

State of South Dakota Council of Juvenile Services

State Fiscal Year 2014 Annual Report

Council of Juvenile Services Members at the close of State Fiscal Year (SFY) 2014:

Carol Twedt, Chair
Sheriff Mike Leidholt, Vice Chair
Nancy Allard
Becca Bedard
Kim Courmoyer
Judge Jeff Davis
Victor Erlacher
Arlene Ham Burr
Elizabeth Heidelberger
Doug Herrmann
Judge Karen Jeffries
Jacob Kabrud
Aaron McGowan
Sara McGregor-Okroi
Beth O'Toole
Betty Oldenkamp
Lyndon Overweg
Marissa Surrounded
Grant Walker
Virgena Wieseler

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.

This project was supported by Award No.2011-JF-FX-0019 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs.

250 copies of this report were published at a cost of \$1.63 per copy.



Message from the Chairperson:

The Council of Juvenile Services (Council) 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 (JJDP) 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 (CHINS). This report serves to meet both of these reporting requirements.

The Council has worked diligently over the past eleven years to enhance juvenile justice services in the state and prides itself in the following value statements which guide their work in assisting the State in meeting the requirements of the Formula Grants Program and in making improvements to South Dakota's juvenile justice system. The Council of Juvenile Services values that all children shall:

- Receive developmentally and culturally appropriate services.
- Have the same access to needed services regardless of income, geography, race, or jurisdiction.
- Have the right to be safe in the community in which they live.
- Receive evidence-based services in the least restrictive community-based environment available.
- Demonstrate accountability in the development of a plan for the youth along with parents, communities, and the juvenile justice system
- Receive early intervention services that are evidence-based.
- Receive services that are family-based and family-centered.
- Receive equal justice regardless of race, which is essential to effectively address Disproportionate Minority Contact.
- Have access to early and effective legal representation, including an assessment of competence and a timely and just legal process.

The following pages of the Annual Report are a condensed summary of the accomplishments over the past year. 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 JJDP in 2003. Furthermore, the Federal Fiscal Year 2014 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide \$393,667 for juvenile justice planning and projects in South Dakota for the next few years. If you find you would like more information regarding the Council's achievements over the past years or regarding the Formula Grant Program, please review the comprehensive Three-Year Plan located electronically on the Department of Corrections webpage: doc.sd.gov.

I 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

Carol Twedt, Chairperson

Formula Grant Expenditures and Programs

The table below outlines the amount of federal fiscal year (FFY) 2010 and FFY2011 Formula Grant funds that were utilized during SFY2014 and the number of youths served by the funds in each program area.

Program Area	SFY2014	Youths Served
Planning and Administration	\$25,873.05	N/A
Council of Juvenile Services	\$11,888.46	N/A
Compliance Monitoring	\$12,430.27	N/A
Deinstitutionalization of Status Offenders (DSO)/ Sight and Sound Separation/ Jail Removal	\$30,784.87	165
Native American Programs	\$101,355.64	773
Alternatives to Detention	\$149,358.79	442
Delinquency Prevention	\$36,516.67	N/A
Disproportionate Minority Contact (DMC)	\$109,101.86	18
Total	\$477,309.61	1,398

Planning and Administration

As the state agency designated by the Governor to administer juvenile justice funding, the 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.

Council of Juvenile Services

The 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 (SAG) as directed by Section 223(a)(3) of the JJDP. SFY2014 represents the eleventh 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. The Council meets quarterly and is comprised of members who are appointed by and serve at the pleasure of the Governor. SDCL 1-15-30 outlines the responsibilities of the Council. In SFY2014, the Council met three times and approved the Formula Grant State Three-Year Plan Update Application for FFY2014. The State Three-Year Plan can be found on the DOC grant webpage at doc.sd.gov/about/grants.

The Council also provides funding for the Juvenile Justice Tribal Advisory Group (TAG). The TAG provides Native American perspective and expertise to assist the Council in meeting the requirements of the JJDP and provides communication between the Tribes and the Council to assist Tribes in their juvenile justice initiatives. Representatives from all nine Tribes of South Dakota and representatives from various agencies that work with the Tribes participate in the TAG meetings. In SFY2014, TAG met a total of two times.

