

Justice

FOR JUVENILE OFFENDERS IN SOUTH DAKOTA



2002-2004 A PROGRESS REPORT

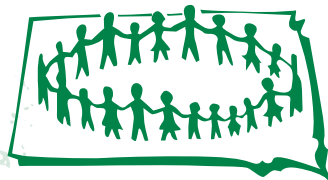
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Vision Statement for South Dakota's Juvenile Justice System

The South Dakota juvenile justice system will address the rehabilitative needs of juveniles and their families, while striving to protect public safety. This will be accomplished through promoting early intervention programs and a juvenile justice system that holds juvenile offenders and their families accountable, and provides appropriate services based on the needs of each juvenile offender.



SOUTH DAKOTA
COALITION
FOR CHILDREN

LOCK THEM UP!

Reports of young lawbreakers too often led the news during the late 1980s and early 1990s. Throughout this country, there were reports of children who murdered, committed robbery, rape and aggravated assault. Although the juvenile crime wave peaked in 1994, the public continued to push for harsher laws.

In South Dakota, legislators obliged, in 1996, authorizing jailing of juveniles. They built a prison for youthful offenders at Plankinton, established boot camps and shifted authority for deciding placement of juveniles from judges to the state Department of Corrections. The prevailing public attitude by the mid-'90s: Deal with the bad kids. Get them off the streets! Anything, just keep us safe.

In 1996, South Dakota legislators authorized jailing of juveniles. They built a prison for youthful offenders at Plankinton, established boot camps and shifted authority for deciding placement of juveniles from judges to the state Department of Corrections.

Ultimately, though, with media attention turning to issues related to locking up juvenile offenders, concern refocused on the safety of young lawbreakers as well as on public safety. *Building Blocks for Youth* reported that children in adult institutions are five times as likely to be sexually assaulted, twice as likely to be beaten by

staff, 50 percent more likely to be attacked with a weapon and eight times more likely to commit suicide compared to delinquents in juvenile facilities.¹

RETHINKING JUVENILE JUSTICE

Those findings and other concerns prompted the South Dakota Coalition for Children in 2002 to convene a series of juvenile justice planning sessions throughout the state. In April 2002, a group of stakeholders — sheriffs,

county commissioners, judges, court services personnel, state's attorneys, legislators, service providers — met and developed by consensus 22 recommendations. Priorities selected by ballot included the following:

- Develop a continuum of juvenile services in each court circuit that addresses the range of needs from diversion to post adjudication to transition back into the community.
 - Under the leadership of the Unified Judicial System, develop a mandatory, uniform electronic data system to collect information about juveniles in the court system. This will improve case management and program evaluation.
 - Develop a realistic case management system that emphasizes optimum standards.
 - Support and expand as needed holdover sites for detention of eligible youth.
- Over the followings months, six regional meetings that included interested professionals and decision-makers from each of the state's 66 counties (see Juvenile Justice map)

¹ *Building Blocks for Youth: Children in Adult Jails Fact Sheet 2001. www.buildingblocksforyouth.org*

Juvenile Justice Planning

MAP OF REGIONS



focused on an examination of current practices and looked to the future. What's working, those in attendance were asked?

Communication and collaboration among law enforcement, court services, state's attorneys, schools and services providers are good. Representatives in all regions spoke of dedicated, caring individuals committed to acting in the best interests of youth. Specific programs — intensive probation, home detention, electronic monitoring, juvenile detention centers and diversion programs including teen court — drew praise.

IMPROVING THE SYSTEM

On the needs-improvement side, participants were clear about changes that will improve safety, accountability and rehabilitation for court-involved youth.

EARLY INTERVENTION

A major theme in five of the six regions was the need for emphasis on front-end, rather than back-end, solutions. Many urged earlier intervention. "There is no way to get kids help (under the current system) until they do something really bad," one professional said. Another added, "This is crisis management with too few early steps."

EFFECTIVE PARENTING

Across all regions came a consistent lament that some parents are neither involved with nor accountable for their children. Specifically, some parents:

- Make idle disciplinary threats with no follow-through,
- Hold permissive attitudes or enable alcohol use and other risky behaviors,
- Are unavailable to their children as the result of working long hours,
- Sacrifice their authority role to be a friend,
- Blame others for problems,
- Give up on their children.

Clearly, participants at the planning sessions emphasized, there is a need to engage parents, research models that work and develop effective interventions with parents as well as with youth.

SHARING INFORMATION

Five of six regions noted the lack of a reporting/communication system for organizations and individuals working with at-risk youth. Obstacles to releasing information must be addressed, so that a comprehensive plan can be developed to assist every child.

