

**State of South Dakota**

# **Council of Juvenile Services**

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

## **FY 2011 Annual Report**

*Council of Juvenile Services  
South Dakota Department of  
Corrections  
3200 East Highway 34  
c/o 500 E Capitol Avenue  
Pierre, SD 57501-5070*







## SOUTH DAKOTA COUNCIL OF JUVENILE SERVICES

*Carol Twedt, Chairperson*  
*Department of Corrections*  
3200 East Highway 34  
c/o 500 East Capitol Avenue  
Pierre, SD 57501-5070

December 2011

Governor Dennis Daugaard  
Chief Justice David E. Gilbertson  
Members of the South Dakota Senate  
Members of the South Dakota House of Representatives

Dear Governor 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 2011 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 eight years to enhance juvenile justice services in the state. The following pages of the Annual Report are 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 along with the progress of the Juvenile Detention Alternative Initiative sites in Minnehaha and Pennington Counties. Furthermore, federal fiscal year 2011 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 \$901,299 for juvenile justice planning and projects in South Dakota for the next few years.

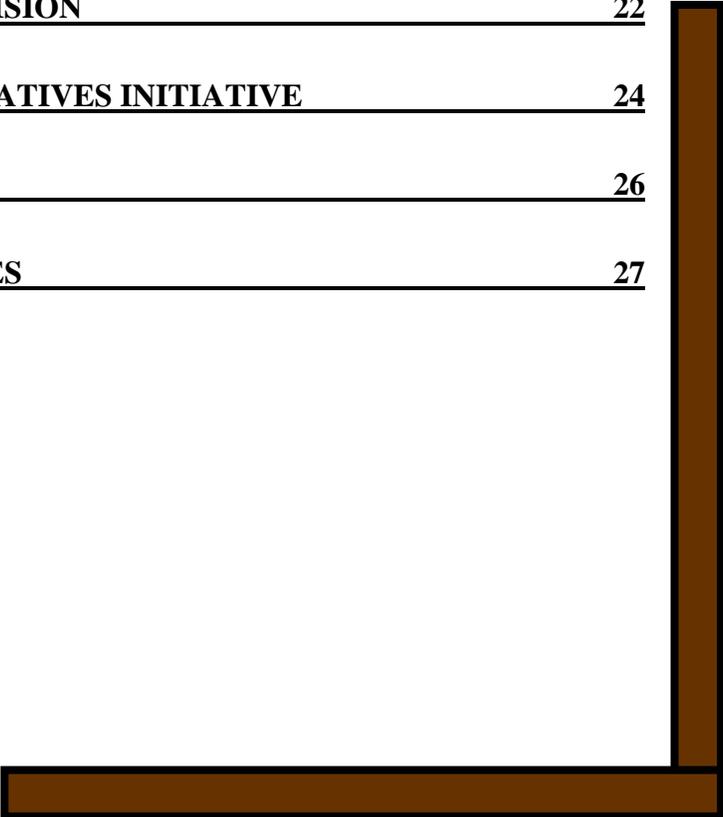
I want to thank you for your support and I look forward to working with you on behalf of South Dakota's children.

Very Best Regards,

Carol Twedt, Chairperson



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## *COUNCIL OF JUVENILE SERVICES*

The Council of Juvenile Services (Council) was created by Senate Bill 8 in the 2003 Legislature (codified as SDCL 1-15-30) 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. State Fiscal Year 2011 represents the eighth 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 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 2011:

- \* **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**
- \* **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, 7<sup>th</sup> 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**
- \* **Michael Zellmer, Youth Member, Sioux Falls**

## COUNCIL VALUES

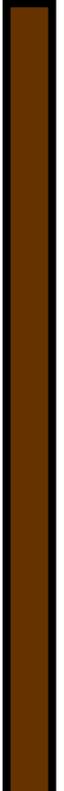
The Council of Juvenile Services developed and adopted the following values to guide their work in assisting the State in meeting the requirements of the Formula Grants Program and make improvements to South Dakota's juvenile justice system:

- *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 FY2011 Formula Grant funds and activities:

- 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.
- Disproportionate Minority Contact – minority youth, primarily Native American youth, are over-represented at most stages of South Dakota’s juvenile justice system.
- 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.
- 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
- 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



# 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 of Status Offenders requirements of the Formula Grants Program.

All facilities in the state where youth can be held pursuant to court authority have been classified according to federal definitions. Admission data is collected from all facilities in the state where youth can be held in a secure setting. 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.

## **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 2010, South Dakota's DSO violation rate was 0.0/100,000 youth, which places the State in full compliance. 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 2010. 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 2010; therefore, South Dakota is eligible for a finding of compliance.

While South Dakota has been found to be in compliance with the Act's requirements since 2004, the 2010 reporting period marks the first year where no violations were identified.



## *COMPLIANCE WITH CORE REQUIREMENTS*

The following table displays a history (number and rate) of the violations that were reported to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the requirements of DSO, Jail Removal, and Separation since South Dakota's renewed participation in the Act:

<b>Summary of Reported Compliance Monitoring Violation History</b>				
		<b>DSO</b>	<b>Jail Removal</b>	<b>Separation</b>
<b>2002</b>	Violations	115	291	9
	Violation Rate**	56.75	143.6	
<b>2003*</b>	Violations	16	34	0
	Violation Rate**	8.18	17.38	
<b>2004</b>	Violations	9	5	1
	Violation Rate**	4.6	2.56	
<b>2005</b>	Violations	11	16	1
	Violation Rate**	5.62	8.18	
<b>2006</b>	Violations	7	6	1
	Violation Rate**	3.72	3.19	
<b>2007</b>	Violations	11	20	2
	Violation Rate**	5.65	10.27	
<b>2008</b>	Violations	6	4	0
	Violation Rate**	3.05	2.03	0
<b>2009</b>	Violations	3	0	0
	Violation Rate**	1.52	0.00	0
<b>2010</b>	Violations	<b>0</b>	<b>0</b>	<b>0</b>
	Violation Rate**	<b>0.00</b>	<b>0.00</b>	<b>0</b>
<b>* Data Projected from July through December 2003 admissions.</b>				
<b>** Rate per 100,000 youth under the age of 18. Juvenile Population as per OJJDP.</b>				

## *COMPLIANCE WITH CORE REQUIREMENTS*

### **Compliance Programming— Reimbursement Program**

Meeting the temporary custody needs of juveniles consistent with the Act can be a financial 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's renewed compliance with the Act:

<b>Period</b>	<b>Secure Detainment</b>	<b>Non-secure Detainment</b>	<b>Electronic Monitoring</b>	<b>Transportation</b>	<b>Total</b>	<b>Youth Served</b>
SFY2005	\$66,255.00	\$84,198.75	\$74,855.21	\$61,273.49	\$286,582.45	n/a
SFY2006	\$50,455.00	\$61,983.75	\$57,294.83	\$41,089.69	\$210,823.27	1,113
SFY2007	\$78,570.00	\$61,249.50	\$78,948.65	\$43,252.08	\$262,020.23	1,265
SFY2008	\$85,080.00	\$99,130.83	\$104,870.97	\$56,789.53	\$345,871.33	1,626
SFY2009	\$79,720.00	\$89,575.04	\$84,465.51	\$61,859.03	\$315,619.58	1,530
SFY2010	\$49,500.00	\$77,279.93	\$83,300.17	\$43,183.63	\$253,263.73	1,208
SFY2011	\$21,800.00	\$23,199.20	\$55,784.74	\$31,403.61	\$132,187.55	746

It was a goal of the Council of Juvenile Services to work with counties to eventually decrease their dependence on the reimbursement program and to help them develop alternatives to detention and alternative funding sources. During Fiscal Year 2011, a total of \$132,187.55 was reimbursed to 18 local governments for services rendered. The table on the following page provides a summary of entities receiving reimbursement and program services accessed to provide services to 746 juveniles in FY2011.

