

State of South Dakota
**Council of
Juvenile Services**

State Fiscal Year 2016

Annual Report



Message from the Chairperson:

The Council of Juvenile Services (Council) oversees the State's participation in the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, Formula Grants Program. The Council is required to make an annual report to the Governor and Legislature on the State's progress in meeting the requirements of the JJDP and 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 thirteen 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. 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 2016 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide \$400,336 for juvenile justice planning and projects in South Dakota in 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 Grants 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,



Betty Oldenkamp, Chairperson

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Council Members at the Close of State Fiscal Year (SFY) 2016

Betty Oldenkamp, Chair	Judge Karen Jeffries
Beth O'Toole, Vice Chair	Judge Steven Jensen
Nancy Allard	Amy Lake-Harmon
Taniah Apple	Sheriff Mike Leidholt
Dadra Avery	Aaron McGowan
Austin Biers	Sara McGregor-Okroi
Keegan Binegar	Vanessa Merhib
Kristi Bunkers	Lyndon Overweg
Kim Cournoyer	Carol Twedt
Renee Gallagher	Virgena Wieseler

Council of Juvenile Services Value Statements

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 family income, geography, gender, race, disability, or jurisdiction.
- Have the right to be safe in the community in which they live.
- Receive evidence-based services consistent with the needs of the child in the least restrictive community-based environment available.
- Demonstrate accountability in the development and provision of services 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 culturally appropriate justice 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.

Council of Juvenile Services Overview

- The 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 Act (JJDP A) of 1974** and as outlined under **SDCL 1-15-30**.
- 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 JJDP A. State fiscal year (SFY) 2016 represents the **thirteenth year** of the State's renewed participation in the Formula Grants Program.
- In SFY 2016, the **Council met three times** and approved the Formula Grant State Three-Year Plan Application for federal fiscal year (FFY)2016. The State **Three-Year Plan** can be found on the DOC grant webpage at doc.sd.gov/about/grants.

JJDP A CORE REQUIREMENTS

The JJDP A, as amended, establishes four core requirements with which participating states and territories must comply in order to receive juvenile justice funding under the JJDP A.

- **Deinstitutionalization of Status Offenders (DSO)**

The removal of status offenders and non-offenders from secure juvenile detention and correctional facilities, jails, and lockups for adult offenders.

- **Sight and Sound Separation**

Providing separation between adults and juveniles in secure settings.

- **Jail Removal**

The removal of juveniles from adult jails and lockups.

