

# ***Council of Juvenile Services Proposed Meeting Agenda***

***Wednesday, March 14, 2018  
1:00 PM –3:00 PM, CT***

***DDN Locations in Pierre, Sioux Falls, Sisseton, Sturgis, and Vermillion  
(Please see DDN Location Document for details)  
South Dakota Public Broadcasting Live Webcast (<http://www.sd.net/home/>)***

**NOTE:** All times outlined below are approximate and may change during the course of the meeting.

- 1:00 PM Welcome, Introductions, and Review of Agenda (Chair Beth O'Toole)
- 1:10 PM Disclosure of Conflicts of Interest (Bridget Coppersmith)
- 1:15 PM Approval of December 2017 Meeting Minutes (Chair O'Toole)
- 1:20 PM Ratification of February 2018 Executive Committee Action (Chair O'Toole)
- 1:30 PM Budget Status Report (Bridget Coppersmith)
- 1:45 PM DOC Recommendation and Funding Action on Minnehaha County Capstone Implementation Application (Heather Van Hunnik)
- 2:00 PM Compliance Monitoring Report and Plan Submission (Heather Van Hunnik and Bridget Coppersmith)
- 2:20 PM Approval of FY2018 Formula Grant Application (Bridget Coppersmith)
- 2:45 PM Juvenile Justice Updates (Open to CJS Members)
- 3:00 PM Wrap-up and Adjourn (Chair O'Toole)  
Next Meeting: June 19<sup>th</sup> – Mitchell, SD

# *Council of Juvenile Services*

*Wednesday, March 14, 2018*

*1:00 PM –3:00 PM, CT*

## **DDN Locations**

**Pierre, SD:** State Capitol basement Studio A

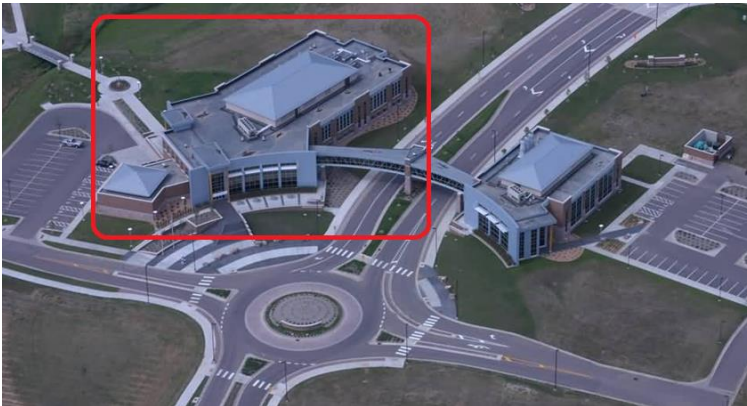
-There will be signs at the bottom of the steps to help direct attendees

**Sioux Falls, SD:** University Center room FADM 145

-Main building located at 4801 N Career Avenue (flags in front of building)

-When entering from the parking lot, follow commons area to the left, take the second hallway on the right, 145 is the first room on the left in that hallway.

- 605-274-9500



**Sisseton, SD:** High School

-516 8<sup>th</sup> Ave W, Sisseton, SD 57262

- 605-698-7613

**Sturgis, SD:** High School

-12930 E. Highway 34, Sturgis, SD 57785

- 605-347-2686

**Vermillion, SD:** Clay County Courthouse

- 211 W Main St, Vermillion, SD 57069

- 605-677-6756

***Meeting Minutes -DRAFT***  
***South Dakota Council of Juvenile Services***  
***December 14, 2017***

***Pierre Community Work Center Training Room, Pierre, SD***

Thursday, December 14, 2017 – Pierre Community Work Center Training Room, Pierre, SD

**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; Judge Tami Bern, Circuit Court Judge in the First Circuit; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Charles Frieberg, Director of Court Services; Renee Gallagher, Youth Member; Alexis Kohler, Youth Member; Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Sara McGregor-Okroi, Director of Aliive-Roberts County; 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:** Taniah Apple, Youth Member; Keith Bonenberger, Community Member; Kim Cournoyer, Service Provider; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; and Miskoo Petite, Rosebud Sioux Tribe Juvenile Facility Administrator.

**Others Present for the Entire Meeting:** Secretary Denny Kaemingk, Bridget Coppersmith, and Heather Van Hunnik, South Dakota Department of Corrections (DOC).

**Others Present for Part of the Meeting:** Annie Brokenleg, Judge Joni Cutler, Carole James, Jason Leach, and Andrew Robertson, Minnehaha County Race and Ethnic Disparities Certificate Program Team.

**1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW**

Chair Betty Oldenkamp welcomed everyone to the meeting at 10:02 AM on December 14, 2017. Chair Oldenkamp introduced Alexis Kohler and Judge Tami Bern as the newest members appointed by Governor Dennis Daugaard and stated that they filled the slots of Austin Biers when his term ended and Justice Steven Jensen as he was appointed to the South Dakota Supreme Court.

**2. DISCLOSURE OF CONFLICTS OF INTEREST**

Bridget Coppersmith explained that even though there were no funding related actions being taken by the Council, the agenda item of “Disclosure of Conflicts of Interest” was on the agenda to demonstrate the Council’s decision to align practices with SDCL 3-32.

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

**3. BOARDS AND COMMISSIONS WEBSITE WALKTHROUGH**

Coppersmith demonstrated the functionality of the State of South Dakota Boards and Commissions website located on the South Dakota Transparency Website: [open.sd.gov](http://open.sd.gov). Coppersmith explained that the Council of Juvenile Services documents are found under the Juvenile Services Council heading. Coppersmith walked through the different materials available on the website including agendas, minutes, and materials for all meetings since December 2014, monthly financial statements since January 2016, and annual reports since the fiscal year 2012 report. Coppersmith also noted that subgrants awarded by the Council could also be found on the transparency website under the Contracts/Grants tab. Coppersmith explained that subgrant notice of awards have been posted under the Department of Corrections coding since July 1, 2016.

#### 4. APPROVAL OF SEPTEMBER 2017 CJS MEETING MINUTES

Chair Oldenkamp provided an overview of the September 2017 Meeting Minutes. Chair Oldenkamp highlighted the visit by Acting Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator Eileen Garry, the updates regarding juvenile justice initiatives in South Dakota, and Disproportionate Minority Contact (DMC) overview and funding presentations.

*Virgena Wieseler moved to approve the September 2017 meeting minutes, Charles Frieberg seconded. Motion carried unanimously.*

#### 5. BUDGET STATUS REPORT AND SUBGRANT UPDATES

Coppersmith provided an overview of the Formula Grants Program federal fiscal year (FFY) 2013 and FFY2014 award status. Coppersmith noted that the two awards were combined into one award amount of \$797,616. Coppersmith explained that as of December 6, 2017, there was a total balance of \$326,539 that needed to be spent prior to the end date of September 30, 2018. Based on the activity of current subgrants under the program areas of delinquency prevention, Native American programs, and DMC and the established spending patterns under the program areas of planning and administration, the Council of Juvenile Services, deinstitutionalization of status offenders (DSO), sight and sound separation, jail removal, and compliance, Coppersmith anticipates a balance of \$86,770 on June 30, 2018. Coppersmith noted that up to ten percent of the award (\$79,761) could be moved between program areas to assist in closing out the award.

*Supplemental Funding Strategies:* Heather Van Hunnik explained that Department of Corrections (DOC) staff was seeking the Council's permission to research supplemental funding strategies specific to the program areas of compliance and the four core requirements of DSO, sight and sound separation, jail removal, and DMC to assist in fully expending the award prior to the September 2018 end date. Van Hunnik added that any funding decisions tied to strategies developed by the DOC would come before the Council at their upcoming meetings for action consideration. Van Hunnik noted that possible funding strategies may revolve around supporting the Minnehaha County Georgetown Race and Ethnic Disparities (RED) Certificate Program capstone project and assisting facilities in addressing compliance monitoring and/or data reporting barriers. There was consensus among Council members in support of the plan presented by DOC staff.

#### 6. DISCUSSION OF CALENDAR YEAR 2018 JUVENILE SERVICES REIMBURSEMENT PROGRAM

Coppersmith provided an overview of the Juvenile Services Reimbursement Program participants from calendar year (CY) 2016 and CY2017 through November 30, 2017. Coppersmith noted that the allocated program amount for each year was a program cap of \$60,000 and a per-arresting entity cap of \$10,000. Coppersmith noted that in CY2016, 257 youth were served through \$53,963.12 and that through November 2017, 190 youth were served by \$31,005.66 for CY2017. Coppersmith stated that she expects to receive more claims in the coming months as a reminder of the program was sent to arresting entities which typically brings the total amount spent closer to the allowable \$60,000. Coppersmith added that the plan for CY2018 is to keep the program parameters consistent with the CY2016 and CY2017 programs.

Discussion ensued regarding the history of the program and the need to continue assisting counties who are working to keep South Dakota in compliance with Juvenile Justice and Delinquency Prevention Act (JJDP).

#### 7. FFY2018 THREE YEAR PLAN PREPARATION

Coppersmith presented an overview of the Three Year Plan Application for Formula Grants funds which is anticipated to be due in the spring of 2018. Coppersmith explained that the plan will be the first of a new three year cycle which will include the 2018, 2019, and 2020 awards. Coppersmith noted that the applications for 2019 and 2020 funds will be submitted as updates to the 2018 application. Coppersmith added that in previous years, DOC staff would develop the plan and then present it to the Council for their approval prior to submission to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Coppersmith inquired if there was interest in the possible formation of a workgroup to allow Council members to have input throughout the writing of the plan. Members expressed consensus that they were



pleased with the current method of compiling the plan and did not see the need for a workgroup unless DOC staff found that assistance was needed during plan development.

*Council Values and Problem Statements:* Coppersmith walked through the Council Values and Problem Statements and explained that the values and statements have come a long way since they were first developed and have been examined and updated several times in the past years to be consistent with each other and the work of the Council. Coppersmith noted that the problem statements need to be tied to data, listed in a priority order, and linked to the program areas supported by the Council.

Discussion ensued concerning the values and potential updates. The recommended changes consisted of adding the words “that are evidence-based and data driven” to the end of the first value which would then read “All children shall receive developmentally and culturally appropriate services that are evidence-based and data driven;” and adding “religion and sexual orientation” to the second value which would then read “All children shall have the same access to needed services regardless of family income, geography, gender, sexual orientation, race, religion, disability, or jurisdiction.”

***Sheriff Mike Leidholt move to approve the Council Values as amended. Lyndon Overweg seconded. Motion carried unanimously.***

Discussion ensued concerning the problem statements and potential updates. Recommendations were made regarding four of the five problem statements. Council members present agreed on the changes and expressed a preference to see the changes in writing after the meeting rather than take action at the time of the meeting.

***Sheriff Mike Leidholt moved to defer to the Council Executive Committee for final approval of the Council Problem Statements as amended. Kristi Bunkers seconded. Motion carried unanimously.***

## 8. REDUCING RACIAL AND ETHNIC DISPARITIES IN JUVNEILE JUSTICE CERTIFICATE PROGRAM

Annie Brokenleg presented an overview, along with Judge Joni Cutler, Carole James, Jason Leach, and Andrew Robertson, of the Minnehaha County team’s experience in the Reducing Racial and Ethnic Disparities (RED) in Juvenile Justice Certificate Program which was supported by the Council. Brokenleg explained that the group traveled to Washington, DC to participate in the program in November and are in the starting phases of developing their capstone project. Brokenleg stated that the team was encouraged to start small with plans of going bigger in the future when developing their capstone. The team decided to address the “low-hanging fruit” of youth being charged with runaway or disorderly conduct offenses as those charges have high disparities for youth of color in Minnehaha County.

Brokenleg explained that the capstone will focus on pre-arrest diversion for runaway and disorderly conduct youth and use existing services and programs in the community as much as possible while also exploring alternative options such as Talking Circles and evidence-based restorative justice models. The capstone will be implemented through the hiring of a diversion coordinator who will assess youth and families to determine what, if any, services are needed, track outcomes and data, work closely with the states attorney’s office and the Sioux Falls Police Department, and assist families as they navigate the juvenile justices system.

Discussion ensued concerning the focus on runaway and disorderly conduct youth, programs currently available in Minnehaha County, the decision to focus on the arrest stage of the juvenile justice system, the implementation timeline of the capstone, future expansion into other jurisdictions, and the desire for the Council to help ensure the capstone is a success and have regular updates on its progress.

## 9. APPROVAL OF SFY2017 ANNUAL REPORT

Coppersmith presented the draft publication of the Council’s SFY2017 Annual Report and explained that the content and layout is complete and had been reviewed by three Council Members: Vice-Chair Beth

O'Toole, Kim Courmoyer, and Sara McGregor-Okroi. Coppersmith stated that the goal of the DOC is to have the printed publication available for distribution in the upcoming legislative session.

Discussion ensued concerning the content and updating Charles Frieberg's title on page two of the report to read Director of Court Services rather than Director of Trial Court Services.

*Virgena Weiseler moved to approve the SFY2017 Annual Report as amended, Lyndon Overweg seconded. Motion carried unanimously.*

#### 10. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) UPDATE

Coppersmith provided an overview of OJJDP's two divisions that states primarily work with. Coppersmith explained that following reorganization within OJJDP, states have different contacts and rolls with the Core Protections Division and the State and Community Development Division. The state Juvenile Justice Specialist works closely with the State and Community Development Division to administer the Title II Formula Grants Program and spend down awards. The state Compliance Monitor and DMC Coordinator works closely with the Core Protections Division to determine compliance with the JJDPA. Coppersmith noted that it is because of the two divisions that states submit the compliance and DMC sections of their annual applications separately and at a different time.

Kristi Bunkers provided an overview of OJJDP's State Advisory Group Training that she and Sara McGregor-Okroi attended in Washington, DC in September. Bunkers explained that the training consisted of presentations from Acting OJJDP Administrator Eileen Garry and OJJDP program staff, table top discussions with other states, an overview of the Three Year Plan, strategies for working with state agencies, and a strong focus on the importance of youth members on state advisory groups.

Discussion ensued regarding youth on the Council and any suggestions they might have to improve their voice on the Council.

#### 11. COMPLIANCE MONITORING REPORT

Van Hunnik explained that based on the review of 1,381 submitted records for the date range of October 1, 2016 – September 30, 2017, 19 records were still under review and six records were identified as potential violations at the time of the meeting. Van Hunnik explained that 14 of the records under review were from Yankton County and based upon clarification received from OJJDP at their compliance training in September, she does not believe that they will constitute as violations under the clarified definition of "detain or confine". Van Hunnik added that the five remaining records were submitted by Brookings County and were back with the facility for additional information. Van Hunnik noted that the six records with potential violations were all involving status offenders held beyond allowable parameters and exceptions in Brown, Day, and Roberts Counties.

Discussion ensued regarding the potential violations from Brown, Day, and Roberts Counties and changing definitions impacting compliance determinations.

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

Kristi Bunkers explained that the FY2017 Annual Report had been finalized and will be posted on [jjri.sd.gov](http://jjri.sd.gov) soon.

Coppersmith presented an overview of the Fiscal Incentive Diversion Program under JJRI. Coppersmith highlighted that of the 1,475 youth referred to a court approved diversion program in SFY2017, 1,101 (74.6%) youth completed successfully resulting in \$250,004.07 being paid to 26 counties. Coppersmith explained that 23.7% of the referrals were for a most serious offense of a drug offense and of which 68.9% completed their programs successfully. Additional demographics displayed 56.6% of referrals were for white youth, 28.0% of referrals were for Native American youth, 60.6% of referrals were males, and 51.7% of referrals were 16 or 17 years old.

Discussion ensued concerning the implementation of JJRI on the county levels, how diversion programs become court approved, successful completion definitions for diversion programs, how the diversion incentive funds were to be used by counties, and what crimes made up the drug offense referrals.

### 13. ELECTION OFF CJS CHAIR, VICE-CHAIR, AND EXECUTIVE COMMITTEE

Chair Oldenkamp turned the meeting over to Coppersmith to oversee the annual elections at 1:38 PM. Coppersmith explained that the CJS Chair and Vice-Chair cannot be full time government employees and that the elected Chair and Vice-Chair will start their term following the adjournment of the meeting. Chair Oldenkamp noted that she would not accept a nomination to be reelected as chair due the frequency of needing to disclose conflicts of interest and abstain from voting since several subgrants are overseen by Lutheran Social Services.

***Sheriff Mike Leidholt moved to nominate Beth O'Toole for CJS Chair, Charles Frieberg seconded. Sheriff Mike Leidholt moved to cease nominations for CJS Chair and cast a unanimous ballot for Beth O'Toole, Charles Frieberg seconded. Motion carried unanimously.***

***Kristi Bunkers moved to nominate Sara McGregor-Okroi for CJS Vice-Chair, Keegan Binegar seconded. Charles Frieberg moved to cease nominations for CJS Vice-Chair and cast a unanimous ballot for Sara McGregor-Okroi, Sheriff Mike Leidholt seconded. Motion carried unanimously.***

Coppersmith explained that the Executive Committee is made up of the elected Chair and Vice-Chair and three additional elected members who are not held to the same restrictions of the Chair and Vice-Chair regarding being full time government employees. Coppersmith added that the Executive Committee typically meets telephonically and takes action on topics that need addressing between meetings and that the action needs to be ratified by the entire Council at their next meeting.

***Sheriff Mike Leidholt moved to nominate Charles Frieberg, Judge Tami Bern, and Betty Oldenkamp for the three positions on the Executive Committee, Carol Twedt seconded. Keegan Binegar moved to cease nominations for the Executive Committee and cast a unanimous ballot for Charles Frieberg, Judge Tami Bern, and Betty Oldenkamp, Carol Twedt seconded. Motion carried unanimously.***

Coppersmith turned the meeting back over to Chair Oldenkamp at 1:43 PM.

### 14. JUVENILE JUSTICE UPDATES

Charles Frieberg stated that the Statewide Juvenile Detention Alternatives Initiative (JDAI) Coordinator had resigned to return to being a Court Services Officer in Watertown with their drug court and that the Unified Judicial System (UJS) is looking to fill the position in the near future.

Lyndon Overweg stated that Davison County is preparing to implement JDAI and is also working on a new three-tiered truancy program with the school district, law enforcement, and the court system.

### 15. NEXT MEETING LOCATION AND DATES

Council Members provided possible dates to DOC staff to establish meeting dates for 2018. Coppersmith explained that the March meeting will likely be through the Digital Dakota Network (DDN).

### 16. WRAP-UP AND ADJOURN

***At 1:48PM, Judge Tami Bern moved to adjourn, Renee Gallagher seconded. Motion carried unanimously.***

*Recorded by Bridget Coppersmith, Juvenile Justice Specialist*

***Meeting Minutes - Draft***  
***Executive Committee Conference Call***  
***South Dakota Council of Juvenile Services (CJS)***  
***February 6, 2018***

**CJS Executive Committee Members:** Beth O’Toole, Chair and Professor at the University of Sioux Falls; Sara McGregor-Okroi, Vice-Chair and Director of Aliive Roberts County; Judge Tami Bern, Circuit Court Judge in the First Circuit; Charles Frieberg, Director of Court Services; and Betty Oldenkamp, CEO of Lutheran Social Services.

**Executive Committee Members Present:** Chair Beth O’Toole, Vice-Chair Sara McGregor-Okroi, Judge Tami Bern, Charles Frieberg, and Betty Oldenkamp.

**Executive Committee Members Absent:** None

**Others Present:** Bridget Coppersmith and Heather Van Hunnik, South Dakota Department of Corrections (DOC).

1. WELCOME

Chair Beth O’Toole called the meeting to order at 3:33 PM on Tuesday, February 06, 2018 and welcomed everyone to the call.

2. DISCLOSURE OF CONFLICT OF INTEREST

Bridget Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. No conflicts were disclosed.

3. APPROVAL OF COUNCIL OF JUVENILE SERVICES PROBLEM STATEMENTS

Coppersmith reviewed the Council of Juvenile Services Problem Statements and suggested changes from the December Council Meeting.

Discussion ensued regarding the statements and the recommended changes of:

Removing “Disproportionate Minority Contact” from the statement “Disproportionate Minority Contact – Minority youth are over-represented at most stages of South Dakota’s juvenile justice system.”

Removing “thus compromising due process and outcomes” from the statement “The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts, thus compromising due process and outcomes.”

Amending the statement “While local substance abuse and suicide prevention programming exists, there is no system of delinquency prevention programming in South Dakota. Prevention programming, specifically in a school setting, is needed to address the increasing number of delinquent arrests” to read “There is no coordinated statewide delinquency prevention programming in South Dakota. Prevention programming, specifically in a school setting, is needed to address arrests for delinquent acts.”

Amending the statement “South Dakota’s high incarceration rate of detention per capita demonstrates a need to support juvenile justice reform activities. There is a need to support expansion of diversion programming and performance measurement associated with the State’s juvenile justice reform initiative” to read “ South Dakota’s incarceration rate of detention per capita demonstrates a continuing need to support juvenile justice reform activities. There is a need to sustain and enhance diversion programming, performance measurement, and incarceration alternatives.”

***Charles Frieberg moved to approve the Council of Juvenile Services Problem Statements as amended. Sara McGregor-Okroi seconded. Motion carried unanimously.***

The Council of Juvenile Services Problem Statements, as approved by the Executive Committee, are included as an attachment.

4. WRAP-UP AND ADJOURN

***At 3:43 PM, Judge Tami Bern moved to adjourn the Executive Committee Meeting. Betty Oldenkamp seconded. Motion carried unanimously.***

*Recorded by Bridget Coppersmith  
Juvenile Justice Specialist*

## **Problem Statements – Approved by CJS Executive Committee 2/6/18**

The Council identified the following problems, in order of priority, to be addressed through formula grant funds and activities during the period covered by this program plan (2018-2020):

- **Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and the section “Plan for Compliance With the First Three Core Requirements of the JJDP Act and the State’s Compliance Monitoring Plan” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
  - Associated with the program purpose areas of Compliance Monitoring, Deinstitutionalization of Status Offenders, Jail Removal, and Separation.
- **Minority youth are over-represented at most stages of South Dakota’s juvenile justice system.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and in the section “Plan for Compliance with the Disproportionate Minority Contact Core Requirement” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
  - Associated with the Disproportionate Minority Contact program purpose area.
- **The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
  - Associated with Indian Tribal Programs program purpose area and Native American Pass-Through dollars.
- **There is no coordinated statewide delinquency prevention programming in South Dakota. Prevention programming, specifically in a school setting, is needed to address arrests for delinquent acts.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
  - Associated with the program area of Delinquency Prevention.

- **South Dakota’s incarceration rate of detention per capita demonstrates a continuing need to support juvenile justice reform activities. There is a need to sustain and enhance diversion programming, performance measurement, and incarceration alternatives.**
  - Supporting qualitative information is located in the sections “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” and “Coordination of State Efforts” of this comprehensive 3-Year Plan.
  - Associated with the program area of Juvenile Justice System Improvement.



## March 2018 Budget Status Report

**FFY 2013 (\$403,949) and FFY 2014 (\$393,667) Formula Grant Awards (Approved End Date: 9/30/2018)**

State Program Title	Federal Budget	Exp to Date (3/07/2018)	Current Balance (3/07/18)	Projected Expenses through 6/30/2018	Projected Balance 6/30/2018	Budget Narrative
<b>Delinquency Prevention</b>	\$290,000.00	\$212,514.53	<b>\$77,485.47</b>	<b>\$38,838.82</b>	<b>\$38,646.65</b>	- Close out Andes Central and Dell Rapids School Systems Year 1 Awards - Evaluation Services
<b>Planning/Admin</b>	\$50,000.00	\$47,582.53	<b>\$2,417.47</b>	<b>\$2,417.47</b>	<b>\$0.00</b>	- Costs associated with Formula Grant Program implementation by DOC administration staff - Cannot go negative in P&A Program Area
<b>Council of Juvenile Services</b>	\$28,667.00	\$17,602.05	<b>\$11,064.95</b>	<b>\$1,300.00</b>	<b>\$9,764.95</b>	- December, March, and June Meetings - Annual Report
<b>Deinstitutionalization of Status Offenders (DSO)</b>	\$42,000.00	\$35,561.05	<b>\$6,438.95</b>	<b>\$11,500.00</b>	<b>-\$5,061.05</b>	- County Reimbursement Program (close out 2017 program and start 2018 program)
<b>Separation</b>	\$21,000.00	\$17,780.59	<b>\$3,219.41</b>	<b>\$5,750.00</b>	<b>-\$2,530.59</b>	
<b>Jail Removal</b>	\$42,000.00	\$35,561.05	<b>\$6,438.95</b>	<b>\$11,500.00</b>	<b>-\$5,061.05</b>	
<b>Compliance</b>	\$40,000.00	\$28,045.71	<b>\$11,954.29</b>	<b>\$5,750.00</b>	<b>\$6,204.29</b>	- Costs associated with compliance monitoring by DOC administration staff - based on 2017 amounts
<b>Disproportionate Minority Contact (DMC)</b>	\$160,000.00	\$132,439.11	<b>\$27,560.89</b>	<b>\$25,800.00</b>	<b>\$1,760.89</b>	- Two current subgrants - Costs associated with DMC by DOC administration staff - Minnehaha County RED Program Attendance in DC
<b>Native American Programs</b>	\$123,949.00	\$50,975.77	<b>\$72,973.23</b>	<b>\$19,980.00</b>	<b>\$52,993.23</b>	Close out American Horse School Year 1 Award
<b>Total</b>	<b>\$797,616.00</b>	<b>\$578,062.39</b>	<b>\$219,553.61</b>	<b>\$122,836.29</b>	<b>\$96,717.32</b>	

# Reducing Racial and Ethnic Disparities in Juvenile Justice Capstone Project Implementation Application

*South Dakota Department of Corrections*  
3200 E Highway 34  
c/o 500 E Capital Ave  
Pierre, SD 57501  
Phone: (605) 773-3478  
Fax: (605) 773-3194

**RECEIVED**

MAR 01 2018

DEPT. OF CORRECTIONS

## APPLICATION DUE: March 2, 2018

**Applications with original signatures must be submitted received by the Department of Corrections by close of business March 2, 2018.** Scanned and faxed applications will not be accepted.

*PLEASE FILL OUT THIS FORM COMPLETELY TO AVOID DELAYS IN PROCESSING THIS APPLICATION*

<b>County Name:</b>	<b>Minnehaha County</b>
<b>Applicant/Fiscal Agent:</b>	<b>Lutheran Social Services of South Dakota</b> <b>705 E. 41<sup>st</sup> St., Ste. 200</b> <b>Sioux Falls, SD 57105</b> <b>Rebecca Kiesow-Knudsen, Vice President, Community Services</b> <b>605-444-7561</b> <b>Rebecca.Knudsen@LssSD.org</b>

The proposal must include a brief and clear description of each component. It is important to follow all directions, provide complete information, and submit the material in the order requested. If you need additional room to respond to the component, please attach additional sheets. Please note that all of these steps assist in evaluating the proposal.

**Project Description** – The Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program was an intensive training designed to support local jurisdictions in their efforts to reduce racial and ethnic disparities in their juvenile justice systems. Part of the training consisted of developing a capstone project. Please describe the goals, components, and timeline of the capstone project and the strategies developed to successfully implement the project. Please also indicate how the project will impact juvenile justice racial and ethnic disparities in the target area.

We are working to achieve our goal of reducing racial and ethnic disparities among low-level juvenile offenders in Minnehaha County. Our projects will focus on four strategies:

- Develop a memorandum of understanding between schools, the courts, law enforcement and local government that establishes agreed-upon institutional responses to behavioral incidents that occur in the school.
- Create a new Diversion Coordinator position that will facilitate pre-arrest diversions, helping prevent youth from deeper involvement in the juvenile justice system.
- Improve access to culturally-informed programming for youth of color who are at risk of or involved in the juvenile justice system.
- Provide training on implicit bias to local stakeholders.

