



## *Supreme Court*

STATE OF SOUTH DAKOTA

*David Gilbertson*  
CHIEF JUSTICE

Dear Members of the South Dakota Legislature:

For many years through my annual State of the Judiciary messages and appearances before Legislative Committees, I have advocated the use of a drug court concept to break the revolving door of repeat criminal acts whose root cause is drug and alcohol addiction. Until this addiction cycle is broken, the prisons will continue to be full and the state treasury subject to a substantial and continual drain. Last year Senate Bill 78 requested the South Dakota Unified Judicial System prepare for this year's Legislature, a report which would examine the prospects for expansion of the three programs which currently exist that could be generically called "drug courts."

Many within the Unified Judicial System are involved in this on-going project. Nancy Allard and Abby VanDenBerg deserve recognition for bringing all this diverse material into a concise and understandable report. The report seeks to describe the nature of the problem. It also goes into detail as to our three current treatment programs in the Northern Black Hills, Pierre and Sioux Falls. Finally it proposes significant expansion of the concept into other areas of the State.

While the need for these types of programs is state-wide, it becomes obvious that one size does not fit all and for maximum effectiveness, each program must be tailored to local individual needs and assets. The Unified Judicial System stands ready to partner with the Legislature and the Executive Branch in an expansion of these types of programs which have proven they work and at a cost significantly less than the incarceration alternatives.

Sincerely yours,

David Gilbertson  
Chief Justice



# Table of Contents

<b>ABSTRACT .....</b>	<b>i</b>
<b>INTRODUCTION .....</b>	<b>1</b>
<b>NORTHERN HILLS DRUG COURT .....</b>	<b>5</b>
<b>STOP DUI PROGRAM .....</b>	<b>12</b>
<b>METH SENTENCING ALTERNATIVE PROGRAM .....</b>	<b>18</b>
<b>METHODOLOGY .....</b>	<b>21</b>
<i>OFFENDER SENTENCING REPORTS .....</i>	<i>21</i>
<i>OFFENDER RELEASE REPORTS .....</i>	<i>24</i>
<i>SUPERVISION COSTS .....</i>	<i>24</i>
<i>SURVEY .....</i>	<i>27</i>
<b>FINDINGS .....</b>	<b>28</b>
<i>FELONY DUI OFFENDER SENTENCING REPORTS .....</i>	<i>28</i>
<i>FELONY DRUG OFFENDER SENTENCING REPORT .....</i>	<i>30</i>
<i>OFFENDER RELEASE REPORT .....</i>	<i>31</i>
<i>SUPERVISION COSTS .....</i>	<i>33</i>
<i>SURVEY .....</i>	<i>35</i>
<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>37</b>
<b>REFERENCES .....</b>	<b>45</b>
<b>APPENDIX 1: FELONY DUI CONVICTION REPORTS .....</b>	<b>46</b>
<b>APPENDIX 2: FELONY DRUG CONVICTION REPORTS.....</b>	<b>58</b>
<b>APPENDIX 3: 2007 DEPARTMENT OF CORRECTIONS OFFENDER RELEASE REPORTS CHEMICAL DEPENDENCY DIAGNOSIS.....</b>	<b>70</b>
<b>APPENDIX 4: 2007 DEPARTMENT OF CORRECTIONS OFFENDER RELEASE REPORTS OFFENSES .....</b>	<b>76</b>
<b>APPENDIX 5: SUPERVISION COSTS.....</b>	<b>82</b>
<b>APPENDIX 6: SURVEY.....</b>	<b>88</b>
<b>APPENDIX 7: FELONY DRUG &amp; FELONY DUI TARGET AREAS .....</b>	<b>92</b>
<b>APPENDIX 8: FOURTH CIRCUIT COST SAVINGS REPORT.....</b>	<b>94</b>
<b>APPENDIX 9: PROPOSED SYMPOSIUM AGENDA.....</b>	<b>97</b>



## Abstract

In 2009, the South Dakota Legislature passed SB78, which required the Unified Judicial System (UJS) to provide a plan to “determin[e] the need for an additional drug court or drug courts to be established in judicial circuits with the highest volume of felony convictions” and for such findings to “be presented to the 2010 Legislature for possible implementation in fiscal year 2011”. The stated goal of this plan was to present proposals to reduce the prison population without jeopardizing the public safety. To effectuate this plan, the following study was conducted to analyze the need and interest of alternative sentencing options and make appropriate initial recommendations. Ultimately, by utilizing alternative sentencing programs, the final objective is to address the underlying problem of addiction, subsequently reducing recidivism and substance abuse related crime.

An overall examination of literature relative to the subject was conducted and is included within this report. Overview information and statistical data specific to each of the three programs currently in place in South Dakota was examined and detailed.

For expansion evaluation purposes, in order to determine the highest areas of need in the state, the ten counties with the highest numbers of felony drug and DUI charges for FY 08 were selected for consideration. The ten counties were: Beadle, Brookings, Brown, Brule/Buffalo, Codington, Davison, Lincoln, Pennington, Union, and Yankton. At their request, Walworth County’s DUI convictions were also examined for purposes of this report. All Fourth and Sixth Circuit counties and Minnehaha County were excluded from the study because these areas currently have drug/DUI alternative sentencing programs in place.

Upon completion of the study, conclusions were drawn and the following recommendations were made:

- 1) Continued state allocation of general funds to support the Northern Hills Drug Court Program in the Fourth Circuit; future allocation of state general funds to support the Sixth Circuit STOP DUI Program, and continued state allocation of general funds to support the Adult Intensive Court Services Officer position for the Meth Sentencing Alternative Program in the Second Circuit.
- 2) Based upon this study's conclusions, Pennington County, Brown, Yankton, and Davison Counties are identified as showing the greatest need and feasibility for establishing some form of sentencing alternative program. Therefore, these four counties should be pursued as possible candidates for expansion areas.
- 3) Further study is necessary and appropriate to identify alternative sentencing program specifications in the previously named counties. It is imperative to have a strong foundation and plan in place prior to implementation of any type of alternative sentencing program. The Unified Judicial System should conduct a Symposium to convene pertinent stakeholders from current programs and possible expansion areas to further determine feasibility and program specifics based upon jurisdictional need. From this additional study, specific recommendations regarding possible expansion of alternative sentencing programs, including funding needs, can be presented to the 2011 Legislative session.

## Introduction

Over the past thirty years, drug use and abuse has greatly influenced the American criminal justice system.<sup>1</sup> In the 1980s, the number of drug arrests skyrocketed as the result of the crack cocaine epidemic, leading to an increased proportion of drug offenders in jails and prisons.<sup>2</sup> That trend continued in the 1990s when drug offenders accounted for 20% of the total growth of state prison population.<sup>3</sup> The early part of the past decade saw a steady decrease in cocaine use and domestic methamphetamine production. However, the National Drug Intelligence Center predicts cocaine to continue to be a leading threat to the United States and for domestic methamphetamine production to increase along with the continued abuse of other controlled substances. Additionally, Mexican and Asian drug trafficking organizations (DTOs) are expected to increase operations in the United States.<sup>4</sup>

Drug abuse affects many facets of society including family and community, health, environment, crime, and the economy. The relationship between drug abuse and the family can go both ways. The collapse of the family structure may lead to substance abuse, while substance abuse may strain the family, causing the breakdown of previously strong relationships. Numerous amounts of literature have documented the obvious effects drug use has on an individual's health. Although substance abuse related deaths are minimal, serious health problems are prevalent, especially for chronic users. Drug use

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<sup>1</sup> Drug Courts Standards Comm., The Nat'l Ass'n of Drug Court Professionals, *Defining Drug Courts: The Key Components* (1997).

<sup>2</sup> Bureau of Justice Statistics, *Drugs, Crime, and the Justice System: A National Report from the Bureau of Justice Statistics 195* (1992).

<sup>3</sup> Michelle Spiess, *Drug Data Summary Fact Sheet 4* (March 2003), *available at* [http://www.whitehousedrugpolicy.gov/pdf/drug\\_datasum.pdf](http://www.whitehousedrugpolicy.gov/pdf/drug_datasum.pdf).

<sup>4</sup> National Drug Intelligence Center, Department of Justice, *National Drug Threat Assessment 2009 IV* (December 2008), *available at* <http://www.usdoj.gov/ndic/pubs31/31379/31379p.pdf>.

also poses a threat to the environment, especially in producing countries. Improper use of chemicals leads to safety and other health hazards because necessary precautions are not taken. Further, drugs and crime are related in many ways; from the production, manufacturing, distribution, possession and consumption which are criminal offenses, to drug-related crime, including violent conflicts between trafficking groups and the criminal activity consumers engage in to finance their addiction.<sup>5</sup> Finally, an analysis by the Lewin Group estimated that the societal cost of drug abuse totaled \$180.8 billion in 2002. This amount included health care costs, productivity losses, and other costs relating to enforcement of the criminal justice system.<sup>6</sup>

Criminal justice systems began to take action against the growing threat of drugs in the mid-1980s. The initial response was to redefine criminal codes and increase penalties. This led to correctional facilities being filled with drug offenders, hindering the ability to house violent or career offenders. Other jurisdictions developed expedited drug case management systems. However, these programs simply moved offenders through the process more efficiently. Neither of these solutions addressed the underlying problem of addiction and simply facilitated the revolving door already in place from court to jails and prisons and back again.<sup>7</sup>

Miami, Dade County, Florida was one jurisdiction plagued with prison overcrowding. In response, it took a more innovative approach to the epidemic. A group consisting of the public defender, state's attorney, and chief judge of Florida's 11<sup>th</sup> Circuit combined

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<sup>5</sup> United Nations Office on Drugs & Crime, *Economic and Social Consequences of Drug Abuse and Illicit Trafficking* 30 (1998), *available at* [http://www.unodc.org/pdf/technical\\_series\\_1998-01-01\\_1.pdf](http://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf).

<sup>6</sup> Office of National Drug Control Policy (ONDCP), *Economic Costs of Drug Abuse in the United States IV-1* (Dec 2004), *available at* [http://www.ncjrs.gov/ondcppubs/publications/pdf/economic\\_costs.pdf](http://www.ncjrs.gov/ondcppubs/publications/pdf/economic_costs.pdf).

<sup>7</sup> Drug Court Standards Comm., *supra* note 1 at 5

drug treatment with the structure of the judicial system.<sup>8</sup> By doing so, the groups realized the common goal of ending illegal drug use and abuse and curtailing related criminal activity.<sup>9</sup> The result was the first drug court created in Dade County in 1989. This drug court adapted over the years and, with others, became the model presently used today. As of February 2009, there were 2,018 fully operational drug courts and 257 in the planning stages.

From this model come three general primary goals: (1) reduce recidivism, (2) reduce substance abuse among participants, and (3) rehabilitate participants. (NCJRS website).<sup>10</sup>

These goals are realized by applying ten key components into the organizational structure.

1. Integrate treatment with justice system case processing.
2. Provide a non-adversarial approach to protect public safety and protect participants' due process rights.
3. Identify eligible participants early and place them promptly in drug court/treatment.
4. Provide access to a continuum of treatment and rehabilitation
5. Monitor abstinence by frequent alcohol and other drug testing.
6. Coordinate the response to participants' compliance through sanctions and incentives.
7. Provide ongoing judicial interaction with each participant.
8. Monitor and evaluate the achievement of program goals and effectiveness
9. Provide continuing inter-disciplinary education to guide planning, implementation, and operations.
10. Forge partnerships among drug courts, public agencies, and community based organizations.<sup>11</sup>

The Drug Court Program Office has offered benchmarks for each component as general guidance “for developing effective drug courts in vastly different jurisdictions

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<sup>8</sup> National Association of Drug Court Professionals, Drug Court History <http://www.nadcp.org/learn/what-are-drug-courts/history> (last visited July 29, 2009).

<sup>9</sup> ONDCP, *supra* note 12, at 6

<sup>10</sup> National Criminal Justice Reference Service, Department of Justice, In the Spotlight: Drug Courts [http://www.ncjrs.gov/spotlight/drug\\_courts/Summary.html](http://www.ncjrs.gov/spotlight/drug_courts/Summary.html).

<sup>11</sup> *Id.*

and to provide structure for conducting research and evaluation for program accountability.”<sup>12</sup> Furthermore, many of these benchmarks have been recognized as practices related to cost savings due to lower recidivism in studies conducted by NPC Research, which were determined as effective from studies of drug courts in four states with a total of thirty-four drug courts.<sup>13</sup> The coordination of treatment and judicial oversight as well as adherence to the ten key components and benchmarks distinguish drug courts from other programs.<sup>14</sup>

South Dakota has not remained immune to the threats and effects of drug abuse. According to the Drug Enforcement Administration, the use and demand of methamphetamine continues to rise as well as the availability of other controlled substances. Additionally, Mexican DTOs are able to avoid law enforcement by blending in with the growing number of Hispanic communities in the state.<sup>15</sup>

An assessment conducted by the Division of Alcohol and Drug Abuse in South Dakota evaluated some of the economic costs of abuse in the state. The data was provided by those who sought treatment and a survey assessed days worked, days of lost work, criminal justice-arrests, criminal justice-prison and healthcare costs. Of those providing data, about two-thirds were employed. However, prior to treatment, those that were employed missed an average of 40.8 days of work per year.<sup>16</sup>

The assessment further estimated the annual cost of drug related arrests. The cost per arrest was calculated by dividing the estimated cost of arrests in South Dakota by the

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<sup>12</sup> Drug Court Standards Committee, *supra* note 1, at 3.

<sup>13</sup> S.M. Carey & J.R. Mackin, NADCP National Training Conference, *Best Practices in Adult Drug Courts: Reduce Recidivism and Costs* (June 13, 2009).

<sup>14</sup> Drug Court Standards Committee, *supra* note 1, at 4.

<sup>15</sup> Drug Enforcement Administration, *South Dakota Drugs and Drug Abuse State Factsheet*, [http://www.usdoj.gov/dea/pubs/state\\_factsheet/southdakota.html](http://www.usdoj.gov/dea/pubs/state_factsheet/southdakota.html) (last visited July 29, 2009).

<sup>16</sup> Division of Alcohol and Drug Abuse, *Assessment of Economic Benefits of Completing Substance Abuse Treatment Programs in South Dakota*

number of persons arrested in South Dakota in 2006. This number was then multiplied by the average arrests per person who sought treatment, 1.4. The resulting figure, \$6,217, was the estimated cost of arrest per person prior to treatment. Finally, the assessment calculated the cost of hospital care related to drug abuse, with 3.3 days of hospitalization per person per year, estimated at a national average rate of \$968 per day, costing the patient \$3,194 per year.<sup>17</sup>

**Table 1: Estimated Cost per Person in South Dakota per Year Prior to Treatment**

<b>Area of Cost</b>	<b>Employment: Days Worked</b>	<b>Employment: Days not Worked</b>	<b>Criminal Justice: Persons Arrested</b>	<b>Healthcare: Hospital</b>
<b>Cost</b>	66.7% employed year prior to treatment @ \$20,000 per year = \$13,340	40.8 days per year prior to treatment @ \$77/day = \$3,142	1.4 arrests per person one year prior to treatment @ \$4,441 = \$6,217	3.3 days per year prior to treatment @ \$968/day = \$3,194

### Northern Hills Drug Court<sup>18</sup>

Eighteen years after the inception of the first drug court, the Fourth Judicial Circuit was selected to pilot the first drug court program in South Dakota, establishing the Northern Hills Drug Court in Sturgis. Funding of \$212,193 for the program was originally appropriated by the State of South Dakota during the 2007 legislative session. An application for grant assistance from the Bureau of Justice Assistance was then approved which provided seventy-five percent of funding for the next two years and required the State of South Dakota to match twenty-five percent. This amount included three full-time employees' salaries and benefits, 2/3 of treatment costs, and other day to day operating expenses. After two years of planning, Tuesday, September 4, 2007 marked

<sup>17</sup> *Id.*

<sup>18</sup> All information pertaining to the Northern Hills Drug Court was acquired either through direct interaction with the program and program team or through handbooks and other handouts made available by the program.

the historical day when the Northern Hills Drug team first assembled. The team currently consists of the drug court coordinator, drug court assistant, court services officer, judge, defense attorney, prosecutor, sheriff, and a treatment representative from Northern Hills Alcohol & Drug Services. As of April 2009, the Northern Hills Drug Court has had 20 participants, with 5 graduates and 5 terminations.

To be considered for the Northern Hills Drug Court, an individual may be recommended to the drug court coordinator by either the prosecuting attorney in a criminal proceeding that is substantially related to the abuse or dependence upon a controlled substance or the court service officer if a probationer violates the terms and conditions of his/her probation by testing positive for illegal substances. An offender must also satisfy minimum eligibility requirements and, finally, be screened and accepted by the Drug Court Team. In general, the non-violent offender must be under the jurisdiction of the Fourth Judicial Circuit, at least 18 years of age, a South Dakota resident, live within forty miles of Sturgis, South Dakota while in the program, complete the Northern Hills Drug Court application, timely complete a required drug evaluation that demonstrates a DSM-IV diagnosis of abuse or dependence on a controlled substances (with a primary consideration given to methamphetamine abuse or dependence), and plead guilty to a felony and accept responsibility.<sup>19</sup> The voluntary program consists of four phases which include drug testing, substance abuse counseling in individual or group sessions, mental health counseling, education classes such as anger management, parenting and drug and alcohol education.<sup>20</sup>

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<sup>19</sup> Northern Hills Drug Court Intensive Probation Program Supervision Handbook 2 (Feb. 2009).

<sup>20</sup> Northern Hills Drug Court Rules and Regulations, Program Description.

Minimum contact standards are also followed as established by the Drug Court Intensive Probation Supervision Program (DCIPP). These include a minimum of 12 field face to face contacts per month, a minimum of 6 random curfew checks per month, a minimum of 8 collateral contacts per month, daily phone contact, a minimum of 3 random UA's per week, and curfews that correspond with the participant's position in the program.<sup>21</sup> The program's length and duration of the phases is determined by each participant's individual progress, but will be no less than one year and cannot exceed three years.

Upon admittance into the drug court program, each participant will undergo an intake assessment consisting of treatment history, drug use, family history, abuse history, prior criminal record, employment history, and mental health treatment. Phase I is developed from this initial assessment. During this time, participants are required to attend a minimum of 9 hours of treatment per week for no less than six weeks. These sessions focus on Early Recovery, Relapse Prevention, Family Education, and Thinking Barriers. In addition to treatment, participants must also attend two Narcotics Anonymous or Alcoholics Anonymous (NA/AA) meetings a week. When not in treatment, participants shall be working or performing community service on a full-time basis.<sup>22</sup>

Supervision will be the most intensive during Phase I. Court service officers will conduct field visits at least three times a week. Each morning participants must call to the drug court office and report a detailed agenda for the day. A 9:00 pm curfew will be in place and at least six random curfew checks a month will occur. Additionally, participants will be required to make weekly court appearances to report their recovery

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<sup>21</sup> Supra, note 19 at 4.

<sup>22</sup> Northern Hills Drug Court Rules and Regulations, Program Rules.

progress to the judge. Finally, all home visitors must be approved and background checks will be completed on all family members and visitors. Any changes to the above must be approved by the court services officer. To be promoted from Phase I to Phase II, participants must be in compliance with the programs requirements.<sup>23</sup> If the minimum standards are met, the team will decide if an individual is eligible to continue on with Phase II.

During Phase II participants will focus on integrating their recovery into their lives. Treatment, ranging from four and a half to six hours per week, will consist of relapse prevention, family education or social support, and group sessions specifically designed to address issues such as mental health, anger management, and conflict resolution. Additionally, participants must continue to attend two NA/AA meetings per week. Participants must be employed full time or attending school. They must meet with their

“I have seen individuals who were headed for the penitentiary completely turn their lives around and accomplish goals they never dreamed possible. I’ve seen participants take care of and provide for their children whom they had abandoned in the past for drugs and alcohol. I’ve seen participants addicted for years to methamphetamine maintain their sobriety. I’ve witnessed individuals not used to working obtaining and maintaining employment. I’ve seen family relationships mended. I’ve seen self-respect and dignity restored.”  
- NHDC Team Member

court service officer at least three times a week, one of which may be an office visit, depending on the participant’s progress. Participants must still call the drug court office every morning and report a detailed agenda and curfew continues at 9:00 pm with six random curfew checks a month. Weekly court appearances remain in place where participants report on their progress. Finally, any visitors must still be approved and any changes must be approved by the court services officer.

<sup>23</sup> Northern Hills Drug Court Rules and Regulations, Phase Requirements..

Again, minimum requirements must be satisfied in order for a participant to be promoted from Phase II to Phase III.

