Public Safety Improvement Act Oversight Council

2014 Annual Report

The State of South Dakota

November 2014

This report of the Public Safety Improvement Act (PSIA) Oversight Council documents the performance of the PSIA policy reforms and adult criminal justice system measures, as required by the PSIA.

South Dakota enacted sweeping reform of the adult criminal justice system in the 2013 passage of the PSIA. As the Chairman of the Oversight Council, I have had the unique opportunity to work closely with the state agencies implementing the PSIA reforms—principally the Department of Corrections (DOC), the Unified Judicial System (UJS), and the Department of Social Services (DSS). It gives me tremendous pleasure to report that these agencies, through their outstanding leadership, have worked tirelessly to ensure that PSIA reforms have been implemented faithfully and diligently. That is not to say that there have been no obstacles; indeed, there have been a few and this Report will discuss them. Implementation depends not simply on celebrating success, but also on examining challenges and recalibrating our work in order to overcome the obstacles.

The PSIA requires extensive interagency collaboration. This Annual Report, which is the product of intensive work in data collection and analysis by DOC, UJS, and DSS, similarly represents a collaborative and critical element of the PSIA.

The Oversight Council seeks to highlight several key findings from the review of the data as we implement the Public Safety Improvement Act:

1. The prison population has remained nearly flat and is slightly below the original projected impact of the PSIA. While this is promising, it is still early in the process and the trend should not be overstated.
2. More people are successfully completing parole supervision. In fiscal year 2013, 55% of individuals discharged from parole supervision were revoked for violating parole and 45% completed parole successfully. In fiscal year 2014, 40% of discharges were due to revocations and 60% were due to successful parole completions.
3. Graduated responses to probation violations and earned discharge credits have had an impact on prison returns and caseloads. The percentage of probationers who were unsuccessful, had their probation revoked, and were sent to the penitentiary or local jail remained at an all-time low of only 4.4%. The earned discharge credit system allows probationers to earn time off their probation term through compliance. For eligible offenders, each month of compliance earns the probationer a 30-day reduction in a probation term. In just six months, 557 probationers have been discharged early through the accrual of earned discharge credits. Not only has this reduced court service officers' caseloads, but it also allows officers the ability to focus their supervision resources on high-risk offenders.

Finally, South Dakota received implementation assistance through participation in Phase II of the Justice Reinvestment Initiative, a program of the U.S. Department of Justice's Bureau of Justice Assistance. I am very grateful to Pew Charitable Trusts, the Vera Institute of Justice, and BJA for their continuing support for criminal justice policy reform in South Dakota.

Signed,

Jim D. Seward
Chairman, Public Safety Improvement Act Oversight Council
General Counsel
Office of Governor Dennis Daugaard
State of South Dakota

Public Safety Improvement Act Background

In 2012, South Dakota faced a public safety dilemma. Its prison population had grown rapidly in the preceding thirty years, and was projected to increase by an additional 25% by 2022. The increase would require the construction of two new prisons, and would cost the state $224 million over the next 10 years. Due to this impending problem, Governor Daugaard and Chief Justice Gilbertson convened meetings across the state from March to June 2012 with a variety of stakeholders regarding the state's criminal justice system. Following these meetings, Governor Daugaard, Chief Justice Gilbertson, and the legislative leadership created the South Dakota Criminal Justice Initiative Work Group (CJI Work Group), an 18-member bipartisan and multi-branch group that reviewed and analyzed sentencing and corrections data and made policy recommendations. The CJI Work Group received technical assistance from the Pew Center on the State's Public Safety Performance Project.

The CJI Work Group published its Final Report in November 2012. The Final Report included several recommendations that strengthened probation and parole supervision, focused prison space on violent and chronic offenders, and ensured the sustainability of these reforms and statewide data collection capacity. These recommendations became the basis for legislation known as Senate Bill 70, or the Public Safety Improvement Act (PSIA).

Governor Daugaard signed the Public Safety Improvement Act into law February 6, 2013. The Act established an Oversight Council to assist state agencies' collaborative efforts and to ensure the implementation of these new reforms. This document highlights the performance measures developed by the Department of Corrections, the Unified Judicial System, and the Department of Social Services.

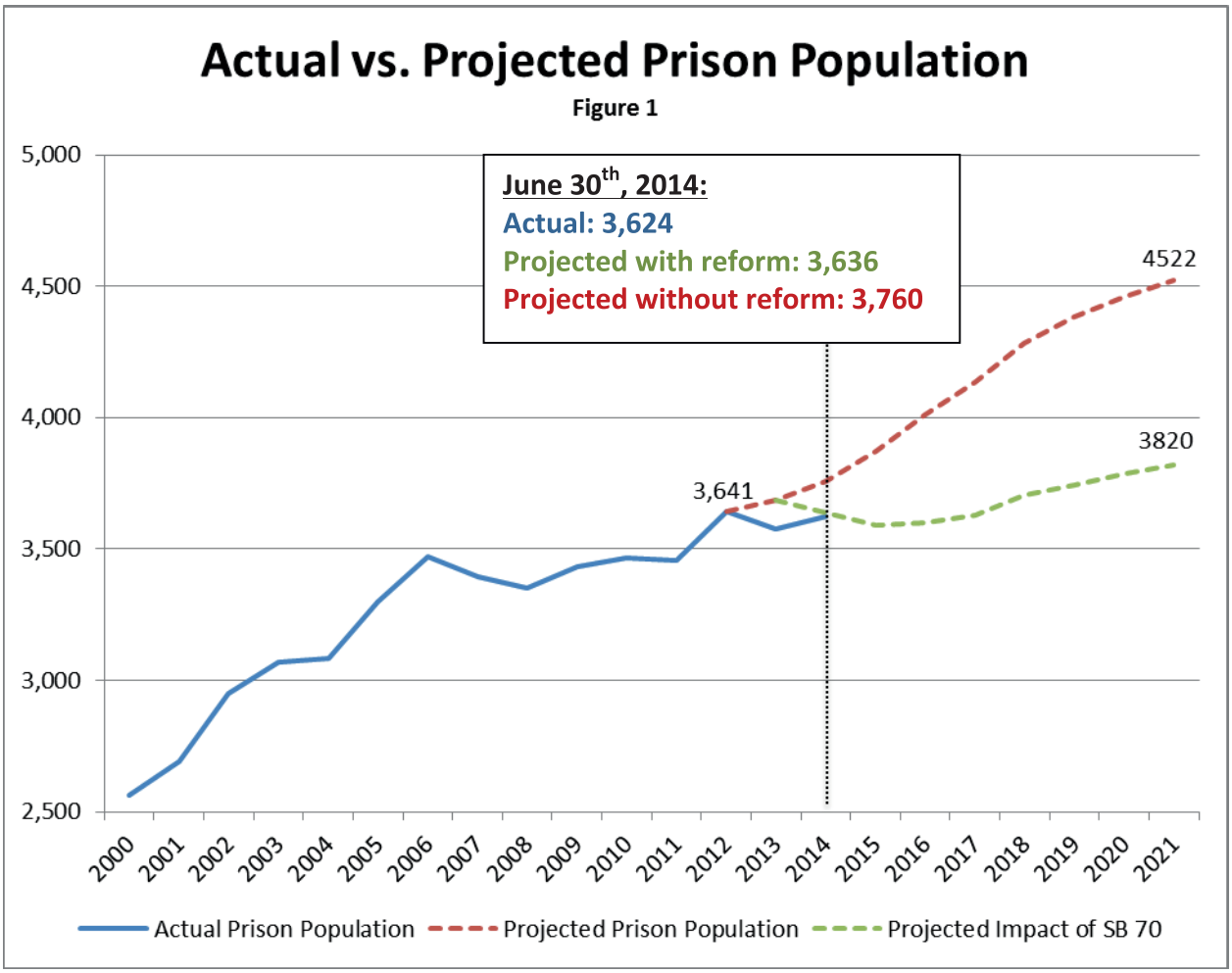
Introduction to PSIA Annual Report

The Annual Report is a review of metrics concerning South Dakota's adult correctional system and a summary of the implementation of the PSIA policies. This Annual Report has two parts. First, it contains this narrative, which summarizes the key data points and explains the progress and challenges of implementing the major PSIA policy reforms. Second, it contains the accompanying appendices, which contains data for each PSIA policy, as well as broad system-level data with historical comparisons.

It is important to note that the availability of historical data for trends and comparisons varies between metrics. Technological upgrades made in the wake of, or at the behest of, the PSIA reforms expanded state agencies' data collection capacities. Consequently, in certain areas historical comparisons are not possible in light of significant changes brought about by the PSIA.

Prison Population Actual vs. Projected

The CJI process aimed to safely reduce the state's prison population growth through greater reliance on utilizing alternatives to incarceration, such as more effective interventions, probation, and drug courts, and by holding offenders more accountable in the community. Figure 1 demonstrates the projected impact of the PSIA at the time of its passage in early 2013.



Source: Pew Public Safety Performance Project; SD Department of Corrections

Recidivism. The PSIA defines recidivism as a return to prison within 36 months of release. Recidivism is measured based on calendar year prison releases. The DOC also uses the Association of State Correctional Administrators' Performance Based Measures System definition which includes a return to prisons within 12, 24, or 36 month of release. Recidivism for calendar year 2013, the first cohort impacted by the reforms, will be analyzed upon the close of calendar year 2014.

Figure 2

Recidivism 2003-2012
Adult Inmates

Release Year:	Number of Releases:	12 months	24 months	36 months
2003	1,657			43.0%
2004	2,034		40.9%	45.4%
2005	1,932	29.9%	40.6%	44.8%
2006	2,164	29.3%	39.3%	44.1%
2007	2,072	29.9%	41.0%	46.0%
2008	2,012	31.2%	40.3%	44.9%
2009	2,058	28.7%	38.3%	43.8%
2010	1,934	25.9%	39.0%	43.8%
2011	1,815	26.1%	36.4%	
2012	1,912	26.4%		

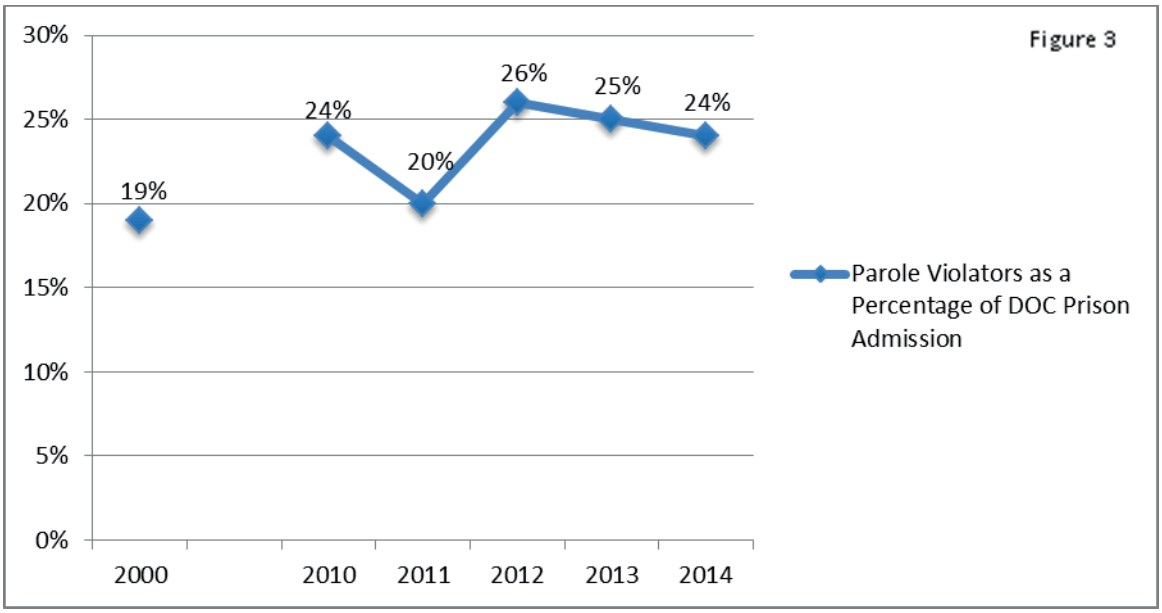
The baseline 3-year recidivism rate is 43.8 percent, reflecting the recidivism rate for individuals released from DOC custody in the 2010 release cohort. The 12-month recidivism baseline is 26.4%.

