

November 2017

Pursuant to the Public Safety Improvement Act, (SB 70, 2013), this annual report is hereby submitted to the people and leaders of South Dakota.

As we enter the fourth year since the PSIA was signed into law, we have seen several changes in the criminal justice system.

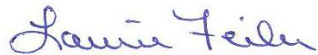
When the Criminal Justice Initiative Work Group submitted their report to the legislature, their recommendations focused on three main goals: improving public safety by investing in practices that have been shown to improve rehabilitation and reduce repeat offenders; holding offenders more accountable via strengthened community supervision; and reducing corrections spending and focusing prison space on violent and career criminals. I believe this report accurately depicts the current status of South Dakota's progress towards reaching the Work Group's three goals.

Unfortunately, not all of the results are as positive as we would have wished. Like our neighboring states, South Dakota has not been immune to the drug epidemic and the consequences of substance abuse and addiction is reflected in these pages. It is, and will continue to be, a struggle for our state.

However, as you view this report, you will notice that not everything is pessimistic. For example, while the prison population is higher than we projected, it is still lower than what the population would have been without the PSIA. Probationers and parolees are earning thousands of hours of earned discharge credits. Offenders are successfully completing substance abuse treatment. When the Work Group projected the effects of the reform in 2012, there would have been no way to forecast what the drug impact would do to our citizens. The fact that we have had success stories despite the drug epidemic is a testament that while we are still far from our destination, we are on the right track.

As I enter my second year as chair of the PSIA Oversight Council, I would like to thank the Unified Judicial System, the Department of Social Services, the Attorney General's Office, and the Department of Corrections for the countless hours they have spent over the past several years implementing and refining these reforms. I would like to thank the Pew Charitable Trusts, the Crime and Justice Institute, and the Department of Justice's Bureau of Justice Assistance for their continued support of our justice reforms. Finally, I would like to thank the members of the PSIA Oversight Council for their unwavering dedication for improving public safety.

Respectfully submitted,



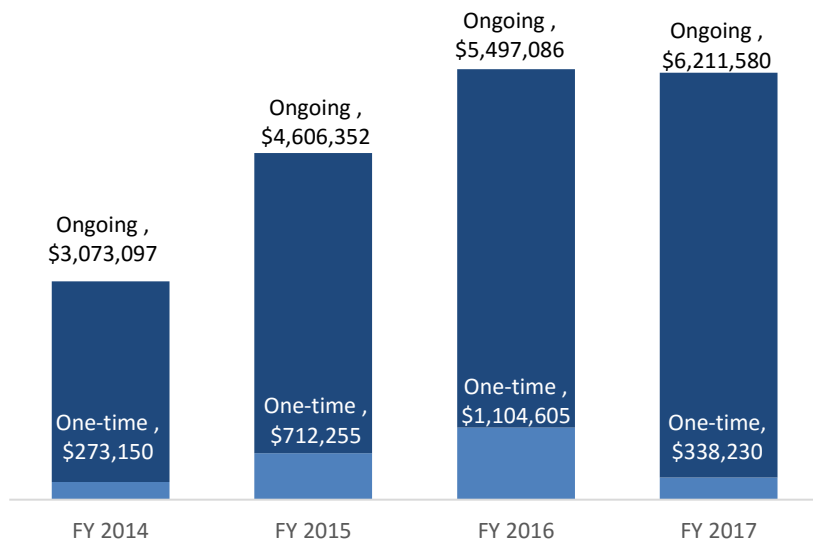
Laurie Feiler
Chair, Public Safety Improvement Act Oversight Council

Key Takeaways

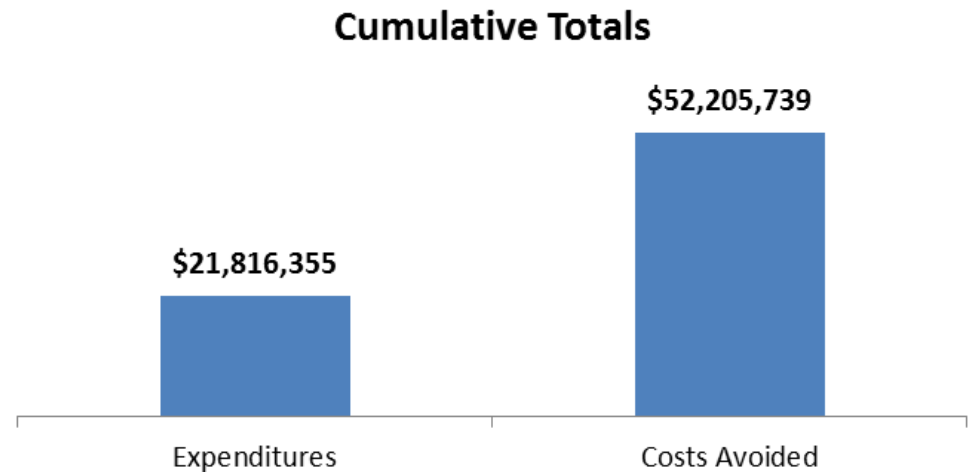
1. The prison population is 223 inmates below the projected population without the PSIA reform.
2. The majority of inmates in prison and court commits are nonviolent offenders. This is partially due to the increase in drug convictions resulting in a prison sentence.
3. The end of the year parole population is above Pre-PSIA numbers.
4. Since FY 14, parolees earned over 7600 years' worth of earned discharge credits and probationers earned over 5700 years' worth of earned discharge credits.
5. 57 percent of the individuals who began presumptive probation in FY 2014 successfully finished their term.
6. The capacity for Drug and DUI court has grown from 117 individuals to 445 individuals between FY 13 and FY 17.
7. Offenders in South Dakota successfully complete substance abuse treatment at a higher rate than the national average.
8. The number of probationers and parolees in treatment interventions increased by almost 50 percent.
9. Felony probation in the community increased 19 percent since the reforms took place.
10. Taxpayers have saved over \$30 million due to the passage of the PSIA.
11. Offenders who complete substance abuse treatment or criminal thinking treatment recidivate at a lower rate than the general Department of Corrections population.

Taxpayers have avoided paying over \$52,000,000 in costs since FY 14, avoiding Capital expenses of \$36,000,000 and operating expenses due to prison days avoided.

The one-time and ongoing expenditures for FY 17 were \$6,549,810.

