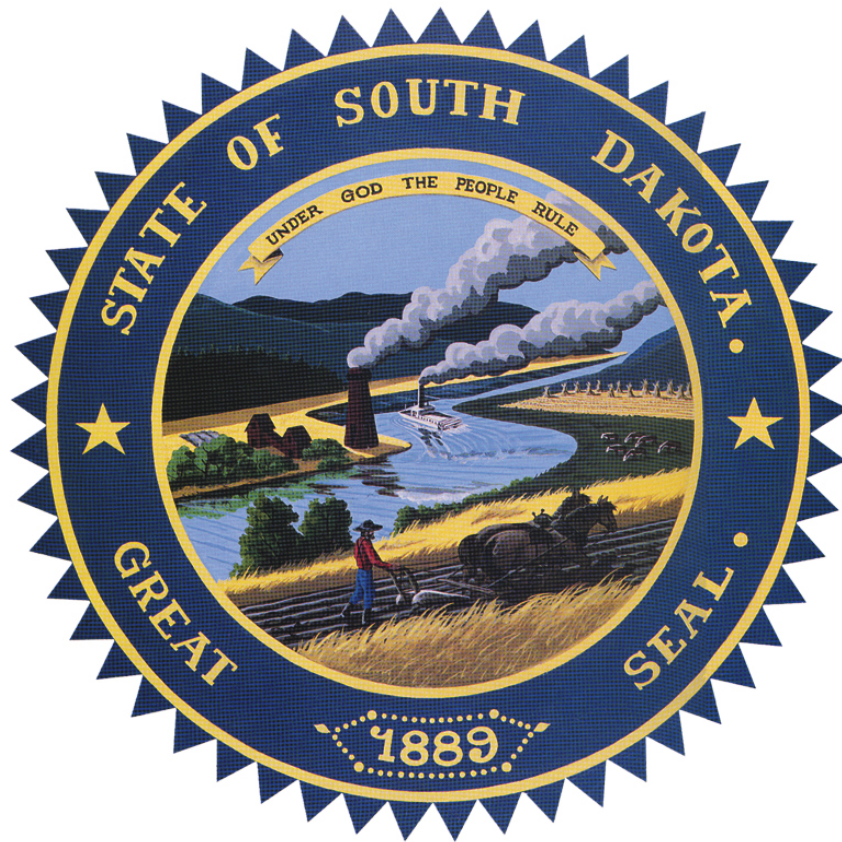


FINAL REPORT

November 2014



JUVENILE JUSTICE REINVESTMENT INITIATIVE WORK GROUP

South Dakota Juvenile Justice Reinvestment Initiative Work Group

Final Report

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SUMMARY¹

After a successful review of the criminal justice system and the early success of the Public Safety Improvement Act of 2013, Governor Dennis Daugaard and Chief Justice David Gilbertson initiated an assessment of the state's performance in juvenile justice. In light of research demonstrating the high cost and low return of residential placements for many youth and the importance of effective community options, the state sought to understand why South Dakota commits a high rate of juvenile offenders to costly residential placements, and 45 percent of youth released from those facilities return to custody within three years of their release.²

In June 2014, Governor Daugaard, Chief Justice Gilbertson, President Pro Tempore Corey Brown and Speaker Brian Gosch launched the Juvenile Justice Reinvestment Initiative (JJRI) to study the juvenile justice system and develop policy recommendations that advance three goals:

- increase public safety by improving outcomes for youth and families and reducing juvenile recidivism;
- effectively hold juvenile offenders more accountable; and
- reduce juvenile justice costs by investing in proven community-based practices and preserving residential facilities³ for serious offenders.

Over the past six months, the work group conducted extensive analysis of data and engaged more than 200 juvenile justice stakeholders across the state. The work group found that courts at times remove youth from their homes and place them in residential programs not because they think such sanctions are appropriate for purposes of punishment, incapacitation or rehabilitation but because adequate community-based options are not available at the level needed.

Major findings of the work group include:

- About 75 percent of commitments to the Department of Corrections (DOC) are for misdemeanors, Children in Need of Supervision (CHINS) violations, and probation violations.
- Admissions to probation are increasingly lower risk. Low-risk admissions increased from 49 percent in 2004 to 62 percent in 2013.
- Fewer youth are being admitted to probation and DOC, but the length of time youth spend out of home, committed, or on probation has increased over the past 10 years.

¹ Unless otherwise cited, the analyses in this report were conducted for the Juvenile Justice Reinvestment Initiative Working Group by The Pew Charitable Trusts using data provided by the South Dakota Department of Corrections or the Unified Judicial System.

² South Dakota DOC Juvenile Recidivism Summary Report 2012. Recidivism is defined as any return to DOC out-of-home placement within 3 years of release from an out-of-home placement at DOC. Does not include adjudications or convictions that do not result in return to the Department's out-of-home custody.

³ In the context of this report 'residential facilities' and 'out-of-home placements' refer to settings in which youth committed to the custody of the Department of Corrections may reside prior to being placed on aftercare. These settings include STAR Academy, private group care, residential treatment centers, intensive residential treatment centers, non-DOC paid programs, and Department of Human Services' facilities.

- Evidence-based interventions for juvenile offenders are not sufficiently available in the community.
- Pre-court diversion is used inconsistently across the state.

The work group developed 12 recommendations that will focus expensive residential placements on youth who are a public safety risk; prevent deeper involvement in the juvenile justice system for youth committing lower level offenses; improve outcomes by expanding access to proven community-based interventions; and ensure quality and sustainability of reforms. The reforms are expected to change the trajectory of the DOC out-of-home population by reducing the projected number of youth in DOC public and private out-of-home placements 64 percent by 2020. The work group expects this reduction to create cost savings to be invested into effective community-based interventions.

THE SOUTH DAKOTA JUVENILE JUSTICE REINVESTMENT INITIATIVE WORK GROUP

In 2012-2013, state leaders launched a comprehensive review of South Dakota’s adult sentencing and corrections system with the goal of increasing the public safety return on each taxpayer dollar. This analysis resulted in the passage of a set of reforms known as the Public Safety Improvement Act (“The Act”). The Act was projected to reduce prison growth by more than 700 beds over 10 years, averting \$207 million in construction and operating costs, while improving public safety through policies, practices, and programs designed to increase offender accountability and reduce recidivism. Since the Act’s effective dates, prison population growth has been successfully contained and the revolving door of probation and parole revocations to prison has been slowed as successful completions of parole supervision are increasing and the percentage of probationers revoked to prison is dropping.⁴

Turning to the juvenile system, state leaders quickly recognized that South Dakota was an outlier nationally, with the most recent available figures showing the state had the second highest commitment rate⁵ in the country (385 per 100,000 youth) in 2011. While South Dakota has reduced the number of juveniles committed to the DOC, this reduction did not keep pace with the national decline from 1997 to 2011 (2 percent in South Dakota compared to the national average of 48 percent).⁶ The state’s high commitment rate is not explained by a higher rate of violent juvenile arrests: South Dakota’s juvenile violent crime arrest rate of 71 per 100,000 was roughly one-third the national average in 2011.⁷ The state had budgeted \$34 million in fiscal year 2014, spending anywhere from \$41,000 to \$144,000 per bed annually for the committed juvenile population. Recidivism rates were improving, but the most recent 3-year measure showed more than four in 10 youth returning to the DOC within three years of release. Specifically, of the youth released in 2005, 53 percent returned to DOC custody in three years, whereas 45 percent of the youth released in 2010 returned within three years.

⁴ 2014 Annual Report. South Dakota Public Safety Improvement Act Oversight Council.

⁵ The commitment rate is the rate of juveniles placed in residential facilities through commitment to the state per 100,000 juveniles ages 10 through 17.

⁶ Melissa Sickmund et al., “Easy Access to the Census of Juveniles in Residential Placement: 1997-2011,” (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2013), accessed 8/7/14, <http://www.ojjdp.gov/ojstatbb/ezacjrp/>;

⁷ Charles Puzanchera and Wei Kang, “Easy Access to FBI Arrest Statistics: 1994-2011,” (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2014), accessed 8/7/14, <http://www.ojjdp.gov/ojstatbb/ezaucr/>.

Aware of research indicating that, for many youth, lengthy out-of-home placements fail to produce better outcomes than alternatives, cost much more, and in certain circumstances can increase recidivism,⁸ state leadership decided to apply the same policy and performance review process to the state's juvenile justice system that had successfully been applied to the adult criminal justice system. In June 2014, Governor Dugaard and Chief Justice Gilbertson asked a bipartisan, interbranch group of 17 individuals representing counties and state and local government to participate on the Juvenile Justice Reinvestment Initiative (JJRI) Work Group. The group was charged with examining the state's juvenile justice system and developing policy options that would:

- increase public safety by improving outcomes for youth and families and reducing juvenile recidivism;
- effectively hold juvenile offenders more accountable; and,
- reduce juvenile justice costs by investing in proven community-based practices and preserving residential facilities for serious offenders.

Over the course of seven meetings, the JJRI Work Group analyzed juvenile arrest, disposition, probation, out-of-home placement, and aftercare data, and reviewed research on effective practices in juvenile justice and on what works to reduce delinquency, including empirical, peer-reviewed studies about effective community-based practices and the use of residential treatment. Guided by data and research, work group members formed subgroups to identify viable policy options for South Dakota in three areas: (1) expanded pre-court and alternative disposition opportunities, (2) increased access to high-quality community-based interventions, and (3) focusing commitments and out-of-home placements on serious offenders.

During the summer and early fall, stakeholder meetings were held across the state with more than 200 individuals, including system-involved youth, parents of committed youth, victim advocates, Native American stakeholders, states' attorneys, judges, law enforcement, educators, county commissioners, youth care providers, defense attorneys, court services officers, juvenile corrections agents, and teen court representatives. Input from these stakeholders guided work group members and informed their inquiry into the juvenile justice system.

⁸ Edward P. Mulvey, et al., "Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders," *Development & Psychopathology* 22 (2010): 453–475; Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson, "Imprisonment and reoffending," in *Crime and justice: A review of research*, ed. Michael Tonry. (Chicago: University of Chicago Press, 2009), 115–200; Patrice Villettaz, Martin Killias, and Isabel Zoder, "The effects of custodial vs. noncustodial sentences on re-offending: A systematic review of the state of knowledge," (Oslo, Norway: The Campbell Collaboration, 2006); Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities," (Cincinnati, OH: University of Cincinnati, 2005); Paula Smith, Claire Goggin, and Paul Gendreau, "The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences," (Ottawa, Ontario, Canada: Solicitor General of Canada, 2002). Thomas A. Loughran, et al., "Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders," *Criminology* 47, no. 3 (2009): 699–740

MAJOR FINDINGS

The work group's analysis of juvenile populations in the custody of the DOC and under the supervision of the Unified Judicial System (UJS) led to a set of key findings that were subsequently used to develop policy recommendations. The work group found that:

- (1) pre-court diversion is used inconsistently across the state,
- (2) most DOC commitments are for misdemeanor offenses, CHINS violations, and probation violations,
- (3) fewer youth are being committed to DOC, but they are staying longer,
- (4) admissions to probation are declining but increasingly lower risk,
- (5) length of probation supervision is increasing, and
- (6) evidence-based interventions for juvenile offenders are not sufficiently available in the community.

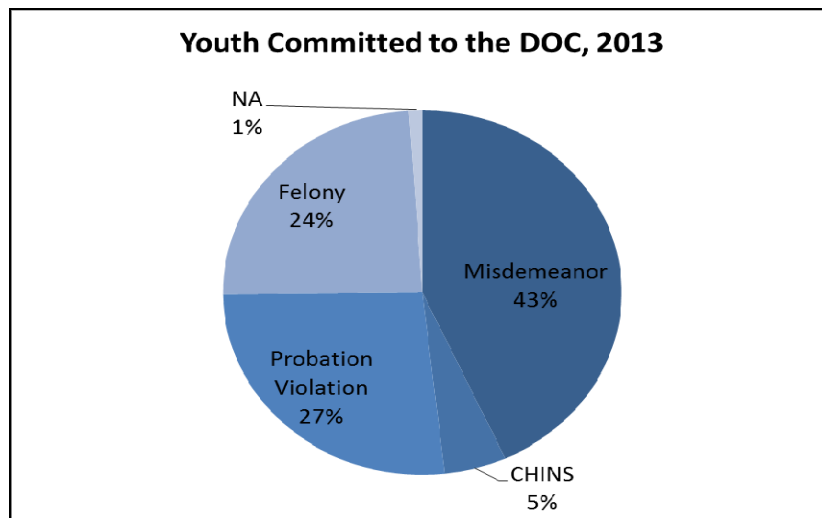
(1) Pre-court diversion is used inconsistently across the state.

Very little data is available on diversion statewide, but through a statutory review, stakeholder input, and their own knowledge of the system, work group members found inconsistent use of diversion at the front end of the system. Some counties have well-established diversion programs that are heavily utilized by state's attorneys, some use the UJS diversion program, and others do not use it at all. The work group also found no standardized criteria across the state that define which youth are appropriate for referral to diversion programs.

Work group members reviewed research indicating that diversion results in better outcomes than formal court processing for certain youth.⁹ More consistent use of diversion could divert greater numbers of youth from formal system involvement.

⁹ Michael Baglivio, "Briefing Report: The Risk Principle. Bureau of Research and Planning," (Florida Department of Juvenile Justice, 2013). Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, "Formal system processing of juveniles: Effects on delinquency," (Oslo, Norway: The Campbell Collaboration, 2010).

(2) Most DOC commitments are for misdemeanor offenses, CHINS and probation violations.



The work group found that a large majority of those sent to DOC were committed for lower-level offenses. In 2013, seven of every 10 youth placed in DOC custody had been committed for misdemeanor offenses, Children in Need of Supervision (CHINS) violations (also known as status offenses), and lower-level probation violations.¹⁰

All but one of the top 10 commitment offenses in 2013 were misdemeanors and probation and CHINS violations. More than a quarter of commitments resulted from probation violations.

Top 10 Offenses of 2013 Commitments			
Offense/Violation	Number	Percent	Cumulative % (non-felonies)
Probation Violation	74	27%	27%
Misdemeanor Possession of Marijuana, less than 2oz	24	9%	35%
Misdemeanor Simple Assault (1 st or 2 nd Offense)	23	8%	44%
Misdemeanor Ingesting an Illegal Substance	15	5%	49%
CHINS	12	4%	53%
Misdemeanor Petty Theft	11	4%	57%
Burglary 3 rd 11	10	4%	--
Misdemeanor Ingesting Substance, Not Alcohol	7	3%	60%
Misdemeanor Criminal Entry of Motor Vehicle	6	2%	62%
Misdemeanor Damage to Property 2 nd	6	2%	64%

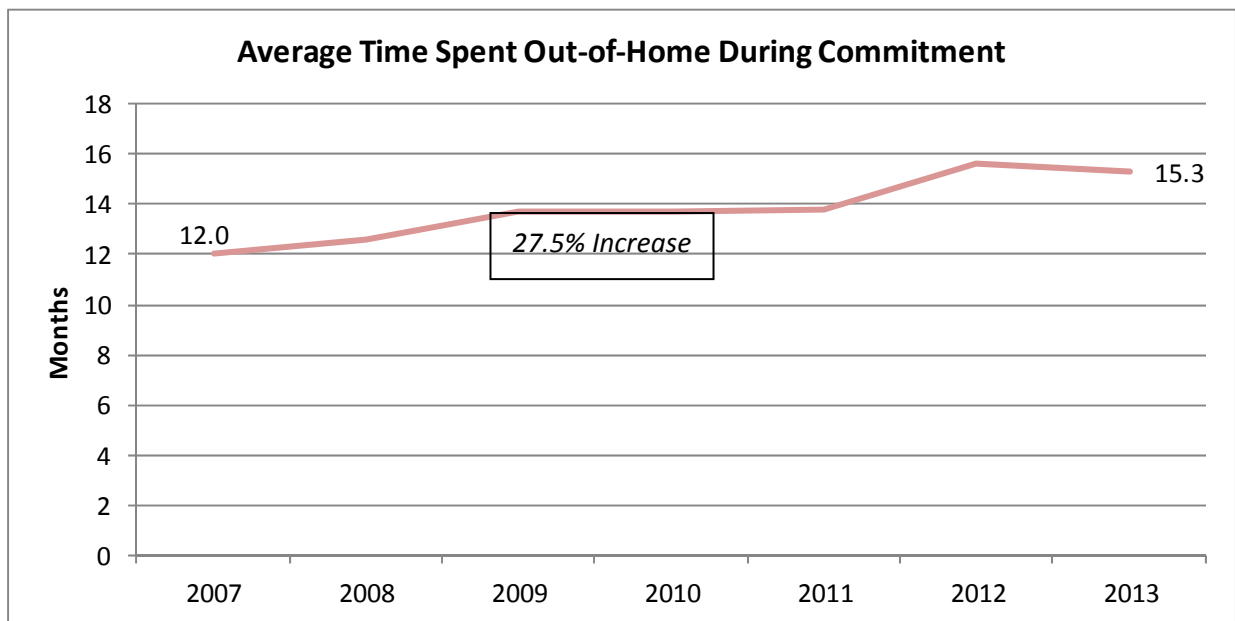
¹⁰ 62 out of 74 (84 percent) of the probation violators committed to DOC in 2013 were originally placed on probation for a CHINS violation or non-sex misdemeanor adjudication. Those 62 probation violators account for 22 percent of the 2013 new commitments.

¹¹ 22-32-8. Third degree burglary--Felony. Any person who enters or remains in an unoccupied structure, other than a motor vehicle, with intent to commit any crime, unless the premises are, at the time, open to the public or the person is licensed or privileged to enter or remain, is guilty of third degree burglary. Third degree burglary is a Class 5 felony.

(3) Fewer youth are committed to DOC, but they are staying longer.

Two factors determine the size of the committed youth population: the number of youth committed to the state and the length of time they stay in DOC’s custody. The work group found that even as new commitments to DOC declined 20 percent from 2004 to 2013, the youth who were committed were kept longer:

- On average, youth discharged from DOC in 2013 had spent 29 months in some combination of out-of-home placement and aftercare, 16 percent longer than youth discharged in 2007.
- The growth in the total length of commitment was driven by the increase in the average length of time out-of-home. Time spent out-of-home during a DOC commitment increased by 27.5 percent in the last decade to 15.3 months in 2013.

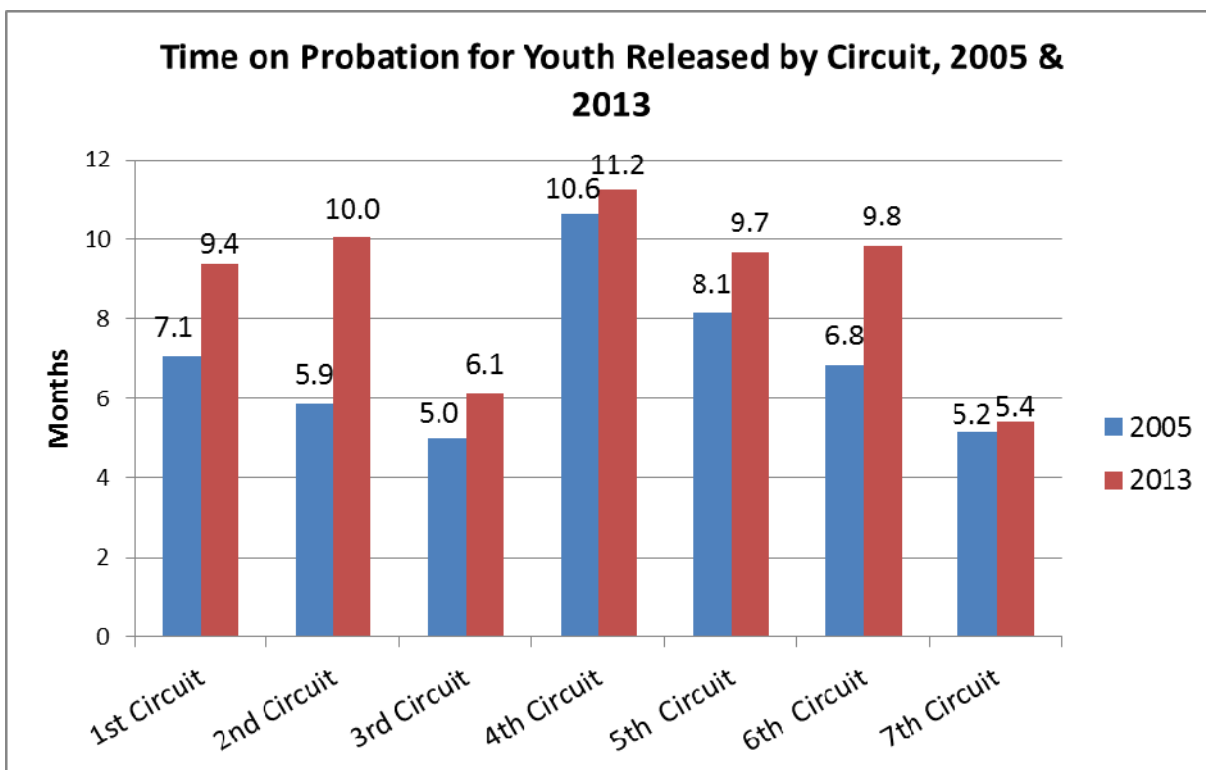


(4) Admissions to probation are declining but are increasingly lower risk.

Total admissions to juvenile probation in South Dakota fell 24 percent from 2004 to 2013, and the number of youth sent to probation dropped from a peak of 3,119 in 2008 to 2,198 in 2013. Along with the reductions in admissions over the last decade, there has been a shift in the makeup of the population toward lower risk youth and youth committing lower level offenses. From 2004 to 2013, the proportion of admissions to probation for misdemeanor offenses increased nine percentage points and the proportion of youth supervised at a low supervision intensity increased 13 percentage points. In South Dakota, youth are assigned supervision levels based on their assessed risk to reoffend, and low supervision intensity youth are low risk.

(5) Length of probation supervision is increasing.

Despite this shift toward lower supervision intensity and more misdemeanor youth placed on probation, both the initial terms of probation given to youth at the time of disposition and the actual time spent under probation supervision have grown. The average term of probation reached a high of 22.2 months in 2013, with great variation across circuits. Initial terms ranged from 10 months on average in the Second Circuit (Minnehaha and Lincoln Counties) to over 60 months in the Fourth Circuit (northwest corner of the state). The actual time spent on probation increased by two months statewide from 6.3 months on average in 2005 to 8.4 months in 2013. While all circuits had increases, overall average lengths of time on probation also varied across circuits from a low of 5.4 months in the Seventh Circuit to a high of 11.2 in the Fourth Circuit.



(6) There are few evidence-based interventions for juvenile offenders available in the community.

The assessment of South Dakota’s juvenile system revealed a lack of programs across the state that have been shown to reduce delinquency among juvenile offender populations. The shortage is particularly acute in rural areas. In addition to insufficient program quantity in many areas of the state, the work group found a lack of infrastructure for ensuring (1) that youth are matched with interventions that address their criminal risk factors, and (2) that staff providing interventions are properly trained and are delivering the programs with fidelity.

To assess the availability of programs for juvenile offenders, members of the work group from the Department of Social Services (DSS), UJS and DOC looked into the programs to which they have access

or that they offer. They specifically examined the availability of cognitive behavioral programs, an approach proven to reduce delinquency¹². DSS, Division of Behavioral Health, accredits Community Mental Health Centers and substance abuse providers across the state. Agencies that receive state funding provide services for eligible populations to include individuals with a severe mental illness, serious emotional disturbance and substance use disorders. However, individuals in the juvenile justice system have not been the target population so programs and services are not specific to the justice involved client. An informal survey of Chief Court Services Officers conducted by UJS showed great variation in the availability of cognitive behavioral programming across the circuits. A few programs accessed by Court Services have been studied in other jurisdictions and recognized as effective at reducing the likelihood of delinquency among juvenile offender populations, but Court Services does not know how many youth are served by those programs or if the programs are being delivered with fidelity. DOC also has access to some research-based programs, but those are only available in very limited areas of the state.

Some of the building blocks are in place to ensure that youth can be matched with the programming they need, such as the use of validated risk and needs assessments by UJS and DOC to identify higher risk youth and their criminal risk factors. However, the work group concluded that there is an insufficient array of programs to ensure those needs are met. Further, there is no infrastructure, such as training requirements, data collection, or quality assurance protocols, to ensure that the services to which probationers and youth on aftercare are referred are delivered by providers trained in the interventions who are delivering them with fidelity.

POLICY RECOMMENDATIONS

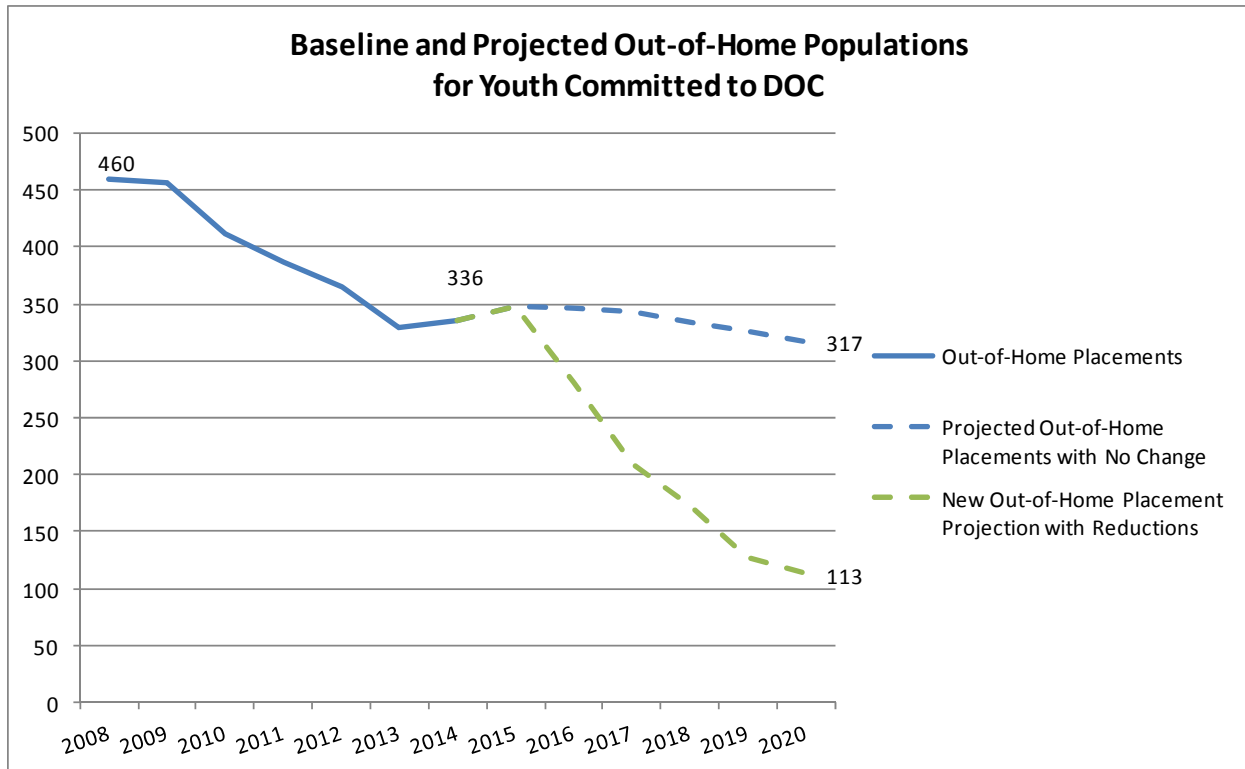
To advance its goals, the JJRI Work Group makes the following recommendations in order to:

- Focus expensive residential placements on youth who are a public safety risk;
- Prevent deeper involvement in the juvenile justice system for youth committing lower level offenses;
- Improve outcomes by expanding access to evidence-based community interventions; and
- Ensure the quality and sustainability of reforms.

¹² Mark W. Lipsey, "The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview," *Victims & Offenders* 4, no. 2 (2009): 124–147.

The proposed reforms are estimated to result in 64 percent fewer youth out-of-home in the care of the Department of Corrections by 2020. In addition, the probation population is expected to decline 29 percent.

While these reductions will produce cost savings, for these declines in population to be realized, the Juvenile Justice Reinvestment Initiative Work Group recommends the state invest in an array of evidence-based interventions in the community, as well as in the infrastructure to support ongoing training and quality assurance of these interventions. In addition, the work group recommends an incentive for counties to divert youth from court involvement.



Focus expensive residential placements on youth who are a public safety risk

Recommendation 1: Establish presumptive probation for youth adjudicated delinquent or CHINS.

- Require written findings of fact in the dispositional decree and oral findings of fact on the record in court if a judge departs and disposes a youth to DOC. The findings of fact must indicate that the youth is currently adjudicated delinquent for a crime of violence (22-1-2(9)), a sexual offense (22-24B-1), a felony sexual registry offense (22-24B), burglary in the second degree¹³(22-32-3), or any transferrable offense (26-11-3.1); or, the court finds from evidence presented at the dispositional hearing that the youth presents a significant and likely risk of physical harm to another person. The findings of fact must also establish that there are no viable alternatives in the community, and that DOC is the least restrictive viable alternative.

¹³ Burglary in the first degree is defined as a crime of violence in SDC § 22-1-2(9).

- Allow a probation violator commitment to DOC only if the youth has engaged in behavior that would constitute a new violation of law, and the judge makes the findings of fact as outlined above.

Recommendation 2: Establish Community Alternatives Response Teams (CARTs).

- Use existing resources to develop at least one multidisciplinary CART in each circuit, comprised of representatives of UJS, DOC and DSS, and allow a school superintendent or a designee or other subject matter experts such as treatment providers to be invited to participate.
- Require judges to make a referral to a CART before making a final decree, if DOC is being considered as a disposition option. Require the CART, which serves as an advisory resource for judges, to propose alternatives to commitment within seven days of referral to the team or concur with the recommendation for commitment. The judge will consider the recommendation of the CART and exercise judicial discretion in the disposition decision. If the CART fails to make a recommendation within seven days, the court may proceed with disposition including a DOC commitment that meets the criteria of recommendation 1.

