

The Department of Corrections, Department of Social Services, Office of the Attorney General,  
and Unified Judicial System's SB70 Implementation Status

Department of Corrections  
Senate Bill 70: An Act to Improve Public Safety  
Implementation Status  
August, 2013

The Department of Corrections (DOC) created a CJI work plan and distributed the items of responsibility to implementation teams. This was done to organize the major policy areas of the CJI initiative that DOC has implementation responsibilities for. The teams were each assigned a team lead, and that individual is responsible for selecting team members and organizing/distributing duties and responsibilities. Each team is tasked with creating a workgroup charter and providing monthly status reports:

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of 8/26/2013
July 1, 2013	July 1, 2013 for award in August, 2013.	<b>Earned Discharge Credits</b>	<p>The first award of earned discharge credits (EDC) occurred 8/15/13 for credits earned for the month of 7/13. Of the 2,794 parolees, 1,975 (71%) received credits on at least one sentence. Many parolees have multiple transactions (sentences). 78% of the transactions were eligible for credits and credits were earned on 85% of these. Common reasons for ineligibility were disqualifying offense and not enough time on parole. Common reasons for failure to earn credits were violations of parole conditions or absconding supervision. A total of 70,869 days of EDC from July were awarded on 2,290 transactions.</p> <p>The DOC offender management system is under revision to support award of EDC. An interim process has been developed pending these revisions.</p>
July 1, 2013	February 1, 2014	<b>Tribal Pilot</b>	<p>Secretary Kaemingk, Secretary LaPlante, and staff have met with representatives and program providers from the seven tribes expressing interest in the Tribal Pilot program. Key elements of the Tribal Pilot are joint case management of parolees on reservation lands, a multi disciplinary case management team structure, the use of evidence based practices and a system of graduated sanctions and incentives to respond to participant conduct. The goal of the pilot is to reduce the recidivism rate of Native American offenders. Current work involves finalizing the details of the program and finalizing the tribal partners.</p>

July 1, 2013	July 1, 2013	<b>Performance Measures</b>	<p>The Performance Measures Workgroup has identified and developed the proposed performance and outcome measures. The workgroup has also identified the needed baseline information. This information is to be provided for the following CJI initiatives:</p> <ul style="list-style-type: none"> <li>Tribal Pilot</li> <li>Fidelity Report – Parole Services</li> <li>Evidence-based Practices</li> <li>Fidelity Report – Parole Agent and Parole Board Training</li> <li>Graduated Sanctions</li> <li>Earned Discharge Credits</li> <li>Reinvestment Fund</li> <li>Admission/Release data by crime</li> <li>Recidivism of Paroles receiving CBT community based services</li> <li>Administrative Financial Accountability (tentative)</li> </ul> <p>Proposed measures to be shared with UJS and DSS and presented to Oversight Council.</p>
July 1, 2013	October, 2014	<b>Validate Risk and Needs Assessment</b>	<p>Risk and Needs assessments (the Community Risk Assessment and the LSI-R) used for inmates and parolees will be evaluated for validity, reliability and efficacy. A RFP was issued for this work; four responses have been received and are under review by the workgroup. Recommendations and technical assistance for assessment revisions are included in the scope of work in the RFP. .</p>
JULY 1, 2013	February 1, 2014	<b>CTP Alternative Housing Pilot</b>	<p>This workgroup consists of DOC staff and local housing experts. The group reviewed alternative housing options and the pilot will focus on private market rentals for low risk offenders who have a housing need. This pilot is focusing on the housing needs recognizing that other needs such as substance abuse, mental health and employment will be case managed and delivered through existing resources. John Henderson (Prison Fellowship) agreed to draft and provide a sample contract to the group that could be given to providers. DOC staff are developing an assessment/ matrix that will help the Parole Board/DOC staff/others determine the best placement for offenders with a housing</p>

			need.
July 1, 2013	January 1, 2014	<b>EBP for Parole Supervision</b>	<p>The following components supporting evidence based practices have been identified for focus:</p> <ol style="list-style-type: none"> <li>1. Develop EBP training curriculum for staff</li> <li>2. Centralized and comprehensive case plans for targeted parolees</li> <li>3. Use of validated risk and needs assessments</li> <li>4. Implement incentives/rewards into the PDR (policy driven response) process</li> <li>5. Re-implementation of EPICs within parole supervision.</li> <li>6. Reduce caseload sizes to optimal level</li> <li>7. Implement CTP housing alternative</li> </ol> <p>The EBP for Parole Supervision Workgroup interfaces with other workgroups. The workgroups focusing on EBP training for parole staff and Board members, EPICs, housing alternatives and risk and needs assessment validation interface and contribute to overall implementation of EBP. The workgroup identified that many EBP are in place and should be defined in policy and OM.</p>
July 1, 2013	January 1, 2014	<b>EBP Training for Parole Agents</b>	<p>This workgroup has structured their work to be:</p> <ol style="list-style-type: none"> <li>1. Develop EBP pre service and annual in service training curriculum for parole agents including content, modality, dosage and frequency.</li> <li>2. Create a database to record training for staff.</li> <li>3. Provide agency policy guidance and define and label EBP.</li> </ol> <p>The group identified specific components to be included in EBP training curriculum, to include specific training on criminogenic factors and the risk/needs/responsivity principal. The group is reviewing resources and approach for the initial training. EBP training material from NIC is being reviewed by the group and staff is reviewing OM's to identify and define current EBP in place.</p>
July 1, 2013	January 1, 2014	<b>EBP Training for Parole Board</b>	A preliminary budget for the training has been established including new member

			<p>training, the annual Parole Board chair's conference, consultant fees, curriculum development fees, training fees and compensation for training time. Board member training will be a combination of NIC's New Board member training, annual Parole Board Chair's training and in-house training with a focus on risk/needs assessments, policy and procedure and mentoring hours with other Board members. EBP Board Training policy is under development. In June, all of the Board members participated in a Council of State Governments webinar "Implementing and sustaining evidence-based practices in an organization". Also, in June the Board trained on "SD's Sex Offender Management Program – Assessment and Tools" and in July on "Evidence based responsivity in parole violation." Training topics have been selected and training scheduled for Sept – Dec</p>
June 1, 2014	October 1, 2014	<b>Reinvestment Fund</b>	<p>DOC has received the FY 13 felony probation numbers by county from UJS and updated FY 08 – FY 12 numbers. In the process of testing various trend line projection methods to determine which is most accurate in projecting FY 13 data. Once method selected will be finalized and communicated via ARSDs.</p>
July 1, 2013	July 1, 2013	<b>Fiscal Notes</b>	<p>Received county jail cost information from the survey done by the DCI. It provided the cost per day that the jail charges to board a prisoner. It did not request/provide actual cost per day by jail. Developed DOC's FY13 per diem information for each of the facilities and programs. These are activities to be in position to respond to requests for fiscal notes.</p>
July 1, 2013	Summer, 2014	<b>Train the Trainer in EPICS for parole agents</b>	<p>Three Senior Parole Agent positions have been designated as EPICS/MI/EBP trainers for Parole Services. These positions have been advertised and are in the process of being filled. EPICs will be incorporated into ongoing EBP training curriculum and DOC will coordinate EPICs training with UJS. Parole agents will be trained in EPICS and quality assurance processes will be developed to ensure EPICS is sustained in the field.</p>

Department of Social Services Impact of Senate Bill 70: South Dakota Public Safety Improvement Act (Criminal Justice Initiative)

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of <u>8/21/2013</u>
July 1, 2013	Completed	Rural Pilot Programs	Determine required programming to ensure use of evidence-based/evidence-informed services
July 1, 2013	Completed	Rural Pilot Programs	Determine geographic areas with greatest need according to UJS data
July 1, 2013	Completed	Rural Pilot Programs	Develop and release RFP
July 1, 2013	August 2013	Rural Pilot Programs	Work with UJS and DOC to develop the referral process for substance abuse and criminal thinking services
July 1, 2013	August 2013	Rural Pilot Programs	Select providers based on RFP responses
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Determine required programming to ensure use of evidence-based/evidence-informed services
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Determine geographic areas with greatest need according to UJS data
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Develop and release RFP
July 1, 2013	August 2013	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Work with UJS and DOC to develop the referral process for substance abuse and criminal thinking services
July 1, 2013	August 2013	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Select providers based on RFP responses
July 1, 2013	Completed	Criminal Thinking Programs	Determine required programming to ensure use of evidence-based/evidence-informed services
July 1, 2013	Completed	Criminal Thinking Programs	Determine geographic areas with greatest need according to UJS data
July 1, 2013	Completed	Criminal Thinking Programs	Develop and release RFP
July 1, 2013	July 2013	Criminal Thinking Programs	Work with UJS and DOC to develop the referral process for substance abuse and criminal thinking services
July 1, 2013	July/August, 2013	Criminal Thinking Programs	Select providers based on RFP responses
July 1, 2013	Completed	Hire Program Specialist Staff	Program specialist staff have been hired and will begin their employment on September 9, 2013

