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FEB 0 8 2018

TO: Legislative Research Council

FROM: Bridget Coppersmith, Juvenile Justice Specialist BC

DATE: February 8, 2018

RE: Fiscal Year 2017 Annual Report of the Council of Juvenile Services

On behalf of the Council of Juvenile Services, it is with great pleasure that I present to you the *Council of Juvenile Services Fiscal Year 2017 Annual Report.* An electronic copy of the report can also be found in the board documents on the Boards and Commissions Website under the Juvenile Services Council at: http://boardsandcommissions.sd.gov/publicdocuments.aspx?BoardID=59.

The Council of Juvenile Services 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 (JJDPA) 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.

Upon your review of the enclosed report, I am sure you will agree that the Council of Juvenile Services has made significant progress in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act and in working towards continued improvement in the State's juvenile justice system.

State of South Dakota

Council of Juvenile Services

State Fiscal Year 2017

Annual Report

Message from the Chairperson:

The Council of Juvenile Services (Council) oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, Formula Grants Program. The Council is required to make an annual report to the Governor and Legislature on the State's progress in meeting the requirements of the JJDPA and 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 fourteen years to enhance juvenile justice services in the state. 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 JJDPA in 2003. Furthermore, Federal Fiscal Year 2017 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide $400,478 for juvenile justice planning and projects in South Dakota in 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 Grants Program, please review the comprehensive Three-Year Plan located electronically on the Department of Corrections webpage: **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,

Betty Oldenkamp, Chairperson

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Council Members at the Close of State Fiscal Year (SFY) 2017

- **Betty Oldenkamp**, Chair and CEO of Lutheran Social Services
- **Beth O'Toole**, Vice-Chair and Professor at the University of Sioux Falls
- **Taniah Apple**, Youth Member
- **Dadra Avery**, School Counselor at Sturgis Brown High School
- **Austin Biers**, Youth Member
- **Keegan Binegar**, Youth Member
- **Keith Bonenberger**, Community Member
- **Kristi Bunkers**, Director of Juvenile Services
- **Kim Cournoyer**, Service Provider
- **Charles Frieberg**, Director of Court Services
- **Renee Gallagher**, Youth Member
- **Judge Steven Jensen**, First Judicial Circuit Presiding Judge
- **Sheriff Mike Leidholt**, Hughes County Sheriff
- **Aaron McGowan**, Minnehaha County States Attorney
- **Sara McGregor-Okroi**, Director of Aliive-Roberts County
- **Vanessa Merhib**, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties
- **Lyndon Overweg**, Mitchell Chief of Public Safety
- **Miskoo Petite**, Rosebud Sioux Tribe Juvenile Facility Administrator
- **Carol Twedt**, Former Minnehaha County Commissioner
- **Virgena Wieseler**, Director of Division of Child Protection Services

Council of Juvenile Services Overview

- The Council was established to fulfill the responsibilities of a state advisory group as directed by **Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974** and as outlined under **SDCL 1-15-30.**
- 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 JJDPA. State fiscal year (SFY) 2017 represents the **fourteenth year** of the State's renewed participation in the Formula Grants Program.
- In SFY 2017, the **Council met four times** and approved the Formula Grant State Three-Year Plan Application for federal fiscal year (FFY) 2017. South Dakota's **Three-Year Plan** can be found on the DOC grant webpage at **doc.sd.gov/about/council**.

Meeting, Budget, and Annual Reports on SD Boards and Commissions Website: http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=59

Information on DOC Website: http://doc.sd.gov/about/council/

Council of Juvenile Services Value Statements

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 family income, geography, gender, race, disability, 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.

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.

