

Council of Juvenile Services
Proposed Meeting Agenda
December 8, 2016 10:00 AM, CT
Department of Corrections H-Unit Training Room
3442 East Highway 34, Pierre, SD
Call in #: 1-866-410-8397
Call in Passcode: 636 279 6441

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

- 10:00 AM, CT Welcome, Introductions, and Review Agenda (Chair Betty Oldenkamp)
- 10:10 AM Disclosure of Conflicts of Interest (Bridget Coppersmith)
- 10:20 AM Approval of September 2016 Meeting Minutes (Chair Oldenkamp)
- 10:30 AM Budget Status Report and Subgrant Updates (Bridget Coppersmith)
- 10:45 AM Discussion of Delinquency Prevention Programming Three Year Plan (Bridget Coppersmith)
- 11:00 AM Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program (Bridget Coppersmith and Heather Van Hunnik)
- 11:15 AM Discussion of Calendar Year 2017 Juvenile Services Reimbursement Program (Bridget Coppersmith)
- 11:30 AM Approval of FFY 2017 Three Year Plan: Council Values and Problem Statements (Bridget Coppersmith)
- 11:45 AM Approval of SFY 2016 Annual Report (Bridget Coppersmith)
- 12:00 PM Lunch
- 12:45 PM Office of Juvenile Justice and Delinquency Prevention (OJJDP) Update (Bridget Coppersmith)
- 1:00 PM Discussion of Current Compliance Collocated Standards and Compliance Monitoring Procedures (Bridget Coppersmith and Heather Van Hunnik)
- 1:20 PM Compliance Monitoring Report (Heather Van Hunnik)
- 1:30 PM Juvenile Justice Reinvestment Initiative Update (Council Members and Bridget Coppersmith)
- 1:50 PM Election of CJS Chair and Vice Chair (Bridget Coppersmith)
- 2:00 PM Juvenile Justice Updates (Open to CJS Members)
- 2:20 PM Next Meeting Location and Dates (Chair Oldenkamp)
- 2:30 PM Wrap-up and Adjourn (Chair Oldenkamp)

Meeting Minutes -DRAFT
South Dakota Council of Juvenile Services
September 28-29, 2016
Sioux Falls, SD

Wednesday, September 28, 2016– Lutheran Social Services (LSS) Center for Children and Youth

Council of Juvenile Services Members Present: Beth O’Toole, Vice-Chair and Professor at the University of Sioux Falls; Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Renee Gallagher, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Sara McGregor-Okroi, Director of Aliive-Roberts County; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; and Lyndon Overweg, Mitchell Chief of Public Safety.

Council of Juvenile Services Members Absent: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Austin Biers, Youth Member; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Amy Lake-Harmon, Former Brown County Juvenile Detention Center Administrator; Sheriff Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

Others Present: Secretary Denny Kaemingk and Bridget Coppersmith, South Dakota Department of Corrections; Annie Brokenleg, Staci Jonson, Duane Kavanaugh, Rebecca Kiesow-Knudsen, Kylee Sivertson, and Sheila Weber, Lutheran Social Services.

1. WELCOME

Council Vice-Chair Beth O’Toole called the meeting to order at 3:06 PM on Wednesday, September 28, 2016 and welcomed all participants. Vice-Chair O’Toole noted that the meeting was the last meeting for Nancy Allard and congratulated her on her retirement. Bridget Coppersmith added that Amy Lake-Harmon requested to not be considered for reappointment when her term concludes in October due to leaving her position with Brown County.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Coppersmith explained that during the past legislation session House Bill 1214 was passed to address conflict of interest and related reporting requirements for boards and commissions. Coppersmith stated SDCL 3-32, Conflicts of Interest, has application to the Council and the Council will align its practices with the bill even though it doesn’t specifically list the Council as a board required to adhere to the outlined requirements. Coppersmith provided an overview of the steps the Council will follow and noted that a form will be sent to Council Members prior to the next meeting to disclose conflicts of interest on an annual basis.

Coppersmith asked if any Council Member had a conflict of interest with the proposed agenda to disclose. Dadra Avery disclosed she had a conflict of interest regarding the delinquency prevention applications that were to be acted on the following day as she is paid for services through Action for the Betterment of the Community in Sturgis.

3. DISPROPORTIONATE MINORITY CONTACT (DMC) PRESENTATIONS

Coppersmith explained that the current DMC programs being implemented in Minnehaha and Pennington Counties under the supervision of Lutheran Social Services (LSS) were going to end on September 30, 2016 and Staci Jonson from LSS was present to provide an overview of the applications from Minnehaha and Pennington Counties for the next funding cycle of October 1, 2016 – September 30, 2017. Jonson explained that the applications from Minnehaha and Pennington Counties were both for a case manager to connect with individual minority families to ensure they are aware of their court date and understand the importance of appearing as well as to help them connect and sign up for services and support. Jonson added that the projects target minority youth and families who have a higher risk of noncompliance with diversion plans and court attendance. The case managers will also assist with barriers such as literacy, language, transportation issues, work schedules, and Medicaid or other medical coverage. Jonson noted that Minnehaha County was previously implementing Functional Family Therapy (FFT) services under the award, which is no longer needed due to FFT being funded under the Juvenile Justice Reinvestment Initiative (JJRI) and that Pennington County started utilizing their DMC for the case manager program last year and made 350 phone calls to minority youth.

4. TOUR OF LSS CENTER FOR CHILDREN AND YOUTH

Sheila Weber provided a tour of the LSS Center for Children and Youth. Weber explained that the center contains a reception center where law enforcement transport youth to wait in a safe environment to be picked up by a parent or approved adult, a shelter care to provide temporary care as an alternative to secure detention, and a psychiatric residential treatment facility for boys and girls who have emotional, behavioral and educational challenges. Weber added that day treatment services are also available at the center for students referred from the Sioux Falls School District and an Evening Report Center will be operational in the near future. Weber explained that the Evening Report Center is an alternative to detention that will allow youth to receive services while remaining in their community.

5. FUNCTIONAL FAMILY THERAPY PRESENTATION

Annie Brokenleg and Duane Kavanaugh provided an overview of the implementation of Functional Family Therapy (FFT) under LSS. Brokenleg and Kavanaugh explained that FFT is a short-term, evidence-based intervention for youth with behavioral or emotional challenges and is usually completed within the family's home in 12-14 sessions over three to five months. FFT is designed to strengthen overall family functioning so youth have the best chance of being successful. Brokenleg and Kavanaugh noted that the greatest barrier in implementing FFT is hiring the right counselors to meet with the families. FFT is not like other counseling services that LSS has provided in the past and exceptional individuals are needed to ensure that the program is implemented with fidelity and has the best outcomes for the families and youth.

