

Meeting Minutes South Dakota Council of Juvenile Services

December 5, 2012

Cedar Shore Resort Oacoma, SD

Wednesday, December 5, 2012 – River Run Banquet Room

Council of Juvenile Services Members Present: Carol Twedt, Chair; Mike Leidholt, Vice-Chair and Hughes County Sheriff; Nancy Allard, Director of Trial Court Services; Judge Jeff Davis, Seventh Circuit Court Judge and Pennington County JDAI Co-Chair; Victor Erlacher, Former School Principal and Superintendent, Foster Parent, and CASA Volunteer; Arlene Ham Burr, Former State Senator; Liz Heidelberger, Youth Member and Pennington County JDAI Coordinator; Doug Herrmann, Director of Juvenile Services; Jacob Kabrud, Youth Member; Aaron McGowan, Minnehaha County States Attorney; Betty Oldenkamp, CEO of Lutheran Social Services; Lyndon Overweg, Mitchell Chief of Public Safety; Ella Rae Stone, Yankton Sioux Tribe Correctional Facility Project Manager; Grant Walker, Standing Rock Sioux Tribe Chief Prosecutor; Virgena Wieseler, Director of Division of Child Protection Services; Michael Zellmer, Youth Member.

Council of Juvenile Services Members Absent: Becca Bedard, Youth Member; JC Chambers, Service Provider; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Beth O'Toole, Professor at the University of Sioux Falls.

Others Present: Denny Kaemingk, Secretary of the Department of Corrections; Bridget Coppersmith and Joy Ellefson, Department of Corrections; Erin Srstka, JDAI Coordinator for Minnehaha County.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Carol Twedt called the meeting to order at 10:07 AM on December 5, 2012. Chair Twedt welcomed everyone to the meeting and extended a special welcome to the newly appointed Council Members that were present at the meeting. The newly appointed Council members that we appointed by the Governor on October 31, 2012 include Becca Bedard, Youth Member from Rapid City attending the University of Sioux Falls, Judge Jeff Davis, Seventh Circuit Court Judge and Pennington County JDAI Co-Chair, Arlene Ham Burr, Former Senator when South Dakota came into compliance with the JJDPA core requirements, Jacob Kabrud, Youth Member from Rapid City attending the University of Sioux Falls, Betty Oldenkamp, CEO of Lutheran Social Services, and Lyndon Overweg, Chief of Public Safety in Mitchell, SD.

2. NEW MEMBER ORIENTATION

Chair Twedt explained that with six new members, she wanted to provide a chance for Council Members to ask questions and to better understand the responsibilities of Council Members. Chair Twedt stated that of the materials provided to the Council Members, the most important statement to her was that the DOC staff provides support to the Council and its Committees. Bridget 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. Chair Twedt noted that the Council is under the guidelines of Robert's Rules and it is important to stay on target with the agenda and have a quorum in order to have an effective meeting.

3. APPROVAL OF SEPTEMBER 2012 MEETING MINUTES

Coppersmith provided a brief review of the meeting minutes from the September 2012 meeting in order to give an example of meeting flow and structure. Joy Ellefson noted that with open meeting standards, Council Members can add agenda items the day of the meeting, but they can only be discussion topics, with no formal actions to be taken.

Ella Rae Stone moved to approve the September 2012 meeting minutes, Liz Heidelberger seconded. Motion carried unanimously.

4. REVIEW OF CJS BYLAWS

Chair Twedt 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 March meeting as any changes need to be provided to the Council seven days in advance. Vic Erlacher inquired about a responsibility of the Council that requires the Council to contact and seek input from juveniles. Discussion ensued concerning the responsibility and how the Council could perform the responsibility more effectively. A youth group called Young Voices was identified as a potential group to speak the Council to help fulfill the responsibility.

5. ELECTION OF CJS EXECUTIVE COMMITTEE

Chair Twedt explained that the CJS Executive Committee consists of the Council Chair, Vice-Chair, and three elected members and convenes rarely and telephonically. Chair Twedt added that the Committee 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. Coppersmith stated that the three elected members currently are Doug Herrmann, JC Chambers, and Judge Janine Kern, who was not reappointed to the Council in October. Chair Twedt asked Herrmann if he would be willing to stay on the Committee. Herrmann stated that he is still interested in being on the Committee. Chair Twedt asked for volunteers and Judge Jeff Davis stepped forward to fill the slot left by Judge Kern.

Sheriff Mike Leidholt moved that Doug Herrmann and JC Chambers remain on the Executive Committee and that Judge Davis be the third member, Aaron McGowan seconded. Motion carried unanimously.

