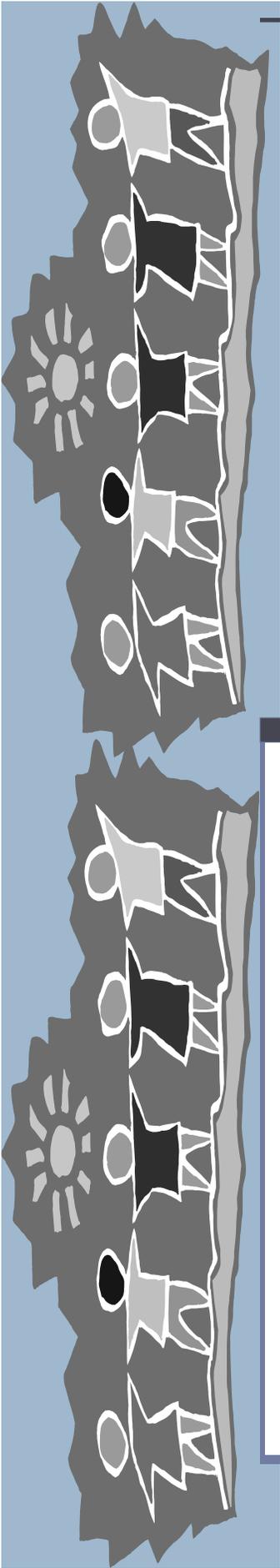


State of South
Dakota

*Council
of
Juvenile Services*

FY 2010 Annual Report



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The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice.

*South Dakota Council
Of
Juvenile Services*

Serving as the principal juvenile justice
planning entity for the State of South Dakota.

*Council of Juvenile Services
South Dakota Department of Corrections
415 North Dakota Avenue
Sioux Falls, SD 57104*

December 2010

Governor M. Michael Rounds
Governor-Elect Dennis Daugaard
Chief Justice David E. Gilbertson
Members of the South Dakota Senate
Members of the South Dakota House of Representatives

Dear Governor Rounds, Governor-Elect Daugaard, Chief Justice Gilbertson and Members of the South Dakota Senate and House of Representatives:

It is with great pleasure that I present to you the *Council of Juvenile Services Fiscal Year 2010 Annual Report*.

The Council of Juvenile Services oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act Formula Grants Program and is required to make an annual report to the Governor and Legislature on the State's progress in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The Council is also responsible, pursuant to SDCL 1-15-30 (8), for making an annual report to the Governor, Chief Justice and the Legislature on the status of Children in Need of Supervision. This document serves to meet both of these reporting requirements.

The Council of Juvenile Services has worked diligently over the past seven years to enhance juvenile services in the state. The following pages of the Annual Report is a condensed summary of the accomplishments over the past year, but I believe you will be proud of the critical and relevant work that has been done in our State since South Dakota came into compliance with the Act in 2003. Furthermore, federal fiscal year 2010 Formula Grant, Juvenile Accountability Block Grant, and Title V Delinquency Prevention Grant applications were submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. These three grants will provide \$1,005,245 for juvenile justice planning and projects in South Dakota for the next few years.

I want to thank you all for your support and I look forward to working with you on behalf of South Dakota's children.

Very Best Regards,



Carol Twedt, Chairperson

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COUNCIL OF JUVENILE SERVICES

The Council of Juvenile Services (Council) was established to fulfill the responsibilities of a state advisory group as directed by Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The Council was developed under SDCL 1-15-30, to serve as the principal juvenile justice planning entity for the State of South Dakota's participation in the Formula Grants Program of the JJDP Act. State Fiscal Year 2010 represents the seventh year of the State's renewed participation in the Formula Grants Program.

The Council reviews juvenile justice policy, advises and advocates on juvenile justice issues, and strives to keep South Dakota in compliance with the requirements of the Formula Grant Program authorized by the federal JJDP Act. The Council meets quarterly and is comprised of members who are appointed by and serve at the pleasure of the Governor. As the state agency designated by the Governor to administer juvenile justice funding, staff of the South Dakota Department of Corrections (DOC) provides support for the Council and its committees, administers and monitors juvenile justice grant funds, collects juvenile justice system data, and monitors facilities for compliance with the core requirements of the JJDP Act.

SDCL 1-15-30, as amended by Senate Bill 8 in the 2003 Legislative Session, outlines the responsibilities of the Council of Juvenile Services:

- (1) In conjunction with the secretary of the Department of Corrections, establish policy on how the formula grants program of the Juvenile Justice and Delinquency Prevention Act is to be administered in South Dakota;
- (2) Approve the state plan, and any modifications thereto, required by 223(a) of the Act prior to submission to the Office of Juvenile Justice and Delinquency Prevention;
- (3) Submit annual recommendations to the Governor and Legislature concerning the functions of the Council of Juvenile Services and the status of the state's compliance with the Act;
- (4) Approve or disapprove grant applications and other funding requests submitted to the Department of Corrections under § § 1-15-27 to 1-15-31, inclusive, and assist with monitoring grants and other fund awards;
- (5) Assist the Department of Corrections in monitoring the state's compliance with the Act;
- (6) Study the coordination of the various juvenile intervention, prevention, treatment, and rehabilitation programs;
- (7) Study effective juvenile sentencing, adjudication, and diversion policies and provisions;

COUNCIL OF JUVENILE SERVICES

- (8) Make a special study of and make an annual report to the Governor, the Unified Judicial System, and the Legislature by June thirtieth of each year, concerning the appropriate administration of and provision for children in need of supervision in this state;
- (9) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and
- (10) Perform other such activities as determined by the Governor, the Secretary of the Department of Corrections, or the Council of Juvenile Services.

