

**Corrections Commission Meeting  
State Penitentiary, Sioux Falls  
Conference Room (3<sup>rd</sup> Floor)  
August 16, 2011**

**(Approved Minutes)**

**8:00 a.m. Convene**

**Members Present:** Senator Craig Tieszen, chairman, Senator Jim Bradford, Representative Lance Carson, vice chair, Judge Patricia Riepel, Representative Larry Lucas, Mark Anderson and Brad Drake.

**DOC Staff Present:** Dennis Kaemingk – Secretary of Corrections, Laurie Feiler – Deputy Secretary, Aaron Miller – Policy & Compliance Manager, Michael Winder – Communications & Information Manager, Douglas Weber – Director of Prison Operations, Ed Ligtenberg – Executive Director, Board of Pardons & Paroles, Pat Pardy – Senior Staff Attorney, Jen Wagner – Associate Warden.

**Members Absent:** Judge John Brown

**Review/Approval of Minutes – Introduction – New Commissioner Orientation:**

Chairman/Senator Craig Tieszen called meeting to order at 8:30 am. Senator Tieszen moved to review and approve minutes of the March 28, 2011 Corrections Commission meeting. The motion was seconded by Representative Lance Carson. The motion carried and the minutes from the March 2011 Commission meeting were approved. Introductions were made by the Commission members and Secretary of Corrections, Dennis Kaemingk. New commissioner orientation was discussed by Senator Tieszen. Senator Tieszen commented he would like future meetings scheduled further in advance to help accommodate the busy schedules of the commissioners. The next Commission meeting will take place in Pierre during October and will likely be held at the Women's Prison. Senator Tieszen requested the Commission also meet in conjunction with parole hearings and participate in a half day training on inmate classification and parole, tentatively scheduled for November 16<sup>th</sup> and 17<sup>th</sup>.

**Adult Reentry:**

Deputy Secretary Laurie Feiler discussed Adult Reentry Initiatives, along with the recidivism rate. Statistics were provided to show recidivism rates historically at 12, 24 and 36 months from release.

Deputy Secretary Feiler discussed the target percentages to reach a 50% recidivism reduction goal in five years. Different practices utilized to improve recidivism and reentry was discussed. The 2<sup>nd</sup> Chance Act Grant was highlighted as a significant tool with the Adult Reentry Initiative. Deputy Secretary Feiler reviewed grant funding which will very likely be approved.

Deputy Secretary Feiler reviewed the institutional and community based components of the reentry initiative and discussed the importance of planning for release almost as soon as the offender comes to prison.

Senator Jim Bradford inquired if it was considered recidivism if the offender was incarcerated in a federal system and then came into the state system. Deputy Secretary Feiler responded the department measures recidivism as a return to the SD DOC system.

Senator Bradford also inquired about the housing available to those released on parole or released from the DOC and why less help is offered to individuals who are assessed as being low

risk offenders. Deputy Secretary Feiler explained not every program is right for everyone and they need to focus on the programs an individual actually needs and centralize their focus on high risk offenders.

Representative Carson inquired about the correlation between offenders with less sentencing time vs. more sentencing time in comparison to recidivism. Deputy Secretary Feiler indicated availability of statistics by crime but not specifically on sentence.

Mark Anderson asked if the Department of Corrections felt they were using jobs available to inmates in the institutions to train for jobs they will be able to do when they are released from prison. Deputy Secretary Feiler indicated the jobs the inmates are performing in the institutions can help the locate employment when they leave the prison. The inmates at Mike Durfee and in minimum security units generally have shorter sentences and will be out earlier and thus there are several job training programs offered to them.

Judge Patricia Riepel asked if the inmates are using the training they have received once they get out. Deputy Secretary Feiler stated that based on outcomes from the Governor's Housing Program, some inmates are employed in comparable trades upon release.

Senator Bradford asked how job searches compare for women and whether or not it was harder for the females to find work upon release. Deputy Secretary Feiler stated she does not have a lot of firsthand knowledge on those numbers but does feel they typically find work, although the wages can be lower than males due to the types of jobs they receive.

Representative Larry Lucas inquired about what some short terms goals might be besides the Second Chance Act Grant. Deputy Secretary Feiler addressed this by saying the monthly metrics on parole violations would be an example of tracking an interim goal or short term goal.

Judge Riepel reported she feels the reentry program helps give offenders life skills they do not seem to have prior to their entry into the system, even with the simple things that are big for them, things non-offenders take for granted.

