

# State of South Dakota Council of Juvenile Services

## State Fiscal Year 2013 Annual Report

### Council of Juvenile Services Members at the close of State Fiscal Year (SFY) 2013:

Carol Twedt, Chair  
Sheriff Mike Leidholt, Vice Chair  
Nancy Allard  
Becca Bedard  
Dr. J.C. Chambers  
Judge Jeff Davis  
Victor Erlacher  
Arlene Ham Burr  
Elizabeth Heidelberger  
Doug Herrmann  
Judge Karen Jeffries  
Jacob Kabrud  
Aaron McGowan  
Beth O'Toole  
Betty Oldenkamp  
Lyndon Overweg  
Ella Rae Stone  
Grant Walker  
Virgena Wieseler  
Michael Zellmer

The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice.

This project was supported by Award No.2010-JF-FX-0035 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs.

250 copies of this report were published at a cost of \$1.53 per copy



### Message from the Chairperson:

The Council of Juvenile Services oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act Formula Grants Program and is required to make an annual report to the Governor and Legislature on the State's progress in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act (JJCPA) of 1974, as amended. The Council is also responsible, pursuant to SDCL 1-15-30(8), for making an annual report to the Governor, Chief Justice and Legislature on the status of Children in Need of Supervision. This document serves to meet both of these reporting requirements.

The Council of Juvenile Services has worked diligently over the past ten years to enhance juvenile justice services in the state and prides itself in the following value statements which guide their work in assisting the State in meeting the requirements of the Formula Grants Program and in making improvements to South Dakota's juvenile justice system. The Council of Juvenile Services values that all children shall:

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

The following pages of the Annual Report are a condensed summary of the accomplishments over the past year. I believe you will be proud of the critical and relevant work that has been done in our State since South Dakota came into compliance with the JJCPA in 2003. Furthermore, Federal Fiscal Year 2013 Formula Grant and Juvenile Accountability Block Grant applications were submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. These two grants will provide \$520,868 for juvenile justice planning and projects in South Dakota for the next few years. If you find you would like more information regarding the Council's achievements over the past years or regarding the Formula Grant Program, please review the comprehensive Three-Year Plan located electronically on the Department of Corrections webpage: [doc.sd.gov](http://doc.sd.gov).

I thank you for your support and I look forward to working with you on behalf of South Dakota's children.



Very Best Regards,

*Carol Twedt*

Carol Twedt, Chairperson

# Formula Grant Expenditures and Programs

The table below outlines the amount of federal fiscal year (FFY) 2009 and FFY2010 Formula Grant funds that were utilized during SFY2013 and the number of youths served by the funds in each program area.



Program Area	SFY13	Youths Served
Planning and Administration	\$26,243.33	N/A
Council of Juvenile Services	\$9,414.72	N/A
Compliance Monitoring	\$11,146.81	N/A
Deinstitutionalization of Status Offenders (DSO)/ Sight and Sound Separation/ Jail Removal	\$60,604.06	364
Alternatives to Detention	\$210,953.29	985
Native American Programs	\$97,588.96	673
Disproportionate Minority Contact (DMC)	\$23,957.44	55
<b>Total</b>	<b>\$439,908.61</b>	<b>2,077</b>

## Planning and Administration

As the state agency designated by the Governor to administer juvenile justice funding, the staff of the South Dakota Department of Corrections (DOC) provides support for the Council and its committees, administers and monitors juvenile justice grant funds, collects juvenile justice system data, and monitors facilities for compliance with the core requirements of the JJDPA.

## Council of Juvenile Services

The Council was created by Senate Bill 8 in the 2003 Legislature (codified as SDCL 1-15-30) to fulfill the responsibilities of a state advisory group (SAG) as directed by Section 223(a)(3) of the JJDPA. SFY2013 represents the tenth year of the State's renewed participation in the Formula Grants Program.

The Council reviews juvenile justice policy, advises and advocates on juvenile justice issues, and strives to keep South Dakota in compliance with the requirements of the Formula Grant Program authorized by the federal JJDPA. The Council meets quarterly and is comprised of members who are appointed by and serve at the pleasure of the Governor. SDCL 1-15-30 outlines the responsibilities of the Council. In SFY2013, the Council met four times and approved the Formula Grant State Three-Year Plan and Juvenile Accountability Block Grant Applications. The State Three-Year Plan can be found on the DOC grant webpage at [doc.sd.gov/about/grants](http://doc.sd.gov/about/grants).

