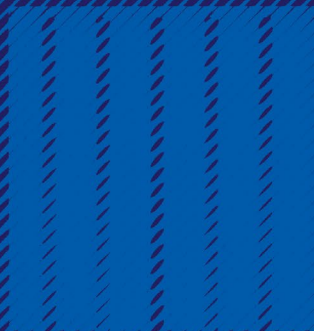


*Blueprint for Smart Justice*  
**South Dakota**







# Blueprint *for* Smart Justice South Dakota

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# Contents

Executive Summary .....	4
The State of the South Dakota Prison System .....	6
What Is Driving People Into Prison? .....	7
The Current Prison and Jail Population .....	8
Why Do People Stay in Prison for So Long? .....	8
Who Is Imprisoned .....	9
People With Mental Health and Substance Use Disorders .....	10
Budget Strains .....	10
Ending Mass Incarceration in South Dakota: A Path Forward .....	11
Reducing Admissions .....	11
A Note on Specialty Courts .....	14
Reducing Time Served .....	15
Reducing Racial Disparities .....	16
Reducing Disability Disparities .....	17
Taking the Lead .....	18
Forecaster Chart .....	19
Total Fiscal Impact .....	22
Methodology Overview .....	22

# Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, poverty, and broken schools. As a result, the United States today incarcerates more people, both in absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. The mass incarceration crisis has transformed American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to dramatically reduce its reliance on incarceration and invest instead in alternatives to prison, including approaches better designed to break the cycle of crime and recidivism by helping people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combating racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kinds of changes needed to cut the number of people in prison in each state by half and reduce racial disparities in incarceration. In every state, Urban Institute researchers identified primary drivers of incarceration. They then predicted the

impact of reducing prison admissions and length of stay on state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration and in some cases would worsen them. In South Dakota — where Native Americans constituted only 7 percent of the total adult population but nearly one-third (31 percent) of its prison population in 2017<sup>1</sup> — reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. These findings confirm for the Campaign that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing and prosecutorial reform that are specific to combating these disparities.

Like many states, South Dakota's prison population has skyrocketed in recent decades, growing by 550 percent between 1980 and 2017, when it reached a new high of 3,959 people.<sup>2</sup> As of March 2019, the number was slightly lower, at 3,799 imprisoned people.<sup>3</sup> Legislative reforms passed in 2013 intended to curb the large number of people entering prison for nonviolent offenses — particularly drug offenses.<sup>4</sup> Still, as of 2018, the prison population was only slightly smaller (281 fewer people) than the population projected if no reform had occurred.<sup>5</sup> And even those reforms have been jeopardized, with the attorney general vowing to repeal one of its key provisions: the establishment of "presumptive probation" for low-level felonies rather than incarceration.<sup>6</sup>

Felony convictions rose by 26 percent between 2013 and 2015, most sharply for South Dakota's least serious drug felonies, including possession and ingestion of a controlled substance.<sup>7</sup> Overall, people admitted to South Dakota prisons are still overwhelmingly imprisoned for nonviolent crimes. In 2017, nearly three in four men (73 percent) and nearly nine in 10 women (88 percent) admitted to prison as new commitments had been convicted of such offenses.<sup>8</sup> And in 2015, one in four admissions to South Dakota prisons was for drug possession — the most common admissions offense that year.<sup>9</sup>

A major driver of lengthy prison terms in South Dakota is revocation from parole and probation. The average length of time spent in prison for violations rose sharply between 2014 and 2016. The vast majority of those violations were technical in nature, for behavior that wouldn't otherwise be classified as a crime. In 2016, more than three in four (76 percent) probation violations and nine in 10 (89 percent) parole violations were for such technical offenses.<sup>10</sup>

People of color are disproportionately caught up in South Dakota's criminal legal system. More than one-quarter (28 percent) of men and nearly half (46 percent) of women in South Dakota prisons in 2017 were Native American.<sup>11</sup> Also as of 2017, the Black adult imprisonment rate in the state was seven times as high as the white adult imprisonment rate.<sup>12</sup>

And all this incarceration is expensive. In 2017, the state spent \$98 million from its general fund on corrections, accounting for 6 percent of the state general fund expenditures that year.<sup>13</sup>

So, what's the path forward?

Alternatives to prison exist. South Dakota's recent juvenile justice reforms focused on such alternatives contributed to 63 percent fewer new youth commitments to out-of-home placements under the Department of Corrections between 2014 and 2018.<sup>14</sup> Lawmakers in the state should pass laws that promote similar alternatives in the adult system. Improving probation practices that widen existing presumptive probation to include Class 4 felonies would also help,

and it is critical that lawmakers protect the reforms that have already been passed.

Changing probation practices so that minor infractions or substance use don't lead to incarceration is also important, as is extending access to mental health and addiction treatment. South Dakota should also enact pretrial reform — including enhancing speedy trial rights, expanding access to counsel, and expanding mandatory cite-and-release policies — and limit pretrial detention to the rare case where a person poses a serious, clear threat to another person.

Sentence enhancements should only be applied to offenses involving violence, rather than continuing under the current system that requires an individual with one or two prior felony convictions to be subjected to an enhanced penalty. Encouraging the use of parole could also decrease the prison population, and the state should ensure that at least two members of the parole board come from a public defense or trauma-informed background. Expanding compassionate release could also help people get out of prison when they are older than 50 and statistically unlikely to commit a new crime.<sup>15</sup>

For more detailed information about these and other potential reforms, see the below sections on "Reducing Admissions" and "Reducing Time Served." If South Dakota were to adopt these and other changes, the state could achieve a 50 percent reduction in its prison population, leading to a total cost savings of \$112 million by 2025 — money that could be better spent on schools, infrastructure, and services for South Dakotans.

Ultimately, the answer is up to South Dakota's voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending the state's obsession with mass incarceration.

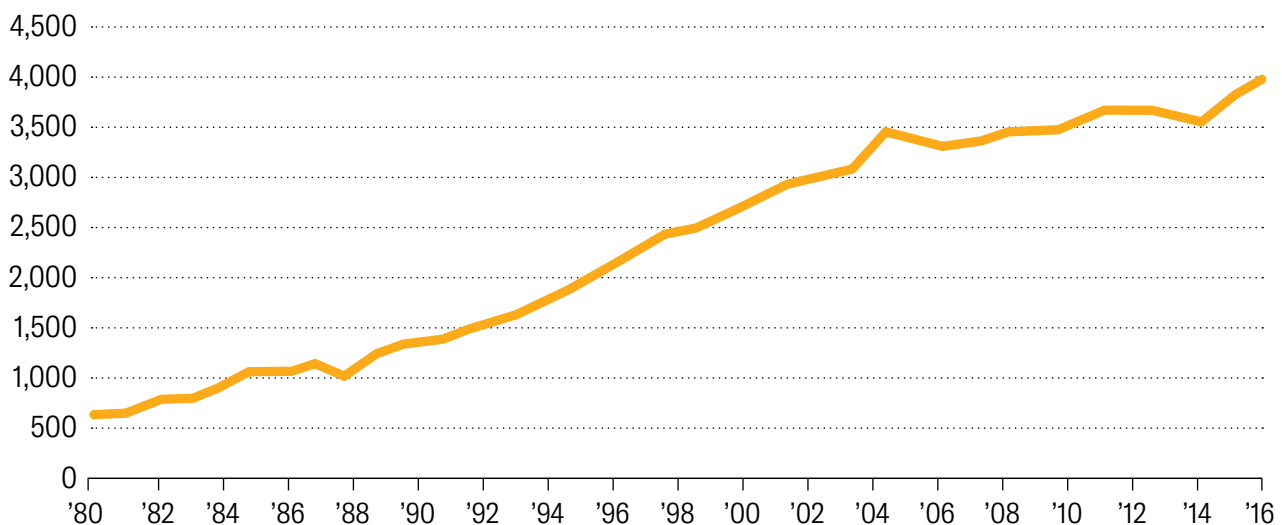
# The State of the South Dakota Prison System

The South Dakota prison population grew by 550 percent between 1980 and 2017, when it reached a new high of 3,959 people.<sup>16</sup> As of March 2019, there were 3,799 people in South Dakota prisons.<sup>17</sup> In an effort to avoid projected additional growth in the prison population and avert the construction of new prisons, South Dakota lawmakers passed the Public Safety Improvement Act (Senate Bill 70) in February 2013.<sup>18</sup> This package of reforms was aimed at curbing the large number of people entering prison for nonviolent offenses — particularly drug offenses — that were a primary driver of the state’s prison population growth.<sup>19</sup> Included in these reforms were the establishment of “presumptive probation,” which made probation the default penalty for the least serious felonies (such as those related to drug use and addiction) and the expansion of substance

abuse treatment and community-based alternatives to incarceration.<sup>20</sup>

Although the prison population fell slightly in the two years following these reforms, it has since climbed upward again. As of 2018, the prison population was only slightly smaller (281 fewer people) than the population projected without reform<sup>21</sup> — and, for the first time, the number of women in South Dakota prisons actually exceeded projections.<sup>22</sup> South Dakota’s 2013 reforms have been targeted for rollbacks, despite their role in contributing to lower prison admissions directly after they passed. The attorney general led a failed effort in the 2019 legislative session to repeal presumptive probation for low-level felonies, a change that would have cost the state an estimated \$54 million over the next decade and pushed the prison population beyond its capacity.<sup>23</sup>

## SOUTH DAKOTA PRISON POPULATION





## AT A GLANCE

# SOUTH DAKOTA PRISONS

South Dakota's prison population grew by **550 percent** between 1980 and 2017.

As of March 2019, there were **3,799 people** in prison in South Dakota.

In 2018, the number of women in South Dakota prisons **exceeded projections** for the first time.

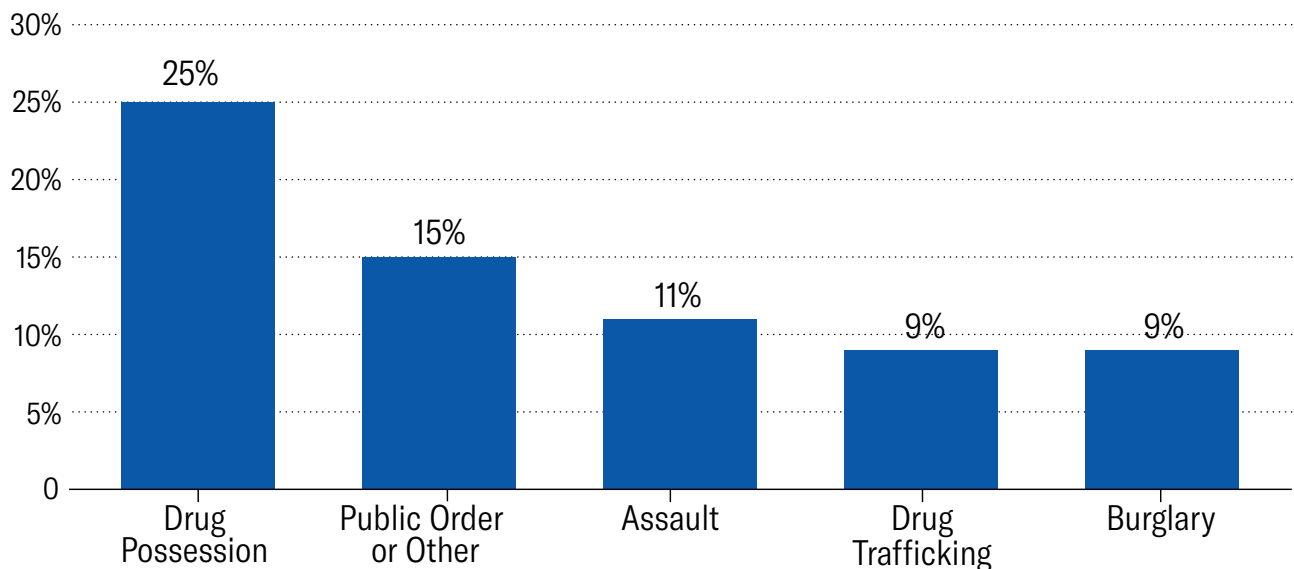
felonies, including possession and ingestion of a controlled substance.<sup>25</sup> Admissions to prison have since spiked, rising by 49 percent between 2015 and 2018.<sup>26</sup> An uptick in arrests related to methamphetamine, which grew by 40 percent between 2014 and 2015, has placed an additional burden on the system.<sup>27</sup>

