

# South Dakota Department of Corrections

## External Data Brief: Technical Parole Violators

May 2023 : No 3-E

### KEY FINDINGS

- 39% (820) of parole ends in FY2022 were for TPVs.
- The most frequently violated conditions were out of area and programming.
- Returning to a correctional facility as a TPV is the most serious sanction in response to behaviors during supervision.
- 39% of both male (621) and female (199) parolees ended their parole as a TPV.
- Native American parolees had the highest TPV rate at 50% for males and 46% females.
- Parolees with a most serious admission offense being against a person violated at a higher TPV rate (43% males; 46% females) than the overall state TPV rate (39%).
- Parolees supervised in South Dakota's two largest metropolitan areas had a higher TPV rate than the rest of the state.
- South Dakota's TPV rate was 1.6 times the U.S. overall rate in calendar year 2021.

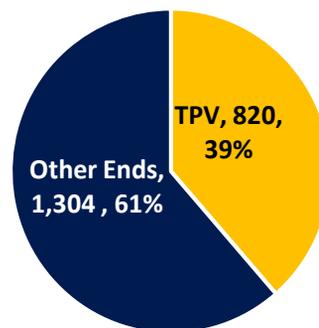
### INTRODUCTION

This brief presents technical parole violator (TPV) statistics for fiscal year (FY) 2022 for the South Dakota Department of Corrections (SDDOC). A TPV is defined as a parolee who returns to a correctional facility due to one or more violations of their parole agreement conditions or failure to comply with special conditions imposed by the Board of Pardons and Paroles or parole services staff.

This population does not include parolees who return to a correctional facility due to a new conviction. This population is also separate from the population outlined in the recidivism data brief as recidivism is limited to specific release cohorts whereas this data includes all TPVs within FY 2022 regardless of release cohort.

The chart below breaks out TPV ends from all other parole supervision ends in FY2022.

### FY2022 Parole Ends



In FY2022, 39% (820) of ends from parole were for technical parole violations. Other supervision end types include successfully completing supervision, early discharge of sentence, returning to prison with a new sentence, and death of the parolee.

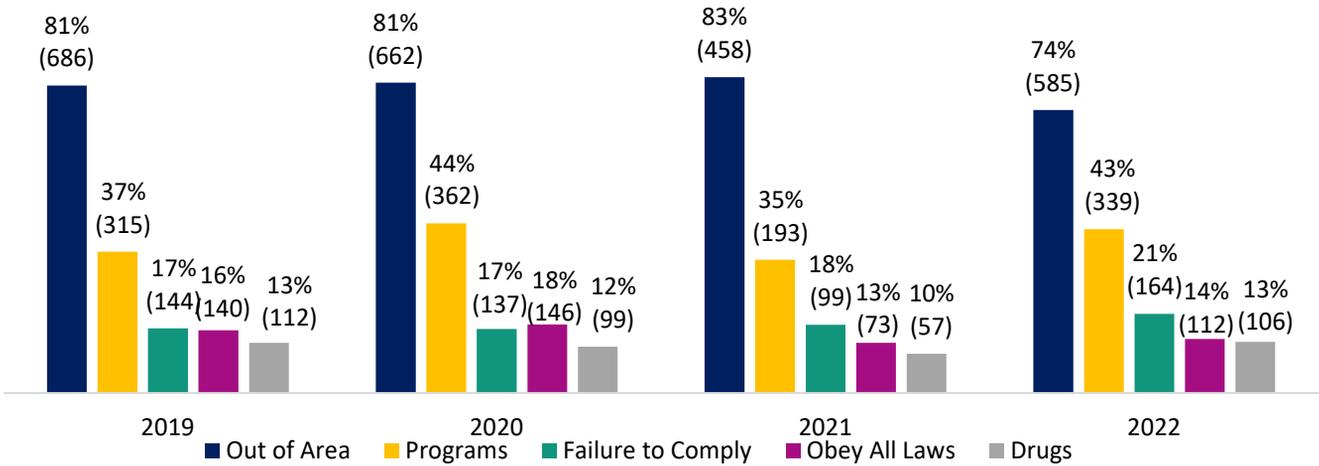


# CONDITIONS

Supervision agreement conditions are agreed upon by all parolees at the start of their community supervision and warrant a range of applicable responses (sanctions) upon violation. If the violation raises to the level of a TPV return to a correctional facility, a revocation hearing process is initiated with the Board of Pardons and Paroles.

The chart below outlines violations by condition in hearings that resulted in a TPV return to a correctional facility. The percentages are calculated as the percent of hearings that contained a specific condition. Since multiple conditions could be tied to a hearing, the total exceeds 100%.

