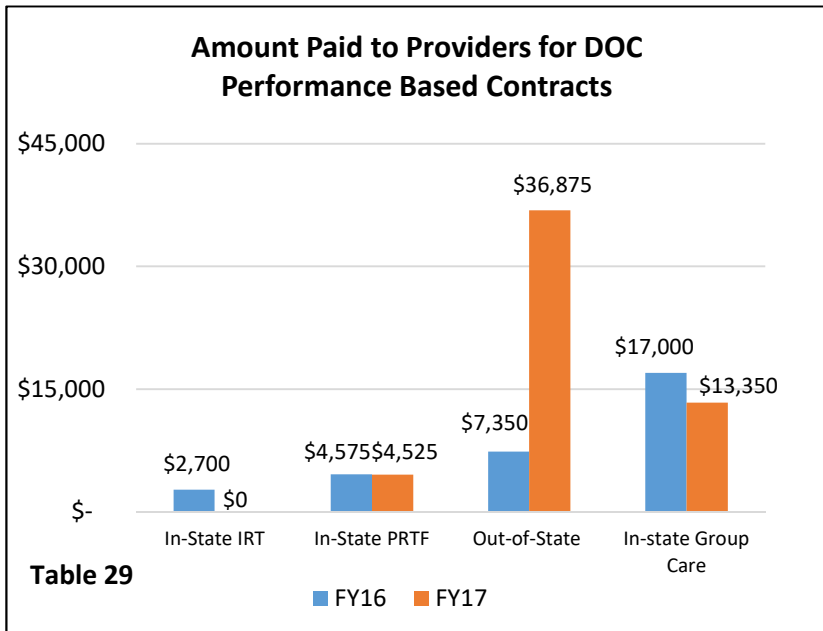
**Key Takeaways**

*Table 29*

- As of June 30, 2017, \$54,750 was paid to DOC contracted providers based on the new performance based contract model.
- The substantial increase for out-of-state payments is in response to success with out-of-state providers.

*Table 30*

- The share of youth in DOC paid placements has decreased by 8% since FY14.



\*In-state residential includes Intensive Residential Treatment (IRT) and Psychiatric Residential Treatment Facilities (PRTF).

See Appendix C for a list of all providers in-state and out-of-state eligible for participation in the performance reimbursement rate.

<sup>2</sup> Loughran, T. A., Mulvey, E. P., Schubert, C. A., Fagan, J., Piquero, A. R., & Losoya, S. H. 2009. Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders. *Criminology*, 47, 669-740.

**Table 31 Stays in County Detention**

Circuit	Number of Detention Stays, FY17 (N=77)	Number of Days for each Detention Stay, FY17 (N=74)
1st	11	Range: 2-45 days Average: 17.0 days
2nd	11	Range: 2-41 days Average: 9.4 days
3rd	1	Range: 1 day Average: 1 day
4th	2	Range: 4-5 days Average: 4.5 Days
5th	38	Range: 1-19 days Average: 5.6 days
6th	3	Range: 5 days Average: 5 days
7th	11	Range: 2-32 days Average: 10.2 days

