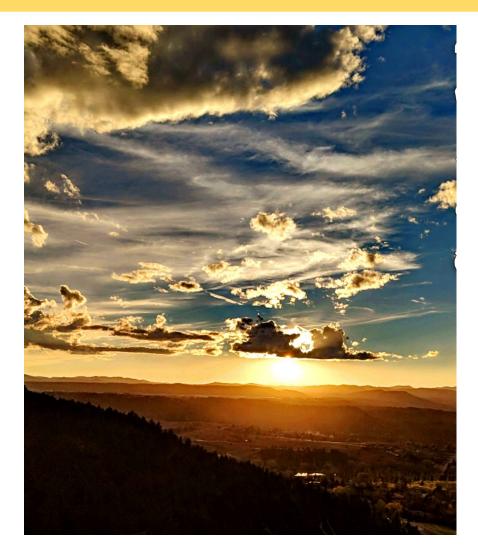
US Probation & Pretrial Services District of South Dakota Annual Report Fiscal Year 2020



U.S. District Court District of South Dakota January 2021

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Introduction

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









Central Division Courthouse located in Pierre

<u>District Judge</u> Roberto A. Lange, Chief Judge

Magistrate Judge Mark A. Moreno (part-time)

Northern Division Courthouse located in Aberdeen

District Judge Charles B. Kornmann

<u>Magistrate Judge</u> William D. Gerdes (part-time)

Southern Division Courthouse located in Sioux Falls

<u>District Judges</u> Karen E. Schreier Lawrence L. Piersol

Magistrate Judge Veronica L. Duffy

Western Division Courthouse located in Rapid City

<u>District Judge</u> Jeffrey L. Viken

Magistrate Judge Daneta Wollmann

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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 offices in each of the four divisions. Below is a breakdown of the offices and their locations:

- Central Division 5 offices; Pierre, Mission (Rosebud Sioux Tribe), Timber Lake and Eagle Butte (Cheyenne River Sioux Tribe), and Winner (coverage for Rosebud Sioux Tribe, Crow Creek Sioux Tribe, and Lower Brule Sioux Tribe)
- Northern Division 2 offices; Aberdeen and McLaughlin (Standing Rock Sioux Tribe)
- Southern Division 1 office; Sioux Falls
- Western Division 2 offices; Rapid City and Kyle (Oglala 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 information and recommendations we provide to the Court facilitate just decisions and foster the best possible justice outcomes. The individuals we supervise choose to be lawful, 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 selfmanagement, promoting changes in the person's 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 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.

INDIVIDUAL AND ORGANIZATIONAL GROWTH

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 through competency building, effective communication, and utilizing evidence-based practices.

FULFILLING WORK LIFE

We believe every employee can achieve personal satisfaction and fulfillment in their work, by commitment to the mission, exercising individual responsibility, building competency, and by supporting coworkers. We support a 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:

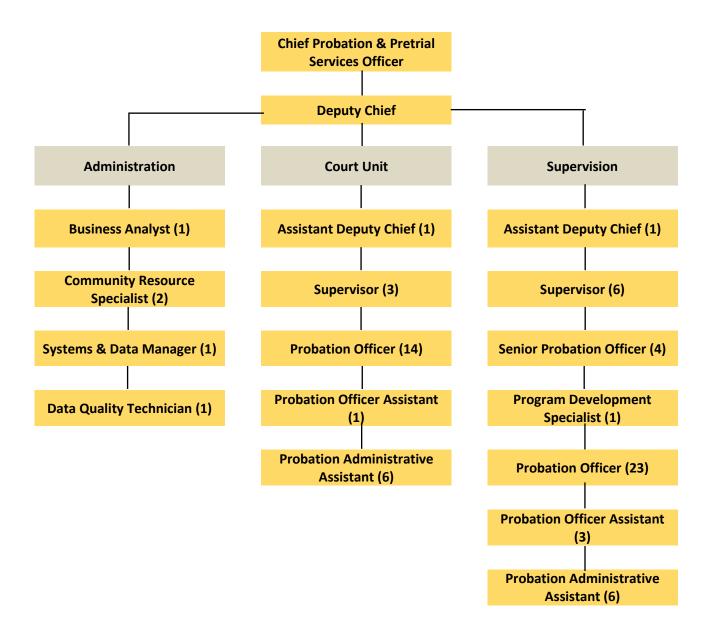
- the Office's expertise (knowledge and skills of probation staff through rigorous study of human behavior and disciplined regimen of training);
- the Office's own evidence (purposeful collection and analysis of both local aggregate outcome data
 associated with the application of empirically supported practices and local outcome data at the
 individual level to ensure the empirically supported practice is 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 FY2020 there were a total of 75 persons employed with the Office, with 12 classified as Administrators & Supervisors, 46 classified as Line Officers, and 17 classified as Administrative/Community Resource Specialist/Support Staff. Following is a breakdown of staff gender, education level, and years of service.

Administrators & Supervisors (16% of Total Staff)

| Gender: | 7 male and 5 female |
|---------------------------------|---|
| Education Level: | 8 with graduate degrees and 4 with bachelor's degrees |
| Years of Service in the Office: | Range from 4 years to 21 years of service |
| | Average of 14 years of federal service |

Line Officers (61% of Total Staff)

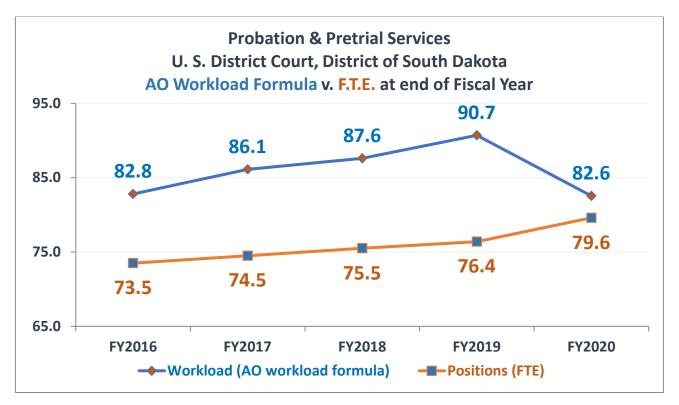
| Gender: | 19 male and 27 female |
|-------------------|--|
| Education Level: | 8 with graduate degrees and 35 with bachelor's degrees |
| Years of Service: | Range from less than 1 year to 26 years of service |
| | Average of 6 years of federal service |

Administrative/Community Resource Specialist/Support Staff (23% of Total Staff)

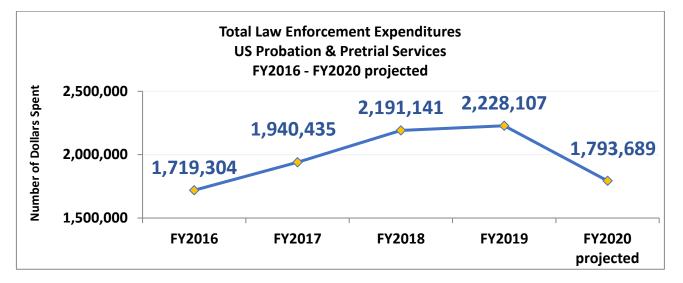
| Gender: | 2 male and 15 female |
|-------------------|--|
| Education Level: | 1 with a graduate degree and 8 with bachelor's degrees |
| Years of Service: | Range from less than 1 year to 25 years of service |
| | Average of 11 years of federal service |

Budget

The funding of the Office is determined in large measure by the workload formulas established by the Administrative Office (AO) 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 reduction in authorized work units from 2019 to 2020 is due to the reduction in workload in all five specialty areas and the new workload formula developed by the AO.

