



SouthDakota

MINUTES

Jolene's Law Task Force

Senator Deb Soholt, Chair
Senator Alan Solano, Vice Chair

Sixth Meeting
2015 Interim
November 17th, 2015

Legislative Conference Room 1
State Capitol Building
Pierre, South Dakota

Tuesday, November 17th, 2015

The sixth meeting of the Jolene's Law Task Force for the 2015 interim was called to order by Senator Deb Soholt at 10:00 a.m. (CDT) in Legislative Conference Room 1 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members attending the meeting: Senator Deb Soholt, Chair; Senators Alan Solano (Vice-Chair) and Jenna Haggar, Representatives Peggy Gibson and Tona Rozum; Members Christine Bisek, Cameron Corey, Daniele Dosch, Dr. Nancy Free, Wendy Kloepfner, Ann Larsen, Angela Lisburg, Jolene Loetscher, Tatewin Means, Hollie Strand, Virgena Wieseler, and Colleen Winter.

Legislative Research Council staff members present included Roxanne Hammond, Legislative Attorney, and Jason Simmons, Senior Fiscal Analyst; and from the South Dakota Network Against Family Violence and Sexual Assault: Cynthia Tobin and Krista Heeren-Graber.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting can be found on the Department of Health website at <http://doh.sd.gov/news/JolenesTaskForce.aspx>. This meeting was webcast live. The archived web cast is available at the DOH website.

Approval of Minutes

REPRESENTATIVE PEGGY GIBSON MOVED, SECONDED BY SENATOR JENNA HAGGAR, THAT THE MINUTES OF OCTOBER 26TH, 2015, TASK FORCE MEETING BE APPROVED. The motion prevailed by a voice vote.

Remarks from the Chair

Senator Deb Soholt welcomed the committee to the 6th and final meeting of 2015, summarizing the outcome of the 10/26/15 meeting. Georgina Schaff, Dakota RSOL Solutions, was thanked for sending a gift of food to the task force and for ongoing support of the work.

The objectives for this meeting were to:

- Finalize any proposed legislation for the 2016 Session,
- Define an infrastructure to continue to work of JLTF in 2016,
- Discuss possible funding sources for continued work, and
- Gain further member input for the 2015 final report that will be submitted to the Governor.

Statistics/Benchmark Working Group

Senator Alan Solano (Chair), Cameron Corey, Dr. Nancy Free, Wendy Kloepfner, Angela Lisburg, Tatewin Means, Casey Murschel, Virgena Wieseler

On behalf of the Working Group, Senator Solano presented aggregate data reflecting the current state of child sexual abuse in South Dakota (see Jolene's Law Taskforce Statistics Workgroup-powerpoint.pptx). It was important to establish a baseline of reported child sexual abuse in SD that removes duplicated reports of the same incident to multiple agencies. Due to the volume of reports throughout an entire year, a sample three month data pull (February, March and April 2015) was conducted within the following cooperating agencies: Central South Dakota Child Assessment Center (Child Advocacy Center), Children's Home Child Advocacy Center, Child's Voice (Child Advocacy Center), Oglala Sioux Tribe Child Protection Services, South Dakota Division of Criminal Investigation, and South Dakota Department of Social Services Division of Child Protection Services. During the three month sampling period there were a total of 992 reports of child sexual abuse into the six agencies providing data.

Significant findings:

- In South Dakota child sexual abuse is a serious, significant problem for the safety and health of our children. With the percentage of delayed reporting by children – or never reporting (and that all agencies in SD were not captured) – an annualized number of 4,000 is critically conservative.
- Historically in South Dakota child sexual abuse reports are heavily weighted toward female victims. During the sampling period, female victims comprised 76.2% of all reports of child sexual abuse.
- For female victims 48.9% are Caucasian and 36.6% are Native American with the remaining 14.5% other races and unknown. Male victims show 51.7% Caucasian, 29.5% Native American with remaining 18.8% other races and unknown.
- When grouped into 5-year age spans, the data shows increasing percentage of female victims as they age until reaching 15 years and then reporting drops significantly. With male victims, the highest age vulnerability is 0-5 years with steady decreases to age 15.
- All South Dakota counties report child sexual abuse, with the highest numbers being in the populous counties of Minnehaha and Pennington.
- A high percentage of offenders are known to their victims. For females, 72.7% of offenders were known by the victim, 8.6% were strangers and 18.7% unknown/not reported. For males, 82.3% of offenders were known by the victim, 3.3% were strangers and 14.4% unknown/not reported.

There was extensive dialogue about steps to move forward, building upon the 2015 baseline statistics to guide future decisions of identification, prevention and response to children sexual abuse across South Dakota and to measure decision effectiveness. Key recommendations are to:

- Explore the feasibility of a single agency being responsible for aggregating data. Senators Soholt and Solano have had a preliminary conversation with Carole Cochran, Outreach Director for SD Kids Count, and there is much interest about becoming involved with the Task Force work.

- Develop necessary Memorandums of Understanding or Shared Use Agreements to allow for collection of more detailed victim information for future predictive modeling.
- Work with all Native American tribes in South Dakota collecting and reporting data.
- Develop best practice protocols with respect to data collection and analysis for consistent use and improvement in child sexual abuse.

III. Improving Criminal Justice & Child Protection Responses

Roxanne Hammond, LRC Attorney

Ms. Hammond presented draft language for 2016 legislation with respect to defining a child advocacy center and including emergency medical responders as mandatory reporters in statute in response to a request from the 10/26/15 meeting. Following much discussion, language was agreed upon:

That code be amended by adding a NEW SECTION to read:

A child advocacy center is a child-focused, trauma-informed, facility-based program that adheres to national best practice standards established by the national membership and accrediting body for child's advocacy centers, and in which representatives from law enforcement, child protection, prosecution, mental health, forensic interviewing, medical, and victim advocacy disciplines collaborate to evaluate children and make team decisions about the investigation, prosecution, safety, treatment, and support services for child maltreatment cases.

That 26-8A-3 be amended to include emergency medical responders in the list of mandatory reporters in South Dakota.

Ms. Hammond will draft into proper bill language and on behalf of JLTF, Senator Soholt will be prime sponsor in the Senate and Representative Rozum will be prime sponsor in the House. Representative Gibson has worked with the EMT group and will reach out to them for support of the mandatory reporter bill, along with Colleen Winter working with the emergency services professionals within the Department of Health for same.

REPRESENTATIVE PEGGY GIBSON MOVED, SECONDED BY SENATOR SOLANO THAT THE ABOVE LANGUAGE BE APPROVED FOR 2 BILLS IN THE 2016 LEGISLATIVE SESSION. The motion prevailed by unanimous vote of members present. Members voting AYE: Soholt, Solano, Gibson, Rozum, Bisek, Corey, Dosch, Larsen, Loetscher, Strand, Wieseler, Means, Free, Lisburg. Absent: Hagggar, Winter, Kloeppner.

III. Improving Criminal Justice & Child Protection Responses

Angela Lisburg & Casey Murschel (Co-Chairs), Cameron Corey, Wendy Kloeppner,
Virgena Wieseler, Hollie Strand

.Virgena Wieseler shared that the mandatory reporter training video is near completion of the interactive scenarios. The video can be provided to the workgroup by Thanksgiving. The final draft would be provided by July 1st of 2016.

Nan Stein, Ed.D, Senior Research Scientist at Wellesley Centers for Women, joined the group by conference call. She has provided trainings to South Dakota's Department of Education, and serves as an expert witness in multiple cases. She provided the history of Title IX which began in 1972 as a gender anti-discrimination act. Sexual harassment is a form of gender discrimination. Cases have been on the rise, and currently there are about 100 pending Title IX cases in the nation with one being in South Dakota. It is mandated that every school district have a Title IX coordinator, be accessible to children and clearly articulated grievance procedures.

Ann Larsen shared that the SD Department of Education hosted training from the Office of Civil Rights in June 2015 to foster compliance with Title IX. On December 2nd the SD Network Against Family Violence and Sexual Assault is hosting two representatives from the Office of Civil Rights to discuss Title IX at the Sexual Violence Institute.

I. Improving Education and Training

SD School Survey Update

Jolene Loetscher, Dr. Michael Lawler, Dr. Amy Schweinle

Dr. Michael Lawler summarized the proposal for a potential follow-up survey to be conducted in 2016 within all SD schools on behalf of Dr. Amy Schweinle. The intent would be to gather information from more schools, and obtain specific details about mandatory reporting and educating children about child maltreatment, including child sexual abuse. In particular, the interest would be about the frequency, scope, focus, satisfaction with and perceived effectiveness of current practices and what could be done in the future. There are two broad areas of emphasis that would require two surveys:

- Determine what schools are doing with regard to child maltreatment including child sexual abuse and response, and
- Determine the confidence, knowledge, skill and ability of teachers, counselors and other mandatory reporters with regard to the mandatory reporting process and implementing a curriculum about child maltreatment, including child sexual abuse.

There was discussion about an additional survey with parents, and utilizing the Parent Network. It was recommended by the Task Force to further explore this in 2016.

#4 Improving the Development and Delivery of Prevention Initiatives

#5 Improving Public Awareness, Public Policy and Research

Representative Peggy Gibson, Jolene Loetscher, Dr. Nancy Free,
Tatewin Means, Colleen Winter

Representative Gibson described conference calls held to learn more about public awareness campaigns being used nationally. The Mass Kids Executive Director, Jetta Bernier, had a conference call with the sub-committee members to describe The "Enough Abuse" Campaign. Representative Gibson described the history of the organization. There is a tremendous amount of backup for the campaign. They use multiple strategies for permanent change.

Representative Gibson also described the "Stop The Silence" campaign. Further exploration of successful prevention campaigns will transpire in 2016.

Tanya Fritz, Children's Home Society's Child Advocacy Center, shared the "What If" game that they created to help open up new conversations with kids aged 5-12 years old about health and risk subjects, including sexual abuse. One-thousand copies of the game were made due to the generosity of a private grant. The game has much merit as a strategy for prevention in future SD initiatives. Distribution of the game is in process through Children's Home.

Public Testimony

Jessica Mitzel, a 17 year-old high school student and sexual abuse survivor from Sioux Falls, gave the following public testimony (written permission to publish her name/statement obtained from Brenda Mitzel, her mother):

"I am a survivor of sexual abuse and I don't know if this is possible, but I figured that this would be the best place to see. When I was going through the legal process, there were a lot of things that made it really hard and I just wanted to see if it would be possible to change the accused having the right to face the accuser in cases of minors. Because that's what I was really hung up on. And I attempted suicide before I had to testify because I was afraid of going in front of my abuser. So I wondered if we could work to change the law in cases of minors."

Jolene's Law Task Force 2016 Senator Soholt

Senator Soholt led a dialogue regarding continuation of the Task Force in 2016. All current members have indicated interest in continuing to be part of the work. A possible way to move forward would be to have JLTF become the oversight group for a broader coalition of stakeholders that will define a ten year pathway forward within the framework of Know – Respond – Prevent. This effort will require the assistance of a project manager with the plan to turn over infrastructure accountability and sustainability to the USD Center for Child Maltreatment if successful through budgetary appropriations during the 2016 Legislature. The 2016 focus would be to:

- Develop ten year measurable goals for improvement in all recommendation areas of the final report.
- Develop incremental benchmarks within the larger goals.
- Design action plans to attain benchmarks and ten year goals.
- Utilize evidence-based practice and research to inform action plans.
- Secure funding and implement developed plan strategies.
- Measure incremental outcomes to inform continued strategy or change of action steps.
- Design statewide infrastructure that sustains the effort moving forward.

Request of the Governor that Jolene's Law Task Force members be reappointed to:

- Meet at least twice in 2016 as the accountability body for the statewide coalition to assure that purpose and intent of the effort remains intact.
- Assist in the design of future statewide infrastructure.
- Foster a strengthening of the coalition that includes clarifying agency leadership roles.

- Fund activities through a DOH grant within the South Dakota Network Against Family Violence and Sexual Assault.

It is recommended that the future work include additional representation from the Unified Judicial system, South Dakota CAC's, Children's Home Society, South Dakota Network Against Family Violence and Sexual Assault, the State Sheriff's Association, USD and SDSU to assure major stakeholders assist in the development of a statewide plan.

Primary leadership for KNOW will be the USD Center for Child Maltreatment to:

- Lead statewide collaborative with all schools that educate mandatory reporters, and
- Lead evidence-based/research work that informs Respond and Prevent, along with outcome measurement.

Primary leadership for RESPOND will be Child Protection Services and the Child Advocacy Centers to:

- Lead statewide collaborative to plan and implement identified response structure, and
- Lead statewide collaborative design of best practice CAC involvement in every case.

Primary leadership for PREVENT will be Children's Home Society to:

- Lead statewide collaborative for public awareness and prevention, and
- Leader statewide collaborative for K-12 education system.

Final Recommendations and Report to the Governor

The final report for Governor Dugaard from Jolene's Law Task is in the process of being written to include major findings and recommendations that reflect the work over this past year. Additionally a suggested framework for continued work in 2016 will be part of the report. A draft report will be emailed to all members for input and editing prior to final submission. Senator Soholt thanked the members of the Task Force for their dedication, commitment and extraordinary contributions over this past year.

Adjourn

REPRESENTATIVE PEGGY GIBSON MOVED, SECONDED BY REPRESENTATIVE ROZUM THAT THE JOLENE'S LAW TASK BE ADJOURNED. The motion prevailed unanimously by a voice vote.

Meeting adjourned at 4:00pm