The following individuals participated in the development of this project proposal:

- Judge Joni Cutler
- Deputy State’s Attorney Carole James
- Public Defender Andrew Robertson



- Sergeant Jason Leach, Sioux Falls Police Department
- Annie Brokenleg and Rebecca Kiesow-Knudsen, Lutheran Social Services of SD
- Erin Srstka, Minnehaha County Commission

As in many jurisdictions, youth of color are over-represented in the juvenile justice system in Minnehaha County. In 2016, youth of color represented 23% of the juvenile population, but they represented 56% of juvenile arrests. In this year, the two populations most significantly over-represented include American Indian youth (4% of the population but 28% of juvenile arrests) and Black/African American youth (9% of the population but 20% of juvenile arrests).

According to 2016 arrest data for Minnehaha County, runaway and disorderly conduct charges compose the majority of arrests, specifically for youth of color. Furthermore, a significant percentage (16%) of all arrests occurred in the schools. For school-based arrests, 60% of arrests were youth of color.

In our community, we see particularly high disparities among our Native American population for low-level offenses, such as runaway/CHINS (child in need of supervision). In 2016, runaway/CHINS arrests comprised 30% of all arrests. 63% of runaway arrests were youth of color and 31% Native American.

### **Strategy #1: Memorandum of Understanding**

Analysis of the data for juvenile arrests in Minnehaha County indicates that a primary location of arrest is at the school and that youth of color are disproportionately arrested at school. In order to assist with implementation of our project and improve overall educational and community outcomes for our youth, it is critical to work toward development of a memorandum of understanding between schools, the courts, law enforcement and local government that establishes agreed-upon institutional responses to behavioral incidents that occur in the school.

The Memorandum of Understanding will be based on the principles of the School-Justice Partnership National Resource Center. Judge Teske and his team visited Minnehaha County during summer of 2017 to introduce the concept of school-justice partnership. Due to conflicting priorities among stakeholders, this work has not advanced significantly since his visit. A more focused and detailed process is required to reach consensus among the group and established detailed responses to behavior incidents.

As part of this project, we seek funding for a neutral, third party consultant to conduct a series of meetings to work toward a shared vision for how the community can work together to keep kids in school and out of court. Judge Teske and his team are willing to return to the state to assist with this work. We will follow up their visit with a series of MOU development meetings facilitated by a local neutral facilitator.

### **Strategy #2: Implement a Diversion Coordinator**

We will hire a Diversion Coordinator position that will work with eligible youth and their families. The Diversion Coordinator will work with all youth who qualify for pre-arrest diversion and also work with those youth who have been diverted.

Implementation of pre-arrest diversion will occur in stages. Initially, all runaway charges will be eligible for pre-arrest diversion. The long-term goal will be to include disorderly conduct and truancy, but in order to do so further discussion with the schools will be required as well as consideration to appropriate interventions into which youth may be referred. Initially, pre-arrest diversion will be offered to first-time offenders, but consideration will be made to including repeat offenders during implementation.

Eligible youth and families will be assessed by the Diversion Coordinator (ideally a Master's-level



social worker), who will determine what services, if any, are appropriate. The initial assessment will include an analysis of the risks and needs of the youth to insure appropriate referrals. The Diversion Coordinator will work closely with the State's Attorney and school resource officers. By connecting youth with appropriate resources and/or programs, the Diversion Coordinator will help to prevent further involvement in the system.

This grant application includes a request to fund a percentage of the expenses for the Diversion Coordinator. This reflects the percentage of youth arrested who are youth of color. The most recent data received from the Sioux Falls Police Department indicate that 59% of arrests are youth of color. The grant request will also include funding for university involvement in arrest data tracking and monitoring. The remaining costs of the Diversion Coordinator will be funded by Minnehaha County based on the financial reimbursement provided to the county for successfully diverting youth, which was part of recent juvenile justice reforms in the state.

### **Strategy #3: Increase access to culturally informed programming for youth of color**

Another important step in the implementation process is to find programming and alternatives that will fill the needs of the youth we are serving. While the community offers many programs, it lacks extensive programming that is sensitive to the cultural needs of youth. Research conducted by the Georgetown team and by the local Racial and Ethnic Fairness workgroup indicates several evidence-based practices and promising programs that are culturally sensitive or culturally informed.

Upon hire, the Diversion Coordinator will complete a resource map of programming available through existing community partners. In recent years the state of South Dakota has increased access to evidence-based community programming for youth at risk of involvement in the juvenile justice system. The Juvenile Justice Reinvestment Initiative opened opportunities for families and youth to access Functional Family Therapy, Aggression Replacement Training, and Moral Reconciliation Therapy. The Department of Social Services Division of Behavioral Health also provides access to mental health and substance use services for youth. A number of community-based organizations offer access to youth development programs. Resource mapping will help to identify whether there may be gaps in the current array of services. In addition to culturally informed programming, there may be opportunities to develop, enhance or improve programming that specifically target runaway youth and/or that are effective in addressing truancy.

Upon completion of the resource mapping, the Diversion Coordinator will work with the Georgetown workgroup and the Racial and Ethnic Fairness workgroup to develop a plan for program development, funding and implementation. The Georgetown team has expressed early interest in restorative justice models that involve talking circles, as an example, for Native American youth. The team has planned a site visit in April to observe similar programs offered in St. Paul, Minnesota that have been shown to be successful.

In order to offer expanded programming, we will need to consider both funding for the pilot stages of implementation and an ongoing source of funding. Private and public sources of funding will be considered to support this work. Representatives from the Racial and Ethnic Fairness workgroup have met with the Bush Foundation, which has a history of offering support to programs that address disparities. We will consider submitting a Bush Foundation Community Innovation grant in 2018 to support the work of the project.

### **Strategy #4: Provide training on implicit bias to local stakeholders**

Finally, we would like to offer the community expanded access to training on implicit bias. Training will be offered to local law enforcement, including the School Resource Officers, and to other community stakeholders involved in the juvenile justice system.



Stakeholders have been offered some training in implicit bias, but the training has not been widespread or in depth. At a day-long Racial and Ethnic Fairness conference offered in August 2017, a brief session on implicit bias was provided by local trainers. Local law enforcement has offered training to some officers in implicit bias, but it has not been available to everyone. Upon return from the November Georgetown training, our Deputy State's Attorney provided a brief training to staff at the juvenile detention center that was well received.

Our plan will be to seek grant funding to cover the costs of bringing a professional trainer on implicit bias to the community this year. The training will be offered to all stakeholders, but there will be an emphasis on attendance from school resource officers and others directly involved in the project.

### **Monthly Capstone Meetings**

In order to ensure that the work of the Capstone proposal continues on schedule, we have scheduled a regular monthly meeting of the Capstone team. During this meeting we will review the progress toward completion of the action items, prioritize next steps, and review the data from the most recent reporting period to determine whether adjustments to our strategy may need to be made.

### **Monitoring Project Success**

In collaboration with Augustana University, we anticipate that we will collect the following data elements:

- Number of youth who participate in pre-arrest diversion
- Number of youth who participate in diversion
- Percentage of youth who successfully complete diversion and/or pre-arrest diversion, avoiding re-arrest during the duration of the intervention
- Percentage of participating youth who avoid arrest during the six months following program completion
- Percentage of youth who avoid arrest during the twelve months following program completion.

All data will be disaggregated by race and gender in order to help inform implementation.

In addition to monitoring the success of program participants, the Georgetown workgroup will work with law enforcement to monitor juvenile arrest data at regularly scheduled monthly meetings, including a breakdown of arrests by arrest type and location of arrest. This data will also be disaggregated by gender and race.

### **Timeline Highlights**

#### Strategy #1: MOU

May-July 2018: Workgroup meetings toward consensus on responses to youth behaviors.

August 2018: Judge Teske's team returns for a site visit to focus the work of the group.

August 2018: Finalize MOU and implement agreement during 2018-2019 school year.

#### Strategy #2: Diversion Coordinator

March 2018: Recruit, hire and train master's level Diversion Coordinator.

Throughout project year: Collect and analyze data.

#### Strategy #3: Culturally-Sensitive Programming

April-August 2018: Research restorative justice, talking circles, and other programs and leverage funding to support culturally-sensitive programming in the schools and community.

Strategy #4: Implicit Bias Training

March 2018: Research available trainers, costs and potential dates.

By October 2018: Offer training to community.

December 2018: Conduct and/or encourage discussions within stakeholder groups regarding the response to the training and any changes that would be recommended locally to as a result of information gained.

This funding has been made available to counties that attended the Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program and is intended to address any identified barriers to successfully implement the outline capstone project for the period of April 1, 2018 – December 31, 2018. For each of the budget items, please outline the barriers the funding will address and how the funding will assist with removing the identified barrier within the budget narrative(s).

<b>BUDGET</b>	<b>Federal</b>	<b>Other Support</b>	<b>TOTAL</b>
<b>1. Personnel</b>			
Diversion Coordinator	\$24,544.00	\$17,056.00	\$41,600.00
Benefits and Payroll Taxes	\$5,154.00	\$3,582.00	\$8,736.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	\$29,698.00	\$20,638.00	\$50,336.00
<b>2. Contractual Services</b>			
Judge Teske Consulting Group	\$5,562.00	\$0.00	\$5,562.00
Sage Consulting MOU Facilitation	\$2,320.00	\$0.00	\$2,320.00
Implicit Bias Trainer TBD	\$4,000.00	\$0.00	\$4,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	\$11,882.00	\$0.00	\$11,882.00
<b>3. Travel and Per Diem</b> <i>(Federal funding may be used for travel expenses which must be directly related to the implementation at \$0.42 per mile and \$32 per diem.)</i>			
Local Mileage	\$1,115.00	\$775.00	\$1,890.00
Native American Youth Programming Site Visit	\$1,182.00	\$0.00	\$1,182.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	\$2,297.00	\$775.00	\$3,072.00
<b>4. Supplies and Equipment</b>			
Diversion Coordinator Occupancy	\$2,195.00	\$1,525.00	\$3,720.00
Office Supplies	\$142.00	\$98.00	\$240.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>	\$2,337.00	\$1,623.00	\$3,960.00
<b>Total Project Direct Costs -- Combined totals for all columns</b>	\$46,214.00	\$23,036.00	\$69,250.00
<b>LSS Indirect Costs @ 10.5% (federal negotiated rate)</b>	\$4,852.00	\$2,419.00	\$7,271.00
<b>Total Project Budget</b>	<b>\$51,066.00</b>	<b>\$25,455.00</b>	<b>\$76,521.00</b>
<b>Share of Project Budget</b>	<b>66.73%</b>	<b>33.27%</b>	<b>100.00%</b>



**Personnel Narrative** - Explain how the compensation and expenses were calculated, duties of the position, and any other information related to personnel for the project. If proposed funding covers more than one position, you must specifically identify the duties and estimate percent of time for duties that directly relate to the successful implementation of the program.

<b>Position #1:</b>		<b>Diversion Coordinator</b>	
<b>Justification for the position</b>		A new full-time Diversion Coordinator position will facilitate pre-arrest diversions, helping prevent youth from deeper involvement in the juvenile justice system. The most recent available data from the Sioux Falls Police Department indicates that 59% of juvenile arrests are youth of color. Thus, this grant application requests funding for 59% of this position, with the remaining 41% to be covered through other funding.	
If the position is <b>existing staff</b> , explain how duties associated with this award are <b>outside the current scope</b> of their position and provide a <b>plan</b> explaining how all duties associated with the position will continue to be provided and funded during this award.		N/A	
Personnel Responsibilities & Duties <i>(must directly relate to the implementation of the program)</i>		Estimated % Time	
1. Eligible youth and families will be assessed by the Diversion Coordinator who will determine what services, if any, are appropriate.		30%	
2. Work closely with the State's Attorney and school resource officers.		30%	
3. Connect youth with appropriate resources and/or programs.		40%	
4.			
Wage/Salary	\$20 per hour		
Benefits	21% of salary, including health and life insurance, retirement, Employee Assistance Program, and payroll taxes.		
<b>Position #2:</b>			
<b>Justification for the position</b>			
If the position is <b>existing staff</b> , explain how duties associated with this award are <b>outside the current scope</b> of their position and provide a <b>plan</b> explaining how all duties associated with the position will continue to be provided and funded during this award.			
Personnel Responsibilities & Duties <i>(must directly relate to the implementation of the program)</i>		Estimated % Time	
1.			
2.			
3.			
4.			
Wage/Salary			
Benefits			

For the purpose of this application subcontracted services should be considered to be any services provided under a contract between an individual or organization and the applicant as outlined in this proposal. All individuals or organizations that provide the contractual services as outlined in this budget (or future budget amendments) must be approved by the Department of Corrections as service providers.

NOTE: Reimbursement for subcontractor services will only be reimbursable where a formal contract, proof of insurance, and a signed conditions and assurances document are on file with the Department of Corrections **prior to service delivery**.

<p><b>Contractual Services Narrative</b> – Explain the costs associated with consultant fees and services provided under contract. Please note that funding under this budget category will not fund organization/agency staff or other duties that resemble an employer/employee relationship as those costs must be identified under personnel. If contractors have already been identified, identify the name of the contractor, service to be provided, and fees associated with the service delivery.</p>
<p>Judge Teske Consulting Group (3 members): \$5,562</p> <ul style="list-style-type: none"> <li>• Consulting services provided at no charge to this project.</li> <li>• Airfare Atlanta-Sioux Falls, 3 people @ \$1,000 = \$3,000</li> <li>• Rental car, 3 days @ \$50 = \$150</li> <li>• Lodging, 3 people X 3 nights @ \$200 = \$1,800</li> <li>• Per Diem, 3 people X 4 days @ \$51 (federal rate) = \$612</li> </ul>
<p>Sage Consulting (local neutral MOU facilitator): \$2,320</p> <ul style="list-style-type: none"> <li>• 6 MOU meetings X 4 hours @ \$80 = \$1,920</li> <li>• 5 planning meetings X 1 hour @ \$80 = \$400</li> </ul>
<p>Implicit Bias Training: \$4,000</p> <ul style="list-style-type: none"> <li>• Provider to be determined</li> </ul>

NOTE: Stipends for service delivery will **NOT** be accepted as part of this application. Services must either be covered through an employer/employee relationship as personnel or under a formal subcontract agreement.



**Travel and Per Diem Narrative** – Explain the calculation of travel costs for travel *outside the home jurisdiction*. Travel must be calculated at current state rates (\$0.42 per mile and \$32 per diem), how the expenses are directly related to the implementation of the project, and if out-of-state travel is anticipated, give particulars (i.e., location, state, dates, purpose, cost).

**Purpose of Travel: Local Mileage, Diversion Coordinator**

4,500 miles x \$0.42 = \$1,890  
[Number of Travel Days for per diem] x \$32.00 =

The most recent available data indicates that 59% of juvenile arrests are youth of color. Thus, this grant application requests funding for 59% of local mileage costs, with the remaining 41% to be covered through other funding.

**Purpose of Travel: Native American Youth Programming Site Visit, Minneapolis/St.Paul**

1,000 miles x \$0.42 = \$420 (2 vehicles X 500 miles per vehicle)  
6 people X 1 night hotel @ \$95 = \$570  
6 people X 1 day per diem @ \$32.00 = \$192

**Purpose of Travel:**

[Mileage] x \$0.42 =  
[Number of Travel Days for per diem] x \$32.00 =

**Supplies and Equipment Narrative** – Explain the supplies and equipment costs related to the implementation of the project and any identified which must be *directly related to the implementation of the program or project*. You must be specific regarding the items in which you intend to use federal funding. For example, a budget item of “office expenses” will not be accepted as these items must be detailed. You need to identify what you anticipate for office expenses and list each item and the estimated costs. Items not specifically outlined will not be eligible for reimbursement.

**Equipment** – List nonexpendable items that are to be purchased and show how you calculated these costs. Nonexpendable equipment is tangible property having a useful life of more than 2 years.

N/A

**Supplies** – List items by type (office supplies, postage, training materials, copying paper, and expendable equipment) and show how you calculated these costs. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Occupancy: 120 square feet @ \$31 per year = \$3,720  
The most recent available data indicates that 59% of juvenile arrests are youth of color. Thus, this grant application requests funding for 59% of occupancy expenses, with the remaining 41% to be covered through other funding. The Diversion Coordinator will have an office at the LSS facility at 705 E. 41<sup>st</sup> St., Sioux Falls.

Office Supplies: Estimated \$20 per month X 12 months = \$240  
The most recent available data indicates that 59% of juvenile arrests are youth of color. Thus, this grant application requests funding for 59% of office supplies expense, with the remaining 41% to be covered through other funding.



The following information contains the general conditions and assurances as necessary for recipients of funding awarded under this application. Please note that final assurances and conditions may be different than those stated below based on the composition of the individual program. Your signature under this section indicates that the applying agency understands that a successful subgrant award under this application will be subject to the conditions and awards comparable to those as follows.

**General Award Conditions:**

1. The Subgrantee agrees to comply with all Formula Grant program requirements.
2. The Subgrantee agrees to obligate and expend the grant amount within the subgrant award period.
3. The Subgrantee agrees to provide all program reports that are requested by the SD Department of Corrections or the Office of Juvenile Justice and Delinquency Prevention by their due date as requested.
4. The Subgrantee agrees to provide all Performance Measure Data and Program Specific data to the SD Department of Corrections.
5. The Subgrantee agrees to request reimbursement by December 31, 2018 for only those expenditures outlined in the application approved by the SD Department of Corrections.

**Assurances:** The Subgrantee hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F. R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The Subgrantee also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. The subrecipient's conflict of interest policy is to be provided to the SDDOC upon request for review.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements applicable to providing services pursuant to this Agreement and will be solely responsible for obtaining current information on such requirements. It will comply with all lawful requirements imposed by the awarding agency, specifically including applicable regulations 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 46, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); The Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disability Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity -
  - a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
  - b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.



8. It will provide language services for limited English proficiency (LEP) individuals as needed in order to provide services as covered under this award in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
9. Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)."
10. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," subrecipients are encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
11. Any website that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages, and on any pages from which the visitor may access or use a web-based services "This web site is funded through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, the web site."

**Equal Employment Opportunity Plan (EEOP):** Pursuant to 28 C.F.R. §§ 42.301-.301, applicant must take one of the following actions: either submit an EEOP to the SDDOC for submission to the Office for Civil Rights (OCR) for review, maintain an EEOP on file, or submit an EEOP Certification form to the SDDOC for submission to the OCR in order to monitor the subrecipients compliance with the EEOP requirement.

**Non-supplanting Requirements:** Funds or other resources of the applicant normally devoted to programs and activities designed to meet the needs of criminal justice will not be diminished in any way as a result of a grant award of federal funds. The project for which assistance is being requested will be in addition to, and not a substitute for, criminal justice services previously provided without federal assistance.

**Audit Requirement:** Acceptance of this grant award requires the subgrantee organization or governmental entity to include this subgrant in the scope of their regularly scheduled annual or biennial audit. The audit must be conducted in accordance with the appropriate OMB Circular (A-128, A-133, A-102/Common Rule). If applicable, the subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the subrecipient's website

**Termination Provision:** This Agreement may be terminated by the SDDOC hereto upon thirty-(30) days written notice. In the event the applicant/subgrantee breaches any of the terms or conditions hereof, the SDDOC may terminate this Agreement at any time with or without notice. If termination for such default impacts the SDDOC, any payments due to the applicant/subgrantee at the time of termination may be adjusted to cover any additional costs to the SDDOC because of the applicant/subgrantee's default. Upon termination, the SDDOC may assume the responsibility for the project or may award another party funds to complete the work under this Agreement. If after termination for default by the applicant/subgrantee it is determined that the applicant/subgrantee was not at fault, then the applicant/subgrantee shall be paid for eligible services rendered and expenses incurred up to the date of termination.

**Insurance Provision:** The Subgrantee, at all times during the term of this Agreement, shall obtain and maintain in force insurance coverage of the types and with the limits as follows:

- Commercial General Liability Insurance: The Subgrantee shall maintain occurrence based commercial general liability insurance or equivalent form with a limit of not less than **\$1 million** for each occurrence. If such insurance contains a general aggregate limit it shall apply separately to this Agreement or be no less than two times the occurrence limit.
- Professional Liability Insurance or Miscellaneous Professional Liability Insurance: The Subgrantee agrees to procure and maintain professional liability insurance or miscellaneous professional liability insurance with a limit not less than **\$1 million**.
- Business Automobile Liability Insurance: The Subgrantee shall maintain business automobile liability insurance or equivalent form with a limit not less than **\$1 million** for each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles.
- Worker's Compensation Insurance: The Subgrantee shall procure and maintain workers' compensation and employers' liability insurance as required by South Dakota law.

Before beginning work under this Agreement, the Subgrantee shall furnish the State with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Agreement and which provide that such insurance may not be canceled, except on 30 days prior written notice to the State. The Subgrantee shall furnish copies of insurance policies if requested by the State. Such insurance shall contain no special limitations or exclusions as they may relate to this agreement.



**Default Provision:** This Agreement depends upon the continued availability of federal funds awarded to the SDDOC and appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds rejections, this Agreement will be terminated by the State. Termination for any of these reasons is not default by the State nor does it give rise to a claim against the State. Failing to provide monthly reimbursement and quarterly progress reports may result in termination of the subgrant award.

**Amendment Provision:** This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof and be signed by an authorized representative of each of the parties hereto.

**Venue Clause:** This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

**Subcontractors Provision:** The Subgrantee may only use subcontractors to perform the services as outlined in their approved grant proposal. Any additional subcontracts or awards may only be granted with the express prior written consent of the State. The Subgrantee will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. The Subgrantee will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.

**Subgrantee Agreement:** It is understood and agreed by the Subgrantee that any grant received as a result of this application shall be subject to the Special Assurances and Conditions and other policies, regulations, and rules issued by the Department of Justice for the administration of grant projects under (P.L. 100-690) including, but not limited to, the following:

1. Competitive bids must be obtained for all equipment, construction and contracted services applications, as required by applicable local, state, or federal law or regulations.
2. If any agency other than the applicant is to contribute supporting or local funds, the Applicant must document the contribution.
3. Any funds awarded under one subgrant cannot be used in another.
4. Expenses or expenditures for items not listed in the original budget will not be reimbursed. Variances from the approved budget will require a budget amendment approved in advance by SD Department of Corrections.
5. All applicants are subject to federal, state, and local laws and regulations.
6. The Subgrantee shall not obligate any funds until the SD Department of Corrections formally awards subgrant.
7. The Subgrantee agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
8. Reimbursement of expenses is contingent upon submission of monthly financial reports.
9. The Subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of SD Department of Corrections and OJP.
10. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds shall clearly state: 1) the percentage of the total cost of the program or project which will be financed with federal money, and 2) the dollar amount of federal funds for the project or program.
11. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, disability, or age against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs and to the SD Department of Corrections.
12. The Subgrantee agrees to hold harmless and indemnify the State of South Dakota, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings which may arise as a result of performing services hereunder. This section does not require the Subgrantee to be responsible for or defend against claims of damages arising solely from acts or omissions of the State, its officers or employees. Nothing in this Agreement shall be construed as a waiver of sovereign immunity or consent to jurisdiction in any court other than the courts of the Unified Judicial System of the State of South Dakota.

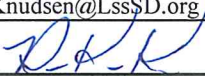
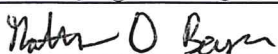
**State of South Dakota Grant Subrecipient Attestation:**

If awarded, the subgrantee will attest to meeting the following requirements per SDCL 1-56-10:

1. A conflict of interest policy is enforced within the 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 subrecipient's website;
3. An effective internal control system is employed by the subrecipient's organization; and
4. If applicable, the subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the subrecipient's website.

The officials that certify this document agree to spend the money as outlined within this proposal in order to access the funds. Proposals must be approved by DOC prior to expenditure of funds and claims must be submitted to DOC no later than January 30, 2019 in order to be eligible for reimbursement.

The Applicant Agency/Subgrantee hereby certifies agreement with the above special conditions, assurances and certifications.

<b>Original Signatures are Required</b>			
<b>A. Agency Director</b>			
Name	Rebecca Kiesow-Knudsen	Title	Vice President, Community Services
Address	705 E. 41 <sup>st</sup> St., Ste. 200	City/State/Zip	Sioux Falls, SD 57105
E-mail	Rebecca.Knudsen@LssSD.org	Phone	605-444-7561
			Fax 605-444-7540
Signature		Date	2/28/18
<b>B. Program Director (If different than the Agency Director)</b>			
Name	N/A	Title	
Address		City/State/Zip	
E-mail		Phone	
			Fax
Signature		Date	
<b>A. Financial Officer (County/Organization Officer Overseeing Financial Aspects of Award)</b>			
Name	Nathan Beyer	Title	Vice President, Finance & Support Services
Address	705 E. 41 <sup>st</sup> St., Ste. 200	City/State/Zip	Sioux Falls, SD 57105
E-mail	Nathan.Beyer@LssSD.org	Phone	605-444-7508
			Fax 605-444-7540
Signature		Date	2/28/18

**Applications must be submitted received by the Department of Corrections by March 2, 2018.**

Please submit your proposal to:

South Dakota Department of Corrections  
 Attn: Heather Van Hunnik  
 3200 E Highway 34  
 c/o 500 E Capital Ave  
 Pierre, SD 57501  
 Phone: (605) 773-3478  
 Email: [Heather.VanHunnik@state.sd.us](mailto:Heather.VanHunnik@state.sd.us)



## **Plan for Compliance with the Disproportionate Minority Contact (DMC) Core Requirement**

### **A Phase I: Identification**

#### **1). Updated DMC Spreadsheets**

The DMC identification spreadsheets for State Fiscal Year (SFY) 2017 have been completed for the Federal Fiscal Year (FFY) 2018 Title II Formula Grants Application. This updated data covers statewide and the two metropolitan statistical areas. The Relative Rate Spreadsheets have been exported from OJJDP's web-based DMC data entry system and attached with this document as "Attachment 2 – South Dakota" with the respective jurisdiction name.

Consistent with direction received from OJJDP and their DMC consultant, South Dakota has focused their DMC analysis on statewide data and the two largest jurisdictions, Pennington County and Minnehaha County. This determination was based on the fact that these two jurisdictions are the only locations that have enough local system activity to track minority over-representation in a statistically significant and valid manner. For the FFY2018 Title II Formula Grant Application, South Dakota requested a formal waiver to focus on two jurisdictions rather than the three as requested in the solicitation. **We have attached a copy of the approved waiver documentation which covers all three years of the FFY 2015 Comprehensive 3-Year Plan(Waiting on waiver approval from OJJDP).**

**2). DMC Data Discussions**

**South Dakota’s DMC Data:** South Dakota does not have a central system for maintaining data for completing the DMC Relative Rate Index (RRI) Matrices. Based on an overall review of the juvenile justice system, it was determined that because of the similarities in dispositions for delinquent and CHINS offenses in South Dakota, it would be a more accurate reflection of the system to complete the DMC Matrices in a manner that includes all juvenile justice system activity rather than just focusing on delinquent offenses. The information used in the completion of the DMC Matrices is outlined in the chart below.

DMC Data Collection Sources		
Stage	Source	Data Notes
Arrest Data	South Dakota Attorney General’s Division of Criminal Investigation Statistical Analysis Center	The information compiled is taken from law enforcement agencies throughout the State of South Dakota. Data reflects a duplicated count.
Diversion	South Dakota Juvenile Justice Reinvestment Initiative Diversion Fiscal Incentive Program Applications.	The numbers of diversions listed do not include all diversions in locales where the State’s Attorney initiates diversion options where a successful completion results in a decision to not refer to the court system. Data reflects juveniles referred to the state program in which juveniles were referred to a Court Approved Diversion Program. Data reflects a duplicated count.
Detention	Compliance Data – Individual specific data submitted to the department for the purpose of monitoring for compliance with the core requirements of the JJDP Act.	The numbers included all detainment in facilities monitored for compliance due to some local limitations of data. Data reflects a duplicated count.
Juvenile Court	Data for completion of this decision point in the matrices for the stages of Referral, Petition Filed, Adjudications, and Probation are obtained from data analyzed from the Unified Judicial System.	Some stages have incomplete race information which is reflected in the Other/Mixed Category. Data reflects a duplicated count.
DOC Commitment	Pursuant to South Dakota Codified law, juveniles that are adjudicated and found to need out of home services as part of a disposition are placed in state custody. While under the custody of the state, the Department of Corrections assesses needs and determines the appropriate placements.	“Cases Resulting in DOC Commitment” replaces the federal stage entitled “Cases Resulting in Confinement in Secure Juvenile Correctional Facilities”; This information only includes new commitments to the Department of Corrections. Data reflects a duplicated count.
Adult Court	Pursuant to South Dakota Codified Law, certain offenses are automatically transferred to the adult system due to their severity. However, based on circumstances these cases may be petitioned be transferred back to juvenile court.	“Cases Resulting in Admission to Adult Facilities” replaces the federal stage entitled “Cases Transferred to Adult Court” This information only includes admissions to the Department of Corrections for inmates under age 18. Data reflects a duplicated count.

