

Council of Juvenile Services (CJS)

Proposed Meeting Agenda

Huron Event Center

Prairie Ballroom B

501 Wisconsin Avenue SW

Huron, SD 57350

Call in #: 1-866-410-8397

Call in Passcode: 636 279 6441

Thursday, June 13, 2019

Official Business: Prairie Ballroom B

- 8:30 AM Welcome, Introductions, and Review Agenda (Chair Beth O'Toole)
- 8:40 AM Conflict of Interest Discussion and Disclosures (Bridget Coppersmith)
- 8:45 AM Period for Public Comment (Chair O'Toole)
- 9:00 AM Approval of December 2018 Meeting Minutes (Chair O'Toole)
- 9:10 AM Budget Status Report and Subgrant Updates (Bridget Coppersmith and Heather Van Hunnik)
- 9:30 AM Compliance Update (Heather Van Hunnik)
- 9:40 AM OJJDP Update and JJDP Reauthorization Overview (Bridget Coppersmith)
- 10:00 AM JDAI Application Presentations (Annie Brokenleg)
- Brown County (Rachel Kippley)
 - Codington County (Liz Christianson and Louis Canfield)
 - Davison County (Jim Miskimins)
- 11:00 AM DOC Recommendations for Funding JDAI Applications (Bridget Coppersmith)
- 11:20 AM DOC Recommendations for Funding Delinquency Prevention Applications (Bridget Coppersmith)
- 11:35 AM DOC Recommendations for Funding of Native American Programs Applications (Bridget Coppersmith)
- 11:50 AM Juvenile Justice Updates (Open to CJS Members)
- 12:00 PM Adjourn (Chair O'Toole)
- Next Meeting Date: September 12th

Meeting Minutes - DRAFT
South Dakota Council of Juvenile Services
December 6, 2018

Statewide Dakota Digital Network (DDN) Locations

Thursday, December 6, 2018

Council of Juvenile Services Members Present at DDN Locations: Beth O'Toole, Chair and Professor at the University of Sioux Falls; Sara McGregor-Okroi, Vice-Chair and Director of Aliive-Roberts County; Dadra Avery, School Counselor at Sturgis Brown High School; Judge Tami Bern, First Judicial Circuit Judge; Keith Bonenberger, Community Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Chuck Frieberg, Director of Court Services; Tiffany Glaser, Department of Social Services JJRI Program Manager; Alexis Kohler, Youth Member; Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Dave McNeil, Aberdeen Police Department Chief; Betty Oldenkamp, CEO of Lutheran Social Services; Miskoo Petite, Rosebud Sioux Tribe Juvenile Facility Administrator; and Carol Twedt, Former Minnehaha County Commissioner.

Council of Juvenile Services Members Absent: Taniah Apple, Youth Member; Keegan Binigar, Youth Member; and Vanessa Merhib, CEO of Boys & Girls Club of Brookings, Moody, and Yankton Counties.

Others Present at DDN Locations: Secretary Denny Kaemingk, Bridget Coppersmith, and Heather Van Hunnik, South Dakota Department of Corrections (DOC).

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Beth O'Toole welcomed everyone to the meeting at 2:33 PM on December 6, 2018 and introductions were made. Chair O'Toole noted that the meeting was also being shown via live webcast through South Dakota Public Broadcasting and that meeting materials could be found on open.sd.gov through the Boards and Commissions Portal. Bridget Coppersmith introduced Chief Dave McNeil and Tiffany Glaser as the newest members appointed by Governor Dennis Daugaard and stated that they filled the slots of Lyndon Overweg and Virgena Wieseler whose terms ended in October. Coppersmith added that Judge Tami Bern, Kegan Binigar, Kristi Bunkers, Chuck Frieberg, Sheriff Mike Leidholt, Betty Oldenkamp, and Carol Twedt had been reappointed for another three-year term. Coppersmith noted that Vanessa Merhib and her family will be leaving South Dakota in Spring 2019 and that DOC staff is working with the Governor's Office on her replacement.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Bridget Coppersmith explained that even though there were no funding related actions being taken by the Council, the agenda item of "Disclosure of Conflicts of Interest" was on the agenda to demonstrate the Council's decision to align practices with SDCL 3-32.

Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. No conflicts were disclosed.

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 SEPTEMBER 2018 CJS MEETING MINUTES

Chair O'Toole provided an overview of the September 2018 Meeting Minutes. Chair O'Toole highlighted Disproportionate Minority Contact (DMC) funding presentations, subgrants awards made to Minnehaha and Pennington Counties, and the Racial and Ethnic Disparities Capstone update.

Betty Oldenkamp moved to approve the September 2018 meeting minutes, Carol Twedt seconded. Motion carried unanimously.

5. BUDGET STATUS REPORT AND SUBGRANT UPDATES

Coppersmith explained that the Formula Grants Program federal fiscal year (FFY) 2013 and FFY2014 awards had been fully expended by their end date of September 30, 2018 and that the FFY2015 award was in its initial stage of being expended. Coppersmith noted that as of November 14, 2018, there was a total balance of \$381,458.05 of the \$393,667.00 award that needed to be spent prior to the end date of September 30, 2019. Based on the activity of current subgrants under the program areas of delinquency prevention, Native American programs, and DMC and the established spending patterns under the program areas of planning and administration, the Council of Juvenile Services, deinstitutionalization of status offenders (DSO), sight and sound separation, jail removal, and compliance, Coppersmith anticipates that the award should be fully expended by the concrete end date. To ensure the award is fully expended, DOC staff will be looking into the possibility of a statewide training for law enforcement agencies on the topics of DMC and implicit bias. Coppersmith explained that more information regarding the possible training would be sent out when available.

Coppersmith and Heather Van Hunnik provided an overview of current subgrant progress and explained that all subgrants were implementing their programs in accordance with their approved awards. Coppersmith noted that the Council had made the request at their September meeting to have additional information on how DMC sites measured success within their programs. Coppersmith explained that success in Pennington County is measured through the number of youth who attend court verses those who fail to appear after receiving a reminder call. Success in Minnehaha County is tracked differently as youth are only tracked if they are being provided case management services in comparison to all youth on the juvenile docket in Pennington County.

6. APPROVAL OF CALENDAR YEAR 2019 JUVENILE SERVICES REIMBURSEMENT PROGRAM

Coppersmith provided an overview of the Juvenile Services Reimbursement Program from calendar year (CY) 2017 and CY2018 through November 14, 2018. Coppersmith noted that the allocated program amount for each year was a program cap of \$60,000 and a per-arresting entity cap of \$10,000. Coppersmith noted that in CY2017, 275 youth were served through \$56,802.53 and that through November 14, 2018, 220 youth were served by \$47,537.20 for CY2018. Coppersmith stated that she expects to receive more claims in the coming months as a reminder of the program was sent to arresting entities which typically brings the total amount spent closer to the allowable \$60,000.

Coppersmith explained that the recommended plan for CY2019 was to keep the program categories the same but lift the program and arresting entity caps. The program would no longer be limited to \$60,000 and counties could expend more than the previous limit of \$10,000.

Sheriff Mike Leidholt moved to approve the presented plan for the 2019 Juvenile Services Reimbursement Program, Aaron McGowan seconded.

Discussion ensued regarding the history of the program, the need to continue assisting counties who are working to keep South Dakota in compliance with Juvenile Justice and Delinquency Prevention Act (JJDP), and the strategy behind lifting the per county and program caps.

Motion carried unanimously.

7. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION UPDATE

Coppersmith explained that South Dakota's new state representative with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is Keisha Kersey and she may be onsite for a programmatic visit in the summer of 2019. Coppersmith stated that she along with Van Hunnik attended a core protections training hosted by OJJDP in Baltimore, MD the week of November 26th and the next OJJDP training is scheduled for September in Kansas City. DOC staff were still waiting on their findings from their August compliance audit.

