

Meeting Minutes
South Dakota Council of Juvenile Services
September 3-4, 2008
Cedar Shore Resort – Chamberlain, SD

Wednesday, September 3, 2008

Council of Juvenile Services Members Present: Carol Twedt, JC Chambers, Doug Herrmann, Susan Randall, Jo Vitek, Grant Walker, Virgena Wieseler, Victor Erlacher, Karen Jeffries, Jason Goette, Nancy Allard, Aaron McGowan, Ella Rae Stone.

Council of Juvenile Services Members Absent: Richard Erickson, Gib Sudbeck, Mike Leidholt, Janine Kern, Beth O’Toole, Liz Heidelberger, Kaylee DeNeui.

Others Present: Kevin McLain, Joy Erlenbusch, and Jodi Kirschenman from DOC

1. WELCOME, INTRODUCTIONS, and REVIEW OF AGENDA

Chair Carol Twedt called the meeting to order at 3:05 PM. Introductions were made, and the Council welcomed new member Aaron McGowan. Jodi Kirschenman requested “OJJDP site visit follow-up” be added to the agenda under the Old Business agenda item. No other modifications were made to the agenda.

2. APPROVAL OF JUNE 2008 MINUTES

Judge Karen Jeffries moved to approve the June 2008 meeting minutes, seconded by Jo Vitek. Motion carried.

3. ELECTION OF CHAIR and VICE-CHAIR

The Council accepted nominations for the positions of Chair and Vice-chair. *Doug Herrmann moved to re-elect Carol Twedt as CJS Chair, Grant Walker seconded the motion. Motion carried. Grant Walker moved to re-elect Mike Leidholt as CJS Vice-Chair, Doug Herrmann seconded. Motion carried.*

4. FACJJ UPDATE

Doug Herrmann, who serves as South Dakota’s representative on the Federal Advisory Committee on Juvenile Justice (FACJJ), gave an overview of the last FACJJ meeting held in Washington D.C.. The committee worked on the final draft of the annual report, with several recommendations still in the works. Beginning with the 2009 annual report, the FACJJ plans to utilize the information that each state provides through the Annual Request for Information (ARI) process. With this, the FACJJ established four subcommittees to focus on the new areas of the report as well as focus on the top priorities for recommendations. The committees resume October 20-22nd to finalize the draft report. Herrmann indicated that any input the Council has regarding the report would need to be provided in November or early December.

5. UJS REVIEW OF COMMUNITY-BASED PROJECTS

Nancy Allard reviewed her handout that outlines the UJS Community-based service programs for juveniles. Current programs include the Connecting Point Day Treatment Program located in Lake Andes, Connecting Point Day Treatment Program in Yankton, Connecting Point II Day Treatment Program in Yankton, Day Reporting Center in Pierre/Ft. Pierre, Wellspring Youth Challenge Program in Rapid City, and McCrossan’s After School Time Care Program in Sioux Falls. Allard said UJS received \$490,000 in State funds for both adults and juveniles, which is about half of what was

requested. It is their goal to establish more community programs, and replicate programs such as Connecting Point Day Treatment Program. Discussion ensued. Allard also reviewed UJS' FY07 and FY08 formal and informal case statistics.

6. SYSTEMS OF CARE UPDATED

CJS members Doug Herrmann, Nancy Allard, and Virgena Wieseler serve on the Systems of Care Committee. Herrmann indicated the systems of care process is moving forward nicely in the Rapid City area. Allard added that she and Chief Court Services Officer Judd Thompson will do a follow up training of the SEARCH conference that was held in June. Behavior Management Systems is working on getting the word out about the follow up training. Allard also said that the lack of flexible funding is a major concern, and that there is a lack of money for these services for kids and families before they get involved in the system. Virgena Wieseler added that it is a struggle to meet department requirements while implementing systems of care.

7. OJJDP FALL CONFERENCE UPDATE

CJS members Karen Jeffries and Liz Heidelberger, along with DOC staff Joy Erlenbusch and Jodi Kirschenman attended the fall conference hosted by the Office of Juvenile Justice and Delinquency Prevention in Nashville, Tennessee August 17-20th. The title of the conference was "Charting the Course: Developing Effective Plans for the Future". In addition to the new/refresher SAG member training, compliance monitoring training, DMC training, and a youth member track, those participating attended sessions that focused on strategic planning, mapping, and data collection analysis as well as building relationships among caregivers and partners.

