

CORRECTIONS COMMISSION MEETING

Parole Office, Sioux Falls

408 S 2nd Ave., Suite 104

July 8, 2008

Members Present: Representative Garry Moore, Commission Chair; Committee Members: Representative Carol Pitts, Judge John Brown, Paul Aylward, and Brad Drake.

Others Present: Secretary of Corrections Tim Reisch; Ed Ligtenberg, Executive Director of Parole Services; Brady Kerkman, Policy and Compliance Manager; Doug Clark, Director of Parole Field Services; Kerri Wagner, Parole Agent and Traci Fredrikson.

Members Absent: Senator Ken Albers, Commission Vice-Chair; Judge Kathleen Caldwell; Senator Julie Bartling and George Prest.

Agenda Item Number One: Review/approval of minutes from the February meeting:

Chair Moore called the meeting to order at 10:18 a.m. and asked for approval of the February meeting minutes.

Paul Aylward noted his last name was misspelled in the minutes.

Chair Moore welcomed Judge John Brown, who replaces Justice Zinter.

Representative Pitts moved for approval of the February Meeting Minutes.

Second by Brad Drake, minutes approved by all.

Agenda Item Number Two: Overview of Parole Services

(See handout)

Executive Director of Parole Services, Ed Ligtenberg and Director of Parole Field Services, Doug Clark gave an overview of Parole Services. Director Ligtenberg discussed the Department of Correction's mission statement, in which the use of "Evidence-Based Practices" was recently added.

Ed Ligtenberg presented current institutional and parole statistics. There are 3,400 persons in South Dakota prisons and 2,750 on community supervision. There were 3,209 persons released from the institution in FY2008. The number of discretionary paroles granted from 1999-2008 has risen, while the number of programmed releases has dropped, primarily due to the decreasing institutional population over the past two years.

Ed Ligtenberg presented on the orientation process for inmates when entering the South Dakota prison system. This includes assessments that allow separation of high risk and low risk offenders and those in need of treatment. It is important to not give treatment to those who are low risk, as this may actually increase their risk level.

Doug Clark explained the release planning process for inmates transitioning to parole. Stable employment and residence, treatment, companions, and identification documents are considered the most important aspects of successful community supervision.

Doug Clark discussed the Community Risk Assessment and the Community Supervision Agreement used in parole services. Persons living with parolees must also follow some of these conditions, such as no alcohol or firearms in the residence. Absconders from parole are listed on a national database so that law enforcement can assist us in extraditing these persons back to South Dakota. Representative Pitts asked about changes made to the Supervision Agreement since its last revision. Ed Ligtenberg noted *Condition 14* of the agreement, which pertains to violent behavior, was recently added because of domestic abuse situations.

Brad Drake inquired about the percentage of parolees on different levels of supervision. Doug Clark explained 5% are intensive, 5% indirect, and the remaining 90% produce a bell curve of high, medium, and minimum. It is best for agents to not have more contact with parolees than needed, as to not interfere with the positive aspects in their life such as work and family.

Ed Ligtenberg discussed Early Final Discharge, which allows parolees to finish their sentence early if they meet certain requirements. The number of parolees has been reduced by over 600 and the total years of community supervision by 2,100 because of this program. Representative Pitts asked whether or not cutting costs by granting early discharge benefits the community and its level of safety. Ed Ligtenberg responded that discharging those who are low risk will benefit everyone without compromising public safety.

Chair Moore asked if the recent criminal code revisions were affecting how many people were being sent to prison. Ed Ligtenberg did not have data available to respond, but offered to get additional data to him, which Chair Moore declined the need.

Ed Ligtenberg described *parole* as post-institution supervision under DOC authority, while *probation* is supervision prior to prison, under the authority of UJS.

Agenda Item Number Three: SCRAM Bracelets

Kerri Wagner, Brookings Parole Agent, manages the use of SCRAM bracelets for parolees. SCRAM stands for *Secure Continuous Remote Alcohol Monitoring*. SCRAM works well for those whose participation in the 24/7 program would be difficult due to travel or the ability to drink in between the twice daily PBTs. SCRAM measures insensible perspiration, or the level of ethanol that migrates through the skin, which cannot be hidden. The SCRAM unit includes an ankle bracelet and a modem which downloads the information taken by the bracelet at the frequency the parole agent desires. This information is not real time; however, any change in body temperature, alcohol level, or a removal/interference of the device will be recorded. SCRAM currently requires a home phone line in order to download the information, though Verizon Wireless is working on a system in which information could be sent via cellular phones.

SCRAM works very well when used alongside other programs and societal support. Aside from being a deterrent from drinking alcohol, it also helps to prevent more devastating mistakes such as domestic abuse and drunk driving.

Paul Aylward asked whether SCRAM was used as an alternative to violation on parole or required when an inmate first began parole. Kerri Wagner stated it can be used in either situation, though a

parolee will not be placed on SCRAM for an isolated drinking incident or for just a couple of days. SCRAM is used as a long term sanction, lasting from 60-90 days.

