

Council of Juvenile Services
Proposed Meeting Agenda
December 6, 2018 2:30 PM, CT

DDN Locations in Aberdeen, Pierre, Sioux Falls, Sisseton, and Sturgis
(Please see DDN Location Document for details)
South Dakota Public Broadcasting Live Webcast (<http://www.sd.net/home/>)

NOTE: All times outlined below are approximate and may change during the course of the meeting.

Thursday, December 6, 2018 – Statewide DDN Locations

- 2:30 PM Welcome, Introductions, and Review Agenda (Chair Beth O’Toole)
- 2:40 PM Disclosure of Conflicts of Interest (Bridget Coppersmith)
- 2:45 PM Period for Public Comment (Chair O’Toole)
- 2:55 PM Approval of September 2018 Meeting Minutes (Chair O’Toole)
- 3:00 PM Budget Status Report and Subgrant Updates (Bridget Coppersmith and Heather Van Hunnik)
- 3:15 PM Approval of Calendar Year 2019 Juvenile Services Reimbursement Program (Bridget Coppersmith)
- 3:30 PM Office of Juvenile Justice and Delinquency Prevention (OJJDP) Update (Bridget Coppersmith)
- 3:40 PM Approval of FFY2019 Three Year Plan (Bridget Coppersmith and Heather Van Hunnik)
- Disproportionate Minority Contact (DMC) Measurement and Action Plan
- 4:10 PM Approval of SFY 2018 Annual Report (Bridget Coppersmith)
- 4:20 PM Compliance Monitoring Report (Heather Van Hunnik)
- 4:35 PM Diversion Fiscal Incentive Program Year Three Presentation (Bridget Coppersmith)
- 4:45 PM Election of CJS Chair and Vice Chair (Bridget Coppersmith)
- 4:50 PM Juvenile Justice Updates (Open to CJS Members)
- 5:00 PM Next Meeting, Wrap-up, and Adjourn (Chair O’Toole)

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

December 2018 Budget Status Report

FFY 2013 (\$403,949) and FFY 2014 (\$393,667) Formula Grant Awards (Approved End Date: 9/30/2018)

	Federal Budget	Expended thru 9/30/18	Balance
Delinquency Prevention	\$260,000.00	\$251,617.90	\$8,382.10
Planning/Admin	\$60,000.00	\$60,000.00	\$0.00
Council of Juvenile Services	\$21,667.00	\$20,861.00	\$806.00
Deinstitutionalization of Status Offenders (DSO)	\$46,000.00	\$55,549.57	-\$9,549.57
Separation	\$23,000.00	\$29,082.69	-\$6,082.69
Jail Removal	\$46,000.00	\$52,933.95	-\$6,933.95
Compliance	\$70,000.00	\$70,962.08	-\$962.08
Disproportionate Minority Contact (DMC)	\$190,000.00	\$189,460.88	\$539.12
Native American Programs	\$80,949.00	\$67,147.93	\$13,801.07
Total	\$797,616.00	\$797,616.00	\$0.00

FFY 2013 and FFY 2014
Awards fully expended
and closed out as of
11/14/18.

FFY 2015 Formula Grant Award (Approved End Date 9/30/2019)

	Federal Budget	Exp to Date (11/14/18)	Balance (11/14/18)	Budget Narrative
Delinquency Prevention	\$150,000.00	\$2,425.09	\$147,574.91	- Andes Central and Dell Rapids School Systems Awards - Evaluation Services
Planning/Admin	\$20,000.00	\$1,762.17	\$18,237.83	- Costs associated with Formula Grant Program implementation by DOC administration staff
Council of Juvenile Services	\$13,667.00	\$0.00	\$13,667.00	- Quarterly Meetings - Annual Report
Deinstitutionalization of Status Offenders (DSO)	\$18,000.00	\$3,694.85	\$14,305.15	- County Reimbursement Program
Separation	\$9,000.00	\$3,132.39	\$5,867.61	
Jail Removal	\$18,000.00	\$1,124.93	\$16,875.07	
Compliance	\$20,000.00	\$67.81	\$19,932.19	- Costs associated with compliance monitoring by DOC administration staff
Disproportionate Minority Contact (DMC)	\$75,000.00	\$1.71	\$74,998.29	- Minnehaha and Pennington County Subgrants - Costs associated with DMC by DOC administration staff - Minnehaha County RED Capstone Project
Native American Programs	\$60,000.00	\$0.00	\$60,000.00	- American Horse School Award - Sisseton Wahpeton Oyate Award
Juvenile Justice System Improvement	\$10,000.00	\$0.00	\$10,000.00	
Total	\$393,667.00	\$12,208.95	\$381,458.05	

Juvenile Services Reimbursement Program 2017 and 2018 to Date Utilization

Claims Received for Calendar Year 2017 Services

Arresting Entity	Shelter Care	Detention	Transportation	Holdover	Equipment	Passive EM	Total	Juveniles Served
BROOKINGS COUNTY			\$3,965.00				\$3,965.00	49
BRULE COUNTY		\$2,280.00	\$1,814.32				\$4,094.32	20
CHARLES MIX COUNTY			\$5,127.20	\$4,872.80			\$10,000.00	42
CLAY COUNTY	\$3,000.00		\$1,055.32				\$4,055.32	19
DAVISON COUNTY	\$5,661.14		\$4,338.86				\$10,000.00	70
DOUGLAS COUNTY	\$1,600.00	\$1,680.00	\$152.98				\$3,432.98	9
EDMUNDS COUNTY		\$840.00	\$137.06				\$977.06	2
LAKE COUNTY	\$1,400.00		\$126.50				\$1,526.50	4
LAWRENCE COUNTY						\$250.00	\$250.00	2
LINCOLN	\$6,000.00					\$70.00	\$6,070.00	17
MEADE COUNTY	\$3,600.00	\$6,400.00					\$10,000.00	19
PENNINGTON COUNTY*			\$609.82				\$609.82	9
UNION COUNTY	\$700.00		\$326.55				\$1,026.55	4
CITY OF VERMILLION			\$38.98				\$38.98	1
YANKTON COUNTY			\$756.00				\$756.00	8
TOTAL	\$21,961.14	\$11,200.00	\$18,448.59	\$4,872.80	\$0.00	\$320.00	\$56,802.53	275

Claims Received for Calendar Year 2018 Services to Date (11/14/18)

