

SOUTH DAKOTA

# JUVENILE JUSTICE

PUBLIC  
SAFETY  
IMPROVEMENT  
ACT

**2019 Annual Report**

*Fourth Report of the South Dakota  
Juvenile Justice Oversight Council*

# From the Chairman

These past months have been tremendously busy for the JJPSIA Oversight Council. As a council, we recognize that improving the juvenile justice system is an endeavor that cannot be achieved solely from a top-down approach. In order to achieve an effective, efficient, and fair system for our communities, it is necessary for the council to be in the communities. Therefore, the Oversight Council spent the last fiscal year traveling across the state to meet with local members and review regionalized Deep Dive data about the status of juvenile justice.

At each Oversight Council meeting, we invited members of the legislature, law enforcement, prosecutor's office, schools, juvenile corrections agents, probation officers, judges, and all other members of the public to attend our meetings, review our data, ask questions, and voice their thoughts. As the chair of the council, I found these meetings to be very informative for both the council members, as well as our guests. We were able to learn more about the challenges faced at a local level—for example, serving youth in a rural area continues to be a challenge--while the stakeholders were able to ask questions and find more information about what resources are available, or how a system operates. On numerous occasions, the Council directed state agencies to investigate a matter brought forth in the meetings. The requests ranged from researching statewide trends to conducting case studies on individual youths. Providing accurate and informative data continues to be an important function of the Council. I invite you to review all the data we reviewed. It can be found on the JJPSIA Oversight Council Boards and Commissions page.

While we are four years into implementing SB 73, I think the data shows we are making progress in important ways. As you review this report, you will notice that the number of youth who recidivate after completing probation, or after discharging from DOC, is declining. That means fewer youth are coming back into contact with the system. We are also seeing that the number of youth on probation has declined 20 percent since FY 14. DOC commitments have also decreased over 60 percent since FY 14. From a treatment perspective, we see that 71 percent of the families who were provided Functional Family Therapy completed it successfully. That is 308 South Dakota families who were positively impacted. Finally, we see that all 10 diversion categories saw an increase in successful completions between FY 16 and FY 19, and all categories saw a 74 percent or higher success rate. The Council learned through our community meetings that the juvenile diversion program is one of the most successful aspects of SB 73, and the data supports it.

I would like to extend a special thanks to the members of the Council who spent numerous hours reviewing data, traveling across the state, and attending meetings this past year, as well as to all the community members who worked with us to better understand the status of the juvenile justice system.



Greg Sattizahn  
Chairman, South Dakota Juvenile Justice Oversight Council  
State Court Administrator, Unified Judicial System

# Introduction

As you read through this report, you will find data related to each area of reform, except for one: the work of the Oversight Council. In many ways, the creation of the Oversight Council is one of the most understated, yet necessary, aspects of the legislation. When the law was drafted, no one was under the assumption that SB 73 was a perfect piece of legislation. Therefore, the Act created the Oversight Council to make sure that the bill was working as intended and responding to unintended consequences.

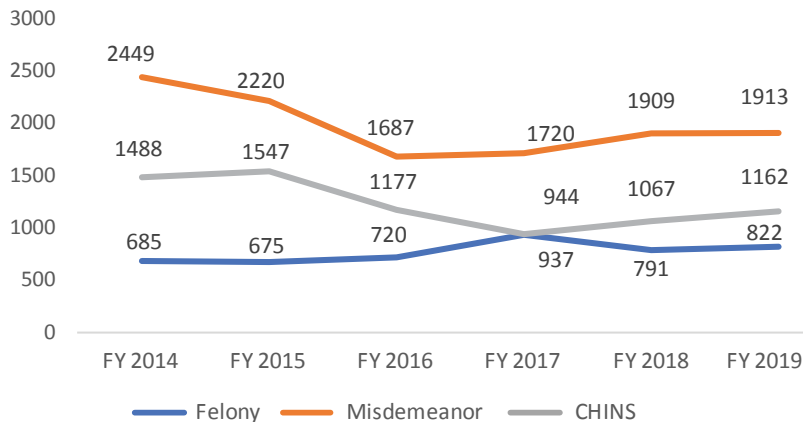
The majority of the policy changes included in JJPSIA went into effect January 1, 2016. The data included in this report reflect performance and outcome measures as of the end of Fiscal Year 2019, as well as historical data for prior years, where available. The purpose of reporting these measures is two-fold: 1) to monitor the impact of the policy changes and assess whether the goals of JJPSIA are being met; and 2) to continue making sound data-driven policy decisions.

Additionally, JJPSIA was designed to increase public safety by improving outcomes for youth in the juvenile justice system; effectively hold juveniles more accountable; and, reduce costs by investing in proven community-based practices while saving residential facilities for juveniles who are a public safety risk. The following report is designed to assess alignment of these goals with what is happening in the South Dakota juvenile justice system.

Increasing public safety is of the utmost importance to the Juvenile Justice Oversight Council. Monitoring juvenile arrest data and juvenile petition filings helps to determine if public safety goals are being achieved.

Prior to JJPSIA, a new delinquent offense committed by a youth on probation or in DOC custody may have been addressed through the revocation process and would not have resulted in the filing of a new petition. Following JJPSIA, with more targeted use of DOC commitments, and shorter probation terms, the decision to file petitions may have changed to allow increased options to address a new offense.

**Petitions Filed by Type**



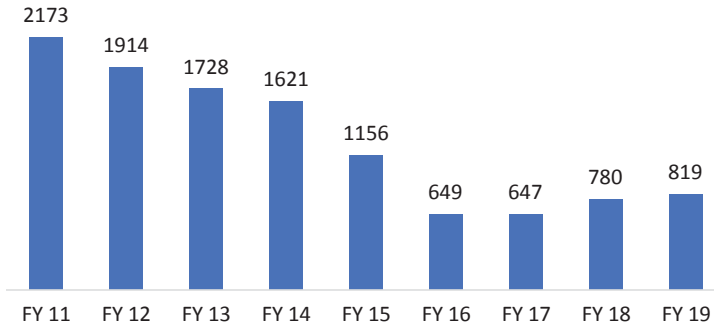
	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19
<b>Felony Petitions Filed</b>	<b>685</b>	<b>675</b>	<b>720</b>	<b>937</b>	<b>791</b>	<b>822</b>
<b>Youth Committing Felony Offenses</b>	<b>552</b>	<b>558</b>	<b>594</b>	<b>713</b>	<b>654</b>	<b>651</b>

### Key Takeaways

The number of felony and misdemeanor petitions remained stable. The number of CHINS petitions increased nearly 9 percent.

