

Meeting Minutes - DRAFT
South Dakota Council of Juvenile Services
June 15, 2021

River's Edge Restaurant
Yankton, SD

Tuesday, June 15, 2021

Council of Juvenile Services Members Present: Beth O'Toole, Chair and Professor at the University of Sioux Falls; Judge Tami Bern, First Judicial Circuit Judge; Cassidy Frederick, Youth Member; Chuck Frieberg, Director of Court Services; Daniel Haggar, Minnehaha County States Attorney; Sheriff Brad Howell, Codington County Sheriff; Betty Oldenkamp, CEO of Lutheran Social Services; and Tierney Scoblic, Youth Member.

Council of Juvenile Services Members Present via Zoom: Sara McGregor-Okroi, Vice-Chair and Director of Aliive-Roberts County; Dadra Avery, School Counselor at Sturgis Brown High School; Mason Best, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Doug Hermann, Executive Director of The Club for Boys; Angela Lisburg, Avera St. Mary's Central South Dakota Child Assessment Center; and Dave McNeil, Aberdeen Police Department Chief.

Council of Juvenile Services Members Absent: Keegan Binegar, Youth Member; Pat Bad Hand, Rosebud Sioux Tribe Juvenile Detention Center Administrator; Tiffany Glaser, Department of Social Services JJRI Program Manager; and Cindy Heiberger, Minnehaha County Commissioner.

Others Present: Bridget Coppersmith, Nicole Gednalske, and Kevin McLain, South Dakota Department of Corrections (DOC); Melanie Boetel, Department of Social Services; Annie Brokenleg, Unified Judicial System; Kristy Weaver, Boys & Girls Club of the Northern Plains, Liz Christianson, Boys & Girls Club of Watertown; and Katie Buschbach, Davison County.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Beth O'Toole welcomed everyone to the meeting at 9:00 AM on June 15, 2021 and introductions were made. Bridget Coppersmith took role call and asked for others present to identify themselves to be included in the meeting minutes. Quorum was validated by Coppersmith at this time.

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 reviewed the funding decisions coming before the Council from Sisseton-Wahpeton Oyate Court and Brown, Brookings, Codington, Davison, and Yankton Counties.

The following conflicts of interest were disclosed:

Chuck Frieberg – Brookings County; Brown County; Codington County; Davison County; Yankton County

Brad Howell – Codington County

Kristi Bunkers – Brookings County; Brown County; Codington County

Betty Oldenkamp – Brookings County

4. REVIEW OF BYLAWS

Coppersmith provided an overview of the Council Bylaws which were last amended in 2016. Coppersmith described the proposed amendment from the Department of Corrections staff which would update the criteria for State Advisory Group member selection to align with the revised Juvenile Justice and Delinquency Prevention Act. The markup of the approved amendment can be found as an attachment to these minutes.

Sheriff Brad Howell moved to approve the proposed amendment as written, Chuck Frieberg seconded. Motion carried unanimously.

5. APPROVAL OF APRIL 2021 CJS MEETING MINUTES

Chair O'Toole provided an overview of the April 2021 Meeting Minutes.

Judge Tami Bern moved to approve the April 2021 meeting minutes; Daniel Hagggar seconded. Motion carried unanimously.

6. STATUS REPORT

Budget and Subgrants: Coppersmith reported that the Federal Fiscal Year (FFY) 2017 Award was fully expended and would be closed out prior to its end date of September 30, 2021. Coppersmith stated that funds were just starting to be drawn down from the FFY 2018 award and that OJJDP had approved a scope amendment to reallocate funding within current program areas to be more consistent with covering funded awards. Coppersmith explained that all subgrants were spending in accordance with their approved applications.

County Reimbursement Program: Coppersmith explained that Court Resource Homes and the concept of adding them to the County Reimbursement Program for sites with JDAI was discussed at the April meeting. At the time of the June meeting, discussions were still taking place with the workgroup and DSS regarding pricing and licensing structures. Rather than discuss an incomplete proposal, Coppersmith stated that the topic would be up for action at an upcoming meeting when all details have been figured out.

Compliance: Nicole Gednalske explained that from October 2020 through May 2021, 908 records had been submitted and cleared and there were no potential violations found. Gednalske noted that under JJDP states are required to visit all facilities in which adult or juvenile offenders could be held within a 3-year period. DOC staff aim to visit about one-third of our state's facilities per year; however, as in-person visits could not be conducted 2020, they have a few more to catch up on in 2021.