#### **Adult Institution Population:**

Presentation presented by Deputy Secretary Feiler.

Deputy Secretary Feiler reviewed the adult prison population and indicated a slight decrease in FY 2010 to FY 2011. There was a reduction in admissions for parole violation for male and female offenders; while new admissions for males were slightly-higher. New admissions for females were significantly higher.

Senator Tieszen inquired if it was believed the population will remain level or increase. Deputy Secretary Feiler responded she feels the overall adult population will remain fairly consistent with the DOC's projections.

Brad Drake asked why there was a 20% increase in prison population but a 90% increase in parole population. Deputy Secretary Feiler responded that statutory changes in good time and the parole system impacted the number of offenders on parole and the length of time they serve on parole.

Senator Jim Bradford asked about new admission breakdown by race, specifically Native American. Deputy Secretary Feiler estimated about 38% of the female population is Native American, and 28% of the males are Native American.

#### **Human Resources Information:**

Senator Tieszen shared he had requested a discussion and report regarding the hiring practices and employment at the Penitentiary, including retention, training and turn over. This information is

not quite ready so the presentation will not take place at this meeting. There will be a full discussion prior to this year's budget meeting. This issue will be addressed at the Commission's October meeting.

Senator Bradford inquired about cameras being in areas where staff is alone with multiple inmates. Secretary Kaemingk indicated this would be addressed a little later in the meeting during the discussion of the Berget/Robert escape attempt.

The Commission members asked for information on staffing revenue sources; Judge Pat Riepel asked to see future staff hiring plans and Mark Anderson inquired about the lack of raises in 3 (three) years a corrective action and if profits from Private Sector Prison Industries was applied to staff wages.

**Officer Johnson Homicide and Berget/Robert Attempted Escape:**

Presentation by Director of Prison Operations/Warden, Doug Weber and Secretary of Corrections Dennis Kaemingk.

Warden Doug Weber briefed the Commission on the homicide of Senior Correctional Officer (SCO) Ronald Johnson and the escape attempt by inmates Rodney Berget and Eric Robert. The May 9, 2011 After Incident Report was used as a briefing document. Warden Weber spoke about how he felt the attempted escape would have happened that day regardless of who the officer was working in the Prison Industries Building. The State Penitentiary has both less-than-lethal and lethal force weapons. During this incident, no clear opportunities were presented for a shot to be taken without risking injury to staff or other innocent bystanders. Warden Weber indicated he fully supported his staff's decision to not fire. Inmates Robert & Berget were transported to Minnehaha County Jail at law enforcement's request and have been held there since the incident. They will remain there until after their trial/sentencing. They will be transported back to the State Penitentiary and housed at the Jameson Annex.

The Department of Corrections utilizes a classification system which assigns points based on various past behavior. This includes escape behavior; whether they have escaped, attempted to escape or absconded from parole. There are numbers of offenders in prison with escape points who participate in programs, are out of cells for meals, recreation and so on. Warden Weber stated most days all these activities go very well. There are well trained, professional staff working at the Penitentiary who know what they are doing and do their jobs very well. Many inmates have jobs in the facility. Inmate labor is heavily relied upon for certain jobs like cleaning, maintaining the yard, laundry and cooking meals. It is not constitutional to keep inmates locked up in their cells for 24 hours a day, with the exception of inmates on administrative segregation status. Even these inmates are reviewed every 90 days. It is important to always be aware of what is going on know who is in Administrative Segregation, why they are there and how long they have been there. The hope is their time on Administrative Segregation is successful. Warden Weber stated he takes the business and security of the prison very seriously and he has preached since he became an Associate Warden that the staff is in charge and never to let inmates control the facility. He considers himself a hands-on Warden. He is in every unit every day, he knows his staff and he knows the inmates. He conducts formal and informal inspections and watches over meals as he feels this is a good time to assess inmate moods and detect problems in the inmate population. SD received National Institute of Corrections (NIC) training on prison security audits. These audits are conducted by the SD DOC quarterly throughout the state. While not every facility is done quarterly, each one is certainly done annually. This is a big part of the security preparedness at the Penitentiary.