# Probation

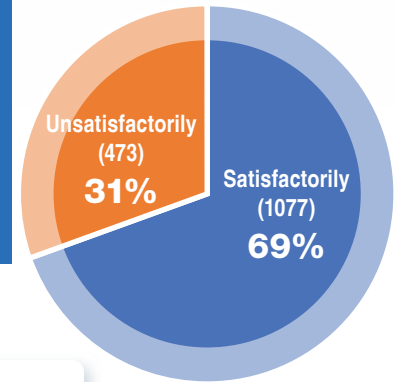
### Active Juvenile Probation Cases at the End of Fiscal Year



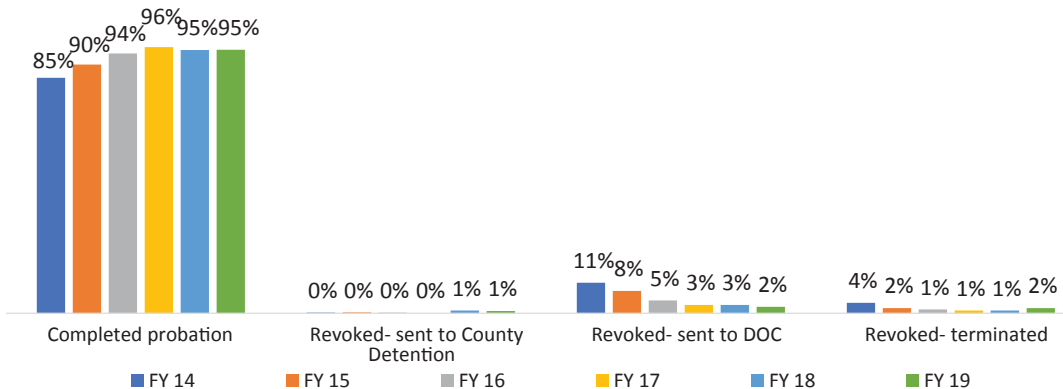
## Key Takeaways

The majority of youth successfully finished probation without revocation in FY 2019

### Completed Probation FY 2019 (N=1550)



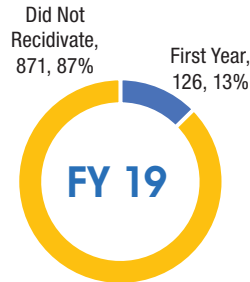
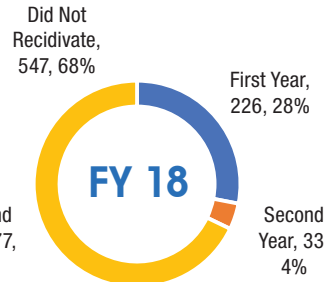
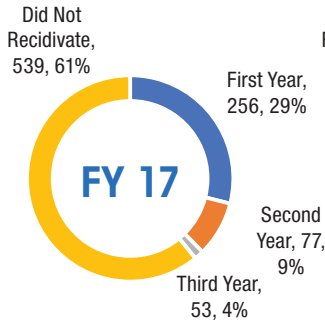
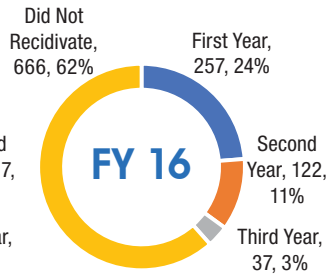
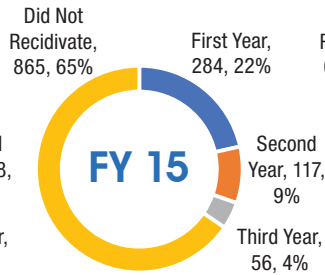
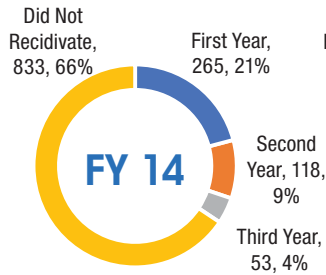
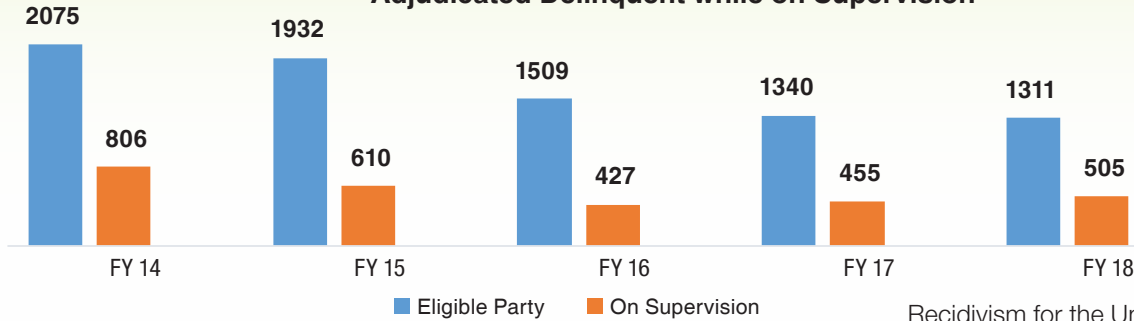
### Reason Discharged From Probation



## Key Takeaways

95 percent of youth completed probation in FY 19.

## Adjudicated Delinquent while on Supervision



Recidivism for the Unified Judicial System is defined as "being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within one year, two years, or three years after discharge from juvenile probation." SDCL 26-8D-1(5)

\*Based on the definition of recidivism, the outcomes for FY 17, 18, and 19 are not final at this time.

### Key Takeaways

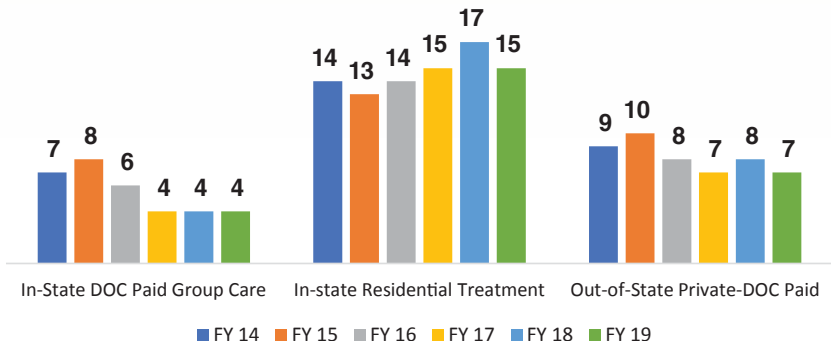
The number of youth adjudicated delinquent while on supervision has steadily decreased between FY 14 and FY 19.

The number of youth who did not recidivate in FY 14-16 ranges between 62 and 66 percent.

Of the youth that recidivate post probation, the majority do so in the first year.

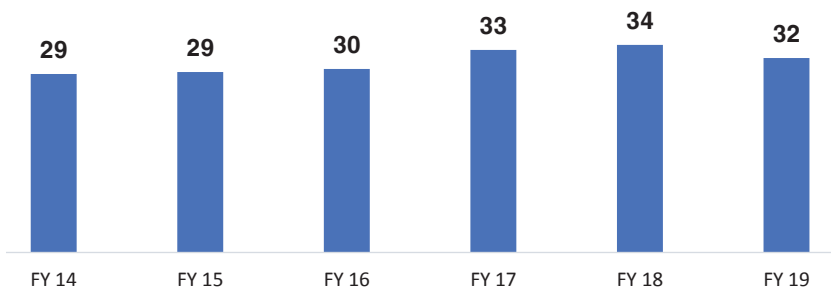
# DOC Commitment

**Average Length of Stay in Residential Placement (Months)**



In an effort to reduce our over-reliance on out of home residential placements, JJPSIA defined the criteria for commitment to the DOC for youth posing a significant risk to public safety. As the population of youth in DOC custody has changed with the implementation of JJPSIA, the total length of commitment to DOC has increased slightly to allow for successful reintegration into the community. However, the overall time in residential placement has decreased overall, consistent with the research.