Phase III concentrates on Recovery Living, allowing participants to make their own decisions through decreased supervision, but continued interaction with the drug team allows for intervention if necessary. One and half hours per week of treatment as well as two NA/AA meetings per week are required. Full-time employment or student status must be maintained. Field visits with the participant's court service officer will be decreased to two a week. Curfew is extended to 10:00 pm with at least four random curfew checks a month. Daily morning phone calls continue to be mandatory. Court appearances are decreased to bi-weekly to report progress. All home visitors and any changes must continue to be approved by the court services officer. After a minimum of 36 weeks, participants may be eligible for promotion to Phase IV if program requirements have been complied with.<sup>24</sup>

Phase IV consists of the last three months of the program, at which time participants take over their own recovery. No treatment is required; however, two NA/AA meetings per week are still necessary. Supervision decreases in that only two field visits per month with their court service officer are required, a weekly telephone call to the court service officer is expected, and only one court appearance a month is mandated.<sup>25</sup>

Throughout the treatment program, participants are expected to obey the rules set forth in the rules and regulations and any other demands that the court may make. Failure to comply with the Drug Court Program may lead to sanctions imposed by the judge, including, but not limited to: jail, house arrest, writing essays, more frequent drug testing,

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

additional community service, phase demotion, curfew, or termination from drug court. Also, participants are responsible for payment of drug testing and one-third of treatment costs. All fees must be paid before a participant will be considered for graduation. Payment schedules may be arranged and payment records will be reported as part of a participant's progress.<sup>26</sup>

Throughout the program cooperation between the Drug Court Team, the participants, and the community is prevalent. The Drug Court Team meets every Tuesday morning to review the status and progress of each participant that will appear before the judge that afternoon. Each participant is discussed individually, including events from the past week and plans for the following week. If violations have been made, appropriate sanctions will be agreed upon by the Drug Court Team. If an individual has met the minimum requirements for phase promotion or graduation, the Team will discuss whether such action is appropriate. Furthermore, the Team discusses possible employment or community service options for those who are not satisfying the minimum requirements or those who have been sanctioned to additional hours of community service. Employers and volunteer organizations are eager to provide work for Drug Court members because they know such individuals will work when scheduled or suffer court imposed penalties. The team meeting is mainly informative and serves as an example of the collaborative effort that is required for the Drug Court to be successful.

The Drug Court participants appear before the judge that same afternoon. Participants are expected to be respectful by dressing appropriately and addressing the judge properly. Each

“The drug court program is a very effective form of supervision that offers individuals an opportunity to correct their behavior while remaining productive in the community.”  
- NHDC Team Member

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<sup>26</sup> Northern Hills Drug Court Participant Handbook, Sanctions

is called individually to answer any questions the judge may have and discuss activities of the past week. The interaction appears more like a casual conversation between the judge and the participant, creating a supportive environment in which participants are willing to share. Weekly interaction in the beginning Phases of the program allows the judge to know the participants on a more personal level and communicate with each in a way that satisfies his or her needs.

The success of the Northern Hills Drug Court can be measured in many ways. Five individuals completed all program requirements, including maintaining their sobriety, and graduated successfully from the program. Northern Hills Drug Court avoided \$211,253.58 in penitentiary costs to tax payers in 2008 by supervising 16 participants for a combined total of 3,162 days.<sup>27</sup> Approximately \$14,207 was paid in taxes because of the ability of participants to acquire employment while in the program.<sup>28</sup> Participants are recognized and congratulated upon promotion to another phase or graduation. But most importantly, the success can be measured by the sense of pride and accomplishment that is evident in each individual on a weekly basis as they overcome their addiction and become contributing members of their community.

**Figure 1: Northern Hills Drug Court Success by the Numbers**

- Five successful program graduates
- \$211,253.58 in avoided penitentiary costs by supervising 16 participants for a combined total of 3,162 days
- \$14,207 paid in taxes by participants
- \$10,163.56 paid in treatment costs by participants
- 645 community service and volunteer hours

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<sup>27</sup> Fourth Circuit spreadsheet, this figure was calculated by the Fourth Circuit, multiplying the total number of days of participation among all participants and multiplying it by the cost of incarceration. The cost of incarceration for the South Dakota Women’s Prison was used for female participants and the cost of incarceration for the South Dakota State Penitentiary was used for male participants.

<sup>28</sup> *Id.*

## STOP DUI Program<sup>29</sup>

The success of drug courts has led to the adaptation of the drug court model to other problem solving courts. For example, the drug court model has been tailored to meet the unique needs of felony offenders convicted of driving under the influence (DUI). Generally, the national number of alcohol-related fatalities has declined in the past 20 years. This is a result of a public awareness campaign which led to stiffer penalties and increased enforcement. However, the success of this movement has been limited to social drinkers and has little effect on those suffering from addiction. “Punishment, unaccompanied by treatment, is an ineffective deterrent for addicted persons. The outcome for the addicted offender is continued dependence on alcohol; the outcome for the community is continued peril.”<sup>30</sup> This prompted the desire to create a program designed from the drug court model to serve addicts convicted of DUIs. Differences between those who could possibly benefit from drug court and DUI court created the need for distinctions between the two models. These were recognized by the DUI/Drug Court Advisory Panel created by the National Drug Court Institute.

First, drug courts must strive to give drug offenders the means to become productive members of society. DUI offenders, on the other hand, are often productive in spite of their alcohol abuse...the goal becomes more one of providing the tools they need to keep what they have. Second, although both courts must endeavor to educate the public about the

“The program is good not only for the participants but the whole community. Treatment sees how the legal system works and the legal system sees how treatment works. In the end we all benefit.”  
- STOP DUI Team Member

<sup>29</sup> All information pertaining to STOP DUI Program was acquired either through direct interaction with the program and program team or through handbooks and other handouts made available by the program.

<sup>30</sup> National Drug Court Institute, DWI/Drug Courts: Defining a National Strategy 1 (March 1999).

benefits of these systems for the communities they serve, proving their case can be a greater challenge for the DUI community.<sup>31</sup>

Further observations of the advisory panel reveal more differences between the two. Generally, DUI offenders consider themselves to have “legal orientation” as opposed to the “illegal orientation” of drug offenders. “DUI offenders see themselves as being on the “right side” of the law, even though they use alcohol in an illegal way. Drug offenders ingest an illegal substance, and have few illusions about the side of the law on which they stand.” This mindset may lead to a denial about substance abuse, which is more common among DUI offenders.<sup>32</sup>

Addressing these differences, the DUI/Drug Court Advisory Panel began by formulating a mission statement for DUI/Drug Courts. Generally, the mission of DUI courts is to hold the offender responsible and change the destructive behavior of alcohol abuse. Additionally, DUI courts hope to be involved with the community through the treatment of victims and educating the public of the benefits of DUI court.<sup>33</sup> Considering the above goals and other factors, the National Drug Court Institute formulated the Ten Guiding Principles of DWI Courts in an effort to define the DUI Court model. The Drug Court Standards Committee of the National Association of Drug Court Professionals established ten key components for drug courts to use as a guide, with necessary adjustments made, to achieve the goals of DWI Courts and serve the desired population.

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<sup>31</sup> *Id.* at 5.

<sup>32</sup> *Id.* at 6.

<sup>33</sup> *Id.* at 5.

The principles are:

1. Target the population
2. Perform a clinical assessment
3. Develop a treatment plan
4. Supervise the offender
5. Forge agency, organizations, and community partnerships
6. Take a judicial leadership role
7. Develop case management strategies
8. Address transportation issues
9. Evaluate the program
10. Create a sustainable program <sup>34</sup>

In 2009, the Sixth Judicial Circuit began a pilot, post-plea, problem solving “court” addressing felony DUI’s. Central South Dakota Supervised Treatment Option Program for DUI (STOP DUI) was created utilizing the Ten Guiding Principles established by the National Drug Court Institute for DUI Courts as its foundation. STOP DUI received initial grant funding from the National Highway Safety Administration in the amount of \$140,000. The grant covers the cost of treatment, mental health services, program manager (25 hours per week), case manager (25 hours per week), and administrative assistance (10 hours per week). Capital Area Counseling in Pierre administers the grant funding.

The STOP DUI team consists of the Judge, Program Manager, Case Manager, Program Assistant, Court Services Officer, Prosecution Attorney, Defense Attorney, Law Enforcement, Chemical Dependency Counselor and a Mental Health Representative. The STOP DUI team meets weekly to review each participant’s progress and screen new candidates. The STOP DUI team meets with each participant, weekly in Phase I and less often in the later phases, to review progress. The Judge speaks with each participant about his or her achievements and goals, awarding incentives for good behavior and

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<sup>34</sup> National Drug Court Institute, The Ten Guiding Principles of DWI Courts (ND), *available at* [http://www.dwicourts.org/sites/default/files/nadcp/Guiding\\_Principles\\_of\\_DWI\\_Court.pdf](http://www.dwicourts.org/sites/default/files/nadcp/Guiding_Principles_of_DWI_Court.pdf).

imposing sanctions if necessary. The team approves adjustments to treatment, supervision or programming, including imposition of sanctions or incentives and communicates decisions to the client at the court session.

After more than two years of preparation, STOP DUI accepted its first participants in February, 2009. As of November 1, 2009, the program has had fourteen participants, with three terminations. The current grant allows for ten participants to be carried over from the first year and five additional participants to be added in the second grant year.

Four things have to occur in order for a candidate to be admitted to the program: a legal screening, a risk/needs assessment, a chemical dependency screening and team approval.

The legal screening includes a review of a candidate's legal history by the prosecutor. A candidate could be disqualified if the candidate has more than seven DUI convictions, has a DUI which included a third party injury, or a prior or pending violent offense or a history which includes a conviction for distribution or manufacture of controlled substances.

The candidate is further screened by a UJS Court Services Officer who conducts a risk/needs assessment which includes family, work, social, mental, and physical evaluations. In

addition, before the team considers a candidate, a chemical dependency screening must have established that the candidate has a dependency or abuse diagnosis. A candidate must be eighteen years of age and live within twenty-five miles of the courthouse. Most

“This is really a second chance for all of us to be with our families. Most of us would be sitting in prison if it wasn't for this program.”  
- STOP DUI participant

importantly, a candidate must show a willingness to participate in the program and to accept responsibility for his or her addiction and criminal conduct.

The voluntary program consists of four phases which include treatment, participation in the 24/7 Sobriety Program, drug testing, mental health counseling, and education classes. Treatment for each participant is individualized and is provided by a Community Mental Health and Addictions Core Agency. One unique requirement of this program is that participants who use tobacco products must agree to quit using those products. All phases last a minimum of three months and progression through the four phases in the program results in decreased testing and supervision. Participation in the 24/7 Sobriety Program is required throughout all phases of STOP DUI.

In Phase I of the program, the participant must attend court weekly, participate in supervision and treatment programming as required, including smoking cessation counseling if appropriate, attend a support group, and comply with a curfew. A participant has an average of five to six supervision checks weekly during Phase I. In addition, during this phase, each client must obtain a physical from a medical provider, develop a wellness plan and work or be enrolled in school fulltime. Clients must live in approved housing. In order to progress to the next phase, a client must achieve sixty continuous days of sobriety.

In Phase II, a participant must attend court on a bi-weekly basis, participate in treatment and other programming, develop a financial responsibility plan, attend a support group regularly, maintain fulltime employment or education,

“Back when I started the program, it felt like the team was on my back, weighing me down. But that feeling has changed and now it feels like the team is underneath me, lifting me up and supporting me.”  
- STOP DUI participant

and have approved housing. To advance, the participant must meet these requirements plus achieve an additional sixty continuous days of sobriety.

Clients who reach Phase III must attend court monthly, have supervision contacts, complete a financial responsibility plan, attend a support group regularly, work or attend school fulltime, have approved housing, and plan a community service project. In addition, to advance to the final phase, a participant must have ninety days of continuous sobriety.

During Phase IV the participants essentially take over their own recovery. Attendance at court sessions is required only as ordered and supervision contacts are less frequent. As in the preceding phases, participants must maintain fulltime employment or education, have approved housing, and continue with their wellness and financial responsibility plans. In Phase IV, a client must maintain sobriety continuously throughout the phase.

The minimum time to complete the STOP DUI program is twelve months. If all phase requirements are completed, the participant may “graduate” from the program. The DUI conviction remains on the participant’s record, but the likelihood of re-offending decreases dramatically. (A 2006 Michigan study found that in a two year period, traditional probation offenders in the comparison group were more than three times more likely to be rearrested for any charge and nineteen times more likely to be rearrested for a DUI charge than a graduate of a DUI court.)

Throughout the program, participants are expected to obey the rules and any other demands that the court may make. When caught doing the “right thing,” participants

“It has helped me by providing a lot of real support, no matter what happens, or what the situation may be. This program is so helpful to people who are truly serious about recovery.”  
- STOP DUI participant

are rewarded appropriately with incentives such as reduced fines, or other rewards for good behavior. Sanctions may be imposed including, but not limited to jail, house arrest, stepped up supervision or court attendance, community service hours, curfew adjustments, or termination from STOP DUI.

The goal of STOP DUI program is to increase public safety by integrating the criminal justice system with treatment and community systems in a manner that increases the likelihood that addicted individuals will achieve and maintain sobriety. Welcome by-products of this process include reducing incarceration time for non-violent offenders and increasing the number of offenders able to work, parent, and participate in the community as sober, productive, law-abiding citizens.

### Meth Sentencing Alternative Program

Another option that some jurisdictions across the United States have implemented is specialized adult intensive probation supervision programs. Florida, for example, passed a specific drug offender probation statute as a part of the Florida Comprehensive Drug Abuse Prevention and Control Act.<sup>35</sup> This sentencing alternative keeps most of the characteristics of drug court but greatly reduces, if not eliminates the role of the judge.

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<sup>35</sup> Fla. Stat. § 948.20 If it appears to the court upon a hearing that the defendant is a chronic substance abuser whose criminal conduct is a violation of § 893.13(2)(a) or (6)(a), the court may either adjudge the defendant guilty or stay and withhold the adjudication of guilt; and, in either case, it may stay and withhold the imposition of sentence and place the defendant on drug offender probation.

(1) The Department of Corrections shall develop and administer a drug offender probation program which emphasizes a combination of treatment and intensive community supervision approaches and which includes provision for supervision of offenders in accordance with a specific treatment plan. The program may include the use of graduated sanctions consistent with the conditions imposed by the court. Drug offender probation status shall include surveillance and random drug testing, and may include those measures normally associated with community control, except that specific treatment conditions and other treatment approaches necessary to monitor this population may be ordered.

(2) Offenders placed on drug offender probation are subject to revocation of probation as provided in §948.06.

The Meth Sentencing Alternative (hereinafter MSA) Program in the Second Circuit has embraced this option.

In 2006 a committee consisting of representatives from Unified Judicial System (UJS), state's attorney's office, public defender's office, public advocacy office, police department, sheriff department, treatment providers, and Glory House gathered with the goal of using existing treatment providers to cooperate with the criminal justice system to treat offenders diagnosed with a chemical dependency. An agreement was reached between these groups' entities that the state's attorney would not pursue a conviction if a qualified offender entered and successfully completed intensive treatment and aftercare. Through this agreement, the Meth Sentencing Alternative Program was created and operated through Glory House in Sioux Falls. The program then began operation in November of 2007 with a budget of approximately \$60,000 granted from the South Dakota Division of Alcohol and Drug Abuse of the Department of Human Services.<sup>36</sup>

To be considered for the program, individuals must be non-violent offenders with a chemical dependency diagnosis. Referral typically comes from an offender's defense attorney; however, some offenders may inquire about the program themselves after learning about it from another source. Once admitted, participants then proceed through a sixteen week program based on the Matrix Model of treatment. This model, which was developed in the 1980s focuses on the following for rehabilitation: "(a) cease drug use, (b) remain in treatment, (c) learn about issues critical to addiction and relapse, (d) receive direction and support from a trained therapist, (e) receive education for family members

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<sup>36</sup> Telephone Interview with Dave Johnson, Executive Director, Glory House (Aug. 13, 2009).

affected by the addiction, (f) become familiar with the self-help programs, and (g) receive monitoring by urine testing.”<sup>37</sup>

Once admitted to the MSA Program, clients participate in sixteen weeks of intensive treatment working with a mentor, or case manager, in addition to an Adult Intensive Court Services Officer. Treatment consists of a minimum of fifteen hours per week, three to four days a week. Participants are also required to attend 2 support group meetings per week. Any other classes as deemed necessary by the Intensive Court Services Officer, such as anger management, parenting, or financing classes, are also required. To monitor drug use, participants must submit to a minimum of three random UAs a week. Clients have weekly interaction with their Court Services Officer and must check in daily with an agenda. Approved housing and employment are also required. Upon completion of the initial intensive treatment, clients must complete at least one year of aftercare. During aftercare, participants must attend a minimum of one hour of treatment per week and one to two mentor meetings per month, in addition to scheduled probation supervision meetings. Throughout the program, sanctions may be imposed for noncompliance with the program, such as missing meetings, a “hot UA”, or not turning in a signed support group sheet on time. Sanctions may include, but are not limited to, community service, writing papers about sanctioned behavior, more strict requirements, house arrest, jail, or early termination resulting in prosecution.<sup>38</sup>

Participants are responsible for all treatment and testing costs. However, if a participant is unable to pay, the treatment provider may apply for state funding through the Division of Alcohol and Drug Abuse. If funding is granted, the participant must

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<sup>37</sup> National Institute on Drug Abuse – The Matrix Model, <http://www.nida.nih.gov/BTDP/Effective/Rawson.html>.

<sup>38</sup> Telephone Interview with Angela Jones, mentor, Glory House (Aug. 5, 2009).

contribute a portion of the cost at a flat rate. UA tests, which are paid for by participants, are available at cost of \$5.00 per test.

As of June 2009, the Meth Sentencing Alternative Program has treated fifty-six clients. Five individuals have successfully completed the program (12 months) and five have been terminated from the program. Considering all participants, 51 of 56 remain in the program or have completed the program, which translates to a retention rate of 91.1%.<sup>39</sup> Despite recent administrative changes to the program, clients continue to be treated in the same manner. At the beginning of this fiscal year (July 1, 2009), the program was transferred to the Unified Judicial System (UJS). The program remains a pre-conviction model with charges only being filed if a participant fails to complete the program or is terminated for non-compliance. A UJS Court Services Adult Intensive Court Services Officer provides the supervision for the participants in the program.

## Methodology

### ***Offender Sentencing Reports***

The findings presented were gathered to determine which counties in South Dakota presented a possible need for a drug and/or DUI court or other alternative sentencing program. The data was collected with the view that the counties with the highest number of felony drug/DUI charges would result in high numbers of felony drug/DUI convictions and thus benefit the most from some type of alternative sentencing program. This results in reduced recidivism rates and cost savings to the State, with long term rehabilitation for offenders provided through appropriate court intervention and treatment programming.

An initial statewide county analysis using FY08 felony drug and DUI charges identified

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<sup>39</sup> Information provided by Roland Loundenburg, M.P.H., Research and Evaluation Consultant, Mountain Plains Evaluation, Salem, SD, (October, 2009).

Beadle, Brookings, Brown, Brule/Buffalo, Codington, Davison, Lincoln, Pennington, Union, and Yankton, counties as having the highest numbers. Meade, Hughes, and Minnehaha counties were excluded because of alternative sentencing programs already in place. Walworth County was included in the DUI figures only, after showing interest in the study. Statistically, ten counties with the highest drug and alcohol charges for FY 2008 were selected because the number was manageable and it was feasible to evaluate ten counties for this type of study. With the inclusion of Walworth County, the total number of counties whose felony DUI convictions were evaluated was eleven. The total number of counties whose felony drug convictions were evaluated was ten. With consideration of the three areas of the state with current specialized alternative sentencing programs, in addition to the selected counties for purposes of possible expansion, all of the state's seven circuit areas are represented. This representation by no means is designed to exclude any other county/area in the state that may desire to pursue some type of alternative sentencing program in the future.

The felony drug and DUI charges of these ten counties from FY08 were compared with the charges from FY06 and FY07 to ensure the fiscal year under review was an accurate representation of charges. Generally, the ten counties selected were among the highest numbers in drug and DUI charges all three years. This indicates that the counties selected from FY08 were an accurate depiction of statewide trends from previous years.<sup>40</sup>

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<sup>40</sup> Four of the ten counties saw an increase in drug charges from FY06 to FY08. These increases were substantial with Beadle County at 61.3%, Brown County at 50.3%, Brule/Buffalo County at 614.3% and Codington County at 79.5%. The six remaining counties observed decreases in drug charges, with only two being substantial. Those that had minimal decreases were Brookings at -8.8%, Davison at -3.8%, Lincoln at -12.4% and Pennington at -6.0%. Union and Yankton counties observed greater differences at -50.8% and -43.6%, respectively. The amount of DUI charges from FY06 to FY08 was fairly consistent. Only three counties, Brown, Pennington, and Walworth experienced increases in DUI charges, while the others demonstrated decreases. Brown saw the greatest percent increase at 62.1%, followed by Walworth and

It is important to note that other crimes related to drug or alcohol abuse, such as theft or other property offenses committed to finance an addiction, are not included in this study. This is because the information contained in the sentence history reports does not clearly indicate whether drugs or alcohol were a contributing factor to the convicted offense, thus making it difficult to discern which convictions were related to drug or alcohol use. A majority of drug courts across the nation, including the Northern Hills Drug Court, allow for the admission of participants convicted of crimes outside of the drug code, but driven by an underlying addiction. Therefore, the offender sentencing reports represent only a portion of individuals that may be eligible for a specialized court.

After the initial statewide review, the field of interest was narrowed to felony drug/DUI convictions, rather than charges. Unified Judicial System (UJS) Sentencing History Reports for felony drug/DUI convictions were collected from FY08 for the counties of interest in this study. Felony drug and felony DUI convictions were considered separately. A conviction was classified as either a judgment on plea of guilty or suspended imposition revocation. Convictions were further designated as either a suspended imposition of sentence (for purposes of this report, though not actually a conviction), suspended execution of sentence, or a sentence to the South Dakota State Penitentiary. These designations gave the sentence one of six possible column headings. The totals from each column were calculated, permitting the construction of charts with corresponding percentages.<sup>41</sup> Finally, the suspended imposition and suspended execution

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Pennington at 18.2% and 12.7% respectively. Davison County had the greatest percent decrease at -52.2%, however, this was only a numerical difference of twelve.

