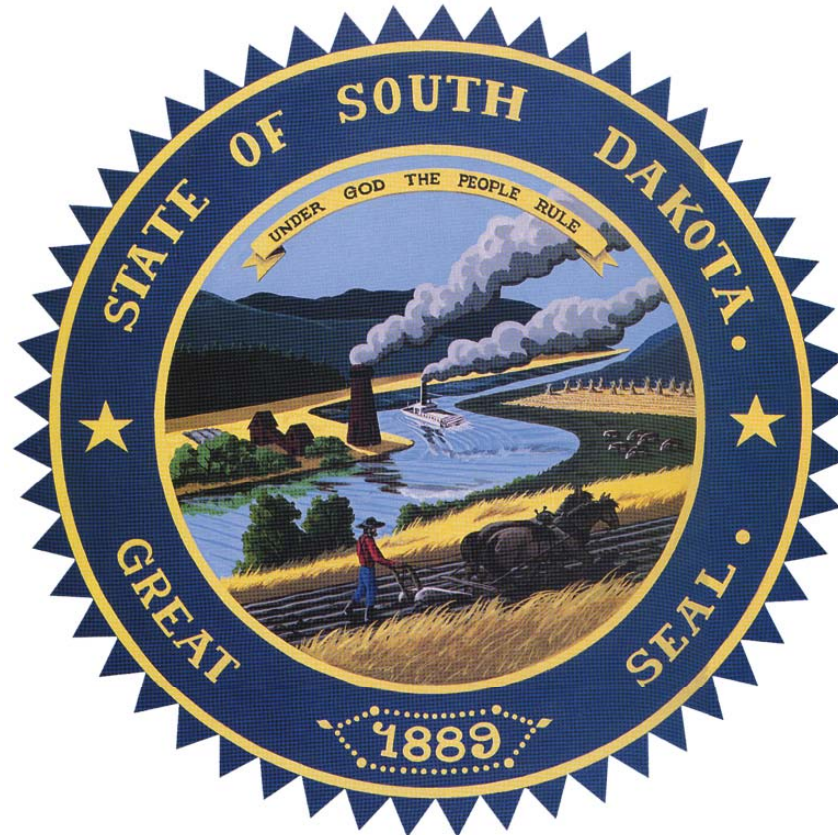


South Dakota Juvenile Justice Reinvestment Initiative Work Group



South Dakota Juvenile Justice Reinvestment Initiative Work Group

- Goals
 - Increase public safety by improving outcomes of youth and families and reducing juvenile recidivism.
 - Effectively hold juvenile offenders more accountable.
 - Reduce juvenile justice costs by investing in proven community based practices, preserving our residential facilities for serious offenders.
- The Work Group will not address:
 - Issues having to do with youth, or offenses, that result in a charge or transfer to the adult criminal justice system
 - The root causes of juvenile delinquency and federal legislation concerning the juvenile system, including the Indian Child Welfare Act.

Bipartisan, Inter-branch Process

1

Goal Setting

2

Data Analysis/System Assessment

3

Policy Development

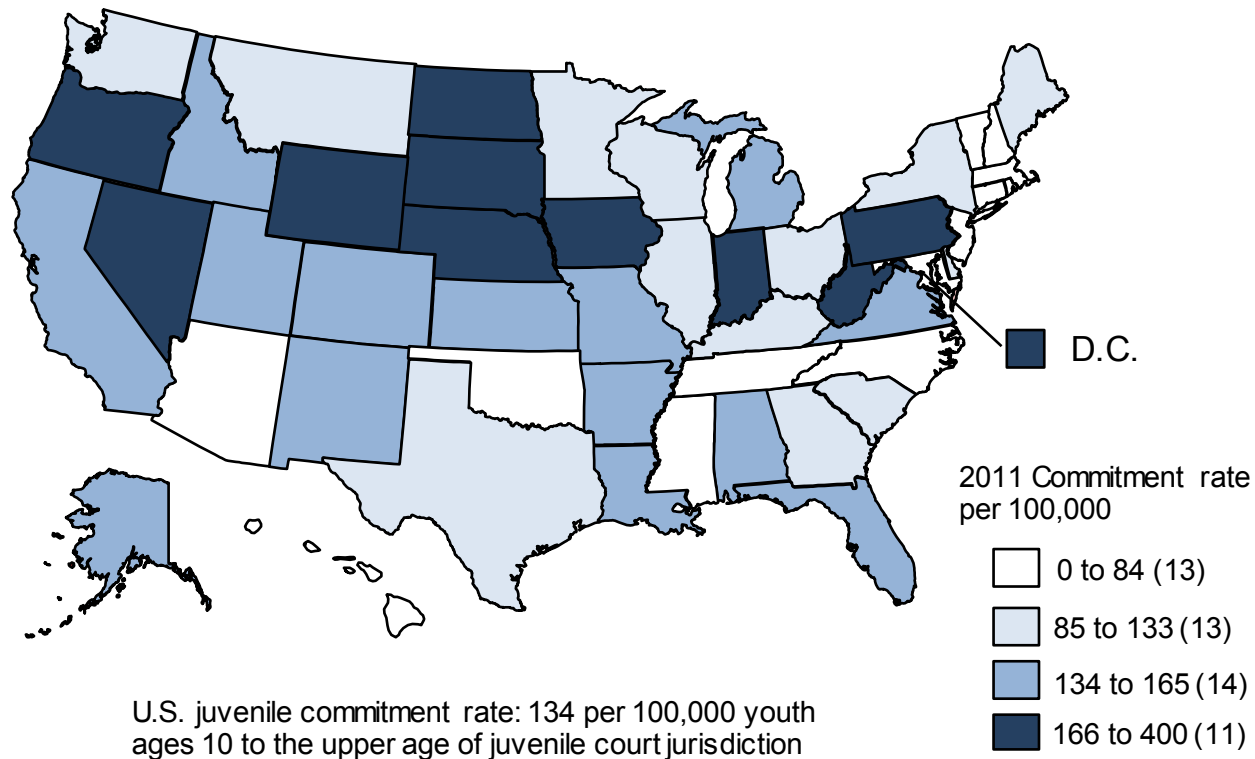
4

Consensus Building



REVIEW OF KEY DATA

South Dakota is among the states with the highest commitment rates in the country.



The state has a higher commitment rate than its neighbors, with one exception.

Jurisdiction	Total
United States	134
Minnesota	108
Montana	114
Iowa	170
North Dakota	218
Nebraska	244
South Dakota	386
Wyoming	396

Source: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP).
OJJDP collects commitment data every two years and has just collected the 2013 data for analysis.

South Dakota's rate has declined but at a slower rate than the national average and most of its neighbors.

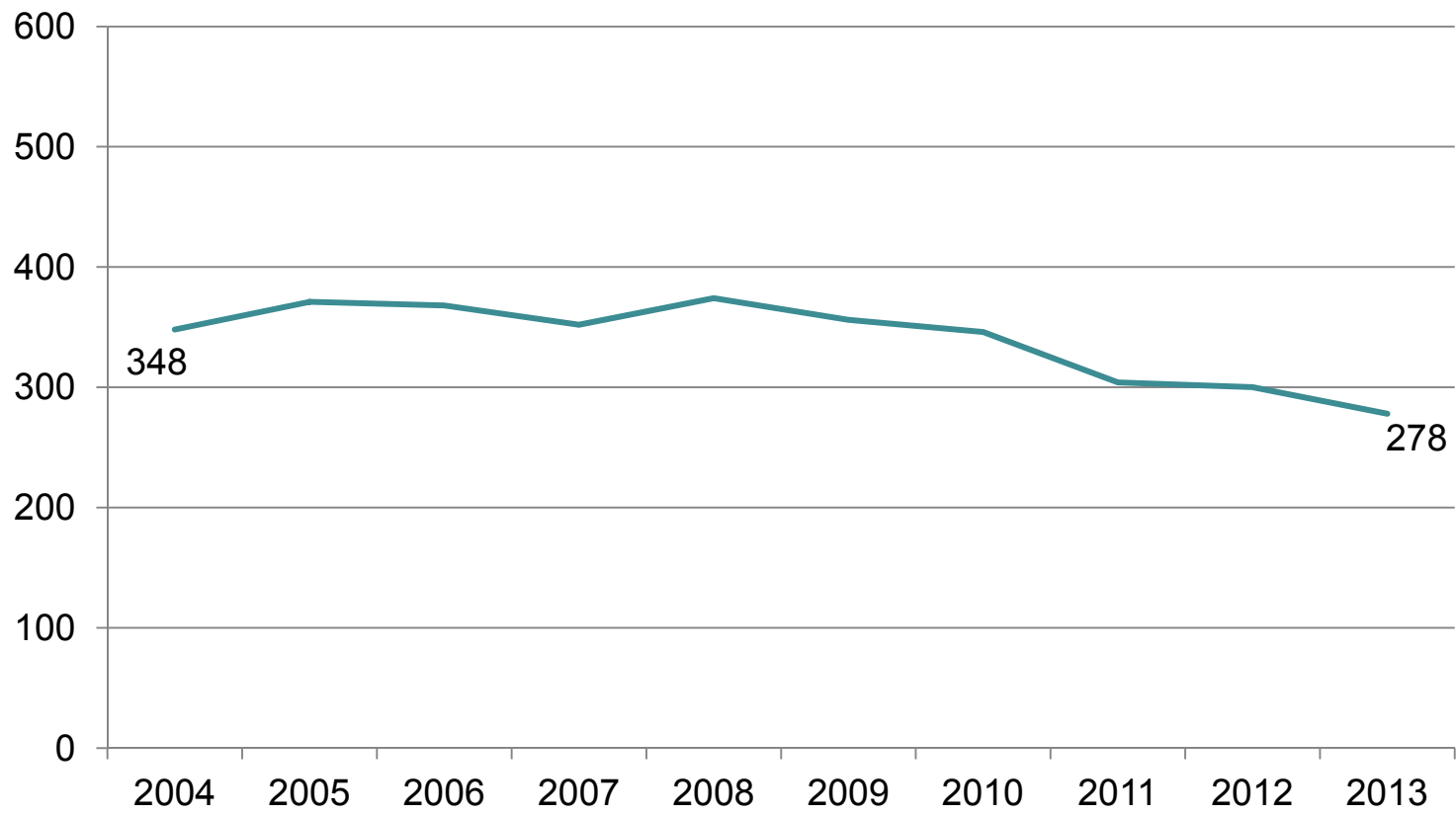
Jurisdiction	Total
United States	-48%
Montana	-51%
Minnesota	-46%
Iowa	-24%
Wyoming	-14%
South Dakota	-2%
Nebraska	4%
North Dakota	10%

Source: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP).
OJJDP collects commitment data every two years and has just collected the 2013 data for analysis.

Department of Corrections

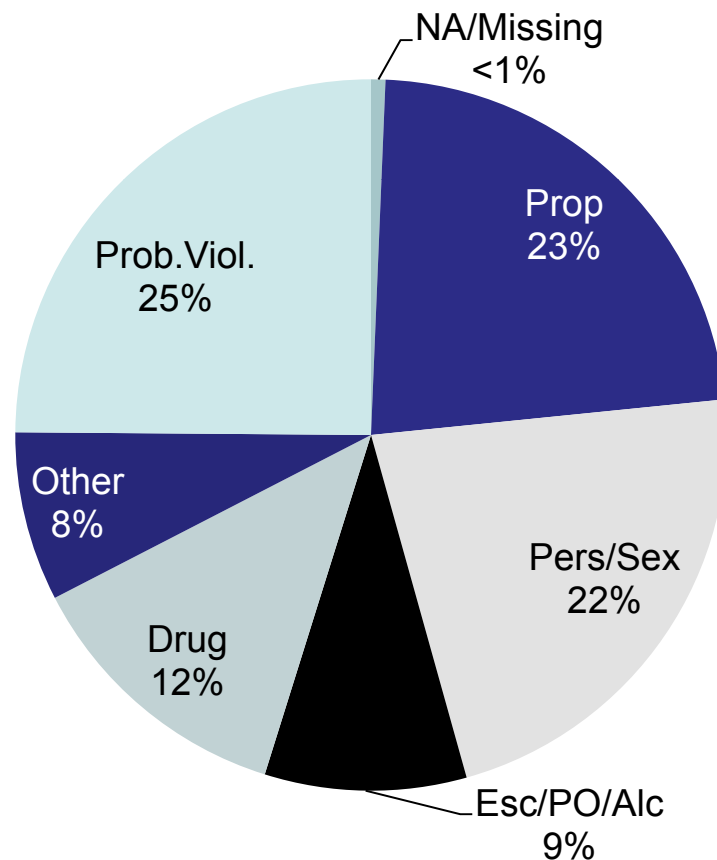
COMMITMENTS

Commitments to DOC have declined 20% in the last decade.



*Does not include youth re-committed on aftercare violations. Only includes those youth with a new commitment to the DOC.

More than three quarters of commitments are nonviolent or a probation violation.

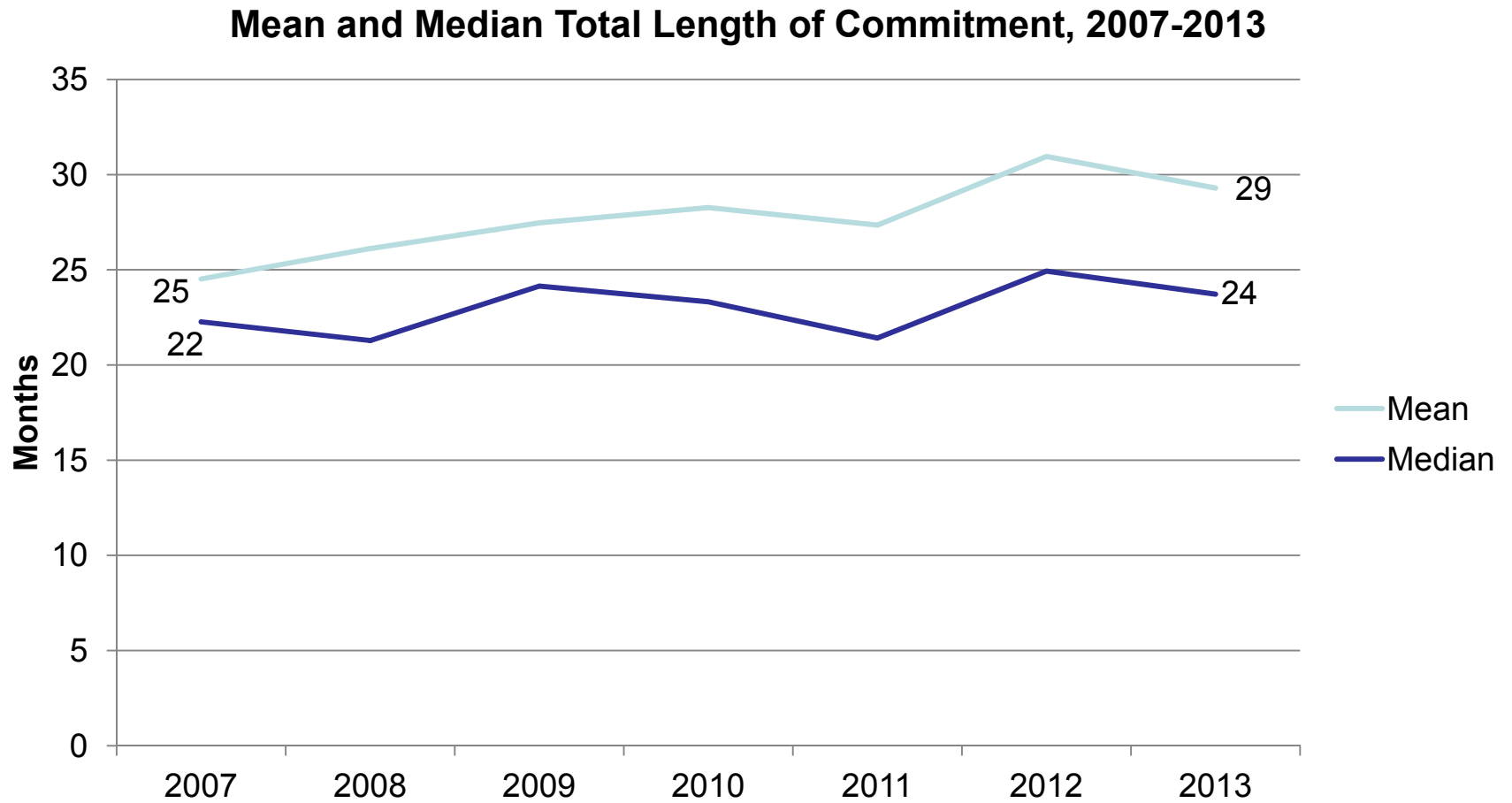


Other includes 1 aiding and abetting, 43 CHINS and 3 conversions.

9 of the top 10 offenses are misdemeanors, probation violations or CHINS.

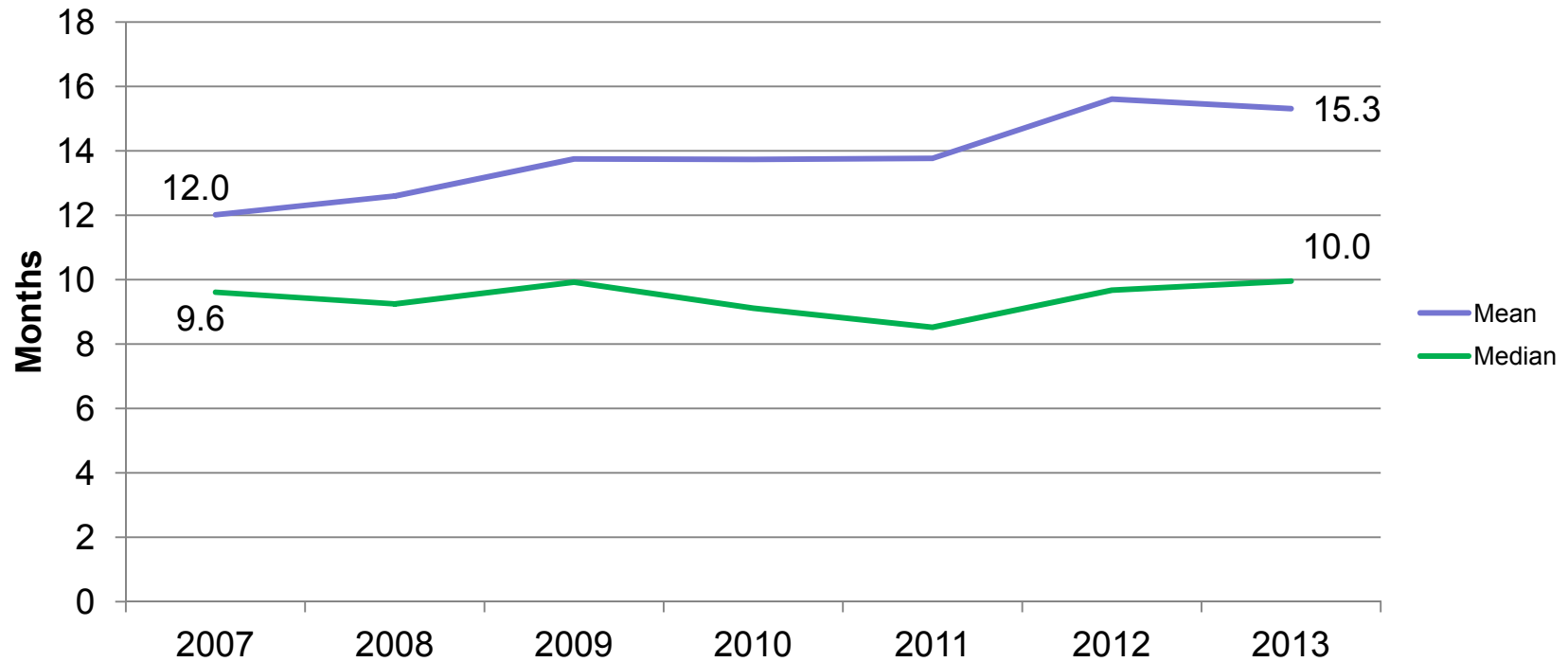
Top 10 Offenses of 2013 Commitments	
Probation Violation	74 (26.6%)
Possession of Marijuana <2oz	24 (8.6%)
Simple Assault (1 st or 2 nd Offense)	23 (8.3%)
Ingesting an Illegal Substance	15 (5.4%)
CHINS	12 (4.3%)
Petty Theft	11 (4.0%)
Burglary 3 rd Unlawful Entry Unoccupied	10 (3.6%)
Ingesting Substance, Not Alcohol	7 (2.5%)
Criminal Entry of MV	6 (2.1%)
Damage to Property 2 nd	6 (2.1%)

On average, the total length of commitment has increased.



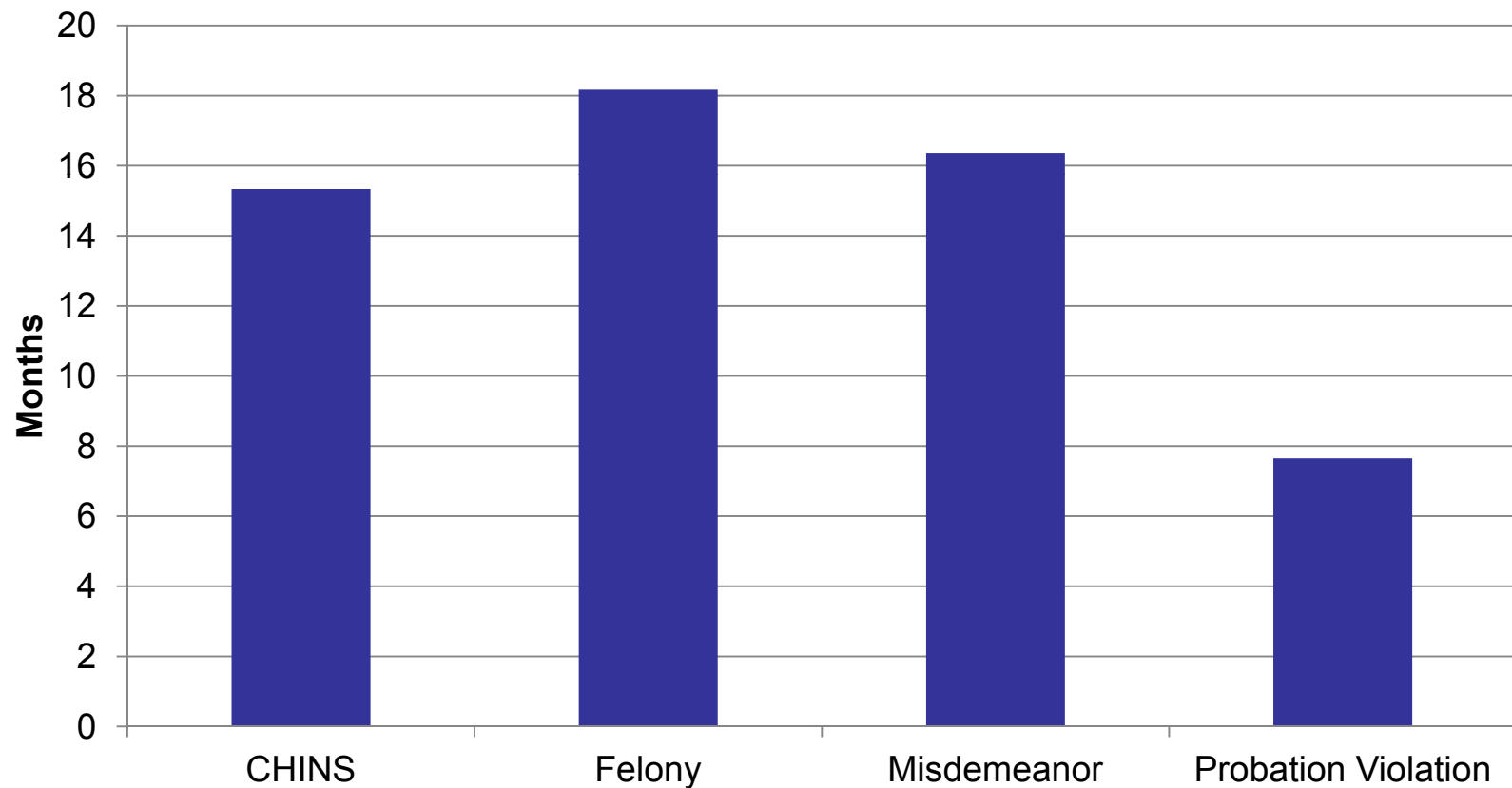
On average, the length of time out-of-home has increased by 27%.

Mean and Median Time Spent Out-of-Home During Commitment

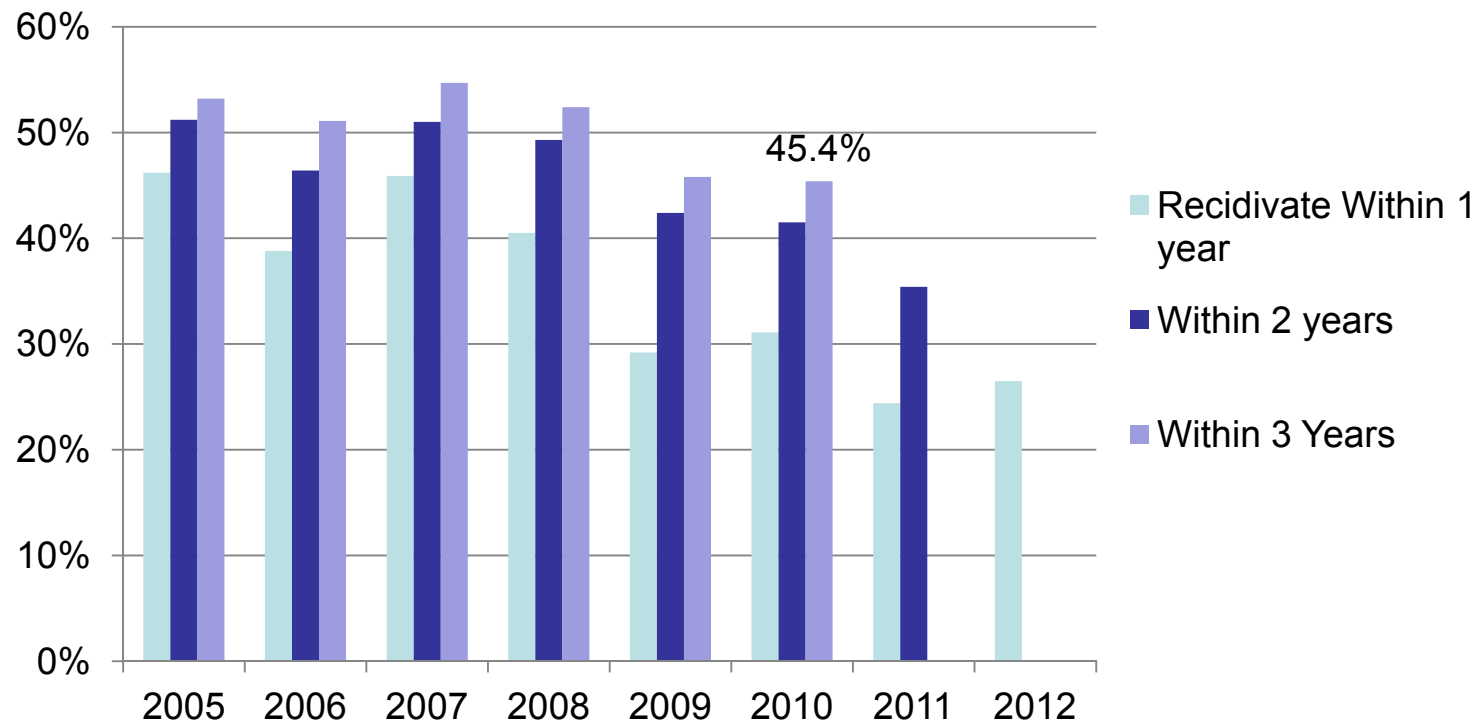


Felons, misdemeanants and CHINS all spend similar amounts of time out-of-home.

Total Time Out of Home During Commitment, 2013 Releases



About 45% of discharged youth come back to DOC within 3 years of discharge.



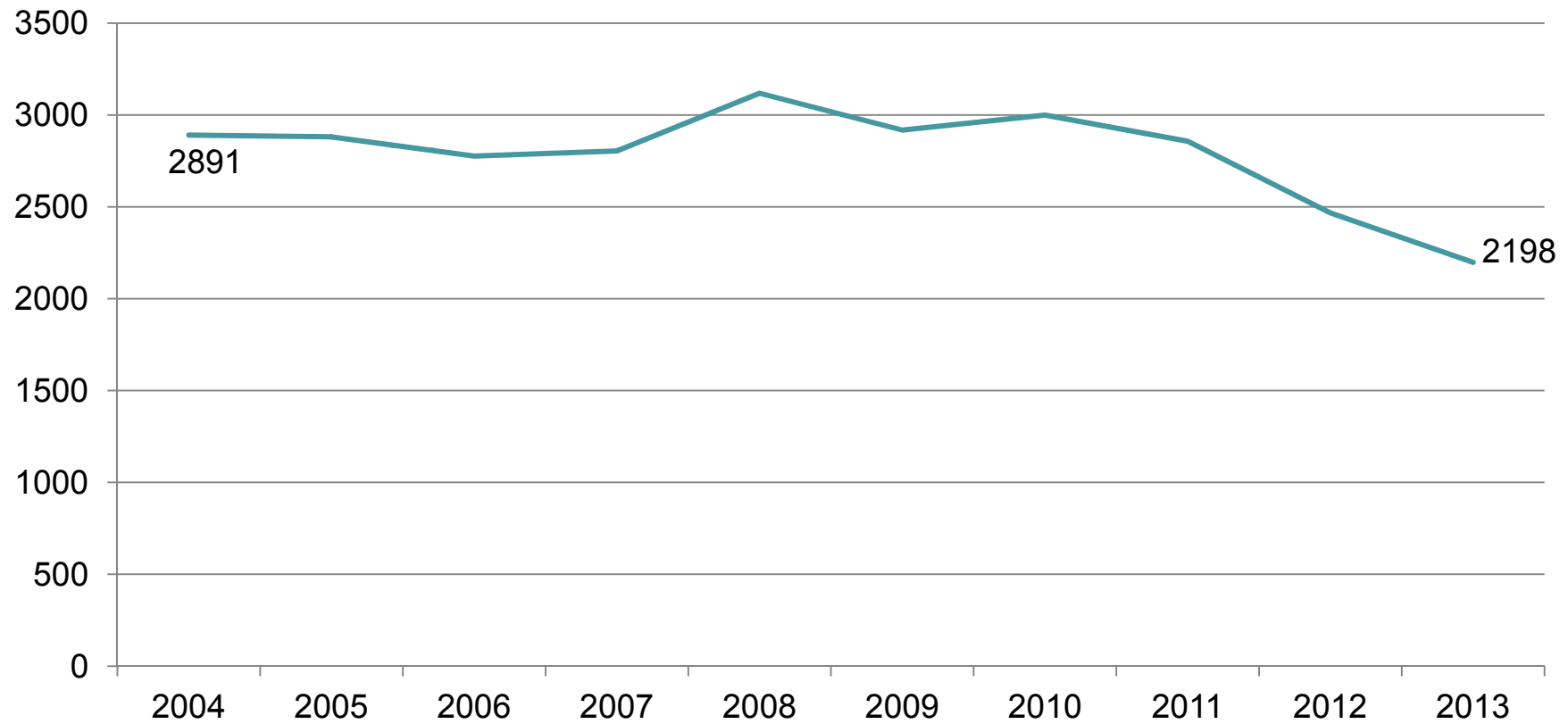
Includes: Revocation of aftercare as a result of a new offense or a violation of the supervision, a commitment to the DOC on new charges after supervision has ended, a remand to DOC for a new adjudication while under DOC juvenile custody, or a return to DOC custody as an adult on a conviction resulting in an admission to prison.

Unified Judicial System

PROBATION

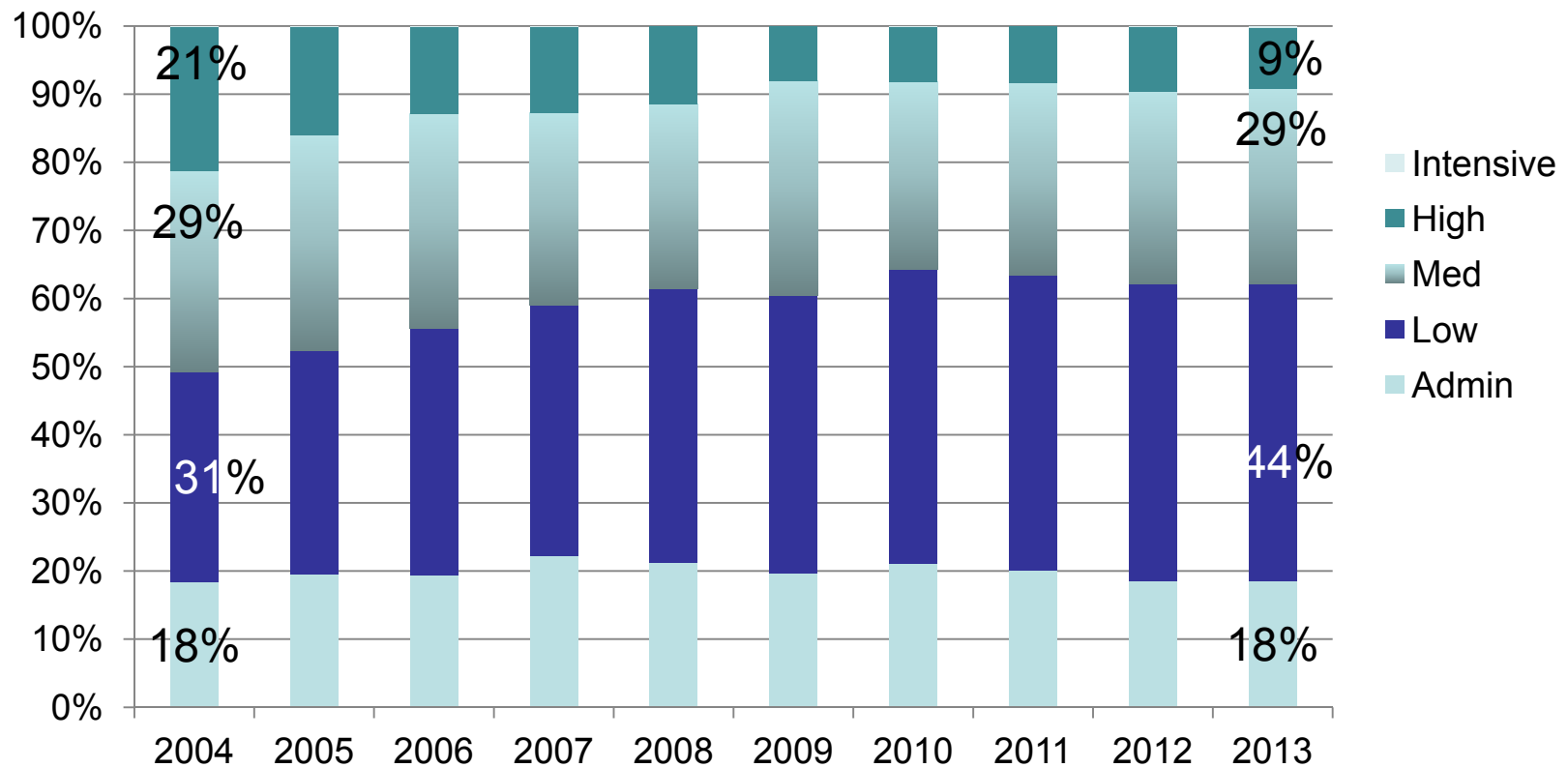
24% fewer youth were sent to probation from FY04 to FY13.

Probation

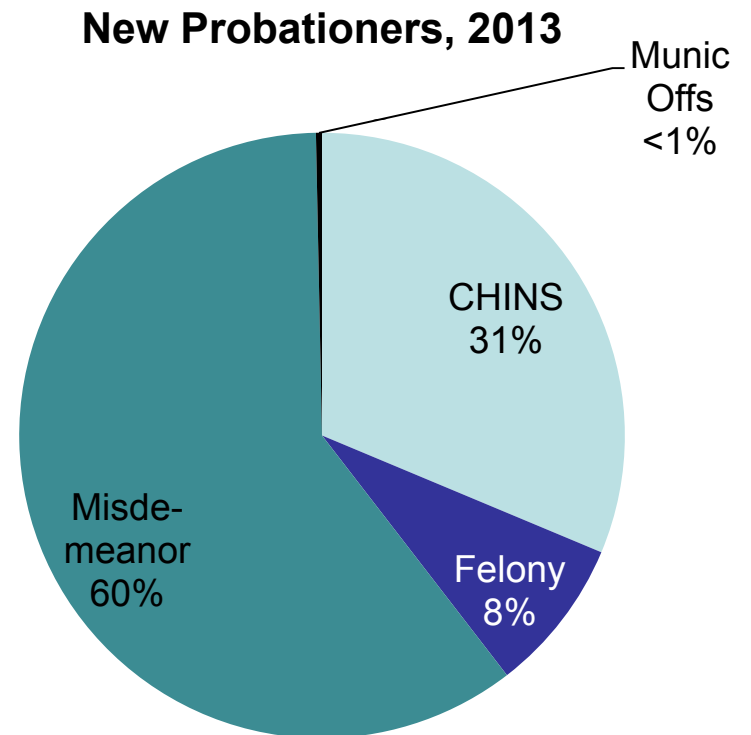
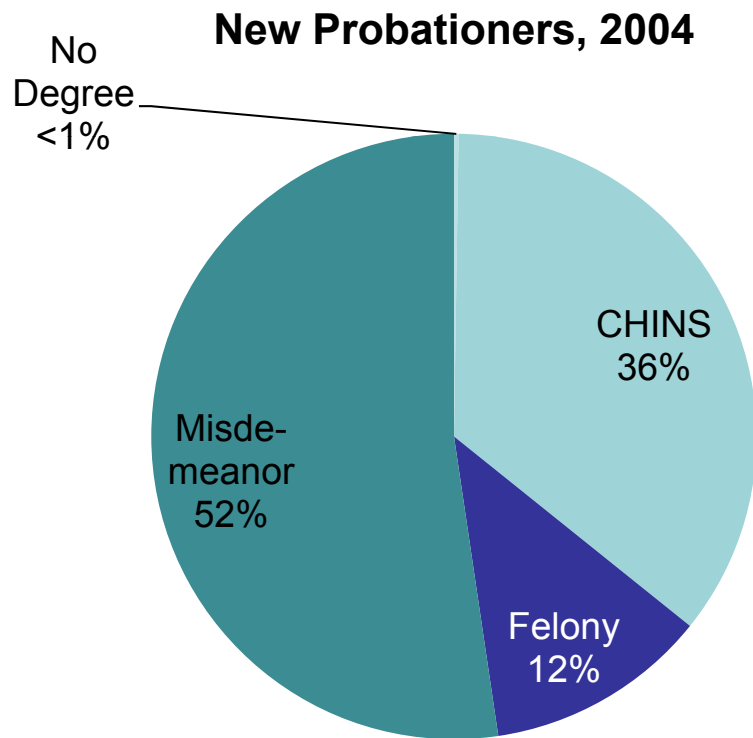


There is a growing proportion of new probationers placed on low supervision.

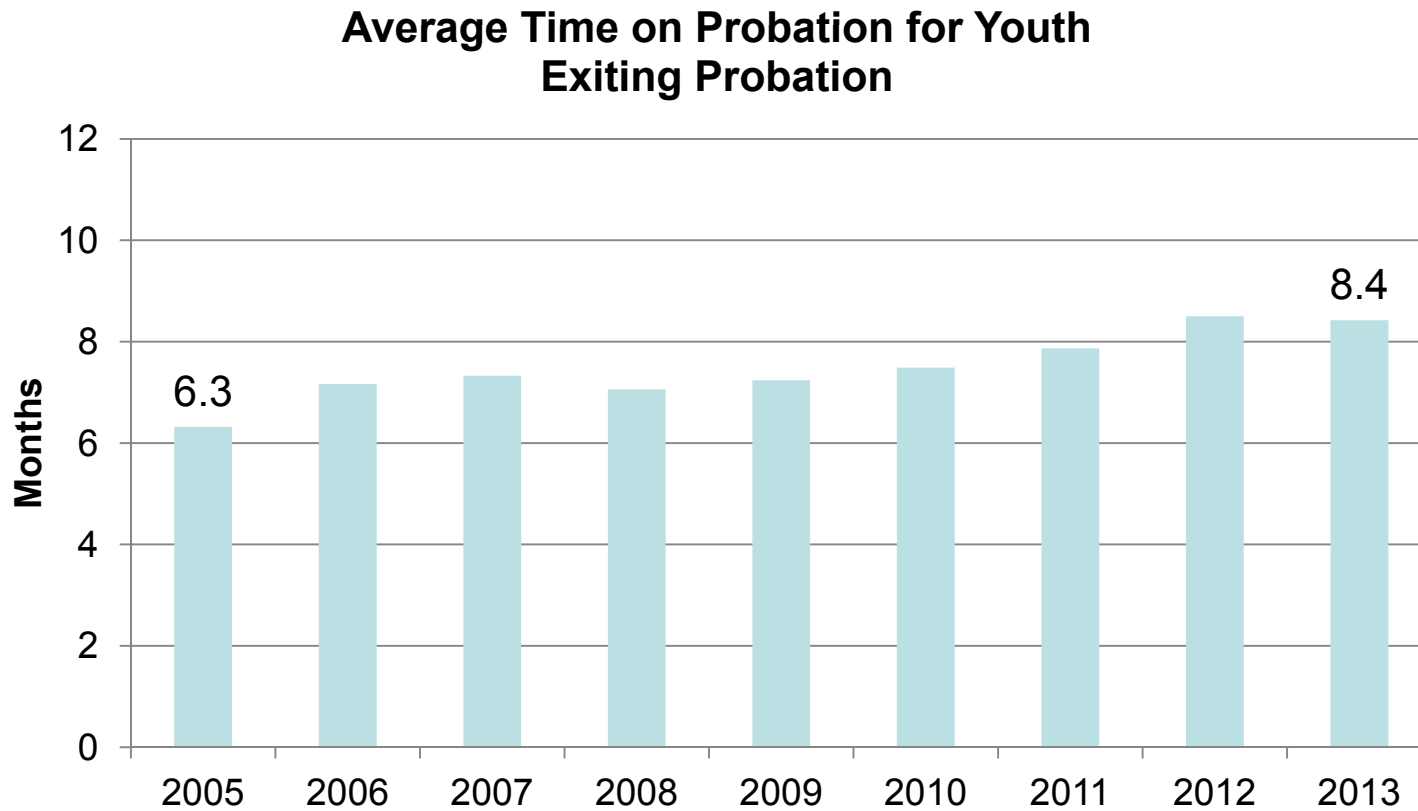
Supervision Levels of New Youth Placed on Probation, 2004-2013



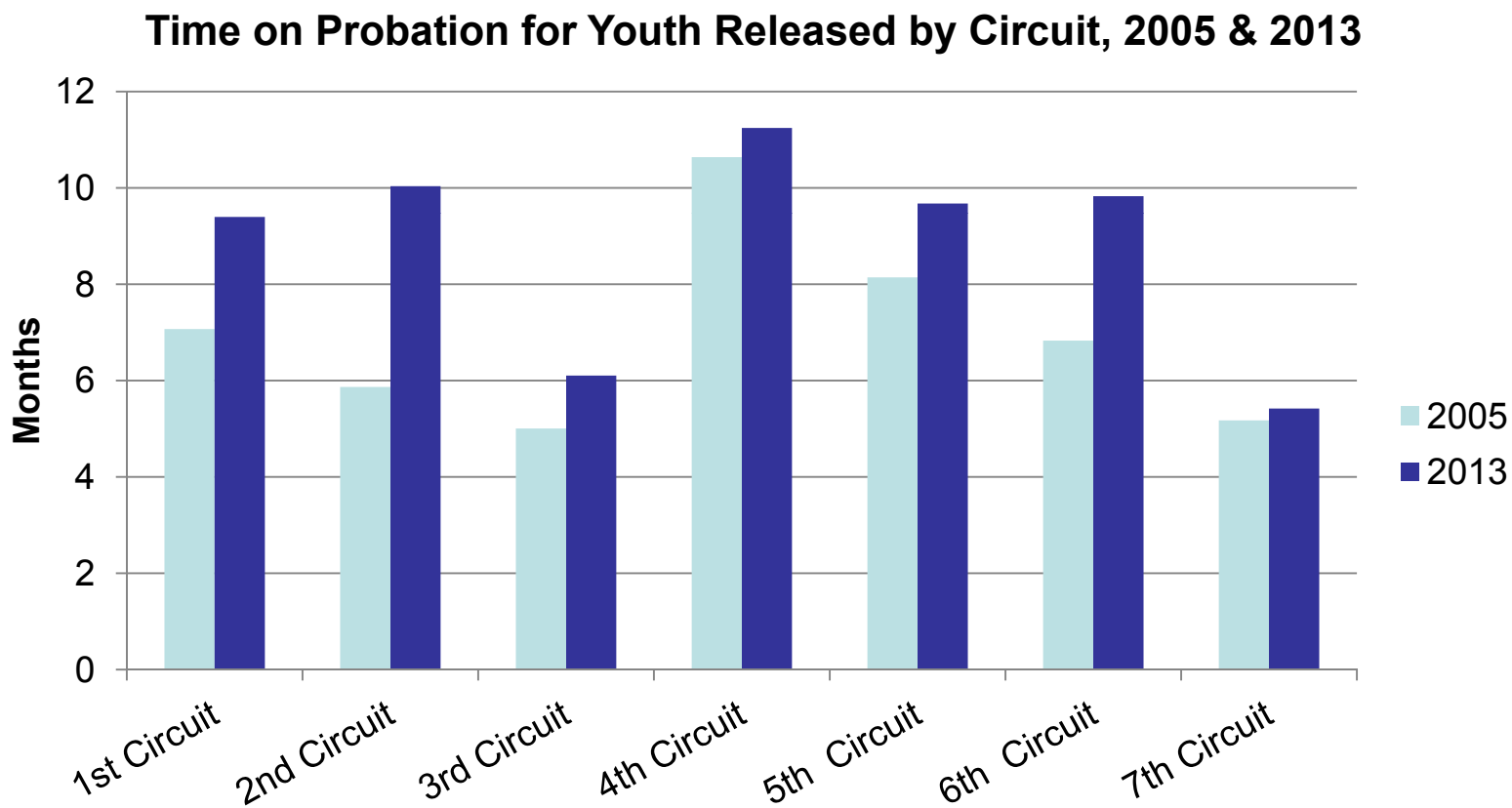
A growing proportion of youth are coming onto probation for misdemeanor offenses.



Length of time spent on probation has increased by 2 months.



Length of time on probation rose across all Circuits, with the largest increases in the 2nd Circuit (71%) and the 6th Circuit (44%).



POLICY OPTIONS

POLICY OPTION DISCUSSION

**PRE-COURT AND ALTERNATIVE
DISPOSITION OPPORTUNITIES**

Pre-court and Alternative Disposition Opportunities

- Research
 - On average, formal system processing has demonstrated no effect when compared to less restrictive options.
 - Diversion has actually been found to be more effective in reducing recidivism than conventional judicial interventions.
 - Some studies suggest that justice system involvement increases subsequent delinquent and criminal behavior.
 - Washington State Institute for Public Policy (WSIPP) found large reductions in recidivism for lower-risk juveniles who received alternative court services through an adolescent diversion project, developed by Michigan State University in the 1970s-80s.
 - Teen courts have mixed reviews, but WSIPP found that, on average, they reduce recidivism and save taxpayer dollars.
 - Residential placement has also been associated with higher recidivism when compared to diversion or probation for youth identified as “low-risk, high-needs.”

Pre-court and Alternative Disposition Opportunities

- Data

- Over 90% of youth in 2013 came onto probation for misdemeanor and municipal offenses and CHINS.
- In 2013, 62% of youth coming onto probation were placed on low and administrative supervision.
- 217 youth were placed on informal probation in 2013.

- Options

- Provide fiscal incentives to counties to support local diversion opportunities.
- Require diversion as the maximum penalty for a certain class of offenses. Designate mandatory diversion offenses and a category of permissible diversion offenses as the next tier of penalty.
- Change the jurisdiction over a group of designated lower-level offenses to be processed similarly to municipal curfew and tobacco violations.

Pre-Court and Alternative Disposition Opportunities

- Option: Provide fiscal incentives to counties to support local diversion opportunities.
 - The state will provide incentive funding to the counties for each youth completing a diversion.
 - Counties will be required to collect data on the number of youth referred for diversion, the program or type of diversion and whether or not the youth completes the diversion.
 - Counties will be required to report data to be reimbursed at the close of the fiscal year.
- Key considerations
 - How will “diversion” be defined for the purposes of qualification for the fiscal incentive?

Pre-Court and Alternative Disposition Opportunities

- Option: Require diversion as the maximum penalty for a certain class of offenses. Designate mandatory diversion offenses and a category of permissible diversion offenses as the next tier of penalty.
 - Adjust the maximum penalties for a specific set of designated diversion offenses.
 - Require the first offense (and perhaps second) to be mandatorily diverted.
 - Subsequent offenses are then divertible or processed formally at the discretion of the State's Attorney.
- Key consideration
 - Which offenses will be included in the mandatory diversion offense list?

Pre-Court and Alternative Disposition Opportunities

- Option: Change the jurisdiction over a group of designated lower-level offenses to be processed similarly to municipal curfew and tobacco violations.
 - Designate a subset of offenses currently treated as CHINS and misdemeanors for reclassification and change of jurisdiction.
 - Youth arrested for these offenses will be cited and minimally processed in the same way that curfew violators are cited at this time.
 - Youth with 5 or more violations of the same offense will be enhanced and jurisdiction will be transferred to the circuit court for treatment of the youth as an apparent delinquent.
- Key consideration
 - Which offenses will be reclassified?

Pre-Court and Alternative Disposition Opportunities

- Are there other policy options that should be put on the table?

POLICY OPTION DISCUSSION

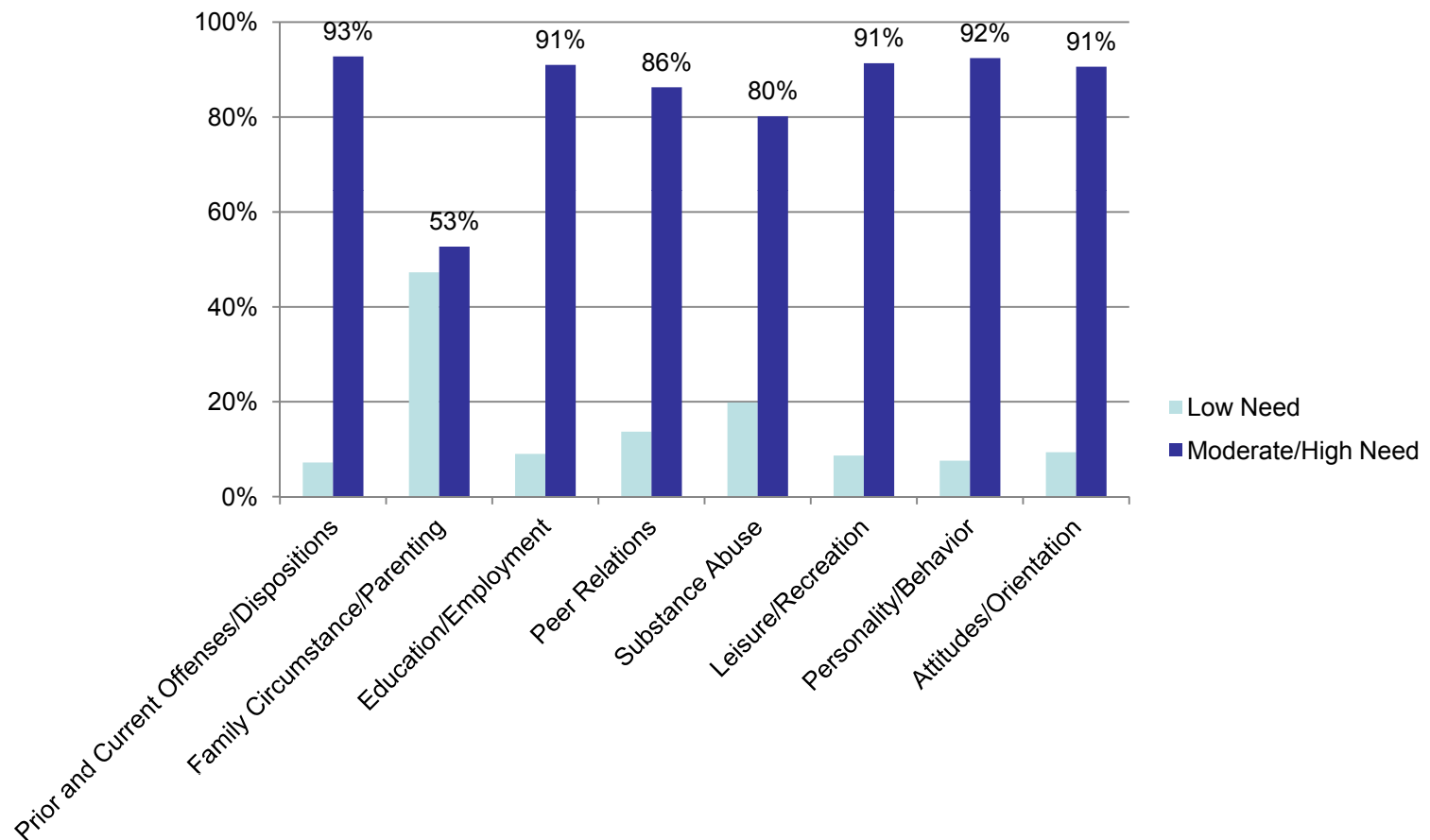
**INCREASE ACCESS TO PROVEN
COMMUNITY BASED INTERVENTIONS**

Increase Access to Proven Community Based Interventions

- Research
 - Appropriately matching supervision and treatment to a youth's risk level and needs results in a lower likelihood of future delinquent or criminal behavior.
 - Assessment instruments can reliably differentiate lower risk offenders from higher risk offenders and identify needs.
 - Juvenile justice approaches based on therapeutic programs are more effective at preventing reoffending than those based solely on deterrence.
 - The impact is greatest where the risk and needs principles are followed and services are implemented with fidelity.
 - Research has identified programs and practices that have been proven to reduce juvenile recidivism and have a significant return on investment.
- Data
 - The subgroup reviewed data on the assessed needs of the DOC and probation populations and found a population with many needs.

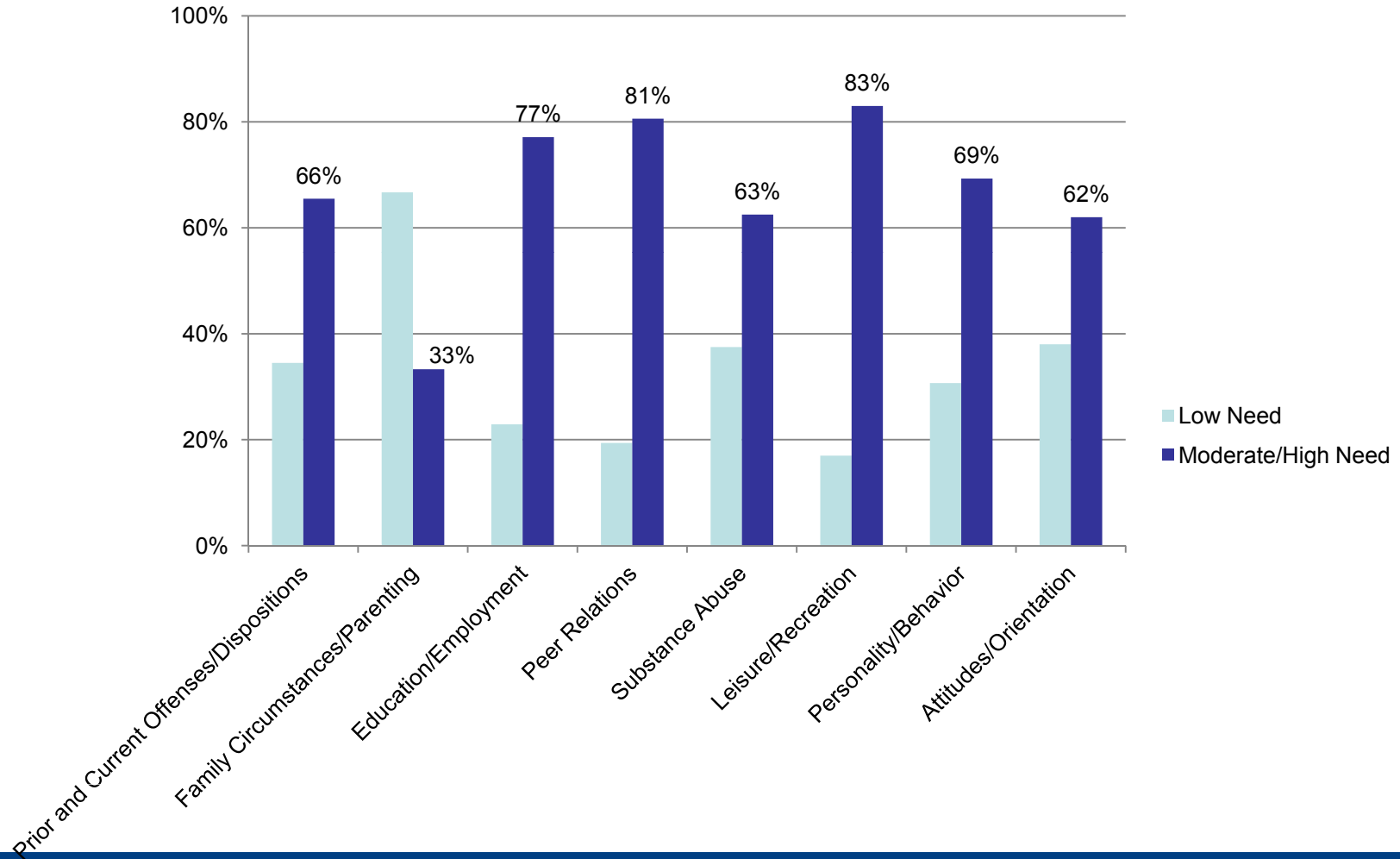
Increase Access to Proven Community Based Interventions

Percent of Committed Youth with Assessed Needs



Increase Access to Proven Community Based Interventions

Percent of Probationers with Assessed Needs



Increase Access to Proven Community Based Interventions

- Options
 - Develop an array of proven interventions for youth with justice system involvement.
 - Require structured decision making tools to match the youth's needs with interventions.
 - Implement a quality assurance process to ensure fidelity of the interventions.
 - Hold those delivering the interventions accountable for performance.
 - Ensure access for youth in rural areas.

Increase Access to Proven Community Based Interventions

- Option: Develop an array of proven interventions for youth with justice system involvement.
 - DSS, UJS and DOC should determine which interventions will be made available.
 - The interventions will:
 - Target moderate to high risk youth;
 - Have evidence of effectiveness *with juvenile justice populations*; and
 - Address multiple need areas identified on the YLS/CMI.
 - RFPs will be issued to identify which entities will deliver interventions.
- Key considerations
 - Which state entity(ies) will be responsible for the contracts?