**Top Five Violated Conditions**



Across the four year period, between 74% and 83% of hearings contained violations of the out of area condition, which included absconding, failure to report activities with parole agent, and keeping agent informed of their whereabouts. The second most common violation was associated with the programs condition (35%-44%), which included failure to participate in treatment programs or being removed from programming.

The remaining three most common violated conditions leading to a TPV were failure to comply (17%-21%) (deliberate pattern of non-compliance with orders, directions, or imposed sanctions), obey all laws (13%-18%)(committing or conviction of a new class 1 or 2 misdemeanor offense, or committing or conviction of any felony), and drugs (10%-13%) (use or testing positive of drugs, abusing prescription or over the counter medication, or failure to submit to urine/drug analysis test).

While the five most common violated conditions resulting in a TPV return to a correctional facility were consistent across the four-year period for all offenders, there was one additional TPV category that was in the top five for females in FY2021 and FY2022. Employment/residence surpassed obey all laws and included changing residence or employment without notifying agent, and loss of employment without notifying agent.

# SANCTIONS

A parolee is not revoked to a correctional facility each time they violate a condition of their supervision. Once a parolee commits a behavior in violation of their supervision agreement, their parole agent determines the appropriate severity category in the violation sanction scale based on agreement conditions. Generally, the least burdensome sanction(s) to the violation is applied and consideration is given to the following:

1. The risk the parolee poses to the community.
2. The severity of the parolee’s violation.
3. The parolee’s assessed community risk level.
4. The parolee’s programming/treatment needs.
5. The parolee’s performance while on supervised release.
6. Previous violations by the parolee while under supervised release.
7. The parolee’s attitude.
8. The relationship of the violation to the parolee’s crime of conviction.
9. The availability of other intervention means and their anticipated effect on the parolee.

Ending parole supervision as a TPV is the most serious sanction available in the violation sanction scale. The table below provides examples (not a comprehensive list) of responses within the violation sanction scale that may be used to address parolee behavior prior to a violation back to a correctional facility.

Low	Medium	High	Technical Parole Violation Return
<ul style="list-style-type: none"> <li>• Verbal reprimand</li> <li>• Apology letter</li> <li>• Daily log/report writing</li> <li>• Written reprimand by agent</li> <li>• Loss of driving privileges</li> <li>• Increased contact with agent</li> </ul>	<ul style="list-style-type: none"> <li>• Additional drug testing</li> <li>• Anger management classes</li> <li>• Community services work</li> <li>• Counseling from a community agency</li> <li>• Verbal/written reprimand by regional supervisor</li> <li>• House arrest – 30 days or less</li> <li>• Electronic monitoring – 30 days or less</li> </ul>	<ul style="list-style-type: none"> <li>• Drug/alcohol treatment</li> <li>• Cognitive based therapy</li> <li>• Day reporting</li> <li>• Administrative hearing with director of parole</li> <li>• Case transfer</li> <li>• House arrest over 30 days</li> <li>• Electronic monitoring – over 30 days</li> <li>• Halfway house placement</li> </ul>	

# TRENDS

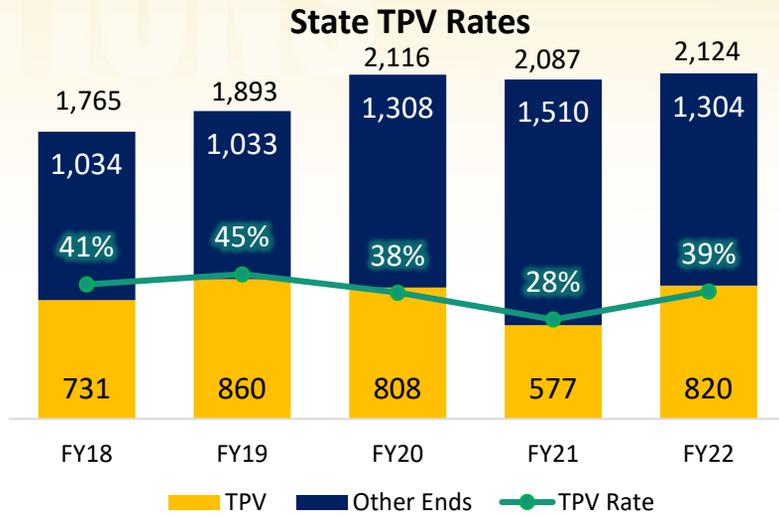
The graphs on this page show the TPV trends over the past five years. The TPV rate of 39% was consistent for all parolees, male parolees, and female parolees in FY2022. These rates are consistent with pre-pandemic rates in FY2020.

