A low-angle, upward-looking photograph of the South Dakota State Capitol dome. The dome is a large, ornate structure with a dark, possibly copper, roof and a decorative finial at the top. Below the dome, the classical architecture of the building is visible, featuring large columns and intricate carvings. The entire image has a warm, yellowish-gold color cast, giving it a historical or official feel.

south dakota

Juvenile JUSTICE

PUBLIC SAFETY IMPROVEMENT ACT

2017 Annual Report

This 2017 annual report is hereby submitted to the people and leaders of South Dakota as required by the Juvenile Justice Public Safety Improvement Act.

The data contained in this report represents a collaboration of efforts by the Department of Corrections, Department of Social Services, Unified Judicial System and various juvenile justice system stakeholders. This report and the information provided is intended to ensure oversight and data collection related to the implementation of juvenile justice reforms intended to improve outcomes for the youth of South Dakota.

During the 2017 legislative session a series of changes were made to the Juvenile Justice Public Safety Improvement Act in part as a response to the information made available because of the data tracking mandated by the Act. Those changes included extending initial probationary terms for youth from four months to six months; building into the law a tolling provision for juveniles that abscond or violate conditions of probation; modifying the process for juvenile citations; and, clarifying the requirements related to mandatory diversion.

The Oversight Council's role is to continue to utilize this data to monitor key indicators of how our system is performing and continuously examine what is happening in South Dakota as the result of the juvenile justice reforms. The data indicates both positive improvements and areas we need to continue to monitor closely.

- There are early indications of a decrease in juvenile recidivism.
- More youth are completing probation and aftercare without being revoked.
- Functional Family Therapy is positively impacting a majority of families participating in the program.
- The percentage of juvenile citations for alcohol possession and truancy violations increased between FY 16 and FY 17.
- After a drop in FY15, the number of arrests for more serious crimes has leveled off while at the same time felony petitions increased statewide.

As we indicated last year, much work remains and we will continue to work hard to make changes that better our youth, families and communities across South Dakota.

Lastly, the Oversight Council wishes to acknowledge the Crime and Justice Institute who has provided technical assistance to South Dakota through a grant from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Respectfully submitted,



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

Introduction to the Juvenile Justice Public Safety Improvement Act (JJPSIA) Annual Report

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 2017, as well as historical data for prior years, where available.¹ 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.

¹ In certain areas historical comparisons are not possible because the data was not routinely collected prior to JJPSIA

The following report is designed to reflect alignment of these goals with what is happening in the South Dakota juvenile justice system.

Increase Public Safety by Improving Outcomes for Youth and Families and Reducing Juvenile Recidivism

One measure of assessing public safety is to examine juvenile arrest data and juvenile petitions filed with the court (displayed in Tables 1, 2 and 3).

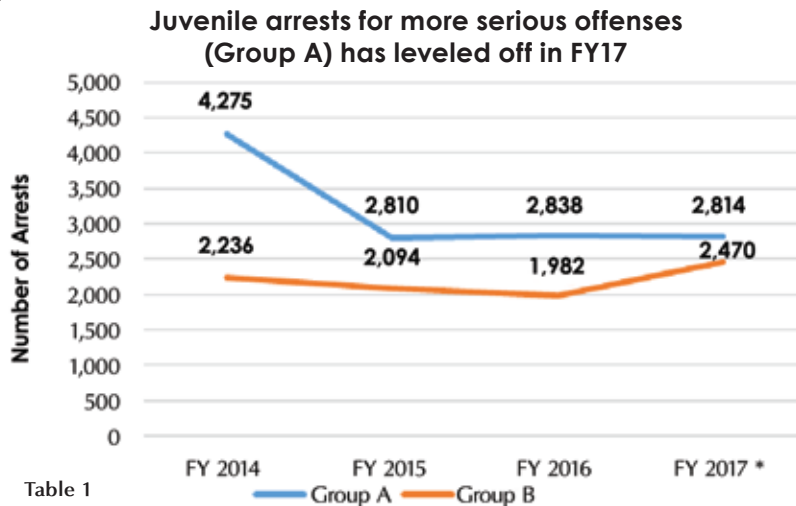
Key Takeaways (TABLE 1)

- Arrest data indicates the number of arrests for more serious offenses (Group A) has leveled off.
- The number of arrests for less serious offenses (Group B) dropped in FY16 and has increased in FY17.

Arrests

Arrest data is maintained and reported by the Attorney General's office and the data are divided into two groups: Group A offenses and Group B offenses:

- There are 23 Group A crime categories made up of 49 offenses. Both incidents and arrests are captured for Group A offenses and include serious crimes against persons, property or society.
- There are 11 crime categories for Group B offenses. Only arrests are reported for Group B offenses.



*At the time of writing this report, all agencies had not reported for the year of 2017.

Juvenile arrest data also includes juveniles taken into custody or arrested but merely warned and released without being charged. A more detailed explanation and list of Group A and Group B offenses can be found in Appendix A.

Increasing public safety is of the utmost importance to the Juvenile Justice Oversight Council. Monitoring juvenile arrest data and juvenile petition filings helps to understand 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.

Key Takeaways (TABLE 2)

- While arrests for more serious offenses has remained steady, felony petition filings have increased 31% since FY14.
- Petitions filed for misdemeanor offenses has decreased 35% since FY14.
- There has been a 45% decrease in CHINS petitions filed since FY14.

(TABLE 3)

- Across all fiscal years, between 14% and 21% of youth have two or more felony petitions filed against them.

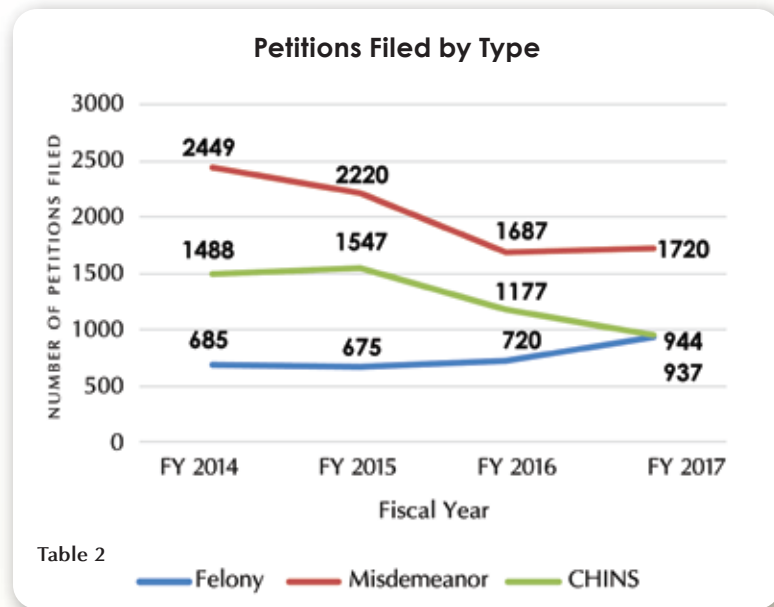


Table 3	FY14	FY15	FY16	FY17
Felony Petitions Filed	686	685	720	936
Youth Committing Felony Offenses	552	558	594	713
Youth Committing 2 or More Felonies	78 (14%)	90 (16%)	88 (15%)	148 (21%)

Probation

New Probation Admissions

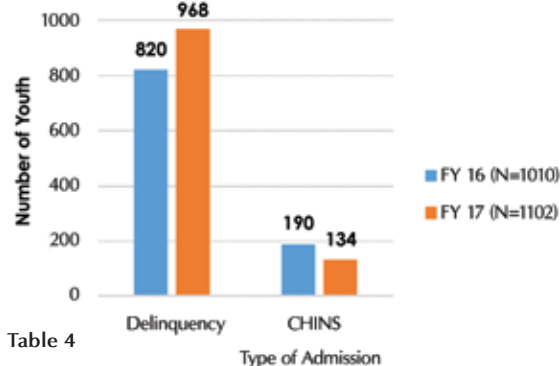


Table 4

Key Takeaways

(TABLE 4)

- In FY17, 148 more youth were newly admitted to probation for a delinquency offense, while 56 fewer youth were placed on probation for a CHINS violations.