The following individuals were members of the Council of Juvenile Services at the close of Fiscal Year 2010:

- * **Carol Twedt, Minnehaha County Commissioner, Sioux Falls – CJS Chair**
- * **Sheriff Mike Leidholt, Hughes County Sheriff, Pierre – CJS Vice Chair**
- * **Nancy Allard, Unified Judicial System, Pierre**
- * **Dr. J.C. Chambers, Stronghold Counseling, Sioux Falls**
- * **Kaylee DeNeui, Youth Member, Rapid City**
- * **Victor Erlacher, Foster Care Provider, Arlington**
- * **Jason Goette, Youth Member, Aberdeen**
- * **Elizabeth Heidelberger, Youth Member, Rapid City**
- * **Doug Herrmann, Department of Corrections, Rapid City**
- * **Judge Karen Jeffries, Children's Court Judge, Eagle Butte**
- * **Judge Janine Kern, 7th Circuit Court, Rapid City**
- * **Aaron McGowan, Minnehaha County State's Attorney, Sioux Falls**
- * **Beth O'Toole, University of Sioux Falls, Sioux Falls**
- * **Dr. Susan Randall, South Dakota Voices for Children, Sioux Falls**
- * **Tanner Starr, Youth Member, Watertown**
- * **Ella Rae Stone, YST Correctional Facility, Lake Andes**
- * **Gib Sudbeck, Division of Alcohol and Drug Abuse, Pierre**
- * **Chief Jo Vitek, Watertown Chief of Police, Watertown**
- * **Grant Walker, Chief Prosecutor, Fort Yates**
- * **Virgena Wieseler, Department of Social Services, Pierre**

COUNCIL VALUES

The Council of Juvenile Services developed and adopted the following values to guide their work in assisting the State in meeting the requirements of the Formula Grants Program and make improvements to South Dakota's juvenile justice system:

- *Children and adolescents shall receive developmentally and culturally appropriate services.*
- *All children will have the same access to needed services – regardless of income, geography, race, or jurisdiction.*
- *Safety – of the community and of the child.*
- *Place youth in the least restrictive community-based environment available and provide services that are evidence-based.*
- *Accountability – of the child, parents, and the juvenile justice system.*
- *Effective early intervention services that are evidence-based.*
- *Family-based, family-centered services.*
- *Equal justice regardless of race – address Disproportionate Minority Contact.*
- *Early and effective legal representation, including an assessment of competence and a timely and just legal process.*

COUNCIL PROBLEM STATEMENTS

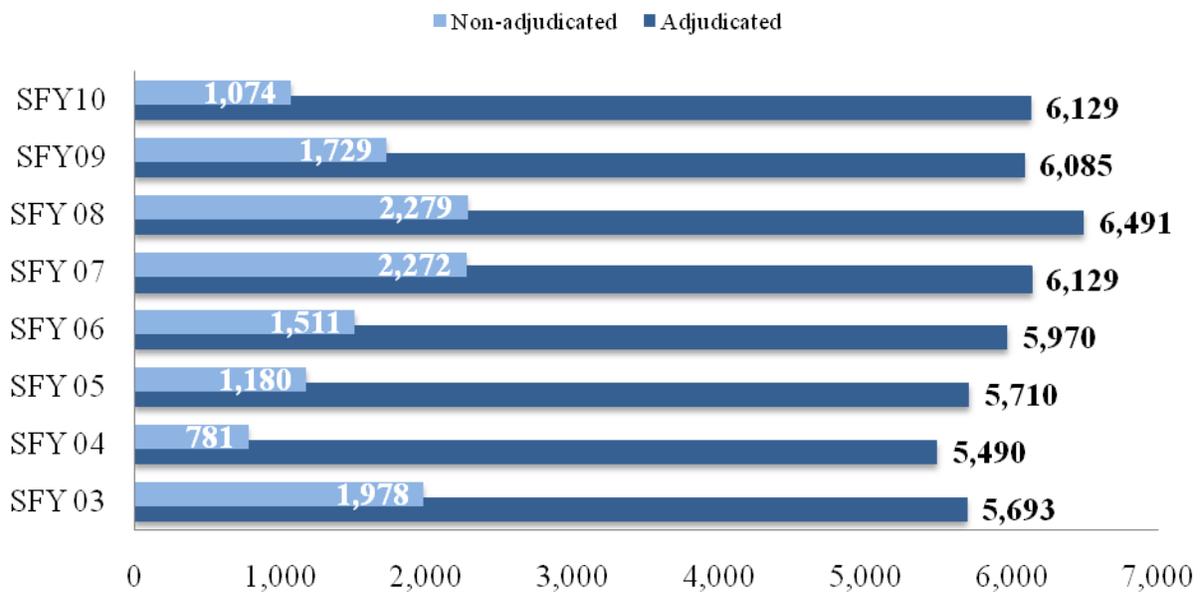
The Council identified the following problems to be addressed through FY2010 Formula Grant funds and activities:

1. 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.
2. Disproportionate Minority Contact – minority youth, primarily Native American youth, are over-represented at most stages of South Dakota’s juvenile justice system.
3. 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, thus compromising due process and outcomes.
4. Because South Dakota has one of the highest incarceration rates of detention per capita, there is a need to develop alternatives to detention, commitment to the Department of Corrections, or out-of-home placement for:
 - Young Offenders
 - CHINS
 - Special Needs Offenders
 - Low-risk Delinquent Offenders
5. There is a need for significant expansion of community-based prevention and early intervention programs and services to include:
 - Prevention
 - Effective Early Intervention
 - Children and Family Services – Child Abuse and Neglect
 - Mental Health Services
 - Developmental Disabilities Services
 - Services for Children in Need of Supervision
 - Prevalence of Substance Abuse among Youth in the Juvenile Justice System
 - Education
 - Fetal Alcohol Syndrome Disorder

CHILDREN IN THE JUVENILE JUSTICE SYSTEM

South Dakota's juvenile justice system impacts thousands of youth and their families on an annual basis. The following table provides a summary of juvenile justice numbers in our state for adjudicated youth by State Fiscal Year, provided by the Unified Judicial System (UJS) and referenced in the 2010 South Dakota Kids Count Factbook:

Juvenile adjudicated or non-adjudicated actions by state fiscal year (SFY)



Definition of terms:

Adjudicated Action - action that occurs as the result of the filing of a CHINS or delinquent petition in formal court. These actions include petition sustained, petition not sustained, petition dismissed, suspended imposition of adjudication, transfer to adult court, and interstate compact transfer to South Dakota.

Non-adjudicated Action - action that is referred to another agency or handled by court services as an informal diversion as an alternative to adjudication.

