

Attachment 2: Program Narrative
FY2013 Juvenile Accountability Block Grant (JABG)
South Dakota Department of Corrections

a. JABG Advisory Board:

The Council of Juvenile Services (CJS) serves as South Dakota’s JABG State Advisory Board (SAB). The State of South Dakota has passed legislation, which ensures compliance with the Juvenile Justice Delinquency Prevention Act of 1974, as amended, thus allowing the state to participate in the formula grants program. Therefore, CJS also serves as the state advisory group for the Formula Grants Program in South Dakota.

Consistent with CJS by-laws, the Council of Juvenile Services Executive Committee approved the current FY13 JABG application in February 2013.

The following chart provides the required information for South Dakota’s CJS members:

COUNCIL of JUVENILE SERVICES

	Name	Represents	Representing Agency	Date of Appointment	Residence
1.	Carol Twedt, Chair *	O	County Commissioner	June 2003	Sioux Falls, SD
2.	Sheriff Mike Leidholt, Vice Chair*	B	Hughes County Sheriff	June 2003	Pierre, SD
3.	Dr. JC Chambers*	O	Stronghold Counseling	June 2003	Sioux Falls, SD
4.	Judge Jeff Davis*	D	Circuit Court Judge and JDAI Co-Chair	October 2012	Rapid City, SD
5.	Betty Oldenkamp*	G, H, I	Lutheran Social Services	October 2012	Sioux Falls, SD
6.	Doug Herrmann*	O	Department of Corrections	June 2003	Rapid City, SD
7.	Grant Walker*	C	Standing Rock Sioux Tribe Prosecutor	October 2003	Selby, SD
8.	Beth O’Toole*	F	University of Sioux Falls	October 2004	Sioux Falls, SD
9.	Victor Erlacher*	O	Teacher/Foster Care Provider	April 2005	Arlington, SD

10.	Ella Rae Stone*	O	Yankton Sioux Tribe Correctional Facility	September 2005	Lake Andes, SD
11.	Judge Karen Jeffries*	D	Cheyenne River Sioux Tribe Judge	September 2005	Eagle Butte, SD
12.	Nancy Allard*	E	Unified Judicial System Administration	September 2006	Pierre, SD
13.	Virgena Wieseler*	G	Department of Social Services	September 2006	Pierre, SD
14.	Lyndon Overweg*	A	Mitchell Chief of Public Safety	September 2006	Mitchell, SD
15.	Elizabeth Heidelberger*	Y	Youth Member and JADI Coordinator	June 2007	Rapid City, SD
16.	Aaron McGowan*	C	Minnehaha County State's Attorney	August 2008	Sioux Falls, SD
17.	Rebecca Bedard*	Y	Youth Member	October 2012	Rapid City, SD
18.	Michael Zellmer*	Y	Youth Member	June 2010	Sioux Falls, SD
19.	Arlene Ham Burr*	O	Former State Senator	October 2012	Rapid City, SD
20.	Jacob Kabrud *	Y	Youth Member	October 2012	Rapid City, SD

*** Denotes both advisory board and state advisory group membership.**

- A. State or local police department.
- B. Local sheriff's department.
- C. State or local prosecutor's office.
- D. State or local juvenile court.
- E. State or local probation office
- F. State or local education agency.
- G. State or local social service agency.
- H. A nonprofit, faith-based, or community group
- I. A nonprofit, nongovernmental victim advocacy organization.
- O. Other (locally elected official, community based programs, detention, department of corrections).
- Y. Youth Appointments.

b. Role of the Court:

A letter was sent to Supreme Court Chief Justice Gilbertson requesting his input regarding the FY'13 JABG application and utilization of funds to be spent on behalf of local government.

A copy of this letter along with the Chief Justice's response can be found as an appendix to this application. The Council of Juvenile Services, which serves as the SAB for this program, includes representation from the Court System. All local crime enforcement coalitions for communities that receive JABG funds also include Court System representation.

c. Graduated Sanctions:

South Dakota has a continuum of sanctions and services available to hold youth accountable. The continuum consists of temporary custody, progressing through diversion, probation, intensive probation, probation revocation, and ultimately commitment to the Department of Corrections. Commitment is followed by placement on aftercare, which generally lasts until the youth reaches the age of eighteen but can extend to age twenty-one.

