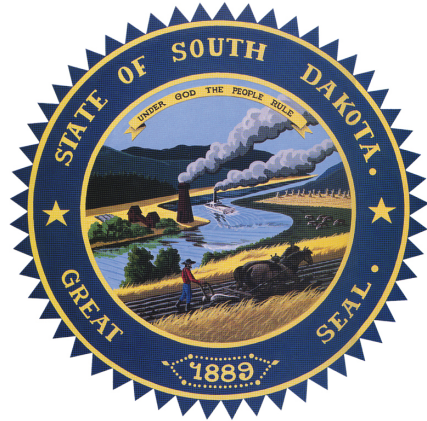


South Dakota Juvenile Justice Reinvestment Initiative Work Group



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



Work Group Timeline

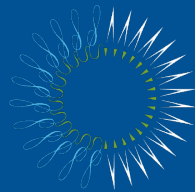
| | May | | | | June | | | | July | | | | August | | | | September | | | | October | | | | November | | | | | |
|----------------------------------------|-----|----|----|----|------|---|----|----|------|---|------|----|--------|---|------|----|-----------|---|---|------|---------|------|---|-------|----------|----|---|----|-------|----|
| Week Beginning | 5 | 12 | 19 | 26 | 2 | 9 | 16 | 23 | 30 | 7 | 14 | 21 | 28 | 4 | 11 | 18 | 25 | 1 | 8 | 15 | 22 | 29 | 6 | 13 | 20 | 27 | 3 | 10 | 17 | 24 |
| Work Group Meetings | | | | | 6/5 | | | | | | 7/24 | | | | 8/21 | | | | | 9/16 | | 10/2 | | 10/16 | | | | | 11/13 | |
| Stakeholder Engagement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| System Assessment and Statutory Review | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drivers Analysis | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Policy Development | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Model Impact of Policy Options | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Draft Public Report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Review of Key Juvenile Justice Terms

- Detention
 - Defined by SDCL 26-7A-1 as the temporary custody of a child in secured physically restricting facilities for children, sight and sound separated from adult prisoners.
- Children in Need of Supervision (CHINS)
 - Defined by SDCL 26-8B-2 as any child of compulsory school age who is a habitual truant from school; who has run away from home or is otherwise beyond the control of a parent, guardian, or other custodian; or whose behavior or condition is such as to endanger his or her own welfare or the welfare of others; any child who has violated any federal, state, or local law or regulation for which there is not a penalty of a criminal nature for an adult, except unlawful actions related to tobacco and alcohol, or petty offenses.
- Delinquent
 - Defined by SDCL 26-8C-2 as any child ten years of age or older who, regardless of where the violation occurred, has violated any federal, state, or local law or regulation for which there is a penalty of a criminal nature for an adult, except state or municipal hunting, fishing, boating, park, or traffic laws that are classified as misdemeanors, or petty offenses.

Review of Key Juvenile Justice Terms

- Adjudication
 - Defined by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the court process that determines if the juvenile committed the act for which he or she is charged. In juvenile cases, judges make this determination. The term "adjudicated" is analogous to "convicted" and indicates that the court concluded the juvenile committed the act.
- Dispositional decree
 - Defined by SDCL 26-8C-7: If a child has been adjudicated delinquent, the court shall enter a decree of disposition according to the least restrictive alternative available in keeping with the best interests of the child.
- Commitment
 - Defined by SDCL 26-7A-1 as the transfer of custody of a person. When a juvenile is committed to the Department of Corrections, the Secretary of Corrections becomes that juvenile's legal guardian according to SDCL 26-7A-92.
- Aftercare
 - Defined by SDCL 26-11A-12, the Department of Corrections may establish an aftercare supervision program to supervise juveniles in the community, if they have been conditionally released from a department facility or program, the Human Services Center, detention, shelter, group home, group care center or residential treatment center. On aftercare, the juvenile is required to sign an aftercare contract that establishes a number of conditions designed to assist the juvenile in reintegrating into the community that will help the juvenile to live productively and crime free.



THE
PEW
CHARITABLE TRUSTS

Better Outcomes, Lower Cost

South Dakota Juvenile Justice Reinvestment
Work Group
Pierre, SD
June 5, 2014

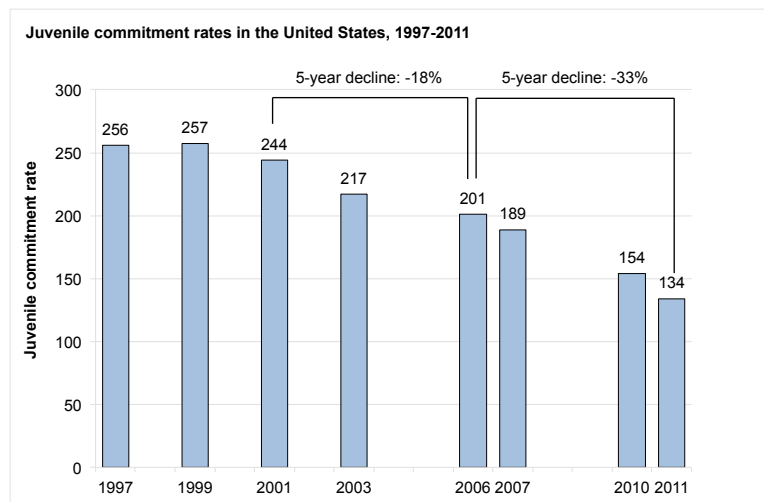
NATIONAL LANDSCAPE: Commitment rates and trends

42,000 committed juvenile offenders in residential placement in 2011;
44% fewer than in 1997

| Census of Juveniles in Residential Placement Number of juvenile offenders by placement status | | | |
|--------------------------------------------------------------------------------------------------|---------|--------|-------------|
| | 1997 | 2011 | %-change |
| Committed | 75,406 | 41,934 | -44% |
| Detained | 28,040 | 19,014 | -32% |
| Total Custody* | 105,055 | 61,423 | -42% |

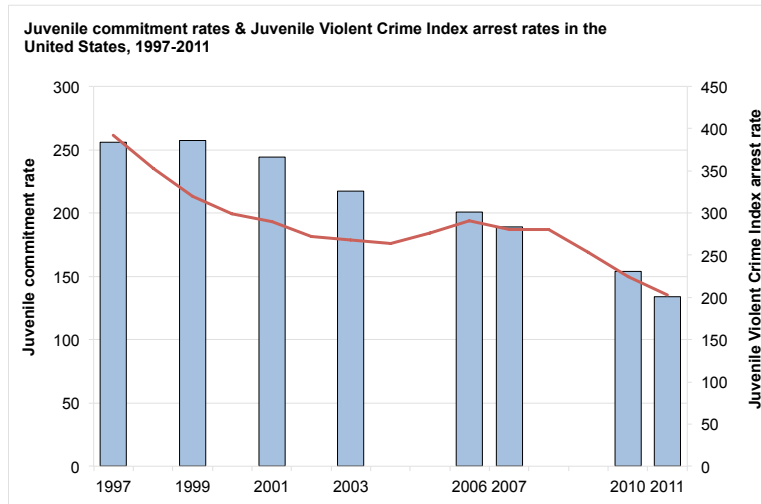
8

National juvenile commitment rates have fallen rapidly over the past decade



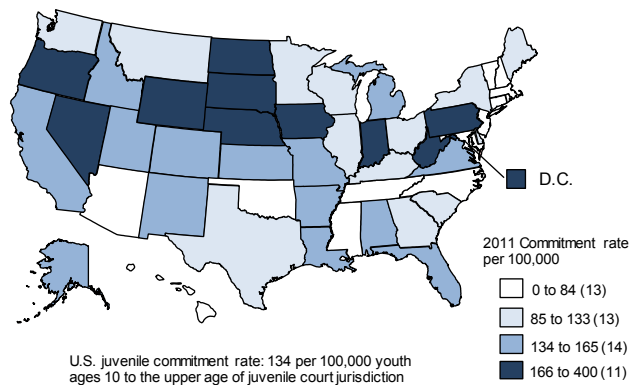
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The decline in juvenile commitment rates is similar to falling juvenile arrest rates for violent crime



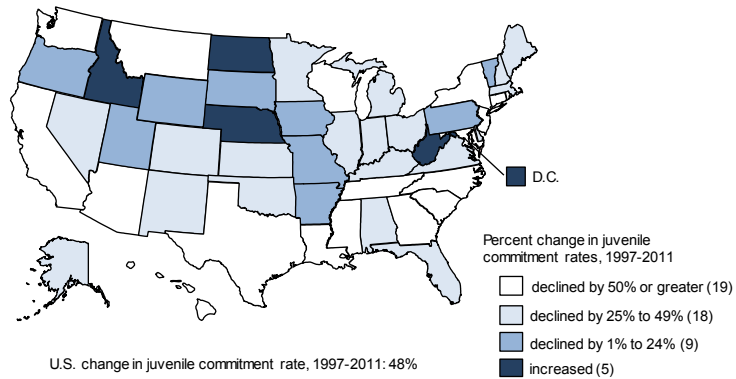
10

But, there is wide variation in state-level commitment rates



11

Despite widespread, large declines some states have experienced smaller declines or growth



12

JUVENILE JUSTICE REFORM: State examples

Challenges

| | Georgia | Kentucky | Hawaii |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| High costs, poor outcomes | Out-of-home facilities cost \$90,000 per bed per year; over half return to the juvenile or criminal justice system | Out-of-home facilities cost an average of \$100,000 per bed per year; status offenders placements costing \$6.9 million | HYCF costs \$199,000 per bed per year; 75% are re-adjudicated or re-convicted within 3 years of release |
| Population drivers | <ul style="list-style-type: none"> •Relaxed definition of designated felons (DF) contributed to the growth of this population in residential facilities •Increased LOS for DFs •53% of juveniles in non-secure residential adjudicated for misdemeanors and status offenses | <ul style="list-style-type: none"> •Misdemeanants and probation violators make up the majority of all placement types •LOS increased across all offense types | <ul style="list-style-type: none"> •61% of youth admitted to HYCF for a new offense were misdemeanants •41% of all admissions to HYCF were for probation violation or revocation •LOS in HYCF increased 188% |

14

Policies to increase public safety, reduce recidivism

| Georgia | Kentucky | Hawaii |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> •Requires evidence based practices in the continuum of services •Requires performance based contracting to motivate service providers to achieve better results | <ul style="list-style-type: none"> •Requires use of screening and assessment tools to guide treatment, supervision and placement decisions •Increases engagement of the family in case planning •Requires juvenile justice agencies to increase training and education of workers to improve quality of services and improve outcomes | <ul style="list-style-type: none"> •Allows for the suspension of delinquency proceedings for up to 1 year to provide opportunity for treatment •Requires advance notice of discharge from placement to prepare the family and get services in place. •Requires validated assessment tools for decision making |

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Policies to hold juveniles more accountable

| Georgia | Kentucky | Hawaii |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> •Allows probation officers to spend more time with youth who require more supervision by authorizing the use of administrative caseloads | <ul style="list-style-type: none"> •Requires the use of graduated sanctions to encourage compliance | <ul style="list-style-type: none"> •Requires the use of a sanctions system based on seriousness of the violation and risk to reoffend •Allows youth to earn time off probation to free up probation officer time to spend on those requiring more supervision |

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Policies to reduce commitments and invest in proven practices

| | Georgia | Kentucky | Hawaii |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reduce commitments | <ul style="list-style-type: none"> •Creates 2 classes for designated felons, with maximum periods of confinement •Prohibits residential commitment for status offenders and certain misdemeanants | <ul style="list-style-type: none"> •Restricts misdemeanor and Class D felony offenders from being committed •Limits the length of placement based on seriousness of the offense and risk to reoffend | <ul style="list-style-type: none"> •Prohibits misdemeanants from commitment |
| Invest in proven practices | <ul style="list-style-type: none"> •Establishes a voluntary fiscal incentive program, with an upfront investment, to support communities to develop proven programs | <ul style="list-style-type: none"> •Establishes a fiscal incentive program to increase funding for services in local communities | <ul style="list-style-type: none"> •Provides an upfront investment for mental health and substance abuse services and other proven programs |

