

Justice Reinvestment: South Dakota

Strengthening Public Safety While Curbing Corrections Growth

South Dakota's Challenge

From 1977 to 2013, South Dakota's prison population grew more than 500%, reaching 3,600. The state's rate of incarceration in 2011 was the highest among its neighbors and was rising faster than the national average. With the increasing population came increasing costs: by 2011, the state's corrections budget was more than \$100 million, up from \$26 million in 1991.

Faced with the prospect of constructing and operating two additional prisons at a cost of \$224 million, South Dakota reached out to the Pew Charitable Trusts (Pew) and the Crime and Justice Institute (CJI) to assist the Criminal Justice Initiative Work Group (the Work Group), appointed by state leadership, in a comprehensive review of South Dakota's criminal justice data and in developing options to reduce the population and save taxpayer dollars.

Data-Driven Analysis

Seeking to improve public safety and contain prison costs, the Work Group convened for five months in 2012 to investigate the factors contributing to growth in the state's prison population and correctional costs. The group found:

1. Eighty-one percent of new prison admissions and 61% of the prison population were non-violent offenders.
1. More than half of new admissions (53%) were convicted of drug- and alcohol-related crimes and, of those in for drug offenses, more than two-thirds were convicted of possession of a drug as opposed to delivery, distribution, or manufacturing.
3. Parole outcomes were poor: 52% of parolees were returned to prison within three years, and parole violators comprised 28% of prison admissions.

Legislative Reform Package

In November 2012, the Work Group unanimously recommended a comprehensive set of policy changes and submitted them in a final report to the state's leadership for legislative consideration. Senate Bill 70, also known as the Public Safety Improvement Act, was introduced by a bipartisan coalition of 70 co-sponsors from

both chambers. The South Dakota Legislature overwhelmingly passed SB 70, and Governor Dennis Daugaard signed it into law Feb. 6, 2013 with these four primary goals:

Strengthen offender supervision and accountability by providing effective community-based options such as drug and DUI courts, evidence-based programs, an earned discharge program, and a partnership with tribal leaders to jointly supervise parolees.

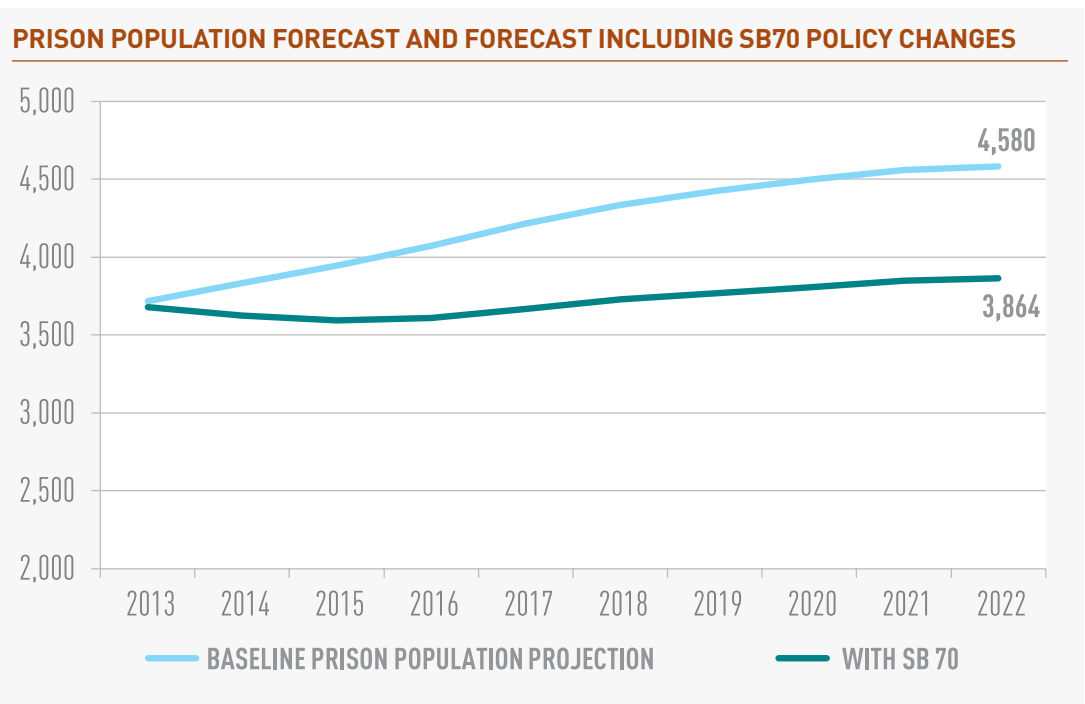
Hold offenders accountable by creating a probationer drug testing program with swift and certain sanctions; creating a system to improve collection of court-ordered financial obligations; and providing for statewide victim notification.

Reserve prison beds for violent offenders by enacting changes to drug and property crime laws to ensure that serious misconduct is punished more harshly than less serious conduct, and creating presumptive probation for particular types of nonviolent felonies.

Ensure the quality and sustainability of reforms by establishing an oversight council to monitor and evaluate implementation of the reforms, developing agency performance measurements, and requiring a fiscal impact statement for any bill, amendment, or ballot initiative that may affect jail populations in the future.

Projected Results

As a result of the reforms in the Public Safety Improvement Act, South Dakota is expected to avoid the construction of a new women's prison and a men's prison, saving taxpayers \$207 million through 2022.



**FOR MORE INFORMATION,
CONTACT:**

Len Engel

Managing Associate
Crime and Justice
Institute at CRJ
Boston, MA
LEngel@crj.org
617) 482-2520
www.crj.org/cji