

## South Dakota RED Plan – FFY2020 Formula Grant Application

<b>Statewide 7/1/2018 - 6/30/2019</b>		<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Asian</b>	<b>Hispanic</b>	<b>All Minorities</b>
	<b>Population Data</b>	<b>74,752</b>	3,764	14,031	2,165	5,289	25,249
<b>Arrest</b>	Number	2,207	401	1,689	43	346	2,479
	Percentage	2.95%	10.65%	12.04%	1.99%	6.54%	9.82%
<b>Diversion</b>	Number	1,288	147	592	23	163	925
	Percentage	1.72%	3.91%	4.22%	1.06%	3.08%	3.66%
<b>Secure Detention</b>	Number	644	158	800	25	94	1,077
	Percentage	0.86%	4.20%	5.70%	1.15%	1.78%	4.27%
<b>Commitment</b>	Number	37	9	26	1	6	42
	Percentage	0.05%	0.24%	0.19%	0.05%	0.11%	0.17%

<b>Minnehaha 7/1/2018 - 6/30/2019</b>		<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Asian</b>	<b>Hispanic</b>	<b>All Minorities</b>
	<b>Population Data</b>	<b>14,964</b>	1,920	714	594	1,447	4,675
<b>Arrest</b>	Number	523	290	343	11	152	796
	Percentage	3.20%	13.21%	38.63%	1.48%	10.56%	15.11%
<b>Diversion</b>	Number	305	91	72	12	55	230
	Percentage	1.86%	4.15%	8.11%	1.61%	3.82%	4.37%
<b>Secure Detention</b>	Number	208	124	164	5	68	361
	Percentage	1.27%	5.65%	18.47%	0.67%	4.72%	6.85%
<b>Commitment</b>	Number	7	5	6	-	2	13
	Percentage	0.04%	0.23%	0.68%	0.00%	0.14%	0.25%

<b>Pennington 7/1/2018 - 6/30/2019</b>		<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Asian</b>	<b>Hispanic</b>	<b>All Minorities</b>
	<b>Population Data</b>	<b>8,706</b>	289	2,091	199	868	3,445
<b>Arrest</b>	Number	551	45	880	11	103	1,039
	Percentage	6.33%	15.73%	42.09%	5.53%	11.85%	30.16%
<b>Diversion</b>	Number	439	38	422	7	58	525
	Percentage	5.04%	13.29%	20.18%	3.52%	6.67%	15.24%
<b>Secure Detention</b>	Number	172	20	402	-	-	422
	Percentage	1.98%	6.99%	19.23%	0.00%	0.00%	12.25%
<b>Commitment</b>	Number	3	1	12	-	1	14
	Percentage	0.03%	0.35%	0.57%	0.00%	0.12%	0.41%

## ***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 RED numbers tell you about your jurisdiction?**

- a. South Dakota's RED numbers show that all minority groups make up 25% of the juvenile population at risk. Yet, they make up over 53% of the juvenile arrests, commitments, and detention admissions.
  - i. Minority youth in Minnehaha County account for 24% of the juvenile population but 63% of secure detention admissions and 65% of commitments to the Department of Corrections.
  - ii. Minority youth make up 28% of the Pennington County juvenile justice population but account for 71% 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 36% of arrests, 46% of detention admissions, and 33% of juvenile commitments statewide.

### **2> What would success in RED 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 RED next year?**

- a. Statewide, minority youth make up 63% of secure detention placements, which was an increase from 59% in FFY19. South Dakota's goal is to reduce RED by 2 percentage points at the data collection point of detention. While South Dakota saw an increase in overall minority youth secure detention placements, we did see a reduction of 2% in Native American youth. Additionally, Native American youth saw a reduction of 11% in juvenile commitments. Native American youth accounted for 44% of

juvenile commitments in FFY19 and 33% in FFY20, which is an 11% reduction. The also saw 3% reduction in arrest statewide, moving from 39% in FFY19 to 36% in FFY20. 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 previous reductions at the point of detention. Current subgrants in Minnehaha and Pennington Counties under the program area of RED for FFY2020 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 RED 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 RED, 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 RED reduction strategy. By being collaborative, our hope is that our strategy will not negatively impact other strategy points.

## ***Action Plan***

**1> What are your new numbers?**

- a. South Dakota's RED numbers show that all minority groups make up 25% of the juvenile population at risk. Yet, they make up over 53% of the juvenile arrests, commitments, and detention admissions.
  - i. Minority youth in Minnehaha County account for 24% of the juvenile population but 63% of secure detention admissions and 65% of commitments to the Department of Corrections.
  - ii. Minority youth make up 28% of the Pennington County juvenile justice population but account for 71% 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 36% of arrests, 46% of detention admissions, and 33% of juvenile commitments statewide.

