

***Meeting Minutes -DRAFT***  
***South Dakota Council of Juvenile Services***

***December 8, 2016***

***H-Unit Training Room, Pierre, SD***

Thursday, December 8, 2016 – H-Unit Training Room, Pierre, SD

**Council of Juvenile Services Members Present:** Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Austin Biers, Youth Member; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Mike Leidholt, Hughes County Sheriff; 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; and Virgena Wieseler, Director of Division of Child Protection Services.

**Council of Juvenile Services Members Absent:** Beth O’Toole, Vice-Chair and Professor at the University of Sioux Falls; Renee Gallagher, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Aaron McGowan, Minnehaha County States Attorney; and Sara McGregor-Okroi, Director of Aliive-Roberts County.

**Others Present:** Bridget Coppersmith and Heather Van Hunnik, South Dakota Department of Corrections (DOC); and Rachel Adair, Chaperone of Taniah Apple.

**1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW**

Chair Betty Oldenkamp welcomed everyone to the meeting at 10:02 AM on December 8, 2016 and introductions were made. Chair Oldenkamp introduced Miskoo Petite as the newest member appointed by Governor Dennis Daugaard and stated that he filled the slot of Judge Karen Jeffries. Chair Oldenkamp added that Taniah Apple, Kim Cournoyer, Sara McGregor-Okroi, and Beth O’Toole were reappointed for three year terms. Chair Oldenkamp noted that there were two slots to be filled at the time of the meeting for new Council Members.

**2. DISCLOSURE OF CONFLICTS OF INTEREST**

Bridget Coppersmith explained that even though there were no funding related actions being taken by the Council, the agenda item of “Disclosure of Conflicts of Interest” was on the agenda to demonstrate the Council’s decision to align practices with SDCL 3-32.

Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. No conflicts were disclosed. Coppersmith noted that forms will be sent to Council Members to annually disclose conflicts of interest following the meeting.

**3. APPROVAL OF SEPTEMBER 2016 CJS MEETING MINUTES**

***Carol Twedt moved to approve the September 2016 meeting minutes, Lyndon Overweg seconded. Motion carried unanimously.***

**4. BUDGET STATUS REPORT AND SUBGRANT UPDATES**

Coppersmith provided an overview of the Formula FFY2013 and FFY2014 budget status as the two awards were combined into one award amount of \$797,616. Coppersmith explained that the funds were just starting to be drawn down resulting in a remaining balance of \$738,247.54 as of November 30, 2016. Coppersmith noted that the combined award has an anticipated end date of September 2018 and that spending patterns will be easier to analyze at future meetings after more funds have been expended. Coppersmith provided an update regarding all awarded subgrants and explained that delinquency

prevention subgrants are making progress and spending in accordance with their awards, the disproportionate minority contact (DMC) subgrants were starting their new award cycle, and the Native American Program award was held up due to missing documentation from the subgrantee.

#### 5. DISCUSSION OF DELINQUENCY PREVENTION PROGRAMMING THREE YEAR PLAN

Coppersmith explained that the current three year funding cycle for delinquency prevention subgrants is on its third and final year. Coppersmith stated that current subgrants are implementing the same evidence based programs of Project SUCCESS and Positive Action. Coppersmith explained that the current plan of the DOC is to seek out applications from new locations to be funded for up to three years starting in July 2017. Coppersmith added that the DOC is also planning to incorporate the program area of Native American Programs into the delinquency prevention plan to encourage implementation of evidence based programs on reservations. Coppersmith noted that the DOC is planning to host one or two trainings in the spring that would allow opportunities for potential subgrants to be trained in one or two evidence based programs that would be applicable both on and off Native American reservations and that new applicants would apply to implement one or both of the programs for which training was provided.