GEOGRAPHY

People from every region spoke of the challenges of distance in delivering juvenile services as the youth population shifts to the southeast. While the number of South Dakotans under age 18 remained stable from 1990-2000 in the central and northeast (see South Dakota Youth Population & Juvenile Actions by Region), three regions recorded a loss. Only the

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southeast (14 counties including Sioux Falls) showed growth. Nevertheless, diversion alternatives, improved aftercare and other juvenile services are needed statewide — and must be available within reasonable travel distance.

CHILDREN IN NEED OF SUPERVISION (CHINS)

Four regions voiced specific concern about criminalizing CHINS. Parents want help with their children, they said, sometimes because of a mental health problem or because the child's behavior is out of control. But the stigma and nature of the juvenile justice system discourages parents from seeking help — and the help available may not fit the needs of the child.

IN SHORT SUPPLY

Across all regions, according to participants, there are not enough ...

- Court services officers (caseloads are too high),
- Juvenile corrections agents (caseloads are too high),
- Holdover sites,
- Home-based services,
- Transitional living services,
- Services in a continuum to address a range of juvenile needs,
- Services without a long wait,
- Foster families,
- Law enforcement and prosecution in rural areas to hold youth accountable,
- Alcohol treatment facilities in the region,
- Placement options and alternatives for

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LOOKING TO THE FUTURE

Keying in on the likelihood of rehabilitation and concern for the safety of young offenders, the federal Juvenile Justice and Delinquency Prevention Act requires juvenile offenders to be housed apart from convicted adult prisoners. Further, the JJDP Act prohibits secure detention of children in need of supervision (CHINS).

Citing distance between communities and constituent demand for more punitive measures toward juveniles, South Dakota leaders in 1996 dropped JJDP Act participation.

That was a mistake, according to a substantial majority of those attending the juvenile justice planning sessions.

South Dakota's participation in the JJDP Act would be key to developing a juvenile justice system that rises to standards of a vision statement crafted by those working for juvenile justice in South Dakota:

"The South Dakota juvenile justice system will address the rehabilitative needs of juveniles and their families, while striving to protect public safety. This will be accomplished through promoting early intervention programs and a juvenile justice system that holds juvenile offenders and their families accountable, and provides appropriate services based on the needs of each juvenile offender."

In other words, hold young offenders and their parents accountable in ways that promote rehabilitation. Generally that calls for cost-effective regional, family-based, family-centered services.

juveniles whose cases are being decided by the court,

- Funding for early intervention,
- Funding for diversion programs,
- Funding for counties to meet their responsibilities in juvenile services.

Such services must be delivered safely in the least restrictive environment within a coordinated state system that encourages early intervention.

TAKING ACTION

A grant from the U.S. Department of Justice Nonparticipating States Grant funded the juvenile justice planning sessions. The sessions in turn gave impetus to lobbying efforts by the Coalition and others that in 2003, with leadership from the governor, prompted significant changes in state law. South Dakota moved toward compliance with the JJDP Act.

As of July 1, 2003, juveniles must be held in appropriate facilities — juvenile detention center, shelter care or holdover sites. To assist counties meet those standards, the Coalition is funding six programs — including alternatives to detention — through the federal grant.

- **Transportation reimbursement:** Counties that must transfer a juvenile delinquent/CHINS (child in need of supervision) to shelter care, juvenile detention center or holdover site may receive reimbursement.
- **Detention care:** Reimbursement is available for eligible counties needing temporary shelter and care for juveniles, pending resolution of court cases.
- **Shelter care:** Qualifying counties may receive reimbursement for costs

associated with safe housing of juveniles in an unlocked facility.

• **Guidebook:** "A Guidebook for Youth and Parents" explains the juvenile court system in detail.

• **Holdover:** Through this program, the Coalition provides reimbursement for attendant care and

some equipment at new and existing holdover sites, operated for youth who cannot be returned home. In addition, the Coalition has contracted with Volunteers of America-Dakotas to provide ongoing training for holdover attendants, with the Coalition paying associated costs.

South Dakota Youth Population for 2000¹ & Juvenile Actions for 1999 to 2001²

REGIONS	2000 Population: youth under 18	Percent change 1990-2000	Adjudatory actions ³	Juvenile admissions to drug/alcohol treatment	Commitments to DOC ⁴
SOUTHEAST (14 counties, including Sioux Falls)	76,797	11%	1,868	1,371	144
NORTHEAST (7 counties, including Watertown)	17,355	0%	252	218	30
NORTH CENTRAL (13 counties, including Aberdeen)	24,821	-11%	343	346	30
SOUTH CENTRAL (11 counties, including Mitchell)	17,614	-6%	225	271	37
CENTRAL (10 counties, including Pierre)	15,095	0%	82	321	30
WESTERN (8 counties, including Rapid City)	50,781	1%	1,054	944	125
STATE TOTAL⁵	202,463	2%	3,825	3,471	396

¹ Source: US Census Bureau, American Fact Finder

² Juvenile Actions area three-year averages by region for the years 1999-2001; source: [Kids Count Factbook](#)

³ Adjudatory Action means a judge has determined a child committed an offense.

