

Study Committee on Juvenile Justice

Unified Judicial System



Drivers of the Juvenile Justice Reforms in 2014

- South Dakota was the 2nd highest for juvenile commitments in the nation in 2011 and again in 2013.
- 75% of commitments to DOC were for misdemeanors, CHINS and probation violations.
- Out of the top ten reasons for commitment in 2013, only one was a felony.
- 45% of those released from DOC return to custody within 3 years.



Stated Goals of SB 73

1. Increase public safety by improving outcomes for youth and families and reducing juvenile recidivism.
2. Effectively hold juvenile offenders more accountable.
3. Reduce juvenile justice costs by investing in proven community-based practices and preserving residential facilities for serious offenders

1. Increase public safety by improving outcomes for youth and families and reducing juvenile recidivism.

Working as Intended

Implementing diversions for eligible juveniles has resulted in thousands of successful diversions since FY 16.

Needing Discussion

Expanding diversions and requiring better data from the counties would provide the state with more information to make the program more effective.

Some concerns about those that fail to complete diversion not being returned to formal court expeditiously.



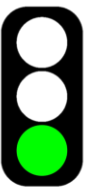
2. Effectively hold juvenile offenders more accountable.

Working as Intended

Sanctioning Grids have helped standardized how youth are treated across the state for similar behavior.

The grid may be overridden in certain instances, and a process is available to re-evaluate the sanctions to increase or decrease their severity.

UJS reviews the grid annually to make adjustments.



2. Effectively hold juvenile offenders more accountable.

Needing Discussion

The DOC commitment criteria was intended to reserve DOC for the most serious and violent offenders.

In HB 1206 (2020) the criteria was opened narrowly to include certain youth who have been adjudicated for intentional damage to property that exceeded \$5,000 or youth who have been adjudicated for a drug distribution offense that is punishable at least as a Class 4 felony.

There have been prior attempts to expand the criteria to include “harm to self” but that has been resisted as self harm indicates a non-criminal justice intervention may be most appropriate.



2. Effectively hold juvenile offenders more accountable.

Needing Discussion

SB 73 also changed how CHINS cases are disposed to the DOC.

A CHINS case may only be committed to the DOC with a written decree if no viable alternative exists, DOC is the least restrictive alternative, and that the youth presents a significant risk of physical harm to another person.

Challenges

CHINS/Runaway/Frequent Flyer Probation Violation cases who are not committing dangerous crimes necessarily but continually do not go to school, are disruptive, and frequently run away or have no supervision at home are a concern by the Court and stakeholders.



2. Effectively hold juvenile offenders more accountable.

Needing Discussion

Standardizing juvenile probation terms across the state has helped ensure that a youth committing the same offense is receiving a comparable probation length as other youth.

While the original legislation limited probation to 4 months, the statute was amended to increase probation terms to 6 months, with the ability to extend the term twice, for a total of 18 months.

Probation can only be extended to complete evidence-based treatment.

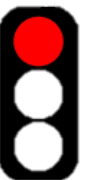


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Challenges

Community Response Teams (CRT) to assist judges by recommending viable community-based interventions.

CRTs are only being used successfully in the First Circuit and do not include the parent or the youth in the meeting. By the time CRTs are implemented in a case, all options have generally already been exhausted.



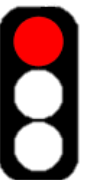
2. Effectively hold juvenile offenders more accountable.

Challenges

Some states do not use the criminal justice system as a response for truancy and view instead as a child neglect concern.

The juvenile citations process initially makes truancy generally a citable offense rather than part of the CHINS process.

Citations for truancy have not been as successful as the other citation offenses. There is no statewide definition for truancy; consequently, using the court system for this area has not been able to provide a consistent response.



3. Reduce juvenile justice costs by investing in proven community-based practices and preserving residential facilities for serious offenders

Working as Intended

The Fiscal Incentive Program for Diversion Opportunities to financially assist counties to keep non-violent youth in the community.

Needing Discussion

Requiring additional information from the community would allow the state to conduct studies on this population and make recommendations for improvement.



3. Reduce juvenile justice costs by investing in proven community-based practices and preserving residential facilities for serious offenders

Challenges

There remain concerns with a lack of consistent, appropriate, and available services in the community.

SB 73 provided for the largest investment in state history for juvenile community services. It also introduced new evidence-based treatments, including FFT, MRT, and ART. However, treatment appears inconsistently available across the state.

JJRI budget within DSS.

Probation reports increasing need for mental health services at all levels for juvenile probationers.