**Average Length of Commitment\* for Youth Discharged from DOC (Months)**



\*In-state residential includes Intensive Residential Treatment (IRT) and Psychiatric Residential Treatment Facilities (PRTF)

## Key Takeaways

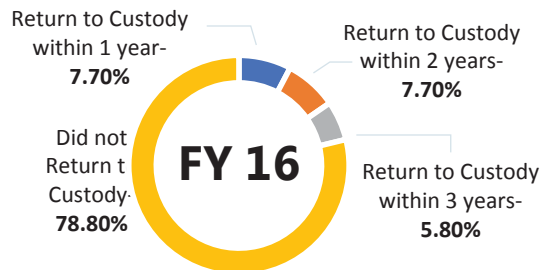
The average length of stay for In-State DOC Paid Group Care has maintained at our target goal of four months for the past three fiscal years. While few DOC youth are served across the In-State Residential Treatment level of care, the length of stay decreased by two months between FY 18 and FY 19. Out of State Private DOC paid placements decreased by one month during the same time period.

The average length of commitment for youth discharged from DOC decreased by two months between FY 18 and FY 19.

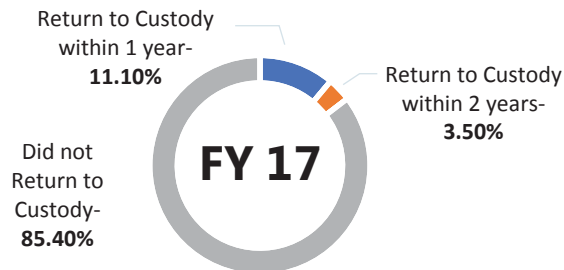
# DOC Recidivism

The Department of Corrections (DOC) defines recidivism as a return to custody "within one year, two years, or three years of discharge from the custody of the Department of Corrections, a juvenile commitment or conviction in adult court for a felony resulting in a sentence to the Department of Corrections" SDCL 26-8D-1(5).

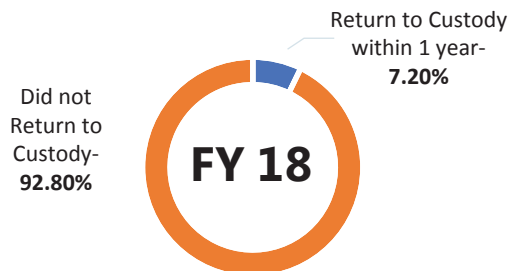
## Less than 6 percent of youth returned to custody within 3 years of discharge



## Less than 4 percent of youth returned to custody within 2 years of discharge



## Almost 93 percent of youth discharged from DOC in FY 18 did not return to custody in one year

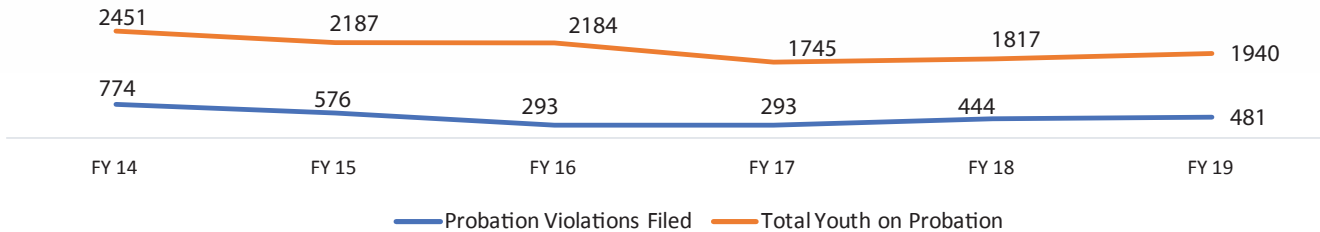




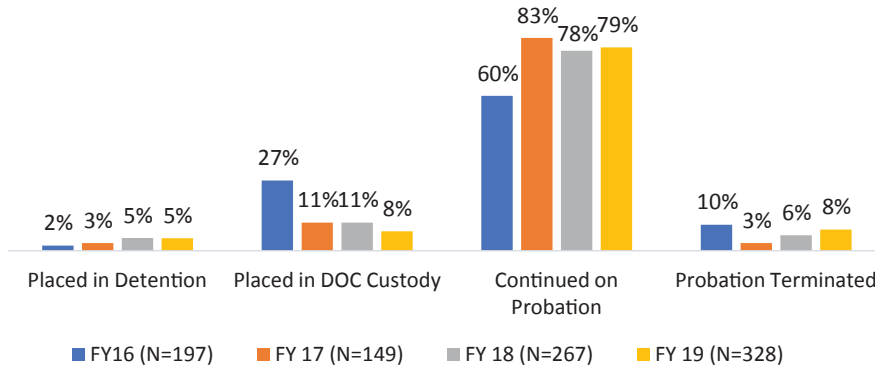
## Effectively Hold Juvenile Offenders Accountable

When youth on probation are repeatedly failing to show positive behavior changes and are not consistently following the rules of probation, Court Services Officers (CSOs) use available tools to appropriately respond to their behavior. A probation violation is the last resort after CSOs work with youth to problem-solve and address their needs and behavior. Tables 10 and 11 show probation violations filed and the outcomes of the violations as decided by a juvenile court judge.

### Youth on Probation and Violations Filed



### Sustained Probation Violation Outcomes



## Key Takeaways

The number of youth on probation and probation violations filed has remained stable.

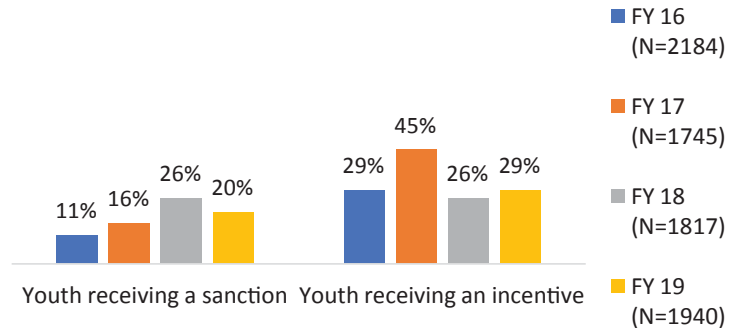
5 percent of sustained probation violations resulted in a detention stay, 8 percent resulted in a DOC custody placement, 79 percent continued on probation, and 8 percent had probation terminated.

## Graduated Responses

Graduated responses are the use of incentives and sanctions to encourage youth to alter their attitudes and behavior toward prosocial alternatives. The emphasis of graduated responses in supervision is skill-building and positive communication between the youth and CSO. It is important to consistently address positive and negative behaviors, but addressing the positive behaviors must outweigh the negative consequences to positively impact behavior change. Research repeatedly suggests that efforts to change juvenile behavior are most effective when they incorporate positive reinforcements that are utilized at a much higher rate than negative sanctions.\*

\* Guevara, M. and Solomon, E. (2009). Implementing Evidence-based Policy and Practice in Community Corrections, National Institute of Corrections, US DOJ, 2nd edition.

