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# **System Operational Review**

**South Dakota Department of Corrections**

**Final Report – April 2022**

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## Executive Summary

The State of South Dakota contracted with CGL Companies to conduct a comprehensive review of facility operations in the state correctional system. This review was initiated after an anonymous email was sent to the Governor's Office and several other state leaders regarding operational practices at Department of Corrections (DOC) facilities.

The claims in this email included sexual harassment, favoritism, nepotism, lack of proper safety equipment, low morale, inadequate pay, and reduced benefits. The state took decisive action in response to these complaints as it became clear they represented legitimate concerns that were impacting the staff culture throughout the Department. Over the past several months, personnel changes have been made at and above the warden level throughout the correctional system. Interim leadership is taking initiatives to engage facility staff and to increase the role and influence of middle managers.

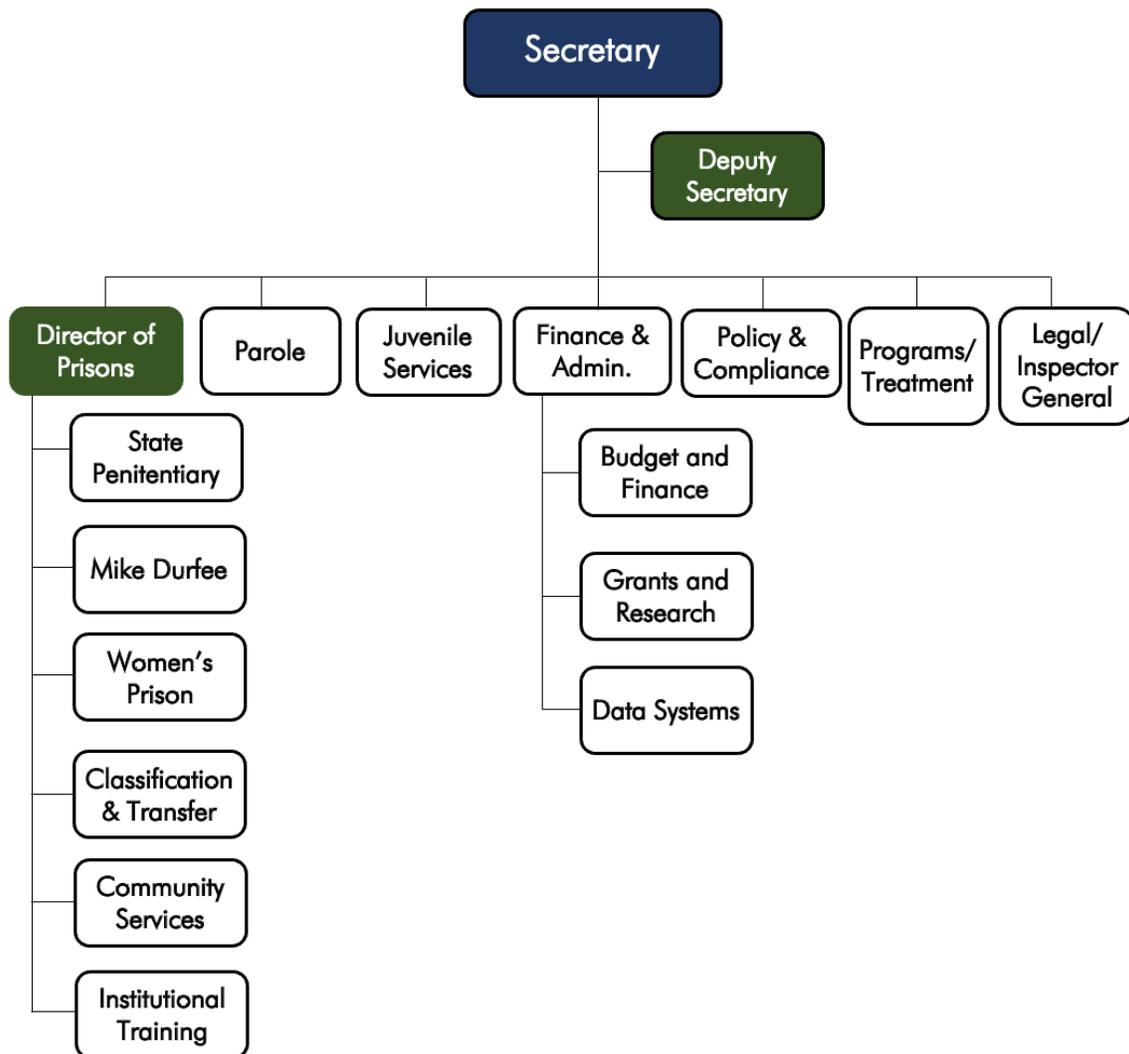
The following highlight key findings and recommendations from this review:

- **Staff Retention:** The most critical issue facing the DOC is staff retention. During a recent 6-month period separations outpaced new hires by a 2-to-1 margin. Functional vacancy rates of the correctional officer position are near 30 percent. This level is unsustainable, and the resulting lack of staff contributes to low staff morale, which, in turn, further complicates the ability to recruit and retain new staff. Specific recommendations to address the retention issue include:
  - **Increase correctional officer salaries.** The starting pay rate and pay progression system should be permanently modified to incorporate salary increases at a level that is competitive in South Dakota labor markets.
  - **Contract with retired staff for security positions within system prisons.** This practice is encouraged both from a staffing perspective but also to provide experienced support for new employees entering the workforce. The DOC should consider increasing the use of retired staff for this purpose during the staffing shortage.
  - **Encourage partnerships with colleges and universities.** DOC should develop partnerships with college and universities, with a focus on criminal justice programs, to augment their recruitment efforts.
  - **Direct wardens to become personally involved in the hiring process:** Sustaining adequately staffed prisons has become the most important leadership responsibility for correctional administrators. It is therefore incumbent for facility wardens to dedicate meaningful time to this process.

- **Review and make permanent the current process for retention bonuses to ensure fidelity in its implementation and establish recruiting bonuses for tenured staff who recruit new staff.** Several correctional organizations across the country have implemented this practice with success. Not only do retention bonuses reward those who are trained and experienced but recruiting bonuses create positive word-of-mouth advertising for open positions within the department. In addition, this builds a sense of ownership of operations as people support what they help create.
- **Establish hiring bonuses to compete with local companies utilizing this tool to engage new staff.** Correctional systems across the country have had to implement meaningful hiring bonuses to be better able to compete in the employment market.
- **Develop new recruitment strategies to reach a wider potential pool of employees.** This includes improved marketing/recruitment materials, customer service approach that better guides applicants through the employment process, incorporating metrics to assess recruitment sources, and expanding social media presence.
- **DOC Organizational Structure:** The current organization of the DOC does not support the management needs of a modern correctional system, nor does it support improved communication needed across the agency. A new organizational structure should be developed that will facilitate effective and efficient operational performance. Elements of this reorganization should include:
  - **Establish a DOC Policy/Compliance Unit.** Contemporary correctional systems are complex and sophisticated and require a comprehensive policy/compliance unit to ensure policies are up-to-date, reflect DOC's expectations, are communicated to the facilities and line staff, and are audited to ensure agency expectations are being met. A comprehensive compliance system also better ensures that staff are equally held accountable across the system.
  - **Consolidate Inmate Programs and Services into a single function.** In the last two decades, the importance of providing high standards of care, and enhanced inmate programming has grown significantly, requiring they be a priority of any correctional system. The public has an expectation that those sentenced to prison return to their communities better prepared to hold a job and live in a law-abiding manner.

- **Eliminate Chief Warden Position.** The established Chief Warden position at the State Penitentiary that supervises the wardens at other facilities is ineffective. The wardens of each of the three correctional facilities should report directly to a Director of Prisons.

Exhibit 1: Recommended DOC Organizational Structure



- **Crowding at the Women’s Prison.** The level of crowding at the Women’s Prison far exceeds manageable levels with extensive triple bunking of female inmates in cramped, inadequate spaces. In addition, the current building housing the female work release inmates has structural issues that will make it unsuitable for future use. To address this issue, Governor Noem has proposed funding in the 2023 budget for a 208-bed community work center for female inmates in Rapid City. CGL views this project as essential to meeting the state’s need for female offender capacity.

- **Shift Structure:** Custody staff voiced displeasure with a recent change to a 12-hour shift schedule. While 12-hour shifts often are perceived as attractive by staff and work well in many correctional systems, their effectiveness requires a low vacancy rate and minimal reliance on overtime. The current high levels of required overtime that result in staff working their days off or extended shifts is highly damaging to staff morale and employee retention. If staffing levels can be increased based on the efforts of the Secretary and other methods suggested in this report, and staff can reliably receive their planned days off, then acceptance of the 12-hour schedule will grow.
- **Nepotism/Favoritism:** As described, facility decision-making was often left in the hands of the few, establishing the appearance and potential for favoritism throughout the organization and undercutting the responsibilities of line supervisors. The Acting Secretary has pushed to empower supervisors through the appropriate decentralization of decision-making. This effort should continue and be expanded.
- **Staff Training Deficiencies:** Staff training must be improved in the system to include more engaging and consistent pre-service and annual training. Additionally, the poorly staffed Field Training can be improved by ensuring Corporal positions are required to be Field Training Officers. DOC can also explore a partnership with local colleges to provide college credit for preservice and annual training allowing DOC to recruit “Come work for us and get credit toward a college degree.”
- **Security Practices:** Security practices, including the control of tools and toxic chemicals is insufficient. At facilities we found numerous tool control issues that include lack of inventories and accountability, and poor control. A comprehensive tool control strategy is recommended, as well as improvements in inmate search systems, and security policy compliance. Additionally, the DOC should immediately conduct a tool control audit at each facility to assess the accuracy of its existing inventory and practices.
- **Administrative Coverage During Non-Business Hours:** The DOC has no requirement for duty command staff to be present after 4:00 pm or weekends when inexperienced staff are heavily assigned. Duty officer coverage policy and schedule should be developed to ensure command staff presence during these times and expand interaction with staff on evening and weekend shifts.
- **Restrictive Housing Practices:** The DOC should revise their existing Restrictive Housing policy to be consistent with the performance-based standards developed by the American Correctional Association.
- **Sexual Harassment.** Current DOC policy, enforcement, and reporting requirements can be strengthened to address this issue, clarifying staff and management responsibilities for reporting, investigation, and enforcement.



- **Offender Programs.** Current facility space constraints complicate access to programs in Department facilities. However, the DOC should explore expanding vocational and substance abuse treatment programs in all facilities.
- **Expansion of Central Oversight.** Throughout this report, there are a significant number of important recommendations that will require a substantial amount of central development, coordination, implementation, and oversight. This includes establishing a comprehensive policy development/compliance process, expansion of training, and initiation of new recruitment and retention strategies. This cannot be accomplished given the current makeup of the agency and the small size of its central office. Currently, only 22 positions, or 2.7 percent of the agency's funded staff are assigned to central office functions. These recommendations will therefore implicitly require the expansion of the existing central office to ensure the agency's ability to operate effectively and according to contemporary requirements. In some cases, the DOC may need to outsource assistance to address these needs.

## Chapter 1: Background

In August 2021, the South Dakota Department of Corrections (DOC) selected CGL Companies (CGL) to conduct a comprehensive review of facility operations in the state correctional system. This review was initiated after an anonymous email was sent to the Governor's Office and several other state leaders regarding DOC practices. The claims in this email included sexual harassment, favoritism, nepotism, lack of proper safety equipment, low morale, inadequate pay, and reduced benefits. The DOC took decisive action in response to these complaints as it became clear they represented legitimate concerns that were impacting the staff culture throughout the Department. Over the past several months, personnel changes have been made at and above the warden level throughout the correctional system. Interim leadership, particularly Acting Secretary Clarke is taking initiatives to engage facility staff and to increase the role and influence of middle managers.

In support of this review, the project team requested a large number of documents and data from the Department and conducted interviews with each of the Department's key administrators. The project team conducted on-site reviews of operations in each of the department's facilities. These on-site reviews included meetings with facility administrators, detailed facility tours, and interviews with incarcerated individuals, department heads, and line staff. As part of the study, focus groups were held with front-line staff at every facility to develop further insight into the organizational culture, staff perspectives, and work environment issues.

Department administrators provided the review team with unfettered access to facility operations and staff throughout the system and frank assessments of the issues faced in the state's correctional system.

During the review, CGL conducted regular briefings for the Department Secretary to advise of the project's progress; discuss any impediments or problems encountered while completing the performance review; obtain feedback and input on the direction and scope of the project; and to summarize preliminary observations and findings.

These briefings helped to refine a list of core issues that the project team has identified as being most critical in terms of affecting the Department's overall performance. As the review proceeded, the following list of core issues emerged. These core issues became the primary focus of the review and were used to frame the issues presented in this report.

- Department Organization
- Facilities
- Staffing
- Institutional Security



## Chapter 1: Background

- Programs and Services
- Organizational Culture

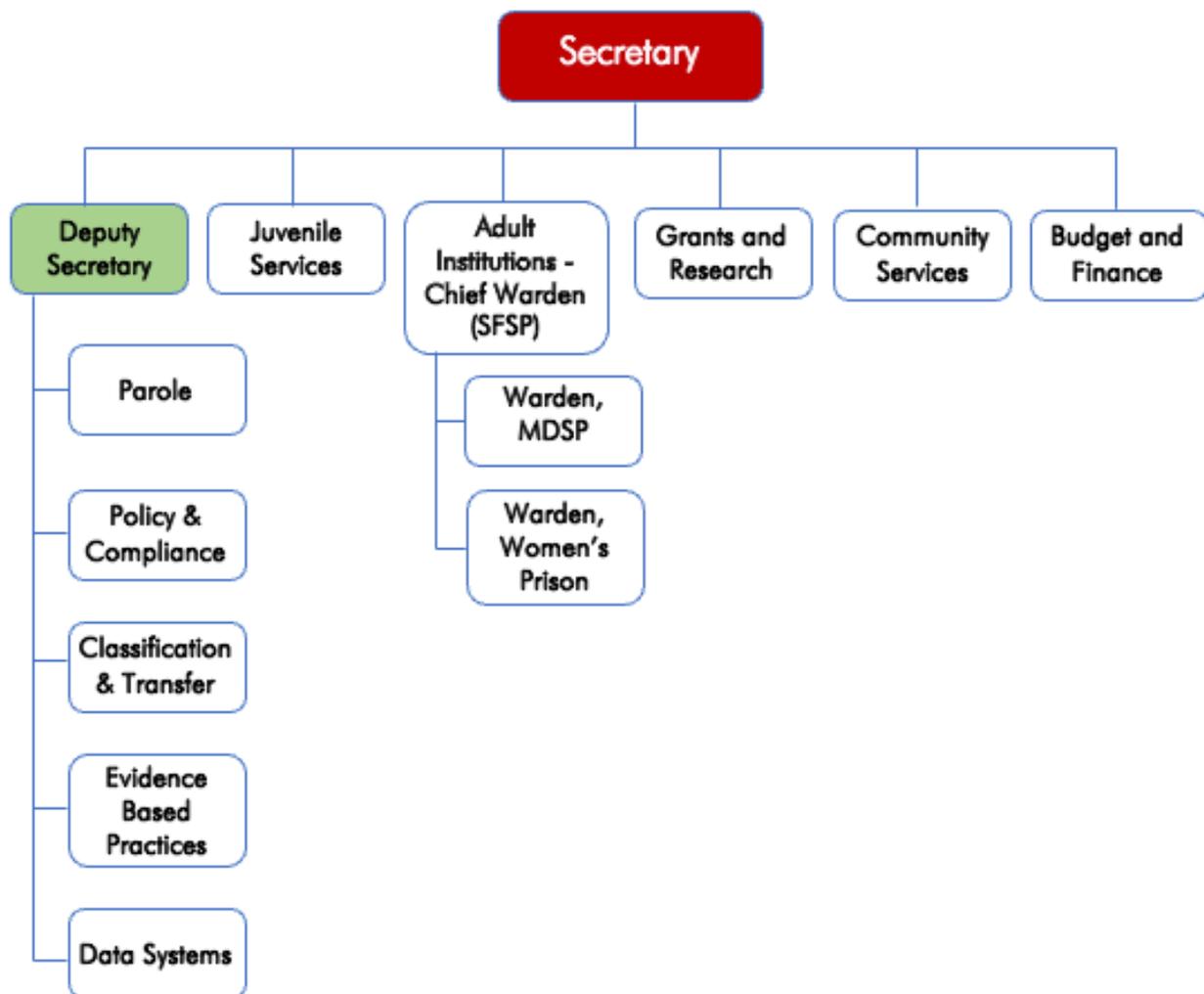
This report summarizes the observations, findings, and recommendations the CGL team developed during this review. They are directly related to the core issues and the project's stated objectives to improve correctional system operational performance.

## CHAPTER 2: Department Organization

An agency’s organizational structure reflects agency priorities and provides an opportunity to address presenting issues that evolve over time. This assessment of the South Dakota correctional system provides insight into the significant challenges that exist today in South Dakota which are not dissimilar to those experienced by correctional systems throughout our country.

The existing organizational structure of the Department does not support contemporary correctional system management requirements. The following exhibit describes the current Department table of organization:

Exhibit 2: Current Department Table of Organization



The existing structure establishes the following direct reports to the Secretary:

- Juvenile Services
- Adult Institutions
- Grants and Research
- Community Services
- Budget and Finance
- Deputy Secretary who has oversight over Parole and several other functional areas

A table of organization implicitly identifies the organization's priorities and its purpose. Those functions placed at the top of the organization structure are considered the most important goals, needs, and roles of the agency, while those further down the organizational structure are seen to have a lower priority. Also, a well-developed organizational structure improves operational efficiency by providing clarity as to who has final responsibility for oversight of each function.

The organizational structure of any correctional system must strike the right balance and prioritize the vital agency functions that should be reporting to the Secretary. Given the demands of the position, the agency leader (Secretary) is not able to solely focus on the day-to-day operations of the correctional system. They must also divide their time and attention with needs of the agency including the well-being of staff, incarcerated persons, the public, and legislature. Given the multiple demands placed on the Secretary and the agency's organization, those functions directly reporting to the Secretary should reflect the agencies most important and critical needs. It is imperative that the Secretary is positioned to be aware and responsive to the most significant events without being overwhelmed. Additionally, the structure should allow for improved decision making and communication.

The Department's existing organizational structure has been described to have grown organically over time, based on the interests and capabilities of individual agency administrators. While this structure may have been appropriate in the past, it no longer meets the needs of the state correctional system, nor supports the operational requirements of this system.

The Department's existing structure includes important, but less pressing functions like Grants and Research and Community Services, which are at the same level in the organizational structure as Adult Institutions and Juvenile Services. Additionally, Parole has been pushed down the chain of command even though it arguably should have equal importance as adult institutions and juvenile services given its priority to the public.

Other functional areas in corrections that have grown in importance in past decades, such as the provision of inmate programs and services to reduce recidivism and future crime victims,

and the expectation for compliance with agency policies, are not prioritized in the existing organizational structure.

The current organization of Adult Institutions presents an additional concern. This structure has the Warden of the South Dakota State Penitentiary serving as the “Chief Warden” over the wardens of the other facilities (Mike Durfee State Prison and South Dakota Women’s Prison). Managing the State Penitentiary is a sufficiently broad scope for a warden without the requirement to have oversight over two additional correctional facilities, located hours away from their primary assignment. Interviews with staff indicate the existing structure has created complications with complaints that the Department shows favoritism to the Chief Warden’s facility, and the inability for the Chief Warden to provide any meaningful oversight to the other facilities. Our recommendation is for each correctional facility to operate independently, under the oversight and authority of a Director of Prisons position.

#### Recommendations:

1. **Key Department operational functions that monitor and supervise individuals should be accountable to the Secretary.** These include the Adult Institutions Division, Parole, and Juvenile Services.
2. **Consolidate inmate programs and treatment services into a single function accountable to the Secretary.** In the last two decades, the importance of providing high standards of care, and enhanced inmate programming has grown significantly, requiring they be a priority of any correctional system. The public has an expectation that those sentenced to prison return to their communities better prepared to hold a job and live in a law-abiding manner. Key responsibilities of the position overseeing programs and treatment should include:
  - Understanding current and trending research regarding the effectiveness of programs and implement the most responsive programs through trained and competent staff
  - Engaging with the system classification system to ensure that risks and needs are integrated into the agency classification system
  - Communicating regularly with facility leaders who have oversight of institutional programs to establish expectations and protocols for internal [facility-based] monitoring of program delivery
  - Working with the Compliance and Monitoring section to design policy and performance standards to measure program delivery compliance with expectations

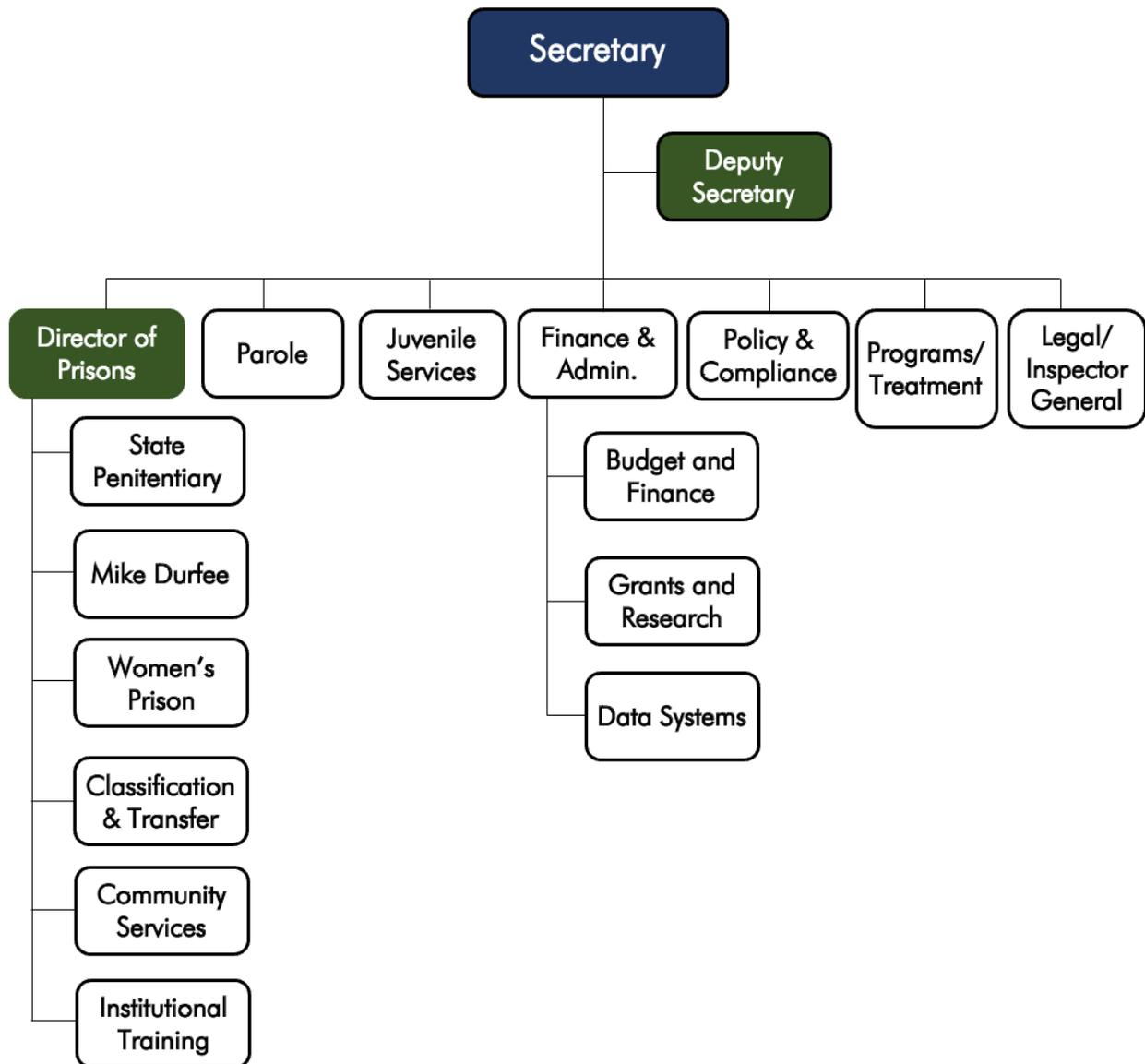
- Establishing annual goals for participation and completion of recognized programs
3. **Create a centralized policy/compliance unit that ensures new and revised policies accurately reflect agency needs, are clearly communicated to the field, and are enacted consistently across the agency.** Correctional agencies no longer have the option of allowing individual facilities to operate independently and autonomously. The complexity and sophistication required in correctional operations has resulted from changing requirements, increased societal expectations, and national litigation. This has created the need for coherent and consistent strategies across the entire state correctional system. Policies in correctional settings are only effective when staff understand their expectations and when there is a systemic process of monitoring policy compliance. Key responsibilities of this leadership role should include:
- Engaging content experts in security, safety, programs, healthcare, community corrections, food service and other critical agency operations to perform a comprehensive review of existing agency policies. The outcome of this review should yield clear understandable policies responsive to safe, secure, and humane operations.
  - Using the policies, develop monitoring instruments that encompass the critical operations and practices of the agency. This project can be facilitated and expedited by requesting auditing instruments from other jurisdictions to use as a guide while being specific to Department agency policy.
  - Overseeing an audit program using auditors trained on the process and instrument in an unannounced format.
  - Developing an annual report that identifies both operational strengths as well the most significant vulnerabilities that require prioritization by the agency.
4. **Establish an inspector general/legal unit to report directly to the Secretary.** Given the number of critical legal issues that correctional agencies have faced in the past decade, including access to medical and mental health care, the use of solitary confinement, and other substantive issues, there is a need for internal investigation and legal issue review. Responsibilities of this role include:
- Leading the DOC's response to critical legal challenges and issues.
  - Monitoring and investigating DOC's compliance with the Prison Rape Elimination Act (PREA).
  - Providing and managing a confidential process for both staff and inmates to report harassment, life-threatening conditions, and illegal activity.

5. **A Director of Prisons position should have oversight over the adult correctional facilities and the support functions that provide services to these facilities.** This position can be the primary assistant to the Secretary. In addition, each facility warden should report to a Director of Prisons position. Specific responsibilities for this position include:

- Providing an annual evaluation of each warden, training director, and classification and transfer director
- Holding follow up briefings with the warden regarding each institutional audit conducted and approve each corrective action for audit non-compliance findings
- Ensuring that each facility has written emergency operations protocols and design a system where they are tested and evaluated
- Monitoring conditions of confinement and restrictive housing practices.
- Ensuring the security of facilities including assessing facility vulnerabilities.
- Ensuring pre-service training is provided for new employees and for all employees annually that is responsive to emerging issues, based on adult learning theory, and delivered by competent professionals certified by the agency as trainers
- Ensuring all facilities operate within a consistent unit management model with its underlying principle of “Being responsive to the concerns of staff and needs of inmates”.
- Providing oversight to an inmate classification system that manages inmates in the least restrictive environment necessary to maintain safe and secure facilities and the delivery of evidenced-based programs designed to reduce recidivism.

Consistent with the above recommendations, we propose the following agency organizational structure:

Exhibit 3: Recommended Department Organizational Structure



## Facility Organization

The key ingredient in effective facility performance is leadership. Corrections leadership must be visible and engaged with both staff and inmates to be credible. The following recommendations reinforce these characteristics and are aligned with proposals made for agency realignment.

### Recommendations:

6. **Establish an on-site administrator responsible and accountable for the welfare of staff, inmates and public, and for compliance with all prescribed policies at each facility and operational site in the Department.** In prisons this leadership position is a warden as is the existing practice. However, Community Work Centers currently have administrators visiting the sites periodically. It is recommended that an administrator at the level of at least Associate Warden be located on-site at the centers and assume administrative responsibility for daily operations.
7. **Establish a duty officer program that includes administrative staff at each facility.** To promote increased interaction between facility leadership and staff throughout the facility, each warden should establish a duty officer program with the following requirements:
  - Have an administrator on site inside the prison during weekday evenings and some hours on the weekend.
  - The duty officer is to visit every area of the facility interacting with staff and inmates being attentive to concerns raised, observing policy compliance and general facility maintenance and sanitation.
  - At the completion of the tour of duty in this capacity, prepare a brief written report on significant observations that will be provided to the warden and Director of Prisons.

## CHAPTER 3: Facilities

Department facilities face many serious physical plant issues that will require future attention by the state. These issues include:

- High levels of inmate crowding throughout the system
- Lack of staff support space
- Shortages of program space at all facilities
- Lack of dedicated facilities for special needs populations such as the mentally ill.
- Accessibility issues at the State Penitentiary and Mike Durfee
- Inefficient facility layouts that complicates operations and presents security challenges at the State Penitentiary, Mike Durfee State Prison, and the Yankton Community Work Release Center.
- Inadequate health care facilities at the Women’s Prison
- Structural integrity issues at the Pierre Community Work Center (PCWC)

Since 2013, the Department has obligated \$29.3 million in capital repair projects to address physical plant needs in its facilities.

In 2020, the State commissioned a correctional system master plan to guide future capital investment in state facilities. The plan, conducted by the DLR Group, identified 18 projects with a total capital cost of \$608.2 million. The centerpiece of the plan calls for a new 1,372-bed multi-custody facility to replace the State Penitentiary. Based on the project team’s assessment, the Department’s most immediate facility needs are at the Women’s Prison and the Pierre Community Work Center.

The Women’s Prison has an original design capacity of 146 inmates. At the time of our visit the facility housed 421 female inmates. The majority of the facility was triple-celled, and the gymnasium had been converted to inmate housing. The PCWC was completely triple bunked, with 6 to 9 residents crammed into small rooms or cell areas. There is little room for anything except bedding and a very minimum amount of personal property in the undersized living areas. The facility was the most crowded female correctional institution the members of the project team have ever reviewed. Until the crowding issue is remedied, management and staff are in a holding pattern attempting to manage the population. Little can be taken on in terms of changing or improving program efficacy under these conditions.

Moreover, the DLR report indicates that the PCWC has structural deficiencies that make long-term reliance on the facility doubtful. Given the condition of PCWC and the degree of female inmate crowding, the Department requires additional female capacity as soon as possible.

Governor Noem's 2023 budget includes \$28 million for the construction of a 208-bed community work center for female inmates in Rapid City. Such a facility would address the need to replace the PCWC and provide additional capacity to reduce crowding at the Women's Prison. The location of the facility in Rapid City will provide better opportunities for jobs for work center inmates than exists in Pierre, as well as a location much closer to the home region of many female inmates. Such a facility will improve operational conditions at the Women's Prison and improve opportunities for rehabilitation. The project should be a high priority for the Department.

**Recommendations:**

1. **Support the proposed construction of a 208-bed community work center for female inmates in Rapid City.**

## CHAPTER 4: Staffing

For the past several years, correctional systems across the country have faced a growing staffing crisis. While this issue started before the COVID-19 pandemic, it has only grown worse in the past two years, partly fueled by virus-related absenteeism that has increased workload demands, created excessive levels of overtime, and ultimately made employment in a correctional facility less attractive. The result of this crisis, coupled with a national labor shortage, have created conditions where systems have been forced to implement measures that just a few years ago would have been inconceivable. For example, some states are closing correctional facilities due to the lack of employees. Others, like Nebraska's Department of Correctional Services have recently agreed to permanently implement an \$8.00 per hour wage increase (40 percent increase) and pay double-time for all overtime worked.

South Dakota is experiencing similar issues and at the same time it must confront this challenge, a recent anonymous email sent across state government has raised concerns regarding a negative culture in the system. This negative culture was supported by staff focus groups conducted at each facility that confirm that staff morale is very low. Clearly, low staffing levels and low staff morale are interrelated and interdependent issues. Low staffing levels exacerbate morale issues, and in turn, low morale issues complicate recruitment and retention efforts.

**Current Budgeted Staff:** The most pressing challenge DOC faces is correcting the retention issues it is experiencing. While there may be a limited need to change the number of funded FTEs in the system to address workload changes that have occurred over the past several years, the current funded staffing level is not the primary issue, and it is unlikely any staff increase could provide relief until immediate retention difficulties are addressed.

Exhibit 4 provides a breakdown of DOC funded staffing levels.

## Exhibit 4: FY2021 DOC Budget &amp; Funded Staffing Levels

Budgetary Unit	Total Funds (General Fund, Federal Funds, & Other Funds)	Funded FTEs
Administration Corrections Central Office	\$ 4,004,827	22.0
Mike Durfee State Prison	\$ 20,635,275	209.0
State Penitentiary	\$ 27,879,228	326.0
Women's Prison	\$ 7,170,981	75.0
Pheasantland Industries	\$ 3,569,809	16.0
Inmate Services	\$ 35,065,255	49.5
Parole Services	\$ 6,664,219	67.0
Juvenile Community Corrections	\$ 15,378,270	26.7
<b>Total</b>	<b>\$ 120,367,864</b>	<b>791.2</b>

For FY2021, DOC was budgeted for over \$120 million and funded for 791.2 full-time equivalent staff (FTEs). The South Dakota State Penitentiary (SDSP) was funded for 326 FTEs while Mike Durfee State Prison was funded for 209, and the Women's Prison was allotted 75 FTEs. The Central Office funded positions (22) represented only 2.7 percent of overall agency staffing.

This section of the report provides recommendations to improve staff retention. There is no singular cause for this complex problem, and subsequently, there is no singular solution to it. Therefore, a broad array of recommendations across the entirety of DOC's operations are provided.

**Vacancy Rate:** Data provided by DOC underscored the critical vacancy and turnover problem it is experiencing. Tables of Organization provided for each correctional facility identified the following funded/vacant correctional officer positions:

### Exhibit 5: September 2021 Funded vs. Vacant Correctional Officer Positions

Facility	Funded	Vacant	Vacancy Rate
South Dakota State Penitentiary	191	48	25%
Mike Durfee State Prison	96	17	18%
Women's Prison	44	12	27%
<b>Total All Facilities</b>	<b>331</b>	<b>77</b>	<b>23%</b>

Overall, DOC has a 23 percent vacancy rate among correctional officers. The Women's Prison and State Penitentiary are experiencing the highest levels, with one out of every four positions vacant.

The "vacancy rate" metric, however, understates the actual number of staff able to fill a post in the system as it simply divides the number of vacant positions by the number of funded positions. CGL finds that a more accurate metric is the "functional vacancy rate." Unlike the standard "vacancy rate" used by most organizations, the functional vacancy rate considers all positions that cannot staff a post, not just those that are unfilled, and therefore also includes those filled positions that cannot be assigned to a post because the staff are in new-hire training or are on some type of long-term leave. Thus, it more accurately presents the challenges security supervisors must confront daily when trying to fill their shift roster.

For example, on the 2<sup>nd</sup> day of our site visit in October 2021, the State Penitentiary listed 55 correctional officer/corporal vacancies, which equated to a vacancy rate of 20.1 percent. However, when considering those staff who could not fill a post due to pre-service training and long-term leave, the number of functional vacancies was 71, resulting in a functional vacancy rate of 26 percent.

- 2. Recommendation: The Department should utilize and publish the "functional vacancy rate" for each facility to provide a better understanding of operational staffing shortfalls.**

**Salary Levels:** One potential contributor to recruitment and retention can be position salary levels. In DOC the starting salary of a correctional officer is \$17.89 per hour. Exhibit 6 compares this level to the starting salaries for correctional systems in other adjacent states.

