

JUVENILE JUSTICE REINVESTMENT INITIATIVE WORK GROUP

July 23, 2014 Meeting Summary

On July 23, 2014 the Juvenile Justice Reinvestment Initiative Work Group met for the second time and reviewed information on the state's juvenile justice system and a recent national poll on voter opinions on juvenile justice reforms, and received an update on stakeholder meetings conducted to date.

Juvenile Justice System Review

The work group reviewed the state's juvenile justice system including the primary system stakeholders, how a case flows through the system and information about probation, administered by the Unified Judicial System (UJS), and commitment to the Department of Corrections (DOC).

System stakeholders. The work group discussed the three state agencies that primarily serve juveniles in the system. UJS is responsible for pre-dispositional social case histories, diversion services and juvenile probation. DOC manages juvenile corrections, including youth who are committed and placed in residential out-of-home placement and youth on supervised release, known as aftercare. The Department of Social Services (DSS) provides services to youth in the juvenile justice system primarily through two of its divisions and its Human Services Center. Other stakeholders were discussed as well, including law enforcement, schools, victims, private providers, families and victims.

Pre-disposition process. The work group examined opportunities for juveniles to be processed through diversion or through the adjudication process after being referred as a Child in Need of Supervision (CHINS) or delinquent youth. A CHINS case involves an offense that would not be a crime if committed

by an adult such as running away or truancy; whereas, a delinquency case involves an offense that would be a crime if committed by an adult.

There was much discussion about diversion, a decision made by State's Attorneys, and how it is an opportunity to handle cases outside of court, either through a UJS diversion program or a community-based diversion program. The steps of the adjudication process were also discussed in detail, including what occurs after a petition is filed when a youth admits or denies the allegations, and what the outcomes of an adjudicatory hearing can be.

Disposition. South Dakota's dispositional options were reviewed by the work group. The group focused on the two dispositions that have the greatest fiscal impact, probation and commitment.

UJS Probation. The work group examined the role of Court Services Officers (CSOs), the various levels of probation supervision, services offered, and some of the associated costs. As of June 30, 2014, there were 113 CSOs responsible for the supervision of 1,982 youth on probation. CSOs generally have mixed caseloads of adults and juveniles and supervise approximately 25 juveniles and 75 adults each.

Work group members learned that juveniles on probation are supervised in one of five levels, with increased contacts the higher the level. These levels include: administrative, low, medium, high and intensive (known as the Juvenile Intensive Probation Program). CSOs also monitor youths' compliance with court-ordered conditions when

youth are not on probation; this is known as Case Service Monitoring.

Because UJS does not separate the costs of adult versus juvenile probation, the work group's review of juvenile probation costs was limited to CSO supervision costs and historical expenditures for home and community based services. Over the last couple of fiscal years, the number of juvenile probationers and expenditures for the two types of services has declined considerably.

Commitment to DOC. Like the discussion of probation, the work group looked at DOC staffing, costs, and the process of juvenile commitment and aftercare. Across the state, there are 32 Juvenile Corrections Agents (JCAs) who are responsible for intake, placement recommendations and supervision of youth on aftercare. The staffing at STAR Academy, the state-run juvenile corrections facility, includes 124.7 DOC staff, as well as DSS and DOH staff. The other residential options are staffed by contracted provider agencies.

The work group heard about how Medicaid changes around fiscal years 2007 and 2008 led to increased juvenile corrections expenditures even at time when the population was declining. Following that discussion the members of the group examined the processes, staffing ratios and costs of STAR Academy and the private placements in the three levels of care: Group Care, Psychiatric Residential Treatment Facilities (PRTF), and Intensive Residential Treatment (IRT).

The work group wrapped up its system review with an overview of aftercare. Like CSOs, JCAs supervise youth at different levels (administrative, minimum, medium, maximum), with differing JCA-youth contact requirements. The work group also reviewed FY 2014 expenditures for community based services for youth on aftercare, such as Intensive Family Services, electronic monitoring,

day treatment and counseling, and crisis stabilization.

National Polling

The work group heard an update on a recent national poll conducted on juvenile justice reform issues. The poll revealed that: 1) Most voters believe juvenile crime is rising, yet, at the same time, most feel safe in their communities. 2) Few would increase spending on juvenile corrections but there is strong support for treatment. 3) Most voters see rehabilitation as the key goal for juveniles. 4) While voters are divided on how to reduce recidivism, a large majority support reinvesting in supervision. 5) Few want misdemeanors and status offenses to lead to juvenile facilities. 6) Most want schools to take the lead on non-violent/non-drug dealing, school-based offenses.

Stakeholder Meetings

An update was provided to the work group on the stakeholder meetings held to date. These include youth offenders, victim services, Teen Court Association, CSOs and JCAs, defense attorneys, prosecutors and providers. The group's members will be notified of all upcoming meetings.

Next Steps

During the week of August 18, 2014, the work group will meet via web conference to review the state's juvenile justice data and will convene in Pierre on August 21, 2014 to continue that discussion, review relevant juvenile justice research and begin to look at policy options.