

Corrections Commission Meeting
Capital Building, Pierre
Room B-01 (Basement)
December 8, 2009

Members Present: Vice-Chair Senator Craig Tieszen, Judge Patricia Riepel (via phone), Paul Aylward (via phone), Representative Lance Carson, Judge John Brown, Representative Richard Engels and Brad Drake

Others Present: Deputy Secretary of Corrections Laurie Feiler, Michael Winder, Communication and Information Manager, Brady L. Kerkman, Policy & Compliance Manager, Scott Bollinger, Director of Operations, Ben Merrill, Budget Analyst and Jacque Larson, support staff.

Members Absent: Chair Senator Julie Bartling and George Prest,

Agenda Item Number One: Review/Approval of minutes from August Meeting:

Acting Chair Tieszen called the meeting to order at 8:41 am. Introductions were given. Motion made for approval of August minutes, Representative Lance Carson moved to approve, second by Representative Richard Engels, motion carried.

Agenda Item Number Two: Legislation:

Deputy Secretary Feiler discussed legislation issues for the current legislative session. There are some agency bills going through that may require a special appropriations bill, as well as some liability bills are being discussed. There is a possibility to amend state liability statutes regarding state litigation, but there is no proposed legislation at this time.

Agenda Item Number Two (cont): Budget Overview:

Scott Bollinger, Director of Operations discussed an overview of the budget. The budget is divided into adult and juvenile services. Bollinger went onto say that the FY 2011 recommended budget is not out, but the Governor's Budget Address is scheduled for 1:00 PM today.

Bollinger pointed out that there were five items of interest.

1. An increase due to the Federal Medical Assistance Percentage (FMAP) changes,
2. A slight increase in juvenile placement costs,
3. The Second Chance Act grants,
4. A decrease in the food service budget; and
5. A decrease in allotted utility costs.

Bollinger concluded by asking if anyone had any questions, which no questions were asked.

Agenda Item Number Three: Review/approval of 2009 SD Corrections Commission Annual Report:
(Handout Provided)

Brady L. Kerkman, Policy & Compliance Manager reviewed the annual report with the Commission. Highlights addressed were: adult trends, juvenile trends, 2009 legislative bills (to include SB 108, HB 1015, HB 1016, HB 1017 and HB 1271), tours of DOC facilities/programs, Governor's Reentry Council, permanent Rapid City minimum unit and Governor's House Program. Membership changes were reviewed with the loss of four members: Representative Garry Moore, Senator Ken Albers, Judge Kathleen Caldwell and Representative Carol Pitts. With their departure, the Corrections Commission welcomed four new members: Judge Patricia Riepel, Representative Lance Carson, Representative Richard Engels and Senator Craig Tieszen. Kerkman asked if there were any questions, which Judge Riepel asked about the Reentry Grant and if would be extended to the juvenile system. Deputy Secretary Feiler stated that this is a separate Juvenile Reentry Grant and that South Dakota was the only state to obtain this grant for both adult and juvenile divisions. Acting Chair Tieszen asked if there were no other comments. Motion made by Brad Drake to approve the report as presented, second by Judge Brown, motion carried.

Agenda Item Number Four: Adult & Juvenile Reentry Initiatives:

Deputy Secretary Feiler stated that the Reentry Grant is a great opportunity for the Department of Corrections. The grant will allow Department of Corrections to explore different options. The main focus is on recidivism and keeping it down. More than one half of the offenders are re-offenders. Two things need to happen: first is obtaining programs to address recidivism and second is to look at current policies. A key focus will be providing additional services within the community. One in 31 adults nationally are under correctional care and one in 40 in South Dakota. Over the last decade, South Dakota's prison population has increased 40% and parole increased by 140%. The goal of the reentry initiative is to reduce recidivism by 50% in five years.

Judge Brown asked if the data tracking could be divided by types of offenses (i.e. DUI, burglary, etc) or how is it tracked? Deputy Secretary Feiler said that it could be tracked in separate categories; however it is not currently done that way. Feiler stated she will look into this and get back to the commission. Judge Brown stated that the high recidivism rate is possibly due to DUI cases as well as cases related to drugs.

Deputy Secretary Feiler explained that the Reentry Programs are to focus on: public safety - recidivism reduction serves public safety and sound reentry provisions reduce recidivism, Evidence Based Practices - practices that are proven to reduce recidivism that can be applied on how we provide reentry and collaboration – with state departments, local level government and private sector organizations, institutional and community corrections.

Deputy Secretary Feiler explained that collaborative teams are: the Governor's Reentry Council, Reentry Work Group, Rapid City Reentry Task Force and Sioux Falls Reentry Task Force.

Representative Engel asked what the in-kind match is. Deputy Secretary Feiler stated it was through existing salaries of DOC employees and is tracked through the amount of hours being spent on the Reentry Program.