Discussion ensued concerning locations where FFT counselors travel to meet with families, when to implement other identified programs for a youth who would benefit from FFT, barriers counselors experience with various family dynamics, and positive outcomes families have shared with LSS staff.

6. DISCUSSION OF PROPOSED REGULATIONS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

Coppersmith provided an overview of proposed regulations that would impact the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDP) if they were to be approved. Coppersmith noted

that the components of the proposed regulations the DOC felt would be most impactful to South Dakota were the proposed rates for compliance with the core requirements of deinstitutionalization of status offenders (DSO) and jail removal, the proposed definition of “detain or “confine,” and the proposed removal of the federal wards exception. Coppersmith added that the three previously mentioned components of the proposed regulations could carry the unintended consequences of South Dakota being out of compliance with core requirements, which would result in reduced funding for programs under the JJDP, more status offenders being held in secure detention, and established relationships with counties and Tribal jurisdictions being strained.

Coppersmith explained that the proposed regulations were published in the Federal Register for a 60 day comment period on August 8th and the DOC would be submitting comments prior to the due date of October 7th. Coppersmith noted that DOC staff recommended the Council also submit comments if they had any concerns with the proposed regulations.

Discussion ensued concerning the reasoning for the proposed regulations, the importance of the Council submitting comments along with the DOC, and the next steps the Council and the DOC would take to ensure the comments were submitted in a timely manner. Vice-Chair O’Toole noted that the discussion and outline of the comments would continue the next day of the meeting.

Thursday, September 29, 2016– Holiday Inn City Centre

Council of Juvenile Services Members Present: Beth O’Toole, Vice-Chair and Professor at the University of Sioux Falls; Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binigar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Renee Gallagher, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Sara McGregor-Okroi, Director of Aliive-Roberts County; Aaron McGowan, Minnehaha County States Attorney; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; and Carol Twedt, Former Minnehaha County Commissioner.

Council of Juvenile Services Members Absent: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Austin Biers, Youth Member; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Amy Lake-Harmon, Former Brown County Juvenile Detention Center Administrator; Sheriff Mike Leidholt, Hughes County Sheriff; and Virgena Wieseler, Director of Division of Child Protection Services.

Others Present: Secretary Denny Kaemingk and Bridget Coppersmith, South Dakota Department of Corrections (DOC); Kara Graveman, Action for the Betterment of the Community; Kelli Rumpza, Watertown Healthy Youth Coalition/Human Service Agency; and Tiffany Wolfgang, South Dakota Department of Social Services Division of Behavioral Health.

1. DISCLOSURE OF CONFLICTS OF INTEREST

Bridget Coppersmith asked if there were any additional conflicts of interest that needed to be disclosed due to additional members attending the second day of the meeting that were not present the first day. Carol Twedt disclosed she had a conflict of interest regarding the DMC applications as she sits on an LSS board.

1. APPROVAL OF JUNE 2016 MEETING MINUTES

Judge Steven Jensen moved to approve the June 2016 meeting minutes, Aaron McGowan seconded. Motion carried unanimously.

2. BUDGET STATUS REPORT

Discussion of Formula FFY 2012 Closeout: Coppersmith provided a summary of program area performance under the FFY 2012 Formula Grant Award. Coppersmith explained that the award was fully expended in time for the end date of September 30, 2016. Coppersmith noted that up to \$31,152.61 of the allowable \$40,000 was moved internally between program areas to assist in closing out the award. Coppersmith noted that there was excess expenses in the program areas of delinquency prevention, DMC, and compliance, which made up for the less than expected spending from the program areas of Native American Programs, DSO, separation, jail removal, and the allocation set aside for the Council.

Discussion of Prison Rape Elimination Act (PREA) FFY 2015 Budget: Coppersmith explained that all funds associated with the PREA reductions to the FFY 2014 and FFY 2015 awards have been successfully expended. Coppersmith noted that the most recent PREA award of \$6,491 was spent to assist Our Home, Inc. in conducting PREA audits of their programs.

Formula FFY 2013 and FFY 2014 Budget: Coppersmith discussed that OJJDP combined the FFY 2013 and FFY 2014 Formula Grant awards for reporting purposes due to the FFY 2014 award being supplemental to the FFY 2013 award. Coppersmith noted that the combined award amount of \$797,616 has an end date of September 30, 2017 and an extension request will be sent in 2017. Coppersmith added that at the time of the meeting, program areas were just beginning to be drawn down and a budget with spend down projections will be presented at the next meeting.

Subgrant Updates: Coppersmith provided an overview of subgrant progress under the program areas of delinquency prevention, DMC, and Native American Programs. Coppersmith noted that the two delinquency prevention subgrants in Watertown and Sturgis are implanting their programs consistent with their applications that were approved in June. Coppersmith explained that DMC projects in Minnehaha and Pennington Counties were finishing their funding cycle and Minnehaha County was expected to have a remaining balance of around \$2,000. Coppersmith noted that Pennington County fully expended their award after the approval of their August claim. Coppersmith explained some obstacles with the two Native American Programs subgrants that were awarded in June. Coppersmith stated that Lower Brule Sioux Tribe was unable to accept their notice of award due to not being able to attest to new requirements under SDCL 1-56-10. Coppersmith noted that the award to Cheyenne River was in the process of being accepted due to delays in proving adherence to the requirements under SDCL 1-56-10.

3. OVERVIEW OF THE SOUTH DAKOTA STATE BOARD OF INTERNAL CONTROLS (SBIC)

Coppersmith stated that the South Dakota SBIC was created by Senate Bill 162 during the 2016 Legislative Session with the objectives of establishing and maintain guidelines for an effective system of internal control to be implemented by state agencies that is in accordance with internal control standards, a code of conduct for use by state agencies, and a conflict of interest policy for use by state agencies. The Bureau of Finance and Management (BFM) provides administrative support to the board. Coppersmith

discussed that the Uniform Grant Guidance (UGG) Workgroup under the SBIC was established to improve state agency compliance with the Uniform Grant Guidance/Super Circular that was released in December 2014. Coppersmith added that the main focus of the UGG workgroup at this time is to address pass-through entity and subrecipient responsibilities. Coppersmith explained that an implemented work product of the UGG workgroup is an attestation that will be placed in all grant agreements after July 1, 2016. Coppersmith noted that the attestation requirements are outlined in SDCL 1-56-10.

