

## South Dakota Juvenile Justice Reinvestment Initiative Work Group



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- 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



**STAKEHOLDER MEETINGS**

## Stakeholder Meetings Completed

- Youth Offenders
- Victim Services/Advocates
- Teen Court Association
- Court Services Officers and Juvenile Correction Agents
- Defense Attorneys
- Prosecutors
- Providers

## Upcoming Stakeholder Meetings

- Law Enforcement
- Native American Groups
- Jobs for America's Graduates
- Education
- Parents of Youth Offenders
- County Commissioners
- Reclaiming Youth International
- SD Voices for Children
- Dept of Social Services Staff
- Circuit Court Judges
- Supreme Court Justices

## Common Themes

- Diversion
  - Expand diversion opportunities
  - Identify groups or individuals who can monitor compliance with diversion requirements, particularly in rural areas
- CHINS
  - Create alternatives to reduce or eliminate commitments
  - Examine and restructure the CHINS statutes
- Parents
  - Hold parents more accountable during the court process, probation, treatment, and reentry from out-of-home placement

## Common Themes

- Community Based Services
  - Expand access for Judges and CSOs
  - Increase family based services
  - Examine the funding mechanisms and regulatory structures and how they impact access to services
  - Utilize evidence based programs
- Juvenile Accountability
  - Increase the availability of monitoring tools for probationers (e.g., electronic monitoring, SCRAM)

## Common Themes

- Alternatives to Commitment
  - Develop multi-disciplinary team approach to case management to keep youth in the community (e.g., like the drug court approach)
  - Create pathways to appropriate levels of service
    - Align treatment needs with services
    - Find ways to address high need youth without committing them to DOC

**NEXT STEPS**

## Next Steps

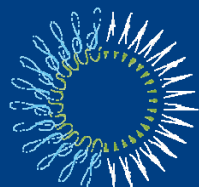
- Stakeholder outreach
- Examination of probation and commitment data
- Exploration of policy options
- Policy option subgroups

## Future Meetings

- August 21: Data Analysis and Policy Options
- September 16: Policy Development
- October 2: Policy Development cont.
- October 16: Policy Development cont., as needed
- November 13: Consensus Report

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**PEW**  
CHARITABLE TRUSTS

## Juvenile Justice System Review

South Dakota Juvenile Justice Reinvestment  
Work Group  
Pierre, SD  
July 23, 2014

### System Review

- Purpose
  - To develop a common understanding of the juvenile justice system in South Dakota
  
- Key questions
  - What does the juvenile justice system in South Dakota look like?
  - How do youth move through and out of the system?
  - Where are the key decision points and who are the decision makers?
  
- Information Sources
  - Interviews with UJS, DOC, DSS
  - South Dakota statutes
  - Policies and other documents provided by the key agencies
  - Publicly available documents



## Organization of the Presentation

- System stakeholders and process
  
- Pre-disposition:
  - Referral and charging decision
  - Adjudication
  - Process and options
  
- Disposition:
  - Probation
  - Commitment

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# SYSTEM STAKEHOLDERS AND PROCESS

### South Dakota's Juvenile Justice System: Major stakeholders

- Unified Judicial System (UJS)
  - Responsible for diversion services, pre-dispositional social case histories, and juvenile probation
- Department of Corrections (DOC)
  - Responsible for the management of the juvenile corrections system, including youth:
    - Committed and placed in residential out-of-home placement
    - On supervised release, known as aftercare
- Department of Social Services (DSS)
  - Provides services to youth in the juvenile justice system primarily through:
    - Division of Community Behavioral Health Services
    - Division of Correctional Behavioral Health Services
    - Human Services Center

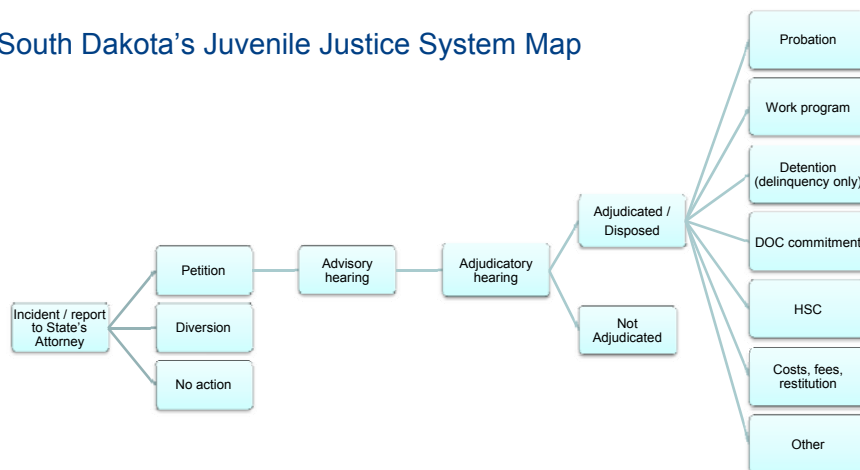
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### South Dakota's Juvenile Justice System: Other stakeholders

- State and local law enforcement
- Schools
- Counties
- Judges
- State's attorneys
- Defense attorneys
- Diversion program providers
- Private and public service providers
- Victims
- Youth
- Families

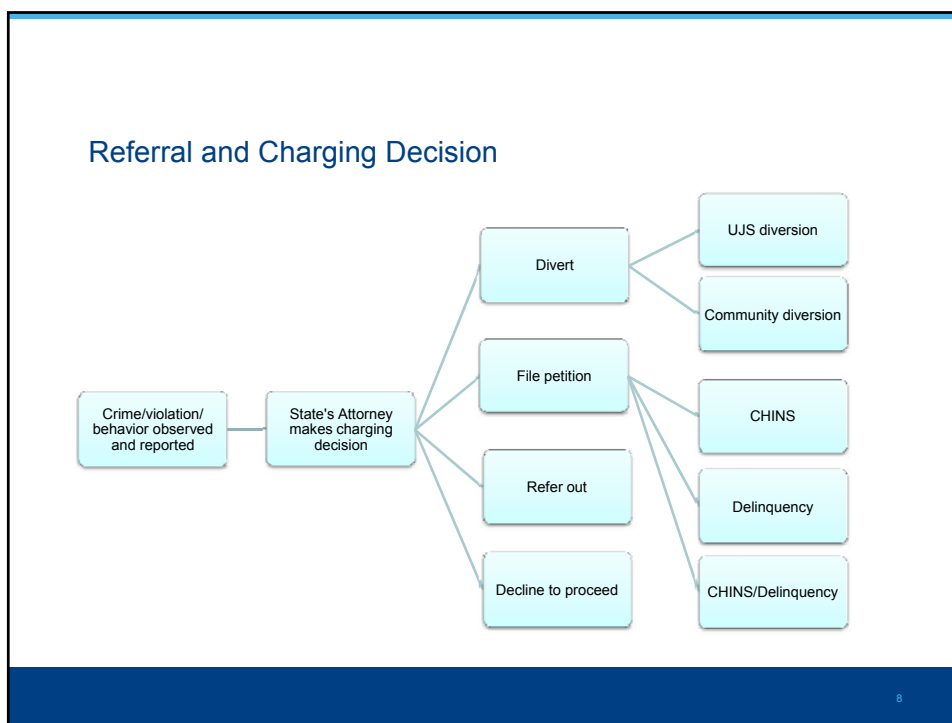
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## South Dakota's Juvenile Justice System Map



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## PRE-DISPOSITION: Referral and the charging decision



### Charging Decision: Diversion

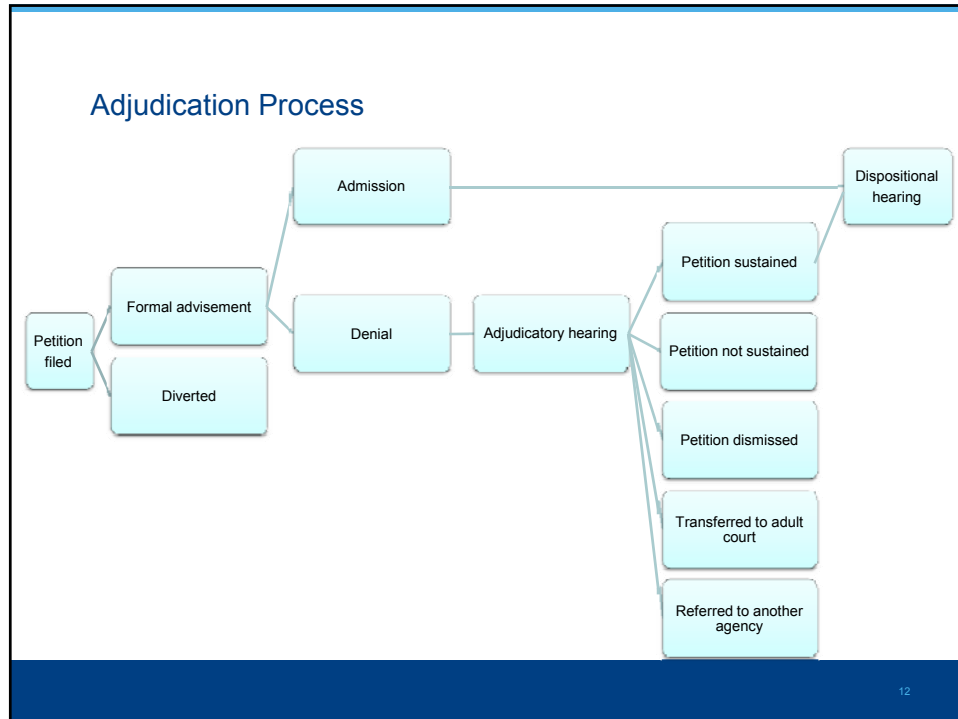
- Two diversion options:
  - UJS diversion monitored by Court Services Officers
  - Community diversion (e.g. Teen Court)
- Eligibility criteria determined by State's Attorney.
- Admission criteria determined by diversion providers.
- If eligible, youth, parents, and diversion providers must voluntarily agree diversion is appropriate.
- In all cases, youth must accept responsibility for their actions.
- If diversion is found appropriate, no petition is filed.
- Juvenile diversion participation lasts up to 180 days.

### Charging Decision: Petition

- Following a preliminary investigation, the State's Attorney may decide to file a formal petition in court for:
  - Delinquency
  - CHINS
  - Mixed CHINS/delinquency
- Driving under the influence and open container violations are not delinquency cases and are heard in magistrate court.

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**PRE-DISPOSITION:  
Adjudication**



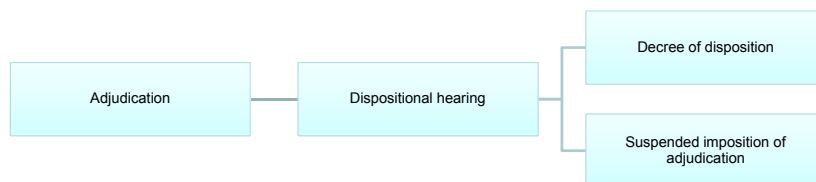
### Adjudication Hearing

- An “adjudicatory hearing” is a hearing to determine whether the allegations of a petition [...] alleging a child to be in need of supervision or a delinquent are supported by evidence beyond a reasonable doubt. 26-7A-1(2)
- If the juvenile denies the allegations, the court will hold an adjudicatory hearing on the allegations in the petition.

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## DISPOSITION: Process and options

### Disposition Process



## Dispositional Hearing

- A “dispositional hearing” is a hearing after adjudication at which the court makes an interim or final decision in the case. 26-7A-1(17) At that hearing, the court enters a decree of disposition according to two standards:
  - The least restrictive alternative available
  - In keeping with the best interest of the child
- Judges may request the following information to help guide disposition:
  - Social study or pre-disposition report (completed by CSO at court request)
  - Mental and medical examinations and evaluations
  - Home study
  - Input from victims, witnesses, family, and other stakeholders
  - Any other evidence relevant to appropriate disposition of the child

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## Disposition Options for CHINS and delinquents

	CHINS	Delinquency
Probation	✓	✓
Protective supervision	✓	
Supervised work program up to 90 days	✓	✓
Detention for up to 90 days	only for violations of a valid court order ✓	✓
Restitution	✓	✓
DOC commitment	subject to interagency review ✓	✓
Examination and treatment at an HSC	✓	✓
Fine	≤\$500 ✓	≤ \$1000 ✓
Suspension, revocation, or restriction of driving privileges	✓	✓
Placement in educational alternative program	✓	
Costs and fees	✓	✓

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### Pre-Disposition and Disposition Observations

- Lack of uniform, statewide eligibility and admission criteria for diversion
- Lack of uniform information provided to judges for making the disposition decision
- Process and disposition options for CHINS and delinquent youth are very similar
- Other observations?

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**DISPOSITION:  
Probation**

### Probation: Staffing and Caseloads

- Juvenile probation supervision is provided by Court Services Officers (CSOs)
  - Case services monitoring
  - Regular and intensive probation services
  - Interstate compact supervision
  - Informal adjustments
  - Interim probation services post-adjudication, pre-disposition
  
- 113 CSOs
  - Supervise both adults and juveniles
  - CSOs each supervise *approximately* 25 juveniles and 75 adults
  
- 1,982 youth on probation as of June 30, 2014

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### Probation: Intake and Case Planning Process

- Initial Contact
  - Meet with juvenile and family to discuss conditions of probation and make referrals to any court ordered services
  
- Assessments
  - Youth Level of Service/Case Management Inventory (YLS/CMI 2.0) informs case planning
  
- Case Planning
  - Probation case plan (“change plan”) is developed within 30 days for medium, high and intensive risk probationers
  - Establishes supervision, services and other requirements of probation
  
- Reviews
  - CSO and court review of probation terms, conditions and progress every six months

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## Probation: Supervision Levels

- Case Service Monitoring
  - Court-ordered monitoring of conditions placed on an offender who has not been ordered to probation
- Administrative Supervision
  - Low level of supervision for juveniles on probation scoring very low on the YLS/CMI
  - No mandatory requirements
- Low, Medium and High Supervision
  - Community-based supervision and services to offenders ordered to probation by the court as an alternative to institutionalization
  - Levels include the same processes, but differing amounts of contact

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## Probation: Supervision Levels

- Intensive supervision is called the Juvenile Intensive Probation Program.
  - Eligibility: High-risk, high-need youth who are not an unreasonable risk to public safety
  - Staffing: 14 CSOs with specialized caseloads
- Supervision:
  - Phase I: Assessment (min. of 1 month)
    - Juvenile placed on monitored house arrest
    - Assessments conducted and probation plan developed within 30 days
  - Phase II: Implementation (min. of 4 months)
    - Intensive supervision and services provided
  - Phase III: Step-down (min. of 1 month)
    - Contacts progressively decrease, services continue
  - Phase IV: Non-intensive (3 to 9 months)
    - Upon completion of phase III, probationer transferred to regular CSO caseload
    - High level of supervision for 60 days
    - New YLS/CMI conducted

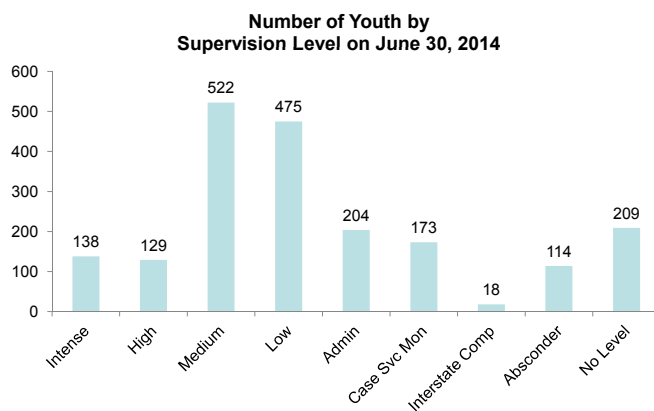
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### Probation: Supervision Levels

Supervision Level	Expected Number of Contacts
Case Service Monitoring	No expected number of contacts
Administrative	1 face-to-face per quarter
Low	1 face-to-face per month 1 collateral per month
Medium	2 face-to-face per month <i>(including 1 random field visit every 3 months)</i> 2 collateral per month
High	3 face-to-face per month <i>(including 1 in the field)</i> 2 collateral per month
JIPP	3 face-to-face per week <i>(reduced in phases)</i> 2 collateral per month

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### Probation: Supervision Levels



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### Probation: Court Services Costs

- UJS does not separate the costs of adult versus juvenile probation.
- FY13 actual Court Services expenditures were \$7.9 million for adult and juvenile.
  - Excluding drug courts and the community and home-based services.

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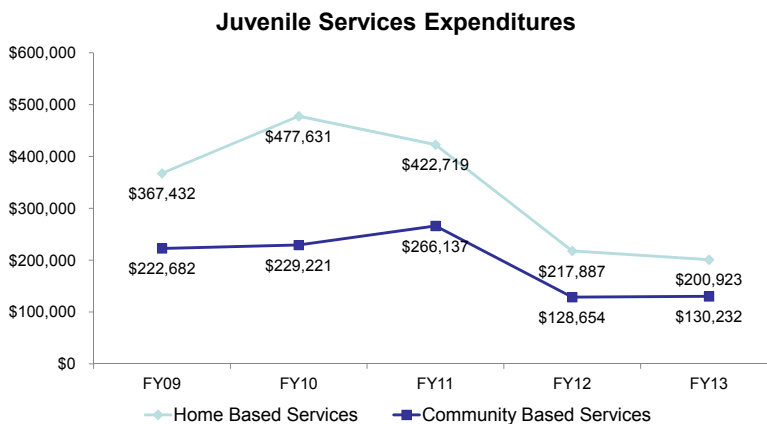
### Probation: CSO Supervision Costs

Supervision level	Hours per month	Cost per day
Case Service Monitoring	0.10	\$0.17
Administrative	0.33	\$0.57
Low	0.71	\$1.22
Medium	1.63	\$2.81
High	1.78	\$3.07
Intensive	N/A	\$14.94*

- FY13 Costs of supervision shown here only include CSO time.
- \*Intensive supervision costs are based on the cost of CSO time and maximum allowed caseloads.

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Probation: UJS-Funded Services for Probationers



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Probation: UJS-Funded Services for Probationers

Service Type	Youth Served		
	FY14	FY13	FY12
<b>Community-Based Services</b>	<b>160</b>	<b>153</b>	<b>177</b>
• Prevention Education	27	36	32
• Mental Health Assessment	1	1	10
• Mental Health Individual Counseling	43	33	26
• Mental Health Group Counseling	6	5	5
• CD Assessment	35	16	15
• CD Individual Counseling	10	10	15
• CD Group Counseling	11	30	24
• Juvenile Day Treatment	27	22	50
<b>Home Based Services</b>	<b>78</b>	<b>87</b>	<b>119</b>

\*\*UJS is the payer of last resort for services in the community for probationers

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## Probation: Violations

Violation Type	Responses
Technical	<ul style="list-style-type: none"> <li>Community service, treatment, or other informal sanctions</li> <li>Petition filed               <ul style="list-style-type: none"> <li>Any disposition available for a new offense is available as a sanction for a violation</li> </ul> </li> </ul>
New Offense	<ul style="list-style-type: none"> <li>Community service, treatment, or other informal sanctions</li> <li>Petition filed               <ul style="list-style-type: none"> <li>Any disposition available for a new offense is available as a sanction for a violation</li> </ul> </li> </ul>

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## Probation: Discharge, Violation, or Extension

	Formal Process	Decision-Makers
<b>Discharge/ Termination</b>	<p>Upon successful completion of conditions and the probation plan, the court may discharge a probationer.</p> <p>Process generally takes place:</p> <ul style="list-style-type: none"> <li>Following a 6-month review by the CSO and the sentencing judge; or</li> <li>After CSO recommendation and approval by the judge on another date.</li> </ul>	Judge, with CSO input (in some circuits, the State's Attorney)
<b>Violation</b>	<p>After a petition for violation, if the court finds by a preponderance of the evidence that the juvenile violated the terms and conditions of probation, the court may:</p> <ul style="list-style-type: none"> <li>Modify the terms and conditions of probation;</li> <li>Revoke probation; or</li> <li>Take any other dispositional action originally permitted that is in the best interest of the child and the public.</li> </ul> <p>If the court cannot make that finding, proceedings are dismissed and probation continues.</p>	Judge, with CSO input, and input from the parties
<b>Extension</b>	<p>Upon agreement of the parties, the judge, and the CSO, the court may extend probation to allow more time for completion of probation conditions.</p>	Judge and CSO; or the parties by agreement

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### Probation Observations

- Caseloads are mixed; most CSO caseloads consist of a majority of adult offenders.
- Expenditures for community and home based services have declined over the last few years.
- There are no formal guidelines for CSOs to use when determining how to sanction violations of probation conditions.
- Other observations?

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**DISPOSITION:  
Commitment**

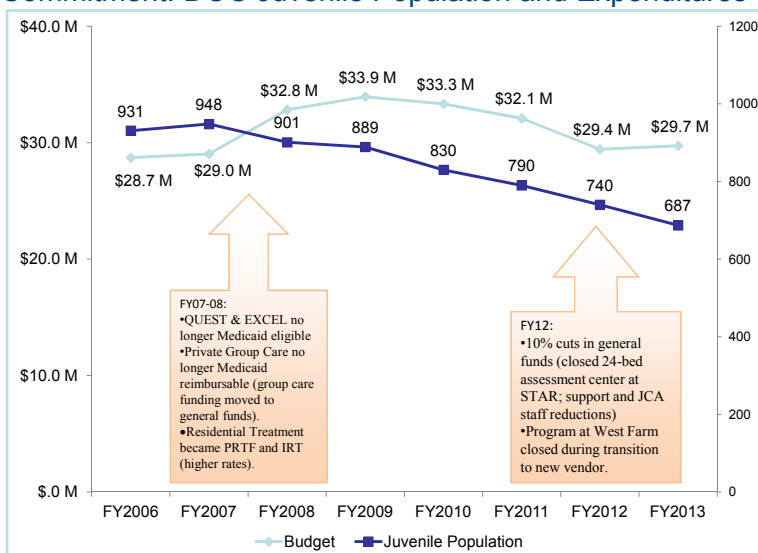


### Commitment: Staffing

- The committed population is primarily the responsibility of the Department of Corrections.
- Staffing:
  - 32 Juvenile Corrections Agents (JCAs) in 15 offices
    - Responsible for intake, placement recommendations, and aftercare
  - STAR Academy, the state-run residential placement:
    - 124.7 DOC staff
    - DSS staff who provide mental health and chemical dependency assessment and services
    - DOH staff who provide nursing care
  - Other out-of-home placements are staffed by contracted provider agencies

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### Commitment: DOC Juvenile Population and Expenditures



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### Commitment: Intake Process

- JCAs conduct intake evaluation for each juvenile committed.
- Case review
  - Charges and court orders
  - Prior evaluations and assessments
  - Interview with parent/guardian
- Assessments
  - The JCA administers assessments to determine the appropriate placement and services for the youth.
    - Youth Level of Service Case Management Inventory (YLS-CMI 2.0)
    - Massachusetts Youth Screening Instrument (MAYSI-2)
    - Others as applicable: JSOAP II, JSORRATT II, and URICA
- Initial placement recommendation is made within 7 days of commitment to the DOC.

