

**Council of Juvenile Services
June 3-4, 2004, Oacoma, SD
Meeting Minutes**

Thursday, June 3, 2004

Council of Juvenile Services Members Present: Carol Twedt, Doug Herrmann, Susan Randall, Judge Janine Kern, Dennis Daugaard, Mike Leidholt

Council of Juvenile Services Members Absent: Judge Cheryl Three Stars Valandra, Richard Bird, Lindsay Ambur, , JC Chambers, Gib Sudbeck, Laura Dillon, Dave Nelson, Grant Walker, Doug Thrash, Joseph Verhulst, Sean Gilmore

Others Present: Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from the Department of Corrections; Keith Bonenberger from UJS

1. DINNER / SYSTEMS and SERVICES UPDATE

CJS members joined for dinner at Al's Oasis in Oacoma, SD. Carol Twedt, Chairperson, welcomed those present and called the meeting to order at 7:10 PM.

Janine Kern provided an update on the work and goals of the Systems and Services Committee. She reviewed the expertise and diversity of members. The committee touched on the issue of finding and using an assessment to get a better profile of the youth and the appropriate services for the youth, but the committee has not revisited this issue. They need to determine if they would like to recommend an assessment or evaluation of youth. Currently, there are no assessments done on youth after they go through the Centralized Intake and before adjudicated. Once they are adjudicated, they receive the Youth Level of Services Instrument (YLSI) by Court Services Officers and Juvenile Corrections Agents.

Kern believes an assessment should involve identifying the number of children/families unserved. South Dakota is 7th for the number of youth in foster care and have one of the highest adult and juvenile incarceration rates. Carol Twedt suggested possibly looking at other funding sources for this because TA may not cover this.

Kern explained how the S&S committee members broke into groups so that each could make some headway with their topics. Group A dealt with Child Abuse and Neglect- Children and Family Services, Need for community based/early intervention programs, education, and CHINS. Group B dealt with Mental Health and Developmental Disabilities Services, Prevalence of Substance Abuse among youth in the Juvenile Justice system, and FASD (At the May 2004 meeting, Roland Ellis from the Center for Disabilities did a presentation on FASD). As a result of these breakout groups, each came up with their own findings and recommendations. Kevin McLain reviewed the findings of the S&S breakout groups (see handout).

Kern then talked briefly of the Child Protection Service's Two-Year Review Performance Improvement Plan. Kern asked Virginia Wiesler, CPS, if they could provide initial intensive family assessment who are at high risk for mal-treatment. Wiesler said that due to the ICWA responsibilities, they can not take on any more responsibilities nor can they provide services to additional people. Kern would like CPS to come to the next meeting or to the next S&S meeting to outline their Performance Improvement Plan so that we can collaborate and not duplicate efforts. McLain indicated that we will be asking Kim Malsam-Rysdon to talk at the next meeting about the local interagency team concept that was part of the Mental Health initiative in the early to mid 1990's. Susan Randall mentioned that North Dakota has done a great deal of work with collaboration and they now have designated centers around the state that are collaborative and are sites for assessments and services. Randall thought we could perhaps look to them instead of re-inventing the wheel.

Meeting Adjourned at 9:40 PM

Friday, June 4, 2004

Council of Juvenile Services Members Present: Carol Twedt, Dennis Daugaard, Mike Leidholt, Doug Herrmann, Sharon Sonnenschein, Susan Randall, Judge Janine Kern, JC Chambers, Dave Nelson, Grant Walker

Council of Juvenile Services Members Absent: , Judge Cheryl Three Stars Valandra, Richard Bird, Lindsay Ambur, Mike Dacy, Gib Sudbeck, Laura Dillon, Dallas Johnson, Doug Thrash, Joseph Verhulst, Sean Gilmore

Others Present: Tim Reisch, Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from the Department of Corrections; Keith Bonenberger from UJS

2. WELCOME & REVIEW OF AGENDA

Chairperson, Carol Twedt, welcomed those in attendance and reviewed agenda. She added to the minutes a brief review of last night's Systems and Services committee discussion.

