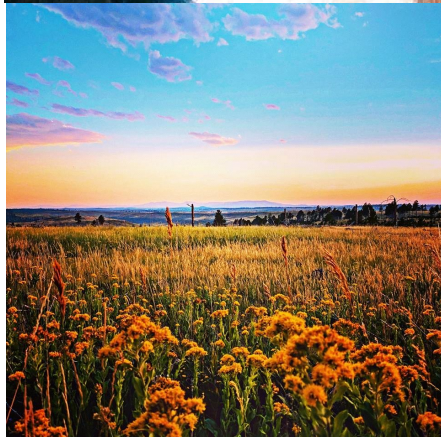
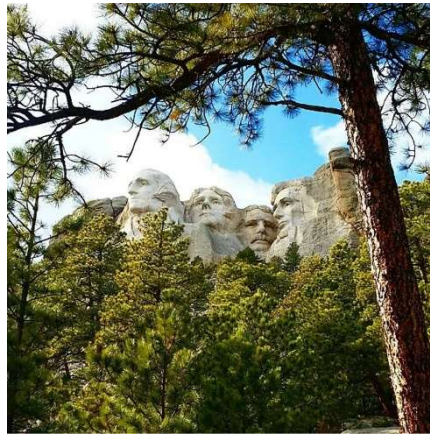


US Probation & Pretrial Services District of South Dakota Annual Report Fiscal Year 2017



U.S. District Court
District of South Dakota
December 2017

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Introduction

The United States District Court, District of South Dakota, has four divisions – Northern, Central, Southern, and Western. There are five district judges and four magistrate judges.



Northern Division **Courthouse located in Aberdeen**

District Judge

Charles B. Kornmann

Magistrate Judge

William D. Gerdes (part-time)



Central Division **Courthouse located in Pierre**

District Judge

Roberto A. Lange

Magistrate Judge

Mark A. Moreno (part-time)



Southern Division **Courthouse located in Sioux Falls**

District Judges

Karen E. Schreier

Lawrence L. Piersol

Magistrate Judge

Veronica L. Duffy



Western Division **Courthouse located in Rapid City**

District Judge

Jeffrey L. Viken, Chief Judge

Magistrate Judge

Daneta Wollmann (part-time)

The U.S. District Court has three operational components – Chambers (judges and their staff), the Clerk of Court Office, and the Probation and Pretrial Services Office. The Probation and Pretrial Services Office in the District of South Dakota (hereafter Office), has divisional offices in each of the four divisions. Other than the Southern Division, where there is separate leased space for the Office outside of the courthouse, there is office space for probation and pretrial services employees in the courthouses. The Office also has five smaller offices on tribal land in Kyle (Oglala Sioux Tribe), Mission (Rosebud Sioux Tribe), Timber Lake and Eagle Butte (Cheyenne River Sioux Tribe), and McLaughlin (Standing Rock Sioux Tribe).

Employees of the Office are employees of the Judicial Branch of the U.S. government. The line and managerial officers in the Office are appointed by the U.S. District Court. The administrative support personnel of the Office are appointed by the chief probation and pretrial services officer.



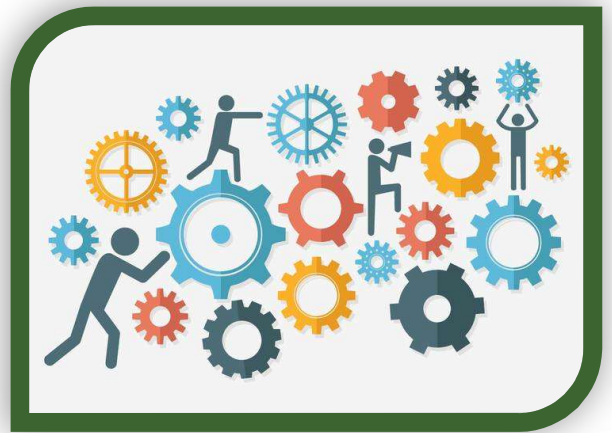
Office Vision

We, the members of Probation and Pretrial Services, effectively contribute to the achievement of justice and the enhancement of community safety. The persons under our charge demonstrate lawful and sustainable self-regulation, willfully comply with court orders, and compassionately take action to repair the harm they have caused.

Office Mission

We Are Dedicated to Achieving Justice and Enhancing Community Safety by:

- Providing accurate, thorough, and objective information and our best judgment to the Court for the issuance of individualized, fair, and equitable court orders;
- Holding persons accountable for their criminal actions, facilitating victim reparation, and requiring compliance with court mandates;
- Establishing an effective working alliance with each person to guide them toward lawful self-management, promoting changes in their values and beliefs, improving their competencies and skills, and addressing the factors that are driving their criminal behaviors;
- Assessing individual risk of re-offending, developing the most cost-effective strategies and interventions, and utilizing the best evidence to make decisions;
- Engaging families and communities in our mission and establishing collaboration among justice system partners.



Office Values

It is an honor and privilege to perform meaningful service for the public.

We faithfully perform our duties in an effort to earn the public trust.

These Shared Values Guide Us As We Fulfill The Mission With Which We Have Been Entrusted:

INTEGRITY

Our commitment to justice drives us to be honest, fair, and compassionate to each other and those we serve. We are accountable for our decisions and the impact of our actions.

RESPECT

We honor and respect the dignity and worth of every individual, affirm human potential, act with empathy, and embrace diversity.

EXCELLENCE

We deliver the highest quality of services through continued learning, competency building, effective communication, and utilizing evidence-based practices.

PROGRESS

We believe change is essential to the dynamic nature of our work. We create a learning environment where we and those we serve take courageous steps toward individual growth and systemic progress.

QUALITY OF WORK LIFE

We believe in a work life where each employee can achieve personal satisfaction and fulfillment. We support a positive work environment where contributions are appreciated and conditions are safe and fair.

Evidence-Based Practices (EBP)

The Office is committed to evidence-based practices and decision-making. Evidence-based practice is the conscientious, objective, and judicious use of scientific knowledge, empirical evidence, and the best available information to make decisions which will maximize the benefits of the Office's work for all stakeholders, i.e., the court, community, victims, and those under supervision. Employing methods which have been demonstrated to be effective by empirical research is essential to achieving the best possible probation and pretrial services outcomes.

Evidence-based practice is a method of decision-making involving the integration of:

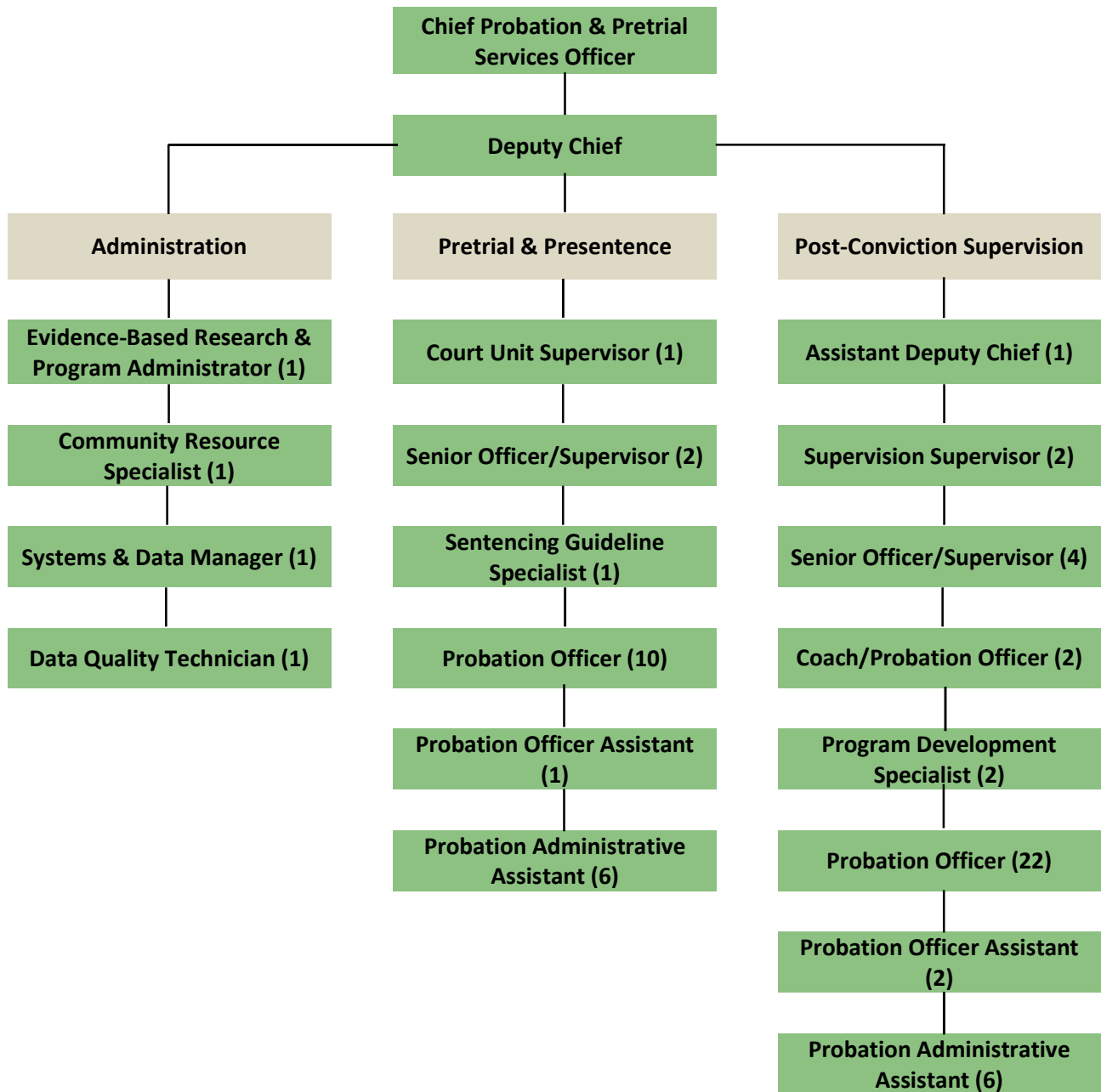
- the Office's expertise (knowledge and skills of probation staff through rigorous study of human behavior and disciplined regimen of training);
- the Office's own evidence (purposeful collection and analysis of both local aggregate outcome data associated with the application of empirically supported practices and local outcome data at the individual level to ensure the empirically supported practice is actually evidence-based for each person under supervision); and
- the best available external empirical evidence (systematic research based on empirically proven methods to reduce harm and reoffending by those convicted of a federal offense).

When an Organization is Evidence-based:

- *Everyone shares a common mission and vision*
- *Resources are used effectively and efficiently*
- *Persons under supervisions are held accountable (compliance with court orders and laws)*
- *Data drives decisions*
- *Learning and innovation are welcome*
- *System players communicate and collaborate*

Organization

Below is an Organization Chart showing the various positions within the Office and the leadership structure.



At the end of FY2017 there were a total of 68 persons employed with the Office, with 7 classified as Administrators & Supervisors, 6 classified as Split-time Supervisors/Officers, 40 classified as Line Officers, 1 classified as a Community Resource Specialist, and 14 classified as Administrative/Support Staff. Following is a breakdown of staff gender, education level, and years of service.

**Administrators & Supervisors
(10% of Total Staff)**

Gender: 5 male and 2 female
 Education Level: 6 with graduate degrees and 1 with a bachelor's degree
 Years of Service in the Office: Range from 5 years to 22 years of service
 Average of 14 years of federal service

**Split-time Supervisors/Officers
(9% of Total Staff)**

Gender: 4 male and 2 female
 Education Level: 4 with graduate degrees and 2 with bachelor degrees
 Years of Service in the Office: Range from 3 years to 17 years of service
 Average of 9 years of federal service

**Line Officers
(59% of Total Staff)**

Gender: 20 male and 20 female
 Education Level: 9 with graduate degrees and 28 with a bachelor's degree
 Years of Service: Range from less than 1 year to 23 years of service
 Average of 6 years of federal service

**Community Resource Specialist
(1% of Total Staff)**

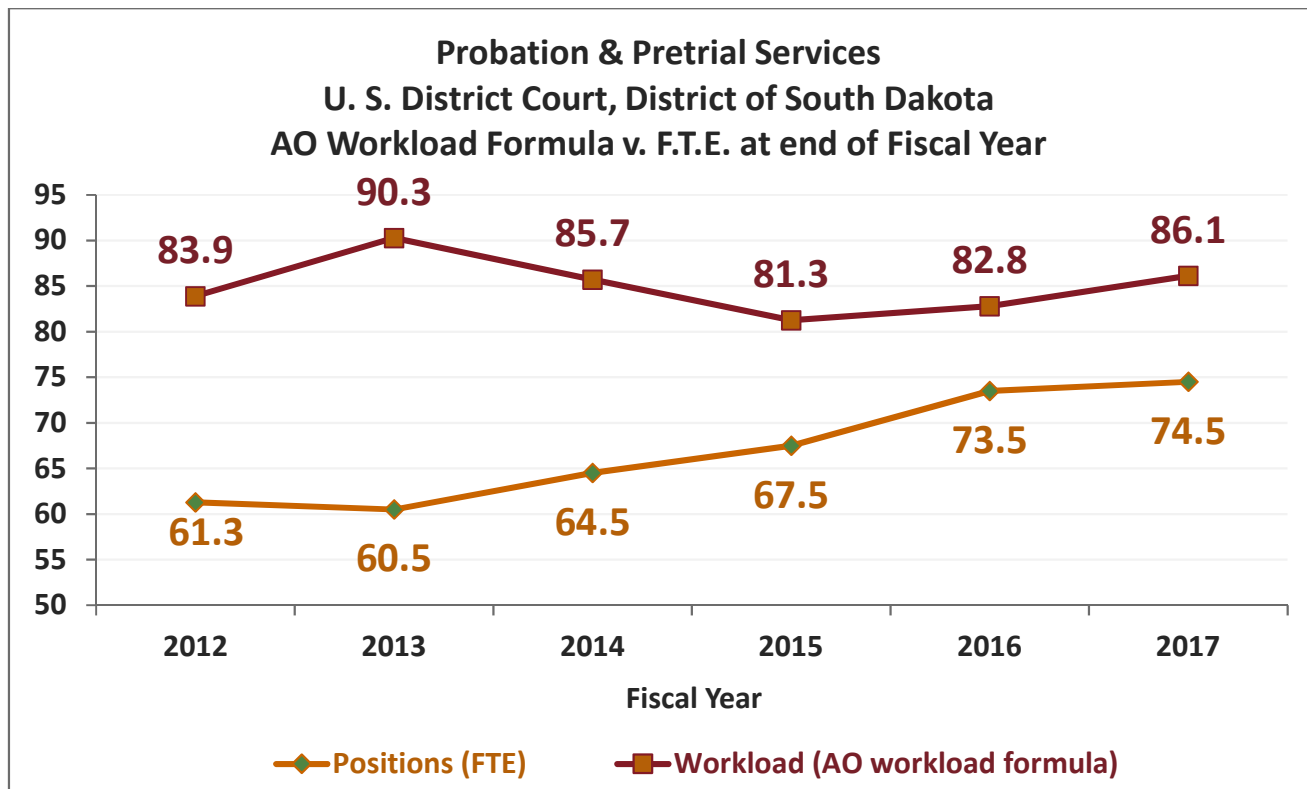
Gender: 1 male
 Education Level: 1 with a bachelor's degree
 Years of Service: Less than 1 year of service

