

### ABOUT THIS EDITION:

*The focus of this issue is on Juvenile Detention Alternatives Initiative, JDAI, a different approach to treating juvenile offenders. It is an evidence-based approach that is cost-effective and protects the public.*

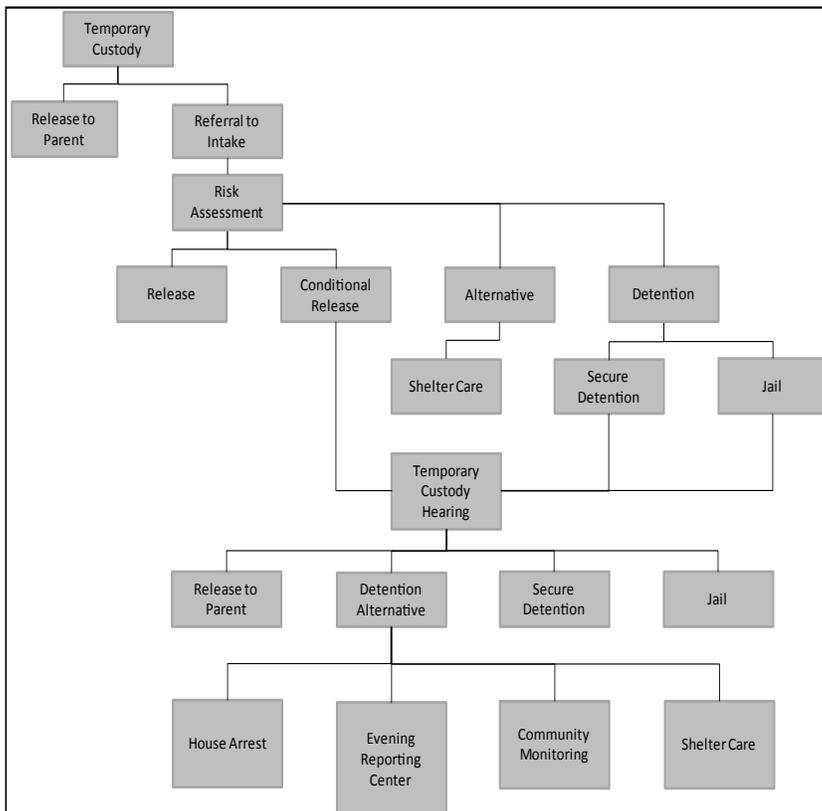
## About the Juvenile Justice System

Over a century ago a separate juvenile justice system was created in the United States. The purpose was to focus more on rehabilitative treatment for the child rather than punishment. A separate system would also prevent youth from being placed in adult institutions. One principle is the importance of confidentiality to protect a child from becoming "labeled" and to enable redirection on a lawful path. In the juvenile justice system, a child is viewed as having committed an "offense," not a crime. Therefore, a child may be apprehended, not arrested. Only an adult can be charged with a crime (see chart). There are, however, exceptions to this rule for juveniles who are at least 16 years old and have committed a felony offense.

Terminology for the Justice System	
Juvenile Justice System	Adult Justice System
Adjudicated	Found guilty
Disposition	Sentence
Detention	Jail
Youth development center	Prison
Probation	Probation
Parole	Parole

Each step in the South Dakota Juvenile Justice system is designed to ensure community safety. The chart<sup>1</sup> shows the process, which begins when a youth is charged with a juvenile offense and law enforcement

takes temporary custody of him or her. An intake officer completes an assessment or the youth is released to parent(s)/guardian. If taken into temporary custody she or he could be referred to detention, shelter care, or jail (if they are 18 or older).



## Juvenile Justice

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As the chart shows, detention (confinement of a child adolescent before any determination is made in their case) is a crucial early phase in the process. The primary purpose of detention is public safety and to ensure the individual's attendance in court. Many end up in detention because the system cannot accurately distinguish which youth pose serious risks. Sometimes they remain in detention because of court delays and system inefficiencies<sup>2</sup>.

