

CORRECTIONS COMMISSION MEETING

Multi-Purpose Room  
South Dakota Women's Prison  
Pierre, South Dakota  
January 9, 2006  
1:00 PM

Members Present: Senator J.P. Duniphan, Commission Chairperson; Committee Members: Representative Casey Murschel, Representative Pat Haley and Judge Max Gors.

Members Absent: Justice Steven Zinter, Senator Garry Moore, Brad Drake, George Prest and Paul Aylward.

Others Present: Secretary of Corrections Tim Reisch, Deputy Secretary of Corrections Laurie Feiler, Senator Clarence Kooistra, Doug Herrmann, John Ellis, Kim Olson, Annie Mehlhaff, Michael Winder, David Schiefen and Tina LaRosh.

Agenda Item Number One: Approval of Minutes from the Previous Meeting

The meeting was called to order by Senator Duniphan and a quorum was not present.

Senator Moore had notified Senator Duniphan earlier he would be unable to attend the Corrections Commission meeting due to a Government Operations and Audit Committee GOAC meeting at the same time.

The minutes of the December 22, 2005 meeting could not be approved because a quorum was not present.

Agenda Item Number Two: Update on Proposed Changes to SDCL 24-13-1

Senator Kooistra provided the Commission with an update on the bill he is submitting to the 2006 legislature (see attached handout). His proposed legislation would add two members to the Parole Board. One of the additional members would have to be a member of a federally recognized Indian tribe and a resident of South Dakota, while the other additional member would have to be a mental health professional. Senator Kooistra requested that the Commission endorse his bill.

Representative Murschel asked why it was not stated that the Native American be a member of a South Dakota Indian tribe. Senator Kooistra explained that the language in the proposed bill just requires the new member be a resident of South Dakota, but potentially allows this person to be a member of a tribe located outside of South Dakota. Senator Kooistra noted the language could be changed to require this person to be a resident of South Dakota and a member of a South Dakota Indian tribe.

Representative Haley asked why the Native American would be appointed by the Governor and the mental health professional would be appointed by the Attorney General. He thought it could create a bias by having the mental health professional chosen by the Attorney General. Senator Kooistra agreed with Representative Haley and suggested the mental health professional be chosen by the Supreme Court.

Representative Murschel asked if the Parole Board requested an increase in the number of members. Senator Kooistra stated he has not received direct input from the Board requesting additional members. However, Senator Kooistra stated that the number of cases the Board sees each year has doubled in the last five years. He feels that the numbers warrant additional members.

Judge Gors said he was previously on the Parole Board at a time when there was a three person membership. The Board has since increased from three to six, and now to nine. He believes they should leave it at nine members unless the Board requests an increase. He went on to say that with a larger group you lose the consistency that you would have with a smaller group. Judge Gors suggested the next time an appointment must be made to the Parole Board that they appoint a Native American.

Senator Dunaphin asked if Senator Kooistra would consider amending his bill to incorporate the suggestions from Judge Gors.

Kim Olson stated that Governor Rounds agreed with having a Native American on the Parole Board, but has not stated either way about adding a mental health professional. On the overall topic of increasing the number of Parole Board members, Olson said she would look to the Department of Corrections for input as they work with the Board on a more consistent basis.

Deputy Secretary Feiler said that by increasing the number of members, the Parole Board is reaching the point where consistency, organization, training, and policy work becomes more complex. Deputy Feiler is unsure if there would be enough benefits from adding members to counter balance the complexity of the consistency, organization, training and policy work issues.

Senator Dunaphin stated that since a quorum was not present there would be no vote, but she appreciated Senator Kooistra presenting the bill to the Commission.

### Agenda Item Number Three: Juvenile Corrections Monitor

John Ellis was introduced and gave us a brief overview of his duties as Juvenile Corrections Monitor.

Representative Haley asked John Ellis how the guardians perceived him. Ellis stated that he doesn't receive many comments from them, but the comments he has received are from those guardians who said they appreciated his feedback.

Representative Haley asked how the juveniles viewed his position. John Ellis stated that he visits with them and makes himself available. He said they stop in to see him and no one has expressed their concern.

