

Meeting Minutes
South Dakota Council of Juvenile Services
September 28-29, 2016
Sioux Falls, SD

Wednesday, September 28, 2016– Lutheran Social Services (LSS) Center for Children and Youth

Council of Juvenile Services Members Present: Beth O’Toole, Vice-Chair and Professor at the University of Sioux Falls; Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Renee Gallagher, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Sara McGregor-Okroi, Director of Aliive-Roberts County; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; and Lyndon Overweg, Mitchell Chief of Public Safety.

Council of Juvenile Services Members Absent: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Austin Biers, Youth Member; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Amy Lake-Harmon, Former Brown County Juvenile Detention Center Administrator; Sheriff Mike Leidholt, Hughes County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

Others Present: Secretary Denny Kaemingk and Bridget Coppersmith, South Dakota Department of Corrections; Annie Brokenleg, Staci Jonson, Duane Kavanaugh, Rebecca Kiesow-Knudsen, Kylee Sivertson, and Sheila Weber, Lutheran Social Services.

1. WELCOME

Council Vice-Chair Beth O’Toole called the meeting to order at 3:06 PM on Wednesday, September 28, 2016 and welcomed all participants. Vice-Chair O’Toole noted that the meeting was the last meeting for Nancy Allard and congratulated her on her retirement. Bridget Coppersmith added that Amy Lake-Harmon requested to not be considered for reappointment when her term concludes in October due to leaving her position with Brown County.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Coppersmith explained that during the past legislation session House Bill 1214 was passed to address conflict of interest and related reporting requirements for boards and commissions. Coppersmith stated SDCL 3-32, Conflicts of Interest, has application to the Council and the Council will align its practices with the bill even though it doesn’t specifically list the Council as a board required to adhere to the outlined requirements. Coppersmith provided an overview of the steps the Council will follow and noted that a form will be sent to Council Members prior to the next meeting to disclose conflicts of interest on an annual basis.

Coppersmith asked if any Council Member had a conflict of interest with the proposed agenda to disclose. Dadra Avery disclosed she had a conflict of interest regarding the delinquency prevention applications that were to be acted on the following day as she is paid for services through Action for the Betterment of the Community in Sturgis.

3. DISPROPORTIONATE MINORITY CONTACT (DMC) PRESENTATIONS

Coppersmith explained that the current DMC programs being implemented in Minnehaha and Pennington Counties under the supervision of Lutheran Social Services (LSS) were going to end on September 30, 2016 and Staci Jonson from LSS was present to provide an overview of the applications from Minnehaha and Pennington Counties for the next funding cycle of October 1, 2016 – September 30, 2017. Jonson explained that the applications from Minnehaha and Pennington Counties were both for a case manager to connect with individual minority families to ensure they are aware of their court date and understand the importance of appearing as well as to help them connect and sign up for services and support. Jonson added that the projects target minority youth and families who have a higher risk of noncompliance with diversion plans and court attendance. The case managers will also assist with barriers such as literacy, language, transportation issues, work schedules, and Medicaid or other medical coverage. Jonson noted that Minnehaha County was previously implementing Functional Family Therapy (FFT) services under the award, which is no longer needed due to FFT being funded under the Juvenile Justice Reinvestment Initiative (JJRI) and that Pennington County started utilizing their DMC for the case manager program last year and made 350 phone calls to minority youth.

4. TOUR OF LSS CENTER FOR CHILDREN AND YOUTH

Sheila Weber provided a tour of the LSS Center for Children and Youth. Weber explained that the center contains a reception center where law enforcement transport youth to wait in a safe environment to be picked up by a parent or approved adult, a shelter care to provide temporary care as an alternative to secure detention, and a psychiatric residential treatment facility for boys and girls who have emotional, behavioral and educational challenges. Weber added that day treatment services are also available at the center for students referred from the Sioux Falls School District and an Evening Report Center will be operational in the near future. Weber explained that the Evening Report Center is an alternative to detention that will allow youth to receive services while remaining in their community.

5. FUNCTIONAL FAMILY THERAPY PRESENTATION

Annie Brokenleg and Duane Kavanaugh provided an overview of the implementation of Functional Family Therapy (FFT) under LSS. Brokenleg and Kavanaugh explained that FFT is a short-term, evidence-based intervention for youth with behavioral or emotional challenges and is usually completed within the family's home in 12-14 sessions over three to five months. FFT is designed to strengthen overall family functioning so youth have the best chance of being successful. Brokenleg and Kavanaugh noted that the greatest barrier in implementing FFT is hiring the right counselors to meet with the families. FFT is not like other counseling services that LSS has provided in the past and exceptional individuals are needed to ensure that the program is implemented with fidelity and has the best outcomes for the families and youth.

Discussion ensued concerning locations where FFT counselors travel to meet with families, when to implement other identified programs for a youth who would benefit from FFT, barriers counselors experience with various family dynamics, and positive outcomes families have shared with LSS staff.

6. DISCUSSION OF PROPOSED REGULATIONS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

Coppersmith provided an overview of proposed regulations that would impact the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDP) if they were to be approved. Coppersmith noted

that the components of the proposed regulations the DOC felt would be most impactful to South Dakota were the proposed rates for compliance with the core requirements of deinstitutionalization of status offenders (DSO) and jail removal, the proposed definition of “detain or “confine,” and the proposed removal of the federal wards exception. Coppersmith added that the three previously mentioned components of the proposed regulations could carry the unintended consequences of South Dakota being out of compliance with core requirements, which would result in reduced funding for programs under the JJDP, more status offenders being held in secure detention, and established relationships with counties and Tribal jurisdictions being strained.

Coppersmith explained that the proposed regulations were published in the Federal Register for a 60 day comment period on August 8th and the DOC would be submitting comments prior to the due date of October 7th. Coppersmith noted that DOC staff recommended the Council also submit comments if they had any concerns with the proposed regulations.

Discussion ensued concerning the reasoning for the proposed regulations, the importance of the Council submitting comments along with the DOC, and the next steps the Council and the DOC would take to ensure the comments were submitted in a timely manner. Vice-Chair O’Toole noted that the discussion and outline of the comments would continue the next day of the meeting.

Thursday, September 29, 2016– Holiday Inn City Centre

Council of Juvenile Services Members Present: Beth O’Toole, Vice-Chair and Professor at the University of Sioux Falls; Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Keegan Binegar, Youth Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Renee Gallagher, Youth Member; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Sara McGregor-Okroi, Director of Aliive-Roberts County; Aaron McGowan, Minnehaha County States Attorney; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; and Carol Twedt, Former Minnehaha County Commissioner.

Council of Juvenile Services Members Absent: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Austin Biers, Youth Member; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Amy Lake-Harmon, Former Brown County Juvenile Detention Center Administrator; Sheriff Mike Leidholt, Hughes County Sheriff; and Virgena Wieseler, Director of Division of Child Protection Services.

Others Present: Secretary Denny Kaemingk and Bridget Coppersmith, South Dakota Department of Corrections (DOC); Kara Graveman, Action for the Betterment of the Community; Kelli Rumpza, Watertown Healthy Youth Coalition/Human Service Agency; and Tiffany Wolfgang, South Dakota Department of Social Services Division of Behavioral Health.

1. DISCLOSURE OF CONFLICTS OF INTEREST

Bridget Coppersmith asked if there were any additional conflicts of interest that needed to be disclosed due to additional members attending the second day of the meeting that were not present the first day. Carol Twedt disclosed she had a conflict of interest regarding the DMC applications as she sits on an LSS board.

1. APPROVAL OF JUNE 2016 MEETING MINUTES

Judge Steven Jensen moved to approve the June 2016 meeting minutes, Aaron McGowan seconded. Motion carried unanimously.

2. BUDGET STATUS REPORT

Discussion of Formula FFY 2012 Closeout: Coppersmith provided a summary of program area performance under the FFY 2012 Formula Grant Award. Coppersmith explained that the award was fully expended in time for the end date of September 30, 2016. Coppersmith noted that up to \$31,152.61 of the allowable \$40,000 was moved internally between program areas to assist in closing out the award. Coppersmith noted that there was excess expenses in the program areas of delinquency prevention, DMC, and compliance, which made up for the less than expected spending from the program areas of Native American Programs, DSO, separation, jail removal, and the allocation set aside for the Council.

Discussion of Prison Rape Elimination Act (PREA) FFY 2015 Budget: Coppersmith explained that all funds associated with the PREA reductions to the FFY 2014 and FFY 2015 awards have been successfully expended. Coppersmith noted that the most recent PREA award of \$6,491 was spent to assist Our Home, Inc. in conducting PREA audits of their programs.

Formula FFY 2013 and FFY 2014 Budget: Coppersmith discussed that OJJDP combined the FFY 2013 and FFY 2014 Formula Grant awards for reporting purposes due to the FFY 2014 award being supplemental to the FFY 2013 award. Coppersmith noted that the combined award amount of \$797,616 has an end date of September 30, 2017 and an extension request will be sent in 2017. Coppersmith added that at the time of the meeting, program areas were just beginning to be drawn down and a budget with spend down projections will be presented at the next meeting.

Subgrant Updates: Coppersmith provided an overview of subgrant progress under the program areas of delinquency prevention, DMC, and Native American Programs. Coppersmith noted that the two delinquency prevention subgrants in Watertown and Sturgis are implanting their programs consistent with their applications that were approved in June. Coppersmith explained that DMC projects in Minnehaha and Pennington Counties were finishing their funding cycle and Minnehaha County was expected to have a remaining balance of around \$2,000. Coppersmith noted that Pennington County fully expended their award after the approval of their August claim. Coppersmith explained some obstacles with the two Native American Programs subgrants that were awarded in June. Coppersmith stated that Lower Brule Sioux Tribe was unable to accept their notice of award due to not being able to attest to new requirements under SDCL 1-56-10. Coppersmith noted that the award to Cheyenne River was in the process of being accepted due to delays in proving adherence to the requirements under SDCL 1-56-10.

3. OVERVIEW OF THE SOUTH DAKOTA STATE BOARD OF INTERNAL CONTROLS (SBIC)

Coppersmith stated that the South Dakota SBIC was created by Senate Bill 162 during the 2016 Legislative Session with the objectives of establishing and maintain guidelines for an effective system of internal control to be implemented by state agencies that is in accordance with internal control standards, a code of conduct for use by state agencies, and a conflict of interest policy for use by state agencies. The Bureau of Finance and Management (BFM) provides administrative support to the board. Coppersmith

discussed that the Uniform Grant Guidance (UGG) Workgroup under the SBIC was established to improve state agency compliance with the Uniform Grant Guidance/Super Circular that was released in December 2014. Coppersmith added that the main focus of the UGG workgroup at this time is to address pass-through entity and subrecipient responsibilities. Coppersmith explained that an implemented work product of the UGG workgroup is an attestation that will be placed in all grant agreements after July 1, 2016. Coppersmith noted that the attestation requirements are outlined in SDCL 1-56-10.

4. DOC RECOMMENDATIONS FOR FUNDING DMC APPLICATIONS

Coppersmith stated that based on previous performance, the received applications, and the presentations presented the previous day, the DOC recommended that the Council award the full requested amount of \$35,000 to both Minnehaha and Pennington Counties.

Nancy Allard moved to approve the DMC applications from Minnehaha and Pennington Counties, Dadra Avery seconded. Motion carried unanimously with Carol Twedt abstaining due to being out of the room for having a conflict of interest and Aaron McGowan abstaining due to being out of the room for working in proximity to the Minnehaha County award.

5. JUVENILE JUSTICE UPDATES

Nancy Allard explained that Liz Heidelberger stepped down from her position as the Statewide JDAI Coordinator and Angie Collignon was hired to fill the position to continue moving JDAI forward in South Dakota. Allard noted that Angie previously worked as a Court Services Officer in the 7th Circuit.

6. NEXT MEETING LOCATION AND DATES

Coppersmith explained that the next meeting is scheduled for December 8th in Chamberlain or Pierre. Coppersmith noted that at the time of the Council Meeting, there was a possibility the Formula Grant Application would be due in January rather than the recent due dates, which have been after March. Coppersmith stated that if the application was due in January, the next Council Meeting could be pushed back to January to allow for the entire Council to review the application. [Note: Since the conclusion of the meeting, DOC staff received confirmation from OJJDP that the application would not be due prior to March 31, 2017 resulting in the next Council Meeting remaining December 8th.]

7. DELINQUENCY PREVENTION SUPPLEMENTAL APPLICATION PRESENTATIONS

Coppersmith explained that funds under the program area of delinquency prevention were not fully awarded at the June Council Meeting due to one applicant being denied funding. To assist with spending down the Formula Grant award and to potentially serve additional youth with prevention services, the two awarded sites in Watertown and Sturgis were offered a one-time supplemental application to expand their current, successful sites within the same funding period ending on June 30, 2017. Coppersmith noted that each applicant could apply for up to \$50,000 and both Watertown and Sturgis submitted applications.

Kara Graveman discussed the application from Action for the Betterment of the Community (ABC) in Sturgis. Graveman explained that since the implementation of Project SUCCESS in Sturgis, ABC had been contacted by Belle Fourche and Lead/Deadwood community and school leaders requesting ABC expand their programming to those communities. Graveman stated ABC was applying for \$50,000 to expand the implementation of their successful Project SUCCESS program in both Belle Fourche and Lead/Deadwood to

assist those schools in successfully implementing the curriculum through a half time staff person in each location during the current school year.

Kelli Rumpza discussed the application from Watertown Healthy Youth Coalition/Human Service Agency. Rumpza explained the requested dollars in the amount of \$25,000 would allow for implementation of Positive Action at the new Watertown Intermediate School (WIS) that houses 630 5th and 6th grade students. Rumpza added that WIS is currently implementing an evidence based system called Schoolwide Positive Behavioral Interventions and Supports (PBIS). The positive behavior reinforcement, team approach focuses on school suspension and perceived school safety. The Positive Action Coordinator would be a part of this team and would have students referred to them to work on specific behaviors either as individual and/or small group. Rumpza added that the Positive Action Coordinator would also go into the 6th grade health classes and do lessons and work with youth leaders to organize school wide awareness activities to focus on school and student issues. Rumpza anticipates implementation of the program would take place in the spring semester of the current school year.

Discussion ensued concerning current implementation of programming and sustainability of current and potentially new programs.

8. DOC RECOMMENDATIONS FOR FUNDING SUPPLEMENTAL DELINQUENCY PREVENTION APPLICATIONS

Coppersmith stated that based on the applications and progress demonstrated in the first two years of implementation, DOC staff recommended funding both applications at \$25,000 each for expansion supplemental to their projects that were awarded in June. Coppersmith noted there was room in the budget to fund Action for the Betterment of the Community's application at the fully requested amount of \$50,000.

Discussion ensued regarding the success both applicants experienced in implementing the delinquency prevention programs in their currently funded sites and the line items in the budgets for personnel.

Carol Twedt moved to fund the application from Watertown Healthy Youth Coalition/Human Service Agency, Nancy Allard seconded. Motion carried unanimously with Dadra Avery abstaining due to being out of the room for having a conflict of interest.

Carol Twedt moved to fund the application from Action for the Betterment of the Community at \$40,000, Judge Steven Jensen seconded. Motion not carried.

Aaron McGowan moved to fund the application from Action for the Betterment of the Community at the full application amount \$50,000, Sara McGregor-Okroi seconded. Motion carried unanimously with Dadra Avery abstaining due to being out of the room for having a conflict of interest.

9. CONTINUED DISCUSSION OF PROPOSED REGULATIONS FROM OJJDP

Coppersmith led a discussion continued from the previous day concerning the proposed regulations that would impact the implementation of the Juvenile Justice and Delinquency Prevention Act (JJDP). A consensus was established that the Council wanted to submit comments to OJJDP in addition to the comments already being submitted by the DOC. The Council determined the main areas of concern for the comment as the proposed definition of "detain or confine," the proposed rates for compliance with the core requirements

of jail removal and DSO, and the proposed removal of the federal wards provision. The Council laid out the outline of their comments, which included describing the past and current work of the Council, the areas of concern with the proposed regulations, recommendations to address the concerns, and concluding thoughts regarding the impact the proposed regulations would have on the youth of South Dakota. Vice-Chair O'Toole and Lyndon Overweg volunteered to review the comments compiled by DOC staff prior to submission to OJJDP via www.federalregister.gov.

10. JUVENILE JUSTICE REINVESTMENT INITIATIVE (JJRI) UPDATE

Kristi Bunkers provided an overview of JJRI implementation and how it relates to the DOC. Bunkers explained the DOC's role with implementation includes a fiscal diversion incentive program to reimburse for successful completers of court approved diversion programs; policy changes regarding commitment, length of stay, and aftercare revocations; a performance reimbursement process for providers based on the level of care being provided and the length of time the youth is in the program; and a detention reimbursement program to assist counties if their use of bed days increased through implementing JJRI based on a three year average from previous years. Bunkers noted that based on initial performance measures, commitment numbers to the DOC are continuing to decrease. Since January 2016, there have been 58 new commitments with 53% committed as delinquent or CHINS offenders with a with significant likely threat of harm to another person, 28% committed for a crime of violence, and 19% committed for sex offenses. Bunkers explained that she also sits on a Native American focus group, which is close to compiling a final set of recommendations based on recent survey results.

Allard provided an overview of the Unified Judicial System's (UJS) implementation to date. Allard explained that a majority of the components of the initiatives began January 2016 and the components associated with UJS includes policy change regarding length of stay on probation, implementation of community response teams in the 1st and 2nd Circuits, and the development of a response grid that promotes four incentives to one sanction. Allard noted that in SFY2016, the number of juveniles on formal probation on June 30th of 2015 was 1,156 which significantly decreased to 649 on June 30th of 2016. Allard added that there were 1,777 new juvenile petitions filed in FY 2015 and only 1,323 in FY 2016 which may be a reflection of the use of citations in lieu of petitions and the increased use of diversion. Allard noted that South Dakota is also a SMART on Juvenile Justice state in which the Crime and Justice Institute is helping with the implementation of JJRI and specifically assisting UJS with intensive training regarding the response grid and evaluating the risk assessment for youth on probation. Allard added that through the adult justice initiative, UJS collaborated with DOC to offer an EPICS training through the University of Cincinnati, which trained all court service officers throughout the state in the adult and juvenile divisions. Allard added that UJS is again contracting with the University of Cincinnati to do a training of trainers to ensure fidelity and sustainability.

Tiffany Wolfgang provided an overview of the Department of Social Services' (DSS) implementation of JJRI. Wolfgang explained that Functional Family Therapy (FFT) services are in place statewide and data is being reviewed to see if there are gaps in services that need to be addressed by programs outside of FFT. Wolfgang noted that referrals coming into FFT have been on the lower end due to numbers being down overall throughout the juvenile justice systems and additional sources are being approached concerning their ability to make referrals to FFT to have a sustainable referral process going forward.

Discussion ensued concerning referrals to JJRI programs and the importance of educating communities about the services and changes resulting from JJRI.

11. SOUTH DAKOTA POLICY ACADEMY OVERVIEW

Wolfgang provided a summary of juvenile diversion policy academy that South Dakota was awarded along with Florida, Illinois, and Maryland through the National Center for Mental Health and Juvenile Justice (NCMHJJ). Wolfgang explained that through implementation of JJRI, DSS was involved in looking at interventions for youth already in custody of DOC or under supervision of UJS and developing a behavioral health screening tool to access mental health and addiction needs of the population. Wolfgang noted that the GAIN-Short Screen has been implemented to screen for mental health needs of the juveniles. Wolfgang added that JJRI also includes a diversion incentive program, but does not provide a structured diversion program or recommended models for communities to adopt. A goal of the DSS Division of Behavioral Health is to look from behavioral health perspective of what can be done to help youth with behavioral health issues as a diversion option to align them with services to prevent further involvement with the juvenile justice system. The opportunity to apply for the policy academy through NCMHJJ supported their goal. The academy was aimed at helping states develop and improve a continuum of effective, quality behavioral healthcare services and supports for youth diverted from the juvenile justice system. Key players from South Dakota went to Washington DC to meet with NCMHJJ and technical experts. Following the training in Washington DC, a core team of people directly involved with services in the pilot community of Sioux Falls was developed to design a frame work to screen youth at the front end or involvement with the juvenile justice system and refer them to appropriate programs. Wolfgang explained that data will be reviewed in the coming months with the goal of full implementation of the pilot program in December 2016 or January 2017.

Discussion ensued concerning current behavioral health services throughout the state and how implementation would work statewide if the pilot in Sioux Falls is successful.

12. WRAP-UP AND ADJOURN

At 11:17AM, Aaron McGowan moved to adjourn, Lyndon Overweg seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist