

# State of South Dakota Council of Juvenile Services

## State Fiscal Year 2015 Annual Report

### Council of Juvenile Services Members at the close of State Fiscal Year (SFY) 2015:

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The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice.

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### Message from the Chairperson:

The Council of Juvenile Services (Council) oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act Formula Grants Program and is required to make an annual report to the Governor and Legislature on the State's progress in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended. The Council is also responsible, pursuant to SDCL 1-15-30(8), for making an annual report to the Governor, Chief Justice, and the Legislature on the status of Children in Need of Supervision (CHINS). This report serves to meet both of these reporting requirements.

The Council has worked diligently over the past twelve years to enhance juvenile justice services in the state and prides itself in the following value statements which guide their work in assisting the State in meeting the requirements of the Formula Grants Program and in making improvements to South Dakota's juvenile justice system. The Council of Juvenile Services values that all children shall:

- Receive developmentally and culturally appropriate services.
- Have the same access to needed services regardless of income, geography, race, or jurisdiction.
- Have the right to be safe in the community in which they live.
- Receive evidence-based services consistent with the needs of the child in the least restrictive community-based environment available.
- Demonstrate accountability in the development and provision of services for the youth along with parents, communities, and the juvenile justice system
- Receive early intervention services that are evidence-based.
- Receive services that are family-based and family-centered.
- Receive culturally appropriate justice which is essential to effectively address Disproportionate Minority Contact.
- Have access to early and effective legal representation, including an assessment of competence and a timely and just legal process.

The following pages of the Annual Report are a condensed summary of the accomplishments over the past year. I believe you will be proud of the critical and relevant work that has been done in our State since South Dakota came into compliance with the JJDP in 2003. Furthermore, Federal Fiscal Year 2015 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide \$393,667 for juvenile justice planning and projects in South Dakota for the next few years. If you find you would like more information regarding the Council's achievements over the past years or regarding the Formula Grant Program, please review the comprehensive Three-Year Plan located electronically on the Department of Corrections webpage: [doc.sd.gov](http://doc.sd.gov).

I thank you for your support and I look forward to working with you on behalf of South Dakota's children.

Very Best Regards,

A handwritten signature in black ink that reads "Betty Oldenkamp".

Betty Oldenkamp, Chairperson

# Formula Grant Programs and Expenditures

The table below outlines the amount of federal fiscal year (FFY) 2011 Formula Grant funds that were utilized during SFY 2015 and the number of youths served by the funds in each program area during the year.

Program Area	SFY 2015	Youths Served
<b>Council of Juvenile Services</b>	\$12,412.87	N/A
<b>Planning and Administration</b>	\$22,805.24	N/A
<b>Compliance Monitoring</b>	\$30,003.69	N/A
<b>Deinstitutionalization of Status Offenders (DSO)/ Sight and Sound Separation/ Jail Removal</b>	\$42,853.67	186
<b>Native American Programs</b>	\$14,357.56	77
<b>Delinquency Prevention</b>	\$169,179.97	135
<b>Disproportionate Minority Contact (DMC)</b>	\$103,181.67	123
<b>Total</b>	<b>\$382,381.80</b>	<b>521</b>



## Council of Juvenile Services

The Council was created by Senate Bill 8 in the 2003 Legislature (codified as SDCL 1-15-30) to fulfill the responsibilities of a state advisory group (SAG) as directed by Section 223(a)(3) of the JJDAP. SFY 2015 represents the twelfth year of the State's renewed participation in the Formula Grants Program.

The Council reviews juvenile justice policy, advises and advocates on juvenile justice issues, and strives to keep South Dakota in compliance with the requirements of the Formula Grant Program authorized by the federal JJDPA. The Council meets quarterly and is comprised of members who are appointed by and serve at the pleasure of the Governor. SDCL 1-15-30 outlines the responsibilities of the Council. In SFY 2015, the Council met three times and approved the Formula Grant State Three-Year Plan Application for FFY 2015. The State Three-Year Plan can be found on the DOC grant webpage at [doc.sd.gov/about/grants](http://doc.sd.gov/about/grants).

The Council also provides funding for the Juvenile Justice Tribal Advisory Group (TAG). The TAG provides Native American perspective and expertise to assist the Council in meeting the requirements of the JJDPA and provides communication between the Tribes and the Council to assist Tribes in their juvenile justice initiatives. Representatives from all nine Tribes of South Dakota and representatives from various agencies that work with the Tribes participate in the TAG meetings. In SFY 2015, TAG met a total of two times.

