

Meeting Minutes - DRAFT
South Dakota Council of Juvenile Services
April 6, 2021
Best Western Ramkota Hotel and Conference Center
Rapid City, SD

Tuesday, April 6, 2021

Council of Juvenile Services Members Present: 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, First Judicial Circuit Judge; Mason Best, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Chuck Frieberg, Director of Court Services; Cindy Heiberger, Minnehaha County Commissioner; and Sheriff Brad Howell, Codington County Sheriff.

Council of Juvenile Services Members Present via Zoom: Keegan Binegar, Youth Member; Daniel Haggar, Minnehaha County States Attorney; Doug Hermann, Executive Director of The Club for Boys; Dave McNeil, Aberdeen Police Department Chief; and Betty Oldenkamp, CEO of Lutheran Social Services.

Council of Juvenile Services Members Absent: Dadra Avery, School Counselor at Sturgis Brown High School; Pat Bad Hand, Rosebud Sioux Tribe Juvenile Detention Center Administrator; Cassidy Frederick, Youth Member; Tiffany Glaser, Department of Social Services JJRI Program Manager; Angela Lisburg, Avera St. Mary's Central South Dakota Child Assessment Center; and Tierney Scoblic, Youth Member.

Others Present: Bridget Coppersmith, Nicole Gednalske, Kevin McLain, and Mike Leidholt, South Dakota Department of Corrections (DOC); Melanie Boetel, Department of Social Services; Annie Brokenleg, Unified Judicial System; Karlee Chapin and Erinn Thomas, Brookings County; Kelsi Vinger, Brown County; Judge Carmen Means, 3rd Circuit Judge; and Katie Buschbach, Davison County.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Beth O'Toole welcomed everyone to the meeting at 1:06 PM on April 6, 2021 and introductions were made. Bridget Coppersmith took role call and a quorum was validated by Coppersmith at this time. Chair O'Toole welcomed Mason Best, Daniel Haggar, and Cindy Heiberger as the newest appointments to the Council.

2. PERIOD FOR PUBLIC COMMENT

Chair O'Toole asked if there were any public comments to be brought before the Council at the meeting. After confirmation that no one had comments to share, Chair O'Toole proceeded with the meeting agenda and ended the period for public comment.

3. DISCLOSURE OF CONFLICTS OF INTEREST

Coppersmith explained that there were no funding decisions coming before the Council at the meeting which would require members to disclose conflicts of interest.

4. REVIEW OF BYLAWS

Coppersmith provided an overview of the Council Bylaws which were last amended in 2016. Coppersmith noted that any proposed amendments would need to come before the Council at their next

meeting to adhere to the advance notice requirements in the bylaws. Coppersmith explained that the Department of Corrections would be recommending an amendment for consideration related to updated State Advisory Group criteria from the revised Juvenile Justice and Delinquency Prevention Act.

5. APPROVAL OF SEPTEMBER 2020 MEETING MINUTES

Chair O'Toole provided an overview of the September 2020 Meeting Minutes.

Chuck Frieberg moved to approve the September 2020 meeting minutes; Sara McGregor-Okroi seconded. Motion carried unanimously.

6. ELECTION OFF CJS CHAIR, VICE-CHAIR, AND EXECUTIVE COMMITTEE

Chair O'Toole turned the meeting over to Coppersmith to oversee the annual elections at 1:27 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.

Charles Frieberg moved to nominate Beth O'Toole for CJS Chair, Judge Tami Bern seconded. Judge Tami Bern moved to cease nominations for CJS Chair and cast a unanimous ballot for Beth O'Toole, Keegan Binegar seconded. Motion carried unanimously.

Kristi Bunkers moved to nominate Sara McGregor-Okroi for CJS Vice-Chair, Sheriff Brad Howell seconded. Cindy Heiberger moved to cease nominations for CJS Vice-Chair and cast a unanimous ballot for Sara McGregor-Okroi, Judge Tami Bern 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.

Cindy Heiberger moved to nominate Charles Frieberg, Judge Tami Bern, and Betty Oldenkamp for the three positions on the Executive Committee, Sheriff Brad Howell seconded. Cindy Heiberger moved to cease nominations for the Executive Committee and cast a unanimous ballot for Charles Frieberg, Judge Tami Bern, and Betty Oldenkamp, Keegan Binegar seconded. Motion carried unanimously.

Coppersmith turned the meeting back over to Chair O'Toole at 1:33 PM.

7. STATUS REPORT

Budget and Subgrants: Coppersmith reported that the Federal Fiscal Year (FFY) 2017 Award was on track to be closed out by its end date of September 30, 2021. Processed payments through March 29th gave an unspent budget of \$90,309.00. Coppersmith explained that 10% of the award could be moved between approved budget categories without a formal amendment to the Office of Juvenile Justice and Delinquency Prevention. At the time of the meeting, \$8,209.42 of the allowable \$40,047.80 needed to be moved to account for shortfalls in the program areas associated with the County Reimbursement Program. Coppersmith explained that all subgrants were spending in accordance with their approved applications and that subgrants under the program areas of Juvenile Justice System Improvement and Native American Programs would be eligible to apply for another year of funding for State Fiscal Year (SFY) 2022 in June and that the two subgrants under Delinquency Prevention were on their final year of services under the Formula Grants Program.