Recommendation 3: Limit lengths of stay in DOC out-of-home placement.

- Limit the length of stay in private group care and STAR Academy to four months, allowing the DOC Secretary to approve an extension of up to two months. Time spent in detention or shelter care does not count towards the time in group care and STAR Academy. The DOC Secretary may also approve an extension beyond six months for youth with developmental disabilities, or sex offenders, or specialized transition services which may include programs such as independent living, foster care and residential treatment step-down.
 - o If the youth is stepped up to a more intensive placement in a residential treatment center, the group care and STAR limitation is suspended.
 - o If a youth violates aftercare and the violation is for a new offense identified as a crime of violence (22-1-2(9)), sex offense (22-24B-1), or burglary in the 2nd degree (22-32-3), the 4-month stay in this level of care can be restarted.
- Reduce length of stay in residential treatment centers. Strengthen the DSS and DOC review process. The review will occur within three months of admission to determine if the placement goals have been met and the youth can be transitioned to a lower level of residential care or placed on aftercare. Allow extensions of up to three months, for a maximum stay of 12 months over the course of a commitment, with approval of the DOC Secretary. Reviews will occur at least once every three months. There are two exceptions to this policy. The DOC Secretary may approve:
 - o a stay in residential treatment centers up to 18 months if there is an assessed need for psychiatric treatment to address sexual behavior, and
 - o an extension beyond 12 months for any youth in residential treatment centers based on a DOC-authorized independent medical examination, if the independent reviewer agrees with the recommendation of the continued stay review to extend the stay. This process would also apply to youth who stay 18 months as a result of an assessed need for psychiatric treatment to address

sexual behavior. To the extent possible, this independent review will coincide with and cover other requirements that residential treatment centers are required to complete. This policy is not intended to interfere with the scope of authorizing medically necessary service.

Prevent deeper involvement in the juvenile justice system for youth committing lower level offenses

Recommendation 4: Increase the use of diversion.

- A designated group of apparent youth offenders must be offered diversion pre-petition. These youth include those who have no prior adjudications and are referred for a CHINS violation or are referred for a misdemeanor where the alleged offense does not include an element of force. State's attorneys may also refer any other youth to diversion.
- Allow restitution to be imposed while a youth is involved with a diversion.
- Appropriate funds to incentivize juvenile diversion that can be accessed by counties and/or diversion providers opting to participate by requesting incentive funds at the close of the state fiscal year based on the number of youth completing a diversion.
- Require counties that opt to participate in the incentive funding to collect data on the number of youth referred for diversion, the program or type of diversion, the name of the diversion provider, and whether or not the youth completed the diversion.

Recommendation 5: Designate certain offenses as ticketable offenses.

- Designate the following offenses to be processed similar to municipal curfew and tobacco violations using a ticket to commence proceedings rather than a petition, and mandate court appearances for the youth and his/her parent or guardian.
 - Designated Delinquency 1: Petty Theft in the Second Degree (under \$400) 22-30A-17.3
 - Designated Delinquency 2: Intentional Damage to Property in the Third Degree (under \$400) 22-34-1
 - Designated CHINS 1: Purchase, Possession, or Consumption of Beverage by Person Under Twenty-one Years Prohibited 35-9-2
 - Designated CHINS 2: Truancy (CHINS) 26-8B-2(1)
- Require law enforcement to ticket these offenses. For designated delinquency offenses, state's attorneys may proceed on the ticket, offer diversion, or file a petition at the initial court appearance. For designated CHINS violations, state's attorneys may proceed on the ticket or divert the first two cases. After the first two cases, state's attorneys may decide whether to ticket, divert, or file a formal delinquency or CHINS petition. If proceeding on the ticket, dispose of the case with a fine or alternative such as community service, and permit restitution to be ordered as part of this proceeding.
- Require these ticketed proceedings to be protected and not appear on the youth's formal record.

Recommendation 6: Cap the duration of probation at four months.

- Require UJS to set terms of probation not to exceed four months, and establish a process whereby court services officers can request up to two extensions of up to four months each if additional time is needed for a youth to complete evidence-based interventions or treatment. Require court approval for any extensions.
- A youth's probationary sentence may not be extended beyond one year. If a youth commits a new violation of law and is adjudicated delinquent or CHINS during the course of a probationary period, a new 4-month period of probation, with two possible 4-month extensions, may be imposed upon disposition of the new charge(s).
- If a judge determines a youth requires the juvenile intensive probation program, allow a judge to impose an initial probationary period of eight months, with the possibility of one 4-month extension to complete evidence-based interventions or treatment.
- Create a graduated response grid for probationers and utilize it to respond to non-compliant behavior and probation violations in the community.

Improve outcomes by expanding access to evidence-based community interventions

Recommendation 7: Develop an array of effective interventions for youth with justice system involvement.

