# US Probation & Pretrial Services District of South Dakota Annual Report Fiscal Year 2023



U.S. District Court District of South Dakota February 2024

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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

# Northern Division Courthouse located in Aberdeen

<u>District Judge</u> Charles B. Kornmann

Magistrate Judge Mark A. Moreno

# 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 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 4 offices; Pierre (Crow Creek Sioux Tribe and Lower Brule Sioux Tribe), Mission (Rosebud Sioux Tribe), Eagle Butte (Cheyenne River Sioux Tribe), and Winner (Rosebud 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:

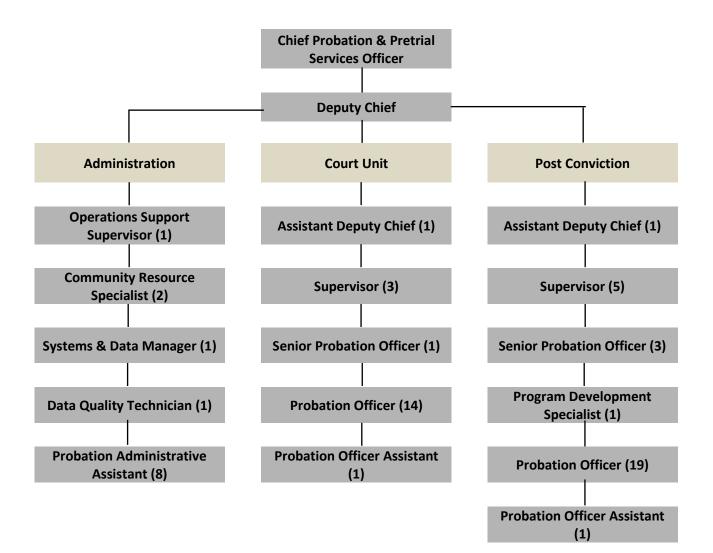
- the Office's expertise (knowledge and skills of probation staff through rigorous study of human behavior and disciplined regimen of training);
- the Office's own evidence (purposeful collection and analysis of both local aggregate outcome data
  associated with the application of empirically supported 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 FY2023 there were a total of 65 persons employed with the Office, with 13 classified as Administrators & Supervisors, 40 classified as Line Officers, and 12 classified as Administrative/Community Resource Specialist/Support Staff. Following is a breakdown of staff gender, education level, and years of service.

# Administrators & Supervisors (20% of Total Staff)

Gender:	7 male and 6 female
Education Level:	7 with graduate degrees and 6 with bachelor's degrees
Years of Service in the Office:	Range from 3 years to 23 years of service
	Average of 10 years of federal service

#### Line Officers (62% of Total Staff)

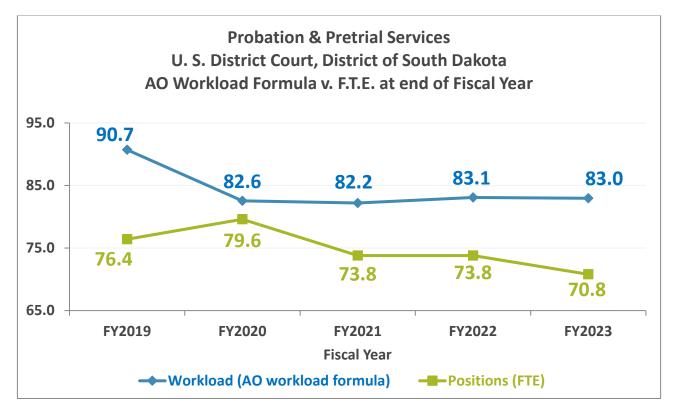
Gender:	16 male and 24 female
Education Level:	7 with graduate degrees and 28 with bachelor's degrees
Years of Service:	Range from less than 1 year to 29 years of service
	Average of 8 years of federal service

# Administrative/Community Resource Specialist/Support Staff (18% of Total Staff)

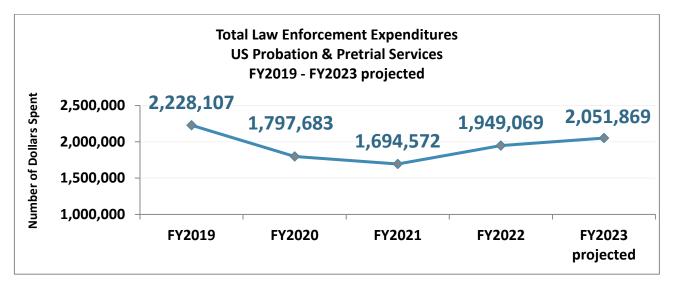
Gender:	1 male and 11 female
Education Level:	1 with a graduate degree and 8 with bachelor's degrees
Years of Service:	Range from 1 year to 19 years of service
	Average of 8 years of federal service

# **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.

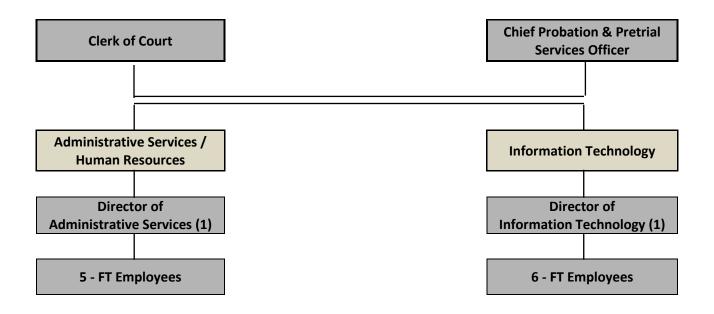


The graph below reflects the Probation & Pretrial Services fiscal year law enforcement expenditures. The expenditures reflect costs to provide treatment/counseling/training to persons under the Office's supervision to increase their competencies to behave lawfully. It also includes costs associated with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



#### **Shared Administrative Services**

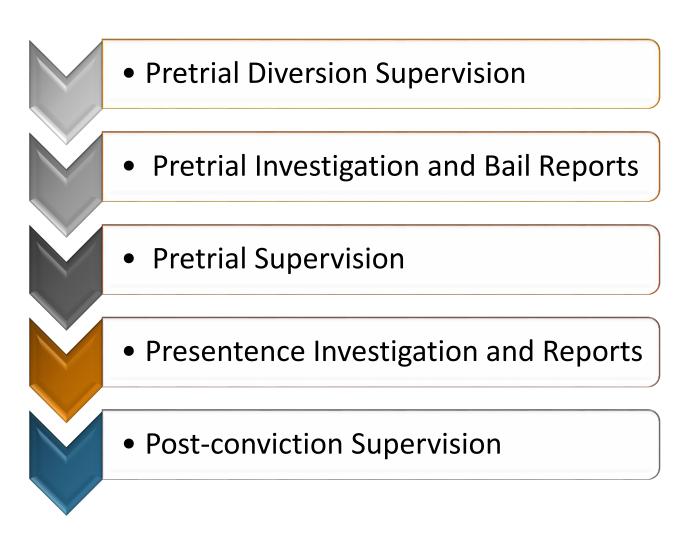
To provide more cost-effective administrative services, the District Court in South Dakota has established an agreement to share services among its three operational components – Chambers, the Clerk of Court Office, and Probation and Pretrial Services Office. The shared services include the information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

