

CORRECTIONS COMMISSION MEETING

Gill Hall Conference Room
Mike Durfee State Prison
Springfield, South Dakota
September 8, 2005
10:00 AM

Members Present: Senator J.P. Duniphan, Commission Chairperson; Committee Members: Representative Casey Murschel, Representative Pat Haley, Judge Max Gors, Brad Drake, George Prest and Paul Aylward.

Members Absent: Justice Steven Zinter and Senator Garry Moore.

Others Present: Secretary of Corrections Tim Reisch, Deputy Secretary of Corrections Laurie Feiler, Warden Doug Weber, Warden Bob Dooley, Michael Winder, Dave Schiefen, Sheri Ludens, Lawrence Schroeder and Wil Williams.

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

The meeting was called to order by Senator Duniphan and a quorum was present.

A motion was made by George Prest to approve the minutes from the May 13, 2005 meeting. Representative Murschel seconded and the motion carried.

Agenda Item Number Two: Community Transition Program

Deputy Secretary Feiler provided an update on the Community Transition Program (see attached handout). The Community Transition Program is based on many of the ideas/issues identified by Governor Rounds' Adult Corrections Workgroup from a couple of summers ago. A lot of things discussed in that Workgroup had to do with offender transition challenges such as employment, housing and chemical dependency services. A benefit of the Community Transition Program is that offenders can live at a correctional facility where their room and board is provided for them. They can also access health care and programming in the institution. At the same time the offender can access the community to try to line up a job, housing arrangements and community programming. Every offender in the Community Transition Program has a community transition plan in which the transition case manager, unit case manager and parole agent decide what the offender needs in terms of programming, finances and residence. The offender knows what he/she needs to do to complete the program and parole to the community. Feiler advised the Commission that the Community Transition Program is now divided into two phases and explained the purpose of each phase.

Senator Duniphan asked if there is a main reason for offender terminations from the program.

Deputy Secretary Feiler stated substance abuse is always a big issue for offenders who are unsuccessful in the Community Transition Program. Another primary reason for termination is the offender not being where he/she is supposed to be.

Warden Weber agreed on the two main reasons for offenders not being successful in the Community Transition Program. He pointed out another important thing to consider is these offenders are more closely supervised than those who are just out on parole because of the fact they are still residing in a DOC facility. Every time a CTP offender comes back to the unit they are breathalized and/or a UA is done to monitor for possible drug usage.

Brad Drake asked about the restitution owed by offenders. He specifically wanted to know if restitution was a financial burden on offenders when they are released.

Deputy Secretary Feiler explained how the DOC records and handles the financial obligations of offenders who are incarcerated. When offenders go to the Community Transition Program the DOC temporarily suspends their payments on financial obligations. The major goal is for the offender in the Community Transition Program to save up enough money so they can get on their feet in the community. Once the offenders are established in the community their payment towards financial obligations starts back up again.

Judge Gors wondered if the Community Transition Program has helped to lower the number of parole violations, since offenders are better integrated when they do go on parole. Deputy Secretary Feiler did not have the numbers at hand but will take a look at this issue for future meetings. Judge Gors thought it may be too early in the program to be able quantify statistics.

Several questions were asked about programming and guidance provided to both incarcerated offenders and offenders on the Community Transition Program.

Deputy Secretary Feiler explained the various programs and guidance provided to offenders for job searches, money management, alcohol and meth treatment, etc. Feiler stated most of the programming is proximate to the offender's release date since this is what evidence based practices indicates has the most impact for the money spent. Feiler explained there are still opportunities for offenders to be involved in self-help groups throughout their incarceration.

Agenda Item Number Three: Construction Update

Secretary Reisch gave a presentation on the two construction projects at the Jameson Annex and the Mike Durfee State Prison (see attached handout). Following Secretary Reisch's presentation Warden Weber and Warden Dooley advised the commission on how these construction projects impact their respective facilities.

Warden Weber stated the construction project at Jameson is pretty much done by the contractor and sub-contractors with very little inmate labor utilized due to the facility being a maximum custody unit. Minimum custody inmates at Unit C did some fence work and other miscellaneous work early on in the project. The construction is scheduled for completion in January 2006, to be followed by a three-month period when staff will go through and check everything out to make sure it works properly. Warden Weber is very happy with the progress made in Sioux Falls and noted that most of the Commission members had an opportunity to tour the D Pod after the Corrections Commission meeting in May of this year. He pointed out that this has been a tremendous effort, because it is rare to actually build a prison within a prison and to accomplish this without any major incidences. He praised the staff for doing a terrific job in managing the project.

