

**Council of Juvenile Services**  
**June 23, 2005, Meeting Via DDN**  
**Meeting Minutes**

**Thursday, June 23, 2005**

**Council of Juvenile Services Members Present:** Carol Twedt, Doug Herrmann, Sharon Sonnenschein, Susan Randall, Grant Walker, Doug Thrash, Joseph Verhulst, Keith Bonenberger, Beth O'Toole, JC Chambers, Vic Erlacher

**Council of Juvenile Services Members Absent:** Mike Leidholt, Judge Janine Kern, Sean Gilmore, Jason Kittles, Lindsay Ambur, Gib Sudbeck, Dave Nelson, Judge Cheryl Three Stars Valandra, Richard Bird

**Others Present:** Kevin McLain, Jodi Kirschenman, Joy Erlenbusch, and Liz Heidelberger from the Department of Corrections; Amy Iverson-Pollreizs from DHS.

1. WELCOME, INTRODUCTIONS, and REVIEW OF AGENDA

Carol Twedt, Chairperson, welcomed those present and called the meeting to order at 2:10 PM by way of the Dakota Digital Network (DDN). Members participated from DDN sites in Sioux Falls, Pierre, Rapid City, and Selby. Introductions were made and new CJS member, Victor Erlacher, was welcomed.

2. APPROVAL OF CJS MEETING MINUTES FROM 3-14-05

*Doug Herrmann moved to approve the minutes, Doug Thrash seconded. Motion carried unanimously.*

3. SUMMARY OF CJS EXECUTIVE COMMITTEE MINUTES

Kevin McLain provided a summary of the CJS executive committee conference call held on May 25<sup>th</sup>. The committee addressed 3 issues during this call, the first two which will be addressed later at this meeting.

1. DMC Locations and strategies
2. Title V delinquency prevention communities and targeted mailing
3. FY05 Supplemental Formula Grant Application

The CJS will need to review and take action on the third topic. A supplemental formula grant application was submitted in June for \$72,000 under the category 'Systems Improvement' as approved by the Executive Committee. McLain reminded the Council that we are currently spending FY03 money, and this supplemental application is for FY05 so there will be time to make amendments to the application if need be. McLain suggested the council ratify the action of the Executive Committee. Beth O'Toole *made a motion to ratify the decision made by the Executive Committee, Keith Bonenberger seconded. Motion carried.*

At this point, Susan Randall asked if she could 'follow up' on some questions because she didn't see an 'unfinished business' category on the agenda. Chairperson Twedt approved Randall to ask her questions at this time. Randall asked for an update on the state issued ID cards, which was discussed at the March meeting. McLain indicated that he has talked to DOC's Human Resource Officer. It shouldn't be a problem for CJS members to have state ID cards to use when they travel for CJS business, although since we have and will continue to have the sleeping rooms direct billed to DOC there really isn't a need for state ID cards. Randall said it would work best for her when she is doing subcontracting work. McLain will follow up with DOC Secretary Reisch, pursue this issue, and have the cards mailed out to CJS members.

Randall asked if the monitoring site visit from OJJDP is still set for September 12<sup>th</sup>-16<sup>th</sup>, 2005. McLain answered that a letter from our OJJDP State Representative has these dates identified for the site visit. DOC staff is diligently preparing for this site visit, and Jodi Kirschenman will follow up with our OJJDP State Representative, Laura Ragan, to get a more detailed agenda of what will take place during the site visit to help ensure we are prepared. We'd like to know to what extent OJJDP will go beyond the basic audit of our Compliance Monitoring system and audit our grant files and other activities. To date, most of the site visit preparations have focused on the CM system.

#### 4. BUDGET STATUS UPDATE

McLain explained that our FFY03 allocation really comprises 3 federal fiscal years worth of funding, which is why we have 2 million dollars instead of \$600,000. The SAG balance was \$2,000 two weeks ago because expenditures related to the Systems Improvement Committee, the DMC Committee and the TAG committees were all coded to the SAG because they are committees of the council. If we continued to use this logic, we would be without money to operate the SAG (CJS). Based on the purpose areas, the expenses of these committees can be charged to the purpose areas that they fall under. Therefore, costs associated with the Systems Improvement committee will be charged to the Systems Improvement category, the DMC expenses are charged to the DMC category, and the costs related to the TAG have now been coded to the Native American Pass-through category. Keep in mind that we still have flexibility in our budget to move things around, but McLain is concerned that we won't be able to expend in full, the FFY03 budget by September '06. McLain doesn't believe this will adversely impact the categories that these expenses have been coded to/modified. Jail Removal, Separation, and DSO categories are those that we use to reimburse counties for holdover sites, detention, shelter care, electronic monitoring and transportation. Those budgets are very healthy as we've been helping Susan spend down their federal grant and she's been helping DOC with some of the reimbursements. The System Improvement budget and the DMC budgets are fine as well.