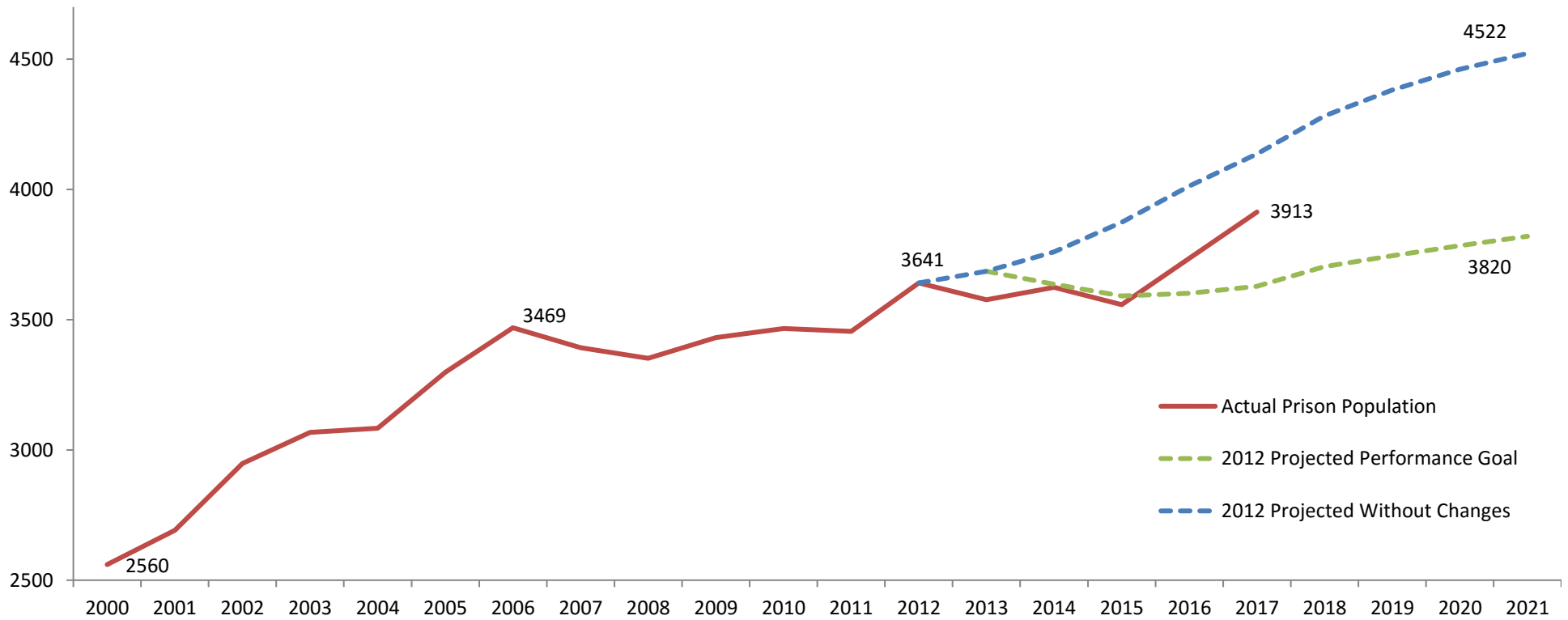


Taxpayers have saved over \$30,000,000 due to the passage of the PSIA.



The prison population is below the pre-PSIA 2012 performance goal.

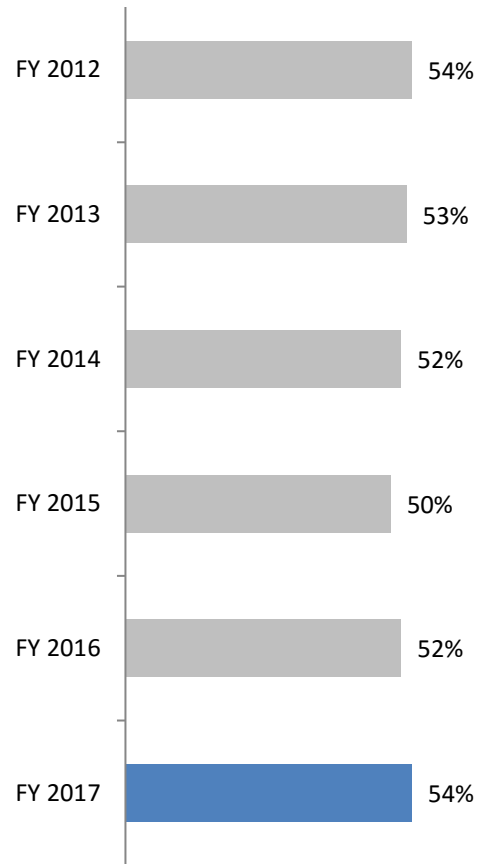
While the prison population is above the 2012 performance goal, it is still 223 inmates below what the prison population would have been



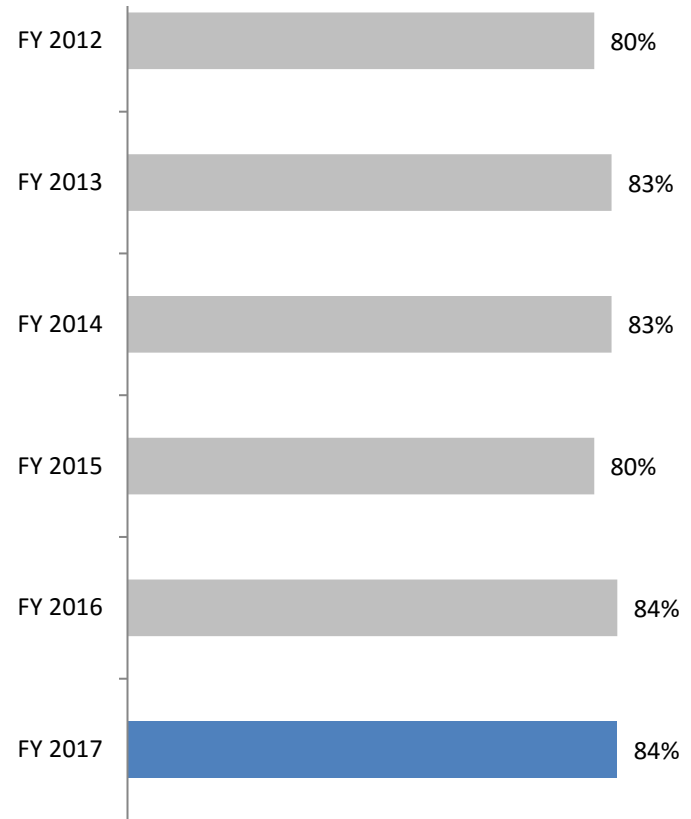
**As of 6/30/17 there were 157 parole detainees, 47 in Extended Confinement, and 145 parolees in the Community Transition Program (CTP) included in the 3,913 count.*

Nonviolent offenders take up the majority of prison beds.

The percentage of **male** inmates serving time for a nonviolent crime has returned to the pre-PSIA level.

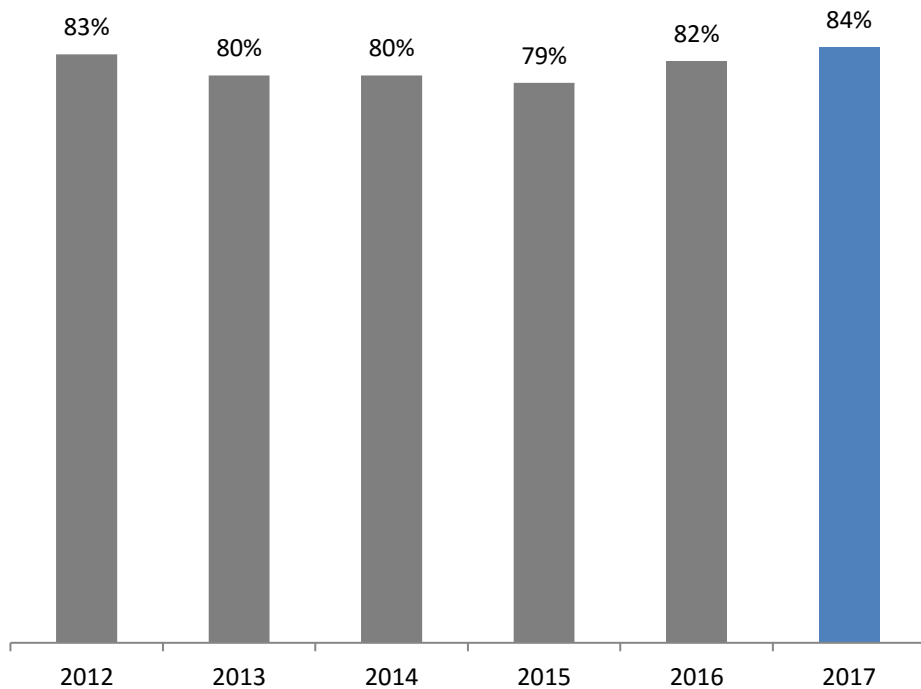


The percentage of **female** inmates serving time for a nonviolent crime has not changed since FY 16.

