

Facts on Kids in South Dakota Juvenile Justice



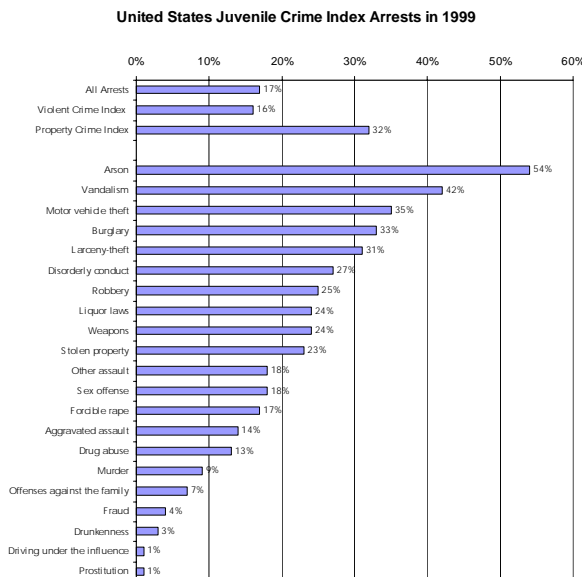
Issue No. 1 2002

Introduction

Each issue of **Facts on Kids in South Dakota** looks at a specific indicator of child well being. Data and state and federal legislation will be discussed to provide the reader with a broad yet in-depth view of the state of children and youth in South Dakota. The focus of this issue is juvenile justice.

National Statistics

Juveniles were involved in 16% of all Violent Crime Index arrests (which includes the offenses of murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault) and 32% of all Property Crime Index arrests (which includes burglary, larceny-theft, motor vehicle theft, and arson) in 1999.¹

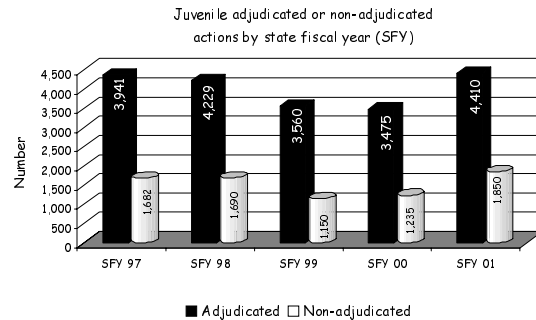


South Dakota Statistics

The number of juvenile referrals represents the number of youth under eighteen years of age referred to the Unified Judicial System by the states attorney. Juvenile informational complaints may be filed with the states attorney by law enforcement officials, parents, court services officers (alleged probation violations), and others. The states attorney may decide to adjudicate (file a formal petition, i.e. the case goes to court), refer the case to a court services department for a 90-day non-adjudicated action

(informal adjustment, i.e. refer the case to a private agency approved by the court, for example, alcohol treatment facility or program), or take no action.

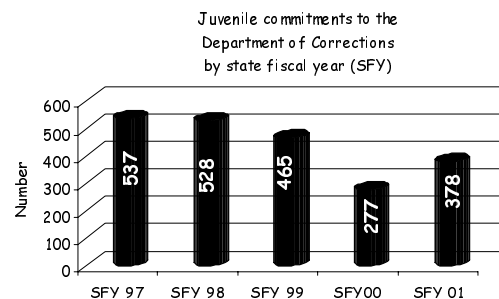
State fiscal year 2001 showed an increase in adjudicated and nonadjudicated actions (referred for some form of informal adjustment, i.e., juvenile did not actually go to trial). Previous to state fiscal year 2001 there had been a decrease in adjudicated and nonadjudicated actions.



Source: 2001 South Dakota KIDS COUNT Factbook.

Since July 1, 1996, (state fiscal year 1997) judges no longer placed youth in specific facilities or programs pursuant to a Dispositional Order. Judges now commit youth to the Department of Corrections and the Department of Corrections places the youth in a juvenile corrections facility, residential treatment facility, group care facility, or foster care.

For state fiscal year 2001 the commitments to the Department of Corrections (DOC) was 378. This was an increase of 101 from state fiscal year 2000.



Source: 2001 South Dakota KIDS COUNT Factbook.

Facts on Kids in South Dakota



In South Dakota and bordering states the violent crime index is below the national figures. The rates for alcohol violations are above those of the nation.*

1999 Juvenile Arrest Rate**					
	Reporting Coverage	Violent Crime Index	Crime Index	Drug Abuse	Alcohol Violations ***
South Dakota	71%	167	2,375	772	2,796
Iowa	81%	267	1,998	450	1,337
Minnesota	85%	275	2,381	763	1,832
Montana	49%	315	3,496	126	1,616
Nebraska	92%	119	2,716	688	1,640
North Dakota	74%	92	2,154	333	2,890
Wyoming	98%	146	2,455	879	3,644
Total US	69%	366	1,844	668	626

*The juvenile arrests may reflect differences in law-violating behavior, police actions, and/or community standards².

**In this table the arrest rate is defined as the number of arrests of persons under age 18 for every 100,000 persons ages 10-17.

***Includes liquor law violations, drunkenness, and driving under the influence.

Why a separate juvenile justice system?³

Children are growing and learning on their path to adulthood and are developmentally different from adults. Therefore, a separate juvenile justice system was created in the United States over 100 years ago. The purpose of the juvenile court was to "get children out of adult institutions, to focus more on rehabilitative treatment rather than punishment, and to provide for greater informality and confidentiality in court proceedings." The juvenile justice system continues today out of a belief that children and youth "need to be separated from adults in institutional and procedural settings, and that individualized justice can best rehabilitate juveniles and protect society."

One principle of the juvenile justice system is the importance of confidentiality to protect a child from becoming "labeled" and to enable the child's redirection on a lawful path. There are limits to this confidentiality, however. In the juvenile justice system, a child is viewed as having committed an "offense", not a crime. Therefore, the child may be apprehended, not arrested. Only an adult can be charged with a crime. There are, however, exceptions to this rule for a child who is at least 16 years old and commits a serious felony offense.

What is the juvenile justice system?³

There are several parts to the juvenile justice system and each has its own role to play: the **police** determine whether or not a particular act or behavior

by a child appears to violate a law. The **state's attorney** decides whether to handle it informally or whether to notify the court ("referral"). The **juvenile court** hears the case and decides if the child is guilty and if so what the disposition should be. **Diversion programs** and **juvenile corrections** try to change the child's behavior ("rehabilitation").

Diversionary Programs⁴

Juvenile diversion programs were developed to redirect youth from the juvenile court system to an alternative that may be more effective. These programs involve a suspension of formal criminal or juvenile justice proceedings against a youth offender and the referral of the individual to a treatment or care program. These programs are usually intended for first-time offenders with drug or alcohol related offenses.

In South Dakota, juveniles entering the criminal justice system due to an alcohol or drug related offense are screened to determine if they have a substance abuse problem. The juvenile, depending on the outcome of the evaluation, will either be referred to a Primary Prevention Program (10 hours in length) or the Intensive Prevention Program (30 hours).

In the period from June 1, 2000 through May 31, 2001 there were 1,248 referrals to the primary prevention program; 249 to the intensive prevention program; 30 to intensive outpatient treatment and 2 to inpatient treatment. The Juvenile Detention Center youth at Rapid City and Aberdeen also receive Diversion Prevention programming delivered by accredited program providers. In the period from June 1, 2000 through May 2001, there were 180 referrals to the juvenile detention center primary prevention program and 54 to the juvenile detention center intensive prevention program.

Each program includes a family component and an early intervention strategy that educates the youth on alcohol and drug related issues. The programs also address the laws regarding the use of chemicals by juveniles. The programs are community based and use private and public systems to focus on the issues of drug and alcohol abuse⁵.

Diversion programming is operational in each of the state's seven Circuit Court districts and in two of the state's three Juvenile Detention Centers.

Facts on Kids in South Dakota

Another type of diversion program that has had success is teen courts (also known as youth courts, peer courts, student courts and other names). Teen courts have become a popular intervention for relatively young and usually first-time offenders. Most teen courts do not determine the guilt or innocence of the juvenile. In most cases, the youth must admit to the charges against them in order to qualify for teen court.

Through a teen court, a juvenile who commits a minor offense, such as petty theft, possession of alcohol, smoking, disorderly conduct or a violation of school rules may receive disciplinary action for their behavior from a jury of their peers. While teen courts take several forms, the primary function is for the jury of peers to listen to the circumstances surrounding the offense and determine what consequences should be for the offender.

Community service is the most common sentence given to offenders. Other dispositions include letters of apology, apology essays, teen court jury duty, drug/alcohol classes or monetary restitution.

Juveniles who are placed in a residential facility of some type may be placed as part of a court ordered disposition. Juveniles may also be detained in a facility awaiting a court hearing, adjudication, disposition or placement elsewhere. Also, a juvenile may be voluntarily admitted to a facility in lieu of adjudication as part of a diversion agreement. The table below shows the numbers of juveniles in 1997 from South Dakota and surrounding states who were placed into a residential facility⁶.