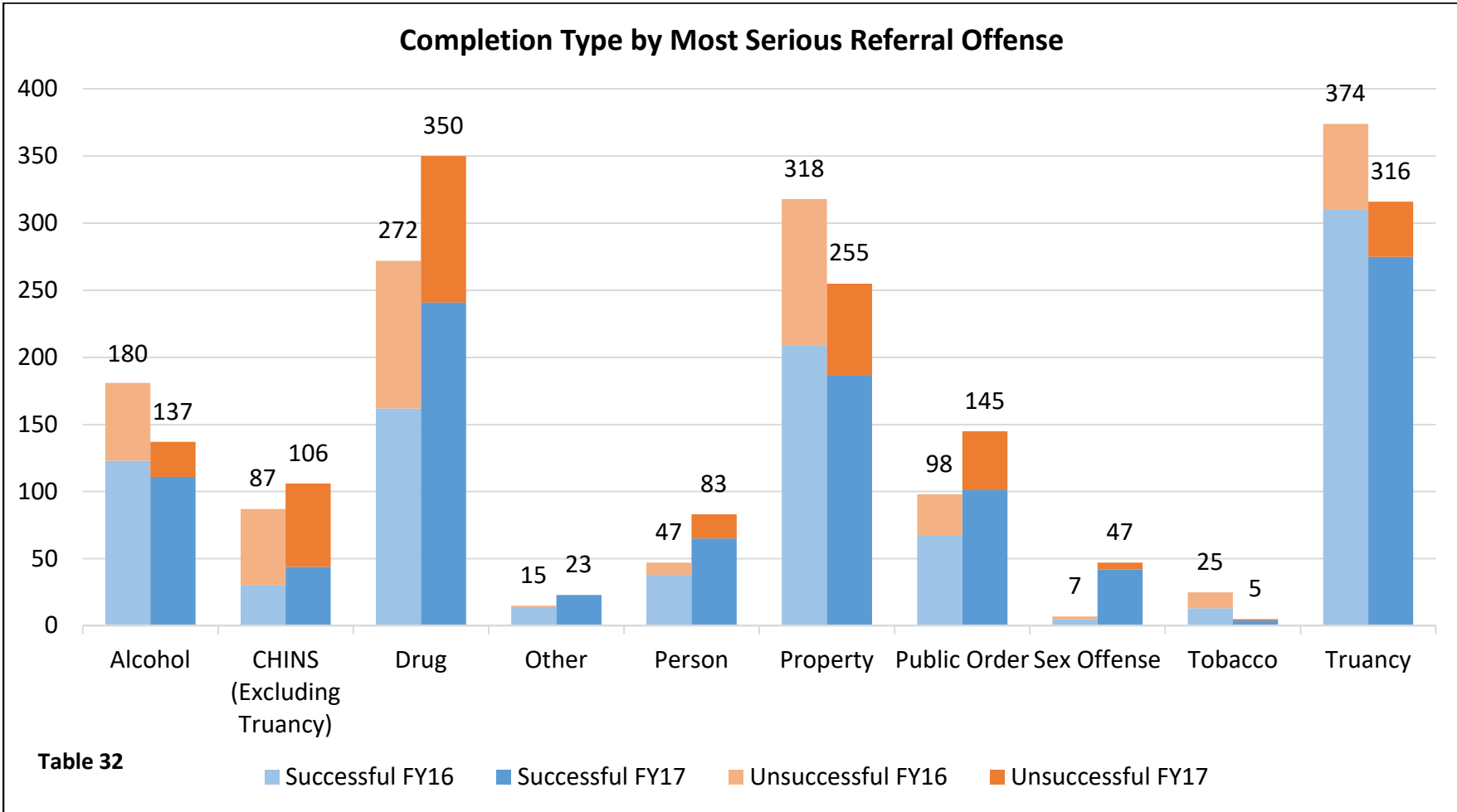
**Key Takeaways**  
*Table 31*

- There was a wide variation in length of detention stays across the state, from one day to 45 days.
- The 5<sup>th</sup> circuit had the highest number of detention stays.
- A total of five youth had more than one detention stay, two youth had three stays, and two youth had five stays.

- JJPSIA expands the use of diversion by providing fiscal incentives to counties and encouraging broader use of diversion for non-violent misdemeanants and CHINS with no prior adjudications.
- All counties are eligible to submit data to the Department of Corrections for reimbursement of up to \$250 per successful diversion\*.

**Key Takeaways**  
*Table 32*

- Three-quarters of all diversions in FY17 were successful.
- Over half of diversion cases in FY17 were referred for Alcohol, Drug, or Truancy offenses.



\*See Appendix B for a list of court-approved diversion programs and the Fiscal Incentive Diversion Program Submission Summary



## Members of the Juvenile Justice Oversight Council

Greg Sattizahn (Chair)  
*Unified Judicial System*

Kristi Bunkers  
*Department of Corrections*

Sheila Weber  
*Youth Care Provider*

AJ Franken  
*Governor's Office*

Patrick Weber  
*Governor's Office*

Tiffany Wolfgang  
*Department of Social Service*

Sarah Morrison  
*Deputy States Attorney*

Matt Kinney  
*Criminal Defense Attorney*

Senator Billie Sutton  
*State Senator*

Senator Alan Solano  
*State Senator*

Kelly Marnette  
*Assistant Attorney General*

Kelly Glodt  
*School Superintendent*

Secretary Steve Emery  
*Department of Tribal Relations*

Representative Julie Bartling  
*House of Representatives*

Representative Kevin Jensen  
*House of Representatives*

Judge Scott Myren  
*Fifth Judicial Circuit*

Justice Janine Kern  
*Supreme Court Chief Justice*

Neil Von Eschen  
*County Commissioner*

Judge Steven Jensen  
*First Judicial Circuit*

Thomas Sannes  
*Criminal Defense Attorney*

## APPENDIX A

*Source: South Dakota Attorney General's Report "Crime in South Dakota 2016" found here [http://atg.sd.gov/docs/SAC\\_2016\\_CSD.pdf](http://atg.sd.gov/docs/SAC_2016_CSD.pdf)*

### Class A

Both incidents and arrests are reported for Group A offenses. The Attorney General's office used the following criteria in to determine if a crime should be designated as a Group A offense.

