



South Dakota Legislative Research Council

Issue Memorandum 94-33

A COST COMPARISON OF CORRECTIONS INSTITUTIONS IN NORTH DAKOTA AND SOUTH DAKOTA

A growing financial burden for state governments across the nation in recent years has been in the criminal justice field. Due in part to legislation at both the state and federal levels increasing the penalties for certain crimes, in addition to increased criminal activity, prison populations have continued to rise throughout the United States. A common concern for lawmakers is if these rather sizeable appropriations are accomplishing as much as possible.

A common point of comparison for South Dakotans is the neighboring state to the north, North Dakota. Both states have similar populations, which might suggest that the prison populations and corresponding budgets would also be comparable. This is not the case.

ADULT CORRECTIONAL FACILITIES

The state of North Dakota has two adult facilities, compared to **six** in South Dakota. Both facilities in North Dakota are located near the state capital, Bismarck. The North Dakota State Penitentiary is located east of Bismarck, while the Missouri River Correctional Center is located south of Bismarck. Meanwhile in South Dakota, there is the State Penitentiary, Jameson Annex, and West Farm in Sioux Falls, the Springfield Correctional Facility, and the trusty units in Yankton and Custer.

The North Dakota State Penitentiary is

classified as a maximum security facility. The capacity for the penitentiary is listed as 446 usable beds and 42 temporary beds. The temporary beds include those used for infirmary, detention, administrative segregation, and disciplinary segregation. As of August 8, 1994, 532 inmates were housed at the penitentiary.

The Missouri River Correctional Center (MRCC) is North Dakota's minimum security adult facility. This institution was expanded during the 1991-93 biennium. (North Dakota operates on a two-year budget.) This project increased the MRCC's usable bed space to 150. All temporary bed needs, such as infirmary, detention, administrative segregation, and disciplinary segregation, are handled at the state penitentiary. Overcrowding is not a problem at the MRCC, as in the case of the Penitentiary. Most recent figures list this facility's population at forty-eight.

South Dakota, as previously mentioned, has six adult facilities. The State Penitentiary is currently the maximum security facility in South Dakota. The Jameson Annex is located adjacent to the Penitentiary. Jameson is being converted to meet contemporary maximum security standards and will house strictly maximum security inmates when the conversion is completed. The Penitentiary will then house less dangerous inmates. The Jameson conversion is the only major construction project

planned for FY 1995. The Springfield Correctional Facility is a medium security facility. The capacities for the Penitentiary and Jameson are 476 and 288, respectively. The capacity at Springfield Correctional Facility (SCF) is 384 for males, and 97 for females.

Figures as of August 31, 1994, had all three of these facilities exceeding capacity. The Penitentiary had a population of 553, while Jameson stood at 311. The figures for male inmates at SCF was 390, in addition to 98 females. All females incarcerated in the state of South Dakota are housed at SCF.

Other South Dakota adult facilities include the trusty units in Custer and Yankton. As of August 31, 1994, both were near capacity. The capacity for the Yankton Trusty Unit, located on the grounds of the Human Services Center, is 138. Its population at the end of August was 134. In Custer, where the trusty unit is housed within the confines of the Custer Developmental Center, the capacity of 40 was matched by its population at this same time. These facilities house minimum security inmates. Inmates at these units provide support services to the state facilities that are in their respective areas.

Another state facility is the West Farm in Sioux Falls. This is a work camp for adults. The capacity of the West Farm is 68, and its most recent population was 64. The West Farm, like the Jameson Annex, is under the auspices of the Penitentiary administration.

North Dakota traditionally has not had a problem with overcrowding. Of the 532 inmates currently housed at the penitentiary, 14 are Alaskan and 38 are federal. The per diem reimbursement rates paid to the North Dakota Department of Corrections and Rehabilitation are \$50.60 per day for federal

and \$55 for Alaskan inmates. This generates about \$1 million in revenue per year.