Discussion ensued regarding the program area of Native American Programs, the best way to implement delinquency prevention programming on reservations, potential programs to look into for training, and the benefits of having Council Members assist DOC staff in reaching out to Tribes and to develop a strong work plan to have the best outcomes under the program area of Native American Programs. Based on the discussion, Chair Oldenkamp will work with DOC staff and Council Members to compile a small workgroup to work toward successful implementation of delinquency prevention programming in the upcoming funding cycle.

#### 6. REDUCING RACIAL AND ETHNIC DISPARITIES IN JUVNEILE JUSTICE CERTIFICATE PROGRAM

Coppersmith provided an overview of the annual Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program operated jointly by the Georgetown Center for Juvenile Justice Reform and the Center for Children's Law and Policy. Coppersmith explained that applications are typically due in July with the program taking place the following October. Coppersmith noted that DOC staff was wondering if the program was something the Council would like DOC staff to look into pursuing in 2017 or in the future to assist in addressing DMC in South Dakota.

Discussion ensued regarding the timeliness of applying for the program in 2017, the success North Dakota experienced with their applications, and whether there should be one statewide application or an application from both Minnehaha and Pennington Counties as they are the two locations South Dakota is required to address DMC at. It was recommended that DOC staff work to apply this coming year or in the near future and provide an update at future Council Meetings.

#### 7. DISCUSSION OF CALENDAR YEAR 2017 JUVENILE SERVICES REIMBURSEMENT PROGRAM

Coppersmith provided an overview of the Juvenile Service Reimbursement Program participants from calendar year (CY) 2015 and CY2016 through November 30, 2016. Coppersmith noted that the allocated program amount for each year was a program cap of \$60,000 and a per-arresting entity cap of \$10,000. Coppersmith noted that in CY2015, 217 youth were served through \$59,322.76 and that through November 2016, 140 youth were served by \$30,990.46 for CY2016. Coppersmith stated that she expects to receive more claims in the coming months after a reminder of the program is sent to arresting entities which will bring the total amount spent closer to the allowable \$60,000. Coppersmith added that the plan for CY2017 is to keep the program parameters consistent with the CY2015 and CY2016 programs.

Discussion ensued regarding youth numbers at juvenile facilities and the history of the program.

## 8. APPROVAL OF FFY2016 THREE YEAR PLAN: COUNCIL VALUES AND PROBLEM STATEMENTS

Coppersmith walked through the Council Values and Problem Statements and explained that the values and statements have come a long way since they were first developed and have been examined and updated several times in the past years to be consistent with each other and the work of the Council. Coppersmith noted that the problem statements need to be tied to data, listed in a priority order, and linked to the program areas supported by the Council.

Discussion ensued concerning the values and the changes made to them in recent years.

***Sheriff Mike Leidholt move to approve the Council Values as presented. Miskoo Petite seconded. Motion carried unanimously.***

Discussion ensued concerning the problem statements and if the program areas and priority rankings were consistent with the actions being made by the Council.

***Miskoo Petite moved approve the Council Problem Statements as presented. Kristi Bunkers seconded. Motion carried unanimously.***

## 9. APPROVAL OF SFY2016 ANNUAL REPORT

Coppersmith presented the draft publication of the Council's SFY2016 Annual Report and explained that the content and layout is complete with the exception of a few data components. Coppersmith stated that the goal of the DOC is to have the completed publication available for distribution in the upcoming legislative session.

Discussion ensued concerning the benefit of the layout, minor changes to be made to the report prior to printing and distribution, and the cost of the publication.