#### Criteria for Class A

1. The seriousness or significance of the offense.
2. The frequency or volume of its occurrence.
3. The prevalence of the offense nationwide.
4. The probability of the offense being brought to law enforcement's attention.
5. The likelihood that law enforcement is the best channel for collecting data regarding the offense.
6. The burden placed on law enforcement in collecting data on the offense.
7. The national statistical validity and usefulness of the collected data.
8. The national UCR Program's responsibility to make crime data available not only to law enforcement but to others having a legitimate interest in it.

The crimes are counted as follows: for a Crime Against person, one offense is counted for each victim; Crime Against Property, one offense for each distinct operation is counted (except Motor Vehicle Theft, where one offense is counted for each stolen vehicle); and for a Crime Against Society, count one offense for each violation.

#### Types of Class A

##### Homicide Offenses (Crimes Against Persons)

- 09A - Murder & Non-Negligent Manslaughter
- 09B - Negligent Manslaughter
- 09C - Justifiable Homicide

##### Sex Offenses - Forcible (Crimes Against Persons)

- 11A - Forcible Rape
- 11B - Forcible Sodomy
- 11C - Sexual Assault With An Object
- 11D - Forcible Fondling

##### Assault Offenses (Crimes Against Persons)

- 13A - Aggravated Assault
- 13B - Simple Assault
- 13C - Intimidation

##### Larceny/Theft Offenses (Crimes Against Property)

- 23A - Pocket-Picking
- 23D - Theft From Building
- 23E - Theft From Coin-Operated Machine or Device
- 23F - Theft From Motor Vehicle
- 23G - Theft of Motor Vehicle Parts or Accessories

23H - All Other Larceny

**Fraud Offenses (Crimes Against Property)**

26A - False Pretenses/Swindle/Confidence Game

26B - Credit Card/Automatic Teller Machine Fraud

26C - Impersonation

26D - Welfare Fraud

26E - Wire Fraud

26F – Identity Theft

26G – Hacking/Computer Invasion

**Drug/Narcotic Offenses (Crimes Against Society)**

35A - Drug/Narcotic Violations

35B - Drug Equipment Violations

**Sex Offenses – Non Forcible (Crimes Against Persons)**

36A - Incest

36B - Statutory Rape

**Gambling Offenses (Crimes Against Society)**

39A - Betting/Wagering

39B - Operating/Promoting/Assisting Gambling

39C - Gambling Equipment Violations

39D - Sports Tampering

**Prostitution Offenses (Crimes Against Society)**

40A - Prostitution

40B - Assisting or Promoting Prostitution

40C - Purchasing Prostitution

**Human Trafficking Offenses (Crimes Against Society)**

64A - Commercial Sex Acts

64B - Involuntary Servitude

**Kidnapping/Abduction (Crimes Against Person)**

100 - Kidnapping

**Robbery (Crimes Against Property)**

120 - Robbery

**Arson (Crimes Against Property)**

200 - Arson

**Extortion/Blackmail (Crimes Against Property)**

210 - Extortion/Blackmail

**Burglary/Breaking & Entering (Crimes Against Property)**

220 - Burglary/Breaking & Entering

**Motor Vehicle Theft (Crimes Against Property)**

240 - Motor Vehicle Theft

**Counterfeiting/Forgery (Crimes Against Property)**

250 - Counterfeiting/Forgery

**Embezzlement (Crimes Against Property)**

270 - Embezzlement

**Stolen Property Offenses (Crimes Against Property)**

280 - Stolen Property Offenses

**Destruction/Damage/Vandalism of Property (Crimes Against Property)**

**290 - Destruction/Damage/Vandalism of Property**

**Pornography/Obscene Material (Crimes Against Society)**

370 - Pornography/Obscene Material

**Bribery (Crimes Against Property)**

510 - Bribery

**Weapon Law Violations (Crimes Against Society)**

520 - Weapon Law Violations

**Animal Cruelty (Crimes Against Society)**

720 – Animal Cruelty

## **Class B**

Only arrests are to be reported for Group B offenses.

### **Types of Class B**

90A - Bad Checks

90B - Curfew/Loitering/Vagrancy Violations

90C - Disorderly Conduct

90D - Driving Under the Influence

90E - Drunkenness

90F - Family Offenses, Nonviolent

90G - Liquor Law Violations

90H - Peeping Tom

90I - Runaway

90J - Trespass of Real Property

90Z - All Other Offenses

**APPENDIX B**

**Court Approved Diversion Programs/Agencies**

The following is a list of diversion programs or agencies approved by the Unified Judicial System and used by States Attorneys across the state for diverting youth from the juvenile justice system. These are non-Court Services diversions.

