



PUBLIC  
SAFETY  
IMPROVEMENT  
ACT



2018

**ANNUAL REPORT**

*Final Report of the Public Safety  
Improvement Act Oversight Council*

*Laurie Feiler*

## November 2018

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

It has now been five years since the Public Safety Improvement Act (PSIA) has been signed into law. As chair of the Oversight Council, I am often asked if the PSIA is "working." Such a seemingly innocuous question has no simple answer, for the PSIA houses dozens of individual, yet interconnected, reforms with their own performance measures.

A better question to ask is if the reforms are on the path to meet the goals and performance measures of the legislation. Has the PSIA invested in programs, practices, and polices that have been shown to improve rehabilitation and reduce repeat offenders? Have the reforms held offenders more accountable by strengthening community supervision? Has the bill reduced corrections spending and focused prison space on violent, chronic, and career criminals? These are the questions that gauge whether or not the PSIA is working. The answers, and many others, are contained within the pages of this report. For example, you will see that our prison population is higher than we would have liked, but still lower than what it would have been. Our county jails are housing felons for 36 percent less time now than they were in FY 2014. And although the majority of new court commitments are still nonviolent, thousands of probationers and parolees are earning thousands of years off their sentences because of good behavior.

So, yes, I believe that while the individual reforms are at different stages of "working," the reforms within the PSIA are on the path to meet the goals and performance measures of the legislation.

We could not forecast how the reforms would perform. We could not forecast that South Dakota would become entrenched in a meth epidemic. We could, however, see the path ahead of us if we did nothing. While some of the changes are not as advanced as we would have wished, reforming the criminal justice system has put our state in a much better position than if we had done nothing.

I would like to express my thanks to the Public Safety Improvement Act's Oversight Council for their diligence in improving public safety, as well as thank the Unified Judicial System, the Department of Corrections, Department of Social Services, and the Attorney General's Office for their tireless efforts to faithfully and diligently implement the provisions of this act.

Respectfully submitted,



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



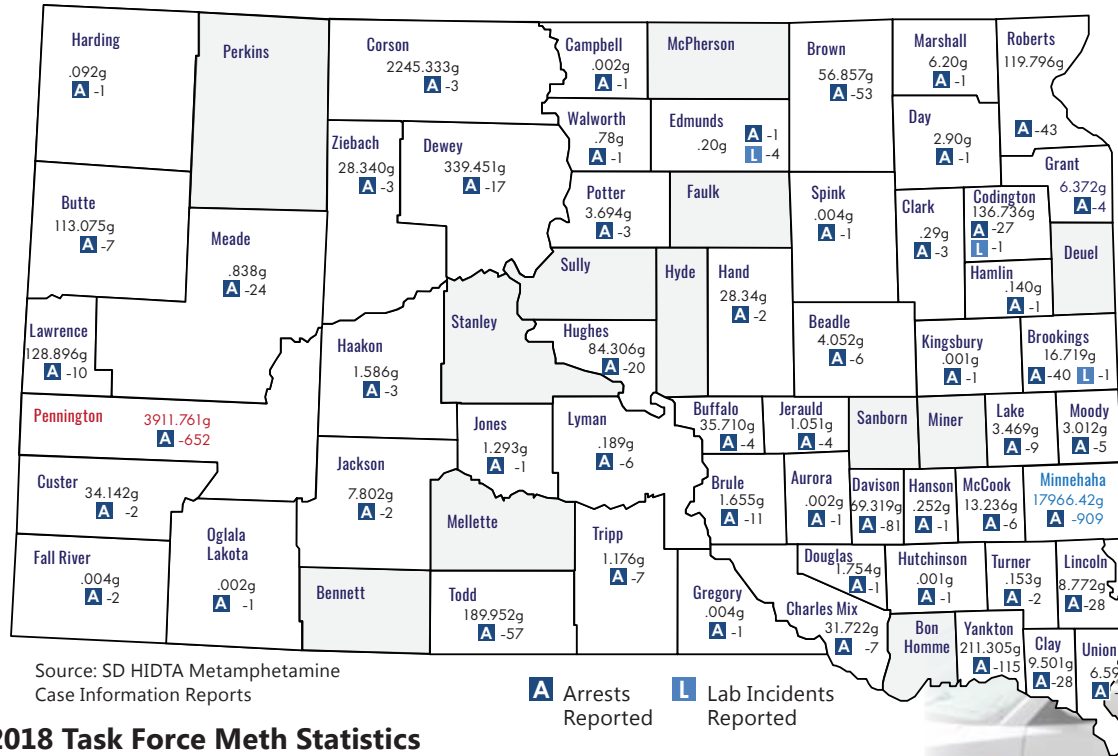
# Methamphetamine Response

South Dakota's law enforcement response to substance abuse is reflected in its statistics for Methamphetamine task force operations.

## FY18

**2,236 arrests**  
for meth-related  
offenses were  
made in **54**  
counties.

Law enforcement  
seized over  
**25,835 grams**  
of meth.



Source: SD HIDTA Metamphetamine Case Information Reports

**A** Arrests Reported    **L** Lab Incidents Reported

## 2018 Task Force Meth Statistics

**Pennington County Meth Task Force:**

**652 Arrests**

**3,911.761 g seized**

**Sioux Falls Meth Task Force:**

**909 Arrests**

**17,966.42 g seized**

**Statewide:**

**675 Arrests**

**3,957.069 g seized**

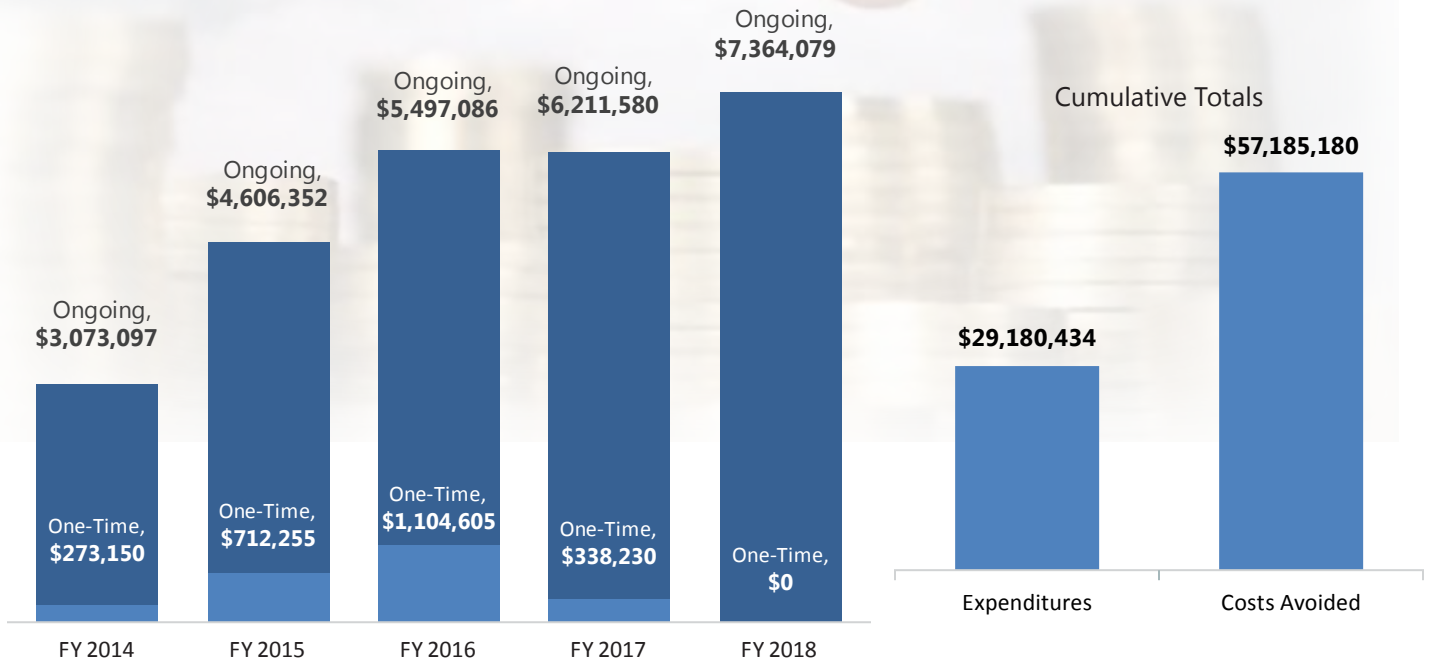


# Financial Information

Taxpayers have avoided paying over \$57,000,000 in costs since FY 14, avoiding capital expenses and operating expenses due to prison days avoided.

The one-time and ongoing expenditures for FY 18 were \$7,364,049.

The net gain of the PSIA as of FY 18 was \$28,004,746.



# Key Takeaways

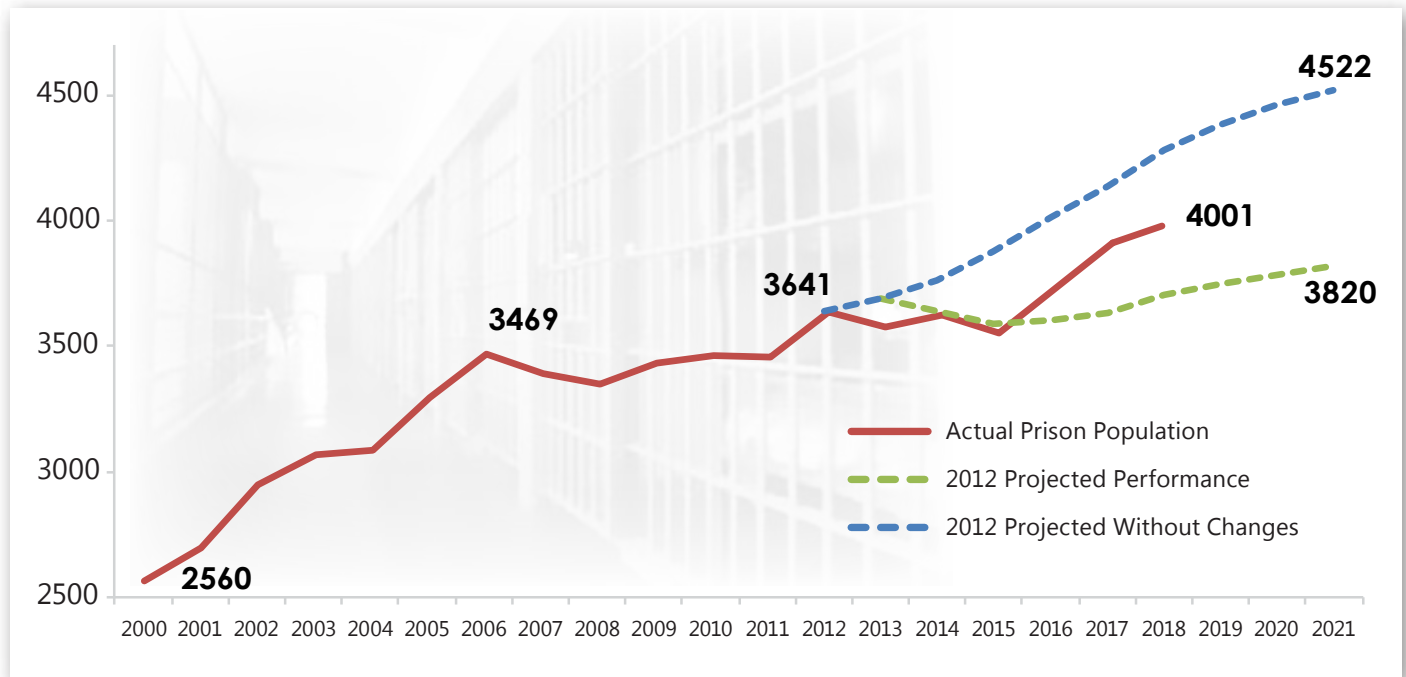
# FY18

1. The prison population is 281 inmates below the projected population without the PSIA reform.
2. A little over half of the male inmate population and over 85 percent of the female inmate population is serving time for a nonviolent crime. Significant factors in this increase are drug convictions and drug use that result in prison placement. The overall percentage of court commitments for nonviolent crimes decreased 2 percent between FY 17 and FY 18.
3. Detainments and the Community Transition Program (CTP) had the most significant impact on prison admissions, constituting 44 percent of male admissions and 35 percent of female admissions.
4. Parolees earned over 9,500 years and probationers earned 7,500 years of earned discharge credits.
5. 74 percent of individuals eligible for presumptive probation went directly to supervision.
6. Parole responds to violations. Between FY 17 and FY 18, high-level sanctions, such as jail, and house arrest, increased 52 percent. Of the sanctions given in FY 18, 88 percent were considered high-level.
7. Individuals who complete substance abuse treatment or criminal thinking treatment recidivate at a lower rate than the general Department of Corrections population.
8. Individuals with felonies are spending less time in jail. On average, the number of days an individual with a felony spends in jail has dropped 36 percent since the passage of the PSIA.

# Prison Population

The prison population is below the what it would have been without the reforms.

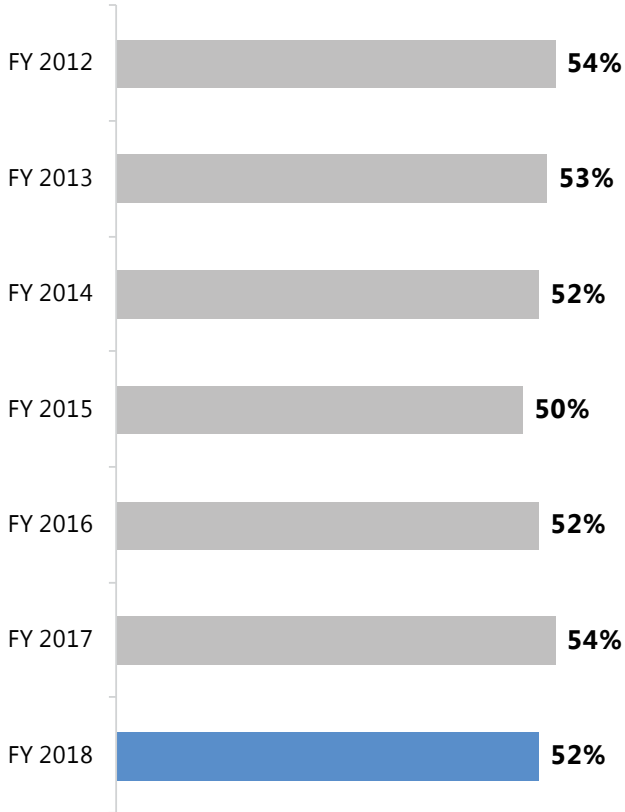
While the prison population is above the 2012 performance goal, it is still 281 inmates below what the prison population would have been without the PSIA.



