

Council of Juvenile Services
Proposed Meeting Agenda

June 15, 2016 3:30 PM, CDT – June 16, 2016 11:30 AM, CDT

Boys and Girls Club of Brookings

1126 Southland Lane, Brookings, SD
(Green Trimmed Doors at West Parking Lot)

Call in #: 1-866-410-8397

Pass Code: 636 279 6441

Wednesday, June 15, 2016

- 3:30 PM Welcome, Introductions, and Review Agenda (Chair Betty Oldenkamp)
- 3:40 PM Conflict of Interest Discussion (Chair Oldenkamp and Bridget Coppersmith)
- 4:00 PM Prevention Subgrant Program Presentations (Bridget Coppersmith)
- Aberdeen (Christina Lloyd)
 - Watertown (Kelli Rumpza)
 - Sturgis (Kara Graveman)
- 5:00 PM Tour of Brookings Teen Center (Vanessa Merhib)
- 6:00 PM Dinner
- 6:45 PM Teen Court Presentation (Brookings County Teen Court)
- 8:00 PM Recess

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Thursday, June 16, 2016

- 8:30 AM Approval of December 2015 Meeting Minutes (Chair Oldenkamp)
- 8:40 AM Approval of Council of Juvenile Services Bylaws (Bridget Coppersmith)
- 8:50 AM Budget Status Report (Bridget Coppersmith)
- Discussion of Formula FFY2012 Budget
 - Approval of 2013 Formula Grant Adjustment Notice to OJJDP
- 9:00 AM FFY 2016 Formula Grant Solicitation
- Ratification of the Decision from May 25, 2016 Executive Committee Conference Call (Bridget Coppersmith)
 - Approval of Staff Amended Value Statement (Bridget Coppersmith)
 - Approval of Core Requirement Sections for Submission to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Heather Van Hunnik)
- 9:45 AM Compliance Monitoring Report (Heather Van Hunnik)
- 10:00 AM Subgrant Updates (Bridget Coppersmith and Heather Van Hunnik)
- 10:20 AM DOC Recommendation for Funding Delinquency Prevention Applications (Bridget Coppersmith)
- 10:30 AM DOC Recommendations for Funding of Native American Programs Applications (Bridget Coppersmith)
- 10:50 AM Juvenile Justice Reinvestment Initiative (JJRI) Update (Bridget Coppersmith and CJS Members)
- 11:10 AM Juvenile Justice Updates (Open to CJS Members)
- 11:20 AM Next Meeting Location and Dates (Chair Oldenkamp)
September 28th and 29th
- 11:30 AM Wrap-up and Adjourn (Chair Oldenkamp)

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

955X0352

HOUSE BILL NO. 1214

Introduced by: Representatives Mickelson, Cronin, Dryden, Haugaard, Hawley, Hunt, Jensen (Alex), Johns, Langer, Schoenfish, Stevens, Tulson, and Westra and Senators Peters, Haverly, Omdahl, Otten (Ernie), Sutton, Tidemann, and White

1 FOR AN ACT ENTITLED, An Act to regulate conflicts of interest for authority, board, or
2 commission members.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 No elected or appointed member of a state authority, board, or commission may have an
6 interest in any contract or derive a direct benefit from any contract with the state which is within
7 the jurisdiction or relates to the subject matter of the state authority, board or commission or
8 with a political subdivision of the state if the political subdivision administers or executes
9 similar subject matter programs as the state authority, board or commission, nor may the
10 member have an interest in any contract or derive a direct benefit from any contract for one year
11 after the end of the member's term on the authority, board, or commission except as provided
12 in section 3 and section 4 of this Act.

13 Section 2. That the code be amended by adding a NEW SECTION to read:

14 An elected or appointed member of an authority, board, or commission derives a direct



1 benefit from a contract if the state authority, board, or commission member, the authority, board,
2 or commission member's spouse, or any other persons the authority, board, or commission
3 member lives with and commingles assets:

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

11 An authority, board, or commission member does not derive a direct benefit from a contract
12 based solely on the value associated with the authority, board, or commission member's
13 investments or holdings, or the investments or holdings of other persons the authority, board,
14 or commission member lives with and commingles assets.

15 Section 3. That the code be amended by adding a NEW SECTION to read:

16 Any elected or appointed authority, board, or commission may authorize an authority, board,
17 or commission member to have an interest in a contract or to derive a direct benefit from a
18 contract if:

- 19 (1) The authority, board, or commission member has provided full written disclosure to
20 the authority, board, or commission;
- 21 (2) The authority, board, or commission has reviewed the essential terms of the
22 transaction or contract and the authority, board, or commission member's role in the
23 contract or transaction; and
- 24 (3) The transaction and the terms of the contract are fair, reasonable, and not contrary to

1 the public interest.

2 No member of a state authority, board, or commission may participate in or vote upon a
3 decision of the state authority, board, or commission relating to a matter in which the member
4 has an interest or derives a direct benefit.

5 The authorization shall be in writing. Any authorization given pursuant to this section is a
6 public record. Each authorization shall be filed with the auditor-general. The auditor-general
7 shall compile the authorizations and present them annually for review by the Government
8 Operations and Audit Committee.

9 Section 4. That the code be amended by adding a NEW SECTION to read:

10 Within the one-year period prohibiting any contract with an elected or appointed authority,
11 board, or commission, the authority, board, or commission may approve a former authority,
12 board, or commission member to contract with the elected or appointed authority, board, or
13 commission if the authority, board, or commission determines that the transaction and the terms
14 of the contract are fair, reasonable, and are in the best interests of the public. The authorization
15 shall be in writing.

16 Any approval given pursuant to this section is a public record. Each approval shall be filed
17 with the auditor-general. The auditor-general shall compile the approvals and present them
18 annually for review by the Government Operations and Audit Committee.

19 Section 5. That the code be amended by adding a NEW SECTION to read:

20 Any elected or appointed authority, board, or commission member who knowingly violates
21 sections 1 to 4, inclusive, of this Act, shall be removed from the authority, board, or commission
22 and is guilty of a Class 1 misdemeanor. Any benefit to the authority, board, or commission
23 member in violation of sections 1 and 2 of this Act is subject to forfeiture and any contract made
24 in violation of this Act is voidable by the authority, board, or commission.