⁴ Commitments to DOC means a judge has placed a child into custody of the Department of Corrections.

⁵ Totals for Juvenile Actions are a total of three-year averages by region. Source: [Kids Count Factbook](#)

- **Electronic monitoring program:** Counties that use electronic monitoring for juveniles may receive reimbursement.
- **Under development** is a statewide system of centralized intake through which juvenile offenders can be quickly matched to the nearest appropriate placement. The ultimate goal is to give law enforcement, judges and service providers throughout the state immediate access to accurate and timely data that lets them match at-risk youth to the appropriate service.

REHABILITATION

Hughes County Sheriff Mike Liedholdt participated in the Coalition's assessment of the state's juvenile justice system. Earlier this year, he told the Pierre Capitol Journal, "The whole juvenile justice

system is based on the chance, the premise that children go through a learning process, and during that process, they make mistakes.

"When you put them in too harsh of an environment — like a jail that has really serious offenders in it — it (puts them at risk) of being harmed psychologically, emotionally or physically." Through its advocacy work and funding received through the U.S. Department of Justice Nonparticipating States grant, the South Dakota Coalition for Children is working to assure safety, accountability and rehabilitation in the state's juvenile justice system.

As of July 1, 2003, juveniles must be held in appropriate facilities — juvenile detention center, shelter care or holdover site. To assist counties meet those standards, the Coalition is funding six programs through (a) federal grant.

Compiled and edited by Betsy Rice, Communications Coordinator, South Dakota Coalition for Children

Guiding principles

Guiding principles for day-to-day work in the juvenile justice system

- ☞ Ensure safety — of the community and of the child.
- ☞ Place youth in the least restrictive environment.
- ☞ Hold accountable the child, parents and the juvenile justice system
- ☞ Provide early intervention.
- ☞ Offer family-based, family-centered services.
 - ☞ Create regional community-based services within a coordinated state system.
- ☞ Be cost-effective.

GROUPS/INDIVIDUALS ASSISTING WITH PLANNING

Central South Dakota Enhancement District; First District Association of Local Governments; Al Lick, Director of Juvenile Services, North Dakota Department of Corrections and Rehabilitation; Northeast Council of Governments; Planning and Development District III; South Dakota Coalition for Children staff —Susan Randall, Joy Smolnisky, Sara Burnette; Southeast Regional Detention Advisory Board; John Tuell; Director of Juvenile Justice Division, Child Welfare League of America; Western Regional Juvenile Services Compact.

SOUTH DAKOTA JUVENILE JUSTICE STATE ADVISORY GROUP (appointed by the South Dakota Coalition for Children) Minnehaha Commissioner Carol Twedt (chair), (Deb Kuhler (vice-chair), Lt. Gov. Dennis Daugaard, Terry Dosch, Rep. Tom Hennies, Cora Hilderbrand, Sheriff Don Holloway, Judge Timothy R. Johns, Barbara Johnson, Judge B.J. Jones, Sheriff Mike Leidholt, Mark Lewandowski, April Lindquist, Alan McCoy, Ken McFarland, Michael Moore, Rep. Casey Murschel, Joan Neilan, Dr. Jay Newberger, Deb Phillips, Sheriff Kelly Serr, Bill Smith, Codington County Commissioner Jack Thomas, Judge Merton B. Tice, Jr., Dr. Susan M. Randall, Marlene Todd, Brown County Commissioner Mike Weise.

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SOUTH DAKOTA COALITION FOR CHILDREN STAFF ON THE PLANNING PROJECT

Dr. Susan M. Randall, Ph.D., Executive Director; Sara Burnette, Juvenile Justice Specialist; Joy Smolnisky, Senior Policy and Program Specialist; Amy Dziobecki, Office Coordinator; Betsy Rice, Communications Coordinator.



South Dakota Coalition for Children's Mission

The South Dakota Coalition for Children strives to shape policies and programs to ensure the well-being of all children in South Dakota. The Coalition's vision is that the needs of all South Dakota children are met, including food, clothing, shelter, health care, nurturing, education and safety within the family and the community.



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