The Council also provides funding for the Juvenile Justice Tribal Advisory Group (TAG). The TAG provides Native American perspective and expertise to assist the Council in meeting the requirements of the JJDPA and provides communication between the Tribes and Council to assist Tribes in their juvenile justice initiatives. Representatives from all nine Tribes of South Dakota and representatives from various agencies that work with the Tribes participate in the TAG meetings. In SFY2013, TAG met a total of two times.

# Alternatives to Detention

In 2009, the Council determined that it was in the best interest of the youth of South Dakota to pursue strategies that promote the examination of local juvenile justice systems and help them coordinate a comprehensive continuum of system services and alternatives to secure detention.

The Juvenile Detention Alternatives Initiative (JDAI), developed and supported by the Annie E. Casey Foundation, was identified as the model through which these goals would be undertaken. The Council identified Minnehaha and Pennington Counties as alternative to detention pilot sites.

In SFY2013, the Juvenile Detention Alternatives Initiative (JDAI) Coordinators, along with the Minnehaha and Pennington County Steering Committees, continued to implement alternatives to detention to decrease the number of South Dakota youths being held in secure detention.

The alternative to detention pilot sites made a special study of the various juvenile intervention, prevention, treatment, and rehabilitation programs in their counties and found a lack of programs for pre-adjudicated youths. As a result, each site implemented an Evening Report Center to provide opportunities for youths to learn and develop social and life skills for youth while remaining in the community. The pilot sites also made study of the juvenile sentencing, adjudication, and diversion policies and provisions in their counties and implemented Court Expeditors and Reception Centers which are used to gather information concerning each youth's risks and needs so an informed decision can be made efficiently in the best interest of the youth.

With the implementation of Alternatives to Detention in Minnehaha and Pennington Counties, both sites have seen significant changes in their detention numbers. The following table summarizes information from the 2010 baseline and the 2013 Results Report as submitted to the Annie E. Casey Foundation which contains 2012 data.

JDAI 2013 Results Report		Average Daily Population		Annual Admissions		Average Length of Stay (In Days)		DOC Commits	
		Total	Youths of Color	Total	Youths of Color	Total	Youths of Color	Total	Youths of Color
Minnehaha County	Baseline (2010)	32	15	1108	521	16	17	83	40
	Recent (2012)	15.4	8.9	621	372	9.08	18.3	54	33
	Change in Number	-16.6	-6.1	-487	-149	-6.92	1.3	-29	-7
	% Change	-51.9%	-40.7%	-44%	-28.6%	-43.3%	7.6%	-34.9%	-17.5%
Pennington County	Baseline (2010)	35.5	23.6	740	468	17.5	18.4	56	43
	Recent (2012)	19.7	13.9	540	378	13.3	9.43	42	16
	Change in Number	-15.8	-9.7	-200	-90	-4.2	-8.97	-14	-27
	% Change	-44.5%	-41.1%	-27%	-19.2%	-24%	-48.8%	-25%	-62.8%

At the close of SFY2013, the Council approved for JDAI to be implemented under the Unified Judicial System in South Dakota. Starting in SFY2014, the Council will focus on implementing prevention and early intervention programs.

## Native American Programs

The Formula Grants Program requires participating states to pass on a specified portion of their funds to Native American Tribes who provide their own law enforcement. The amount South Dakota was required to pass on in SFY2013 is \$64,117. States may allocate additional funds beyond the minimum and may also provide funds to Tribes which do not have law enforcement responsibilities but which conduct other juvenile justice functions.

The Council exceeded the minimum pass-through amount set by OJJDP. The Council allocated \$100,000 in SFY2013 for three \$25,000 subgrants supporting The Cheyenne River Sioux Tribe, Sisseton Wahpeton-Oyate, and Standing Rock Sioux Tribe to provide a juvenile probation officer and one \$25,000 subgrant for The Lower Brule Sioux Tribe intended for Juvenile Talking Circles for male and female probationers.

# Compliance with the Core Requirements

The JJDP, as amended, establishes four core requirements with which participating states and territories must comply in order to receive juvenile justice funding under the JJDP:

**(1) Deinstitutionalization of Status Offenders (DSO) - Refers to the removal of status offenders and non-offenders from secure juvenile detention and correctional facilities, jails and lockups for adult offenders.**

Juveniles charged with status offenses, offenses which would not be criminal if committed by an adult, should not be placed in secure detention or correctional facilities. Abused, dependent, or neglected youths may never be held securely.

