

# South Dakota Department of Corrections

## External Data Brief: Juvenile Recidivism

June 2023 : No 4-E

### KEY FINDINGS

- South Dakota's juvenile recidivism rate increased in 2019 by 8.4% (25.2%-33.6%) from the 2018 cohort rate.
- New crime returns result in more recidivists than technical violations.
- 47% of recidivists return within the first 12 months after release.
- Male offenders had a recidivism rate of 35.6%.
- Female offenders had a recidivism rate of 16.7%.
- Native American offenders had the highest recidivism rate for an individual race at 40.5%.
- Offenders whose most serious crime was property related, recidivated at a higher rate than other offense categories.
- Recidivism rates were comparable across all SDDOC juvenile field office regions.
- 66% of recidivists entered the adult prison system within the three-year-at-risk window.

### INTRODUCTION

This brief presents recidivism statistics for juvenile offenders committed to the South Dakota Department of Corrections (SDDOC) by the courts. Juvenile offenders released to aftercare services are tracked for three years to calculate an official recidivism rate. The official rate includes youth who returned within the three-year at-risk window on a technical violation or a new crime while on aftercare or after their sentence discharge.

States vary in how they track recidivism including time frames, definitions, and services that offenders receive prior to and following release. Because of this, the following information only pertains to South Dakota recidivists.

### METHODOLOGY

**Recidivism:** Calculated based on an offender's status three years following their release from placement to aftercare supervision. A return includes any admission back to the SDDOC following placement or discharge for a felony conviction or for a technical violation of aftercare supervision. Each conviction return is additionally tracked if it falls under the juvenile or adult court system.

**Cohort:** Includes SDDOC offenders who released to aftercare supervision within a targeted calendar year.



# CORRECTIONS

## DEFINITIONS

To best understand juvenile recidivism, it is key to understand the following definitions used by the SDDOC and in this report :

- **Placement:** Youth may be placed in private placement programs and facilities, consistent with their risk, needs and medical necessity status. Youth are required to follow the rules and regulations of the SDDOC in addition to the rules of the program/facility. Placements include the Human Services Center, detention centers, shelter care programs, group homes, group care centers and residential treatment centers.
- **Aftercare:** The SDDOC may establish an aftercare supervision program to supervise juvenile offenders in the community who have been conditionally released from a placement. The goal of the aftercare supervision program is to equip juveniles with the ability to conduct themselves in a lawful manner and prepare them for discharge from the SDDOC.
- **Revocation:** A juvenile corrections agent (JCA) can place a juvenile in custody and begin revocation proceedings only if it is alleged the juvenile has violated a condition of the aftercare contract by committing an eligible offense, as delineated in SDCL § 26-11A-15. Revocation of the aftercare contract may result in the juvenile being placed in a group home, private facility, correctional facility or other approved program/plan.
- **Discharge:** Consistent with SDCL § 26-11A-20, the JCA may recommend the following discharge types to conclude a juvenile's commitment to the SDDOC:
  - Category 1 - As a reward for good conduct and upon satisfactory evidence of reformation.
  - Category 2 - As a result of a conviction for a new crime committed as an adult, if the juvenile is placed on adult probation or sentenced to the county jail or state penitentiary.
  - Category 3 - If the juvenile, upon reaching the age of majority, lives outside the jurisdiction of the State of South Dakota and an interstate compact is not available.
  - Category 4 - If the juvenile is on aftercare, has a suitable placement and discharge is determined to be in the best interest of the juvenile.
  - Category 5 - The juvenile has reached the age of 21 years.
- **New Crime Return:** New adjudication and/or conviction following placement or discharge that results in a return to SDDOC from the courts.

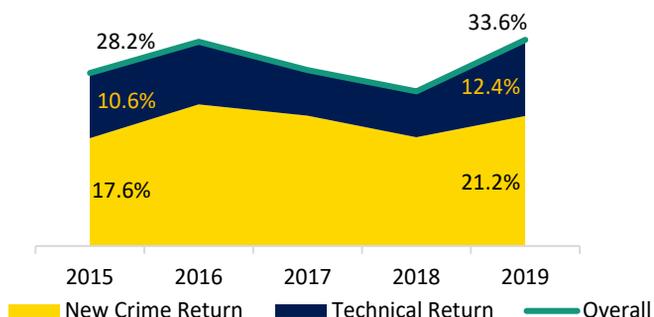
# TRENDS

The three-year recidivism rate for the 2019 release cohort is 33.6%. This means that 33.6% of the juvenile offenders that released in 2019 had returned to placement by the end of 2022. It is because of this three-year tracking period that recidivism rates may seem outdated when the 2019 rate is the most current rate available as the three-year window for the 2020 cohort has not ended. The chart below outlines the juvenile recidivism rates from the 2005 through 2019 release cohorts. The range of rates for the 15 years of cohorts is between 54.7% and 24.5%. The 2019 rate is the highest rate in the past five years but still significantly lower than cohorts prior to 2015.

