

***Meeting Minutes***  
***South Dakota Council of Juvenile Services***

***September 10-11, 2014***

***SD Department of Corrections H-Unit and Solem Public Safety Center, Pierre, SD***

Wednesday, September 10, 2014 – Training Room, SD Department of Corrections H-Unit

**Council of Juvenile Services Members Present:** Carol Twedt, Chair; Mike Leidholt, Vice-Chair and Hughes County Sheriff; Nancy Allard, Director of Trial Court Services; Kim Cournoyer, Service Provider; Judge Jeff Davis, Seventh Circuit Court Judge and Pennington County JDAI Co-Chair; Arlene Ham-Burr, Former State Senator; Liz Heidelberger, Youth Member and Statewide JDAI Coordinator; Doug Herrmann, Director of Juvenile Services; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Aaron McGowan, Minnehaha County State’s Attorney; Betty Oldenkamp, CEO of Lutheran Social Services; Lyndon Overweg, Mitchell Chief of Public Safety; and Virgena Wieseler, Director of Division of Child Protection Services.

**Council of Juvenile Services Members Absent:** Becca Bedard, Youth Member and Mountain Plains Evaluation; Victor Erlacher, Former School Principal and Superintendent, Foster Parent, and CASA Volunteer; Jacob Kabrud, Youth Member; Sara McGregor-Okroi, Aliive-Roberts County; Beth O’Toole, Professor at the University of Sioux Falls; Marissa Surrounded, Youth Member; and; Grant Walker, Standing Rock Sioux Tribe Chief Prosecutor.

**Others Present:** Bridget Coppersmith and Robyn Seibel, South Dakota Department of Corrections (DOC); Christina Lloyd, Avera St. Luke’s Worthmore Addiction Services; Dadra Avery, Kara Graveman, and Shawn Koontz, Action for the Betterment of the Community; Kelli Rumpza, Human Service Agency; and Bob Mercer, Associated Press.

**1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW**

Chair Twedt welcomed everyone to the meeting at 3:37 PM on September 10, 2014 and introductions were made. Chair Twedt stressed that the evening was focused on presentations and that no formal action was anticipated.

**2. SOUTH DAKOTA JUVENILE JUSTICE PANEL**

Bridget Coppersmith introduced the CJS Members who made up the panel and explained that the panel was originally planned for the December 2013 meeting but was postponed due to weather and content of agendas. Coppersmith stated that each panel member was asked to present an overview of his or her position in relation to the juvenile justice system in order to provide a review and insight for CJS Members and others present concerning the flow of the juvenile justice system.

Sheriff Mike Leidholt provided an overview of law enforcement’s role with the juvenile justice system stressing that law enforcement is typically the first contact that a youth has with the justice system. Leidholt added that law enforcement has a certain amount of discretion when it comes to each situation involving a youth and that due to discretion being used consistently with similar situations, arrests rates have increased in the past forty years therefore bringing more youth into the system.

Aaron McGowan described the process an attorney goes through with juvenile court. McGowan stated that prosecutors administer justice and are not always looking for a maximum sentence but for the best option to seek justice. McGowan explained that a paradigm shift nationally gives prosecutors a roll as community problem solvers to look at what is causing trends and looking into possible treatment options. McGowan added that prosecutors in his office work to keep as many cases out of court as they can through diversion options including probation and teen court while still administering justice.

Judge Jeff Davis provided an historical overview of juvenile justice starting in 1760 in England and explained the stepping stones that protected youth as they went through the system and gave them the same rights as adults. Judge Davis described the types of children that could come before the court and the difference between juvenile and adult court when it comes to language and processes.

Nancy Allard described the organizational structure of the South Dakota Unified Judicial System under the judicial branch of government and explained the breakdown of the circuits and the staff that work with the supervision of juveniles. Allard explained the methods of supervising youth in the community on probation and described the evidence based probation supervision practices and the number of juvenile cases at each level of probation from informal diversions to intensive probation.

Doug Herrmann explained the intake process and placement options for youth committed to the South Dakota Department of Corrections (DOC). Herrmann provided a detailed overview of the trends and population of the youth committed to the DOC and the ways a juvenile could be discharged from the DOC. Herrmann explained that commitments to the DOC have declined by 20% in the past decade with female commitments declining at a higher rate of 44% since 2004.