**Administrative/Support Staff
(21% of Total Staff)**

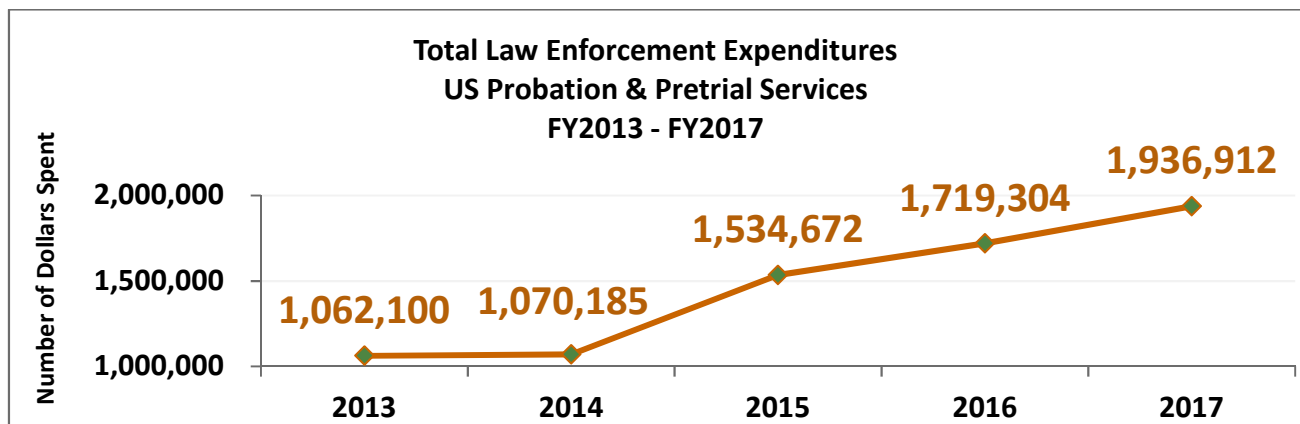
Gender: 14 female
 Years of Service: Range from less than 1 year to 22 years of service
 Average of 10 years of federal service

Budget

The funding of the Office is determined in large measure by the workload formulas established by the Administrative Office of the United States Courts. Displayed below are the fiscal year workload calculations and the authorized positions in full-time equivalency (F.T.E.). The U.S. Budget Sequestration of 2013 had a significant impact on the funding of the Office and, unfortunately, it also coincided with an increase in the Office's workload. Starting in Fiscal Year 2016 (FY2016) and continuing into Fiscal Year 2017 (FY2017), the workload and the funding are more aligned.

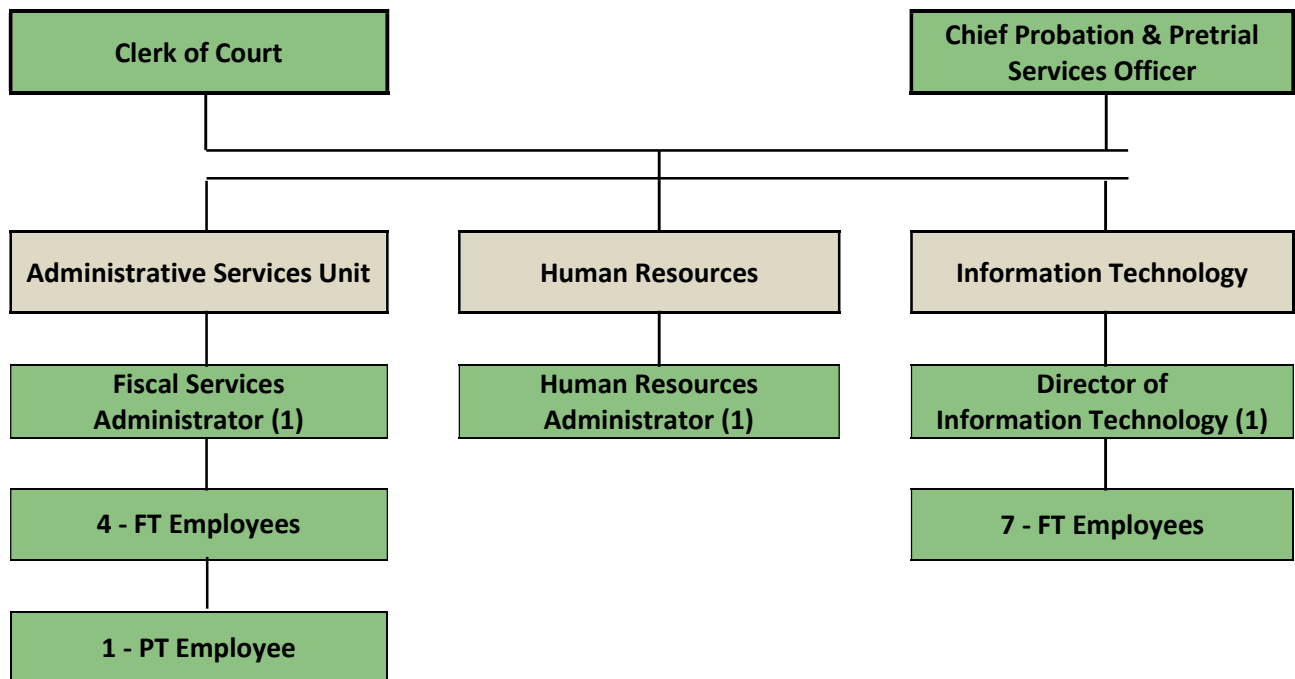


During sequestration, the Office reduced law enforcement treatment programs and services. Between fiscal years 2012 and 2014, spending in this area dropped by over 30%. In FY2015 through FY2017, the Office was able to expand the programs and services proven to be most effective at reducing re-offending. The graph below illustrates the expenditure change during that time frame.



Shared Administrative Services


In order to provide more cost-effective administrative services, the District Court in South Dakota has established an agreement to share services among its three operational components – Chambers, the Clerk of Court Office, and Probation and Pretrial Services Office. The shared services include the information technology unit, the administrative services unit, and the human resources unit. The personnel in the three areas of administration serve Chambers, the Clerk of Court Office, and the Probation and Pretrial Services Office. The clerk of the court and the chief probation and pretrial services officer have joint responsibility to supervise the administrative areas.



An informal agreement has evolved between the U.S. Bankruptcy Court and the U.S. District Court in South Dakota to share administrative services. Currently, there is a working agreement to share information technology services between the two courts.

Operations

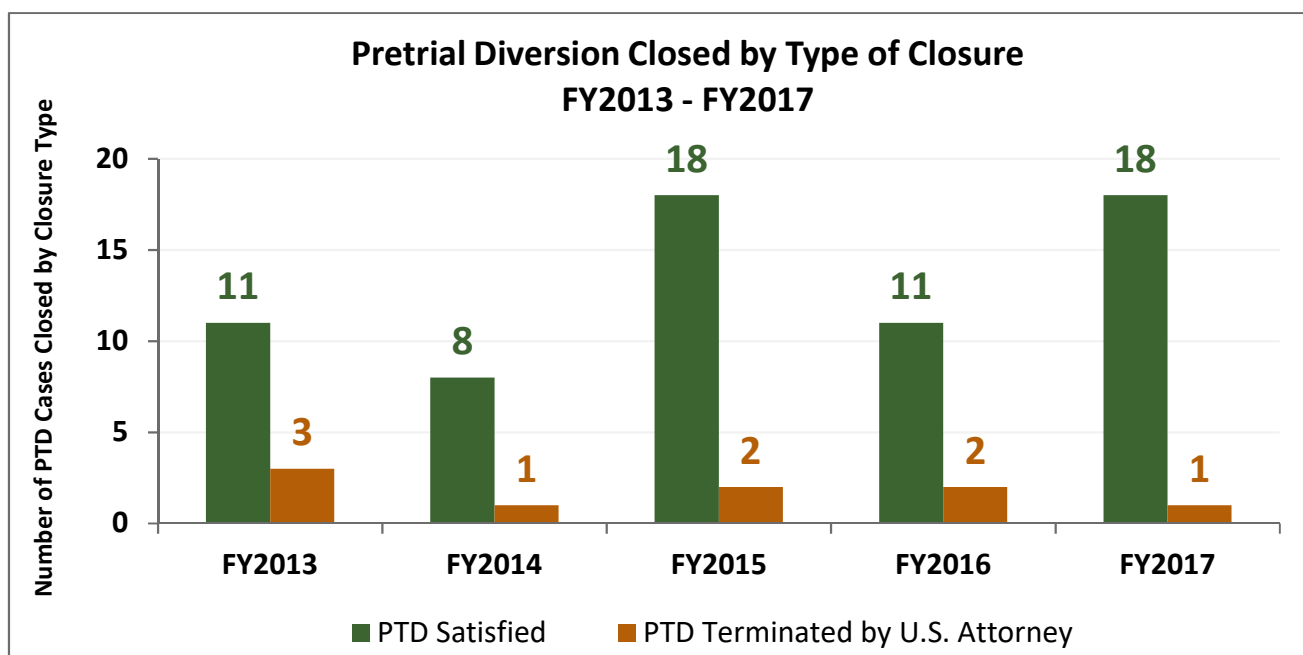
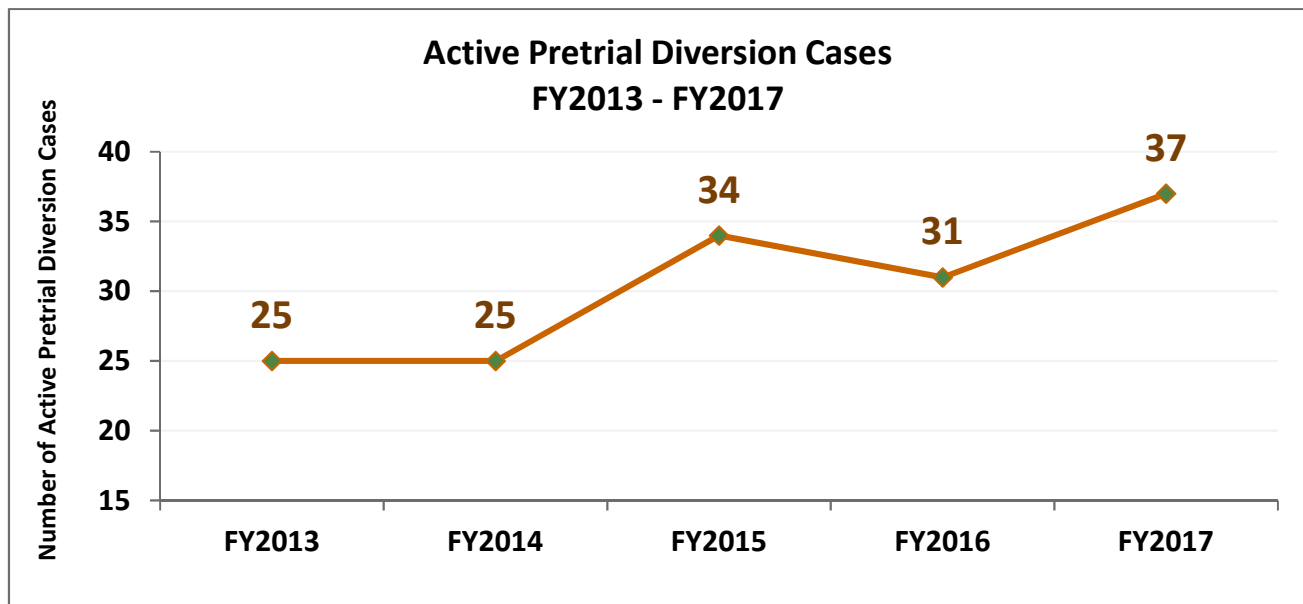
The Probation and Pretrial Services Office performs services for the court and the justice system in five major areas:

- 
- Pretrial Diversion Supervision
 - Pretrial Investigation and Bail Reports
 - Pretrial Supervision
 - Presentence Investigation and Reports
 - Post-conviction Supervision

Pretrial Diversion Supervision

Prior to prosecution and only at the request of the U.S. Attorney's office, the Probation and Pretrial Services Office submits reports to the U.S. Attorney's office on a person's eligibility for supervision as a diversion from formal prosecution. When authorized by the U.S. Attorney, the probation and pretrial services office establishes a pretrial diversion agreement and subsequently supervises the person. If the person completes the supervision period without substantial violation of the supervision agreement, the U.S. Attorney's Office does not prosecute the person on the original charge.

In FY2017, seventeen persons under pretrial diversion supervision successfully completed the supervision period. The U.S. Attorney terminated only one pretrial diversion case in FY2017.



