

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

Thursday, December 4, 2008

Council of Juvenile Services Members Present: Carol Twedt, JC Chambers, Doug Herrmann, Susan Randall, Grant Walker, Nancy Allard, Aaron McGowan, Gib Sudbeck, Mike Leidholt, Janine Kern, Kaylee DeNeui.

Council of Juvenile Services Members Absent: Jo Vitek, Beth O'Toole, Liz Heidelberger, Virgena Wieseler, Victor Erlacher, Karen Jeffries, Jason Goette, Ella Rae Stone.

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 10:02 AM. Introductions were made, and the Council welcomed new member Kaylee DeNeui. No modifications were made to the agenda.

2. APPROVAL of SEPTEMBER 2008 MINUTES

Gib Sudbeck had questions in the minutes regarding the Title 19 assistance to the TAG. Susan Randall explained the contract and indicated she will be reporting on this item later in the meeting. *Judge Janine Kern moved to approve the September 2008 meeting minutes, seconded by Grant Walker. Motion carried.*

3. RATIFY EXECUTIVE BOARD APPROVAL of SUPPLEMENTAL NAP SUBGRANT

Jodi Kirschenman reviewed the Native American Pass-through program handout and summarized the supplemental subgrant applications that were received from Cheyenne River Sioux Tribe, Sisseton-Wahpeton Sioux Tribe, Flandreau Santee Sioux Tribe, and Crow Creek Sioux Tribe. The CJS Executive Committee approved four supplemental subgrants for these Tribes last month, so Kirschenman requested the full Council ratify the Executive Committee's approval. Janine Kern asked about the NAP reporting measures that each Tribal subgrantee reports each quarter and requested a compilation of the data at the next CJS meeting. *Mike Leidholt moved to ratify the Executive Committee's approval of the NAP supplemental subgrants, Janine Kern seconded. Motion carried.*

4. BUDGET STATUS REPORT

Kevin McLain provided a budget status report for the Council, explained the budget categories, what is being spent within each category, and any shortfalls or surpluses in each category. Currently, we are spending the FY06 allocation of \$600,000. Our goal is to spend FY06-FY07 by June 30, 2009 in order to be on track of spending a year at a time. Discussion took place regarding the juvenile reimbursement program with McLain providing information on the juvenile reimbursement program costs, increases, and services. McLain stressed the importance of educating the counties on compliance and how this program is to help with compliance. Discussion on DOC remanded youth took place. McLain's projected balance for June 30, 2009 is \$895. He indicated the Council does not need to take action at this point, but he asked to be able to move money around within budget categories to cover approved costs (moving Admin to Jail Removal/Separation/DSO) at the appropriate time.

In looking at the FY08 budget, McLain anticipates issues with the budget amount set for Jail Removal/Separation/DSO. If changes will need to be made, McLain said it would more than likely have to be with the County Reimbursement Program.

5. JULY 1, 2009 CHANGES TO COUNTY REIMBURSEMENT PROGRAM

Kevin McLain recommended the Council consider adjustments to the program operation. As requested at a past meeting, staff contacted those counties that use the juvenile reimbursement program to get their input. Surveys were sent to twenty-seven sheriffs with fourteen surveys completed in full, and the rest completed in part. The majority of responses indicated that jail removal and sight and sound separation were not major issues regarding compliance, but DSO is seen as more of a problem. The highest-ranking concerns were detention, transportation, and holdover costs/reimbursements. The survey also asked about training: who is interested, who from the county would receive the training, and what type of training was most needed. McLain, Joy Erlenbusch, and DOC Senior Staff Attorney, Max Gors will provide the training.

Members then reviewed the county reimbursement report followed by questions and discussion regarding Davison County's use of the program. McLain requested the Council look at how they want the program to be modified as of July 1, 2009. Staff recommends electronic monitoring be discontinued, or if choose to continue, then only use it for CHINS. The Council requested information on where violations occur and Nancy Allard requested McLain send her copies of the violation correspondence. The Council also requested staff talk with Minnehaha County and Pennington County about potential problems if electronic monitoring is discontinued. Discussion ensued. McLain offered to contact Davison County Commissioner Dick Zigler about their data.

