

Council of Juvenile Services
October 9, 2003
Meeting Minutes

Thursday, October 9, 2003

Council of Juvenile Services Members Present: Mike Dacey, Doug Herrmann, Dennis Daugaard, Carol Twedt, Sharon Sonnenschein, Susan Randall, Mike Leidholt, Dallas Johnson, Judge Janine Kern, JC Chambers, Judge Cheryl Three Stars Valandra

Council of Juvenile Services Members Absent: Laura Dillon, Richard Bird, Gib Sudbeck, Dave Nelson, Joseph Verhulst, Doug Thrash, Sean Gilmore, Lindsay Ambur

Others Present: Kevin McLain, Jodi Kirschenman from the Department of Corrections; Kim Malsam-Rysdon, Director of the Division of Mental Health for Gib Sudbeck; Representative Casey Murschel; Deb Phillips

1. Meeting called to order by Chairperson Carol Twedt. Introductions were made.
2. Kevin McLain, explained the Federal Advisory Group. This group replaces the current Coalition for Juvenile Justice. Finding by Administrator OJJDP that Council for Juvenile Justice hasn't met some guidelines on advisory groups so they are appointing a new advisory group to OJJDP which is comprised of a representative from each of the participating states in the JJDP Act. The old group met two times a year as part of a national conference on Juvenile Justice. The group also had regional sessions once a year. It is anticipated this current position will need to meet twice a year with possible travel for subcommittee meetings. A letter to Governor Rounds talked about avoiding conflicts of interest. It is preferable that any designees not serve on the board of directors of any OJJDP Grantee Organization. State Representative Dennis Mondoro, OJJDP, couldn't clarify anymore for us. He said they couldn't prohibit it but this is as far as they could outline the issue. CJS would have a delegate as well as an alternate.
3. Approval of minutes from Last meeting: A correction was made to page three, number nine, last bullet point: this motion was made by Doug Herrmann, so the revised minutes will reflect this. Motion to approve minutes with this correction was made by Judge Kern. Seconded by Dallas Johnson. Motion passed.
4. Review of Three-Year Plan
Kevin thanked Judge Kern and Dr. Susan Randall for their assistance in assisting with providing input and content to the plan. Kevin asked that we add a point on agenda to "Approve DMC". This will go before the Approval of the Plan.
The 3 year plan is in rough draft form and information will be added as needs analysis and carried out in the problem statements. Information and research data on Gangs will also be added.
Kevin also requested approval for DOC to have the authority to submit the plan after we make additions and changes to the needs analysis and systems description. Keeping in mind that changes will not be made to the problem statements, planning or budgetary issues. If CJS wants more changes or committees later on, we do have the flexibility to do so.
 - A. Review and Approve Problem Statements (p. 105-115)
First 6 problem statements are directly related to JJDP. According to Dennis Mondoro at OJJDP, Prioritization of our Problem Statements will not effect how we use our funds. Compliance Issues are listed as the first six issues.
-DSO: this will have an addition to it to include all the jail data.
-Jail Removal: 290 admitted to jails and lock ups in violation of the requirements of the act. Status Offender Numbers: 213 delinquents held over 6 hours, and 77 status offenders held in adult jails. SB202 should help a lot, as well as Day County, and Codington Co. having co-located JDC as it relates to Jail Removal. Walworth, Edmunds, Grant, and Faulk Counties have been approved as 48-hour Rural Jail exceptions where they can hold alleged delinquents up to 48 hours or until their temporary custody hearing. This will cut down on the number of violations.
-Separation of Juveniles from adult offenders: Holdover sites, transportation subsidies, shelter care subsidies can impact DSO, Jail Removal and Separation.

-DMC: a core requirement that includes going through five phases as it relates to identifying if it exists, assess why it exists, develop interventions and programs to address it, have an evaluation component, continue on-going monitoring through the identification process.

-Native American and Juvenile Justice Programs – Core requirement: we can exceed the minimum pass through requirement.

-Compliance Monitoring – Have to continue to monitor these facilities. Our visit to JDC and asking what we did would meet this requirement. We'll be drafting a compliance monitoring manual that 1) provides a document that educates operators of facilities and programs on how you handle kids consistent with the act. 2) tells them and documents for us how we're going to monitor compliance with that.