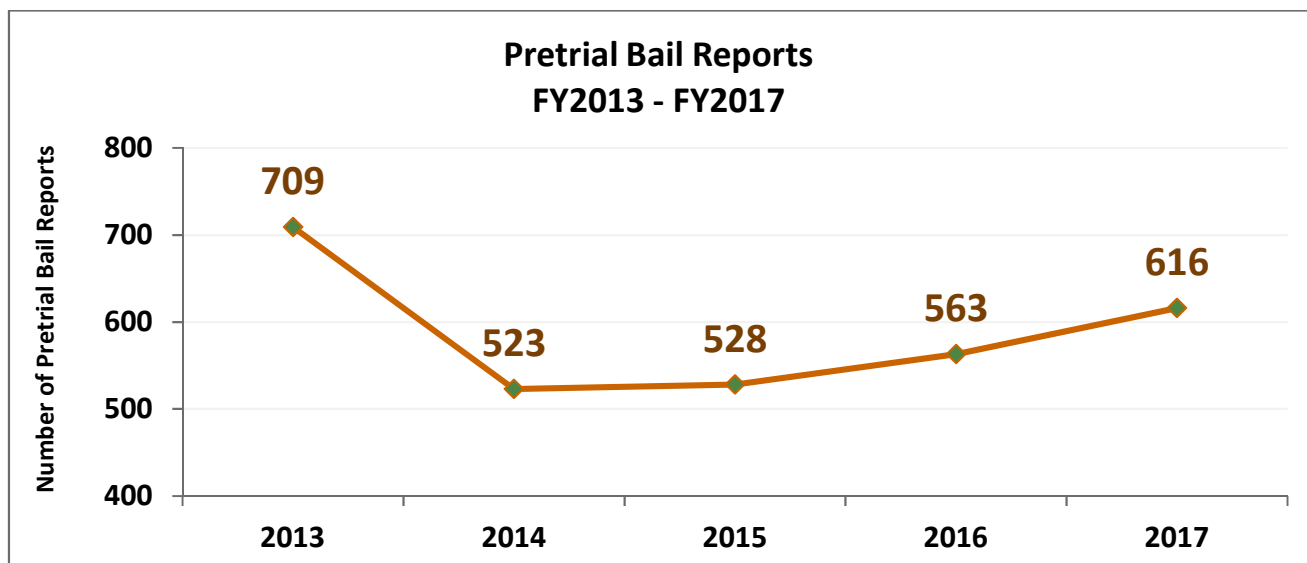
Pretrial Bail Investigations and Reports

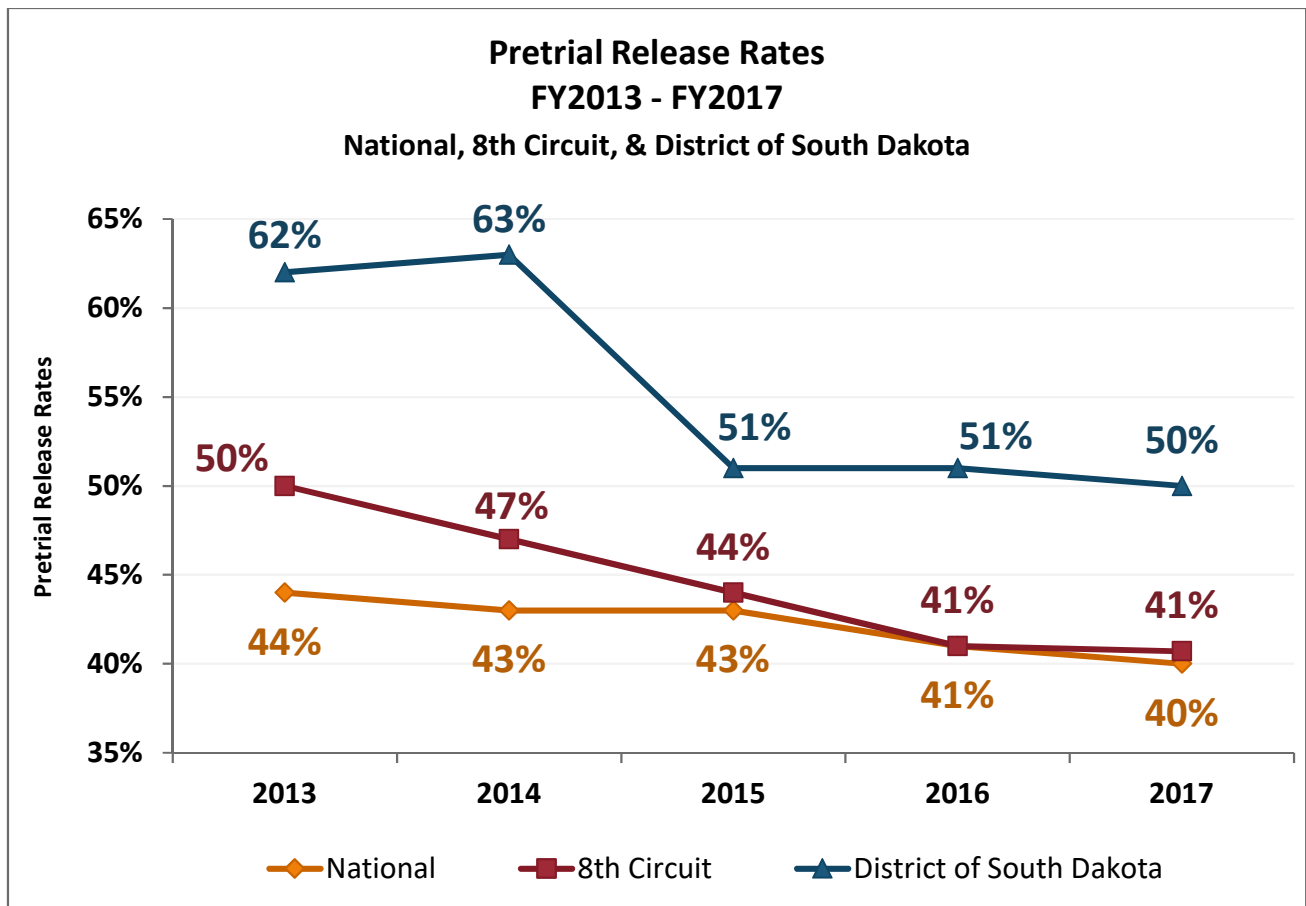
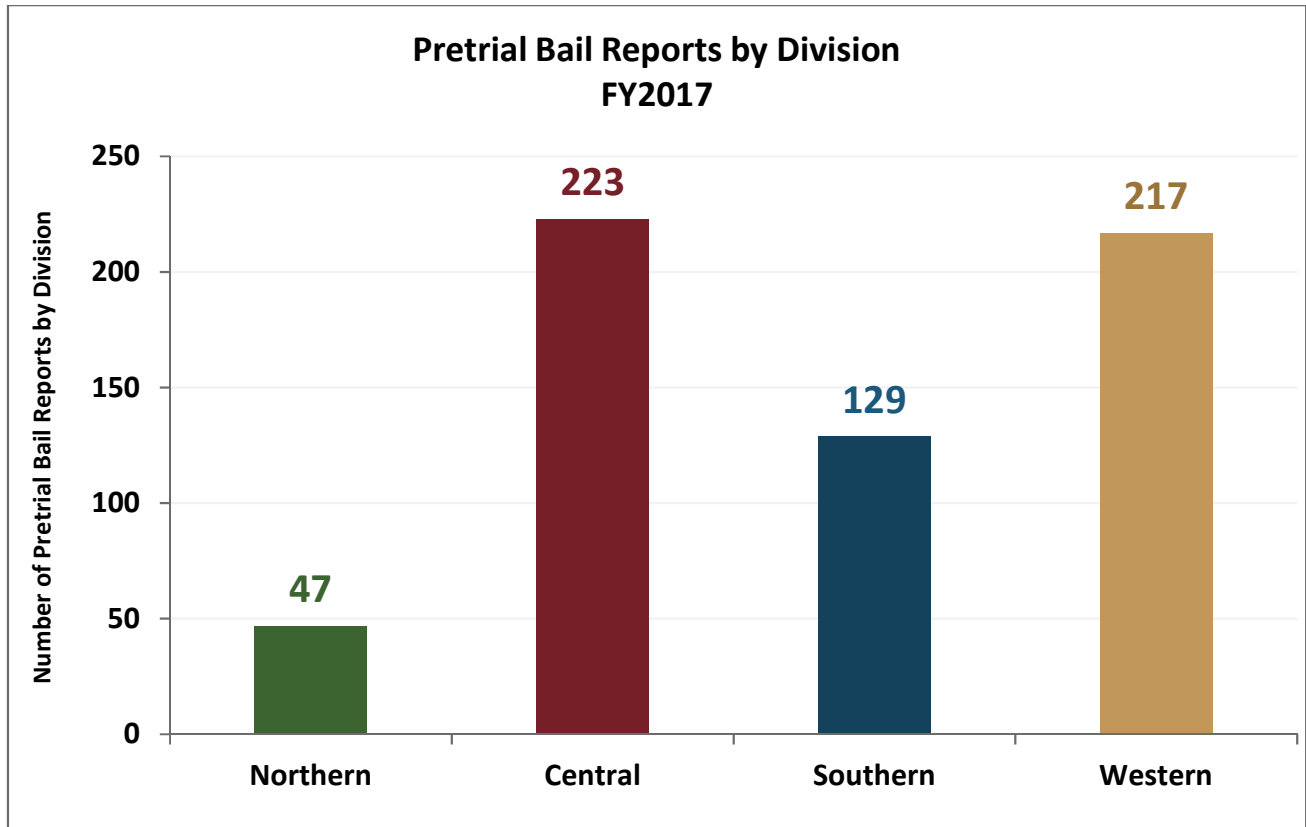
After federal charges have been filed, the Office investigates persons who have been charged and submits a bail report to the court on each person. The reports provide information to the court to determine if the person should remain free or be detained during the pretrial phase based on the assessed likelihood the person will appear as directed by the court and does not pose a danger to another person or the community. The report also may contain recommendations on conditions the person must follow to remain in the community during the pretrial phase.

The assessment of a person's likelihood to appear and remain lawful is determined by the application of the Pretrial Risk Assessment (PTRA) tool and the Office's best judgment based on the totality of all known factors and circumstances. The PTRA is a validated risk assessment instrument created by the Administrative Office and implemented in all federal districts. The instrument has a scoring range of 1 to 5, with 1 being the lowest risk and 5 being the highest risk.

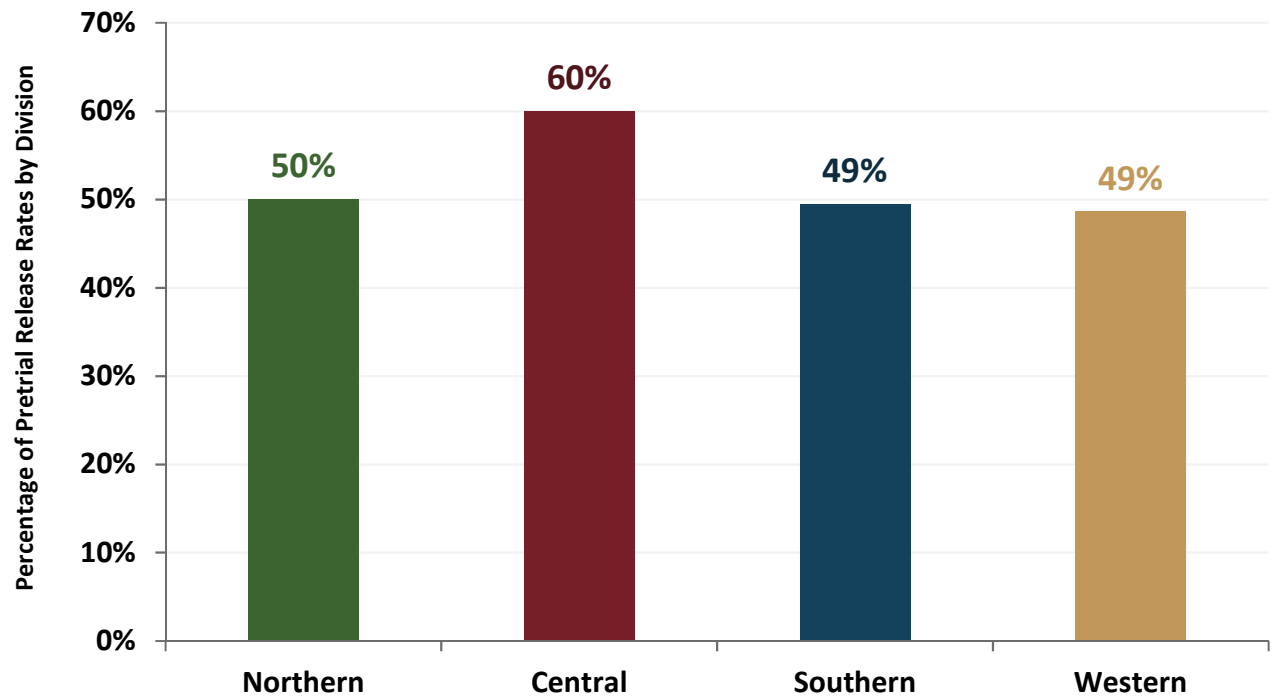
The Office employees involved in pretrial bail investigations and reports are dedicated to achieving justice and enhancing community safety by:

- Ensuring each defendant is given the opportunity to participate in a pretrial interview;
- Providing accurate, thorough, and objective information and their best judgment to the court throughout all phases of pretrial for the issuance of individualized, fair, and equitable court orders;
- Assessing individual risk of nonappearance and danger to communities with the guidance of risk assessment tools and professional judgment;
- Utilizing alternatives to detention with the least restrictive conditions of supervision and developing cost-effective strategies and interventions by utilizing the best evidence to make decisions.