6. JUVENILE JUSTICE SYMPOSIUM PLANNING and BUDGET REVIEW

Susan Randall provided a proposed budget and some history on holding the juvenile justice symposium every two years and the prospect of holding another in 2009. Randall shared ideas for promoting the symposium, ways to cut costs, and the possibility of using technical assistance for speakers. Members discussed possible themes and subtopics that they felt would make the most impact with South Dakota's compliance with the JJDP. Such topics/themes included DMC, Tribal collaboration and truancy.

The Council discussed the budget for a symposium. Money may be available through other budget categories depending on decisions that the Council makes later in the meeting and at their next meeting. McLain added that the Council would have a better idea on the budget categories, budget surpluses, and budget shortfalls at their next meeting. ***Mike Leidholt made a motion to authorize moving forward with the symposium planning through the South Dakota Voice for Children with the budget amount to be set at a later time, Aaron McGowan seconded. Motion carried with Susan Randall abstaining from the vote.***

7. PUBLICATION OF SDVC PARENT HANDBOOK

Susan Randall provided a handout with information on printing a fourth edition of the guidebook of South Dakota's juvenile justice system for youth and parents. The South Dakota Voices for Children plans to print 10,000 with the total cost at \$10,000 for designing the handbook, printing, distribution, and research, writing, and editing the handbook. Discussion regarding quotes and the budget category to cover these costs. ***Janine Kern moved to develop a fourth edition with a maximum budget of \$10,000, Nancy Allard seconded. Motion carried with Susan Randall abstaining from the vote.***

8. DMC STATUS REPORT

Kevin McLain gave an update on the cultural training pilot program, with the first training scheduled for mid-December in Oacoma. Attendees will help with the curriculum development and training others. Dr. Brokenleg is the technical assistance provider and Dr. Craig Howe will be one of the primary cultural trainers. Roland Loudenburg will do an evaluation component and cultural assessment survey, Kim Cournoyer-Baum and Dr. JC Chambers are developing the curriculum. Court

Services Officers, Juvenile Corrections Agents, and juvenile detention staff from Sioux Falls and Rapid City will be primary attendees. McLain also reviewed the DMC budget.

9. TRIBAL ADVISORY GROUP

Susan Randall provided an update from the October Tribal Advisory Group meeting. Susan Balbas conducted a two-day strategic planning session for the TAG, identifying eight areas and eleven goals. The TAG then met in July 2008 to prioritize, and Randall shared the prioritized goals with the Council. Randall also summarized the TAG meeting minutes and statistics from 2007 and 2008 meetings.

Randall informed the Council that three Tribes completed the paperwork for T19 funding for alcohol and drug programs. The three Tribes are Oglala, Rosebud and Sisseton. Gib Sudbeck spoke about issues with all Tribes not accessing this money.

The Council had discussion regarding the TAG budget, SDVC contract renewal and required duties within the contract. Money from FY06-07 budget would fund the first half of the calendar year and last half of calendar year would come out of FY08 money. The Council agreed that SDVC hold three TAG meetings per year on a \$15,000 budget.

10. STATE TRANSPORT SYSTEM

Kevin McLain and Doug Herrmann gave an update on the state transport system for juveniles, including Governor Rounds' response to the Council's letter, responses to the concerns of risks, and modifications to the system. Discussion ensued. Carol Twedt thanked these two for researching and updating the Council on this issue and thanked the Governor for his response. This item will be on the next meeting agenda for Herrmann to report on.

11. FEDERAL ADVISORY COMMITTEE - JUVENILE JUSTICE ANNUAL REPORT UPDATE

Doug Herrmann informed the Council that the FACJJ FY08 Annual Report is done and will be distributed in a couple months. Each state SAG's input comes from the FACJJ Annual Request for Information, which our SAG completes annually. The draft FY09 report will be shared with SAG's for input in January 2009.

