



Facts on Kids in South Dakota

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Content Contributor: Annie Brokenleg, Layout Design: Morgan Roth



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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. To protect them from becoming “labeled” and 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. There are, however, exceptions to this rule for juveniles who are at least 16 years old and have committed a felony offense.

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 children 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 inefficiencies¹. 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:



Are less likely to graduate high school



Work fewer hours for less money in years to come



Are more likely to re-offend

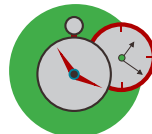
Young people who are detained often experience negative outcomes, such as disrupted school attendance, separated from parents and community, placed with other defenders and labeled by the system.

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. JDAI focuses 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:²



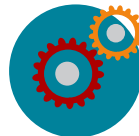
1. Collaboration among the juvenile justice system and community



5. Creation of processing reforms that expedite the flow of cases and ensure timely and appropriate interventions.



2. Collection and utilization of data to diagnose systematic problems, assess the impact of various reforms and ensure that decisions are grounded in facts.



6. Utilization of flexible policies and practices to deal with “special” cases.



3. Use of objective, research-based instruments to identify the best placement for youth.



7. Persistent and determined attention to combating racial disparities.



4. Development of new or enhanced non-secure alternatives to detention.



8. Intensive monitoring of confinement conditions, so detention facilities are safe and appropriate care is provided.

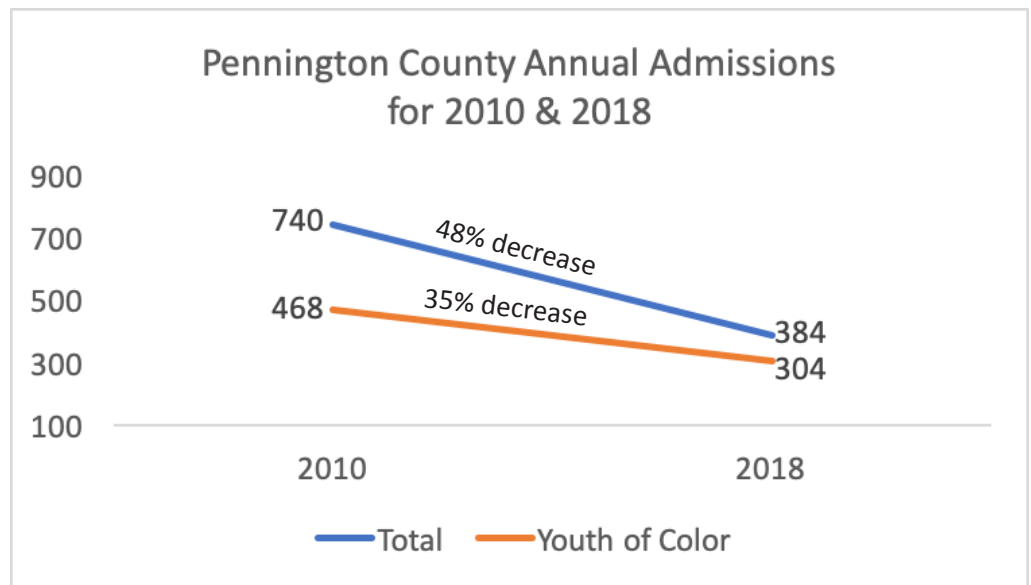
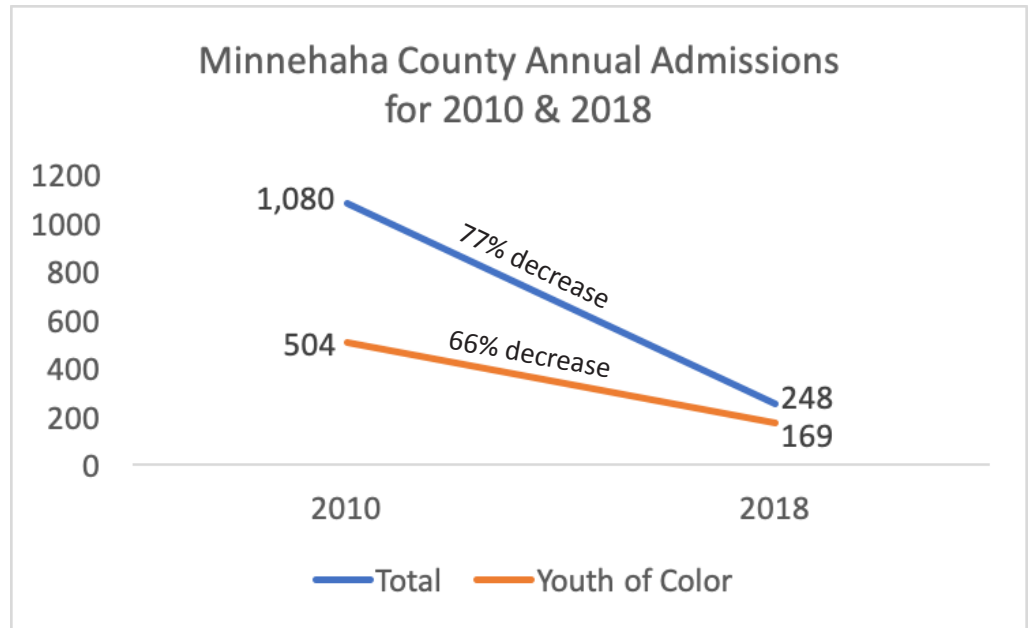
JDAI in South Dakota

