

# Juvenile Justice Public Safety Improvement Act

South Dakota Juvenile Justice Oversight Council



# Annual Report

## 2023

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## INTRODUCTION

The data included in this report reflects performance and outcome measures as of the end of the current fiscal year, as well as historical data for prior years, where available. The purpose of reporting these measures is two-fold:

1. Monitor the impact of the policy changes and assess whether the goals of the juvenile justice system are being met.
2. Continue making sound data-driven policy decisions.

Additionally, the juvenile justice system 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.

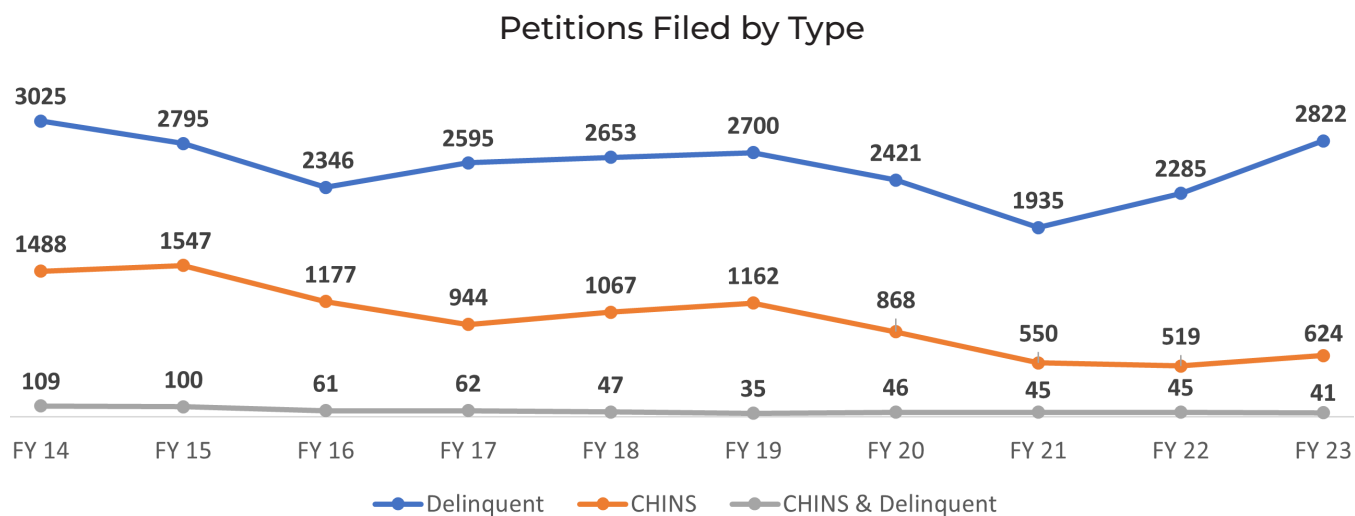


## PETITIONS FILED BY TYPE

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

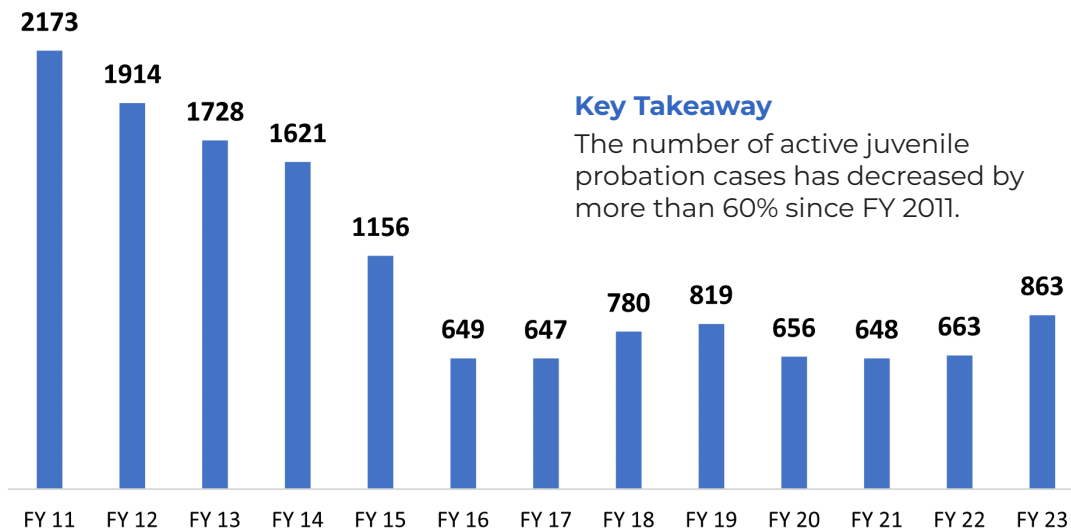
Prior to SB 73, a new delinquent offense committed by a youth on probation or in Department of Corrections (DOC) custody may have been addressed through the revocation process and would not have resulted in the filing of a new petition.

Following SB 73, 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.



## PROBATION

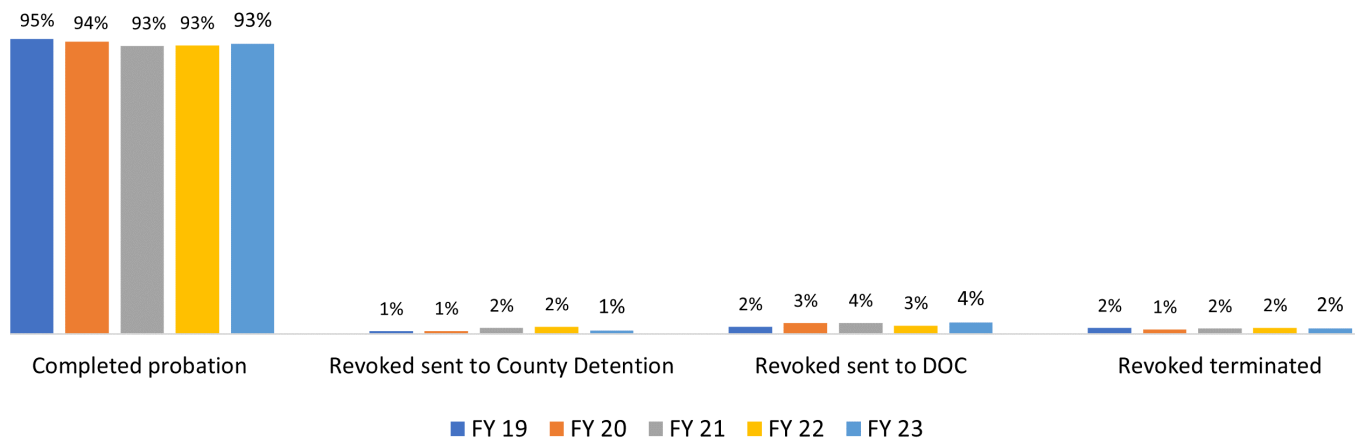
### Active Juvenile Probation Cases at the End of Fiscal Year



### Completed Probation 2023:



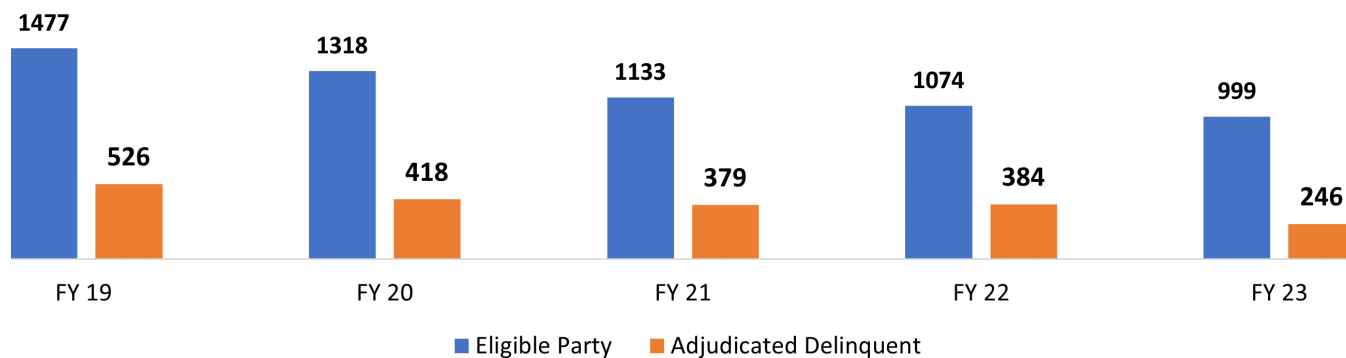
### Reason Discharged from Probation



## UJS RECIDIVISM

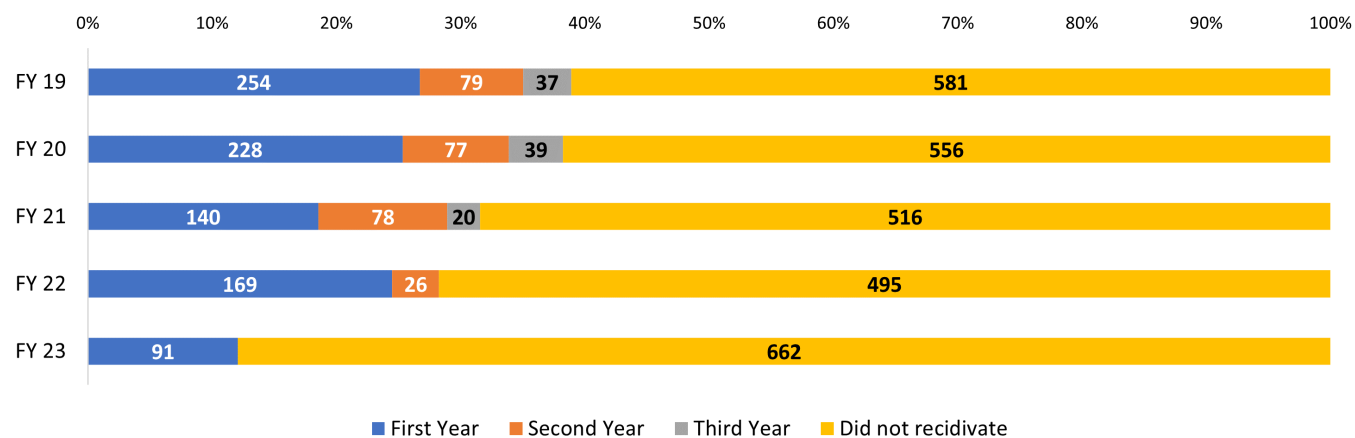
For the Unified Judicial System, recidivism is defined as "being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within one year, two years, or three years after discharge from juvenile probation." SDCL 26-8D-1(5)