6. BUDGET STATUS REPORT

Coppersmith explained that the FY09 Formula Grant has been fully expended through DOC staff moving funds in a manner to successfully close out the grant. Ellefson discussed that the reason the Council is currently spending FY2010 in 2012 is due to a large grant award when South Dakota was working to come into compliance that took several years to spend. Ellefson added that the Council is focused on spending one allocation in a twelve month period. Coppersmith noted that the Council has three years to spend the award until there is a cost associated with an extension.

Approval of FY2010 Formula Grant Amendment - Coppersmith provided an overview of the budget categories under the Formula Grant Program. Coppersmith explained that the amendment would transfer funds to the budget categories "Alternatives to Detention" to support \$200,000 for the JDAI pilot sites and "Native American Programs" to cover four tribes at \$25,000 each rather than the budgeted three tribes at \$25,000 each. Ellefson clarified that her position is not completely covered by the grant and that duties she performs that are not DMC or compliance related are paid for through other sources. Coppersmith clarified that the \$200,000 for Minnehaha and Pennington Counties is in place to honor a promise made by the Council to support initiatives for two years.

Sheriff Mike Leidholt moved to adopt the budget amendment for FY2010 as presented, Virgena Wieseler seconded. Motion carried unanimously.

Reimbursement Program Update - Coppersmith provided an informational overview of the usage of the Reimbursement Program in calendar year 2011 and calendar year 2012 to date. Coppersmith stated that the major differences between the two years is that electronic monitoring was removed in 2012 and that the amount spent on detention in 2012 is almost double of that spent in 2011. Coppersmith added that the main contributors to the program are Davison, Charles Mix, and Mellette Counties. Coppersmith explained that Mellette County is not necessarily holding more kids, but has requested reimbursement more frequently than prior years.

Available Funding Breakdown - Coppersmith explained that there was a request at the last Council meeting to have a layout of all available funding in the three grant programs, Title II Formula, Title V and Juvenile Accountability Block Grant. Coppersmith provided an overview of the grant budgets and program areas. Chair Twedt explained that the grant that the Council has the most discretion when looking a policy and budgetary decisions with the Formula Grant. Coppersmith also provided a layout of the funding that has been awarded to Minnehaha and Pennington Counties for JADI and a breakdown of the Annie E. Casey Foundation Grant expenditures. Chair Twedt stressed that when the decision was made to fund JDAI in two counties, the funding was promised for three years in order to give each site the opportunity to reap the benefits of utilizing alternatives instead of locking kids up at a high daily rate. Judge Davis explained that the two sites have been

very successful for different reasons and that the original plan was that money saved by the initiative would go back to help the counties pay for alternatives. Judge Davis also explained that it is important that the counties show the benefits from implementation and portray them to the rural counties of South Dakota.

Approval of Annie E. Casey Incentive Grant Application - Coppersmith explained that the Council was approached by South Dakota's Technical Assistance Team Leader with the Annie E. Casey Foundation, Stephanie Vetter, about the opportunity to apply for an incentive grant to send representatives to the state wide JDAI Model Site of New Jersey. Coppersmith added that the application would be submitted to the Annie E. Casey Foundation after collaboration with Stephanie Vetter and from there, a date and attendants would be chosen by Chair Twedt. Coppersmith explained that the composition of attendants would include representation from the Council, possible expansion sites, and support staff from DOC. Chair Twedt added that the training would be fully funded by the grant and that the training is geared to help guide the state in moving forward with expanding JDAI.

Vic Erlacher moved that Bridget Coppersmith work to submit the grant application to send representatives to the model site visit, Arlene Ham Burr seconded. Motion carried unanimously.

7. CONFERENCE REVIEW AND ADDITIONAL SITE FOLLOW-UP

Coppersmith presented an overview of the results from the evaluation that was sent to Alternative to Detention Conference attendees following the Conference. Coppersmith stated that of the 158 participants at the conference, 63 responded to the evaluation and that the overall impression of the Conference was very positive. Coppersmith added that the two sites that were approached about moving forward as expansion sites are waiting until 2013 to provide feedback as that is when their new States Attorneys will begin. Sheriff Leidholt mentioned that Hughes County has interest in becoming a site and that key stakeholders from the County has met since the Conference and that the County has strong support from the schools. Discussion ensued about the potential expansion to Hughes and Brown Counties.

