

**Council of Juvenile Services**  
**November 18, 2003**  
**Meeting Minutes**

**Tuesday, November 18, 2003**

**Council of Juvenile Services Members Present:** Carol Twedt, Mike Dacy, Doug Herrmann, Dennis Daugaard, Sharon Sonnenschein, Susan Randall, Mike Leidholt, Dallas Johnson, Judge Janine Kern, JC Chambers, Gib Sudbeck, Laura Dillon, Dave Nelson, Lindsay Ambur, Doug Thrash

**Council of Juvenile Services Members Absent:** Judge Cheryl Three Stars Valandra, Richard Bird, Joseph Verhulst, Sean Gilmore, Grant Walker

**Others Present:** Kevin McLain, Jodi Kirschenman from the Department of Corrections; SDCC SAG Members: Deb Kuhler, Joy Smolnisky, Deb Phillips, Joan Neilan, Jay Newberger, Judge Tim Johns, Ken McFarland, Mike Weise, and Representative Casey Murschel

A joint meeting was held the afternoon of Tuesday, November 18, 2003 with the Council of Juvenile Services (CJS) and the South Dakota Coalition for Children's (SDCC) State Advisory Group (SAG).

1. Meeting called to order by Chairperson Carol Twedt. Introductions were made. The following items were identified for discussion:

- Item 1: Discussion held regarding regional meetings being held on a quarterly basis beginning in the spring of 2004. Mike Weise spoke of using the DOT model of regular meetings to ensure longevity and effectiveness. He suggested starting with local meetings and then expand with larger participation annually.
- Item 2: Discussion was held regarding the evaluation of the Juvenile Justice Symposium and if the Symposium was something that will be continued. SDCC SAG is considering doing the Symposium every two years and seeking funding sources. The SAG recommends this to the CJS, so that CJS can budget accordingly and continue with the Symposium.
- Item 3: Discussion on the convening of tribal planning and a tribal advisory group. SDCC SAG is at the initial stages and requests CJS to continue to provide support for tribal advisory group. Tribal responses to requests for proposals (RFP's) are due to SDCC next week and will give them an idea of which tribes are ready to begin programs and ready to receive funding. SAG made a motion that the SDCC SAG will provide support for the tribal advisory group and then pass this function on to the CJS in time. Dennis Daugaard suggested that CJS assist in these steps and work with SAG when contacting the Tribes, since SAG is phasing out.
- Item 4: Discussion on the status of non-participating state funds (NPS):
  1. Special attention to SAG/CJS dollars;
  2. County Reimbursement increased;
  3. Holdover reimbursements will continue;
  4. NA Passthrough amounts need to be determined; and
  5. Grant RFP's: two grants targeting the main areas of regular planning with funds to be spent through calendar year 2004.

SAG requested an extension of NPS grant funds to go through March 2005. DOC submitted the 3-Year Plan. Approval notice will hopefully be received by mid-December. Then funds could 'possibly' be made available by January 1, 2004. CJS was awarded \$2,018,000.

- SAG had questions regarding the status of the Plankinton facility, such as the plans, agencies involved, contracts, etc. Doug Herrmann explained that the Governor offered the Plankinton community \$1 per year to lease the facility for 2 years. Plankinton Community selected Cornell Co. (which operates juvenile facilities) to lease the facility from the local Plankinton group. Cornell, who is seeking licensing through DSS, is looking at the Juvenile Prison site to be used as a detention site and would be separate from the residential treatment center.
  - Joint meeting ceased.
2. CJS meeting called to order. Judge Kern made a correction on the previous meeting minutes (two typing errors). Moved to pass the minutes with the corrections made. Seconded by Dennis Daugaard, all in favor.

3. Gib Sudbeck conducted a presentation on the Division of Alcohol and Drug Abuse.

Discussion on the number of committee members that plan on attending the meeting the following morning. Due to no quorum on Wednesday, the schedule will be adjusted as needed.

4. Plan for Disproportionate Minority Contact (DMC) was discussed. The DMC initiative is in progress and beginning with the assessment phase. This is where we need to find out why we have minority overrepresentation, the factors involved, the level of DMC, etc. Dr. Leonardson, from Mt. Plains Research out of Montana, has a history of working with the DOC and Department of Human Services. CJS approved working with Dr. Leonardson on the Assessment Phase. Segment 1 will cost \$12,000 and will be covered by the NPS funds of the SDCC. Dr. Leonardson has DMC data and will get the detention data this week.
5. Introduction to Bylaws/Operating Guidelines Discussion. Susan gave an overview of the purpose of the SDCC's operating guidelines. The council discussed key areas that should be a part of CJS's operating guidelines and considered when developing them. The Bylaws are to include a conflict of interest component as well as a mission statement of CJS. Jodi Kirschenman will check with other state Juvenile Justice Specialists to get their state's wording on "Conflict of Interest". The mission statement will be drafted during the working dinner tonight.

