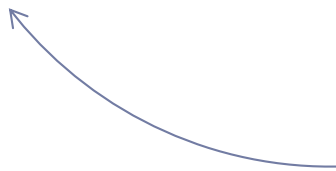
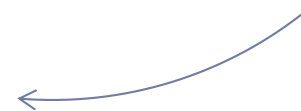
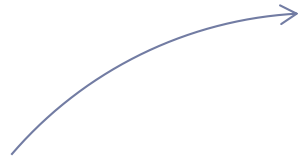


# JUVENILE JUSTICE REINVESTMENT INITIATIVE

A primer

# Juvenile Justice in America

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# Work Group Members

- Governor Dugaard and Chief Justice Gilbertson appointed the following individuals to the Juvenile Justice Reinvestment Work Group in May 2014 to study the juvenile justice system.
  - Jim D. Seward, General Counsel for Governor Dugaard, Chair
  - Nancy Allard, Director of Trial Court Services, Unified Judicial System
  - Representative Julie Bartling (D-District 21)
  - Kristi Bunkers, Director of the Juvenile Community Corrections, Department of Corrections
  - Speaker Brian Gosch (R-District 32)
  - Doug Herrmann, Director of Juvenile Services, Department of Corrections
  - Judge Steven Jensen, Presiding Judge, First Judicial Circuit
  - Sheriff Mike Leidholt, Hughes County
  - Judge Larry Long, Presiding Judge, Second Judicial Circuit
  - Judge Scott Myren, Presiding Judge, Fifth Judicial Circuit
  - Terry Nebelsick, Huron Superintendent
  - Angel Runnels, Minnehaha County Public Defender
  - Senator Alan Solano (R-District 32)
  - Senator Billie Sutton (D-District 21)
  - Mark Vargo, Pennington County State's Attorney
  - Bob Wilcox, Executive Director, South Dakota Association of County Commissioners
  - Tiffany Wolfgang, Director of Division of Behavioral Health, Department of Social Services

# Work Group Goals

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- ▣ Reduce juvenile justice costs by investing in proven community based practices, preserving our residential facilities for serious offenders.
- ▣ Increase public safety by improving outcomes of youth and families and reducing juvenile recidivism.
- ▣ Effectively hold juvenile offenders more accountable.

# Work Group Key Questions

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1. What did the juvenile justice system in South Dakota look like and how did a youth move through the system?
2. What does our data tell us and what does the research say about what works for juveniles?
3. What policy changes can improve the juvenile justice system in South Dakota?

# Terminology

**Adjudication:** The court process that determines if the juvenile committed the act for which he or she is charged. In juvenile cases, judges make this determination. The term "adjudicated" is analogous to "convicted" and indicates that the court concluded the juvenile committed the act.

**Dispositional decree:** If a child has been adjudicated delinquent, the court shall enter a decree of disposition according to the least restrictive alternative available in keeping with the best interests of the child.

# Terminology

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**CHINS, or “child in need of supervision”:** Youth whose violations, if committed as an adult, would not be considered crimes. This includes truancy, running away, endangering welfare of self or others, and underage purchase, possession or consumption of alcohol.

**Diversion:** An alternative to formal court processing which may include community service or Teen Court, for example.

**Misdemeanor:** A crime that is less serious than a felony. Example: marijuana use, simple assault, and petty theft.

# Terminology

**Residential Facilities:** Live-in private or public treatment facilities, such as the State Treatment and Rehabilitation Academy (STAR Academy).

**Recidivism:** Re-adjudication after one, two or three years following discharge from the Department of Corrections or probation supervision.



**What did the juvenile justice system in South Dakota look like and how does a youth move through the system?**

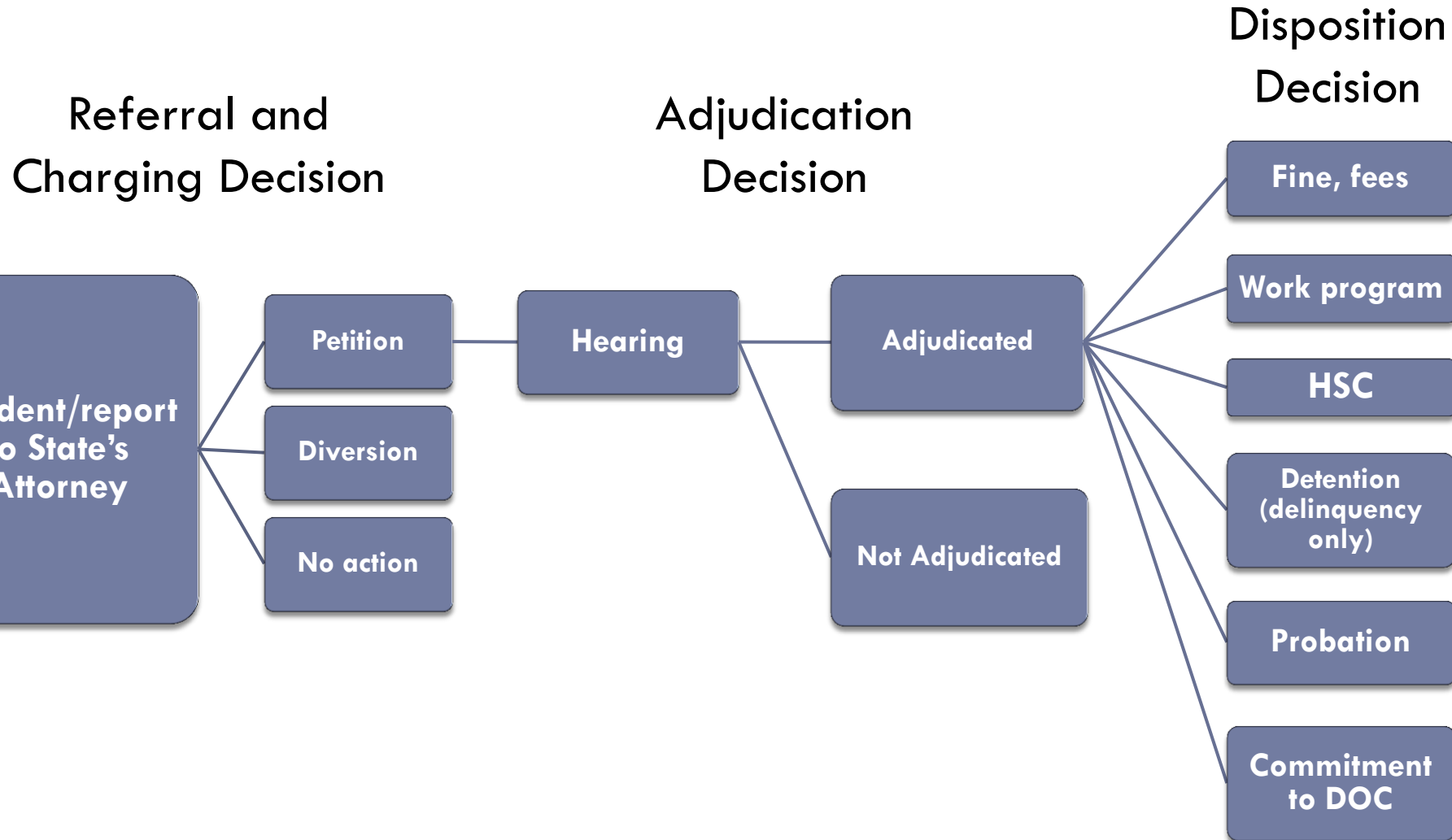
# South Dakota's Juvenile Justice System:

## Major players

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- **Unified Judicial System (UJS)**
  - Responsible for diversion services, pre-dispositional social case histories, and juvenile probation
- **Department of Corrections (DOC)**
  - Responsible for the management of the juvenile corrections system, including youth:
    - Committed and placed in residential out-of-home placement
    - On supervised release, known as aftercare
- **Private Providers**
  - Provide group care and residential treatment to juveniles committed to DOC
- **Department of Social Services (DSS)**
  - Provides services to youth in the juvenile justice system primarily through:
    - Division of Community Behavioral Health Services
    - Division of Correctional Behavioral Health Services
    - Human Services Center

# South Dakota's Juvenile Justice System Map Prior to SB73



# Referral and Charging Decision Prior to SB73

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## □ **Following a preliminary investigation, the State's Attorney may:**

**1. File a formal petition in court for delinquency, CHINS, or combination of the two**

**2. Divert**

- UJS diversion monitored by UJS Court Services Officers
- Community diversion (e.g. Teen Court)

Process:

- Eligibility criteria determined by State's Attorney and admission criteria determined by diversion providers.
- If eligible, youth, parents, and diversion providers must voluntarily agree diversion is appropriate.
- Youth must accept responsibility for their actions.
- If diversion is found appropriate, no petition is filed.
- Diversion lasts up to 180 days.

**3. Take no action**

# Adjudication Decision

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- An “adjudicatory hearing“ is a hearing to determine whether the allegations of a petition [...] alleging a child to be in need of supervision or a delinquent are supported by evidence beyond a reasonable doubt. 26-7A-1(2)
- If the juvenile denies the allegations, the court will hold an adjudicatory hearing on the allegations in the petition.

# Disposition Decision

- A “dispositional hearing” is a hearing after adjudication at which the court makes an interim or final decision in the case. 26-7A-1(17)
- At that hearing, the court enters a decree of disposition according to two standards:
  - The least restrictive alternative available
  - In keeping with the best interest of the child

# Disposition – Probation Prior to SB73

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- Regular and intensive juvenile probation supervision is provided by Court Services Officers (CSOs)
  - CSOs supervise both adults and juveniles.
  - 1,982 youth on probation as of June 30, 2014.
- Duration of probation is determined by the court and CSOs.
- Two types of probation violations:
  - Technical – violating the terms and conditions of probation not including a new offense.
  - New offense - new delinquent charge that may be filed as a new offense or as a probation violation (or both), or a CHINS violation.
    - Responses can be informal or formal based on CSO discretion

# Disposition – Commitment to DOC

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- State-operated facility - STAR Academy
  
- In-state private placements
  - ▣ Group Care
  - ▣ Psychiatric Residential Treatment Facility (PRTF)
  - ▣ Intensive Residential Treatment (IRT)
  
- Out-of-state private placements
  - ▣ Group Care
  - ▣ PRTF
  - ▣ IRT
  
- Other placements
  - ▣ DHS (e.g., Turtle Creek at Redfield)
  - ▣ DSS (e.g., Human Services Center at Yankton)



# Disposition – Commitment to DOC: STAR Academy and Group Care

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- STAR Academy
  - Designed for juveniles ages 14-18 who have been adjudicated delinquent or determined to be a child in need of supervision (CHINS)
- Group Care
  - Option for juveniles who are determined to not be appropriate for STAR because of age, medical, or behavioral history

# Disposition – Commitment to DOC: Residential Treatment Centers

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- **Psychiatric Residential Treatment Facilities (PRTF)**
  - ▣ Intensive inpatient psychiatric treatment for juveniles who have a DSM diagnosis and presenting behaviors.
  
- **Intensive Residential Treatment (IRT)**
  - ▣ Licensed level of care developed by South Dakota through the rule making process
  - ▣ Designed for juveniles who present more serious psychiatric/psychological issues than PRTF

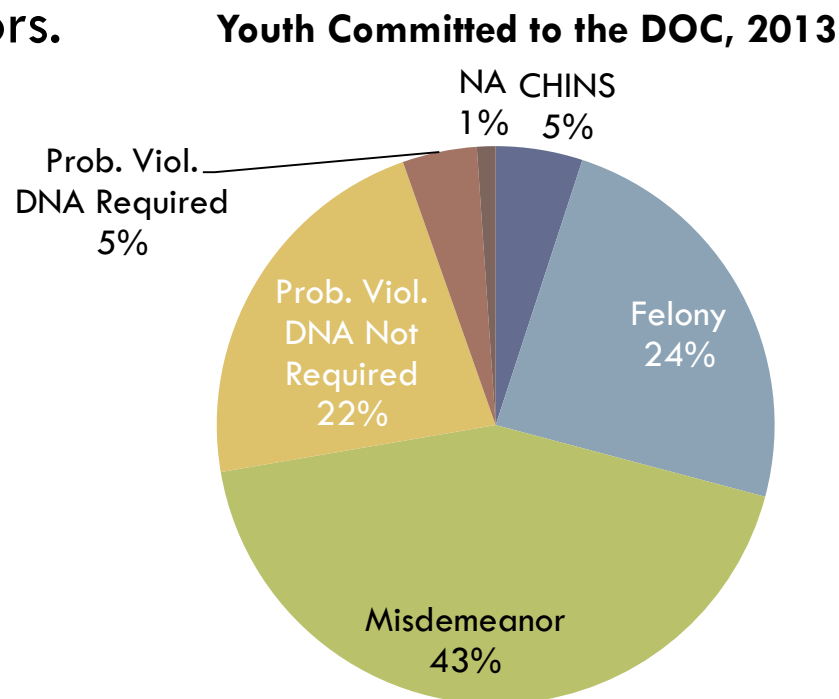
# Commitment: Aftercare

- Aftercare is a conditional release to the community during which time the youth remains under DOC guardianship.
  
- Youth are:
  - Home or returning to foster care with monitoring and services; or
  - Placed in Sequel Transition Academy (males) or other independent living programs if there is not an appropriate home or residence to which the youth can return.