People admitted to South Dakota prisons are still overwhelmingly imprisoned for nonviolent crimes. In 2017, nearly three in four men (73 percent) and nearly nine in 10 women (88 percent) admitted to prison as new commitments had been sentenced for nonviolent offenses.<sup>28</sup> In 2015, one in four admissions to South Dakota prisons were for drug possession — the most common admissions offense that year. Other common offenses for admissions to prison were public order or other offenses (15 percent), assault (11 percent), drug trafficking (9 percent), and burglary (9 percent).<sup>29</sup> In 2018, only 20 percent of admissions to South Dakota prisons — including 18 percent of admissions of women and 21 percent of admissions of men — were new commitments.<sup>30</sup>

## What Is Driving People Into Prison?

In the two years following the enactment of South Dakota's 2013 criminal justice reforms, prison admissions<sup>24</sup> declined for the offenses targeted by the legislation. The reform also helped slow overall prison population growth as people were increasingly placed on probation or other alternatives to incarceration. Yet even as prison admissions declined, the number of annual felony convictions rose, growing by 26 percent between 2013 and 2015. The rise in felony convictions was sharpest for South Dakota's least serious drug

## SOUTH DAKOTA PRISON ADMISSIONS BY TOP OFFENSE TYPES (2015)



## The Current Prison and Jail Population

As of March 2019, most people in South Dakota prisons (56 percent) were serving time for a nonviolent offense. One in three people in state prisons (33 percent) was sentenced for a drug offense, up from one in four people (24 percent) in 2014. This increase was driven almost entirely by a rise in the number of people whose most serious offense was unauthorized ingestion of a controlled substance – who constituted nearly one in 10 (9 percent) of those in prison in March 2019.<sup>31</sup> South Dakota is one of the only states in the nation that classifies ingestion as a felony,<sup>32</sup> essentially criminalizing addiction. In addition to those imprisoned for ingestion of a controlled substance, nearly one in five people (18 percent) in prison in 2019 were serving time for drug possession, meaning that more than one-quarter (27 percent) of South Dakota’s prison population that year was serving time for possessing or using drugs. Seventeen percent were serving time for a sex offense, and an additional 16 percent were imprisoned for a property offense such as burglary or theft.<sup>33</sup>

In 2015, there were also an estimated 1,332 people incarcerated under local jurisdiction in county jails in

### AT A GLANCE

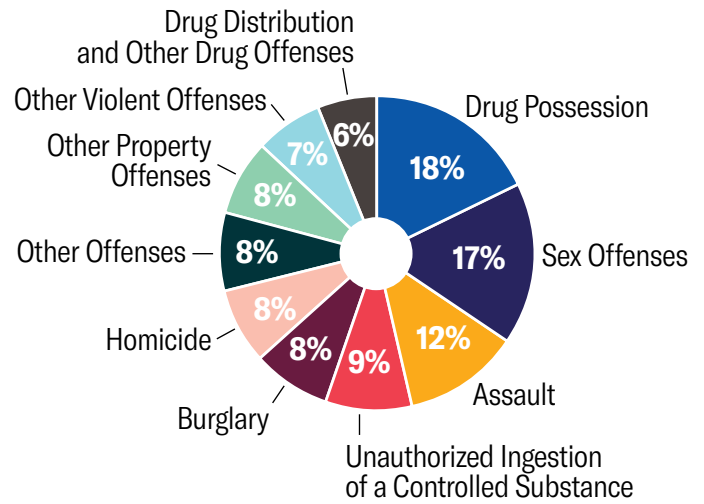
## SOUTH DAKOTA JAIL AND PRISON POPULATION

Annual admissions to prison in South Dakota rose by **49 percent** between 2015 and 2018.

In 2019, **56 percent** of people in South Dakota prisons were serving time for a non-violent offense.

In 2019, **33 percent** of people in South Dakota prisons were serving time for a drug offense.

## SOUTH DAKOTA PRISON POPULATION BY OFFENSE TYPE (2019)



South Dakota. The vast majority were awaiting trial and had not been convicted of a crime.<sup>34</sup>

## Why Do People Stay in Prison for So Long?

South Dakota’s 2013 reform package initially reduced prison sentence lengths for offenses such as drug possession and ingestion, nearly halving the average sentence handed down for these offenses in the two years after reform.<sup>35</sup> Despite these reforms, the Public Safety Improvement Act Oversight Council reported in 2018 that the average length of stay for offenses such as drug possession rose again in the following years.<sup>36</sup> The average length of time spent in prison for violations of probation and parole also rose between 2014 and 2016, nearly doubling (an 83 percent increase) for probation violations. The vast majority of probation and parole violations in 2016 were for technical violations of supervision, constituting more than three in four (76 percent) probation violations and nearly nine in 10 (89 percent) parole violations.<sup>37</sup>

South Dakota’s criminal code includes harsh sentencing enhancements that lengthen prison sentences for people with prior felony convictions. Individuals with one or two prior felony convictions

## AT A GLANCE

### LENGTH OF IMPRISONMENT

The average length of time spent in prison for people in South Dakota who violated their probation and parole increased by **83 percent** between 2014 and 2016.