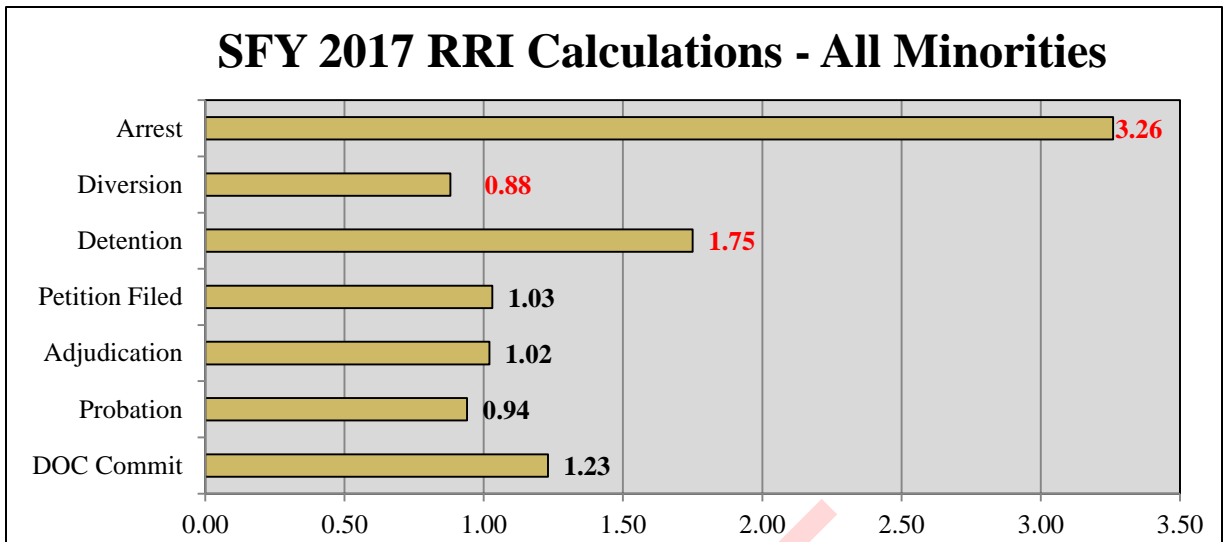
Formula Grant staff will continue to work with these entities to improve the data collection as it pertains to the completion of the DMC Relative Rate Index (RRI) Matrices.

**Obtained RRI Values in South Dakota:** The following sections discuss the Relative Rates Indexes (RRIs) obtained and make comparisons between the data obtained in state fiscal years (SFY) 2015, 2016, and 2017. The following table shows the base populations for each of the stages.

<b>Rate Calculation Chart</b>	
Stage of Juvenile Justice System	Base Used
Arrest	Per 1,000 youth in the population
Referral	Per 100 juvenile arrests
Diversion	Per 100 juvenile referrals
Detention	Per 100 juvenile referrals
Petition Filed	Per 100 juvenile referrals
Adjudication	Per 100 cases petitioned
Probation	Per 100 cases found delinquent/CHINS
DOC Commit	Per 100 cases found delinquent/CHINS

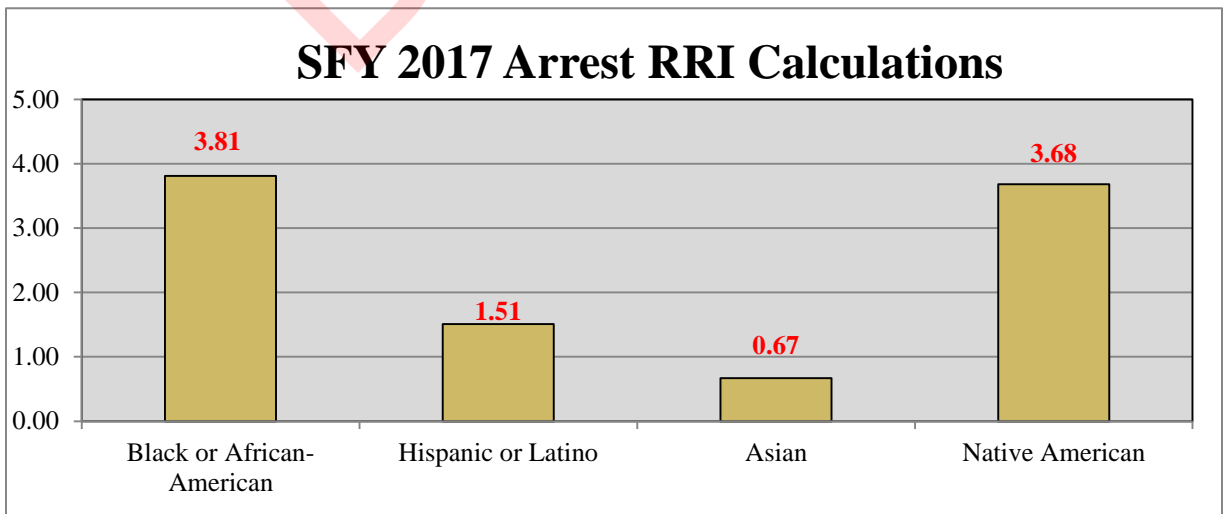
The Relative Rate Index (RRI) is calculated in a manner that compares the rate for minority youth to the rate for white youth. In a statewide example, a RRI in SFY 2017 at the arrest stage is equal to 3.68 for Native American youth. Therefore, based on juvenile population, the arrest rate for Native American juveniles is 3.68 times higher when compared to white juveniles.

Statewide RRI Values: Minority youth represent 24.12% of the total at risk juvenile population (ages 10 through 17). As illustrated in the following chart, the most recent relative rate index calculations show that a disproportionate rate of minority youth exists on a statewide basis at arrest. The numbers that are in bold, red font represent statistically significant results.



In South Dakota, the race/ethnicity categories that make up at least 1% of the total juvenile population include Black or African-American, Hispanic or Latino (for any race), Asian, and Native American. The following chart provides the RRI calculations at the stage of arrest by race. The stage of arrest has the greatest volume and magnitude while being statistically significant.

At the stage of arrest, assuming all other items remained constant, statistical parity between All Minority and white youth would be achieved through a reduction of 1,868 arrests for minority youth statewide.

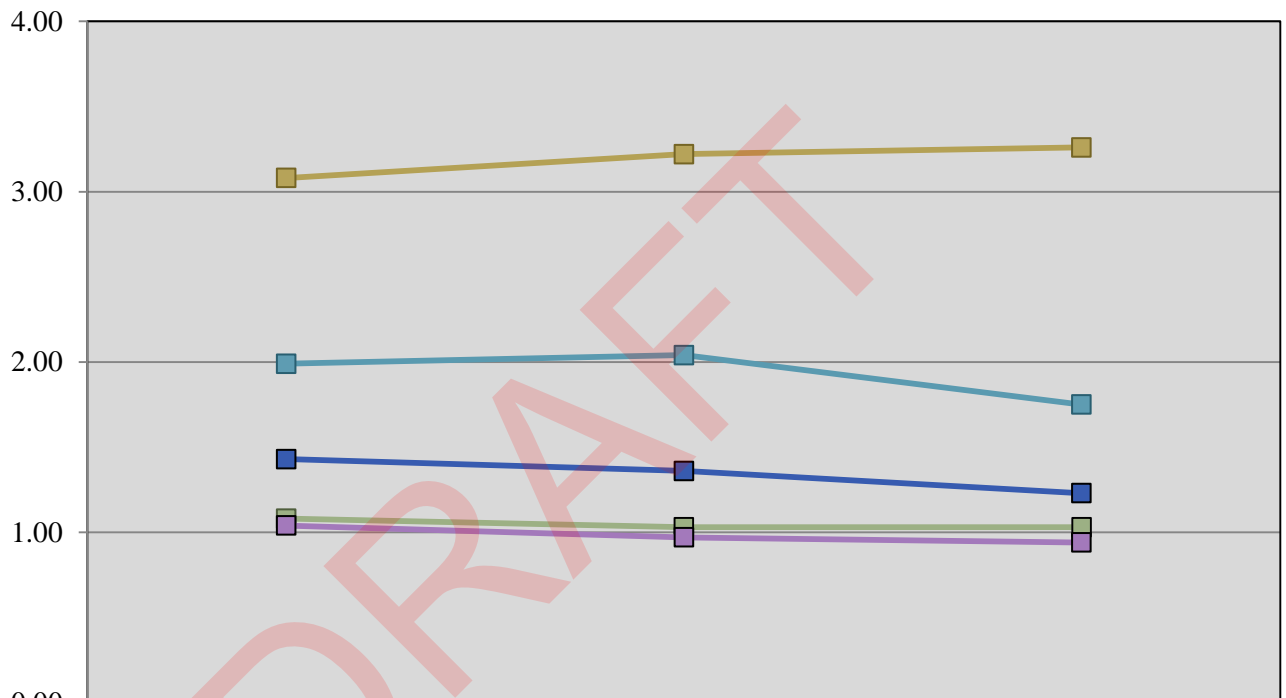


The following table reflects the volume of system juvenile activity, rate of occurrence for each race (using the base populations from OJJDP), and calculated RRI values that compare each rate for each race to the rate for white youth:

<b>Statewide RRI Summary</b>																	
SFY 2017	White		Black or African-American			Hispanic or Latino			Asian			American Indian or Alaska Native			All Minorities*		
	#	Rate	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI
<b>Population at Risk (age 10-17)</b>	69,441		2,990			4,690			1,761			12,610			22,051		
<b>Arrest</b>	2,598	37.4	426	142.5	<b>3.81</b>	265	56.5	<b>1.51</b>	44	25.0	<b>0.67</b>	1,739	137.9	<b>3.68</b>	2,694	122.2	<b>3.26</b>
<b>Referral</b>	1,513	58.2	223	52.3	0.90	163	61.5	1.06	29	65.9	1.13	765	44.0	<b>0.76</b>	1,245	46.2	<b>0.79</b>
<b>Diversion</b>	1,064	70.3	144	64.6	0.92	123	75.5	1.07	14	48.3	**	455	59.5	<b>0.85</b>	770	61.8	<b>0.88</b>
<b>Detention</b>	561	37.1	87	39.0	1.05	53	32.5	0.88	14	48.3	**	640	86.7	<b>2.26</b>	809	65.0	<b>1.75</b>
<b>Petition Filed</b>	1,347	89.0	189	84.8	0.95	137	84.0	0.94	28	96.6	**	726	94.9	1.07	1,142	91.7	<b>1.03</b>
<b>Adjudication</b>	1,097	81.4	158	83.6	1.03	119	86.9	1.07	23	82.1	**	589	81.1	1.00	944	82.7	<b>1.02</b>
<b>Probation</b>	662	60.3	84	53.2	0.88	75	63.0	1.04	15	65.2	**	328	55.7	0.92	537	56.9	<b>0.94</b>
<b>DOC Commit</b>	50	4.6	14	8.9	<b>1.94</b>	6	5.0	1.11	0	0	**	33	5.6	1.23	53	5.6	<b>1.23</b>
* All Minorities totals include youth reported as “Native Hawaiian or other Pacific Islanders” or “other/mixed” which are not displayed in this report due to the groups not meeting the 1% rule to be assessed. ** Insufficient number of cases for analysis																	

Minority youth represent 24.12% of the total at risk juvenile population. The following chart shows the RRI calculations for SFY 2015, SFY 2016, and SFY 2017 for minority youth within the system. Over the three-year period, the RRI for arrests of all minorities increased while the other decision points decreased.

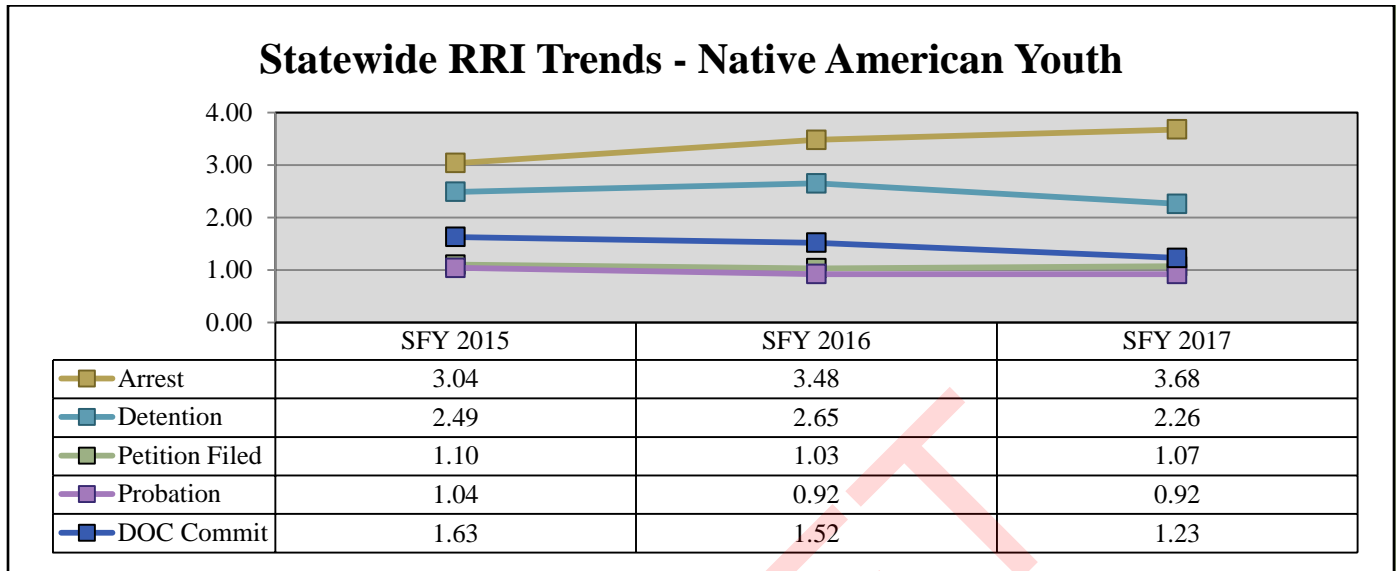
### Statewide RRI Trends - All Minorities



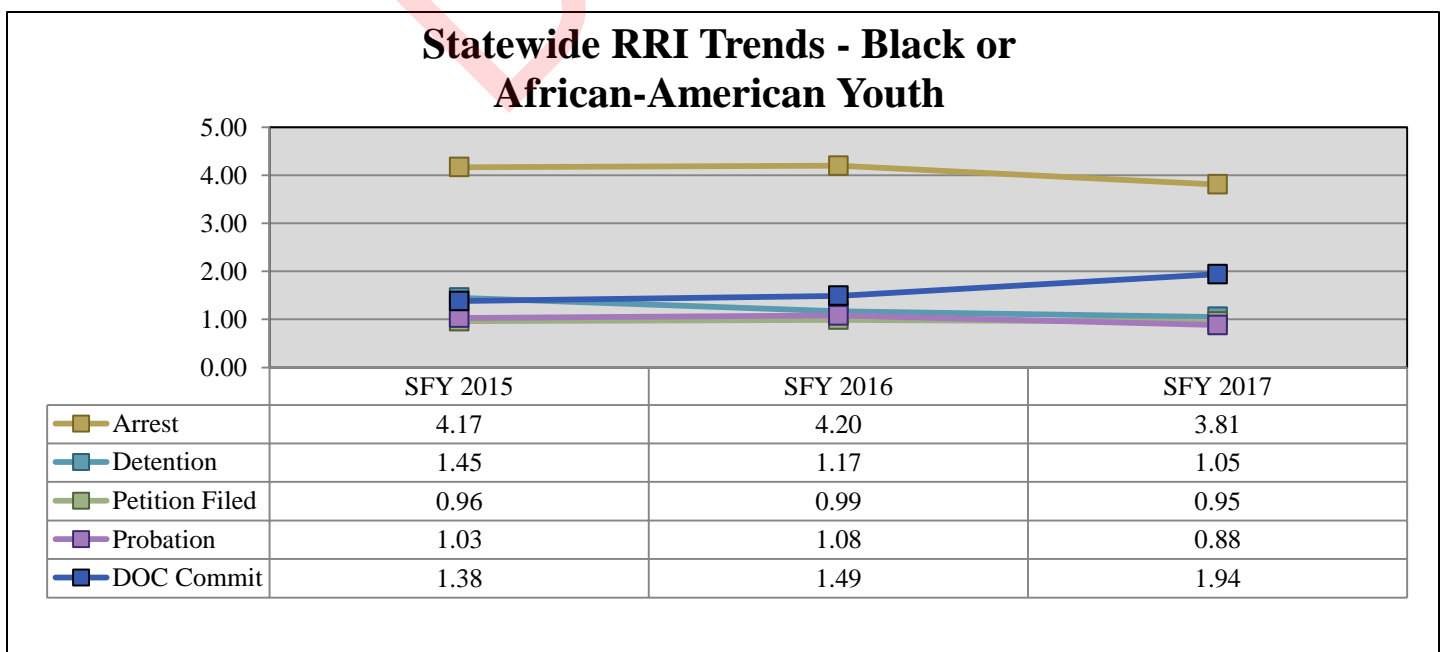
	SFY 2015	SFY 2016	SFY 2017
Arrest	3.08	3.22	3.26
Detention	1.99	2.04	1.75
Petition Filed	1.08	1.03	1.03
Probation	1.04	0.97	0.94
DOC Commit	1.43	1.36	1.23

Native American juveniles represent 13.79% of the total at risk juvenile population. The following table shows the RRI calculations for SFY 2015, SFY 2016, and SFY 2017 for Native American youth in the state justice system. Due to size of the juvenile populations and the amount of activity in the juvenile justice system, additional focus has been placed on serving Native American juveniles within the justice system. Over the three-year

period, the RRI for arrests of Native American youth increased while the other decision points decreased.

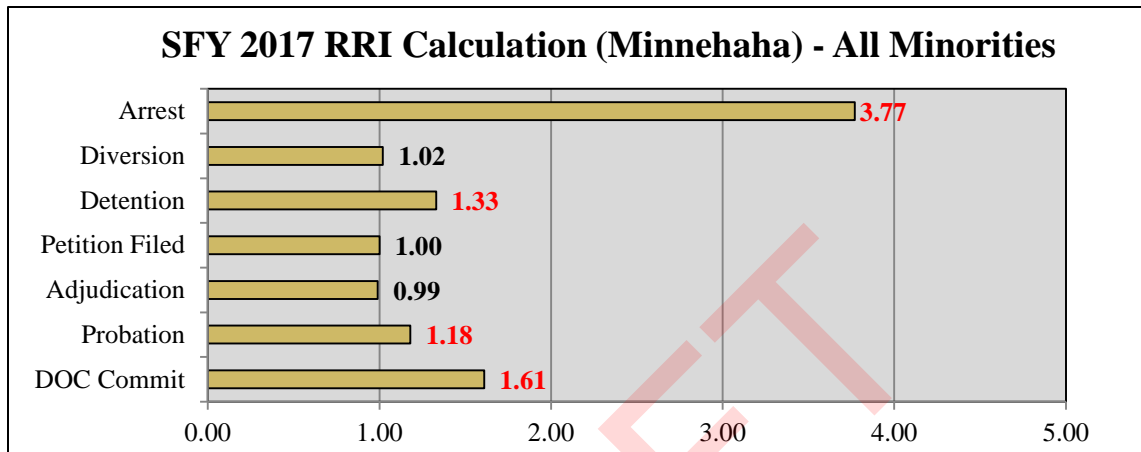


Black or African-American juveniles represent 2.94% of the total at risk juvenile population. The following chart shows the RRI calculations as far back as data has been made available for Black or African-American youth in the state justice system. Some stages are missing an RRI due to small numbers that prevent the calculation of the RRI. The RRI rate for DOC commitment was the only decision point that experienced an increase for Black or African-American youth.



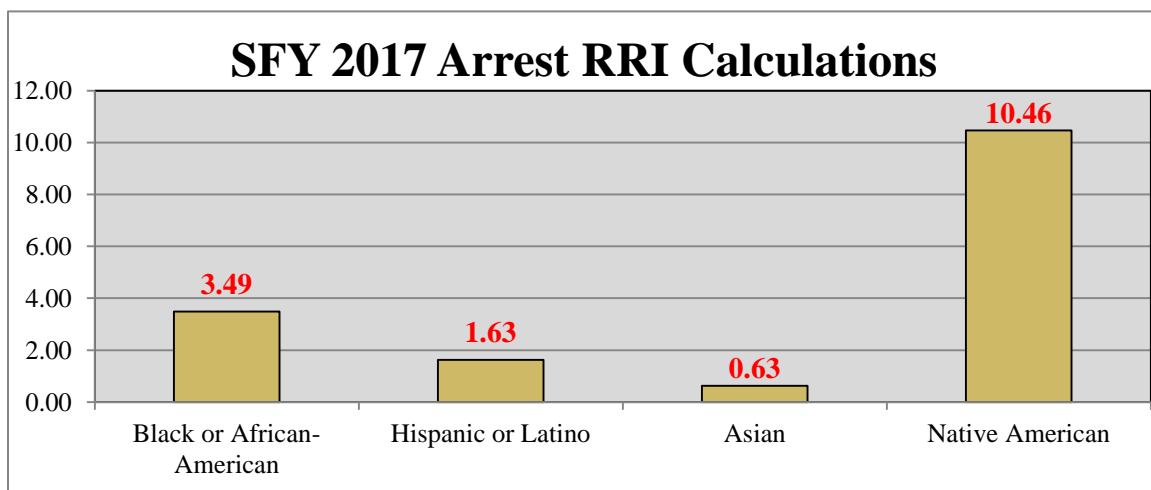


**Minnehaha County:** Minority youth represent 23.27% of the total at risk juvenile population in Minnehaha County. As illustrated in the following chart, the most recent relative rate index calculations show that a disproportionate rate of minority youth exists at the stage of arrest. The numbers that are in bold, red font represent statistically significant results.



In Minnehaha County, the race/ethnicity categories that make up at least 1% of the total juvenile population include Black or African-American, Hispanic or Latino (for any race), Asian, and Native American. The following charts provide the RRI calculations at the stage of arrest. The stage of arrest has the greatest volume and magnitude while being statistically significant.

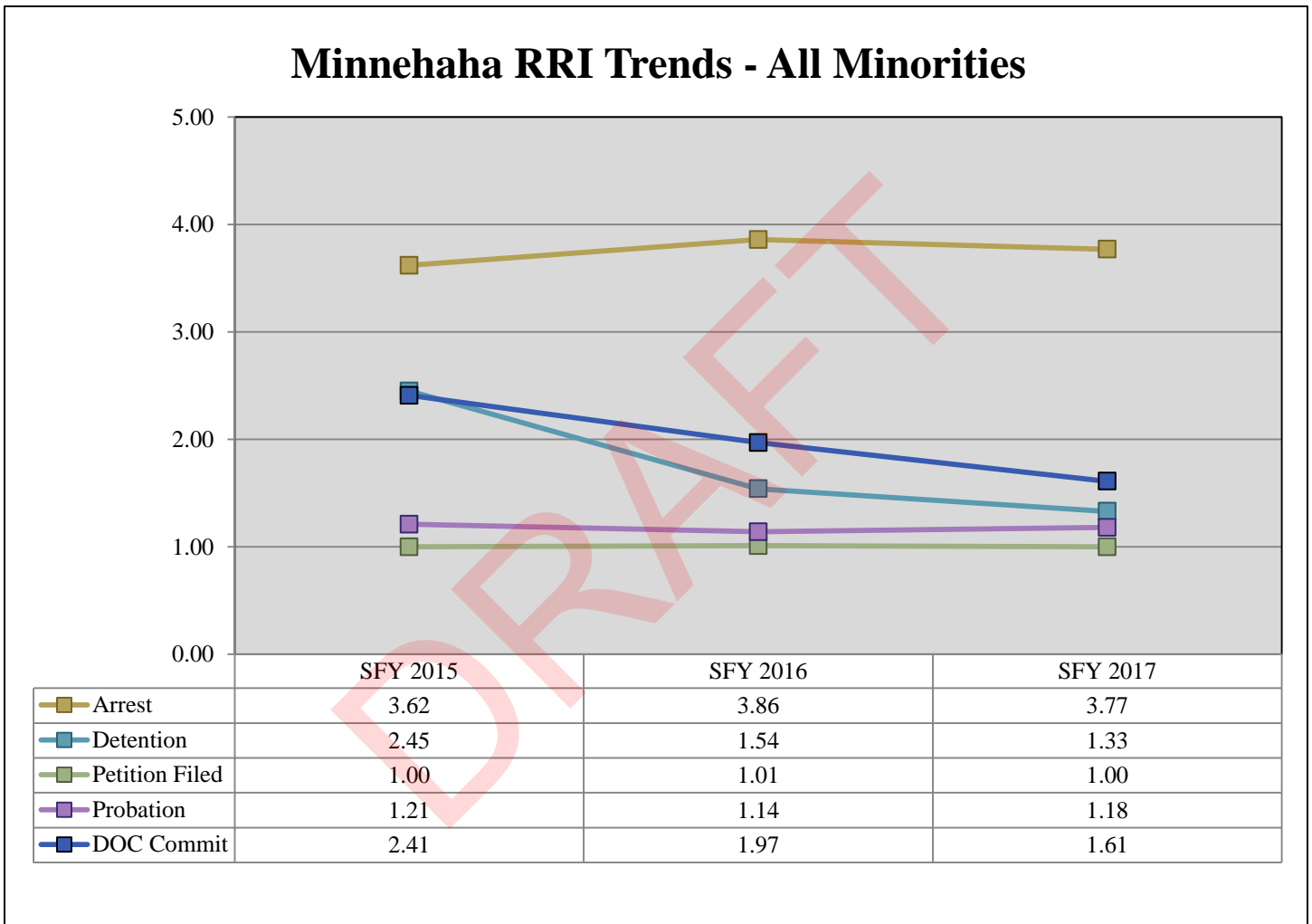
At the stage of arrest, assuming all other items remained constant statistical parity between All Minority and white youth would be achieved through a reduction of 643 arrests of minority youth in Minnehaha County.



The following table reflects the volume of system juvenile activity, rate of occurrence for each race (using the base populations from OJJDP), and calculated RRI values that compare each rate for each race to the rate for white youth.