12. CENTRALIZED INTAKE WORKGROUP RECOMMENDATION

Doug Herrmann summarized several meetings the workgroup has had regarding the Centralized Intake program and whether or not to continue funding. To date, total costs of the project including earmark money and maintenance costs is \$421,789. The workgroup believes if the project continues then there is a need to identify a dedicated project coordinator and intake worker. Ultimately, the project needs statewide buy-in for success and in time, it would need technical enhancements. If the project is discontinued, then the Council would need to consider the value of the data, and they would need a communication plan and target date for final closure. Discussion ensued. ***Doug Herrmann moved that on behalf of the workgroup, the Council of Juvenile Services discontinue it's funding support for the Centralized Intake System Pilot Project and that such program have up to 45 days to conclude it's operation; Gib Sudbeck seconded. Janine Kern voted nay, Motion carried.***

13. DEPARTMENT of EDUCATION INFORMATION ON AGE of SCHOOL ATTENDANCE

Kevin McLain indicated that Wade Pogany of the Department of Education could not be at the meeting to provide an update, but explained how the issue is largely in the hands of the school districts. Training, technical assistance and partnerships are all taking place and the DOE is pleased with the cooperation. McLain provided a handout on frequently asked questions. Discussion ensued.

14. FASD PREVENTION and INTERVENTION

Gib Sudbeck provided a handout and gave a presentation reviewing the history of Fetal Alcohol Spectrum Disorder in the state and the programs and services that offer assistance with FASD screening and intervention. Janine Kern suggested a massive public FASD campaign. Discussion ensued.

15. DRAFT FY2008 CJS ANNUAL REPORT

Jodi Kirschenman provided the Council with a final draft 2008 Annual Report and the breakdown of costs for printing. Janine Kern and Susan Randall offered to help review the document. Discussion ensued regarding the content of the report and best options of distributing the report electronically to save money. It was suggested that staff send the report to the legislators through email and send an actual booklet to the Governor and Chief Justice. Chair Twedt suggested staff use their own judgement.

16. FEDERAL FISCAL YEAR 2009 THREE-YEAR PLAN

Jodi Kirschenman indicated staff would soon be working on the 2009 Three-Year Plan for submission to the OJJDP for funding. Kirschenman provided a handout of the problem statements that were used in the last plan, which serves as the Council's guide for funding projects and services. The Council reviewed the problem statements and suggested moving number six up to become number four and to delete problem statement number five since it's addressed in number one. The 2009 Three-Year Plan will be on the next meeting agenda.

17. REAUTHORIZATION OF JUVENILE JUSTICE and DELINQUENCY PREVENTION ACT

Kevin McLain explained the Valid Court Order (VCO) process and how it works. With the reauthorization of the JJDP, the VCO will go away unless states can verify their compliance is due to having and using the VCO. Otherwise, we would have to look at changing state law to follow the new Act. The Coalition for Juvenile Justice (CJJ) supports removing the VCO exception. The Council will be informed, as new information becomes available on the reauthorization.

18. NEW BUSINESS

Janine Kern discussed the UJS software contract and the need for tracking crossover youth between the abuse and neglect docket, DSS, and ultimately the penitentiary. Discussion ensued. ***Janine Kern moved the Council of Juvenile Services write a letter to the UJS requesting certain data be implemented in their new data system and have the Executive Committee approve the letter prior to sending it, Aaron McGowan seconded. Motion carried.*** Kern volunteered to draft the letter.

19. OLD BUSINESS

Members discussed juvenile justice legislation that could potentially be presented to the 2009 Legislature, and the Governor's budget address. Susan Randall asked for interested members to serve on the symposium workgroup. Those who will assist are Grant Walker, Mike Leidholt, JC Chambers, Janine Kern, and Kevin McLain.

Randall also shared her concern with judges ordering a child to be held in violation of state law. Discussion ensued. Janine Kern, with the help of Susan Randall, Gib Sudbeck, and Nancy Allard, offered to draft a letter to the UJS Chief Court Administrator regarding juvenile justice issues. The letter will be ready for the Council to review at their next meeting.

20. SCHEDULE NEXT MEETING

The Council's next meeting will be Thursday, March 19, 2009 from ten o'clock AM until four o'clock PM, CDT in Pierre.

21. WRAP-UP & ADJOURN

Gib Sudbeck moved to adjourn; seconded by Doug Herrmann. Meeting adjourned at 3:43 PM.

*Recorded by Jodi Kirschenman
Juvenile Justice Specialist*