

Juvenile Justice Oversight Council Meeting

November 12, 2019

ITV Meeting

Meeting Documents

- [Agenda](#)
- [Petitions Summary Presentation](#)
- [FY20 Service Map](#)
- [Proposed Responses to Improve Juvenile Justice Memo](#)

Call the Meeting to Order

Mr. Sattizahn called the meeting to order at 3pm.

Present

- Justice Kern
- Justice Jensen
- Kelly Marnette
- Tiffany Wolfgang
- Kristi Bunkers
- Angela Shute
- Lindsey Riter-Rapp
- Senator Alan Solano
- Senator Craig Kennedy
- Rep. Kevin Jensen
- Judge Myren
- Rep. Kelly Sullivan
- Tom Hart
- Charles Frieberg
- Bryan Harberts
- Greg Sattizahn

Absent

- Secretary David Flute
- Andrew Robertson
- Dr. Kelly Glodt
- Commissioner Von Eschen

Follow-up Items from Sioux Falls Meeting

Petitions Discussion

At the previous meeting, a councilmember asked where most juvenile petitions with no citations occurred. Mr. Sattizahn reviewed a [presentation](#) that broke down how many petitions occurred in each county. Pennington county (257) and Minnehaha county (145) had the greatest number of petitions. Beadle, Brookings, and Charles Mix were the next highest counties.

Map of Current Services

Tiffany Glaser from the Department of Social Services overviewed the [FY 20 Service Map](#) document. She noted the current availability for Systems of Care, Functional Family Therapy, Aggression Replacement Training, Moral Reconciliation Therapy, and Substance Use Disorder Services, as well as where these services are available via telehealth. Justice Kern was concerned that there were 12 counties that did not have FFT, and that several counties do not have in-person FFT, ART, and MRT. Tiffany Wolfgang from DSS replied that it has been a challenge to implement services in rural areas, but they are committed to continuing the work. Justice Kern applauded the efforts, and inquired if DSS was looking at other services besides FFT. Ms. Wolfgang replied that the department was not currently looking at other services. During the SB 73 process, the department reviewed several curriculums and found FFT to be the most appropriate for a rural population. While FFT was initially offered in every county, the referral

numbers were not sustainable. Justice Jensen inquired if there were additional efforts to put ART or MRT in other large population centers. For example, Brookings has a large population but does not have in-person ART or MRT. Ms. Wolfgang replied that if there is an increase in referrals, then the department will respond and work to get the service into the area. Even the larger areas, like Pennington, struggle to maintain enough referrals. Ms. Glaser added that there has been a positive development in that ART and MRT will be starting in at the Southern Plains Behavioral Health in the future. Justice Kern inquired the origination of the referrals, and whether parents and schools could use the services. Ms. Wolfgang informed the council that services were opened to include parent referrals and school referrals. Without that base, the UJS and DOC referrals would not be enough to maintain any sort of services. However, sometimes schools can forget that services are available through a referral to their local Community Mental Health Center. The department has reached out to educators many times, and have done several presentations and workshops about what Community Mental Health Centers can offer. Additionally, the Department of Education emailed all the superintendents and counselors informing them of services. The local providers have also been asked to reach out to the schools in their area. The Department has actively sought out opportunities to share this information with school counselors, school administrations, and DOE. Senator Solano added that it is possible that schools may still be concerned that they will be required to pay for the services if they make the referral. He felt it was important to provide additional assurances to the schools that this was not the case as long as the youth meets the guidelines. Ms. Wolfgang added that this was part of the conversations, and the department was actively working to dispel the myth that schools will be financially liable for all referrals.

Representative Jensen said that the council needs to be realistic with the small numbers, and that not having a sustainable group is a real concern—it is unrealistic to do a counseling group several times a week for \$30-\$40 dollars an hour when travel is included. Mr. Harberts asked Ms. Wolfgang if there was a significant difference in outcomes between in-person services and telehealth. Ms. Wolfgang replied that the department tries not to compare the services, but that the outcomes are comparable, if not better. The retention rates may be better with telehealth because it removes transportation barriers. Ms. Glaser indicated that the telehealth numbers are still small—42 youth were served via telehealth in FY 19--so she is hesitant to directly compare the services and say that one is better than the other. However, adult CJJ services for telehealth have been available longer and those outcomes show that they are comparable, if not better. The juvenile telehealth provider is the same, so the council may expect similar results. Mr. Harberts said that while he prefers sitting down face-to-face with a patient, everyone needs to remember that today's youth essentially live on their phone and have a vastly different comfort level than an adult might have with telehealth.