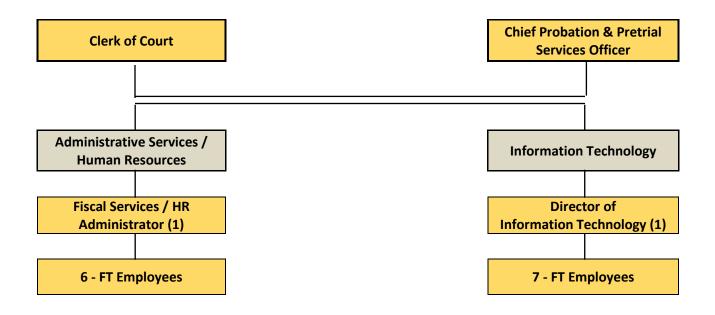


The graph below reflects the Probation & Pretrial Services fiscal year law enforcement expenditures. The expenditures reflect costs to provide treatment/counseling/training to persons under the Office's supervision to increase their competencies to behave lawfully. It also includes costs associated with monitoring of court-imposed restrictions of liberty and the travel costs of Office staff.



Shared Administrative Services

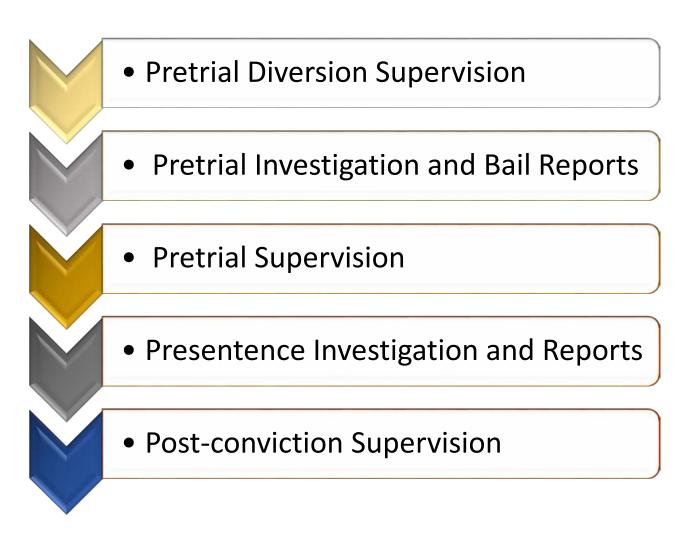
To provide more cost-effective administrative services, the District Court in South Dakota has established an agreement to share services among its three operational components – Chambers, the Clerk of Court Office, and Probation and Pretrial Services Office. The shared services include the information 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 information technology services.

Operations

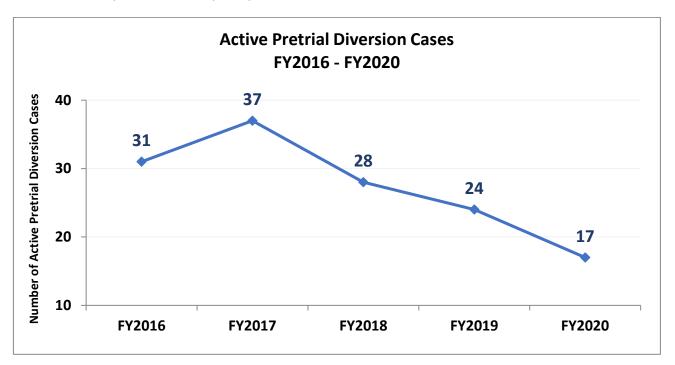
The Probation and Pretrial Services Office performs services for the court and the justice system in five major areas:

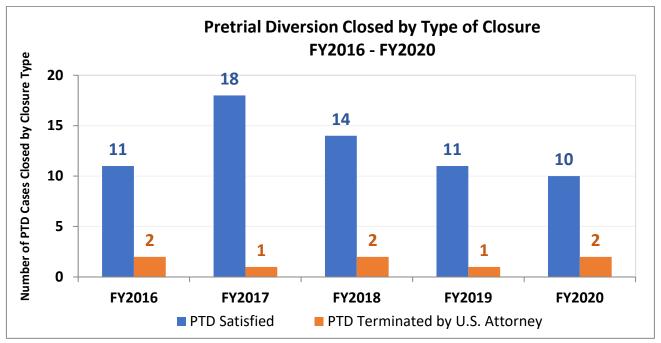


Pretrial Diversion Supervision

Prior to prosecution and only at the request of the U.S. Attorney's office, the 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 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 FY2020, ten persons under pretrial diversion supervision successfully completed the supervision period. The U.S. Attorney terminated only two pretrial diversion cases in FY2020.





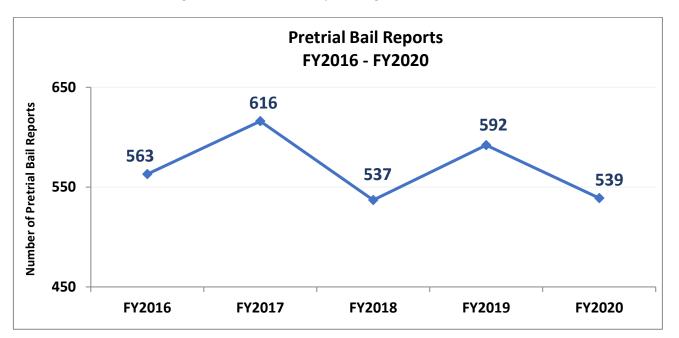
Pretrial Bail Investigations and Reports

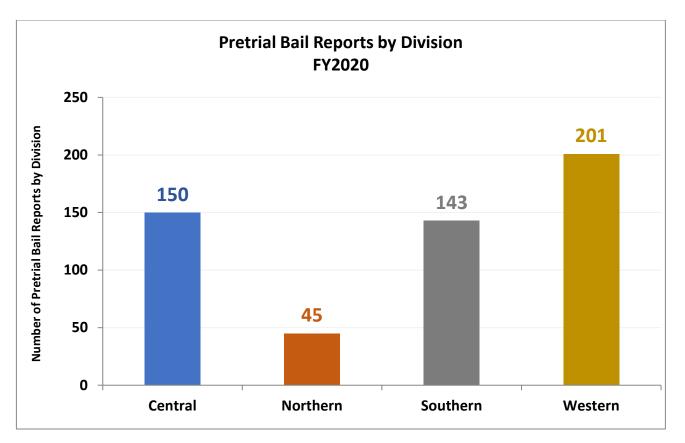
After federal charges have been filed, the Office investigates persons who have been charged and submits a bail report to the court on each person. The reports provide information to the court to determine if the person should remain free or be detained during the pretrial phase based on the assessed 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.

