

# SFY 2024 Native American Programs Subgrant Application

Title II Formula Grant

South Dakota Department of Corrections

**APPLICATION DUE: June 6, 2023**

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

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

The application must include a brief and clear description of each component. It is important to follow all directions, provide complete information, and submit the materials in the order requested. If you need additional room to respond to the components, please attach additional sheets. This is a competitive subgrant program and funding is not guaranteed to all those who apply.

## SECTION 1. APPLICANT INFORMATION

<b>Applicant: Sisseton-Wahpeton Oyate Tribal Court</b>		
Address: P.O. Box 568		
City/State/Zip: Agency Village, S.D. 57262	Phone: 605-698-7629	Fax: 605-698-4135
Email: RuthH@SWO-NSN.GOV	Federal Employer or Payee Identification Number (FEIN):	
<b>Project Director Name: Mary High Eagle</b>		Title: Court Administrator
Agency: Tribal Court	Address: P.O. Box 568	
City/State/Zip: Agency Village, S.D. 57262	Phone: 605-698-7629	Fax: 605-698-4135
Email: MaryH@SWO-NSN.GOV		
<b>Please indicate the name of the service(s) implemented:</b> Sisseton-Wahpeton Juvenile Court		
<b>Project Title:</b>	Sisseton-Wahpeton Juvenile Diversion Program	
<b>Project Period:</b>	July 1, 2023 – June 30, 2024	

## SECTION 2. PROJECT BUDGET

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

**Applicants may apply for up to \$50,000.**

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

<b>A. Personnel</b>	<b>TOTAL</b>
38,000.00	\$38,000.00
<i>Employee Fringe Benefits</i>	12,000.00
<b>TOTAL</b>	<b>\$50,000.00</b>
<b>B. Contracted Services</b>	<b>TOTAL</b>
	\$
<b>TOTAL</b>	<b>\$</b>
<b>C. Travel and Per Diem</b>	<b>TOTAL</b>
	\$
<b>TOTAL</b>	<b>\$</b>
<b>D. Equipment</b>	<b>TOTAL</b>
<b>TOTAL</b>	<b>\$</b>
<b>E. Operating Expenses</b>	<b>TOTAL</b>
	\$
<b>TOTAL</b>	<b>\$</b>
<b>Total Project Budget -- Combined totals for all columns</b>	<b>\$50,000.00</b>

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



### SECTION 3. BUDGET NARRATIVE

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

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

**Position #1:**      **Juvenile Probation/Diversion Officer**

**Justification for the position :**

Since the BIA has shut down the Tribe's only detention facility, the Oyate has no detention services for juveniles so we are in need of a qualified individual to help divert children away from detention and to provide counseling services for them in-house.

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

No existing staff prior to this award.

Personnel Responsibilities & Duties *(must directly relate to the implementation of the program)*

Estimated % Time

1. Provide services to all Juvenile Defendants to facilitate diversion away from detention.
2. Make referrals to appropriate service providers.
3. Assist Juveniles in getting into treatment services, grief counseling, etc. as needed.
4. Ensure communication with family of Juveniles.

Wage/Salary:

\$38,000.00 per year

Benefits:

\$12,000.00

**Position #2:**

**Justification for the position :**

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

Personnel Responsibilities & Duties *(must directly relate to the implementation of the program)*

Estimated % Time

- 1.
- 2.
- 3.
- 4.

Wage/Salary:

Benefits:



**Please attach additional sheets for more than 2 positions**  
**SECTION 3. BUDGET NARRATIVE CONTINUED**

<b>Contracted Services Narrative</b> - Explain the consultant fees, consultant expenses, contracted services, the cost per service/per youth being served, how the cost for services was calculated, and the process that would be or has been conducted to select the consultant. <b>Contracted services fees cannot exceed \$650 per day.</b>	
<b>Consultant #1:</b>	
Consultant Fees:	
Contracted Service:	
Selection Process:	
<b>Consultant #2:</b>	
Consultant Fees:	
Contracted Service:	
Selection Process:	
<b>Travel and Per Diem Narrative</b> – Explain the calculation of travel costs for travel <b>outside the home jurisdiction</b> , (travel must be calculated at current state rates (\$0.42 per mile and \$32 per diem)), how the expenses are directly related to the implementation of the project, and if out-of-state travel is anticipated, give particulars (i.e., location, state, dates, purpose, cost).	
<b>Purpose of Travel:</b>	
$[Mileage] \times \$0.42 =$ $[Number\ of\ Travel\ Days\ for\ per\ diem] \times \$32.00 =$	
<b>Purpose of Travel:</b>	
$[Mileage] \times \$0.42 =$ $[Number\ of\ Travel\ Days\ for\ per\ diem] \times \$32.00 =$	
<b>Equipment and Operating Expenses Narrative</b> – Explain the supplies and equipment costs directly related to the implementation of the program or project. You must be specific regarding the items in which you intend to use federal funding. For example, a budget item of “office expenses” will not be accepted as these items must be detailed. You need to identify what you anticipate for office expenses and list each item and the estimated costs. Items not specifically outlined will not be eligible for reimbursement.	
<b>Equipment</b> – List nonexpendable items that are to be purchased and show how you calculated these costs. Nonexpendable equipment is tangible property having a useful life of more than 2 years.	
<b>Operating Expenses</b> – List items by type (office supplies, postage, training materials, copying paper, and expendable equipment) and show how you calculated these costs. Generally, supplies include any materials that are expendable or consumed during the course of the project.	



## **SECTION 4. APPLICATION NARRATIVE**

### **Technical Requirements**

Applications will be reviewed initially for compliance with technical requirements. Noncompliance with these requirements may result in the application being deemed non-responsive, and therefore, not acceptable to award.

1. The Native American Programs Application is limited to thirty (30) standard 8.5 x 11 pages with one inch margins, excluding attachments.
2. Applications must be typewritten in 12-point Times New Roman font and must be double-spaced.
3. Applications must be bound using a binder clip. Do not staple or submit applications in three-ring binders.
4. Applications must be single sided, not duplexed.
5. Pages must be numbered sequentially.
6. The application must contain original signatures.

Please provide a description, in the order listed below, of each component requested. Clearly present each topic, separated by subject headings. The narrative includes the following sections:

- A Project Abstract and Demonstration of Need;
- B Community Readiness;
- C Assessment of Delinquency Risk and Protective Factors;
- D Identification of Available Resources and Gaps;
- E Strategy for Implementation
- F Project Performance Measures and Evaluation;
- G Description of Project Geographic Boundaries;
- H Target Population; and
- I Sustainability/Future Funding Plan.



## **A. ABSTRACT AND DEMONSTRATION OF NEED**

Provide a narrative overview of the proposed service including a demonstration of need through findings of assessments and data. Explain why the proposed service is the best option to address delinquency.

In the Spring of 2017, the BIA closed the Sisseton-Wahpeton Oyate Tribal Jail and condemned the building. That facility had served as the Tribe's temporary detention (less than 24 hours) for juvenile offenders who were a threat to themselves or others (suicidal, runaway, or violent offenders) in the absence of any mental health or treatment facility to place these offenders. The SWO Tribal Court had a Juvenile Probation Officer under a 2019 grant with this funding, but we lost her during the COVID-19 pandemic and were unable to find a replacement before the remaining funds expired. The Court faces continued budgetary issues and cannot afford to fund a Juvenile Probation Officer with court revenue and BIA dollars.

Thanks to a SFY 2023 Native American Programs Subgrant the Court was awarded last year, we were able to advertise for a new Juvenile Probation Officer. Workforce issues related to the COVID-19 pandemic impeded our ability to fill the post, but the Sisseton-Wahpeton Oyate was finally able to hire a qualified Tribal member in September 2022. She started working with local schools, the Tribe's education department, the Court's Juvenile Court Clerk, and families, in hopes of intervening earlier in truancy cases to help students avoid expulsion. Our Juvenile Probation Officer began maternity leave on April 17, 2023, and resigned at the end of May 2023 due to issues not related to the Court. She was at her post for less than 6 months. In May 2023, more than 100 Juveniles and their parents were summoned to Sisseton-Wahpeton Juvenile Court regarding Truancy concerns.

The Court continues to need a Juvenile Probation Officer, so funding from this grant would help the Tribe tremendously. Much needs to be done. There is a significant backlog and the workload has increased. The SWO Tribal Court processes over 200 juvenile offenders a year, the majority of which deal with drug and alcohol use and the young people charged with these offenses often come from homes where drugs and alcohol have been a problem for their parents and other family members. A Juvenile Probation Officer helps the Court focus our efforts on helping these young people.