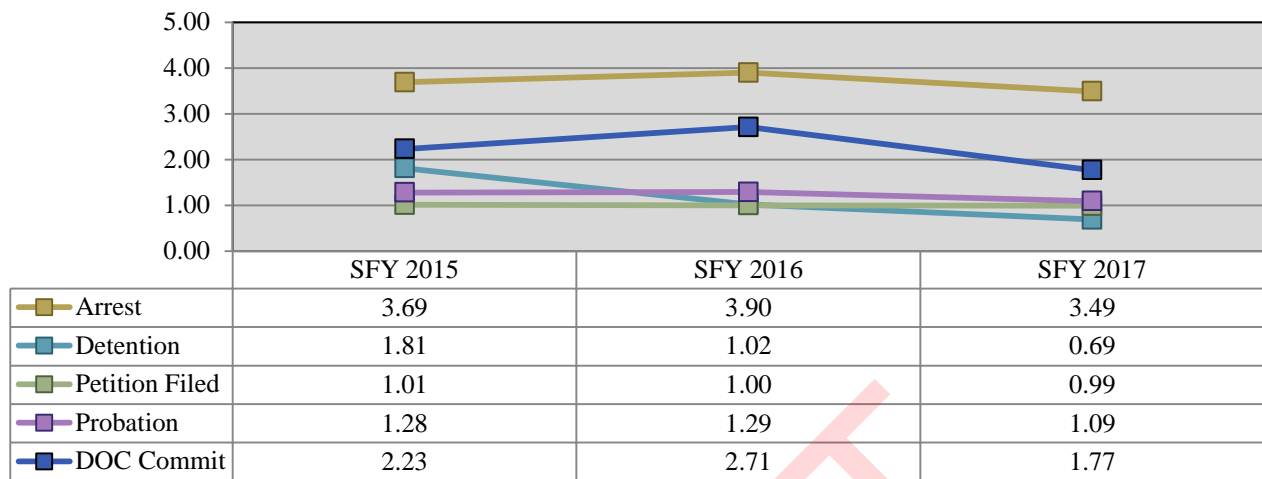
Minnehaha RRI Summary																	
SFY 2017	White		Black or African-American			Hispanic or Latino			Asian			American Indian or Alaska Native			All Minorities*		
	#	Rate	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI
<b>Population at Risk (age 10-17)</b>	14,920		1,760			1,384			674			707			4,525		
<b>Arrest</b>	767	51.4	316	179.5	<b>3.49</b>	116	83.8	<b>1.63</b>	22	32.6	<b>0.63</b>	380	537.5	<b>10.46</b>	876	193.6	<b>3.77</b>
<b>Referral</b>	434	56.6	157	49.7	0.88	54	46.6	0.82	16	72.7	**	170	44.7	<b>0.79</b>	420	47.9	<b>0.85</b>
<b>Diversions</b>	275	63.4	115	73.2	1.16	56	103.7	<b>1.64</b>	9	56.3	**	91	53.5	0.84	272	64.8	1.02
<b>Detention</b>	172	39.6	43	27.4	<b>0.69</b>	44	81.5	<b>2.06</b>	4	25.0	**	130	76.5	<b>1.93</b>	222	52.9	<b>1.33</b>
<b>Petition Filed</b>	428	98.6	154	98.1	0.99	53	98.1	1.00	16	100.0	**	168	98.8	1.00	414	98.6	1.00
<b>Adjudication</b>	386	90.2	134	87.0	0.96	45	84.9	0.94	15	93.8	**	156	92.9	1.03	368	88.9	0.99
<b>Probation</b>	183	47.4	69	51.5	1.09	22	48.9	1.03	9	60.0	**	95	60.9	<b>1.28</b>	206	56.0	<b>1.18</b>
<b>DOC Commit</b>	13	3.4	8	6.0	1.77	1	2.2	**	0	0.0	**	11	7.1	<b>2.09</b>	20	5.4	<b>1.61</b>
* All Minorities totals include youth reported as "Native Hawaiian or other Pacific Islanders" or "other/mixed" which are not displayed in this report due to the groups not meeting the 1% rule to be assessed. ** Insufficient number of cases for analysis																	

The following chart shows the RRI calculations afor SFY 2015, SFY 2016, and SFY 2017 for tracking minority youth within the system. Over the three-year period, the RRI of all minorities for all decision points decreased.



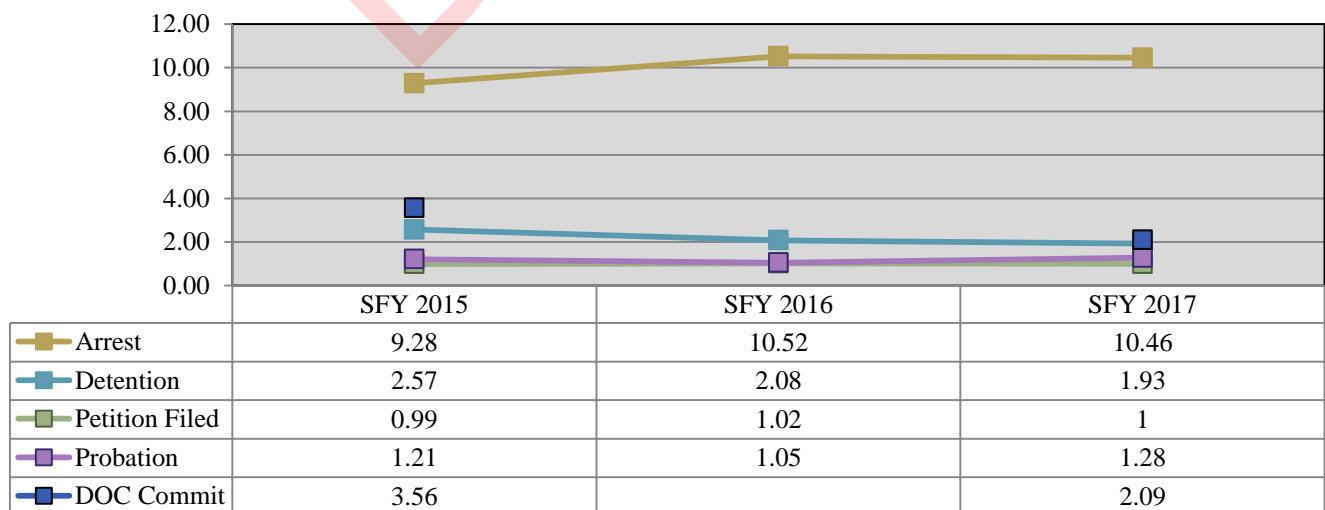
Black or African-American juveniles represent 9.05% of the total at risk juvenile population in Minnehaha County. The following table shows the RRI calculations for SFY 2015, SFY 2016, and SFY 2017 for Black or African-American youth in the state justice system for Minnehaha County. Over the three-year period, the RRI of Black or African-American youth for all decision points decreased.

### Minnehaha RRI Trends - Black or African-American Youth

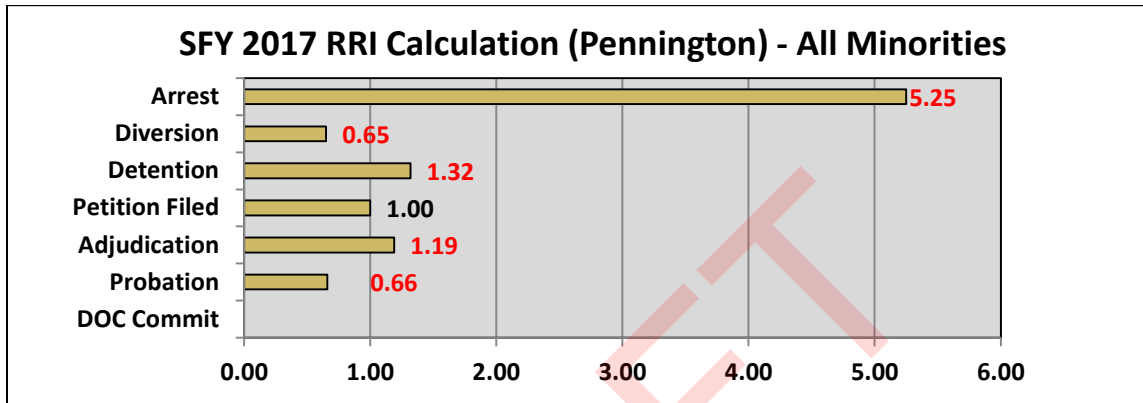


Native American juveniles represent 3.64% of the total at risk juvenile population in Minnehaha County. The following table shows the RRI calculations for SFY 2015, SFY 2016, and SFY 2017 for Native American youth in the state justice system. DOC Commitments in SFY 2016 is missing an RRI due to small numbers that prevented the calculation of the RRI. Over the three-year period, the RRI for arrests and probation of Native American youth increased while the other decision points decreased.

### Minnehaha RRI Trends - Native American Youth

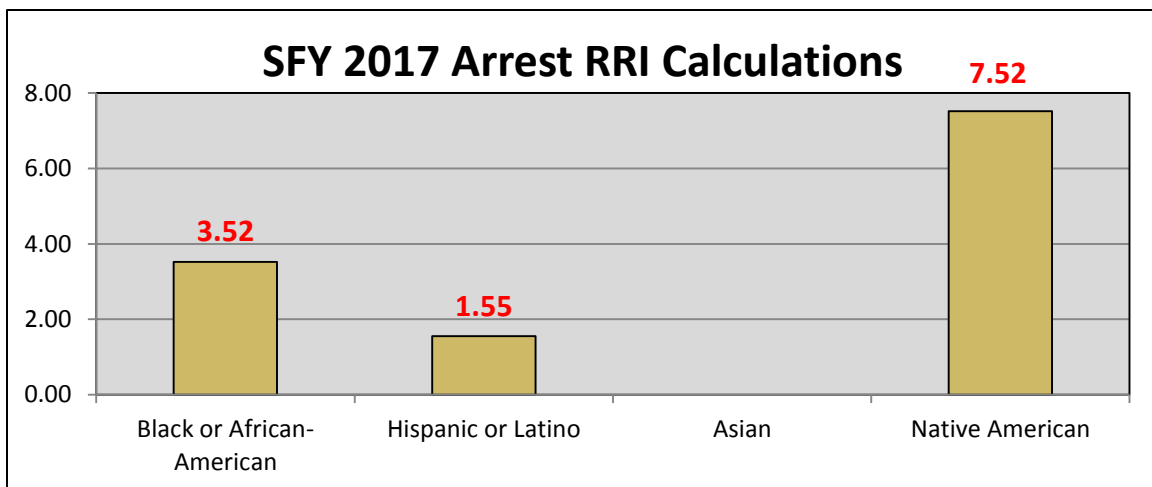


**Pennington County:** Minority youth represent 26.02% of the total at risk juvenile population in Pennington County. As illustrated in the following chart, the most recent relative rate index calculations show that a disproportionate rate of minority youth exists at the point of arrest. The numbers that are in bold, red font represent statistically significant results. A DOC Commitments RRI is missing due to small numbers that prevented the calculation of the RRI.



In Pennington County, the race/ethnicity categories that make up at least 1% of the total juvenile population include Black or African-American, Hispanic or Latino (for any race), Asian, and Native American. The following chart provides the RRI calculations at the stage of arrest by race. The stage of arrest has the greatest volume and magnitude and is statistical significance. A RRI for arrest of Asian juvenies is missing due to small numbers that prevented the calculation of the RRI.

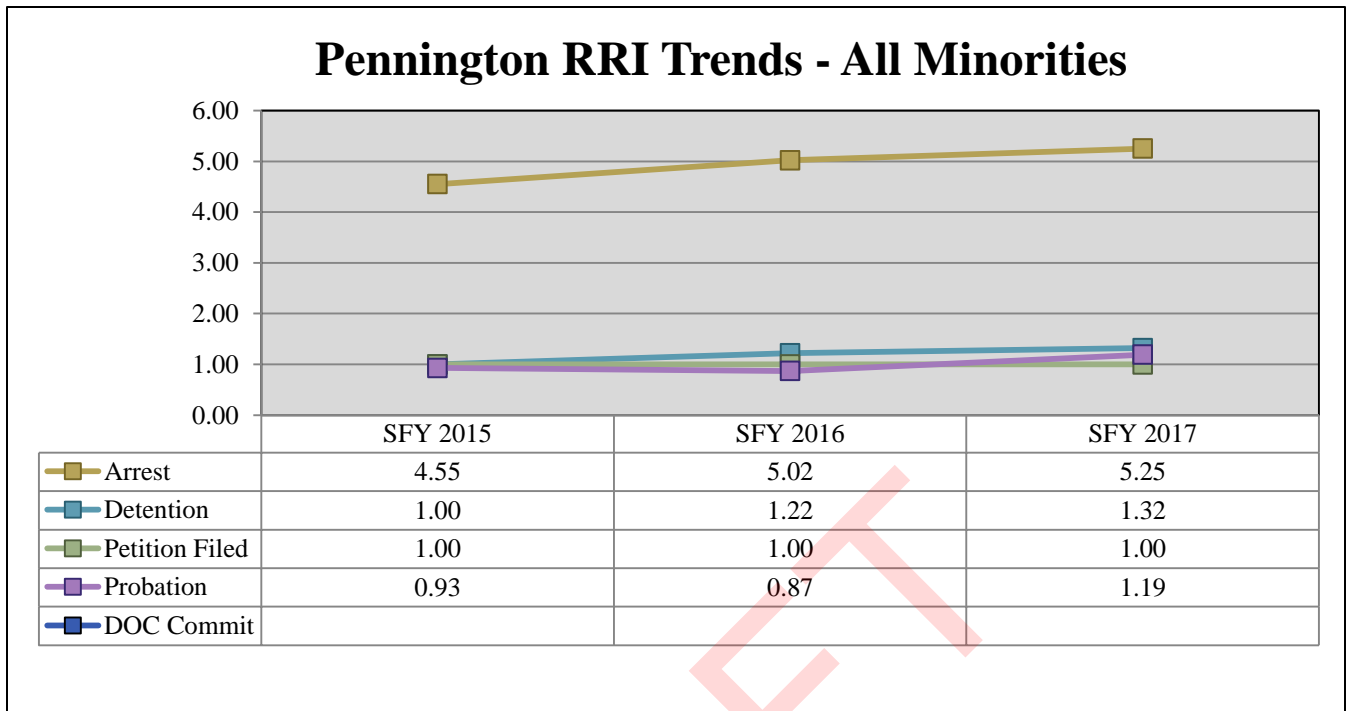
Statistical parity would be achieved at arrest if there was a reduction of 763 Minority Youth arrests in Pennington County.



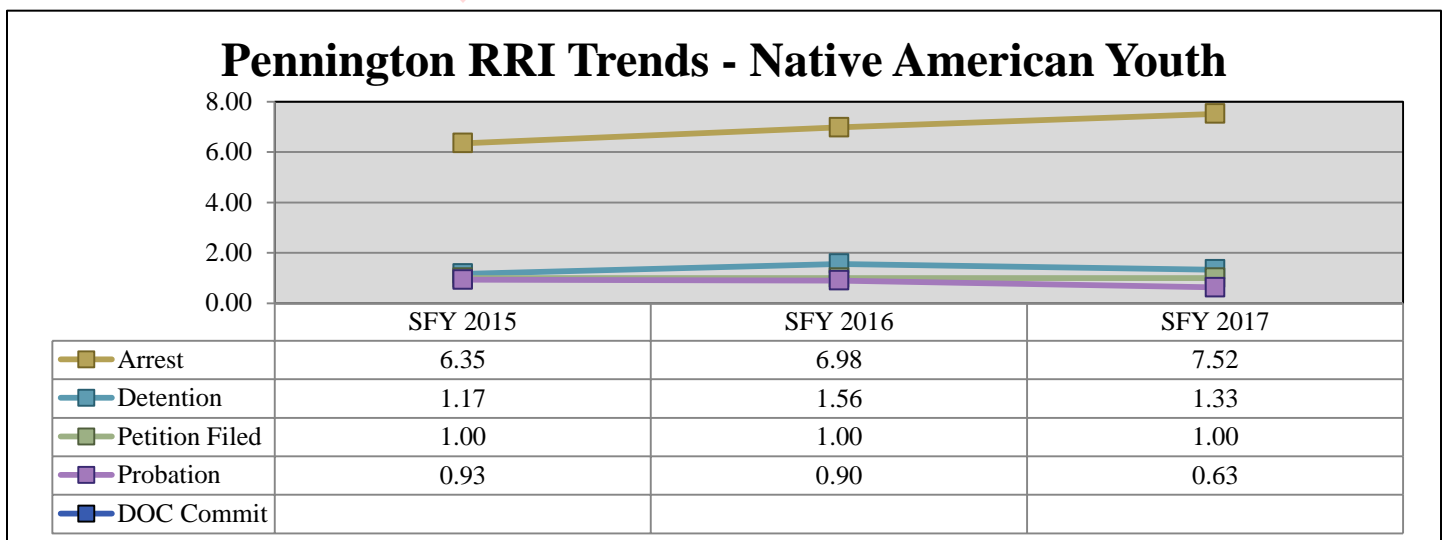
The following table reflects the volume of system juvenile activity, rate of occurrence for each race (using the base populations from OJJDP), and calculated RRI values that compare each rate for each race to the rate for white youth:

Pennington RRI Summary																	
SFY 2017	White		Black or African-American			Hispanic or Latino			Asian			American Indian or Alaska Native			All Minorities*		
	#	Rate	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI	#	Rate	RRI
<b>Population at Risk (ages 10-17)</b>	8,110		266			759			163			1,664			2,852		
<b>Arrest</b>	511	63.0	59	221.8	3.52	74	97.5	1.55	4	24.5	**	788	473.6	7.52	943	330.6	5.25
<b>Referral</b>	186	36.4	15	25.4	0.70	20	27.0	0.74	3	75.0	**	273	34.6	0.95	315	33.4	0.92
<b>Diversion</b>	286	153.8	20	133.3	**	39	195.1	**	3	100.0	**	252	92.3	0.60	314	99.7	0.65
<b>Detention</b>	123	66.1	30	200.0	**	0	-	**	3	100.0	**	240	87.9	1.33	276	87.6	1.32
<b>Petition Filed</b>	186	100.0	15	100.0	**	20	100.0	**	3	100.0	**	273	100.0	1.00	315	100.0	1.00
<b>Adjudication</b>	130	69.9	10	66.7	**	19	33.3	**	1	33.3	**	227	83.2	1.19	261	82.9	1.19
<b>Probation</b>	82	63.1	5	50.0	**	11	100.0	**	1	100.0	**	90	39.6	0.63	108	41.4	0.66
<b>DOC Commit</b>	4	3.1	0	-	**	0	-	**	0	-	**	6	2.6	**	6	2.3	**
* All Minorities totals include youth reported as "Native Hawaiian or other Pacific Islanders" or "other/mixed" which are not displayed in this report due to the groups not meeting the 1% rule to be assessed. ** Insufficient number of cases for analysis																	

Minority youth represent 26.02% of the total at risk juvenile population. The following table shows the RRI calculations for SFY 2015, SFY 2016, and SFY 2017 for tracking minority youth within the system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI. For all minority youth, petitions filed was the only RRI rate that did not increase of the three-year period.



Native American juveniles represent 15.18% of the total at risk juvenile population in Pennington County. The following chart shows the RRI calculations for SFY 2015, SFY 2016, and SFY 2017 for Native American youth in the state justice system. Stages that are missing an RRI are due to small numbers that prevent the calculation of the RRI in this case there were too few white youth committed to DOC in order to calculate DOC commitment. The RRI for arrests and detention of Native American youth increased over the three-year period.



### A. Relative Rate Index Tracking

During the analysis of the DMC RRI Trends, the following criteria was used at each monitored stage in determining if significance, magnitude, and volume were considered central to the disparities:

- **Statistical significance** is calculated for minority youth in comparison to white youth by using a chi square distribution at the significance level  $\alpha = 0.05$ . In this calculation, actual levels of system activity are compared to expected levels of system activity and a determination is made as to if the size of the discrepancy between actual values and expected values could occur by chance.
- **Magnitude** was determined if the levels of RRI at a stage met or exceeded 1.50 when compared to the rates for white youth. *NOTE: RRI must be significant to have magnitude.*
- **Volume** was based on if the number of cases that would need to change in order to reach statistical parity is large enough to warrant and support an intervention program that would have enough cases to implement an intervention strategy at that stage. (Cases  $\geq 100$  youth in MSA jurisdictions) *NOTE: RRI must be significant to have volume.*



**Statewide:** The following table shows the basic information for the stages of the juvenile justice system as they pertain to the significance, magnitude, volume and contextual considerations relating to the statewide data from SFY 2017. South Dakota has not conducted a comparison DMC RRI calculations to other jurisdictions due to complications with the defined population tracked for DMC purposes.

Relative Rate Index (RRI) Analysis and Tracking							
State : South Dakota Statewide	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
Juvenile Arrests	S,M,V,C 3.81	S,M, C 1.51	S 0.67	**	S,M,V,C 3.68	**	S,M,V,C 3.26
Refer to Juvenile Court	0.90	1.06	1.13	**	S,V 0.76	**	S,V 0.79
Cases Diverted	0.92	1.07	**	**	S 0.85	**	S, V 0.88
Cases Involving Secure Detention	1.05	0.88	**	**	S,M,V 2.26	**	S,M,V 1.75
Cases Petitioned	0.95	0.94	**	**	1.07	**	1.03
Cases Resulting in Adjudication	1.03	1.07	**	**	1.00	**	1.02
Cases resulting in Probation Placement	0.88	1.04	**	**	0.92	**	0.94
Cases DOC Commitment	S,M 1.95	1.11	**	**	1.23	**	1.23
Cases Transferred to Adult Court	**	**	**	**	**	**	**
Group meets 1% threshold?	Yes	Yes	Yes	No	Yes	No	
Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations; C=Comparative with other jurisdictions							

- **Significance**
  - All Minority youth show disparities that are statistically significant at the stages of arrest, referral, diversion, and detention.

- Native American youth show disparities that are statistically significant at the stages of arrest, referral, diversion, and detention.
- Black or African-American youth show disparities that are statistically significant at the stages of arrest and DOC commitment.
- Hispanic or Latino and Asian youth show disparities that are statistically significant at the stage of arrest.
  
- **Magnitude**
  - All Minority youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and detention.
  - Native American youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and detention.
  - Black or African-American youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and DOC commitment.
  - Hispanic or Latino youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of arrest.
  
- **Volume**
  - All Minority youth show a difference in the volume of activity at the statistically significant stages of arrest, referral, diversion, and detention.
  - Native American youth show a difference in the volume of activity at the statistically significant stages of arrest, referral, and detention.
  - Black or African-American youth show a difference in the volume of activity at the statistically significant stage of arrest.

- **Similar Jurisdictions**
  - In South Dakota, each stage of the DMC process is tracked to include both status and delinquent offenses since they have similar dispositional options and due to limitations in data. Therefore, it would not be appropriate to compare South Dakota's rates to other jurisdictions.
  
- **Contextual Considerations**
  - Law enforcement agencies note that many contacts with the community are from community complaints and that a significant larger number of complaints result in contact with minority youth.

DRAFT

**Minnehaha County:** The following table shows the basic information for the stages of the juvenile justice system as they pertain to the significance, magnitude, volume and contextual considerations relating to the Minnehaha County data from SFY 2017.

Relative Rate Index (RRI) Analysis and Tracking							
State : South Dakota Minnehaha County	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
Juvenile Arrests	S,M,V,C 3.49	S,M,C 1.63	S,C 0.63	**	S,M,V,C 10.46	**	S, M,V,C 3.77
Refer to Juvenile Court	0.88	0.82	**	**	S 0.79	**	S 0.85
Cases Diverted	1.16	S,M 1.64	**	**	0.84	**	1.02
Cases Involving Secure Detention	S,C 0.69	S,M,C 2.06	**	**	S,M,C 1.93	**	S,C 1.33
Cases Petitioned	0.99	1.00	**	**	1.00	**	1.00
Cases Resulting in Adjudication	0.96	0.94	**	**	1.03	**	0.99
Cases resulting in Probation Placement	1.09	1.03	**	**	S 1.28	**	S 1.18
Cases DOC Commitment	1.77	**	**	**	S,M 2.09	**	S, M 1.61
Cases Transferred to Adult Court	**	**	**	**	**	**	**
Group meets 1% threshold?	Yes	Yes	Yes	No	Yes	No	
Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations; C=Comparative with other jurisdictions							

- **Significance**
  - All Minority youth show disparities that are statistically significant at the stages of arrest, referral, detention, probation, and DOC commitment.
  - Native American youth show disparities that are statistically significant at the stages of arrest, referral, detention, probation, and DOC commitment.

- Black or African-American youth show disparities that are statistically significant at the stages of arrest and detention.
- Hispanic or Latino youth show disparities that are statistically significant at the stages of arrest, diversion, and detention.
- Asian youth show disparities that are statistically significant at the stage of arrest.
  
- **Magnitude**
  - All Minority youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest and DOC commitment.
  - Native American youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stages of arrest, detention, and DOC commitment.
  - Black or African-American youth show overrepresentation that is has the greatest degree of difference between racial and ethnic groups at the stage of arrest.
  - Hispanic or Latino youth show overrepresentation that is has the greatest degree of difference between racial and ethnic groups at the stages of arrest, diversion, and detention.
  
- **Volume**
  - All Minority youth show a difference in the volume of activity at the statistically significant stage of arrest.
  - Native American and Black or African-American youth show a difference in the volume of activity at the stage of arrest.

- **Similar Jurisdictions**
  - In South Dakota, we track each stage of the DMC process to include both status and delinquent offenses since they have similar dispositional options and due to limitations in data. Therefore, it would not be appropriate to compare South Dakota's rates to other jurisdictions.
  
- **Contextual Considerations**
  - Law enforcement agencies note that many contacts with the community are from community complaints and that a significant larger number of complaints result in contact with minority youth.
  - As one of only two Metropolitan Statistical Areas in South Dakota, Minnehaha County experiences the phenomenon known as attractive nuisance due to commercial or entertainment opportunities.
  - Minnehaha County Juvenile Detention Center is a regional detention facility which provides both secure and non-secure detainment options. There have been issues encountered in the efforts to accurately account for the security status of all juveniles housed within the facility. In addition, the facility serves as a regional detention facility that compacts with 14 other counties to provide housing options for pre-adjudication and dispositional youth.

**Pennington County:** The following table shows the basic information for the stages of the juvenile justice system as they pertain to the significance, magnitude, volume and contextual considerations relating to the Pennington County data from SFY 2017.

Relative Rate Index (RRI) Analysis and Tracking							
State : South Dakota Pennington County	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
Juvenile Arrests	S,M,C 3.52	S,M,C 1.55	**	**	S,M,V,C 7.52	**	S,M,V,C 5.25
Refer to Juvenile Court	0.70	0.74	**	**	0.95	**	0.92
Cases Diverted	**	**	**	**	S,V 0.60	**	S,V 0.65
Cases Involving Secure Detention	**	**	**	**	S,C 1.33	**	S,C 1.32
Cases Petitioned	**	**	**	**	1.00	**	1.00
Cases Resulting in Adjudication	**	**	**	**	S 1.19	**	S 1.19
Cases resulting in Probation Placement	**	**	**	**	S 0.63	**	S 0.66
Cases DOC Commitment	**	**	**	**	**	**	**
Cases Transferred to Adult Court	**	**	**	**	**	**	**
Group meets 1% threshold?	Yes	Yes	Yes	No	Yes	No	
Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations; C=Comparative with other jurisdictions							

- **Significance**
  - All Minority youth show disparities that are statistically significant at the stages of arrest, diversion, detention, adjudication, and probation.
  - Native American youth show disparities that are statistically significant at the stages of arrest, diversion, detention, adjudication, and probation.
  - Black or African-American and Hispanic or Latino youth show disparities that are statistically significant at the stage of arrest.

- **Magnitude**
  - All Minority, Native American, Black or African-American, and Hispanic or Latino youth show statistically significant disparities that have the greatest degree of difference between racial and ethnic groups at the stage of arrest.
  
- **Volume**
  - All Minority youth show a difference in the volume of activity at the statistically significant stages of arrest and diversion.
  - Native American youth show a difference in the volume of activity at the statistically significant stages of arrest and diversion.
  
- **Similar Jurisdictions**
  - South Dakota tracks each stage of the DMC process to include both status and delinquent offenses since they have similar dispositional options and due to limitations in data. Therefore, it would not be appropriate to compare South Dakota's rates to other jurisdictions.
  
- **Contextual Considerations**
  - Law enforcement agencies note that many contacts with the community are from community complaints and that a significant larger number of complaints result in contact with Native American and minority youth.
  - As one of only two Metropolitan Statistical Areas in South Dakota. Pennington County experiences the phenomenon known as attractive nuisance due to commercial or entertainment opportunities.
  - Western South Dakota Juvenile Services Center is a regional detention facility that compacts with five other counties, serves many of the other counties in western South Dakota, and has contracts with many federal agencies to provide beds.