At the next meeting we will have a breakdown of county reimbursements by county to show those that have been reimbursed through CJS funding and those that have been reimbursed through Susan's grant. In addition, after the end of the state fiscal year in June, staff will send a mailing out to CJS members that identifies which counties are accessing funds and for which types of services.

Susan Randall commented that most of the DMC Committee expenses to date are that of the researcher, not expenses incurred by the committee. The committee has only met twice, so their direct expenses incurred are minimal.

#### 5. LEGISLATIVE ROLE

A letter has been sent to the Governor on behalf of the council asking for clarification on CJS' role during the legislative process. Some discussions with the Governor's office have taken place, but we haven't received a response to date. McLain would really like to be able to get a response by the October CJS meeting and for sure prior to the next legislative session. McLain will follow up with the contact person at the Governor's office to see if it will be possible to get a response prior to the October 12<sup>th</sup> CJS meeting.

As a side note, the Governor has been invited to attend the CJS meeting/symposium but we haven't heard back about his schedule.

#### 6. PEW REPORT

At the last meeting, the council asked that a copy of the PEW report on the status of the child welfare system and recommendations be sent to the Governor, Chief Justice, and the Secretary of Social services Deb Bowman. This has been completed and this agenda item is for informational purposes only.

#### 7. DIVISION OF MENTAL HEALTH SYSTEM IMPROVEMENT GRANT PROPOSAL

The Division of Mental Health grant proposal came out of the Systems Improvement Committee. The recommendation focused on communities and the need for more community services to keep kids in the community; the link between the mental health system and the juvenile justice system, and the link between the child protection system and the juvenile justice system. As the Systems Improvement committee went about allocating funding under the SI category, the first round of grants had been funded, and there is money available for a second round of grants that focus on CHINS and truancy reduction. CJS asked DOC staff to work with DMH on a proposal primarily focusing on family support to keep kids in the community. This information went to Amy Iverson-Pollreisz, DMH Director, who completed the application. The Division of Mental Health's proposal is to develop a mental Health family support program to help families obtain support services such as respite care, family support, case management, expenses, transportation to appointments, etc. Iverson-Pollreisz clarified page 8 on their application the criteria by which a child chooses to receive services. The child has to meet criteria under the first or the second bullet and then three of the remaining bullets after that. They hope to serve an estimated 150 children and families. This estimate helped them determine the \$128,000 figure and hope to start the program in July when things get straightened out with their fiscal department.

McLain spoke with Judge Kern, Systems Improvement Committee Chairperson, after the March CJS meeting and briefed her on the MH proposal. Kern was very supportive. Sharon Sonnenschein, who also serves on the SI committee, commented that the SI committee worked hard on the Preventive Services issue and feels this proposal is really what they were hoping would come out of their work.

***Keith Bonenberger made a motion to approve the Mental Health grant proposal, Doug Hermann seconded. Motion carried.***

8. TITLE V FUNDING

Jodi Kirschenman contacted those communities that have participated in the Search Institute Asset based assessment, as CJS requested at the March meeting. Kirschenman and McLain then met with Robin Erz to review the Division of Alcohol & Drug Abuse Prevention Networks and community/tribal needs. From here, ten communities/tribes were identified in which to send letters of invitation to. The CJS Executive committee approved the ten communities/tribes and added two additional communities. They are: Flandreau Sioux Tribe, Cheyenne River Sioux Tribe, Standing Rock Sioux Tribe, Sisseton Wahpeton Oyate Sioux Tribe, Yankton Sioux Tribe, Winner, Yankton City/County, Huron/Beadle County, Pierre/Hughes County, Watertown, Aberdeen, and McLaughlin. Responses were received from the Cheyenne River Sioux Tribe, Yankton Sioux Tribe, Pierre/Hughes County, and Watertown. It was suggested to the CJS members that they identify two communities in which to work with that will attend the required Federal Title V trainings, complete detailed data collection, write a community delinquency prevention plan, and ultimately apply for \$50,000 in Title V funding. McLain explained that selecting only two communities would help ensure that the communities have a reasonable dollar amount to work with. If we try to subgrant to too many entities, then there wouldn't be much funding for each to work with. Discussion ensued. ***Beth O'Toole moved to work with Pierre/Hughes County and the Yankton Sioux Tribe on delinquency prevention, JC Chambers seconded. Motion carried unanimously.*** Each community will be eligible for a \$5,000 planning grant and a \$50,000 implementation grant.