3. APPROVAL OF MINUTES FROM MARCH 2004

Susan Randall moved to approve the minutes, Doug Herrmann seconded, motion carried unanimously.

Janine Kern then gave a brief overview of the work and goals of the Systems and Services Committee. Kern reviewed the various recommendations developed by the committee. At the request of Kern, Doug Herrmann talked of the Reentry Productive Day Center and Children's First Program in place at STAR. Another recommendation is related to diversion. McLain and Kern will be sending out a letter to all State's Attorneys to request information on Diversion programs in the state.

4. REVIEW CHANGES TO BYLAWS AS DIRECTED AT MARCH CJS MEETING

Bylaws were approved at the last meeting with the changes identified. Final copy of the bylaws was included in the mailing to members. Changes were made to Article 6, Article 10 was reviewed, and Gib Sudbeck requested Substance Abuse be added to Article 3, Section A.

5. CJS TERMS and RE-APPOINTMENTS

Dallas Johnson provided a copy of his letter of resignation that he submitted to Governor Rounds. Four CJS members have 1-year terms expiring this month. They are Dennis Daugaard, JC Chambers, Laura Dillon, and Richard Bird. Two CJS members have 1-year terms expiring this summer. They are Cheryl Three Stars Valandra and Grant Walker. McLain requested members send him an email or phone call if they have any suggestions for youth member potentials. Youth members must be under the age of 24 at the time of appointment, and some youth members must have had contact with the juvenile justice system. Since Laura Dillon now lives out of state, she will not be asked to serve another term. Daugaard will talk to Governor Rounds about serving again, but he has to serve on another commission committee and he can't do both. Chambers indicated his willingness to serve again. Discussion ensued on the absence of members at meetings. Richard Bird attended one meeting and has not been in attendance since; Cheryl Three Stars Valandra has been to two out of six meetings. Randall indicated that recruits could be sought from the upcoming Tribal Advisory Committee meeting to be held in July. Kern is willing to call Valandra to see if she will serve again. At the council's direction, Twedt will submit a letter to the Governor outlining those terms that have expired, and recommendations for replacements or those willing to serve again. Daugaard recommended adding a chart to the meeting minutes that displays presence/absence of members at meetings. Sharon Sonnenschein said she believes that attending Systems and Services Meetings should count. Dave Nelson asked if CJS was going to look at using RDTN's for meetings? Randall indicated that CJS would have to have a limited agenda to be able to meet RDTN. Twedt suggested this be brought up again at a later date for further discussion.

6. CJS EXECUTIVE COMMITTEE

This committee has met once. Any formal actions of the executive committee will be approved by CJS at their next scheduled meeting.

7. REVIEW ANNUAL REPORT OUTLINE – develop strategy to complete report

There is a federal requirement to do an annual report based on the state's status as it relates to compliance and the activities of the State Advisory Group. There is a state requirement that CJS do a study of the services available to children in need of supervision. At the March meeting, the CJS suggested we try to do a comprehensive report to meet the state and federal requirements and the information that CJS will want to get out to the Governor, Chief Justice and Legislature. The report is due June 30, 2004. An outline was provided in the materials handed out. Kern suggested that since there are other Juvenile Justice studies going on such as ICWA, PIP from DSS, etc. that this be included so that legislation knows there are three studies going on simultaneously. Kern also expressed the need to address CHINS. There is a need for a five to ten person task force to attack/study the issue in the year ahead to work with and monitor the pilot program because a 30 member committee just can not take it on. Kern asked for the Council's suggestions with this. Randall's suggestions for the report included Co-located facility standards, strong collaboration between the SDCC Non-participating state funds in efforts to be a participating state. DOC will use the executive committee to review the report and Susan also volunteered to review it.