## C Phase II: Assessment/Diagnosis

### 1). Statewide Assessment

In the Assessment phase of the DMC Process, the Department of Corrections contracted with researchers from Mountain Plains Research to conduct an assessment of DMC in order to assist the Council in identifying interventions that can reduce the occurrence of DMC. Based on findings of the assessment the following mechanisms have been identified as contributing to minority over representation in South Dakota:

- **Differential Behavior:** The rates at which youth from various racial and ethnic subgroups are involved in activity may differ.
- **Indirect Effects:** Reflects the fact that in this society, economic status, education, location, and a host of risk factors associated with delinquent behavior, among other factors, are linked with race and ethnicity.
- **Differential Opportunities for Prevention and Treatment:** The allocation of prevention and treatment resources within communities is seldom uniform or universally accessible across the entire community. In some instances, those allocations create a disadvantage for minority youth.
- **Differential Processing or Inappropriate Decision-making Criteria:** Differential processing or inappropriate decision-making criteria can be an issue in determining program eligibility, implementing diversion programs, and selecting alternative decision outcomes.
- **Justice by Geography:** The concept that youth in general, and minority youth in particular, may be processed or handled differently in one jurisdiction than in another within the same state.
- **Legislation, Policies, and Legal Factors with Disproportionate Impact:** Policies enacted through legislation or through administrative action may sometimes contain elements that create a disadvantage for minority youth.

As a result of this assessment, it was identified that further assessments need to be completed on a local basis within the DMC jurisdictions because the system, populations, community needs, and services available are so different between jurisdictions.

## 2). Minnehaha County Assessment – September 2013

Beginning in spring 2013, Minnehaha County began working with the Burns Institute to conduct a local assessment. As a result of the meetings, interviews, and data review, the Burns Institute made the following recommendations:

- Mechanisms of DMC

**Differential Behavior:** Minority youth had more admissions and minority youth had a longer length of stay in detention.

**Legislation, Policies, and Legal Factors with Disproportionate Impact:**

Current options for collaboration hinder providing services to minority youth.

**Statistical Aberration:** The system has differing definitions and needs options for ongoing monitoring and procedures for ensuring data integrity.

- Assessment Recommendations

**Data Improvement:** Improve current data capabilities by creating data definitions, integrating systems, reporting consistently, and monitoring to ensure data quality.

**Community Engagement:** Engage stakeholders from the community, improve local relationships, and provide training opportunities.

## 3). Pennington County Assessment – September 2013

Beginning in spring 2013, Pennington County began working with the Burns Institute to conduct a local assessment. As a result of the meetings, interviews, and data review, the Burns Institute identified the following:

- Mechanisms of DMC

**Differential Behavior:** Minority youth had more admissions, larger number of admissions for minority youth for more severe crimes, and minority youth had a higher average daily population with a shorter length of stay in detention.

**Differential Opportunities for Prevention and Treatment:** The community has a lack of alternatives especially minority specific alternatives to secure detention.

**Legislation, Policies, and Legal Factors with Disproportionate Impact:** Current options for collaboration hinder providing services to minority youth. When comparing similarly situated youth, minority youth saw a disparity in the number of overrides on the risk assessment instrument.

**Statistical Aberration:** The system has differing definitions and needs options for ongoing monitoring and procedures for ensuring data integrity.

- Assessment Recommendations

**Data Improvement:** Improve current data capabilities by creating common definitions, use data to drive reform, include IT in the meetings, ensure data integrity, and monitoring to ensure data quality.

**Community Collaboration:** Engage stakeholders from the community, engage third party to assist in community and system collaboration, improve local relationships, provide training opportunities, and provide coach-up sessions for new stakeholders.

**Community Based Programming:** Increase local use of program especially minority specific programming, assess Native specific continuum of services, increase Native school based programming and partner with local organizations to provide additional programming.

**D Phase III: Intervention****Progress Made in FFY 2017****A. Activities Implemented**

The Council of Juvenile Services selected two communities in which to fund local DMC interventions – Minnehaha and Pennington Counties. FFY 2017 allocations for DMC intervention projects were set at \$35,000 for both Minnehaha and Pennington Counties. Project funding was as follows:

<b>FFY2017 DMC Projects</b>			
<b>Location</b>	<b>Provider</b>	<b>Description</b>	<b>Allocation</b>
Minnehaha	Lutheran Social Services	Minnehaha County Community Outreach Case Manager	\$35,000.00
Pennington	Lutheran Social Services	Pennington County Community Outreach Case Manager	\$35,000.00
Statewide	Department of Corrections	Staff, Meetings, Evaluation, and Travel	\$15,000.00
All DMC Projects			\$85,000.00

**DMC Awareness** – In order to create awareness about DMC, a variety of information dissemination products were established which include presentations and publications.

**Data Improvement** – As part of the plan, data is monitored and plans are made as necessary to address missing data as an ongoing process. Efforts are ongoing to improve quantity and quality of the data currently available for the study of DMC.

**Local DMC Workgroups** –The DMC Coordinator oversaw the subgrants within the awarded local DMC sites in Minnehaha and Pennington County. The DMC Coordinator also monitored the progress of the local intervention projects and provides feedback on the progress of the local DMC intervention workgroups.

**Evaluation** – During Federal Fiscal Year 2011, the Council of Juvenile Services approved local DMC proposals in the two MSA locations, Minnehaha and Pennington

Counties. As part of the proposal, these sites completed local system assessments and conducted an in-depth study of their local justice systems. Assessments were completed in September 2013 by the Burns Institute.

**Monitoring** – All programs will continue to be required to provide performance measures. The Council of Juvenile Services will monitor overall DMC implementation.

**Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program –**

At the close of FFY 2017, the Council of Juvenile Services approved the attendance of a delegation from Minnehaha County at the Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program. The delegation attended the program in November, 2017 and their capstone project is anticipated to begin implementation in FFY 2018.

**Diversion Intervention** – The capstone of the Minnehaha County delegation that attended the Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program will center around pre-arrest diversion to target the high RRI values at the stage of arrest. It is the hope of the Council of Juvenile Services that their capstone will prove successful and will have the ability to be replicated at additional sites across the state to decrease disproportionality at the state of arrest.

**B. Activities Not Implemented**

None.

**E Phase IV: Evaluation**

To date each intervention strategy implemented has an evaluation plan for collecting information that is developed at the time of funding agreements or updates. The measures collected included the performance level information as required by OJJDP. In addition, each evaluation plan includes additional data and an annual evaluation visits for the purpose of updates, record maintenance, function, and progress reporting to assist the Council of Juvenile Services in making a determination of continued funding.

With the current direction of the Council of Juvenile Services that focuses on delinquency prevention, each site will be encouraged to implement the DMC process as part of the community's overall delinquency prevention efforts. All sites are required to prepare detailed plans as part of funding application which specifies overall goals and objectives. Sites will be responsible for reporting data regarding their overall progress towards their goals as well as performance measures as required by for annual performance measuring.

**F Phase V: Monitoring**

South Dakota will continue to fund a part-time DMC Coordinator. The duties of the DMC Coordinator will be to oversee the implementation of statewide strategies, oversee subgrants for local DMC projects, and monitor data trends.

South Dakota will continue to work towards updating DMC information on an annual basis. Data will be compiled as it becomes available to the department. For more information on strategies for the ongoing monitoring of DMC in South Dakota are outlined in the DMC Reduction plan found in this section.

**G DMC Reduction Plan for FY 2018-2020****1). Activities, Strategies, and Timelines for DMC**

<b>Strategy</b>	<b>Activity</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Interventions in two locations that focus on decreasing DMC	<ul style="list-style-type: none"> <li>Request proposals from all locations eligible for funding DMC Interventions in two Metropolitan Statistical Areas (\$35,000 per site)</li> </ul>	September 2018	September 2019	September 2020
Dissemination of DMC information	<ul style="list-style-type: none"> <li>Disseminate the DMC information (presentations and publications)</li> </ul>	Ongoing	Ongoing	Ongoing
Data improvement projects	<ul style="list-style-type: none"> <li>Identification and implementation of data improvement projects.</li> </ul>	Ongoing	Ongoing	Ongoing
Evaluation	<ul style="list-style-type: none"> <li>Develop local evaluations plans.</li> <li>Ongoing DMC site updates.</li> </ul>	September 2019 Ongoing	September 2020 Ongoing	September 2021 Ongoing
Ongoing Monitoring	<ul style="list-style-type: none"> <li>Evaluate and monitor local DMC efforts and initiatives for performance and effectiveness in the two DMC intervention communities.</li> <li>Submission of Performance Measures to OJJDP.</li> </ul>	Ongoing  December 2019	Ongoing  December 2020	Ongoing  December 2021

**SOUTH DAKOTA  
DEPARTMENT OF CORRECTIONS**

**Title II - Formula Grants Program  
2018 - 2020  
3-Year Plan**

**March 2018 - DRAFT**

Prepared by: South Dakota Department of Corrections and the  
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## Program Abstract

The State of South Dakota will utilize FY 2018 Title II Formula Grant funds consistent with federal requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP). The budget is based on the FY 2017 allocation of \$400,000. The designated state agency, the South Dakota Department of Corrections, will ensure that subgrantees use funds consistent with Title II requirements and program purpose areas.

South Dakota will allocate funds consistent with program purpose areas: 06 Delinquency Prevention, 19 Compliance Monitoring, 20 Deinstitutionalization of Status Offenders, 21 Disproportionate Minority Contact (DMC), 24 Indian Tribe Programs, 26 Jail Removal, 27 Juvenile Justice System Improvement, 28 Planning and Administration, 31 Separation of Juveniles from Adult Inmates, and 32 State Advisory Group.

Funds allocated to the program areas ensure that at least 66 and 2/3 percent of South Dakota's award will be expended through programs of units of local governments, programs of local private agencies, programs of Indian Tribes that perform law enforcement functions, or directly by the state through outlined program areas.

Activities that will be implemented to achieve the project goals and objectives include:

- maintaining compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act by assisting counties in funding alternatives to secure detention and jail;
- monitoring compliance with core requirements by inspecting facilities and collecting and verifying juvenile admission data;
- supporting DMC intervention efforts including local DMC planning and early intervention and diversion programs;
- funding Native American Tribal juvenile justice programs;
- supporting juvenile delinquency prevention projects;
- assisting with the implementation of South Dakota's juvenile justice reform, the Juvenile Justice Reinvestment Initiative (JJRI) ; and
- supporting the Council of Juvenile Services (State Supervisory Group for Title II program).

Progress toward goals and objectives will be measured through quarterly performance measure reporting. Staff of the Department of Corrections will submit required annual performance measure reports to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) through the Data Collection and Technical Assistance Tool (DCTAT) and the Grant Management System (GMS). South Dakota will not be using any portion of the project budget to conduct research.

## **A. Structure and Function of Juvenile Justice System**

### **Law Enforcement**

South Dakota law enforcement consists of 72 Municipal Police Departments, 66 County Sheriff's Offices, State Law Enforcement (South Dakota Highway Patrol and the Division of Criminal Investigation), and Tribal and Federal Law Enforcement. Generally, the responsibilities of law enforcement in the juvenile justice system include investigating alleged acts committed by juveniles which may constitute delinquent or child in need of supervision (CHINS) violations, taking juveniles into temporary custody with or without court involvement, transporting juveniles to court hearings if they have been held in temporary custody pending court action, and responding to child protection issues including investigations of abuse or neglect and enforcing protection orders.

### **Juvenile Detention and Other Pretrial Programs**

Counties are authorized by state law to operate juvenile detention centers, enter into compacts with other counties for detention operation, and contract for detention or shelter care services. There are two regional detention centers in South Dakota: the Minnehaha County Juvenile Detention Center (Sioux Falls) and the Western South Dakota Juvenile Services Center (Rapid City). There are seven additional county operated detention centers in South Dakota located in Brown, Beadle, Codington, Day, Hughes, Roberts, and Walworth Counties. Licensed group care and residential treatment centers provide non-secure custody services for counties on a fee for service basis.

### **Courts System**

***Prosecution***- The County State's Attorney is responsible for representing the state in all abuse and neglect, CHINS, or delinquency proceedings and is responsible for conducting preliminary juvenile investigations, determining whether a petition shall be filed, and representing the state in all juvenile proceedings. The federal government has concurrent jurisdiction with tribal courts for felony prosecution of crimes, committed by Native Americans, on the nine Native American reservations in South Dakota.

***Judiciary*** - The circuit courts are the general trial courts of the Unified Judicial System (UJS). These courts have original jurisdiction in all civil and criminal cases. They are the only courts that can try and determine criminal felony cases, civil cases that involve more

than twelve thousand dollars in damages, and appeals from magistrate court decisions. (Source: UJS website) The circuit courts of South Dakota have exclusive civil jurisdiction over juvenile proceedings. The 66 counties in South Dakota form seven judicial circuits with forty-three circuit judges.

***Court Services Officers*** - Court Service Officers conduct pre-dispositional reports, pre-sentence investigations, and recommend to the sentencing judge plans for dealing with juvenile and adult offenders who may be placed on probation. The officers also provide in-state probation supervision, interstate compact supervision, counseling, and/or community referral services to those placed on probation.

### **Department of Corrections**

The Department of Corrections, or DOC, provides out-of-home placement and aftercare services for CHINS and delinquents committed to their care. Once juveniles complete their program and are recommended for release, they are placed under the aftercare supervision of a Juvenile Corrections Agent. The child, the child's parent or custodian, and the child's Juvenile Corrections Agent sign an aftercare contract. Revocation of the child's aftercare may take place through an administrative due process procedure that is utilized to determine if the child violated the conditions of the aftercare contract.

### **Community-based Services**

The Department of Social Services, Division of Behavioral Health consists of prevention services, community based outpatient services, inpatient chemical dependency, psychiatric hospitalization and services for offenders incarcerated in state correctional facilities to best support and strengthen children and adults with behavioral health needs. In order to highlight the importance of prevention and early intervention, a separate prevention program was also created.

**A flow chart of the Juvenile Justice System along with South Dakota's Juvenile Code can be found in Appendix A.**

## B. Analysis of Juvenile Crime Problems

### Arrest

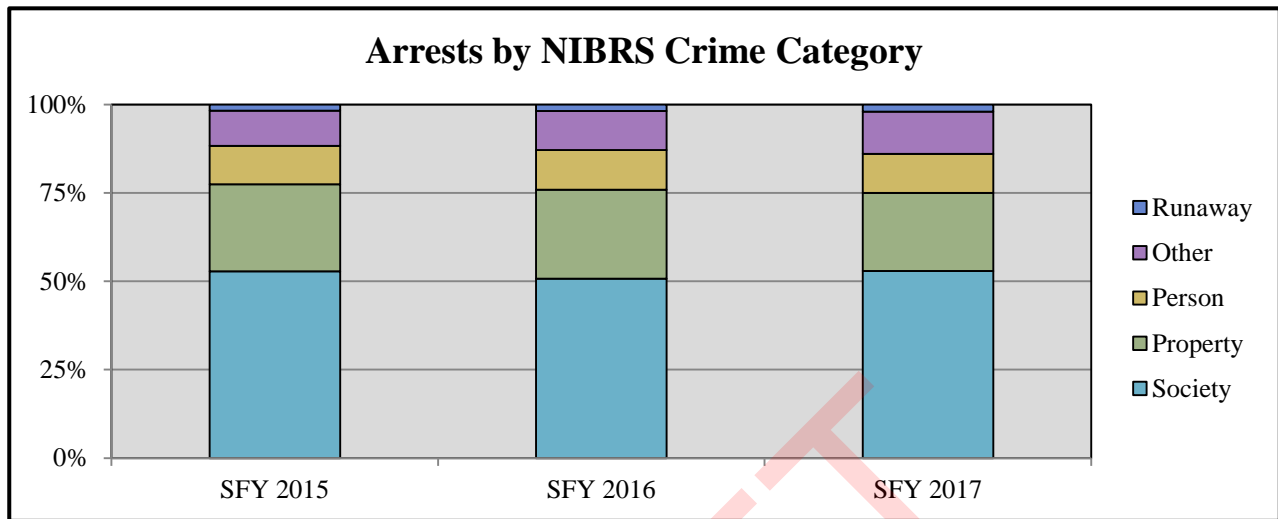
Arrest data was provided by the Statistical Analysis Center of the Attorney General's Office Division of Criminal Investigation for State Fiscal Years (SFY) 2015, 2016, and 2017.

Between SFY 2015 and SFY 2017, arrests have increased 8% and the National Incident-Based Reporting System (NIBRS) crime category of crimes against society represented 53% of juvenile arrests in SFY 2017. Examples of crimes against society included drug/narcotic offenses, weapon law violations, curfew/loitering/vagrancy violations, disorderly conduct, driving under the influence, and trespass of real property.

In all three fiscal years, male juveniles comprised two-thirds of those arrested. Over the three-year period, the number of male arrests increased 11% and females arrested increased 2%. Half of the juveniles arrested were White and one-third were Native American. The number of Native American youth arrested increased 26% over the reporting period while White youth arrested increase 2%.

Summary of Arrest Information							
	SFY 2015		SFY 2016		SFY 2017		2015 - 2017
	#	%	#	%	#	%	% Change
<b>NIBRS Crime Category</b>	<b>4900</b>		<b>4814</b>		<b>5292</b>		<b>8%</b>
Person	531	11%	542	11%	586	11%	10%
Property	1207	25%	1210	25%	1170	22%	-3%
Society	2590	53%	2445	51%	2799	53%	8%
Other	487	10%	528	11%	633	12%	30%
Runaway	85	2%	89	2%	104	2%	22%
<b>Sex</b>	<b>4900</b>		<b>4814</b>		<b>5292</b>		<b>8%</b>
Male	3076	63%	3003	62%	3426	65%	11%
Female	1824	37%	1811	38%	1866	35%	2%
<b>Race</b>	<b>4900</b>		<b>4814</b>		<b>5292</b>		<b>8%</b>
White	2539	52%	2408	50%	2598	49%	2%
Native American	1384	28%	1526	32%	1739	33%	26%
Asian	55	1%	34	1%	44	1%	-20%
Black	392	8%	400	8%	426	8%	9%
Hispanic	286	6%	252	5%	265	5%	-7%
Other and Unknown	244	5%	194	4%	220	4%	-10%
Source: South Dakota Division of Criminal Investigation							

The following chart shows that roughly 75% of all juvenile arrests are under the NIBRS crime categories of crimes against society or property. Arrests for runaways made up 2% of juvenile arrests each year.



The following table displays the offenses that juveniles were arrested for in SFY 2015, SFY 2016, and SFY 2017 along with their NIBRS category. The percent change between SFY 2015 and SFY 2017 is also displayed for offenses with 25 or more arrests in SFY 2017 as offense descriptions with low number of arrests could give a perception of a more drastic increase or decrease in the percentage of arrests.

The top five offenses in both SFY 2015 and SFY 2016 were made up of drug/narcotic violations, liquor law violations, shoplifting, simple assault, and all other offenses. In SFY 2017, nonviolent family offenses replaced shoplifting in the top five and had the highest percent increase of all offenses by increasing 275.9% since SFY 2015. The offense of drug/narcotic violations was the number one offense all three years.

Crime Against:	Offense Description:	SFY 2015	SFY 2016	SFY 2017	% Change '15 - '17
Person	Aggravated Assault	39	71	72	84.6%
Person	Forcible Fondling	9	4	11	*
Person	Forcible Rape	9	6	4	*
Person	Forcible Sodomy	2	1	2	*
Person	Intimidation	29	37	41	41.4%
Person	Kidnapping/Abduction	1	0	3	*
Person	Murder & Nonnegligent Manslaughter	1	0	0	*
Person	Negligent Manslaughter	0	1	0	*
Person	Simple Assault	428	413	444	3.7%
Person	Statutory Rape	13	9	9	*

<b>Crime Against:</b>	<b>Offense Description:</b>	<b>SFY 2015</b>	<b>SFY 2016</b>	<b>SFY 2017</b>	<b>% Change '15 - '17</b>
Property	All Other Larceny	118	136	139	17.8%
Property	Arson	8	6	1	*
Property	Bad Checks	0	0	1	*
Property	Burglary/Breaking & Entering	89	103	107	20.2%
Property	Counterfeiting/Forgery	0	2	2	*
Property	Credit Card/Automated Teller Machine Fraud	4	2	3	*
Property	Destruction/Damage/Vandalism of Property	179	161	189	5.6%
Property	Embezzlement	6	9	5	*
Property	False Pretenses/Swindle/Confidence Game	4	6	5	*
Property	Identity Theft	0	0	2	*
Property	Impersonation	59	47	34	-42.4%
Property	Motor Vehicle Theft	72	72	123	70.8%
Property	Pocket-picking	1	1	0	*
Property	Robbery	7	10	12	*
Property	Shoplifting	514	523	365	-29.0%
Property	Stolen Property Offenses	25	32	35	40.0%
Property	Theft From Building	38	29	45	18.4%
Property	Theft From Coin-Operated Machine or Device	2	0	0	*
Property	Theft From Motor Vehicle	80	69	101	26.3%
Property	Theft of Motor Vehicle Parts or Accessories	1	2	1	*
Society	Curfew/Loitering/Vagrancy Violations	139	122	129	-7.2%
Society	Disorderly Conduct	315	318	338	7.3%
Society	Driving Under the Influence	58	70	54	-6.9%
Society	Drug Equipment Violations	177	146	157	-11.3%
Society	Drug/Narcotic Violations	849	889	855	0.7%
Society	Drunkenness	10	1	1	*
Society	Family Offenses, Nonviolent	170	241	639	275.9%
Society	Liquor Law Violations	800	581	561	-29.9%
Society	Peeping Tom	0	0	1	*
Society	Pornography/Obscene Material	17	8	2	*
Society	Prostitution	0	0	1	*
Society	Trespass of Real Property	26	26	9	*
Society	Weapon Law Violations	29	43	52	79.3%
Not a Crime	Runaway	85	89	104	22.4%
Person, Property, or Society	All Other Offenses	487	528	633	30.0%
<b>Total:</b>		<b>4,900</b>	<b>4,814</b>	<b>5,292</b>	<b>8.0%</b>

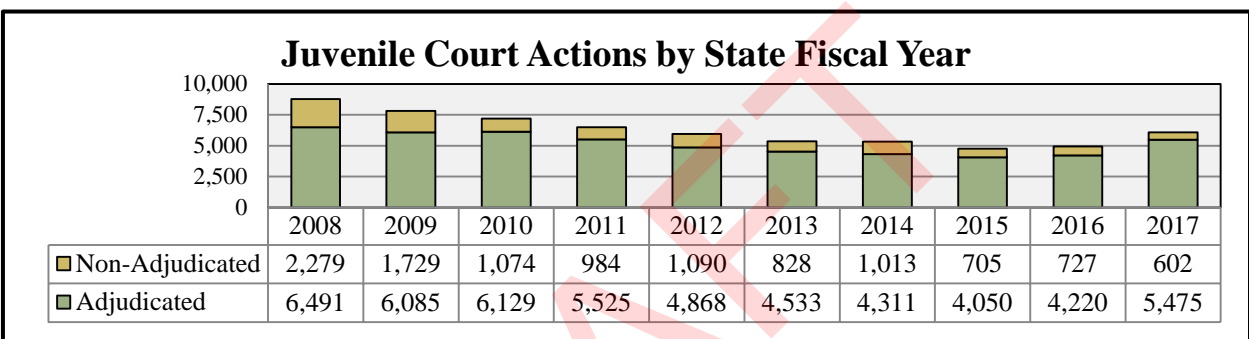
\* Percent change not displayed due to total number of arrests in SFY 2017 being less than 25.

Source: South Dakota Division of Criminal Investigation



## Juvenile Court Referrals

The number of juvenile referrals represents the number of youth less than eighteen years of age referred to the Unified Judicial System (UJS) by the state's attorney. Based on information obtained from the *S.D. Kids Count Factbook*, statewide adjudicatory actions in SFY 2017 decreased 15.65% since a peak of 6,491 actions in SFY 2008 and there was a 73.58% decrease in non-adjudicatory actions during that same time period. The overall activity decreased by 30.71% between SFY 2008 and SFY 2017. It should be noted that non-adjudicatory actions are actually higher than indicated in the table as some diversion programs operated by states attorneys are not included in the non-adjudicatory actions below.



## Court Service Activities

The following table reflects the Court Service activities from SFY 2015 to SFY 2017. It should be noted that diversion numbers indicated in the table do not include some diversions made directly by state's attorneys.

<b>Statewide Court Service Activities</b>				
<b>SERVICE CATEGORIES</b>	<b>SFY'15</b>	<b>SFY'16</b>	<b>SFY'17</b>	<b>% Change 15-17</b>
<b>Juvenile Service:</b>				
Juvenile Pre-hearing Social Case Study	233	119	147	-37%
90 Day Diversion Services Added	676	673	502	-26%
Placed on Probation During FY	1,777	1,323	1,465	-18%
Active Probation End of FY	1,156	649	647	-44%
<b>Case Services Monitoring:</b>				
Placed in Case Monitoring During FY	284	220	139	-51%
Active Case Monitoring End of FY	118	64	62	-47%
<b>Intensive Probation:</b>				
Placed on Intensive Probation During FY	108	180	138	28%
On Intensive Probation End of FY	86	111	91	6%
<b>Total of All Categories:</b>				
Added During FY	3,078	2,515	2,391	-22%
Active End of FY	1,360	824	800	-41%
Source: Unified Judicial System Fiscal Year Report				

The Juvenile Justice Public Safety Improvement Act (JJPSIA), a result of Senate Bill No. 73 in the 2015 South Dakota Legislative Session, was designated 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 reserving residential facilities for juveniles who are a public safety risk. A majority of the policy changes included in the JJPSIA went into effect January 1, 2016.

Shorter initial probation terms were implemented to prevent youth from being in the juvenile justice system too long and ensure that needed services are provided to youth as soon as possible. Juvenile Citations were also implemented to address certain delinquency violations. Citations can either be dismissed or have a judgment imposed by the court requirement the youth to participate in a diversion program, pay a fine, or complete community services (Source: FY 2016 and FY 2017 JJPSIA Annual Reports). Both of these changes helped to reduce the number of youth on probation in SFY 2016 and SFY 2017.

Since SFY 2015, the number of juveniles placed on probation during the fiscal year has decreased 18% and the number on probation at the end of the fiscal year decreased 44% while the number of juveniles placed on intensive probation during the reporting period has increased 28%.

### **Court Services Activity by Circuit**

The following table provides Court Services activity information for SFY 2017 by Circuit Court. The majority of probationary activities occur within the Second and Seventh Circuits. South Dakota's two largest cities and the only metropolitan statistical areas, Sioux Falls (Minnehaha County) and Rapid City (Pennington County), are located in the Second and Seventh Circuits, respectively. Once again, the diversion services numbers appear to be under reported due to some diversion programs operating outside of the formal juvenile court system.

## Court Services Activities by Circuit- SFY 2017

SERVICE CATEGORIES	First Circuit	Second Circuit	Third Circuit	Fourth Circuit	Fifth Circuit	Sixth Circuit	Seventh Circuit	State
<b>Juvenile Service:</b>								
Prehearing Social Case Study	16	64	17	17	2	9	22	147
Informal Diversions Added	64	302	37	17	44	38	0	502
Placed on Probation	210	466	185	90	150	52	312	1,465
On Probation at End of FY	97	211	45	45	81	36	132	647
Restitution Received	\$24,812	\$31,003	\$36,097	\$9,794	\$51,764	\$12,549	\$10,766	\$176,785
<b>Case Service Monitoring:</b>								
Placed in Program During FY	0	117	17	1	4	0	0	139
Active Cases at End of FY	0	60	2	0	0	0	0	62
Interstate Compact Cases - In	2	2	2	2	0	2	6	16
Interstate Compact Cases - Out	5	5	0	4	2	0	0	16
Source: Unified Judicial System								
NOTE: Data does not include juvenile intensive cases.								