The state of North Dakota, as witnessed by the population figures listed above, does have a need for expansion at its penitentiary. The budget request for the next biennium, 1995-97, includes an appropriation for a new 200-bed cellhouse. The anticipated cost of this cellhouse is \$11,325,850. This is the majority of the planned capital budget for the 1995-97 biennium, which totals \$12,903,850. These are the figures that will be presented to the next legislature for consideration.

Current populations for the state of South Dakota are 1,567 males and 107 females, for a total of 1,674 adult inmates. The most recent adult population for North Dakota was 580.

The educational opportunities for inmates at the penitentiary and the Missouri River Correctional Center in North Dakota are similar to the penitentiary and Springfield Correctional Facility in South Dakota. Several education programs exist for inmates. North Dakota offers adult basic or college independent study programs, and preemployment training. Vocational training is offered in five different programs. These include: automotive technology; business office education; welding; carpentry; and food service preparation. An associate of arts degree program is available to inmates at the penitentiary and the MRCC.

The primary goal of the Springfield Correctional Facility is providing marketable skills to students/inmates through postsecondary and vocational technical education programs. The facility emphasizes job and life skills which include: learning to learn and learning to work;

communications, computation and computer literacy skills; self-esteem and motivation; and personal and career development. Religious instruction, physical education, and recreational activities are also provided. There are eleven vocational technical education programs offered. These include: air conditioning/heating/refrigeration; auto body; auto mechanics; building construction; building maintenance; business occupations; culinary arts; diesel mechanics; landscape/horticulture; machine tool; and welding. The penitentiary offers a variety of rehabilitative, educational, and religious programs and services, including Pheasantland Industries.

Roughrider Industries, in North Dakota, and Pheasantland Industries of South Dakota are both located on the grounds of the respective penitentiaries. Interestingly, agricultural operations have been discontinued at both sites. There are several of the operations at both penitentiaries that are similar or identical. For instance, both institutions operate license plate shops, sign shops, and upholstery and carpentry shops. North Dakota also manufactures refuse containers, while South Dakota has a book binding shop, print shop, and the operations at the West Farm. The West Farm activities include manufacturing rearview mirrors for vehicles, drafting, and operating a kennel for registered hunting dogs.

There are a variety of treatment programs offered to inmates in both states. These include intensive/family sex offender treatment programs, Alcoholics Anonymous/Narcotics Anonymous support groups, and Sex Addicts Anonymous. These programs are available to adult and juvenile offenders in both states.

The South Dakota Department of

Corrections currently has 28 inmates enrolled in its community corrections program. This program is provided by a private firm in Rapid City. Inmates, parolees, and probationers are allowed to work in the community through this program. Money earned is used to partially offset the cost of the program, provide restitution, and provide support to the individual's dependents. North Dakota does not operate such a program.

Both states operate parole services. Prior to an offender's release from the respective prison system, the offices provide the courts, parole boards, and other entities within the corrections departments with background information. These offices then supervise offenders who are conditionally released from the state prison system.

One difference between the two states is the administrative structures. North Dakota has one administrative staff for both the penitentiary and the Missouri River Correctional Center. South Dakota has a warden at both the penitentiary and Springfield Correctional Facility. This structure is more plausible for North Dakota due to the proximity of the two institutions. In Sioux Falls, for instance, the warden of the penitentiary oversees operations of the Jameson Annex even though they are two separate facilities. These two facilities being in the same vicinity makes this more practical.

JUVENILE FACILITIES

As in the case of the adult facilities, South Dakota has more youths in its corrections system than North Dakota. There is one state juvenile correctional institution in North Dakota, compared to three in South

Dakota. North Dakota's Department of Corrections and Rehabilitation has a Division of Juvenile/Community Services. This division operates in a similar manner to the court services officers within the South Dakota Unified Judicial System.