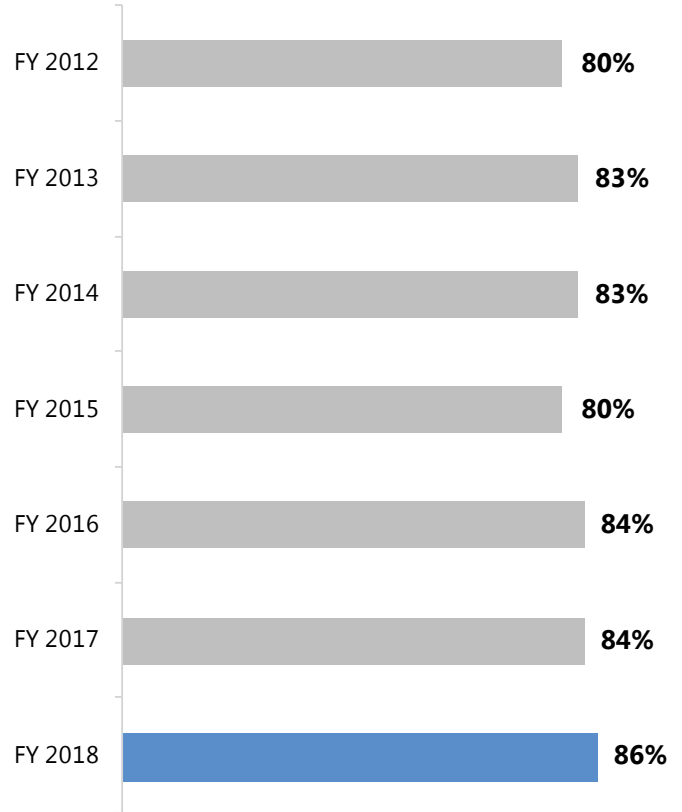
*\*As of 6/30/18 there were 147 parole detainees, 77 in Extended Confinement, and 135 parolees in the Community Transition Program (CTP) included in the 4,001 count.*

## Nonviolent offenders occupy most of the prison beds.

The percentage of **male** inmates serving time for a nonviolent crime has decreased by 2 percentage points.

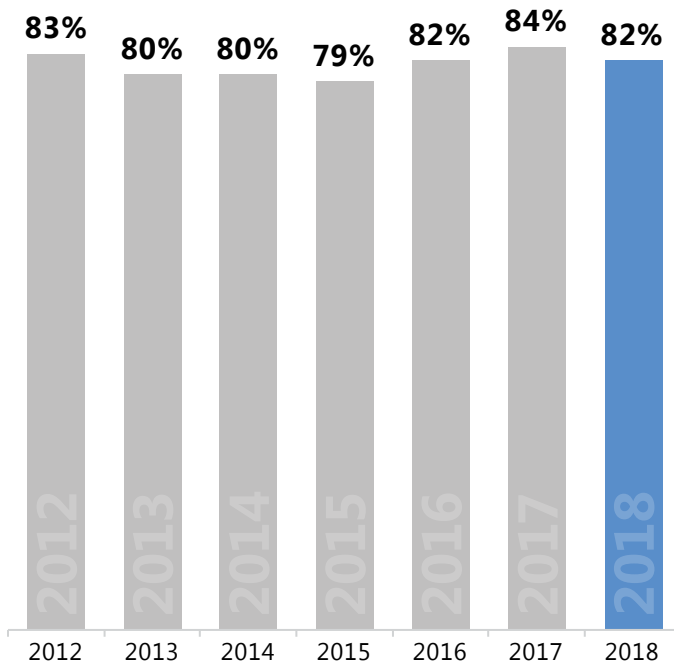


The percentage of **female** inmates serving time for a nonviolent crime has increased by 2 percentage points.



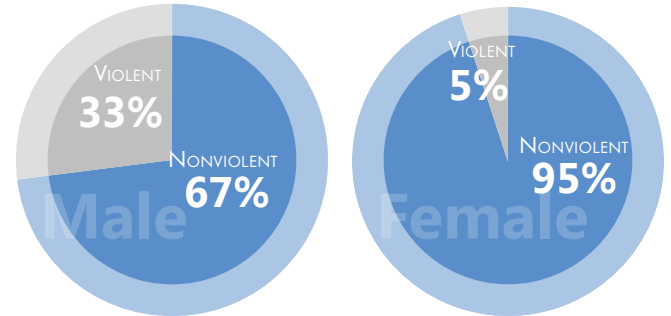
## The majority of new court commitments are nonviolent.

The percentage of **court commitments for non-violent crimes** has decreased slightly from FY17.

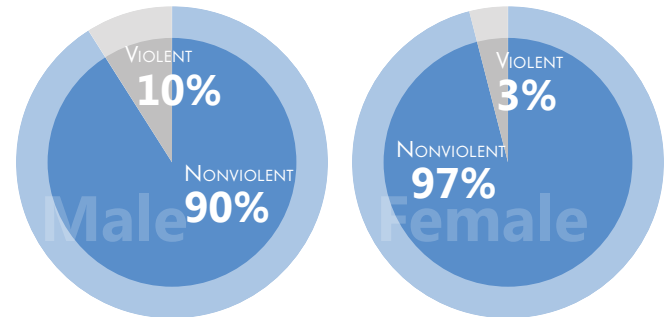


*This chart is based on court commitments, which is both probation violations and new commits.*

For FY18, **67 percent** of male new commits were for nonviolent crimes, and **95 percent** of female new commits were for nonviolent crimes.



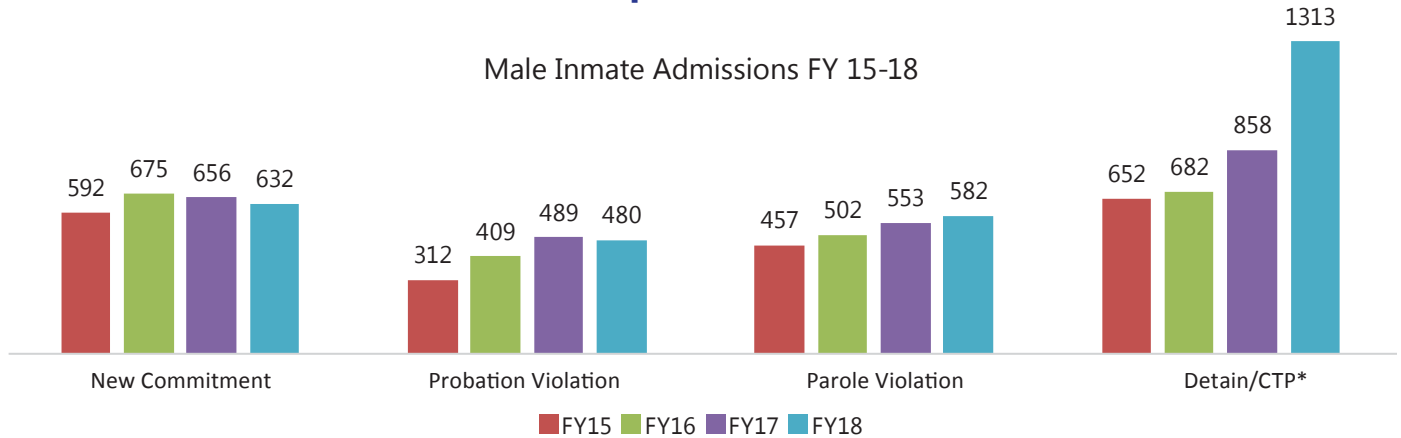
Only **10 percent** of male probation violator admits were for violent crimes, and only **3 percent** of female probation violator admits were for violent crimes in FY 18.