### Graduated Responses for Youth on Probation



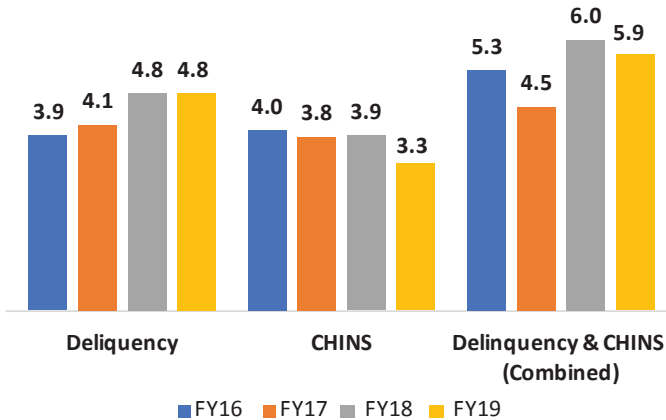
During the 2017 legislative session, guidelines for the initial term for youth on probation increased from four months to six months. If youth need more time to complete treatment, up to two extensions can be requested allowing for a total time on probation of up to 18 months. The shorter initial probation term prevents youth from being in the juvenile justice system longer than necessary and ensures that needed services are provided to the youth as soon as possible.

## Key Takeaways

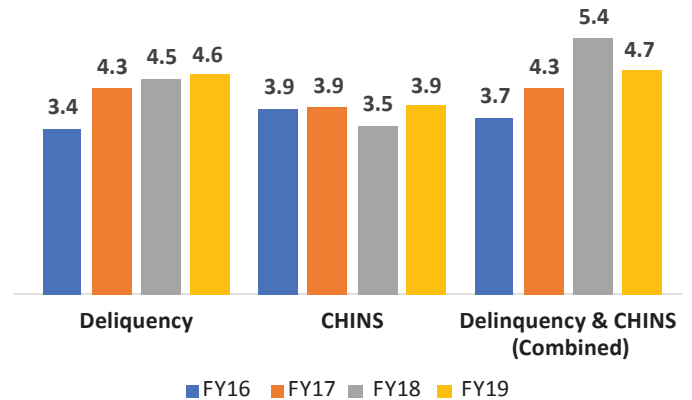
Average time ordered for delinquency and delinquency and CHINS combined remained stable from FY 18, while average time ordered for CHINS decreased.

The average probation term served for delinquency slightly increased, while average probation term served for CHINS and Delinquency and CHINS combined decreased.

**Average Probation Term Ordered  
(in months)**



**Average Probation Term Served  
(in months)**

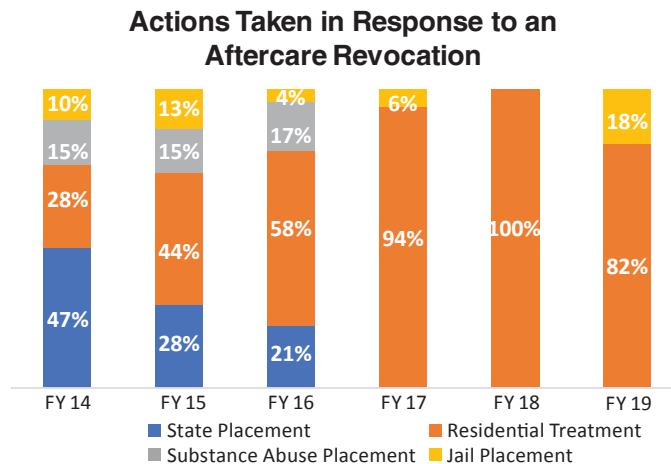
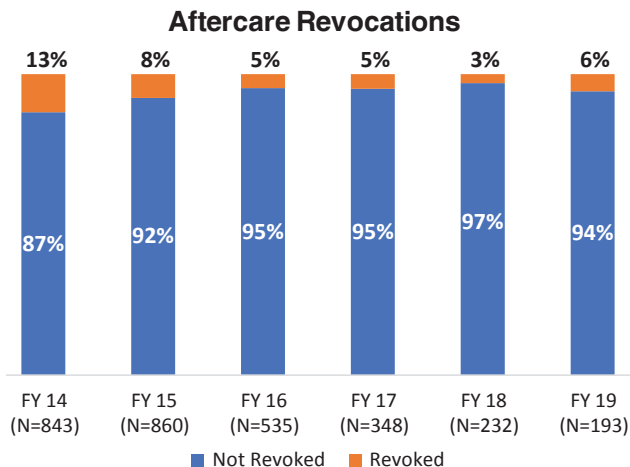


# Aftercare

Aftercare is a conditional release to the community during which time the youth remains under DOC guardianship. Youth on aftercare are typically released home with a case plan which is an individualized service plan that targets a juvenile's areas of risk and need; and prepares youth for progressively increased responsibility and independence in the community. In addition to the supervision and monitoring systems provided by Juvenile Corrections Agents (JCAs), which stress accountability, aftercare supervision includes a combination of interventions or treatment services matched to the youth needs. JCAs use Effective Practices in Community Supervision model (EPICS), cognitive behavioral interventions and Carey Guides as intervention tools to support positive behavioral changes with youth. In some cases, youth on aftercare are placed in Sequel Transition Academy (males) or other independent living programs if there is not an appropriate home/residence for the youth to return. In some instances, despite efforts by JCAs to intervene and redirect behavior, youth may continue to exhibit antisocial behavior and aftercare may be revoked.

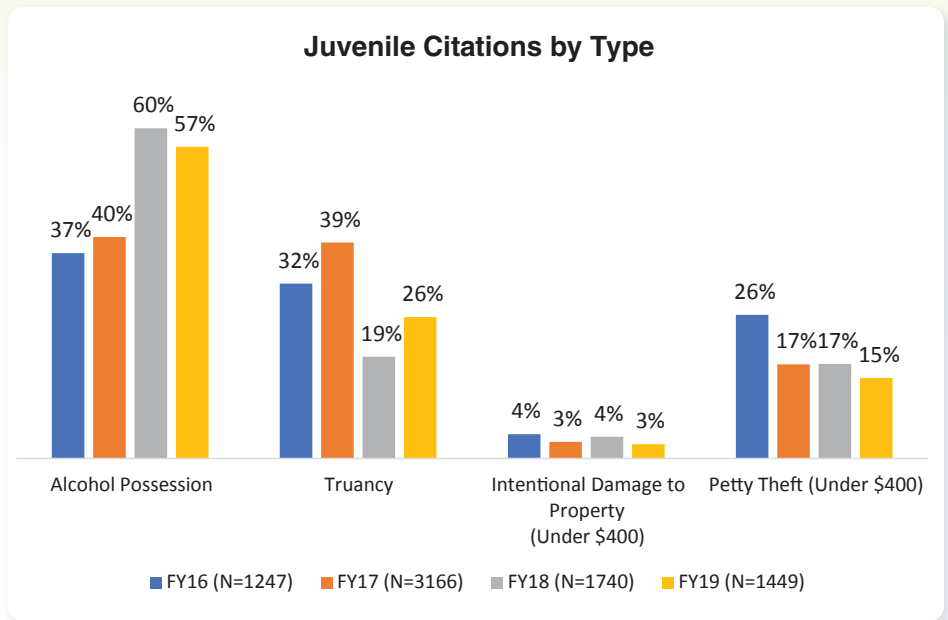
## Key Takeaways

- Just 6 percent of youth on aftercare had their aftercare revoked in FY 19, a slight increase from 3% in FY 18.
- Most youth, 94 percent complete aftercare supervision without a revocation event.
- The majority of youth revoked while on aftercare were placed in a residential placement.



# Citations

Juvenile citations were introduced in January 2016. Citations are being issued to address certain delinquency violations swiftly and certainly in the community. Youth receiving a citation may have a judgment imposed by the court requiring them to participate in a diversion program, pay a fine, or complete community service.