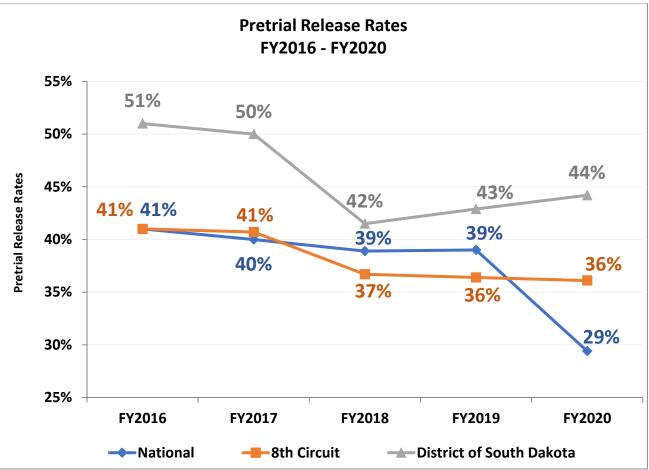
The assessment of a person's likelihood to appear and remain lawful is determined by the application of the Pretrial Risk Assessment (PTRA) tool and the Office's best judgment based on the totality of all known factors and circumstances. The PTRA is a validated risk assessment instrument created by the 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.

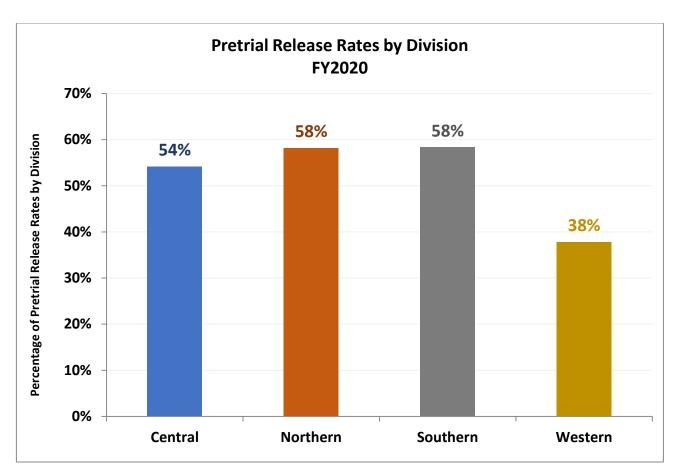
The Office employees involved in pretrial bail investigations and reports are dedicated to achieving justice and enhancing community safety by:

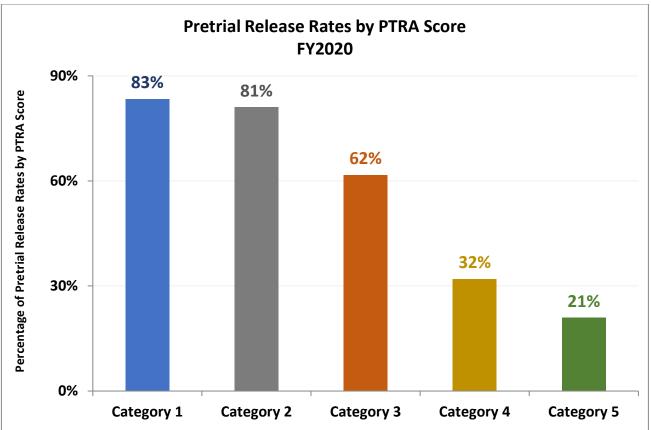
- Ensuring each defendant is given the opportunity to participate in a pretrial interview;
- Providing accurate, thorough, and objective information and their best judgment to the court throughout all phases of pretrial for the issuance of individualized, fair, and equitable court orders;
- Assessing 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.









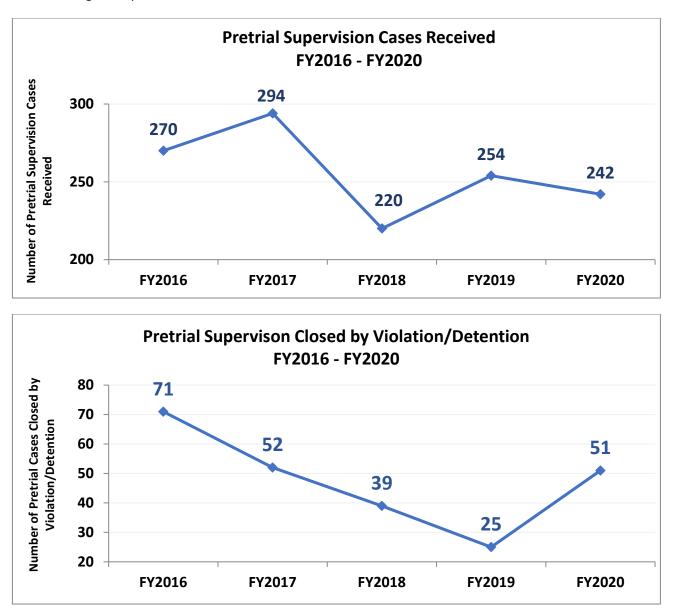


Pretrial Supervision

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.



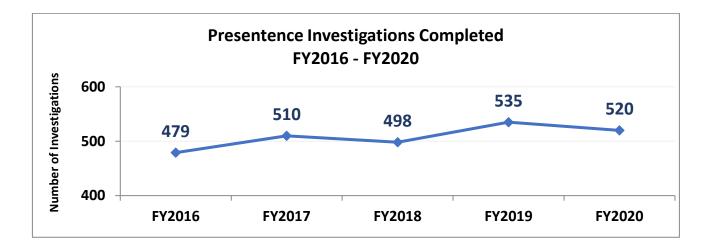
Presentence Investigations and Reports

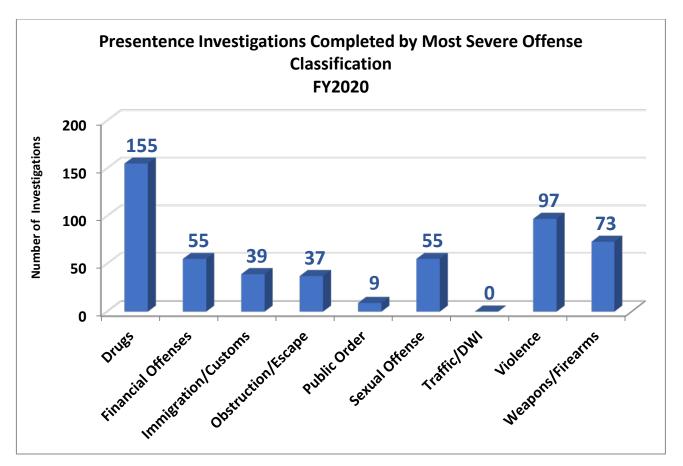
After a person has been convicted of a crime, but prior to sentencing and pursuant to a court order, the Office conducts an independent investigation of the person. The aim of the presentence investigation is to provide a timely, accurate, objective, and comprehensive report to the court. The report 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.