### Exhibit 6: Comparison of Adjacent State Starting Salaries

State Correctional System	Starting Salary – Correctional Officer
Nebraska	\$28.00/hr. *
Colorado	\$24.46/hr.
Iowa	\$20.56/hr.
North Dakota	\$18.61/hr.
South Dakota	<b>\$17.89/hr.</b>
Missouri	\$17.30/hr.
Wyoming	\$16.40/hr.
Montana	\$16.46/hr.

\*Includes recent \$8/hr. pay increase

DOC's starting salary falls in the middle of the group of adjacent states. This comparison alone should bear little weight on what salary level is appropriate for DOC, as most of these states also continue to struggle with correctional staffing at these salary levels.

Surveys of other job postings in Sioux Falls and vicinity as well as other local correctional officer positions is shown in Exhibit 7 below.

### Exhibit 7: DOC C/O Salary Comparison to Local Job Opportunities

Firm/Organization	Position	Starting Salary
Saia LTD Freight	Forklift Driver	\$21.40 – 24.95
Federal Bureau of Prisons	Correctional Officer	\$20.91
Minnehaha County Sheriff's Office	Correctional Officer	\$20.46 - \$22.02
Hughes County Sheriff	Adult/Juvenile Corrections Officer	\$18.49
Bon Homme County Sheriff	Dispatcher/Jailer	\$18.00
Smithfield Foods	Production	\$18.00
South Dakota Department of Corrections	<b>Correctional Officer</b>	<b>\$17.89</b>
FedEx	Warehouse	\$17.50
Sam's Club	Frontline Team	\$17.00
Vander Haag's Inc	Shipping/Receiving	\$16.00-\$19.00
Amazon	Warehouse Worker	\$15.50 plus \$2,000 signing bonus

While correctional officer positions in the DOC fall in the middle of this group, its starting salary level is below correctional job opportunities in local jails and those offered by the Federal Bureau of Prisons.

Again, we note this comparison should not be solely used to determine whether DOC salaries are appropriate. Other factors, such as work requirements, overtime needs, and benefit packages must be considered. The recruitment and retention issues that DOC is experiencing appear to underscore that overall work conditions and compensation for positions in DOC are not competitive in the employment market.

**Staff Recruitment and Retention:** Another way to look at the turnover issue is to compare new hire numbers to staff separations. The challenge of retaining the current workforce throughout South Dakota is growing more significant with separations out numbering those hired into the system at an unsustainable pace. The numbers reflected in the below chart show a consistent pattern from site to site. Consider the following data:

**Exhibit 8: New Hires vs. Separations from April 2021 through September 2021**

Facility	New Hires	Separations	Net Change
State Penitentiary	50	100	-50
Mike Durfee State Prison	18	34	-16
Women's State Prison	10	21	-11
Total	78	155	-77

From April to September 2021, two staff left employment for every new hire. This trend of separations far outpacing new hires is not sustainable.

Retention of tenured staff was raised as a consistent concern across the facilities. Staff stated that they have seen more tenured people quitting now than any other time in their work history. When asked why they thought it was occurring, they spoke of 12-hour shifts, burnout, mandatory overtime, favoritism, nepotism, retaliation, harassment, lack of empowerment, feeling unsafe, and poor communication from leadership and across departments.

Leadership at each facility described the significant challenges they are experiencing recruiting, hiring, and retaining quality correctional personnel in all positions. In addition, it was pointed out that it has become impossible to compete with private sector businesses in the surrounding areas, which offer more money, provide similar benefits, do not require overtime, and give staff weekends off.

Staff discussed the retention bonus and double time pay for overtime that was recently implemented to reward staff currently working for the department. Many staff reported appreciation of this incentive; others shared concerns about the fairness of the distribution process and the impact of taxes.

There is a recognized shortage of candidates available and willing to be employed by employers throughout the country and throughout types of businesses. Given this reality, extraordinary measures, particularly retaining the current workforce are warranted. The following recommendations reflect some approaches that have been applied by a variety of systems.

3. **Increase correctional officer salaries.** Compensation enhancements are a proven means to encourage new candidates for employment and incentivize retention. This not only includes a substantial increase in the starting pay rate but also should include a pay progression system where existing staff receive incremental increases based on years with the system. Pay progression models exist throughout the country as a vast majority of states have a pay progression system for all correctional staff.
4. **Contract with retired staff for security positions within system prisons.** This practice is encouraged both from a staffing perspective but also to provide experienced support for new employees entering the workforce.
5. **Encourage partnerships with colleges and universities.** DOC should develop partnerships with college and universities to augment their recruitment efforts.
  - **On-Campus Recruiting.** The Texas Department of Criminal Justice (TDCJ) has partnered with Sam Houston University to recruit criminal justice students from the college. University recruitment booths are staffed by TDJC hiring personnel who are authorized to offer immediate employment pending background checks. Students are hired to work not more than 20 hours a week after they complete pre-service training. Work schedules are created to work around their class schedule, so students work and complete degree requirements at the same time. Many of these individuals hired in this manner have remained with TDCJ following graduation and are rapidly promoted through the system.
  - **Establish college-based credit for pre-service and annual correctional training.** DOC should work jointly with one or more universities that offer criminal justice degrees, to create pre-service and annual training curriculum that is sanctioned by the university and recognized for college credit. This would not only ensure quality and consistent training as well as quality trainers, but also provide the opportunity for the agency to use approach of **“Come to work with us and attend college”**. Both new staff who attend required pre-service training and existing staff who attend annual in-service training would be eligible to receive college credit for attending training that is already required.
6. **Direct and empower wardens to become involved in the hiring process:** Sustaining adequately staffed prisons has become the most important leadership responsibility for correctional administrators. It is therefore incumbent for facility wardens to

dedicate meaningful time to this process. While this may be a little more complicated with the state's Human Resources existing outside the correctional agency, it is still achievable and critical given the pattern of separations in DOC. Additionally, a new employee's engagement with the warden can be a powerful experience. The following process is offered for consideration:

- Warden's pre-employment interview. Following the process of interview and screening directed by Human Resources and a favorable recommendation by the hiring panel (pending background tests and drug testing), require the applicant sit down for a brief (not more than 10 minute) interview with the warden for final approval. This establishes a relationship between a new employee and the warden who will always be seen by the employee as responsible for making the hiring decision.
  - Warden's post-employment interview. Approximately 3-4 months after employment, the warden should have an in-person meeting with the new employee. This period is flexible and should be based on DOC separation data that would identify when newly hired employees generally leave employment. This meeting can be conducted individually, or with other similarly tenured staff. The purpose of the meeting is for the warden to show his/her commitment to the employee and to seek input and garner information/concerns from them that could be beneficial in preventing separations. As a result, some questions wardens use in other states for this meeting include:
    - What do you like most about coming to work? Why?
    - What is one thing you would like to see changed at this facility? Why?
    - Would you recommend this facility for employment to a family member or good friend? Why or why not?
    - Do you expect to be employed here in one year? Why or why not?
7. **Review the current process for retention bonuses to ensure fidelity in its implementation and establish recruiting bonuses for tenured staff who recruit new staff.** Several correctional organizations across the country have implemented this practice with success. Not only do retention bonuses reward those who are trained and experienced but recruiting bonuses create positive word-of-mouth advertising for open positions within the department. In addition, this builds a sense of ownership of operations as people support what they help create.

8. **Establish hiring bonuses to compete with local companies utilizing this tool to engage new staff.**
9. **Establish an advisory committee that considers all aspects of recruiting, retention and diversity, and inclusion to provide leadership ideas that will consistently improve these aspects across the department.** Build workgroups within facilities to implement the ideas at each location and within the local community.
10. **Review current uniform and grooming standards to ensure consideration of potential staff benefits such as cooler and more durable uniforms, allowing beards, braids, cosmetic nails, and permitting nondisruptive tattoos and piercings.** All these considerations increase the attractiveness of DOC positions for viable new staff.
11. **Hire a recruiter and talent acquisition advisor for the department.** This firm or person can attend hiring events, job fairs, and employment commissions. In addition, their specialized talents can be used to research, understand, improve branding, and implement best advertising practices (i.e., radio, newspaper, flyers, mailouts, billboards, vehicle wraps, yard signs, website, social media).
12. **Develop new recruitment strategies to reach a wider potential pool of employees.** Potential approaches may include:
  - Ensure marketing and recruitment materials include images of DOC staff members.
  - Adopt a customer service approach to recruitment and selection, guiding applicants through the process step by step.
  - Incorporate basic metrics to assess recruitment sources, e.g., yield rates, cost-per-hire, understand where you are most successful in recruiting staff, etc.
  - Establish a staff referral program and stress the importance of the diversity of people, backgrounds, experiences, thought, and education.
  - Use gender-neutral language in job descriptions and recruiting materials to attract a wider audience.
  - Craft marketing materials that highlight individuals who realize personal gratification or attainment as the larger corrections community members.
  - Capture opportunities and moments when staff engage in community-based activities, e.g., volunteering, coaching, schooling, etc.
  - Create more digital marketing materials, including videos, which share staff testimonials and demonstrate diversity.

- Communicate what a corrections staff does and what it means for the community. Promote the array of positions available with the DOC, including security and administrative roles.
- Analyze practices to ensure engagement and retention of all generations.
- Engage in the review and expansion of social media presence. Expansion in this area can increase the candidate pool, engage younger generations, host recruitment videos, provide links to more information and online applications, change public perception, and highlight staff accomplishments.

**Command Structure:** The structure of command and supervisory staff is inconsistent between facilities. Command structures within the large prisons (Mike Durfee, SDSP, and the Women’s Prison) are all managed by a warden and supported by associate wardens. Each of the community work centers are assigned to a state facility and fall under the supervision of the facility’s warden. The work centers are overseen by an associate warden and managed by a unit director.

One specific inconsistency was the command structure of the Yankton and Rapid City Community Work Release Centers. Both are managed by associate wardens; however, the associate wardens are located at the Mike Durfee State Prison. The Yankton facility is approximately 45 minutes away, but the Rapid City facility is nearly 5 hours away. Both associate wardens have collateral responsibilities that include activities at all three facilities (such as the grievance coordinator, PREA coordinator, and ADA coordinator), but they spend most of their time at the Mike Durfee facility.

This practice leaves the work release centers under the daily direction and guidance of unit directors, who, at the time of our assessment each had only 5 years of correctional experience. Each was responsible for:

- interviewing and the hiring decisions for the facility,
- the day-to-day operations,
- emergency management of incidents at the facility,
- staff relations (evaluations, discipline, and daily interactions),
- budgetary planning
- and other duties similar to warden or administrative level positions

Another inconsistency was the highest-ranking custody officer at Yankton was a shift sergeant and at Rapid City was a lieutenant. At Yankton, security decisions were made by the unit manager, while at Rapid City these decisions were managed by the lieutenant. The two

facilities operated in distinctly different manners. Rapid City had less security problems than those reported from Yankton.

#### Recommendations:

13. **The associate wardens responsible for each work release center should spend more time in those facilities providing guidance and support to the newer unit managers.** Having consistent administrative staff within the work release centers will stabilize the environment and establish order and control consistent with other facilities within the system.
14. **Establish a permanent lieutenant position at the Yankton facility to bring more security control and consistency to the security operations of the facility.** The lieutenant position should assume responsibility for security staffing, facility investigations, instituting tighter security controls for the facility, and providing guidance and mentoring to the custody staff.

**Shift Structure:** Like many systems struggling with staffing, South Dakota evaluated the potential benefit of moving to a 12-hour shift schedule as opposed to an 8-hour shift schedule. There are some attractive attributes for a 12-hour schedule including requiring only two shifts of staff to cover posts over a 24-hour period instead of three shifts of staff. From a staff perspective, the opportunity to work a schedule that requires having to report to work only 14 shifts per month with increased days off can be very attractive. This scheduling option was presented to staff for a vote. Reportedly, a majority of staff voted to retain 8-hour shifts. The Department proceeded to implement the 12-hour shift system.

