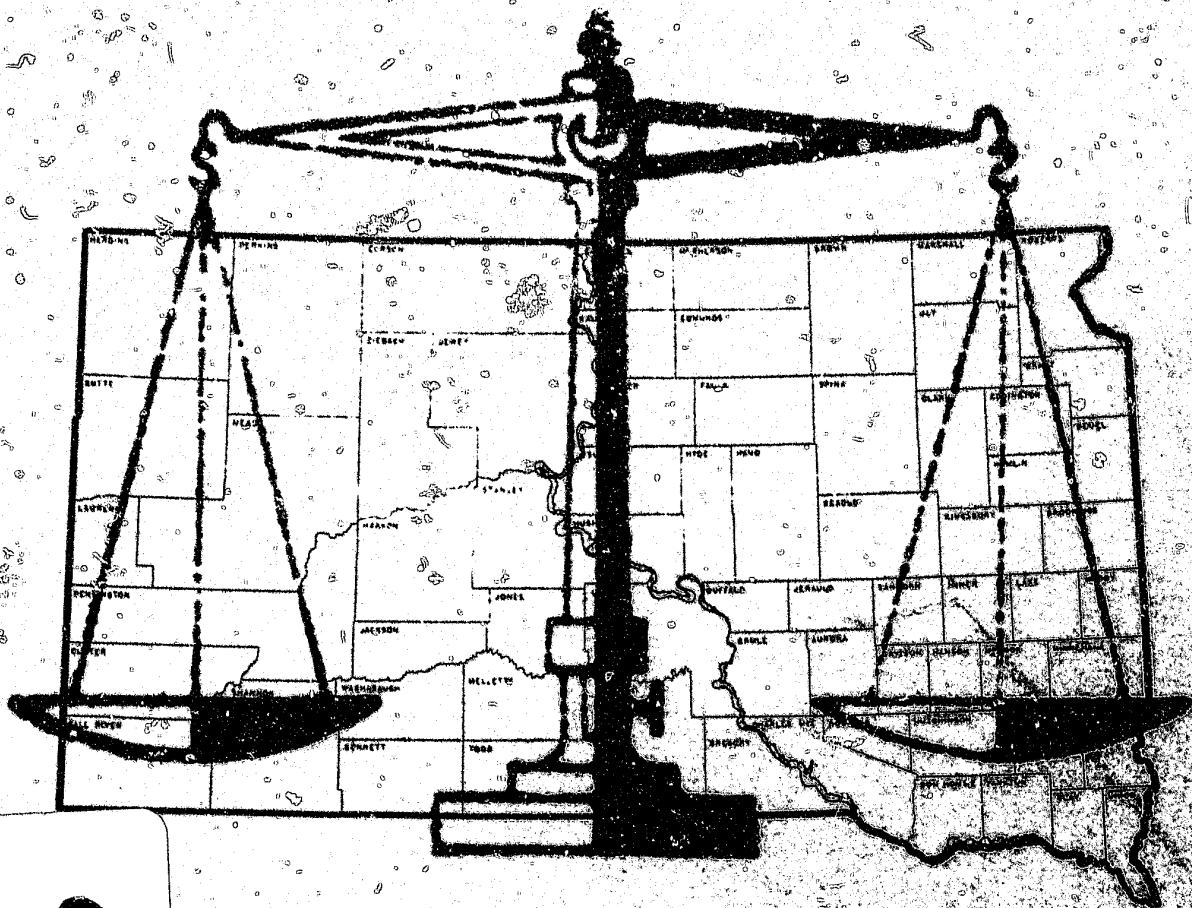


SOUTH DAKOTA STATE PENITENTIARY : AT THE CROSSROADS



**A BRIEF EXAMINATION OF THE SOUTH DAKOTA
STATE PENITENTIARY AND ITS FUTURE NEEDS**

**SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY
Division Of Law Enforcement Assistance
200 West Pleasant Drive
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NCJRS

JUN 19 1979

ACQUISITIONS

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SOUTH DAKOTA STATE PENITENTIARY:

AT THE CROSSROADS

AUGUST 1978

DIVISION OF LAW ENFORCEMENT ASSISTANCE
SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY
PIERRE, SOUTH DAKOTA

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August 21, 1978

TO: MEMBERS OF THE BOARD OF CHARITIES AND CORRECTIONS

This study is the result of increasing concern over the rising inmate population at the South Dakota State Penitentiary.

Nationwide, the rapidly rising prison populations have become a serious problem. In several states federal court action has become necessary to force states to address the overcrowding in their institutions. This study is being undertaken in anticipation of federal court intervention. The Board of Charities and Corrections in South Dakota has recognized the need for preventive action and called upon the Division to help address the overcrowding issue and prepare an issues clarification document.

This study does not attempt to provide all the answers to questions concerning the future of adult corrections in South Dakota. Rather, it should raise more questions than it answers. This document should serve as a catalyst in arriving at a consensus on what the future of South Dakota Corrections should be, specifically as it relates to the operation of the South Dakota State Penitentiary.

Traditionally, the correctional system is probably the least understood component of the criminal justice system. In South Dakota the correctional system has undergone extensive change in the last several years. However, to a large extent the South Dakota State Penitentiary appears to have been neglected during this same period. The State Penitentiary has been placed in a reactionary role to decisions made concerning the correctional system in South Dakota. With the impact of the increasing inmate population, the State Penitentiary must become more involved in planning for the adult correctional system in South Dakota.

It is hoped that this report will impress upon the reader the importance of viewing the State Penitentiary as being closely intertwined with the role and function of other segments of the criminal justice system in South Dakota. In addition, the seemingly unique problems which plague the State Penitentiary have a commonality which impact upon other criminal justice agencies as well. Hopefully you will also see the need to press on for resolution of these problems in the correctional field.

Elliott M. Nelson, Director
Division of Law Enforcement Assistance

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In 1970, Norval Morris and Gordan Hawkins wrote in Federal Probation that "the American correctional system handles about 1.3 million offenders on an average day; it has 2.5 million admissions in the course of a year; its annual budget is over a billion dollars, of which well over half goes to feed, cloth and guard adult criminals in prisons and jails. The facilities, programs and personnel of the correctional systems are badly over taxed. More-over assuming that present trends in courts and convictions continue, the system will in the future, unless policies are radically changed, have to face even more extreme pressures."

That prediction has come to be true today. The adult correctional system in South Dakota, as well as the system nation-wide, has experienced tremendous inmate population increases. The consensus is that the future holds more of the same in store.

Because of this anticipated increase of activity in the correctional field, sound planning must take place. This is especially important since the trend seems to be that government plays too big of a role in people's lives and wastes too many tax dollars. The adult correctional system in South Dakota perhaps is not thought of as governmental agency by the citizens of the state, but it will suffer as much as (or even more) any other agency if drastic budget cuts are made. It is felt by many that resources currently available to the adult correctional system are already too scarce and that is, in itself, reason enough to engage in careful planning. If budgets are further slashed through the enactment of Proposition 13 like statutes, then the system will surely suffer.

One key component of any planning exercise is an anticipation of the future. Only by projecting what future needs and problems may be, can one rationally allocate existing and future resources towards alleviating problems.

The South Dakota State Penitentiary first formally requested technical assistance from the Division of Law Enforcement Assistance during the fiscal year 1978 planning process. The State Criminal Justice Commission approved the Penitentiary's request for assistance and it became incorporated into the Division's Technical Assistance and Strategy Plan.

In March of 1978, an informal follow-up request was made by the Warden of the South Dakota State Penitentiary for the DLEA staff's assistance in planning for the future of adult corrections within the state. The State Penitentiary could not engage in a planning process on its own because of a presumed lack of expertise in the planning area, and also because of the lack of manpower to devote to such a task. This recognition of the importance of planning, combined with the lack of internal resources, prompted the Warden to formally request technical assistance from the South Dakota Division of Law Enforcement Assistance staff in developing a plan for the Penitentiary.

The Division of Law Enforcement Assistance devoted five professional staff members (in varying degrees) and two student interns to the Penitentiary planning project. The members of the study team force utilized annual reports compiled by the Penitentiary staff for a major part of the study. They also wrote to surrounding states asking them for descriptive information on their penal systems as well as any future population projections. Finally, the members of the study team reviewed other current correctional literature that was made available to the Division of Law Enforcement Assistance from various other sources. (Most notably the Statistical Analysis Center at the University of South Dakota in Vermillion and the National Criminal Justice Reference Service in Rockville, Maryland).

Initially, it was felt that the study team could arrive at some definitive population projections for the Penitentiary for the next decade. After researching available literature on this subject and by communicating with surrounding states, it was determined that such precise projections would not be feasible because of the unreliability of solid economic and demographic projections in general and inmate population projection formulas specifically. Since planning is based almost entirely on anticipating the future, the ideal situation would be to have developed accurate population projections. Caution is urged in the use of the population projections which are included as part of this report. The problems and limitations in projecting inmate populations will be discussed in an later section of this report.

In that the projection of inmate populations proved to be largely lacking in validity, the report was broadened to take a general look at problems currently facing the Penitentiary and also those problems that may be anticipated to arise in the future. The adequacy of the present physical facility was examined as well as additional steps that may be taken in the classification of offenders and in the treatment options consistent with those classifications.

One of the most important issues that surfaced during preparation of this report is the necessity for complete and accurate data to engage in proper planning. The advent of a offender-based state correctional information system would be of immense help to the planning of both internal operations of the Penitentiary and the projection of future needs. Of crucial importance to the alleviating of the problems of the State Penitentiary is the need to plan for the needs of the institution as a segment of the total corrections system. The State Penitentiary, perhaps more than any other institution, is affected both favorably and adversely by the policy decisions arrived at by other segments of the criminal justice system. Because of this, its administrative strategy is largely "reactive" based upon the activities of other components of the criminal justice system. The problems which have surfaced can best be mediated through total comprehensive planning - an end result which a Corrections Master Plan could act as the catalyst for.

II. THE SOUTH DAKOTA STATE PENITENTIARY

A. History and Growth

The South Dakota State Penitentiary had its beginnings as a federal prison in Dakota Territory in 1881. Situated north of Sioux Falls, it consisted of two cell blocks that flanked the east and west sides of an administration building. The total cost of the land, building, water supply, heating, and miscellaneous equipment and supplies amounted to \$59,620.90.

December 31, 1882, the institution became a territorial prison and when South Dakota later obtained statehood in 1889, it became the State Penitentiary. The original two cell blocks, Federal Hall and West Hall, remain today. In 1904 West Hall was extended and later in 1939 the hall was completely renovated and converted into a dormitory style reformatory unit for inmates under the age of 31. The block was again later restructured into the single cell unit as it presently exists. East Hall was constructed in 1925 as an adjoining structure to Federal Hall. A maximum security unit, the Adjustment Center, was completed in 1964.

Other improvements made to the South Dakota State Penitentiary since its inception include the building of a dining room, an auditorium-chapel, and a hospital area within the main complex in 1913. This area was completely modernized and the current kitchen and hospital constructed in 1947. A Rehabilitation Center for sports, music and art was constructed in 1966. A modernized infirmary and dental office was established in 1968 and in 1972 the dining hall was completely renovated. An open visiting facility became available in 1974 and a new dormitory was constructed at the prison farm in 1975.

In addition to physical structure changes, programmatic developments also occurred. Prison industries had their beginning in a stone quarry operation that was established in 1883. A shirt factory existed from 1904 to 1914 and in 1905 the South Dakota State Legislature authorized a twine factory. This latter industry was phased out in 1957 and the buildings used in its operation were converted into housing for the vocational school, prison industries, shops and a supply department. In 1966 the Granite City Chapter of the Jaycees was established at the State Penitentiary. A year later Operation Pitfall was implemented. October, 1972, marked the start of the man-to-man (M-2) program by the Siouxland Ecumenical Association of South Dakota. An alcohol counseling program was initiated in 1975 and a drug counseling program was established in 1977.

B. Present Situation

1. Physical Plant

The main Penitentiary structure includes the cell blocks, kitchen, hospital, dining hall, chapel, control room and administration. There are 482 cells in the main institution; West Wing - 144, East Hall - 200, Federal Hall - 100 and Maximum Security - 38. The prison industries building houses laundry, license plates, machine shop, auto shop,

small engines, upholstery shop, carpentry shop, print shop, sign shop, book binding and shoe repair. The adjustment center, supply room, plumbing shop, electrical shop, maintenance shop and school are also found in this same building structure. The school area includes television repair, a library, a separate law library and classrooms.

The Rehabilitation Center is located just outside the prison walls and is connected to the main facility by a tunnel. It includes a gymnasium, a weight lifting room, a handball/racquetball court, table tennis, indoor horseshoe pits, shuffleboard courts and rooms for music, art, ceramics, college courses and meetings.

A number of inmates on trustee status are provided housing in the cottage. It is a minimum security structure situated outside the prison complex. It contains twenty-four rooms for a maximum of 48 residents, plus a kitchen and a dining room. Trustees are also located at the prison farm. The farm is located ten miles west of the Penitentiary in the Big Sioux River Basin. It is a 650 acre operation which includes dairy, beef, hog, egg-laying and general cropping functions. The South Dakota Human Services Center also provides housing to twelve to twenty Penitentiary inmates on work release. Various other Penitentiary facilities include a greenhouse, a slaughterhouse, a root cellar, and an auto body shop. The institution also has an electrical transformer site, the security and identification office, several guard towers, residences for the warden and deputy warden, and a warehouse which contains a garage, an electrical vault and boiler room.

2. Institutional Programs

In the last few years the administration has placed an emphasis on upgrading and refining both institutional management and institutional programs. The Penitentiary has the responsibility for maintaining secure custody of the men committed to the institution, maintaining a safe and healthful environment, and providing these men the opportunities to acquire the skills, attitudes and values that will help them become productive citizens upon release. Toward this end a wide range of facilities, activities and programs are available.

Medical - Four part-time medical staff persons: a doctor, a dentist, an optometrist, and a pharmacist, serve the Penitentiary. Two full-time nurses are employed and there are inmates that serve as paramedics in the prison infirmary. Inmates requiring surgery are sent to a Sioux Falls hospital.

Religious - A full-time Director of Religious Activities is employed at the institution. He also fills the position of a Protestant Chaplain. A Catholic Priest also serves the Penitentiary on a part-time basis. They conduct regular chapel services every Sunday in the chapel/auditorium. In addition Bible Study classes meet weekly in the evening and on certain afternoons. The institutional chaplains are available each week for personal interviews or counseling. The chaplains also assist families of inmates when their services are requested. Special provisions are made for other denominations in accordance to their religious needs. For example: Sweat lodges and medicine men are available for Native Americans.

Educational - The educational programs at the institution offer testing, adult basic education courses, high school, general educational development preparatory courses, vocational training and college courses. The school building houses an 8,000 plus volume library which is available to all men of the institution. The basic adult education program is primarily for inmates with a limited formal education and for those who need refresher courses. The program concentrates on reading and mathematics. The high school, Coolidge High, holds full accreditation from the South Dakota Department of Elementary and Secondary Education. Its program contains open-ended scheduling and individualized teaching which permits the student to enroll in classes at any time and to advance at his own speed. There also exists the opportunity to take the GED high school equivalency test. One college course is offered at the institution each semester and college courses are also available through correspondence. In addition the National College of Business conducts courses at the Penitentiary. An inmate may participate as a full-time student in this program.

Vocational - Courses offered through the vocational training program include Auto Mechanics, Upholstery, Auto Body Repair and Painting, Welding, Graphic Arts, and Culinary Arts. Space and equipment limit class size from five to nine students. Inmates must be approved for admission to a vocational course and then, due to small class size, are usually placed on a waiting list. In addition to the actual vocational course, there are three related trade courses which must be completed before receiving a certificate. These are Blueprint Reading, Industrial Relations and Shop Math. Full-time vocational students are paid 90¢ a day.

Recreation - Athletic activities available at the institution include basketball, volleyball, softball, baseball, shuffleboard, flag football, table tennis, racquetball, horseshoes, handball and weight lifting. The recreational program is located in the Rehabilitation Center and when the weather permits the sports activities are extended outdoors onto the prison grounds. The Recreation Building also includes a music room, practice rooms and an arts and crafts center. During the winter volunteer entertainers are scheduled to perform on a monthly basis. Current movies are also shown every Saturday and on holidays.

Guidance and Counseling - Currently there exists eight staff persons including a psychologist within the counseling program. Besides general counseling, specific drug and alcohol counseling programs are in operation. Through the counseling programs inmates with alcohol or drug problems are also encouraged to attend Alcoholics Anonymous and Narcotics Anonymous. There also exists a VASTRE program which involves an inmate and his counselor in the development of a plan of action tailored to his individual needs during the course of his stay at the institution. The program is designed to give an inmate a positive base for release.

Community Service - Jaycees and Operation Pitfall are both directed toward helping the community. The Granite City Chapter of the Jaycees' main purpose is to teach men the basic fundamentals of leadership and community development. Operation Pitfall is a program whereby inmates appear before school assemblies or adult groups and tell of the experiences that led them to prison and to emphasize the fact that crime does not pay.

Volunteer Programs - The man-to-man (M-2) program was implemented for the purpose of establishing a friendship between an inmate and a concerned male churchmember from the outside. The objective of this friendship is to help guide the inmate into becoming a law abiding citizen upon his release. Another program, Operation Stay-Out, utilizes volunteers from the community to assist an inmate in adjusting to life outside the prison walls. Attendance at this pre-release program is required of all parolees prior to release. Resource people speak to the group regarding employment opportunities, living conditions, religion, law, social problems, and drugs and alcohol. The program consists of five meetings scheduled over a two week period.

Trusty Program - The trusty program allows select inmates to live separate from the general prison population and in most cases outside the prison walls. Selection to trusty/status is based primarily on the man's prison record, the type of crime he committed. Trustees are housed at the South Dakota Human Services Center, the farm, the prison dormitory or the cottage. Some trustees are assigned to work at the West Farm while others are involved in building and ground maintenance duties or on institutional construction crews and in other miscellaneous duties around the Penitentiary. Also classified as trustees are those inmates that are participating in work release and study release programs.

Work Release/Study Release - The work release program provides employment for men who are still in prison. Inmates who apply for work release are closely screened for eligibility for the program. Inmates who are selected for work release are normally serving the last six months of their sentence. They must be viewed as a low security risk, have potential for program completion, and have a sense of responsibility to society. Work release provides a man with a job, money in his pocket, on the job experience, and communication with fellow employees. Also designed to give a man a head start on the outside before his release is the study release program. It allows an inmate to attend on campus courses and to achieve a start on his educational plans. A screening process similar to that used for work release is employed in this program.

Institutional Work/Prison Industries - Inmate institutional work is found in the following areas: secretarial; teaching; institutional industries; institutional maintenance; and medical aides. All new inmates involved in institutional work begin at 90¢ a day. Raises are given once each monthly pay period and are based on (1) time on the job, (2) work performance and (3) job responsibilities. The

same pay scale is used for inmates working in the prison industries program. Prison industries include license plate, book bindery, sign and carpentry shops and the farm. These two programs increase inmate rehabilitative potentials by providing skills, good work habits, confidence in their ability to work, and compensation for work performed.

3. Rules, Procedures and Policies

It was through Chapter 1 of Title 24 of the South Dakota Compiled Laws that the State Penitentiary was established. The statute provides that "The South Dakota State Penitentiary shall be the general prison of the state for the punishment and reformation of offenders, wherein such offenders as may be committed thereto, according to law, by any court of this state, shall be confined, employed and governed in the manner hereinafter provided." The law further provides that "The State Penitentiary shall be under the direction and government of the Board of Charities and Corrections."

Rules governing the state penal institution are presently in draft form and not yet promulgated. They encompass all aspects of the penitentiary's operation. Areas covered include records, intake procedures, telephone visits, classification board, custody procedures, commissary, inmate accounts, inmate travel policy, visits, release, discharge procedure, inmate conduct, property, disciplinary board, adjustment center, inmate grievance procedures, good time procedures, work release, counseling, religion, special activities, recreation, library, bulletin board, administration of living, clothing, medical care and hygiene. Procedures for classification, inmate grievances and good time are explained below.

Classification Procedures - All new inmates are subject to intake procedures upon their arrival at the South Dakota State Penitentiary. They are assigned to a special block of cells during this intake period which lasts from three to five days. The process includes a thorough physical and dental examination; academic and psychological testing; preparation of biographical history; fingerprinting; photographing; participation in a course covering the rules, regulations and programs of the institution and the determination of an inmates initial work and/or training assignment.

Within ten days of admission the inmate is classified to ensure an efficient use of prison services and to better assist the inmate in his efforts to first return to society and then to help him stay out of prison after his release. The classification committee is comprised of the Associate Warden of Classification and Inmate Services, the inmate's counselor and the Associate Warden of Administration and Programming. Inmates with life sentences may have in addition to the three members already named, the prison psychologist and a member of the custody staff to serve on his classification committee. The classification procedure is as follows: staff reviews information, client appears providing input and interview, client steps out while decision is rendered, a brief description of action is recorded on the classification action sheet and the chairman dictates the formal

decision to be typed and placed in the central file. It is at this time that the committee designates each inmate with a custody classification which may be subject to change upon review by the Board.

There are four custody classifications: Trusty, Medium Custody, Maximum Custody, and Close Custody. Trusty is a classification granted to inmates based upon their good conduct with the institution, progress, disciplinary record, facts about their conviction, prior record and time remaining and any other matters considered. Trusty status implies that the inmate is eligible for the least secure housing facility, including dormitory, cottage, and farm. A trusty may work on outside details with a minimum amount of supervision. Medium Custody is a classification granted to inmates based upon conduct, progress, disciplinary record, prior record, and time remaining. Medium Custody implies that the inmate may be assigned to a secure housing unit within the institution. A Medium Custody inmate is eligible for outside work details under supervision of a staff member. Maximum Custody is a classification granted to an inmate not meeting the criteria of Trusty, Medium Custody, or Close Custody. Maximum Custody implies that the inmate may be assigned to regular housing facilities or the most secure housing facilities within the institution and the inmate is not eligible for work assignments or activities. Close Custody is a classification granted to a Maximum Custody inmate due to risk of escape, violence, criminal record, escape record, length of sentence, amount of time already served, holds from outside the institution, and institutional reports and staff recommendations. Close Custody implies that the inmate may be assigned to regular housing facilities within the institution and be eligible for work assignments and activities under close supervision within the institution.

In addition to the four prementioned custody classifications, there is Protective Custody which is an Administrative Segregation status. An inmate may be placed in Protective Custody by his request when approved by the Deputy Warden or the Officer in charge; at the request of the Warden; during any investigation for the protection of an inmate or others; awaiting trial for a crime committed in the institution; a custody risk who cannot be held in the general population; and inmates who after punitive treatment, cannot be reasonably and safely returned to the regular inmate population. The Deputy Warden shall review the status of each inmate in Protective Custody every thirty (30) days.

A second appearance before the Classification Committee will be scheduled by the inmate's counselor two months after his arrival at the institution. Each subsequent meeting will be scheduled by the client's counselor for any major change in programming. All clients will appear before the classification committee at least annually.

Inmate Grievance Procedures - The South Dakota State Penitentiary has established an inmate grievance committee of whose purpose it is to investigate complaints and make recommendations. Committee members consist of one representative from each of the following divisions: security, treatment, and administration. Prior to the implementation of the formal grievance procedure, an inmate must resolve his grievance informally through consultation with his (a) counselor, (b) cell hall sergeant, (c) work supervisor or (d) any appropriate person. An inmate

shall document his attempt to resolve this grievance informally on the grievance form.

If the inmate is unable to resolve his grievance informally, he may submit his grievance in writing to his counselor within (10) ten working days of the incident which gives rise to the grievance. A Grievance Form is completed and the counselor submits it to the chairman of the committee and a copy is returned to the inmate.

Upon receiving notice of the grievance, the chairman has five days by which to notify the inmate in writing that: (1) the committee has reviewed the grievance and has acted without a hearing and a written explanation will be forwarded to the warden and to the inmate; or, (2) notify the inmate that a hearing will be held and that a place and time has been set. If a hearing is held the chairman may call witnesses and request evidence. The inmate then has the following rights: (1) to receive notice forty-eight hours prior to the hearing; (2) to be present at his hearing to present his grievance, call witnesses and present documentary evidence provided they are relevant and necessary to the hearing and would not be unduly hazardous to institutional safety or security. Within ten working days of the hearing, the committee must submit their decision to the inmate and forward a copy to the warden. The inmate may appeal the committee's decision to the warden. The appeal must be submitted within five working days of the decision of the committee. The appeal is submitted on a Grievance Form and the warden or his representative shall investigate the matter. Within five working days of the notice of appeal the warden or his representative shall submit a written decision to the inmate with a copy sent to the Executive Director of the Board of Charities and Corrections. The warden's decision may also be appealed. The appeal must be submitted within five working days of the warden's decision to the Board of Charities and Corrections. An investigation is conducted and within sixty days the Board must submit a written decision to the warden and the inmate with explanatory reasons for the Board's decision.

Good Time Procedures - Inmates sentenced for any term less than life who have satisfactorily complied with the rules and regulations of the prison and the State Laws are entitled to a reduction of sentence in accordance with the following "Good Time" schedule:

<u>Year of Sentence</u>	<u>Days Awarded Per Month</u>	<u>Good Time Accumulated Per Year</u>	<u>TOTAL - GOOD TIME ACCUMULATED</u>
1	5	2 months	2 month
2	5	2 months	4 months
3	7½	3 months	7 months
4	10	4 months	11 months
5	10	4 months	1 year & 3 months
6	10	4 months	1 year & 7 months
7	10	4 months	1 year & 11 months
8	10	4 months	2 years & 3 months
9	10	4 months	2 years & 7 months
10	15	6 months	3 years & 1 month
11	15	6 months	3 years & 7 months
12	15	6 months	4 years & 1 month
13	15	6 months	4 years & 7 months
14	15	6 months	5 years & 1 month
15	15	6 months	5 years & 7 months
16	15	6 months	6 years & 1 month
17	15	6 months	6 years & 7 months
18	15	6 months	7 years & 1 month
19	15	6 months	7 years & 7 months
20	15	6 months	8 years & 1 month
21	15	6 months	8 years & 7 months
22	15	6 months	9 years & 1 month
23	15	6 months	9 years & 7 months
24	15	6 months	10 years & 1 month
25	15	6 months	10 years & 7 months
26	15	6 months	11 years & 1 month
27	15	6 months	11 years & 7 months
28	15	6 months	12 years & 1 month
29	15	6 months	12 years & 7 months
30	15	6 months	13 years & 1 month
31	15	6 months	13 years & 7 months
32	15	6 months	14 years & 1 month
33	15	6 months	14 years & 7 months
34	15	6 months	15 years & 1 month
35	15	6 months	15 years & 7 months
36	15	6 months	16 years & 1 month
37	15	6 months	16 years & 7 months
38	15	6 months	17 years & 1 month
39	15	6 months	17 years & 7 months
40	15	6 months	18 years & 1 month
41	15	6 months	18 years & 7 months
42	15	6 months	19 years & 1 month
43	15	6 months	19 years & 7 months
44	15	6 months	20 years & 1 month
45	15	6 months	20 years & 7 months
46	15	6 months	21 years & 1 month
47	15	6 months	21 years & 7 months
48	15	6 months	22 years & 1 month
49	15	6 months	22 years & 7 months
50	15	6 months	23 years & 1 month

<u>Year of Sentence</u>	<u>Days Awarded Per Month</u>	<u>Good Time Accumulated Per Year</u>	<u>TOTAL - Good Time Accumulated</u>
51	15	6 months	23 years & 7 months
52	15	6 months	24 years & 1 month
53	15	6 months	24 years & 7 months
54	15	6 months	25 years & 1 month
55	15	6 months	25 years & 7 months
56	15	6 months	26 years & 1 month
57	15	6 months	26 years & 7 months
58	15	6 months	27 years & 1 month
59	15	6 months	27 years & 7 months
60	15	6 months	28 years & 1 month

The Parole Board has the authority to make entries into an inmate's record. It must notify the inmate of the results of any entry decisions within five days of such action. The same is true when the board either makes a decision to grant or reduce good time. Within fifteen days after notification of a decision affecting any entry on the inmate's record or good time, the inmate may petition for a hearing before the board. This petition for review must be verified under oath and contain a concise statement of the reasons why the inmate alleges the decision to be incorrect. Even then the board may deny the petition if they determine it to be frivolous. If the board feels the petition is meritorious, it may grant the petition without hearing or grant a hearing and allow testimony and accept evidence. The inmate will be notified of the board's decision within five days of the date upon which the decision is made. A review hearing will be set no more than forty days after receiving a petition for review. The board will then make its decision within ten days of the review hearing and notify the inmate of its decision within five days of the decision.