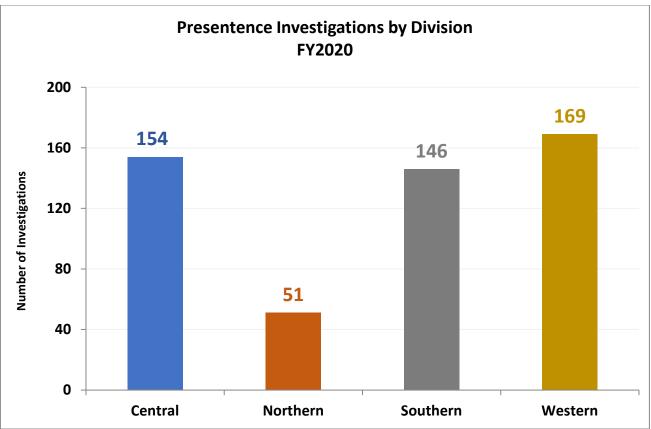
Separate from the presentence report, the Office provides the court with recommendations regarding any proposed departures from or statutory variances to the U.S. Sentencing Commission Guidelines. The Office also makes recommendations for alternatives to incarceration, for the length of post-conviction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







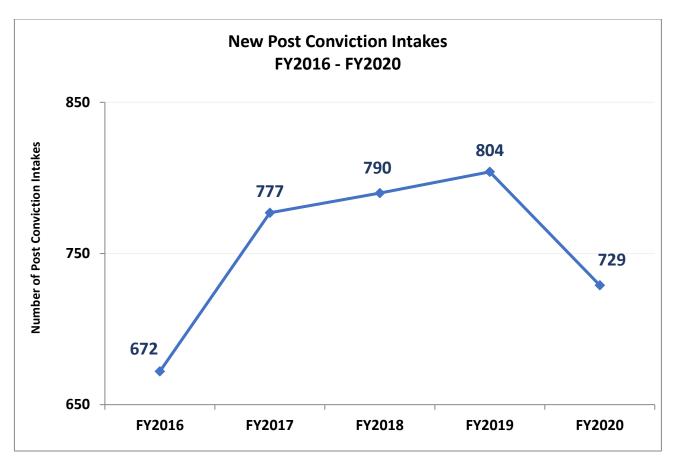
Post-conviction Supervision

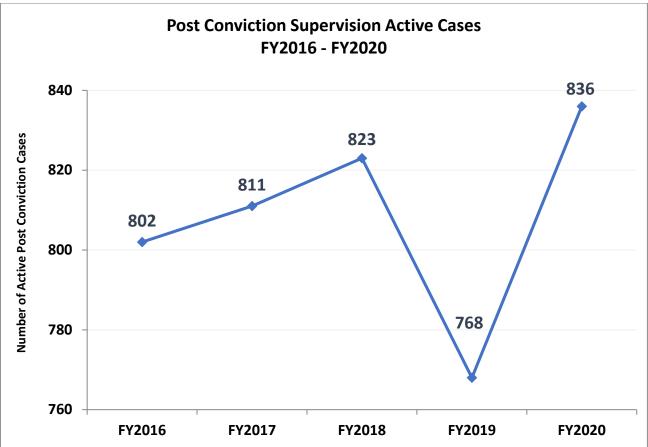
After sentencing when a person is allowed to remain in the community or is returning to the community from a period of incarceration, the Office supervises the person for the duration of time specified by Court order or by the US Parole Commission. The two primary goals of supervision are for the person 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.

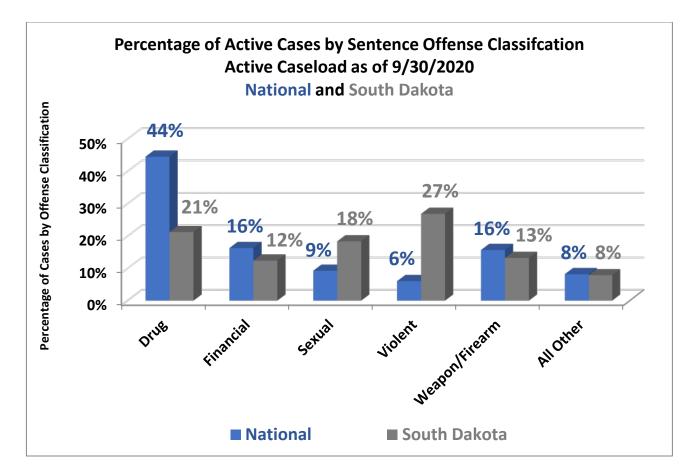
The Office must responsibly manage the risks posed by those under supervision. This requires a collaborative and evolutionary effort among the person under supervision, the Office, treatment providers, and prosocial collateral supports. It is a dynamic process of applying evidence-based interventions, 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.

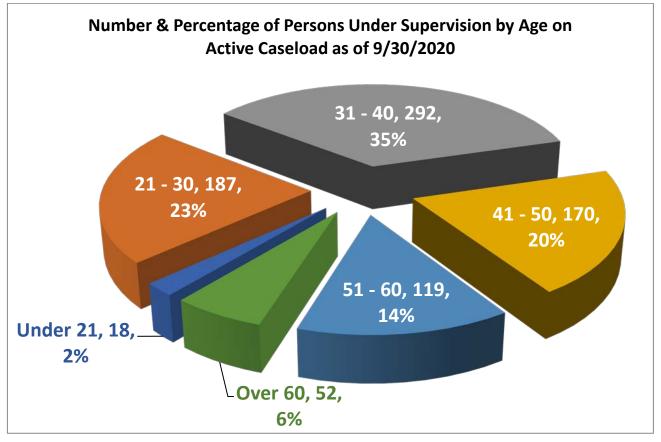
For the person under supervision, supervision is a dynamic commitment to build the skills and to take the steps necessary to willfully comply with the court's orders and to behave responsibly and lawfully during supervision and beyond. Supervision also involves a series of actions the person under supervision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

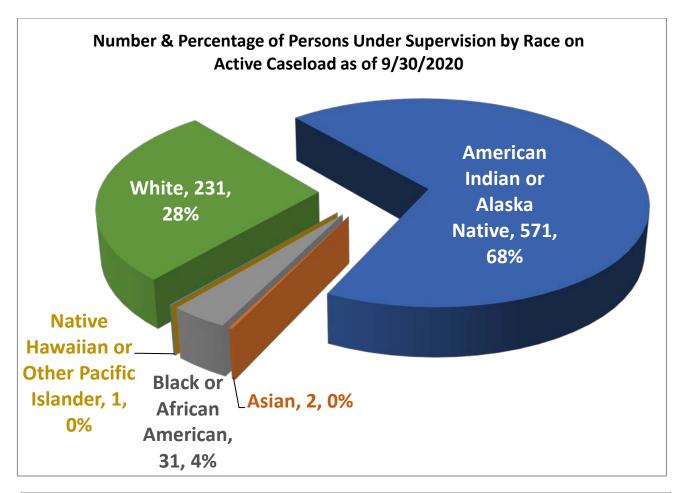
In spite of best efforts and implementation of best practices by the Office, there are persons under supervision who struggle with compliance requirements and exhibit noncompliant and unlawful behavior. When such behaviors rise to an unacceptable level, the Office informs the court and seeks modification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