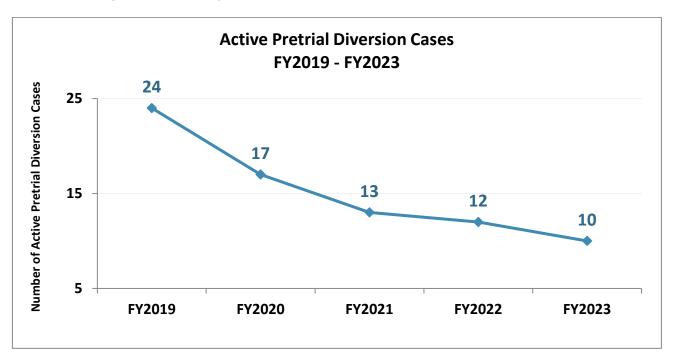
The Probation and Pretrial Services Office performs services for the court and the justice system in five major areas:

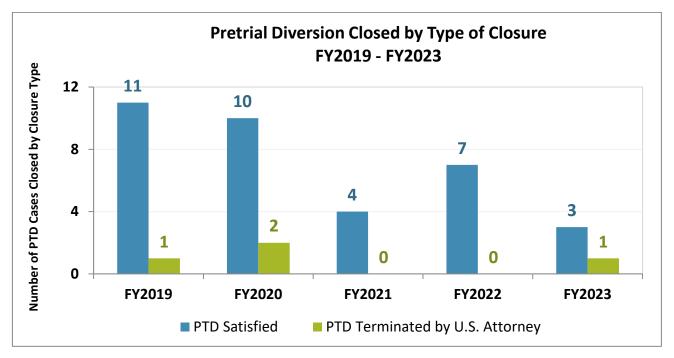


# **Pretrial Diversion Supervision**

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 FY2023, three persons under pretrial diversion supervision successfully completed the supervision period. The U.S. Attorney terminated one pretrial diversion case in FY2023.





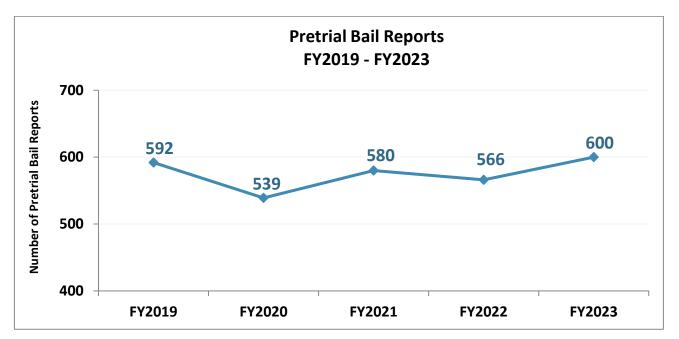
# **Pretrial Bail Investigations and Reports**

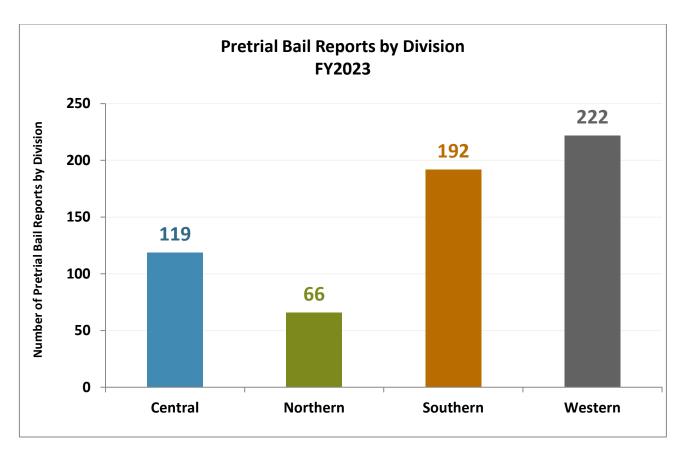
After federal charges have been filed, the Office investigates persons who have been charged and submits a bail report to the court on each person. The reports provide information to the court to determine if the person should remain in the community or be detained during the pretrial phase based on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

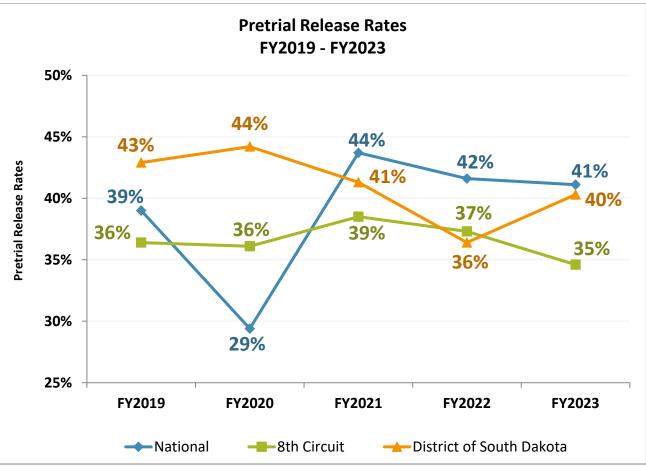
The assessment of a person's likelihood to appear and remain lawful is determined by the application of the Pretrial Risk Assessment (PTRA) tool and the Office's best judgment based on the totality of all known factors and circumstances. The PTRA is a validated risk assessment instrument created by the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

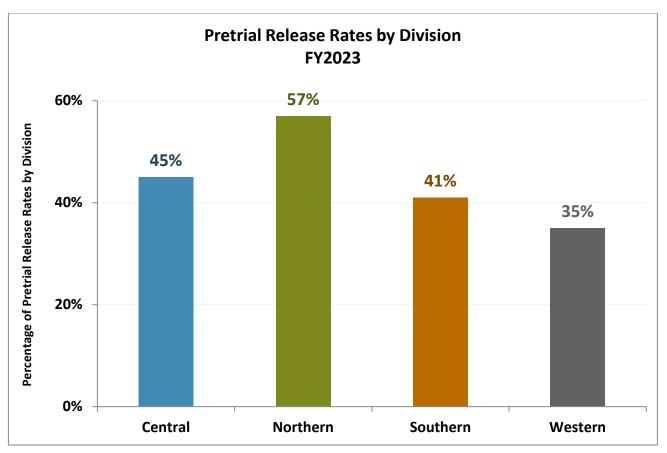
The Office employees involved in pretrial bail investigations and reports are dedicated to achieving justice and enhancing community safety by:

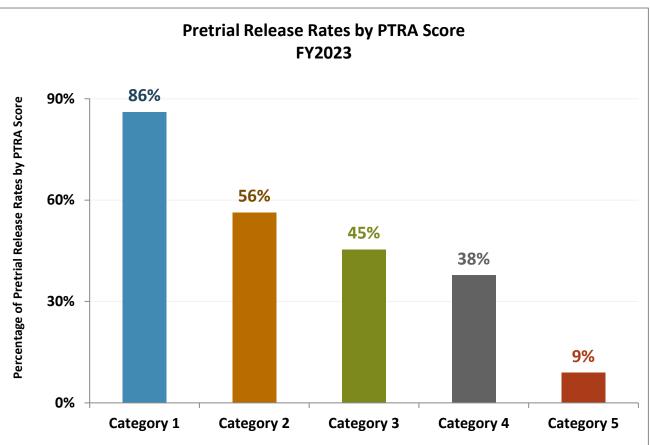
- Ensuring each defendant is given the opportunity to participate in a pretrial interview;
- Providing accurate, thorough, and objective information and their best judgment to the court throughout all phases of pretrial for the issuance of individualized, fair, and equitable court orders;
- Assessing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

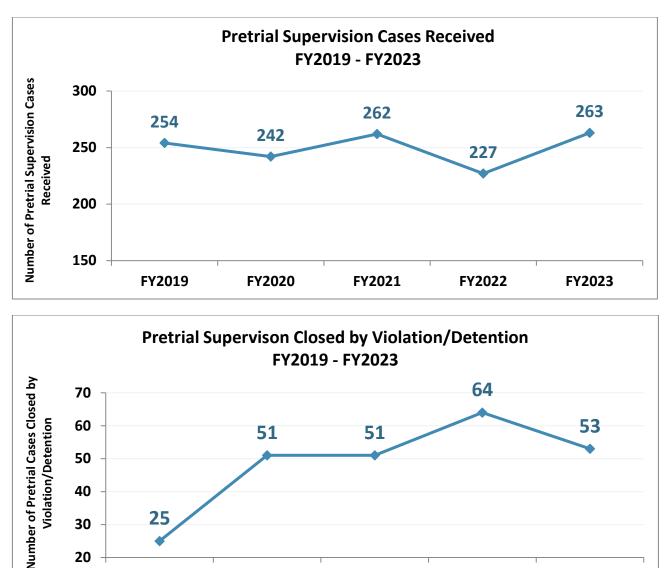
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FY2019

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 court and the U.S. Attorney 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.



FY2021

FY2022

FY2020

FY2023

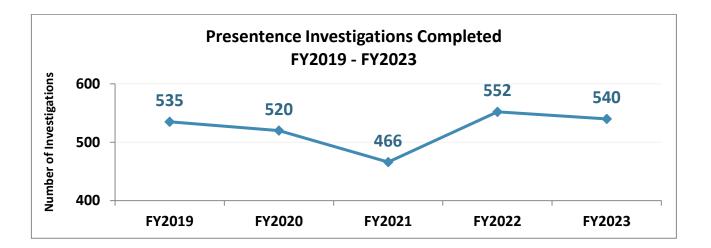
# **Presentence Investigations and Reports**

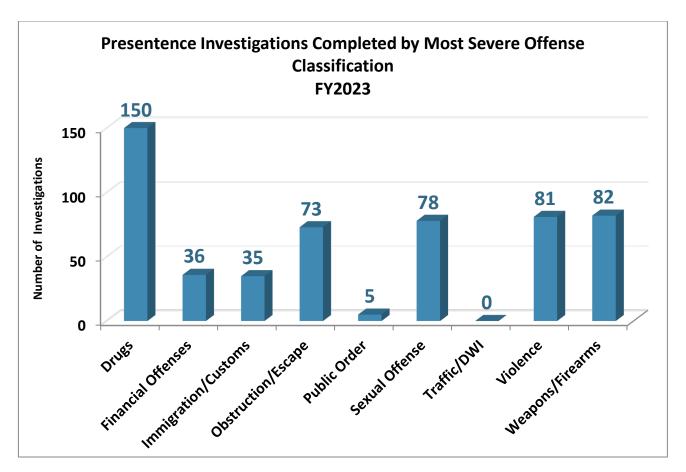
After a person has been convicted of a crime, but prior to sentencing and pursuant to a court order, the Office conducts an independent investigation of the person. The aim of the presentence investigation is to provide a timely, accurate, objective, and comprehensive report to the court. The report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

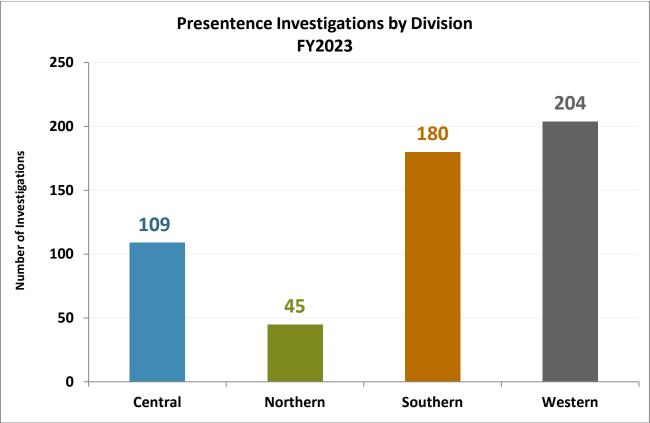
Separate from the presentence report, the Office provides the court with recommendations regarding any proposed departures from or statutory variances to the U.S. Sentencing Commission Guidelines. The Office also makes recommendations for alternatives to incarceration, for the length of post-conviction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