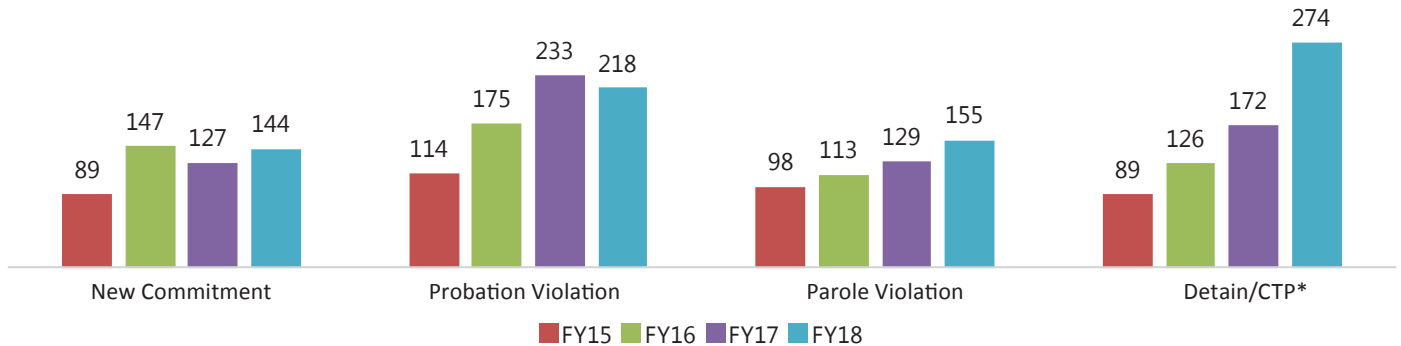


## Detainments and Community Transition Program admissions are the most common prison admission.

Male Inmate Admissions FY 15-18



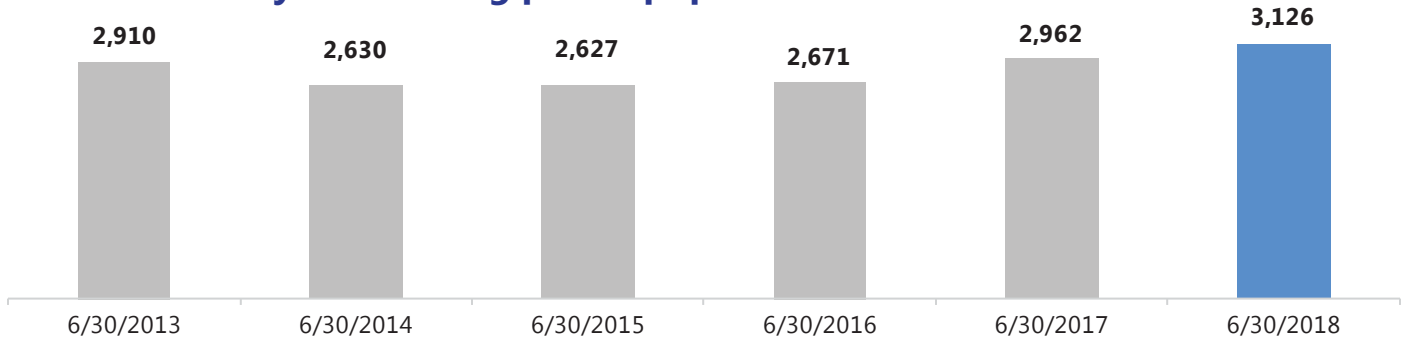
Female Inmate Admissions FY 15-18



\*Parole detainees and parolees in the community transition program.

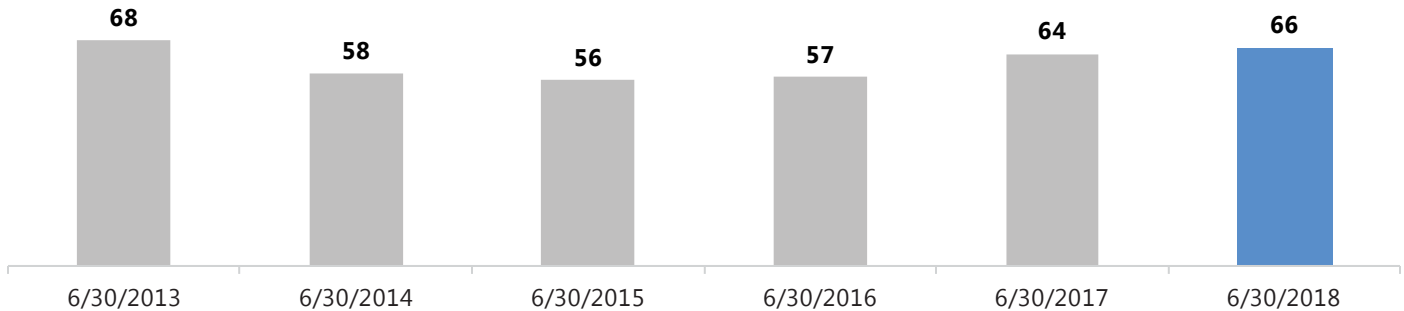
# Parole Population

The end of the year standing parole population increased 5.5%.



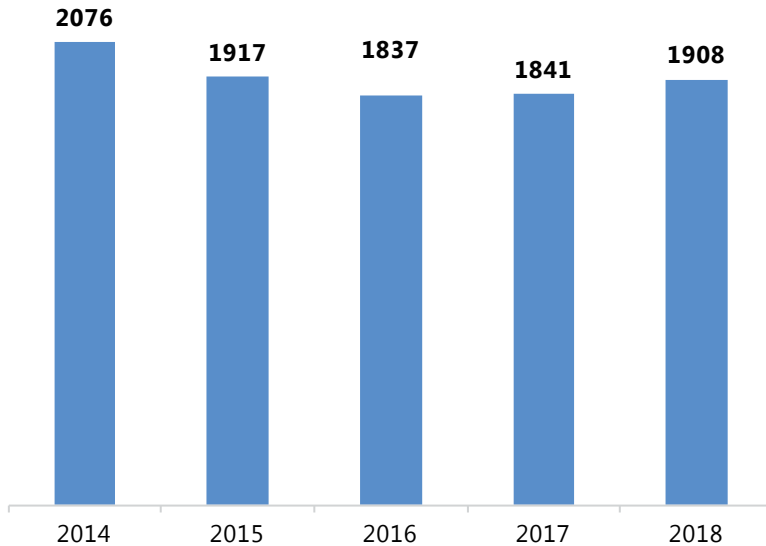
The average agent caseload is increasing, but still below pre-PSIA.