Since April, staff have visited jails and juvenile detention centers in Pennington, Brule, Davison, Minnehaha, Lake, Brookings, Codington, Grant, Roberts, Day, Brown, Mellette, Charles Mix, and Bon Homme Counties. Staff also visited Winner city jail and the new 3 cell adult lockup in Spink County. Following the meeting, staff planned to visit the Yankton, Clay, Union, and Lincoln County facilities.

Gednalske noted that the Brookings county jail is currently under construction doing both remodeling and new additions to the facility. They have requested policy from current collocated facilities in case they decide to go down that avenue with their updated facility. No decisions have been made at this time and construction is set to be completed in 2022.

OJJDP Update: Coppersmith provided an overview of the new "interest of justice" requirement states will need to adhere to starting December 21, 2021. Beginning December 21, 2021, the Juvenile Justice and Delinquency Prevention Act (JJDP Act) as amended by the Juvenile Justice Reform Act of 2018, requires that a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates unless the Court has found that it would be in the "interest of justice" to do so. States must begin monitoring and collecting data for the Interest of Justice requirement starting December 21, 2021, for fiscal year data, which will be used to determine eligibility and compliance for the FY 2023 Title II Awards.

Coppersmith explained that DOC staff would work with the Unified Judicial System regarding steps to communicate, monitor, and track the requirements associated with the “interest of justice” requirement.

Coppersmith noted that the 2021 National Conference would be held virtually the week of November 8, 2021.

7. FY 2021 3-YEAR PLAN

Coppersmith explained that the 2021 3-Year Plan solicitation is due July 13th which is late compared to past solicitations. Included in the application will be South Dakota’s State Plan, Compliance Monitoring Data Certification, and Racial and Ethnic Disparities Core Requirement Plan. Coppersmith noted the award would have a 48-month performance duration and staff are waiting for an approved budget. Coppersmith added that recent discussions with OJJDO have suggested the minimum award amount may go back up to \$600,000 rather than the \$400,000 awards states, including South Dakota, have been receiving in recent years.

Coppersmith explained that the application will be for FFY 2021, 2022, and 2023 and the plan is a “living document” that can be amended as needed once awarded and funds are ready to be drawn down. Coppersmith noted that the full application will need to be reviewed and approved by the Executive Committee prior to submission and will be on the agenda for ratification at the next meeting.

Approval of Value and Problem Statements: Coppersmith explained that the value statements are used for the 3-Year plan and the Annual Report. While they are no longer a funding requirement of the plan, staff continue to document them to help guide the work of the Council.

Discussion ensued regarding the language of the value statements and potential amendments. The following amendments were outlined for consideration:

- Adding “trauma informed” to the end of the first value to read “All children shall receive developmentally and culturally appropriate services that are evidence-based, data-driven, and trauma informed”.
- Changing “Disproportionate Minority Contact to “Race and Ethnic Disparities in the second to last value to read “All children shall receive culturally appropriate justice which is essential to effectively address Race and Ethnic Disparities”.

Betty Oldenkamp moved to approve the Value Statements as amended; Tierney Scoblic seconded. Motion carried unanimously.

Coppersmith stated that problem statements are vital to the narrative of the plan as each statement must be tied to supporting data and/or narratives in the plan and be represented in the budget. Coppersmith noted all statements were tied to current plans and budget program areas and may change slightly to align with data findings.

Discussion ensued regarding the need to add language regarding the state’s truancy issues to the problem statement associated with the program area of delinquency prevention. The second problem statement also needed to be amended to be consistent with the change from “Disproportionate Minority Contact” to “Race and Ethnic Disparities”.

Judge Bern moved to approve the Problem Statements as amended with the correction to “Race and Ethnic Disparities” and for staff to incorporate truancy into the problem statements where appropriate; Sheriff Howell seconded. Motion carried unanimously.

Budget Discussion: Coppersmith provided an overview of the budget that was approved with the FY 2020 plan. Coppersmith noted that the program areas are slightly different from those reviewed with the FY 2018 award due to states now needing to be more specific with program areas to ensure that the required 2/3rd pass through requirement is being met. Coppersmith noted that a budget place holder would be

submitted with the plan and would be amended once the federal budget amount is set and again once funds are being drawn down if they do not align with the practices of the Council at that time.