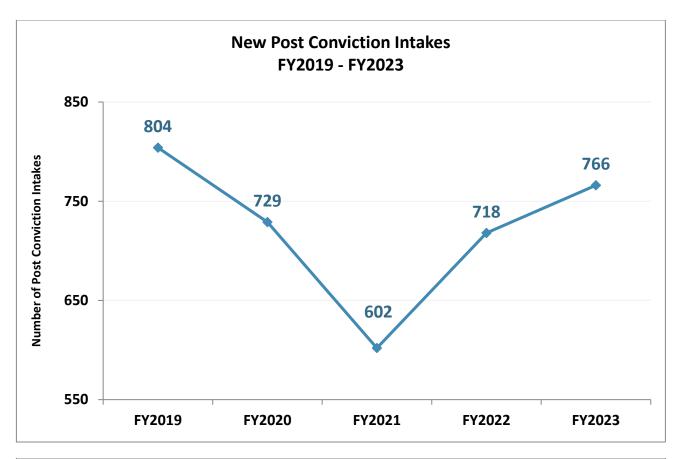
# **Post-conviction Supervision**

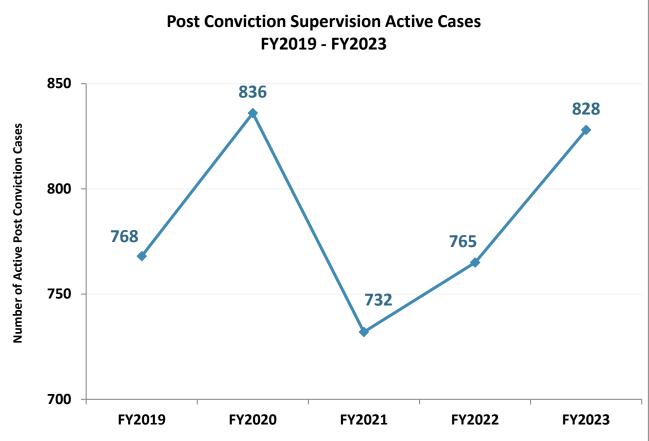
After sentencing when a person is allowed to remain in the community or is returning to the community from a period of incarceration, the Office supervises the person for the duration of time specified by Court order or by the US Parole Commission. The two primary goals of supervision are for the person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

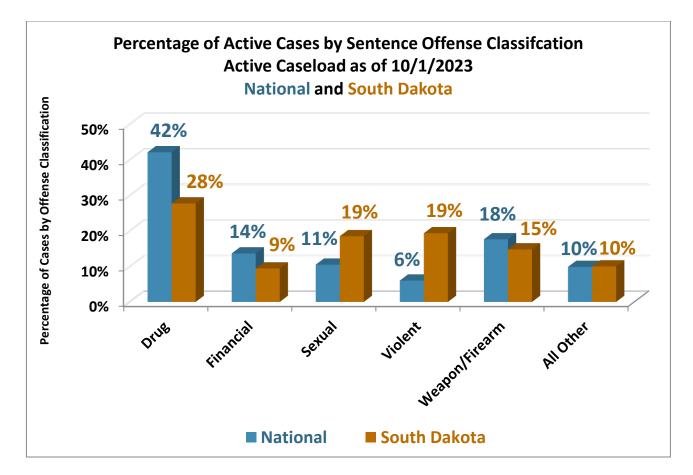
The Office must responsibly manage the risks posed by those under supervision. This requires a collaborative and evolutionary effort among the person under supervision, the Office, treatment providers, and prosocial collateral supports. It is a dynamic process of applying evidence-based interventions,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

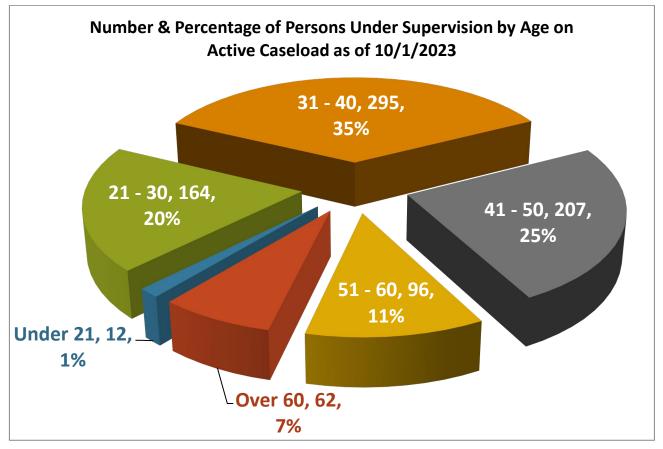
For the person under supervision, supervision is a dynamic commitment to build the skills and to take the steps necessary to willfully comply with the court's orders and to behave responsibly and lawfully during supervision and beyond. Supervision also involves a series of actions the person under supervision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

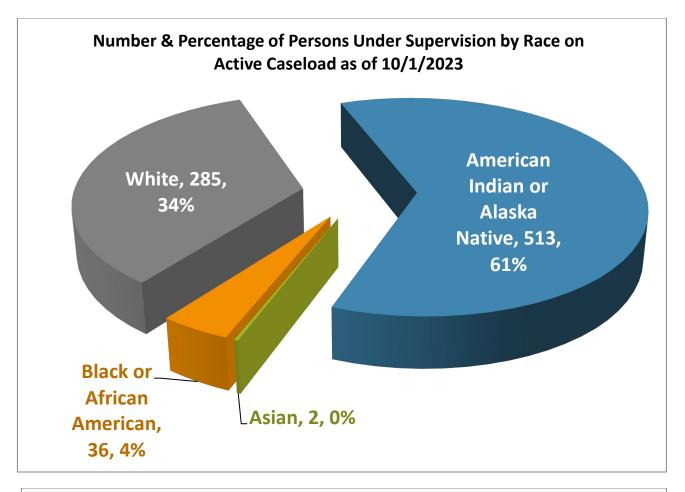
In spite of best efforts and implementation of best practices by the Office, there are persons under supervision who struggle with compliance requirements and exhibit noncompliant and unlawful behavior. When such behaviors rise to an unacceptable level, the Office informs the court and seeks modification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