Warden Doug Weber discussed inmate Robert's and Berget's classification levels and job responsibilities as referred to the After Incident Report. Both inmates were classified as maximum security inmates. The Penitentiary and Jameson are set up to house high medium and maximum custody inmates. There are all classifications of inmates housed at both facilities due to AIMS codes, separation requirements and other reasons. Inmates Robert and Berget were both being

housed at the Penitentiary per senior management decision. This was something the Associate Wardens and Warden Weber had agreed on. The Penitentiary is a secure and sound facility that has worked well for a long time and will continue to work well in the future. There was nothing in either inmate's file that should have kept them from working. Neither inmate had ever threatened staff previously. If an inmate shows an aggressive attitude or behavior they are placed in Administrative Segregation. Warden Weber stated his staff are well trained, professionals that are held to high standards and accountabilities and they meet those expectations every day.

Warden Weber discussed the staff to inmate ratio which is 1 officer to 5.16 inmates. When considering all DOC staff, the ration is 1 staff member to every 4.2 inmates, which is lower than the national average. There is a total number of staff that needs to be hired to manage the inmates. Those resources are placed in the best possible places, such as particular posts and particular shifts. The capacity of such post that needs to be covered and the busiest times of the day for coverage must be considered. Situations such as vacations, illness and military leave contribute to lowering staffing levels on particular days. However, minimum staff levels are set for posts and security staff does what it needs to assure coverage. Unit management staff also works on the housing units but they are not counted in the minimum number of staff required to cover a post. They are there in addition to those uniformed officers and have received the same amount of training as uniformed officers. Every staff member working at the prison supervises inmates. Security is the most important job responsibility of all who work in the prison, regardless of rank and position.

Warden Weber referred to the After Incident Report, specifically pages 16-18 and spoke to all the recommendations implemented after the incident occurred and the dates each change was implemented. He again emphasized inmates Robert and Berget would not have escaped or made it past the outside perimeter gate. The Penitentiary never stops improving operations and communication. Warden Weber has spoken with Scott Frakes, the Warden for Washington State Penitentiary, who lost a female officer at his facility. They both believe no matter how hard a department tries and regardless of the policies and procedures in place, there is the potential for these disasters to occur. There are single person posts, which are locations where no other staff or volunteers are within visual or audible range and that are in an area accessible to offenders. The Penitentiary has six (6) single person posts. Some of these are outside the Jameson perimeter and involve staff involved in vehicle patrols. A radio is being purchased that will be issued to each single person post in Sioux Falls, Springfield and the Women's Prison in Pierre. The radio will have an emergency button that can be pressed that will signal a transmitter in the control room. The control room staff can then announce the location where staff needs to respond. Safety checks for single person posts are also required every 30 minutes and are logged.

Secretary Kaemingk added that a complete review was conducted regarding the policies and rules and how they apply to the incident. None were violated. He indicated heroism by the tower officer for not letting the inmates out of the gate and that staff preformed as they were trained. Secretary Kaemingk also shared Corporal Matthew Freeburg will be awarded the Bronze Medal of Honor Award from the American Correctional Officers Association in October. He stated staff and most inmates have respect for Warden Weber and the Warden's experience leading the institution. The NIC, National Institute of Corrections will be coming to the Penitentiary on September 6<sup>th</sup> to conduct a security review.

Senator Bradford asked if the additional cameras that were placed are monitored. Warden Weber answered they are monitored in several areas throughout the prison but he would prefer not to discuss the specific locations due to the meeting minutes being public. He does not want the inmates to know the locations from which the cameras are monitored.

Senator Bradford stated he observed good rapport between Warden Weber and the prison population. He wondered whether Warden Weber felt the inmates worry about a ripple effect of being punished for the actions of the two inmates. Warden Weber stated it is well known that one

or two guys can cause certain changes or effects within the inmate population; however, he does not believe this is the case in this situation. He stated he has good rapport with the inmates because he will hear them out and listen to them. However, he also will do what he must to protect staff and the inmates. He stated the vast majority of inmates would like to do their time and get out, but there are some who cause problems and they are the challenge.

Representative Lance Carson asked how often there is a lockdown. Warden Weber answered these are rare. Prior to the April 12<sup>th</sup> incident, the last lockdown was approximately 13 years ago. The prison was locked down after the attempted escape to get a handle on what had occurred and to assess what steps needed to be implemented to maintain the security of the institution.

Representative Carson inquired if inmate routines change on Saturdays. Warden Weber stated there is no work done in the Pheasantland Industries Building on Saturdays; otherwise, the movement and management are similar on the weekend as during the week; with the same accountability and standards applied.

Representative Carson asked if everybody is locked down during the night. Warden Weber stated the inmates are locked down at 8:45 pm on weekdays and 6:00 pm on weekends. Inmates do not come out of their cell after that time, except in certain situations and at the discretion of the officers.