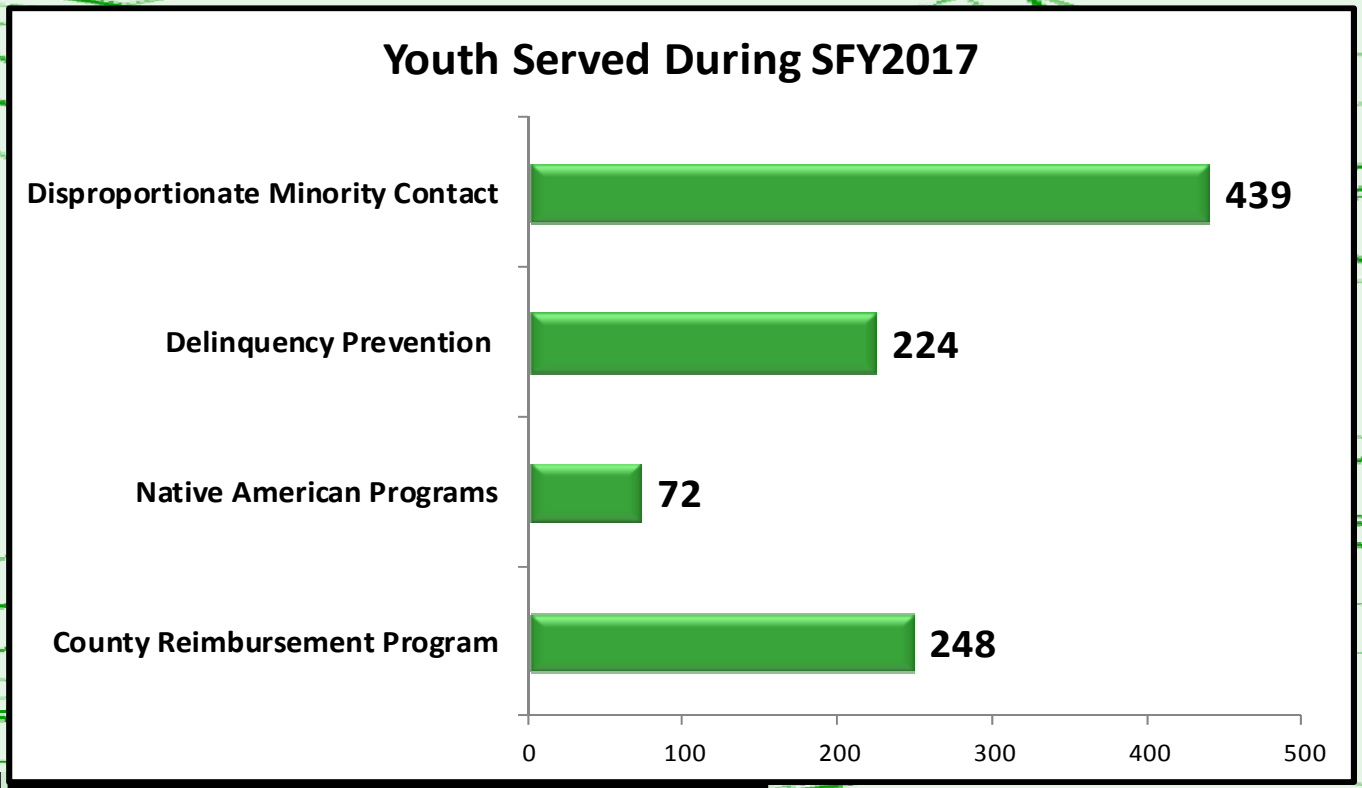
- **Deinstitutionalization of Status Offenders (DSO)**
  The removal of status offenders and non–offenders from secure juvenile detention and correctional facilities, jails, and lockups for adult offenders.
- **Sight and Sound Separation**
  Providing separation between adults and juveniles in secure settings.
- **Jail Removal**
  The removal of juveniles from adult jails and lockups.
- **Disproportionate Minority Contact (DMC)**
  The reduction of minority over-representation where it exists within the juvenile justice system.

Formula Grant Programs and Expenditures

The table below outlines the amount of FFY2012 and FFY2013 Formula Grant Funds spent during SFY2017 and a description of how the funds were utilized.