8. APPROVAL OF FFY2019 THREE YEAR PLAN

Coppersmith explained that the FFY2019 Three Year Plan application for Title II Formula Grant funding was an update year to the FFY2018 Plan and was considerably shorter than previous years. The FFY2019 solicitation was broken into two categories with the first category being due in October and the second category in February. Coppersmith stated that if there were no programmatic changes from the FFY2018 Plan, states were only required to submit a budget, staffing list, and DMC plan in February rather than an entire plan update.

Coppersmith provided an overview of the proposed budget for FFY2019 which was consistent with the FFY2018 submission. The staffing list would be updated after the CJS Chair election and contains all staff associated with the Formula Grants Program. Coppersmith added that OJJDP also changed the format of the DMC plan for FFY2019. Historically, states were required to submit a plan that contained relative rate index measurements across nine contact points of the juvenile justice system and a detailed analysis and narrative about the DMC process in the state. For FFY2019, states are required to report numbers and percentages for the contact points of arrest, diversion, secure detention, and commitment and provide an action plan that explains how DMC will be addressed. Coppersmith presented a draft DMC plan based on state fiscal year (SFY) 2017 data and explained that the submitted action plan will be evaluated on its effectiveness and implementation in the FFY2020 application.

Discussion ensued concerning the amended application requirements and the fact that DOC would update the documents as necessary prior to the February 28, 2019 due date.

Chuck Frieberg moved to approve the FFY2019 Formula Grant Three Year Plan Application to OJJDP by February 28, 2019 with the understand that DOC staff will update as necessary prior to submission, Miskoo Petite seconded. Motion carried unanimously.

9. APPROVAL OF SFY2018 ANNUAL REPORT

Coppersmith presented the draft publication of the Council's SFY2018 Annual Report and explained that some of the content would need to be updated prior to printing and distribution in January. Coppersmith asked for volunteers from the Council to assist with the final review. Chair Beth O'Toole, Vice-Chair Sara McGregor-Okroi, and Tiffany Glaser volunteered to review the complete publication prior to printing.

Discussion ensued concerning the content and adding a chart to the DMC section to better display successes under the core requirement.

Keith Bonenberger moved to approve the SFY2018 Annual Report with the understanding DOC staff will update as appropriate, Carol Twedt seconded. Motion carried unanimously.

10. COMPLIANCE MONITORING REPORT

Van Hunnik presented the compliance monitoring report for October 1, 2017 – September 30, 2018. Van Hunnik explained that 1,759 records were submitted resulting in four violations of the deinstitutionalization of status offenders (DSO) requirement and seven violations of the jail removal

requirement. Based on calculations for violations for FFY2018, South Dakota should be found in compliance with less than 13 DSO violations and less than 15 jail removal violations. Van Hunnik noted that the DSO violations were in Beadle, Brown, and Day Counties by juveniles who violated a valid court orders and did not have hearings within 24 hours. Beadle and Brown Counties each had one violation and Day County had two violations of which one juvenile accounted for both. The seven jail removal violations were in Brookings County where status offenders were held in an unlocked conference room within a secure perimeter of the jail. Van Hunnik noted that the status offenders were not held in jail cells and that one juvenile accounted for five of the violations.

11. DIVERSION FISCAL INCENTIVE PROGRAM YEAR THREE PRESENTATION

Coppersmith presented an overview of the third year of the Fiscal Incentive Diversion Program under the Juvenile Justice Reinvestment Initiative. Coppersmith highlighted that of the 1,939 youth who completed a court approved diversion program in SFY2018, 1,493 (77%) youth completed successfully resulting in \$250,002.85 being paid to 27 counties. Coppersmith explained that 26.6% of the completers were for a most serious offense of truancy and of which 87.6% completed their programs successfully. Additional demographics displayed 51.2% of completers were for white youth, 30.0% of referrals were for Native American youth, 60.0% of completers were males, and 49.7% of completers were 16 or 17 years old.

Discussion ensued concerning how diversion programs become court approved, successful completion definitions for diversion programs, the increase in the number of referrals and successful completers, the prorating of funds resulting in counties being paid less than \$250 per successful completer, and the breakdown of completers by program type.