4. DOC RECOMMENDATIONS FOR FUNDING DMC APPLICATIONS

Coppersmith stated that based on previous performance, the received applications, and the presentations presented the previous day, the DOC recommended that the Council award the full requested amount of \$35,000 to both Minnehaha and Pennington Counties.

Nancy Allard moved to approve the DMC applications from Minnehaha and Pennington Counties, Dadra Avery seconded. Motion carried unanimously with Carol Twedt abstaining due to being out of the room for having a conflict of interest and Aaron McGowan abstaining due to being out of the room for working in proximity to the Minnehaha County award.

5. JUVENILE JUSTICE UPDATES

Nancy Allard explained that Liz Heidelberger stepped down from her position as the Statewide JDAI Coordinator and Angie Collignon was hired to fill the position to continue moving JDAI forward in South Dakota. Allard noted that Angie previously worked as a Court Services Officer in the 7th Circuit.

6. NEXT MEETING LOCATION AND DATES

Coppersmith explained that the next meeting is scheduled for December 8th in Chamberlain or Pierre. Coppersmith noted that at the time of the Council Meeting, there was a possibility the Formula Grant Application would be due in January rather than the recent due dates, which have been after March. Coppersmith stated that if the application was due in January, the next Council Meeting could be pushed back to January to allow for the entire Council to review the application. [Note: Since the conclusion of the meeting, DOC staff received confirmation from OJJDP that the application would not be due prior to March 31, 2017 resulting in the next Council Meeting remaining December 8th.]

7. DELINQUENCY PREVENTION SUPPLEMENTAL APPLICATION PRESENTATIONS

Coppersmith explained that funds under the program area of delinquency prevention were not fully awarded at the June Council Meeting due to one applicant being denied funding. To assist with spending down the Formula Grant award and to potentially serve additional youth with prevention services, the two awarded sites in Watertown and Sturgis were offered a one-time supplemental application to expand their current, successful sites within the same funding period ending on June 30, 2017. Coppersmith noted that each applicant could apply for up to \$50,000 and both Watertown and Sturgis submitted applications.

Kara Graveman discussed the application from Action for the Betterment of the Community (ABC) in Sturgis. Graveman explained that since the implementation of Project SUCCESS in Sturgis, ABC had been contacted by Belle Fourche and Lead/Deadwood community and school leaders requesting ABC expand their programming to those communities. Graveman stated ABC was applying for \$50,000 to expand the implementation of their successful Project SUCCESS program in both Belle Fourche and Lead/Deadwood to

assist those schools in successfully implementing the curriculum through a half time staff person in each location during the current school year.

Kelli Rumpza discussed the application from Watertown Healthy Youth Coalition/Human Service Agency. Rumpza explained the requested dollars in the amount of \$25,000 would allow for implementation of Positive Action at the new Watertown Intermediate School (WIS) that houses 630 5th and 6th grade students. Rumpza added that WIS is currently implementing an evidence based system called Schoolwide Positive Behavioral Interventions and Supports (PBIS). The positive behavior reinforcement, team approach focuses on school suspension and perceived school safety. The Positive Action Coordinator would be a part of this team and would have students referred to them to work on specific behaviors either as individual and/or small group. Rumpza added that the Positive Action Coordinator would also go into the 6th grade health classes and do lessons and work with youth leaders to organize school wide awareness activities to focus on school and student issues. Rumpza anticipates implementation of the program would take place in the spring semester of the current school year.

Discussion ensued concerning current implementation of programming and sustainability of current and potentially new programs.

8. DOC RECOMMENDATIONS FOR FUNDING SUPPLEMENTAL DELINQUENCY PREVENTION APPLICATIONS

Coppersmith stated that based on the applications and progress demonstrated in the first two years of implementation, DOC staff recommended funding both applications at \$25,000 each for expansion supplemental to their projects that were awarded in June. Coppersmith noted there was room in the budget to fund Action for the Betterment of the Community's application at the fully requested amount of \$50,000.

Discussion ensued regarding the success both applicants experienced in implementing the delinquency prevention programs in their currently funded sites and the line items in the budgets for personnel.

Carol Twedt moved to fund the application from Watertown Healthy Youth Coalition/Human Service Agency, Nancy Allard seconded. Motion carried unanimously with Dadra Avery abstaining due to being out of the room for having a conflict of interest.

Carol Twedt moved to fund the application from Action for the Betterment of the Community at \$40,000, Judge Steven Jensen seconded. Motion not carried.

Aaron McGowan moved to fund the application from Action for the Betterment of the Community at the full application amount \$50,000, Sara McGregor-Okroi seconded. Motion carried unanimously with Dadra Avery abstaining due to being out of the room for having a conflict of interest.

9. CONTINUED DISCUSSION OF PROPOSED REGULATIONS FROM OJJDP

Coppersmith led a discussion continued from the previous day concerning the proposed regulations that would impact the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDP). A consensus was established that the Council wanted to submit comments to OJJDP in addition to the comments already being submitted by the DOC. The Council determined the main areas of concern for the comment as the proposed definition of "detain or confine," the proposed rates for compliance with the core requirements

of jail removal and DSO, and the proposed removal of the federal wards provision. The Council laid out the outline of their comments, which included describing the past and current work of the Council, the areas of concern with the proposed regulations, recommendations to address the concerns, and concluding thoughts regarding the impact the proposed regulations would have on the youth of South Dakota. Vice-Chair O'Toole and Lyndon Overweg volunteered to review the comments compiled by DOC staff prior to submission to OJJDP via www.federalregister.gov.

10. JUVENILE JUSTICE REINVESTMENT INITIATIVE (JJRI) UPDATE

Kristi Bunkers provided an overview of JJRI implementation and how it relates to the DOC. Bunkers explained the DOC's role with implementation includes a fiscal diversion incentive program to reimburse for successful completers of court approved diversion programs; policy changes regarding commitment, length of stay, and aftercare revocations; a performance reimbursement process for providers based on the level of care being provided and the length of time the youth is in the program; and a detention reimbursement program to assist counties if their use of bed days increased through implementing JJRI based on a three year average from previous years. Bunkers noted that based on initial performance measures, commitment numbers to the DOC are continuing to decrease. Since January 2016, there have been 58 new commitments with 53% committed as delinquent or CHINS offenders with a with significant likely threat of harm to another person, 28% committed for a crime of violence, and 19% committed for sex offenses. Bunkers explained that she also sits on a Native American focus group, which is close to compiling a final set of recommendations based on recent survey results.