Representative Carson inquired about the hiring policy and how it works; whether staff is constantly trained or if they are trained as a class. Warden Weber responded the Department of Corrections is allowed a certain number of full-time employees and all must complete a 3-week pre-service class. After this, they move inside for a mentorship program before being assigned a post. There is not constant hiring. All newly hired staff must complete the pre-service classes.

Representative Lucas asked if any fire codes are being violated since minimizing the number of access points within the facility. Warden Weber answered that no codes are being violated and the State Fire Marshal's office was consulted with regards to the changes. Additionally there are fire evacuation plans in place for all units.

Mark Anderson asked if all box carts and empty boxes had been removed, or access more closely monitored so inmates cannot access these. Warden Weber answered they have not been removed as they serve an essential purpose within the facility. Carts are monitored and controlled to the absolute best of staff's ability. Cardboard boxes are used in several places throughout the facility and for Pheasantland Industries.

Mark Anderson asked about Robert and Berget both being from Meade County and whether any consideration was taken whether the two inmates were friends and had plotted this escape together because of being from the same area. Mark also asked if there was something in the classification process that could have prevented this from occurring. Warden Weber stated there is no indication the two had any connection or history together prior to their entering the corrections system. Inmates from the same area or town are not typically separated unless the DOC is made aware of issues by the court or if the inmates are rival gang members or if there are concerns about an inmate's safety in a certain housing area.

Mark Anderson asked if there is some point in an inmate's sentence that they may be more likely to try to escape. Warden Weber stated our assessment seems to show some inmates tend to be less problematic as they grow older. However, inmates may have a bad week or something may happen that sets them off or causes them to act in a negative manner or to do something they may not normally do.

Judge Patricia Riepel asked for a clarification between the different ratios given for staff ratios. Warden Weber stated one ratio included only uniformed staff/officers and the other ratio included all DOC staff.

Senator Tieszen asked how someone in a situation like this would sound an alarm and how long it would take to receive assistance. Warden Doug Weber stated in this particular situation, the call went out by radio as a code red, code three by the officers at the gate. It took less than one minute for responders to respond to the scene and to assist Corporal Freeburg and secure inmate Robert and Berget.

Senator Tieszen inquired about how long it took to discover Senior Correctional Officer Johnson. Warden Weber responded that it took approximately 8-10 minutes to locate SCO Johnson.

Senator Tieszen asked how many prisoners are maximum custody inmates at SDSP . Warden Weber replied he believes there are approximately 146. Secretary of Corrections Kaemingk added that 2/3 of the inmates have a violent history and 1/3 has an escape history.

Questions and comments were opened to the public.

Lynette Johnson commented the ratio given was done with the incident report and she wanted to know if that ratio will continue to be used since staff has left since then. Warden Weber stated the ratio can vary some in certain posts. There will always be turnover and there are often open positions; the prison has 3-4 classes a year for new hires. The staff- to- inmate ratio during some weeks or months may vary slightly depending on the staffing level at the facility during a particular time.

Senator Tieszen asked if there was significant turnover since the event occurred. Warden Doug Weber stated there had not been an increase in turnover and only one person stated during the exit interview that they were leaving because of what happened. Typically there is turn over during the summer months. Warden Weber stated he was very concerned about how staff and inmates would react after the incident took place. Only three inmates made inappropriate remarks after the incident and all three were locked up. The majority of inmates were respectful and sorry for what happened and shared sympathy for Ron's family.

Lynette Johnson asked if there were nine (9) other staff around in the PI Building when Ron was murdered, where were these people and why didn't they hear anything? Warden Weber answered by explaining each supervisor is assigned to a shop. Ron's office was back in the store room, near the area where he was murdered. The assault was brutal and Warden Weber believes Ron was likely unconscious after the first blow and was unable to call for help. Warden Weber does not believe any of the other PI Staff could have prevented this attack. Their plan that day was to do what they had planned and to escape.

Lynette Johnson commented that the classification of inmates was up to the senior staff and they could choose to override the classification that is determined by Unit Management. Lynette requested this be looked into and changed. Warden Weber stated the policy identifies facilities and the custody level at each. No warden has overridden a maximum security classification and allowed a max. inmate to live in a facility that was not appropriate for their custody level. He explained staff have the option to classify up or down one level. Staff is able to adjust an inmate's custody level based on certain information.

