



STATE OF SOUTH DAKOTA COUNCIL OF JUVENILE SERVICES

2020 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 reporting requirements.

The Council has worked diligently over the past seventeen 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 2020 Formula Grant Application was submitted and approved by the Office of Juvenile Justice and Delinquency Prevention. This grant will provide \$428,501 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.

Aloha and Very Best Regards,



Beth O'Toole, Chairperson

Table of Contents

- 2 | Council Members
- 3 | Council Overview
- 4 | Council Values
- 5 | JJDP Core Requirements
- 6 | Formula Grant Expenditures
- 7 | Youth Served
- 8 | Compliance Monitoring
- 9 | Native American Programs
- 9 | Disproportionate Minority Contact
- 10 | DSO, Jail Removal, and Separation
- 12 | Delinquency Prevention
- 13 | Alternatives to Detention
- 14 | Children in the Juvenile Justice System
- 15 | Children in Need of Supervision

Council Members at the Close of State Fiscal Year (SFY) 2020

- **Beth O'Toole**, Chair and Professor at the University of Sioux Falls
- **Sara McGregor-Okroi**, Vice-Chair; Director of Aliive-Roberts County
- **Dadra Avery**, School Counselor at Sturgis Brown High School
- **Pat Bad Hand**, Rosebud Sioux Tribe Juvenile Detention Center Administrator
- **Judge Tami Bern**, First Judicial Circuit Judge
- **Keegan Binegar**, Youth 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
- **Brad Howell**, Codington County Sheriff
- **Alexis Kohler**, Youth Member
- **Angela Lisburg**, Avera St. Mary's Central SD Child Assessment Center Coordinator
- **Aaron McGowan**, Former Minnehaha County State's Attorney
- **Dave McNeil**, Aberdeen Police Department Chief
- **Betty Oldenkamp**, CEO of Lutheran Social Services
- **Tierney Scoblic**, Youth Member
- **Carol Twedt**, Former Minnehaha County Commissioner
- **Cassidy Wright**, Youth Member

Council of Juvenile Services Overview

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>

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. SFY2020 represents the **seventeenth year** of the State's renewed participation in the Formula Grants Program.

In SFY2020, the **Council met three times** and approved the Formula Grant State Three-Year Plan Application for federal fiscal year (FFY) 2020. South Dakota's **Three-Year Plan** can be found on the Department of Corrections (DOC) grant webpage at 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**

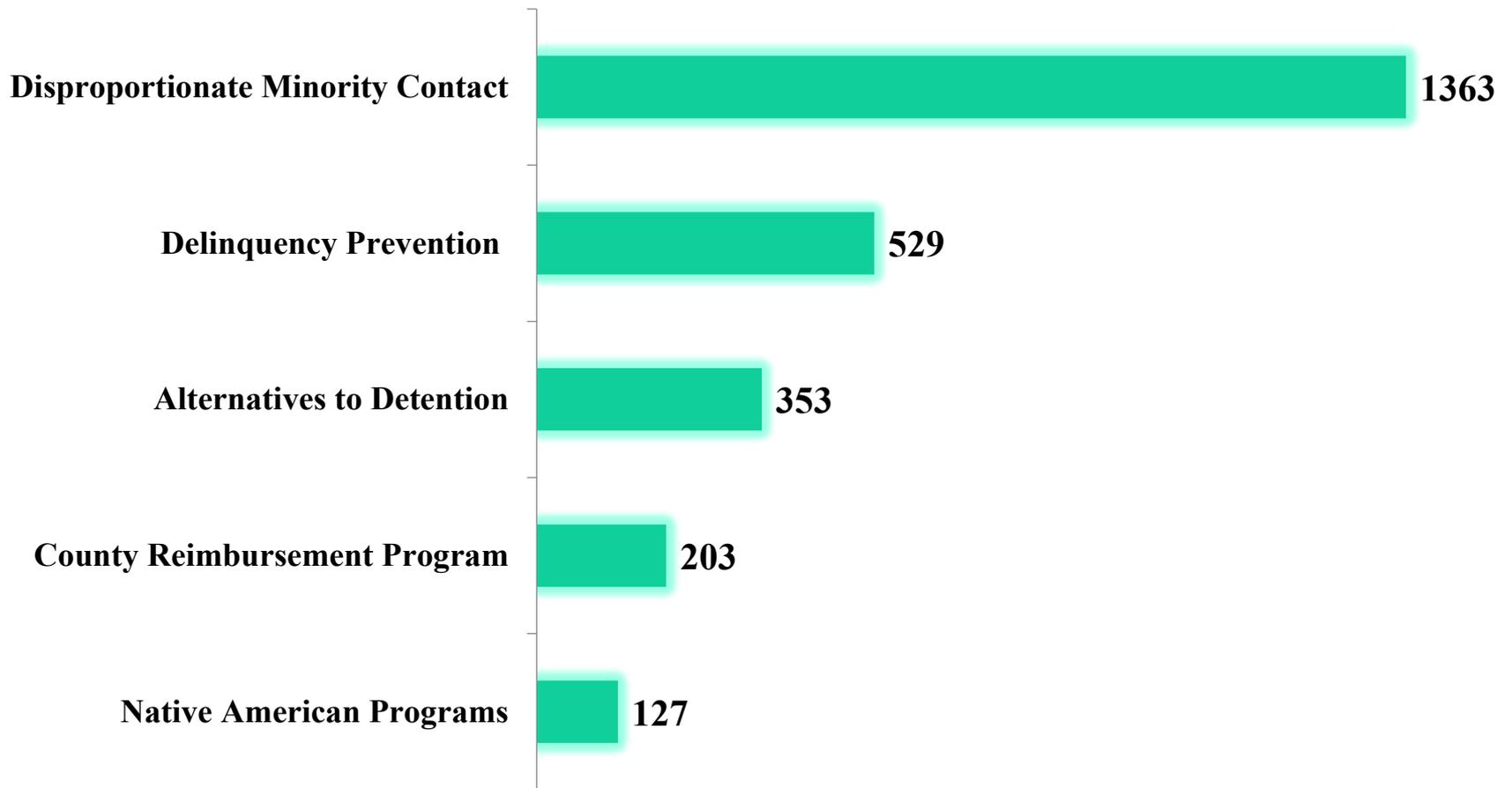
The removal of juveniles from adult jails and lockups.

- **Disproportionate Minority Contact (DMC)**

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

Formula Grant Programs and Expenditures

Program Area	SFY2020	Description
Council of Juvenile Services	\$8,626.77	Quarterly Meetings and Annual Report
Planning and Administration	\$22,538.02	Formula Grant Staff at the Department of Corrections (DOC)
Compliance Monitoring	\$24,418.61	Formula Grant Staff at the DOC
Deinstitutionalization of Status Offenders (DSO)/Sight and Sound Separation/Jail Removal	\$44,457.42	County Reimbursement Program
Native American Programs	\$36,630.47	1 Local Subgrant
Delinquency Prevention	\$78,548.71	2 Local Subgrants and Evaluation Services
Disproportionate Minority Contact (DMC)	\$126,807.82	3 Local Subgrants and Formula Grant Staff at the DOC
Alternatives to Detention	\$164,814.99	3 Local Subgrants
Total:	\$506,842.81	



2,575 Youth Served During SFY2020

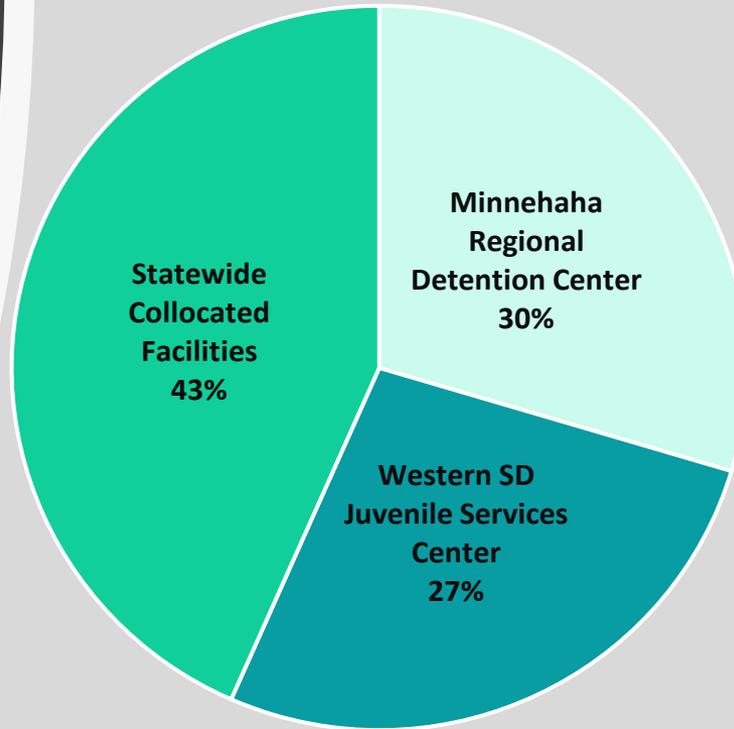
Compliance Monitoring

States participating in the JJDPA 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>.