## **B. COMMUNITY READINESS**

Describe your community's readiness to adopt a comprehensive juvenile delinquency prevention or supervision strategy specifically describing the following:

1. Community readiness and willingness to adopt the strategy;
2. Justice system readiness ;
3. School system readiness; and
4. Any barriers that may prevent change in your community.

Please attach letters of commitment from key leaders and agency partners describing their support and willingness to collaborate with you to implement juvenile delinquency prevention or supervision efforts.

The Tribal community is prepared to confront many of the issues the youth face and this is evident by its tough approach to drug abuse on the Lake Traverse Indian Reservation. Drug abuse is a major factor in many of the concerning and potentially criminal behaviors observed in Tribal youth. The Sisseton-Wahpeton Oyate Tribal Council passed a very tough anti-drug law that requires adult offenders to complete treatment and that imposes felony sentencing authority through the Court. The Sisseton-Wahpeton Oyate also recently re-launched its Healing to Wellness Drug Court, to assist willing offenders in obtaining drug and alcohol treatment in place of incarceration. The new Juvenile Probation Officer is also going to be working with local treatment providers and we would like to see that effort continue and grow.

The SWO has been reviewing its education department to assess the impact of a recent upswing in drug use in the community on children and discovered an increase in drug use among children as well. The Court System is in need of more resources to work with juvenile offenders. The Tribe has an education department that has worked closely with the Court to assess how the Tribe's schools and the Court can work together to address truancy and juvenile delinquency activities in the school. The Juvenile Probation Officer will work with that program to streamline the truancy referral process to enable the Court to intervene earlier and avoid school expulsions. SWO Tribal Court is currently working with Tiospa Zina Tribal School, located on the Lake Traverse Reservation, to sign an MOU regarding Juveniles and truancy.



### **C. ASSESSMENT OF DELINQUENCY RISK AND PROTECTIVE FACTORS**

Include a summary of assessments that have been conducted in your community to assess the prevalence of delinquency risk factors and protective factors as well as information on baseline data established through completing the following components.

1. Demographics of juveniles in the community
2. Juvenile justice delinquency risk factors
  - a. Juveniles taken into custody in the community
  - b. Top offenses for juveniles
  - c. Identify the top (2-5) delinquency risk factors and identify if they are related to the community, school, family, peers, individuals, or another source.
  - d. Prioritize the list of top delinquency risk factors and explain the process used to prioritize them.
3. Juvenile Justice Protective Factors
  - a. Identify protective factors and identify if they are related to the community, school, family, peers, individuals, or another source.
  - b. Which protective factors correlate with the identified top delinquency risk factors?

The Lake Traverse Indian Reservation extends into three states: North Dakota, South Dakota and Minnesota. It includes all of Roberts County, South Dakota, and parts of Day, Grant, Codington, and Deuel Counties, also in South Dakota. Although the U.S. Supreme Court ruled that the Reservation boundaries had been disestablished and that South Dakota courts have jurisdiction over actions arising on fee lands within the boundaries, the SWO Tribal Court has ruled that the Court continues to have the right to exercise jurisdiction over all juvenile offenders committing delinquent acts on trust lands as well as Tribal member children on fee lands. The Sisseton Wahpeton Oyate has over 15,000 members with more than half of them residing on the Lake Traverse Indian Reservation. The youth population is substantial, with more than 5,000 juveniles residing in the community. The SWO Tribal Court deals with over 200 juvenile petitions each year. That number includes traffic infractions, truancy petitions, CHINS petitions, and delinquency petitions. The top offenses for juveniles are truancy, underage consumption, and curfew violations. Drugs have become an increasing problem for juveniles, also. Truancy seems to be a contributing factor that leads to additional delinquent behavior, which leads the Tribe to focus on trying to keep youth in school. The pandemic exacerbated the issue, due to widespread school closures and interruptions over the past few years. Other delinquency factors appear to be early exposure to alcohol in the family and a lack of Dakota cultural knowledge by young persons, as well as their role and responsibility to the Tribal community.

The priority for Sisseton-Wahpeton Oyate Tribal Court includes truancy, since this is a trigger for future criminal conduct), drug use by juveniles, and violent crimes committed by juveniles. These three issues need to be addressed continually through more interventionist techniques.