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### Commitment: Placement Options

- State-operated facility
  - STAR Academy
- In-state private placements
  - Group Care
    - QUEST program at STAR is a licensed group care facility.
  - Psychiatric Residential Treatment Facility (PRTF)
  - Intensive Residential Treatment (IRT)
- Out-of-state private placements
  - Group Care
  - PRTF
  - IRT
- Other placements
  - DHS (e.g., Turtle Creek at Redfield)
  - DSS (e.g., Human Services Center at Yankton)

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### Commitment: STAR Academy

Program	Gender	Number of beds
Brady Academy 1	Male	24
Brady Academy 2	Male	24
Youth Challenge 1	Male	24
Youth Challenge 2	Male	24
QUEST	Female	32

- Average cost is \$245 per day (or \$89,000 per bed per year)
  - Includes the education rate

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### Commitment: STAR Academy

- Designed for juveniles ages 14-18 who have been adjudicated delinquent or determined to be a child in need of supervision (CHINS)
- Staffing ratios
  - 1 staff to 8 juveniles during the day
  - 1 to 16 overnight
- On 6/30/14, there were 100 juveniles at STAR Academy
  - 76 males
  - 24 females
- Length of stay is determined by risk level and behavior in the program.

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### Commitment: STAR Academy

- Services
  - Education
  - Vocational education
  - Individual counseling
  - Group counseling
    - Truthought Corrective Thinking
    - Thinking for a Change
    - Options to Anger
    - Seeking Safety
    - UC Cognitive Behavioral Intervention for Substance Abuse
    - Girls Circle
    - Returning Home (transition to aftercare)
  - Recreation
  - Off-campus work assignments

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### Commitment: Group Care

- Option for juveniles who are determined to not be appropriate for STAR because of medical or behavioral history
  - Look for bed space in group care close to youth's home
  - Seek out-of-state, only if all in-state group care providers have either terminated them or denied admission
- Staffing ratio: 1 staff to 8 juveniles
- On 6/30/14 there were 71 juveniles in group care
  - 56 males
  - 15 females

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### Commitment: Group Care

- In-state providers
  - 15 contracts
  - Average cost is \$118 per day (or \$43,000 per bed per year)
- Out-of-state providers
  - 4 contracts, 10 programs
  - Average cost is \$197 per day (or \$72,000 per bed per year)
- No group care programs are Medicaid eligible
- Must complete a case service plan within 15 days of program admission.
- Length of stay is determined by completion of program/treatment requirements and input from program staff and JCAs.

Rates shown do not include the education rates.

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### Commitment: Psychiatric Residential Treatment Facilities (PRTF)

- Intensive inpatient psychiatric treatment for juveniles who have a DSM diagnosis and presenting behaviors, and meet the medical necessity review
- Intake process is different for PRTF:
  - If no current DSM diagnosis, JCA refers for an evaluation
  - Based on diagnosis, case is reviewed by the State Review Team (SRT)
  - SRT makes initial determination if youth requires and is eligible for a higher level of care
  - Cases needing higher level of care get referred to managed care Peer Review Organization (PRO) for medical necessity review decision
- Staffing ratio: 6 staff to 1 juvenile
- On 6/30/14 there were 66 juveniles in PRTFs
  - 37 males
  - 29 females

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### Commitment: Psychiatric Residential Treatment Facilities

- In-state providers
  - 8 contracts
  - Average cost is \$202 per day (or \$74,000 per bed per year)
- Out-of-state providers
  - 6 contracts
  - Average cost is \$322 per day (or \$118,000 per bed per year)
- All PRTFs are Medicaid eligible
- Must complete a case service plan within 15 days of program admission
- Length of stay is determined by completion of program/treatment requirements, input from program staff and JCAs, and “continued stay reviews” every 90 days.

Rates shown do not include the education rates.

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### Commitment: Intensive Residential Treatment (IRT)

- Licensed level of care developed by South Dakota through the rule making process
- Designed for juveniles who present more serious psychiatric/psychological issues than PRTF
- Placement process is the same as for PRTF
  - JCA makes referral to SRT
  - SRT makes initial determination and refers to PRO
- Staffing ratio: 3 staff to 1 juvenile
- On 6/30/14 there were 52 juveniles in IRT
  - 39 males
  - 13 females

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### Commitment: Intensive Residential Treatment

- In-state providers
  - 3 contracts
  - Average cost is \$307 per day (or \$112,000 per bed per year)
- Out-of-state providers
  - Some out-of-state private provider PRTFs exceed the PRTF level of care and could meet the IRT level of care.
- Must complete a case service plan within 15 days of program admission.
- Length of stay is determined by completion of program/treatment requirements, input from program staff and JCAs, and “continued stay reviews” every 90 days.