These recidivism measures are not limited to inmates impacted by the PSIA reforms, but rather include all inmates released in a particular year. As the system shifts toward targeting prison resources for violent and chronic offenders, the risk level of those sent to prison may increase. This could result in a shift in the profile of the prison population, making a year-to-year overall inmate recidivism comparison misleading given the change in risk profile. Recidivism and prison population profile information will be monitored. Risk-based recidivism measures can be developed if the profile changes enough to require a more discrete measure of recidivism for accurate year-by-year comparisons.

Who is in prison?

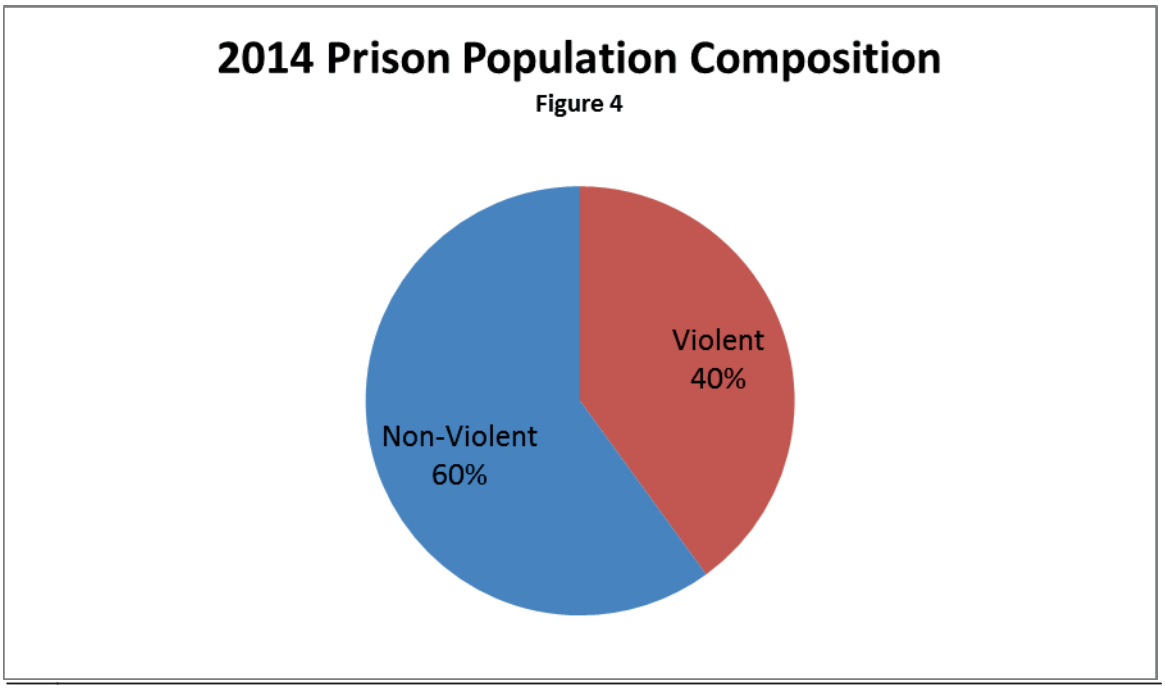
Prison Admissions and New Convictions vs. Parole and Probation Violators. The CJI Work Group found that parole violations were a significant driver of South Dakota's prison growth. Consequently, the PSIA included several reforms, such as strengthening evidence-based practices in parole supervision and using earned discharge credits to incentivize compliance, in order to reduce the number of parole violations.

Parole Violators as a Percentage of DOC Prison Admissions



Fiscal year 2014 represents the first year that DOC was able to track probation violators separately in its admissions data. In fiscal year 2014, probation violators comprised 15% of all prison admissions. For female admissions, however, the share of probation violators was greater. Twenty-seven percent of female admissions were probation violators. That is similar to parole data, where parole violators were 28% of female admissions.

Inmate offense composition. The Oversight Council closely monitors this area, as improvement is anticipated. The figures in the chart below represent the standing prison population as of June 30, 2014. The share of non-violent offenders is greater for new commitments to prison. In fiscal year 2014, 72% of new commitments to prison were non-violent offenders compared to 28% for violent offenders.[1]



The CJI Work Group also found that non-violent felons occupied many prison beds. In an effort to target prison resources on violent felons, probation became the presumptive sentence for class 5 and 6 felonies.[2]

Increasing Reliance on and Improving Community Supervision

Increased use of incarceration alternatives is the counterpart to policies focusing incarceration resources on violent felons. Some of these alternatives include the use of probation, as well as drug, DUI, and HOPE courts. As such, the PSIA mandated greater reliance on evidence-based practices in community parole and probation supervision, and required training, policies, and tools to carry out their mission.

The PSIA instituted a number of changes to community supervision. Two of these changes included new training for parole agents and court services officers in evidence-based practices, and incentivized compliance on parole and probation by allowing individuals to accrue earned discharge credits against their remaining parole or probation term for every month of compliance.

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[1] Starting in fiscal year 2014, DOC separated out probation violator admissions from other new commitments. When probation violators are added back into new commitments, 20% of new commitments are for violent offenses and 80% are for non-violent offenses in 2014. By comparison, when probation violators were included in new commitments, it was 17% violent, 83% non-violent in 2012.

[2] Such changes included revised downward offense classes for certain grand theft categories, third degree burglary, and simple drug possession. Certain offenses, most notably sex offenses, were excluded from presumptive probation.

Training

Additional and updated training in evidence-based practices is a principal focus of the PSIA. The following section reviews the extensive training that DOC and UJS staff received as part of the PSIA implementation. Personnel at DSS and their contractors also received training, which is described in a later section of this report.

EPICS (DOC and UJS): Three DOC senior parole agents and seven UJS court services officers began training in "Effective Practices in Community Supervision" (EPICS), a nationally-recognized training program and model for parole and probation supervision. Eventually, all parole agents and court service officers will be trained in EPICS. The purpose of this training is to teach parole and probation officers how to integrate cognitive behavioral therapy techniques into their interactions with offenders. The ultimate goal of EPICS is to change the offender's behavior and thus reduce recidivism.

DOC: DOC fully implemented PSIA training standards for parole staff in other evidence-based practices, such as desistance training and core correctional practices. The Board of Pardons and Paroles underwent various trainings for the entire board and specific training targeted to new board members. There is also on-going training related to the implementation of new PSIA policies.

UJS: UJS fully implemented on-going evidence-based program staff training, including training in motivational interviewing and risk assessments. UJS also trained staff on PSIA policies, such as earned discharge credits, the graduated response matrix, and DSS programming.

Earned Discharge Credits—Parole

Both DOC and UJS implemented an earned discharge credit (EDC) system. The implementation resulted in hundreds of individuals on parole and probation earning time off their terms through compliance. It also decreases parole agent and court services officer caseloads, which allows a greater focus on moderate- and high-risk offenders more likely to recidivate.

The PSIA adopted the EDC system for parole in response to two findings. First, compared to other states, parole terms in South Dakota are unusually long. Second, research shows that individuals on parole are most likely to recidivate during the first 6-9 months of a parole term.[3] The CJI work group found that the length of parole supervision under suspended time for drug, DUI, and property offenses had tripled since 2000. Furthermore, the average parole term for all offenses had increased from 1.6 to 2.3 years.[4]

The PSIA reforms implemented EDC for parole in July 2013. It provides one month off a parole term for every month an eligible parolee is compliant. Parolees must be in the community for the full month to be eligible to earn credits. Parole sentences from another state and sex offender convictions are not eligible. Parolees who are on absconder status, under detainment, or have had

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[3] *See* Urban Institute, "Does Parole Work?", Mar. 2005, p. 12 (*available at* http://www.urban.org/UploadedPDF/311156_Does_Parole_Work.pdf).
[4] *See* South Dakota Criminal Justice Initiative Final Report, Nov. 2012, p. 7, (*available at* http://psia.sd.gov/PDFs/CJI%20Report%20Draft%20Nov%202012%20FINAL%2011%2027%2012.pdf).

a formal response to a violation of supervision conditions during the month do not earn credits for that month.