Betty Oldenkamp provided an overview of private youth care providers in South Dakota and the types of services and levels of care they make available for youth and their families. Oldenkamp added that each program has different requirements associated with admissions and administering the program based on the type of youth served, if the program is associated with Medicaid, and the agency funding the program. Oldenkamp stated that the utilization of private facilities is down by about 20% since 2008 resulting in a surplus of beds available at private in-state residential facilities. Oldenkamp explained that the decrease is hard and concerning for providers but is a result of good things happening for kids and their families and the goal of long term success for youth.

Virgena Wieseler concluded the panel presentation with an overview of the Division of Child Protection Services under the South Dakota Department of Social Services. Wieseler stated that the population of youth referred to Child Protection Services is for safety concerns and that the division also works with foster care and adoption services. Wieseler explained that the goal of the division is to keep children in their homes unless they cannot be placed in the home due to safety concerns. Wieseler concluded her presentation by stating that in the past year, there were 166 new foster care families and 131 families closed for a variety of reasons during the same time period. Wieseler explained that this is the first time in the past five years where new homes was higher than homes closing and that of the new families, 27 were Native American families.

Discussion ensued throughout the panel presentation concerning the panel members' experiences, the stages of the juvenile justice system, and the hard work being done across the juvenile justice system to better serve the youth of South Dakota.

### 3. PREVENTION SUBGRANT PROGRAM PRESENTATIONS

Coppersmith explained that it has been a year since the process began of identifying sites to take the Council in the direction of juvenile delinquency prevention and that the three prevention sites of Aberdeen, Sturgis, and Watertown are in the beginning stages of implementing Project SUCCESS along with Positive Action. Coppersmith stated that the presentation would consist of a brief overview of Project SUCCESS, a detailed overview of Positive Action, and an update from each site. Coppersmith added that Mountain Plains Evaluation has developed a web-based data system to allow each site to enter and manage their own data. Coppersmith explained that the system is currently in the testing stage and contains screening tools for mental health/ depression, substance abuse, and smoking, pre and post tests that focus on delinquency behaviors and attitudes, and an assessment to measure family functioning, program satisfaction, and parent satisfaction.

Kelli Rumpza, Human Service Agency, provided an overview of Project SUCCESS (Schools Using Coordinated Community Efforts to Strengthen Students) and explained that the program is evidence based and contains the intervention strategies of information dissemination, normative and prevention education, problem identification and referral, community based process, and environmental approaches which results in case management, small and large group sessions, and classroom prevention services.

Kara Graveman, Action for the Betterment of the Community, presented an overview of the mission of Positive Action and academic, behavioral, character/social-emotional, health behavioral, family and community, and long term outcomes. Graveman explained that Positive Action is an evidence based program and has been used by over 15,000 schools, districts and community organizations, 5 million students and 10,000 families nationally and internationally. Graveman stated that the mission of Positive Action is to empower greatness through helping youth reach their potential, know they are meant for accomplishment, achieve self-mastery, and feel good about themselves.

Christina Lloyd, Avera St. Luke's Worthmore Addiction Services, explained the content and units that make up Positive Action. Lloyd stated that content is contained in six unit concepts that build upon one another. Lloyd explained that unit one teaches the philosophy that "you feel good about yourself when you do positive actions and there is a positive way to do everything" which provides the foundation for the other units which teach the appropriate actions for the whole self, the physical, intellectual, social, and emotional domains.

Rumpza concluded the Positive Action presentation with an explanation of the Positive Action curriculum. Rumpza stated that curriculum is sequenced to build from year to year resulting in a spiraling curriculum which builds understanding continually at each grade level from Pre-K to 12<sup>th</sup> grade. Rumpza stated that the main tool kits that the three subgrants will be using are the middle school and high school kits. Rumpza added that there are supplement tool kits which include elementary and secondary drug education, elementary and secondary climate development, a counselor's kit, and family and community tool kits.

Graveman, Dadra Avery, and Shawn Koontz from Action for the Betterment of the Community in Sturgis provided an overview of the work that has been accomplished since being awarded the subgrant in March. Avery explained that their next steps are to complete 18 Positive Action lessons in the first semester for 9<sup>th</sup> grade students, implement Project SUCCESS and a prevention series for 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades, finish a prevention series at the high school, have quarterly parent information nights, develop a junior Youth Leadership Team at the middle school, continue to facilitate diversion based programming during the evenings, and develop a plan with the school for alternatives to suspension.