Program Area	SFY2017	Description
Council of Juvenile Services	$8,749.85	Quarterly Meetings and Council Annual Report
Planning and Administration	$27,185.66	Formula Grant Staff at the Department of Corrections (DOC)
Compliance Monitoring	$20,688.99	Formula Grant Staff at the DOC
Deinstitutionalization of Status Offenders (DSO)/Sight and Sound Separation/Jail Removal	$46,992.48	County Reimbursement Program
Native American Programs	$23,832.84	1 Local Subgrant
Delinquency Prevention	$189,762.10	2 Local Subgrants, Evaluation Services, and Positive Action Training
Disproportionate Minority Contact (DMC)	$57,245.58	2 Local Subgrants and Formula Grant Staff at the DOC
Total:	**$374,457.50**	

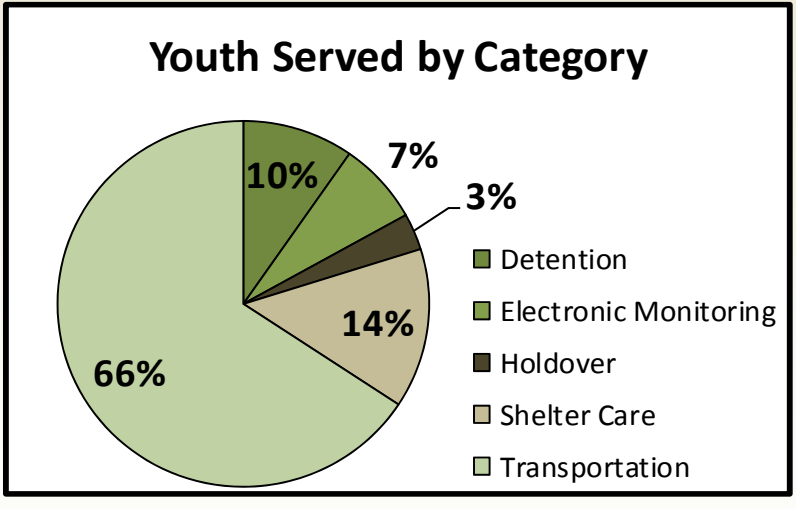
Youth Served During SFY2017



983 Total Youth Served

DSO, Jail Removal, and Separation/ County Re

Since 2005, a reimbursement system has been in place to provide financial support to counties and arresting entities that lack appropriate temporary custody options for youth. It has been the goal of the Council to work to eventually decrease dependence on the reimbursement programs and to help counties and arresting entities develop alternatives to detention and alternative funding sources.



- The chart to the left shows how the **248 youth served** during SFY2017 were reimbursed by program category.
- **66%** of the youth claimed by counties and arresting entities for reimbursement were from **transporting the youth** to and from approved juvenile facilities outside of their jurisdiction.
- **Shelter care** reimbursement was used **slightly more than detention with 14%** of the reimbursements being for shelter care youth.
- The table to the right shows the youth served and amount reimbursed by arresting entity.

More information regarding the program can be located at: **http://doc.sd.gov/about/grants/compliance.aspx**

mbursement Program

During SFY2017, a total of **$46,992.48** was reimbursed to **fifteen counties and arresting entities** for services rendered to a total of **248 youth**.

Arresting Entity	Youth Served	Total Reimbursed
Bennett	3	$2,120.00
Brookings	62	$4,788.44
Brule	24	$5,188.36
Charles Mix	29	$7,733.50
Clay	3	$911.20
Custer	5	$1,025.00
Davison	60	$11,303.78
Lincoln	23	$3,840.00
Marshall	4	$167.88
Meade	12	$4,690.00
McPherson	2	$1,800.00
Pennington*	7	$427.12
Union	4	$1,127.70
Vermillion	3	$145.00
Yankton	7	$1,724.50
Total	**248**	**$46,992.48**

