

Council of Juvenile Services (CJS)
Proposed Meeting Agenda
February 26, 2024, 10:00 AM CST

Location: Microsoft Teams Meeting
Join on your computer or mobile app | [Click here to join the meeting](#)
Meeting ID: 275 843 891 974
Passcode: oVCah5

+1 605-679-7263,,869119587# *United States, Sioux Falls*
Phone Conference ID: 869 119 587#

For assistance with connecting to the meeting or to request an invite to the meeting, email Haley Carey at haley.carey@state.sd.us

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

Monday, February 26, 2024

- | | |
|----------|---|
| 10:00 AM | Welcome, Introductions, and Review Agenda (Chair Beth O’Toole) |
| 10:10 AM | Period for Public Comment (Chair O’Toole) |
| 10:20 AM | Council Business <ul style="list-style-type: none">• Conflict of Interest Discussion and Disclosures (Haley Carey)• Approval of June 2023 Meeting Minutes (Chair O’Toole)• Ratification of August 2023 Executive Committee Meeting Action (Haley Carey)• Action Concerning Coalition for Juvenile Justice Membership (Haley Carey) |
| 10:30 AM | Status Report (Haley Carey and John Stewart) <ul style="list-style-type: none">• Budget<ul style="list-style-type: none">○ Diversion/Tribal LE Intervention Training• Site Visit & Audit Findings• OJJDP Updates• Compliance Data |
| 10:50 AM | Brown County Native American Court Partnership (John Stewart) |
| 11:00 AM | Annual Report Discussion |
| 11:10 AM | Juvenile Justice Updates (Open to CJS Members) |
| 11:15 AM | Wrap-up & Adjourn (Chair O’Toole) <ul style="list-style-type: none">• Next Meeting: August 2024 |

Meeting Minutes DRAFT
South Dakota Council of Juvenile Services

June 28, 2023

Teams Video Conference

Wednesday, June 28, 2023

Council of Juvenile Services Members Present: 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; Kristi Bunkers, Director of Juvenile Services; Cassidy Frederick, Youth Member; Charles Frieberg, Director of Court Services; Daniel Haggar, Minnehaha County States Attorney; Cindy Heiberger, Former Minnehaha County Commissioner; Doug Hermann, Executive Director of The Club for Boys; Jennifer Johnson, Southeastern Directions for Life JJRI Coordinator; and Angela Lisburg, Avera St. Mary’s Central South Dakota Child Assessment Center.

Council of Juvenile Services Members Absent: Pat Bad Hand, Rosebud Sioux Tribe Juvenile Detention Center Administrator; Mason Best, Youth Member; Melanie Boetel, Department of Social Services; Kim Cournoyer, Service Provider; Sheriff Brad Howell, Codington County Sheriff; Dave McNeil, Aberdeen Police Department Chief, Tierney Scoblic, Youth Member; and Skylir Skipper, Youth Member.

State Agency Staff Support: Bridget Coppersmith, and John Stewart, South Dakota Department of Corrections (DOC).

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Beth O’Toole welcomed everyone to the meeting at 2:32 PM on June 28, 2023, and introductions were made. Bridget Coppersmith took role call and quorum was validated by Coppersmith at this time.

2. PERIOD FOR PUBLIC COMMENT

Chair O’Toole asked if there were any public comments to be brought before the Council at the meeting. After confirmation that no one had comments to share, Chair O’Toole proceeded with the meeting agenda and ended the period for public comment.

3. DISCLOSURE OF CONFLICTS OF INTEREST

Coppersmith reviewed the funding decisions coming before the Council at the meeting.

The following conflicts of interest were disclosed:

Kristi Bunkers – Application from: Lutheran Social Services

Chuck Frieberg –Applications from: Brown County; Codington County; Davison County; Hughes County; Lincoln County; Northern Hills, Yankton County; Lutheran Social Services

4. APPROVAL OF SEPTEMBER 2022 CJS MEETING MINUTES

Chair O’Toole provided an overview of the September 2022 Meeting Minutes.

Daniel Haggart moved to approve the September 2022 meeting minutes; Judge Tami Bern seconded. Motion carried unanimously with Dadra Avery, Charles Frieberg, and Doug Herrmann abstaining due to not being at the September meeting.

5. STATUS REPORT

Budget: Coppersmith reported that the Federal Fiscal Year (FFY) 2019 Award was fully expended and funds were being drawn down from the FFY 2020 award. The FFY 2020 award needs to be spent by September 30, 2024 and is on track to be fully expended by the end of 2023. Coppersmith noted that the FFY 2021 and 2022 awards have been granted to South Dakota and are available once the FFY 2020 award is fully spent.

Compliance: John Stewart explained that from October 2022 through March 2023, 1,147 records had been submitted and cleared and there were five potential deinstitutionalization of status offender (DSO) violations and one potential jail removal violation found. Stewart provided a summary of each potential violation and explained that they all need to be verified by the Office of Juvenile Justice and Delinquency Prevention (OJDP) at the end of the fiscal year.

OJJDP Update: Coppersmith explained that staff were waiting on the release of the FFY2023 Formula Grant Solicitation. Coppersmith noted that the application will be the final update year with next year requiring a full 3-year plan. Coppersmith attended mandatory OJJDP training in May which reviewed newly published tools for designated state agency staff.

DOC Staffing: Coppersmith explained that the DOC administration has undergone some reorganizing of staff and duties in the past year. As part of the changes, Coppersmith would no longer serve as the Juvenile Justice Specialist under the Formula Grants Program and all JJDPA oversight will be transitioned to the Juvenile Division from the Administration Office. Coppersmith added that Kristi Bunkers would be leading efforts going forward and will be supported by Stewart and Haley Carey who will serve as the juvenile justice specialist. Coppersmith thanked the Council for their work and support during her time as the juvenile justice specialist and stated that she would be available to assist with the transition of duties.

6. STATE FISCAL YEAR 2024 SUBGRANT APPLICATIONS

Stewart presented application overviews on behalf subgrant applicants for the State Fiscal Year (SFY) 2024 funding period. Stewart explained that Brown, Codington, and Davison Counties were applying to continue court resource homes in their counties; Yankton County was applying for their third year of alternatives to detention funds; and Hughes/Stanley Counties were applying for their second year of funding to support similar JDAI and diversion initiatives. The Northern Hills Diversion and Lincoln County applied for a first year of funding for alternative to detention services; Sisseton-Wahpeton Oyate Tribal Court, Oglala Lakota Housing Authority, Crow Creek Sioux Tribal Court, and the Cheyenne River Sioux Tribe Juvenile Prosecutor's Office applied for services tied to Native American Programs; Brown and Codington Counties applied for funding to address race and ethnic disparities in their counties; and Lutheran Social Services applied to pilot a Strengthening Families Initiative in Minnehaha County to support families throughout the entire juvenile justice system.

Discussion ensued concerning successes of applicants who have been previously funded and the impact they are having on youth in the state.

7. DOC RECOMMENDATIONS FOR FUNDING SFY 2024 SUBGRANT APPLICATIONS:

DOC staff recommended funding the four applications for Alternatives to Detention based on previous performance and services outlined in the applications.

