

JUVENILE JUSTICE REINVESTMENT INITIATIVE WORK GROUP

August 21, 2014 Meeting Summary

On August 21, 2014 the Juvenile Justice Reinvestment Initiative Work Group met for the third time. Prior to the meeting, work group members participated in a web conference to review of the results of the analysis of Unified Judicial System (UJS) probation data and Department of Corrections (DOC) commitment data. This preliminary look at the data allowed the members to engage in in-depth discussion during the full work group meeting. Following the data discussion, national research on effective practices in juvenile justice and the ways in which South Dakota practices align with the research was also reviewed. The meeting concluded with a plan to begin policy discussions through a subgroup process.

Juvenile Justice Data Analysis Findings

The work group meeting began with an overview of the data findings. This overview included data on juvenile arrest rates for different types of offenses in South Dakota as well comparative national rates. The main part of the data overview focused on juvenile probation and commitments to DOC.

Arrest rates. Work group members saw that South Dakota has a lower violent crime arrest rate than the national rate. The state's property and drug abuse crime arrest rates are 38% and 85% higher, respectively, than the US rates and liquor law arrest rates are four times higher than the national average.

Probation data. The work group reviewed and discussed youth probation data from 2004 to 2013. The discussion largely focused on the declining probation admissions, the decreased proportion of felony youth coming onto probation, increasing amounts of time under supervision and how the increased time has offset the declining admissions, resulting in a stable daily population.

Commitment data. The work group examined trends in DOC commitments over the past ten

years. The discussion of the group focused on the 20% reduction in commitments and how commitments are driven by lower level offenders and probation violators. They saw that more than a quarter of the commitments in 2013 were probation violators. After reviewing the numbers and types of youth committed to DOC, work group members discussed lengths of stay in out-of-home placement, which averaged just over 15 months in 2013. Lastly, DOC analysis showed the downward trend in 3-year recidivism rates, to an all time low of 45% for youth discharged in 2010.

National Juvenile Justice Research

The work group reviewed key juvenile justice research principles and how South Dakota's practices align with those principles. Five key areas were reviewed and discussed:

1) *Risk and Needs Assessment Tools.* The research demonstrates risk assessment instruments in juvenile justice can reliably differentiate lower risk offenders from higher risk offenders. In South Dakota, UJS and DOC employ the Youth Level of Service/Case Management Inventory (YLS/CMI).

2) *Case Management and Treatment Planning.* Members reviewed research suggesting that appropriately matching supervision and treatment to a youth's risk level and needs results in a lower likelihood of future delinquent or criminal behavior. Further, juvenile justice approaches based on therapeutic approaches are more effective at preventing reoffending than those based solely on deterrence.

From the system review at the last meeting, the work group heard that UJS identifies the risk levels and needs of probationers and uses that information to determine level of supervision and in case planning. The work group also found that UJS expenditures for therapeutic interventions have declined in recent years. Similarly, DOC identifies the risks and needs and uses that information in making recommendations for

placement, determining aftercare supervision levels, and for case planning during placement and in aftercare. Based on available data, it is unclear to what extent South Dakota matches treatment to youth needs and focuses its treatment resources on higher risk youth.

3) *Programming, Services and Incentive Structures.*

Research supports the utilization of evidence-based programs to reduce recidivism and delinquent behavior. In South Dakota, according to stakeholders and staff of state entities, there are few evidence based programs available for juvenile offenders. The work group saw an example of an Ohio-based fiscal incentive program meant to encourage the use of community based programs rather than commitment, when appropriate. Stakeholders and staff of state entities in South Dakota have indicated that access to community-based interventions for juveniles is a challenge and is driven by available UJS funding, DOC aftercare funding, Medicaid eligibility, serious emotional disturbance (SED) qualification through DSS, and families' ability to pay. They also indicated that DOC commitment is a primary pathway to certain types of services for court-involved youth.

4) *Evidence-Based Tools in Decision Making.* The work group heard how structured decision making tools can be used at key decision points in the system, such as disposition and responses to violations of probation or aftercare, to ensure the optimal level of supervision is provided and placement in programming is guided by youth needs and risk level. The state generally does not employ structured decision making tools prior to disposition, but UJS and DOC do employ risk and needs assessments upon disposition. Another example of structured decision making tool that work group members discussed is a graduated sanctions grid. UJS does not have a formal response system to respond to probationers' violative behavior, but DOC does use a response matrix for youth in aftercare.

5) *Out of Home Placement and Length of Supervision.* Studies have shown that juvenile justice interventions have their greatest public safety impact when targeted to higher-risk offenders. UJS does not currently make risk-based disposition decisions. Of those coming onto

probation in South Dakota, 62% are supervised at the low and administrative levels (these levels are a proxy for risk levels). Research also indicates that longer lengths of stay in juvenile facilities do not necessarily reduce reoffending. The youth committed to DOC stay an average of 15 months in out-of-home placement and that length of time has increased over the last seven years.

Policy Areas and Subgroups

Following much discussion on South Dakota data and national research, the work group agreed upon three areas for further exploration. Work group members divided into three subgroups and will review policy options and make recommendations to the larger work group related these areas:

- Expanding pre-court and alternative disposition opportunities;
- Increasing access to proven community based interventions; and
- Focusing DOC commitments and out-of-home placements on serious offenders.

Next Steps

Subgroups will meet by phone several times leading up to the next work group meeting on September 16, 2014. Each subgroup will come prepared to present recommended policy options to the full work group for consideration.