(TABLE 5)

- In FY17, 96% of youth completed their term of probation, up from 85% in FY14.
- The proportion of youth revoked to DOC continued to decrease, reaching a four-year low of 3% in FY17.

The share of youth completing probation supervision has steadily increased since FY14. At the same time, the number of probation revocations has been decreasing since FY14.

Reason Discharged From Probation

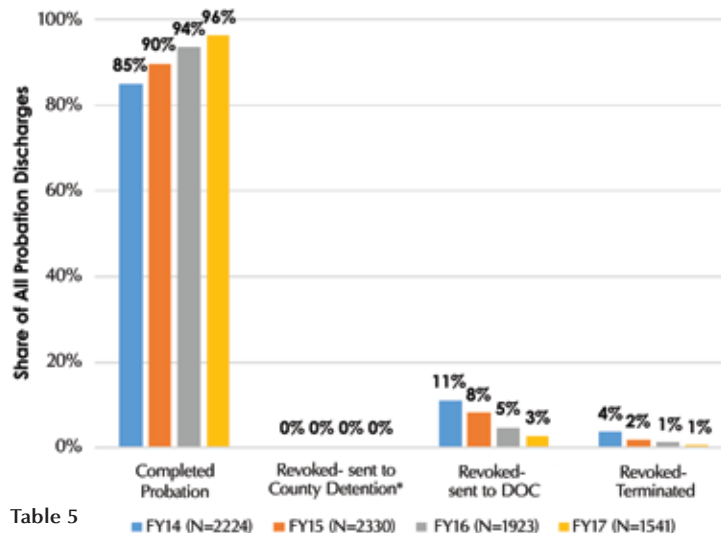


Table 5

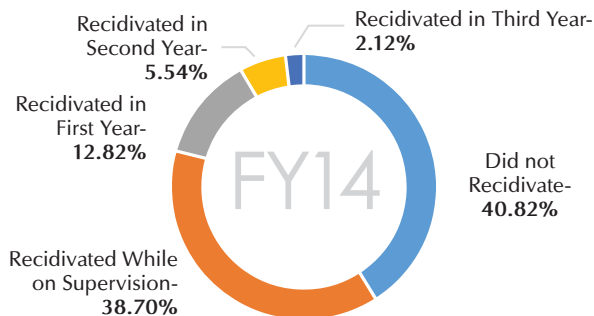
*Less than 1% of youth were revoked to County Detention in each year shown.

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).

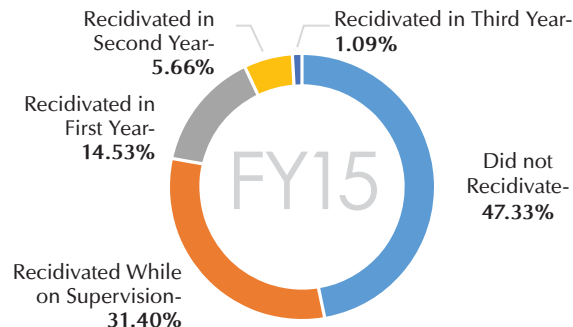
**Based on the definition of recidivism, the final outcomes for FY 15, 16, and 17 cannot be calculated at this time.*

Table 6

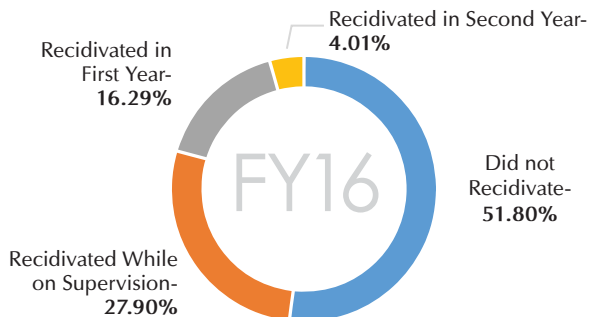
Almost 41 percent of juveniles entering probation in FY14 did not recidivate.



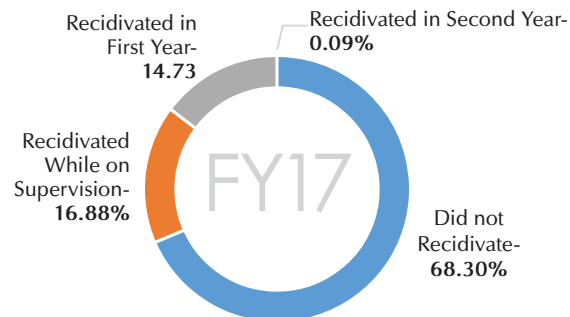
Nearly half (47%) of juveniles entering probation in FY15 did not recidivate.



Over half (52%) of juveniles entering probation in FY16 did not recidivate.



Over two-thirds (68%) of juveniles entering probation in FY17 did not recidivate.



DOC Commitment

In an effort to better utilize out-of-home residential placements, JJPSIA defined the criteria for commitment to the Department of Corrections (DOC) for youth posing a serious 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, but overall time in residential placement has decreased. The increase in length of commitment, including in some residential placements, is not unexpected as youth posing a serious risk to public safety may require more time to be effectively rehabilitated before returning to the community.

Key Takeaways (TABLE 7)

- Average length of commitment was steady from FY14 to FY16, but rose by 10% from FY16 to FY17.

(TABLE 8)

- There was a steady decrease from FY15 to FY17 in average length of stay for In-State DOC Paid Group Care and Out of State Private – DOC Paid.
- After falling from FY14 to FY15, there has been an increase of 2 months in average length of stay for In-State Residential Treatment from FY15 to FY17.

Average Length of Commitment* for Youth Discharged from DOC

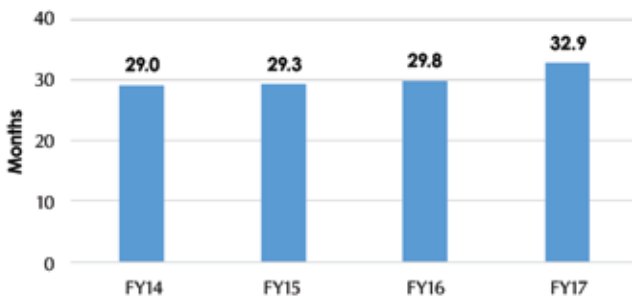


Table 7

Average Length of Stay in Residential Placement

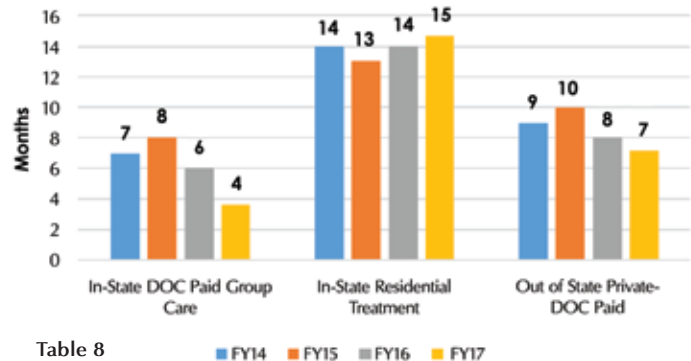


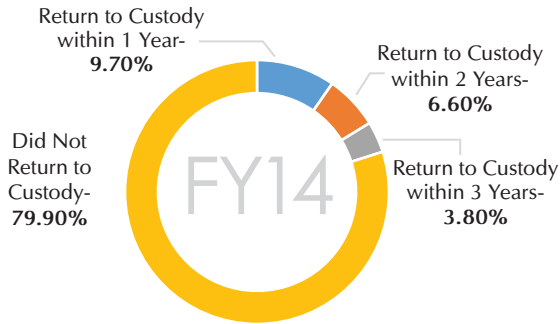
Table 8

*Length of commitment includes the total time a youth was under the custody of the Department of Corrections, including residential placement and time spent on aftercare.