**(2) Sight and Sound Separation - Refers to providing separation between adults and juveniles in secure settings.**

During the temporary period of time in which juveniles may be held in an adult jail or lockup for processing, they need to be kept sight and sound separated from adult offenders.

**(3) Jail Removal - Refers to the removal of juveniles from adult jails and lockups.** Juvenile offenders shall not be securely detained in adult jails or police lockups.

**(4) Disproportionate Minority Contact (DMC) - Refers to the reduction of minority over-representation where it exists within the juvenile justice system.** States must address over-representation of minority youths at different decision points of contact within the juvenile justice system. The DMC process is made up of identifying the existence/extent of disproportionality, accessing data about DMC, intervening to reduce DMC, evaluating how DMC responds to the interventions, and monitoring trends in DMC within and across jurisdictions.

The status of compliance in CY2012 has decreased significantly since CY2002. In CY2012, there were twelve DSO violations which is an 89.6% decrease since CY2002. There were no violations in Jail Removal and Separation resulting in a 100% decrease.

Percentage Change of Reported Compliance Monitoring Violations			
Calendar Year (CY)	DSO Violations	Jail Removal Violations	Separation Violations
2002	115	291	9
2012	12	0	0
Percent Change	89.6%	100%	100%

## Compliance Monitoring, DSO, Jail Removal, and Separation

A compliance monitoring system has been developed and implemented to monitor the State's compliance with the core requirements of the Formula Grants Program. This system classifies facilities where youths can be held pursuant to court authority, collects admission data from secure facilities, conducts site visits, and provides technical assistance.

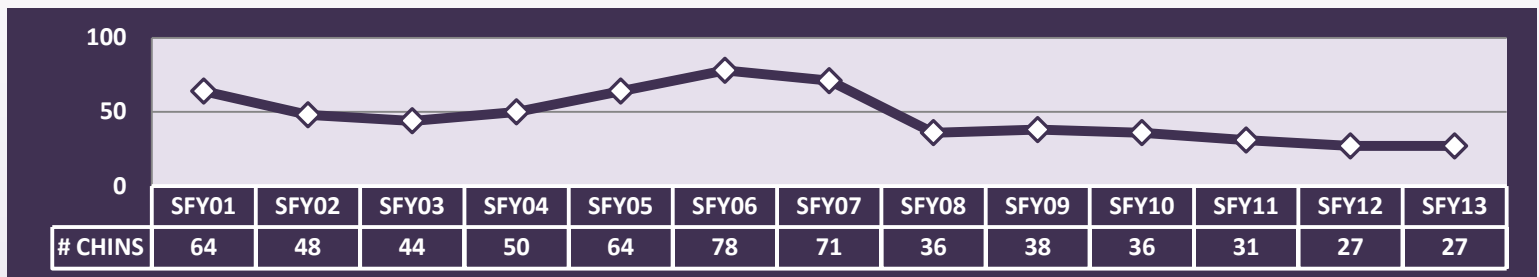
In CY2012, South Dakota's DSO violation rate was 5.92/100,000 youths, which places the State in compliance with de minimis exceptions. A DSO violation rate of 29.5 or higher would mean that the State would be noncompliant with the DSO requirement. There were no jail removal or separation violations in CY2012 resulting in a finding of full compliance for both requirements.

Meeting the temporary custody needs of juveniles consistent with the JJDP can be a financial burden on county governments. The Council authorized the development of a reimbursement system utilizing Formula Grant funds to provide financial support to counties. Since 2005, a reimbursement system has been in place to provide financial support to counties or arresting entities that lack appropriate temporary custody options for the youth. It has been the goal of the Council to work with counties to eventually decrease their dependence on the reimbursement program and to help them develop alternatives to detention and alternative funding sources. During SFY2013, a total of \$60,604.06 was reimbursed to 13 local governments for services rendered to a total of 364 youth.

# Children in Need of Supervision

Children in Need of Supervision (CHINS) are low risk and high need youths who historically were often placed in secure detention or committed to the DOC due to a lack of appropriate alternatives. There is concern whether commitment to the DOC is the appropriate manner in which to provide residential services to CHINS. Throughout the state, a team serves to develop placement plans to use the least restrictive options for a CHINS committed to the DOC. The Council recognized the importance of service provisions to CHINS and, in conjunction with the Unified Judicial System, funds the Probation Support Program to provide access to needed services for youths on probation supervision.