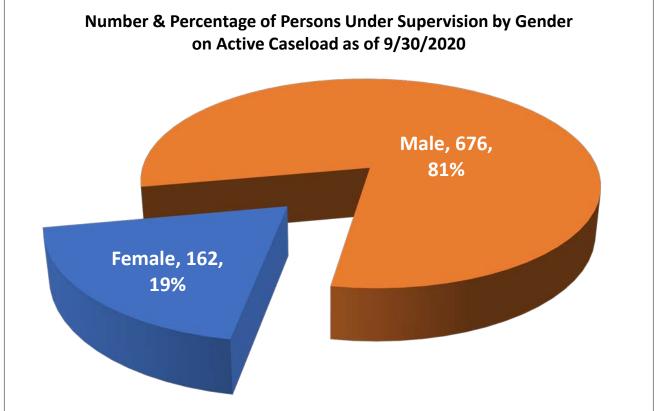






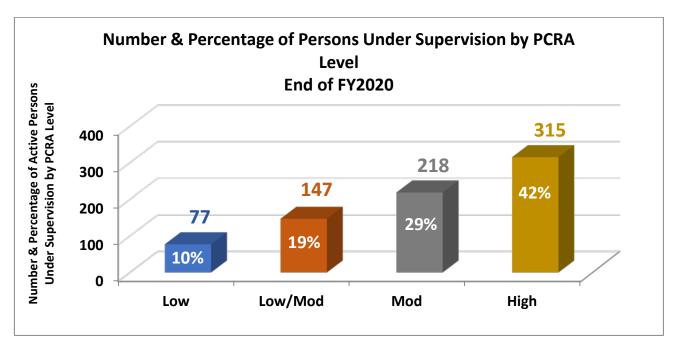


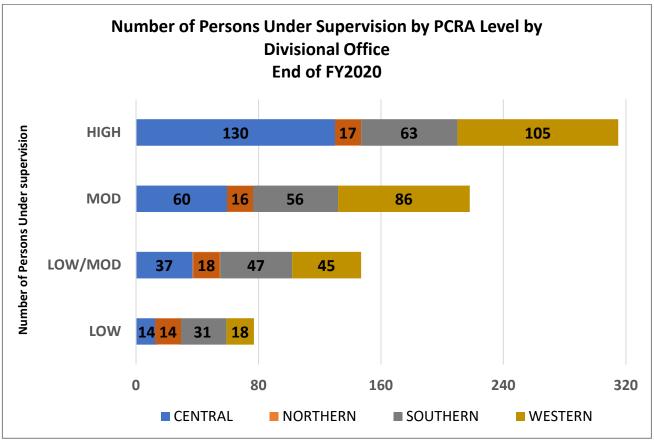


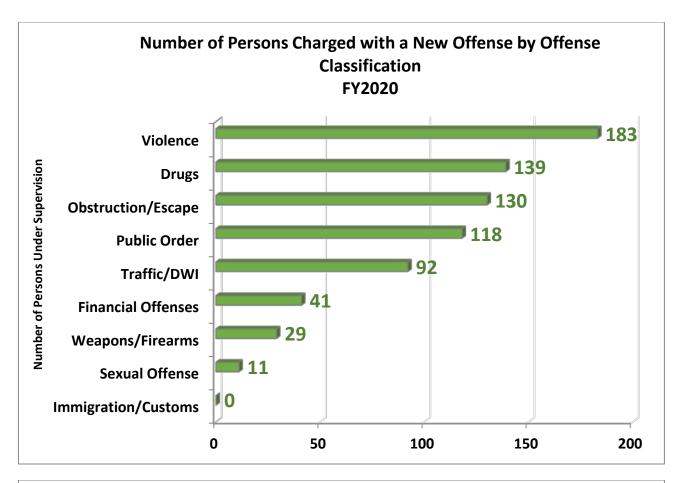


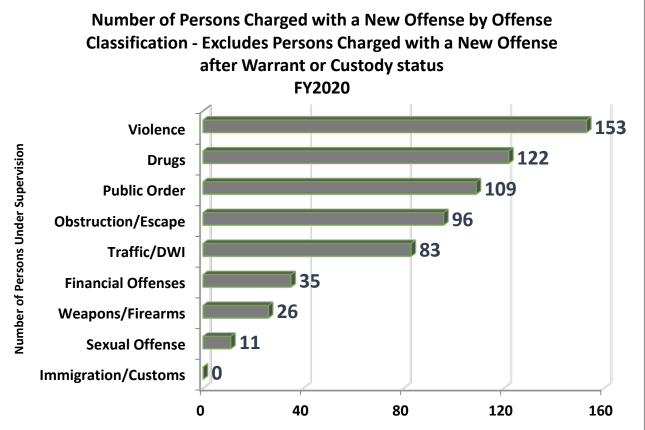
Post-Conviction Risk Assessment (PCRA)

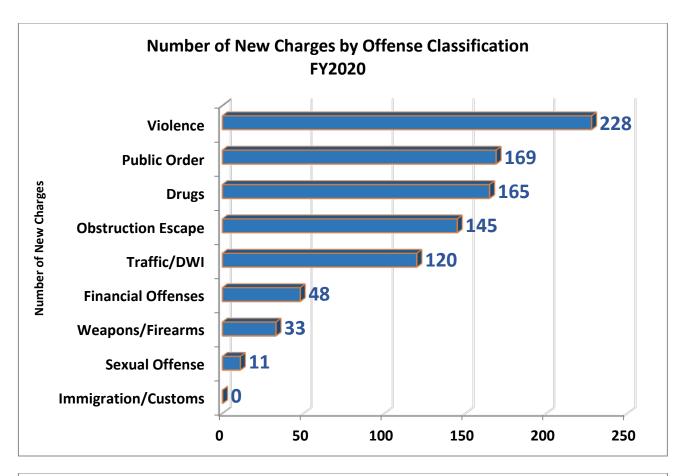
Most instructive for the effective supervision of persons are the results of the federal probation system's risk assessment, i.e., Post-Conviction Risk Assessment. This validated actuarial instrument measures the risk to reoffend for each person under supervision. There are four categories of risk –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