<p><b>1<sup>ST</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• Teen Court in Yankton and Clay Counties</li> <li>• Union County Youth Diversion Program</li> <li>• Clay County Diversion Program</li> <li>• James Lentsch McCook County</li> </ul>	<p><b>5<sup>TH</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• Teen Court in Brown and Roberts Counties</li> <li>• Wallworth County Diversion Program</li> <li>• Cell Phone Safety and Sexting Courts</li> <li>• Jumpstart Diversion Program</li> </ul>
<p><b>2<sup>ND</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• Teen Court</li> <li>• RISE (Boy Scout Program)</li> <li>• LSS middle school diversion (available to Whittier and McGovern students)</li> <li>• CAB (Boy Scout Program- 2<sup>nd</sup> time offenders)</li> </ul>	<p><b>6<sup>TH</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• Teen Court in Hughes/Stanley Counties</li> <li>• Positive Action Program (via the MGM Coalition in Mellette County in conjunction with the White River School)</li> <li>• 3<sup>rd</sup> Millennium Classrooms Program (on-line drug/alcohol and shoplifting classes overseen by Court Services)</li> </ul>
<p><b>3<sup>RD</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• SA in Codington County and Grant County refer directly to service providers for services</li> <li>• Moody, Brookings, and Codington Counties use Teen Courts via Boys and Girls Club</li> <li>• Beadle County CAP Juvenile Diversion Program</li> </ul>	<p><b>7<sup>TH</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• Teen Court; SA refers directly to a variety of agencies for services such as: Lifeways Drug and Counseling</li> <li>• Youth &amp; Family Services</li> <li>• Catholic Social Services</li> <li>• Lutheran Social Services</li> <li>• Big Brothers Big Sisters</li> <li>• Behavior Management Systems</li> <li>• Wellspring; Wyoming Cowboy Challenge Academy</li> <li>• Ateyapi Program – Rural America Initiatives</li> <li>• John Gordon/Gordon Preventative Services</li> <li>• Adolescent Early Intervention</li> <li>• Empower</li> </ul>
<p><b>4<sup>TH</sup> CIRCUIT</b></p>	<ul style="list-style-type: none"> <li>• Teen Court in Deadwood and Belle Fourche</li> <li>• Action for the Betterment of the Community In Sturgis and Belle Fourche</li> <li>• Youth Wise in Lawrence County</li> </ul>		

**FY 2017 JJRI Fiscal Incentive Diversion Program Submission Summary**

<b>County</b>	<b>Total Completers*</b>	<b># Successful</b>	<b># Unsuccessful</b>	<b>Payment Amount (Prorated amount of \$227.07 per successful completer)</b>
<b>Beadle</b>	3	3	0	\$681.21
<b>Bennett</b>	7	6	1	\$1,362.42
<b>Brookings</b>	54	39	15	\$8,855.73
<b>Brown</b>	65	42	23	\$9,536.94
<b>Brule</b>	1	1	0	\$227.07
<b>Butte</b>	37	29	8	\$6,585.03
<b>Codington</b>	27	22	5	\$4,995.54
<b>Fall River</b>	4	4	0	\$908.28
<b>Gregory</b>	1	1	0	\$227.07
<b>Hughes</b>	62	26	36	\$5,903.82
<b>Jackson</b>	1	1	0	\$227.07
<b>Lake</b>	6	5	1	\$1,135.35
<b>Lawrence</b>	81	77	4	\$17,484.39
<b>Lincoln</b>	67	44	23	\$9,991.08
<b>McCook</b>	4	4	0	\$908.28
<b>Meade</b>	12	11	1	\$2,497.77
<b>Mellette</b>	2	0	2	\$0.00
<b>Minnehaha</b>	347	169	178	\$38,374.83

<b>Moody</b>	6	4	2	\$908.28
<b>Pennington</b>	600	539	61	\$122,390.73
<b>Roberts</b>	19	19	0	\$4,314.33
<b>Stanley</b>	10	7	3	\$1,589.49
<b>Tripp</b>	3	3	0	\$681.21
<b>Union</b>	24	21	3	\$4,768.47
<b>Walworth</b>	10	10	0	\$2,270.70
<b>Yankton</b>	22	14	8	\$3,178.98
<b>Total</b>	<b>1475</b>	<b>1101</b>	<b>374</b>	<b>\$250,004.07</b>

\* Total Completers only includes those youth who completed (either successfully or unsuccessfully) a court approved diversion program in FY 2017.

