State of South Dakota

Council of Juvenile Services

Fiscal Year 2007
Annual Report

South Dakota Council of Juvenile Services

Serving as the principal juvenile justice planning entity for the State of South Dakota.

Council of Juvenile Services

South Dakota Department of Corrections

415 North Dakota Avenue

Sioux Falls, South Dakota 57104

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COUNCIL OF JUVENILE SERVICES

Carol Twedt, Chairperson

Mike Leidholt, Vice Chair

February 2008

Governor M. Michael Rounds
Chief Justice David E. Gilbertson
Members of the South Dakota Senate
Members of the South Dakota House of Representatives

Dear Governor Rounds, Chief Justice Gilbertson, and Members of the South Dakota Senate and House of Representatives:

It is with great pleasure that I present to you the *Council of Juvenile Services Fiscal Year 2007 Annual Report*.

The Council of Juvenile Services oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act 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 Juvenile Justice and Delinquency Prevention Act 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. This document serves to meet both of these reporting requirements.

It has once again been an extremely busy year for the Council of Juvenile Services. The Federal Fiscal 2007 Formula Grant, Juvenile Accountability Block Grant, and Title V Delinquency Prevention Grant applications were submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. These three applications will provide over $950,000 for juvenile justice planning and projects in South Dakota. At least 80% of these funds will go to counties to assist with the cost of complying with the Formula Grant requirements and to support other local juvenile justice projects, including tribal justice programs.

The six standing committees that have been established in the previous fiscal years remain active and productive. These committees include the following: the Executive Committee, Compliance Monitoring Committee, Disproportionate Minority Contact Committee, Juvenile Justice Tribal Advisory Group, Juvenile Justice Records Committee, and the Detention Standards Committee. Upon review of these document you will find that the Council and these committees have accomplished much in the past year and will continue to implement many diverse juvenile justice projects next year and beyond.

Staff of the Executive and Judicial branches and members of the Legislature have all played active roles in the State's participation in the Juvenile Justice Formula Grants Program and our progress to date. I want to thank you all for your support and I look forward to working with you on behalf of South Dakota's children in the future.

Sincerely,

Carol Twedt

Carol Twedt
Chairperson

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EXECUTIVE SUMMARY

The Juvenile Justice and Delinquency Prevention Act (the Act), as amended, establishes four core requirements with which participating States and territories must comply to receive formula grant funds:

- Deinstitutionalization of status offenders (DSO).
- Separation of juveniles from adults in institutions (Sight and Sound Separation).
- Removal of juveniles from adult jails and lockups (Jail Removal).
- Reduction of disproportionate minority contact (DMC), where it exists.

To be eligible to receive a formula grant, a State must:

(1) designate a State agency to prepare and administer the State's comprehensive 3-year juvenile justice and delinquency prevention plan;

(2) establish a state advisory group, appointed by the Chief Executive, to provide policy direction and participate in the preparation and administration of the formula grants program plan; and

(3) commit to achieve and maintain compliance with the four core requirements of the Act.

States may use their formula grants to support a variety of programs related to preventing and controlling delinquency and improving the juvenile justice system.

When Governor M. Michael Rounds took office in January of 2003, one of the transition issues put before him was the State's lack of participation in the Formula Grants Program. Governor Rounds determined that the requirements of the Act represent national juvenile justice standards that the State should follow. Senate Bill 202 was drafted and introduced on his behalf. Senate Bill 202 made the necessary changes to the juvenile justice processes in South Dakota in order for the State to meet the Act's requirements. The passage of Senate Bill 202 allowed the State to again participate in the Formula Grants Program.

The Council of Juvenile Services is the state advisory group for the State's participation in the Formula Grants Program of the Act. SDCL 1-15-30, as amended by Senate Bill 8 in the 2003 Legislative Session, outlines the responsibilities of the Council of Juvenile Services.

EXECUTIVE SUMMARY

The Department of Corrections is the designated state agency to receive and expend formula grant funds. The Department of Corrections provides staff support to the Council of Juvenile Services and it's committees. State Fiscal Year 2007 represents the fourth year of the State's renewed participation in the Formula Grants Program. Significant accomplishments in Fiscal Year 2007 include the following:

Compliance

⇒ The calendar year 2006 Compliance Monitoring Report filed in Fiscal Year 2007 shows continued compliance with the DSO, Separation and Jail Removal requirements of the Act.

⇒ Ninety-one site visits to jails juvenile detention facilities and other residential facilities were conducted to verify facility classifications, to collect and verify data, to identify if violations of the formula grants program requirements are occurring, and to provide technical assistance and training on the Act's requirements.

⇒ Admission and release data for calendar year 2006 was collected and analyzed from 55 locations including jails, regional juvenile detention centers, collocated juvenile detention centers, secure state correctional facilities, and secure private facilities.

⇒ $262,020.23 was expended to support alternatives to jail and secure detention.

Disproportionate Minority Contact

⇒ Statewide and local interventions are in place and remain active to address the over-representation of minority youth in the State's juvenile justice system.

System Improvement

⇒ Third-year funding of System Improvement grants focusing on early intervention was provided to programs in Rapid City and Lake Andes.

⇒ A subgrant was made to the Division of Mental Health to support the development of "The Center for Excellence" to provide onsite training, coaching, and technical assistance which will support the development of a comprehensive system of care and high fidelity wraparound. A System of Care steering committee has been established to plan for the implementation of High Fidelity Wraparound.

⇒ A Probation Support Program was established with the Unified Judicial System to provide assistance to youth and their families to provide access to needed services.

Native American Pass-Through

⇒ Grants were made available to all nine Tribes in South Dakota in order to assist them in addressing their respective juvenile justice needs.

Juvenile Justice Tribal Advisory Group

⇒ Staffing and financial support were provided to maintain the Juvenile Justice Tribal Advisory Group in order to assist Tribal efforts to improve their juvenile justice systems.

Juvenile Justice Records Committee

⇒ The Juvenile Justice Records Committee drafted legislation to address the Formula Grants requirement of making child protection records available to the Court and juvenile corrections for disposition and treatment planning purposes. The legislation, in the form of House Bill 1059, passed both houses of the Legislature with overwhelming majorities and was signed into law by Governor Rounds on February 2, 2007.

