

**It has been three years since the JJPSIA went into effect. Since implementation, we've seen progress in many areas, including the following:**

- Youth committed to the Department of Corrections decreased 63 percent since 2014, consistent with our goal of focusing out-of-home placements on more serious youth, and appropriately targeting placements, supervision and services.
- Services and programming are available across the state, meaning that families, law enforcement, and judges have more options to hold youth accountable and address needs in the community, where the youth live.
- At the same time, improved public safety outcomes are reflected by:
  - The increased proportion of youth successfully completing diversion programming;
  - Overall, the number of probation violations has declined, while successful completions of supervision are high;
  - 81 percent of youth who completed behavior-change programming received no violations;
- A hallmark of good oversight includes identifying areas for further review. This report shows areas for system improvement including:
  - While overall down in the last four years, the number of probation violations has increased the last year;
  - Youth receiving incentives for good behavior, which are crucial to preventing future offending, has decreased in the last year;
  - Referrals for psychiatric and intensive treatment beds have increased from non-juvenile justice system referral sources. As a result, for the few juvenile justice system-involved youth who require this level of care, DOC may be forced to send their PRTF/IRT-eligible youth to out-of-state beds.

It has been a busy year for the Council, and over the past twelve months the Council has conducted several "deep dives" into specific counties and circuits to better understand the individual challenges a county may be facing related to juvenile justice. In the spirit of the JJPSIA's data-driven approach, each study is modeled after this report and contains many of the same performance metrics. By narrowing the scope into smaller geographic areas, we can better understand what local communities need to be successful and how to best support each community.

I would like to express my thanks to the state and local agencies who have worked so diligently to implement the reforms in SB 73.



Greg Sattizahn  
Chairman, South Dakota Juvenile Justice Oversight Council  
State Court Administrator, Unified Judicial System

As you read through this report, you will find data related to each area of reform, except for one: the work of the Oversight Council. In many ways, the creation of the Oversight Council is one of the most understated, yet necessary, aspects of the legislation. When the law was drafted, no one was under the assumption that SB 73 was a perfect piece of legislation. Therefore, the Act created the Oversight Council to make sure that the bill was working as intended and responding to unintended consequences.

The majority of the policy changes included in JJPSIA went into effect January 1, 2016. The data included in this report reflect performance and outcome measures as of the end of Fiscal Year 2018, as well as historical data for prior years, where available. The purpose of reporting these measures is two-fold: 1) to monitor the impact of the policy changes and assess whether the goals of JJPSIA are being met; and 2) to continue making sound data-driven policy decisions.

Additionally, JJPSIA, was designed to increase public safety by improving outcomes for youth in the juvenile justice system; effectively hold juveniles more accountable; and, reduce costs by investing in proven community-based practices while saving residential facilities for juveniles who are a public safety risk. The following report is designed to assess alignment of these goals with what is happening in the South Dakota juvenile justice system.

## Increase Public Safety by Improving Outcomes for Youth and Families and Reducing Juvenile Recidivism.

One measure of assessing public safety is to examine juvenile arrest data and juvenile petitions filed with the court.

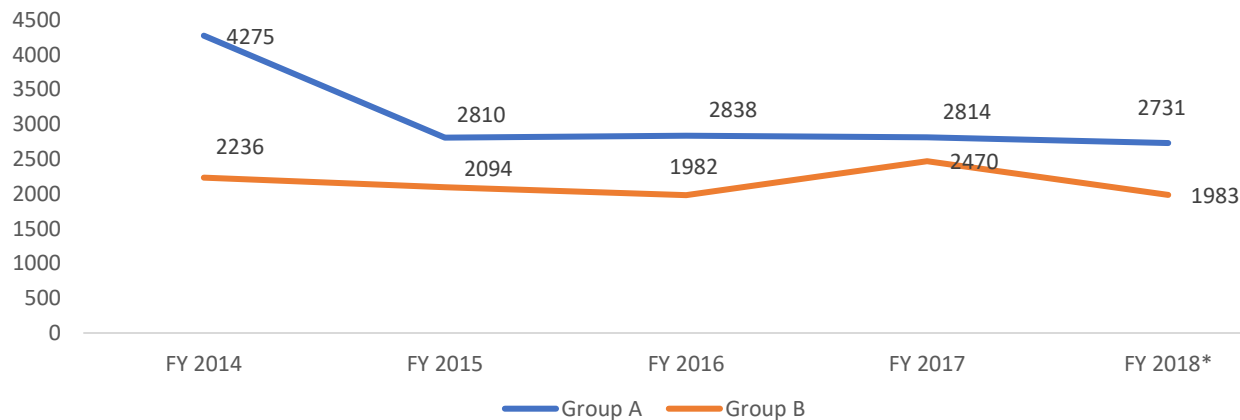
Arrest data is maintained and reported by the Attorney General's Office and the data is divided into two groups: Group A offenses and Group B offenses:

-There are 23 Group A crime categories made up of 49 offenses. Both incidents and arrests are captured for Group A offenses and include serious crime against persons, property, or society.

-There are 11 crime categories for Group B offenses. Only arrests are reported for Group B offenses.

Juvenile arrest data also includes juveniles taken into custody or arrested without being charged. A more detailed explanation and list of Group A and Group B offenses can be found in Appendix A.

Juvenile arrests for more serious offenses (Group A) has leveled off in FY 18. Group B offenses have decreased.



### Key Takeaways

The number of Group A offenses slightly decreased and the number of Group B offenses dropped almost 2 percent following an uptick in FY 2017.

*It is important to note that arrests fluctuate year-to-year, and looking at one or two years of data can lead to improper interpretations and over-generalizations of larger crime trends.*

\*At the time of writing this report, all agencies had not reported for the year of 2018.

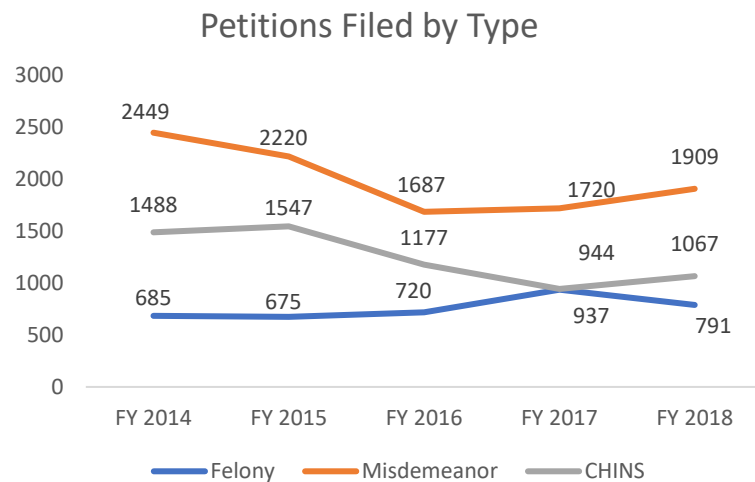
## Arrest Data

Increasing public safety is of the utmost importance to the Juvenile Justice Oversight Council. Monitoring juvenile arrest data and juvenile petition filings helps to understand if public safety goals are being achieved.

Prior to the JJPSIA, a new delinquent offense committed by a youth on probation or in DOC custody may have been addressed through the revocation process and would not have resulted in the filing of a new petition. Following the JJPSIA, with more targeted use of DOC commitments, and shorter probation terms, the decision to file petitions may have changed to allow increased options to address a new offense.

### Key Takeaways

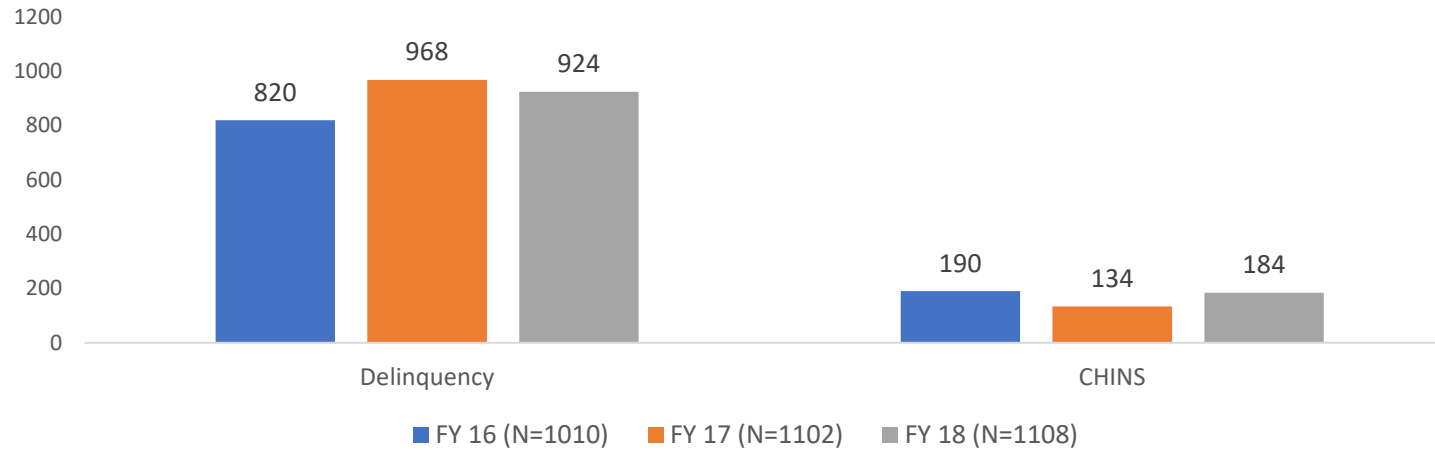
The number of felony petitions decreased 15 percent between FY 17 and FY 18.



|                                  | FY 14 | FY 15 | FY 16 | FY 17 | FY 18 |
|----------------------------------|-------|-------|-------|-------|-------|
| Felony Petitions Filed           | 686   | 685   | 720   | 936   | 790   |
| Youth Committing Felony Offenses | 552   | 558   | 594   | 713   | 654   |

## Probation

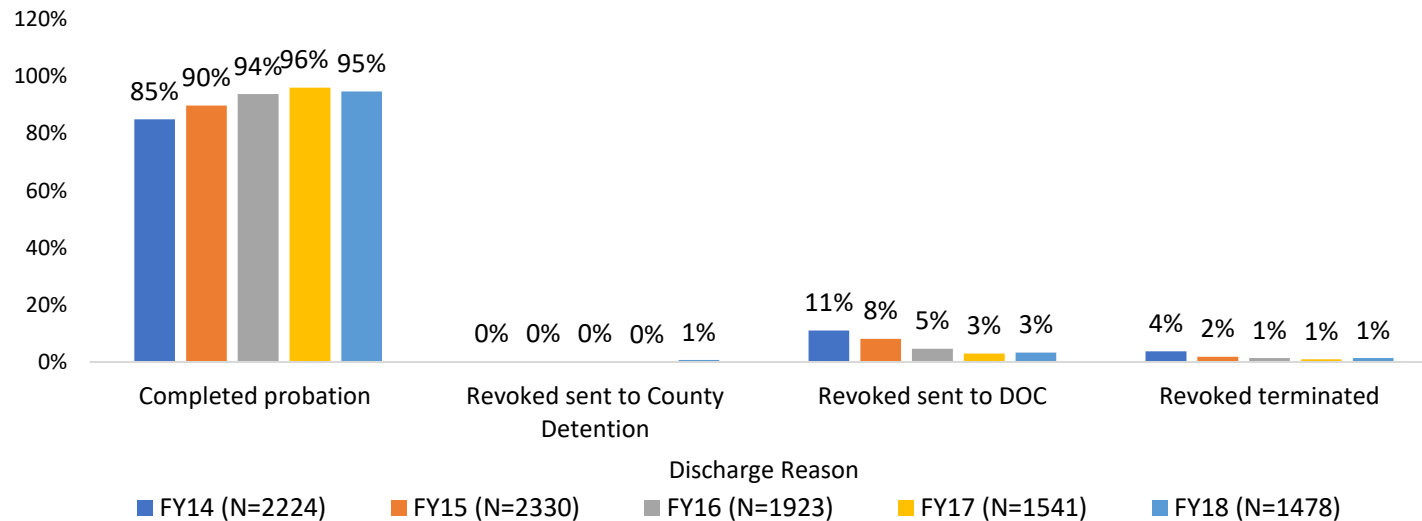
### New Probation Admissions



#### Key Takeaways

There were 44 fewer youth admitted to probation for a delinquency offense, while 50 more youth placed on probation for a CHINS violation.

