



STATE OF SOUTH DAKOTA

DENNIS DAUGAARD, GOVERNOR

June 17, 2015

Overview

Facing sharp growth in its prison system and in the associated costs, South Dakota overhauled its sentencing and corrections policies in 2013. A bipartisan, inter-branch group of state officials, known as the Criminal Justice Initiative Work Group, recommended the reforms after conducting a rigorous analysis of the drivers of the state's prison population. With a particular emphasis on substance-abusing offenders, the Public Safety Improvement Act re-focuses prison space on violent and career criminals; improves the parole and probation system and victims' services; and reduces recidivism. The law has had encouraging results, with greater returns expected in the years ahead.

Before the Public Safety Improvement Act

- Between 1977 and 2013, South Dakota's prison population grew more than 500 percent. The state expected future growth of 25 percent through 2022.
- Without policy changes, state corrections growth would have required the construction of two new prisons over 10 years, costing \$224 million.
- Between 2001 and 2011, South Dakota's imprisonment rate rose faster than the national average, even as its crime rate fell at a much slower rate. During the same period, spending on corrections outpaced increases in all other major areas except Medicaid.

Findings of the Criminal Justice Initiative Work Group

- Nonviolent offenders made up 81 percent of all state prison admissions and 61 percent of the inmate population.
- Parole violators occupied 1 in 4 prison beds.
- More than 4 in 10 inmates returned to prison within three years of release.

Projected Impacts of the Public Safety Improvement Act

- The law will reduce anticipated prison growth in South Dakota and avert the construction of two new prisons.
- Taxpayers will save twice the annual DOC budget in avoided construction and operating costs through 2022.

- After redirecting an amount equal to nearly 10% of the DOC budget in 2013 to programs and policies that are shown to reduce recidivism and improve offender accountability, state lawmakers have continued to make an ongoing investment of an amount equal to approximately 5% of the state DOC budget since the original enactment.

Early Results

- The prison population has remained stable, exceeding the projected impact of the Public Safety Improvement Act.
- Presumptive probation policies—in which certain low-level offenders are likelier to receive probation than prison sentences—have focused limited correctional space on higher-level offenders.
- The state's drug court capacity is approaching a 500 percent expansion from Fiscal Year 2011 to Fiscal Year 2016.
- Parole violators, as a percentage of total prison admissions, have declined from 24 percent in Fiscal Year 2010 to 16 percent in Fiscal Year 2015 as of May.
- Earned-discharge credits established by the Public Safety Improvement Act have allowed many parolees to reduce their periods of supervision through good behavior. The overall number of South Dakota parolees declined 8 percent between June 2013 and February 2015, while the average caseload per parole agent declined 16 percent, from 67 to 56.
- The parole success rate increased from 37 percent of offenders in Fiscal Year 2012 to 60 percent in Fiscal Year 2014.
- The Public Safety Improvement Act established a pilot program allowing the Sisseton Wahpeton Oyate tribe to supervise enrolled parolees on the reservation. As of May 2015, 95 percent of offenders in the pilot program did not abscond or commit a parole violation. No offenders have returned to prison because of a new conviction.

Continued Justice Reforms

In 2014, South Dakota followed its reform of the adult criminal justice system by convening a new workgroup to study the juvenile justice system and make recommendations for policy improvements. These recommendations were codified on March 12, 2015, when Governor Dennis Daugaard signed comprehensive legislation expected to reduce out-of-home placement of South Dakota youth by more than half while reducing the juvenile probation population by 29 percent over five years. The law also will reinvest savings into effective, community-based programs and practices that help improve outcomes for young offenders.