The institution has also produced a handbook for the inmates which is entitled Living Guide and Regulations of the South Dakota State Penitentiary. It contains information on programs, institutional living, and rules and regulations of the State Penitentiary. Upon an inmate's arrival he receives a copy of the booklet. This material is further explained by staff members during orientation sessions. After the review, the inmates are questioned over the subject matter to insure that the material contained in the handbook is completely understood. Strict observance of the rules, regulations and instructions stated in the booklet is emphasized. In like manner, the various actions that can be taken by the administration in response to any rule violation are also stressed.

4) Staffing

All data used in this section and the following section on Budgeting was obtained from the Governor's Budget and the Budget in Brief for fiscal year 1979 plus computer printouts of the Budget Request Summary Report and Budget History Summary Report dated August 9, 1978. It should be noted that the FTE (Full Time Equivalency) levels and budgetary figures presented include the Womens Correctional Facility. The inclusion of the WCF statistics to the figures should not taint the value of this data to a significant degree. The Women's Correctional Facility comprises a minute portion of the State Penitentiary's total FTE count and budgetary outlay. For example, the staff at WCF currently numbers 9 and their FY 79 budget is \$127,559.

Although FTE figures are available back to FY 74, the data is not true and accurate until fiscal year 1976. The total FTE figures are exact; however, they are not always positioned within the correct program area. For example, in FY 75 a portion of the FTE count in the rehabilitation program was in reality staff from the prison industries program. Due to this situation only fiscal years 1976 through 1979 will be compared and displayed below.

PROGRAM	FY 76	FY 77	FY 78	FY 79
Administration	7.0	8.0	8.7	10.5
Inmate Services	5.2	5.2	7.2	7.2
Education	10.4	11.4	18.9	18.9
Rehabilitation	8.0	10.0	15.3	16.6
Custody	80.7	84.0	98.9	100.5
Physical Plant	4.5	4.5	5.5	5.5
Prison Industries	9.0	9.0	9.0	10.0
TOTAL FTEs	124.8	132.1	163.5	169.2

During the past four years the combined total FTE figure for the two adult facilities has been augmented by 44.4 FTEs or by 35.6%. The major areas of personnel increase have been in custody (24.5%), education (81.7%) and rehabilitation (107.5%).

Treatment programs were on a very small scale prior to the mid seventies. Changes in staffing and programming were implemented to keep abreast of the continuing modification of criminal justice philosophies. The increase in rehabilitative and educational staff reflects this recent alteration in priorities. It also must be noted that the overall inmate population increase has mandated the need for additional staff in nearly all areas of the prison operation.

The average daily inmate population at the State Penitentiary itself was 414.5 during FY 76 and grew to 549 in FY 78. The institution has projected that this number will rise to an average daily inmate population of 646 in FY 79. The Governor did not agree with the Penitentiary's population projection for fiscal year 1979 and based his budget instead on a daily inmate population of 600.

Staff/Inmate ratios have remained fairly constant since fiscal year 1976. The State Penitentiary has maintained an average proportion of one staff person to roughly every three and one-half inmates. The ratios have been as follows:

FY 76	1 to 3.3
FY 77	1 to 3.8
FY 78	1 to 3.4

Using the South Dakota State Penitentiary's inmate population forecast, the average staff/inmate ratio for FY 79 should be 1/3.8. However, if the Governor's recommended average daily inmate population proves correct, the ratio would be 1/3.5. Over the past four years the staff versus inmate ratio has not been decreased although staffing has been augmented considerably. Essentially the insitution has been merely maintaining the status quo.

Below is a chart comparing the staffing situation at the South Dakota State Penitentiary to that of the institutions of neighboring states.

The figures presented were true as of August 1, 1978.

State	Staff	Inmates	Ratio
South Dakota	161	560	1/3.5
North Dakota	104	213	1/2.0
Minnesota	482	950	1/2.0
Iowa	365	892	1/2.4
Wyoming	100	324	1/3.2

As reflected in the table, South Dakota's staff/inmate ratio is the largest of the surrounding states. Wyoming, is a fairly close second. The other three states, North Dakota, Minnesota, and Iowa have a decisively lower staff/inmate ratios.

The area where staff/inmate ratios are specifically important is in custody. Following are the ratios for the last three fiscal years:

FY 76	1 to 5.1
FY 77	1 to 6.0
FY 78	1 to 5.5

As was also true in the overall staff/inmate ratios, no drastic reduction has occurred in the custody/inmate ratios during the last few years. If the Penitentiary's population projection is accurate, the ratio will in fact increase significantly during FY 79. Using the institution's estimate, there will be one (1) custody staff person for every 6.4 inmates. The Governor's population estimate places the ratio at 1/6.0. Again, both computations do not reflect a smaller staff/inmate ratio but instead show only a preservation of the previously existing situation.

It should be noted that those ratios do not reflect staff/inmate levels at any one point in time. It should be remembered that it requires 3-5 staff to fill each post or position in the institution. So, while the inmate is in detention 24 hours per day, each staff person works only an 8 hour period on the average each day. The staff/inmate ratio supplied are meant only to reflect the overall number of inmates incarcerated and contrasted against the total number of institutional employees for that particular year.

5) Budget

The FY 79 budget as approved by the South Dakota State Legislature totalled \$4,606,756 for the two adult penal institutions. The facilities had a combined budget of \$2,340,401 for FY 74 which marks a 97% increase for the six year period. Inflation generated one-third of this budgetary growth with the other two-thirds being attributed to increases in personal services and program expansion. It must be noted that the figures designated for prison industries are not always reflective of program cost. Accounting procedures throughout the years have not been consistent within prison industries. The program had utilized a cash flow system prior to fiscal year 1976 upon which time a revolving account was established. In fact it is questionable whether the exact expenditures for FY 74 and 75 are depicted in any of the program budgets. The following chart depicts the fiscal year budgets by program area. Please note that the first five fiscal year budgets are actual budgets which reflect actual expenditures while budget FY 79 figures show only the dollar amount appropriated by the 1978 South Dakota State Legislature.

PROGRAMS	Actual FY 74	Actual FY 75	Actual FY 76	Actual FY 77	Actual FY 78	Budgeted FY 79
Administration	\$ 134,647	\$ 105,041	\$ 108,693	\$ 109,196	\$ 162,574	\$ 311,917
Inmate Services	288,793	345,409	498,307	665,621	736,120	886,630
Educational	93,897	145,305	137,895	199,218	238,349	304,862
Rehabilitation	222,479	177,929	200,066	254,831	355,943	453,319
Custody	678,331	851,693	951,909	1,110,262	1,257,872	1,498,855
Physical Plant	194,110	223,114	241,714	310,530	362,340	349,789
Prison Industries	728,144	754,474	1,016,536	665,554	747,653	801,384
Yearly Totals	\$2,340,401	2,602,965	3,155,120	3,315,212	3,860,851	4,606,756

From FY 74 to date, the rate of increase for each fiscal year has been as follows: 11.2% FY 74-75, 21.2% FY 75-76, 5.1% FY 76-77, 16.5% FY 77-78, and 19.3% FY 78-79. The largest program change occurred in the administrative area between fiscal years 1978 and 1979. Its budget was increased \$149,343 for a 91.9 percent increase. \$100,000 of this expansion was for contractual services to Swiftbird. The State Penitentiary has contracted with the minimum security facility for the placement of twenty five Native American inmates.

An important budget consideration is the total cost per inmate per day/year. Since FY 1976 the costs have been:

TOTAL COST PER INMATE	Actual FY 1976	Actual FY 1977	Actual FY 1978	Budgeted FY 1979
Per day	\$ 15.02	\$ 14.39	\$ 15.58	\$ 17.38
Per year	\$8,095.70	\$6,573.65	\$7,066.40	\$6,945.15

Neighboring states were also polled as to their inmate costs as of August, 1978. A table comparing the surrounding states is shown below. It reflects that South Dakota's inmates costs are fairly low in relationship to other states.

State	Inmate Cost Per Day	Inmate Cost Per Year
South Dakota	\$ 17.38	\$ 7,066.40
North Dakota	22.50	8,212.50
Minnesota	29.07	10,610.55
Iowa	27.65	10,092.25
Wyoming	18.00	6,570.00

The fairly steady budgetary growth coupled with the relatively low institutional cost per inmate is representative of lack of any major programmatic expansion, personnel increases or structural renovations. The facility has for the most part been maintaining basically the same programs within the same physical structure over the past ten years. Looking toward FY 80 little change will again take place. Increased appropriations will be requested for an additional 20.4 FTEs to the custody staff and another 3 FTEs for supervisory personnel in building maintenance. The Administration is also anticipating a restructuring of the vocational training program. Upholstry may be transferred from the Vocational Education area to prison industries and graphic arts moved to institutional support services. Of agribusiness, building trades and custodial work, two will be chosen as courses for the vocational program. No major additional expenditures, however, are indicated in the immediate future.

C. COMPARISON OF THE EXISTING SITUATION WITH STATE AND FEDERAL STANDARDS

The priorities of the Penitentiary have changed over the years. In the first eighty years, the majority of the institutional improvements were focused on the physical structure and the security of the facility. Of late, however, the emphasis of the administration has been placed on its treatment and rehabilitation efforts. The overall philosophy of the institution recognizes the dual importance of both security and rehabilitation. This philosophy is expressed in the goal of South Dakota Penitentiary which is "to protect society and individual inmates by containment of offenders in a humane but restrictive environment; and to provide for rehabilitation of the offender." The same reasoning is reflected in the following office goal: "To protect society and the inmate while maintaining an environment conducive to the rehabilitation of the persons committed and to meet and maintain high standards for the programmatic, health and physical needs of all inmates."

Standards for correctional institutions are found at both the state and national level. The Criminal Justice Standards and Goals for South Dakota is the state's canon for the field. Chapter Ten of the corrections section pertains largely to the major correctional institutions of the state. Standards are cited for education and vocational training, recreational programs, counseling programs, and prison labor and industries.

For the most part, the State Penitentiary is meeting the requirements listed for education. It has failed, however, to implement an internal evaluation of its academic program. This standard was noted to be an important management tool for measuring the effectiveness of the institution's educational system.

In the area of vocational training, several discrepancies were found between the criterion set by the Standards and Goals report and the situation at the Penitentiary. Foremost, the selection of vocational courses is not based on a needs analysis of the inmate population nor on a job market analysis of existing or emerging occupations. Instead vocational training courses are determined basically through the intuition of the administration coupled with the idea of choosing a program that the institution can adequately support with the least amount of legislative appropriation. In addition, there is no work sampling or tool technology programs prior to assignment to a vocational course, no integration of academic courses into the vocational program, no class credits for the training and no preparation provided to an inmate for entrance into the working world.

The South Dakota State Penitentiary has an outstanding recreational program. It does not, however, incorporate this program into the individual treatment plan devised for each inmate. An inmate's recreational interests and capabilities should be recognized and used in the planning of the inmate's treatment program.

The counseling programs at the penal institution are strongly supported by the administration. As advocated by the Criminal Justice Standards and Goals for South Dakota, there exists a position for a full-time counseling supervisor at the institution. It is his responsibility to develop and maintain an overall institutional counseling program through training and supervising staff and volunteers. There does not exist a structured training program for counselors at the South Dakota State Penitentiary; however, a yearly staff retreat is held each fall and it functions as an informal training activity.

Prison labor and industries at the Penitentiary has the mission of increasing inmate rehabilitation potential by providing skills, good work habits, confidence in their ability to work, and compensation for work performed. It was recommended through the Standards and Goals of South Dakota that the planning for and implementation of a work program for an institution be undertaken by a joint body composed of institution management, inmates, labor organization and industry. Such a committee is currently functioning at the Penitentiary and is responsible for devising a work program that is useful to the offenders, efficient, and closely related to the skills demanded for the work force outside.

The Standards and Goals report also addresses offender rights. The State Penitentiary currently possesses rules, policies and procedures that adequately safeguard the rights of persons under their correctional supervision. The institution satisfactorily meets the standards cited for guaranteeing the fulfillment of inmate rights.

The classification of offenders is also addressed within the report. Two principles were denoted as guidelines for a classification system: 1) no offenders should receive more surveillance or "help" than they require; and 2) no offenders should be kept in a more secure condition or status than their potential risk dictates. Although there exists four custody classifications available to the classification committee the institution does not render itself to a large degree of differentiation between classifications. Only trusty status inmates are allowed housing outside of the main maximum secure facility. The acquisition of a trusty classification is based on an inmate's conduct within the institution, progress, disciplinary record, facts about their conviction, prior records and time remaining. Until a man can prove himself worthy of receiving trusty status, which takes time, he is placed under fairly secure custody conditions. Medium custody allows only for one privilege not granted maximum and close custody inmates. It provides for outside work details under the supervision of a staff person. In addition, space is not available to house all inmates on trusty status outside the main structure. A dormitory within the prison structure also provides housing for trusties.

The American Correctional Association's Manual of Standards for Adult Correctional Institutions provides a measuring tool for evaluating the performance of correctional institutions. The South Dakota State Penitentiary has long recognized the importance of these and similar criteria. The administration of the Penitentiary states in its program mission that it will utilize management procedures consistent with American Correctional Association standards. The institution has also expressed an interest in applying for accreditation through the Commission on Accreditation for Corrections. The accreditation process in itself will facilitate the administration in identifying the strengths and needs of the Penitentiary. The process demands a detailed self-evaluation and self-improvement program on the part of accreditation applicants. The Commission allows applicants up to six months to submit a self-evaluation report and self-improvement plan, and up to two years to request a Commission audit to verify compliance with at least 70 percent of all "desireable" standards, 80 percent of all "important" standards and 90 percent of all "essential" standards.

Accreditation is granted for either three or five year periods. If only the 70-80-90 percent level is met, three year accreditation is obtained. However, 80-90-100 percent compliance allows for five year accreditation. The Commission will allow only two consecutive awards of three year accreditation. After that, compliance must be on the 80-90-100 percent level. Also, once

a five year accreditation has been awarded, an agency or institution is not eligible for subsequent re-accreditation on the lower compliance level.

An application for accreditation reflects an interest on behalf of a correctional agency's administration to raise the performance levels and practices of its operation. In addition, compliance with the prescribed standards can be raised as a persuasive defense in regard to any law suits an accredited facility may happen to face.

A cursory review of the 465 standards for adult correctional institutions reveals a number of shortcomings within the Penitentiary system. In the area of administration, organization and management, two major deficiencies were found: (1) that no operations manual exists for each administrative unit or program area; and (2) there is no written policy or procedure for reviewing and evaluating institutional programs nor is there any analysis performed on the programs.

The institution also appears to fall short in the area of staff training. Currently in-service training is provided to correctional officers but it is not of the magnitude recommended by the American Correctional Association. There does not exist any specific training program for counselors, educational and vocational training instructors, recreational staff or administrative and managerial personnel.

Numerous standards pertaining to management information systems were cited in the manual. The South Dakota State Penitentiary does not possess an organized system for information retrieval. The American Corrections Association views the management information system as an "essential" standard for adult correctional institutions. A management information system would facilitate decision-making, research, compliance with privacy and security regulations, evaluations on overall institutional performance and timely responses to offender needs and outside inquiries.

The physical plant of the institution does not adequately measure up to the requirements set by the American Corrections Association. The South Dakota State Penitentiary has on occasion housed more than 500 inmates in its central unit, its inmate population now exceeds the designed capacity of the facility, there are often times more than one man per cell or room and the square footage of cell space provided is not sufficient according to the Commission's standards.

Monitoring and evaluation are voted as "essential" activities of an adult correctional institution by the ACA. The lack of an internal review mechanism is found within the Penitentiary's educational and vocational training program, its recreational program and classification systems. Outside evaluations, however, are performed on the academic and vocational education programs on an annual or semiannual basis.

Another deficiency noted within the classification system was the absence of a written plan/criteria for inmate classification which would specify the objectives of the system and detail the methods for achieving those objectives. As noted before, a monitoring and evaluation mechanism is then necessary to determine whether the objectives are being met. In addition, a classification manual containing the classification policies and procedures for implementing these policies is also essential for the State Penitentiary. At present only the unpromulgated rules of the institution make any reference to the classification board and its procedures.

A Task Force on Inmate Classification was established by the Federal Prison System to study inmate classification and recommend systematic changes. The Task Force recommended the establishment of only four custodies: MAXIMUM, IN, OUT, AND COMMUNITY CUSTODY. Currently there are five custody levels used by the State Penitentiary: trustees, medium, maximum, close and protective custody. The Task Force is now directed at establishing a more consistently defined and applied custody system which would:

- (1) place an inmate in the lowest custody classification deemed appropriate.
- (2) establish a time schedule for formal, documented reviews.
- (3) provide a means (and consistent rationale) for moving inmates, when warranted, through reduced security levels and custody assignments.

Efforts are currently underway by the Federal Task Force in the development of guidelines and documentation for custody level changes. A revision of classification procedures will occur upon completion of the Task Force's work. It can be anticipated that the Task Force's study will at least recommend if not require a revision of the classification system at the South Dakota State Penitentiary.

The Attorney General's Federal Task Force on Corrections is now in the process of finalizing a separate body of adult corrections standards. For the most part, the Justice Department's Federal Standards For Corrections is consistent with the Commission's standards. They are in the neighborhood of 90 percent agreement, and in areas where they do differ it is more a matter of degree than substance. The department standards, in fact, are modeled on the Commission's work. The American Corrections Association's goals, however, are for accreditation purposes while the federal standards are merely advisory guidelines although compliance may be somehow tied to federal financial assistance.

At present the accreditation process upgrades corrections on a voluntary basis through standards which reflect current judicially mandated changes. There is discussion on the question of whether the voluntary concept will be continued or whether a shift will be made toward de facto mandatory compliance. This can be achieved either through the withholding of federal funding support or by the threat of federal court action. There exists then a strong possibility that adult correctional standards will become more than a safeguard against law suits. In any event, it would be beneficial for adult correctional facilities to seriously consider applying for accreditation and taking the initial steps toward upgrading their operation.

III. Future Trends: Nationally and Regionally

A. Population Projections - State of the Art

It is important to stress from the onset that there is no technology that will provide precise predictions of prison populations. The number of problems that arise when trying to make projections of future penitentiary populations are almost infinite. Even over the short run, the task is both complex and pioneering. An extensive review of related literature reveals that probably the only characteristic common to all population projection formulas and models is that most are only slightly reliable.

To the best of our knowledge, this report represents the first concerted attempt to project the number of male inmates at the South Dakota State Penitentiary on a long term basis. For budgetary purposes, projections are made annually by penitentiary administrators which are largely based upon subjective judgments and intuitions. No long-term population forecasting has been attempted in South Dakota even though many state correctional administrators have routinely prepared their own annual projections, often with considerable sophistication.

Two recent studies have provided projections of the total number of inmates in all state prison systems. In 1974 the Congressional Research Service prepared a set of projections based on a presumed relationship between unemployment rates and prison intake. In that report, "the unemployment [was projected] to be 5.4% in fiscal year 1975, [and was] assumed to fall gradually to 4.0% and level off at that point." This produced a projection in which the peak prison population occurred in 1980, when a total of 277,800 inmates were to be imprisoned in State and Federal institutions. This projected peak level was passed only two years after the release of the report. The actual counts on December 31, 1976, totalled 280,677.

In 1976, the National Planning Association prepared a series of projected manpower needs for each component of the criminal justice system, using an "econometric two-stage least squares model." The number of prison inmates appeared as an intermediate variable in the corrections sector of the model, and as a function of the number of arrests and levels of employment in the prosecution, defense, and corrections sectors of the model. Although the report was released in November 1976, the most recent prisoner statistics used were from 1974. The model projected a gradual increase in the prison population over a ten-year forecast period. Like the CRS projections, the NPA projected peak has already been exceeded. Viewing these studies with the advantage of hindsight has served to make us cautious in our approach to the projection problem.

Futures research, despite its predictive limitations, can provide useful insights into the mechanisms that influence future events. An important mission of this report is to attempt to understand the implicit and explicit policies that may determine the size of the prison population. One of the techniques used in past studies, Dynamic Modeling, a computer simulation technique, goes beyond projections

that merely extrapolate from past trends; it represents a preliminary attempt to assess the impact of specific policy scenarios. It is emphasized in this report that this modeling exercise is best described as a means of attempting to understand the manner in which criminal justice processes interact; it is not, in a strict sense of the term, a prediction technique. This model will be briefly explored and its utility for understanding the criminal justice system in South Dakota will be briefly explained.

The projection work undertaken in this section has drawn largely on existing technology. Given the present state of the art, wide margins of error are inevitable. However, it is hoped that the end results which are arrived at will evidence some usefulness and that in the years ahead these techniques will be further developed and refined to ensure more validity.

B. Review of Projection Techniques

Prison population is not a natural phenomenon responding solely to the dynamics of past trends. It is subject to social and political influences, ranging from the availability of community corrections resources to political pressures on parole boards and State legislators. Over the years, adaptive measures responding to variations in prison populations have been developed. Evidence suggests that judges adjust sentences, and parole boards exercise their discretion to varying degrees, to stabilize inmate populations. During the past decade, (both nationally and in South Dakota) a number of innovations and reforms have been proposed or implemented with the potential to upset and replace old informal control mechanisms. Therefore, it is important to understand the prison population response to these new pressures, which are endured by these changes. Presumably, the present prison population level reflects the effects of current policies. Therefore, it should be possible to extrapolate past trends to express the continuation of our present policies.

The problems associated with any responsible statistical statement about trends centers around the understanding of these forces (both random and policy-related) which guide these trends. It becomes an intellectual task of developing projections which emerge from the gathering of empirical data. This we use as the base of understanding of the mechanisms by which past correctional history is controlled. Because all the corrections experts remain largely uncertain (or no consensus exists) about these guiding mechanisms, our "black box" projection methods which are "policy blind" necessarily result in unreliable or invalid estimates.

Knowledge about the behavior of significant criminal justice system "actors" is presently quite limited. Illuminating and explaining the inner workings of the "black box" requires answers to complex empirical questions for which data are often unavailable. But, unfortunately, these facts cannot simply be excluded from the projections. Every technique, from the simplest extrapolation to the most complex social simulation, involves a series of implicit or explicit assumptions about the effects of these unmeasured forces. Thus, each projection becomes a mathematical examination of the consequences of a set of assumptions, rather than a statement about the future.

This perspective forces us to view the margin for projection error differently from the usual statistical error. Especially if our projections are to guide any policy formulations, it is essential to avoid any major errors in any one year, even at the expense of causing greater overall error. In other words, to the extent that projections are used in policy development, the worst result from a set of projections would be to instill South Dakota decision-makers and planners with a false sense of certainty. For example, believing that the corrections system's behavior is easily comprehended or that projections provided in August, 1978, are more than

estimates could lead to gravely unjustified assumptions. In practical terms, we must develop a systematic view of forces affecting imprisoned populations and the sensitivity of those population levels to small changes in these forces (something which this report does not provide). We should also prepare strategies which confront the uncertainty of our knowledge and avoid either gross over or underestimation of the anticipated populations levels. The implied state costs of five-percent overestimation may be quite different from that of five-percent underestimation. The effects are distributed very differently. Errors resulting in under-utilization imply costs to the State of South Dakota, whereas errors leading to overcrowding place a burden primarily on prisoners and corrections employees. Therefore, we must separate positive errors from negative ones, or at least speak of the two differently. Furthermore, we must select sufficiently stable methods with the help of experts in the field, to prevent wildly erratic projections from occurring over the five-year or ten-year time span contemplated.

Before turning (in a subsequent section) to the projection methods we have chosen for a tentative projection, it is important to comment on some alternatives commonly used for this type of analysis. The projection technique researchers have applied to estimating prison populations can be grouped into three broad categories (corresponding to the factors assumed to dominate the prison populations):

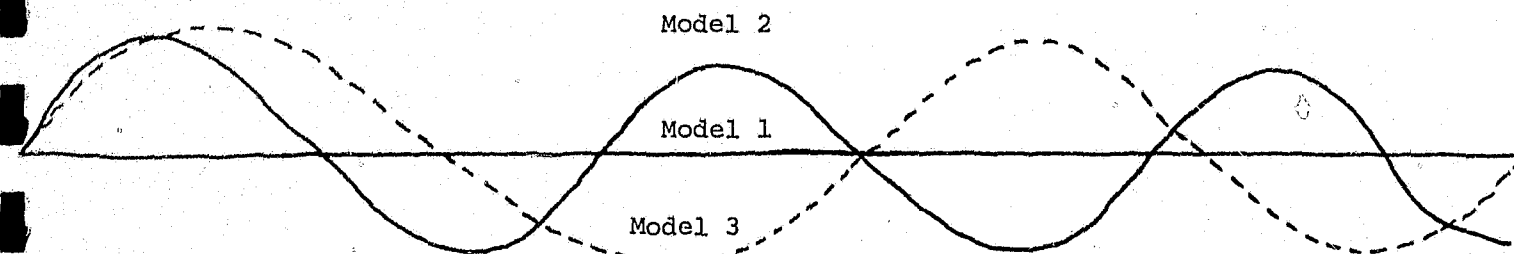
- Capacity models predict (approximately) stable populations, reflecting society's physical (and perhaps social) limits on incarcerating offenders.
- Flow models estimate rates of admission and release and project changes in prison populations resulting from these estimations.
- Leading indicator models seek variables that (a) can be predicted, and (b) have a predictive relationship to either prison populations or intake.

The repertoire of projection techniques most widely used include the following models (see Figure III-A):

- 1) Linear Regression - For use when a historical linear growth pattern is expected to continue; limitations are in its ability to adapt to changing situations and the dynamics of social and political policy-making.
- 2) Nonlinear Regression - Appropriate when a historical growth pattern approximates a nonlinear form, such as an exponential curve, or when a new combination of causal factors is expected to produce such a growth curve in the future.

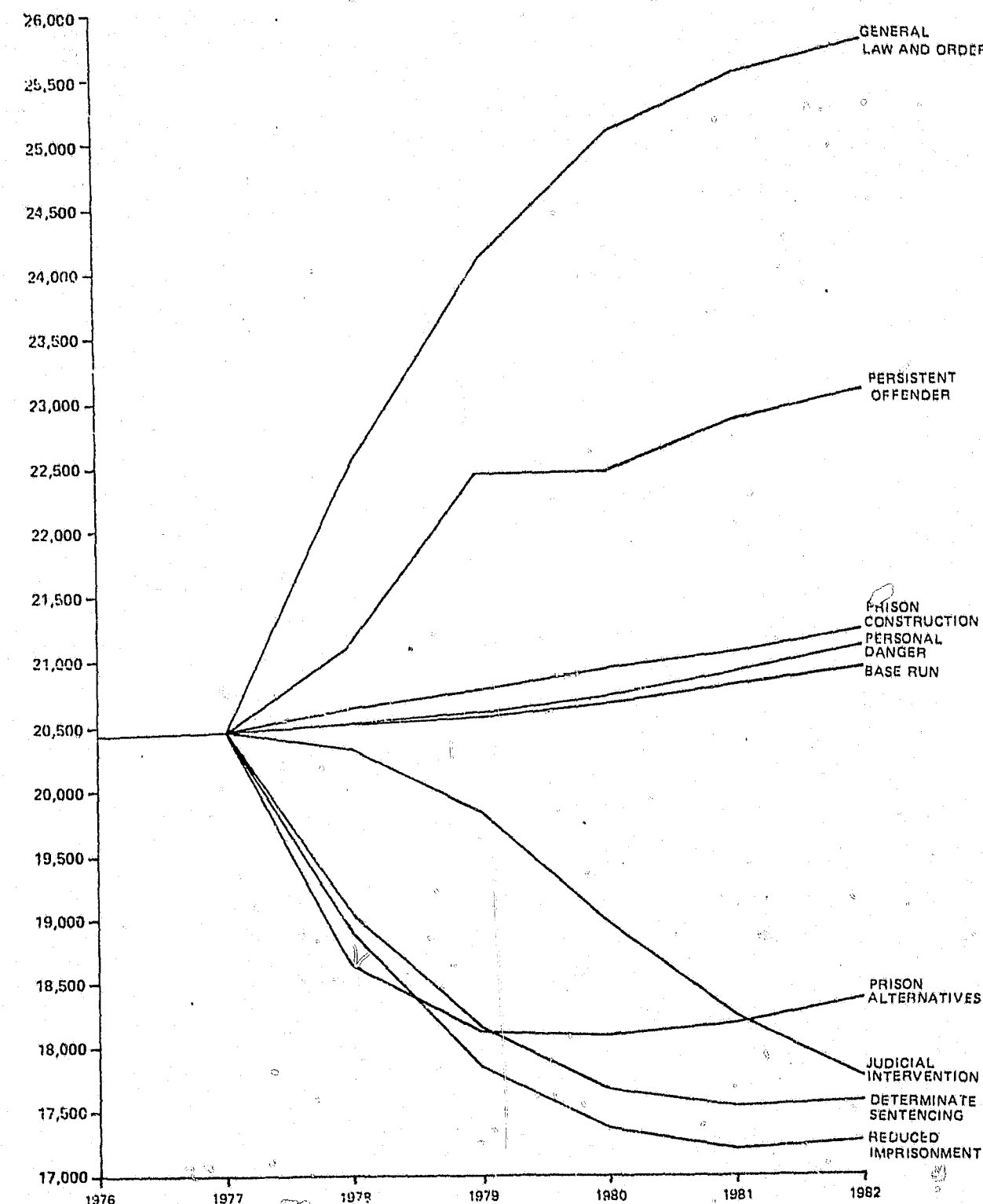
- 3) Multiple Regression - Can be applied when independent estimates of future values are available for a number of different predictive variables; these variables are weighted based upon the degree to which they are dominant leading indicators; it is assumed that they are continuously changing through time, (e.g. unemployment rates, drop out rate, etc.).