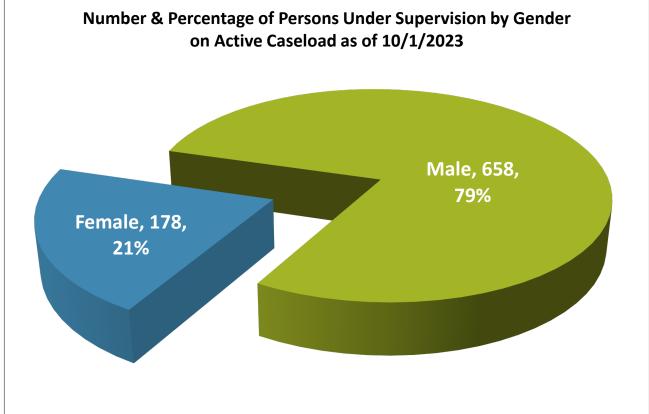






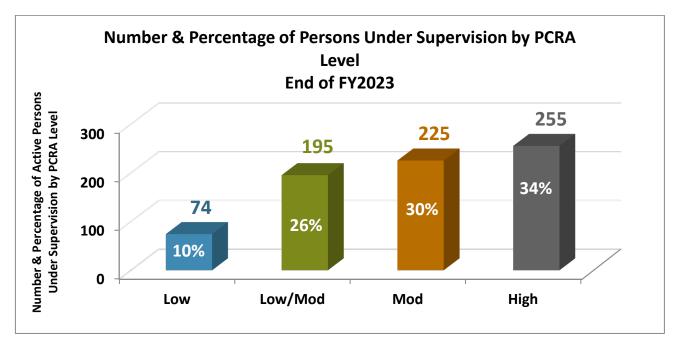


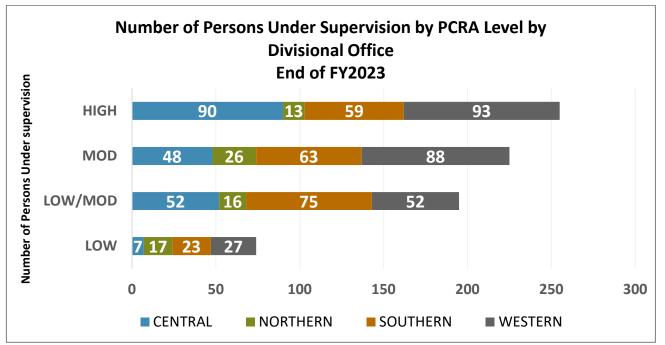


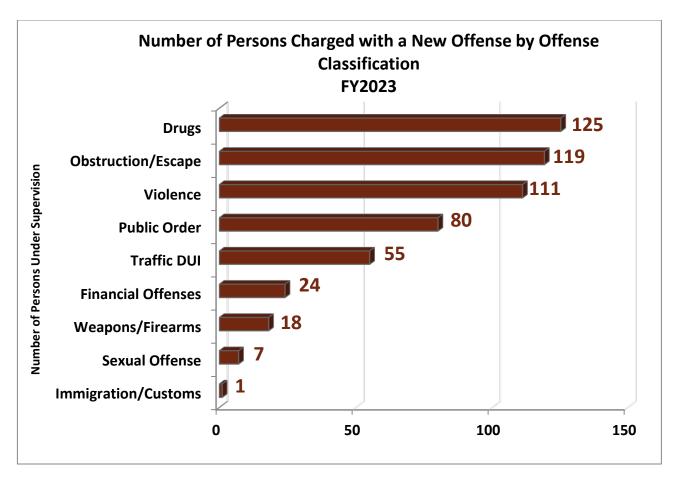


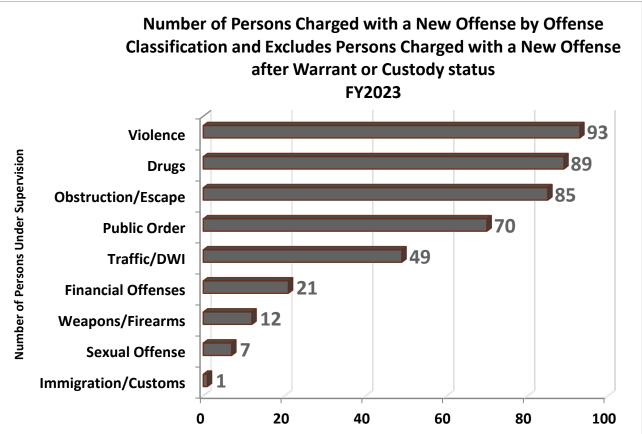
#### Post-Conviction Risk Assessment (PCRA)

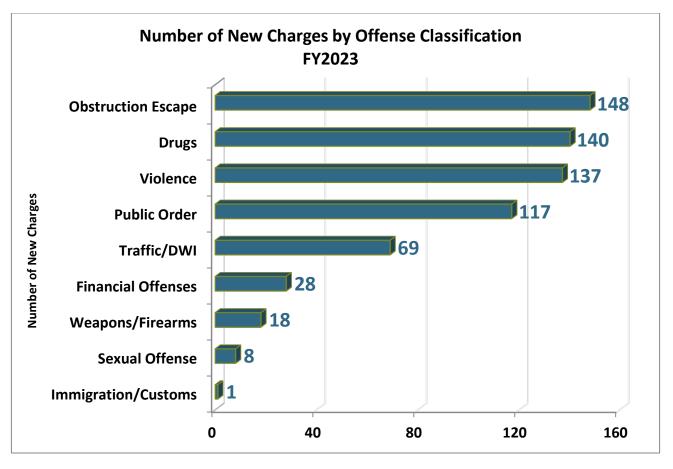
Most instructive for the effective supervision of persons are the results of the federal probation system's risk assessment, i.e., Post-Conviction Risk Assessment (PCRA). This validated actuarial instrument measures the risk to reoffend for each person under supervision. There are four categories of risk – high, moderate, low/moderate, and low. The Violence Trailer portion was developed as an addition to the existing PCRA assessment and is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of committing a violent offense. There are three violence trailer scores – 1, 2, and 3 with 3 being the highest score with the highest probability of the person committing a violent crime during an episode of recidivism.