8. NATIVE AMERICAN PROGRAMS AND TITLE V UPDATE

Coppersmith provided an informational overview of the four Native American Programs subgrantees and the two Title V subgrantees. Coppersmith explained that the four tribes are Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, Sisseton Wahpeton Oyate, and Standing Rock Sioux Tribe and that Lower Brule Sioux Tribe is the only tribe that is not using the funds for a juvenile probation officer. Coppersmith explained that Lower Brule Sioux Tribe is using their funds to have talking circles and sweats for delinquent boys and that so far, the program has had a positive influence on the boys. Coppersmith explained that the two Title V subgrantees are Yankton County and Roberts County and that each county has begun implementation of their prevention program. Yankton County is implementing Project SUCCESS and so far the community and schools are very supportive of the program. Roberts County is implementing the Olweus Bully Prevention Program and since receiving the grant, the County has sent three individuals to receive training in California in order to train and lead the program in the county.

9. JDAI UPDATE AND REVIEW OF LOCAL PROPOSALS

JDAI Coordinators, Erin Srstka and Liz Heidelberg, presented an overview of the success in their counties to date and the content of their proposals for funding for calendar year 2013. Srstka highlighted that Minnehaha County has decreased their commitments to the Department of Corrections (DOC) by 49.7% between 2010 and 2011 and that the average daily population for Minnehaha County youth in detention has decreased by 76.1% since 2009. Srstka explained that Minnehaha County's proposal was for \$65,000 for personnel at the Reception Center and \$35,000 for personnel at the Evening Report Center. Heidelberg stated that Pennington County has significantly increased the service hours at the Reception Center and the service days at the Evening Report Center since implementation and has decreased their average daily population in secure detention by 49.3% since 2009. Heidelberg explained that Pennington County was proposing to split their application for \$100,000 equally between the Reception Center and the Evening Report Center with each applying for \$50,000. Discussion ensued about the content of the proposals and the cost savings the counties are experiencing because of the implementation of JDAI.

Following the exit of Srstka, Heidelberg, and Judge Davis from the meeting room, discussion ensued concerning the great accomplishments by the two sites and the coordinators.

Nancy Allard moved that both applications be handled at the same time and to approve \$100,000 allocations for each location, Michael Zellmer seconded. Motion carried unanimously. Heidelberger and Judge Davis abstained from voting as they were out of the room due to conflict of interest.

10. TRIBAL ADVISORY GROUP UPDATE

Review of September Meeting - Ella Rae Stone provided an overview of the September Tribal Advisory Group (TAG) meeting which focused on JDAI and the Alternatives to Detention Conference. Stone stated that the group is very worthwhile and that there is representation from every tribe on the group and that seven or eight attend meetings regularly. Chair Twedt explained that the funding for the TAG comes from the Formula Grant under the SAG Program area and has been a consistent amount of \$4,000 per meeting for coordination and meeting costs. Ellefson provided a background of how the TAG came into place when South Dakota was a non-participating state and was continued with the Council when South Dakota became a participating state. Ellefson explained that the TAG has had discussions on how tribes could come into compliance with the JJDP, which they are required to attempt to comply, has had several accomplishments since its inception, and is currently meeting twice a year. Stone stated that some strategic planning still needs to take place within the group.

Strategic Planning for Tribal Advisory Group Outcomes - Coppersmith presented a discussion document on behalf of Jennifer Kline, CEO of South Dakota Voices for Children, which outlined Kline's potential ideas and vision of the TAG. Coppersmith explained that Kline is looking into expanding the TAG to include agencies outside of juvenile justice as she sees the largest benefit of the TAG is that all nine tribes come together and that there could be benefits in discussing non juvenile justice issues as well. Coppersmith explained that if the Council were to move forward with the expansion of the TAG, Council funds would only be allowed to cover juvenile justice related topics. Discussion ensued concerning the value of the TAG, the content of the meetings, the role of South Dakota Voices for Children, the number of meetings a year, and the declination of federal funds. The discussion concluded with direction for DOC staff to return to Kline with the recommendation of taking a full proposal to the next TAG Meeting, to have the TAG advise the Council as to what they want to do at the June Council Meeting, and for Stone to send a survey to the TAG Members for their input. DOC staff will also renew the contract with South Dakota Voices for Children to cover the April TAG Meeting costs and then look into amending the contract after the TAG has given their recommendations to the Council.

Sheriff Mike Leidholt moved to renew the TAG contract with South Dakota Voices for Children for one more meeting at \$2,000 for staff support and \$2,000 for meeting arrangements contingent on addressing the possibility of expansion of the TAG at the next TAG Meeting and the TAG bringing their recommendation to the Council in June, Doug Herrmann seconded. Motion carried unanimously.