Staff discussed the challenges associated with working overtime attached to a 12-hour shift—specifically, experiences of burnout exacerbated by little relief for breaks and staff-to-staff interaction.

The level of overtime required to operate the facilities during the staffing shortages is significant, and these high levels of overtime impact employee morale and ultimately the effectiveness of the agency. Overtime and posts being left vacant are the result. At SDSP, it was reported that an average of 19.3 posts per day were filled with overtime. During a 2-week time frame in October 2021, there were 1,993 hours of overtime incurred which is the equivalent of 249 shifts.

Given current staffing challenges, officers are required to work one mandated 12-hour shift of overtime each month. Taking into account the trend of more separations than new hires, there is an anticipation of increasing the mandated shifts to at least two per month. In addition, staff pointed out that this shift has impacted the relationships among the staff and divided them into two cliques: days and nights.

According to staff, the previous eight-hour schedule provided more positive and productive interactions across shifts, improving communications and morale. Staff shared their concerns that the 12-hour shift is having upon their families and personal life schedule due to the extra hours and exhaustion on arrival home.

Our interviews found that DOC's change to a 12-hour shift may have been partially driven by the belief that it would reduce overtime. Staff at the State Penitentiary developed a shift relief factor that indicated fewer staff would be needed for a 12-hour shift vs. the 8-hour shift schedule. Specifically, DOC's calculation indicated 5.1 FTEs would be needed for an 8-hour shift post across a single day, while only 4.8 FTEs would be needed for a 12-hour post across a day. We do note that staff across the organization indicated that overtime expenditures dropped significantly following the change to a 12-hour shift schedule. However, in interviews CGL conducted with those who developed this analysis, we found their methodology for developing the shift relief factors to be invalid. In fact, if staff are assigned the same number of hours per year, and training and breaks remain consistent across the two different shift schedules, then there cannot be a difference in shift relief factors between a 12-hour and 8-hour shift schedule. Thus, any decrease in overtime would not be related to changing shift schedules.

Systems have found it very difficult to revert back to an 8-hour schedule. Further, if staffing levels can be increased based on the efforts of the Secretary and other methods suggested in this report, and staff can eventually not have their planned days off interrupted with overtime, then staff may better appreciate this 12-hour shift schedule. It is recommended that efforts to increase staffing should continue and avoid increasing the number of mandated overtime shifts if possible.

Additionally, we found the shift schedule established at SDSP is extremely cumbersome to manage. A typical 12-hour shift schedule has 2 separate shifts where staff all start and end their workday at the same time. For example, those staff assigned to a first shift would all work from 6:00 am to 6:00 p.m., while those assigned to an evening shift would all work from 6:00 pm to 6:00 a.m. SDSP, on the other hand, has implemented a staggered shift schedule that has more than 15 different time schedules for posts to be filled throughout the day. These include:

- 3:30 a.m. – 3:30 p.m.
- 4:30 a.m. – 1:00 p.m.
- 5:20 a.m. – 2:00 p.m.
- 5:20 a.m. – 5:20 p.m.
- 7:00 a.m. – 8:00 p.m.
- 7:15 a.m. – noon
- 7:15 a.m. – 3:45 p.m.
- 7:30 a.m. – 3:45 p.m.
- 7:30 a.m. – 4:00 p.m.
- 7:30 a.m. – 8:00 p.m.
- 8:00 a.m. – 4:30 p.m.
- 8:20 a.m. – 8:30 p.m.
- 9:30 a.m. – 9:30 p.m.
- 11:30 a.m. – 10:00 p.m.
- 12:30 p.m. – 9:00 p.m.
- 1:45 p.m. – 10:15 p.m.
- 5:20 p.m. – 5:30 a.m.
- 9:45 p.m. – 6:15 a.m.

This results in staff constantly arriving and leaving different areas of the facility throughout the day. For example, the following chart is pulled from SDSP’s work schedule and represents staffing for the Jameson Unit Floor A. There are 8 different shift schedules for staff assigned to work that unit with start times ranging from 5:20 a.m. to 7:45 p.m.

Exhibit 9: SDSP Jameson A Unit Post Schedule

	Activity	Employee	Start	End
<b>Sioux Falls Facilities Jameson A Floor 7.2 / 50.0 / 50.0</b>				
	520a-530p 05		05:20	17:30
	520a-530p		05:20	17:30
	545a-415p 05			
	545a-615p 05		05:45	18:15
			05:45	18:15
			05:45	18:15
			05:45	18:15
	730a-8p 07:30			
	730a-8p		07:30	20:00
	930a-8p 09:30			
	930a-10p		09:30	22:00
	930a-10p 09:30		09:30	22:00
	1130a-10p 11			
	520p-530a 17		17:20	23:00
	545p-615a 17		17:45	06:15
	745p-615p 19			
	545p-615a		23:00	06:15

This schedule has been in place for some time, and while it seems to allow the deployment of staff to meet peak workload demands, it creates a substantial administrative burden. A very experienced captain is assigned to manage the schedule, but its complex nature has required 2 additional staff to provide support.

This staggered staff schedule is not present in DOC’s other facilities.

**Recommendations:**

15. **Develop strategies to engage staff feedback on 12-hour shifts and establish a workgroup to identify strategies to mitigate challenges.**
16. **Review the current process or procedure associated with providing staff breaks from their assigned post throughout their shifts to ensure that staff receive appropriate time off.** Breaks and interaction with fellow correctional staff members are essential to a positive work environment, maintaining safety and security and preventing over familiarization with the incarcerated population. This is especially true when requiring staff to work mandatory overtime.
17. **Develop an accurate shift relief factor.** DOC should develop an accurate relief factor based on actual staff leave data, training, and break practices.
18. **Assess effectiveness of SDSP staggered shift schedule.** After recruitment issues are corrected, SDSF should consider whether it would benefit from moving to a more typical shift schedule. This assessment should include the benefit of reduced complexity as well as the perceived benefits to staff.

**Staff Training:** During discussions with staff at all levels, staff training was identified as an area for improvement. Staff expressed concerns that pre-service training is not consistent from one site to another, and that there is a disconnect between facility operations and the training that is provided to facility staff.

The staffing training infrastructure for the DOC consists of a half-time Training Director who is also responsible for spending 50% of this time teaching at the women's prison. This person answers to the Director of Grants and Research. The half-time director has three direct reports: one training specialist (currently vacant) and one training lieutenant in Sioux Falls. One additional training specialist at Mike Durfee oversees the training at two community work centers (Yankton and Rapid City).

The creation of a Training Director position is a step toward improving consistency in training. At the time of this assessment however, it did not appear that adequate leadership had been provided to support an effective training program. Implementation of a clear training plan and monitoring system to ensure that all staff receive the same information, in the same way will support a successful training program.

South Dakota has a three-week training curriculum, followed by shadowing an experienced officer, depending on the facility they are sent to. There are various perspectives on the implementation of shadowing practices in the DOC; some believe it is implemented and working well; however, staff do not report consistently receiving the benefit of this type of training. There is, however, a recognition of the need to solidify a field training officer (FTO)

program plan. There has been a proposal, but implementation has not been approved as of the assessment date.

The value of field training officers [FTO's] was brought up in many discussions during the site visits. The role of an FTO is essential to ensuring newly hired staff, who have completed the training academy, are thoroughly acclimated to the day-to-day requirements and expectations of the correctional officer position. This role, therefore, helps ensure agency priorities and policies learned in the academy are applied to real-world settings, and that coaching, and mentoring helps the new employees adapt to the complex prison environment. There is a clear value provided by dedicated FTO's with clear position descriptions and job expectations. Currently, there are 6 or 7 FTO's at SDSP, and that number is decreasing as there is little interest from others in accepting this responsibility. There are currently no incentives for staff to assume the FTO role.

Staff expressed concern about the fit of new hires with the DOC's mission. Concerns around new staff training further complicate this. Staff expressed concern that the "on the job" or Field Training Officer portion of the new hire training is significantly lacking. In addition, due to minimal staffing, it was reported that new staff are being trained by other new staff or placed in posts that they have not received the proper training to manage. Both scenarios cause staff concern related to the safety and security of the facility.

The current staff training policy was scheduled for review in 2013. The policy states that each facility will have "a planned and coordinated staff training program." The training shall consist of pre-service training and annual refresher in-service training.

The training curricula found in the department policy outlines courses, such as HR orientation, mission, vision, policies, cultural awareness, staff rights, safety and security, sexual harassment, and abuse prevention. The curricula also outlines PREA training required by all staff members that may have contact with incarcerated individuals with it tailored specifically to the gender of incarcerated individuals at their facility. Additional training for pre-service is specific for each job classification and detailed to what the individual staff member must know to perform their duties.

By DOC policy, the "Chief Executive Officer" from each facility may approve any other education or training deemed necessary. Although the intent of this exception is understood, it also potentially undermines the direction of the Training Director and the overall effectiveness of the department training plan.

A review of the key lesson plans indicates a need for further review and revision to adhere to the teaching methodology/instructional design best suited for adult learners. The training materials reviewed did provide learning objectives and lesson plans but were limited to PowerPoint presentations and policy handouts. PowerPoints and policy reviews are important

components to the cohesiveness in training but should also include clear activities, small group exercises, and opportunities for discussion and reflection.

The Department would also benefit from a more robust curriculum for working with women. A review of the training policy reveals it does not cover the need for gender-responsive training. When staff were asked about what they received in either new hire training or any subsequent annual trainings regarding gender-responsive training, they referenced only PREA training.

The needs of women in correctional settings are unique and pose additional operational challenges, especially in facilities where gender was not considered a part of the design and operations. Gender-responsive training gives staff and leaders the tools to manage the population more effectively by better understanding communication differences, women's pathways to prison, women's medical and mental health challenges, and how to improve successful outcomes for incarcerated women upon release.

Another area requiring additional depth in training is unit management. The DOC has unit managers; however, many institution staff did not clearly understand the best practice concept of unit management, and in some facilities, there did not appear to be a multidisciplinary team approach in place, and it was unclear how the unit manager role integrated into overall operations. Unit management was developed to support programming and encourage a team approach between uniform and non-uniform staff. To fully realize this, both operational and training review and revision will be important components of implementation and sustainability.

The training curricula could be enhanced by including a comprehensive review of unit management to include what it is, how it's structured, and how an interdisciplinary team should be working together to manage the incarcerated population. Unit management is absent from the current curricula. It leaves staff unaware and unclear about the roles and responsibilities of their co-workers, which in turn leads to a dysfunctional culture with a lack of direction and accountability.

Nearly 36 percent of the DOC population are Indigenous Americans, which indicates a need for culturally appropriate programming. The agency is delivering a substance use program tailored to the population of Indigenous Americans; however, programming about reentry services, trauma, and education remains a gap.

## Recommendations

- 19. Establish a full-time Training Director position with a clear job description that would answer to the Deputy Secretary.** The current half-time Training Director position does not allow enough time to oversee the training design, delivery, management, and evaluation for training in the agency. A review of the Training Division staffing matrix, duties, and responsibilities is recommended. The organizational chart recommended

earlier in this report should be adopted with the training function integrated with facility operations.

20. **Adopt the recent proposal to re-engage a professional FTO program.** The proposal takes into consideration that the FTO experience should be woven into the academy for all pre-service members and any identified needs for in-service training. The academy should design and implement an FTO program for each facility across the state and have designated, trained FTO officers in each location to track and monitor cadet progress. The FTO program should include an observation protocol that will allow an FTO officer to rate the individual to carry out the tasks. The FTO officers should report to their Facility Training Manager, who would then report the data to the Training Director so ongoing continuous quality improvements could be made statewide.
21. **Designate the position of corporal as the FTO.** Assigning FTO responsibilities to the corporal position would help further differentiate the duties of the corporal from correctional officers. It would also provide a built-in incentive to become an FTO through promotion, thereby increasing the attractiveness of this role.
22. **Develop specific FTO job descriptions to guide engagement with new staff.**
23. **Develop FTO training that focuses on communication, problem-solving, empathy, and influencing values of the agency.** All current FTO's should complete this training. New FTO's ideally should complete the training before taking on the assignment, but minimally within 90 days of assuming this role. Also, this training could be offered to correction officers as an opportunity for staff development with their participation considered in the application process for selection of corporal.
24. **Develop a new performance evaluation model with current FTO input.**
25. **Develop metrics, including retention, to measure the impact and performance of each FTO.**
26. **Develop a training module on unit management and integrate this training into both pre-service and in-service training.**
27. **Review the department training curricula focused on female incarcerated individuals' management.** The review should ensure that all staff training at the academy reflects the difference in male and female incarcerated individuals and operational best practices for male and female facilities to set the tone and expectations for work in women's facilities as different but legitimate. Training should include specific tasks for the FTO Program, i.e., strip searches, interpersonal communications, gender responsive sanctions, etc., and expand current training offerings to address best

practices and support staff members' professional development in working with this population.