### Youth Adjudicated While on Supervision



*\*Based on the definition of recidivism, the outcomes for FY 2020, 2021, and 2022 are not final at this time.*

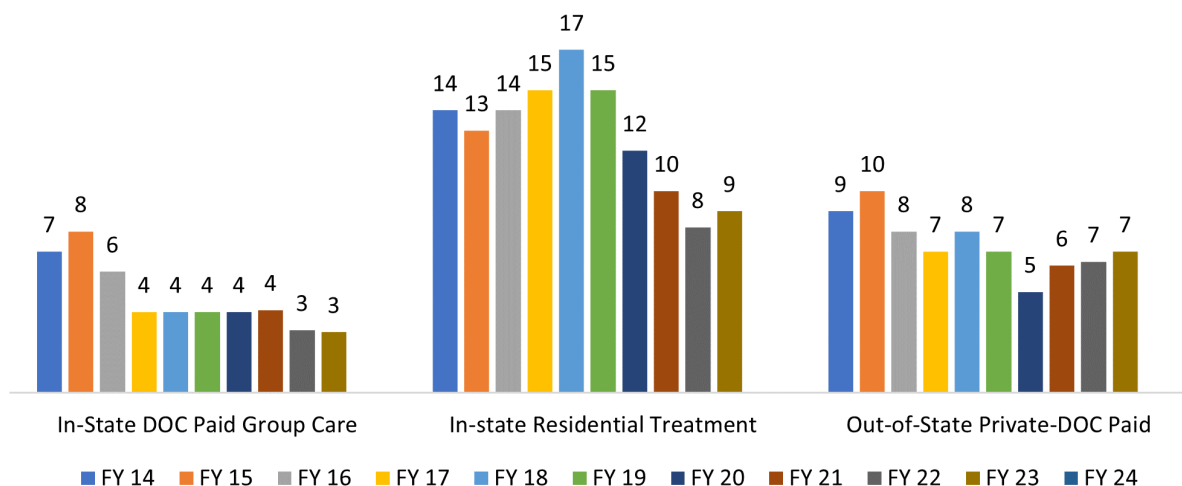
### Recidivism



## AVERAGE LENGTH OF STAY

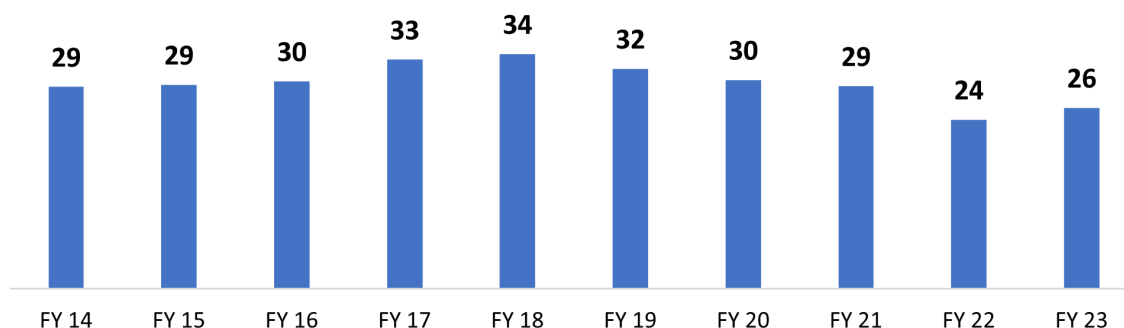
Commitments to Department of Corrections (DOC) were declining prior to 2015. However, youth were staying in facilities longer—an increase of 27% for South Dakota's youth. Through successful performance-based contracting with private providers, DOC has reduced youth's length of stay without compromising public safety outcomes. A robust body of research has shown that longer stays have no benefit for reduced recidivism across all program types.

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



*\*In-state residential includes intensive residential treatment (IRT) and psychiatric residential treatment facilities (PRTF).*

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



### Key Takeaways

The average length of stay for in-state DOC paid group care has remained steady over the past seven fiscal years. While few youth in the custody of DOC are served by in-state residential treatment providers, the length of stay has decreased from a high of 17 months to nine months in FY 2023. Out-of-state private DOC placements which include both group care and psychiatric residential treatment beds has averaged seven months.

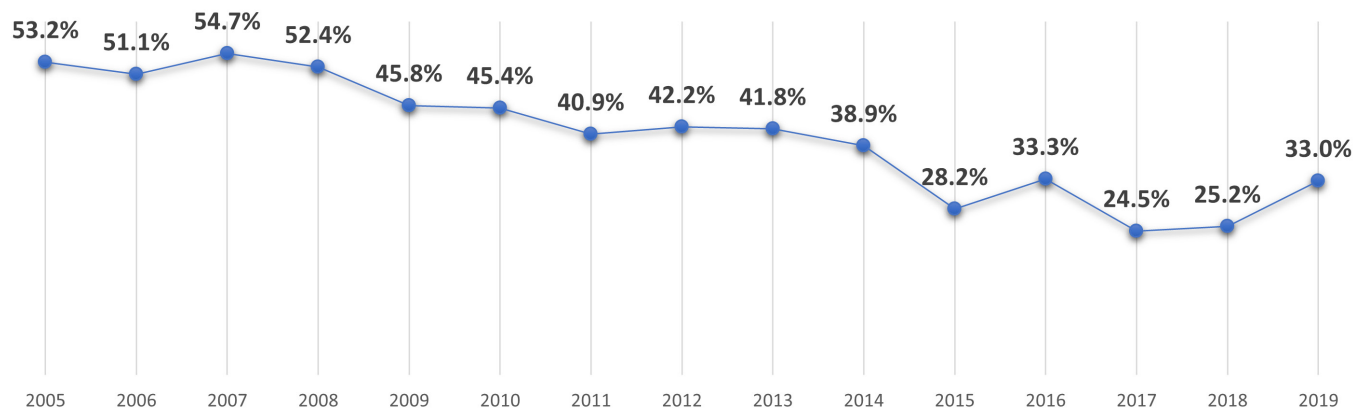
The average length of commitment for youth discharged from DOC has fluctuated over time; however, there was an increase by two months between FY 2022 and FY 2023.

## DOC RECIDIVISM

The Department of Corrections (DOC) calculates recidivism based on an offender's status three years following their release from placement to aftercare supervision. A return includes any admission back to South Dakota DOC following placement or discharge for a felony conviction or for a technical violation of aftercare supervision.



Juvenile Recidivism Rate



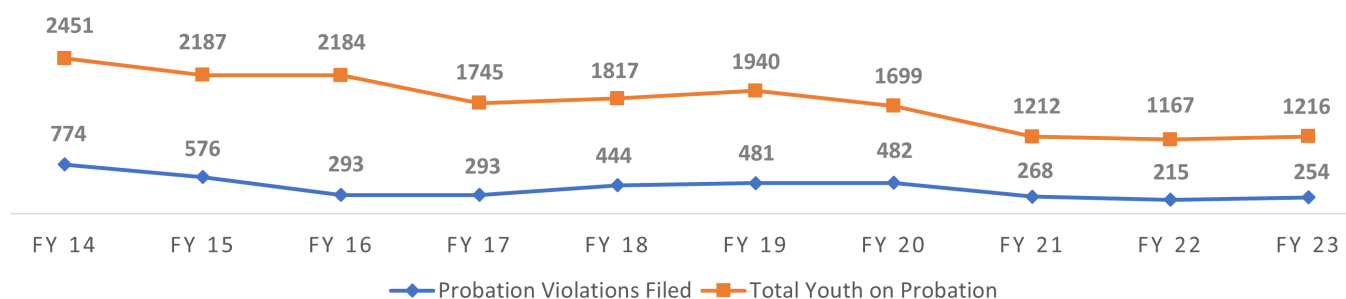


## YOUTH ON PROBATION

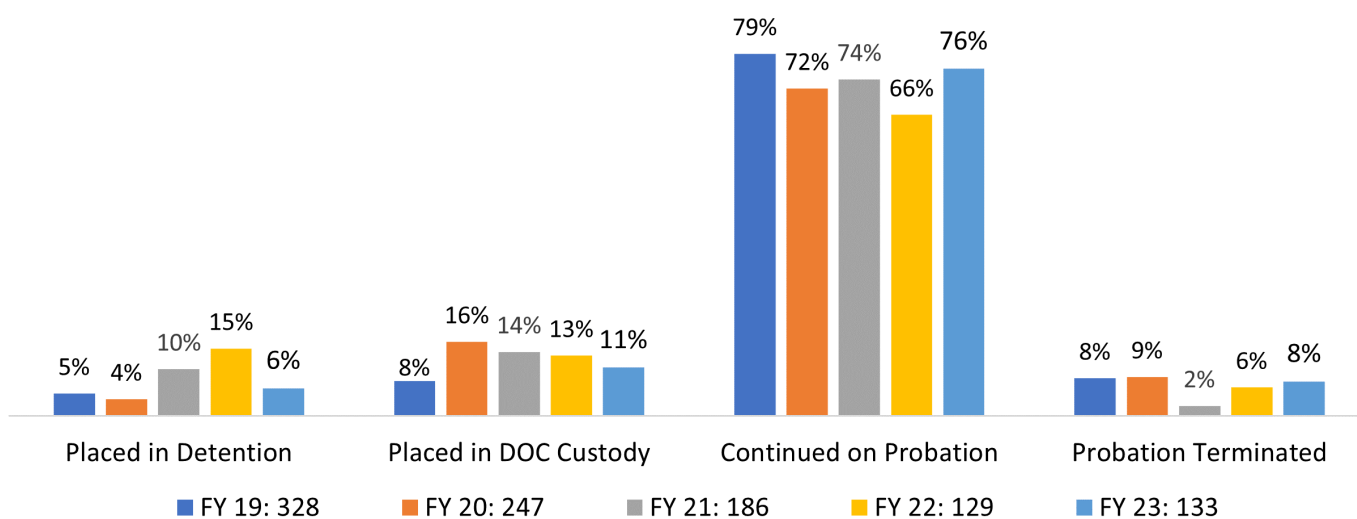
### Effectively Hold Juvenile Offenders Accountable

When youth on probation are 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 to get the youth on a better path.