CHILDREN IN THE JUVENILE JUSTICE SYSTEM

The following table provides a summary of juvenile justice, child protection activities, and alcohol and drug services for State FY2003 through FY2010:

	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
UJS Referrals								
<i>Adjudicated</i>	5,693	5,490	5,710	5,970	6,129	6,491	6,085	6,129
<i>Non-Adjudicated</i>	1,978	782	1,180	1,511	2,272	2,279	1,729	1,074
DOC Commitments * (new commitments only)	384	352	368	379	355	376	360	350
Child Abuse & Neglect Initial Assessments (children)	9,664	8,748	7,729	7,476	6,377	6,971	7,249	7,243
<i>Substantiated</i>	5,309	2,445	1,485	1,701	1,769	2,337	2,283	2,124
<i>Unsubstantiated</i>	4,355	6,303	6,244	5,775	4,608	4,634	4,966	5,119
Alcohol and Drug (juvenile admission to treatment) **	3,143	3,029	2,456	1,992	1,790	1,681	1,271	1,605

Source: The 2003-2010 South Dakota Kids Count publications (University of South Dakota, Business Research Bureau) is the source of the data, (with the exception of DOC Commitments) in the above table.

* DOC commitment data provided by the DOC. Data only accounts for the number of new juveniles that receive a disposition of commitment to DOC. These numbers do not include youth already under the jurisdiction of DOC.

**Starting with FY2006 a new information system was implemented, which provided unduplicated counts.

The significant number of children in the court system and the high number of commitments to the DOC emphasize the importance of continued leadership and funding to develop community based alternatives to detention, early intervention, and prevention efforts.

COMPLIANCE WITH CORE REQUIREMENTS

Federal Requirements

The Juvenile Justice and Delinquency Prevention Act, as amended, establishes four core requirements with which participating states and territories must comply in order to receive juvenile justice funding under the Act:

(1) *Deinstitutionalization of Status Offenders (DSO)* - Refers to the removal of status offenders and non offenders from secure juvenile detention and correctional facilities, jails and lockups for adult offenders.

Juveniles charged with status offenses, offenses which would not be criminal if committed by an adult, should not be placed in secure detention or correctional facilities. Abused, dependent, or neglected youth may never be held securely.

(2) *Sight and Sound Separation* - Refers to providing separation between adults and juveniles in secure settings.

During the temporary period of time in which a juvenile may be held in an adult jail or lockup for processing, they need to be kept sight and sound separated from adult offenders.

(3) *Jail Removal* - Refers to the removal of juveniles from adult jails and lockups.

Juvenile offenders shall not be securely detained in adult jails or police lockups.

(4) *Disproportionate Minority Contact (DMC)* - Refers to the reduction of minority over-representation where it exists within the juvenile justice system.

States must address over-representation of minority youth at different decision points of contact within the juvenile justice system.

To be eligible to receive Formula Grant funds and Title V (delinquency prevention) Grant funds, states must:

- designate a State agency to prepare and administer the State's comprehensive three-year juvenile justice and delinquency prevention plan;
- establish a state advisory group, appointed by the Chief Executive, to provide policy direction and participate in the preparation and administration of the Formula Grants Program plan; and
- commit to achieve and maintain compliance with the four core requirements of the Act.

South Dakota is currently in compliance with all core requirements of the Act.

COMPLIANCE WITH CORE REQUIREMENTS

Facilities Monitored & Method of Monitoring

A compliance monitoring system has been developed and implemented to monitor the State's compliance with the Jail Removal, Sight and Sound Separation, and Deinstitutionalization requirements of the Formula Grants Program.

All facilities in the state have been classified according to federal definitions. During the fiscal year, site visits were conducted to verify facility classifications, collect and verify data, identify any violations of the Formula Grants Program requirements, and provide technical assistance and training on the Act's requirements.

Admission and release data is collected and analyzed throughout the year and reported annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for secure locations including jails, regional juvenile detention centers, collocated juvenile detention centers, secure state correctional facilities, and secure private facilities.

Compliance Summary

In 2002, there were 415 incidents that violated the federal requirements of DSO, Jail Removal, and Sight & Sound Separation. In 2003, South Dakota began working toward compliance with the JJDP Act and saw a major decrease in the number of violations to 50 incidents. Since this time, South Dakota has continued to keep the number of violations low as reflected in the chart on the following page.

In 2009, South Dakota's DSO violation rate was 1.52/100,000 youth (three incidents), which places the State in full compliance with the de minimis exception rate. A DSO violation rate of 29.5 or higher would mean that the State would be noncompliant with the DSO requirement. There were no jail removal violations in 2009. The jail removal violation rate of 0.00/100,000 youth means the State is eligible for a determination of full compliance with the jail removal requirement. There were no separation violations in 2009; therefore, South Dakota is eligible for a finding of compliance.

COMPLIANCE WITH CORE REQUIREMENTS

The following table displays a history (number and rate) of the violations for the requirements of DSO, Jail Removal, and Separation since South Dakota renewed participation in the Act:

Summary of Compliance Monitoring Violation History				
		DSO	Jail Removal	Separation
2002	Violations	115	291	9
	Violation Rate**	56.75	143.6	
	OJJDP Finding	--	--	--
2003*	Violations	16	34	0
	Violation Rate**	8.18	17.38	
	OJJDP Finding	In Compliance	In Compliance	In Compliance
2004	Violations	9	5	1
	Violation Rate**	4.6	2.56	
	OJJDP Finding	In Compliance	In Compliance	In Compliance
2005	Violations	11	16	1
	Violation Rate**	5.62	8.18	
	OJJDP Finding	In Compliance	In Compliance	In Compliance
2006	Violations	7	6	1
	Violation Rate**	3.72	3.19	
	OJJDP Finding	In Compliance	In Compliance	In Compliance
2007	Violations	11	20	2
	Violation Rate**	5.65	10.27	
	OJJDP Finding	In Compliance	In Compliance	In Compliance
2008	Violations	6	4	0
	Violation Rate**	3.05	2.03	0
	OJJDP Finding	In Compliance	In Compliance	In Compliance
2009	Violations	3	0	0
	Violation Rate**	1.52	0.00	0
	OJJDP Finding	In Compliance	In Compliance	In Compliance

* Data Projected from July through December 2003 admissions.