Lloyd explained that progress toward implementation has started in the three middle schools and two high schools in Aberdeen and that the prevention staff has strong relationships with the teachers to be able to provide prevention services to the classes. Lloyd added that future plans consist of being more involved in the high schools, organizing small groups, broadening referral sources, figuring out how to work with the Juvenile Detention Center due to a population that changes frequently, and determining how to best implement Project SUCCESS and Positive Action with their programs throughout Aberdeen.

Rumpza explained that since their award date, Project SUCCESS coordinators in Watertown have been reviewing program materials and meeting with their administrators and DOC Juvenile Correction Agents about how Positive Action will look like in their schools. Rumpza added that the next steps consist of implementing Positive Action kits with 7<sup>th</sup> and 8<sup>th</sup> grade students in small groups with students that are referred by staff or administration and implementing Positive Action throughout the high school by working with the alternative education program and referral students.

Discussion ensued concerning the delinquency prevention subgrants, their implementation plans, and their strong relationships with their school administration and outside agencies.

Thursday, September 11, 2014 – Community Multi-Purpose Room, Solem Public Safety Center

**Council of Juvenile Services Members Present:** Carol Twedt, Chair; Mike Leidholt, Vice-Chair and Hughes County Sheriff; Nancy Allard, Director of Trial Court Services; Becca Bedard, Youth Member and Mountain Plains Evaluation; Kim Cournoyer, Service Provider; Judge Jeff Davis, Seventh Circuit Court Judge and Pennington County JDAI Co-Chair; Arlene Ham-Burr, Former State Senator; Liz Heidelberger, Youth Member and Statewide JDAI Coordinator; Doug Herrmann, Director of Juvenile Services; Judge

Karen Jeffries, Cheyenne River Sioux Tribe Judge; Jacob Kabrud, Youth Member; Aaron McGowan, Minnehaha County State's Attorney; Betty Oldenkamp, CEO of Lutheran Social Services; Lyndon Overweg, Mitchell Chief of Public Safety; and Virgena Wieseler, Director of Division of Child Protection Services.

**Council of Juvenile Services Members Absent:** Victor Erlacher, Former School Principal and Superintendent, Foster Parent, and CASA Volunteer; Sara McGregor-Okroi, Aliive-Roberts County; Beth O'Toole, Professor at the University of Sioux Falls; Marissa Surrounded, Youth Member; and; Grant Walker, Standing Rock Sioux Tribe Chief Prosecutor.

**Others Present:** Kevin McLain, Bridget Coppersmith and Robyn Seibel, South Dakota DOC; and Bob Mercer, Associated Press.

Chair Twedt called the meeting to order at 8:30 AM on Thursday, September 11, 2014 and asked the Council to take a moment of silence in remembrance of September 11, 2001.

#### 4. APPROVAL OF JUNE 2014 MEETING MINUTES

*Lyndon Overweg moved to approve the June 2014 meeting minutes, Aaron McGowan seconded. Motion carried unanimously.*

#### 5. BUDGET STATUS REPORT

Bridget Coppersmith explained that the grant currently being spent is the FFY2011 Formula Grant. Coppersmith stated that a second extension was received from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), making the new end date 9/30/2015. Coppersmith added that the end date is the same as that of the FFY2012 Formula Award which was also extended and that the goal is to have the FFY2011 Award spent by the new end date. Coppersmith explained that the goal is to cut the current balance of \$390,320 by \$170,000 by the end of December 2014. Coppersmith noted that the balance is slightly behind previous projections due to a lull in spending from Disproportionate Minority Contact (DMC) subgrants and awarding less subgrants than anticipated under the program areas of Native American Programs and Juvenile Delinquency Prevention. Coppersmith added that delinquency prevention subgrants will start to spend their awards at a faster pace due to their implementation being during the school year. Coppersmith explained that ten percent of the award can be transferred between existing program categories without a budget amendment which will help close out the award in a timely manner. Coppersmith stated that the December Council Meeting will provide better projections to indicate if an amendment is needed to close out the FFY2011 Formula Grant Award.

Robyn Seibel provided an overview of DMC subgrant spending concerning awards that end September 30, 2014. Seibel explained that she is anticipating a final remaining balance of \$61,317.75 of the awarded amount of \$120,000 which will go back into the pot of funding for the FFY2011 Formula Grant Allocation.