Figure III-A
Projection Models



- 4) Population/Crime Ratio - Useful when demographic or crime trends are expected to have a critical effect on the corrections population flow (e.g. working females, black males, percentage of inmates to the total population, juvenile arrests, major crimes committed, etc.). However, the influence of one variable is always highly obscure; one - cause models -- especially those that ignore the role of new policy -- appear to be of very negligible value in describing prison population levels.
- 5) Corrections Flow Simulation Models - Not regarded as forecasting formulas but rather as simulation models which accommodate the dynamics of corrections policy making; while "black box" trend projections may prove to have been accurate predictions after the fact, most decision-makers are uncomfortable with them; this technique is valuable from the standpoint that it is helpful in arriving at a basis for action. (See Figure III-B which graphically portrays the California Dynamic Modeling Approach which is organized around scenarios of corrections program alternatives).
- 6) Aggregate Formulas - Project an individual states prison population based upon the percentage of their state to the nation as a whole. However, trends in the aggregate often vary greatly from those in individual states. Any kind of reliable projection requires at least some superficial understanding of the idiosyncratic history of each state's correctional population, and the jurisdictional, definitional, reporting, and policy changes that may be reflected or concealed in the data.

Figure III-B
CALIFORNIA - Dynamic Modeling Approach



- 7) Capacity Models - These projections suggest that the populations of single institutions would remain relatively stable, in the absence of new construction or renovations. However, "capacity" often has a very flexible definition and, because of this, the predictive power of this model is substantially reduced.
- 8) Flow Models (Input/Output Analysis) - This method makes a distinct analysis of elements affecting input (intake from courts and parole violators) and elements affecting output (parole, suspended sentence, unconditional release). A powerful benefit of this method is that it gives some advance warning of a turning point in the cycle.

Two basic questions should be posed of all projection techniques. First, if the technique had been used in the past, how closely would its results have fit the data? Second, were the projection's assumptions logically consistent with the findings on the operating characteristics of the States' criminal justice systems? Rarely are results simple yes-or-no decisions. Each projection method has some logical merit, and assumptions of each method were more nearly fulfilled in some states than in others.

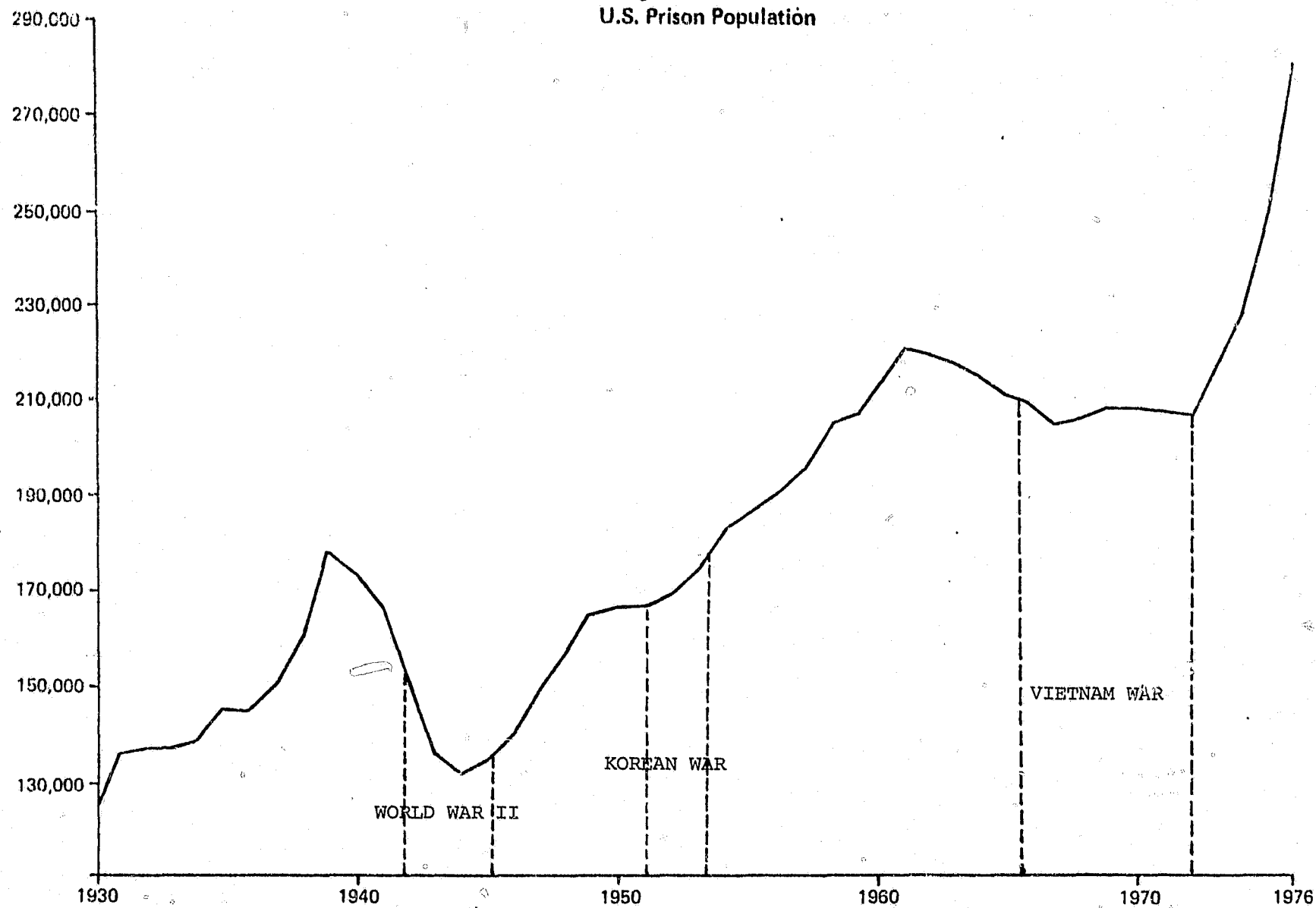
Because of the myriad of projection formulas available and the complexity of the population problem in South Dakota, the services of an outside consultant with considerable experience in the area should be retained. The uniqueness of the South Dakota prison population could then be identified along with any leading indicators and the extent to which they serve as an "early warning system" of our overpopulation problems. Through the development of an OBSCIS, data would be readily available and accessible for the performance of population projections on an accurate and timely basis. Otherwise, any attempts to predict our future prison population will be reduced to no more than unrefined guesswork.

C. Prison Population and Its Political Context

During the last 20 years, the number of persons imprisoned in the United States has twice shifted abruptly. After a period of gradual increase through the twentieth century the total population in the nation's prisons at the end of 1962 was 219,030. Over the next six years, the population declined; and by the end of 1968 it descended to 187,614, a drop of 14.3 percent. In 1973 the trend reversed; during the next four years, most correctional facilities severely stretched their physical capacity and other resources to accommodate sharp increases in their population. By the end of 1976 the nation's prison population was 280,677, having increased by 86,962, or a staggering 44 percent since 1973 (see Figure III-C).

During this same period sharp changes have taken place in the way in which the purposes of corrections and imprisonment have been viewed philosophically and administratively. In 1967 the President's Crime Commission called for a "new corrections" which placed an

Figure III - C
U.S. Prison Population



emphasis on community-based alternatives to prison. The President's Commission urged that when imprisonment was required it occur in small facilities adjacent to urban areas, and be based upon a "collaborative regime" between staff and prisoners.

The tragedy at Attica Prison, New York, in September 1971 prompted an inquiry by the U.S. House Select Committee on Crime which drew attention to the absence of programs with rehabilitative aims in most prisons. Two years later the National Advisory Commission on Criminal Justice Standards and Goals went beyond earlier policy positions, stating that prisons were "massive failures". The National Advisory Commission believed that "the most hopeful move toward effective corrections is to continue and strengthen the trend away from confining people in institutions and toward supervising them in the community." It concluded that some institutions will be necessary for the incarceration of adults who cannot be supervised in the community without endangering its safety, but that there are more than enough facilities at hand for this purpose." Furthermore, the Commission recommended that states refrain from building more institutions during the next decade, except where total system planning showed "an imperative need".

During this same period, it appeared that both liberal and conservative experts on criminal justice and corrections problems revised their views on the value of rehabilitation. Conservatives tended to give new emphasis to utilitarian rationales for punishment, suggesting the use of confinement as a means of incapacitating offenders and reducing their opportunities to commit further offenses. Liberals, on the other hand, shifted much of their attention from prison reform efforts to the development of more just and equal sentencing arrangements. There was a disenchantment with the rehabilitative ideal. Studies indicate that this was partially a consequence of "a series of reviews of the evaluation literature which seriously discredited the value of rehabilitation programs both inside and outside the prison". From both perspectives a political consensus emerged on the need for sentencing reform. The inequities of indeterminate sentencing systems which grant massive and often unstructured discretion to parole boards to set release dates had become a matter of deep concern at the Federal level and in many state legislatures.

D. The Recent Rise in Prison Populations

Ironically, publication of the National Advisory Commission's report in 1973, with its recommendation against further prison construction, coincided with the most recent upward fluctuation in prison populations. This increase led to severe overcrowding in some states, where there was little dispute that institutional capacity was unable to cope with the situation. In several jurisdictions overcrowding reached crisis proportion: two and sometimes more prisoners were assigned to cells designed for only one prisoner, an emergency measure used to make room for the rapidly increasing number of prisoners. In this situation, there were reports that the safety of both prisoners and staff, as well as the privacy of prisoners, were being severely compromised.

The increasing problems resulting from prison population growth caused major policy dilemma for Federal, State, and local governments. Recent publications indicate that large appropriations have been requested by the Federal Bureau of Prisons and many state departments of corrections, and several jurisdictions have already commenced building or renovation programs to meet additional capacity needs or to replace outmoded facilities.

There are, however, groups that oppose further prison construction. The National Council on Crime and Delinquency has issued policy statements calling for an end to prison construction. A National Moratorium on Prison Construction has been formed to advance the argument against prison construction. It is argued by some of those opposed to prison construction that additional prison capacity will generate an increased number of prisoners; and that as very few prisons have been closed in this century, (i.e. Alcatraz in 1963, Eastern State Penitentiary in Pennsylvania in 1969, and the State Corrections Facility in Vermont in 1975) those new facilities intended as replacements for older prisons often simply serve to supplement them.

In recent years, courts, especially Federal, have played a larger role in setting institutional standards. The "hands-off" doctrine has eroded since the early 1960's and the courts have subsequently addressed a broad range of policy issues. More recently, court decisions have made comprehensive attacks on entire state prison systems.* As a result, more than half the states are presently either under court order to reform their institutions, or are facing litigation.** In several of these suits, the major complaint stems directly from overcrowding. A landmark court decision pertaining

* The first case of this kind was Holt vs. Sarver, 309 F. Supp. 363 (E.D. Ark. 1970) aff'd 442 F.2d 304 (8th Cir. 1971), where the Court found the Arkansas prison system to be in violation of the Constitution.

** As of July 1977, the following two categories of court activity in states existed:

- a. States in which there were existing court decisions involving the entire state prison system or the major institutions in the state and which deal with overcrowding or the total condition of confinement (not including jails): Alabama, Arkansas, Delaware, District of Columbia, Florida, Louisiana, Minnesota, Mississippi, Nevada, New Hampshire, Ohio, Oklahoma, Wyoming, Puerto Rico, and the Virgin Islands.
- b. States in which there was pending litigation dealing with overcrowding or the total condition of confinement-- either entire systems or major institutions (not jails): Arizona, Colorado, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, Rhode Island, South Carolina, Tennessee, Texas, Utah.

to prison overcrowding was issued in the case of Pugh vs. Locke, in which U.S. District Court Judge Frank M. Johnson laid down specific standards governing what the Alabama prison system must provide its inmates. At the time of Judge Johnson's original order in August 1975, there were 5,100 prisoners. The court found that the prison environment "not only makes it impossible for inmates to rehabilitate themselves, but also makes dehabilitation inevitable"; and that idleness arising from overcrowding "destroys any job skills and work habits inmates have had, and contributes to their mental and physical degeneration." In response to these findings, Judge Johnson issued an order that addressed 11 aspects of institutional management: overcrowding; segregation and isolation; classification; mental health care; protection from violence; living conditions; food service; correspondence and visitation; educational, vocational, and recreational opportunities; physical facilities; and staff. The court ordered a ban on the acceptance of more prisoners into the state system until the prison population was reduced to a rated capacity of 2,600. Corrections literature is replete with situations and court decisions which closely parallel the problems of overpopulation that the Alabama prison system found itself confronted with.

Little agreement appears to exist among the various standards-setting bodies and the courts on several critical issues. Of particular relevance to this report is the question of the minimum square footage available for a prisoner's sleeping area.

On this question the following standards exist:

- National Advisory Commission on Criminal Justice Standards and Goals	80 sq. ft. per inmate
- Federal Bureau of Prisons	75 sq. ft. per inmate
- National Clearinghouse for Criminal Justice Planning and Architecture	70 sq. ft. per inmate
- United Nations Minimum Standards	65 sq. ft. per inmate
- American Correctional Association	60 sq. ft. per inmate
- <u>Gates vs. Collier</u> 390 F. Supp. 482 (N.D. Miss., 1975)	50 sq. ft. per inmate

The American Correctional Association, in its recently published standards, states that there should be one inmate per cell, which should be at least 60 square feet. The "at least 60 square feet" assumes that an inmate will spend no more than 10 hours per day in the cell. When such confinement goes above 10 hours, then the standard floor space per inmate becomes 80 square feet.

There is, of course, no scientific mechanism for establishing standards of adequacy, and it will be noted that none of the above recommended standards are in agreement. Even with agreement on specific standards and a determination that they be fully implemented, a great many difficulties would remain. Many of the standards have major implications for both capital and operating costs, which, in turn, raise difficult questions regarding appropriate funding mechanisms (which will be addressed in a subsequent section of this report).

It should be noted that most of the policies that determine prison population lie beyond the sphere of the corrections administrator. This is also true in South Dakota where a broad range of policies and circumstances culminating in sentencing decisions, availability of probation services and parole practices (to name but a few) primarily determine the size of adult institutional populations. The impact of the penitentiary and warden is both more indirect and limited to the following types of control/influences in South Dakota:

- Control over the classification of prisoners
- Designation of facilities and programs outside the prison cells for correctional purposes (such as prerelease centers, halfway houses, furloughs, work and study release, etc.)
- Operation of "good time" mechanism
- Contractual arrangements with other facilities (i.e. regional jail centers, Swiftbird Correctional Facility, etc.)
- Input/recommendations into the making of parole determinations by the Board of Pardons and Paroles
- Input into the legislative arena in the formulation or modification of state statute with regard to state penitentiary operations

E. Distributions of Prisoner Population: An Overview

Preliminary National Prisoner Statistics (NPS) data, as displayed in the following table, report that the total number of inmates held on December 31, 1976, in both Federal and State institutions was 284,177. Included were 15,635 prisoners (six percent) with a year or less and 5,858 state inmates held in local jails under state custody. Women accounted for eight percent of prisoners sentenced for less than one year and four percent of those sentenced for longer periods.

Figure III-D

Total Number of Persons Held by Federal and State Authorities on December 31, 1976 by Region, State, and Sex

Region and State	Both Sexes				Male			Female		
	Total	Over One Year Sentence	Other	Inmates Held in Local Jails	Total	Over One Year Sentence	Other	Total	Over One Year Sentence	Other
United States ¹	284,177	260,684	15,635	7,858	263,745	249,338	14,407	11,074	9,846	1,228
Federal Institutions, Total ²	30,299	28,155	2,144	2,000	25,429	23,395	2,034	1,370	1,360	110
State Institutions, Total	253,878	234,529	13,491	5,858	238,316	225,943	12,373	9,704	8,586	1,118
Northeast										
Maine	615	610	5	0	605	600	5	10	10	0
New Hampshire ³	254	248	6	0	254	248	6	0	0	0
Vermont	460	307	153	-4	450	301	149	0	0	0
Massachusetts	3,695	2,651	44	0	2,383	2,573	10	10	6	4
Rhode Island	652	490	162	-4	639	481	158	112	78	34
Connecticut	3,239	1,923	1,316	-4	3,114	1,874	1,240	125	49	4
New York	17,707	17,700	7	0	17,235	17,220	15	472	472	0
New Jersey	6,204	5,685	519	200	5,789	5,470	319	215	215	0
Pennsylvania	7,590	6,656	934	0	7,361	6,457	904	229	199	30
North Central										
Ohio	12,525	12,525	0	0	11,983	11,983	0	542	542	0
Indiana	4,903	4,203	700	0	4,742	4,051	691	161	152	9
Illinois	9,651	9,242	409	0	9,422	9,021	401	229	221	8
Michigan	12,462	12,462	0	0	12,057	12,057	0	405	405	0
Wisconsin	3,299	3,299	0	0	3,160	3,160	0	139	129	0
Minnesota	1,624	1,624	0	0	1,561	1,561	0	63	63	0
Iowa	1,356	1,356	0	0	1,278	1,278	0	78	76	2
Missouri	4,997	4,997	0	0	4,878	4,878	0	119	119	0
North Dakota	198	162	36	0	198	162	36	0	0	0
South Dakota	524	481	43	0	502	461	41	22	20	2
Nebraska	1,474	1,438	36	0	1,371	1,353	18	103	85	18
Kansas	2,086	2,078	8	0	2,013	2,013	0	73	65	8
South										
Delaware	553	684	269	-4	510	665	245	43	19	24
Maryland ⁶	7,312	7,437	475	-7	7,679	7,218	461	233	219	14
District of Columbia	3,086	2,299	787	-4	2,915	2,220	695	171	79	92
Virginia	7,480	6,100	510	790	6,421	5,956	465	269	79	92
West Virginia	1,308	1,294	14	0	1,269	1,255	14	39	224	45
North Carolina	13,257	11,570	1,637	0	12,770	11,195	1,575	487	375	112
South Carolina	6,988	6,433	555	-7	6,695	6,169	526	293	264	29
Georgia	12,211	11,134	527	550	11,162	10,689	473	499	445	54
Florida ⁸	18,093	17,793	0	300	17,008	17,008	0	785	705	0
Kentucky	2,657	2,657	0	0	2,521	2,521	0	136	136	0
Tennessee	4,837	4,837	0	0	4,634	4,623	11	203	194	9
Alabama	5,193	3,032	1	2,160	2,824	2,823	1	209	209	0
Mississippi ⁹	2,237	2,135	0	102	2,039	2,039	0	76	76	0
Arkansas	2,503	2,431	72	-7	2,389	2,323	66	114	108	6
Louisiana	6,347	4,591	0	1,756	4,403	4,403	0	188	188	0
Oklahoma	4,339	3,649	690	0	4,161	3,503	658	178	146	32
Texas	19,717	19,717	0	0	18,894	18,894	0	823	823	0
West										
Montana	558	551	7	0	558	551	7	0	0	0
Idaho	695	682	13	0	684	671	13	11	11	0
Wyoming	340	340	0	0	340	340	0	0	0	0
Colorado	2,244	2,239	5	0	2,167	2,162	5	77	77	0
New Mexico	1,352	1,220	132	0	1,296	1,167	129	56	53	3
Arizona	2,850	2,850	0	0	2,725	2,725	0	125	125	0
Utah	820	748	72	0	794	723	71	26	25	1
Nevada	953	953	0	0	899	899	0	54	54	0
Washington	3,893	3,881	12	0	3,884	3,872	12	209	209	0
Oregon ¹⁰	2,859	2,859	0	0	2,749	2,749	0	110	110	0
California	21,088	18,113	2,975	0	19,964	17,459	2,505	1,124	654	470
Alaska ¹¹	494	230	264	-4	471	226	245	23	6	19
Hawaii	489	338	151	-4	476	328	148	23	10	13

¹Includes prisoners with sentences of a year or less, as well as unsentenced persons. The latter include, among others, those held for safekeeping, those undergoing court-ordered evaluation, civil narcotics addicts, and, in states operating an integrated jail prison system, those held awaiting trial or sentencing.

²The distribution of the inmate population in the Federal Bureau of Prisons between prisoners with a maximum sentence of over one year and those with shorter or no sentences was estimated. Also estimated were 1500 inmates in contract pre-release facilities and 2000 inmates, usually short-term, housed in local jails under contract to the Bureau of Prisons.

³No females housed in New Hampshire's system. Female inmates are transferred to Maine and Connecticut.

⁴Figures include jail and prison inmates, as jails and prisons in these jurisdictions form an integrated system. For the District of Columbia, figures exclude inmates held in the D.C. jail and detention center who had a maximum sentence of a year or less or no sentence.

⁵All figures are estimates within 5 percent of actual.

Source: Preliminary unpublished data made available by the Bureau of Census.

⁶The distribution of the inmate population in Maryland between prisoners with a maximum sentence of over one year and those with shorter or no sentences was estimated.

⁷The figures for Maryland include 1,081 inmates, for South Carolina, 786 inmates, for Arkansas, 13 inmates held in local jails that are considered by those jurisdictions to be in the custody of the State correctional system.

⁸Less than one percent of all data includes unsentenced persons unable to be distinguished from other inmates.

⁹The distribution of the inmate population in Mississippi between prisoners with a maximum sentence of over one year and those with shorter or no sentences was estimated. There were 481 inmates held in local jails in Mississippi on July 28, 1977.

¹⁰Includes a small number of felons (estimated to be no more than 30) who were sentenced to terms of one year.

¹¹Figures include 57 inmates with over one year maximum sentence sent to the Federal Bureau of Prisons. There were 90 inmates (88 men and 2 women) serving time in the Federal Bureau of Prisons from Alaska on August 19, 1977. All data are estimates.

Figure III-E
PERCENT DISTRIBUTION OF STATE PRISONER POPULATION
AND U.S. POPULATION BY REGION

Region	Percent of Prisoner Population			Percent of U.S. Population (7/1/77)
	12-31-75	12-31-76	6-30-77	
Northeast	16%	16%	15%	23%
North Central	22	22	23	27
South	47	46	46	32
West	15	15	15	18
	100%	100%	100%	100%
	(218,619)	(253,878)	(259,557)	(216,817,000)

Source: PC-2 and Census data

* Includes an estimate of 8,000 State prisoners held in local jails.

Figure III - F , summarizes the distribution of inmates by inmate security level and institution security level for the nation as a whole.

Figure III-F
PRISONER POPULATION BY INMATE
AND INSTITUTIONAL SECURITY LEVEL

Inmate Security Level	Institutional Security Level			
	Maximum	Medium	Minimum	Prerelease
Maximum	86%	8%	2%	2%
Medium	2	73	43	-
Minimum	12	19	55	98
	100%	100%	100%	100%
	(124,507)	(108,652)	(43,048)	(7,226)

Source: PC-2

*Does not include approximately 8,000 prisoners in local jails.

There are a number of regional differences in the proportion of prisoners in institutions of the four security levels: maximum, medium, minimum and pre-release. There is a large percentage of inmates in maximum custody institutions (and fewer medium custody institutions) in the North Central region than in any of the three remaining regions. The other regions have nearly matching percentages in maximum- and medium-custody housing. The Federal system represents a marked departure from the States' housing pattern. Only a third of its 31,876 inmates live in maximum custody facilities with 55 percent in medium custody and eight percent in minimum security facilities, and some seven percent in prerelease facilities.

F. The Capacity of Federal and State Institutions and Current Prison Population

The results of a recent research effort conducted by ABT Associates in a publication entitled Prison Population and Policy Choices provided considerable information on the nature and extent of prison over-crowding. On a nationwide basis the number of prisons on June 30, 1977, as reported by the survey respondents exceeded rated capacity by 20,665. Considerable variation exists among the four regions and the federal prison system as is demonstrated in Figure III-G.

Figure III-G
DIFFERENCE BETWEEN RATED CAPACITY AND
PRISON POPULATION BY REGION FOR 30 JUNE 1977

Region	Rated Capacity (1)	Prison Population (2)	Difference (1) - (2)
Northeast	40,432	39,984	448
North Central	56,629	59,879	-3,250
South	100,657	111,476	-10,819
West	40,640	40,218	422
Federal	24,410*	31,876*	-7,466
Total	262,768	283,433	-20,665

Source: PC-1 and PC-2

* Includes an estimated 1,500 beds and inmates in contracted pre-release facilities.

The data shows the over-population problem to be most severe in the South and in the Federal System. Of the total shortage of capacity, 52.2 percent is located in the South and another 34.7 percent in the Federal System. The deficits in the North Central are much smaller, 12.8 percent, while the West and Northeast are reported to have an excess of rated capacity over prison population. This data is based on information reported by corrections agencies in the absence

of any one standardized definition of rated capacity. Jurisdictions differ among themselves and over time in how rated capacity is calculated, and they tend to be influenced by financial, legal, and political considerations. For example, in South Dakota in years past the rated capacity stood at approximately 440 since this number represents the number of one-inmate cells at the State Penitentiary. This rated capacity now stands at 540 since in addition to the 440 cells inside the walls, the availability of the dormitory, the cottages, the West Farm in Hartford, and the work detachment at the Human Services Center in Yankton is also calculated into this figure.

The over-population problem of individual states is revealed in the table which comprises Figure III - H. This table depicts those states which are confronted with a severe over-population problem (left hand column) and those states (in the right hand column) which at the time of the survey were not faced with an over-population problem (solely based upon availability of cell space without regard to adequacy of facility environment). At the time of the survey, South Dakota found itself comparing quite favorably with the states in the availability of necessary cell space. However, since that time the problem has progressively worsened.

A different approach to the measurement of prison crowding is to compare the number of prisoners in cells rated to hold one person. The ABT Associates survey found that Federal and State correctional institutions held 127,812, or 45 percent of the total prison population, in 126,684 cells rated to hold one person. Figure III-I shows the breakdown on a regional basis. By this second measure, the North Central, South, and Federal System emerge as having the most severe problem. The situation in the Northeast appears less severe than that suggested by the first measure.

It has been found useful to distinguish between the concept of rated capacity and adequacy standards. While rated capacity refers to a determination of the institution's ability to house prisoners, adequacy standards refer to the quality of the facility's environment. The task of applying uniform standards of adequacy to correctional facilities has been a problematical one. However, a crude measure of adequacy deals with the age of the institution. Figure III-J provides a useful overview of the distribution of prisoners according to the size and age of the correctional institution.

From data in the table mentioned previously, it can be calculated that 42 percent of all prisoners in Federal and State institutions are in institutions more than half a century old, and that over half of all prisoners are in facilities that hold more than 1,000 prisoners. The ABT Associate's research efforts discovered that 69 percent of all prisoners confined under maximum security are in prisons over 50 years old, and one-third are in prisons more than a century old.