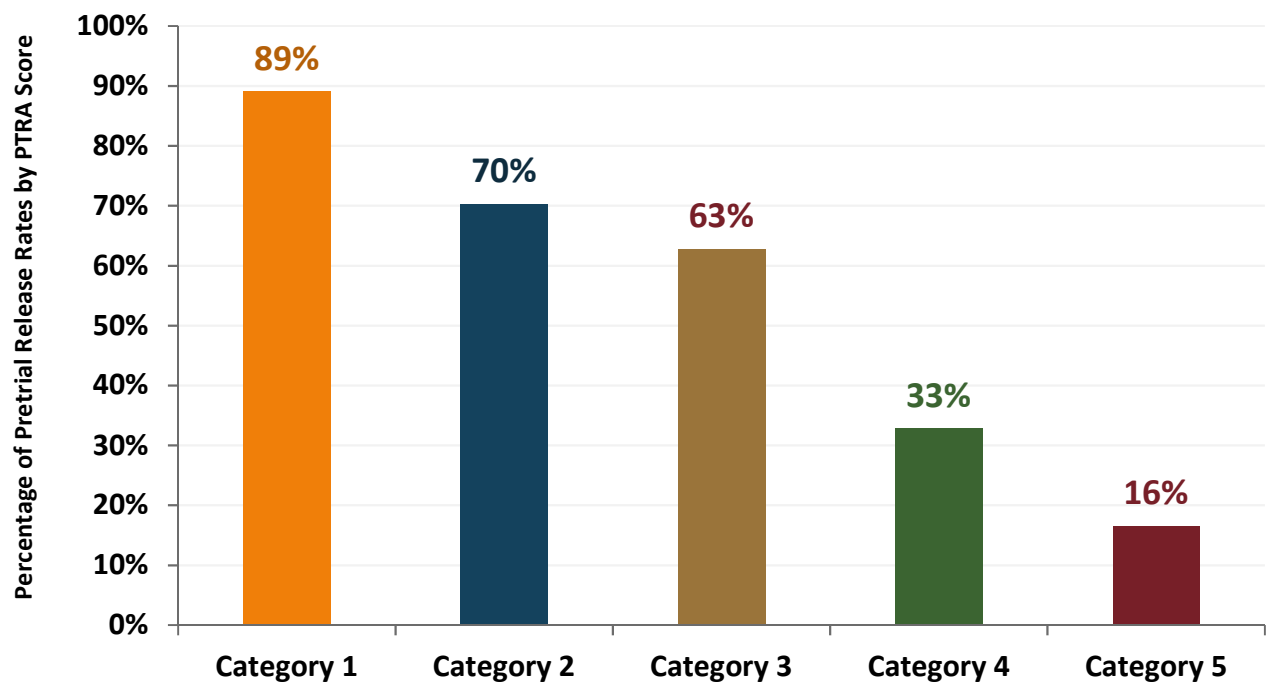




**Pretrial Release Rates by Division
FY2017**



**Pretrial Release Rates by PTR A Score
FY2017**

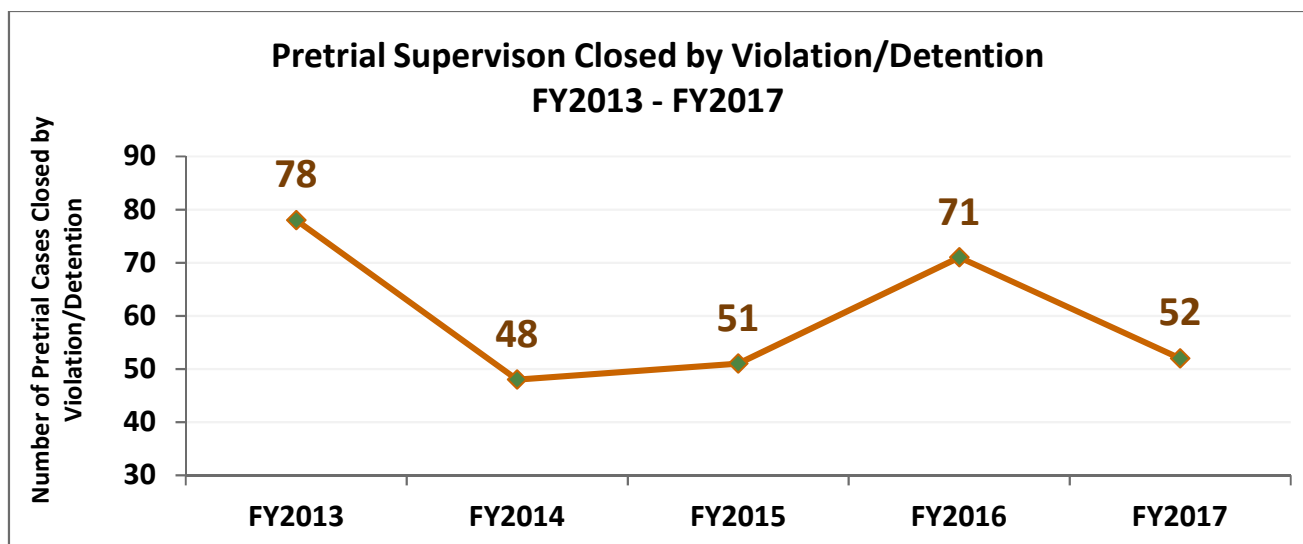
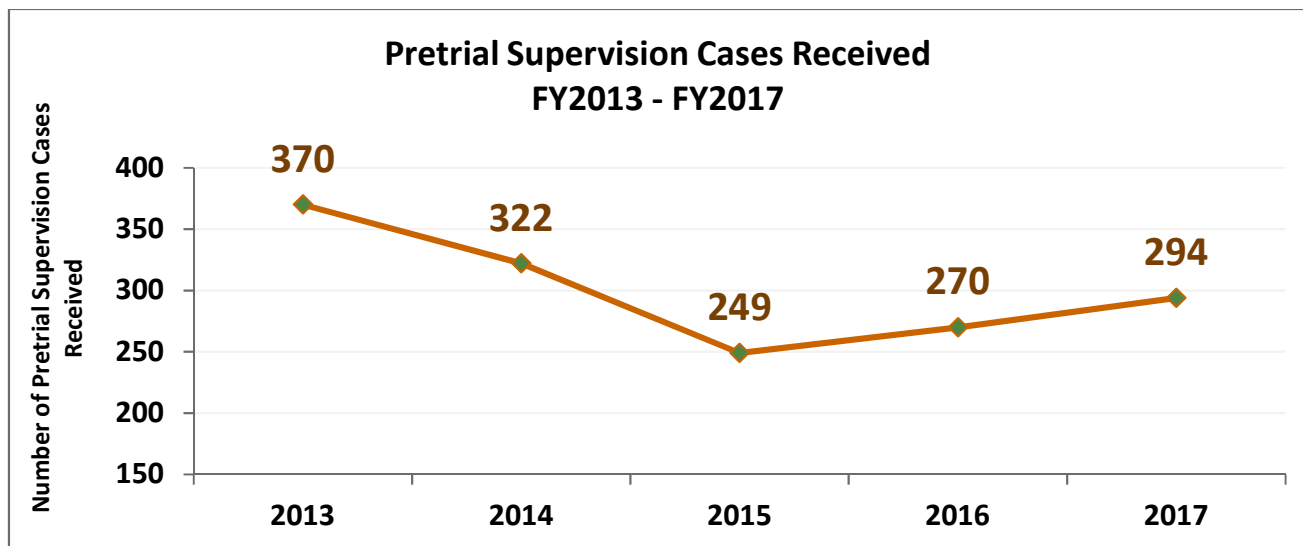


Pretrial Supervision

When the court determines a person should remain free during the pretrial phase, but requires supervision during this period, the Office supervises the person. The two primary goals are for the person to appear in court as ordered and for the person to remain lawful. The Office supports the person in achieving these two goals. The Office also supports the person in complying with any supervision conditions ordered by the court.

If the Office determines a defendant on pretrial supervision has not complied with the court's order, the Office will notify the U.S. Attorney and the court of the violation. The court may continue its order for pretrial supervision with or without modifications or the court may detain the person to ensure appearance and/or lawful behavior.

The Office employees involved in pretrial supervision are dedicated to achieving justice and enhancing community safety by supporting and monitoring defendants under supervision to ensure appearance at all court hearings, compliance with court mandates, and no new law violations.



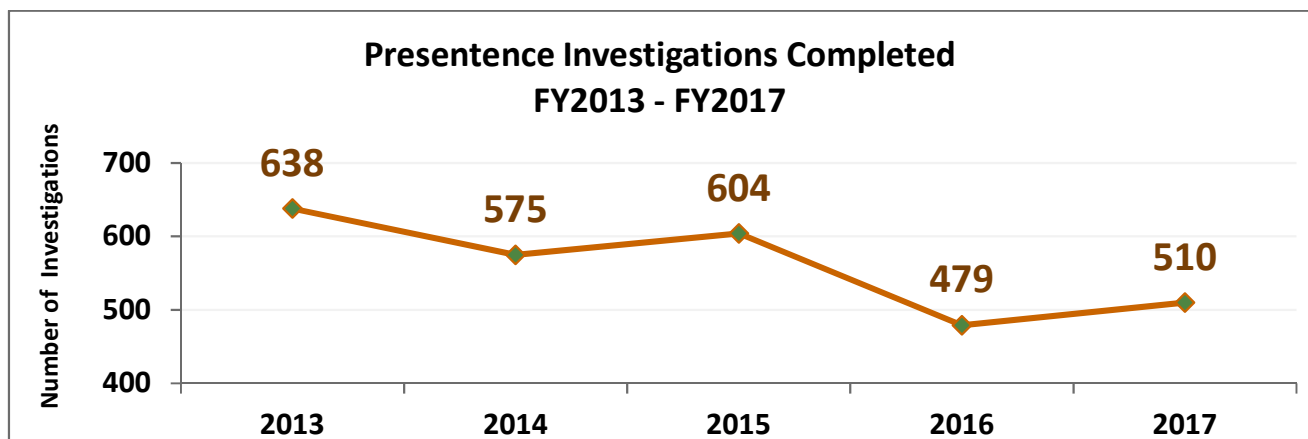
Presentence Investigations and Reports

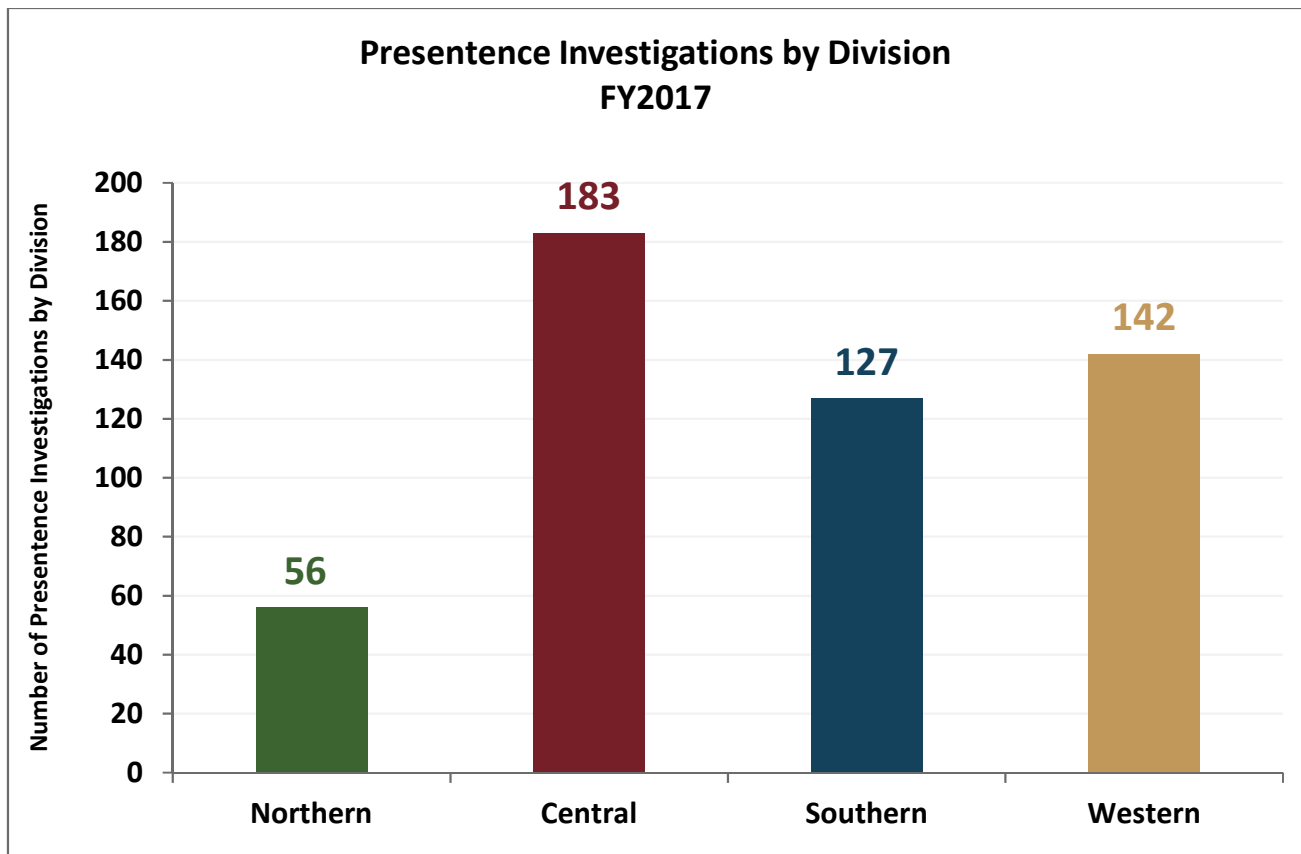
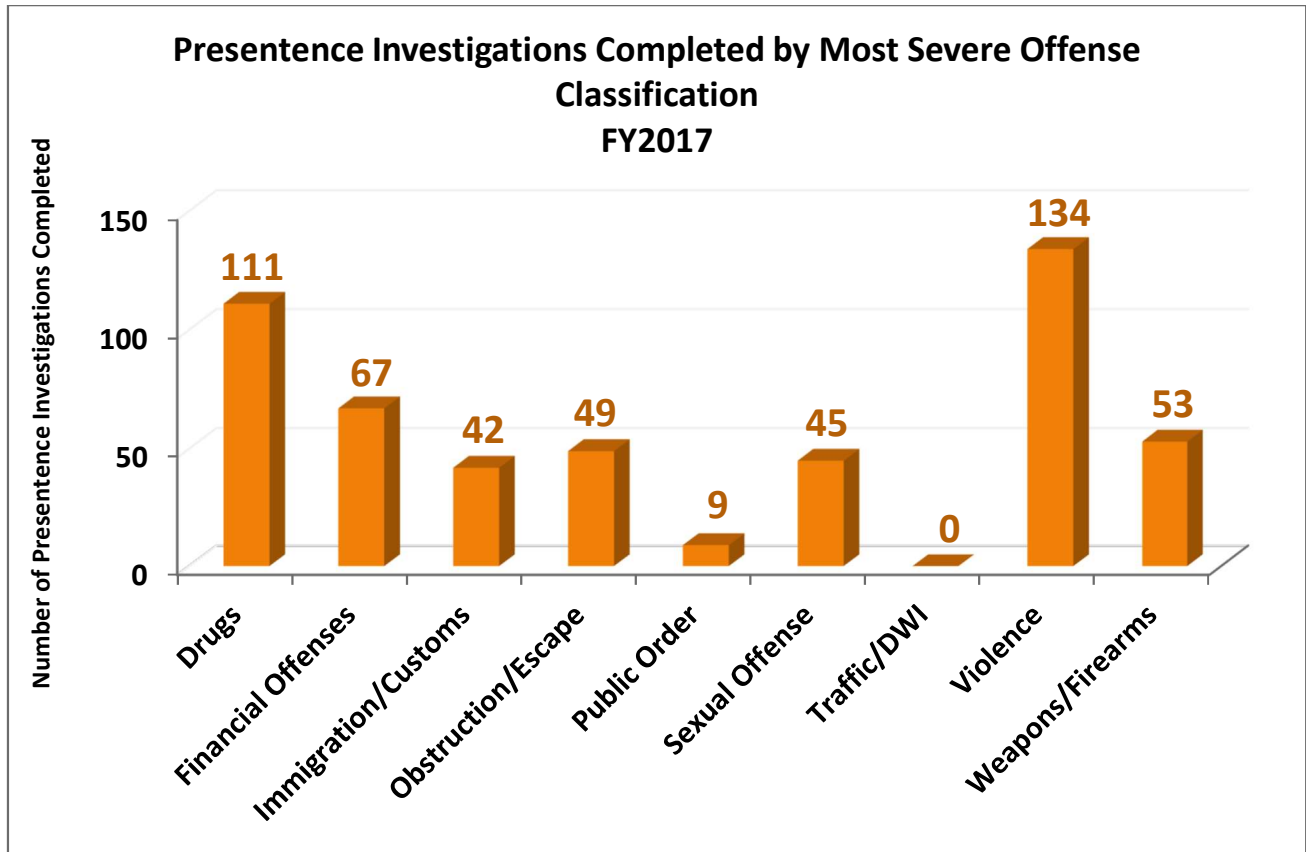
After a person has been convicted of a crime, but prior to sentencing and pursuant to a court order, the Office conducts an independent investigation of the person. The aim of the presentence investigation is to provide a timely, accurate, objective, and comprehensive report to the court. The report must contain enough information to assist the court in making a fair sentencing decision and to assist corrections and community corrections officials in managing persons under their supervision. The report must also meet all statutory requirements and contain the Office's identification of all applicable guidelines and policies of the U. S. Sentencing Commission, including a tentative advisory guideline range.

Separate from the presentence report, the Office provides the court with recommendations regarding any proposed departures from or variances to the U.S. Sentencing Commission Guidelines. The Office also makes recommendations for alternatives to incarceration, for the length of post-conviction supervision, and for any special conditions to attach to the period of supervision.