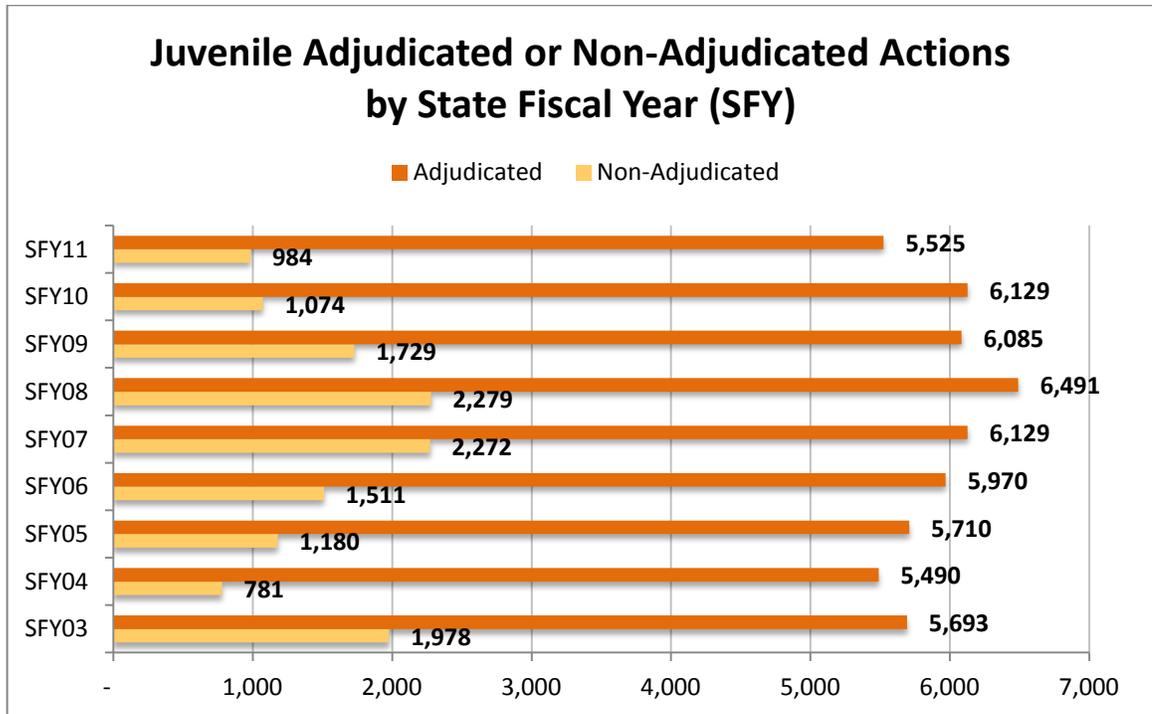
# COMPLIANCE WITH CORE REQUIREMENTS

**South Dakota Department of Corrections**  
**Reimbursements to Counties for Juvenile Services**  
**Report by Entity**  
**07/01/2010 – 6/30/2011**

County	Shelter Care	Detention	Transportation	Holdover	Electronic Monitoring Passive & Active	Total	Juveniles Served
BROOKINGS			\$1,441.95			\$1,441.95	21
BRULE	\$2,300.00	\$1,680.00				\$3,980.00	8
CHARLES MIX			\$8,273.12	\$6,811.70		\$15,084.82	106
CODINGTON	\$900.00		\$851.72		\$117.52 (Passive)	\$1,869.24	17
DAVISON	\$10,000.00	\$9,000.00	\$7,649.62			\$26,649.62	98
HUGHES			\$521.68	\$1,612.50		\$2,134.18	11
JACKSON		\$840.00	\$123.00			\$963.00	3
MELLETTE		\$2,100.00				\$2,100.00	5
McPHERSON		\$840.00	\$219.28		\$272.22 (Passive)	\$1,331.50	5
MINNEHAHA					\$15,150.00 (Active)	\$15,150.00	64
PENNINGTON			\$3,659.70		\$40,245.00 (Active)	\$43,904.70	305
SANBORN		\$840.00				\$840.00	1
SPINK		\$240.00	\$109.20			\$349.20	4
STANLEY	\$700.00		\$434.78	\$375.00		\$1,509.78	7
TRIPP		\$3,360.00	\$1,349.39			\$4,709.39	14
UNION	\$500.00	\$2,900.00	\$1,811.56			\$5,211.56	29
Vermillion - City of			\$84.40			\$84.40	1
YANKTON			\$4,874.21			\$4,874.21	47
	\$14,400.00	\$21,800.00	\$31,403.61	\$8,799.20	\$55,784.74	\$132,187.55	746

# 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 2003-2011 South Dakota Kids Count Factbook publications:



### 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. The non-adjudicatory actions do not include those diversions initiated by State’s Attorneys.*

