Official Proceedings
Codington County Justice Advisory Committee
Lake Area Technical Institute, Room 430
Watertown, SD 57201
November 7, 2019

The Codington County Justice Advisory Committee (CCJAC) met on November 7th, 2019, at Lake Area Technical Institute, room 430. Attending were committee members Lee Gabel, Al Koistinen, Matthew Kranz, Jeanne Horning, Troy VanDusen. Absent were Larry Wasland, Brad Howell, secretary Julie Radach, non-voting members the Honorable Robert Spears and Matt Blackwelder and City liaison Councilman Bruce Buhler. Lee Gabel took minutes. Meeting called to order by Chairman Lee Gabel at approximately 6:11 p.m.

Agenda Approved

Motion to approve the meeting agenda was made by Koistinen. Motion seconded, all in favor, agenda approved.

Minutes Approved

Motion to approve the minutes of the March 21, 2019 meeting was made by VanDusen. Motion seconded, all in favor. Minutes approved.

CCJAC Charter Amendment

Gabel updated the committee on an amendment to the CCJAC charter to broaden its purpose beyond the issue of justice facilities. The role of CCJAC now includes providing a forum for discussion, facilitating awareness and coordination and offering recommendations to improve criminal justice processes. The amendment also added the State's Attorney as a non-voting member.

Discussion on Juvenile Detention Alternative Initiative (JDAI).

Annie Brokenleg, the State JDAI coordinator, Brooke Reidburn, Codington County JDAI/Youth Diversion Coordinator and the Honorable Carmen Means, Circuit Judge, reviewed the status of the JDAI program. The basic purpose of JDAI is to minimize juvenile detention. The most important recent development is the hiring of Brooke Reidburn as the JDAI/Youth Diversion Coordinator at the Boys and Girls Club (see attached slides). The Coordinator is the case manager for juvenile offenders who participate in youth diversion programs as well as juveniles directed to an alternative to detention. The attached slides show:

- Breakdown of the 12 cases of youth diversion since August, 2019
- A flow chart of the juvenile justice process that includes youth diversion, conditional release and juvenile detention alternatives
- The purpose of the juvenile risk assessment instrument (RAI)

DRAFT

- Juvenile RAI/detention/release data for 2018 and to the current point in 2019

The RAI (attached) is a worksheet that is completed by the jail staff when a juvenile is arrested to determine the risk of re-offending or not appearing for court. The RAI produces a score indicating whether to release, detain or find an alternative for the juvenile. The jurisdiction has the authority to override the score. Overrides are generally used when the RAI indicates an alternative. The lack of current alternatives to jail often means that a choice (override) must be made between jail and release. The data show that in 2018 there were few juvenile offenders overall and only four scored for an alternative. Thus far in 2019, there have been 38 RAIs completed with 16 scoring for an alternative to jail. While the numbers are not huge, they underscore the need to develop local alternatives and the need to fully develop the conditional release process.

Update on legislative proposal to fund county buildings

Gabel reviewed a legislative proposal for the 2020 legislative session to save taxpayer dollars when counties need to build facilities. This is similar to legislation pursued by the South Dakota Association of County Commissioners in the 2019 session. The intent is to authorize counties to refer to voters a ½ cent county-wide sales tax to fund a bond to build county infrastructure. All revenue generated would have to go toward the bond thereby shortening the term of the bond and minimizing financing costs. For buildings such as jails this would amount to significant savings over funding with property tax. Once the bond is paid, the tax would have to be removed.

Pretrial jail incarceration

Gabel reviewed jail data that showed the inmate population by whether or not inmates were sentenced. The data indicate a marked increase in the proportion of unsentenced inmates since 2014. While jails will usually have a significant unsentenced population, Codington County's jail is approaching 90% unsentenced as compared to 2014, when the unsentenced population averaged 57%. Gabel pointed out that this is something the county is working to address.

Future Meeting Dates - Gabel will contact members to coordinate the next meeting date.

Adjournment Koistinen made a motion to adjourn, motion seconded, all in favor. Meeting adjourned at approximately 7:05 pm.

_____ _____

Secretary Date Approved
CCJAC

DRAFT

CCJAC Charter Amendment

- In order to improve the criminal justice process & control the jail inmate population:
  - Provide a forum for discussion of ideas
  - Facilitate awareness & coordination
  - Provide information & offer recommendations to the Commissioners
- Add State's Attorney as non-voting member

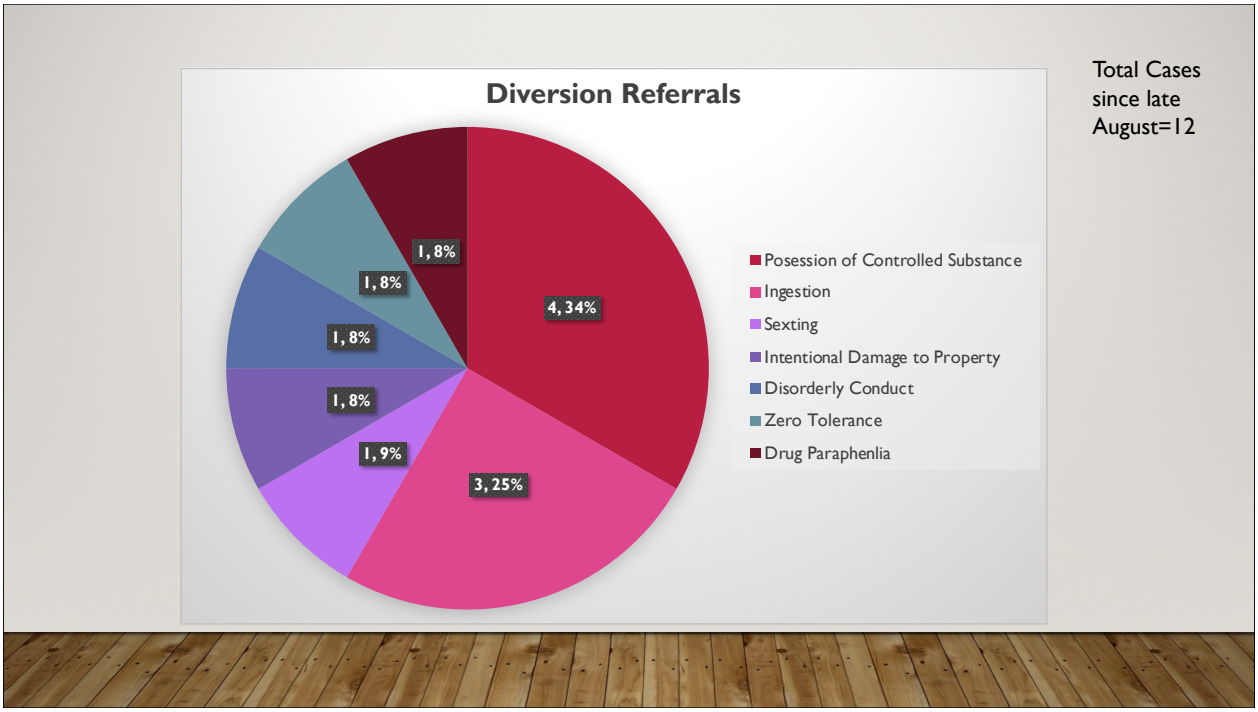
JDAI IN CODINGTON COUNTY

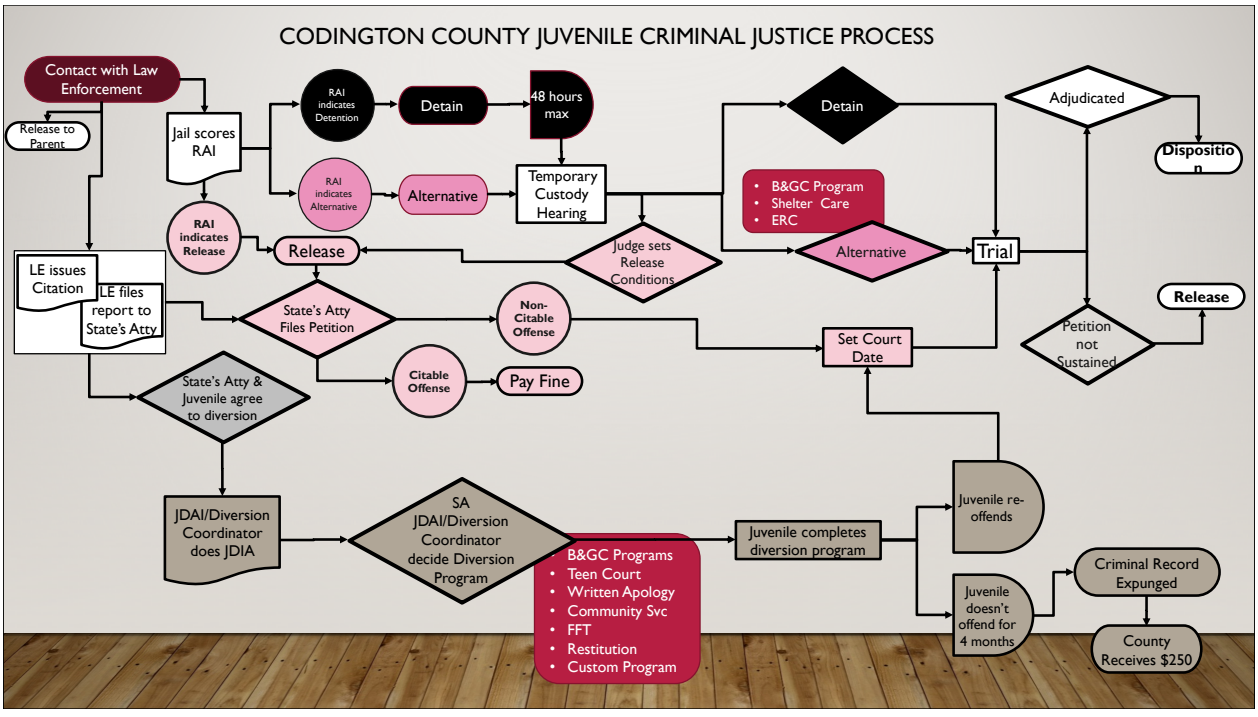
PURPOSE OF JDAI

- Serving the right youth in the right place at the right time
- Serving youth in the least restrictive setting
- Protecting public safety
- Reducing racial, ethnic, and gender disparities at all decision points in the juvenile justice system
- Establishing programs to be efficient and effective
- Using data to guide decision-making

NEW JDAI/YOUTH DIVERSION COORDINATOR

- Grant funded position through the Council for Juvenile Services to support local JDAI and diversion efforts
- Position housed at Boys and Girls Club
- Goals-
  - *Expand Diversion options in Codington County*
  - *Supervise youth pre-adjudication as an alternative to detention*
  - *Review and Collect Juvenile Data for Codington*
  - *Staff and coordinate local JDAI collaborative to use data to drive decision making*
  - *Provide case management/case expediting for youth in detention in Codington County*
  - *Along with local JDAI collaborative, implement and overnight alternative to detention option in Codington County*


Diversion Referrals
1, 8%
1, 8%
1, 8%
1, 8%
1, 9%
3, 25%
4, 34%
Posession of Controlled Substance
Ingestion
Sexting
Intentional Damage to Property
Disorderly Conduct
Zero Tolerance
Drug Paraphenlia
Total Cases since late August=12