1 Section 6. That the code be amended by adding a NEW SECTION to read:

2 No board member, fiscal agent, officer, or executive of a local service agency, school
3 district, cooperative education service unit, education service agency, nonprofit education
4 service agency, or jointly governed education service entity that receives money from or through
5 the state may have an interest in a contract nor receive a direct benefit from a contract that the
6 local service agency, school district, cooperative education service unit, education service
7 agency, nonprofit education service agency, or jointly governed education service entity is a
8 party to the contract except as provided in section 8 of this Act.

9 Section 7. That the code be amended by adding a NEW SECTION to read:

10 A person described in section 6 of this Act derives a direct benefit from a contract if the
11 person, the person's spouse, or other persons the person lives with and commingles assets:

- 12 (1) Has more than a five percent ownership or other interest in an entity that is a party
13 to the contract;
- 14 (2) Derives income, compensation, or commission directly from the contract or from the
15 entity that is a party to the contract;
- 16 (3) Acquires property under the contract; or
- 17 (4) Serves on the board of directors of an entity that derives income directly from the
18 contract or acquires property under the contract.

19 A person does not derive a direct benefit from a contract based solely on the value
20 associated with the person's investments or holdings, or the investments or holdings of other
21 persons the state officer or employee lives with and commingles assets.

22 Section 8. That the code be amended by adding a NEW SECTION to read:

23 A local service agency, school district, cooperative education service unit, education service
24 agency, nonprofit education service agency, or jointly governed education service entity may

1 authorize a board member, fiscal agent, officer, or executive to have an interest in a contract or
2 derive a direct benefit from a contract if:

3 (1) The person has provided full written disclosure to the agency, district, or unit
4 governing board;

5 (2) The governing board has reviewed the essential terms of the transaction or contract
6 and the person's role in the contract or transaction; and

7 (3) The transaction or the terms of the contract are fair, reasonable, and not contrary to
8 the public interest.

9 No member of a local service agency, school district, cooperative education service unit,
10 education service agency, nonprofit education service agency, or jointly governed education
11 service entity may participate in or vote upon a decision of a local service agency, school
12 district, cooperative education service unit, education service agency, nonprofit education
13 service agency, or jointly governed education service entity relating to a matter in which the
14 member has an interest or derives a direct benefit.

15 The authorization shall be in writing. Any authorization given pursuant to this section is a
16 public record. Each authorization shall be filed with the auditor-general. The auditor-general
17 shall compile the authorizations and present them annually for review by the Government
18 Operations and Audit Committee.

19 Section 9. That the code be amended by adding a NEW SECTION to read:

20 Any person who knowingly violates sections 6 to 8, inclusive, of this Act shall be removed
21 from office or employment and is guilty of a Class 1 misdemeanor. Any benefit to a person
22 derived from the person's knowing violation of sections 6 to 8, inclusive, of this Act is subject
23 to forfeiture. Any contract made in violation of sections 6 to 8, inclusive, of this Act is voidable
24 by the governing body of the local service agency, school district, cooperative education service

1 unit, education service agency, nonprofit education service agency, or jointly governed
2 education service entity.

3 Section 10. That the code be amended by adding a NEW SECTION to read:

4 The following authorities, boards, or commissions are subject to this Act:

- 5 (1) South Dakota Building Authority;
- 6 (2) Board of Economic Development;
- 7 (3) South Dakota Housing Development Authority;
- 8 (4) South Dakota Health and Education Facilities Authority;
- 9 (5) Science and Technology Authority Board of Directors;
- 10 (6) South Dakota Ellsworth Development Authority;
- 11 (7) South Dakota Commission on Gaming;
- 12 (8) South Dakota Lottery Commission;
- 13 (9) State Brand Board;
- 14 (10) Game, Fish and Parks Commission;
- 15 (11) Banking Commission;
- 16 (12) Board of Trustees of the South Dakota Retirement System;
- 17 (13) Aeronautics Commission;
- 18 (14) South Dakota State Railroad Board;
- 19 (15) Transportation Commission;
- 20 (16) South Dakota Board of Education;
- 21 (17) Board of Regents;
- 22 (18) Board of Pardons and Paroles;
- 23 (19) Board of Minerals and Environment;
- 24 (20) Board of Water and Natural Resources;

1 (21) State Investment Council.

2 Section 11. That the code be amended by adding a NEW SECTION to read:

3 Any entity established pursuant to § 13-3-76 to 13-3-81 not subject to an audit requirement
4 under § 13-5-33.2 shall be audited annually. Each audit required under state law shall be done
5 to confirm compliance with sections 3 and 8 of this Act according to guidelines established by
6 the auditor-general.

Meeting Minutes-DRAFT
South Dakota Council of Juvenile Services

December 9, 2015

Cedar Shore Resort, Oacoma, SD

Wednesday, December 9, 2015 - Missouri Winds Meeting Room, Cedar Shore Resort

Council of Juvenile Services Members Present: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Mike Leidholt, Vice-Chair and Hughes County Sheriff; Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Austin Biers, Youth Member; Keegan Binigar, Youth Member; Renee Gallagher, Youth Member; Doug Herrmann, Director of Juvenile Services; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Amy Lake-Harmon, Brown County Juvenile Detention Center Administrator; Aaron McGowan, Minnehaha County States Attorney; Sara McGregor-Okroi, Director of Allive-Roberts County; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

Council of Juvenile Services Members Absent: Kim Cournoyer, Service Provider; and Beth O'Toole, Professor at the University of Sioux Falls.

Others Present: Secretary Denny Kaemingk, Bridget Coppersmith, and Heather Van Hunnik, South Dakota Department of Corrections (DOC); Tiffany Wolfgang, South Dakota Department of Social Services; and Rachel Adair, Chaperone of Taniah Apple.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Vice-Chair Sheriff Mike Leidholt welcomed everyone to the meeting at 10:01 AM on December 9, 2015 and introductions were made. Vice-Chair Leidholt explained that Chair Betty Oldenkamp would be late due to an unexpected matter that required her attention. Bridget Coppersmith noted that the agenda had been rearranged subsequent to the mailing the week prior to have the agenda item of approving or denying Prison Rape Elimination Act (PREA) applications take place while Chair Oldenkamp was absent due her agency having submitted an application. Vice Chair Leidholt added that appointments had been made since the last meeting and that Becca Hill, Judge Jeff Davis, Jacob Kabrud, and Marissa Surrounded were no longer members of the Council and that Taniah Apple, Keegan Binigar, Renee Gallagher, and Judge Steven Jensen are the new members appointed by Governor Dennis Daugaard this year.