Deputy Secretary Feiler stated that Amy Bisgard, a former parole agent out of the Sioux Falls office has been selected to be the project manager. Judge Riepel asked who picks up her caseload, which Deputy Secretary Feiler stated another agent is being hired to fill her position. Deputy Secretary Feiler went onto say that two local site coordinators and a transition case manager will be hired out of Pierre.

Contractual services under South Dakota's Adult Reentry Program were discussed. Brad Drake asked if the needs were equal or which one is more in need. Deputy Secretary Feiler stated that housing is a big issue due to the expense of living, followed by chemical dependency services being a large need as well and employability is another critical area, as jobs can be obtained, but getting along, ethics, retaining the job, etc seems to be an issue.

Deputy Secretary Feiler went onto to say that the Youth Offender Reentry Initiative's goal is to reduce the rate of recidivism by 50% over a five year period for youth released statewide.

Acting Chair Senator Tieszen stated that the Adult Second Chance Act Grant is three times greater than the Juvenile Second Chance Act Grant. Deputy Secretary Feiler explained that the Adult Second Chance Act Grant will need to be applied for each year as the Juvenile Second Chance Act Grant was awarded for three years. Brad Drake asked why we are so high on juvenile recidivism for South Dakota. Deputy Secretary Feiler suggested it may be due to lack of resources within the community and current policies in place. Judge Riepel asked how the other states are comparing to South Dakota as far as recidivism. Deputy Secretary Feiler pointed out differences in parole violators and policies. Acting Chair Tieszen stated that the rate of incarceration is due to recidivism. Judge Riepel stated that the department is not sure what to do with the ones that do violate and there are no resources within the community to help with these issues, which Deputy Secretary Feiler agreed with this. Judge Brown brought up that the frustration appears to be one's home life for these juveniles and no help is given to the families, but only to the juveniles. Acting Chair Tieszen is excited about the grants given to help reduce recidivism and feels this could be a great opportunity for the state of South Dakota. He went on to say that the new facility in Rapid City will also help with this issue. The process is already started with weekly meetings being held for both the adult and juvenile system. The administrative piece is started, however there has been no hiring of positions or programs started.

Agenda Item Number Five: Update on the Rapid City Minimum Unit:

Deputy Secretary Feiler briefly presented background information on the Rapid City Minimum Security Unit from 2003 until now. The current status is that the state owns the former American Concrete property. Renovation on the parole offices is estimated at five months and renovation for the minimum housing is estimated at 11 months. Judge Brown asked if this would be a total of 16 months, which Deputy Secretary Feiler confirmed. Representative Carson asked about the state prevailing on whether there is a lawsuit saying that DOC should not be there. Deputy Secretary Feiler informed the committee that the lawsuit is stating that the Department of Corrections has violated the law of not having the required meetings in a timely manner. This is the only issue being sought out right now and due to the lawsuit, the state of South Dakota does have title to the property. A special appropriations bill will be introduced for the additional \$1.8 million in general funds that Department of Corrections needs to dedicate to this project. The State is trying to stay away from financing and this will be accomplished by asking for the special appropriations bill.

Representative Engels asked if there is any asbestos in the building dedicated for the Rapid City Minimum Unit. Bollinger stated it is normal for this to be looked at when purchasing a building. Bollinger also stated that the pipes may need to be replaced. Representative Engels asked if this was the only building that needed pipes replaced, which Bollinger confirmed.

The Rapid City Minimum Unit project had an estimated cost of \$6 million. The cost of the property was \$2.2 million and was covered by the extraordinary litigation fund, leaving DOC with a \$3.8 million balance. Bollinger explained that the \$2.2 million check the state had already cut went back to state general fund since the state was awarded the property from the settlement. Acting Chair Tieszen asked if the state already appropriated the \$2.2 million back into general funds, which Bollinger confirmed that the \$2.2 million had been returned to the state general fund. Representative Engels stated that for the time being this is making our deficit look smaller. The cash resource within the DOC not general funds is being given in the amount for \$2 million. Representative Engels asked what the budget looks like for the current year and wouldn't it be the same for the next fiscal year. Deputy Secretary Feiler stated that the department does not want to ask for any new money. Representative Carson asked if appropriations authorized the \$6 million, however now we are going to ask for the \$1.8 million. Would this be reverted back into the general fund? The \$2.2 million check was given out of the 2009 budget for DOC, but due to the lawsuit, the \$2.2 million was given back.

Agenda Item Number Six: Adjourn:

Acting Chair Tieszen asked for any further comments, Policy & Compliance Manager Kerkman asked that travel vouchers be filled out and turned in right away. Motion made by Judge Brown to adjourn, second by Representative Engels, motion carried.

Next meeting will be held on veto day, which is either March 29th or 30th. Kerkman will send out an email to the Commission with a confirmed date, time and place of the next meeting.