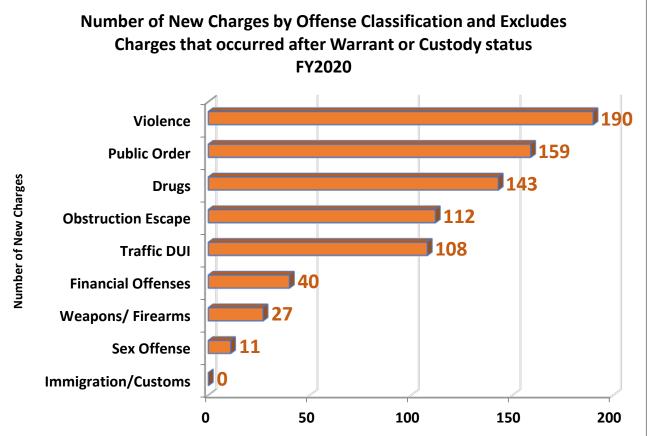


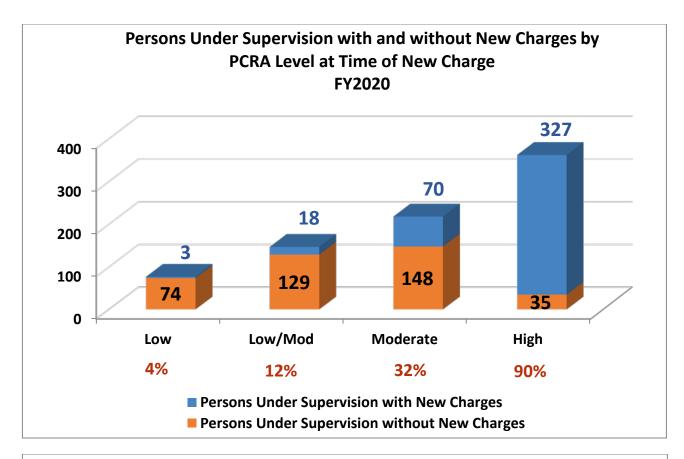


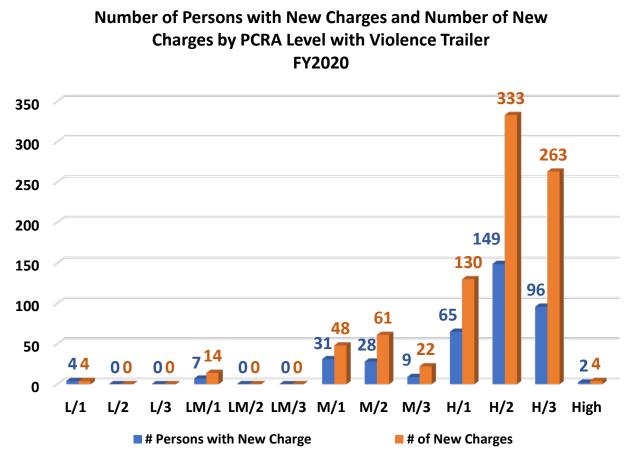


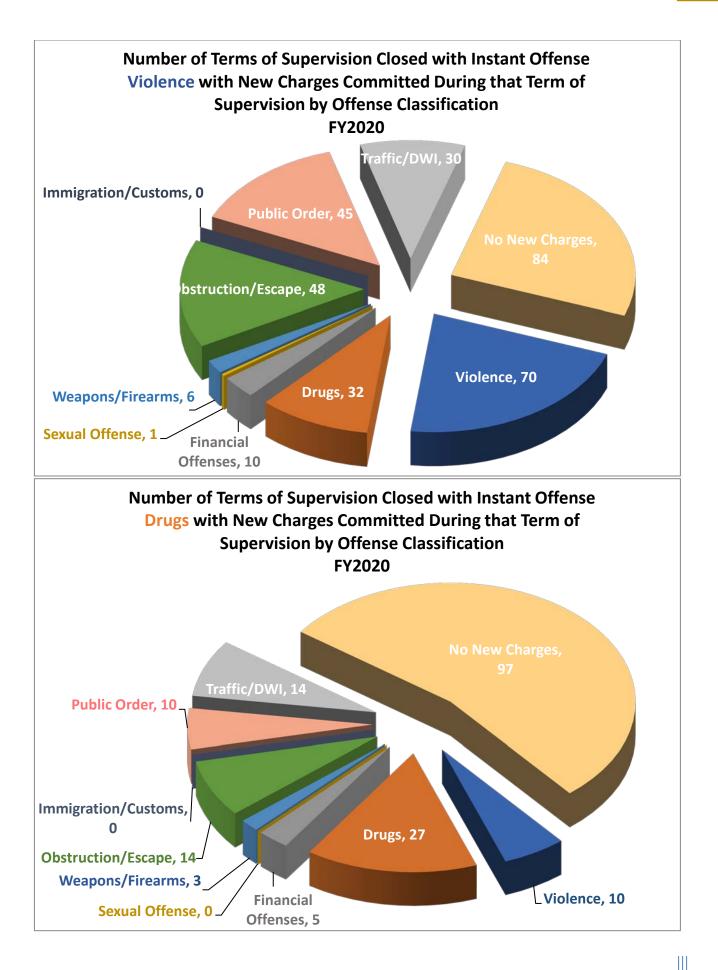


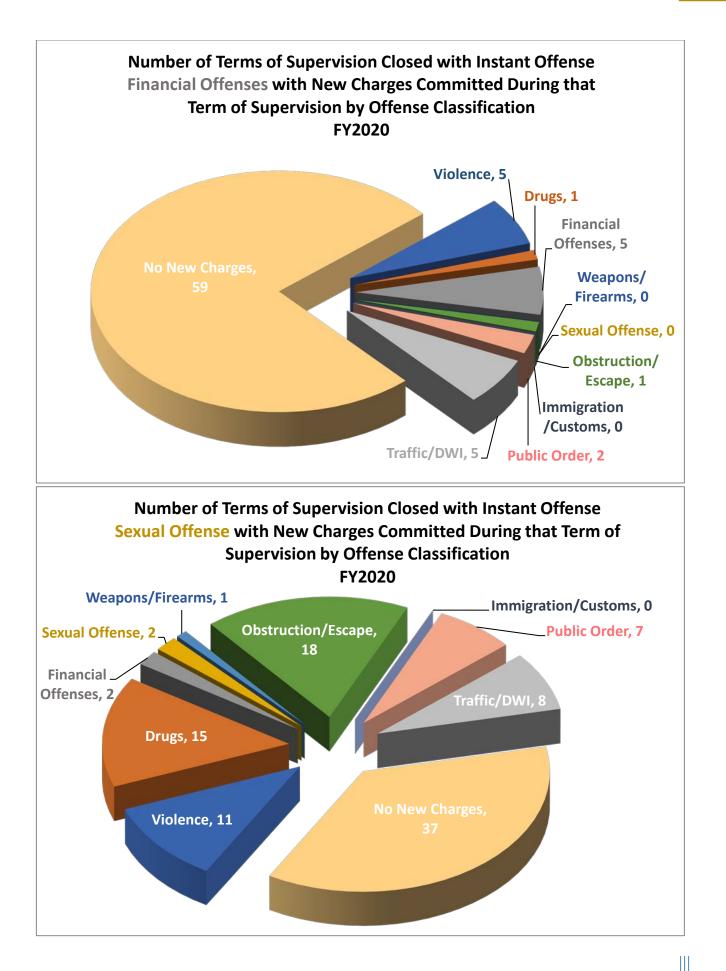


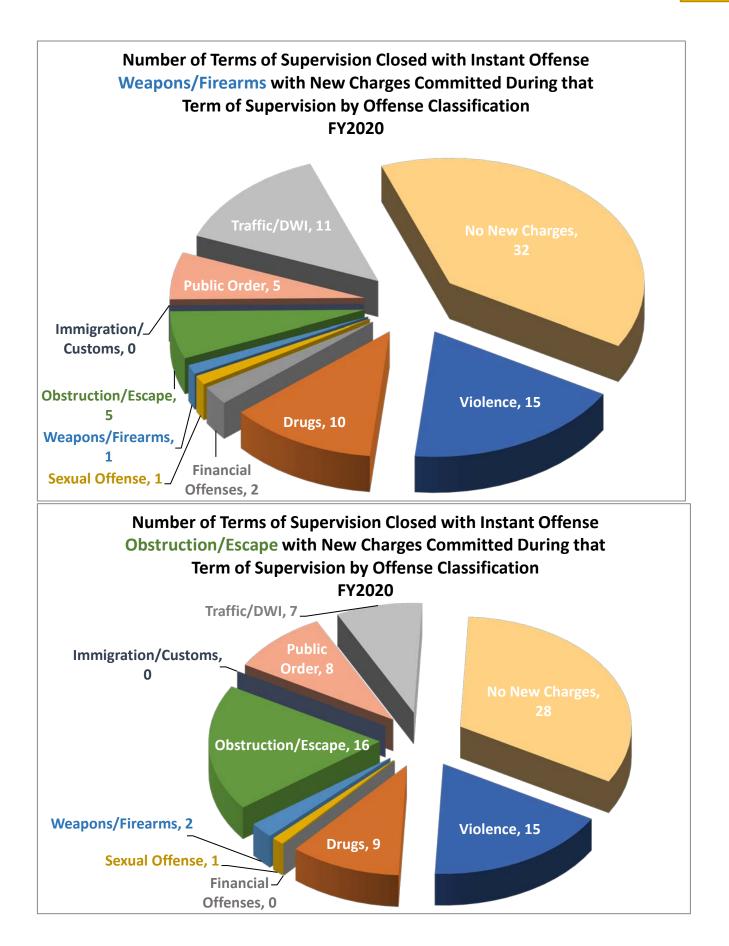












Intervention Services

Telehealth services during COVID-19 pandemic

In FY2020, the District of South Dakota (Office) gained approval from the Administrative Office of the United States Courts to create telehealth services offered for some Second Chance Act funded treatment contracts. Telehealth services utilize digital communication technologies, such as computers and portable electronic devices, for persons under supervision to access treatment services remotely. The main contracts of focus were intimate partner violence programs and cognitive behavioral training programs. In March 2020, the Office received approval from the Administrative Office to provide telehealth services for all treatment services groups and individual treatment services during the COVID-19 pandemic protocols.

Contract vendors are not required to provide telehealth services for their current contracts; however, it is available as an option to continue services. If an agency has a current contract and interest in providing services via telehealth, the agency worked with U.S. Probation and Pretrial Services to provide such services to the referred person under supervision.

Intimate Partner Violence – Second Chance Contracts

In FY2020, the Office referred 88 persons under supervision for intimate partner violence services. In June 2020, Program Development Specialists created specific language to secure intimate partner violence treatment services for females under supervision. This service will be offered statewide by telehealth services and is anticipated to begin December 2020. Additionally, the Office has ten such programs offered throughout the state for male persons under supervision. These contracts provide services to individuals who have a court-ordered obligation to participate in intimate partner violence services or for those whom have a likelihood to commit a violent act against their intimate partner. We will be able to provide the above services via telehealth, even in the post-COVID era.

Cheyenne River Project

The Cheyenne River Project is a probation officer-lead cognitive behavioral training program within the Cheyenne River Indian Reservation. Since its inception in 2017, we have completed three 11-month cycles of the program. The focus is with those persons assessed in a moderate or high risk category. Participants work through treatment assignments and activities, work with a Community Coach, and are eligible for earned prosocial time-off incentives for continued lawful behavior. The Office continues to work with the University of Cincinnati Research Institute to assess three components of the Cheyenne River Project: 1) fidelity to evidence-based and evidence-informed practices; 2) effectiveness of the incentive structure; and 3) recommendations for changes to the program to reduce rearrest rates of participants. The completion of the research on the program is January 2021.