### Reason Discharged From Probation



#### Key Takeaways

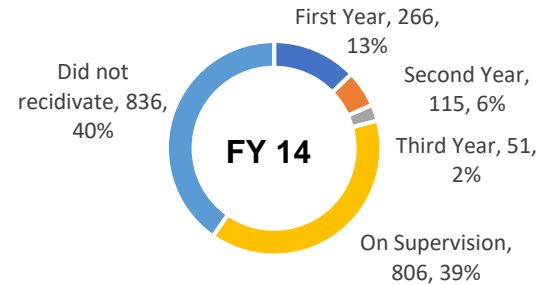
The vast majority of youth successfully completed probation. Over the past five years, the percentage of youth being revoked to DOC has decreased almost 82 percent.

## UJS Recidivism

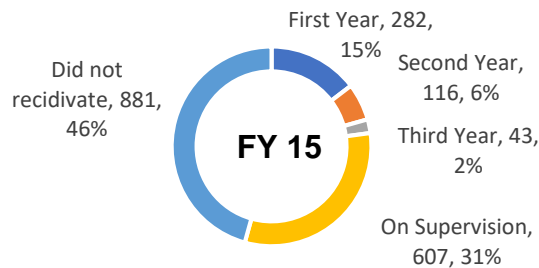
Recidivism for the Unified Judicial system is defined as *"being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within one year, two years, or three years after discharge from juvenile probation."* SDCL 26-8D-1(5)

*\*Based on the definition of recidivism, the outcomes for FY 16, 17, and 18 are not final at this time.*

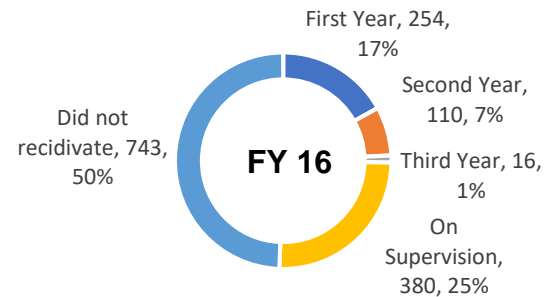
**In FY 14, 40 percent of juveniles did not recidivate.**



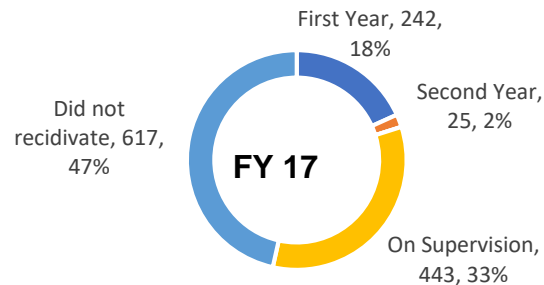
**In FY 15, 46 percent of juveniles did not recidivate**



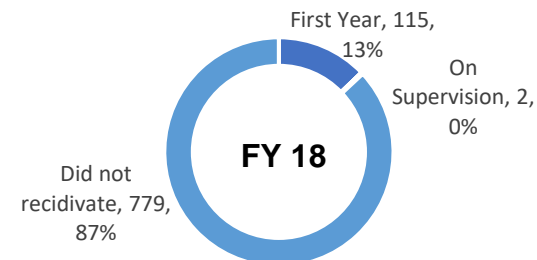
**In FY 16, 50 percent of juveniles did not recidivate**



**In FY 17, 47 percent of juveniles did not recidivate**

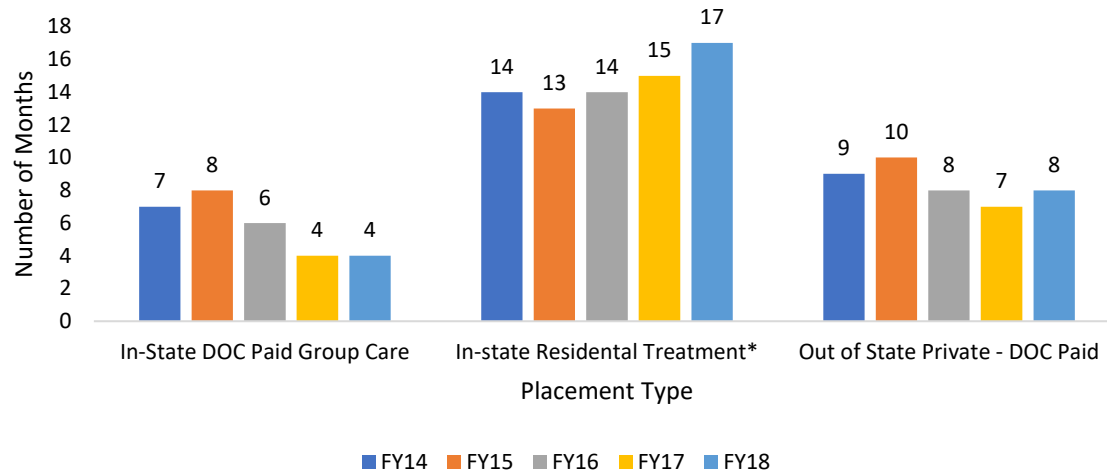


Due to the definition of recidivism, reasonable conclusions cannot yet be drawn from FY 18



## DOC Commitment

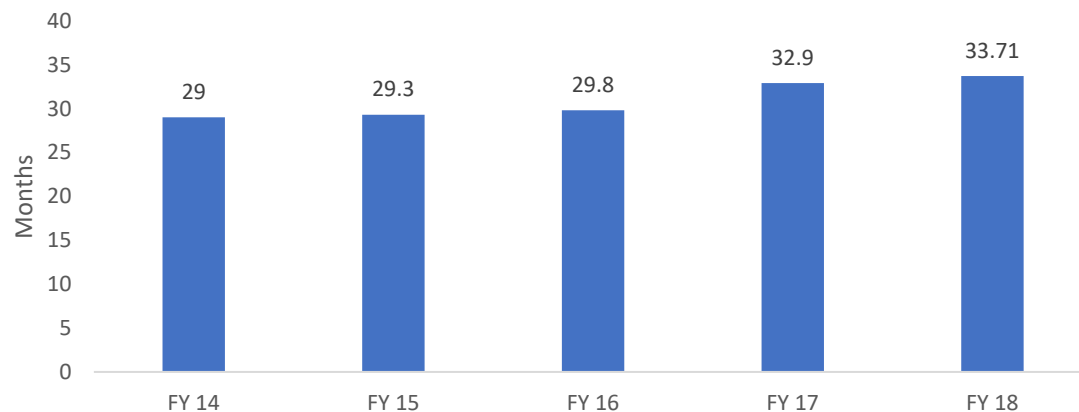
### Average Length of Stay in Residential Placement



In an effort to better utilize out-of-home residential placements, JJPSIA defined the criteria for commitment to the DOC for youth posing a serious risk to public safety. As the population of youth in DOC custody has changed with the implementation of JJPSIA, the total length of commitment to DOC has increased, but overall time in residential placement has decreased. The increase in length of commitment, including in some residential placements, is not expected as youth posing a serious risk to public safety may require more time to be effectively rehabilitated before returning to the community.

\*In-state residential includes Intensive Residential Treatment (IRT) and Psychiatric Residential Treatment Facilities (PRTF)

### Average Length of Commitment\* for Youth Discharged from DOC



#### Key Takeaways

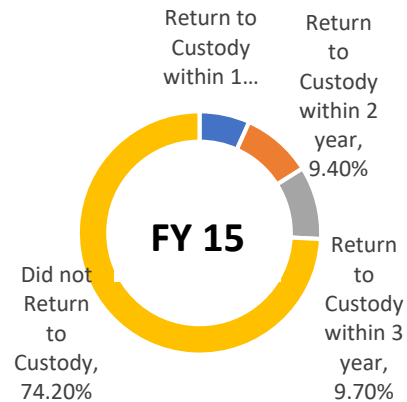
The average length of commitment for youth discharged from DOC has remained steady between FY 17 and FY 18, following a 10% increase between FY 16 and FY 17.

While the average length of stay for in-state DOC paid group care has leveled off and out of state private-DOC paid placements has remained stable, the average length of stay for in-state residential treatment increased

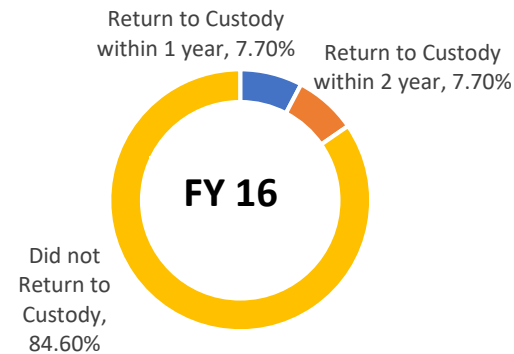
## DOC Recidivism

The Department of Corrections (DOC) defines recidivism as a return to custody "within one year, two years, or three years of discharge from the custody of the Department of Corrections, a juvenile commitment or conviction in adult court for a felony resulting in a sentence to the Department of Corrections" SDCL 26-8D-1(5).

74 percent of youth discharged from DOC did not return to custody.



Almost 85 percent of youth discharged from DOC did not return to custody.



### Key Takeaways

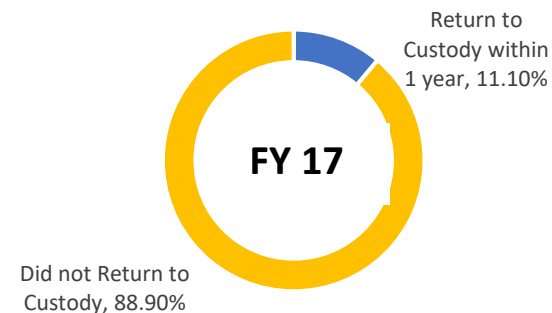
The majority of youth (between 74 and 88 percent) discharged from DOC did not return to DOC custody.