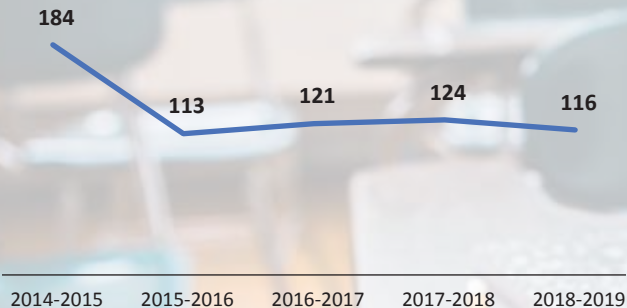


## Key Takeaways

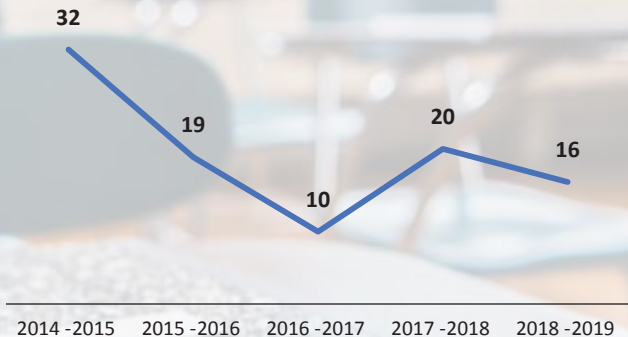
- The total number of citations dropped 16 percent.
- Truancy citations increased from 19 percent to 26 percent.
- The majority of the citations for FY 19 were for alcohol possession.

# Education Information

## Student Commitments



## Student Expulsions



## Key Takeaways

There were a total of 11 districts that expelled students, with a total expelled count of 16 (no district had 10 or more expulsions).

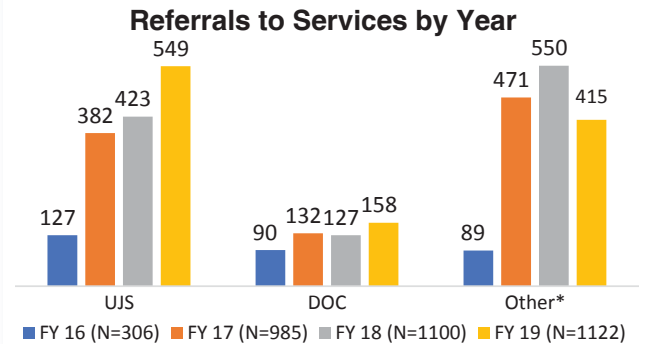
There were a total of 34 districts that committed students, with a total committed count of 116. There was one instance of a persistently dangerous transfer.

# Reduce Juvenile Justice Costs by Investing in Proven Community-Based Services and Preserving Residential Facilities for Serious Offenders

Research consistently shows youth placed in out-of-home placements recidivate at much higher rates than those who are treated in the community. Studies have shown that youth receiving community-based supervision/services are more likely to go to school, have employment, and avoid future delinquency. These findings emphasize the importance of keeping youth in their community and using alternative strategies to address their behavior and supervise them effectively. Since the passage of JJPSIA, the Department of Social Services (DSS) has expanded community-based services statewide to include Functional Family Therapy (FFT), Aggression Replacement Training (ART), Moral Reconciliation Therapy (MRT), and Substance Use Disorder (SUD) services.

## Referrals

Referrals to community-based services come from Unified Judicial System Court Service Officers and Department of Corrections Juvenile Corrections Agents. Referrals can also come from sources such as parents seeking assistance, Child Protection Services, school districts, and internal referrals made by agencies for youth at risk of justice system involvement. The graphs to the right show the number of referrals made by year and by circuit in FY19.

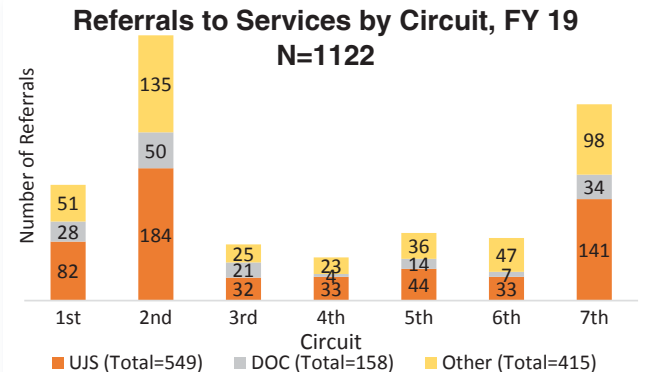


## Key Takeaways

- In FY19, UJS referrals increased by 30 percent, DOC referrals increased by 24 percent, and other referrals decreased by 25 percent over the previous year.
- Overall, referrals for treatment services increased by 2% in FY19.

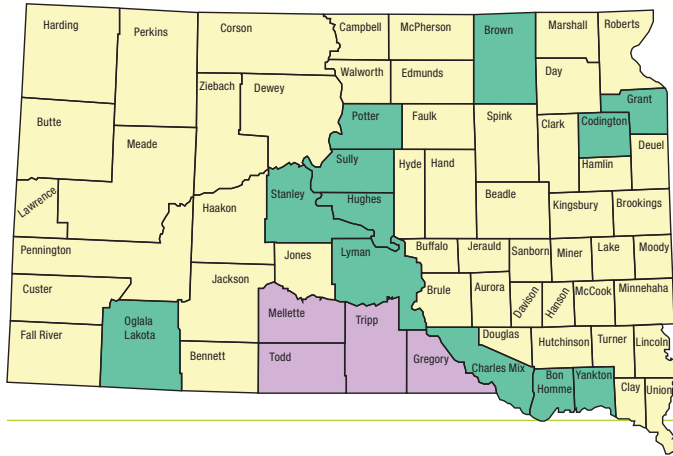
\*Other includes any referral received outside of UJS or DOC, such as schools, parents, and diversion programs for youth at risk of justice system involvement.

**Note:** In FY 16, new services were beginning to be implemented and rolled out statewide. As service expansion increased in FY 17, referrals for services also increased.



# Evidence-Based Services

Services for youth with mental health and/or substance use disorders are available statewide through Community Mental Health Centers as well as accredited addiction treatment agencies. In addition, JJRI funding supports evidence-based services for justice involved and at-risk youth.



## Functional Family Therapy (FFT)

FFT is a research-based prevention and intervention program for justice system involved youth or youth at risk of justice system involvement and their families. The program is short term, three to five months, and addresses a range of behaviors; including violence, drug abuse/use, conduct disorder, and family conflict. FFT was available in 61 out of 66 counties in FY19. Systems of Care and additional specialized outpatient treatment services are available to the counties without FFT.