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Broad support

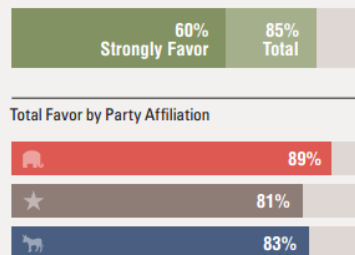
| | Georgia | Kentucky | Hawaii |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Votes | Approved 47-0 in the Senate and 173-0 in the House | Approved 32-6 in the Senate and 84-15 in the House | Approved 24-0 in the Senate and 50-0 in the House |
| Endorsements | <ul style="list-style-type: none"> •Prosecuting Attorneys' Council of GA •State Bar of GA •Association of Criminal Defense Lawyers •Council of Juvenile Court Judges •JUSTGeorgia | <ul style="list-style-type: none"> •County Attorney's Association •KY Association of School Superintendents •KY Council of Churches •Children's Law Center •KY Jailers Association •KY Equal Justice Center •National Alliance on Mental Illness Kentucky •Bluegrass Institute for Public Policy Solutions | <ul style="list-style-type: none"> •Offices of Prosecuting Attorneys – Maui, Kauai, Hawaii •Offices of Mayors - Kauai and Hawaii •Office of Public Defender •Office of Hawaiian Affairs •State Council on Mental Health •HI Substance Abuse Coalition •HI Youth Services Network |

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Broad support: Georgia poll

SEND FEWER OFFENDERS TO STATE FACILITIES; REINVEST SAVINGS WITH COUNTIES

"There are two ways juvenile offenders can be handled. They can be kept in their own communities under supervision and provided with treatment or they can be sent to secure, state run facilities, which are more expensive. Keeping offenders in their communities would save the state money. It has been proposed that the state reward counties that send fewer lower-risk juvenile offenders to state-run facilities by sharing some of the savings with the counties to reinvest into their local public safety programs."



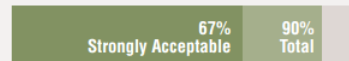
19

Broad support: Georgia poll

KEEP MINOR OFFENDERS OUT OF SECURE FACILITIES

"In 2011, half of juveniles in state facilities that are like group homes were placed there for lower-level offenses that are not felonies, or for an offense such as underage drinking or violating curfew. Experts estimate it costs Georgia taxpayers \$30,000 to \$50,000 per year to house a juvenile in such a facility.

"It has been proposed that Georgia only sentence juvenile offenders who have committed felonies to state facilities, and reinvest a portion of the budget savings in community-based options. These options would hold juvenile offenders accountable for their offenses, but keep them at home with their families under strict supervision by a probation officer, and require them to participate in appropriate treatment programs."



Total Acceptable by Party Affiliation



20

Projected impact

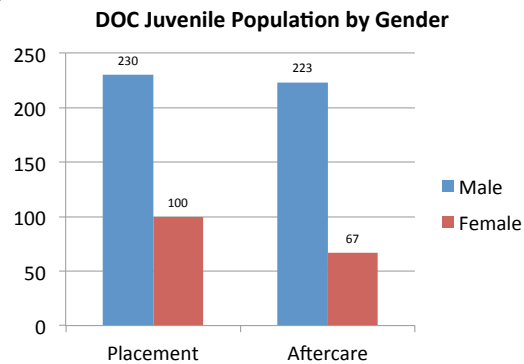
| Georgia | Kentucky | Hawaii |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Save nearly \$85 million through 2018, averting the need to open two additional juvenile residential facilities | Save up to \$24 million over 5 years through population reductions and the possible closure of two facilities | Save \$11 million over 5 years by closing two housing units at the state juvenile corrections facility |

