

SOUTH DAKOTA



**PSIA** 2016  
Annual  
Report

PUBLIC SAFETY IMPROVEMENT ACT

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

As the new chair of the Oversight Council, I have had the privilege of working with numerous agencies involved in the Public Safety Improvement Act's implementation. First and foremost, I would like to thank the Unified Judicial System (UJS), the Department of Social Services (DSS), the Attorney General's office and the Department of Corrections (DOC) for the many hours contributed to implementing these reforms. On behalf of the Oversight Council, I would also 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 technical and financial support of our criminal justice reforms.

When the state originally undertook this endeavor, three goals were chosen to guide the policies: improve public safety by investing in programs, practice, and policies that have been shown to improve rehabilitation and reduce repeat offenders, hold offenders accountable by strengthening community supervision, and reduce corrections spending by focusing prison space on violent, chronic, and career criminals. After examining the results from this past year, I believe the report will demonstrate that while there is still work to be done, the reforms have had several successes.

Had South Dakota not implemented these reforms, the state would be in a different situation.

South Dakota would be building additional prisons primarily for the incarceration of nonviolent offenders. Local judicial systems and law enforcement agents would be using their resources on unnecessary preliminary hearings for misdemeanors. The victim notification system would remain fragmented and incomplete. Our state wouldn't be employing the strategies funded through the PSIA that are proven to address the causes of criminal behavior. Probation and Parole caseload size would significantly challenge the ability to provide adequate supervision, guidance and response to misbehavior and fewer individuals would be receiving substance abuse treatment.

The PSIA is a comprehensive, significant undertaking for the state. Implementation and refinement of these strategies will be a multiyear process. Based on performance data and input from justice stakeholders, adjustments are being made to the implementation of some PSIA strategies. Adjustments and refinements are to be expected given the magnitude of the reforms. Although South Dakota has not yet reaped the full benefits of the PSIA, thanks to the dedication and support of a multitude of agencies, departments and stakeholders there are many indicators that show the state is in a better situation than it would have been without any reforms.

Respectfully submitted,



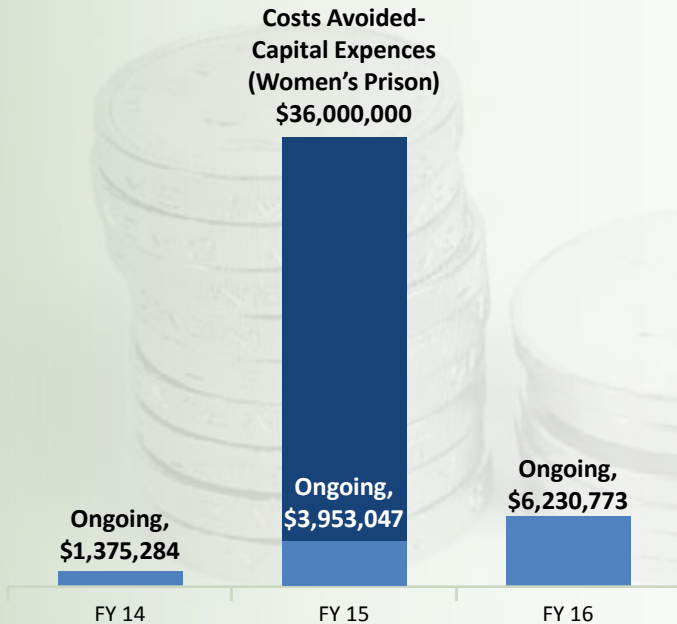
Laurie Feiler  
Chair, Public Safety Improvement Act Oversight Council  
Deputy Secretary of Corrections

# Key Findings

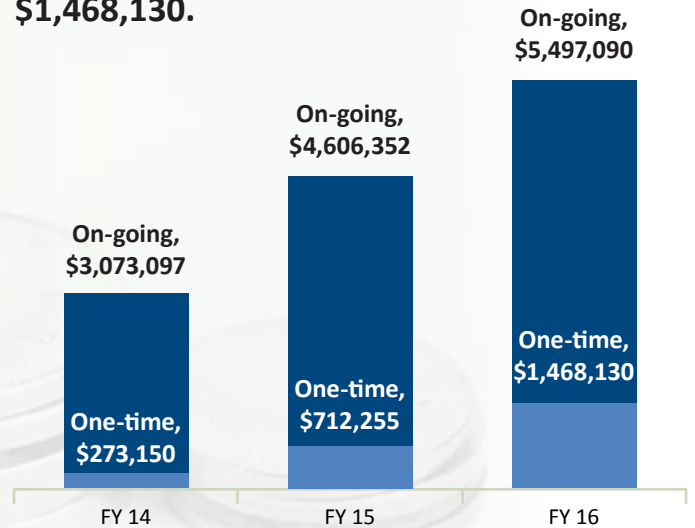
1. There would be 278 more inmates in prison without the PSIA reforms. At an average incarceration cost of \$59.62 per day or \$21,761 per year, the taxpayers are saving money by focusing resources on the individuals who need to be in prison.
2. There are more nonviolent offenders in prison this year than there were last year, and overall, there are more nonviolent offenders in prison than violent offenders.
3. The parole population has decreased since 2013. With smaller caseloads, parole agents are able to spend more time with their higher risk parolees.
4. Since implementation, parole and probation discharged over 11,500 years of unnecessary supervision through earned discharge credits.
5. Felony probation supervision in the community increased 20 percent since FY 2013, meaning that a higher percentage of South Dakota's nonviolent residents are being held accountable in their own communities rather than prison.
6. South Dakota's successful completion rate for Cognitive Behavioral Interventions for Substance Abuse (CBISA) is higher than the national treatment completion average.
7. Over 85 percent of individuals who completed CBISA or Moral Reconciliation Therapy (MRT) did not commit a felony within one year of finishing treatment.
8. Individuals who complete CBISA or MRT have a lower recidivism rate than the overall SD Department of Corrections population.
9. Taxpayers have avoided paying \$47,559,104 in costs since FY 14, while investing \$15,630,074 in reforms.
10. The average amount of time an individual spends in county jail for a felony sentence has decreased 30 percent since the PSIA went into effect.

# Financial Information

Taxpayers have avoided paying \$47,559,104 in costs since FY 14.