FY 15: Less than 10 percent of youth returned to custody within 3 years of discharge.

FY16: Less than 8 percent of youth returned to custody within 2 years of discharge.

FY 17: Almost 89 percent of youth discharged from DOC in FY 17 did not return to custody within one year.

Almost 89 percent of youth discharged from DOC did not return to custody.

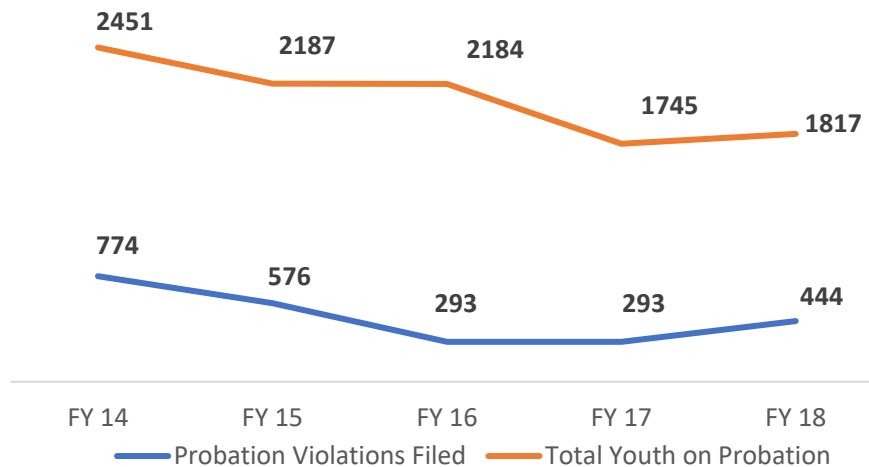




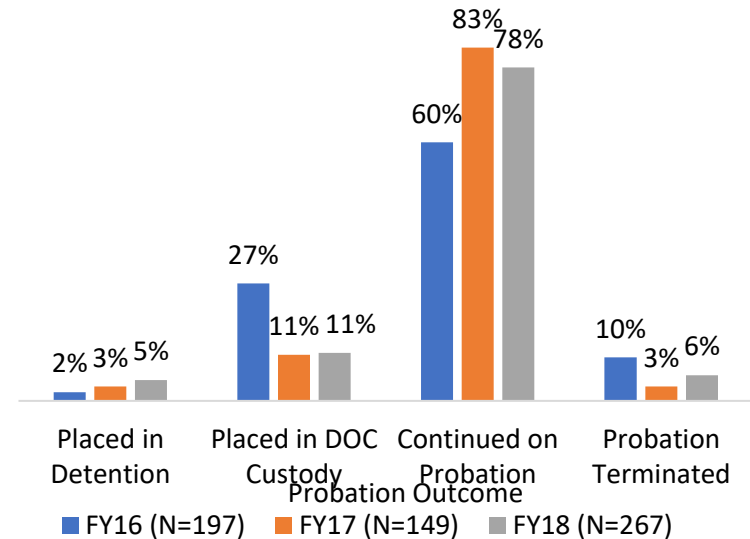
### Effectively Hold Juvenile Offenders Accountable

When youth on probation are repeatedly failing to show positive behavior changes and are not consistently following the rules of probation, Court Services Officers (CSOs) use available tools to appropriately respond to their behavior. A probation violation is the last resort after CSOs work with youth to problem-solve and address their needs and behavior to get the youth on a better path. Tables 10 and 11 show probation violations filed and the outcomes of the violations as decided by a juvenile court judge.

Youth on Probation and Violations Filed



Sustained Probation Violation Outcomes



#### Key takeaways

While the number of youth on probation has generally remained stable, the number of violations increased 51 percent between FY 17 and FY 18 doubled.

The majority of youth with a sustained probation violation outcome continued with probation. Only 12 percent of juveniles were placed in DOC custody due to a probation violation.

In FY 15, there was 1 violation filed for every 3 youths. After falling to 1 violation for every 6 youth in 2017, it increased to 1 violation for

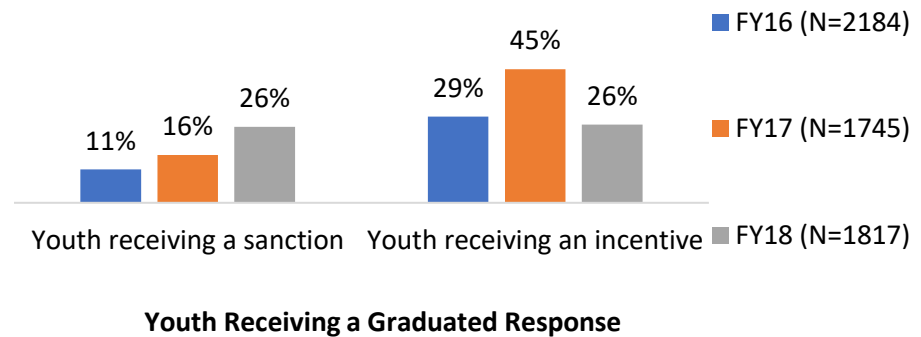
## Graduated Responses

### Graduated Responses

Graduated responses are the use of incentives and sanctions to encourage youth to alter their attitudes and behavior toward prosocial alternatives. The emphasis of graduated responses in supervision is skill-building and positive communication between the youth and CSO. It is important to consistently address positive and negative behaviors, but addressing the positive behaviors must outweigh the negative consequences to positively impact behavior change. Research repeatedly suggests that efforts to change juvenile behavior are most effective when they incorporate positive reinforcements that are utilized at a much higher rate than negative sanctions.\*

\*Guevara, M. and Solomon, E. (2009). Implementing Evidence-based Policy and Practice in Community Corrections, National Institute of Corrections, US DOJ, 2nd edition.

### Graduated Responses for Youth on Probation



### Key Takeaways

The percentage of youth receiving a sanction is the same as the percentage of youth receiving an incentive.

## Time ordered/Time served

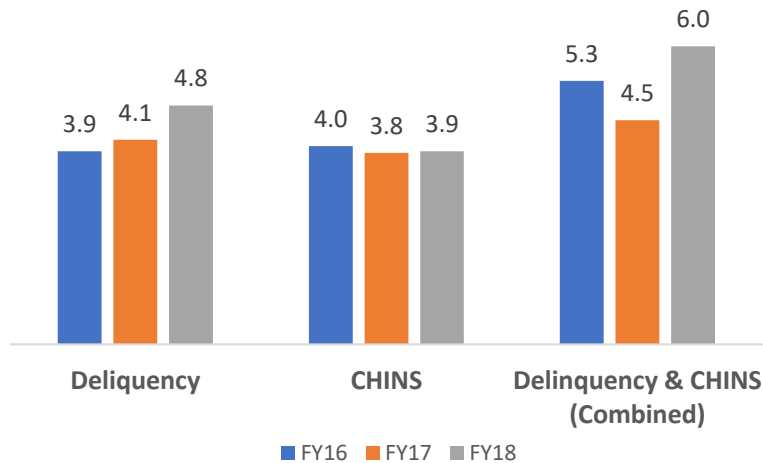
During the 2017 legislative session, guidelines for the initial term for youth on probation increased from four months to six months. If youth need more time to complete treatment, up to two extensions can be requested allowing for a total time on probation of up to 18 months. The shorter initial probation term prevents youth from being in the juvenile justice system longer than necessary and ensures that needed services are provided to the youth as soon as possible.

## Key Takeaways

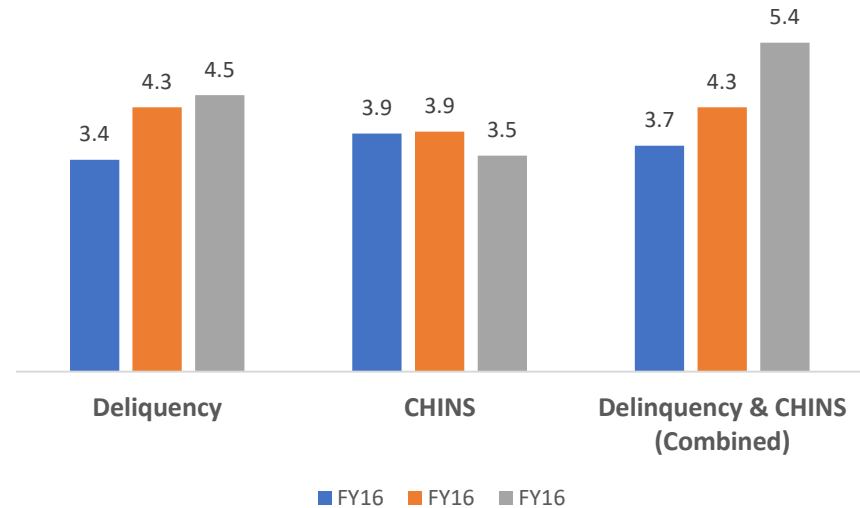
The average time ordered and served for delinquency and delinquency and CHINS combined increased in FY 18.

The average time ordered for CHINS remained consistent with previous years, while the average time served slightly decreased.

**Average Probation Term Ordered,  
FY 16, FY 17, FY 18  
(in months)**



**Average Probation Term Served,  
FY 16, FY 17, FY 18  
(in months)**



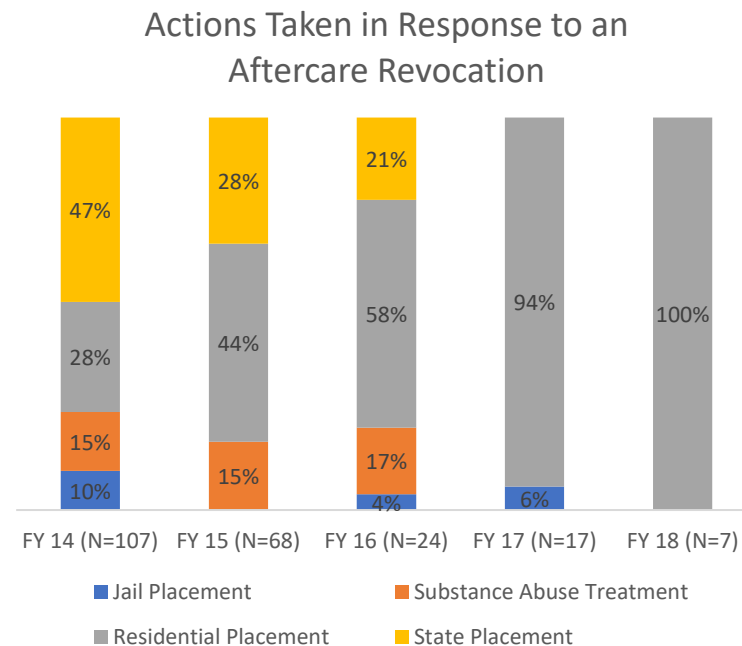
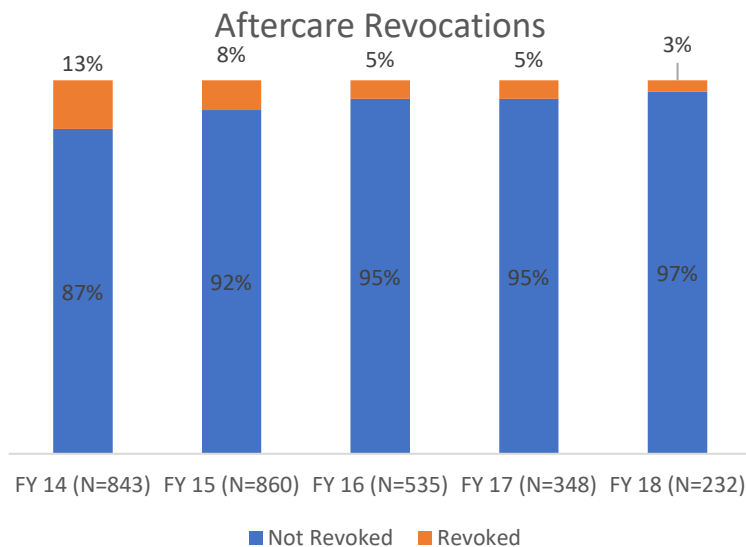
## Aftercare