** Rate per 100,000 youth under the age of 18. Juvenile Population as per OJJDP.

COMPLIANCE WITH CORE REQUIREMENTS

Based on the small number of violations and the fact that the violations are isolated incidents that do not constitute an ongoing pattern, the OJJDP continues to find the State of South Dakota in compliance with the Act requirements and therefore, eligible to receive continued funding.

Compliance Programming— Reimbursement Program

Meeting the temporary custody needs of juveniles consistent with the Act can be a burden on county governments. The Council of Juvenile Services authorized the development of a reimbursement system utilizing Formula Grant funds to provide financial support to counties. During Fiscal Year 2005, a reimbursement system was implemented that provided financial support to counties or arresting entities that lack appropriate temporary custody options for youth. Services eligible for financial assistance include detention, shelter care, attendant care, transportation, electronic monitoring, and training.

The following chart outlines the expenditures of the reimbursement program since South Dakota renewed compliance with the Act:

Period	Secure Detainment	Non-secure Detainment	Electronic Monitoring	Transportation	Total
SFY2005	\$66,255.00	\$84,198.75	\$74,855.21	\$61,273.49	\$286,582.45
SFY2006	\$50,455.00	\$61,983.75	\$57,294.83	\$41,089.69	\$210,823.27
SFY2007	\$78,570.00	\$61,249.50	\$78,948.65	\$43,252.08	\$262,020.23
SFY2008	\$85,080.00	\$99,130.83	\$104,870.97	\$56,789.53	\$345,871.33
SFY2009	\$79,720.00	\$89,575.04	\$84,465.51	\$61,859.03	\$315,619.58
SFY2010	\$49,500.00	\$77,279.93	\$83,300.17	\$43,183.63	\$253,263.73

During Fiscal Year 2010, a total of \$253,263.73 was reimbursed to 20 local governments for services consistent with the reimbursement program. The table on the following page provides a summary of entities receiving reimbursement and program services accessed to provide services to 1,208 juveniles in FY2010.

COMPLIANCE WITH CORE REQUIREMENTS

South Dakota Department of Corrections Reimbursements to Counties for Juvenile Services Report by Entity

County	Shelter Care	Detention	Transportation	Holdover	Electronic Monitoring Passive	Electronic Monitoring Active	Total	Juveniles Served
BROOKINGS		\$ 2,400.00	\$ 2,473.88		\$343.52		\$ 2,817.40	48
BRULE	\$ 3,300.00						\$ 5,700.00	13
CHARLES MIX			\$10,296.94	\$13,370.60			\$ 23,667.54	134
CODINGTON	\$ 1,800.00		\$ 1,548.89		\$377.42		\$ 3,726.31	24
DAVISON	\$13,700.00	\$ 9,600.00	\$ 9,449.43				\$ 32,749.43	105
GRANT	\$ 700.00		\$ 259.82				\$ 959.82	4
HUGHES	\$ 1,800.00	\$21,720.00	\$ 5,620.20	\$29,042.67			\$ 58,182.87	192
JACKSON		\$ 840.00	\$ 83.00				\$ 923.00	2
MARSHALL		\$ 360.00					\$ 360.00	2
MELLETTTE	\$ 1,700.00	\$ 2,760.00					\$ 4,460.00	9
MEPHERSON			\$ 414.56				\$ 414.56	2
MINNEHAHA						\$26,550.00	\$ 26,550.00	116
PENNINGTON			\$ 3,919.89			\$55,935.00	\$ 59,854.89	406
SPINK		\$ 1,920.00	\$ 94.20				\$ 2,014.20	5
STANLEY	\$ 1,732.50	\$ 2,280.00	\$ 791.53	\$ 4,566.66			\$ 9,370.69	27
TRIPP	\$ 4,600.00	\$ 3,000.00	\$ 2,369.04	\$ 267.50			\$ 10,236.54	36
UNION	\$ 700.00	\$ 4,620.00	\$ 1,548.67				\$ 6,868.67	34
Vermillion - City of			\$ 434.20				\$ 434.20	6
WALWORTH					\$ 94.23		\$ 94.23	1
YANKTON			\$ 3,879.38				\$ 3,879.38	42
Total	\$30,032.50	\$49,500.00	\$43,183.63	\$47,247.43	\$815.17	\$82,485.00	\$253,263.73	1208

Starting 07/01/2009
Ending 06/30/2010

DISPROPORTIONATE MINORITY CONTACT

To address Disproportionate Minority Contact (DMC), a statewide committee was created by the Council to monitor, research, and make recommendations to address DMC. As part of that work, three pilot sites were established – Minnehaha, Pennington, and Roberts County – with local workgroups guiding DMC reduction steps. The Committee and each local workgroup is in charge of the following DMC process:

- **Identify** the existence/extent of disproportionality through “between race” comparisons within jurisdictions and at specific decision points in the system;
- **Assess** data about DMC to target detailed studies by identifying points of needed intervention, and allocate resources for system interventions;
- **Intervene** to reduce DMC by assisting policymakers in choosing jurisdictions that should receive increased attention and intervention;
- **Evaluate** how DMC responds to policy initiatives and system interventions;
- **Monitor** trends in DMC within and across jurisdictions.

Identification

In Fiscal Year 2005, the Department of Corrections collected data on juvenile justice system activity for Calendar Year 2002 in order to identify baseline data, and determine if a disproportionate number of minority youth were represented throughout the juvenile justice system. Consistent with Formula Grant Program requirements, South Dakota DMC strategies should target reducing overrepresentation for minority populations that make up at least 1% of the total youth population. In South Dakota, Black and Native American youth are the minority groups that meet the 1% rule. Based on the initial identification information, Black youth were found to be overrepresented at the stages of arrest, detention, and petition. Also, Native American youth were found to be disproportionately represented at the stages of arrest, diversion, detention, petition, adjudication, probation, and secure placement.

