

CORRECTIONS COMMISSION MEETING
JCA Office, Rapid City
1600 Sedivy Lane
May 18, 2009

Members Present: Chair Senator Julie Bartling, Vice-Chair Senator Craig Tieszen, Judge John Brown, Representative Richard Engels, Representative Lance Carson, Judge Patricia Riepel, George Prest, Brad Drake and Paul Aylward.

Others Present: Tim Reisch, Secretary of Corrections, Laurie Feiler, Deputy Secretary of Corrections, Brady Kerkman, Policy & Compliance Manager; Michael Winder, Communication & Information Manager, Darwin Weeldreyer, Community Service Director, Max Gors, DOC Legal Counsel, Doug Herrmann, Director of Juvenile Services and Jan Fuerst, Rapid City Juvenile Corrections office Administrative Assistant.

Agenda Item #1: Review/approval of minutes from the March meeting:

Chair Julie Bartling called the meeting to order at 1:00 PM MST and asked for approval of the March minutes. Representative Engels moved for approval of the March minutes. Second by Paul Aylward, minutes approved by all.

Chair Bartling asked the Commission for an introduction with a brief background. Secretary Reisch introduced himself and all DOC staff present.

Agenda Item #2: Update on the Rapid City Minimum Unit

(diagram displayed)

Secretary Reisch presented an update on the current plans for the new minimum security facility in Rapid City. The legislation passed a \$6 million bonding/expenditure authority for the minimum security facility. The current temporary facility housing one-hundred and two (102) beds opened in February 2004.

Secretary Reisch stated that Section VIII of the bill requires two public meetings in Rapid City for the purpose of information exchange with residents of Rapid City. Secretary Reisch reiterated that the temporary facility on Creek Drive first occupied in February 2004 was intended to be a temporary facility for eighteen (18) months. The temporary facility's goal was to move the adults off the campus of STAR Academy as a way to separate the juveniles from adults. It has taken the State of South Dakota six (6) years to find a permanent site. Secretary Reisch provided a diagram of the location of the new facility and stated that it's one third of a mile south of the current temporary location.

Secretary Reisch discussed some of the concerns expressed by residents of Rapid City against the proposed facility. One of the concerns is that some residents believe that the State will not be able to get the proper zoning permission from the city for this facility. He went onto say that light industrial zoning is consistent with this type of correctional facility. The properties across the street are light industrial.

The property has two buildings located on the 11.3 acres with plans for a second story to be constructed in the main warehouse area for a housing unit with parole services located in the front offices. An addition (new construction) will house a kitchen and laundry. Plans are moving forward as scheduled.

Secretary Reisch explained the agreed upon sale price of \$2.2 million was well below the property appraisal of \$3.10 million. The plan is to close on the property on July 6, 2009 with the intent for parole services to give notice to vacate their current location by July 2010 to avoid beginning the fiscal year with a lease. November 2010 is the target date to move the inmates from the current minimum unit into the new facility. Skilled inmate labor will be used to build/renovate the facility along with general contractors.

The second of two Department of Corrections' public meetings will be held tonight. Secretary Reisch stated he expects to see more opposition than support. There is a spot on the agenda for the Corrections Commission to make statements if desired. There will also be a slide show presentation and local officials will be provided an opportunity to speak and share any concerns they may have. Secretary Reisch went on to say that the new unit would benefit inmates and families from West River by having regular contact, along with helping inmates transition back into the community where they plan to reside and be employed.

George Prest asked if the State had begun the process to request the rezoning of the purchased land. Secretary Reisch stated that it had not, and added that he hoped this would not be a problem with regards to ordinances as this is not an unreasonable rezoning request.

Vice Chair Senator Tieszen shared his concern with the site being zoned heavy industrial in regards to the suggestion that potentially hazardous environmental emissions were present from a nearby factory. He questioned if the current clients and operations had been reviewed and would there be a danger to inmates. Secretary Reisch assured the Commission that the properties were reviewed and the current businesses were contacted without concern for inmates, except for Perdue. DENR Secretary Steve Perner conducted a review and found no issues. An additional environmental review is scheduled to be completed to look deeper into the issue. Senator Tieszen asked Secretary Reisch to point out the bus stop and pedestrian issues. Secretary Reisch stated that the home owners shared concerns regarding inmates walking to the bus through their neighborhood, which he stated that the inmates would be rerouted to prevent this from being a problem. Secretary Reisch explained that many inmates receive rides from approved employers, friends or co-workers, thus greatly reducing the number of inmates walking to their employment.

Representative Carson asked for clarification on whether tonight's public meeting is the first or second public meeting. Secretary Reisch confirmed that this is the second meeting.

