



South Dakota Legislative Research Council

Issue Memorandum 95-37

Prison Demographics: A Comparison of North Dakota and South Dakota Prison Populations

In the discussion of prisons in the past few years, there have been comparisons made to our sister state of North Dakota. Here are two states which are very similar when comparing total population and geographic size. The ethnic backgrounds of persons who settled each state and the agricultural-based economies of each state are also fairly similar. However, when it comes to prisons and the number of prison inmates, South Dakota has about three times the number of adult prisoners. South Dakota has over 1,800 adult inmates under the jurisdiction of the Department of Corrections while North Dakota's inmate population is just over 600. This fact has raised a number of questions as to why there is such a difference. This issue memorandum will take a closer look at some of the facts and figures that can be used to compare the prison populations in North Dakota and South Dakota and which may be used to help explain why there is such a size difference in prison populations.

Prison Population

Prison populations are changing every day with inmate admissions and releases. The most current information available for comparison by this memorandum, unless otherwise noted, consists of data received from the North Dakota Department of Corrections and Rehabilitation reflecting the population of the North Dakota prison system on May 5, 1995, and from the South

Dakota Department of Corrections reflecting the population of the South Dakota prison system on August 19, 1995. While the comparisons are not for the same date, they are fairly representative of the current daily prison population in each state. The inmate population in North Dakota on the date being compared was 625, and the inmate population in South Dakota was 1,823. Information from "The Corrections Yearbook"¹ and the "Sourcebook of Criminal Justice Statistics"² is also used for comparison by this memorandum. The factors of age, gender, ethnic composition, crime committed, and length of sentence will be compared.

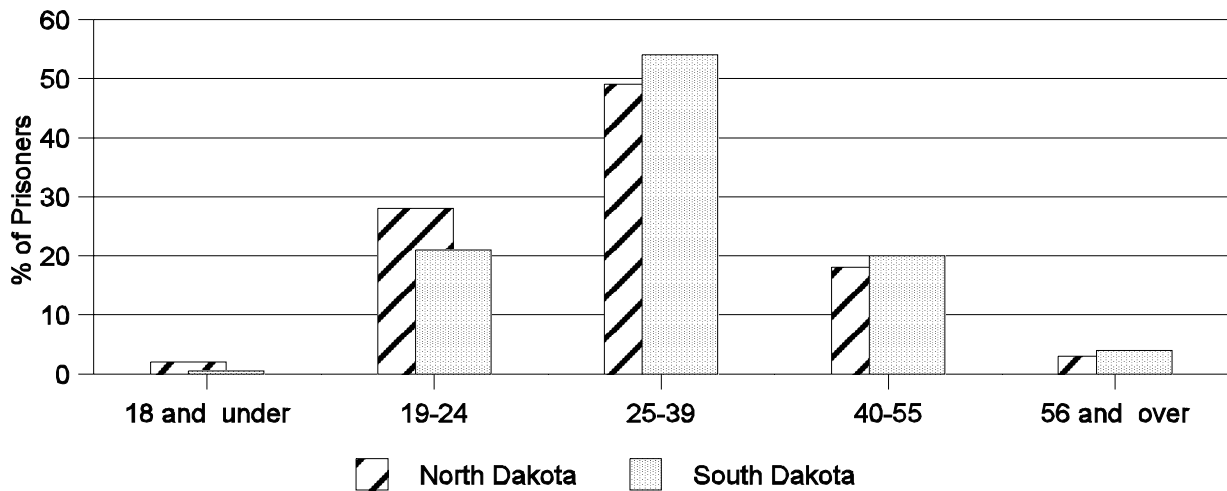
Age

In comparing the ages of the two inmate populations there is not a major difference between the two states. In North Dakota, twelve inmates, or two percent of their adult inmate population, were eighteen years of age and under as compared to nine inmates, or less than one-half percent of the adult inmate population in South Dakota. In the category of ages nineteen to twenty-four, North Dakota had a slightly higher percentage of twenty-eight percent as compared to twenty-one percent in South Dakota. South Dakota, however, had a slightly higher percentage in the category of ages twenty-five to thirty-nine. In this the largest category, the South Dakota

percentage was fifty-four percent compared to forty-nine percent in North Dakota. The percentage of inmates in the categories of ages forty to fifty-five and fifty-six and over are very similar. The age comparison of the

two prison populations is shown in the following graph.

