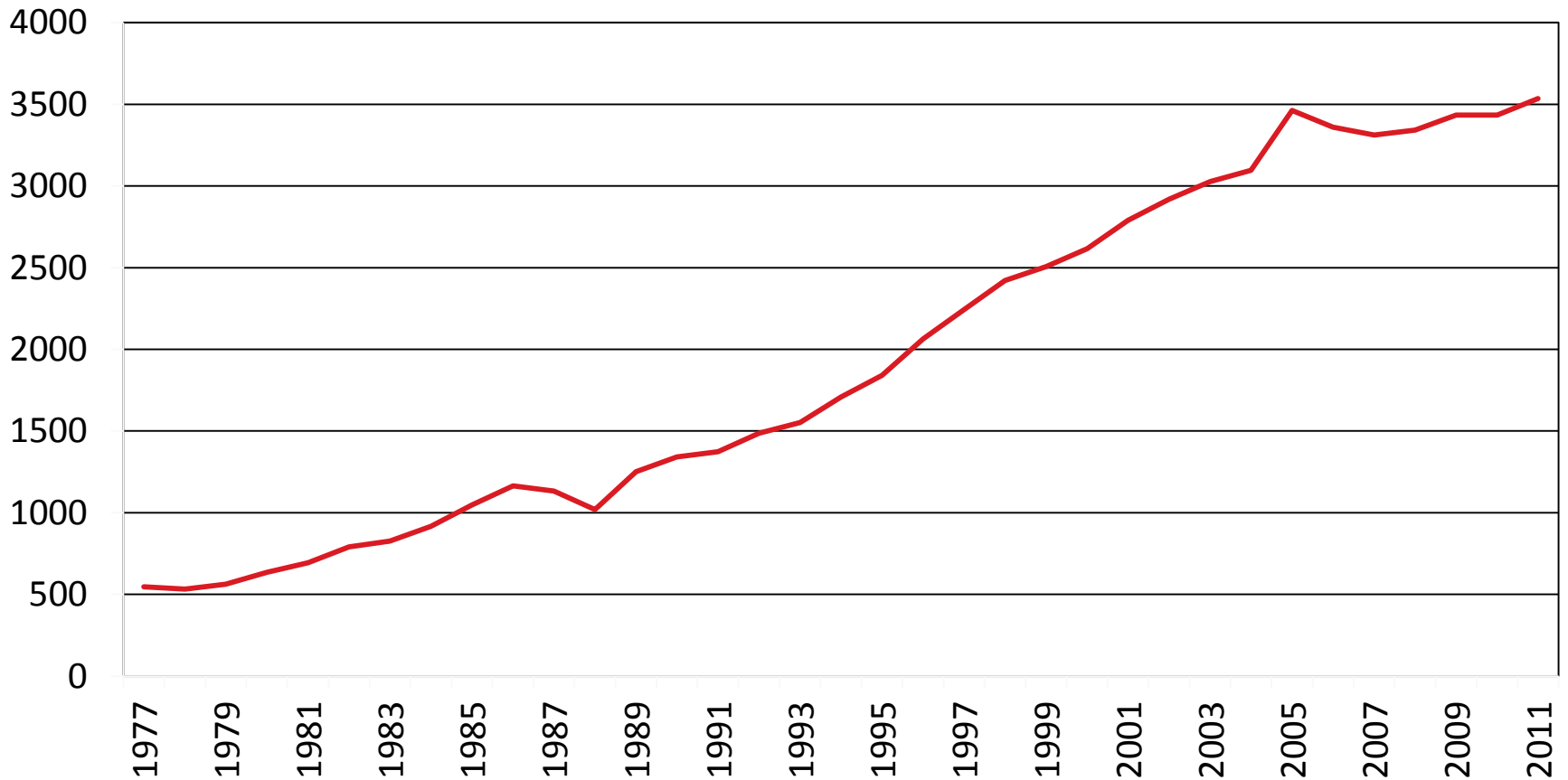


South Dakota Sentencing and Corrections Reforms

Jim Seward, General Counsel for Governor Daugaard

South Dakota's prison population rose more than 500% in the past 35 years

South Dakota's Prison Population



Source: Department of Justice, Bureau of Justice Statistics, Prisoner Series.

