



**State of South Dakota Council of Juvenile Services  
2019 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 sixteen 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 2019 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide \$406,747 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](http://doc.sd.gov).

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

Aloha and Very Best Regards,



Beth O'Toole, Chairperson

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## *Council Members at the Close of State Fiscal Year (SFY) 2019*

- **Beth O’Toole**, Chair and Professor at the University of Sioux Falls
- **Sara McGregor-Okroi**, Vice-Chair; Director of Aliive-Roberts County
- **Taniah Apple**, Youth Member
- **Dadra Avery**, School Counselor at Sturgis Brown High School
- **Judge Tami Bern**, First Judicial Circuit Judge
- **Keegan Binegar**, Youth Member
- **Keith Bonenberger**, Community Member
- **Kristi Bunkers**, Director of Juvenile Services
- **Kim Cournoyer**, Service Provider
- **Charles Frieberg**, Director of Court Services
- **Tiffany Glaser**, Department of Social Services JJRI Program Manager
- **Doug Herrmann**, Executive Director of The Club for Boys
- **Alexis Kohler**, Youth Member
- **Mike Leidholt**, Former Hughes County Sheriff
- **Aaron McGowan**, Minnehaha County States Attorney
- **Dave McNeil**, Aberdeen Police Department Chief
- **Betty Oldenkamp**, CEO of Lutheran Social Services
- **Carol Twedt**, Former Minnehaha County Commissioner

## *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)** 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. SFY2019 represents the **sixteenth year** of the State's renewed participation in the Formula Grants Program.
- In SFY2019, the **Council met three times** and approved the Formula Grant State Three-Year Plan Application for federal fiscal year (FFY) 2019. South Dakota's **Three-Year Plan** can be found on the Department of Corrections (DOC) grant webpage at **[doc.sd.gov/about/council](http://doc.sd.gov/about/council)**.

Meeting Information and Materials along with the previous Annual Reports are available on the SD Boards and Commissions Website:

<http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=59>

**Information on DOC Website:** <http://doc.sd.gov/about/council/>



# *Council of Juvenile Services Value Statements*

## **The Council of Juvenile Services values that all children shall:**

- Receive developmentally and culturally appropriate services that are evidence-based and data driven.
- Have the same access to needed services regardless of family income, geography, gender, sexual orientation, race, religion, 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.

# JJDPA CORE REQUIREMENTS

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

- **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.



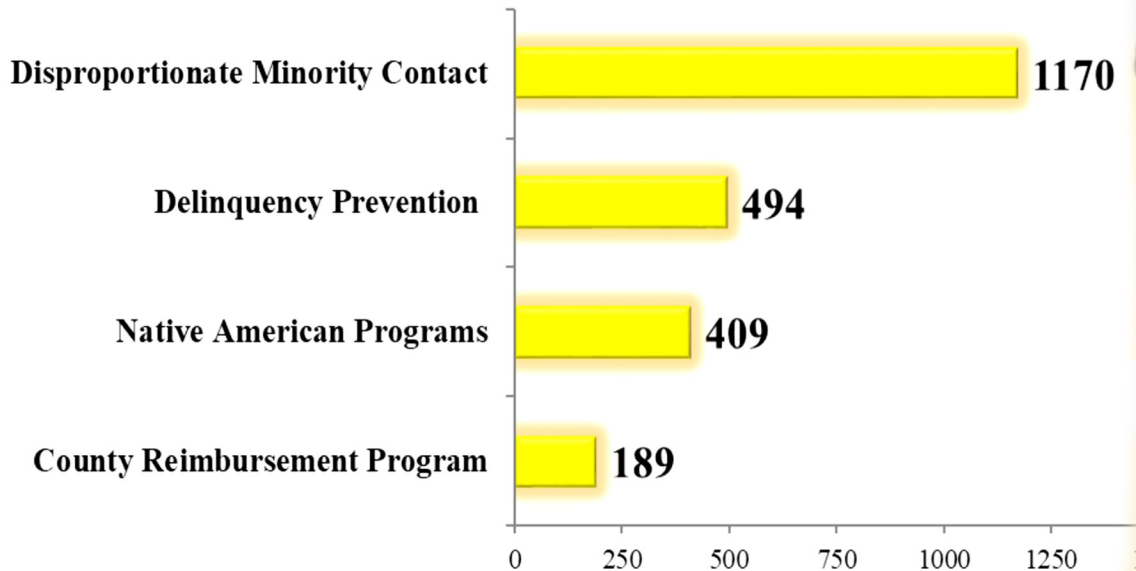
## *Formula Grant Programs and Expenditures*

The table below outlines the amount of FFY2014 and FFY2015 Formula Grant Funds spent during SFY2019 and a description of how the funds were utilized.

<b>Program Area</b>	<b>SFY2019</b>	<b>Description</b>
Council of Juvenile Services	\$3,565.24	Quarterly Meetings and Council Annual Report
Planning and Administration	\$21,231.59	Formula Grant Staff at the Department of Corrections (DOC)
Compliance Monitoring	\$48,609.41	Formula Grant Staff at the DOC and Training for Statewide Detention Staff
Deinstitutionalization of Status Offenders (DSO)/Sight and Sound Separation/Jail Removal	\$72,220.28	County Reimbursement Program and Conditions of Confinement Awards
Native American Programs	\$71,094.07	2 Local Subgrants
Delinquency Prevention	\$82,854.22	2 Local Subgrants and Evaluation Services
Disproportionate Minority Contact (DMC)	\$112,853.89	3 Local Subgrants and Formula Grant Staff at the DOC
<b>Total:</b>	<b>\$412,428.70</b>	

## *Youth Served During SFY2019*

### Youth Served During SFY2019



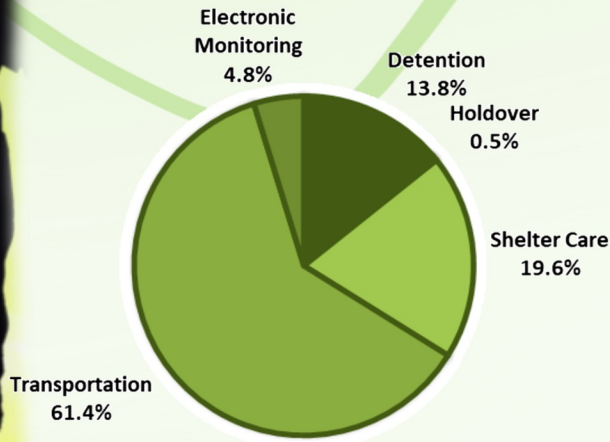
**2,262 Total Youth Served**



# DSO, Jail Removal, and Separation/ County Reimbursement Program

Since 2005, a reimbursement system 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.

## Youth Served by Category



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

- The chart to the left shows how the **189 youth served** during SFY2019 were reimbursed by program category.
- **61%** 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 more than detention, with **20%** of the reimbursements being for shelter care placements and **14%** being for **detention** placements.
- The table on the next page shows the youth served and amount reimbursed by arresting entity.

## County Reimbursement Program

During SFY2019, a total of **\$48,402.96** was reimbursed to **twelve law enforcement entities** for services rendered to a total of **189 youth**.

Arresting Entity	Youth Served	Total Reimbursed
Brookings	29	\$3,017.28
Brule	18	\$4,565.30
Charles Mix	20	\$3,380.98
Custer	2	\$846.16
Davison	43	\$8,686.54
Lawrence	1	\$105.00
Lincoln	11	\$5,090.00
Meade	36	\$16,865.00
Pennington*	5	\$408.64
Union	10	\$4,019.32
City of Vermillion	2	\$136.68
Yankton	12	\$1,282.06
<b>Total</b>	<b>189</b>	<b>\$48,402.96</b>

\*Pennington County claims transportation reimbursement on behalf of Butte, Custer, Fall River, and Lawrence Counties

## Native American Programs

States participating in the Formula Grants Program are required to pass through a specified portion of their funds to Native American Tribes. The amount South Dakota was required to pass with their FFY2015 Formula Grant award was **\$34,004.00**.

Through SFY2019, **\$59,047.72** had been passed through to Native American Tribes with FFY2015 funds. A minimum of **\$32,996.00** will need to be passed through prior to September 30, 2020 under the FFY2016 Formula Grant award.

In SFY2019, the Council approved an award to the **American Horse School** for delinquency prevention services in their school and at the juvenile detention center in Kyle, SD within the Pine Ridge Indian Reservation and an award to the **Sisseton-Wahpeton Oyate Court** for a juvenile probation officer to supervise youth on the Lake Traverse Indian Reservation.

**300** youth were served between services at the school and the detention center on the Pine Ridge Indian Reservation and **109** youth were supervised by the juvenile probation officer on the Lake Traverse Indian Reservation.

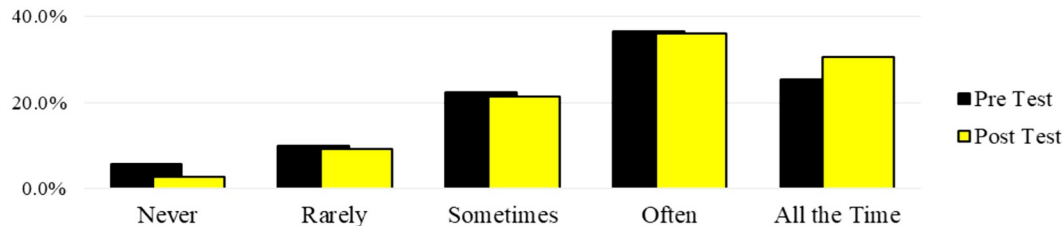
Hughes, Pennington, Roberts, and Walworth Counties were awarded one-time funding to improve the **conditions of confinement** as it relates to juveniles in the custody of the collocated facilities. In SFY2019, **\$23,817.32** was reimbursed between the four counties to assist with improving living and learning conditions and security monitoring.

# Delinquency Prevention

Starting in SFY2014, the Council turned its focus to prevention and early intervention programs. Subgrants in **Lake Andes and Dell Rapids** were awarded for new and continued services during SFY2019 to implement the evidence based program “**Positive Action**” in their school systems.

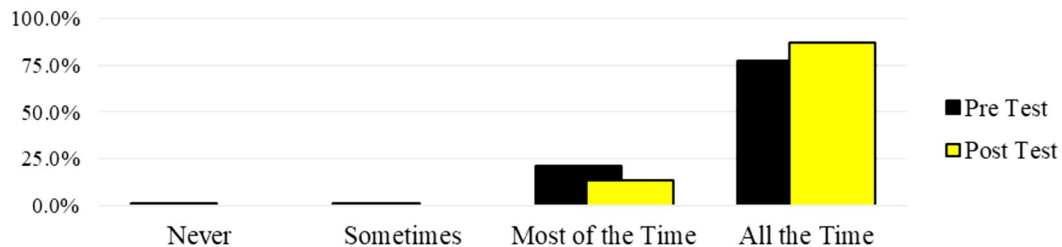
Below are summaries of pre and post test data collected from 6th - 9th graders in the Andes Central School District and 3rd and 4th graders in the Dell Rapids School District. Pre-K through 2nd graders were also served in the Dell Rapids School District. Summary data was provided by Mountain Plains Evaluation, LLC.

**Treat Others how You want to be Treated- Andes Central**



6th - 9th graders in the Andes Central School District reported a 4.7% increase in their ability to treat others how they want to be treated either often or all the time.

**Try to be Nice to Others- Dell Rapids**



Following completion of the program, 100% of 3rd and 4th graders reported they try to be nice to others most of the time or all the time.

# *Disproportionate Minority Contact (DMC)*

To comply with DMC requirements, 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 the juvenile population. The South Dakota DOC employs a state-level staff designated as a part-time DMC Coordinator to accomplish this requirement.

## **The DMC Coordinator:**

- Collets race data for required contact points in the juvenile justice system;
- Updates data annually into South Dakota's Formula Grant Application;
- Monitors contact point trends over time; and
- Monitors DMC subrecipient performance measures and project implementation.

## **Case Management Services**

In SFY2019 the Council continued to support DMC projects in **Minnehaha and Pennington Counties**.

- The projects both focused on providing **case management services** for pre-adjudicatory youth through Lutheran Social Services of South Dakota.
- While the focus was on pre-adjudicatory youth, any minority youth needing the assistance of the case managers received services. The case managers assisted youth and their families in understanding the importance of attending hearings, complying with diversion recommendations, overcoming barriers, and connecting with community supports and services.