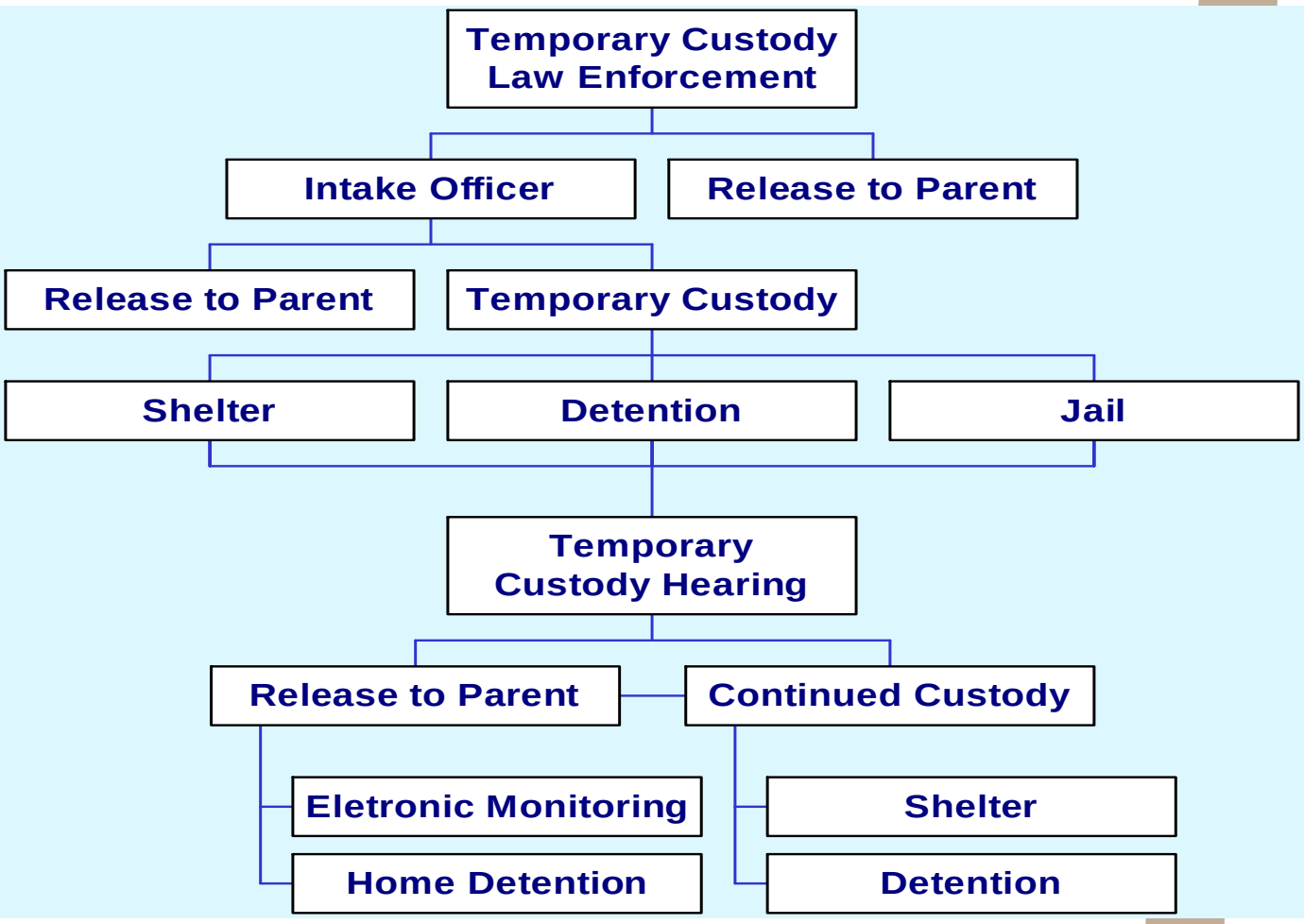
Detention Standards Committee

⇒ The Detention Standards Committee is in the process of drafting a set of standards to be provided as a resource for juvenile detention centers in South Dakota. Joint training and sharing of other resources is also being explored.

In order to understand the impact that the Council of Juvenile Services and the Juvenile Justice and Delinquency Prevention Act Formula Grants Program has had on the juvenile justice system, it is first important that the reader understands how the juvenile justice system operates in South Dakota.

The following system flow chart depicts the initial stages of temporary custody, which begins at the time a youth is taken into custody by law enforcement:

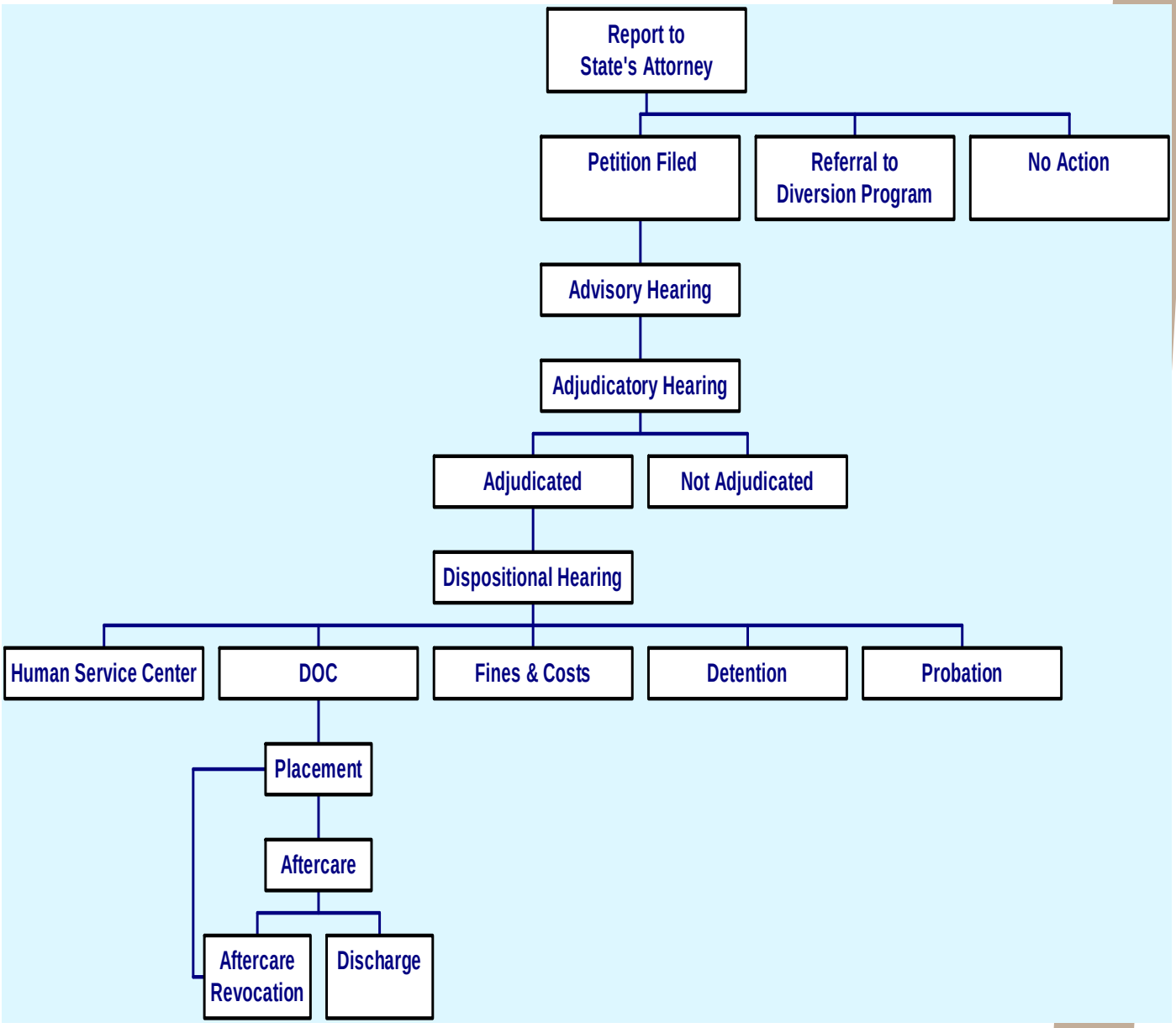
Temporary Custody Flow Chart



It should be noted that the costs of the temporary custody portion of the juvenile justice system are largely borne by counties. Counties are responsible for covering the costs of temporary custody in detention and shelter care. The use of jail for temporary custody is allowed in limited circumstances and locations consistent with the requirements of the Act and with provisions in state law.

The following chart shows South Dakota's juvenile justice system flow from a petition being filed through disposition:

Petition, Adjudication and Disposition Flowchart



Counties and the Unified Judicial System (UJS) share the costs of the judicial process. Costs of care for youth who remain in temporary custody pending disposition, when detention is used as a disposition, and for seven days following commitment to the Department of Corrections are provided or paid for by counties. Court Services Officers under the jurisdiction of the UJS provide probation services to youth. If a child is committed to the Department of Corrections (DOC), the DOC is responsible for covering placement and aftercare costs.