- DSS, UJS and DOC, working with providers, should determine which individual, group and family-based interventions, such as Functional Family Therapy or similar programs, will be made available. Establish criteria for the selection of interventions including a requirement that they target moderate- to high-risk youth and have been shown through research to reduce recidivism.
- Require training, coordinated and overseen by a state entity, for any individual who will be responsible for delivering the selected interventions, and establish an ongoing quality assurance program.
- Assist providers in collecting and reporting on performance measures related to delivery and outcomes of interventions.
- Create a process for UJS and DOC that utilizes structured decision making tools, including risk and needs assessments as well as mental health and substance abuse screening tools and assessments, to guide referrals of court-involved youth to interventions that match their needs.
- Plan effective dates so there is time to develop an array of effective interventions before other policies go into effect.

Recommendation 8: Ensure access to effective interventions for youth in rural areas.

- Employ multiple strategies, such as the development of a different rate structure for identified rural and/or frontier areas and the piloting of a telehealth model, to improve access to interventions for youth in rural areas of the state. Track outcomes from the telehealth pilot to assess its feasibility and effectiveness.

Recommendation 9: Develop a pilot program to improve outcomes among Native American youth.

- Led by the Department of Tribal Relations, with the involvement of UJS, DOC and DSS, conduct stakeholder outreach and convene a group to develop a pilot to improve outcomes for Native American youth. The group should consider the following in addition to other areas:
 - Information sharing about youth under supervision;
 - Sharing treatment resources across jurisdictions;
 - Joint supervision; and
 - Transfer of supervision.

Ensure quality and sustainability of reforms

Recommendation 10: Appoint an oversight council to monitor and evaluate the JJRI reforms.

- Designate a group of stakeholders to monitor and evaluate the policies that result from the Juvenile Justice Reinvestment Initiative.

Recommendation 11: Require DOC, UJS and DSS to develop performance measures.

- Require DOC, UJS and DSS to develop implementation and outcome measures related to the JJRI policies, to report to the oversight council on the measures, and to regularly and jointly review the measures for quality assurance purposes.

Recommendation 12: Collect data and create a cost sharing mechanism for detention stays by probation violators.

- Collect data on the use of detention beds.
- Require the state to share in the increased costs, if any.
- As part of the graduated response grid, limit detention sanctions for probation violations to 48 hours.

CONCLUSION

South Dakota has streamlined and improved its juvenile justice system over the past decade. New commitments to the DOC have fallen 20 percent and probation admissions are down 24 percent since 2004. The recidivism rate has come down from 53 percent to 45 percent in recent years¹⁴.

However, the work group found that the state can take a number of steps to get better results from the system at less cost to taxpayers. The DOC population is largely comprised of youth committing lower level offenses, and youth are staying longer under the custody and supervision of DOC when research indicates that better results are possible through the use of evidenced-based practices and programs in the community. These include preventing deeper involvement in the system by first-time and minor offenders and focusing expensive residential placements on youth who are a public safety risk and steering youth committing lower level offenses into less costly but often more effective programs in the community.

The Juvenile Justice Reinvestment Initiative Work Group recommends the package of policies included in this report to Governor Dugaard, Chief Justice Gilbertson, President Pro Tempore Brown, Speaker Gosch, Majority Leader Rave, House Majority Leader Lust, Senate Minority Leader Frerichs, and House Minority Leader Hunhoff. The work group believes these policies meet the goals established for it, and encourages these leaders to introduce legislation and court rules based on these recommendations.

¹⁴ The recidivism rate of juveniles released in 2005 was 53%. The rate for juveniles released in 2010 was 45%.

MEMBERS OF THE JUVENILE JUSTICE REINVESTMENT INITIATIVE WORK GROUP

Jim D. Seward, General Counsel for Governor Dugaard, Chair

Nancy Allard, Director of Trial Court Services, Unified Judicial System

Representative Julie Bartling (D-District 21)

Kristi Bunkers, Director of the Juvenile Community Corrections, Department of Corrections

Speaker Brian Gosch (R-District 32)

Doug Herrmann, Director of Juvenile Services, Department of Corrections

Judge Steven Jensen, Presiding Judge, First Judicial Circuit

Sheriff Mike Leidholt, Hughes County

Judge Larry Long, Presiding Judge, Second Judicial Circuit

Judge Scott Myren, Presiding Judge, Fifth Judicial Circuit

Terry Nebelsick, Huron Superintendent

Angel Runnels, Minnehaha County Public Defender

Senator Alan Solano (R-District 32)

Senator Billie Sutton (D-District 21)

Mark Vargo, Pennington County State's Attorney

Bob Wilcox, Executive Director, South Dakota Association of County Commissioners

Tiffany Wolfgang, Director of Division of Behavioral Health, Department of Social Services

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Kim Malsam-Rysdon, Senior Policy Advisor, Office of the Governor

Amy Iversen-Pollreisz, Deputy Secretary, Department of Social Services

Bill Popenga, IT Project Manager, Unified Judicial System

Greg Sattizahn, State Court Administrator, Unified Judicial System

Jacqueline Sly, Representative, District 33

Sadie Stevens, Intern, Office of the Governor

Craig Tieszen, Senator, District 34

Patrick Weber, Policy Analyst, Office of the Governor

Lynne Valenti, Secretary, Department of Social Services