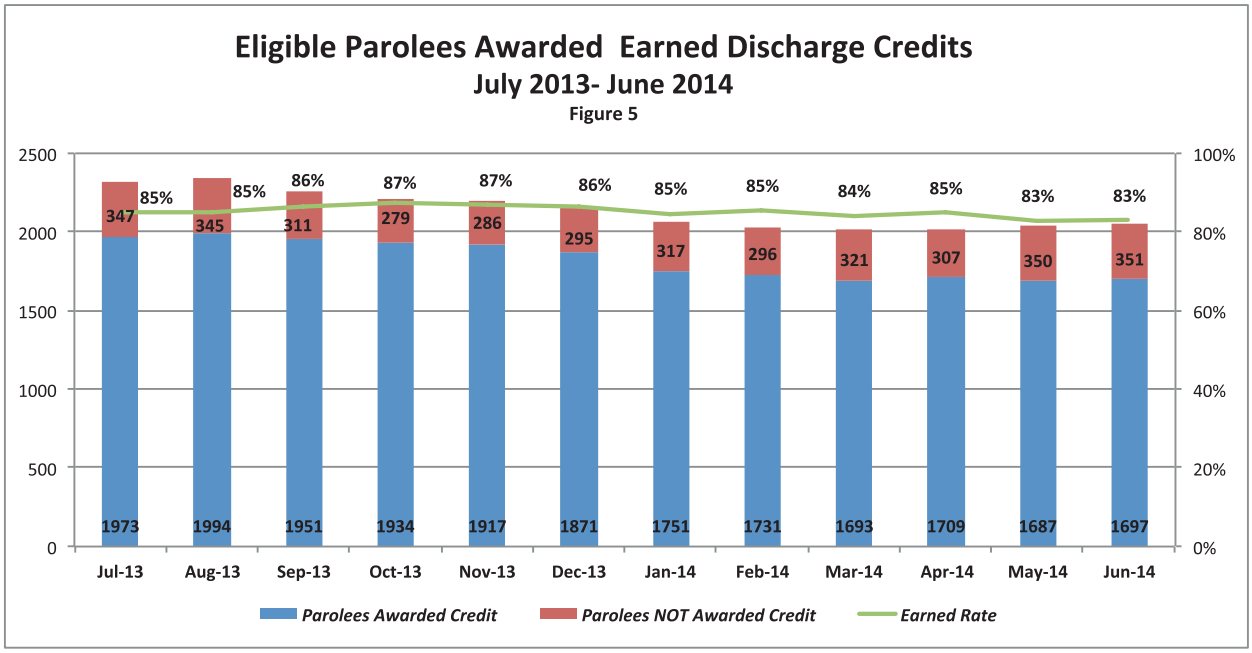
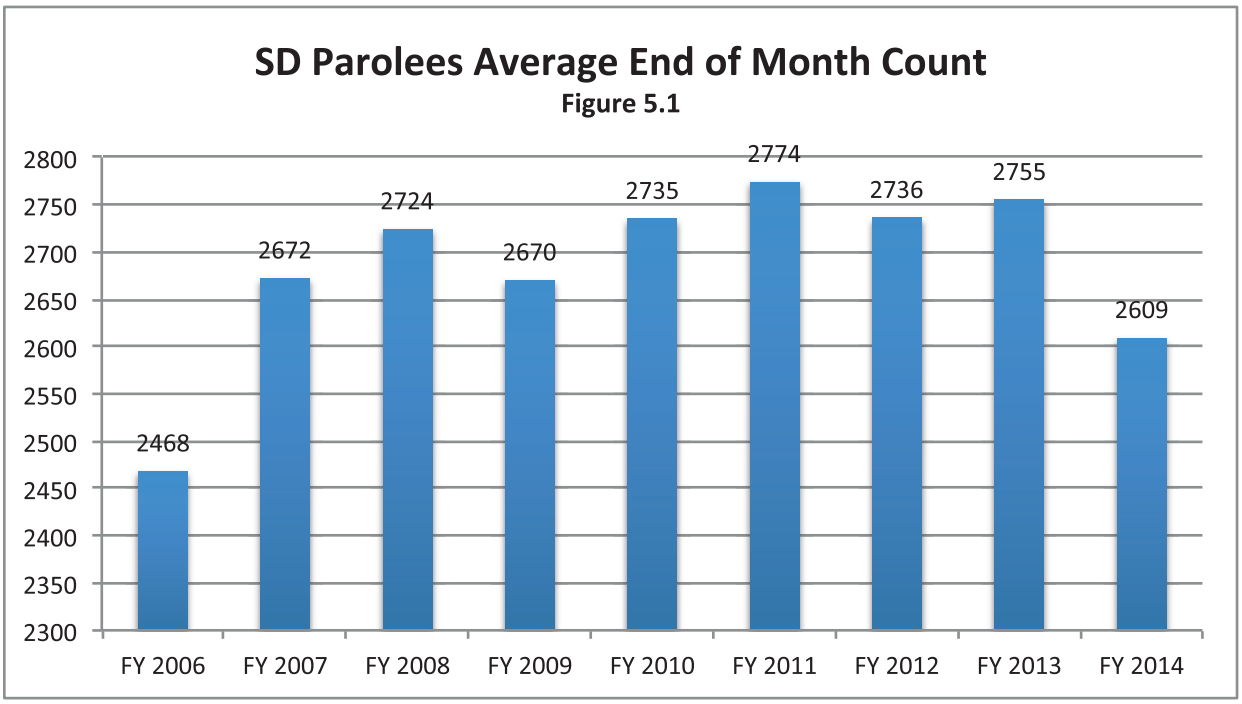


Figure 5 tracks the number of parolees who have been awarded EDCs since July 2013, and shows the high percentage of eligible parolees who have earned discharge credits.

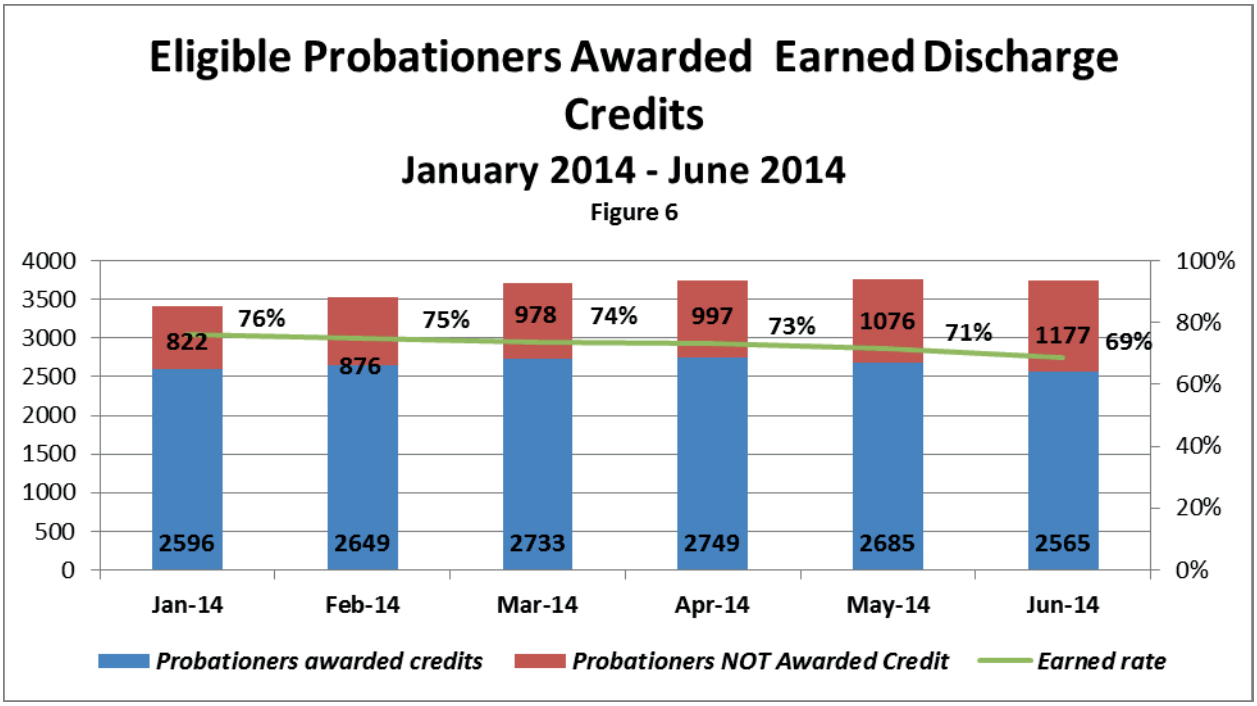


The number of people on parole decreased in 2014 because of the accrual of discharge credits against remaining parole terms. In fiscal year 2014, 894 individuals were discharged from parole with earned discharge credits.

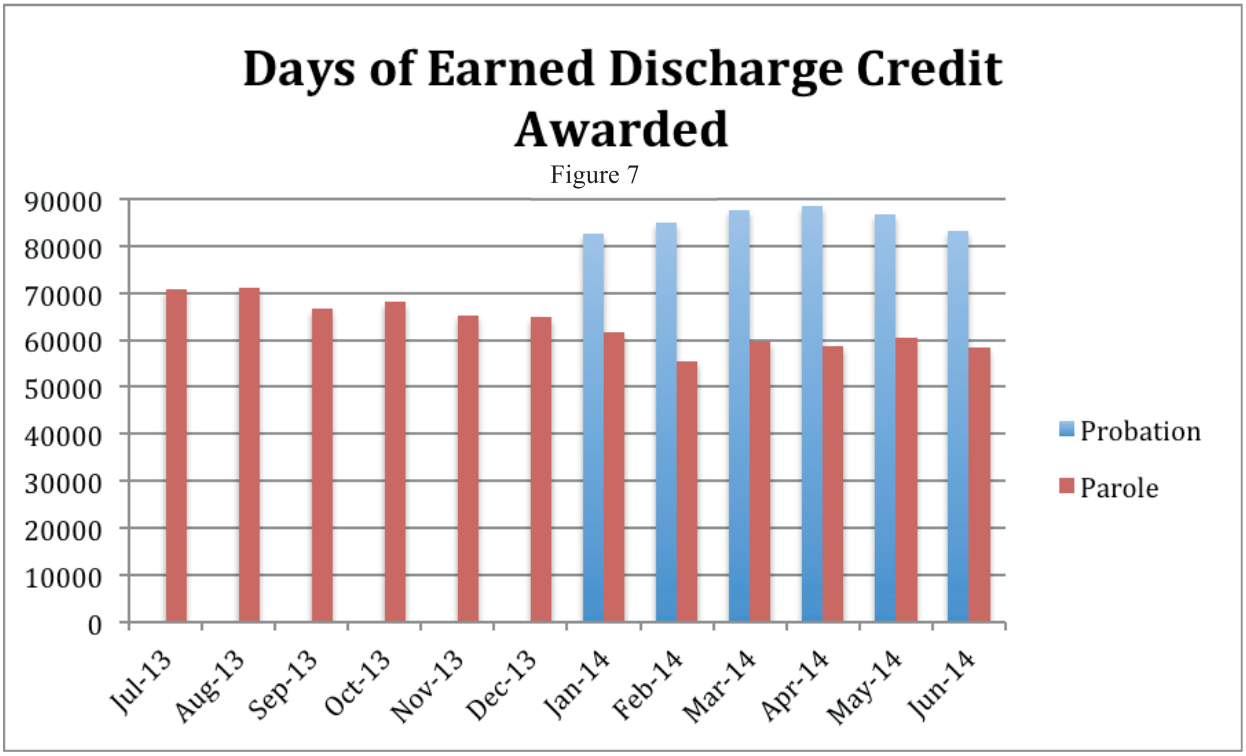
Parole Supervision. DOC measures the rate at which parole agents meet or exceed contact standards for each supervision level. Contact standards are the number and type of contacts parole agents are required to make with the individuals they supervise. In the middle of fiscal year 2014, DOC set a goal for 90% compliance with supervision level contact standards. Overall compliance was 83%, and the figures for the highest-risk supervision levels were all higher than this average: 87% for intensive supervision, 94% for maximum, 92% for medium, and 93% for minimum.