The lone state correctional institution in North Dakota for delinquent juveniles is called the State Industrial School. Like the adult facilities, the Industrial School is located close to Bismarck. The Industrial School is located west of Mandan, approximately 10 miles from Bismarck, and houses both male and female students. The Industrial School is a fully accredited high school, offering an assortment of educational and vocational classes, in addition to treatment and counseling programs. New treatment programs begun during the current biennium include aggression replacement training and sexual responsibility classes.

Currently, the school is exceeding its capacity of 90 students. Most recent population figures had 95 students residing at the school. The population's peak for the current biennium is 107. Juveniles between the ages of 12 and 18 are eligible to be sentenced to the Industrial School. Once reaching age 18, a juvenile must be transferred to an adult penal institution to serve the remainder of his sentence. The federal government is currently paying a per diem of \$117.28 for one federal student being housed at the North Dakota Industrial School. Despite the high number of students at the Industrial School, there is no waiting period for a juvenile to be placed in the school upon the imposition of a court sentence.

The proposed capital budget for the Industrial School during the 1995-97 biennium totals \$2,151,300. Of this total,

the bulk is for expansion and renovation of the existing gymnasium, accounting for \$1.7 million of the total capital outlay. Other capital projects for the school include fire suppression systems, electronic door locks in two of the residential cottages, asbestos removal, and installation of toilets and sinks in sleeping rooms.

The Division of Juvenile Services operates the statewide detention support services, which is a cooperative effort involving county and local services. The focus of this program is to provide financial incentives for attendant care or detention of juveniles. Attendant care in North Dakota consists of services provided to a juvenile awaiting transfer into the Industrial School. Attendant care is typically for 24 hours in a nonsecure setting, but with constant and direct supervision.

The Division of Juvenile Services also provides reimbursement for the detention of juveniles and transportation of a juvenile under either detention or attendant care. If a county must detain a juvenile for a period of time prior to transfer to the Industrial School, the state pays a per diem. Reimbursement is also paid for transportation and several costs associated with attendant care.

South Dakota has three facilities for troubled youth. These are: the State Training School in Plankinton, the Youth Forestry Camp in Custer, and the Lamont Youth Development Center in Redfield.

The State Training School is an open institution dedicated to the treatment and rehabilitation of all youth committed to its care by the court system. By statute, only youth adjudicated as delinquent may be committed to the Training School. Status

offenders and children in need of supervision (CHINS) may not be ordered to this facility. Both males and females are housed at the Training School. Students range from 12 to 20 years old. Unlike North Dakota, students may be kept in the Training School until their twenty-first birthday. Once an individual reaches age 21, he or she must be discharged.

The Training School has a capacity for 105 students (94 males and 11 females). As of August 31, 1994, there were 96 males and 11 females housed at the Training School. The Training School has a fully accredited school and awards both eighth grade and high school diplomas to students completing the required course work. Remedial instruction in math and reading is provided, along with a comprehensive program of vocational education in five course areas. The GED test is also administered to eligible students.

There is usually a waiting list for admission to the Training School. In FY 1994, there was an average of 30.7 males and 8.3 females on the waiting list. The average wait for admittance to the school was 2 months for males and 3.5 months for females.

The Youth Forestry Camp is located in Custer State Park, two miles southeast of Legion Lake in the Black Hills. Adolescent males who have been adjudicated as either delinquent or as a child in need of supervision are eligible for admission to the Forestry Camp. Campers range from 15 to 20 years of age. Capacity of the camp is 52 male youths. Most recent population figures listed 47 residents in the camp.

Like the Training School, there is typically a

waiting list for admission to the Forestry Camp. On average, there are 3.5 youths waiting for admission to the camp. The average time spent waiting for admission is about one month in this case.

The intent of the Forestry Camp is to offer these young men an opportunity to develop a sense of self worth, learn self-control, gain some insight into the problems that brought them to the court's attention, and to develop some work skills and constructive work habits. The juveniles are taught work in fire suppression, first aid, and work safety principles. The youths are then assigned to work details throughout Custer State Park. The Forestry Camp also provides an accredited Alternative Learning Center at the park.