<sup>41</sup> These numbers do not take into account mitigating or aggravating circumstances that may have been considered during sentencing. Where one offender received probation, while another received a prison sentence, may have been dependent upon circumstances that were not indicated in the sentence history reports.

sentences were color-coded to indicate the offender's probation status as indicated by the UJS Sentencing History Reports: active, terminated, revoked and terminated, absconded, or revoked.

### ***Offender Release Reports***

Department of Corrections release reports from calendar year 2007 from the identified counties were looked at to determine the rate of dependency via a chemical dependency (CD) diagnosis and the type of offense for which the offender had been imprisoned. The CD Diagnosis by County Report stated how many of the released offenders demonstrated alcohol or other drug abuse or dependency before release. A released individual fell into one of six categories of chemical dependency: alcohol & other dependency, other dependency, alcohol dependency, abuse, no problem, or no assessment. The Offense by County Report stated the offense for which an individual had been imprisoned, whether it related to alcohol, drugs, violence, public order, or property; violent, public order, and property offenses were grouped together as "other offenses". Each county was assessed independently as well as the total for the specified counties.

### ***Supervision Costs***

A cost comparison of imprisonment versus general probation supervision was used to further demonstrate the benefits that could result from increasing the number of drug and/or DUI courts or other alternative sentencing programs. The cost of imprisonment and cost of parole per individual per day was available for each facility from the Department of Corrections. The cost of drug court supervision of \$36.33 per day was

available from the Northern Hills Drug Court in the Fourth Circuit.<sup>42</sup> Because the STOP DUI Program has only been in operation since February 2009, cost of supervision cannot yet be calculated. There is not an average daily supervision cost available for the MSA program; however, the type (level) of service each MSA client requires determines the average cost of *treatment services* for that client. The average total treatment cost per person for “Clinically Managed Low Intensity” clients is \$3556.18; for “Core Counseling clients”, \$428.00; and for “Intensive Outpatient Treatment” clients, \$1,325.15.

Expenditures from fiscal year 2009 (FY09) were used to determine the total budget for the UJS Court Services Department which provides general probation services for both adults and juveniles. The total budget figure was the sum of personal services, operating services, community based services, and juvenile home based services. These four represent all categories of total expenditures for the Court Services Department, including expenditures for both adult and juvenile probation. From this number, the cost per court services officer could be determined and subsequent cost per hour assuming 2080 work hours per year.

Cost of reports was determined by multiplying cost per Court Services Officer (CSO) hour by the average weight of a pre-sentence investigation (PSI) for adult felonies and pre-hearing social case study (PHSCS) for juvenile CHINS and delinquents as determined by the National Center for State Courts (NCSC) in a 2007 Court Services Officers Weighted Workload Assessment. The supplement PSI weighted workload value was used for determining the cost for misdemeanor PSIs. The cost per juvenile social history, adult felony PSI, and adult misdemeanor PSI were each multiplied by the amount

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<sup>42</sup> This figure was calculated by dividing the annual cost to run the program for 2008 (\$212,193) by the number of participants (16) during 2008. This annual cost per participant (\$13,263) was then divided by 365 to determine the cost per day per participant (\$36.33).

of reports done respectively. The sum of these products was the total cost of prepared reports for FY 2009. This number was subtracted from the total budget, the remaining value being the cost of supervision for all general court services supervised caseloads, excluding any supervision costs for the three existing specialized drug/DUI alternative sentencing programs currently in place and individually spoken to in this report.

**Table 3: Pre-Sentence Investigation and Pre-Hearing Social Case Study Figures**

Felony PSI	Weighted Hours	10.55
	Cost per PSI	\$411.31
	Number Completed	2461
	Total Cost of Felony PSI	\$1,012,225.22
Misdemeanor PSI	Weighted Hours	3.38
	Cost per PSI	\$131.77
	Number Completed	673
	Total Cost of Misdemeanor PSI	\$40,059.30
Juvenile PHSCS	Weighted Hours	12.81
	Cost per PHSCS	\$499.42
	Number Completed	304
	Total Cost of PHSCS	\$336,106.78
Total Cost of Prepared Reports		\$1,388,391.30

General caseload, intensive probation costs were determined by dividing CSO annual cost, \$81,091.70, by the maximum allowed caseload, 20 for juvenile (JIPP) and 25 for adult, by the number of work days per year, 260 days (calendar year minus weekends). The cost of levels of supervision was calculated by multiplying the monthly case weights, as determined for South Dakota by the NCSC 2007 South Dakota Assessment, by cost per CSO hour by 12 months and divided by 260, total working days per year. Finally, the average cost of probation was determined by dividing total supervision costs, \$7,053,962.22, by probation population, 9030, FY09 end of year data, and then by total

working days per year, 260. From these numbers, a comparison of general probation caseload costs and incarceration costs can be made.

**Table 4: General Probation Daily Supervision Cost Examples**

Adult Intensive Daily Cost	$\$81,092/25/260 = \$12.48$
High Supervision Daily Cost	$(1.62 \text{ hrs/month} \times \$38.99 \times 12)/260 = \$2.92$
Total Average Daily Supervision Cost Per Probationer	$\$7,053,962.22/9030/260 = \$3.00$

***Survey***

To determine the level of interest in establishing DUI/drug courts in the counties under review, a survey was distributed to the circuit judges, magistrate judges, circuit court administrators, and chief court service officers of the circuits containing those counties: First Circuit, Second Circuit, Third Circuit, Fifth Circuit, and Seventh Circuit. For those circuits with more than one county considered in the data collection, individuals were asked to complete a survey for each county in which they conducted business. Along with the survey, these individuals also received a copy of the data collection results for the counties in their circuit. They were asked to consider these results when completing the survey.

The survey not only addressed the individual’s level of interest, but also the level of interest, or perceived level of interest, of other stakeholders: treatment providers, state’s attorney, defense attorneys, and local law enforcement. Additionally, the survey asked respondents if they would like a drug and/or DUI court to be pursued in their circuit if funding was available and if they foresaw the ability to facilitate one in FY11 or FY12. Finally, space was available for any additional comments or concerns regarding the topic.

The results of the surveys and opinions of the stakeholders were given great weight when making recommendations. This is because the success of any drug and/or DUI program is dependent upon the willingness of the stakeholders to cooperate and fully embrace the mission and goals of such a program. Therefore, the recommendations may closer resemble the desires of the interested group as much as the combination of the results of the offender sentencing reports and offender release reports.

## Findings

### ***Felony DUI Offender Sentencing Reports***

Upon conviction of a felony DUI, an offender may receive one of three sentences: suspended imposition of sentence (defendant is not convicted of the felony and is placed on probation without an actual sentence or period of prison incarceration being imposed, but may be later imposed if the conditions of probation are not successfully met), suspended execution of sentence (defendant is actually sentenced to a specific period of prison incarceration, but is placed on probation without having to serve that sentence if the conditions of probation are met) or a sentence to the South Dakota State Penitentiary. These sentences may be the result of pleading guilty in court, being found guilty by jury trial, or revocation of a suspended imposition of sentence. Felony DUI convictions from eleven counties were analyzed: Beadle, Brookings, Brown, Brule, Codington, Davison, Lincoln, Pennington, Union, Walworth, and Yankton. These were the ten counties originally selected for review with the addition of Walworth County, which requested review for purposes of the felony DUI portion of the study.

For FY08, the counties analyzed had a total of 555 felony DUI convictions. Of these convictions, a majority, 52 percent, of offenders received a sentence of suspended

execution of sentence; 32 percent were sentenced to the South Dakota State Penitentiary; 16 percent received a suspended imposition of sentence. Pennington County accounted for a majority of DUI convictions with 330 for FY08, or 59 percent. The numbers for the remaining counties range from three convictions in Brule County, to forty-six convictions in Brown County.

Of the eleven counties under review, six utilized the sentencing option of suspended imposition of sentence. A suspended imposition of sentence places an offender on probation without a felony conviction, allowing for rehabilitation while the offender remains in the community. Brown County used this option the most, with 28 percent of offenders receiving this sentence option. Of these six counties, Codington used this sentencing option the least with only 3 percent receiving a sentence of suspended imposition of sentence.

All counties made use of the option of suspended execution of sentence. Yankton County had the highest rate of imposing a suspended execution of sentence with 88 percent. This is excluding Brule County which only had three convictions, all of which received a suspended execution of sentence. Brown County was at the low end of the spectrum with only 30 percent of offenders receiving a suspended execution of sentence.

Among the counties evaluated, 32 percent of the individuals convicted of a felony DUI received a sentence to the South Dakota State Penitentiary. If these individuals were first time offenders, they were not given the opportunity for rehabilitation in the community, which in some cases may be warranted. Further, if these individuals were repeat offenders, this may demonstrate an underlying problem that is not being addressed for repeat offenders. Codington County had the highest rate of imprisonment at 50

percent, followed closely by Brookings and Union counties at 48 percent and 45 percent, respectively. The rate of imprisonment for the remaining counties ranged from 12 percent in Yankton County to 42 percent in Brown County. This is excluding Brule County which had zero imprisonments out of three convictions.

### ***Felony Drug Offender Sentencing Report***

Upon conviction of a felony drug offense, a defendant may receive one of three sentences: suspended imposition of sentence (defendant is not convicted of the felony and is placed on probation without an actual sentence or period of prison incarceration being imposed, but may be later imposed if the conditions of probation are not successfully met), suspended execution of sentence (defendant is actually sentenced to a specific period of prison incarceration, but is placed on probation without having to serve that sentence if the conditions of probation are met), or a sentence to the South Dakota State Penitentiary. Generally these are the result of a plea of guilty, being found guilty by jury trial, or revocation of suspended imposition of sentence. Felony drug convictions from ten counties were analyzed: Beadle, Brookings, Brown, Brule/Buffalo (combined), Codington, Davison, Lincoln, Pennington, Union, and Yankton.

For FY08, the counties reviewed had a total of 426 felony drug convictions. Of these convictions, a sentence to the South Dakota State Penitentiary was most common with 41 percent of offenders receiving this sentence; 33 percent received a suspended execution of sentence; 26 percent received a suspended imposition of sentence without a felony conviction. Pennington County accounted for 193, or 45 percent, of the total. The number of convictions for the remaining counties ranged from ten in Codington County, to fifty-five in Brown County.

Brule/Buffalo combined were the most likely to impose a sentence of suspended imposition of sentence, with 60 percent of offenders receiving such a sentence. However, these counties only accounted for five of the 426 felony convictions in FY08. Brookings County followed Brule/Buffalo with 30 percent of offenders receiving a suspended imposition of sentence. Lincoln and Brown counties were the least likely to utilize a suspended imposition of sentence with only 18 percent receiving such sentence in each county.

The use of suspended execution of sentence spanned a wide range. Beadle County used this option the most, with 59 percent of offenders receiving a suspended execution of sentence. Brown County was at the other end, imposing this sentence only 18 percent of the time.

Throughout the ten counties included in the study, forty-one percent of offenders received a sentence to the South Dakota State Penitentiary. Either these offenders were not given the chance of rehabilitation in the community after a first offense or potentially an underlying problem is not being addressed in repeat offenders. Brown County had the highest rate of imprisonment at 64 percent. The rate of imprisonment for the remaining counties ranged from 20 percent in Brule/Buffalo County, to 50 percent in Codington County.

### ***Offender Release Report***

Offender release reports for 2007, provided by the SD Department of Corrections, were reviewed in two ways: by the offense committed and chemical dependency diagnosis upon release. Twelve counties were reviewed in this analysis: Beadle, Brookings, Brown, Brule/Buffalo (combined), Codington, Davison, Lincoln, Pennington,

Union, Walworth, and Yankton. These counties accounted for 1058 of the 2072 releases for 2007. Pennington County had the most releases with 464, followed by Brown County with 108. Buffalo County had the least releases with two. When the counties were looked at as a whole, alcohol related offenses comprised 26 percent of all releases and drug related offenses 27 percent. The remaining 47 percent were all other offenses.

In 2007, 43 percent of Codington County's releases had been incarcerated for an alcohol related offense. This was the highest rate among the counties reviewed. The rate of individuals released for alcohol related offenses from the remaining counties ranged from 10 percent in Brule County to 37 percent in Walworth County.

Sixty-four percent of Union County's releases had been incarcerated for a drug related offense, the highest rate among the counties reviewed. This is excluding Buffalo County which had only two releases, both of which had been convicted with drug related offenses. The rate of individuals released for drug related offenses from the remaining counties ranged from 10 percent in Brule County to 47 percent in Brown County.

A chemical dependency diagnosis evaluates an offender's dependency on alcohol or other drugs upon release from prison. Of the 1058 released in 2007, only 8 percent, or eighty-one individuals did not demonstrate a dependency on alcohol or other drug. In all counties, the chemical dependency diagnosis revealed an alcohol or other drug dependency in a majority of individuals, if not all. Codington County exhibited the lowest rate of dependency with fifteen percent showing no problem with alcohol or other drugs. All individuals released in Brule, Buffalo and Walworth counties evidenced some chemical dependency.

Dependency on both alcohol and other drugs was prevalent among the counties, ranging from 26 percent in Beadle County to 70 percent in Brule County. With the counties combined, 46 percent of individuals released demonstrated dependency on alcohol and other drugs. Dependency upon other drugs alone was also common throughout the counties, with Brule County at the low end of the spectrum at 30 percent and Beadle County at the high end with 57 percent. Looking at the counties as a whole, 40 percent of individuals released exhibited chemical dependency on drugs other than alcohol. Alcohol dependency alone was reported minimally. The largest account of alcohol dependency was 6 percent in Beadle County. Brule, Buffalo, Lincoln and Walworth counties reported no individuals released with a chemical dependency on only alcohol. Abuse was also reported minimally with only four counties confirming a chemical dependency diagnosis of abuse among individuals released in 2007. Of these counties, abuse accounted for 3 percent or less of the released population. Some individuals did not receive an assessment; however, this number was slight. Overall, only eight individuals did not receive an assessment, accounting for one percent of the total.

### ***Supervision Costs***

The average daily costs for housing prisoners in state facilities were available from the Department of Corrections, as was the cost of drug court supervision from the Fourth Circuit. The costs for the different levels of general probation supervision by UJS court services officers were calculated. General juvenile and adult intensive probation cost the most at \$15.59 and \$12.48 per day, respectively. As expected, the cost of supervision decreases with the intensity of supervision, with high supervision costing \$2.91 per day, medium supervision \$2.10 per day, and low supervision \$.79 per day. Administrative

supervision, informal juvenile 90 day diversion, and case service monitoring cost the least at \$.48 per day, \$.41 per day, and \$.16 per day, respectively. When comparing the cost of drug court supervision and general intensive probation supervision to the costs of housing an individual in a state facility, the possibility of savings and cost avoided are evident.

For example, an individual from Davison County was charged with possession of a controlled substance under SDCL 22-42-5, which is a Class 4 Felony. A habitual offender charge, which indicates one or two prior felonies, was dismissed by the prosecutor. This individual was sentenced to five years in prison with two years suspended. In accordance with SDCL 24-15A-32, this offender has the possibility of parole after serving 35 percent of his/her sentence, or 12.6 months. Provided this individual is eligible for parole at the initial parole date he/she would have served approximately 380 days at a cost of \$64.74 per day for men and \$69.35 per day for women. The cost of imprisonment for this individual would be \$24,601.20 if male and \$26,353.00 if female. Additionally, the cost of parole must be considered. With the five year or sixty month sentence, and a parole release date after 12.6 months, this individual would be on parole for a maximum of 47.4 months after release. At a rate of \$3.90 per day, the maximum cost of parole supervision for this offender would be approximately \$5623.38. The total cost of this scenario would then be a total of \$30,224.58 for a male and \$31,976.38 for a female.

Drug court participation must last at least one year, but no more than three. The first graduate from Northern Hills Drug Court completed the program in 373 days. Assuming this length of time as the best case scenario, the cost of drug court per individual would

be approximately \$13,551.09. If this individual had been sentenced to three years court services general adult intensive probation rather than three years prison, the cost savings would be similar to that of drug court with a cost of approximately \$13,665.60.

### *Survey*

A total of fifty-one surveys were sent out to circuit judges, magistrate judges, court administrators, and chief court service officers in five circuits: First, Second, Third, Fifth, and Seventh. All circuits were represented to some degree with the return of thirty-three completed surveys. The First and Fifth Circuits had the highest response rate at 100 percent, ten out of ten and seven out of seven, respectively. This was followed closely by the Third Circuit at 78 percent (seven out of nine). Both the Second and Seventh Circuits had response rates of 36 percent with five out of fourteen and four out of eleven, respectively. From the returned surveys, some general conclusions can be made about the level of interest in establishing a drug and/or DUI court or other specialized alternative sentencing program in the named circuits.

Four counties from the First Circuit were evaluated: Davison, Union, Yankton, and Brule/Buffalo. Support for establishing a drug and/or DUI court varied among the counties. There appears to be a general consensus against the establishment of a specialized court in Union and Brule/Buffalo counties. Respondents commented that offenders from these counties are often times non-residents who are handled through Interstate Compact agreements; therefore the numbers did not seem to justify a drug and/or DUI court. There was greater interest in specialized courts for Yankton and Davison counties. The interest in Davison County would likely increase if surrounding counties were able to be included.

Only one county, Lincoln, was considered from the Second Circuit. Of the five responses received, only three of them pertained to Lincoln County. Although all three of these individuals agreed that the data collection results support the need of a specialized court, only two showed great interest in establishing such a court. It can be assumed that many offenders are located in the northern part of the county and may be recommended to the MSA Program in Minnehaha County, if appropriate.

Counties from the Third Circuit included Beadle, Brookings, and Codington. Only one of the six respondents felt the data supported the need for a drug and/or DUI court in the circuit. For the whole circuit there was little to no interest in establishing a drug and/or DUI court. Any additional comments revealed opposition to the pursuit of additional specialty courts in the state.

Only one county, Brown, was considered from the Fifth Circuit. All respondents felt the data collection results supported the need for a drug and/or DUI court, thus the level of interest is high. Also, the level of interest of other stakeholders, including judicial personnel, the state's attorney, defense attorneys, law enforcement, and treatment providers was reported to be high. Furthermore, all respondents would be interested in the State Court Administrator's Office pursuing this option for Brown County.

Comments revealed concerns regarding staff and office resources.

Pennington County was the only county considered from the Seventh Circuit. Of the four respondents, all believed the results supported the need of a specialized court, thus revealing an extremely high level of interest among judicial personnel. The level of interest of other stakeholders, including state's attorney, defense attorneys, law enforcement, and treatment providers also appeared to be high. Additionally, all revealed

an interest in the State Court Administrator's office pursuing an alternative sentencing option in Pennington County. Additional comments by the respondents revealed a desire to take either the approach of specialized intensive probation supervision or a specialized drug and/or DUI court.

## Conclusions and Recommendations

National as well as state statistics show an increase in drug and alcohol related criminal offenses in the past several years. It is a notable fact that the increase in drug and alcohol abuse and dependence has a negative impact on offenders, offenders' families, and society in general. Increases in prison incarceration and the far reaching family and societal ramifications associated with incarceration, such as lost family income, increases in foster care costs, along with increases in state budget requirements, are some of the noted issues.

The Unified Judicial System (UJS) recognizes the importance of proactively seeking ways to minimize the negative effects of drug and alcohol abuse and dependency and maximize the positive aspects of effective treatment and rehabilitation for those offenders entering the criminal justice system with these presenting problems. The UJS acknowledges there to be benefit in providing a "continuum" of service for offenders, with different approaches and different relevant sentencing alternatives, dependent upon the level of an offender's abuse or dependency and their level of enmeshment within the criminal justice system. There isn't necessarily a "one size fits all" approach to these societal problems, but it is clear through the research conducted for this study, there is significant value, benefit, and success provided by structured drug/DUI courts and other alternative sentencing programs such as specialized intensive probation programs,

targeting these problem areas. While providing rehabilitation for the offenders, recidivism is reduced, and the programs keep offenders' families intact and significantly lessen the burden on South Dakota taxpayers by avoiding incarceration in the state penitentiary.

The literature review conducted for this study along with the data collected specifically for South Dakota, provides the authors of this study with valuable information from which conclusions and initial recommendations are formulated for review by South Dakota's Chief Justice and ultimately the State Legislature of South Dakota.

### Conclusion #1

The Unified Judicial System's Fourth Circuit Northern Hills Drug Court Program, Sixth Circuit STOP DUI Program, and Second Circuit Meth Sentencing Alternative Intensive Probation Supervision Programs have experienced proven track records with encouraging outcomes that are effectively and positively impacting offenders' abilities to remain in the community with intense supervision and rehabilitative treatment.

As of April, 2009, the Northern Hills Drug Court had a total of 20 participants, with five successful completions and five terminations, for a total retention rate of 75%. As of November, 2009, the Sixth Circuit STOP DUI Program served a total of fourteen offenders, with three terminations. This demonstrates a 78.5% retention rate. Given the duration of the program, there has not yet been enough time to allow for a successful completion of the program. Since November, 2007, the MSA Intensive Probation Supervision Program in the Second Circuit has served a total of 56 offenders. Of the 56

offenders, five individuals have successfully completed the program and five individuals have been terminated from the program, for an overall retention rate of 91.1%.