Research shows that detention is an expensive option that does little to help the youth or to keep the community safe. In fact, youth who have been detained:

- Work fewer hours for less money in years to come, and
- Are more likely to reoffend.

School attendance is disrupted; young people are separated from parents and community; placed with older offenders; and labeled by the system — all negative outcomes.

## What is JDAI?

Developed and supported by the Annie E. Casey Foundation, the Juvenile Detention Alternatives Initiative (JDAI) is one strategy that many communities are using to address the overuse of detention and disproportionate minority contact (DMC). JDAI cornerstones focus on eliminating inappropriate or unnecessary use of secure detention; minimizing re-arrest and failure-to-appear rates pending adjudication; ensuring appropriate conditions of confinement in secure facilities; and redirecting public finances to sustain successful reforms.

The JDAI model, started in 1992, has been replicated in nearly 300 jurisdictions across 39 states and the District of Columbia. All JDAI sites adopt the model's eight core strategies:<sup>3</sup>

1. Collaboration among the juvenile justice system and community.
2. Collection and utilization of data to diagnose systemic problems, assess the impact of various reforms, and ensure that decisions are grounded in facts.
3. Use of objective, research-based instruments to identify the best placement for youth.
4. Development of new or enhanced non-secure alternatives to detention.
5. Creation of processing reforms that expedite the flow of cases and ensure timely and appropriate interventions.
6. Utilization of flexible policies and practices to deal with "special" detention cases.
7. Persistent and determined attention to combating racial disparities.
8. Intensive monitoring of confinement conditions, so detention facilities are safe and appropriate care is provided.

## Juvenile Justice in South Dakota

Minnehaha and Pennington counties house the state's largest regional detention facilities. Each formed a JDAI steering committee to examine South Dakota's high rate of juvenile incarceration. In 2009, South Dakota became the 29<sup>th</sup> JDAI site in the country. Data<sup>4</sup> for the two counties show there has been a decrease in detention numbers since implementation of JDAI.

JDAI 2014 Results Report	Average Daily Population		Annual Admissions		Average Length of Stay (In Days)		DOC Commits	
	Total	Youths of Color	Total	Youths of Color	Total	Youths of Color	Total	Youths of Color
Minnehaha County								
Baseline (2010)	35	17	1,080	504	12	10	83	40
Recent (2013)	17	13	642	410	11	12	52	31
Change in Number	-18	-4	-438	-94	-0.72	2	-31	-9
Percent Change	-51%	-25%	-41%	-19%	-6%	21%	-37%	-23%
Pennington County								
Baseline (2010)	36	24	740	468	18	18	56	43
Recent (2013)	13	9	252	182	21	25	39	27
Change in Number	-22	-14	-488	-286	4	7	-17	-16
Percent Change	-63%	-61%	-70%	-61%	-20%	-35%	-30%	-37%

Numbers/rates are rounded to nearest whole number/rate.

## **Disproportionate Minority Contact ... Nationally**

Despite a decline in juvenile offenses, the number of youth confined in pre-trial secure detention has steadily grown. Racial disparities also raise questions about the fairness of detention. An alarmingly high number of youth from communities of color, who pose no risk to community safety, are behind locked doors awaiting court hearings.

A one-day snapshot of juvenile offenders in detention in this country in 2011 found:<sup>5</sup>

- More than 61,000 youth were incarcerated, most (75 percent) for non-violent offenses. The majority (65 percent) were youth of color.
- Nationwide, youth of color are significantly more likely to be incarcerated than white youth.
  - o Black youth were 4.6 times as likely;
  - o Native American youth were 3.2 times as likely; and
  - o Latino youth were 1.8 times as likely.

## **... South Dakota**

The most recent DMC data compiled for South Dakota<sup>6</sup>, calendar year (CY) 2011, shows stages with the largest disparities include arrest, detention, and commitment to the SD Department of Corrections. Minority youths, primarily American Indian, are 23 percent of the population, but 45 percent of those taken into temporary custody; 48 percent of those in detention; 52 percent of those in detention; and 48 percent of new SD-DOC commitments.