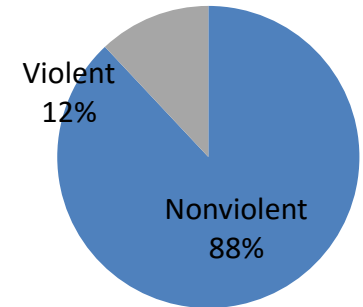
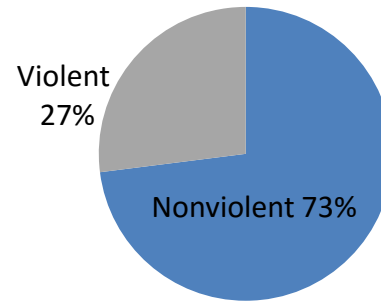


The majority of people entering prison are nonviolent.

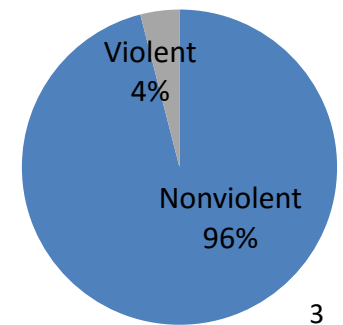
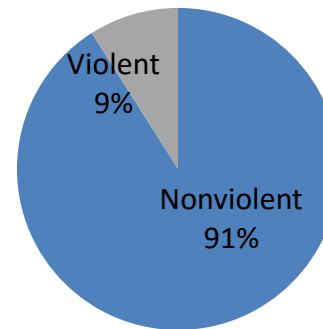
The percentage of **court commitments for nonviolent crimes** has increased since FY 15.



In FY 17, **73 percent of male new commits** were for nonviolent crimes, and **88 percent of female new commits** were for nonviolent crimes.



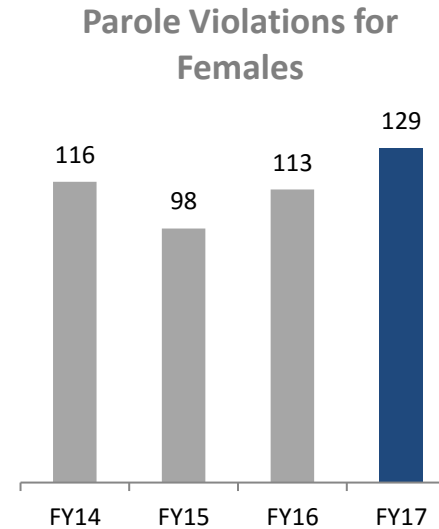
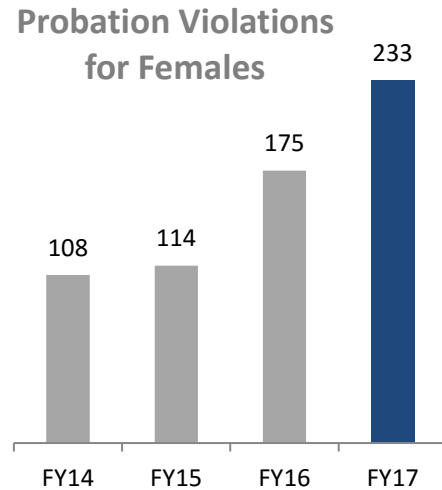
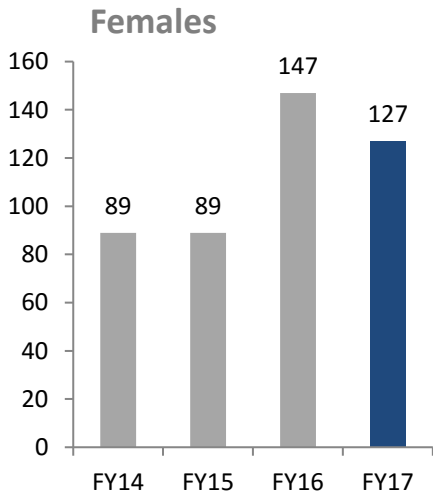
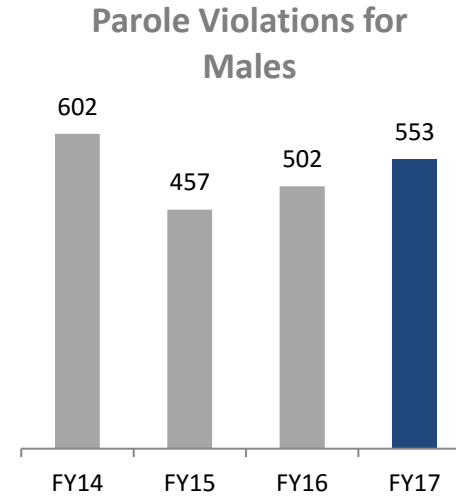
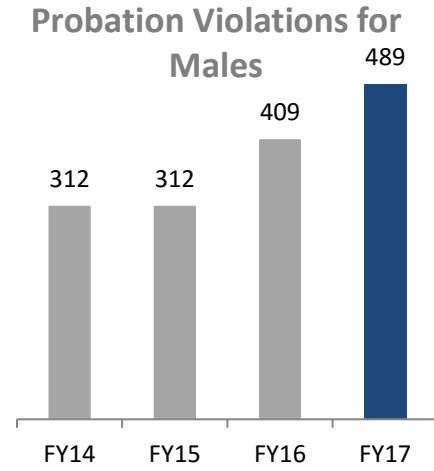
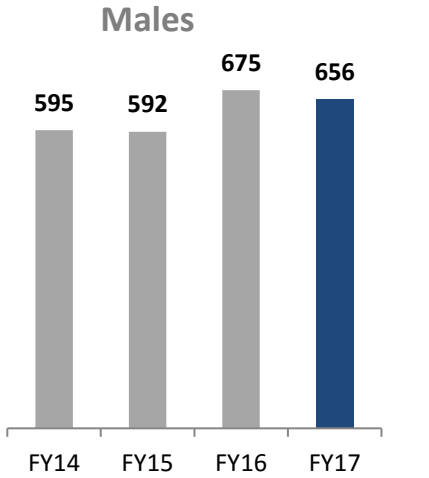
Only **9 percent of male probation violator admits** were doing time for a violent crime, and only **4 percent of female probation violator admits** were doing time for a violent crime in FY 17.