Crime and Imprisonment: 2000 to 2010

	Overall Crime Rate	Imprisonment Rate
United States	-19%	+1.6%
South Dakota	-9%	+18%

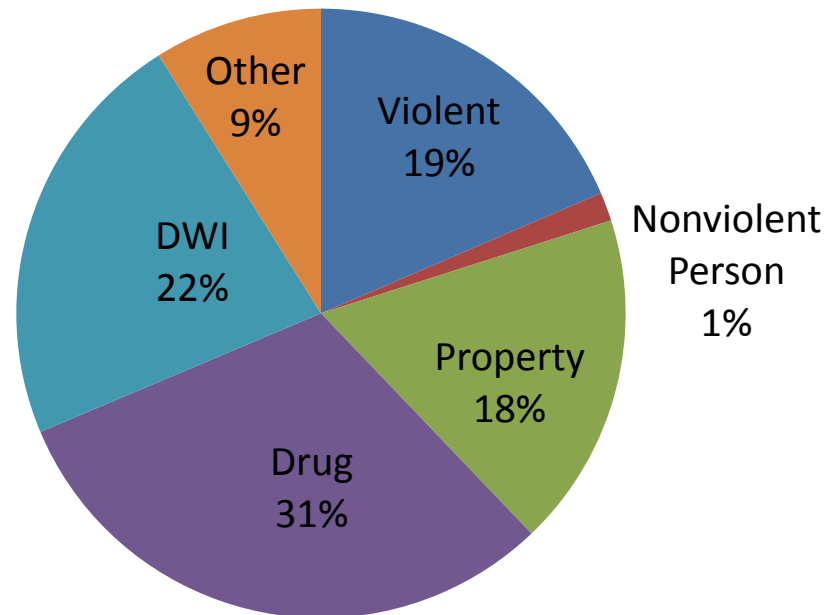
- SD's imprisonment rate has risen more than the national average
- State's decline in crime rate has not kept pace with the national reduction

Source: Department of Justice, Bureau of Justice Statistics, Prisoner Series. Federal Bureau of Investigation, Uniform Crime Reports. Overall crime rate is the violent crime rate plus the property crime rate.

Over 80% of prison admits were convicted of nonviolent crimes

- Over 80% of offenders admitted to prison sentenced for nonviolent crimes
- Over 50% were for drug or alcohol crimes
- 70% of drug offender inmates are in for possession (30% for distribution/manufacturing)