Increase Access to Proven Community Based Interventions

- Option: Require structured decision making tools to match the youth's needs with interventions.
 - A risk/needs assessment will continue to be utilized.
 - Mental health and substance abuse screening tools and assessments will be administered.
 - Criteria will be established to identify what would trigger the screenings and assessments.
 - DSS, UJS and DOC will develop a matrix based on risk level and need to guide CSO and JCA referrals.
- Key considerations
 - Should CSOs and JCAs be able to depart from the matrix in making referrals? Under what circumstances?

Increase Access to Proven Community Based Interventions

- Option: Implement a quality assurance process to ensure fidelity of the interventions.
 - All provider staff and others delivering interventions will be trained to deliver the specific program.
 - The contracting entity would be responsible for ensuring training is provided.
 - A system of ongoing quality assurance will be established for each intervention.
- Key considerations
 - How will training be handled in the case of provider staff turnover?
 - Who would conduct the onsite quality assurance?

Increase Access to Proven Community Based Interventions

- Option: Hold those delivering the interventions accountable for performance.
 - Require data collection and reporting of performance measures.
- Key considerations
 - Who, other than DSS, UJS and DOC, will be involved in the selection of performance measures?
 - Which body or state entity will be responsible for reviewing the performance measure reports?

Increase Access to Proven Community Based Interventions

- Option: Ensure access for youth in rural areas.
 - Employ multiple strategies such as:
 - Developing a different rate structure for identified areas; and
 - Piloting a telehealth model.
- Key considerations:
 - Where would telehealth be piloted?
 - What constitutes rural? What distance is acceptable?

Increase Access to Proven Community Based Interventions

- Are there other policy options that should be put on the table?
 - For example, stakeholders suggested options such as:
 - Transportation to help youth get to programming and treatment; and
 - Short-term residential options, such as crisis stabilization and respite.

POLICY OPTION DISCUSSION

FOCUS DOC COMMITMENTS AND OUT-OF-HOME PLACEMENTS ON SERIOUS OFFENDERS

Focus DOC Commitments and Out-of-Home Placements on Serious Offenders

- Research
 - Juvenile justice interventions have their greatest public safety impact when targeted to higher-risk offenders.
 - When the level of intervention exceeds the level needed to respond to the youth's risk to re-offend the likelihood to recidivate may increase.
 - Placement in correctional facilities does not lower the likelihood of juvenile reoffending and may in fact increase the likelihood of committing a new crime for certain offenders.
 - There is no consistent evidence that longer lengths of stay in juvenile facilities reduce reoffending.

Focus DOC Commitments and Out-of-Home Placements on Serious Offenders

- Data
 - More than three quarters of commitments are nonviolent or for a violation of probation.
 - The average length of stay in out-of-home placement in South Dakota is 15.2 months.
 - Length of stay out-of-home has increased 27% in the last 7 years.
 - In FY13, residential placements ranged in cost from \$118 to \$322 per day.*
- Options
 - Cap the duration of probation at three months.
 - Require that probation be the most restrictive alternative for youth adjudicated delinquent or CHINS.

* Rates shown do not include the education rates.

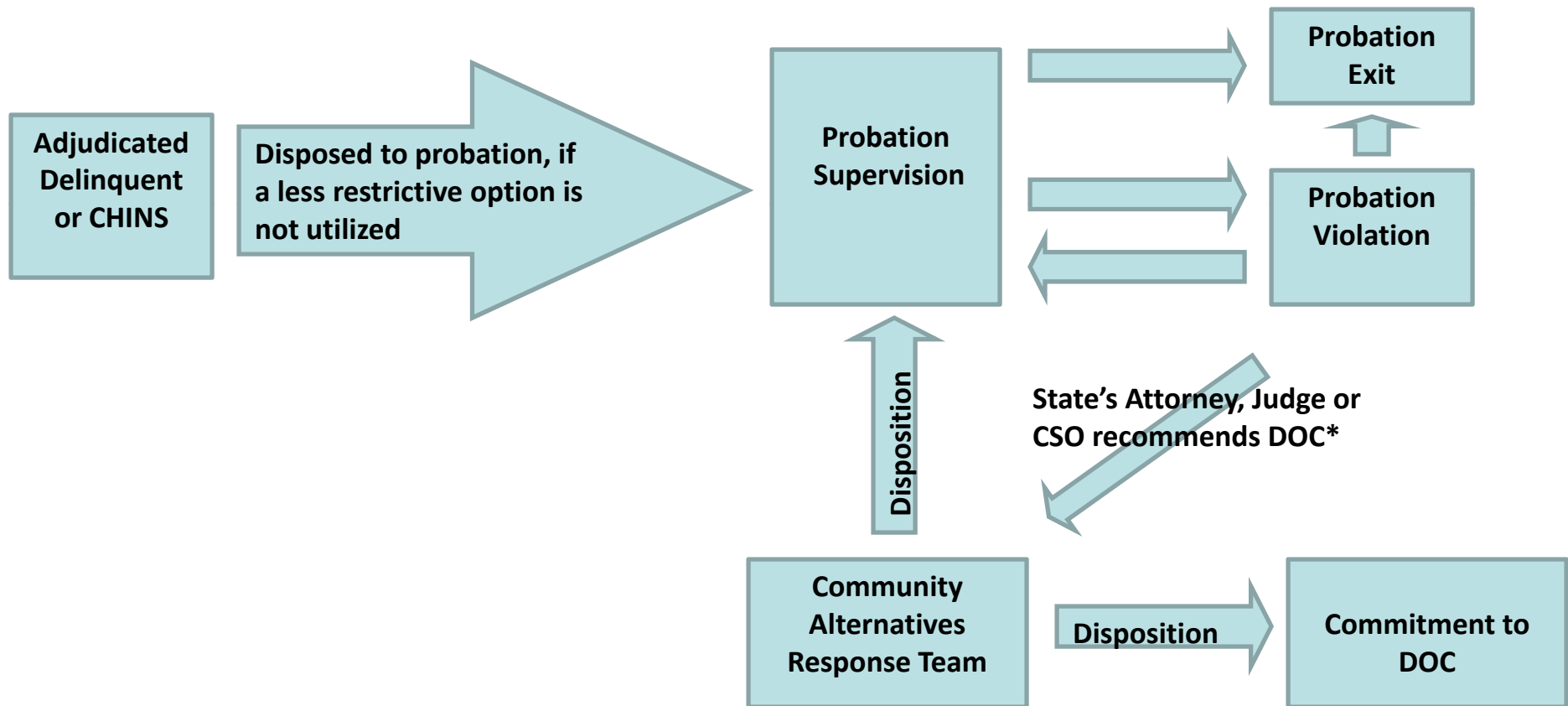
Focus DOC Commitments and Out-of-Home Placements on Serious Offenders

- Option: Cap the duration of probation at three months.
 - An extension of up to three months can be requested by the CSO if additional time is needed to complete evidence based programming or treatment identified on the case plan required for all moderate to high risk youth.
 - A maximum of three 3-month extensions can be requested to allow time for completion of evidence based programming or treatment.
 - Any extension requires approval of the Court.
 - If there has not been a violation of probation by the end of the initial 3-month term or an extension period, and no further extension has been approved, and the youth has not been terminated prior to the end of the period, probation is terminated and the CSO must notify the Court of the termination.
- Key considerations
 - Should a review hearing be required for approval of a request for an extension?
 - How will financial obligations be dealt with?

Focus DOC Commitments and Out-of-Home Placements on Serious Offenders

- Option: Require that probation be the most restrictive alternative for youth adjudicated delinquent or CHINS upon initial disposition.
 - This policy does not apply to youth with charges pursuant to 26-11-3.1 (transfer to adult court).
 - If a youth violates probation, the following are eligible for commitment to DOC:
 - Those on probation for a misdemeanor, who have 4 or more prior adjudications; and
 - Youth on probation for a felony.
 - If a probation violator who is eligible for commitment to DOC is recommended for commitment by the State's Attorney, CSO or Judge, the youth will be referred to the local Community Alternatives Response Team (CART).
 - Using the results of the risk/needs assessment and other available information, the CART will propose alternatives to commitment within 30 days of referral to the team, or may concur with the recommendation for commitment.
 - The Judge will consider the recommendation of the CART and exercise judicial discretion in the disposition decision.

Focus DOC Commitments and Out-of-Home Placements on Serious Offenders



*This recommendation may only be made for youth adjudicated on a felony or on a misdemeanor with 4 prior adjudications.

Focus DOC Commitments and Out-of-Home Placements on Serious Offenders

- Are there other policy options that should be put on the table?
- Work group members and stakeholders have discussed these options:
 - Cap the length of out-of-home placement.
 - Require a graduated response matrix for probationers to hold youth more accountable.
 - Eliminate commitment of CHINS to the DOC.
 - Eliminate commitment of lower level youth.

NEXT STEPS

Next Steps

- Refine policies based on today's discussion
- Review policy projections
- Next meeting: October 2nd