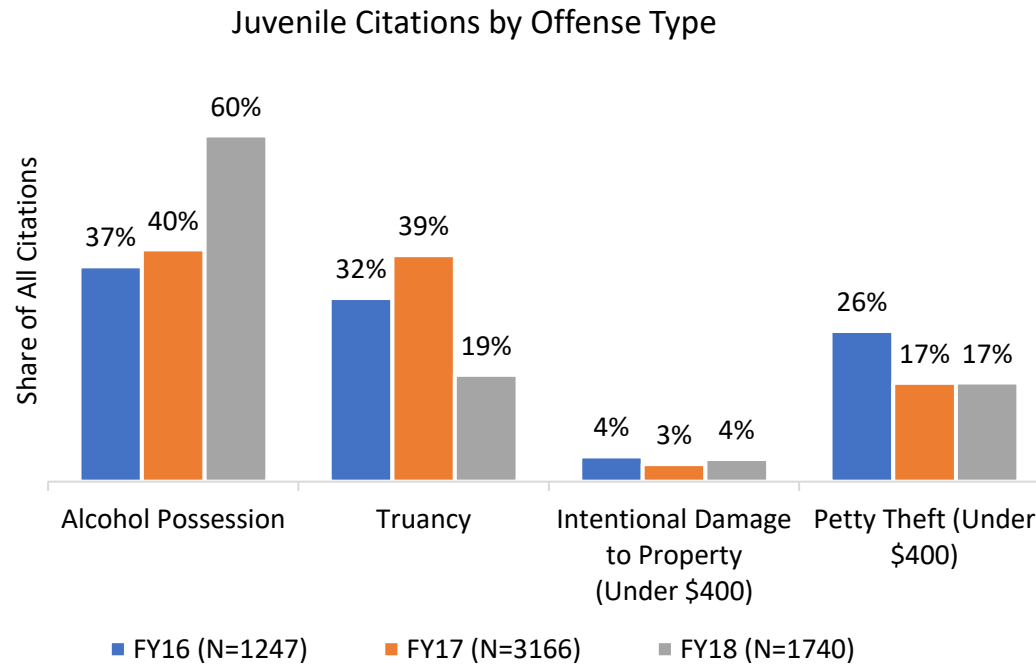
Aftercare is a conditional release to the community during which time the youth remains under DOC guardianship. Youth on aftercare are typically released home with a case plan which is an individualized service plan that targets a juvenile's areas of risk and need; and prepares youth for progressively increased responsibility and independence in the community. In addition to the supervision and monitoring systems provided by Juvenile Corrections Agents (JCAs), which stress accountability, aftercare supervision includes a combination of interventions or treatment services matched to the youth needs. JCAs use Effective Practices in Community Supervision model (EPICS), cognitive behavioral interventions and Carey Guides as intervention tools to support positive behavioral changes with youth. In some cases, youth on aftercare are placed in Sequel Transition Academy (males) or other Independent living programs if there is not an appropriate home/residence for the youth to return. In some instances, despite efforts by JCAs to intervene and redirect behavior, youth may continue to exhibit antisocial behavior and aftercare may be revoked.

### Key Takeaways

A small portion of youth on aftercare (3 percent) had their aftercare revoked in FY 18, a decline of 10 percent since FY 14.

There was a 93 percent reduction in the number of aftercare revocations from FY 14 to FY 18.





Juvenile citations were introduced in January 2016. Citations are being issued to address certain delinquency violations swiftly and certainly in the community. Youth receiving a citation may have a judgment imposed by the court requiring them to participate in a diversion program, pay a fine, or complete community service.

#### Key Takeaways

The total number of citations dropped 45 percent.

Between FY 17 and FY 18, the percentage of truancy citations were cut in half.

The majority of the citations for FY 18 were for alcohol possession.

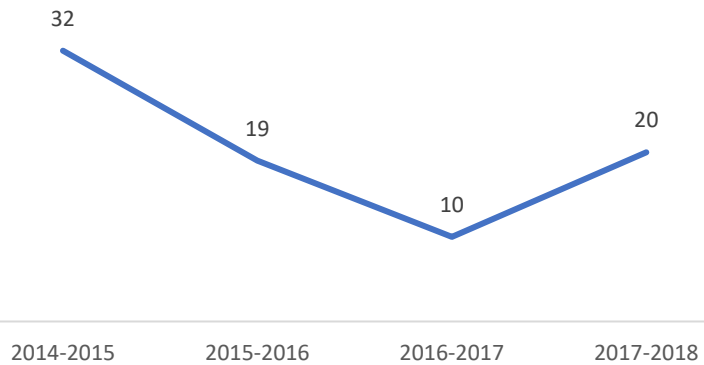
In January 2017, the following amendments were made to improve the juvenile citation statute:

- Allow school officials to file a report directly with the state's attorney for any of the citable offenses;
- Clarify the authority of the state's attorney to refer any youth with a citation to a diversion program before proceeding on the citation in court;
- Expand the judgment options for citations to include referral to a diversion program; and,
- Strengthen the court's authority to respond to youth who fail to appear in court for a citation or fail to comply with the court's decision on a citation by permitting the state's attorney to file a petition for these failures.

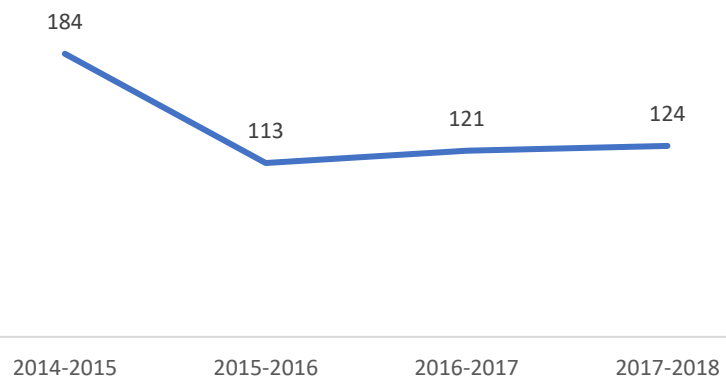
### Key Takeaways

Overall the number of students expelled decreased from the 2014-2015 school year, however, 20 students were expelled 2017-2018, compared to 10 in the prior year. Student commitments are down from 2014-2015. After a drop the first year, student commitments are steady the last three.

Student Expulsions



Student Commitments to DOC



### Reduce Juvenile Justice Costs by Investing in Proven Community-Based Services and Preserving Residential Facilities for Serious Offenders

Research consistently shows youth placed in out-of-home placements recidivate at much higher rates than those who are treated in the community. Studies have shown that youth receiving community-based supervision/services are more likely to go to school, have employment, and avoid future delinquency. These findings emphasize the importance of keeping youth in their community and using alternative strategies to address their behavior and supervise them effectively.

Since the passage of JJPSIA, the Department of Social Services (DSS) has expanded community-based services statewide to include Functional Family Therapy (FFT), Aggression Replacement Training (ART) and Moral Reconciliation Therapy (MRT). These services are referred to as Juvenile Justice Reinvestment Initiative (JJRI) services.

#### Functional Family Therapy (FFT)

FFT is a research-based prevention and intervention program for justice system involved youth or youth-at-risk of justice system involvement and their families. The program is short term, three to five months, and addresses a range of antisocial behaviors including violence, drug abuse/use, conduct disorder, and family conflict. FFT is available in 61 counties. Systems of Care and traditional Children, Youth and Family Services are available to the counties without FFT.

#### Aggression Replacement Training (ART)

ART is a cognitive behavioral intervention, training youth to cope with their aggressive and violent behaviors. The program consists of 30 sessions and is divided into three components-social skills training, anger control training, and training in moral reasoning. ART services started in March of FY 17 and were available in 6 locations across the state in FY 18. ART services expanded in early FY 19 to include 8 in-person group locations and ART telehealth services, which are available statewide.

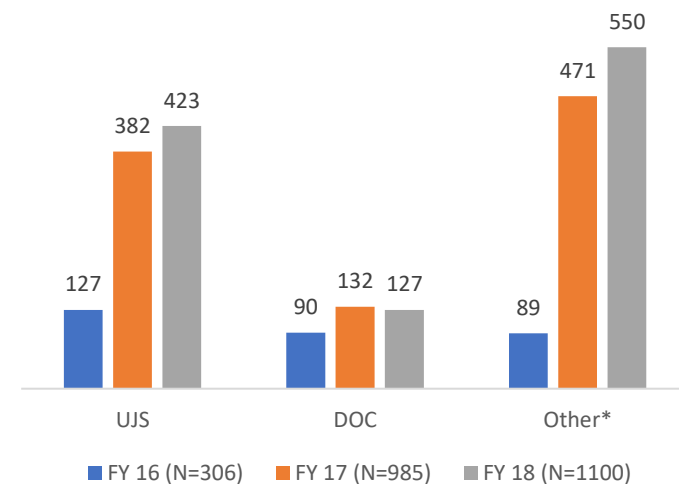
#### Moral Reconciliation Therapy (MRT)

MRT is a cognitive-behavioral program that combines education, group and individual counseling, and structured exercises designed to assist youth in addressing negative thought and behavior patterns. MRT services started in February 2017 and were available in 8 locations in FY 18 as well as statewide via telehealth.

### Key Takeaways

Compared to FY 17, there was a 12 percent increase in JJRI referrals since FY 18.

Referrals to JJRI Services



\*Other includes any referral received outside of UJS or DOC, such as schools, parents, and diversion programs for youth at risk of justice system involvement.