Arresting Entity	Shelter Care	Detention	Transportation	Holdover	Equipment	Passive EM	Total	Juveniles Served
BROOKINGS COUNTY			\$4,198.62				\$4,198.62	46
BRULE COUNTY		\$600.00	\$258.56				\$858.56	4
CHARLES MIX COUNTY			\$2,204.36	\$2,120.00			\$4,324.36	19
DAVISON COUNTY	\$10,200.00	\$240.00	\$6,244.46				\$16,684.46	81
MEADE COUNTY	\$6,500.00	\$7,320.00				\$150.00	\$13,970.00	33
PENNINGTON COUNTY*			\$591.62				\$591.62	8
SULLY COUNTY		\$840.00					\$840.00	1
UNION COUNTY		\$2,160.00	\$1,040.08				\$3,200.08	12
YANKTON COUNTY	\$2,000.00		\$869.50				\$2,869.50	16
TOTAL	\$18,700.00	\$11,160.00	\$15,407.20	\$2,120.00	\$0.00	\$150.00	\$47,537.20	220

*Pennington County claims reimbursement on behalf of Butte, Custer, Fall River, and Lawrence Counties

South Dakota Department of Corrections FY19 Formula Grant Application Budget Worksheet

Program Area	Program Area Title	FY2019	FY2019 Match	FY2019 Total
28	Planning & Administration	\$20,000	\$20,000	\$40,000
Planning & Administration Detail	Personnel	\$14,750	\$14,750	\$29,500
	Fringe Benefits	\$4,500	\$4,500	\$9,000
	Travel	\$750	\$750	\$1,500
Program Contracts & Sub Awards Total		\$380,000	\$0	\$380,000
6	Delinquency Prevention	\$150,000 P		\$150,000
19	Compliance Monitoring	\$20,000		\$20,000
20	Deinstitutionalization of Status Offenders	\$20,000 P		\$20,000
21	Disproportionate Minority Contact	\$60,000 P		\$60,000
21	Disproportionate Minority Contact	\$15,000		\$15,000
24	Indian Tribe Programs	\$60,000 P		\$60,000
26	Jail Removal	\$20,000 P		\$20,000
27	Juvenile Justice System Improvement	\$10,000		\$10,000
31	Separation of Juveniles from Adult Inmates	\$10,000 P		\$10,000
32	State Advisory Group	\$15,000		\$15,000
Total:		\$400,000	\$20,000	\$420,000

A “P” next to a line item demonstrates that the budget category is passed through to units of local governments, programs of local private agencies, programs of Indian tribes that perform law enforcement functions, or directly by the state. South Dakota is planning to pass through \$320,000 which exceeds the required \$256,410 $((\$400,000 - \$15,000 \text{ (SAG)}) * 0.666)$.

Budget Detail Worksheet
South Dakota Department of Corrections
FY19 Formula Grant Application
Budget Narrative

Delinquency Prevention (\$150,000):

South Dakota's SAG committed to move forward with awarding juvenile delinquency prevention subgrants in the Fall of 2013. Funds allocated to Delinquency Prevention will be used to support three juvenile delinquency prevention subgrants at \$50,000 each.

Compliance Monitoring (\$20,000):

Funds allocated to this program area will be used to cover the cost of a part-time compliance monitoring position at \$20,000 for salary and benefits. Funds under this program area may also be used to cover part of an intern's salary under a time study process.

Deinstitutionalization of Status Offenders (DSO) (\$20,000):

Funds allocated to DSO are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with the DSO requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain DSO compliance efforts on a local level.

Disproportionate Minority Contact (DMC) (\$75,000):

The DMC allocation will support a part-time DMC coordinator position at \$15,000 for salary and benefits and DMC intervention subgrants in Minnehaha and Pennington Counties at \$30,000 per site.

Indian Tribal Programs (\$60,000):

It is anticipated that three subgrants at \$20,000 each or two subgrants at \$30,000 each will be made to Native American Tribes to support juvenile justice system improvement or delinquency prevention activities. This allocation contains the anticipated minimum allocation of \$34,004 required to be spent under the FFY2018 Native American Pass-Through.

Jail Removal (\$20,000):

Funds allocated to the jail removal program area are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with this requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain jail removal compliance efforts on a local level.

Juvenile Justice System Improvement (\$10,000):

Funds allocated to the juvenile justice system improvement program area will be used to support South Dakota's Juvenile Justice Reinvestment Initiative by paying for staff time to implement components associated with diversion and performance measures.

Planning and Administration (\$20,000 fed/ \$20,000 state match):

The federally required planning and administration allocation will cover costs associated with the salary, benefits, and travel of the full-time Juvenile Justice Specialist and will also be used to cover time devoted to the Formula Grant Program by the Director of Grants and Research. Other planning and administration expenses incurred by the Department such as computer fees and equipment, and space allocations will also be charged here. All costs and expenses covered by the planning and administration allocation will be paid 50% federal and 50% state match.

Separation of Juveniles from Adult Inmates (\$10,000):

Funds allocated to the separation program area are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with this requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain separation compliance efforts on a local level.

State Advisory Group Allocation (SAG) (\$15,000):

The federally required SAG allocation will be used to cover the cost of Council of Juvenile Services meetings and support any subcommittees or subgroups of the Council. The cost is lower than the allowed allocation due to holding a portion of the meetings through video conferencing to save on cost and travel time.

Supplanting Prohibition: Federal Funds will be used to supplement existing funds for program activities and will not replace or supplant non-Federal funds that have been appropriated for the same purposes.

Lobbying Prohibition: Federal Funds will not be used, either directly or indirectly, to support the enactment, repeals, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval by the Office of Justice Programs.