### Recommendation #1 : Funding

Given the notable successes of the three programs currently in place in South Dakota, a priority recommendation of this study is as follows:

- Continuation of state general funding for the 4<sup>th</sup> Circuit Northern Hills Drug Court Program.
- Future state general fund allocation for the Sixth Circuit STOP DUI Program.
- Continuation of state general funding for the Intensive Court Services Officer position for the MSA Intensive Probation Supervision Program in the Second Circuit.
- Continued and ongoing evaluation of the three established programs for purposes of determining the need and viability of future program expansion of current programs' operational capabilities, with possible request for additional state general funds to support the expansions.

### Conclusion #2

Through evaluation of offense conviction data and circuit survey responses, this study has established an apparent initial need and the feasibility for expansion of drug/DUI courts and/or alternative sentencing programs such as specialized intensive probation supervision programs in additional areas of the state. Expansion would not be cost efficient in those areas of the state with low numbers of drug and alcohol convictions or a low level of interest in the concept of alternative sentencing options from necessary stakeholders.

## Recommendation #2: Sites/Counties

Based upon the findings of the sentence history reports, the offender release reports, supervision cost comparisons, and this study's surveys, the following initial recommendations are made relative to the areas of need and feasibility for expansion of drug/DUI courts or alternative sentencing programs in South Dakota:

- Brown County had the second highest number of felony drug and DUI convictions, the highest rate of imprisonment for drug offenders, and the fifth highest rate of imprisonment for DUI offenders of the counties examined for this study. In addition to the statistical data, survey data showed the county to have a sound working relationship among stakeholders, including judicial personnel, the state's attorney, defense attorneys, law enforcement, and treatment providers, with a strong interest in implementing a hybrid drug/DUI court. Based on this, the recommendation is that they be considered for possible implementation of a hybrid DUI/drug court.
- Pennington County ranks first for felony drug and DUI convictions with 523; Yankton County ranks third with a total of 68 felony drug and DUI convictions; and Davison County ranks seventh with a total of 46 felony drug and DUI convictions in FY 08. These numbers are compelling in justifying the need for possible implementation of some type of sentencing alternative program in these counties. Significantly, all three of these counties show stakeholder interest in pursuit of sentencing alternative options. Specifically, the surveys showed stakeholder interest of judicial personnel, the state's attorney, defense attorneys,

law enforcement, and treatment providers interest to pursue possible implementation of specialized intensive probation supervision programs. The recommendation is for consideration of possible implementation of such in these counties.

- The remaining counties considered for this study (Beadle, Brookings, Brule/Buffalo, Codington, Lincoln, Union, and Walworth) all demonstrate either a comparatively low number of felony drug and DUI convictions and/or a low level of interest in the establishment of an alternative sentencing program among key stakeholders. As a result, it is recommended these counties not be considered as likely candidates for expansion at this time, based upon these initial findings.

**Table 5: Total Felony Convictions by County**

Rank	County	Number of DUI & Drug Convictions
1	Pennington	523
2	Brown	101
3	Yankton	68
4	Union	57
5	Lincoln	50
6	Brookings	48
7	Davison	46
8	Codington	40
9	Beadle	31
10	Walworth	9
11	Brule/Buffalo	8

### Conclusion #3

The subject focus of this study, the possible expansion of drug court alternative sentencing programs in South Dakota, is of utmost importance. The study supports the positive outcome benefits of existing programs. Statistics show fewer offenders

are sentenced to prison, resulting in notable reductions in prison costs and increased taxpayer savings. The intensive nature of supervision and treatment programming leads to reductions in recidivism rates and substance abuse-related crime, thus reducing strain on the criminal justice system. The rehabilitative benefits the programs provide to offenders, offenders' families, and society in general are significant.

Given the apparent need and feasibility for the possibility for alternative sentencing program expansion in additional areas of the state, the magnitude of the issue, and propensity for cost savings, it would be prudent to further study the subject to further "drill down" the possible options in the specified counties/areas of interest. Proper planning and foundational groundwork is of utmost importance to ensure success and sustainability of programming. This study serves an excellent "first steps" purpose in identification of initial need and feasibility for expansion, as well as showcasing current programs. Further study to develop a specific plan for expansion poses a logical "next steps" approach to this subject's research.

### Recommendation #3: Symposium for Further Planning

In order to articulate what type of program may be best suited in each of the four identified possible expansion counties/areas; further research/study is warranted. It is important that time and effort be placed into development of program "blueprint" proposals prior to finalization of plans to pursue expansion within the state. With actual program specifications identified, cost savings and expenditures can be examined, and the Unified Judicial System will be in a better position to request the necessary funding for these programs. Therefore, the final recommendation of this

study is for the State Legislature to allocate funding for a Drug/DUI Court/Alternative Sentencing Symposium to be held sometime in calendar year 2010. Attendees of the Symposium would consist of judges, chief court services officers, circuit court administrators, states attorneys, defense attorneys, law enforcement, and treatment provider representatives from the three existing state programs, in addition to the proposed county expansions of Pennington, Brown, Yankton, and Davison.

Additional attendees would include the Chief Justice, UJS State Court Administrator and staff, and Executive and Legislative Branch representation. An approximate total cost to host an eight hour Symposium in Pierre for approximately 50-75 participants at a cost of \$250 apiece (including travel, lodging, meals, and event costs), would be \$13,000 - \$19,000. The Symposium would provide a venue for the existing programs to offer detailed information regarding the defining, planning, and implementation components of their specific programs. The proposed counties would also have the opportunity to delineate specifically what their programs would look like in their county/area, dependent upon their needs, demographics of the population they intend to serve, available resources, and stakeholder commitment. A proposed agenda for the Symposium is located in Appendix 9 page 98. The resulting goal of the Symposium, including any necessary additional post-symposium study/planning would be for the Unified Judicial System to be prepared to present a specific statewide plan regarding the possible expansion of specialized drug and alcohol alternative sentencing programming, including any appropriate budgetary allocation requests, to the 2011 State Legislature. Recommendation is to request the 2010 State

Legislature allocate the necessary funding to conduct the Symposium in calendar year 2010.

### Final Conclusion and Recommendation

We must serve society by keeping communities safe while reducing offender recidivism. It is clear that specialized drug/DUI courts or other alternative sentencing options, such as specialized intensive probation supervision, can provide positive results and cost savings on many levels. It is also understood that during these particularly difficult economic times, it is evermore imperative that we are good stewards with the funding we have available and resourceful in our search for creative ways of working with the offender population to best impact positive long-term change and do it cost efficiently. Keeping offenders in the communities, working to support themselves and their families, while receiving intensive supervision and treatment programming to achieve life long rehabilitative benefits is a goal we should place as the highest priority for drug and alcohol related offenders. Ongoing efforts in this area have the capability to garner rich rewards and be a “win win” solution for all citizens of the State.

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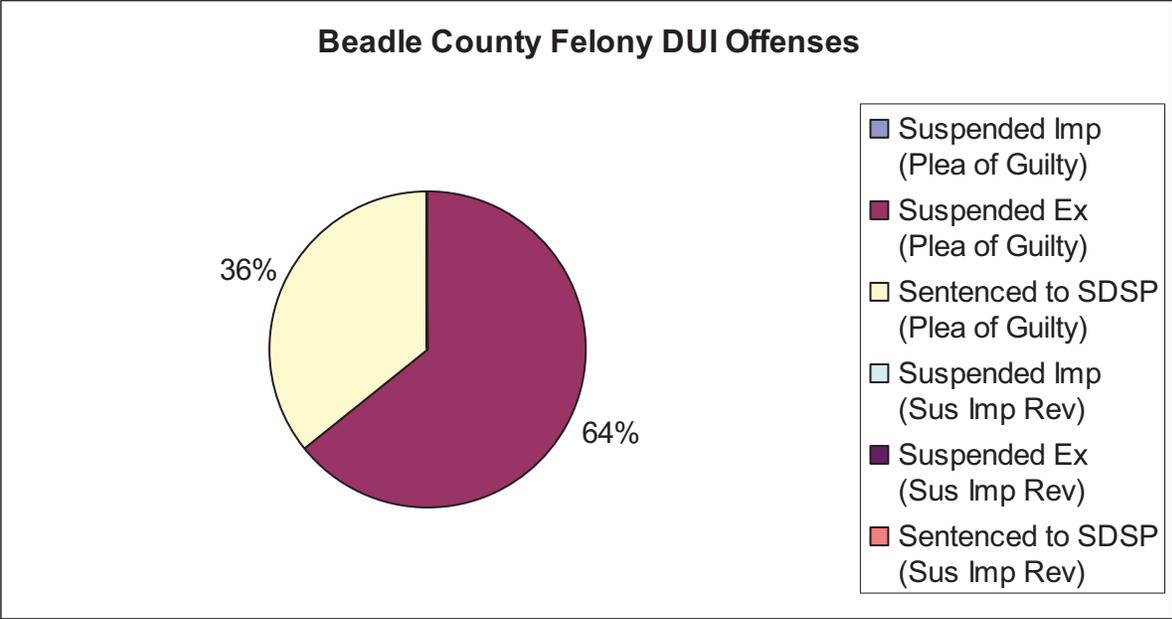
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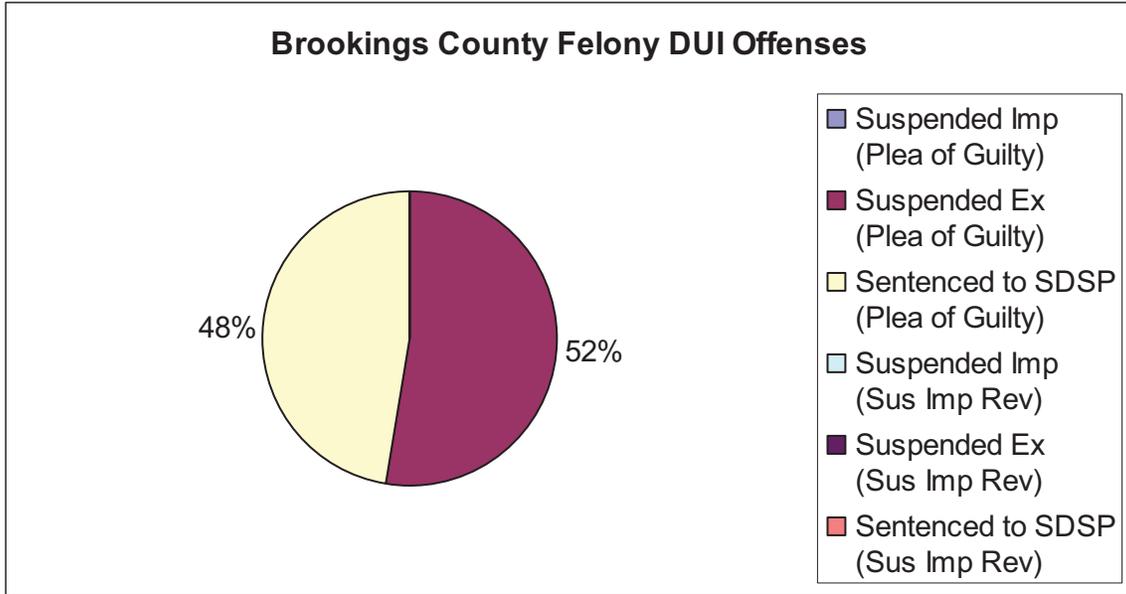
Appendix 1: Felony DUI  
Conviction Reports



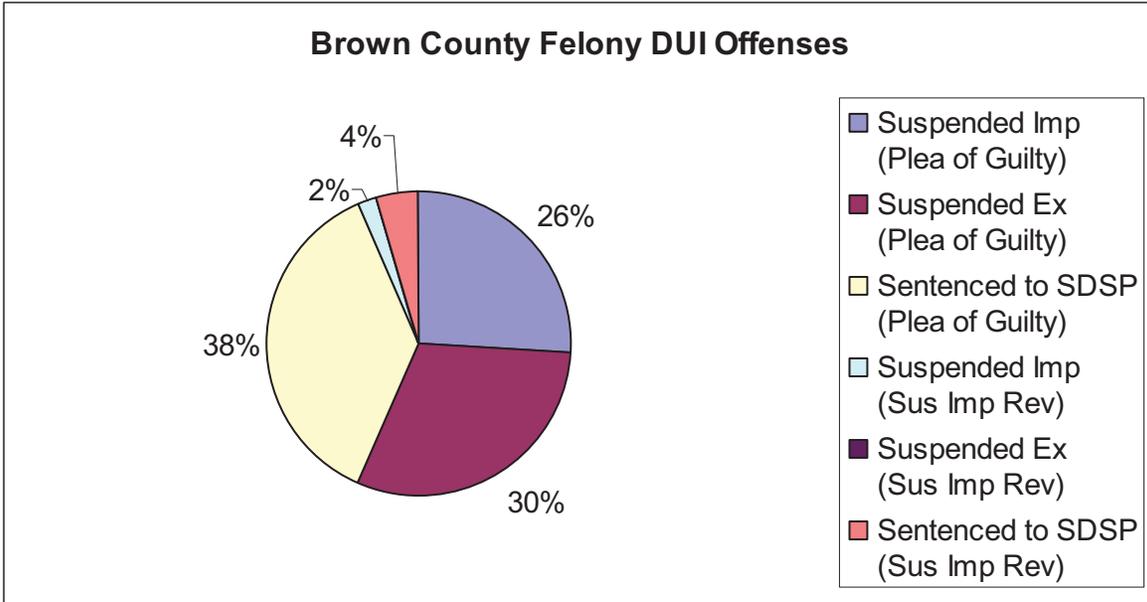
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Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
0	9	5	0	0	0



Brookings County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
0	11	10	0	0	0

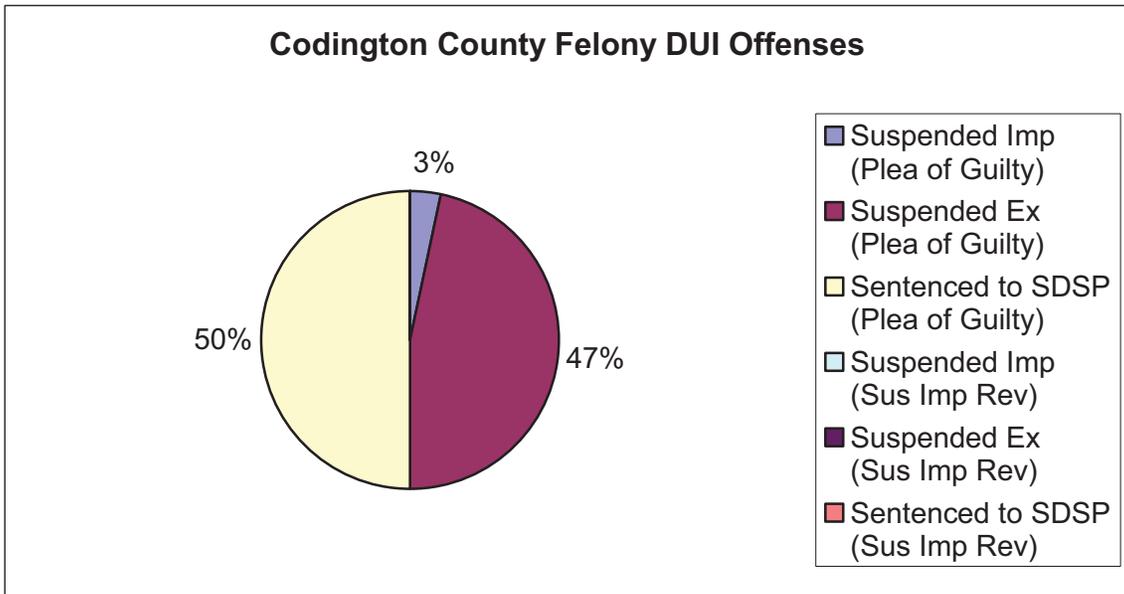


Brown County Felony DUI Totals FY08					
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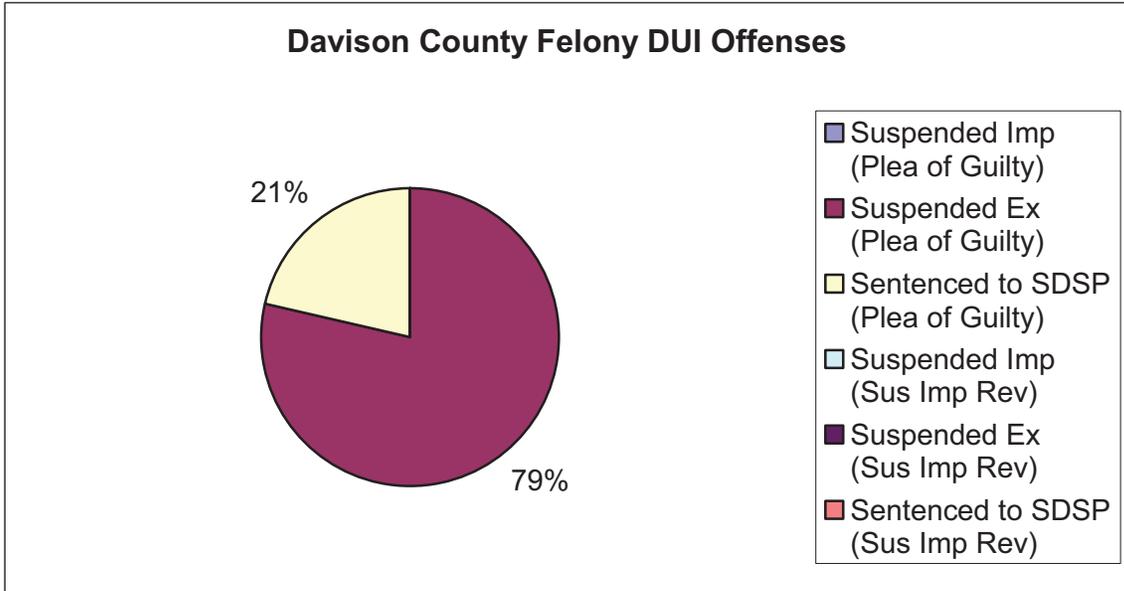


Brule County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
0	3	0	0	0	0

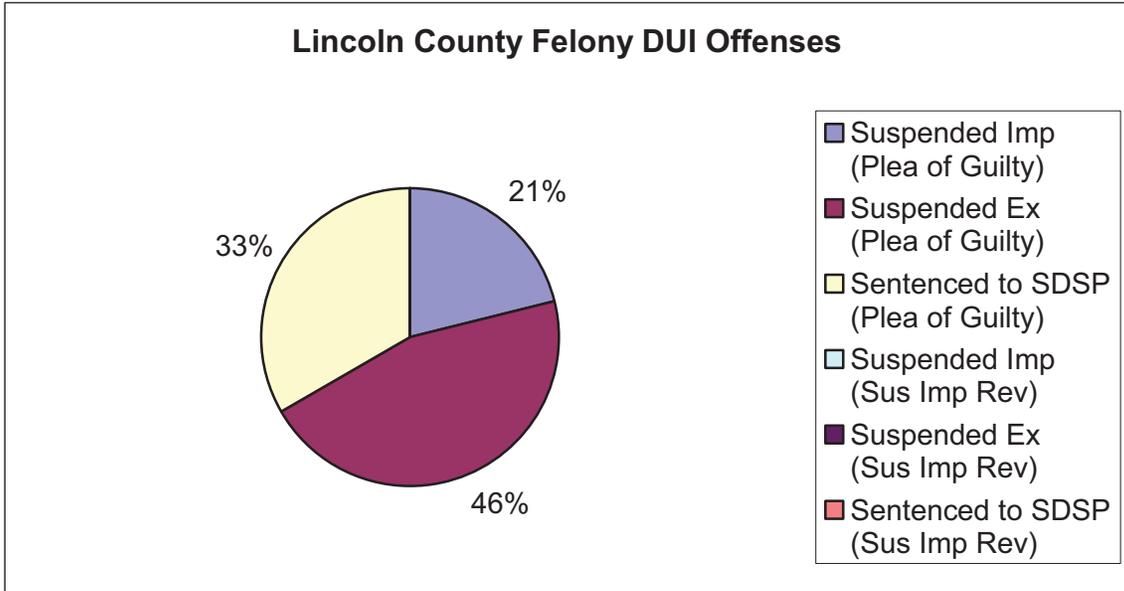
Codington County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
1	14	15	0	0	0



