

# **SOUTH DAKOTA DEPARTMENT OF CORRECTIONS**

## **Title II - Formula Grants Program 2021 - 2023 3-Year Plan**

### **Program Narrative**

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## A. South Dakota Juvenile Justice System Statewide Efforts

South Dakota has streamlined and improved its juvenile justice system since coming into compliance with the JJDP A in 2003. Since state fiscal year (SFY) 2004, juvenile commitments to the Department of Corrections (DOC) decreased by 68.3% and probation admissions decreased 57.6%. However, South Dakota still has one of the highest incarceration rates in the nation which continues to encourage collaboration and improvement throughout the state.

***The Juvenile Justice Reinvestment Initiative:*** In June 2014, South Dakota began to study the juvenile justice system and develop policy recommendations to increase public safety by improving outcomes for youth and families regarding juvenile recidivism, effectively holding juvenile offenders more accountable, and reducing juvenile justice costs by investing in proven community-based practices and reserving residential facilities for serious offenders.

The Juvenile Justice Reinvestment Initiative (JJRI) Work Group was formed to conduct extensive analysis of data and engage juvenile justice stakeholders across the state to recommend policies to address juvenile justice reform. The work group's analysis of juvenile populations in the custody of the DOC and under the supervision of the Unified Judicial System (UJS) led to a set of key findings that were subsequently used to develop policy recommendations. The work group found that:

- (1) pre-court diversion was used inconsistently across the state,
- (2) most DOC commitments were for misdemeanor offenses, Children in Need of Supervision (CHINS) violations, and probation violations,
- (3) fewer youth were being committed to DOC, but they were staying longer,

- (4) admissions to probation were declining but increasingly lower risk,
- (5) length of probation supervision was increasing, and
- (6) evidence-based interventions for juvenile offenders were not sufficiently available in the community.

The findings by the work group led to Senate Bill No. 73, an Act to improve public safety regarding juvenile justice. Senate Bill No. 73 was passed in the 2015 Legislative Session with implementation of the reform beginning in SFY 2016.

Some key takeaways from the *Juvenile Justice Public Safety Improvement Act FY 2020 Annual Report* noted that in SFY 2020:

- Active youth on probation decreased by 60% since SFY 2014;
- 75% of youth who complete probation do so satisfactorily;
- The average length of commitment of youth discharged from DOC decreased by two months between SFY 2019 and SFY 2020;
- The number of probation violations dropped by 38% from SFY 2014;
- 93% of youth on DOC aftercare completed supervision without a revocation event;
- Total number of youth under DOC jurisdiction declined by 67% since SFY 2014;
- 89% of youth and 92% of parents and guardians reported a positive general change in their family after completing Functional Family Therapy;
- 76% of youth participating in Aggression Replacement Training showed reductions in aggression, anger, and hostility;
- 62% of youth participating in Moral Reconciliation Therapy showed a reduction in criminal thinking; and

- 7,031 youth successfully completed a court approved diversion program since the program's inception in SFY 2016.

More information regarding the Juvenile Justice Public Safety Improvement Act and the implementation of the Juvenile Justice Reinvestment Initiative can be found at:

<http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=134> and <http://jjri.sd.gov/>.

***Juvenile Detention Alternatives Initiative:*** South Dakota is also embarking on the statewide implementation of the Juvenile Detention Alternatives Initiative. Since 2011, two jurisdictions in the State of South Dakota, Minnehaha County and Pennington County, have been implementing the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) which began under the direction of South Dakota's SAG. Since beginning implementation in 2011, both jurisdictions have experienced a decrease in the detention population without compromising public safety, an increase in the alternative to detention programming options, a more streamlined case process, and have formed a collaborative work group that oversees the implementation.

In July of 2013, the direction of the JDAI transitioned from the Governor's Council of Juvenile Services to the Unified Judicial System (UJS) to take the initiative to scale in South Dakota. A statewide coordinator, who works within the Court Services Department in the State Court Administrator's Office, was hired to manage the expansion throughout the State. A statewide steering committee was formed which consists of key stakeholders from across the state, including current SAG members, to help guide the expansion process.

The Statewide JDAI Steering Committee identified the implementation of a standardized

objective Risk Assessment Instrument (RAI) as the first step to embark upon the expansion of JDAI across the state. It was determined that the optimal process for implementation of the RAI was via a Supreme Court Rule. The draft Supreme Court Rule was approved by the Supreme Court at their January 2015 Rules Hearing to be effective in July 2015. Following the approval of Supreme Court Rule 15-14 regarding the implementation of the RAI, the Presiding Judges identified and appointed Intake Officers within each of the judicial circuits in order for training to occur prior to implementation. The RAI was implemented for use across the state on July 15, 2015.

UJS continues to work on expanding JDAI to additional jurisdictions across South Dakota and hosts annual state JDAI conference to continue educating juvenile justice stakeholders around the state. Since 2019, the Council of Juvenile Services has approved for Title II Formula Grants Program funds to support the creation of five additional JDAI sites. More information on JDAI implementation in South Dakota can be found at: <http://uj.s.sd.gov/Information/jdai.aspx>.

***Formula Grant Connections:*** Juvenile justice work funded through this award compliments statewide efforts to best serve the juveniles of South Dakota. Over the course of this 3-year plan, South Dakota's awards will continue to support evidence-based interventions through the program areas of community-based alternatives to incarceration and institutionalization, community-based programs and services, juvenile justice and delinquency prevention programs, and graduated sanctions. The awards will also continue to support American Indian Programs and encourage the Tribes of South Dakota to align their efforts with the goals of South Dakota's statewide reform to prevent deeper involvement for youth in the juvenile justice system without compromising public safety.

The four core requirements of the JJDPa will continue to be encompassed in statewide efforts as South Dakota's Reducing Race and Ethnic Disparities (R/ED) subgrants will continue to work to address R/ED in South Dakota's largest two communities and compliment the strong JDAI foundation which has been established in those two communities. South Dakota's commitment to maintain compliance with the core requirements of Sight and Sound Separation, Deinstitutionalization of Status Offenders, and Jail Removal will ensure that reform is being carried out consistent with the core requirements especially when more youth may be held in detention to avoid a longer stay in a juvenile correctional setting.

Lastly, South Dakota's SAG will continue to lead our Formula Grant efforts with the state's reform efforts in its forefront. Several of the SAG members were on the Juvenile Justice Reinvestment Initiative Work Group and are connected with statewide prevention and JDAI efforts which keep the SAG updated on the status of reform efforts as members continue to be active in implementation efforts. Formula grant staff have also been assigned to assist with various aspects of implementation of juvenile justice reform initiatives.

***State Agency Partnerships:*** South Dakota's designated state agency, the Department of Corrections, and the SAG continue to demonstrate strong partnerships throughout the juvenile justice system and with non-justice system agencies to enhance and expand the work in the juvenile justice arena through the programs implemented under the Formula Grants Program. These partnerships are shown through work with community coalitions, state agencies, school districts, Native American Tribes, and justice related workgroups.

South Dakota’s JDAI implementation also ensures that non-justice system agencies and vested stakeholders are involved through steering committees on the local and state levels which continues to be associated with funding under the Formula Grants Program to build and expand additional sites.

**Native American Tribes:** There are nine federally recognized Native American Tribes in South Dakota. Six of the Tribes provide their own law enforcement with the remaining tribes having their law enforcement agency operated by the Bureau of Indian Affairs (BIA). (Source: BIA Law Enforcement Department)

Provide Own Law Enforcement	BIA Contracted Law Enforcement
Cheyenne River Sioux Tribe*	Crow Creek Sioux Tribe
Flandreau Santee Sioux Tribe	Lower Brule Sioux Tribe*
Oglala Sioux Tribe (Pine Ridge)*	Standing Rock Sioux Tribe*
Rosebud Sioux Tribe*	
Sisseton-Wahpeton Sioux Oyate	
Yankton Sioux Tribe*	

Many Tribes in South Dakota do not have the need or the capacity to run a full time juvenile detention facility. Those Tribes that do not have full-time detention facilities contract with other Tribes or county facilities to hold their juvenile offenders. Those Tribes that run their own facility are indicated with an (\*) on the table above.

Tribal Juvenile Justice Needs - Based on the funding of Native American Programs during SFY 2020, the applicant identified that probation services on reservations as bring the strongest need to best address juvenile delinquency. DOC staff will continue to reach out to South Dakota's Tribes concerning funding and training opportunities associated with the 3-Year Plan.

## B. State Advisory Group (SAG) Values

As part of their review and approval of this application, South Dakota's Council of Juvenile Services (SAG) has developed and adopted the following core values that it plans to use as a guide for purposes of future juvenile justice planning and development within the state:

- All children shall receive developmentally and culturally appropriate services that are evidence-based, data-driven, and trauma informed.
- All children shall have the same access to needed services regardless of family income, geography, gender, sexual orientation, race, religion, disability, or jurisdiction.
- All children shall have the right to be safe in the community in which they live.
- All children shall receive evidence-based services consistent with the needs of the child in the least restrictive community-based environment available.
- All children, parents, communities, and the juvenile justice system shall demonstrate accountability in the development and provision of services for youth.
- All children shall receive early intervention services that are evidence-based.
- All children shall receive services that are family-based and family-centered.
- All children shall receive culturally appropriate justice which is essential to effectively address Race and Ethnic Disparities.



- All children shall have access to early and effective legal representation, including an assessment of competence and a timely and just legal process.

## C. Analysis of Juvenile Delinquency Problems and Juvenile Justice Needs

The following analysis contains findings based on the most recent data available. Supporting data and charts can be found in Appendix A: Analysis of Juvenile Delinquency Problems and Needs Data Tables and Charts.

### Arrest

Between SFY 2018 and SFY 2020, arrests have decreased 6% and the National Incident-Based Reporting System (NIBRS) crime category of crimes against society represented 53% of juvenile arrests in SFY 2020. Examples of crimes against society included drug/narcotic offenses, weapon law violations, curfew/loitering/vagrancy violations, disorderly conduct, driving under the influence, and trespass of real property. Arrests for runaways made up less than 2% of juvenile arrests in SFY 2020.

In all three fiscal years, male juveniles comprised about two-thirds of those arrested. Over the three-year period, the number of male arrests decreased 11% and females arrested increased 2%. 42% of the juveniles arrested were White and 36% were Native American. The number of Native American youth arrested decreased 3% over the reporting period while White youth arrested decreased 14%.

The top five offenses in SFY 2018 were drug/narcotic violations, liquor law violations, simple assault, shoplifting, and all other offenses. In both SFY 2019 and SFY 2020, disorderly conduct replaced shoplifting in the top five.

### **Juvenile Court Referrals**

The number of juvenile referrals represents the number of youth less than eighteen years of age referred to the Unified Judicial System (UJS) by the state's attorney. Based on information obtained from the *S.D. Kids Count Factbook*, statewide adjudicatory actions in SFY 2020 decreased 36.62% since a peak of 6,491 actions in SFY 2008 and there was an 80.87% decrease in non-adjudicatory actions during that same time period.

The overall activity decreased by 48.12% between SFY 2008 and SFY 2020. It should be noted that non-adjudicatory actions are actually higher than indicated in Appendix A as some diversion programs operated by states attorneys are not included in the non-adjudicatory actions below.

### **Court Services Activity**

Court Service activities have decreased in all categories except for pre-hearing social case studies from SFY 2018 to SFY 2020. 16% fewer juveniles were placed on probation in SFY 2020 when compared to SFY 2018. The majority of probationary activities continue to occur within the Second and Seventh Circuits with both counties having over 300 youth placed on probation during SFY 2020. South Dakota's two largest cities and the only metropolitan statistical areas, Sioux Falls (Minnehaha County) and Rapid City (Pennington County), are in the Second and Seventh Circuits, respectively.

**Diversion Programs**

In addition to court-initiated diversion, state's attorney can also initiate diversions and operate diversion programs. These programs operate in order to reduce the number of first-time offenders exposed to the juvenile court system, assess and provide services to meet the needs of these offenders and their families, and hold juveniles accountable for their actions. Options available for diversion include:

- Community Service hours
- Essays and reports
- Restrictions (curfew, contact with peers, driver's license, etc.)
- Educational classes
- Restitution

Starting in SFY 2016, a new diversion program was created through the JJPSIA to expand the use of diversion by providing fiscal incentives to counties who utilize court approved diversion programs for juveniles. More information regarding the Fiscal Incentive Diversion Program under the Juvenile Justice Reinvestment Initiative (JJRI) can be found at:

[http://www.sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=26-8D-2](http://www.sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=26-8D-2).

In SFY 2020 there were 2,372 referrals to court approved diversion programs of which 2,160 of the referrals completed either successfully or unsuccessfully during the fiscal year. Successful completers made up 87% of the completers in SFY 2020 which was an increase from 68.6% successful completions in the first year of the program (SFY 2016). Truancy continues to be the

offense category with the most referrals and completers. 34% of the completers in SFY 2020 had a referral offense of Truancy compared to 26% in SFY 2016.

### **Compliance Monitoring**

A significant amount of progress has been made in meeting the Formula Grant Program compliance requirements since compliance legislation went into effect on July 1, 2003. Between 2002 and 2004, there was a 92.2% decrease in Deinstitutionalization of Status Offenders (DSO) violations, a 98.3% decrease in Jail Removal violations, and an 88.9% decrease in Sight and Sound Separation violations. Since South Dakota began working towards compliance, a few incidences of violations have occurred which are typically addressed through advocacy, education of staff, and ensuring that cases have appropriate screenings completed prior to admission.

For the 2019 reporting period, South Dakota was found in full compliance with the Jail Removal and Separation requirements and in de minimis compliance with the Deinstitutionalization of Status Offenders requirement. South Dakota's findings of full and de minimis compliance reflect South Dakota's appropriate use of allowable exceptions and strong adherence to the Sight and Sound requirement. South Dakota Formula Grant Staff and State Advisory Group Members continue to educate adult and juvenile facilities and criminal and juvenile justice stakeholders on the importance of adherence to the requirements of the JJDPA.

### **Juvenile Detention Centers**

There was a 31.5% increase in total admissions to secure detention from SFY 2018 to SFY 2020 statewide. However, there was a 7.5% decrease between SFY 2019 and SFY 2020 showing that the trend is returning to head the right direction as work is done to support supervising youth in

their communities or a non-secure setting. Admissions have decreased by 56% in the past decade. Much of this progress is related to work accomplished through the Formula Grants Program Title II awards in supporting alternatives to detention and consistent oversight of admissions by Department of Corrections staff.

Native American youth continue to be the largest population being detained in secure facilities with 46% of the admissions in SFY 2020. 99% of these youth were held for delinquent offenses which demonstrates appropriate usage of detention for compliance purposes but also a need for alternatives to address delinquent youth outside of a secure setting.

### **Department of Corrections**

Judges may commit a youth to the Department of Corrections (DOC) as a disposition for adjudication as a Child in Need of Supervision (CHINS) or a delinquent child. Upon commitment, the DOC places the youth in a facility or program that meets the needs of that specific juvenile. These needs are fulfilled through residential treatment facilities, group care facilities, foster care, or out of state juvenile correction facilities

In SFY 2020, DOC data reflects 112 new juvenile commitments. Of these commitments, 99% of juveniles were committed for delinquent behavior; 88% were male; 17% of juveniles were young offenders (14 and under); 32% were Native American; and all other minority races made up 20% of the new commitments. 47% of new commitments in SFY 2020 to the Department of Corrections came from South Dakota's two largest counties Minnehaha (32 commitments) and Pennington (21 commitments).

Beginning in January 2016, the JJPSIA established commitment criteria that has led to a reduction of the number of new commitments to DOC. Since SFY 2015, the number of status

offenders committed to DOC decreased 95% and the number of delinquents is down 40%.

Juvenile Justice Reform in South Dakota also saw the closing of the only state-run juvenile facility on April 8, 2016. Youth committed to the care of the DOC are now placed in residential care through a placement contracts with the cost of care paid for the by DOC or overseen through aftercare services.

In SFY 2020, the average daily population of youth under the care of the DOC was 204.4 juveniles. The State's participation in JDAI and juvenile justice reinvestment, along with the DOC's adoption of evidenced-based practices, has led to a 76% decrease in the average daily population of the number of youth under DOC commitment over the past decade. Most youth were served in the state, but an average of 30 youth were supervised out-of-state daily. Youth placed in out-of-state facilities either have severe mental health issues, require sex offender treatment, or cannot be served by an in-state facility due to the youth's needs or because no space is available in South Dakota private facilities.

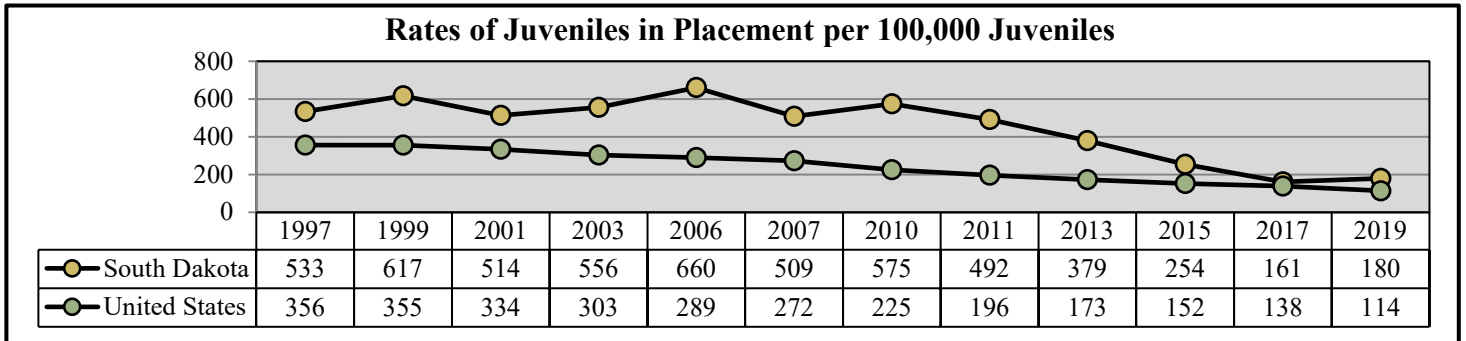
### **South Dakota's Juvenile Incarceration Rate**

The following information is from OJJDP's Census of Juveniles in Residential Placement: 1997-2019 which describes the number of juveniles and the rate of incarceration per 100,000. The count for the 2019 census was done on October 23, 2019.

South Dakota had 171 juveniles in placement on October 23, 2019. Of these juveniles 138 were male (81%) and 33 were female (19%). This equates to a placement rate of 180 per 100,000 juveniles held in residential facilities that were between 10 and 17 years of age. South Dakota had the highest juvenile incarceration rate (575/100,000) in the United States with a rate nearly

2.6 times higher than the national placement rate in 2010. In 2019, South Dakota dropped to fifth and was 1.5 times higher than the national placement rate of 114 per 100,000 juveniles.

The following graph shows a comparison of the rates from South Dakota and the United States for each census from 1997 to 2019.



South Dakota’s rate of juvenile offenders decreased 72.73% between the census in 2006 which had South Dakota’s highest rate and the census completed in 2019. It is anticipated that through Department of Corrections strategies which focus on evidence-based practices, strengthening aftercare services, expedited placement in aftercare services, and timely discharges and the continued implementation of JDAI and juvenile justice reinvestment in South Dakota that South Dakota’s rate will continue to decrease in future censuses.

**Analysis of Data**

- Juvenile arrests have decreased by 6% between SFY 2018 and SFY 2020. Arrests for runaway youth made up 2% of juvenile arrests in SFY 2020.
- Overall juvenile court actions decreased by 33.83% between SFY 2010 and SFY 2020.
- Youth supervised on probation decreased 16% from SFY 2018.

- More youth are receiving diversion services and completing them successfully.
- Status offenders admitted to secure detention decreased by 56% between SFY 2010 and SFY 2020.
- New juvenile commitments to the Department of Corrections decreased by 68.09% between SFY 2010 and SFY 2020.
- Average daily number of youth under DOC jurisdiction fell by 76% since SFY 2010.
- Minority youth, especially Native American Youth, continue to be overrepresented in the juvenile justice system.
- Incarceration rate has decreased significantly over the last decade but is still the fifth highest in the nation as of the *2019 Census of Juveniles in Residential Placement*.
- Statewide Juvenile Justice Programs are continuing to expand and provide positive results.

## D. Problem Statements

The Council of Juvenile Services identified the following problems, in order of priority, to be addressed through formula grant funds and activities during the period covered by this program plan (2021-2023):

- **Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.**
  - Supporting quantitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and the section “Plan for Compliance With the First Three Core Requirements of the JJDP Act and the



State’s Compliance Monitoring Plan” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.

- Associated with the program purpose areas of Compliance Monitoring and Community-Based Alternatives to Incarceration and Institutionalization.
- **Minority youth are over-represented at most stages of South Dakota’s juvenile justice system.**
  - Supporting quantitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan and in the section “Plan for Compliance with the Race and Ethnic Disparities Core Requirement” which is submitted separately from this comprehensive 3-Year Plan to the Office of Juvenile Justice and Delinquency Prevention.
  - Associated with the Racial and Ethnic Disparities (R/ED), Community-Based Services, and Graduated Sanctions program purpose areas.
- **The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts.**
  - Supporting quantitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
  - Associated with Probation Officers program purpose area and Native American Pass-Through dollars.
- **There is no coordinated statewide delinquency prevention programming in South Dakota. Prevention and truancy programming, specifically in a school setting, is needed to address arrests for delinquent acts and keep youth from developing a pattern of truant behavior.**

- Supporting quantitative information is located in the section “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” of this comprehensive 3-Year Plan.
- Associated with the program area of Juvenile Justice and Delinquency Prevention.
- **South Dakota’s incarceration rate of detention per capita demonstrates a continuing need to support juvenile justice reform activities. There is a need to sustain and enhance diversion programming, performance measurement, and incarceration alternatives.**
  - Supporting quantitative and qualitative information is located in the sections “Analysis of Juvenile Crime Problems and Juvenile Justice Needs” and “South Dakota Juvenile Justice System Statewide Efforts” of this comprehensive 3-Year Plan.
  - Associated with the program area of Community-Based Alternatives to Incarceration and Institutionalization.

## E. Project Goals, Objectives, and Implementation

### **PROGRAM AREA: A – Community-Based Alternatives to Incarceration and Institutionalization**

**Priority Ranking:** First (Compliance with the Core Requirements)

**Problem Statement:** Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.

**Goal 1:** Maintain a system of services in areas where youth are at risk for being held in secure facilities in violation of the DSO requirement so that youth can be housed appropriately in the community.

**Objective 1:** Maintain a county reimbursement system for alternatives to secure custody to

improve South Dakota's compliance with the DSO requirement.

**Activity 1:** Operate the Reimbursement Program consistent with requirements set by the Council of Juvenile Services.

**Goal 2:** Monitor compliance with the DSO requirement and provide feedback, information and support to facilities and decision-makers impacted by the DSO requirement.

**Objective 1:** Provide information and support to decisions-makers impacting DSO.

**Activity 1:** Collect juvenile admission information from facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

**Objective 2:** Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with DSO Requirements.

**Activity 1:** Provide opportunities for staff working with the JJDP Core Requirements to receive training on the DSO requirement.

## **PROGRAM AREA: W - Compliance Monitoring**

**Priority Ranking:** First (Compliance with the Core Requirements)

**Problem Statement:** Monitoring and maintaining compliance with deinstitutionalization of status offenders, jail removal, and sight and sound separation requirements of the Act, as amended, is critical for continued juvenile justice system improvement.

**Goal 1:** Maintain and improve South Dakota's compliance monitoring system consistent with Formula Grants Program requirements.

**Objective 1:** Improve the South Dakota Compliance Monitoring System in order to increase compliance with JJDP core requirements.

**Activity 1:** Collect juvenile admission information from secure facilities, analyze data for violations, and compile data into the Compliance Monitoring Report and submit to OJJDP.

**Activity 2:** Develop compliance-related materials to assist facilities in accurately holding and reporting juvenile offenders.

**Activity 3:** Conduct meetings, monitoring visits, inspections, and training to aid in the development of compliance strategies.

**Activity 4:** Update and classify compliance monitoring universe on an annual basis.

**Objective 2:** Increase the knowledge of staff working within the South Dakota Compliance Monitoring System in order to increase compliance with JJDP Core Requirements.

**Activity 1:** Provide opportunities for staff working with the JJDP Core Requirements to receive training and attend any mandatory trainings provided by OJJDP.

## **PROGRAM AREA: B- Community-Based Programs and Services and**

## **PROGRAM AREA: M – Graduated Sanctions**

## **ADDITIONAL PROGRAM AREA: Racial and Ethnic Disparities (R/ED)**

**Priority Ranking:** Second

**Problem Statement:** Minority youth are over-represented at most stages of South Dakota’s juvenile justice system.

**Goal 1:** Decrease Disproportionate Minority Contact within the juvenile justice system through identification, assessment, intervention, evaluation, and ongoing monitoring of juvenile justice system activity.

**Objective 1:** Financially support the implementation of the Disproportionate Minority Contact (DMC) intervention efforts and initiatives in two communities that focus on reduction strategies for populations of minority youth that have over-representation in the juvenile justice system.

**Activity 1:** Once the plan is approved by the Council of Juvenile Services, establish a

subgrant agreement between the DOC and local entities to implement the local interventions.

**Objective 2:** Evaluate and monitor local DMC efforts and initiatives for performance and effectiveness in the two DMC intervention communities.

**Activity 1:** Local projects will provide local updates and performance measures to DOC.

## **PROGRAM AREA: F – Programs to Expand the Use of Probation Officers**

**Priority Ranking:** Third

**Problem Statement:** The Native American Tribal juvenile justice systems have a critical lack of basic resources to address the needs of youth coming before the Tribal courts.

**Goal 1:** Through a collaborative state-local-tribal governmental effort, utilize Indian Tribal Programs and Native American Pass-Through funding to support the development, implementation, and maintenance of juvenile justice programs both on and off the reservations.

**Objective 1:** Work with Native American Tribes to develop and implement culturally specific juvenile justice programs that meet the needs of Native American youth in the tribal justice systems.

**Activity 1:** Work with applicants in order to assess the needs of Native American youth in the tribal justice systems; identify barriers that restrict access to services; identify service gaps; and assist in developing, implementing, and evaluating programs to address the barriers and service gaps to help guide decisions relating to tribal juvenile justice programs.

**Activity 2:** Financially support Native American Programs subgrants for juvenile justice programs based on results and analysis of their needs and services.

**Activity 3:** Conduct ongoing monitoring and program evaluations of subgrants.

**Activity 4:** Subgrantees provide local updates and performance measures to the DOC.

**NOTE:** Current Native American Programs subgrant focuses on implementation of juvenile probation services. Pass-Through Eligible Program Area may change during the implementation of the 3-Year plan based on the needs of tribal justice systems. If this occurs, a grant award modification will be submitted to OJJDP.

## **PROGRAM AREA: C – Juvenile Justice and Delinquency Prevention**

### **Programs**

**Priority Ranking:** Fourth

**Problem Statement:** There is no coordinated statewide delinquency prevention programming in South Dakota. Prevention and truancy programming, specifically in a school setting, is needed to address arrests for delinquent acts and keep youth from developing a pattern of truant behavior.

**Goal 1:** Provide educational opportunities to juvenile justice system practitioners and interested non-system practitioners that promote juvenile justice change and increase the awareness of juvenile delinquency and truancy prevention.

**Objective 1:** Increase the awareness juvenile justice system practitioners and interested non-system practitioners who offer youth services of South Dakota's need for delinquency and truancy prevention services and possible interventions.

**Activity 1:** Provide ongoing data regarding the juvenile justice system risk and protective factors.

**Activity 2:** Provide for educational opportunities to learn about ideas and strategies relating to juvenile delinquency and truancy prevention.

**Goal 2:** Maintain compliance with the Juvenile Justice and Delinquency Prevention Act and decrease South Dakota's juvenile arrest rate through prevention and early intervention programs.

**Objective 1:** Financially support the implementation of evidence-based juvenile delinquency and truancy prevention interventions in communities to provide appropriate

comprehensive services for youth at risk or involved with the state juvenile justice system.

**Activity 1:** Identify jurisdictions in which to implement juvenile delinquency and truancy prevention programs.

**Activity 2:** Provide training and technical assistance to identified jurisdictions to implement and assess the chosen programs with fidelity to evidence-based models.

**Activity 3:** Conduct ongoing monitoring and program evaluations of subgrants.

**Activity 4:** Subgrantees provide local updates and performance measures to the DOC.

## **PROGRAM AREA: A – Community-Based Alternatives to Incarceration and Institutionalization**

**Priority Ranking:** Fifth

**Problem Statement:** South Dakota's incarceration rate of detention per capita demonstrates a continuing need to support juvenile justice reform and alternatives to detention activities.

There is a need to sustain and enhance diversion programming, performance measurement, and incarceration alternatives.

**Goal 1:** The DOC will provide staff support to aid in the implementation of South Dakota's Juvenile Justice Reinvestment Initiative (JJRI).

**Objective 1:** Provide staff support to the JJRI in order to assist in fulfilling the responsibilities under state law.

**Activity 1:** Develop and administer a program to incentivize and support county use of court-approved diversion programs.

**Activity 2:** Identify data elements required to be reported to the JJRI Oversight Council.

**Goal 2:** Maintain compliance with the Juvenile Justice and Delinquency Prevention Act and decrease utilization of secure detention for youth.

**Objective 1:** Financially support the implementation of evidence-based alternatives to detention in communities to provide appropriate comprehensive services for youth at risk or involved with the state juvenile justice system.

**Activity 1:** Identify jurisdictions in which to implement alternatives to detention programs.

**Activity 2:** Provide training and technical assistance to identified jurisdictions to implement and assess the chosen programs with fidelity to evidence-based models.

**Activity 3:** Conduct ongoing monitoring and program evaluations of subgrants.

**Activity 4:** Subgrantees provide local updates and performance measures to the DOC.

### **Additional Requirements**

***Rural Areas*** - South Dakota is a predominantly rural state with half of the population residing outside of a Metropolitan Statistical Area (MSA). Although there are many needs throughout the state relating to the juvenile justice system, the Council of Juvenile Services continues to provide funding to help relieve the financial burden of the counties associated with bringing the state into compliance with the core requirements under the JJDP.

***Gender-Specific Services*** - The Council of Juvenile Services and the Department of Corrections will promote sex-specific and gender appropriate programming to be considered by subgrant applicants, especially those applying to implement delinquency prevention programming. South Dakota is unable to limit awards based on sex-specific services due to the rural nature of the state, small subgrant award amounts, and small populations being served prior to restrictions



based on the sex of a child. Sex-specific data is also monitored and reported for compliance, commitment to the Department of Corrections, and juvenile community corrections caseloads.

***Mental Health Services*** – All collocated and juvenile facilities in South Dakota are required to do a mental health screening upon admission and have a policy for emergency 24-hour mental health services. Current Alternatives to Detention subgrants provide varied levels of case management services which include the ability to screen and refer for mental health treatment for youth.

***Youth and Family Involvement*** – The Council of Juvenile Services and the Department of Corrections understand the importance of involving youth and families to attain positive outcomes for youth through analyses of problem areas, development of solutions, and assessment of results. The Council of Juvenile Services and the Department of Corrections will continue to enhance the engagement of youth and families through having youth members on the Council of Juvenile Services, encouraging prevention and family focused services, and having all meetings open to the public with notification of the meeting agenda released to media entities prior to the meeting. The Department of Corrections will also schedule at least one Council of Juvenile Services meeting a year at a youth correctional, detention, or residential treatment facility to allow an opportunity for members to interact with youth.

***Describe how the state plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents; 34 U.S.C. § 11133(a).***

The state plan supports Juvenile Detention Alternatives Initiative (JDAI) services and a capstone program as part of the Reducing Racial and Ethnic Disparities Certificate Program through the

Center for Justice Reform and Georgetown University. Both JDAI and the capstone programs are based on research and the impacts of delinquency prevention programs and juvenile justice interventions on adolescents. Services for youth offenders in South Dakota are also provided through the State's Juvenile Justice Reinvestment Initiative (JJRI) which is the statewide juvenile justice reform for South Dakota.

***Contain a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system; 34 U.S.C. § 11133(a)(7)(B)(iv).***

The state plan supports JDAI services which focuses on alternatives to detention for youth. The plan also supports a County Reimbursement Program which encourages arresting agencies to utilize alternatives to detention for youth.

***Contain a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs; 34 U.S.C. § 11133(a)(7)(B)(v).***

The state plan supports JDAI, delinquency prevention, case management, and diversion services targeted at reducing the amount of time youth are in secure detention.

***Contain a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; 34 U.S.C. § 11133(a)(7)(B)(vi).***

The state plan supports Racial and Ethnic Disparities Case Managers who assist youth and their families in understanding the importance of attending hearings, complying with diversion recommendations, overcoming barriers in the juvenile justice system, and connecting with community supports and services. Functional Family therapy is also a service provide through the JJRI.

***Contain a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system; 34 U.S.C. § 11133(a)(7)(B)(vii).***

The state plan supports delinquency prevention services within community school districts, JDAI services in three communities, and the county reimbursement program throughout the state. All three programs are focused on serving youth in their communities in the least restrictive manner possible.

***Contain a plan to promote evidence-based and trauma-informed programs and practices; 34 U.S.C. § 11133(a)(7)(B)(viii).***

The state plan supports the use of evidence-based delinquency prevention services through delinquency prevention subgrants. Current subgrants are implementing the evidence-based program “Positive Action” in their school systems.

***Contain a plan that shall be implemented not later than December 21, 2020, to—***

***I. eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others.***

***II. eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints***

***behind the back, and four-point restraints on known pregnant juveniles,***

***unless—***

***(a) credible, reasonable grounds exist to believe the detainee presents an***

***immediate and serious threat of hurting herself, staff, or others; or***

***(b) reasonable grounds exist to believe the detainee presents an immediate and***

***credible risk of escape that cannot be reasonably minimized through any***

***other method; 34 U.S.C. § 11133(a)(7)(B)(ix).***

Prior to December 21, 2020, staff supported by the state plan shared information regarding the requirements with all secure juvenile detention facilities and provide technical assistance for policy drafting and support. A tracking mechanism will be added to regular data submissions to ensure that facility policies are being followed. NOTE: South Dakota does not have any secure juvenile correction facilities.

***Describe policies, procedures, and training in effect, if any, for the staff of juvenile state correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques; 34 U.S.C. § 11133(a)(29).***

Not applicable as South Dakota does not have any secure juvenile correction facilities.

***Describe:***

***(A) The evidence-based methods that will be used to conduct mental health and substance***

***abuse screening, assessment, referral, and treatment for juveniles who—***

***(i) request a screening;***

***(ii) show signs of needing a screening; or***

*(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and*

*(B) How the state will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; 34 U.S.C. § 11133(a)(30).*

Secure juvenile detention facilities are required to adhere to Collocated Juvenile Detention Facility Approval Standards that are monitored under the state plan. Standard 3 outlines requirements regarding medical, dental, and mental health services:

**Standard 3.A.** Facility has identified medical, dental, mental health service providers and provides access to routine and emergency 24-hour medical, dental, and mental health services.

**Standard 3.B.** A medical, dental, mental health intake screening or questionnaire is completed upon admission by a health trained staff person (intake or custody staff trained by a health care professional) or a qualified health care professional (Nurse, Physician's Assistant, Certified Nurse Practitioner, or Medical Doctor).

**Standard 3.C.** A medical assessment or health appraisal is completed within one week of admission by or a qualified health care professional (Nurse, Physician's Assistant, Certified Nurse Practitioner, or Medical Doctor).

Providers accredited and contracted with by the Department of Social Services are all community-based and adhere to department rules and standards. Providers are required to conduct an integrated assessment on all clients and make appropriate referrals for additional services, as identified. Department rules can be found at:

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=67:62:08:05> and

<https://sdlegislature.gov/Rules/DisplayRule.aspx?Rule=67:61:07:05>.

***Describe how reentry planning by the state for juveniles will include—***

***(A) A written case plan based on an assessment of needs that includes—***

- (i) the pre-release and post-release plans for the juveniles;***
- (ii) the living arrangement to which the juveniles are to be discharged; and***
- (iii) any other plans developed for the juveniles based on an individualized assessment; and***

***(B) Review processes; 34 U.S.C. § 11133(a)(31).***

The South Dakota Department of Corrections adheres to Operational Memorandum 6.1.E.3 Program Planning regarding the case management activities related to youth in placement settings. The South Dakota Department of Corrections also adheres to a Monthly Reauthorization Form where all youth treatment goals are matched to youth assessments and identification of high-risk domains. The form requires documentation for pre-release and post-release plans and living arrangements. An aftercare contract, which is completed prior to release, includes identification of the custodian. A regional supervisor must sign off on the report to provide quality assurance to ensure that all required processes are occurring.

***Describe policies and procedures, if any, to—***

- (A) Screen for, identify, and document in records of the state the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and***
- (B) Divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable; 34 U.S.C. § 11133(a)(33).***

Not applicable as South Dakota does not have any secure juvenile correction facilities.

***Performance Measures*** : Staff of the Formula Grants Program understands that performance measures will be required for successful applicants. Staff will track and work with subgrantees to ensure that performance is monitored and tracked as appropriate for the individual programs. All records with identifiable information are secured with Formula Grant staff to ensure that the privacy rights of recipients of services under this state plan are protected.

The DOC as a whole, under the Division of Grants and Research, compiles juvenile justice data in conjunction with other state agencies and through the utilization of private consultants to ensure that there is adequate research, training, and evaluation within the state.

***Barriers to Information Sharing***: South Dakota has encountered some barriers in the collection of information of juvenile justice data. Major barriers that have been identified include:

- Juvenile Matching – Due to the separate juvenile systems and process for assigning identification numbers, many juvenile records are not able to be matched across agencies in order to track juveniles through the justice system.
- While detention admission data is available, juvenile specific screening and temporary custody information is not available electronically on a statewide basis. This makes it difficult to identify the number and demographics of youth being diverted from secure custody and how many of the youth are repeatedly being taken into temporary custody and how many are first time offenders.
- There is an inconsistency in what data is collected. Many departments collect basic data while not documenting other important demographic components.
- There is a lack of law enforcement, detention and Tribal Court data available from the Native American Tribes.