### Agenda Item Number Four: Performance Based Standards (PbS)

Doug Herrmann explained that Performance based Standards ensure policy compliance and evaluate program performance (see handouts). Herrmann noted that the PbS program was recently recognized with the Innovations of American Government award from Harvard University. Herrmann said other states come to South Dakota juvenile corrections' officials for technical assistance with the PbS program. Herrmann noted there are currently 30 states and 158 facilities that participate in this program. He said PbS allows the Department of Corrections to look at a set of indicators and put plans in place to ensure the juvenile program improves on those set of indicators.

### Agenda Item Number Five: Overview of STAR Academy Programs

Doug Herrmann explained to the Commission that the STAR Academy uses evidence based principles that provide strong guidance of where the STAR Academy and Department of Corrections are going in the future (see handout). Evidence Based Principals help to target and reduce recidivism.

Representative Haley asked how our recidivism rates compared nationally.

Doug Herrmann said that we struggle nationally to come up with a standard definition of recidivism, but the DOC looked at other states whose definition was similar to ours. Of the juveniles that ended up in adult corrections within three years, South Dakota had a 14.4% recidivism rate, Maryland had a 30% recidivism rate and Texas had a 49% recidivism rate. Herrmann explained that the South Dakota numbers do not capture every youth that left the Department of Corrections Juvenile Division as we do not know about those who may have moved to another state. The handout lists the various programs available from the STAR Academy.

### Agenda Item Number Six: Sex Offender Legislation Update

Deputy Secretary Feiler said she didn't have any updated information on the sex offender legislation at this time. There will be four bills: a Governor's special appropriations bill, two legislative sponsored bills, and a Governor's bill dealing with high risk and recidivist sex offenders.

A discussion took place about lifetime registration requirements for certain sex offenders and terminating sex offender registration under specific circumstances. Representative Murschel asked if it were possible to make it the responsibility of the sex offender to show by documentation to the state that his/her offense was not upon a child. Deputy Secretary Feiler added that this provision is in one of the bills that she is meeting with Senator Schoenbeck about today (1-9-06).

### Agenda Item Number Seven: Legislative Session Issues

No other issues were brought forward.

### Agenda Item Number Eight: Role of the Corrections Commission with GOAC

Representative Murschel opened the discussion about the role of the Government Operations and Audit Committee (GOAC). Representative Murschel believes the Corrections Commission and GOAC are duplicating a lot of items and there is not a lot of interaction between these two committees.

Senator Dunaphin said she would like the Corrections Commission to work cooperatively with GOAC as to not duplicate items. This would save on DOC staff time that is spent working on the same topics for each committee.

Representative Murschel asked why GOAC has continued to review the DOC when the Corrections Commission also has that role. Senator Dunaphin suggested meeting with someone from GOAC during the 2006 legislative session to receive their input on the matter. Judge Gors agreed with Senator Dunaphin.

Senator Dunaphin stated if a bill needs to be created regarding the role of GOAC and the Corrections Commission, she would meet with the other Commission members. Senator Dunaphin also requested feedback from Secretary Reisch of the Department of Corrections. Secretary Reisch stated that with two separate commissions exercising oversight there could come a time when there is a significant difference of opinion on an issue between the Corrections Commission and GOAC, and that could create a very uncomfortable situation.

Additional Agenda Item Added: Adult Inmate Population Status and Trends

Deputy Secretary Feiler advised the Commission of the rise in population of adult inmates in South Dakota. There has been an 11% increase from December 31, 2004 to December 31, 2005. The number of admissions is growing faster than what the department budgeted for. Parole violators made up 24% of all admissions in FY 2005. Currently, one third of all admissions are for parole violators and the remaining two thirds is for new commitments.

Representative Haley asked what would happen if the admission trends continued as they are. Deputy Secretary Feiler stated that if the numbers continue as they are, in 2008, we may need to develop an alternative placement for low risk inmates because the DOC will run out of room.

Agenda Item Number Nine: Date and Location of the Next Meeting

The date and location of the next meeting was held open in case there is a need to meet during the current legislative session.

Senator Duniphan asked for a motion to adjourn the meeting. Representative Haley made a motion to adjourn. Judge Gors seconded the motion. The motion carried, and the meeting was adjourned.