In addition to a significant decrease in the youth detention population across the state in the last decade, South Dakota has succeeded in decreasing the number of youth committed to the Department of Corrections by 65 percent since 2013. JDAI has proven to be an effective strategy in South Dakota to *safely* reduce the number of youth in secure detention. Felony petitions filed, which is often used as an indicator to measure public safety, have remained relatively stable in the original JDAI sites, Minnehaha and Pennington counties, despite population increases (see graphs below).

Because of the success of reform efforts in the original JDAI sites, the framework is being rolled out to three additional sites in South Dakota; Davison, Codington and Brown counties. Each of the sites are working on their own process to safely decrease the number of youth held in detention and increase options for youth to remain in their communities.

The South Dakota Risk Assessment Instrument (RAI) was implemented as policy in 2015 by the state Supreme Court and has been instrumental in decreasing the amount of low risk youth in detention. With the new policy in effect, law enforcement officers contact juvenile intake staff to assess the risk level for each youth to re-offend or not to appear in court. The RAI has contributed to the safe reductions in secure detention by providing intake staff with the tools to determine the most appropriate setting for youth. RAI outcome data, the percentage of youth that re-offend and percentage of youth that fail to appear to court, suggests the instrument is measuring risk as intended. In 2018, only six percent of youth failed to appear for court after being released and only 11 percent of youth re-offended.

Despite these improvements, JDAI is still a work in progress in South Dakota. Data analyses from the RAI suggest there are still improvements needed in order for every youth, especially Native American youth in South Dakota to benefit from JDAI.



1 The Annie E. Casey Foundation (2007). Juvenile Detention Alternative Initiative. A Successful Approach to Comprehensive Reform. Baltimore, MD: Author.

2 JDAI Strategies. Retrieved from <https://www.aecf.org/work/juvenile-justice/jdai/> on July 8, 2019.



SD KIDS COUNT Project
Beacom School of Business
The University of South Dakota
414 East Clark Street
Vermillion, SD 57069

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State of South Dakota 2018 RAI Data - Key Points



44% of youth referred to detention were Native American. JDAI sites across South Dakota have implemented a work plan to tackle disparities in their areas.



10% of youth referred to detention were 12 years old or younger. The JDAI statewide steering committee is looking to improve collaboration with the Department of Social Services to better serve youth under the age 12.



57% of youth referred to detention were for non-violent misdemeanors or technical violations. Each JDAI site in South Dakota is looking at how they can provide a continuum of services for non-violent youth, without using secure detention.