The level of sanctions developed in South Dakota is directed at preventing the youth from becoming delinquent and potentially facing a lifetime of crime and convictions. It also focuses on reintegrating the youth back into the community, helping the youth maintain a healthy relationship with family members by encouraging family participation, and directing the youth to make more positive choices when it comes to their peers.

Temporary Custody - The system of graduated sanctions starts at the time a youth is taken into custody by law enforcement with the initial stages of temporary custody. Temporary custody is defined as the legal and physical control of a child prior to final disposition. This includes the time the child is in the physical custody of law enforcement prior to release to parents, as well as physical custody of a child in detention or shelter care. Under SDCL 26-7A-12, a child may be taken into temporary custody by a law enforcement officer without order of the court under the following conditions:

- (1) If the child is subject to arrest under the provisions of § 23A-3-2 and 23A-3-4 (magistrate court offenses);

- (2) If the child is abandoned or seriously endangered in the child's surroundings or is seriously endangering others and immediate removal of the child appears to be necessary for the child's protection or for the protection of others;
- (3) If there are reasonable grounds to believe the child has run away or escaped from the child's parents, guardian, or custodian;
- (4) If the officer reasonably believes that temporary custody is warranted because there exists an imminent danger to the child's life or safety and there is no time to apply for a court order and the child's parents, guardian, or custodian refuse an oral request for consent to the child's removal from their custody or the child's parents, guardian, or custodian are unavailable; or
- (5) If the child is under the influence of alcohol, inhalants, or a controlled drug or substance.

Upon taking a child into temporary custody, the law enforcement officer must immediately notify an intake officer who will then conduct a hearing as required by 26-7A-13.1. An intake officer is a judge of a circuit court or the court's designee who may not be a court services officer, law enforcement officer, or prosecuting attorney. Once notified that the child has been taken into temporary custody, the intake office immediately holds a hearing to determine if the child will be released or held in temporary custody. The shelter or detention authorized shall be the least restrictive alternative available. The child may be held in detention up to an additional twenty-four hours following the temporary custody hearing pending transfer to shelter or release.

If the child is accused of or has been found in violation of a valid court order, the child may be placed in detention for more than twenty-four hours, if a temporary custody hearing,

pursuant to § 26-7A-14, is held within twenty-four hours of the child being placed in a detention facility, an interview is conducted with the child, and a written assessment of the child's immediate needs is provided at the temporary custody hearing. The interview and assessment may be conducted by law enforcement, states attorney, court services, or other public employee. The child may not be held in detention greater than seventy-two hours unless revocation proceedings have been initiated.

If the child is being held for another jurisdiction as a parole or probation violator, as runaway, or as a person under court-ordered detention, the child may be placed in detention for more than twenty-four hours, and up to seven days, if a temporary custody hearing, pursuant to § 26-7A-14, is held within twenty-four hours of the child being placed in a detention facility.

If the intake officer does not release the child, a temporary custody hearing must be held within 24 hours, exclusive of holidays and weekends. At the temporary custody hearing, the court considers the evidence for needed continued temporary custody of the child, in keeping with the best interests of the child. The temporary custody hearing may be conducted telephonically, when necessary as determined by the court.

An apparent, alleged, or adjudicated child in need of supervision may not be placed in detention for longer than twenty-four hours after the temporary custody hearing unless the child has been accused of or has been found in violation of a valid court order.

Generally, three options exist for holding juveniles on a temporary custody basis. First, juveniles may be held in shelter facilities, which are non-secure homes or facilities used for the temporary care of a child. Second, juvenile holdover sites, which are nonsecure locations, can be used for the placement of juveniles for up to 72 hours. Third, juvenile

detention centers hold delinquent children and children in need of supervision under conditions and limitations outlined in the previous section of this document.

