Chief justice gives his backing to youth-detention alternatives, seeks use across South Dakota

By Bob Mercer State Capitol Bureau | Posted: Monday, October 14, 2013 12:07 am

A different response to juvenile crime led to many fewer youths locked up in Rapid City and Sioux Falls during recent years. Soon it will be tried in other parts of South Dakota.

Known as JDAI – short for juvenile detention alternatives initiative – the program’s management recently was taken over by the state courts system.

Chief Justice David Gilbertson, the courts’ top officer, wants to broaden JDAI’s use.

“This is really a promising program,” Gilbertson said in an interview. “We’ve had a test drive here. We know it works.”

Home detention, electronic monitoring bracelets, evening-attendance centers and shelter care are some of the methods used rather than lock-ups.

The state Council on Juvenile Services began the experiment in 2010.

Seeking to reduce the numbers of juveniles locked behind bars in local and state facilities, the council sought help from the Annie E. Casey Foundation. JDAI is advocated by the foundation.

The council and the foundation worked with the state Department of Corrections and with judges and law enforcement in Pennington and Minnehaha counties to establish the JDAI approaches there.

JDAI relies on a points-based risk assessment index. It helps determine whether a youth would be best released to parents, or should be placed in a secure setting, or needs alternative supervision. Among the considerations are difficult situations involving family members.

The conversion to JDAI was followed by large decreases in youths being sent to local secure detention centers and state correctional facilities: A three-fourths reduction in Minnehaha County and nearly a two-thirds reduction in Pennington County.

Probation caseloads went down too.

Circuit Judge Jeff Davis of Rapid City serves on the state council and introduced the JDAI concept to the chief justice.

“When they showed me the results in Sioux Falls and Rapid City, I thought, ‘Wow, this is a program I’d like to see statewide,’” Gilbertson said.

Differences meanwhile had developed in the relationship between the foundation’s JDAI field representative for South Dakota and some of the people on the council and in the Department of
Corrections.

The situation led to Davis helping arrange for the state Unified Judicial System to assume responsibility for the JDAI program.

Moving JDAI to the courts fit with a broad shift in philosophy, already recommended by the governor and chief justice and approved by the Legislature this year, toward less incarceration of non-violent adult criminals.

The juvenile council and DOC officials in turn officially ended their involvement with the foundation and returned some money to the foundation.

Some on the council and in DOC question whether JDAI can work in other jurisdictions in South Dakota. The chief justice praised the work that led to JDAI’s creation here.

“The council should be complimented for getting the program up and running with the Annie E. Casey Foundation,” Gilbertson said.

He said the program will be rolled out in other counties in a gradual fashion where it fits and is needed, similar to the process that established alternative drug and alcohol courts for adults in South Dakota in the past decade.

Gilbertson said he’s asked Gov. Dennis Daugaard to recommend that the Legislature provide funding to the Unified Judicial System for a statewide JDAI coordinator.

Judge Davis said he hopes the coordinator can be on board by Nov. 1 – “So we don’t lose what we gained,” he said -- with foundation funds to be used until money becomes available from the Legislature next year.

A JDAI advisory committee will be established by the chief justice.

The two county JDAI coordinators, Erin Srstka in Sioux Falls and Liz Heidelberger in Rapid City, are available to help other counties during the build-out of the program.

Heidelberger, for example, is already in discussions with Sturgis, Spearfish and other Black Hills region officials.

Davis said putting JDAI with the courts is a better alignment because the courts handle the decisions regarding offenders’ sentences and treatment, while DOC runs the state prisons.

“It truly is a win-win for the state. It puts the square peg in the square hole and the round peg in the round hole,” Davis said.