CODINGTON COUNTY JUVENILE CRIMINAL JUSTICE PROCESS
Contact with Law Enforcement
Release to Parent
Jail scores RAI
RAI indicates Detention
Detain
48 hours max
RAI indicates Alternative
Alternative
Temporary Custody Hearing
RAI indicates Release
Release
Judge sets Release Conditions
Detain
B&GC Program
Shelter Care
ERC
Alternative
Trial
Adjudicated
Disposition
LE issues Citation
LE files report to State's Atty
State's Atty Files Petition
Non-Citable Offense
Citable Offense
Pay Fine
State's Atty & Juvenile agree to diversion
Set Court Date
Petition not Sustained
Release
JDAI/Diversion Coordinator does JDIA
SA JDAI/Diversion Coordinator decide Diversion Program
B&GC Programs
Teen Court
Written Apology
Community Svc
FFT
Restitution
Custom Program
Juvenile completes diversion program
Juvenile re-offends
Juvenile doesn't offend for 4 months
Criminal Record Expunged
County Receives $250

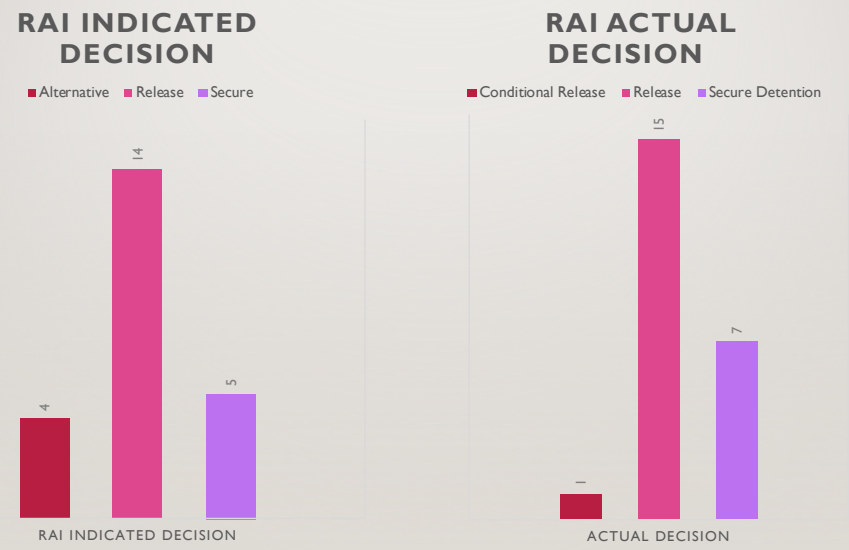
WHAT IS THE RISK ASSESSMENT INSTRUMENT? (RAI)

- A point-scale triage device
- Overall score used to guide the Intake Officer in making a decision to detain or release the youth
- Risks measured by the RAI
  - Re-offending pending court
  - Failure to Appear (FTA) pending court
- Keys to the RAI
  - Objectivity
  - Uniformity
  - Risk-based

COMPLETING A RAI

When to Complete a RAI	When to Not complete a RAI
A Mental Hold youth ***with*** new charges	A Mental Hold youth ***without*** new charges
A youth with a Magistrate offense ***AND*** juvenile court offenses	A youth with ONLY magistrate-related offenses (traffic offenses)
A DOC youth with new charges	A DOC youth with only a DOC hold
A youth with a magistrate warrant ***AND*** juvenile court charges	A youth with only a magistrate warrant (failure to pay fine, etc.)
Youth who have a new offense	Youth who are sentenced/remanded to be in detention by a Judge
A youth with a delinquent and/or CHINS offense ***AND*** a Citation	A youth with only a citation
A youth who is from out of state and has charges in South Dakota	A youth who is from out of state with no new SD charges

2018 Codington County RAIs



2018 RAI OVERRIDES

RAI OUTCOME	TOTAL NUMBER	PERCENTAGE
No Override Used	16	69.57%
Overrode Down	4	17.39%
Overrode Up	3	13.04%