12. ELECTION OF CJS CHAIR AND VICE CHAIR

Chair O'Toole turned the meeting over to Coppersmith to oversee the annual elections. Coppersmith explained that the CJS Chair and Vice-Chair cannot be full time government employees and that the elected Chair and Vice-Chair will start their term following the adjournment of the meeting.

Carol Twedt moved to nominate Beth O'Toole for CJS Chair, Miskoo Petite seconded. Aaron McGowan moved to cease nominations for CJS Chair and cast a unanimous ballot for Beth O'Toole, Chuck Frieberg seconded. Motion carried unanimously.

Sheriff Mike Leidholt moved to nominate Sara McGregor-Okroi for CJS Vice-Chair, Kim Cournoyer seconded. Motion carried unanimously.

Coppersmith explained that the Executive Committee is made up of the elected Chair and Vice-Chair and three additional elected members who are not held to the same restrictions of the Chair and Vice-Chair regarding being full time government employees. Coppersmith added that the Executive Committee typically meets telephonically and acts on topics that need addressing between meetings and that the action needs to be ratified by the entire Council at their next meeting.

Sheriff Mike Leidholt moved to nominate Charles Frieberg, Judge Tami Bern, and Betty Oldenkamp for the three positions on the Executive Committee, Carol Twedt seconded. Motion carried unanimously.

Coppersmith turned the meeting back over to Chair O'Toole.

13. JUVENILE JUSTICE UPDATES

Secretary Denny Kaemingk explained that the meeting would be his last as the Cabinet Secretary of DOC as he will be retiring in January. Secretary Kaemingk thanked the Council for their service and impact on juvenile justice in South Dakota.

Betty Oldenkamp noted that there was a recent meeting of the Juvenile Detention Alternatives Initiative (JDAI) Steering Committee where progress was discussed in expanding JDAI to Brown, Codington, and Davison Counties and that it would be nice to have an update regarding JDAI progress at a future meeting. Chuck Frieberg added that he along with four other representatives from South Dakota had just returned from a national JDAI conference in Miami. Aaron McGowan stated that his senior juvenile prosecutor, Carole James, has resigned and that while she will be missed, the Minnehaha County State's Attorney's Office is in good hands with her replacement.

14. NEXT MEETING LOCATION AND DATES

Council Members were asked to provide their ideal meeting dates to DOC staff to establish meeting dates for 2019 Council meetings. Coppersmith explained that the next meeting would be in May or June due to the March meeting no longer needing to take place because of approving the Formula Grant Application during the meeting.

15. WRAP-UP AND ADJOURN

At 3:57PM, Betty Oldenkamp moved to adjourn, Carol Twedt seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