Youth on Probation and Violations Filed



Sustained Probation Violation Outcomes



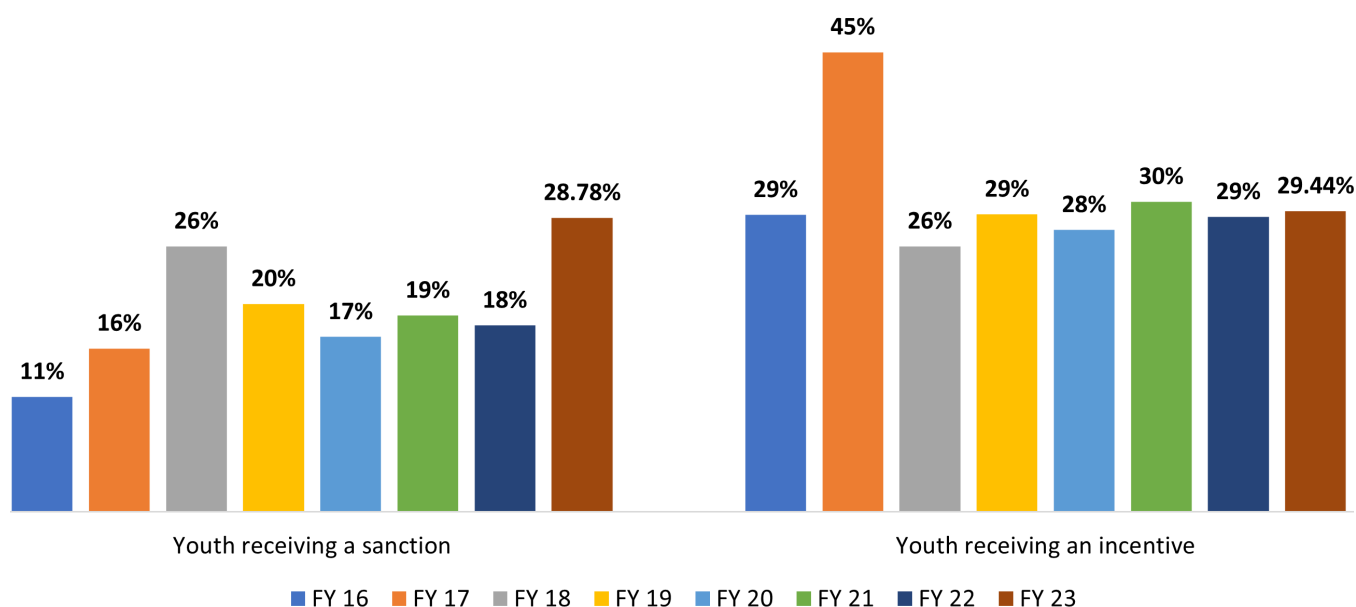
### Key Takeaway

The majority of youth who received a probation violation continued with probation.

## GRADUATED RESPONSES

Graduated responses are the use of incentives and sanctions to encourage youth to alter their attitudes and behavior toward pro-social 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.<sup>1</sup>

Graduated Responses for Youth on Probation

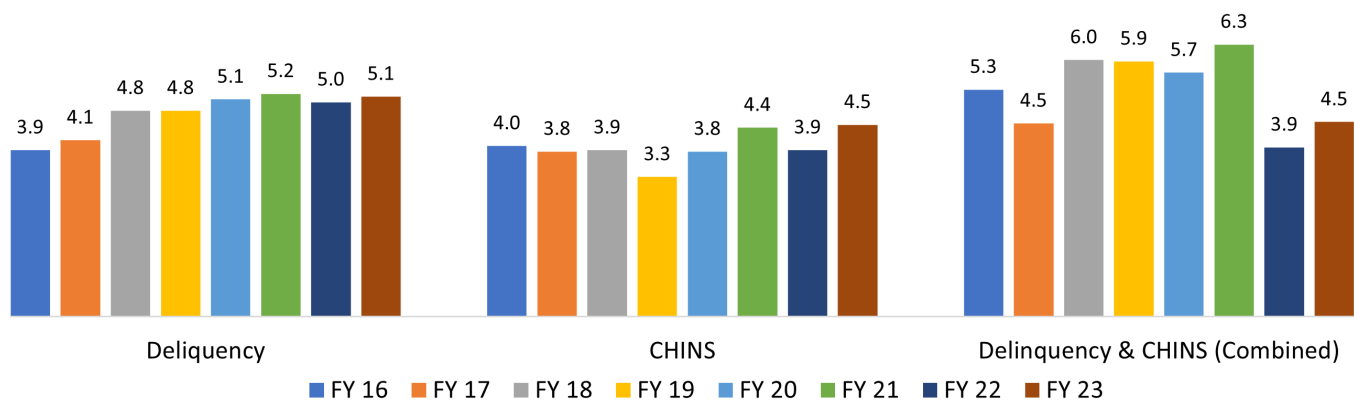


<sup>1</sup>Guevara, M. and Solomon, E. (2009). *Implementing Evidence-Based Policy and Practice in Community Corrections*, National Institute of Corrections, US DOJ, Second Edition.

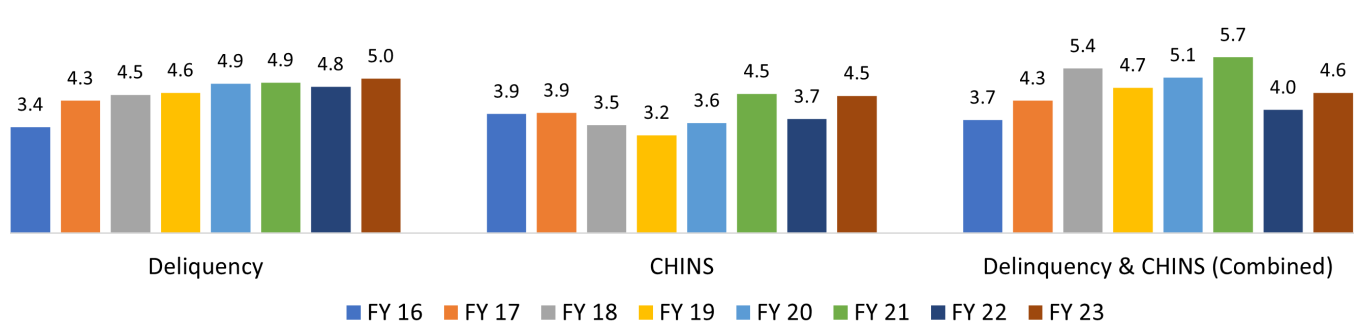
## TIME ORDERED/TIME SERVED

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.

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



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



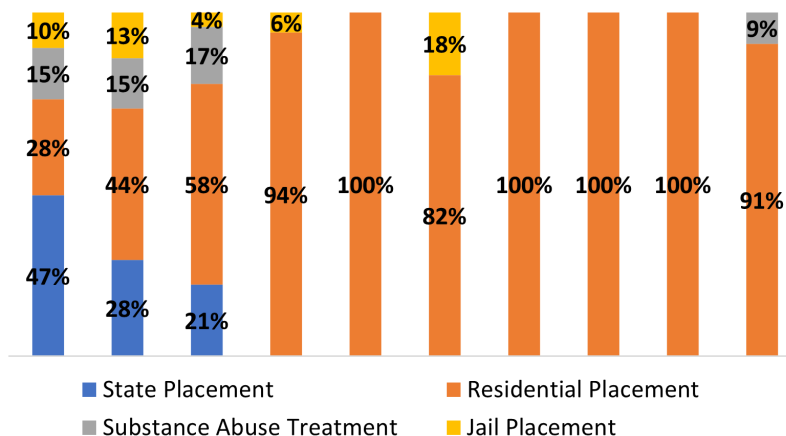
## AFTERCARE

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 youth's areas of risk and need and prepares a youth for progressively increased responsibility in the community.