**76 percent** of probation violations in 2016 were for technical reasons, rather than for a new crime.

**89 percent** of parole violations in 2016 were for technical reasons, rather than for a new crime.

are subject to the maximum sentence for the next most severe felony class short of a life sentence (for instance, increasing from a maximum sentence of 10 years for a Class 4 felony to a maximum of 15 years for a Class 3 felony).<sup>38</sup> Individuals convicted of three or more prior nonviolent felonies have their maximum sentence raised by two felony classes.<sup>39</sup> If one or more of those prior felonies was for a crime of violence, South Dakota's "three strikes" law applies, authorizing a maximum penalty of life imprisonment.<sup>40</sup> As of 2015, nearly half (46 percent) of people in prison were serving sentences of 10 years or more, and more than one in seven (15 percent) were serving a sentence of 25 years or more.<sup>41</sup>

## Who Is Imprisoned

**Female South Dakotans:** As of 2017, South Dakota had the nation's third-highest imprisonment rate for women at 124 per 100,000 women residents, behind only Oklahoma and Kentucky.<sup>42</sup> The vast majority (85 percent) of women imprisoned in South Dakota in 2019 were serving time for nonviolent offenses, including 64 percent for drug offenses.<sup>43</sup> Among women entering prison in 2018, 95 percent of new commitments and 97 percent of probation violations were for a nonviolent offense.<sup>44</sup> As of the most recently available data, women accounted for 14 percent of people in

prison in South Dakota (2019) and 20 percent of the people in jail (2015).<sup>45</sup> These trends ignore the reality that incarcerated women have often experienced past victimization and trauma<sup>46</sup> that is likely to be compounded in the prison setting.<sup>47</sup>

**Native American South Dakotans:** In 2017, Native Americans constituted 7 percent of South Dakota's total adult population but nearly one-third (31 percent) of the state's prison population. More than one-quarter (28 percent) of the men and nearly half (46 percent) of the women in South Dakota prisons in 2017 were Native American. That year, the Native American adult imprisonment rate in South Dakota was seven times as high as the rate for white adults, and one in every 23 Native American men in the state was imprisoned.<sup>48</sup>

**Black South Dakotans:** In 2017, the Black adult imprisonment rate in South Dakota was seven times as high as the white adult imprisonment rate. Black people accounted for 8 percent of the prison population and just 2 percent of the state's adult population. That year, one in every 24 Black men in the state was imprisoned.<sup>49</sup>

**Latino South Dakotans:** In 2017, Latinos constituted three percent of South Dakota's overall adult population and four percent of the prison population. The imprisonment rate for Latino adults was twice the rate for white adults.<sup>50</sup>

## AT A GLANCE

### DEMOGRAPHICS

As of 2017, South Dakota had the nation's **third-highest imprisonment rate** for women.

In 2017, Native Americans constituted **7 percent** of the South Dakota population but 31 percent of its prison population.

As of 2017, the Black adult imprisonment rate in South Dakota was **seven times** as high as the white adult imprisonment rate.

**Older South Dakotans:** Though generally considered to pose a negligible risk to public safety,<sup>51</sup> people over 55 years old accounted for one in every 10 people in South Dakota prisons as of 2015.<sup>52</sup>

## People with Mental Health and Substance Use Disorders

Although a significant number of people with mental health needs come into contact with South Dakota's criminal justice system, in 2016, a task force found that the state's criminal justice system was ill-equipped to identify and address these needs. Individuals with mental health needs in South Dakota are more likely to be detained pretrial and stay longer in pretrial detention, and opportunities to divert them from the criminal justice system are extremely limited and only available in certain areas of the state.<sup>53</sup>

Reports of increased methamphetamine use have added further urgency to the need to expand treatment options for people with drug dependency. A 2016 analysis found that an overall increase in recidivism following South Dakota's 2013 legislative reforms was driven entirely by reconvictions for drug possession and ingestion — offenses associated with substance use and addiction.<sup>54</sup> Following increased investment in behavioral health and substance abuse treatment for people on community supervision, Cognitive Behavioral Intervention for Substance Abuse (CBISA) treatment was available in every judicial circuit in South Dakota as of 2014.<sup>55</sup> People sentenced to presumptive probation for nonviolent drug-related offenses are now assessed to determine if they would benefit from the CBISA outpatient program, which is funded by South Dakota's Department of Social Services and available to people on probation who may otherwise be unable to afford treatment.<sup>56</sup> A recent analysis found that between 2016 and 2018, individuals who completed CBISA programs had lower one-year recidivism rates than the overall corrections population.<sup>57</sup>

### AT A GLANCE

## BUDGET

South Dakota spent **\$98 million** from its general fund on corrections in 2017.

General fund corrections spending grew **380 percent** between 1985 and 2017.

## Budget Strains

As South Dakota's prison population has risen, so has the cost burden. South Dakota spent \$98 million from its general fund on corrections in 2017, accounting for 6 percent of the state general fund expenditures that year. General fund corrections spending grew 380 percent between 1985 and 2017, far outpacing growth in other areas like higher education, which grew just 35 percent over the same period.<sup>58</sup>

In addition, the return on investment for incarceration has been poor. Despite spending \$75.83 per day on each person in the state penitentiary as of 2017, 43 percent of people released from South Dakota prisons in 2015 were returned to prison within three years.<sup>59</sup>

# Ending Mass Incarceration in South Dakota: A Path Forward

Mass incarceration is a result of many systems failing to support our communities. To end it, we must develop policies that better address inadequacies throughout our education, health care, and economic systems — to name a few. There are many potential policy changes that can help South Dakota end its mass incarceration crisis, but it will be up to the people and policymakers of South Dakota to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering jail and prison in the first place.

## Reducing Admissions

To end mass incarceration, South Dakota must break its overreliance on jails and prisons as a means to hold people accountable for their crimes. Evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. In fact, imprisonment can be counterproductive — increasing cycles of harm and violence and failing to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.<sup>60</sup> Here are some strategies:

- **Alternatives to incarceration:** The good news is that alternatives exist. Several types of alternative-to-incarceration programs have shown great success in reducing both violent and nonviolent criminal activity. Programs offering support services such as substance use treatment, mental health care, employment, housing, health care, and vocational training — often with a community service requirement — have significantly reduced recidivism rates

for participants.<sup>61</sup> For crimes involving violence, restorative justice programs — which are designed to hold responsible people accountable and support those who were harmed — can be particularly promising. When they are rigorous and well-implemented, these processes have not only been demonstrated to reduce recidivism for defendants,<sup>62</sup> they have also been shown to decrease symptoms of posttraumatic stress in victims of crime.<sup>63</sup> Prosecutors and judges who embrace these solutions can fulfill their responsibilities to the public safety and to supporting victims in their healing — and can often generate far better results than imprisonment can deliver. Other successful models include those that divert people to treatment and support services before arrest and prosecutor-led programs that divert people before they are charged. Lawmakers can explore such interventions at multiple phases in the system, whether through decriminalization or alternatives to arrest, charges, or incarceration. South Dakota's recent juvenile justice reforms focused on prison alternatives have led to a 63 percent decrease in youth incarceration.<sup>64</sup> The Legislature should pass laws to do the same in the adult system.

- **Improve probation practices:** Probation is intended to be an alternative to incarceration and an opportunity to lower recidivism. Yet, many state probation practices perpetuate mass incarceration. Probation offices must prioritize the risk-need-responsivity principle, ensuring the level and parameters of supervision are aligned and lead to better public safety



and rehabilitation outcomes. The South Dakota Legislature should ensure probation is used as a prison alternative, not widening the net of system-involved people. The Public Safety Improvement Act of 2013 required presumptive probation for some offenses, including Class 5 and 6 felonies. After only two years of implementation, presumptive probation had resulted in a 16 percent reduction in new court commitments.<sup>65</sup> The Legislature should continue to build on this progress by protecting and expanding presumptive probation to include Class 4 felonies. Further, there should be more flexible approaches to supervision reporting requirements, considering the transportation and financial challenges associated with being located in more rural parts of the state.<sup>66</sup>

- **Reduce probation and parole**

**revocations:** Too often, people revoked from supervision are sent to prison for technical violations, such as missing curfew or lack of employment, rather than for committing new crimes. Only 8 percent of probation violation admissions in South Dakota were for offenses involving violence in 2016, while 92 percent were nonviolent. In the same year, 76 percent of probation violations were for technical violations.<sup>67</sup> Further, probation violation admissions for drug-related offenses grew by 69 percent between 2014 and 2016.<sup>68</sup> Generally, racial disparities are stark in revocation decision-making. One study found that Black probationers were revoked at significantly higher rates than white and Latinx probationers.<sup>69</sup> As the state works to increase the number of people placed on probation rather than sent to prison, lawmakers should be vigilant to ensure that the process for responding to supervision violations is comprehensive and includes a range of graduated sanctions, ensuring responses are proportional and may include treatment. Lawmakers must ensure people are not sent to prison for substance use disorder or minor infractions, driving up the prison population. Incarceration should be

prohibited in cases of technical violations. They should further ensure that appointed counsel is provided at revocation hearings, and cap the amount of time a person can be incarcerated for other violations that are misdemeanors or low-level felonies. Since the 2012 reforms passed, parole revocations have decreased by 41 percent.<sup>70</sup> The Legislature should seek similar progress for probation revocations.

Further, work remains in preventing unnecessary parole revocations. South Dakota's Board of Pardons and Paroles should amend the rule that sets the standard of proof. Currently, in order to revoke, the board must merely be reasonably satisfied that conditions have been violated.<sup>71</sup> The board should create a higher burden, such as requiring the presentation of clear and convincing evidence that a person has violated conditions of their release, to revoke and resend someone to prison. It should also significantly reduce the number of days a person may be detained prior to their final revocation hearing. Current law allows a person to remain incarcerated for up to 90 days before a finding that a violation has occurred.<sup>72</sup> The Legislature should pass a bill to require a hearing within 72 hours if a person is in custody. If the hearing does not occur within 72 hours, the individual should be released pending the hearing.

Lastly, to ensure that revocations for technical violations do not punish people for physical or mental disabilities, both parole and probation officers are required to provide reasonable accommodations so that parolees and probationers with disabilities have an equal opportunity to comply with the requirements of parole. Proper training of parole officers, and greater awareness of, and advocacy for, these requirements could reduce the number of technical violations significantly.

- **Expand treatment for mental health:** Mental health diversion is an effective way to redirect people with disabilities out of the criminal legal system and into supportive community treatment. Diversion programs have been

shown to be effective for people charged with both nonviolent and violent offenses.<sup>73</sup> When implemented effectively, diversion reduces arrests, encourages voluntary treatment in the community, and saves money.<sup>74</sup> Effective diversion programs coordinate with community services that provide a wide range of substantial, quality wraparound treatment and support for people with disabilities to access housing, employment, and intensive, individualized supports in the community. After an initial investment in community supports, diversion programs have the potential to save jurisdictions large amounts of money.<sup>75</sup> One way to support treatment options is expanding Medicaid so that South Dakotans have greater access to mental health treatment and substance use treatment while on probation/parole and after their separation from the criminal justice system.

- **Expand treatment for addiction:** Substance use disorders are often underlying drivers of a substantial number of crimes, including and especially more serious offenses like burglaries, robberies, and assaults. Addressing substance use through treatment rather than incarceration can more effectively reduce crime.<sup>76</sup> Addiction must be treated as a public health crisis, not a public safety crisis. South Dakota’s legislative and executive branches should focus resources on prevention, treatment, and rehabilitation, rather than passing policies that result in the incarceration of people due to an illness. South Dakota lawmakers should expand specialty courts — and eligibility for participating in these courts explicitly and publicly articulated by state’s attorneys — for substance use disorders, especially in cases of methamphetamine use. Between 2014 and 2015, arrests for drug offenses increased by 20 percent. Arrests for methamphetamine grew by 40 percent.<sup>77</sup> To lower arrest rates and incarceration, South Dakota lawmakers should pass legislation to create a pre-arrest diversion program for drug offenses.

- **Support decriminalization:** The South Dakota Legislature consistently introduces bills to criminalize behavior that previously would not have led to incarceration. The Legislature needs to move away from a culture of criminalization, stop expanding the criminal code, and look at alternatives to incarceration. One good place to start: The criminalization of drug ingestion — and of personal drug use and possession — leaves South Dakota’s citizens less safe and would be better handled with a public health approach. The Legislature should start a broader decriminalization effort by removing these crimes from the law. Decriminalization is a winning commitment both for the community and the ballot box.
- **Enact pretrial justice reform:** South Dakota can significantly reduce its rates of pretrial detention by creating a fairer, smarter pretrial system. Cash bail is relied on too heavily and leaves people languishing in jail simply because they cannot afford to pay. Far too often, people who cannot afford their bail will end up in jail for weeks, months, or, in some cases, years as they wait for their day in court. When this happens, the criminal justice system leaves them with a difficult choice: Take a plea deal or fight the case from behind bars. While in pretrial detention, research shows many people face significant collateral damage, such as job loss or interrupted education.<sup>78</sup> After even a short stay in jail, taking a plea deal sounds less burdensome than losing everything, which is likely why evidence shows that pretrial detention significantly increases a defendant’s risk of conviction.<sup>79</sup> The current cash bail system harms people of color in particular. Research shows that people of color are detained at higher rates across the country when unable to meet bail, and that courts set significantly higher bail amounts for them.<sup>80</sup> The solution is not to shift from a cash-based system to a system where risk assessment instruments inform or support judicial decisions about who loses their liberty after an arrest. Risk assessment instruments have not been shown to eliminate