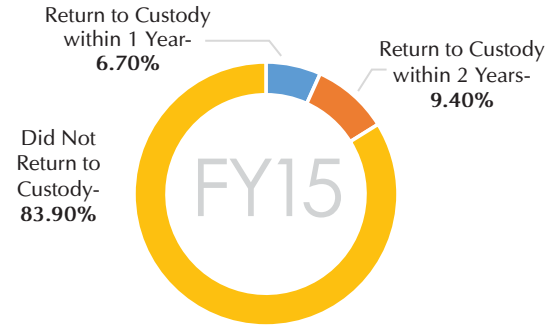
The Department of Corrections (DOC) measures a return to custody “*within one year, two years, or three years of discharge from the custody of the Department of Corrections, a juvenile commitment or conviction in adult court for a felony resulting in a sentence to the Department of Corrections*” SDCL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

Table 9

Youth Discharged from DOC Custody, FY14



Youth Discharged from DOC Custody, FY15

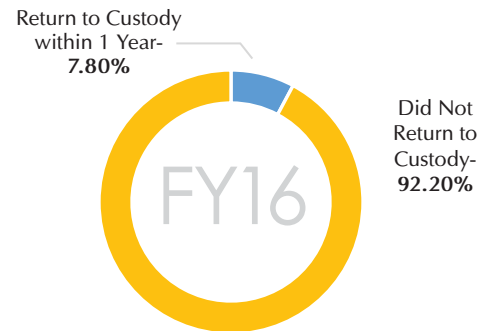


Key Takeaways

(TABLE 9)

- The majority of youth (between 79 and 92 percent) discharged from DOC custody did not return to DOC custody.
- FY14**
 - Almost 80 percent of juveniles discharged from DOC in FY14 did not return to DOC custody.
- FY15**
 - Less than 7 percent of juveniles discharged from DOC in FY15 returned to DOC custody within one year.
- FY16**
 - Less than 8 percent of juveniles discharged from DOC in FY16 returned to DOC custody within one year.

Youth Discharged from DOC Custody, FY16



Effectively Hold Juvenile Offenders Accountable

When youth on probation are repeatedly failing to show positive behavioral 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. 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

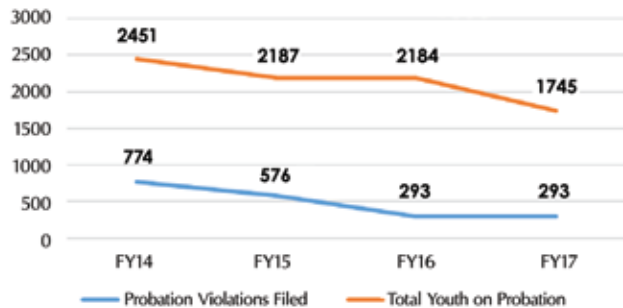


Table 10

Key Takeaways (TABLE 10)

- During FY17 a total of 1,745 youth were supervised on probation, a 20% reduction from FY16 and an almost 30% reduction from FY14.
- The number of probation violations filed remained unchanged from FY16 to FY17, and have dropped by 62% from FY14 to FY17.

Sustained Probation Violation Outcomes, FY16 -vs- FY17

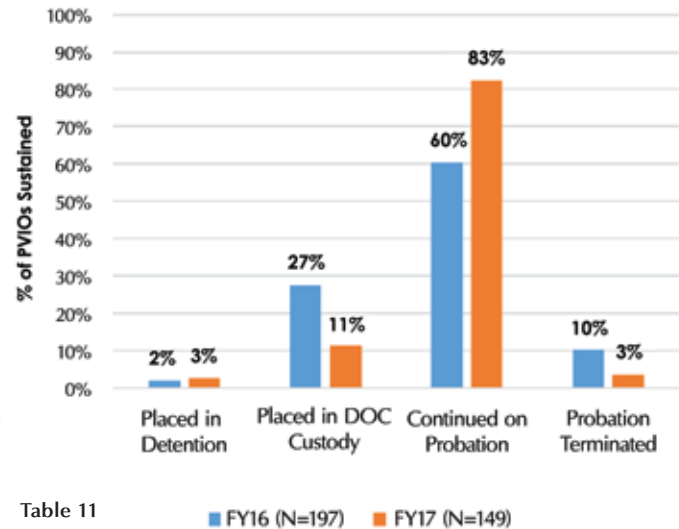


Table 11

(TABLE 11)

- In FY14, 15 and 16, about 15% of youth had two or more felony petitions filed against them.
- In FY17, this proportion increased to 21% of youth with two or more felony petitions filed against them.

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 supervising officer. 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 sanctions¹. It is important to continuously identify opportunities to reinforce a youth's prosocial behavior and attitudes. By doing so, the youth's positive behavior is more likely to be repeated and sustained.

The Juvenile Supervisory Responses (JSR) Matrix, a graduated response system, has been developed and adopted statewide.

The JSR includes sanctions to address negative behavior and incentives to encourage positive behavior and hold juvenile probationers more accountable through swift, certain and proportional responses to behavior.

¹ Guevara, M. and Solomon, E. (2009). Implementing Evidence-based Policy and Practice in Community Corrections, National Institute of Corrections, US DOJ, 2nd edition.

Key Takeaways (TABLE 12)

- Almost half (45%) of youth on probation received an incentive as part of the juvenile probation graduated response system; while 16% received a sanction
- The increase for both categories indicates that CSOs are using graduated responses more often to respond to youth behavior.

Graduated Responses for Youth on Probation

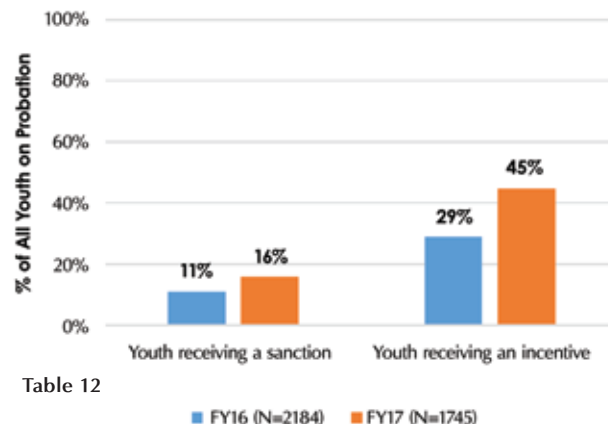


Table 12

During the 2017 legislative session, guidelines for the initial term for youth on probation was modified to 6 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.

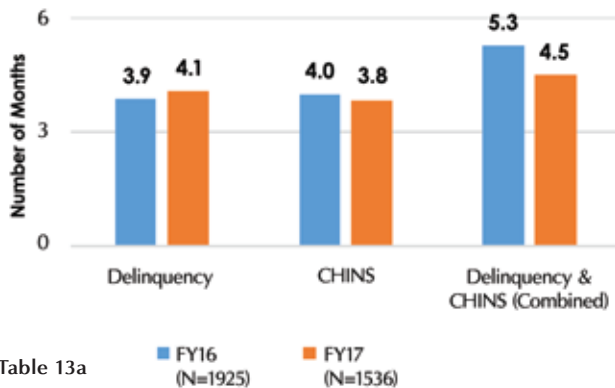
Key Takeaways (TABLE 13a)

- From FY16 to FY17, there was a slight increase in time ordered for delinquency cases, and a slight decrease for CHINS cases.
- Time ordered for both case types is around 4 months. There was a decrease in both time ordered and served for combined delinquency & CHINS cases.

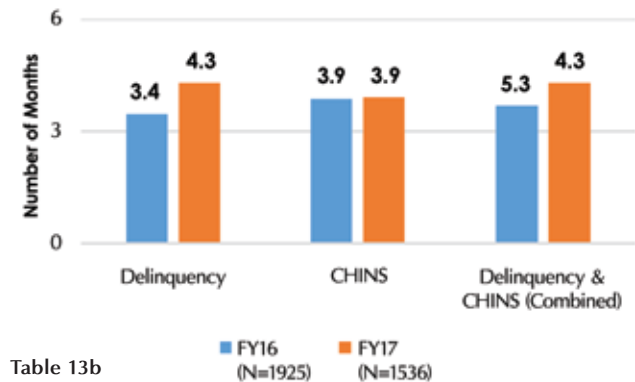
(TABLE 13b)

- In FY16, youth served less time than ordered for all categories; however, in FY17, youth served more time than ordered for only delinquency & only CHINS cases.