2. COUNCIL OF JUVENILE SERVICES (CJS) OVERVIEW

Coppersmith provided an overview of the responsibilities of the Council members, the grants that the Council oversees, and explained how Council members are appointed and how they could potentially be removed. Coppersmith highlighted that the Council is authorized in South Dakota Codified Law to fulfill the responsibilities of the state advisory group as directed by the Juvenile Justice and Delinquency Prevention Act and that the Council reviews juvenile justice policy, advise and advocates on juvenile justice issues, and strives to keep South Dakota in compliance with the Formula Grant Program. Coppersmith also explained that the staff of the Department of Corrections (DOC) provides support to the council and its committees and presents recommendations to the Council based on their work and recourses. Coppersmith noted that DOC staff members are not voting members of the Council.

3. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) AND THE PRISON RAPE ELIMINATION ACT (PREA)

Coppersmith provided an overview of the Prison Rape Elimination Act (PREA) and explained how it is impacting South Dakota. Coppersmith explained that the National Prison Rape Elimination

Commission published a final draft of standards in 2009 and that the Department of Justice (DOJ) published the final rule in the Federal Register in June 2012 which became effective in August 2012. Coppersmith added that a state whose governor does not certify full compliance with the standards is subject to the loss of five percent of any DOJ grant funds that it would otherwise receive for prison purposes unless the governor elects to submit an assurance that the state will use the five percent only to achieve and certify full compliance with the standards in future years. Coppersmith noted that the Formula Grants Program is subject to this requirement and that Governor Daugaard submitted an assurance that the state would use five percent of DOJ grant funds to support compliance in May. Coppersmith noted that 21 states and territories certified full compliance with the standards, 30 states and territories, including South Dakota, submitted assurances, and five states and territories declined to provide an affirmation or certification or compliance for 2015.

Coppersmith added that to date, audits have been passed at the South Dakota Women's Prison, Mike Durfee State Prison, and STAR Academy. Coppersmith explained that the audit for the South Dakota State Penitentiary is scheduled for April 2016 and is our last required audit of facilities under the operational control of the Governor. If the audit is successful at the South Dakota State Penitentiary, Governor Daugaard should be able to certify that South Dakota is in full compliance with the standards in May 2016.

Approval or Denial of PREA Subgrant Applications - Coppersmith explained that the onetime PREA funding opportunity for subgrants comes out of South Dakota's 2015 Formula Grant Award and is five percent of the portion of the award that a state is allowed to utilize for administration purposes. Coppersmith added that a bonus amount was added from the removal of five percent from five states and territories that lost their five percent reduction rather than utilizing the funds to work toward coming into compliance with PREA. The combination of the five percent reduction and the bonus amount made \$6,491 available for applicants to apply for.

Coppersmith provided an overview of the applications received from Lutheran Social Services (LSS) Summit Oaks I and II in Sioux Falls and Our Home, Inc. at their Adolescent Sexual Adjustment Program (ASAP) location in Huron and their Parkston Residential Facility in Parkston. Coppersmith explained that LSS applied for the funds to be used to install a camera system at Summit Oaks I and II and that Our Home, Inc. applied for audits of their two facilities. Coppersmith added that it is the recommendation of the staff at the DOC to use the Formula Grant PREA funds in the amount of \$6,491 to award a subgrant to Our Home, Inc. and for the Council to support the DOC in using Juvenile Accountability Block Grant (JABG) interest money to award a subgrant to LSS Summit Oaks I and II as the DOC saw value in each application and both funding sources do not contain a match.

Discussion ensued concerning PREA audits, the number of DOC and out of state youth at each facility, the requirement for contract agencies to be in compliance with PREA standards, and the logistics of using the JABG interest money.

Judge Karen Jeffries made a joint motion to approve the Formula PREA dollars in the amount of \$6,491 to fund audits for Our Home, Inc. and to support the Department of Corrections' plan to use JABG interest funds in the amount of \$6,491 to fund the camera system at LSS Summit Oaks I and II, Aaron McGowan seconded. Motion carried unanimously.

4. REVIEW OF CJS BYLAWS

Vice-Chair Leidholt and Coppersmith walked the Council through the CJS Bylaws, which are still in their original state from their adoption by the Council in 2004. Coppersmith explained that if any changes were to be made, they would have to be approved at the next meeting as any changes need to be provided to the Council seven days in advance. Coppersmith stated that the bylaws that were presented to the Council contained staff recommendations for changes to be discussed. Coppersmith explained that the recommended changes center on the fact that the Vice-Chair can no longer be a full time governmental employee per Department of Justice special conditions tied to Formula Grant awards.

Discussion ensued concerning additional changes to be considered at the next meeting to make the document more consistent with language used throughout the bylaws and less restrictive concerning the type of electronic method that may be used to hold a meeting. A consensus was gathered that the recommended changes would be compiled by DOC staff and presented to the Council at least seven days prior to their next meeting.

5. APPROVAL OF SEPTEMBER 2015 MEETING MINUTES

Judge Karen Jeffries moved to approve the September 2015 meeting minutes, Virgena Wieseler seconded. Motion carried unanimously.

6. BUDGET STATUS REPORT

Coppersmith provided an overview of the budget status of the FFY2012 Formula Grant Award. Coppersmith explained that as of November 19, 2015 there was a remaining balance of \$303,138.79 which is expected to be fully expended by the award end date of September 30, 2016. Coppersmith stated that it is too soon to project spending patterns due to starting to spend the award in September 2015 but noted that \$40,000 can be moved internally between program areas which will aid in spending down the award if program areas expend funds in a quicker time frame than budgeted for. Coppersmith added that a detailed breakdown of how the award will be closed out will be available at the next meeting and that staff does not see the need to request another extension request for this award.

7. APPROVAL OF THE SFY2015 ANNUAL REPORT

Coppersmith explained that the content and layout of the SFY2015 Annual Report is complete with the exception of a few data components. Coppersmith stated that Judge Jeffries and Beth O'Toole had also reviewed the report as requested during the September meeting. Coppersmith stated that the complete publication will be done in time for distribution early in the legislative session.

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

Aaron McGowan moved to approve the SFY2015 Annual Report with the changes discussed, Nancy Allard seconded. Motion carried unanimously.