11. APPROVAL OF SFY12 ANNUAL REPORT

Coppersmith provided draft examples of a long format of the SFY12 Annual Report and a condensed six-page Annual Report. Coppersmith explained that she was coming back to the Council for reconsideration of which report to publish as it was moved at the last meeting to use the long form, but some members later contacted her expressing that they would rather have a shortened format. Coppersmith explained that the shortened format would be an update from year to year, reference the State 3-Year Plan for more information, and be published at a significantly lower cost per copy. Discussion ensued concerning the benefits of each report.

Sheriff Mike Leidholt moved to adopt the short report, Judge Davis seconded. Motion carried with one dissent.

12. FFY2013 THREE YEAR PLAN UPDATE

Approval of FFY2013 Three Year Plan Council Values and Problem Statements - Ellefson explained that as part of the Formula Grant Application, the Council needs to adopt value statements. Ellefson stated that in the past, the Council has worked to have the wording be consistent throughout the statements and that the document presented at the meeting was a draft made up of value statements reworded by DOC staff to be consistent. Ellefson explained that the Council Problem Statements need to be derived from the Value Statements in the Formula Grant Application, be supported by data, and help determine how funds are spent. Chair Twedt expressed that the Value and Problem Statements are not what the Council approved last year, but are what was submitted in the FY2012 Formula Grant Application.

Judge Jeff Davis moved to approve the Council Value Statements as they were presented, Grant Walker seconded. Motion carried unanimously.

Doug Herrmann moved to approve the Council Problem Statements as they were presented, Judge Jeff Davis seconded. Motion carried unanimously.

Reimbursement Program Discussion and Staff Direction - Joy Ellefson gave a brief overview of the reimbursement program that talked about the purpose, background, and reduction of usage since South Dakota came into compliance with the JJDP. Ellefson then asked for direction on the development of the Formula Grant Application and the usage of funding under the Deinstitutionalization of Status Offenders, Jail Removal, and Separation program areas. Discussion ensued regarding the current usage and how to further decrease reliance on the reimbursement program. Discussion resulted in decreasing the amount allocated to the program from \$90,000 to \$40,000 for calendar year 2013 in order to decrease reliance on the program as it currently is and focus on community based options for youth.

Sheriff Mike Leidholt moved to reduce the current allocations for the reimbursement program to \$40,000 with a cap for individual counties for up to \$10,000, to end the reimbursement program by the end of calendar year 2013 unless fund exhausted before that deadline, and to have funds be approved on a first come first serve basis for 2013 expenditures. Judge Jeff Davis seconded the motion. Motion carried with one dissent.

Discussion of Possible Funding for Minnehaha County and Pennington County JDAI - Discussion ensued regarding the need to repurpose the remaining \$50,000 that was cut from the reimbursement program in order to avoid budget issues when the grant draws to a close in September 2013.

The Council gave staff direction to request proposals from the JDAI Steering Committees that outline plans on how to expand each of the current sites to include nearby/compact counties into their existing initiatives using the \$50,000. Discussion ensued regarding the use of the funding centered on members associated with Rapid City area talking about training/education and using the funding to build capacity for collaboration to get stakeholders on board for expansion. Discussion from members from the Sioux Falls area discussed expansion of services to South Sioux Falls. There was no consensus on specifically how to use the money but rather that local sites needed to submit a plan. However, it was noted repeatedly that this was one time funding.

Leidholt moved to allocate the \$50,000 to expand the two pilot sites and to have proposals from the two sites by the March CJS Meeting. Aaron McGowan seconded. Motion carried unanimously. Liz Heidelberger and Judge Jeff Davis abstained.

13. CJJ MEMBERSHIP

Ellefson provided a historical overview of the Council's involvement with the Coalition for Juvenile Justice (CJJ). Ellefson explained that the Council has been paying dues to CJJ since 2005 and that the group used to be a federal advisory committee. Ellefson explained that as a member, the Council would receive discounted rates to attend conferences and that the cost of CJJ Membership is \$5,000 a year out of the SAG allocation. Ellefson noted that a Council member has not attended a conference in the past three years. Discussion ensued concerning the Council not utilizing the benefits of the membership.

Sheriff Mike Leidholt moved to decline membership with CJJ, Arlene Ham Burr seconded. Motion carried unanimously.

14 JUVENILE JUSTICE UPDATES

No updates were presented.

15. NEXT MEETING LOCATION AND DATES

Chair Twedt explained that Coppersmith would compile responses from Council members regarding their availability and send an email with the meeting dates for calendar year 2013.

16. WRAP-UP AND ADJOURN

At 3:34 PM, Michael Zellmer moved to adjourn, Lyndon Overweg seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist