



From Courtroom to Community: 10 Facts About Juvenile Diversion Programs in South Dakota

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South Dakota youth should all have the resources and opportunities to thrive in their community. Diversion programs are one way to support youth rather than put them on a path deeper into the criminal justice system. Instead of imposing punitive measures on youth that have long-term consequences, diversion programs provide services, treatment, and resources they need to get back on track. Youth work with a case manager to develop a plan that can include a service-learning project, a positive community opportunity, or an evidence-based treatment option like functional family therapy or aggression replacement therapy.

Diversion programs are available across South Dakota and have been promoted as a resource for communities across the state for almost a decade. As South Dakota comes up on the tenth anniversary of passing the Juvenile Justice Public Safety Improvement Act, this policy brief explores ten facts about juvenile diversion in South Dakota.¹

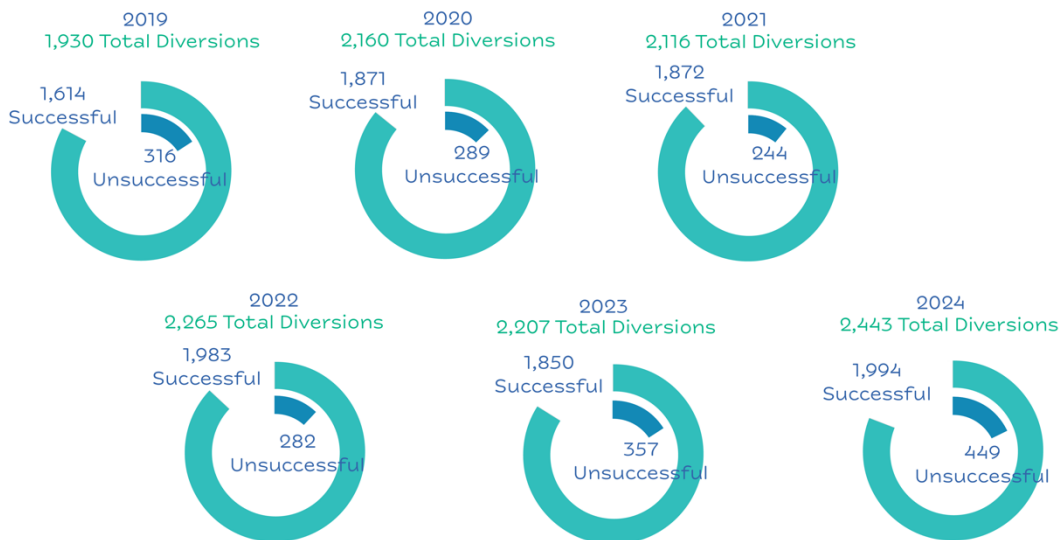


Juvenile diversion is effective; youth who participate are 45 percent less likely to re-offend than youth going through a formal court process.²



Diversions continue to increase across all offense types in South Dakota. In 2024, 2,443 youth participated in a diversion program.³ The majority of youth completing a diversion program in 2024 (82 percent) did not have a reoffense.

Diversions Continue to Increase

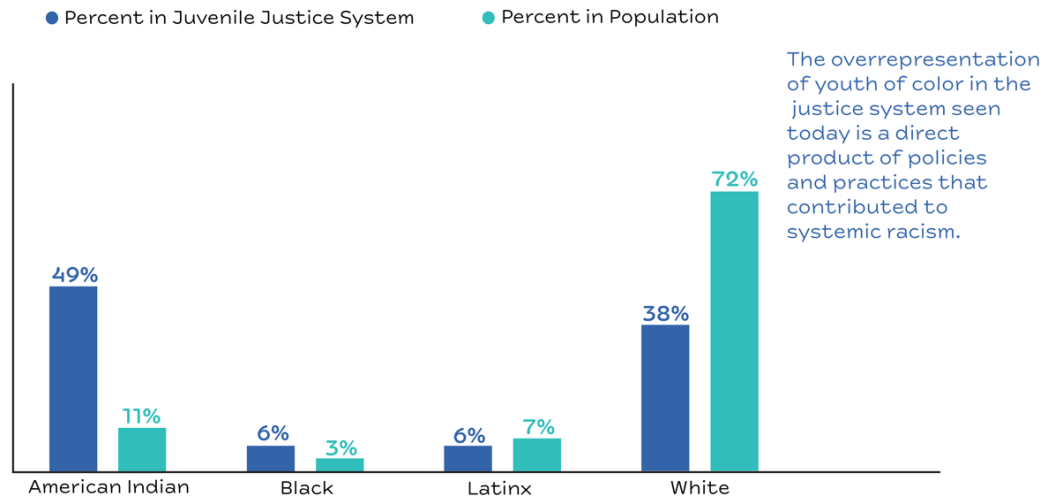


Source: South Dakota Unified Judicial System



American Indian and Black youth in South Dakota are disproportionately represented in the juvenile justice system. More than half (56 percent) of youth committed to the South Dakota Department of Corrections are American Indian or Black, yet these two race groups represent only 15 percent of the total youth population in South Dakota.^{4,5} Unfortunately, youth of color are also less likely to be diverted from juvenile court compared to white youth, further perpetuating their disproportionate involvement with the justice system.²