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

Vice-Chair Leidholt and Coppersmith walked through the Council Values and Problem Statements. Vice-Chair Sheriff Leidholt 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 only recommended amendment removed "and adolescents" from the value "all children and adolescents shall receive developmentally and culturally appropriate services". This amendment was recommended to have all the values be consistent and to remove redundancy.

Judge Karen Jeffries move to approve the Council Values as amended. Doug Herrmann 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.

Judge Karen Jeffries moved approve the Council Problem Statements as presented. Doug Herrmann seconded. Motion Carried Unanimously.

Vice-Chair Leidholt turned the meeting over to Chair Betty Oldenkamp 11:13 AM.

9. 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, Vice-Chair, and Executive Committee Members will start their term following the adjournment of the meeting.

Sheriff Mike Leidholt moved to nominate current Chair Betty Oldenkamp for CJS Chair, Aaron McGowan seconded. Sheriff Mike Leidholt moved to cease nominations for CJS Chair and cast a unanimous ballot for Betty Oldenkamp, Judge Karen Jeffries seconded. Motion carried unanimously.

Carol Twedt moved to nominate Beth O'Toole for CJS Vice-Chair, Judge Karen Jeffries seconded. Judge Karen Jeffries moved to cease nominations for CJS Vice-Chair and cast a unanimous ballot for Beth O'Toole, Vanessa Merhib seconded. Motion carried unanimously.

Coppersmith explained that the Executive Committee is made up of the elected Chair and Vice-Chair and three additional elected members. Coppersmith added that the Executive Committee typically meets telephonically and takes action on topics that need addressing between meetings and that the action needs to be ratified by the entire Council at their next meeting.

Virgena Wieseler moved to nominate Doug Herrmann for the Executive Committee, Carol Twedt seconded.

Sheriff Mike Leidholt moved to nominate Carol Twedt for the Executive Committee, Dadra Avery seconded.

Lyndon Overweg moved to nominate Aaron McGowan for the Executive Committee, Judge Karen Jeffries seconded.

Aaron McGowan moved to nominate Judge Steven Jensen for the Executive Committee, Sheriff Mike Leidholt seconded.

Carol Twedt withdrew herself from the nominees for the Executive Committee.

A unanimous ballot for Doug Herrmann, Aaron McGowan, and Judge Steven Jensen was carried unanimously.

Coppersmith turned the meeting back over to Chair Oldenkamp.

10. JUVENILE JUSTICE UPDATES

Doug Herrmann provided an update concerning STAR Academy in Custer, SD. Herrmann stated that since the September Council meeting, the girls campus in Custer State Park has closed and the girls programs were moved to the main campus due to significantly reduced numbers over the past couple years. Herrmann added that available beds and full time staff equivalents are both to be reduced in SFY2017 and that staff have been informally notified of the decision. Herrmann explained that DOC numbers and staffing needs will continue to be monitored and evaluated as the Juvenile Justice Reinvestment Initiative (JJRI) is implemented.

Dadra Avery explained the Action for the Betterment of the Community (ABC) in Sturgis was selected for the Juvenile Diversion Certificate Program for a week later in December at Georgetown University. Avery explained that Kara Graveman, a law enforcement representative, and herself will be attending.

Vanessa Merhib updated the Council concerning recent referrals to the teen court programs she oversees. Merhib explained that the intensity of the crimes for referrals have increased and include referrals for drug and sex crimes, sexting for example. Merhib explained that dealing with sex crimes leads to having to be more aware of the age of jury members and the content presented to them. Merhib stated that her agency is preparing to make adjustments in finding programming and services the youth may need that are different from what has been available to youth previously in the programs and looking at different funding opportunities as fewer offenses will be drinking related which has been the focus of some of their funding sources.

Virgena Wieseler informed the Council that VOA Group Care facility in Sioux Falls will be closing March 1st. Herrmann added that issues leading to the decision were being licensed for fewer youth and high staff turnover. Wieseler added that the lease is also coming to an end at their current location. Herrmann stated that DOC is currently looking at how to fill the void with alternative placements for youth at the group care facility.

11. TRIBAL YOUTH ADVISORY GROUP DISCUSSION

Chair Oldenkamp explained that at the September Council meeting, the status of the Tribal Advisory Group (TAG) was discussed and it was decided that the topic would remain on the agenda moving forward. Oldenkamp stated that members were asked to look into different groups in the state working with tribal juvenile justice to prevent duplicating efforts and look to see if the Council would be an appropriate partner for those groups. Coppersmith provided a brief overview of the purpose of the Tribal Advisory Group concluding with the deciding factor to reevaluate the Council's involvement which was the dissolving of South Dakota Voices for Children who staffed the group since its inception.

Herrmann stated that under the JJRI, there will be Native American focus group to look at issues impacting Native Americans in the juvenile justices system. Herrmann explained that he and Nancy Allard are members of the Native American focus group which will be coordinated for a year and a half through the Department of Tribal Relations. Herrmann added that the purpose of the group is to develop recommendations to improve outcomes for Native American youth in the juvenile justice system.

Chair Oldenkamp asked that Herrmann continue to update the Council at future meetings along with anyone else who is able to look at other juvenile justice related groups focusing on Native American youth.

12. NEXT MEETING LOCATION AND DATES

Coppersmith explained that calendars were sent in the mailing for each member to have input on which dates they would be able to meet in 2016. Coppersmith stated that the March meeting will be over the Digital Dakota Network (DDN) and is contingent on the Formula Grant Application due date, the June meeting is expected to be two days in Brookings, the September meeting will be two days at the location of a Native American Programs subgrant which will be determined at the June meeting, and that the December meeting will be one day and either in Oacoma or Pierre.

13. JUVENILE JUSTICE REINVESTMENT INITIATIVE (JJRI) PANEL/DISCUSSION

Coppersmith provided an overview of recent Census of Juveniles in Residential Placement Reports which have had South Dakota listed in the top two concerning rate of placement. Coppersmith noted that South Dakota was ranked number one in the country in 2010 and number two in 2013. Coppersmith highlighted that there was 34.6% decrease from 2010 to 2013 in South Dakota's rate due to Juvenile Detention Alternatives Initiative (JDAI) and a simultaneous reduction in DOC commitments. Coppersmith explained that the census rankings helped spark JDAI implementation under the Council and since then, have pointed at the need for statewide reform through JJRI efforts.