OJJDP FY 2019 Title II
Contact Information for States and Territories
(Submit in **GMS** as part of Category 2 – OJJDP-2019-14924)

Submit as File Name “ South Dakota (State) Contact Information”

Juvenile Justice Specialist Name: Bridget Coppersmith

Title: Corrections Specialist/Juvenile Justice Specialist

Mailing Address: 3200 E Highway 34, Pierre, SD 57501

Phone Number: 605-773-3478

Email Address: bridget.coppersmith@state.sd.us

State Planning Agency Director Name: Kevin McLain

Title: Director of Research and Grants

Mailing Address: 3200 E Highway 34, Pierre, SD 57501

Phone Number: 605-773-3478

Email Address: kevin.mclain@state.sd.us

State Advisory Group Chair Name:

Title:

Mailing Address:

Phone Number:

Email Address:

Compliance Monitor Name: Heather Van Hunnik

Title: Corrections Specialist/Compliance Monitor and DMC Coordinator

Mailing Address: 3200 E Highway 34, Pierre, SD 57501

Phone Number: 605-773-3478

Email Address: heather.vanhunnik@state.sd.us

DMC Coordinator Name: Heather Van Hunnik

Title: Corrections Specialist/Compliance Monitor and DMC Coordinator

Mailing Address: 3200 E Highway 34, Pierre, SD 57501

Phone Number: 605-773-3478

Email Address: heather.vanhunnik@state.sd.us

Fiscal Point of Contact: Jackie Hanson

Title: Accountant III

Mailing Address: 3200 E Highway 34, Pierre, SD 57501

Phone Number: 605-773-3478

Email Address: jackie.hanson@state.sd.us

DRAFT South Dakota DMC Plan – FFY2019 Formula Grant Application

Statewide 7/1/2016 - 6/30/2017		White	Black	American Indian	Asian	Hispanic	All Minorities
	Population Data	69,390	2,990	12,610	1,761	4,690	22,051
Arrest	Number	2,598	426	1,739	44	265	2,474
	Percentage	3.74%	14.25%	13.79%	2.50%	5.65%	11.22%
Diversion	Number	1,064	144	455	14	123	736
	Percentage	1.53%	4.82%	3.61%	0.80%	2.62%	3.34%
Secure Detention	Number	561	87	640	14	53	794
	Percentage	0.81%	2.91%	5.08%	0.80%	1.13%	3.60%
Commitment	Number	50	14	33	-	6	53
	Percentage	0.07%	0.47%	0.26%	0.00%	0.13%	0.24%

Minnehaha 7/1/2016 - 6/30/2017		White	Black	American Indian	Asian	Hispanic	All Minorities
	Population Data	14,920	1,760	707	674	1,384	4,525
Arrest	Number	767	316	380	22	116	834
	Percentage	5.14%	17.95%	53.75%	3.26%	8.38%	18.43%
Diversion	Number	275	115	91	9	56	271
	Percentage	1.84%	6.53%	12.87%	1.34%	4.05%	5.99%
Secure Detention	Number	172	43	130	4	44	221
	Percentage	1.15%	2.44%	18.39%	0.59%	3.18%	4.89%
Commitment	Number	13	8	11	-	1	20
	Percentage	0.09%	0.45%	1.56%	0.00%	0.07%	0.44%

Pennington 7/1/2016 - 6/30/2017		White	Black	American Indian	Asian	Hispanic	All Minorities
	Population Data	8,110	266	1,664	163	759	2,852
Arrest	Number	511	59	788	4	74	925
	Percentage	6.30%	22.18%	47.36%	2.45%	9.75%	32.43%
Diversion	Number	286	20	252	3	39	314
	Percentage	3.53%	7.52%	15.14%	1.84%	5.14%	11.01%
Secure Detention	Number	123	30	240	3	-	273
	Percentage	1.52%	11.28%	14.42%	1.84%	0.00%	9.58%
Commitment	Number	4	-	6	-	-	6
	Percentage	0.05%	0.00%	0.36%	0.00%	0.00%	0.21%

Definitions:

Arrest - Youth are considered to be arrested when they are apprehended, stopped, or otherwise contacted by law enforcement agencies and suspected of having committed a status or delinquent act. Youth may be counted more than once if they had more than one arrest during the reporting period.

Source: Arrest Information obtained from the South Dakota Attorney General’s Office.

Diversion - Youth referred to juvenile court for delinquent or status offenses are often screened by the States Attorney. The States Attorney may decide to dismiss the case for lack of legal sufficiency, to resolve the matter informally (without the filing of charges), or formally (with the filing of charges). The diversion population includes youth referred for legal

processing but handled without the filing of formal charges. Youth may be counted more than once if they attended more than one diversion program during the reporting period.

Source: Referrals to the JJRI Diversion Fiscal Incentive Program overseen by the SD Department of Corrections.

Secure Detention - Detention refers to youth held in secure detention facilities at some point during court processing of cases- and youth held in secure detention following a court disposition. Admissions do not include mental health or protective custody holds. Secure detention admissions only. Youth may be counted more than once if they had more than one detention admission during the reporting period.

Source: Juvenile Detention Database Admissions for the fiscal year.

Commitment - Data consists of commitments to the Department of Corrections. Commitment data best reflects South Dakota's justice processes and the confinement decision point for youth. Placement with the Department of Corrections is a state-level decision point.

Source: SD Department of Corrections

Action Plan

1> What do your DMC numbers tell you about your jurisdiction?

- a. South Dakota's DMC numbers show that all minority groups make up 24% of the juvenile population at risk. Yet, they make up over 50% of the juvenile arrests, commitments, and detention admissions.
 - i. Minority youth in Minnehaha County account for 23% of the juvenile population but 56% of secure detention admissions and 60% of commitments to the Department of Corrections.
 - ii. Minority youth make up 26% of the Pennington County juvenile justice population but account for 69% of secure detention admissions and 65% of juvenile arrests.
- b. South Dakota's largest minority group is American Indian at almost 14% of the juvenile population at risk. This group alone makes up 33% of arrests, 47% of detention admissions, and 32% of juvenile commitments statewide.

2> What would success in DMC reduction look like in your state?

- a. In a perfect world, success would be that there were no disparities at any of the contact points for minority youth.

3> How much do you want to reduce DMC next year?

- a. Statewide, minority youth make up 59% of secure detention placements. South Dakota's goal is to reduce DMC by 2% at the data collection point of detention. South Dakota will track performance toward meeting their goal on the statewide level as well as in the two largest jurisdictions of Minnehaha and Pennington Counties.

4> Is that reasonable? If yes, why?

- a. This is a reasonable goal because it is consistent with current reductions at the point of detention. Current subgrants in Minnehaha and Pennington Counties under the program area of DMC for FY 2019 are also working in a manner that aims in reducing detention placements for minority youth.

5> What do you need from OJJDP to be successful with your plan?

- a. South Dakota would be interested in a training that focuses on Native American DMC reduction strategies as most trainings focus on other minority populations which is not always applicable to Native American youth.

6> What safeguards will you put in place to ensure that as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

- a. South Dakota will continue to collaborate with justice partners at all contact points to lessen the unintended consequences related to our detention DMC reduction strategy. By being collaborative, our hope is that our strategy will not negatively impact other strategy points.



State of
South Dakota

Council of
Juvenile Services

2018 Annual Report

Message from the Chairperson:

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

The Council has worked diligently over the past fifteen years to enhance juvenile justice services in the state. The following pages of the Annual Report are a condensed summary of the accomplishments over the past year. I believe you will be proud of the critical and relevant work that has been done in our state since South Dakota came into compliance with the JJDP in 2003. Furthermore, Federal Fiscal Year 2018 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide \$397,052 for juvenile justice planning and projects in South Dakota in the next few years. If you find you would like more information regarding the Council's achievements over the past years or regarding the Formula Grants Program, please review the comprehensive Three-Year Plan located electronically on the Department of Corrections webpage: doc.sd.gov.

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

Aloha and Very Best Regards,

Beth O'Toole, Chairperson

Table of Contents:

- 2 | Council Members
- 3 | Council Overview
- 4 | Council Values
- 5 | JJDP Core Requirements
- 6 | Formula Grant Expenditures
- 7 | Youth Served
- 8 | DSO, Jail Removal, and Separation
- 9 | Native American Programs
- 10 | Delinquency Prevention
- 11 | Disproportionate Minority Contact
- 12 | Compliance Monitoring
- 13 | Children in the Juvenile Justice System
- 14 | Children in Need of Supervision

Council Members at the Close of State Fiscal

- **Beth O’Toole**, Chair and Professor at the University of Sioux Falls
- **Sara McGregor-Okroi**, Vice-Chair and Director of Aliive-Roberts County
- **Taniah Apple**, Youth Member
- **Dadra Avery**, School Counselor at Sturgis Brown High School
- **Judge Tami Bern**, First Judicial Circuit Judge
- **Keegan Binegar**, Youth Member
- **Keith Bonenberger**, Community Member
- **Kristi Bunkers**, Director of Juvenile Services
- **Kim Cournoyer**, Service Provider
- **Charles Frieberg**, Director of Court Services
- **Renee Gallagher**, Youth Member
- **Alexis Kohler**, Youth Member
- **Sheriff Mike Leidholt**, Hughes County Sheriff
- **Aaron McGowan**, Minnehaha County States Attorney
- **Vanessa Merhib**, CEO of Boys & Girls Club of Brookings, Moody, and Y
- **Betty Oldenkamp**, CEO of Lutheran Social Services
- **Lyndon Overweg**, Mitchell Chief of Public Safety
- **Miskoo Petite**, Rosebud Sioux Tribe Juvenile Facility Administrator
- **Carol Twedt**, Former Minnehaha County Commissioner
- **Virgena Wieseler**, Director of Division of Child Protection Services

Information on
<http://doc.sd.gov>

al Year (SFY) 2018

Council of Juvenile Services Overview

- The Council was established to fulfill the responsibilities of a state advisory group as directed by **Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act (JJDP)** of 1974 and as outlined under **SDCL 1-15-30**.
- The Council reviews juvenile justice policy, advises and advocates on juvenile justice issues, and strives to keep South Dakota in compliance with the requirements of the Formula Grant Program authorized by the JJDP. SFY 2018 represents the **fifteenth year** of the State's renewed participation in the Formula Grants Program.
- In SFY 2018, the **Council met four times** and approved the Formula Grant State Three-Year Plan Application for federal fiscal year (FFY) 2018. South Dakota's **Three-Year Plan** can be found on the DOC grant webpage at **doc.sd.gov/about/council**.

on DOC Website:
doc.sd.gov/about/council/

and Yankton Counties

Meeting, Budget, and Annual Reports on SD Boards and Commissions Website:
<http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=59>

Council of Juvenile Services Value Statements

The Council of Juvenile Services values that all children shall:

- Receive developmentally and culturally appropriate services that are evidence-based and data driven.
- Have the same access to needed services regardless of family income, geography, gender, sexual orientation, race, religion, disability, or jurisdiction.
- Have the right to be safe in the community in which they live.
- Receive evidence-based services consistent with the needs of the child in the least restrictive community-based environment available.
- Demonstrate accountability in the development and provision of services for the youth along with parents, communities, and the juvenile justice system.
- Receive early intervention services that are evidence-based.
- Receive services that are family-based and family-centered.
- Receive culturally appropriate justice which is essential to effectively address Disproportionate Minority Contact.
- Have access to early and effective legal representation, including an assessment of competence and a timely and just legal process.

JJDPA CORE REQUIREMENTS

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

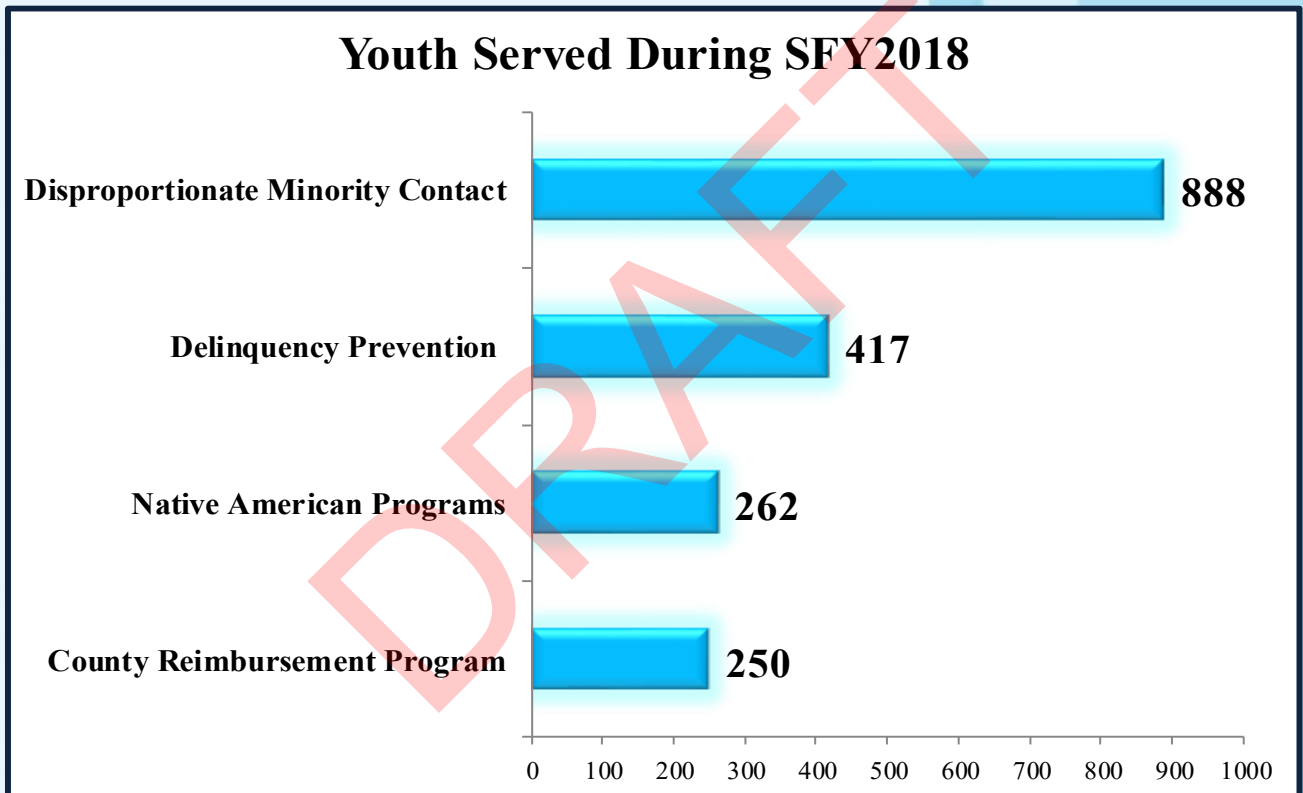
- **Deinstitutionalization of Status Offenders (DSO)**
The removal of status offenders and non-offenders from secure juvenile detention and correctional facilities, jails, and lockups for adult offenders.
- **Sight and Sound Separation**
Providing separation between adults and juveniles in secure settings.
- **Jail Removal**
The removal of juveniles from adult jails and lockups.
- **Disproportionate Minority Contact (DMC)**
The reduction of minority over-representation where it exists within the juvenile justice system.

Formula Grant Programs and Expenditures

The table below outlines the amount of FFY2013 and FFY2014 Formula Grant Funds spent during SFY2018 and a description of how the funds were utilized.

Program Area	SFY2018	Description
Council of Juvenile Services	\$11,240.71	Quarterly Meetings and Council Annual Report
Planning and Administration	\$27,784.44	Formula Grant Staff at the Department of Corrections (DOC)
Compliance Monitoring	\$19,785.43	Formula Grant Staff at the DOC
Deinstitutionalization of Status Offenders (DSO)/Sight and Sound Separation/Jail Removal	\$53,201.19	County Reimbursement Program
Native American Programs	\$35,101.58	1 Local Subgrant
Delinquency Prevention	\$67,877.48	2 Local Subgrants and Evaluation Services
Disproportionate Minority Contact (DMC)	\$113,969.82	3 Local Subgrants and Formula Grant Staff at the DOC
Total:	\$328,960.65	

Youth Served During SFY2018

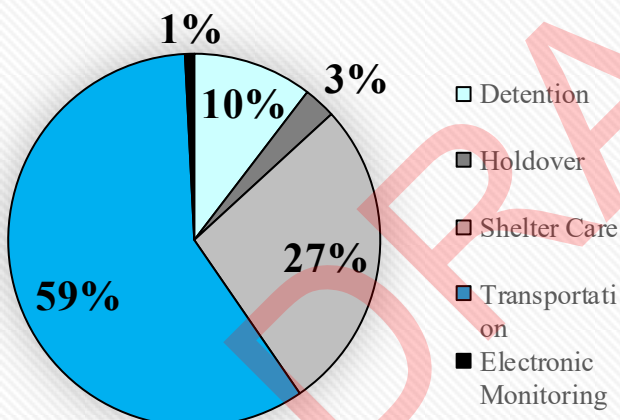


1,817 Total Youth Served

DSO, Jail Removal, and Separation/ County Reimbursement

Since 2005, a reimbursement system has been in place to provide financial support to counties and arresting entities that lack appropriate temporary custody options for youth. It has been the goal of the Council to work to eventually decrease dependence on the reimbursement programs and to help counties and arresting entities develop alternatives to detention and alternative funding sources.

Youth Served by Category



More information regarding the program can be located at:

<http://doc.sd.gov/about/grants/compliance.aspx>

- The chart to the left shows how the **250 youth served** during SFY2018 were reimbursed by program category.
- **59%** of the youth claimed by counties and arresting entities for reimbursement were from **transporting the youth** to and from approved juvenile facilities outside of their jurisdiction.
- **Shelter care** reimbursement was used more than detention with **27%** of the reimbursements being for shelter care placements and **11%** being for **detention** placements.
- The table to the right shows the youth served and amount reimbursed by arresting entity.

Reimbursement Program

During SFY2018, a total of **\$53,201.19** was reimbursed to **fourteen counties** for services rendered to a total of **250 youth**.

County	Youth Served	Total Reimbursed
Brookings	50	\$4,467.70
Brule	5	\$986.80
Charles Mix	33	\$8,102.46
Clay	5	\$1,006.04
Davison	71	\$12,568.34
Douglas	9	\$3,432.98
Edmunds	2	\$977.06
Lawrence	2	\$250.00
Lincoln	5	\$800.00
Meade	35	\$14,800.00
Pennington*	13	\$903.76
Sully	1	\$840.00
Union	9	\$1,880.55
Yankton	10	\$2,185.50
Total	250	\$53,201.19

*Pennington County claims reimbursement on behalf of Butte, Custer, Fall River, and Lawrence Counties

Native American Programs

The Formula Grants Program requires participating states to pass through a specified portion of their funds to Native American Tribes. The amount South Dakota was required to pass with their FFY2013 and FFY2014 Formula Grant awards was **\$66,958**.

Through SFY2018, **\$55,101.58** had been passed through to Native American Tribes. In SFY2019, a minimum of \$11,856.42 will be expended to meet or exceed the pass through requirement for the FFY2013 and FFY2014 awards. A minimum of **\$34,004** will need to be passed through prior to September 30, 2019 under the FFY2015 Formula Grant award.

In SFY2018, the Council approved one award to the **American Horse School** for a delinquency prevention services in their school and at the juvenile detention center in Kyle, SD.

262 youth were served in the school and an additional ____ were served at the detention center.

Delinquency Prevention

Starting in SFY2014, the Council turned its focus to prevention and early intervention programs. Subgrants in Lake Andes and Dell Rapids were awarded for new services during SFY2018 to implement the evidence based program “Positive Action” in their school systems.



Disproportionate Minority Contact (DMC)

To comply with DMC requirements, states are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youths for any group that comprise at least 1% of the juvenile population.