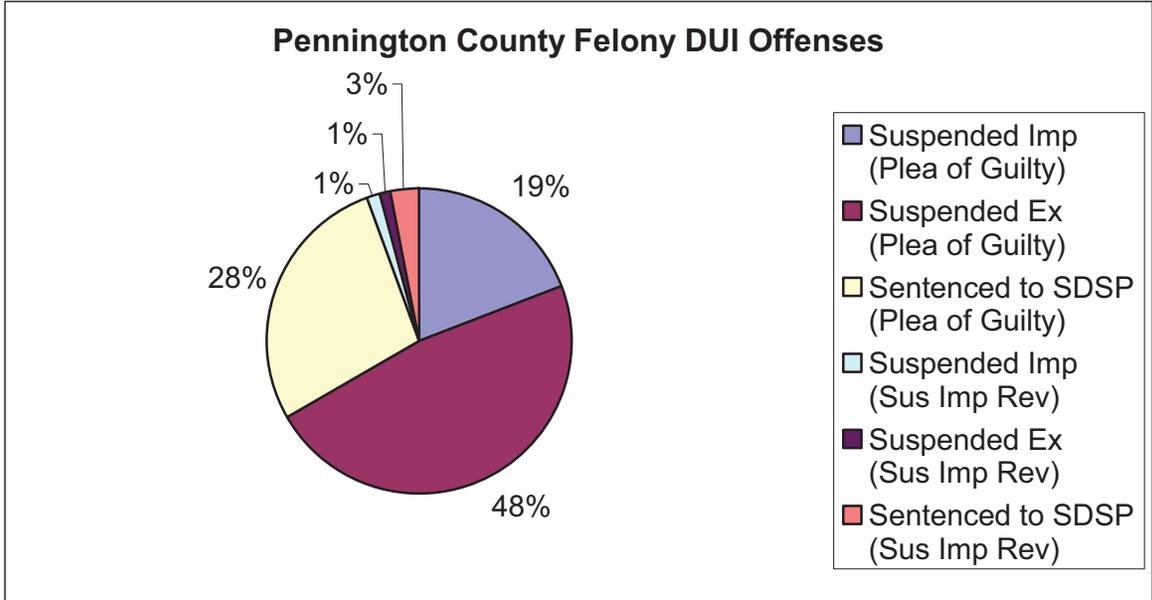
Davison County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
0	11	3	0	0	0



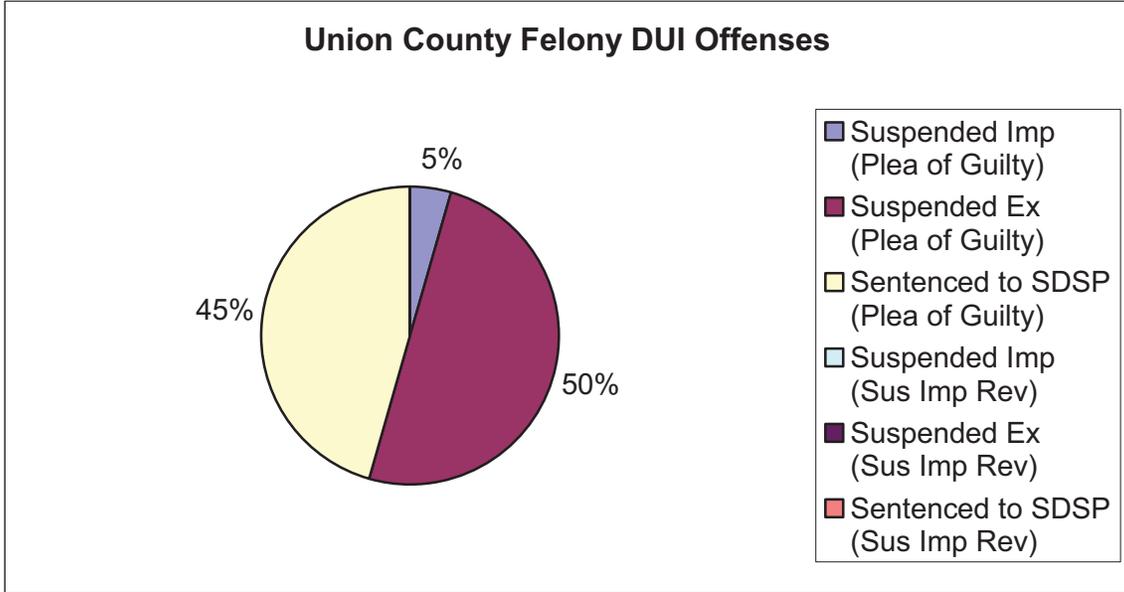
Lincoln County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
7	15	11	0	0	0



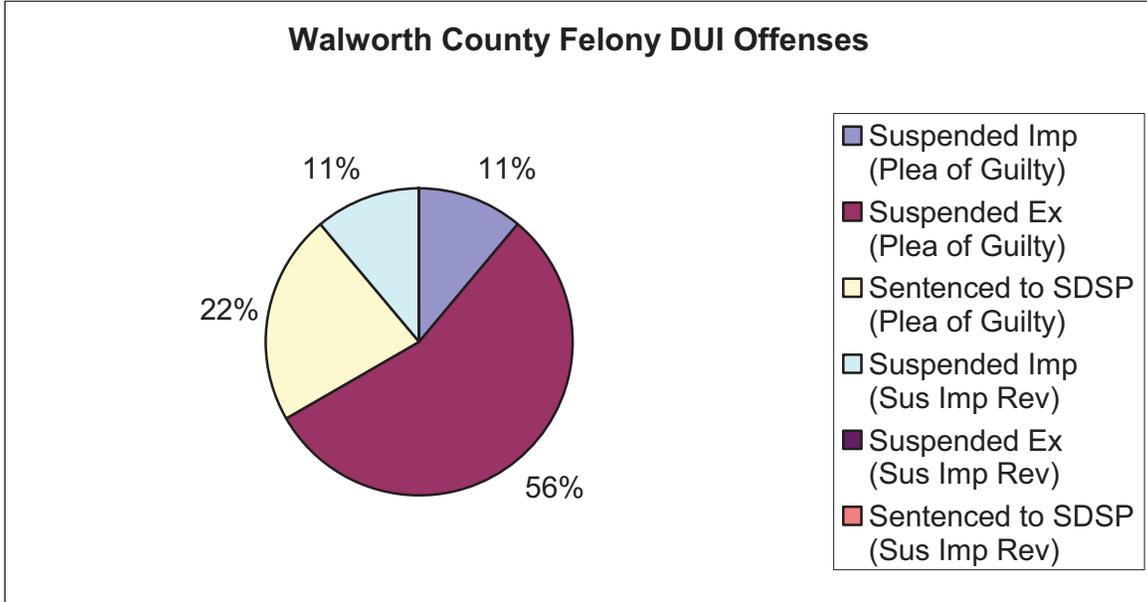
Pennington County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
63	157	92	4	4	10



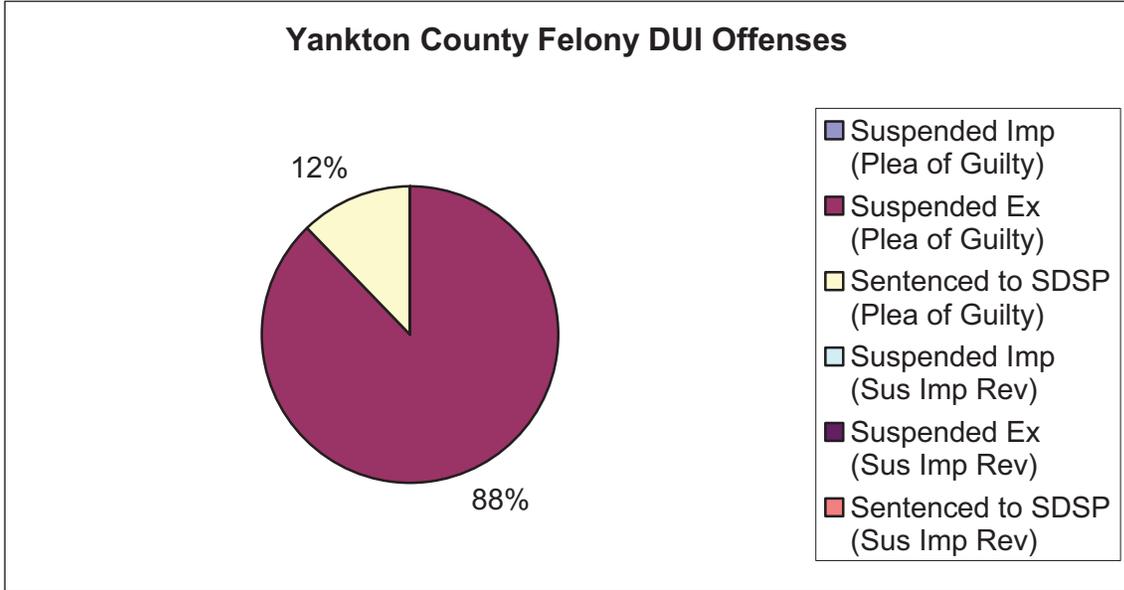
Union County Felony DUI Totals FY08					
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1	11	10	0	0	0



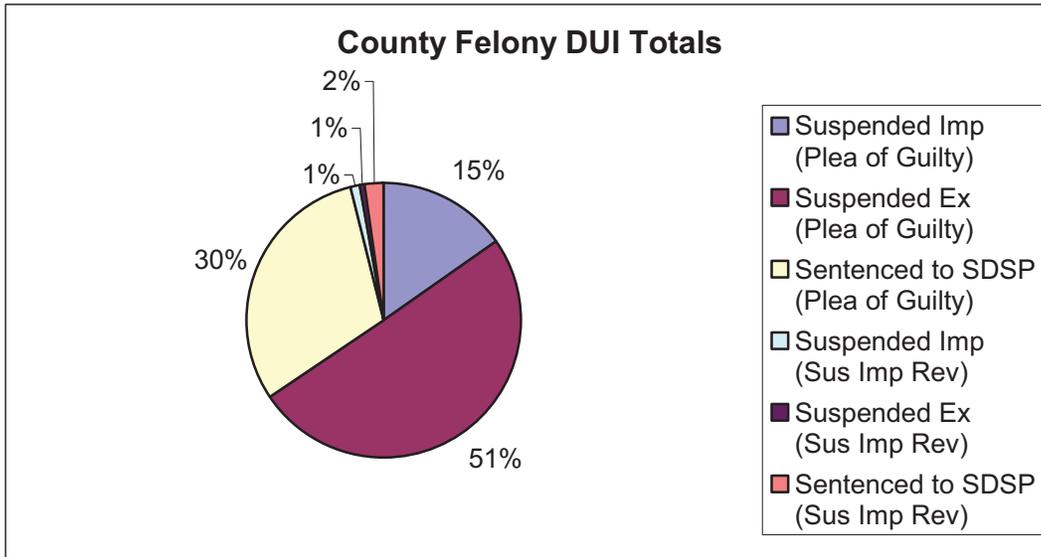
Walworth County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
1	5	2	1	0	0



Yankton County Felony DUI Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
0	29	4	0	0	0



County Felony DUI Totals FY08						
	Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
Beadle	0	9	5	0	0	0
Brookings	0	11	10	0	0	0
Brown	12	14	17	1	0	2
Brule	0	3	0	0	0	0
Codington	1	14	15	0	0	0
Davison	0	11	3	0	0	0
Lincoln	7	15	11	0	0	0
Pennington	63	157	92	4	4	10
Union	1	11	10	0	0	0
Walworth	1	5	2	1	0	0
Yankton	0	29	4	0	0	0
<b>TOTAL</b>	<b>85</b>	<b>279</b>	<b>169</b>	<b>6</b>	<b>4</b>	<b>12</b>

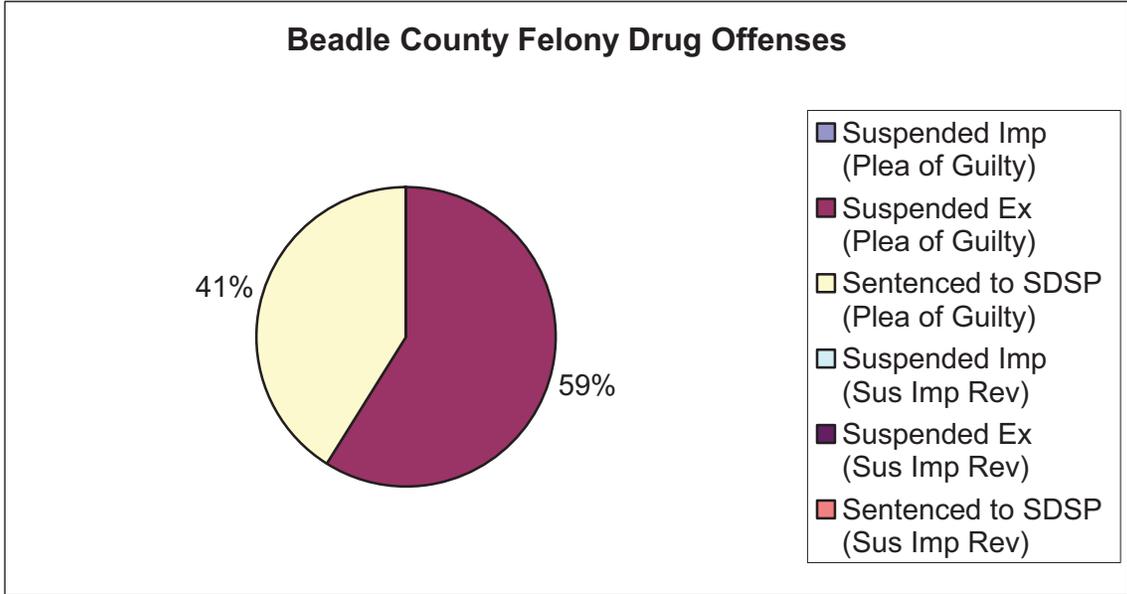




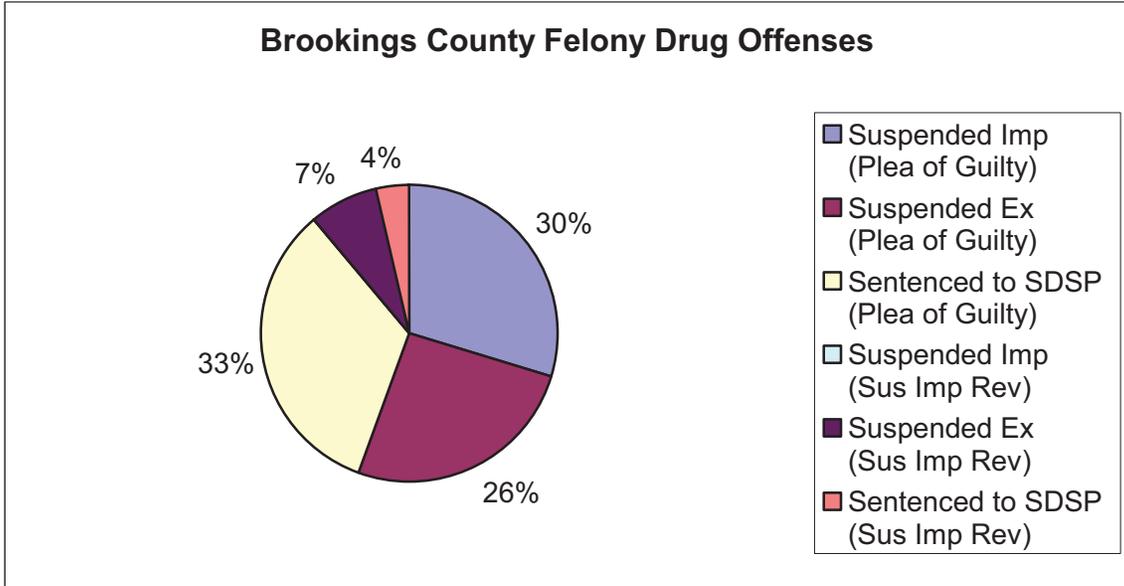
Appendix 2: Felony Drug  
Conviction Reports



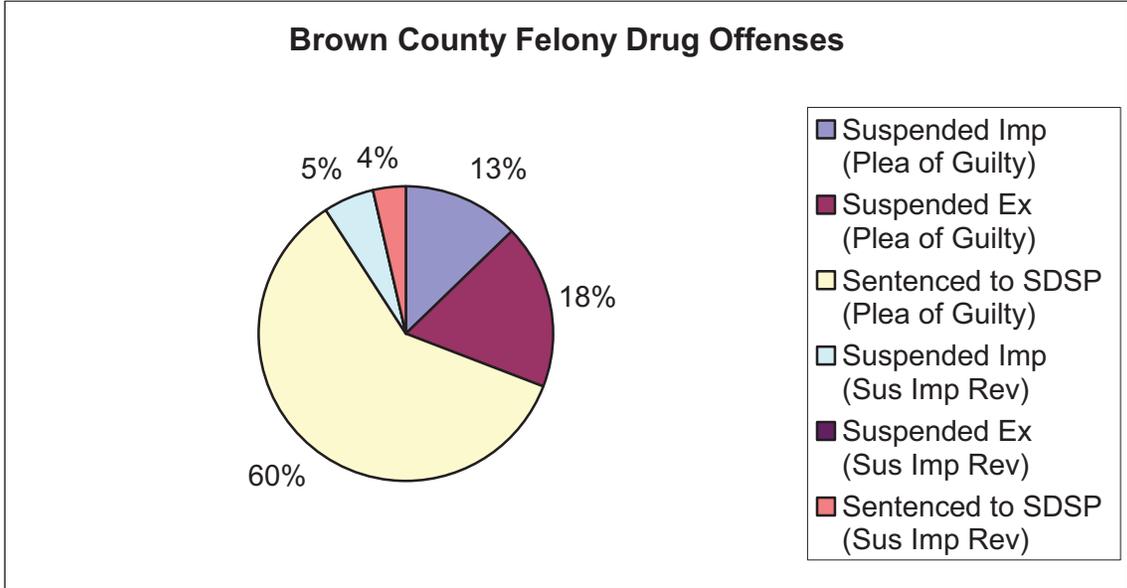
Beadle County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
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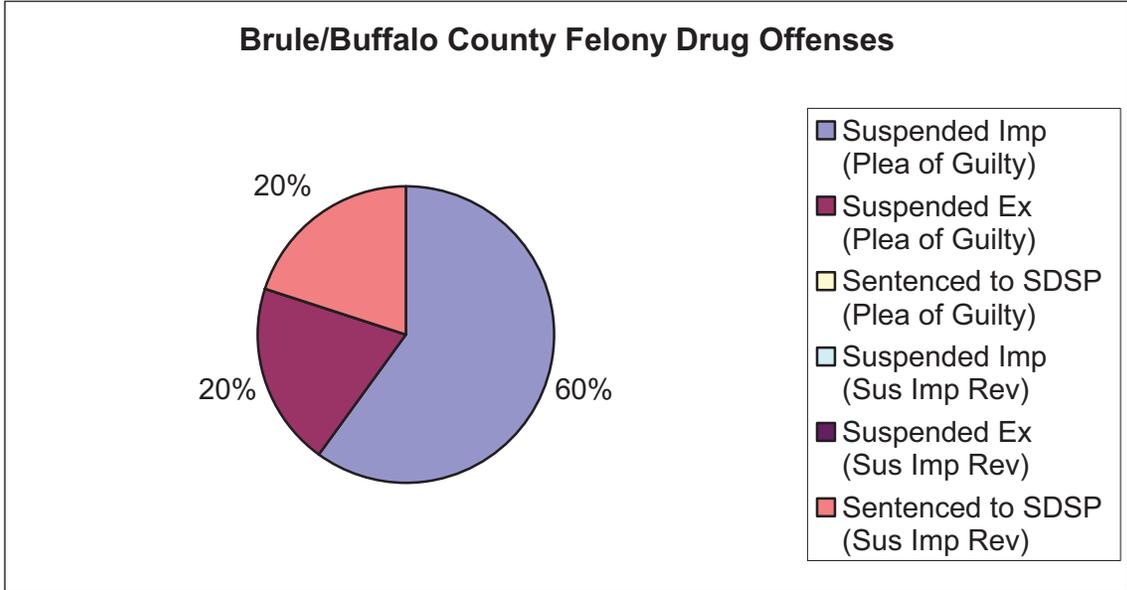
Brookings County Felony Drug Totals FY08					
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8	7	9	0	2	1



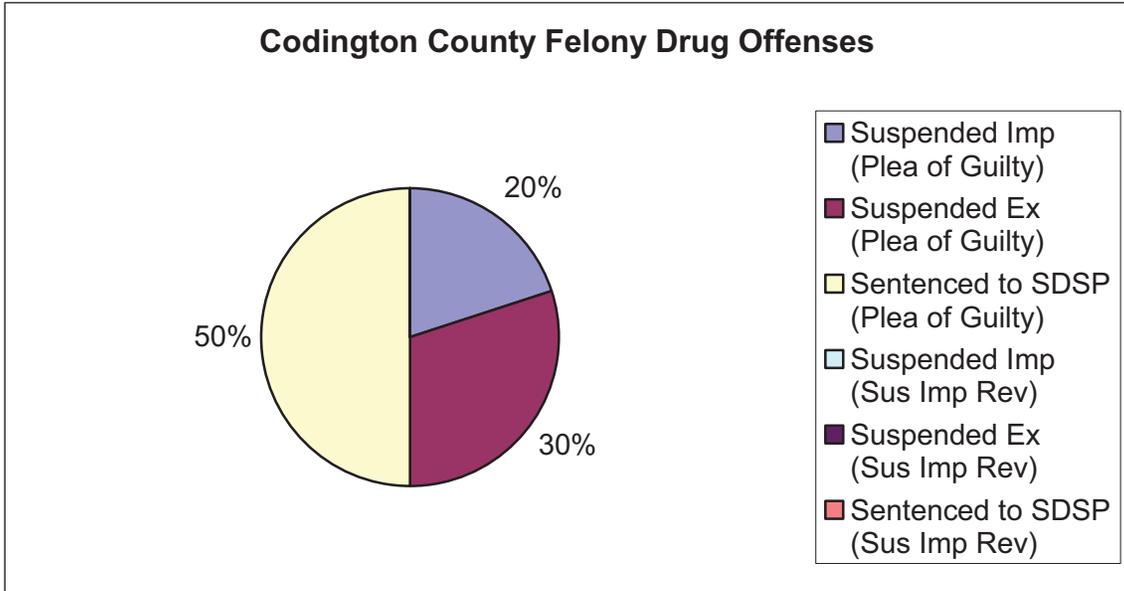
Brown County Felony Drug Totals FY08					
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7	10	33	3	0	2