In FY2021, which ran from July 2020 through June 2021, the total number of parole ends did not significantly change but more parolees ended their parole for a reason other than a TPV. This shift can be attributed to efforts to keep parolees out of prison during the pandemic.

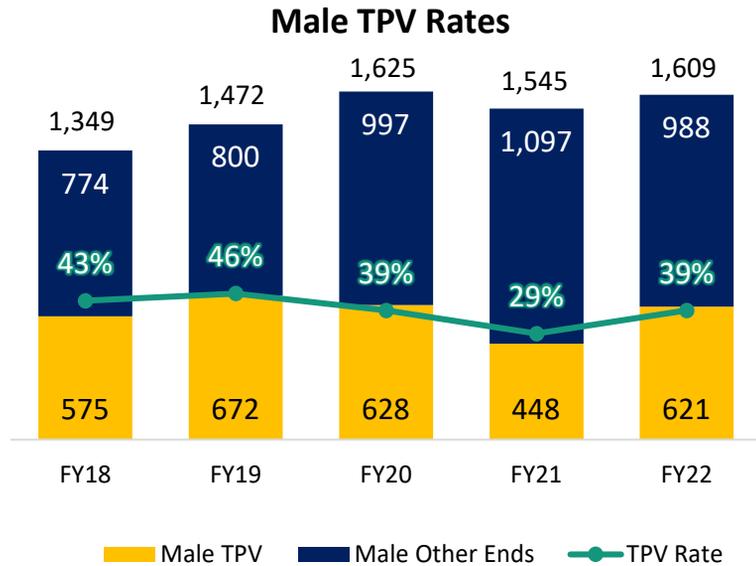
In FY2020 and FY2021 policy allowed offenders to be placed on extended detention or community transition programs (CTP) in lieu of revocations which resulted in less TPVs.

Starting in FY2022, policy has been updated to discontinue extended detentions and CTP at minimum centers and implement best practices to ensure the correct offenders are ending their parole as a TPV.

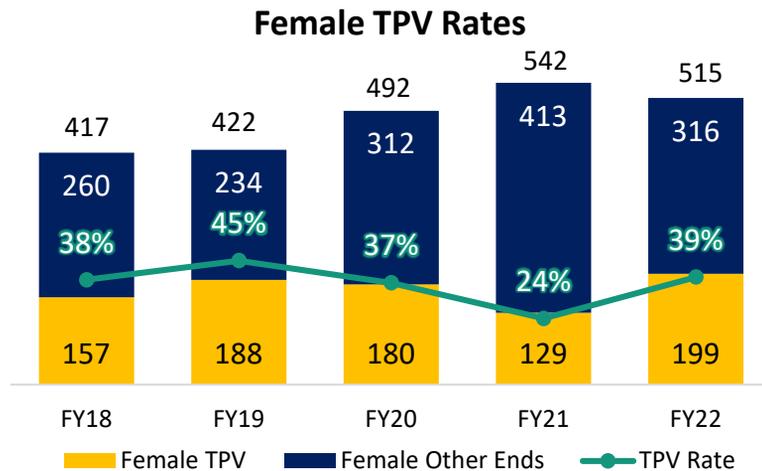
### State TPV Rates



### Male TPV Rates



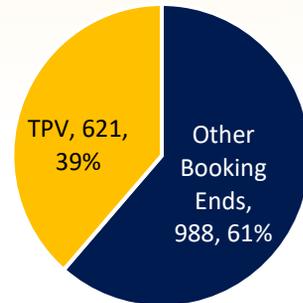
### Female TPV Rates



# FY2022 DEMOGRAPHICS: MALES

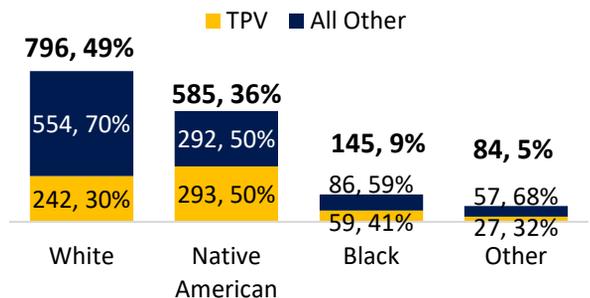
Graphs on this page break down FY2022 parole ends for male parolees. There were 1,609 male parole ends of which 39% (621) returned to prison as a TPV. This rate is consistent with the overall state rate of 39% indicating that male parolees are neither more or less likely to end their parole with a TPV than female parolees.