Among the Sisseton-Wahpeton Oyate, Dakota cultural practices and language preservation efforts are strong. These protective measures will be used to help abate delinquent behavior in the Tribal community.

#### **D. IDENTIFICATION OF AVAILABLE RESOURCES AND GAPS**

Assess the gaps in resources needed to address delinquency risk factors by identifying what existing resources are available in the community (including Federal, State, local, and private providers) and which delinquency risk factors they address. Explain which top delinquency risk factors are not being addressed or could use more resources.

Explain which program or service would be implemented based on the gaps in resources, needed protective factors, and data-driven decision making.

The Sisseton Wahpeton Oyate has a strong Court System that works well with Tribal schools. The Tribe also has a comprehensive approach to education and social services that aids the Court in addressing problem areas for juvenile offenders. However, because we were only able to hire a new Juvenile Probation/Diversion Officer who's duty it is to monitor juveniles in recent months after not having one for several years and she has since resigned, we have a lapse in a continuum of services for juveniles that must be addressed if this grant is not renewed. The SWO funding for the Court was cut substantially due to budgetary issues and BIA funding has remained low, so this grant is critical to ensuring that juvenile offenders on the Lake Traverse Indian Reservation receive much needed services.



## **E. STRATEGY FOR IMPLEMENTATION**

Describe your strategy for implementing the chosen service (including goals, objectives, and a timetable) for the following:

1. Mobilizing the community to assume responsibility for the activities outlined in the application;
2. Obtaining resources to aid in implementing the chosen plan;
3. Coordinating the implementation of the chosen plan; and
4. Sustaining the plan following funding under this subgrant.

The Juvenile Probation Officer will be tasked with developing Memorandums of Understanding (MOUs) with all other programs that work with juvenile offenders and their families including treatment, education, Dakota culture, housing, youth, recreation, etc. The Juvenile Probation/Diversion Officer will also identify all juveniles on probation and develop comprehensive probation plans for each juvenile.

A Juvenile Probation/Diversion Officer was hired thanks to funding from NAP in 2022, but she resigned after being on maternity leave and performing her duties for less than six months, so she did not have time to sufficiently acclimate herself or catch up on the substantial backlog left from the position being vacant for several years. If we receive funding this year, our Juvenile Court will be able to shift to developing more comprehensive services for juvenile offenders, including more referrals to treatment providers, counseling services, and the Tribe's mental health programs.

**Goal:** Keep a Juvenile Probation/Diversion Officer to provide Court services to SWO juveniles to monitor and help prevent delinquent criminal offenses.

**Objective 1:** Identify all juveniles on probation and develop comprehensive probation plans for each juvenile.

**Person Responsible:** Juvenile Probation/Diversion Officer

**Estimated Staff Time:** 50%

**Measurement of Progress:** All juveniles on probation are accounted for, with plans in place

**Completion Date:** Ongoing, as juveniles enter probation

**Objective 2:** Develop current MOUs between the SWO Tribal Court with all other programs on the Reservation that work with juvenile offenders and their families.

**Person Responsible:** Juvenile Probation/Diversion Officer

**Estimated Staff Time:** 10%

**Measurement of Progress:** When MOUs with all programs are complete

**Completion Date:** Within 6 months

**Objective 3:** Development of more comprehensive services for juvenile offenders including referrals to treatment providers, counseling, and mental health programs.

**Person Responsible:** Juvenile Probation/Diversion Officer

**Estimated Staff Time:** 25%

**Measurement of Progress:** Referrals issued to juvenile offenders and followed up on

**Completion Date:** Ongoing, as needed

Timetable of Implementation:

Retain Staff: Immediately

Identify all juveniles on probation and develop plans for each juvenile: Ongoing

Develop MOUs: In process

Have MOUs completed and signed: 6 months

Develop More Comprehensive Services for Juvenile Offenders: 1 year



## F. PROJECT PERFORMANCE MEASURES AND EVALUATION

Performance measure reports will be required consistent with individual program goals, federal reporting requirements, and any information identified by the Council of Juvenile Services and the Department of Corrections.

For the purpose of this grant application, describe the following:

1. Ability to collect data from public institutions and record data in a spreadsheet; and
2. Ability to collect and provide juvenile specific information.

## G. DESCRIPTION OF PROGRAM GEOGRAPHIC BOUNDARIES

Briefly describe the program's neighborhood or community boundaries in which your program will operate. You may also include a map of the area served as an attachment.