Compliance with the Core Requirements

The JJDPDA establishes four core requirements with which participating states and territories must comply in order to receive juvenile justice funding under the JJDPDA:

- 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 that would not be criminal if committed by an adult, should not be placed in secure detention or correctional facilities. Abused, dependent, or neglected youths 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 juveniles 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 youths at different decision points of contact within the juvenile justice system. The DMC process is made up of identifying the existence/extent of disproportionality, accessing data about DMC, intervening to reduce DMC, evaluating how DMC responds to the interventions, and monitoring trends in DMC within and across jurisdictions.

Incidents of noncompliance have decreased significantly since CY2002. In CY2013, there were six DSO violations which is a 94.8% decrease since CY2002. There were no violations in Jail Removal and Separation resulting in a 100% decrease.

Percentage Change of Reported Compliance Monitoring Violations			
Calendar Year (CY)	DSO Violations	Jail Removal Violations	Separation Violations
2002	115	291	9
2013	6	0	0
Percent Change	94.8%	100%	100%

Compliance Monitoring, DSO, Jail Removal, and Separation

A compliance monitoring system has been developed and implemented to monitor the State's compliance with the core requirements of the Formula Grants Program under the JJDPDA. This system classifies facilities where youths can be held pursuant to court authority, collects admission data from secure facilities, conducts site visits, and provides technical assistance.

In CY2013, South Dakota's DSO violation rate was 2.96/100,000 youths, which places the State in compliance with de minimis exceptions. 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 or separation violations in CY2013 resulting in a finding of full compliance for both requirements.

Meeting the temporary custody needs of juveniles consistent with the JJDPDA can be a financial burden on county governments. The Council authorized the development of a reimbursement system utilizing Formula Grant funds to provide financial support to counties. Since 2005, a reimbursement system has been in place to provide financial support to counties or arresting entities that lack appropriate temporary custody options for youth. It has been the goal of the Council 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 SFY2014, a total of \$30,784.87 was reimbursed to eight local governments for services rendered to a total of 165 youth.

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 was required to pass on in SFY2014 is \$64,117. States may allocate additional funds beyond the minimum and may also provide funds to Tribes which do not have law enforcement responsibilities but which conduct other juvenile justice functions.

The Council exceeded the minimum pass-through amount set by the Office of Juvenile Justice and Delinquency Prevention. The Council allocated \$100,000 in SFY2014 for three \$25,000 subgrants supporting Cheyenne River Sioux Tribe, Sisseton Wahpeton-Oyate, and Standing Rock Sioux Tribe to provide a juvenile probation officer and one \$25,000 subgrant for Lower Brule Sioux Tribe intended for Juvenile Talking Circles for male and female probationers.

Alternatives to Detention and Delinquency Prevention

In 2009, the Council determined that it was in the best interest of the youth of South Dakota to pursue strategies that promote the examination of local juvenile justice systems and help them coordinate a comprehensive continuum of system services and alternatives to secure detention.

The Juvenile Detention Alternatives Initiative (JDAI), developed and supported by the Annie E. Casey Foundation, was identified as the model through which these goals would be undertaken. The Council identified Minnehaha and Pennington Counties as JDAI pilot sites.

In SFY2014, JDAI Coordinators, along with the Minnehaha and Pennington County Steering Committees, continued to implement alternatives to detention to decrease the number of South Dakota youths being held in secure detention. With the implementation of JDAI in Minnehaha and Pennington Counties, both sites have seen significant changes in their detention numbers. The table at the bottom of this page summarizes information from the 2014 Results Report as submitted to the Annie E. Casey Foundation which contains recent data from CY2013 and baseline data from CY2010.

At the close of SFY2013, the Council approved for JDAI to be implemented under the Unified Judicial System in South Dakota. Services funded under the Council ran through December, 2013. Starting in SFY2014, the Council began its focus on implementing prevention and early intervention programs. Following a planning grant and application process, three sites were chosen to begin implementing delinquency prevention programs in their school systems starting in the fall of 2014. The three sites of Aberdeen, Watertown, and Sturgis are in the process of implementing the evidence based programs of Project SUCCESS and Positive Action.

JDAI 2014 Results Report		Average Daily Population		Annual Admissions		Average Length of Stay (In Days)		DOC Commits	
		Total	Youths of Color	Total	Youths of Color	Total	Youths of Color	Total	Youths of Color
Minnehaha County	Baseline (2010)*	35.37	17.24	1,080	504	12.08	9.78	83	40
	Recent (2013)	17.23	12.99	642	410	11.36	11.85	52	31
	Change in Number	-18.14	-4.25	-438	-94	-0.72	2.07	-31	-9
	% Change	-51.3%	-24.7%	-40.6%	-18.7%	-6.0%	21.2%	-37.3%	-22.5%
Pennington County	Baseline (2010)	35.50	23.60	740	468	17.50	18.40	56	43
	Recent (2013)	13.30	9.23	252	182	21.03	24.92	39	27
	Change in Number	-22.20	-14.37	-488	-286	3.53	6.52	-17	-16
	% Change	-62.5%	-60.9%	-65.9%	-61.1%	20.2%	35.4%	-30.4%	-37.2%

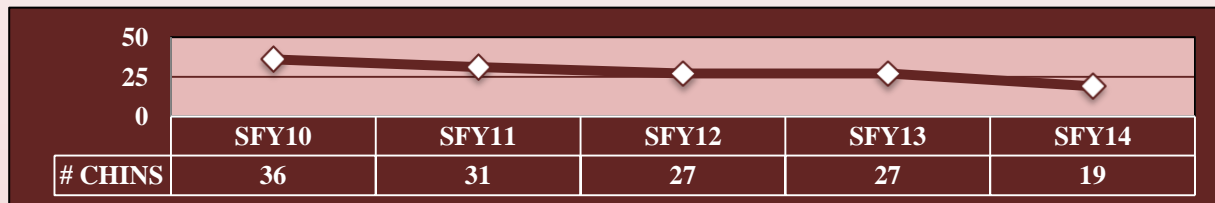
*Minnehaha County updated the format for data collection and equation for collecting data. Due to this the baseline numbers changed and are not consistent with previous reports.



Children in Need of Supervision

Children in Need of Supervision (CHINS) are low risk and high need youths who historically were often placed in secure detention or committed to the DOC due to a lack of appropriate alternatives. There is concern whether commitment to the DOC is the appropriate manner in which to provide residential services to CHINS. Throughout the state, a team serves to develop placement plans to use the least restrictive options for a CHINS committed to the DOC. The Council recognized the importance of service provisions to CHINS and in conjunction with the Unified Judicial System, funds the Probation Support Program to provide access to needed services for youths on probation supervision.

The following chart was obtained from the DOC and identifies CHINS commitments to the DOC during SFY2010 through SFY2014. The chart shows that there has been a significant decrease in the commitment of CHINS following efforts to bring the state into compliance with the JJDPA.



Children in the Juvenile Justice System

South Dakota's juvenile justice system impacts thousands of youths and their families annually. The table to the right provides a summary of juvenile justice, child protection activities, and alcohol and drug as referenced in the 2010-2014 South Dakota Kids Count Factbook Publications and provided by the Department of Corrections.

	SFY10	SFY11	SFY12	SFY13	SFY14
Adjudicated Action	6,129	5,525	4,868	4,533	4,311
Non-Adjudicated Action	1,074	984	1,090	828	1,013
New DOC Commitments*	350	304	284	276	240
Child Abuse & Neglect Initial Assessments (children)	7,243	7,282	6,820	4,899	4,736
Children Requiring a Safety Response	2,124	2,149	1,927	1,541	1,458
Alcohol and Drug (juvenile admission to treatment)	1,605	1,375	1,388	1,083	1,069

*DOC commitment data provided by the DOC from their Juvenile COMS Data System implemented on 6/23/2011. Data only accounts for the number of new juveniles who receive a disposition of commitment to DOC. These numbers do not include youths already under the jurisdiction of the DOC.

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.

Disproportionate Minority Contact

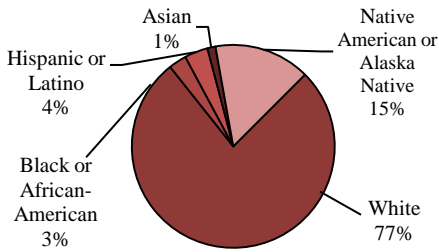
As a part of the Disproportionate Minority Contact (DMC) requirement of the JJDP, states are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youths for any group that comprises at least 1% of a jurisdiction's juvenile population. The staff of the Formula Grants Program 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 develop plans for DMC reduction.