Earned Discharge Credits--Probation

Pursuant to the statute's effective date and the rule making process, UJS's EDC system began on January 1, 2014. From the start date through June 30, UJS awarded earned discharge credits to 17,137 cases for a total of 514,110 days credited against all cases. While parole EDC has been in effect for twelve months as of June 2014, probation EDC has been in effect for six months.



Magnitude of the Earned Discharge Credits



In a 12-month period starting in July 2013, Parole and probation EDC participants earned a total of 1,273,966 days off of their sentence. That is 3,488 years that the state does not have to fund unnecessary supervision for compliant offenders.

EDCs have had a significant role in reducing probation and parole caseloads while at the same time encouraging compliance. In fiscal year 2014, 557 individuals who had accrued earned credits were discharged from probation.

Probation Supervision—Graduated Responses. UJS implemented a graduated response matrix to respond to violations of the conditions of probation. Court service officers employ these responses to provide for an immediate sanction for a violation in lieu of a probation revocation and possible prison sentence. The use of graduated sanctions to respond to probation violations is intended to allow the court system to swiftly and certainly deal with non-compliant behavior and attempt to modify conduct before a probation revocation proceeding is needed. The UJS set out a target of less than 5% of individuals on probation being revoked to prison or jail as a performance goal. In fiscal year 2014, UJS achieved this target, as demonstrated in Figure 8.

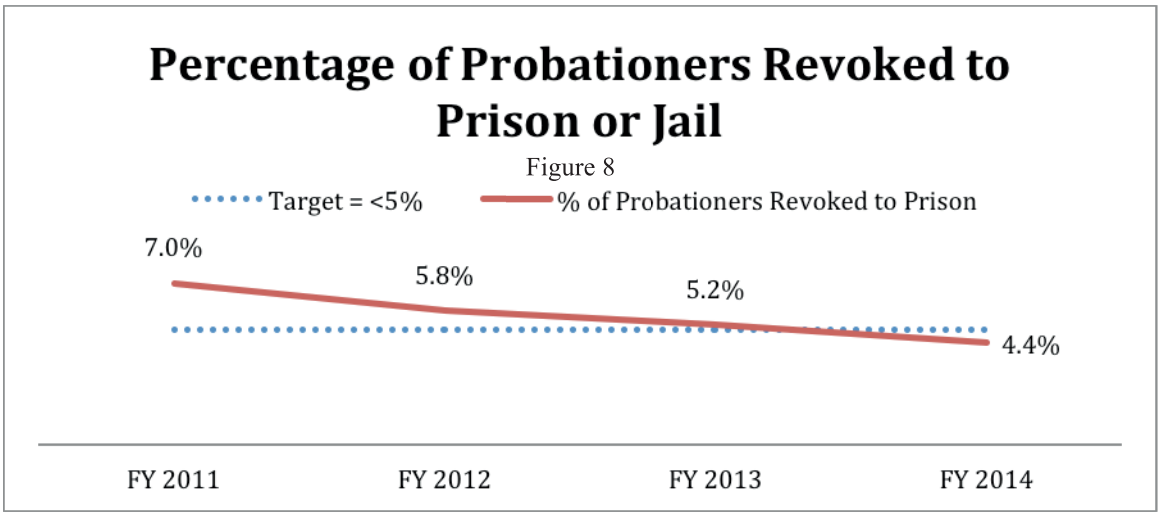
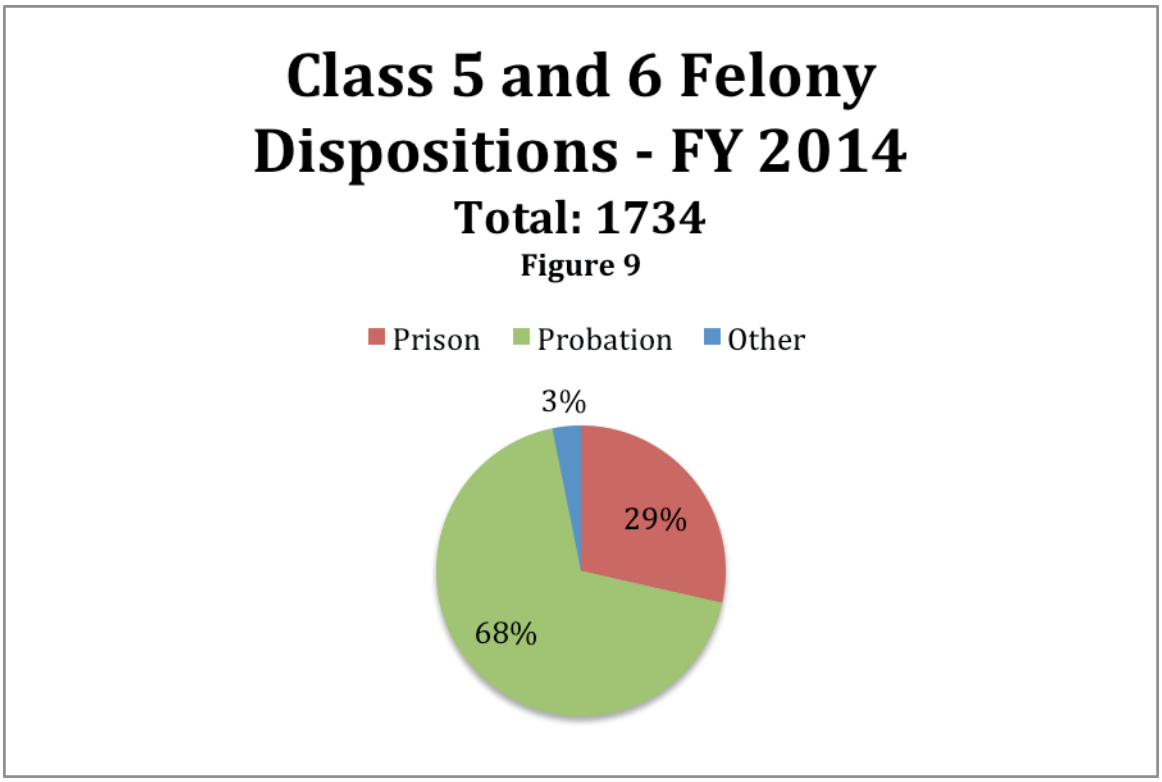


Figure 8 shows the percentage of individuals on probation who were terminated for a probation violation and sent to prison or local jails. The total number of adult felony probationers revoked from probation and sentenced to prison or jail was 316 individuals.

Class 5 and 6 Presumptive Probation. The PSIA created a presumptive probation sentence for nonviolent class 5 and class 6 felonies. Courts may overcome the presumption by finding aggravating circumstances and making a written record. The chart below shows that during fiscal year 2014, the disposition of class 5 and class 6 felonies included a prison disposition in 29% of all cases statewide. The "departure rate", the rate of instances where a judge imposes a prison sentence despite the presumption, was projected to be 20%. The Oversight Council is closely monitoring the impact of the higher deviation rate and has included recommendations for additional training and communication to increase the number of class 5 and 6 nonviolent felons who are sentenced to probation. Many offenses, such as sex offender registry violations, were excluded from the presumptive probation requirement.



Department of Social Services

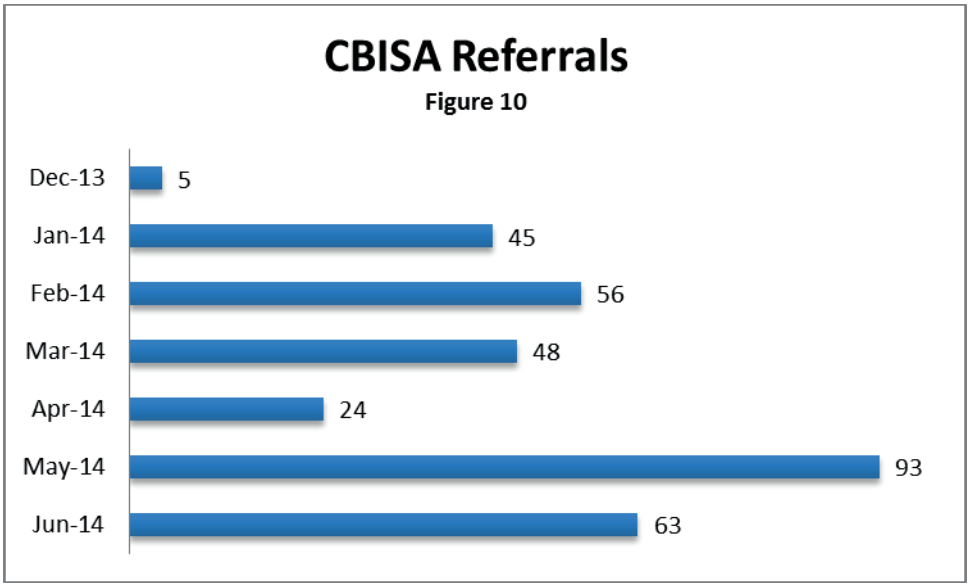
Expanded use of community supervision requires that there be community resources to reduce recidivism and treat substance abuse. Therefore, the state made a significant investment in behavioral health and substance abuse treatment for parolees and probationers.

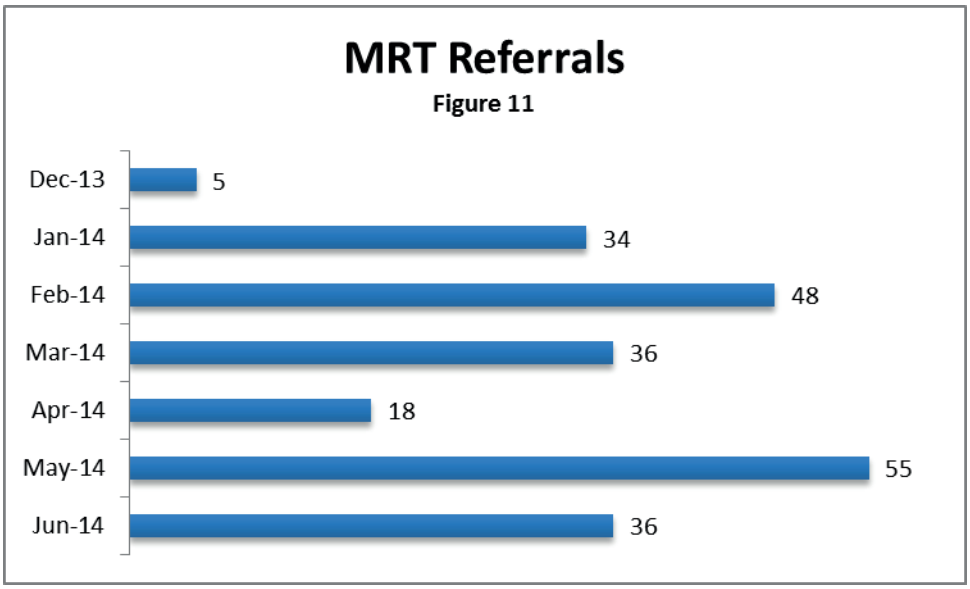
The DSS, through its contracted providers, introduced two evidence-based curricula for the delivery of substance abuse and behavioral health services: Cognitive Behavioral Intervention for Substance Abuse (CBISA) and Moral Reconation Therapy (MRT). CBISA is a substance abuse treatment methodology based on cognitive behavioral therapy. Thirteen different treatment providers in every judicial circuit now practice CBISA. MRT is an evidence-based criminal thinking curriculum. Three different providers in every judicial circuit now offer MRT.