The Lake Traverse Indian Reservation.

## H. TARGET POPULATION

Provide an overview of the participants eligible for participation through using the table below.

Target Population Details (Place an "X" in the box to the <i>left</i> of all those that apply)					
Race(s):		Offender Type(s):		Geography:	
X	American Indian/Alaskan Native	X	At-Risk Population (no prior offense)	X	Rural
	Asian	X	First Time Offenders	X	Suburban
	Black/African American	X	Repeat Offenders	X	Tribal
	Hispanic or Latino (of any race)	X	Sex Offenders	X	Urban
	Other Race	X	Status Offenders	Age:	
	White/Caucasian	X	Violent Offenders	X	Under 11
Sex:		Referral Source:		X	12-13
X	Female	X	School	X	Court System
X	Male		State's Attorney	X	Other _____
				X	14-15
				X	16 -18

## I. SUSTAINABILITY/FUTURE FUNDING PLAN

As with all grants, funding cannot be guaranteed each year, the budget may be smaller from year to year, the grant process may become competitive, and/or federal requirements may change. Explain how your project would be supported if your Tribe is not awarded NAP funds in future funding years.

The Sisseton Wahpeton Oyate Tribe is looking to apply for a Tribal youth grant under CTAS through the DOJ.

## **SECTION 5. JJDPa COMPLIANCE REQUIREMENTS**

In order to access Formula Grant funds under the Native American Programs sub grant solicitation, Tribes performing their own law enforcement and operating secure facilities are required to submit youth custody information to determine compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (Act), as amended. The Act requires that these Tribes agree to comply with the requirements of removal of status offenders from secure custody, separation of juveniles from adult offenders and removal of juveniles from adult jails and lockups. The information collected here will be used to determine if the submitting Tribe is in compliance with the requirements of Act. Tribes that perform their own law enforcement and operate secure facilities that are not in compliance or not submitting information will NOT be eligible for funding under the Native American Programs solicitation.

<i>Native American Programs Subgrant</i>	
<b>Facility Admission Data</b>	
Period for Data:	January 1, 2022 – December 31, 2022
Tribe Submitting:	Sisseton-Wahpeton Oyate
Contact Name:	Mary High Eagle
Title:	Court Administrator
Contact Address:	
Contact City, State, & Zip:	
Contact Phone:	
Contact Fax:	
Contact Email:	

Provide a list of **ALL** locations that are located on the applying reservation which could be used to detain a juvenile or adult offender pursuant to public authority:

<b>Juvenile Detention Facilities:</b>	
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
Roberts County	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
Day County	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
<b>Juvenile Correctional/Residential Facility:</b>	
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
<b>Adult Jail:</b>	
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
<b>Law Enforcement/Adult Lockup:</b>	
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure
	<input type="checkbox"/> Secure <input type="checkbox"/> Non-Secure



## **SECTION 5. JJDP COMPLIANCE REQUIREMENTS CONTINUED**

Please complete the Facility Admission Data forms for Calendar Year 2021 for **EACH secure facility** operated by the applying Tribe. If violations are identified, you will be required to provide a detailed plan outlining the steps the Tribe will take to prevent further violations of the JJDP Act. For the purposes of the data forms:

Juveniles held in a secure juvenile detention or secure juvenile correctional/residential facility should be recorded under Secure Juvenile Facility.

Juveniles held in jail should be recorded under Jail/Lockup.

Juveniles held in a secure setting within a law enforcement agency should be recorded under Jail/Lockup.

Juveniles held in a colocated facility (jail and detention located in the same building) should be recorded based on the physical location of the juvenile during the period held within the building (detention verses jail).

If the information on the Facility Admission Data forms cannot be completed, the following exceptions may be made:

1. If the Tribe does not operate a facility, please provide:
  - A written description of each location that is used to hold juveniles and define which juveniles are appropriate for placement in each of the locations.
  - A written plan which outlines the steps that will be taken to ensure compliance with the requirements of Deinstitutionalization of Status Offenders, Jail Removal, and Sight and Sound Separation when determining an outside placement.

OR

2. If your system does not currently have the ability to track some of the information, you must provide a detailed plan outlining what will be done in order to collect it in the next data collection cycle. Failure to submit a plan will be deemed as a finding of non-compliance and you will be ineligible to receive funding under the NAP subgrant solicitation.