**Parole Ends**



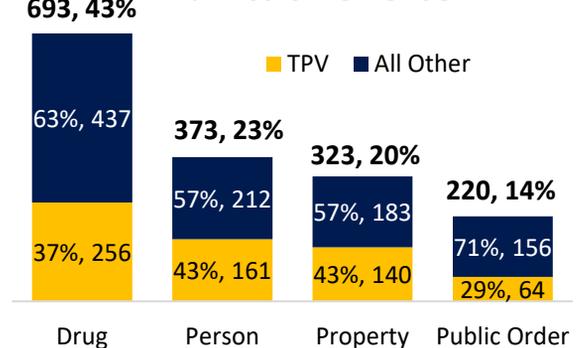
The male race with the highest TPV rate was Native Americans at 50% (293). Black parolees also had a TPV rate (41%) higher than the overall male rate. White males had the greatest number of parole ends at 796 (49%) but had a TPV rate below the overall rate at 30% (242).

**Parole Ends by Race**



The *Parole Ends by Most Serious Admission Offense* graph on the right breaks out male parole ends by most serious offense at time of admission. Most (693, 43%) parolees had a most serious offense of a drug offense followed by crimes against a person. Of the parolees in the drug offense category, 37% (256) ended their community supervision as a TPV which is just below the overall rate of 39%. The offense categories of person and property both had TPV rates of 43% which was above the overall male rate of 39%.

**Parole Ends by Most Serious Admission Offense**



The graph below breaks out the violated conditions that resulted in a TPV following hearings for male parolees. A parolee may have violated more than one condition which is why the total exceeds the number of parolees. Out of area condition violations were present at 37% (423) of the hearings followed by programs at 24% (268) and failure to comply at 11% (126).

**Violated Conditions**



# FY2022 DEMOGRAPHICS: FEMALES

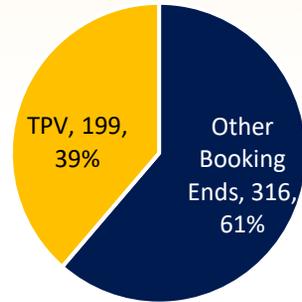
Graphs on this page break down FY2022 parole ends for female parolees. There were 515 female parole ends of which 39% (199) returned to prison as a TPV. This rate is consistent with the overall state rate of 39% indicating that female parolees are neither more or less likely to end their parole with a TPV than male parolees.

The female race with the highest TPV rate (excluding other) was Native Americans at 46% (139). Native American females also had the greatest number of parole ends at 302 (59%).

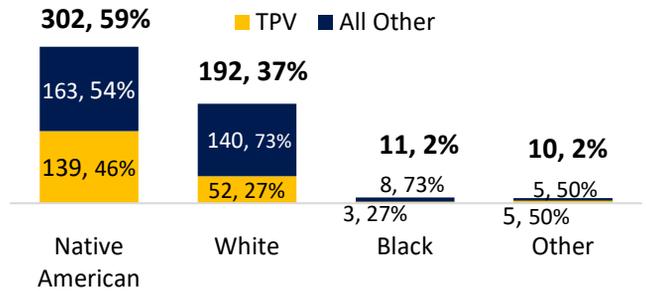
The *Parole Ends by Most Serious Admission Offense* graph on the right breaks out female parole ends by most serious offense at time of admission. Female parolees with a drug offense as their most serious offense accounted for 67% (344) of all parole ends and had a TPV rate of 39% (135). The only offense category that was above the overall rate for female TPV returns was most serious crimes against a person with 46% (23) of parole ends being for a TPV.

The graph below breaks out the violated conditions that resulted in a TPV following hearings for female parolees. A parolee may have violated more than one condition which is why the total exceeds the number of parolees. Out of area condition violations were present at 45% (162) of the hearings followed by programs at 23% (80) and failure to comply at 11% (38).

