

Juvenile Justice Public Safety Improvement Act

SB 73 Implementation Tables

January 1, 2016

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Department of Corrections

Effective Date	Operational Date	Policy Area	Progress Update
July 1, 2015	September 1, 2016 County may begin submitting annual application	Diversion Fiscal Incentive (SDCL 26-8D-2)	There continues to be a few questions per month from States Attorneys about the program. No activities are planned for January.
	July 1, 2015	Performance Measures (SDCL 26- 8D-2, 26-8D-9 (3) & (6), 26-8D-19, 26-8D-20)	Based on the performance reporting requirements, a template has been developed to track required data on a monthly basis. In addition to possibly assisting in reporting to the Oversight Council, the template will support progress monitoring. The draft of the template has been shared with members of the Performance Measures Workgroup and historical data has been loaded into the template. In January, baseline graphs and charts will be developed for discussion purposes.
July 1, 2015	<i>January 2016</i>	Validate YLSI-2.0	<p>A contract has been signed with University of Cincinnati to conduct a validation study of DOC Juvenile division YLSI data to be completed by November of 2015. The contract was signed with UC.</p> <p><u>August</u>: An initial meeting date was scheduled with UC for 8/31. DOC anticipates this meeting will assist with establishing the strategy for administering the vignettes that will be completed by staff as well as the electronic data submission of YLS/recidivism data to UC and timelines for the project.</p> <p><u>September</u>-DOC was in the process of preparing their data to submit to UC. A contact has been identified for the vignettes that staff will need to score to assess inter-rater reliability.</p> <p><u>October</u>- No updates at this time, waiting for UC to send details on vignettes.</p> <p><u>December</u>-We have been providing some</p>

			clarification around our data to UC this month. We hope this resolves the issues. If questions remain then we will schedule a time to get on the phone with them in early January. All JCA staff completed scoring the vignettes by the established deadline.
July 1, 2015		Native American Youth Outcomes Study (SDCL 26-8D-5)	Dept. Tribal Relations, in coordination with state agencies, will make recommendations to the Native American Focus Group. The first meeting of the JJRI Native American focus group was held on September 30. A subsequent webinar meeting was held November 12. A meeting for January 5, 2016 is scheduled to include DOC/UJS data, information on SD tribes, DOC parole program and more information on the principles of effective intervention.
July 1, 2015	July 1, 2015	DOC Role in Treatment Team Meetings (SDCL 26-11A-8.1)	<p>DOC did complete the review and have put in place a specific process for JCA's to conduct monthly treatment team meetings with all residential providers. Specific forms have been finalized, training was completed June 2015, and providers were given an opportunity for input. Rollout is in effect July 1, 2015. There is a follow up November 2015 meeting with providers to review the process for any needed adjustment. Performance based contracting will utilize this information.</p> <p><u>July</u> – All JCAs and facilities are now using the Monthly Reauthorization Form (MRF) during monthly treatment calls. Feedback has been that the process is slow and has taken about an hour for each youth. The hope is this will decrease as JCAs and facility staff become more familiar with the form. Another issue has been making sure the goals are related to the high YLS domains. This has not always been happening in the past. STAR Academy had some issues with implementing the form at Brady Academy but after some discussion with administration, it should be solved.</p> <p><u>August</u> - Feedback from staff continues to be that the process is long and intense. Some facilities are not tying this process into their treatment plan meetings so there are double meetings at times. There have also been</p>

			<p>scheduling issues. Some facilities have cancelled or not called at the time set up. DOC will also continue to send copies of the MRF to the Division Director monthly.</p> <p><u>September-</u> DOC staff has continued with this process. It is believed that DOC is seeing fewer issues with scheduling with facilities. It is suspected that this is related to facilities level of understanding increasing and streamlining the process.</p> <p><u>October-</u> Nothing new to report. DOC will schedule a follow up call with private providers and STAR Academy in November related to this issue.</p> <p><u>December-</u>DOC completed the follow up calls with both private providers and STAR in November. No significant changes to our form or process, just a follow up with JCA staff on a couple issues identified through our stakeholder calls.</p>
July 1, 2015	January 1, 2016	CRT Teams (SDCL 26-8D-10)	<p>Led by UJS, but requires DOC to be on the local teams. DOC will need to identify which JCC staff will be assigned to these teams. DOC participated in initial meetings led by the courts in both Yankton and Charles Mix county in December. DOC understands that the courts plan to use these sites as pilot sites and will hopefully move forward in other areas soon.</p>
July 1, 2015	January 1, 2016	Performance Based Contracting- Group Care/Residential treatment. (SDCL 26-8D-18, 26-8D-19)	<p>DOC completed a full review of existing performance based contracts utilized by other states. A workgroup has been identified and private providers have identified membership to participate on the workgroup. They are reviewing possible options and seeking language for the final drafts. The workgroup is scheduled for October 20th to review draft contracts with incentives.</p> <p>Definitions of completion types of programs are under review for consistent application of incentives.</p> <p>The draft was presented to representatives of Association of Youth Care Providers on Nov. 23, Nov. 30 and December 1st. Both the draft contract clause and the DOC incentive process</p>

			<p>has been approved by the Association. The actual incentives amounts still need final approval. The amended contract will be mailed in late December to affected providers with implementation January 1, 2016.</p> <p>In December 2016, the contract clause, incentive grids, and DOC incentive flowchart was finalized and approved by all parties with input from the Governor's office. Amended contracts with clause have been mailed to all providers for signatures. On December 17 and 21, conference calls were set up with each provider designee to review the whole process and train how it will be carried out. All providers are now trained. DOC has developed an electronic claim form for incentives that will be used after January 1, 2016. Completed and now execution of the incentive program will be monitored for impact.</p>
July 1, 2015	January 1, 2016	Amend DOC Violator Policy (SDCL 26-11A-15)	<p>26-11-A-15 amended to limit the type of offenses that are eligible for revocation. Includes those acts subject to transfer proceedings under SDCL 26-11-3.1, crime of violence under SDCL 22-1-2(9), sex offense under SDCL 22-24B-1, felony sexual registry offense under 22-24B, burglary in second degree, or juvenile presents a significant and likely risk of physical harm to another person and has committed a new violation.</p> <p>A DOC workgroup has been established and charter drafted. The workgroup is redrafting the policy to reflect the law change. Workgroup has also identified a need to develop training sessions for hearing officers to ensure compliance.</p> <p>An initial meeting was held with DOC staff on July 2nd. The first task was to address the reasons for revocation and COMS (Comprehensive Offender Management System) set up. Current strategy of Felony, Misdemeanor, CD, and Technical will not work going forward. DOC created seven new reasons, which are aligned with the offenses allowable for revocation. These will be set up in COMS by 7/30/15. The seven reasons have to be set up in the table under all four supervision levels for a total of 28. Also, we have to address the behavior severity level set up, which drives the violation response</p>

			<p>options. Only level 3's will be revocable offenses. Testing will be completed to ensure our logic is sound. If in fact it works as expected, we will then start redrafting aftercare contract and all related forms, policies to support the new aftercare violations/sanctions protocols DOC had a short window for completion as they needed to train staff at annual training first week in October.</p> <p><u>August:</u> The larger workgroup met on 8/20, to discuss the scope of their work, adjustments that have been made in train juvenile & assign testing plans and timelines. Group is scheduled to meet again on 9/4, where we will review testing feedback and proceed with revisions to the sanctions grid, contract, and related policies/OM's. Once DOC completed these efforts, a training power point was created for delivery at the upcoming JCA training in October.</p> <p><u>September-</u> The workgroup completed their process and submitted all work products to DOC Staff Attorney for review. A meeting was held with DOC legal counsel on 9/22/15. Counsel was comfortable with the work that had been completed, only offered some suggestions for language in the policy as a change. The power point training was delivered to staff in early October.</p> <p><u>October-</u> All staff was trained at annual training on the new requirements associated with SB 73. All policies/OM's, COMS changes have been made and are ready for implementation on January 1st, 2016.</p> <p><u>December-</u>No further action, just waiting to implement on January 1st.</p>
January 1, 2016	January 1, 2016	Cited Violations (SDCL 26-7A-126)	<p>Due to the new procedures for cited violations, policies and staff training on cited violations will need to be updated. 26-7-A was amended to add a new section on cited violations, to include Petty theft, second; intentional damage to private property, \$400 or less, purchase, possession or consumption of beverage by person under 21; truancy.</p> <p>Note: SA may file petition under certain</p>

			conditions to include two or more prior judgments for same violation.
July 1, 2015	March 1, 2016 Counties must submit detention bed days data	Detention Cost Sharing (SDCL 26-8D-21 through 25)	Counties will submit calendar year 2013, 2014, and 2015 detention bed totals by March 2016. A letter to county auditors and juvenile detention administrators that informs them of the program and the need to submit data was sent on November 30. In December, staff responded to questions generated by the November 30 generates. As of the last week of December, thirteen counties submitted data.
July 1, 2015	January 1, 2016	STAR Academy Length of stay adjustment (SDCL 26-8D-17)	<p>Requires state run facility to design and operate programs to achieve substantial accomplishment of treatment goals and release to aftercare within three months. A workgroup team has been identified and each programmatic area within STAR is being reviewed for whether EBP can be delivered in greater intensity, delivered in modules that can be completed in the community, and/or should the program be delivered entirely in the community. STAR Academy implemented the new monthly treatment process as also required in SB73. This process will assist STAR in developing very specific transition services and the ability to hand off ongoing services to the community more effectively and within the targeted 90 day release. Program phases will be shortened to accommodate the 90 day target release.</p> <p><u>July</u> – New Treatment Plan format was finalized in COMS and program staff started to update the treatment plan to reflect youth progress and areas still needing improvement.</p> <p><u>August</u> – Current monthly progress report format will be replaced with the updated treatment plan and sent out by the 10th of the month moving forward. Finalize changes to level and points systems to fit 90 day program. Review Decision Points curriculum and decide if it should replace T4C as the main Cognitive Behavioral Therapy based curriculum. Develop Positive Peer Programming to help manage youth behaviors. Staff is meeting with Dept. of Ed to determine best approach to education for youth in a 90 day program.</p> <p><u>September</u> –Treatment Plan updated in COMS, new format is being used and adjusted as issues</p>

are identified, Loren Mohr is working with JCA supervisors to include a review of the treatment plan during monthly reauthorization calls with JCAs. DOC would like to keep T4C as the main cognitive behavior curriculum but need to identify how to transition this service into the community when youth leave STAR.

October – Treatment plan format and meetings have been adjusted and moving forward as planned. DOC monthly progress report policy needs to be revised to reflect changes. Need to reschedule meeting with Aaron Miller to work on this. Need to develop policy for requesting 30 day extensions.

Staff is developing an option for providing Virtual Ed classes.

DSS staff will be attending training on MRT, ART and DBT. Discussions on going about how to incorporate this at STAR.

November – New treatment plan format has been fully implemented.

New Behavior/Character Tracking system started November 15. No more level systems.

Nov. 4 meeting with DSS/CBH to discuss new Cognitive Behavioral group therapy curriculums. Moral Reconciliation Therapy (MRT) will replace Thinking for a Change (T4C) as the primary CBT group at STAR. Follow up meeting Dec. 4 to develop transition plan.

Apex Learning has been identified as a potential provider for Virtual High/Middle School Education classes at STAR.

December – STAR staff and DSS/CBH staff met and developed a schedule for the new CBT groups. Also, a transition plan to have youth finish T4C and start MRT has been developed. Boys have been identified and will start Breaking The Chains of Trauma in January. Seeking Safety has been in place for girls for some time. The transition is expected to be completed by January 19. Also in January DSS

staff will schedule an informational overview of MRT for DOC staff that will be sitting in on groups.

Department of Social Services

Effective Date	Operational Date	Policy Area	Progress Updates
January, 2016	January 31, 2016	<p>Section 6- DSS in collaboration with DOC/UJS shall identify community-based treatment to be made available to juveniles with justice system involvement based on the needs of the youth.</p> <p>Any treatment identified for implementation shall be quality assured and shown through research or documented evidence to reduce recidivism and other juvenile risk factors.</p>	<p><u>May 2015</u>- Establish JJRI Stakeholder group to gain input regarding community based treatment. Meet in June and possibly July/August if needed.- Completed</p> <p><u>August 20, 2015</u>- Release Functional Family Therapy RFP- Completed</p> <p><u>November 4, 2015</u>- Identification of additional evidenced based community treatment to be implemented-Aggression Replacement Training (ART), Moral Reconciliation Therapy (MRT), Cognitive Behavioral Intervention for Substance Abuse (CBISA), Dialectical Behavioral Therapy (DBT)- Completed.</p> <p><u>November 24, 2015</u> -Award Functional Family Therapy RFP and establish Quality Assurance requirements to be included in contract agreements; establish training schedule- Completed</p> <p><u>November 30, 2015</u>- Based on needs data available, identify number and location of youth who need the identified additional interventions- Completed</p> <p><u>December 31, 2015</u>-Determined additional RFP's are not needed at this time; will continue to assess any identified needs- Completed/Ongoing</p> <p><u>January 2016</u>- Train FFT- begin to provide services-In process</p>
January, 2016	August 1, 2015	<p>Section 6- In cooperation with DOC and UJS, DSS shall establish a juvenile treatment referral process incorporating a risk and needs tool for use by the UJS and DOC and supplemental mental health and</p>	<p><u>May & June 2015</u>- Meet with DOC and UJS to identify referral process- Completed</p> <p><u>July 2015</u>- Develop processes and obtain needed data bases and tools- Completed</p> <p><u>August 1, 2015</u>- Implement screen process and begin to capture data to analyze the needs of the youth.- Completed</p>

		substance abuse screening tools.	
January, 2016	January 2016	Section 7-DSS shall collect data, in the aggregate and by provider, on the number of juveniles referred to treatment, the number and percent of juveniles completing treatment and not completing treatment to be reported semiannually to the oversight council and regularly review the information, data, and other performance measures with UJS and DOC.	<u>August 2015</u> - Develop process for collection of required outcome and performance measure- Completed <u>January 2016</u> - begin to collect the data Quarterly thereafter- review the data with DOC and UJS. Provide outcomes to the Oversight Council semiannually.
January, 2016		Section 14- If requested by presiding circuit court judge; appoint designee of the Secretary of DSS to serve on CRT teams.	TBD by Courts

Unified Judicial System

Effective Date	Operational Date	Policy Area	Progress Updates
July 1 st , 2015		Sections 2 and 3. Informal Diversions. Informal diversion no longer than four months; May include	<u>May</u> : Training for Judges and Court Services provided at Spring Training Events and updated IT and CSO Manuals <u>June</u> : Updated Informal Diversion Letter and Agreement Form <u>July</u> : Worked with DOC to ensure list of “court-approved” diversion programs is provided by circuit and information necessary for County Reinvestment Fund is available.

		restitution; Mandatory diversion based on statutory criteria.	<u>September/October:</u> Identified data elements and reports necessary for tracking. Information provided to States Attorney on data collection requirements. <u>November/December:</u> Data collection reporting form and reminder provided to States Attorney, answered questions and began receiving data from States Attorneys. Data compilation will begin after first of January.
July 1 st , 2015		Section 6. Community Based Treatment/Referral Process. Work with DSS and DOC to identify community based treatment options. UJS to provide aggregated risk factor data to DSS; establish juvenile treatment referral process; requirement to utilize a validated-risk and needs assessment tool.	<u>May:</u> Participated with DSS workgroup to identify necessary services and developed aggravated risk factor data reporting <u>July:</u> Worked with DSS to establish juvenile treatment referral process incorporating risks/needs assessment tool. <u>August:</u> Began utilizing the GAINS assessment on August 1, 2015 to gather information about juvenile needs. <u>November/December:</u> Continued working with DSS, and the FFT Kickoff Event Scheduled for January 5 th to include Judges and Court Services.
July 1 st , 2015		Section 8. Native American Youth. Dept. of Tribal Relations to make recommendations	<u>August:</u> Worked with Department of Tribal Relations Workgroup to Develop Recommendations. <u>November/December:</u> A continuation of workgroup meetings occurred.
July 1 st , 2015		Section 11 Oversight Council Chief Justice to appoint 6 members – 1 judge; 1 defense attorney and 4 at-large	Appointments made and letters issued. First meeting to be held Fall of 2015. First meeting held and minutes distributed. <u>November/December:</u> Proposed legislation suggested on composition of Oversight Council for 2016 Legislative session.

		appointments.	
January 1 st , 2016		<p>Sections 14 and 15. Community Response Teams.</p> <p>PJ may appoint team; Shall include CSO; UJS shall maintain record of membership; report non-identifying data to the Oversight Council; Supreme Court may adopt rules</p>	<p><u>September</u>: First Circuit began working to Establish a Pilot Program in Yankton.</p> <p><u>October</u>: Planning underway for a second CRT in Lake Andes, working to identify necessary data to collect and report- See Section 18.</p> <p><u>November/December</u>: Continued to work toward CRT Teams in the First Judicial Circuit. Lake Andes stakeholders and potential team members identified. First meeting held.</p>
January 1 st , 2016		<p>Section 18. Data Requirements for Oversight Council on Community Response Teams.</p> <ol style="list-style-type: none"> 1. Number of Referrals by Circuit 2. Number and % of Referrals where Recommendation provided 3. Number and % where CRT identified a community based alternative 4. Recommendation for each case referred <p>Disposition of each case referred</p>	<p>Identifying data points and methods for tracking and storing data</p> <p><u>November/December</u>: Reports were drafted and reviewed for data accuracy/ modification as needed.</p>
January 1 st , 2016		<p>Section 20. Dispositional Decree Requirements-Delinquency.</p>	<p><u>May/October</u>: Judicial Training and CSO training occurred.</p> <p><u>November/December</u>: Provided refresher training/information on new law changes prior to January 1st.</p>

