CORRECTIONS COMMISSION MEETING
Capitol Building, Pierre
Room B-01 (Basement)
December 4, 2007

Members Present: Representative Garry Moore, Commission Chair; Senator Ken Albers, Commission Vice-Chair; Committee Members: Representative Carol Pitts, Justice Steven Zinter, Brad Drake, George Prest and Judge Kathleen Caldwell (by telephone).

Others Present: Secretary of Corrections Tim Reisch; Laurie Feiler, Deputy Secretary of Corrections; Dave Schiefen, Policy and Compliance Manager; Michael Winder and Tina LaRosh, Sen. Frank Kloucek, Emily Ward, and Rebecca Pitts from the Capitol Journal.

Members Absent: Paul Aylward and Senator Julie Bartling.

Agenda Item Number One: Review/approval of minutes from the August and October Meetings:

Senator Albers moved for approval of the August and October Meeting Minutes.

Second by George Prest, minutes approved by all.

Agenda Item Number Two: Update on the Women's Meth Program – Laurie Feiler:
(See PowerPoint handout.)

Deputy Secretary Feiler walked through the four steps of the IMT program. She covered the budget and staffing. Feiler gave a rundown of how many offenders are in the program and what stage of the program they are currently at. Feiler talked about those inmates who failed in the program and why they failed.

Chair Moore asked about one offender who failed the program. He wanted to know if she would have a chance to get back in.

Deputy Secretary Feiler said yes, but it is a joint decision between the Department of Corrections (DOC) and the Department of Human Services (DHS). Feiler explained the continuing detection methods used for drug testing. On average, each offender is tested about once every three days.

Chair Moore asked how many times an inmate gets a second chance.

Deputy Secretary Feiler explained that some of the failures were due to an inmate using more than one drug when caught.

Representative Pitts asked if inmates start this program when they first come in.

Deputy Secretary Feiler explained the start time is a function of their length of sentence and classification level.

Senator Albers asked what the treatment actually involved.

Deputy Secretary Feiler gave a summary of the different aspects of the program – certified counselors are involved.

Brad Drake asked if we forecasted a certain number of failures and how many inmates are waiting to enter the program.

Deputy Secretary Feiler said it's not unexpected. Some of the failures were for the typical inmate behavior that isn't really traced back to meth use. Feiler said there are 25 inmates scheduled to enter the IMT.

Agenda Item Number Three: 24/7 Program – Laurie Feiler:
(See PowerPoint presentation.)

Deputy Secretary Feiler stated that the DOC has been doing PBT's for parolees since 1987. The SCRAM part is relatively new. Feiler went through the number of failures and why.

George Prest asked why we don't require everyone to have a SCRAM bracelet.

Deputy Secretary Feiler responded that the cost is prohibitive and it's very labor intensive to monitor the usage.

Representative Pitts had questions with the percentage of failures.

Deputy Secretary Feiler responded that we were able to get the total number of offenders on the programs, there's a slight problem with the Attorney General's data system. The Attorney General's office is tracking these numbers. She then gave a rundown of DUI admissions to the DOC.

Brad Drake requested to see a SCRAM unit some time.

Agenda Item Number Four: Offender Financial Obligations – Laurie Feiler:
(See Handout)

Deputy Secretary Feiler handed out a page of different offender financial obligations.

Senator Albers asked if the state sues the inmate to convert an obligation to a lien.

Justice Zinter said there's a statute that automatically converts these to a lien.

Senator Albers asked about the obligations following the inmate for the rest of his life.

Deputy Secretary Feiler said we do not go after costs of incarceration later on but other obligations are open until they are paid.

Representative Pitts brought up a constituent's discussion about the effort that DOC makes to collect.

Deputy Secretary Feiler went through the slide of what has been collected from inmates.

Senator Albers questioned how the DOC was able to collect almost $300K in child support.

Deputy Secretary Feiler explained how Private Sector Prison Industries and Work Release payroll deductions allow the majority of this to happen.

Justice Zinter talked about the ability to collect some judgments from people who are financially at the "bottom of the barrel".