Diversion and Informal Adjustment - Law enforcement agencies are required to file a report with the State's Attorney whenever a child is taken into temporary custody. Law enforcement or other persons may make a report to the State's Attorney if it appears that the child may be under the purview of the abuse and neglect, child in need of supervision, or delinquent statutes.

When a state's attorney is informed by a law enforcement officer or any other person that a child is, or appears to be, within the purview of chapters 26-8A, 26-8B, or 26-8C, the state's attorney makes a preliminary investigation to determine whether further action should be taken. Based on the preliminary investigation, the state's attorney may take the following actions:

- (1) Decide that no further action is required;
- (2) If the report relates to an apparent abused or neglected child and if additional information is required, refer the matter to the Department of Social Services for further investigation and recommendations;
- (3) If the report relates to an apparent child in need of supervision or an apparent delinquent child, refer the matter to a court services officer for any informal adjustment to the supervision of the court that is practicable without a petition or refer the matter to a court-approved juvenile diversion program for any informal action outside the court system that is practicable without the filing of a petition; or
- (4) File a petition to commence appropriate proceedings.

Informal adjustment is an alternative to adjudication and provides the alleged child in need of supervision, or alleged delinquent youth, the opportunity to follow a written plan under the supervision of a Court Services Officer. If the plan is completed, no petition will be filed. However, failure to complete the conditions of the informal adjustment may lead to a petition being filed.

A diversion program is a court-approved program generally operated by a local private provider. Diversion programs focus on educating the child about the impact of their behaviors. Law related education and teen court programs are examples of diversion programs. Many diversion programs are offense specific, such as alcohol resistance programs, shoplifter programs, and vandalism programs.

Petition and Adjudication - A state's attorney may file with the clerk of courts a written petition alleging a child, located or residing in the county, to be an abused or neglected child, a child in need of supervision, or a delinquent child, as defined by chapters 26-8A, 26-8B, or 26-8C.

An advisory hearing is the initial hearing conducted by the court to inform the child and the child's parents, guardian, custodian, or other interested parties of their statutory and constitutional rights. On appearance of the parties pursuant to summons or at any adjournment or continuance of an appearance, the court conducts an advisory hearing before the adjudicatory hearing on the petition. The court will then receive the answer, response, denial, or admission of the parties and, if appropriate, of the child, as follows:

- (a) If the petition alleges the child to be abused or neglected, parents, guardian, or custodian of the child may admit the allegations contained in the petition and the

court may accept the admissions if the court is satisfied there is a factual basis for them;

(b) If the petition alleges a child to be in need of supervision, parents, guardian, or custodian of the child and the child may admit the allegations contained in the petition and the court may accept the admissions if the court is satisfied there is a factual basis for them;

(c) If the petition alleges the child to be delinquent, the child may admit the allegations contained in the petition and the court may accept the admission if the court is satisfied there is a factual basis for them.

If all necessary parties admit the allegations contained in the petition and the court accepts the admissions, the court may find, conclude, and make a decision as to the adjudication of the child under the applicable provisions of chapter 26-8A, 26-8B, or 26-8C.

If all parties concur, the court may then proceed with the dispositional phase of the proceedings without conducting a formal adjudicatory hearing on the petition. However, at the request of any party or if required by the court, the court will set a later time and date for the dispositional hearing. The court will then determine interim dispositional arrangements concerning the child and the parties.

If the petition is not admitted by all necessary parties, including the child, or if the petition is denied by any necessary party or the child, the court will proceed with the adjudicatory hearing on the petition or schedule the adjudicatory hearing for a later time and date.

If the advisory hearing is adjourned and continued or if the advisory hearing is completed and the adjudicatory hearing on the petition is scheduled for a later time and date, the court

will make an interim order regarding temporary custody of the child as determined by the court.

Following an advisory hearing on a petition, the court conducts an adjudicatory hearing. The court considers whether the allegations of the petition are supported by clear and convincing evidence concerning an alleged abused or neglected child or whether the allegations of the petition are supported by evidence beyond a reasonable doubt concerning an alleged child in need of supervision or an alleged delinquent child. This hearing is comparable to the trial for an adult.