8. NEW BUSINESS

No items reported.

9. OLD BUSINESS:

- STATE TRANSPORT SYSTEM

During the June meeting, an issue of juveniles being transported with adult offenders on the state transport system was discussed. Kevin McLain reiterated the concerns mentioned included potential risk to juveniles and emotional harm. Chair Twedt sent a letter to Governor Rounds at the Council's request urging this transport practice be changed. McLain indicated that the Governor received the letter and the practice is being researched (i.e., cost for usage with all transport legs running, the risks the youth are exposed to – physical, verbal, and emotional – supervision during the transports). DOC Secretary Tim Reisch asked McLain to let the Council know that there will be a response to their letter.

Chair Twedt explained this issue was raised by Susan Randall as an advocate for children and a concern for others. Twedt shared how Minnehaha County bought a new van for less than \$30,000 to change a practice of transporting individuals with mental health issues with adult inmates. Doug Herrmann said they are in the process of reviewing each of the transport legs, contact has been made with Sheriff Holloway and Sheriff Milbrandt, and they are pulling information together and will compile the information for Secretary Reisch. The immediate issue being researched is whether youth are at risk of physical harm and the immediate changes that would be made if physical harm was an issue. Susan Randall asked that since the Governor asked for a detailed review and a detailed proposal of options, when could one expect an answer? McLain thought possibly by mid to late October. Discussion ensued.

- OJJDP FINDINGS AND RECOMMENDATIONS

The Office of Juvenile Justice and Delinquency Prevention conducted a program monitoring site visit in May 2008. OJJDP followed up their visit with a letter of findings and recommendations and requested that DOC provide a written response to the recommendations. Jodi Kirschenman provided a copy of OJJDP's letter, as well as the response letter from DOC while reviewing the findings and recommendations of the site visit. OJJDP was very

complimentary of the progress made in our state, and with the progress made in addressing compliance and working to remain in compliance with the Act.

10. PLANNING SESSION I

- OVERVIEW OF PLANNING PROCESS and OBJECTIVES

Kevin McLain briefed the Council of formula grant expenditure history. In 2003, the State received three federal fiscal years dollars totaling \$2.18 million, which was spent in 2004-2006, and the first few months of 2007. FFY04 and FFY05 awards were spent December 2007 through July 2008. We are now spending FFY2006 and FFY2007 awards, which will take us past June 2009, at which time we will be caught up with expending the current fiscal year's awards. The FFY2008 award will start to be spent in July or August 2009. From our current awards on, we have \$600,000 to spend on an annual basis; therefore, we can't spend on the same level as we have in the past. We need to look at the three-year plan and issues that need to be written in the next plan. So, the main focus of this meeting is to spend time reviewing past expenditures/projects funded, and discuss plans for the current awards received..

- BUDGET OVERVIEW

Kevin McLain explained the outlines that were provided to Council members to be used as a guide through the planning process, and explained the process for review and decisions to be made. McLain then reviewed past budgets, projects and expenditures that utilized the grant dollars, and projected expenses and balances in which to remind the Council of how the money was expended.

- PLANNING and ADMINISTRATION

The Council reviewed the Planning and Administration planning document that outlines FFY2006, FFY2007, and FFY2008 allocations, planned use of funds, and planned changes and enhancements. No changes were requested of this budget category.

- STATE ADVISORY GROUP

The Council reviewed the State Advisory Group planning document that outlines FFY2006, FFY2007, and FFY2008 allocations, planned use of funds, and planned changes and enhancements.