Judge Tami Bern moved to approve the Lincoln County, Northern Hills Diversion, Yankton County, and Hughes/Stanley Counties applications as written, Cindy Heiberger seconded. Motion carried unanimously with Chuck Frieberg abstaining from discussion and action.

DOC staff recommended funding the three applications for Court Resource Homes based on previous performance and services outlined in the applications.

Kristi Bunkers moved to approve the Brown County, Codington County, and Davison County applications as written, Daniel Haggard seconded. Motion carried unanimously with Chuck Frieberg abstaining from discussion and action.

DOC staff recommended not funding the Sisseton-Wahpeton Oyate Tribal Court application based on previous performance of having high turnover with the position across numerous years of approved funding.

Kristi Bunkers moved to deny the Sisseton-Wahpeton Oyate Tribal Court application as written, Cindy Heiberger seconded. Motion carried unanimously.

DOC staff recommended funding the Oglala Lakota Housing Authority application but expressed concern with the amount of the award as the applicant only spent 30% of their approved funding during their

first award that had one month remaining. Staff recommended approving the application at \$75,000 with the ability to supplement as needed at future meetings based on performance.

Charles Frieberg moved to approve the Oglala Lakota Housing Authority at \$75,000, Angela Lisburg seconded. Motion carried unanimously.

DOC staff recommended funding the Crow Creek Sioux Tribal Court application but expressed concern with the amount of the award as the applicant is a new applicant under the Formula Grants Program. Staff recommended approving the application at \$60,000 with the ability to supplement as needed at future meetings based on performance.

Daniel Haggar moved to approve the Crow Creek Sioux Tribal Court at \$60,000, Sara McGregor-Okroi seconded. Motion carried unanimously.

DOC staff recommended funding the Cheyenne River Sioux Tribe Juvenile Prosecutor's Office application but expressed concern with the proposed budget of buying a vehicle. Staff recommended approving the application at \$50,000 after the exclusion of the vehicle costs.

Cindy Heiberger moved to approve the Cheyenne River Sioux Tribe Prosecutor's Office at \$50,000, Jennifer Johnson seconded. Motion carried unanimously.

DOC staff recommended funding the Reducing Racial and Ethnic Disparities application from Brown County based on previous performance and services outlined in the application.

Daniel Haggar moved to approve the Brown County application as written, Doug Herrmann seconded. Motion carried unanimously.

DOC staff recommended not funding the Reducing Racial and Ethnic Disparities application from Codington County based on the application not adhering to the scope of the application.

Jennifer Johnson moved to deny the Codington County application as written, Sara McGregor-Okroi seconded. Motion carried unanimously.

DOC staff recommended funding the Strengthening Families application from Lutheran Social Services based on previous performance and services outlined in the application.

Dadra Avery moved to approve the Lutheran Social Services application as written, Judge Tami Bern seconded. Motion carried unanimously with Kristi Bunkers and Chuck Frieberg abstaining from discussion and action.

8. JUVENILE JUSTICE UPDATES

Charles Frieberg stated that he, along with Annie Brokenleg and Lisa Barron from the Minnehaha County Juvenile Detention Center, traveled the state providing training and education for law enforcement on the risk assessment instrument (RAI).

Frieberg added that the next statewide JDAI steering committee meeting will be September 12th in Rapid City and will focus on reception centers and the 10th anniversary of the Arise West program.

Cindy Heiberger explained that the Minnehaha County Commission approved bonding for a new juvenile justice center with the goal of breaking ground at the current site in 2024.

Doug Herrmann inquired about the Juvenile Justice Oversight Committee extension and its scope that came about in the most recent legislative session. Frieberg explained that the committee was extended for 10 years, and Bunkers added that the bill required schools to be represented.

9. NEXT MEETING AND ADJOURN

The next meeting is scheduled for September 2023 with the exact date and location to be determined.

At 3:48 PM, Jennifer Johnson moved to adjourn, Doug Herrmann seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

Meeting Minutes - Draft
Executive Committee Conference Call
South Dakota Council of Juvenile Services (CJS)
August 18, 2023

CJS Executive Committee Members: Beth O'Toole, Chair and Professor at the University of Sioux Falls; Sara McGregor-Okroi, Vice-Chair and Director of Aliive Roberts County; Judge Tami Bern, Circuit Court Judge in the First Circuit; Charles Frieberg, Director of Court Services; and Sheriff Brad Howell, Codington County Sheriff.

Executive Committee Members Present: Chair Beth O'Toole, Vice-Chair Sara McGregor-Okroi, Judge Tami Bern, and Charles Frieberg.

Executive Committee Members Absent: Sheriff Brad Howell

Others Present: Kristi Bunkers, Haley Carey, Bridget Coppersmith and John Stewart, South Dakota Department of Corrections (DOC).

1. WELCOME

Chair Beth O'Toole called the meeting to order at 2:02 PM on Friday, August 18, 2023, and welcomed everyone to the call. Chair O'Toole explained that the purpose of the meeting was to act regarding the FY2023 Formula Grant Application.

2. DISCLOSURE OF CONFLICT OF INTEREST

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 asked if there were any public comments to be brought before the Council at the meeting. After confirmation that no one had comments to share, Chair O'Toole proceeded with the meeting agenda and ended the period for public comment.

4. APPROVAL OF FY2022 FORMULA GRANT APPLICATION

Coppersmith explained that the FY2023 Formula Grant Application was the third year of the 2021 Three-Year Plan and that funding would run from October 2023 to September 2027. Coppersmith noted that FY2020 Formula Grant funds are currently being spent and that South Dakota had been awarded funding for FY2021 and FY2022 which would be spent prior to utilizing the FY2023 award. The FY2023 application was due to the Office of Juvenile Justice and Delinquency Prevention by August 21, 2023.

Coppersmith explained that federal fiscal year 2022 detention data findings were inputted to OJJDP's Compliance Monitoring Tool (CMT). John Stewart reported zero deinstitutionalization of status offender (DSO) violations, zero jail removal, and zero sight and sound separation violations.

Coppersmith stated the program narrative outlines South Dakota's compliance with the 33 statutory requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP) and contains goals, objectives, and action plans consistent with current justice program areas. Coppersmith noted that, along with the budget, the narrative is based on what is currently being implemented and can be amended once South Dakota gets closer to drawing down the award. Since program goals have not changed since the FY2021 application, a statement of no change would be submitted in lieu of a new narrative.

Discussion ensued regarding the content of the application and appreciation to staff at the Department of Corrections for their work on it.

Charles Friberg moved to approve the FY2023 Formula Grant Application for submission to OJJDP as presented. Sara McGregor-Okroi seconded. Motion carried unanimously.

5. WRAP-UP AND ADJOURN

At 2:08 PM, Beth O'Toole moved to adjourn the Executive Committee Meeting. Charles Friberg seconded. Motion carried unanimously.