Russ Freeburg questioned the starting pay of Correctional Officers of twelve dollars an hour when the national average is eighteen dollars an hour. He questioned where the money comes from and if better pay could help solve some of the problems. Senator Tieszen responded these are issues that will be discussed during the October meeting, after the Commission receives the personnel report.

Russ Freeburg asked about where employees are supposed to go with a complaint, without fearing they may lose their job. Warden Weber responded by saying he encourages employees to bring complaints forward through their chain of command. If they wish, the Bureau of

Personnel can address problems if staff feels the DOC is not handling these appropriately. Complaints are handled and filed by the onsite Human Resource Manager. A meeting is scheduled. If the issue is not resolved, it can be brought to the Secretary of Corrections. Grievances can also be heard and addressed by the Career Service Commission. Warden Weber mentioned having monthly all-staff meetings to encourage communication. Senator Craig Tieszen responded to Russ Freeburg by asking him if he is aware of a situation where an employee has brought forward an issue and been retaliated against. Russ answered he was unaware of such a specific situation but he feels it may be an issue and a concern for officers.

**James McVay Parole Absconding:**

Presentation by Secretary Kaemingk and Deputy Secretary Feiler with additional information presented by the Executive Director of the Board of Pardons and Parole, Ed Ligtenberg and Communications and Information Manager Michael Winder.

Deputy Secretary Feiler briefed from the After Incident Report, dated August 12, 2011. She covered McVay's background, criminal history, and his dates of incarceration and where they were spent along with his dates of escaping/absconding. She explained the difference between 1<sup>st</sup> Degree Escape and 2<sup>nd</sup> Degree Escape. 2<sup>nd</sup> Degree Escape is failing to return to a nonsecure facility. Deputy Secretary Feiler referred to the report when discussing how release to parole was determined and the procedures in place to determine if an inmate should be placed on parole. The Department of Corrections and Board of Pardons and Parole determined James McVay's compliance, based on the information in his file. However, the records were incomplete. When the Nebraska Department of Corrections and Services did send the information, there was nothing in the file that would have made McVay noncompliant. Deputy Secretary Feiler also referred to the report while explaining McVay's mental health status and treatment and about the Secret Service's contact with McVay prior to his placement in the custody of the Nebraska DOC. There was nothing to indicate McVay was noncompliant and the Secret Service stated their case on McVay had been closed.

Deputy Secretary Feiler referred to the After Incident Report while explaining the Community Transition Program (CTP), what it does, and how it works. The CTP program is offered in Sioux Falls, Yankton and in Pierre at the Women's Prison and is used in lieu of a parole violation. When an offender is first placed on CTP, they are restricted to the grounds for approximately 3 days while programming is completed. About 75% of offenders have successfully completed CTP, and 65% of the 75% are still in the community on parole or have discharged from parole. There are 2 groups of offenders housed at Unit C. Inmates who are housed there and those inmates on CTP. If an inmate walks away, law enforcement is contacted. However, if an inmate on CTP walks away, it is the parole agent's discretion whether or not to issue an Attempt To Locate (ATL).

Deputy Secretary Feiler referred to the report regarding state caseloads and stats. The Department of Corrections is involved with the Interstate Compact System, which allows states to "swap" inmates so an inmate has the opportunity to release to parole and be closer to their family. An Interstate Compact may also be used to address safety or security issues involving a certain parolee or inmate. There are inmates that are serving time in other states that are termed "concurrent sentences elsewhere" (CSE), these inmates have a sentence in another jurisdiction as well as their SD time. Both sentences are running concurrently even though the offender is not in the custody of the SD DOC. McVay was a CSE case. It is difficult to develop an Individual Program Directive (IDP) for inmates serving time elsewhere; however, there are state statutes that provide information on how to handle a parole hearing when an inmate is in another state.

Deputy Secretary Feiler referenced the After Action Report while explaining the actions that have been taken following the McVay walk away. While it is preferred that an inmate be housed in general population prior to being released, this is not always possible. If an inmate is in general population and they commit a major rule violation, they may be placed back in disciplinary segregation or admin. segregation. Some inmates will be moved directly from disciplinary segregation back into the community. In cases where staff has concerns about an individual who

is returning to the community, the Department of Corrections may inform local law enforcement so they are aware the person is coming back to their area and will be in the community.