2018 CODINGTON DETENTION DATA

Average Daily Population (ADP)

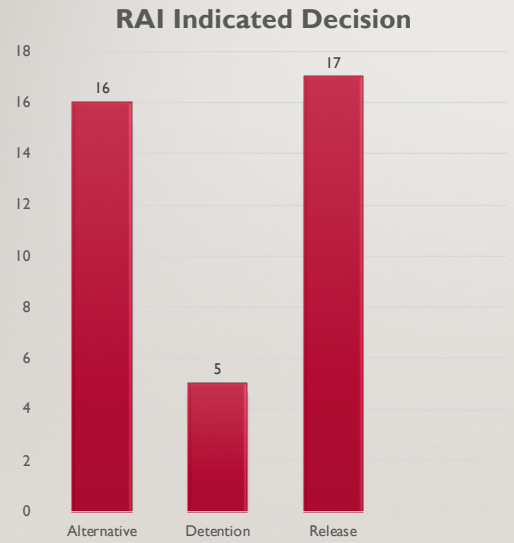
Quarter 1	Quarter 2	Quarter 3	Quarter 4
1.0	.1	.1	0

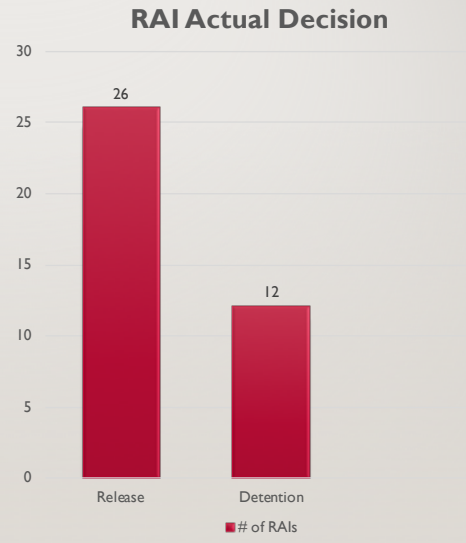
Average Length of Stay (ALOS)

Quarter 1	Quarter 2	Quarter 3	Quarter 4
10.3	.9	1.5	.4

and Percentage of Youth of Color in Secure Detention

Quarter 1	Quarter 2	Quarter 3	Quarter 4
4	2	3	3
44.4%	28.6%	37.5%	60.0%

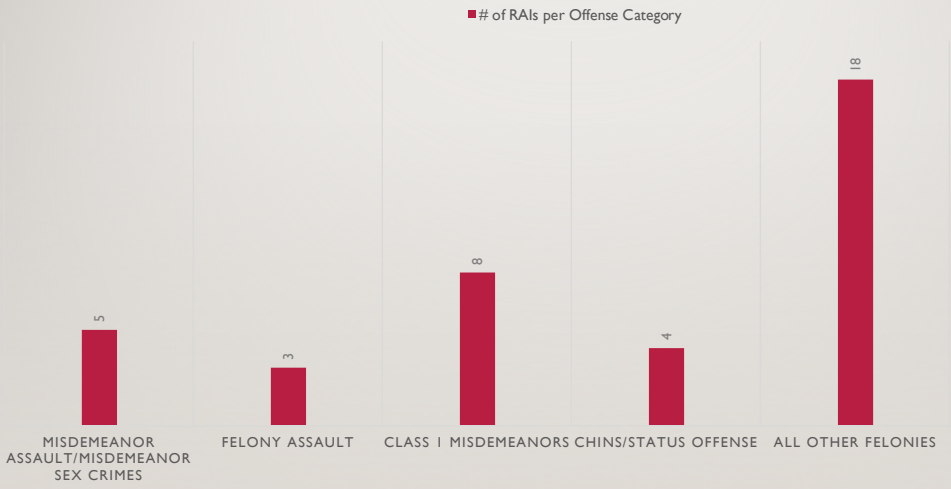




2019 Override Data

RAI Outcome	Total Number	Percentage
No Override Used	14	36.8%
Overrode Down	12	31.5%
Overrode Up	12	31.5%