*Recorded by Bridget Coppersmith
Juvenile Justice Specialist*

February 2024 Budget Status Report

FFY 2019 Formula Grant Award End Date: 9/30/2023

State Program Title	Awarded Budget	Amended Budget	Exp to Date (9/30/2023)	Current Balance of Amended Budget (9/30/2023)
Delinquency Prevention	\$50,000.00	\$0.00	\$0.00	\$0.00
Planning/Admin	\$20,000.00	\$20,000.00	13,937.63	\$6,062.37
Council of Juvenile Services	\$15,000.00	\$15,000.00	\$10,259.43	\$4,740.57
Graduated Sanctions	\$46,000.00	\$36,000.00	\$30,449.82	\$5,550.18
Community Based Services	\$60,000.00	\$50,000.00	\$30,577.93	\$19,422.07
Compliance	\$15,000.00	\$15,000.00	\$16,873.63	(\$1,873.66)
Racial and Ethnic Disparities	\$10,000.00	\$10,000.00	\$12,029.36	(\$2,029.36)
Native American Programs	\$40,000.00	\$33,000.00	\$33,000.00	\$0.00
Community Based Alternatives	\$150,747.00	\$227,747.00	\$259,619.17	(\$31,872.17)
Total	\$406,747.00	\$406,747.00	\$406,746.97	\$0.00

FFY 2020 Formula Grant Award End Date: 9/30/2024

State Program Title	Awarded Budget	Amended Budget	Exp to Date (9/30/2023)	Current Balance of Amended Budget (9/30/2023)
Delinquency Prevention	\$50,000.00	\$0.00	\$0.00	\$0.00
Planning/Admin	\$20,000.00	\$20,000.00	\$12,529.79	\$7,470.21
Council of Juvenile Services	\$15,000.00	\$15,000.00	\$1,369.43	\$13,630.57
Graduated Sanctions	\$46,000.00	\$0.00	\$0.00	\$0.00
Community Based Services	\$60,000.00	\$20,000.00	\$47,518.79	(\$27,518.79)
Compliance	\$15,000.00	\$15,000.00	\$25,853.60	(\$10,853.60)
Racial and Ethnic Disparities	\$10,000.00	\$30,000.00	\$30,961.37	(\$961.37)
Native American Programs	\$40,000.00	\$30,000.00	\$30,000.00	\$0.00
Community Based Alternatives	\$172,501.00	\$298,501.00	\$280,268.02	\$18,232.98
Total	\$428,501.00	\$428,501.00	\$428,501.00	\$0.00

FFY 2021 Formula Grant Award End Date: 9/30/2025

State Program Title	Awarded Budget	Amended Budget	Exp to Date (2/26/2024)	Current Balance of Amended Budget (2/26/2024)
Delinquency Prevention	\$75,000.00	\$0.00	\$0.00	\$0.00
Planning/Admin	\$20,000.00	\$20,000.00	\$5,960.81	\$14,039.19
Council of Juvenile Services	\$15,000.00	\$15,000.00	\$0.00	\$15,000.00
Graduated Sanctions	\$50,000.00	\$0.00	\$0.00	\$0.00
Community Based Services	\$80,000.00	\$100,000.00	\$0.00	\$100,000.00
Compliance	\$15,000.00	\$15,000.00	\$28,571.36	(\$13,571.36)
Racial and Ethnic Disparities	\$15,000.00	\$15,000.00	\$31,289.54	(\$16,289.54)
Native American Programs	\$50,000.00	\$0.00	\$0.00	\$0.00
Community Based Alternatives	\$286,344.00	\$441,344.00	\$125,506.29	\$315,837.71
Total	\$606,344.00	\$606,344.00	\$191,328.00	\$415,016.00

Federal Award	Amount	End Date
2022	\$605,980.00	09/30/2026
2023	\$590,509.00	09/30/2027



U.S. Department of Justice
Office of Justice Programs

Office of Juvenile Justice & Delinquency Prevention

Washington, D.C. 20531

October 18, 2023

Bridget Coppersmith
Associate Director of Planning & Analysis
Department of Corrections South Dakota
3200 E Highway 34,
Pierre, SD 57501

RE: 2019-MU-FX-0019, 2020-JX-FX-0060, Department of Corrections South Dakota

Dear Associate Director Coppersmith,

Thank you for the time and assistance you and your staff provided during the Remote Monitoring Site Visit conducted from Wednesday, August 23, 2023, to Thursday August 24, 2023. I appreciated having the opportunity to discuss the status of the grant program and related issues.

The following documentation was reviewed during the remote monitoring site visit, financial documents, policies and procedures, and other supporting documents. At the end of the letter there is a list of issues for resolution identified during this review. Additionally, you will receive an automated notification via the JustGrants System documenting each issue, the required action(s)/documentation needed to remedy the issue(s), and the due date by which the issue(s) must be remedied.

If any of the issues identified concern a subgrantee or contractor, it is the responsibility of your organization to address the issue. Please do not hesitate to contact me at 202-353-9766 and/or nicole.mccrae2@usdoj.gov, if you need assistance in addressing the issues identified.

Also, please let me know if you need me to work with you to identify any technical assistance needs.

Thank you again for your cooperation and assistance during the Remote Monitoring Site Visit. I look forward to continuing to work with you and your staff.

Sincerely,

Nicole McCrae

There were no issues for resolution identified.

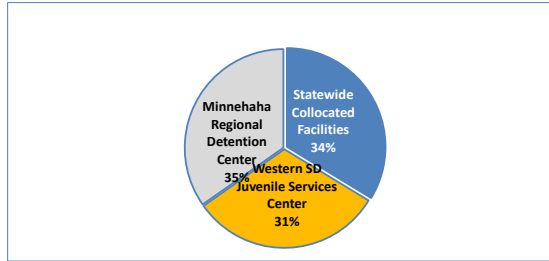
Compliance Report 10/01/2022 - 09/30/2023

	Total Records Oct 2022 - May 2023	# of records submitted October 2022	# of records submitted November 2022	# of records submitted December 2022	# of records submitted January 2023	# of records submitted February 2023	# of records submitted March 2023	# of records submitted April 2023	# of records submitted May 2023	# of records submitted June 2023	# of records submitted July 2023	# of records submitted August 2023	# of records submitted September 2023	Records Under Review	Potential DSO Violations	Potential VCO Violations	Potential Jail Removal Violations	Potential Separation Violations
Beadle County JDC	76	10	9	0	9	8	5	7	11	4	7	2	4	0	0	0	0	0
Brown County JDC	114	9	3	11	4	7	13	15	15	10	13	7	7	0	1	0	0	0
Codington County JDC	86	6	7	3	7	7	10	8	7	3	11	4	13	0	0	0	0	0
Day County JDC	19	2	1	0	0	3	1	4	1	2	4	1	0	0	0	0	0	0
Hughes County JDC	162	18	12	10	12	14	23	12	7	13	16	13	12	0	0	0	0	0
Minnehaha County JDC	568	64	46	41	39	34	60	46	49	43	55	44	47	0	0	0	0	0
Pennington County JDC	516	50	36	37	31	38	42	54	44	37	56	58	33	0	0	0	0	0
Roberts County JDC	94	11	12	9	5	6	4	5	4	14	14	7	3	0	1	0	0	0
Davison County Jail	73	16	9	5	5	5	4	6	6	7	2	6	2	0	0	0	0	0
Mellette County Jail	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Spearfish Police Department	14	0	1	0	1	1	0	2	2	1	4	1	1	0	0	0	0	0
Yankton County Jail	33	3	0	2	2	2	6	0	4	2	1	6	5	0	0	0	0	0
Total	1756	189	137	118	115	125	168	159	150	136	183	149	127	0	2	0	1	0

Through September 2023: 2 potential DSO violations and 1 Jail removal violation. No records currently under review.