Brad Drake noted the \$5.00/day usage fee is quite expensive. Kerri Wagner agreed, but stated it is generally more affordable than driving long distances for the 24/7 program or spending large amounts of money on alcohol. There are a few parolees using SCRAM that only pay \$2.50/day because they could not afford the \$5.00/day fee.

Chair Moore stated UJS is also using SCRAM for probation purposes. Chair Moore asked whether or not being outside in cold weather would affect the unit's readings. Kerri Wagner responded that it may slightly affect body temperature readings, and other environmental factors can be detected as well, but if those changes are detected without the presence of alcohol or tampering, it is not a concern for the agent.

Judge John Brown asked what was thought to be the best timeline when incorporating SCRAM into treatment while on parole. Kerri Wagner believes 6 months of treatment followed by 3 months with the SCRAM unit gives a parolee the best chance for success while on parole.

Agenda Item Number Four: Update on the Closing of the Redfield Minimum Unit
(See handout)

Secretary Reisch explained that the Redfield Minimum Unit located on the grounds of the Redfield Developmental Center opened in 1996 while Governor Janklow was in office. The Department of Human Services made plans to build an addition at this location and asked the Department of Corrections to help financially. Secretary Reisch thought that due to space for the Developmental Center, fewer number of parolees from the Redfield area, higher need for a larger permanent facility in Rapid City and financially that the best option would be to transfer all inmates housed in Redfield to other facilities and close the unit. Efficiency and program availability for inmates were the biggest considerations in this decision. There are currently 130 inmates housed at Redfield, which is not a large enough number to justify the number of staff needed to keep a unit open. There is also enough room at all other DOC facilities to house these 130 inmates when transferred. DHS will also be able to utilize their current facility more effectively and provide more training and work opportunities for their clients once the inmates are no longer there.

Secretary Reisch also noted the importance of work release for minimum security offenders. In a small town such as Redfield, the opportunities for well-paying work release jobs for inmates are very limited. Locations such as Sioux Falls and Rapid City provide the best opportunities for work.

September 1st is the target date for closure, although nothing has been finalized. The DOC wanted to wait until the state fair was over to allow inmates in Redfield the opportunity to work there. In future years, inmates will likely be bused from other facilities to the area to continue working at the state fair. Secretary Reisch hopes to see more minimum unit facilities in the larger communities around the state in the future with more cooperation between state and county entities.

Secretary Resich, along with Laurie Feiler, Deputy Secretary, and Doug Weber, Warden of the South Dakota State Penitentiary, met with Redfield Minimum Unit staff and community members regarding the closure. The mayor of Redfield was disappointed but understanding with the decision. Fourteen DOC employees will lose their jobs, although the Department is working closely with them to get them rehired at other facilities or be hired by DHS in Redfield. Randy Christensen is already functioning in a dual role as the Redfield Unit Manager and as a parole agent in Aberdeen while Rod Grismer is on active duty, and Art Allcock has taken a Sergeant position at

the penitentiary in Sioux Falls. DHS is planning on hiring 16 new full-time employees in order to maintain their current facility.

Representative Pitts expressed approval with the decision, noting the benefits of the Developmental Center's kitchen having full-time employees instead of inmates filling these positions.

Representative Pitts asked how the DHS anticipates funding the additional 16 full time employees.

Secretary Reisch indicated the budget impact would in fact be minimal. One of the responsibilities of the DHS had been to feed the inmates 3 meals a day and provide basic onsite medical and dental care. They will no longer have these expenses once the inmates transfer. There will also be a cost reduction for utilities and trash services. It will likely be less than a \$20,000 impact on DHS, while the DOC will likely save a quarter-million per year due to the closure.

Chair Moore also noted the DHS will save money by not having to build an addition now that the facility houses strictly DHS clients.

Agenda Item Number Five: Update on Plans for the New Rapid City Minimum Unit
(See handout)

HB 1280 added 792 beds to the prison system, 200 of those were to be in Rapid City. There is a temporary 102 bed unit currently in Rapid City. The DOC wants to build a permanent minimum security facility in Rapid City, as a disproportionate amount of inmates sentenced to prison are from the Black Hills counties, many of which are minimum security.

Thirteen different sites were considered for the new facility, the first of which was adjacent to the landfill. Methane gas was found here beneath the surface; so instead, 15 acres were purchased east of Rapid City. An appraisal of this land showed a larger area to be in the flood plane than was originally disclosed. As a result, the sale was rescinded and the DOC received a full refund, plus interest. In the 2007 legislative session, a bill was presented that would purchase the temporary unit currently being used as well as 2 lots to its north. This was met with resistance from adjacent property owners, and the bill did not pass. The land immediately to the south of the landfill was then considered. A survey showed the land to be safe, so this location is the current plan.