Training. In order to provide the CBISA and MRT programming, it was necessary for the DSS staff to receive extensive training. National experts in substance abuse and criminal thinking contracted with community provider organizations to provide this instruction.

Programming. Figures 10 and 11 show referrals to the CBISA and MRT programming. Referrals were initially low, but increased shortly after the services became available. DSS has continued outreach to parole agents and court services officers to keep referral numbers high and expand access to this innovative programming.

DSS tracks individual completion data of all participants in the new programming. As the programming is less than a year old, completion rate data is not yet available.

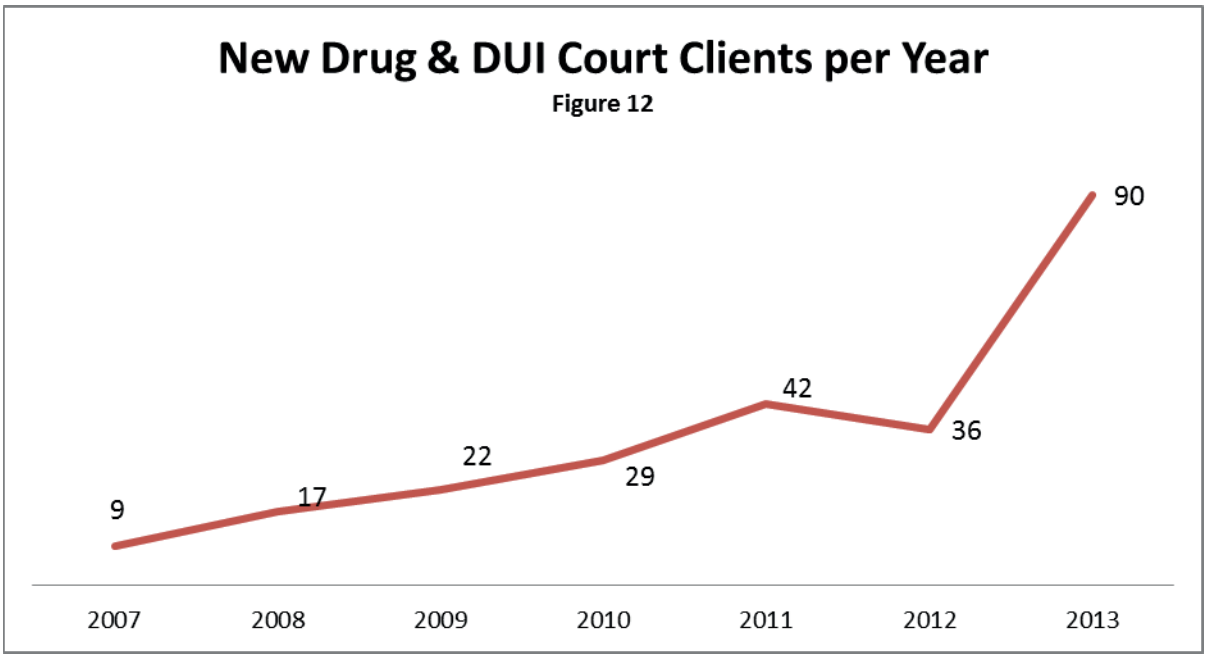




Specialty Courts

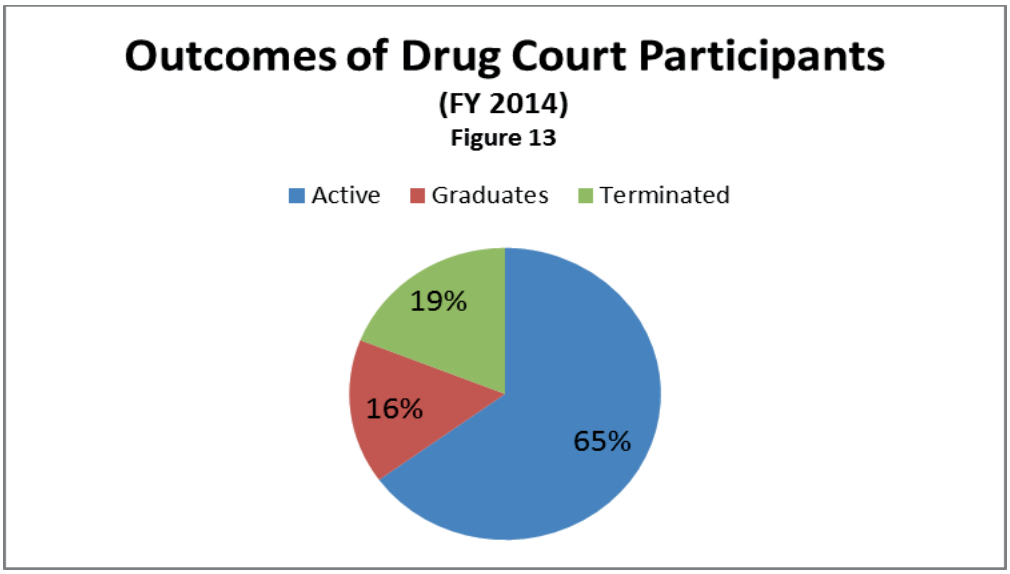
Specialty courts, also known as problem-solving courts, are designed to improve outcomes for offenders suffering from substance abuse. The focus of specialty courts, which include drug and DUI courts, is on treatment and rehabilitation, rather than punitive responses. However, punitive responses, such as jail stays, are available tools for specialty court judges in order to hold offenders accountable.

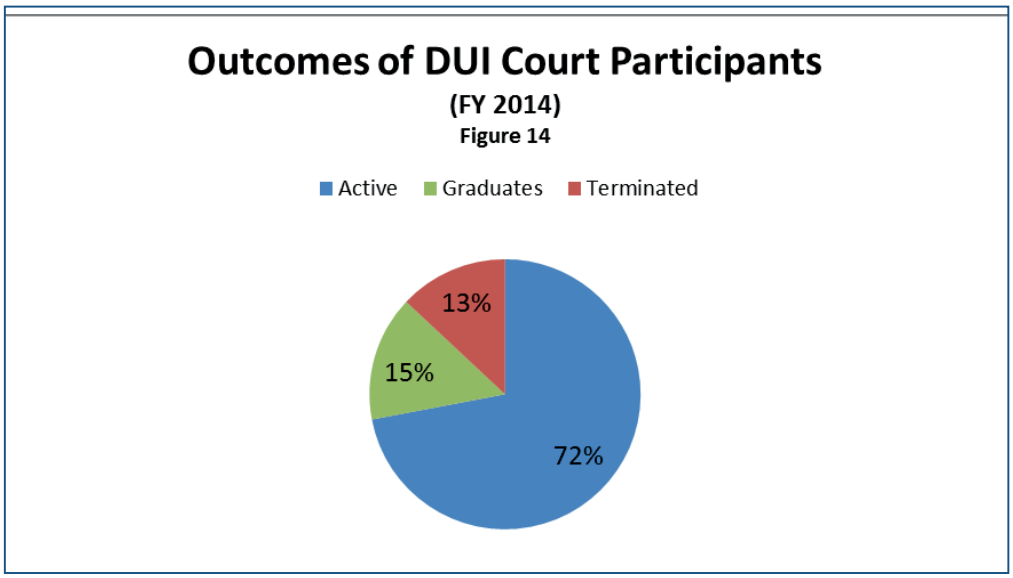
Drug/DUI Courts. The PSIA established a statutory framework for drug courts within South Dakota. These provisions allow the Supreme Court to begin a drug court in any jurisdiction, to establish rules for drug courts, and to require semi-annual reporting of performance measures for drug courts. During fiscal year 2014, drug and DUI courts have continued to expand capacity and divert individuals who are otherwise likely to be prison-bound.



Drug courts allow drug offenders with substance abuse issues to avoid incarceration and to receive treatment in the community. Demonstrated retention rates are the number of graduates plus the number currently enrolled divided by the number admitted. Statewide, drug courts have demonstrated retention rates of 81%. Currently, there is a 46% graduation rate, and 40% of the participants are still pending completion. Drug courts expanded significantly during the last 2 years and added 89 new participants. The Figure 13 shows drug court participant outcomes during fiscal year 2014. Also, 164 children have had parents in drug courts and are benefitting from these services by having their parents stay in the community rather than serve a prison sentence.[5]

[5] *See generally*, National Conference of State Legislators, "Children of Incarcerated Parents", Mar. 2009 (*available at* http://www.ncsl.org/documents/cyf/childrenofincarceratedparents.pdf).





DUI courts are substance abuse programs for offenders post-conviction. They follow the general specialty court model of intensive court involvement and supervision of the recovery process. DUI courts added 42 new participants during the last two years. They have reached a 76% retention rate and a 53% graduation rate. Many DUI court participants are also parents. For example, 99 children have had parents in this program.

Pilot Updates

Tribal-Parole Pilot Project. Native Americans have high rates of returns to prison from parole revocation, often due to absconding from parole supervision. Consequently, in accordance with the PSIA, the Department of Corrections, the Department of Tribal Relations, and the Sisseton Wahpeton Oyate tribe developed a pilot parole supervision program to increase the success of individuals on parole who wished to return to tribal communities. The PSIA designed the tribal parole program to target the specific needs of Native American parolees, allow them to be supervised, hold them accountable in their home tribal communities, and support a tribal-state partnership in their supervision.

The state provides training and funding for a tribal parole agent to supervise parolees on the reservation. The tribal agent uses the same parole system that state agents use. A tribal wellness team works with the agent and parolee in accessing services and providing appropriate supervision, support, and response to violations.

The 2014 baseline rate of successful parole completion is 50%. DOC developed a performance goal of achieving a 52% success rate for fiscal year 2015, and will raise the goal to 57% by fiscal year 2017.

UJS HOPE Pilot. The PSIA authorized the Supreme Court to establish two South Dakota HOPE Court pilot programs. These pilot programs are based on the HOPE program established in Hawaii as an intensive sentencing alternative for persons convicted of a controlled substance violation.

The rural HOPE Court pilot became operational in Walworth and Edmunds County January 2, 2014. The urban HOPE Court pilot in Minnehaha County was not operational by June 30, 2014. Due to the potential scale of the urban pilot and the involvement of the local sheriff and police departments, UJS is developing a web-based computer tracking system for HOPE participants.