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

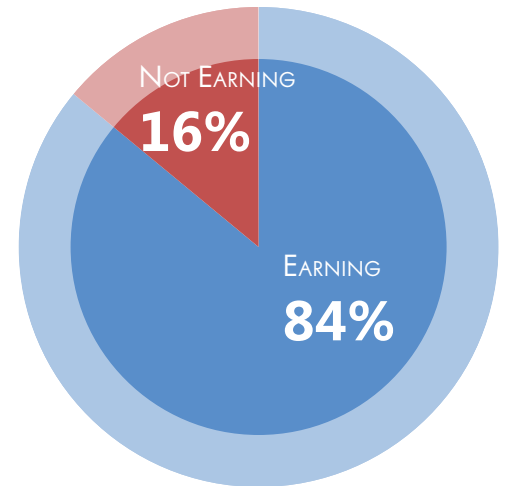


Since the passage of the PSIA, parole has discharged a total 9,579 years of unnecessary supervision through earned discharge credits (EDCs).

Discharge Amounts in Years

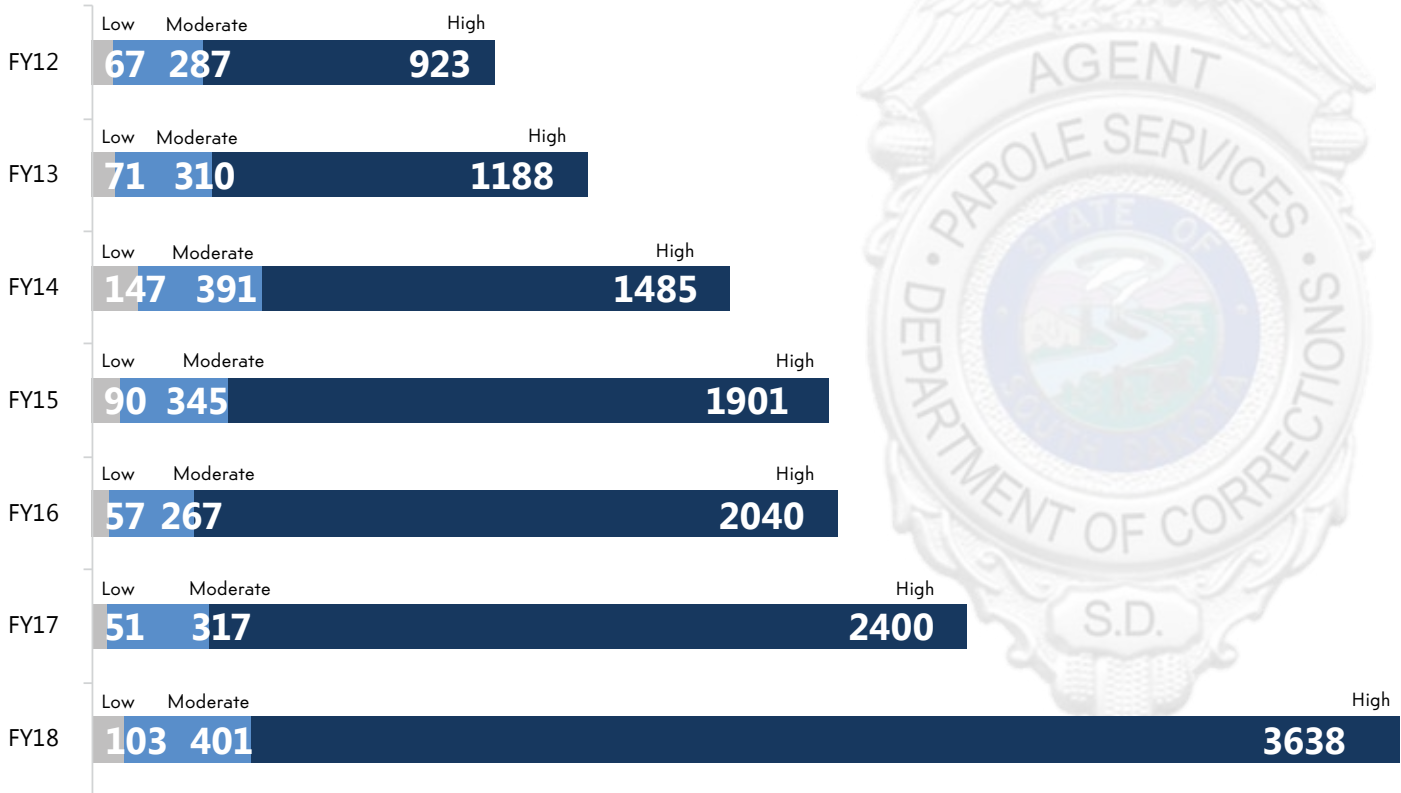


Over 84 percent of eligible parolees earned discharge credits through compliant supervision in FY 18.



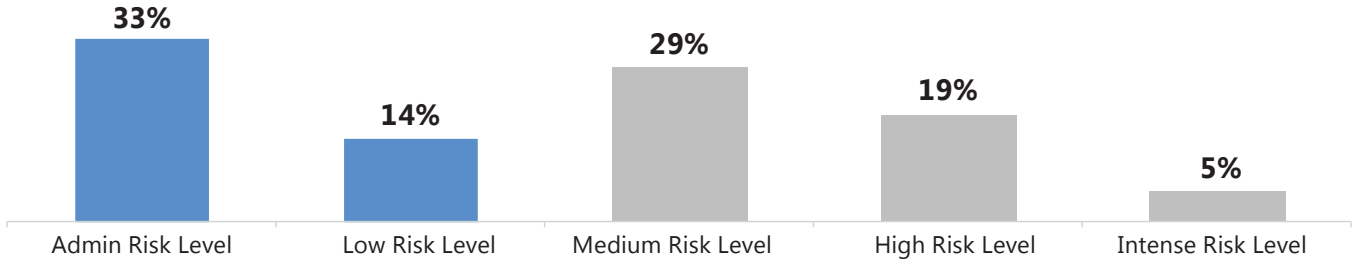
## All parole sanctions increased, but high-level sanctions increased 52 percent from FY17 to FY18.