In CY 2011, a breakdown by race shows youth probation violations account for the largest number of commitments: 25 percent for all youth and 24 percent for Native American youth. Among those taken into temporary custody by law enforcement, property crimes had the largest number of offenses — 23 percent for all youth. At 23 percent, alcohol offenses topped the list of offenses for American Indian youth.

## **Conclusion**

The Annie E. Casey Foundation's 2008 KIDS COUNT Data Book highlighted the need for Juvenile Justice reform in South Dakota. Since that time, JDAI has been implemented in two counties, Minnehaha and Pennington. Both saw a reduction in the use of detention, expanded pre-trial alternatives, reinvestment, and reallocation of detention resources.

In state fiscal year 2013, the SD Council of Juvenile Services approved implementation of the JDAI model under the SD Unified Judicial Services (UJS), which oversees a statewide JDAI Steering Committee that includes key stakeholders from across the state.

The goals of the Statewide JDAI Steering Committee are:

1. Support of Minnehaha and Pennington counties JDAI efforts, ensuring all seven circuits in South Dakota have the necessary resources, tools, and training to implement JDAI principals, values, and goals, and;
2. Ensuring all seven court circuits are implementing the JDAI core strategies with fidelity to the model.

## **South Dakota Juvenile Detention Alternatives Initiative (JDAI) Statewide Steering Committee**

### *Mission Statement*

To support a juvenile justice system (JJS) that promotes healthy youth development and ensures the safety of youth and the community by providing due process and collaborative, evidence-based interventions for youth and families across the State of South Dakota.

### *Values of JDAI*

- Public safety is the overarching guiding principle.
- Youth involved in the JJS will have the opportunity to develop into healthy, productive adults by actively affirming their potential.
- Promote equal justice.
- Decisions are data driven.
- Consistent best practice for juvenile public safety in jurisdictions across the state of South Dakota and a collaborative approach to juvenile justice that includes formal partnership and shared accountability.
- To be leaders and active partners in promoting safety and in building productive futures for the youth in South Dakota.

### *Vision of JDAI in South Dakota*

- JDAI is the way of doing business in South Dakota.
- Ensure the due process rights of youth in South Dakota.
- Youth are referred to the least restrictive alternative available while ensuring public safety.
- To institutionalize the core strategies of JDAI to examine juvenile justice in South Dakota systemically and promote strategies that improve outcomes from arrest through adjudication and disposition.

### **For more information about JDAI:**

*Annie E. Casey Foundation*

<http://www.aecf.org/work/juvenile-justice/>

*South Dakota Council of Juvenile Services*

<http://doc.sd.gov/about/council/>

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#### Works Cited

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- 2 The Annie E. Casey Foundation (2007). Juvenile Detention Alternative Initiative. A Successful Approach to Comprehensive Reform. Baltimore, MD: Author.
- 3 JDAI 2013 Annual Results Report-Inter-State Conference Summary. Retrieved from <http://www.aecf.org/resources/juvenile-detention-alternatives-initiative-2013-annual-results-report/> on February 13, 2015.
- 4 SD Council of Juvenile Services State Fiscal Year 2014 Annual Report. Retrieved on-line <http://doc.sd.gov/> on February 17, 2015.
- 5 The W. Hayward Burns Institute for Juvenile Justice Fairness & Equity. Accessed on-line at <http://data.burnsinstitute.org/> on February 15, 2015.
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Facts on KIDS in South Dakota is published by South Dakota KIDS COUNT, Beacom School of Business, University of South Dakota. The South Dakota KIDS COUNT Project ([www.sdkidscount.org](http://www.sdkidscount.org)) is a national and state-by-state effort, sponsored by the Annie E. Casey Foundation, to track the status of children in the United States. By providing policymakers and citizens with benchmarks of child well-being, KIDS COUNT seeks to enrich local, state, and national discussions concerning ways to secure better futures for children and families. Additional funding for the state project comes from the South Dakota Departments of: Education & Human Services.

#### **Thank you to:**

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*Nancy Allard and Elizabeth Heidelberger*, South Dakota Unified Judicial System.