**Average Probation Term Ordered,
FY16 -vs- FY17**



**Average Probation Term Served,
FY16 -vs- FY17**



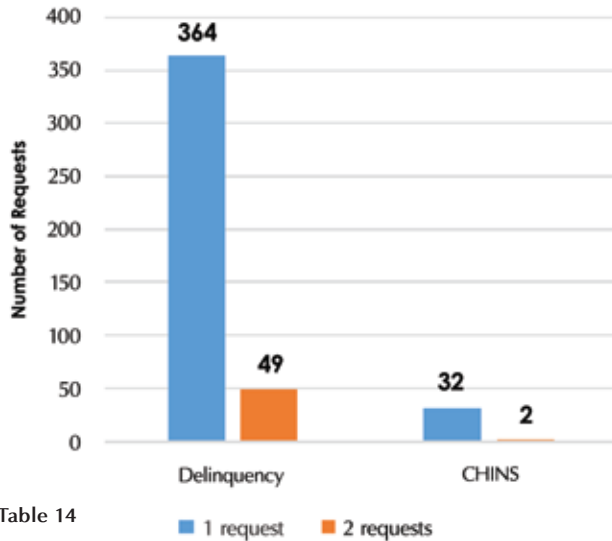
Key Takeaways (TABLE 14)

- Requests were made to extend probation in 364 delinquency cases and 32 CHINS cases; a second extension request was made for 49 delinquency cases and 2 CHINS cases.

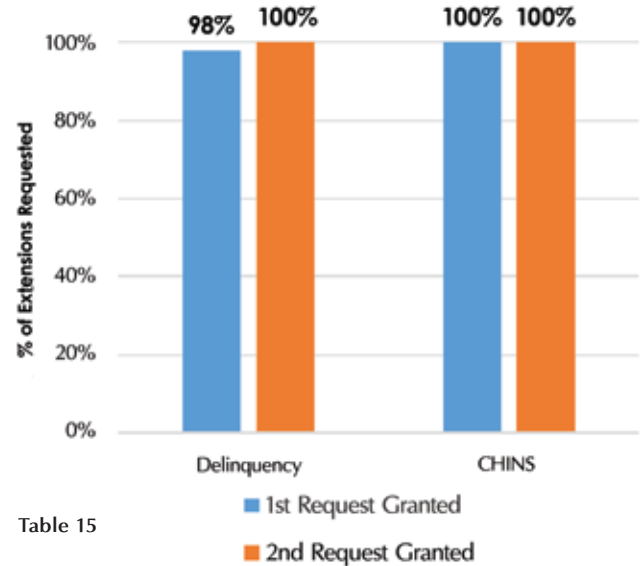
(TABLE 15)

- For delinquency cases, nearly all (98%) of the first extension requests were granted and 100% of the second requests were granted. All requests for CHINS extensions were granted.

Probation Extension Requests, FY17



Probation Extension Requests Granted, FY17

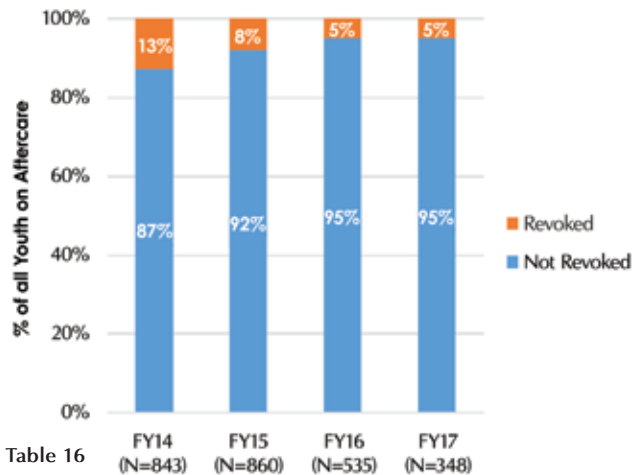


Aftercare

services. 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. Juvenile Corrections Agents (JCA) work with youth to ensure they have a positive reentry to the community. In some cases, despite efforts by JCAs to intervene and redirect behavior, youth may continue to exhibit antisocial behavior and aftercare may be revoked.

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 monitoring and

Aftercare Revocations



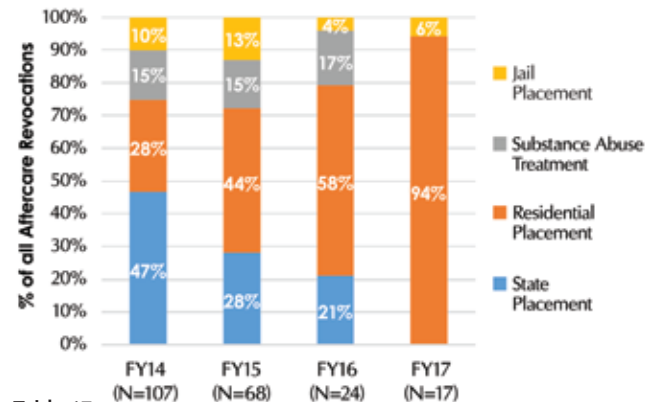
(TABLE 17)

The most common response to aftercare violations in FY17 was placement in a residential facility.

Key Takeaways (TABLE 16)

- A small portion of youth on aftercare (5%) had their aftercare revoked in FY17, an 8% decline since FY14.
- There was an 84% reduction in the number of aftercare revocations from FY14 to FY17.

Actions Taken in Response to an Aftercare Revocation



Juvenile Citations by Offense Type

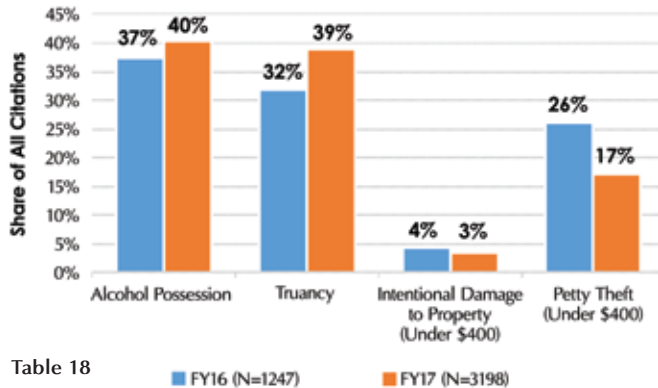


Table 18

*Citations were only in effect for 6 months of FY16

Citations

In January 2017, the following amendments were made to improve the juvenile citation statute:

- Allow school officials to file a report directly with the state's attorney for any of the citable offenses;
- Clarify the authority of the state's attorney to refer any youth with a citation to a diversion program before proceeding on the citation in court;
- Expand the judgement options for citations to include referral to a diversion program; and,
- Strengthen the court's authority to respond to youth who fail to appear in court for a citation or fail to comply with the court's decision on a citation by permitting the state's attorney to file a petition for these failures.

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 judgement imposed by the court requiring them to participate in a diversion program, pay a fine, or complete community service.

Key Takeaways (TABLE 18)

- Alcohol possession and truancy together comprised 80% of all juvenile citations in FY17, compared to 69% in FY16.
- (TABLE 19)
The majority of citations in FY16 (60%) and FY17 (65%) result in a judgment entered by the court.