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



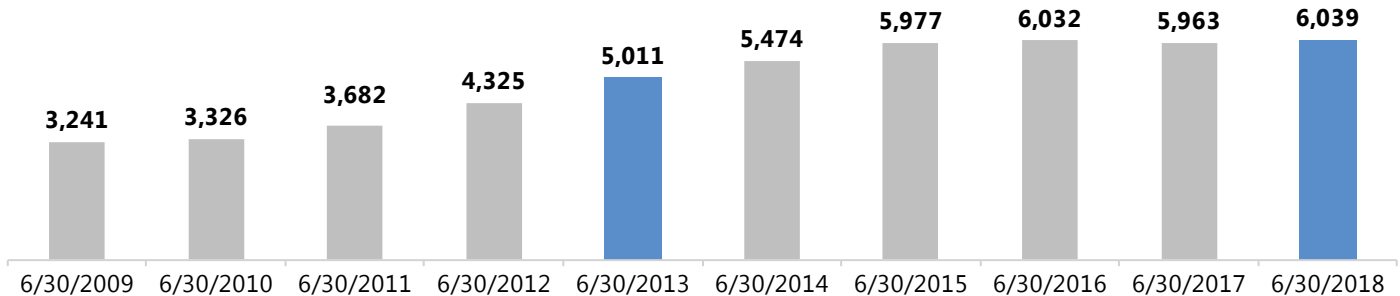
# Probation Population

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



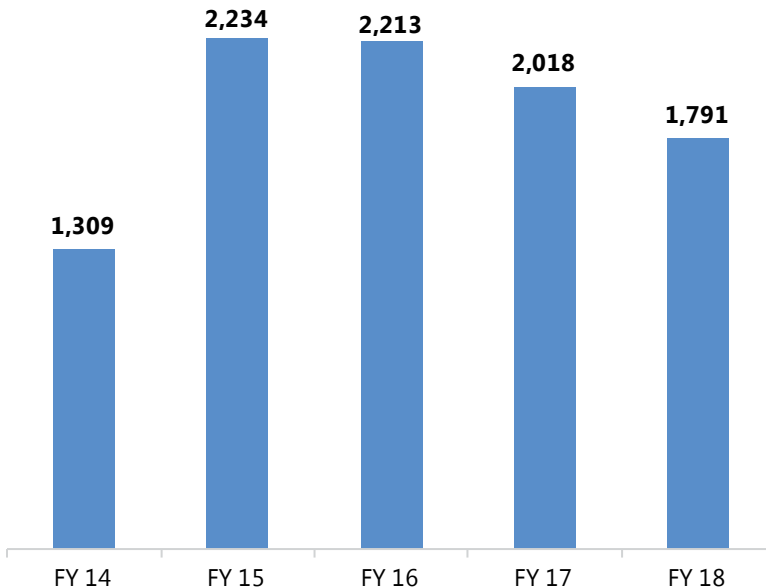
## Felony probation supervision in the community increased 20 percent since FY 2013.

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.



# Earned Discharge Credits-Probation

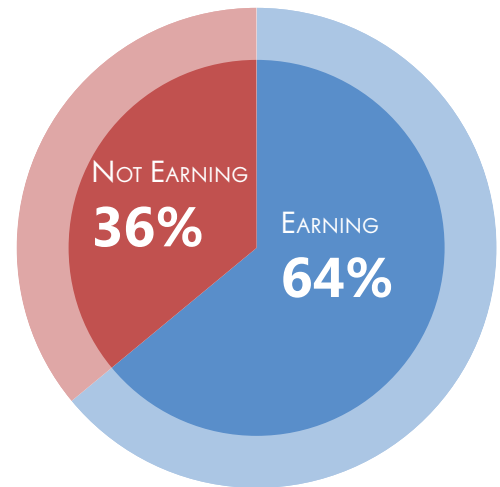
7,547 years of unnecessary supervision have been discharged since FY 14 through earned discharge credits.\*



\*Only 6 months were measured in FY 14.

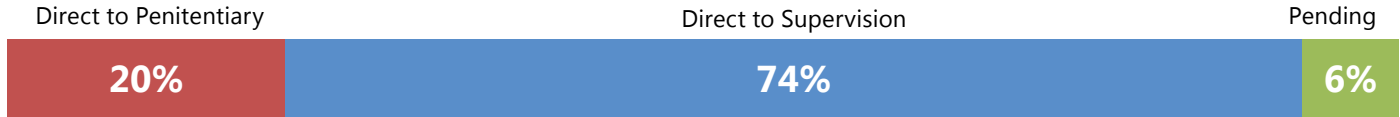
Around two-thirds of eligible probationers earned discharge credits through compliant supervision.

Combined, these individuals earned a total of **653,715 days** of supervision in FY 18.



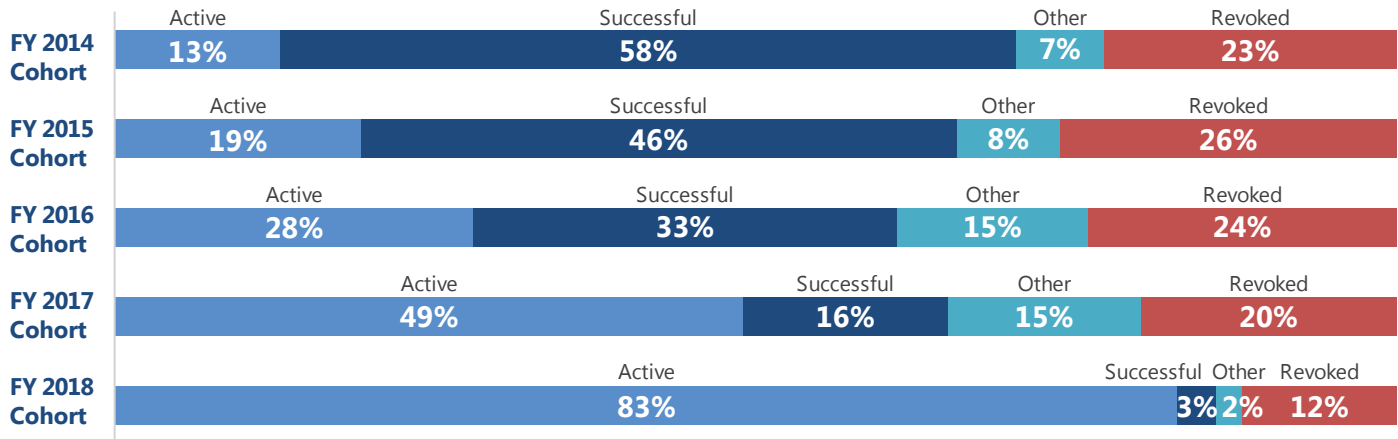
## Judges deviated from presumptive probation 20 percent in FY 18.\*

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



## 58 percent of the FY 2014 cohort successfully completed their probation term.

Because much of the population for subsequent years is still on probation, more data will be necessary in order to accurately compare and find the final outcome.

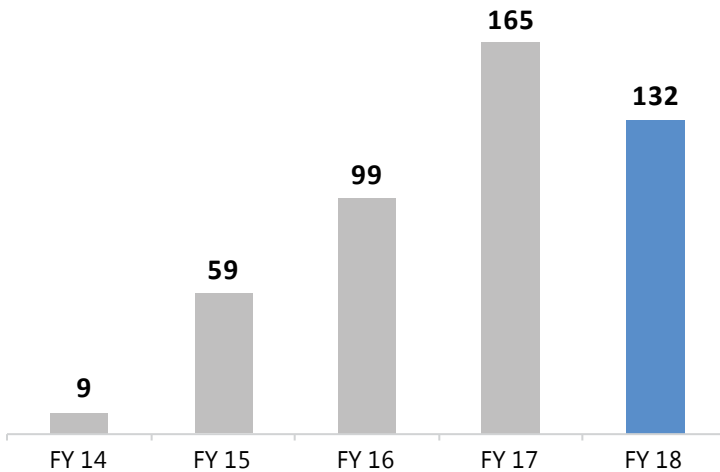


\*The PSIA created a presumptive probation sentence for nonviolent class 5 and class 6 felonies. Courts may overcome the sentence despite the presumption. The deviation rate was projected to be 20%.

