CRIMINAL JUSTICE INITIATIVE

Work Plan

South Dakota recently emerged from a structural deficit in our state budget after a round of very difficult budget cuts and austerity measures. Following these cuts, Governor Daugaard and legislative leadership are examining the largest budget items to ensure that taxpayer dollars are being invested in the areas that yield the greatest results.

South Dakota's prison population has grown 500% in the last 35 years. As a result, South Dakota now has a higher imprisonment rate than any neighboring state. In addition, we have a prison population that increasingly consists of low-level offenders convicted of nonviolent crimes. One intent of this initative is to ensure that our system continues to have the capacity and resources necessary to deal with serious and violent felons.

At the same time, corrections costs have also increased exponentially and now consume more than $100 million of our state budget. With 1 of every 15 dollars in the general fund already going to corrections, additional increases to the prison population will only drive taxpayer costs upward.

Yet this considerable growth in the prison population and corrections budget has not yielded commensurate improvements to public safety. Our state enjoys being one of the safest in the region but violent crime rates have increased in recent years and recidivism rates remain stubbornly high.

Seeking a better public safety return at less cost to taxpayers, Governor Daugaard, Chief Justice Gilbertson, and legislative leadership have formed the Criminal Justice Initiative (CJI) to identify what is driving the prison population, explore innovations within our state and across the nation, and recommend policies that will reduce crime and corrections spending.

This memo outlines the workplan for the CJI, including the goals, process, and timeline of the initiative; membership of a bi-partisan inter-branch work group; and the role of the Pew Center on the States.

Goals of the Criminal Justice Initiative

The goals of the Criminal Justice Initiative are:

1. Improve public safety by investing in programs, practices, and policies that have been proven to reduce repeat offenders and slow the revolving door to prison.

2. Hold offenders more accountable by strengthening community supervision.

3. Reduce corrections spending and focus prison space on violent, chronic, and career criminals.

Process and Timeline

Prior to creating the CJI, the Governor's Office and Unified Judicial System (UJS) met with hundreds of criminal justice stakeholders including, but not limited to, prosecutors, behavioral health providers, defense attorneys, legislators, corrections staff, judges, the Attorney General and staff, probation officers, law enforcement, tribal representatives, and the corrections commission to gain perspectives, input and facts on the current state of South Dakota's criminal justice system. The stakeholders expressed not only an interest but a desire for changes that would improve the efficiency and effectiveness of the criminal justice system.

In April, Governor Daugaard, Chief Justice Gilbertson, Senate Majority Leader Russell Olson, and House Majority Leader David Lust requested technical assistance from the Public Safety Performance Project of the Pew Center on the States (Pew). As a result, South Dakota has been selected to join the Justice Reinvestment Initiative (JRI), a collaboration between the Department of Justice's Bureau of Justice Assistance and Pew.

The next step was to create a bipartisan, inter-branch working group to review South Dakota's sentencing and corrections data and consider potential reforms. Ultimately, the ideas considered as part of the working group process will result in the creation of a package of administrative and legislative changes.

The CJI Work Group will meet at least once a month through October. The CJI Work Group's specific charge is to identify the drivers of South Dakota's prison population, research evidence-based practices and successful reforms from other states, develop tailored policy options for South Dakota, simulate the impact of the proposed reforms, and explore options for reinvesting potential savings into strategies that improve public safety.

CJI Work Group

The CJI Work Group will consist of representatives from both political parties, all three branches of state government, local government, and other criminal justice stakeholder groups. The membership will be as follows:

- Senator Craig Tieszen, Rapid City, Chairman of the Judiciary Committee
- Senator James Bradford, Pine Ridge
- Senator Reid Holien, Watertown
- Representative Brian Gosch, Rapid City, President Pro Tempore
- Representative Jacquelyn Sly, Rapid City
- Representative Larry Lucas, Mission
- Magistrate Judge Michelle Percy
- Circuit Court Judge Scott Myren

- Circuit Court Judge Larry Long (Former Attorney General)
- Mr. Aaron McGowan, State's Attorney, Minnehaha County
- Mr. Kevin Thom, Sheriff, Pennington County
- Mr. Max Gors, Attorney General's Designee
- Mr. Matt Pike, Public Defender's Office, Deadwood
- Mr. Terry Dosch, Director of Behavioral Health Centers
- Mr. David Nelson, Chairman of the Parole Board
- Mr. Dennis Kaemingk, Secretary of the Department of Corrections
- Mr. Dusty Johnson, Chief of Staff for Governor Daugaard
- Mr. Jim Seward, General Counsel for Governor Daugaard

Role of Pew

The State of South Dakota and the Criminal Justice Work Group will receive the following assistance from the Public Safety Performance Project of the Pew Center on the States:

- Data analysis and research to include a prison population projection and assessment of the drivers of the prison population;

- Presentations on evidence-based practices in community supervision and successful reform efforts in other states;

- Development of tailored policy options for South Dakota along with projected impacts of the reforms on the prison population and corrections budget;

- Drafting of the final Criminal Justice Work Group report to include data findings and policy recommendations;

- Engagement of key criminal justice stakeholders to solicit input and feedback on the policy recommendations;

- Legislative support, as needed, to include providing feedback on legislation, evaluating the impact of proposed changes, policymaker education, testimony, etc.

To achieve these objectives, the Department of Corrections, Unified Judicial System, and the Division of Criminal Investigation will provide Pew and its partners ready access to current and historical state data.

Council of Advisors

The Criminal Justice Work Group will also be assisted and advised by a Council of Advisors. This council is populated with criminal justice experts and senior leaders from South Dakota.

The Council of Advisors will meet regularly to provide feedback and input on the Work Group process, data findings, and policy recommendations.

The membership of the Council of Advisors is as follows:

- Ms. Christine Hutton, Professor, University of South Dakota School of Law
- Mr. Roger Tellinghuisen, Former Attorney General
- Mr. Mark Meierhenry, Former Attorney General
- Mr. Thomas Nicholson, President of State Bar Association
- Mrs. Judith Meierhenry, Former Supreme Court Justice
- Mr. Gene Abdallah, Former Legislator, US Marshall, Highway Patrol Superintendent
- Mrs. Joni Clark Cutler, Former Legislator
- Honorable Judge Timothy D. Tucker, 3rd Circuit Judge
- Honorable Justice Justice Lori Wilbur, South Dakota Supreme Court

Conclusion

South Dakota's leaders are committed to improving the efficiency and effectiveness of the criminal justice system. We appreciate your willingness to work in good faith to find solutions that will strengthen our system. We are not afraid to look at ourselves critically and are committed to achieving the goals of improved public safety, greater offender accountability, and reduced corrections spending.

Faithfully Submitted,

Governor Daugaard

Chief Justice Gilbertson

Senate Majority Leader Olson

House Majority Leader Lust