Community Coaching

Most individuals who experience a period of incarceration will return to their home communities, once they are released from incarceration. In the District of South Dakota, over 90% of persons under supervision have social networks as a risk factor, which is addressed throughout their period of supervision. In 2017 the Office began recruiting members within several communities to assist the persons under supervision with their social interactions. While working under a similar premise of mentors, community coaches assist persons under supervision by getting involved in their supervision process and by supporting their positive behaviors. Community coaches also provide community accountability by connecting persons under supervision to other people in their community. The coaches help model prosocial behaviors that can increase a person's desire to remain lawful. Additionally, they can make connections with other prosocial community members to increase their acquaintances for maintaining a non-criminal/prosocial life. Some community coaches have experienced periods of incarceration themselves and offer a model based in life experience that can be vital to offering hope through the struggles of community integration.

Currently there are community coaches in three divisions in South Dakota. The Southern Division has a contract with a non-profit group, which is funded through the Second Chance Act. The Central and Western Divisions utilize noncontracted community coaches to provide community support. In all divisions, community coaches have assisted persons under supervision by modeling prosocial behavior, working on resumes and job applications, and offering general support and care.

The Office has a vision of connecting those on pretrial supervision with community coaches; however, to date, there has been little interaction between community coaches and those released on pretrial supervision. The Office will continue to develop the parameters for the pretrial population. If a person is found guilty, or if they plead guilty to a charge, it would be a goal for the community coach to remain active in the person's life as they proceed through sentencing and where ordered, a period of incarceration. The community coach will serve as an anchor to the person's home community, so they have a prosocial connection in the community upon their return.

The COVID-19 pandemic has impacted the ability of community coaches to connect with persons under supervision, but we are hopeful the coaches will be able to either adapt to building their connections virtually, or resume once it is safe to do so in person.

