

CORRECTIONS COMMISSION MEETING  
Third Floor Conference Room, State Penitentiary  
Sioux Falls, SD 57117  
May 1, 2007

Members Present: Representative Garry Moore, Commission Chairperson; Senator Ken Albers, Commission Vice-Chairperson; Committee Members: Senator Julie Bartling, Representative Carol Pitts, Paul Aylward and Justice Steven Zinter (by phone).

Others Present: Secretary Tim Reisch; Laurie Feiler, Deputy Secretary of Corrections; Doug Weber, Director of Prison Operations; Dave Schiefen, Policy and Compliance Manager; Bob Rae, Director of Pheasantland Industries; Daryl Slykhuis, Deputy Warden at SDSP; Rick Leslie, Classification and Transfer Manager; Phyllis Olson, Lead Teacher at the Coolidge Learning Center; Julie Spurrell, Health Services; and Bob Kuemper, Associate Warden at SDSP.

Members Absent: Brad Drake, George Prest, and Judge Kathleen Caldwell.

Agenda Item Number One: Welcome – Doug Weber:

Director of Prison Operations Doug Weber welcomed everyone in attendance and introduced the staff members from Sioux Falls who were in attendance.

Agenda Item Number Two: Review/Approval of Minutes:

Sen. Albers made a motion to approve the minutes. Sen. Bartling seconded the motion to approve the minutes. All Commission members present approved the motion.

Rep. Moore asked that the agenda to be expanded to be more pro-active in sharing information with the Corrections Commission members. He indicated more meetings will be called than originally planned in order to help ensure a good understanding of the Department of Corrections. Rep. Moore discussed the statutory functions of the Commission. A copy of SDCL § 1-15-1.4 was handed out to the Commission members and discussed.

Sen. Albers suggested the Commission look at how to get people out of prison versus getting them into prison. He gave an example of a young man from Canton who came to prison and got his life turned around. He thought it would be nice if people like that could share what it was that turned their life around.

Agenda Item Number Three: Pheasantland Industries – Bob Rae:

Prison Industries (PI) Director Bob Rae told the Commission that the Braille Shop expanded into tactile graphics and increased from five inmate transcribers to twelve, with 31 total inmate workers. Inmate Toby Ferguson has a unique certification that allows him to do just about any specialized work in the Braille Shop. Two other inmates will be certified in Nemth (see explanation below). Bob Rae explained that tactile graphics is the sense of touch or feel, based on whatever the writer is trying to present. Tactile graphics translates maps of continents, pictures of skeletons, etc. SDSP has the only shop featuring tactile graphics in the nation that is behind prison walls.

Sen. Bartling asked how inmates get their training in Braille, etc.? Bob Rae stated that it is mainly a correspondence course and that inmate Toby Ferguson checks the inmate's work on their correspondence course. Sen. Albers asked what Nemth was. Bob Rae stated that it is advanced Braille transcribing.

Sen. Moore asked if the work completed is for things in South Dakota or if the work does go across the country? Bob Rae stated that South Dakota residents are top priority but that work does go out all over the country. Paul Aylward asked if there were good work possibilities for the inmates after they get out of prison? Bob Rae stated there are good possibilities and that people can work out of their home and would make a lot of money doing this. He gave some picture examples of how the inmates make the tactile graphics. Sen. Albers asked how long it takes an inmate to learn this trade? Bob Rae stated that it takes about a year to a year and one half for an inmate to get their certification. He added that the inmates who earn the Nemth certification have typically been transcribing for about 6-8 years.

Creative Memories is a company from Canton that contacted Bob Rae to produce sample picture frame sales kits for their sales people. The plan is to have inmates make the sample frames and make about 1000 sales kits per month. This would employ about ten inmates. Rep. Pitts asked how we decide what industries are determined to be viable? Bob Rae added that the objective of bringing this industry to the prison is to turn inmates into taxpayers. Creative Memories saw the PI website and contacted Bob Rae. Director of Prison Operations Doug Weber stated that the employees at Creative Memories in Canton earn about \$10 an hour but inmates would earn minimum wage doing this. Weber added that they like to find smaller, assembly type operations for inmates to do.

Sen. Albers asked how this does not interfere with the job market on the outside? Secretary Reisch stated that this business was having trouble filling all of their job openings, thus, we are not displacing any workers. The inmates will be paid minimum wage, but the company will pay a higher amount to cover overhead at Pheasantland Industries; i.e. utilities, security, etc. Rep. Moore said he was concerned about taking jobs away from our other citizens, but he is tired of sending inmates out of the prison with \$50 and a field jacket. He pointed out that sending an inmate out with additional money in their pocket will ultimately reduce recidivism.

Sen. Albers asked Bob Rae if he had the authority to add a new business. Bob Rae stated that, by law, the Corrections Commission has to approve this. Rep. Moore brought up the Native American Craft Shop and how it didn't meet with much success. He also asked what other businesses/shops were in PI? Bob Rae advised that Prison Industries has Balance Systems, wheelchair restoration from Hope Haven, traditional shops such as license plates, sign shop, upholstery shop, and cabinet work for the Governor's Housing, custom carpentry work, the bookbindery/print shop and the tag (license plate stickers, etc.) shop. A garment shop is at Mike Durfee State Prison and a data entry shop is located at the women's prison in Pierre.

Sen. Bartling made a motion to allow PI to move forward with the molding kits from Creative Memories. Rep. Pitts seconded the motion. The motion was approved by all present.

Agenda Item Number Four: Coolidge Learning Center – Phyllis Olson:

(See attachment)

Phyllis Olson from the Coolidge Learning Center said she has supervised the Education Department for about eight years. She handed out a packet of statistics. Olson explained that the TABE (Test of Adult Basic Education) assessment is done in Admissions and Orientation. If an inmate does not have a high school diploma then it becomes part of his/her Individual Program Directive (IPD) to obtain one, or a GED. Education has a half time employee who works with special needs inmates and is involved in the Child Find Project – for those inmates under age 21. Olson hasn't kept data on the number of inmates coming into the system without a diploma. Independent study is the biggest elective that is used due to scheduling conflicts; i.e. inmates can't get to the school due to taking treatment or working. Olson explained what kind of independent study is allowed and what the parameters are.

Rep. Pitts asked Olson how she manages to spend an average of only \$554 per student on education at SDSP and what the Penitentiary is doing so well that others are not. Phyllis Olson stated that it is likely because we have a captive audience so the inmates get through the different GED levels faster. In the community, there are a lot of distractions for those studying for the GED. Sen. Albers asked what goes into the \$554 that is spent? Phyllis Olson stated that it is mainly salaries. A total of six teachers perform GED preparation work.

Rep. Pitts asked how the inmates' success inside the institution relates to their success on the outside? Phyllis Olson stated that she didn't have any statistics on this so she couldn't make that correlation. Deputy Secretary Feiler stated that she didn't have any related statistics on this either, but logically it would seem that a higher education level would equate to a better success rate. Employment is a key element to success on the outside and having a GED is a key to obtaining employment.

Rep. Pitts asked what universities they work with for correspondence courses? Phyllis Olson stated that it depends on the inmate. They try to have the inmate pick a school near where they will be going upon release. However, Ohio University seems to be the cheapest right now, so that is a popular school for inmates to use.

Rep. Moore asked if the GED program is voluntary and if we are going to ask inmates if they have a high school education when they come in to prison? Phyllis Olson stated that it is part of the Individual Program Directive (IPD) for the inmates. Secretary Reisch stated that we already ask the inmate this in Admissions & Orientation. Phyllis Olson added that this is being done at SDSP, MDSP, SDWP and the minimum units as well. SDSP is currently the only facility that offers special education.

Sen. Albers asked who pays for the correspondence courses? Phyllis Olson said it is the inmates' responsibility to pay for these courses.

Doug Weber stated that he can obtain the data on the number of inmates coming into prison who have their GED and will have it available for the commission members by the end of the meeting.

Sen. Bartling asked if we have inmates who come in with English proficiency problems and if the DOC can apply for special education funds. Secretary Reisch stated that we can apply for this funding until the inmate reaches age 21, just as any other school can.

Agenda Item Number Five: Inmate Classification – Rick Leslie:  
(See Attachment)

Classification and Transfer Manager Rick Leslie gave a presentation on inmate classification. Leslie has been the Classification and Transfer Manager for about six years.

Rep. Moore asked where sex offenders rate on the popularity of crimes? Rick Leslie stated that sexual contact is at number six right now. Leslie also explained the five areas of risk that the classification board looks at. Sen. Bartling asked if the assessed risk level included walkaways? Leslie stated that they would be classified as a moderate risk.

Rep. Pitts asked if the statistics provided in the handout were system wide? Rick Leslie responded that it is system wide for adults. He explained how we elevate custody levels based on administrative risk factors and how placement can be affected by the length of time remaining until an inmate's first parole date.

Sen. Albers asked how many trustee facilities there are. Rick Leslie stated that there are four trustee facilities for men: Redfield, Yankton, Rapid City and Sioux Falls. Women have a minimum housing unit within the Women's Prison in Pierre.