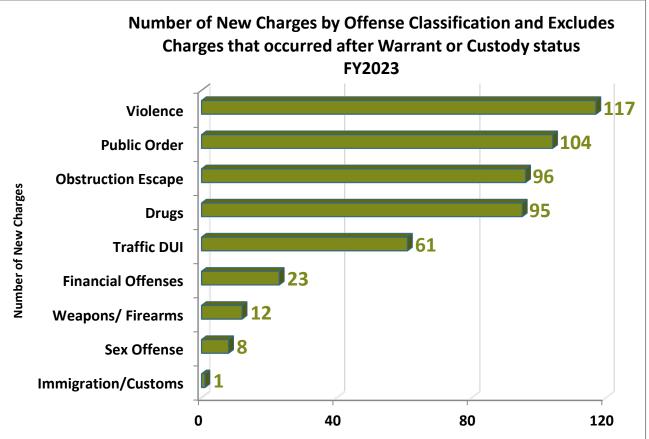


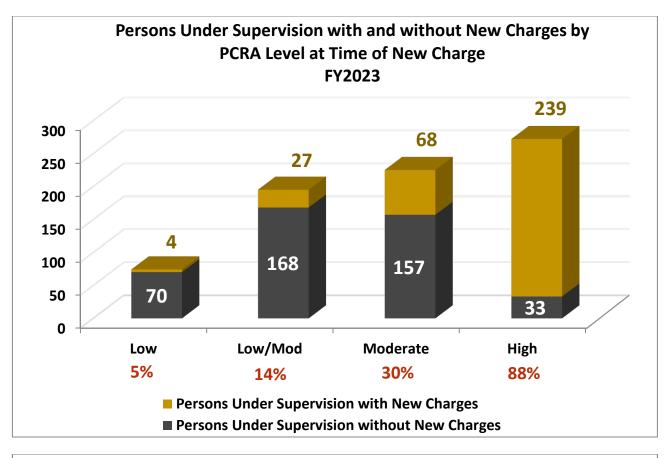


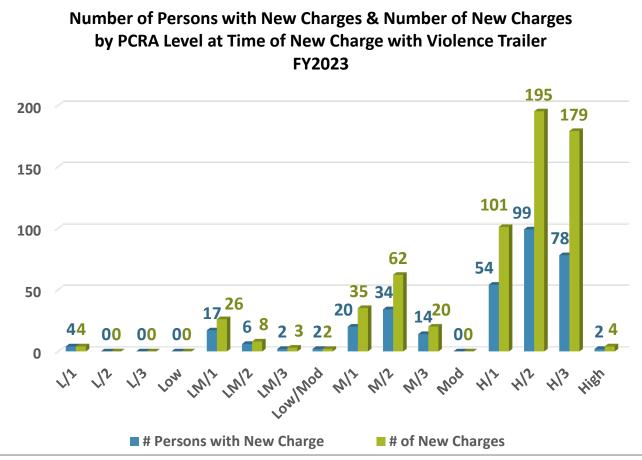


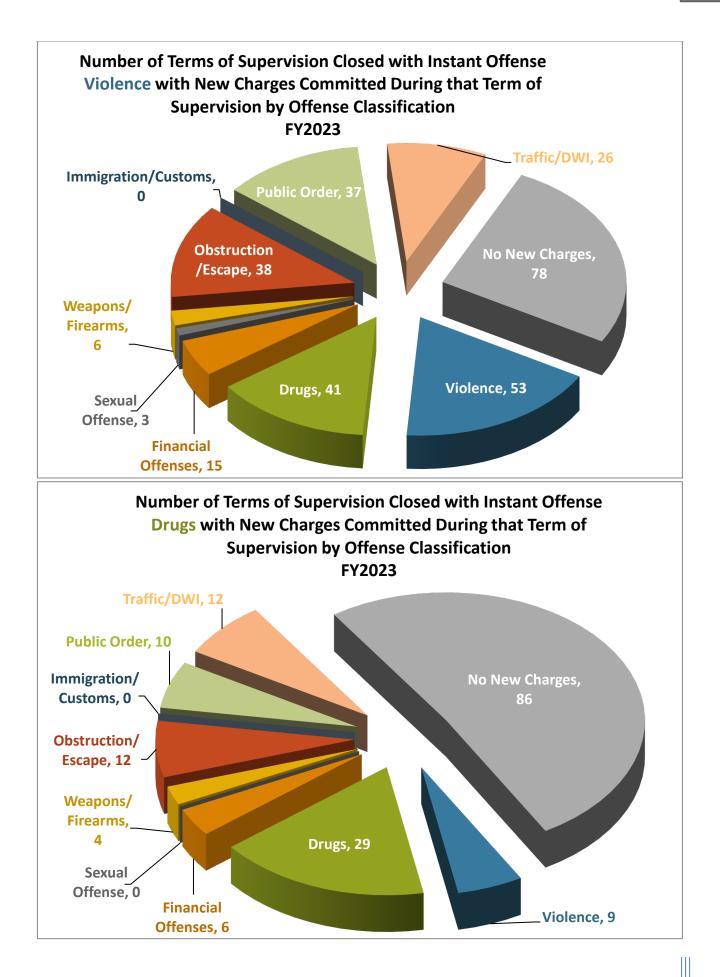


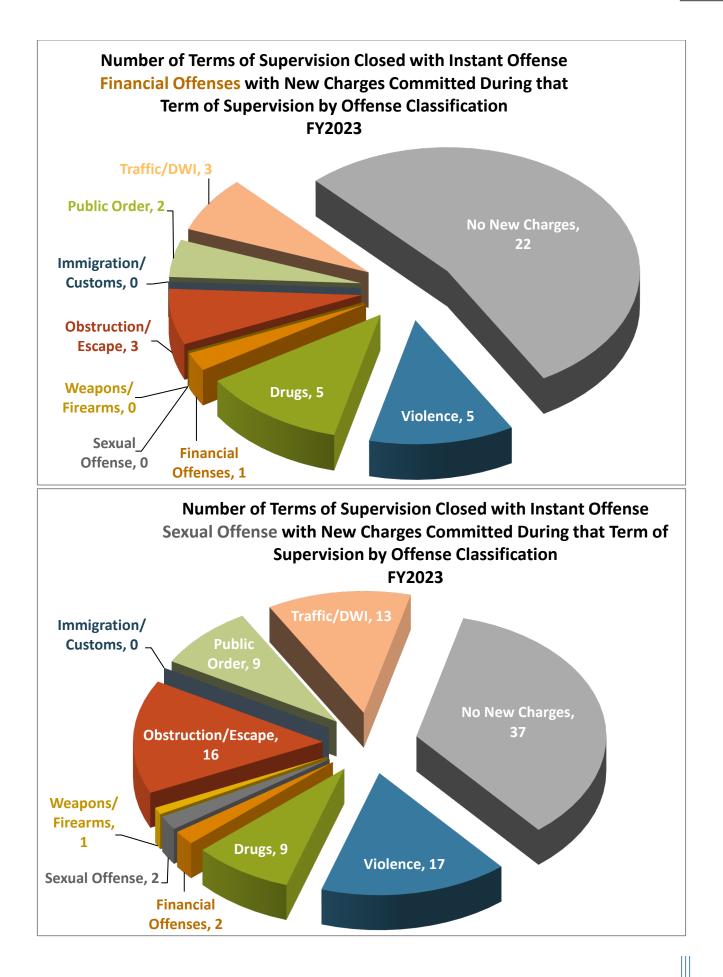


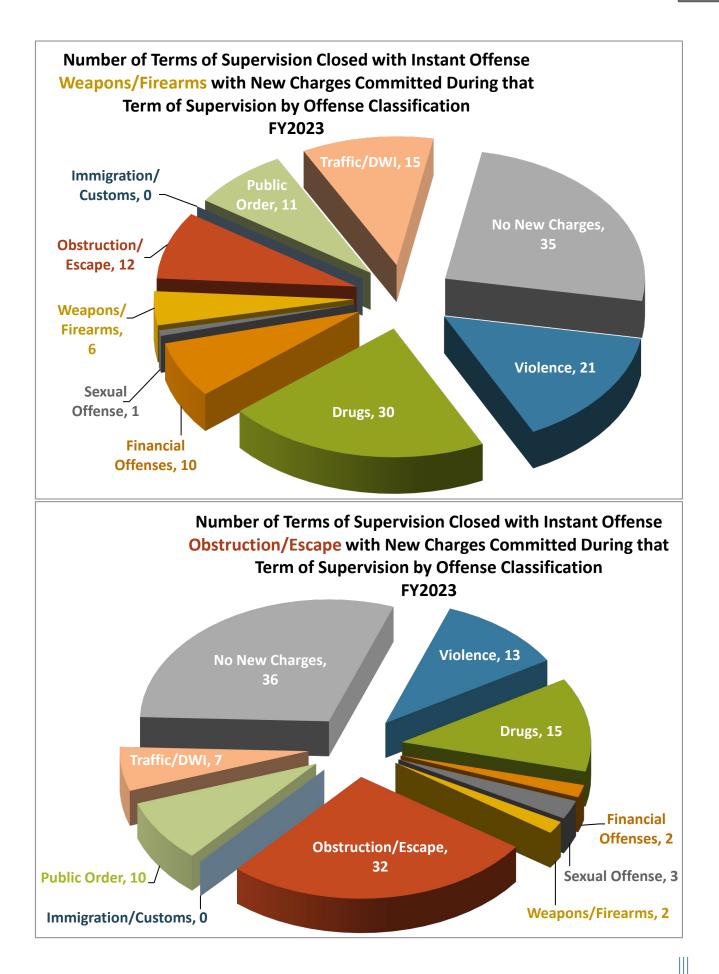












# **Intervention Services**

# Vendor Training and Vendor Profile

In FY2023, the district held vendor training with a focus on developing a process for effective triads. Triads aid with starting services and developing individualized treatment for the person under supervision. This training was also presented to officers throughout the district who work with persons under supervision. The goal of the training was to provide training for more effective communication between a person under supervision, clinician, and probation officer. Additionally, October 2023, the district hosted a virtual vendors conference to prepare new and existing vendors for the upcoming fiscal year.