DRAFT

June 2019 Budget Status Report

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

| State Program Title | Federal Budget | Exp to Date (6/3/2019) | Current Balance (6/3/19) | Proposed Amendment | Amended Balance (if approved) | Projected Expenses through 9/30/2019* | Projected Balance 9/30/2019 | Budget Narrative |
|---|---------------------|------------------------|--------------------------|---------------------|-------------------------------|---------------------------------------|-----------------------------|--|
| Delinquency Prevention | \$150,000.00 | \$64,853.39 | \$85,146.61 | -\$50,000.00 | \$35,146.61 | \$30,000.00 | \$5,146.61 | - Andes Central and Dell Rapids School Systems Year 2 and 3 Awards - Evaluation Services |
| Planning/Admin | \$20,000.00 | \$13,719.82 | \$6,280.18 | \$0.00 | \$6,280.18 | \$6,280.18 | \$0.00 | - Costs associated with Formula Grant Program implementation by DOC administration staff - Cannot go negative in P&A Program Area |
| Council of Juvenile Services | \$13,667.00 | \$948.00 | \$12,719.00 | -\$10,000.00 | \$2,719.00 | \$2,500.00 | \$219.00 | - Quarterly Meetings - Annual Report |
| Deinstitutionalization of Status Offenders (DSO) | \$18,000.00 | \$21,902.04 | -\$3,902.04 | \$10,000.00 | \$6,097.96 | \$15,000.00 | -\$8,902.04 | - County Reimbursement Program (No program or county cap) |
| Separation | \$9,000.00 | \$14,515.84 | -\$5,515.84 | \$5,000.00 | -\$515.84 | \$7,500.00 | -\$8,015.84 | |
| Jail Removal | \$18,000.00 | \$10,445.55 | \$7,554.45 | \$10,000.00 | \$17,554.45 | \$15,000.00 | \$2,554.45 | |
| Compliance | \$20,000.00 | \$9,289.15 | \$10,710.85 | \$0.00 | \$10,710.85 | \$8,500.00 | \$2,210.85 | - Costs associated with compliance monitoring by DOC administration staff |
| Disproportionate Minority Contact (DMC) | \$75,000.00 | \$65,278.30 | \$9,721.70 | \$40,000.00 | \$49,721.70 | \$58,000.00 | -\$8,278.30 | - Two current subgrants - Costs associated with DMC by DOC administration staff - Minnehaha County RED Program |
| Native American Programs | \$60,000.00 | \$39,180.76 | \$20,819.24 | \$0.00 | \$20,819.24 | \$25,000.00 | -\$4,180.76 | - American Horse School Year 2 and 3 Awards - SWO Year 1 and 2 Awards |
| Juvenile Justice System Improvement | \$10,000.00 | \$0.00 | \$10,000.00 | \$0.00 | \$10,000.00 | \$10,000.00 | \$0.00 | Alternatives to Detention Support |
| Total | \$393,667.00 | \$240,132.85 | \$153,534.15 | | \$153,534.15 | \$177,780.18 | -\$24,246.03 | |

*Projected expenses assumes all applications are awarded under the program areas of Delinquency Prevention and Native American Programs and that at least one Alternatives to Detention Support application is awarded for State Fiscal Year 2020.

South Dakota Council of Juvenile Services' Understanding Unconscious Bias

July 22nd Pierre, SD
Registration Cutoff Date:
July 12th

The South Dakota Council of Juvenile Services oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act Formula Grants Program and currently supports efforts to address racial and ethnic disparities in the juvenile justice system.

To assist communities in addressing disparate outcomes for minority youth who come into contact with the juvenile justice system, the Council is hosting a training on unconscious bias. It is the hope of the Council and their staff support at the SD Department of Corrections that training participants will find benefits in attending.

This training will serve as an initial step in developing a statewide dialogue on improving juvenile justice outcomes for minority youth and will be followed by future trainings.



Dr. Booker Hodges is a law enforcement professional who has worked as a school resource officer, patrol deputy, narcotics detective, SWAT operator, and chief of police. He currently serves as the assistant commissioner of law enforcement for the Minnesota Department of Public Safety. Dr. Hodges is a national presenter on the topic of unconscious bias.

Tentative Schedule

Monday July 22nd

10:00 AM - 11:00 PM

Welcome and Introductions

11:00 PM - 12:00 PM

Presentation from Minnehaha County's Reducing Racial & Ethnic Disparities Capstone Project

12:00 PM – 12:30 PM

Lunch (provided)

12:30 PM – 3:30 PM

Unconscious Bias Training by Dr. Hodges

3:30 PM – 4:30 PM

Question/Answer Session/Closing Remarks

Training Logistics

Location: AmericInn Conference Center

312 Island Drive, Fort Pierre SD 57532

To assist local agencies with the cost of attending this training, a stipend of \$250 per attendee with a cap of \$2,000 for each local agency. This stipend is intended to assist with staff time and travel costs.

The registration cutoff date for attendance is July 12th.

Training Contact

Please contact Heather Van Hunnik at the SD Department of Corrections with any questions.