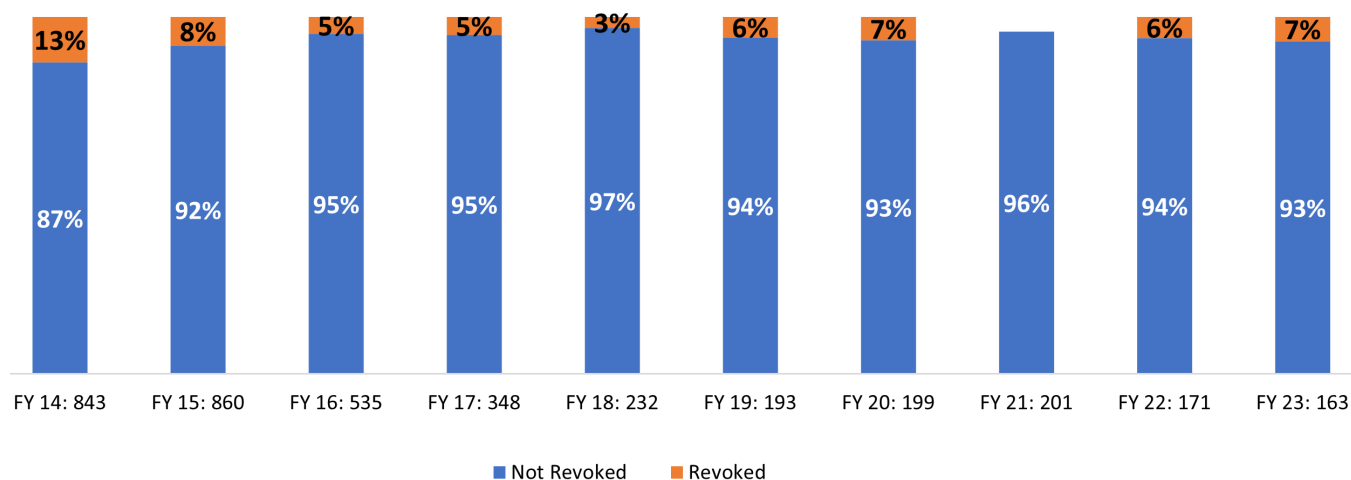
In addition to the supervision and monitoring systems provided by juvenile corrections agents (JCAs), which stress accountability, aftercare supervision includes a combination of interventions or treatment services matched to the youth needs. JCAs use Effective Practices in Community Supervision model (EPICS), cognitive behavioral interventions, and Carey Guides as intervention tools to support positive behavioral changes.

In some cases, youth on aftercare are placed in Brighter Transition Youth Treatment Center (males) or other programs to assist with transition to the community. In some instances, despite efforts by JCAs to intervene, youth may continue to engage in illegal conduct, and aftercare may be revoked.

Actions Taken in Response to an Aftercare Revocation



Aftercare Revocation



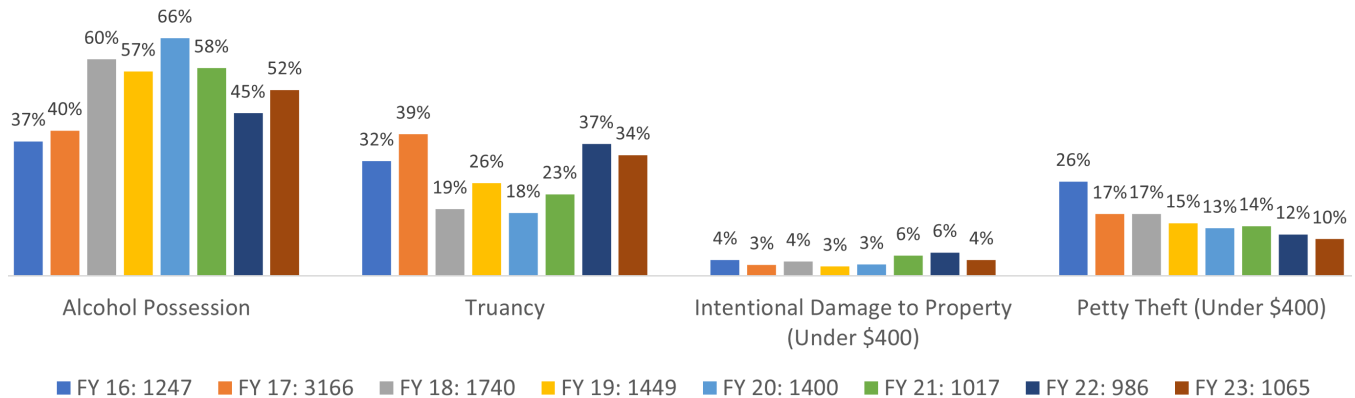
### Key Takeaways

Just 7% of youth on aftercare had their aftercare revoked in FY 2023. Most youth, 93%, completed aftercare supervision without a revocation event.

## JUVENILE 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.<sup>7</sup>

Juvenile Citations by Type



<sup>7</sup>Four-year high school cohort graduation rate by race/ethnicity: Kids Count Data Center. KIDS COUNT data center: A project of the Annie E. Casey Foundation. (n.d.). Retrieved December 2021, from <https://datacenter.kidscount.org/data/tables/8959-four-year-high-school-cohort-graduation-rate-by-race-ethnicity?loc=43&loct=2#detailed/2/any/false/2029,1965,1750,1686,1654,1601,1526,1445,1250/144,12,350,172,9,107/17902>



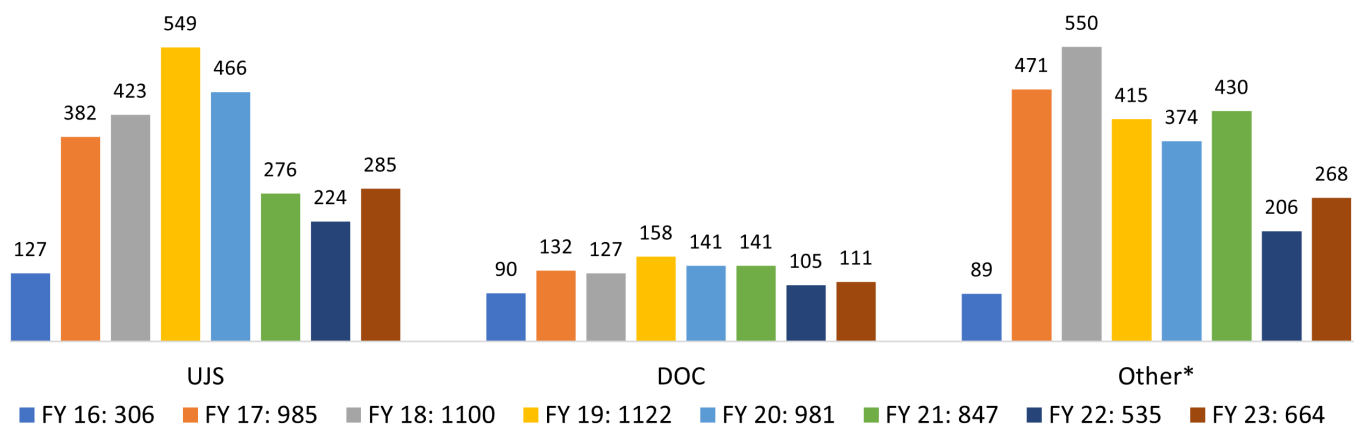
## REFERRALS TO TREATMENT

**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 the Juvenile Justice Public Safety Improvement Act, the Department of Social Services has expanded community-based treatment services statewide to include functional family therapy (FFT), aggression replacement training (ART), moral reconnection therapy (MRT), and additional substance use disorder (SUD) treatment services.

Referrals to Services by Year



\*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.

\*\*Referral numbers do not include referrals to systems of care services.

### Key Takeaways

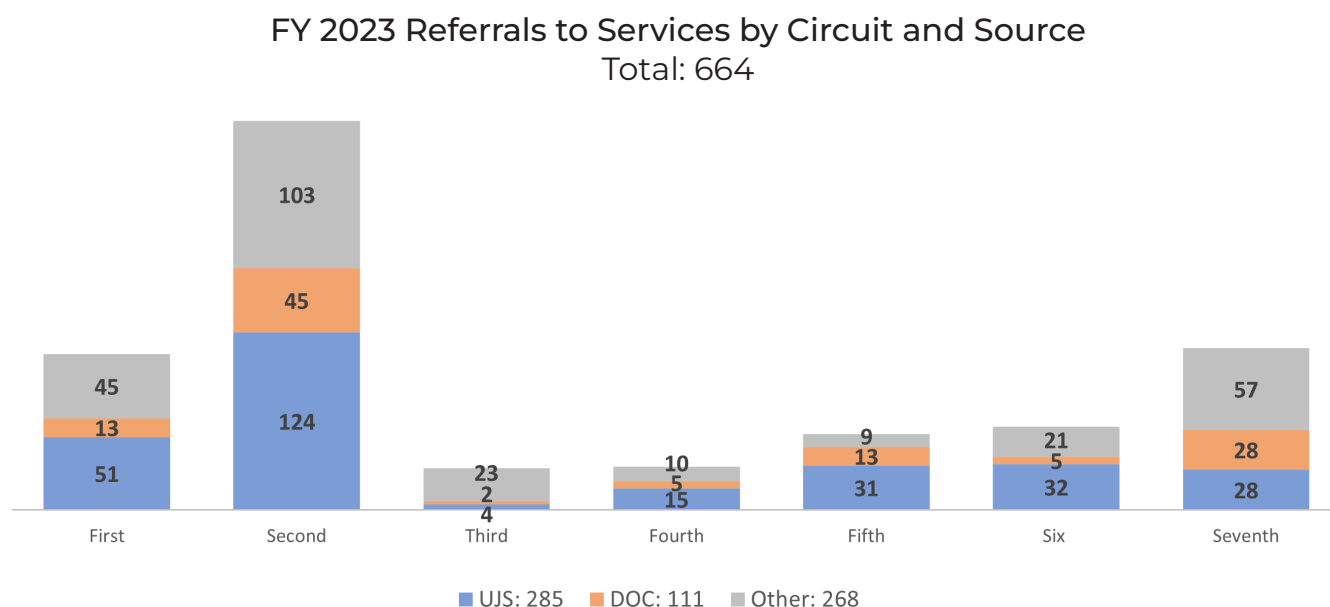
In FY 2023, referrals from UJS increased by 27% as compared to FY 2022, referrals from DOC increased by nearly 6%, and referrals from other sources increased by 30%.

Overall, referrals increased by 24% in FY 2023, as compared to FY 2022, and were down by 40% compared to the peak in FY 2019.

The Division of Behavioral Health continues to monitor the lingering impacts of COVID-19 on referrals to treatment services.

