



DEPARTMENT OF CORRECTIONS

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POLICY AND LEGAL ROADBLOCKS TO REENTRY AFFECTING EX-OFFENDERS IN SOUTH DAKOTA.

Ex-Inmates face many obstacles as they try to transition from prison life back into society. The harder the transition the more likely it is they will return to crime. In 2011 over two thousand eight hundred Inmates were released from the South Dakota State Prison. There are a number of roadblocks that make it difficult for these ex-offenders to succeed in the community. The goal of this project is to identify the roadblocks and find solutions for the same.

Road Blocks

Criminal records
Employment
Public housing
Crime free housing
Drivers licenses
Child support
Social Security Card
TANF
SSI
Sex offender registry
Sex offender safety zones
Restitution

CRIMINAL RECORDS

Issue; Basic information such as social security number and date of birth can be used to easily access criminal records from government agencies, internet services, and credit reports. This information is used to discriminate against ex-offenders who are seeking employment and housing.

The information under state control is obtainable by Individuals or organizations with the subject's written authorization, in addition to schools and child welfare agencies. S.D. Codified Laws § 23-5-12 & 23-5-12.1

Some information will show up on credit reports.

EMPLOYMENT

Issue; Employers can require applicants to disclose their criminal history as a condition of employment. South Dakota does not have any laws that prohibit employment discrimination or laws that encourage the hiring of ex-offenders.

PUBLIC HOUSING

Issue; Public Housing Authorities have great discretion in determining their admissions and occupancy policies for ex-offenders. PHAs have the authority to ban ex-offenders from participating in public housing it is not HUD policy. The field reports more often than not ex-offenders are automatically excluded in SD. The only automatic ban required by law is for an ex-offender that has a lifetime requirement to register for sex-offense(s) or a conviction for production / manufacture of methamphetamine.

CRIME FREE HOUSING

Issue; Crime free housing acts as a complete ban to felons in certain areas of the state regardless of the felony.

DRIVERS LICENSES

Issue; There are multiple issues with drivers licenses. Offenders who are behind in child support cannot get a driver's license. A Social Security card is required for a driver's license.

61:18:08:01. Requires an applicant for a first time driver to provide evidence of identity, date of birth, lawful status, social security number, and address of principal residence.

The primary issue is the requirement to have one of the following; Social Security card, W-2 Form, SSA 1099 Form, Non-SSA 1099 Form, Pay stub along with two of the following; Utility bill, Credit card statement, pay stub or earnings statement, rent receipt, phone bill, transcript or report card from an accredited school, bank statement, mortgage document, tax document, or homeowners/renter's insurance policy.

There is an exception to the above which allows the DOC to issue a letter stating you reside at their facility, which creates employment issues.

CHILD SUPPORT

Issue; Debt accumulation is often associated with recidivism because Inmates have little or no ability to earn income. 25 states have implemented formalized initiatives or processes to reduce child support during incarceration. Child support debt can prevent inmates from obtaining a drivers license.

SOCIAL SECURITY CARD

Issue; Agents report significant obstacles with offenders getting a social security card upon release. Offenders need a social security card to get a driver's license.

TANF

Issue; Drug Felony convictions dated after 1996 make ex-offenders ineligible to receive TANF (Temporary Assistance for Needy Families) benefits.

67:10:01:13. Individual ineligible if convicted of certain offenses. An individual is ineligible for assistance under this article if the individual is convicted of a felony under federal or state law which felony has as an element the possession, use, or distribution of a controlled substance.

An individual applying for assistance must, during the application process, state in writing on a form available from the department whether the individual or any member of the individual's household has been convicted of such a crime.

SSI

Issue; Agents report that ex-offenders have a hard time getting this process started. They don't understand the paperwork. The paperwork is very time consuming.

New applicants can file a prerelease application which enables a claim to be filed several months before the scheduled release date. Old recipients can also file a prerelease form to start their benefits upon release.

Upon Release benefits can be reinstated without filing a new claim. The individual must request reinstatement and provide proof of release to the social security office. Upon provision of the necessary proof, the social security office will reinstate benefits.

SEX OFFENDER REGISTRY

Issue; A sex offender is required to supply their address and other identifying information to local law enforcement. The fact that someone is registered makes it difficult to find work and housing.

SEX OFFENDER SAFETY ZONES

Issue; Safety zones limit housing and employment options for the sex offender.

RESTITUTION

Issue; Restitution can be a significant financial burden making it difficult for an ex-offender to afford the cost of necessities. It's even more concerning when a condition of an offenders suspended sentence is to pay a large amount of restitution in a short period of time.