

# Juvenile Justice Public Safety Improvement Act (SB 73)

## Executive Summary

In South Dakota, we send children to the Department of Corrections (DOC) at a higher rate than almost any other state in the country. While we recently reduced that commitment rate, our decline lags behind other states. Motivated by our comparatively high commitment rate and the high price of our DOC beds, our state leaders formed the South Dakota Juvenile Justice Reinvestment Initiative Work Group, a bipartisan, inter-branch, data-driven group, to analyze juvenile justice data and consider whether policies could be developed to improve outcomes at a lower cost for our children. Over six months, the work group developed a package of policies that resulted in the Juvenile Justice Public Safety In Juvenile Justice. This Act is designed to achieve the goals laid out for the work group: increase public safety by improving outcomes, hold juvenile offenders more accountable, and reduce costs by investing in proven community-based practices while saving residential facilities for juveniles who are a public safety risk.

### Prevent deeper involvement in the juvenile justice system

- Expand the use of diversion by providing fiscal incentives to counties and encouraging broader use of diversion for non-violent misdemeanants and CHINS with no prior adjudications.
- Create a juvenile citation process to address certain low-level violations swiftly and certainly.
- Establish clear guidelines for probation duration to encourage discharge of juveniles doing well in the community; and free up court services officer time to focus on juveniles at higher risk to reoffend.
- Develop a graduated response matrix to hold juvenile probationers more accountable through swift, certain and proportional responses to violative behavior.

### Improve outcomes by expanding access to evidence-based interventions in the community

- Increase access to evidence-based treatment across the state.
- Monitor implementation and delivery of treatment in rural areas.
- Evaluate strategies to improve outcomes for justice system involved Native American youth.

### Focus residential placements on youth who are a public safety risk

- Create a presumption of probation for all but establish criteria allowing youth posing a risk of harm to others to be committed.
- Establish Community Response Teams (CRTs) as resources to help judges identify community-based alternatives to DOC commitment.
- Institute performance based contracting for providers to meet treatment goals within established timeframes, when possible.
- Require state-run juvenile corrections facilities to design and operate programs to achieve release to aftercare within three months.
- Require findings from the court prior to placing a child in county detention for more than 14 days in a 30-day period.

### Ensure quality and sustainability of reforms

- Establish an oversight council to monitor and evaluate the implementation of the reforms.
- Provide funding to counties if detention bed days increase.
- Train DOC staff to be full participants in treatment team meetings for youth in placement.

#### **Endorsed by:**

*Governor Dennis Daugaard*  
*Chief Justice David Gilbertson*  
*Attorney General Marty Jackley*  
*State's Attorneys Association*  
*Sheriffs' Association*  
*Association of County Commissioners*  
*Association of Criminal Defense Lawyers*  
*Network Against Family Violence and Sexual Assault*  
*Association of Youth Care Providers*  
*Chamber of Commerce and Industry*  
*Voices for Children*  
*Juvenile Justice Reinvestment Initiative Workgroup*  
*Family Heritage Alliance Action*  
*Teen Court Association*  
*South Dakota Family Policy Council*  
*Council of Mental Health Centers*  
*Council of Substance Abuse Directors*

## **SB 70: Protecting Public Safety, Holding Offenders Accountable, and Reducing Corrections Spending**

In 2013, South Dakota's legislature passed, Governor Dennis Daugaard signed, and the Unified Judicial System adopted court rules codifying the **Public Safety Improvement Act (Senate Bill 70)**.

### **WHY SB 70?**

SB 70 was criminal justice reform legislation aimed at:

- Improving public safety by investing in programs, practices, and policies that have been proven to reduce recidivism;
- Holding offenders more accountable by strengthening community supervision; and
- Reducing corrections spending by focusing prison space on violent, chronic, and career criminals.

### **EARLY, POSITIVE RESULTS**

#### **New prison construction avoided, \$36 million saved.**

**BEFORE** the reforms, the state was planning to build a new women's prison in 2015 at a cost of \$36 million.

**NOW** the prison population has not grown as projected, **eliminating the need** for this new, costly facility.

#### **More offenders successfully completing parole and probation.**

From FY '13 to '14:

- The percentage of offenders **successfully completing parole rose** from 45 to 60 percent.
- **Parole violators** slightly **declined** as a percentage of all admissions to the Department of Corrections.
- The percentage of probationers who were unsuccessful, had probation revoked, or were sent to the penitentiary or local jail decreased to an **all-time low of 4.4 percent**.

#### **A more effective criminal justice system.**

- Improved supervision practices;
- Incentives and sanctions allowing for swift and certain responses;
- Large investments in evidence-based behavioral health services; and
- Greater availability of drug and DUI courts.