The Lamont Youth Development Center (LYDC) is located on the grounds of the South Dakota Developmental Center at Redfield. The LYDC accepts female adolescents who have been adjudicated as either delinquent or as a child in need of supervision. Capacity for the LYDC is 24 female youths, ranging from 14 to 18 years of age. At the end of August 1994, the LYDC was at capacity.

Like the Training School and Forestry Camp, there is also a waiting list for admittance to the LYDC. There was an average of 6.4 individuals waiting for admission to the LYDC in FY 1994. Typically, the wait was approximately one month. LYDC consists of four primary program components: counseling, employment, education, and substance abuse services.

These charts provide appropriated amounts from the most recent legislative sessions, number of FTE, and average cost per FTE and Inmate. Figures are based on populations as of 8/31/94.

ND Dept. of Corrections and Rehabilitation Appropriated Funds					
1993-95 Biennium	Total Funds	Total Gen. Funds	FTE	Gen Fund \$/FTE/Year	Gen Fund \$/Inmate/Year
Central Office	\$961,513	\$561,205	5.5	\$51,019	N/A
Juv/Community Services	\$4,041,529	\$2,587,281	27.5	\$47,042	\$3,993/case
Penit. & MRCC	\$20,155,910	\$16,544,122	200.6	\$41,237	\$14,262
Roughrider Industries	\$7,087,445	\$0	25	\$0	\$0
Parole & Prob.	\$5,448,520	\$3,598,134	47.5	\$37,875	\$1,743/case
Industrial School	\$7,834,855	\$5,544,107	85.9	\$32,271	\$29,180
Dept. Totals	\$45,529,772	\$28,834,849	392	\$36,779	\$21,359

SD Dept. of Corrections Appropriated Funds					
FY 1995	Total Funds	Total Gen. Funds	FTE	Gen Fund \$/FTE	Gen Fund \$/Inmate
DOC Admin.	\$6,111,246	\$4,805,138	19	\$252,902	N/A
SCF	\$6,310,462	\$5,962,049	146	\$40,836	\$12,217
Penitentiary	\$13,372,038	\$12,845,699	335	\$38,345	\$11,239
Training School	\$2,902,625	\$2,275,359	89.9	\$25,310	\$21,670
YFC	\$1,428,799	\$1,213,069	37.5	\$32,349	\$25,810
LYDC	\$413,836	\$289,705	13	\$22,285	\$12,071
Pheasantland Industries	\$2,686,366	\$0	17.5	\$0	\$0
Community Corrections	\$1,058,500	\$1,058,500	0	\$0	\$35,283

Parole Services	\$1,600,667	\$1,435,112	41	\$35,003	\$161/case
Dept. Totals	\$35,884,539	\$29,884,631	698.9	\$42,760	\$16,136

Another issue seems to be the prevalence of violent crimes. North Dakota does not appear to have as much violent crime as South Dakota. For example, the publication *Federal Funds Information for States* (FFIS) reported that during Federal Fiscal Year 1993, North Dakota had considerably fewer violent crimes reported than South Dakota. The chart below illustrates the numbers reported in the August 30, 1994, issue of FFIS.

Figures for <i>Federal</i> Fiscal Year 1993	Number of Violent Crimes Reported	Number of Persons/Violent Crime
North Dakota	413	1,500
South Dakota	1,294	556

Non-violent crime in the two states does not seem to differ as greatly. For instance, North Dakota tends to average 80 to 90 incarcerations for bad check writing and forgery. Most recent figures for these offenses in South Dakota totaled 85.

Another "non-violent" crime that receives greater attention seemingly every year is driving while under the influence. In South Dakota, judges can exercise considerable discretion when sentencing an offender. While a judge might issue a fine of \$250 for a first offense, this is not required. North Dakota's laws mandate a good portion of an offender's sentence. A judge still has considerable latitude, however.