Outcomes of Juvenile Citations

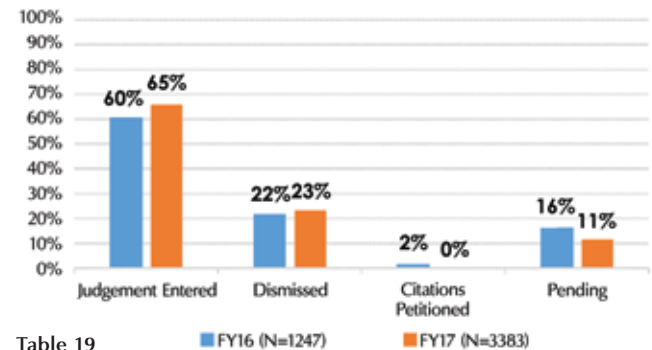


Table 19

Key Takeaways (TABLE 20)

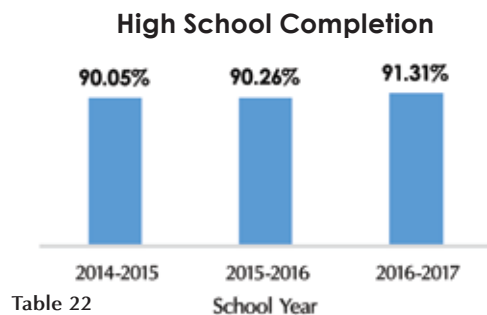
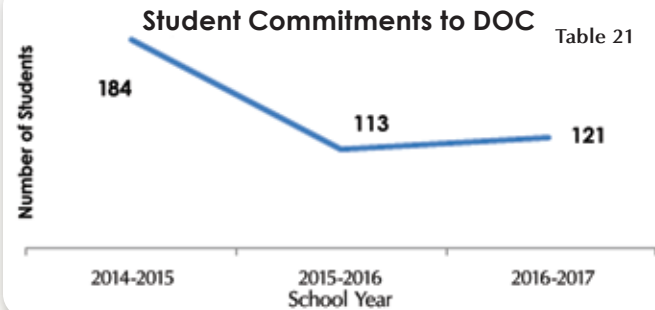
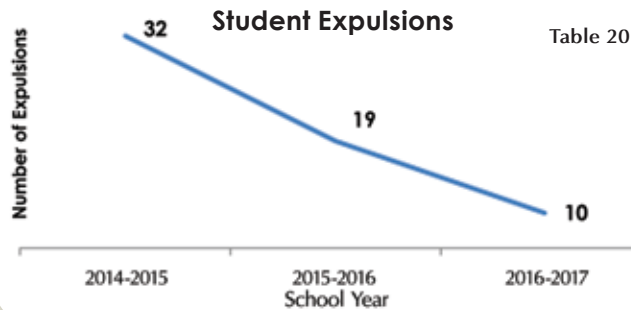
- The number of students expelled from a public school decreased statewide the last three school years.*
- The total number of students expelled decreased almost 69 percent from 2014-2017.

**Expelled student definition is based on unduplicated enrollment within a public school district²*

(TABLE 21)

- The number of students committed to Department of Corrections (DOC) decreased statewide the last three years.

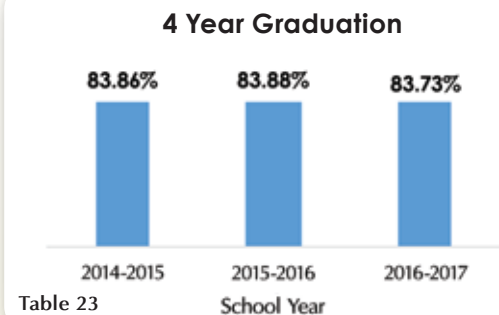
The total number of students committed to the DOC decreased 34 percent from 2014-2017



Key Takeaways

(TABLES 22 & 23)

The proportion of youth completing and graduating from high school has remained steady over the last three school years.



²Data in Tables 20, 21, 22 and 23 provided by the South Dakota Department of Education

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) and Moral Reconciliation Therapy (MRT). These services are referred to as Juvenile Justice Reinvestment Initiative (JJRI) services.

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 antisocial behaviors including violence, drug abuse/use, conduct disorder, and family conflict. In FY17, FFT was available statewide.

Aggression Replacement Training (ART)

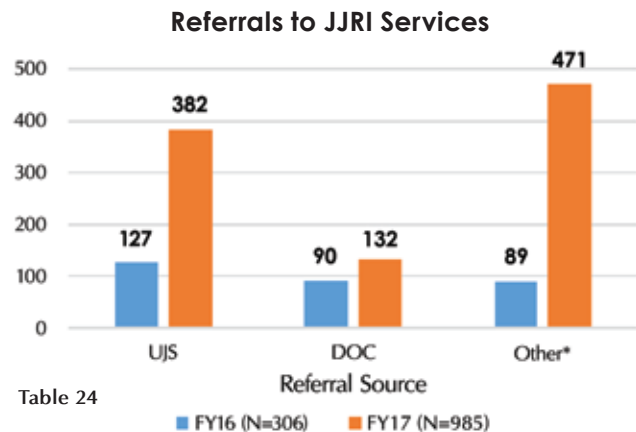
ART is a cognitive behavioral intervention, training youth to cope with their aggressive and violent behaviors. The program consists of 30 sessions and is divided into three components-social skills training, anger-control training, and training in moral reasoning. ART services started in March of FY17 and were available in 6 locations across the state.

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 and were available in 8 locations as well as statewide via telehealth.

Key Takeaways (TABLE 24)

- In FY17, 985 youth were referred for community-based services.
- In FY17, there was a nearly 72% increase in referrals as compared to FY16 over the same time period (January through the end of the fiscal 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.

Note: In FY16, new services were beginning to be implemented and rolled out statewide. As service expansion increased in FY17, referrals for services also increased.

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 involvement. The graph below shows the number of referrals made by each referral source by circuit in FY17.

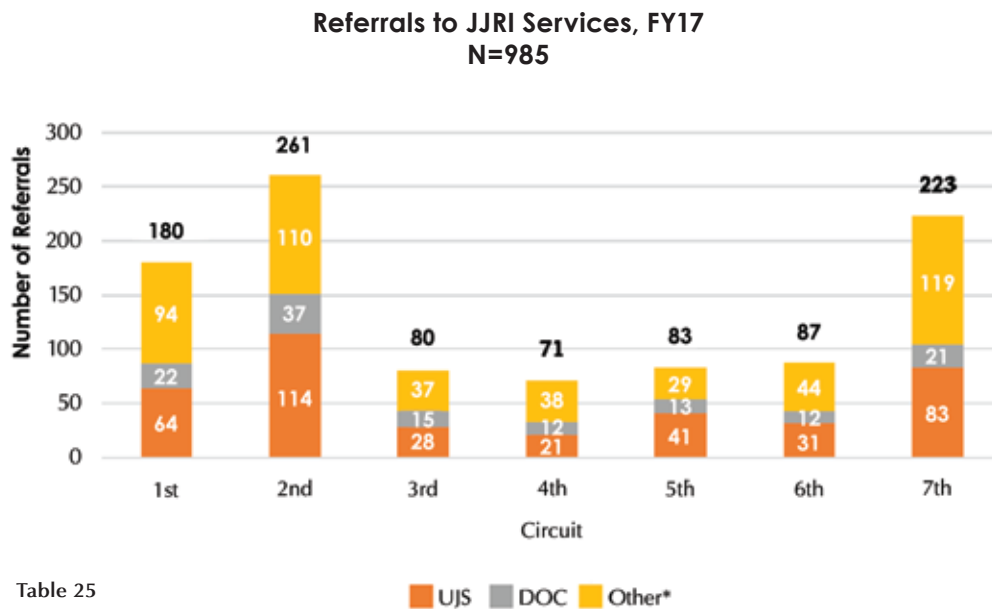


Table 25

Key Takeaways

(TABLE 25)

- The high number of referrals from other sources demonstrates the need for services in these communities.

**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.*

Functional Family Therapy

Functional Family Therapy in Communities in South Dakota

JJRI services have already had positive effects on individuals and communities throughout our state and the funding available creates potential for even greater impact on areas of concern.

63% of **families** that participated -- a total of 346 **families** -- completed FFT successfully

Only 3% or 17 **adolescents** did not complete FFT services due to legal violations resulting in placement

According to **therapists**, 92% of families who completed FFT demonstrated a positive general change

88% of **parents/families** reported a positive general change in their family upon completion of FFT

86% of **adolescents** reported a positive general change in their family upon completion of FFT

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.