## Unified Judicial System Impact of SB70: South Dakota Public Safety Improvement Act (Criminal Justice Initiative)

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of 8/14/13
October 1, 2013	Ongoing; funding for FY13 and FY14 appropriated	<b>Judicial and CSO Training</b> on evidence-based practices, Core Correctional Practices	Judges Training; CSO Training; State Bar Informational Sessions  <i>NDCI Training set for September 2013; Fall Judicial Conference October 3-4, 2013; collaboration with DOC to be established</i>
July 1, 2013	July 1, 2013; Chief Justice has 4 appointments; names submitted to Governor's office	<b>Oversight Council</b> Appointed	Organizational meeting set for September 5, 2013.
July 1, 2013	July 1, 2013	<b>Criminal law revisions</b>	Training and Summary Information provided to Judges and UJS Personnel on statutory changes.
July 1, 2013	<i>Pending action by SCT at November 2013 Rules Hearing</i>	<b>Earned Discharge;</b> probationers with at least 6 months of probation to earn credit for compliance, non-revocable.	Proposed Rule drafted; Discussion and revisions as part of Sanctions Grid Development; Working to create stand-alone web based system to accommodate tracking until Odyssey system development; Performance measure and data points identified. <i>Publication of proposed Rule due September</i>
July 1, 2013	July 1, 2013	<b>Presumptive Probation</b> for Class 5 and Class 6 felony cases, with certain exceptions. Written finding on record to overcome presumption.	Modified presentence investigation form for Class 5 and 6 felonies adopted; Performance measures and data points identified.
July 1, 2013	July 1, 2013	<b>Veteran's Project</b> for Class 1 or Felony charges, identifying veterans; consideration of resources and treatment recommendations during sentencing.	Workgroup established; Tip Sheet distributed; Coordination Handbook drafted; judges trained at Judges' Association CSOs identified 255 veterans currently on supervision.
July 1, 2013	<i>October 2013 pending team training</i>	<b>Drug and DUI Court expansions:</b> 2 <sup>nd</sup> Circuit DUI, Pennington County DUI, Davison County Drug	I.P. Rules adopted by the Supreme Court concerning eligibility criteria and termination from Drug Courts; proposed rule scheduled for November rules hearing concerning key components.  <i>In-State NDCI training being sponsored September 2013, for 10 teams.</i>
July 1, 2013	July 1, 2013	<b>Preliminary Hearings</b> for misdemeanors not required	Judicial training; notice to clerks/lay magistrates on changes to their advisement of rights protocol

July 1, 2013	July 1, 2013	<b>Altered state-misprison</b>	Judicial and staff training.
October 1, 2013	<i>Pending action by SCT at November 2013 Rules Hearing</i>	<b>Evidence Based Practices- Probation</b> ; mandates use of validated risk assessment tool targeting probationer's risk factors and focusing resources on moderate or high risk offenders; UJS required to send case history and LSI-R results to DOC when person transferred	Risk assessment validated; Evidence-based trainings; Proposed Rule to be published in September
October 1, 2013	<i>Pending action by SCT at November 2013 Rules Hearing</i>	<b>Sanctions/Incentives Grid</b> to provide for swift and certain responses by CSO for probation violations; requires performance measures	Steering Committee appointed; Consultant hired; CSO workgroup appointed. Draft rule and performance measures being developed.  Proposed Grid and Rule due September 2013.
January 1, 2014	January 1, 2014	<b>HOPE Pilots</b> for intensive, random drug testing w/sanctions; 1 rural court, 1 urban court	Pilot locations selected; procedures handbook being drafted; internal discussions and research on pilot setups/fees/phone system requirements.
January 1, 2014	January 1, 2014	<b>Financial Accountability/ Collections System (FACS)</b> : money-only cases where all other conditions of probation/parole met; sanctions to be developed for non-compliance; performance measures required	Concept proposal drafted. Performance measurement and data tracking points identified.
July 1, 2014	July 1, 2014	<b>SAVIN</b> victim notification system managed by Attorney General	UJS involvement includes representation on SAVIN Advisory Committee and I/T collaboration.



Office of the Attorney General Impact of Senate Bill 70: South Dakota Public Safety Improvement Act (Criminal Justice Initiative)

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of <u>8/13/13</u>
July 1, 2013	May, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Meeting with representative groups to determine their needs in implementing a SAVIN system that correlates to statutory mandates; implement SAVIN technology and hire supporting staff for correct administration.
July 1, 2013	June 1, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Jamie Freestone appointed as SAVIN Program Administrator. Posted job opening for ATG/DCI Programmer for SAVIN project.
July 1, 2013	June 27, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Initial meeting with SAVIN Advisory Commission (SAC) to begin discussions for implementing a SAVIN system that correlates to statutory mandates.
July 1, 2013	July 31, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Second meeting with SAC to continue discussions for implementing a SAVIN system that correlates to statutory mandates.
July 1, 2013	August 8, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Signed Joint Powers Agreement with Indiana DOC to receive their SAVIN application at no cost and for joint efforts in tailoring for South Dakota needs.
July 1, 2013	September, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	September Meeting with representative groups and National SAVIN representative for ongoing discussion on needs in implementing a SAVIN system that correlates to statutory mandates.
July 1, 2013	Ongoing	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Tech meetings with IT from ATG, BIT and Indiana DOC to determine best practice and setup for new SAVIN Program. Meetings with DOC and UJS and their vendors regarding implementation of data sharing from their systems into the SAVIN program.