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# JUVENILE JUSTICE REINVESTMENT INITIATIVE

## *Work Plan*

In 2012-2013, South Dakota engaged in the Criminal Justice Initiative (CJI), a bipartisan, interbranch process, culminating in the passage and implementation of Senate Bill 70, the South Dakota Public Safety Improvement Act (PSIA). The new legislation improves public safety, holds offenders more accountable, and reduces corrections spending. Seeking cost-effective alternatives to ensure a higher public safety return on taxpayer dollars, South Dakota's leaders will be launching the Juvenile Justice Reinvestment Initiative (JJRI) to ensure the state is getting the best outcomes possible with its investment in the juvenile justice system.

Over the past ten years, South Dakota's juvenile corrections population has followed national trends and declined by about 33 percent. However, despite these declines in the number of youth committed, South Dakota continues to have the second highest commitment rate in the country (383 per 100,000 youth). In addition, the juvenile population committed to the Department of Corrections has substantial percentages of lower-level youth offenders, such as probation violators, misdemeanants, and status offenders; research shows these offenders could get better outcomes in less restrictive placements. Almost 60 percent of the juvenile justice's \$34 million budget in 2013 was spent on placements, and the state is spending over \$71,000 per year per bed on the in-state juvenile secure facilities. For this spending, despite improvements in the juvenile recidivism rate, 46 percent of youth are returning to custody within three years of release from the system. The evidence shows we can likely get better outcomes in our system with proper reinvestment.

Seeking a better public safety return at less cost to taxpayers, Governor Dugaard, Chief Justice Gilbertson, and legislative leadership have formed the Juvenile Justice Reinvestment Initiative (JJRI) to identify what is driving the juvenile out-of-home population, explore innovations within our state and across the nation, and recommend policies that will reduce juvenile crime and corrections spending.

This memo outlines the workplan for the JJRI, including the goals, process, and timeline of the initiative; membership of a bipartisan and interbranch work group; and the role of the The Pew Charitable Trusts.

### **Goals of the Juvenile Justice Reinvestment Initiative**

The goals of the Juvenile Justice Reinvestment Initiative are:

1. Increase public safety by improving outcomes of youth and families and reducing juvenile recidivism.
2. Effectively hold juvenile offenders more accountable.

3. Reduce juvenile justice costs by investing in proven community based practices, preserving our residential facilities for serious offenders.

As part of the JJRI, the Governor's Office and Unified Judicial System (UJS) will meet with juvenile justice stakeholders between April and August. Potential stakeholders include counties, prosecutors, behavioral health providers, educators, defense attorneys, legislators, juvenile corrections staff, judges, juvenile probation officers, law enforcement, tribal representatives, victims advocates, the Council of Juvenile Services, and the Statewide JDAI Steering Committee. Stakeholder meetings will help the work group gain perspectives, expertise, and facts regarding the current state of South Dakota's juvenile justice system.

Governor Dugaard, Chief Justice Gilbertson, President Pro Tempore Corey Brown, and Speaker Brian Gosch have requested technical assistance from the Public Safety Performance Project of the The Pew Charitable Trusts (Pew). Pew has agreed to provide this technical assistance.

These leaders have created a bipartisan, interbranch working group, to review South Dakota's juvenile corrections data, undertake a statutory review regarding juvenile justice and commitment to DOC, and consider potential reforms. Ultimately, the stakeholder input and ideas considered as part of the working group process may result in the creation of a package of administrative and legislative changes.

The JJRI Work Group held its first meeting in June and meet once a month through October. The JJRI Work Group's specific charge is to identify the factors driving commitments to the Department of Corrections, review relevant statutes and administrative policies, research evidence-based practices and successful reforms from other states, develop tailored policy options for South Dakota, simulate the impact of the proposed reforms, and explore options for reinvesting potential savings into strategies that improve public safety and overall outcomes.

**The JJRI will not examine:**

- **issues having to do with youth, or offenses, that result in a charge or transfer to the adult criminal justice system, and**
- **the root causes of juvenile delinquency and federal legislation concerning the juvenile system, including the Indian Child Welfare Act.**

### **JJRI Work Group**

The JJRI Work Group will consist of representatives from both political parties, all three branches of state and local government, and other juvenile justice stakeholder groups. The membership will be as follows:

- Senator Alan Solano (R-District 32)
- Senator Billie Sutton (D-District 21)

- Representative Julie Bartling (D-District 21)
- Representative Brian Gosch (R-District 32)
- Jim Seward, General Counsel for Governor Daugaard
- Tiffany Wolfgang, Director of Behavioral Health, Department of Social Services
- Doug Herrmann, Juvenile Services Director, Department of Corrections
- Kristi Bunkers, Juvenile Services, Department of Corrections
- Judge Steven Jensen, Presiding Judge, First Judicial Circuit
- Judge Larry Long, Presiding Judge, Second Judicial Circuit
- Judge Scott Myren, Presiding Judge, Fifth Judicial Circuit
- Nancy Allard, Director of Trial Court Services, Unified Judicial System
- Mark Vargo, Pennington County State's Attorney
- Angel Runnels, Minnehaha County Public Defender
- Sheriff Mike Leidholt, Hughes County
- Terry Nebelsick, Huron Superintendent
- Bob Wilcox, Executive Director, South Dakota Association of County Commissioners

### **Role of Pew**

The State of South Dakota and the Juvenile Justice Work Group will receive the following assistance from the Public Safety Performance Project:

- Data analysis and research to include a juvenile population projection, assessment of the recent trends of the juvenile population, a statutory review, and an assessment of the juvenile justice system;
- Presentations on evidence-based practices in juvenile justice and successful reform efforts in other states;
- Development of tailored policy options for South Dakota along with projected impacts of the reforms on the juvenile population and juvenile corrections budget;
- Drafting of the final Juvenile Justice Reinvestment Work Group report to include data findings and policy recommendations;
- Engagement of key juvenile justice stakeholders to solicit input and feedback on the policy recommendations;
- Legislative support, as needed, to include providing feedback on legislation, evaluating the impact of proposed changes, policymaker education, testimony, etc.

To achieve these objectives, the Department of Corrections, Unified Judicial System, and the Division of Criminal Investigation will provide Pew and its partners ready access to current and historical state data.

## **Conclusion**

South Dakota's leaders are committed to improving the efficiency and effectiveness of the juvenile justice system. We appreciate your willingness to work in good faith to find solutions that will strengthen our system. We are not afraid to look at ourselves critically and are committed to achieving the goals of improved public safety, offender accountability, and more effective juvenile corrections spending.