DISPROPORTIONATE MINORITY CONTACT

DMC Assessment

In the second phase of the DMC Process, the Department of Corrections contracted with researchers from Mountain Plains Research to conduct an assessment of DMC in order to assist the Council in identifying interventions to reduce the occurrence of DMC. As part of the assessment effort, researchers organized twelve focus groups in four different South Dakota communities to gather pertinent information. The focus groups included youth in the juvenile justice system, parents, service providers, and juvenile justice practitioners.

The focus groups identified a number of factors they believe impact DMC in South Dakota. Information obtained during the assessment phase was used to guide strategies, implement local DMC pilot projects, and work toward the reduction of minority overrepresentation within the juvenile justice system.

DMC Interventions

Based on the review of DMC identification information and assessment results, the South Dakota DMC Committee developed strategies as initial steps to addressing disproportionality. Based on recommendations from the DMC Committee, the Council implemented strategies and programs, which are outlined in the chart on the following page.

In addition to the local pilot intervention projects, the Council of Juvenile Services approved implementation of Native American cultures training in Minnehaha and Pennington Counties. The purpose of this program is to decrease overrepresentation of Native American youth in South Dakota's juvenile justice system by developing and implementing effective Native American culture awareness training and agency cultural assessment training for juvenile justice practitioners and service providers. The model for the training project focuses on creating awareness, increasing knowledge, and improving skills for those working with minority youth and their families within the juvenile justice system. In spring 2010, the DMC Cultural Training Workgroup finalized the training curriculum and planned the pilot training. Throughout summer 2010, sessions were provided for Court Services, Juvenile Detention, and Juvenile Corrections.

DISPROPORTIONATE MINORITY CONTACT

DMC Intervention Strategies		
DMC Project	Funding	Description
DMC Allocation	\$204,726	
<i>Statewide DMC Strategies</i>	\$30,000	DMC Committee; Statewide DMC Program Coordinator; Cultural Training - Cultural training seeks to address the overrepresentation of Native American youth in South Dakota's juvenile justice system through development, implementation, and evaluation of a Native American culture awareness training program. Those participating in the training will include representatives from law enforcement, the court system, schools, corrections, residential providers, and other local service providers. The training content has been developed, and the actual training is anticipated to take place in FY2011.
<i>Training Pilot Project</i>	\$30,000	Native American Cultures Training - The purpose of this project is to decrease the overrepresentation of Native American youth in South Dakota's juvenile justice system by developing and implementing training relating to the Native American cultures and agency cultural assessment training for juvenile justice practitioners. (Note: \$30,000 indicates the total project cost rather than a renewed allocation.)
<i>Minnehaha County Pilot Project</i>	\$59,910	The Minnehaha DMC Pilot seeks to improve Native youth's school success (reduced truancy and tardies and improved grades), enhance the parenting skills of Native parents, and address gaps/special issues in the juvenile justice system that affect Native youth through culturally-based services and a continued problem-solving focus by an Advisory Group of key stakeholders. Culturally-based services underway are a Hocoka Truancy Diversion program designed for middle school students and offered through referral from the Minnehaha County States Attorney's office and Positive Indian Parenting classes utilizing an eight unit curriculum, offered on a continuous basis throughout the year. The Minnehaha DMC Advisory Group meets monthly to address gaps/barriers and monitor progress of the DMC initiative.
<i>Pennington County Pilot Project</i>	\$54,816	Local DMC Advisory Group Coordination; and Youth Success Plan - The approach of the Youth Success Plan is relationship building or relationship repair, stressing balance, harmony, wholeness, and good health. Personal engagement with each at-risk child and their family utilizing incentives of cultural activities and field trips to reduce truancy, increase parental involvement, and address discipline issues so each child may have the opportunity to reach their full potential and become a productive member of society.
<i>Roberts County Pilot Project</i>	\$30,000	Truancy Advocate - The program assists parents in improving attendance and the overall performance of students in school through a series of graduated sanctions. Through the program communications with parents strives to get parents more involved and value the importance of the student's academic success. Mentoring Program - This program brings in volunteers from in the community to be positive role models to children that are struggling with grades, are starting to show signs of disruptive behavior in the classrooms, or have shown other personal issues that make educational success difficult.

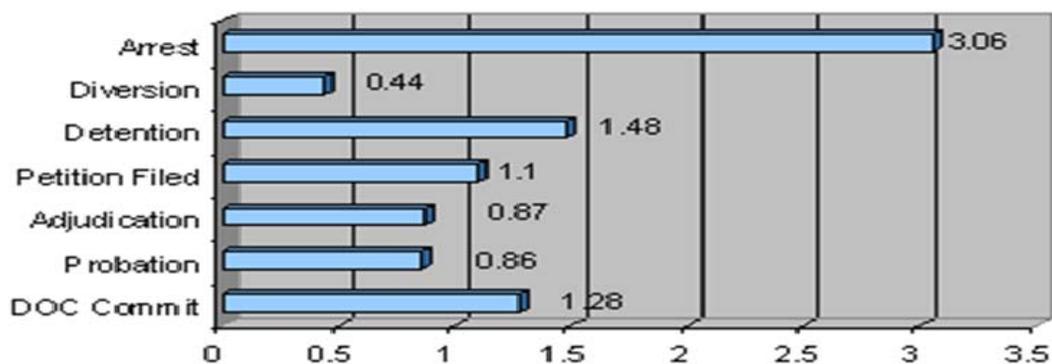
DISPROPORTIONATE MINORITY CONTACT

Current Status of DMC/Ongoing Monitoring

As a part of the DMC requirement, states are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youth for any group that comprises at least 1% of a jurisdiction's juvenile population. States must develop a Relative Rate Index (RRI) using state-specific data to compare the rate of activity at a specific stage of the juvenile justice system (i.e. arrest, detention, adjudication, etc.) to the corresponding rate for White youth. Data pertaining to the ongoing monitoring is compiled from different stages of the system to monitor RRI trends, evaluate progress, and to help guide strategies for addressing DMC.

