

**Council of Juvenile Services
December 13, 2004, Holiday Inn Express – Ft. Pierre
Meeting Minutes**

Monday, December 13, 2004

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, Doug Herrmann, Sharon Sonnenschein, Susan Randall, Judge Janine Kern, Grant Walker, Doug Thrash, Joseph Verhulst, Sean Gilmore, Keith Bonenberger, Beth O'Toole

Council of Juvenile Services Members Absent: Judge Cheryl Three Stars Valandra, Richard Bird, Lindsay Ambur, Mike Dacy, JC Chambers, Gib Sudbeck, Laura Dillon, Dave Nelson

Others Present: Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from the Department of Corrections; Dick Kirkie from the Tribal Advisory Group, Barry Pillen from DHS.

1. WELCOME, INTRODUCTIONS, and REVIEW OF AGENDA

Carol Twedt, Chairperson, welcomed those present and called the meeting to order at 9:10 AM at the Holiday Inn Express in Ft. Pierre. Introductions were made and the agenda was reviewed. Twedt asked for any additions or changes to the agenda, at which time Janine Kern requested that "Old Business" be added. This category will follow the 2:00 PM subgrants item.

2. APPROVAL OF MINUTES FROM 10-08-2004.

Janine Kern moved to approve the minutes, Doug Thrash seconded, motion carried unanimously.

3. ELECTION OF CHAIR and VICE-CHAIR

Mike Leidholt made a motion for Carol Twedt to continue serving as Chair, Doug Herrmann seconded. Doug Thrash moved to cease the nominations, Kern seconded, motion carried.

Susan Randall nominated Mike Leidholt to continue serving as Vice Chair, Keith Bonenberger seconded. Kern moved to cease nominations, Thrash seconded, motion carried.

4. CJS MEMBERSHIP UPDATE and COMMITTEE ASSIGNMENTS

- ◆ Kevin McLain welcomed Keith Bonenberger and Beth O'Toole to the Council. They will serve 3-year terms. Bonenberger replaced Dallas Johnson and O'Toole replaced Dennis Daugaard. Grant Walker and JC Chambers were both reappointed. Recommendations have been submitted to the Governor's office for review and approval to replace Richard Bird, Cheryl Three Stars Valandra, Laura Dillon, and Mike Dacey.
- ◆ Members were asked to review their contact information on the membership list and provide Jodi with any updated information. Kern and Randall both indicated they are willing to continue serving on the Legislative Ad Hoc committee. Chairperson Twedt appoints members to this committee as well as to all the other committees and would like those who are serving to continue to serve. For new members, Twedt asked that they pick a committee they would like to serve on and let Jodi know. *Kern made a motion to send letters of thanks to committee members, update them on the year's events/progress, and ask them if they are willing to serve. Doug Thrash seconded. Discussion ensued. Kern amended her motion to reflect that each committee chair person send a letter to their members. Motion carried.*
- ◆ Twedt indicated that at the last TAG meeting, two individuals expressed their interest to her about serving on the DMC committee. They are Marcita Eaglebear and Judge Karen Jeffries. Letters will go out to these individuals appointing them to serve. Beth O'Toole expressed her interest in serving on the DMC committee as well.
- ◆ Kern discussed an issue with #15 of the previous meeting minutes which says: "two requirements of the federal act include sharing public child welfare records with the courts and the juvenile justice system and incorporating child protection service records into juvenile justice records. Another Ad Hoc committee was suggested to address this, with possible members identified for this include Sharon Sonnenschein and

Dave Nelson.” Kern said she would also be willing to serve on this committee. ***Kern moved to appoint an Ad Hoc Committee to address this. Doug Hermann seconded, motion carried.***

5. COALITION FOR CHILDREN’S STATE ADVISORY GROUP

SDCC SAG held their last meeting a week ago. SDCC SAG Vice Chair Mike Leidholt provided an update on the recommendations to CJS from SDCC (provided on handout). Randall indicated that items 2-3 need CJS action. ***Randall made a motion that CJS send someone to the regional meetings. Kern seconded. Discussion ensued. Randall amended the motion to “send a CJS member and staff person if available.” Kern, who seconded the original motion, agreed with this change. Motion carried.*** Twedt suggested we table these recommendations until the next meeting. Randall suggested that item #3 be put on next agenda, refer item #5 to the Ad Hoc Committee, and then the SDCC recommendation sheet will be put under ‘old business’ on today’s agenda.