Adjudicatory hearings are conducted in accordance with rules of civil procedure. If the court finds that 1) the allegations of the petition or amended petition are not supported by clear and convincing evidence in cases concerning an alleged abused or neglected child; or 2) are not supported by evidence beyond a reasonable doubt in cases concerning an alleged child in need of supervision or an alleged delinquent child, the court will then enter a final order accordingly and the action will be terminated. In the case of an alleged, abused, or neglected child, the court will enter findings and conclusions in addition to the final order. On termination of the action, the child, the child's parents, guardian, or custodian and other parties respondent will be released from any restriction or temporary order previously issued by the court and from the jurisdiction of the court. The final order terminating then may be appealed by the state or by any alleged abused or neglected child or any party respondent not in agreement with the non-adjudication of the alleged abused or neglected child and resulting termination of the action.

If the court finds the allegations of the petition are supported by clear and convincing evidence, in cases concerning an alleged abused or neglected child, or are supported by

evidence beyond a reasonable doubt, in cases concerning an alleged child in need of supervision or an alleged delinquent child, the court adjudicates the child accordingly and issues findings of fact, conclusions of law, and an order of adjudication stating the child to be an abused or neglected child as defined in chapter 26-8A, a child in need of supervision as defined in chapter 26-8B, or a delinquent child as defined in chapter 26-8C. The order of adjudication is an intermediate order and is subject to intermediate appeal with the permission of the court according to the rules of procedure governing civil appeals.

Disposition – Upon adjudication, the court then proceeds with the dispositional phase of the proceedings and issues an order setting the time, date, and place of the initial dispositional hearing and prescribing notice of the hearing. However, the court may proceed immediately with the initial dispositional hearing with the consent of the state, the child and the child's parents, guardian, or custodian or other parties who are respondents in the action.

On completion of the adjudicatory hearing resulting in adjudication of the child, the court may issue an interim dispositional decree governing custody, placement, care, shelter, or detention of the child as determined by the court pending the initial dispositional hearing and any continuance of it.

The dispositional hearing is a hearing after adjudication at which the court makes an interim or final decision in the case. This is comparable to the sentencing hearing for an adult. Dispositional hearings are tried to the court and are conducted and designed to inform the court fully of the exact status of the child and to ascertain the history, environment, and past and present physical, mental, and moral condition of the child and of the child's parents, guardian, or custodian.

At the dispositional hearings the court considers evidence regarding proper disposition of the child best serving the interests of the child with due regard to the rights and interests of the child's parents, guardian, custodian, other parties respondent, the public, and the state. Dispositional evidence may include social study reports, mental and medical examination and evaluation reports, home study investigation reports, and any other evidence related to appropriate disposition of the child.

Following the dispositional hearing, the court issues an interim decree of disposition. During the dispositional phase, the court balances the rights and interests of the child and the respective parties, including the public and the state.

On completion of the final dispositional hearing, the court issues findings of fact, conclusions of law, and a final decree of disposition. The decree will be the final order of the court for the purpose of an appeal by any party according to the rules of procedure governing civil appeals.

If a child has been adjudicated as a child in need of supervision, the court enters a decree of disposition according to the least restrictive alternative available in keeping with the best interests of the child. The decree will contain one or more of the following alternatives:

- (1) The court may place the child on probation or under protective supervision in the custody of one or both parents, guardian, custodian, relative, or another suitable person under conditions imposed by the court;
- (2) The court may require as a condition of probation that the child report for assignment to a supervised work program, provided the child is not placed in a detention facility and is not deprived of the schooling that is appropriate to the child's age, needs, and specific rehabilitative goals. The supervised work program

will be of a constructive nature designed to promote rehabilitation, will be appropriate to the age level and physical ability of the child and will be combined with counseling by a court services officer or other guidance personnel. The supervised work program assignment will be made for a period consistent with the child's best interests, but may not exceed ninety days;

