

CORRECTIONS COMMISSION MEETING  
SOUTH DAKOTA STATE PENITENTIARY  
3<sup>rd</sup> FLOOR CONFERENCE ROOM  
SIOUX FALLS, SD

AUGUST 20, 2003

1:00-2:30 P.M.

MEMBERS PRESENT:

Senator J.P. Duniphan, Commission Chairperson; Committee Members: Representative Quentin Burg, Judge Max Gors, Senator Garry Moore, Representative Bill Van Gerpen, and George Prest

MEMBERS ABSENT: Justice Zinter

OTHERS PRESENT: Tim Reisch, Secretary of Corrections; Kristi Bunkers, JCA Director of Classification/Community Services; Annie Mertz, LRC; Ed Ligtenberg, Parole Board Director; Doug Weber, Warden SDSP; Don Klassen, SDSP M-2 Coordinator; Larry and Lois Kaufman; Karen Rixstra; Emily Babcock; Nina Baney; and Donna Croft, aunt of inmate Charles DeNoyer.

The August 20, 2003, 1:00 p.m. Corrections Commission meeting was called to order by Senator Duniphan who stated there was a quorum present.

Motion by Senator Moore, second by Representative Van Gerpen to approve the minutes of the March 6, 2003 meeting; motion carried to approve the meeting minutes.

Membership update: Tom Roberts resigned from the Commission. The members expressed their appreciation of his service.

New board member, George Prest of Brookings, SD introduced himself. He owns a small manufacturing company for storage systems for warehouses. He received his degree from the University of Arizona in 1977 in correctional administration.

The Commission is two members short; members indicated that they hoped that the Governor would name new members in the near future. Senator Moore recommended that after hearing testimony the previous week in the summer interim study group on corrections, that a Native American be appointed to the commission. This would provide the opportunity to be represented in the activities that take place at the commission meetings and bring their concerns forward.

Update on the Interstate Compact: Mr. Ed Ligtenberg reported that the Interstate Commission for Adult Offender Supervision met on March 14, 2003. They will not meet again until after the rules committee has the rules together for the new Interstate Compact. Mr. Ligtenberg is the regional representative for the Midwest Region on the Commission and a member of the executive committee. They have had several telephonic meetings since March to organize face to face meetings and finalized the specific committee assignments. On June 5<sup>th</sup> & 6<sup>th</sup>, the standing committee of the Interstate Compact met in Lexington, KY to set up the committees for rules, compliance, information/technology, finance, training/education, and public information, executive and a search committee. Mr. Ligtenberg was placed on the finance committee in addition to the executive committee. The search committee has been interviewing persons for the executive director's position and based on their recommendation Don

Blackburn from Utah will begin the duties of executive director on September 1. Mississippi, Massachusetts, New York, and Virginia are the only states that have not joined in the interstate compact agreement; there is more resistance in the Eastern states to join. The rules committee will have the rules and compliance regulations posted on-line in September or October for ratification at the November 2<sup>nd</sup> meeting in Little Rock, AK.

Update on Juvenile Re-entry Grant: Report by Kristi Bunkers. The purpose of the project is to focus on 14-19 year old high-risk youth targeting the areas of Rapid City, Sioux Falls, and Sisseton. We are using the national model to prepare youth to return to their communities. Sisseton was chosen because currently they have 42 high-risk youth in programs and the area has a population of 91% Native American. We are developing community-based services especially for Sisseton. Dr. Armstrong with other consultants is coming to SD in September to lead seminar/meetings. Tim O'Daniel from the Minnesota DOC, formerly from the Rapid City area, has been hired as the project director. A supplemental grant for \$89,000 was applied for to provide mental health services for the Native American population in Rapid City and Sisseton. The issue of lining up foster care, especially foster care families for Native Americans, was discussed. The purpose of this grant is to work with families and juveniles to prevent recidivism.