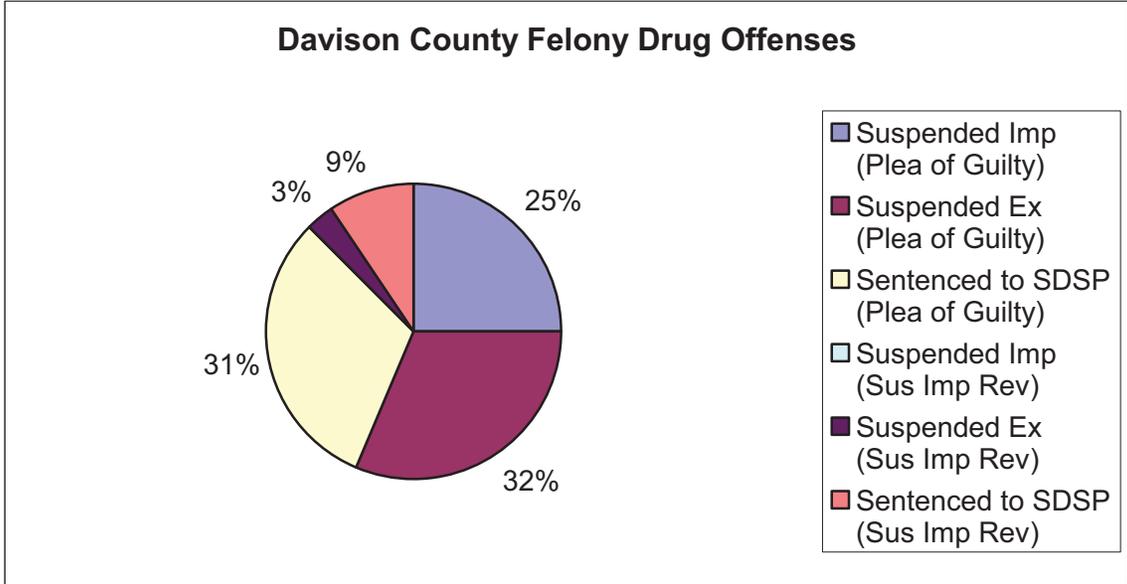
Brule/Buffalo County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
3	1	0	0	0	1



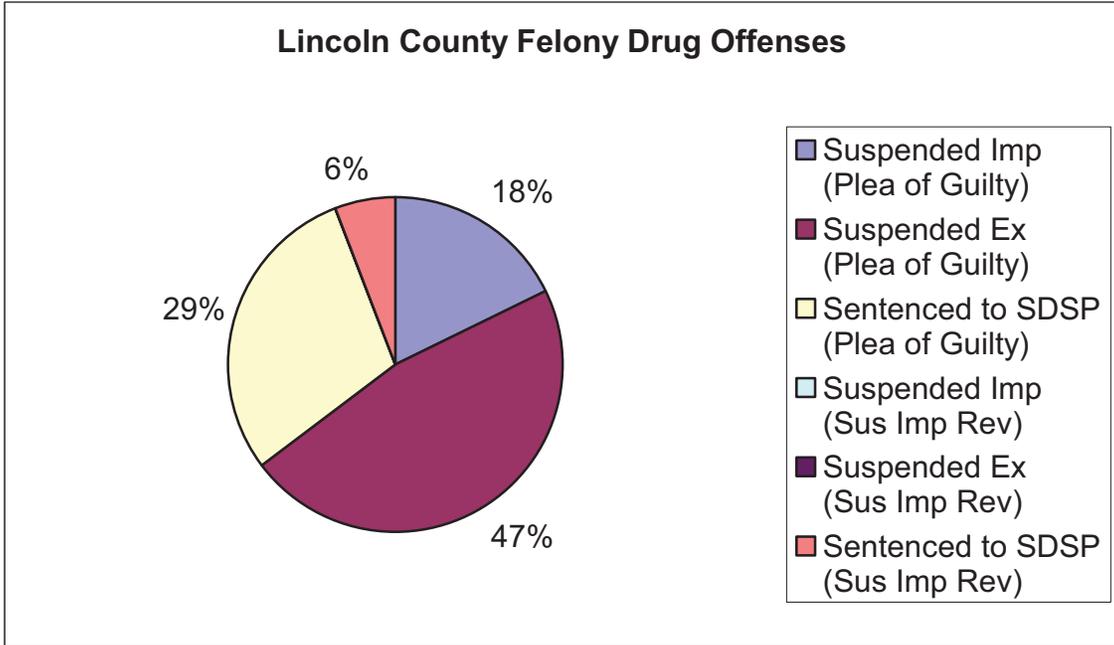
Codington County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
2	3	5	0	0	0



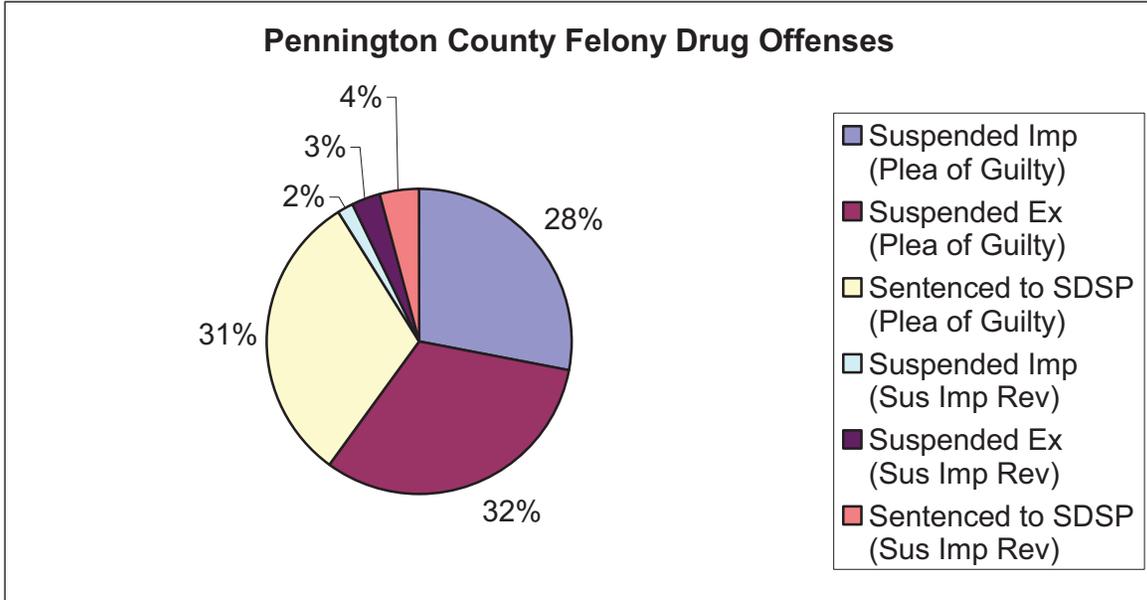
Davison County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
8	10	10	0	1	3



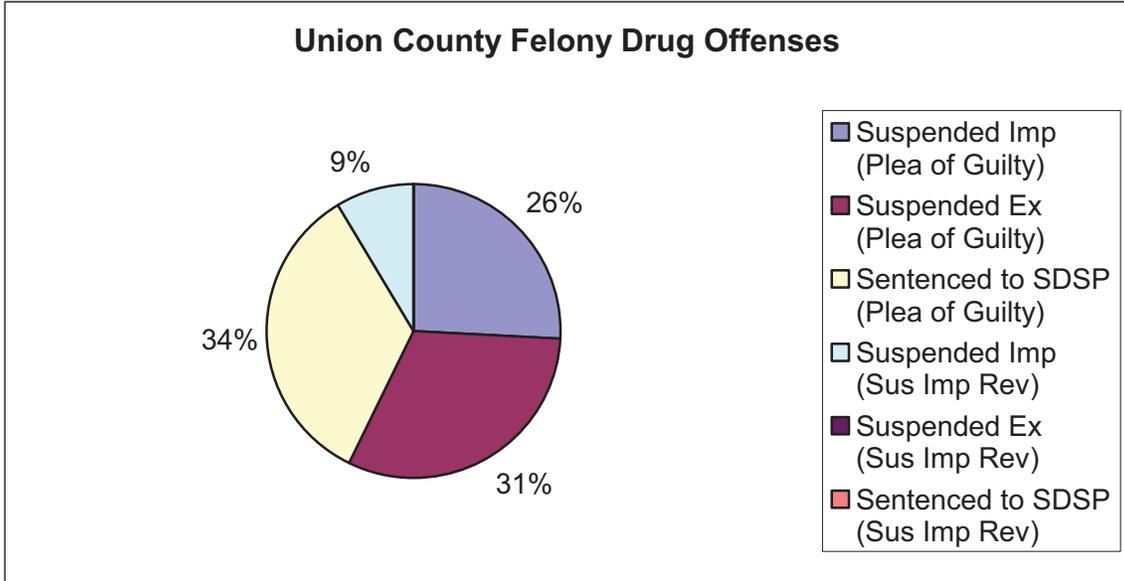
Lincoln County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
3	8	5	0	0	1



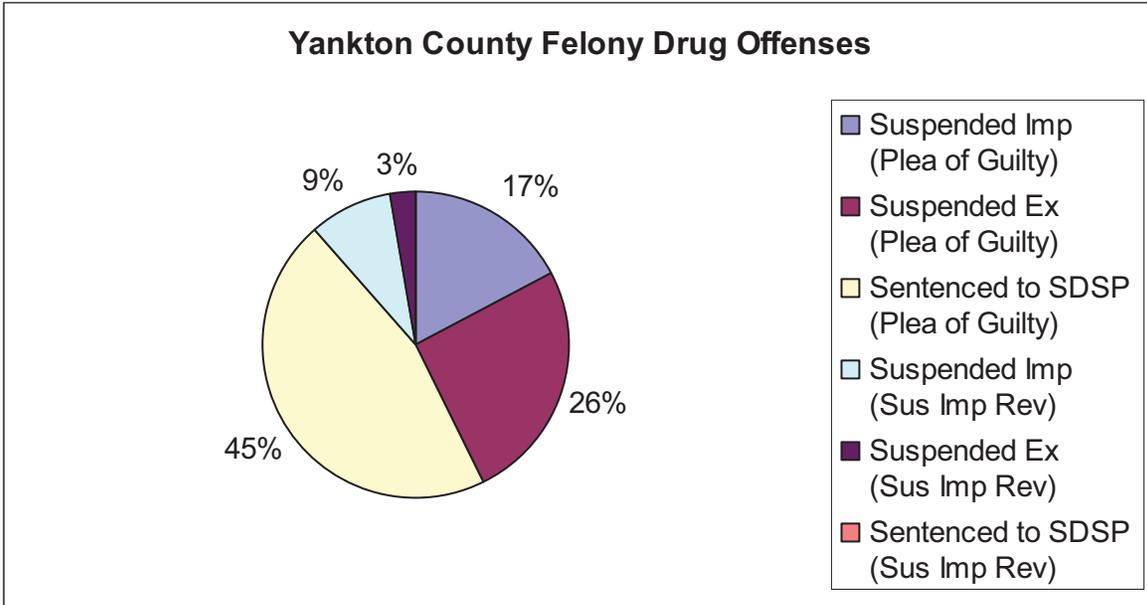
Pennington County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
54	62	60	3	6	8



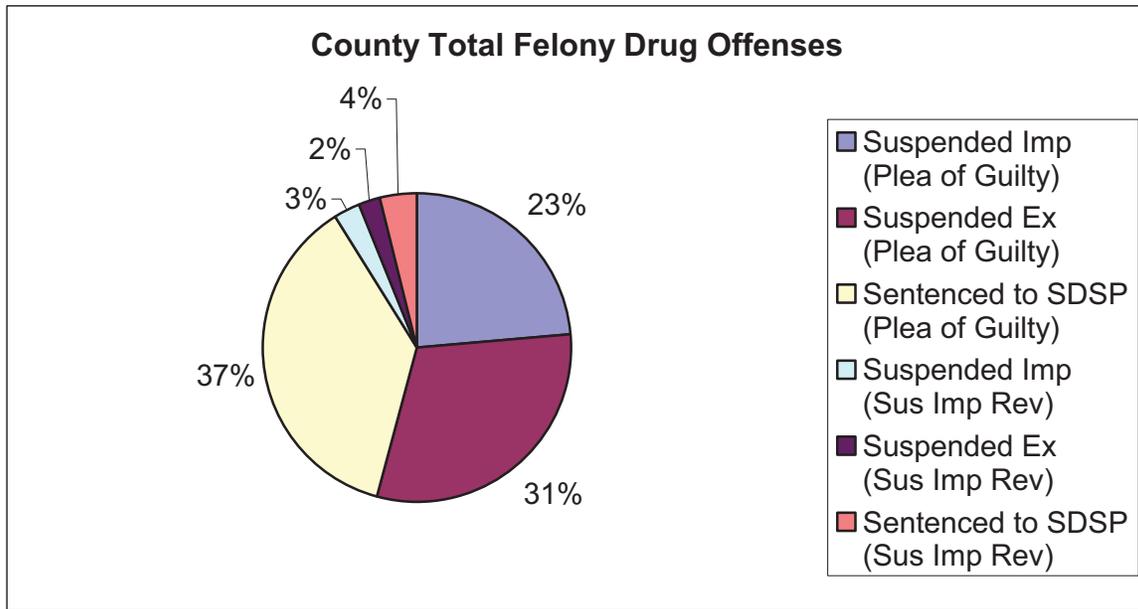
Union County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
9	11	12	3	0	0



Yankton County Felony Drug Totals FY08					
Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
6	9	16	3	1	0



County Felony Drug Totals FY08						
	Suspended Imp (Plea of Guilty)	Suspended Ex (Plea of Guilty)	Sentenced to SDSP (Plea of Guilty)	Suspended Imp (Sus Imp Rev)	Suspended Ex (Sus Imp Rev)	Sentenced to SDSP (Sus Imp Rev)
Beadle	0	10	7	0	0	0
Brookings	8	7	9	0	2	1
Brown	7	10	33	3	0	2
Brule/Buffalo	3	1	0	0	0	1
Codington	2	3	5	0	0	0
Davison	8	10	10	0	1	3
Lincoln	3	8	5	0	0	1
Pennington	54	62	60	3	6	8
Union	9	11	12	3	0	0
Yankton	6	9	16	3	1	0
<b>TOTALS</b>	<b>100</b>	<b>131</b>	<b>157</b>	<b>12</b>	<b>10</b>	<b>16</b>

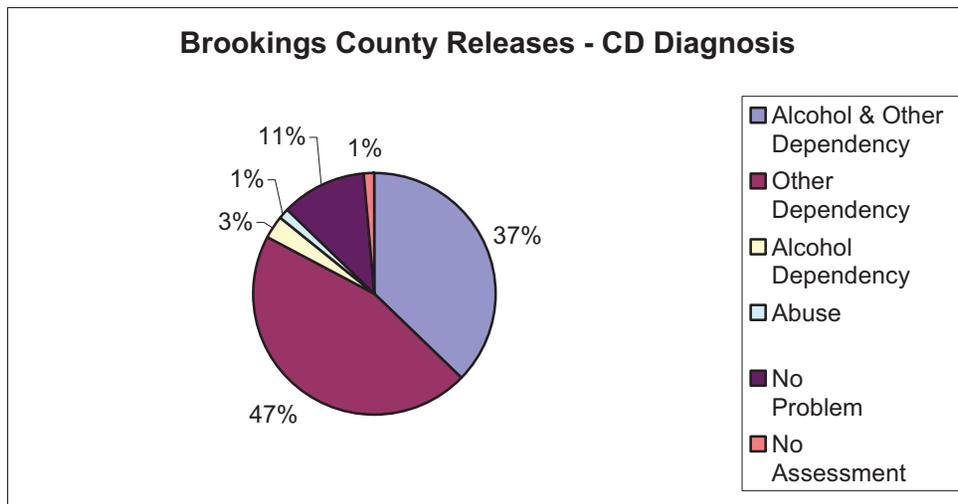
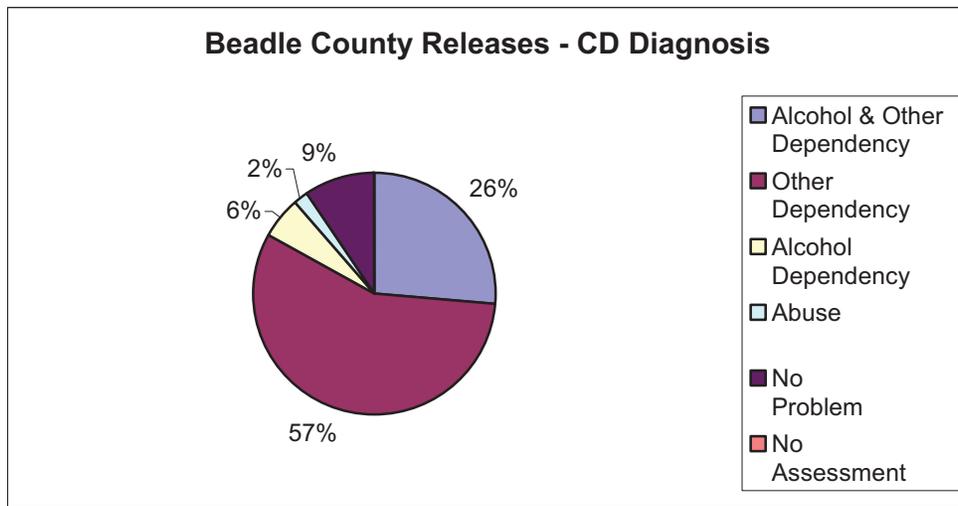




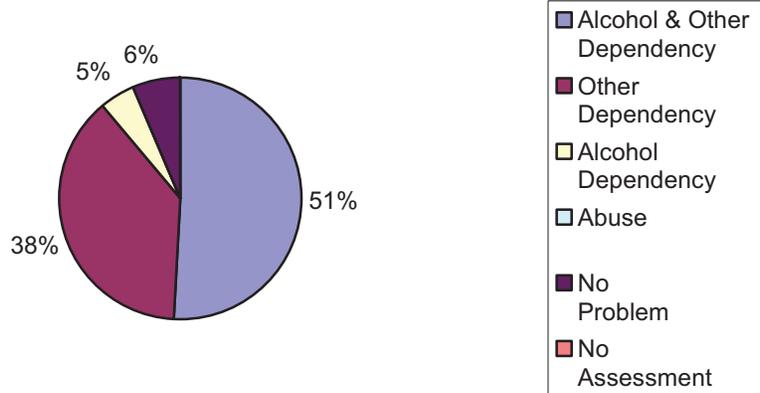
Appendix 3: 2007 Department of Corrections  
Offender Release Reports  
Chemical Dependency Diagnosis



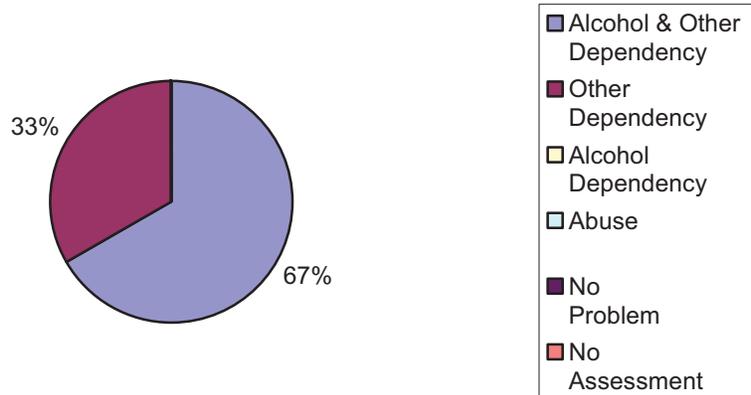
2007 Releases - CD Diagnosis (Community Risk) by County							
County	All Inmates	Alcohol & Other Dependency	Other Dependency	Alcohol Dependency	Abuse	No Problem	No Assessment
Beadle	53	14	30	3	1	5	0
Brookings	70	26	32	2	1	8	1
Brown	108	55	41	5	0	7	0
Brule/Buffalo	12	8	4	0	0	0	0
Codington	79	26	35	3	0	12	3
Davison	99	44	43	2	0	10	0
Lincoln	34	18	13	0	0	3	0
Pennington	464	230	178	24	4	26	2
Union	39	15	16	2	1	5	0
Walworth	27	14	11	0	0	0	2
Yankton	73	39	25	4	0	5	0
Total	1058	489	428	45	7	81	8



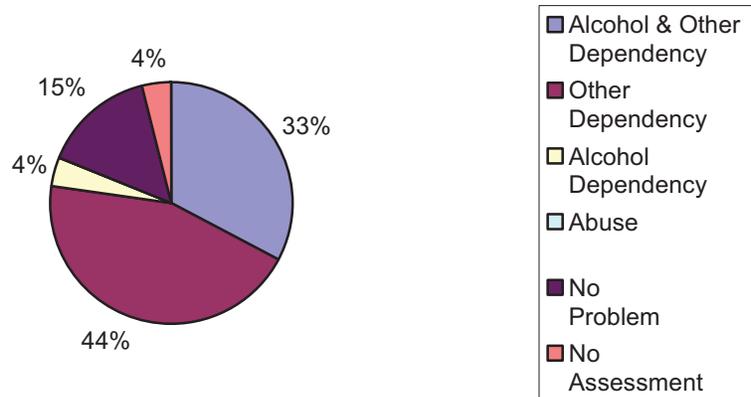
### Brown County Releases - CD Diagnosis