Leslie explained that once inmates are classified, the DOC looks at where to place them. Parole violators with a pending revocation hearing stay in Sioux Falls and inmates with work release eligibility may be moved to a facility where the jobs are. A number of inmates are placed out of the state. The DOC has an interstate compact agreement with 20 states and have about 26 inmates placed out of the state on interstate compact. The South Dakota DOC is currently holding 14 inmates from other states. Sen. Bartling asked if the federal prisoners are all housed in Sioux Falls? Director of Prison Operation Doug Weber stated that federal inmates convicted but maybe not sentenced are held at SDSP.

Agenda Item Number Six: Inmate Transfers – Rick Leslie:

Rick Leslie explained the inmate transfer process. The transfer statistics provided in his handout don't include admissions or releases. Sen. Albers asked how we transfer that many inmates when we don't have that many inmates in the first place? Rick Leslie explained that we do a lot of transfers between minimum facilities. Mainly, this is to handle the workload of special projects. He then explained the Rapid City Shuttle System and the Northwest Shuttle System that is done as part of the Sheriff's Association. The Northwest Shuttle System is done at no cost to the DOC. Prisoner Transport Services is a private company that is also used for inmate transfers. The DOC also uses the U.S. Marshal's Service when needed.

Rep. Pitts asked about AIMS. Rick Leslie explained that it is the Adult Internal Management System. It is a personality behavior test to match inmates on housing assignments.

Rep. Moore asked if we reclassify inmates downward at any time? Rick Leslie said the classification schedule based on an inmate's crime; i.e. violent vs. non-violent. Every inmate is reviewed once a year. On average, it really happens about two times a year.

Rep. Pitts asked how we maintain the levels at the Women's Prison? Rick Leslie stated that there are different wings within the women's prison and that there are no maximum custody inmates there right now. Most of the female inmates are at the low-medium or minimum custody level. Deputy Secretary Laurie Feiler explained how inmates are separated according to custody level at the Women's Prison.

Rep. Pitts asked about Daphne Wright. Doug Weber stated that she hasn't been processed through the system yet (she just arrived last week).

Sen Albers asked how many people are on the classification team, where they are located, and who they are? Rick Leslie explained the make-up of the unit team.

Agenda Item Number Seven: Inmate Medical Care – Julie Spurrell:  
(See Attachment)

Julie Spurrell stated that she is the Clinical Supervisor at the Sioux Falls facility and is employed by the Department of Health. She gave an overview of what assessments are completed on inmates when they come into prison. SDSP has 24 hour nursing care, with a Doctor or Physicians Assistant on duty during regular working hours Monday through Friday. She explained the on-site services that are provided; meaning inmates do not have to leave the facility to get most health care. The infirmary is available to all inmates.

Sen. Albers asked about the 1900 medications dispersed on average every day and how that is worked out. Julie Spurrell stated that there are four med passes each day with breakfast and supper being the largest. Rep. Moore asked about an inmate with a heart condition who needs certain meds on an "as needed" basis, and how that works? Julie Spurrell said those inmates are allowed to keep those meds in their cells. Psychotropic meds and meds for infectious disease are disbursed by Health Services.

Rep. Moore asked how many inmates were HIV Positive? Julie Spurrell stated that there are five in Sioux Falls, two or three in Springfield, and none that she is aware of in Pierre.

Paul Aylward asked where medication is purchased from? Julie Spurrell said the medication comes from Diamond Pharmacy in Pennsylvania. If an order is placed before 1:00 PM during the week, they can have the order in Sioux Falls the next day. Otherwise the meds would be in the following day. They also have a back-up pharmacy that they can get meds from. Certain medications are kept in stock; i.e. insulin, antipsychotic meds, etc.

Rep. Pitts asked who runs Mental Health and Chemical Dependency? Director of Prison Operations Doug Weber stated that it is run through the Department of Human Services. This issue may be covered in a future meeting.

Rep. Moore asked what type of security is provided at the clinic? Julie Spurrell stated that there is an officer in the clinic area on the hill. She spoke of the body alarms they have and the emergency telephone number available. Jameson doesn't have an officer, but they have a glass wall clinic that security staff can see into. Officers escort maximum custody inmates in and out of the clinic at Jameson.

Rep. Moore asked Secretary Reisch about the costs of health care. Secretary Reisch stated that the costs are stabilized right now, but all it takes is one or two catastrophic cases to tip the budget upside down. The DOC also has fewer inmates than budgeted for and that helps. Reisch said the Department of Health is doing a great job in working with the DOC and we have a pretty good handle on tracking costs. Our average is about \$11 per day, per inmate, for medical care.