The most recent DMC data compiled to date reflected juvenile justice system activity from 2007. Based on this information, the following chart and bullets describe the largest disparities for minority youth:

CY07 RRI Calculation (Statewide) - All Minorities

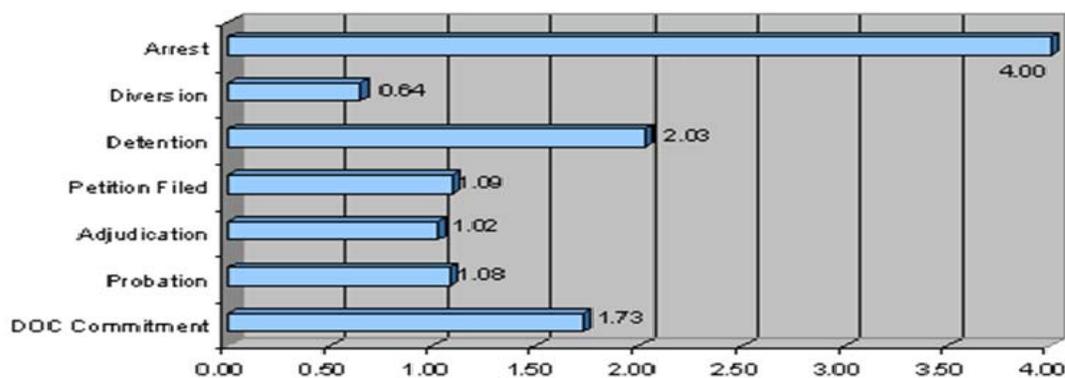


- Based on population, the arrest rate for minority youth is 3.06 times higher than the arrest rate for White youth.
- Based on referrals to juvenile court, the detention rate for minority youth is 1.48 times higher than the detention rate for White youth.
- Based on adjudications, the commitment rate for minority youth is 1.28 times higher than the commitment rate for White youth.

DISPROPORTIONATE MINORITY CONTACT

In the 2007 juvenile justice system activity, the following chart and bullets describe the largest disparities for Native American youth:

CY07 RRI Calculation (Statewide) - Native Americans

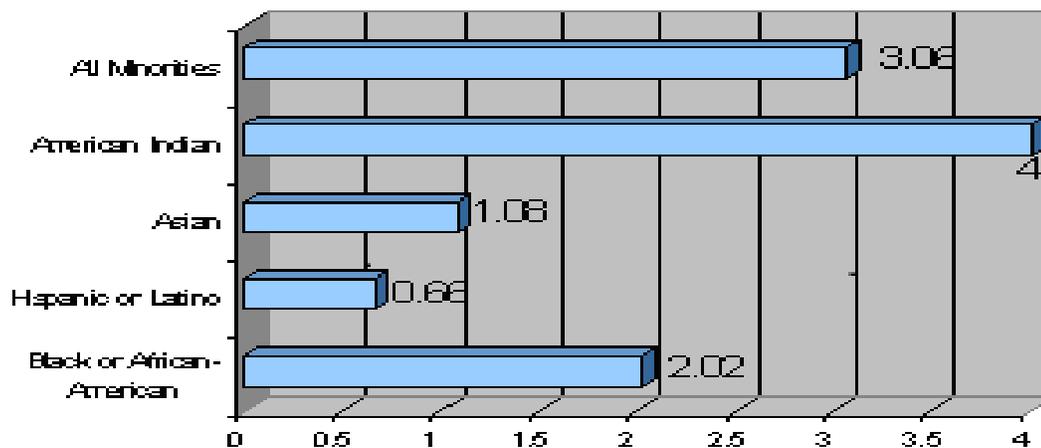


- Based on population, the arrest rate for Native American youth is 4.00 times higher than the arrest rate for White youth.
- Based on referrals to juvenile court, the detention rate for Native American youth is 2.03 times higher than the detention rate for White youth.
- Based on adjudications, the commitment rate for Native American youth is 1.73 times higher than the commitment rate for White youth.
- Juvenile RRI values at the stages of Arrest and detention show that the largest disparities at this stage occur for the Native American population.

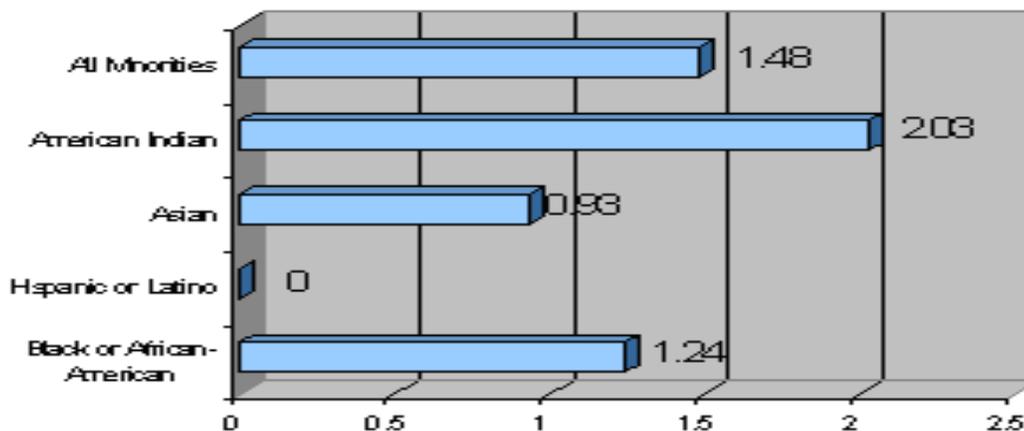
DISPROPORTIONATE MINORITY CONTACT

- RRI values at the stages of arrest and detention show that the largest disparities at these stages occur for minority youth population. The following charts break down the RRI rates for arrest and detention by race.

Juvenile Arrest RRI By Race:



Juvenile Detention RRI By Race:



Based on information collected since South Dakota's renewed participation, Native American and Black youth continue to be overrepresented throughout South Dakota's juvenile justice system with the greatest disparities occurring at the stage of arrest for Native American youth.

CHILDREN IN NEED OF SUPERVISION

South Dakota Codified Law 1-15-30 requires the Council of Juvenile Services to make a special study of, and make an annual report to the Governor, the Unified Judicial System, and the Legislature concerning the appropriate administration of and provision for Children in Need of Supervision (CHINS) in this state. It is the intent of the Council of Juvenile Services that this document satisfies this reporting requirement.