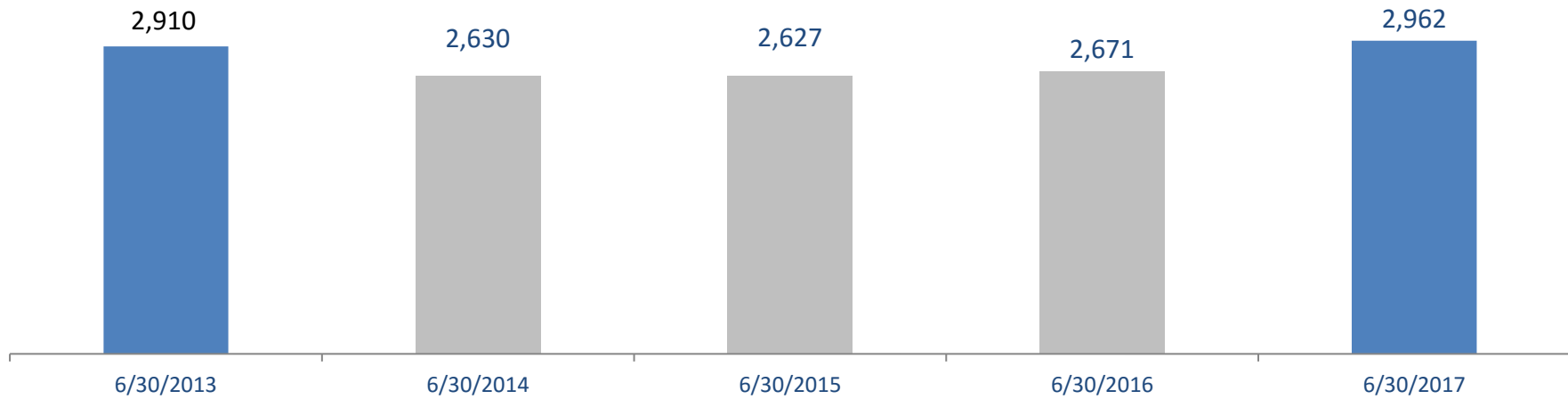
**This chart is based on court commitments, which is both probation violations and new commits. The number of probation violation admits was 423 in FY 14, 426 in FY 15, 584 for FY 16, and 722 in FY17.*

New commits to prison for both males and females decreased.

The number of probationers and parolees committed to prison as the result of a violation has increased since FY 15 for both men and women.

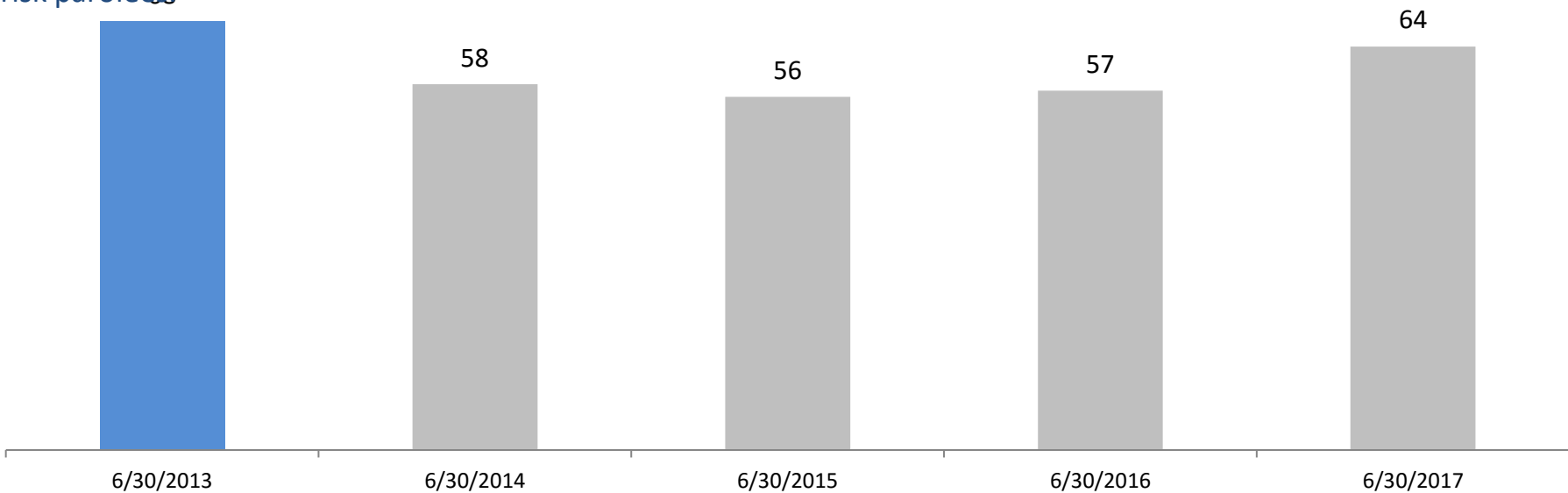


The end of the year standing parole population is above Pre-PSIA numbers.



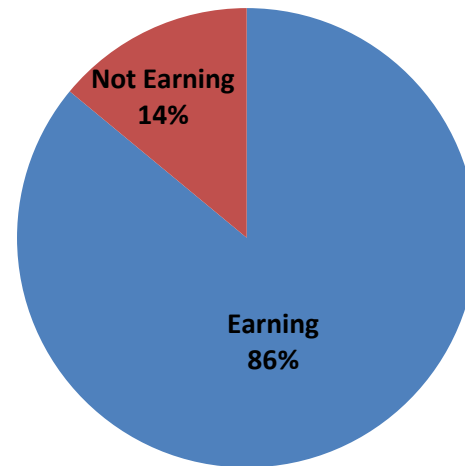
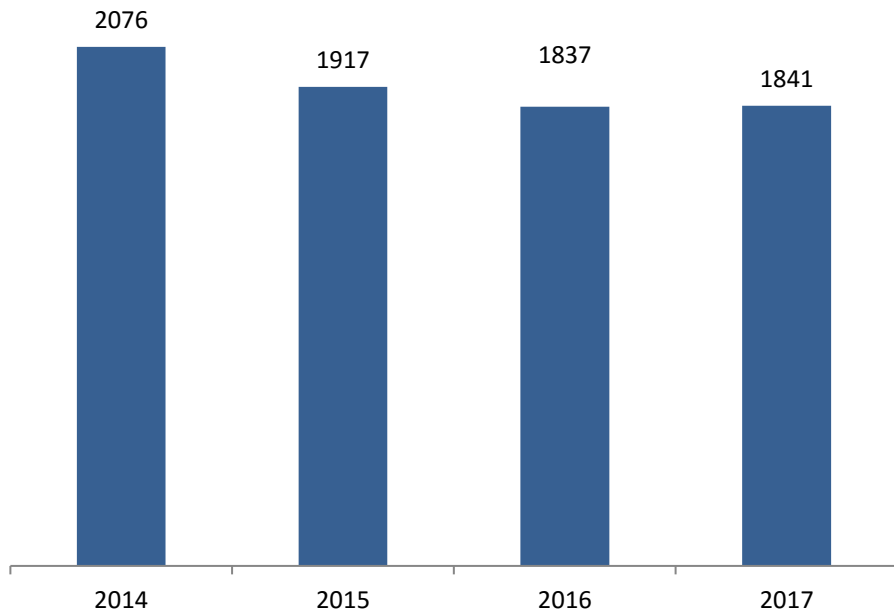
The average agent caseload is increasing, but still below pre-PSIA levels.

The smaller caseloads allow parole agents to strengthen community supervision by spending more time with higher risk parolees.



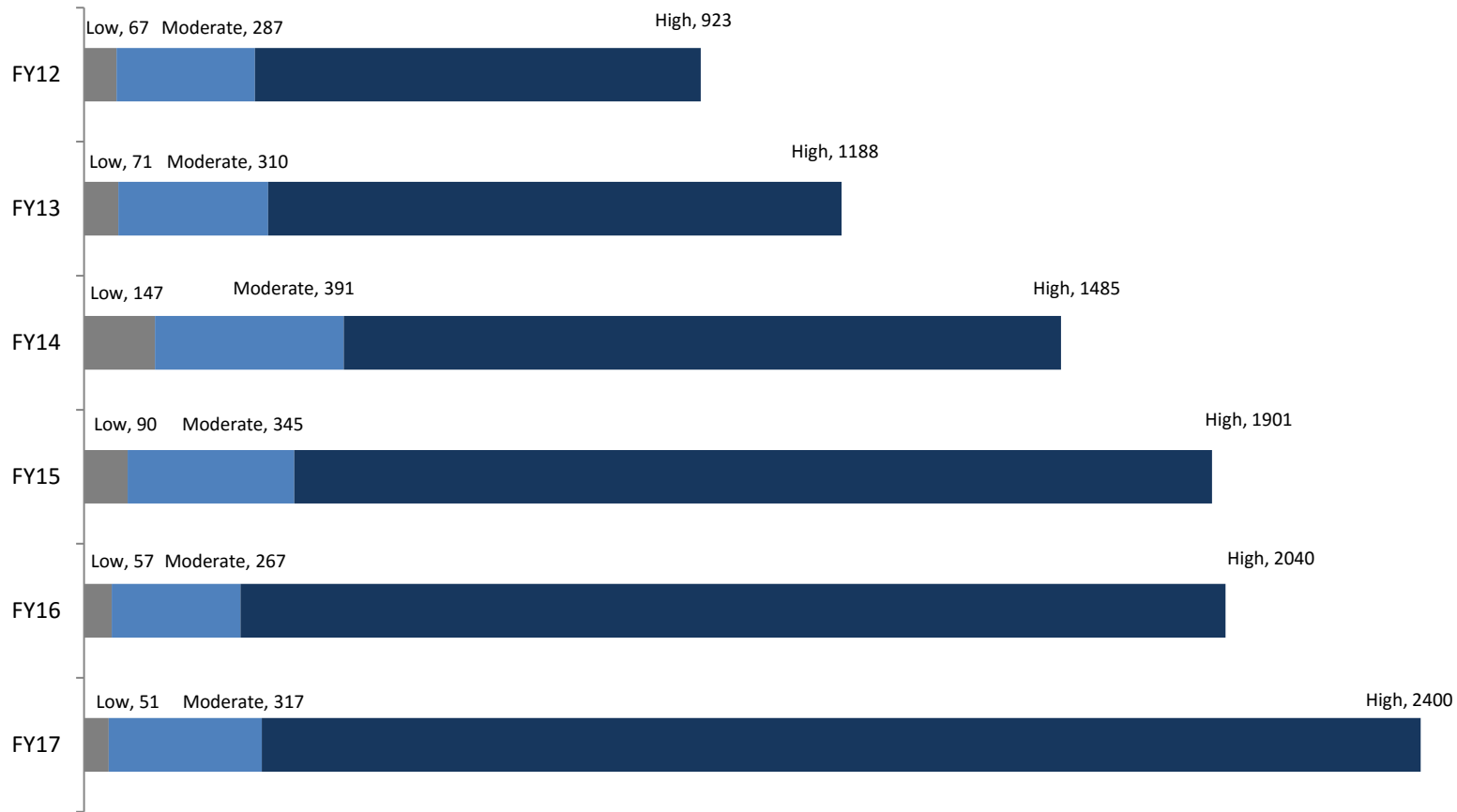
Since the passage of the PSIA, parole has discharged a total 7,671 years of unnecessary supervision through earned discharge credits.

Over 86 percent of eligible parolees earned discharge credits through compliant supervision in FY 17.

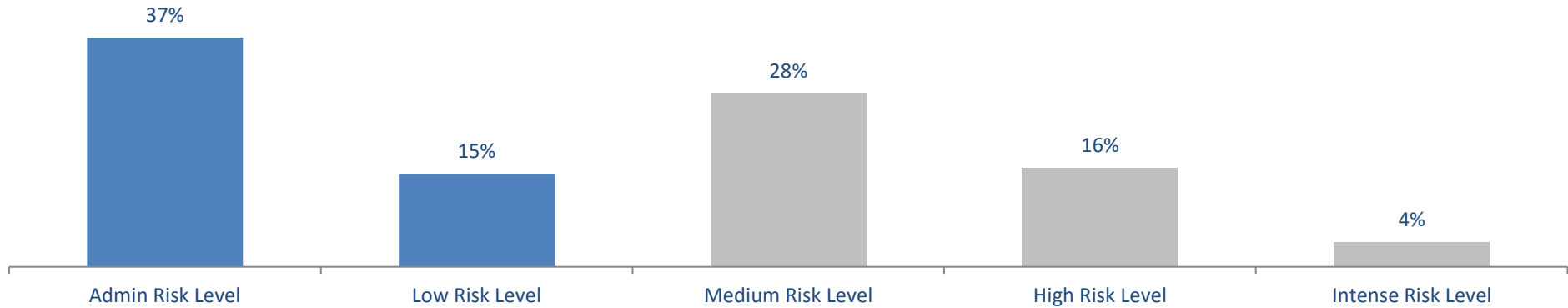


Violations of parole conditions increasingly result in high-level sanctions since the passage of the PSIA.

Examples of a high level sanction include jail, house arrest, and treatment.

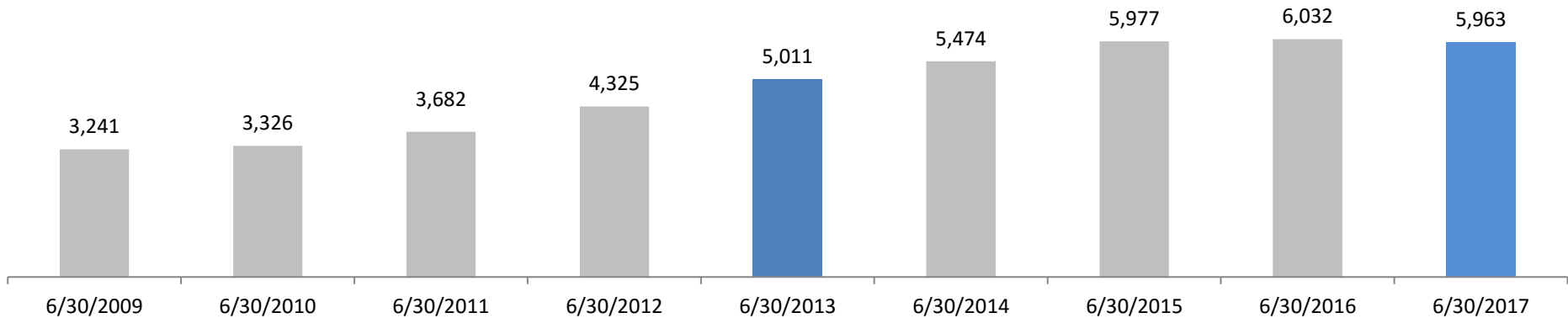


52 percent of the probation population is identified as being an administrative or low risk offender.