South Dakota's juvenile justice system impacts thousands of youth and their families on an annual basis. The following table provides a summary of juvenile justice, child protection activities, and alcohol and drug services for State FY2003 through FY2007:

	FY2003	FY2004	FY2005	FY2006	FY2007
UJS Referrals					
Adjudicated	5,693	5,490	5,710	5,970	6,129
Non-Adjudicated	1,978	782	1,180	1,511	2,272
DOC Commitments *	384	352	368	379	355
Child Abuse & Neglect Initial Assessments (children)	9,664	8,748	7,729	7,476	6,377
Substantiated	5,309	2,445	1,485	1,701	1,769
Unsubstantiated	4,355	6,303	6,244	5,775	4,608
Alcohol and Drug (juvenile admission to treatment)	3,143	3,029	2,456	**1,992	**1,790

Source: The 2003, 2004, 2005, 2006 and 2007 South Dakota Kids Count publications (University of South Dakota, Business Research Bureau) is the source of the data, with the exception of DOC Commitments) in the above table.

* DOC commitment data provided by the Department of Corrections.

* *A new information system was implemented in FY06, which provided unduplicated counts.

II. COUNCIL OF JUVENILE SERVICES

A. Council of Juvenile Services Membership Requirements

The Council of Juvenile Services is the state advisory group for the State's participation in the formula grants program of the Juvenile Justice and Delinquency Prevention Act of 1974 (the Act).

Pursuant to Section 223(a)(3) of the Act, the state advisory group shall consist of not less than 15 and not more than 33 members appointed by the Chief Executive Officer of the State. At least one member shall be a locally elected official representing general-purpose local government. At least one-fifth of the members shall be under the age of 24 at the time of appointment. At least three members shall have been or currently are under the jurisdiction of the juvenile justice system. A majority of the members (including the Chairperson) shall not be full-time employees of federal, state, or local government. Members are to have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice.

SDCL 1-15-29 identifies the Council of Juvenile Services as the state advisory group for the formula grants program and reads as follows:

> *There is hereby established a twenty-member Council of Juvenile Services to be appointed by the Governor and shall be comprised of individuals who have training, experience, or special knowledge of juvenile delinquency prevention, treatment, or of the administration of juvenile justice. The membership of the Council of Juvenile Services shall comply with Section 223(a) (3) of the Juvenile Justice and Delinquency Act. The initial members to be appointed shall draw lots to determine who will hold the eight three-year terms, the six two-year terms, and the six one-year terms. Thereafter, each member shall serve a term of three years. Members may be reappointed and may continue to serve an expired term until replaced by the Governor. A chairperson, who may not be a full-time federal, state, or local employee, for the Council of Juvenile Services shall be chosen annually by a majority vote of its members at the first meeting each fiscal year.*

B. Council of Juvenile Services Responsibilities

Formula grant guidelines require the state advisory group to approve the State's Three-Year Plan and Formula Grant Application prior to submission to the Office of Juvenile Justice and Delinquency Prevention. The group also approves grant applications and funding decisions involving the use of formula grant funds. The advisory group is responsible for submitting an annual report to the Governor and Legislature that includes recommendations regarding state compliance with the requirements of the Act and a review of progress and accomplishments of projects funded under the state plan.

SDCL 1-15-30 outlines the responsibilities of the Council of Juvenile Services as follows:

(1) In conjunction with the secretary of the Department of Corrections, establish policy on how the formula grants program of the Juvenile Justice and Delinquency Prevention Act is to be administered in South Dakota;

(2) Approve the state plan, and any modifications thereto, required by 223(a) of the Act prior to submission to the Office of Juvenile Justice and Delinquency Prevention;

(3) Submit annual recommendations to the Governor and Legislature concerning the functions of the Council of Juvenile Services and the status of the state's compliance with the Act;

(4) Approve or disapprove grant applications and other funding requests submitted to the Department of Corrections under § § 1-15-27 to 1-15-31, inclusive, and assist with monitoring grants and other fund awards;

(5) Assist the Department of Corrections in monitoring the state's compliance with the Act;

(6) Study the coordination of the various juvenile intervention, prevention, treatment, and rehabilitation programs;

(7) Study effective juvenile sentencing, adjudication, and diversion policies and provisions;

(8) Make a special study of and make an annual report to the Governor, the Unified Judicial System, and the Legislature by June thirtieth of each year, concerning the appropriate administration of and provision for children in need of supervision in this state;

(9) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(10) Perform other such activities as determined by the Governor, the secretary of the Department of Corrections, or the Council of Juvenile Services.

C. *Membership of the Council of Juvenile Services*

The following individuals were members of the Council of Juvenile Services at the close of Fiscal Year 2007:

* **Carol Twedt, Minnehaha County Commissioner, Sioux Falls**
* **Sheriff Mike Leidholt, Hughes County Sheriff, Pierre**
* **Nancy Allard, Unified Judicial System, Pierre**
* **J.C. Chambers, Stronghold Counseling, Sioux Falls**
* **Victor Erlacher, Foster Care Provider, Arlington**
* **Dave Nelson, Minnehaha County States Attorney, Sioux Falls**
* **Dr. Susan Randall, South Dakota Voices for Children, Sioux Falls**
* **Tara Russell, Youth Member, Pierre**
* **Doug Herrmann, Department of Corrections, Pierre**
* **Judge Karen Jeffries, Children's Court Judge, Eagle Butte**
* **Judge Janine Kern, 7th Circuit Court, Rapid City**
* **Elizabeth Heidelberger, Youth Member, Rapid City**
* **Beth O'Toole, University of Sioux Falls, Sioux Falls**
* **Virgena Wieseler, Department of Social Services, Pierre**
* **Ella Rae Stone, YST Correctional Facility, Lake Andes**
* **Gib Sudbeck, Division of Alcohol and Drug Abuse, Pierre**
* **Jo Vitek, Watertown Police Department, Watertown**
* **Jason Goette, Youth Member, Aberdeen**
* **Grant Walker, Walworth County States Attorney, Selby**
* **Richard Erickson, Youth Member, Yankton**

D. Committees

In order to fulfill federal and state obligations, the Council of Juvenile Services has established numerous standing and ad hoc committees. Membership in these committees include both Council members and individuals who are not members of the Council who possess knowledge and expertise relevant to the committee's charge. The following committees of the Council were active in Fiscal Year 2007:

- *Executive Committee*
- *Compliance Monitoring Committee*
- *Disproportionate Minority Contact Committee*
- *Juvenile Justice Tribal Advisory Group*
- *Juvenile Justice Records Committee*
- *Detention Standards Committee*

II. COUNCIL OF JUVENILE SERVICES

Executive Committee

The Council of Juvenile Services Executive Committee is comprised of five Council of Juvenile Services members and was designed to conduct business and keep the Council of Juvenile Services operating between meetings of the full Council.

Compliance Monitoring Committee

The Compliance Monitoring Committee assists the Council of Juveniles Services in maintaining and improving compliance with the Juvenile Justice and Delinquency Prevention Act.

Disproportionate Minority Contact Committee

The Disproportionate Minority Contact (DMC) Committee was created by the Council of Juvenile Services to monitor, research, and make recommendations to address DMC. As part of the work of the DMC Committee, local DMC workgroups were formed in Sioux Falls, Rapid City, and Sisseton.

Juvenile Justice Tribal Advisory Group

The Juvenile Justice Tribal Advisory Group provides Native American perspective and expertise to assist the Council of Juvenile Services in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act and provides communication between the Tribes and the Council to assist Tribes in their juvenile justice initiatives.