Judge Brown asked exactly what are the concerns expressed by Perdue? Secretary Reisch stated that Perdue does not want the new facility in this location though there has never been a complaint in the past at its current site. They have been good neighbors in the past and they have hired our inmates on work release. Perdue was comfortable with the temporary facility, but not a 400 bed facility. They would like to expand their industry, but they feel they will no longer be able to expand once the new facility is built. This appears to be their primary concern as well as contending with potential lawsuits relating to the inmates.

George Prest asked if a presentation of the architect drawings would be available to the public. The drawings would show the proposed curb appeal to enhance property value. George stated the issue may be a concern with property values. Secretary Reisch explained that the State is in the negotiation phase with an engineering firm for drawings, so they are not available at this time.

Senator Tieszen asked if the preliminary work completed would include a structure analysis. Secretary Reisch stated the property was confirmed suitable for structure change by the engineering firm. The State arranged for an early evaluation to confirm growth suitability.

Agenda Item #3: Governor's Reentry Council

(handouts provided)

Secretary Reisch provided a PowerPoint presentation on the Governor's Reentry Council. He went on to explain that inmates being released face a variety of challenges as they transition back into the community. The Council is made up of cabinet officials of departments with direct impact on inmates released from prison. The Council was formed to foster collaboration between departments, divisions and programs to reduce duplication of services and to provide a smooth transition back into their community.

Secretary Reisch elaborated that the Council plans on addressing reasons for failure once released, new strategies to examine the increase in inmates, evaluate the quality of existing programs and look at identifying new programs to help decrease the numbers of inmates in the South Dakota prison system.

Local task forces in Rapid City and Sioux Falls will evaluate strategies to reduce recidivism.

Secretary Reisch provided the Commission various statistics and facts:

Adult inmate population within South Dakota:

- Population of adult inmates has grown from 2,267 to 3,451 over the past 10 years.
- Mike Durfee State Prison campus (Springfield) showed a dramatic increase from FY94 with 460 inmates with a projection of 1,286 inmates on campus by FY10.
- South Dakota State Penitentiary campus (Sioux Falls) expected to grow from 820 in FY94 to 1,386 in FY10.
- South Dakota Women's Prison campus (Pierre) projected to increase from 175 in FY98 to 354 FY10. Female growth in prisons is increasing at a higher rate than their male counterpart.
- DOC's budget has more than doubled from \$49M to \$108.6M.

South Dakota compared to other states:

- The US leads the world with the number of incarcerated citizens with 1 in every 31 US citizens are under correctional control.
- South Dakota ranks in the middle with 1 in every 104 of South Dakota residents incarcerated either in a jail or prison.
- South Dakota ranks 25th out of 50 states and District of Columbia on the rate of incarceration.
- As of 2007 South Dakota had 5,787 adults in jails, state or federal prisons, with 1,456 in jail, 1,075 in a federal prison and 3,256 in state prisons.
- South Dakota incarcerates more inmates than our neighboring state of Wyoming.
- South Dakota uses community based options, which generates some challenges as rural areas generally lacks in community base resources.
- Rapid City's community involvement has had a considerable amount of positive impact on inmates, due to their leadership and police department involvement.
- Currently the State of Louisiana ranks the highest on rate of incarceration with the State of Main being the lowest.

Probation or Parole:

- 1 in every 64 adults in South Dakota is either on probation or parole.
- South Dakota ranks 36th out of 50 states and District of Columbia on the rate of offenders on probation or parole.
- In 2007 South Dakota had 9,424 adults on probation or parole, with 5,870 on state probation, 239 on federal probation, 2,812 on state parole and 503 on federal parole.

Inmate Releases:

- Average length of stay for offenders to first release is 15.3 months.
- Common challenges experienced by inmates released into the community are: chemical dependency, mental health issues, sexual behavior, and finding housing.
- South Dakota released 2,072 inmates in 2007. Out of the 2,072 inmates released, 549 were doing time for an alcohol offense, 588 for a drug offense, 546 for some type of property destruction or burglary, 101 for disruption of public order and 288 for committing a violent crime.

Prison Releases-Recidivism Overview:

- Twelve (12) months following release, 29.9% of South Dakota's prison releases recidivated, compared to 39.3% in a 24 month period and 44.8% within 36 months.
- Pennington County had a 32.8% twelve (12) month recidivism rate compared to Minnehaha County's 27.9%.
- 23.1% of whites released returned within twelve (12) months vs. 42.4% of Native Americans released from prisons.

Chair Bartling asked if there is a higher rate of return from new crimes or from technical violations, which Deputy Secretary Feiler explained that most parole violations are from technical violations rather than new felony charges.

Senator Tieszen asked if while on probation they were arrested for a technical violation, would the criminal charge be dismissed? Judge Brown replied that they would return with a misdemeanor charge. Representative Engels asked for clarification on the return rate of sex offenders. Secretary Reisch replied that generally speaking sex offenders do well on parole.