Figure III - H

Difference Between Rated Capacity and Prison Population by State for June 30, 1977

State	Rated Capacity (1)	Prison Population (2)	Difference (1) - (2)	State	Rated Capacity (1)	Prison Population (2)	Difference (1) - (2)
Florida	14365	18907	-4542	Maine	712	711	1
Michigan	11476	14451	-2975	Delaware	979	967	12
South Carolina	4531	6775	-2244	Arkansas	2561	2543	18
Maryland	5244	7379	-2135	Massachusetts	2734	2687	47
New Jersey	4886	6748	-1862	Iowa	2088	2035	53
Tennessee	3508	5225	-1717	South Dakota	540	478	62
Oklahoma	2500	3775	-1275	Wyoming	406	343	63
Georgia	7635	8799	-1164	Connecticut	3341	3263	78
Missouri	3890	5003	-1113	New Hampshire	349	265	84
Indiana	4109	5058	- 949	Vermont	482	397	85
Arizona	2050	2971	- 921	Mississippi	1802	1715	87
Kentucky	2867	3715	- 848	North Dakota	350	227	123
Oregon	2351	2901	- 550	Alaska	499	364	135
Louisiana	4900	5422	- 522	Rhode Island	748	606	142
New Mexico	1145	1640	- 495	Alabama	3489	3323	166
Washington	3487	3950	- 463	Dist. of Columbia	2720	2540	180
North Carolina	10980	11436	- 456	Colorado	2454	2240	214
Wisconsin	3103	3344	- 241	Montana	830	583	247
Idaho	648	750	- 102	Minnesota	2015	1716	299
Nevada	820	908	- 88	Nebraska	1846	1462	384
Hawaii	443	527	- 84	Pennsylvania	8024	7542	482
Illinois	10650	10729	- 79	W. Virginia	1944	1247	697
Kansas	2195	2231	- 36	New York	19156	18265	891
Utah	847	880	- 33	Virginia	7936	6999	937
				Texas	22696	21107	1589
				Ohio	14367	12645	1722
				California	24660	21763	2897

Figure III-I

Number of Cells Rated to Hold One Person and the Number
of Inmates in These Cells by Region

Region	Number of Cells Rated to Hold One Person (1)	Number of Inmates in Cells Rated to Hold One Person (2)	Difference (1) - (2)	Percent of Total Population in Cells Rated to Hold One Person
Northeast	36,280	33,827	2453	84%
North Central	28,919	30,905	-1986	49
South	23,098	24,700	-1602	23
West	23,570	22,590	980	54
Federal	<u>14,817</u>	<u>15,790</u>	<u>-973</u>	<u>47</u>
	126,684	127,812	1128	85%

Source: PC-2

Distribution of Prisoners by Size and Age of Institution

Figure III-J

Size of Institution	Year of Construction of Institution			Total
	Prior to 1897	1875 to 1924	1925 to Present	
Fewer than 500	6%	10%	32%	22%
500 - 999	20	19	25	22
1000 and over	74	72	44	56
Total	100% (44,172)	100% (74,684)	100% (163,077)	100% (283,433)*

Source: PC-2 and secondary data

Figure III-K

Table 1.4

Average Square Feet Per Inmate in Cells

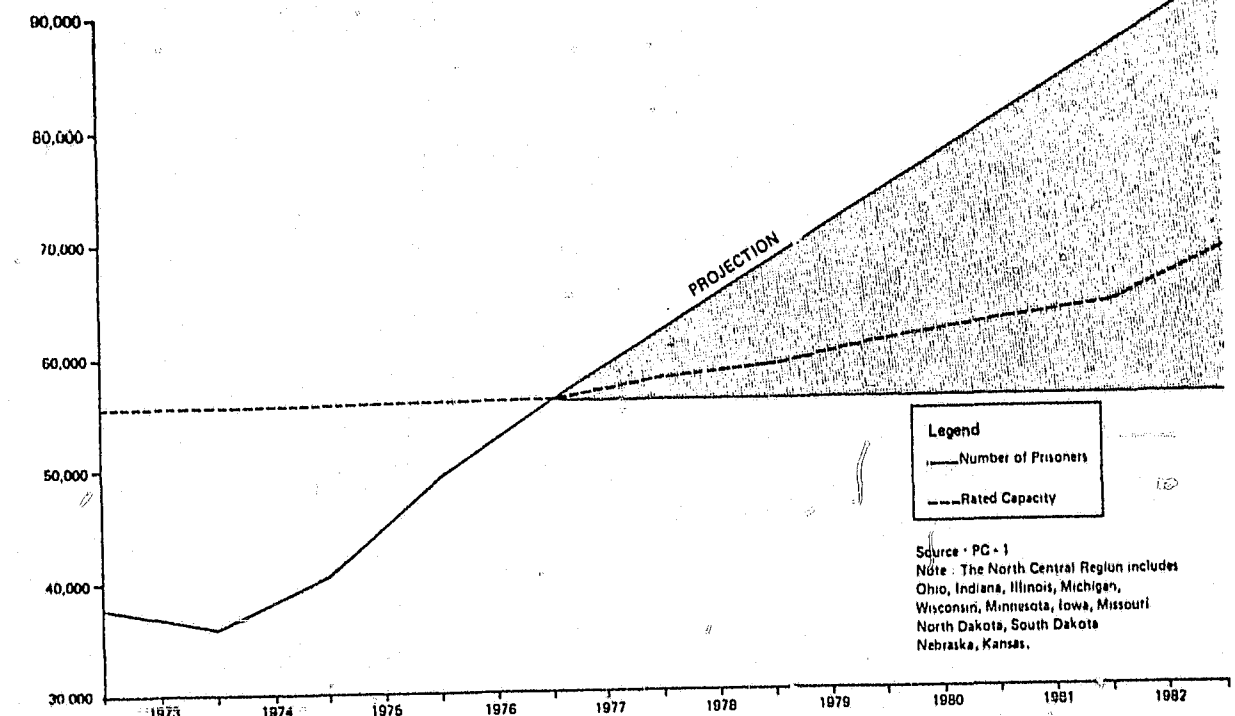
	Northeast	North Central	South	West	Total
Minimum Security	85.6	127.2	90.4	66.9	92.8
Medium Security	85.3	72.1	67.2	82.2	75.5
Maximum Security	60.1	49.1	67.9	72.0	58.8
Prerelease	138.1	75.1	56.3	--	93.8
All Institutions	73.7	59.0	69.8	75.6	68.0

Source: PC-2

Figure III-K displays the average number of square feet inside cells for inmates in prisons throughout the four regions of the United States. In general, maximum security institutions are characterized by 10 to 15 percent less space than the average. The more cramped situation in these institutions is related to their being older, larger institutions designed to less humane specifications than what are presently advocated.

Figure III-L displays future construction which the North Central states report as currently expected to be available by 1982. Plotted in the same axis are population projections used in the ABT Associates report. In the ten North Central states, by 1983 it is projected that construction plans will not keep pace with the significant increase in prison populations. In fact, it is projected that in 1983, in these ten states, alone there will be approximately 24,000 inmates in excess of the capacity of the current and newly constructed institutions.

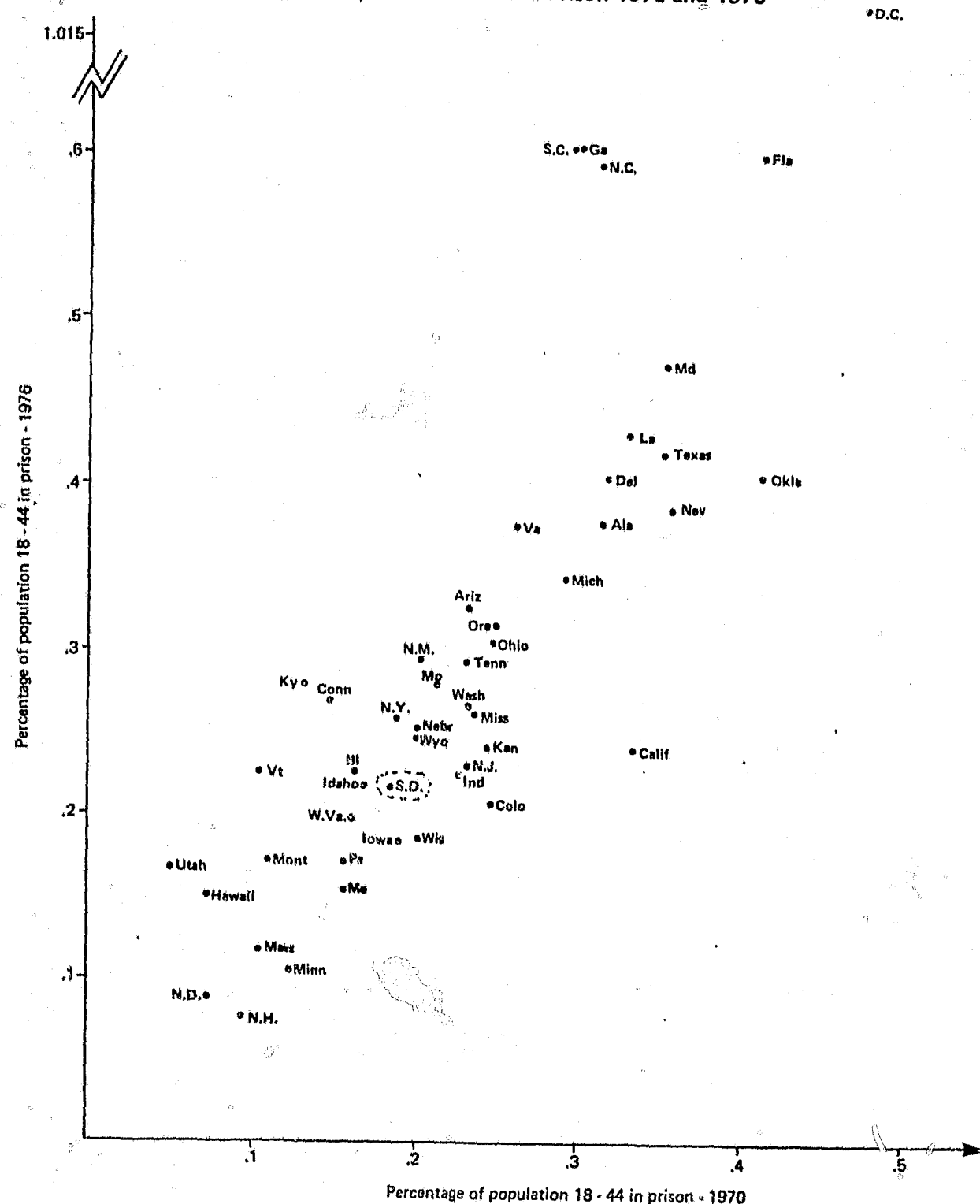
Number of Prisoners and Rated Capacity of the North Central Region of the United States: 1972 - 1982 Figure III-L



Little evidence was found in our research that there was within any jurisdiction an explicit policy as to what should constitute an "appropriate" prison population. Substantial variation exists across states as to the level of prison population, either as a fraction of crime or of state population. The national diversity is illustrated by Figure III-M which plots states according to persons in prison as a proportion of the state population aged 18-44 in the years 1970 and 1976.

Figure III-M

Percentage of Population 18 - 44 in Prison 1970 and 1976



Almost without exception, all states experienced declining prison populations beginning in the early 1960's and sharply rising populations a decade later. Yet a review of a cross-section of selected states reveals that these shifts in prison populations differed in some important respects among states. Accessibility of information was the single most important factor in selecting the case study states in attempting to contrast them with South Dakota. The sample states are not intended to be geographically representative of the United States but are included to give the reader a crude instrument for comparison purposes. Any tendency to make nationwide generalizations should be considerably tempered by the contrasting situations evident among the states.

Figure III- N shows the variation in incarceration rates for the age group 18-44. South Carolina stands out in this respect, with about 6 of 1,000 people (ages 18-44) incarcerated under state custody, almost double the national average. This incarceration rate is in part explained by the fact that by law, the South Carolina Department of Corrections assumes custody of all persons sentenced to more than 90 days.

Figure III- O exhibits degree of urbanization and race distribution for the case study states. None of the states as part of the case study are as urbanized as the nation as a whole. South Dakota is largely similar with respect to the percentage of its minority population with non-white males appearing to comprise a lesser percentage of the population when contrasted with other states.

The median family income in Iowa was the only one that compared favorably with the national median. Unemployment rates in 1970 reveal a pattern which has continued to the present day: higher unemployment rates for non-whites than whites (with South Dakota maintaining the highest unemployment rate at least among those states selected at random) Refer to Figure III-P

As can be seen in Figure III-Q , reported crimes and crime rates per 100,000 people increased dramatically between 1970 and 1975, for the case study states and the nation as a whole. Violent and property crimes exhibited growth higher in all of the sample states than was evidenced in the national average. This can be explained in part due to the fact that there were variations in reporting and interpretation of Uniform Crime Report statistics which are well known particularly in South Dakota. However, the "across the board" increase in the incidents of crime reported and the crime rate leads one to believe that a significant increase in crime took place and that it cannot be attributed to a "paper crime wave".

Figure III-N
RATES OF INCARCERATION: 1976

	South Dakota	Iowa	Missis- sippi	South Carolina	U.S.
State Population (thousands)	665	2870	2354	2985	214,659
Persons Incarcerated under State Custody (12/31/76)	502	1956	2237	6988	280,677
Prison Population/Thousand population at risk (age 18-44)	2.44	1.83	2.59	6.01	3.04

Figure III-O
DEMOGRAPHIC SUMMARY: 1970

	South Dakota	Iowa	Missis- sippi	South Carolina	U.S.
Percent Urban	44	57	44	48	73
Percent Nonwhite	5	1.5	37	30	12
Percent Nonwhite Males 15-24	.5	1	3	3	1
Percent White Males 15-24	8	8	9	7	7
Percent Nonwhite Males 15-44	1	1	6	5	2
Percent White Males 15-44	18	18	12	15	17

Figure III-P
ECONOMIC SUMMARY: 1970

	South Dakota	Iowa	Missis- sippi	South Carolina	U.S.
Median Family Income	7494	9018	6971	7621	9590
Median Family Income/White	7623	9040	7578	8761	9961
Median Family Income/Nonwhite	5721	7124	3209	4450	6308
Unemployment Rate	3.5	2.8	4.6	2.6	3.9
Unemployment Rate/White	1.9	2.8	3.6	1.9	3.6
Unemployment Rate/Nonwhite	10.2	7.8	7.2	4.5	6.3

Figure III-Q
CRIME TRENDS: 1970-75

Reported Crime	South Dakota		Iowa		Mississippi		South Carolina		U.S.	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Violent 1970	616	92.5	2,241	79.3	3,974	179.3	7,387	285.2	731,402	360.0
1975	1,402	205.3	4,039	140.7	7,411	315.9	14,412	511.4	1,026,284	481.5
% Change	127.5%		80.2%		86.5%		95.1%		40.3%	
Property 1970	7,060	1,059.7	38,307	1,356.0	15,167	684.1	46,153	1,781.6	4,836,795	2,380.5
1975	17,305	2,533.7	108,142	3,768.0	40,147	2,094.8	116,385	4,130.1	10,230,282	4,800.2
% Change	145.1%		182.3%		224.0%		152.2%		111.5%	

IV. South Dakota Inmate Population and Trends

A. Inmate Characteristics

Defining what specific traits characterize a "typical" inmate of the South Dakota State Penitentiary does not provide a true picture of the diversity that is present within the prison population. Analyzing this data over a period of years can, however, reveal general shifts in the institution's population make-up. The following charts compiled by the Criminal Justice Statistical Analysis Center of the University of South Dakota illustrate the characteristics of the annual population from 1972 to 1977.

Any analysis that can be drawn in regard to penitentiary population trends must be made with caution. As noted, the raw data which comprise the following tables was not always complete nor was it obtained in a consistent manner. The variations between years can only suggest that various shifts are occurring within the general incoming prison population.

1. Crimes Committed

Figure IV-A which illustrates the types of crimes that were committed by the inmates does not reveal any decisive changes over the six year period in criminal activity. Burglary, DWI, check violations and grand larceny commitments increased from 1972 to 1977 but only the crimes of check violation and grand larceny had a constant increase. The most common offense committed was the crime of burglary. From 1972 through 1977 it accounted for 25% of the crimes committed. Figures IV-B, IV-C, and IV-D indicate the percentages of property crimes and crimes against persons and other category crimes committed by the State Penitentiary inmates for the period 1972-1977 projected through 1985. Over 60% of the crimes committed were property crimes. A slight but steady increase is projected through 1985. On the other hand Figure IV-C indicates a steadily decreasing percentage of crimes against persons. It was only in the area of fraud (not including check violation) that a substantial decrease in the number of commitments was noted and again there was no constant decrease from year to year. What is significant about this table is the substantial increase in total number of inmates received during the time span. The incoming prison population increased 66% over the six year period.

Thus, while the prison population is increasing there is no apparent significant change in the type of crimes being committed other than a slight increase in property crimes and a steady decrease in person crimes.

This data would lead one to believe that the development of community based programs should be encouraged since the majority of the inmate population consists of non-violent offenders.

2. Lengths of Sentence

In the area of sentencing, as reflected in Figure IV-E, there has been a trend of giving fewer years of imprisonment to men sentenced to the State Penitentiary. In 1972, 34% of the inmates were sentenced to one to three years, but in 1977 that rate rose to 61%. In regard to the longer sentences, 19% of the inmates entering the adult correctional

Figure IV-A
CRIMES COMMITTED BY STATE PENITENTIARY INMATES^a

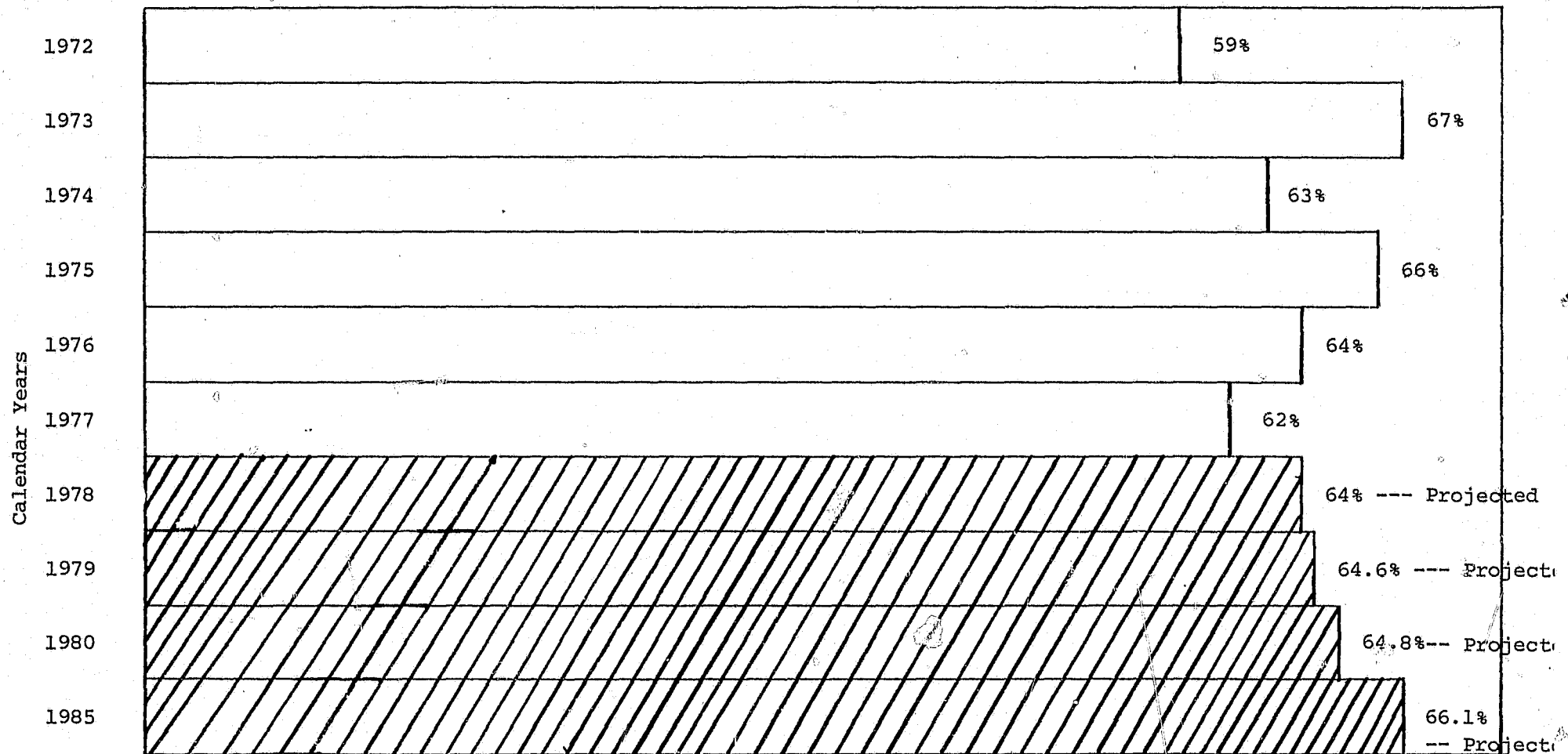
Crime ^b	Male						Increase or Decrease 1972-1977 Male
	1972 ^d	1973 ^d	1974 ^e	1975 ^e	1976 ^d	1977 ^d	
Arson	0	1	2	1	0	1	+ 1
Assault	15	15	23	17	27	20	+ 5
Burglary	65	53	73	113	125	110	+45
Conspiracy	0	1	0	0	0	3	+ 3
Controlled Substance (Possession/Distribution)	51	10	23	54	73	55	+ 4
DWI	6	9	5	9	11	30	+24
Embezzlement	3	1	5	3	4	4	+ 1
Escape	13	12	20	25	19	16	+ 3
Forgery	30	30	28	25	18	19	-11
Fraud							
Check Violations	0	5	9	33	36	41	+41
Other ^g	36	18	11	18	12	10	-26
Grand Larceny	23	32	28	48	58	64	+41
Habitual	0	0	0	1	1	8	+ 8
Homicide							
Murder	4	6	4	1	3	1	- 3
Manslaughter 1st	3	2	1	5	1	2	- 1
Manslaughter 2nd	3	4	2	5	6	4	+ 1
Kidnapping	0	2	0	1	1	6	+ 6
Perjury	0	0	0	1	2	1	+ 1
Property Damage	0	2	1	1	3	7	+ 7
Rape	7	4	4	9	8	0	- 7
Riot	0	0	3	1	3	1	+ 1
Robbery	8	6	13	20	27	19	+11
Sex Offenses	6	2	10	7	3	19	+13
Theft							
Motor Vehicle	0	1	0	1	1	0	0
Shoplifting	0	0	0	0	0	0	0
Stolen Property	1	3	7	10	3	11	+10
Weapons (Possession)	0	0	0	1	6	2	+ 2
Miscellaneous	0	2	1	0	0	0	0
Total	274	221	273	410	451	454	66%

Note: Use caution in making comparisons across years --see footnotes.

- ^aCalendar year data is provided. The total number of crimes may be more than the number of inmates which the statistics are based because of multiple crimes or more than one count of the same charge.
^b"Attempted" and "accessory to" offenses are classified under the particular offense category, except that attempted murder is considered to be assault.
^cPenitentiary annual reports begin listing crimes committed by female inmates in 1975.
^dStatistics based on total number of inmates received from state courts during year
^eStatistics based on total number of state inmates received during year
^fStatistics based on total number of inmates confined on December 31 (includes 1 federal inmate)
^gThis category would include offenses such as obtaining money or property under false pretenses and confidence games. They are separated here from check violations because the changes in the criminal code which became effective in 1977 would cause these offenses to be classified under theft.
^hSex offenses do not include prostitution or rape.