-Child and Family Services– Child Abuse and Neglect: We will identify those activities, programs, system changes, and services that can address Child Abuse and Neglect. Judge Kern has an additional sentence to this section. 109 Section 7 at end of first paragraph Child/Family services/child abuse and neglect section Court services component: "Upon entry into the juvenile justice system, there is a need to identify children who are at high risk of child maltreatment and then to provide appropriate services".

Information will be gathered on those children in the Juvenile Justice System that have had prior contact with DSS or have been referred through IFS.

-MH and DD: Children in the Juvenile Justice System having significant MH and DD issues need to have provided to them appropriate services in the community to keep them out of the system or serve them in a more effective manner. Rework the last sentence, MH/DDD: "Families need to access services on a statewide basis.

-Prevalence of Substance Abuse: this section contains data for South Dakota as a whole as well as 94% abuse and dependency rate for kids being admitted to programs at Custer. Judge Kern has requested a breakdown of diagnosis by race. Kevin will work with Gib Sudbeck and his staff to get this data.

Kim asked that the last sentence of this section be mirrored under MH/DD section as well.

-Community based Prevention and Early Intervention. Judge Kern requested a sentence for this section: "In 2002, over 2200 children were removed from their homes for substantiated abuse and neglect and an additional 8829 children entered the Juvenile Justice System through adjudicatory and non-adjudicatory actions".

-FASD: Judge Kern provided information identify FASD as it relates to Juveniles in the Juvenile Justice System.

-Education: Judge Kern gave an insert that reads as follows: "In Western SD there is a need to develop an alternative school for children on probation and remanded to the Department of Corrections". Doug Herrmann said past numbers showed 92 DOC youth were on aftercare in the RC school district area and under the age of 17, and only 30 of them are actually in school. Judge Kern added 500 between 16 and 18 Native Americans that are not reporting or who have dropped out of school.

-Alternatives to Commitment: National figures show (with the exception of one state) that South Dakota has the highest incarceration rate per 100,000. In addition to systems and programs are there system barriers...are there things that we can do to the Juvenile Justice System and how it operates to make it work better which would lead us to our goals of keeping youth in the community? For example, expanding probation services and providing more authority and resources to the court for out of home placement. (This also includes kids placed in private facilities as well.)

-CHINS: We need additional services made available for CHINS and their families so alternatives to incarceration and commitment to DOC need to be developed. Judge Kern has another suggestion to add to this paragraph: "Circuit Court Judges need expanded dispositional authority and resources to utilize community based treatment options including residential and foster care programs."

-Program Evaluation: As CJS funds programs, they are required to have an evaluation component designed and available up front. This also comes from SB08, which identified a lack of an evaluation component of programs within the Juvenile Justice System. CJS will have to report on this in their June 30th report.

B. Review and Approve Plan for Compliance and Problem Statements (pg. 116-157)

CJS reviewed the Problem Statements on pages 117, 121, and indicated they are okay as written. Statement on page 128 needs the dates changed to "2004".

Review of Program Descriptions starting on page 130 ~ until Federal Regulations come out, we won't know how to track DM Confinement compared to DM Contact.

Susan Randall recommended changes:

- ❖ Page 136: revise/reword 4 activities and to make only 2 performance indicators; one being the Number of Tribes that participate in the DMC workgroup and two being the Number of intervention strategies that we actually implement.
- ❖ Page 142 change Goal A/objective 1 date to January 1, 2005.
- ❖ Page 143 change Objective 2 date to July 1, 2005 and add word “begin”. On this page, also change Goal B/Objective 1 date to January 1, 2005 and Objective 2 date to July 1, 2005.

Judge Kern indicated that the Tribal Judges are meeting this Friday. She drafted a letter on behalf of CJS to the Tribal Judges asking for their input and inviting them to CJS’ November meetings.

Prior to break, Judge Kern mentioned her interest in serving on the Federal Advisory Committee.