- ◆ State FY2009 Considerations

The Council will consider using 2009 funds for the Juvenile Justice Symposium next fall, with the focus on DMC. Approximately \$20,000 is needed and will come from the SAG allocation. *Doug Herrmann moved to pursue a Juvenile Justice Symposium in late September 2009 through South Dakota Voices for Children utilizing SAG funding in the appropriate fiscal year, Jo Vitek seconded. Motion carried.*

The Council has requested this topic be placed on the agenda at the next CJS meeting and they would like to review a proposed symposium budget. Other symposium items discussed included:

1. The focus approved for the Symposium relates to DMC, Tribal Collaboration, and factors associated with DMC.
2. Truancy was brought up in this discussion also as it is believed to be a major contributing factor to DMC, and the school year will be in progress with the new truancy law in place. Council members feel that some content on this could be important to include in the symposium.
3. Location was discussed as a "central location" which would mean Pierre or Chamberlain
4. For budgeting purposes, Kevin McLain requested the symposium be held early enough to fit under Federal Fiscal Year, which ends Sept 30.
5. There was a request that the symposium not be held at the same time as the South Dakota Correction Association.

6. The Council would like to see coordination to have their CJS Meeting, TAG meeting, and DMC Committee Meeting in conjunction with the symposium and if possible, the local workgroups be invited to have a joint meeting at this time or even with the DMC Committee.
- ◆ State FY2010 Considerations

Funding for TAG meetings will decrease to \$15,000 beginning with FY2008 formula dollars. Susan Randall said the TAG could possibly budget for 3 meetings per year in order to make the \$15,000 budget work. For budgeting purposes at the next meeting, the Council requested a breakdown of the average cost per TAG meeting (number of attendees, travel costs, accommodation expenses, staff costs, etc.). The Council requested a copy of the TAG's Finalized Plan from the Strategic Planning process, and they also requested SDVC present on the following at each CJS meeting in the future:

 1. A written status report on the current projects and the components that were identified by CJS as responsibilities (these were included in the contract for TAG).
 2. At each meeting, CJS would like copies of TAG meeting minutes and the agenda for each of the TAG meetings as part of their meeting materials.

11. PLANNING SESSION II

- DEINSTITUTIONALIZATION of STATUS OFFENDERS, JAIL REMOVAL, SEPARATION

\$300,000 is available from FFY2006-2007 allocations, and will be used for DSO, Removal, and Separation. Beginning with the FFY2008 allocation, the total amount available for these categories is \$175,000. Therefore, cuts will have to be made to the juvenile reimbursement program. Staff provided possible options/recommendations for the Council to discuss. Possible changes include: removal of the active electronic monitoring component from the County Reimbursement Program; modify the detention component of the County Reimbursement Program to include only juvenile delinquents. CHINS and Valid Court Order CHINS will not be reimbursed for any time spent in secure juvenile detention; or change the holdover component of the County Reimbursement Program to \$10 per hour for up to one attendant up to 12 hours. A juvenile stay beyond 12 hours becomes a flat rate of \$120 per day. The cost of the stay would be reimbursed to the holdover site for up to three days. Discussion ensued. It was agreed that staff talk to stakeholders for local input on their priorities of the County Reimbursement Program with the funding cuts in mind, and bring their concepts back to the Council for consideration and action.
- COMPLIANCE MONITORING

Doug Herrmann moved to form a small group of CJS members, appointed by Chair Twedt, to meet with Nancy Allard and appropriate staff to assess the Centralized Intake project and bring recommendations back to the CJS regarding continued funding; Ella Rae Stone seconded. Motion carried.
- DMC

Joy Erlenbusch talked through the DMC handout that identifies the DMC goals, planned uses of funds, and changes and enhancements for FFY06-FFY08 federal funds. The Council agreed that funding should be \$60,000 in two sites to cover reduction strategies and an additional site at \$30,000 for reduction strategies and tribal collaboration. Discussion took place regarding the possibility of local entities helping fund local DMC projects and efforts in the future in order to help cover the large costs associated with DMC Initiatives. The Council also discussed the decrease in funding beginning with SFY10 for the ongoing DMC training and other cultural education opportunities.

Thursday, September 4, 2008

Meeting called to order at 8:01 AM, CDT

Council of Juvenile Services Members Present: Carol Twedt, JC Chambers, Doug Herrmann, Jo Vitek, Grant Walker, Virgena Wieseler, Victor Erlacher, Karen Jeffries, Jason Goette, Nancy Allard, Aaron McGowan, Ella Rae Stone.