bias in pretrial decision-making, even as a supplement to decisions made by judges.<sup>81</sup> In order to significantly reduce pretrial detention and combat racial disparities, the South Dakota Legislature should enact pretrial reform — including enhancing speedy trial rights, expanding access to counsel, and expanding mandatory cite and release policies — and limit pretrial detention to the rare case where a person poses a serious, clear threat to another person.

## A NOTE ON SPECIALTY COURTS

Many jurisdictions assign some people to “specialty courts” such as mental health, behavioral, veterans’, and drug courts. South Dakota should expand both the number of specialty courts it has and access to them. But it is important to note concerns around these courts. Some may violate due process rights, including the rights to notice, hearing, and counsel, and may needlessly subject people with disabilities to criminal justice control. And they require significant resources that would be better spent providing upfront services in the community.

Where established, participation in these courts must be voluntary and not require a guilty plea. Specialty court providers must be disability-competent and informed in public health, addiction, and treatment. People in these courts must have access to counsel, and supervision should not last beyond the length of any sentence that would have been imposed for the underlying charge. Participants should be allowed to quit the program and either take a plea agreement or stand trial, protected by all due process rights, at any time. All programs must be tailored to meet individual needs, including having specialized, evidence-based options for people with dual diagnoses (mental health and substance use disorders). Finally, the response to lapses or noncompliance should be enhanced case management, not incarceration.

- **Prosecutorial reform:** Prosecutors are the most powerful actors in the criminal justice system, with the ability to wield the power of the state against an individual to deprive that person of life, liberty, and property. The initial decision of whether to charge someone with crimes and, if so, what and how many, has a major impact on every aspect of a person’s experience with the system, not least of which is the amount of time someone faces and eventually serves incarcerated. They decide, virtually unilaterally, whether an individual is diverted from the criminal system, thereby avoiding the collateral consequences of a criminal record. They resolve most convictions through plea bargains, through which prosecutors primarily decide how the charges are settled. Prosecutors also make influential recommendations regarding bail and sentences. The Legislature should mandate that prosecutors collect data on these decisions and publish their data and related policies so they are available to the communities that they serve. They should also justify their recommendations on pretrial detention and prison sentences by explicitly justifying the costs on court record. Moreover, there should be some mechanism for the state and counties to review and assess those decisions overall to ensure that they make these decisions appropriately. This is especially necessary as prosecutors seem to have avoided the reforms laid out in the Public Safety Improvement Act of 2013 — intended to reduce the prison population — as felony filing numbers have since increased.<sup>82</sup> Lastly, the South Dakota Legislature should ensure that public defenders and prosecutors are more equally funded by offering public defenders state funding for the first time. And if prosecutorial filings continue to rise, the Legislature should consider requiring those local offices to share their funding with public defender groups to ensure that all persons are provided with their right to counsel.<sup>83</sup>

## Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in South Dakota's prisons. Here's how:

- **Sentencing reform — general:** Too often, the South Dakota Legislature passes bills that increase prison time for crimes, rather than finding more appropriate lengths. In 2018, for example, the Legislature added significant enhancements to felony methamphetamine distribution convictions, adding significant additional time to a person's prison sentence.<sup>84</sup> The Legislature should instead amend South Dakota's criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary and other property offenses, robbery, public order offenses, and assault. Some progress has been made in reducing terms of sentence in South Dakota, though recent trends have begun to move the needle in the wrong direction, turning back to higher sentences.
- **Sentencing reform — enhancements:** The Legislature can also limit the circumstances and the severity of South Dakota's prior felony sentencing, in which the presence of even a single prior felony can both substantially increase the sentencing range and delay initial parole eligibility. Multiple prior felonies trigger even more substantial enhancements to both sentencing range and initial parole eligibility. South Dakota law requires that an individual with one or two prior felony convictions be subjected to an enhanced penalty.<sup>85</sup> State lawmakers should pass a bill to decrease the look-back period to 10 years and only allow offenses involving violence to trigger a sentence enhancement.
- **Parole reform:** Improving parole and release policies and practices to ensure that eligible people are paroled more quickly and more people are eligible for release consideration is key to reducing the amount of time people spend in prison. In South Dakota, the Board of Pardons and Paroles has nine members. Currently, three are appointed by the governor, three are appointed by the Attorney General and three are appointed by the South Dakota Supreme Court. One of the members appointed by each authority must be an attorney.<sup>86</sup> The Legislature should amend the law to so that the board must have two or three sitting members from either a public defense or trauma-informed background.
- **Earned time/earned credit reform:** In 2018, the South Dakota Legislature passed reforms that allow good time credit to be exchanged for the completion of educational programming, work, or heroic acts in life-threatening situations.<sup>87</sup> The Legislature should consider further expanding access to earned credits against a prison sentence.
- **Compassionate release:** In 2018, South Dakota launched a new compassionate release program for people in prison who are terminally ill or over the age of 65 and have served at least 10 years of their sentences. People over the age of 70 who have served at least 30 years of a life sentence are also eligible.<sup>88</sup> The South Dakota Legislature should further expand access to compassionate release from prison to people above the age of 50. The state's prison population is rapidly aging. Keeping older and seriously injured or ill people incarcerated significantly taxes prison resources. Studies have shown that incarcerating an older (50 and above) person costs double what it costs to incarcerate a younger person.<sup>89</sup> What is more, keeping older people behind bars does not serve the goal of incapacitation, particularly as studies have clearly shown that as people age their propensity to commit crime significantly declines.<sup>90</sup> There is also clear evidence showing that older persons have much lower rates of recidivism than their younger counterparts.<sup>91</sup>

## Reducing Racial Disparities

Reducing the number of people who are imprisoned in South Dakota will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latinx, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages, such as pretrial detention, conviction, sentencing, and post-release opportunity.<sup>92</sup> Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

In South Dakota racial disparities have a particularly large impact on the Native American community. In 2017, Native Americans constituted 7 percent of South Dakota's total adult population but nearly one-third (31 percent) of the state's prison population. More than one-quarter (28 percent) of the men and nearly half (46 percent) of the women in South Dakota prisons in 2017 were Native American. That year, the Native American adult imprisonment rate in South Dakota was seven times higher than the rate for white adults, and one in every 23 Native men in the state was imprisoned.<sup>93</sup> Further, people who identify as Native American constituted 44 percent of those who were returned to prison for a parole violation in 2012, despite making up only 24 percent of the entire parole population that year.<sup>94</sup>

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.<sup>95</sup> However, the state did not target racial disparities in incarceration and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.<sup>96</sup>

Ending mass incarceration is critical to eliminating racial disparities, but it is insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (e.g., drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules
- Eliminating discriminatory gang sentencing enhancements that disproportionately target people of color
- Abolishing the death penalty. Numerous studies illustrate racial disparities are rampant throughout the capital sentencing process.<sup>97</sup>



- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system
- Encouraging judges to use their power to dismiss cases that originate with school officials or on school grounds, when the matter may be adequately addressed through school disciplinary or regulatory process to avoid incarcerating children during their most formative years
- Eliminating fines and fees, which effectively criminalize poverty
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers
- Eliminate the condition that a person being released from prison live in one of the state's urban regions in an effort to increase the probability of employment and ensure Native Americans have the right to live on tribal lands after their release

## Reducing Disability Disparities

The rates of people with disabilities in the U.S. criminal system are two to six times that of the general population.<sup>98</sup> In particular, people with psychiatric disabilities are dramatically overrepresented in jails and prisons across the country.<sup>99</sup>

- People showing signs of mental illness are twice as likely to be arrested as people without mental illness for the same behavior.<sup>100</sup>
- People with mental illness are sentenced to prison terms that are, on average, 12 percent longer than other people in prison.<sup>101</sup>
- People with mental illness stay in prison longer because they frequently face disciplinary action from conduct that arises due to their illness — such as attempted suicide — and they seldom

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“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”<sup>107</sup>

— From *The New Jim Crow*, Michelle Alexander

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qualify for early release because they are not able to participate in rehabilitative programming, such as educational or vocational classes.<sup>102</sup>

Furthermore, sentencing reforms appear to leave people in prison with psychiatric disabilities behind. In recent years in California, for example, the prison population has decreased by more than 25 percent following a court order, but the number of people with a serious mental disorder has increased by 150 percent — an increase in both the rate and the absolute number of incarcerated people with psychiatric disabilities.<sup>103</sup>

Screening tools to evaluate psychiatric disabilities vary by state and jurisdiction, but the most reliable data indicates that more than half of jail populations and close to half of prison populations have mental health disabilities.<sup>104</sup> The fact that people with mental health disabilities are arrested more frequently, stay incarcerated longer, and return to prisons faster is not due to any inherent criminality related to psychiatric disabilities. It arises in part because of the lack of accessible and appropriate mental health treatment in the community; in part because of a perception of dangerousness by police, prosecutors, and judges; and in part because prison staff and probation officers fail to recognize and accommodate disability.

Many people of color in jails and prisons are also people with disabilities, and efforts to reduce racial disparities must go hand in hand with efforts to reduce disability disparities.<sup>105</sup> Not surprisingly, many of the strategies to reduce disability disparities are similar to approaches that reduce racial disparities. Some examples include:

- Investing in pre-arrest diversion:
  - Creating behavioral health centers, run by state departments of health, as alternatives to jails, or emergency rooms for people experiencing mental health crises or addiction issues.
- Training dispatchers and police to divert people with mental health issues who commit low-level nuisance crimes to these behavioral health centers. Jurisdictions that have followed this approach have significantly reduced their jail populations.<sup>106</sup>
- Ending arrest and incarceration for low-level public order charges, such as being drunk in public, urinating in public, loitering, trespassing, vandalism, and sleeping on the street. If needed, refer people who commit these crimes to behavioral health centers.

## TAKING THE LEAD

**Prosecutors:** They make decisions on when to prosecute an arrest, what charges to bring, and which plea deals to offer and accept. They can decide to divert people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide not to seek enhancements that greatly increase the length of sentences.

**Police:** They are generally the first point of contact with the criminal justice system. The practices that police employ in communities can shape the public's view of and trust in that system. Police can decide whether or not to arrest people and how much force to use during encounters with the public. Police departments can also participate in diversion programs, which enable officers to divert people into community-based intervention programs rather than into the criminal justice system.

**State lawmakers:** They decide which offenses to criminalize, what penalties to include, how long sentences can be, and when to take away discretion from judges. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives, including diversion programs that provide supported housing, treatment, and vocational training. And they can decide to sufficiently fund mental health and substance use treatment so it is available for people who need it before they encounter the criminal legal system.

**County commissioners:** County commissioners hold vast local authority over reforms to criminal practices and policies in their communities, including — though not limited to — through funding decisions.

**Governor:** The governor has vast influence over the state's criminal system, including — but not limited to — influence over the annual proposed state budget. Rather than maintaining the status quo, where taxpayer dollars support the enormous scope of today's system, the governor should consider investments that would help divert people from the system and treat their needs, rather than continue to fund prisons.

**Parole boards:** They decide when to allow people to leave prison. If the parole board is trained to consider and accommodate disability issues, they may recognize and release more people who have disciplinary issues in their records that are due to a lack of accommodations for their disabilities.

**Judges:** They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

- Requiring prosecutors to offer diversion for people with mental health and substance use disabilities who are charged with low-level crimes
- Evaluating prosecutors' charging and plea bargaining practices to identify and eliminate disability bias
- Requiring prosecutors' offices be transparent in their hiring practices, charging decisions, and plea deals
- Investing in diversion programs and alternatives to detention designed for people with disabilities, including programs that provide supportive housing, Assertive Community Treatment, wraparound services, and mental health supports
- Reducing the use of pretrial detention while increasing reminders of court dates and other supports to ensure compliance with pretrial requirements
- Reducing reincarceration due to parole or probation revocations through intensive case management, disability-competent training for officers on alternatives to incarceration and reasonable modifications to requirements of supervision, and no return to incarceration for first and second technical violations
- Addressing bias against mental disabilities in risk assessment instruments used to assist decision-making in the criminal justice system
- Shifting funding away from law enforcement and corrections into supportive housing, intensive case management, schools, drug and mental health treatment, community organizations, job creation, and other social service providers

## Forecaster Chart

There are many pathways to cutting the prison population in South Dakota by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in South Dakota, visit the interactive online tool at <https://urbn.is/ppf>.



# CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
<b>Drug offenses</b>	<ul style="list-style-type: none"> <li>Institute alternatives that end all admissions for drug possession (821 fewer people admitted)</li> <li>Reduce average time served for drug distribution and other drug offenses by 50% (from 1.08 to 0.54 years)</li> <li>Institute alternatives that reduce admissions for drug distribution and other drug offenses by 40% (109 fewer people admitted)</li> </ul>	19.92% reduction (651 fewer people)	White: 1.8% decrease Black: 4.1% decrease Hispanic/Latino: 4.5% decrease Native American: 5.1% increase	\$20,664,853
<b>Assault</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 1.74 to 1.05 years)</li> <li>Institute alternatives that reduce admissions by 30% (81 fewer people admitted)</li> </ul>	8.32% reduction (272 fewer people)	White: 2.3% increase Black: 0.6% decrease Hispanic/Latino: 5.0% increase Native American: 5.0% decrease	\$5,768,679
<b>Burglary</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 1.48 to 0.89 years)</li> <li>Institute alternatives that reduce admissions by 30% (56 fewer people admitted)</li> </ul>	4.99% reduction (163 fewer people)	White: 0.3% increase Black: No change Hispanic/Latino: 0.7% increase Native American: 0.7% decrease	\$3,683,215
<b>Public order offenses*****</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 0.59 to 0.36 years)</li> <li>Institute alternatives that reduce admissions by 40% (143 fewer people admitted)</li> </ul>	4.14% reduction (135 fewer people)	White: 0.2% increase Black: 2.7% increase Hispanic/Latino: 2.3% increase Native American: 1.3% decrease	\$2,944,141
<b>Theft</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 1.15 to 0.69 years)</li> <li>Institute alternatives that reduce admissions by 40% (71 fewer people admitted)</li> </ul>	3.99% reduction (130 fewer people)	White: 0.4% decrease Black: 1.2% increase Hispanic/Latino: 2.7% increase Native American: 0.3% increase	\$2,986,074

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
<b>Robbery</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 5.22 to 3.13 years)</li> <li>Institute alternatives that reduce admissions by 20% (12 fewer people admitted)</li> </ul>	3.35% reduction (110 fewer people)	White: 0.4% increase Black: 2.8% decrease Hispanic/Latino: 2.1% increase Native American: 0.4% decrease	\$1,886,684
<b>Fraud</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 1.03 to 0.62 years)</li> <li>Institute alternatives that reduce admissions by 40% (53 fewer people admitted)</li> </ul>	2.69% reduction (88 fewer people)	White: 0.6% decrease Black: 1.8% increase Hispanic/Latino: 0.8% increase Native American: 0.7% increase	\$2,020,801
<b>DWI</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 20% (from 0.93 to 0.74 years)</li> <li>Institute alternatives that reduce admissions by 40% (33 fewer people admitted)</li> </ul>	1.22% reduction (40 fewer people)	White: No change Black: 0.2% increase Hispanic/Latino: 0.3% decrease Native American: No change	\$1,029,479
<b>Motor vehicle theft</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 1.25 to 0.75 years)</li> <li>Institute alternatives that reduce admissions by 40% (19 fewer people admitted)</li> </ul>	1.15% reduction (38 fewer people)	White: 0.4% increase Black: 0.3% decrease Hispanic/Latino: 1.8% decrease Native American: 0.5% decrease	\$810,730
<b>Other violent offenses</b>	<ul style="list-style-type: none"> <li>Reduce average time served by 40% (from 1.19 to 0.72 years)</li> <li>Institute alternatives that reduce admissions by 30% (6 fewer people admitted)</li> </ul>	0.46% reduction (15 fewer people)	White: 0.1% decrease Black: 0.3% increase Hispanic/Latino: 0.2% decrease Native American: 0.2% increase	\$353,549

\*The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

\*\*The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

\*\*\* This column represents the percent change in the share of the prison population made up by each racial/ethnic group. It compares the proportion of the population made up by a group in the 2025 baseline prison population to the proportion of the population made up by that group when the reform scenario is applied. We then calculate the percent change between those two proportions. Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison of a certain race or ethnic group to the number of people in the state's general population of that same group. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in South Dakota, where Black people made up 8 percent of the prison population in 2017 but constituted only 2 percent of the state's total adult population.

\*\*\*\*Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

\*\*\*\*\* Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.



## Total Fiscal Impact

If South Dakota were to implement reforms leading to the changes above, 1,642 fewer people would be in prison in the state by 2025, a 50.24 percent decrease. This would lead to a total cost savings of \$112,309,752 by 2025.

## Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of South Dakota's prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform

scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

# Endnotes

- 1 Urban Institute analysis of U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States,” 2017 population estimates; South Dakota Department of Corrections, *Adult Inmates by Race/Ethnicity* (March 2017).
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- 12 *Id.*
- 13 National Association of State Budget Officers, *State Expenditure Report series 1985-2017*, <https://www.nasbo.org/reports-data/state-expenditure-report/state-expenditure-archives>.
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- 16 BJS, Corrections Statistical Analysis Tool; Jennifer Bronson and E. Ann Carson, *Prisoners in 2017* (BJS, April 2019), <https://www.bjs.gov/content/pub/pdf/p17.pdf>.
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- 21 Public Safety Improvement Act Oversight Council, *2018 Annual Report* (November 2018), <https://boardsandcommissions.sd.gov/bcuploads/PublicDocs/BC%202018%20PSIA%20Annual%20Report.pdf>.
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