	Total Records Oct 2022 - May 2023	# of records submitted October 2022	# of records submitted November 2022	# of records submitted December 2022	# of records submitted January 2023	# of records submitted February 2023	# of records submitted March 2023	# of records submitted April 2023	# of records submitted May 2023	# of records submitted June 2023	# of records submitted July 2023	# of records submitted August 2023	# of records submitted September 2023	Records Under Review	Potential DSO Violations	Potential VCO Violations	Potential Jail Removal Violations	Potential Separation Violations
Beadle County JDC	76	10	9	0	9	8	5	7	11	4	7	2	4	0	0	0	0	
Brown County JDC	114	9	3	11	4	7	13	15	15	10	13	7	7	0	1	0	0	
Codington County JDC	86	6	7	3	7	7	10	8	7	3	11	4	13	0	0	0	0	
Day County JDC	19	2	1	0	0	3	1	4	1	2	4	1	0	0	0	0	0	
Hughes County JDC	162	18	12	10	12	14	23	12	7	13	16	13	12	0	0	0	0	
Minnehaha County JDC	568	64	46	41	39	34	60	46	49	43	55	44	47	0	0	0	0	
Pennington County JDC	516	50	36	37	31	38	42	54	44	37	56	58	33	0	0	0	0	
Roberts County JDC	94	11	12	9	5	6	4	5	4	14	14	7	3	0	1	0	0	
Total	1635	170	126	111	107	117	158	151	138	126	176	136	119	0	2	0	0	

	Total	% of Total
Statewide Collocated Facilities	551	34%
Western SD Juvenile Services Center	516	32%
Minnehaha Regional Detention Center	568	35%



Juvenile holding violations in FFY2023

Brown County:

May 10, 2023 - May 12, 2023 (58 hours). Juvenile was held securely at the Brown County JDC on a CHINS violation. Juvenile was a runaway from Rapid City and was held while arranging for a safe environment for the child to return to. John Stewart, DOC Corrections Specialist, informed Sgt. Rachel Wilson at the JDC that this was a violation due to it being a status offense and the juvenile was held securely beyond 24 hours. Sgt. Wilson was instructed to utilize non-secure holding facilities if juvenile needs to be held awaiting custody arrangements.

Roberts County:

November 7, 2022 – November 22, 2022 (350 hours). Juvenile was held securely at the Roberts County JDC on a CHINS violation for the Sisseton Wahpeton Oyate Child Protection Services. John Stewart and Bridget Coppersmith had a call with Sheriff Appel on December 1, 2022, to inform him of the violations. Sheriff Appel was told that this was a violation under non-tribal laws. Since the facility operates off of the tribal land, it is a violation. Sheriff Appel was informed that any time an individual is being held at the facility, the facility holds the responsibility of ensuring the juvenile is held according to state and federal law, and not the tribal law. Roberts County had similar issues in 2013 prior to Sheriff Appel being elected. Sheriff Appel was informed of these violations and assured Stewart and Coppersmith that the issues would be addressed.

Further investigation revealed that juvenile was placed at Arise/East on October 7, 2022, by the Sisseton Wahpeton Tribe. Juvenile ran away from Arise/East on October 25, 2022. Juvenile was not placed at Arise/East for anything related to a law enforcement hold.

Mellette County:

November 15, 2022 (juvenile held in adult lockup beyond 6 hours). Juvenile was arrested for simple assault against a law enforcement officer on November 15, 2022, and detained in the Mellette County jail against the advisement of the Hughes County JDC and without an override from a judge or a request for alternate placement. Sheriff Blom made the decision to detain the juvenile at the Mellette County jail. While this is a delinquent offense, juveniles cannot be held securely at adult jails/lockups for more than 6 hours while awaiting transfer to a juvenile facility or court appearance. Juvenile was held beyond 6 hours and was not being detained for a transfer or court appearance. Any detainment of a juvenile in an adult jail/lockup is a violation. Sheriff Blom was contacted by DOC and UJS to inform him of the violation.

Compliance Report 10/01/2023 - 01/31/2024

	Total Records Oct 2023 - January 2024	Records Under Review	Potential DSO Violations	Potential VCO Violations	Potential Jail Removal Violations	Potential Separation Violations
Beadle County JDC	20	2	0	0	0	0
Brown County JDC	35	0	0	0	0	0
Codington County JDC	43	0	0	0	0	0
Day County JDC	5	0	0	0	0	0
Hughes County JDC	47	0	0	0	0	0
Minnehaha County JDC	156	0	0	0	0	0
Pennington County JDC	172	0	0	0	0	0
*Roberts County JDC	6	0	0	0	0	0
Davison County Jail	11	0	0	0	0	0
Spearfish Police Department	8	0	0	0	0	0
Yankton County Jail	20	0	0	0	0	0
Total	523	2	0	0	0	0

Through January 2024: 0 potential violations; 2 records under review

*facility has incomplete data.

**Reducing Racial and Ethnic Disparities (R/ED)
Subgrant Application
South Dakota Department of Corrections
APPLICATION DUE: June 6, 2023**

Applications with original signatures must be **submitted and received** by the Department of Corrections by the close of business on **June 6, 2023**. Faxed and emailed applications will not be accepted.

Submit complete applications to:

*John Stewart
Department of Corrections
3200 East Highway 34
Pierre, SD 57501-5070*

Funding under this application is non-competitive and not guaranteed to each applicant. The application narrative and budget must be approved by both the SD Department of Corrections and the Council of Juvenile Services. If approved, the application content will be presented to the Office of Juvenile Justice and Delinquency Prevention for their approval of any addition of program purpose areas that may be needed to support the approved plan.

SECTION 1. APPLICANT INFORMATION

Applicant: Brown County		
Address: 25 Market Street		
City/State/Zip: Aberdeen, SD 57401	Phone: (605) 626-7110	Fax: (605) 626-4010
Email: Lynn.Heupel@browncounty.sd.gov	Federal Employer or Payee Identification Number (FEIN): 46-6000011	
Project Director Name: Kelsi Vinger	Title: Diversion Coordinator	
Agency: Brown County State's Attorney Office	Address: 22 Court Street Suite 2	
City/State/Zip: Aberdeen, SD 57401	Phone: (605) 626-7130	Fax: (605) 626-7132
Email: Kelsi.Vinger@browncounty.sd.gov		
Please indicate the name of the service(s) implemented: Creating culturally appropriate solutions for youth that are overrepresented in our juvenile justice system.		
Project Title:	Oyate Court or <i>Leháŋl Wičhíčhaǵapi</i>	
Requested Project Period:	July 1, 2023 – June 30, 2024	

SECTION 2. PROJECT BUDGET

The Council of Juvenile Services will award or not award funding based the extent to which program design addresses a recognized need and whether the proposal is financially responsible and efficient. Funds will be paid through a reimbursement process for items specifically outlined and approved in the application.

Applicants may apply for up to \$20,000.

Non-supplanting Requirements: Funds or other resources of the applicant normally devoted to programs and activities designed to meet the needs of criminal justice will not be diminished in any way as a result of a grant award of federal funds. The project for which assistance is being requested will be in addition to, and not a substitute for, criminal justice services previously provided without federal assistance.