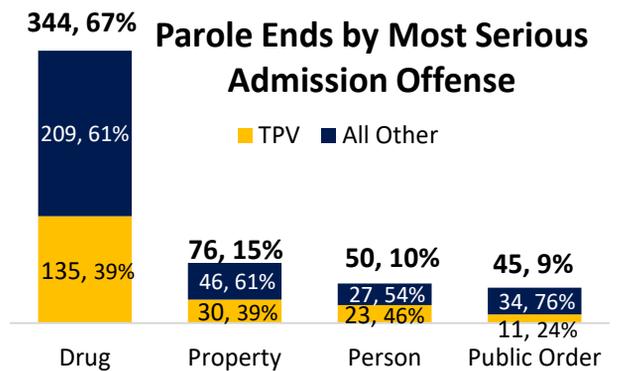
**Parole Ends**



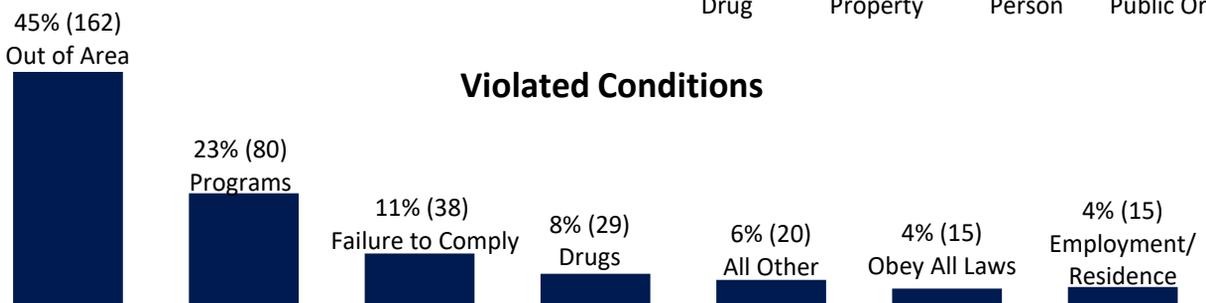
**Parole Ends by Race**



**Parole Ends by Most Serious Admission Offense**



**Violated Conditions**



# CONDITION: OUT OF AREA

Based on the TPV data trends over the four-year period on page two of this brief, out of area condition violations represented the highest number violations of all the conditions.

The graphs to the right further break down the hearings that resulted in TPVs in FY2022. The pie charts on the left show the proportion of hearings where there was a out of area violation compared to hearings where an out of area violation did not occur. The pie charts on the right further break down the out of area violations to show the proportion of hearings where the out of area condition was the only violation compared to out of area violations plus other violated conditions.

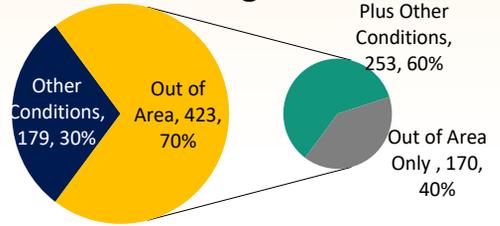
For males, 70% (423) of the hearings that resulted in a TPV had an out of area violation and of those, 40% (170) had no other violated condition.

For females, 87% (162) of female hearings that resulted in a TPV had an out of area violation and nearly half of those, 48% (78) had no other violated condition.

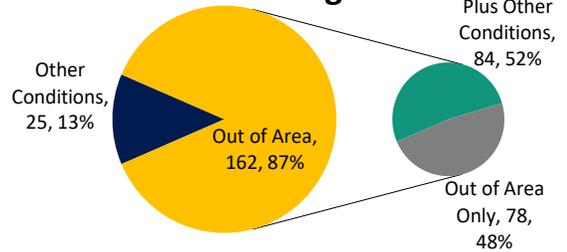
As shown below, of all the hearings in FY2022 where an out of area violation occurred, 69% (232) of those hearings also included a programming violation, and 31% (103) of those violating the out of area condition also failed to comply with instructions of their parole agent. Other violations can be seen in the *Out of Area Plus Other Conditions* graph below.

In FY2022, the Hearings with *Out of Area Violation by Race* graph shows that 59% (347) of the Out-of-Area violation hearings were for Native American parolees, and the second largest number of hearings, 30% (178), were for White parolees.

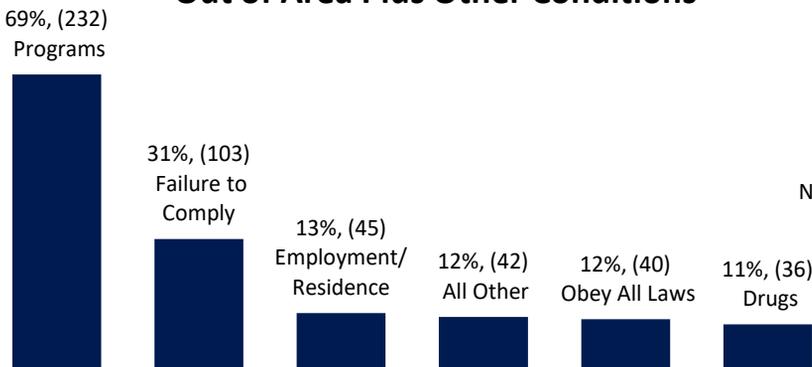
## Violated Conditions at Male Hearings



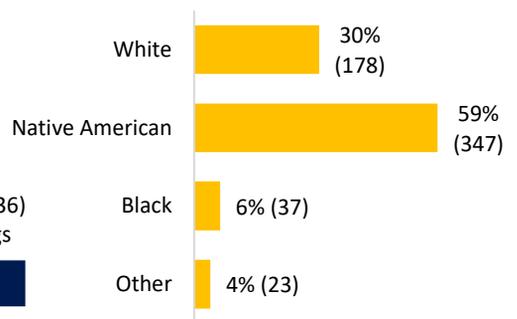
## Violated Conditions at Female Hearings



## Out of Area Plus Other Conditions



## Hearings with Out of Area Violation by Race



# CONDITION: PROGRAMMING

Based on the TPV data trends over the four-year period on page two of this brief, programming violations represented the second highest number violations of all the conditions.