Allard provided an overview of the Unified Judicial System's (UJS) implementation to date. Allard explained that a majority of the components of the initiatives began January 2016 and the components associated with UJS includes policy change regarding length of stay on probation, implementation of community response teams in the 1st and 2nd Circuits, and the development of a response grid that promotes four incentives to one sanction. Allard noted that in SFY2016, the number of juveniles on formal probation on June 30th of 2015 was 1,156 which significantly decreased to 649 on June 30th of 2016. Allard added that there were 1,777 new juvenile petitions filed in FY 2015 and only 1,323 in FY 2016 which may be a reflection of the use of citations in lieu of petitions and the increased use of diversion. Allard noted that South Dakota is also a SMART on Juvenile Justice state in which the Crime and Justice Institute is helping with the implementation of JJRI and specifically assisting UJS with intensive training regarding the response grid and evaluating the risk assessment for youth on probation. Allard added that through the adult justice initiative, UJS collaborated with DOC to offer an EPICS training through the University of Cincinnati, which trained all court service officers throughout the state in the adult and juvenile divisions. Allard added that UJS is again contracting with the University of Cincinnati to do a training of trainers to ensure fidelity and sustainability.

Tiffany Wolfgang provided an overview of the Department of Social Services' (DSS) implementation of JJRI. Wolfgang explained that Functional Family Therapy (FFT) services are in place statewide and data is being reviewed to see if there are gaps in services that need to be addressed by programs outside of FFT. Wolfgang noted that referrals coming into FFT have been on the lower end due to numbers being down overall throughout the juvenile justice systems and additional sources are being approached concerning their ability to make referrals to FFT to have a sustainable referral process going forward.

Discussion ensued concerning referrals to JJRI programs and the importance of educating communities about the services and changes resulting from JJRI.

11. SOUTH DAKOTA POLICY ACADEMY OVERVIEW

Wolfgang provided a summary of juvenile diversion policy academy that South Dakota was awarded along with Florida, Illinois, and Maryland through the National Center for Mental Health and Juvenile Justice (NCMHJJ). Wolfgang explained that through implementation of JJRI, DSS was involved in looking at interventions for youth already in custody of DOC or under supervision of UJS and developing a behavioral health screening tool to access mental health and addiction needs of the population. Wolfgang noted that the GAIN-Short Screen has been implemented to screen for mental health needs of the juveniles. Wolfgang added that JJRI also includes a diversion incentive program, but does not provide a structured diversion program or recommended models for communities to adopt. A goal of the DSS Division of Behavioral Health is to look from behavioral health perspective of what can be done to help youth with behavioral health issues as a diversion option to align them with services to prevent further involvement with the juvenile justice system. The opportunity to apply for the policy academy through NCMHJJ supported their goal. The academy was aimed at helping states develop and improve a continuum of effective, quality behavioral healthcare services and supports for youth diverted from the juvenile justice system. Key players from South Dakota went to Washington DC to meet with NCMHJJ and technical experts. Following the training in Washington DC, a core team of people directly involved with services in the pilot community of Sioux Falls was developed to design a frame work to screen youth at the front end or involvement with the juvenile justice system and refer them to appropriate programs. Wolfgang explained that data will be reviewed in the coming months with the goal of full implementation of the pilot program in December 2016 or January 2017.

Discussion ensued concerning current behavioral health services throughout the state and how implementation would work statewide if the pilot in Sioux Falls is successful.

12. WRAP-UP AND ADJOURN

At 11:17AM, Aaron McGowan moved to adjourn, Lyndon Overweg seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

Budget Status Report December 2016

FFY 2013 and FFY 2014 Formula Grant Awards (Projected End Date: 9/30/2018)

State Program Title	Federal Budget	Exp to Date	Current Balance (11/30/16)
Delinquency Prevention	\$290,000.00	\$27,115.21	\$262,884.79
Planning/Admin	\$50,000.00	\$11,582.39	\$38,417.61
Council of Juvenile Services	\$28,667.00	\$2,471.17	\$26,195.83
Deinstitutionalization of Status Offenders	\$42,000.00	\$3,014.29	\$38,985.71
Separation	\$21,000.00	\$1,507.14	\$19,492.86
Jail Removal	\$42,000.00	\$3,014.29	\$38,985.71
Compliance	\$40,000.00	\$848.49	\$39,151.51
DMC	\$160,000.00	\$9,815.48	\$150,184.52
Native American Programs	\$123,949.00	\$0.00	\$123,949.00
Available Funds	\$797,616.00	\$59,368.46	\$738,247.54

Reducing Racial and Ethnic Disparities in Juvenile Justice

The Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program is an intensive training program designed to support local jurisdictions in their efforts to reduce racial and ethnic disparities in their juvenile justice systems. The program seeks to reduce over-representation of youth of color in the juvenile justice system, disparate treatment of youth of color as compared to white youth within the juvenile justice system, and unnecessary entry and movement deeper into the juvenile justice system for youth of color. While the program will primarily address disparities in the juvenile justice system, it will also include a focus on the relationship between disproportionality in the juvenile justice system and disparate treatment in other child serving systems, including child welfare and education.

Participants will receive instruction from national experts on cutting edge ideas, policies, and practices. Upon completion of the program, participants will receive an Executive Certificate from Georgetown University, membership into CJJR's Fellows Network, and ongoing support from the staff.

The program is operated jointly by the Georgetown Center for Juvenile Justice Reform and the Center for Children's Law and Policy.

Capstone Project

As part of the program participants are required to develop and submit a Capstone Project – a set of actions designed to initiate or enrich collaborative efforts related to reducing racial and ethnic disparities. The Capstone Project can be a large, systemic change initiative, or it can be a targeted proposal. Examples of Capstone Projects include: implementing an objective decision-making tool, such as a detention risk assessment instrument; creating a system of graduated incentives and sanctions for youth supervised in the community; implementing a multi-system strategy to address the disparate treatment of youth that is resulting in disparities in the juvenile justice system, such as the development of a protocol among police, schools, and juvenile justice officials aimed at reducing arrests of students.

Tuition & Application

The tuition for the Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program is \$3,000 per person. Tuition subsidies are available for participants with demonstrated financial need and with heightened readiness to utilize the curriculum to undertake changes in their local community.