SFY 2020 Detention Admissions



- **1,848 juveniles** were admitted to juvenile detention facilities in SFY2020.
- **57%** of admissions were reported from the regional detention centers located in **Minnehaha and Pennington Counties**.
- **43%** 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 FFY2020 reporting period, South Dakota was found in compliance with the Separation, Deinstitutionalization of Status Offenders (DSO), and Jail Removal requirements of the JJDPA.

South Dakota reported no violations under the Separation and Jail Removal requirements and six violations under the DSO requirement. For FFY2020, each state was allowed a rate of 4.57 DSO violations per 100,000 juveniles in the population under the age of 18. South Dakota's six violations are within this allowable range.

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 minimum amount South Dakota was required to pass with their FFY2015 Formula Grant award was \$34,004.00.

Through SFY2020, \$64,315.67 had been passed through to Native American Tribes with FFY2015 funds. At the close of SFY2020, \$31,392.52 had been passed through of the required \$32,996.00 for the FFY2016 Formula Grant award which had an end date of September 30, 2020. \$32,853.00 will need to be passed through for the FFY2017 award prior to September 30, 2021.

In SFY2020, the Council approved an award to the **Sisseton-Wahpeton Oyate Court** for a juvenile probation officer to supervise youth on the Lake Traverse Indian Reservation.

127 youth were supervised by the juvenile probation officer on the Lake Traverse Indian Reservation.

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 part-time DMC Coordinator to accomplish this requirement.

The DMC Coordinator:

- Collects 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 SFY2020 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.

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

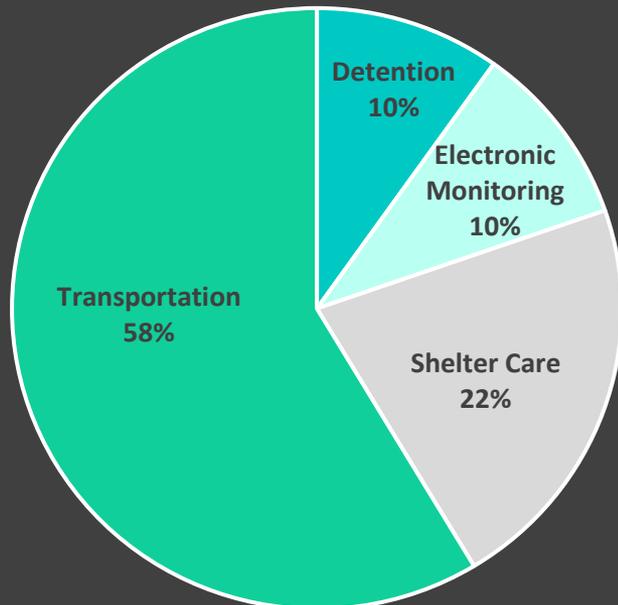
Minnehaha County was selected to participate in the Reducing Racial and Ethnic Disparities Certificate Program through the Center for Justice Reform and Georgetown University in November 2017.

In SFY2020, Minnehaha County continued to implement their capstone project from the program through employment of a Diversion Coordinator. The Coordinator:

- Worked with eligible youth and their families through diversion and pre-arrest diversion services.
- Worked closely with the Minnehaha County State's Attorney's Office, school resource officers, and community partners to help prevent further involvement in the juvenile justice system by connecting youth with appropriate resources and/or programs.

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.

DSO, Jail Removal, and Separation/ County Reimbursement Program



- The chart to the left shows how the **203 youth served** during SFY2020 were reimbursed by program category.
- **58%** 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 **22%** of the reimbursements being for shelter care placements and **10%** being for **detention** placements.

County Reimbursement Program Payments

During SFY2020, a total of **\$44,457.42** was reimbursed to **thirteen law enforcement entities** for services rendered to a total of **203 youth**.