***Pennington County claims reimbursement on behalf of Butte, Custer, Fall River, and Lawrence Counties**

Native American Programs

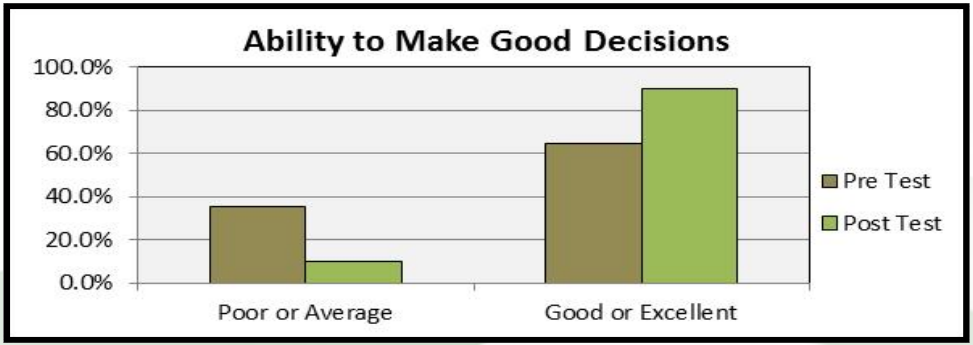
The Formula Grants Program requires participating states to pass through a specified portion of their funds to Native American Tribes. The amount South Dakota was required to pass with their FFY2012 Formula Grant award was **$32,184** and **$32,954** under their FFY2013 Formula Grant award.

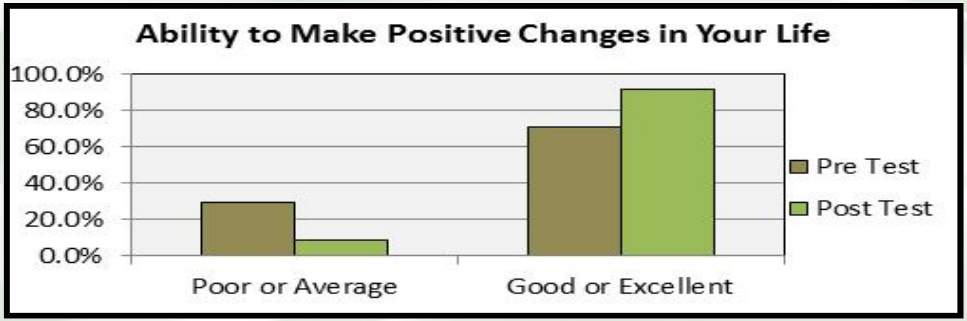
Under the FFY2012 award, **$38,377.67** was passed through to Native American Tribes through local projects. Through SFY2017, **$20,000** had been passed through of the required $32,945 for the FFY2013 award. The reminder of the requirement will be passed through in SFY 2018 as the federal award does not end until September 30, 2018.

In SFY2017, the Council approved one award to the **Cheyenne River Sioux Tribe** for a Juvenile Probation Officer who supervised 72 youth.

Delinquency Prevention

Starting in SFY2014, the Council turned its focus to prevention and early intervention programs. Subgrants in the **City of Watertown and Meade County** were awarded for a third year of services during SFY2017 to implement the evidence based programs "Project SUCCESS" and "Positive Action" in their original sites and to expand to supplemental sites in their regions. $170,000 was awarded between the two subgrants and 147 new youth were served in SFY2017 in addition to 77 youth carried over from the previous year.





- Upon completion of the program, 60 new participants took the student satisfaction survey during SFY2017.
- Over 88% of program participants reported that the program was "Good" or Excellent".
- Two questions from the pre and post tests are displayed to the left.
- There were substantial changes in reporting of the ability of youth to both make good decisions and make positive changes in their lives.
- Summary data provided by Mountain Plains Evaluation, LLC.

Disproportionate Minority Contact (DMC)

To comply with DMC requirements, states are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youths for any group that comprise at least 1% of the juvenile population.