Ages of Prisoners



Gender

There is not much difference in the prison populations of the two states regarding the gender of the inmates. In South Dakota the breakdown is ninety-four percent male inmates and six percent female inmates as compared to ninety-six percent male inmates and four percent female inmates in North Dakota. The national average for inmate populations is ninety-five percent male and five percent female.³

percentage is twenty-three percent compared to nineteen percent in North Dakota.⁴ The percentage of Native Americans in prison in both states is much higher than the percentage of Native Americans found in the general population of both states. The 1990 census showed that 7.3% of South Dakota's population and 4.1% of North Dakota's population was Native American.⁵

Ethnic Composition

In North Dakota, seventy-six percent of the inmate population is white compared to seventy-four percent of the inmate population in South Dakota. The percentage of Native Americans is also comparable. In South Dakota the

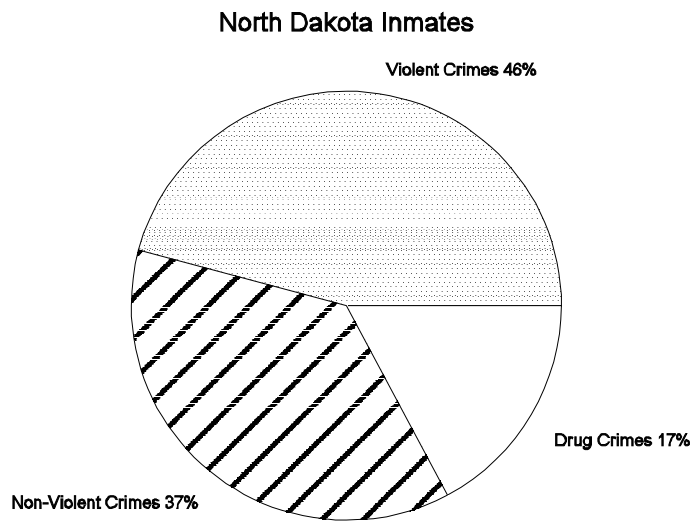
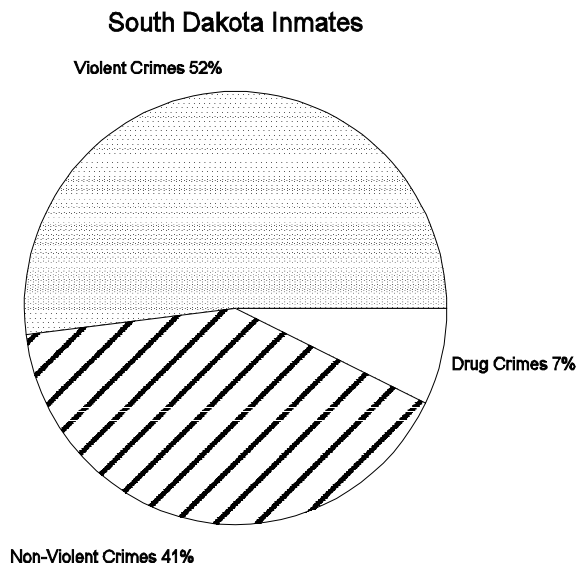
Crime Committed

South Dakota has a greater percentage of inmates in prison for violent crimes than does North Dakota. For the purpose of this comparison violent crimes include aggravated assault, child abuse, kidnapping, manslaughter, murder, rape, robbery, riot, arson, and burglary. In South Dakota the percentage of inmates serving time for violent crimes was fifty-

two percent⁶ compared to forty-six percent in North Dakota. The percentage of inmates serving time in North Dakota for drug crimes was seventeen percent compared to seven percent in South

Dakota.⁷ The percentage of inmates serving time in North Dakota for driving under the influence of alcohol or a drug was eleven percent⁸ compared to ten percent of the inmates in South Dakota.⁹