Council of Juvenile Services Members Absent: Richard Erickson, Gib Sudbeck, Mike Leidholt, Janine Kern, Beth O'Toole, Liz Heidelberger, Kaylee DeNeui, Susan Randall.

Others Present: Kevin McLain, Joy Erlenbusch, and Jodi Kirschenman from DOC

12. PLANNING SESSION III

Kevin McLain provided an overview of planning sessions one and two that were held the previous day. He reiterated the progress that was made and issues that will need to be addressed at future meetings. While future funding is never a definite, as a state, we must ensure we remain in compliance with the four core requirements of the Act so that we are eligible to receive future funding. We anticipate receiving \$600,000 in FFY09 money but the FFY09 budget is currently before Congress, so we should know what is in the budget in early January or February. The Act is up for reauthorization and has gone for mark-up in the house. There are some issues in the reauthorization regarding status offenders and the valid court order exception that we will monitor.

- **NATIVE AMERICAN PROGRAMS (NAP)**

Jodi Kirschenman reviewed the current NAP grant program and supplemental program, identified the six Tribes currently accessing their NAP pass-through dollars, and that there will be an excess of approximately \$77,000 in funds. Several options were presented to the Council in which to spend the excess funds. Discussion ensued, with option two being the main focus. Option two is to open another competitive supplemental subgrant cycle, with three subgrant awards of \$25,000 each or four awards of \$19,000 each and available only to those Tribes that are currently receiving NAP funds. *Jo Vitek moved to proceed with option two with four subgrants in the amount of \$19,000 each, JC Chambers seconded. Motion carried.*

Kirschenman reminded the Council that funding under the NAP will be decreasing in SFY10 just as it has with all the other Formula Grant budget categories. In our FY08 Formula Grant application, South Dakota applied for \$75,000 for Native American Programs Pass-through dollars, and proposed three \$25,000 subgrants. Based on the federal required minimum pass-through allocation, at least two subgrants will need to go to Tribes that provide their own law enforcement. Discussion ensued. The Council chose not to make any changes to our FY08 Formula grant proposal and to proceed with the three competitive subgrants. Ella Rae Stone will take this information back to the TAG. Kirschenman will also write a letter of notice to the NAP subgrant contacts, and will ask Susan Randall to put this on the upcoming TAG agenda for informational purposes.

- **TRIBAL ADVISORY GROUP (TAG)**

Since funding for the TAG comes from the State Advisory Group (SAG) allocation, this topic was discussed more thoroughly the previous day under the SAG agenda item. However, Chair Twedt reminded the Council that when the TAG was developed, the Council asked for updates and information from the TAG, which isn't happening. Chair Twedt requested minutes be provided to the Council at each meeting. Discussion took place regarding the SDVC contract renewal, which will be a topic on the next meeting agenda. Members also discussed the SDVC assisting Tribes in accessing Title 19 funding for alcohol and drug programs. The current contract stipulates that the SDVC assist the Tribes with this and then report progress of implementation back to the Council.

- **JUVENILE JUSTICE SYSTEM IMPROVEMENT**

Total amount available in this funding category is \$30,000 from FFY06-07 allocations. To date, the Council approved \$77,000 for the Tribes in another supplemental subgrant, and the Council approved funding another Juvenile Justice Symposium. Therefore the \$30,000 may not be available if these other programs would happen to run negative. Kevin McLain encouraged discussion on system improvement activities the Council would like to possibly fund, just in case the funding is there. Jo Vitek encouraged using money for juvenile transportation costs and for truancy. Members engaged in discussion about reactive versus proactive. July 1, 2009, the new law goes into effect that requires juveniles stay in school until the age of 18 and get their diploma or GED. Doug Herrmann suggested having the Department of Education come to a council meeting to brief members on plans, action steps, and consequences of the new law coming into effect. Kevin McLain added that we could ask Wade Pogamy or Rick Melmer's point of contact.