In addition to monitoring for DMC, the Council supported **two \$35,000 projects**. DMC efforts in **Minnehaha and Pennington Counties** focused on providing **case management services** for pre-adjudicatory youth under Lutheran Social Services of South Dakota in SFY2018. While the focus was on pre-adjudicatory youth, any minority youth needing the assistance of the case manager received services. The case manager assisted youth and their families in understanding the importance of attending hearings, complying with diversion recommendations, overcoming barriers, and connecting them with community supports and services.

South Dakota DMC Reduction Activities

- DOC employs a state-level staff designated as a part-time DMC Coordinator.
- DMC Coordinator and Formula Grant Staff:
 - Collect race data for all nine contact points in the juvenile justice system;
 - Update data annually in South Dakota's Formula Grant Application;
 - Monitor relative rate index trends over time; and
 - Monitor DMC subrecipient performance measures on a quarterly basis
- The Council has invested in two targeted local DMC reduction sites.

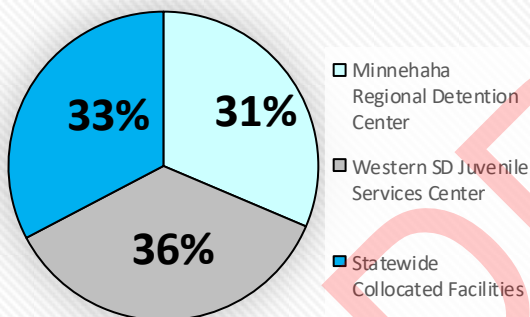
Ongoing DMC Reduction Site Activities

- DMC Case Manager in Pennington and Minnehaha Counties
- Juvenile Detention Alternatives Initiative (JDAI) implementation in Minnehaha and Pennington Counties with local JDAI DMC Workgroups
- County-level DMC Coordinator in Minnehaha County
- Minnehaha County was selected to participate in the Reducing Racial and Ethnic Disparities Certificate Program through the Center for Justice Reform and Georgetown University in November 2017. Implementation of their capstone project started at the close of SFY2018.

Compliance Monitoring

- States participating in the JJDP A Formula Grants Program must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the core requirements are met at each step within the juvenile justice system.
- The South Dakota Compliance Monitoring System is set up in order to ensure that the juveniles of the state are being held in appropriate placement according to state and federal law and can be found in South Dakota's Compliance Manual at: <http://doc.sd.gov/documents/SD%20Compliance%20Manual%202018.pdf>

SFY2018 Detention Admissions



- **1,560 juveniles** were admitted to juvenile detention facilities in SFY2018.
- **67%** of admissions were reported from the regional detention centers located in **Minnehaha and Pennington Counties**.
- **33%** of admissions were from the **collocated facilities** (a juvenile facility that is in the same building or on the same grounds as an adult jail or lockup) in Beadle, Brown, Codington, Day, Hughes, and Roberts Counties*.

*The collocated facility in Walworth County did not have any juvenile admissions in SFY2018.

Compliance Violations: For the FFY2017 reporting period, South Dakota was found in compliance with the Separation, Deinstitutionalization of Status Offenders (DSO), and Jail Removal requirements of the JJDP A. South Dakota reported no violations under the Separation and Jail Removal requirements and seven violations under the DSO requirement. The seven violations gave South Dakota an allowable rate of 3.28 violations per 100,000 juvenile population under the age of 18. States were allowed a violation rate up to 8.5 for FFY2017,

Children in the Juvenile Justice System

South Dakota's juvenile justice system impacts thousands of youths and their families annually. The table below provides a summary of juvenile justice, child protection activities, and alcohol and drug services as referenced in the 2014-2018 South Dakota KIDS COUNT Factbook Publications at www.sdkidscount.org and provided by the DOC .

	SFY2014	SFY2015	SFY2016	SFY2017	SFY2018
Adjudicated Action	4,311	4,050	4,220	5,475	
Non-Adjudicated Action	1,013	705	727	602	
DOC Commitments and Recommitments*	240	205	118	103	84
Child Abuse & Neglect Initial Assessments (Children)	4,736	4,764	4,394	4,631	
Children Requiring a Safety Response	1,458	1,362	1,210	1,726	
Alcohol and Drug (juvenile admission to treatment)	1,069	924	862	864	

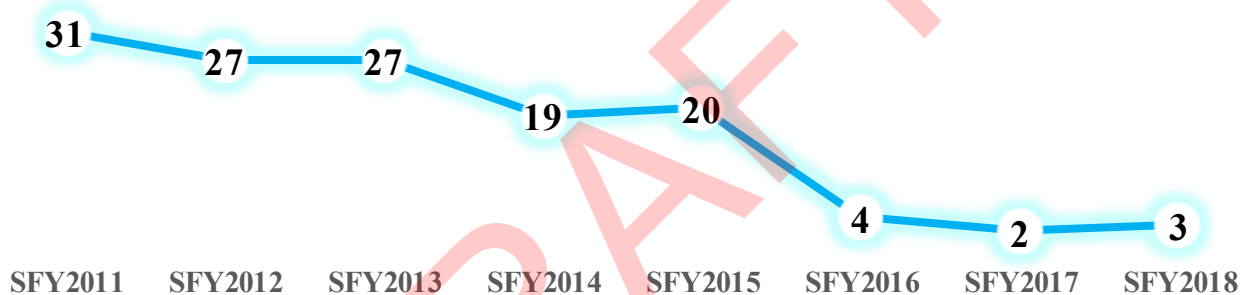
* Data is provided by the DOC. Data only accounts for the number of new juveniles who receive a disposition of commitment to DOC. These numbers do not include youths already under the jurisdiction of the DOC who are remanded following a new adjudication.