In addition to monitoring for DMC, the Council supported **two $35,000 projects**. DMC efforts in **Minnehaha and Pennington Counties** focused on providing **case management services** for pre-adjudicatory youth under Lutheran Social Services of South Dakota in SFY2017. While the focus was on pre-adjudicatory youth, any minority youth needing the assistance of the case manager received services. The case manager assisted youth and their families in understanding the importance of attending hearings, complying with diversion recommendations, overcoming barriers, and connecting them with community supports and services.

South Dakota DMC Reduction Activities

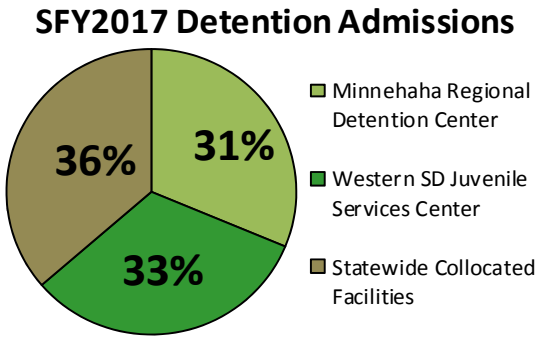
- DOC employs a state-level staff designated as a part-time DMC Coordinator.
- DMC Coordinator and Formula Grant Staff:
  - Collect race data for all nine contact points in the juvenile justice system;
  - Update data annually in South Dakota's Formula Grant Application;
  - Monitor relative rate index trends over time; and
  - Monitor DMC subrecipient performance measures on a quarterly basis
- The Council has invested in two targeted local DMC reduction sites.

Ongoing DMC Reduction Site Activities

- DMC Case Manager in Pennington and Minnehaha Counties
- Juvenile Detention Alternatives Initiative (JDAI) implementation in Minnehaha and Pennington Counties with local JDAI DMC Workgroups
- County-level DMC Coordinator in Minnehaha County
- Minnehaha County was selected to participate in the Reducing Racial and Ethnic Disparities Certificate Program through the Center for Justice Reform and Georgetown University in November 2017 at Georgetown University in Washington, DC.

Compliance Monitoring

- States participating in the JJDPA Formula Grants Program must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the core requirements are met at each step within the juvenile justice system.
- The South Dakota Compliance Monitoring System is set up in order to ensure that the juveniles of the state are being held in appropriate placement 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

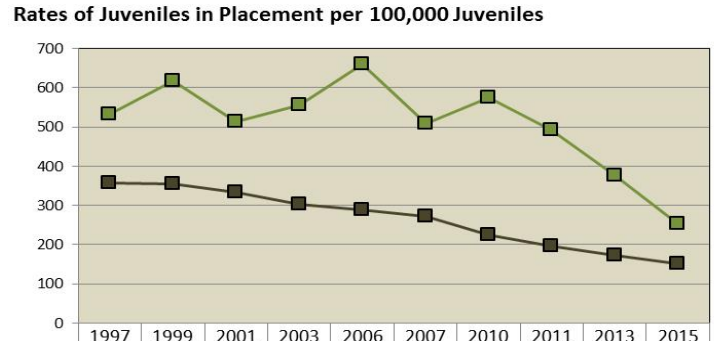


- **1,635 juveniles** were admitted to juvenile detention facilities in SFY 2017.
- **64%** of admissions were reported from the regional detention centers in **Minnehaha and Pennington Counties**.
- **36%** of admissions were from the **collocated facilities** (a juvenile facility that is in the same building or on the same grounds as an adult jail or lockup) in Beadle, Brown, Codington, Day, Hughes, Roberts, and Walworth Counties.

Compliance Violations: For the FFY2016 reporting period, South Dakota was found in full compliance with the Separation requirement and in de minimis compliance with the Deinstitutionalization of Status Offenders (rate of 15.14 violations per 100,000 population under 18) and Jail Removal (rate of 14.20 violations per 100,000 population under 18) requirements. While the rates of violations for the FFY2016 reporting period exceeded prior years, the rates did not place South Dakota in a state of non-compliance and the facility responsible for the bulk of the violations implemented policy change to prevent future violations.