		Changes to findings required in the dispositional decree and when the child may be sent to the DOC.	
July 1 st , 2016		Section 22. Detention. Requires findings for extended period of detention.	<u>May/October</u> : Judicial Training and CSO Training occurred.
January 1 st , 2016		Section 23. Duration of Probation-Delinquency. 1. Generally probation should not exceed 4 months; Unless intensive probation or extended for reasons provided. 2. CSO may request two extensions 3. Court may order extension 4. Total duration typically 12 months 5. Probation may not be extended to collect restitution	<u>May/October</u> : Judicial Training and CSO training provided <u>September</u> Additional Judge/CSO Training provided as part of Fall Judicial Conference, and drafted Extension Forms/Order <u>October</u> : Extension Forms/Conditions of Juvenile Probation Changes approved by Presiding Judges. <u>November/December</u> Provide refresher training/information on new law changes prior to January 1 st .
January 1 st , 2016		Section 24. Semi-Annual Data Reporting to Oversight Council. 1. Juvenile	<u>September</u> : Data Entry, Data Tracking, and creation of reports <u>October</u> : Modifications to Odyssey requested. <u>November</u> : Review reports/verify data and accuracy/modifications as necessary.

		<p>Probation Admissions</p> <ol style="list-style-type: none">2. Requests for extensions made3. Requests granted4. Reason for discharge5. Length of probation6. Recidivism rate- Recidivism is defined as “being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a felony in adult court within 1, 2 or 3 years after discharge from juvenile probation.”7. Juveniles placed in detention and duration8. Juveniles eligible for informal adjustment and informal action9. Juveniles for whom good cause is found for petition rather than informal action10. Juveniles summoned to court on a juvenile cited violation11. Juveniles summoned and referred for informal	
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		adjustment and action 12. Juveniles summoned and then petitioned under Section 38.	
January 1 st , 2016		Section 25. Graduated Response Grid. Create a grid to guide court services in responding to violations of probation.	<u>June</u> : Workgroup Appointed and First Meeting Held on June 5, 2015. <u>August</u> : Second Meeting on August 5, 2015 <u>September</u> : Draft Grid and Court Rule Developed and being shared with Stakeholder groups. Collect Data on Use of Grid- See section 26. <u>October</u> : Training for Judges and CSOs held at Fall Judicial Conference <u>November</u> : Proposed rule submitted to Supreme Court for January 12 th Rules Hearing.
January 1 st , 2016		Section 27. Commitments to DOC- Delinquency. Criteria for violations that may be committed to DOC.	<u>May/October</u> : Judge Training and CSO Training provided. <u>November/December</u> : Provided refresher training/information on new law changes prior to January 1 st .
January 1 st , 2016		Section 29. Dispositional Decree Requirements- CHINS. Community Service changes; Criteria for commitment to DOC.	<u>May/October</u> : Judge Training and CSO Training. <u>November/December</u> : Provided refresher training/information on new law changes prior to January 1 st .
January 1 st , 2016		Section 30. Probation Duration- CHINS. 1. Generally probation should not exceed 4	<u>May/October</u> : Judicial Training and CSO Training provided. <u>September</u> : Developed Extension Forms/Order and written statement to provide child, and modified conditions of probation form. <u>October</u> : Conditions of Probation Changes Approved by Presiding Judges. <u>November/December</u> : Provide refresher

		<p>months; Unless intensive probation or extended for reasons provided.</p> <p>2. CSO may request two extensions</p> <p>3. Court may order extension</p> <p>4. Total duration typically 12 months</p> <p>5. Probation may not be extended to collect restitution</p>	<p>training/information on new law changes prior to January 1st.</p>
<p>January 1st, 2016</p>		<p>Section 31. CHINS Probation Violations.</p> <p>Criteria for sending CHINS to DOC.</p>	<p><u>May/October</u>: Judicial Training and CSO Training provided.</p> <p><u>November/December</u> Provided a refresher training/information on new law changes prior to January 1st.</p>
<p>January 1st, 2016</p>		<p>Section 37-40. Juvenile Cited Violations.</p> <p>Confidential citation proceeding in lieu of a formal petition for second degree petty theft; intentional damage to property less than \$400; minor in possession of alcohol and truancy.</p>	<p><u>August</u>: New case type created</p> <p><u>October</u>: Judicial Training and CSO Training provided, and assisted with Citation Format. Data Reporting being defined- see section 24.</p> <p><u>November/December</u>: Provided refresher training/information on new law changes prior to January 1st.</p>