

South Dakota Corrections Commission

Mitchell Ramada Inn

Mitchell, SD

October 16, 2014, 1:00 p.m.

Chairman Craig Tieszen called the meeting of the South Dakota Corrections Commission to order at 1:00 p.m. at the Mitchell Ramada Inn in Mitchell, SD on October 16, 2014.

Members present were Senator Craig Tieszen, Senator Jim Bradford, Rep. Lance Carson, Rep. Pat Kirschman, Judge John Brown, Dave McGirr, Tim Bottum, and Mark Anderson.

Also present were DOC Secretary Denny Kaemingk, DOC Deputy Secretary Laurie Feiler, DOC Policy and Compliance Manager Aaron Miller.

REVIEW AND APPROVAL OF APRIL MINUTES

Chairman Tieszen asked for review and approval of the minutes from the last meeting. Dave McGirr motioned that the minutes be approved as written. Judge Brown seconded the motion. The minutes were approved.

JUVENILE JUSTICE REFORM INITIATIVE

SECRETARY KAEMINGK

Secretary Kaemingk spoke about the foundation of the juvenile justice initiative. Secretary Kaemingk pointed out that the numbers of juveniles in the Department Corrections has decreased from 1100 to just over 600 juveniles.

Juvenile justice reform is looking at ways to continue to decrease that number from 600 and the Secretary presented to the Commission the Juvenile Justice Reform Workgroup and what they are doing. Members of the workgroup are judges, states attorneys, legislators, and teachers. In addition, there are representatives from Department of Corrections, probation, Department of Social Services, defense attorneys, county representatives, and sheriffs.

The goal of the workgroup is to increase public safety by improving the outcome for families and to reduce the recidivism of juveniles, reduce juvenile justice costs, and reserve residential facilities for the most serious offenders.

There was discussion of limiting the amount of time the juvenile is on probation, a structured review of DOC Placement, capping the number of out of state placements, and eliminating CHINS from DOC placement.

Chairman Tieszen asked if the workgroup would be bringing legislation on this. Secretary Kaemingk replied that there is discussion among the workgroup.

Judge Brown asked how many CHINS are currently in DOC; Secretary Kaemingk responded that there are about 60 CHINS that have been committed to DOC. The Commission discussed the court aspect of CHINS.

Chairman Tieszen stated to the Commission that Star Academy and QUEST are the only state run juvenile facilities.

Discussion on the private facilities that are throughout the state that juveniles go to and Chairman Tieszen asked about the number of juveniles that are placed out of state.

Commission discussed the process on how the legislation stemming from the Juvenile Justice Reform Initiative will be put in for the legislative session.

Secretary Kaemingk indicated that there are 41 juveniles out of state, located in Iowa, Minnesota, Utah, and Georgia. Chairman Tieszen asked what type services are provided in the out-of-state facilities. Secretary Kaemingk answered that the services provided are for the severe mental health and sexual offenders.

CRIMINAL JUSTICE INITIATIVE UPDATE

(Presentation on CJI Update and Population Projections)

DEPUTY SECRETARY FEILER

Deputy Secretary Feiler briefed the Tribal Pilot Program to the Commission. DOC has signed an agreement with Sisseton Wahpeton Tribe. A Wellness Team is operating with local law enforcement doing the PBT's and UAs

Chairman Tieszen asked about the number on the caseload and the answer was 11 Parolees on the caseload.

Mark Anderson asked if that was only on one reservation and Deputy Secretary Feiler responded that it was just with the Sisseton Reservation.

Vice-Chairman Bradford mentioned about Dakota Pride and the process of offenders being sent to the program. Deputy Secretary Feiler stated that she is not aware of any other Tribal Halfway House.

Chairman Tieszen asked about other tribes asking for Tribal Pilot, Secretary Kaemingk responded that the next tribe will be Standing Rock.

Vice Chairman Bradford asked about Secretary of Tribal Relations LaPlante's replacement and if there will be any more work with the new incoming Secretary.

Dave McGirr asked what the agent's full load will be and Deputy Secretary Feiler responded that it would be about 40-60.

A discussion followed on the effects of the CJI on the number of parolees.

Deputy Secretary Feiler briefed the CTP Housing Update to the Commission. DOC entered into a contract with St. Francis House (SFH). Currently there are three females and nine males. They receive housing, case management, PBT, money management, and referrals to community services. SFH can serve 130 offenders per year and the pilot may last several years.

Chairman Tieszen asked about the capacity and Deputy Secretary Feiler responded that SFH is at their max but they are looking at expanding their facilities.

Rep. Lance Carson asked about the time-period on the program. Deputy Secretary Feiler answered that it is established as a 3-tier program, the low needs are on the program for 30 days, medium needs for 60 days, and high needs for 120 days.

Rep. Pat Kirschman asked to clarify that this is SFH in Sioux Falls, and Deputy Secretary Feiler confirms.

Vice-Chairman Bradford asked if they have apartments or rooms, and Secretary Kaemingk replied that they have rooms and they serve meals the offenders can go out into the community work then return to the program. Vice-Chairman Bradford asked if family can visit, and Secretary Kaemingk replied that Saint Francis House has apartments for parents with children but unsure if this will be available to our clients.