OF RAIS PER OFFENSE CATEGORY



2019 CODINGTON DETENTION DATA

Average Daily Population (ADP)

Quarter 1	Quarter 2	Quarter 3	Quarter 4
.5	.5	.5	N/A

Average Length of Stay (ALOS)

Quarter 1	Quarter 2	Quarter 3	Quarter 4
4.5	3.2	2.4	N/A

and Percentage of Youth of Color in Secure Detention

Quarter 1	Quarter 2	Quarter 3	Quarter 4
4	3	7	N/A
40%	23%	36%	N/A

What is the data telling us?

- **23 RAIs completed in 2018…. So far in 2019, 38 RAIs in Codington County have been completed.**
- **In 2018, 4 youth scored for an alternative on the RAI. In 2019, 16 youth have already scored for an alternative. Most of these youth have been released into the community OR overridden into secure detention.**
- **This has led to an increase in Codington County's override rate- 13% in 2018, 31% in 2019.**
  - **The national standard is between 15% and 20%.**
- **Detention #'s- Average Daily Population and Average Length of Stay have increased in 2019.**

What is needed?

- **Conditional release process with Diversion Coordinator providing additional supervision for youth pre-adjudication**
- **Shelter Care/Emergency Placement Services when youth cannot go home (i.e. domestic violence situations, etc)**

SOUTH DAKOTA JDAI RISK ASSESSMENT INSTRUMENT (RAI) VERSION 1.2

Last Name:	**First Name:**	**Middle Name:**
Race/Ethnicity: ☐ African American ☐ Asian ☐ Caucasian ☐ Hispanic ☐ Native American ☐ Other: _____	**Sex:** ☐ Male ☐ Female	**DOB:**
	Name of Tribe (if applicable):	**Affiliated:** Yes ☐ No ☐ Don't Know ☐ **Enrolled:** Yes ☐ No ☐ Don't Know ☐
Referral ID #:	**Intake Date:**	**Intake Time:**
Primary (Most Serious) Referral Offense:		**Placed By:**

1. Most Serious Current Alleged Offense (Score only the most serious instant offense)

Felony Class A, B, C, 1, and 2	15
Use of firearm in a commission of an offense	15
Felony assault and Felony sex crimes	12
All other Felonies (including felony traffic offenses)	8
Misdemeanor Assault and Misdemeanor sex crimes	6
Class 1 Misdemeanors	3
Class 1 Misdemeanor Traffic Offense	3
Class 2 Misdemeanors	2
Violation of Probation and/or DOC Violations	1
CHINS or status offense	0
Failure to Appear Bench Warrant	0
SCORE	☐

2. Disposition and Class 1 Traffic Conviction History (Previous 24 months from intake date – Score only the most serious)

Two or more prior disposition for felony offense	6
One prior disposition for a felony offense	4
Two or more prior dispositions for any misdemeanor offenses	3
Two or more prior dispositions for probation violations or DOC formal findings	2
One prior disposition for any misdemeanor or status offense	1
No prior dispostions	0
SCORE	☐

3. Failure to Appear/Runaway/Escape History (Within the last 24 months – Score only the most serious)

One or more escapes from secure confinement or custody	3
One or more instances of absconding from a non-secure Placement	2
Two or more reported runaways from home	1
Two or more failure to appear warrants (includes juvenile and magistrate warrants)	1
One or no failure to appear warrants (includes juvenile and magistrate warrants)	0
SCORE	☐