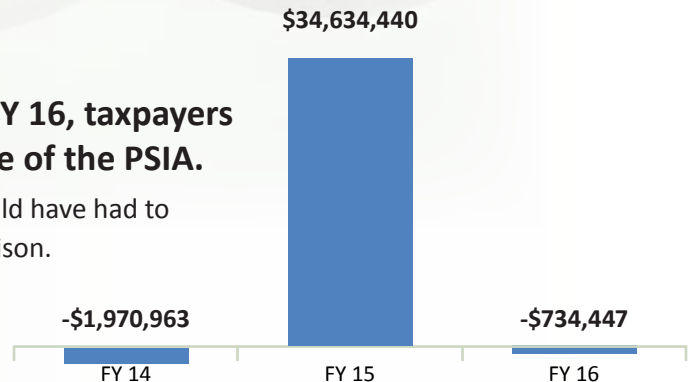


The on-going costs in FY 16 were \$5,497,090 and the one-time costs were \$1,468,130.



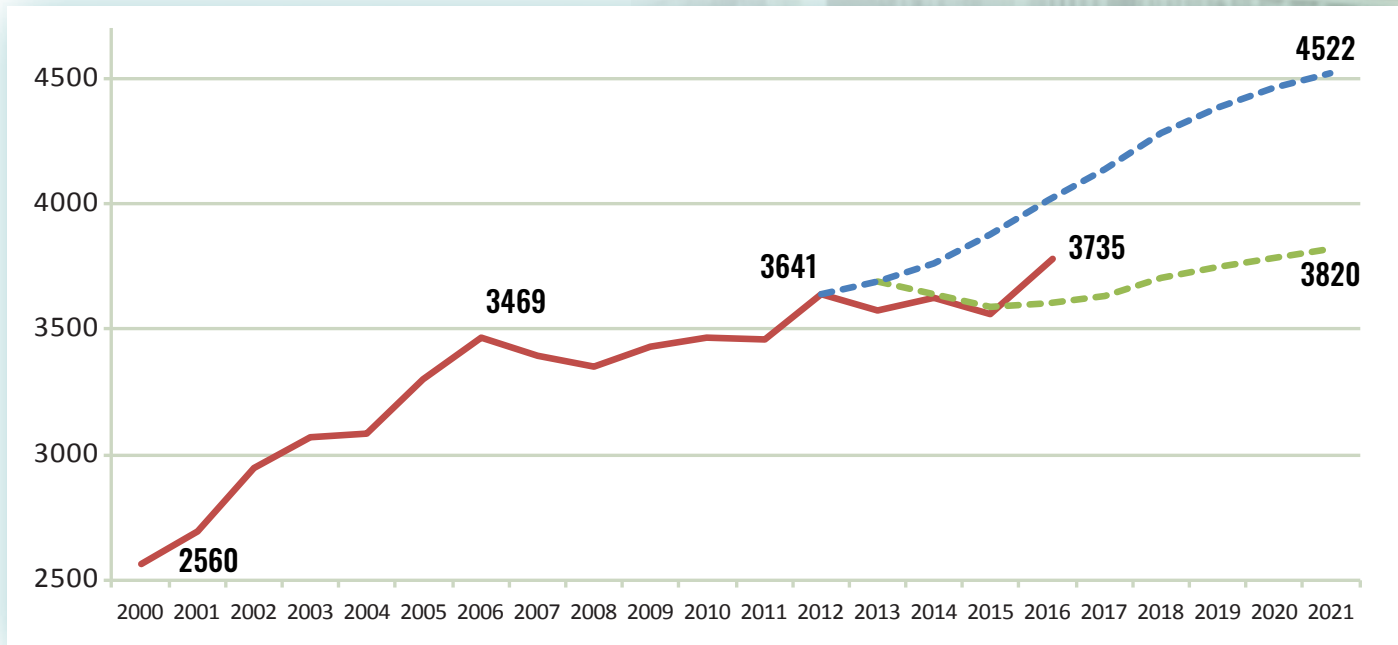
While the net savings was negative for FY 14 and FY 16, taxpayers have still saved over \$30 million due to the passage of the PSIA.

If the PSIA had not been signed into law, the 2015 legislature would have had to appropriate 36 million dollars in order to build a new women's prison.



# The prison population is below the 2012 projection without the PSIA.

While the prison population is above the 2012 performance projection, it is still 278 inmates below what the prison population would have been without the PSIA.



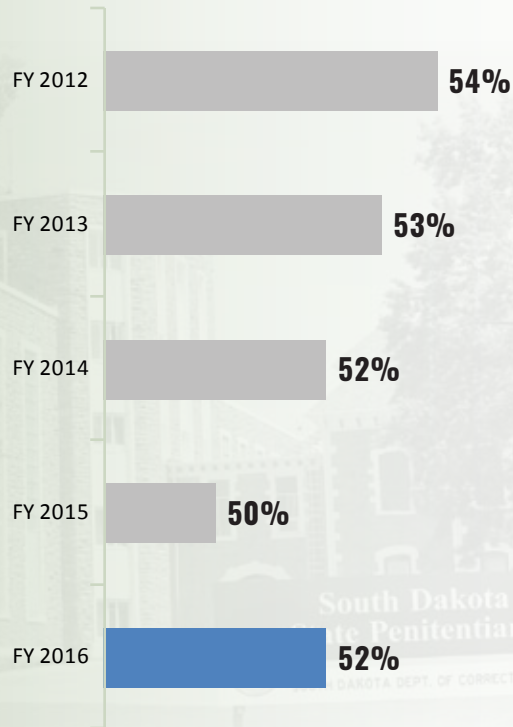
— Actual Prison Population    - - - 2012 Performance Projection    - - - 2012 Projected Without Changes

\*As of June 30, 2016 there were 34 parole detainees and 151 parolees in the Community Transition Program (CTP) included in the 3,735 count.

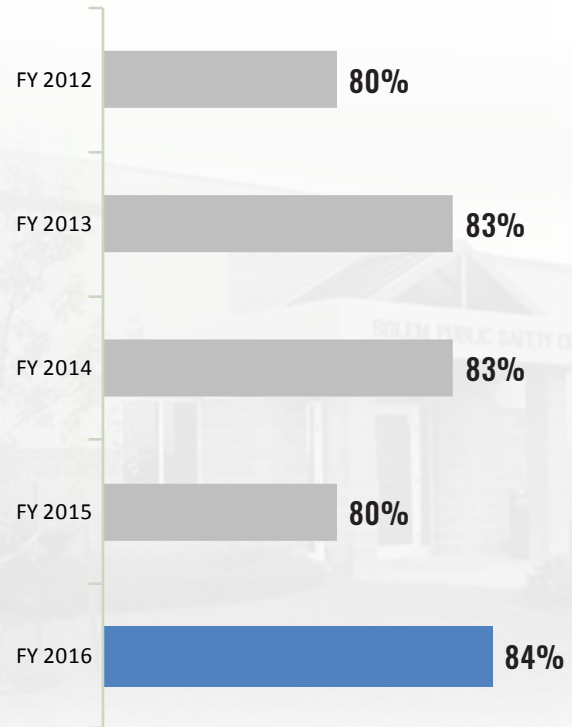


# Nonviolent offenders take up an increasing percentage of prison beds.

The percentage of **male** inmates serving time for a nonviolent crime increased two percentage points between FY 2015 and FY 2016.



The percentage of **female** inmates serving time for a nonviolent crime is at the highest point since FY 2010, with a four percentage point increase between FY 15 and FY 16.

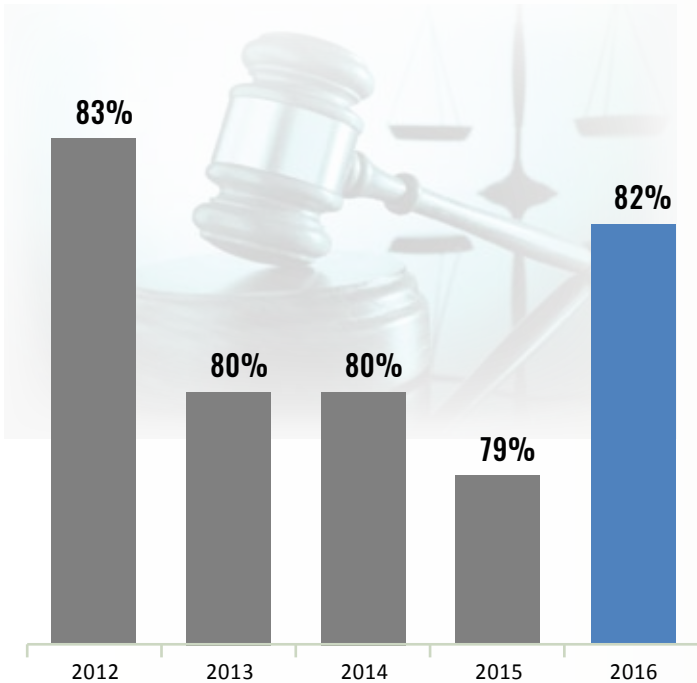


\*These figures show overall prison population at the end of the fiscal year, not admissions.

\*\*In FY13 a modification was made to select the most serious crime versus the first crime.

## The majority of new court commitments are nonviolent.

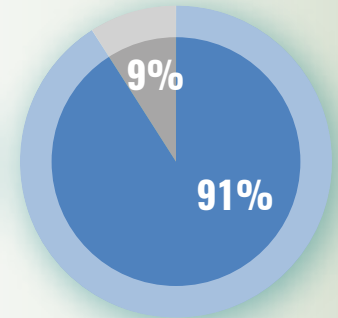
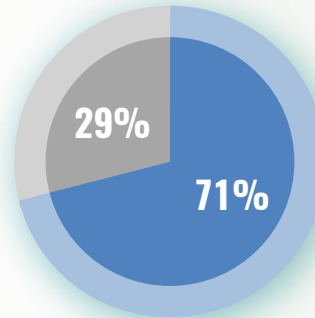
The number of court commitments for nonviolent crimes increased in FY 2016.



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

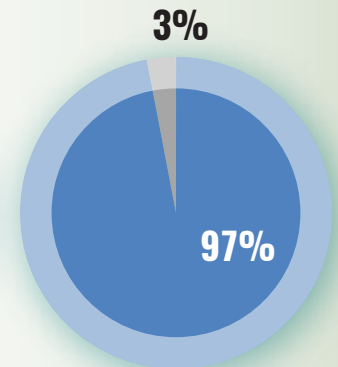
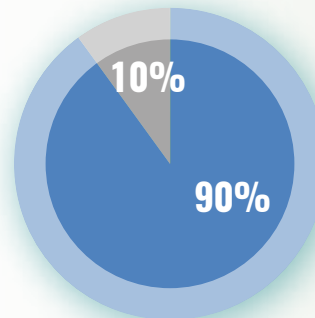
## NEW COMMITS

**71 percent** of male new commits were for nonviolent crimes in FY 16, and **91 percent** of female new commits were for nonviolent crimes.

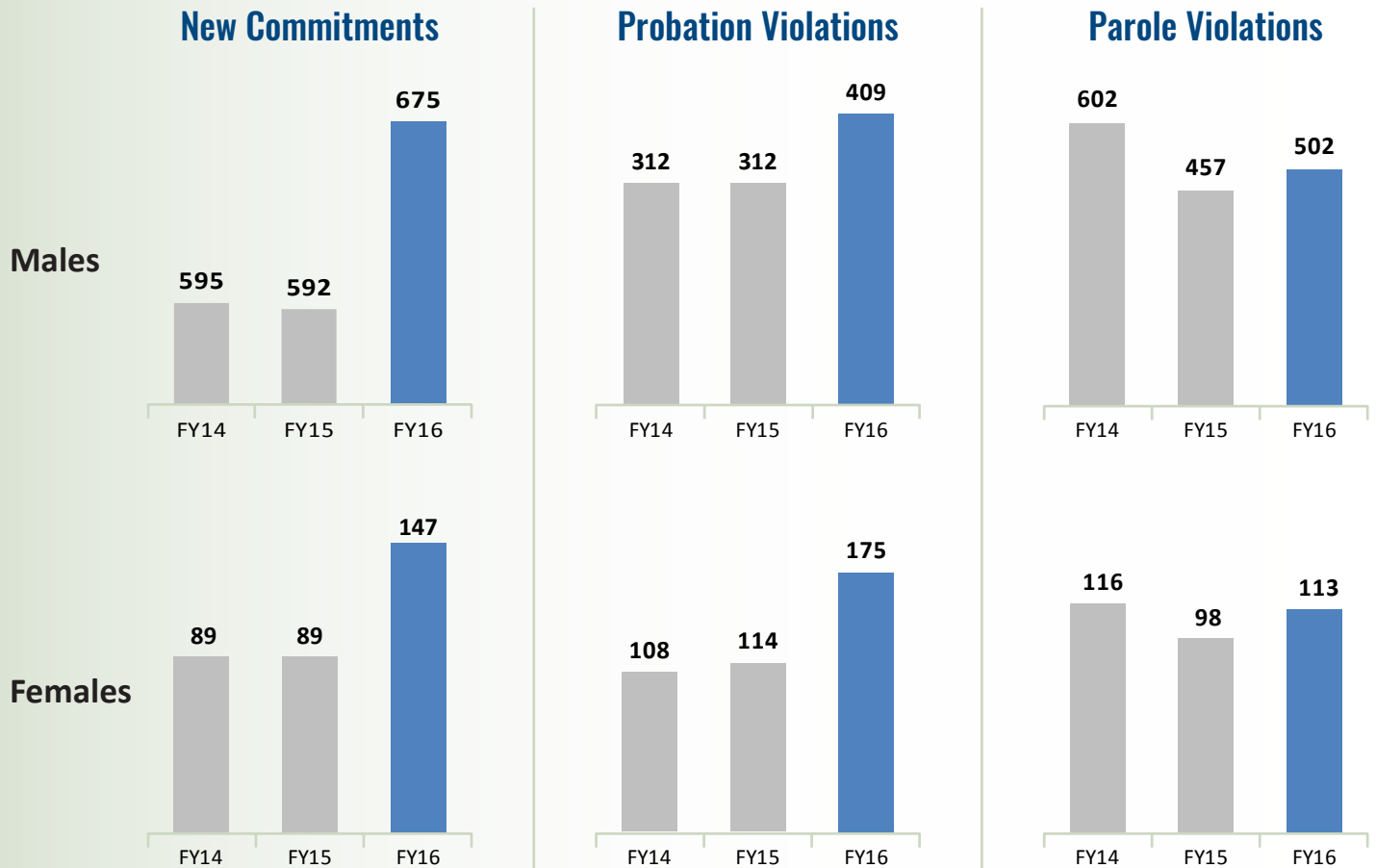


## PROBATION VIOLATORS

Only **10 percent** of male probation violators were doing time for a violent crime, and only **3 percent** of female probation violators were doing time for a violent crime in FY 16.



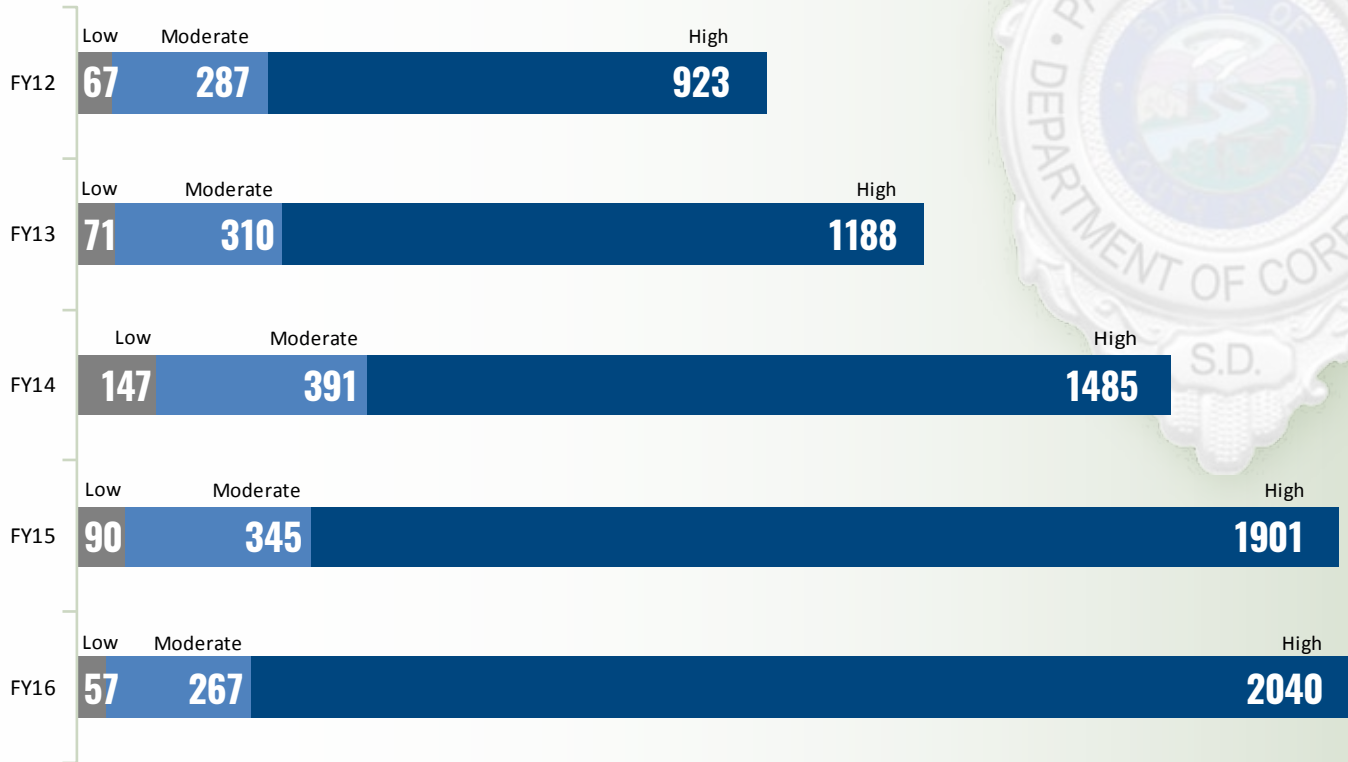
# While new commitments and probation violation admissions were flat in 2015, both admissions grew in 2016. Parole violations remained steady.