The District of South Dakota created and maintained 131 contracts for treatment services and Second Chance Act programming in FY2023. Those contracts allowed the programming to address the need for persons under supervision to develop important prosocial skills and criminogenic needs.

The district utilized 37 treatment services contracts to treat substance abuse disorders. These services ranged from cognitive behavioral programs, drug testing services, substance use assessments, individual and group counseling, treatment for co-occurring substance and mental health disorders, and provisional shelter and therapeutic programming.

There were 20 contracts for mental health support district-wide which provided individual and family counseling, psychological and psychiatric evaluations, and medication assistance. The district operated 20 contracts for sex offender treatment. These include services for individuals and group treatment, chaperone training, and readiness training. In FY2023, the district unitized 28 contracts which worked to address cognitive skills and domestic violence.

#### Newsletter

In 2020 the Program Development Specialist (PDS) team started a quarterly newsletter which was sent out via email to contacted vendors in the District of South Dakota. The purpose of the newsletter was to provide a proactive way of communication to contracted vendors improving information, communication, and updates related to contracts within the District of South Dakota. In FY2023, PDS revamped the quarterly newsletter adding many new features. PDS team member Kaitlin Ryan spearheaded this project which has improved the quarterly newsletter making it more user friendly and adding an excited new format. The PDS team will continue improvements on the quarterly newsletter which will provide vendors with important updates and contractual changes. The PDS team looks forward to our many continuing partnerships with all vendors, working to meet our mission for fiscal year 2024.

#### **Trauma Informed Mental Health Services**

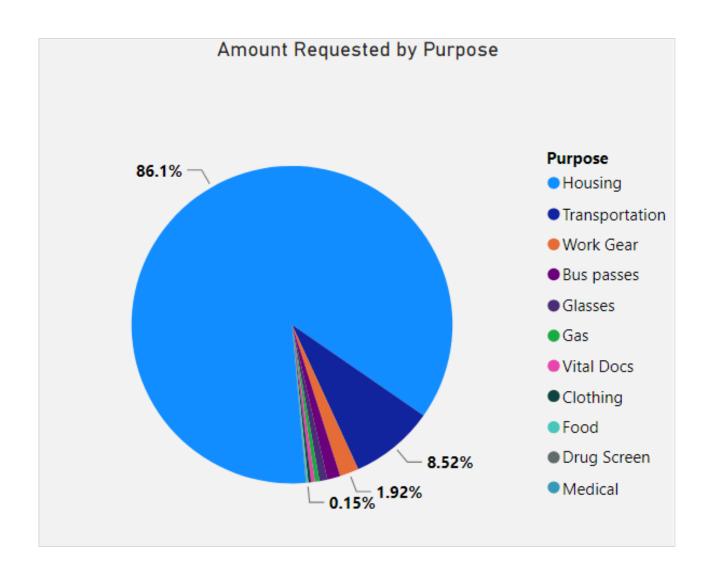
The District of South Dakota remains committed to identifying and delivering services that address the complex treatment needs of persons under supervision. In FY2023, the Program Development Specialist team worked to identify community partners that could deliver Eye Movement Desensitization and Reprocessing therapy (EMDR). We believe in addressing high risk behaviors we must also address the root causes of those behaviors, and the underlying trauma or adverse life experiences of persons under supervision. Contracts were created for vendors to provide trauma treatment methods based in EMDR specialized therapy in every division across the District of South Dakota.

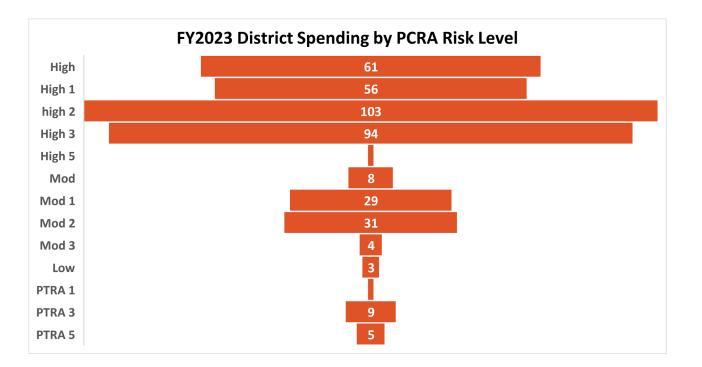
#### Second Chance Act Expenditures

The District of South Dakota spent \$153,803.67 in Second Chance Act purchases on emergency and transitional services to meet persons under supervision needs. The purchases largely include rental assistance, transportation, identification documents and work equipment. U.S. Probation and Pretrial Officers worked collaboratively with the Program Development Specialist to address basic humanitarian needs for persons under supervision to decrease the likelihood for recidivism.

Spending in FY2023 increased significantly across all divisions. Below are graphs depicting spending by division and by PCRA level for FY2023.