### Recidivism Rate

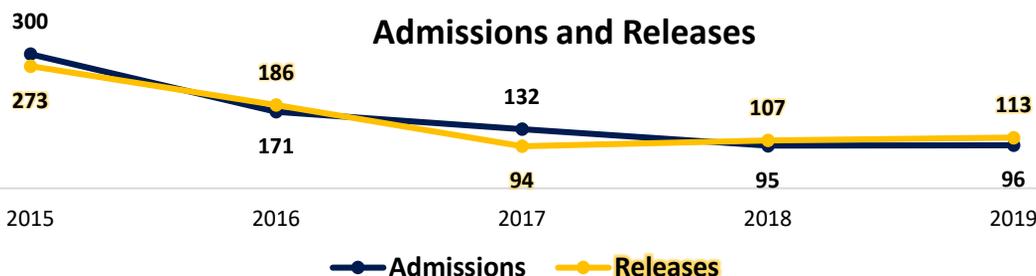


The chart on the right shows recidivism rates by return type. The 2019 release cohort had 12.4% of offenders return for technical violations and 21.2% of offenders return with a new crime. New crime returns are consistently greater than new technical violation returns.



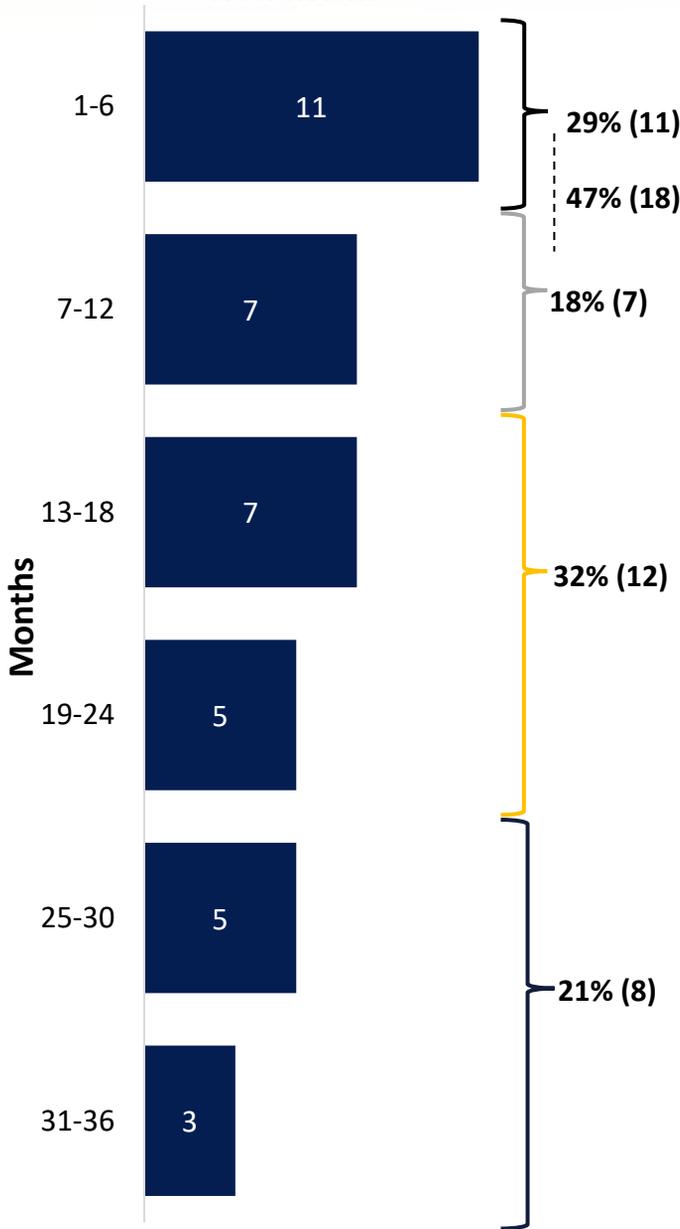
When looking at juvenile recidivism, it is important to consider the small numbers of releases and recidivists. Since reform efforts in 2015, the number of juvenile admissions decreased by 62% and releases decreased by 65%. Of the 113 releases in the 2019 cohort, 38 (33.6%) juveniles recidivated. The following pages will further investigate the 2019 population with consideration to a small cohort and will not display any information that could be identifiable through extensive breakdowns of the population.