DSS Rural Substance Abuse Treatment Pilot. DSS issued a second request for proposals in March 2014 to seek providers for a rural substance abuse treatment pilot program. The pilot program seeks to provide substance abuse treatment for individuals on parole and probation in the 1st, 5th and 6th judicial circuits. DSS selected the Lutheran Social Services and Volunteers of America as the providers in the pilot. The providers are currently working with DSS and a telehealth service expert developer to determine technological and other needs. They anticipate having services available in December of 2014.

Financial Accountability System for Fees and Fines

Following passage of the PSIA, the Chief Justice appointed an inter-branch workgroup that included representatives of UJS, DOC, and states attorneys to address implementation of the financial accountability system. That workgroup received assistance from the Crime and Justice Institute and was presented with information concerning court collections from around the country. As a result of that workgroup's efforts, there are proposed changes to the statutory language concerning the financial accountability system. Those proposed changes are intended to clarify the application of the financial accountability system as it relates to probation supervision. In addition, the workgroup is developing a set of standards and guidelines for approval by the Supreme Court to solidify collections practices statewide for all court-ordered

financial obligations. Those standards and guidelines include transfer protocols for those individuals who are discharged from DOC or probation and have outstanding court-ordered financial obligations. This process requires the development of data and information sharing protocols between DOC and the UJS, and will begin in late 2014.

Reinvestment Fund

The PSIA established provisions to offset the costs of holding probation violators in local jails rather than sentencing the offender to prison. A trend line based on the average annual growth in probationers for the preceding five years was established and predicts the number of probationers by county at the end of fiscal year 2014 through fiscal year 2017. Counties exceeding the projected number of probationers received payments for each probationer above the trend line. The PSIA designed the reinvestment funds to assist with the costs of jailing and transportation for additional offenders retained locally. Counties with jails will receive $1,000 per probationer above the trend line and counties without a jail will receive $1,200 per probationer above the trend line.

$314,600 was transferred to 35 counties based on fiscal year 2014 year end felony probation counts. See Appendix 4 for payment information by county.

Recommendations

The Oversight Council has the following recommendations for future legislation and policy.

Financial Accountability System. The following proposal is intended to clarify the provisions concerning the financial accountability system promulgated as part of the PSIA. The current provisions consistently reference probation and probation sanctions as the mechanism to respond to failed financial obligations. But the intent of the legislation is to reduce the use of probation as a method to collect court ordered financial obligations and instead to allow court services officers to focus on high-risk and high-needs offenders.

> 23A-47-2. A parolee, inmate, or probationer, who is discharged from supervision ~~or has otherwise satisfied all of the conditions of the sentence~~ but has outstanding, court-ordered financial obligations, shall be managed by the administrative financial accountability system, as administered pursuant to §23A-47-3, in order to satisfy all court-ordered financial obligations.
>
> 23A-47-3. The administrative financial accountability system shall be administered by the Unified Judicial System pursuant to §23A-28-3 and shall monitor and track payments within the system ~~and sanctions~~.
>
> 23A-47-4. The Supreme Court shall promulgate rules for the collection of outstanding court-ordered financial obligations through the administrative financial accountability system. The rules shall include ~~a~~ graduated ~~sanctioning grid policy~~ responses to noncompliance and a policy for the termination or adjustment of the financial obligations.
>
> 23A-47-6. Failure of any individual in this system to comply with the plan of restitution or plan for financial obligations as approved or modified by the court constitutes a violation of the conditions ~~of probation~~ within this system. Without limitation, the court may modify the plan of restitution or financial obligation, extend the period of time for restitution or financial obligation, or continue the individual in the administrative financial accountability system. If the individual fails to make payment as ordered by the court, the individual may be held in contempt of the court's order.
>
> 23A-47-7. The original sentencing court shall be the court of competent jurisdiction pursuant to §23A-47-6 for contempt or review hearings, if necessary, as part of the ~~sanctioning grid~~ financial accountability collections system.

Aggravated DUI. The following recommendation is a minor revision to § 32-23-4.9 to clarify the circumstances of a 6th DUI offense to ensure the system is impacting aggravated felony cases

> 32-23-4.9. Punishment for sixth or subsequent offense--Revocation of driving privilege--Jail sentence for driving while privilege revoked--Limited driving privilege for certain purposes.
>
> If a conviction for a violation of § 32-23-1 is for a sixth offense, or subsequent offense, and the person had at least five convictions of § 32-23-1 occurring within twenty-five years of the violation being charged, and at least two of those convictions having

occurred within five years, the violation is an aggravated offense and the person is guilty of a Class 4 felony.

The court, in pronouncing sentencing, shall order that the driver license of any person so convicted be revoked for a period of not less than three years from the date the sentence is imposed or three years from the date of initial release from imprisonment, whichever is later. If the person is returned to imprisonment prior to the completion of the period of driver license revocation, time spent imprisoned does not count toward fulfilling the period of revocation. If the person is convicted of driving without a license during that period, the person shall be sentenced to the county jail for not less than twenty days, which sentence may not be suspended. Notwithstanding § 23A-27-19, the court retains jurisdiction to modify the conditions of the license revocation for the term of such revocation.

Upon the person's successful completion of a court-approved chemical dependency counseling program and proof of financial responsibility pursuant to § 32-35-113, the court may permit the person to operate a vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, or attendance at counseling programs.

~~In addition to the penalties authorized by law, any person convicted under this section and having ten or more previous convictions under § 32-23-1 is subject to a term of supervision not less than ten years. Any person convicted under this section and having at least five and not more than nine previous convictions under § 32-23-1 is subject to a term of supervision not less than five years.~~ For each person convicted under this section and placed on probation, parole or released from prison due to a suspended sentence, their ~~The~~ supervision ~~of an offender~~ shall include at least one of the following: enrollment in an alcohol or drug accountability program, ignition interlock, breath alcohol interlock, an alcohol monitoring bracelet, or another enhanced monitoring tool. Supervision of the offender shall be overseen by the Unified Judicial System if the sentence does not include a term of imprisonment in the penitentiary or by the Department of Corrections if the sentence includes a term of imprisonment in the penitentiary. Any offender supervised pursuant to this section is not excluded from earned discharge credit as otherwise authorized by statute.

If, during the period of supervision imposed under this section, the person being supervised violates conditions, the offender shall be penalized according to the graduated sanctions policy to be established by the Supreme Court or the Department of Corrections, respectively.

Drug Courts. The following recommendation is intended to clarify that graduated sanctions should be imposed for any violation of the conditions of participation in the drug court programs. Such sanction may include the use of jail time and should be imposed consistently and proportionally based on the nature of the violation. The proposal would also ensure that individuals admitted to the program will have available jail days that can be imposed for sanctions. The need for this legislation is particularly pronounced when drug court programs accept individuals that are being admitted into the program as the result of a probation violation or motion to revoke probation and do not have jail days available under 23A-27-18.1 for sanctions for violations of program conditions.

> That chapter 16-22 be amended by adding thereto a NEW SECTION to read as follows: For any person admitted to a drug court as defined by § 16-22-3, a sanction may include the imposition of jail time and any such sanction may be imposed irrespective of § 23A-27-18.1. However, any jail sanction shall be credited toward any incarceration imposed upon a subsequent revocation of a suspended execution of sentence. The Supreme Court shall promulgate rules defining best practices for drug court sanctions.

County Jail Days. In addition to recommending clarification concerning the use of jail days for drug court participants, the Council also believes it important that specific data be collected concerning SDCL 23A-27-18.1 and the use of county jails to determine the impact of the legislative change emphasizing the use of 60 day increments in order to preserve additional jail days necessary for the imposition of graduated sanctions for standard probation. Relevant data should be collected by the State Court Administrator's Office and reported to the Oversight Council semi-annually.

SDCL § 23A-27-18.1 provides:

> Imprisonment as condition of probation or suspension of sentence--Credit for time. The conditions of probation imposed pursuant to § 23A-27-12 or 23A-27-13 or the conditions of suspension of execution imposed pursuant to § 23A-27-18, may include the requirement that the defendant be imprisoned in the county jail for no more than one hundred eighty days, except as otherwise specified in this section, or in the state penitentiary for no more than one hundred eighty days or the sentence which was imposed or which may be imposed by law, whichever is less. However, for persons sentenced pursuant to § 32-23-4.6, the conditions of probation imposed pursuant to § 23A-27-12 or 23A-27-13 or the conditions of suspension of execution imposed pursuant to § 23A-27-18, may include the requirement that the defendant be imprisoned in the county jail for a specific period not exceeding three hundred sixty-five days. The imprisonment may be further restricted to certain days specified by the court as part of such conditions. **The required period of imprisonment for a county jail or state penitentiary term should not exceed sixty consecutive days** to ensure the court retains authority to impose additional days of imprisonment, if necessary, during the term of supervision pursuant to § 16-22-13. The court retains jurisdiction to raise or lower the required period of imprisonment within the sentence otherwise allowed by law. Any such imprisonment, either in the county jail or state penitentiary, shall be credited toward any incarceration imposed upon any subsequent revocation of a suspended imposition or execution of sentence. During any such imprisonment the defendant shall be subject to all policies, rules, and regulations of the county jail or state penitentiary. [emphasis added]

Stakeholder Council. The Oversight Council recommends the formal creation of a PSIA Stakeholder Council, which would report to the Oversight Council and include representation from law enforcement and county officials from across the state. The Stakeholder Council would be a useful tool for the Oversight Council to monitor the impact of the PSIA on counties. According to the PSIA, the Stakeholder Council would sunset with the Oversight Council.

Conclusion

Had the PSIA not occurred, the forecast of South Dakota would be significantly different. The state would be in the process of building two new prisons. Of the offenders currently in prison, 61% would be non-violent, and 4 out of every 10 inmates would recidivate within a 3 year period after their release.

While the reforms have not solved every problem in the public safety system, the provisions in the PSIA established the path that will lead South Dakota to a more efficient public safety approach. Although portions of it have only been in effect for one year, the results show the potential successes that can occur over the next decade. While it is still early in the process, it is important to recognize the achievements of only one year post-implementation.

- Not only did the PSIA flatten the growing prison population, but it drove it below the originally projected number.
- Through the Earned Discharge Credit program, South Dakota earned 1,273,966 extra days of compliant behavior by offenders participating in the community and society. South Dakota taxpayers will not have to pay 3,488 years' worth of supervision for offenders that do not require it.
- In 2012, 83% of new commitments to prison were nonviolent. The PSIA guided that number down to 80% by 2014. This reserves prison beds for the most dangerous offenders.

This optimism, however, does not mean that the work is complete, or that future changes will not be without hurdles. In reality, the PSIA implementation is still in its infancy, and the coming years will continue to experience growing pains. It will be necessary for UJS, DOC, and DSS to diligently and faithfully continue adopting the changes and monitoring the data. There are a number of areas that, due to the nature of the reforms and the time needed to see results, have not completely come to fruition. As noted in the report, each respective department is closely monitoring these areas to ensure their maximum chance of success.