Nancy Allard provided an information overview of JJRI implementation as it relates to the Unified Judicial System (UJS). Allard explained that a portion of the bill focused on the preventive benefit of informal diversion and made more opportunities available at the diversion stage. Allard stated that there has been a 20% increase of referrals from states attorneys to court services officers for diversion programs

within the probation department since July 1, 2015. Allard added that also since July 1, 2015, work has been done collaboratively with the Department of Social Services (DSS) and the DOC to identify community based treatment options and that an assessment is being utilized to gather information about juvenile needs in the community.

Allard noted that implementation beginning on January 1, 2016 consists of the optional provision of community response teams (CRT). Allard explained that a presiding judge may appoint a CRT to assist judges by recommending viable community-based interventions for children in need of supervision and delinquent children. Allard noted that Yankton County is currently working to establish a pilot program and that the Lake Andes area has also expressed the desire to establish a CRT as well. Allard explained that another major component of JJRI going into effect on January 1, 2016 is the use of a graduated sanctions response grid and an incentive grid for probationers which will both go before the Supreme Court along with a proposed court rule in January with a February 1st implementation date if approved. Allard concluded with a summary of lengths of probation, the citation process, and the importance of data collection.

Discussion ensued concerning involving families with diversion decisions and the referral process for diversion services.

Doug Herrmann informed the Council of the key impacts of JJRI to the DOC. Herrmann explained that the offenses warranting commitment of a child to the DOC have significantly decreased which will lead to the continued trend of fewer youth being committed to the DOC. Herrmann added that the DOC has a role in treatment team meetings with residential facilities and a juvenile corrections agent (JCA) is to complete monthly reauthorization forms with the goal of achieving release at the earliest possible time and to maximize the child's development and acquisition of skills to be able to successfully transition to living in the community. Herrmann noted that the process for implementing the team meetings and reauthorization forms have been occurring since July to be able to test and perfect the processes prior to the required start date of January 1, 2016. Herrmann explained that the length of stay of juveniles in private facilities is to be decreased through a performance based reimbursement grid which will provide payment to group care and private residential treatment facilities for a youth completing treatment goals within an outlined amount of time. Herrmann added that treatment team members are not to be involved with the incentive process. Herrmann explained that the DOC violator policy has also been amended as to what a youth can be revoked for to be consistent with the parameters allowing for commitment of a youth to the DOC.

Chair Oldenkamp explained that her organization has been very pleased with how well the team meeting and processes have gone and that they can see a benefit to the kids and their families. Herrmann added that DOC commitments from 2000 to 2010 were around 350 to 380 youth and that they have been dropping since 2011 with just over 200 commitments at the moment.

Tiffany Wolfgang, Director of the Division of Behavioral Health under the South Dakota Department of Social Services, reiterated what Allard stated about DSS working collaboratively with UJS and DOC to develop evidence-based community interventions. Wolfgang appreciates the truly collaborative nature between departments as the services DSS has been tasked with developing interventions to address the needs being experienced by the UJS and the DOC. Wolfgang added that additional collaborative projects DSS is implementing with the UJS and the DOC are ensuring services are evidence-based. A quality assurance program is being developed to ensure the integrity of the evidence-based programs that are implemented along with a screening tool for referrals to place youth in the appropriate evidence-based program. Wolfgang explained the key pieces that were targeted with the training tool were mental health followed by substance abuse and the GAIN (Global Appraisal of Individual Needs) Short Screener was the tool selected. Wolfgang highlighted that the GAIN Short Screener can be completed by a nonclinical person and it can be predictive of substance abuse and mental health disorders along with crime and violence tendencies.

Wolfgang stated that Functional Family Therapy (FFT) will be the primary community intervention implemented and that the additional evidence-based interventions of Cognitive Behavioral Intervention for Substance Abuse, Aggression Replacement Training, and Moral Recognition Therapy will also be used especially for cases where FFT is not the best fit for the youth and their situation. Wolfgang added that DSS is also working on a targeted, needs-based referral process based on the data received from the UJS and the DOC from assessments they complete.

Department of Corrections Secretary Denny Kaemingk thanked all the panel members and stressed that Wolfgang and her staff has done the heavy lifting on implementing community services which is imperative for the success of the juvenile initiative and has been very successful with the adult initiative as well.

Discussion ensued concerning how providers for the interventions are selected, where the interventions will be located, if the interventions will be culturally appropriate for all South Dakota youth, the referral process being limited to the UJS and the DOC, diversion referrals, and guidelines for law enforcement officers in dealing with the new citations.

14. WRAP-UP AND ADJOURN

At 1:34 PM, Aaron McGowan moved to adjourn, Lyndon Overweg seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

**State of South Dakota
Council of Juvenile Services
By-laws
March 2004**

[DOC Staff Recommendations: December 2015](#)
[CJS Recommendations: December 2015](#)

Article I: Purpose of the Council of Juvenile Services

The purpose of the Council of Juvenile Services is to serve as the principal juvenile justice planning entity for the State of South Dakota.

Article II: Powers and Responsibilities of the Council of Juvenile Services

South Dakota Codified Law 1-15-30 identifies the responsibilities of the Council of Juvenile Services and reads as follows:

The Council of Juvenile Services shall be responsible for the following:

- (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.

Article III: Council of Juvenile Services Composition

Section A: Number and Composition

The Council of Juvenile Services consists of twenty members who have training, experience, or special knowledge of juvenile delinquency prevention or treatment or the administration of juvenile justice. The membership shall include the following to comply with Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act:

1. at least one locally elected official;
2. representatives of law enforcement, and juvenile justice agencies, including circuit court judges, prosecutors, counsel for children and youth, and probation officers;
3. representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, substance abuse, education, special education, recreation, and youth services;
4. representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education and social services for children;
5. volunteers who work with delinquents or potential delinquents;
6. youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
7. persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
8. persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

Section B: Selection Criteria

1. A majority of the Council of Juvenile Services, including the Chairperson and any member assuming the duties and responsibilities of the Chairperson, whether permanently or on a temporary basis, shall not be fulltime employees of federal, state, or local government.

2. At least one-fifth of the Council members shall be under the age of 24 at the time of appointment.
3. At least three members shall have been or shall currently be under the jurisdiction of the juvenile justice system.
4. Attempts will be made to ensure that the membership of the Council will represent the racial and ethnic diversity of the State.