6. TRIBAL ADVISORY GROUP UPDATE/COLLECTION OF TRIBAL JAIL-DETENTION DATA

- ◆ TAG Representative, Dick Kirkie, provided an update on the most recent TAG meeting and the status of collecting tribal jail and detention data. The TAG met December 2-3rd in Mobridge - Standing Rock Sioux Reservation in which they toured and held a banquet followed by a meeting the following day. Carol Cochran from USD Kids Count shared information with members of the TAG. The TAG formed a committee to determine what data is needed, who is to collect it, and how it will be recorded. They handed out the NA Passthrough subgrants as well. Next, Kirkie gave the status on the Tribal Council for resolutions of support. The nine tribes approached the Council for Resolutions for support and received several resolutions.
- ◆ CJS has requested data from the 9 tribes and will pay them \$500 to provide this data. Randall said she has received data from 8 of the 9 tribes and that Oglala Sioux Tribe is getting their data to her.
- ◆ The next TAG meeting is March 17-18 at Sisseton-Wahpeton. Kirkie finished by saying that the TAG really wants CJS’s support and for CJS to back them up.

7. SYSTEMS & SERVICES COMMITTEE RECOMMENDATIONS

A Systems and Services spreadsheet was provided that outlines the recommendations made by the S&S Committee to the CJS, and it outlines the status of each recommendation. Kevin reviewed this document as it relates to the dissemination of this information and preliminary discussion as part of the executive branch. Kern added that USD is planning a grant task force. Randall asked if there are staff dedicated to working on this system of care approach and if CJS funds should be used to jump-start this? McLain will be talking to the Division heads to get their input and see if they have money for it.

8. NATIVE AMERICAN PASS-THROUGH RFP

Request for Proposal’s (RFP) went out to all nine South Dakota tribes. \$30,000 is available per tribe over two years with no more than \$20,000 per year. The application window is December 15, 2004 – March 31, 2005. Tribes will identify their own needs and then staff will work with them on their application.

9. COMPLIANCE MONITORING UPDATE

The Compliance Monitoring Committee will be meeting January 12th in Pierre. Staff have done the FY 2003 compliance monitoring report and are in the process of collecting the second half of FY04 data. OJJDP reviewed our data and numerical reports to date and Dennis Mondoro, OJJDP Representative, informally told us during the site visit that we’d be in compliance with the JJDP Act under the de minimus exception for DSO and for Jail Removal. We have continued funding based on compliance for two more federal fiscal years, and anticipate FY05 funding being between \$600,000 to \$672,000. The application will be due at the end of March 2005 so the application will be reviewed at the next CJS meeting. The CM Manual will be audited next fall by OJJDP, and staff has yet to complete a training manual.

10. OJJDP SITE VISIT

OJJDP State Representatives Dennis Mondoro and Laura Ragan conducted a site visit of the federal programs administered by DOC on December 2nd-3rd. They toured the Minnehaha County Detention Center and visited with Dave Nelson and LeAnn Harries regarding their JABG grant program. They will be conducting another visit next summer, which entails a combination of a program audit and a compliance audit. Kern asked that we plan to have

the OJJDP reps visit a reservation during their next site visit. There is still a concern about tribes locking up juveniles with adults, therefore, having them visit a reservation would help them to see the impact of this occurring and help them to enforce their own rule.

Dennis Mondoro wants to hold a Congressional Earmark Program Conference sometime in 2005 and McLain suggested holding another Juvenile Justice Symposium at the same time. ***Kern made a motion that we plan and hold a fall symposium and invite Robert Flores, who has asked for an invite. Leidholt seconded. Discussion ensued. Kern amended her motion to: "CJS seek a proposal from SDCC and negotiate with the Executive Committee to hold this fall symposium"***. McLain suggested that SDCC submit a proposal to CJS and then the CJS would have the final say on the design and the expenses of the symposium. McLain will check with OJJDP regarding what they will pay for, but it is necessary to have prices for OJJDP when the contact is made. Therefore, McLain will talk to Susan Randall and ask for staff time and a proposed budget for the different costs associated. Discussion ensued. The Executive Committee will make the preliminary approval of any decisions and the full council will make the final approval at the next meeting in March. ***Motion carried unanimously.***