The graphs to the right further break down the hearings that resulted in TPVs in FY2022. The pie charts on the left show the proportion of hearings where there was a programming violation compared to hearings where a programming violation did not occur. The pie charts on the right further break down the programming violations to show the proportion of hearings where programming was the only violation compared to programming violations plus other violated conditions.

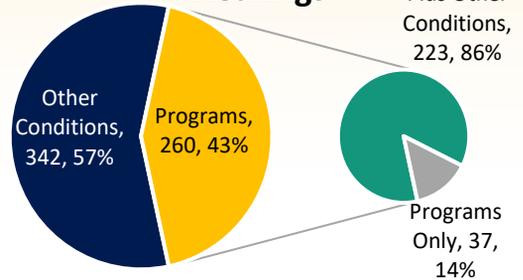
For males, 43% (260) of the hearings that resulted in a TPV had a programming violation and of those, 14% (37) had no other violated conditions.

For females, 42% (79) of female hearings that resulted in a TPV had a programming violation and 100% of the females who had a programming violation also had violated other conditions.

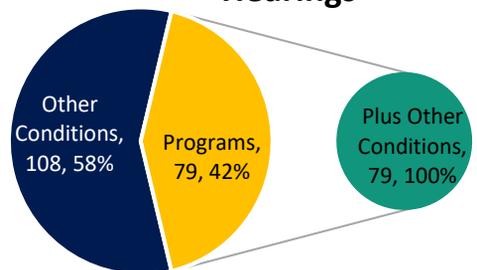
As shown below, of all the hearings in FY2022 where a programming violation occurred, 77% (232) of those hearings also included an out of area violation, and 27% (83) of those violating the programming condition also failed to comply with instructions of their parole agent. Other violations can be seen in the *Programming Plus Other Conditions* graph below.

In FY2022, the *Hearings with Programming Violation by Race* graph shows that 51% (172) of the programming violation hearings were for Native American parolees, and the second largest number of hearings, 37% (125), were for White parolees.

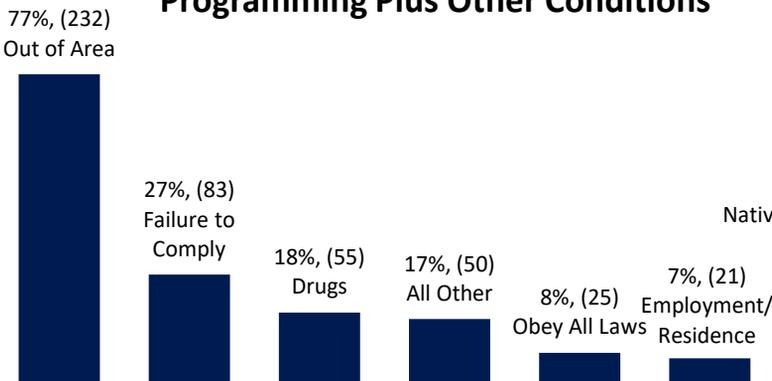
## Violated Conditions at Male Hearings



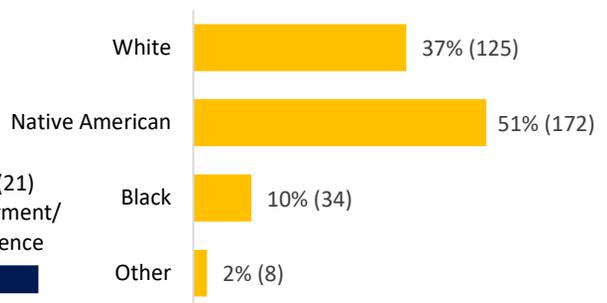
## Violated Conditions at Female Hearings