Warden Weber discussed the impact that construction at the Mike Durfee State Prison had on the penitentiary in Sioux Falls. For the first time in several years triple ceiling has been eliminated inside the old penitentiary. Triple ceiling will continue at Jameson until the D Pod is operational, at which time it should be eliminated also.

Warden Dooley stated construction has gone very well at the Mike Durfee State Prison. Two buildings were constructed across from one another. The first building is the 400-bed barracks which is separated into four different quadrants. One of the quadrants is primarily for inmates serving disciplinary time. Another quadrant will be devoted to facilitate inmates that are older or who have physical limitations. The other two quadrants are for general population inmates. A large amount of construction in both of the buildings has been done with inmate labor. The DOC has saved a lot of money by doing that. An additional 100-115 inmates have been added at Springfield since the barracks opened. Today there are 244 inmates housed in the barracks, which has allowed staff to free up some of the nine-man rooms. The other building under construction is the dietary building, where meals will be served and laundry done as well.

Senator Duniphan commented on the concern over the tremendous rise in steel prices. She noted that prices will likely rise even more and was pleased that the DOC has moved their construction projects forward.

Representative Murschel asked if there a difference in inmate behavior or the DOC's ability to supervise inmates by reducing some of the crowding.

Warden Dooley responded that staff's ability to supervise inmates is better. Visibility in the barracks itself is much better than at any other housing unit because of the design. Spreading things out made supervision easier for staff. Warden Weber added that a tremendous amount of pressure was relieved from the penitentiary. They saw a reduction in tension and staff are better able to do their jobs.

Representative Haley inquired about what was a comfortable number of inmates to house at the old penitentiary. Warden Weber replied it is a difficult number to come up with. There were over 850 inmates inside the old penitentiary at one point and that was very tight. However, SDSP has demonstrated an ability over the years to do what it takes to make things work.

Agenda Item Number Four: Adult Population Update

Deputy Secretary Feiler briefed the Commission on the adult prison population and the parole population (see attached handout). Deputy Secretary Feiler explained the DOC generally budgets on average daily count rather than a single point in time. The average annual growth rate for males from FY 01 – FY 05 was 3.9%. The female growth rate for the same time was 9.2%. For the last year (FY 05) the growth rate for males was 2.5 % and the female growth rate was 5.6%. Deputy Secretary Feiler said right now the DOC was recommending that the male population growth be based on the 3.9% for FY '07, however the DOC was recommending that the female population growth be based on the 5.6% verses the 9.2%. The number of female inmates is small enough that using the 9.2% would inflate the numbers too much.

Senator Duniphan asked what was causing the tremendous increase in the number of women offenders.

Deputy Secretary Feiler advised there are probably a multitude of reasons on why more females are coming into prison. She noted the rise in meth and drug use is a primary reason.

Representative Pat Haley wondered if there was ever a year where the inmate population decreased.

Deputy Secretary Feiler responded there was a drop in the overall inmate population in FY 1989 resulting from a change in the good conduct time statute in 1988. There was also a reduction in the female population in FY 1999 to 2000. The total went from 200 inmates down to 194. She noted the current female growth rate is consistent with what other states are experiencing in general.

Deputy Secretary Feiler told the Commission the DOC contracts for 70 work release beds with Minnehaha County. These beds are spread out between male and female work release inmates and phase II CTP offenders. Feiler explained that after an offender completes phase I of CTP he/she can go to the Minnehaha County Corrections Center. The DOC also has a contract with the Glory House in Sioux Falls for a small number of females and the Community Alternatives of the Black Hills for some females. The DOC is pushing hard to place minimum custody inmates out in the community. About 43% of female inmates are classified as minimum custody, as compared to about 25% for the males.

Senator Duniphan asked if there is a backup plan for construction at the women's prison if they run out of beds in the next few years.

Deputy Secretary Feiler replied it is prudent at this point to look for community beds, based on how classification is sorting out. The DOC is doing a six-month pilot study on the LSI-R assessment, which is part of our Evidenced Base Practices work. This should provide the DOC with a good overlay on measures of risk of repeat criminal behavior. For right now the numbers still allow the DOC to look at the community work release type of setting to handle the increase in the female population.

Representative Murschel asked how the prison population numbers compare either nationally or to other Midwest states both in totals and as a percentage of the state population.