Appendix 1

Prison Population	2010			2011			2012			2013			2014			2000		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
End of FY population	3079	387	3466	3039	416	3455	3222	419	3641	3158	418	3576	3195	429	3624	2370	190	2560
# violent	1369	77	1446	1417	76	1493	1455	80	1535	1365	67	1432	1385	68	1453	1135	53	1188
% violent	44%	20%	42%	47%	18%	43%	45%	19%	42%	43%	16%	40%	43%	16%	40%	48%	28%	46%
# non violent	1688	306	1994	1600	338	1938	1741	337	2078	1789	348	2137	1806	361	2167	1195	137	1332
% non violent	55%	79%	58%	53%	81%	56%	54%	80%	57%	57%	83%	60%	57%	84%	60%	50%	72%	52%

FY admissions

	2010			2011			2012			2013			2014			2000		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
Total Admissions	2924	426	3350	2798	449	3247	2879	419	3298	2666	412	3078	2507	416	2923	1377	173	1550
# new commits (New Admissions Only)	1030	224	1254	1024	255	1279	956	226	1182	943	192	1135	583	82	665	915	122	1037
% admits new commits	35%	53%	37%	37%	57%	39%	33%	54%	36%	35%	47%	37%	23%	20%	23%	66%	71%	67%
# admits as parole violators (PV/SSV Only and with New)	703	110	813	560	86	646	751	118	869	637	133	770	579	116	695	252	45	297
% admits parole violators	24%	26%	24%	20%	19%	20%	26%	28%	26%	24%	32%	25%	23%	28%	24%	18%	26%	19%
# probation violators (Probation Violator Only and with New)													315	114	429			
% admits probation violators													13%	27%	15%			
# new commits with violent offense	197	17	214	192	16	208	188	13	201	199	11	210	178	7	185			
% of new commits with violent offense	19%	7%	17%	18%	6%	16%	19%	6%	17%	23%	6%	20%	31%	8%	28%			
# new commits with nonviolent offense	845	210	1055	846	241	1087	779	214	993	656	162	818	404	80	484			
% of new commits with nonviolent offense	81%	93%	83%	82%	94%	84%	81%	94%	83%	77%	94%	80%	69%	92%	72%			
# probation admits with violent offense													34	2	36			
% probation admits with violent offense													11%	2%	8%			
# probation admits with non violent offense													281	112	393			
% probation admits with non violent offense													89%	98%	92%			

Appendix 1

	FY releases														
	2010			2011			2012			2013			2014		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
Total Releases	2895	454	3349	2864	416	3280	2693	417	3110	2749	414	3163	2493	408	2901
# Discharges (Expiration and Death)	305	50	355	318	58	376	317	59	376	371	45	416	311	40	351
% Discharges	11%	11%	11%	11%	14%	11%	12%	14%	12%	13%	11%	13%	12%	10%	12%
# Releases to parole (Parole/SS)	1394	305	1699	1320	252	1572	1228	282	1510	1223	276	1499	1260	282	1542
% Releases to parole	48%	67%	51%	46%	61%	48%	46%	68%	49%	44%	67%	47%	51%	69%	53%

Parole Population	2010	2011	2012	2013	2014
	Total	Total	Total	Total	Total
End of FY population	2787	2884	2800	2910	2630
SD in state	2322	2392	2348	2413	2189
SD Compact	395	407	375	421	362
Total SD inmates (used for EDC eligilbity)	2717	2799	2723	2834	2551
Other state inmates	70	85	77	76	79
Caseload population (in state + other state inmates)	2392	2477	2425	2489	2268
Average parole agent caseload as of end of FY	65	67	69	68	58
Releases from parole in FY	1595	1342	1382	1402	1719
# discharges from parole	782	696	513	632	1024
% releases from parole discharges	49%	52%	37%	45%	60%
# technical violators only and new sentence	813	646	869	770	695
% releases from parole TV's only and new sentence	51%	48%	63%	55%	40%

The violent and non-violent totals do not equal the End of FY Population due to exclusions of FEDS, and inclusions of Other inmates in SD, and SIS/SES in 2013 and 2014

In 2014, Probation violators were split from new commits (add them together for a comparison to prior years)

Tracking Progress

Department of Corrections		Goal Number	Performance Goal		
			2015	2016	2017
Tribal-Parole Pilot Project					
	Percent of offenders who successfully complete parole (2014 basline - 50%)	#2	52%	55%	57%
Parole Services Evidence-Based Practices					
	Percent of parolee contacts that meet or exceed contact standards for assigned supervision level (2014 baseline is 83%)	#1, #2, #3	90%	95%	97%
Earned Discharge Credits					
	Parolee end of year count. (2013 baseline 2834)	#1, #2, #3	2499	2374	2255
Graduated Sanctions Parole					
	Percent of parolees sanctioned with a return to prison (2014 baseline 15.5%)	#1, #2, #3	14.7%	13.9%	13.2%

Department of Social Services		Goal Number	Performance Goal		
			Circuit Court		
Criminal Thinking Programs					
	Develop criminal thinking services across SD for justice-involved populations according to estimates provided by UJS	#1	District 1=47 District 2=86	District 3=66 District 4=70	District 5=67 District 6=39 District 7=135
Substance Abuse					
	Develop accessible evidence-based substance abuse services for justice-involved populations according to estimated numbers from UJS.	#1	District 1=47 District 2=86	District 3=66 District 4=70	District 5=67 District 6=39 District 7=135
Rural Pilot Program					
	Develop accessible evidence-based substance abuse services tailored to rural SD for justice-involved populations through two rural pilot programs.	#1	*The rural pilot program is being developed. Two providers were selected through a second Request for Proposal process, and it is anticipated that services will be available in late 2014.*		

Unified Judicial System		Goal Number	Performance Goal		
			2014	2015	2016
Drug Court					
	Expanded capacity goals	#1, #2, #3	180	245	290
Evidence-Based Practice					
	1. Utilize Resources and Manage Offenders Based on Evidence Supported Practices; 2. Focus Resources on High-Risk/High-Needs population; 3. Percent of Probation contacts that meet or exceed standards for assigned supervision level.	#1, #2, #3	90%	95%	100%
	Number and percent of CSOs receiving annual training on evidence-based practices.	#1, #2, #3	100%	100%	100%

	Percent of LSI-Rs Administered to Felony Offenders	#1, #2, #3	100%	100%	100%
Veterans					
	1. Identify Veteran Population in the Criminal Justice System 2. Identify 100% of Veterans pleading guilty to a Class 1 Misdemeanor or Felony.	#1	3 Clients	5 Clients	10 Clients
		Goal Number	**Performance Goal**		
			Circuit Court		
Presumptive Probation					
	1. Serve Offenders in the community with Expanded Treatment Options. 2. Reserve DOC Resources for Offenders that Represent a Risk to Public Safety 3. Goal is to reduce the number of offenders sent directly to the penitentiary on Class 5 and Class 6 felonies.	#1, #2, #3	1st=47 2nd=86	3rd=66 4th=70	5th=67 6th=39 7th=135
	Hold most severe DUI Offenders accountable to protect Public Safety	#1, #2, #3	*Performance goals are in development-pending baseline data.*		

DOC Performance Measures

Sentencing- For crimes with date of offense on or after 7/1/2013; limited to class 5 and 6 felonies, except DWI 6 (4N)

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Third-degree burglary prison sentences 22-32-8					
New Admissions	12				
Probation Violators (new & w/new)	1				
Average length of sentence	47 months				
Releases	1				
Average length of stay	6 months				
Distribution of controlled substances prison sentences 22-42-3 & 22-42-4 (Excluding Minor)					
New Admissions	1				
Probation Violators (new & w/new)	0				
Average length of sentence	24 months				
Releases	1				
Average length of stay	3 months				
Grand theft prison sentences 22-30A-17 & Class 5 or 6					
New Admissions	4				
Probation Violators (new & w/new)	0				
Average length of sentence	42 months				
Releases	NA				
Average length of stay	NA				
Possession of controlled substances prison sentences 22-42-5					
New Admissions	29				
Probation Violators (new & w/new)	7				
Average length of sentence	50 months				
Releases	9				

Average length of stay	4 months				
Ingestion prison sentences 22-42-5.1					
New Admissions	18				
Probation Violators (new & w/new)	4				
Average length of sentence	45 months				
Releases	NA				
Average length of stay	NA				
DUI 6th w/n 25 years prison sentences 32-23-4.9 (4N)					
New Admissions	12				
Probation Violators (new & w/new)	0				
Average length of sentence	89 months				
Releases	NA				
Average length of stay	NA				
Class 5 & 6 felonies without presumption of probation 22-6-11					
New Admissions	32				
Probation Violators (new & w/new)	14				
Average length of sentence	32 months				
Releases	15				
Average length of stay	3 months				
Class 5 & 6 felonies with presumption of probation 22-6-11					
New Admissions	103				
Probation Violators (new & w/new)	27				
Average length of sentence	37 months				
Releases	30				
Average length of stay	3 months				

Tribal Parole Pilot

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of pilot programs established	1				
Number of offenders on pilot caseload	No Data Available (NDA)				
Compliance/Revocation Rates					
Number without a policy-driven response (sanction)	NDA				
Percentage without a policy-driven response (sanction)	NDA				
Number without an absconder incident	NDA				
Percentage without an absconder incident	NDA				
Number without a revocation	NDA				
Percentage of offenders without a revocation	NDA				
Number of offenders returned to prison for a new conviction	NDA				
Percentage of offenders returned to prison for a new conviction	NDA				
Number of offenders returned to prison for a technical violation	NDA				
Percentage of offenders returned to prison for a technical violation	NDA				
Number of offenders readmitted to prison	NDA				
Percentage of offenders readmitted to prison	NDA				
Number of offenders successfully completing parole	NDA				
Percentage of offenders successfully completing parole	NDA				

Parole Evidence Based Practices

	FY2014	FY2015	FY2016

	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of risk and needs assessments (RNA) completed	7979				
Number of parolees assessed with RNA tool	3274				
Percentage of parolees assessed with RNA tool	99.80%				
Percentage of parolees assigned to each supervision level	**6/30/14**	**12/31/14**	**6/30/15**	**12/31/15**	**6/30/16**
Intensive	15.0%				
Maximum	25.8%				
Medium	32.2%				
Minimum	9.5%				
Indirect	17.4%				
Percentage of parolees whose contacts were consistent with contact standards for assigned supervision level	**Jun-14**	**Dec-14**	**Jun-15**	**Dec-15**	**Jun-16**
	83%				
	FY2014	**FY2015**		**FY2016**	
	July-June	**July-Dec**	**Jan-June**	**July-Dec**	**Jan-June**
Number of parolees with risk reduction at discharge	444				
Percentage of parolees with risk reduction at discharge	62%				