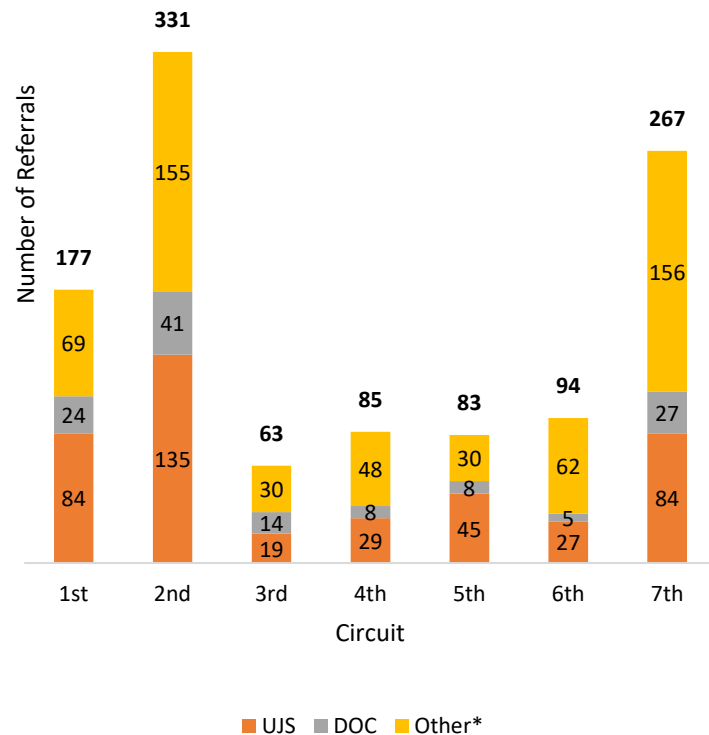
**Note: In FY 16, new services were beginning to be implemented and rolled out statewide. As service expansion increased in FY 17, referrals for services also increased.**

## Referrals and Clients Served

Referrals to community-based services come from Unified Judicial System Court Service Officers and Department of Corrections Juvenile Corrections Agents. Referrals can also come from sources such as parents seeking assistance, Child Protection Services, school districts, and internal referrals made by agencies for youth at risk of justice involvement. The graph below shows the number of referrals made by each referral source by circuit in FY 18.

Referrals to DSS for Services, FY 18

N=1100



\*Other includes any referral source received outside of UJS or DOC, such as schools, parents, and diversion programs for youth at risk of justice system involvement.

Youth can access JJRI services by referral from the Unified Judicial System, Department of Corrections, Child Protection Services, schools, parents, and other community programs.

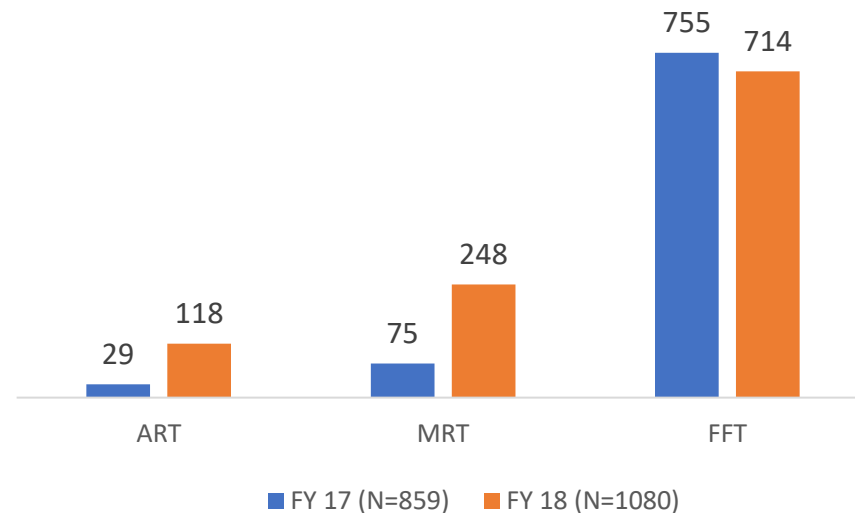
### Key Takeaway

In FY 18, UJS referrals increased by 11 percent, DOC referrals decreased by 4 percent, and other referrals increased by 17 percent.

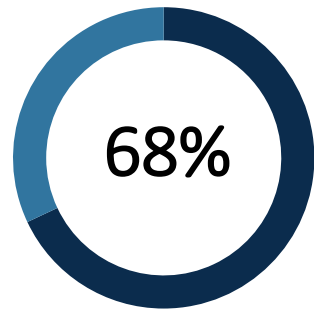
In FY 18, 1080 clients were served in JJRI services, which represents a 26 percent increase over FY 17.

\*ART and MRT services began in February/March 2017.

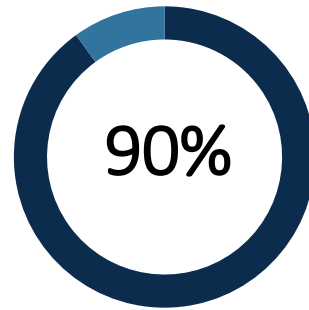
Clients Served



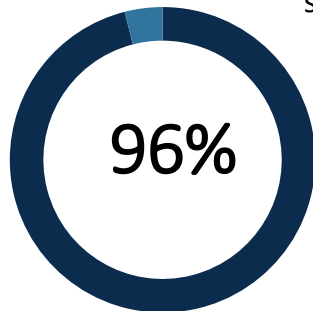




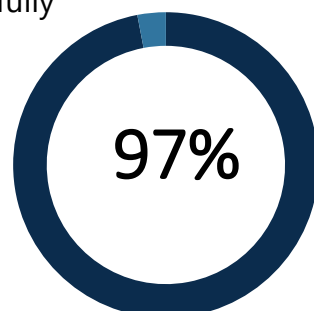
**68 percent** of families that participated - a total of **353 families** - completed FFT successfully



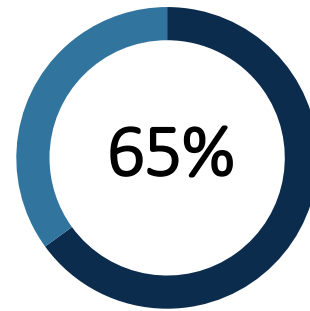
Over **90 percent** of youth, parents/guardians, and therapists reported a positive change at the completion of FFT services



**96 percent** of youth were attending school or working upon completion of FFT



**97 percent** of youth were living at home upon completion of FFT services



Overall, **65 percent** of youth participating in ART services showed reductions in physical aggression, verbal aggression, anger, hostility, and indirect aggression at completion

### Key Takeway

- Families, adolescents and therapists have seen positive changes as a result of JJRI programing, but JJRI services continue to evolve. New services have been implemented in innovative ways to enhance access and ensure programing meets the needs of South Dakota youth.
- Completion rates for FFT were near the 70 percent goal at 68 percent. Initial completion rates for ART and MRT were promising. The ART completion rate was 75 percent and the MRT completion rate was 47 percent, which is in line with rates seen in adult MRT services.

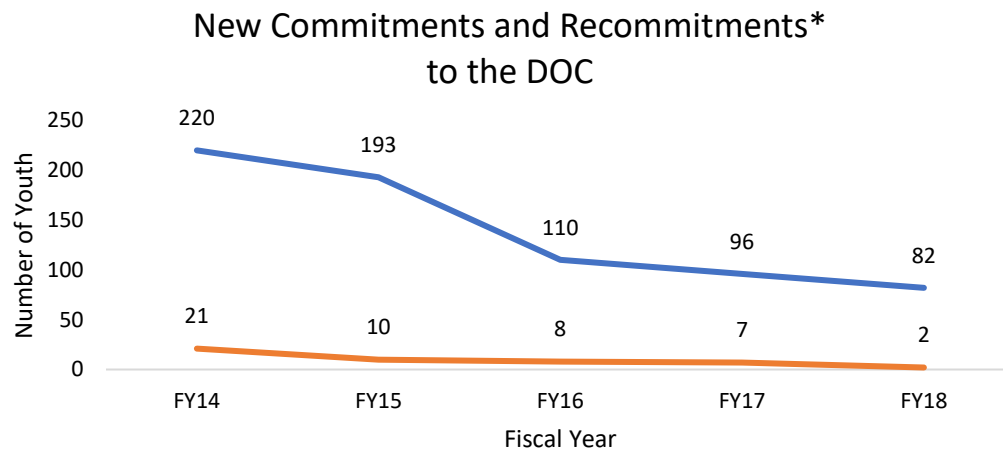
## Community Response Teams

JPSIA gives circuits the option to establish Community Response Teams (CRTs) as resources to help judges identify community-based alternatives to DOC commitment. The purpose of the CRTs is to utilize proven community-based options to improve outcomes for youth and families while improving public safety, and preserve residential facilities for the

| 1st Circuit (FY 18) |   |                      |   |           |
|---------------------|---|----------------------|---|-----------|
| CRT Recommendation  |   | Community Based Alt. | Court Disposition   | Agreement |
| #1                  | Parent/Private Placement                                      | No                   | Placed with DOC   | Yes       |
| #2                  | Out of Home Placement   | No                   | Placed with DOC   | Yes       |
| 2nd Circuit (FY 18) |   |                      |   |           |
| CRT Recommendation  |   | Community Based Alt. | Disposition of the Court  | Agreement |
| #1                  | Psych eval, consider intensive probation after review of eval | Yes                  | Suspend DOC, 8 months intense, FFT, Restitution   | Yes       |
| #2                  | Susp DOC, intensive probation                                 | Yes                  | Suspend DOC, 8 Months intense   | Yes       |
| #3                  | Intense, psych consult for medication                         | Yes                  | 8 months Intense, follow recs of psych eval, 30 days house arrest, 90 days JDC (credit for 41, suspend 49), 30 hours community service, restitution | Yes       |
| #4                  | Intense, psych consult or psych eval, FFT, MRT, CD eval       | Yes                  | DOC   | Yes       |
| #5                  | DOC   | No                   | DOC   | Yes       |
| #6                  | Supervised probation  | Yes                  | Supervised probation  | Yes       |
| #7                  | Delay Disposition-HSC for meds/diagnosis                      | Yes                  | DOC   | Yes       |

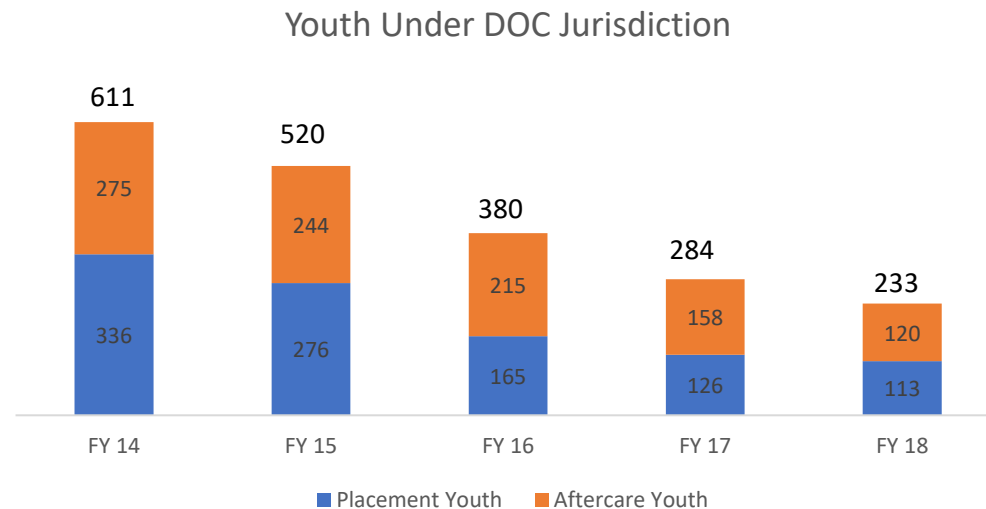
\*Agreement means the court's final disposition in the case was in agreement with the recommendation put forth by the CRT.