### Diversion Programs

In addition to court initiated diversion, state's attorney can also initiate diversions and operate diversion programs. These programs operate in order to reduce the number of first time offenders exposed to the juvenile court system, assess and provide services to meet the needs of these offenders and their families, and hold juveniles accountable for their actions. Options available for diversion include:

- Community Service hours
- Essays and reports
- Restrictions (curfew, contact with peers, driver's license, etc.)
- Educational classes
- Restitution

Starting in SFY 2016, a new diversion program was created through the JJPSIA to expand the use of diversion by providing fiscal incentives to counties who utilize court approved diversion programs for juveniles. More information regarding the Fiscal Incentive Diversion Program under the Juvenile Justice Reinvestment Initiative (JJRI) can be found

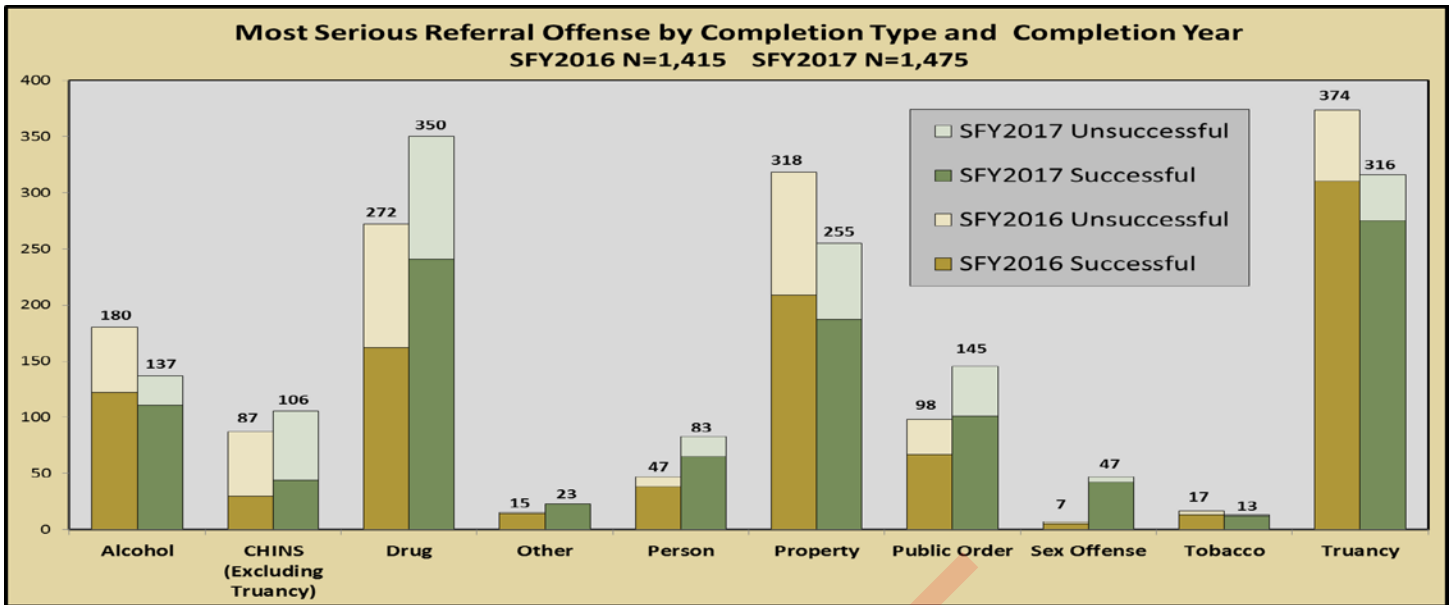
at: [http://www.sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=26-8D-2](http://www.sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=26-8D-2).

The chart below displays the juveniles who were referred to the program in SFY 2016 and SFY 2017 and completed, either successfully or unsuccessfully, a court approved diversion program.

<b>JJRI Fiscal Incentive Diversion Program Summary</b>						
	<b>SFY 2016</b>			<b>SFY 2017</b>		
	<b>Successful</b>	<b>Unsuccessful</b>	<b>Total</b>	<b>Successful</b>	<b>Unsuccessful</b>	<b>Total</b>
<b>Sex</b>						
Female	424	189	613	440	141	581
Male	546	256	802	661	233	894
<b>Race</b>						
Asian	13	5	18	5	6	11
Black	55	44	99	46	46	92
Hispanic	72	23	95	69	29	98
Native American	278	138	416	297	116	413
Other	7	0	7	14	2	16
Unknown	3	24	27	7	3	10
White	542	211	753	663	172	835
<b>Referral Offense</b>						
Alcohol	122	58	180	111	26	137
CHINS (Excluding Truancy)	30	57	87	44	62	106
Drug	162	110	272	241	109	350
Other	14	1	15	23	0	23
Person	38	9	47	65	18	83
Property	209	109	318	187	68	255
Public Order	67	31	98	101	44	145
Sex Offense	5	2	7	42	5	47
Tobacco	13	4	17	12	1	13
Truancy	310	64	374	275	41	316
<b>Total Completers</b>	<b>970</b>	<b>445</b>	<b>1415</b>	<b>1101</b>	<b>374</b>	<b>1475</b>
Source: South Dakota Department of Corrections						

In SFY 2017 there were 1,834 referrals to court approved diversion programs of which 1,475 of the referrals completed either successfully or unsuccessfully during the fiscal year. Successful completers made up 74.6% of the completers in SFY 2017 which was an increase from 68.6% successful completions in SFY 2016.

The chart below shows the number of successful and unsuccessful completers of court approved diversion programs in SFY 2016 and SFY 2017 by referral offense category. In SFY 2016, the category with the most completers was truancy. Truancy was second to drug offenses in SFY 2017.



### Juvenile Offenders in Detention and Jails

A significant amount of progress has been made in meeting the Formula Grant Program compliance requirements since compliance legislation went into effect on July 1, 2003.

The following information represents the changes from 2002 to 2016.

<b>Summary of Compliance Monitoring Violation History</b>					
Reporting Year	Deinstitutionalization of Status Offenders		Jail Removal		Separation
	Violations	Rate	Violations	Rate	Violations
2002	115	56.75	291	143.60	9
2003*	16	8.18	34	17.38	0
2004	9	4.60	5	2.56	1
2005	11	5.62	16	8.18	1
2006	7	3.72	6	3.19	1
2007	11	5.65	20	10.27	2
2008	6	3.05	4	2.03	0
2009	3	1.52	0	0.00	0
2010	0	0.00	0	0.00	0
2011	3	1.52	0	0.00	0
2012	9	4.44	0	0.00	0
2013	6	2.96	0	0.00	0
2014	7	3.45	0	0.00	0
2015**	3	1.53	0	0.00	0
2016	32	15.4	30	14.2	0

\* Data Projected from July through December 2003 admission.  
 \*\* 2015 Reporting Period was 1/1/2015 - 9/30/2015  
 Rates per 100,000 population under 18 years old.  
 Population determined by OJJDP.

Between 2002 and 2004, there was a 92.2% decrease in Deinstitutionalization of Status Offenders (DSO) violations, a 98.3% decrease in Jail Removal violations, and an 88.9% decrease in Sight and Sound Separation violations. Since South Dakota began working towards compliance, a few incidences of violations have occurred which are typically addressed through advocacy, education of staff, and ensuring that cases have appropriate screenings completed prior to admission.

For the 2016 reporting period, South Dakota was found in full compliance with the Separation requirement and in de minimis compliance with the Deinstitutionalization of Status Offenders and Jail Removal requirements. While the rates of violations for the reporting period exceeded prior years, the rates did not place South Dakota in a state of non-compliance. One facility was responsible for almost all of the DSO and Jail Removal violations and the practices leading to the violations have ceased.

South Dakota's findings of full and de minimis compliance reflect South Dakota's appropriate use of allowable exceptions and strong adherence to the Sight and Sound requirement. South Dakota Formula Grant Staff and State Advisory Group Members continue to educate adult and juvenile facilities and criminal and juvenile justice stakeholders on the importance of adherence to the requirements of the JJDPA.

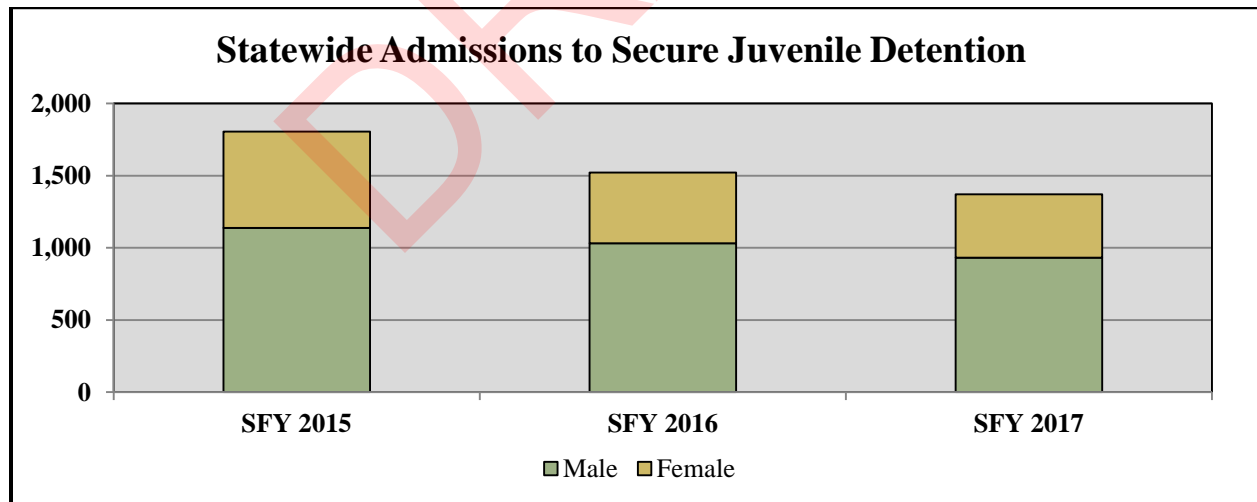
### ***Juvenile Detention Centers***

The following table summarizes admissions of status and delinquent juveniles to secure portions of juvenile detention centers within South Dakota for SFY 2015, SFY 2016, and SFY 2017 by race, sex, and offense type. (Offense type to be entered prior to submission.)

Statewide Admissions to Secure Juvenile Detention Facilities														
	Asian		Black		Hispanic		Native American		White		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
<b>SFY 2015</b>														
Female	2	0%	35	5%	24	4%	344	51%	258	39%	5	1%	668	37%
Male	12	1%	83	7%	71	6%	475	42%	480	42%	16	1%	1,137	63%
Total	14	1%	118	7%	95	5%	819	45%	738	41%	21	1%	1,805	
<b>SFY 2016</b>														
Female	2	0%	22	4%	6	1%	310	63%	146	30%	3	1%	489	32%
Male	3	0%	58	6%	46	4%	485	47%	428	42%	11	1%	1,031	68%
Total	5	0%	80	5%	52	3%	795	52%	574	38%	14	1%	1,520	
<b>SFY 2017</b>														
Female	1	0%	20	5%	14	3%	250	57%	148	34%	6	1%	439	32%
Male	13	1%	67	7%	39	4%	390	42%	413	44%	9	1%	931	68%
Total	14	1%	87	6%	53	4%	640	47%	561	41%	15	1%	1,370	

There was a 24.1% decrease in total admissions to secure detention from SFY 2015 to SFY 2017 which supports a statewide goal to supervise youth in non-secure or community settings. (Finish narrative after adding offense type.)

The following chart displays the number of admissions to secure detention by sex and offense type. (Offense type to be entered prior to submission).



The chart shows that admissions for both male and female juveniles have been decreasing since SFY 2015. (Finish narrative after adding offense type.)



**Other Information Relevant to Delinquency Prevention Programming**

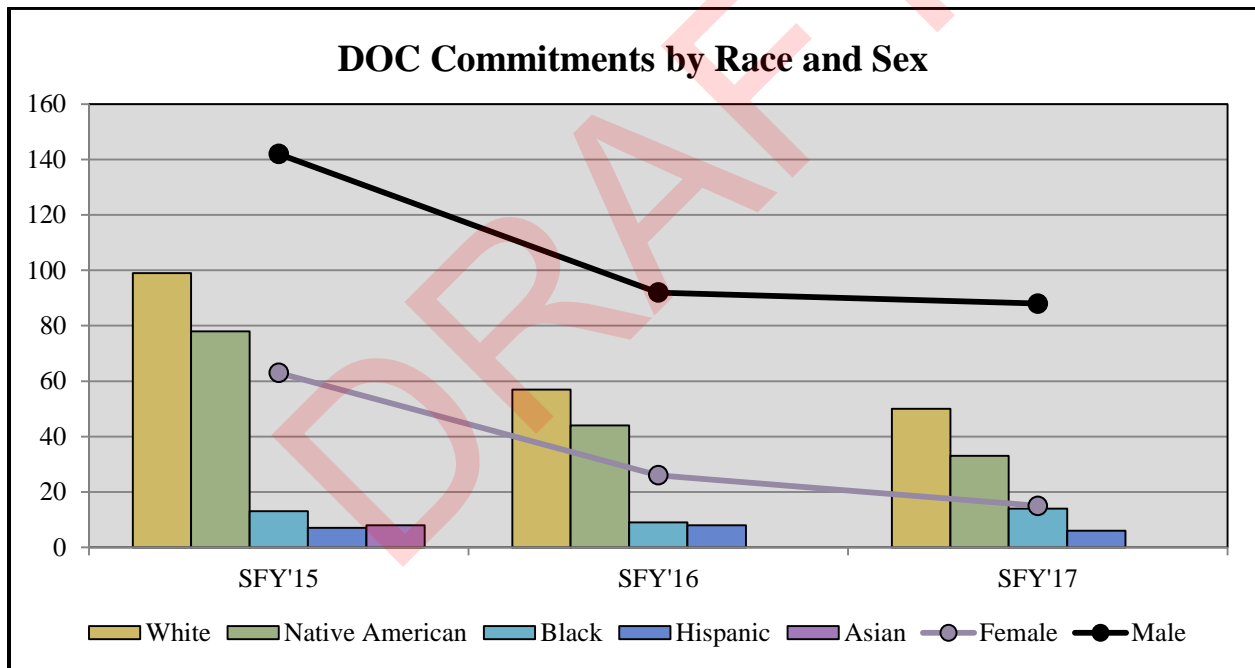
*Department of Corrections New Commitments* - Judges may commit a youth to the Department of Corrections (DOC) as a disposition for adjudication as a Child in Need of Supervision (CHINS) or a delinquent child. Upon commitment, the DOC places the youth in a facility or program that meets the needs of that specific juvenile. These needs are fulfilled through residential treatment facilities, group care facilities, foster care, or out of state juvenile correction facilities. The statewide breakdown for the status, sex, age, and race of new commitments by fiscal year can be found in the following table:

<b>Demographic Summary of New Juvenile Commitments</b>							
	SFY'15		SFY'16		SFY'17		'15-'17
	#	%	#	%	#	%	% Change
<b>Commit Status</b>	205		118		103		-49.76%
Status	20	10%	4	3%	2	2%	-90.00%
Delinquent	185	90%	114	96.6%	101	98%	-45.41%
<b>Sex</b>	205		118		103		-49.76%
Male	142	69%	92	78.0%	88	85%	-38.03%
Female	63	31%	26	22%	15	15%	-76.19%
<b>Age</b>	205		118		103		-49.76%
<10	0	0%	1	0.8%	0	0%	0.00%
10-12	5	2%	3	2.5%	1	1%	-80.00%
13-14	32	16%	11	9.3%	13	13%	-59.38%
15	28	14%	23	19%	17	17%	-39.29%
16	54	26%	30	25%	22	21%	-59.26%
17	54	26%	37	31%	34	33%	-37.04%
18 or over	32	16%	13	11%	16	16%	-50.00%
<b>Race</b>	205		118		103		-49.76%
Asian	8	4%	0	0.0%	0	0%	-100.00%
Black	13	6%	9	7.6%	14	14%	7.69%
Hispanic	7	3%	8	6.8%	6	6%	-14.29%
Native American	78	38%	44	37.3%	33	32%	-57.14%
Other	0	0	0	0%	0	0%	0.00%
White	99	49%	57	48%	50	49%	-50.00%
Source: South Dakota Department of Corrections							

In SFY 2017, DOC data reflects 103 new juvenile commitments. Of these commitments, 98% of juveniles were committed for delinquent behavior; 85% were male; 7% of juveniles were young offenders (14 and under); 32% were Native American; and all other minority races made up 20% of the new commitments.

Beginning in January 2016, the JJPSIA established commitment criteria that has led to a reduction of the number of new commitments to DOC. Since SFY 2015, the number of status offenders committed to DOC decreased 90% and the number of delinquents is down 45%.

The following chart shows that since SFY 2015, there has been a decline in commitments from every race except for increases Black youth who comprised 14% of the commitment population in SFY 2017 versus 6% in SFY 2015. The chart also shows that commitments for both males and females have been decreasing. Between SFY 2015 and SFY 2017, commitments for female juveniles decreased 76.19% and commitments for male juveniles decreased 38.03%.



The statewide breakdown for all new commitments, CHINS commitments, and young offender (14 and under) commitments can be found by county in the following table. Please note that only counties with at least one commitment for the three year date range are displayed. 41% of new commitments in SFY 2017 to the Department of Corrections came from South Dakota's two largest counties Minnehaha (33 commitments) and Pennington (10 commitments).

## New Juvenile Commitments to DOC (By County\*)

Young = 14 & Under	SFY 2015			SFY 2016			SFY 2017		
	All	CHINS	Young	All	CHINS	Young	All	CHINS	Young
<b>STATEWIDE</b>	<b>205</b>	<b>20</b>	<b>37</b>	<b>118</b>	<b>4</b>	<b>15</b>	<b>103</b>	<b>2</b>	<b>14</b>
AURORA	0	0	0	1	0	0	0	0	0
BEADLE	15	2	1	2	0	0	2	0	1
BENNETT	3	0	0	1	0	0	0	0	0
BROOKINGS	10	0	2	11	0	0	7	0	1
BROWN	6	1	1	4	0	1	3	0	0
BRULE	2	1	0	1	0	0	1	0	1
BUTTE	1	0	0	1	0	0	0	0	0
CAMPBELL	1	0	0	0	0	0	0	0	0
CHARLES MIX	14	1	3	7	1	3	3	0	1
CLARK	1	0	0	1	0	0	0	0	0
CLAY	4	0	0	3	0	0	2	0	0
CODINGTON	10	0	2	3	0	0	2	0	1
CUSTER	0	0	0	0	0	0	1	0	0
DAVISON	6	2	0	4	0	1	3	0	0
DAY	2	0	0	0	0	0	0	0	0
DEUEL	2	1	0	1	0	0	0	0	0
EDMUNDS	1	0	0	0	0	0	0	0	0
FALL RIVER	4	0	0	1	0	0	0	0	0
GRANT	4	1	1	0	0	0	2	0	0
GREGORY	1	0	0	0	0	0	0	0	0
HAMLIN	2	0	0	0	0	0	0	0	0
HUGHES	12	1	2	4	0	0	4	0	0
HUTCHINSON	2	0	1	5	1	0	0	0	0
JERAULD	1	0	1	0	0	0	0	0	0
JONES	1	1	0	0	0	0	1	0	0
LAKE	2	0	1	2	0	0	4	0	1
LAWRENCE	2	1	0	1	1	1	1	0	0
LINCOLN	11	1	3	4	0	1	9	0	0
MARSHALL	0	0	0	0	0	0	1	0	1
MCPHERSON	1	1	0	0	0	0	0	0	0
MEADE	5	2	1	4	0	2	3	0	0
MELLETTE	0	0	0	4	0	0	0	0	0
MINER	1	0	0	0	0	0	1	1	0
MINNEHAHA	40	1	10	23	0	2	33	0	3
MOODY	1	1	0	0	0	0	0	0	0
PENNINGTON	20	0	4	17	0	2	10	0	1

	SFY 2015			SFY 2016			SFY 2017		
	All	CHINS	Young	All	CHINS	Young	All	CHINS	Young
ROBERTS	5	0	2	3	0	0	1	0	0
SPINK	3	1	1	0	0	0	2	0	0
STANLEY	0	0	0	2	1	0	0	0	0
TRIPP	0	0	0	2	0	2	0	0	0
TURNER	3	1	0	2	0	0	0	0	0
UNION	1	0	0	2	0	0	2	0	1
WALWORTH	1	0	0	0	0	0	0	0	0
YANKTON	4	0	1	2	0	0	5	1	2

\*Counties not listed had 0 commitments for the date range displayed.

Source: South Dakota Department of Corrections

*Department of Corrections Placements* - The following table depicts the average daily populations by state fiscal year for placement categories utilized by the Department of Corrections for youth committed to their care and for which the Department either operates the program or pays for care through a placement contract.

<b>State Fiscal Year Average Daily Population By Placement</b>			
	SFY 2015	SFY 2016	SFY 2017
<b>All Juvenile Community Corrections</b>	<b>599.5</b>	<b>473.5</b>	<b>334.2</b>
<b>Aftercare</b>	<b>291.7</b>	<b>257.6</b>	<b>197.6</b>
<b>DOC Run Programs</b>	<b>86.7</b>	<b>31.4</b>	<b>0.0</b>
STAR Academy East Campus	25.5	10.6	0.0
STAR Academy West Campus	61.2	20.9	0.0
<b>Other Placement*</b>	<b>221.1</b>	<b>184.4</b>	<b>136.6</b>
Department of Human Services	4.8	3.3	0.6
Detainment	31.1	28.2	26.5
In-State Private - DOC Paid	129.3	100.6	57.5
Group Care	40.4	27.1	20.3
Intensive Residential	38.2	35.1	14.9
Residential Treatment (PRTF)	50.6	38.4	22.3
In-State Private - Non DOC Paid	12.9	12.9	11.1
Out of State Private - DOC Paid	42.2	38.2	39.2

\*Other Placement Total includes escapes from facilities

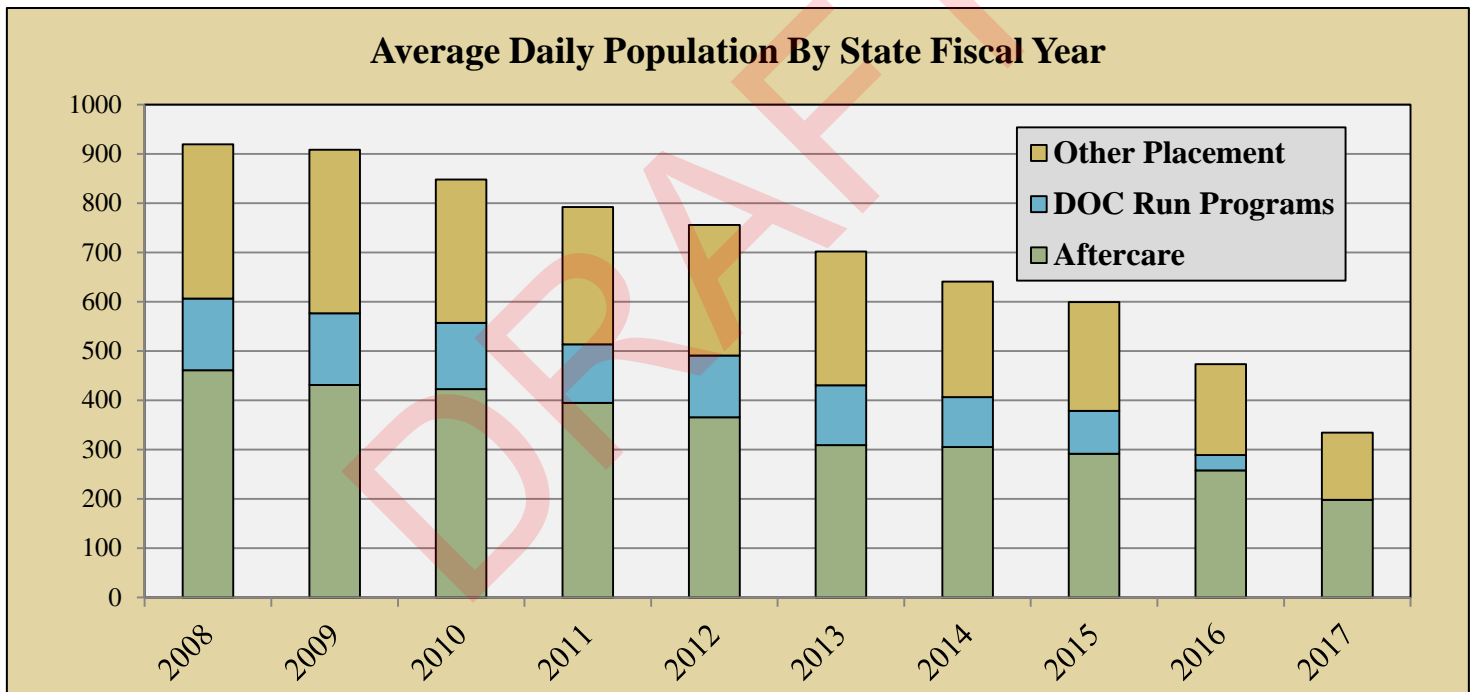
Source: South Dakota Department of Corrections

The private placement numbers include youth placed in private programs with the cost of care paid for by the Department of Corrections. Youth placed in out-of-state facilities either have severe mental health issues, require sex offender treatment, or cannot be

served by an in-state facility due to the youth’s needs or because no space is available in South Dakota private facilities.

Youth under the jurisdiction of the Department of Corrections are also placed in private facilities based on their eligibility for services due to mental health needs, developmental disability, or chemical dependency diagnoses.

The following graph shows the average daily population by placement type. The three categories of Other Placement, DOC Run Programs, and Aftercare have significantly decreased since 2008 with Aftercare consistently being the largest placement category. On April 8, 2016 the DOC run programs at STAR Academy closed making SFY 2015 the last full year of data for DOC run programs.



The State’s participation in JDAI and juvenile justice reinvestment, along with the DOC’s adoption of evidenced-based practices, has led to a 64% decrease in the average daily population of the number of youth under DOC commitment from SFY 2008 to SFY 2017.

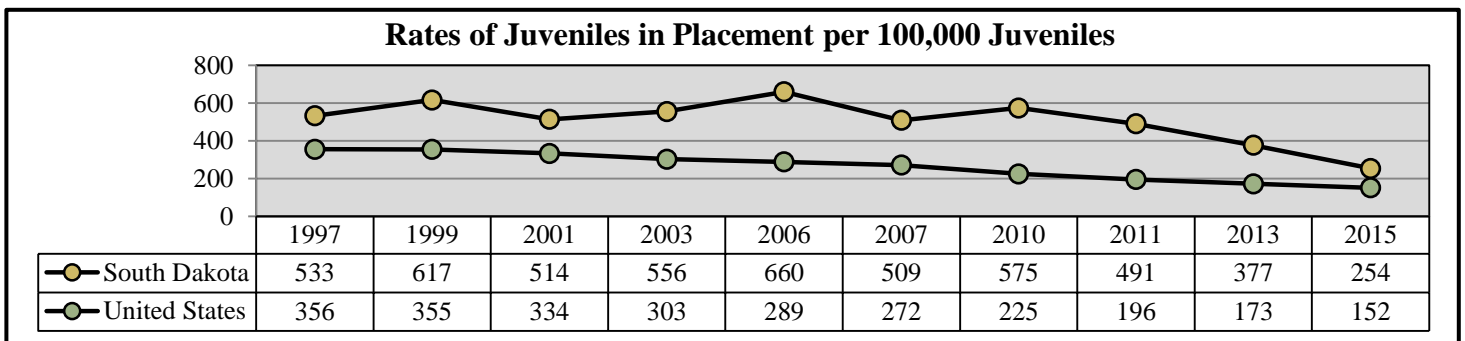


**South Dakota's Juvenile Incarceration Rate** - The following information is from OJJDP's *Census of Juveniles in Residential Placement: 1997-2015* which describes the number of juveniles and the rate of incarceration per 100,000. The count for the 2015 census was done on October 28, 2015.

<b>Rates* of Juveniles in Residential Placement in 2015</b> (*Per 100,000 juveniles)						
State of Offense	All groups	White	Black	Hispanic	American Indian	Asian
<b>United States</b>	<b>152</b>	<b>86</b>	<b>433</b>	<b>142</b>	<b>261</b>	<b>23</b>
West Virginia	329	301	566	238	1,053	0
Wyoming	296	243	1,166	297	1,075	0
Oregon	286	235	1,103	330	776	56
Alaska	262	176	710	46	459	39
<b>South Dakota</b>	<b>254</b>	<b>162</b>	<b>341</b>	<b>135</b>	<b>727</b>	<b>183</b>
District of Columbia	251	0	363	0	0	0
Pennsylvania	228	93	862	312	255	26
Nebraska	225	123	811	335	913	106
Indiana	217	154	621	143	157	18
Nevada	209	131	736	160	400	48
West Virginia	329	301	566	238	1,053	0

South Dakota had 228 juveniles in placement on October 28, 2015. Of these juveniles 168 were male (74%) and 60 were female (26%). This equates to a placement rate of 254 per 100,000 juveniles held in residential facilities that were between 10 and 17 years of age. South Dakota had the highest juvenile incarceration rate (575/100,000) in the United States with a rate nearly 2.6 times higher than the national placement rate in 2010. In 2015, South Dakota dropped to fifth behind West Virginia, Wyoming, Oregon, and Alaska and was 1.67 times higher than the national placement rate of 152 per 100,000 juveniles.