Phone: 773-3478

Email: heather.vanhunnik@state.sd.us

Compliance Report For 10/01/2018 - 03/31/2019

| | Records Submitted | # of records submitted Oct. 2018 - Mar 2019 | Records Under Review | Potential DSO Violations | Potential Jail Removal Violations | Potential Separation Violations |
|-----------------------------|-------------------|--|-------------------------|-----------------------------|---|---------------------------------------|
| Beadle County JDC | 48 | 48 | 0 | 0 | 0 | 0 |
| Brown County JDC | 107 | 107 | 0 | 0 | 0 | 0 |
| Codington County JDC | 14 | 14 | 1 | 0 | 0 | 0 |
| Day County JDC | 7 | 7 | 0 | 0 | 0 | 0 |
| Hughes County JDC | 78 | 78 | 0 | 0 | 0 | 0 |
| Minnehaha County JDC | 296 | 296 | 22 | 0 | 0 | 0 |
| Pennington County JDC | 289 | 289 | 0 | 0 | 0 | 0 |
| Roberts County JDC | 69 | 69 | 0 | 0 | 0 | 0 |
| Spearfish Police Department | 17 | 17 | 0 | 0 | 0 | 0 |
| Walworth County JDC | 3 | 3 | 0 | 0 | 0 | 0 |
| Yankton County Jail | 44 | 44 | 0 | 0 | 0 | 0 |
| Total | 972 | 972 | 23 | 0 | 0 | 0 |

*Brookings County Jail now has a non-secure holding option for juveniles and will no longer be included in this report.

Key Changes to the JJDPA Title II Formula Grant Program
Made by the Juvenile Justice Reform Act of 2018
(Public Law 115-385, enacted December 21, 2018)

This document describes requirements in the Juvenile Justice Reform Act of 2018 (JJRA) and does not impose any obligations that go beyond those set forth in the Juvenile Justice and Delinquency Prevention Act, as amended by the JJRA, or in the Formula Grant Program regulation at 28 C.F.R. Part 31, Subpart A.

Application (“Effective Date”) of Amendments

The JJRA amendments apply to fiscal year (FY) 2020 and subsequent awards, but do not apply to FY 2019 and earlier awards. This means that for several years states will have open awards governed by the JJDPA prior to the JJRA amendments, and other awards governed by the JJDPA as amended by the JJRA.

Definitions

Definitions have changed for some of the terms used in the statute, including “adult inmate,” “contact” (which is now “sight or sound contact”), “Indian tribe” (does not change eligibility requirements for tribes), and “jail or lockup for adults.” (Section 103.)

Annual Report Data

Additional data points included in the description of OJJDP’s annual report do not impose additional reporting requirements on states. OJJDP may ask states to submit the additional data elements on a voluntary basis, but not doing so will not result in a state’s noncompliance, nor will it affect a state’s eligibility. (Section 207.)

State allocations

Minimum Allocation

When the appropriation for the formula grant program is less than \$75,000,000, the minimum allocation for the states and Puerto Rico has been raised from \$325,000 to \$400,000, and for territories may not be less than \$75,000 as before, but now there is no upper statutory limit. When the appropriation for the formula grant program is \$75,000,000 or more, the allocation to the territories (other than Puerto Rico) will be no less than \$100,000. (Section 221(2)(A) and (B).)

Planning and Administration

States will be required to designate “not less than one individual” for the purpose of coordinating state compliance efforts. (Section 221(c).)

State Advisory Group Allocation

The SAG allocation may be *up to 5 percent* of each state’s annual allocation. (Section 222(d).)

State Plan Requirements

Publication on State's Website

States now will be required to post their final state plans on their public websites 60 days after they are finalized (i.e., have received final approval by OJJDP). (Section 223(a).)

State Advisory Group

States will be required to have members on the state advisory group with additional expertise (for example, adolescent development) and members with additional qualifications (for example, state license or certification in mental health or substance abuse), and additional representation (for example, representatives of victim or witness advocacy groups and tribal representation in states in which tribes are located). Additionally, if a state is unable to fill the positions of individuals who are or have been under the jurisdiction of the juvenile justice system, it may appoint a parent or guardian of such an individual. (Section 223(a)(3).)