Article IV: Terms of Services for Council Members

Consistent with SDCL 1-15-29, ~~the initial Council members appointed will draw lots to determine who will hold the 8 three-year terms, the 6 two-year terms, and the 6 one-year terms. Thereafter,~~ each member shall serve a term of three years. Members may be re-appointed and may continue to serve an expired term until replaced by the Governor.

Article V: Officers of the Council of Juvenile Services

A Chairperson ~~and a Vice-Chairperson~~, who ~~shall not be fulltime employees of federal, state, or local government.~~ ~~may not be a full-time federal, state, or local employees,~~ ~~and a Vice-Chairperson~~ shall be chosen annually by a majority vote of the Council members at the first meeting ~~each fiscal year following new appointments and reappointments of members~~. In the event of the Chairperson's absence at a Council meeting, the Vice-Chairperson shall preside at the meeting. In the event that neither the Chairperson nor the Vice-Chairperson can be present at a Council meeting, the Chairperson shall designate a member of the Council to preside at the meeting ~~who is not a fulltime employee of federal, state, or local government~~.

Article VI: Removal of Council Members

The Chairperson may recommend to the Governor that a Council member be replaced if that member misses three consecutive meetings, misses fifty percent of Council meetings during a twelve-month period, or if that member is no longer a resident of the State of South Dakota.

Article VII: Meetings of the Council of Juvenile Services

Section A: Meeting Schedule/Location

Meetings will be held at the call of the Chairperson and will generally occur at least quarterly. The Chairperson will determine the location of Council meetings.

Council meetings may be held telephonically or by electronic means. ~~or via the Digital Dakota Network.~~

Section B: Quorum

The Chairperson shall determine if a quorum is present at a meeting. A quorum shall consist of a majority of Council members present based on the number of current Council members appointed. A quorum must be present for the Council to take official action.

Section C: Adoption of Motions

In order for a motion to be adopted, the motion must be approved by the majority of voting members present at the meeting.

Section D: Voting

The Chairperson shall determine the method of voting. Only Council members may vote during Council meetings.

Section E: Non-voting Meeting Participants

1. If a Council member is unable to attend a meeting, that Council member may appoint a non-voting participant to attend the Meeting in their place. The individual attending in place of a Council member may participate in Council discussions but may not make motions or vote on motions. Council members who are unable to attend may also submit their positions on issues in writing or consideration during Council discussions but these written submissions shall not constitute a motion or a vote on these issues.
2. Department of Corrections employees who provide staff support to the Council may provide information to the Council and participate in discussions as requested or directed by the Chairperson but may not make motions or vote on motions.
3. Other individuals in attendance at Council meetings may present information to the Council at the request of the Chairperson.

Section F: Roberts Rules of Order

Roberts Rules of Order shall guide conduct of Council meetings.

Article VIII: Compensation

The members of the Council of Juvenile Services serve without compensation. Council members are reimbursed for their reasonable and necessary expenses incurred in the performance of their duties at rates set by the Board of Finance, unless such expenses are covered by the Council member's employer or other individual or body.

Article IX: Conflict of Interest

A Council member employed by an organization requesting funds from the Council, or a Council member having some direct interest in such organization, may not make a motion or vote on any motions pertaining to the funding request. The member will be counted toward the quorum of the meeting but will not be considered as an eligible voting member for the purpose of determining whether the matter in question passes or fails. Neither may the Council member speak to or answer questions concerning the proposal unless all similarly situated applicants for funding are provided a similar opportunity.

Any member having a direct interest in a funding request or proposal shall leave the meeting room during discussion and/or voting related to the request or proposal.

Article X: Committees

There shall be an Executive Committee of the Council of Juvenile Services which consists of the Chairperson, Vice-Chairperson and three members elected by the Council. The Executive Committee has the authority to act for the Council in the interim between meetings. Any action taken by the Executive Committee is subject to ratification at the next regularly scheduled meeting.

The Chairperson of the Council may form other committees that are necessary for the Council to fulfill its responsibilities. Committee members, who may include individuals who are not Council members, and committee chairpersons shall be appointed by the Chairperson of the Council of Juvenile Services.

The primary responsibilities of each committee shall be to analyze the issues assigned to it and present a report to the Council that may include recommendations on programs to be developed or funded, changes in juvenile justice system processes, proposed statutory changes or other recommended actions. Committees shall not represent recommendations as official positions of the Council and shall not begin implementation of the recommendations until they have received the approval of the Council of Juvenile Services.

Article XI: Amendment of Bylaws

The Bylaws of the Council of Juvenile Services may be amended at any regular or special meeting of the Council by a two-thirds majority vote of the members present, provided that the proposed amendment was distributed to the members of the Council at least seven days prior to the meeting. Unless otherwise specified, an approved amendment will go into effect immediately.

Revision Log:

March 2004: Initial Council of Juvenile Services By-laws were approved by the Council at their March 2004 meeting.

Carol Twedt	3/24/2004
Carol Twedt, Chairperson – Council of Juvenile Services	Date

FFY 2012 Formula Budget Status Report

State Program Title	Amended Budget	Funds Expended	Current Balance (6/8/16)
Compliance Monitoring	\$20,000.00	\$19,963.72	\$36.28
Deinstitutionalization of Status Offenders	\$24,000.00	\$17,712.43	\$6,287.57
Delinquency Prevention	\$140,000.00	\$110,313.73	\$29,686.27
Disproportionate Minority Contact	\$85,000.00	\$73,241.47	\$11,758.53
Jail Removal	\$24,000.00	\$17,712.43	\$6,287.57
Native American Programs	\$60,000.00	\$21,343.13	\$38,656.87
Planning and Administration	\$20,000.00	\$14,912.72	\$5,087.28
Separation of Juveniles from Adult Inmates	\$12,000.00	\$8,856.21	\$3,143.79
State Advisory Group Allocation	\$15,000.00	\$7,120.65	\$7,879.35
TOTALS	\$400,000.00	\$291,176.49	\$108,823.51

FFY 2014 PREA Budget Status Report

State Program Title	Awarded Budget	Funds Expended	Current Balance (6/8/16)
Prison Rape Elimination Act - Juvenile	\$6,491.00	\$0.00	\$6,491.00