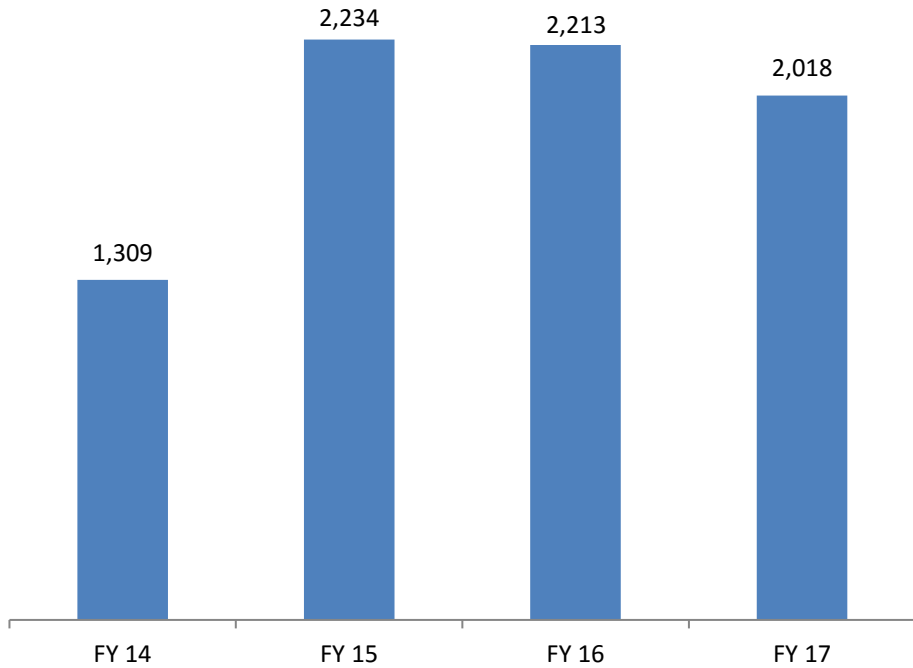
Felony probation supervision in the community increased 19 percent since FY 2013.

More of South Dakota's nonviolent residents were held accountable in their own communities through increased use of drug and DUI courts, Hope probation, and evidence-based supervision.



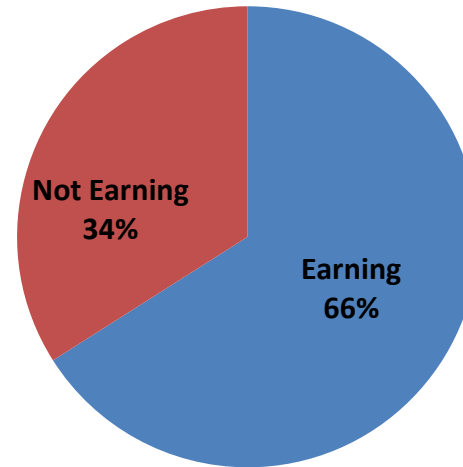
PSIA became effective July 1, 2013.

5,756 years of unnecessary supervision have been discharged since FY 14 through earned discharge credits.*



Around two-thirds of eligible probationers earned discharge credits through compliant supervision.

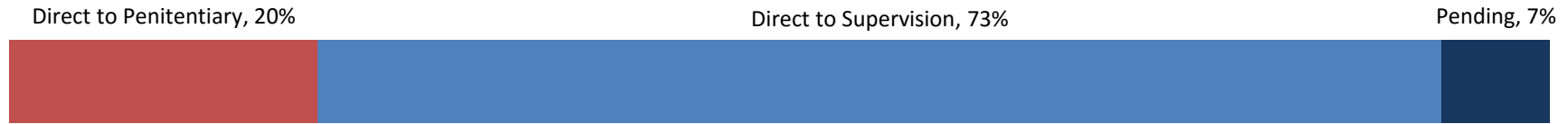
Combined, these individuals earned a total of **736,678 days** of unnecessary supervision in FY 17.



**Only 6 months were measured in FY 14.*

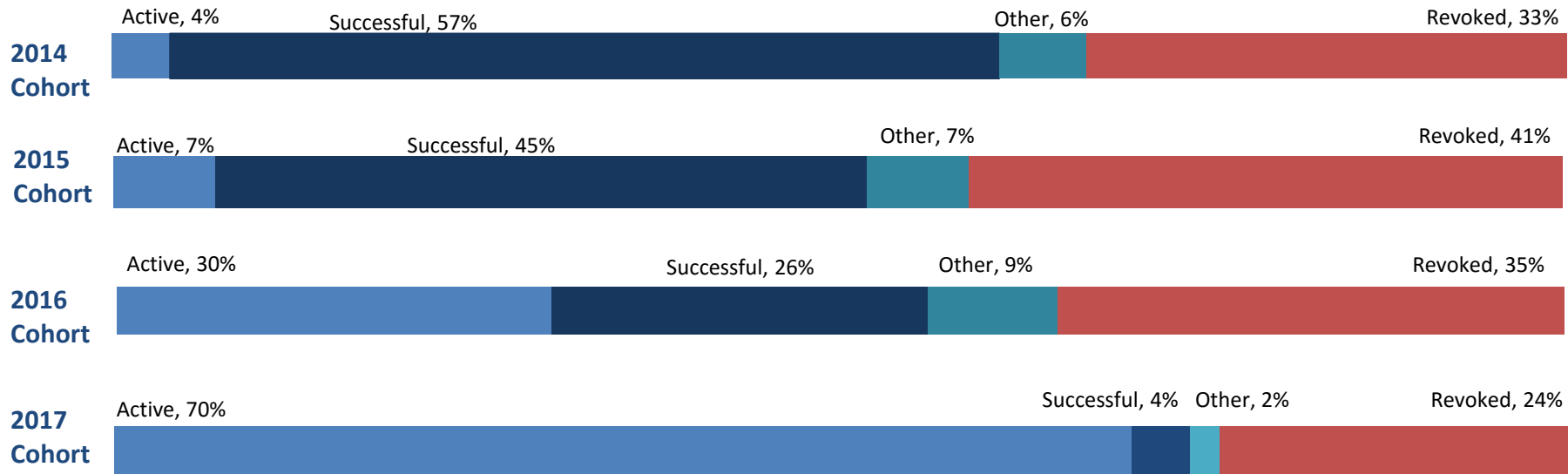
Judges deviated from presumptive probation 20 percent in FY 17.*

73 percent of individuals eligible for presumptive probation went directly to supervision.



57 percent of the 2014 Cohort and 45 percent of the 2015 Cohort successfully completed presumptive probation.

The results for each cohort will not be final until there are no more probationers appearing in a cohort's "Active" column.