13. PLANNING SESSION III

- **SUMMARY OF CHANGES & ENHANCEMENTS – BUDGETARY & PROGRAM CHANGES**

Kevin McLain summarized the changes and enhancements the Council made during the meeting in the various formula grant budget categories:

SAG

- ◆ Support three TAG meetings per year for a total of \$15,000 in funds.
- ◆ Support a Juvenile Justice Symposium and direct SDVC on the content.

DSO/JR/Separation

- ◆ Staff will get local input on their priorities with the decrease of funding and bring concepts back to CJS.

Compliance Monitoring

- ◆ Support Centralized Intake, a small workgroup of Carol, Susan, Nancy, and Doug will look at the long-term feasibility and make recommendation to the CJS.

DMC

- ◆ Decreased funding for local DMC initiatives.
- ◆ Recommend an RFP to local communities next spring to open up beyond Roberts County for competition (Sisseton/Roberts, Standing Rock/Walworth, Yankton ST /Charles Mix or Yankton) – looking for a strong state-Tribal initiative collaboration and have it be a model for a State/Tribal working relationship.

NAP

- ◆ Give notice of a supplemental subgrant process for four awards up to \$19,000 each for those Tribes currently participating in the NAP.
- ◆ Beginning with SFY10, Tribes will compete for one of three subgrants in the amount of \$25,000 each.

TAG

- ◆ CJS will begin receiving minutes and written summary of the technical assistance the TAG received.
- ◆ Items outlined in contract must be completed prior to renewal of future contracts.

SYSTEMS IMPROVEMENT

- ◆ Further discuss truancy and the effects of the new law, invite the Department of Education to the next meeting to provide an update on what the schools are doing to address the new law and the issue of truancy.

- **THREE-YEAR PLAN**

In her absence, Judge Janine Kern faxed a letter to the Council outlining her recommendations which were in regards to a public awareness campaign for fetal alcohol prevention, and assessment of the juvenile justice system by an outside entity. The Council took time reviewing Judge Kern's letter and recommendations. Discussion ensued.

- **PRIORITIZED PROBLEM STATEMENTS**

For each Formula Grant application and Formula Grant Plan Update, the Council develops and prioritizes problem statements. To prepare for the submission of the next Formula Grant application, the Council reviewed the most recent statements and recommended changes. Jo Vitek suggested adding 'truancy' under number four, and that 'prevention' as listed under number four should be prioritized first. Discussion ensued regarding the core requirements and what the Council is charged with doing to ensure the State remains in compliance. Kevin McLain suggested Gib Sudbeck do a presentation on FASD prevention and intervention at the next meeting. Then if it is felt the council needs to reemphasize FASD, they can discuss this at the next meeting and modify the problem statements as they see fit.

Members discussed the need for assessing our juvenile justice system since we had the highest incarceration rates of detention per capita in 2006. Members feel there is a need to strategize on the issue and bring in technical assistance if needed. This is a delicate issue because you determine if you need to change the thinking, change the practice, and/or change who is doing it. Members identified the need to determine steps involved before doing an outside assessment, including looking at data, and the need to educate the CJS on the numbers and where they come from.

The Council agreed on the need to rewrite problem statement number six. Nancy Allard will converse with UJS Chief Court Administrator to determine if we are county driven, funded by the county or state, who makes the decisions, who reports to whom, what is reported, and who reports to whom. Jodi Kirschenman will check with Juvenile Justice Specialists in surrounding states to compare if South Dakota is too aggressive.

14. CLOSING DISCUSSION

Doug Herrmann shared with the Council that the Governor created a Children's Cabinet through proclamation with the Departments of Health, Education, Corrections, Human Services, and Social Services. Priorities have been established, with one being to work with juveniles transitioning out of care or aging out of the system. Steps are in progress to develop a youth forum to share feedback. The first forum was held in Rapid City mid-August and there are more scheduled in the state. This is just starting but it will provide good feedback from a youth's perspective and insight into issues, problems, or positive processes.

15. SCHEDULE NEXT MEETING

The Council decided to hold their next meeting early December, preferably December 4th from ten o'clock AM until four o'clock PM, Central Time.

16. WRAP-UP & ADJOURN

Meeting adjourned at 10:32 AM.

*Recorded by Jodi Kirschenman
Juvenile Justice Specialist*