- **Disproportionate Minority Contact (DMC)**

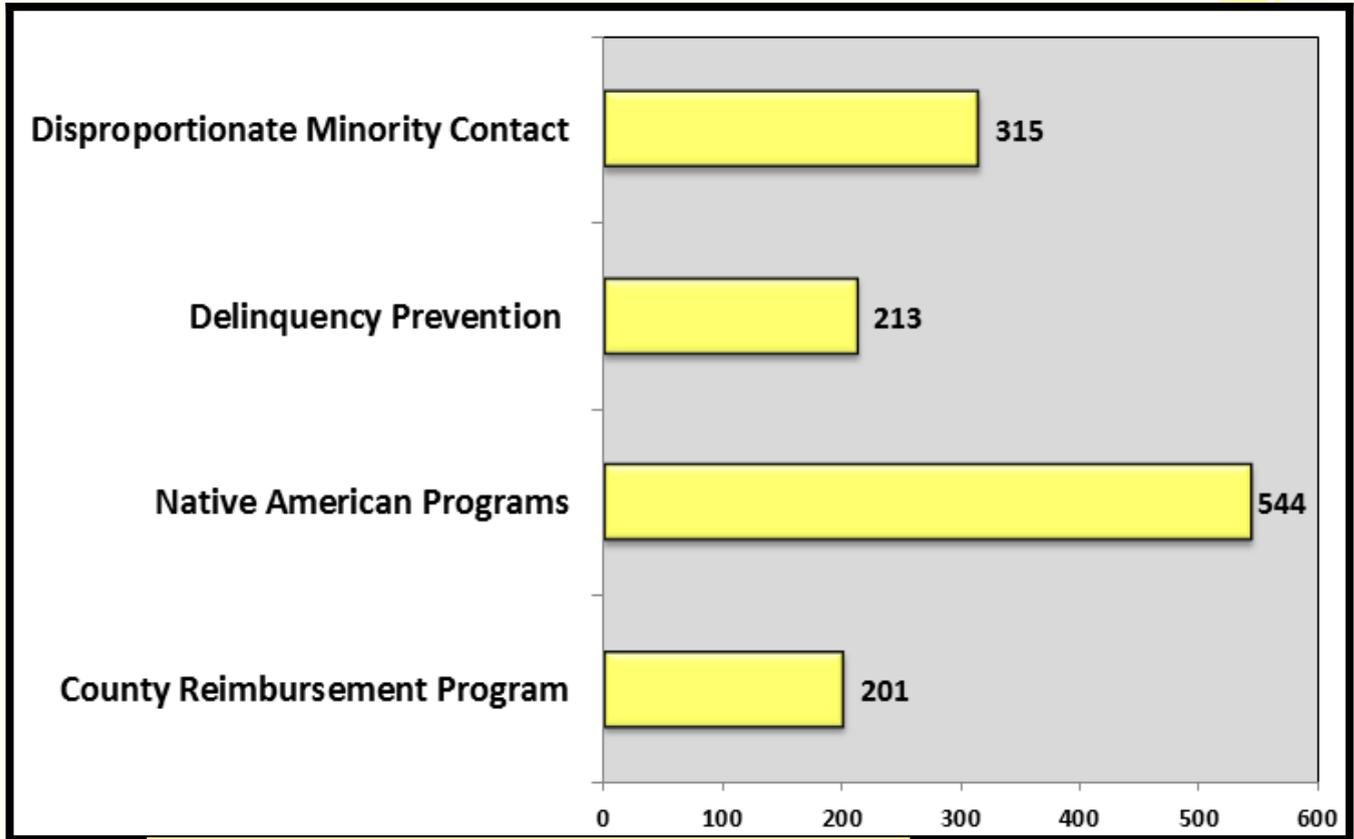
The reduction of minority over-representation where it exists within the juvenile justice system.

Formula Grant Programs and Expenditures

The table below outlines the amount of FFY2011 and FFY2012 Formula Grant Funds spent during SFY2016 and a description of how the funds were utilized.

Program Area	SFY2016	Description
Council of Juvenile Services	\$9,591.35	Quarterly Meetings and the Council's Annual Report
Planning and Administration	\$23,511.76	Formula Grant Staff at the Department of Corrections (DOC)
Compliance Monitoring	\$27,246.77	Formula Grant Staff at the DOC
Deinstitutionalization of Status Offenders (DSO)/Sight and Sound Separation/Jail Removal	\$51,065.94	County Reimbursement Program
Native American Programs	\$38,377.67	3 Local Subgrants
Delinquency Prevention	\$155,459.16	3 Local Subgrants and Evaluation Services
Disproportionate Minority Contact (DMC)	\$88,566.26	2 Local Subgrants and Formula Grant Staff at the DOC
Total:	\$393,818.91	

Youth Served During SFY2016

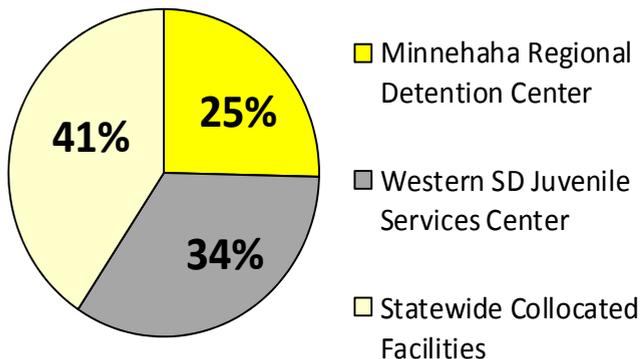


1,273 Total Youth Served

Compliance Monitoring

- States participating in the JJDP A Formula Grants Program must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the core requirements are met at each step within the juvenile justice system.
- The South Dakota Compliance Monitoring System is set up in order to ensure that the juveniles of the state are being held in appropriate placements according to state and federal law and can be found in South Dakota's Compliance Manual at:
<http://doc.sd.gov/documents.about/grants/ComplianceMonitoringManuelMarch2009.pdf>.

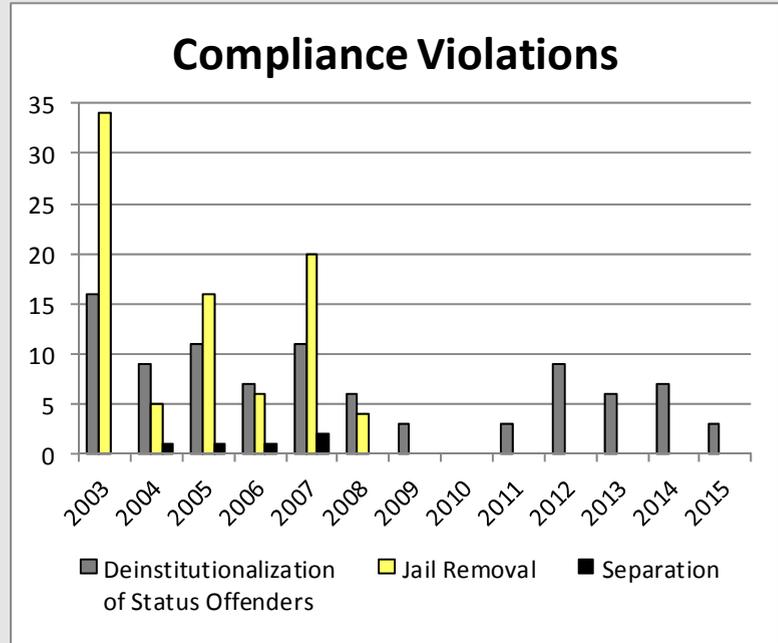
2015 Detention Admissions



- **1,974 juveniles** were admitted to juvenile detention facilities in 2015.
- **59%** of admissions were reported from the regional detention centers in **Minnehaha and Pennington Counties**.
- **41%** of admissions were from the **collocated facilities** (a juvenile facility that is in the same building or on the same grounds as an adult jail or lockup) in Beadle, Brown, Codington, Day, Hughes, Roberts, and Walworth Counties.

Compliance Violations

- Monitoring of facilities for the reporting period of January 1, 2015 – September 30, 2015 resulted in South Dakota's DSO violation rate of 1.53/100,000 youths, which places the State in **compliance with de minimis exceptions** due to the rate being under 29.5.
- There were no **jail removal** or **separation** violations in the 2015 reporting period resulting in findings of **full compliance** for both requirements.



Incidents of noncompliance have decreased significantly since SD started working to come into compliance in 2003.

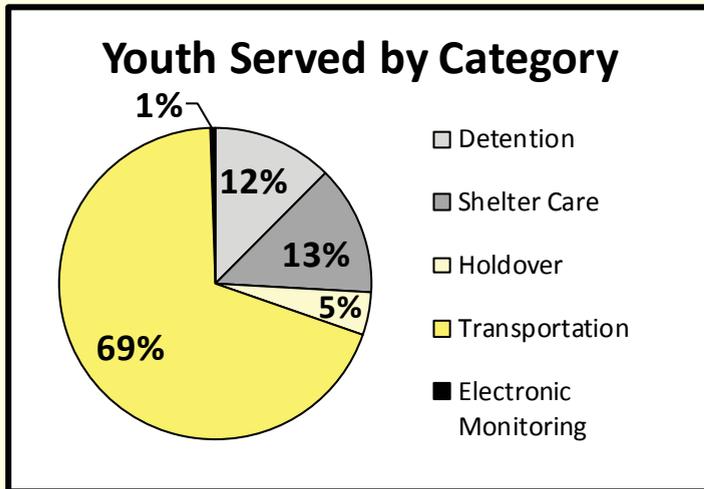
In 2015, there were three DSO Violations which is a 81.25% decrease since 2003.

DSO, Jail Removal, and Separation

Since 2005, a reimbursement program has been in place to provide financial support to counties and arresting entities that lack appropriate temporary custody options for youth. It

has been the goal of the Council to work to eventually decrease dependence on the reimbursement programs and to help counties and arresting entities develop alternatives to detention and alternative funding sources.

During SFY2016, a total of **\$51,065.94** was reimbursed to **fifteen counties and arresting entities** for services rendered to a total of **201 youth**.



- The chart to the left shows how the **201 youth served** during SFY2016 were reimbursed by program category.
- **69%** of the youth claimed by counties and arresting entities for reimbursement were from **transporting the youth** to and from approved juvenile facilities outside of their jurisdiction.
- **Shelter care** reimbursement was used **slightly more than detention with 13%** of the reimbursements being for shelter care youth.

More information regarding the program can be located at: <http://doc.sd.gov/about/grants/compliance.aspx>

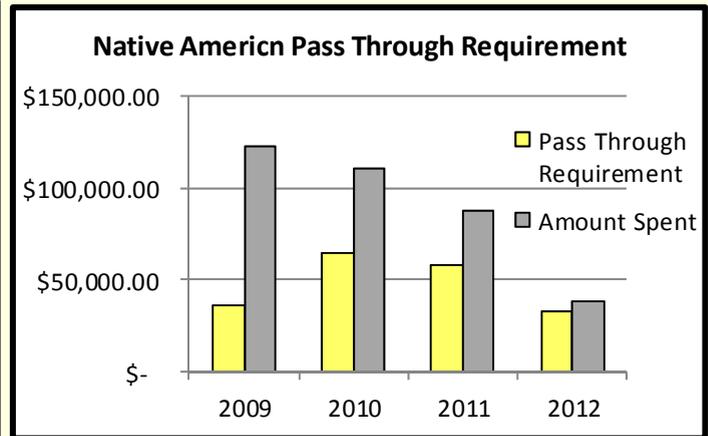
Native American Programs

The Formula Grants Program requires participating states to pass through a specified portion of their funds to Native American Tribes. The amount South Dakota was required to pass with their FFY2012 Formula Grant award was **\$32,184**. Under the FFY2012 award, **\$38,377.67** was passed through to Native American Tribes through local projects.

In SFY2016, the Council approved three awards for the following projects:

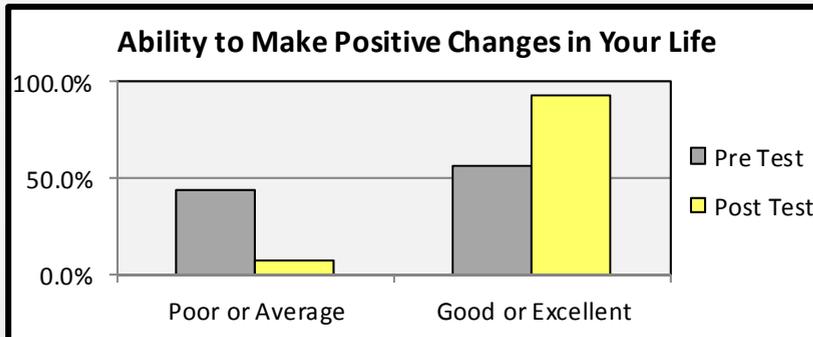
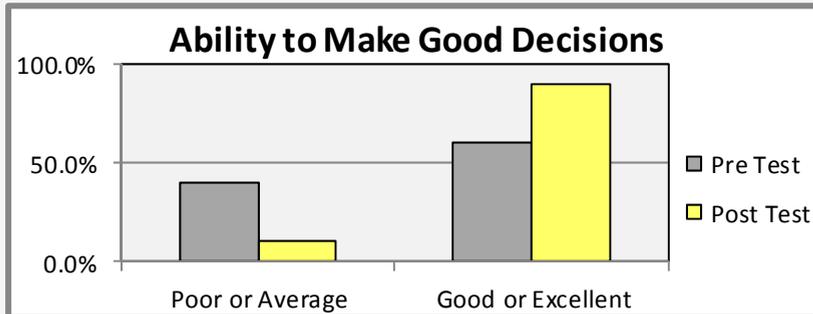
- **Cheyenne River Sioux Tribe:** Juvenile Probation Officer
- **Lower Brule Sioux Tribe:** Juvenile Beading Program
- **Rosebud Sioux Tribe:** Delinquency prevention projects at the detention center and in the community