9. JABG FUNDING RECOMMENDATIONS

Jodi Kirschenman gave an update on the status of the Juvenile Accountability Block Grant program, how each entity's dollar amounts are calculated, the pot of funding that the state spends on behalf of those entities that aren't eligible for a JABG allocation, and the amounts of funding that are available to date. The JABG program will inevitably go away. Since JABG will eventually be eliminated, there are numerous entities across the state that will be losing funding for a variety of accountability programs. A handout was provided that outlined the teen court programs or other types of diversion programs across the state that are currently or have previously been funded through JABG. At a past CJS meeting, members discussed the possibility of providing funding to some of these entities on a competitive basis with the JABG funding that is available. The JABG money that is allocated to the "State to Spend on Behalf Of" could be used to subgrant awards to entities. In FY05, this pot of money is a minimum amount of \$110,145. Kirschenman asked CJS to authorize DOC staff to work with existing Diversion and Teen court programs to continue these programs after the loss of JABG funding. Discussion ensued. McLain explained that FY05 money would not fund each of these programs for a year, as not everyone will be eligible for their full amount. So hopefully they are seeking other sources of funds. We would like to work with each of them on an equitable basis based on their need and their good faith in identifying other sources of funding, and find out what they actually need from the state. There is also the possibility that this pot of funding could increase if current entities don't spend all of their funding, and also considering the fact that this money accrues interest. Doug Herrmann asked about the possibility of reporting on performance measures. Kirschenman indicated that all eligible JABG entities are required to report on performance measures in order to be reimbursed through the JABG grant. Hermann would like to see subgrantees be required to report on performance measures to indicate how many are being diverted from the juvenile justice system. McLain said we can incorporate this into the application process as a requirement and that DOC Staff are asking the CJS to authorize us to work with existing diversion and teen court programs and to continue these programs after the loss of the JABG funding. ***Motion made by Keith Bonenberger to allow DOC Staff to fund current programs; Beth O'Toole seconded. Doug Herrmann amended the motion to fund the current programs and to ensure outcome results are required in the application criteria. Motion carried.***

10. SYSTEM IMPROVEMENT SUBGRANTS AND NATIVE AMERICAN PASS-THROUGH UPDATE

Kirschenman indicated that all five entities that have applied are currently active in their projects. Handout provided. Native American Pass-Through Grant handout provided also. Seven applications received, while only six have been approved. Sisseton-Wahpeton is submitting the final changes to their application and then their application can be approved. Crow Creek is to submit changes and information that is missing from their application. Contacts have been unsuccessful to date, Kirschenman will continue to work with them to get this necessary information submitted so that their applications can be approved. No application received from Standing

Rock Sioux Tribe and from Oglala Sioux Tribe. OST has made contacts with us but have not yet submitted an application. SRST has received the application by fax, mail and email but nothing received to this point.

#### 11. 2004 COMPLIANCE MONITORING UPDATE

Joy Erlenbusch provided an update on Compliance Monitoring (CM) Report. The CM report was recently submitted to OJJDP. In regards to Deinstitutionalization of Status Offenders, there were 9 violations for the year compared to 115 in the past. Four of the nine were federal holds. Jail Removal admissions for greater than six hours in 2004 was 14. Nine of these met the removal exception, and five were actually violations. There was one incident of a Site and Sound Separation violation.

For each violation, the facility was notified of the violation and the reasons for why it constituted a violation under the requirements of the Act. Although we have not received confirmation of the state's status, staff feels that we will fall under de minimis compliance with the requirements of the Act.

#### 12. DMC MEETING UPDATE & RECOMMENDATIONS

Susan Randall and Joy Erlenbusch provided an update on the status of Disproportionate Minority Contact in the state. The CJS was asked to approve the intervention sites that were chosen by the DMC committee. The formal recommendations by the DMC committee were presented to the CJS Executive Committee and approved.

Randall briefed the Council on the DMC subcommittee that met in Sioux Falls and Dr. Leonardson from Montana and Roland Laudenberg from USD came to give a summary of the data that has been collected and analyzed to date for South Dakota. The report is not final at this time. A target date of October 13-14 (at the Symposium) has been set in which to share the plan for addressing DMC in South Dakota. Details for sharing this information at the Symposium have yet to be determined by the planning committee.

The actions recommended by the committee are that there be intervention sites at Sioux Falls, Rapid City, and Sisseton. The recommended DMC funding for these sites was recommended as a 40/40/20 percent allocation. Forty percent for both Sioux Falls and Rapid City (\$50,000), and twenty percent (\$25,000) for Sisseton. The communities will need to formulate a community based working group to trigger analysis of arrest data and factors that might be influencing it and develop a plan for intervention.