Before breaking for dinner, Judge Kern gave an update on Legislation:

Kevin McLain, Judge Gors, and Judge Kern addressed the Tribal Judicial Council on the JJDP Act. Kevin drafted a bill with the assistance of Judge Gors and Judge Kern. The bill will amend statutes to include zero tolerance DUI as a CHINS offense.

Working Dinner – November 18, 2003, Cedar Shore Hotel

6. Meeting reconvened for a working dinner. Susan Randall suggested we begin with a Purpose Statement as opposed to a Mission Statement. Susan read the purpose statement from SDCC's SAG's by-laws as an example. Dennis made a motion to use the first sentence only from the example that was read. Susan seconded. However, Carol reminded us that there is not enough members present for a quorum, so a consensus was made. The consensus was made to call it a purpose statement and use the first sentence of the old bylaws that existed under the former juvenile justice advisory council.
7. The former Juvenile Justice Advisory Council by-laws were used as a guide for a discussion to develop an appropriate set of By-laws for the Governor's Council of Juvenile Services. Articles and sections were revised and edited. DOC Staff will make the changes and will have the CJS Bylaws ready for review and approval by the next CJS meeting.
8. Committee Formation – Since she will be absent the following morning (November 19<sup>th</sup>), Judge Kern provided her recommendations for committee members. Judge Kern also suggested an AdHoc committee on Fetal Alcohol Spectrum Disorder (FASD) and recommended CJS consider having an expert train the CJS members on FASD at one of the next meetings.

**Wednesday, November 19, 2003**

**Council of Juvenile Services Members Present:** Carol Twedt, Doug Herrmann, Dennis Daugaard, Sharon Sonnenschein, Susan Randall, Dallas Johnson, JC Chambers, Laura Dillon, Doug Thrash, Grant Walker

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

**Others Present:** Tim Reisch, Kevin McLain, and Jodi Kirschenman from the Department of Corrections

1. Meeting called to order at 8:25am. New CJS member, Grant Walker, was introduced.
2. Formation of Council Committees: Compliance Committee, DMC Committee, and Systems & Services Committee Specifics of these committees were discussed. The Compliance Committee will look at issues that make CJS eligible for funding. The DMC Committee will approve the DMC assessment plan and assist with addressing barriers to data collection; assist with interpretation of data and make recommendations on interventions to address

DMC. The Systems & Services Committee will cover 9 of the 15 problem areas that CJS identified in the Formula Grant Three-Year Plan.

The committees will be comprised of a core group of CJS members, but also those from outside sources that are asked to participate.

Further discussion occurred on whether or not to have the DMC Committee review Native American Tribal Juvenile Justice services and recommend use of pass-through funds. Forming a fourth committee specifically for Native American programs was considered. Members decided to retain three committees but to also utilize the SDCC tribal advisory group to provide input on tribal issues. Programs for Native American youth in the State's justice system and tribal systems was moved to the Systems and Services Committee.

CJS Members discussed potential committee members for the DMC Committee and the Compliance Monitoring Committee. The chairpersons for these two committees are Dallas Johnson for Compliance Monitoring Committee, and Susan Randall for DMC Committee.

Systems and Services committee discussion: Names were suggested for members, and Judge Janine Kern will serve as the chairperson for this committee. Doug H. suggested having parents serve as members on this committee since it deals with systems and services. CJS members liked this idea; JC knows some parents that he will communicate with to see if they are willing to serve.

3. Challenge Grant – This grant is available to states that participate in the Formula Grants program. There are ten different activities to choose from to expend the challenge grant funds. Dallas indicated that he would like to see something developed as an alternative to suspension/school suspension because South Dakota really has not addressed the “No Child Left Behind”. Doug T. agreed and would like to get a model going on the front end to address this. A possible starting point would be to send a letter to all schools to find out about the interest level. The most that could be spent in this area would be \$67,200.

Members decided on two main areas to be addressed through the Challenge Grant: 1.) School Suspension/Expulsion (to include service programs for youth on diversion); 2.) Rural Diversion/Incarceration to address Juvenile Justice services in rural areas, and gender specific services.

4. Legislation- discussed materials that were mailed out to CJS members. Zero tolerance DUI in South Dakota is now a class II misdemeanor and handled in Magistrate Court and as such allows youth in violation of this statute to be held or sentenced to detention for up to seven days. Technically this is a status offense under the federal act and if a child is held in detention for more than 48 hours, it will be a violation of the act.

Kevin expressed two concerns with this bill: 1) We don't know how big a risk this is – we are unsure how many youth are being held in detention for only violations of zero tolerance DUI. 2.) Frequently, it is best to be more conservative with legislation. If there isn't a strong need for the legislation, then don't introduce it. In some cases you open yourself up for more issues and changes to other compliance related statutes. After discussion, the consensus was to go forward with this legislation.

Judge Kern's support for legislation was brought on the table in her absence, but not acted upon due to lack of quorum. Carol voiced her concern that CJS is not in a role of advocacy for legislation right now. Susan indicated she felt this was premature for CJS right now, and mentioned that SDCC could possibly take it on. There was a consensus of this with members.

5. Next meeting will be held in March. Meeting adjourned at 1:05 PM.