## Planning and Administration

As the state agency designated by the Governor (SDCL 1-15-28) to administer juvenile justice funding, the staff of the South Dakota Department of Corrections (DOC) provides support for the Council and its committees, administers and monitors juvenile justice grant funds, collects juvenile justice system data, and monitors facilities for compliance with the core requirements of the JJDPA. In SFY 2015, the planning and administration portion of the budget covered costs associated with two Formula Grants staff and a summer intern.



# JJDPA Core Requirements

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

- 1) **Deinstitutionalization of Status Offenders (DSO) - Refers to the removal of status offenders and non-offenders from secure juvenile detention and correctional facilities, jails, and lockups for adult offenders.** Juveniles charged with status offenses, offenses which would not be criminal if committed by an adult, should not be placed in secure detention or correctional facilities. Abused, dependent, or neglected youths may never be held securely.
- 2) **Sight and Sound Separation - Refers to providing separation between adults and juveniles in secure settings.** During the temporary period of time in which juveniles may be held in an adult jail or lockup for processing, they need to be kept sight and sound separated from adult offenders.
- 3) **Jail Removal - Refers to the removal of juveniles from adult jails and lockups.** Juvenile offenders shall not be securely detained in adult jails or police lockups.
- 4) **Disproportionate Minority Contact (DMC) - Refers to the reduction of minority over-representation where it exists within the juvenile justice system.** States must address over-representation of minority youths at different decision points of contact within the juvenile justice system. The DMC process is made up of identifying the existence/extent of disproportionality, accessing data about DMC, intervening to reduce DMC, evaluating how DMC responds to the interventions, and monitoring trends in DMC within and across jurisdictions.

## Compliance Monitoring

States participating in the JJDPA Formula Grants Program must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to ensure that the core requirements are met at each step within the juvenile justice system. This is achieved through the data collection of juvenile specific admission/release records from all secure facilities within the state. As part of an adequate system of monitoring facilities, South Dakota Department of Corrections Formula Grants staff is responsible for the identification of all facilities in the state that might hold juveniles pursuant to public authority and the monitoring of those facilities.

Through efficient compliance monitoring, the issues of noncompliance can readily be addressed, barriers can be identified, and decision-makers can be kept informed in order to protect juveniles from harmful situations and unnecessary detention. The South Dakota Compliance Monitoring System is set up in order to ensure that the juveniles of the state are being held in appropriate placements according to state and federal law and can be found in South Dakota's Compliance Manual at <http://doc.sd.gov/documents/about/grants/ComplianceMonitoringManualMarch2009.pdf>.

Monitoring of facilities in calendar year (CY) 2014 resulted in South Dakota's DSO violation rate of 3.45/100,000 youths, which places the State in compliance with de minimis exceptions. A DSO violation rate of 29.5 or higher would mean that the State would be noncompliant with the DSO requirement. There were no jail removal or separation violations in CY 2014 resulting in a finding of full compliance for both requirements.

Incidents of noncompliance have decreased significantly since SD started working to come into compliance in CY 2003. In CY 2014, there were seven DSO violations which is a 93.9% decrease since CY 2002, the year before SD renewed its participation with the Formula Grants Program. There were no violations in Jail Removal and Separation resulting in a 100% decrease.

Percentage Change of Reported Compliance Monitoring Violations			
Calendar Year	DSO Violations	Jail Removal Violations	Separation Violations
2002	115	291	9
2014	7	0	0
<b>Percent Change</b>	<b>93.9%</b>	<b>100%</b>	<b>100%</b>

# DSO, Jail Removal, and Separation

Meeting the temporary custody needs of juveniles consistent with the JJCPA can be a financial burden on county governments. The Council authorized the development of a reimbursement system utilizing Formula Grant funds to provide financial support to counties. Since 2005, a reimbursement system has been in place to provide financial support to counties or arresting entities that lack appropriate temporary custody options for youth. It has been the goal of the Council to work with counties to eventually decrease their dependence on the reimbursement program and to help them develop alternatives to detention and alternative funding sources. During SFY 2015, a total of \$42,853.67 was reimbursed to fifteen local governments for services rendered to a total of 186 youth.

