



DEPARTMENT OF CORRECTIONS

ADMINISTRATION

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February 6, 2017

Dear Governor, Chief Justice and 2017 Legislators:

The South Dakota Corrections Commission met two times during 2016. The first meeting was May 18 at the South Dakota Women's Prison in Pierre. The meeting included a tour of the penitentiary and Pierre Community Work Center. The Commission also met November 16 at the South Dakota State Penitentiary in Sioux Falls. The meeting included a tour of the penitentiary and Sequel Transition Academy, which is a private transition program serving male youth age 16-20. Commission members also observed parole hearings and other parole business during the November Parole Board hearings.

The focus of the Corrections Commission is to assist the Department of Corrections (DOC) in examining various criminal justice issues, develop initiatives and when necessary, take action on requests by the department to use certain funds from the prison industries revolving fund to enhance, develop, or expand the business of prison industry.

Department of Corrections Topics Reviewed by the Commission:

FACILITY POPULATION UPDATE-

Laurie Feiler, Deputy Secretary of Corrections, provided the Commission information at the May meeting on the male and female inmate populations. As part of the PSIA (Public Safety Improvement Act), the Pew Center for the States completed population projections for the South Dakota Department of Corrections (DOC).

Based on data available at the time of the report, parole admissions remain relatively flat. There was a 10% increase in court commitments for males during January through June of 2015. There was a 55% increase in female court commits during the same period.

One of the goals of the Public Safety Improvement Act is to shift the ratio of violent offenders and non-violent offenders in prison to have violent offenders make up a larger portion of the overall inmate population. Of the new commit inmates received from July through December 2015, 93% of the female new commits were non-violent. Approximately 76% of the new commits males were non-violent. Approximately 49% of

the new commit females and one-third of males were serving time for a presumptive probation offense.

RESPONSE TO VIOLATION/SANCTIONING GRID-

Doug Clark, Director of Parole, presented the Commission with an overview of parole's response to offender violations and the use of the parole sanctioning grid at the May meeting. In 2013, as part of Senate Bill 70, graduated responses to violations were mandated. Previously, a response matrix was included within DOC policy. The DOC revised the existing sanctioning grid to reflect the requirements of SB 70, including creating a community response for new felony behavior subject to presumptive probation and working closely with the courts when responding to inmates who commit additional offenses while on parole.

Senate Bill 70 created a process of offenders on parole to earn discharge credits. The credits are applied as an incentive for the offender to complete treatment, maintain consistent employment and other expectations set forth in their parole conditions and release plan. Earned discharge credits reduce the amount of time offenders following the rules must remain on parole supervision.

TURNOVER/VACANCY/CORRECTIONAL OFFICER SALARY-

Eric Hildebrandt with the Bureau of Human Resources presented the Commission an overview of the salary package for both new hire and existing correctional officers during FY 2013 through FY 2017 at the May meeting. The Commission received data on the budgeted FTEs, total departures/terminations and overall turnover rate from FY 2013 to present. Since FY 2014, turnover in the DOC has generally gone down with the exception of 3.3% increase at the penitentiary from FY 2015 to FY 2016 and a 2.3% increase in turnover at SDWP from FY 2014 to FY 2015.

ADULT INSTITUTIONAL SAFETY-

Director of Prison Operations Bob Dooley briefed the Commission in May on adult institutional safety. Safety and security of staff, offender and the public is a priority for the DOC. Staff overtime expenditures were discussed and reviewed. Information was presented about Desert Waters. This is a program specifically designed to help staff deal with corrections fatigue.

FEDERAL BONDING AND TAX CREDIT PROGRAMS FOR EMPLOYERS-

Gregory Johnson with the Department of Labor provided information to the Commission in November about the Work Opportunity Tax Credit (WOTC) program available to employers. This is a federal income tax credit program which provides tax incentives to employers who hire individuals in certain qualifying groups (including ex-felons released in the past 12 months) with high rates of unemployment. The employer is eligible to receive a tax credit for up to \$2,400.00 upon the employee completing a minimum of 400 hours of employment.

Information was also presented on the Federal Bonding Program. Employers may receive bonds worth \$5,000.00, free of charge, as an incentive to hire ex-felons. Bond

coverage is for the first six months of employment. The bond will reimburse the employer for certain losses caused by the employee, such as theft of money or property. South Dakota has traditionally received five (5) \$5,000.00 bonds annually at no cost. The bonds have not been actively promoted outside of Department of Labor and Regulation (DOLR).

US DEPARTMENT OF JUSTICE GRANT-

Deputy DOC Secretary Laurie Feiler provided information to the Commission at the November meeting about the Maximizing Justice Reinvestment Grant. The target group for the grant is prison bound adult female offenders in Pennington County. The goals of the grant are to reduce corrections costs by reducing unnecessary prison confinement, expanding and promoting collaboration among those working in the criminal justice system to support justice reinvestment, and to use evidence-based practices to reduce recidivism and prevent re- incarceration. Preference would be given to probation violators as an intense intervention program as an alternative to prison. There would be a 3 month residential portion followed by 9 months in community placement. The program will use \$1.75 million over three years and 100% of funds are budgeted to be Contractual Services. Information presented regarding the grant is available on the DOC website.

SMART ON CRIME-

Secretary Denny Kaemingk provided information to the Commission in November about the Smart on Crime workgroup. One of the reasons the Smart on Crime workgroup was formed is to review ways of handling nonviolent offenders and high intensity drug trafficking, including the rise in meth usage. The three main issues being addressed by the workgroup are the creation and use of a Meth Trafficking Task Force, prevention efforts through drug education provided to students in schools and helping meth addicts who are in the criminal justice system through successful completion of treatment. The Smart on Crime report will be released in December 2016.

USE OF BODY SCANNERS-

Director of DOC Security Cliff Fantroy and Major John Benting from the penitentiary provided information to the Commission in November about the DOC's acquisition and use of body scanners at select South Dakota DOC facilities. There are currently three body scanners in use within the DOC. The department plans to purchase two more at a later time. The machines can scan individuals to detect the presence of contraband. The scan takes approximately seven seconds to complete. All new prisoner intakes are scanned before entering the facility. The high-dual scan produces two images providing a very detailed scan image. The department believes regular use of the machines will deter inmates from attempting to bring contraband into facilities.

Commission Membership Changes in 2016:

State statute requires the composition of the Commission to include two Senators and two Representatives from each political party. Representative Pat Kirsman and Senator Bradford will not be returning to the legislature in 2017. Senator Craig Tieszen ran for a

House seat and was elected; however, he currently is serving as the Majority party senator, which is the seat held by Representative Wollmann. As a result, there will be three vacancies on the Commission which will need to be filled in 2017. In accordance with state statute, the vacancies will be filled by appointment from the respective political party's caucus leader.

The Commission is committed to assisting and supporting the Department of Corrections in its mission to protect the citizens of South Dakota by providing safe and secure facilities for offenders committed to DOC custody by the courts, to provide effective community supervision to offenders upon their release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

Respectfully,

A handwritten signature in black ink, appearing to read "Craig Tieszen", written in a cursive style. The signature is positioned above the typed name of the signatory.

Senator Craig Tieszen, Chair
South Dakota Corrections Commission

c.c.
Secretary Kaemingk
Corrections Commission