Brad Drake asked what the total debt burden is for the inmates.

Deputy Secretary Feiler stated we don't really have that number available to us at this time.

Representative Pitts asked what rights the victim has if they feel the DOC hasn't done enough to try to collect the debt.

Deputy Secretary Feiler walked through the process of setting up a restitution plan with a parolee and advised that the victim can ask to go before the Parole Board and state their grievance in regards to restitution. The victim could probably also go to court and obtain a civil lien.

Chair Moore noted that he is not interested in the DOC becoming a collection agency. He hesitated to get more stringent with the DOC if we don't get more stringent on UJS as well.

Representative Pitts referenced her days on the county commission and wondered if it is against the law if they don't pay their restitution and the possibility of turning the inmate over to a collection agency.

Justice Zinter provided his opinion on both matters.

George Prest said he does experience wage garnishments with some of his employees who owe restitution.

Senator Albers thought that if the DOC hired a collection agency we are collecting for individuals and not for the state. He wondered if we can really make that decision.

Justice Zinter pointed out that the one area the courts aggressively collect is child support.

Agenda Item Number Five: Review of proposed 2008 legislation:

No items were brought forward by the legislatures.

Chair Moore talked about the execution procedures and the role of the coroner. He stated that Secretary Reisch has that in hand and we won't mess with that.

Agenda Item Number Six: 2007 Accomplishments:

Policy & Compliance Manager Schiefen handed out a draft letter and gave a brief explanation of the letter that was drafted.

Secretary Reisch discussed the specific statute and suggested that it be amended to more closely reflect what Chair Moore is after.

Chair Moore asked the DOC to draft the legislation for him in language that we are happy with. Chair Moore and the other legislators on the Corrections Commission will carry the bill.

Secretary Reisch also discussed the annual report that Michael Winder completed and will do on a regular basis and said that the Corrections Commission could grab whatever information they wanted from the annual report. The annual report will be on our DOC website.

Agenda Item Number Seven: Adjourn:

The date for our next meeting has not been set at this time. It is aimed at the end of the legislative session. The commission members have requested the DOC to bring a SCRAM bracelet to that meeting.

Representative Pitts made a motion to adjourn the meeting.

Second by George Prest, the motion carried, meeting adjourned.

SD Corrections Commission

December 4, 2007

3:30 – 5:00 PM

Pierre, SD

Intensive Meth Treatment

Intensive Meth Treatment (IMT Program)

- IMT: 4 phase, 15 month pilot program for female inmates and parolees

- Joint effort of Departments of Health, Human Services and Corrections

- Program Phases:

Phase 1. Identification & Assessment	60-90 days	SDWP
Phase 2. Intensive Prison Based Treatment	90 days	SDWP
Phase 3. Low Intensity Residential Treatment	90 days	Halfway House
Phase 4. Aftercare	180 days	Halfway House & Community

IMT Budget

FY 08

		DHS	DOH	DOC	Total
Phase 2:	FTE	6	1	9	16
	Budget	$332,929	$51,136	$640,253	$1,024,318
Phase 3:	FTE	0	0	0	0
	Budget	$720,000	-	-	$720,000
Phase 4:	FTE	0	0	0	0
	Budget	$82,560	-	-	$82,560
Total:	FTE	6	1	9	
	Budget	$1,135,489	$51,136	$640,253	$1,826,878

IMT Participants

August, 2006 – November, 2007

- 103 participants involved in the program. As of 11/30/07:
  - 11 in phase 1
  - 24 in phase 2
  - 22 in phase 3
  - 17 in phase 4
  - 12 have completed the program
  - 17 have failed the program
    - 3 failures in phase 2
      - Disciplinary reasons
    - 8 failures in phase 3
      - 5 absconded from parole/halfway house
      - 1 violated halfway house rules
      - 2 returned due to drug use (1 meth & 1 OTC meds)
    - 6 failures in phase 4
      - 3 alcohol or drug use (2 meth & alcohol and 1 alcohol)
      - 1 absconding
      - 2 violation of program rules

IMT Measures

- Meth diagnosis rates for incoming female inmates are decreasing:
  - FY 06: 47% meth diagnosis
  - FY 07: 42% meth diagnosis
  - FY 08: 38% meth diagnosis

- 1,409 drug tests done on phase 3 and 4 participants
  - 656 Phase 3 tests with 1 positive
  - 753 phase 4 tests with 8 positives, (involving 6 individuals)

- 12 individuals completed entire IMT program
  - 5 completed on 8/12/07
  - 2 completed 9/5/07
  - 1 completed 10/15/07
  - 4 completed 11/28/07
  - Of the 12 completers; 2 have discharged their sentences and 10 remain on parole.

24/7 Program

Department of Corrections
24/7 Program

- Parole Services uses two components of 24/7 to detect alcohol:
  - twice a day breath tests (PBTs)
  - SCRAM bracelets
- PBT testing as part of the 24/7 program augments alcohol and drug testing for parolees
- SCRAM – DOC pilot test with 5 units starting in 11/2006
  - 30 additional units available in 2007
- 24/7 – twice daily PBTs and SCRAM can be ordered as a supervision condition or a response to a violation.
- 24/7 merged as a sanction in Parole Services policy structuring response to violation of supervision conditions

24/7 Program - DOC

Participation Numbers & Outcomes

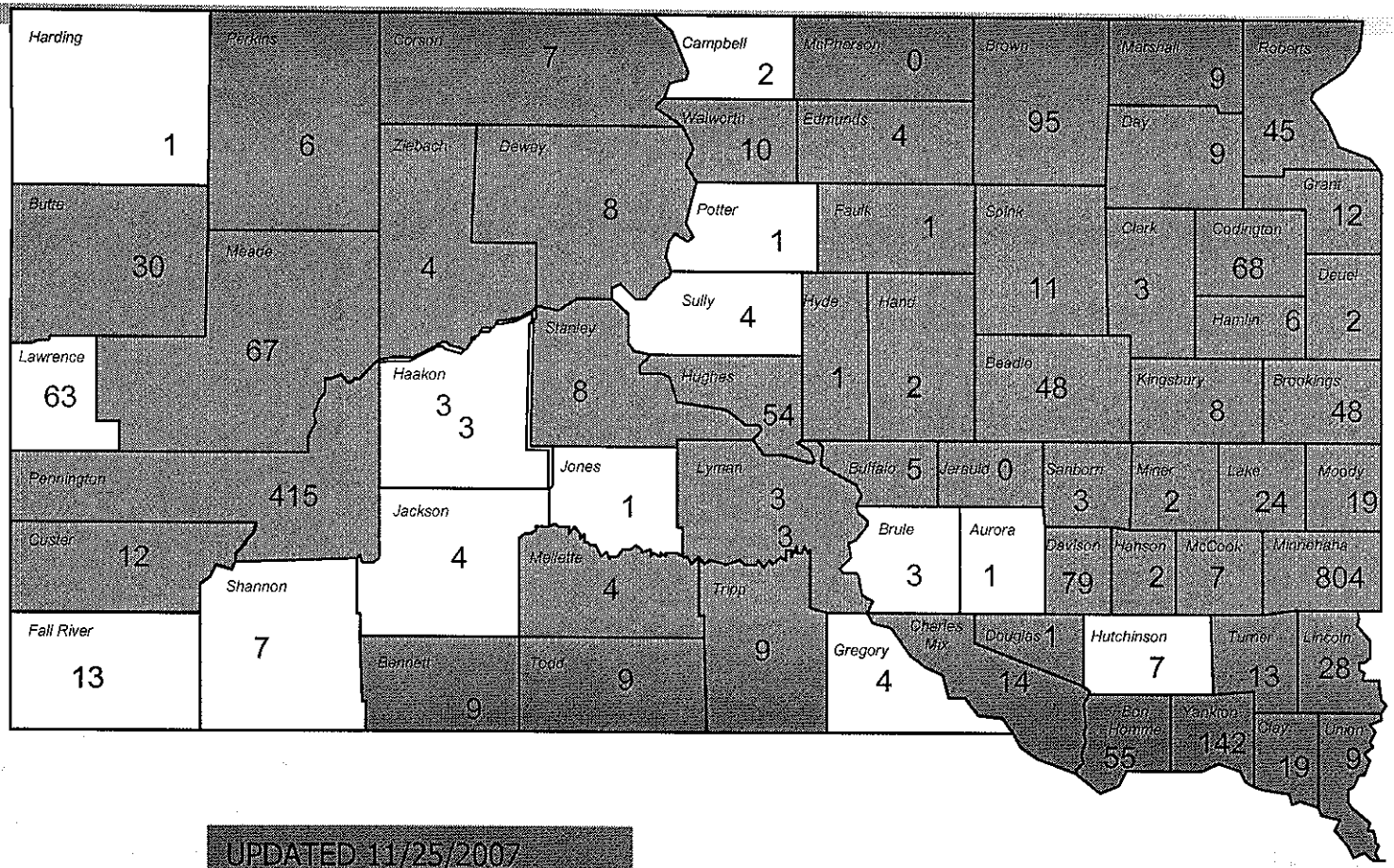
- 24/7 PBT
  - Currently 60 parolees on the 24/7 PBT program
  - 36 parolees on 24/7 PBTs have failed since July, 2007
    - 6 failed due to no-shows
    - 25 failed for positive PBTs
    - 5 re-offended/violated other parole conditions

