

Juvenile Justice Public Safety Improvement Act Oversight Council

June 15, 2021

Present

- Justice Myren
- Justice Kern
- Joanna Lawler
- Bryan Harberts
- Chuck Frieberg
- Rep. Kevin Jensen
- Lindsey Riter-Rapp
- Dr. Kelly Glodt
- Angela Shute
- Kristi Bunkers
- Kelly Marnette
- David Flute
- Commissioner Gerald Beninga
- Representative Linda Duba
- Greg Sattizahn

Excused

- Tiffany Wolfgang
- Melissa Klemann
- Senator Wayne Steinhauer
- Senator Red Dawn Foster

Guests

- Bev Mentzer
- Katie Hruska

Documents

- [Agenda](#)
- [JJRI Terminology](#)
- [UJS and DOC Presentation](#)
- [DSS Presentation](#)
- [DSS COVID-19 Impact Handout](#)

Opening

Mr. Sattizahn called the meeting to order at 1pm. He introduced Joanna Lawler, the newest member of the council. Ms. Lawler is a criminal defense attorney in Rapid City.

Impact of JJPSIA

The primary agenda item of this meeting was to review the outcomes that occurred during the COVID-19 pandemic.

Unified Judicial System

Mr. Sattizahn began by overviewing the [UJS data](#).

The UJS data shows a decrease in total youth on probation. Mr. Frieberg thought that it could be related to a possible increase in diversions. There are 4 counties that are JDAI sites. An increase in diversions may mean that the child never enters the system. The diversion data does not become available until

after September 1 of each year. Dr. Glodt added that in the Pierre school district they have had less severe discipline issues than in previous years, and he is unsure why. Representative Jensen reported that his organization has seen far less school referrals and thought that fewer kids may be getting in trouble at home because their parents were now more involved in their lives and they were spending less time away from home.

Department of Corrections

Kristi Bunkers reviewed the [DOC data](#), which can be found at the end of the UJS presentation. She reported that the top three offenses for FY 19 were aggravated assault, simple assault, and sexual contact with a victim less than 16 years of age. For FY 20, the top offenses were aggravated assault, simple assault, and probation violations. In FY 21, the top offenses were grand theft, simple assault, and probation violations.

Bryan Harberts asked Ms. Bunkers why she thought the composition of offenses was changing. She responded that she was not certain, but noted that there has been a general decrease in commitments overall. Mr. Frieberg was also unsure as to why the trend was changing. Kristi thought it might be worthwhile to do an exploration with community based providers who are seeing more of these kids to get a better feel as to why there are changes. Justice Kern requested that DOC and UJS investigate what the underlying offense was for the youth that were in DOC for probation violations.

Justice Kern asked Ms. Bunkers to explain what facility youth go to when they are a risk of harm to themselves or others. Ms. Bunkers said that outside of Our Home, facilities were not generally identified by offenses. The South Dakota facilities that are primarily used are New Beginnings Center, Falls Academy, as well as the providers in Parkston and Huron. There are other facilities that may only have one youth or so from DOC.

Mr. Sattizahn asked if any of the youth Ms. Bunkers identified as probation violations were the impact of the recent legislation that was endorsed by the Oversight Council and sponsored by Representative Jensen. Ms. Bunkers was unsure—more research on the population would be needed.

Secretary Flute added that from a tribal perspective, the previous data had shown a high percentage of youth being young Native American males. He was curious to see how the Native American representation in the population had changed. Ms. Bunkers responded that DOC continues to see an overrepresentation of minorities, but the long-term recidivism data for Native Americans and other minorities shows some of the best outcomes overall. Justice Kern added this was the first time she had heard a report like this, and Mr. Sattizahn requested that it be highlighted in the Annual Report.

Department of Social Services

Bev Mentzer reviewed the [DSS data](#).

Justice Kern asked Ms. Mentzer to describe the types of family support utilization payments and supplements that are used to help families, and what types of needs are met. Ms. Mentzer responded that they are designed to fulfill a wide array of needs, and this year was unique because of the increase in federal dollars (Covid relief funding) supported many family needs typically funded with FSP funds. The support can help with utility payments, housing assistance, hygiene products, transportation funding, etc. It is tailored to what the family needs. This year, utilization of telehealth services and funding for telehealth equipment were supported by DBH.

Dual Status Youth Initiative

Mr. Sattizahn reported back to the council about the progress of the Dual Status Youth Initiative, which is intended to break the pattern between children crossing over between the child welfare system and the juvenile justice system. The goal is to better address the needs of the youth and produce better outcomes.

The UJS had submitted an application through the State Justice Institute, who has done similar work in North Dakota and Nebraska. School representatives, judges, probation officers, states' attorneys, defense attorneys, and treatment providers are all involved to discuss how to help with cross-system identification and communication, with the ultimate goal of intervention as soon as possible with the right resource.

So far, multiple subgroups have met to discuss items related to possible policy changes, confidentiality considerations, and procedural items. The goal is to have a report completed by this fall. There may be legislative changes, but some of the recommendations could be made internally.

Comments

The Oversight Council members did not have additional comments.

Public Input

There was no input from the public.

Next Steps

The next meeting will occur in the fall. Please reach out to Greg Sattizahn if another meeting is should occur in the meantime.