#### 6. APPROVAL OF 2015 COUNTY REIMBURSEMENT PROGRAM PLAN

Coppersmith provided an overview of the current county reimbursement program and stressed the need to have funding allocated toward the core requirements of deinstitutionalization of status offenders, sight and sound separation, and jail removal. Coppersmith explained that the DOC's recommendations for calendar year 2015 consist of keeping the county cap of \$10,000 and the program cap at \$60,000 with the same parameters surrounding electronic monitoring that were implemented last year. Coppersmith added that a survey of facilities for the compliance universe was sent to jails in the summer of 2014 and that reimbursement program documents would be sent along with a thank you letter to jails who returned the surveys in an attempt to have more counties participate.

Discussion ensued concerning the history of the county reimbursement program and also sending the information to county auditors.

***Betty Oldenkamp moved to approve the County Reimbursement Program Plan for calendar year 2015, Nancy Allard seconded. Motion carried unanimously.***

7. DOC RECOMMENDATION FOR FUNDING SISSETON-WAHPETON OYATE'S APPLICATION

Coppersmith explained that Sisseton-Wahpeton Oyate's original application for Native American Programs was denied at the June meeting due to an incomplete application and a pattern of compliance violations associated with the Roberts County Detention Center. Coppersmith stated that following meeting, discussions ensued at the DOC concerning a fear of status offenders being held inappropriately and an application was sent to the tribe solely for the purpose of better serving status offenders and youth who are a danger to themselves. Coppersmith provided an overview of the application submitted for \$20,000 which would cover costs associated with placement of status and non offenders at non-secure facilities. Coppersmith added that the DOC recommended funding the application with the condition that if a status offender or non offender is inappropriately placed at a county facility, the award would end immediately.

Discussion ensued concerning the application, past issues with compliance, requirements of holding youth at New Beginnings and Plankinton, and ensuring that data is collected and reviewed in a timely manner to ensure compliance.

***Judge Jeff Davis moved to approve Sisseton-Wahpeton Oyate's application contingent on youth being appropriately held in detention and DOC staff working with the tribe concerning the process of holding youth at the identified locations in the application, Judge Karen Jeffries seconded. Motion carried unanimously with Betty Oldenkamp abstaining.***

8. DOC RECOMMENDATION FOR FUNDING DISPROPORTIONATE MINORITY CONTACT (DMC) APPLICATIONS AND DMC PRESENTATIONS

Seibel explained that Betty Oldenkamp and Judge Jeff Davis would be presenting on their respective county's application for DMC funding starting in October 2014. Coppersmith added that DMC funding was set aside to only be used in conjunction with implementing Juvenile Detention Alternatives Initiative (JDAI) for the past two years and that the applications up for review were not limited to JDAI.

Oldenkamp provided an overview of the DMC application from Minnehaha County that would be implemented by Lutheran Social Services (LSS) of South Dakota. Oldenkamp explained that the proposal from LSS on behalf of Minnehaha County is to implement the evidence based program of Functional Family Therapy for minority youth and their families in the pre-adjudication state of the juvenile justice system. The budget of \$60,000 would be used to pay for a .75 FTE Function Family Therapy therapist with benefits, an interpreter to ensure good communication between family members with limited English skills and the therapist, a Functional Family Therapy training to train the covered position and four additional therapists which will be paid for by LSS with funds not associated with the subgrant, local travel to meet with clients, travel to the off-site training, supplies, occupancy, and indirect costs.

Discussion ensued concerning the content of the application, the success of the program model across the country, looking to Lewis and Clark Behavioral Health in Yankton for resources as they have already begun the process of getting stakeholders in the community on board, and referral sources for the program.

***Lyndon Overweg moved to approve Minnehaha County's DMC Application, Arlene Ham-Burr seconded. Motion carried unanimously with Betty Oldenkamp abstaining.***

Judge Jeff Davis provided an overview of the DMC application from Pennington County which would be implemented by the Pennington County State's Attorney's Office and explained that the core of the application is a continuation from the 2014 DMC Subgrant Award. Judge Davis noted that the changes from last year consist of adding Moral Recognition Therapy within the Shelter Care Program, increasing the number of sessions per youth under the voucher system from five to eight sessions, and hiring a Community Outreach Case Manager to help youth and families achieve success through connecting them to community-based services and providing transportation assistance to and from appointments. Judge

Davis noted that the Data Specialist hired last year has left the position and the State's Attorney's Office is looking to again fill the position to be able to finish cleaning up existing data and develop work products to aid Pennington County in looking at where to best address DMC. The budget of \$60,000 would be used to pay for a DMC Data Specialist, a part time Community Outreach Case Manager, a DMC Voucher System through the State's Attorney's Office Diversion Program, and Moral Recognition Therapy through LSS.