C. Review and Approve Technical Assistance Needs (pg. 158-163)

Judge Kern would like to see “Data Collection” added to this section

Kevin will add “Needs Assessment” under letter ‘D’ on page 159

D. Formulate and Approve Budget (handouts and page 4)

A few weeks ago, Dennis Mondodro recommended that CJS get 3 years of fiscal year funding. When Kevin talked to Dennis today, Dennis said we should be optimistic that we’d get all years funding and back years, approximately 2 million dollars.

- First budget page is \$672,000 budget. It was recommended by Kevin to look at #8, 17, and 28 as one item that deals with transportation, shelter care and electronic monitoring and holdover. Therefore, \$240,000 would be for local reimbursement programs. This would average out to \$20,000 a month and the Coalition is currently reimbursing at \$12,000 a month so there is room for more counties to come on board to get reimbursement. \$25,000 would be for further assessment, which is the second phase of the DMC assessment and \$50,000 for intervention. Native American Programs: \$39,196 is passthrough amount, but if CJS doubles that amount then \$39,196 can be passed on to tribes that have their own law enforcement and another \$39,196 elsewhere for other tribes or for Community-Based Native American programs. Planning and Administration is 10% of allocation. \$32,050 is for CJS meetings, travel to national Juvenile Justice meetings, training, etc. This leaves \$169,358 left over for systems improvement.
- Second budget page is with the full allocation of \$2,016,000. This assumes \$20,000 per month for DSO, Jail Removal, and Separation.
- Third budget page is also with the full allocation of \$2,016,000 but assumes \$25,000 per month for DSO, Jail Removal, and Separation.

-Although the budget goes through March 31, 2006, Dennis Mondoro explained that there should not be any problem with us getting an extension.

-CJS members agree to use the \$672,000 budget assuming \$20,000 per month for DSO, Jail Removal and Separation.

E. Input on Remainder of Plan

Look at DMC Handout. It would be beneficial to have a tribal member from each tribe on all of CJS’ subcommittees. Under Phase I, Kevin expressed his opinion that DMC and Native American Programs should be one committee. This would also ensure that tribal members are on each committee and ensure that other minorities are represented as well. The workgroup for this would be called “DMC Data Workgroup”.

On page 4 under ‘researcher responsibilities’, will address the issue of racial bias/racism in the institutions. The data barriers include needing to identify who isn’t reporting data so we can address the issue; Diversion data is not always showing up in all data bases; and most systems don’t break out Hispanics or Ethnic groups.

F. Approval of Plan

Susan Randall moved to approve the plan with the aforementioned edits before final submission (plan, two budgets, and DMC). Judge Kern seconded it. Motion carried.

5. Possible Legislative Issues:
 - Under current law there is zero tolerance for DUI guilty of class II misdemeanor. Under law, DUI is a status offense and juveniles are allowed to be in JDC for seven days. Kevin talked to Judge Gors about possible legislation to address this and move this to a CHINS offense out of magistrate court. Kids would then have access to more services in CHINS court than in magistrate court; but there is a concern that if the youth is smoking marijuana and having it be a CHINS offense. Although one could file a delinquency petition for possession. This will be discussed at the November meeting in further detail.
6. Subcommittees were identified as follows:
 - Systems Committee/Service Committee
 - DMC/Native American Pass Through Committee
 - Compliance Committee
7. Agenda items for next meeting November 18-19:
 - November 18th, CJS intends to start at 1pm and have a working supper.
 - Further discussion on Subcommittees will continue at the November 18th meeting
 - Operational Guidelines and bylaws will be discussed at next meeting on Nov. 18th
 - November 19th will be set aside to meet with Tribal members
8. Appointment to Federal Advisory Committee: Sheriff Leidholt nominated Judge Kern, Judge Three Stars Valandra seconded it, all in favor, motion carried.
Doug Herrmann volunteered to serve as an alternate. Motion for Doug Herrmann to serve as alternate made by Judge Three Stars Valandra, seconded by Lt. Governor Daugaard, all in favor, motion carried.
Lt. Governor Daugaard motioned to adjourn the meeting, majority of members simultaneously seconded the motion, all in favor, motion carried.
Meeting adjourned at 10:39pm.