Figure IV-B

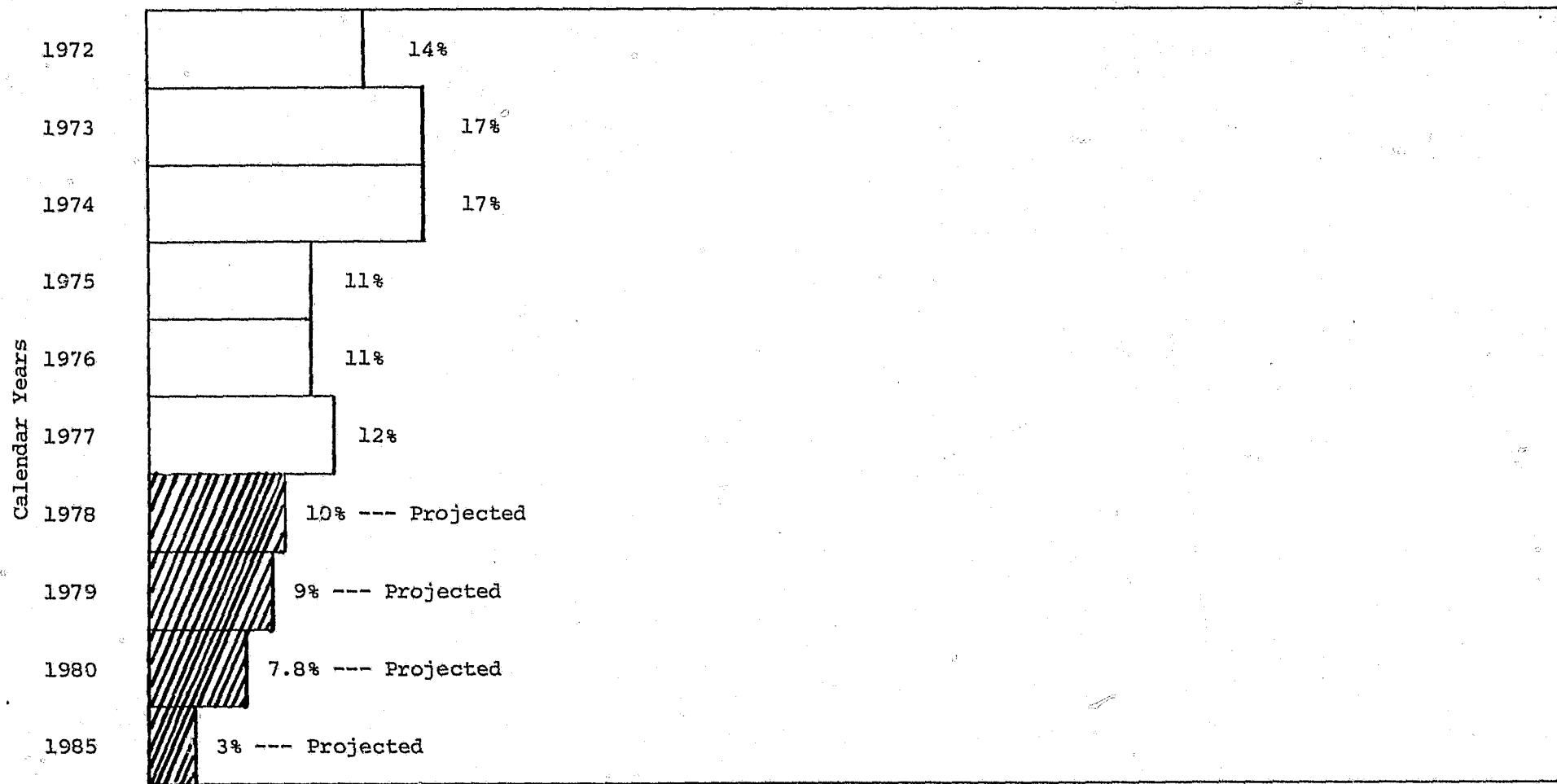
PROPERTY CRIMES



Percentage of Total Offenses Committed

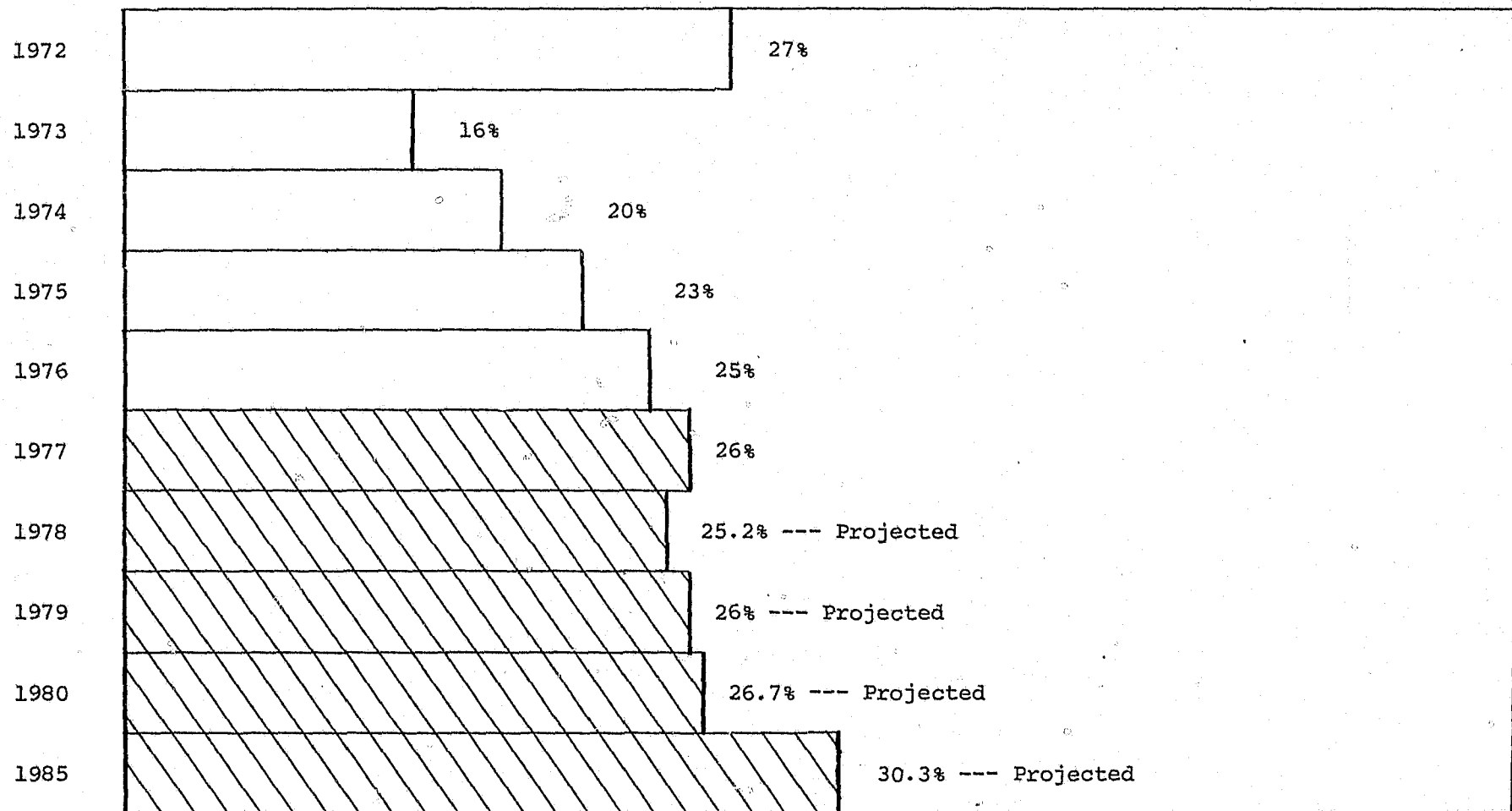
FIGURE IV - C

PERSON CRIMES



Percentage of Total Offenses Committed

FIGURE IV-D
OTHER CRIMES



Percentage of Total Offenses Committed

Figure IV-E

Sentences of State Penitentiary Inmates^a

Sentence	Male					
	1972c	1973c	1974d	1975d	1976e	1977f
Indeterminate Percent	16 5% (7)	4 2% (8)	7 3% (8)	23 6% (6)	7 2% (8)	8 2% (8)
Less than 1 year Percent	6 2% (9)	2 1% (9)	12 5% (5)	11 3% (7)	14 3% (7)	14 4% (7)
1 - 2 years Percent	54 16% (3)	54 22% (1)	91 36% (1)	116 30% (1)	139 31% (1)	146 38% (1)
2 - 3 years Percent	63 18% (1)	44 18% (2)	52 20% (2)	96 25% (2)	94 21% (2)	87 23% (2)
3 - 4 years Percent	55 16% (3)	29 12% (4)	41 16% (3)	59 15% (3)	82 18% (3)	31 8% (4)
4 - 5 years Percent	20 6% (5)	14 6% (7)	12 5% (5)	26 7% (5)	36 8% (5)	26 7% (5)
5 - 10 years Percent	63 18% (1)	38 16% (3)	26 10% (4)	42 11% (4)	52 12% (4)	44 11% (3)
10 - 20 years Percent	26 8% (4)	19 8% (5)	9 4% (7)	10 3% (7)	16 4% (6)	20 5% (6)
20 or more years Percent	18 5% (7)	18 7% (6)	1 0% (10)	4 1% (8)	3 1% (9)	8 2% (8)
Life Percent	22 6% (5)	19 8% (5)	4 2% (9)	1 0% (9)	3 1% (9)	2 1% (9)
Total Percent	343 100%	241 100%	255 100%h	388 100%h	446 100%h	386g 100%h

Note: Use caution in making comparisons across years--see footnotes.

^aCalendar year data

^bConcurrent but not consecutive sentences are included, so the totals are greater than the numbers of inmates upon which statistics are based: neither concurrent nor consecutive sentences are included in 1977.

^cStatistics based on total number of state inmates confined on December 31.

^dStatistics based on total number of state inmates received during year.

^eStatistics should be based on the total number of inmates received from state courts during the year; however, this total was 369, the number of concurrent sentences was noted to be 28, and 446 sentences were listed.

^fStatistics based on total number of inmates received from state courts during year.

^gSentences should add to 383. Thus there appear to be three extra sentences, but records were not readily available.

^hThis percentage is accurate, but different than the sum of its component percentages because of rounding effects.

institution in 1972 had sentences ranging from ten years to life. By 1977 the percentage of the incoming inmates to receive longer sentences dropped 8%. Thus, there has been a significant trend towards shorter sentences over the last 5 years. This substantiates the decrease in serious crimes among the inmate population.

3. Age of Inmates

As indicated in Figure IV-F, the age of men entering the institution has been steadily lowering since 1972. In 1972, 47% of the inmates received at the Penitentiary were 25 years of age or younger. In 1977 this percentage increased to 58% of the population. Generally, the over 25 age categories have remained constant with the exception of the 31 to 35 age group which decreased significantly.

4. Race

Race is one characteristic that has remained fairly constant. Figure IV-G shows that for the period 1972 through 1977, 72.7% of the inmates received at the State Penitentiary are caucasian, 24.5% Indian, 1.8% Black and 1.0% falling into "other" categories.

5. Educational Levels

The inmates educational backgrounds have always been fairly limited as evidence by Figure IV-H. However, even though data for educational levels is somewhat incomplete for 1972-74, the overall educational background of inmates has risen. The number of inmates who had not completed the twelfth grade or completed a GED decreased from 81% in 1972 to 53% in 1977. The number of inmates with college level training has remained fairly stable however.

6. Geographic Origins

Figure IV-I, inmates received by county, is generally reflective of the expectation that the more populous counties contribute the most inmates. Over the six year period from 1972-1977, Minnehaha and Pennington Counties consistently rank one and two in number of inmates. Somewhat of an unexpected and unexplainable figure is the inmate number associated with Davison County which ranked third over the six year period, ahead of more populous areas in the state. Overall, 38.6% of the inmates received during this period come from Minnehaha, Pennington, Davison, and Brown Counties.

7. Summary Comments

A general statement can be made as to the direction the prison population is taking at the South Dakota State Penitentiary. Younger men are being sentenced to shorter prison terms. They are predominately white with less than a high school education and, for the most part, the criminal act that led them to prison was a property offense.

Admissions have been increasing over the past few years. In 1972 admissions to the State Penitentiary number 274. During calendar year 1977, 454 inmates entered the institution. The shorter sentences invoked have not offset the increase in the number of new inmates coming to the institution. The average daily count for calendar year 1972 was 363.4 and that number was up 556.2 in 1977.

Figure IV-F

Age at Time of Commitment
for State Penitentiary Inmates^a

Age	Male					
	1972 ^b	1973 ^b	1974 ^c	1975 ^c	1976 ^d	1977 ^e
Under 18	8	7	9	11	8	11
Percent	2%	3%	4%	3%	2%	3%
18 - 20	61	42	63	107	116	83
Percent	18%	18%	25%	29%	27%	22%
21 - 25	91	62	72	127	160	126
Percent	27%	27%	29%	34%	38%	33%
26 - 30	56	40	45	49	60	64
Percent	17%	17%	18%	13%	14%	17%
31 - 35	49	34	26	31	32	25
Percent	15%	15%	10%	8%	8%	7%
36 - 40	21	17	8	14	19	26
Percent	6%	7%	3%	4%	5%	7%
41 - 45	18	12	14	14	11	14
Percent	5%	5%	6%	4%	3%	4%
46 - 50	16	12	7	10	5	18
Percent	5%	5%	3%	3%	1%	5%
51 - 55	3	3	1	4	5	12
Percent	1%	1%	0%	1%	1%	3%
56 - 60	3	1	2	2	3	1
Percent	1%	0%	1%	1%	1%	0%
61 - 65	7	2	1	0	2	1
Percent	2%	1%	0%	0%	0%	0%
Over 65	2	1	0	0	1	2
Percent	1%	0%	0%	0%	0%	1%
Total	335	233	248	369	422	383
Percent	100%	100% ^f	100% ^f	100% ^f	100%	100% ^f

Note: Use caution in making comparisons across years--see footnotes.

^aCalendar year data

^bStatistics based on total number of state inmates confined on December 31

^cStatistics based on total number of state inmates received during year

^dStatistics based on total number of state inmates received from state courts during year, counting each inmate again for each sentence imposed

^eStatistics based on total number of inmates received from state courts during year

^fThis percentage is accurate, but different than the sum of its component percentages because of rounding effects.

Compiled by the Criminal Justice Statistical Analysis Center, USD

Figure IV-G

Race of State Penitentiary Inmates^a

Race	1972 ^b	1973 ^b	1974 ^c	1975 ^d	1976 ^e	1977 ^f
	Male					
Caucasian	237	149	193	282	312	280
Percent	71%	64%	78%	76%	74%	73%
Indian	91	75	47	83	94	97
Percent	27%	32%	19%	22%	22%	25%
Black	5	8	4	2	13	4
Percent	1%	3%	2%	1%	3%	1%
Other	2	1	4	2	3	2
Percent	1%	0%	2%	1%	1%	1%
Total	335	233	248	369	422	383
Percent	100%	100% ^g	100% ^g	100%	100%	100%

Note: Use caution in making comparisons across years--see footnotes.

^aCalendar year data

^bStatistics based on total number of state inmates confined on December 31

^cMale statistics based on total number of state inmates received during year; female statistics based on total number of state inmates confined on December 31

^dMale statistics based on total number of state inmates received during year; female statistics based on total number of inmates confined on December 31 (includes one federal inmate)

^eMale statistics based on total number of inmates received from state courts during year, counting each inmate again for each sentence imposed; female statistics based on total number of inmates received from state courts during year

^fStatistics based on total number of inmates received from state courts during year

^gThis percentage is accurate, but different than the sum of its component percentages because of rounding effects.

Compiled by the Criminal Justice Statistical Analysis Center, USD

Figure IV-H

Educational Background of State Penitentiary Inmates^a

Grade or Level Completed ^b	Male					
	1972 ^c	1973 ^c	1974 ^{de}	1975 ^{ef}	1976 ^{fg}	1977 ^{fh}
Fifth or less	4	4	3	4	5	4
Percent	1%	2%	1%	1%	1%	1%
Sixth or Seventh	27	23	20	15	17	26
Percent	8%	10%	8%	3%	3%	5%
Eighth	90	68	38	63	57	57
Percent	27%	29%	16%	13%	10%	11%
Some high school	151	103	103	185	212	184
Percent	45%	44%	42%	39%	37%	36%
Twelfth	52	23	61	98	127	112
Percent	15%	10%	25%	21%	22%	22%
GED	?	?	?	73	104	101
Percent				15%	18%	20%
Some College	12	12	19	30	57	28
Percent	4%	5%	8%	6%	10%	5%
College	?	?	?	4	0	4
Percent				1%	0%	1%
Total	336	233	244	472	579	516
Percent	100%	100%	100%	100% ^j	100%	100% ^j

Note: Use caution in making comparisons across years -- see footnotes.

^aCalendar year data

^bBecause of the different ways of handling GED and post-high school categories in various years, as noted in the footnotes, percentages should be regarded with caution.

^cStatistics based on total number of state inmates confined on December 31 data on GED diplomas and on college graduate not supplied but probably included in the "high school" and "some college" categories, respectively

^dMissing 4 cases (total received = 248); "GED" combined with "twelfth" and "college" with "some college"

^eStatistics based on total number of state inmates received during year

^fOne inmate may be counted in more than one category (e.g., in "eighth" and in "GED"), so the totals are greater than the numbers of inmates upon which the statistics are based.

^gStatistics based on total number of inmates received from state courts during year, counting each inmate again for each sentence imposed

^hStatistics based on total number of inmates received from state courts during year

ⁱ"General Educational Development," equivalent to high school diploma

^jThis percentages is accurate, but different than the sum of its component percentages because of rounding effects.

Figure IV - I

INMATES RECEIVED BY COUNTY

	72	73	74	75	76	77	TOTAL
AURORA	3	1	1	1	3	6	15
BEADLE	7	4	6	15 (17)	9	13 (10)	54 (12)
BENNETT	1	2	1	9	1	5	19
BON HOMME	2	4	1	7	0	8	22
BROOKINGS	16 (4)	8 (7)	2	10	9	18 (5)	63 (9)
BROWN	14 (6)	11 (2)	12 (3)	17 (5)	11	28 (3)	93 (4)
BRULE	9 (9)	3	6	10	14 (9)	9	51 (14)
BUFFALO	0	0	0	1	0	0	1
BUTTE	1	1	3	10	3	17 (16)	35
CAMPBELL	1	0	0	0	0	0	1
CHARLES MIX	4	11 (2)	12 (3)	6	12 (10)	10	55 (11)
CLARK	0	0	1	3	2	3	9
CLAY	4	1	3	10	8	9	35
CODINGTON	10 (8)	9 (6)	10 (6)	12 (9)	16 (5)	10	67 (8)
CORSON	1	0	0	0	10	4	15
CUSTER	0	0	9 (8)	2	3	3	17
DAVISON	14 (6)	8 (7)	10 (6)	18 (4)	29 (3)	22 (4)	101 (3)
DAY	3	7	3	5	8	2	28
DEUEL	1	1	0	0	4	3	9
DEWEY	1	0	0	0	0	0	1
DOUGLAS	0	0	1	0	1	1	3
EDMUNDS	0	0	0	1	0	0	1
FALL RIVER	8	2	3	16 (6)	9	14 (8)	52 (13)
FAULK	0	0	1	3	0	3	7
GRANT	3	3	1	1	1	0	9
GREGORY	7	0	3	2	1	2	15
HAAKON	0	0	0	2	1	1	4
HAMLIN	0	0	1	1	4	0	6
HAND	0	0	1	0	2	1	4
HANSON	1	0	1	0	1	0	3
HARDING	2	0	0	0	1	0	3
HUGHES	16 (4)	2	3	15 (7)	15 (8)	9	60 (10)
HUTCHINSON	1	3	1	0	0	1	6
HYDE	0	0	0	0	0	0	0
JACKSON	4	0	3	3	4	3	17
JERAULD	0	0	0	1	0	0	1
JONES	1	2	3	8	4	1	19
KINGSBURY	0	1	0	3	0	1	5
LAKE	2	2	5	7	9	4	29
LAWRENCE	9 (9)	4	12 (3)	12 (9)	18 (4)	13 (10)	68 (7)
LINCOLN	0	4	0	4	1	5	14
LYMAN	2	0	1	4	4	2	13
McCOOK	0	2	0	1	2	5	10
McPHERSON	0	0	0	1	1	0	2
MARSHALL	3	0	3	2	5	3	16
MEADE	0	7	2	2	5	6	22
MELLETTTE	0	0	0	0	0	1	1
MINER	0	0	2	2	0	0	4
MINNEHAHA	55 (1)	42 (1)	44 (2)	55 (1)	75 (1)	73 (1)	344 (1)
MOODY	0	3	2	6	1	1	13

	72	73	74	75	76	77	TOTAL
PENNINGTON	24 (2)	11 (2)	48 (1)	33 (2)	51 (2)	45 (2)	212 (2)
PERKINS	1	3	1	2	3	1	11
POTTER	0	1	2	1	0	4	8
ROBERTS	24 (2)	10 (5)	2	10	16 (5)	17 (6)	79 (5)
SANBORN	0	2	0	0	2	1	5
SPINK	0	1	1	5	6	5	18
STANLEY	2	0	0	2	3	2	9
SULLIVAN	0	0	0	0	0	0	0
TRIPP	2	5	9 (8)	4	3	4	27
TURNER	1	0	1	0	3	0	5
UNION	1	0	0	5	5	9	20
WALWORTH	5	8 (7)	7 (10)	6	6	2	34
YANKTON	5	8 (7)	5	23 (3)	16 (15)	14 (8)	71 (6)
ZIEBACH	1	0	0	0	0	0	1
	272	197	249	379	421	424	1942

B. Future Populations at the State Penitentiary

1. South Dakota in Perspective

When the federal and aggregate state prison populations are super-imposed over the South Dakota prison population (as shown in Figure IV-J on the following page) the fluctuations in the respective populations are remarkably similar. The combined populations of all state institutions and the federal system saw a decline from 1958 to 1967 by 8%. South Dakota's prison population over the same span of time remained fairly steady. After a precipitous drop in the prison population beginning in 1966 and ending in 1974, the rate of incarceration nationally has sharply increased to the level which we find ourselves experiencing today. This severe decline can partially be explained by the emphasis on community-based corrections programs, many of which were implemented in the mid-1960's. Also, the crime prone population (males between the ages of 18 and 34) was significantly reduced during this period because of our country's involvement in the Vietnam War.

In South Dakota, the decline in the prison population was presumably due to the changeover from the old fragmented court system made up of circuit courts, district court, municipal courts, and justices of the peace to the Unified Judicial System in 1975. There was a large backlog of cases under the old system in anticipation of the changeover to the Unified Court System. As a result, many of the individuals who would ordinarily be adjudicated guilty (and where incarceration was part of their sentence) were being caught in this "bottleneck" of the system. Beginning in 1975 when the dockets were eventually cleared, sentences were handed down which involved incarceration at the State Penitentiary; hence, a significant increase in the average daily population at the State Penitentiary. Admittedly there are other causal factors for the sharp increase in the imprisonment rate; however, this variable alone appears to be the most dominant and plausible one.

In reviewing the table which comprises Figure IV-K, South Dakota is not unique in its increase in the incarceration rate beginning in 1973. Four other states in the North Central Region (i.e., Idaho, Montana, North Dakota, and Wyoming) also evidenced steady increases in their respective populations, at least through mid-1977. South Dakota had the largest percentage increase in any one year when in 1976 an increase of 55% (or 185 inmates) was experienced over the previous year. But, in examining the incarceration rate or the number of prisoners per 100,000 general population, South Dakota exhibits one of the lowest rates of increase in the incarceration rate at 21% compared to a national average of 28% in the five year span between 1971 and 1976. Montana, on the other hand, experienced a 109% increase in its rate of incarceration over this same period. This can be largely attributed to the fact that they now have a recently constructed state prison which was initially designed as a replacement institution, but has come to function as a supplement to it. North and South Dakota have traditionally incarcerated fewer individuals as part of the total general population than have most other states with a 26 and 70 per 100,000 population figure respectively.

Figure IV-J

AVERAGE YEARLY COUNT AT THE SOUTH DAKOTA PENITENTIARY

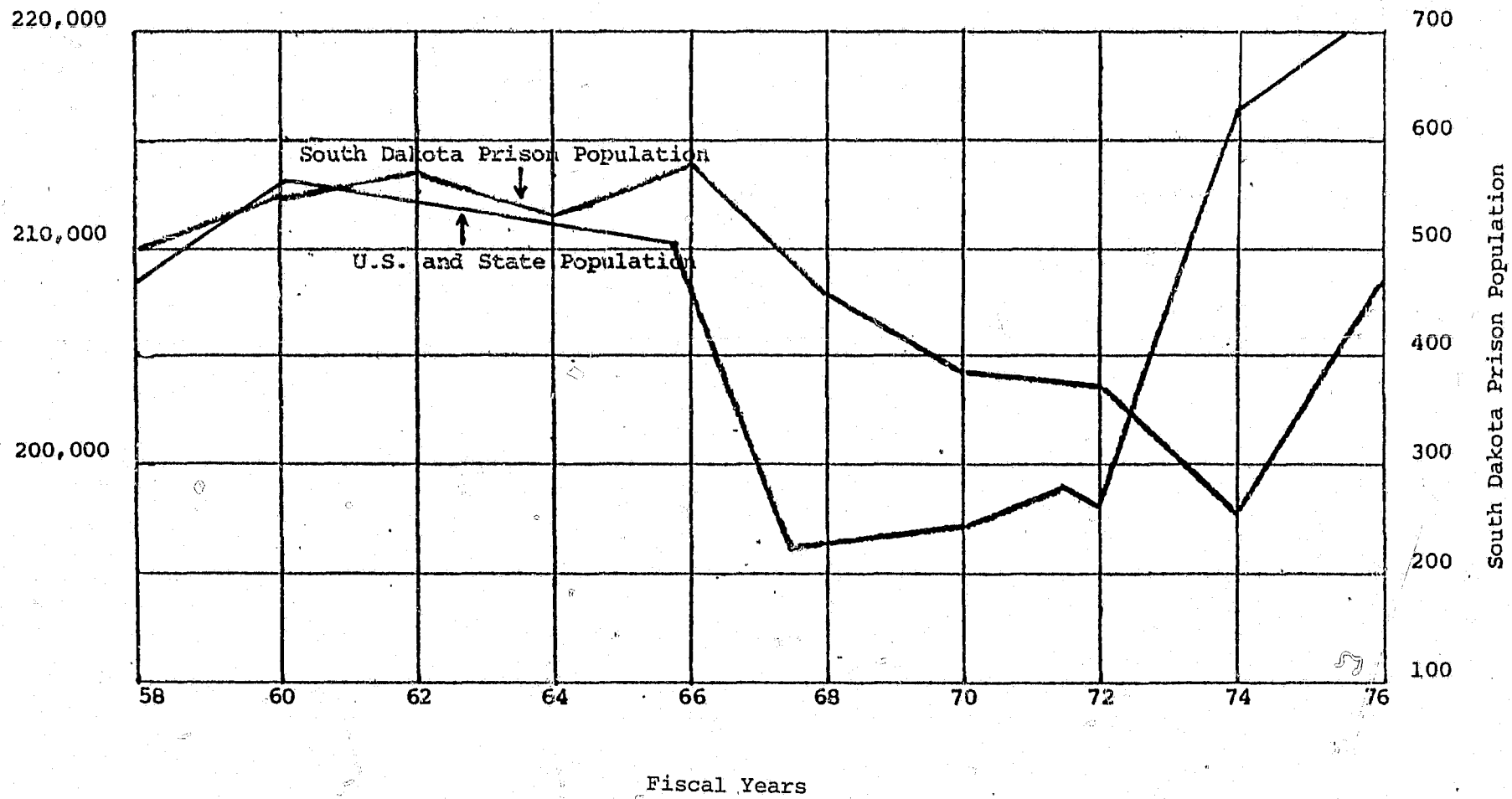


Figure IV-K
Prisoners in Custody, 1971-1976^a

Area	Prisoner Population ^b							Prisoners Per 100,000 Population	
	1971	1972	1973	1974	1975	1976	1977	1971	1976 ^c
South Dakota	388	344	236	250	338	523	565	58	70
Percent Change	-11%	-31%	6%	35%	55%	8%		21%	
Idaho	362	377	426	525	580	695	769	49	82
Percent Change	4%	13%	23%	10%	20%	11%		67%	
Montana	250	283	321	336	429	558	556	35	73
Percent Change	13%	13%	5%	12%	30%	0%		109%	
North Dakota	132	179	174	129	173	198	216	21	26
Percent Change	36%	-3%	-26%	34%	14%	9%		24%	
Wyoming	263	262	287	269	307	340	401	77	87
Percent Change	0%	10%	-6%	14%	11%	18%		13%	
North Central Region ^d	41,599	37,554	36,072	39,713	48,312	56,100	59,305	73	95
Percent Change	-10%	-4%	10%	23%	16%	6%		30%	
State Institutions	177,113	174,470	181,534	196,105	216,462	249,305	261,405	86	111
Percent Change	-1%	4%	8%	11%	15%	5%		29%	
United States	198,061	196,183	204,349	218,466	240,593	278,422	292,325	96	123
Percent Change	-1%	4%	7%	9%	16%	5%		28%	

^aFrom NPS (National Prisoner Statistics) Prisoners in State and Federal Institutions publications

^bThese figures represent all adult and juvenile prisoners with maximum sentences of over 1 year held in federal and state institutions on 12/31 of the year cited, except that the "State Institutions" figures do not include inmates held in federal institutions and a small percentage of the cases consists of prisoners with sentences of 1 year or less.

^cThe most recent year for which prisoners per 100,000 population figures were released is 1976.

^dOhio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas

Figure IV-L reveals the population levels at the South Dakota State Penitentiary on a quarterly basis since 1975 when the revised monthly report was put into use by Penitentiary officials. The chart was developed with the intent of showing seasonal fluctuations in the incarceration rate when contrasted against judicial terms and holidays that is readily observable in other state's past history. However, it is apparent that the rate of imprisonment over the past 3 $\frac{1}{4}$ years has risen at a very steady and predictable rate with the exception of the third quarter in 1977.

2. ABT Associates Projections

ABT Associates, as part of their recently released research project, computed the anticipated prison populations for all the states (refer to Figure IV-M). These detailed tables show the yearly populations of the states and the federal system using three different projection formulas. Figure IV-M summarizes these results for the total number of inmates projected for December 31, 1982 on the basis of 1976 data.

Projection I, which may be taken as a basis for comparison, assumes long-term stability in the total imprisoned population. Projection II assumes that present levels of admissions and releases persist over the next six years. Projection III also assumes persistence of present admission levels, but computes the expected population on the assumption that time served remains constant.

The column in Figure IV-M headed "Error" tabulates the 95 percent confidence interval computed on the premise that the basic modeling assumptions of the respective projection methods are statistically valid. It does not reflect any uncertainty which may be introduced either by misrepresentation of the assumptions or by the prospect that states will change their policies to invalidate one or more of the assumptions. In most states, the results of Projections I and III differ by less than this 95 percent error boundary, while Projection II is generally above this limit.

Figure IV-N shows the distributions of growth rates (as projected by Method II) for the states in four major geographic regions. These projected growth rates may be interpreted either as the changes expected over the next six-year interval (assuming unchanged intake and release levels) or as the recent historical trends. As a region, the North Central States show the highest distribution of growth rates.

Perhaps not so surprisingly, the prison population in South Dakota is expected to increase at a rate faster than any other state in the country by 1982. Based on the monthly prison population of 477 on January 1, 1977, this population (according to the ABT Associates) report is expected to roughly double itself in this six year time span.

3. Division of Law Enforcement Assistance Projections

In contrast to the work performed by ABT Associations, the Division of Law Enforcement Assistance undertook projecting the population at the South Dakota State Penitentiary through the year 2000.

Figure IV-L

SOUTH DAKOTA ADULT CORRECTIONAL INSTITUTION
ENDING QUARTERLY POPULATIONS = JANUARY 1975 - JUNE 1978

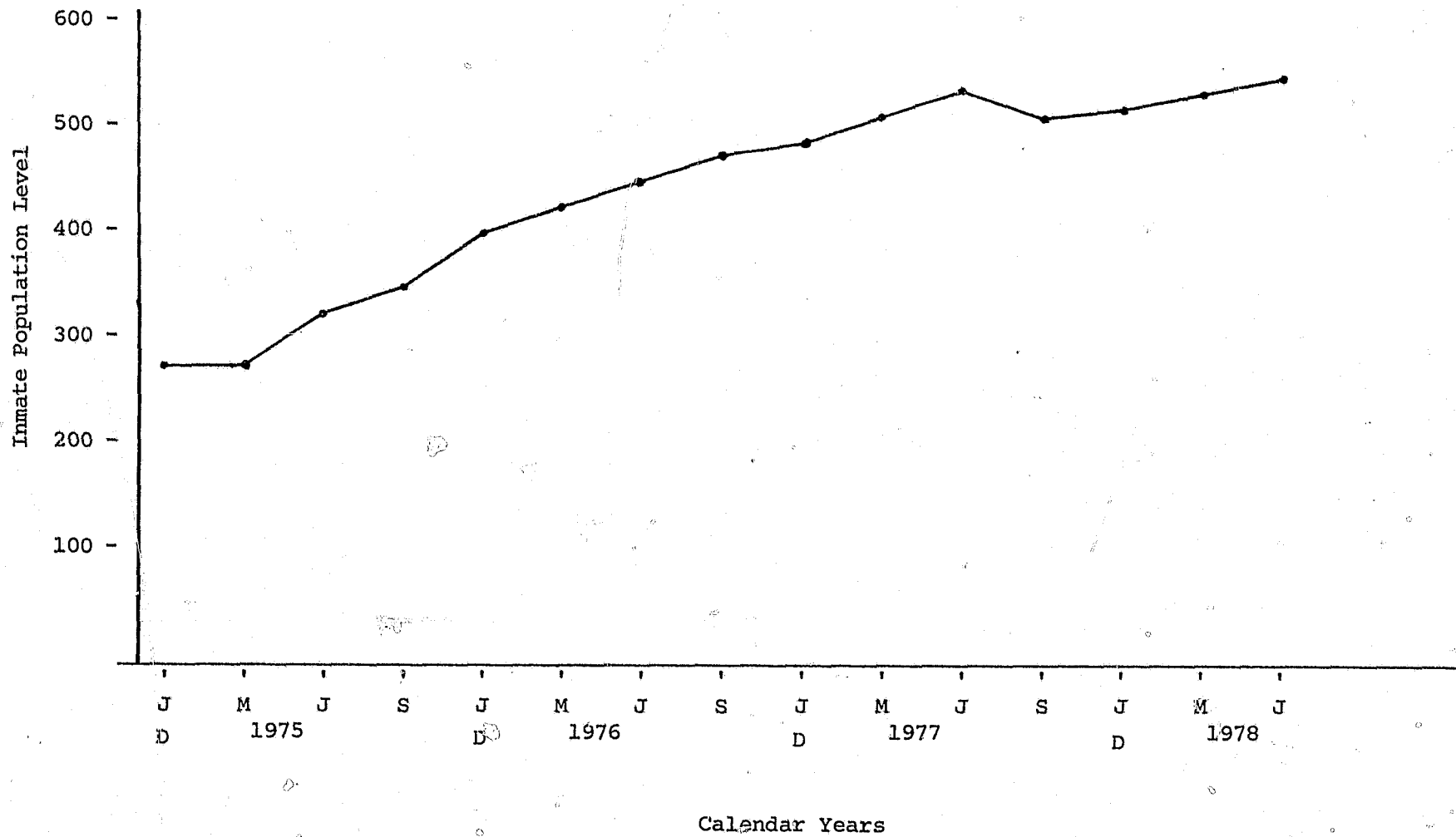


Figure IV-M

Projected Number of Inmates with Sentences Over One Year on
December 31, 1982

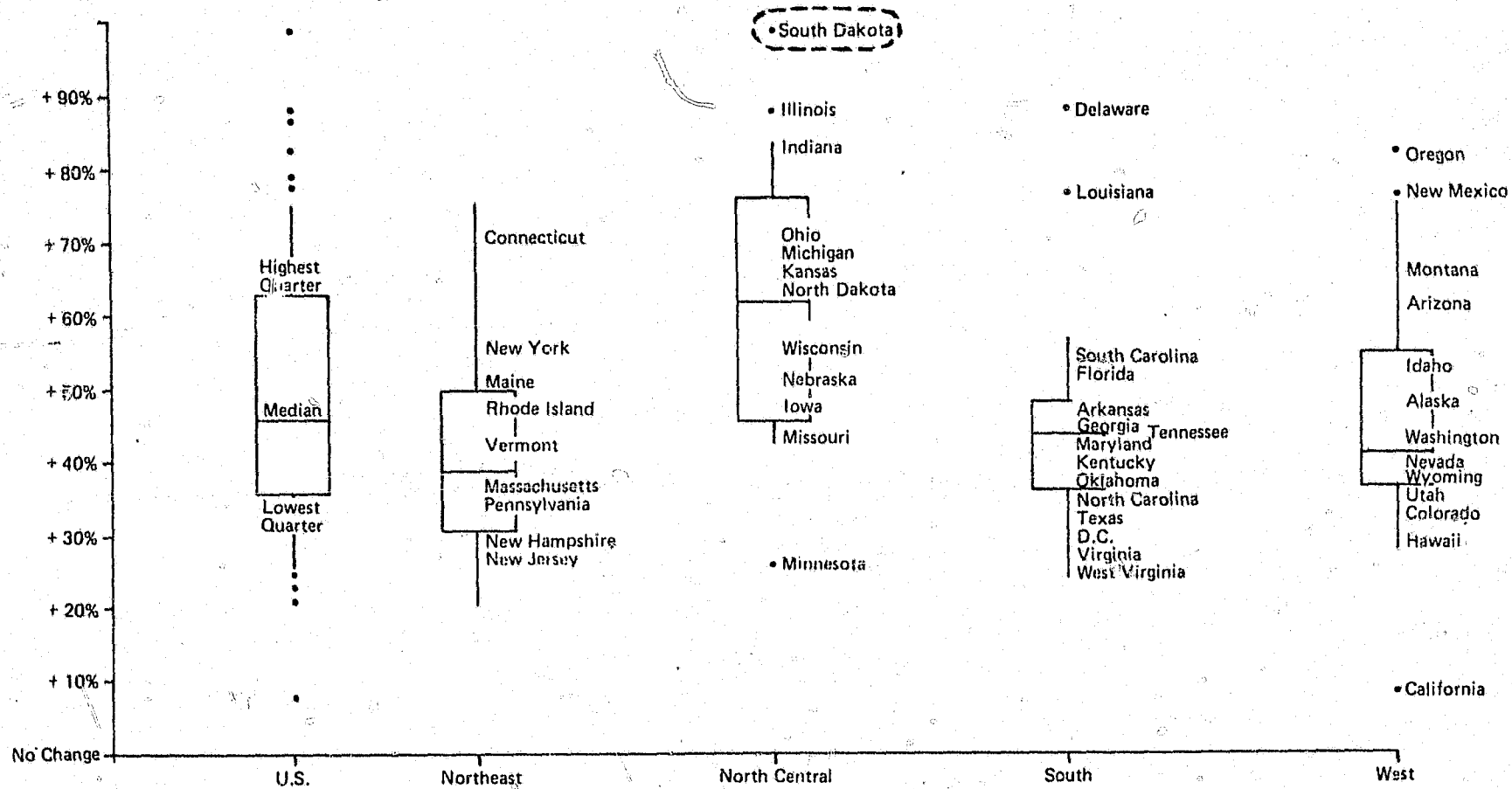
<u>Jurisdiction</u>	<u>Projection I</u>	<u>Projection II</u>	<u>Projection III</u>	<u>Error</u>
Federal Prisons	26799	34428	28700	1526
Alabama	3033	1710	1262	344
Alaska	231	344	179	119
Arizona	3044	5004	3132	329
Arkansas	2432	3648	2287	355
California	18112	19827	20358	897
Colorado	2239	2929	2296	327
Connecticut	1922	3300	1768	340
Delaware	685	1282	732	172
D.C.	2220	3017	2359	413
Florida	17793	26788	17518	805
Georgia	11133	16362	10528	595
Hawaii	336	438	265	91
Idaho	682	1066	737	216
Illinois	9411	17562	11489	633
Indiana	4201	7659	3966	409
Iowa	1891	2768	1722	261
Kansas	2078	3530	2554	359
Kentucky	3657	5295	4288	442
Louisiana	5912	10532	5865	403
Maine	612	924	541	216
Maryland	7914	11478	8382	618
Massachusetts	2695	3713	3141	300
Michigan	12461	21638	13122	679
Minnesota	1623	2055	1660	285

Projected Number of Inmates with Sentences Over One Year on
December 31, 1982

<u>Jurisdiction</u>	<u>Projection I</u>	<u>Projection II</u>	<u>Projection III</u>	<u>Error</u>
Mississippi	2509	3505	2738	339
Missouri	4998	7192	5549	422
Montana	552	915	684	172
Nebraska	1421	2123	1572	259
Nevada	954	1335	1092	203
New Hampshire	255	309	210	121
New Jersey	5867	7382	5659	523
New Mexico	1221	2154	1461	245
New York	17706	26722	18856	781
North Carolina	11570	16100	11745	748
North Dakota	161	261	134	89
Ohio	12523	22141	12331	727
Oklahoma	3416	4980	3335	398
Oregon	2804	5156	2973	348
Pennsylvania	8014	10688	7931	549
Rhode Island	493	719	539	139
South Carolina	6432	10059	6716	509
South Dakota	482	971	622	167
Tennessee	4817	7049	5498	473
Texas	20717	28229	22755	859
Utah	851	1197	936	217
Vermont	307	421	394	140
Virginia	6179	7792	7454	504
Washington	3881	5790	4368	395
West Virginia	1295	1600	1140	239
Wisconsin	3298	5193	3415	364
Wyoming	339	463	350	87

Figure VI-N

Projected Prison Population Increase, 1976 - 1982 (Projection 2)



Source PC-1

The technique used in this projection was to examine the average daily count (as revealed in Figure IV-O) and select a high and a low base year where the rate of incarceration showed a substantial disparity. Base years arrived at were 1950, 1960, and 1970. These base years were then projected through 2000 assuming that all factors in existence in that particular base year remained constant. The only variable used to compute the projected increases was the crime prone population. The age at risk (18 to 34 years) was used since in most instances, there appears to be a positive correlation between the rise in prison population and the increase in those numbers of the population in the crime prone years. This 18-34 year old age cohort was projected using both 1950 and 1960 base years with the actual population levels logically falling in between. The results of this effort are shown in Figures IV-P and IV-Q.

Because of the fertility rate, the "Baby Boom" is expected to reach its highest point in 1985. This is the year at which the population level at the South Dakota State Penitentiary can be expected to be at its highest point (738 inmates). A gradual decline is expected to ensue after 1985 when the percentage of 18 to 34 years old is expected to be decreasing.

In addition to projecting the total average annual population level at the Penitentiary, we also calculated the projected total number of inmates processed in the course of a year (Figure IV-R). These figures represent the population being maintained for that year in addition to the number of new admissions. These statistics were arrived at using the same methodology as was used in computing the annual average population level. This table was developed largely with the intent of using it for assistance in annual budget development.

While there are some significant disparities and inconsistencies which can be readily identified between the various projection formulas which were used in projecting the adult prison population in South Dakota, the underlying evidence shows that the population level is expected to peak in the mid-1980's. The anticipated population at the State Penitentiary in Sioux Falls for 1985 will probably range from 600 to 900 male adult inmates. Even the lowest level projected is 60 inmates in excess of the 540 rated capacity which it currently operates under. A population level in excess of 600 inmates will be certain to place severe programmatic, fiscal, and administrative constraints on the adequate functioning of the State Penitentiary.

Figure IV-O

TREND OF AVERAGE DAILY POPULATION, SOUTH DAKOTA 1951-1977

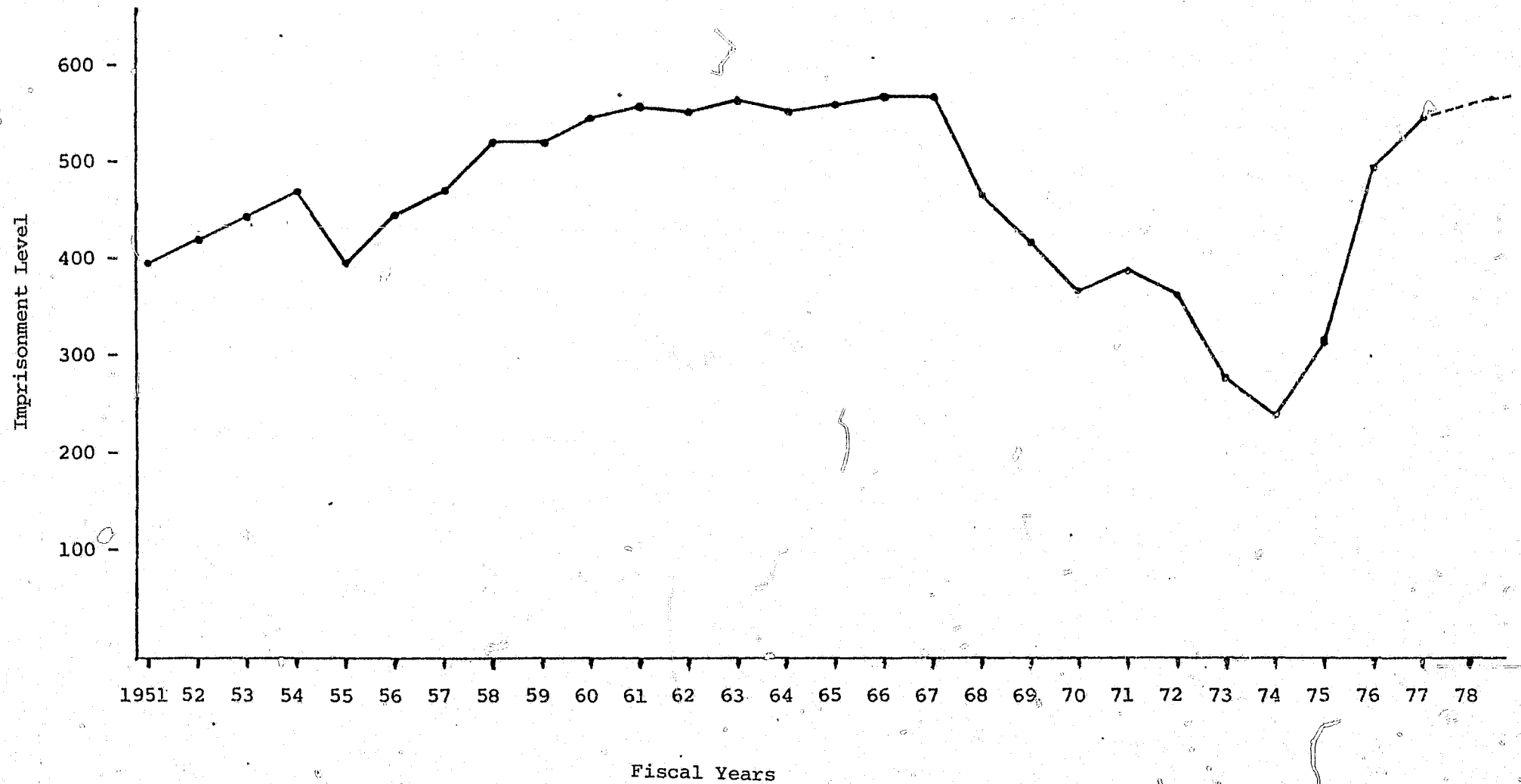


Figure IV-P

S.D. ADULT CORRECTIONAL INSTITUTION
PROJECTED INMATE POPULATION

Fiscal Year	Projections			Actual
	High	Low	Probable	
1950	630	440	451	451
1960	548	382	392	548
1970	544	379	389	379
1975	717	500	513	322
1976	732	511	523	451
1977	741	517	530	516
1978	813	567	582	
1979	886	618	634	
1980	958	668	685	
1981	973	679	696	
1982	988	689	707	
1983	1003	699	717	
1984	1017	709	727	
1985	1032	720	738	
1990	954	665	682	
1995	880	613	629	
2000	804	560	575	

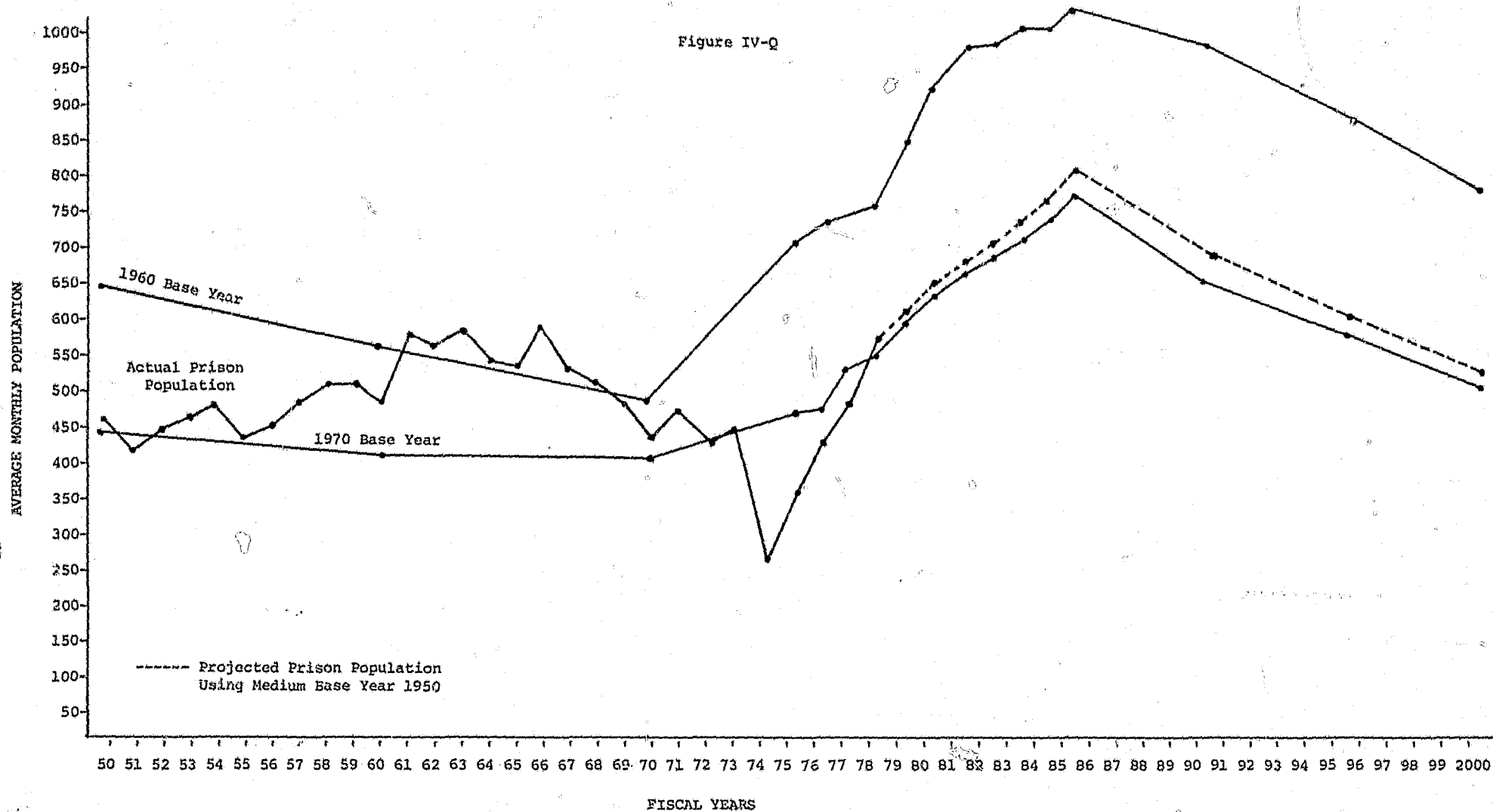


Figure IV-R

S.D. ADULT CORRECTIONAL INSTITUTION
PROJECTED TOTAL POPULATION
PROCESSED DURING FISCAL YEAR

Fiscal Year	Projections			Actual
	High	Low	Probable	
1950	780	491	508	491
1960	678	427	512	678
1970	673	423	508	508
1975	887	559	670	
1976	906	570	685	*912
1977	918	578	693	*1090
1978	1007	634	761	
1979	1096	690	828	
1980	1186	746	896	
1981	1204	758	909	
1982	1222	769	923	
1983	1241	781	937	
1984	1258	792	951	
1985	1277	804	965	
1990	1180	742	891	
1995	1089	685	822	
2000	995	626	752	

* Based on projections from Board of Charities and Corrections

CONTINUED

1 OF 2

V. POSSIBLE DIRECTIONS/ALTERNATIVES

A. Maintaining the Status Quo

For the past decade, the South Dakota State Penitentiary has been basically maintaining the previously existing situation. Although the inmate population has been rising, only minor changes have been made. Small programmatic improvements, some increased staffing and minor structural renovations have occurred. There had not existed a strong impetus to delve into any major alterations of the Penitentiary's operation. Now, however, the movement is underway at all strata of government to raise the performance levels and practices of correctional institutions. The role and function of the prison system faces many challenges today. A few critics have called for the abolition of imprisonment totally while others, while admitting the need for institutional confinement for a minority of offenders, urge that the vast majority of offenders be remanded to alternative programs. In addition, correctional systems have found themselves increasingly under the scrutiny of federal and state courts. This too has produced a powerful force for change in institutional methods and practices.

The catalyst is now here for improving the services and conditions of institutional care. Standards are being developed both at the state and national level as guidelines for establishing a more effective and efficient correctional practice. Task forces are also being formed to study specific functions within the framework of the correctional system.

What would happen, however, if the South Dakota State Penitentiary, in the face of this push for improved correctional performance and practices, adopted the philosophy of maintaining the status quo? For one, the overcrowded conditions within the facility would worsen. The projected increased inmate population coupled with no additional alternative placement programs would result in extreme overcrowding. Emergency facilities may have to be established. Other states during peak population periods have had to resort to housing inmates in tents, trailers and modular units. Another measure that has been used is the converting of hallways, recreation rooms and basements within an institution into dormitories. Former hospitals, mental facilities, juvenile institutions, and military installations have also been converted into medium and minimum correctional facilities to accommodate the population crunch.

Crowding has unfortunate effects on other aspects of the prison program: curtailed visiting, reduced recreation, slowdowns, and long waits to showers and meals, over-assignment of inmates to existing jobs, idleness. With the usual lag in both the hiring and the adequate training of staff, the ratio of staff to inmates also diminishes. Essentially, all facets of the institution suffer when the inmate population exceeds the facility's capacity level.

The question must also be asked if it is even realistic to believe that the State Penitentiary could retain its present situation. In light of the various standards and guidelines that are being developed for upgrading the corrections field, could the institution maintain the status quo? There is a strong likelihood that compliance to established standards may become mandatory for the procurement of federal financial assistance. Would the administration be willing to forego that federal support? What about the citizenry of South Dakota? Would they allow their adult correctional institution to only maintain its present operation?

The courts historically have held a "hands off" policy which placed sharp limits on court intervention in matters of correctional administration. Now with the abandonment of this policy, institutions are being met with a large number of civil actions initiated by inmates. Court rulings have forced change in institutional practices. Maryland, for example, was just ordered by two federal judges to remove 1,000 inmates in eight months from the overcrowded penitentiary in Baltimore and the House of Correction in Jessup. According to the district court judges, the overcrowded conditions in the two prisons represented unconstitutionally cruel and unusual punishment. The courts could also be utilized if correctional standards become mandatory. One way to enforce compliance would be through federal court action.

The average daily inmate population in South Dakota is projected to be in excess of 700 by 1985. This increase in population would in itself most likely necessitate institutional change. When recent court actions and correctional standards are also reviewed, change looks inevitable. Alternatives to incarceration at the South Dakota State Penitentiary must be established. It is a question of planning for alternative programs now or waiting for the situation to mandate their creation.

B. Emphasis on Residential Community-Based Programming

The extent to which imprisonment is used depends in part upon the perceived availability of suitable sentencing alternatives. Of primary importance in this respect is the use of probation orders, with or without additional conditions. There is considerable variation from state to state in the development of probation services. In some instances, as in California, probation subsidy schemes have been used as ways of both improving the quality of probation supervision and reducing rates of commitment to prison. An important research issue is the extent to which sentencing options to prison actually serve that purpose, rather than merely supplementing existing institutional arrangements.

Despite the considerable attention devoted to community-based corrections in professional journals and the media, the survey results released by ABT Associates dramatically confirm that in terms of absolute numbers, and in percentage of prisoners involved, these residential programs are "in a very embryonic stage of development." The responses to their survey identified a total of only 8,517 individuals in community-based corrections programs nationally.* Most of these programs are described as pre-release centers, providing a transitional residence for prisoners in the final stage of their sentence. In other instances, the program might best be described as farms or road gangs.

The survey data released by ABT Associates indicates that 27 states and the Federal Bureau of Prisons directly operate such programs. Only four states (Alabama, Illinois, Missouri, and New Jersey) and the Federal system reported having 10 or more programs; nine states reported having only one. Seven states and the Federal Bureau of Prisons reported contracts with privately operated residential centers. Of particular interest is the finding that most of the centers directly operated by corrections departments are well below their rated capacity. Twenty-two out of 27 jurisdictions reported, on an aggregated basis, that capacity exceeded occupancy by 823 beds. Only Missouri and New Jersey reported overcrowding in state-oriented prerelease/work release facilities (188 inmates for a rated capacity of 140 and 992 inmates for a rated capacity of 781 respectively). Oregon and Washington both had slightly overrated capacity.

There are a number of ironies concerning the data. First, at a time of prison crowding, such centers are underutilized. Second, in several jurisdictions where the crowding problem is especially severe, there are no, or very few, programs of this sort. Finally,

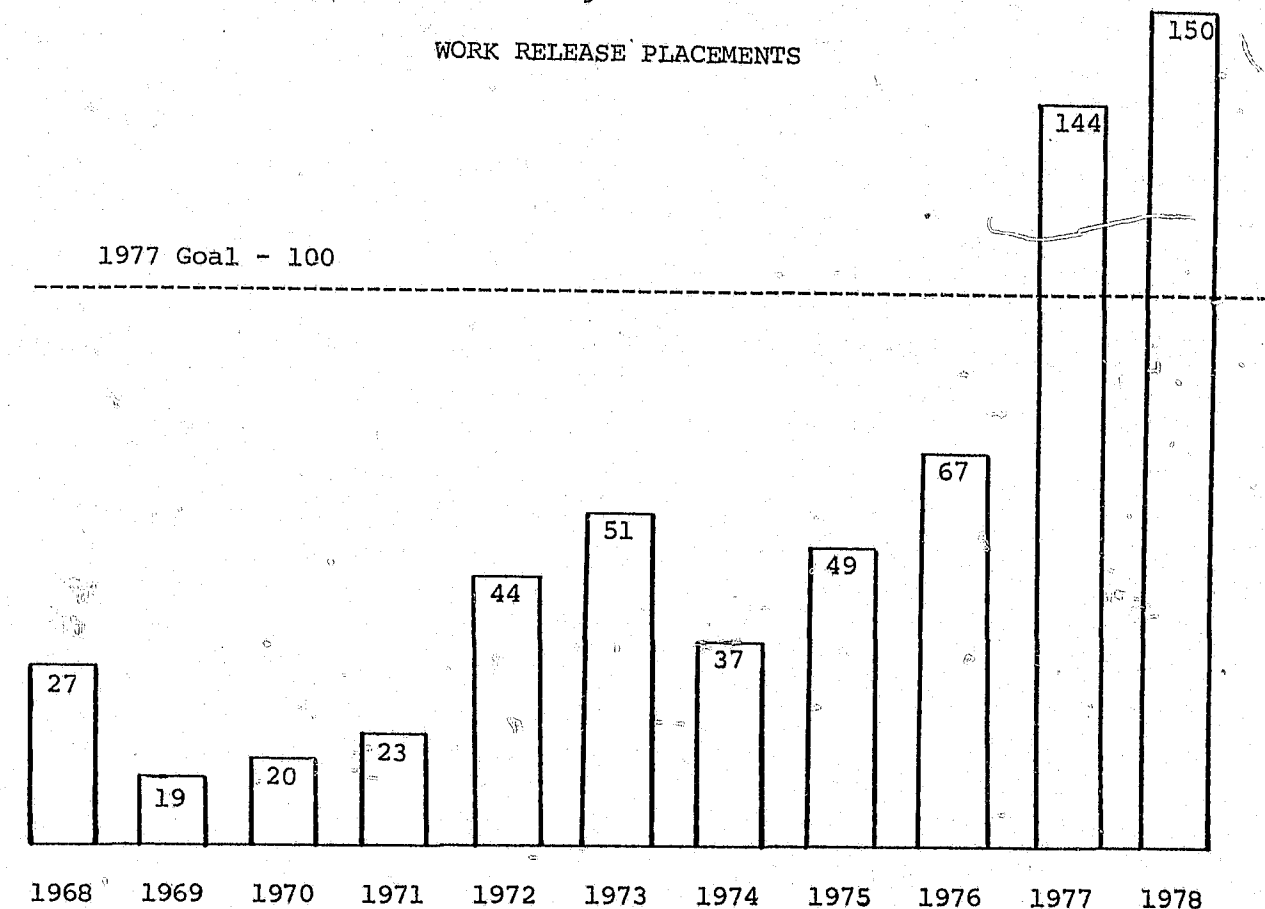
* Six hundred eighty-seven of these were Federal prisoners, held in 12 community-based centers; there are also 1,500 Federal prisoners in contracted prerelease facilities, and these persons are excluded from this analysis.

even if existing centers were fully occupied, they would appear to have very little impact on the overall prison population situation. Total nationwide capacity, in centers directly operated by corrections departments in the survey, was less than 10,000 beds.

This would lead one to believe that residential community-based programs would not help alleviate the over-population problem at the State Dakota State Penitentiary. However, it should be pointed out that in many states, the nature of the offense for which the individual is incarcerated does not make him a good risk for involvement in a community-based program. As has been discussed in earlier sections of this report, the vast majority of inmates in South Dakota are serving sentences on property-related or less serious offenses. These offenders stand a much better chance of being involved and successfully completing a community-based program.

At present, South Dakota is largely devoid of any community-based residential corrections programs geared toward adult offenders. Extensive use has been made of work release programs in recent years which operates primarily from the Cottage (a dormitory pre-release center located adjacent to the State Penitentiary).

Figure V- A
WORK RELEASE PLACEMENTS



There are almost as many different types of community-based alternatives as there are community-based programs. Each program is developed with available resources in response to a given set of needs. The needs and the resources available for program development are never identical in any two situations and therefore the programs tend to be individualized. While it would be impossible and fruitless to describe all of the different types of community-based alternatives, a short analysis of some of the more recent and innovative programs would be useful.

The concept of community-based corrections has been with us for a long time. The two most common types—probation and parole—are so widely accepted today that they are not always thought of as community alternatives. Many other types of programs were also used very early on an informal and individual basis. For example, the idea of granting an inmate a furlough to visit a dying relative is not a new one. Many of these older concepts have now been developed into ranging programs.

A supervised release program can be used for defendants who fail to qualify to be released on their own recognizance (ROR). The supervised release program acts as a "pre-trial probation" by assigning the defendant a counselor and giving him access to such services as marital counseling and drug abuse programs. A defendant responding favorably to supervised release would be less likely to be incarcerated after conviction.

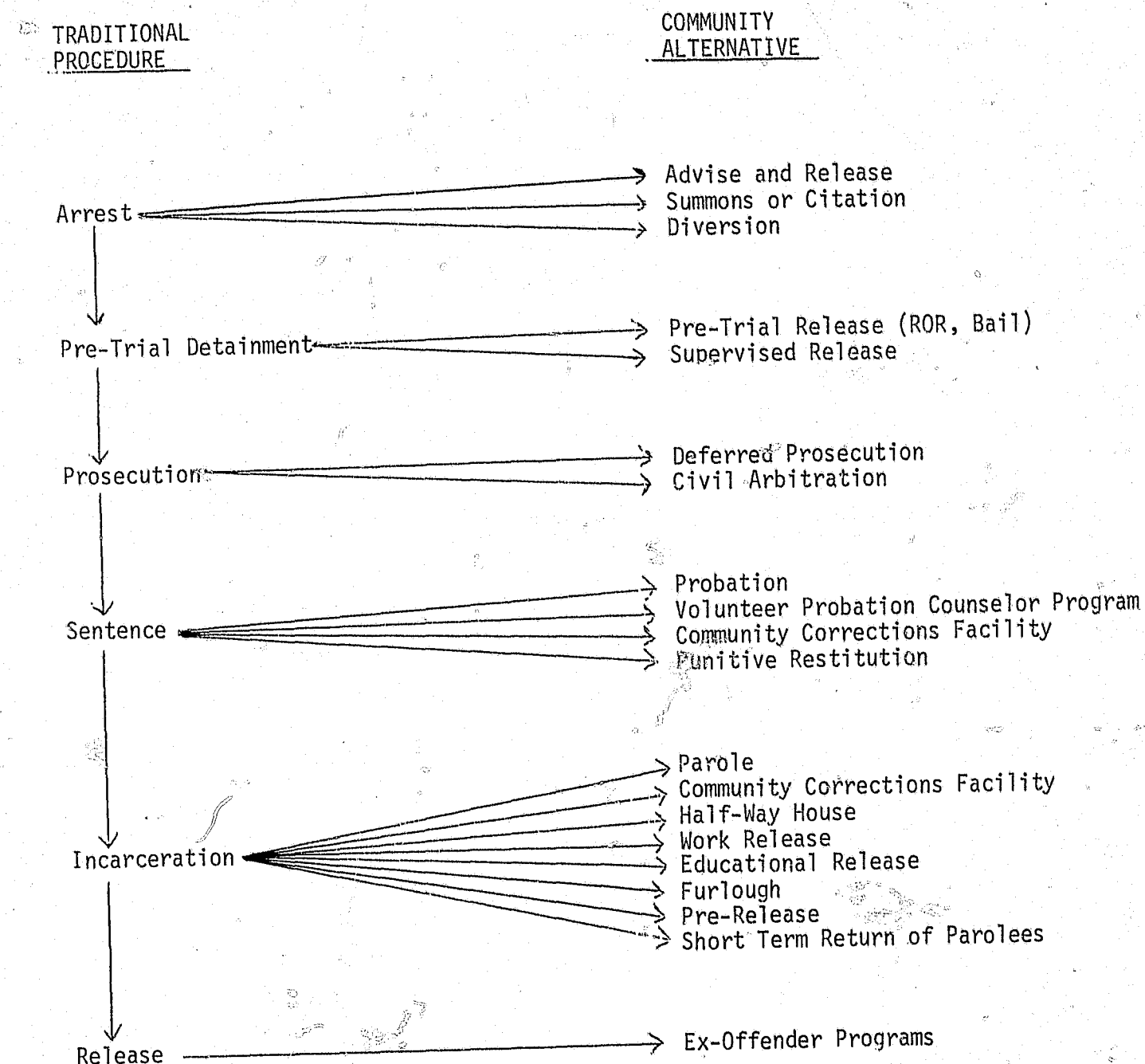
Deferred prosecution programs operate by allowing the defendant, usually a first offender, to sign a contract in which he agrees to make restitution, attend special classes and refrain from any violation of the law. In return, the prosecuting attorney agrees not to prosecute the defendant unless he violates his contract. This procedure allows the defendant to remain in the community and saves court and possible incarceration costs.

Community correctional facilities vary widely from program to program. They are basically designed to allow interaction with the community while still maintaining a degree of control over the offender. They typically offer special services such as a degree of control over the offender. They typically offer special services such as marital, psychological and job counseling and are often used as a pre-release center. That is, they serve as a transition between prison and the community while the offender is serving the last three to six months of his or her sentence. The degree of freedom given to an offender is often based on the type of offense and the ability to respond to the community environment.

Punitive restitution programs emphasize the responsibility of the criminal to the victim. These programs impact on offenders by forcing them to repay the victim from their own income. This concept has greatest application to persons guilty of property crimes such as thieves, forgers and burglars. It is a particularly attractive alternative in the case of the white-collar criminal due to the reluctance of many judges to incarcerate such offenders.

Parole violators constitute a significant proportion of persons incarcerated. These violators are often reimprisoned due to a technical parole violation rather than a new offense. One program in California has found that returning parolees on a short term basis to a community correctional facility is as effective as reimprisonment for a long period of time. The short term return seems to give offenders a breather and allows them to take advantage of the services provided by the community facility.

Figure V-B
Community Alternative



Many states make extensive use of probation services for the adult offender and South Dakota is no exception when the following statistics are reviewed:

Figure V-C

ADULT OFFENDERS PLACED ON PROBATION OR PAROLE

	FY 75	FY 76	FY 77
Probation	612 (+38%)	842 (+38%)	1,164
Parole	134 (+33%)	178 (+12%)	200
Suspended Sentence	30 (-10%)	27 (+81%)	49
TOTALS	776 (+35%)	1,047 (+35%)	1,413

The number of adult offenders placed upon probation and parole has steadily increased over the past two years by about one-third that of the previous year. If this trend continues, it will almost certainly burden the Office of Court Services and the Office of Correctional Services with a workload which is beyond reason (provided no new resources are obtained). The probation and parole systems are or soon will be saturated beyond the point where an adequate level of case supervision can be maintained.

Figure V-D reveals the caseload for the last six months of 1977 that was maintained by the Office of Correctional Services. In this six month period, the parole caseload evidenced a 28% increase. All told, there was a 25% increase in the caseload for this time interval.

During this same span of time there were 15 parole violations which resulted in re-confinement (shown in Figure V-E).

Also of interest is the following information made available by the Office of Correctional Services:

	Requests for Parole	Rate of Parole Granting	Number on Supervision
FY 75	309	43%	119
FY 76	387	46%	228
FY 77	582	34%	300
FY 78 (through first 3 quarters)	---	38%	---

Figure V-D

CASELOAD STATISTICS^a
OFFICE OF CORRECTIONAL SERVICES

Category	Caseload 7/1/77	Cases Added	Cases Closed	Caseload 12/31/77	Percent Change
Juvenile	0	23	3	20	-
Out-of-State ^b	127	65	55	137	8%
Probation	4	8	5	7	75%
Parole	145	140	99	186	28%
Suspended Sentence	29	18	17	30	3%
Total	305	254	179	380	25%

^aThe Office of Correctional Services was officially constituted on July 1, 1977, when the Board of Charities and Corrections was given responsibility for parole. Consequently, this data only covers a 6 month period.

^bThis is the inter-state compact caseload, which includes both adults and juveniles. These cases are not included in other categories.

Figure V- E

PAROLE TERMINATIONS^a
OFFICE OF CORRECTIONAL SERVICES

Category	Reason for Termination				
	Discharged	Early Release	Transferred Out-of-State	Violated ^b	Other
Juvenile	0	0	0	0	3 ^c
Out-of-State	36	3	12	4	0
Probation	1	0	2	1	1
Parole	76	0	6	15	2 ^d
Suspended Sentence	13	0	3	1	0
Total	126	3	23	21	6
Percent	70%	2%	13%	12%	3%

^aFor cases closed from July 1, 1977 through December 31, 1977

^bTechnical violations (absconding, drinking) and new offenses

^cReturned to State Training School

^dClient death

Based upon the most recent cost data available from the State Penitentiary budget and from projected cost information available from an LEAA-sponsored publication entitled Community Supervision, Probation, Restitution, Community Service (May, 1978), community-based programming costs run consistently higher than does traditional incarceration in a penal institution (\$6,945 vs. \$6,500 - \$8,500). However, the chief benefit in emphasizing community-based programs is that because of the increased level of services available, it would hopefully effect a reduction in the recidivism rate and the chances that that individual will be adjudicated of a subsequent offense. The resulting benefits in higher employment and lower welfare payments should evidence themselves through time. However, it is extremely difficult to measure the economic impact derived from a lowering of the recidivism rate, especially when one is trying to measure the rippling effect of one agency upon another when that agency is not directly involved with the criminal justice system.

Since all inmates are granted a parole hearing (exclusive of those serving life sentences) without making a formal application, the requests for parole are largely reflective of the prison population. However, if the inmate is initially denied parole, by past Board of Pardons and Paroles policy, he is usually not reviewed again for another eight months. As a result, the Board typically hears approximately 40 cases at each of their monthly meetings.

The Board of Pardons and Paroles appears to grant parole on a fairly consistent level, ranging from 34% to 46% over the past few years. The parole determination is made on the basis of reviewing the following documents on the requesting individual: psychiatric reports; counselor's reports; psychological reports; pre-sentence report; institutional report; agent's report; written and oral arguments from inmates counsel, family, friends, judges, prosecutors, etc. However, it is apparent that no objective criteria exists for parole granting. Each case is reportedly judged on its own merits. Intuitively, each of the Board members takes into account such factors as risk to the community, severity of offense, etc. However, to what degree these factors interact with one another is open to question. Many states use a matrix (or numerical point values) for each of these dominant factors. This tends to minimize the subjectivism that often goes into making parole considerations. Therefore, parole hearings should be organized such that individuals can be readily matched with programs which are currently in existence. Parole determinations should be based on criteria which is fixed in advance, rather than try to make largely subjective decisions on an individual's readiness for release from an institutional setting.

The John Howard Association report entitled Corrections in South Dakota which was released some three years ago stressed the importance of developing adequate community-based corrections programs, along with the expansion of probation and parole services, so that South Dakota could achieve a 90% rate in the number of offenders involved in community supervision and rehabilitation programs. While this rate is probably too ambitious, there is still sufficient room in the state for increased involvement in the number of adult offenders participating in pre-trial diversion, work-release, restitution centers, halfway houses, and the like. South Dakota needs to make more use of innovative correctional programs which have met with success in other states with similar rural-orientated prison populations.

It can be estimated that a large percent of the prison population would be eligible for alternative programs of the type proposed. Such programs should be set up in the larger municipalities of the state in the geographic areas where the bulk of the prison admissions come from (as pointed out in the Inmate Characteristics section of this report). By doing so, substantial cost savings could be realized in lieu of traditional incarceration at the South Dakota State Penitentiary.

C. New Construction, Major Renovation, or Relocation

1. National Trends

In addition to collecting data on prison population distributions and institutional capacity, the ABT Associates research study included data on plans for prison system expansion through new construction or major renovation. Specifically, respondents provided data on the number of beds to be added or removed per year from 1977 through 1982. In addition, estimated costs for proposed capital investments were provided. These estimates include responses that cover a broad range of possibilities, from building actually underway or nearing completion to long-term plans for which appropriations have yet to be requested. It should be pointed out that the data in Figure V-E is subject to the impact of skyrocketing construction costs, changes in the notions of sound correctional practices and relevant standards and the overall uncertainty associated with any major planned project.

Figure V-E indicates the June 30, 1977, rated capacity, the number of beds to be added, the number of beds to be closed, the net difference, cost estimates, and rated capacity in 1982. In no case was there a net reduction of beds in any state corrections system over the six-year period. Occasionally, additions and removals matched each other which normally indicates a renovation project.

Generally speaking, with the exception of the South, the planned rated capacity shows a modest increase between now and the end of 1982. The South, in contrast, shows a sharp increase in rated capacity over this period. The North Central region (which South Dakota finds itself being part of) shows a deficit of over 3,000 beds for mid-1977, while the South has shown a deficit since early 1974 that now stands at roughly 11,000 beds. Since 1972, the federal system has consistently had more inmates than beds. So, without a drop in the number of federal prisoners, this seems likely to continue in the foreseeable future.

On June 30, 1977, the rated capacity of state and federal prisons was 261,268 beds. By 1982, planned net additions to this capacity as reported in the ABT Associates survey came to 62,194 (an increase of 24 percent). Colorado, the District of Columbia, Hawaii, Iowa, Minnesota, New Hampshire, North Dakota, Ohio, West Virginia and South Dakota were the only states which had no plans to add to their current capacities. It should be noted that some of these states had already completed recent construction or renovation projects. Also, several of these states since the survey was conducted have come to realize the need for new construction, renovation, or relocation.

Figure V-F

Estimated Costs of Planned Prison Construction, Renovation or Acquisition
Between 30 June 1977 and 31 December 1982, by Region and State

Region and State	Rated Capacity 6-30-77	Number of New Beds ¹		Cost Data not Available	Cost Data Available	Number of beds Removed	Net Increase of Beds	Total Costs (Millions)	Cost Per Bed (Thousands)	Rated Capacity 12-31-82
		Total	Cost Data Available							
United States, TOTAL	261,268	66,799	18,805	47,994	4,605	62,194	1,089.3	22.7		324,962
Federal Institutions, TOTAL	22,910	3,269	0	3,269	1,050	2,219	103.5	31.7		26,629
State Institutions, TOTAL	238,358	63,530	18,805	44,725	3,555	59,975	985.8	22.0		298,333
North-east	40,432	5,402	4,786	616	202	5,200	18.3	29.7		45,632
Maine	712	100	300	0	202	58	-	-		810
New Hampshire	349	0	0	0	0	0	-	-		349
Vermont	482	74	56 ²	18	0	74	0.1	6.9		556
Massachusetts	2,734	1,180	1,180	0	0	1,180	-	-		3,914
Rhode Island	748	418	0	418	0	418	10.2	24.4		1,166
Connecticut	3,341	0	0	0	0	0	-	-		3,341
New York	15,156	1,488	1,488	0	0	1,488	-	-		20,644
New Jersey	4,886	1,762	1,762	0	0	1,762	-	-		6,648
Pennsylvania	8,024	180	0	180	0	180	8.0	44.4		8,204
North Central	56,629	12,047	2,555	9,492	484	11,563	294.4	31.3		68,182
Ohio	14,367	0	0	0	0	0	-	-		14,367
Indiana	4,102	1,310	1,200	110 ³	0	1,310	0.3	4.3		5,419
Illinois	10,650	3,550	0	2,550	0	3,550	59.6	23.2		13,200
Michigan	11,476	3,815	425	3,400	0	3,835	111.5	32.8		15,311
Wisconsin	3,103	1,556	350	1,206	484	1,072	29.1 ⁴	24.1		4,175
Minnesota	2,015	0	0	0	0	0	-	-		2,015
Iowa	2,008	0	0	0	0	0	-	-		2,008
Missouri	3,890	1,054	554	500	0	1,054	36.6	34.7		4,944
North Dakota	350	0	0	0	0	0	-	-		350
South Dakota	540	0	0	0	0	0	-	-		540
Nebraska	1,846	1,242	16	1,226	0	1,242	38.5	31.4		3,088
Kansas	2,195	500	0	500	0	500	18.5	37.0		2,695
South	100,657	37,320	4,282	29,038	1,297	36,023	517.7	17.8		136,680
Delaware	979	92	0	92	4	88	0.5	5.4		1,067
Maryland	5,244	2,360	890	1,470	0	2,360	44.2	30.0		7,604
District of Columbia	2,720	0	0	0	0	0	-	-		2,720
Virginia	7,936	1,760	200	1,560 ⁵	0	1,760	13.0	-		9,696
West Virginia	1,944	0	0	0	0	0	-	-		1,944
North Carolina	10,980	1,442	0	1,442	0	1,442	23.8 ⁶	16.5		12,422
South Carolina	4,531	3,936	0	3,936	293	3,643	57.0 ⁷	14.5		8,174
Georgia	7,635	3,440	3,440	0	0	3,440	-	-		11,075
Florida	14,365	3,325	0	3,325	0	3,325	77.6	14.6		19,690
Kentucky	2,867	385	0	385	0	385	19.0	49.4		3,352
Tennessee	3,508	800	0	800	0	800	12.0	15.0		4,308
Alabama	3,489	2,528	60 ¹¹	2,468	0	2,528	38.0	15.4		6,017
Mississippi	1,802	1,296	1,296	0	0	1,296	-	-		3,093
Arkansas	2,561	376	376	0	0	376	-	-		2,937
Louisiana	4,800	4,660	0	4,660	500	4,160	125.4 ¹²	26.9		9,060
Oklahoma	2,500	2,020	2,020	0	500	1,520 ¹³	-	-		4,020
Texas	22,496	6,900	0	6,900	0	6,900	78.0	11.3		29,396
West	40,640	8,761	3,182	5,579	1,572	7,189	155.4	27.8		47,829
Montana	230	114	0	114	0	114	3.9	34.0		344
Idaho	648	362	74	288	0	362	2.4	8.5		1,010
Wyoming	406	354	30	304	406	148	25.0	49.6		554
Colorado	2,454	1,026	0	1,026	800	226	19.4	19.2		2,680
New Mexico	2,145	150	150	0	0	150	-	-		1,295
Arizona	2,050	2,722	128 ¹⁴	2,594	336	2,386	67.9	26.2		4,436
Utah	847	235	0	235	0	235	1.0	4.2		1,082
Nevada	820	544	0	544	30	514	23.8 ¹⁵	43.7		1,334
Washington	3,487	494	350	144	0	494	10.5	72.9		3,981
Oregon	2,351	130	0	130	0	130	1.3	10.0		2,481
California	24,660	2,400	2,400	0	0	2,400	-	-		27,060
Alaska	499	30	30 ¹⁶	0	0	30	-	-		529
Hawaii	443	0	0	0	0	0	-	-		443

¹ Mid-points were used when ranges were provided by the states.

² The number of beds to be added had to much of a range for a meaningful cost estimate.

³ The planned increase will allow for the gradual abandonment of existing inadequate facilities.

⁴ The rated capacity figure includes space for 359 juveniles.

⁵ There were no costs involved for 40 work release beds in Michigan City.

⁶ An additional cost of \$1,000,000 was given for advance planning and design of a new maximum security institution.

⁷ During the next five years Minnesota plans to decrease its capacity in some institutions and possibly utilize juvenile facilities for adults, thus maintaining its current rated capacity.

Source: PC-1

⁸ Some construction depends on the passage of a bond referendum in November 1977.

⁹ An additional cost of \$26,027,000 was given for renovation of existing facilities.

¹⁰ Cost for additions to existing institutions include some renovation costs as well as add-on construction.

¹¹ Leased facility.

¹² Camps 6 (134 beds) and 9 (76 beds) will close during the last half of 1977. This does not result in a drop in the 30 June 1977 rated capacity.

¹³ An additional cost of \$6,000,000 was given for new land acquisition, construction and equipment in Orleans Parish.

¹⁴ There are tentative plans for a Geriatrics Unit at McLeaster.

¹⁵ An additional cost of \$8,522,400 was given for renovation of existing facilities.

Although there is a substantial amount of data missing, it is possible to estimate the total planned expenditure on the prison system in the United States by applying the average cost per bed (22 thousand dollars) for those beds with which we can associate costs, to those beds on which there is no data.* This estimation is 1,420 billion dollars over the next six years, or roughly 237 million dollars each year.

With regard to proportional increases in rated capacity planned, Figure V-F displays the net increase in beds as a fraction of current rated capacity. Eleven states plan to increase their capacity by more than 50 percent. Of these the great majority are in the South. In general, it also appears that these states that show the greatest proportional increase in capacity are those that have the greatest proportion imprisoned per 18-44 age group of the general population. In 1976, 16 states and the District of Columbia imprisoned more than 0.3 percent of their populations in the age range of 18-44 years. Of these 16 states, 10 are planning to increase their capacities by more than one-third.

It should be emphasized just as population projections reflect the use of particular assumptions about the flow of prison inmates, estimates of future capacity are also based on states' assumptions regarding net additions in bedspace. In both cases, different assumptions might lead to quite different results. With these limitations in mind, we note that additions currently planned may well exceed projected demand in 1982. If all reported construction, renovation, and acquisition plans are carried out by then, and if the rated capacity of current facilities remains unchanged, total rated capacity will rise to almost 325,000 beds by 1982. This projected capacity is intermediate between the highest and lowest prison populations projected under the assumptions of section IV B entitled "Future Populations of the State Penitentiary". If both intake and average sentence lengths remain at their present levels, the newly added space will serve to house populations up to 10 percent higher than those projected for year end. Given seasonal and day-to-day fluctuations in inmate counts, such plans do not represent a large surplus of space. The highest of the projects of present trends implies a population that would exceed rated capacity by nearly 18 percent at the end of 1982, as compared to a present deficit of approximately eight percent (including state prisoners temporarily held in local jails).

* Using 22 thousand dollars as the average cost per bed is almost certainly an underestimate. A recent study estimated construction cost per bed as follows: maximum security 37,117 dollars; mixed security 28,480 dollars; jails 27,342 dollars. (National Institute of Law Enforcement and Criminal Justice Cost Analysis of Correctional Standards, Vol. 11.) Note, however, that the 22 thousand dollar figure is an average cost per bed added and includes renovated and acquired or converted space as well as space to be constructed.

Figure V-g

Net Bed Increase as a Fraction of Current Capacity
from June 30, 1977 to December 31, 1982

0%	0.1 - 19.9%	20 - 49.9%	≥50%
Connecticut	Pa. (2.2)	Va. (22.2)	Ida (55.9)
D.C.	Ga. (3.7)	Ks. (22.8)	R.I. (55.9)
Hawaii	Ore. (5.5)	Tenn. (22.8)	Miss. (60.3)
Iowa	Alaska (6.0)	Mo. (27.1)	Okla. (60.8)
Minnesota	N.Y. (7.8)	Utah (27.7)	Nev. (62.7)
Nebraska	Del. (9.0)	Texas (30.0)	Ala. (72.5)
New Hampshire	Colo. (9.2)	Ind. (31.9)	S.C. (80.4)
North Dakota	Federal (9.7)	Mich. (33.4)	La. (84.9)
Ohio	Calif. (9.8)	Wis. (34.5)	Ariz. (116.4)
South Dakota	Me. (11.2)	N.J. (36.1)	
West Virginia	N.M. (13.1)	Wyo. (36.5)	
	N.C. (13.1)	Fla. (37.1)	
	Ky. (13.4)	Mass. (43.2)	
	Mont. (13.7)	Md. (45.0)	
	Wash. (14.2)		
	Ark. (14.7)		
	Vt. (15.1)		
	Ill. (16.9)		

Source: PC-1

2. South Dakota Considerations

Because of the potential costs and complexities of future prison construction or major renovation, the Division of Law Enforcement Assistance is extremely hesitant to offer any specific recommendations concerning a change in the existing physical plant or expansion of facilities at the South Dakota State Penitentiary. The Division lacks both the expertise and the necessary information to encourage a program of significant increases in present rated capacity. To make such a determination it would be imperative to obtain information on historical trends of inmates categorized in the various security levels. Much of this and like information is not readily accessible, but is crucial to making decisions regarding future construction plans.

Consequently, it would be advisable for the Board of Charities and Corrections to appoint an autonomous research group to study the existing physical plant inadequacies. The remodeling needs of the State Penitentiary should also be explored with alternatives outlined and tentative cost figures attached. In the event of adopting a position advocating new facility construction, similar methodologies would be employed along with exploring possible sites for partial relocation.

The end result of this independent task force would be a ten year Capital Improvements Plan. The plan would be arrived at by examining the current prison population (much like this report attempted to do), custody categories, present facilities and land acquisitions, and resources available. This Capital Improvements Plan should be rooted in forecasts of prisoner populations computed by sophisticated research methods and experienced statisticians.

The Capital Improvements Plan, based upon widely accepted and endorsed population projections calibrated on an adequate data base, should explicitly address the peak inmate population, regardless of its time of occurrence. Based upon this projection, a renovation and/or construction plan would be proposed. Once finalized, attempts should be made to obtain pervasive endorsement of the Plan, particularly from state legislators. If adopted, it would lay the groundwork for annual requests for additional state appropriations or federal grant monies.

The Plan should delineate between immediate and/or emergency renovation needs and long-term construction alternatives. A specified number of needed bedspaces at whatever security level should be the common denominator for deciding how these bedspaces can best be provided (e.g. facility expansion, additional pre-release center, etc.). The renovation or construction plans should be planned so that the date of completion will coincide best with the most crucial time for needed occupancy.

The unit management concept should be explored in depth. Unit management could provide the most effective use of available space at the present facility. More efficient use of staff could be realized by architectural design changes that would allow some 40-60 inmates to be housed in a separate section from the rest of the inmate population. Such an arrangement would be more conducive to increased security and institutional programming. However, such an alternative would be minimally beneficial in its ability to provide additional bed spaces.

From the standpoint of correctional treatment services, the existence of more than one institution offers some substantial benefits. For example, in most states, there are several adult institutions as part of their corrections system. Each institution has a different level (or combination of levels) of security. This permits the transfer of inmates within a state to another institution with a higher level of security for disciplinary reasons. This practice acts as a rather effective deterrent to inmates in medium and minimum security facilities in the commission of institutional crimes or rules infractions. They know that they can be transferred to a closer custody environment if any rules are breached. An additional institution would also aid the Penitentiary in complying with the principle that no offenders should receive more surveillance than they require; and no offenders should be kept in a more secure condition or status than their potential risk dictates.

Not enough emphasis can be placed on the necessity of creating a task force for the development of a Capital Improvements Plan. The State Penitentiary is indeed at the crossroads and needs assistance and direction in meeting the challenges that are evolving from the rapidly changing correctional field. It is essential that a long range planning effort be embarked upon to ensure a quality adult correctional system for the future of South Dakota.

D. Regional/County Jails and the Swiftbird Correctional Facility

Two other alternatives to incarceration at the South Dakota State Penitentiary could be found in placements to regional and county jails and Swiftbird. Currently, regional and county jails are utilized by the State Penitentiary within its work release program. The placements offer only a small relief to the crowded conditions that the institution is now experiencing. There exists no quota system or established number of penitentiary inmates that are placed in each facility. At present, the State Penitentiary uses county and regional jail facilities as the need for them occurs and when the facilities have room for additional inmates. There exists only one requirement that jails must meet prior to their receiving an inmate from the Penitentiary; they must provide twenty-four hour supervision of their prisoners. The chart on the next page lists the facilities which can house Penitentiary offenders and outlines their capacity, work release program, per diem rate and receptiveness to accepting additional prisoners from the South Dakota State Penitentiary.

The per diem rate charged to the Penitentiary is set by individual boards of county commissioners and ranges from six dollars per day to \$38. Except for Pennington and Lawrence counties, the per diem rates at regional/county facilities is substantially lower than the estimated \$19 a day it costs to house an inmate at the State Penitentiary.

As noted in the chart, (arrived at through a telephone survey on August 1, 1978) the majority of counties are receptive toward receiving additional work release inmates, but they can accept only a very limited number. This situation is due to lack of space and manpower within the regional/county jails. Those facilities must give first priority to prisoners from their counties and in most cases, that accounts for most of the available bed space. In addition, the work release program is not accepted as a meritorious program by all of the county sheriffs. Work release in the local communities will not become a viable alternative to incarceration at the State Penitentiary under the current conditions. The jail system cannot, and in some instances will not, accept a large enough number of the Penitentiary's inmates to offset the population crunch the institution is experiencing. To serve as a plausible alternative, the jail system would have to be expanded and upgraded and the work release program proven creditable. Perhaps then a sufficient number of inmates could receive placement at jail facilities.

A partial answer to the apparent overcrowding at South Dakota's Penitentiary may well be the Cheyenne River Sioux Tribe's Swiftbird Project. The LEAA funded project is intended to serve as a model correctional facility for other states with large Native American prison populations. When operational, Swiftbird will be an alternative corrections center for adult male Native American offenders and will accept residents from a five-state area. The concept is innovative in that the facility will be operated by Native Americans for Native American offenders.

REGIONAL AND COUNTY JAIL FACILITIES

LOCATION	CAPACITY	NUMBER ON WORK RELEASE	RECEPTIVE TO PENITENTIARY INMATES	PER DIEM RATE
Beadle County Regional Jail Facility Huron	20	A total of seven of which three are from the Penitentiary	Will accept a total of four from the Penitentiary	\$ 6.00 per day
Yankton Public Safety Center	30	None currently from the State Penitentiary	No more than two from the Penitentiary. Sheriff not receptive to placements.	\$ 7.00 per day
Charles Mix County Public Safety Center Lake Andes	58	None currently from the State Penitentiary	Will take a few from the Penitentiary, but it depends on the circumstances.	\$ 6.50 per day
Davison County Jail Mitchell	18 men 6 women	None currently from the State Penitentiary	One or two, but not big enough to handle them adequately. Facility would need upgrading.	\$10.00 per day
Brule County Chamberlain	21	None currently from the State Penitentiary	Up to two, but it is up to the county commissioners to decide.	\$10.00 per day
Hughes County Pierre	four units that hold 12 prisoners each	None currently from the State Penitentiary	Receptive to accepting inmates, but the exact number is up to county commissioners.	\$12.00 per day
Codington County Watertown	5 maximum security 5 minimum security 16 in dormitory	One currently from the State Penitentiary	Yes, number depends on room available.	\$ 4.50 per day unless meals are eaten in the facility then \$10.00 per day
Brown County Aberdeen	76	None currently from the State Penitentiary	Two inmates from State Penitentiary are acceptable	\$ 6.00 per day

REGIONAL AND COUNTY JAIL FACILITIES (CONTINUED)

LOCATION	CAPACITY	NUMBER ON WORK RELEASE	RECEPTIVE TO PENITENTIARY INMATES	PER DIEM RATE
Minnehaha County Sioux Falls	70	None currently from the State Penitentiary	Yes, they are receptive according to how many openings they have.	10 Percent of income that inmate makes on the job
Fall River County Hot Springs	32	None currently from the State Penitentiary	None, sheriff does not believe in the work release program.	---
Pennington County Rapid City	81	None currently from the State Penitentiary	Yes, if there is room available, they would take inmates on work release.	\$38.00 per day
Lawrence County Public Safety Center Deadwood	52	None currently from the State Penitentiary	Yes, if there is room available, they would take inmates on work release.	\$38.00 per day
Brookings County Brookings	35	None	Sheriff does not participate.	---
Lake County Madison	18 is present capacity. With addi- tional bunks can hold 26.	None because of manpower shortage	Sheriff would favor work release if he had available manpower.	---

Swiftbird is located in the central portion of South Dakota, about 50 miles east of Eagle Butte and 68 miles north of Pierre. It is situated on a former Job Corps site on the eastern edge of the Cheyenne River Reservation. Current plans call for the completion of construction and the opening of the facility by December 1, 1978.

It is anticipated that Swiftbird will be able to accept approximately 70 residents at peak operation. Of this number, some 25 residents will come from the South Dakota State Penitentiary through a contract arrangement. Besides South Dakota, Swiftbird will obtain its residents through transfer agreements with five other correctional agencies. Those agencies include The Federal Bureau of Prisons and the states of Montana, Minnesota, Nebraska and North Dakota.

As part of Swiftbird's general contracting procedures, all residents will be state or federal inmates who voluntarily transfer from various state or federal correctional institutions. Residents at Swiftbird will remain legally in the custody of the sending institutions and will be subject to those institutions regarding release, parole, and other matters.

The Swiftbird Project will accept only male inmates in its initial phase of operations. Since Swiftbird will be a minimum security facility, only low-risk residents will be accepted. However, it is possible that the facility might be able to accept high-risk residents at some future date. Residents will be added to Swiftbird at a pace which allows for gradual expansion.

Swiftbird is meant to be a pre-release corrections facility, with the length of stay for residents ranging from three to twelve months. Emphasis will be placed on rehabilitating the residents and preparing them for release into their own Native American communities. Swiftbird will not be a long-term holding facility where Native American offenders are sent to serve out long periods of incarceration.

South Dakota has contracted to place a maximum of 25 Native American inmates at the minimum security facility. With that small number, Swiftbird cannot be viewed as a solution to the State Penitentiary's problem of overcrowding; but, it does offer some relief to the situation. Besides lesser numbers, the Penitentiary also needs alternatives to maximum security. Not all men at the institution necessitate secure custody and provisions need to be made so that inmates are not assigned custody beyond that necessary to control the individual. Swiftbird provides this much needed alternative.

In summary, provided the Swiftbird Correctional Facility becomes fully operational and county or regional jails are used to the maximum extent possible, the State Penitentiary would have approximately 52 total bed-spaces available. Since four inmates from the State Penitentiary are placed in two jails (at least at the time of the survey), there are roughly 23 bedspaces available currently in local jails and 25 placements that will be available probably in mid-1989 at Swiftbird. This total net bedspace level which would accommodate 48 individuals could serve to act as a "pressure valve" for the South Dakota State Penitentiary when the population is at an exceedingly high level.

VI. Policy Issues For South Dakota And The Nation As A Whole

A. Federal Government Issues

Even a cursory examination of corrections literature would lead one to believe that there exists in the United States today no national policy with respect to prisons (their population and standards of operation). South Dakota, as do all other states, experience crime, respond, sentence and imprison differently. There is a predictable inevitability to such a picture when given our system of Federalism. Yet, a series of policy issues will inevitably arise as Congress struggles with the question concerning the role of the federal government with regard to the present prison population crisis many states and the federal system itself are experiencing. Since it is quite likely that the Congress will be deliberating a federal role in relation to the present prison situation, the following section raises some policy issues. For Congress to play an effective role it will require knowledge as to how state systems respond to its initiatives, and knowledge of the nature of the interrelationships between federal and state corrections policy making. Thus, in the final section of this report, a number of South Dakota policy issues are raised as well.

B. An Appropriate Prison Population Size

A question might be posed: what is the appropriate prison population size for any jurisdiction? The data simply shows high variations across states, and substantial variation over time. Prison populations do not closely follow crime rates nor the state populations at risk. Can the federal government place itself in the position of mandating or even suggesting to the states (and its own system) what the prison population should be in the future even if it developed a highly sophisticated standard-setting agency and appropriate consultative technical assistance to the prison systems? Should the federal government attempt to set policy of this kind?*

C. The Concept of Adequacy And Its Elusiveness

At present there is no accepted and shared standard of adequacy in prison structure and living conditions as has been mentioned earlier in this report. Some minimum standards, of a sort, which have implications for prison population size, are already emerging from federal intervention through the work of Federal district courts. We are still left with the question of the propriety of the federal government setting standards of adequacy for the nation which its own Federal Bureau of Prisons might not be able to meet.

* To some degree the federal government has attempted to do this with regard to juvenile offenders. See, Juvenile Justice and Delinquency Prevention Act of 1974.

Whatever standards Congress might set (and they might well accomplish this task in late 1978), the Congressionally mandated standard of adequacy by statute (or one which is promulgated through a legislatively created standard setting agency) would probably be used as the minimal standard in future federal court actions and in federal grants-in-aid funding decisions. One might anticipate a sharp rise in prison litigation following the promulgation of such a standard.

Other standards Congress might set, such as one man to a cell or a minimum number of hours a prisoner must be permitted to spend outside of his or her cell, would have enormous impact on construction costs for cell and/or program space. Yet, in the absence of commonly agreed upon standards, the states and federal courts will continue to set their own often disparate standards.

D. Problems of Federal Aid Capacity Criteria

If Federal aid to prison construction (e.g. National Bureau of Prisons, LEAA, Local Public Works Projects, etc.) is apportioned on a "need" basis, the formula for funding will be crucial to the impact of the federal program. If need is defined solely in terms of prison overcrowding, those states which have done a relatively poor job of attempting to control prison populations will receive a large portion of federal money, perhaps to continue the policies that have inflated the prison population. Under such a program, states which have conscientiously attempted to control prison populations such as South Dakota will be at a relative disadvantage.

If, on the other hand, funds are denied states which do not meet federal standards, those states which have conscientiously attempted to limit growth in prison populations will receive a larger share of federal funding; but the choice between state and federal definitions of correctional needs would raise a dilemma of punishing inmates or rewarding systems that have not controlled population. If a state's definition of who should go to prison governs the pattern of federal funding, those states which now imprison more will be rewarded for such policies in the form of federal monies. If the federal definition of need or requirement of conscientious efforts at population control are integral parts of a federal aid policy, the "best effort" states such as South Dakota will benefit, but the most disadvantaged prisoners in the most overcrowded facilities will suffer.

E. Problems of Federal Aid Adequacy Criteria

The trade-off between states and prisoners discussed previously reappears in equal force in considering federal assistance to bring prisons up to minimum standards of adequacy. If federal aid initiatives provide only for acceptable institutional conditions in new facility construction, the states can compete on an equal footing for new construction assistance. In contrast, if system-wide adequacy is a precondition to federal assistance, those states that have conscientiously attempted to provide adequate facilities will find themselves in a relatively advantageous position in the allocation of federal funds. The choice, again,

is between states and prisoners: requiring system-wide prison adequacy as a precondition to federal funding rewards those states like South Dakota that have made a conscientious effort to provide decent prison conditions; such a policy simultaneously deprives inmates in the "worst case" states of the funding advantage that would exist if massive reforms were not required of the most shameful correctional systems now existing in the United States which are continually in the public eye.

F. South Dakota Policy Issues

In South Dakota the corrections component traditionally has had little visibility as a branch of state government, and low priority with regard to funding. The following issues are among those which are likely to be especially visible in the next few years. Although local corrections issues are not considered here, it should be emphasized that many of the important factors which determine our state's prison population are locally controlled. Most of the criminal justice process prior to prison intake is not part of the centralized state government structure (i.e. local police arrests, county prosecutions, etc.). A critical and perhaps unresolvable issue is that many of the policies which drive prison population are not easily subject to state control. In particular, those policies which largely determine prison intake are for the most part locally controlled. Given the crucial impact which these intake policies, especially in recent years, have on prison population, a full understanding of the interrelationships between state and local government becomes very important.

The essential issue here is whether South Dakota should design a comprehensive policy as to what ought to constitute an appropriate prison population. Expansion or control policies appear to be the only feasible alternative to correctional crowding pressures as is true in many jurisdictions. Such a policy would provide the framework for decisions concerning expansion or control and would shape the relationship between centralized state officials and agencies, and their opposite numbers in local jurisdictions. A large number of factors would need to be taken into account in developing this policy, including the high financial costs associated with prison construction, especially high if minimum standards are implemented in new institutional architecture and operations. This comprehensive policymaking might take into account the development of intermediate sanctions located between probation and imprisonment; furthermore, it might include decisions concerning expansion of probation or parole services.

* Mississippi is undertaking rigorous population control and some building; South Carolina, on the other hand, appears to be interested in some population control but is also emphasizing prison construction to a much larger extent.

It might also measure to what extent the new Criminal Code and the changeover to the Unified Court System has had an impact on prison intake in South Dakota. These issues and the interrelationships between institutions must be explored in a comprehensive manner if we are to resolve the problems which plague our criminal justice system in South Dakota.

In the wake of Proposition 13, in these days of proposed tax cuts and reduced government spending, a master plan for the state of South Dakota is a much needed first step toward improving the quality of the criminal justice system as a unified whole and not as individual segments each performing their particular function independent of the other segments of the criminal justice system.

Otherwise, we can draw an analogy between our piecemeal approach to rectifying the deficiencies of our criminal justice system in South Dakota with that of trying to construct a new building without the benefit of any architectural drawings. The end result may be the same, but actual construction or renovation may be slow and problematical.

This corrections master plan should be developed acknowledging the present political and administrative structure of the corrections function in the state. Widespread consensus appears to exist in South Dakota that a comprehensive review of juvenile and adult corrections services needs to be undertaken. Such a study or plan should not attempt to access or recommend for change the placement of specific corrections functions under existing or newly created state agencies. Assuming the continuance of present corrections roles and responsibilities, assumed by state agencies, the corrections master plan should attempt to go on to explore ways in which these services can be expanded or made more effective. This can be accomplished only through a sincere and cooperative spirit among impacted agencies.

G. Capacity vs. Adequacy

In an environment of scarce resources one can expect that capacity and adequacy problems will not be resolved easily. These two needs are likely to compete for federal aid rather than complement each other. In a system of Federalism and in the absence of shared standards and values about capacity or adequacy, trade-offs will have to be considered. Some states will insist on capacity relief while others may seek minimally decent housing for their highest custody population. The two agendas will be competing for federal funding, in a setting where both needs are great and each demand operates to the detriment of the other.

A question will also arise as to new construction which may be designated as replacement space. History is a discouraging guide in this area. Beds "replaced" have, in the past, either simply been added to state's inventory or been regained after a short phase-out period.

The crucial issue is whether the federal government will insist on the replacement of obsolete facilities as the price of federal construction aid or focus on the need to expand prison capacity without regard to the adequacy of present facilities.

If federal aid is confined solely to prison construction, federal incentives will be concentrated on one of many post-conviction alternatives; and the effect on the criminal justice system will be distorted.

Thus, the consideration of federal aid to prison construction or maintenance necessarily leads to a consideration of balancing federal initiatives by assisting state efforts and providing alternatives to present prison incarceration. A balanced program of supporting both alternatives in prison space appears to be the only mechanism available to insure that federal intervention does not distort the incentive structure of state criminal justice decision-making.

H. Concluding Reflections

The primary responsibility for prison administration in the United States rests with state governments. Because states have constitutional responsibilities to maintain minimum standards, the Federal Courts have, in a growing number of instances, had to intervene in prison administration, largely on the basis of the Eighth Amendment. The funding of state corrections, especially in the area of capital expenditure, is almost entirely met by state resources. Corrections officials in the state should take it upon themselves to anticipate these federal court decisions by outlining acceptable standards which address the question of appropriate capacity and values of adequacy for the institutional environment.

Given the frequent but unpredictable fluctuations in prison population size, the need for new facilities may prove temporary. When a state decides on construction, the issue then becomes whether it should emphasize low rather than maximum security and be of a multipurpose design. This is a critical issue because the replacement need appears greatest for the oldest, largest, and most secure prisons. While it may appear attractive for a state to seek federal aid to replace maximum security facilities with maximum security facilities, states may want to consider alternatives. Maximum custody prisons built today have a physical plant life expectancy of at least a century. Furthermore, maximum custody facilities are not suitable for multipurpose use at a time of prison population decline. There is a difficult trade-off: the more a prison emphasizes security, the less likely it can be used for other purposes.

As discussed above with regard to the federal government, South Dakota has the problem of which consideration to take into account in determining standards of adequacy and capacity. Some complex issues arise with regard to initiatives in standard setting and whether such efforts impede or encourage intervention in prison matters by the courts. Without state standards the initiative may pass to the courts. However, the very presence of standards and goals emanating from state government may encourage litigation and enforcement by the courts.

Many difficulties, of course, arise in attempts to implement standards, both agency standards and court orders. Responsibility for implementation of standards poses additional strains on the resources of both state agencies and the courts. Standard setters usually have budgets only to set standards; whereas departments of corrections must house, feed and supervise prisoners with fixed budgets and less optimistic views of achievable objectives. The dialectic process between aspiration and fiscally achievable minimum standards appears to be one of the crucial predictable areas of conflict we will face in South Dakota between 1978-1985.

Much of the corrections literature suggests that the sharing of vacant cells by an overcrowded jurisdiction will provide little to no relief, since overcrowding is a regional phenomenon in male adult facilities. Adult male correctional facilities tend to follow a regional pattern that renders the concept of inter-jurisdictional capacity sharing highly vulnerable in those jurisdictions where the most severe overcrowding has already occurred. Furthermore, the transportation of prisoners beyond state lines poses major fiscal and human rights difficulties. The policy implications may, however, be different with regard to women prisoners where transfers to a neighboring state may be possible without imposing additional distance between the prisoner and her home.

Not only have more prisoners come during the last four years than ever before, but more will be coming out during the next three years than in any recent period in American history. To the extent that prior prison time historically predicts future imprisonment if an individual is reinvolvement with the criminal justice system, the states may even face a second generation of population pressure which is directly responsive to the imprisonment patterns of the last four years. If this occurs, imprisonment problems that will occur in the next few years will be with us because of the policy choices which were made in the preceding time interval.

Finally, it should be remembered that state and federal policy issues are closely interrelated. Of critical importance is the nature of the response by state government to the federal aid possibilities outlined above. Many difficult issues are involved in such a situation and are likely to be a matter of continual negotiation and modification. The underlying issues, about which considerable disagreement exists, is whether or not there should be, even in the broadest terms, a national policy on prison population. It is probably premature to make a conclusive judgement. While it is clear that there is no single national problem or situation, this is not necessarily inconsistent with there being need for a national policy on imprisonment. Most of the jurisdictions in the United States face prison problems of different kinds. The unifying characteristic is that most jurisdictions are in trouble and are facing a population crunch. South Dakota must act now to avert the severe problems which other states have found themselves confronted with. This can only be accomplished through long-term comprehensive planning.

VII. Recommendations*

- 1) An independent task force should be organized to investigate the structural deficiencies and remodeling needs of the current institution and explore possible alternative sites for the building of a new facility (at whatever security level (s) are deemed appropriate) or the relocation, in part, to an already existing facility.
- 2) The State Penitentiary should apply to the Commission on Accreditation for Corrections to become a fully accredited adult correctional institution.
- 3) Efforts should be directed toward securing an outside consultant in the development of a Corrections Master Plan for Adult and Juvenile Offenders.
- 4) A campaign should be conducted to educate the public on community-based corrections programs and attempts made toward expanding the number of existing programs and the establishment of new programs (e.g. halfway houses, pre-release centers, etc.).
- 5) A classification manual containing written criteria for inmate classification should be devised. Classification policies and procedures should be developed in compliance with the American Corrections Association Standards and the findings of the Federal Task Force on Inmate Classification.
- 6) Objective written guidelines should be formulated for use by the Board of Pardons and Paroles in making parole determinations.
- 7) The South Dakota State Penitentiary should continue its efforts to develop an Offender-Based State Corrections Information System which would aid penitentiary officials in their research and decision-making capabilities.
- 8) Forecasting future prison populations should be performed by a statistician on a routine and ongoing basis (preferably with a computer-assisted mechanism).
- 9) Technical assistance should be secured to assist in the development of an in-house evaluation process to measure the effectiveness and efficiency of existing institutional programs.
- 10) State statute should be enacted outlining standards for maximum prison capacity and criteria for establishing a quality institutional environment (standards of adequacy).

*It should be noted that the recommendations are listed in priority order. That is, project staff recognized that all of the recommendations arrived at were of crucial importance; however, in making our subjective assessment, the overriding factor in prioritizing the recommendations was in their ability to alleviate the overpopulation problem at the South Dakota State Penitentiary.

VIII Grants and Technical Assistance Resources Available

Possible sources of financial and technical assistance have been collected to aid the State Penitentiary in its efforts toward achieving the goals of the study recommendations. The Law Enforcement Assistance Administration provides federal financial assistance through its Corrections Facility Standards Implementation Program. Discretionary grants are available to correctional institution's working toward compliance of select national standards. The list of standards include the American Correctional Association's Commission on Accreditation and the Manual of Standards for Adult Correctional Institutions. It is the intent of LEAA to compare present conditions of facilities and services of applicants with plans for improvement, expansion or implementation of new programs and services or for the renovation of facilities to meet acceptable standards. Under the provisions of this grant, successful applicants can expect to receive technical as well as financial assistance. For further information on this discretionary grant contact:

Corrections Standards Implementation Program
Management Team
Office of Criminal Justice Programs
Law Enforcement Assistance Administration
Washington, D.C. 20531
(202) 376-3550

Discretionary grants are also offered through the Offender-Based State Corrections Information System Program. The objective of this program is to assist in the development of information systems which support corrections systems decision making for operations and planning. For further information contact:

National Criminal Justice Information
and Statistical Service
Systems Development Division (SDD)
Law Enforcement Assistance Administration
Washington, D.C. 20531
(202) 376-2620

Recommendations resulting from this study suggested the obtaining of technical assistance in the areas of population projections, in-house evaluations, a Corrections Master Plan, and physical plant restructuring. The Law Enforcement Assistance Administration provides technical assistance in the corrections field. Under its Corrections Division assistance is available relating to relieving factors affecting overcrowding in State institutions. For more information contact:

Corrections Division
Office of Criminal Justice Programs
Law Enforcement Assistance Administration
Washington, D.C. 20531
(202) 376-3647

LEAA's Corrections Standards Implementation Program will project future inmate populations based on data supplied by the applicant. Corrections Standards Implementation Assistance is also available to jurisdictions

applying for federal funding through the LEAA Discretionary Grant Program. Technical assistance is provided in the review of architectural plans, drawings and program plans. For further information contact:

Corrections Standards Implementation Program
Office of Criminal Justice Programs
Law Enforcement Assistance Programs
Washington, D.C. 20531
(202) 376-3550

The following chart lists other governmental and private firms which can supply technical assistance services. Their areas of expertise are noted along with their availability and charging procedures. For further information contact the individuals listed under each company or agency or feel free to contact the Division of Law Enforcement Assistance.

POSSIBLE SOURCES FOR TECHNICAL ASSISTANCE SERVICES

Name of Firm	Specialty areas/experience	Availability/How to Apply	Cost
National Institute of Corrections Nancy Mason 320 First Street, NW Washington, D.C. 20534 (202) 724-3106	Identifies and finds solution to organizational and operational problems/Professional consultation in planning, program development, operational procedures, management and staff analysis.	Immediate/A letter with description of problem area, what TA would be expected to be accomplished, anticipated number of days TA is required, time by which TA is needed	NIC, pays for all costs, if contacting agency qualifies
Operational Systems Incorporated George Campbell 50 Federal Street Suite 705 Boston, MA 02110 (617) 482-8130	Security/Security management overcrowding, facility adequacy, and budget	Immediate/OSI staff will work with architects and correctional administrators in the design of quality control of security systems implementation	Contacting agency must pay costs
Systems Consultants Incorporated W.C. Bieber 1054 31st St. NW Washington, D.C. 20007 (202) 342-4000	All areas of Criminal Justice process law enforcement and corrections/SCI has prepared an inmate handbook, and policy manual for Kansas Dept. of Corrections and Master Plans	Immediate	Cost plus fixed fee/ Depends on work required
Resource Planning Corporation Thomas Morrill 1606 17th St. NW Washington, D.C. 20009 (202) 797-1111	The areas of Probation, Pardon and Parole/Designing and implementing in-service programs. Have done studies for South Carolina and Division of Criminal Justice, Rochester, NY	Immediate upon request of TA	Costs plan fix fee If specific program is wanted cost can be worked out in advance
Gordian Corporation John J. Strachs 303 Commerce St Occoquan, VA 22125 (703) 550-7316	Designing, evaluating and implementing personnel training programs has developed evaluation models for use in institutions for analysis of management organizations design and implementation.	Immediate upon request for TA	Costs plus fixed fee
Approach Associates Alan S. Kalmanoff 5297 College Avenue Oakland, CA 94618 (415) 652-2842	Planning, research, organizing administration and system analysis Have developed a master plan for adult, juvenile and local corrections for the State of New Mexico. Also experienced in population projection, architecture and program facilities	Immediate upon request if consultant available	Costs plus fixed fee

Name of Firm	Specialty areas/experience	Availability/How to Apply	Cost
Stochastic Systems Joseph Julian 3764 Lake Ave	Basis OBSCIS, a computer software package designed and programmed by SSR Corporation. This package includes the ANS-Cobol source code, system and program documentation, user and operations manuals plus guidelines for application and installation of the system	Immediate if contacted early	Contract, or on a smaller setup per hour. Fee plus expenses for TA Team Setup
Applied Planning Management Association Alan Eastman 4611 Huntington Avenue Lincoln, NB 68504 (402) 446-9504	Developing cooperative regional correctional programs. Alternatives and recommendations for site selection, populations, etc.	Immediate upon request for consultation. There may be some wait for full T.A.	Cost, Fixed fee formula
Kirkham, Michael and Associates Gary L. Simon 9110 West Dodge Road PO Box 14129 Omaha, NB 68114 (402) 393-5630	Architects Engineers and Planners in the Correctional field/Designed medium-minimum security facility, Lincoln, NB, Ramsey County Adult Detention Center, St. Paul, MN; Minnesota High Security Facility	Immediate upon request	Hour fee plus cost
Carkhuff Associates, Inc. Dan Kintochril 22 Amherest Road Box 228 Amherst, MA 01002 (413) 253-3488	Consultant experts in the field of Master plans in corrections/Have done such work for the Federal Bureau of Prisons	Immediate upon request for the consultation	Costs/A fixed fee for just consultation
Public Management Services Inc. Tom McEwen 7798 Old Spring House Rd McLean, VA 22101 (703) 790-8611	Consultation and prearchitectural design of adult correctional facilities. Setup long range goals, and feasibility studies.	Immediate upon request	Depends on type of assistance required
Tucker, Sadler, Association Richard P. Buss 2411 Second Ave Ft. Kalmia San Diego, CA 92101 (236-1662)	Architects and planning consultants Company has designed and implemented three metropolitan correctional centers in San Diego, Chicago, and New York	Immediate if contacted early to set up time TA is required	Depends of total amount and type of assistance required

Name of Firm	Specialty areas/experience	Availability/How to Apply	Cost
National Clearinghouse 505 E. Green Suite 200 Champaign, IL 62180	Will provide consultants and TA in areas of Master plans. They are also under contract to LEAA to pro- vide the specific standards that the facility must meet to obtain grant funds, such as floor space, single cells, etc.	Immediate upon approval of grant	LEAA will pick up 50% with state or local match of 50%

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