Secretary Reisch presented a timeline for the opening of the new unit. The DOC hopes to have purchased the land and have site plans and construction estimates by the summer 2008. By fall 2008, they will seek approval from Governor Rounds and draft legislation. Construction bids will be opened by spring 2009 and they intend for the unit to be occupied by November 2010.

Secretary Reisch realizes the price of steel is rising and the cost to build will be considerable. The estimated cost was between 6 and 7 million when the project began in 2003, and it will now be significantly more. However, it is necessary for the community. There are plans for the Parole Services office in Rapid City and the Pennington County Jail to occupy the new facility as well in the future.

Chair Moore and Representative Pitts expressed their support in the ongoing project.

Agenda Item Number Six: Election of Commission Chairperson and Vice Chair

Chair Moore asked the DOC to provide copies of the Corrections Commission by-laws for each member prior to the next meeting and wishes to have all members present at the next meeting to

review and make any necessary revisions. Policy and Compliance Manager, Brady Kerkman noted the by-laws indicate the Commission Chair and Vice Chair should be elected in the spring on an annual basis, but they do not state Chair and Vice Chair cannot be re-elected.

Paul Aylward stated according to the by-laws the elections should be done at this meeting, though he would make the motion to retain the same members.

Representative Pitts preferred the elections happen at a later time.

Judge Brown also preferred the election take place when more of the Commission is available, and felt there was no need to change the Chair and Vice Chair at this time.

The election of Commission Chairperson and Vice Chair will occur at a future meeting.

Agenda Item Number Seven: Discussion on House Bill 1111 regarding Corrections Commission Annual Report Requirement

Chair Moore asked for thoughts from the Commission regarding the length and content of the annual report and for new ideas.

Representative Pitts believes a short but thorough report is beneficial but wants to include in the future a section of the trends in corrections the Commission are continually following.

Paul Aylward agreed with Representative Pitts and added that certain topics presented today such as South Dakota's higher incarceration rate in comparison to surrounding states should be included so that the legislature and Governor can be fully informed.

Chair Moore noted the decreasing prison population should also continue to be looked at, and whether or not it is due to the revised criminal code.

Representative Pitts indicated a well organized format including headers for these topics would help the legislature get a picture of what the Corrections Commission does.

Secretary Reisch informed the Commission the DOC is working on annual reports as well in which much of this data would be easily located and could be used in the Corrections Commission annual report.

Paul Aylward agreed to present at the next meeting regarding apprenticeship programs available for inmates. He had looked into programs in his area but had not found a lot of interest for companies hiring inmates for this reason. He did know of an excellent electrician apprenticeship that he would gladly discuss further.

Secretary Reisch stated he is currently looking into apprenticeship programs and has some affiliations with the Department of Labor. The Governor's Housing Program has also started apprenticeships. The commission may want to request Diana Miller to speak further about this at the next meeting.

Chair Moore asked Secretary Reisch if the DOC had any interest in providing training to county jailors, as the training currently provided is on-sight and not adequate for the levels or risk and security involved.

Secretary Reisch noted the DOC had been approached 1 ½ years ago with the same proposal, and Doug Weber, Warden of the South Dakota State Penitentiary had decided against it. Because the DOC has its own training academy, its training can be very specific and is always changing. Secretary Reisch also noted the differences between running a jail and a prison and that every county may follow different procedures. However, this topic should continue to be discussed. Secretary Reisch created a Corrections Review Team which inspects DOC facilities, but there are currently no minimum jails standards, which is a problem.

Chair Moore felt there should at least be an ongoing discussion regarding minimum jail standards.

Representative Pitts felt this is an issue the Commission can continue to look at, and from the judicial aspect as well.

Judge Brown inquired about the large number of Native Americans he has seen enter the court and prison systems and whether any work can be done with Tribal Liaisons in order to improve parole supervision in these communities.

Secretary Reisch explained the DOC currently works with Tribal Liaisons which provide expertise on specific tribal issues, although lack of clarity regarding cultural correctness is still an issue. The Commission may want to request that Mary Montoya and Jennifer Wagner be present at the next meeting to discuss this issue further.

Agenda Item Number Eight: Adjourn

The Commission discussed the following topics as possible points of discussion for the December 2008 meeting:

- Corrections Commission By-laws;
- Election of Commission Chair and Vice Chair;
- Apprenticeships Programs for Inmates;
- Partnerships between DOC and Tribal Liaisons and improving community supervision of Native Americans;
- The decreasing prison population and its possible correlation to the revised criminal codes;
- South Dakota's high incarceration rate;
- The structure and length of the Corrections Commission Annual Report and
- Minimum Jail Standards

The next meeting was tentatively scheduled for December 2, 2008. The meeting will be held in Sioux Falls at the Juvenile Community Corrections Center.

Representative Pitts made a motion to adjourn the meeting.

Second by Paul Aylward, the motion carried, meeting adjourned.