



## DEPARTMENT OF CORRECTIONS SOUTH DAKOTA CORRECTIONS COMMISSION

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Dear Governor, Chief Justice and 2008 Legislators:

The South Dakota Corrections Commission met three times during calendar year 2008, twice in Pierre and once in Sioux Falls. The meeting in Sioux Falls was held at the parole field office. The Commission's meetings focused on a variety of criminal justice issues and trends, initiatives and programs within the Department of Corrections. This report is constructed in sections to highlight the subjects of Commission review.

### **Adult Trends:**

For the second consecutive fiscal year (FY), the average daily count (ADC) of adults in prison has declined. In state fiscal year 2006 the inmate average daily count was 3,428, in FY 2007 the ADC decreased by 50 inmates to 3,378 and for the fiscal year ending this June (FY 2008) the ADC decreased by another 34 inmates to 3,344.

In FY 2008 the average end of month count for adults under parole supervision was 2,785 up from 2,727 in FY 2007.

### **Juvenile Trends:**

In FY 2008 the average daily population of juveniles under DOC jurisdiction was 901 youth. This represents an overall decline of 47 youth from FY 2007 or just less than a 5% reduction in youth. This continues a trend where six out of the last seven fiscal years the total number of juveniles under DOC jurisdiction has declined. Among the total of 901 youth in FY 2008, 441 youth were on aftercare and 460 youth were in placement. The 441 youth on aftercare in FY 2008 was a decrease of just one from the FY 2007 average daily population on aftercare of 442. However, the 460 youth in placement represents a 9.1% decline in overall placement numbers from FY 2007 which was 506 youth. This continues a four year trend of declining placement numbers since FY 2004.

### **2008 Legislative Bills:**

There were five bills passed during the 2008 legislative session that directly impacted the SD Department of Corrections. These bills were briefed and discussed by the Corrections Commission.

SB 53: An Act to Revise Certain Provisions Related to Capital Punishment.  
Brought at the request of the Department of Corrections.

- HB 1065: An Act to Revise Certain Provisions Regarding the 24/7 Sobriety Program. Brought at the request of the Office of the Attorney General.
- HB 1111: An Act to Revise the Responsibilities of the Corrections Commission and to Require an Annual Report of the Activities Covered by the Corrections Commission. Sponsored by Representatives Moore and Pitts and Senators Albers and Bartling (The legislative members of the Corrections Commission).
- HB 1173: An Act to Revise Certain Provisions Pertaining to the Effect of Suspended Impositions of Sentence on Parole Eligibility for Certain Offenders. Prime Sponsors were Representative Gosch and Senator Hansen.
- HB 1178: An Act to Make an Appropriation for the Costs Related to the Intensive Methamphetamine Treatment Program at the South Dakota Women's Prison. Prime Sponsors were Representative Tidemann and Senator Apa.

**DOC Adult Institution Issues Reviewed With the Commission:**

***A. Inmate Phone System:***

DOC contracts with FSH Communications for the inmate phone system. In late February the inmate phone system was implemented at the Rapid City Minimum Unit, which has had a positive impact with reduction in rates for family members of offenders vs. using calling cards. This is a web based system, which allows staff to add and remove names from inmate calling lists and provides the ability to flag specific words so staff can receive notification to review the call if specific activity is suspected. This system serves as a tool to assist with the safety and security of offenders, staff, institution and the public.

***B. Redfield Minimum Unit:***

The Redfield Minimum Unit initially opened in 1996 on the grounds of the South Dakota Developmental Center – Redfield (SDDC-R). This unit, with a capacity for 128 inmates, was one of the smallest DOC facilities. Given the location at Redfield, offender transition opportunities were very limited. These challenges to offender re-entry combined with changes to the campus at SDDC-R prompted the DOC to close the Redfield Minimum Unit in mid December of this year. The inmates will be housed in other DOC facilities across the state, providing them with greater employment opportunities and hopefully being closer to family. The fourteen DOC employees stationed at the Redfield Minimum Unit were offered assistance finding other employment within the DOC and state government. Five employees accepted other positions within DOC, six accepted positions at SDDC-R, one took a position with Department of Transportation, one took a position with the Department of Public Safety and another staff accepted a position at Redfield High School.

***C. Permanent Rapid City Minimum Unit:***

The State continues to work toward the establishment of a permanent correctional facility in the Rapid City area. In 2007 the City of Rapid City offered the state a site for this facility located south of the municipal landfill and west of State Highway 79 for a dollar purchase price. Over the past year, the DOC has evaluated the site, worked on building design and assessed utility access. While the state remains committed to eventually establishing a permanent facility in the Rapid City area, legislative authorization to build at this site will not be pursued during the 2009 session. Project costs, funding source limits and the continued leveling of the inmate population contributed to this decision.

***D. Cultural Awareness:***

The DOC is involved with on going efforts to increase awareness of diversity and responsiveness to cultural differences. Monthly cultural activity staff meetings are held, offenders are provided a variety of opportunities to participate in various cultural and religious observances, staff receive pre-service and in-service training on diversity and work continues with tribal liaisons through the adult facilities. These liaisons have provided DOC staff with expertise when working with offenders and their families from the Native American culture. The DOC continues to work closely with the following Tribal Liaisons: Jake and Myrna Thompson from Sisseton, Agnes Franklin from Vermillion, Clarissa Franklin Eagle Tail from Mitchell, Shirley Crane from Lower Brule, Ashley Arpan and Darrell Clown from Eagle Butte, Belinda Joe from Fort Thompson, Michelle Red Earth from Brookings, Michelle Tyon from Pine Ridge and Mattie High Pipe from Parmelee.