- (3) If the court finds that the child has violated a valid court order, the court may place the child in a detention facility, for purposes of disposition if:
 - (4) The child is not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative goals;
 - (5) The child had a due process hearing before the order was issued; and
 - (6) A plan of disposition from a court services officer is provided to the court;
 - (7) The court may require the child to pay for any damage done to property or for medical expenses under conditions set by the court if payment can be enforced without serious hardship or injustice to the child;
- (8) The court may commit the child to the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center pursuant to chapter 26-11A. Prior to placement in a juvenile correctional facility, an interagency team comprised of representatives from the Department of Human Services, Department of Social Services, Department of Education, the Department of Corrections, and the Unified Judicial System will make a written finding that placement at a Department of Corrections facility is the least restrictive placement commensurate with the best interests of the

child. Subsequent placement in any other Department of Corrections facility may be authorized without an interagency review;

- (9) The court may place a child in an alternative educational program;
- (10) The court may order the child to be examined and treated at the Human Services Center;
- (11) The court may impose a fine not to exceed five hundred dollars;
- (12) The court may order the suspension or revocation of the child's driving privilege or restrict the privilege in such manner as it sees fit or as required by § 32-12-52.4;
- (13) The court may assess or charge the same costs and fees as permitted by § 16-2-41, 23-3-52, 23A-27-26, and 23A-27-27 against the child, parent, guardian, custodian, or other party responsible for the child. No adjudicated child in need of supervision may be incarcerated in a detention facility except as provided in subdivision (3) or (5) of this section.

If a child has been adjudicated as a delinquent child, the court then enters a decree of disposition according to the least restrictive alternative available, in keeping with the best interests of the child. The decree will contain one or more of the following alternatives:

- (1) The court may make any one or more of the dispositions in § 26-8B-6, except that a delinquent child may be incarcerated in a detention facility established pursuant to provisions of chapter 26-7A for not more than ninety days, which may be in addition to any period of temporary custody;
- (2) The court may impose a fine not to exceed one thousand dollars;
- (3) The court may place the child on probation under the supervision of a court services officer or another designated individual. The child may be required as a condition of

probation to report for assignment to a supervised work program, provided the child is not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative goals. The supervised work program will be of a constructive nature designed to promote rehabilitation, appropriate to the age level and physical ability of the child, and will be combined with counseling by the court services officer or other guidance personnel. The supervised work program assignment will be made for a period of time consistent with the child's best interests, but for not more than ninety days;

- (4) The court may place the child at the Human Services Center for examination and treatment;
- (5) The court may commit the child to the Department of Corrections;
- (6) The court may place the child in a detention facility for not more than ninety days, which may be in addition to any period of temporary custody;
- (7) The court may place the child in an alternative educational program;
- (8) The court may order the suspension or revocation of the child's driving privilege or restrict the privilege in such manner as it sees fit;
- (9) The court may assess or charge costs and fees permitted by § 16-2-41, 23-3-52, 23A-27-26, and 23A-27-27 against the child, parent, guardian, custodian, or other party responsible for the child.

Probation – Probation is the most common disposition for a child in need of supervision and delinquents. The terms, conditions, and duration of probation of a child in need of supervision or delinquent child are specified by rules or orders of the court and by a court

services officer. Each child placed on probation is given a written statement of the terms and conditions of probation. The terms and conditions are fully explained to the child.

The court reviews the terms and conditions of probation and the progress of each child placed on probation at least once every six months. The court may release a child from probation or modify the terms and conditions of the child's probation at any time, but any child who has complied satisfactorily with the terms, conditions, and duration of probation is be released from probation and the jurisdiction of the court terminated.

The following provisions apply if the child is alleged to have violated the terms and conditions of probation:

- (1) The court is to set a hearing on the alleged violation and is to give five days' notice to the child, to the child's parents, guardian, or custodian, and to any other parties to the proceedings;
- (2) The child and the child's parents, guardian, or custodian are given a written statement concerning the alleged violation;
- (3) The child may be represented by legal counsel at the probation violation hearing and the child is entitled to the issuance of compulsory process for the attendance of witnesses;
- (4) If the court finds by a preponderance of the evidence that the child violated the terms and conditions of probation, the court may modify the terms and conditions of probation, revoke probation, or take other action permitted by this chapter or chapter 26-7A, according to the least restrictive alternative which is in the best interests of the child, the public, and the state;

(5) If the court finds that the child did not violate the terms and conditions of probation as alleged, the court may dismiss the proceedings and continue the child on probation under the terms and conditions previously prescribed.

Commitment - At the dispositional hearing for an adjudicated child in need of supervision or a delinquent child, the judge may commit the child to the Department of Corrections for out-of-home placement. In order to commit the child to the Department of Corrections, the judge must find that all efforts have been made to prevent the out-of-home placement of the child and that remaining in the home is not in the child's best interest. Children are committed until they reach the age of 21 unless discharged sooner by the Department of Corrections. The Secretary of the Department of Corrections is named in the dispositional order as the child's guardian.

At the time of commitment, the child is assigned a Juvenile Corrections Agent. The child remains on the Agent's caseload until discharge or transferred to another Agent. Through an intake, assessment, and classification process, the Department places the child in a program that meets the child's needs and security level.

The Department of Corrections operates four separate and distinct residential programs (two for females and two for males) at the STAR Academy. The Department also contracts with private group and residential treatment facilities both in South Dakota and out of state. Generally, at any given time around half the juveniles are placed at one of the STAR Academy programs and half in private placement. In addition, the Department has fifteen foster care homes and contracts with three private providers for independent living programs for females and males who cannot return home.

Once juveniles complete their program and are recommended for release, juveniles are placed under the aftercare supervision of their Juvenile Corrections Agent. The child, the child's parent or custodian, and the Agent sign an aftercare contract that outlines the conditions of the child's behavior and the services the child and/or family will access. The child's aftercare may be revoked if the child violates the conditions of the aftercare contract. An administrative due process procedure is utilized to determine if the child's aftercare should be revoked.

For minor violations such as curfew, truancy, unamenable (family discord), or negative peers, the Juvenile Correction's Agent (JCA) would impose less restrictive sanctions. Possible sanctions imposed would be earlier curfew, prior permission from the youth's JCA or parents for all activities outside of the home, no driving a motor vehicle, no social activities outside of home without an approved chaperone, involve other agencies/counseling, verbal reprimand, counsel and release, and/or Community service.

Medium violations would justify more harsh penalties. Examples of medium violations would consist of school suspension, drug use, alcohol use, failure to attend programs agreed on in aftercare contract, misdemeanors, and/or running away. Graduated sanctions imposed for these offenses would be: increase level of supervision, prior permission from Juvenile Corrections Agent for all activities, set earlier curfew, no social activities outside of home, electronic monitoring, temporary custody in detention, increase drug testing, two or more offenses may result in revocation hearing, verbal reprimand, community service, referral to area service provider for evaluation/treatment, and restrict driving privileges.

The most severe consequences for a youth occur if the youth receives two or more misdemeanors or a felony. Sanctions imposed in these circumstances consist of a revocation

of aftercare and out of home placement, a petition and recommitment to the Department of Corrections, or prosecution as an adult. A sanction involving a petition or prosecution as an adult is at the discretion of the local states attorney.

In addition to the supervision and monitoring systems which stress accountability of the juvenile for his/her actions, aftercare supervision may include a combination of any of the following interventions or treatment services as deemed appropriate:

- Individual counseling for the juvenile
- Psychological assessment of juvenile and or family
- Family counseling
- Group counseling
- Chemical dependency (outpatient)
- Chemical dependency (inpatient)
- School evaluations and testing
- Random urinalysis
- Alcohol Monitoring
- Parent support groups

In South Dakota, the Juvenile Accountability Block Grant has supported a number of community accountability based programs such as teen courts, electronic monitoring, truancy programs, corrective thinking programs, home detention, and community service programs. The JABG grant has aided in the success of graduated sanctions imposed in the communities of our state.

d. Juvenile Justice System Analysis:

Many local communities, especially those in rural areas, lack the opportunity for graduated sanctions. Many juveniles are not given sanctions because the only sanctions available are severe (placement in custody with DOC until the juvenile is 21). In some areas where community service is implemented as a sanction, tracking and accountability problems tend to result in poor or non-existent monitoring. Through the use of JABG funds, local communities have developed and implemented graduated sanctions and public safety programs at the local level. Using a system of graduated sanctions ensures a non-punitive court process and problem-solving arena. Teen court and diversion programs that use a community-based approach to find the least restrictive and most effective treatment for troubled youth are finding success in dealing with problems in the community as they arise.

With decreasing JABG appropriation amounts and the raising of the minimum allocation for local entities from \$5,000 to \$10,000, the number of eligible cities, counties and tribes in South Dakota decreased dramatically. South Dakota's eligible entities in FY13 included Minnehaha County, Sioux Falls, and Pennington County.

Minnehaha and Pennington Counties are also the pilot sites in South Dakota for implementation of the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI). The Council of Juvenile Services decided to pursue JDAI in South Dakota to reduce the juvenile incarceration rate, reduce disproportionate minority contact (DMC) for youth involved in the state juvenile justice system, improve compliance with the Juvenile Justice and Delinquency Prevention Act, provide an opportunity to reduce the reliance on the use of the valid court order exception, and to allow facilities and the community to work together to improve the conditions of confinement. Implementation of JDAI in both counties began in January 2012

using the model programs of an Evening Reporting Center, Court Expediter, and Reception Center. If implementation in both sites is found to be successful, the Council will look into expanding JDAI further within the state.

In the past, several communities have utilized their JABG dollars for teen court or diversion programs. Prior to the JABG changes, there were nine diversion programs and sixteen court programs funded through the JABG program in our state. The budgets varied significantly by jurisdiction as some entities' programs were fully funded with JABG while others used JABG dollars to supplement other funds. Once JABG funding was reduced or eliminated, there were only two teen courts and one diversion program remaining that was funded with direct JABG allocations.

In planning for FY06 JABG funding, the Department of Corrections brought this priority issue before the Council of Juvenile Services and the Systems Improvement Committee, an ad hoc committee developed under the Council of Juvenile Services, for discussion. The Council expressed interest in and approved continued funding for diversion and teen court programs. Once again, the Department of Corrections plans to utilize the "Spend on Behalf of Local Government Funds" of FY13 JABG funds to support previously funded teen courts and diversion programs across the state and/or other community-based interventions for probationers.

e. **Program Descriptions:**

State's 25% Allocation

- (1) **JABG Purpose Area 17: Establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from state or local custody in the community.**

The State will utilize 5% of its portion of the JABG award for administrative costs, which will consist of \$7,601 in federal funds, state ten percent match of \$845 for a total of \$8,446 for administrative costs. The remaining 20% will be used for program Purpose Area 17. The amount allocated to this purpose area will be \$30,406 in federal funding. South Dakota will allocate funds for establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from state or local custody in the community. This will provide various options of reentry services for juvenile offenders through the use of SCRAM (Secure Continuous Remote Alcohol Monitoring), intensive family services for youth on aftercare, home-based services, and electronic monitoring. These services will provide opportunities to hold youth accountable while developing skills and resources so the youth do not reoffend or reenter the juvenile justice system.

- (2) **Problem Statement** – There is a need for more reentry service options to hold youth accountable while providing a structured environment to assist youth with becoming successful in their environment.

- (3) **Program Goal:** Hold youth accountable and promote successful reintegration into the community by increasing the number of reentry programs provided to juveniles.

(4) Program Objective: Fund and support reentry programs throughout the state by utilizing services such as SCRAM Monitoring, Electronic Monitoring, and Intensive Family Services for youth on aftercare.

(5) Planned Activities and Services:

The Division of Juvenile Corrections will identify and prioritize the services to be provided utilizing JABG funds to ensure that the services provided will support success in the community following return from placement. Services will be provided consistent with established priorities and the individual youth's needs, risk factors, and appropriate interventions. Services accessed and output and outcome measures will be tracked and reported.

(6) Performance Measures:

The DOC will assist the subgrantees in selecting relevant and appropriate performance measures for the accountability activities that they will support with JABG funds. The DOC will meet OJJDP's requirement for reporting by collecting each subgrantees data on a quarterly basis and reporting it to OJJDP annually.

- 1) Number of youth that the program served.
- 2) Percentage of youth completing program requirements.
- 3) Percentage of programs/initiatives employing evidence-based practices.
- 4) Percentage of youth with whom an evidence-based practice was used.
- 5) Number of program youth who reoffend.
- 6) Percentage of program youth who exhibit a desired change in the targeted behaviors.
- 7) Percentage of JABG funds awarded for system improvement.

State's 75% Allocation

State's Spend on Behalf of Local Government

It is anticipated that the portion of the JABG allocation that the state will expend on behalf of local units of government will support early intervention, diversion, and probation support programs. The Department of Corrections and the Unified Judicial System will work with the Council of Juvenile Services to fund local community-based programs that fall within the following program purpose areas:

Purpose Area 1: Developing, implementing, and administering graduated sanctions for juvenile offenders.

Purpose Area 15: Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism.

It is anticipated that these funds will support diversion, Teen Court, and probation support programs. The state will administer funds to former JABG subgrantees to support diversion and/or teen court programs that were developed and previously funded with JABG dollars. DOC staff will administer applications to potential subgrantees on a case by case basis, and work with them on the submission of the application and the subgrant requirements. Subgrantees will be required to report on performance measures, provide geographic information, and all other grant requirements and assurances. Subgrantees will also be required and must commit to seeking sustainable funding for the future of their teen court/diversion programs.

State allocations have not been calculated for our state's eligible units of local government for FY'13 JABG. Therefore, in using FY'12 allocations, it is anticipated that approximately \$68,796 will be spent on behalf of local governments.

Local Allocations

It is anticipated that the same two subgrantees (two which have formed a coalition) that received a FY'12 allocation will again be eligible for FY'13 JABG funding since they are the two largest communities in the state. These subgrantees are:

- ❖ Minnehaha County-Sioux Falls Coalition – approximately \$23,000
- ❖ Pennington County – approximately \$22,000

Communities receiving JABG allocations will select which program purpose areas to implement based on local needs and JABG guidelines.

f. Coordination Efforts:

The Department of Corrections (DOC) is the designated state agency for both the JABG and formula grants programs. The Council of Juvenile Services (Council) serves as the state advisory board/group for these programs. The DOC and Council conducted a thorough analysis of the needs of the juvenile justice system in our state as part of the three year planning process for the formula grants program. The results of this analysis have been used to identify issues and problems to be addressed with JABG funds.

g. Collecting and Sharing Juvenile Justice Information:

Local juvenile justice agencies have worked together to develop projects to be funded with JABG funds. Several local communities have utilized JABG funds to develop youth courts.

These courts have been effective in holding juveniles accountable, ensuring completion of sentences, providing additional opportunities for community service, and reducing recidivism. Youth courts require a significant amount of coordinating efforts between Judges, Court Service Officers, State's Attorneys, and local service providers.

(1) South Dakota's process for gathering juvenile justice information and data across state agencies:

The Department of Corrections collects and analyzes the following juvenile justice data on an annual basis in order to support Formula Grant and JABG planning and compliance -

- juvenile arrests;
- detention and jail data;
- diversion and petitions filed;
- adjudications and dispositions;
- commitment to the Department of Corrections; and
- Corrections placement and aftercare data.

Additional data to include child protection data, alcohol and drug, mental health and school completion data is also collected annually.

All of the above data is utilized by DOC staff and the Council to support Formula Grant and JABG planning.

(2) Specific barriers South Dakota has encountered in the sharing of juvenile information:

No barriers have been encountered to accessing existing data. The problems that have been encountered include – lack of statewide process to collect some data,

incomplete data, differing data definitions between data systems, and the need to manually compile data. All encountered problems have been addressed by meeting with the entities involved to address the problem or through the development of alternative data gathering processes.