Prison Population Breakdown by Major Crime Categories

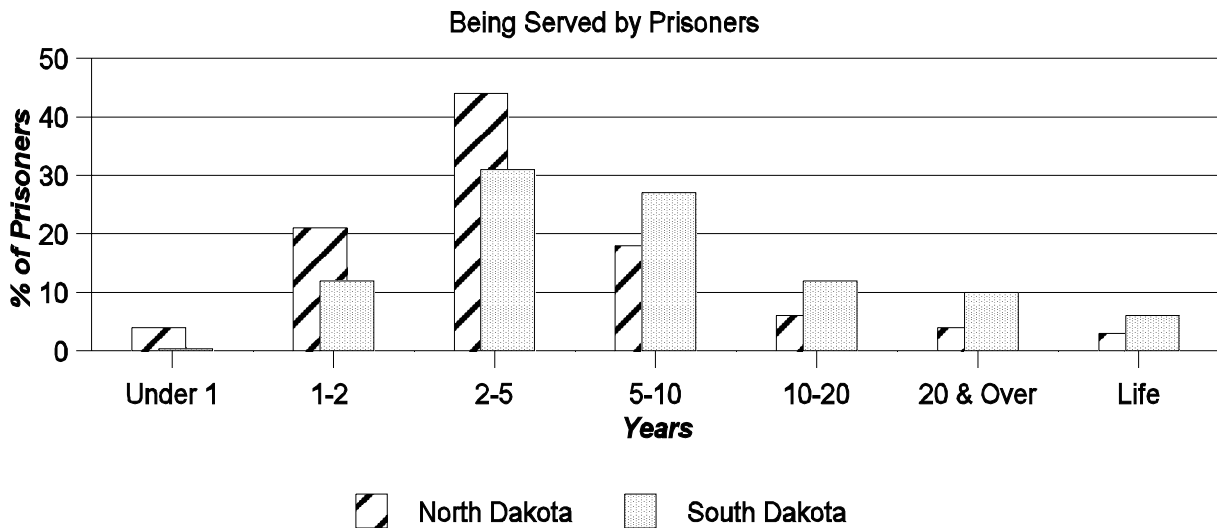


Length of Sentence

A breakdown of the North Dakota and South Dakota prison populations by the length of the sentence being served by each inmate shows significant differences between the two prison populations. Fifty-five percent of the inmates in South Dakota are serving sentences of over five years compared to thirty-one percent of the North Dakota inmates serving such sentences. One hundred fifteen inmates, or six percent of the inmates, are serving life sentences in South

Dakota compared to just eighteen inmates, or three percent of the North Dakota inmate population. In addition, ten percent of South Dakota inmates are serving a twenty-year sentence or greater and twenty-seven percent of the inmates are serving sentences of five to ten years as compared to four percent and eighteen percent of North Dakota inmates serving such sentences, respectively. Two inmates in South Dakota are waiting to face the death penalty. They were sentenced to death in 1992 and 1993.

Length of Sentence



Procedural and Institutional Differences

There are other factors which might help explain size difference between the two prison populations. Arrest rates, prison admissions, incarceration rates, maximum sentences allowed for violations, and parole and good time policies are a few of the

factors which will be compared.

Arrest Rates

Statistics show that there are more arrests yearly in South Dakota than there are in

North Dakota. For 1992, the number of persons of all ages arrested for various crimes in South Dakota was 30,643 compared to 17,967 in North Dakota.¹⁰ This calculates to an arrest rate of about forty-three arrests per thousand persons in South Dakota and an arrest rate of about twenty-eight arrests per thousand persons in North Dakota. Another significant arrest figure is the number of alcohol-related arrests. In 1992, the number of alcohol-related arrests in South Dakota was 16,955 compared to 6,540 in North Dakota.¹¹ This calculates to an arrest rate of about twenty-four arrests per thousand persons in South Dakota and an arrest rate of about ten arrests per thousand persons in North Dakota.

Admissions

A comparison of admissions to the prisons in the two states shows that South Dakota admissions have been considerably higher

than North Dakota. Over twice as many persons were admitted into prison in South Dakota than in North Dakota for the last two years for which data is available. In 1992, 867 persons were admitted into prison in South Dakota compared to 466 admissions in North Dakota. In 1993, 836 persons were admitted into prison in South Dakota compared to 352 in North Dakota.¹²

Incarceration rates

North Dakota has the lowest incarceration rate in the nation while South Dakota's rate ranks 32nd. In 1994, the incarceration rate per one hundred thousand in population in North Dakota was 80 compared to 219 in South Dakota. Both states' rates are considerably lower than the national average of 317. Incarceration rates for the two states are compared in the following chart.

	Incarceration Rates (Per 100,000)			% Change 1993 to 1994
	1/1/92	1/1/93	1/1/94	
North Dakota	87	88	80	-9.0%
South Dakota	197	212	219	+3.0%
National Average	327	343	370	+7.8%

Maximum Sentences

The maximum sentences for most crimes in South Dakota are considerably greater in South Dakota than in North Dakota. These maximum sentences are established

by statute. A comparison of maximum sentences by major crime is shown in the following chart.