A. Personnel	TOTAL
<i>Employee Fringe Benefits</i>	
TOTAL	
B. Contracted Services	TOTAL
Prospering Ones Coordinator Stipend	\$2,000
Prospering Ones Student Stipend	\$5,440
TOTAL	\$7,440
C. Travel and Per Diem	TOTAL
Travel to Site Visit	4,000
TOTAL	4,000
D. Equipment	TOTAL
Furnishings for Court/Programming Space	\$3,000
TOTAL	\$3,000
E. Operating Expenses	TOTAL
Office Supplies, Incentives,	\$3,560
Stipend to Church	\$2,000
TOTAL	\$5,560
Total Project Budget -- Combined totals for all columns	\$20,000

NOTE: If there is a change in the above budget, programs will need to request an amendment to their budget. All amendments must be requested in writing **prior to the expenditure of funds.**

SECTION 3. BUDGET NARRATIVE

In the space provided, explain the relationship between budgeted items listed in Section 2 and project activities. Include information (data and criteria) as to how you arrived at budget estimates. Discuss all items by category and in full.

Personnel Narrative - Explain how the compensation and expenses were calculated, duties of the position, and any other information about personnel of the project. If proposed funding covers more than one position, you must identify the duties and estimated percent of time for duties that directly relate to the successful implementation of the program(s).

Position #1: Professional Fees

Justification for the position :

If the position is **existing staff**, explain how duties associated with this award are **outside the current scope** of their position and a provide a **plan** explaining how all duties associated with the position will continue to be provided and funded during this award:

Personnel Responsibilities & Duties <i>(must directly relate to the implementation of the program)</i>	Estimated % Time
1.	
2.	
3.	
4.	

Wage/Salary:

Benefits:

Position #2:

Justification for the position :

If the position is **existing staff**, explain how duties associated with this award are **outside the current scope** of their position and a provide a **plan** explaining how all duties associated with the position will continue to be provided and funded during this award:

Personnel Responsibilities & Duties <i>(must directly relate to the implementation of the program)</i>	Estimated % Time
1.	
2.	
3.	
4.	

Wage/Salary:

Benefits:

Please attach additional sheets for more than 2 positions

SECTION 3. BUDGET NARRATIVE CONTINUED

Contracted Services Narrative - Explain the consultant fees, consultant expenses, contracted services, the cost per service/per youth being served, how the cost for services was calculated, and the process that would be or has been conducted to select the consultant. <u>Contracted services fees cannot exceed \$650 per day.</u>	
Consultant #1:	Northern State University (NSU) Cangleska Waste' (Good Circle) Program
Consultant Fees:	\$1,000 Stipend for Coordinators that would oversee students participating and start up the grant process x 2 = \$2,000
Contracted Service:	We would be partnering with the Director of the American Indian Circle Program (Cangleska Waste') program at Northern State University. She would oversee the student mentors that would be selected to work with this program and act as a liaison between the university and program. We also are working with the Upward Bound Director as she has extensive knowledge of the community as well as project management.
Selection Process:	The NSU Cangleska Waste' Program is an established program within Aberdeen's university. They aim to be "a place where building connectedness and a sense of community contributes to the personal growth of our American Indian/Alaska Native students."
Consultant #1:	Northern State University (NSU) Cangleska Waste' (Good Circle) Program
Consultant Fees:	\$17 hour x 20 hours/month = \$340/mentor x 4 months = \$1,360/mentor x 4 mentors = \$5,440
Contracted Service:	Language, Tutoring, Ceremony, Cultural Education, Mentoring, Skill Building, Elder Support, Talking Circles, and groups.
Selection Process:	In conversations with the Program Director, there are three students that would be interested in providing programming/mentorship for students going through the diversion program. In addition, for participants in the emerging adult age range, it would be an opportunity to educate them on the options of post-secondary education.
Travel and Per Diem Narrative – Explain the calculation of travel costs for travel <u>outside the home jurisdiction</u> , (travel <u>must be calculated at current state rates</u> (\$0.42 per mile and \$32 per diem)), how the expenses are directly related to the implementation of the project, and if out-of-state travel is anticipated, give particulars (i.e., location, state, dates, purpose, cost).	
Purpose of Travel:	Travel to Pine County, MN to observe existing program like this project
	614 x \$0.51 = \$313.41 3 x \$56.00 = \$168/person Lodging \$175/night
Equipment and Operating Expenses Narrative – Explain the supplies and equipment costs directly related to the implementation of the program or project. You must be specific regarding the items in which you intend to use federal funding. For example, a budget item of "office expenses" will not be accepted as these items must be detailed. You need to identify what you anticipate for office expenses and list each item and the estimated costs. Items not specifically outlined will not be eligible for reimbursement.	
Equipment – List nonexpendable items that are to be purchased and show how you calculated these costs. Nonexpendable equipment is tangible property having a useful life of more than 2 years. \$3,000 there is no furniture in the current space that is being leased to us so we will need to purchase miscellaneous furniture such as tables, chairs, white boards, etc.	
Operating Expenses – List items by type (office supplies, postage, training materials, copying paper, and expendable equipment) and show how you calculated these costs. Generally, supplies include any materials that are expendable or consumed during the course of the project. \$3,560 for miscellaneous office supplies such as pens, paper, postage, etc., as well as incentives for youth who successfully complete and volunteers who serve on the peer court. This money would also be utilized for snacks or	

a larger meal for the participants to enjoy together. Additionally, budgeted for staff to utilize to access cultural activities – not limited to but including activities, sweat, art projects, or evidence-based programming/curriculum.

\$2,000 stipend for use of space to hold the talking circle/court sessions.

SECTION 4. APPLICATION NARRATIVE

A. PROJECT ABSTRACT AND DEMONSTRATION OF NEED

The Brown County State’s Attorney’s Office in collaboration with ~~Wambli Ska Okolakieite~~ (~~Wambli Ska~~) [Cangleska Waste’ \(Good Circle Program\)](#) would like to create a culturally appropriate diversion option for Native American youth in our community. The Lehánl Wičhíčaḡapi Program (The Prospering Ones) would focus on cultural significance and promoting connectedness among Native American students, families, and communities in Middle and High School.

The Director of Cangleska Waste’ has identified a few students that would be interested in providing services such as language and education programming, mentoring, tutoring, ceremony, and skill building to the participants of this diversion program. ~~Wambli Ska is a non-profit organization based in Rapid City, SD that operates several community programs, one of which is a diversion program that utilizes Restorative Justice, called “Oyate Court.”~~

This idea comes from Restorative Justice program in Pennington County called Oyate Court. Oyate Court is a peer-structured court, involving Native American elders, that utilizes peacemaking circles and Indigenous cultural approaches, rather than punishment. Jonathan Old Horse, Vice President of Wambli Ska and creator of Oyate Court in Pennington County, shares that to begin, the offender must be accountable for what they have done. The peer group hears from the parties involved in the crime before determining the solution. Through this process, they can get to the root of the issue and create a plan specific to the needs of the individual. Oyate Court is grounded in the

seven Lakota values: Compassion, Generosity, Humility, Sincerity, Courage, Perseverance, and Wisdom.