## REFERRALS BY CIRCUIT AND SOURCE

Referrals to community-based treatment services come from Unified Judicial System court services 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 involvement. The graph below shows the number of referrals made by each referral source in each circuit in FY 2023.



*\*Referral numbers do not include referrals to systems of care services.*

### Key Takeaways

Referrals to treatment services decreased in the First, Third, Fourth, and Sixth circuits in FY 2023. Referrals to treatment services increased in the Second, Sixth, and Seventh circuits in FY 2023. The largest increase was in the Second Circuit by nearly 69%, and the largest decrease was in the Third Circuit by 19%.

## CLIENTS SERVED

The number of clients served in targeted treatment services for justice-involved youth grew through FY 2018 and then began to decline. This decline is related to lower referral numbers, the impacts of COVID-19, as well as workforce challenges. The Division of Behavioral Health is actively partnering with treatment agencies to address workforce challenges and monitoring access to services. Additionally, the Division of Behavioral Health held listening sessions with treatment agencies and referral sources in FY 2023 to better understand gaps and barriers to service access and current treatment needs. Through the listening sessions, we learned that when core Juvenile Justice Reinvestment Initiative (JJRI) services are not available due to location, staffing, or other barriers, justice-involved youth are referred to and served in other publicly-funded treatment services, including child or youth and family services offered by community mental health centers and/or substance use disorder treatment services outside of the specific JJRI agencies.

**5,187**

Youth served in child or youth and family services in FY 2023.

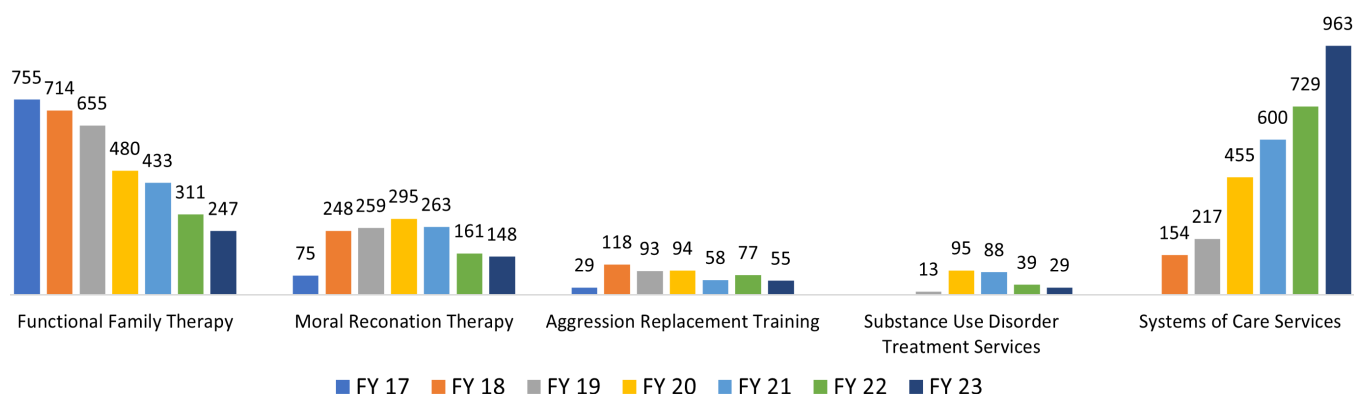
**478**

Youth served in substance use disorder treatment.

**3.75**

Additional systems of care coordinators funded by the Division of Behavioral Health in FY 2023 compared to FY 2022.

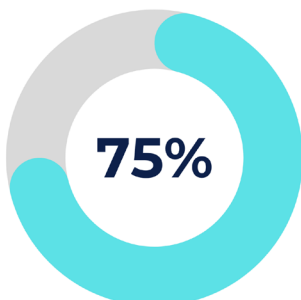
### Clients Served by Fiscal Year



## FUNCTIONAL FAMILY THERAPY

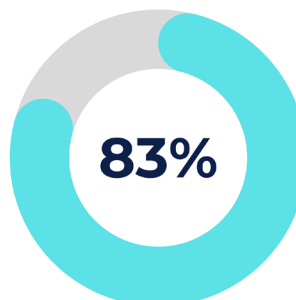
### THERAPY

Out of 122 families served, 75% successfully completed functional family therapy (FFT).



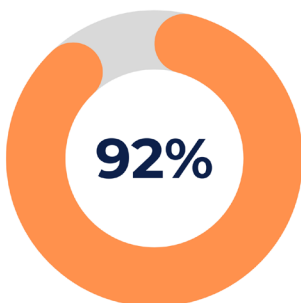
### CHANGE

83% of youth and 79% of parents and guardians reported a positive general change in their family after FFT.



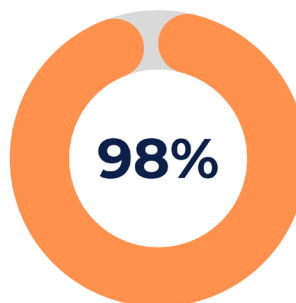
### SCHOOL OR WORK

92% of youth were attending school or working upon completion of FFT.



### LIVING AT HOME

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



### ACCESS

When accessing treatment services, youth rated ease and convenience at 3.88 out of 5; parents' rating was 4.50 / 5.



### OUTCOMES

Regarding mental health and social wellbeing, youth rated their outcomes at 3.80 out of 5; parents' rating was 4.06 / 5.



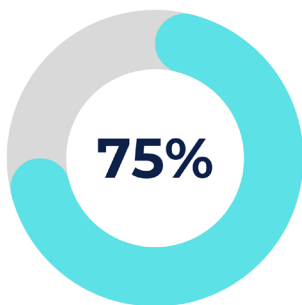
### Key Takeaway

The percentage of families successfully completing functional family therapy increased by 2.8 points compared to FY 2022.

## AGGRESSION REPLACEMENT TRAINING

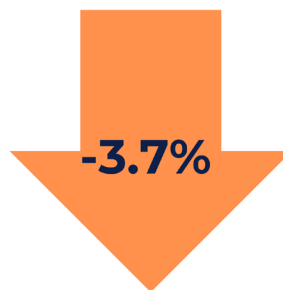
### TRAINING

Of 32 youth served, 75% successfully completed aggression replacement training (ART).



### REDUCTION

Youth participating in ART showed an average reduction of 3.7% in aggression, anger and hostility.



### ACCESS

When accessing treatment services, youth rated their ease and convenience at 3.72 out of 5; parents' rating was 4.58 / 5.



### OUTCOMES

Regarding mental health and social wellbeing, youth rated their outcomes at 3.51 out of 5; parent's rating was 3.90 / 5.



### Key Takeaway

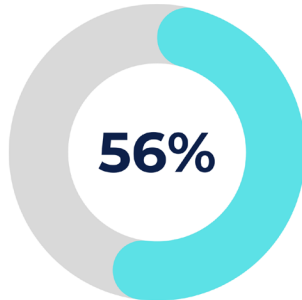
The percentage of youth successfully completing aggression replacement training did not change compared to FY 2022.



## MORAL RECONATION THERAPY

### TRAINING

Out of 84 youth, 56% successfully completed moral reconnection therapy (MRT).



### REDUCTION

Youth participating in MRT showed an average reduction of 36.1% in certain cognitive distortions.



### ACCESS

When accessing treatment services, youth rated their ease and convenience at 3.75 out of 5; parents' rating was 4.50 / 5.



### OUTCOMES

Regarding mental health and social wellbeing, youth rated their outcomes at 3.68 out of 5; parent's rating was 4.05 / 5.



### Key Takeaway

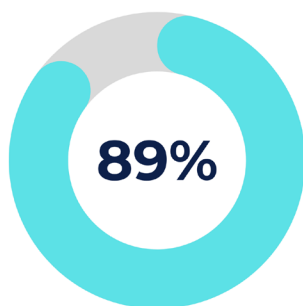
The percentage of youth successfully completing moral reconnection therapy decreased by 18 points compared to FY 2022.

## SYSTEMS OF CARE SERVICES

In addition to treatment services for the target population, systems of care (SOC) was expanded to support youth and families who experience barriers that may prevent them from participating in their recommended treatment. SOC is an early-intervention service that includes a wraparound approach to care coordination and service delivery for youth and families with complex needs. This approach is built on the values of being family-driven, team-based, collaborative, individualized, and outcomes-based. SOC helps families to navigate and access services, while also giving them the skills they need to become self-reliant.

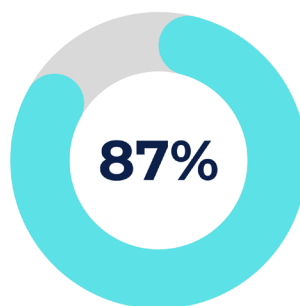
### BASIC NEEDS

89% of families reported basic needs had been met.



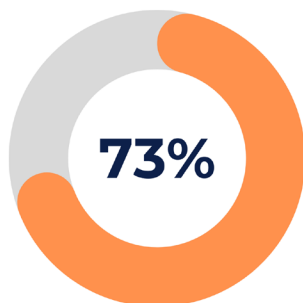
### HOUSING NEEDS

87% of families reported housing needs had been met.



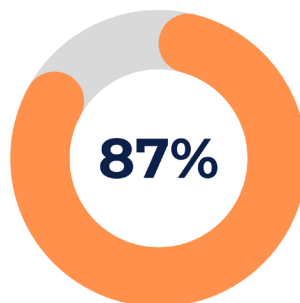
### EMOTIONAL NEEDS

73% of families reported emotional needs had been met.



### EDUCATION NEEDS

87% of families reported educational needs had been met.



### FAMILY LIFE

75% of families reported satisfaction with their family life.