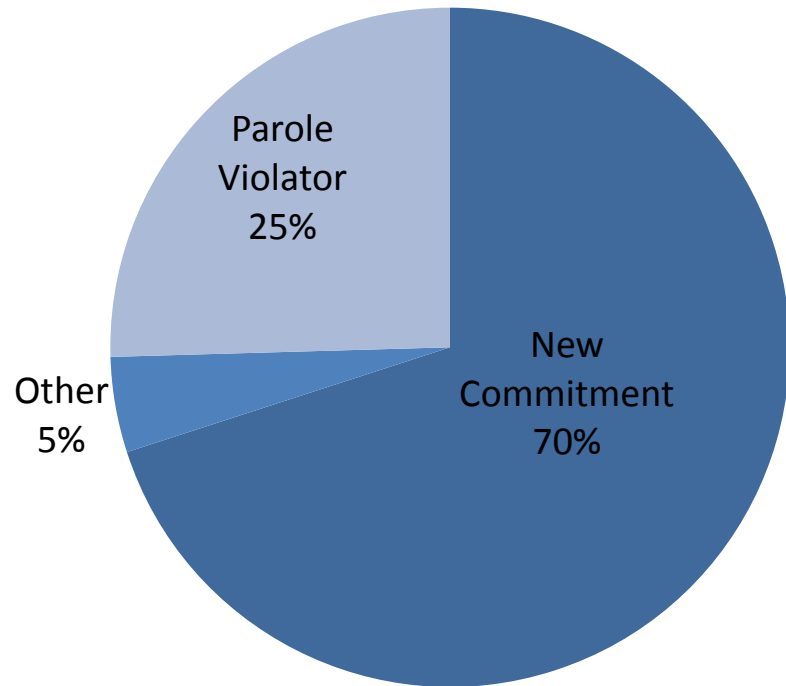
FY12 Admissions for New Commitments



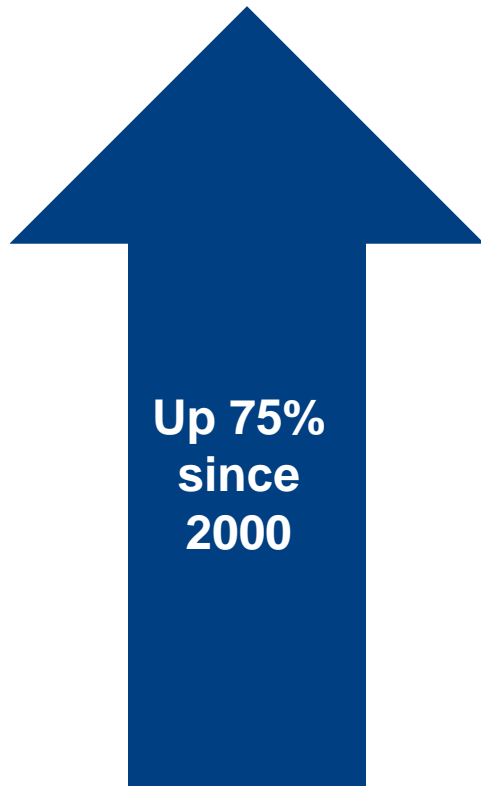
1 out of 4 prisoners in for a parole violation

- The length of time parole violators serve in prison had grown 28% since FY05
- Offenders spent 43% longer on parole in FY12 than in FY00
- While some had more serious violations as well, in a one month sample, 45% of parole revocations involved a drug or alcohol condition violation

Prison Population by Admission Type, July 2012



South Dakota's Spending on Corrections



2000: 5.8% of General Fund Expenditures

2010: 6.8% of General Fund Expenditures

\$77 Million in 2010

South Dakota Criminal Justice Initiative Work Group

Goals of the Criminal Justice Initiative:

1. Improve public safety by investing in programs, practices, and policies that have been shown to improve rehabilitation and reduce repeat offenders.
2. Hold offenders more accountable by strengthening community supervision.
3. Reduce corrections spending and focus prison space on violent, chronic, and career criminals.

The working group did not address topics such as:

- Juvenile justice, death penalty
- Root causes of crime such as education, poverty, etc.
- Drug Legalization

Criminal Justice Initiative Work Group Process

- 35+ stakeholder meetings
 - 6 meetings from July through October 2012
 - Analyzed state data including prison, parole, probation, and sentencing information
 - Examined evidence based practices proven to reduce recidivism
 - Assessed policy examples
- Work reviewed and guided by Council of Advisors

Criminal Justice Initiative Work Group

Policy Areas

Supervision and
Reinvestment

Protect public safety and reduce recidivism by holding offenders on supervision more accountable

Statutory Review

Utilize prison space for violent and career criminals

Sustainability

Ensure reforms are sustained and intended outcomes are achieved

Supervision and Reinvestment Policies

1. Focus supervision on high-risk offenders
 - Earned discharge credits on parole & probation
 - Improved financial accountability system
2. Improve the supervision of probationers and parolees
 - Tribal parole supervision pilot
 - HOPE courts
3. Create programs to enhance supervision and improve outcomes
 - Increased treatment dollars
 - Requires evidence based practices, including graduated sanctions