Deputy Secretary Feiler briefed on the Reinvestment Fund to the Commission. DOC has passed Administrative Rules and checks to the counties went out this week. 35 counties received the money with the largest amount being \$91,000 going to Pennington County.

Rep. Pat Kirschman asked what was the projected amount to be disbursed, and the answer was that there should be enough for 3 years based on the current trend line. Discussion among the Commissioners about the numbers for jails. Deputy Secretary Feiler stated that there was an increase of 300-400 Felony Probationers. Issues with inmate population were discussed among the Commissioners and Deputy Secretary Feiler.

Deputy Secretary Feiler briefed on the Earned Discharge Credits (EDC). 3495 parolees qualified for EDC in FY14. Deputy Secretary Feiler discussed the qualifications for EDC. 3203 of the 3495 earned EDC. 758,000 days of credits were awarded. 915 offenders discharged with EDC in FY14.

Vice-Chairman Bradford questioned the first month the offender earns EDC and Deputy Secretary Feiler replied that they must be out for a full month to qualify for EDC.

Deputy Secretary Feiler briefed on the validated risk and needs assessments, EPICs, Evidence Based Practice Training to the Parole Agents and Parole Board, SAVIN and AFAS.

Chairman Tieszen stated that the AG's office has set a date of July 1 for SAVIN to be up and running.

DOC POPULATION PROJECTIONS

DEPUTY SECRETARY FEILER

Deputy Secretary Feiler briefed the Commission that the average inmate population has flattened out. 3622 is planned for FY15 and next year is projected to go down.

Deputy Secretary Feiler reviewed the classification levels a shift moving with the lower level decreasing. Extended detainment is for parolees who have violated conditions of their parole, who are being temporarily housed and included in the minimum unit numbers. Deputy Secretary Feiler stated that the female minimum counts are up.

Dave McGirr questioned about the increase of population from 2003 to 2006.

Deputy Secretary Feiler responded that from 2005 to 2006 was an increase in female offenders and parole violations.

Judge Brown answered that it was an issue with an increase could have been from the Meth Epidemic especially with the female population.

BRIEFING ON INMATE INCIDENTS

SECRETARY KAEMINGK

Secretary Kaemingk briefed the Commission on the suicide of inmate James McVay.

Vice-Chairman Bradford questioned whether McVay hung himself or choked himself and if there were products to minimize suicide risk. Secretary Kaemingk responded to the question with the indicated cause of death and talked about mental health watch.

Vice-Chairman Bradford asked if McVay indicated that he wanted to commit suicide. Secretary Kaemingk responded that he was not on a suicide watch.

Ms. Johnson from the public asked if there were double bunks in the cell and Secretary Kaemingk responded that there are double bunks.

Secretary Kaemingk briefed the Commission on the death of inmate Kent Davidson.

Chairman Tieszen asked about the classification of inmate Davidson. Secretary Kaemingk responded that Davidson was in administrative segregation, which is not a classification.

Vice-Chairman Bradford asked if Ipsen murdered Davidson and Secretary Kaemingk responded that the grand jury has issued an indictment.

BRIEFING ON INSTITUTIONAL FOOD SERVICE

(See [Memorandum to Corrections Commission on Adult Food Services and Commissary](#))

SECRETARY KAEMINGK

Secretary Kaemingk briefed the Commission on institutional food service and commissary.

Chairman Tieszen asked the number of contractors who placed bids for the contract. Secretary Kaemingk responded there were five contractors who placed bids for this contract.

Rep. Lance Carson asked if the commissary and food service will continue to be separate contracts. Secretary Kaemingk replied that these would remain separate.

Chairman Tieszen mentioned the letter he received stated that items on commissary were overpriced. Secretary Kaemingk responded that there is more overhead required for supplying commissary in a secure facility, and the money goes back to inmate services in the DOC budget.

Judge Brown asked about the special dietary needs of inmates, Secretary Kaemingk replied that the provider, CBM, has worked with DOC on meeting the dietary needs of the inmates for both medical and religious non-standard meals.

Dave McGirr asked about gardens throughout the facilities. Secretary Kaemingk responded that there is a garden in Yankton and Rapid City. Dave McGirr asked if they get to eat what they grow, and Aaron Miller replied that the food grown can be served by CBM and the surplus goes to the community.

Vice-Chairman Bradford mentioned that there are complaints on the Pennington County Jail. Secretary Kaemingk replied that the jail is separate from the Department of Corrections. Secretary Kaemingk continued stating that the provider, CBM, understands that if there is something wrong with the menu, they are very responsive to the feedback they get from the inmates.

Chairman Tieszen stated that after reviewing the information and understanding there is overhead cost, commissary is not too outrageous.

CONCLUDING BUSINESS

The chair mentioned that there is a requirement to send out a letter to the Legislature about legislation that would directly affect Corrections. The chair proposed a meeting at the Capitol at 8 AM on December 2, 2014. The chair also talked about the elections and assignments.

The Chair discussed the tour of Juvenile Facilities scheduled for October 17, 2014.

The Chair asked for and received a motion from Judge Brown to adjourn. Rep. Lance Carson seconded the motion. The motion passed. Meeting was adjourned at 2:00 p.m.

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