The following chart was obtained from the DOC and identifies CHINS commitments to the DOC during SFY2001 through SFY2013. The chart shows a significant decrease in the commitment of CHINS following efforts to bring the state into compliance with the JJDPA.



# Children in the Juvenile Justice System

South Dakota's juvenile justice system impacts thousands of youths and their families annually. The table to the right provides a summary of juvenile justice, child protection activities, and alcohol and drug services provided by the Unified Judicial System (UJS) and referenced in the 2004-2013 South Dakota Kids Count Factbook Publications.

	SFY04	SFY05	SFY06	SFY07	SFY08	SFY09	SFY10	SFY11	SFY12	SFY13
<b>UJS Referrals</b>										
Adjudicated	5,490	5,710	5,970	6,129	6,491	6,085	6,129	5,525	4,868	4,533
Non-Adjudicated	782	1,180	1,511	2,272	2,279	1,729	1,074	984	1,090	828
<b>New DOC Commitments*</b>	352	368	379	355	376	360	350	304	284	276
<b>Child Abuse &amp; Neglect Initial Assessments (children)</b>	8,748	7,729	7,476	6,377	6,971	7,249	7,243	7,282	6,820	4,899
Substantiated	2,445	1,485	1,701	1,769	2,337	2,283	2,124	2,149	1,927	1,541
Unsubstantiated	6,303	6,244	5,775	4,608	4,634	4,966	5,119	5,133	4,893	3,358
<b>Alcohol and Drug (juvenile admission to treatment) **</b>	3,029	2,456	1,992	1,790	1,681	1,271	1,605	1,375	1,388	1,083

\* DOC commitment data provided by the DOC from Juvenile COMS data system implemented on 6/23/2011. Data only accounts for the number of new juveniles who received a disposition of commitment to DOC. These numbers do not include youths already under the jurisdiction of the DOC.

\*\*Starting with SFY2006, a new information system was implemented, which provided unduplicated counts.

**Adjudicated Action** - Action that occurs as the result of the filing of a CHINS or delinquent petition in formal court. These actions include petition sustained, petition not sustained, petition dismissed, suspended imposition of adjudication, transfer to adult court, and interstate compact transfer to South Dakota.

**Non-Adjudicated Action** - Action that is referred to another agency or handled by court services as an informal diversion as an alternative to adjudication. The non-adjudicatory actions do not include those diversions initiated by State's Attorneys.