2015 Census of Juveniles in Residential Placement

- The Census of Juveniles in Residential Placement was first administered by the Bureau of the Census for the Office of Juvenile Justice and Delinquency Prevention in 1997 to facilitate independent analysis of national data on the characteristics of youth held in residential placement facilities.
- The chart to the right shows that historically, South Dakota's rate has been as high as 660 and at times double the national average.
- In 2015, South Dakota's rate decreased to 254 and placed South Dakota at the 5th highest rate in the country which is an improvement from being in the top three since 1997.



	1997	1999	2001	2003	2006	2007	2010	2011	2013	2015
South Dakota	533	617	514	556	660	509	575	491	377	254
United States	356	355	334	303	289	272	225	196	173	152

Information regarding juvenile justice initiatives impacting the decreasing rate for South Dakota can be found at the following sites:

Juvenile Detention Alternatives Initiative (JDAI): *http://ujs.sd.gov/Information/jdai.aspx*

Juvenile Justice Reinvestment Initiative (JJRI): *http://jjri.sd.gov/*

EZACJRP

https://www.ojjdp.gov/ojstatbb/ezacjrp/

Easy Access to the Census of Juveniles in Residential Placement: 1997-2015

Children in the Juvenile Justice System

South Dakota's juvenile justice system impacts thousands of youths and their families annually. The table below provides a summary of juvenile justice, child protection activities, and alcohol and drug services as referenced in the 2013-2017 South Dakota Kids Count Factbook Publications and provided by the DOC .

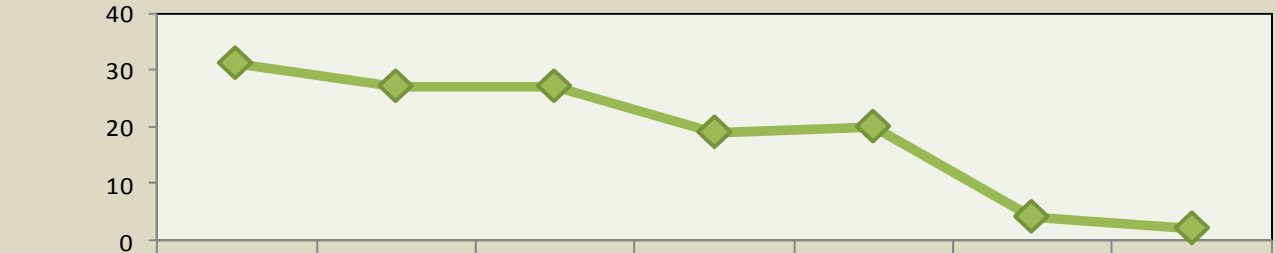
	SFY 2013	SFY 2014	SFY 2015	SFY 2016	SFY 2017
Adjudicated Action	4,533	4,311	4,050	4,220	5,475
Non-Adjudicated Action	828	1,013	705	727	602
New DOC Commitments*	276	240	205	118	103
Child Abuse & Neglect Initial Assessments (Children)	4,499	4,736	4,764	4,394	4,631
Children Requiring a Safety Response	1,541	1,458	1,362	1,210	1,726
Alcohol and Drug (juvenile admission to treatment)	1,083	1,069	924	862	864

* DOC commitment data is provided by the DOC. 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 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 (CHINS)



	SFY2011	SFY2012	SFY2013	SFY2014	SFY2015	SFY2016	SFY2017
# CHINS	31	27	27	19	20	4	2

Children in Need of Supervision (CHINS) are low risk and high needs youth who historically were often placed in secure detention or committed to the DOC due to lack of appropriate alternatives. There is a concern whether commitment to the DOC is the appropriate manner in which to provide residential services to CHINS.

The chart above page was obtained from DOC and identifies CHINS commitments to the DOC during SFY2011 through SFY2017. 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 JJDPA and through the implementation of statewide juvenile justice reform.

South Dakota

Council of Juvenile Services

State Fiscal Year 2017 Annual Report

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