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

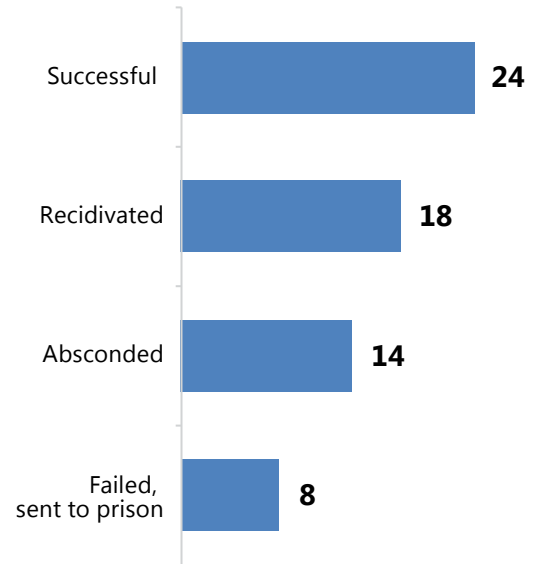
**Although there was a decrease between FY 17 and FY 18, the number of participants in the HOPE Probation program has grown since FY 2014.**

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 drug testing, and probation supervision.



**In FY 18, 24 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.



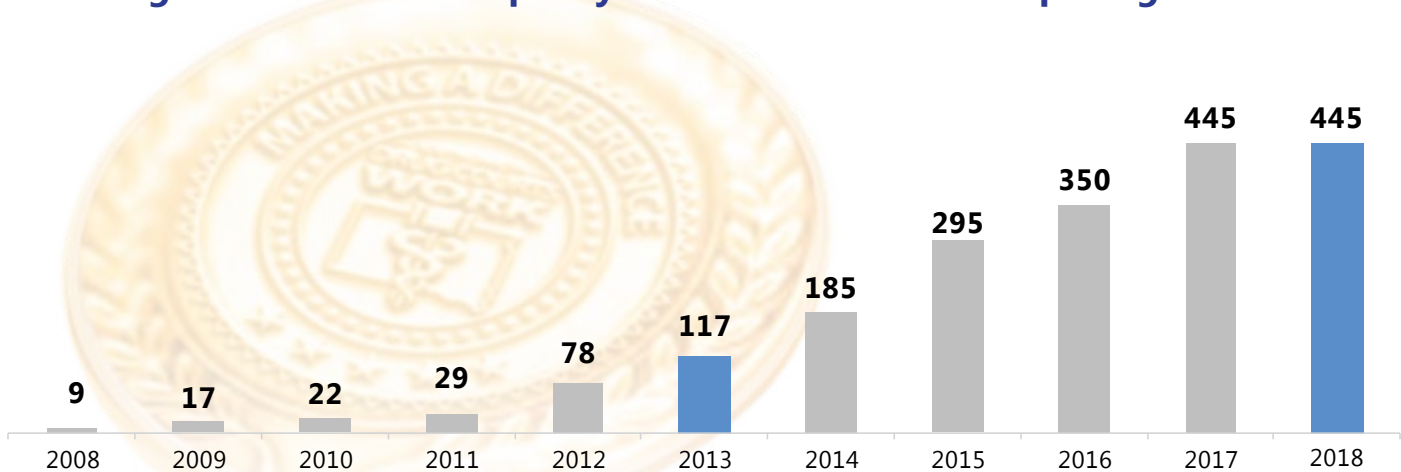


## 22 percent of individuals who were active in Drug or DUI Court in FY18 graduated, while 17 percent were terminated.

Since over 60 percent of the individuals from FY18 are still active in the program, the completion rates will change.



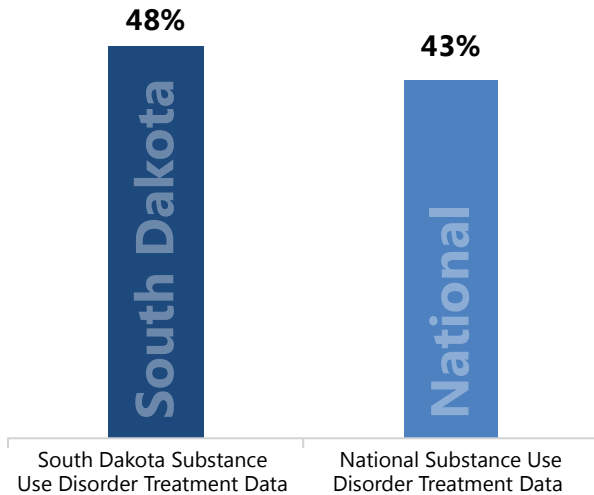
## The Drug and DUI Courts' capacity has increased since the passage of the PSIA.



# Substance Abuse Treatment and Criminal Thinking Programming

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

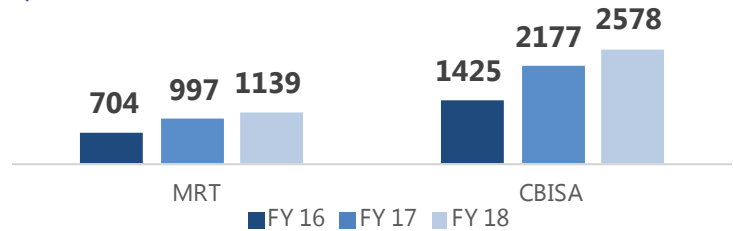
48 percent of individuals who participated in South Dakota's substance abuse treatment successfully completed the program, compared to the national average of 43 percent.



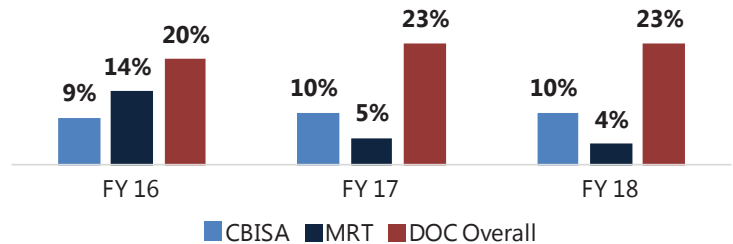
National Substance Abuse Treatment Data consists of all individuals who received substance abuse treatment which includes criminal justice and non-criminal justice involved clients. This does not include Criminal Thinking Treatment Data.

National Data Source: SAMHSA (2018). Treatment Episode Data. *Treatment Episode Data System (TEDS)*

MRT services had a 14 percent increase in clients served while CBISA had an 18 percent increase in clients served.