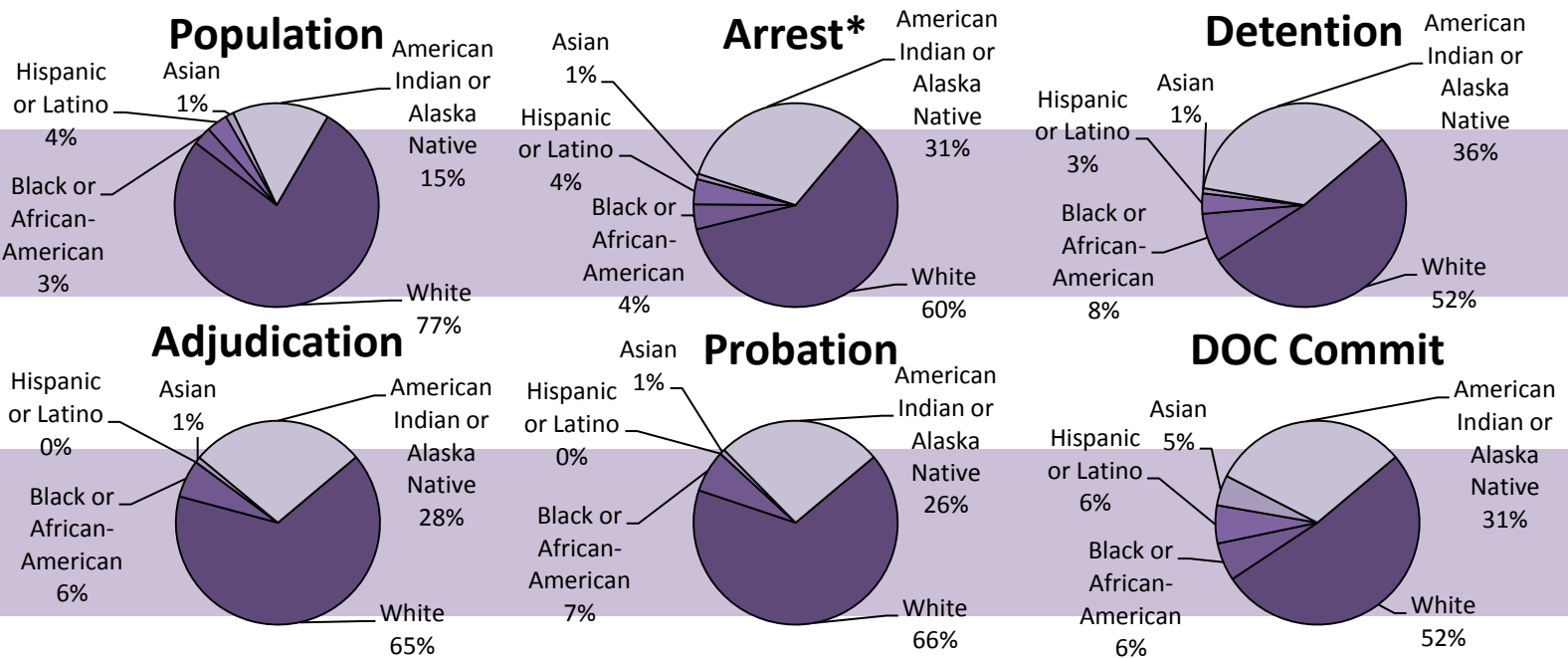
# Disproportionate Minority Contact

As a part of the Disproportionate Minority Contact (DMC) requirement, states are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youths for any group that comprises at least 1% of a jurisdiction's juvenile population. The staff of the Formula Grants Program is responsible for compiling the DMC data, presenting DMC findings to stakeholders, developing plans to address DMC within the state, overseeing DMC awards, and working with local entities to develop plans for disproportionate minority contact reduction.

In SFY2013, The Council supported DMC programs in Minnehaha County (Hocoka Truancy Diversion program and Positive Indian Parenting classes) and Pennington County (Juvenile Services Center Talking Circles) through September 2013. Starting in October, the Council utilized realigned funding under the DMC Program to support Alternatives to Detention projects that focused specifically on strategies for minority youths in Minnehaha and Pennington Counties.

The most recent DMC data compiled to date reflects the measurement of juvenile justice system activity from CY2010. The stages with the largest disparities include arrest and commitment to the Department of Corrections. Minority youths, primarily American Indian, are over-represented at most stages of South Dakota's juvenile justice system. In CY2010, minority youths made up 40% of those arrested\*, 48% of those in detention, 35% of those adjudicated, 34% of those on probation, and 48% of new DOC commitments.

The following charts summarize breakdown by race at the stages of the state juvenile justice system as detailed in the 2013 Formula Grant Application. When looking at the offenses for youths committed to the DOC during the same period, Property Crimes (24.5% for all youths and 21% for Native American Youths) are the largest number of offenses. When looking at the offenses for youths arrested by law enforcement during 2010, Property Crimes (24.9%) have the largest number of offenses for all youths while Alcohol Offenses have the largest number for Native American Youths.



Juvenile DOC Commitments and Juvenile Arrests in Calendar Year 2010									
Crime Category:	Person	Property	Sex	Drug	Alcohol	Status (except alcohol)	Probation Violation	Public Order	Other
<b>DOC Commitment – Accounts for Multiple Crimes</b>									
All	8.7%	24.1%	2.5%	13.5%	9.4%	10.0%	22.4%	6.2%	3.2%
Native American	8.8%	21.0%	0.9%	10.0%	14.5%	9.8%	22.6%	7.6%	4.8%
White	8.3%	25.5%	4.4%	17.1%	5.2%	9.8%	22.7%	5.2%	1.7%
<b>Arrest* - Accounts for Most Serious Crimes</b>									
All	8.9%	24.9%	0.7%	11.0%	32.2%	15.4%	NA	7.1%	8.8%
Native American	10.4%	20.5%	0.3%	8.3%	30.8%	17.0%	NA	6.9%	5.8%
White	7.8%	27.3%	0.9%	12.8%	20.7%	13.1%	NA	6.6%	10.8%

\*In SD, arrest of a juvenile is defined as taken into temporary custody by law enforcement.