FY2021 Three Year Plan: Coppersmith explained that the FY2021 three-year plan solicitation had yet to be released by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Coppersmith noted that the application will be a “full plan” year rather than an “update plan” which had been submitted the past two years.

2021 Legislation: Coppersmith provided an overview of Senate Bill 14, an act to limit the time children in need of supervision are held in detention under certain circumstances. Coppersmith explained that the bill was submitted to align South Dakota Codified Law with the Juvenile Justice Reform Act of 2018 regarding valid court order (VCO) holdings. Coppersmith reported that the bill was signed on February 8th by Governor Kristi Noem and would go into effect on July 1, 2021. Coppersmith thanked the Council for their support with the legislation.

8. COMPLIANCE MONITORING UPDATE

Nicole Gednalske presented the compliance monitoring report for October 1, 2019 –September 30, 2020. Gednalske explained that 1,554 records were submitted, and all had been cleared prior to the meeting. Of those records, six deinstitutionalization of status offenders (DSO) violations were identified. Three of those violations were in violation of the new VCO requirements and three were for holding status offenders for longer than the allowable 24 hours. Gednalske explained that identified violations would be submitted to OJJDP with the FY2021 three-year plan for their review. Gednalske added that 537 records had been submitted and reviewed from October 1, 2020 through February 28, 2021 and that zero violations had been identified.

9. DISCUSSION OF COUNTY REIMBURSEMENT PROGRAM FOR STATE FISCAL YEAR 2022

Coppersmith provided an overview of the Juvenile Services Reimbursement Program which was developed to assist counties in meeting the requirements outlined by the Juvenile Justice and Delinquency Prevention Act. In SFY2020, 203 youth had been served through the program through reimbursement for transportation, shelter care, electronic monitoring, and detention services. Coppersmith explained that the program will be up for approval in June 2020 and that a new service, Court Resources Homes, may be considered for program inclusion at that time.

Annie Brokenleg provided an overview of the concept of Court Resource Homes and how they could work in South Dakota. The idea was reviewed and recommended by a Juvenile Detention Alternatives Initiative (JDAI) subcommittee that was exploring options for short-term, pre-adjudication alternates to detention. Brokenleg explained that the subcommittee would like to submit a proposal for Council consideration at their June meeting which would include reimbursement to licensed families for holding youth, licensing incentives, and on-call stipends for licensed families. It was anticipated that these homes would be in JDAI sites excluding Minnehaha and Pennington Counties.

Discussion ensued regarding support from the Department of Social Services, recruitment of families, types of youth who would qualify for the alternative, and the fact that it would be implemented as a reimbursement-based program through the counties. There was unanimous support from the Council members present for the subcommittee to draft and present a proposal at the June meeting.

10. ALTERNATIVES TO DETENTION UPDATES

Brown County: Kelsi Vinger provided an overview of alternatives to detention work being done during Brown County’s second year of implementation. Vinger highlighted a significant decrease in court ordered admissions to the juvenile detention center and a 93% success rate of completers of their diversion program. Going forward, Brown County plans to continue to decrease their Risk Assessment

Instrument (RAI) override rate, create a formalized structure for truancy diversions, expand their conditional release program, implement a restorative justice program, and partner with more community partners to best serve youth.

Codington County: Annie Brokenleg summarized second year accomplishments in Codington County and noted that the county was implementing a conditional release program, pre-arrest diversions, and was in the initial steps of having an evening reporting center at the Boys & Girls Club.

Davison County: Katie Buschbach reviewed successes in the county's second year of implementation including establishing a conditional release program, a reception center, increased diversion program referrals, and approval of the utilization of a room in the Rec Center for an evening reporting center. Davison County will also look into creating a formal truancy program as part of their services.

Brookings County: Karlee Chapin explained that Brookings County was in their first year of implementing alternatives to detention and began serving youth through diversion and conditional release programs.

Annie Brokenleg explained that Yankton County was in the initial steps of implementing JDAI and would like to be considered for funding with the next round of applications. The members present unanimously agreed to include Yankton County for consideration of Alternatives to Detention funding for the time frame of July 1, 2021 to June 30, 2022.

11. JUVENILE JUSTICE UPDATES

Charles Frieberg explained that the Unified Judicial System was hosting their Regional Juvenile Justice Conference the two days following the Council Meeting and thanked the Council for their support of one of the speakers.

12. WRAP-UP AND ADJOURN

The next meeting is scheduled for June 2021 with the exact date and location to be determined.

At 3:12 PM, Sheriff Brad Howell moved to adjourn, Keegan Binegar seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist