

Statewide Juvenile Detention Alternatives Initiative (JDAI) Steering Committee Meeting

May 20, 2015

10:30 AM – 2:30 PM

Governor's Inn

Pierre, SD

Members in Attendance

Cindy Heiberger	Carole Cochran	Ken McFarland	Angel Runnels
Judge Scott Myren	Danette Cronin	Tamie McMeekin	Erin Srstka
Nancy Allard	Terry Dosch	Jessica Miller	Dr. Tom Stanage
Kent Alberty	Doug Herrmann (by phone)	Brian Mueller	Judd Thompson
John Bentley	Representative Tim Johns	Betty Oldenkamp (by phone)	Stephanie Vetter
Katie Bray	Rachel Kippley	David Osterquist	Liz Heidelberger

Members not in Attendance

Representative Julie Bartling	Mark Milbrandt
Judge Jeff Davis	RJ Rylance
Don Holloway	Virgena Wieseler
Judge Karen Jeffries	Ross Wright

Meeting Notes:

Introductions and Purpose of the Meeting

Cindy Heiberger and Judge Myren welcomed everyone to the meeting and introductions were completed due to new individuals around the table. Cindy provided an overview of the meeting and introduced the topics that would be covered.

Risk Assessment Instrument Implementation

Nancy Allard informed the committee that the Presiding Judges across the state met in regards to the Risk Assessment Instrument (RAI) implementation and informed the committee that it was the role of a Presiding Judge to name the Intake Officers across the state. Nancy advised that the Presiding Judges reviewed and provided their recommendation for a Supreme Court Rule for implementation of the RAI statewide. At the Supreme Court Rules hearing held in January 2015, the Supreme Court Rule 14-15 was reviewed, discussed and approved at the Supreme Court level and will go into effect in July 2015. The Supreme Court Rule mandates the utilization of the RAI statewide for all juvenile intakes. The Presiding Judges have named the detention centers to be the Intake Staff. Nancy informed the committee that training with Law Enforcement and detention center staff is occurring. The data collected from the RAIs will assist with the discussion about Alternatives to Detention (ATD) programming needs. Discussion ensued regarding the data and it was noted that this was a similar process to how implementation went in Sioux Falls and Rapid City as they had a “test period” for the RAI and the data gleaned from the test period was used to assist with the identification of ATD programming.

While discussing the Supreme Court Rule verbiage it was noted that, in one part of the Rule, it utilizes the word “abscond” and in another area it notes “not appearing at court.” A recommendation was made to ensure that the difference between the two is discussed and identified through training. Liz advised that, within the

RAI Intake Officer training, there is a section specifically related to the use of overrides and needing to provide additional information about the justification for use of an override. Liz advised that, in the trainings that have occurred to date, there has been thorough discussion about the youth's risk to not attend court and runaway concerns in regards to whether or not the situation rises to the level of needing an override. It was noted that this verbiage could be changed in the Rule if there would be other changes down the road. In the interim, the differences would come from changes within the RAI manual and through the training of the Intake Staff.

Stephanie Vetter advised that the next steps would be to implement collaboratives across the state. One of the roles of the collaborative would be to complete a survey of current services available that target youth age 10 to 17. This survey will assist the discussion of identifying the ATD programming needs once the RAI data is available as well. When discussing the ATD programming costs, the committee was encouraged to think about the funding that is currently going towards detention and being able to re-allocate those funds towards ATD services versus detention center costs. This encouragement will mostly be applicable to locations that do not have their own detention centers and contract with other facilities across the state.

At this time, there was a discussion about the Senate Bill 73 which is the resulting bill of the Juvenile Justice Reinvestment Initiative (JJRI) Committee's work. The goal of the JJRI process has been to decrease the number of youth referred to the Department of Corrections (DOC) and reinvest those funds to the front end of the system. It is anticipated that the funds will be available to deliver services across the entire juvenile justice system continuum. Expanded diversion with Senate Bill 73 will help "right size" the system just as JDAI has "right sized" the pre-trial phase of the juvenile justice system already in Minnehaha County and Pennington County.

Another aspect of Senate Bill 73 is to make the following offenses a citation: petty theft under \$400, intentional damage to private property under \$400; minor in consumption, and truancy. With the citation, there would be no adjudication/disposition and would therefore not be counted on the RAI. The goal of moving these offenses to citations is to provide an avenue for a swift response. Currently, there are a large number of youth charged with the above mentioned offenses that are being referred to formal probation and this will no longer occur with changing them to a citation. The discussion around truancy citations was brought up in regards to the concerns about getting push back. It was noted that the Superintendent of the Huron School District, Terry Nebelsick, was on the JJRI Committee and had reached out to other superintendents across the state in regards to their thoughts on having truancy be included in the offenses eligible for a citation. Many of the superintendents advised that the citation would be beneficial because of the swift response and the ability to get the parents involved.

The stakeholders involved in the JJRI Committee looked at the number of DOC commitments and how those youth were referred to DOC. The funding that will become available to provide community-based services will come from the DOC budget. Doug Herrmann advised that there are less youth in DOC today than in the past and that is attributed to the mindset change that has been happening with the discussion and implementation of juvenile justice system reform efforts. Doug advised that STAR Academy went from a 218 bed capacity to a 96 bed capacity which further assists with the ability to re-allocate funding towards the front end of the system.

Discussion ensued in regards to the concern of "putting the cart before the horse" in regards to the implementation of the RAI prior to implementing ATD programming. Throughout the discussion it was noted that the cart has to be in front of the horse because a community cannot ask their community-based providers to open up ATD programming without the data and the data will come from the information collected on the RAIs. One committee member advised that "if you don't have a cart, you don't need a horse." To follow up from that comment, it was noted that, once you have the data then you would have a better understanding of the need and which entity you would need to reach out to. One example of waiting for the data to be able to

implement the services was the runaway and homeless program that was implemented in Pennington County. It was noted that there was anecdotal evidence regarding the lack of services available for runaway/homeless youth right away but the objective data was necessary to include when Lutheran Social Services applied for and was granted the funding to implement the right services.

Another committee member advised that, in Minnehaha County, the ATD programs that have been implemented aren't always full because the mindset has changed in regards to identifying the right programming for the right youth at the right time. Across the board, the mindset of the adults working in the juvenile justice system has changed and many individuals are working towards identifying ways to improve the system.

In regards to the RAI implementation, it was noted that one of the goals is to validate the RAI in the future to ensure that the Instrument is accurately and effectively assessing the youth's risk to re-offend and their risk to not attend their court hearing. It was noted that there is a Statewide RAI Committee that will continue to meet and discuss the implementation of the RAI and will work through questions. It was recommended to add in individuals from all new Intake locations to the Statewide RAI committee as well to gain a full perspective of the RAI and how it is being implemented.

The role of the Statewide Committee members was discussed. The role of committee members is to be the messengers of the juvenile justice system reform effort information and to provide education to those who may not have any information or who may have misinformation. The committee members were encouraged to listen to people's concerns and provide education to ensure that individuals across the state are getting the right information about the goal of juvenile justice system reform efforts and to encourage individuals to give the reform efforts a chance. Locations across the state that have detention centers in their own communities can sometimes have the "easy button" in regards to placing a youth in detention even for a short amount of time versus a referral to an ATD program. The RAI will help identify which youth are appropriate for a stay in detention and which youth would be better served in the community or an alternative program.

Those committee members who have been part of implementation in Minnehaha County and Pennington County advised that "it will come" in reference to the mindset change and the change in philosophy as evident by the data and a more robust continuum of services. One committee member noted that "we weren't doing it wrong, we are now just doing things better." It's important to help guide those who will no longer be able to use the "hammer" of a stay in detention towards acceptance and helping them to understand that this is a process and that change doesn't happen overnight.