- The chart to the right shows the amount of Formula Grant funds passed through to Native American Tribes compared to the pass through requirement.
- The 2012 award was the first year of the reduced Formula Grant Award of \$400,000 compared to the previous years of \$600,000 resulting in a lower pass through requirement.
- More funds than the minimum requirement are consistently expended to adhere to the requirement.



Delinquency Prevention

Starting in SFY2014, the Council turned its focus to prevention and early intervention programs. Subgrants in **Aberdeen, Watertown, and Meade County** were awarded for a second year of services during SFY2016 to implement the evidence based programs **“Project SUCCESS”** and **“Positive Action”**. 88 new participants were added across the programs in SFY2016 in addition to the 125 youth who were continuing to be served from the previous year.



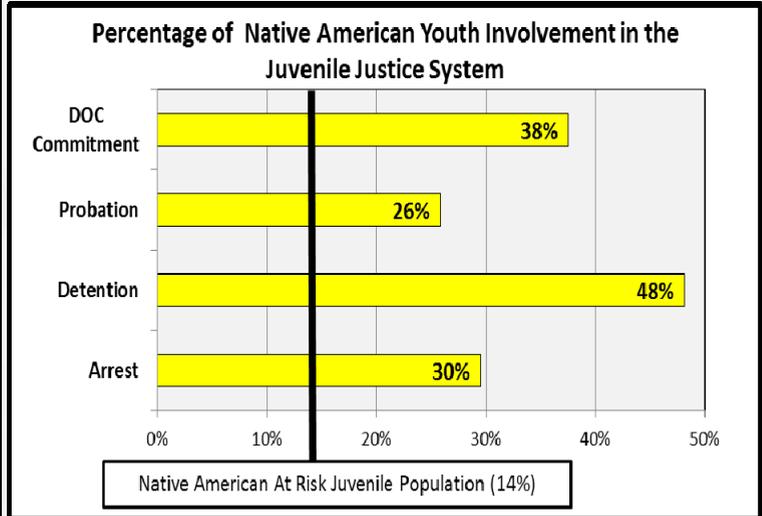
- Upon completion of the program, 30 new participants completed the student satisfaction survey during SFY2016.
- **Over 80%** of program participants reported that the **program was “Good” or “Excellent”**.
- Two questions from the pre and post tests are displayed to the left.
- There were substantial changes in reporting of the ability to both make good decisions and make positive changes in their lives.
- Summary data provided by Mountain Plains Evaluation, LLC.

Disproportionate Minority Contact

States are responsible for ongoing monitoring of the juvenile justice system for overrepresentation of minority youths for any group that comprise at least 1% of a jurisdiction's juvenile population. The staff of the Formula Grants Program complies DMC data, oversees local DMC awards, and works with local entities to develop plans for DMC reduction.

In SFY2016, the Council supported two \$35,000 projects. **Minnehaha County** utilized their award to implement **Functional Family Therapy** for minority families. **Pennington County** utilized the award to hire a **DMC Case Manager** to connect with families and ensure they are aware of court dates and assist with problems they may encounter including transportation, scheduling, or lack of medical coverage.