***Vanessa Merhib moved to approve the SFY2016 Annual Report with the understanding that it will be reviewed prior to print and that minor changes may be made, Keegan Binegar seconded. Motion carried unanimously.***

## 10. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) UPDATE

Coppersmith explained that at the September Council Meeting, members were briefed on proposed regulations from OJJDP that would impact the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDP) in South Dakota if they were approved. Coppersmith added that following the September Meeting, two comments were sent to OJJDP regarding the proposed regulations; one from the Council and one from the DOC. Coppersmith stated that since the submission of responses, OJJDP has announced that they received approximately 300 pages of comments from 72 respondents which are currently undergoing internal review and will be addressed through the formal rulemaking process. That being said, OJJDP released a memorandum that three policy changes were to take place prior to the publication of a final rule:

1. The deadline for the submission of Annual Compliance Reports has been extended from January 31<sup>st</sup> to February 28<sup>th</sup>.
2. The requirement of states to collect data from 100 percent of facilities has been modified so that states must report data for 85 percent of their facilities and show how they would extrapolate and report, in a statistically valid manner, data for the remaining 15 percent of their facilities.
3. OJJDP will not require states to submit FFY2016 compliance data that reflects previously distributed guidance concerning the definition of "detain and confine" due to the lack of meaningful training for states.

Coppersmith noted that South Dakota's Annual Compliance Report will be submitted prior to the end of January 2017 and that South Dakota consistently reports from 100 percent of its facilities.

Coppersmith added that OJJDP was originally intending on holding a mandatory training in March which has been postponed to a later date and that South Dakota has been selected to receive a compliance audit from OJJDP in 2017.

Discussion ensued regarding the responses from other states and the potential impact the proposed regulations that have yet to be addressed or clarified by OJJDP Administrator Listenbee could have on South Dakota.

#### 11. DISCUSSION OF CURRENT COMPLIANCE COLLOCATED STANDARDS AND COMPLIANCE MONITORING PROCEDURES

Heather Van Hunnik and Coppersmith walked the Council through the collocated facility approval standards currently used to monitor South Dakota's collocated facilities located in Beadle, Brown, Codington, Day, Hughes, Pennington, Roberts, and Walworth Counties on an annual basis. Van Hunnik explained that facilities are notified ahead of time that the visit will occur to ensure that each facility has time to pull records and policies associated with sight and sound separation of juveniles from adult offenders, staff training, medical, dental, and mental health services, education, environmental conditions, emergency procedures, food services, supervision of youth, and youth activities.

Discussion ensued regarding the frequency of the visits and the steps taken when a facility does not comply with one or more standard.

Van Hunnik and Coppersmith outlined the steps taken by DOC staff to identify any deinstitutionalization of status offender (DSO) violations based on data provided by each collocated facility and the Juvenile Detention Center in Minnehaha County. Van Hunnik noted that DOC staff receive data monthly and start clearing data based on the offense associated with the stay and length of stay of the offender. Coppersmith added that if the admission and release information provided by the facility does not clear the youth from being a violation, DOC staff then look to their offender management system along with the Unified Judicial System's electronic system to look for additional documentation that would clear the youth prior to seeking additional information from the facility.

Discussion ensued regarding how often records from the facilities are reviewed and if the findings of data reviews are discussed on collocated site visits.

#### 12. COMPLIANCE MONITORING REPORT

Van Hunnik explained that based on the review of 1,432 submitted records for the date range of January 1, 2016 – September 30, 2016, 47 records remained to be reviewed. Of the reviewed records, there were three potential DSO violations, one confirmed DSO violation, and six uses of the valid court order exception. Van Hunnik noted that three potential violations were from Roberts County and that she was still in the process of working with the county to see if there were any details regarding the stays of the youth that could assist in clearing the records as violations. Van Hunnik added that the confirmed violation was from Minnehaha County and occurred when a status offender was held beyond allowable parameters and exceptions.

Discussion ensued regarding the potential violations from Roberts County, the violation from Minnehaha County, and the factors associated with past violations.