Rep. Moore asked if Work Release inmates are required to pay their own medical care? Secretary Reisch stated that those inmates are responsible for all of the costs related to their medical care.

#### Agenda Item Number Eight: Rapid City Land Update – Secretary Tim Reisch:

Secretary Reisch explained our bill from the 2007 Legislative Session. He showed the members a map of the land the DOC purchased for \$1. The DOC will build a fence before constructing a building because there are horses that graze in that area. The DOC would also rent some of the land to Pennington County for a work release program.

Reisch said the DOC would extend the sewer and water to the site. Water and sewer ends right now by the Highway Patrol. The DOC plans to wait until after the Mayoral election before proceeding with the project as we don't want it to become a political issue. Reisch pointed out the DOC hasn't actually bought the land yet, we are waiting on the city to get back to us. The DOC probably won't be back at the 2008 legislative session asking for more money to build as it may be a longer process than that. Reisch said once the purchase is complete, we'll monitor the land for a year or so and then look to build. Rep. Pitts asked if this has become a political issue? Secretary Reisch stated that he doesn't believe so, but that he does not want it to become one.

Rep. Moore asked if we were looking at using inmate labor to construct the building at Rapid City? Secretary Reisch stated that we may co-locate parole offices at the minimum facility. We could have the general contractor do most of the main work and use inmate labor to finish off the parole offices. Reisch added that the space at the current Rapid City Minimum Unit is pretty limited and that keeps us from doing some of the things we would like to do; i.e. attorney visits, church services, counseling, etc. A lot of firms don't give us that much of a break for using inmate labor. Rep. Pitts asked if it was good or bad to put off the construction and if construction costs would go up in the future? Secretary Reisch stated that the amount of open beds right now is making things work and we are comfortable with waiting another year. Sen. Bartling asked about the methane levels and the risk of them coming back to the point that they are unsafe? Secretary Reisch stated that the state would rescind the sale and Rapid City would get the land back.

The Commission recessed for lunch at 12:20 PM. Justice Zinter left the meeting at this point. The Commission reconvened at 1:00 PM.

Agenda Item Number Nine: STOP Program – Kris Petersen:  
(See Attachment)

Sex Offender Program Manager Kris Peterson returned to the prison a few years ago as part of a grant program for treating sex offenders. Petersen has since taken over the sex offender treatment program for the DOC. He explained the Unconvicted Sex Offender Review Process. Petersen spoke about the qualifications that Dave Kaufman has and the expertise he provides for the treatment of sex offenders. Petersen said that Laura May runs the STOP groups at SDSP. The STOP program has changed from an "in-custody" treatment program that started two years prior to an inmate's scheduled discharge to a "pre-treatment" program that starts one year prior to an inmate's scheduled release. The idea is to get the inmate ready for community treatment when he/she gets out of prison.

Rep. Pitts asked why we didn't start treatment right away when an inmate came into prison? Kris Petersen stated that we'd rather get them when they are in the "mood" for release, rather than treat them right away and leave them in a holding pattern for several years.

Rep. Moore asked if inmates don't participate in treatment, if they would just flat their time? Secretary Reisch stated that generally the answer is yes. Those inmates who don't meet their IPD can still go before the parole board.

Rep. Moore asked how we know if we are getting through to the inmates? Kris Petersen stated that they use the actuarial tables to determine an inmate's risk in the community. The recidivism rate is a little under six percent for sex offenders. He also talked about the use of polygraphs. He said inmates tend to become very honest about their history of sex offenses when they know they are going to have to pass a history polygraph. Petersen said that brings out everything.

Paul Aylward asked about the percentage of sex offenders coming into the DOC and how it compared to the rest of the nation? Kris Petersen believes that we are on track with other states and facilities. Deputy Secretary Laurie Feiler stated that we have inflated our numbers by including USOR inmates.

Agenda Item Number Ten: Schedule date and identify location for the next meeting:

A date when all of the commission members is available has yet to be established, but we are looking at meeting in August at Mike Durfee State Prison in Springfield and in October at STAR Academy. A number of possible topics were discussed and to be finalized on the agenda when it comes out. As of this time the best available date for MDSP looks to be August 14<sup>th</sup> (10:00 AM – 2:00 PM).

The meeting was adjourned for a facility tour for the Corrections Commission Members. Representative Pitts made a motion to adjourn the meeting at 1:55 PM. Senator Bartling seconded the motion. All members present carried the motion.