## *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 FY2011:

	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011
<b>UJS Referrals</b>									
<i>Adjudicated</i>	5,693	5,490	5,710	5,970	6,129	6,491	6,085	6,129	5,525
<i>Non-Adjudicated</i>	1,978	782	1,180	1,511	2,272	2,279	1,729	1,074	984
<b>DOC Commitments (new commitments only)*</b>	384	352	368	379	355	376	360	350	304
<b>Child Abuse &amp; Neglect Initial Assessments (children)</b>	9,664	8,748	7,729	7,476	6,377	6,971	7,249	7,243	7,282
<i>Substantiated</i>	5,309	2,445	1,485	1,701	1,769	2,337	2,283	2,124	2,149
<i>Unsubstantiated</i>	4,355	6,303	6,244	5,775	4,608	4,634	4,966	5,119	5,133
<b>Alcohol and Drug (juvenile admission to treatment) **</b>	3,143	3,029	2,456	1,992	1,790	1,681	1,271	1,605	1,375

Source: The 2003-2011 South Dakota Kids Count Factbook 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 from Juvenile COMS data system implemented on 6/23/2011. 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.

# *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 are responsible for 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.

## **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.

# DISPROPORTIONATE MINORITY CONTACT

## 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

DMC Intervention Strategies	
DMC Allocation :\$179,151.10	
DMC Project and Funding	Description
<p><i>Statewide DMC Strategies</i></p> <p><b>\$30,000</b></p>	<p><b>Statewide DMC Program Coordinator</b> - The DMC Coordinator is responsible for compiling the DMC data, presenting DMC findings to stakeholders, developing plans to address DMC within the state, overseeing DMC awards, and working with local entities to implement plans for disproportionate minority contact reduction.</p>
<p><i>Minnehaha County Pilot Project</i></p> <p><b>\$60,000</b></p>	<p>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 <b>Hocoka Truancy Diversion program</b> designed for middle school students and offered through referral from the Minnehaha County States Attorney's office and <b>Positive Indian Parenting classes</b> utilizing an eight unit curriculum, offered on a continuous basis throughout the year. The <b>Minnehaha DMC Advisory Group</b> meets monthly to address gaps/barriers and monitor progress of the DMC initiative.</p>
<p><i>Pennington County Pilot Project</i></p> <p><b>\$59,151.10</b></p>	<p><b>Local DMC Advisory Group Coordination; and Youth Success Plan</b> - 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 his or her 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 his or her full potential and become a productive member of society.</p>
<p><i>Roberts County Pilot Project</i></p> <p><b>\$30,000</b></p>	<p><b>Gang Reduction</b> - The program works with the law enforcement, justice stakeholders and the community to improve gang awareness, provide options for youth involved in gang activity, and provide positive alternatives. <b>Mentoring Program</b> - This program utilizes volunteers from within the community to be positive role models to children who 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.</p>

programs shown below.

# *DISPROPORTIONATE MINORITY CONTACT*

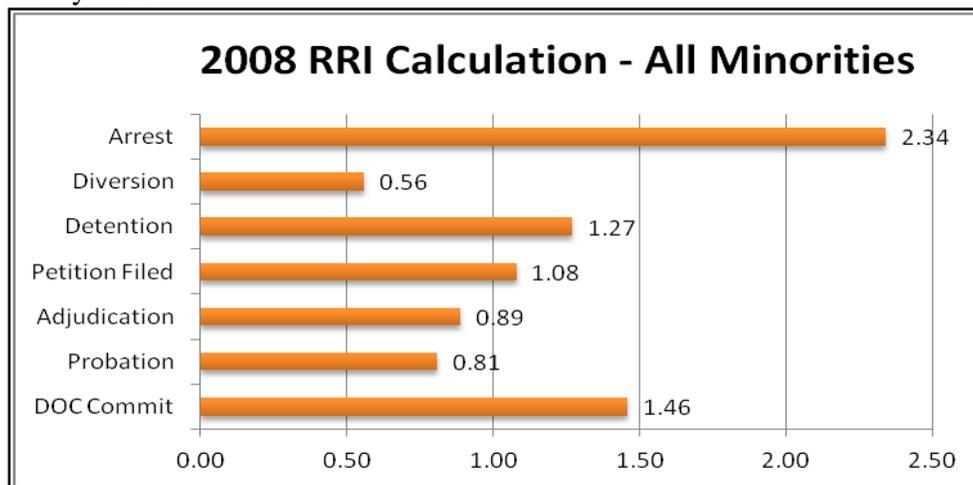
## **Current Status of DMC/Ongoing Monitoring**

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. In South Dakota, the race/ethnicity categories that make up at least 1% of the total juvenile population include black, Hispanic (for any race), Asian, and American Indian. The following chart breaks down the population of youth in South Dakota by race.