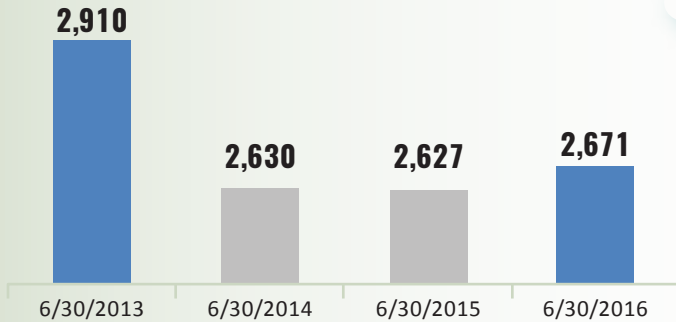


# Violations of parole conditions result in high-level sanctions, which have increased since the passage of the PSIA.

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

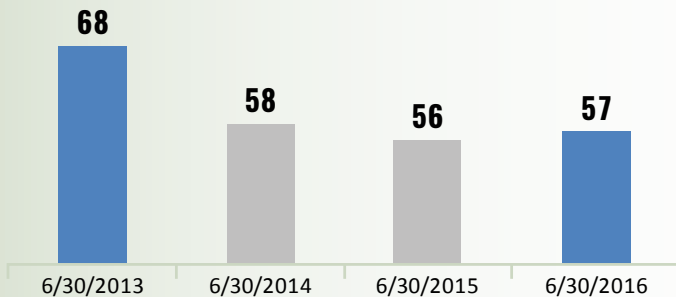


**The end of the year standing parole population is below the pre-PSIA numbers.**

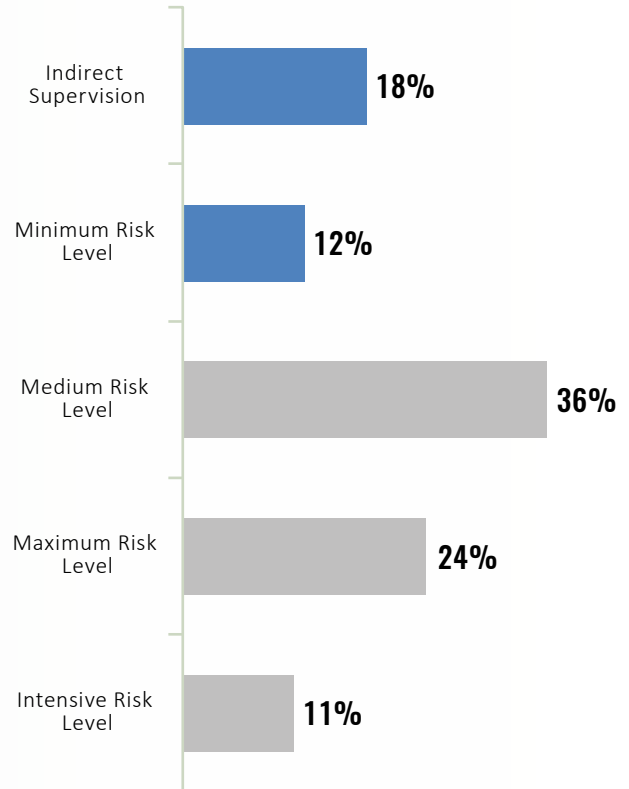


**The average agent caseload has decreased sixteen percent since 2013.**

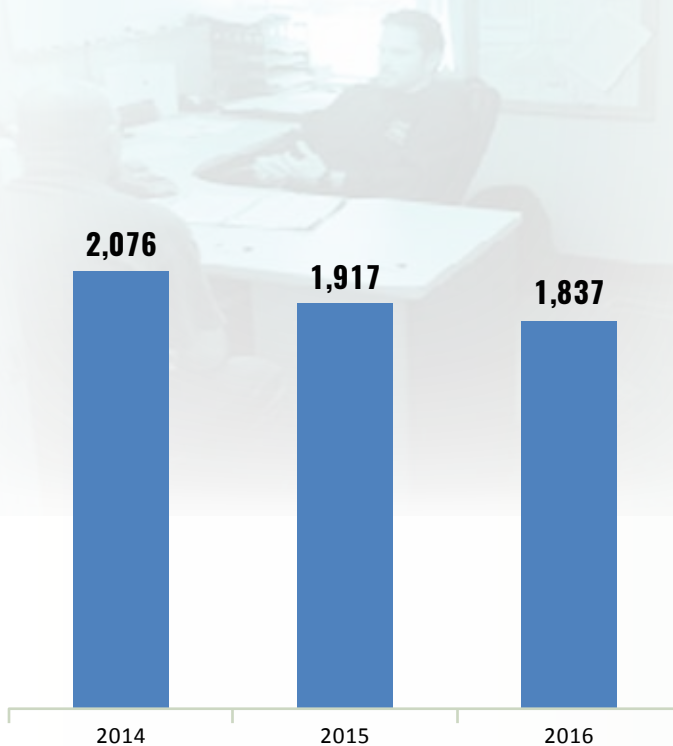
The decrease has allowed parole agents to strengthen community supervision by spending more time with higher risk parolees.



**30%** Thirty percent of the parole population is at an indirect or minimum level of supervision.

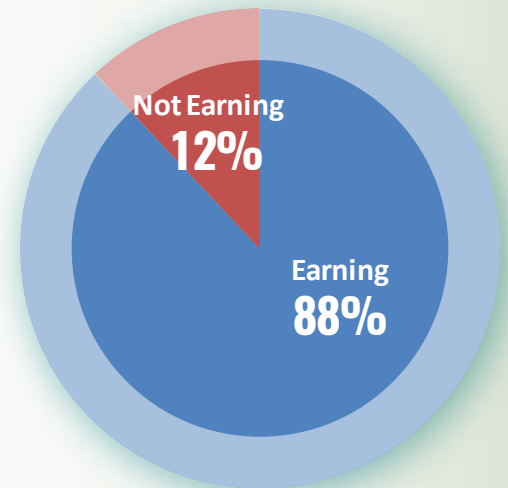


Since the passage of the PSIA, parole has discharged a total 5,830 years of unnecessary supervision through earned discharge credits.

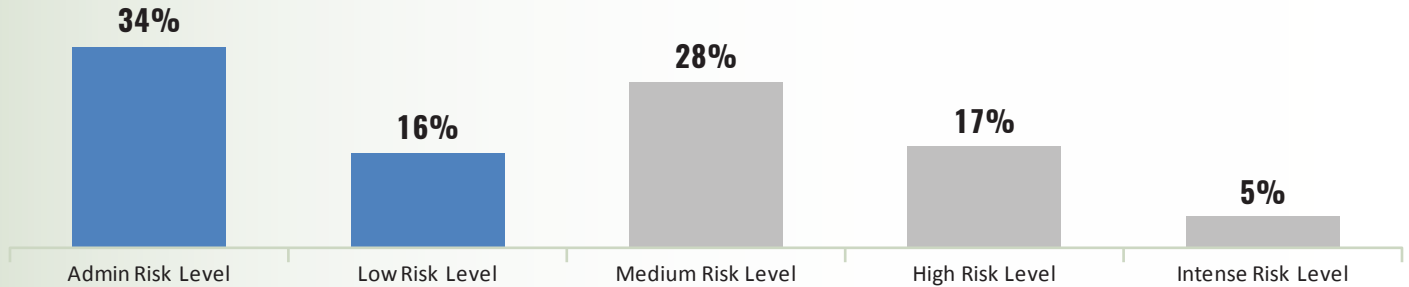


Over 88 percent of eligible parolees earned discharge credits through compliant supervision.