## Programming Plus Other Conditions



## Hearings with Programming Violation by Race

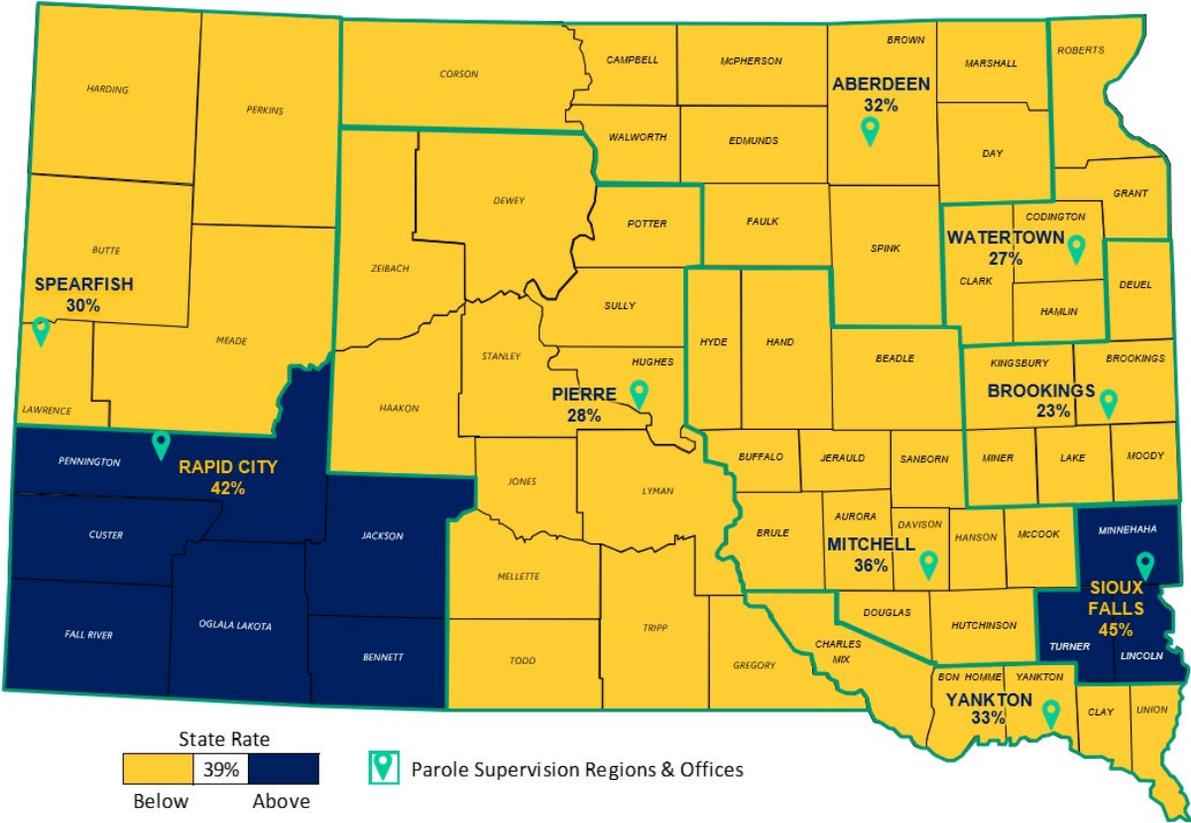


# PAROLE SUPERVISION REGIONS

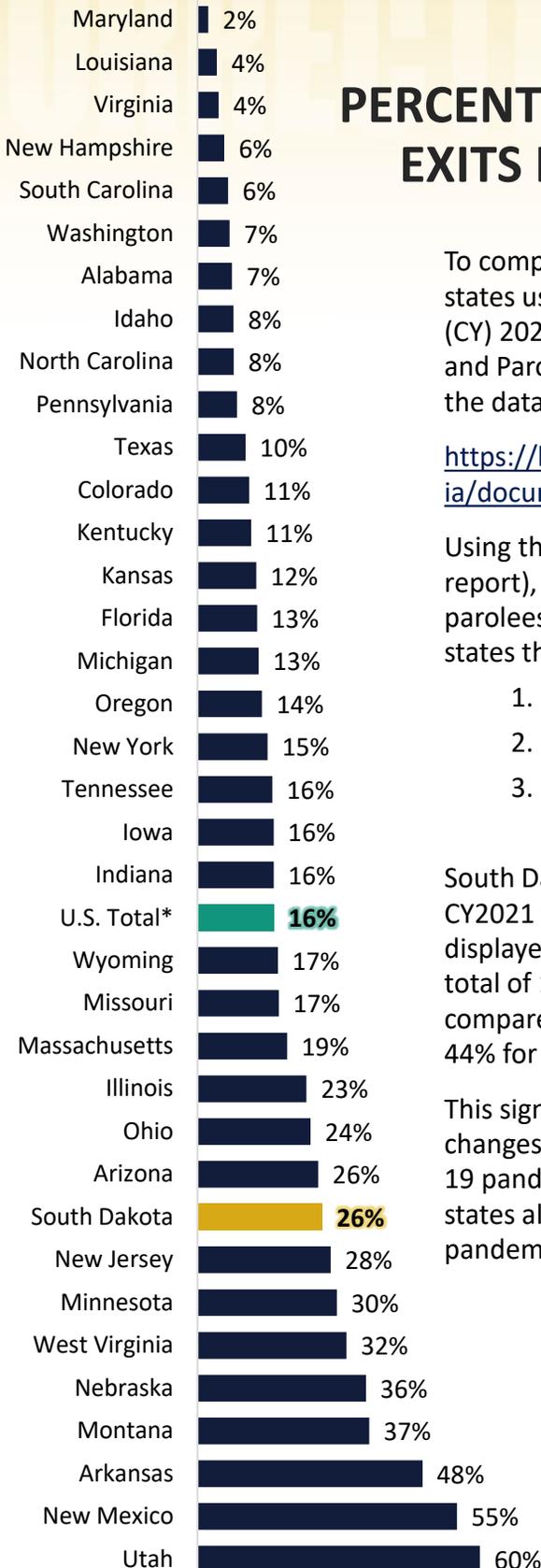
The map below compares the state’s FY2022 TPV rate of 39% to those of regional parole offices. The nine communities with regional parole offices that serve neighboring counties are identified with a marker and their region is outlined in green. Regions marked with yellow were below the state rate while regions in blue were above the state rate.