Deputy Secretary Feiler replied South Dakota is usually quite a ways under the national incarceration rate but is generally higher than other states in the immediate region. Feiler will do some research on those numbers and get that information to the Commission. Deputy Secretary Feiler provided statistics on the parole numbers over the last few years. Feiler pointed out that there are 123 absconders, which has been a challenge lately. She emphasized that the parolees get many chances before they are violated.

Senator Duniphan asked if we have up to date figures on how many interstate compact inmates we have received.

Deputy Secretary Feiler stated that usually we have between 40 and 50 inmates from other states that have come in on the compact.

(Short break)

Agenda Item Number Five: Juvenile Update

Secretary Reisch gave a breakdown of juveniles in placement (see attached handout). He pointed out that juveniles are not always placed in South Dakota DOC programs. Some are placed in private programs either in-state or out-of-state. Placement is based on what best meets the juvenile's needs. If the SD Department of Corrections doesn't have a program that is appropriate or is in the best interest of the juvenile then the DOC looks at in-state private placement. If none of those in-state placements are appropriate then the juvenile ends up going out of state.

Secretary Reisch advised the Commission on a new level of juvenile care that has been established now in the State of South Dakota. The Department of Social Services has been working with Doug Herrmann, DOC Juvenile Services Director, to develop the rules that will guide this new Intensive Residential Treatment Program. The DOC believes this program will reach most of the juveniles that are now being sent out of state. The majority of juveniles that have to go out of state are sex offenders, acute psychiatric juveniles and hard core delinquents with some violent tendencies.

Senator Duniphan asked if we have done any preliminary numbers on the cost analysis between out-of-state vs. the potential in-state placement.

Secretary Reisch replied it should be comparable in cost to what we are paying for out-of-state care, although we believe this new level of care is going to cost us more per day than the current in-state providers.

Secretary Reisch explained the principles of Performance Based Standards (PbS). He pointed out that there are about 150 facilities in 30 states involved in PbS. There is currently a pilot project to do the same thing in other states with adult corrections. The South Dakota DOC volunteered to be a part of the six to twelve states that will be selected for this pilot program. Secretary Reisch noted that PbS won the 2004 Innovation in American Government award by Harvard's Kennedy School of Government. South Dakota's juvenile programs were cited specifically in that particular application. South Dakota is clearly a model state with PbS right now.

Secretary Reisch explained the requirements for the Juvenile Justice and Delinquency Prevention Act Formula Grants Program and how the 2003 legislation enabled participation in the grant program. In our initial grant we were very fortunate to get three fiscal years worth of money, which amounted to over \$2 million. The enclosed handout shows the areas where the money is used.

Senator Duniphan asked if all of the tribes are a part of the program.

Secretary Reisch stated we have a tribal advisory group that was initially set up by Susan Randall's group. The Council of Juvenile Services agreed this was a great idea and has adopted the policy. Registration pamphlets for the Juvenile Justice Symposium being held in Oacoma were distributed.

Senator Duniphan asked for a quick update on Prison Industries and The Governor's Housing Program.

Secretary Reisch provided an update on the Braille Shop that Prison Industries Director Bob Rae spoke about at the last Commission meeting. Reisch informed the Commission that orders for the Governor's Houses continue to come in. Around 175 inmates are employed in building these houses at the Mike Durfee State Prison.

Brad Drake brought up a possible business opportunity for Prison Industries. There is a store in Sioux Falls that brings laminate flooring in from another state for resale. He noted it was a very nice looking product and thought inmates could make the laminate flooring at Prison Industries. The manufacture of laminate flooring by inmates would likely have a minimal impact on the private sector in South Dakota. It has the potential of being a product that could be distributed through retail companies in South Dakota and other states as well.

Secretary Reisch replied that if this company is interested in establishing something through Prison Industries they could contact himself, Warden Weber or Bob Rae. Secretary Reisch also reiterated that part of the Commission's mission is to ensure the DOC doesn't go into competition with private sector businesses. He also stated that any time we have private sector employment behind the prison walls the employer is required to pay the prevailing wage not just the minimum wage.

Agenda Item Number Six: Date and Location for the next Commission meeting

After a short discussion, it was decided the next meeting will be at the STAR Academy in Custer. The date was tentatively set for December 1, 2005.

Senator Duniphan asked for a motion to adjourn the meeting. Paul Aylward made a motion to adjourn. Representative Murschel seconded the motion. The motion carried, and the meeting was adjourned.

A tour of the two new buildings at the Mike Durfee State Prison followed.