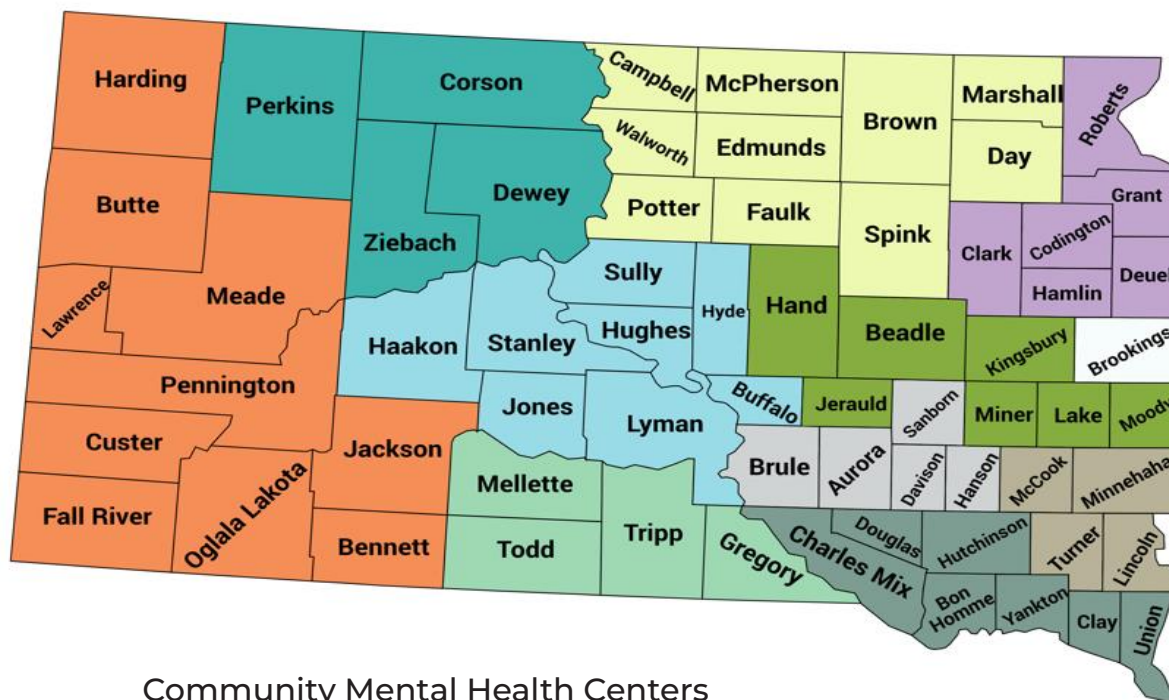
#### Key Takeaway

963 families received systems of care services, impacting more than 2,700 children.

## 2023 SERVICES MAPS

### Mental Health Treatment Services

Comprehensive specialized outpatient mental health treatment services are available statewide at the following community mental health centers. Treatment services are also available via telehealth statewide.



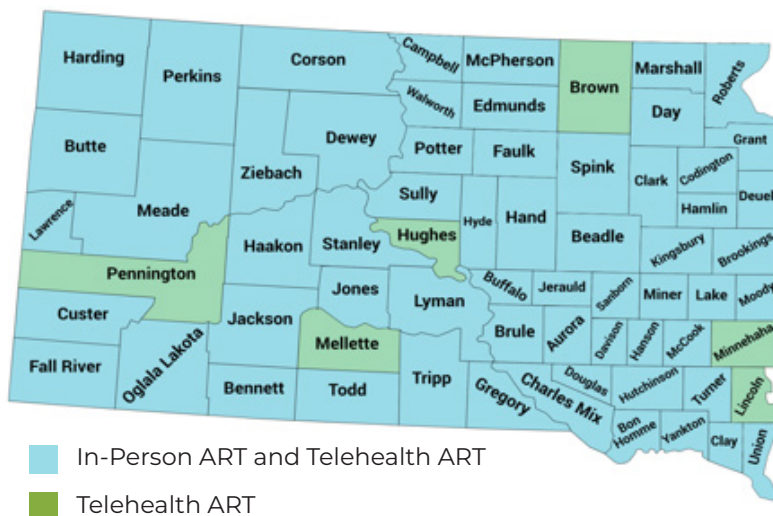
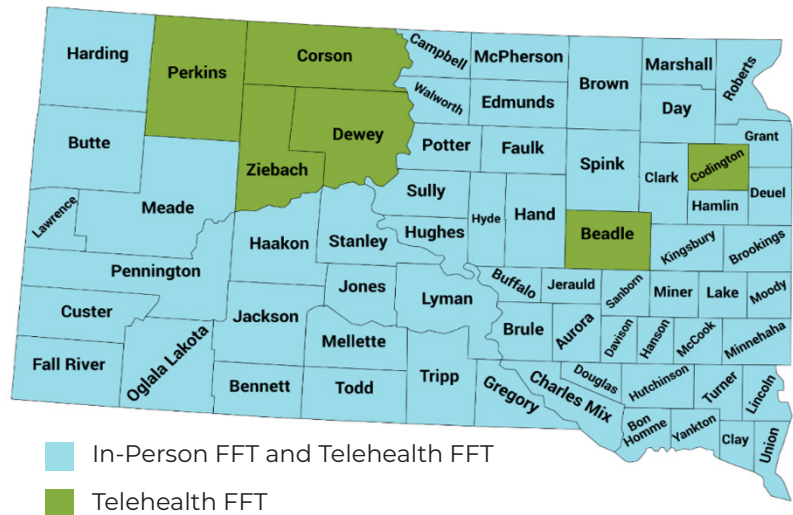
### Community Mental Health Centers

- Behavior Management Systems
- Brookings Behavioral Health and Wellness
- Capital Area Counseling Services
- Community Counseling Services
- Dakota Counseling Institute
- Human Service Agency
- Lewis & Clark Behavioral Health Services
- Northeastern Mental Health Center
- Southeastern Behavioral HealthCare
- Southern Plains Behavioral Health Services
- Three Rivers Mental Health Center and Chemical Dependency Center

## 2023 SERVICES MAPS

## Functional Family Therapy (FFT)

Functional family therapy (FFT) is a family-based therapy that focuses on building skills to improve family relationships, reduce behavioral issues, and improve school performance. FFT is a clinical model that increases a family's motivation to change and tailors interventions to each family's unique risk and protective factors.

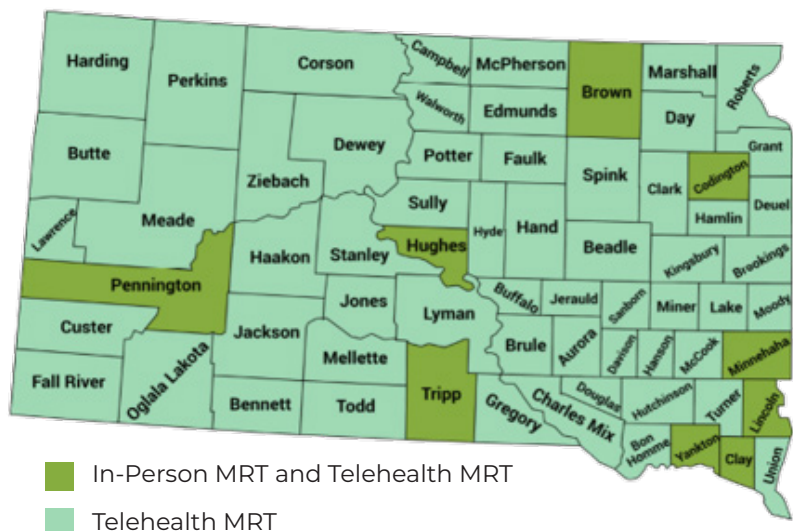


## Aggression Replacement Training (ART)

Aggression replacement training (ART) is designed to alter behaviors of chronically aggressive youth by using guided group discussions to correct anti-social thinking. ART uses repetitive learning techniques to teach coping skills for managing anger and impulsiveness. ART includes three interventions: social skills, anger control, and moral reasoning.

## Moral Reconciliation Therapy (MRT)

Moral reconnection therapy (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.



## 2023 SERVICES MAPS

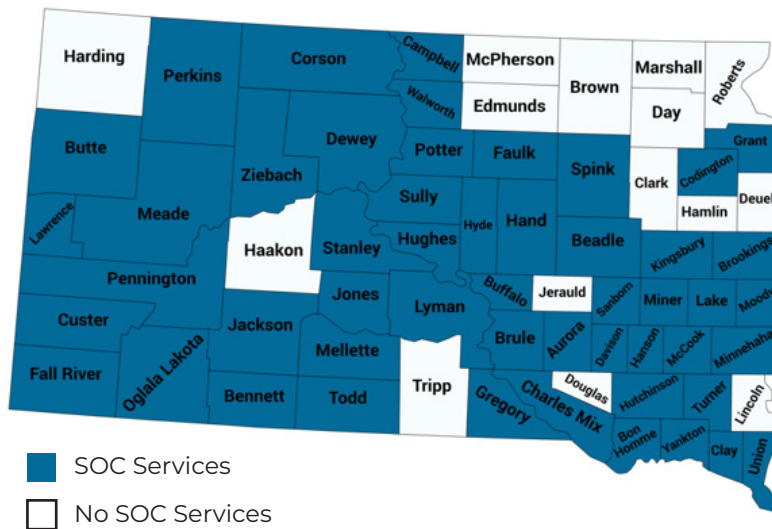
### Substance Use Disorder (SUD) Services

#### Cannabis youth treatment (CYT)

utilizes motivational interviewing, motivational enhancement therapy, and cognitive behavioral therapy to promote and sustain motivation in youth with addiction or co-occurring disorders. The length of CYT services varies by the youth's needs and can range from five 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.



### Systems of Care (SOC) Services

Systems of care (SOC) is an early-intervention service that includes a wraparound approach to care coordination and service delivery for youth and families with complex needs. This approach is built on the values of being family driven, team-based, collaborative, individualized, and outcomes-based. SOC helps families to navigate and access services, while also giving them the skills they need to become self-reliant.

