

Effective Sentencing and Corrections Reform: Sheriffs Getting Involved

*By Sheriff Kevin Thom,
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Like many law enforcement professionals, I used to feel uneasy when people talked about reforming the criminal justice system. To me, *reform* was often code for going easy on bad guys at the expense of public safety.

But over the past two years I've participated in a different kind of reform in my home state of South Dakota. The experience showed me that there is an effective, proven process to help states reduce crime, hold offenders more accountable and control costs – and that sheriffs must play a role in such efforts.



First, a bit of background.

Between 1977 and 2011 South Dakota's imprisonment rate climbed steeply, exceeding that of neighboring states. Naturally, corrections spending rose too, and by fiscal year 2011 reached \$100 million, up from just \$26 million in 1991.

To accommodate more growth projected over the next 10 years, we faced the need to build and operate two more prisons at a cost to taxpayers of \$224 million.

Meanwhile, we weren't seeing the payoff in crime reduction we would hope for with such an increase in corrections spending. While crime fell by 21 percent nationally between 2001 and 2011, it only dropped 11 percent in South Dakota over the same period.

In mid-2012 Gov. Dennis Daugaard and other leaders created a work group to take a long, hard look at our state's sentencing and corrections system and

propose changes to reduce crime, hold offenders more accountable and control costs. I was named the police and sheriffs representative on the panel, which also included prosecutors, defense attorneys, legislators, judges and mental health and substance abuse treatment providers.

Ultimately, our review led to legislation that passed with overwhelming bipartisan support in the Senate and the House and became law in February 2013. The Public Safety Improvement Act will focus prison space on violent and career criminals while strengthening less costly, more effective alternatives for nonviolent offenders.

So what was special about this process? And why should sheriffs take notice and, more importantly, look for similar opportunities in their states?

Looking back, I'm convinced that the strength of South Dakota's reform experience was its reliance on indisputable facts. This wasn't a bunch of folks sitting around a conference table trading opinions and using anecdotes to argue their case.

Rather, our 18-member panel – known as the Criminal Justice Initiative Work Group – was guided by data mined from our very own corrections and criminal justice system and analyzed by technical experts from the Pew Charitable Trusts. Through their Public Safety Performance Project, Pew, along with the Justice Department's Bureau of Justice Assistance, has helped a long list of states examine their corrections and sentencing policies to better understand the factors that are shaping prison populations and driving costs.

That's just what unfolded in South Dakota. With help from Pew, we spent five months examining data as well as discussing our state's criminal justice programs, policies and practices. We also reviewed input from more than 400 stakeholders who testified at 36 meetings held around South Dakota, and we consulted with folks in other states that had traveled this path before.

I won't detail all our findings here, but one key highlight was the large proportion of prisoners in South Dakota – 81 percent of those newly admitted in 2012 – who were incarcerated for nonviolent crimes. That same year 62 percent of admissions were imprisoned for a violation of their parole or probation supervision.

As our work group crafted the policy changes that eventually became law, I sensed concern among sheriffs and police that state reforms would simply push the problem – and the costs – down to the county level. From my front row seat, I was able to assure them that ongoing oversight would ensure our reforms reduced not just state prison numbers, but jail populations and related county costs as well. To increase their comfort level, our legislation established a funding structure to reimburse counties that wound up incarcerating additional offenders locally.

I also pushed for using some of the funds saved through reduced prison costs to help victims. Others agreed, and we created the Statewide Automated Victim Information Network (SAVIN), which will gear up this year under leadership by our Attorney General's Office.

Despite my positive experience with reform, I know some of my brethren in law enforcement will remain wary. But more than 20 states – from Mississippi to Georgia, Texas, Kentucky and Ohio – have now worked with Pew and its partners to pass criminal justice improvements that make good common sense.

With public safety always the paramount goal, and with data serving as the foundation for change, this process can deliver meaningful results.

As sheriffs, we must make sure our voices aren't left out.

Thom, who has worked in law enforcement since 1978, is running unopposed in November for his second term as Sheriff of Pennington County, South Dakota. ☆