South Dakota’s two largest populated regions in Sioux Falls and Rapid City were above the state rate at 45% and 42% respectfully. The remaining regions were all below the state rate with the Brookings Region having the lowest rate at 23%.

In addition to the regional offices below, the SDDOC has an office that serves the Sisseton/Wahpeton Oyate in northeast South Dakota. That office had a TPV rate below the state rate at 34%.



# PERCENT OF REVOCATION PAROLE EXITS IN THE UNITED STATES



To compare technical parole violation rates across states using a similar methodology, the calendar year (CY) 2021 Bureau of Justice Statistics (BJS) Probation and Parole in the United States report was used as the data source.

<https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ppus21.pdf>

Using the parole exit table (Table 11 in the 2021 report), the chart to the left shows the proportion of parolees who exited parole due to a revocation for states that met the following criteria:

1. Reported revocations
2. Reported more than 200 parole exits
3. Had less than 20% of exits with an other/unknown reason

South Dakota reported a revocation rate of 26% for CY2021 which was the ninth highest of the displayed states and 1.6 times higher than the U.S. total of 16%. This rate for South Dakota is low compared to other years and is anticipated to rise to 44% for CY2022.

This significant dip and projected rebound align with changes to revocation processes during the COVID-19 pandemic. Next year's report will tell if other states also experienced an increase following the pandemic as South Dakota did.

\*U.S. Total is calculated based on states who reported revocations.

# CONCLUSION

In FY2022, SDDOC focused on ending reliance on community transition programs and extended detainment and establishing policy driven responses to address parolee violations. Going forward, the SDDOC will need to look at addressing support services for all conditions of the supervision agreement, especially out of area and programming conditions. As shown on page ten of this brief, no state has been successful in eliminating TPVs but most have found methods to reduce the rate of TPVs through the implementation of industry best practices.

Investing resources in support services for parolees who are at a higher risk of ending their parole with a TPV could significantly reduce South Dakota's rate. These services could occur prior to and/or after release from a correctional facility and need to be formalized and tracked to truly assess their impact. By assessing the paroles based on their risk, needs, and strengths, supervision plans should be tailored to help parolees achieve whole person success that addresses their goals and needs in the following areas:

- Academic
- Developmental
- Mental and Physical Health
- Substance Abuse
- Cultural
- Intellectual
- Offense Specific (ex. Sex Offender)
- Vocational

Looking at programs tied to risk, needs, and strengths also need to be considered in terms of geographical and population conditions. South Dakota's two largest services areas had TPV rates higher than the state rate while all other service areas were below the state rate. This leads to consideration of how to better set parolees up for success and better utilizing existing resource in those areas where they are experiencing higher rates of TPVs in comparison to lower rates in areas with lesser resources.

Though effective release planning and community assessments, the SDDOC could better address specific needs and supervision conditions for at risk parolees and experience a decrease in parole ends only attributed to violated conditions in the coming years.

## FOR MORE INFORMATION, CONTACT:

DEPARTMENT OF CORRECTIONS: OFFICE OF PLANNING & ANALYSIS  
3200 E Hwy 34  
PIERRE, SD 57501-5070  
605.773.3478  
[DOCANALYTICSSUPPORT@STATE.SD.US](mailto:DOCANALYTICSSUPPORT@STATE.SD.US)