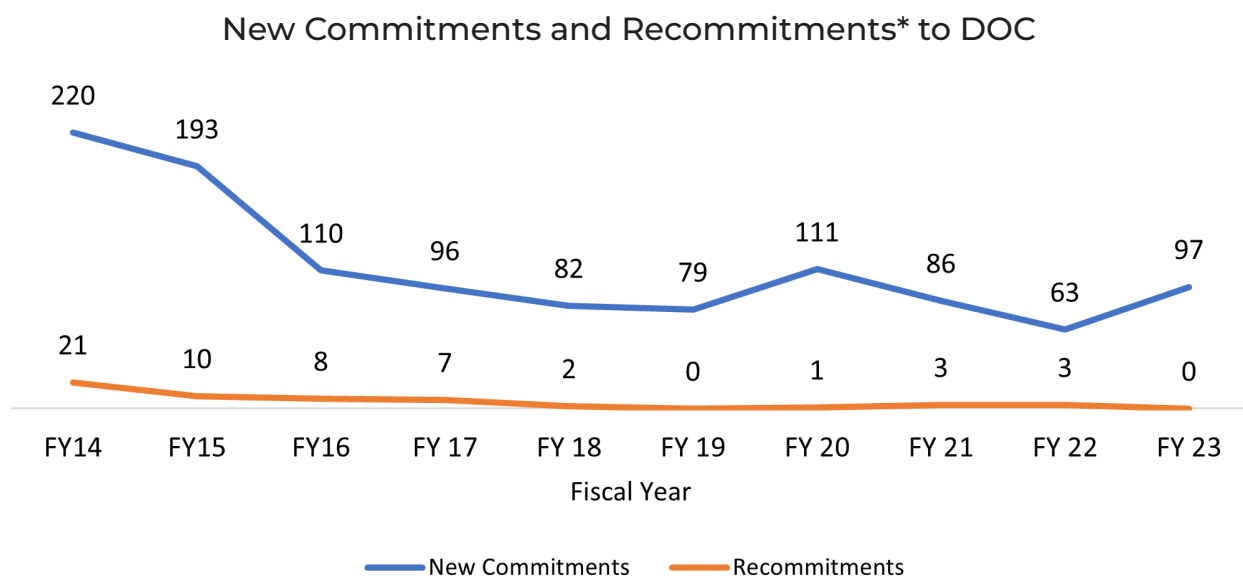


## COMMUNITY RESPONSE TEAMS

The Juvenile Justice Public Safety and Improvement Act (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 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.

First Circuit (FY 2023)				
CRT Recommendation		Community-Based Alternative	Court Disposition	Agreement
#1	DOC Placement	No	DOC Placement	Yes
#2	Intensive Probation	Yes	Intensive Probation	Yes
#3	DOC Placement	No	DOC Placement	Yes
#4	Intensive Probation	Yes	Intensive Probation	Yes
#5	DOC Placement	No	DOC Placement	Yes
#6	DOC Placement	No	DOC Placement	Yes

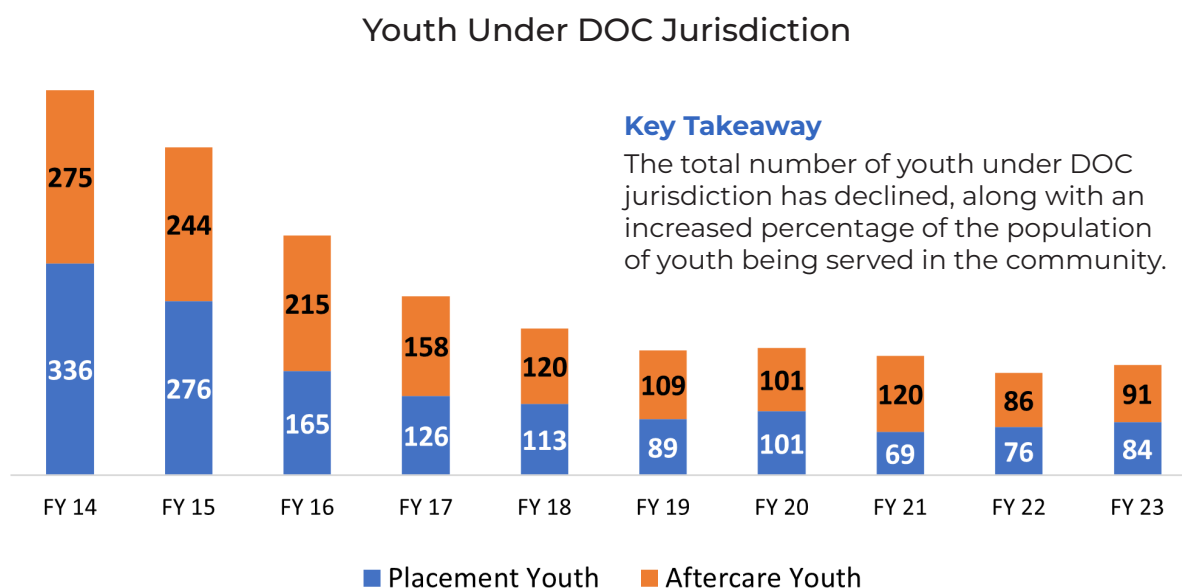
## DOC COMMITMENTS



*\*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 child in need of supervision (CHINS) for a new offense and is being recommitted to the DOC.*

### Key Takeaway

New commitments to DOC in FY 2023 increased by 32% from FY 2002.



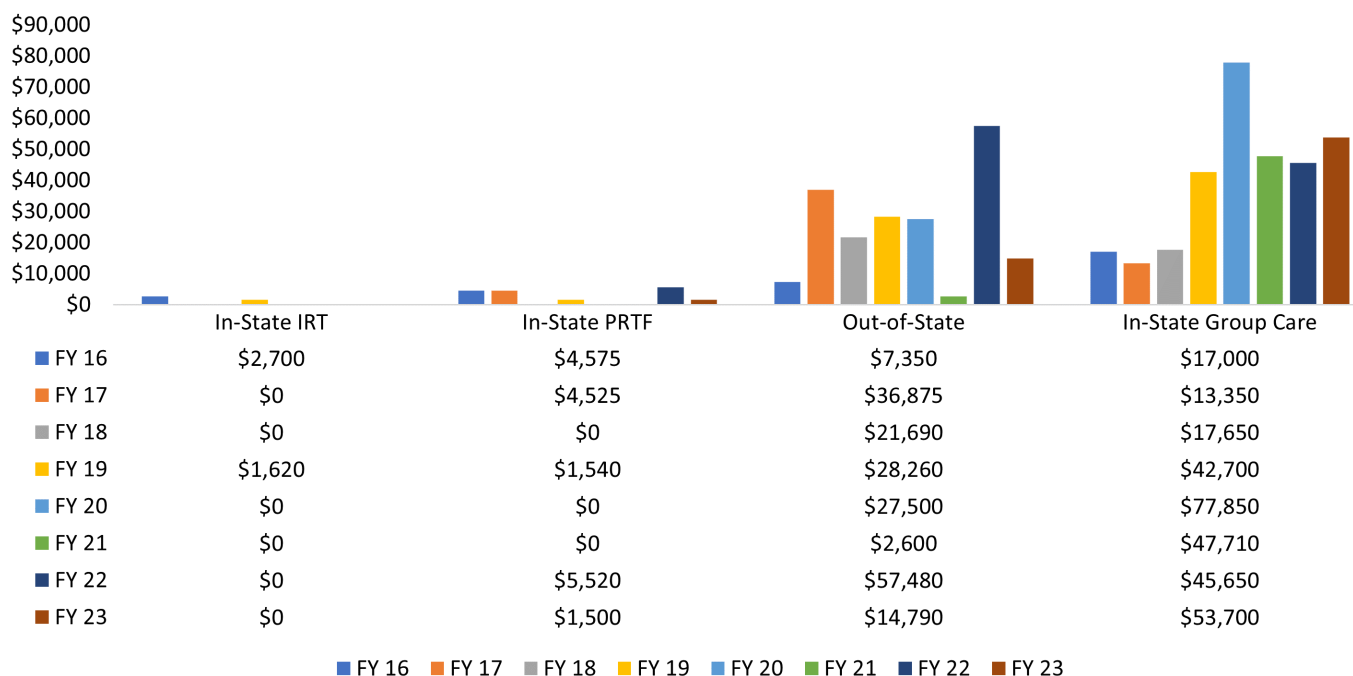
## PROVIDER PAY

In FY 2016, DOC entered into performance-based contracts with providers to ensure treatment goals are met within established time frames, consistent with the research around length of stay. FY 2023 payments reflect ongoing success, particularly with in-state group care providers.

### Key Takeaway

In FY 2023, \$69,990 was paid to DOC contracted providers on the performance-based contract model. DOC has demonstrated consistent success with reducing the length of stay for youth without compromising public safety outcomes.