11. DECEMBER FEDERAL ADVISORY COMMITTEE MEETING UPDATE

Kern attended the FAC meeting in Washington, DC on December 9th. At this same time, OJJDP held a first National Truancy Prevention Program to elevate the issue of truancy to a national awareness. Truancy is one major issue for the feds and another major issue is the need for greater collaboration between federal agencies working with juveniles. However, their main focus for the next 12 months is the mental health issue and OJJDP is planning to hold substantive meetings in order to help Human Services tackle the mental health issues.

The FAC recommendations were submitted. Kern requested that Jodi mail a final copy of each of the two FAC reports to the CJS members for their information.

12. FEDERAL ADVISORY COMMITTEE REQUEST FOR INFORMATION

Kern explained the request for information from the FAC in which we are to identify our most critical juvenile justice needs, the CJS recommendations to the President, Congress, and the OJJDP Administrator, etc. (see handout for specifics). The answers to the first question are in the 3-Year Plan. The second question regarding promising practices and program evaluations related to the identified problems was discussed. Members indicated they want our government to provide is a Centralized Intake, Mental Health/Medicaid coverage, BIA funding of temporary custody, and for tribes to receive greater funds and require they stay in compliance with the act. Kern identified two areas that she would like to see included in the report: 1) Examine the effect of child abuse and neglect on children and delinquency; and 2) examine the effect of domestic violence. Leidholt suggested adding Mental illness to this piece, and Sharon Sonnenschein requested that Fetal Alcohol be added as well. McLain and Kern will compile the responses to this request and send it out to the CJS members to provide any additional information. The Executive Committee would then make the final approval on the document before Kern submits it to the FAC. This information is due to the FAC by January 14th.

13. CJS LEGISLATIVE ROLE

Chairperson Twedt sent a letter to the Governor's office asking for his guidance on CJS' legislative role. At the time of this meeting, the Governor's Office has not formulated a response. McLain suggested that the Executive Committee be used to make decisions if the Governor should identify a legislative role for CJS. If a response is received prior to the next Executive Committee call, this will be added to the agenda.

Kern requested adding to the next CJS agenda the subject of drafting legislation for child abuse and neglect records to ensure that information in these records is made available to counties.

14. STANDARDS FOR DETENTION, SHELTER CARE, and HOLDOVER SITES

McLain indicated that DOC is moving forward with the standards for holdover. The Governor's staff person has been briefed on detention standards, which raised two concerns for this staff person: 1) the liability issue of the state assuming licensure requirements of the inspection, to what extent this increases the states liability if something should happen in one of these facilities, and 2) the concern that if legislation was brought in during this session, that we could have a backlash that adversely impacts our relationship with the locals. She asks that we not introduce legislation until the liability issue is worked out and they meet with the sheriffs and facility operators to determine their response to the concept. If they are in agreement, then it would be taken to the Governor to get approval/sign off and then utilize the facilities to help design the standards. Once this is done, the legislation would require standards, require facilities to meet standards, and give DOC the authority to draft Administrative rules in

specific categories. This would require going through the Administrative Rules Process to adopt the standards. Leidholt mentioned that the key is to get input from those who run the facilities. Doug Herrmann will follow up with Representative Murschel to make sure she is receptive to this.

15. COALITION FOR JUVENILE JUSTICE MEMBERSHIP

As discussed in the previous CJS meeting, CJJ is a non-profit, private coalition on Advisory groups, and CJS will be approached in the future about joining CJJ and using some of CJS allocations for dues. It should be noted that CJJ is no longer the designated advisory group for the Office of Juvenile Justice and Delinquency Prevention. A new advisory group has been appointed called the Federal Advisory Committee. Judge Janine Kern has been appointed by CJS to serve as the representative on this committee and Doug Herrmann serves as the back up.