## Native American Programs

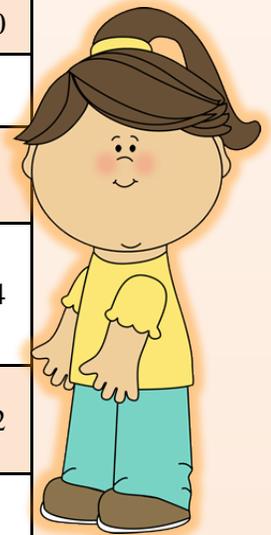
The Formula Grants Program requires participating states to pass on a specified portion of their funds to Native American Tribes who provide their own law enforcement. The amount South Dakota was required to pass with their FFY 2011 Formula Grant award was \$57,856. States may allocate additional funds beyond the minimum and may also provide funds to Tribes which do not have law enforcement responsibilities but which conduct other juvenile justice functions. Over the course of spending the FFY 2011 award, \$87,989.06 was passed through to Native American Tribes.

In SFY 2015, the Council allocated \$20,000 to the Cheyenne River Sioux Tribe to cover costs associated with a juvenile probation officer. Two \$20,000 awards were also awarded to two additional Tribes which did not utilize the funds due to programmatic issues.

## Children in the Juvenile Justice System

South Dakota's juvenile justice system impacts thousands of youths and their families annually. The table to the right provides a summary of juvenile justice, child protection activities, and alcohol and drug services as referenced in the 2010-2015 South Dakota Kids Count Factbook Publications and provided by the Department of Corrections and Department of Social Services.

	SFY 2011	SFY 2012	SFY 2013	SFY 2014	SFY 2015
<b>Adjudicated Action</b>	5,525	4,868	4,533	4,311	4,050
<b>Non-Adjudicated Action</b>	984	1,090	828	1,013	705
<b>New DOC Commitments*</b>	304	284	276	240	205
<b>Child Abuse &amp; Neglect Initial Assessments (children)</b>	7,282	6,820	4,899	4,736	4,764
<b>Children Requiring a Safety Response</b>	2,149	1,927	1,541	1,458	1,362
<b>Alcohol and Drug (juvenile admission to treatment)</b>	1,375	1,388	1,083	1,069	924



\*DOC commitment data is provided by the DOC Juvenile COMS data system implemented on 6/23/2011. Data only accounts for the number of new juveniles who receive a disposition of commitment to DOC. These numbers do not include youths already under the jurisdiction of the DOC who are remanded following a new adjudication.

Adjudicated Action - Action that occurs as the result of the filing of a CHINS or delinquent petition in formal court. These actions include petition sustained, petition not sustained, petition dismissed, suspended imposition of adjudication, transfer to adult court, and interstate compact transfer to South Dakota.

Non-Adjudicated Action - Action that is referred to another agency or handled by court services as an informal diversion as an alternative to adjudication. The non-adjudicatory actions do not include those diversions initiated by State's Attorneys.

# Children in Need of Supervision

Children in Need of Supervision (CHINS) are low risk and high need youths who historically were often placed in secure detention or committed to the DOC due to a lack of appropriate alternatives. There is concern whether commitment to the DOC is the appropriate manner in which to provide residential services to CHINS. An interagency team, as required by SDCL 26-8B-6, provides a written finding regarding placement that includes the least restrictive placement corresponding with the best interests of the child for CHINS committed to the DOC. The Council recognized the importance of service provisions to CHINS and in conjunction with the Unified Judicial System, supports the Probation Support Program to provide access to needed services for youths on probation supervision.

The following chart was obtained from the DOC and identifies CHINS commitments to the DOC during SFY 2011 through SFY 2015. The chart shows that there has been a significant decrease in the commitment of CHINS following efforts to bring the state into compliance with the JJDP.



# Delinquency Prevention

Starting in SFY2014, the Council decided to focus on implementing prevention and early intervention programs. Following a planning grant and application process, three sites were chosen to begin implementing delinquency prevention programs in their school systems starting in the fall of 2014. The three school districts of Aberdeen, Watertown, and Meade County are in the process of implementing the evidence based programs of Project SUCCESS and Positive Action and were awarded their second year of funding at the close of SFY 2015.

Worthmore Addiction Services/Aberdeen Roundtable Coalition through Avera St. Luke's is the coalition working to implement services in Aberdeen with individual, identified youth. The first year of implantation consisted largely of building confidence in the curriculum, the referral system, and the foundation of the collation and strengthening relationships between the collation, the community, and the school system. An unforeseen delay in implementation led to fewer youth being served than projected. However, near the end of the first year, identified youth were served on a consistent basis and plans are in place to ensure that more youth are served through a variety of programs throughout Aberdeen in their second year of implementation.