The following graph shows a comparison of the rates from South Dakota and the United States for each census from 1997 to 2015.

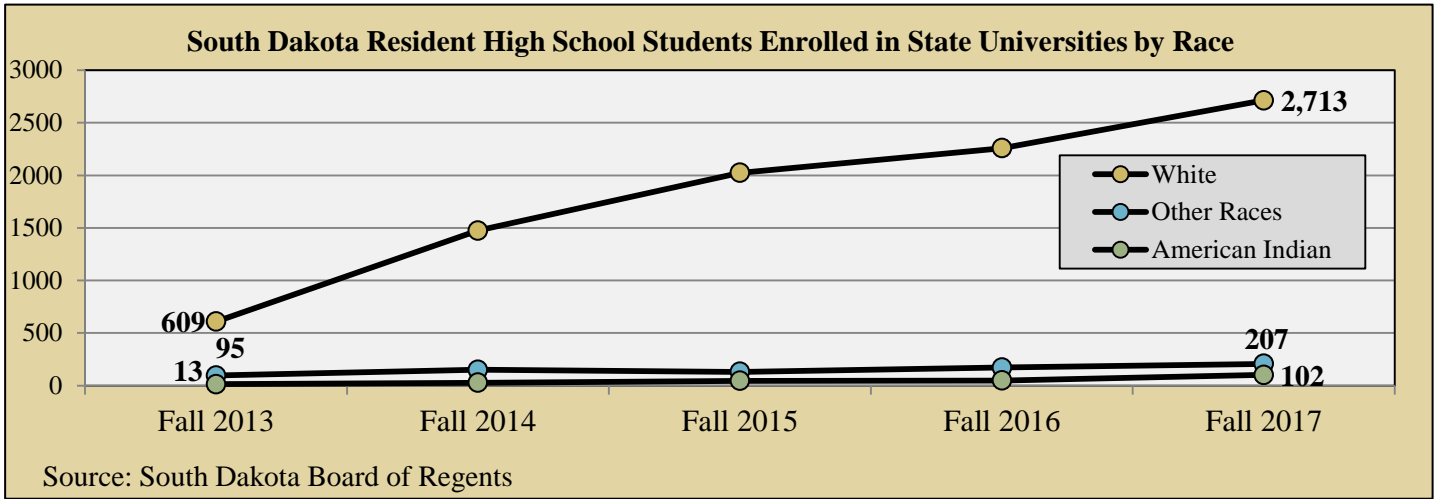


South Dakota's rate of juvenile offenders decreased 61.52% between the census in 2006 which had South Dakota's highest rate and the census completed in 2015. It is anticipated that through Department of Corrections strategies which focus on evidence-based practices, strengthening aftercare services, expedited placement in aftercare services, and timely discharges and the continued implementation of JDAI and juvenile justice reinvestment in South Dakota that South Dakota's rate will continue to decrease in future censuses.

**Education** - Based on the collection information from the South Dakota Department of Education, statistics show that there are a variety of educational attainment gaps they related to the advantages and disadvantages of youth in South Dakota. The following table outlines 2015, 2016, and 2017 enrollments by race from the South Dakota Department of Education which shows a total 2% enrollment increase since 2015.

<b>Statewide Enrollment Summary</b>						
	<b>2015</b>		<b>2016</b>		<b>2017</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>All Students</b>	150,778		152,958		153,789	
<b>White</b>	109,286	72.48%	109,818	71.80%	109,798	71.40%
<b>Black</b>	4,164	2.76%	4,406	2.88%	4,648	3.02%
<b>Asian</b>	2,512	1.67%	2,592	1.69%	2,632	1.71%
<b>Pac. Islander</b>	150	0.10%	146	0.10%	176	0.11%
<b>Native American</b>	22,664	15.03%	22,859	14.94%	22,309	14.51%
<b>Hispanic</b>	7,292	4.84%	7,901	5.17%	8,547	5.56%
<b>Multiple Races</b>	4,710	3.12%	5,236	3.42%	5,679	3.69%
<b>Male</b>	77,813	51.61%	78,934	51.61%	79,101	51.43%
<b>Female</b>	72,965	48.39%	74,024	48.39%	74,688	48.57%
Source: South Dakota Department of Education						

The following chart shows the number of South Dakota resident high school students enrolled in state universities by race. The numbers for all races have increased since the fall of 2013 by 321.48% with the enrollments for white students increasing the most at 345.48%.



The following table outlines the percent of students completing high school, graduating under the four-year cohort standard, and attending 94% or more of enrolled days by various subgroups.

<b>Education Summary by School Year</b>									
	High School Completion			Four-Year Cohort Graduation			Attendance		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
All Students	90.05%	90.23%	91.31%	83.86%	83.88%	83.74%	79.66%	80.23%	79.32%
White	93.60%	94.05%	94.90%	89.54%	89.30%	89.54%	85.22%	86.18%	85.23%
Black	82.55%	85.19%	86.82%	72.02%	76.95%	78.17%	81.66%	80.50%	78.99%
Asian	95.21%	88.18%	89.50%	81.77%	81.60%	85.47%	88.78%	89.62%	88.66%
Pac. Islander	*	*	*	*	41.67%	*	69.30%	75.00%	74.04%
Native American	65.81%	66.22%	69.76%	49.47%	50.80%	50.05%	54.31%	53.37%	52.93%
Hispanic	82.57%	81.94%	82.38%	70.06%	72.70%	70.57%	70.59%	71.21%	69.88%
Multiple Races	82.00%	85.09%	87.62%	72.15%	78.00%	78.16%	72.60%	73.69%	73.65%
Economically Disadvantaged	79.58%	80.98%	81.94%	66.96%	67.04%	66.92%	69.40%	69.26%	68.06%
Students with Disabilities	74.63%	80.56%	80.70%	59.92%	60.42%	60.18%	74.14%	74.13%	73.26%
English Language Learners	75.88%	67.01%	71.57%	56.32%	57.21%	59.41%	81.72%	82.13%	81.65%
Male	88.87%	88.51%	90.31%	81.56%	80.83%	80.94%	79.76%	80.43%	79.68%
Female	91.29%	92.01%	92.41%	86.29%	87.04%	86.85%	79.54%	80.02%	78.93%
Migrant Students	94.12%	70.59%	63.16%	73.53%	61.54%	61.90%	89.15%	84.20%	85.36%
Source: South Dakota Department of Education 2015, 2016, and 2017 Report Cards									
*No data displayed due to subgroup not meeting the minimum size for reporting purposes									

In 2017, all minority students had a lower percentage of high school completers when compared to white students and the all student average. Minority youth, especially Native American youth, also had a lower percentage of four-year cohort graduation and attendance during the year when compared to white students. The only exception was that Asian students had a better attendance percentage than white students with 88.66% versus 85.23%. Female students had higher percentages under high school completion and four-year cohort graduation compared to male students.

***Substance Abuse*** - Juveniles in South Dakota that are in need of inpatient services are admitted to state accredited drug and alcohol treatment programs which are overseen by the South Dakota Department of Social Services, Division Correctional Behavioral Health. According to information submitted from the department for the *2017 South Dakota Kids Count Factbook*, 864 youth were admitted to drug or alcohol treatment programs during SFY 2017. Of these admissions, the primary drug used was marijuana (60.0%) followed by alcohol (31.0%) and meth (4.0%).

In addition to accrediting facilities, the South Dakota Department of Social Services Behavioral Health Division, along with the Department of Education and the Department of Health support the biennially administered *Youth Risk Behavior Survey*. This survey is used to track health-risk behaviors in youth that result in the greatest amount of morbidity, mortality, and social problems. The following table outlines the questions as they pertain to violence and drug and alcohol use among youth in South Dakota from the 2015 survey which is the most recent survey available.

The largest decrease between the 2013 and 2015 surveys occurred with the percentage of students who used marijuana one or more times during their life which decreased 4.6%. The largest increase occurred with the percentage of students who were offered, sold, or given an illegal drug by someone on school property during the past 12 months which increased 3.6% between 2013 and 2015.

## Youth Risk Behavior Survey Summary 2005-2015

	2005	2007	2009	2011	2013	2015
<b>Violence</b>						
Percentage of students who were in a physical fight one or more times during the past 12 months.	26.5%	29.8%	27.1%	24.5%	24.2%	21.7%
Percentage of students who carried a weapon such as a gun, knife, or club on school property on more or more of the past 30 days.	8.3%	6.3%	9.2%	5.7%	6.8%	7.1%
Percentage of students who did not go to school on one or more of the past 30 days because they felt they would be unsafe at school or on their way to or from school.	3.9%	4.0%	2.9%	3.9%	5.2%	4.7%
Percentage of students who had been threatened or injured with a weapon such a gun, knife, or club on school property one or more times during the past 12 months.	8.1%	5.9%	6.8%	6.0%	5.0%	7.3%
Percentage of respondents whose property, such as their car, clothing, or books had been stolen or deliberately damaged on school property one or more times during the past 12 months.	27.4%	24.0%	27.7%	22.8%	18.7%	Not in Report
<b>Alcohol Use</b>						
Percentage of students who had at least one drink of alcohol on one or more of the past 30 days.	46.6%	44.5%	40.1%	39.2%	30.8%	28.0%
Percentage of students who had at least one drink of alcohol on one or more days during their life.	76.9%	76.1%	72.7%	69.1%	64.0%	60.3%
Percentage of students who had their first drink of alcohol other than a few sips before age 13 years.	24.0%	20.8%	19.1%	19.0%	17.2%	18.4%
Percentage of students who had five or more drinks of alcohol in a row, that is, within a couple of hours, on more or more of the past 30 days.	34.2%	30.0%	26.3%	26.2%	17.2%	14.3%
<b>Drug Use</b>						
Percentage of students who used marijuana one or more times during the past 30 days.	16.8%	17.7%	15.2%	17.8%	16.1%	12.4%
Percentage of students who used marijuana one or more times during their life.	36.9%	33.9%	30.0%	32.8%	29.6%	25.0%
Percentage of students who tried marijuana for the first time before age 13 years.	8.2%	8.7%	5.3%	7.8%	7.2%	6.0%
Percentage of students who used methamphetamines one or more times during their life.	7.3%	5.0%	2.7%	3.5%	4.2%	3.8%
Percentage of students who used a needle to inject any illegal drug into their body one or more times during their life.	3.0%	2.4%	1.7%	2.1%	3.0%	2.2%
Percentage of students who were offered, sold, or given an illegal drug by someone on school property during the past 12 months.	20.9%	21.1%	17.7%	16.0%	15.4%	19.0%
Source: 2015 Youth Risk Behavior Survey Summary						



***Native American Tribes of South Dakota-*** There are nine federally recognized Native American Tribes in South Dakota. The nine federally recognized tribes are listed below:

- Cheyenne River Sioux Tribe
- Crow Creek Sioux Tribe
- Flandreau Santee Sioux Tribe
- Lower Brule Sioux Tribe
- Oglala Sioux Tribe (Pine Ridge)
- Rosebud Sioux Tribe
- Sisseton-Wahpeton Sioux Oyate
- Standing Rock Sioux Tribe
- Yankton Sioux Tribe

***Tribal Law Enforcement Functions*** - Six of the Tribes provide their own law enforcement with the remaining tribes having their law enforcement agency operated by the Bureau of Indian Affairs (BIA). (Source: BIA Law Enforcement Department)

<b>Provide Own Law Enforcement</b>	<b>BIA Contracted Law Enforcement</b>
Cheyenne River Sioux Tribe	Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe	Lower Brule Sioux Tribe
Oglala Sioux Tribe (Pine Ridge)	Standing Rock Sioux Tribe
Rosebud Sioux Tribe	
Sisseton-Wahpeton Sioux Oyate	
Yankton Sioux Tribe	

***Tribal Juvenile Detention*** - Many Tribes in South Dakota do not have the need or the capacity to run a full time juvenile detention facility. Those Tribes that do not have full-time detention facilities contract with other Tribes or county facilities to hold their juvenile offenders. Those Tribes that run their own facility include:

- Cheyenne River Sioux Tribe
- Lower Brule Sioux Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Standing Rock Sioux Tribe

***Tribal Juvenile Justice Needs*** - Based on the funding of Native American Programs during SFY 2017, the applicant identified that prevention services in schools and detention centers is needed to help prevent patterns of offenses among juveniles and adults.

### **Statewide Justice Programs**

South Dakota has streamlined and improved its juvenile justice system since coming into compliance with the JJDPa in 2003. Since state fiscal year (SFY) 2004, juvenile commitments to the Department of Corrections (DOC) decreased by 70.8% and probation admissions decreased 52.1%. However, South Dakota still has one of the highest incarceration rates in the nation which continues to encourage collaboration and improvement throughout the state.

***The Juvenile Justice Reinvestment Initiative:*** In June 2014, South Dakota began to study the juvenile justice system and develop policy recommendations to increase public safety by improving outcomes for youth and families regarding juvenile recidivism, effectively holding juvenile offenders more accountable, and reducing juvenile justice costs by investing in proven community-based practices and reserving residential facilities for serious offenders.

The Juvenile Justice Reinvestment Initiative (JJRI) Work Group was formed to conduct extensive analysis of data and engage juvenile justice stakeholders across the state to recommend policies to address juvenile justice reform. The work group's analysis of juvenile populations in the custody of the DOC and under the supervision of the Unified Judicial System (UJS) led to a set of key findings that were subsequently used to develop policy recommendations. The work group found that:

- (1) pre-court diversion was used inconsistently across the state,
- (2) most DOC commitments were for misdemeanor offenses, CHINS violations, and probation violations,
- (3) fewer youth were being committed to DOC, but they were staying longer,
- (4) admissions to probation were declining but increasingly lower risk,
- (5) length of probation supervision was increasing, and

(6) evidence-based interventions for juvenile offenders were not sufficiently available in the community.

The findings by the work group led to Senate Bill No. 73, an Act to improve public safety regarding juvenile justice. SB 73 outlined policy changes to improve the juvenile justice system in South Dakota by focusing residential placements on youth who are a public safety risk, preventing deeper involvement in the juvenile justice system, improving outcomes by expanding access to evidence-based interventions in the community, and ensuring quality and sustainability of reforms. (*Source: Juvenile Justice Reinvestment Initiative Work Group Final Report*). Senate Bill No. 73 was passed in the 2015 Legislative Session with implementation of the reform beginning in SFY 2016.

Some key takeaways from the *Juvenile Justice Public Safety Improvement Act FY 2017 Annual Report* noted that in SFY 2017:

- Youth supervised on probation decreased 20% from SFY 2016;
- Fewer youth were placed on probation for a CHINS violation;
- 96% of youth completed their term of probation which was up from 85% in SFY 2014;
- The number of probation violations dropped by 62% from SFY 2014;
- New commitments to the DOC decreased by 57% since SFY 2014;
- The total number of youth under the jurisdiction of the DOC fell by 54% since SFY 2014;
- 92.2% of the youth discharged from DOC custody in SFY 2016 did not return to DOC custody within one year;
- There was an 84% reduction in the number of DOC aftercare revocations from SFY 2014; and
- 985 youth were referred for community-based services which was a nearly 72% increase in referrals as compared to SFY 2016 referrals over the same time period of January through June.

More information regarding the Juvenile Justice Public Safety Improvement Act and the implementation of the Juvenile Justice Reinvestment Initiative can be found at: <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=134> and <http://jjri.sd.gov/>.

***Juvenile Detention Alternatives Initiative:*** South Dakota is also embarking on the statewide implementation of the Juvenile Detention Alternatives Initiative. Since 2011, two jurisdictions in the State of South Dakota, Minnehaha County and Pennington County, have been implementing the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) which began under the direction of South Dakota's SAG. Since beginning implementation in 2011, both jurisdictions have experienced a decrease in the detention population without compromising public safety, an increase in the alternative to detention programming options, a more streamlined case process, and have formed a collaborative work group that oversees the implementation.

In July of 2013, the direction of the JDAI transitioned from the Governor's Council of Juvenile Services to the Unified Judicial System (UJS) to take the initiative to scale in South Dakota. A statewide coordinator, who works within the Court Services Department in the State Court Administrator's Office, was hired to manage the expansion throughout the State. A statewide steering committee was formed which consists of key stakeholders from across the state, including current SAG members, to help guide the expansion process.

The Statewide JDAI Steering Committee identified the implementation of a standardized objective Risk Assessment Instrument (RAI) as the first step to embark upon the expansion of JDAI across the state. It was determined that the optimal process for implementation of the RAI was via a Supreme Court Rule. The draft Supreme Court Rule was approved by the Supreme Court at their January 2015 Rules Hearing to be effective in July 2015. Following the approval of Supreme Court Rule 15-14 regarding the implementation of the RAI, the Presiding Judges identified and appointed Intake Officers within each of the judicial circuits in order for training to occur prior to implementation. The RAI was implemented for use across the state on July 15, 2015.

In 2017, UJS continued to work on expanding JDAI to additional jurisdictions across South Dakota and held its first annual state JDAI conference to continue educating juvenile justice stakeholders around the state. More information on JDAI implementation in South Dakota can be found at: <http://uj.s.sd.gov/Information/jdai.aspx>.

## Analysis of Data

- Juvenile arrests have increased by 8% between SFY 2015 and SFY 2017. Arrests for runaway youth made up 2% of juvenile arrests in SFY 2015, SFY 2016, and SFY 2017.
- Overall juvenile court actions decreased by 30.71% between SFY 2008 and SFY 2017.
- ~~Status offenders admitted to detention decreased by 64% since South Dakota renewed participation in 2004~~ Will update once offense data is added.
- New juvenile commitments to the Department of Corrections decreased by 49.76% between SFY 2015 and SFY 2017.
- Minority youth, especially Native American Youth, continue to be overrepresented in the juvenile justice system.
- Incarceration rate is decreasing but is still the fifth highest in the nation as of the *2015 Census of Juveniles in Residential Placement*.
- Statewide Juvenile Justice Programs are continuing to expand and provide positive results.
  - Youth supervised on probation decreased 20% from SFY 2016 and fewer youth were placed on probation for a CHINS violation.
  - Number of youth under DOC jurisdiction fell by 54% since SFY 2014.
  - 985 youth were referred for community-based services which was a nearly 72% increase in referrals as compared to SFY 2016 referrals over the same time period of January through June.
  - Three additional jurisdictions began the initial steps of becoming JDAI implementation sites.

## **C. State Priority Juvenile Justice Needs/Problem Statements**

### **Value Statements**

South Dakota's Council of Juvenile Services has developed and adopted the following core values that it plans to use as a guide for purposes of future juvenile justice planning and development within the state:

- All children shall receive developmentally and culturally appropriate services that are evidence-based and data-driven.
- All children shall have the same access to needed services regardless of family income, geography, gender, sexual orientation, race, religion, disability, or jurisdiction.
- All children shall have the right to be safe in the community in which they live.
- All children shall receive evidence-based services consistent with the needs of the child in the least restrictive community-based environment available.
- All children, parents, communities, and the juvenile justice system shall demonstrate accountability in the development and provision of services for youth.
- All children shall receive early intervention services that are evidence-based.
- All children shall receive services that are family-based and family-centered.
- All children shall receive culturally appropriate justice which is essential to effectively address Disproportionate Minority Contact.
- All children shall have access to early and effective legal representation, including an assessment of competence and a timely and just legal process.

### **Problem Statements**

The Council identified the following problems, in order of priority, to be addressed through formula grant funds and activities during the period covered by this program plan (2018-2020):



- **Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and the section “Plan for Compliance With the First Three Core Requirements of the JJDP Act and the State’s Compliance Monitoring Plan” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
  - Associated with the program purpose areas of Compliance Monitoring, Deinstitutionalization of Status Offenders, Jail Removal, and Separation.
  
- **Minority youth are over-represented at most stages of South Dakota’s juvenile justice system.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and in the section “Plan for Compliance with the Disproportionate Minority Contact Core Requirement” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
  - Associated with the Disproportionate Minority Contact program purpose area.
  
- **The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
  - Associated with Indian Tribal Programs program purpose area and Native American Pass-Through dollars.
  
- **There is no coordinated statewide delinquency prevention programming in South Dakota. Prevention programming, specifically in a school setting, is needed to address arrests for delinquent acts.**
  - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
  - Associated with the program area of Delinquency Prevention.
  
- **South Dakota’s incarceration rate of detention per capita demonstrates a continuing need to support juvenile justice reform activities. There is a need to sustain and enhance diversion programming, performance measurement, and incarceration alternatives.**

- Supporting qualitative information is located in the sections “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
- Associated with the program area of Juvenile Justice System Improvement.

## **D. Goals, Objectives, and Implementation (Activities and Services)**

### **PROGRAM AREA: 20 - Deinstitutionalization of Status Offenders (DSO)**

**Priority Ranking:** First (Compliance with the Core Requirements)

**Problem Statement:** Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.

**Goal 1:** Maintain a system of services in areas where youth are at risk for being held in secure facilities in violation of the DSO requirement so that youth can be housed appropriately in the community.

**Objective 1:** Maintain a county reimbursement system for alternatives to secure custody to improve South Dakota’s compliance with the DSO requirement.

**Activity 1:** Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

**Goal 2:** Monitor compliance with the DSO requirement and provide feedback, information and support to facilities and decision-makers impacted by the DSO requirement.

**Objective 1:** Provide information and support to decisions-makers impacting DSO.

**Activity 1:** Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

**Objective 2:** Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with DSO Requirements.

**Activity 1:** Provide opportunities for staff working with the JJCPA Core Requirements to receive training on the DSO requirement.

## **PROGRAM AREA: 26 - Jail Removal**

**Priority Ranking:** First (Compliance with the Core Requirements)

**Problem Statement:** Maintaining compliance with jail removal requirements of the Act, as amended, is critical for continued Formula Grants Program compliance and juvenile justice system improvement.

**Goal 1:** Maintain a system of services in areas where children are at risk of being held in jails in violation of the jail removal requirement so that youth can be housed appropriately in the community.

**Objective 1:** Maintain a county reimbursement system for alternatives to secure custody to improve South Dakota's compliance with the jail removal requirement.

**Activity 1:** Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

**Goal 2:** Monitor compliance with the jail removal requirement and provide feedback, information and support to facilities and decision-makers impacted by the jail removal requirement.

**Objective 1:** Provide information and support to decisions makers impacting jail removal.

**Activity 1:** Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

**Objective 2:** Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with jail removal requirements.

**Activity 1:** Provide opportunities for staff working with the JJDPA Core Requirements to receive training on the jail removal requirement.

## **PROGRAM AREA: 31- Separation**

**Priority Ranking:** First (Compliance with the Core Requirements)

**Problem Statement:** Maintaining compliance with sight and sound separation requirements of the Act, as amended, is critical for continued Formula Grants Program compliance and juvenile justice system improvement.

**Goal 1:** Maintain a system of services in areas where youth are at risk for being held in secure facilities in violation of the separation requirement so that youth can be housed appropriately in the community.

**Objective 1:** Maintain a county reimbursement system for alternatives to secure custody to improve South Dakota's compliance with the separation requirement.

**Activity 1:** Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

**Goal 2:** Monitor compliance with the separation requirement and provide feedback, information, and support to facilities and decision-makers impacted by the separation requirement.

**Objective 1:** Provide information and support to decisions-makers impacting compliance with the separation requirement.

**Activity 1:** Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

**Objective 2:** Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with separation requirements.

**Activity 1:** Provide opportunities for staff working with the JJDP Core Requirements to receive training on the separation requirement.

## **PROGRAM AREA: 19 - Compliance Monitoring**

**Priority Ranking:** First (Compliance with the Core Requirements)

**Problem Statement:** Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.

**Goal 1:** Maintain and improve South Dakota's compliance monitoring system consistent with Formula Grants Program requirements.

**Objective 1:** Improve the South Dakota Compliance Monitoring System in order to increase compliance with JJDP core requirements.

**Activity 1:** Collect juvenile admission information from secure facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

**Activity 2:** Develop compliance-related materials to assist facilities in accurately holding and reporting juvenile offenders.

**Activity 3:** Conduct meetings, monitoring visits, inspections, and training to aid in the development of compliance strategies.

**Activity 4:** Update and classify compliance monitoring universe on an annual basis.

**Objective 2:** Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with JJDP Core Requirements.

**Activity 1:** Provide opportunities for staff working with the JJDP Core Requirements to receive training and attend any mandatory trainings provided by OJJDP.

## **PROGRAM AREA: 21- Disproportionate Minority Contact**

**Priority Ranking:** Second

**Problem Statement:** Minority youth are over-represented at most stages of South Dakota's juvenile justice system.

**Goal 1:** Decrease Disproportionate Minority Contact within the juvenile justice system through identification, assessment, intervention, evaluation, and ongoing monitoring of juvenile justice system activity.

**Objective 1:** Financially support the implementation of the Disproportionate Minority Contact (DMC) intervention efforts and initiatives in two communities that focus on reduction strategies for populations of minority youth that have over-representation in the juvenile justice system.

**Activity 1:** Once the plan is approved by the Council of Juvenile Services, establish a subgrant agreement between the DOC and local entities to implement the local interventions.

**Objective 2:** Evaluate and monitor local DMC efforts and initiatives for performance and effectiveness in the two DMC intervention communities.

**Activity 1:** Local projects will provide local updates and performance measures to the DOC.

## **PROGRAM AREA: 24 - Indian Tribe Programs**

**Priority Ranking:** Third

**Problem Statement:** The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts.

**Goal 1:** Through a collaborative state-local-tribal governmental effort, utilize Indian Tribal Programs and Native American Pass-Through funding to support the development, implementation, and maintenance of juvenile justice programs both on and off the reservations.

**Objective 1:** Work with Native American Tribes to develop and implement culturally specific juvenile justice programs that meet the needs of Native American youth in the tribal justice systems.

**Activity 1:** Work with applicants in order to assess the needs of Native American youth in the tribal justice systems; identify barriers that restrict access to services; identify service gaps; and assist in developing, implementing, and evaluating programs to address the barriers and service gaps to help guide decisions relating to tribal juvenile justice programs.

**Activity 2:** Financially support Native American Programs subgrants for juvenile justice programs based on results and analysis of their needs and services.

**Activity 3:** Conduct ongoing monitoring and program evaluations of subgrants.

**Activity 4:** Subgrantees provide local updates and performance measures to the DOC.



## **PROGRAM AREA: 06 - Delinquency Prevention**

**Priority Ranking:** Fourth

**Problem Statement:** There is no coordinated statewide delinquency prevention programming in South Dakota. Prevention programming, specifically in a school setting, is needed to address arrests for delinquent acts.

**Goal 1:** Provide educational opportunities to juvenile justice system practitioners and interested non system practitioners that promote juvenile justice change and increase the awareness of juvenile delinquency prevention.

**Objective 1:** Increase the awareness juvenile justice system practitioners and interested non-system practitioners who offer youth services of South Dakota's need for delinquency prevention services and possible interventions.

**Activity 1:** Provide ongoing data regarding the juvenile justice system risk and protective factors.

**Activity 2:** Provide for educational opportunities to learn about ideas and strategies relating to juvenile delinquency prevention.

**Goal 2:** Maintain compliance with the Juvenile Justice and Delinquency Prevention Act and decrease South Dakota's juvenile arrest rate through prevention and early intervention programs.

**Objective 1:** Financially support the implementation of evidence-based juvenile delinquency prevention interventions in communities to provide appropriate comprehensive services for youth at risk or involved with the state juvenile justice system.

**Activity 1:** Identify jurisdictions in which to implement juvenile delinquency prevention programs.

**Activity 2:** Provide training and technical assistance to identified jurisdictions to implement and assess the chosen programs with fidelity to evidence-based models.