8. STATE FISCAL YEAR 2022 SUBGRANT APPLICATIONS

Bridget Coppersmith presented application overviews on behalf subgrant applicants for the State Fiscal Year (SFY) 2022 funding period. Coppersmith explained that Brown, Codington, and Davison Counties were applying for a third and final year of funding to implement the Juvenile Detention Alternatives Initiative (JDAI) and diversion services in their counties. Brookings County was applying for their second year and Yankton was applying for their first year of funding to support similar initiatives. Sisseton-Wahpeton Oyate Tribal Court applied for a continuation of juvenile probation services.

Brown County: Applied to continue funding their pre-trial coordinator position to keep expanding diversion services, alternatives to detention, and staff JDAI implementation. Continuation of the JDAI/Diversion Coordinator position would allow the County to continue diverting youth from the court process, work to identify other alternatives to detention, and plan for sustainability at a cost of \$69,974.48.

It was noted that the average length of time a juvenile is held in detention in Brown County on a probation violation is 6.5 days longer than the average length of a felony level offender. If awarded, this measure would be added to Brown County's quarterly performance measurement submission to the DOC.

Codington County: The County applied to continue to analyze diversion referral offenses and ensure programs and services fit youth needs and promote successful outcomes. Codington County would build upon their diversion programs and conditional release process while continuing to explore overnight alternatives to detention for youth when they cannot return home which could include court resources homes in the community. Requested amount was \$72,199.30.

Davison County: Davison County applied to continue to expand diversion services, alternatives to detention and staff time to assist with JDAI coordination. The County would continue to expand their continuum of services to benefit the outcome of system involved youth at every decision point. With addition of staff time dedicated to JDAI Coordination, data would be collected at all decision points so informed decisions could be made by the JDAI collaborative to promote juvenile justice program efficiency. Requested amount was \$70,555.08.

Brookings County: Applied for \$70,000.00 to continue to expand diversion services and alternatives to detention in the community and county. In their first year of funding, Brookings County developed a court approved diversion program that served 22 youth and a conditional release process that has kept youth from being detained while also ensuring they attended court and did not reoffend. If awarded, Brookings County would continue to explore alternatives such as an evening reporting center, court resource homes, and a systems of care partnership with Brookings Behavioral Health and Wellness.

It was noted that on page 6 of the application, the section should read that "Brookings County has decreased their annual youth bed days (not average daily population) to 80 from 566 in 2019".

Yankton County: Applied for \$70,030 to expand diversion services, alternatives to detention, and staff time to assist with JDAI coordination. The goal is that Yankton County would expand their continuum of services to benefit the outcome of system involved youth at every decision point. At the front end, diversion services will be expanded to include an assessment with youth and families with a referral to existing services in the community. Additionally, the creation of a JDAI/Diversion coordinator position would assist with options like electronic monitoring and an evening reporting center to keep youth in the community and increase the number of youths being diverted from the court process. The coordinator would also work with community partners to build upon existing services through utilizing data to best address needs. The Boys and Girls Club of Yankton would house the Youth Diversion Coordinator position.

Sisseton-Wahpeton Oyate Tribal Court: The requested amount of \$50,000 would continue to support a juvenile probation/diversion officer which started in state fiscal year 2019. Coppersmith explained that the applicant implemented their 2021 award in accordance with their previous application.

9. DOC RECOMMENDATIONS FOR FUNDING SFY 2022 SUBGRANT APPLICATIONS:

DOC staff recommended funding each application based on previous performance and services outlined in the applications.

Sheriff Howell moved to approve the Brown County application as written, Tierney Scoblic seconded. Motion carried unanimously with Kristi Bunkers, Chuck Frieberg, and Dave McNeil abstaining from discussion and action.

Judge Bern moved to approve the Brookings County application as written, Daniel Haggar seconded. Motion carried unanimously with Kristi Bunkers, Chuck Frieberg, and Betty Oldenkamp abstaining from discussion and action.

Daniel Haggar moved to approve the Codington County application as written, Betty Oldenkamp seconded. Motion carried unanimously with Kristi Bunkers, Chuck Frieberg, and Sheriff Brad Howell abstaining from discussion and action.

Betty Oldenkamp moved to approve the Davison County application as written, Judge Bern seconded. Motion carried unanimously with Chuck Frieberg abstaining from discussion and action.

Judge Bern moved to approve the Yankton County application as written, Sheriff Howell seconded. Motion carried unanimously with Chuck Frieberg abstaining from discussion and action.

Chuck Frieberg moved to approve the Sisseton-Wahpeton Oyate Tribal Court application as written, Kim Cournoyer seconded. Motion carried unanimously.

10. JUVENILE JUSTICE UPDATES

Betty Oldenkamp explained that she would be retiring in December from LSS and that a search is currently underway for a new CEO.

Kim Cournoyer expressed her gratitude for the conference that followed the April meeting. Annie Brokenleg added that there was good reception from the conference and that the State of Nebraska hired Erik Brings White to hold a cultural justice healing event and that a similar event will take place in July in Rapid City.

Chair O'Toole expressed her appreciation to DOC staff for their consistently strong work and commitment to the Council and their work.

14. NEXT MEETING AND ADJOURN

The next meeting is scheduled for September 2020 with the exact date and location to be determined.

At 10:42 AM, Chuck Friberg moved to adjourn, Betty Oldenkamp seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

**State of South Dakota
Council of Juvenile Services
By-laws
June 2016**

Article I: Purpose of the Council of Juvenile Services

The purpose of the Council of Juvenile Services is to serve as the principal juvenile justice planning entity for the State of South Dakota.

Article II: Powers and Responsibilities of the Council of Juvenile Services

South Dakota Codified Law 1-15-30 identifies the responsibilities of the Council of Juvenile Services and reads as follows:

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.

Article III: Council of Juvenile Services Composition

Section A: Number and Composition

The Council of Juvenile Services consists of twenty members who have training, experience, or special knowledge of juvenile delinquency prevention or treatment or the administration of juvenile justice. The membership shall include the following to comply with Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act:

1. at least one locally elected official;
2. representatives of law enforcement, and juvenile justice agencies, including circuit court judges, prosecutors, counsel for children and youth, and probation officers;
3. representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, ~~mental health, substance abuse, education, special education, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities,~~ recreation, and youth services;
4. representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education and social services for children;
5. volunteers who work with ~~delinquents or potential delinquents~~ delinquent youth or youth at risk of delinquency;
6. ~~youth workers involved with representatives of~~ programs that are alternatives to incarceration, including programs providing organized recreation activities;
7. persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
8. ~~persons, with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence~~ licensed or certified by the applicable State, with expertise and competence in prevention and addressing mental health and substance abuse needs in delinquent youth and youth at risk or delinquency;.
9. Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and
- 8.10. For a state in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other

individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;

Section B: Selection Criteria

1. A majority of the Council of Juvenile Services, including the Chairperson and any member assuming the duties and responsibilities of the Chairperson, whether permanently or on a temporary basis, shall not be fulltime employees of federal, state, or local government.
2. At least one-fifth of the Council members shall be under the age of ~~24~~ 28 at the initial time of appointment.
3. At least three members shall have been or shall currently be under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system-
4. Attempts will be made to ensure that the membership of the Council will represent the racial and ethnic diversity of the State.

Article IV: Terms of Services for Council Members

Consistent with SDCL 1-15-29, each member shall serve a term of three years. Members may be re-appointed and may continue to serve an expired term until replaced by the Governor.

Article V: Officers of the Council of Juvenile Services

A Chairperson and a Vice-Chairperson, who shall not be fulltime employees of federal, state, or local government. Shall be chosen annually by a majority vote of the Council members at the first meeting following new appointments and reappointments of members. In the event of the Chairperson's absence at a Council meeting, the Vice-Chairperson shall preside at the meeting. In the event that neither the Chairperson nor the Vice-Chairperson can be present at a Council meeting, the Chairperson shall designate a member of the Council to preside at the meeting who is not a fulltime employee of federal, state, or local government.

Article VI: Removal of Council Members

The Chairperson may recommend to the Governor that a Council member be replaced if that member misses three consecutive meetings, misses fifty percent of Council meetings during a twelve-month period, or if that member is no longer a resident of the State of South Dakota.

Article VII: Meetings of the Council of Juvenile Services

Section A: Meeting Schedule/Location

Meetings will be held at the call of the Chairperson and will generally occur at least quarterly. The Chairperson will determine the location of Council meetings. Council meetings may be held telephonically or by electronic means.