Crimes*	Maximum Penalties	
	South Dakota	North Dakota
Violent Crimes		
Aggravated Assault	15 years plus \$15,000	5 years / \$5,000 / or both
Child Abuse	10 years plus \$10,000	10 years / \$10,000 / or both
Kidnapping	Life without parole plus \$25,000	20 years / \$10,000 / or both
Manslaughter	Life without parole plus \$25,000	10 years / \$10,000 / or both
Murder	Death or Life without parole	Life without parole
Rape	Life without parole plus \$25,000	20 years / \$10,000 / or both
Robbery--1st Degree	25 years plus \$25,000	20 years / \$10,000 / or both
Robbery--2nd Degree	10 years plus \$10,000	5 years / \$5,000 / or both
Sexual Contact with Child	15 years plus \$15,000	10 years / \$10,000 / or both
Vehicular Homicide	15 years plus \$15,000	5 years / \$5,000 / or both
Riot	15 years plus \$15,000	5 years / \$5,000 / or both
Arson	Life without parole plus \$25,000	10 years / \$10,000 / or both
Burglary--1st & 2nd Degree	15 years plus \$15,000	10 years / \$10,000 / or both
Non-violent Crimes		
Burglary--3rd Degree	10 years plus \$10,000	5 years / \$5,000 / or both
Damage to Property	10 years plus \$10,000	5 years / \$5,000 / or both
Forgery	5 years plus \$5,000	10 years / \$10,000 / or both
Grand Theft	10 years plus \$10,000	10 years / \$10,000 / or both
Non-suff. Funds Check	2 years / \$2,000 / or both	5 years / \$5,000 / or both
DWI--3rd Offense	2 years / \$2,000 / or both	1 year / \$1,000 / or both
DWI--4th or more Offense	5 years plus \$5,000	1 year / \$1,000 / or both
Escape	10 years plus \$10,000	10 years / \$10,000 / or both
*Crimes as classified in S.D. compared with closest N.D. equivalent		

Parole and Good Time Policies

The parole and the good time policies of each state play a role in the size of the prison populations. While the parole and good time policies of each state are complex and difficult to compare, it is clear that South Dakota uses parole much more than North Dakota and has a more generous good time policy for inmates. In 1993, 728 inmates were released from prison in South Dakota. Of those released, 253 were released because their sentences had expired and 475 were released on parole. In North Dakota for the same time period, 216 inmates were released, 101 because their sentences had expired and 115 were released on parole. When good time policies are factored in the average sentence actually served in North Dakota is 65% of the sentence. In South Dakota, with parole and good time considered, inmates serve approximately 39% of a sentence.

Summary

Statistics show that similarities and differences exist between the two prison

populations. Data shows that ages of inmates, the gender mix, and the ethnic composition of the two prisons are fairly similar. In South Dakota, however, a greater percentage of inmates are serving time for violent crimes and a greater percentage of inmates are being sentenced to longer prison terms than those inmates in North Dakota. These longer sentences are most likely the result of large maximum penalties which are authorized by South Dakota law. These longer sentences probably help explain the size of the prison population. Statistics also show that arrest rates, prison admissions, and incarceration rates are significantly higher in South Dakota than North Dakota and those, too, may be used to help explain the larger prison population in South Dakota. But while prisoners are sentenced to longer terms in South Dakota, some of that impact is offset by parole and good time policies which result in inmates serving a smaller percent of their sentences than inmates in North Dakota.

This issue memorandum was written by David L. Ortbahn, Principal Research 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.

Endnotes

1. "The Corrections Yearbook," Criminal Justice Institute, Inc., South Salem, New York, 1994.
2. "Sourcebook of Criminal Justice Statistics--1993," U.S. Department of Justice, Washington, DC, 1993.
3. "The Corrections Yearbook," pages 4 and 5.
4. *Ibid.*
5. "States in Profile," *The State Policy Reference Book 1995*, U.S. Data on Demand, Inc. and State Policy Research, Inc., Table A-6.
6. South Dakota Department of Corrections Annual Report, July 1, 1993 to June 30, 1994 pages 11 and 12.
7. *Ibid.*
8. North Dakota Department of Corrections & Rehabilitation, Biennial Report, July 1, 1991 to June 30, 1993, page 22.
9. South Dakota Department of Corrections Annual Report, page 11.
10. "Sourcebook of Criminal Justice Statistics-1993," page 425.
11. *Ibid.*, page 456.
12. "The Corrections Yearbook," pages 10 and 11.