Arresting Entity	Youth Served	Total Reimbursed
Brookings	6	\$631.26
Brown	21	\$3,672.00
Brule	7	\$1,157.04
Butte	10	\$2,241.16
Charles Mix	27	\$4,801.92
Codington	4	\$1,230.84
Davison	69	\$10,510.84
Lake	3	\$1,600.00
Lawrence	1	\$150.00
Meade	31	\$15,815.00
Pennington*	12	\$713.54
Union	8	\$1,588.78
City of Vermillion	4	\$345.04
Total	203	\$44,457.42

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

Delinquency Prevention

Andes Central School District

- Third Year of Funding
 - Implemented Positive Action Curriculum in grades 6-10
 - Implemented Positive Behavior Interventions and Supports in grades 6-12
 - Supplemented programs with Multi-Tiered Systems of Support, after school tutoring, and family engagement activities
 - 121 youth served during 2019-2020 school year

Dell Rapids School District

- Third Year of Funding
 - Implemented Positive Action Curriculum in Kindergarten through 4th grade
 - School-wide motto and culture of “When you do good, you feel good”
 - Program filled gap of having a research-based curriculum as part of the elementary culture
 - 408 youth served during 2019-2020 school year

Alternatives to Detention

In SFY2020, the Council took action to assist with the statewide implementation of the Juvenile Detention Alternatives Initiative (JDAI) overseen by the South Dakota Unified Judicial System.

The Council approved subgrants in Brown, Codington, and Davison Counties to support coordination and training required to start programs in each county.

All three counties have an established workgroup made up of community supports and juvenile justice professionals that guide their work and decision making.

SFY2020 Highlights

- Brown, Codington, and Davison Counties developed a conditional release process to keep youth from being detained.
- Brown County implemented a sanctioning/response grid for the Home Detention Program to allow more alternatives prior to secure detention.
- Codington County integrated a pre-arrest diversion program to refer youth to the JDAI program directly from law enforcement personnel.
- Davison County established a Reception Center for youth to be assessed for appropriate and available resources and the next steps for the youth to return to their community after being detained by law enforcement.

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 and alcohol and drug services as referenced by the South Dakota KIDS COUNT data center at sdkidscount.org/data-center and provided by the South Dakota Department of Corrections (DOC).

	SFY2016	SFY2017	SFY2018	SFY2019	SFY2020
Adjudicated Action	4,220	5,475	4,617	4,561	4,114
Non-Adjudicated Action	727	602	591	451	436
DOC Commitments and Recommitments*	118	103	84	79	112
Alcohol and Drug (juvenile admission to treatment)	862	864	925**	887	939

* 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.

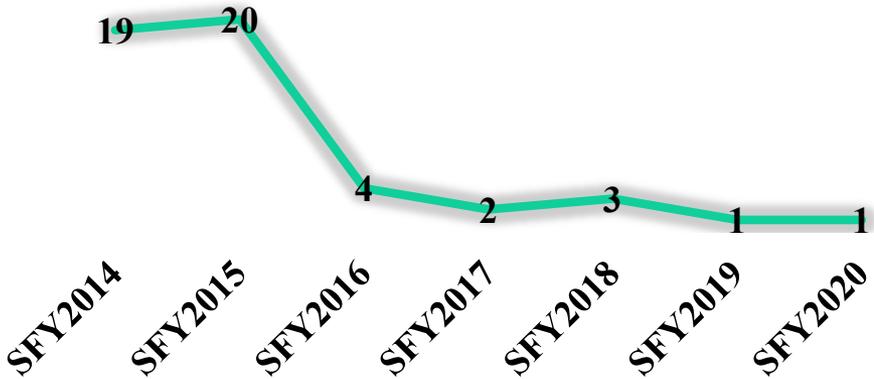
** Admissions include 12 clients out of state.

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 SFY2014 through SFY2020. 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 JJDP and through the implementation of statewide juvenile justice reform.

In SFY2020, there were 1,119 CHINS adjudications under the Unified Judicial System and 53 combination cases where petitions included both CHINS and delinquency charges for the adjudication.

SOUTH DAKOTA COUNCIL OF JUVENILE SERVICES

2020 ANNUAL REPORT

Printed by Pheasantland Industries at the South Dakota State Penitentiary

100 copies of this report were published at a cost of \$3.16 per copy.

This project was supported by Award No.2017-JF-FX-0025 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs. 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.