Graduated Sanctions - Parole

	FY2014	FY2015		FY2016	
	July-June	**July-Dec**	**Jan-June**	**July-Dec**	**Jan-June**
Number of parolees sanctioned in community (unduplicated)	882				
Percentage of parolees sanctioned in community	22.30%				
Number of parolees sanctioned with a return to prison (unduplicated)	614				
Percentage of parolees sanctioned with a return to prison	15.50%				
Number of parolees with no sanctions in the community or a return to prison (unduplicated)	2456				
Percentage of parolees with no sanctions in the community or a return to prison (unduplicated)	62.20%				

DUI 6th (Aggravated)

	FY2014	FY2015		FY2016	
	July-June	**July-Dec**	**Jan-June**	**July-Dec**	**Jan-June**
Number of parolees on supervision for DUI 6th	0				
Number of parolees sanctioned in community	0				
Percentage of parolees sanctioned in community	0				

Number of parolees sanctioned with a return to prison	0				
Percentage of parolees sanctioned with a return to prison	0				
Number of parolees with no sanctions in the community or a return to prison	0				
Percentage of parolees with no sanctions in the community or a return to prison	0				

Earned Discharge Credits - Parole

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of parolees eligible for credits	3495				
Percentage of parolees eligible for credits	85.60%				
Number of eligible parolees awarded credits	3203				
Percentage of eligible parolees awarded credits	91.60%				
Percentage of parolees awarded credits overall	78.41%				
Average amount of credits earned	236.8				

Parole EBP Training

	FY2014	FY2015	FY2016
	July-June	July-June	July-June
Number of parole agents trained annually in EBP	40		
Percentage of parole agents trained annually	100%		
Number of training hours completed for EBP topics	1,399		
Number of parole board members trained annually in EBP	8		
Percentage of parole board members trained annually in EBP	100%		
Number of new board members trained within 60 days	2		
Percentage of new board members trained within 60 days	100%		

UJS Performance Measures

Drug Court

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of Drug Courts	4				
Number of clients at start of reporting period	46				
Number of clients added	65				
Number of clients terminated	22				
Number of clients graduated	17				
Retention rate	81.25%				
Graduation rate	46.15%				

Risk Assessment Levels (of participants)					
High	93				
Medium	14				
Low	0				
Employment rate (part and full time) of participants	58%				

DUI Court

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of DUI Courts	4				
Number of clients at start of reporting period	22				
Number of clients added	25				
Number of clients terminated	5				
Number of clients graduated	11				
Retention rate	86.89%				
Graduation rate	52.94%				
Risk Assessment Levels (of participants)					
High	46				
Medium	7				
Low	1				
Employment rate (part and full time) of participants	69%				

Veterans

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of veterans identified	1423				
Number of veterans on probation	369				
Number of veterans in Vet Court	0				

Earned Discharge Credits- Probation

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of probationers eligible for credits	4858				
Percentage of probationers eligible for credits	97.84%				
Number of eligible probationers awarded credits	3902				
Percentage of eligible probationers awarded credits	78.59%				
Percentage of probationers awarded credits overall	69.46%				
Average amount of credits earned	122.6				

Graduated Sanctions- Probation

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of probationers receiving 1-2 sanctions	632				

Number of probationers receiving 3+ sanctions	183				
Number of probationers sanctioned to jail	318				
Number of days served in jail as a sanction	699				

Preliminary Hearings

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of Class 1 Misdemeanors	21522				
Number of Cl. 1 Misds. With Prelim. Hrg	98				
Percentage of Cl. 1 Misds. With Prelim. Hrg	0.45%				
Number of Cl. 1 Misds. With Conviction	11560				
Percentage of Cl. Misds. With Conviction	53.70%				
Number of Cl. 1 Misds. With Trial	87				
Percentage of Cl. 1 Misds. With Trial	0.40%				

Presumptive Probation- Exclusive to class 5 and 6 felonies included in presumptive probation

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of Cl. 5 and 6 felony convictions	1734				
Number of Cl. 5 and 6 felony sentences to prison	495				
Percentage of Cl. 5 and 6 felony sentences to prison	29%				
Number of Cl. 5 and 6 felony sentences to probation	1184				
Percentage of Cl. 5 and 6 felony sentences to probation	68%				
Number of Cl. 5 and 6 felony revocations to prison	158				
Percentage of Cl 5 and 6 felony revocations to prison	13%				

Probation EBP

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of PSI conducted for felony cases	2245				
Number of LSI-R assessments on felony cases	3376				
Training hours for CSOs on EBP	139.5				
Training hours for judges on EBP	21				

HOPE Pilots

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of pilot courts	1				
Number of participants	9				
Number of jail days served as sanctions	16				
Number of missed appointments with CSOs	1				
Number of positive UA's	43				
Number of successful completions	1				

Number of terminations	1				

Aggravated DUI

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of convictions	38				
Number sentenced to prison	16				
Percentage sentenced to prison	42%				
Number sentenced to probation	15				
Percentage sentenced to probation	39%				

DSS Performance Measures

Rural Pilot

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of clients referred from parole & probation for behavioral health services	0				
Number of clients receiving treatment through rural pilot	0				
Number successfully completing treatment in rural pilot	0				

Substance Abuse Treatment Services

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of clients referred from parole & probation for behavioral health services	334				
Number of new clients receiving substance abuse treatment	118				
Number successfully completing treatment	19				

Criminal Thinking Programs

	FY2014	FY2015		FY2016	
	July-June	July-Dec	Jan-June	July-Dec	Jan-June
Number of clients referred from parole & probation for behavioral health services	232				
Number of new clients receiving criminal thinking services	111				
Number successfully completing criminal thinking programs	2				

DOC and UJS Performance Measures

Reinvestment Fund

	FY2014	FY2015	FY2016
		July-June	July-June
Number of probationers	5,414		
Number of counties receiving reimbursement	35		

Total amount of compensation (see attached for amount transferred back to each county)	$314,600			
Felony disposition rates to probation by County	See Appendix 4			

Appendix 3

South Dakota Unified Judicial System

SB70 – Probation/Pen Sentencing Report
Adult Felony Cases Only
7/1/2013 – 6/30/2014

Circuit 1					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Aurora	6	75%	2	25%	8
Bon Homme	5	50%	5	50%	10
Brule	26	72.22%	10	27.78%	36
Buffalo	2	100%	0	0	2
Charles Mix	42	76.36%	13	23.64%	55
Clay	21	77.78%	6	22.22%	27
Davison	67	65.05%	36	34.95%	103
Hanson	4	80%	1	20%	5
Hutchinson	2	50%	2	50%	4
McCook	8	72.73%	3	27.27%	11
Turner	5	45.45%	6	54.55%	11
Union	47	64.38%	26	35.62%	73
Yankton	67	60.91%	43	39.09%	110
Circuit 2					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Lincoln	45	57.69%	33	42.31%	78
Minnehaha	421	64.57%	231	35.43%	652
Circuit 3					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Beadle	46	52.87%	41	47.13%	87
Brookings	45	61.64%	28	38.36%	73
Clark	1	50%	1	50%	2
Codington	66	64.71%	36	35.29%	102
Deuel	2	50%	2	50%	4
Grant	6	85.71%	1	14.29%	7
Hamlin	1	100%	0	0	1
Hand	5	71.43%	2	28.57%	7

Jerauld	1	100%	0	0	1
Kingsbury	0	0	3	100%	3
Lake	27	79.41%	7	20.59%	34
Miner	2	40%	3	60%	5
Moody	6	66.67%	3	33.33%	9
Sanborn	3	75%	1	25%	4
Circuit 4					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Butte	14	48.28%	15	51.72%	29
Corson	5	62.5%	3	37.5%	8
Dewey	3	100%	0	0	3
Harding	1	100%	0	0	1
Lawrence	61	44.2%	77	55.8%	138
Meade	79	60.31%	52	39.69%	131
Perkins	1	100%	0	0	1
Ziebach	0	0	2	100%	2
Circuit 5					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Brown	44	38.6%	70	61.4%	114
Campbell	1	100%	0	0	1
Day	6	46.15%	7	53.85%	13
Edmunds	3	75%	1	25%	4
Faulk	0	0	2	100%	2
Marshall	5	50%	5	50%	10
McPherson	1	100%	0	0	1
Roberts	25	34.72%	47	65.28%	72
Spink	2	14.29%	12	85.71%	14
Walworth	5	35.71%	9	64.29%	14
Circuit 6					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Bennett	12	75%	4	25%	16
Gregory	1	16.67%	5	83.33%	6
Haakon	1	100%	0	0	1
Hughes	86	67.72%	41	32.28%	127
Hyde	1	100%	0	0	1
Jackson	7	70%	3	30%	10
Jones	3	75%	1	25%	4
Lyman	6	50%	6	50%	12
Potter	0	0	1	100%	1
Stanley	11	64.71%	6	35.29%	17

Appendix 3

Sully	3	50%	3	50%	6
Todd	0	0	1	100%	1
Tripp	6	31.58%	13	68.42%	19
Circuit 7					
County	**Sentenced to Probation**	**% Sentenced to Probation**	**Sentenced to Penitentiary**	**% Sentenced to Penitentiary**	**Totals**
Custer	15	65.22%	8	34.78%	23
Fall River	17	65.38%	9	34.62%	26
Pennington	523	67.22%	255	32.78%	778
Shannon	1	100%	0	0	1

Fiscal Year 2014 Reinvestment Fund Compensation Amounts

County	Compensation Amount
Aurora	$4,800
Beadle	$0
Bennett	$16,800
Bon Homme	$5,000
Brookings	$0
Brown	$0
Brule	$8,000
Buffalo	$2,400
Butte	$0
Campbell	$0
Charles Mix	$7,000
Clark	$0
Clay	$0
Codington	$0
Corson	$7,200
Custer	$0
Davison	$0
Day	$5,000
Deuel	$0
Dewey	$8,000
Douglas	$1,200
Edmunds	$1,000
Fall River	$0
Faulk	$0
Grant	$5,000
Gregory	$2,400
Haakon	$0
Hamlin	$0
Hand	$7,200
Hanson	$4,800
Harding	$2,400
Hughes	$0
Hutchinson	$0
Hyde	$0
Jackson	$6,000

County	Compensation Amount
Jerauld	$0
Jones	$2,400
Kingsbury	$0
Lake	$1,000
Lawrence	$0
Lincoln	$24,000
Lyman	$8,400
Marshall	$1,000
McCook	$3,600
McPherson	$2,400
Meade	$3,000
Mellette	$0
Miner	$0
Minnehaha	$0
Moody	$0
Pennington	$91,000
Perkins	$0
Potter	$2,400
Roberts	$20,000
Sanborn	$1,200
Shannon	$7,200
Spink	$3,600
Stanley	$7,200
Sully	$0
Todd	$0
Tripp	$3,000
Turner	$0
Union	$3,000
Walworth	$0
Yankton	$36,000
Ziebach	$0
Total	**$314,600**