

# IMPLEMENTING COMPREHENSIVE JUVENILE JUSTICE IMPROVEMENT IN SOUTH DAKOTA

March 2019

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, works to improve public safety and the delivery of justice by providing nonpartisan technical assistance, research, and other services to improve outcomes across the spectrum of the adult and juvenile justice systems, from policing and pretrial through reentry. CJI provides direct technical assistance, assessment, implementation, research, data analysis, training, facilitation, and more. We take pride in our ability to improve evidence-based practices in public safety agencies and gain organizational acceptance of those practices. We create realistic implementation plans, put them into practice, and evaluate their effectiveness to enhance the sustainability of policies, practices, and interventions.

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## OVERVIEW

In four years, South Dakota has transformed its juvenile justice system resulting in a dramatic reduction of youth commitments to custody. The state also expanded community-based services and diversion programs to improve outcomes for young people.

In 2014, South Dakota's juvenile justice system was facing a crisis. The state had the second-highest juvenile commitment rate in the country. Despite the hefty investment, the system was providing a poor return - nearly half of all youth released from facilities returned to custody within three years.

State leaders embraced a plan to improve outcomes for youth in the juvenile justice system while also protecting public safety. The Legislature passed the Juvenile Justice Public Safety Improvement Act (JJPSIA), which the governor signed into law in March 2015. South Dakota sought support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to implement the new law. The Crime and Justice Institute (CJI) was selected as the technical assistance provider.

Early results point to a stronger system that provides better outcomes for youth, their families, their communities, and taxpayers - all without sacrificing public safety.

## BACKGROUND

South Dakota leaders created the bipartisan Juvenile Justice Reinvestment Initiative Work Group in the summer of 2014. The work group's task was to examine the state's juvenile justice data, policies, and practices and recommend improvements. The work group found that most juveniles sent to the Department of Corrections were committed for low-level offenses, like marijuana possession or theft. In 2013, for example, seven of 10 youth were committed for misdemeanors, probation violations, or status offenses. Reflecting those findings, the work group's recommendations advised prioritizing out-of-home placements for youth who posed a serious public safety risk while expanding diversion and community-based interventions for lower-level youth.

The work group's proposals formed the foundation of the JJPSIA, which passed with strong bipartisan majorities in both legislative chambers. The act outlined four broad goals:

- Prevent deeper involvement in the juvenile justice system,
- Prioritize residential facility space for youth who pose a risk to public safety,
- Improve outcomes for youth supervised in the community, and
- Ensure the quality and sustainability of system improvements.

## ENSURING SUCCESSFUL IMPLEMENTATION

CJI's technical assistance supported the implementation of the JJPSIA while also ensuring that agencies built the capacity needed to sustain and expand evidence-based practices. At the outset of the partnership, South Dakota identified the following technical assistance priorities:

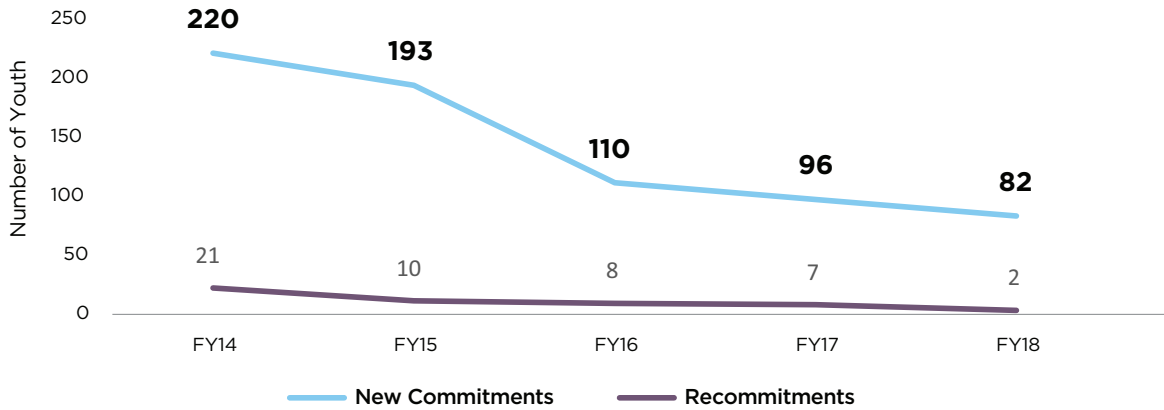
- ***Native American Focus Group:*** In partnership with the South Dakota Department of Tribal Relations, CJI supported the development of several recommendations including standardizing cultural competency training, improving communications and information sharing, encouraging case transfer to tribal systems, and creating wellness teams for Native American youth.
- ***Performance and Outcome Measures:*** CJI developed systems that enable state agencies to routinely report data to an oversight council for inclusion in annual reporting.
- ***Graduated Responses and Effective Case Management:*** CJI developed a specialized curriculum to train court services officers from the Unified Judicial System on a new graduated responses matrix. The JJPSIA also requires juvenile corrections agents with the Department of Corrections to assume a more in-depth role in case planning and coordination for youth in department custody. In support of that goal, CJI created a train-the-trainer curriculum that enables corrections staff to train all agents in effective case management practices.
- ***Stakeholder Engagement:*** CJI worked with the Unified Judicial System to finalize materials needed to launch new community response teams across the state, including a presentation on the principles of effective intervention at the first annual South Dakota Juvenile Justice Conference.
- ***Risk and Needs Assessment Tool Implementation Fidelity:*** CJI worked closely with corrections officials to develop an inter-rater reliability process to improve staff scoring of their risk and needs assessments. Specifically, CJI developed the “Youth Level of Service/Case Management Inventory 2.0 Inter-rater Reliability Toolkit” for corrections staff and hosted webinars to enhance staff understanding of the toolkit. Additionally, CJI assisted with a validation study and conducted an inter-rater reliability process for probation staff, observed in-state trainers, and provided comprehensive feedback to leadership.