At this time, it was noted that the committee should be very proud because it is a big deal to have a statewide RAI and the committee was advised that juvenile justice system reform is not a program, but a process and the changes and implementations should be celebrated. Representatives from Minnehaha County advised that the Average Daily Population (ADP) in the first quarter of 2015 is 8.52 youth per day and that this is a much lower ADP than at the beginning of JDAI implementation. The representatives further advised that, at the beginning of implementation, the discussions revolved around the need for a much larger detention facility due to not having enough bed capacity. It was noted that Pennington County had a total of 6 youth held in their facility on this date who were there on pre-adjudication (pre-trial) status. It was also noted that, 5 years ago there were meetings held prior to the weekend to identify which youth could be released from the detention facility as it was full and space was needed for any admissions over the weekend. There was a consensus that the decrease in the numbers was because of the higher consciousness on all parties and a willingness to have a more informed decision-making process.

Statewide Data Review

At this time, Liz provided an overview of the South Dakota data dashboard. A recommendation was made to add in the public safety indicators within future data presentations to include data such as: the number of felony petitions, the number of arrests, number of failure to appears, the number of youth who are re-offending while pending their hearing. Liz advised that there was a decrease in the number of youth referred to detention, the ADP in detention, and the commitment to the DOC. She advised that the increase in the Average Length of Stay (ALOS) was because the right youth were being held in detention versus the youth who were staying for 1-2 days.

Statewide Expansion Discussion

The committee reviewed and discussed the statewide and local structure document that was sent out to everyone prior to the meeting. The collaboratives that were mentioned earlier in the meeting were discussed further in regards to the role of the local and the statewide committee. The statewide committee members were encouraged to participate in their local collaboratives and to speak with their peers across the state to spread the message of juvenile justice reform efforts and what that would mean for them.

The group was informed that presentations have been occurring in order to spread the message of juvenile justice reform efforts to individuals across the state. Discussion ensued regarding the presentation opportunities and the committee members were encouraged to let Liz know of any future opportunities. The committee members were also encouraged to let Liz know if they would have an interest in being on a panel to discuss implementation to date and/or implementation as statewide expansion occurs in addition to having the conversations with their peers to provide education about the JDAI philosophy. The committee discussed the concern of “not holding youth accountable” that has come up on occasion. Discussion ensued and it was noted that there is a response to behavior occurring, but it’s not always detention as it has been in the past. The committee was reminded that there is a risk involved with placing youth out of their home above and beyond the financial costs to include a detachment from their home, schools, the stigma involved, etc.

Multiple training opportunities were discussed both that have occurred or will be occurring in the future that would allow for the JDAI message to be presented.

Stephanie then discussed the infrastructure of implementing JDAI across the state in regards to the need to have some sort of coordination occurring. She advised that there is a need to have a connective tissue that will be leading and guiding the effort in each of the collaboratives.

The conditions of confinement core strategy was then discussed. Nancy advised that there have been discussions held during previous meetings in regards to the detention centers across the state and that there are some facilities in the state that will need assistance with compliance with the core strategy as it relates to conditions of confinement. Nancy advised that the next steps towards this strategy relate to the implementation of the RAI as that will be a key step towards gathering pertinent data and will help with the discussion of next steps. There is and will continue to be a need for brainstorming to occur to effectively identify the need for Alternatives to Detention (ATD) programming and utilization of the detention centers across the state.

Stephanie further discussed the conditions of confinement core strategy. She advised that the youth who are detained are typically the most disadvantaged youth and that we need to be cognizant that there is harm that can be caused because of placement in detention. She stressed the importance of implementing ATD programming which would allow for an alternate response to youth’s behaviors and placement needs than a placement in facilities.

The committee discussed the recommendation for a statewide data system as it relates to the input of the RAI data across the state. It was noted that, because there currently isn't a statewide data system, the RAI data will be compiled by the Intake Staff and would be sent to Liz for data entry and analysis. Although not the ideal option to compile the data, it is the only viable option at this time without halting the implementation of the RAI. A member advised the committee that there is a work group currently working on identifying web-based a statewide solution to information sharing and that could provide some assistance with statewide data as it relates to the RAI. Another recommendation was to approach Zuercher Technologies who is working with facilities across the state to inquire about their willingness to create a web-based option. Nancy discussed that there is an IT Department within the UJS that could possibly provide a solution to a web-based system as they are currently working on a similar system for the Hope Courts that will allow for outside access and data input. It was noted that the statewide data system discussion will continue to be an agenda item at the statewide meetings as the RAI is implemented.