A Child in Need in Supervision is defined in State law as follows:

26-8B-2. In this chapter and chapter 26-7A, the term, child in need of supervision, means:

- (1) Any child of compulsory school age who is habitually absent from school without legal excuse;*
- (2) Any child who has run away from home or is otherwise beyond the control of the child's parent, guardian, or custodian;*
- (3) Any child whose behavior or condition endangers the child's own welfare or the welfare of others;*
- (4) Any child who has violated any federal, state, or local law or regulation for which there is not a penalty of a criminal nature for an adult, except violations of subdivision 34-46- 2(2) (tobacco possession), or petty offenses; or*
- (5) Any child who has violated § 35-9-2 (alcohol possession) or 32-23-21 (zero tolerance DUI).*

If a CHINS petition is filed and the child is adjudicated, the most common disposition is probation. A Court Services Officer supervises CHINS on probation. If, in the opinion of the judge the youth needs out of home placement, the child is committed to the DOC until the child turns 21 or is discharged sooner by the DOC.

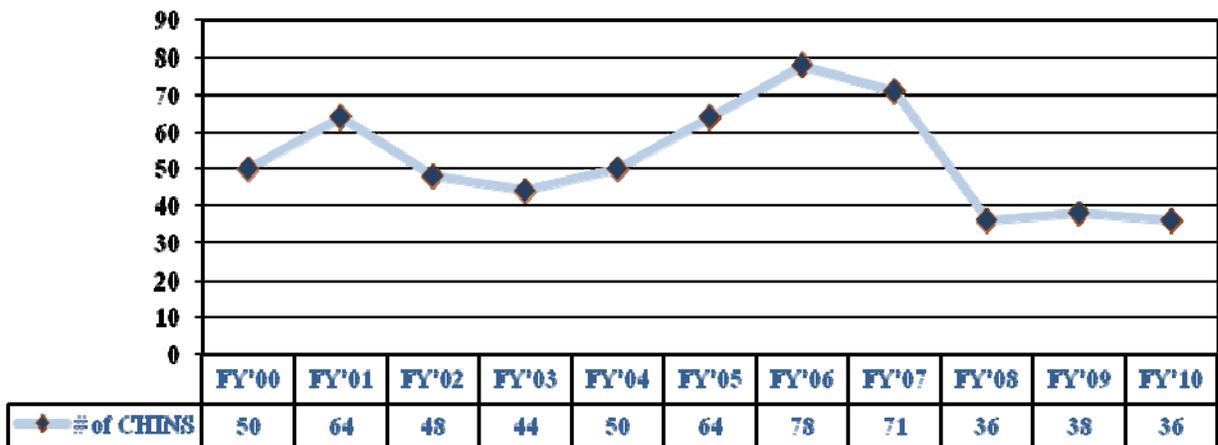
Concern has been expressed about whether commitment to the DOC is the appropriate manner in which to provide residential services to status offenders. Youth who are committed to the DOC as a CHINS are reviewed by an interagency team as required by SDCL 26-8B-6. The team includes representatives from the Department of Social Services, Department of Human Services, Department of Education, Unified Judicial System and the Department of Corrections. The CHINS Committee provides a written finding based on information provided by the Juvenile Corrections Agent regarding placement to include the least restrictive placement commensurate with the best interest of the child. Any youth recommended for Intensive Residential Treatment (IRT) or a Psychiatric Residential Treatment Facility (PRTF) level of care are reviewed by the State Review Team in lieu of the CHINS committee.

CHILDREN IN NEED OF SUPERVISION

A key factor in determining appropriate services for youth is the utilization of a standardized instrument, the Youth Level of Services Case Management Inventory. This tool is used to assess the following areas: offense history, family circumstances/parenting, education/employment, peer relations, substance abuse, leisure/recreation, personality/behavior, and attitudes/orientation.

Concern has also been expressed whether status offenders and their families are receiving sufficient services to prevent out of home placement or appropriate services to reintegrate the youth into the community after placement.

The following information was obtained from the DOC and identifies CHINS commitments to the DOC during Fiscal Year 2000 through 2010:



The Council of Juvenile Services recognized the importance of service provisions to CHINS and addressed this issue in the 2006-2008 Three-Year Plan, and also in the FY2009 and FY2010 Plan Updates. In conjunction with the Unified Judicial System, the Council continued to fund the Probation Support Program in order to provide access to needed services for youth on probation supervision.

In previous fiscal years, the Council developed and funded the System Improvement Subgrant Program, which provided funding to focus on status offenses of underage drinking, truancy, and a day treatment program for CHINS on probation. As a result, two System Improvement programs were funded, Connecting Point in Lake Andes and Reconnecting Youth in Pierre, and are model programs for the State which continue to operate through local funding.

JUVENILE DETENTION ALTERNATIVES INITIATIVE

Despite consistently having some of the lowest juvenile violent crime arrest rates in the country, South Dakota leads the nation with juvenile incarceration rates. The federal government creates a snapshot of facility use on a certain day titled “Census of Juveniles in Residential Placement (CJRP)” with the most recent snapshot occurring on February 22, 2006. The CJRP, which is repeated biennially, provides the Nation with the most detailed picture of juveniles in custody which includes youth in detention, correctional programs, and private programs placed by the court or corrections systems. The CJRP asks juvenile residential custody facilities in the United States to describe each youth assigned a bed in the facility on the census reference date, and collects an individual record for each juvenile held in the residential facility. The record includes information on the juvenile's gender, date of birth, race, placement authority, most serious offense charged, court adjudication status, date of admission, and security status. The inclusion criteria for the census are as follows:

- Younger than 21.
- Assigned a bed in a residential facility at the end of the day on the census reference date.
- Charged with an offense or court-adjudicated for an offense.
- In residential placement because of that offense.

Research has shown most juveniles engage in illegal activity, but most do not continue this behavior in adulthood. Longitudinal studies begun in the 1950s show most juveniles will age out of criminal behavior without the intervention of the juvenile justice system. Researchers believe this is because the transition to young adulthood cements bonds to society and deters most from continued criminality. Use of detention and out of home placement interrupts what is for most youth part of the maturation process and actually places them at greater risk for future involvement in the justice system.