## ENCOURAGING RESULTS

More than three years after the JJPSIA was approved, the data convincingly show that the law has had a significant positive impact on South Dakota's juvenile justice system. The number of youth placed in Department of Corrections custody has dropped sharply, probation violations are down, and the state has significantly expanded community services and diversion programs for youth across the state.

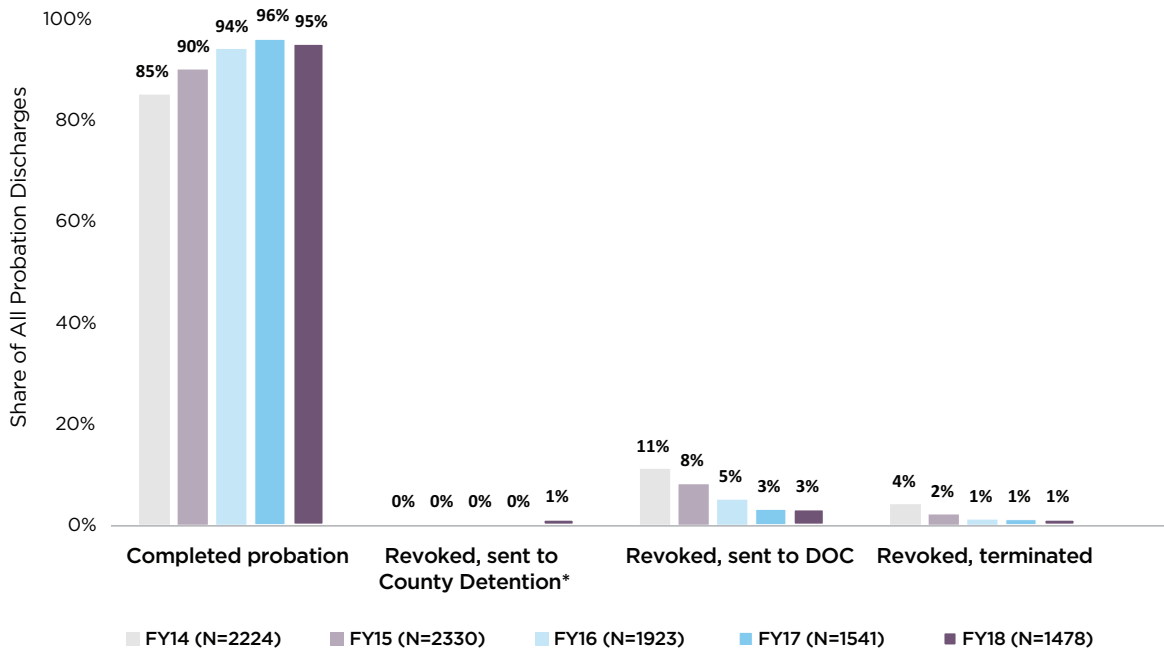
**Reductions in DOC Placements:** From 2014 to 2018, the number of youth in placements under the Department of Corrections declined by 66 percent. As shown in Figure 1, the number of new commitments also declined, dropping by almost 63 percent between FY2014 and FY2018. In addition, policies enacted under the JJPSIA have decreased the number of youth returned to Department of Corrections' custody after their release. Prior to passage of the JJPSIA, 20 percent of youth who were released returned to state custody. By 2017, almost 89 percent of youth who were discharged from state custody did not return.