Juvenile Justice Records Committee

Consistent with federal and state confidentiality requirements and keeping with the best interests of the child, the mission of the Juvenile Justice Records Committee is to ensure appropriate information sharing between agencies and individuals to aid in the delivery of services to children and families involved in South Dakota's child protection and juvenile justice systems.

Detention Standards Committee

The Detention Standards Committee was formed to assist the Council of Juveniles Services, the ad hoc Facility Standards Committee, and the Compliance Monitoring Committee in drafting standards for juvenile detention facilities.

III. COMPLIANCE MONITORING

A. Federal Requirements

The Juvenile Justice and Delinquency Prevention Act, as amended, establishes four core protections with which participating States and territories must comply in order to receive grants under the Act:

(1) Deinstitutionalization of Status Offenders (DSO)

Refers to the removal of status offenders and non offenders from secure juvenile detention and correctional facilities and jails and lockups for adult offenders.

(2) Sight and Sound Separation

Refers to providing separation between adult and juveniles in secure settings.

(3) Jail Removal

Refers to the removal of juveniles from adult jails and lockups.

(4) Disproportionate Minority Contact (DMC)

Refers to the reduction of minority over-representation where it exists within the juvenile justice system.

B. Facilities Monitored & Method of Monitoring

A compliance monitoring system has been developed and implemented to monitor the State's compliance with the Jail Removal, Sight and Sound Separation, and Deinstitutionalization requirements of the Formula Grants Program.

All facilities in the state have been classified as adult or juvenile and secure or non-secure. During Fiscal Year 2007, 91 site visits were conducted to verify facility classifications, to collect and verify data, to identify if violations of the formula grants program requirements are occurring, and to provide technical assistance and training on the Act's requirements.

During Fiscal Year 2007, admission and release data for calendar year 2006 was collected and analyzed from 55 locations including jails, regional juvenile detention centers, collocated juvenile detention centers, secure state correctional facilities, and secure private facilities. This data was utilized to complete the 2006 Compliance Report.

C. 2006 Compliance Summary

The annual Compliance Monitoring Report covering calendar year 2006 was submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in June 2007.

The following table includes a summary of the violations for the three primary requirements:

	Deinstitutionalization of Status Offenders	Jail Removal	Separation
Violations	7	6	1
Violation Rate (rate per 100,000 youth under the age of 18. Juvenile population as per OJJDP)	3.72	3.19	
OJJDP Finding	In Compliance	In Compliance	In Compliance

Based on the small number of violations and the fact that the violations are isolated incidents that do not constitute an ongoing pattern, it is anticipated that the OJJDP will find the State of South Dakota in compliance with the Act requirements and eligible to receive continued funding.

The DSO violation rate of 3.72/100,000 youth places the State in full compliance with the de minimis exception rate. A DSO violation rate of 29.5 or higher would mean that the State would be noncompliant with the DSO requirement. The jail removal violation rate of 3.19/100,000 means the State is eligible for numerical de minimis compliance if an acceptable plan is developed to eliminate noncompliant incidences. A jail removal rate of 9.1 or higher would mean that the State would be noncompliant with the jail removal requirement. The single violation of the sight and sound separation requirement was due to false impersonation on the part of the juvenile and will not adversely impact the State's compliance with the separation requirement.

D. Historical Compliance Summary

(1) Deinstitutionalization of Status Offenders

- In 2002, there were 115 incidents in South Dakota that violated the DSO requirement.
- In 2003, South Dakota began working towards compliance with the Act's requirements and had 16 DSO violations.
- In 2004, South Dakota had 9 DSO violations.
- In 2005, South Dakota had 11 DSO violations.
- In 2006, South Dakota had 7 DSO violations.

(2) Jail Removal

- In 2002, South Dakota had 291 incidents that violated the Jail Removal requirement.
- In 2003, South Dakota began working towards compliance with the JJDP Act and had 34 violations of Jail Removal.
- In 2004, South Dakota had 5 violations of Jail Removal.
- In 2005, South Dakota had 16 violations of Jail Removal.
- In 2006, South Dakota had 6 violations of Jail Removal.

(3) Sight and Sound Separation

- In 2002, South Dakota had nine incidents that violated the Sight and Sound Separation requirement.
- In 2003, South Dakota began working towards compliance with the JJDP Act and there were no violations identified.
- In 2004, South Dakota had one violation of Sight and Sound Separation.
- In 2005, South Dakota had one violation of Sight and Sound Separation.
- In 2006, South Dakota had one violation of Sight and Sound Separation.

The following table shows the number and rate of violations for the three core requirements over the last four years:

Summary of Violation History

		Deinstitutionalization of Status Offenders	Jail Removal	Separation
2002	Violations	115	291	9
	Violation Rate**	56.75	143.60	
	OJJDP Finding	—-	—-	—-
2003*	Violations	16	34	0
	Violation Rate**	8.18	17.38	
	OJJDP Finding	In compliance	In compliance	In compliance
2004	Violations	9	5	1
	Violation Rate**	4.60	2.56	
	OJJDP Finding	In compliance	In compliance	In compliance
2005	Violations	11	16	
	Violation Rate**	5.62	8.18	1
	OJJDP Finding	In compliance	In compliance	In compliance
2006	Violations	7	6	1
	Violation Rate**	3.72	3.19	
	OJJDP Finding	In compliance	In compliance	In compliance

** Data Projected from July through December 2003 admission.*

** Rate per 100,000 youth under the age of 18. Juvenile population as per OJJDP 188,270.

E. Compliance Programming— Reimbursement Program

Meeting the temporary custody needs of juveniles consistent with the Act can be a burden on county governments. The Council of Juvenile Services authorized the development of a reimbursement system utilizing Formula Grant funds to provide financial support to counties. During Fiscal Year 2005, a reimbursement system was implemented that provided financial support to counties or arresting entities that lack appropriate temporary custody options for youth. Services eligible for financial assistance include detention, shelter care, attendant care, transportation, electronic monitoring, and training.

During Fiscal Year 2007, a total of $262,020.23 was reimbursed to 31 local governments and other agencies for services consistent with the reimbursement program. The table on the following page provides a summary of the entities receiving reimbursement and the program services accessed.

South Dakota Department of Corrections
Reimbursements to Counties for Juvenile Services
Report By Entity

Starting 07/01/2006

Ending 06/30/2007

County	Shelter Care	Detention	Transportation	Holdover	Equipment	Electronic Monitoring Passive	Electronic Monitoring Active	Reimbursed	Training	Total	Juveniles Served
BEADLE				$542.50						$542.50	3
BON HOMME			$562.40							$562.40	3
BROOKINGS			$5,541.77			$1,627.92				$7,169.69	144
BRULE	$1,295.00	$3,640.00								$4,935.00	8
CHARLES MIX			$3,841.70	$14,540.00		$340.26				$18,721.96	92
CLAY						$1,549.65				$1,549.65	25
CODINGTON	$765.00		$1,468.08							$2,233.08	12
DAVISON	$9,895.00	$6,800.00	$6,522.27			$93.50				$23,310.77	105
DEUEL						$185.97				$185.97	6
EDMUNDS	$400.00	$480.00								$880.00	2
GRANT	$595.00		$581.96							$1,176.96	4
GREGORY		$500.00	$89.60							$589.60	4
HUGHES	$1,890.00	$20,340.00	$4,583.75	$26,977.00						$53,790.75	165
JACKSON		$1,440.00	$294.36							$1,734.36	5
LAKE							$795.00			$795.00	3
LINCOLN							$450.00			$450.00	1
MARSHALL		$1,800.00	$401.39							$2,201.39	11
MELLETTE		$4,200.00	$3,009.40	$325.00						$7,534.40	21
MINER							$345.00			$345.00	1
MINNEHAHA							$16,380.00			$16,380.00	72
MOODY							$2,130.00			$2,130.00	6
PENNINGTON			$1,934.08				$54,870.00			$56,804.08	345
PERKINS		$2,800.00	$2,309.06	$2,135.00						$7,244.06	20
ROBERTS	$595.00	$18,300.00	$1,504.80							$20,399.80	66
SANBORN		$2,290.00								$2,290.00	4
SULLY		$900.00	$155.17							$1,055.17	4
TODD		$700.00	$347.88							$1,047.88	3
TRIPP	$595.00	$14,380.00	$4,232.96							$19,207.96	63
UNION	$700.00		$501.91			$181.35				$1,383.26	10
Vermillion - City of			$58.40							$58.40	1
YANKTON			$5,311.14							$5,311.14	56
Total	$16,730.00	$78,570.00	$43,252.08	$44,519.50	$0.00	$3,978.65	$74,970.00			$262,020.23	1265