### Admissions and Releases



# 2019 COHORT LENGTH OF TIME PRIOR TO RECIDIVISM

Offenders by Months Prior to Recidivism



The chart to the left outlines the length of time in months juvenile offenders from the 2019 release cohort remained on aftercare in the community or following discharge before returning to the residential placement.

Due to the recidivist total being significantly lower than adult recidivists, months are grouped in six-month intervals and recidivists are not broken out by return type as done for adult recidivists.

Nearly half (47%, 18) of recidivists returned during the first year, including 29% (11) in the first six months. In the second year, 32% (12) returned followed by 21% (8) in the third year.

The average length of time for the 2019 release cohort was 12 months from release to return to placement.

# 2019 COHORT

## DEMOGRAPHICS

The 2019 release cohort included 101 male and 12 female juvenile offenders. Of the total released, 38 (33.6%) recidivated within three years following release.

The 36 male recidivists had a rate of 35.6% which exceeded the overall juvenile rate. Only two of the 38 recidivists were females who had a recidivism rate of 16.7%. This small number is consistent with overall female commitments.

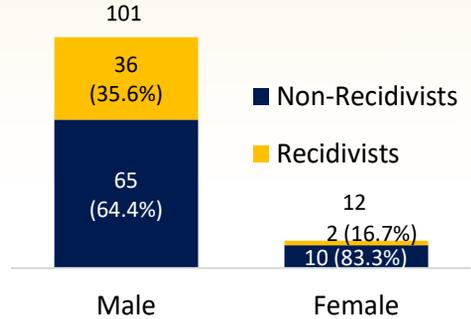
The race, age, and offense category charts on the right show recidivism rates within each grouping.

Native American and Black juveniles recidivated at rates higher than the state rate at 40.5% and 38.5% respectively. There were only six youth in other minorities of which three (50%) recidivated. Because of the small numbers, this is not predictive of future trends.

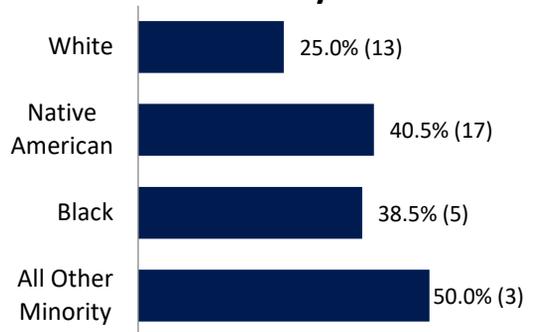
Fifteen-year-olds had the highest recidivism rate at 43.8% followed by juveniles 18 and older at 34.4%. All other age categories were below the state rate.

The offense category shows the recidivists by most serious offense at the time of their commitment. The offense category with the highest recidivism rate was property offenses with 40% (12) of the releases recidivating.