FFY 2013 Formula Grant Adjustment Notice

State Program Title	Current FFY13 Budget	FFY13 Amendment	FFY13 Amended Budget
Compliance Monitoring	\$25,000.00	(\$5,000.00)	\$20,000.00
Deinstitutionalization of Status Offenders	\$30,000.00	(\$6,000.00)	\$24,000.00
Delinquency Prevention	\$0.00	\$140,000.00	\$140,000.00
Disproportionate Minority Contact	\$95,000.00	(\$10,000.00)	\$85,000.00
Jail Removal	\$30,000.00	(\$6,000.00)	\$24,000.00
Native American Programs	\$63,949.00	\$0.00	\$63,949.00
Planning and Administration	\$40,000.00	(\$20,000.00)	\$20,000.00
Separation of Juveniles from Adult Inmates	\$20,000.00	(\$8,000.00)	\$12,000.00
State Advisory Group Allocation	\$20,000.00	(\$5,000.00)	\$15,000.00
Alternatives to Detention	\$80,000.00	(\$80,000.00)	\$0.00
TOTALS	\$403,949.00		\$403,949.00

Meeting Minutes Draft
Executive Committee Conference Call
South Dakota Council of Juvenile Services (CJS)
May 25, 2016

CJS Executive Committee Members: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Beth O'Toole, Vice-Chair and Professor at the University of Sioux Falls; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Aaron McGowan, Minnehaha County States Attorney; and Carol Twedt, Former Minnehaha County Commissioner.

Executive Committee Members Present: Betty Oldenkamp, Beth O'Toole, Judge Steven Jensen, and Carol Twedt

Executive Committee Members Absent: Aaron McGowan

Others Present: Bridget Coppersmith and Heather Van Hunnik, South Dakota Department of Corrections and Bob Mercer, Associated Press.

1. WELCOME

Chair Betty Oldenkamp called the meeting to order at 3:06 PM on Wednesday, May 25, 2016 and welcomed everyone to the call.

2. FY 2016 FORMULA GRANTS PROGRAM APPLICATION

Bridget Coppersmith provided an overview of the FY 2016 Formula Grants Program Application. Coppersmith explained that the application is split into two parts which is consistent with recent years and that the first part needs to be approved for submission to the Office of Juvenile Justice and Delinquency Prevention by its due date of June 1, 2016. Coppersmith added that the second component which contains the plan for compliance with the core requirements is due on July 15, 2016 and will be reviewed at the Council Meeting on June 16, 2016.

Coppersmith explained that the FY 2016 plan is an update to the FY 2015 3-Year Plan that was submitted to and approved by the Office of Juvenile Justice and Delinquency Prevention last year. Coppersmith highlighted the changes that occurred since the submission of the FY 2015 plan and the additional requirements of detailing the 28 requirements of section 223(a) of the Juvenile Justice and Delinquency Prevention Act and breaking down the planning and administration budget line item which were new for the FY 2016 submission.

Discussion ensued concerning the content of the application, the time frames and sources of the data, statewide juvenile justice reform, and minor changes to the presented plan.

Carol Twedt moved to approve the submission of the FY 2016 Formula Grants Program Application to the Office of Juvenile Justice and Delinquency Prevention. Beth O'Toole seconded. Motion carried with Aaron McGowan absent and Judge Steven Jensen expressing his approval prior to leaving the call due to additional obligations.

3. ADJOURN

At 3:59 PM, Carol Twedt moved to adjourn the Executive Committee Conference Call. Beth O'Toole seconded. Motion carried with Aaron McGowan and Judge Steven Jensen absent.

*Recorded by Bridget Coppersmith
Juvenile Justice Specialist*

**South Dakota Department of Corrections FY16 Formula Grant
Application Budget Worksheet**

Program Area	Program Area Title	FY2016	FY2016 Match	FY2016 Total
28	Planning & Administration	\$20,000	\$20,000	\$40,000
	Planning & Administration Detail			
	Personnel	\$14,750	\$14,750	\$29,500
	Fringe Benefits	\$4,500	\$4,500	\$9,000
	Travel	\$750	\$750	\$1,500
	Program Contracts & Sub Awards Total	\$380,000	\$0	\$380,000
6	Delinquency Prevention	\$150,000		\$150,000
19	Compliance Monitoring	\$20,000		\$20,000
20	Deinstitutionalization of Status Offenders	\$20,000		\$20,000
21	Disproportionate Minority Contact	\$75,000		\$75,000
24	Indian Tribe Programs	\$60,000		\$60,000
26	Jail Removal	\$20,000		\$20,000
27	Juvenile Justice System Improvement	\$10,000		\$10,000
31	Separation of Juveniles from Adult Inmates	\$10,000		\$10,000
32	State Advisory Group	\$15,000		\$15,000
	Total:	\$400,000	\$20,000	\$420,000

Budget Detail Worksheet
South Dakota Department of Corrections
FY16 Formula Grant Application
Budget Narrative

The budget allocations to program areas and the narratives providing an explication of funds are the same for all three years of this comprehensive 3-Year Plan

Delinquency Prevention (\$150,000):

South Dakota's SAG committed to move forward with awarding juvenile delinquency prevention subgrants in the Fall of 2013. Funds allocated to Delinquency Prevention will be used to support three juvenile delinquency prevention subgrants at \$50,000 each.

Compliance Monitoring (\$20,000):

Funds allocated to this program area will be used to cover the cost of a part-time compliance monitoring position at \$20,000 for salary and benefits. Funds under this program area may also be used to cover part of an intern's salary under a time study process.

Deinstitutionalization of Status Offenders (DSO) (\$20,000):

Funds allocated to DSO are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with the DSO requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain DSO compliance efforts on a local level.

Disproportionate Minority Contact (DMC) (\$75,000):

The DMC allocation will support a part-time DMC coordinator position at \$15,000 for salary and benefits and DMC intervention subgrants in Minnehaha and Pennington Counties at \$30,000 per site.

Indian Tribal Programs (\$60,000):

It is anticipated that three subgrants at \$20,000 each will be made to Native American Tribes to support juvenile justice system improvement activities. This allocation contains the anticipated minimum allocation of \$34,004 required to be spent under the FFY2016 Native American Pass-Through.

Jail Removal (\$20,000):

Funds allocated to the jail removal program area are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with this requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain jail removal compliance efforts on a local level.