Key Takeaways

(TABLES 26 & 27)

- Three community response teams (CRTs) have been established in the 1st and 2nd circuits and have received a total of 12 referrals in FY17.
- In both circuits the CRT recommended a community based alternative in 10 out of 12 cases.
- The Court in the 1st circuit agreed fully with half of the recommendations of the CRT (3 cases).
- In the 2nd circuit the Court agreed partially four of six recommendations of the CRT.

COMMUNITY RESPONSE TEAMS

Table 26

1st Circuit (FY17)

CRT Recommendation		Community Based Alternative	Court Disposition	Agreement*
Case 1	Counseling, CD Evaluation and EM	Yes	Probation	Yes
Case 2	Treatment at HSC if Possible	Yes	Placed with DOC	No
Case 3	Placement out of Home	No	Placed with DOC	Yes
Case 4	CD Evaluation and Treatment	Yes	Intensive Probation	Yes
Case 5	Intensive Probation	Yes	Placed with DOC	No
Case 6	Placement by Family w/ Relative	Yes	Placed with DOC	No

Table 27

2nd Circuit (FY17)

CRT Recommendation		Community Based Alt.	Court Disposition	Agreement*
Case 1	Psych Eval, consider Intensive Probation	Yes	Suspend DOC; 8 Mos. Intens. Probation; FFT, Restitution	Yes
Case 2	Suspend DOC, Intensive Probation	Yes	Suspend DOC, Intensive Prob., 30 d House Arrest, 90 d JDC, 30 hrs. Comm. Svc, Restitution	Yes
Case 3	Intense, Psych Consult for Medications	Yes	Placed with DOC	No
Case 4	Intensive Probation & Psych Consult or Eval., FFT, MRT, CD Eval.	Yes	Placed with DOC	No
Case 5	DOC Placement	No	Placed with DOC	Yes
Case 6	Supervised Probation	Yes	Probation	Yes

*Agreement means the court's final disposition in the case was in agreement with the recommendation put forth by the CRT.

As effective programs in the community are becoming more widely available across the state, and practices in UJS and DOC continue to be evidence-based, the number of youth committed to the DOC continues to steadily decline. There has been a steady reduction in the number of youth newly placed in DOC custody over the last four fiscal years; and, the total number of youth under DOC's jurisdiction has significantly declined during this time period.

Key Takeaways

(TABLE 28)

- New commitments to DOC declined steadily since FY14 with a 56% reduction between FY15 and FY16.
- The number of recommitments to DOC declined by two-thirds from FY14 to FY17.

(TABLE 29)

- The total number of youth under the jurisdiction of the DOC fell by 25% from FY16 to FY17, for a total drop over four years of 54%.
- The reduction in youth under DOC jurisdiction occurred both for placement (63%) and aftercare (43%) youth.

New Commitments and Recommitments* to the DOC

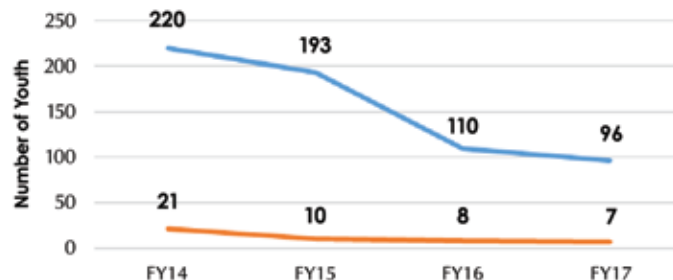


Table 28

— New Commitments — Recommitments

Youth Under DOC Jurisdiction

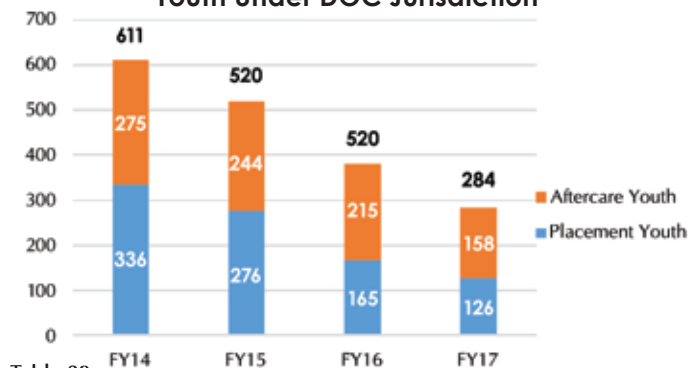


Table 29

*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 FY16, DOC entered into performance based contracts with providers to ensure treatment goals are met within established timeframes.

FY17 payments reflect the most success with out-of-state and in-state group care providers.

Research shows longer lengths of stay do not improve outcomes or reduce recidivism.²

Key Takeaways (TABLE 30)

- As of June 30, 2017, \$54,750 was paid to DOC contracted providers based on the new performance based contract model.
- The substantial increase for out-of-state payments is in response to success with out-of-state providers.

(TABLE 31)

- The share of youth in DOC paid placements has decreased by 8% since FY14(43%) youth.

Amount Paid to Providers for DOC Performance Based Contracts

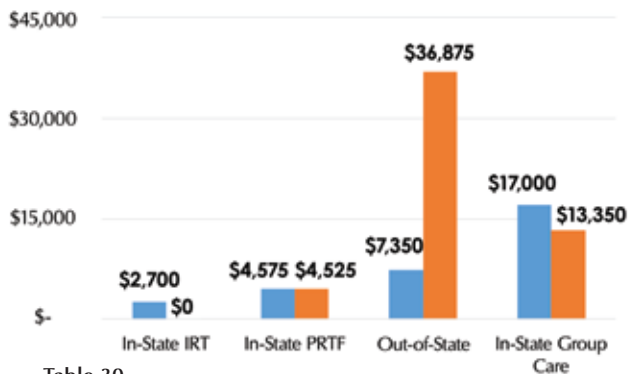


Table 30

Youth Under DOC Jurisdiction

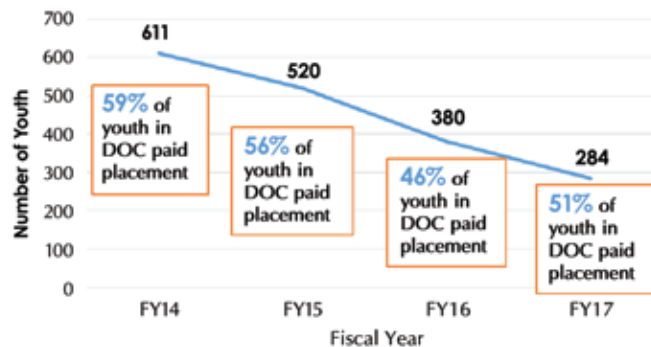


Table 31

*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.

² 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.

County Detention

STAYS IN COUNTY DETENTION

Circuit	Number of Detention Stays, FY16 (N=15)	Number of Days for each Detention Stay, FY16 (N=13)
1st	11	Range: 2-45 days Average: 17 days
2nd	11	Range: 2-41 days Average: 9.4 days
3rd	1	Range: 1 day Average: 1 day
4th	2	Range: 4-5 days Average: 4.5 days
5th	38	Range: 1-19 days Average: 5.6 days
6th	3	Range: 5 days Average: 5 days
7th	11	Range: 2-32 days Average: 10.2 days

Table 32

Key Takeaways (TABLE 32)

- There was a wide variation in length of detention stays across the state, from one day to 45 days.
- The 5th circuit had the highest number of detention stays.
- A total of five youth had more than one detention stay, two youth had three stays, and two youth had five stays.

- 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 (TABLE 33)

- Three-quarters of all diversions in FY17 were successful.
- Over half of diversion cases in FY17 were referred for Alcohol, Drug, or Truancy offenses.