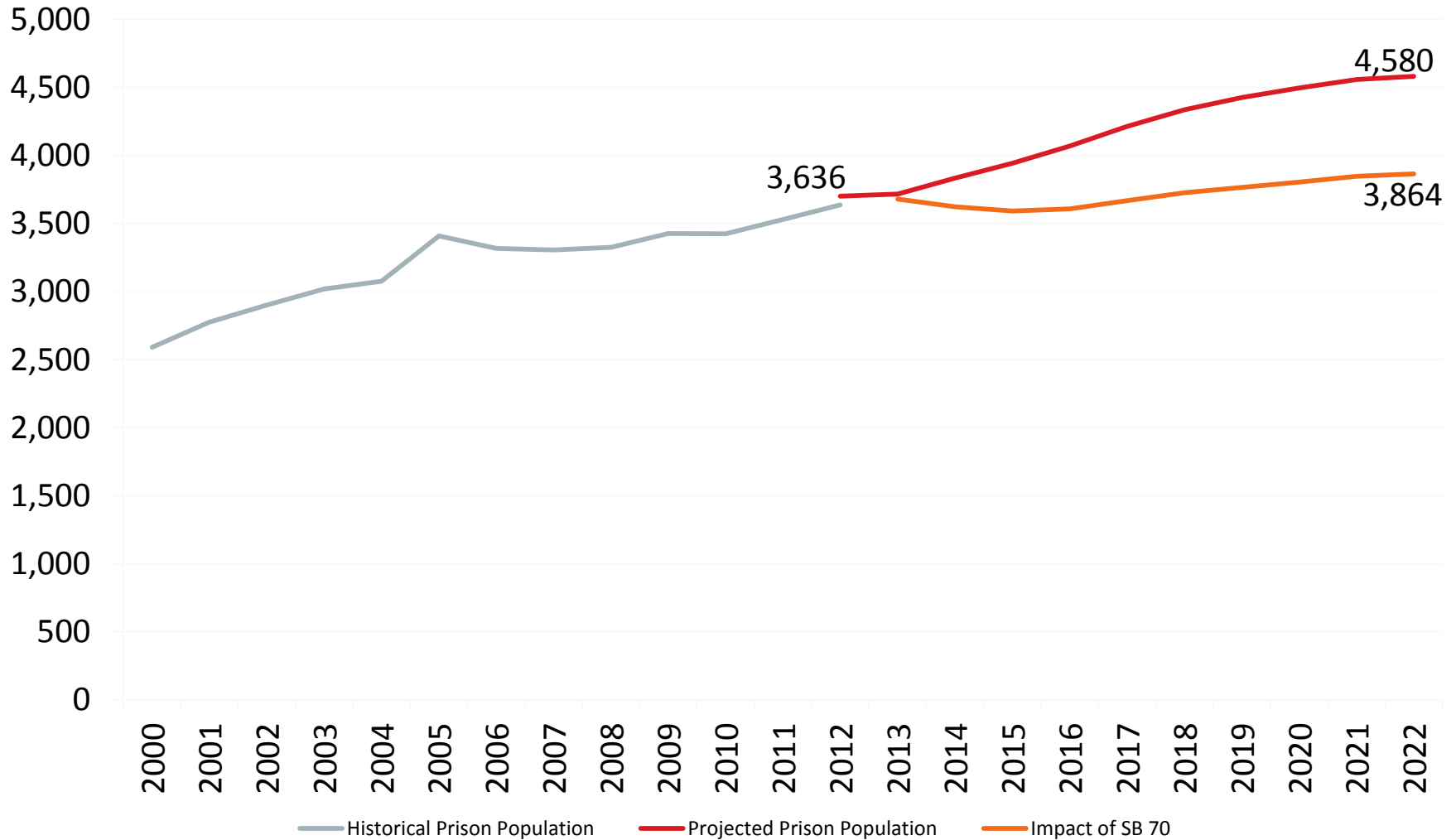
Statutory Review Policies

1. Differentiate among levels of criminal conduct
 - Increased penalties for the most serious property crimes & DUI offenders.
 - Tiered controlled-substance statute, up and down, based on level of criminal conduct
2. Create presumptive probation for Class 5 and 6 felonies
 - Probation supervision unless the individual poses a significant risk to public
3. Ensure that judges maintain authority to use 180 day sanctions for probationers; swift and certain.

Sustainability Policies

1. Measure and evaluate implementation of reforms
 - Oversight council – monitor and evaluate implementation
 - 10 year fiscal impact statement
2. Improve training on evidence-based practices
 - DOC, UJS, & DSS develop performance/outcome measures and provide semi-annual reports
 - Regular training for judges, parole board members, probation and parole officers
3. Improve efficiency and accessibility of systems
 - Limits preliminary hearings
 - Reinvestment funding structure for counties

Anticipated impact of SB 70



Source: South Dakota Department of Corrections (historical data); The Pew Charitable Trusts (projections)

Reinvestment Total over 10 years: \$207 million saved and \$53M reinvested

\$8 Million Year 1	\$177,000 for training and implementation of evidenced-based practices
	\$438,000 for pilots, which are based on the Hawaii Opportunity Probation with Enforcement, or HOPE, approach
	\$250,000 for pilot supervision programs involving the parole system and Native American tribes
	\$250,000 for the Department of Corrections to establish a housing pilot to improve outcomes for offenders released to parole
	\$800,000 for a statewide automated victim information and notification, or SAVIN, system
	\$300,000 for a financial accountability system for offenders
\$4.9 Million Years 2-10	\$725,000 into drug and DUI courts to expand these options to areas across the state with the greatest need
	\$3.2 million in expanded substance abuse, mental health, and cognitive-based treatment services for probation and parole populations
	\$825,000 for probation and parole staff and evidenced-based practices training
	\$100,000 for SAVIN system

Contact Info

- Jim Seward
 - Office: 605-773-3661
 - Email: jim.seward@state.sd.us