8. REVIEW OF UPDATED GRANT SUMMARY

Problem with the Challenge Grant - \$87,500 – was set aside for '03. DOJ Finance said the money is there but the statutory limitation to award the grant expired. So alternatives to school suspension and expulsion, and basic juvenile justice system services are not funded now. However, we gained \$72,000 in Supplemental Formula Grant funding. South Dakota will begin reimbursing counties July 1st for those programs that the SDCC is currently funding (holdover, transportation, electronic monitoring, shelter care, detention). Local Delinquency Prevention Grant is \$100,000. Once receive this funding, CJS will identify communities and send teens to trainings on prevention planning and supported with funds for prevention programs. 2003 funds under JABG are available to eligible counties, cities, and tribes. If JABG goes away, maybe Juvenile Delinquency and Prevention Block Grants will take it's place, but it hasn't been approved yet.

9. REVIEW SUPPLEMENTAL 2004 FORMULA GRANT APPLICATION

The Supplemental application was submitted on May 21st for \$72,000. This was approved by the Executive Committee prior to submission. ***Janine Kern moved to approve the application; JC Chambers seconded it, motion carried unanimously.***

10. TRIBAL ADVISORY GROUP

CJS has elected to authorize the TAG to be staffed by the SDCC as a committee to advise CJS on the utilization of pass-through funds and receiving input on juvenile justice issues via the TAG. Per the 3-Year Plan, we are scheduled to pass through funds in January 2005.

♦ **Native American Pass Through Timelines and Strategy – Yankton Sioux Tribe Project**

Randall said the SDCC's SAG authorized the use of non-participating state funds (NPS) to offer each of the tribes \$20,000 to be used for whatever priorities they determined, as long as it fits with the general guidelines of juvenile services. Five tribes are using their funds for Probation Officers and two tribes, Lower Brule and Crow Creek, are using the funding for planning processes. Yankton Sioux Tribe has used their money initially for a program that was started under federal funds - a program that could deal with kids coming to the courts that had alcohol and substance abuse issues. Randall further stated that YST used their money as a fill because they intended to apply for continuation of funding. It is hoped that CJS will continue to fund what is started. Randall thought the better course of action would be for CJS to wait for the TAG to make a specific recommendation to CJS that there be continued funding. The TAG will be meeting in July in Flandreau. McLain asked Randall if the SDCC had any funds remaining to provide to YST. Randall said that SDCC has their funds all allocated to different pots so it's hard to determine at this time how it will all shake out.

McLain explained that CJS has funds to give out now, but CJS will then be deviating from the plan. It is fine to do this, but it will impact the availability of Native American Pass Through funds. Janine Kern suggested providing funding for one month, Randall said two months at least to make it worth while. Dave Nelson added that if the Tribe is willing to make right with Medicaid and the Division of Drug and Alcohol, then we would assist, as long as they meet the parameters set. Mike Leidholt expressed his concern of the precedent that would be set. Randall indicated that another option would be for CJS to defer this issue to the executive committee to decide. And that the executive committee could consider parameters for YST to meet in order to be considered for funding. The parameters could include that YST provide for alternative Medicaid or Alcohol and Drug funding, and identify a plan for sustainability funding for the future which would include not more than \$20,000 from CJS for the Probation Officer. This issue will be brought back on the table after lunch. In the meantime, Keith Bonenberger will call Francis McCabe to get his input on the project that YST has started.

Susan Randall and Keith Bonenberger called Francis McCabe, Chief Court Services Officer with the First Judicial Circuit after lunch. Francis shared his thoughts on the YST Project: it's a good program and effective, most intensive probation in this program. Additional positive features also include the on-site assessment and transportation that they provide. ***Randall moved to authorize gap funding of not more than \$17,264 to the Yankton Sioux Tribe Tribal Youth Program to continue substance abuse, probation and family involvement services in 2004 provided that 1) the Yankton Sioux Tribal leaders and program director meet with a team convened by the South Dakota Coalition for Children not later than August 15, 2004 to explore continuation funding, and 2) a realistic plan for sustainable funding through other sources than Juvenile Justice formula grant funds is developed. Dennis Daugaard seconded, motion carried unanimously.***