Implementation in Watertown is overseen by the Watertown Healthy Youth Coalition/Human Service Agency and was done at both the high school and the middle school. At the high school, 30 youth were referred for individual sessions due to substance use, school attendance, anti-social behaviors, and family relationship issues. Twenty middle school students were referred for services for behavioral and/or social emotional behaviors by school staff. One of the goals for the second year of implementation is to add a classroom wide component in the 10<sup>th</sup> grade.

Action for the Betterment of the Community (ABC) is the coalition approved to implement delinquency prevention in Meade County. In their first year, ABC completed five full eight week sessions in Sturgis for youth who had a non-status offense as part of their diversion services and provided either assessments or individual sessions to 82 non-adjudicated youth from Sturgis and the Greater Northern Hills areas of which 87% completed services successfully. ABC plans to serve a greater number of kids in their second year along with youths throughout the Greater Sturgis area.

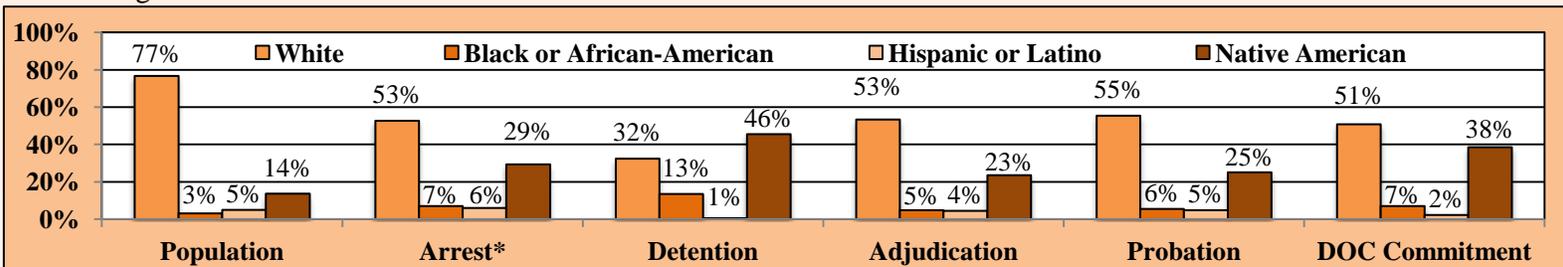
The Council of Juvenile Services also hosted a Positive Action Orientation Training in June of 2015 to introduce Positive Action to additional school systems and coalitions. The training covered Pre-K through 12<sup>th</sup> grade curriculum along with supplements for bullying prevention, drug and violence prevention, climate development, counselor's tools, and family/parent and community programs.

# Disproportionate Minority Contact

As a part of the Disproportionate Minority Contact (DMC) requirement, states are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youths for any group that comprises at least 1% of a jurisdiction's juvenile population. The staff of the Formula Grants Program compiles DMC data, oversees local DMC awards, and works with local entities to develop plans for DMC reduction.

In SFY 2015, the Council utilized funding under the DMC Program to support projects in Minnehaha and Pennington Counties. Minnehaha County was approved to implement Functional Family Therapy sessions for minority youth and their families in the pre-adjudication state of the juvenile justice system through Lutheran Social Services. Pennington County was approved to provide Moral Recognition Therapy sessions, offer vouchers for service, and support a Community Outreach Case Manager to help youth and families achieve success through connecting them to community-based services and providing transportation assistance to and from appointments and through the Pennington County State's Attorney's Office.

The most recent DMC data compiled to date reflects the measurement of juvenile justice system activity from CY 2014. The stages with the largest disparities include arrest, detention, adjudication, probation, and commitment to the DOC. Minority youths, primarily Native American, are over-represented at most stages of South Dakota's juvenile justice system. In CY 2014, minority youths made up 47% of those arrested\*, 68% of those in detention, and 49% new DOC commitments while only making up 23% of the total at risk juvenile population (ages 10 through 17). The chart below only accounts for the races of white, black or African-American, Hispanic or Latino, and Native American to show the races with the greatest amount of disproportionality at each stage.



The following pie charts summarize the crimes for all, Native American, and white youths arrested and committed to the DOC during CY 2014. When looking at the crimes for the 4,887 youths arrested by law enforcement during CY 2014, property crimes is the largest crime category for all three groups followed by drug crimes for all youth combined and white youths and alcohol crimes for Native American youths. Of the 226 youths committed to the DOC during CY 2014, probation violations was the top crime category across all three groups and drug offenses was second for Native American youths and person related offenses was second for white youths. There were only three commitments in CY 2014 where an alcohol offense was the most serious crime resulting in those commitments being combined with status offenses for this report.