## 2021 Facility Admissions – Secure Juvenile Facility

### Secure Juvenile Facility:

*Note: Facility admission information should come from the facility that admits offenders. If a Tribe does not have a facility, they should make a note of what facility is used and what entity runs it. Admissions to facilities run by an entity other than the Tribe should not be reported.*

	Male	Female	Total
<b>Number of juveniles that are admitted to the facility that have not committed a delinquent or status offense.*</b>			
<i>Nonoffender: A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are referred to by many names including Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).</i>			
<b>Number of juveniles that are admitted to the facility that have committed a status offense.</b>			
<i>Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offenses: Truancy, Violations of curfew, Unruly. Runaway. Underage possession and/or consumption of tobacco products. Underage possession and/or consumption of alcohol. This offense is always considered a status offense, even though State or local law may consider it a delinquent offense.</i>			
<b>Number of juveniles held for status offenses that were in the facility for less than 24 hours.</b>			
<b>Number of status offenders held under 24 hours when excluding weekends and holidays.</b>			
<i>Number of juveniles held for status offenses that were in the facility for less than 24 hours when excluding weekends and holidays. Juveniles held over a typical weekend would fall into this category if they were held for less than 72 hours. Juveniles held over a three-day weekend would fall into this category if they were held for less than 96 hours.</i>			
<b>Number of status offenders held over 24 hours when excluding weekends and holidays*</b>			
<i>Number of juveniles held for status offenses that were in the facility for more than 24 hours when excluding weekends and holidays. Juveniles held over a typical weekend would fall into this category if they were held for more than 72 hours. Juveniles held over a three-day weekend would fall into this category if they were held for more than 96 hours.</i>			
<b>Number of status offenders held over 24 that meet the valid court order exception</b>			
<i>Number of juveniles held over 24 that meet the valid court order exception. In order to claim a valid court order exception, the facility must have notified an appropriate agency of the violation, an assessment of the juvenile's needs must be done within 24 hours of admission, and within 48 hours of the admission the assessment must be presented to the courts and a determination must be made as to whether there is reasonable cause to believe that the juvenile violated the court order.</i>			
<b>Number of juveniles that are admitted to the facility that have committed a delinquent offense.</b>			
<i>Delinquent offender: A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).</i>			
<b>Total Number of juveniles admitted to detention</b>			

\*If there are any situations identified as violations, a condition will be placed on the funding which requires the Tribe to work with DOC Formula Grant Staff to develop a detailed plan for providing alternative options for dealing with these youth in order to avoid future violations of the JJDP Act.



## Facility Admissions – Adult Jail/Lockup

Adult Jail/Lockup Name: \_\_\_\_\_

*Note: Facility admission information should come from the facility that admits offenders. If a Tribe does not have a facility, they should make a note of what facility is used and what entity runs it. Admissions to facilities run by an entity other than the Tribe should not be reported.*

**Is the facility able to provide sustained sight and sound separation between adult and juvenile detainees within the facility?** (Answer yes or no.) \_\_\_\_\_ No \_\_\_\_\_ Yes

(If yes, what physical structures are in place to ensure sight/sound separation? In addition, what policies are in place to ensure the juveniles are separate?) \_\_\_\_\_

	Male	Female	Total
<b>Number of juveniles that are admitted to the facility that have not committed a delinquent or status offense.*</b>			
<i>Nonoffender: A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile (28 CFR 31.304(i)). These cases are often referred to as Children in Need of Services (CHINS), Children in Protective Services (CHIPS), and Families in Need of Services (FINS).</i>			
<b>Number of juveniles that are admitted to the facility that have committed a status offense.*</b>			
<i>Status Offender: A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). The following are examples of status offenses: truancy, violations of curfew, unruly, runaway, underage possession and/or consumption of tobacco products, underage possession and/or consumption of alcohol. This offense is always considered a status offense, even though State or local law may consider it a delinquent offense.</i>			
<b>Number of juveniles that are admitted to the facility that have not committed a delinquent offense.</b>			
<i>Delinquent offender: A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(g)).</i>			
<b>Number of juveniles held for delinquent offenses that were in the facility for less than 6 hours.</b>			
<b>Number of delinquent offenders held over 6 hours but under 48 hours*</b>			
<i>Number of juveniles held for delinquent offenses that were in the facility for less than 48 hours.</i>			
<b>Number of delinquent offenders held over 48 hours.*</b>			
<i>Number of juveniles held for delinquent offenses that were in the facility for more than 48 hours.</i>			
<b>Total Number of juveniles admitted to jail</b>			

\*If there are any situations identified as violations, a condition will be placed on the funding which requires the Tribe to work with DOC Formula Grant Staff to develop a detailed plan for providing alternative options for dealing with these youth in order to avoid future violations of the JJDP Act.