◆ Collection of Tribal Arrest and Jail/Detention use

In our prior plan and in talking with Judge Kern, we have identified the need to collect tribal arrest, jail, and detention data. Judge Schreyer attempted to collect some of this data. McLain asked CJS if this is something that we want to collect: not only arrest data, but jail and detention data since they are exempt from JJDP? And does CJS want to approve the TAG with identifying this information? Discussion ensued. Kern believes CJS should request this data because it's important in getting a handle on the juvenile issues on reservations. Kern suggested CJS ask the advisory council on July 15th for their 2003 arrest and detention data to be submitted by September 1. Discussion continued on providing funding to tribes to assist in getting this data. Money could come out of Planning and Administration or out of Compliance monitoring. ***Dennis Daugaard made a motion that CJS reimburse tribes \$500 each to provide jail separation and removal data for 2003; Mike Leidholt seconded, motion carried unanimously.***

◆ Staffing of Advisory – South Dakota Coalition Proposal

Randall explained her proposal of staffing support and convening of the TAG. In order to plan, advance communications, convene, and follow-up communications for quarterly meetings of the TAG, Randall estimated the time to do this is 50 hours per one-day meeting. This breaks down to 20 hours meeting preparation and advance communications plus 8 hours meeting support each for two staff, and 14 hours writing minutes and follow-up communications. Convening the TAG is very time consuming, so Randall is asking to be reimbursed since CJS now has the money. This totals \$2,500 for convening and completing each meeting. Twedt asked if the amount would include a comprehensive report back to the Council; Randall said they would provide minutes. Randall said the TAG is meeting in July and then probably again in September so that they can meet prior to CJS meeting again. Randall stepped out of the room while discussion ensued, and Leidholt indicated he supports this proposal but that he will abstain from voting since he is on the SDCC SAG. ***Janine Kern moved that CJS fund this for two to three meetings and that they provide back to CJS the minutes and that CJS hire them on a contractual basis to do this.***

Discussion ensued. Twedt said she supports this but that she's troubled about paying \$7,500 for the rest of the year if all CJS gets back are minutes. She asked what is the rest of value to this council? Daugaard suggested asking Randall if she could do some kind of 'work up'; Kern suggested we ask her for a report because CJS also talked about who is juvenile justice on the reservation – maybe Susan could do a directory of the juvenile justice providers. This has not really been assessed and there's been a lot of turnover and barriers. McLain said CJS could ask for a description of each tribes juvenile justice system, which would include a personnel directory; and also include arrest, adjudications, detention, and shelter care data. ***Kern amended her motion to include CJS wanting the gaps in the juvenile justice system identified, and recommendations on how to fill those gaps on each of the reservations. Including a directory of personnel programs, identification of service gaps and needs, recommendations on utilization of Native American pass-through funds, and adjudication, shelter care, and detention data. CJS would like a summary report to include all of these items. Dave Nelson seconded.*** Chairperson, Carol Twedt, brought Susan Randall back in to answer questions prior to the final vote. Kern questioned, "if we asked for identification of juvenile justice personnel operating on each reservation and what programs they have in existence, and a statement of the needs of the reservations, and service gaps, could you prepare a report back to this council summarizing those things for each of the tribes under your proposed budget?" Randall replied, "Definitely and in fact we are working on that. One product we are working on is a snapshot of the juvenile justice system by tribe. The directory is another product". Kern explained that we would like a report that outlines what the TAG's recommendations are to CJS. Randall said a report is do-able, but she just didn't want to get into a major report. Randall stepped back out for voting to take place.

Motion carried unanimously, with one member abstaining.

11. COMPLIANCE MONITORING UPDATE

CM - McLain reviewed the spreadsheet and summarized the raw data. The jail removal data is broken out from January – June, prior to compliance legislation, and then July –December, which is after compliance legislation took effect. Facilities also changed their status prior to July 1. For instance Day County and Codington county were considered adult jails, January through June. But July-December, they are collocated juvenile detention centers. After July 1, Grant, Faulk, Edmunds, and Walworth Counties were classified as 48-hour rural jail exception facilities. Explanation of the data ensued. Twedt feels these counties should get a letter of commendation for stepping up and doing what they have to do to comply with the act.