Statewide Race/Ethnicity	% in Total Population (Under 18)
White Youth	77.9%
American Indian Youth	13.6%
Black Youth	2.6%
Hispanic Youth	4.8%
Asian Youth	1.1%
All Minority Youth	22.1%

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 help guide strategies for addressing DMC.

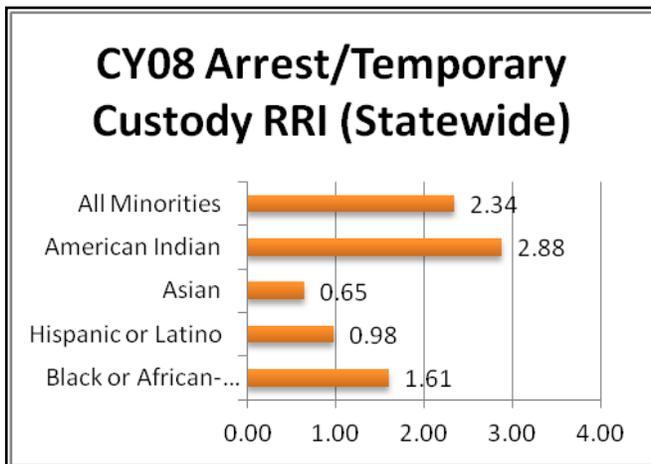
The most recent DMC data compiled to date reflects the measurement of juvenile justice system activity from calendar year 2008. The following chart shows the levels of disparity at the major stages of the juvenile justice system. The arrest rate for minorities was 2.34 times higher than for white youth.



## *DISPROPORTIONATE MINORITY CONTACT*

Minority youth, primarily American Indian youth, are over-represented at most stages of South Dakota’s juvenile justice system. American Indian youth make up 13.6% of the total youth population in South Dakota but 30.3% of all juveniles taken into temporary custody are American Indian youth. In addition to disparities at temporary custody data also shows American Indian youth represent 37.3% of all detention admissions and 42.8% of new DOC commitments.

The following charts provide the RRI calculations at the stages of arrest/temporary custody.

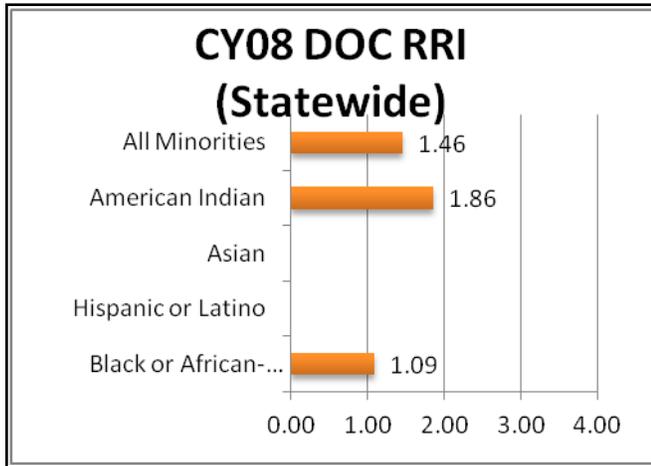


Top 5 Offenses for American Indian at Arrest/Temporary Custody
Liquor Law Violation (25.1%)*
Runaway (11.7%)*
Shoplifting (10.7%)
Assault-Simple (8.9%)
Drug Abuse Violations (6.0%)

Based on population, the arrest/temporary custody rate for minority youth is 2.34 times higher than the arrest/temporary custody rate for white youth. American Indian youth has the highest rate of temporary custody when compared to white youth. The temporary custody rate for Native American youth was 2.88 higher than the rate for white youth. The most prevalent reason for temporary custody of Native American youth was violation of liquor laws.

# *DISPROPORTIONATE MINORITY CONTACT*

The following charts provide the RRI calculations at the stage of commitment to DOC.



Top 5 Current Convictions for American Indian at DOC Commitment	
Liquor Law Violation	(14.7%)*
Probation Violation	(14.6%)
CHINS	(9.4%)*
Petty Theft	(5.0%)
False Impersonation	(3.8%)

\*Note: RRI not be calculated for Asian and Hispanic/Latino due to small numbers.