- DMC data from calendar year 2015 revealed that Native American youth had some of the highest rates of disproportionality across the juvenile justice system.
- The chart to the right displays the percentage of Native American Youth involvement at various stages of the juvenile justice system in 2015.
- Disparities occur when Native American Youth have a higher percentage of activity within the system than the percent of the overall at risk juvenile population. Example: Native American Youth make up 48% of 2015 detention admissions but only 14% of the at risk juvenile population.



Children in the Juvenile Justice System

South Dakota’s juvenile justice system impacts thousands of youths and their families annually. The table below provides a summary of juvenile justice, child protection activities, and alcohol and drug services as referenced in the 2012-2016 South Dakota Kids Count Factbook Publications and provided by the DOC .

	SFY 2012	SFY 2013	SFY 2014	SFY 2015	SFY 2016
Adjudicated Action	4,868	4,533	4,311	4,050	4,220
Non-Adjudicated Action	1,090	828	1,013	705	727
New DOC Commitments*	284	276	240	205	118
Child Abuse & Neglect Initial Assessments (Children)	6,820	4,499	4,736	4,764	4,394
Children Requiring a Safety Response	1,927	1,541	1,458	1,362	1,210
Alcohol and Drug (juvenile admission to treatment)	1,388	1,083	1,069	924	862

* DOC commitment data is provided by the DOC 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 who are remanded following a new adjudication.

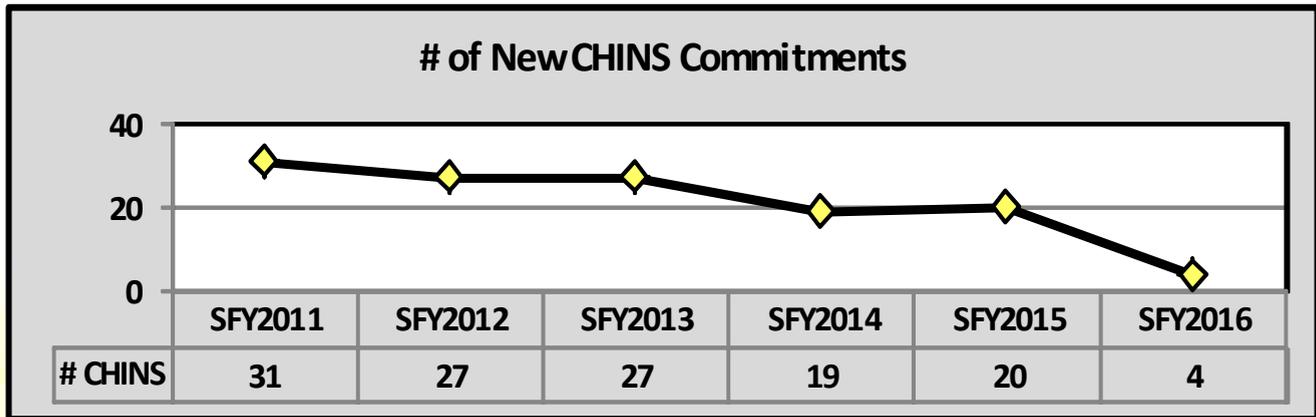
Adjudicated Action—Action that occurs as the result of the filing of a CHINS or delinquent petition in formal court. These actions include petition sustained, petition not sustained, petition dismissed, suspended imposition of adjudication, transfer to adult court, and interstate compact to South Dakota.

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 Need of Supervision

Children in Need of Supervision (CHINS) are low risk and high needs youth who historically were often placed in secure detention or committed to the DOC due to lack of appropriate alternatives. There is a concern whether commitment to the DOC is the appropriate manner in which to provide residential services to CHINS. The Council recognizes the importance of service provisions to CHINS and in conjunction with the Unified Judicial System, supports a Probation Support Program to provide access to needed services for youths on probation supervision.

The chart below was obtained from DOC and identifies CHINS commitments to the DOC from SFY2011 through SFY2016. 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 and through the implementation of statewide juvenile justice reform.



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Council of Juvenile Services
State Fiscal Year 2016 Annual Report

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