The Office employees involved in presentence investigations and reports are dedicated to achieving justice and enhancing community safety by:

- Providing accurate, thorough, and objective information and their best judgment to the court for the issuance of individualized, just, and cost-effective dispositions;
- Assessing the financial, social, psychological, and medical impact on the victim to facilitate reparative justice;
- Honoring the dignity and worth of every defendant and affirming the person's potential for lawful self-management;
- Assessing each defendant's criminogenic risk, needs, and responsivity factors through an in-depth investigation and the application of validated risk assessment tools; and
- Providing the court with a comprehensive supervision strategy with cost-effective interventions to protect the public from further crimes and harm.





Post-conviction Supervision

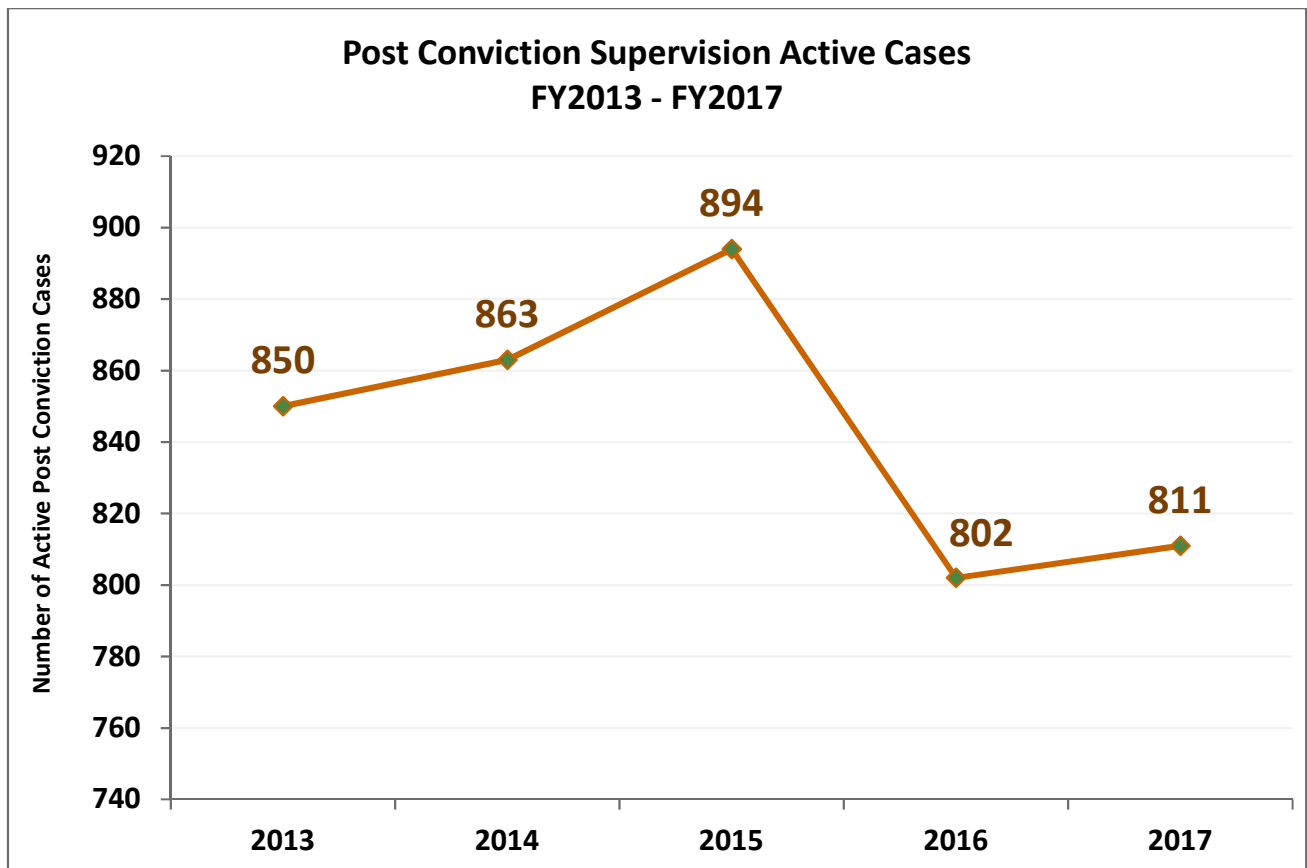
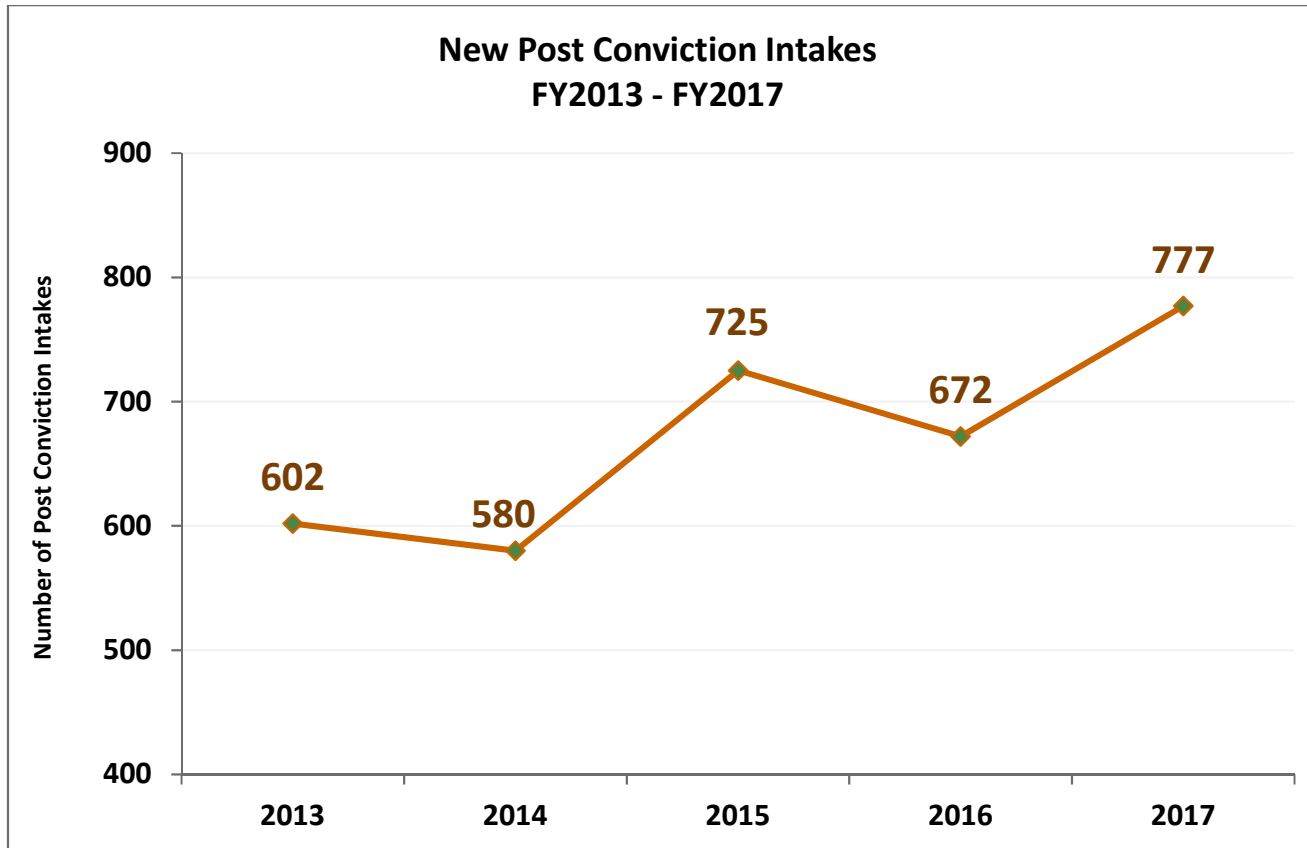
After sentencing when a person is allowed to remain in the community or is returning to the community from a period of incarceration, the Office supervises the person for the duration of time specified by Court order or by the US Parole Commission. The two primary goals of supervision are for the person to demonstrate lawful self-management during the period of supervision and for the person to comply with all conditions of the court order. Ideally, the person learns to sustain lawful behavior during and beyond the period of supervision, willfully complies with the court order, and compassionately repairs the harm caused by their illegal action.

The Office must responsibly manage the risks posed by those under supervision. This requires a collaborative and evolutionary effort among the person under supervision, the Office, treatment providers, and prosocial collateral supports. It is a dynamic process of applying evidence-based interventions, strategies, and techniques to foster willful compliance with court orders and equip individuals under supervision with competencies to manage themselves lawfully during and beyond the period of supervision. Overarching the process is the affirmation of the person under supervision's potential to self-correct and lawfully self-regulate.

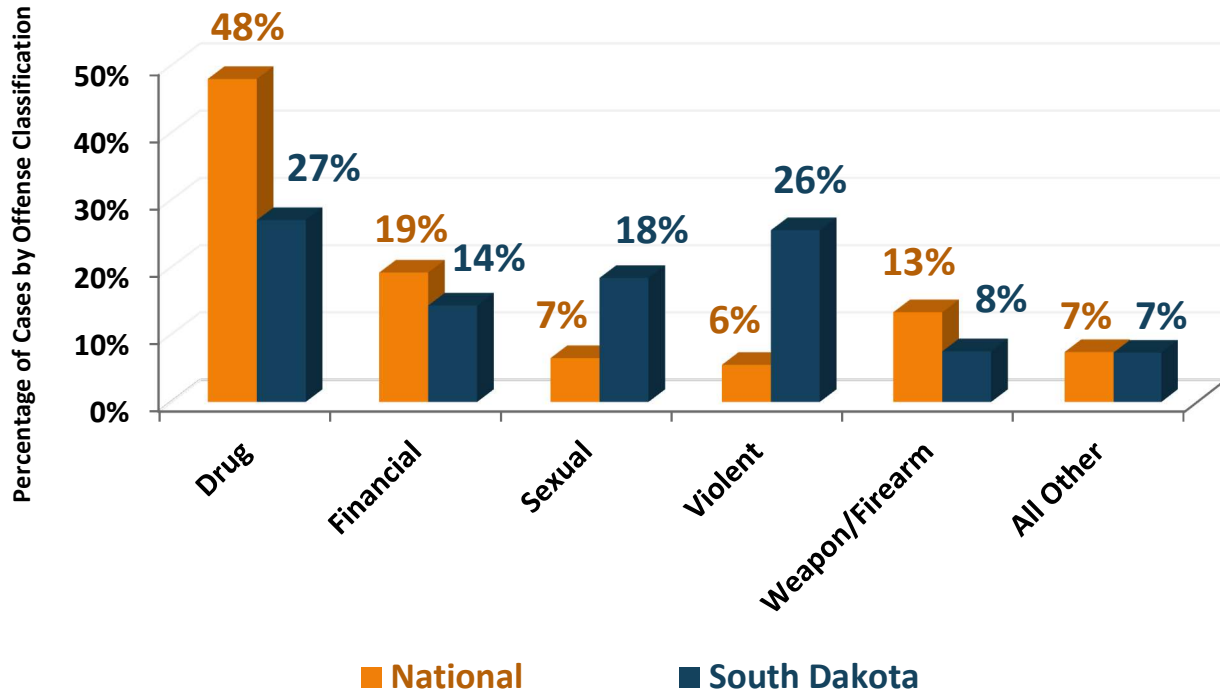
For the person under supervision, supervision is a dynamic commitment to build the skills and to take the steps necessary to willfully comply with the court's orders and to behave responsibly and lawfully during supervision and beyond. Supervision also involves a series of actions the person under supervision takes with structured guidance from the Office and other justice system and community partners.

In spite of best efforts and implementation of best practices by the Office, there are persons under supervision who struggle with compliance requirements and exhibit noncompliant and unlawful behavior. When such behaviors rise to an unacceptable level, the Office informs the court and seeks modification of the court's order or seeks revocation of the supervision.

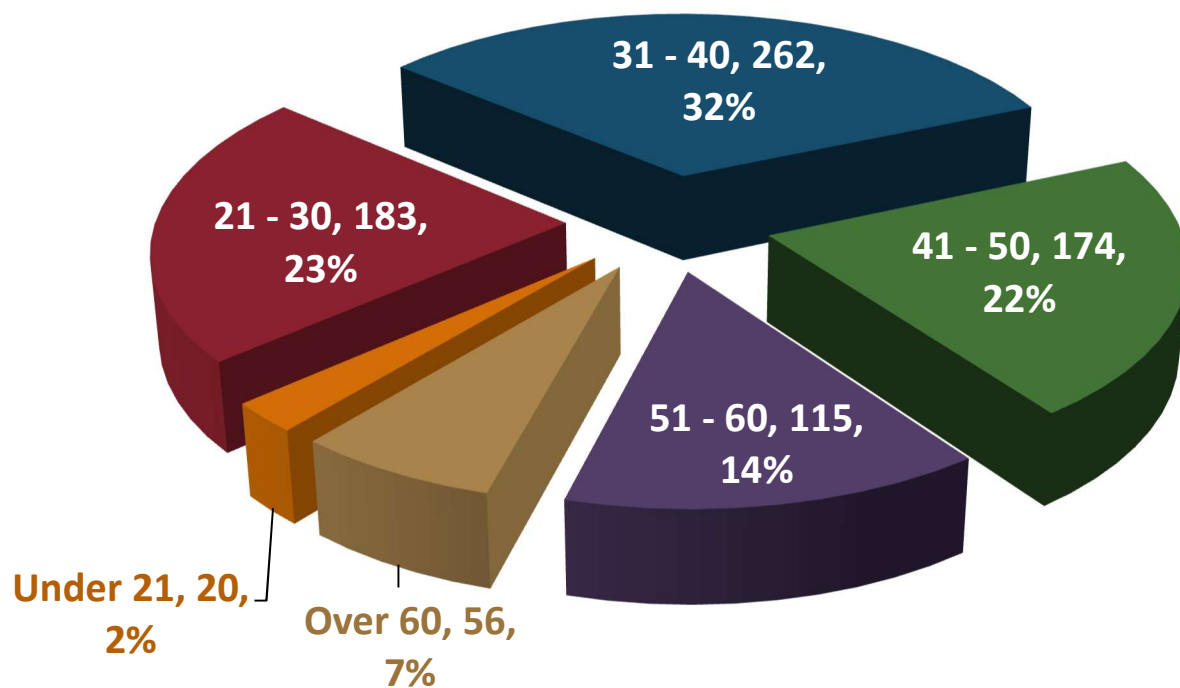




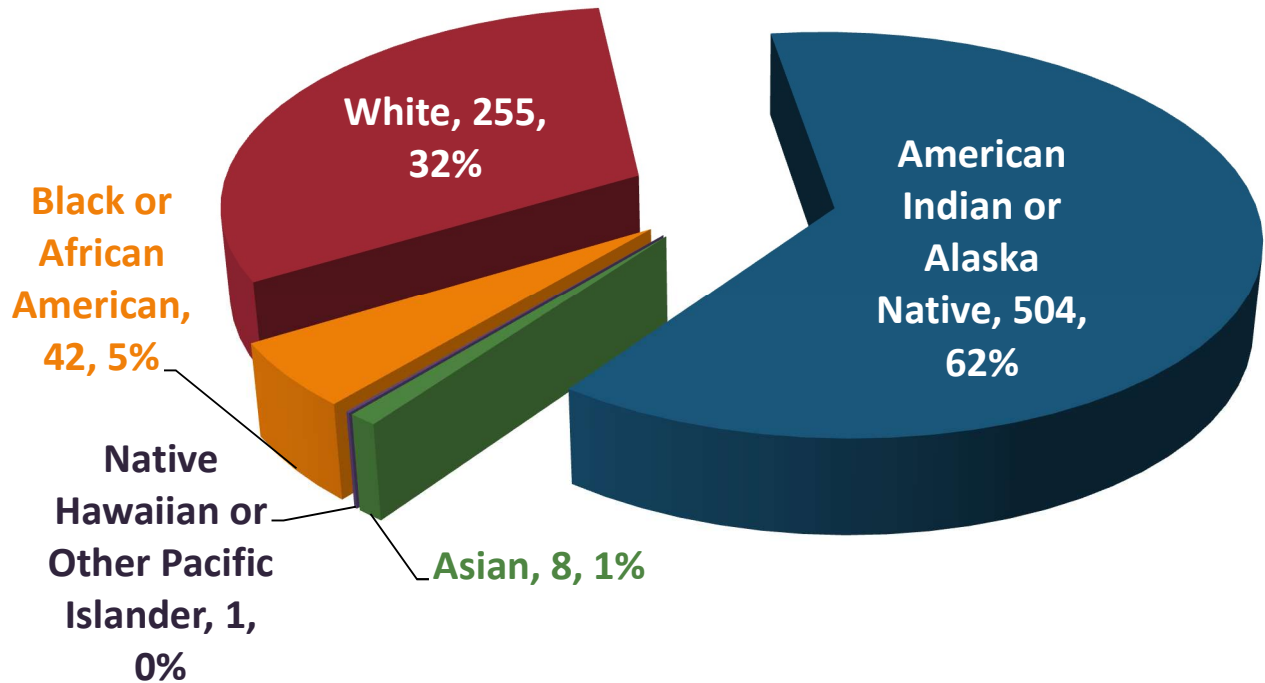
Percentage of Active Cases by Sentence Offense Classification
Active Caseload as of 10/1/2017
National and South Dakota