Amount Paid to Providers for DOC Performance-Based Contracts



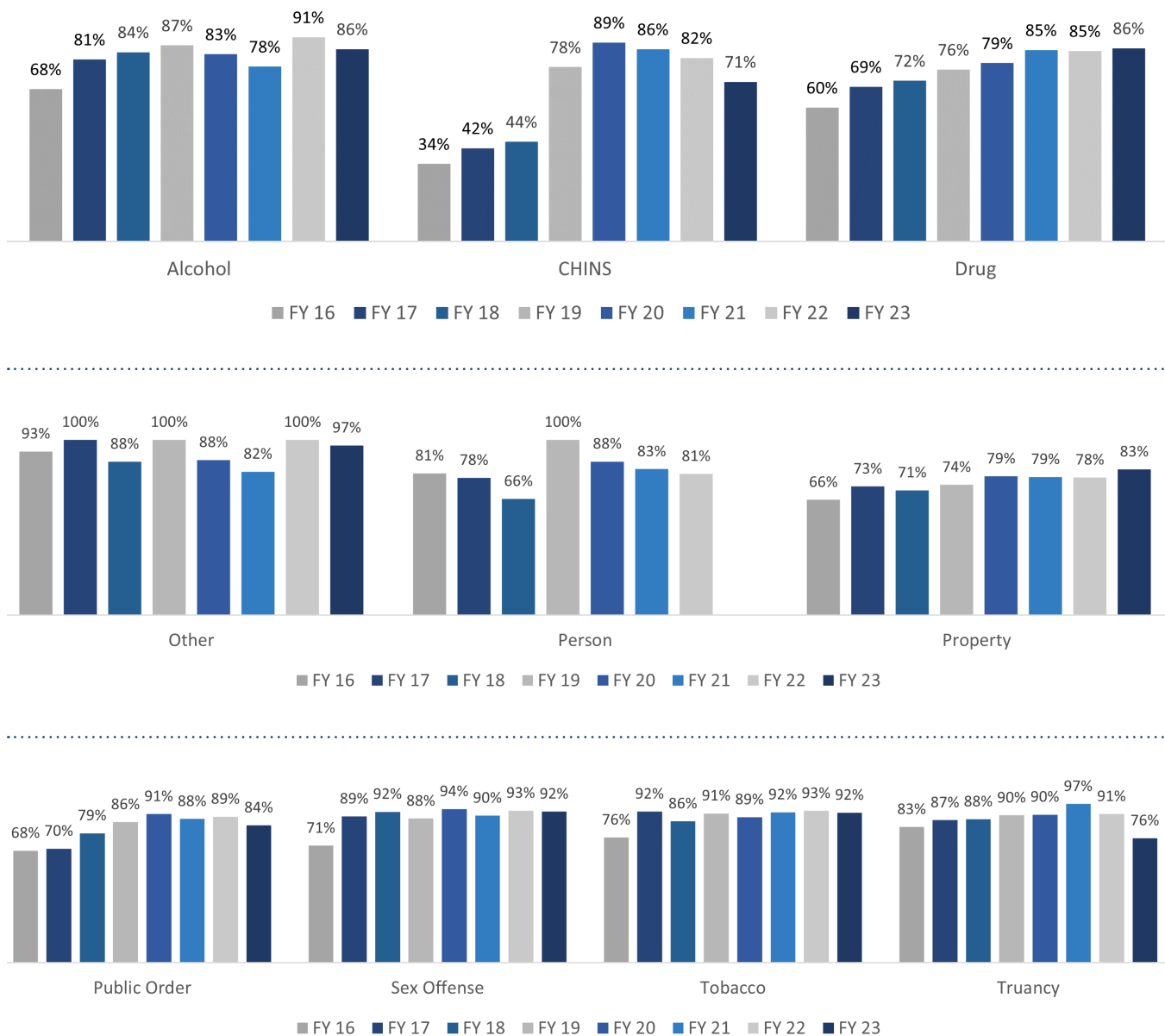
## DIVERSION

The Juvenile Justice Public Safety Improvement Act (JJPSIA) expands the use of diversion by providing fiscal incentives to counties and encouraging broader use of diversion for non-violent misdemeanants and child in need of supervision (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. 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.

### Key Takeaway

\$2,693,277.95 has been paid to counties since the inception of the fiscal incentive program for 12,727 successful diversion completers.

### Successful Diversions



## DIVERSION

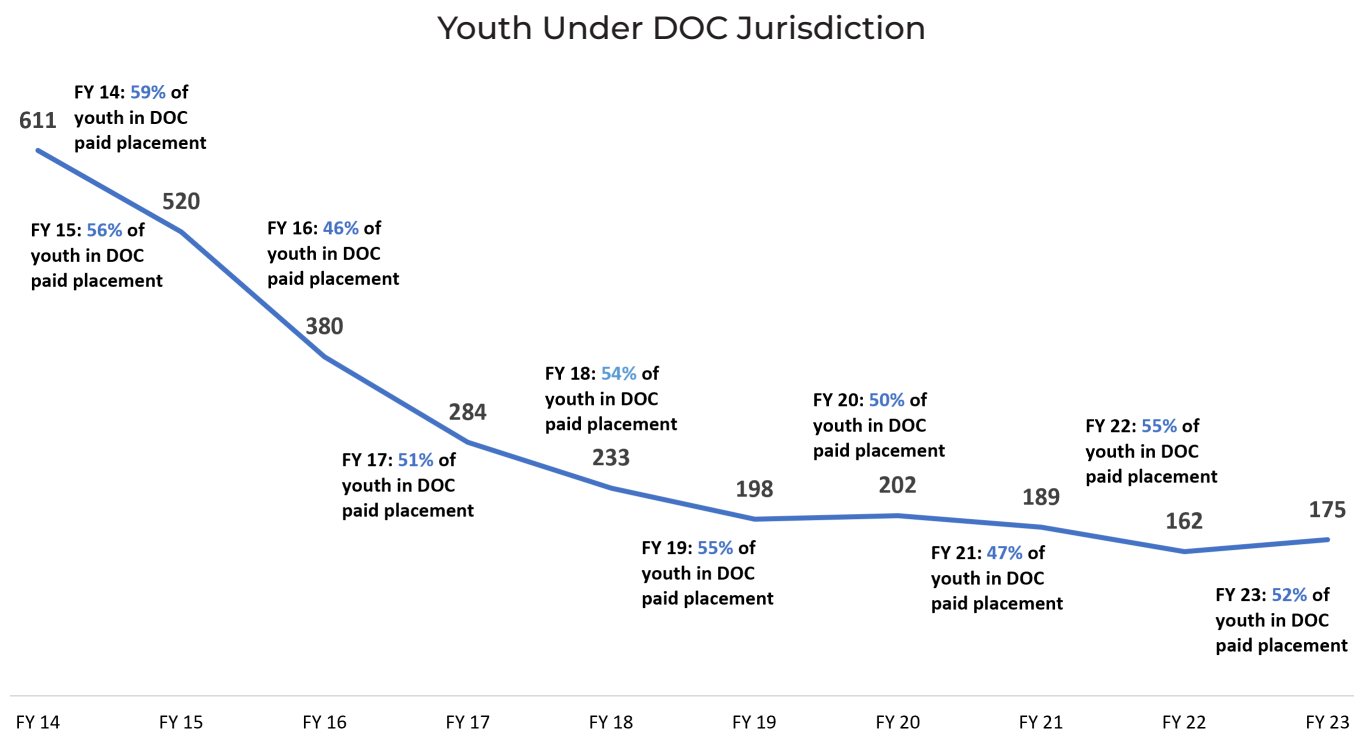
	FY 2016		FY 2017		FY 2018		FY 2019	
	Successful	Unsuccessful	Successful	Unsuccessful	Successful	Unsuccessful	Successful	Unsuccessful
<b>Alcohol</b>	122	58	111	26	134	25	192	28
<b>CHINS</b>	30	57	44	62	55	69	90	26
<b>Drug</b>	162	110	241	109	294	117	299	92
<b>Other</b>	14	1	23	0	21	3	14	0
<b>Person</b>	38	9	65	18	75	29	117	25
<b>Property</b>	209	109	187	68	210	85	159	55
<b>Public Order</b>	67	31	101	44	174	46	158	26
<b>Sex Offense</b>	5	2	42	5	59	5	22	3
<b>Tobacco</b>	13	4	12	1	19	3	114	11
<b>Truancy</b>	310	64	275	0	452	64	449	50
<b>Totals</b>	<b>970</b>	<b>445</b>	<b>1101</b>	<b>333</b>	<b>1493</b>	<b>446</b>	<b>1614</b>	<b>316</b>

	FY 2020		FY 2021		FY 2022		FY 2023	
	Successful	Unsuccessful	Successful	Unsuccessful	Successful	Unsuccessful	Successful	Unsuccessful
<b>Alcohol</b>	180	36	158	45	190	19	149	25
<b>CHINS</b>	85	11	83	14	125	28	86	35
<b>Drug</b>	281	73	259	45	273	49	326	53
<b>Other</b>	23	3	9	2	17	0	30	1
<b>Person</b>	113	16	129	26	153	37	194	47
<b>Property</b>	167	44	167	45	146	40	182	37
<b>Public Order</b>	226	23	194	27	298	36	282	54
<b>Sex Offense</b>	61	4	53	6	52	4	84	7
<b>Tobacco</b>	72	9	147	13	216	17	252	23
<b>Truancy</b>	663	70	673	21	513	52	238	75
<b>Totals</b>	<b>1871</b>	<b>289</b>	<b>1872</b>	<b>244</b>	<b>1983</b>	<b>282</b>	<b>1823</b>	<b>357</b>



## YOUTH UNDER DOC JURISDICTION

The number of youth in DOC paid placements fluctuates and has trended down over time. The intensive case management model and delivery of interventions by juvenile corrections agents has increased the number of youth served successfully on aftercare in the community.



## OVERSIGHT COUNCIL MEMBERSHIP

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First Judicial Circuit

**Judge Heidi Linngren**  
Seventh Judicial Circuit

**Judge Margo Northrup**  
Sixth Judicial Circuit

**Annie Brokenleg**  
Juvenile Diversion Coordinator

**Joanna Lawler**  
Criminal Defense Attorney

**Amie Weglin**  
Court Service Officer

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State Senator

**Senator Red Dawn Foster**  
State Senator

### Speaker of the House Appointees

**Representative Mike Stevens**  
State Representative

**Representative Linda Duba**  
State Representative

### Attorney General Appointee

**Jessica LaMie**  
Assistant Attorney General

### Superintendent's Association Appointees

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School Superintendent

**Tammy Meyer**  
School Superintendent

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At Large

**Secretary David Flute**  
Tribal Relations

**Bryan Harberts**  
Youth Care Provider

**Tiffany Wolfgang**  
Department of Social Services

**Kristi Bunkers**  
Department of Corrections

**Vacant**  
Law Enforcement



## SOUTH DAKOTA JUVENILE JUSTICE OVERSIGHT COUNCIL

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