The Brown County State's Attorney's Office has employed a diversion coordinator since 2019. In the past four years, an average of 17 Native American youth has been diverted annually. According to South Dakota Kids Count, the 2021 population estimate of Native American youth aged 10-17 was 6.6% but made up 17% of the detention population. It is important to note that this is down from 28% from the previous fiscal year.

Though Brown County has a diversion option, stakeholders agree that a culturally appropriate option should be the next step in establishing a continuum. Native American youth are overrepresented in our systems and a program that introduces culture and connects our Indigenous youth to their elders will give them a sense of belonging and reduce recidivism.

B. STRATEGY FOR IMPLEMENTATION AND SUSTAINABILITY

- I. Host a meeting to include mobile Oyate Court professionals from Rapid City, SD and interested Brown County stakeholders to develop Oyate Court team as soon as grant funding is obtained.
 - a. Locate a comfortable space for court to be held.
 - b. Identify Oyate Court team members.
 - c. Determine need for any further funding to be requested through the county or if other grants need to be explored.

- II. Obtain approval from 5th Circuit Presiding Judge for Oyate Court to be a court approved diversion program as soon as grant funding is obtained.
- III. Discuss options with Northern State University to involve students minoring in Native and Indigenous Studies and/or involved in the Cangleska Waste' Program to be mentors to youth going through Oyate Court.
- IV. Work with local hotels and visitor's bureau to inquire about reduced rate rooms to decrease cost of lodging for the mobile Oyate Court professionals.
- V. Discuss the Oyate Court model with the Indian Education Coordinator to develop pathways to connect participants with local cultural activities as well as the Native American Student Association through the public high school.
- VI. Attend Aberdeen Area Diversity Coalition Meeting to share about the mobile Oyate Court model to gain community buy-in.
- VII. Publish a press release outlining the program in efforts to obtain community buy-in.
- VIII. Meet with Native American youth that have previously been system impacted to hear about their experiences.
 - a. Discuss opportunities to also include this population into the Oyate Court decision-making process.
- IX. Meet with Great Plains Area Urban Indian Health and Bureau of Indian Affairs to discuss partnership opportunities.
- X. Train local tribal community members to operate Oyate Court to decrease future cost of travel and reimbursement subsidies.
- XI. Determine referral process between the State's Attorney Office and Oyate Court.
 - a. This will also determine how often the mobile Oyate Court would need to travel to Aberdeen.

- XII. Track diversion data to submit to Department of Corrections to show the effectiveness of the program.
 - a. This data will also be utilized to identify gaps in services for future years.
 - b. Analyze data trends to determine if Oyate Court has reduced the overrepresentation of Native American youth in our formal court system.
- XIII. Submit for reimbursement of Juvenile Justice Reinvestment Initiative Funds for each successful diversion.
 - a. Utilize reimbursement funds to help sustain the Oyate Court program going forward.

SECTION 5: CONFLICTS OF INTEREST, SPECIAL CONDITIONS AND ASSURANCES

Council of Juvenile Services Conflict of Interest Identification

Please identify which Council of Juvenile Services Members, if any, appear to have a conflict of interest with your application and provide a brief narrative explaining the potential conflict of interest.

A council member derives a direct benefit from the contract if one or more of the following is true of the member, the member's spouse, or a person with whom the member lives with and commingles assets:

- 1) Has a five percent ownership or other interest in an entity that is a party to the contract;
- 2) Derives income, compensation or commission directly from the contract or from the entity that is a party to the contract;
- 3) Acquires property under the contract; or
- 4) Serves on the board of directors of an entity (including a nonprofit) that derives income or commission directly from the contract or acquires property under the contract.

“Direct benefit” does not include gain from a contract based solely on the value of a council member's investment in an entity that is a party to the contract, if that investment represents less than a five percent ownership in the entity. It also does not apply to contracts or transactions where the council member only benefits from an act of the Council of Juvenile Services that has general application, such as a decision by the Council of Juvenile Services to increase or decrease a fee that many South Dakotans pay.

List Current Members

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;

Pat Bad Hand, Rosebud Sioux Tribe Detention Center;

Mason Best, Youth Member;

Judge Tami Bern, First Judicial Circuit Judge;

Skytir Skipper, Youth Member;

Kristi Bunkers, Department of Corrections Director of Juvenile Services;

Kim Cournoyer, Service Provider at Great Plains Psychological Associates;
Charles Frieberg, Director of Trial Court Services;
Melanie Boetel, Department of Social Services;
Daniel Haggar, Minnehaha County States Attorney;
Cindy Heiberger, Former Minnehaha County Commissioner;
Doug Herrmann, Executive Director of The Club for Boys;
Sheriff Brad Howell, Codington County Sheriff;
Angela Lisburg, Avera Saint Mary's Hospital;
Dave McNeil, Aberdeen Police Department Chief;
Jen Johnson, Southeastern Directions for Life JJRI Coordinator;
Tierney Scoblic, Youth Member; and
Cassidy Frederick, Youth Member.

Special Conditions and Assurances

The following information contains the general conditions and assurances as necessary for recipients of funding awarded under this application. Please note that final assurances and conditions may be different than those stated below based on the composition of the individual program. Signatures under this section indicate that the applying agency understands that a successful subgrant award under this application you will be subject conditions and awards comparable to those as follows and that failure to adhere to outlined conditions and assurances may result in suspension or termination of the award.

General Award Conditions:

1. The Subgrantee agrees to comply with all Formula Grant program requirements.
2. The Subgrantee agrees to follow the JDAI model and strategies.
3. The Subgrantee agrees to obligate and expend the grant amount within the subgrant award period.
4. The Subgrantee agrees to provide all program reports that are requested by the SD Department of Corrections or the Office of Juvenile Justice and Delinquency Prevention by their due date as requested.
5. The Subgrantee agrees to provide all Performance Measure Data and Program Specific data to the SD Department of Corrections.
6. The Subgrantee agrees to request reimbursement on a monthly basis and for only those expenditures outlined in the application approved by the SD Department of Corrections. Claims sheet and all supporting documentation must be submitted within 30 days of the end of the month that the services were paid.

Assurances: The Subgrantee hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F. R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The Subgrantee also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. The subrecipient's conflict of interest policy is to be provided to the SDDOC upon request for review.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

4. It will comply with all federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements applicable to providing services pursuant to this Agreement and will be solely responsible for obtaining current information on such requirements. It will comply with all lawful requirements imposed by the awarding agency, specifically including applicable regulations 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 46, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); The Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disability Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

If a governmental entity -

- a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.
7. It will provide language services for limited English proficiency (LEP) individuals as needed in order to provide services as covered under this award in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
8. Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)."
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," subrecipients are encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. Any website that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages, and on any pages from which the visitor may access or use a web-based services "This web site is funded through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, the web site."

Equal Employment Opportunity Plan (EEOP): Pursuant to 28 C.F.R. §§ 42.301-.301, applicant must take one of the following actions: either submit an EEOP to the SDDOC for submission to the Office for Civil Rights (OCR) for review, maintain an EEOP on file, or submit an EEOP Certification form to the SDDOC for submission to the OCR in order to monitor the subrecipients compliance with the EEOP requirement.