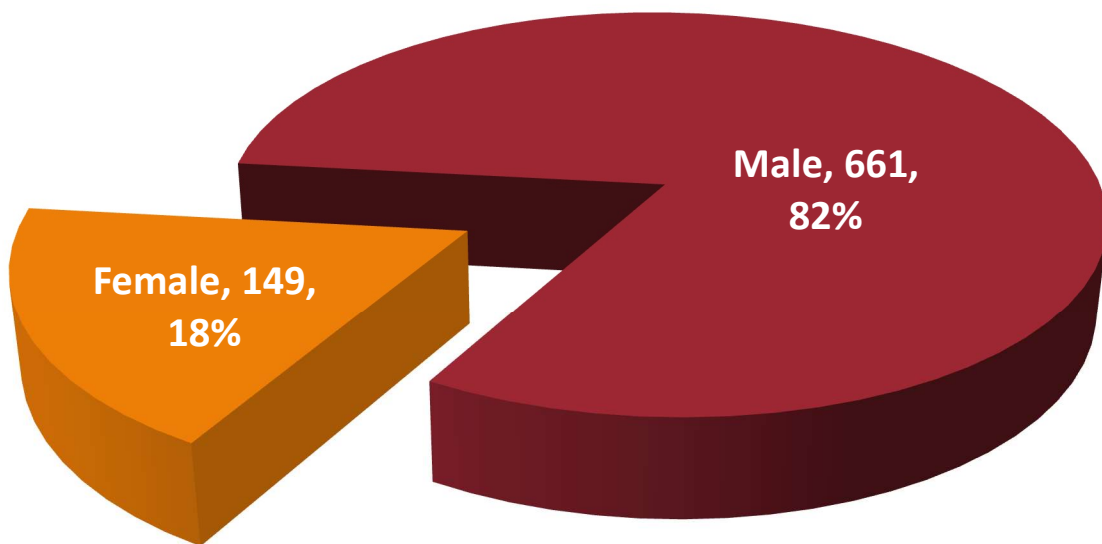
Number & Percentage of Persons Under Supervision by Age on
Active Caseload
Active Caseload as of 10/1/2017



Number & Percentage of Persons Under Supervision by Race on Active Caseload
Active Caseload as of 10/1/2017

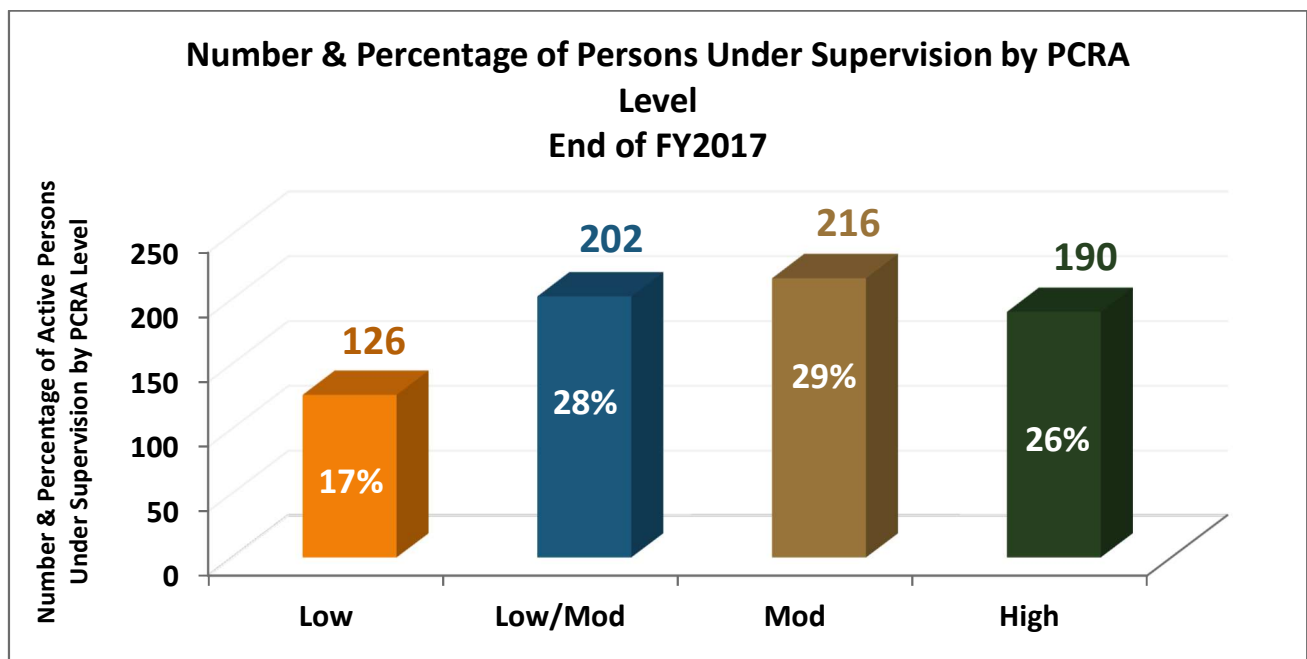
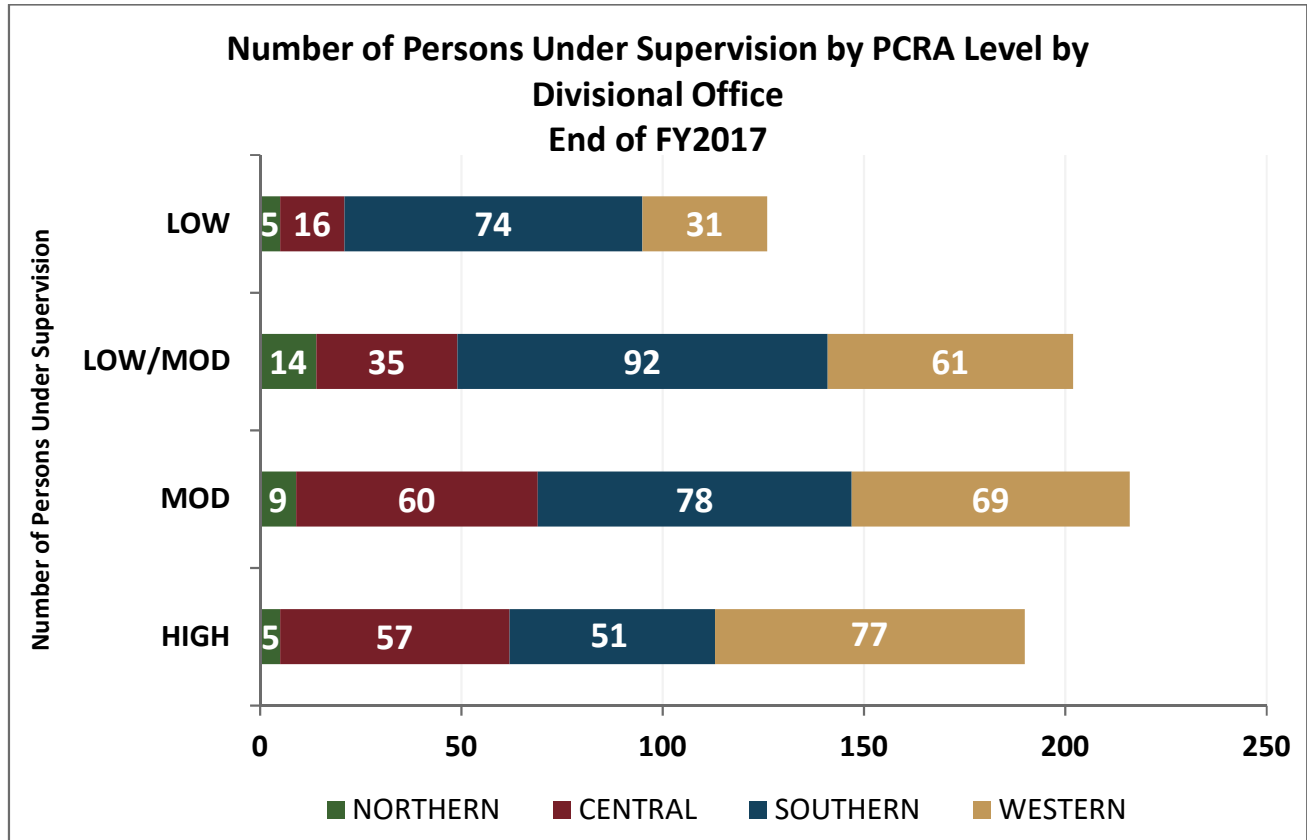


Number & Percentage of Persons Under Supervision by Gender on Active Caseload
Active Caseload as of 10/1/2017

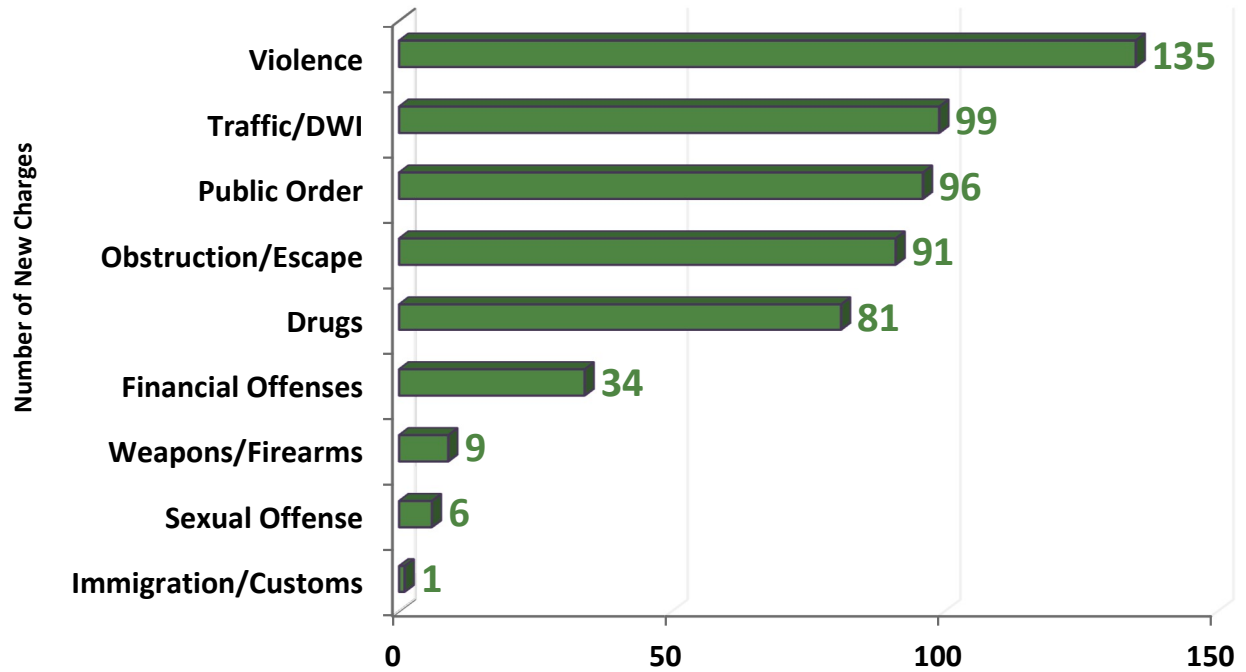


Post-Conviction Risk Assessment (PCRA)

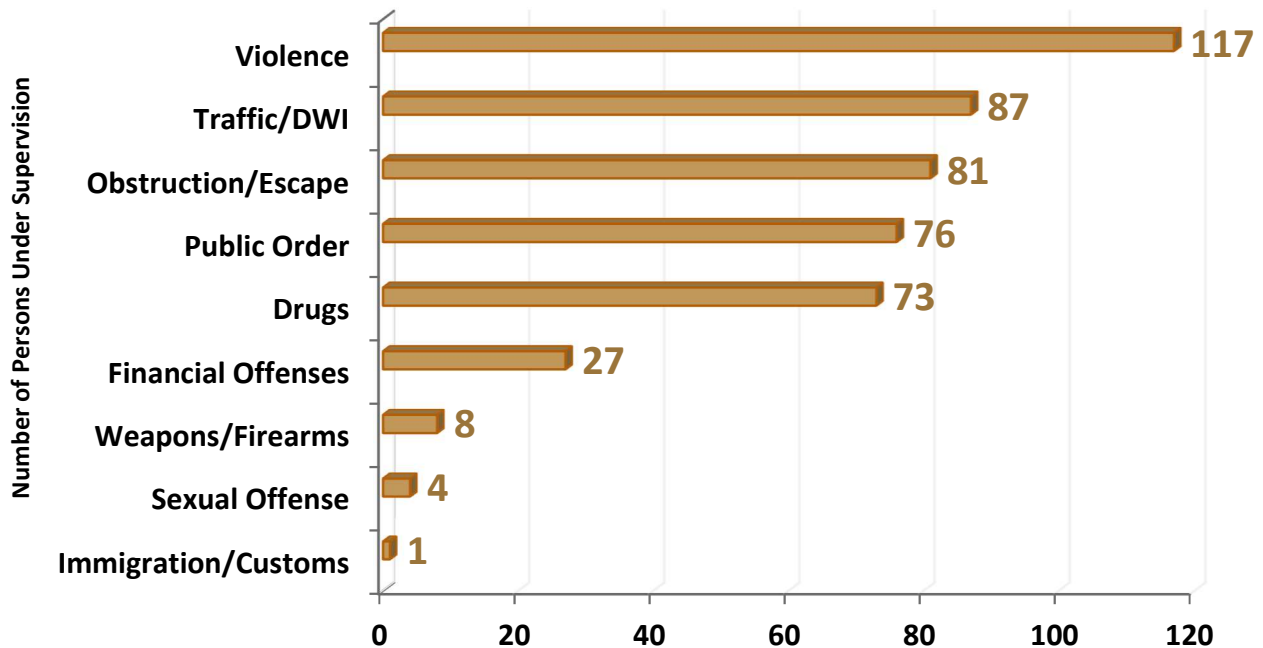
Most instructive for the effective supervision of persons are the results of the federal probation system's risk assessment, i.e., Post-Conviction Risk Assessment. This validated actuarial instrument measures the risk to reoffend for each person under supervision. There are four categories of risk – high, moderate, low/moderate, and low.