This Certificate Program will be held October 24-28, 2016. The application period is now closed. Please check back on our website in 2017 for more information about next year's program.

Application Guidelines

While there are no minimum education or experience requirements to apply, a preference will be given to those in a professional position to move reform efforts forward upon completion of the program. Participants can be individuals working on best practices for diversion at the local, state, or national level.

Applicants are strongly encouraged to apply as a team of up to seven individuals from the same jurisdiction. While each application will be reviewed on an individual basis, the value of this team approach will be considered in our review of applicants. CJJR particularly encourages teams comprised of both public and private agency leaders.

Teams should be comprised of applicants with demonstrated readiness for implementing reforms, especially efforts that engage leaders in other systems, and their agency's relationship with other child-serving agencies. Team members can be senior level professionals in the juvenile justice, child welfare, mental health, education and other related systems of care.

Curriculum & Instructors

The curriculum of the Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate Program helps jurisdictions identify the most promising areas for reform at key decision points in the juvenile justice system. The program provides information about specific strategies to address racial and ethnic disparities at those decision points through a series of modules, all of which discuss ways to overcome potential challenges associated with the implementation of strategies. The program will consist of the following modules:

Module 1: Overview: History, Definitions, Key Values and Strategies, Research

Introduces the discussion about racial and ethnic disparities in the juvenile justice system.

Module 2: Reducing Disparities at the Arrest, Referral, and Diversion Decision Points

Focuses on the factors that contribute to disparities at arrest, referral to the juvenile justice system, and charging.

Module 3: Reducing Disparities at the Detention Decision Point

Discusses factors related to the unnecessary and inappropriate use of secure detention for youth of color.

Module 4: Reducing Disparities at the Disposition Decision Point

Examines decision-making at the disposition decision point with an emphasis on its impact on youth of color.

Module 5: Reducing Disparities at the Post-Disposition and Re-entry Decision Points

Explores factors contributing to disproportionality and disparities at the post-disposition and re-entry decision points in the juvenile justice system, including placement experiences and outcomes, re-entry decision-making, re-entry planning, and programming.

Module 6: Leadership and Messaging for Culture Change

Discusses leadership and messaging strategies that can change the culture of systems and sustain reform efforts.

Module 7: Experienced Practitioners Panel

Features experienced practitioners who have made progress in addressing racial and ethnic disparities in their communities.

Core instructors for this program include:

- Kaitlin Banner, *Staff Attorney, Advancement Project*
- Kevin Bethel, *Senior Policy Advisor and Stoneleigh Foundation Fellow, Juvenile Justice Research Reform Lab, Department of Psychology, Drexel University*
- Shay Bilchik, *Director and Research Professor, Center for Juvenile Justice Reform*
- Tiana Davis, *DMC Policy Director, Center for Children's Law and Policy*
- Kristin Henning, *Professor, Georgetown Law*
- Roxanna Matiela, *Director of Alternatives to Incarceration, Center for Child's Law and Policy*
- Marc Schindler, *Executive Director, Justice Policy Institute*
- Myrinda Schweitzer Smith, *Deputy Director, University of Cincinnati Corrections Institute*
- Mark Soler, *Executive Director, Center for Children's Law and Policy*
- Jason Szanyi, *Staff Attorney, Center for Children's Law and Policy*
- Mark White, *Deputy Commissioner, Office of Juvenile Justice, New York State Division of Juvenile Justice Services*

Juvenile Services Reimbursement Program 2015 and 2016 to Date Utilization

Claims Received for Calendar Year 2016 Services to Date (11/30/2016)

Arresting Entity	Shelter Care	Detention	Transportation	Holdover	Equipment	Passive EM	Active EM	Total	Juveniles Served
BENNETT COUNTY	\$700.00	\$960.00						\$1,660.00	3
BROOKINGS COUNTY			\$3,509.62					\$3,509.62	46
BRULE COUNTY		\$1,200.00	\$763.60					\$1,963.60	7
CHARLES MIX COUNTY			\$3,723.70	\$2,847.50				\$6,571.20	23
CODINGTON COUNTY			\$143.66					\$143.66	1
DAVISON COUNTY	\$5,000.00		\$3,012.04					\$8,012.04	34
MEADE COUNTY	\$1,700.00	\$2,760.00						\$4,460.00	8
PENNINGTON COUNTY*			\$309.12					\$309.12	5
UNION COUNTY	\$500.00	\$1,920.00	\$379.82					\$2,799.82	8
CITY OF VERMILLION			\$70.40					\$70.40	1
YANKTON COUNTY	\$1,300.00		\$191.00					\$1,491.00	4
Total	\$9,200.00	\$6,840.00	\$12,102.96	\$2,847.50	\$0.00	\$0.00	\$0.00	\$30,990.46	140

Claims Received for Calendar Year 2015 Services

Arresting Entity	Shelter Care	Detention	Transportation	Holdover	Equipment	Passive EM	Active EM	Total	Juveniles Served
BENNETT COUNTY	\$2,800.00							\$2,800.00	4
BROOKINGS COUNTY			\$4,992.20					\$4,992.20	36
BRULE COUNTY		\$3,000.00	\$1,094.40					\$4,094.40	12
CHARLES MIX COUNTY			\$3,307.20	\$6,692.80				\$10,000.00	42
CODINGTON COUNTY			\$114.00					\$114.00	1
DAVISON COUNTY	\$2,801.28	\$5,400.00	\$1,798.72					\$10,000.00	36
GRANT COUNTY		\$2,040.00	\$208.75					\$2,248.75	6
GREGORY COUNTY		\$1,080.00	\$484.44					\$1,564.44	4
JERAULD COUNTY	\$840.00							\$840.00	1
LAKE COUNTY	\$2,100.00		\$274.80					\$2,374.80	8
MEADE COUNTY	\$680.00	\$7,653.52	\$1,476.48			\$190.00		\$10,000.00	20
MELLETT COUNTY		\$3,120.00	\$243.10					\$3,363.10	7
PENNINGTON COUNTY*			\$863.61					\$863.61	12
SANBORN COUNTY		\$240.00						\$240.00	1
SULLY COUNTY		\$120.00						\$120.00	1
TRIPP COUNTY	\$700.00	\$600.00	\$540.04					\$1,840.04	6
UNION COUNTY	\$1,100.00	\$840.00	\$907.46					\$2,847.46	15
CITY OF VERMILLION			\$133.96					\$133.96	2
YANKTON COUNTY	\$700.00		\$186.00					\$886.00	3
Total	\$11,721.28	\$24,093.52	\$16,625.16	\$6,692.80	\$0.00	\$190.00	\$0.00	\$59,322.76	217