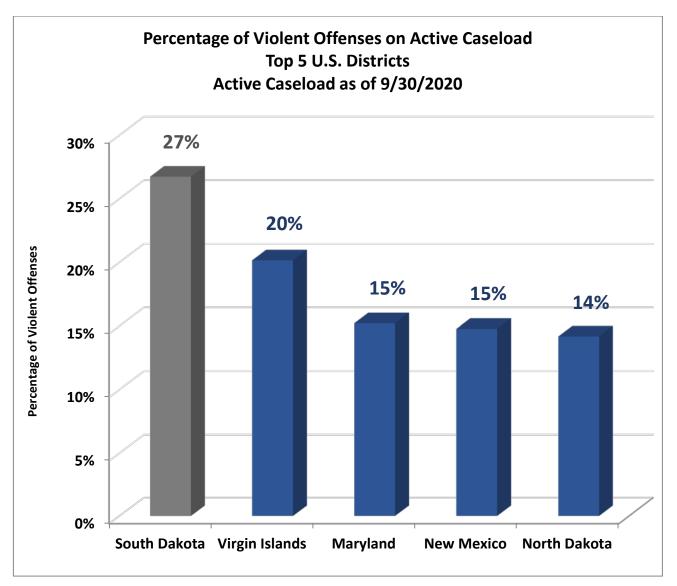
Extraordinary Factors

Economic Status

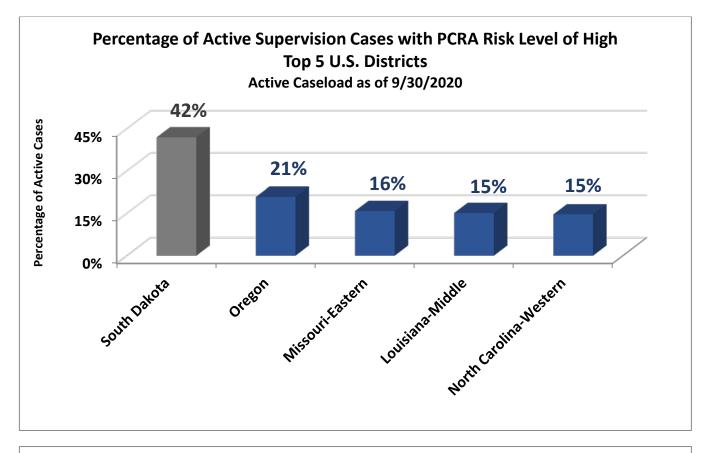
According to the U.S. Census Bureau's Social, Economic, and Housing Statistics Division, the small area income poverty estimates for 2018 indicate that South Dakota has four of the top ten counties with the highest poverty rates in the country. The poorest South Dakota counties and their national rank are: Oglala Lakota (1), Todd (2), Buffalo (4), and Ziebach (6).

Violent Offenses

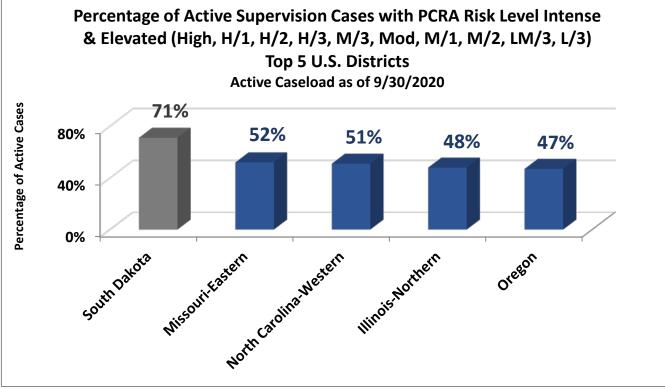
At the end of FY2020, the District of South Dakota ranked 56th out of 94 districts in the number of postconviction persons under supervision. In <u>percentage</u> of total cases being supervised, it ranked 1st in the country for persons whose most severe offense was either a violent offense or a sex offense. The chart below presents the top five districts with the highest percentages combining both violent and sex offenses.



Percentage of High Risk Cases



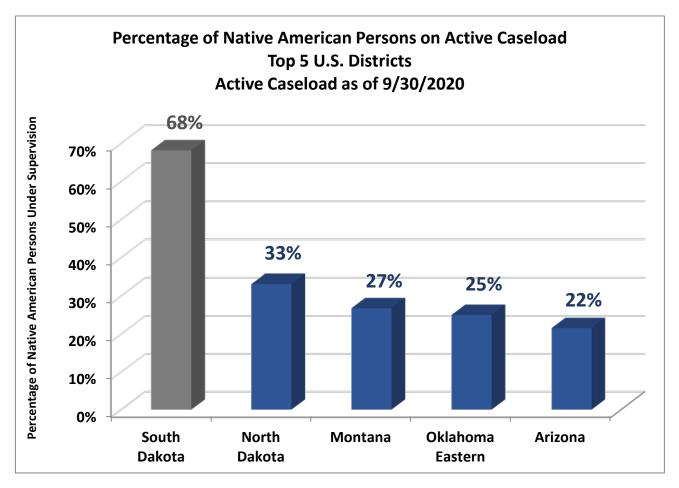
South Dakota ranks number one in the country in the percentage of high risk cases.



Native American Population

According to the U.S. Census Bureau's 2019 estimate, approximately 9% of the population in South Dakota is American Indian/Alaska Native. And yet, 68% of the persons under post-conviction supervision in FY2020 were Native American. There are nine Indian reservations in South Dakota.

| <u>Tribe</u> | Indian Reservation |
|-------------------------|------------------------|
| 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 comprised of volunteer officers who are responsible for the safety training of all personnel. The current members of the team are four certified safety instructors, two certified firearms instructors, two members of the management team, and three officers. The team reviews and provides recommendations for revisions to our local safety policy and procedures, which impacts the safety of our personnel.

New Employee Safety Training

In FY2020, seven new employees were trained in basic safety, which consisted of classroom presentations, officer response tactics, and decision-based scenarios. The new officers continue to receive mentoring and safety coaching from officers with considerable experience in our work.

General Safety Training for Officers

Each year, all officers are required to participate in one of two 20-hour safety training academies developed and presented by the safety team. This year, the Office was not able to conduct the in-person academy due to COVID-19. In the alternative, the Federal Probation and Pretrial Academy presented a virtual training for all Office personnel. Additionally, the Office offered virtual safety-related meetings on topics such as resilience, stress management, mindfulness, gratitude, oleoresin capsicum (OC), and officer liability.

Firearms Training and Qualifications

Officers authorized to carry a firearm participated in the two required firearms qualifications for the year. They also participated in firearms scenario training, which is based on application of good judgment in roleplayed scenarios at the Sioux Falls Fire and Rescue Training Center, Sioux Falls, SD.

Safety-related Incidents

In FY2020, employees of the Office reported 30 safety-related incidents to the national safety incident reporting system. The types and numbers of incidents were as follows: Other (14), Intimidation (6), Possession of a Weapon (4), Verbal/Written Threat (2), Animal (2), Suicide (1), and Office Incident (1).

Searches

The Office conducts court-approved searches based on the language in the judgment authorizing the Office to do so. Reasonable suspicion of illegal activity or of a violation of a person's conditions of release is established prior to a search being pursued. The Office has two search coordinators, with search expertise, who guide the Office to ensure adherence to local and national policy. The search coordinators work with local law enforcement, the U.S. Marshal Service, and where necessary a forensics lab, to conduct searches for the Office.

One search of a person's residence was conducted during FY2020.

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, and 20 hours minimum for support and administrative staff is expected each year. During FY2020, a total of 3,600 training hours were completed for an average of 62 hours per officer, and a total of 502 training hours were completed for an average of 30 hours per support and administrative staff.

Travel

For FY2020, the District of South Dakota maintained a fleet of 20 cars for a total of 230,216 miles driven. This is down significantly from previous years and can be attributed to the coronavirus and COVID-19 travel restrictions.

Shown below is a map of South Dakota with the four divisional and six 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.