Update on Construction Projects: Report by DOC Secretary Tim Reisch. With the federal monies we have received we plan to build another 192-bed pod at Jameson, add 400 beds at Mike Durfee State Prison (MDSP), and a 200 bed trusty unit in the Rapid City area. With the awarding of federal dollars come requirements that need to be met, at this time we need to finish an environmental impact study statement to proceed. Potential sites have been looked at in Rapid City; we've run into roadblocks at the DOT site because of methane gas. We have looked at a site in Box Elder but at the first meeting, the city council was not receptive to the idea. It was suggested that the Box Elder community leaders contact the civic leaders in Yankton since that community has two minimum-security facilities. A private property owner has contacted us who has offered to sell six acres of land. We have had an offer from the northern Black Hills area but we would like to stay close to Rapid City because 25% of the inmates would be on work release and 75% on community service work and need to be close to the work areas. The site utilities have been completed in Sioux Falls.

Update on the Adult Sentencing Task Force: The Governor has appointed judges, legislators, and victim advocates to the task force. They are looking at alternatives to sentencing, what programming needs are available, commutations, etc. There is a need for jobs, treatment after incarceration, affordable housing close to jobs and not in the area where they have offended, and the need for money for use as incentives to employers, to supplement pay, and provide jobs.

Update on Implementation of State's Participation in JJDP: SB202 and SB8 of the 2003 session. The use of adult jails for juveniles has to be reduced to no longer than 48 hours. For the juvenile there needs to be sight and sound separation from adults. A CHIN is never to be placed in a jail setting; they can be placed in an approved juvenile facility for up to 48 hours. South Dakota is in and out of compliance; at this time, we are compliant. It is the county's responsibility to ensure the correct placement; jails are no longer approved locations, until adjudicated to the juvenile system. There is federal money available to make adjustment to the facilities plus the rural areas have money available to them.

SDDOC has made adjustments to their co-location in Custer by time sequence for recreation times and fencing. The DOC is looking for a suitable site for a corrections center in the Rapid City area. We are doing the compliance monitoring and need to report to the federal government any problems and remedy them. Dr. Susan Randall from Sioux Falls is working with us on this project. The committee requested a list of people on the JJDP committee and a list of the approved/compliant facilities.

### Update Sunset Committee: Report by DOC Secretary Tim Reisch

The DOC staff briefed the committee members on its work. The committee members zeroed in on items it wanted to target. The South Dakota Women's Prison (SDWP) was toured. There was a time of testimony from interested persons. Items reviewed were: Program Evaluation Aftercare presented by Steve O'Neill from DHS and Ed Latessa from the University of Cincinnati; Minority Concerns: what we do for minorities, decision to learn more about minorities, looking for more minorities for employment, learn more from our Native American employees, and the DOC Secretary to visit the reservations to learn about their culture.

Juvenile Justice and the Plankinton facility: Cornell Corporation looking into the possibility of being the program provider, details are still being worked out. It would be a private operation but they would need to comply with DSS licensing. They would target youth sent out of state for placement. The Medicaid details also need to be worked out. The question of how to resolve the difference in cost/rate for services for in-state and out-of-state placement; at the present time Our Home charges \$179 and out-of-state placement averages \$211; the rates are set by DOSS. A concern was raised that we have no guarantees that the out-of-state placements or the Cornell placements would be best.

The question was raised if the juvenile prison of the Plankinton facility could be used a regional prison/detention center for pre-judicated youth, if there was interest from the counties. It was reported that the Cornell people had invited the sheriffs for a meeting to discuss the need for such a facility.

### Other Business:

Senator Burg asked if the Governor's Housing program would be better served by having it under the Prison Industries. It will be explored and update/report will be given at the next meeting. Mr. Reisch stated it may be good to go slow on change; things are going well. Mr. Zylstra, Prison Industries Director, is exploring possibilities for other private sector employers to come into the facility. It was asked if the Home Builders Association could/would come in to train the inmates as journeyman; a question that would need to be raised with that organization.

Members of the Commission that toured the complex in the morning were complimentary as to the excellent condition, color-softened atmosphere and the attitude of staff.

Next meeting set for the December date for the Governor's budget address in Pierre.

