

Juvenile Justice Oversight Council

Monday, December 12, 2016
10am-3pm CT

Opening Remarks

Chairman Sattizahn called the meeting to order.

He discussed the ongoing communications and training efforts, and discussed the need to continually meet with the legislators, and especially the new legislators, to ensure that they have an understanding and information related to the JJPSIA legislation. The chairman also discussed previous meetings that the state has had with the original stakeholder groups. Since the JJPSIA is a continual process, it is of utmost importance that the communication channels remain open between all the parties impacted by SB 73. Chairman Sattizahn also spoke about various JJPSIA training opportunities that have occurred, such as the judicial training at the recent Unified Judicial System's conference.

Provider Update

Sheila Weber from Lutheran Social Services detailed the high points of FY16 in regards to bed usage, citing an overall decrease in usage. She noted that DOC used fewer bed days between FY 16 and FY 15, and if the trend continues, approximately 2000 less bed days will be used in FY 17. Ms. Weber stressed the need to continue collaborating with DOC, UJS, and DSS to address the changing needs of South Dakota.

Ms. Weber also outlined the dual layer of approval for referrals. First, either the parents make a referral with DOE, or the school could make a referral on an IEP. Both the school and the parents must approve the placements. Adoption assistance is available if a child is adopted through the state and is experiencing issues. Parents must be in agreement with the placement, but the child does not need to go through DOC in order to receive services.

While many families contact LSS for assistance, they don't necessarily want their child in placement. In these instances, community-based services have served these families. Community resources are a preventative effort and important to stabilization.

Native American Focus Group Update

Secretary Emery updated the group on the Native American Focus Group, afterwards answering questions about joint custody and the wellness team. He also described the potential layout of an educational seminar, where the nine tribes collaborate to develop a cultural competency training plan, and then bring that to the state.

Senator Solano noted that the cultural education portion is an important aspect and that the training should be ongoing and consistent. He noted that there is a constant need to have that type of training available locally and regionally.

There was a brief discussion about the importance of ensuring communications and particularly between the state and the tribal government that are supervising children.

School Truancy

Kelly Marnette, Assistant Attorney General, spoke about the school truancy reform. She noted that in the Attorney General's annual survey on legislative issues not one superintendent answered that the JJPSIA would result in a net benefit. She noted that the plan to serve locally is working well, but there is a lack of resources.

Superintendent Linda Foos from Wagner appeared and discussed the availability of resources. She also discussed the changes in her community following SB 73 and noted her preference for the former juvenile justice system. It was anecdotally noted that more families were brought into juvenile diversion and required to participate pre-SB 73.

There was discussion among the members about the concept of having truancy as a citable offense, and how jurisdictions were interpreting that portion of the law. The council discussed many avenues about how to make truancy as a citable offense a more impactful sanction.

The group discussed the topic and specifically the following:

1. Increased communication between local and statewide stakeholders;
2. A program that acts as an alternative to DOC or JDC;
3. Increased funding, specifically reinvestment money to fund a program for the schools;
4. Creating the possibility for CSO supervision on truancy offenses if determined appropriate by the State's Attorney;
5. Quicker intervention and quicker petition;
6. The creation of truancy related programs under the responsibility of the school.

Following these suggestions, the Council discussed the feasibility of the suggestions and the potential policy changes to the truancy citation process. The variations between programs were discussed, and at which intervals the school district and court needed to intervene.

It was noted that in the previous system, truancy issues would be referred to the States' Attorney who would decide to bring a petition. In the new system, the prosecutor is not the only one who can issue a citation.

It was noted that sending juveniles to DOC for truancy was not any one's best interest and truant students should not be sent to DOC. The council discussed how there were options in place, but a lack of communication between the state and the school districts. Putting truant students with violent students in DOC does not improve the behavior of the violent juveniles, but worsens the behavior of the truant. Council members also cautioned that it is impossible to make systemic solutions for individual problems.

Department of Social Service Juvenile Treatment Update

Deputy Secretary Amy Iversen-Pollreisz discussed the necessity to have strong communication between the schools and the local treatment providers and noted that schools are always welcome to contact DSS with questions and concern. Functional Family Therapy is available statewide, so there are services available in every county. Members of the council discussed how swift and certain sanctions functioned with probation. There was concern that referrals were not happening as quickly as needed, and the council discussed mechanisms to increase efficiency.

Department of Corrections Update

Director of Juvenile Services Kristi Bunkers discussed population reductions in the Department of Corrections, to include a breakdown of commitment data by circuits and legal status. Additionally, the reasons for commitment were reviewed to include 51% committed based on a written finding of physical harm to others, 29% Crimes of Violence and 20% of youth were committed for a Sex Offense during FY 16. Finally, a review of the Diversion Fiscal Incentive data was shared with the council.

2017 Proposed Legislation

The Oversight Council discussed various proposals to the Legislature, which included definitional clarity for the terms of probation. Members of the council were concerned that juveniles were absconding for the full length of their probation term, and then being discharged without completing the terms of their probation. The council discussed several scenarios, and the council decided to create a subgroup in order to finesse the language for citations and truancy. The Oversight Council will approve the legislation drafted by the subcommittees.

The council also discussed possible legislation related to CHINS and a cleanup bill. AJ Franken made the motion to approve, which was seconded by Senator Billie Sutton. The Oversight Council voted unanimously in favor of the bill.

Annual Report

Chairman Sattizahn discussed the upcoming annual report, which will be available on jjri.sd.gov once it is completed.

Open Discussion and Questions

Senator Sutton noted that 1/3 of State's Attorneys did not apply for the JJRI Fiscal Incentive Diversion Program. Chairman Sattizahn responded that the statute requires UJS to report this data, but they cannot report data that they do not possess. Several counties did not report any information to UJS or apply for the program. Assistant Attorney General Marnette indicated she could assist with obtaining that data from prosecutor's offices statewide. With no additional questions or comments, the meeting adjourned.