## DOC Commitments



**Table 14**

— New Commitments — Recommitments



There has been a steady reduction in the number of youth newly placed in DOC custody over the last five fiscal years; and the total number of youth under DOC's jurisdiction has significantly declined during this time period.

### Key Takeaways

New commitments to DOC have decreased 63 percent since FY 14 and FY 18.

The number of recommitments to DOC declined by 90 percent since FY 14.

The total number of youth under the jurisdiction of the DOC fell by 18 percent from FY 17 to FY18, for a total decline over five years of 62 percent.

The reduction of youth in DOC jurisdiction occurred in both placement (66 percent) and

*\*A recommitment involves a youth who was previously under the jurisdiction of the Department of Corrections (DOC) and discharged and then has been adjudicated as a delinquent or CHINS for a new offense and is being recommitted to the DOC.*

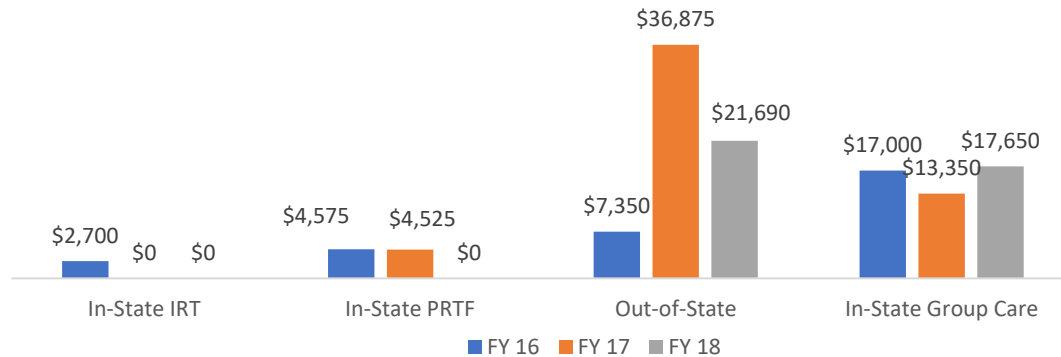
## Provider Pay

In FY 16, DOC entered into performance based contracts with providers to ensure treatment goals are met within established timeframes.

FY 18 payments continue to reflect the most success with out of state and in-state group care providers.

Research shows longer lengths of stay do not improve outcomes or reduce recidivism<sup>2</sup>

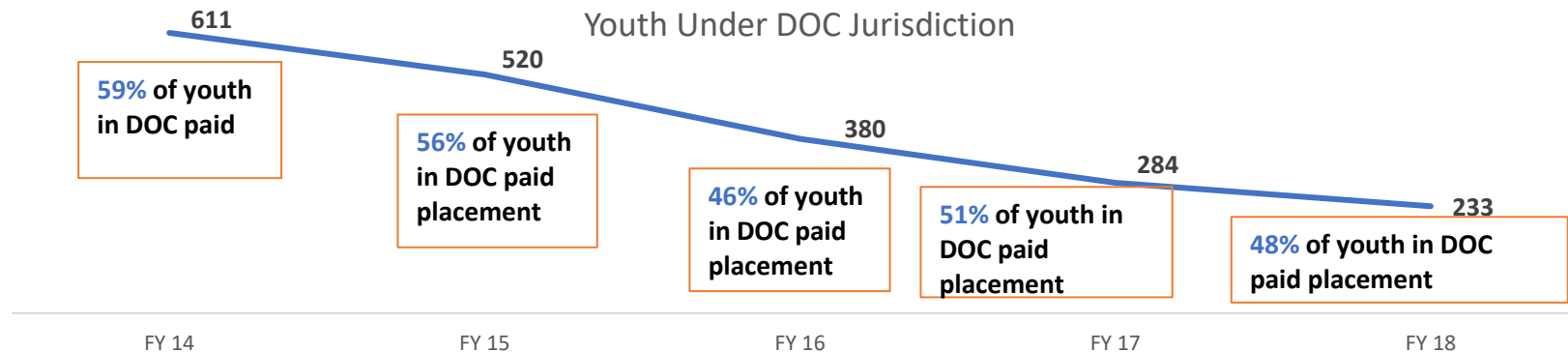
Amount Paid to Providers for DOC Performance Based Contracts



### Key Takeaway

In FY 18, \$39,340 was paid to DOC contracted providers based on the performance based contract model.

The share of youth under DOC jurisdiction in DOC paid placements has decreased by 11 percent since FY 14. There was a total reduction in population of (62 percent).



*\*In-state residential includes Intensive Residential Treatment (IRT) and Psychiatric Residential Treatment Facilities (PRTF).*

See Appendix C for a list of all providers in-state and out-of-state eligible for participation in the performance reimbursement rate.

<sup>2</sup>Loughran, T.A. Mulvey, E.P., Schubert, C.A., Fagan, J., Piquero, A.R., & Losoya, S.H. 2009. Estimating a dose-response relationship between length of state and future recidivism in serious juvenile offenders. *Criminology*, 47, 669-740.

### Psychiatric Residential Treatment Facility (PRTF) and Intensive Residential Treatment (IRT) beds

A primary goal of the JJPSIA was to reduce the states overreliance on expensive out of home placements through the state's largest investment of funds in an array of proven community-based services.

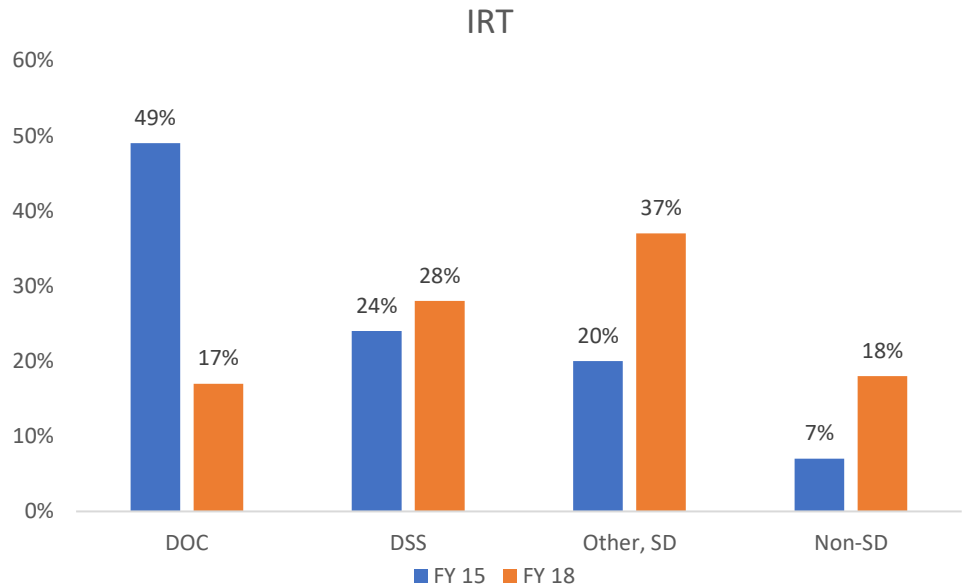
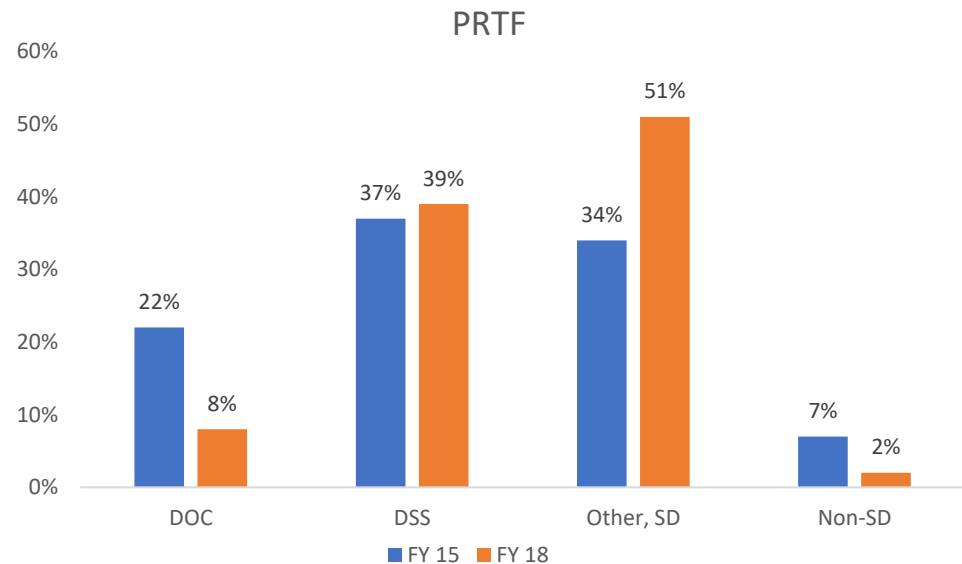
However, based on bed utilization trends and occupancy reports from in-state PRTF/IRT providers, it appears programs are operating at or near capacity despite expanded community-based services. Given research demonstrates that community-based solutions can be more effective than out of home placement to reduce recidivism, keep the public safe and get youth back on the right track, this should be closely monitored.

Due to the changes in bed utilization by other referral sources, youth who are eligible for commitment to DOC under the JJPSIA and require PRTF/IRT level of care are increasingly being sent out of state, which is costly and inhibits the ability of their families to be involved in their treatment, making reentry back into the community more challenging.

#### Key Takeaways

The trend in South Dakota suggests youth continue to be placed out of home at a high rate.

There has been an increase in non-state custody referrals at the PRTF level of care and an increase at the IRT level of care, the state's highest level of care.



## Stays in county detention

| Circuit | Number of Detention Stays FY 18 (N=49) | Number of Days for each detention stays |
|---------|--|---|
| 1st     | 15                                     | Range: 1-27 days<br>Average: 10.2 days  |
| 2nd     | 21                                     | Range: 2-60 days<br>Average: 19 days    |
| 3rd     | 0                                      | Range: N/A<br>Average: N/A              |
| 4th     | 0                                      | Range: N/A<br>Average: N/A              |
| 5th     | 3                                      | Range: 1-2 days<br>Average: 1.5 days    |
| 6th     | 5                                      | Range: 4-30 days<br>Average: 15.4 days  |
| 7th     | 5                                      | Range: 5-31 days<br>Average: 14.8 days  |

### Key Takeaways

Following a spike in FY 17, the number of county detention stays decreased 36 percent.

The average number of days for each detention stay varies between 1.5 to 19 days.

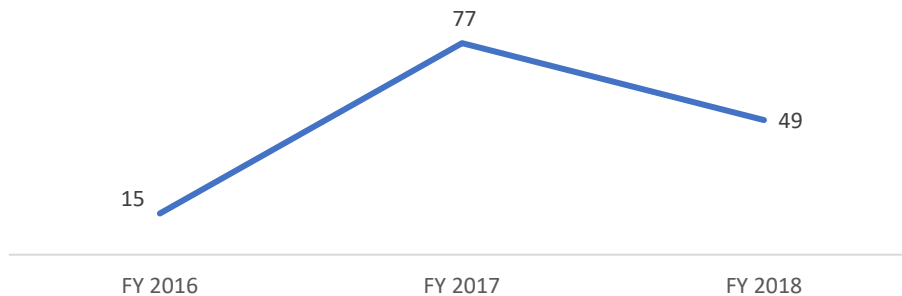
There was a wide variation in length of detention stays across the state, from one day to sixty days.

