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State's compliance with federal act results in millions for juvenile justice programs

Pierre, S.D. – The State of South Dakota's compliance with a federal law regarding juvenile offenders has resulted in an infusion of more than \$3.5 million for juvenile justice programs for South Dakota.

July 1, 2005 marked the two-year anniversary of the effective date of legislation that made changes on where juvenile offenders could be held in custody while waiting court action. The legislation introduced on behalf of Governor Rounds and passed in 2003 made it possible for South Dakota to comply with the formula grant requirements of the Juvenile Justice and Delinquency Prevention Act of 1973. By being in compliance with the formula grant requirements restricting the use of adult jails for juveniles and secure detention, the state became eligible to receive the federal juvenile justice grant funds.

"South Dakota has taken a significant step forward in operating its juvenile justice system consistent with the federal requirements," stated Corrections Secretary Tim Reisch. "The Council of Juvenile Services that was appointed by the Governor has done a tremendous job identifying areas for continued improvement as well."

The 2003 legislation overturned 1996 legislation that allowed juveniles to be held in adult jails and status offenders in secure detention. Since 1997, South Dakota had been ineligible to participate in the formula grants program. Based on the legislation passed in 2003, South Dakota was allowed to once again participate in the program. Continued participation was contingent upon the number of violations detected in the State's monitoring of juvenile detention centers and adult jails. The DOC now tracks all admissions to adult jails and juvenile detention centers to determine if the admissions are consistent with jail removal, sight and sound separation and de-institutionalization of status offenders requirements of the Act.

Because of the 2003 legislation, the number of violations of the Act's requirements has dropped significantly in South Dakota as reflected in the following table:

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2002

2004

Jail Removal	5	291
Sight and Sound Separation	9	1
De-institutionalization of Status Offender	115	9

"We have made tremendous progress over the past two years in meeting the requirements of the formula grants program," said Carol Twedt, Chairperson of the Council of Juvenile Services. "The Sheriffs and the facility administrators should be commended for their willingness to work with us on providing appropriate detention services for these youth."

The OJJDP has established violation rates that states may not exceed in order to be eligible to participate in the formula grant program. South Dakota's 2004 violation rates are now below the allowable rate based on the state's juvenile population.

Ensuring that appropriate juvenile facilities were available to hold youth consistent with the Act's requirements was key to complying with the 2003 legislation. The DOC, by working with Sheriffs in Walworth, Day and Codington counties, was able to approve juvenile sections of adult jails in these counties as collocated juvenile detention centers. These facilities hold youth separated by sight and sound from adult offenders and meet other requirements in federal law. Jails in Edmunds, Faulk and Grant counties were approved as 48-Hour Rural Jail Exception facilities, which allow them to hold apparent or alleged delinquents, sight and sound separated from adults, for up to 48 hours or until the youth's temporary custody hearing.

"We did not want the counties to be unduly burdened by the state's decision to come into compliance," said Reisch. "We met with County Sheriffs to hear their concerns and to make certain the state implemented a plan they could work with."

The federal funds accessed under this program support a variety of juvenile justice projects. In order to assist counties in meeting the requirements of the Act, a reimbursement program has been established for detention, shelter care, transportation, attendant care and electronic monitoring. Counties are reimbursed by the DOC for providing these services as alternatives to using adult jails. Juvenile justice system improvement projects have been funded in Sioux Falls, Rapid City, Lake Andes and Pierre. All nine Tribes in South Dakota are eligible to receive up to \$30,000 in Native American Pass-Through funds. Funds also have been allocated to address delinquency prevention and the over-representation of minorities in the juvenile justice system.