Based on data compiled for the Disproportionate Minority Contact requirement of the JJDPA Formula Grants Program, the rate of detention for minority youth in South Dakota is 1.48 times higher than the rate for White youth. The rate of commitment to the DOC is 1.28 times higher for minority youth than White youth.

The over use of detention and out of home placement can have adverse affects on juveniles. The Council finds these statistics and facts concerning and has discussed this issue in depth. They've agreed to research strategies and practices that could address and positively impact these numbers and to develop better outcomes for youth.

The Juvenile Detention Alternatives Initiative (JDAI) was designed to support the Annie E. Casey Foundation's vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. After more than 15 years of innovation and replication, JDAI is one of the nation's most effective, influential, and widespread juvenile justice system reform initiatives.

JUVENILE DETENTION ALTERNATIVES INITIATIVE

JDAI focuses on the juvenile detention component of the juvenile justice system because youth are often unnecessarily or inappropriately detained at great expense, with long-lasting negative consequences for both public safety and youth development. JDAI promotes changes to policies, practices, and programs to:

- ◆ reduce reliance on secure confinement;
- ◆ improve public safety;
- ◆ reduce racial disparities and bias;
- ◆ save taxpayers' dollars; and
- ◆ stimulate overall juvenile justice reforms.

Since its inception in 1992, JDAI has repeatedly demonstrated that jurisdictions can safely reduce reliance on secure detention. There are now approximately 100 JDAI sites in 24 states and the District of Columbia. Objectives of JDAI include the following:

- ◆ Eliminate the inappropriate or unnecessary use of secure detention;
- ◆ Minimize re-arrest and failure-to-appear rates pending adjudication;
- ◆ Ensure appropriate conditions of confinement in secure facilities;
- ◆ Redirect public finances to sustain successful reforms; and
- ◆ Reduce racial and ethnic disparities.

Through the JDAI process, states have continued to provide community protection, while saving money or reducing spending. JDAI creates better outcomes for youth, reduces detention populations, lowers juvenile crime, and decreases racial disparities.

The Council of Juvenile Services agreed to support JDAI pilot projects in Minnehaha and Pennington Counties. Local JDAI Councils will be formed in both of the pilot project communities. Composition of the local JDAI councils will include the following:

Presiding Judge * Juvenile Judge * States Attorney * Public Defender * Sheriff * Chief of Police * Chief Court Services Officer * Detention Center Director * Juvenile Corrections Representative * School Representative * Private Program Representative (2) * Child Protection * Disproportionate Minority Contact Representative

The JDAI Councils will establish workgroups as needed to address specific activities of the JDAI, such as the development of a risk assessment instrument and the development of detention alternatives. Workgroups will be comprised of JDAI Council members and non-members. A joint Risk Instrument Committee will also be formed to develop and implement the detention screening instrument. The committee will have representatives from both pilot project communities.

NATIVE AMERICAN PROGRAMS

The Formula Grants Program requires participating states to pass on a specified portion of their funds to Native American Tribes who have their own law enforcement. The amount South Dakota is required to pass on in FY2010 is \$64,117. States may allocate additional funds beyond the minimum and may also provide funds to Tribes who do not have law enforcement responsibilities but who conduct other juvenile justice functions.

The total amount allocated to the Native American Pass-Through program by the Council of Juvenile Services exceeds the minimum pass-through amount set by OJJDP. The Council allocated \$125,000 in FY10 for five \$25,000 grants in which all nine Tribes in South Dakota could apply. The following table shows the allocation amount for each of the Tribes who applied for funds and their planned use of funds:

TRIBE	PROGRAM DESCRIPTION	AWARD
Cheyenne River Sioux Tribe	Juvenile Probation Officer	\$25,000
Flandreau Santee Sioux Tribe	Juvenile Probation Officer	\$25,000
Rosebud Sioux Tribe	Juvenile Court Service Officer	\$25,000
Sisseton Wahpeton Oyate Tribe	Juvenile Probation Officer	\$25,000
Standing Rock Sioux Tribe	Juvenile Probation Officer	\$25,000

ADDITIONAL FY2010 INITIATIVES

In addition to the aforementioned activities and projects, the Council also helped fund and/or support a number of projects and initiatives. A brief summary of those projects and initiatives is as follows:

*** Juvenile Justice Tribal Advisory Group**

The Council guided the formation of and provides funding for the Juvenile Justice Tribal Advisory Group (TAG). The TAG provides Native American perspective and expertise to assist the Council of Juvenile Services in meeting the requirements of the Juvenile Justice and Delinquency Prevention Act and provides communication between the Tribes and Council to assist Tribes in their juvenile justice initiatives. Representatives from all nine Tribes of South Dakota are members of the TAG, and representatives from various agencies that work with the Tribes also participate in the TAG meetings.

*** Federal Advisory Committee on Juvenile Justice**

Section 223(f) of the JJDP (42 U.S.C. 5633) requires that the OJJDP establish an advisory group composed of member representatives of state advisory groups. This federal advisory group is the Federal Advisory Committee on Juvenile Justice (FACJJ). The FACJJ advises the President, the Congress, and the OJJDP Administrator on the operation of OJJDP and on federal legislation pertaining to juvenile justice and delinquency prevention. South Dakota currently has two members serving on the FACJJ, Doug Herrmann (primary) and Gib Sudbeck (alternate), who help to ensure that South Dakota's unique perspective and specific issues are voiced and included in the annual reports to the President, Congress, and OJJDP Administrator.

*** Coalition for Juvenile Justice**

The Coalition for Juvenile Justice (CJJ), developed in 1984, has served as the national association of governor-appointed State Advisory Groups (SAG's). CJJ continues to amplify the voice of the SAG's with the federal administration and the Congress; to inform and support juvenile justice system reforms and improvements across the nation; and to provide strong and valuable recommendations, fact sheets, guidance, training, news and position papers on the salient juvenile justice issues of our time. CJJ focuses on advancing the reauthorization of the JJDP, and strengthening federal juvenile justice appropriations. South Dakota's SAG, the Council of Juvenile Services, has been a member of CJJ since 2007.

SOUTH DAKOTA
COUNCIL OF JUVENILE SERVICES

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