

Meeting Minutes -DRAFT
South Dakota Council of Juvenile Services
September 12, 2018
Quality Inn and Suites, Sioux Falls, SD

Wednesday, September 12, 2018

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; Keith Bonenberger, Community Member; Kristi Bunkers, Director of Juvenile Services; Renee Gallagher, Youth Member; Alexis Kohler, Youth Member; Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Vanessa Merhib, CEO of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Betty Oldenkamp, CEO of Lutheran Social Services; Lyndon Overweg, Mitchell Chief of Public Safety; Miskoo Petite, Rosebud Sioux Tribe Juvenile Facility Administrator; and Carol Twedt, Former Minnehaha County Commissioner.

Council of Juvenile Services Members Absent: Sara McGregor-Okroi, Vice-Chair and Director of Aliive-Roberts County; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binigar, Youth Member; Kim Cournoyer, Service Provider; Chuck Frieberg, Director of Court Services; and Virgena Wieseler, Director of Division of Child Protection Services.

Others Present: Denny Kaemingk and Bridget Coppersmith, South Dakota Department of Corrections (DOC); Wayne Weston, University of South Dakota Sanford School of Medicine Center for Disabilities; Carole James, Minnehaha County; Rebecca Kundsén, Melanie Towne, and Amy Witt, Lutheran Social Services; and Danielle Ferguson, Argus Leader.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Beth O'Toole welcomed everyone to the meeting at 8:32 AM on September 12, 2018 and introductions were made.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Bridget Coppersmith explained that the funding decisions coming before the Council at the meeting were regarding applications from Lutheran Social Services for Disproportionate Minority Contact (DMC) services in Minnehaha and Pennington Counties.

Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. Aaron McGowan, Betty Oldenkamp, and Carol Twedt disclosed they had conflicts of interest with the Disproportionate Minority Contact decisions and they would abstain from all discussion and action regarding the agenda item.

3. PERIOD FOR PUBLIC COMMENT

Chair O'Toole explained that House Bill 1172 amended South Dakota Codified Law 1-25-1 by adding the following text: The chair of the public body shall reserve at every official meeting by a public body a period for public comment, limited at the chair's discretion, but not so limited as to provide for no public comment.

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

4. APPROVAL OF JUNE 2018 CJS MEETING MINUTES

Betty Oldenkamp moved to approve the June 19, 2018 Meeting Minutes, Vanessa Merhib seconded. Motion carried unanimously.

5. BUDGET STATUS REPORT AND SUBGRANT UPDATES

Coppersmith provided an overview of the Federal Fiscal Year (FFY) 2013 award that was currently being expended. Coppersmith explained that as of September 4, 2018, \$45,002.57 was remaining of the \$797,616 award. Coppersmith stated that ten percent of the award can be moved between approved budget categories without an amendment to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to close the award out by the end date of September 30, 2018. Coppersmith noted that the only exception to the movement between categories is the program area of Planning and Administration which requires a match by the state. The program area of Planning and Administration had been fully expended prior to the meeting and \$31.03 had been drawn down from the FFY2015 Formula Grant Award. At the time of the meeting, the program areas associated with the County Reimbursement Program were fully expended and starting to have a negative balance to help spend down the award.

Coppersmith explained how each program area was being expended and their anticipated expenditures through the end of the award. Coppersmith stated that delinquency prevention and DMC subgrants were actively spending their awards and Native American Programs subgrants were in the starting phases of their award implementation. Coppersmith added that the program area of compliance also included expenses associated with a training of trainers training from the National Partnerships for Juvenile Services (NPJS) the week of July 23rd in Pierre.

Discussion ensued concerning spending down the remaining balance of the award and possible ways to expend funds under the next award that will be discussed in further detail at the December Council Meeting.

6. OJJDP AND COMPLIANCE UPDATE

Coppersmith explained that a federal compliance audit was conducted the week of August 20th to assess the policies and procedures tied to compliance monitoring of the Juvenile Justice and Delinquency Prevention Act (JJDP) in South Dakota. Coppersmith stated that the audit went well and included site visits of five facilities as well as an in-depth review of South Dakota's Compliance Monitoring Manual. Coppersmith noted that any findings or recommendations are anticipated to be sent to the DOC within six months of the audit.

Coppersmith presented a compliance data summary for the period of October 1, 2017 – June 30, 2018. Coppersmith stated that a total of 1,294 records were submitted for the time frame and all records had been reviewed except for 47 records. At the time of the meeting, the 47 records required additional information from the juvenile detention or jail facilities to provide a final determination of compliance for the juvenile admissions. Coppersmith added that five juvenile detention and five jail records had been flagged as potential violations and that DOC staff was looking into each record with the facility it was reported from to ensure they have all the information tied to the stay to make a final determination.

Coppersmith provided an overview of updates regarding OJJDP. Coppersmith explained that Caren Harp is the new administrator of OJJDP and she has started to implement some changes that will impact states associated with the Formula Grants Program. Recently, OJJDP had been divided into two divisions to help states with programmatic implementation and compliance adherence. OJJDP will now be one division and labeled the State Relations and Assistance Division which will provide each state with one point of contact for all programmatic and compliance needs. Administrator Harp has also emphasized her focus on better addressing DMC and that more guidance regarding changes to the DMC program area and reporting will be made available the week of November 27th in Baltimore, MD at OJJDP's annual training. Coppersmith explained that changes have also been made to the Title II Formula Grants Program Application. Historically, each state would apply in early spring for funding the

following fall. This year, the application has been simplified and broken into two categories. The first category includes eligibility requirements and is due October 1, 2018. The second category includes both compliance and state plan requirements and is due February 28, 2019.

7. ANNUAL REPORT INPUT

Coppersmith explained that per the JJDP, the Council is responsible to make an annual report to the Governor and Legislature on the States' progress in meeting the requirements of the JJDP and pursuant to SDCL 1-15-30 (8), the Council is required to submit an annual report to the Governor, Chief Justice, and the Legislature on the status of children in need of supervision (CHINS) in South Dakota. Coppersmith stated that the Council's Annual Report meets both reporting requirements. Coppersmith reviewed the FY2017 Annual Report and asked for input from the Council regarding the FY2018 Annual Report.

Discussion ensued regarding the benefits of having a smaller, easy to read publication, the desire to continue with the format of the FY2017 report, and a recommendation that the cover of the report contains a picture representative of youth in South Dakota.

8. DMC FUNDING PRESENTATIONS

Melanie Towne and Amy Witt from Lutheran Social Services presented an overview of the DMC applications from Minnehaha and Pennington Counties. Towne and Witt explained the process of working with DMC Case Managers in each county and the impact each case manager has had since the programs began. In Pennington County, 542 minority youth and families were served through court reminder calls and 14 youth were served through outreach case management in FY2017. In Minnehaha County, 45 youth were served in FY2017 and 68 youth had been served through September 10th in FY2018. Both counties applied for \$35,000 for the period of October 1, 2018 – September 30, 2019 to continue services associated with DMC Case Managers in each county.

9. DOC RECOMMENDATIONS AND FUNDING ACTIONS ON DMC APPLICATIONS

Coppersmith explained that the DOC was recommending that the Council award the requested amount of \$35,000 to both Minnehaha and Pennington Counties based on current and previous subgrant performance from the applicant.

Discussion ensued concerning measures of success from previous years and comparison data from other data sources to look at the impact of the programs. The request was made to have additional data which includes failure to appear data from the DMC sites available at the December Council Meeting.

Sheriff Mike Leidholt moved to approve the DMC application from Minnehaha County, Judge Tami Bern seconded. Motion carried unanimously with Aaron McGowan, Betty Oldenkamp, and Carol Twedt abstaining from all action and discussion.

Keith Bonenberger moved to approve the DMC application from Pennington County, Kristi Bunkers seconded. Motion carried unanimously with Aaron McGowan, Betty Oldenkamp, and Carol Twedt abstaining from all action and discussion.

10. DMC RACIAL AND ETHNIC DISPARITIES (RED) CAPSTONE IMPLEMENTATION UPDATE

Rebecca Knudsen provided an update of the implementation of the RED Capstone Project in Minnehaha County. Knudsen explained that a team of six participants attended the Center for Juvenile Justice Reform's Race and Ethnic Disparities Certificate Program through funding from the Council in 2017. As part of the program, each site is required to complete a capstone project. The goal of Minnehaha County's project is to reduce the disproportionate representation of youth of color in the juvenile justice system and they plan to achieve their goal through developing school-justice partnerships, hiring a diversion coordinator, expanding access to culturally informed programming, and provide expanded access to training on Implicit Bias.

Knudsen explained that at the time of the meeting, a memorandum of understanding was in process between the schools, law enforcement, and the courts on how to respond to behavioral incidents. Judge Steven Teske assisted with this process when he came to Sioux Falls in August. Knudsen added that a diversion coordinator was hired in July and began taking referrals on August 15th. Culturally informed programming is being researched to have options available for local justice involved youth through partnerships with community organizations. Lastly, Knudsen noted that the Children's Law and Policy Center provided a training on Implicit Bias to Minnehaha County stakeholders and school resource officers on August 6th and options are continuing to be explored to offer additional trainings in the future.

11. JUVENILE JUSTICE UPDATES

Kristi Bunkers explained that the Juvenile Justice Public Safety Improvement Act 2018 Annual Report is currently under development and is anticipated to go before the Oversight Council before the end of the year. Chair O'Toole mentioned the passing of former Council Member J.C. Chambers and discussion ensued regarding his great accomplishments both on and off the Council. Betty Oldenkamp explained that Arise Youth Center East was in the process of having a voluntary evening report center through the Sioux Empire United Way. Oldenkamp noted that the center would be in a separate room from the youth who are at the center under court order and is intended for youth who have completed their requirements through Minnehaha County and would like to continue with the program when they are no longer required to attend under the court system.

12. NEXT MEETING LOCATION AND DATES

Coppersmith explained that the next meeting is planned for December 6th and is anticipated to take place in Chamberlain, SD.

13. WRAP-UP AND ADJOURN

At 11:22 AM, Aaron McGowan moved to adjourn the September 2018 Council of Juvenile Services Meeting, Vanessa Merhib seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist