

Meeting Minutes
South Dakota Council of Juvenile Services
June 11, 2014

Highland Conference Center Mitchell, SD

Wednesday, June 11, 2014

Council of Juvenile Services Members Present: Carol Twedt, Chair; Mike Leidholt, Vice-Chair and Hughes County Sheriff; Nancy Allard, Director of Trial Court Services; Becca Bedard, Youth Member and Mountain Plains Evaluation; Kim Cournoyer, Service Provider; Judge Jeff Davis, Seventh Circuit Court Judge and Pennington County JDAI Co-Chair; Victor Erlacher, Former School Principal and Superintendent, Foster Parent, and CASA Volunteer; Arlene Ham Burr, Former State Senator; Liz Heidelberger, Youth Member and State JDAI Coordinator; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Jacob Kabrud, Youth Member; Aaron McGowan, Minnehaha County States Attorney; Sara McGregor-Okroi, Aliive-Roberts County; Beth O'Toole, Professor at the University of Sioux Falls; Betty Oldenkamp, CEO of Lutheran Social Services; Lyndon Overweg, Mitchell Chief of Public Safety; Marissa Surrounded, Youth Member; Virgena Wieseler, Director of Division of Child Protection Services.

Council of Juvenile Services Members Absent: Doug Herrmann, Director of Juvenile Services; Grant Walker, Standing Rock Sioux Tribe Chief Prosecutor;

Others Present: Macey Chambers, Bridget Coppersmith, and Robyn Seibel, South Dakota Department of Corrections

1. WELCOME

Vice-Chair Sheriff Mike Leidholt called the meeting to order at 10:02 AM on Wednesday, June 11, 2014. Vice-Chair Leidholt welcomed all participants especially newly appointed members. Vice-Chair Leidholt explained that he would be chairing the meeting due to an anticipated absence from Council Chair Carol Twedt.

2. APPROVAL OF SEPTEMBER 2013 MEETING MINUTES

Judge Jeff Davis moved to approve the March 2014 Meeting Minutes, Beth O'Toole seconded.
Motion carried unanimously.

3. WALKTHROUGH OF BYLAWS

Vice-Chair Leidholt and Bridget Coppersmith walked the Council through the CJS Bylaws, which are still in their original state from their adoption by the Council in 2004. Coppersmith explained that if any changes were to be made, they would have to be approved at the September meeting as any changes need to be provided to the Council seven days in advance.

4. BUDGET STATUS REPORT

Discussion of Formula FFY2011 Budget: Coppersmith provided an overview of the Formula Grants Program FFY2011 budget status. Coppersmith explained that the Department of Corrections (DOC) began coding services to the award in March 2014 and that due to being in the early process of spending the award, the Council is encouraged to wait on making budget amendment decisions until more of the

award has been expended to provide a clearer picture of the budget and possible remaining balances in program purpose areas. Vice-Chair Leidholt explained that the reason FFY2011 is being spent rather than more recent awards is due to a large award being allocated to South Dakota when the state came into compliance with the Juvenile Justice and Delinquency Act.

Approval of Submission of Formula FFY2011 Award Grant Adjustment Notice to the Office of Juvenile Justice and Delinquency Prevention: Coppersmith stated that the current end date for the FFY2011 Formula Grants Program award is September 30, 2014. Coppersmith referred back to the status of the budget and explained that a Grant Allocation Extension Grant Adjustment Notice will need to be sent to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in order to be able to fully expend the award. Coppersmith noted that the new end date, if approved, would be September 30, 2015.

Betty Oldenkamp moved to approve DOC staff submitting a Grant Adjustment Notice to the Office of Juvenile Justice and Delinquency Prevention in order to extend the end date of the FFY2011 Formula Grants Program award to September 30, 2015, Lyndon Overweg seconded. Motion carried unanimously.

5. FFY2014 FORMULA GRANT SOLICITATION

Ratification of Decision from May 28th Executive Committee Conference Call: Coppersmith explained that the Council Executive Committee was required to convene via conference call in order to approve the first part of the FFY2014 Formula Grants Program application for submission to OJJDP. Coppersmith added that the application is broken into two different submissions this year and that the first part was due on June 2nd and the second part is due June 30th. Coppersmith noted that the FFY2014 award will be supplemental to South Dakota's FFY2013 award and is anticipated to be \$400,000.

Judge Karen Jeffries moved to ratify the decision of the Executive Committee from May 2014, Nancy Allard seconded. Motion carried unanimously.

Approval of the Core Requirements Sections for Submission to OJJDP: Coppersmith and Robyn Seibel provided an overview of the second part of the FFY2014 Formula Grants Program application which includes plans for compliance with the core requirements of Jail Removal, Separation of Juveniles from Adult Offenders (Separation), Deinstitutionalization of Status Offenders (DSO), and Disproportionate Minority Contact (DMC). Coppersmith explained that in calendar year 2012, there were nine DSO violations and zero Jail Removal and Separation violations. Coppersmith noted that the programmatic plan for compliance with the core requirements of DSO, Separation, and Jail Removal is to continue the county reimbursement program as the main project that would be funded.

Seibel described the plan for monitoring compliance with the core requirements of DSO, Separation, and Jail Removal. Seibel explained that South Dakota's Compliance Monitoring Manual is located on the South Dakota DOC webpage and outlines the daily efforts needed to maintain compliance. Seibel added that manual goes into detail concerning the DOC's monitoring authority, the monitoring timeline, violation procedures, barriers and strategies, definition of terms, identification and classification of the monitoring universe, inspection of facilities, and data collection and verification.

Coppersmith provided an overview of the DMC component of the plan. Coppersmith explained that the data is from 2011 and is broken down by statewide, Minnehaha County, and Pennington County data

for stages of the juvenile justice system. Coppersmith noted that Minnehaha and Pennington Counties are the only locations that have enough local system activity to track minority over-representation in a statistically significant and valid manner. Coppersmith highlighted that the statewide minority arrest rate was 2.72 times higher than the rate for white youth and the rate for American Indian youth was 2.83 times higher than white youth at the stage of arrest. Statewide, minority youth had a commitment rate to the DOC that was 1.29 times higher than the rate for white youth and the rate for American Indian youth was 1.96 times higher than white youth at the stage of DOC commitment. In Minnehaha County, the arrest rate for American Indian youth was 7.85 times higher than the rate for white youth and in Pennington County, the arrest rate for American Indian youth was 4.73 times higher than the rate for white youth. Coppersmith stated that the data is not meant to be predictive but is rather a snapshot to see the activity in a specific year.

Discussion ensued concerning the source of DSO violations, the history of the county reimbursement program, and orientation for new CJS members to better understand the core requirements.

Aaron McGowan moved to approve DOC staff submitting the core requirements sections of the Formula Grants Program Application to the Office of Juvenile Justice and Delinquency Prevention by June 30, 2014, Virgena Wieseler seconded. Motion carried unanimously.

6. JUVENILE DELINQUENCY PREVENTION SUBGRANT UPDATES

Coppersmith explained that at the March Council Meeting, juvenile delinquency prevention applications were approved from Aberdeen, Sturgis, and Watertown. Coppersmith noted that most of the work with the subgrants will take place when the school year starts in the fall and that all three sites have been conducting meetings and planning for implementation of Project SUCCESS and Positive Action. Coppersmith added that all three sites met with DOC staff and Mountain Plains Evaluation on June 4th to discuss the evaluation and screening components of implementation and that Sturgis decided to also implement Positive Action to be consistent with Aberdeen and Watertown.

7. DISPROPORTIONATE MINORITY CONTACT SUBGRANTS UPDATE

Seibel provided an update of the two DMC subgrants currently under the Council. Seibel explained that Pennington County was awarded a subgrant for a DMC Data Specialist and a voucher system for minority youth. Seibel added that Minnehaha County was awarded a subgrant for a DMC Manager and a voucher system for minority youth. Seibel explained that through March 2014, Pennington County had served five youth and the DMC Data Specialist has been working to combine multiple juvenile records into one arrest database. Seibel stated that Minnehaha County had not served any youth through March 2014 but did see progress with their new DMC Manager, community and Tribal outreach, and local trainings.

Discussion ensued concerning the difficulties of targeting DMC in communities.

8. COMPLIANCE MONITORING REPORT

Seibel provided an overview of how compliance is monitored by the DOC and the number of violations for calendar year 2013. Seibel stated that data is collected from 63 facilities and that there were 1,981 juvenile admissions to those facilities in CY2013. The compliance findings after data collection and verification resulted in zero Separation and Jail Removal violations and six DSO violations. Of the six DSO violations, one resulted in a violation but is classified as an out-of-state runaway exception and was

held in Codington County. The remaining five incidents resulted in violations but are classified as federal wards exceptions and were held in Roberts County under Tribal authority from the Sisseton-Wahpeton Oyate.

Discussion ensued concerning the pattern of compliance violations linked to Sisseton-Wahpeton Oyate, how to work with Sisseton-Wahpeton Oyate and the Roberts County Detention Center to decrease violations, and the history of compliance violations in South Dakota.

9. DOC RECOMMENDATIONS AND APPROVAL OF NATIVE AMERICAN PROGRAMS SUBGRANT AWARDS

Coppersmith explained that of the eight Tribes an application was sent to, three Tribes submitted an application for \$20,000 each. Coppersmith provided an overview of each application and stated that Cheyenne River Sioux Tribe applied to use the award to support a Juvenile Probation Officer, Lower Brule Sioux Tribe applied to implement an equine therapy prevention service, and Sisseton-Wahpeton Oyate applied to implement a youth wellness court. Coppersmith provided an overview of past grant management performance with each Tribe and stated that each Tribe had various levels of delinquency when it came to submitting claims and performance measures and with timely communication.

Discussion ensued concerning the content of the three applications, the need to work with Lower Brule Sioux Tribe concerning a liability waiver and leasing equipment and horses, the incompleteness of Sisseton-Wahpeton Oyate's application, the decision to deny Sisseton-Wahpeton Oyate's application due to the pattern of compliance violations, and that Sisseton-Wahpeton Oyate will be encouraged to apply in future years assuming compliance is addressed.

Carol Twedt moved to approve the application from Cheyenne River Sioux Tribe, Judge Davis seconded. Motion carried unanimously with Judge Karen Jeffries abstaining.

Lyndon Overweg moved deny the application from Sisseton-Wahpeton Oyate based on a lack of compliance, Aaron McGowan seconded. Motion carried unanimously with Judge Karen Jeffries abstaining.

Lyndon Overweg moved to approve the application from Lower Brule Sioux Tribe, Victor Erlacher seconded. Motion carried unanimously with Judge Karen Jeffries abstaining.

10. TRIBAL ADVISORY GROUP UPDATE, FUTURE FUNDING DISCUSSION, AND POTENTIAL AWARD

Coppersmith reviewed the meeting minutes from the Tribal Advisory Group (TAG) meeting on June 3, 2014. Coppersmith noted that the meeting prior to the June 3rd meeting was July 12, 2013 and that meetings in the middle kept being postponed due to weather. Coppersmith explained that four Tribes were represented at the June 3rd meeting and that the main topics were Native foster homes and DMC in Minnehaha County. Coppersmith added that the next meeting is tentatively set for Friday, September 5, 2014 in Oacoma, SD and will cover foster care training, recruitment, and retention.

Coppersmith stated that South Dakota Voices for Children is the agency which provides staff support to the TAG and that they are requesting that the Council contract with them for three TAG meetings in SFY2015.

Discussion ensued concerning the purpose of TAG, the recent feeling of disconnect from the Council, the outcomes of the group, and having the right representation at the meetings.

Judge Jeffries moved to approve three TAG Meetings for SFY2015 at up to \$4,000 per meeting, Carol Twedt seconded. Motion carried unanimously.

11. JUVENILE JUSTICE UPDATES

Liz Heidelberger provided an update of the statewide implementation of Juvenile Detention Alternatives Initiative (JDAI) since the Unified Judicial System began oversight in July 2013. Heidelberger highlighted that she was hired as the statewide coordinator, a statewide steering committee was developed, a site visit to New Jersey was conducted, South Dakota representatives attended the National JDAI Inter-Site Conference, outreach to counties with juvenile facilities was being conducted to see where expansion could take place, and that sustainability of the two pilot sites was being discussed.

Discussion ensued concerning expanding JDAI to smaller jurisdictions, lessons learned from New Jersey, appreciation to the Council for bringing JDAI to South Dakota, and the importance of bringing agencies together and committing to a common cause to truly impact change.

Vice-Chair Leidholt provided an overview of the Governor's Task Force on Juvenile Justice. Vice-Chair Leidholt explained that the first meeting took place in the beginning of June, that the process will be similar in design to the recent adult system reform, the timeline of meetings, the composition of the group, that the focus will be on post-disposition, and the anticipation is that legislation will come out of the process.

12. NEXT MEETING, WRAP-UP AND ADJOURN

Vice-Chair Leidholt stated that the next meeting will be September 10-11, 2014 in Pierre, SD.

At 1:14 PM, Betty Oldenkamp moved to adjourn, Judge Davis seconded. Motion carried unanimously

Recorded by Bridget Coppersmith, Juvenile Justice Specialist