**Offender Information System:**

During 2008, the DOC entered into an agreement for the purchase of a new offender information system. This system will store and manage offender data for the adult and juvenile systems including offender sentencing information, demographic data, medical and mental health records, inmate banking and data to support the state's involvement in the quality assurance programs of juvenile Performance Based Standards (PbS) and adult Performance Based Measures System (PBMS) Projected to take approximately two years to implement, this system will replace DOC's outdated Mainframe system and most Access databases used to handle offender information.

**Parole Services Information reviewed by the Commission:**

During the Commission meeting in Sioux Falls, an overview of parole services was provided.

The Commission received information on the community risk assessment process and how it was determined what services were needed for each individual offender. Information was shared on the release planning process to help offenders obtain suitable employment, housing and treatment. Discussion surrounding the Early Final Discharge program was provided and how the process allows parolees to discharge their sentence early if they are able to meet certain criteria (SDCL 24-15A-8) The Commission was also briefed on the value of the Transitional Case Manager positions to assist offenders with their transition into the community in accessing legal documents, employment, housing and appropriate treatment.

The Commission received information regarding the Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelets. The device consists of an ankle bracelet to detect if alcohol is consumed and a modem which downloads the information at the frequency the parole agent establishes. SCRAM bracelets are a component of the Attorney General's 24-7 program. Parolees are charged \$5.00 a day to be on SCRAM. SCRAM has proven to be an effective tracking method for parolees with drug and alcohol issues.

**Membership Changes:**

This past March, Justice Zinter resigned from his seat after fifteen years on the Corrections Commission. Justice Zinter was appointed to the Commission as a Circuit Court Judge. Justice Zinter served on the Commission from 1993 to 2008 and his absence will be greatly missed.

Judge John Brown (6<sup>th</sup> Circuit) was appointed to the Commission by Chief Justice Gilbertson as Justice Zinter's replacement.

**Statistics:**

**A. Adult Inmates:**

The following charts provide a breakdown of adult inmate statistics for males and females for 2007 and 2008.

	FY 2007		FY 2008	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Average Daily Counts:	3,016	362	2,978	366
<b>Admissions:</b>				
New Commitments:	1,092	273	1,049	212
Parole and Suspended Sentence Violators:	641	112	663	115
<b>Releases:</b>				
Expiration of Sentence:	333	62	300	51
* To Parole/Suspended Sentence:	2,467	397	2,447	390
* Inflated due to multiple releases to CTP				

<b>Offender Classification:</b>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Maximum and Specialized:	14%	9%	13%	7%
High Medium:	22%	6%	18%	8%
Low Medium:	37%	36%	41%	35%
Minimum and Community Transition:	27%	49%	28%	49%

**As of End of FY (6/30)**

<b>Arrest, Incarceration and Supervision Rates for Adults per 100,000</b>							
	<b>South Dakota</b>	<b>Iowa</b>	<b>Minnesota</b>	<b>North Dakota</b>	<b>Montana</b>	<b>Wyoming</b>	<b>Nebraska</b>
Crime Rate Violent*	175.7	291.3	297	98.2	281.5	230.1	287
Crime Rate Property*	1776.4	2833.7	3084.1	1978.2	3142.9	3155.3	3423.2
Prison Incarceration**	449	290	189	211	384	407	247
Parole***	469	157	113	75	116	170	60
Probation***	959	993	3243	875	1201	1319	1410
Supervision Total (prison/parole/probation)	1,877	1,440	3,545	1,161	1,701	1,896	1,717

\* As of 2005

\*\* As of 06/30/2006

\*\*\* As of 12/31/2006

Source: U.S. Department of Justice

Crime Rates Source: <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Crime/State/OneYearofData.cfm>

### **B. Juvenile Offenders:**

The following chart provides a breakdown of juvenile offender statistics for males and females for FY 2007 and 2008. The figures reflect an overall consistency across the various criteria for the past two fiscal years.

	<b>FY - 2007</b>	<b>FY - 2008</b>
New Commitments	355	376
Recommitments After DOC Discharge	9	17
Overall Caseload - ADP	948	901
Aftercare ADP	442	441
Aftercare Revocations	173	175
Aftercare Revocation Rate	20.2%	17.1%
Reason For Revocation:		
Technical	35.2%	32.5%
Chemical Dependency	27.1%	33.8%
Psychological	0.4%	2.6%
Felony	5.3%	5.3%
Misdemeanor	32.0%	25.8%
Average Agent Case Load	24.7	23.7
STAR Academy Programs – Total ADP	165.8	142.3
Brady Academy	57.9	44.3
Youth Challenge Center	44.1	44.7
Intake/Admissions	21.6	13.3
QUEST	21.3	22.9
EXCEL	20.9	17.1
Detention – ADP	9.2	10.7
Group/Residential – ADP	251.4	229.8
Foster Care	33.8	27.9
West Farm	23.6	23.7

Arrest and Incarceration Rates for Juveniles							
	South Dakota	Iowa	Minnesota	North Dakota	Montana	Wyoming	Nebraska
Rate of detained & committed youth in custody/100,000 ages 10-15 *	373	163	127	169	104	334	169
Juvenile Violent Crime Rate/100,000 age 10-17 **	60	270	278	88	121	128	95
Percent of youth in custody for non-violent offenses*	77%	69%	65%	75%	65%	74%	81%


\* 2006

\*\* 2005

Source: 2008 Annie E. Casey Kids Count

While the Corrections Commission held three meetings this calendar year compared to five the previous year, we reviewed a wide array of information regarding legislative bills, services, programs, construction projects, contracts and statistics pertaining to the South Dakota Department of Corrections. The Commission is committed to working closely with the DOC in its continuation of high quality services provided to the citizens of SD.

Respectfully,



Rep. Garry Moore, Chair  
Corrections Commission