

Juvenile Justice Oversight Council

May 18, 2016 • 1:00 pm CST
Capitol Building • LCR 1
Pierre, SD

Council Members

Kristi Bunkers, *Governor's Appointee*
Sheila Weber, *Governor's Appointee*
Jim Seward, *Governor's Appointee*
Patrick Weber, *Governor's Appointee*
Amy Iversen-Pollreisz, *Governor's Appointee*
Sarah Morrison, *Governor's Appointee*
Secretary Steve Emery, *Governor's Appointee*
Matt Kinney, *Senate Majority Leader*
Appointee
Senator Billie Sutton, *Senate Majority Leader*
Appointee
Senator Alan Solano, *Senate Majority Leader*
Appointee
Kelly Marnette, *Attorney General Appointee*
Representative Brian Gosch, *House Majority*
Leader Appointee
Deb Hadcock, *House Majority Leader*
Appointee
Representative Julie Bartling, *House Majority*
Leader Appointee
Judge Scott Myren, *Chief Justice Appointee*
Justice Janine Kern, *Chief Justice Appointee*
Nancy Allard, *Chief Justice Appointee*
Judge Steven Jensen, *Chief Justice Appointee*
Greg Sattizahn, *Chief Justice Appointee*
Thomas Sannes, *Chief Justice Appointee*

Non-members Present:

Tessa Upin, *Crime and Justice Institute*, Technical Assistance Provider
Sadie Stevens, *Office of the Governor*, Council Staff

Opening Remarks

Greg Sattizahn called the meeting to order at 1 pm and welcomed the members to the Council. He briefly discussed the history of SB 73, as well as the scope and duties of the statutorily required oversight council.

Following Mr. Sattizahn's opening remarks, he asked each member of the council to give an introduction and briefly describe their involvement and interest in juvenile justice reforms.

Agency Implementation Update

Department of Corrections

Kristi Bunkers, Director of Juvenile Community Services at the Department of Corrections (DOC), updated the group on DOC's implementation progress by reviewing DOC's preliminary statistics following the passage of SB 73. Ms. Bunkers reported that there has been an average of 10 commitments per month in 2016, which is a reduction from 16 commitments per month in 2015. Ms. Bunkers added that, as of May 18, there had only been two commitments in that month.

Ms. Bunkers also elaborated on the reimbursement allocations for counties' diversions. She noted that in the first quarter, 60 of the 66 counties met the data submission for diversion reimbursements. Ms. Bunkers indicated that counties will be paid for the diversions that occurred in FY 16 and will be receiving their reimbursement check in FY 17.

Ms. Bunkers also clarified that those counties that did not meet the deadline will have the opportunity to reapply in future quarters. Mr. Seward requested that an inquiry be done in terms of the counties that did not meet the deadline for the first quarter. Tessa Upin, from the Crime and Justice Institute (CJI), offered to investigate this matter. Chairman Sattizahn also suggested that a comprehensive list of diversion programs be generated to ensure that all programs are receiving consistent information about the diversion reimbursement.

Unified Judicial System

Chairman Sattizahn spoke about the Unified Judicial System's (UJS) implementation progress. He discussed the UJS diversion programs, and noted that there has been a 20 percent increase in the use of diversion programs compared to last year. He indicated that, due to the nature of the program, tracking diversion has been a challenge because the programs reside in various offices. Chairman Sattizahn added that data collection should become easier as agencies develop a system and develop a data collection routine.

Chairman Sattizahn discussed the new piloted Community Response Teams. Chairman Sattizahn identified 11 CRT referrals in 2016, and noted the three counties that have been utilizing CRTs, including Yankton, Lake Andes, and Sioux Falls. Referrals have included services for psychiatric care, substance abuse programs, education programs, and if appropriate, the Department of Corrections.

Mr. Chairman also expressed that various agencies and departments recognized that they must expand on their training for practices that are pertinent to implementation of new policies.

Department of Social Services

Amy Iversen-Pollreiz from the Department of Social Services (DSS) informed the Oversight Council that the selection process for a Functional Family Therapy (FFT) provider began in late 2015. Since January 2016, 259 referrals have been made to FFT. Ms. Iversen-Pollreiz indicated that these referrals have come from the Department of Corrections, the Unified Judicial system, as well as some school departments. Ms. Iversen-Pollreiz explained that while most of the youth assessed trigger FFT, 63 did not.