4. Pending Cases (Score only most serious)

One or more pending felonies (including felony traffic offenses)	6
One or more pending Misdemeanor Assault or Misdemeanor Sex Crime	4
One or more pending Class 1 Misdemeanors	3
One or more pending Class 1 Misdemeanors traffic offense in Magistrate Court	3
One or more pending Class 2 Misdemeanors	2
One or more pending Probation Violation or DOC formal finding	1
One or more pending status or CHINS offense	0
No pending cases	0
SCORE	☐

5. Aggravating Factors (Score all that apply)

On probation/DOC Aftercare for a Felony Class A, B, C, 1, or 2 offense; felony assault; or a felony sex crime	1
Multiple offenses are alleged for this referral	1
Minor appears to be under the influence of drugs/alcohol at arrest (as indicated by Law Enforcement, Court Services, or DOC)	1
SCORE	☐

6. Mitigating Factors (Score all that apply)

Parent, guardian, or custodian can assume responsibility of the minor	-1
No arrests within the past 12 months	-1
No history of failure to appear within the past 24 months (includes juvenile and magistrate warrants)	-1
SCORE	☐

7. TOTAL RISK SCORE ☐

INDICATED DECISION: 6 or Below – Release: ☐ 7 to 11 – Alternative: ☐ 12 or Above – Secure Detention: ☐

Screened By:

Screener Comments:

OVERRIDES (Must be approved by supervisor):

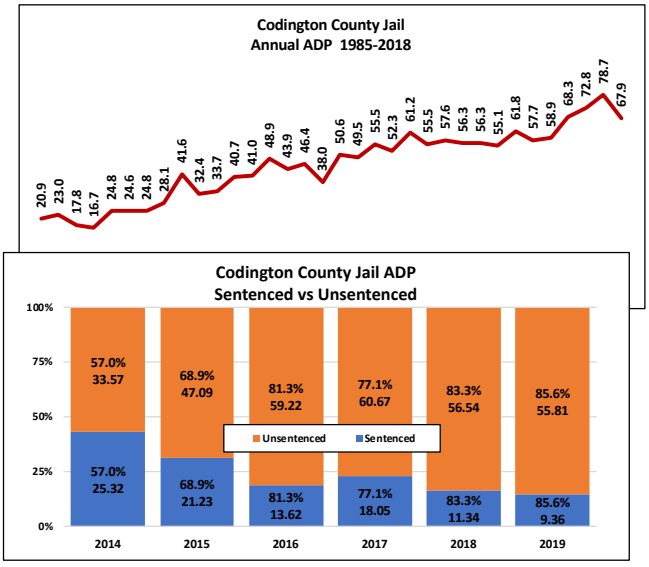
☐ Override Down
☐ Parent, Guardian, or Custodian is not available or is not suitable to receive the child **(only an override into an alternative)**
☐ Run Risk **(only an override into an alternative)**
☐ Minor has failed a detention alternative program
☐ Minor held pending referral to mental health/chemical dependency agency
☐ Minor held in custody for another jurisdiction
☐ Victim in the home and there is an immediate safety concern
☐ Close proximity of victim and there is an immediate safety concern
☐ Failure to Appear Magistrate Warrant
☐ Failure to Appear Juvenile Warrant
☐ Arrest Warrant
☐ Unable to pay warrant
☐ Other **(Be specific):**
Approved By: **Date:**

Override Justification:

ACTUAL DECISION: Release ☐ Conditional Release ☐ Other Alternative: ☐ Secure Detention: ☐ DOC Hold Only: ☐

Update on legislative proposal to fund county buildings

- Enable Counties to ask voters for ½ cent sales tax to bond funds for county buildings
  - Voters must approve
  - Would save money (all revenues go to paying bond, shortening term & lowering financing cost)
  - Fairer (not just taxing property owners)
  - Sunsets when bond is paid off
- Adopted by SDACC and SDSA

The Problem of Pretrial Incarceration

- Justice System officials doing their best to control the jail population
- But population rises
- Unsentenced part of the population increases