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SNAPSHOT OF SOUTH DAKOTA'S JUVENILE POPULATIONS

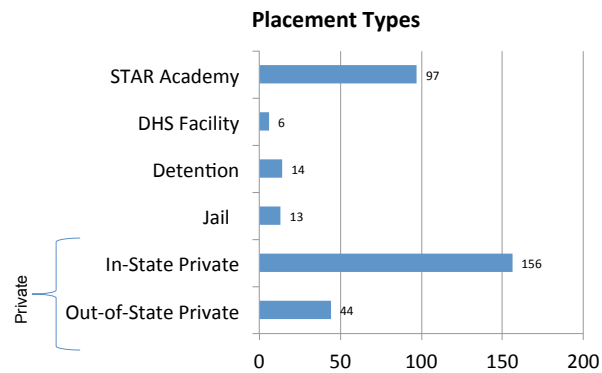
DOC Juvenile Population on April 30, 2014

- DOC had 620 committed youth
 - 330 in placement
 - 290 in aftercare

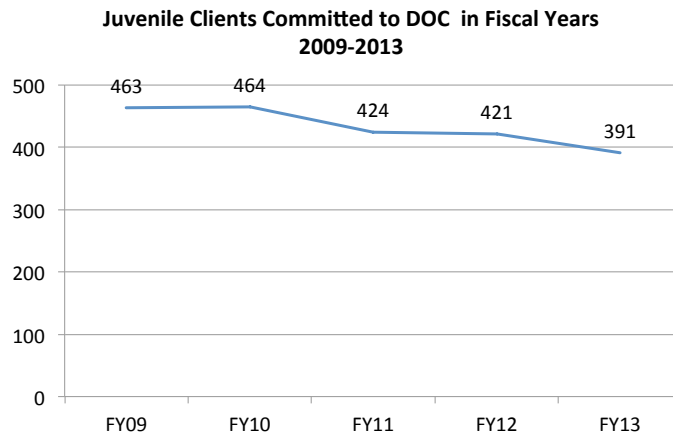


DOC Placements on April 30, 2014

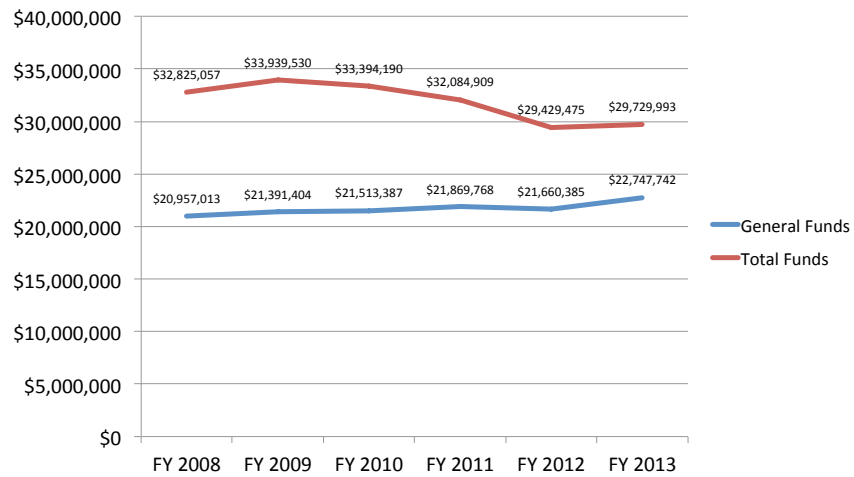
- Of the 330 youth in placements,
 - 61% were in private placements
 - 13% were out of state



Building on Success



DOC Juvenile Costs



**UPCOMING STAKEHOLDER
MEETINGS**

Stakeholder Groups

- Court Services Officers & Parole Agents
- County Commissioners
- Defense Attorneys
- Educators
- Judges
- Law Enforcement
- Native American Representatives
- Prosecutors
- Service Providers
- Victim Advocates
- Youth Offenders

TIMELINE AND NEXT STEPS

Future Meetings

- July 24: System Assessment and Drivers Presentation
- August 21: Data Follow-up and Policy Options
- September 16: Policy Development
- October 2: Policy Development cont.
- October 16: Policy Development cont., as needed
- November 13: Consensus Report

Next Steps

- Stakeholder outreach
- System assessment
- Drivers analysis

Contact Information

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- Barbara Pierce Parker, Crime and Justice Institute
 - Phone: 207-400-7594
 - Email: bpierce@cji.org