***Doug Herrmann made a motion to approve the intervention sites of Sisseton, Sioux Falls, and Rapid City at the 20/40/40 allocation split, Randall seconded. Motion carried.***

#### 13. JUVENILE JUSTICE SYMPOSIUM UPDATE

Randall provided an update on the status of the Symposium. Governor Rounds and the administrator of OJJDP, Robert Flores, have been invited to speak at the Symposium but have not confirmed their attendance. Two nationally recognized speakers were recommended. Jon VaDeBerg (who developed the Systems of Care model for Mental Health services in communities) is the keynote speaker on Thursday. Terry Dosch from the Council of Mental Health Centers promised to come up with the money to fund this speaker for the Symposium. Keith Patteson, Search Institute trainer from Canada, will also be a keynote speaker on Friday. He developed the asset-based approach to keeping youth out of trouble.

The final schedule is not approved at this point, but the anticipated start time is 11am on Thursday and end by 3pm on Friday. There will be approximately 12 breakout sessions for participants to attend.

#### 14. TRIBAL ADVISORY GROUP UPDATE

Randall said the TAG is working with "Kids Count" to get tribal data and working with the Tribal Data Group in September. Crow Creek is going to be the pilot tribe to find resources available to families. CRST and OST expressed interest in this as well, so now there will potentially be three pilot projects.

A new TAG Chair was elected – Judge Sherman Marshall. He is a judge for Flandreau and Rosebud.

They looked into technical assistance. The TA request has to come from the Tribal Chairman and will need to be for all nine tribes together or for the interested tribes. TA is not for the TAG.

The next TAG meeting is scheduled for Thursday, October 13<sup>th</sup>.

#### 15. CHILD PROTECTION RECORDS COMMITTEE UPDATE

McLain briefed the Council on the new requirements of the JJDP Act: 1) the state needs to make child protection records known to the juvenile court when a child comes into court in SD as a CHIN or delinquent for dispositional purposes. 2) it is required that the records be made available for treatment plan purposes.

Chairperson Twedt appointed a Child Protection Records Committee. Dave Nelson is the chairperson of this committee. The committee has met twice by telephone and a subgroup met by phone in July to work on cleanup legislation and work on permissive legislation to make these records available procedurally without the involvement of the courts. The Department of Social Services has shown interest in assisting with this task. The full committee is meeting in August to get legislation finalized, bring it before the CJS, and then send it to the Governor's office to determine if it will be a governor's bill or an agency bill.

16. DETENTION FACILITY STANDARDS/HOLDOVER STANDARDS

McLain said responses have been received from the Office of Risk Management on the reliability aspects of DOC pursuing the standards. DOC Secretary Tim Reisch, who supports this concept, will be reviewing it before it goes to the Governor's Office asking for the Governor's direction on whether or not his administration should pursue this on behalf of the state of South Dakota as it relates to detention standards. The CJS has gone on record in support of the concept, which will be made clear to the Governor and we will be awaiting his direction. A meeting is set for July for the Holdover Administrators to meet on the standards.

17. CJS ANNUAL REPORT

Staff asked for approval to have the CJS Executive Committee approve the final CJS Annual Report before the end of July so that it can be submitted.

***Doug Thrash moved to allow the Executive Committee to approve the final CJS Annual Report, JC Chambers seconded. Motion carried.***

18. MISCELLANEOUS (not on agenda)

Susan Randall requested to be on the CJS Executive Committee. Originally she didn't feel she could find the time, but now that the Executive Committee is often discussing items regarding the TAG, she thinks it would be helpful for her to be able to have input. Members reviewed the bylaws, Article 10, which wouldn't allow Randall to be a member of the Executive Committee.

19. CJJ WEST/MIDWEST CONFERENCE

Kirschenman informed the members that the next Coalition for Juvenile Justice (CJJ) West/Midwest conference is going to be in July in Boise, Idaho and provided a handout with agenda/registration information. SAG funds would be used to send interested council members. Herrmann suggested a DMC member attend this conference due to the contents of the agenda. No members expressed an interest during the meeting, so Kirschenman will send out an email asking members if they want to attend. If someone is interested, Kirschenman will work with him or her to make their travel plans.

20. OTHER BUSINESS

Bonenberger informed the members that the Centralized Intake added another programmer, so there are currently two. The system is moving along well.

21. NEXT MEETING

The next meeting will be held October 12<sup>th</sup> in conjunction with the Symposium in Chamberlain.

22. MEETING ADJOURNED at 2:55 PM.

***Doug Herrmann moved to adjourn, Keith Bonenberger seconded. Motion carried.***

Recorded by Jodi Kirschenman, JJ Specialist