- 24/7 SCRAM
  - Currently 12 parolees on 24/7 SCRAM program
  - Total of 36 parolees who have been involved with SCRAM
    - 2 parolees have been on SCRAM twice
    - 8 confirmed drinking violations
    - 5 confirmed tampers/obstructions
    - 8 individual parolees have had either drinking incidents and/or tampers

SOUTH DAKOTA 24/7 PROJECT

(Green: counties participating in 24/7)

Number: Number of parolees on supervision residing in county as of 11/28/07



UPDATED 11/25/2007

53 Participating Counties

DUI Offenders in Prison

Admissions and "on hand" as of end of FY 2004- 2007

	# DUI Prison Admissions		# Offenders serving Prison Time for DUI
FY 04	562	6/30/04	430
FY 05	673	6/30/05	465
FY 06	732	6/30/06	537
FY 07	765	6/30/07	515

Offender Financial Obligations

Offender Financial Obligations

Inmates and Parolees

- The court sets restitution amount and the DOC establishes the restitution schedule (in prison and on parole).
- The process of the court setting amount and the DOC establishing the payment schedule applies to other court ordered costs (attorney fees, child support and fines).
- Court ordered obligations converted to liens or civil judgments are included as an offender obligation.
- Offenders also responsible for costs of incarceration, costs incurred while in DOC, supervision fees and costs associated with special program participation.
- Payment of obligations by offender is not limited to sentence currently serving.

DOC Policy Definition

offender financial obligations

- **Financial Obligation:**
  An obligation resulting from court ordered restitution, child support, alimony, fines, attorney fees and/or court fees; and costs of incarceration and costs incurred while in the DOC. These obligations can be incurred by an inmate prior to or during his/her incarceration or parole supervision. Court ordered obligations that have been converted to liens or that are in the form of civil judgments are included as a financial obligation under this definition.

Information Sources

offender financial obligations

- Judgment and Sentence
- Presentence Investigation or Official Statement
- Judicial Accounting System (computer system)
- DSS Child Support System (computer system)
- Offender self report
- Correspondence/contacts with local clerk of court and county auditor offices
- DOC records/tracking

Summary of State Statutes

Offender restitution and costs of incarceration

Court establishes restitution amount owed and who it is owed to:

- If the sentencing court orders the defendant to the state penitentiary and does not suspend the sentence, the court shall set forth in the judgment the names and specific amount of restitution owed each victim. ***(23A-28-3)***

Inmates are responsible for costs:

- costs of confinement:

- Each inmate under the jurisdiction of the Department of Corrections is liable for the cost of the inmate's confinement which includes room and board charges; medical, dental, optometric, and psychiatric services charges; vocational education training; and alcoholism treatment charges. ***(24-2-28)***

- and court ordered obligations and restitution:

- Each inmate is liable for court-ordered fines, costs, fees, sanctions, and restitution and any obligation incurred while under the jurisdiction of the Department of Corrections including those provided for in §§ 24-2-28, 24-7-3, 24-8-9, 24-11A-19, 24-15-11, 24-15A-24, and 23A-35B-4 and any other charge owed to the state. ***(24-2-29)***

Summary of State Statutes

Offender restitution and costs of incarceration

- Inmate Financial Responsibility (IFR) plan is established:

- The Department of Corrections shall establish the collection schedule for court-ordered restitution while the defendant is in the penitentiary and on parole. ***(23A-28-3)***
- Disbursement shall be made from an inmate's institutional account to defray the inmate's obligation, regardless of the source of the inmate's funds. ***(24-2-29)***

- IFR is passed on to Parole upon release from Prison.

- The board and the department shall require the implementation of a restitution plan and payment of supervision fees, if reasonably possible. ***(24-15A-24)***
- The Board of Pardons and Paroles shall require, as a condition of parole, that the defendant pay restitution ordered by the court. ***(23A-28-3)***
- The executive director of the Board of Pardons and Paroles shall provide each known victim a copy of the schedule of restitution for each inmate placed on parole. ***(23A-28-6)***

DOC Offender Financial Responsibility

Priority of Obligations

- Child Support
- Court Ordered
  - Restitution
  - Attorney Fees
  - Fines
- Costs to DOC
  - Supervision Fees
  - Incarceration Costs
  - Costs Incurred

Amounts Collected from Inmates

CY 1998 – CY 2007 (through Nov. 2007)

	Court Ordered	Child Support	Costs Incurred	PLRA	Incar. Costs	Total
1998	$ 78,147.36	$ 20,422.12	$ 100.11	$ 296.70	$ 32,886.77	$ 131,853.06
1999	$ 92,924.07	$ 27,303.38	$ 2,328.33	$ 1,203.17	$ 34,533.79	$ 158,292.74
2000	$ 124,570.25	$ 33,401.53	$ 5,068.42	$ 1,776.04	$ 35,826.64	$ 200,642.88
2001	$ 125,973.15	$ 42,771.42	$ 4,063.65	$ 1,298.34	$ 51,748.42	$ 225,854.98
2002	$ 140,274.60	$ 55,240.58	$ 5,981.13	$ 1,028.53	$ 54,197.31	$ 256,722.15
2003	$ 154,351.42	$ 71,866.44	$ 2,754.83	$ 970.10	$ 39,870.64	$ 269,813.43
2004	$ 268,799.13	$ 123,750.66	$ 2,584.89	$ 315.11	$ 48,311.86	$ 443,761.65
2005	$ 359,173.39	$ 197,410.63	$ 2,852.20	$ 819.54	$ 55,277.14	$ 615,532.90
2006	$ 433,187.49	$ 299,404.89	$ 7,390.12	$ 4,098.74	$ 52,951.32	$ 797,032.56
2007	$ 378,731.25	$ 298,380.81	$ 9,417.79	$ 5,611.38	$ 38,586.48	$ 730,727.71

Note: 2007 is 11 months worth of collections.

Amounts paid by Parolees

FY 2004 – FY 2008 (through Oct. 2007)

	Restitution	Child Support	Fines	Supervision Fees
2004	$ 434,672.00	$ 1,022,867.00	$ 137,107.00	$ 149,294.00
2005	$ 473,358.00	$ 1,148,435.00	$ 165,197.00	$ 244,912.00
2006	$ 614,566.00	$ 841,639.00	$ 251,105.00	$ 273,961.00
2007	$ 575,881.00	$ 959,002.00	$ 176,929.00	$ 325,790.00
2008	$ 167,387.00	$ 318,236.00	$ 69,891.00	$ 108,239.00

Note: 2008 is 4 months worth of collections.