The Second Circuit had the highest number of detention stays.

A total of eight youth had two detention stays. No youth had more than two stays.

The Third and Fourth Circuit did not have any stays in county detention.

Total Number of Detention Stays



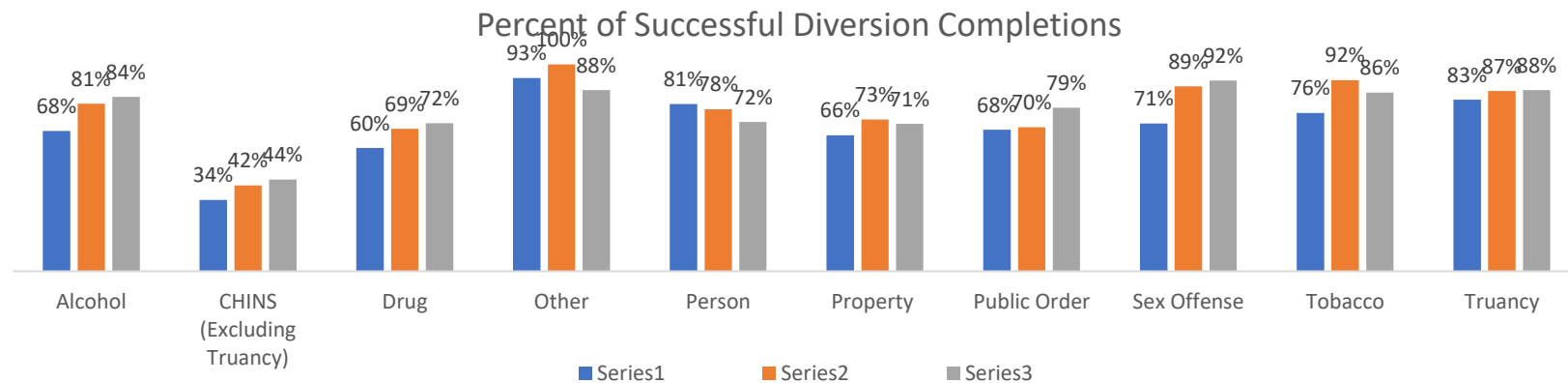
## Diversion

JPSIA expands the use of diversion by providing fiscal incentives to counties and encouraging broader use of diversion for non-violent misdemeanants and CHINS with no prior adjudications. All counties are eligible to submit data to the Department of Corrections for reimbursement of up to \$250 per successful diversion\*

*\*See Appendix B for a list of court-approved diversion programs and the fiscal Incentive diversion program submission*

### Key Takeaway

Eight out of ten offense types saw an increase in the percentage of successful completions between FY 16 and FY 18.



|              | FY 16      |              | FY 17      |              | FY 18      |              |
|--------------|------------|--------------|------------|--------------|------------|--------------|
|              | Successful | Unsuccessful | Successful | Unsuccessful | Successful | Unsuccessful |
| Alcohol      | 122        | 58           | 111        | 26           | 134        | 25           |
| CHINS        | 30         | 57           | 44         | 62           | 55         | 69           |
| Drug         | 162        | 110          | 241        | 109          | 294        | 117          |
| Other        | 14         | 1            | 23         | 0            | 21         | 3            |
| Person       | 38         | 9            | 65         | 18           | 75         | 29           |
| Property     | 209        | 109          | 187        | 68           | 210        | 85           |
| Public Order | 67         | 31           | 101        | 44           | 174        | 46           |
| Sex Offense  | 5          | 2            | 42         | 5            | 59         | 5            |
| Tobacco      | 13         | 4            | 12         | 1            | 19         | 3            |
| Truancy      | 310        | 64           | 275        | 41           | 452        | 64           |

\*Excluding Truancy

## Members of the Juvenile Justice Oversight Council

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**Judge Scott Myren**

*Unified Judicial System*

**Neil Von Eschen**

*County Commissioner*

**Sarah Morrison**

*Deputy States Attorney*

**Justice Janine Kern**

*Unified Judicial System*



## **APPENDIX A**

**Source:** *South Dakota Attorney General's Report "Crime in South Dakota 2016"* found here [http://atg.sd.gov/docs/SAC\\_2016\\_CSD.pdf](http://atg.sd.gov/docs/SAC_2016_CSD.pdf)

### **Class A**

Both incidents and arrests are reported for Group A offenses. The Attorney General's office used the following criteria in to determine if a crime should be designated as a Group A offense.

#### **Criteria for Class A**

1. The seriousness or significance of the offense.
2. The frequency or volume of its occurrence.
3. The prevalence of the offense nationwide.
4. The probability of the offense being brought to law enforcement's attention.
5. The likelihood that law enforcement is the best channel for collecting data regarding the offense.
6. The burden placed on law enforcement in collecting data on the offense.
7. The national statistical validity and usefulness of the collected data.
8. The national UCR Program's responsibility to make crime data available not only to law enforcement but to others having a legitimate interest in it.

The crimes are counted as follows: for a Crime Against person, one offense is counted for each victim; Crime Against Property, one offense for each distinct operation is counted (except Motor Vehicle Theft, where one offense is counted for each stolen vehicle); and for a Crime Against Society, count one offense for each violation.

## **Types of Class A**

### **Homicide Offenses (Crimes Against Persons)**

- 09A - Murder & Non-Negligent Manslaughter
- 09B - Negligent Manslaughter
- 09C - Justifiable Homicide

### **Sex Offenses - Forcible (Crimes Against Persons)**

- 11A - Forcible Rape
- 11B - Forcible Sodomy
- 11C - Sexual Assault With An Object
- 11D - Forcible Fondling

### **Assault Offenses (Crimes Against Persons)**

- 13A - Aggravated Assault
- 13B - Simple Assault
- 13C – Intimidation

### **Larceny/Theft Offenses (Crimes Against Property)**

- 23A - Pocket-Picking
- 23D - Theft From Building
- 23E - Theft From Coin-Operated Machine or Device
- 23F - Theft From Motor Vehicle
- 23G - Theft of Motor Vehicle Parts or Accessories
- 23H - All Other Larceny

### **Fraud Offenses (Crimes Against Property)**

- 26A - False Pretenses/Swindle/Confidence Game
- 26B - Credit Card/Automatic Teller Machine Fraud
- 26C - Impersonation
- 26D - Welfare Fraud
- 26E - Wire Fraud
- 26F – Identity Theft
- 26G – Hacking/Computer Invasion

### **Drug/Narcotic Offenses (Crimes Against Society)**

- 35A - Drug/Narcotic Violations
- 35B - Drug Equipment Violations

### **Sex Offenses – Non Forcible (Crimes Against Persons)**

- 36A - Incest
- 36B - Statutory Rape

### **Gambling Offenses (Crimes Against Society)**

- 39A - Betting/Wagering
- 39B - Operating/Promoting/Assisting Gambling
- 39C - Gambling Equipment Violations
- 39D - Sports Tampering

### **Prostitution Offenses (Crimes Against Society)**

- 40A - Prostitution
- 40B - Assisting or Promoting Prostitution
- 40C - Purchasing Prostitution

### **Human Trafficking Offenses (Crimes Against Society)**

- 64A - Commercial Sex Acts
- 64B - Involuntary Servitude

### **Kidnapping/Abduction (Crimes Against Person)**

- 100 - Kidnapping

### **Robbery (Crimes Against Property)**

- 120 - Robbery

### **Arson (Crimes Against Property)**

- 200 - Arson

### **Extortion/Blackmail (Crimes Against Property)**

- 210 - Extortion/Blackmail

### **Burglary/Breaking & Entering (Crimes Against Property)**

- 220 - Burglary/Breaking & Entering

### **Motor Vehicle Theft (Crimes Against Property)**

- 240 - Motor Vehicle Theft

### **Counterfeiting/Forgery (Crimes Against Property)**

- 250 - Counterfeiting/Forgery

### **Embezzlement (Crimes Against Property)**

- 270 - Embezzlement

### **Stolen Property Offenses (Crimes Against Property)**

- 280 - Stolen Property Offenses

### **Destruction/Damage/Vandalism of Property (Crimes Against Property)**

- 290 -

### **Destruction/Damage/Vandalism of Property**

### **Pornography/Obscene Material (Crimes Against Society)**

- 370 - Pornography/Obscene Material

### **Bribery (Crimes Against Property)**

- 510 - Bribery

### **Weapon Law Violations (Crimes Against Society)**

- 520 - Weapon Law Violations

### **Animal Cruelty (Crimes Against Society)**

- 720 – Animal Cruelty

## **Class B**

Only arrests are to be reported for Group B offenses.

## **Types of Class B**

- 90A - Bad Checks
- 90B - Curfew/Loitering/Vagrancy Violations
- 90C - Disorderly Conduct
- 90D - Driving Under the Influence
- 90E - Drunkenness
- 90F - Family Offenses, Nonviolent
- 90G - Liquor Law Violations
- 90H - Peeping Tom
- 90I - Runaway
- 90J - Trespass of Real Property
- 90Z - All Other Offenses

## Court Approved Diversion Programs/Agencies

|   |  |             |   |
|---|--|-------------|---|
| <p>The following is a list of diversion programs or agencies approved by the Unified Judicial System and used by States Attorneys across the state for diverting youth from the juvenile justice system. These are non-Court Services diversions.</p> |  | 4th Circuit | <ul style="list-style-type: none"> <li>• Teen Court in Deadwood and Belle Fourche</li> <li>• Action for the Betterment of the Community In Sturgis and Belle Fourche</li> <li>• Youth Wise in Lawrence County</li> <li>• Action for the Betterment of the Community</li> </ul>  |
| 1st Circuit   | <ul style="list-style-type: none"> <li>• Teen Court in Yankton County</li> <li>• Union County Youth Diversion Program</li> <li>• Clay County Diversion Program</li> <li>• James Lentsch McCook County</li> <li>• Teen Court in Clay County</li> </ul>  | 5th Circuit | <ul style="list-style-type: none"> <li>• Teen Court in Brown and Roberts Counties</li> <li>• Walworth County Diversion Program</li> <li>• Cell Phone Safety and Sexting Course</li> <li>• Jumpstart Diversion Program</li> </ul>  |
| 2nd Circuit   | <ul style="list-style-type: none"> <li>• Teen Court</li> <li>• RISE (Boy Scout Program)</li> <li>• LSS middle school diversion (available to Whittier and McGovern students)</li> <li>• CAB (Boy Scout Program- 2nd time offenders)</li> <li>• Falls Academy</li> </ul>                          | 6th Circuit | <ul style="list-style-type: none"> <li>• Teen Court in Hughes/Stanley Counties</li> <li>• Positive Action Program (via the MGM Coalition in Mellette County in conjunction with the White River School)</li> <li>• 3rd Millennium Classrooms Program (on-line drug/alcohol and shoplifting classes overseen by Court Services)</li> </ul>   |
| 3rd Circuit   | <ul style="list-style-type: none"> <li>• SA in Codington County and Grant County refer directly to service providers for services</li> <li>• Moody, Brookings, and Codington Counties use Teen Courts via Boys and Girls Club</li> <li>• Beadle County CAP Juvenile Diversion Program</li> </ul> | 7th Circuit | <ul style="list-style-type: none"> <li>• Teen Court; SA refers directly to a variety of agencies for services such as: Lifeways Drug and Counseling</li> <li>• Youth &amp; Family Services</li> <li>• Catholic Social Services</li> <li>• Lutheran Social Services</li> <li>• Big Brothers Big Sisters</li> <li>• Behavior Management Systems</li> <li>• Wellspring; Wyoming Cowboy Challenge Academy</li> <li>• Ateyapi Program – Rural America Initiatives</li> <li>• John Gordon/Gordon Preventative Services</li> <li>• Adolescent Early Intervention</li> <li>• Empower</li> </ul> |