**Verification of "0" referrals received from the following counties:**

Bon Homme, Charles Mix, Clay, Corson, Custer, Deuel, Douglas, Edmunds, Grant, Haakon, Hanson, Harding, Hutchinson, Hyde, Marshall, McPherson, Miner, Oglala Lakota, Potter, Sully, Turner, and Ziebach

**Applications NOT received from the following counties:**

Aurora, Buffalo, Campbell, Clark, Davison, Day, Dewey, Falk, Hamlin, Hand, Jerauld, Jones, Kingsbury, Lyman, Perkins, Sanborn, Spink, and Todd

**APPENDIX C**

FFT Providers	Contact Information	Counties Served
Behavior Management System (BMS)	350 Elk Street Rapid City, 57701 (605) 343-7262	Pennington, Custer, Fall River, Oglala Lakota, Harding, Butte, Lawrence, Meade, Perkins, Corson, Ziebach, Dewey
Capital Area Counseling Services (CACS)	803 East Dakota Avenue Pierre, SD 57501 (605) 224-5811	Potter, Sully, Hyde, Hughes, Stanley, Haakon, Jones, Lyman, Jackson, Buffalo, Ziebach, Perkins, Dewey, Corson
Community Counseling Services (CCS)	357 Kansas Avenue SE Huron, SD 57350 (605) 352-8596	Hand, Beadle, Jerauld, Sanborn, Miner, Lake, Moody, Kingsbury
Dakota Counseling Institute (DCI)	910 West Havens Mitchell, SD 57301 (605) 996-9686	Brule, Aurora, Davison, Hanson, Sanborn, Buffalo
East Central Behavioral Health (ECBH)	211 4 <sup>th</sup> Street Brookings, SD 57006 (605) 697-2850	Brookings
Human Services Agency (HSA)	123 19 <sup>th</sup> Street NE Watertown, SD 57201 (605) 886-0123	Roberts, Grant, Clark, Codington, Deuel, Hamlin
Lewis & Clark Behavioral Health Services (LCBHS)	1028 Walnut Street Yankton, SD 57078 (605) 665-4606	McCook, Douglas, Hutchinson, Turner, Charles Mix, Bon Homme, Yankton, Clary, Union
Lutheran Social Services (LSS)	705 East 41 <sup>st</sup> Street, Suite 200 Sioux Falls, SD 57105 (605) 444-7500 Or 2920 Sheridan Lk Rd, Rapid City, SD 57702 (605) 791-6700	Butte, Lawrence, Meade, Pennington, Custer, Fall River, Oglala Lakota, Brookings, Minnehaha, Lincoln
Northeastern Mental Health Center (NEMCH)	14 South Main Street, Suite 1E Aberdeen, SD 57401 (605) 225-1010	Perkins, Corson, Ziebach, Dewey, Campbell, Walworth, McPherson, Edmunds, Potter, Faulk, Brown, Spink, Marshall, Day,
Southeastern Behavioral Health (SEBH)	2000 South Summit Avenue Sioux Falls, SD 57104 (605) 336-0510	Minnehaha, McCook, Tuner, Lincoln
Southern Plains Behavioral Health Services (SPBHS)	500 East 9 <sup>th</sup> Street Winner, SD 57580 (605) 842-1465	Bennett, Mallette, Todd, Tripp, Gregory



APPENDIX D

Facilities eligible for participation in *the performance reimbursement rate* through the Department of Corrections  
Fiscal Year 17

Facility	Location
Aurora Plains	Plankinton, SD
Abbott House <b>(girls only)</b>	Mitchell, SD
Children's Home Society-Black Hills	Rapid City, SD
Children's Home Society-Sioux Falls	Sioux Falls, SD
Canyon Hills Center	Spearfish, SD
Our Home ASAP <b>(male - sex offenders)</b>	Huron, SD
Our Home-Parkston	Parkston, SD
Summit Oaks Center	Sioux Falls, SD
McCrossan Boy's Ranch <b>(boys only)</b>	Sioux Falls, SD
New Beginnings Center	Aberdeen, SD
Wellfully	Rapid City, SD
Benchmark <b>(boys only)</b>	Woods Cross, UT
Coastal Harbor Treatment Center	Savannah, GA
Copper Hills Youth Center	West Jordan, UT
Clarinda Academy	Clarinda, IA
Forest Ridge Youth Services <b>(girls only)</b>	Estherville, IA
Lakeside Academy	Kalamazoo, MI
Natchez Trace Youth Academy <b>(boys only)</b>	Waverly, TN
Southwestern Youth Services <b>(boys only)</b>	Magnolia, MN
Woodward Academy <b>(boys only)</b>	Woodward, IA