Chairman Sattizahn discussed that there have been some concerns that FFT is not available in all areas of South Dakota. Ms. Iversen-Pollreiz clarified that FFT is available in almost all areas of the state. Ms. Iversen-Pollreiz added that most providers are able to travel to different jurisdictions, so this may be an option for areas where FFT may not be available.

A discussion occurred in regards to other services that have limited accessibility. Ms. Iversen-Pollreiz identified these programs and stated that DSS is working to expand these services. These programs include Moral Recognition and Community Benefit Inventory for Social Accountability (CBISA). Moral Recognition and CBISA are currently available for adults and DSS is looking to expand their practices to youth. Aggression Replacement Training (ART) is being used statewide for youth, but needs expansion to include more jurisdictions.

Ms. Iversen-Pollreiz also informed the Oversight Council that there has been a grant proposal for a Policy Academy for youth with behavioral challenges. If the proposal is granted DSS will work with the technical assistance provider to start the operation.

Juvenile Citations

Chairman Sattizahn reminded the Oversight Council that juvenile citations include truancy, damage to property, petty theft, and alcohol related offenses. Since January 1, 2016, of all the citations issues, 650 of them have been for petty theft or truancy and 150 citations been dismissed.

Provider Association

Ms. Sheila Weber discussed the differences that the shifting of providers based on the new laws, and recommended that the council generate a handout to provide to clients that explains the changes and new laws in order to better inform people and to increase facilitation.

Ms. Weber reported that on April 1, 2016, one of the two residential treatment programs closed. Ms. Weber assured the Council that the remaining residential treatment program is able to meet the needs of the youth.

Ms. Weber indicated that the providers are working with parents to make referrals for youth who are not in DOC custody to ensure that the youth still get services. Ms. Weber clarified that if youth has an IEP, the school must be involved in the referral.

A discussion regarding placement in residential facilities expressed that the process of placing a youth in a residential facility needs to be deliberate in order to avoid not relying on placement and under-utilizing community-based services. Ms. Weber assured the Council that in order to create a safeguard against nonessential placement, the state placement team reviews all referrals to evaluate whether or not the placement is appropriate, and in addition, the provider team reviews the medical component.

Native American Focus Group Update

Secretary of Tribal Relations Steve Emery presented an update from the Native American Focus Group meeting, which occurred a day prior to the Oversight Council meeting. Secretary Emery informed the Council that the Native American Focus Group was making great progress in gathering the information that pertained to the goals set forth by the Focus Group. As a part of gathering this information, Secretary Emery explained that the Focus Group distributed a survey to statewide programs in February. By the May 17th meeting, the Focus Group had the opportunity to discuss the results of the survey and began the initial steps to develop recommendations.

Secretary Emery expressed that the Focus Group identified areas where more information may be needed to inform the group's recommendations. Information such as research on community programs for justice-involved youth in other states with large Native American populations.

Performance and Outcome Measures

Chairman Sattizahn discussed the importance of providing stakeholders with the necessary information regarding implementation and how legislative changes must be considered and constantly evaluated. Mr. Chairman recommended a list be made of state-wide training schedules for all agencies to help keep stakeholders informed of what trainings are being delivered and completed, as well as the location of trainings. Mr. Chairman added that agency-specific implementation plans should also be identified and shared.

Tessa Upin indicated that CJJ is developing slides for distribution that will explain the training and processes so that agencies are receiving consistent information.

Ms. Upin shared information regarding performance and outcome measures. Ms. Upin presented a handout outlining the definitions of the performance and outcome measures that the Unified Judicial System, Department of Correction and Department of Social Services are required to collect and report. The data collected will be used to generate the annual report, demonstrating the achievement of agency objectives and the intended effects of the policies in SB 73.

A member of the Council raised the questions as to whether or not it would be possible to observe progress in data by comparing current data to historical data, or if comparisons must be made with only new data. Ms. Upin and Chairman Sattizahn clarified that components like recidivism should require a baseline because new definitions must be taken in account to properly interpret the data. Additionally,

other policy areas may be compared to historical data, though it must be considered that some policies were not in place prior to the reform.

Oversight Council Bill

Mr. Patrick Weber informed the Oversight Council that pursuant to SB 158, changes to the definition of restitution and the juvenile citation process have been made. Mr. Weber indicated that these changes were implemented through an emergency clause and the changes went into effect immediately.

Conclusions

Chairman Sattizahn thanked the members of the Council for their participation and asked for a motion to adjourn. Vice Chairman Seward seconded that motion. The motion was unanimously approved.

The next Oversight Council will take place in the autumn of 2016.