28. **Review and revise lesson plans consistent with adult learning theory and training delivery methodologies (not relying primarily on PowerPoint presentations), including group activities, discussion, reflection, and evaluation.**
29. **Incorporate cultural diversity training that addresses the specific cultural characteristics of the Indigenous American population.**
30. **Conduct a review of standardized pre-service training curriculum by training personnel and operations leaders.** For each topic, a detailed lesson plan should be established with content supported by simulations and role plays. Each training site should comply with the lesson plan and be audited for compliance.
31. **Require that all trainers delivering pre-service and annual in-service training should complete an agency-approved "Train-the-Trainer" program.**
32. **Meet with local universities having a criminal justice degree to explore a partnership involving joint development of curriculum for both pre-service and annual in-service training that could be eligible for college credits.** This partnership could also lead to recruitment opportunities and part-time employment while students complete their education.

CGL retained The Moss Group, Inc. (TMG), a criminal justice consulting firm based out of Washington, DC, to conduct a series of staff focus groups and interviews with staff at the three facilities and two community work centers to assess organizational culture across the Department.

The focus groups were composed of random samples of custody and non-custody staff members, both front line and supervisory staff, on all shifts, balanced by gender and years of service. Analysis of the results of these sessions produced the following recommendations.

#### **Recommendations:**

33. **Continue to empower line supervisors in the department.** The Acting Secretary's efforts to decentralize decision-making should continue. Past practices of all decisions being funneled through the warden, has contributed to staff feeling undervalued and the impression of favoritism.
34. **Conduct leadership training at all levels of the department.** Consider focusing on communication, time management, transformational leadership, emotional intelligence, collaboration, transition management, diversity and inclusion, culture diversity, succession planning, and empowerment. In addition, explore the integration of individual leadership assessment tools (i.e., DISC, MBTI, 360 Assessment, Change

Style Indicator) as a core component to support self-awareness and personal professional development planning.

35. **Establish a mentoring program within the leadership team that provides coaching, constructive feedback, and follows up on the concepts and principles provided in the leadership training.** One option includes the earlier suggestion and recommendation by the Acting Secretary to have the Corporal position assume Field Training Officer responsibility. Corporals should be trained in mentoring and coaching new staff in this role.
36. **Consider designating a day when leadership works a shift or a post with the staff and conducts occasional leadership responses to emergencies to provide support or resources while demonstrating their trust in the staff managing the situation by not taking over the situation.** These practices provide an opportunity for the administration to learn more about their staff and how the current conditions affect how they perform their duties. They also provide staff the one-on-one opportunity to work with the leadership to build empathy and enhance trust in both directions.
37. **Bring the executive leadership teams from each facility and central office leadership to visit and tour the various facilities across the state together.** This time can showcase different aspects of each facility and an opportunity to team build, collaborate, network, discuss, and solve challenges facing the department.
38. **Minimize perceptions of favoritism and nepotism, consider such strategies as continuing to try to routinely check in with all staff members, communicating with staff members at all levels and across divisions, demonstrating transparency in decision making, seeking input from diverse groups of staff members, ensuring that performance is measured based on objective criteria, etc.**
39. **Update Staff Code of Ethics policy to ensure it prohibits specifically both favoritism and nepotism throughout the department and requires any exception to nepotism due to operational necessity to be reviewed and approved only by the department Secretary. Currently, that approval can come from the Director, Warden, or Secretary designee.**
40. **Enhance recognition of staff.** Examples of approaches to improved staff recognition may include:
  - Identify formal strategies for peer recognition (i.e., uniform pin, letters of accommodation, challenge coin).
  - Create ways for staff to build pride in their department (a slogan contest, branding, challenge coins, staff appreciation).

- Establish a traveling trophy for the best facility, department, or unit. This can be done at various levels, but typically the Warden or executive director would oversee this quarterly. Identify goals within the facility to measure and use this as a basis for your competition. After the competition, have an informal presentation with other leadership and present the trophy to the winning department or facility. Expect the competition to heat up for this award when implemented correctly.
  - Consider supplementing current practices with new and exciting ways to celebrate Corrections and Law Enforcement Week. These may include recognizing and highlighting staff to the public and their peers, conducting off-site social gatherings for staff and families, and producing videos celebrating the work of the staff that are available to staff and their families.
  - Engage staff to identify strategies to celebrate in ways that enhance staff morale throughout the year. This may include celebrating the change in seasons, small events (i.e., Veterans Day, back to school), supporting sports teams.
- 41. Develop opportunities for custody and non-custody staff to be cross trained in departments or units to build a sense of understanding and camaraderie across shifts and departments.** Our earlier recommendation for a comprehensive policy/compliance strategy would support this recommendation. Staff with collateral duties of conducting internal audits should be assigned to audit policies outside of their current field of work (i.e., programs staff conducting security audits). This will enhance their overall understanding of DOC operations and help cultivate skills for its future leaders.
- 42. Engage a workgroup or advisory team of staff to consider ways to improve staff wellness, personal and professional growth, promotional exam preparation, and assignment opportunities.**
- 43. Dedicate or remodel breakroom space for staff at each facility where possible.** Ask for their input into the project, implement their ideas, and consider making it a place to relax, recharge, eat in peace, and visit other facility members and departments safely and informally.

**Communication:** Communication is an important tool to promote inclusion and transparency, ultimately enhancing staff ownership of their work responsibilities. Overall, concern about transparency was routinely voiced, and there appears to be a perception that leaders are reluctant to communicate directly to staff.

Email is an effective form of delivering essential information to many staff members simultaneously. However, it may have become the default method of communication and lacks the personal interaction many staff expressed they would like to see. This form of communication may also be problematic because correctional officers reported not having

access to email or computers. They must rely on information being disseminated at briefings, which they express is not occurring in effective ways.

Some staff stated that they occasionally see facility leadership during rounds. However, in their experience, few take the time to stop and talk with them about operations or how they are doing personally. Staff conveyed disappointment that although they occasionally feel heard by leadership, they rarely think leadership is genuinely listening.

Communication challenges exist beyond leadership. The representation of multiple generations in the facility - both staff and incarcerated population, were noted as barriers to effective collaboration and communication. Concerns about communication were identified between shifts, departments, and facilities.

Challenges described throughout the facilities revealed that there was not a clear understanding between departments regarding the challenges and responsibilities and how collaboration could support reaching a common goal. The atmosphere was described as each department functioning within its silo versus open and collaborative dialogue across departments.

Staff expressed appreciation for recent town hall-style meetings conducted at the state penitentiary with staff to gain their perspective and voiced a desire for the wardens and their leadership teams to do the same regularly. Most could not remember the last time they had this opportunity to speak with leadership in such an open and informal environment.

#### **Recommendations:**

- 44. Conduct routine (annually, semi-annually, or quarterly) town hall meetings at each facility for staff to interact with leadership, ask questions, discuss challenges, and make suggestions for improvement.** Ensure that leadership stay after the meeting to be available to staff who did not want to discuss something in front of their peers and are more comfortable speaking one-on-one.
- 45. Consider formalizing and enhancing leadership rounds within the facilities.** Prioritizing leadership access for staff and the incarcerated population is vital to creating a culture driven by engagement, respect, and safety. Rounds are one of the most critical components of a correctional leader's success or failure. Few practices present a valuable opportunity to view actual operations, communicate in-person with staff and the incarcerated, and build professional relationships necessary to effectively lead a facility or department. Ensure that rounds are scheduled and randomly chosen on each shift, including weekends and holidays to send a clear message to staff that management understands the challenges of working these shifts.

46. **Add or bring back suggestion boxes designated for staff since many do not have a work email address or access to computers.** If the leadership team chooses to do this via email, it will be essential to inform staff of the availability of the option and explore solutions for allowing anonymous suggestions. Consistent response and follow-up from leadership must be a part of this process to ensure action is taken or explanations are given for decisions made.
47. **Augment the "open door" policy across the department to ensure that all people feel welcome to enter the administration areas and speak professionally with the leadership about their concerns without retribution.** For example, if staff do not routinely make use of the open-door policy, engage them by inviting staff in to discuss challenges, provide praise, or share ideas and follow-up consistently.
48. **Consider developing a formal set of procedures outlining leadership responsibilities to ensure staff receive communication following major incidents, personal events (serious illness, family emergencies, family death, administrative leave), and other professional situations requiring personal contact.**
49. **Ensure that changes to policy or practice are formally communicated and reinforced informally through routine meetings, informal interactions, posters in staff and incarcerated individuals' areas, coaching, and follow-up to ensure implementation for staff members and the incarcerated.**
50. **Provide all members of the department an email account with proper access while on duty and at their workstations whenever possible.**
51. **Develop an agency smartphone app to provide staff with vital information.** This could include information such as shift briefings, posting of available overtime opportunities, announcements, training opportunities, staff recognition, weather-related emergencies, policy update notifications, and Department news.
52. **Provide training to all staff about working within a multi-generational workforce, including the challenges and potential solutions associated with managing a multi-generational incarcerated population.**

## Chapter 5: Institutional Security

This section of the report examines the operation of the DOC facilities. The global COVID-19 pandemic has disrupted justice system policies, procedures, and practices in prison and confinement settings across the country, and the DOC has faced significant challenges in protecting both staff and inmates. This assessment considers the extreme levels of stress placed on the state's correctional system over the past two years in examining the primary components of DOC facility operations.

**Unit Management:** Unit Management practices in the state facilities were observed to generally be functional and well-established. The unit managers have a good understanding of the unit management philosophy and take ownership of their responsibilities. Observations of housing units and interviews with the inmate population verified these observations. Each housing unit at Mike Durfee has a unit manager assigned to manage daily activities, oversee behavior management, and provide case management services. The unit managers took ownership of their housing units and provided tours, explaining the management philosophy. The security staff and unit manager were observed to work in harmony to provide oversight of each housing unit.

At Sioux Falls, the Associate Warden of both the Jamison Unit and the "Hill" meet with the unit managers and the Lieutenant daily to identify issues and to establish the focus for the day.

In the minimum custody facility, the unit manager was changed to unit director positions and are supported by case managers, however, they operate with the same unit manager philosophy. Challenges expressed from the minimum custody facilities was managing the type of inmate and custody levels being received since the change in disciplinary sanctions. They believed that the changes reduced the point system and lowered certain infractions, creating less of an incentive for inmates to avoid certain behaviors commonly found in work centers. For example, possession of a cellphone was formerly a major infraction and is now a minor, and work center inmates are not removed from the facility for minor infractions.

### Recommendation:

- 53. Re-visit recent classification and inmate discipline sanction changes, specifically as they impact custody levels and housing assignments.** This may involve incentivizing the work centers and creating a system for inmates to strive toward as part of their re-entry program. The work centers need controls to prevent the introduction of contraband and to assist in behavioral management.

**Security and Inmate Searches:** Facilities were inconsistent with the application of security searches and elimination of contraband entering the facilities from workshops or from outside the facility. Some facilities implemented x-ray body scanners as part of their security practice

to search inmates returning to the facility from work assignments, job seekers, and new admissions. Other facilities were not equipped with x-ray scanners and opted for random strip and pat searches to prevent the introduction of contraband or weapons.