### FFT and SOC Services

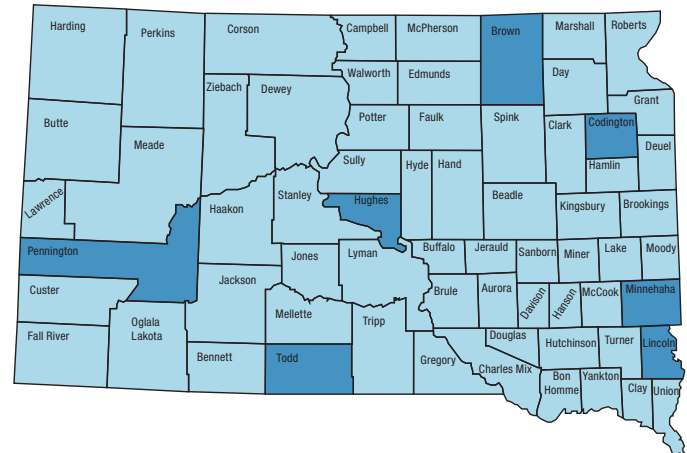
■ SOC ■ FFT ■ FFT and SOC

## Aggression Replacement Training (ART)

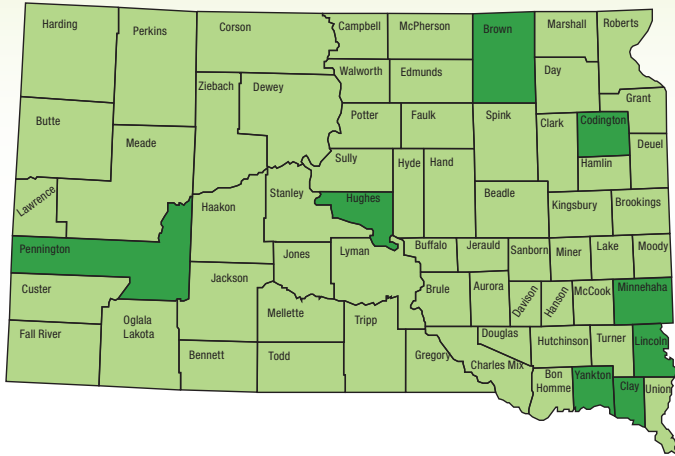
ART is a cognitive behavioral intervention training youth to cope with their aggressive and violent behaviors. The program consists of 30 sessions and is divided into three components; social skills training, anger control training, and training in moral reasoning. ART services started in March of FY17. In-person groups were available in 7 counties across the state in FY19 as well as statewide via telehealth.

### ART Services

- In-person ART and Telehealth ART
- Telehealth ART







### Moral Reconciliation Therapy (MRT)

MRT is a cognitive-behavioral program that combines education, group and individual counseling, and structured exercises designed to assist youth in addressing negative thought and behavior patterns.

MRT services started in February of FY17. In-person groups were available in 8 counties in FY19 as well as statewide via telehealth.

#### MRT Services

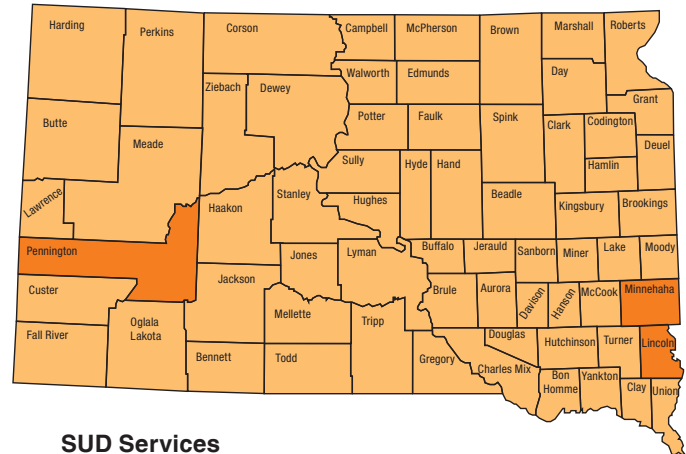
- In-person MRT and Telehealth MRT
- Telehealth MRT

### Substance Use Disorder (SUD) Services

Cannabis Youth Treatment (CYT) utilizes Motivational Interviewing, Motivational Enhancement Therapy, and Cognitive-Behavioral Therapy to promote and sustain motivation in youth with addictions or co-occurring disorders. The length of CYT services varies by youth needs and can range from 5 to 22 sessions. CYT also includes a family support component. CYT is currently offered in Rapid City and Sioux Falls.

Cognitive Behavioral Interventions for Substance Abuse (CBISA) is designed for individuals with substance abuse issues to practice new ways of handling risky situations. The program consists of 38 sessions which include: Motivational Engagement, Cognitive Restructuring, Emotional Regulation, Social Skills, Problem Solving Skills, and Relapse Prevention. CBISA is offered statewide via telehealth.

CYT and CBISA Telehealth services began in January of FY19.



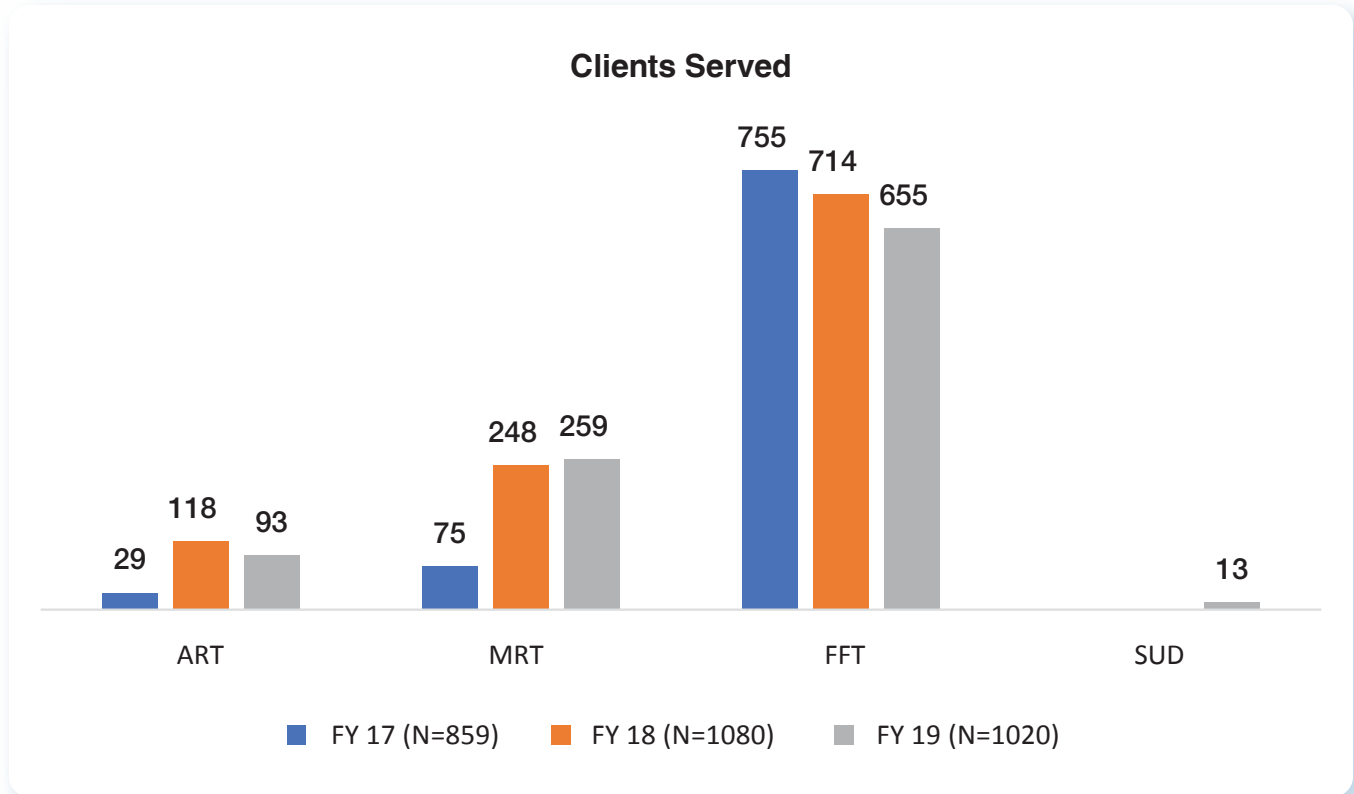
#### SUD Services

- In-person CYT and Telehealth CBISA
- Telehealth CBISA

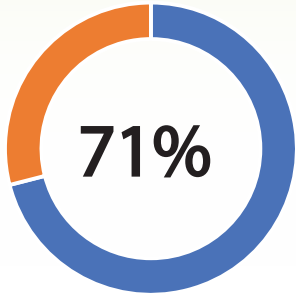
# Clients Served

In FY19, there was a decrease in clients accessing ART and FFT services, while MRT increased by 4 percent. Some of the shift may be attributable to the addition of SUD services in FY19. In total, 1022 clients were served in FY19, which represents a 5 percent decrease over FY18.

