

JUVENILE JUSTICE REINVESTMENT INITIATIVE NATIVE AMERICAN FOCUS GROUP

September 30, 2015 Meeting Summary

On September 30, 2015 the Juvenile Justice Reinvestment Initiative Native American Focus Group met for the first time and reviewed information on the Juvenile Justice Reinvestment Initiative (JJRI) Work Group, the Juvenile Justice Public Safety Improvement Act, and the purpose and scope of the Native American Focus Group.

JJRI Work Group

Background: Focus Group members were provided an overview of the JJRI Work Group process and the resulting legislation known as Senate Bill 73 or the Juvenile Justice Public Safety Improvement Act (JJPSIA).

Goals: The JJRI Work Group was charged by the Governor, Legislative leadership and the Chief Justice with the following goals:

1. Reduce juvenile costs by investing in proven community based practices, reserving residential facilities for serious offenders;
2. Increase public safety by improving outcomes of youth and families and reducing juvenile recidivism;
3. Effectively hold juvenile offenders more accountable.

Juvenile Justice System Overview: Focus Group members reviewed information about the state's juvenile justice system that the JJRI Work Group used to inform its process and policy recommendations. Focus Group members learned about the process by which a youth proceeds through the juvenile justice system, from referral and charging decisions through adjudication and disposition of the case. The JJRI Work Group focused on pre-court involvement, including identifying opportunities for diversion, and ways to improve dispositional options and outcomes for probation supervision and commitment to the Department of Corrections.

Data and Research: The JJRI Work Group also examined South Dakota data for youth on probation and those committed to DOC and the latest research on juvenile justice practices. Focus Group members discussed the need to closely examine this same data looking specifically at Native American youth in the system.

Juvenile Justice Public Safety Improvement Act: The JJRI Work Group used the data and research to make policy recommendations to the Governor, Legislative leadership and the Chief Justice. The recommendations ultimately resulted in the passage of the Public Safety Improvement Act (JJPSIA) in March 2015. The Act aims to prevent deeper involvement in the juvenile justice system by expanding access to diversion opportunities, using citations for certain low-level offenses, limiting time spent on probation and using a graduated response system for youth on probation. JJPSIA also focuses on improving outcomes by expanding access to evidence-based interventions in the community including rural areas, and evaluating strategies to improve outcomes for justice system involved Native American youth. Additionally, the act focuses residential placements on youth who are a public safety risk by establishing presumptive probation, creating Community Response Teams (CRTs), instituting performance based contracting for providers, requiring the state-run corrections facility to design its programs to achieve release in three months and requiring findings of fact and conclusions of law to keep a juvenile in detention longer than 14 days in a 30-day period.

Impact of JJPSIA: Focus Group members heard about the expected impact of the reforms in JJPSIA. The policies are expected to: divert more children from the system leaving them without a criminal record; provide incentive funds to counties to increase use of diversion; result in a projected 29 percent fewer juveniles on probation in the next 5 years; reduce youth placed out-of-home by more than 50 percent by 2020; and, expand access to proven community based interventions, especially in rural areas.

Implementation of JJPSIA: Focus Group members heard from representatives from UJS, DOC and DSS on progress of implementation of policies in JJPSIA. DOC, UJS and DSS formed workgroups assigned to operationalize the legislative reforms. Agencies and branches of government continue to work collaboratively to meet implementation challenges.

National Landscape: The Focus Group was provided information on national data on juvenile commitment rates across the country, including South Dakota, which according to the most recent data available at that time

was among the highest. Members also heard demographic information on Native American populations in the United States. Additionally, members reviewed information on efforts at the federal level to understand and address ways to improve outcomes for Native Americans in the juvenile and adult criminal justice systems.

Throughout the overview of the JJRI Work Group process and JJPSIA, Focus Group members discussed the different ways in which Native American youth enter the juvenile justice system. Members also discussed the need to expand access to treatment and services while also focusing on culturally appropriate programs. Additionally, there was discussion about the need for more Native American staff to work with Native American youth and training needs for law enforcement and judges to increase cultural competency about Native American culture and communities.

Native American Focus Group Goals

The next portion of the meeting focused on the specific role of the Focus Group, and the goals that were established by the Department of Tribal Relations and approved by the Governor. The goals were developed based on the legislative requirements and information from the Native American stakeholder meeting held during the JJRI Work Group process. The Focus Group goals are:

1. Evaluate community-based programs that utilize evidence-based practices, which serve Native American children involved in the state and tribal juvenile justice system.
2. Evaluate intergovernmental communications and information sharing for Native American children under probation supervision or in the custody of the Department of Corrections.
3. Evaluate joint supervision of youth and increased cooperation by the state and tribal juvenile justice systems.

Small Group Breakout

The Focus Group divided into three groups to brainstorm ways to begin approaching each of the three goals.

Goal 1: The first group discussed goal one and the need for further education by both the state and the tribes about what programming is available for youth in the state system and in Tribal communities. The group determined that there was much the state does not know about the Tribes and specifically Tribal Courts, and that the Tribes do not know about the state,

specifically in terms of programs and evidence-based practices. The Focus Group is the forum to begin educating both groups.

Goal 2: The second group discussed the ways in which intergovernmental communication does not always occur. It is necessary to open up channels between the government and the tribes on multiple levels. For example, there is not a common standard for how the tribes or state can access school records, department information, and other relevant records. The group discussed the benefits of having standardized methods for information sharing between the state and the tribes when a Native American youth is placed in DOC custody or on probation by the state.

Goal 3: The third group discussed possible ways for the state and tribes to collaborate when a child is under probation supervision. They discussed the need for communication and collaboration when it pertains to a Native American youth in custody. For example, if a child is detained off the reservation and that child resides on the reservation, the tribe needs to be notified of the whereabouts and status of the child.

At the conclusion of the meeting, there was discussion about what makes a program evidence-based and the ways in which members may understand this concept differently. Focus Group members discussed non-western spiritual programs for Native American youth and families that may not be considered evidence-based, but can provide significant benefit and healing for youth who participate in them. These types of cultural and spiritual experiences are vital to a youth's development and sense of cultural identity. The group discussed the need to find ways to pair evidence-based programs with culturally relevant practices.

Next Steps

The meeting closed with discussion about developing and conducting surveys to help hone in on and identify some of the gaps identified at the day's meeting, specifically on available programming, intergovernmental communication practices, and joint supervision practices. The Department of Tribal Relations will work with Focus Group members to get input on survey questions to ask and whom to ask to complete the surveys. The next meeting will occur November 12, 2015 via teleconference to review information on tribal courts and evidence-based practices.