## FY 2018 JJRI Fiscal Incentive Diversion Program Submission Summary

| County      | Total Completers* | # Successful | # Unsuccessful | Payment Amount (Prorated amount of \$167.45 per successful completer) |
|-------------|-------------------|--------------|----------------|---|
| Bennett     | 9                 | 8            | 1              | \$1,339.60  |
| Brookings   | 38                | 24           | 14             | \$4,018.80  |
| Brown       | 43                | 25           | 18             | \$4,186.25  |
| Brule       | 4                 | 3            | 1              | \$502.35  |
| Butte       | 44                | 35           | 9              | \$5,860.75  |
| Charles Mix | 27                | 20           | 7              | \$3,349.00  |
| Clay        | 9                 | 8            | 1              | \$1,339.60  |
| Codington   | 26                | 24           | 2              | \$4,018.80  |
| Fall River  | 4                 | 3            | 1              | \$502.35  |
| Hughes      | 73                | 35           | 38             | \$5,860.75  |
| Hyde        | 4                 | 4            | 0              | \$669.80  |
| Jackson     | 1                 | 1            | 0              | \$167.45  |
| Lake        | 20                | 18           | 2              | \$3,014.10  |
| Lawrence    | 81                | 77           | 4              | \$12,893.65   |
| Lincoln     | 55                | 30           | 25             | \$5,023.50  |
| McCook      | 1                 | 1            | 0              | \$167.45  |
| Meade       | 33                | 22           | 11             | \$3,683.90  |
| Minnehaha   | 513               | 296          | 217            | \$49,565.20   |
| Moody       | 6                 | 4            | 2              | \$669.80  |
| Pennington  | 828               | 750          | 78             | \$125,587.50  |
| Roberts     | 33                | 33           | 0              | \$5,525.85  |
| Stanley     | 6                 | 4            | 2              | \$669.80  |
| Sully       | 3                 | 3            | 0              | \$502.35  |
| Tripp       | 4                 | 2            | 2              | \$334.90  |
| Union       | 26                | 22           | 4              | \$3,683.90  |
| Walworth    | 21                | 19           | 2              | \$3,181.55  |
| Yankton     | 27                | 22           | 5              | \$3,683.90  |
| Total       | 1,939             | 1,493        | 446            | \$250,002.85  |

**\* Total Completers only includes those youth who completed (either successfully or unsuccessfully) a court approved diversion program in FY 2018.**

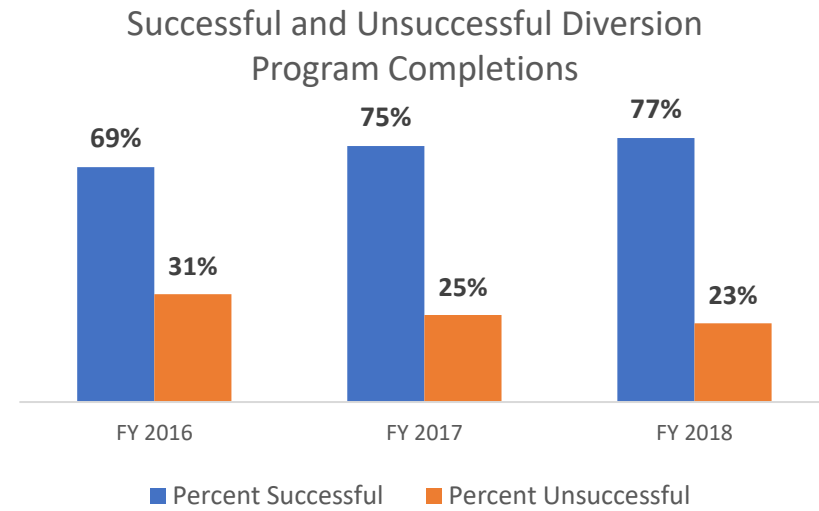
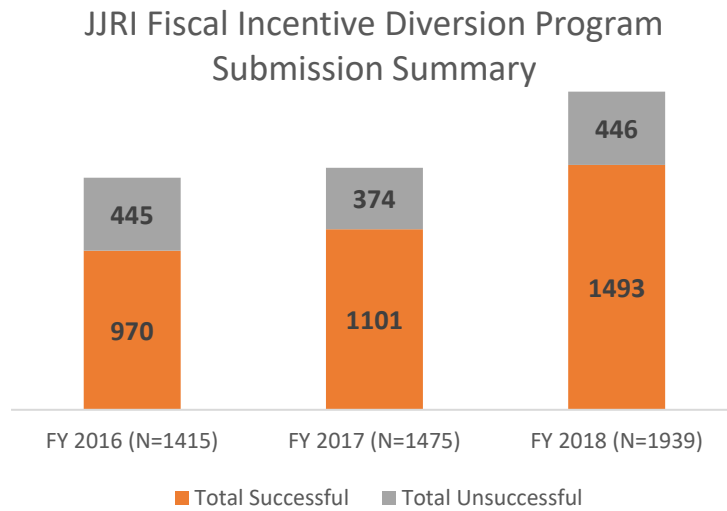
**Verification of "0" completers of court approved diversion programs or not participating in FY 2018 reported from the following counties:**

Bon Homme, Buffalo, Clark, Custer, Davison, Deuel, Dewey, Douglas, Edmunds, Grant, Haakon, Hand, Hanson, Harding, Jerauld, McPherson, Mellette, Miner, Oglala, Lakota, Potter, Spink, and Turner

**Applications NOT received from the following counties:**

Aurora, Beadle, Campbell, Corson, Day, Faulk, Gregory, Hamlin, Hutchinson, Jones, Kingsbury, Lyman, Marshall, Perkins, Sanborn, Todd, and Ziebach

# Fiscal Incentive Diversion Program Submission Summary



## Key Takeaways

The number of overall program completers increased 37% since FY16 demonstrating expanded use of court approved diversion programs.

The number of juveniles successfully completing a diversion program increased 36% from FY 17 to FY 18.

Appendix C

| FY18 FFT Providers                                 | Contact Information  |  | Counties Served  |
|--|--|--|--|
| Behavior Management Systems (BMS)                  | 350 Elk Street<br>Rapid City, 57701<br>(605) 343-7262                              |  | Pennington, Custer, Fall River, Oglala Lakota, Harding, Butte, Lawrence, Meade, Perkins, Corson, Ziebach, Dewey, Bennett |
| Capital Area Counseling Services (CACS)            | 803 East Dakota Avenue<br>Pierre, SD 57501<br>(605) 224-5811                       |  | Potter, Sully, Hyde, Hughes, Stanley, Haakon, Jones, Lyman, Jackson, Buffalo, Ziebach, Perkins, Dewey, Corson            |
| Community Counseling Services (CCS)                | 357 Kansas Avenue SE<br>Huron, SD 57350<br>(605) 352-8596                          |  | Hand, Beadle, Jerauld, Sanborn, Miner, Lake, Moody, Kingsbury  |
| Dakota Counseling Institute (DCI)                  | 910 West Havens<br>Mitchell, SD 57301<br>(605) 996-9686                            |  | Davison, Hanson, Sanborn, Buffalo  |
| Human Service Agency (HSA)                         | 123 19 <sup>th</sup> Street NE<br>Watertown, SD 57201<br>(605) 886-0123            |  | Roberts, Grant, Clark, Codington, Deuel, Hamlin  |
| Lewis & Clark Behavioral Health Services (LCBHS)   | 1028 Walnut Street<br>Yankton, SD 57078<br>(605) 665-4606                          |  | McCook, Douglas, Hutchinson, Turner, Charles Mix, Bon Homme, Yankton, Clay, Union  |
| Lutheran Social Services (LSS)                     | 705 East 41 <sup>st</sup> St, Suite 200<br>Sioux Falls, SD 57105<br>(605) 444-7500 | 2920 Sheridan Lk Rd,<br>Rapid City, SD 57702<br>(605) 791-6700 | Brule, Aurora, Butte, Lawrence, Meade, Pennington, Custer, Fall River, Oglala Lakota, Brookings, Minnehaha, Lincoln      |
| Northeastern Mental Health Center (NEMHC)          | 14 South Main Street, Suite 1E<br>Aberdeen, SD 57401<br>(605) 225-1010             |  | Perkins, Corson, Ziebach, Dewey, Campbell, Walworth, McPherson, Edmunds, Potter, Faulk, Brown, Spink, Marshall, Day,     |
| Southeastern Behavioral Health (SEBH)              | 2000 South Summit Avenue<br>Sioux Falls, SD 57104<br>(605) 336-0510                |  | Minnehaha, McCook, Turner, Lincoln   |
| Southern Plains Behavioral Health Services (SPBHS) | 500 East 9 <sup>th</sup> Street<br>Winner, SD 57580<br>(605) 842-1465              |  | Mellette, Todd, Tripp, Gregory   |

**Facilities eligible for participation in *the performance reimbursement rate* through the Department of Corrections**

| Facility  | Location        |
|---|-----------------|
| Aurora Plains                                     | Plankinton, SD  |
| Abbott House ( <b>girls only</b> )                | Mitchell, SD    |
| Children's Home Society-Black Hills               | Rapid City, SD  |
| Children's Home Society-Sioux Falls               | Sioux Falls, SD |
| Canyon Hills Center                               | Spearfish, SD   |
| Our Home ASAP ( <b>male - sex offenders</b> )     | Huron, SD       |
| Our Home-Parkston                                 | Parkston, SD    |
| Summit Oaks Center                                | Sioux Falls, SD |
| McCrossan Boy's Ranch ( <b>boys only</b> )        | Sioux Falls, SD |
| New Beginnings Center                             | Aberdeen, SD    |
| Wellfully   | Rapid City, SD  |
| Benchmark ( <b>boys only</b> )                    | Woods Cross, UT |
| Coastal Harbor Treatment Center                   | Savannah, GA    |
| Copper Hills Youth Center                         | West Jordan, UT |
| Clarinda Academy                                  | Clarinda, IA    |
| Forest Ridge Youth Services ( <b>girls only</b> ) | Estherville, IA |
| Lakeside Academy                                  | Kalamazoo, MI   |
| Natchez Trace Youth Academy ( <b>boys only</b> )  | Waverly, TN     |
| Southwestern Youth Services ( <b>boys only</b> )  | Magnolia, MN    |
| Woodward Academy ( <b>boys only</b> )             | Woodward, IA    |