Juveniles in Residential Facilities 1997*						
State	Total	Public	Private	Committed	Detained	Voluntary Admission
South Dakota	528	435	93	390	81	57
Iowa	1,064	402	663	771	252	42
Minnesota	1,522	879	642	1,167	318	39
Montana	302	171	132	267	24	9
Nebraska	741	510	231	495	234	12
North Dakota	272	96	174	162	108	3
Wyoming	340	171	171	312	18	12
Total US	105,760	76,335	29,445	76,305	27,680	1,607

*Cell counts have been rounded to nearest multiple of three to preserve privacy

South Dakota Department of Corrections

Juveniles who have been placed into the custody of the State of South Dakota by the court system may be placed into a number of correctional facilities depending on the nature and severity of the offense committed. Among the facilities available in South Dakota are the Custer Youth Corrections Center³ programs. These include:

- Patrick Henry Brady Boot Camp, which offers a

highly regimented, tightly structured program that is modeled after the United States Marine Corps. Juveniles at this facility received basic high school education classes as well as Life Skills and Parenting classes, drug and alcohol education and daily physical training.

- The Living Center where the population of youth is made up of Children in Need of Supervision (CHINS), adjudicated delinquents, and youth with suspended sentences from other correctional facilities. The program is split into Living Center A, which focuses on counseling, education and work therapy, and Living Center B, for young men who cannot return home.
- The QUEST Program, which serves juvenile females that have, in many cases, been physically or sexually abused, or have significant chemical dependency issues requiring a level of treatment that is generally not available to them within a community setting. Girls in the QUEST program receive counseling, life skills development, educational classes and physical activity.
- The EXCEL Program for female juvenile offenders, which is designed to improve the quality of life through a short-term comprehensive wellness approach that includes counseling, education, life skills development and positive role-modeling participants.



SOUTH DAKOTA
COALITION
FOR CHILDREN

The South Dakota Coalition for Children has released a new free guidebook for youth and parents on the South Dakota juvenile justice system. The sixteen-page booklet, written by a workgroup of South Dakota experts, explains youth's rights and how the juvenile justice system works in South Dakota.

The Midcontinent Media Foundation, the Sioux Falls Area Community Foundation, the South Dakota Community Foundation, and the John T. Vucurevich Foundation provided funding support for the guidebook project.

The guidebook is available free on the SD Coalition for Children web site at www.sdcchildren.org or by sending a request to SDCC Guidebook, P.O. Box 2246, Sioux Falls, SD 57101-2246 or email officeassit@sdccchildren.org.

Facts on Kids in South Dakota



The South Dakota KIDS COUNT Project 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 and Cultural Affairs, Health, Human Services and Social Services. www.usd.edu/brbinfo then follow the KIDS COUNT link

The South Dakota Coalition for Children (SDCC) is an advocacy organization that strives to shape policies and programs to ensure the well being of all children in South Dakota. The Coalition is composed of businesses, state and local organizations, and individual members. The SDCC is a member of the National Association of Child Advocates (NACA). The Coalition can be reached at P.O. Box 2246, Sioux Falls, SD 57101-2246, phone: 605.367.9667. www.sdcchildren.org

Facts on KIDS in South Dakota

published by the South Dakota KIDS COUNT Project, Business Research Bureau, University of South Dakota.

Written & Edited by Carole Cochran & Karen H. Dougherty

Special Thanks to:

Briana Kraayenbrink-Business Research Bureau
Susan M. Randall, PhD, Executive Director, SD Coalition for Children

NOTES

¹ *Crime in the United States 1999* table 38. Washington, DC: US Government Printing Office, 2000.

² *OJJDP Statistical Briefing Book*. December, 2000. Online. Available: <http://ojjdp.ncjrs.org/ojstatbb/index>

³ Kids, Crimes, Choices: What Can We Do? A report based on a series of South Dakota public forums. Randall, Susan M, Ph.D., Heriba, Jeanmarie, Yellow Hawk, Ruth. October 2000.

⁴ Diversion Prevention Programs, South Dakota Department of Human Services, State of South Dakota website: <http://state.sd.us/dhs/ADA/Diversion.htm>.

⁵ South Dakota Department of Corrections, State of South Dakota. Website: <http://www.state.sd.us/corrections/juvenile.htm>

⁶ Office of Juvenile Justice and Delinquency Prevention. (1998) Census of Juveniles in Residential Placement 1997 [machine-readable data file]. Washington, DC: OJJDP.



SD KIDS COUNT Project
Business Research Bureau-USD
414 East Clark Street
Vermillion, SD 57069