Non-supplanting Requirements: Funds or other resources of the applicant normally devoted to programs and activities designed to meet the needs of criminal justice will not be diminished in any way as a result of a grant

award of federal funds. The project for which assistance is being requested will be in addition to, and not a substitute for, criminal justice services previously provided without federal assistance.

Audit Requirement: Acceptance of this grant award requires the subgrantee organization or governmental entity to include this subgrant in the scope of their regularly scheduled annual or biennial audit. The audit must be conducted in accordance with the appropriate OMB Circular (A-128, A-133, A-102/Common Rule). If applicable, the subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the subrecipient's website

Termination Provision: This Agreement may be terminated by the SDDOC hereto upon thirty-(30) days written notice. In the event the applicant/subgrantee breaches any of the terms or conditions hereof, the SDDOC may terminate this Agreement at any time with or without notice. If termination for such default impacts the SDDOC, any payments due to the applicant/subgrantee at the time of termination may be adjusted to cover any additional costs to the SDDOC because of the applicant/subgrantee's default. Upon termination, the SDDOC may assume the responsibility for the project or may award another party funds to complete the work under this Agreement. If after termination for default by the applicant/subgrantee it is determined that the applicant/subgrantee was not at fault, then the applicant/subgrantee shall be paid for eligible services rendered and expenses incurred up to the date of termination.

Insurance Provision: The Subgrantee, at all times during the term of this Agreement, shall obtain and maintain in force insurance coverage of the types and with the limits as follows:

- o Commercial General Liability Insurance: The Subgrantee shall maintain occurrence based commercial general liability insurance or equivalent form with a limit of not less than **\$1 million** for each occurrence. If such insurance contains a general aggregate limit it shall apply separately to this Agreement or be no less than two times the occurrence limit.
- o Professional Liability Insurance or Miscellaneous Professional Liability Insurance: The Subgrantee agrees to procure and maintain professional liability insurance or miscellaneous professional liability insurance with a limit not less than **\$1 million**.
- o Business Automobile Liability Insurance: The Subgrantee shall maintain business automobile liability insurance or equivalent form with a limit not less than **\$1 million** for each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles.
- o Worker's Compensation Insurance: The Subgrantee shall procure and maintain workers' compensation and employers' liability insurance as required by South Dakota law.

Before beginning work under this Agreement, the Subgrantee shall furnish the State with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Agreement and which provide that such insurance may not be canceled, except on 30 days prior written notice to the State. The Subgrantee shall furnish copies of insurance policies if requested by the State. Such insurance shall contain no special limitations or exclusions as they may relate to this agreement.

Default Provision: This Agreement depends upon the continued availability of federal funds awarded to the SDDOC and appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds rejections, this Agreement will be terminated by the State. Termination for any of these reasons is not default by the State nor does it give rise to a claim against the State. Failing to provide monthly reimbursement and quarterly progress reports may result in termination of the subgrant award.

Amendment Provision: This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof and be signed by an authorized representative of each of the parties hereto.

Venue Clause: This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

Subcontractors Provision: The Subgrantee may only use subcontractors to perform the services as outlined in their approved grant proposal. Any additional subcontracts or awards may only be granted with the express prior written consent of the State. The Subgrantee will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. The Subgrantee will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.

Subgrantee Agreement: It is understood and agreed by the Subgrantee that any grant received as a result of this application shall be subject to the Special Assurances and Conditions and other policies, regulations, and rules issued by the Department of Justice for the administration of grant projects under (P.L. 100-690) including, but not limited to, the following:

1. Competitive bids must be obtained for all equipment, construction and contracted services applications, as required by applicable local, state, or federal law or regulations.
2. If any agency other than the applicant is to contribute supporting or local funds, the Applicant must document the contribution.
3. Any funds awarded under one subgrant cannot be used in another.
4. Expenses or expenditures for items not listed in the original budget will not be reimbursed. Variances from the approved budget will require a budget amendment approved in advance by SD Department of Corrections.
5. All applicants are subject to federal, state, and local laws and regulations.
6. The Subgrantee shall not obligate any funds until the SD Department of Corrections formally awards subgrant.
7. The Subgrantee agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
8. Reimbursement of expenses is contingent upon submission of monthly financial reports.
9. The Subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of SD Department of Corrections and OJP.
10. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds shall clearly state: 1) the percentage of the total cost of the program or project which will be financed with federal money, and 2) the dollar amount of federal funds for the project or program.
11. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, disability, or age against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs and to the SD Department of Corrections.
12. The Subgrantee agrees to hold harmless and indemnify the State of South Dakota, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings which may arise as a result of performing services hereunder. This section does not require the Subgrantee to be responsible for or defend against claims of damages arising solely from acts or omissions of the State, its officers or employees. Nothing in this Agreement shall be construed as a waiver of sovereign immunity or consent to jurisdiction in any court other than the courts of the Unified Judicial System of the State of South Dakota.

State of South Dakota Grant Subrecipient Attestation:

If awarded, the subgrantee will attest to meeting the following requirements per SDCL 1-56-10:

1. A conflict of interest policy is enforced within the subrecipient's organization;

2. The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the subrecipient's website;
3. An effective internal control system is employed by the subrecipient's organization; and
4. If applicable, the subrecipient is in compliance with the federal Single Audit Act, in compliance with § 4-11-2.1, and audits are displayed on the subrecipient's website.

SECTION 6. SIGNATURES

The officials who certify this document agree to adhere to all terms and conditions relating to this application. Duplication of responsibilities by one individual for any position listed below is NOT acceptable.

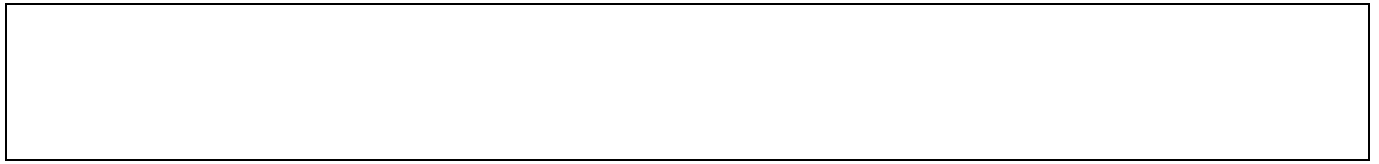
Original Signatures are Required		
County Commission Chair		
Name	Title	
Address	City/State/Zip	
E-mail	Phone	Fax
Signature	Date	
B. Project Director		
Name	Title	
Address	City/State/Zip	
E-mail	Phone	Fax
Signature	Date	
C. Financial Officer		
Name	Title	
Address	City/State/Zip	
E-mail	Phone	Fax

Signature		Date	
D. Other Official			
Name		Title	
Address		City/State/Zip	
E-mail	Phone		Fax
Signature		Date	

SECTION 7. ATTACHMENTS

Description of Attachments – Identify and describe the significance of all additional materials you include as attachments. Please limit additional materials to items such as program effectiveness documentation; pertinent letters of support or commitment; research documentation; resource documentation; and any other materials. Attach all additional documents following this page.