Juvenile Justice System Improvement (\$10,000):

Funds allocated to the juvenile justice system improvement program area will be used to support South Dakota's Juvenile Justice Reinvestment Initiative by paying for staff time to implement components associated with diversion and performance measures.

Planning and Administration (\$20,000 fed/ \$20,000 state match):

The federally required planning and administration allocation will cover costs associated with the salary, benefits, and travel of the full-time Juvenile Justice Specialist and will also be used to cover time devoted to the Formula Grant Program by the Director of Grants and Research. Other planning and administration expenses incurred by the Department such as computer fees and equipment, and space allocations will also be charged here. All costs and expenses covered by the planning and administration allocation will be paid 50% federal and 50% state match.

Separation of Juveniles from Adult Inmates (\$10,000):

Funds allocated to the jail removal program area are used to support a statewide county reimbursement program to partially reimburse expenses incurred by counties in complying with this requirement. The allocation amount is based on historical expenses and the goal of decreasing dependency on the program to encourage counties to sustain separation compliance efforts on a local level.

State Advisory Group Allocation (SAG) (\$15,000):

The federally required SAG allocation will be used to cover the cost of Council of Juvenile Services meetings and support any subcommittees or subgroups of the Council. The cost is lower than the allowed allocation due to holding a portion of the meetings through video conferencing to save on cost and travel time.

Supplanting Prohibition: Federal Funds will be used to supplement existing funds for program activities and will not replace or supplant non-Federal funds that have been appropriated for the same purposes.

Lobbying Prohibition: Federal Funds will not be used, either directly or indirectly, to support the enactment, repeals, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval by the Office of Justice Programs.

FY2016 UPDATES

The program area of Planning and Administration is broken down to show detailed program area costs by the subcategories of personnel, fringe benefits, and travel.

The budget also shows that at least 75% of the funds received by the state, other than state advisory group funds, are expended through programs of units of local governments, programs of local private agencies, programs of Indian tribes that perform law enforcement functions, or directly by the state through outlined program areas.

FY2015 funds have not been expended as South Dakota is currently expending previous awards.

FY2016 UPDATES

South Dakota has not begun to expend its FY 2015 Formula Grant award. All goals, objectives, and implementation plans remain the same and activities described below, with the exception of the program area of Juvenile Justice System Improvement, were implemented under previously awarded Formula Grant awards following the submission of the FY2015 plan.

Delinquency Prevention: Three subgrants were awarded under the program area of Delinquency Prevention by South Dakota's State Advisory Group (SAG) at their June 2015 meeting to implement evidence-based programs in a school setting. Each subgrant was previously funded for one year and was monitored for compliance within the program area. South Dakota's Juvenile Justice Specialist continues to monitor subgrant progress in conjunction with a private consultant. A statewide training was also offered for school systems to be trained on the implementation of the evidence based program Positive Action in June 2015.

Compliance Monitoring: Compliance with the core requirements was monitored through twenty two site visits and monthly reporting from holding facilities. The annual compliance monitoring report was successfully submitted to OJJDP. South Dakota's Compliance Monitor also attended the Coalition of Juvenile Justice's Annual Conference in April 2016 which was co-hosted by OJJDP. Compliance activities in South Dakota continue to be monitored by the Compliance Monitor who works to ensure that all juveniles taken into custody are held appropriately and that juveniles held under the Valid Court Order Exception follow steps outlined in requirement twenty three of the JJDPA.

Deinstitutionalization of Status Offenders (DSO): South Dakota reported seven DSO violations in its 2014 compliance monitoring report which continues to keep South Dakota in de minimis compliance with the requirement. To assist in remaining in compliance, the Council's County Reimbursement Program continues to be implemented to provide an incentive for counties to appropriately hold youth. In calendar year 2015, 217 youth were served across all aspects of the program.

Disproportionate Minority Contact (DMC): South Dakota's DMC Coordinator continues to evaluate and monitor local DMC efforts in South Dakota's two largest communities, Minnehaha and Pennington Counties. The local projects currently being implemented were approved by South Dakota's SAG at their September 2015 meeting. South Dakota's DMC Coordinator also attended the Coalition of Juvenile Justice's Annual Conference in April 2016 which was co-hosted by OJJDP.

Indian Tribe Programs: Three subgrants were awarded under the program area of Indian Tribe Programs by South Dakota's State Advisory Group (SAG) at their June 2015 meeting. Each award was to a tribe that performs law enforcement functions to meet the Native American Pass-Through requirement.

Jail Removal: South Dakota reported zero Jail Removal violations in its 2014 compliance monitoring report which continues to keep South Dakota in full compliance with the requirement. To assist in remaining in compliance, the Council's County Reimbursement Program continues to be implemented to provide an incentive for counties to appropriately hold youth. In calendar year 2015, 217 youth were served across all aspects of the program.

Juvenile Justice System Improvement: South Dakota's Juvenile Justice Reinvestment Initiative (JJRI) continues to be implemented by the Department of Corrections, Department of Social Services, and the Unified Judicial System. Formula Grant staff and South Dakota's SAG work with and are in support of JJRI but activities under the initiative have not been tied to Formula Grant funding to date.

Planning and Administration: South Dakota's Juvenile Justice Specialist, under the supervision of the Director of Grants and Research, monitored implementation of Formula Grant program areas, organized a successful OJJDP site visit in July 2015, submitted performance measures to OJJDP through their data collection tool in December 2015, developed and distributed the Council of Juvenile Services' Annual Report in January 2016, and attended the Coalition of Juvenile Justice's Annual Conference in April 2016 which was co-hosted by OJJDP.

Activities conducted by both the Juvenile Justice Specialist and the Director of Grants and Research continue to be expended under the program area of Planning and Administration.

Separation: South Dakota reported zero Separation violations in its 2014 compliance monitoring report which continues to keep South Dakota in full compliance with the requirement. To assist in remaining in compliance, the Council's County Reimbursement Program continues to be implemented to provide an incentive for counties to appropriately hold youth. In calendar year 2015, 217 youth were served across all aspects of the program.

State Advisory Group: South Dakota's SAG (the Council of Juvenile Services) met twice after approving the FY2015 plan for submission in June 2015. Appointments and reappointments from the Governor occurred in October 2015 and their Annual Report was submitted in January 2016.

State Priority Juvenile Justice Needs/Problem Statements

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.