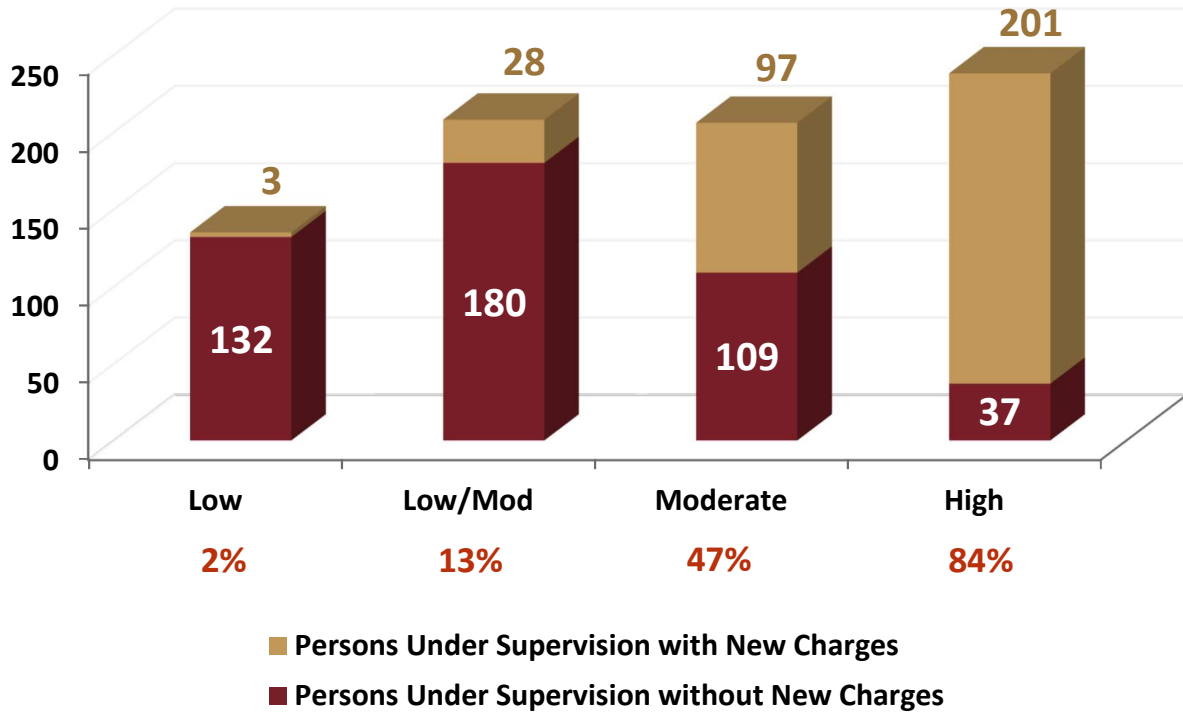
**Number of New Charges by Offense Classification Committed by
Persons Under Supervision
FY2017**



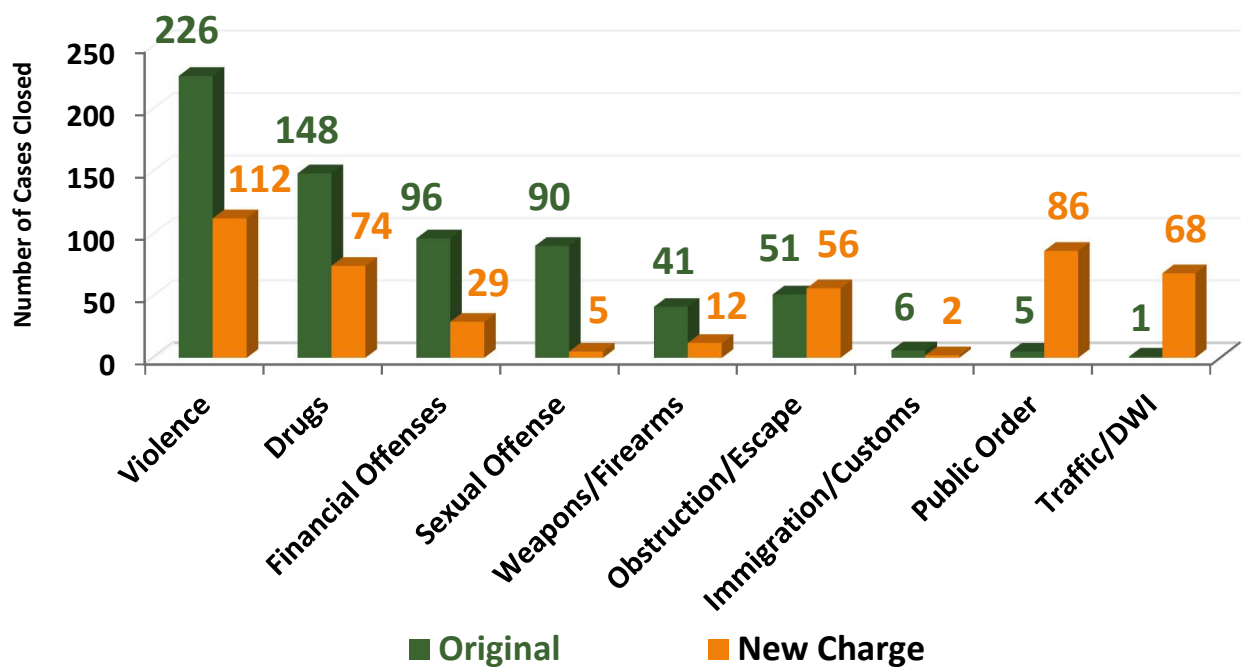
**Number of Persons Under Supervision who Committed a New
Charge by Offense Classification
FY2017**

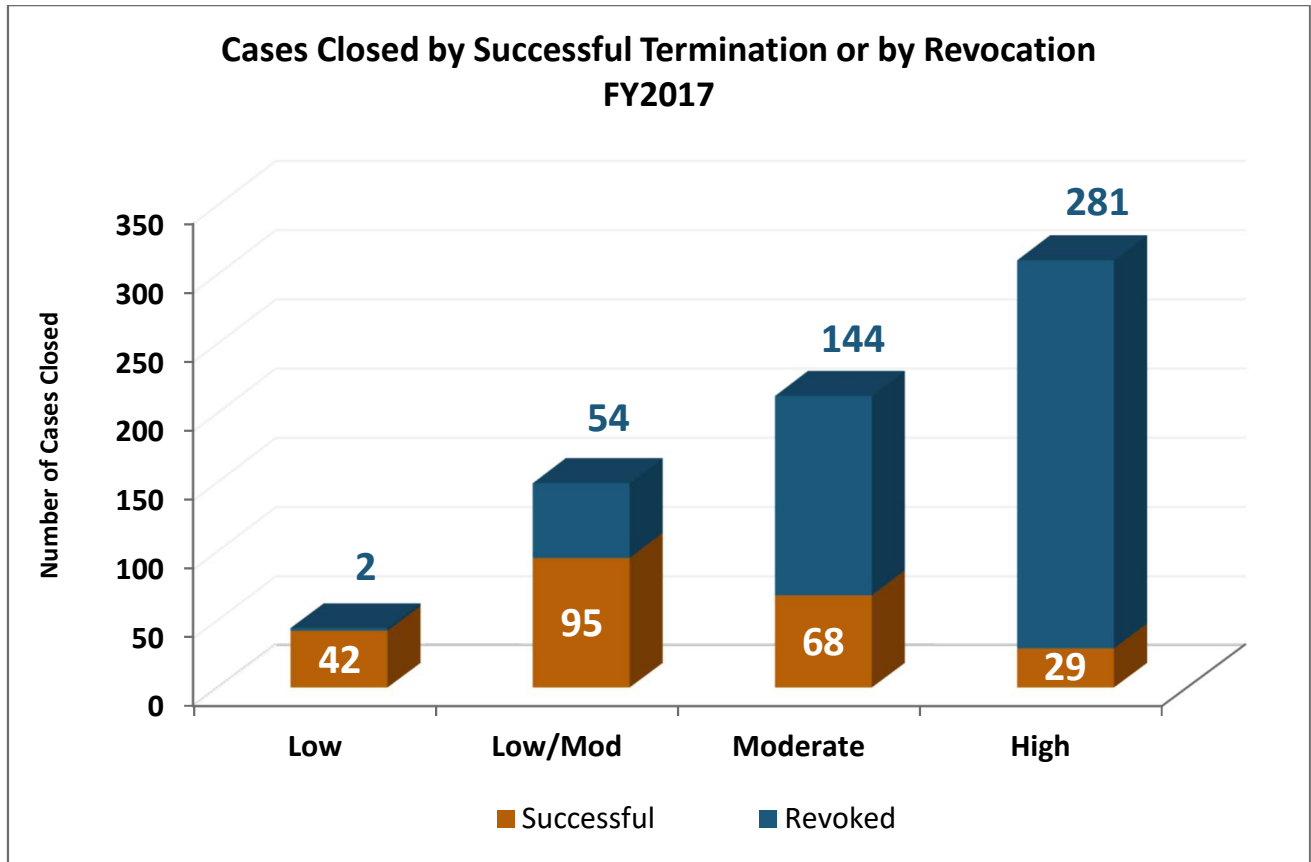


**Persons Under Supervision with and without New Charges by PCRA Level
FY2017**



**Number of Cases Closed by Original Offense and Number of Cases Closed with a New Charge by New Charge Offense Classification
FY2017**





Intervention Services

The District's Risk Profile

Nationally only 5% of federal supervision cases fall into the highest risk category (High) and 17% fall into the next highest category of Moderate. Currently the District of South Dakota's caseload includes 26% in the High risk category and 29% in Moderate risk category. The effectiveness of the District's officers' work and of contract intervention services must rise to meet the challenge of the elevated risk profile reflected in the District's supervision cases.

Addressing Barriers to Successful Completion of Supervision and Remaining Lawful

Currently 62% of the persons under supervision in the District are Native Americans, and 70% of those Native American cases fall in the High or Moderate risk category. A 2014 study by the Administrative Office indicated Native Americans had, by far, the greatest number of barriers for successful completion of supervision. A lack of transportation and the personal motivation to make pro-social changes are two of the most frequent barriers in federal supervision cases in South Dakota. In FY2017 the U.S. Probation and Pretrial Services Office redoubled its efforts on both barriers.

Regarding transportation, the Second Chance Act authorizes assistance for a wide variety of re-entry needs, as well as various programming. In FY2017 more than 50% of the individual assistance the District spent in Second Chance involved transportation. Additionally, contract treatment services such as sex offender, substance abuse, and mental health (all which fall outside of the Second Chance Act) include project codes to reimburse persons under supervision for their transportation costs to and from treatment facilities. For FY2017 the District reimbursed persons under supervision \$19,716 which reflected approximately 116,000 travel miles.

Regarding motivation to make pro-social changes, national regulations allow for treatment readiness intervention services. The District of South Dakota developed stand-alone treatment readiness contracts for FY2017 and spent \$242,362 on that specific intervention service while the other 93 districts spent a combined total of \$63,795. The District of South Dakota has been able to establish treatment readiness services directly on seven of the nine reservations the District serves, as well as in close proximity of the other two reservations, and those services extend into FY2018.

Efforts to Improve Effectiveness of Treatment of Persons Supervised for a Sex Offense

In the District, 18% of the active supervision caseload are persons being supervised for a sex offense. Yet, annually, the District spends approximately 40% of its contract treatment budget on sex offender intervention services. Despite the significant financial investment, several years of tracking data reflects the District's sex offender contract services have had no impact on re-offending. Factoring a person's actuarial risk to re-offend, the persons being supervised for sex offenses are general re-offending at the same rate and are committing the same types of crimes as persons being supervised for non-sex offenses.

Recently the District was able to obtain approval from the Administrative Office to require contract sex offense treatment vendors to provide their services within a cognitive behavior training (CBT) format. Abundant research evidence indicates CBT is the most effective intervention targeting the reduction of criminal behavior. The District subsequently resolicited every sex offender contract for FY2018 requiring sex

offender treatment vendors to adhere to a CBT format with the hope of realizing a reduction in recidivism in light of the amount of funds expended on this relatively small sub-population.

Assisting With Basic Needs

During FY2017 the District of South Dakota spent \$113,500 on structured placements such as half-way houses and a variety of residential treatment facilities, plus some housing assistance to simply meet the basic need of shelter. Additionally, the District utilized the Second Chance Act to assist with other basic needs such as food, clothing, and utilities.

Preparations to Combat the Cycle of Domestic Violence

Crimes of violence were the District's most common re-offense behaviors in FY2017 and domestic violence was the most frequent crime of violence. To date the District of South Dakota has had no funding to target this high harm, high frequency criminal behavior. In FY2018 the Second Chance Act re-relegation will include the new and much anticipated authorization of funds to develop domestic violence (DV) intervention services contracts. The District researched various DV treatment curriculums in preparation for the FY2018 contract solicitations for domestic violence intervention services.