IV. DISPROPORTIONATE MINORITY CONTACT

The DMC Committee was created by the Council of Juvenile Services to monitor, research, and make recommendations to address the overrepresentation of minority youth in the State's juvenile justice system. As part of the work of the DMC Committee, local workgroups were formed in Sioux Falls, Rapid City, and Sisseton. The Committee, as well as each local workgroup, is responsible for each of the steps of the DMC process as follows:

- Identify the existence/extent of disproportionality through "between race" comparisons within jurisdictions and at specific decision points in the system.
- Assess DMC data to target juvenile justice system decision points of needed intervention, and allocate resources for system interventions.
- Intervene to reduce DMC by implementing specific policies, programs, and activities designed to address identified factors impacting DMC.
- Evaluate how DMC responds to policy initiatives and system interventions.
- Monitor trends in DMC within and across jurisdictions.

A. Identification

In Fiscal Year 2005, the Department of Corrections collected data on juvenile justice system activity for calendar year 2002 in order to identify baseline data and to determine if a disproportionate number of minority youth were represented throughout the juvenile justice system. Consistent with Formula Grant Program requirements, South Dakota DMC strategies should target reducing over-representation for those minority populations that make up at least 1% of the total population by youth. In South Dakota, Black and Native American youth were the minority groups that meet the 1% rule. Based on the initial identification information, Black youth were found to be overrepresented at the stages of arrest, detention, and petition and Native American youth were found to be disproportionately represented at the stages of arrest, diversion, detention, petition, adjudication, probation, and secure placement.

B. Assessment

In the second phase of the DMC Process, the Department of Corrections contracted with researchers from Mountain Plains Research to conduct an assessment of DMC in order to assist the Council in identifying interventions that can reduce the occurrence of DMC. As part of the assessment effort, the researchers organized twelve focus groups in four different South Dakota communities to gather pertinent information. The focus groups included youth in the juvenile justice system, parents, services providers, and juvenile justice practitioners. The focus groups identified a number of factors they believe impact DMC in South Dakota, to include the following:

- Prejudice/Biased Treatment of Minorities
- Inconsistent Family Life/Structure

- Different Laws, Mores, and Cultural Values between Reservation and Non-Reservation Areas
- Truancy and Dropout Rates
- Substance Abuse
- Environment-Loss of Culture/Identity
- Education Differences
- Gangs
- Negative Media Portrayal of Minorities
- Legacy of Boarding Schools Among Native Americans
- Law Enforcement is Reactive to Complaints
- Poverty/Poor Economics/Jobs
- Native Americans More Forthright

C. Interventions

(1) Statewide Interventions

The South Dakota DMC Committee reviewed the DMC identification information and assessment results to develop strategies to be implemented on a statewide basis. Based on the recommendations from the DMC Committee, the Council of Juvenile Services has adopted and began implementation of the following statewide DMC intervention strategies:

a. Implement data improvement projects in order to improve quantity and quality of the data currently available for the study of DMC.

b. Disseminate the DMC information to raise public awareness concerning the problem.

c. Decrease the overrepresentation of Native American youth in South Dakota's juvenile justice system by developing and implementing effective Native American culture awareness training and agency cultural assessment training for juvenile justice practitioners and service providers.

d. Support the increase of the compulsory school attendance age from 16 years to 18 years.

e. Increase collaboration with Native American Tribes and the state juvenile justice system in order to access services operated by tribal entities including temporary custody, diversion, and treatment services instead of relying solely on existing state operated or contracted programs.

f. Create a legal education program to be implemented for parents. The focus of the program would be on the rights and responsibilities, navigating the justice system, and parenting a juvenile that is involved with the juvenile justice system.

g. Implement community specific interventions in Sioux Falls, Rapid City, and Sisseton and continue to support the three local DMC Workgroups financially as well as through staff support.

(2) Local Interventions

The following table depicts the DMC interventions identified by the local DMC workgroups in Sioux Falls, Rapid City, and Sisseton; approved by the DMC Committee and the Council of Juvenile Services; and implemented in FY2007:

Local Intervention Strategies			
Location	**Provider**	**Funding**	**Description**
Sioux Falls		**$80,000**	
	Lutheran Social Services	$59,000	Cultural Translator
	American Indian Services	$11,000	Parenting Training/Outreach
	Great Plains Psychological Services	$10,000	Parenting Skills
Rapid City		**$80,000**	
	Rapid City Area Schools	$80,000	Prevention Specialist Positions (x2); Family, school, and cultural diversity activities
Sisseton		**$40,000**	
	City of Sisseton	$30,000	School Resource Officer
	Glacial Lakes Boys & Girls Club	$3,950	Smart Kids Program
	Lutheran Social Services	$6,050	Violence Reduction Program

D. Current Status of DMC/Ongoing Monitoring

Based on information collected for calendar year 2005, Black and Native American youth continue to be over-represented in South Dakota's juvenile justice system. This issue is most prevalent at the arrest stage of the system. Based on population, the arrest rate for Black youth is 2.07 times higher than the arrest rate for White youth. The arrest rate for Native American youth is 2.26 times higher than the arrest rate for White youth.

Data collection will continue to be conducted on an annual basis to monitor the rates of DMC at the various decision points of the juvenile justice systems. Monitoring and evaluation of the DMC interventions will continue to occur as well.

V. SYSTEM IMPROVEMENT

A. System Improvement Projects

The Systems and Services Committee of the Council was tasked with identifying needed changes to the juvenile justice system and to make recommendations on the utilization of formula grant funds. While numerous system enhancements and changes were identified, the following two program areas were identified and prioritized by the Committee and endorsed by the Council for funding: Community Based Services for Children in Need of Supervision, and Truancy Prevention and Intervention Programs. The Council endorsed these program areas and a request for proposals was developed and distributed. The following programs were successful applicants for system improvement funds and received third year funding in Fiscal Year 2007:

Lewis and Clark Mental Health Center - $138,000

"Connecting Point" is an intensive intervention program for Children in Need of Supervision in Charles Mix County. Services include counseling/therapy, recreational opportunities, education/tutoring, life skills, assistance in obtaining jobs, crisis intervention, and therapeutic foster care. In the first year of the project, Connecting Point provided services to a total of 29 youth and families, with 12 of these having successfully completed the requirements of the program. Twenty-four of these youth avoided placement with the Department of Corrections due to receiving services through Connecting Point, providing a net savings of approximately $822,000 to the State of South Dakota. In FY07, Connecting Point staff made a total of 3,492 contacts with individuals and families and served 57 youth, with only five of these youth being remanded to the DOC.