South Dakota’s Juvenile Justice System Could Work Better for Youth of Color
American Indian and Black Youth are Overrepresented in the Juvenile Justices System



Source: South Dakota Unified Judicial System and U.S. Census Bureau Population Estimates Program



Barriers and unique challenges exist for American Indian youth who participate in diversion programs. In 2023, 78 percent of American Indian youth in a diversion program successfully completed the program compared to 88 percent of white youth.⁶ This gap indicates a critical need for culturally relevant diversion programs and support systems that work for American Indian youth. Working with Tribal leaders to develop and implement culturally relevant programs is critical to the ongoing success of Indigenous youth.



Passed during the 2015 legislative session, the Juvenile Justice Public Safety Improvement Act included an incentive program that provided counties with \$250 per child who successfully completed a diversion program.¹ The goal is to incentivize more counties to use diversion programs as a strategy when working with youth. Legislation during the 2024 legislative session provided the first increase in the incentive amount since its creation, now at \$750 per child.⁷



In 2022 (before the increased incentive), 24 counties participated in the diversion incentive program through the Department of Corrections.⁸ In 2024, 30 counties received the diversion incentive, totaling \$1,492,500, an increase of almost \$1 million going back to counties.⁹



Codington County is a great example of reinvesting incentive dollars into robust diversion programming through the local Boys and Girls Club. The Club provides case management, programming, a teen center for youth, and supervision and support for youth as a detention alternative. This reinvestment helps reduce the number of youth in detention by offering positive, community-based support that addresses their needs and risks. It ensures that youth have access to constructive activities, guidance, and mentorship, leading to better outcomes and reduced recidivism, while also being a cost-effective solution for the county.



Brown County uses diversion incentive dollars to support The Lehán! Wičíčhaǵapi (The Prospering Ones) Program. Emphasizing restorative healing practices over punishment, the program involves a council of community members, including elders, peers, and both system- and non-system-impacted individuals. The council uses peacemaking circles and Indigenous cultural approaches to identify the underlying reasons behind a youth's choices, and then develop a plan that includes lessons on culture, language, and history. By fostering accountability and grounding the process in the seven Lakota values— Compassion, Generosity, Humility, Sincerity, Courage, Perseverance, and Wisdom— this program offers a meaningful path toward healing and positive change for Native youth while also helping to reduce juvenile justice involvement.



In South Dakota, 13 counties (Brookings, Brown, Codington, Davison, Hughes, Minnehaha, Pennington, Yankton, Clay, Butte, Lawrence, Meade, and Lincoln) participate in the Juvenile Detention Alternatives Initiative, a set of strategies shown to decrease the overuse of detention and the disproportionate representation of Black, Indigenous, and other youth of color in the justice system.¹⁰



Youth diversion programs offer a more effective, cost-efficient, and developmentally appropriate alternative to traditional detention. Diversion programs focus on addressing the underlying factors contributing to a youth's behavior, such as unmet social, emotional, or educational needs, rather than relying solely on punitive measures. By providing targeted support, mentorship, and access to community-based resources, these programs help reduce recidivism rates and promote long-term positive outcomes for youth. Investing in diversion programs also helps alleviate the strain on the juvenile justice system and saves county resources by reducing the need for costly detention stays. Additionally, they keep youth connected to their families, schools, and communities, fostering a sense of belonging and accountability. In the long term, this investment not only benefits young individuals but also contributes to safer and more resilient communities.

¹ South Dakota 90th Legislature, “An Act to improve public safety regarding juvenile justice,” SB 73, enacted on Mar. 13, 2015.

² The Annie E. Casey Foundation, “[What is Diversion in Juvenile Justice?](#),” Oct. 2020.

³ Unified Judicial System, “2016-2024 Diversions,” on file with author.

⁴ KIDS COUNT Data Center, “[Commitments to SD Department of Corrections by Race in South Dakota](#),” 2024.

⁵ U.S. Census Bureau, Population Estimates Program, Annual county resident population by single year of age (0-84,85+), sex, race (11), and Hispanic origin for April 1, 2020 (estimates base) and July 1, 2020-July 1, 2023 for South Dakota, on file with author.

⁶ Department of Corrections, data provided by special request.

⁷ South Dakota 99th Legislature, “Revise the incentive program for juvenile diversion opportunities,” SB 47, enacted on Mar. 26, 2024.

⁸ Unified Judicial System, “FY 2022 JJRI Fiscal Incentive Diversion Program Submission Summary,” on file with author.

⁹ Department of Corrections, data provided by special request.

¹⁰ KIDS COUNT Data Center, “[Youth admitted into a detention facility by race, for select counties implementing JDAI in South Dakota.](#)”