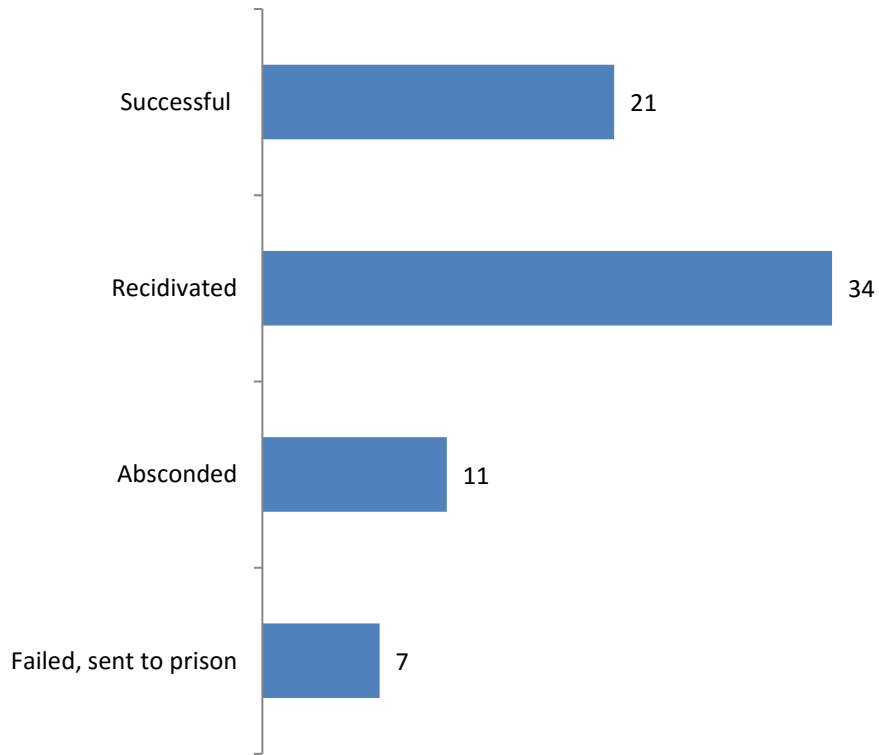


*The PSIA created a presumptive probation sentence for nonviolent class 5 and class 6 felonies. Courts may overcome the sentence despite the presumption. The deviation rate was projected to be 20%.

**Information in this graph is based on cohort and is likely to change as individuals finish probation.

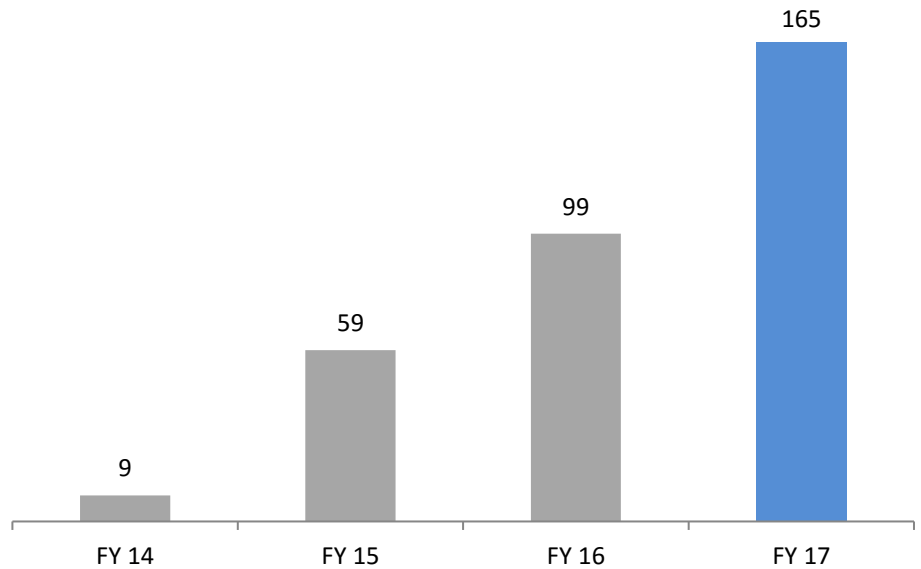
In FY 17, 21 individuals successfully completed HOPE probation.

With the majority of the individuals still in the program, the final successful completion rate cannot be calculated at this time.



The number of participants in the HOPE Probation program has grown since FY 2014.

Currently, HOPE Probation is available in the First, Fifth, and Sixth circuit. People have been held accountable on probation in the community, rather than prison, with frequent and random urinalysis testing, and probation supervision.

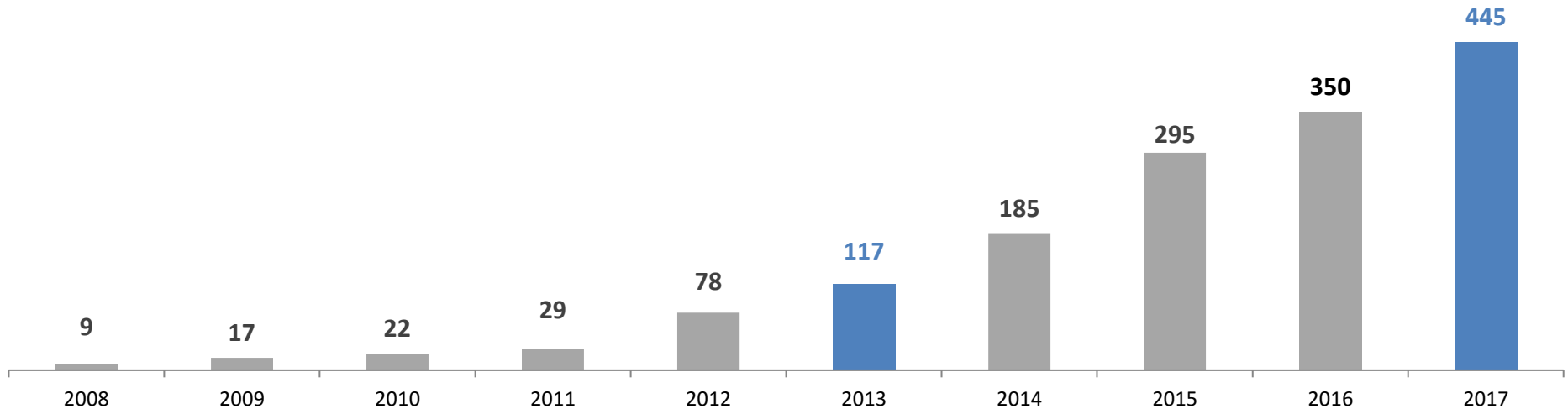


Less than 20 percent of individuals who were active in Drug or DUI court in FY17 were terminated, while 20 percent graduated.

Since over 60 percent of the individuals from FY17 are still active in the program, the completion rates will change.

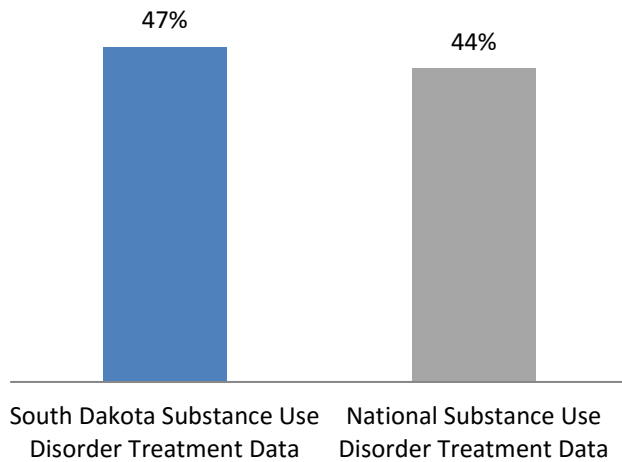


The capacity to serve clients Drug and DUI Court increased since the passage of the PSIA.



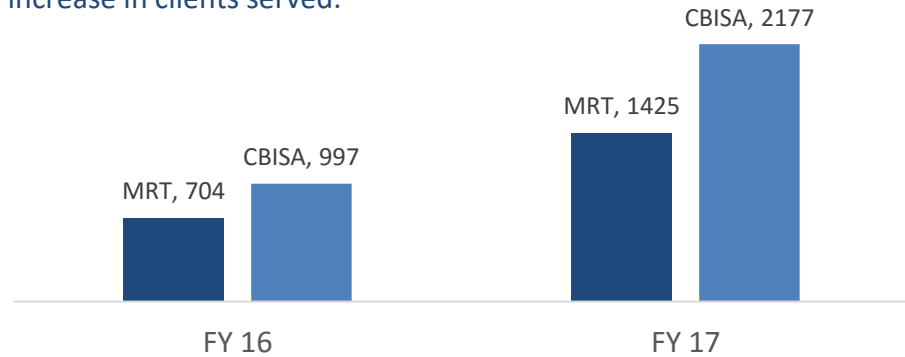
South Dakota's completion rates for substance use disorder treatment (CBISA) are higher than the national average.