Figure 1: NEW COMMITMENTS AND RECOMMITMENTS TO THE DOC



**Strengthening Supervision:** South Dakota also experienced a reduction in the number of youth who violate the terms of their probation. In 2018, there were 444 probation violations, down from the 774 probation violations reported in 2014. In addition, more youth are successfully completing probation since the JJPSIA’s policies took effect. In 2014, 85 percent of youth completed probation; by 2018, the figure was 95 percent (see Figure 2).

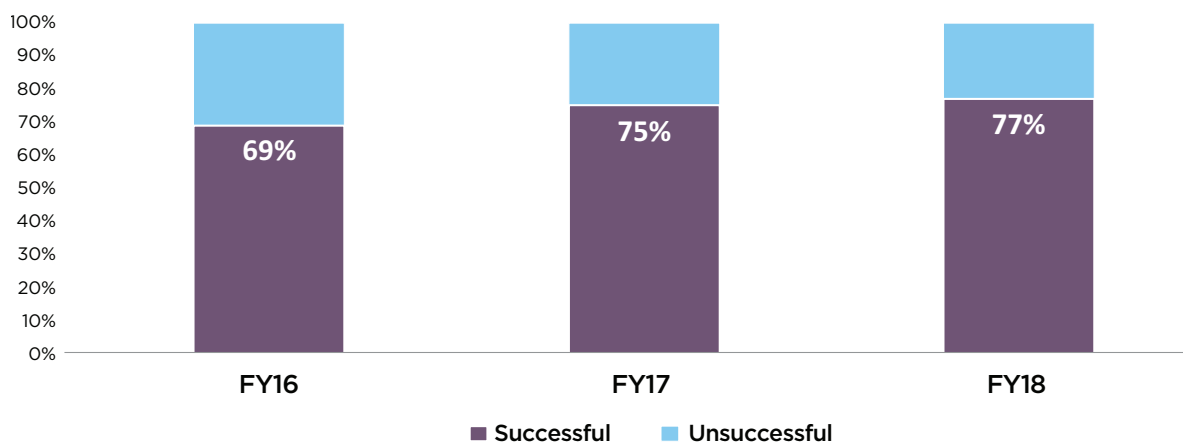
Figure 2: REASON DISCHARGED FROM PROBATION



**Impact on Schools:** The positive impact of the JJPSIA has also been evident in South Dakota schools. During the 2014-2015 school year, 184 students were committed to the Department of Corrections. By the 2017-2018 school year, that number had dropped to 124. In addition, the proportion of youth completing and graduating from high school remained steady during the implementation of the JJPSIA.

**Expanding Services and Diversion:** In 2016, 306 youth were referred to services in the community. By 2018, more than three times that number – 1,100 youth – were referred to such services near their homes. The use of diversion programs, once rare in many parts of the state, has also become a reality in South Dakota. Since the JJPSIA took effect, requiring diversion for certain low level offenses, 4,826 youth have participated in community-based diversion programs and over three-quarters (77 percent) successfully completed their programming in FY18. Figure 3 shows the increase in the proportion of youth successfully completing their diversion programming from FY16 to FY18.

Figure 3: **SUCCESSFUL DIVERSIONS INCREASED FY16-18**



## THE PATH FORWARD

The passage of the JJPSIA followed a comprehensive, bipartisan process driven by dedicated stakeholders from across South Dakota’s juvenile justice system. After an exhaustive analysis of juvenile justice data, programs, and policies, the Juvenile Justice Reinvestment Initiative Work Group concluded that change was imperative. The Legislature agreed, and passed a sweeping overhaul of the system. While the full benefits of that action remain to be seen, the new approach mandated by the JJPSIA already is paying dividends for youth, their families, and communities. Fewer juveniles are removed from their homes for low-level crimes, more youth have access to evidence-based services in their communities, and the vast majority of youth on probation successfully complete their term of supervision.

By using data and research to drive decision-making, South Dakota is helping more kids get the support they need to turn around their lives. By closely monitoring performance and outcome measures, South Dakota’s Oversight Council can ensure system improvements stay on track, and recommend course corrections as needed.

*This project was supported by Grant # 2014-ZB-BX-K011 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect those of the Department of Justice.*