Mr. Solano inquired about the status of Lifeways application for a state grant, and if there would be additional school based prevention programs. Ms. Wolfgang replied that Lifeways is still doing middle school based prevention work, and the new dollars would be announced soon. Besides Lifeways, there is limited middle school prevention. Previous efforts were federally funded, which means the funding came with time limits, parameters, and challenges. General fund dollars would allow the department to do something sustainable, instead of just a 5-year project.

Proposals for Council Consideration

Next, Mr. Sattizahn reviewed [the Proposed Responses to Improve Juvenile Justice](#) memo by walking through each item.

Item A

After describing the purpose of Item A, Ms. Marnette asked if the previous unsuccessful discharge was for any offense, or if it was tied to property damage. Mr. Sattizahn informed her that it was for a prior unsuccessful attempt for any felony level offense—controlled substance, possession, property damage, et cetera. Ms. Marnette followed up by inquiring if the proposed bill encompassed what the bill last session did. Mr. Sattizahn did not think it would include all the youth that would have been encompassed with the last bill, but it does open the door to some of the concerns that were raised during session. Rep. Jensen said that he was the sponsor of the bill last year, and the bill last year was intended to include the youth that have multiple felonies but do not raise to the level of the greatest level of service.

Senator Kennedy noted that the language said the evaluation only considers a high risk for reoffending, not high needs. Mr. Frieberg replied that the language requires a validated tool, which will report both the needs and the risk. Senator Solano felt that it was appropriate to not include needs in the consideration because a youth that has high needs but is not at risk of reoffending can be successfully served in the community. He felt that this was one of the major issues with the bill last year. Senator Kennedy agreed, and wanted to ensure that local treatment is used as much as possible. The council had additional conversations about how the language should read to address drug distribution charges. The council settled on language that would adjudicate for class 4 or greater felony distribution levels, and took a formal vote.

Vote

11 members voted in favor of the bill, 4 members abstained from voting, 1 member was absent from the room during the vote, and 4 members were absent.

Yes

1. Greg Sattizahn, Chair
2. Justice Janine Kern
3. Justice Steven Jensen
4. Kristi Bunkers
5. Angela Shute
6. Judge Scott Myren
7. Lindsey Riter-Rapp
8. Senator Craig Kennedy
9. Rep. Kelly Sullivan
10. Tom Hart
11. Chuck Frieberg
12. Senator Alan Solano (*Senator Solano was not in the room during the vote, but indicated upon his return that he would like his support to be noted*)

Abstain

1. Bryan Harberts
2. Kelly Marnette
3. Tiffany Wolfgang
4. Rep. Kevin Jensen

Items B through E

The council reviewed the next several items and discussed which entities would be the best fit to draft policy. Since the budgets have already been submitted, several of the items were determined to be long term pursuits and may require a subgroup of efforts to draft the language. UJS and DSS would work together to create appropriate workgroups.

Item F

Senator Solano informed the group that he felt that the diversion money was some of the best money spent by the state. Minnehaha has become more aggressive in pursuing diversion opportunities, and he inquired if there would be enough funds to cover the increased usage. Mr. Sattizahn replied that the current number builds in room for growth.

Item G

No comments

Item H

Senator Solano felt that item H could be alleviated with more court service officers. There is a large adult volume, but it was still important to make sure that the juvenile offenders were being served. Senator Kern inquired if juvenile intensive probation was available in Pennington and Minnehaha county. Mr. Frieberg indicated that it was—there are dedicated caseloads for intense cases. It is used as a last resort before going to DOC.

Item I

Justice Kern feels that it is imperative that the Oversight Council term be extended because there are still areas that need to be improved. Senator Solano agreed, and believes it would be worthwhile to draft the legislation in a manner similar to Item A with the necessary language. A draft will be circulated of a resolution extending the oversight Council for approval by the members in the near future.

Annual Report

Mr. Sattizahn informed the council that the Annual Report was currently at Pheasantland Industries being designed and that the final version would be provided back to the council as soon as it was finished.

Public Input

Representative Jensen thanked Senator Solano for all of his hard work in the legislature, and especially all his work on juvenile justice.

Next Steps

The next meeting will be next spring.

Adjourn

Senator Solano made a motion to adjourn, seconded by Ms. Riter-Rapp.