Lifeways, Inc. - $25,000

Funds were awarded to implement an evidenced-based program for specific high-risk youth that attend the Rapid City Academies. "Reconnecting Youth" is an evidence based, in-school prevention and indicated intervention program for youth in grades nine through twelve (14-18 yrs) who are at risk for school drop out. The youth also may exhibit other behavior problems, such as substance abuse, aggression, depression, or suicide risk behaviors. It is a for-credit full semester class in which the students learn key skills that will assist them throughout their lives. Three central goals of Reconnecting Youth are to increase school performance, decrease substance use, and increase mood management. In FY07, a total of 74 youth were served, and 72 successfully completed the Reconnecting Youth Program. Thirty-nine of these youth had substance use issues and 33 youth had family relationship issues to which they were addressing/exhibiting a desired change.

B. Other System Improvement Projects

1) Support of Mental Health System Initiatives

The Systems Improvement Committee made recommendations concerning the need for additional services to keep youth in the community and out of the justice system; the link between the mental health system and the juvenile justice system; and the link between the child protection system and the juvenile justice system. By working with the Division of Mental Health, a family support program was developed which will assist families of severely emotionally disturbed youth to access needed services to prevent out of home placement. The Division of Mental Health's proposal involved the development and implementation of a mental health family support program to help families obtain support services such as respite care, family support, case management, expenses, transportation to appointments, and other needed services and support. The Council funded the mental health family support program in the amount of $128,000. In Fiscal Year 2006, the grant was amended to allow for support of the State's implementation of the Systems of Care model.

A System of Care is an organized network of agencies and community resources designed to support the needs of children, youth, and families with complex needs.

Through the leadership of the Division of Mental Health and the Association of State Community Mental Health Centers (CMHC), South Dakota has initiated the design and implementation of a systems of care approach committed to serving children and youth in their homes and communities. The following is a listing of observed strengths of the systems of care initiative in South Dakota:

- All eleven mental health centers, the Department of Corrections, the Department of Human Services and the Department of Social Services endorse the development of local Systems of Care for children with serious emotional disturbances and their families.
- The UJS and community mental health center system have collaborated to improve the referral service delivery system for children who are referred by the Unified Judicial System to CMHCs.
- A Memorandum of Understanding has been developed between South Dakota Councils of Mental Health Centers and the Division of Child Protection Services (CPS). It sets forth the understanding between the two organizations regarding the following: 1) procedures for transacting timely and standardized referrals for children's mental health services from CPS to respective community mental health centers; 2) practices for minimizing "no shows" among referred children/families; and, 3) principles for assuring effective collaboration between the Council and CPS in serving the needs of referred children/families.

- The Division of Mental Health is in the process of developing "The Center for Excellence" providing onsite training, coaching, and technical assistance which will support the development of a comprehensive system of care and high fidelity wraparound.
- Parents are represented on the state's Mental Health Advisory Council.
- A System of Care steering committee has been established to plan for the implementation of High Fidelity Wraparound. The following agencies are represented: the Council of Mental Health Centers, the Department of Social Services, the Department of Corrections, and Court Services. Education representatives have been invited and encouraged to attend. The steering committee is seeking family member representation.

2) Fetal Alcohol Spectrum Disorder

The Systems and Services Committee's recommendations regarding assessment of fetal alcohol spectrum disorder (FASD) among youth in the juvenile justice system are being addressed through a multi-year project on FASD in the South Dakota Juvenile Justice System under the auspices of the University of South Dakota (USD) Center for Disabilities. The project involved completion of a needs assessment in 2004-2005 and implementation of a pilot project in 2005-2006. The overall goal of this project is to develop a sustainable system for identifying individuals with FASD in the State's juvenile justice system and providing appropriate treatment services. The Council of Juvenile Services awarded the USD Center for Disabilities a subgrant in FY07 in the amount of $13,726.00 to assist with meeting this project goal.

On the prevention side of the FASD problem, the State's Consortium for FASD Prevention proposes to integrate a comprehensive statewide system of brief intervention and case management services for pregnant and non-pregnant women with dependent children who may show alcohol/drug abuse and dependency risk factors. The services are provided in an effort to reduce the risk factors of alcohol use in order to prevent future alcohol exposure births. The Division of Alcohol and Drug Abuse, within the Department of Human Services, will work with the Center for Disabilities within the USD of Medicine and Health Services. These two agencies along with a task force will work to mobilize and build the capacity of the state to provide a critical service to women who are at risk of prenatal alcohol use.

3) Centralized Intake

A statewide centralized intake system is being developed by the Unified Judicial System to support consistent detention needs assessments and placement decisions when youth are taken into temporary custody by law enforcement. The centralized intake system is a web-based system that will serve law enforcement 24 hours a day, every day. The system will help identify whether the youth needs temporary custody, what type of facility can best meet the child's needs consistent with the Act's requirements, and help identify available beds consistent with the needs of the youth. The system was pilot-tested in 2007 in Minnehaha and Lincoln counties.

Development costs for the centralized intake system were covered by an earmark grant from the Department of Justice totaling $242,422. The Council supported one programmer position in Fiscal Year 2006 and made funds available to the Minnehaha County Juvenile Detention Center in Fiscal Year 2007 for an Intake Officer to assist in testing the intake system.

4) Probation Support

The Council approved the development of a Probation Support Program to assist youth and families to access needed services and supports in order for the youth to be successful on probation. The Council allocated $100,000 for the program in Fiscal Year 2007.

VI. NATIVE AMERICAN PASS THROUGH PROGRAM

The Formula Grants Program requires participating states to pass on a specified portion of their funds to Native American Tribes who perform their own law enforcement. The amount that South Dakota is required to pass on is $34,908. States may allocate additional funds beyond the minimum and may also provide funds to those Tribes who do not have law enforcement responsibilities but who conduct other juvenile justice functions.

The total amount allocated to the Native American Pass-Through program by the Council of Juvenile far exceeds the minimum pass-through amount set by OJJDP. The Council has allocated $270,000 over two calendar years for this purpose. All nine Tribes in South Dakota are eligible to access up to $30,000 over two years. The Native American Pass-Through grant process was initially implemented in Fiscal Year 2005.

In Fiscal Year 2007, Tribes accessed their third year of funding. Supplemental grants were also made available in 2007 to Tribes on a competitive basis. The supplemental grant funds are Native American Pass-Through funds not accessed by eligible Tribes. The following table shows the allocation amount for each of the Tribes who applied for funds and their planned use of funds:

TRIBE	GRANT	PROGRAM DESCRIPTION	AWARD
Cheyenne River Sioux Tribe	NAP Grant	Juvenile Probation Officer	$23,730
Flandreau Santee Sioux Tribe	NAP Grant	Juvenile Probation Officer	$15,000
Lower Brule Sioux Tribe	NAP Grant	Street Smart Assistants & Peer Counselors	$30,000
Rosebud Sioux Tribe	NAP Grant	Juvenile Court Service Officer	$27,381
Sisseton Wahpeton Oyate Tribe	NAP Grant	Juvenile Tracker/Probation Officer	$15,000
Yankton Sioux	NAP Grant	Probation Officer	$17,554
Cheyenne River Sioux Tribe	NAP Supplemental Grant	Juvenile Probation Officer, Safety Equipment	$23,620
Flandreau Santee Sioux Tribe	NAP Supplemental Grant	Talking Circle Speakers, Transportation	$10,000
Rosebud Sioux Tribe	NAP Supplemental Grant	Local Transportation, Drug Test Kits	$2,500

VII. CHILD WELFARE RECORDS REQUIREMENT

A. Child Welfare Records Requirement

In the 2002 reauthorization of the JJDP Act, Congress amended the Act to require States to include activities in their Three-Year Plan and Application for Formula Grant funds to achieve the following:

* *provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court; and*

* *establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders.*

B. Formation of Ad Hoc Child Welfare Records Committee

In the spring of 2005, the Council of Juvenile Services formed an ad hoc Child Welfare Records Committee comprised of individuals from States Attorney's Offices, the Unified Judicial System, the Department of Social Services, and the Department of Corrections. The Committee began the process of reviewing federal requirements and applicable state laws to develop recommendations for the Council on how to meet the new child welfare records requirements. The Committee determined the following:

- Child protection records should be made available during judicial proceedings involving alleged or adjudicated Children in Need of Supervision and delinquents.
- Legislation will be needed to comply with the child welfare records requirements.