Secretary Reisch provided a brief overview of the Second Chance Act, which was passed by Congress and signed into law on April 9, 2008. The Second Chance Act was established to help states and communities reduce recidivism. Currently in South Dakota, a task force was established to examine ways to pool resources and funding to promote lower recidivism. A grant application was submitted in April 2009 requesting federal dollars to help finance the program. The grant offers \$750,000.00 a year for the next three years. However, for every \$1.00 given, there will be a \$1.00 match,

Representative Engels asked what methods would be used to reduce recidivism. Secretary Reisch explained that transitional housing, case management services, DOC employees working with local communities to build stronger working relationships and local task forces have been identified to coordinate efforts. Secretary Reisch elaborated by stating that community based services, such as mental health services are also being provided as needed. This effort is being applied for both juvenile and adult corrections. Secretary Reisch stated that true public safety comes when we invest in community corrections, as community involvement is essential to their success.

Agenda Item #4: Reentry Workgroup & Local Task Forces:

(handouts provided)

Deputy Secretary Feiler provided the Commission with information regarding the work groups, local task forces and institutional statistics:

- One in 40 adults in South Dakota is under some form of correctional control.
- In an effort to reduce recidivism, workgroups and task forces will be looking at services provided to assist with reintegration into the community.
- The re-entry process must begin at the time the offender is incarcerated and ends with the offender successfully reintegrating back into the community.
- Within South Dakota, 40% of all offenders released are either from Pennington or Minnehaha counties.
- The Re-entry Workgroup is a statewide effort and is made up of multi-disciplinary implementation team.

- The goal of the Workgroup is to gather information, develop priorities, review policies and practices, coordinate funding, identify programs and to build strong working relationships between various State Departments/Divisions and communities.
- The Workgroup is also tasked with generating a Strategic Plan and an Annual Report.

Deputy Secretary Feiler shared some of the major hurdles faced in the past, such as offenders with felony drug charges were not eligible for food stamps, which has recently changed. Transportation continues to be a challenge for offenders, which creates obstacles of finding and maintaining employment.

Senator Bartling asked how closely we would be able to work with the Tribal agencies. Deputy Secretary Feiler replied that staff from the State Tribal office is a member of the Council.

Paul Aylward asked for policy clarification regarding a parolee on work release at Morrells and their ability to work and to join a union. Secretary Reisch stated he was not familiar with any specific policy regarding this, nor the situation and that follow-up would need to be taken on this to obtain additional information.

Agenda Item #5 Tour of the Rapid City JCA office, Rushmore Academy and Rapid City Minimum Unit:

Doug Herrmann provided a brief overview of the JCA offices and the Rushmore Academy. Doug explained that the building currently houses the Juvenile Correction Agents (JCAs), West River Juvenile Corrections Agent Supervisor, Foster Care Specialist, Director of Juvenile Services and Rushmore Academy. The Department of Corrections is under a 5 year lease with Western Dakota Technical Institute. Currently there are approximately 900 youth under the supervision of juvenile corrections in placement or aftercare.

A tour of the Temporary Rapid City Minimum Unit was given by Unit Manager, Brett Krenzke

Agenda Item #6: Additional Items:

Chair Bartling discussed with the Commission about a contact by Frayne Wiskus. Chair Bartling asked the Commission if anyone had any questions for Max Gors, no questions by the Commission members were asked.

Chair Bartling brought up discussions regarding the scheduling of the next Corrections Commission. Chair Bartling stated that typically one meeting is scheduled in conjunction with the Governor's Budget Address in December.

Chair Bartling stated that the By-Laws only require the Committee to meet a minimum of three times per year, but she is not suggesting the Commission to only meet the minimum requirements. Brad Drake suggested that the Commission meet more than the minimum requirement to maintain a dialogue and connection with the matters at hand. Chair Bartling informed the Commission of the various places they have met during her tenure. Secretary Reisch suggested Springfield at the Mike Durfee State Prison (MDSP) or the Sioux Falls JCA office as an option. Secretary Reisch stated that a tour could be facilitated of the MDSP if the meeting is held in Springfield. Chair Bartling asked what is available in regards to DOC in Yankton. Secretary Reisch stated that the Yankton Trustee Unit is available as an option or could look at having the meeting in Springfield at MDSP and depending on time look at scheduling a tour of MDSP or YTU. Chair Bartling asked the Committee if MDSP in Springfield works for everyone, which a general consensus from the Committee suggested MDSP would work.

Chair Bartling suggested August 27th in Springfield with the possibility of a tour of MDSP and the meeting starting at 10:00 AM. A consensus from the Committee stated that this date, time and location would work for all.

Judge Riepel inquired when the Governor's Budget Address is scheduled, which Chair Bartling stated that it is scheduled for December 8th. Chair Bartling suggested that we look at December 8th for the winter meeting in Pierre, which all agreed would work.

Agenda Item #7: Adjourn:

Brad Drake made a motion to adjourn.

Second by Representative Engels, the motion carried, meeting adjourned.