In SFY2014, the Council utilized realigned funding under the DMC Program to support Alternatives to Detention projects that focused specifically on strategies for minority youths in Minnehaha and Pennington Counties.

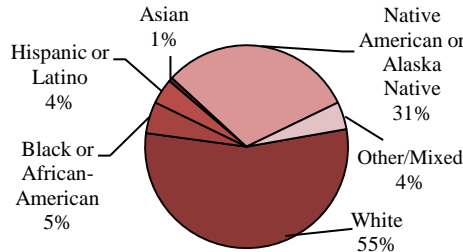
The most recent DMC data compiled to date reflects the measurement of juvenile justice system activity from CY2011. The stages with the largest disparities include arrest, detention, and commitment to the Department of Corrections. Minority youths, primarily Native American, are over-represented at most stages of South Dakota's juvenile justice system. In CY2011, minority youths made up 45% of those arrested*, 52% of those in detention, and 48% new DOC commitments while only making up 23% of the population.

The following charts summarize breakdown by race at the stages of the state juvenile justice system as detailed in the 2014 Formula Grant Application. When looking at the offenses for youths committed to the DOC during CY2011, youth Probation Violations (24.8% for all and 24.1% for Native American) account for the largest number of commitments. When looking at the offenses for youths arrested by law enforcement during CY2011, Property Crimes (25.6%) have the largest number of offenses for all youths while Alcohol Offenses (23.4%) have the largest number for Native American Youths.

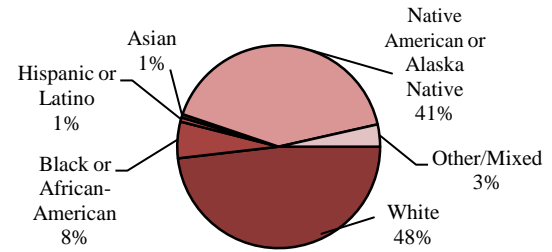
Population



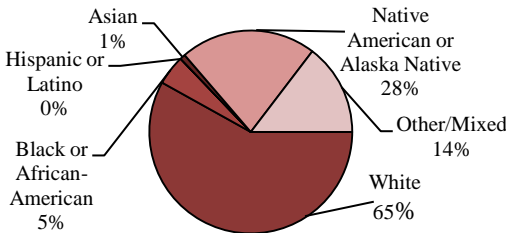
Arrest*



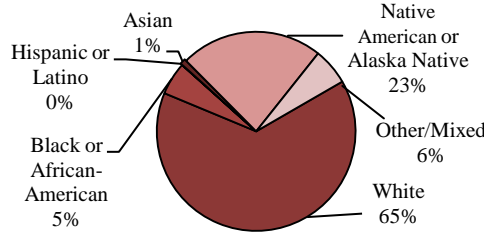
Detention



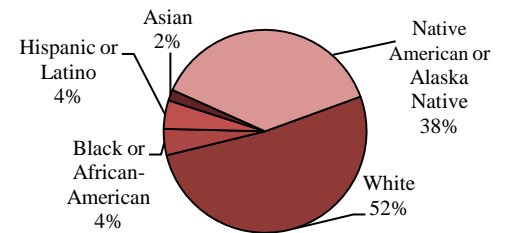
Adjudication



Probation



DOC Commitment



Juvenile DOC Commitments and Juvenile Arrests in Calendar Year 2011

Crime Category	Person	Property	Sex	Drug	Alcohol	Status (except alcohol)	Probation Violation	Public Order	Other
DOC Commitments-Accounts for Multiple Crimes									
All	7.4%	24.1%	2.4%	16.0%	4.6%	10.8%	24.8%	7.0%	2.2%
Native American	8.2%	23.3%	2.0%	9.4%	8.2%	12.7%	24.1%	9.4%	2.0%
White	6.1%	26.6%	2.4%	19.3%	2.7%	8.8%	25.9%	5.9%	1.7%
Arrest*-Accounts for Most Serious Crimes									
All	8.0%	25.6%	0.6%	13.5%	19.9%	14.2%	NA	6.4%	11.7%
Native American	10.1%	22.5%	0.5%	12.2%	23.4%	15.3%	NA	6.0%	10.0%
White	6.6%	26.2%	0.7%	14.1%	18.9%	13.3%	NA	6.7%	13.6%

*In SD, arrest of a juvenile is defined as taken into temporary custody by law enforcement.