The topic of membership to CJJ was tabled from the last CJS meeting. Kern indicated that she did not send a letter to CJJ about waiving the \$5,000 yearly membership fee, but she did talk to them in DC last week. CJJ won't waive the fee for us as an indignant state, but recommended we join every other year. Leidholt expressed that if it's important enough to join, then we should join every year. Discussion ensued. Kern suggested that if CJS joins, that costs could be defrayed by billing our own costs to our agencies. Members did not feel this would work or that it would be fair to their agencies. ***Kern made a motion to join CJJ, Doug Thrash seconded. Four in favor, six opposed, and two did not vote. Motion failed.***

16. COUNTY REIMBURSEMENT PROGRAM and TRIBAL PARTICIPATION

At the last meeting, the TAG requested to participate in the Reimbursement Program. Tribes that need to access these funds are Crow Creek, Flandreau, Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, Yankton Sioux Tribe, Standing Rock, and Rosebud Sioux Tribe. Discussion ensued regarding those that have their own detention facilities, shelter care, and holdover sites. Kern indicated that we need to find out the tribes Federal funding and find out what their data source is. ***Kern moved that CJS fund one holdover per reservation, to meet the council's standard with reimbursement not to exceed \$100,000 per year for all nine tribes. Leidholt seconded, motion carried.***

17. REVIEW AND APPROVAL OF SUBGRANTS

The Requests for Proposals (RFP's) went out in November and we have received a total of 22 applications. Twelve applications applied under the CHINS category where there is \$100,000 available, eight applied under the truancy program where there is \$50,000 available, and two applied under the category: Reduce the caseloads of probation officers where \$50,000 is available. Out of the 22 applications, 5 are being recommended for funding. Six factors were considered: How well does the title fit the program, the need, program design, local support, budget (is it reasonable, is supplanting involved), and the provider applying (are they reputable). Each category was worth ten points. Kern proposed that CJS fund the five projects identified with the dollar amounts identified. The committee decided not to fund the Reducing the Caseloads of Probation Officers category, but to fund two truancy projects instead. Those projects proposed for funding under the CHINS category are:

- ◆ Lewis and Clark Mental Health Center – serving Charles Mix, \$138,000
 - ◆ Lifeways, Inc. – serving Rapid City Academies, \$50,486
 - ◆ Prairie View Prevention Services – serving Minnehaha and Lincoln Counties, \$43,527
- Those projects proposed for funding under the truancy category are:
- ◆ Capital Area Counseling Services, Inc. – serving Pierre, \$42,628
 - ◆ Office of the Pennington Co. State's Attorney – serving North Middle School, \$40,000

The total of these proposals comes to \$314,641, which is \$14,641 over budget. McLain will work with the budget to make up for this overage. Twedt requested staff put together a fact sheet that outlines why each of these were funded so that CJS members all have the same response should any of the applicants question the decision. ***Leidholt moved to approve the subgrants as presented, Herrmann seconded. Motion carried.*** McLain indicated that the Governor's office wants to review the approved RFP's before we give notice.

18. OLD BUSINESS

- Kern asked McLain to report on his discussion with Dr. Gary Leonardson regarding the racial bias issue, as a follow-up topic from last meeting. McLain responded by saying that both the survey and questions that were asked dealt with bias issues. The focus group report includes comments from focus group participants that identifies racism and racial bias. The concern was if questions were included to address this topic, and the answer is yes. Racism/racial bias was addressed and is apparent in the draft report.

- Kern asked how the Title V RFP process will work. McLain responded that staff needs to talk to OJJDP and their Title V provider to get more direction.
- CJS reviewed the handout that lists recommendations from SDCC to CJS. All issues on this handout have been addressed at today's meeting.
- Kern asked McLain to contact the head of BIA on behalf of the CJS to get information regarding 1) what is the formula used to determine how much the tribes each get; and 2) how much does each tribe get/how is it broken out.
- Twedt would like to add to the agenda for next time how to strategize to meet with our Senators Thune and Herseth and determine what our message would be to them. It was advised that this be cleared through the Governor's Office and get his approval. The focus topics would be Services to Tribal Youth on the Reservations, and Medicaid Services.
- Next meeting is scheduled for Monday, March 14th in Ft. Pierre at the Holiday Inn Express from 9am-4pm, CST.

Keith Bonenberger moved to adjourn, Grant Walker seconded. Motion carried.

19. MEETING ADJOURNED at 2:55 PM.

Recorded by Jodi Kirschenman, JJ Specialist