In Fiscal Year 2006, the OJJDP awarded the Council technical assistance to address the child welfare records requirement. The Child Welfare League of America provided technical assistance to the Committee by facilitating meetings and analyzing applicable state and federal statutes and regulations. Also in Fiscal Year 2006, the ad hoc Child Welfare Records Committee became a standing committee of the Council and was renamed the Juvenile Justice Records Committee, in recognition of the need to broaden the scope of the committee to the appropriate sharing of juvenile records beyond just child welfare records. It is hoped that by addressing the information sharing barriers between agencies and individuals working in the child protection and juvenile justice systems, increased collaboration will occur that leads to improved service provision and outcomes for children and families.

C. Legislation

In October 2006, draft legislation was developed by the Juvenile Justice Records Committee and was approved by the Council for submission in the 2007 Legislative Session. The legislation authorized child abuse registry checks on individuals who are considered as placement options by the Court or the Department of Corrections. Further, the legislation provided for the sharing of abuse and neglect file information in CHINS and delinquency proceedings and for individuals committed to the Department of Corrections. The legislation also authorized the Department of Corrections to share its records with the Court and Child Protection Services.

The legislation, in the form of House Bill 1059, passed both houses of the Legislature with overwhelming majorities and was signed into law by Governor Rounds on February 2, 2007.

D. Establishing Policies and Systems to Incorporate Relevant Child Protective Services Records into Juvenile Justice Records

Juvenile arrest records are routinely shared with the courts, Child Protection Services, and the Department of Corrections. South Dakota's juvenile justice system utilizes a release-of-information form signed by the juvenile and /or parents/guardian in order to share education, mental health, and substance abuse records consistent with federal law. Historically, the sharing of Child Protection records with the courts and the Department of Corrections has been a problem. With the authorization to share records provided by House Bill 1059, the Juvenile Justice Records Committee and the participating agencies will address this barrier by developing the necessary protocols, agreements, policies and forms to allow for the sharing of these records and the incorporation of this information into the treatment and case planning processes of the various agencies.

VIII. DETENTION STANDARDS

In South Dakota, county operated juvenile detention and shelter facilities are not licensed by any governmental entity. At the request of the Secretary of the Department of Corrections, the Council of Juvenile Services initiated a study of the need for standards for county operated juvenile detention centers, shelter care facilities and attendant care sites. During Fiscal Year 2005, the Council of Juvenile Services finalized an assessment of the need for standards for juvenile detention centers, shelter care facilities, and attendant care sites. Based on this assessment, the Council recommended to the Governor that legislation be developed for the establishment and enforcement of detention, shelter care, and holdover standards and that the Department of Corrections be designated as the responsible agency for the administration of the standards program.

As an alternative to mandatory licensing and State regulation of county operated juvenile temporary custody facilities, Governor Rounds asked that the Council work with the county facilities to develop a set of model standards that all county operated juvenile facilities should follow.

Based on this determination, the Council established a workgroup of juvenile facility administrators that would work with Formula Grant Program staff to develop best practice standards. As a result, the Facility Administrators Workgroup was formed to assist the Council, the Ad Hoc Facility Standards Committee, and the Compliance Monitoring Committee in drafting standards for juvenile detention facilities.

The Facility Administrators Workgroup began meeting in June 2006. The initial meeting included all county-run facilities that hold juveniles. At the initial meeting, participants asked that tribal facilities also be invited to attend the meetings. The Workgroup identified the following goals:

(1) Develop and maintain standards for juvenile detention facilities in an effort maintain and improve compliance with the Juvenile Justice and Delinquency Prevention Act.

(2) Implement a network to provide for education, communication, and cooperation regarding the issues impacting juvenile detention facilities.

(3) Develop and implement a system of model detention standards for South Dakota juvenile detention facilities.

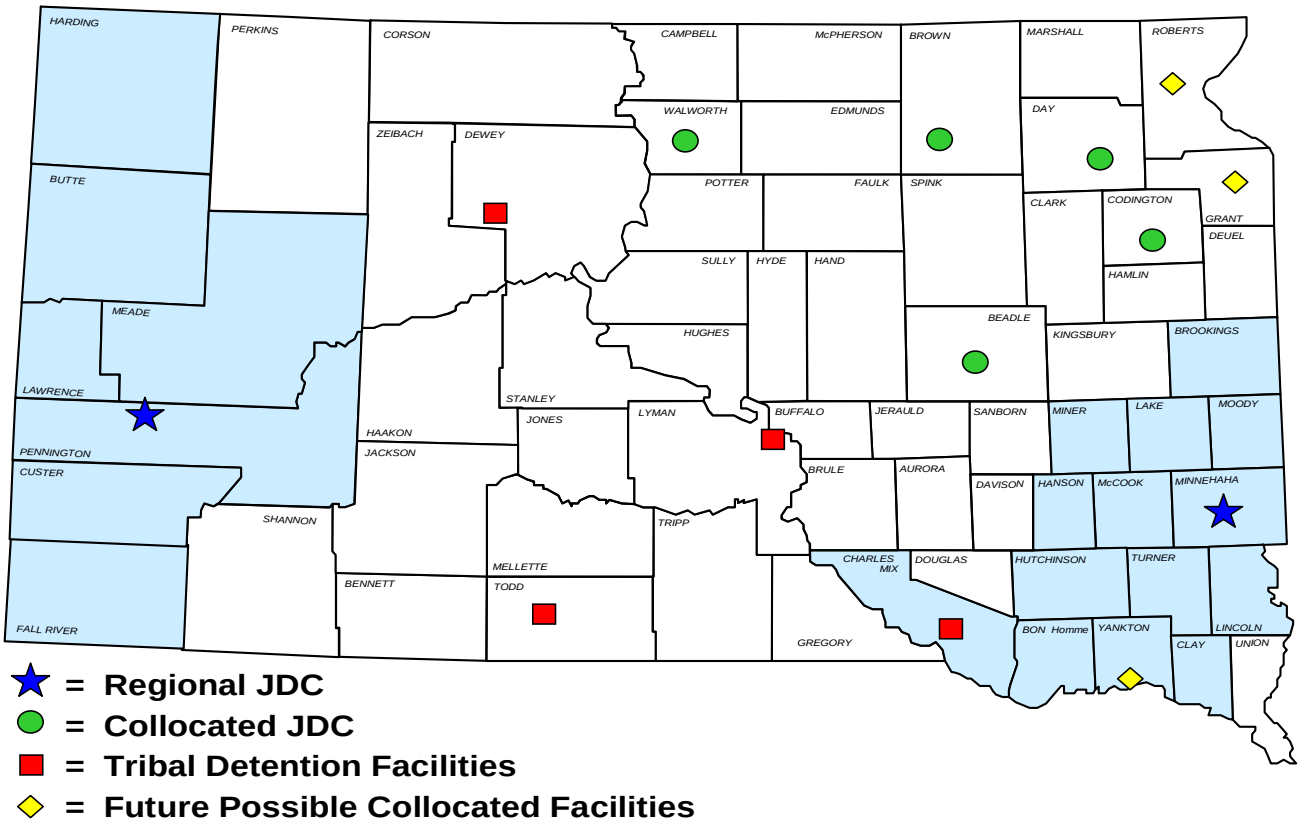
(4) Make recommendations to the Council of Juvenile Services regarding compliance-related issues.