47 percent of individuals who participated in South Dakota's substance use disorder treatment successfully completed the program, compared to the national average of **44 percent**.

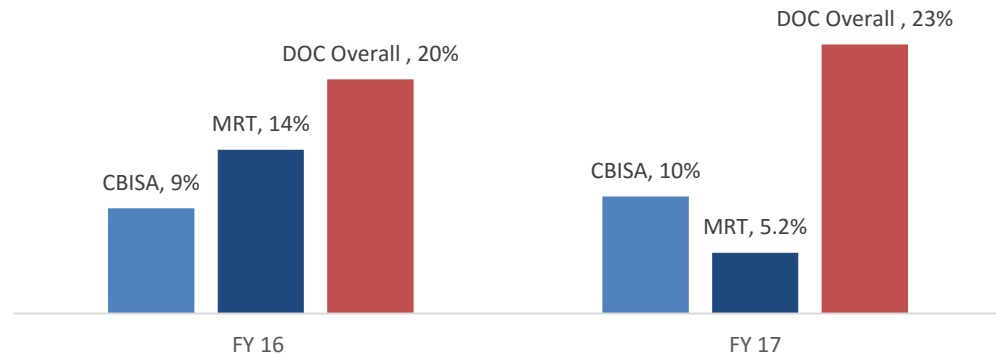


South Dakota increased clients served from FY 16 to FY 17 in both CBISA and MRT.

MRT services had a 42 percent increase in clients served, while CBISA had 53 percent increase in clients served.



South Dakota's Substance Abuse Treatment (CBISA) and Criminal Thinking (MRT) completers have a lower recidivism rate than the overall DOC population.

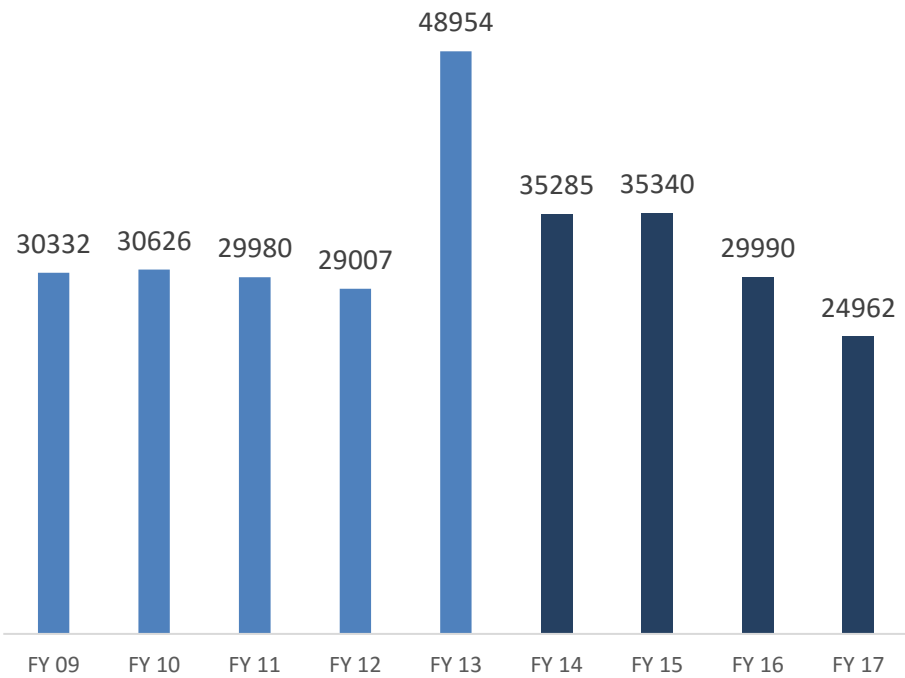


National Substance Abuse Treatment Data consists of all individuals who received substance abuse treatment which includes criminal justice and non-criminal justice involved clients. This does not include Criminal Thinking Treatment Data.

National Data Source: SAMHSA. (2016). Treatment Episode Data. *Treatment Episode Data System (TEDS)*

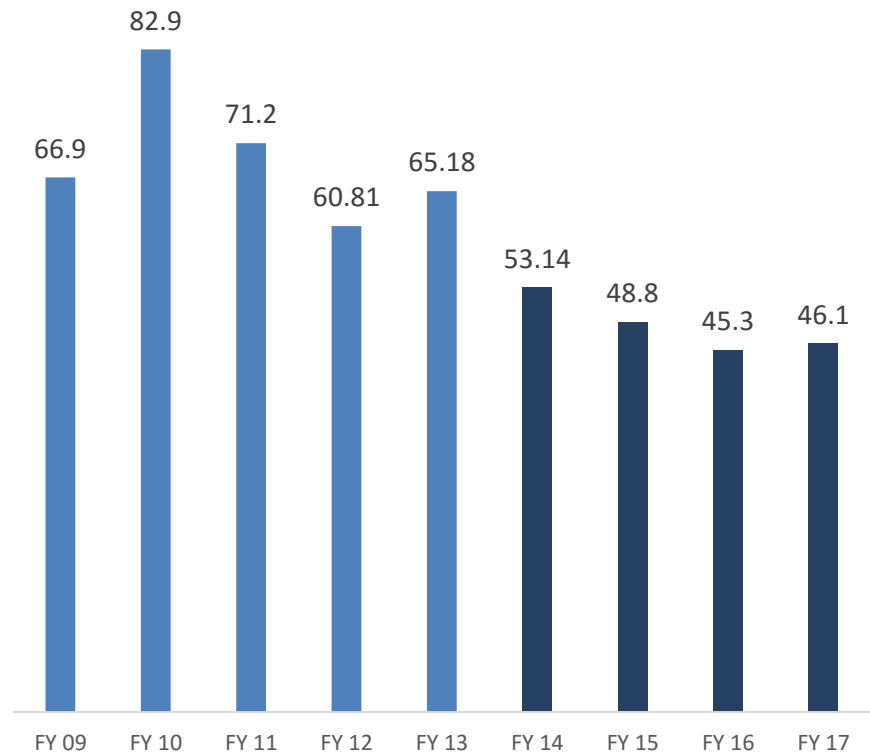
The total number of days spent in county jail for felony sentencing decreased.

*This excludes county jail sentences where the time to be served is entirely suspended and any days received as credit for time-served prior to sentencing.



The average number of days an individual spends in county jail for a felony sentence has remained stable.

The average time an individual spends in county jail for a felony sentence has remained stable since FY 16, following a decrease between FY 13 and FY 16.



Membership of the Oversight Council

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Dept. of Corrections

Greg Sattizahn

Unified Judicial System

Bruce Hubbard

Defense Attorney

Judge Jeff Davis

Seventh Judicial Circuit

Patrick Weber

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Dept. of Social Services

Judge Patricia Riepel

Second Judicial Circuit

Rep. Karen Soli

State Representative

Mark Smith

Board of Pardons and Paroles

Rep. Steven Haugaard

State Representative

Sen. Troy Heinert

State Senator

Sen. Jordan Youngberg

State Senator