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

Value Statements

South Dakota's Council of Juvenile Services has developed and adopted the following core values that it plans to use as a guide for purposes of future juvenile justice planning and development within the state:

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

Problem Statements

The Council identified the following problems, in order of priority, to be addressed through formula grant funds and activities during the period covered by this program plan (2015-2017):

- Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.
 - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and the section “Plan for Compliance With the First Three Core Requirements of the JJDP Act and the State’s Compliance Monitoring Plan” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
 - Associated with the program purpose areas of Compliance Monitoring, Deinstitutionalization of Status Offenders, Jail Removal, and Separation.
- Disproportionate Minority Contact – Minority youth are over-represented at most stages of South Dakota’s juvenile justice system.
 - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and in the section “Plan for Compliance with the Disproportionate Minority Contact Core Requirement” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
 - Associated with the DMC program purpose area.
- The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts, thus compromising due process and outcomes.
 - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
 - Associated with Indian Tribal Programs program purpose area and Native American Pass-Through dollars.
- While local substance abuse and suicide prevention programming exists, there is no system of delinquency prevention programming in South Dakota. Prevention programming, specifically in a school setting, is needed to address the increasing number of delinquent arrests.
 - Supporting qualitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
 - Associated with the program area of Delinquency Prevention.

- South Dakota’s high incarceration rate of detention per capita demonstrates a need to support juvenile justice reform activities. There is a need to support expansion of diversion programming and performance measurement associated with the State’s juvenile justice reform initiative.
 - Supporting qualitative information is located in the sections “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” and “Coordination of State Efforts” of this comprehensive 3-Year Plan.
 - Associated with the program area of Juvenile Justice System Improvement.

October 6, 2016

Gregory Thompson
Senior Advisor
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
U.S. Department of Justice
810 7th Street NW
Washington, DC 20531

Re: OJP Docket No. 1719

Dear Mr. Thompson,

I am writing on behalf of the Governor's Council of Juvenile Services (Council), South Dakota's State Advisory Group (SAG), concerning the proposed regulations outlined in OJP Docket No. 1719. The Council is comprised of 20 governor-appointed members who represent numerous facets of the juvenile justice system including representatives of law enforcement, education, justice agencies, treatment agencies, private nonprofit organizations, volunteers who work with juvenile justice, youth members, and locally elected officials. As Chair of the Council, I have the pleasure of leading the incredible amount of work that is able to be implemented through the Formula Grant Awards received under the Juvenile Justice and Delinquency Prevention Act (JJDP A) to better serve the youth of South Dakota.

South Dakota Council of Juvenile Services

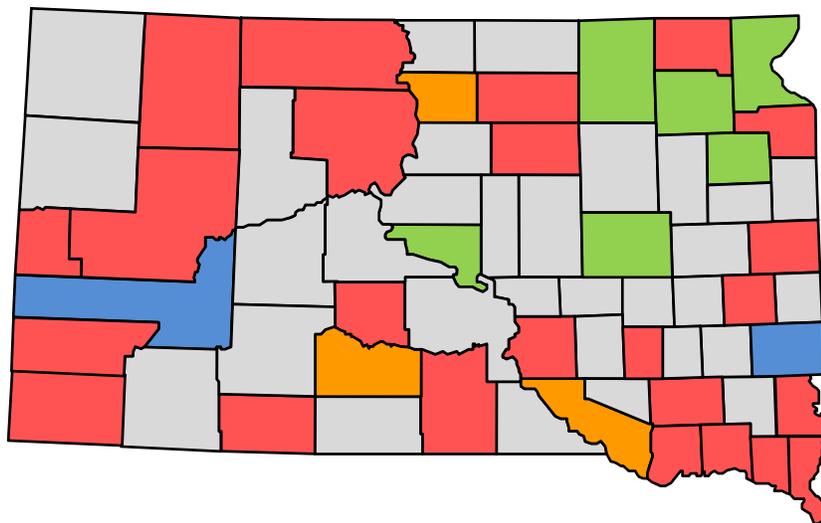
The Council has worked diligently since coming into compliance with the JJDP A in 2003 to enhance the juvenile justice services in the state and prides itself in the work that has been accomplished over the past 13 years. The Council has demonstrated South Dakota's ability to not only be in compliance with the JJDP A, but to go above and beyond the requirements of programmatic categories on an annual basis to be a champion for youth in South Dakota. The Council is currently focusing on evidence-based prevention and early intervention programs in schools, Disproportionate Minority Contact (DMC) programs to target minority youth in South Dakota's two largest jurisdictions, subgrants with Native American Tribes to ensure pass-through dollars are used to best serve their youth, and a compliance reimbursement program to assist with South Dakota's continued compliance with the core requirements of the JJDP A. The Council also contributes to statewide efforts of system change through successfully bringing the Juvenile Detention Alternatives Initiative (JDAI) to South Dakota, which is currently being embraced by the judicial branch and implemented on a statewide basis, and supporting South Dakota's current Juvenile Justice Reinvestment Initiative (JJRI).

The Council appreciates the opportunity to comment on the proposed regulations that would impact the implementation of the JJDP A in South Dakota. The JJDP A has proven to be a defender of youth in South Dakota and across the country in successfully changing the counterproductive practice of housing youth in adult jails, placing youth with adult offenders, and unnecessarily holding youth charged with a status offense in secure confinement. The Council fears some of the proposed changes would result in states not being able to continue the impressive work that has been accomplished in system-wide changes across the country by making significant deviations to regulations that are currently working.

Concerns with Proposed Regulations

The specific proposed regulations the Council takes exception to are the proposed definition of “detain or confine”, the proposed rates for compliance with the core requirements of deinstitutionalization of status offenders (DSO) and jail removal, and the proposed removal of the federal wards provision. The Council considers these proposed changes to not be in the best interest of the children of South Dakota and detrimental to families, communities, and system-wide relationships across the state.

