



DEPARTMENT OF CORRECTIONS

ADMINISTRATION

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August 24, 2009

Representative Deb Peters
Chair, Government Operations and Audit Committee
South Dakota Legislature

Dear Representative Peters:

This letter is intended to answer the questions posed by Senator Gillespie concerning the use of out of state placement facilities for youth committed to the SD Department of Corrections. The use of out of state facilities is monitored closely by our department and we work in unison with the licensing agencies in each state to ensure we utilize high quality programs specific to the needs of the youth committed to our care.

It is true that we utilize out of state facilities for different reasons relating to the type of placement and for targeting different services specific to the needs of the youth. It is important to realize however, that in all cases before we utilize an out of state facility we first consider all available resources and placement options available within the state.

For example, Southwest Youth Services (SYS) located in Magnolia MN (approximately 30 miles from Sioux Falls) serves a variety of DOC youth. They provide short term non-secure detention for DOC youth who are taken into custody in the Sioux Falls area when the local Minnehaha Juvenile Detention Center is unable to hold them. SYS also provides step down programs for sex offender youth who have completed long term inpatient sex offender treatment out of state as we begin the process of transitioning the youth back into the community. SYS also serves older youth (age 18-20) for longer term placement where many of our in-state providers do not. Other types of programs such as Benchmark, Coastal Harbor Academy, Cottonwood and Woodward Academy provide inpatient sex offender treatment that may specialize in dual diagnosis, developmentally delayed youth, or severe and chronic mental health issues as well. Lake View Academy, Mil Lacs, Mesabi, and Clarinda focus on either severe or chronic mental health which is significantly complicated with behavioral issues.

For purposes of answering the questions in determining the recidivism rate, we tracked a total of 195 youth who were in out of state facilities during the FY2005 – FY2007. We chose these fiscal years as being the most recent as there must be a time period following release to aftercare and discharge from the juvenile system in order to measure outcomes. Juvenile outcomes are measured two ways, revocation rates and recidivism rates. Revocation rates are the measurement of youth released from

placement to the community on aftercare and revoked for new violations (including technical and criminal). Recidivism is the rate of measurement of youth that have been fully discharged from the SD DOC juvenile system and have entered the adult SD DOC system with new crimes.

Here is our response to each of the questions put forth by Senator Gillespie:

1. What is the recidivism rate for the juveniles who are in out of state placement?

As mentioned previously, we tracked 195 youth placed out of state during FY2005-FY2007. Of that number, for those released to aftercare the revocation rate is 12.3% within one year of release. For those same youth, we tracked their recidivism rate following discharge from DOC juvenile division. Within the first three years following discharge, 13.4% and have entered the SD DOC adult system for a new crime.

2. Are most of these children being aged out at these out of state facilities?

No, almost all of the youth return to South Dakota prior to reaching age 21 years. See following answer.

3. How many of these children are coming back to South Dakota to reside?

Of the 195 youth tracked, only six of the youth did not return to South Dakota. In those cases the youth were placed with parent or Grandparent residing out of state.

4. Are we tracking what happens after they are discharged from the out of state placement?

Yes, as mentioned earlier, we are tracking both their revocations rates and recidivism and we know the majority return to South Dakota. We also are aware of any subsequent services or placement which may include secondary placement at West Farm, foster care, independent living or Job Corp for example. However, most return to family on aftercare and eventually discharge while residing in South Dakota.

5. Do we know whether they are coming into the adult system on new misdemeanor or felony charges when they are adults?

Yes, we know that 13.4% (over age 18) enter the adult DOC system within three years of discharge for new felony charges.

6. Has the number of juveniles needing out of state placement increased or decreased or maintained stagnant over the last few years.

The average daily population (ADP) of youth placed out of state has decreased significantly over the last three years. The ADP for out of state placement in FY2006 was 88 youth. In FY2009 the ADP was 61 youth. As of August 19, 2009 we had 54 youth placed out of state. Of the 54 youth out of state, 27 youth are at Southwest Youth Services (SYS) which, as noted earlier, is just across the border in Minnesota. This decrease is a result of a concerted effort to develop a higher level of residential care in South Dakota that can meet the needs of our youth. DOC partnered with DSS to establish two new levels of residential care. Both Psychiatric Residential Treatment Facility (PRTF) and Intensive Residential Treatment (IRT) were developed to serve more youth in state.

7. How do costs (I calculate these 57 children cost us 2.6 million dollars) compare to other states costs for these out of state placed children?

It is unclear how we can compare specifically with other states unless we know that we are also comparing a similar type of program serving a youth with similar severe needs as we have with this population. We can however confirm that other states and/or counties utilize these same programs for their high-risk youth that they place out of state. When we developed the (IRT) Intensive Residential Treatment programs in South Dakota (which had similar staffing ratios, clinical staff and intensity level as some out-of-state programs) we found that those newly created in-state programs ended up having very similar daily rates as the ones we had previously utilized out of state.

Thank you for the opportunity to explain our utilization of out of state programs. I assure you that we always try to address the needs of the youth committed to our care using in-state programs. Unfortunately some of our children's needs exceed the level of services that are available within our state's borders.

Sincerely,



Tim Reisch
Cabinet Secretary