Based on population, the DOC commitment rate for minority youth is 1.46 times higher than the DOC commitment rate for white youth. However, the largest disparities occur for American Indian youth. Violations of liquor laws and probation violations are the most identified offenses for which youth receive a DOC Commitment disposition. At the stage of DOC Commitment, assuming all other items remained constant, statistical parity between American Indian and white youth would be achieved through a reduction of 74 commitments for American Indian youth statewide.

Based on information collected since South Dakota’s renewed participation, American Indian 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 American Indian 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.

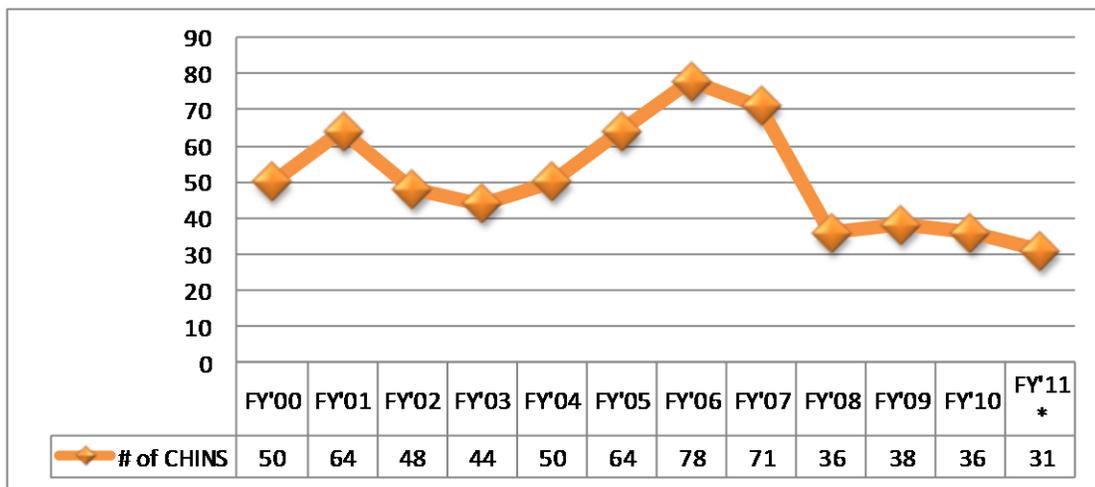
Concern has been expressed about whether commitment to the DOC is the appropriate manner in which to provide residential services to status offenders. Youth who are committed to the DOC as a CHINS are reviewed by an interagency team as required by SDCL 26-8B-6. The team includes representatives from 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 about 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 2011:



\* CHINS commitments through July 1, 2010 to June 23, 2011.

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*

With the improved compliance with the JJDPA in 2009, the Council of Juvenile Services initiated an examination of additional juvenile justice issues in South Dakota. These issues included leading the nation in juvenile incarceration rates (“Census of Juveniles in Residential Placement (CJRP),” 2006), high rates of racial disproportionality within the justice system, a continued need for alternatives for CHINS, and research that shows that most juveniles who engage in illegal activity do not continue this behavior in adulthood and will refrain without the involvement of the juvenile justice system.

The Council determined that it was in the best interest of the youth of South Dakota to pursue processes that aid local jurisdictions to examine existing juvenile justice activities and move them towards providing a comprehensive continuum of system services and alternatives to secure detention. Goals of the Council in pursuing this approach include to:

- Reduce the juvenile incarceration rate;
- Reduce disproportionate minority contact for youth involved in the state juvenile justice system;
- Improve compliance with the Juvenile Justice and Delinquency Prevention Act;
- Provide an opportunity to reduce the reliance on the use of the valid court order exception to the deinstitutionalization of status offender requirement; and
- Allow facilities and the community to collaborate to improve the conditions of confinement

The Juvenile Detention Alternatives Initiative (JDAI), sponsored by the Annie E. Casey Foundation, was identified as the model through which these local juvenile justice enhancements would be made. The Foundations vision for the JDAI is that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults. 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. 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, many jurisdictions throughout the country have shown that it is possible to provide community protection while saving money or reducing spending. The core strategies are: collaboration, use of accurate data, objective admissions criteria and instruments, alternatives to detention, case processing reforms, reducing the use of secure confinement for “special detention” cases, deliberate commitment to reducing racial disparities, and improving conditions of confinement.