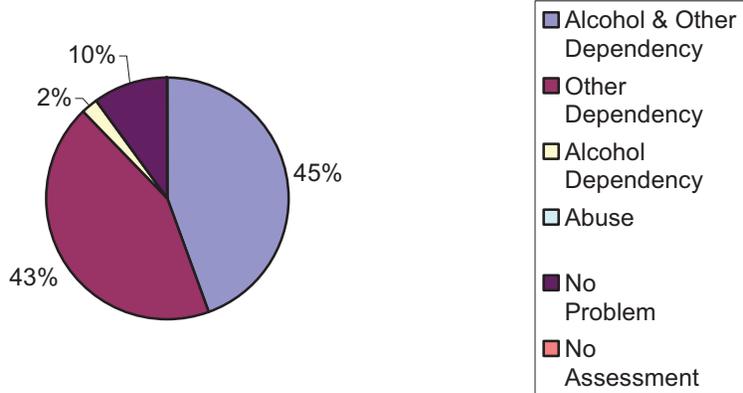
### Brule/Buffalo County Releases - CD Diagnosis



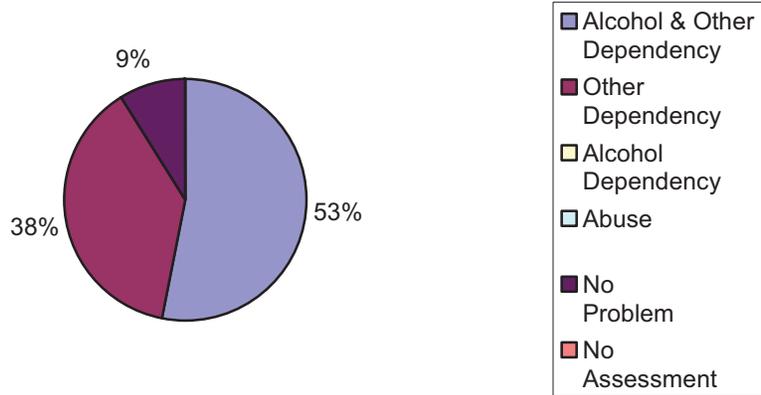
### Codington County Releases - CD Diagnosis



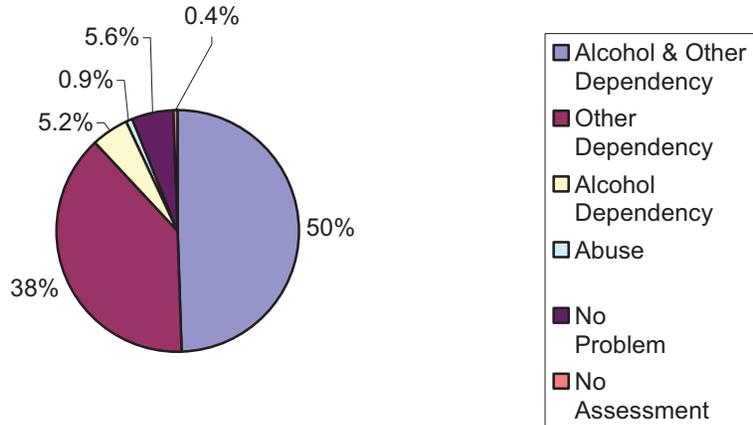
### Davison County Releases - CD Diagnosis



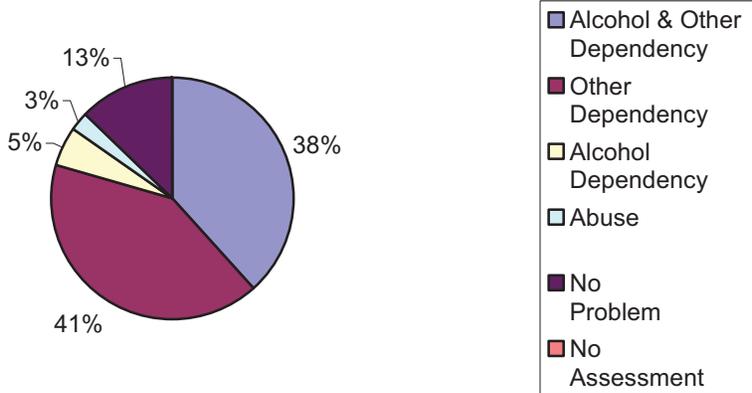
### Lincoln County Releases - CD Diagnosis



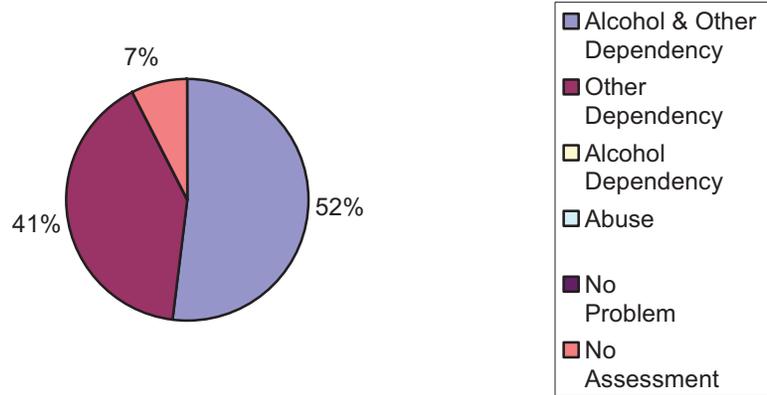
### Pennington County Releases - CD Diagnosis



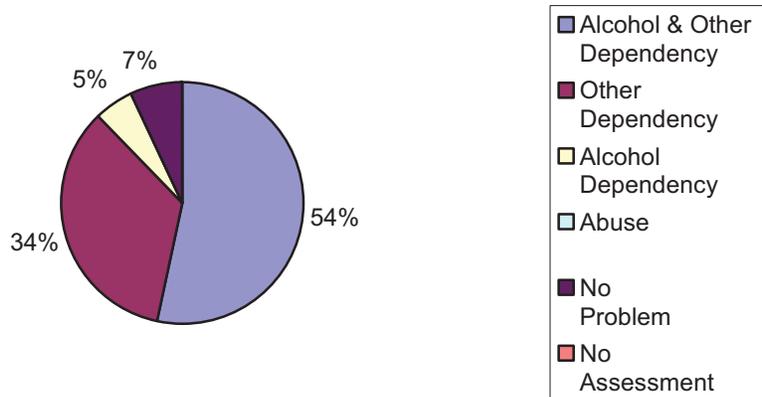
### Union County Releases - CD Diagnosis



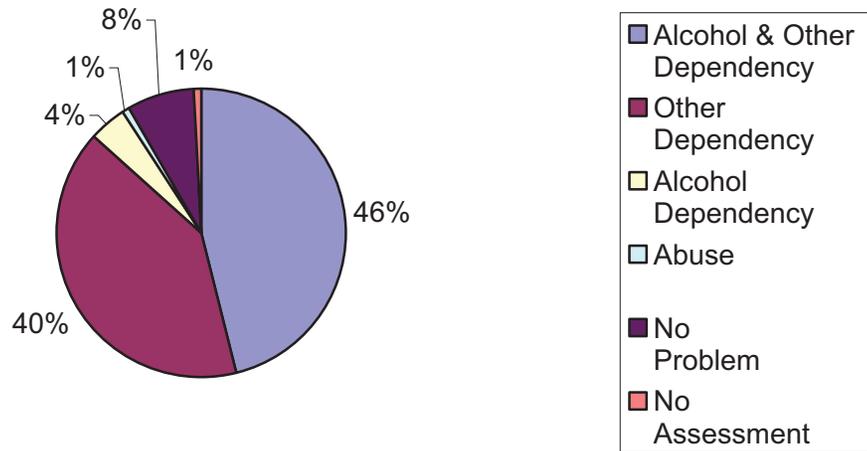
### Walworth County Releases - CD Diagnosis



### Yankton County Releases - CD Diagnosis



### Total County Releases - CD Diagnosis

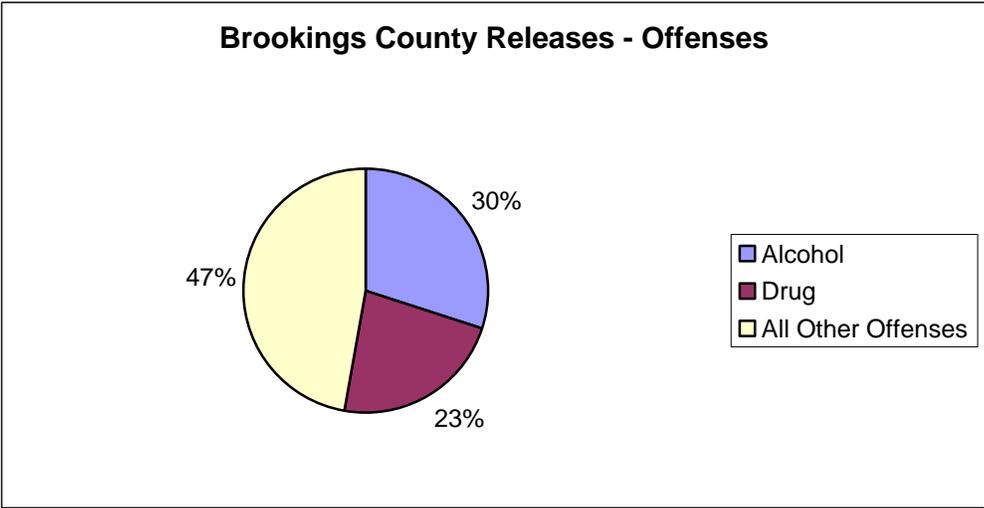
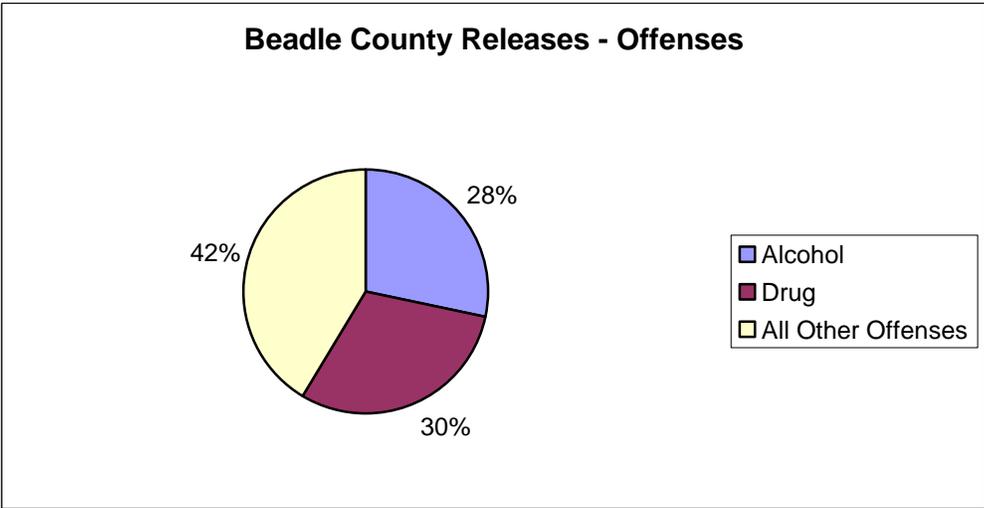




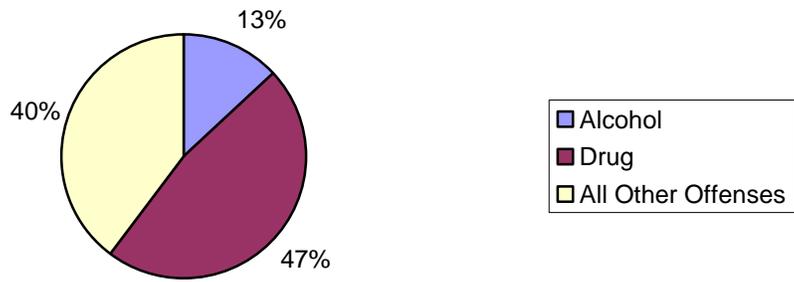
Appendix 4: 2007 Department of Corrections  
Offender Release Reports  
Offenses



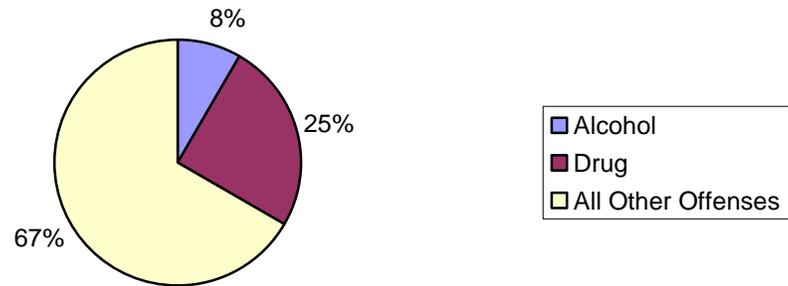
2007 Releases - Offenses by County				
County	All Inmates	Offense Category		
		Alcohol	Drug	All Other Offenses
Beadle	53	15	16	22
Brookings	70	21	16	33
Brown	108	14	51	43
Brule/Buffalo	12	1	3	8
Codington	79	34	11	34
Davison	99	19	21	59
Lincoln	34	4	13	17
Pennington	464	146	91	227
Union	39	5	25	9
Walworth	27	10	4	13
Yankton	73	13	39	21
Totals	1058	282	290	486



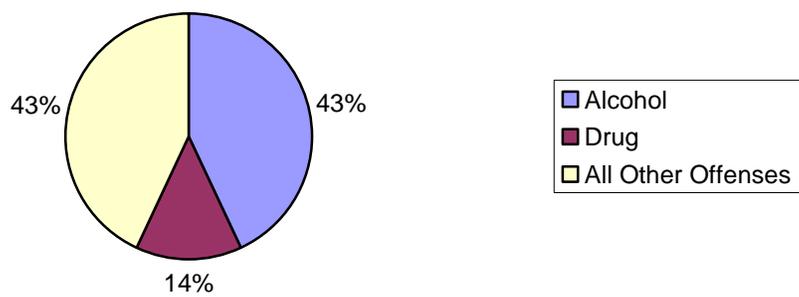
### Brown County Releases - Offenses



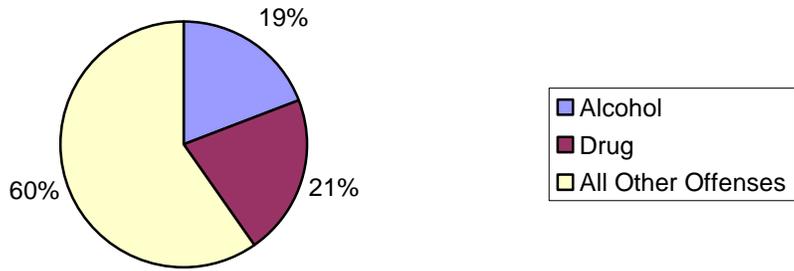
### Brule/Buffalo County Releases - Offenses



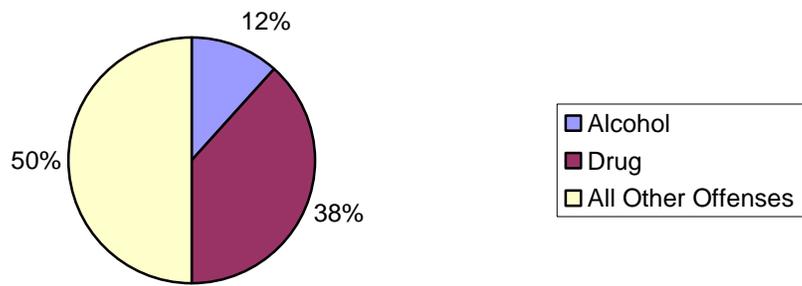
### Codington County Releases - Offenses



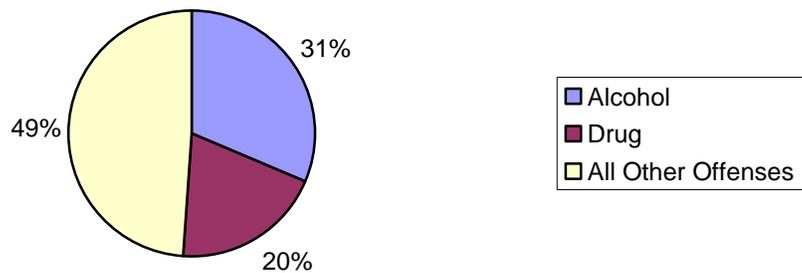
### Davison County Releases - Offenses



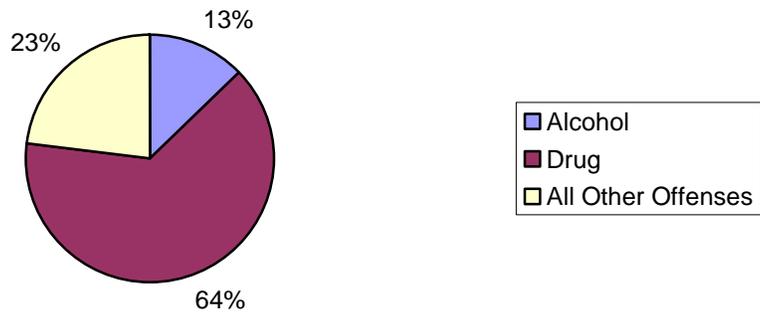
### Lincoln County Releases - Offenses



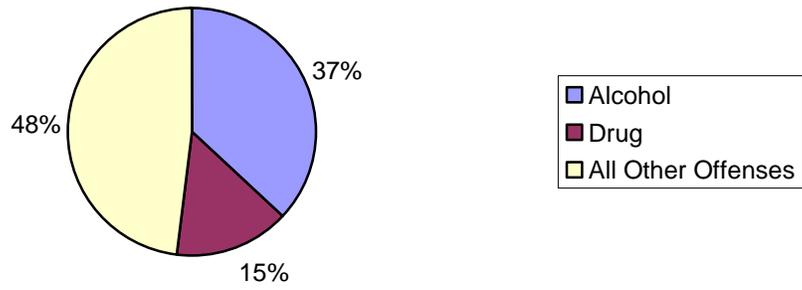
### Pennington County Releases - Offenses



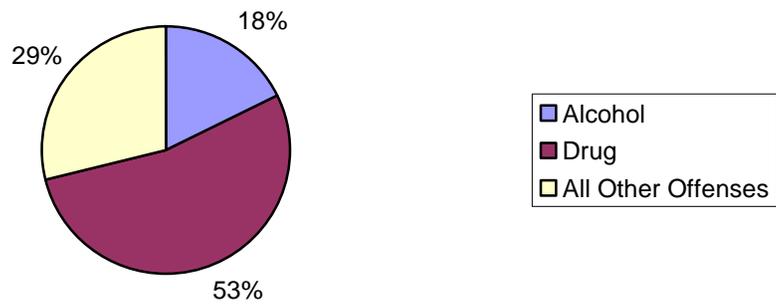
### Union County Releases - Offenses



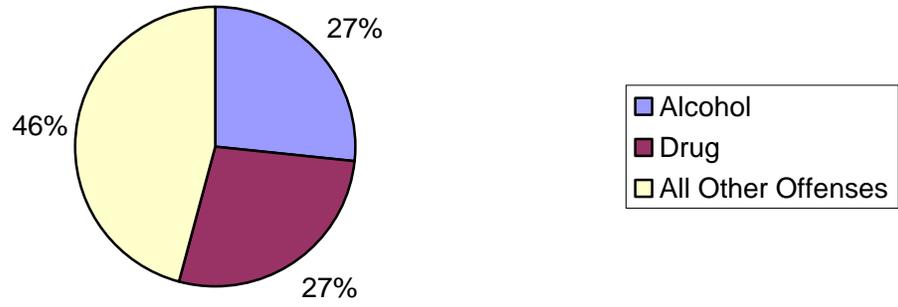
### Walworth County Releases - Offenses



### Yankton County Releases - Offenses



### County Total Releases - Offenses





## Appendix 5: Supervision Costs



**SUPERVISION COSTS**  
**Court Services Department**  
**FY 2009**  
**(Personal, Operating, Community Based, & Juvenile Home**  
**Based Services)**

104 Court Services Officers	
Juvenile Probationers as of 6/30/2009	2,538
Adult Probationers as of 6/30/2009	<u>6,492</u>
Total	9,030

673 Juvenile Social Histories (11 hours per)  
2461 Adult Felony Pre-Sentence Investigations (11 hours per)  
304 Misdemeanor Pre-Sentence Reports (3 hours per)

FY 2009 Expenditures (actual)	
Personal Services	\$6,981,173
Operating Services	\$ 352,743
Community Based Services	\$ 546,929
Juvenile Home Based Services	<u>\$ 552,692</u>
Total	\$8,433,537

Cost per Court Services Officer hour = \$38.99  
Cost for Felony Pre-Sentence Investigation = \$428.89  
Cost per Social History = \$428.89  
Cost for Misdemeanor Pre-Sentence Investigation = \$116.97

Total Cost of Prepared Reports for FY 2009	<u>\$1,379,700</u>
Cost for Supervision for FY 2009	<u>\$7,053,837</u>

# Average Cost of General Probation Supervision per Day FY 2009

- Juvenile Intensive Probation (currently in 11 locations) \$15.59 per day
- Adult Intensive Probation (currently in 1 location) \$12.48 per day
- High Supervision Probationer (1.62 hours per month) \$2.92 per day
- Medium Supervision Probationer (1.17 hours per month) \$2.11 per day
- Low Supervision Probationer (0.44 hours per month) \$ .79 per day
- Administrative Supervision Case (0.27 hours per month) \$.49 per day
- Informal Juvenile 90 Day Diversion Case (0.23 hours per month) \$ .41 per day
- Case Service Monitoring (0.09 hours per month) \$ .16 per day
- Average Cost of Probation \$3.00 per day

# Formulas for Supervision Costs for Regular Supervision

1. 104 Officers includes Chief Court Services Officers, Deputy Chief Court Services Officers, and Court Services Officers
2. Number of juveniles comes from FY09 Juvenile Activity Report and number of adults comes from FY09 Adult Activity Report (2538 juveniles + 6492 adults = 9030 total)
3. Social history and PSI numbers come from same reports
4. Personal Services is the total of the General and Federal expenditures for Program 2717 = \$6,981,173
5. Operating expenses is the total of just General expenditures for Program 2717 = \$352,743
6. Community Based Services is the total of just General expenditures for Program 2718 = \$546,929
7. Juvenile Home-Based Services is the total of just General expenditures for Program 2718 = \$552,692
8. Total expenses for all programs = \$8,433,537
9. CSO annual cost ( $\$8,433,537 / 104 = \$81,092$ ), including all expenditures for all programs (#4-7 above)
10. CSO cost per hour ( $\$81,092 / 2080 = \$38.99/\text{hr}$ ), including all expenditures for all programs (#4-7 above)
11. Cost per Social History ( $\$38.99 \times 11 \text{ hours} = \$428.89$ )
12. Cost per Pre-Sentence Investigation ( $\$38.99 \times 11 \text{ hours} = \$428.89$ )
13. Cost per Misdemeanor PSI ( $\$38.99 \times 3 \text{ hours} = \$116.97$ )
14. Total cost of reports = (# of Felony PSI x cost) + (# of Misdemeanor PSI x cost) + (# of Social History x cost) =  $\$1,055,498.29 + 35,558.88 + 288,642.97 = \$1,379,700.14$
15. Total Cost of Supervision is total program expenses minus cost of reports ( $\$8,433,537 - 1,379,700.14 = \$7,053,836.86$ )
16. Average Cost of Supervision per day per probationer is total supervision costs divided by population divided by total working days per year =  $\$7,053,836.86 / 9030 / 260 = \$3.00$

17. The cost for levels of supervision (except juvenile and adult intensive) is figured by the monthly case weights per supervision level times cost per CSO hour times 12 months / 260 (total working days per year) (Example: High Supervision Level is 1.62 hours per month, x \$38.99 x 12 / 260 = \$2.92 per day). Intensive costs are figured by dividing CSO annual cost by maximum allowed caseload (20 for JIPP, 25 for adult) divided by 260 days. (Example: JIPP = CSO annual cost of \$81,092/20/260 = \$15.59 per day per probationer)

Daily Average for DOC State Facilities for FY09:

Durfee State Prison – Springfield - \$41.43

South Dakota State Penitentiary – Sioux Falls - \$64.74

South Dakota Woman’s Prison – Pierre - \$69.35

Daily Average for Parole - \$3.90

\* Information obtained from the South Dakota Department of Corrections Website. Daily cost of incarceration includes mental health treatment expenditures, but does not include expenditures associated with CD assessment, evaluation, or treatment.



## Appendix 6: Survey



Dear Circuit Judges, Magistrate Judges, Circuit Administrators, and Chief Court Service Officers,

My name is Abby VanDenBerg, a third year student at the University of South Dakota School Of Law. This summer I am interning with the UJS office and am currently working with Nancy Allard and the Trial Court Services Office.

As you may know, the State Court Administrator's Office is currently conducting a study to determine the need and feasibility for additional drug or DUI courts across the state and the possibility of acquiring legislative funding to support such programming. Numerous studies from other states with established drug/DUI courts have provided evidence of the effectiveness of such programs. As a part of the study, the UJS has determined the top ten counties without programs already in place that exhibit a possible need for a drug and/or DUI court. This determination was made by examining the number of felony drug charges and felony DUI charges occurring in each county for FY08.

The enclosed survey is a follow-up to an email that was distributed earlier in regards to expanding drug/DUI courts in South Dakota. The purpose of this survey is to give you an opportunity to express your interest in establishing a drug/DUI court in your area. It is important to complete the survey in its entirety, including the circuit and county. By doing so, the wants and needs of a designated area can be accurately discerned. Please complete a survey for EACH county in your circuit for which data results are included where you hold court or are involved in the court process.

Along with the survey you will also find data collection results of sentences that were imposed upon felony drug and felony DUI offenders during FY08 for each of the respective counties examined for this project. The charts illustrate the offenses sentenced in FY08 where a prison sentence was imposed without probation; where probation sentences were imposed (suspended execution and suspended imposition of sentence); and sentence revocations and the outcomes. Please consider these results before completing the survey.

Finally, it is requested that the completed survey be returned to me, in a manner convenient for you, by July 24, 2009.

If you have any questions or concerns, please feel free to contact me. Thank you for your time and your input.

Abby VanDenBerg  
UJS Legal Intern  
500 E. Capitol Ave.  
Pierre, SD 57501  
605-773-2602  
Abby.VanDenBerg@ujs.state.sd.us

General Information

Name \_\_\_\_\_

Circuit \_\_\_\_\_

County \_\_\_\_\_

Survey

1. Do you believe the statistics provided for your county support the need for a drug court, DUI court, or hybrid DUI/drug court?

Yes

No

2. What is your level of interest in establishing a drug and/or DUI court, 10 being extremely interested, and 1 being not at all interested?

10    9    8    7    6    5    4    3    2    1

2. Which are you primarily interested in?

Drug  
Court

DUI  
Court

Hybrid  
DUI/Drug Court

3. Have other stake holders, i.e. treatment providers, state’s attorney, defense attorneys, and local law enforcement, been contacted about the possibility of a drug and/or DUI court?

Yes

No

4. What is the level of interest, or perceived interest, of area treatment providers, 10 being extremely interested, and 1 being not interested at all?

10    9    8    7    6    5    4    3    2    1

5. What is the level of interest, or perceived interest, of the local state’s attorney, 10 being extremely interested, and 1 being not interested at all?

10    9    8    7    6    5    4    3    2    1

6. What is the level of interest, or perceived interest, of local defense attorneys, 10 being extremely interested, and 1 being not interested at all?

10    9    8    7    6    5    4    3    2    1

7. What is the level of interest, or perceived interest, of local law enforcement, 10 being extremely interested, and 1 being not interested at all?

10    9    8    7    6    5    4    3    2    1

8. Would you like the State Court Administrator to pursue a drug and/or DUI court option in your county?

Yes

No

9. If funding was available and allocated for your county for a drug and/or DUI court do you foresee the ability to facilitate one in FY11?

Yes

No

10. If funding was available and allocated for you county for a drug and/or DUI court do you foresee the ability to facilitate one in FY12?

Yes

No

11. Additional Comments

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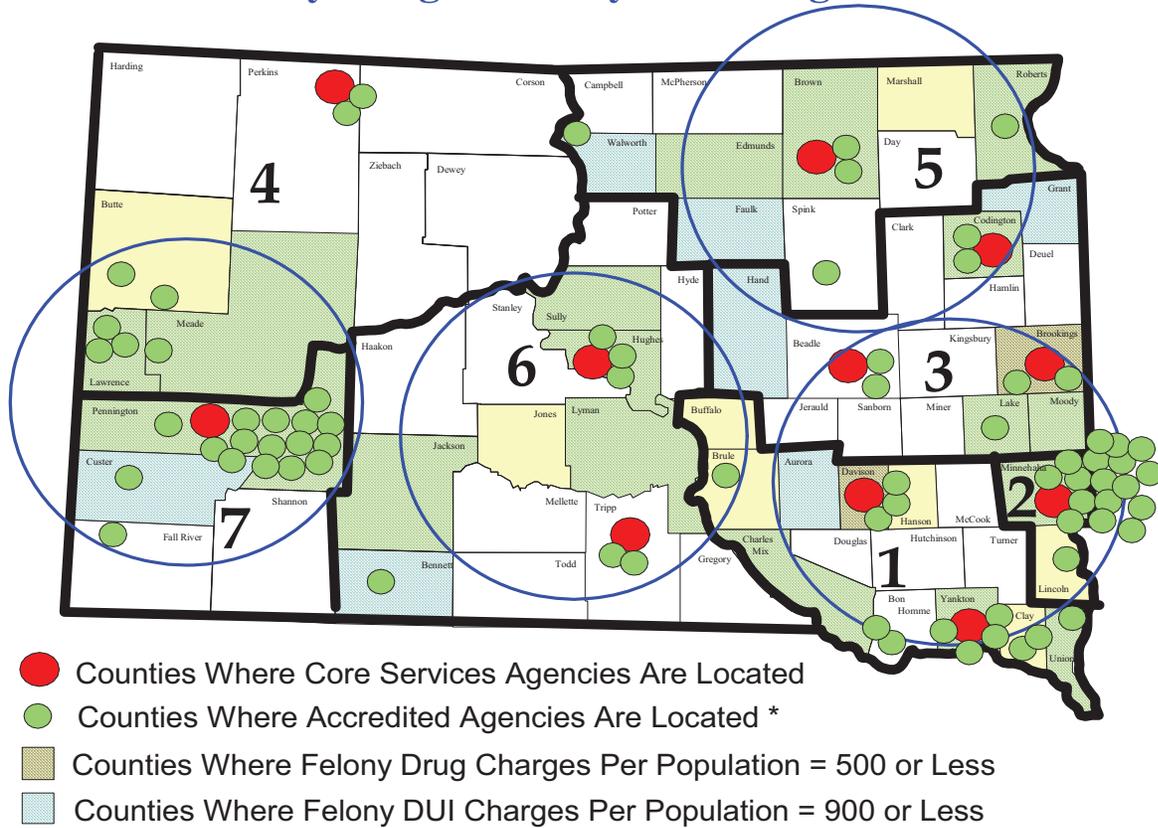


# Appendix 7: Felony Drug & Felony DUI

## Target Areas



## Felony Drug & Felony DUI Target Areas



\* Accredited Agencies by Dept. of Human Services

Rev. 08/06/09



Appendix 8: Fourth Circuit  
Cost Savings Report



COSTS ASSOCIATED WITH SOUTH DAKOTA PENITENTIARY INCARCERATION						
vs.						
SAVINGS ASSOCIATED WITH PARTICIPATING IN DRUG COURT 2008						
(A) Correctional Costs - Department of Corrections Actual Daily Costs - Women=\$69.09 Men=\$63.69	(B) Child Support Obligations provided by Participant pursuant to Court order	(C) Foster Care Costs - Department of Social Services Actual Monthly Costs - Age 0-12=\$478.33/mo Age 13-18=\$574.43/mo	(D) Treatment Costs - Northern Hills Alcohol & Drug Actual Costs - 1/3 Paid by Participant 2/3 Paid by NHDC	(E) Annual Income determined by Tax Returns, Pay Stubs or self-disclosure by Participants	(F) Taxes Paid - Determination same as E	(G) Community Service Hours tracked by NHDC
255 days x \$63.69 = \$16,240.95	Paid \$1,500 for one child	\$0	\$429.70	\$18,010.46	\$2,316.00	10 hrs.
	<i>Participant pays child support to the custodial guardian of child who does not reside with Participant</i>	<i>Custodial Guardian - No Foster Care anticipated</i>	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed as a well driller</i>		<i>Volunteered for Action of the Betterment of the Community</i>
365 days x \$69.09 = \$25,217.85	Paid \$1108.00 for one child	\$12,634.32	\$663.20	\$5,767.94	\$283.00	20 hrs.
	<i>Participant pays child support to the custodial guardian of child #1 who does not reside with Participant</i>	<i>Child #1 -- Age 0-12, Cost for foster care \$478.33 /month Child #2 --Age 13-18, Cost for foster care \$574.43/month</i>	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed at McDonald's Restaurant</i>		<i>Volunteered at the Whitewood Police Dept.</i>
329 days x \$63.69 = \$20,954.01	\$0	\$0	\$379.70	\$92,070.76	\$2,620.00	0
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs.</i>	<i>Self-employed as a plumbing contractor in the Northern Hills</i>		
329 days x \$69.09 = \$22,730.61	\$0	\$0	\$971.18	\$7,173.00	\$650.00	5 hrs
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Full-time student with partime employment</i>		<i>Volunteered for Action of the Betterment of the Community</i>
365 days x \$69.09 = \$25,217.85	Paid \$1,300 for 2 children	\$5,741.16	\$1,366.99	\$6,516.73	\$469.00	0
	<i>Participant pays child support to the custodial guardian of children (two) who do not reside with Participant</i>	<i>Child 1 -- Age 0-12, Cost for foster care \$478.33/month</i>	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed at Taco Bell</i>		
365 days x \$69.09 = \$25,217.85	\$0	\$11,479.92	\$965.16	\$49,668.50	\$1,104.00	0
		<i>2 Children -- Ages 0-12, \$478.33/month</i>	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed as Restaurant Manager</i>		
97 days x \$69.09 = \$6,701.73	\$0	\$1,525.81	\$637.30	Unknown	Unknown	0
		<i>1 Child -- Age 0-12, \$478.33/month</i>	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Expelled from the drug court program and employment and tax figures are not known.</i>	<i>Tax figures unknown</i>	
14 days x \$69.09 = \$967.26	\$0	\$0	\$0	Unknown	Unknown	0
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Expelled from the drug court program and employment and tax figures are not known.</i>	<i>Tax figures unknown</i>	

(A) Correctional Costs - Department of Corrections Actual Daily Costs - Women=\$69.09 Men=\$63.69	(B) Child Support Obligations provided by Participant pursuant to Court order	(C) Foster Care Costs - Department of Social Services Actual Monthly Costs - Age 0-12=\$478.33/mo Age 13-18=\$574.43/mo	(D) Treatment Costs - Northern Hills Alcohol & Drug Actual Costs - 1/3 Paid by Participant 2/3 Paid by NHDC	(E) Annual Income determined by Tax Returns, Pay Stubs or self-disclosure by Participants	(F) Taxes Paid - Determination same as E	(G) Community Service Hours tracked by NHDC
283 days x \$63.69 = \$18,024.27	Paid \$3,600.00 for 3 children	\$13,554.77	\$775.56	\$34,292.92	\$2,546.00	0
	<i>Pays child support to the custodial guardian of three children who do not reside with the participant</i>	3 Children -- Ages 0-12, \$478.33/month	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed as a farmer &amp; heavy equipment operator</i>		
177 days X \$69.09 = \$12,228.93	\$0	\$0	\$1,014.38	\$0.00	\$0.00	245 hrs.
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs.</i>	<i>On disability benefits for a medical condition.</i>		<i>Volunteers at the Sturgis Public Library, 15 hrs. per week.</i>
69 days x \$63.69 = \$4,394.61	\$0	\$0	\$496.38	Unknown	Unknown	0
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Expelled from the drug court program and employment and tax figures are not known.</i>	Tax figures unknown	
175 days x \$63.69 = \$11,145.75	\$0	\$0	\$838.45	\$0.00	\$0.00	365 hrs
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Completed jail sentence and inpatient treatment. Currently seeking employment.</i>		<i>Volunteers at the Sturgis Community Center, 30 hrs. per week.</i>
126 days x \$63.69 = \$8,024.94	\$0	\$0	\$853.58	\$14,559.34	\$1,019.00	0
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed as laborer for local construction company</i>		
100 days x \$69.09 = \$6,909.00	\$0	\$3,146.00	\$11.73	\$0.00	\$0.00	0
		2 Children -- Age 0-12, \$478.33/month	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Completed jail sentence and inpatient treatment. Currently seeking employment.</i>		
98 days x \$63.69 = \$6,241.62	\$0	\$0	\$680.12	\$28,085.00	\$3,200.00	0
			<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Employed as an electrician for a sign company.</i>		
15 days x \$69.09 = \$1,036.35	\$0	\$956.66	\$80.13	\$0.00	\$0.00	0
		2 Children -- Age 0-12, \$478.33/month	<i>In Drug Court, participants are required to pay 1/3 of their treatment costs</i>	<i>Completing jail sentence.</i>		
<b>Total Saved Correctional Costs to the Taxpayer: \$211,253.58</b>	<b>Total Child Support Paid by Participant: \$7,508.00</b>	<b>Total Saved Foster Care Expense: \$49,038.64</b>	<b>Treatment Costs Paid by Participant: \$10,163.56</b>	<b>2008 Total Annual Earned Income: \$256,144.65</b>	<b>2008 Taxes Paid: \$14,207.</b>	<b>Total Community Service and Volunteer Hours: 645</b>

## Appendix 9: Proposed Symposium Agenda

## **"LISTENING & LEARNING IN ORDER TO GROW"**

### **SOUTH DAKOTA PROBLEM-SOLVING COURTS SYMPOSIUM Huron, Crossroads August 18, 2010**

**8:00 a.m.-8:30 a.m. Registration and refreshments**

**8:30 a.m.-9:00 a.m. Welcome/Introductions, Recognition of SD Problem-Solving Graduates in Attendance, & SD Drug Court Study Overview**

**Chief Justice David Gilbertson  
Attorney General Marty Jackley  
Nancy Allard, Director of Trial Court Services**

**9:00 a.m. -10:00 a.m. Plenary: *The Promise of Drug Courts***

**Carolyn Hardin  
Senior Director, National Drug Court Institute**

This presentation outlines the history of drug courts and discusses four main points: What we know about the justice system; what we know about addiction; what we know about treatment; and what we know about coercion. It introduces the audience to the fact that addiction is a disease that it is treatable, and that treatment for addiction is as successful as treatment for other major diseases. The presentation includes basic statistics on the justice system and drug courts, including data from several major studies, the CASA studies and data from individual program evaluations.

**Learning Objectives:** At the end of this session, the participant will be able to:

- Understand the philosophy and history of coerced treatment and the drug court movement.
- Understand trends in drug use, abuse, treatment and criminality
- Understand the major concepts and theories underlying the drug court concept.
- Understand recent research findings on the effectiveness of drug courts.

**10:00 a.m.-10:15 a.m. Break**

**10:15 a.m.-11:00 a.m. Plenary: *Court as Theatre***

**Carolyn Hardin**

The presentation is a discussion of the theatrical aspect of a drug court. It outlines the role of staffing, where the team comes to a consensus on each participant. It also discusses the court itself and how drug court sessions differ from the traditional court setting. The role of each team member is discussed, with particular attention to the judge. This presentation discusses the different judicial styles used in drug court and the role of the physical arrangement of the court. Dr. Sally Satel's article in the NDCIR is specifically cited, and is the basis of much of the discussion concerning environment.

**Learning Objectives:** At the end of this session, the participant will be able to:

- Identify variables in the drug court environment.
- Distinguish what makes the drug court environment therapeutic.

**11:00 a.m.-12:00 a.m. SD Problem Solving Courts**

Judges from the 2<sup>nd</sup>, 4<sup>th</sup>, and 6<sup>th</sup> Circuits will give an overview of their problem-solving courts.

**12:00 a.m.-1:15 p.m. Lunch on your own**

**1:15 p.m.-2:00 p.m. Plenary: *Core Competencies of Drug Court Professionals*  
Carolyn Hardin**

This presentation outlines the competencies, or roles and expectations, of the drug court team members. This presentation is designed to prepare the team leaders to organize their team to plan a drug court program. The 1 hour presentation covers all of the team members' roles and expectations.

**Learning Objectives:** At the end of this session, the participant will be able to:

- Identify the new areas of expertise (core competencies) required of drug court team members.
- Identify the core competencies required of drug court team members.
- Understand the relationship between competencies and quality assurance in a drug court program and how the core competencies of the team members may affect the ultimate success of the drug court program.

**2:00 p.m.-2:15 p.m. Break**

**2:15 p.m. -3:00 p.m. Funding Options  
Carolyn Hardin**

This presentation outlines the different resource and funding options available to drug court programs. It includes references and descriptions of federal, state, and local resources, as well as descriptions of other monetary and non-monetary resources. The presentation emphasizes the importance of planning for the drug court's sustainability and, eventually, institutionalization. Included in this process is a discussion of community resource mapping, which is also covered in a break-out exercise.

**Learning Objectives:** At the end of this session, the participant will be able to:

- Identify funding sources at the national, state, and local levels
- Understand how to utilize community resources

**3:00 p.m.-3:15 p.m. Break**

**3:15 p.m.-4:15 p.m. Plenary: *Laying the Foundation for Drug Court Planning*  
Carolyn Hardin**

This presentation covers the importance of building the best team, assembling a steering committee, and gathering data to determine baseline statistics in their jurisdiction.

**Learning Objectives:** At the end of this session, the participant will be able to:

- Identify the "next steps" for the team leaders in the Drug Court planning process.
- Draft a preliminary Jurisdictional Action Plan to address task to move forward with planning a drug court program.

**4:15 p.m. Closing Remarks**

## NOTES

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Any questions or comments regarding this Study should be directed to the State Court Administrator's Office, 500 East Capitol Avenue, Pierre, SD 57501-5070, (605) 773-4873.

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