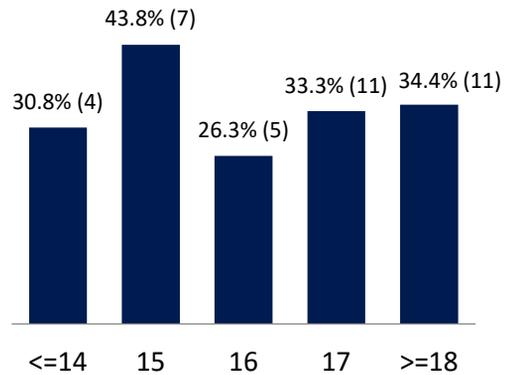
### Recidivists by Sex



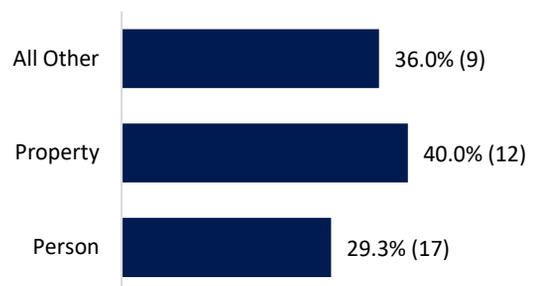
### Rates by Race



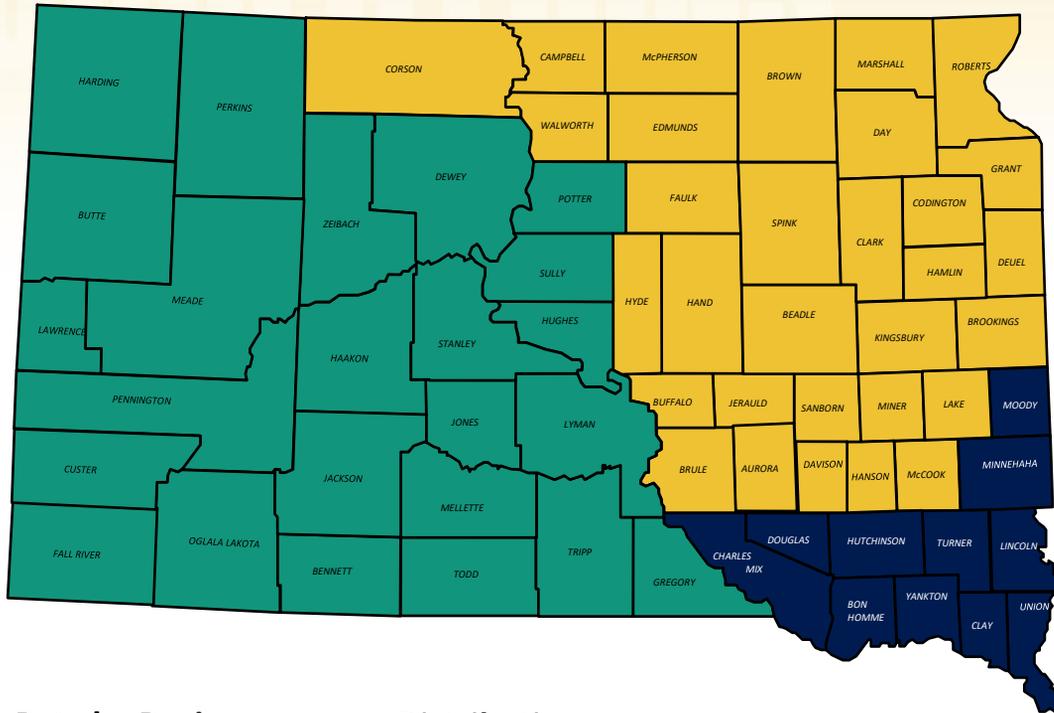
### Rates by Age



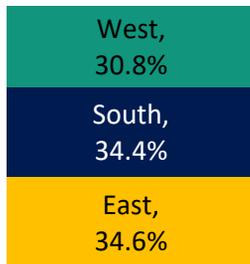
### Rates by Offense Category



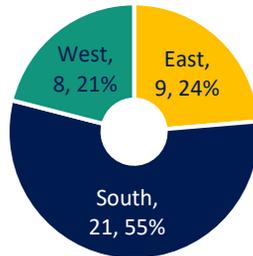
# 2019 COHORT RECIDIVISM BY REGION



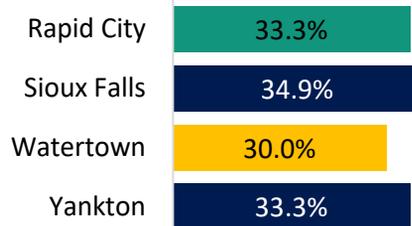
## Rate by Region



## Distribution by Region



## Rates by Offices with 10 or More Releases



South Dakota counties are broken into three regions (East, South, and West) for juvenile intakes, placement, case management, and supervision. The graphs on this page compare recidivism rates and distributions across the three regions based on how they were designated at the start of the three-year-at-risk window in 2020.

All three regions were within 3% of the overall juvenile recidivism rate of 33.6% with the southern and eastern regions being slightly above the rate and the western region being below the state rate. When numerically looking at the 38 recidivists, 21 (55%) were tied to the southern region.

When looking at specific juvenile field offices, four out of ten field offices had ten or more releases in the 2019 cohort. Offices are not specific to a county and could include juveniles from more than one county in the region. The Sioux Falls office was the only office of the four with a rate higher than the overall rate at 34.9%.

# 2019 COHORT RECIDIVISM TO ADULT PRISON SYSTEM

It is important to also use recidivism data to examine juvenile offenders who enter the adult prison system within three years of their release. The graphs on this page show the distributions of recidivists within each demographic.