Combined, these individuals earned discharge credits totaling 671,010 days in FY 16.

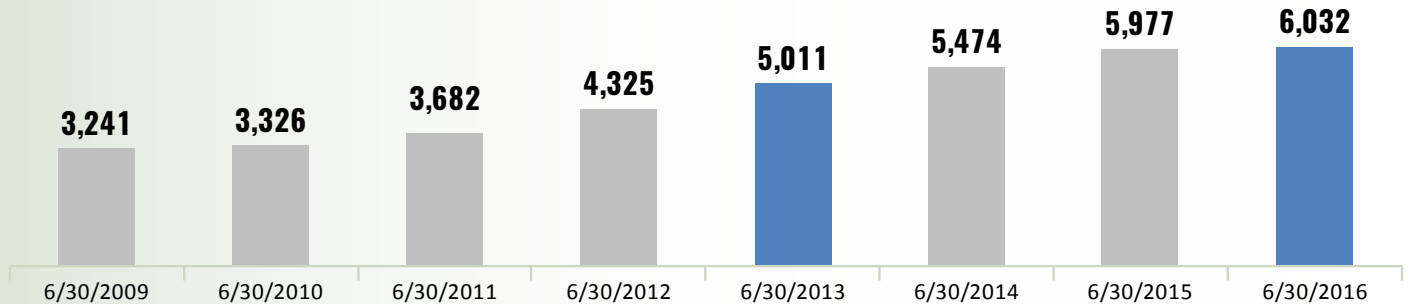


## 50 percent of the probation population is identified as being an administrative or low risk offender.



## Felony probation supervision in the community increased 20 percent since FY 2013.

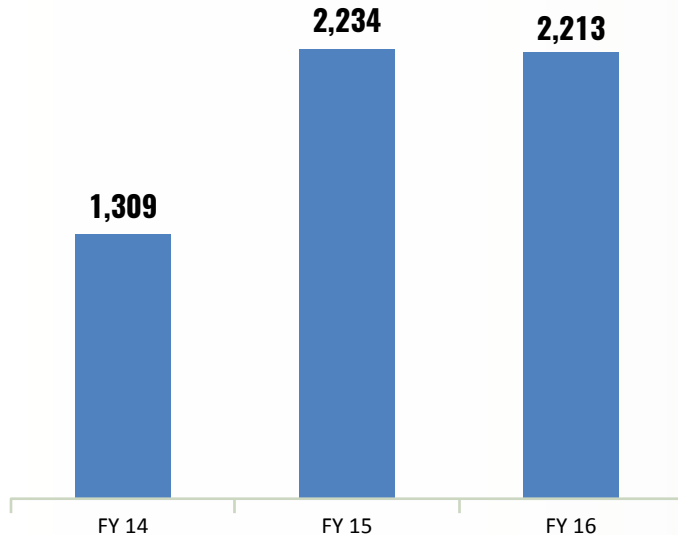
More of South Dakota's local nonviolent residents were held accountable in their own communities through increased use of drug and DUI courts, HOPE probation, and evidence-based supervision.



*PSIA became effective July 1, 2013.*

# Earned Discharge Credits Probation

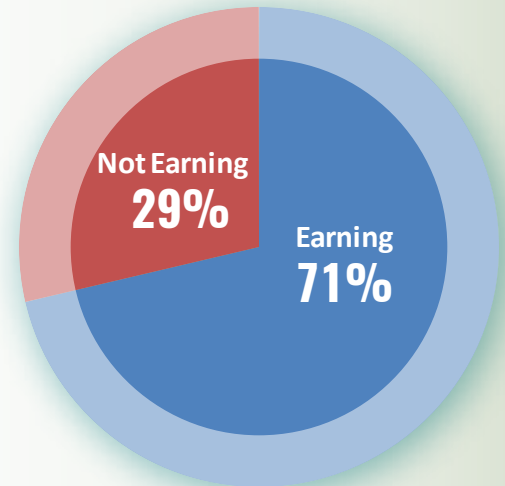
5,756 years of unnecessary supervision have been discharged since FY 14 through earned discharge credits.\*



\*Only 6 months were measured in FY 14.

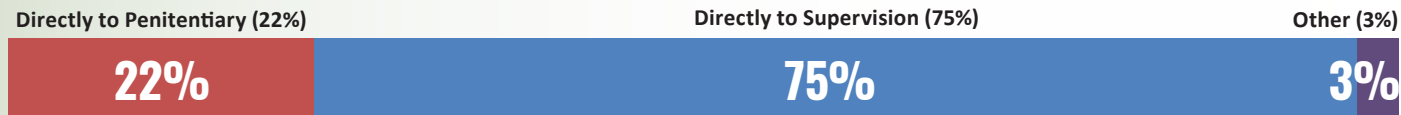
Almost three-fourths of eligible probationers earned discharge credits through compliant supervision.

Combined, these individuals earned discharge credits totaling 809,250 days in FY 16.



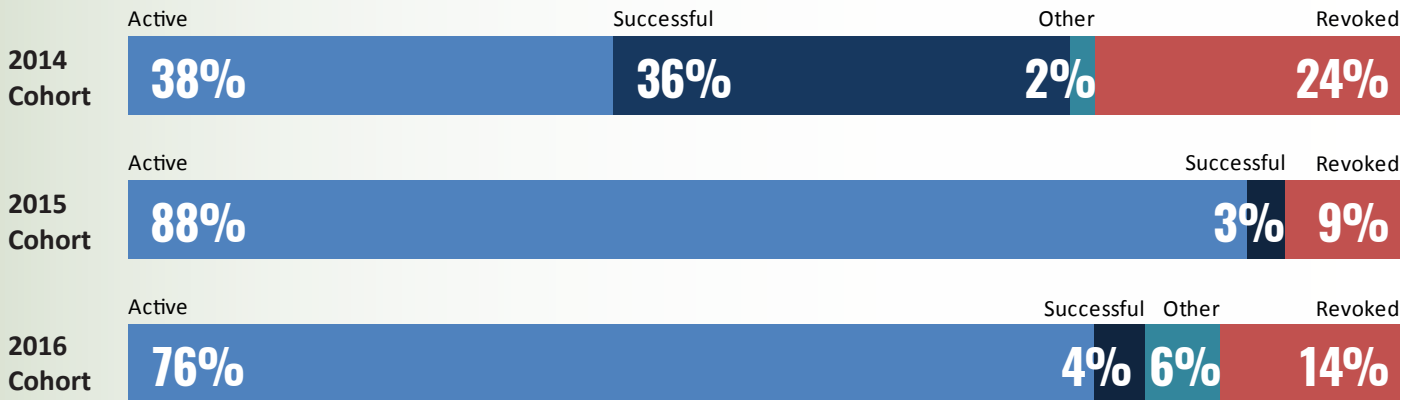
## Judges deviated from presumptive probation 22 percent of the time in FY 2016.\*