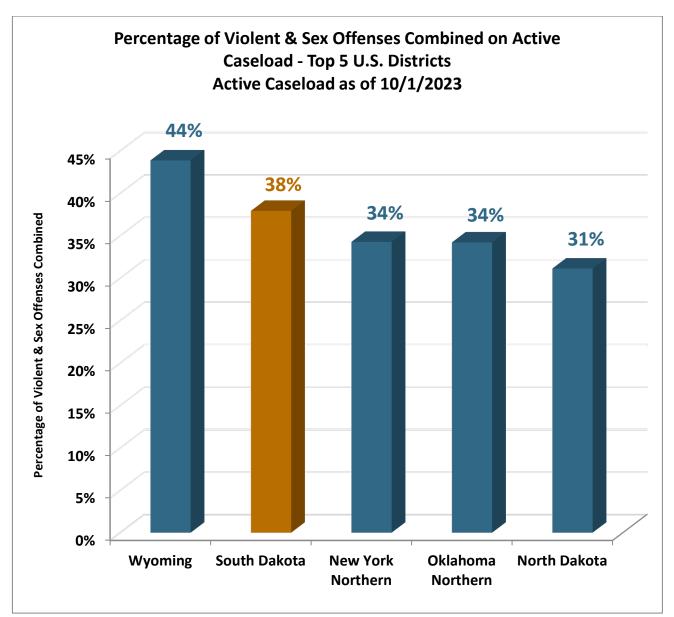
# **Extraordinary Factors**

# **Economic Status**

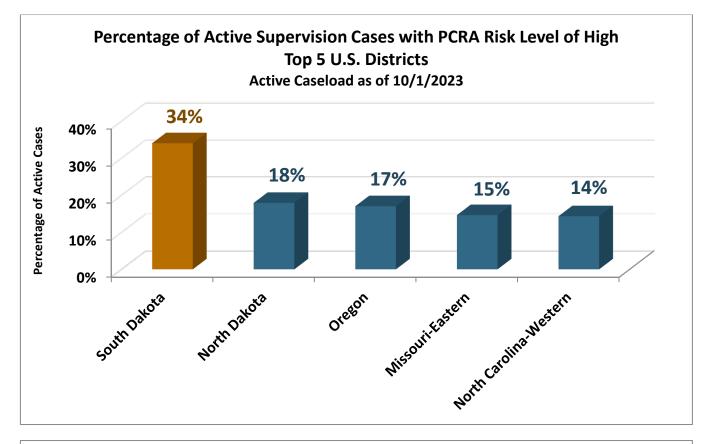
According to the U.S. Census Bureau's Social, Economic, and Housing Statistics Division, the small area income poverty estimates for 2022 indicate that South Dakota has five of the top ten counties with the highest poverty rates in the country. The poorest South Dakota counties and their national rank are: Corson (1), Oglala Lakota (3), Buffalo (5), Todd (6), and Ziebach (7).

# **Violent and Sex Offenses**

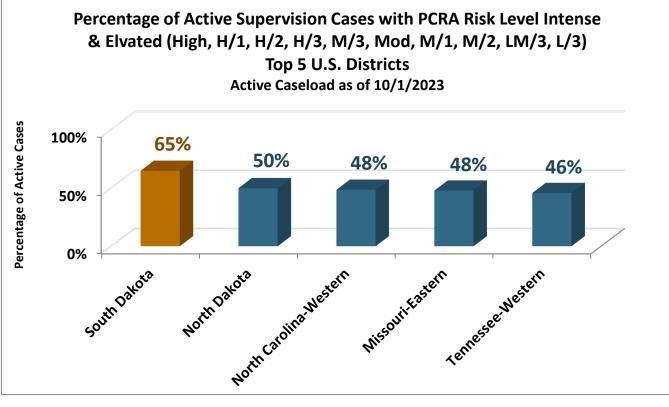
At the end of FY2023, the District of South Dakota ranked 51 out of 94 districts in the number of postconviction persons under supervision. In <u>percentage</u> of total cases being supervised, it ranked 2<sup>nd</sup> in the country for persons whose most severe offense was either a violent offense 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



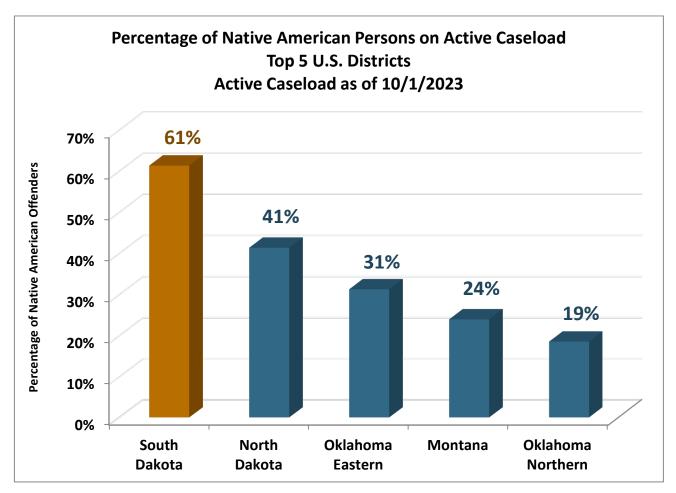
South Dakota ranks number one in the country in the percentage of high risk cases.



#### **Native American Population**

According to the U.S. Census Bureau's 2020 Decennial Census, approximately 9% of the population in South Dakota is American Indian/Alaska Native. And yet, 61% of the persons under post-conviction supervision in FY2023 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 and an officer assistant who are responsible for the safety training and skill building of all personnel. The current members of the team are: six certified safety instructors, two certified firearms instructors, one member of the executive leadership team, three supervisors, and one officer assistant.

# **New Officer Safety Training**

In FY2023, one employee completed their first in-district annual safety training academy, which consisted of classroom presentation, quarterly officer response tactics, and decision-based scenarios. New officers are provided individual safety training prior to obtaining a caseload and are required to attend the Initial Probation and Pretrial Academy at the Federal Law Enforcement Training Center in Charleston, SC.

# **Safety Training Program for Officers**

Each year, all officers are required to participate in one of two 8-hour safety training academies, quarterly officer response tactics (ORT's) training, video simulation training (MILO), and debriefing of academy scenario videos. FY2023 safety academy took place in Rapid City, SD.

# **Firearms Training and Qualifications**

Officers authorized to carry a firearm participated in two required qualifications for the year. They also participated in firearms scenario training, which was based on application of good judgment in rapidly evolving role-play scenarios.

#### **Safety Related Incidents**

In FY2023, employees of the Office reported 15 safety-related incidents to the national Safety Incident Reporting System (SIRS). An identical total from FY2022. The types and quantity of incidents was as follows: Intimidation (6), vehicle (4), Animal (2), Domestic violence (1), Witnessing a crime (1), Training accident/injury (1). 53 percent of the office safety-related incidents in FY2023 occurred at the defendant's or person under supervision's residence.

# Additional Investment in Safety Training

The safety team has maintained a program that is ongoing through-out the year with quarterly officer response tactics (ORT's), video reviews and debriefing of scenarios, with a capstone 8-hour academy. FY2023 included the introduction of multi-branch, virtual-simulation training (MILO). Areas of focus in the virtually simulated scenarios included: critical incidents, duty to intervene, de-escalation skills, judgment skills, use of force, implicit bias, situational awareness, and crisis intervention. This training is conducted three times a year in each office.

# Searches

The Office conducts court-approved searches in conjunction with the appropriate condition of supervision and reasonable suspicion of illegal activity or activity in violation of the conditions of supervision. The Office has four certified search coordinators. Search coordinators are responsible for providing expertise on local and national search policies, as well as, planning and collaborating with assisting law enforcement. This ensures searches are conducted in a safe, respectful, and efficient manner.

Four searches of a person's residence were conducted during FY2023. A decrease of one search from FY2022.

# 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.

# Travel

For FY2023, the District of South Dakota maintained a fleet of 20 cars for a total of 331,029 miles driven.

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