**2> Did you meet your goals?**

- a. **No.**

**3> What were the barriers. How might you overcome them next year? What partners do you need?**

- a. While South Dakota saw an increase in overall minority youth secure detention placements, we did see a reduction of 2% in Native American youth. Additionally, Native American youth saw a reduction of 11% in juvenile commitments. Native American youth accounted for 44% of juvenile commitments in FFY19 and 33% in FFY20, which is an 11% reduction. The also saw 3% reduction in arrest statewide, moving from 39% in FFY19 to 36% in FFY20. South Dakota has interventions in place with appropriate community partners. While the overall arrest rate increased, South Dakota saw decreases in arrests and commitments for Native American youth. This suggests that the interventions are having a positive impact on a minority population that is disproportionately represented in our state.

**4> How can OJJDP help you next year? What do you need from us?**

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

- 5> **How do you protect the public, hold juvenile offenders accountable, and equip them to live crime-free?**
  - a. South Dakota will continue to collaborate with justice partners at all contact points to lessen the unintended consequences related to our detention RED reduction strategy. By being collaborative, our hope is that our strategy will not negatively impact other strategy points.
- 6> **What are your goals for next year?**
  - a. South Dakota's goal is to reduce RED by 2 percentage points at the data collection point of detention.

## **FY 2020 Addendum**

***• Describe how the state plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents; 34 U.S.C. § 11133(a).***

The state plan supports Juvenile Detention Alternatives Initiative (JDAI) services and a capstone program as part of the Reducing Racial and Ethnic Disparities Certificate Program through the Center for Justice Reform and Georgetown University. Both JDAI and the capstone programs are based on research and the impacts of delinquency prevention programs and juvenile justice interventions on adolescents. Services for youth offenders in South Dakota are also provided through the State's Juvenile Justice Reinvestment Initiative (JJRI) which is the statewide juvenile justice reform for South Dakota.

***• Contain a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system; 34 U.S.C. § 11133(a)(7)(B)(iv).***

The state plan supports JDAI services which focuses on alternatives to detention for youth. The plan also supports a County Reimbursement Program which encourages arresting agencies to utilize alternatives to detention for youth.

***• Contain a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs; 34 U.S.C. § 11133(a)(7)(B)(v).***

The state plan supports JDAI, delinquency prevention, case management, and diversion services targeted at reducing the amount of time youth are in secure detention.

**• *Contain a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; 34 U.S.C. § 11133(a)(7)(B)(vi).***

The state plan supports Racial and Ethnic Disparities Case Managers who assist youth and their families in understanding the importance of attending hearings, complying with diversion recommendations, overcoming barriers in the juvenile justice system, and connecting with community supports and services. Functional Family therapy is also a service provide through the JJRI.

**• *Contain a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system; 34 U.S.C. § 11133(a)(7)(B)(vii).***

The state plan supports delinquency prevention services within community school districts, JDAI services in three communities, and the county reimbursement program throughout the state. All three programs are focused on serving youth in their communities in the least restrictive manner possible.

**• *Contain a plan to promote evidence-based and trauma-informed programs and practices; 34 U.S.C. § 11133(a)(7)(B)(viii).***

The state plan supports the use of evidence-based delinquency prevention services through delinquency prevention subgrants. Current subgrants are implementing the evidence-based program “Positive Action” in their school systems.

**• *Contain a plan that shall be implemented not later than December 21, 2020, to—***  
***I. eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction 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.*

*II. eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—*

*(a) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or*

*(b) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method; 34 U.S.C. § 11133(a)(7)(B)(ix).*

Prior to December 21, 2020, staff supported by the state plan will share information regarding the requirements with all secure juvenile detention facilities and provide technical assistance for policy drafting and support. A tracking mechanism will also be added to regular data submissions to ensure that facility policies are being followed. NOTE: South Dakota does not have any secure juvenile correction facilities.

*• Describe policies, procedures, and training in effect, if any, 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; 34 U.S.C. § 11133(a)(29).*

Note applicable as South Dakota does not have any secure juvenile correction facilities.

*• Describe:*

*(A) The evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—*

*(i) request a screening;*

*(ii) show signs of needing a screening; or*

*(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and*

*(B) How the state will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; 34 U.S.C. § 11133(a)(30).*

Secure juvenile detention facilities are required to adhere to Collocated Juvenile Detention Facility Approval Standards that are monitored under the state plan. Standard 3 outlines requirements regarding medical, dental, and mental health services:

**Standard 3.A.** Facility has identified medical, dental, mental health service providers and provides access to routine and emergency 24-hour medical, dental, and mental health services.

**Standard 3.B.** A medical, dental, mental health intake screening or questionnaire is completed upon admission by a health trained staff person (intake or custody staff trained by a health care professional) or a qualified health care professional (Nurse, Physician's Assistant, Certified Nurse Practitioner, or Medical Doctor).

**Standard 3.C.** A medical assessment or health appraisal is completed within one week of admission by or a qualified health care professional (Nurse, Physician's Assistant, Certified Nurse Practitioner, or Medical Doctor).