**Activity 3:** Conduct ongoing monitoring and program evaluations of subgrants.

**Activity 4:** Subgrantees provide local updates and performance measures to the DOC.

## **PROGRAM AREA: 27 - Juvenile Justice System Improvement**

**Priority Ranking:** Fifth

**Problem Statement:** South Dakota's incarceration rate of detention per capita demonstrates a continuing need to support juvenile justice reform activities. There is a need to sustain and enhance diversion programming, performance measurement, and incarceration alternatives.

**Goal 1:** The DOC will provide staff support to aid in the implementation of South Dakota's Juvenile Justice Reinvestment Initiative (JJRI).

Objective 1: Provide staff support to the JJRI in order to assist in fulfilling the responsibilities under state law.

**Activity 1:** Develop and administer a program in incentivize and support county use of court-approved diversion programs.

**Activity 2:** Identify data elements required to be reported to the JJRI Oversight Council.

### **Additional Requirements**

**Rural Areas** - South Dakota is a predominantly rural state with half of the population residing outside of a Metropolitan Statistical Area (MSA). Although there are many needs throughout the state relating to the juvenile justice system, the Council of Juvenile Services continues to provide funding to help relieve the financial burden of the counties associated with bringing the state into compliance with the core requirements under the JJDPA.

**Gender-Specific Services** - The Council of Juvenile Services and the Department of Corrections will promote sex-specific and gender appropriate programming to be considered by subgrant applicants, especially those applying to implement delinquency prevention programming. South Dakota is unable to limit awards based on sex-specific services due to the rural nature of the state, small subgrant award amounts, and small populations being served prior to restrictions based on the sex of a child. Sex-specific data is also monitored and reported for compliance, commitment to the Department of Corrections, and juvenile community corrections caseloads.

***Mental Health Services*** - The Council of Juvenile Services has committed to funding delinquency prevention programming and is currently in second round of implementation. The Department of Corrections, along with current and previous delinquency prevention subgrants, has contracted with a local provider to develop a screening tool which will include a mental health component to ensure that juveniles in the system who most require mental health services will receive them.

***Youth and Family Involvement*** – The Council of Juvenile Services and the Department of Corrections understand the importance of involving youth and families to attain positive outcomes for youth through analyses of problem areas, development of solutions, and assessment of results. The Council of Juvenile Services and the Department of Corrections will continue to enhance the engagement of youth and families through having youth members on the Council of Juvenile Services, encouraging prevention and family focused services, and having all meetings open to the public with notification of the meeting agenda released to media entities prior to the meeting. The Department of Corrections will also schedule at least one Council of Juvenile Services meeting a year at a youth correctional, detention, or residential treatment facility to allow an opportunity for members to interact with youth.

## SAG (Council of Juvenile Services) Membership

	Name	Representation	F/T Govt	Date of Appointment	Residence
1	Beth O'Toole, Chair <a href="mailto:Elisabeth.O'Tolle@usioxford.edu">Elisabeth.O'Tolle@usioxford.edu</a>	D		10/07/2004	Sioux Falls, SD
2	Sara McGregor-Okroi, Vice-Chair <a href="mailto:Saram@aliive.org">Saram@aliive.org</a>	D, G		10/31/2013	Sisseton, SD
3	Taniah Apple <a href="mailto:Bridget.Coppersmith@state.sd.us">Bridget.Coppersmith@state.sd.us</a>	Y		10/31/2015	Martin, SD
4	Dadra Avery <a href="mailto:dadra.avery@k12.sd.us">dadra.avery@k12.sd.us</a>	C, G	X	10/31/2014	Sturgis, SD
5	Judge Tami Bern <a href="mailto:tami.bern@ujs.state.sd.us">tami.bern@ujs.state.sd.us</a>	B	X	11/28/2017	Vermillion, SD
6	Keegan Binigar <a href="mailto:Keeganbinigar63@gmail.com">Keeganbinigar63@gmail.com</a>	F, Y		10/31/2015	Pierre, SD
7	Keith Bonenberger <a href="mailto:kbon@gwgc.net">kbon@gwgc.net</a>	B, E		12/12/2016	Kadoka, SD
8	Kristi Bunkers <a href="mailto:Kristi.Bunkers@state.sd.us">Kristi.Bunkers@state.sd.us</a>	B, C	X	3/31/2016	Sioux Falls, SD
9	Kim Cournoyer <a href="mailto:kimberlycournoyer@gppssf.com">kimberlycournoyer@gppssf.com</a>	H		10/31/2013	Sioux Falls, SD
10	Charles Frieberg <a href="mailto:Charles.Frieberg@ujs.state.sd.us">Charles.Frieberg@ujs.state.sd.us</a>	B	X	10/07/2016	Pierre, SD
11	Renee Gallagher <a href="mailto:Reneegallagher5@gmail.com">Reneegallagher5@gmail.com</a>	F, Y		10/31/2015	Pierre, SD
12	Alexis Kohler <a href="mailto:mirenda27@hotmail.com">mirenda27@hotmail.com</a>	Y		11/03/2017	Sioux Falls, SD
13	Sheriff Mike Leidholt, <a href="mailto:mike.leidholt@co.hughes.sd.us">mike.leidholt@co.hughes.sd.us</a>	A, B	X	06/06/2003	Pierre, SD
14	Aaron McGowan <a href="mailto:amcgowan@minnehahacounty.org">amcgowan@minnehahacounty.org</a>	A, B	X	08/14/2008	Sioux Falls, SD
15	Vanessa Merhib <a href="mailto:vmerhib@greatfuturedd.org">vmerhib@greatfuturedd.org</a>	D, G		12/31/2014	Brookings, SD
16	Betty Oldenkamp, Chair <a href="mailto:Betty.Oldenkamp@LssSD.org">Betty.Oldenkamp@LssSD.org</a>	D		10/31/2012	Sioux Falls, SD
17	Lyndon Overweg <a href="mailto:LyndonO@mitchelldps.com">LyndonO@mitchelldps.com</a>	B, G, H	X	10/30/2012	Mitchell, SD
18	Miskoo Petite Sr. <a href="mailto:Miskoo.petite@rstjustice.org">Miskoo.petite@rstjustice.org</a>	B	X	11/07/2016	Okreek, SD
19	Carol Twedt <a href="mailto:caroltwedt@sio.midco.net">caroltwedt@sio.midco.net</a>	E		06/06/2003	Sioux Falls, SD
20	Virgena Wieseler <a href="mailto:Virgena.Wieseler@state.sd.us">Virgena.Wieseler@state.sd.us</a>	C, H	X	09/26/2006	Pierre, SD

The SAG serves as the supervisory board.

- A. Locally elected officials representing general purpose local government.
- B. Representatives of law enforcement and juvenile justice agencies (juvenile and family court judges, prosecutors, counsel for children and youth, probation workers).
- C. Representatives of public delinquency or treatment agencies (welfare, social services, mental health, education, special education, youth services).
- D. Representatives of private nonprofit organizations including persons concerned with family preservation and strengthening, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, quality of juvenile justice, education, and social services for children.
- E. Volunteers who work with juvenile justice.
- F. Youth workers involved with programs that are alternatives to confinement, including organized recreation activities.
- G. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.
- H. Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.
- Y. Youth Appointments (under the age of 24 at the time of appointment)- 4 members

Confidential polls are conducted on a regular basis to ensure that at least three members of the SAG have been or are currently under the jurisdiction of the juvenile justice system. If the number falls below three, this requirement will be taken into consideration for future appointed members.

### **SAG Membership:**

**SDCL 1-15-29.** Council of Juvenile Services--Appointment--Terms. There is hereby established a twenty-member Council of Juvenile Services to be appointed by the Governor and shall be comprised of individuals who have training, experience, or special knowledge of juvenile delinquency prevention or treatment or of the administration of juvenile justice. The

membership of the Council of Juvenile Services shall comply with Section 223(a)(3) of the Juvenile Justice and Delinquency Act. The initial members to be appointed shall draw lots to determine who will hold the eight three-year terms, the six two-year terms, and the six one-year terms. Thereafter, each member shall serve a term of three years. Members may be reappointed and may continue to serve an expired term until replaced by the Governor. A chairperson, who may not be a full-time federal, state, or local employee, for the Council of Juvenile Services shall be chosen annually by a majority vote of its members at the first meeting each fiscal year.

**SAG Responsibilities:**

The responsibilities of South Dakota's SAG, the Council of Juvenile Services are clearly laid out in SDCL 1-15-30 to ensure compliance with the third requirement of the JJDP.

**SDCL 1-15-30.** Responsibilities of Council of Juvenile Services. The Council of Juvenile Services shall be responsible for the following:

- (1) In conjunction with the secretary of the Department of Corrections, establish policy on how the formula grants program of the Juvenile Justice and Delinquency Prevention Act is to be administered in South Dakota;
- (2) Approve the state plan, and any modifications thereto, required by 223(a) of the Act prior to submission to the Office of Juvenile Justice and Delinquency Prevention;
- (3) Submit annual recommendations to the Governor and Legislature concerning the functions of the Council of Juvenile Services and the status of the state's compliance with the Act;
- (4) Approve or disapprove grant applications and other funding requests submitted to the Department of Corrections under §§ 1-15-27 to 1-15-31, inclusive, and assist with monitoring grants and other fund awards;
- (5) Assist the Department of Corrections in monitoring the state's compliance with the Act;
- (6) Study the coordination of the various juvenile intervention, prevention, treatment, and rehabilitation programs;
- (7) Study effective juvenile sentencing, adjudication, and diversion policies and provisions;



(8) Make a special study of, and make an annual report to the Governor, the Unified Judicial System, and the Legislature by June thirtieth of each year concerning, the appropriate administration of and provision for children in need of supervision in this state;

(9) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

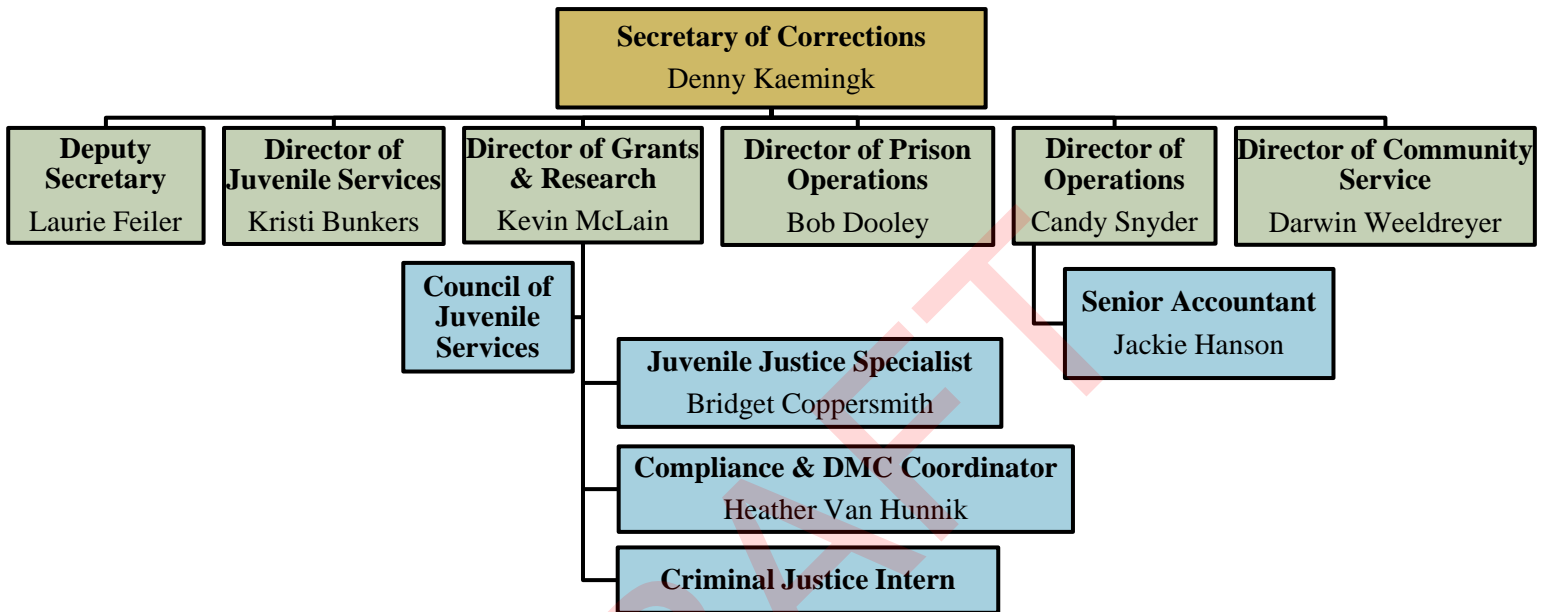
(10) Perform other such activities as determined by the Governor, the secretary of the Department of Corrections, or the Council of Juvenile Services.

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## Staff of the JJDP Formula Grants Program

### 1). Organizational Chart

The following chart is an organizational layout of the Department of Corrections as it relates to the implementation of grants received by the department.



### Grants Administered

The following information pertains to the programs administered by the designated state agency:

US DEPARTMENT OF JUSTICE GRANTS					
Grant Award Number	Award Name	Start Date	End Date	Extension to:	Amount
2013MUFX0130	FY13 JJDP Formula	10/01/2012	09/30/2017	09/30/2018	\$403,949
2013MUFX0130	FY14 JJDP Formula Supplemental	Award Date: 9/30/2014	09/30/2017	09/30/2018	\$393,667
2015JFFX0024	FY15 JJDP Formula	10/01/2015	09/30/2018		\$393,667
2016JFFX0001	FY16 JJDP Formula	10/01/2016	09/30/2019		\$400,336
2017JFFX0025	FY17 JJDP Formula	10/01/2017	09/30/2020		\$400,478

### 2). Staffing Plan

The following table provides information about staff time designated for the JJDP program.

Staff	Funding Source for Percentage of Time Devoted
Kevin McLain (10% time)	Title II Part B Formula Administration/50% General Funds Match/50%
Bridget Coppersmith (75% time)	Title II Part B Formula Administration/50% General Funds Match/50%
Heather Van Hunnik (25% Compliance/ 25% DMC)	Title II Part B Formula Compliance/50% Title II Part B Formula DMC/50%
Intern Position (75% Compliance)	Title II Part B Formula Compliance/100%

3). **Staff Duties**

***Kevin McLain*** - Director of Grants and Research

- Manage South Dakota’s participation in Juvenile Justice and Delinquency Prevention Act’s (JJDP A) Formula Grants Program;
- Supervise Juvenile Justice Specialist, Compliance Monitor-Disproportionate Minority Contact (DMC) Coordinator and Intern;
- Ensure compliance monitoring system and reports meet JJDP A and Formula Grant requirements.

***Bridget Coppersmith*** - Corrections Program Specialist:

- Serve as State’s Juvenile Justice Specialist;
- Conduct all Grants Management System processes and complete all required Department of Justice reports;
- Conduct initial review of subgrant and contract reimbursement requests;
- Draft budget and projection documents.

***Heather Van Hunnik*** - Compliance Monitor and DMC Coordinator

- Serve as Compliance Monitoring Coordinator including providing support to Compliance Monitoring System including data system, data collection, drafting plans, manuals, and reports;
- Serve as DMC Coordinator including providing support for data collection, reports, and evaluation.

***Criminal Justice Intern***

- Provide support to the Compliance Monitoring System.

***Jackie Hanson*** - Senior Accountant

- Maintenance of accounts;
- Generate warrants;
- Draw down funds from DOJ;
- Complete fiscal reports.

**Legislative Authority:**

The South Dakota Department of Corrections is the sole designated state agency responsible for supervising the preparation and administration of the state's plan and has authority per South Dakota Codified Law (SDCL) 1-15-28 to implement the plan in conformity with the JJDP.

**SDCL 1-15-28.** Department of Corrections to supervise participation in Juvenile Justice and Delinquency Prevention Act. The Department of Corrections shall be responsible, through the Council of Juvenile Services established in § 1-15-29, for supervising the preparation and administration of the state's plan required by Section 223(a) for participation in the formula grants program of the Act. The Department of Corrections shall be responsible for providing staff and support services to the Council of Juvenile Services and implementing the plan in a manner which will ensure compliance with Sections 223(a)(12), (13), and (14) of the Act. The department shall seek necessary authority and take all necessary action as provided by law to enforce compliance with the Act.

**Assurances:**

DOC Formula Grant staff assures that:

1. Any assistance provided under the JJDP will not cause displacement (including a partial displacement, such as a reduction in the house of nonovertime work, wages, or employment benefits) of any currently employed employee;
2. Activities assisted under the JJDP will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement;

3. No such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved; and
4. If South Dakota receives under section 222 [42 USC § 5632] for any fiscal year an amount that exceeds 105 percent of the amount the state received under such section for fiscal year 2000, all such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services.

### **Subgrant Monitoring:**

All subgrants awarded under the Formula Grants Program are overseen and monitored by Department of Corrections staff. Pursuant to requirement 21 of the JJDPA, South Dakota will to the greatest extent practicable, give priority in funding to evidence-based programs and activities. During the application process, the Council of Juvenile Services will require programs and activities that are evidence-based to indicate this status. The application packet will contain information on OJJDP's Model Programs Guide and Database to assist potential applicants in the development of their program. Applicants will be encouraged to use the database to locate evidence-based juvenile justice strategies that will fit their needs and enhance their likelihood for success.

Subgrant projects will be awarded on an annual basis for no more than three years. Subgrantees will be given the opportunity to re-apply, if funding is available, each year to ensure that only those programs that are successful and achieved substantial success in meeting the goals specified in their original application are being funded for additional years. Programs that fail to demonstrate substantial success in achieving the goals specified in their application after a two year period will not be considered for a third year. Subgrant success is analyzed through quarterly performance reports, site visits and the reimbursement process.

The department senior accountant provides fiscal control and fund accounting procedures to assure prudent use, proper disbursement, and accurate accounting of funds received under each award. The accountant acts as an internal control and processes all reimbursement claims from subgrant recipients after the approval of Formula Grant staff. Following the approval of the

Juvenile Justice Specialist and senior accountant, the claims are reviewed by the State Auditor's office for final approval.

**Performance Measures and Statewide Research:**

Staff of the Formula Grants Program understands that performance measures will be required for successful applicants. Staff will track and work with subgrantees to ensure that performance is monitored and tracked as appropriate for the individual programs. All records with identifiable informational are secured with Formula Grant staff to ensure that the privacy rights of recipients of services under this state plan are protected.

The Department of Corrections as a whole, under the Division of Grants and Research, compiles juvenile justice data in conjunction with other state agencies and through the utilization of private consultants to ensure that there is adequate research, training, and evaluation within the state.

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## South Dakota Department of Corrections FY18 Formula Grant Application Budget Worksheet

Program Area	Program Area Title	FY2018	FY2018 Match	FY2018 Total
28	<b>Planning &amp; Administration</b>	\$20,000	\$20,000	<b>\$40,000</b>
<b>Planning &amp; Administration Detail</b>	<b>Personnel</b>	\$14,750	\$14,750	<b>\$29,500</b>
	<b>Fringe Benefits</b>	\$4,500	\$4,500	<b>\$9,000</b>
	<b>Travel</b>	\$750	\$750	<b>\$1,500</b>
<b>Program Contracts &amp; Sub Awards Total</b>		<b>\$380,000</b>	<b>\$0</b>	<b>\$380,000</b>
6	<b>Delinquency Prevention</b>	\$150,000 P		<b>\$150,000</b>
19	<b>Compliance Monitoring</b>	\$20,000		<b>\$20,000</b>
20	<b>Deinstitutionalization of Status Offenders</b>	\$20,000 P		<b>\$20,000</b>
21	<b>Disproportionate Minority Contact</b>	\$60,000 P		<b>\$60,000</b>
21	<b>Disproportionate Minority Contact</b>	\$15,000		<b>\$15,000</b>
24	<b>Indian Tribe Programs</b>	\$60,000 P		<b>\$60,000</b>
26	<b>Jail Removal</b>	\$20,000 P		<b>\$20,000</b>
27	<b>Juvenile Justice System Improvement</b>	\$10,000		<b>\$10,000</b>
31	<b>Separation of Juveniles from Adult Inmates</b>	\$10,000 P		<b>\$10,000</b>
32	<b>State Advisory Group</b>	\$15,000		<b>\$15,000</b>
<b>Total:</b>		<b>\$400,000</b>	<b>\$20,000</b>	<b>\$420,000</b>

A “P” next to a line item demonstrates that the budget category is passed through to units of local governments, programs of local private agencies, programs of Indian tribes that perform law enforcement functions, or directly by the state. South Dakota is planning to pass through \$320,000 which exceeds the required \$256,641  $((\$400,000 - \$15,000 \text{ (SAG)}) * 0.666)$ .

**Budget Detail Worksheet**  
**South Dakota Department of Corrections**  
**FY18 Formula Grant Application**  
**Budget Narrative**

The budget allocations to program areas and the narratives providing an explication of funds are the same for all three years of this comprehensive 3-Year Plan

<p><b>Delinquency Prevention (\$150,000):</b>          South Dakota’s SAG committed to move forward with awarding juvenile delinquency prevention subgrants in the Fall of 2013. Funds allocated to Delinquency Prevention will be used to support three juvenile delinquency prevention subgrants at \$50,000 each.</p>
<p><b>Compliance Monitoring (\$20,000):</b>          Funds allocated to this program area will be used to cover the cost of a part-time compliance monitoring position at \$20,000 for salary and benefits. Funds under this program area may also be used to cover part of an intern’s salary under a time study process.</p>
<p><b>Deinstitutionalization of Status Offenders (DSO) (\$20,000):</b>          Funds allocated to DSO are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with the DSO requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain DSO compliance efforts on a local level.</p>
<p><b>Disproportionate Minority Contact (DMC) (\$75,000):</b>          The DMC allocation will support a part-time DMC coordinator position at \$15,000 for salary and benefits and DMC intervention subgrants in Minnehaha and Pennington Counties at \$30,000 per site.</p>
<p><b>Indian Tribal Programs (\$60,000):</b>          It is anticipated that three subgrants at \$20,000 each or two subgrants at \$30,000 each will be made to Native American Tribes to support juvenile justice system improvement or delinquency prevention activities. This allocation contains the anticipated minimum allocation of \$34,004 required to be spent under the FFY2018 Native American Pass-Through.</p>
<p><b>Jail Removal (\$20,000):</b>          Funds allocated to the jail removal program area are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with this requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain jail removal compliance efforts on a local level.</p>
<p><b>Juvenile Justice System Improvement (\$10,000):</b>          Funds allocated to the juvenile justice system improvement program area will be used to support South Dakota’s Juvenile Justice Reinvestment Initiative by paying for staff time to implement components associated with diversion and performance measures.</p>
<p><b>Planning and Administration (\$20,000 fed/ \$20,000 state match):</b>          The federally required planning and administration allocation will cover costs associated with the salary, benefits, and travel of the full-time Juvenile Justice Specialist and will also be used to cover time devoted to the Formula Grant Program by the Director of Grants and Research. Other planning and administration expenses incurred by the Department such as computer fees and equipment, and space allocations will also be charged here. All costs and expenses covered by the planning and administration allocation will be paid 50% federal and 50% state match.</p>

**Separation of Juveniles from Adult Inmates (\$10,000):**

Funds allocated to the separation program area are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with this requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain separation compliance efforts on a local level.

**State Advisory Group Allocation (SAG) (\$15,000):**

The federally required SAG allocation will be used to cover the cost of Council of Juvenile Services meetings and support any subcommittees or subgroups of the Council. The cost is lower than the allowed allocation due to holding a portion of the meetings through video conferencing to save on cost and travel time.

**Supplanting Prohibition:** Federal Funds will be used to supplement existing funds for program activities and will not replace or supplant non-Federal funds that have been appropriated for the same purposes.

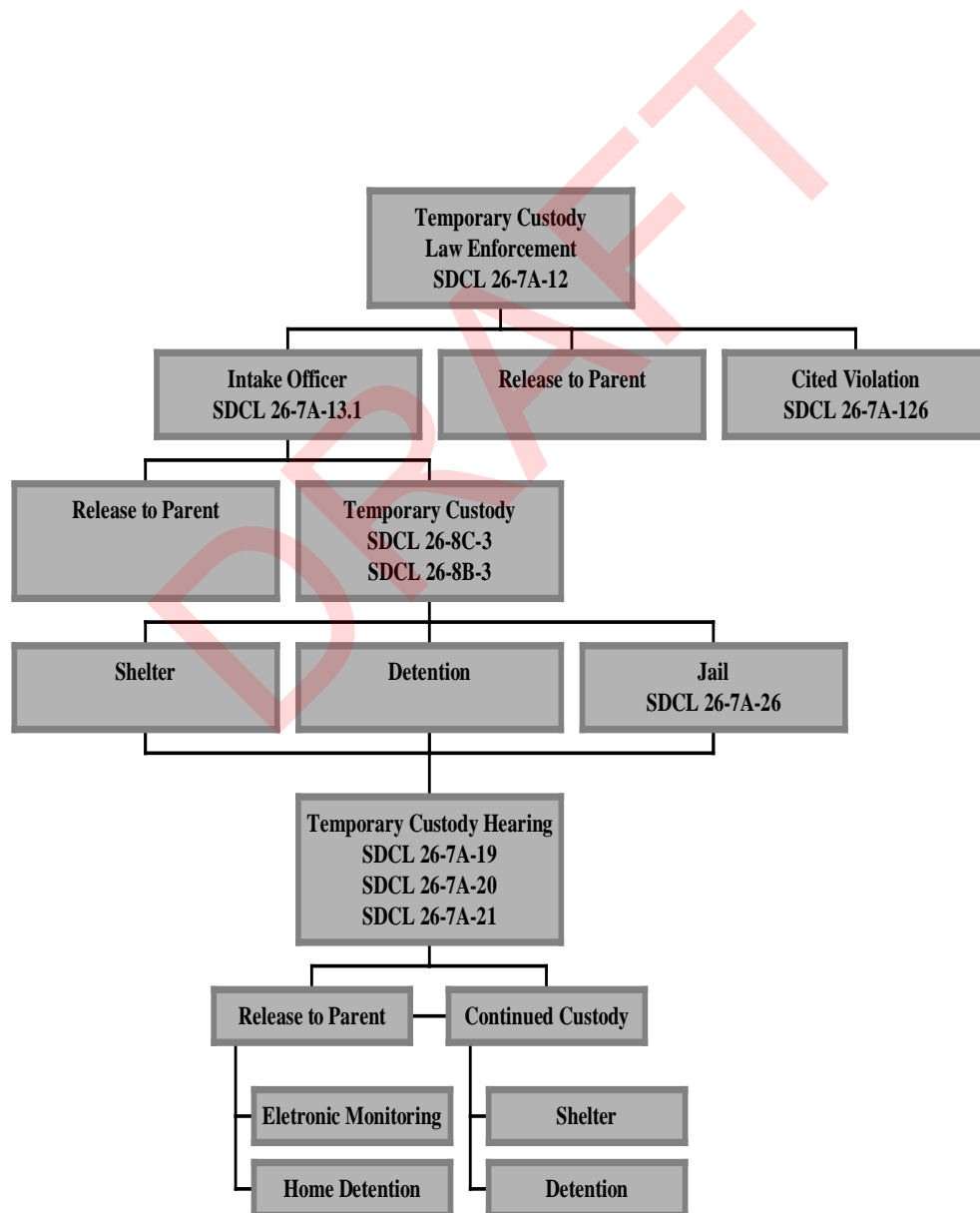
**Lobbying Prohibition:** Federal Funds will not be used, either directly or indirectly, to support the enactment, repeals, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval by the Office of Justice Programs.

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# Appendix A

## Temporary Custody

Temporary custody is defined as the physical and legal control of a child prior to final disposition. This includes the time the child is in the physical custody of law enforcement prior to release to parents, as well as physical custody of a child in detention or shelter care. The following system flow chart depicts the initial stages of temporary custody, which begins at the time a youth is taken into custody by law enforcement, and lists South Dakota Codified Laws (SDCL) associated with the stages.



## Petition, Adjudication, and Disposition

The following system flow chart depicts petition, adjudication and disposition stages of the juvenile justice system and lists the South Dakota Codified Laws (SDCL) associated with the stage.