Judge Myren informed the group that one discussion that occurred at the Juvenile Justice Reinvestment Initiative (JJRI) Committee meetings was the discussion about "mission creep," which is what happens when you're working on accomplishing one task and other tasks are identified along the way that distract from the efforts of achieving the initial task. At this time, he reiterated the "job" of the Statewide JDAI Committee which is to help guide the statewide goal and implementation of JDAI in South Dakota. Judge Myren suggested a mission statement for the state JDAI Steering Committee be developed. Judge Myren also recommended that the Committee's mission and the purpose of the meeting be reiterated at the beginning of each meeting as well.

At this time, Senate Bill 73 was discussed in further detail. The goal of the JJRI was provided and includes: ensuring public safety and ensuring an effective use of taxpayer money. Throughout the discussion on the JJRI committee, DOC commitment numbers were discussed. Through data analysis, it was identified that the youth who were being committed to the DOC were youth who the system was mad at or lost patience with and youth who resided in locations with a lack of community resources. Therefore the end goal of the JJRI committee's work was to allow youth to remain in their communities with their families because if this can occur, there is a higher probability for success with these youth versus youth who are in placement away from their families. The process for accomplishing this goal was to: increase the community-based options available, to have more criteria for placement with DOC, to increase the utilization and availability of diversion, and to allow some offenses to be handled with a citation versus a petition into court. The goal is to use the resources on the youth who need the services and not on all youth. Another change was in regards to the length of probation to create uniformity across the state. Judge Myren advised that there were restrictions placed on the length of probation and that youth would be placed on probation with the timeframe not to exceed four months with criteria identified that would allow for the extension of probation not to exceed twelve months for completion of evidence-based treatment services. There will also be a response grid implemented for use in Court Services and a committee has been identified. Members from the Statewide JDAI Steering Committee have been appointed to the Graduated Response Grid group to include Nancy Allard, Angel Runnels, Tamie McMeekin and Liz Heidelberger.

The implementation of the CART (Community Action Response Team) was then discussed. It was noted that the 1st Judicial Circuit would be piloting this team initially. The CART would include community stakeholders who would discuss and recommend alternative options to DOC commitments.

The committee was provided the website if they were interested in additional information regarding Senate Bill 73 at www.jjri.sd.gov. The committee was advised that the majority of the changes will go into effect on January 1, 2016 with some changes effective July 1, 2015. The committee was reminded that Senate Bill 73 ensures that the least restrictive alternative is used and that it's a societal change. They were further reminded that it's going to take time, but the changes will happen.

Next Steps

The next meeting will be held in November 2015 so there will be some time to gather RAI data to be presented.

Announcements were then made around the room. The committee was informed that Ken McFarland will be retiring in June 2015 from the Minnehaha County Commission Office. Ken was thanked for his ongoing commitment and dedication to the JDAI work both on a local level and a state level. Ken advised that the committee ought to look towards the Council of Juvenile Services for ongoing funding revenues as many other JDAI jurisdictions across the nation utilize this funding for sustainability.

The committee was advised that the JDAI National Conference will be held September 28th through the 30th in Phoenix, Arizona. At this time, the number of slots available to South Dakota hasn't been identified but we are hoping to know in early June 2015.

Betty Oldenkamp advised that the Arise Youth Center in Pennington County has compiled RAI data and there were 538 RAIs completed in 2014 with 371 unique youth. She advised that she has recommended digging further into the data to identify solutions to the high number of repeat youth receiving a RAI.

Committee members expressed their excitement and dedication to the juvenile justice system reform efforts and their commitment to the work of the committee.

Meeting adjourned.