Secretary of Corrections Kaemingk introduced the Executive Director of the Board of Pardons and Parole, Ed Ligtenberg and explained his role in the DOC. Ed Ligtenberg discussed the discretion a parole agent has in the field when supervising a parolee and the instruments they use to measure if an offender is a risk to public safety. Staff conduct file reviews so they are familiar with the offender. The parole agent will make notes of things that need to be monitored after the file review. Executive Director Ligtenberg talked about State Radio being a valuable tool. The parole population is uploaded to state radio along with the parole agent assigned to that parolee. If a parolee violates their conditions of parole, this can be reported to the agent. They have implemented the process for when a CTP offender confined to the grounds leaves the facility without permission. If this occurs, State Radio will be notified, who will in turn will notify law enforcement.

Communication and Information Manager Michael Winder discussed Nixle and how the DOC can utilize this service to inform individuals who sign up for the service about different events and situations taking place. Cell phone numbers and email addresses are loaded into the system . If there is a walk away, escape, disturbance or other information the DOC wants to notify the public of, DOC staff can contact him and he will place this notice/information on Nixle.com. This will notify all the people who have signed up for the service; via text and email, about what is happening rather than them having to wait for the media to release the information. One advantage is this would be an immediate notice. The service allows the DOC to select a designated radius where the notice would be received. Alerts and advisories may be sent via Nixle and may include photos or streaming video. Nixle is used by many law enforcement agencies across the state. Those accessing the service will establish a user name, password, address, and how they would like to be notified, i.e. land line phone, cell phone, e-mail. The DOC will issue a press release describing how the public may access this service at a later date.

Representative Larry Lucas asked if the DOC knows someone is a career criminal, can their criminal history be used to give them a higher profile. Deputy Secretary Feiler responded in McVay's case, he was in for burglary, grand theft, possession of a controlled substance and escape; however, his profile did not indicate he was violent or that he had a history of violence. Criminal history is only one of many measurement tools used to classify an inmate.

Representative Larry Lucas asked if we can use GPS monitoring on a parolee if we can get a clear indication they are a career criminal or a certain custody level. Deputy Secretary Feiler answered GPS monitoring is used quite often but hundreds of individuals would be on monitoring if we used this for all the parolees who had a custody level the was the same as McVay's.

Judge Riepel asked if having a mental illness of some sort is common within the population. Deputy Secretary Feiler answered that approximately 25% of the inmate population have an indication of some level of mental illness.

Judge Riepel asked if she would be accurate in saying that with this type of knowledge, our decision to release McVay to parole would have remained the same. Deputy Secretary Feiler and Secretary of Corrections Dennis Kaemingk answered that would be correct.

Judge Riepel asked when Mcvay came to SD DOC and when he was supposed to be released for parole. Whether the time was an additional 45 days that McVay still owed to the SD DOC that we held him for. Secretary of Corrections Kaemingk answered that was correct. Secretary Kaemingk stated CTP placement was not appropriate at that initial time so adding the additional 45 days McVay had to serve helped prolong his time in general population until CTP was appropriate.

Judge Riepel asked if there were any violations of policy and procedure identified following the department's review of McVay's time in the DOC. Deputy Secretary Feiler and Secretary of Corrections Dennis Kaemingk answered that policy and procedure was followed but the DOC had identified some changes and improvements they will be implementing as a result of their review.

Senator Jim Bradford inquired about how descriptive an interviewer gets with an offender about his crime. Deputy Secretary Feiler answered that if McVay's crime of grand theft had been committed when someone was present, this may have changed his crime from non-violent to violent, which would have had an impact on his classification level and possibly the amount of time he had to serve.

Senator Tieszen commented he felt staff is on the right track with regard to how they will share information with the public about escapees/absconders and he feels Nixle is beneficial and helpful; however, it is unlikely that releasing this information would have prevented McVay from committing the crimes he committed. Senator Tieszen commented about the lack of communication that can occur between agencies and the importance of sharing information when an agency asks for information from another agency. In this case, the SD DOC was not at fault because they asked the Nebraska Department of Corrections repeatedly for information and this was not shared. In the end, it is unclear whether there was information in the report that would have impacted the manner which McVay's sentence was applied. It is unacceptable for one agency to not share information to another when it could be helpful to both agencies. Information sharing is key to successful business. Senator Tieszen thanked the DOC for the information and expressed his appreciation to all who attended the meeting.

**Determine Date/Time/Location for the Next Meeting:**

The next meeting will be held in October at the SD Women's Prison in Pierre.

**Adjourn:**

Senator Tieszen made a motion for the meeting to adjourn. Motion was seconded by Judge Riepel, motion carried. Meeting adjourned at 1p.m.