Juvenile Crime Analysis

States must, within one year of enactment of the JJRA (by December 21, 2019) include in their juvenile crime analysis a plan to:

- eliminate the use of restraints of known pregnant juveniles in secure juvenile detention and correctional facilities during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others (Section 223(a)(7)(B)(ix)(I)); and
- eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless credible reasonable ground exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method (Section 223(a)(7)(B)(ix)(II)).

States must, within two years of enactment of the JJRA (i.e., by December 21, 2020), implement the plan to eliminate the use of restraints of known pregnant juveniles as described in sections 223(a)(7)(B)(ix)(I) and (II). (The term “restraints” is defined at section 103(33).)

Program Areas

The JJRA added a number of program areas that states may support with formula grant funds, including: (1) legal representation for juveniles; (2) informing juveniles of the opportunity for records expungement and sealing, and providing them with assistance; (3) addressing the needs of girls in or at risk of entering the juvenile justice system; (4) compliance monitoring; and (5) providing training and technical assistance on the core requirements to secure facilities. (Section 223(a)(9).)

Juveniles Treated as Adults

By December 21, 2021, unless found by a court to be in the interest of justice, juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in a jail or lockup for adults (except as provided under the jail removal requirement). The determination of whether such detention would be in the interest of justice must: (1) be after a hearing; (2) be in writing; and (3) take into consideration several criteria (e.g., the juvenile's age, physical and mental maturity, present mental state, history of delinquency). When the court finds such detention in the interest of justice, there are additional requirements that must be met. This requirement was added to Section 223(a)(11) which is one of the core requirements with which failure to comply will result in a reduction in funding. (Section 223(a)(11)(B).)

System of Compliance Monitoring States must now describe an “effective” system of monitoring for compliance with the core requirements but no longer need include non-secure facilities in their monitoring universe. (Section 223(a)(14).)

Racial and Ethnic Disparities

The “disproportionate minority contact” requirement now requires states to instead identify and reduce *racial and ethnic disparities* (as defined in Section 103(41)). (Section 223(a)(15).)

Valid Court Order

Additional requirements have been imposed for use of the valid court order exception to the DSO requirement. Specifically, within 48 hours of the juvenile being taken into custody for violation of the VCO, if the court determines that placement in a secure detention or secure correctional facility is warranted, the court must issue a written order setting out the specific factual circumstances surrounding the violation of the VCO. Such placement may not exceed 7 days and the court’s order may not be renewed or extended. A second or subsequent order is not permitted with respect to violation of a particular VCO. The JJRA also added a requirement that there must be procedures in place to ensure that a status offender is not detained longer than 7 days or the length of time directed by the court (whichever is shorter). (Section 223(a)(23).)

Additional Information Required in State Plan

States must include in their state plan a description of any the following that the State has or will have in place:

- Policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques. (Section 223(a)(29).)
- The evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, treatment, and treatment for juveniles who request or need a screening or are held for more than 24 hours in a secure facility that provides for an initial screening. (Section 223(a)(30)(A).)
- How the State will seek, to the extent practicable, to provide or arrange for mental health substance abuse disorder treatment for juveniles determine to be in need of such treatment. (Section 223(a)(30)(B).)
- How reentry planning for juveniles will include a written case plan based on an assessment of needs that includes the pre- and post-release plans for juveniles, the living arrangements to which the juveniles are to be discharged, and any other plans developed for the juveniles based on an individualized assessment. (Section 223(a)(31).)
- Policies and procedures to screen for, identify, and document in State records the identification of victims of domestic human trafficking, or those at risk of such trafficking, and to divert such youth to appropriate programs or services, to the extent practicable. (Section 223(a)(33).)

Note: States are not required to have these plans, policies, and/or procedures in place, but rather to describe what they currently have in place or plan to put in place.

Funds Not Allocated Due to State Noncompliance

The funds that remain unallocated due to state allocation reductions for noncompliance with the core requirements will be reallocated to states in compliance (50 percent of the total of unallocated funds) and for training and technical assistance to states to support compliance with the core requirements (50 percent of the total of unallocated funds) (Section 223(c)(2).)