## **Reducing Racial and Ethnic Disparities**

Minnehaha County was selected to participate in the Reducing Racial and Ethnic Disparities Certificate Program through the Center for Justice Reform and Georgetown University in November 2017. Implementation of their capstone project started at the close of SFY2018 and was supported by the Council.

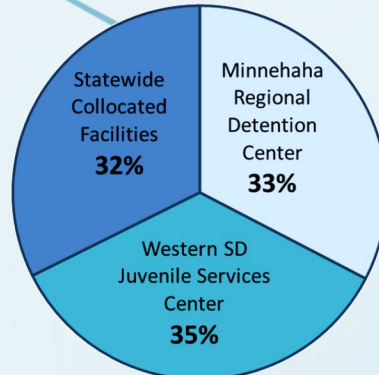
In SFY2019, as part of their capstone project, Minnehaha County:

- Established a memorandum of understanding between the schools, courts, and law enforcement for consistent responses to behavioral incidents occurring in school;
- Hosted an implicit bias training for local law enforcement and community partners; and
- Hired a Diversion Coordinator to assist with restorative justice initiatives and to develop culturally sensitive programming for youth.

# 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/SD%20Compliance%20Manual%202018.pdf>.

## SFY2019 Detention Admissions



- **1,744 juveniles** were admitted to juvenile detention facilities in SFY2019.
- **68%** of admissions were reported from the regional detention centers located in **Minnehaha and Pennington Counties**.
- **32%** of admissions were from the statewide **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:** For the FFY2018 reporting period, South Dakota was found in compliance with the Separation, Deinstitutionalization of Status Offenders (DSO), and Jail Removal requirements of the JJDP A. South Dakota reported no violations under the Separation requirement, seven violations under the Jail Removal requirement, and four violations under the DSO requirement. The seven Jail Removal violations and four DSO violations gave South Dakota allowable rates of 3.26 Jail Removal violations and 1.86 DSO violations per 100,000 juvenile population under the age of 18.

# 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 2015-2019 South Dakota KIDS COUNT Factbook Publications at [www.sdkidscount.org](http://www.sdkidscount.org) and provided by the DOC .

	SFY2015	SFY2016	SFY2017	SFY2018	SFY2019
<b>Adjudicated Action</b>	4,050	4,220	5,475	4,617	4,561
<b>Non-Adjudicated Action</b>	705	727	602	591	451
<b>DOC Commitments and Recommitments*</b>	202	118	103	84	79
<b>Child Abuse &amp; Neglect Initial Assessments (Children)</b>	4,764	4,394	4,631	4,213	4,306
<b>Children Requiring a Safety Response</b>	1,362	1,210	1,726	1,763	1,772
<b>Alcohol and Drug (juvenile admission to treatment)</b>	924	862	864	925**	887

\* Data is provided by the DOC. 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.

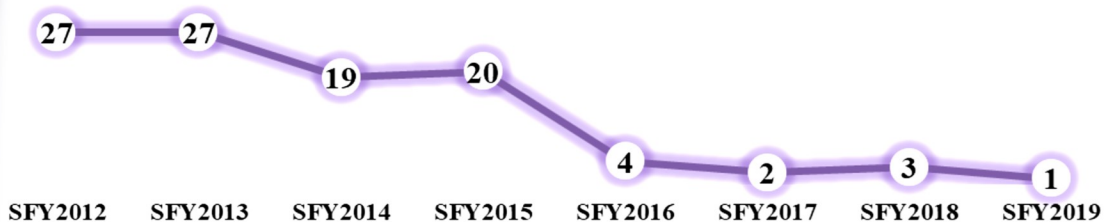
\*\* Admissions include 12 clients out of state.

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 (CHINS)

## Number of New DOC CHINS Commitments



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 chart above was obtained from DOC and identifies CHINS commitments to the DOC during SFY2012 through SFY2019. 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 JJD-PA and through the implementation of statewide juvenile justice reform.

In SFY2019, there were **998** CHINS adjudications under the Unified Judicial System and **48** combination cases where petitions included both CHINS and delinquency charges for the adjudication.

# **South Dakota Council of Juvenile Services**

## **2019 Annual Report**

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