Section B: Quorum

The Chairperson shall determine if a quorum is present at a meeting. A quorum shall consist of a majority of Council members present based on the number of current Council members appointed. A quorum must be present for the Council to take official action.

Section C: Adoption of Motions

In order for a motion to be adopted, the motion must be approved by the majority of voting members present at the meeting.

Section D: Voting

The Chairperson shall determine the method of voting. Only Council members may vote during Council meetings.

Section E: Non-voting Meeting Participants

1. If a Council member is unable to attend a meeting, that Council member may appoint a non-voting participant to attend the Meeting in their place. The individual attending in place of a Council member may participate in Council discussions but may not make motions or vote on motions. Council members who are unable to attend may also submit their positions on issues in writing or consideration during Council discussions but these written submissions shall not constitute a motion or a vote on these issues.
2. Department of Corrections employees who provide staff support to the Council may provide information to the Council and participate in discussions as requested or directed by the Chairperson but may not make motions or vote on motions.
3. Other individuals in attendance at Council meetings may present information to the Council at the request of the Chairperson.

Section F: Roberts Rules of Order

Roberts Rules of Order shall guide conduct of Council meetings.

Article VIII: Compensation

The members of the Council of Juvenile Services serve without compensation. Council members are reimbursed for their reasonable and necessary expenses incurred in the performance of their duties at rates set by the Board of Finance, unless such expenses are covered by the Council member's employer or other individual or body.

Article IX: Conflict of Interest

A Council member employed by an organization requesting funds from the Council, or a Council member having some direct interest in such organization, may not make a motion or vote on any motions pertaining to the funding request. The member will be counted toward the quorum of the meeting but will not be considered as an eligible voting member for the purpose of determining whether the matter in question passes or fails. Neither may the Council member speak to or answer questions concerning the proposal unless all similarly situated applicants for funding are provided a similar opportunity.

Any member having a direct interest in a funding request or proposal shall leave the meeting room during discussion and/or voting related to the request or proposal.

Article X: Committees

There shall be an Executive Committee of the Council of Juvenile Services which consists of the Chairperson, Vice-Chairperson and three members elected by the Council. The Executive Committee has the authority to act for the Council in the interim between meetings. Any action taken by the Executive Committee is subject to ratification at the next regularly scheduled meeting.

The Chairperson of the Council may form other committees that are necessary for the Council to fulfill its responsibilities. Committee members, who may include individuals who are not Council members, and committee chairpersons shall be appointed by the Chairperson of the Council of Juvenile Services.

The primary responsibilities of each committee shall be to analyze the issues assigned to it and present a report to the Council that may include recommendations on programs to be developed or funded, changes in juvenile justice system processes, proposed statutory changes or other recommended actions. Committees shall not represent recommendations as official positions of the Council and shall not begin implementation of the recommendations until they have received the approval of the Council of Juvenile Services.

Article XI: Amendment of Bylaws

The Bylaws of the Council of Juvenile Services may be amended at any regular or special meeting of the Council by a two-thirds majority vote of the members present, provided


Council of Juvenile Services – Bylaws

that the proposed amendment was distributed to the members of the Council at least seven days prior to the meeting. Unless otherwise specified, an approved amendment will go into effect immediately.

Revision Log:

March 2004: Initial Council of Juvenile Services By-laws were approved by the Council at their March 2004 meeting.

June 2016: **Added** “to comply with Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act:” in Article III Section A. **Added** “and any member assuming the duties and responsibilities of the Chairperson, whether permanently or on a temporary basis” in Article III Section B. **Removed** “, the initial Council members appointed will draw lots to determine who will hold the 8 three year terms, the 6 two year terms, and the 6 one year terms. Thereafter,” from Article IV. **Added** “and a Vice-Chairperson” in Article V. Added “shall not be fulltime employees of federal, state, or local government” in Article V. **Removed** “ and a Vice-Chair person” from Article V. **Removed** “each fiscal year” from Article V. Added “following new appointments and reappointments of members” to Article V. Added “who is not a fulltime employee of federal, state, or local government” to Article V. **Added** “or by electronic means” to Article VII Section A. Removed “or via the Digital Dakota Network” from Article VII, Section A.

	6/20/2016
Betty Oldenkamp, Chairperson – Council of Juvenile Services	Date