Diversion Completion Type by Most Serious Referral Offense

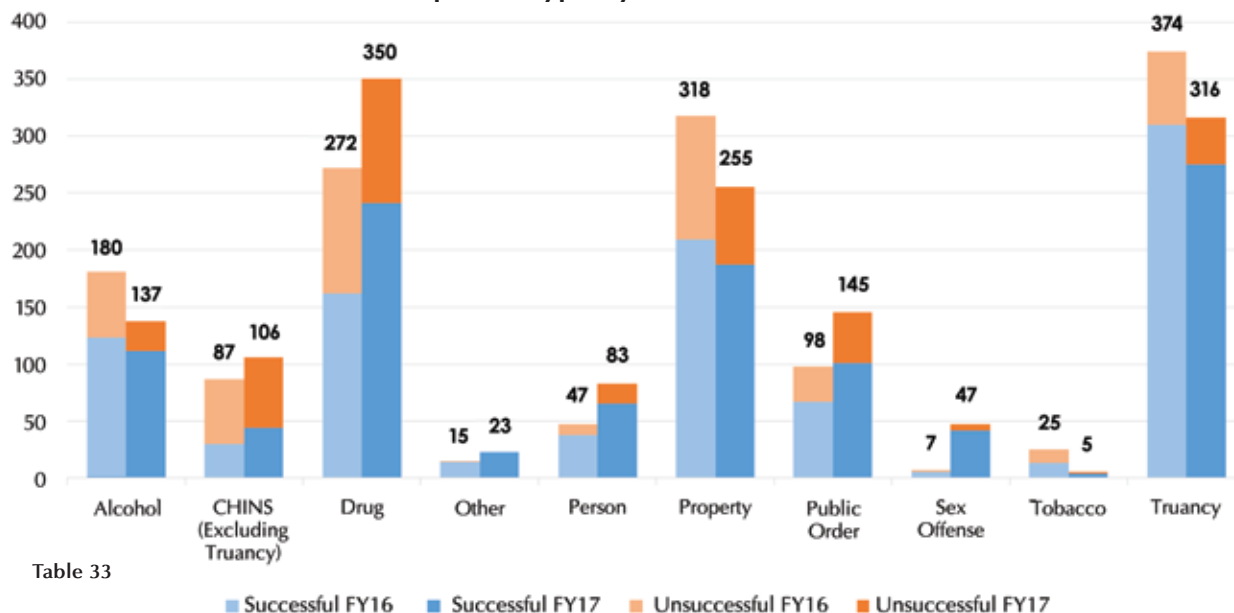


Table 33

Members of the Juvenile Justice Oversight Council

Greg Sattizahn (Chair)
Unified Judicial System

Kristi Bunkers
Department of Corrections

Sheila Weber
Youth Care Provider

AJ Franken
Governor's Office

Patrick Weber
Governor's Office

Tiffany Wolfgang
Department of Social Service

Sarah Morrison
Deputy States Attorney

Matt Kinney
Criminal Defense Attorney

Senator Billie Sutton
State Senate

Senator Alan Solano
State Senate

Kelly Marnette
Assistant Attorney General

Kelly Glodt
School Superintendent

Secretary Steve Emery
Department of Tribal Relations

Representative Julie Bartling
House of Representatives

Representative Kevin Jensen
House of Representatives

Judge Scott Myren
Fifth Judicial Circuit

Justice Janine Kern
Supreme Court Chief Justice

Neil Von Eschen
County Commissioner

Judge Steven Jensen
First Judicial Circuit

Thomas Sannes
Criminal Defense Attorney

APPENDIX A

Source: South Dakota Attorney General's Report "Crime in South Dakota 2016" found here http://atg.sd.gov/docs/SAC_2016_CSD.pdf

Class A

Both incidents and arrests are reported for Group A offenses. The Attorney General's office used the following criteria in to determine if a crime should be designated as a Group A offense.

Criteria for Class A

1. The seriousness or significance of the offense.
2. The frequency or volume of its occurrence.
3. The prevalence of the offense nationwide.
4. The probability of the offense being brought to law enforcement's attention.
5. The likelihood that law enforcement is the best channel for collecting data regarding the offense.
6. The burden placed on law enforcement in collecting data on the offense.
7. The national statistical validity and usefulness of the collected data.
8. The national UCR Program's responsibility to make crime data available not only to law enforcement but to others having a legitimate interest in it.

The crimes are counted as follows: for a Crime Against Person, one offense is counted for each victim; Crime Against Property, one offense for each distinct operation is counted (except Motor Vehicle Theft, where one offense is counted for each stolen vehicle); and for a Crime Against Society, count one offense for each violation.

Types of Class A

Homicide Offenses (Crimes Against Persons)

09A - Murder & Non-Negligent Manslaughter

09B - Negligent Manslaughter

09C - Justifiable Homicide

Sex Offenses - Forcible (Crimes Against Persons)

11A - Forcible Rape

11B - Forcible Sodomy

11C - Sexual Assault With An Object

11D - Forcible Fondling

Assault Offenses (Crimes Against Persons)

13A - Aggravated Assault

13B - Simple Assault

13C - Intimidation

Larceny/Theft Offenses (Crimes Against Property)

23A - Pocket-Picking

23D - Theft From Building

23E - Theft From Coin-Operated Machine or Device

23F - Theft From Motor Vehicle

23G - Theft of Motor Vehicle Parts or Accessories

23H - All Other Larceny

Fraud Offenses (Crimes Against Property)

- 26A - False Pretenses/Swindle/Confidence Game
- 26B - Credit Card/Automatic Teller Machine Fraud
- 26C - Impersonation
- 26D - Welfare Fraud
- 26E - Wire Fraud
- 26F - Identity Theft
- 26G - Hacking/Computer Invasion

Drug/Narcotic Offenses (Crimes Against Society)

- 35A - Drug/Narcotic Violations
- 35B - Drug Equipment Violations
- Sex Offenses – Non Forcible (Crimes Against Persons)

- 36A - Incest
- 36B - Statutory Rape

Gambling Offenses (Crimes Against Society)

- 39A - Betting/Wagering
- 39B - Operating/Promoting/Assisting Gambling
- 39C - Gambling Equipment Violations
- 39D - Sports Tampering

Prostitution Offenses (Crimes Against Society)

- 40A - Prostitution
- 40B - Assisting or Promoting Prostitution
- 40C - Purchasing Prostitution

Human Trafficking Offenses (Crimes Against Society)

- 64A - Commercial Sex Acts
- 64B - Involuntary Servitude

Kidnapping/Abduction (Crimes Against Person)

- 100 - Kidnapping

Robbery (Crimes Against Property)

- 120 - Robbery

Arson (Crimes Against Property)

- 200 - Arson

Extortion/Blackmail (Crimes Against Property)

- 210 - Extortion/Blackmail

Burglary/Breaking & Entering (Crimes Against Property)

- 220 - Burglary/Breaking & Entering

Motor Vehicle Theft (Crimes Against Property)

- 240 - Motor Vehicle Theft

Counterfeiting/Forgery (Crimes Against Property)

- 250 - Counterfeiting/Forgery

Embezzlement (Crimes Against Property)

- 270 - Embezzlement

Stolen Property Offenses (Crimes Against Property)

- 280 - Stolen Property Offenses

Destruction/Damage/Vandalism of Property (Crimes Against Property)

- 290 - Destruction/Damage/Vandalism of Property

Pornography/Obscene Material (Crimes Against Society)

- 370 - Pornography/Obscene Material

Bribery (Crimes Against Property)

- 510 - Bribery

Weapon Law Violations (Crimes Against Society)

- 520 - Weapon Law Violations

Animal Cruelty (Crimes Against Society)

- 720 - Animal Cruelty

Class B

Only arrests are to be reported for Group B offenses.

Types of Class B

90A - Bad Checks

90B - Curfew/Loitering/Vagrancy Violations

90C - Disorderly Conduct

90D - Driving Under the Influence

90E - Drunkenness

90F - Family Offenses, Nonviolent

90G - Liquor Law Violations

90H - Peeping Tom

90I - Runaway

90J - Trespass of Real Property

90Z - All Other Offenses

APPENDIX B

Court Approved Diversion Programs/Agencies

The following is a list of diversion programs or agencies approved by the Unified Judicial System and used by States Attorneys across the state for diverting youth from the juvenile justice system. These are non-Court Services diversions.