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



## Presumptive probation revocations increased between FY 15 and FY 16.\*\*

Because much of the population is still on active probation, more data will be necessary in order to accurately compare the probation outcome success rate.



\*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%.

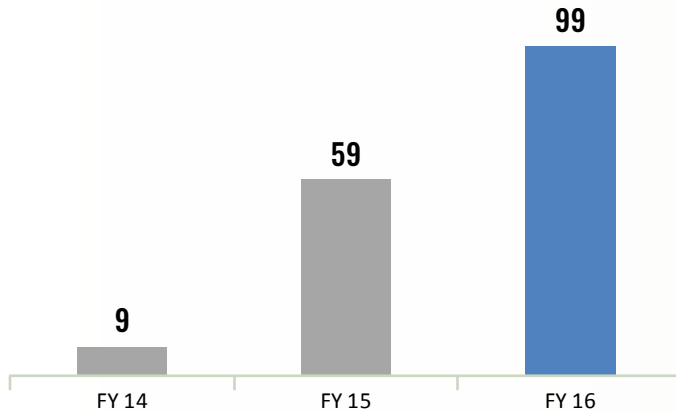
\*\*Information in this graph is based on cohort and is likely to change as individuals finish probation.



# HOPE

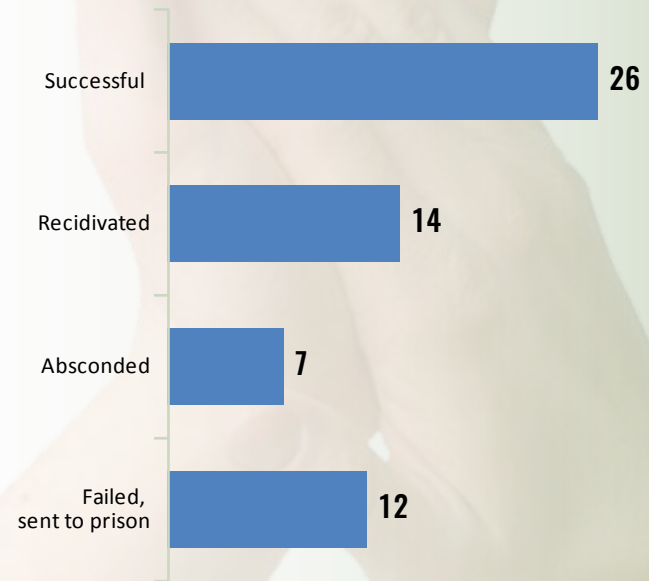
## The number of participants in the HOPE Probation program has grown since FY 2014.

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



## In FY 16, 26 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.

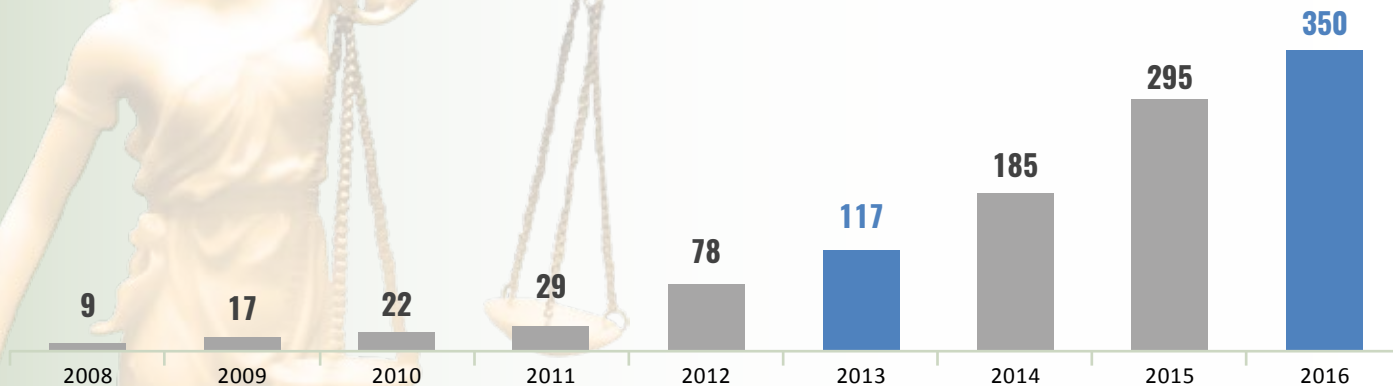


# Almost half of the participants who participated in Drug and DUI Court in FY 2016 have successfully completed the program.

A quarter of the participants are still completing the program from FY 2016, so the completion rate will change contingent on their outcomes.

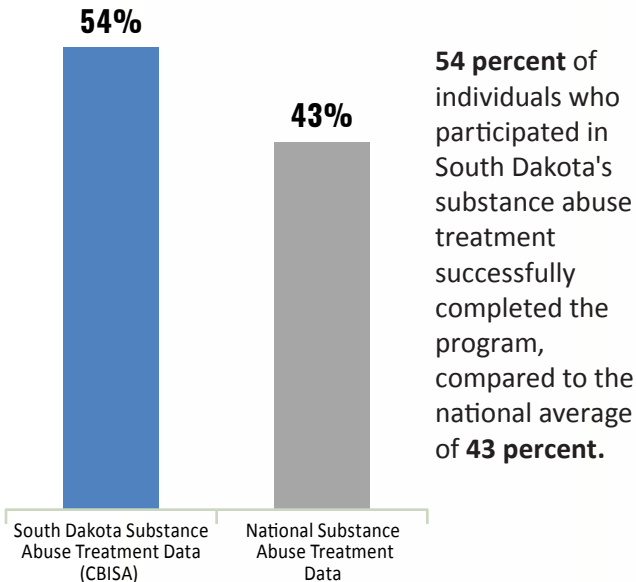


The number of clients served in Drug and DUI Court increased since the passage of the PSIA.



# SUBSTANCE ABUSE

South Dakota's completion rates for substance abuse treatment (CBISA) through the PSIA are higher than the national average.



54 percent of individuals who participated in South Dakota's substance abuse treatment successfully completed the program, compared to the national average of 43 percent.

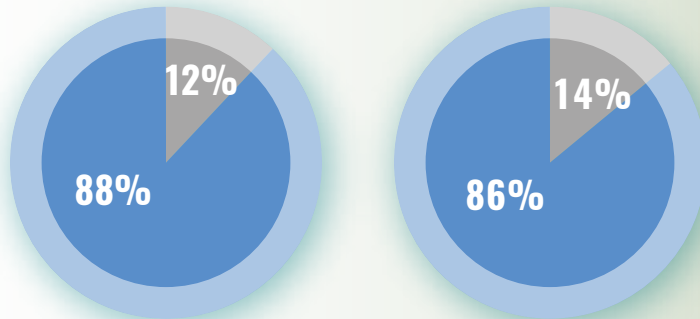
National Substance Abuse Treatment Data consists of all individuals who received substance abuse treatment, which includes criminal justice and non-criminal justice involved clients. This does not include Criminal Thinking Treatment Data.

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

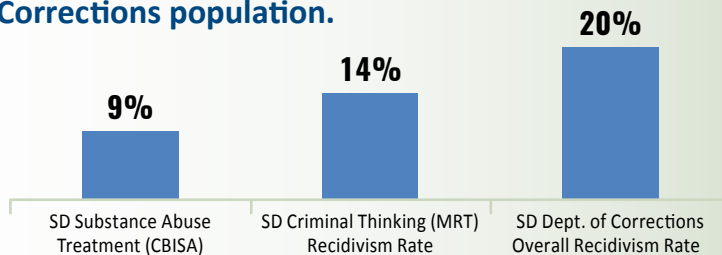
There are low rates of new felony convictions for individuals who complete substance abuse treatment (CBISA) and criminal thinking services (MRT) through the PSIA.

88 percent of individuals who completed CBISA did not commit a felony within one year of completing treatment.

86 percent of individuals who completed MRT did not commit a felony within one year of completing treatment.



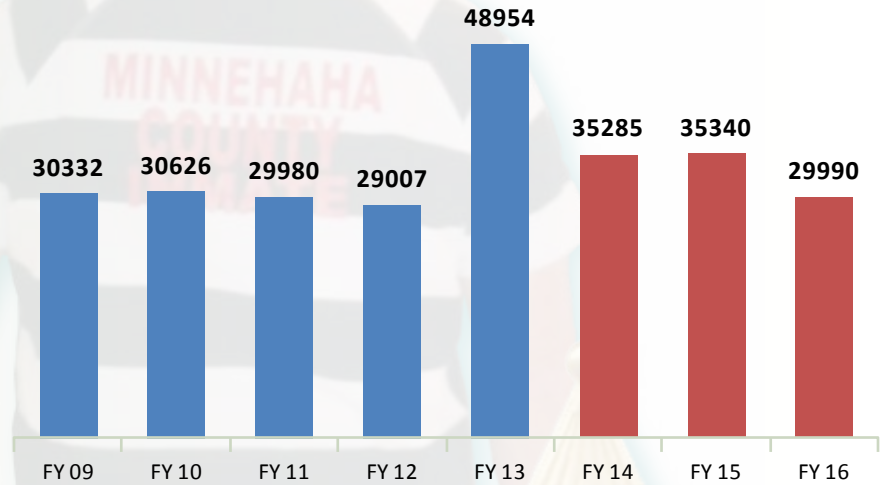
The PSIA CBISA and MRT completers have a lower recidivism rate than the overall SD Department of Corrections population.



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

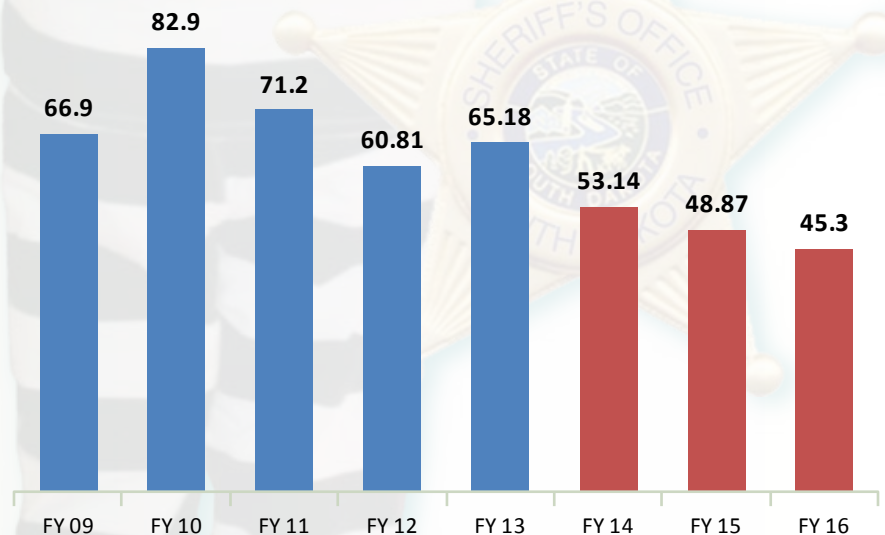
Statewide, the total jail time for felony sentencing decreased almost 39 percent since the passage of the PSIA.

*\*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 has decreased every year since the PSIA went into effect.

The average time an individual spends in county jail for a felony sentence has decreased 30 percent since FY 2013, saving the counties both time and resources.



# Members of the Oversight Council

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**Jim Seward (Former Chair)**

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Defense Attorney

**Judge Jeff Davis**

Seventh Judicial Circuit

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Governor's Office

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*To view the full report, performance measures, and appendices, please visit:*

**[www.psia.sd.gov](http://www.psia.sd.gov)**

# PSIA 2016 Annual Report 2016

**XXX copies of this publication were printed at a cost of \$X.XX per copy.**

Printed by Pheasantland Industries at the South Dakota State Penitentiary.