In the Jamison Unit, inmates enter and leave the metal fabrication workshop by having to successfully pass through a portable metal detector supervised by correctional staff. While this movement was not observed during the assessment, the metal detector was located approximately 10-15 feet from the entry door. It was explained that the metal detector was moved over to the door when inmates entered and departed the shop. Passing through metal detectors with pat downs and random strip searches is imperative. Proper calibration of the metal detector is also very important and often influenced with movement. Given the Hot Tools and Restricted Tools used in the shop by inmates, many of whom have been upgraded in security, an intense security audit by experienced and external auditors is recommended.

In Mike Durfee, all inmates who work in one of the three industries or attend any one of the various vocational education courses, exit the secure portion of the facility compound (still within the campus security fence) and are free to traverse to their respective program's building. At mealtime and again at the conclusion of the workday, inmates are checked out of their program to return to the secure portion of the facility. As they depart their work areas, tool inventories are checked, and pat searches should be completed. However, inmates are either escorted by the vocational instructors or free to walk back to the secure portion of the facility, often walking between other buildings and across the open facility campus. Upon entering the secure portion of the facility, there is no security checkpoint to search inmates and prevent tools and other contraband from entering the housing units.

At the minimum custody work release centers, x-ray scanners are in place to screen inmates and prevent contraband from entering the facility. All inmates who return to the facility from outside the secure confines are required to be scanned, stripped and clothing changed. This practice is vital and necessary to prevent contraband from entering the facility; however, the security practice for the minimum custody populations is significantly more intense than at the higher security facilities.

#### Recommendations:

54. **Institute the same level of security inspection of all inmates in all facilities.** The higher custody facilities need a higher level of security screening for inmates returning to the secure portion of the facility after working. Consider purchasing additional x-ray body scanners and implementing a full screening of individuals just prior to entering the facility.
55. **Establish a staging area for the search of individuals who work within a facility industry or within a vocational education program prior to their return to the secure portion of the facility.** Each staging area should contain areas for inmates to change

clothing (exchanging a work uniform for a residential uniform), a location for staff to conduct individual searches, and a methodology to account for individuals signed in/out of the secure portion of the facility.

**Security Policy Compliance:** The DOC has an internal security audit program designed to evaluate facility security practices annually. The audit program includes varying security operational practices and cite internal policy standards for each facility to achieve. These standards are designed to evaluate each facility's implementation and compliance with department policy (1.2.A.9 Facility Security Audits) and include:

- Armory/Arsenal control and accountability
- Communications
- Inmate Counts
- Control Centers
- Controlled Movement
- Use of Force
- Hazardous Materials Management
- Inmate Mail
- Inmate Visitation
- Inmate property
- Inmate Work assignments
- Inmate Transportation
- Key Control
- Perimeter Security
- Physical Plant
- Post Orders
- Searches
- Security Inspections
- Segregation

- Tools and Sensitive Item Control
- Emergency Plans

DOC policy 1.1.A.9 also establishes a “Corrections Review Team” to “ensure its operations are consistent with DOC policy and the department’s mission, vision, and values.” Our assessment was not inclusive of a detailed security audit of every facility but did include a high-level evaluation of operational practices and consistent deployment across the department. Many good security practices were in place in each facility. However, the same level of security in each area was not consistent between facilities. Our assessment identified specific vulnerabilities that require attention.

Additionally, we note the Facility Security Audits appear to be inconsistently conducted across facilities, with sections left unaudited at each facility.

#### Recommendation:

- 56. Establish a compliance manager at each facility to oversee implementation of security requirements and ensure policies and standards are implemented and expectations are being followed.** Through the security audit program, the foundation for a centralized oversight program is in place, however, it should be expanded as part of a centralized policy/compliance unit noted earlier. Additionally, a site manager should be responsible for clearly understanding policy requirements consistent with all facilities and issue direction regarding compliance and answering specific tool-related questions to ensure uniform compliance practices across facilities.

**Tool and Sensitive Item Control:** Observations found tool control practices to be insufficient across the facilities. Below are some observations that support a sense of urgency:

- Unsecured tool rooms/tool cages were found that contained both Hot and Restricted tools as described in Policy 2.3.A.17.
- Ladders inside the tool room not secured by chains.
- Tool inventories were missing or were not up to date. Sign-out forms were missing or incomplete.
- Tools were not shadow boarded for easy identification of missing/checked-out tools.
- Tours of industry shops “on the Hill” were also conducted. There was inconsistency in these tool rooms regarding tool inventories and accurate tool sign out sheets. Many tool cages did not utilize a shadow board system and tool “chitting” system.
- The tool control policy for the agency calls for a tool control sergeant; however, we found this position is not consistently in place throughout the system.

- Unsecured cut and uncut keys were found randomly laying around in tool areas.
- Culinary tools not controlled. Knives and sharps were observed controlled with shadow boards and sign-out processes, but no accountability was observed with other culinary tools.
- Tools not stored in a manner that allows for quick identification of whether they are present or missing. Tool pouches in industry areas were accounted for at the beginning and end of each shift, but the contents were not consistently inventoried.
- Approved practices where tools were being accounted for at the beginning and ending of a shift, but during the shift could be passed from individual to individual with their whereabouts unknown for hours.
- Searches of inmates leaving vocation and industries prior to entering the secure confines of the facility was of specific concern. Specific to Mike Durfee where a security choke point does not exist between the secure and non-secure portion of the facility, inmates were searched as they leave a vocation or industry building, but not searched immediately prior to entering the secure portion of the facility. The distance and hazards between the two are vast and opens opportunities for unauthorized items to enter the facility.
- The tool room closest in compliance with policy was the Metal Fabrication Shop attached to the Jamison Unit. This work area is operated by a private sector operator with two correctional staff assigned. The tool rooms had accurate shadow boards, inventories, and sign-out sheets were present. Restricted tools were specifically “chitted” out which was found to be a good process.

The past facility security audits conducted by the DOC support the significant level of non-compliance with tool control requirements. For example, the audit conducted at SDSP in 2020 found one-half of all the reviewed tool control requirements to be “non-compliant.” Coupled with our on-site findings of inadequate tool control, it underscores to the need for DOC needs to implement a comprehensive compliance system that ensures policy expectations are audited and that any areas of non-compliance are quickly corrected.

#### Recommendations:

57. **Immediately issue a clear direction across facilities of tool control requirements and expectations.** Consistent deficiencies between facilities (such as the control of culinary tools) need to have clear expectations defined (shared with Summit Food Service), and it be incumbent upon each facility to bring into compliance.

58. **Immediately conduct tool control compliance inspections at all facilities.** The issue of improperly controlled tools cannot be left unaddressed. DOC should immediately initiate a comprehensive tool control audit at all facilities.
59. **Eliminate unused or duplicate tools.** Over time, correctional facilities accumulate unnecessary excess tools that are no longer functional or used. The department should quickly identify those tools and remove them from the facility.
60. **Establish a system that ensures tools can be identified and tracked by those who are not actively involved in the tool control process.** A tool control accountability system must be established that provides those staff, not regularly involved in the tool control process, a quick understanding of what tools are secured, what tools are signed out, when the tools were issued, and to whom they were issued. For example, if a tool is missing, the accountability system should be such that a warden or associate warden can walk into the tool control area, quickly see the missing tool, and identify who last checked it out. For this reason, we recommend establishment of a tool chit system, or a more modern barcode system. In a chit system, everyone checking out a tool leaves a card or a physical “chit” on the tool board that indicates they are the person who has checked out the tool. This is superior to the current process of signing the tool in and out as often the signatures are indecipherable and make identification of the last person to use to tool much more difficult. As a better option, barcoding and automated chit tracking systems have been developed that improve accountability.

**Chemical/Toxics Not Fully Controlled:** The control of chemicals is a challenge at all correctional facilities. In most facilities, quantities are maintained by the bottle, not by ounces or portions of bottles. Our on-site observations found that toxics were not being sufficiently controlled. Staff assigned to housing units have many responsibilities and monitoring of chemicals is an additional duty that detracts from other responsibilities.

Correctional systems have often struggled with the decentralized control and issuance of chemicals/toxics in their facilities. Given the daily non-stop work in a housing unit, officers often don't have the time to secure, control and issue toxics as needed. At the same time, they are held accountable for the cleanliness and sanitation of the unit.

**Recommendation:**

61. **Centralize storage and issuance of chemicals/toxics at each facility.** This will remove the bulk of the responsibility of accounting for toxics from the housing unit staff. Many states have converted to centralized storage and distribution of chemicals/toxic and this has improved their accounting and control. In this system chemicals are stored and inventoried in a single central location in the facility. Daily deliveries are made from this central location to the housing units in amounts that would be consumed

during a day. Housing unit staff, therefore, only must account for a day's amount of chemicals, rather than maintaining a running inventory.

**Post Orders:** Post orders are specific written directives that provide instruction to staff of responsibilities to perform during their shift and those that are specific to each post. Post orders are an addition to departmental policy and procedures and direct staff in the fulfillment of department procedures.

Facility post orders differed between facilities in format and content, although they were comprehensive.

- Post orders at the SDSP were post specific and included officer tasks and responsibilities throughout the day. Each task was listed out by the time of day the officer was required to perform the duty.
- Post orders at Mike Durfee facility were structured similar to the SDSP, but most were in narrative format directing staff in the responsibility without specific times.
- Post orders at the Women's Prison were all in narrative format without specific times.
- The SDSP post orders included additional information and instruction to staff, formatting "What if" and "How to" scenarios with instructions to handle different situations. The other facilities lacked these beneficial additions.

Activities within a correctional facility are fluid and need flexibility. Post orders written with regimented times for tasks to be completed become problematic when situations arise that prevent tasks from being completed on time. Staff need the direction and flexibility to perform tasks as daily activities permit. By contrast, this excerpt from the SDSP post orders (East Hall Officers/Corporal #02-2021) sets out very specific parameters for key task activities:

*3:45 pm      Conduct count.*

*4:00 pm      Count clears.*

*5:15 pm      Supper begins. Monitor inmates passing through the metal detector going to and returning from the rotunda. Conduct a round on each tier after it has been released to secure any open doors.*

*5:20 pm      Evening visits begin*

While it may be understood, SDSP post orders should note these are "planned times" but can be changed based on the day's activities. To hold staff accountable to perform as expected, the department needs to provide flexibility for the officers to manage delays and facility activity.

**Recommendation:**

- 62. Establish a consistent format for all written directives and requiring each facility to format their post orders to match.**

**Control and Separation of Inmates:** One specific concern exists in the housing practices for the Community Work Centers. These facilities can manage multiple different populations that include:

- Work Release – Those inmates who leave the facility each day for employment in the community and return at the end of their work.
- Community Service – Those who are serving community service time for community organizations.
- Community Transition Program (CTP) – These are inmates seeking housing and work prior to transition back to the community.
- Parole Violators – A portion of the population are on parole and have either been sanctioned for technical violations or have nowhere to live.

There is no physical method to separate these populations at Yankton, Rapid City, or the minimum custody unit at SDSP, which makes managing the populations more challenging.

The South Dakota Women’s Prison faces significant challenges in inmate management and security due to the extreme level of crowding in the facility, with common use of triple-bunking of inmates in cramped housing units. The facility also lacks a secure, control access point for entry and exit, creating a substantial security vulnerability.

**Recommendation:**

- 63. Explore options for better separating populations in lower custody facilities.** The DOC should explore physical plant options that would allow for better separation of the differing populations housed at lower custody facilities.

**Duty Officers:** There is no requirement for duty command staff to be present after 4:00 pm or on weekends. Evenings and weekends security positions are often filled by the least experienced staff, who have recently been hired or promoted. Currently there is no policy requiring duty command staff to be present during evenings or weekends, which results in these shifts also having the least access to experienced facility leadership. Best practices support the need for a duty command structure that ensures a duty officer is at the facility during evenings and for a portion of the weekend.