For instance, a first offense in North Dakota must include a fine of at least \$250 and an order for an addiction evaluation. Still, those mandates can be suspended on the condition an offender complies with the sentence imposed by the judge. In South Dakota, first time offenders must lose their driving privileges for at least 30 days, but not for more than one year. A permit to drive to work is allowed. Judges in South Dakota, therefore, can revoke driving

privileges for any length of time from 30 days to one year, or completely suspend the revocation and impose a fine. In North Dakota, an order for addiction treatment is required anytime after the first offense. South Dakota, while offering a more lenient sentence for those offenders entering a treatment program, does not require this step until the third offense.

The two states' primary difference in their treatment of drunken drivers appears to be in the use of fines and jail time versus license revocation. For a fourth offense in North Dakota, an offender must receive at least 180 days imprisonment and a fine of \$1,000. In South Dakota, a four-time offender may receive a similar fine or jail time, but the mandate is for at least 20 days in jail and loss of driving privileges for at least two years after the individual is released from incarceration. The key here is that judges in both states can issue virtually any combination of fines, jail time, and license revocation they feel necessary, within parameters outlined in statute.

In calendar year 1992, North Dakota reported 4,525 cases filed for driving under

the influence. Meanwhile, for fiscal year 1993, South Dakota had 8,831 case filings for this offense. South Dakota currently has 167 individuals incarcerated for driving under the influence. This compares to just 18 in North Dakota.

In North Dakota, approximately 45 percent of all inmates incarcerated committed what is classified as a violent offense. It should be noted that 45 percent of North Dakota's prison population represents a mere 261 inmates. Meanwhile, over 52 percent of all adult inmates in South Dakota, or 864 individuals, are violent. Of the individuals in South Dakota's adult facilities, nearly 41 percent (672) are non-violent, while 55 percent (319) of North Dakota's inmates committed what were classified as non-violent/property crimes. In any event, this suggests that incidence of violent crime in North Dakota is considerably lower than in South Dakota.

It appears that much of the difference in North and South Dakota's corrections budgets is largely due to the number of violent crimes committed. The number of violent crimes committed in South Dakota during federal FY 1993 was approximately 315 percent higher than in North Dakota.

Interestingly, while South Dakota has 178 juveniles housed in institutions and 140.4 FTE working in those facilities, compared to North Dakota's 95 and 113.4, North Dakota spends more. The one-year expenditure for juvenile services and the Industrial School totals \$4,065,694. For FY 1995, South Dakota will spend \$3,778,133 to operate the three juvenile facilities. While spending less per year than North Dakota, South Dakota does have a higher rate of institutionalizing troubled youth.

So the numbers seem to suggest that juvenile expenses and non-violent crimes are similar, yet South Dakota's total corrections expenditures are approximately twice that of North Dakota. Funds spent on community corrections in South Dakota account for over \$1 million in services not provided by North Dakota.

In addition, there is the revenue North Dakota generates by housing Alaskan and federal prisoners. South Dakota houses federal prisoners only on exchange for a South Dakota inmate that has been transferred to a federal prison. Due to the per diem charged by the federal government, the South Dakota Department of Corrections typically takes on two federal prisoners in exchange for each South Dakota prisoner absorbed within the federal system.

All told, North Dakota generates about twice as much income within its Department of Corrections and Rehabilitation as the South Dakota Department of Corrections. The one-year income figure for North Dakota is \$8,347,462. This compares to \$4,242,104 in other funds (income) in South Dakota. The additional \$4 million in annual income and the lack of a community corrections program will save the state of North Dakota \$5,163,858 in general funds for FY 1995.

In the adult system, South Dakota offers its inmates over twice as many vocational programs. This is illustrated at SCF, where the 11 vocational programs offered compared to 5 programs at MRCC. This, of course, will also increase the cost of the adult system in South Dakota. Another factor could be the greater number of incarcerations for driving under the influence. It would appear, however, that the largest component in the difference between North and South Dakota's

corrections budgets is the number of violent crimes that occur within each state.

This issue memorandum was written by Chris Eitemiller, Fiscal Analyst for the Legislative Research Council. It is designed

to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