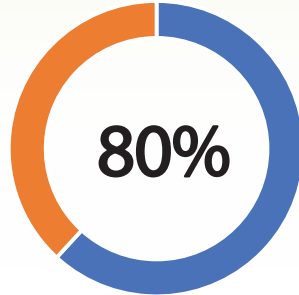
\*ART and MRT services began in February/March 2017. SUD services began in FY19.



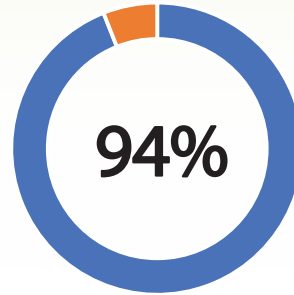
# Outcomes



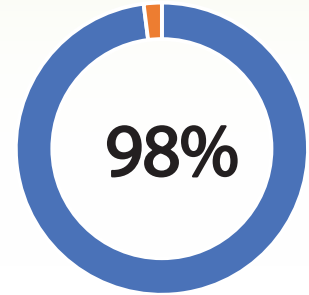
71% of families served successfully completed FFT, a total of 308 families.



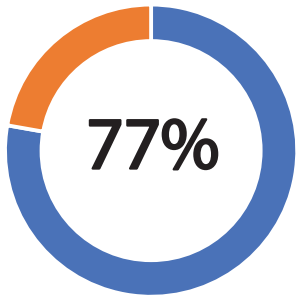
Over 80% of youth, parents and guardians reported a positive general change in their family after FFT.



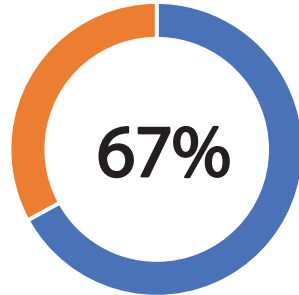
94% of youth were attending school or working upon completion of FFT.



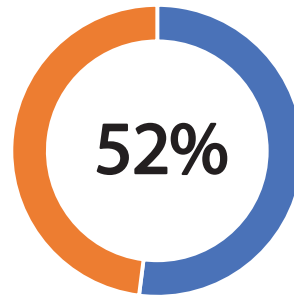
98% of youth were living at home upon completion of FFT.



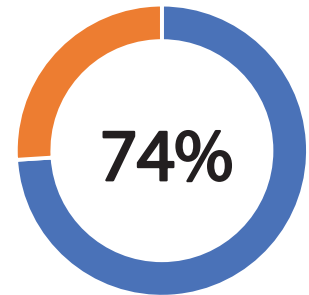
77% percent of youth served successfully completed ART, a total of 46 youth.



Overall, 67% of youth participating in ART showed reductions in aggression, anger, and hostility.



52% of youth served successfully completed MRT, a total of 64 youth.



Overall, 74% of youth participating in MRT services showed a reduction in criminal thinking.

Completion rates for FFT exceeded the 70 percent goal at 71 percent in FY19. The ART completion rate was 77 percent, an increase of 3 percent over FY18. The MRT completion rate was 52 percent, an 11 percent increase over FY18.

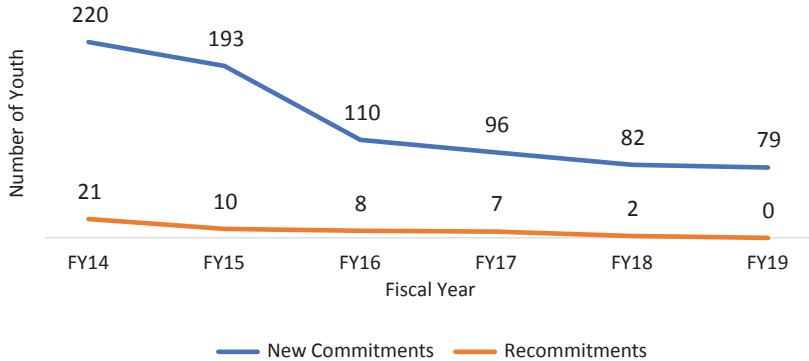
Additionally, youth and families are showing many positive outcomes following completion of services, including improved family functioning, decreased aggression, and lower levels of criminal thinking, as reflected in the data above.

# Community Response Teams

JJPSIA gives circuits the option to establish Community Response Teams (CRTs) as resources to help judges identify community-based alternatives to DOC commitment. The purpose of the CRTs is to utilize proven community-based options to improve outcomes for youth and families while improving public safety, and preserve residential facilities for the most serious offenders.

1st Circuit (FY 19)				
CRT Recommendation		Community Based Alt.	Court Disposition	Agreement
#1	PRTF Setting	No	DOC Placement	Yes
#2	Split: Inpatient CD Treatment/DOC	No	DOC Placement	Yes
#3	Interim Disposition of Intensive Probation	No	DOC Placement	No
#4	Interim Disposition of Intensive Probation	No	DOC Placement	No
#5	Commitment to the DOC	Yes	Intensive Probation	No
#6	Intensive Probation for 1 Year	Yes	Disposition continued until treatment complete	Yes
#7	APA VIA School Placement and Probation	Yes	Probation and private placement at APA	Yes
#8	No Specific Recommendation	No	DOC Placement	N/A
#9	Community Supervision	Yes	Probation (currently absconded)	Yes

### New Commitments and Recommitments\* to the DOC



### Key Takeaways

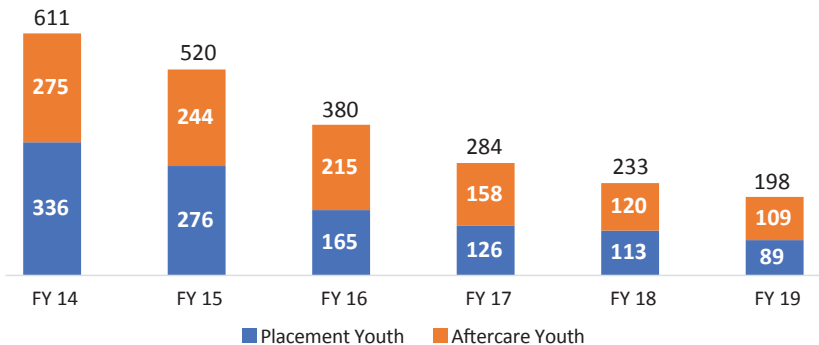
New commitments to DOC have decreased 64% between FY 14 and FY 19.

There were no recommitments to DOC in FY 19.

The total number of youth under jurisdiction of DOC fell by 15% from FY 18 to FY 19, for a total decline over six year of 67 percent.