DSO – McLain reviewed DSO data. He said we are not anticipating a large number of violation issues as there were only 2 or 3 last year. To be in full compliance, you can not have more than 11 violations for DSO. We need

to take a look at these 11 violations and document whether they were violations of state law or whether we have a plan in place. We will have Compliance Monitoring Committee look at this raw data at their June meeting.

Jail Removal – Fifteen of the Nineteen second half violations were in Walworth County. But as February 5th they are a collocated detention center, so those will no longer be violations. The violation rate on jail removal is 18.75 violations per 100,000. To be in full compliance, we can not have more than 8 jail removal violations. The standard for jail removal is 9 violations per 100,000.

Separation – there is no problem and we aren't anticipating any problems with that. As it relates to funding, a letter from OJJDP received last week that said our compliance issues will not effect the two years of funding that we've applied for.

Kern and Daugaard discussed sending a letter in July to the county commissioners and sheriff's of targeted counties commending them and thanking them for their compliance efforts. McLain would like to wait on the letter until we wrap up, to make sure the data stays consistent. He will remain in contact with Carol regarding this letter.

12. CENTRALIZED INTAKE SYSTEM

Keith Bonenberger reported that Dallas Johnson met last week with their tech people and started working out a lot of bugs with the computer data interfacing in their system. He's also been working on the web-based form part with contractors and has had several meeting with intake people. Right now, it's hard to determine when the system will be up and running.

13. LEGISLATIVE COMMITTEE

Randall indicated one goal is to get together to determine what role CJS serves legislatively. This committee will meet later in the year.

14. DETENTION / SHELTER CARE / HOLDOVER AD HOC COMMITTEE UPDATE

Dallas Johnson can no longer serve due to "Ad Hoc" (special focus/study). Doug Herrmann asked the Council for clarification on what this committee is to do. Do they look at ALL detention/shelter care/holdover sites? Discussion ensued. McLain indicated that there is a need for licensure standards for detention centers for county operated facilities, and holdover sites.

15. DMC UPDATE

McLain explained the DMC report received from Dr. Leonardson. He has been provided with detention center and jail data for 2002 and all of our juvenile correction data for as long as DOC has had this data. Leonardson will first look at the quality of the data, and then separate the temporary custody kids vs. kids that are being put there as a sentence/disposition/probation revocation/aftercare revocation. DOC will then provide Leonardson with arrest data and adjudication disposition data from the court system.

Next steps include improving the missing data elements, providing Leonardson with specific data that he needs, and possibly collect YLS type data for kids in other phases of the system.

16. ICWA

Senate Bill 211 created the ICWA commission, which Janine Kern has been asked to co-chair with Tribal Judge BJ Jones. This is to assess if South Dakota is compliant with the Indian Child Welfare Act. A contract has been made between the National Center for State Courts in conjunction with the North American Indian Regal Services Corporation out of Denver to assess the state piece in which there are Native American children placed out of their home with the Department of Social Services. South Dakota provides Child Protection Service in some fashion for 8 out of the 9 tribes. Sisseton-Whapeton provides it's own Child Protection Services. This commission will gather a great deal of data which would include gathering information about the status Native American children in foster care and what can be done to improve placement of Native American children. The ICWA commission has to have three more meetings, the review team is out gathering data, the report has to be legislature by December. Kern feels an extension needs to be requested.

17. MISCELLANEOUS

- ❖ The CJS set October 8th as their next meeting date.
- ❖ McLain indicated that Dennis Mondoro called indicating that OJJDP is looking at sponsoring a conference in SD for Sheriffs, States Attorney's, etc. on compliance monitoring. They would bring in an earmark specialist to do training. They are looking at October or November for this conference.
- ❖ Randall indicated that SDCC continues to host regional meetings for juvenile justice and that all are invited to attend.

- ❖ Kern volunteered to work with subcabinet members at one of their next meetings in Pierre. Susan Randall, Carol Twedt, and Kevin McLain will also work with the subcabinet members.
- ❖ *Dennis Daugaard made a motion to adjourn, Doug Herrman seconded. All in favor, motion carried unanimously.*

18. MEETING ADJOURNED at 2:04 PM.

Recorded by Jodi Kirschenman, JJ Specialist