# *JUVENILE DETENTION ALTERNATIVES INITIATIVE*

The Council of Juvenile Services identified Minnehaha and Pennington Counties as potential JDAI pilot sites. After meetings with key stakeholders, local JDAI Councils were formed in both of the communities and allocations were set aside to help provide staff support in the jurisdictions in order to effectively and efficiently implement the JDAI model in these two communities.

Composition of the local JDAI Councils include key stakeholders within the private and public sector who work with the juvenile justice system including the Department of Corrections, South Dakota Unified Judicial System, law enforcement, school representatives, detention facility administrators, and private program representatives.

In FY2011, the JDAI Councils established workgroups to address specific activities of the JDAI, such as the development of a risk assessment instrument and the development of detention alternatives. Key players within the juvenile justice system were provided with a JDAI fundamentals training and a small group was also able to attend the annual JDAI conference and model visits to gain insight and understanding of the JDAI process and to begin the implementation process.

JDAI Coordinators were hired in both counties to implement the eight core strategies within the local jurisdiction. Each local coordinator is responsible for facilitating meetings, creating all work products needed to make data driven decisions, educating stakeholders on the steps of the JDAI process, educating the community and individuals working in the juvenile justice system regarding JDAI and the purpose behind the initiative, and assisting the stakeholders in the implementation of JDAI enhancements.

In FY2011, both JDAI Coordinators completed a detention utilization study, which is an assessment of the use of detention. This document has served as a basis for data-driven decision making that is necessary in order to move the local initiatives forward. After the completion of the detention utilization study, the local JDAI Council and work groups began creating a plan to implement JDAI locally that was driven by the findings from the JDAI work products.

At the end of FY2011, the risk assessment instrument (RAI) work groups began meeting to complete a final RAI to be tested locally. This testing analysis would supplement the data that was received through the detention utilization study in order to make recommendations for the alternatives to detention needed in addition to the analysis regarding the gaps in services.

In FY 2012, the JDAI Coordinators along with the Minnehaha and Pennington County Councils will continue to implement the JDAI model to decrease the number of South Dakota youth being held in secure detention. Through the use of the RAI, local alternatives to detention and collaboration with stakeholders throughout the state, enhancements will be made to the juvenile justice processes in these communities that are in the best interest of youth. Proposals for funding JDAI services and interventions at both sites will be reviewed by the Council in December 2011, with programs starting in January 2012.



## *NATIVE AMERICAN PROGRAMS*

The Formula Grants Program requires participating states to pass on a specified portion of their funds to Native American Tribes who provide their own law enforcement. The amount South Dakota is required to pass on in FY2011 is \$57,856. 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 \$100,000 in FY11 for four \$25,000 grants for 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:

<b>TRIBE</b>	<b>PROGRAM DESCRIPTION</b>	<b>AWARD</b>
Cheyenne River Sioux Tribe	Juvenile Probation Officer	\$25,000
Flandreau Santee Sioux Tribe	Juvenile Probation Officer	\$25,000
Sisseton Wahpeton Oyate Tribe	Juvenile Probation Officer	\$25,000
Standing Rock Sioux Tribe	Juvenile Probation Officer	\$25,000

## *ADDITIONAL FY2011 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 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) 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. At the close of FY2011, OJJDP was working to restructure the Federal Advisory Committee on Juvenile Justice.

### **\* 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 (SAGs). CJJ continues to amplify the voice of the SAGs 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.

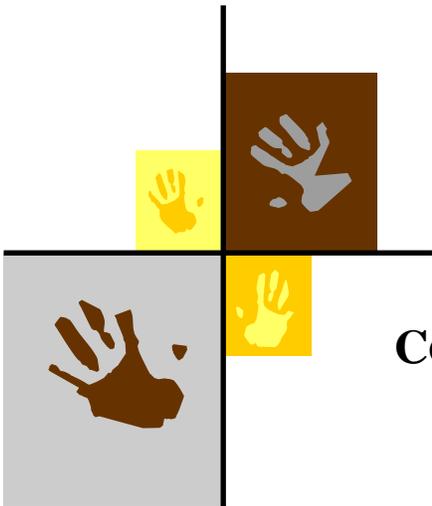


The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice.

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**COUNCIL OF JUVENILE SERVICES**