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

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

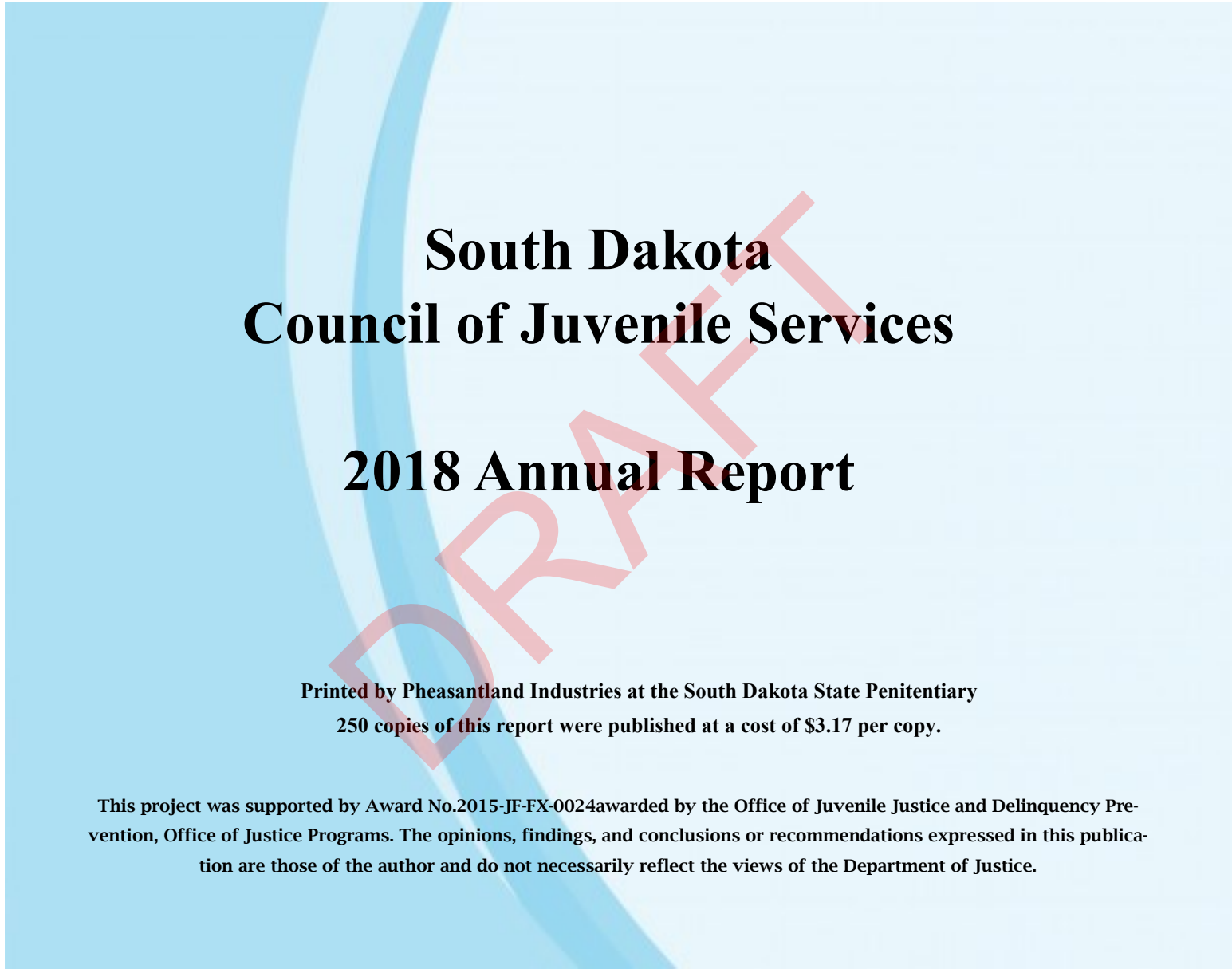
Children In Need of Supervision (CHINS)

Number of New DOC CHINS Commitments



Children in Need of Supervision (CHINS) are low risk and high needs youth who historically were often placed in secure detention or committed to the DOC due to lack of appropriate alternatives. There is a concern whether commitment to the DOC is the appropriate manner in which to provide residential services to CHINS.

The chart above page was obtained from DOC and identifies CHINS commitments to the DOC during SFY2011 through SFY2018. The chart shows that there has been a significant decrease in the commitment of CHINS following efforts to bring the state into compliance with the JJDPA and through the implementation of statewide juvenile justice reform.



South Dakota Council of Juvenile Services 2018 Annual Report

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Compliance Report For 10/01/2017 - 09/30/2018

	Records Submitted	Records Under Review	DSO Violations	Jail Removal Violations	Separation Violations
Beadle County JDC	33	0	1	0	0
Brookings County Jail	64	0	0	7	0
Brown County JDC	181	0	1	0	0
Codington County JDC	38	0	0	0	0
Day County JDC	20	0	2	0	0
Hughes County JDC	144	0	0	0	0
Minnehaha County JDC	502	0	0	0	0
Pennington County JDC	568	0	0	0	0
Roberts County JDC	97	0	0	0	0
Spearfish Police Department	43	24	0	0	0
Walworth County JDC	0	0	0	0	0
Yankton County Jail	69	0	0	0	0
Total	1759	24	4	7	0

DSO Violations

Beadle County: juvenile violated a valid court order but did not receive a hearing within 24 hours.

Brown County: juvenile violated a valid court order but did not receive a hearing within 24 hours.

Day County: juvenile violated a valid court order but did not receive a hearing within 24 hours. One juvenile accounted for both violations.

Jail Removal Violations

Brookings County: status offenders were held in an unlocked conference room within the secure perimeter of the jail. They were not held in a cell. One juvenile accounted for 5 of the violations.

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.

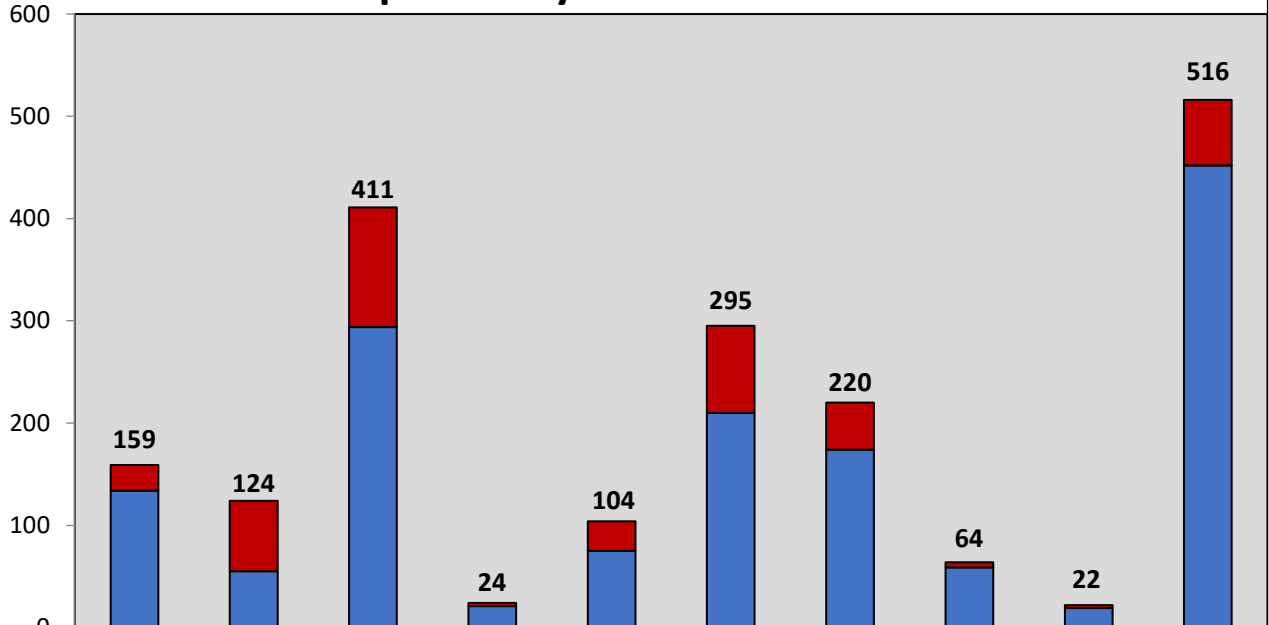
Verification of "0" completers of court approved diversion programs or not participating in FY 2018 reported from the following counties:

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:

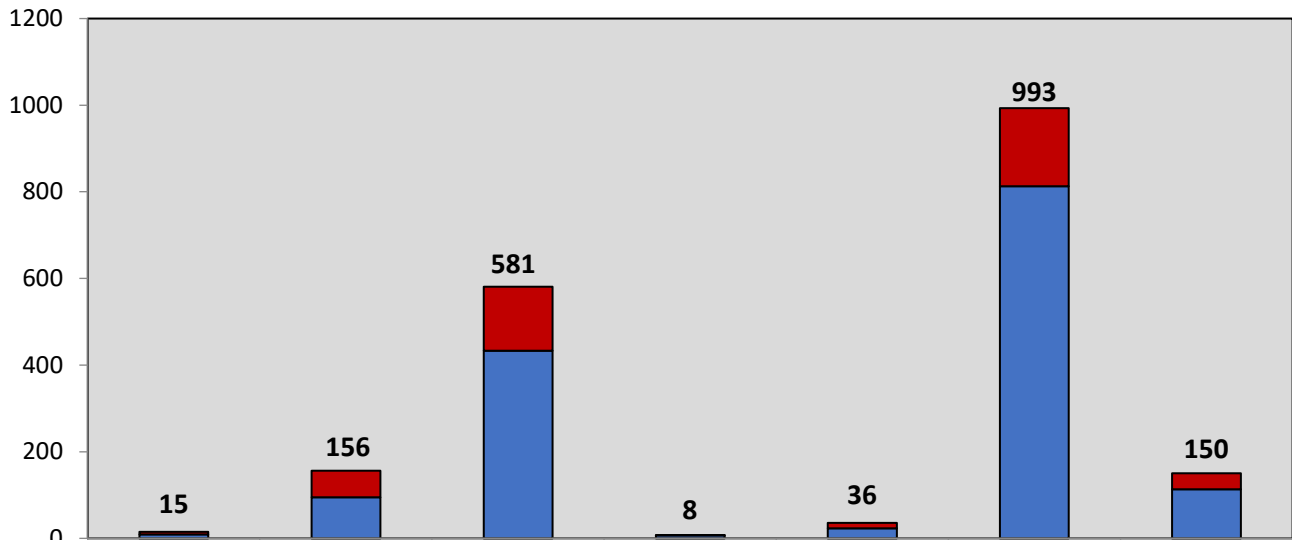
Aurora, Beadle, Campbell, Corson, Day, Faulk, Gregory, Hamlin, Hutchinson, Jones, Kingsbury, Lyman, Marshall, Perkins, Sanborn, Todd, and Ziebach

FY2018 Completers by Most Serious Referral Offense



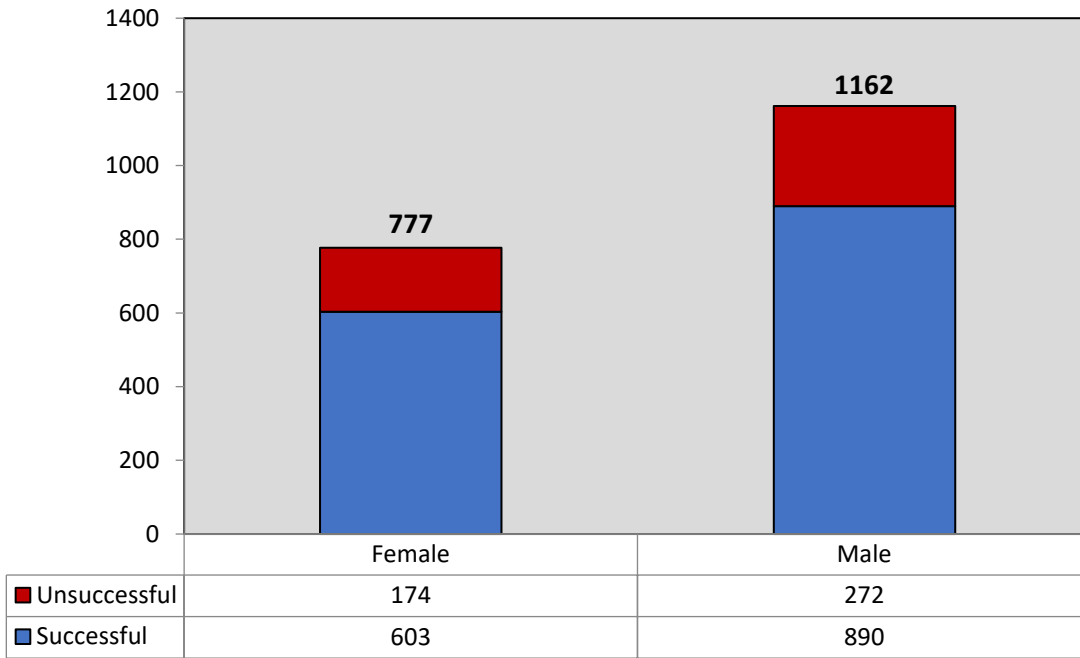
■ Unsuccessful	25	69	117	3	29	85	46	5	3	64
■ Successful	134	55	294	21	75	210	174	59	19	452

FY2018 Completers by Race



■ Unsuccessful	6	61	148	1	13	180	37
■ Successful	9	95	433	7	23	813	113

FY2018 Completers by Sex



FY2018 Completers by Age