**What did our data tell us and  
what did the research say about  
what works for juveniles?**

# Findings – Commitment Prior to SB73

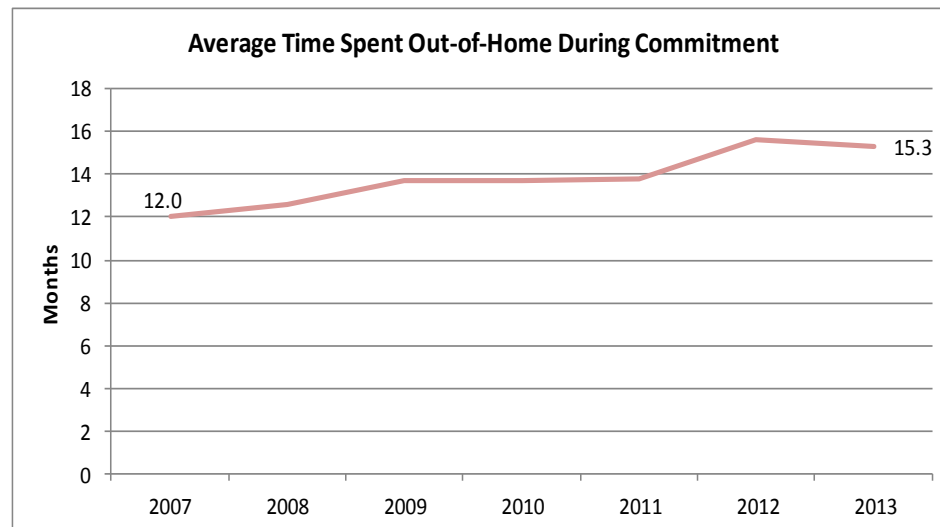
- 7 of 10 commitments were for misdemeanor offenses, children in need of supervision (CHINS) violations and probation violations.
- A quarter of the commitments to DOC are probation violators.



# Findings – Commitment Prior to SB73

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- The number of youth placed into the custody of DOC declined 20% from 2004 to 2013.
- On June 30, 2014, 611 youth were in DOC's care, 336 of whom were in a residential placement.
- The average length of stay in a residential placement is 15.3 months, up 27% since 2007.



# Findings – Juvenile Probation Prior to SB73

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- New admissions to probation have decreased 24% in the last 10 years.
- Despite fewer probationers being placed on higher supervision levels, the length of time spent on probation has increased from 6.3 months to 8.4 month since 2005.
- Probation lengths vary greatly across circuits, ranging from around 5 months in the Third and Seventh Circuits to close to 11 months in the Fourth Circuit.

# Findings – Research

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- For most youth residential placement does not produce better outcomes than supervision in the community.<sup>1</sup>
  - ▣ Nor do longer lengths of stay.
- Appropriately matching supervision and treatment to a youth's risk factors results in a lower likelihood of future delinquent or criminal behavior.<sup>2</sup>
- Diversion has been found to be more effective in reducing recidivism than conventional judicial interventions.<sup>3</sup>

1. "Criminology," 2009

2. "Criminal Justice and Behavior," 2009

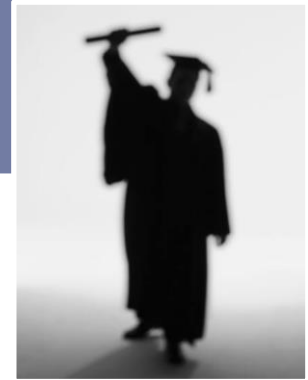
3. "Briefing Report: The Risk Principle," 2013



**What policy changes will improve the juvenile justice system in South Dakota?**

# Juvenile Justice Public Safety Improvement Act (JJPSIA) – SB 73

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# Key Impacts of JJPSIA/SB 73

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- Implementation of the policy package will result in:
  - More children diverted from the system without a criminal record.
  - Incentive funds to counties to increase use of diversion.
  - 29% fewer juveniles on probation in the next 5 years.
  - More than 50% fewer youth placed out-of-home by 2020,
    - Freeing up funding to invest in programming in the community.
  - Expanded access to proven community based interventions, especially in rural areas,
    - Such as programs that address substance abuse, family challenges, antisocial thinking and behavioral issues.

# Focus residential placements on youth who are a public safety risk

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## JJPSIA:

- Establishes presumptive probation.
- Creates Community Response Teams (CRTs).
- Institutes performance based contracting for providers.
- Requires state-run corrections facilities to design its programs to achieve release in 3 months.
- Requires findings to keep a juvenile in detention longer than 14 days in a 30-day period.

# Improve outcomes by expanding access to evidence-based interventions in the community

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## JJPSIA:

- Develops an array of proven interventions for youth with justice system involvement.
- Monitors implementation and delivery of treatment in rural areas.
- Evaluates strategies to improve outcomes for justice system involved Native American children.

# Prevent deeper involvement in the juvenile justice system

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## JJPSIA:

- Expands diversion by providing fiscal incentives to counties.
- Refers non-violent misdemeanants with no priors to diversion.
- Uses citations for specific low-level offenses to hold youth accountable and get them in and out of court faster.
- Provides guidelines for the duration of probation.
- Utilizes graduated responses in juvenile probation.