Discussion ensued concerning the content of the application and the result of the Burns Institute Assessment in 2013.

***Sheriff Mike Leidholt moved to approve Pennington County's DMC Application, Aaron McGowan seconded. Motion carried unanimously with Judge Jeff Davis, Liz Heidelberger, and Betty Oldenkamp abstaining.***

#### 9. NATIVE AMERICAN PROGRAMS UPDATE

Coppersmith stated that at the June Council Meeting, Native American Program applications from Cheyenne River Sioux Tribe and Lower Brule Sioux Tribal Court were approved. Coppersmith added that Lower Brule Sioux Tribal Court has acquired liability insurance for their horse program and has implemented a liability waiver requirement for participation. Coppersmith added that Judge Miner is no longer the presiding judge for Lower Brule Sioux Tribe and that the tribal court will continue to oversee the grant management of the award but that direct contact will be with the Boys and Girls Club regarding programmatic updates and fidelity checks. Coppersmith stated that youth have not been served to date in Lower Brule due to unsettlement resulting from recent tribal elections.

#### 10. TRIBAL ADVISORY GROUP UPDATE

Judge Karen Jeffries provided an overview of the Tribal Advisory Group (TAG) meeting minutes from the September 5th TAG meeting. Judge Jeffries stated that six tribes were represented and that there were four guest speakers present at the meeting. Judge Jeffries explained that Greg Boris is currently the interim Executive Director at South Dakota Voices for Children due to Jennifer Kline leaving to work for the SDSU Foundation. Jeffries noted that Suzanne Merchant and Megan Larson from South Dakota Voices for Children also left for personal and professional reasons. Jeffries explained that the main topics covered were the state juvenile justice initiative and foster care. Judge Jeffries stated that foster care was covered through a presentation by Elizabeth Little Elk from the Rosebud Reservation and a presentation by the Department of Social Services. The next meeting is anticipated to take place in January 2015.

Discussion ensued concerning the number of meetings that South Dakota Voices for Children is contracted to hold and the state of transition occurring with leadership at South Dakota Voices for Children.

#### 11. FY2014 ANNUAL REPORT UPDATE

Coppersmith explained that the FY2012 and FY2013 Annual Reports were condensed six page publications as compared to previous publications of around thirty pages. Coppersmith added that the plan for FY2014 is to continue with the condensed publication and that a draft will be reviewed at the December Council meeting. Judge Jeffries, Doug Herrmann, Nancy Allard, and Virgena Wieseler volunteered to aid in reviewing the draft report prior to the December meeting.

#### 12. JUVENILE JUSTICE UPDATES

Coppersmith explained that the Western South Dakota Juvenile Services Center in Rapid City has been approved as collocated facility to hold adults within the same building as juveniles. Coppersmith added that the adults will be female clients from the City County Alcohol and Drug Program in Rapid City and that DOC staff have ensured that the building will function as collocated facility with sight and sound separation at all times. Oldenkamp added that the non-secure sections of the building contain the Arise Shelter Care Program, an Evening Report Center, and Reception Center overseen by Lutheran Social Services and that the programs are being moved around within the building with the goal of being able to hold 16 youth in the shelter care program rather than the current cap of 8 youth.

Liz Heidelberger explained that the Statewide JDAI Steering Committee met in April and July and has a meeting scheduled in October to discuss next steps. Heidelberger added that in June she met individually with committee members to ensure that all members have an understanding of the juvenile justice system and how JDAI would impact the system. Heidelberger also visited all collocated facilities in the state except for Day County due to their small population.

Kim Cournoyer discussed a section in the TAG Minutes that identified her as a possible trainer of foster care providers in the area of Positive Indian Parenting. Cournoyer noted that she provided Positive Indian Parenting Trainings at no cost in the past and that foster parents could benefit from the training.

13. NEXT MEETING LOCATION AND DATES

The next meeting will occur December 10, 2014 in Pierre, SD.

14. WRAP-UP AND ADJOURN

*At 9:54 AM, Virgena Wieseler moved to adjourn, Judge Karen Jeffries seconded. Motion carried unanimously.*

*Recorded by Bridget Coppersmith, Juvenile Justice Specialist*