Of the 2019 release cohort, 66% (25) of the recidivists were admitted to the adult prison system. Nearly two thirds of male recidivists (64%, 23) had adult prison system admissions. The remaining adult prison system admissions came from the two female recidivists.

Female juvenile recidivist rates are reflective of the low number of female commitments to the SDDOC. Although the rate is 100% of female juvenile recidivists entering the adult prison system, it should not be assumed all female juveniles committed to the SDDOC will end up in the adult prison system.

Native American recidivists made up 44% (11) of the adult prison system recidivists followed by White recidivists at 36% (9).

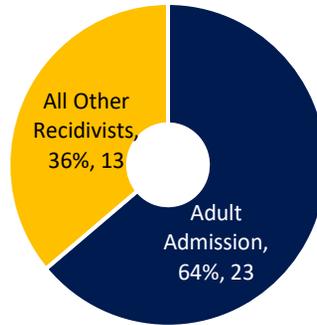
The distribution by age chart shows each recidivists' age at the time of their admission to the adult prison system. Nearly one third, (32%, 8) of these recidivists were 18 or under.

The southern region made up 44% (11) of recidivists to the adult prison system followed by the western and eastern regions both making up 28% (7).

36% (9) of juvenile recidivists entering the adult prison system were sentenced associated with a new drug offense followed by a new violent or non-violent offense at 32% (8) each.

## Distribution within Each Sex

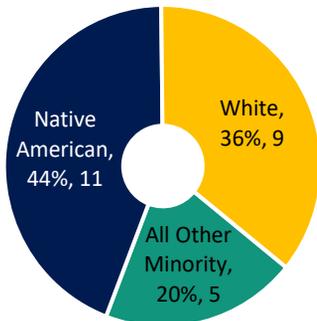
### Male



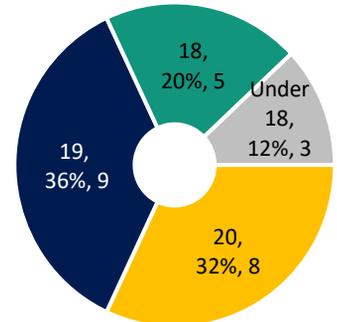
### Female



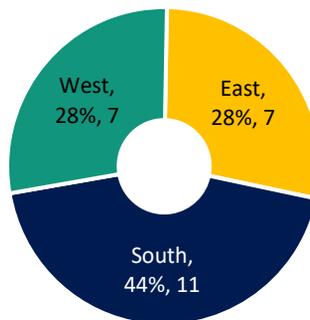
## Distribution by Race



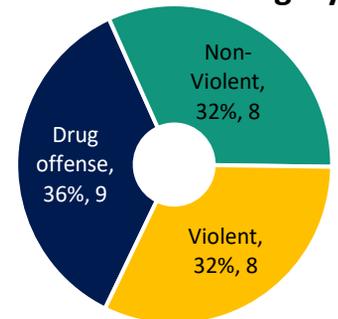
## Distribution by Age at Adult Admit



## Distribution by Region



## Distribution by Adult Crime Category



# CONCLUSION

The recidivism rate of 33.6% for the 2019 release cohort increased from the 2018 release cohort but remained consistent with the past five years since the beginning of juvenile justice reform. The reform worked to better utilize the SDDOC for high-risk offenders who posed a serious risk to public safety. These efforts resulted in cohorts being made up of juveniles who required more services and supervision. Juveniles in the 2019 cohort also committed offenses that were more likely to result in an adult prison system admission. This is shown with 66% (25) of the 2019 recidivists entering the adult prison system.

Of the 33.6% recidivism rate, 21.2% of the juvenile offenders returned with a new crime. This was over 1.5 times the rate of juvenile offenders who returned with a technical violation (12.4%). This may be due to a concentrated effort to keep juveniles in their communities with local supports and services.

SDDOC has committed, through their strategic planning efforts, to increase supportive services for youth and their families in calendar year 2023. Regarding recidivism, these efforts would most likely start to impact the 2021 release cohort, but it will take time to see program impacts.

The numbers of youth entering the SDDOC is low and therefore data trends can be volatile across demographics, especially for female juveniles. The SDDOC must continue to work in the best interest of the children of South Dakota regardless of sex, race, age, and geography.

The SDDOC needs to ensure that each youth has access to existing or new opportunities for supportive services in South Dakota. Services should work to address serious delinquent behavior, strengthen families, support positive behavioral changes and set youth up for future success.

## FOR MORE INFORMATION, CONTACT:

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