Providers accredited and contracted with by the Department of Social Services are all community-based and adhere to department rules and standards. Providers are required to conduct an integrated assessment on all clients and make appropriate referrals for additional services, as identified. Department rules can be found at:

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=67:62:08:05> and

<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=67:61:07:05>.

• *Describe how reentry planning by the state for juveniles will include—*

*(A) A written case plan based on an assessment of needs that includes—*

*(i) the pre-release and post-release plans for the juveniles;*



*(ii) the living arrangement to which the juveniles are to be discharged;  
and*

*(iii) any other plans developed for the juveniles based on an  
individualized assessment; and*

*(B) Review processes; 34 U.S.C. § 11133(a)(31).*

The South Dakota Department of Corrections adheres to Operational Memorandum 6.1.E.3 Program Planning regarding the case management activities related to youth in placement settings. The South Dakota Department of Corrections also adheres to a Monthly Reauthorization Form where all youth treatment goals are matched to youth assessments and identification of high-risk domains. The form requires documentation for pre-release and post-release plans and living arrangements. An aftercare contract, which is completed prior to release, includes identification of the custodian. A regional supervisor must sign off on the report to provide quality assurance to ensure that all required processes are occurring.

• *Describe policies and procedures, if any, to—*

*(A) Screen for, identify, and document in records of the state the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and*

*(B) Divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable; 34 U.S.C. § 11133(a)(33).*

Not applicable as South Dakota does not have any secure juvenile correction facilities.

## South Dakota Department of Corrections FY20 Formula Grant Application Budget Worksheet

Program Area	Program Area Description	FY2019	FY2019 Match	FY2019 Total
<b>Planning &amp; Administration</b>		\$20,000	\$20,000	\$40,000
<b>Planning &amp; Administration Detail (Staff)</b>	<b>Personnel</b>	\$14,750	\$14,750	\$29,500
	<b>Fringe Benefits</b>	\$4,500	\$4,500	\$9,000
	<b>Travel</b>	\$750	\$750	\$1,500
<b>Pass-Through Eligible Program Areas Total</b>		\$361,747	\$0	\$361,747
<b>A</b>	<b>Community Based Alternatives to Incarceration and Institutionalization (JDAI and County Reimbursement Program)</b>	\$150,747 P	\$0	\$150,747
<b>B</b>	<b>Community-Based Programs and Services (DMC/RED Subgrants)</b>	\$60,000 P	\$0	\$60,000
<b>C</b>	<b>Juvenile Justice and Delinquency Prevention Programs (Prevention Subgrants)</b>	\$50,000 P	\$0	\$50,000
<b>F</b>	<b>Programs to Expand the Use of Probation Officers (Native American Pass-Through)</b>	\$40,000 P	\$0	\$40,000
<b>M</b>	<b>Graduated Sanctions (RED Capstone)</b>	\$46,000 P	\$0	\$46,000
<b>W</b>	<b>Compliance Monitoring (Staff)</b>	\$15,000	\$0	\$15,000
<b>Additional Program Areas</b>		\$25,000	\$0	\$25,000
<b>State Advisory Group (Council of Juvenile Services)</b>		\$15,000	\$0	\$15,000
<b>Racial and Ethnic Disparities (RED) (Staff)</b>		\$10,000	\$0	\$10,000
<b>Budget Total:</b>		<b>\$406,747</b>	<b>\$20,000</b>	<b>\$426,747</b>

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 \$346,747** which exceeds the required **\$260,904** ( $(\$406,747 - \$15,000 \text{ (SAG)}) * 0.666$ ).

**Budget Detail Worksheet**  
**South Dakota Department of Corrections**  
**FY20 Formula Grant Application**  
**Budget Narrative**

**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.

**A: Community Based Alternatives to Incarceration and Institutionalization (\$150,747):**

Funds allocated to support communities implementing Juvenile Detention Alternatives initiative (JDAI) and the County Reimbursement Program which assists counties with remaining in compliance with the JJDPA.

**B: Community Based Services (\$60,000)**

Funds to support two local RED subgrants that provide case management services targeted for pre-adjudicated youth and their families.

**C: Juvenile Justice and Delinquency Prevention (\$50,000):**

Funds support two juvenile justice and delinquency prevention subgrants to implement evidence-based programing in school-based settings.

**F: Probation Officers (\$40,000):**

Funds to support one subgrant on a Native American Reservation to enhance juvenile probation services. This allocation contains the minimum allocation of \$32,313 required to be spent under the FFY2019 Native American Pass-Through.

**M: Graduated Sanctions (\$46,000)**

Funds to support the capstone implementation from Minnehaha County's participating in the Reducing Racial and Ethnic Disparities Certificate Program through the Center for Justice Reform and Georgetown University in November 2017.

**W: Compliance Monitoring (\$15,000):**

Funds allocated to this program area will be used to cover the cost of a part-time compliance monitoring position at \$15,000 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.

**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.

**Racial and Ethnic Disparities (RED) (\$10,000):**

The allocation will support a part-time DMC coordinator position at \$10,000 for salary and benefits.

**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.