

SD Department of
Corrections
After-Incident Report

Homicide of Senior Correctional Officer
Ronald "RJ" Johnson
and
Escape Attempt by Inmates Rodney
Berget and Eric Robert

May 9, 2011

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Report on the Homicide of Senior Correctional Officer Ronald "RJ" Johnson and the Escape Attempt by Inmates Rodney Berget and Eric Robert May 9, 2011

On April 12, 2011 two inmates made an unsuccessful escape attempt from the South Dakota State Penitentiary (SDSP) in Sioux Falls. One of the two inmates was wearing portions of a correctional officer's uniform. A search of the prison resulted in the discovery of Senior Correctional Officer Ronald E. Johnson, who was severely injured in the Prison Industries (PI) Building. Officer Johnson was transported to a Sioux Falls hospital where he was later pronounced dead. Inmates Rodney Berget and Eric Robert have each been indicted for first degree murder, first degree murder-kidnapping and simple assault.

This report provides analysis and an overview of the events of April 12, 2011 and the days after Senior Correctional Officer Johnson's murder. It is organized in multiple sections, some containing copies of existing reports and documents. This report communicates the events of April 12, 2011, as well as post-incident actions and responses. It also provides contextual information associated with the major incident and the recommendations resulting from the after action review.

1. Narrative Summary from Major Incident Report

The following information is an excerpt of the Narrative Summary of the Major Incident Report submitted by Associate Warden [REDACTED] and [REDACTED] of SDSP. A full copy of the Major Incident Report is included as **Attachment 1**. In both the attachment and this narrative, names have been redacted.

"On April 12, 2011, at approximately 10:45am, Officer [REDACTED] was relieving officer [REDACTED] at the West Gate for chow. The food truck showed up and needed to come into the facility. At this time she notified Cpl. [REDACTED] to shakedown/escort the truck into the facility. Once the truck was inside, there was what appeared to be an "officer" pushing a hand cart with one large cardboard box wrapped with packing tape along with a smaller box. The "officer" was coming from the PI building walking towards West Gate. Officer [REDACTED] noticed the "officer" had his head down and was wearing a baseball cap. At this time what appeared to be an "officer" entered through the inside gate which was still open from when the truck came inside.

Once in between the gates she realized the "officer" did not swipe his ID badge. Officer [REDACTED] then stepped outside of the West Gate Control to remind the "officer" to swipe his badge. The "officer" stated he forgot his badge. Officer [REDACTED] asked Cpl. [REDACTED], who was also in between the gates, if he recognized the staff. Cpl. [REDACTED] stated he did not. Officer [REDACTED] then asked the "officer" his name and he responded "[REDACTED]". Officer [REDACTED] asked Cpl. [REDACTED] if he was related to the "officer" to which he responded he didn't think so. At this time the Cpl noticed that the "officer" was wearing a white t-shirt under an oversized officer jacket and oversized pants. Cpl. [REDACTED] requested for the OIC to be called to the West Gate. Officer [REDACTED] called for an OIC [officer in charge] to step to West Gate.

Immediately after the call on the radio, inmate Robert, Eric #46127 who had the officer uniform on and inmate Berget, Rodney #41951 who was hiding in the large box, began to assault Cpl. [REDACTED]. Officer [REDACTED] called a Code Red Code 3 at West Gate and Officer [REDACTED] was in the process of returning to his post. Cpl. [REDACTED] ended up in a fetal position as the inmates assaulted him. Officer [REDACTED] took the AR 15 out of West Gate Control and yelled to the inmates to stop. Both inmates responded "Go Ahead and Shoot!". When staff started to arrive inmate Berget began to swing a staff radio microphone and inmate Robert began to climb inside of the outside gate. Officer [REDACTED] hit inmate Robert in the hand with the stock of the weapon to prevent inmate Robert from getting any further into the razor wire in the southwest corner of the outside gate.

Associate Warden [REDACTED], Major [REDACTED] and others reported to the Code at West Gate. Once AW [REDACTED] got to the inside gate he observed Cpl. [REDACTED] with his back towards [REDACTED] with blood on his right forearm. [REDACTED] yelled for the gate to be opened. Officer [REDACTED] opened the gate. [REDACTED] stepped in between the gates and gave directives to the inmates to get on the ground. Inmate Berget hesitated and inmate Robert jumped from the razor wire. Both inmates were taken to the ground by a number of staff. Inmate Berget was escorted to the SHU and inmate Robert was taken to Health Services with 2 small cuts on his right hand from the razor wire.

Knowing that an inmate had a staff uniform, a search for a missing staff was initiated in PI. PI Supervisor [REDACTED] found officer Ron Johnson in PI on the floor unresponsive, on his stomach, in a large pool of blood, with his head wrapped with shrink wrap, dressed only in his socks, shirt, and underwear. At approximately 10:56am a Code Red Code 5 was called in the SDSP PI Bldg. Immediately the ambulance was called. Staff noticed a large open wound on his head. Immediately Sgt. [REDACTED] removed the shrink wrap from around Officer Johnson's head. Sgt [REDACTED] began chest compressions while officer [REDACTED] began breathes with a face shield. Captain [REDACTED] requested the AED. Staff arrived with the AED along with Health Services. The AED was hooked up and advised no shock. CPR was resumed by staff until paramedics arrived at approximately 11:05am. Paramedics left the Penitentiary with Officer Johnson at 11:17am.

Cpl. [REDACTED] was taken to the emergency room at Avera McKennan Hospital. He had bruising around his left eye, his upper and lower lips were swollen, red knot on the back of his head, and bruising on the left chest area. Cpl. [REDACTED] returned to the prison.

After inmates Berget and Robert were detained, the outside perimeter was secured with weapons and staff. Emergency count was initiated for staff and inmates. Count was cleared at 12:10pm.

Officer Johnson was pronounced dead at 11:50am at Sanford Hospital.

Inmates Berget, Rodney #41951 and Robert, Eric #46127 were transported to the Minnehaha County Jail.

Located near where Officer Johnson was assaulted was a 2 foot pipe that appeared to be used as the weapon and Inmate Berget's prison identification card.

The State Penitentiary initiated lockdown procedures until Wednesday April 13, 2011. During the lockdown procedures, inmates were served meals in their cells. "

The West Gate Control Room is located above the inner and outer gates of the West Gate area. During this incident, Officer [REDACTED] and Officer [REDACTED] were in the West Gate Control Room and on the catwalk outside the control room which is above the gates and above the razor wire on the top of the outer (south) gate. **Attachment 2** is an aerial photograph of the State Penitentiary/Jameson Annex prison complex identifying the West Gate and other areas pertinent to this report.

The State Division of Criminal Investigation (DCI), the Sioux Falls Police Department, the South Dakota Highway Patrol, and the Minnehaha County Sheriff's Department responded and provided assistance in securing the outside perimeter. The Sioux Falls Police Department transported Inmates Rodney Berget and Eric Robert to the Minnehaha County Jail.

The State Penitentiary initiated lockdown procedures Tuesday, April 12, 2011. Lockdown continued April 13 with step down on the 14th and the Penitentiary returned to normal operations on the morning of Friday, April 15, 2011.

The DCI is serving as the lead criminal investigative agency. The criminal prosecution of inmates Berget and Robert is being conducted by the Attorney General's office.

2. Prison Industries Building

The Prison Industries Building (PI Building) where Officer Johnson was murdered is located within the secure perimeter of the South Dakota State Penitentiary. See **Attachment 2 (PI #1)**. It is a two-story building located in the northeast section of the group of buildings making up SDSP. The PI Building houses a sign shop, machine shop, license plate shop, and laundry on the first floor. The Braille/upholstery shop, cabinet and custom furniture shop and print/book bindery shop are located on the second floor. This PI Building was constructed in 1905-06 with additions in 1916-18 and again in

1929-30. It reflects the old linear design of prison construction, with a long hallway running most of the south side of the building with the shops generally placed on the north side of the building with access from the hallway. As of April 12, 2011, one officer and eight shop foremen were assigned to this building. **Attachment 3** is a map of the first floor of the PI Building.

The site of the assault on Officer Johnson is one of three PI buildings on the State Penitentiary/Jameson Annex prison complex. There is also what is referred to as PI #2 or the "new PI building" located in the East Yard of the State Penitentiary and a PI building located adjacent to the Jameson Annex (Jameson PI).

Approximately 144 inmates are assigned to work in the original PI Building during a typical work day. Some of these 144 inmates work part-time in Prison Industries and attend school or programming part-time. Twenty of the 144 are laundry workers, either full or part-time. At any given time, the number of inmate workers in the PI Building is between 100 and 120.

3. Staffing and Post Assignments in PI Building

Each of the shops in the PI Building and the prison laundry has a prison shop foreman assigned to supervise the operations of their respective shop. There are eight prison shop foremen assigned to work in the PI building.

On April 12, 2011, in addition to the eight shop foremen, there was one correctional officer post in the PI Building. This post was responsible to patrol the building hallways and common areas of the building and monitor inmate traffic in and out of the building.

Correctional Officer Johnson was in an "Early Rec Crew" position. Rec Crew positions assist with running daily recreation periods and daily transports of inmates to various appointments (medical and court) and transports between facilities. "Rec Crew" officers also assist with covering the dining hall and relieving staff for meals for those working the wall towers and cell halls. Tasks included are counting inmates, making cell hall rounds, and completing daily logs, administering UAs (urinalysis) and breathalyzers, conducting pat downs and strip searches, and disciplinary reports. This position works all areas of the institution and provides support in areas that need to be covered due to sick calls, vacation, training, and other absences. On April 12, Officer Johnson was assigned to the PI Building correctional officer post. While the post in Prison Industries was not his regular post, by nature of his assignment as a Rec Crew officer, he worked many different institutional posts.

Specific duties of Correctional Officer posts are documented in post orders. Post orders are written documents for correctional posts in the institution which provide specific

instruction and guidance to staff on the functions and duties of the post. **Attachment 4** is a copy of the SDSP PI Building Post Order.

While each prison shop foreman has duties unique to his or her shop, the following are common responsibilities of these foremen: supervising inmates, writing passes, accounting for tools, training inmates on job duties, establishing business relationships with vendors and prison industries customers, maintaining HAZMAT materials, attending staff briefings, controlling contraband by performing random shakedowns of their area, and monitoring and controlling the quality of products being produced and delivered to customers. Prison shop foremen receive pre-service and annual in-service training.

4. Location of the murder of Senior Correctional Officer Johnson

The correctional officer assigned to the PI Building had an office area (“old office”) east and slightly north of the “Main PI access/Exit” and adjacent to an area used for storage of industry supplies and equipment (*see Attachment 3*). Officer Johnson was found toward the back of this storage area behind some pallets of wood. This is not an area where the officer assigned to this post would normally be located during his duties.

5. Inmate movement

It is not possible to eliminate inmate movement within the Penitentiary. Federal case law holds it is not constitutional to isolate all prisoners convicted of a violent offense as a default incarceration practice. Unfortunately, two-thirds of Penitentiary inmates are incarcerated for violent offenses, and more than two hundred have an escape history.

There are structured inmate release/ring out times for meals, recreation and programming (school, religious activities, work and treatment). Schedules for all activities are posted in the housing units and on the internal prison network. Passes are issued by staff when inmates are called to a specific area (health services, law library, chapel, etc). Inmates are notified of approved movement via loudspeaker. If an inmate does not arrive to a designated location within the designated time, the officer in charge is notified, and the inmate is located.

The staff monitors inmate movement by examining passes and remaining alert for suspicious inmate movement. Inmates are subject to random pat searches, walk through metal detectors, UAs, and breathalyzers. Inmates are assigned seating for meals in the dining hall as directed by staff.

Inmates must follow the inmate dress code which states inmates must wear their inmate identification cards clipped on the front of their shirt. The ID card contains a photo of the inmate with his height, weight, and date of birth listed. Inmate workers wear the appropriate color uniform that designates where the inmate works: red (on the housing unit), green (off the housing unit), and white (kitchen). PI workers wear khaki shirts.

6. Berget's and Robert's access to PI Building

Inmate Berget was an orderly responsible for recycling and assisted with laundry carts as assigned by the unit staff. Inmate Robert was a laundry orderly. These positions require movement within the walls of the State Penitentiary. Inmate laundry orderlies leave their assigned housing units and move the laundry through the PI building to the laundry and are observed by the laundry supervisor upon arrival. Berget and Robert were housed in West Hall of the State Penitentiary. Inmate Berget was approved to move between West Hall and the recycling area located next to the PI building. Inmate Robert was approved to move between West Hall and the laundry. Robert and Berget, when assigned to assist with laundry, were responsible for delivering dirty laundry from West Hall to the laundry and retrieving clean laundry for West Hall. When laundry runners leave their cell hall, they walk across the prison yard to the PI Building, enter and walk down the hall of the first floor of the PI Building (past the office and storage area) to the laundry which is located on the far east end of the first floor of the PI building. They are observed and supervised by the prison shop foreman in the laundry as they drop-off and pick-up laundry. At that time, they would normally then return to the cell hall with the clean laundry. This round trip between the cell hall and laundry typically occurs six times each weekday morning and 10-12 times each weekday afternoon.

The prison shop foreman supervising the laundry puts out a schedule for the orderlies indicating times, items (whites, bedding, and colors) and days for laundry.

Recycling is typically moved from cell hall to the PI building once each weekday morning and once again each weekday afternoon. Recycling orderlies collect all inmate garbage from the cell hall and sort for recycling.

It is not uncommon for unit staff or correctional officers to direct an inmate worker to assist with other duties. If inmates are employed but their primary job has down time, staff frequently will instruct them to start other work rather than allow the inmate to remain idle.

7. Security Audits, Inspections and Controls

South Dakota Department of Corrections (SDDOC) adult institutional staff, trained by the National Institute of Corrections (NIC), annually conduct security audits of institutional procedures throughout SDDOC adult facilities. Penitentiary staff members have been utilized in other correctional facility audits in the state of South Dakota and in other states.

Staff members walk through each cell on each housing unit daily to search for contraband and ensure that all housing rules are being followed. Staff members conduct weekly maintenance inspections of their units and cells. The Multi-Disciplinary Shakedown Team (MDST) searches (“shakes down”) different areas of the Penitentiary at different times each week. The MDST consists of 20 plus trained staff from different departments working at the Penitentiary. Penitentiary staff completes urinalysis testing and breathalyzers to deter and detect alcohol or drug use by inmates. Procedures are in place for this testing to occur on each shift. The staff regularly searches “hot spots” or places at risk for making homemade alcohol or other contraband concealment.

The Warden conducts rounds every weekday morning, Monday through Friday, of all the units. The Warden talks with staff and the inmate population, gauges how the units are functioning and observes the cleanliness and order of the facility. While the Warden periodically will conduct these rounds on weekends and holidays, a senior staff member will typically do the weekend rounds. One day a week, the Warden does an in-depth inspection of the facilities, visiting every cell front, the prison industry buildings and Coolidge school. Every week he also visits administrative and disciplinary housing units and makes himself available for staff working those areas and for every inmate housed in these segregation units. Three times a week the Warden personally observes the meal service to monitor quality and quantity and to ensure contract compliance. Twice a week, the staff tests the cell bars throughout the facilities by pounding a rubber mallet against them to ensure their stability. The SDSP has one canine trained in the detection of tobacco and cell phones and a second canine trained in the detection of drugs.

The SDDOC participates in the Performance-Based Measures System (PBMS) a nationwide automated information system developed by the Association of State Correctional Administrators (ASCA) Performance Measures Committee (PMC) to translate the missions and goals of correctional agencies into a set of uniform measurable outcomes. As a participant in PBMS, the SDDOC has outcome measures of how well facilities are meeting correctional responsibilities and how their performance compares with other participants. The PMC establishes uniform indicators of performance and measures. The current ASCA PBMS performance standards are public safety, institutional safety, substance abuse, mental health, academic education, healthcare and justice. For each standard, there are uniform measures of performance,

and for each measure there are a variety of uniform key indicators. *Attachment 5* is a sample of PBMS measures for the SDDOC in calendar year 2010.

8. Classification of Inmates

To determine the best management of inmates, the SDDOC uses standard classification systems. The custody classification system is predominately a risk-based system, but policy allows for some mitigation or addition of risk factors and for institutional placements based on factors in addition to risk. The classification system is an objective system, highly structured through policy, training, data collection, and standardized procedures across adult facilities.

Inmates are classified to one of four custody levels: maximum, high medium, low medium and minimum. Risk levels are based on points assigned to rankings in five areas: current offense seriousness, length of sentence remaining, incidence of violence, institutional risk behavior, and escape profile. Crime of conviction does not always correlate with institutional violence. There are inmates serving sentences for non-violent offenses who have violent prison conduct, and there are inmates in prison for violent offenses who don't have a history of violence within prison. In addition to these risk factors, actual risk behavior (institutional rule infractions) and administrative risk factors can impact risk and ultimately, final custody level.

In addition to final custody level, the classification system also uses a placement tool to identify issues, in addition to risk, that impact facility placement of the inmate. These issues include separation requirements, medical needs, presence of pending charges, and administrative factors regarding institutional adjustment.

The custody classification system utilized by the SDDOC was developed in the mid-1990s through a technical assistance grant funded by the National Institute of Corrections (NIC). The system is reviewed annually through policy review. The DOC Office of Classification and Transfer issues annual reports of classification activity. The classification system was audited internally in 2008 and is scheduled for a subsequent audit this year. In 2007, a consultant specializing in inmate classification systems, funded through a NIC technical assistance grant, reviewed the custody classification system and determined the system was sound and all of the items being used met national standards.

In addition to oversight and review of the overall classification program, individual classification packets are peer-reviewed and as directed by policy, certain classification decisions require ascending supervisory approval. For example, prior to inmate classification to minimum custody, approval is required by either a deputy warden or an associate warden. Additionally, prior to facility placement based on administrative

factors, approval is required by the warden, the DOC director of classification and transfer, and a deputy warden or an associate warden,

Initial classifications are completed by case managers within the admissions and orientation units. Reclassifications are completed by the case manager of the housing unit where the inmate lives. Every classification is subject to audit by other case managers to ensure quality control and assure proper procedures are followed. Each inmate is classified at least annually.

9. Profile of Inmates Housed at Penitentiary

There are 767 individual offenders currently housed at the State Penitentiary. Twenty-three are parolees under the community transition program or under extended detainment and 744 are inmates. Of the 744 inmates, 67 are in specialized housing (disciplinary segregation or special needs). Of the 677 inmates who are housed in general population, six are minimum custody, 159 are low-medium custody, 465 are high-medium custody, and 47 are maximum custody.

To increase chances of rehabilitation, to require productive use of time, and to reduce recidivism, general population inmates are encouraged to attend treatment, work, school, religious programming, and recreation. Inmates may participate in a number of religious and cultural activities within the facilities in Sioux Falls, led by over forty trained volunteer chaplains. Inmates are able to complete their GED and/or take cognitive-behavioral change classes and electives such as job search, Thinking for a Change, computers, financial responsibility, general safety, food safety, 3M building maintenance, and independent studies.

Of the 677 general population inmates housed at the State Penitentiary, 456 are incarcerated for a violent offense, 203 have escape points counted on their classification, and a majority of the 677 have multiple felony convictions. The average number of felony convictions for general population inmates at the State Penitentiary is 2.3. There are 56 inmates serving a life sentence housed in the State Penitentiary. System wide, there are 790 male inmates with escape points counted on their classification and 1,384 incarcerated for a violent offense.

10. Classification of Inmate Rodney Berget #41951

Inmate Berget is a 48-year old male serving a life sentence for kidnapping from Meade County. He was originally charged on June 11, 2003 with kidnapping (three counts), second degree rape, first degree robbery, first degree burglary and commission of a

felony while armed with a firearm, aggravated assault, and possession of stolen property. In addition, an Information for Habitual Offender [multiple felonies on record] was filed. On December 2, 2003, he pled guilty to kidnapping. The Information for Habitual Offender and the other charges were dismissed.

Inmate Berget has 4 escape incidents on his record: 7/7/1984 escaped from the SDSP Minimum Unit (Cottage); 5/26/1987 escaped from the Penitentiary Recreation Building; 7/17/1987 escaped from a van transport and on 10/23/2003 Berget assisted another inmate trying to escape from Lawrence County Jail.

Berget is a maximum security inmate who, prior to April 12, 2011, had been housed at the State Penitentiary continuously since September, 2005 and for periods of time in 2004. His last classification was 12/17/2010.

Inmate Berget has worked in the institution in various orderly positions. Berget's inmate conduct did not show a history of threats or incidents of violence towards staff or other inmates.

11. Classification of Inmate Eric Robert #46127

Inmate Robert is a 48 year old male serving an 80 year sentence for kidnapping from Meade County. He pled guilty to the charge. His background contains one other offense of shoplifting in 1982, which was dismissed.

His last classification was on 4/15/2010. He is a maximum security inmate who had been housed at the State Penitentiary continuously since June 2009 and for periods of time in 2006 and 2007.

Inmate Robert was written-up for attempted escape in May 2007. Special Security received information that a lock in the West Hall Shower Room had been cut. Upon investigation, the hasp ring on the fan room door to which a padlock had been secured was cut and patched with JB Weld [soft compound]. This infraction was handled through the inmate disciplinary system. Robert was found to have committed a major prohibited act and served 45 days in disciplinary segregation. He lost his job as a shower orderly. The door in question could not have aided in an escape attempt as it merely led to a further secure location.

Inmate Robert's institutional work history has involved mostly kitchen, laundry, and various orderly positions. Robert's inmate conduct did not show a history of threats or incidents of violence towards staff.

12. Job Assignments

Penitentiary unit staff manages inmate work lists. As soon as an inmate arrives at a housing unit, his name is added to the bottom of the work list. Once a position becomes available in the shops, kitchen, housing unit, school, chapel, or other locations, the unit staff offers the position to the next appropriate inmate on the list. If an inmate receives a major rule infraction, disciplinary action may include the loss of his job. Inmates who choose not to work while serving their sentence may be subject to a major rule infraction. Unit staff members assign a work position to inmates based on the inmate's institutional adjustment, length of sentence, successful behavior, treatment and educational needs, and skill set.

Inmate Berget was an orderly responsible for recycling the aluminum cans, cardboard and paper products, and other materials, from the West Hall housing unit. He would transport the recycling items from West Hall to the recycling bins located outside the PI building. Inmate Berget was also assigned by unit staff to assist with laundry.

Inmate Robert was a laundry orderly. He was responsible for delivering dirty laundry from West Hall to the laundry and retrieving clean laundry for West Hall.

13. Unit Staff

Unit staff is comprised of a unit manager, unit case manager, and unit coordinator. The unit manager is responsible for the operations of the inmate housing unit. The unit case manager is responsible for the classification of each inmate on the housing unit and assists the unit manager with responsibilities as assigned. The unit coordinator is responsible for managing the accounts, visit lists, disciplinary issues, clothing needs, and work lists for the inmates on the unit.

14. Use of Force Procedures

During Berget's and Robert's attempted escape, staff utilized the appropriate level of force necessary to control the situation and prevent the escape. Although lethal force could have been warranted, the staff chose to use less than lethal force. SDDOC Policy on Use of Force outlines that staff could have shot Berget and Robert to prevent their escape and to prevent further injury to staff. While SDDOC policy authorizes use of lethal force for this type of situation, and the responding staff would have been justified in using lethal force, they chose to contain the situation with non-lethal force. Officer ██████████ recognized the seriousness of the situation and chose not to discharge his

weapon. Officer [REDACTED] determined that discharging his weapon could have risked injury to staff in close proximity. Instead, Officer [REDACTED] used the stock of his weapon to hit inmate Robert's hand to prevent him from getting any further into the razor wire. When staff responded to the Code Red Code 3 at the West Gate on 4/12/2011, the inmates were not following instructions given. Staff used hands-on procedures, placed the inmates on the ground, and applied restraints.

15. Radio/Body Alarm Policies

All staff and volunteer chaplains entering the secured facilities must have in their possession either a radio or body alarm. Staff are trained on radio procedures during pre-service and in-service. *Attachment 6* is a copy of the procedures for radio emergency call codes and response to body alarms.

16. Staff Training

All staff are required to attend SDDOC in-house pre-service and annual in-service training. This applies to contract and other agency staff assigned to SDDOC adult facilities, including the civilian prison industry supervisors in the new PI building and the Jameson PI building.

A. Pre-Service

Pre-service consists of three weeks of classroom training and four weeks of on-the-job training for uniformed staff. Classroom training consists of a basic overview of working with offenders, policies, and procedures. Classes include supervision of inmates, basic principles of security, code of ethics, use of force, communication, con-games, CPR, suicide awareness, emergency response, Prison Rape Elimination Act, weapons training, searching principles, pressure point control tactics (PPCT), cultural awareness, first aid, and other classes to help employees gain a basic understanding of supervising inmates. Staff are on a six-month probationary period following hire.

On-the-job training (OJT) gives the employees a more in depth understanding of how the classroom knowledge is applied to their actual job. While on OJT, the new staff members are assigned a mentor and work in various areas of the institution. Staff members are trained on the procedures of the various posts throughout the facilities.

B. In-Service

The 40 hours of annual in-service training consists of mandatory refresher classes such as emergency response/use of force, CPR, principles of security, code of ethics, suicide awareness, con-games, cultural diversity, policy review, and re-certifications. In-service curriculum is also tailored to address the current needs of the facility at the time of the training and provide sessions to fill those needs, such as team building and security threat groups.

C. Firearms Training

Senior staff, unit staff and correctional officers are certified annually and tower staff are certified quarterly on the use of the following firearms: AR-15 rifle, 38 revolver, and shotgun.

17. Staff/Inmate Ratios

On April 12, 2011 there were nine staff working in the PI building: one correctional officer and eight prison shop foremen. No Penitentiary correctional officer positions were cut in the FY 2012 budget.

FY 2012 Staff to Inmate Ratios

1 officer per 5.16 inmates

1 staff per 4.28 inmates

18. Employee Assistance

Staff members involved with the April 12, 2011 incident attended several Critical Incident Stress Management sessions. Senior staff and managers met with individual staff members. Mental health staff and volunteer chaplains were made available for all staff. Staff who wished to attend the memorial service were able to do so. Bishop [REDACTED] of the [REDACTED] has offered services to the staff through [REDACTED]. The staff has been directed to human resources for assistance in retaining services. [REDACTED], victim witness specialist, has been given names of staff members to contact. Supervisors have been directed to reach out to staff who are struggling to cope with the incident. The senior staff has held several informational briefings to keep the staff informed on events, changes, and how to get help.

19. After-Incident Action Plan

In the weeks since the incident, SDDOC has made an evaluation of the incident. Within hours of the incident, changes were made to the facilities and operations of the Penitentiary. Additional changes have been made in the days and weeks since the incident. **All but one of the recommendations offered below have been fully implemented.** The recommendations have been approved by the Governor as part of an intensive and sustained collaboration between SDDOC and his office. The following are after-incident action plan recommendations from the major incident of the Berget/Roberts escape attempt and murder of Officer Ron Johnson:

1. **Route all routine foot traffic through the Main Control Room.** The escape was attempted at the West Gate, a double gate which creates a sally port allowing the opening of only a single gate at a time. The West Gate is the only vehicle gate for the State Penitentiary, but in the past has also been used for foot traffic. To improve security and to better control foot traffic into and out of the Penitentiary, all foot traffic is now routed through the Main Control Room, unless an exception is granted by an authorized official. Implemented 4/13/2011.
2. **Reduce access points into and out of Prison Industries (PI) Building.** All buildings within the Penitentiary grounds were evaluated to determine the optimal number of entrances. For example, the PI Building has a total of nine possible building egress points, four overhead doors for delivery and five pedestrian doors. At the time of the assault, as was typical, two of the pedestrian doors and one of the overhead doors were open in the PI Building. To improve security and to better control entrance and egress to this building, traffic has been limited to only one access point. Implemented 4/14/2011.
3. **Install additional cameras.** An evaluation was completed of all the shops, school, hallways, and other rooms within the Penitentiary to determine the proper degree of electronic surveillance in each of those areas. Although a more comprehensive analysis and placement plan is necessary, a preliminary analysis suggests that 90-110 new cameras should be installed, including approximately 70 in the PI Building, six in PI #2, 32 in Coolidge School, two at the Jameson Vehicle Gate, and four at the West Gate. This will provide a higher degree of electronic surveillance within the Penitentiary. Initial evaluation implemented 4/13/2011. Full implementation targeted for 8/15/2011.
4. **Better position staff post location within the (PI) Building.** Correctional officer post locations within all buildings were evaluated to determine their optimal location, and one change was made. The staff desk within the PI Building has been moved to the front door, so all inmate traffic into and out of the PI

Building can be monitored by the PI correctional officer. This will provide improved security and better control of the building. Implemented 4/14/2011.

5. **Add additional correctional officers.** A staffing evaluation was completed of all buildings and correctional officer posts within the Penitentiary. In three specific locations, an additional correctional officer was added to increase security and safety, including one new correctional officer in the PI building. For the PI Building, this allows one officer to make consistent rounds of the building and shop areas, while a second officer works from the PI building main entrance to control egress and limit foot traffic in the PI Building. Implemented 4/14/2011 (one position) and 4/25/2011 (two additional positions).
6. **Adjust inmate work assignments.** A full review of the classification of work-assigned inmates with a history of escape behavior was conducted. All assignments were consistent with industry practice, and SDDOC policies, but work assignments for two inmates were adjusted. Implemented 4/20/2011.
7. **Improve lighting.** A review of the lighting levels of all buildings within the Penitentiary was completed. In a number of locations, rewiring has been conducted to ensure low level light is on at all times. This will reduce the occurrence of dark spots and will increase safety and security. Implemented 4/28/2011.
8. **Strengthen secured perimeter fences.** All secured perimeter walls and fences were evaluated to ensure they were sufficiently secure. Additional razor wire and non-climbing mesh have been added to some areas and electrical conduit has been covered with a metal sheath. Implemented 4/13/2011.
9. **Relocate chemical dependency (CD) offices.** All staff office locations were evaluated to ensure their location was appropriately safe and secure. One office used by chemical dependency (CD) staff has been relocated to allow for increased safety and security and to facilitate better supervision of inmates and staff. Implemented 4/26/2011.
10. **Restrict inmate traffic.** A review of traffic throughout the Penitentiary was evaluated, and changes were made. For example, at all three PI Buildings, inmates without job assignments within those buildings will no longer be allowed access into those facilities. Traditionally, unit orderlies walked from their housing units into the PI building to pick up supplies, drop off laundry, drop off equipment, and conduct other routine duties. Now, unit orderlies will instead drop off and pick up their supplies or equipment at the PI building main entrance. Additionally, within the PI Building, an internal door to the sign shop has been closed to ensure that the assigned correctional officer is able to monitor and observe inmates moving between shops from the new post location. Implemented 4/14/2011.

11. **Provide radios for civilian PI staff.** Civilian staff members supervise inmates working for Hope Haven in the new PI Building and in the Jameson PI Building metal craft shop. These staff members were not previously provided radios as a standard practice, but they are now required to carry radios. Implemented 5/5/2011.

12. **Mandate body alarms.** Prior to this incident, staff entering the secure perimeter who did not have a radio were required to wear an audible body alarm. This policy has been revised so that all staff members are now required to wear a body alarm within the secure perimeter, regardless if they have a radio or not. Implemented 5/9/2011.

20. Conclusion

As with any critical incident within SDDOC, a thorough review has been completed. This review resulted in modifications to Penitentiary facilities and procedures. Penitentiary staff followed all policies and procedures. The inmates were unsuccessful in their escape attempt.

There had not been a South Dakota correctional officer killed in the line of duty since 1951. SDDOC staff will continue to grieve, reflect, and move through this tragedy. The majority of the inmate population has shared in the grieving process by participating in memorial services, writing condolences to RJ's family, and expressing their sorrows to staff and volunteer chaplains. Ultimately our continued goal is to fulfill the mission of the SDDOC:

To protect the citizens of South Dakota by providing safe and secure facilities for juvenile and adult offenders committed to our custody by the courts, to provide effective community supervision to offenders upon their release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

Attachment 1: Major Incident Report

South Dakota Policy Distribution: (Public or Non-Public)	Attachment: Major Incident Report Please refer to DOC policy 1.1.A.3 / 1.5.H.3 Reporting Information to DOC Administration / Use of Force - JCC
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MAJOR INCIDENT REPORT

TO: Secretary of Corrections **FROM:** [REDACTED]

NAME OF OFFENDER(S):	<u>Berget, Rodney</u>	<u>41951</u>	<u>5/15/62</u>	<u>Kidnapping/Murder</u>
	<u>Robert, Eric</u>	<u>46127</u>	<u>5/31/62</u>	<u>Kidnapping</u>
	<i>Last - First</i>	<i>Offender #</i>	<i>DOB</i>	<i>Crime or Adjudication</i>

TYPE OF INCIDENT: Attempted Escape, Staff Assault & Staff Death

DATE OF INCIDENT: 4/12/11 **TIME OF INCIDENT:** 10:45 X AM PM

LOCATION OF INCIDENT: West Gate and PI Office

NARRATIVE SUMMARY: (Provide how the incident occurred, how the incident was discovered and all details of the incident in chronological order).

On April 12, 2011, at approximately 10:45am, Officer [REDACTED] was relieving officer [REDACTED] at the West Gate for chow. The food truck showed up and needed to come into the facility. At this time she notified Cpl. [REDACTED] to shakedown/escort the truck into the facility. Once the truck was inside, there was what appeared to be an "officer" pushing a hand cart with one large cardboard box wrapped with packing tape along with a smaller box. The "officer" was coming from the PI building walking towards West Gate. Officer [REDACTED] noticed the "officer" had his head down and was wearing a baseball cap. At this time what appeared to be an "officer" entered through the inside gate which was still open from when the truck came inside.

Once in between the gates she realized the "officer" did not swipe his ID badge. Officer [REDACTED] then stepped outside of the West Gate Control to remind the "officer" to swipe his badge. The "officer" stated he forgot his badge. Officer [REDACTED] asked Cpl. [REDACTED], who was also in between the gates, if he recognized the staff. Cpl. [REDACTED] stated he did not. Officer [REDACTED] then asked the "officer" his name and he responded "[REDACTED]". Officer [REDACTED] asked Cpl. [REDACTED] if he was related to the "officer" to which he responded he didn't think so. At this time the Cpl noticed that the "officer" was wearing a white t-shirt under an oversized officer jacket and oversized pants. Cpl. [REDACTED] requested for the OIC to be called to the West Gate. Officer [REDACTED] called for an OIC to step to West Gate.

Immediately after the call on the radio, inmate Robert, Eric #46127 who had the officer uniform on and inmate Berget, Rodney #41951 who was hiding in the large box, began to assault Cpl. [REDACTED]. Officer [REDACTED] called a Code Red Code 3 at West Gate and Officer [REDACTED] was in the process of returning to his post. Cpl. [REDACTED] ended up in a fetal position as the inmates assaulted him. Officer [REDACTED] took the AR 15 out of West Gate Control and yelled to the inmates to stop. Both inmates responded "Go Ahead and Shoot!". When staff started to arrive inmate Berget began to swing a staff radio microphone and inmate Robert began to climb inside of the outside gate. Officer [REDACTED] hit inmate Robert in the hand with the stock of the weapon to prevent inmate Robert from getting any further into the razor wire in the southwest corner of the outside gate.

Associate Warden [REDACTED], Major [REDACTED] and others reported to the Code at West Gate. Once AW [REDACTED] got to the inside gate he observed Cpl. [REDACTED] with his back towards [REDACTED] with blood on his right forearm. [REDACTED] yelled for the gate to be opened. Officer [REDACTED] opened the gate. [REDACTED] stepped in between the gates and gave directives to the inmates to get on the ground. Inmate Berget hesitated and inmate Robert jumped from the razor wire. Both inmates were taken to the ground by a number of staff. Inmate Berget was escorted to the SHU and inmate Robert was taken to Health Services with 2 small cuts on his right hand from the razor wire.

Knowing that an inmate had a staff uniform, a search for a missing staff was initiated in PI. PI Supervisor [REDACTED] found officer Ron Johnson in PI on the floor unresponsive, on his stomach, in a large pool of blood, with his head wrapped with shrink wrap, dressed only in his socks, shirt, and underwear. At approximately 10:56am a Code Red Code 5 was called in the SDSP PI Bldg. Immediately the ambulance was called. Staff noticed a large open wound on his head. Immediately Sgt. [REDACTED] removed the shrink wrap from around Officer Johnson's head. Sgt. [REDACTED] began chest compressions while officer [REDACTED] began breathes with a face shield. Captain [REDACTED] requested the AED. Staff arrived with the AED along with Health Services. The AED was hooked up and advised no shock. CPR was resumed by staff until paramedics arrived at approximately 11:05am. Paramedics left the Penitentiary with Officer Johnson at 11:17am.

Cpl. [REDACTED] was taken to the emergency room at Avera McKennan Hospital. He had bruising around his left eye, his upper and lower lips were swollen, red knot on the back of his head, and bruising on the left chest area. Cpl. [REDACTED] returned to the prison.

After inmates Berget and Robert were detained, the outside perimeter was secured with weapons and staff. Emergency count was initiated for staff and inmates. Count was cleared at 12:10pm.

Officer Johnson was pronounced dead at 11:50am at Sanford Hospital.

Inmates Berget, Rodney #41951 and Robert, Eric #46127 were transported to the Minnehaha County Jail.

Located near where Officer Johnson was assaulted was a 2 foot pipe that appeared to be used as the weapon and Inmate Berget's prison identification card.

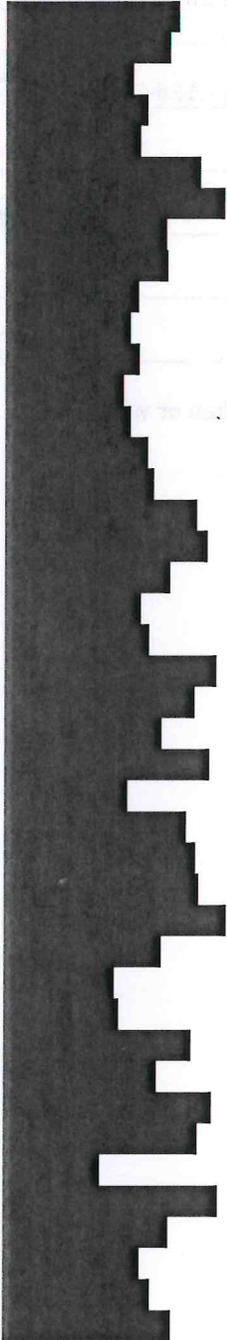
The State Penitentiary initiated lockdown procedures until Wednesday April 13, 2011. During the lockdown procedures, inmates were served meals in their cells.

South Dakota
Policy
Distribution: (Public or Non-Public)

Attachment: Major Incident Report
Please refer to DOC policy 1.1.A.3 / 1.5.H.3
Reporting Information to DOC Administration / Use of Force - JCC

WHO WAS INVOLVED?

(include the names of all staff involved in the incident)



All DOC Policies and Procedures were followed.

RESPONSE: (list whether and when law enforcement, media and others were contacted)

Media Contacted: X Yes No Date/Time Contacted: 4/12/11 1:20p AM PM

Law Enforcement Contacted: X Yes No Date/Time Contacted: 4/12/11 11:12a AM PM

Others Contacted? X Yes No Who? NA

Date/Time Contacted: _____ _____ AM PM

Others Contacted? X Yes No Who? NA

Date/Time Contacted: _____ _____ AM PM

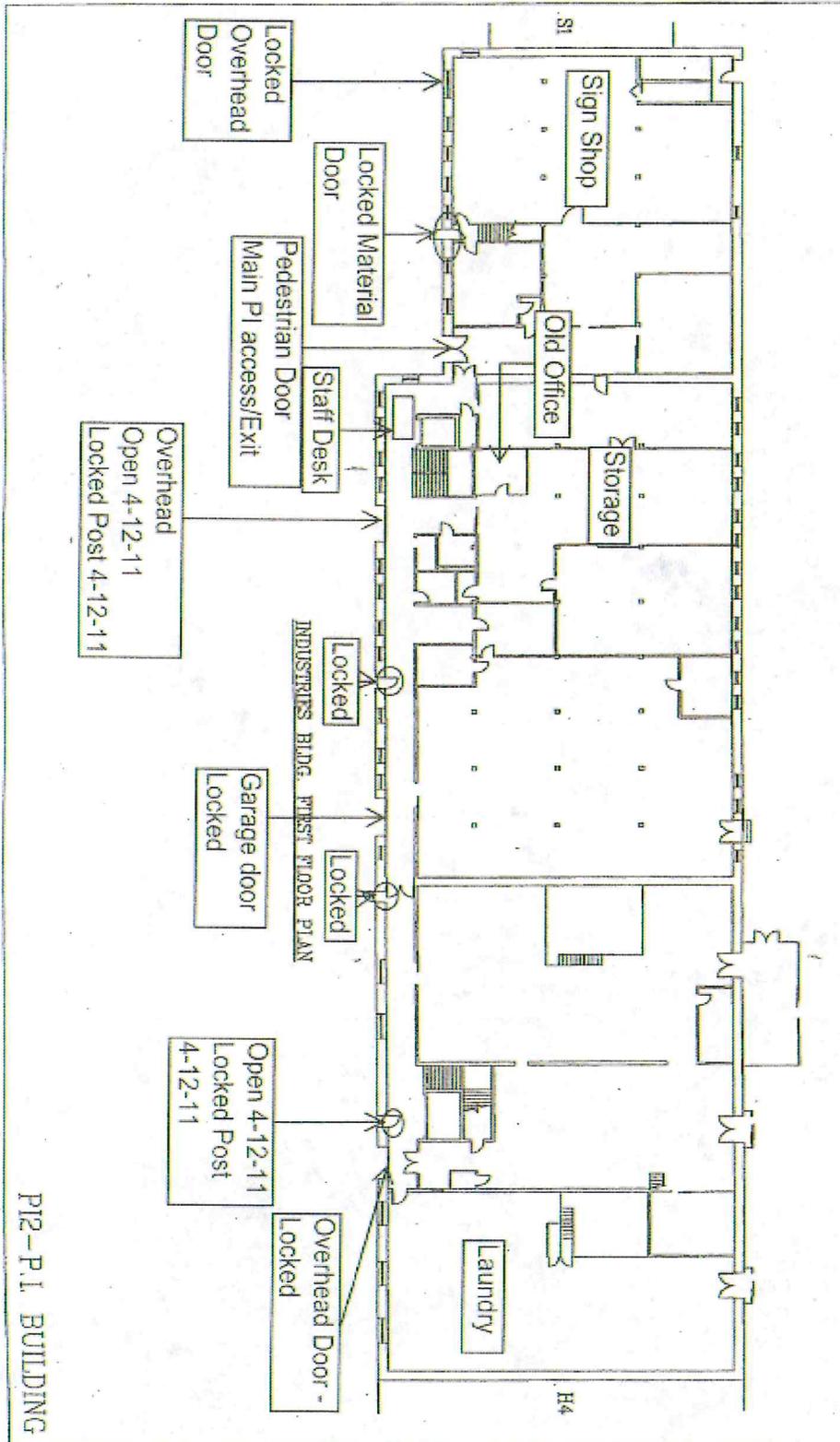
CORRECTIVE ACTION: (Briefly state any corrective action or disciplinary action that has been taken or will be taken as a result of this incident)

Review of all policy and procedures of the South Dakota State Penitentiary has been initiated.

Attachment 2: Aerial Photograph of Penitentiary Complex



Attachment 3: Map of First Floor of Prison Industries Building



Attachment 4: SDSP PI Building Post Orders

SDSP PI BUILDING POST ORDERS

- 6:45a.m. Check and make sure all shops are unlocked and supervisors are there to run shops. If a supervisor is not available at 7:30 a.m. call Main Control and ask if keys have been checked out for their shop.
- 7:15 a.m. Attend Briefing on 5th Floor of Admin Building.
- 7:45 a.m. Make rounds do all escorts for PI vehicle through West gate and walk-ins through Main Control, check all passes. When vehicles are coming in, make sure West Gate notifies Unit 8. Check underneath vehicle, collect driver's licenses and hang on clipboard dropped down by West gate Officer. Make sure all PI inmates show up to work within 15 minutes of work ring out. Breaks are not allowed outside. Check all passes and do a minimum of 2 to 3 pat searches an hour.
- 9:15 a.m. Make rounds, check passes (all inmate workers must have pass when leaving the shop area unless they are going to lunch break or after work is complete). Inmates not working in Braille unit get pat searched when they leave the shop. Braille workers get pat searched when they go to lunch, break and at night when they go to their cells. Start pat searched at 10:15 a.m. PI step van will be brought in to pick up UPS.
- 10:20 a.m. OIC will call the first of three groups for lunch. The inmates will eat and then return to the cell hall for Count.
- 10:30 a.m. OIC will call for last three shops for lunch. PI Officer takes lunch.
- 11:10 a.m. Take out UPS and pickups when count clears and it is cleared through West gate. Go out front and check PI office for inbound UPS or anything else that needs to be brought into the shops.
- 11:15-3:00 p.m. Check passes, check incoming laundry for contraband. Do inmate count when they come back from lunch.
- 3:30 p.m. Tool check in all shops. Can be checked before 7:30 a.m., or at 11:50 a.m. or 3:00 p.m.
- 3:35 p.m. Pat search Braille shop workers as they return to the cell hall.
- 3:40 p.m. Put phone in charger, shut off light and lock doors to office. Also lock west entrance door when leaving for the day. Leave the bars open. Turn Rec list in to Main Control and the Control Rooms. Make sure all inmates are out.
- 3:45 p.m. Turn keys in to Main Control.

Last Revised on 9/18/2010

Attachment 5: Example of Performance Based Management System Data

Measure (Average 2010)	Connecticut	Indiana	Iowa	Kansas	Kentucky	Louisiana	Massachusetts	Mississippi	Nebraska	New Mexico	North Dakota	South Dakota	West Virginia	Wyoming
Inmate on Staff Assaults with Serious Injury %	0.00	0.01	0.01	0.00	0.02	0.05	0.01	0.11	0.00	0.01	0.00	0.00	0.00	0.06
Inmate on Staff Assaults that did not involve Serious Injury %	0.10	0.07	0.08	0.00	0.06	0.00	0.23	0.09	0.05	0.07	0.07	0.07	0.07	0.05
Inmate on Inmate Assaults with Serious Injury	0.01	0.01	0.01	0.00	0.02	0.00	0.02	0.03	0.05	0.01	0.03	0.01	0.03	0.02
Inmate on Inmate Assaults without Serious Injury	0.19	0.15	0.15	0.02	0.08	0.00	0.40	0.20	0.36	0.15	0.30	0.20	0.20	0.47
Inmate on Inmate Fights	0.43	0.09	0.19	0.03	0.33	0.58	0.49	0.22	0.43	0.30	0.36	0.25	0.36	0.41
Random Cell Searches %	109.56	149.86	54.08	6.58	53.08	287.79	41.10	113.04	3.40	203.42	103.76	54.29	49.12	70.09
Targeted Cell Searches %	20.19	29.89	34.52	0.14	5.42	154.65	168.62	46.62	163.27	37.59	0.00	73.95	11.24	13.37
Major Contraband Finds of Weapons %	0.05	0.19	0.03	0.00	0.11	0.14	0.24	0.91	0.10	0.09	0.08	0.03	0.08	0.02
Major Contraband Finds of Cell Phones	0.01	0.72	0.00	0.00	0.05	0.06	0.13	1.81	0.32	0.00	0.02	0.55	0.05	0.01
Positive Drug Tests (random)	59.70	2.37	0.09	0.01	2.25	1.04	-	71.10	1.15	0.38	0.13	0.1	3.59	1.12
Immediate Use of Force	0.56	0.24	0.83	0.00	0.09	0.18	0.37	0.26	0.62	0.19	0.56	0.37	0.11	0.28
Planned Use of Force	0.53	0.05	0.71	0.00	0.19	0.13	0.06	0.06	0.26	0.04	0.11	0.21	0.01	0.16
Inmate Attempted Suicide	0.11	0.01	0.07	0.00	0.02	0.01	0.10	0.03	0.00	0.03	0.14	0.08	0.00	0.01
Inmate Suicides	ALL ZEROS FOR EVERY STATE													
Inmate Suicides Escape from Secure Facility	0	0	0	0	0	0	0	0	0	0	0	0	0	0.01

Occurrences in relation to average state prison population.

Attachment 6: Radio Emergency Call Codes and Response to Body Alarms

Radio/Body Alarm Policies

All staff and volunteer chaplains entering the secured facilities must either have in their possession a radio or body alarm. Staff are trained on radio procedures during Pre-Service and In-Service. Below are the procedures as defined by Radio Use OM 2.3.A.20:

Emergency Call codes: Code Reds and Code Green:

- A. **Code Red emergency:** Code Red emergencies are for call lights, fence alarms and medical emergencies and emergency requests for staff assistance.
 1. Any staff member (including contractual staff and/or staff from another State agency who work on the SDSP premises) that becomes aware of an emergency situation requiring the notification and/or request for help of supervisors or other staff will make a radio call declaring the emergency situation as a **Code Red, code one, two, three, four or five**.
 2. If a staff member does not have a radio, he/she will either notify the closest staff person who possess a radio to make the call or will contact the nearest control room by phone (5555 for the SDSP or 5559 for Jameson) or in person. **These are emergency numbers that ring into the control rooms that identify the location of the caller.**
 3. In the event that a staff person contacts a control room by phone or in person, control room staff will broadcast the Code Red via the radio.
- B. The staff member should first identify himself/herself by name or post, whichever is the most helpful in terms of identifying their location and will make the Code Red call to the nearest control room.
- C. The Code Red call will also include the following information:
 1. The nature and/or severity of the emergency; e.g. call light, fight, fire, staff assault, medical emergency, etc.
 2. The location of the emergency; e.g. cell number, unit/section, kitchen, rec building, etc.
 3. The urgency of the response requested by staff, using the following guidelines:
 - a. **Code RED, Code ONE:** Staff are to respond at the earliest convenience. An example of Code One response would include responding to an emergency call light in a Special Housing Unit (SHU) or Unit A. Code One response is typically used for important information that needs to be exchanged.
 - b. **Code RED, Code TWO:** Staff are to respond by walking quickly to the area. Examples of Code Two response would include responding to an emergency call light in general population, when there is threatening behavior, non-compliance with a direct order or when back-up is required.
 - c. **Code RED, Code THREE:** Emergency, Staff needs assistance. This code requires an "All Hands" response. All available uniformed security staff and Unit staff are to respond by running or making their best time to the area where assistance is needed as soon as possible. Code Three response is typically used in the event of an attack, injury, a life threatening situation or a situation that available staff are not able to control. An activated Personal Body Alarm also requires a Code Three response.

- d. **Code RED, Code FOUR:** Medical Emergency , send medical assistance from (SDSP or Jameson) health services as quickly as possible. Do not state the name or medical condition of the inmate over the radio. When a medical emergency is obvious, staff should not hesitate or wait for a Sergeant or above to call a Code Red, Code Four after first calling the Code Red, Code Three.
 - e. **Code RED, Code FIVE:** Medical Emergency, Control room, call 911 for emergency medical assistance. This call is usually made by a Sergeant or above after internal Health Services has responded and the situation has been assessed.
Once requested by Officers on the scene of the medical emergency, the control room of the facility with the emergency makes this call.
Control room staff should always assume an emergency response is needed unless otherwise instructed (Code 3, Fire Department and ambulance with lights and sirens).
 - f. **Code Green,** is the radio call to assemble a cell entry team. When an intervention staff person in charge or the OIC determines a cell entry intervention is necessary, he will make a "Code Green" radio call to summon the staff that will make up a cell entry team.
- D. The entire call should be made twice to ensure clarity and transmission.
- 1. The respective control room will repeat the call in its entirety to "All Units" so that the clarity of the radio transmission is ensured.
 - 2. The OIC will determine when sufficient staff have responded and will notify the respective control room that sufficient staff have responded.
 - 3. Corporals and Sergeants will ensure that sufficient staff remain on their units or posts to maintain normal operations or to lock up remaining inmates.
- E. When the emergency situation is resolved the staff member who called the Code Red or the supervisor on the scene will call the respective control room to "Cancel Code Red".
- 1. The reason for the cancellation should be stated.
 - 2. The caller will identify himself/herself by name or post.
 - 3. The respective control room will repeat the notification of cancellation of the Code Red to all units.
- Emergency Response for Personal Body alarms**
- A. When a Personal Body Alarm is activated, all staff within range of the sound should treat the Alarm as a Code Red, Code Three call for assistance and respond to the sound of the alarm. staff with a radio should use the radio to call the control room and issue a Code Red, Code Three call for assistance.