The reduction of youth in DOC jurisdiction occurred in both placement (73 percent) and aftercare (60 percent).

### Youth Under DOC Jurisdiction



\*A recommitment involves a youth who was previously under the jurisdiction of the Department of Corrections (DOC) and discharged and then has been adjudicated as a delinquent or CHINS for a new offense and is being recommitted to the DOC.

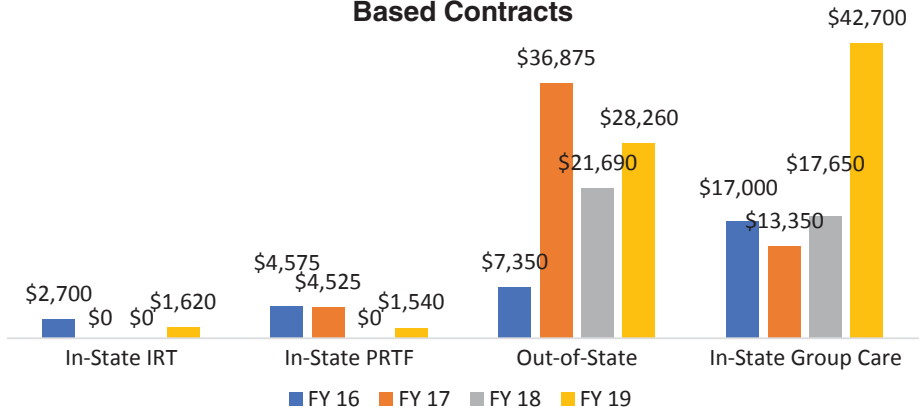
In FY 16, DOC entered into performance based contracts with providers to ensure treatment goals are met within established timeframes.

FY 19 payments reflect ongoing success with out of state providers and in-state group care providers.

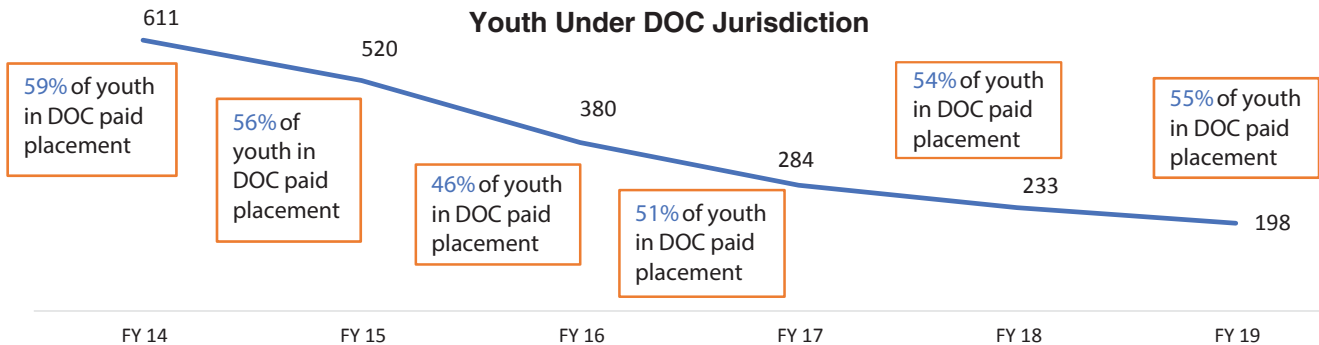
Research shows longer lengths of stay do not improve outcomes or reduce recidivism.<sup>2</sup>

In FY 19 \$74,120 was paid to DOC contracted providers based on the performance based contract model. This was up significantly from the previous fiscal years demonstrating DOC's success with reducing length of stay without compromising public safety outcomes. The share of youth under DOC jurisdiction in DOC paid placements has fluctuated over time, with an overall reduction in population of 67%.

### Amount Paid to Providers for DOC Performance Based Contracts



### Youth Under DOC Jurisdiction



\*In-state residential includes Intensive Residential Treatment (IRT) and Psychiatric Residential Treatment Facilities (PRTF).

See Appendix C for a list of all providers in-state and out-of-state eligible for participation in the performance reimbursement rate.

<sup>2</sup>Loughran, T.A. Mulvey, E.P., Schubert, C.A., Fagan, J., Piquero, A.R., & Losoya, S.H. 2009. Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders. *Criminology*, 47, 669-740.

JJPSIA expands the use of diversion by providing fiscal incentives to counties and encouraging broader use of diversion for non-violent misdemeanants and CHINS with no prior adjudications. All counties are eligible to submit data to the Department of Corrections for reimbursement of up to \$250 per successful diversion\*

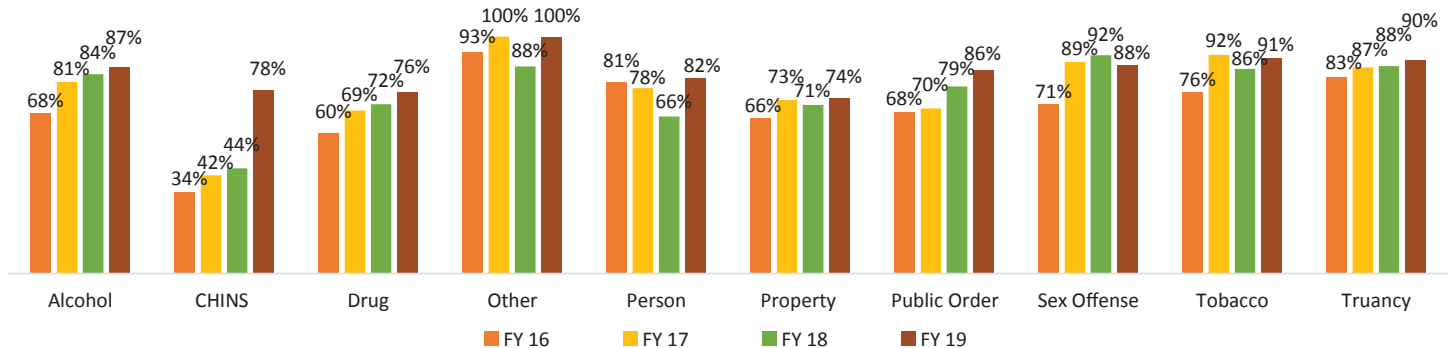
\*See Appendix B for a list of court-approved diversion programs and the fiscal Incentive diversion program submission summary.

## Key Takeaways

Consistent with the goals of the JJPSIA, there has been an increase in both the number of diversion participants and the percentage of successful diversion completions.

\$742,506.92 has been paid to counties over the past three years for 3,564 Successful Diversion Completers.

### Percent of Successful Diversion Completions



	FY 16		FY 17		FY 18		FY 19	
	Successful	Unsuccessful	Successful	Unsuccessful	Successful	Unsuccessful	Successful	Unsuccessful
Alcohol	122	58	111	26	134	25	192	28
CHINS	30	57	44	62	55	69	90	26
Drug	162	110	241	109	294	117	299	92
Other	14	1	23	0	21	3	14	0
Person	38	9	65	18	75	29	117	25
Property	209	109	187	68	210	85	159	55
Public Order	67	31	101	44	174	46	158	26
Sex Offense	5	2	42	5	59	5	22	3
Tobacco	13	4	12	1	19	3	114	11
Truancy	310	64	275	41	452	64	449	50

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# JJPSIA

## 2019 Annual Report

# 2019

*South Dakota Juvenile Justice Oversight Council*

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