## **SECTION 6. CONFLICTS OF INTEREST, SPECIAL CONDITIONS AND ASSURANCES**

### **Council of Juvenile Services Conflict of Interest Identification**

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

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

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

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

#### **List Current Members**

Beth O'Toole, Chair and Professor at the University of Sioux Falls;  
Sara McGregor-Okroi, Vice-Chair and Director of Aliive-Roberts County.  
Dadra Avery, School Counselor at Sturgis Brown High School;  
Pat Bad Hand, Rosebud Sioux Tribe Detention Center;  
Mason Best, Youth Member;  
Judge Tami Bern, First Judicial Circuit Judge;  
Skylir Skipper, Youth Member;  
Kristi Bunkers, Department of Corrections Director of Juvenile Services;  
Kim Cournoyer, Service Provider at Great Plains Psychological Associates;  
Charles Frieberg, Director of Trial Court Services;  
Melanie Boetel, Department of Social Services;  
Daniel Hagggar, Minnehaha County States Attorney;  
Cindy Heiberger, Former Minnehaha County Commissioner;  
Doug Herrmann, Executive Director of The Club for Boys;  
Sheriff Brad Howell, Codington County Sheriff;  
Angela Lisburg, Avera Saint Mary's Hospital;  
Dave McNeil, Aberdeen Police Department Chief;  
Jen Johnson, Southeastern Directions for Life;  
Tierney Scoblic, Youth Member; and  
Cassidy Wright, Youth Member.



Council Member:

Description of potential conflict of interest:

Council Member:

Description of potential conflict of interest:

Council Member:

Description of potential conflict of interest:

## Special Conditions and Assurances

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

### General Award Conditions:

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

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

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. The subrecipient's conflict of interest policy is to be provided to the SDDOC upon request for review.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all federal, state, and local laws, regulations, ordinances, guidelines, permits, and requirements applicable to providing services pursuant to this Agreement and will be solely responsible for obtaining current information on such requirements. It will comply with all lawful requirements imposed by the awarding agency, specifically including applicable regulations 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 46, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); The Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disability Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).



If a governmental entity -

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

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

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

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

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



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

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

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

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

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

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

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

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

1. Competitive bids must be obtained for all equipment, construction and contracted services applications, as required by applicable local, state, or federal law or regulations.
2. If any agency other than the applicant is to contribute supporting or local funds, the Applicant must document the contribution.
3. Any funds awarded under one subgrant cannot be used in another.



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

**State of South Dakota Grant Subrecipient Attestation:**


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

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


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

### Original Signatures are Required


#### Chief Executive Officer

Name	J. Garret Renville	Title	Tribal Chairman
Address	12554 BIA Hwy. 711	City/State/Zip	Sisseton, SD 57262
E-mail	Chairman@SWO-nsn.gov	Phone	605-698-8284
		Fax	605-698-7907
Signature			
	Date	5-26-23	

#### B. Project Director

Name	Mary High Eagle	Title	Court Administrator
Address	P.O. Box 568	City/State/Zip	Agency Village SD 57262
E-mail	MARYH@SWO-NSN.GOV	Phone	605-698-7629
		Fax	698-4135
Signature			
	Date	5/30/23	

#### C. Financial Officer

Name	Christopher Adams	Title	Comptroller
Address	Po Box 569	City/State/Zip	Agency Village SD 57262
E-mail	Taffewap@outlook.com	Phone	605 698 8388
		Fax	
Signature			
	Date	5-26-23	

#### D. Other Official

Name		Title	
Address		City/State/Zip	
E-mail		Phone	Fax
Signature		Date	



## **SECTION 7. ATTACHMENTS**

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

<b>Attachment 1</b>
<b>Attachment 2</b>
<b>Attachment 3</b>
<b>Attachment 4</b>
<b>Attachment 5</b>
<b>Attachment 6</b>

**ENCLOSE RELEVANT ATTACHMENTS AFTER THIS PAGE**