#### 13. JUVENILE JUSTICE REINVESTMENT INITIATIVE UPDATE

Kristi Bunkers provided an overview of implementation of the Juvenile Justice Reinvestment Initiative (JJRI) since the September Council Meeting. Bunkers explained that a team made up of representations from the DOC, the Department of Social Services (DSS) Division of Behavioral Health, and the Unified Judicial System (UJS) traveled the state to discuss JJRI and services available. Bunkers added that DSS is in the beginning phases of implementing Moral Recognition Therapy (MRT) and Aggression Replacement Training (ART) in Minnehaha, Lincoln, Pennington, Hughes, and Brown Counties and that a subgroup is being developed to look at telehealth services for additional locations

throughout the state. Bunkers noted that the Native American Focus Group wrapped up after meeting six times and a draft set of recommendations focusing on a standardized cultural competency curriculum and training, communication and information sharing related to youth on probation and under the custody of DOC, and the creation of wellness teams was to be presented to the JJRI Oversight Committee. Bunkers explained that the DOC is on track to see a significant reduction in the number of youth committed with 80 new commitments projected for FY17 compared to the 118 new commitments in FY16. Bunkers added that the DOC is continuing to look at length of stay and incentives with providers and that the detention reimbursement program will have its first reimbursement to counties after data is submitted in March. Coppersmith added that Charles Frieberg from UJS wanted to inform the group that the only major update regarding UJS was that a Training of Trainers for EPICS (Effective Practices in Community Supervision) occurred from the University of Cincinnati for court services officers and DOC community staff the week of December 5<sup>th</sup>. Virgena Wieseler noted that the DSS Division of Behavioral Health launched the Diversion Policy Academy pilot program on December 1<sup>st</sup> in Sioux Falls.

Coppersmith presented an overview of the Fiscal Incentive Diversion Program under JJRI. Coppersmith highlighted that of the 1,415 youth referred to a court approved diversion program in SFY2016, 970 (68.6%) youth completed successfully resulting in \$242,500 being paid to participating counties. Coppersmith noted that 25 counties reported that they had youth referred to court approved diversion programs. Coppersmith explained that 26.4% of the referrals were for truancy offenders and that 82.9% of the truancy referrals completed their programs successfully. Additional demographics displayed 57.2% of referrals were for white youth, 31.9% of referrals were for Native American youth, 56.7% of referrals were males, and 53.3% of referrals were 14, 15, or 16 years old.

Discussion ensued concerning the status of the STAR Academy complex, the time frames for length of stay for youth in different programs, how diversion programs become court approved, successful completion definitions for diversion programs, and how the diversion incentive funds were to be used by counties.

#### 14. ELECTION OFF CJS CHAIR, VICE-CHAIR, AND EXECUTIVE COMMITTEE

Chair Oldenkamp turned the meeting over to Coppersmith to oversee the annual elections. Coppersmith explained that the CJS Chair and Vice-Chair cannot be full time governmental employees and that the elected Chair and Vice-Chair will start their term following the adjournment of the meeting.

***Carol Twedt moved to nominate current Chair Betty Oldenkamp for CJS Chair, Sheriff Mike Leidholt seconded. Sheriff Mike Leidholt moved to cease nominations for CJS Chair and cast a unanimous ballot for Betty Oldenkamp, Lyndon Overweg seconded. Motion carried unanimously.***

***Keegan Binegar moved to nominate current Vice-Chair Beth O'Toole for CJS Vice-Chair, Betty Oldenkamp seconded. Lyndon Overweg moved to cease nominations for CJS Vice-Chair and cast a unanimous ballot for Beth O'Toole, Vanessa Merhib seconded. Motion carried unanimously.***

Coppersmith turned the meeting back over to Chair Oldenkamp.

#### 15. JUVENILE JUSTICE UPDATES

No updates were provided from members or DOC staff.

#### 16. NEXT MEETING LOCATION AND DATES

Council Members provided possible dates to DOC staff to establish meeting dates for 2017. Coppersmith explained that the March meeting will likely be through the Digital Dakota Network (DDN).

#### 17. WRAP-UP AND ADJOURN

***At 1:16 PM, Kim Cournoyer moved to adjourn, Carol Twedt seconded. Motion carried unanimously.***

*Recorded by Bridget Coppersmith, Juvenile Justice Specialist*