Attachment 1
Attachment 2
Attachment 3
Attachment 4
Attachment 5
Attachment 6



ENCLOSE RELEVANT ATTACHMENTS AFTER THIS PAGE

South Dakota Department of Corrections

External Report: Council of Juvenile Services

Year: 2023

COUNCIL MEMBERS AT END OF SFY2023

Beth O'Toole, Chair

Sara McGregor-Okroi,
Vice-Chair

Dadra Avery

Pat Bad Hand

Judge Tami Bern

Keegan Binegar

Melanie Boetel

Kristi Bunkers

Kim Cournoyer

Charles Frieberg

Jennifer Johnson

Doug Herrmann

Brad Howell

Mason Best

Angela Lisburg

Daniel Haggar

Dave McNeil

Betty Oldenkamp

Tierney Scoblic

Cindy Heiberger

Cassidy Wright

Skyllir Skipper

INTRODUCTION

The Council of Juvenile Services (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 A) 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 A. State Fiscal Year (SFY) 2023 represents the **twentieth year** of the State's renewed participation in the Formula Grants Program. A list of members at the close of SFY2023 is displayed to the left.

Meeting Information and Materials along with the previous Annual Reports are available on the SD Boards and Commissions website:

<http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=59>



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.

Racial and Ethnic Disparities (RE/D): The reduction of minority over-representation where it exists within the juvenile justice system.

States participating in the JJDPA 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 placements according to state and federal law and can be found in South Dakota's Compliance Manual at: https://doc.sd.gov/documents/SD%20Compliance%20Manual_June%202022.pdf

The table below shows confirmed compliance violations from the past five years based on review and findings by OJJDP. All violations were within South Dakota's allowance of violations to remain in full compliance with the JJDPA.

Compliance Monitoring Violations			
Calendar Year	DSO	Jail Removal	Separation
2018	4	0	0
2019	1	0	0
2020	6	0	0
2021	0	0	0
2022	0	0	0

To comply with the federal RE/D 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.

The South Dakota DOC employs a part-time RE/D Coordinator who is responsible for:

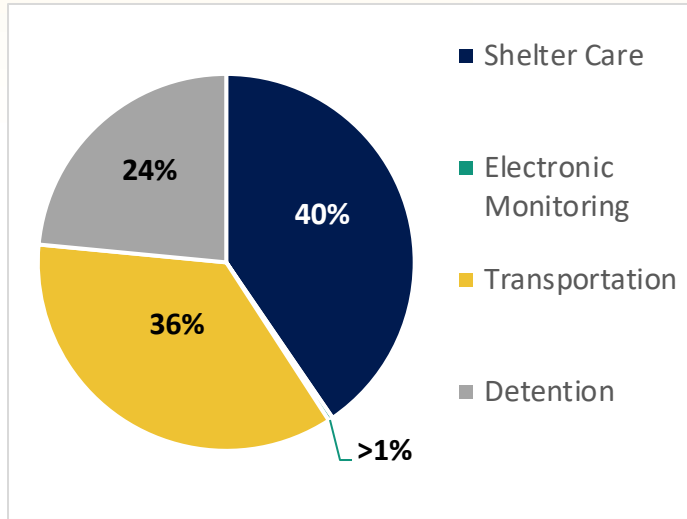
- Collecting race data for required contact points in the juvenile justice system;
- Updating data annually into South Dakota's Formula Grant Application;
- Monitoring contact point trends over time; and
- Monitoring RE/D subrecipient performance measures and project application.

JJDPa CORE REQUIREMENTS AND SD COUNTIES

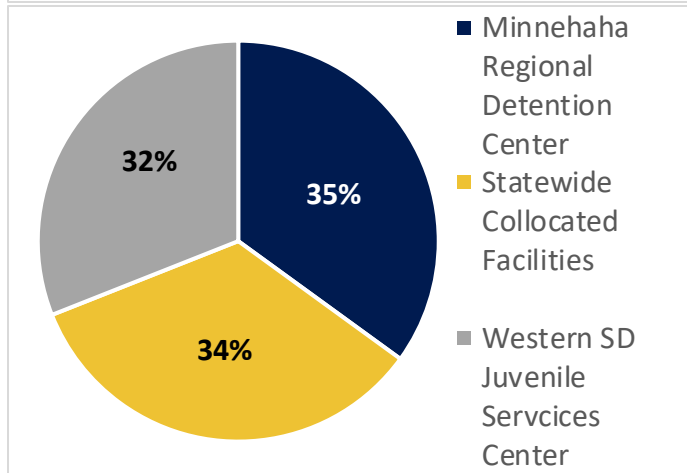
The JJDPa, as amended, establishes four core requirements with which participating states and territories must comply in order to receive juvenile justice funding under the JJDPa.

The chart to the right shows how \$22,991.33 was reimbursed to 7 law enforcement entities.

- 36% of the funds reimbursed to law enforcement 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 40% of the reimbursements being for shelter care placements and 24% being for detention placements.
- Electronic monitoring accounted for less than 1% of reimbursements.



Meeting the temporary custody needs of juveniles consistent with the JJDPa can be a financial burden on county governments. The Council authorized the development of a reimbursement system utilizing Formula Grant funds to provide financial support to counties. Since 2005, a reimbursement system has been in place to provide financial support to counties or arresting entities that lack appropriate temporary custody options for youth. It has been the goal of the Council to work with counties to eventually decrease their dependence on the reimbursement program and to help them develop alternatives to detention and alternative funding sources. During SFY2023, a total of \$22,991.33 was reimbursed to seven local governments for services rendered to a total of 113 youth.



- 1,635 juveniles were admitted to juvenile detention facilities in SFY2023.
- 66% of admissions were reported from the regional detention centers located in Minnehaha and Pennington Counties.
- 34% of admissions were from the statewide 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.

COUNCIL SUPPORTED SUBGRANTS

At the close of SFY2023, the Council approved the following subgrants for services to be implemented in SFY2024:

Entity	Program Area	Services	Award Amount
Brown County	Racial / Ethnic Disparities	Oyate Court	\$20,000
Brown County	Alternatives to Detention	Court Resource Homes	\$25,350
Codington County	Alternatives to Detention	Court Resource Homes	\$21,860
Davison County	Alternatives to Detention	Court Resource Homes	\$21,896
Hughes/Stanley County	Alternatives to Detention	JDAI coordination of diversion, case management, and referral services	\$74,249.74
Lincoln County	Alternatives to Detention	JDAI coordination of diversion, case management, and referral services	\$87,152
Northern Hills	Alternatives to Detention	JDAI Coordination and Teen Court Support	\$120,000
Yankton County	Alternatives to Detention	JDAI Coordination and Teen Court Support	\$71,300
Cheyenne River Sioux Tribe	Native American Programs	Truancy Officer	\$50,000
Crow Creek Sioux Tribal Court	Native American Programs	Tribal Healing to Wellness program	\$60,000
Oglala Lakota Housing Authority	Native American Programs	Diversion	\$75,000
Lutheran Social Services	Strengthening Families	Intervention program involving parents and their children.	\$93,262
Total			\$720,069.74

CONCLUSION

The Council of Juvenile Services supports South Dakota communities in developing a continuum of juvenile justice services ranging from prevention to intervention to reentry with the assistance of Title II Formula Grants. South Dakota benefits from this as research and data reflect that these efforts promote public safety, hold youth accountable, and provide better outcomes for youth and families while controlling juvenile justice costs.

FOR MORE INFORMATION, CONTACT:

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