(5) Make recommendations to the Compliance Monitoring Committee regarding improvements to the Reimbursement Program utilized to support compliance with the Formula Grant Program Requirements.

Through various meetings, the Workgroup is finalizing a draft set of standards to be approved.

VIII. DETENTION STANDARDS

The following map represents the facilities that are invited to attend the meetings of the Facility Administrators Workgroup:



*Counties shaded blue are part of a compact with the regional detention center.

IX. FISCAL YEAR 2007 EXPENDITURE SUMMARY

The following table provides an overview of the Formula Grants Program Fiscal Year 2006 expenditures by program purpose area:

Fiscal Year 2007 Juvenile Justice Formula Grants Program Expenditures		
Program Purpose Area	***Activities/Services Supported***	***Amount Expended***
Administration	Staff support for the Formula Grants Program.	$45,829.56
State Advisory Group	Operating expenses for the Council of Juvenile Services.	$9,993.78
Deinstitutionalization of Status Offenders/ Separation/Jail Removal	County Reimbursement Program for detention, shelter care, holdover, transportation and electronic monitoring.	$214,701.77
Compliance	Contractual staff support for the Compliance Monitoring Program and programming support of the Centralized Intake Project.	$83,574.08
Disproportionate Minority Contact (DMC)	Contractual staff support for the DMC initiative, DMC Committee and local DMC Workgroup costs, and DMC Intervention Grants.	$58,819.89
Native American Pass-Through	Subgrants to Native American Tribes for juvenile justice projects.	$98,386.94
System Improvement	Subgrants for community-based early intervention programs.	$370,781.93
Total		**$882,087.95**

Funds expended are from the Federal Fiscal Year 2003 Formula Grant allocation awarded in March 2004.

X. CHILDREN IN NEED OF SUPERVISION

South Dakota Codified Law 1-15-30 requires the Council of Juvenile Services to make a special study of, and make an annual report to the Governor, the Unified Judicial System, and the Legislature concerning the appropriate administration of and provision for Children in Need of Supervision (CHINS) in this state. It is the intent of the Council of Juvenile Services that this document satisfies this reporting requirement.

A Child in Need in Supervision is defined in State law as follows:

26-8B-2. In this chapter and chapter 26-7A, the term, child in need of supervision, means:

(1) Any child of compulsory school age who is habitually absent from school without legal excuse;

(2) Any child who has run away from home or is otherwise beyond the control of the child's parent, guardian, or custodian;

(3) Any child whose behavior or condition endangers the child's own welfare or the welfare of others;

(4) Any child who has violated any federal, state, or local law or regulation for which there is not a penalty of a criminal nature for an adult, except violations of subdivision 34-46- 2(2) (tobacco possession*), or petty offenses; or*

(5) Any child who has violated § 35-9-2 (alcohol possession) *or 32-23-21* (zero tolerance DUI*).*

The Council of Juvenile Services recognized the importance of service provisions to CHINS and addressed this issue in the 2006-2008 Three-Year Plan. The following are two excerpts from that plan that are relevant to the status of CHINS:

> *"Children in need of supervision (status offenders) enter the juvenile justice system, remain in the juvenile justice system and are committed to the Department of Corrections due, in some cases, to lack of appropriate and effective services in the community. In other cases, this is due to the unwillingness of families to access and utilize these services. Filing a CHINS petition and adjudication as a CHINS is utilized at times as a means to access services. Once a CHINS is adjudicated they are at risk of further penetration into the system and out of home placement."*

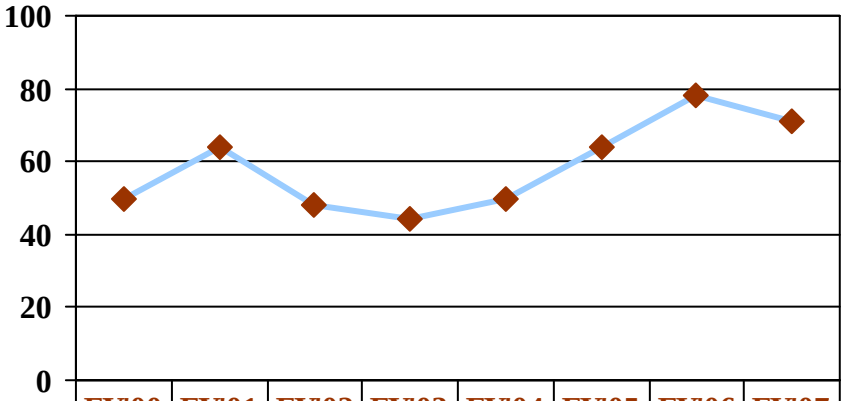
AND..

> *"Additional services need to be made available to young offenders, CHINS, and special needs offenders and their families so that commitment to the Department of Corrections is not needed and so that the youth and their families can access services."*

X. CHILDREN IN NEED OF SUPERVISION

If a CHINS petition is filed and the child is adjudicated, the most common disposition is probation. A Court Services Officer supervises CHINS on probation. If, in the opinion of the Judge, the youth needs out of home placement, the child is committed to the Department of Corrections until the child turns 21 unless discharged sooner by the Department of Corrections.

Concern has been expressed about whether commitment to Department of Corrections is the appropriate manner in which to provide residential services to status offenders. Concern has also been expressed whether status offenders and their families are receiving sufficient services to prevent out of home placement or appropriate services to reintegrate the youth into the community after placement. The following information identifies CHINS commitments to Department of Corrections during fiscal year 2000 through 2007:



	FY'00	FY'01	FY'02	FY'03	FY'04	FY'05	FY'06	FY'07
# of CHINS	50	64	48	44	50	64	78	71

The Systems Improvement Committee of the Council spent considerable time during their first meetings discussing the complex *"CHINS issue."* Some of the observations of the Committee during their discussion of CHINS included the following:

- Status offenses occur within the context of the family, school, and community systems.
- Many first time offenders will never re-offend. However, if effective interventions are not available for higher risk offenders when behaviors are first identified, the youth is at risk of further involvement in the juvenile justice system.
- Currently, there is no state agency responsible for prevention and early intervention for status offending behaviors.

X. CHILDREN IN NEED OF SUPERVISION

- Once an alleged status offender comes to the attention of the States Attorney or the Court, the child may be referred to a diversion program, such as teen court. If the child has needs which make them at risk for re-offending and if these needs are not addressed, it is probable that the behaviors will continue and possibly escalate.

The Systems and Services Committee developed the following findings concerning Children in Need of Supervision:

- There is a need for more collaboration and information sharing between the Unified Judicial System, the Department of Social Services and the Department of Corrections.
- There is a need for more services for children and families when status-offending behavior is first exhibited.
- There is a need for initial assessment and provision of intensive family services for CHINS at the point of first entry into the system.

Fiscal Year 2007 activities of the Council of Juvenile Services related to Children in Need of Supervision include the following:

- Continued funding of System Improvement subgrants that focus on the status offenses of underage drinking, truancy, and a day treatment program for CHINS on probation.
- Funding a family support program through a grant with the Division on Mental Health.
- Authorizing the Division of Mental Health to utilize subgrant funds for the implementation of the Systems of Care initiative.

SOUTH DAKOTA

COUNCIL OF JUVENILE SERVICES

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