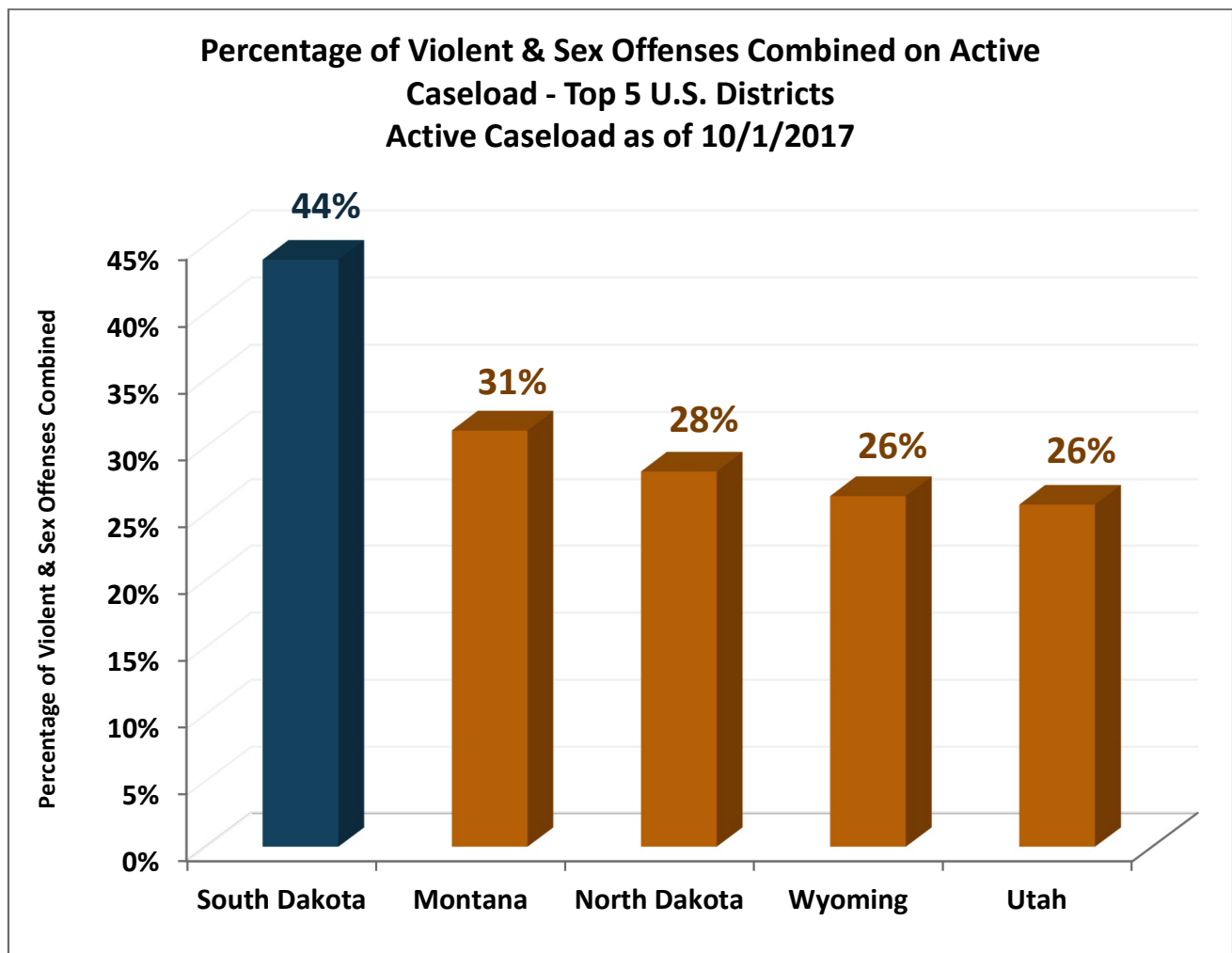
Extraordinary Factors

Economic Status

According to the U.S. Census Bureau's Social, Economic, and Housing Statistics Division, the small area income poverty estimates for 2015 indicate that South Dakota has four of the top eight counties with the highest poverty rates in the country. The poorest South Dakota counties and their national rank are: Corson (1), Ziebach (2), Oglala Lakota (7), and Todd (8).

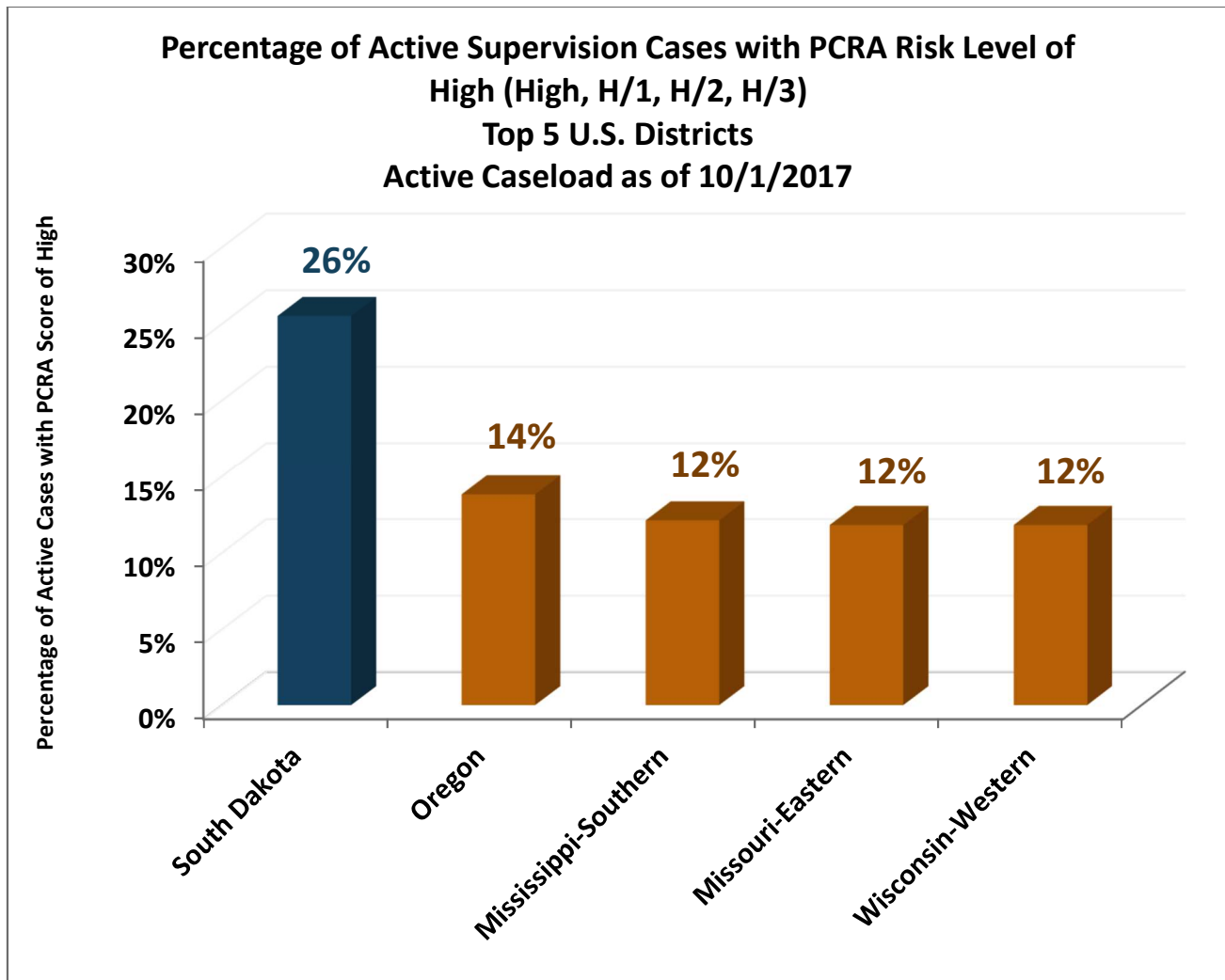
Violence and Sex Offenses

At the end of FY2017, the District of South Dakota ranked 61st out of 94 districts in the number of post-conviction persons under supervision and yet, it ranked 17th in the number of persons whose most severe offense was a sex offense and it ranked 6th in the number of persons whose most severe offense was violence. In percentage of total cases being supervised, it ranked 1st in the country for persons whose most severe offense was either a violent offense or a sex offense. The chart below presents the top five districts with the highest percentages combining both violent and sex offenses.



Percentage of High Risk Cases

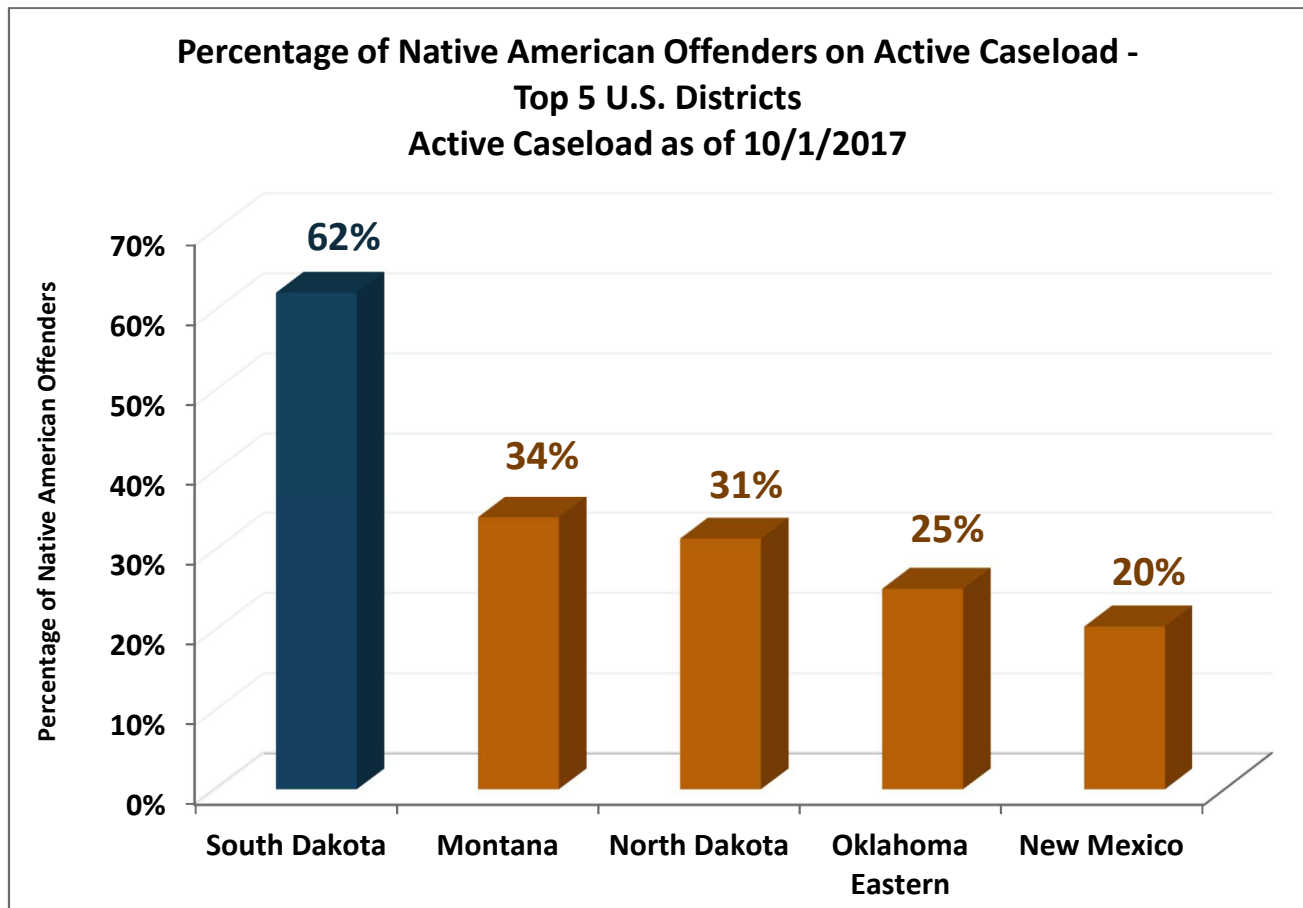
South Dakota ranks number one in the country in the percentage of high risk cases.



Native American Population

According to the U.S. Census Bureau's 2016 estimate, approximately 9% of the population in South Dakota is American Indian/Alaska Native. And yet, 62% of the persons under post-conviction supervision in FY2017 were Native American. There are nine Indian reservations in South Dakota.

| <u>Tribe</u> | <u>Indian Reservation</u> |
|-------------------------|---------------------------|
| Yankton Sioux | Yankton Sioux |
| Rosebud Sioux | Rosebud |
| Oglala Sioux | Pine Ridge |
| Cheyenne River Sioux | Cheyenne River |
| Standing Rock Sioux | Standing Rock |
| Sisseton Wahpeton Oyate | Lake Traverse |
| Flandreau Santee Sioux | Flandreau Santee Sioux |
| Crow Creek Sioux | Crow Creek |
| Lower Brule Sioux | Lower Brule |



Safety

The Office has a Safety Team which is responsible for the safety training of all employees. The team also provides recommendations for changes in policies and procedures which impact the safety of staff. The voluntary members of the Safety Team are the certified Lead and Assistant Firearms Instructors, the three certified Office Safety Instructors, and three managers.

New Officer Safety Training

In FY2017, eight new officers were trained in basic safety. Training consisted of classroom presentations, officer response tactics, and scenarios. The new officers also shadowed and received coaching from experienced officers.

General Safety Training for All Officers

All officers are required to annually participant in one of the two 16-hour safety training workshops developed by the Safety Team. In FY2017 the training sessions were held in Pierre; one in April and the other in September. The training involved education and skill-building in a variety of safety-related areas. Officers were required to demonstrate knowledge of Office safety policies and procedures, good judgment in response to presented safety scenarios, and proficient skills in response to various physical challenges.

Firearms Training and Qualifications

All of the officers authorized to carry firearms in the performance of their official duties are required to successfully complete two training qualifications each year. The Office's firearm instructors conducted indoor and outdoor sessions in FY2017, consisting of education and skill-building on the appropriate use of the Office issued firearm. The Iowa Northern Probation Office opened its doors in Sioux City and allowed officers from South Dakota to use the MILO Range Simulator to further enhance officer skills to identify and respond to threats.

Safety Incidents

In FY2017, the staff in the District reported 13 safety incidents. The types and number of incidents were: Intimidation (3), Animal (3), Threat (1), Vehicle (3), and Other (3).

Searches

The Office conducts warrantless searches of a person, the person's residence and/or person's vehicle in fulfillment of a court authorized search condition of supervision. Reasonable suspicion is established prior to conducting a warrantless search. The Office has three search coordinators covering the entire district. The Office coordinates searches with local law enforcement and the U.S. Marshal Service, based on availability and jurisdiction.

During FY2017, the Office conducted four (4) searches. In one case ammunition was discovered and seized by local law enforcement. In another case weapons were found.

Training

Policy

Training and professional development are responsibilities shared by both the employees and the management team. The Office provides training opportunities for each employee, and employees are encouraged to become "life-long learners" to continually enhance their knowledge and skills.

Every employee of the Office is expected to take ownership over the development of his/her career to better serve the missions of the District Court and the Office. To facilitate this growth in knowledge and skill, the Office encourages employees to participate in all relevant in-house training and pursue professionally-related external courses and programs. A minimum of 40 hours for each line and managerial officer is expected. During FY2017, a total of 6,004 training hours were completed for an average of 99 hours per officer.

Travel

For FY2017, the District of South Dakota maintained a fleet of 20 cars for a total of 420,565 miles driven.

Shown below is a map of South Dakota with the four divisional and five smaller offices listed with a star beside them, the nine Indian Reservations, and some distances (in miles) shown from divisional offices to frequently traveled locations within the state.