The map below provides a visual representation of the jails and detention centers located in South Dakota. The map demonstrates South Dakota’s rural nature and the counties impacted by the proposed reality the regulations, specifically the definition of “detain or confine,” would create in South Dakota. The 66 counties of South Dakota are distinguished by different colors which represent the holding facilities available in each county. The blue counties (2) are South Dakota’s two largest counties which consist of juvenile detention centers and non-secure holding facilities for youth. The green counties (6) are counties that have approved collocated juvenile detention facilities to hold youth sight and sound separate from adult offenders. The orange counties (3) are counties which either have both jails and juvenile facilities within the county or have a jail that has an administrative office in a different building. The red counties (24) are counties that have adult jails or lockups in the same building as non-secure law enforcement administrative offices. The 24 counties colored red are the most concerning when applying the proposed definition. Currently, these counties operate based on the distinction of secure and non-secure areas of their facility which contains a jail or lockup. These counties are rural, small, and currently in compliance with ensuring the safety of the youth they encounter.



The previously displayed map shows that facilities offering juvenile appropriate housing are not located throughout the state and most counties are therefore lacking in appropriate options to hold youth consistent with the proposed definitions of “detain or confine.” The Council believes the lack of options would result in youth being unnecessarily transported to secure detention facilities as local jurisdictions seek to avoid jail removal violations. Transporting youth to juvenile detention centers would not only impose a negative impact on a youth who would have normally waited for a minimal amount of time, but would also place a burden on families and local law enforcement and at increased costs to counties.

The Council considers the proposed compliance standards to be working against the guidance outlined by the proposed regulations. The proposed regulations state that the suggested standards “encourage the elimination of instances of non-compliance but allow for a statistically inconsequential number of violations for the DSO and jail removal requirements without loss of the Title II Part B funding to states”. The proposed standards of a rate of 0.24 per 100,000 juveniles in the population for DSO and 0.12 per 100,000 juveniles in the population for jail removal are unattainable for South Dakota. Based on a youth population around 200,000, South Dakota would be allowed zero violations for both DSO and jail removal. While South Dakota has consistently reported low violation numbers for DSO and jail removal, the system is not perfect and a margin for error is required for states. The standards as proposed do not account for smaller population states that would be in the same situation as South Dakota. Zero is zero and not a statistically inconsequential number.

In addition to concerns regarding the proposed changes of the definition of “detain or confine” and the DSO and jail removal standards, the Council is troubled by the proposed elimination of the federal wards provision. The proposed regulations state “the elimination of the policy on federal wards may affect a very small number of states that have a DSO rate above 29.4 that, because they could no longer deduct the “federal wards” from their DSO rate, would be found out of compliance”. The Council feels the proposed regulations are not in agreement with each other as the proposal of a new compliance rate for DSO does not align with the argument of removing the federal ward exception based on the rate of 29.4. While South Dakota has not used the federal wards provision to date, the provision would certainly come into play with a lower DSO rate.

Recommendations

The Council recommends that OJJDP continues to allow counties to use non-secure, sight and sound separate areas of buildings that include adult jails or lockups for juveniles to wait for release to a parent or guardian. To support this recommendation, the Council encourages OJJDP to abandon the proposed definition of “detain or confine” and continue to monitor jails or lockups based on the secure detention areas of the facility without impacting the non-secure options within the facility.

The Council recommends that OJJDP consider additional methodologies concerning the DSO and jail removal violation rates and not implement their rates which are unachievable for nearly all states. The Council proposes the following methodology:

1. Every state’s 2013 violation rate shall be taken into consideration.
 - a. The average rate when taking every state into consideration is 4.07 for DSO and 3.84 for jail removal.
2. Provide the option of a numerical threshold to account for states with small populations.
 - a. The average number of violations for DSO is 36 and the average for jail removal is 50.
3. States would be in compliance with the two core requirements if their rate is at or below the standard rate of 4.07 for DSO and 3.84 for jail removal or if their number of violations is at or below the standard numerical value of 36 for DSO and 50 for jail removal.
4. The methodology is to be reevaluated every three years to ensure continued applicability to the nation’s compliance reality.

Application of the Council's recommendation would result in 11 states being out of compliance with DSO and nine states would be out of compliance with jail removal. This proposed methodology encourages states to work toward full compliance with the core requirements, but allows for states to continue working in an imperfect system.

Last but not least, the Council recommends that OJJDP forego the proposed deletion of the federal wards provision. Although South Dakota currently does not use the provision, a significant number of violations each year would be eligible for deduction if South Dakota was at a point of being out of compliance. If the rates for compliance are lowered, the Council finds it more critical that the provision be in place at least until OJJDP is able to reexamine its effectiveness under new standards.

Concluding Thoughts

I, along with the full support of the Council of Juvenile Services, thank OJJDP for the opportunity to comment on the proposed regulations and trust that our comment, along with comments submitted from across the nation, will be given appropriate time and attention by staff at OJJDP. The Council is extremely proud in the work it is able to accomplish under the JJDPA and it would be truly unfortunate if the programs that have such a positive impact on the youth of our state were to be significantly reduced due to the financial and programmatic impacts of these proposed regulations.

The Council takes pride in the fact that JJDPA funding under its supervision has not been penalized due to non-compliance with the core requirements of the JJDPA. It would be extremely ill-fated if a state such as ours, with a history of adhering to regulations in the best interest of youth, were to all of a sudden lose valuable resources based on standards and definitions imposed by an agency that is not on the front line of services. Not only would these changes bring about harm to the youth and families of our state, the credibility of the Council to be the leader in implementation of the JJDPA would be lost due to the Council itself not being able to stand behind the proposed regulations.

In closing, I encourage you to also take note of the comment submitted by South Dakota's state agency, the South Dakota Department of Corrections. Their comment explains in more detail the current practices of adherence to the JJDPA in South Dakota and the potential unintended consequences these proposed regulations could impose. The Department of Corrections' comment also provides an alternative methodology to the DOS and jail removal rates to give OJJDP another option to consider.

Respectfully,



Betty Oldenkamp
Chairperson
Council of Juvenile Services

State of South Dakota
Department of Corrections
Collocated Juvenile Detention Facility Approval Standards

I. Definition of Collocated Facility

Federal Definition – A collocated facility is a juvenile facility that is in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water, sewer) or beyond specialized services such as medical care, food service, laundry, maintenance and engineering.

State Definition - 26-7A-1. Terms used in this chapter and in chapters 26-8A, 26-8B, and 26-8C mean: ...