1st Circuit	<ul style="list-style-type: none"> • Teen Court in Yankton and Clay Counties • Union County Youth Diversion Program • Clay County Diversion Program • James Lentsch McCook County 	5th Circuit	<ul style="list-style-type: none"> • Teen Court in Brown and Roberts Counties • Walworth County Diversion Program • Cell Phone Safety and Sexting Courts • Jumpstart Diversion Program
2nd Circuit	<ul style="list-style-type: none"> • Teen Court • RISE (Boy Scout Program) • LSS middle school diversion (available to Whittier and McGovern students) • CAB (Boy Scout Program- 2nd time offenders) 	6th Circuit	<ul style="list-style-type: none"> • Teen Court in Hughes/Stanley Counties • Positive Action Program (via the MGM Coalition in Mellette County in conjunction with the White River School) • 3rd Millennium Classrooms Program (on-line drug/alcohol and shoplifting classes overseen by Court Services)
3rd Circuit	<ul style="list-style-type: none"> • SA in Codington County and Grant County refer directly to service providers for services • Moody, Brookings, and Codington Counties use Teen Courts via Boys and Girls Club • Beadle County CAP Juvenile Diversion Program 	7th Circuit	<ul style="list-style-type: none"> • Teen Court; SA refers directly to a variety of agencies for services such as: Lifeways Drug and Counseling • Youth & Family Services • Catholic Social Services • Lutheran Social Services • Big Brothers Big Sisters • Behavior Management Systems • Wellspring; Wyoming Cowboy Challenge Academy • Ateyapi Program – Rural America Initiatives • John Gordon/Gordon Preventative Services • Adolescent Early Intervention • Empower
4th Circuit	<ul style="list-style-type: none"> • Teen Court in Deadwood and Belle Fourche • Action for the Betterment of the Community In Sturgis and Belle Fourche • Youth Wise in Lawrence County 		

FY 2017 JJRI Fiscal Incentive Diversion Program Submission Summary

County	Total Completers*	# Successful	# Unsuccessful	Payment Amount (prorated amount of \$227.07 per successful completer)
Beadle	3	3	0	\$681.21
Bennett	7	6	1	\$1,362.42
Brookings	54	39	15	\$8,855.73
Brown	65	42	23	\$9,536.94
Brule	1	1	0	\$227.07
Butte	37	29	8	\$6,585.03
Codington	27	22	5	\$4,995.54
Fall River	4	4	0	\$908.28
Gregory	1	1	0	\$227.07
Hughes	62	26	36	\$5,903.82
Jackson	1	1	0	\$227.07
Lake	6	5	1	\$1,135.35
Lawrence	81	77	4	\$17,484.39
Lincoln	67	44	23	\$9,991.08
McCook	4	4	0	\$908.28
Meade	12	11	1	\$2,497.77
Mellette	2	0	2	\$0.00
Minnehaha	347	169	178	\$38,374.83

Moody	6	4	2	\$908.28
Pennington	600	539	61	\$122,390.73
Roberts	19	19	0	\$4,314.33
Stanley	10	7	3	\$1,589.49
Tripp	3	3	0	\$681.21
Union	24	21	3	\$4,768.47
Walworth	10	10	0	\$2,270.70
Yankton	22	14	8	\$3,178.98
TOTAL	1475	1101	375	\$250,004.07

* Total Completers only includes those youth who completed (either successfully or unsuccessfully) a court approved diversion program in FY 2017.

Verification of "0" referrals received from the following counties:

Bon Homme, Charles Mix, Clay, Corson, Custer, Deuel, Douglas, Edmunds, Grant, Haakon, Hanson, Harding, Hutchinson, Hyde, Marshall, McPherson, Miner, Oglala Lakota, Potter, Sully, Turner, and Ziebach

Applications NOT received from the following counties:

Aurora, Buffalo, Campbell, Clark, Davison, Day, Dewey, Falk, Hamlin, Hand, Jerauld, Jones, Kingsbury, Lyman, Perkins, Sanborn, Spink, and Todd

APPENDIX C

FFT Providers	Contact Information	Counties Served	
Behavioral Management System (BMS)	350 Elk Street Rapid City, 57701 (605) 343-7262	Pennington, Custer, Fall River, Oglala Lakota, Harding, Butte, Lawrence, Meade, Perkins, Corson, Ziebach, Dewey	
Capital Area Counseling Services (CACS)	803 East Dakota Avenue Pierre, SD 57501 (605) 224-5811	Potter, Sully, Hyde, Hughes, Stanley, Haakon, Jones, Lyman, Jackson, Buffalo, Ziebach, Perkins, Dewey, Corson	
Community Counseling Services (CCS)	357 Kansas Avenue SE Huron, SD 57350 (605) 352-8596	Hand, Beadle, Jerauld, Sanborn, Miner, Lake, Moody, Kingsbury	
Dakota Counseling Institute (DCI)	910 West Havens Mitchell, SD 57301 (605) 996-9686	Brule, Aurora, Davison, Hanson, Sanborn, Buffalo	
East Central Behavioral Health (ECBH)	211 4 th Street Brookings, SD 57006 (605) 697-2850	Brookings	
Human Services Agency (HSA)	123 19 th Street NE Watertown, SD 57201 (605) 886-0123	Roberts, Grant, Clark, Codington, Deuel, Hamlin	
Lewis & Clark Behavioral Health Services (LCBHS)	1028 Walnut Street Yankton, SD 57078 (605) 665-4606	McCook, Douglas, Hutchinson, Turner, Charles Mix, Bon Homme, Yankton, Clary, Union	
Lutheran Social Services (LSS)	705 E 41 st St, Suite 200 Sioux Falls, SD 57105 -OR- (605) 444-7500	2920 Sheridan Lk Rd, Rapid City, SD 57702 (605) 791-6700	Butte, Lawrence, Meade, Pennington, Custer, Fall River, Oglala Lakota, Brookings, Minnehaha, Lincoln
Northeastern Mental Health Center (NEMCH)	14 South Main Street, Suite 1E Aberdeen, SD 57401 (605) 225-1010	Perkins, Corson, Ziebach, Dewey, Campbell, Walworth, McPherson, Edmunds, Potter, Faulk, Brown, Spink, Marshall, Day	
Southeastern Behavioral Health (SEBH)	2000 South Summit Avenue Sioux Falls, SD 57104 (605) 336-0510	Minnehaha, McCook, Turner, Lincoln	
Southern Plains Behavioral Health Services (SPBHS)	500 East 9 th Street Winner, SD 57580 (605) 842-1465	Bennett, Mellette, Todd, Tripp, Gregory	

APPENDIX D

Facilities eligible for participation in the performance reimbursement rate through the Department of Corrections Fiscal Year 17

Facility	Location
Aurora Plains	Plankinton, SD
Abbott House (girls only)	Mitchell, SD
Children's Home Society-Black Hills	Rapid City, SD
Children's Home Society-Sioux Falls	Sioux Falls, SD
Canyon Hills Center	Spearfish, SD
Our Home ASAP (male - sex offenders)	Huron, SD
Our Home-Parkston	Parkston, SD
Summit Oaks Center	Sioux Falls, SD
McCrossan Boy's Ranch (boys only)	Sioux Falls, SD
New Beginnings Center	Aberdeen, SD
Wellfully	Rapid City, SD
Benchmark (boys only)	Woods Cross, UT
Coastal Harbor Treatment Center	Savannah, GA
Copper Hills Youth Center	West Jordan, UT
Clarinda Academy	Clarinda, IA
Forest Ridge Youth Services (girls only)	Estherville, IA
Lakeside Academy	Kalamazoo, MI
Natchez Trace Youth Academy (boys only)	Waverly, TN
Southwestern Youth Services (boys only)	Magnolia, MN
Woodward Academy (boys only)	Woodward, IA

LIPSIA

2017 Annual Report

2017

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