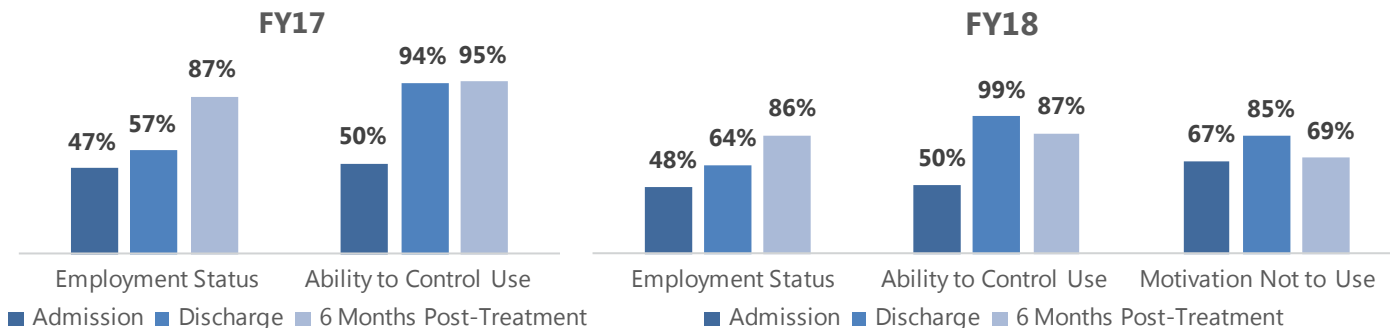
South Dakota's Substance Abuse Treatment (CBISA) and Criminal Thinking (MRT) completers have a **lower recidivism rate** than the overall DOC population.\*



\*Based on performance the year following program completion.

## CBISA

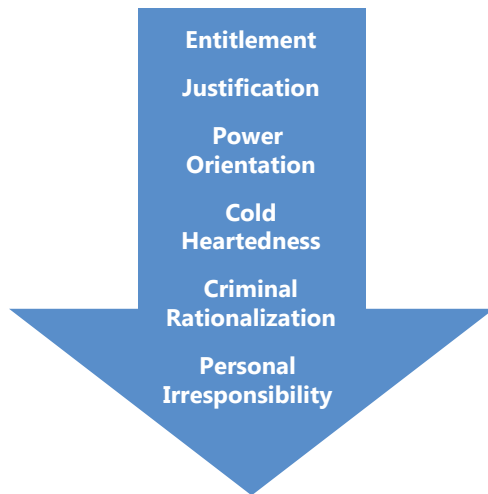
Positive outcomes in employment status, ability to control use, and motivation not to use following treatment completion are strong indicators of the effectiveness of treatment provided.



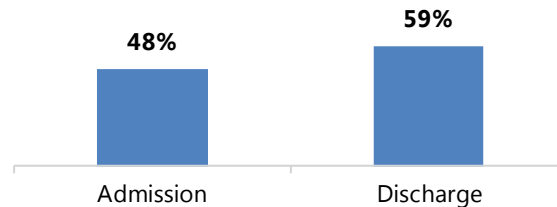
## MRT

In FY 18, there was a reduction in all six criminal thinking subscales, indicating an overall reduction in criminal thinking for those who received MRT treatment services.

### Criminal Thinking Subscales



### Employment Status

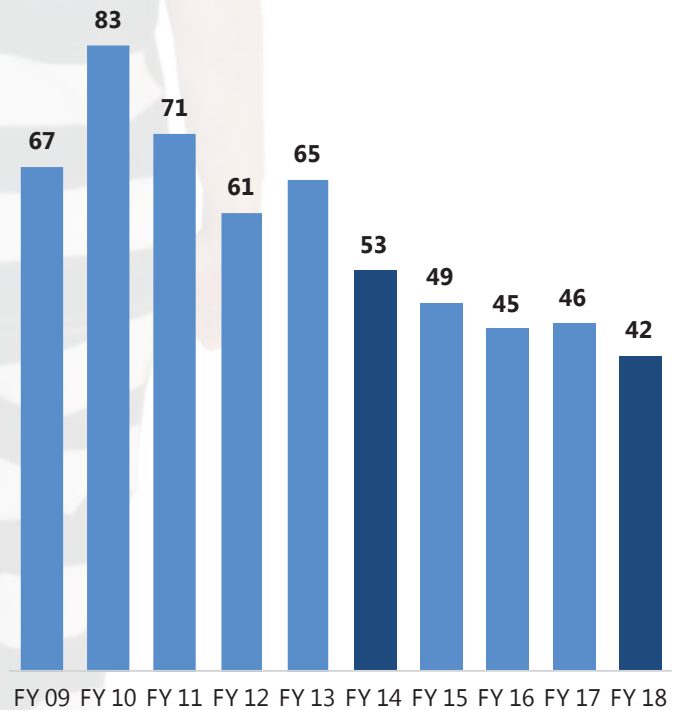
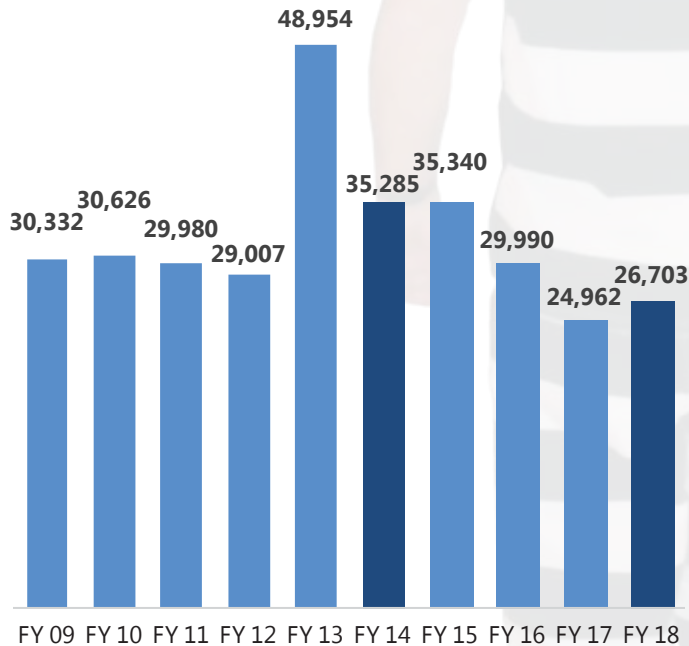


Positive outcomes in employment status following treatment completion is a strong indicator of the effectiveness of treatment provided.

# Jail Days

The total number of days spent in county jail for felony sentencing decreased 45 percent since the passage of the PSIA.

The average number of days an individual spends in county jail for a felony has dropped 36 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.

# Members of the Oversight Council

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**Laurie Feiler (Chair)**  
Department of Corrections

**Greg Sattizahn**  
Unified Judicial System

**Aaron McGowan**  
Minnehaha County State's Attorney

**Bruce Hubbard**  
Defense Attorney

**Judge Jeff Davis**  
Seventh Judicial Circuit

**Amy Iversen-Pollreisz**  
Department of Social Services

**Judge Patricia Riepel**  
Second Judicial Circuit

**Representative Karen Soli**  
House of Representatives

**Mark Smith**  
Board of Pardons and Paroles

**Representative Steven Haugaard**  
House of Representatives

**Senator Troy Heinert**  
State Senate

**Senator Jordan Youngberg**  
State Senate

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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 2018 Annual Report 2018

*Public Safety Improvement Act Oversight Council*

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Printed by the SD Department of Corrections | December 2018  
Pheasantland Industries | 120 copies | \$3.46 per copy