(16) "Detention facility," a secured, physically-restricting facility designed, staffed, and operated for children and separated by sight and sound from adult prisoners or a facility for children in the same building or secure perimeter as an adult jail or lockup, where children are sight and sound separated from adult prisoners, where staff in the detention facility are trained and certified by the entity operating facility to work with children, and the facility had been approved as a collocated facility by the Office of Juvenile Justice and Delinquency Prevention;

II. Collocated Juvenile Facility Approval Process

1. Facility provides written notice that they wish to be approved as a collocated juvenile detention facility.
2. Facility provides copies of the following materials to the Department of Corrections:
 - a floor plan, with juvenile, adult and shared spaces clearly delineated;
 - copies of policies and procedures and facility and program descriptions which outline how sight and sound separation is provided throughout the facility;
 - a description of the medical, dental, mental health, counseling and education services available for detained youth and the identity of the providers of these services
 - a training plan for facility staff shall be submitted which includes training on working with children (Note: Training records for custody staff will checked during site visits.)

Collocated Juvenile Detention Facility Approval Standards

3. The Department will review the materials, request any needed clarifications or supplemental material and schedule a site visit.
4. The Department will conduct a site visit and facility review.
5. Based on the materials submitted and the facility review, the Department will issue an approval or a corrective action plan.
6. If a corrective action plan is issued, the Department will work with the facility operator to make those changes necessary to meet the standards, if feasible.
7. The Department of Corrections will review all approved collocated juvenile detention facilities on an annual basis.

III. Collocated Facility Approval Standards

1. Sight and Sound Separation of Juveniles from Adult

Standard 1.A. Floor plan and policies and procedures provide for no sustained sight and sound contact between juveniles and adult offenders;

Standard 1.B. Total separation of juveniles from adults is achieved in residential areas – sleeping, bathroom, and lavatory areas.

2. Staff Training

Standard 2.A. Facility has a staff training plan for staff who work with juveniles and training plan provides for adequate staff training on the following items:

- A.** sight and sound separation of juveniles from adults,
- B.** facility operations;
- C.** security procedures;
- D.** emergency procedures;
- E.** safety procedures;
- F.** supervision requirements;
- G.** working with adolescents – which shall include, at a minimum, youth development, adolescent physical and mental health and nonviolent crisis intervention;
- H.** suicide risks and precautions; and
- I.** use of force.

Collocated Juvenile Detention Facility Approval Standards

Standard 2.B. Training records reveal staff are provided training consistent with the training plan and Standard 2.A. Training can be a combination of pre-service and in-service and classroom and on the job. Staff who are assigned to work in the facility have been certified by the facility administrator to work with juveniles.

3. Medical, Dental, Mental Health Services

Standard 3.A. Facility has identified medical, dental, mental health service providers and provides access to routine and emergency 24-hour medical, dental, and mental health services.

Standard 3.B. A medical, dental, mental health intake screening or questionnaire is completed upon admission by a health trained staff person (intake or custody staff trained by a health care professional) or a qualified health care professional (Nurse, Physicians Assistant, Certified Nurse Practitioner, or Medical Doctor).

Standard 3.C. A medical assessment or health appraisal is completed within one week of admission by or a qualified health care professional (Nurse, Physicians Assistant, Certified Nurse Practitioner, or Medical Doctor).

4. Access to Education

Standard 4.A. Youth detained more than 2 days, excluding holidays and weekends, are provided access to educational services.

5. Environmental Conditions

Standard 5.A. All areas of the facility complies with the following environmental conditions:

- A. Temperature of the facility is maintained within a range between 68°-80°;
- B. Ventilation is appropriate;
- C. Artificial lighting in residential and programming space is at least 20 foot candles;
- D. Facility is clean and free from pests;
- E. Facility is free from conditions that present safety or suicide hazards.

6. Supervision of Youth

Standard 6.A. Facility policy and procedures require staff to have direct visual observation of each youth at least every 30 minutes if the area is monitored by an assigned staff person through cameras and monitors. In facilities and areas without cameras and monitors, policy and procedures require staff to have direct visual observation of each youth at least every 15 minutes. Youth placed on suicide precautions shall be check by direct visual observation at least every 5 minutes. Logs shall be utilized to document all visual observation checks.

7. Emergency Procedures

Standard 7.A. Facility has emergency plans to address fire, disturbances, suicide prevention and response and medical emergencies. Staff are trained in the emergency plans. Emergency plans are developed in conjunction with other agencies that will respond in case of emergency.

8. Fire Safety

Standard 8.A. Facility has a fire alarm and automatic detection system that is tested at least quarterly.

Standard 8.B. Facility conforms to applicable federal, state and local fire safety codes. A qualified state or local fire safety official inspects facility annually.

Standard 8.C. Facility has a written evacuation plan which is reviewed and updated annually and shared with the local fire jurisdiction.

9. Food Service

Standard 9.A. A dietician reviews at the food service menu least annually.

Standard 9.B. The facility has the ability and procedures in place to provide special diets as ordered by medical or dental personnel or to meet requests based on religious practices.

10. Youth Activities

Standard 10.A. Operational plan for the facility provides for the following:

- A.** Access to recreation is provided on a daily basis, subject to restriction based on the youth's behavior, which includes access to outside recreation as weather permits;
- B.** Reasonable visitation privileges, that may be restricted based on the youth's behavior or violations of visitation rules, is provided on a scheduled basis. Contact visits with immediate family members is allowed unless violations of visitation rules have occurred in the past;
- C.** Facility schedule allows for the opportunity of at least one-hour out of cell time per 24-hour period. This can be accomplished through visitation or recreation or other activities that occur outside the cell area.

Compliance with the Deinstitutionalization of Status

Offenders (DSO) Requirement

The following steps are currently followed in order to identify DSO Violations:

- Combine all juvenile admission for the year from juvenile and collocated facilities.
- Remove all delinquent admissions.
- Remove all 24 hour exceptions.
- Remove all weekend and holiday 24 hour exceptions.
- Check all DOC records for any juveniles that are delinquent offenders based on data available in the DOC's offender management system.
- Check the Unified Judicial System's records to look for delinquent offenses.
- Check the Unified Judicial System's records to identify and verify valid court order (VCO) exceptions.

***Note:** VCO exception juveniles are reported on the Annual Compliance Monitoring Report as an exception.*

- Identify out-of-state runaways and federal wards.

***Note:** Out-of-state runaways and federal wards are reported on the Annual Compliance Monitoring Report but are removed as exceptions if they would put the state out of compliance.*

- Contact facilities for additional information on file for the juveniles.

***Note:** This may include verification of non-secure holds and verification of out-of-state runaways and federal wards.*