Rate shown does not include the education rate.

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### Commitment: Aftercare

- Aftercare is a conditional release to the community during which time the youth remains under DOC guardianship.
- Youth on aftercare:
  - Are typically released home with monitoring and services.
  - Are sometimes placed in Sequel Transition Academy (males) or other independent living programs if there is not an appropriate home/residence for the youth to return to.

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### Commitment: Aftercare

- Planning process
  - DOC planning begins at least 45 days prior to release; private provider processes vary.
  - Transition conference calls with family and community providers occur prior to release.
  - Home visits completed when possible.
  
- Aftercare contract
  - Is completed by the JCA while the youth is still in the facility
  - Guides the level of supervision and requirements
  
- A case plan is developed to include contact and service requirements.

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### Commitment: Aftercare Supervision

- Caseloads: 9.4 for aftercare\*
  - JCAs are trained in the use of Effective Practices In Community Supervision (EPICS).
    - EPICS addresses the attitudes, values and beliefs that contribute to delinquent behavior.
    - JCAs use EPICS with medium and high risk youth.
  
- Frequency of contact is driven by the risk assessment.

Supervision Levels	Contact Requirements
Maximum	2-3 days per week
Medium	1-2 days per week
Minimum	2 days per month
Administrative	1 day per month

\*JCAs are also responsible for youth in placement. Their placement caseloads are 10.6 , meaning their caseloads are about 20 youth in total across placement and aftercare.

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### Commitment: Aftercare Services

Service Type	FY 2014 Expenditures
Other consulting (community resource specialist, transportation specialists, day treatment & counseling, community reintegration, crisis stabilization, respite, assessment)	\$ 183,281
Intensive family services	\$ 70,326
Sex offender services	\$ 42,792
Electronic monitoring	\$ 37,036
<b>Total</b>	<b>\$ 333,435</b>

- Chemical dependency services paid for by DSS.
- Outpatient mental health services are largely paid through Medicaid.

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### Commitment: Aftercare Violations

- Violations process
  - JCAs complete incident report.
  - JCAs will initiate aftercare revocation proceedings, if needed.
- JCAs use incentives and graduated sanctions
  - Behavioral expectations are set and upon meeting those expectations a youth is rewarded with an incentive.
  - Infractions are categorized by degree (minor, medium and major) and sanctions imposed according to the degree of the violation.

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### Commitment: Aftercare Sanctions

Minor Violations	Sanctions
Curfew	Increase supervision level
Truancy	Set earlier curfew
Technical violations	Verbal reprimand, counsel and release
Medium Violations	
School suspension	Increase supervision level
Alcohol/drug use	SCRAM
Misdemeanors	Referral for services
Running away	EM/GPS; temporary custody in detention
Major Violations	
Felony offense	Revocation

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### Commitment: Aftercare Incentives

Behavioral Expectations	Incentive Rewards
Following curfew	Increased curfew (with custodian approval)
Clean UAs/staying sober	Reduction or modification of level of supervision
Good family relations/following household rules	Movie rentals/passes
Attending school & maintaining appropriate behavior	Lunch with JCA
Attending counseling sessions/groups	Gift cards
Joining organized activity or club	Event tickets/area attractions

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### Commitment: Discharge

Discharge Category	Description
1	As a reward for good conduct and upon satisfactory evidence of reformation
2	As a result of a conviction for a new crime as an adult, if the juvenile is placed on adult probation or sentenced to the county jail or state penitentiary
3	If the juvenile, upon reaching the age of majority, lives outside the jurisdiction of the State of South Dakota and the interstate compact on juveniles is not available due to the juvenile's age or circumstances
4	If the juvenile is on aftercare and has a suitable placement, and a discharge is determined to be in the best interests of the juvenile
5	The juvenile has reached the age of 21 years

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### Commitment Observations

- DOC expenditures do not track the decline in the number of commitments because of changes to Medicaid, but started to trend down.
- Out-of-home placements are expensive and rates vary by type of placement
- Responses to violations of aftercare conditions are guided by a graduated response grid.
- Other observations?

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**Questions? Comments?**

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