**Recommendation:**

- 64. Establish duty officer coverage that ensures administrative staff are on grounds on evenings and intermittently over the weekend.** A policy should be developed that sets the expectations and requirements for duty officer coverage. Typically, staff assigned as the duty officer can include wardens, associate wardens, unit managers and security directors. Those assigned as a duty warden on a particular day would be allowed a later start time assuming they would stay to the end of major activities (yard, meals, etc.) in the evening. Coverage would also be required for periods on weekends and each duty warden would be required to make unscheduled visits to the midnight shift during the month.

**Inmate Job Assignments - Managing High Security Inmates:** SDSP is a complex facility with security classifications from maximum to community release status with the occupants held in three separate compounds; "The Hill", Jamison Unit and the minimum-security work release camp. The Jamison Unit is dedicated to managing the highest security inmates in the system with a vast majority of those inmates residing there because of a security upgrade as opposed to their initial classification.

A significant number of those inmates are in a restricted status and not eligible or suitable for a job assignment. This creates a challenge for the Associate Warden and her team to find suitable inmates to work in the Metal Shop at the facility as well as inmates to work in Food Service and other housekeeping and laundry assignments.

**Recommendations:**

- 65. Incentivize a pool of inmates to work in food service who have demonstrated a positive record.** Quality food service is an important element of ensuring a well-run facility. Due to the limited number of eligible and appropriate inmates available in the Jameson Unit, a pool of medium custody inmates should be established within the unit, and their participation should be encouraged by creating tangible incentives in their living environment or privileges. This will require replacing many of the inmates currently assigned to Food Service. There also may be an opportunity to use minimum-security inmates from the camp through complex scheduling, supervision, and processing in and out of the unit.
- 66. Monitor food preparation, including tool control.** Concerns regarding compliance with security and sanitation protocols should be a priority for the system audit process that is being elevated within the agency organization. The standards promulgated by the American Correctional Association should be utilized by the agency audit process for food services.

**Inmate Discipline:** Changes in the inmate discipline procedure over the last several years reduced the maximum amount of time inmates could be sentenced to serve in SHU for major violations to 15 days. The average time given for placement in SHU is 5 days.

Additionally, several offenses which once were major violations are now minor violations. For instance, the possession of a cellphone is now a minor offense. In addition, classification points which accompanied certain violations were reduced from 8 points to 5, whereby not changing inmate custody levels and allowing higher level inmates to return to/enter community work camps.

The apparent reduction in the discipline outcomes was noted by staff. Staff interviewed felt this change reduced their authority over the inmates and resulted in little consequences for negative behavior.

**Recommendation:**

**67. The agency should identify and clarify two levels of rule violations: Minor and Major.**  
Minor Rule infractions should be defined as follows:

- Minor rule violations are those that do not intentionally injure or pose a threat to people including the public, staff, or other inmates, and does not directly jeopardize the safe, secure, and efficient operation of the facility.
- Sanctions assigned to minor violations would be limited to loss of privileges, loss of a job, relocation to another general population setting, extra duty assignments, assignments to programs with a nexus to the behavior; but sanctions would not include placement in restrictive housing.
- Disposition of minor rule infractions would be administered by the unit team under the authority of the unit manager after review of the evidence and meeting with the inmate.
- A record of minor sanctions administered in the unit shall be recorded and maintained in a permanent record on the unit.
- The disposition of minor sanctions is not appealable by the inmate but may be the grounds for an inmate grievance that is managed at the facility level.

Major Rule infractions should be defined as follows:

- These are rules determined by the agency to be serious conduct violations with potentially significant impact to the public, staff, or other inmates, or pose a significant threat to safe, secure, and efficient facility operations.

- Sanctions for these confirmed behaviors can include sanctions assigned to minor infractions or may include confinement in restrictive housing for not more than 30 days.
- A hearing is to be held by a panel of three staff members, at least two staff members must be present. The panel should consist of a Chair-person that is to come from the security ranks, a treatment staff person and a third person from the unit housing the inmate.
- The panel shall review evidence including written statements from witnesses, interviews of witnesses if determined appropriate, interview with the inmate accused, and any other information determined by the panel to be necessary to render its decision. If the inmate is on the mental health caseload, input from a mental health staff person shall be obtained regarding whether the behavior was a result of the mental illness and any other input regarding the impact of potential sanctions being considered if found guilty.
- A disposition of guilty or innocent shall be rendered by the committee based on a majority vote. If guilty, a sanction determined to be appropriate for the behavior shall be communicated by the panel to the affected inmate.
- Evidence considered including the panel's disposition including sanction, if guilty, shall be maintained in a permanent record by the facility.
- For sanctions that are five days in restrictive housing or more, the inmate may appeal within a reasonable time to the warden or designee. A written decision on the appeal will be provided to the inmate and permanently maintained at the facility. There is no appeal for sanctions of 5 days or less.
- For sanctions of 15 days in restrictive housing or more that is upheld by the warden, the inmate may appeal to the Chief Legal Authority at Central Office.

The DOC's disciplinary policy (1.2.C.2 Inmate Discipline System) is generally consistent with American Correctional Association standards. The Discipline Committee is comprised of 1 person (unit manager for major offenses or unit coordinator for minor offenses). Interviews with each revealed they review the discipline ticket, any supporting information, watch surveillance video, review the inmate history, and make a determination. None of those interviewed said they involve anyone in the decision process or convene a case staffing to work on behavioral plans. There is an appeal process for the inmate if the decision is not agreeable.

The unit management system can be most effective being responsive to minor disciplinary infractions and administering sanctions that do not result in confinement in non-general population setting. The handling of more serious rule violations is of critical importance to

staff confidence in the facility administration as well to the inmate population's sense of fairness that relates to trust of their custodians. With greater attention nationally to conditions of confinement in restrictive housing as well as numbers of inmates and their length of stay in that status, the processes that initiate placement in a confinement setting should be prioritized.

Some offenses may be so serious that the above sanctions are not sufficient. Placement in restrictive housing beyond 30 days should be considered a classification placement, not a disciplinary sanction.

As is the case in many systems, there is pressure by staff to lock up more inmates for longer periods of time. While this is contrary to national trends, the concerns of staff cannot be ignored with staffing being such a serious agency issue.

#### Recommendations:

68. **Examine the 23 performance-based standards developed by ACA as a guide to consider actions that may be inserted into DOC's restrictive housing policy.** The review team should include officers and security supervisors as well as Policy and Compliance staff. There are many systems that have made very tangible progress reducing restrictive housing numbers while reducing violence. This should be a strategic and not abrupt process.
69. **Require formal authorization from the Chief of Classification at Central Office for extended placement in restrictive housing.** The Chief of Classification shall consider all pertinent information and shall consult with a mental health professional for all cases regardless of the mental health status of the inmate. The Chief of Classification may take any of the following actions:
  - o Reject the request of the warden and the inmate is then to be released to a general population setting commensurate with the security and programming needs of the inmate.
  - o The Chief of Classification may approve the facility warden's request for extended placement for 30 days. If the extended time is approved, the Chief of Classification shall provide a written case plan intended to provide a transition approach back to a general population setting. This plan is to be developed by designated program staff.
70. **Any further extensions are to be in 30-day increments and must be approved by the Chief of Classification.** A mental health assessment shall be completed by a mental health professional prior to any extension of 30 days with a written report provided to the Chief of Classification

71. **Integrate a review of the conditions of confinement and the process for placement and release for restrictive housing into the audit process to be developed.** The audit instrument should consider, refine, and include standards that originate from the ACA standards regarding restrictive housing.
72. **Require the facility duty officer make daily rounds in the area utilized for restrictive housing.** As part of the facility duty officer schedule and expectations as proposed in this report, the These rounds should include talking with officers and those confined in the unit and observations should be included in the Duty Officer Report.
73. **Require specific written, release plans with objectives to achieve to be released for all inmates placed in restrictive housing.** More focus should be placed on program completion and behavior of the individual as opposed to a set period to be served in restrictive housing.

## Chapter 6: Inmate Programs & Management

The Department has an evidence-based program manager at DOC headquarters responsible for overseeing data and best-practice research, and who provides recommendations and implementation of program and training curricula, best practices, and assessments across the Department. The program manager does not oversee education/vocational programming or activities in the facilities.

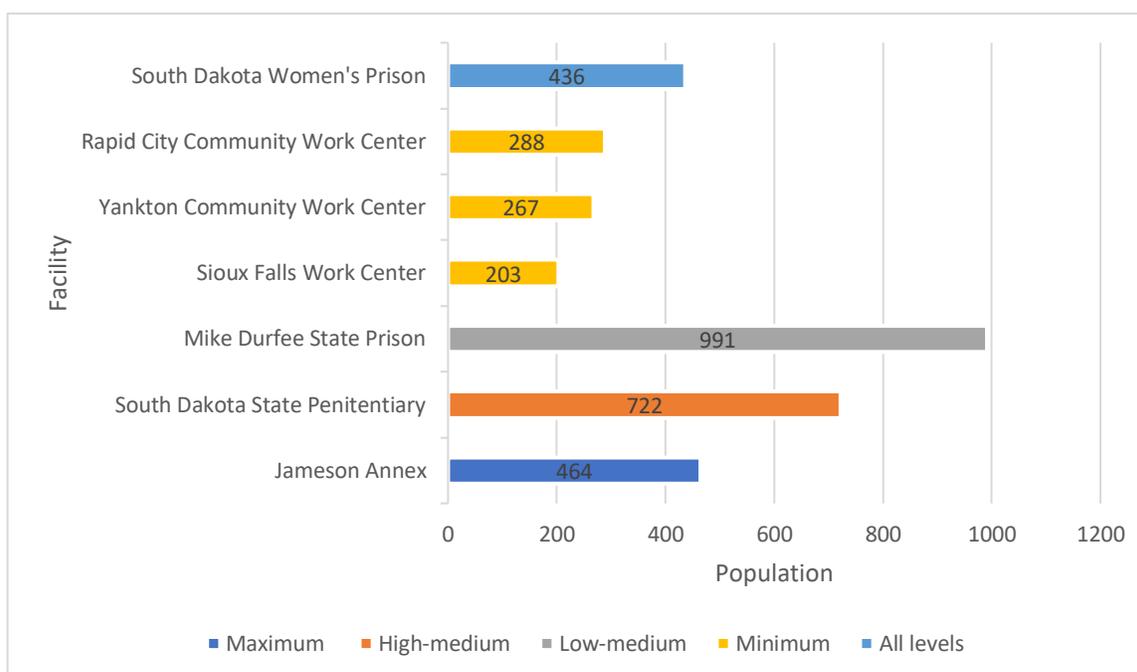
South Dakota has taken significant steps to implement best practices using actuarial risk assessments and a menu of programs that address life domains associated with criminal risk. Additionally, they recently noticed a disparity in programming between men and women and started to focus on more programming for women. One of the challenges noted is the lack of space for programming and support services in most facilities, but primarily at the women's prison. During the site visit, it was reported that the building next door was being acquired for expansion.

**Sentencing and Release Structure:** The South Dakota Department of Corrections is responsible for overseeing and managing the state adult prison system, the state adult parole system, and the state juvenile corrections system. Those on probation are overseen by Court Services, a department of the Court. South Dakota has determinate sentencing with a Board of Pardons and Parole, a nine-member appointed board, having discretion over whether the incarcerated individual is released to parole. Each incarcerated person is given an individual program directive (IPD), aligning with the time one must serve and their classification and program needs. The IPD is reviewed along with behavior history to determine eligibility for the initial parole date.

South Dakota has nine felony offenses. The most serious classes are A, B, and C, while the remaining six felonies are the least serious. Each of the nine felonies has a maximum penalty associated with them. Standard good time is earned at four months a year for their first nine years, and then six months is earned from the tenth year to each year after that. South Dakota does have the death penalty by injection.

**Incarcerated Individual Population Conviction Data:** The South Dakota prison system houses approximately 3,400 incarcerated individuals, of which 433 are women and 188 are juveniles. Currently, no juveniles are incarcerated in the correctional facilities, as they are managed in community programs. There are seven prison facilities across the state, with headquarters in Pierre.

Exhibit 10: Population at South Dakota Facilities



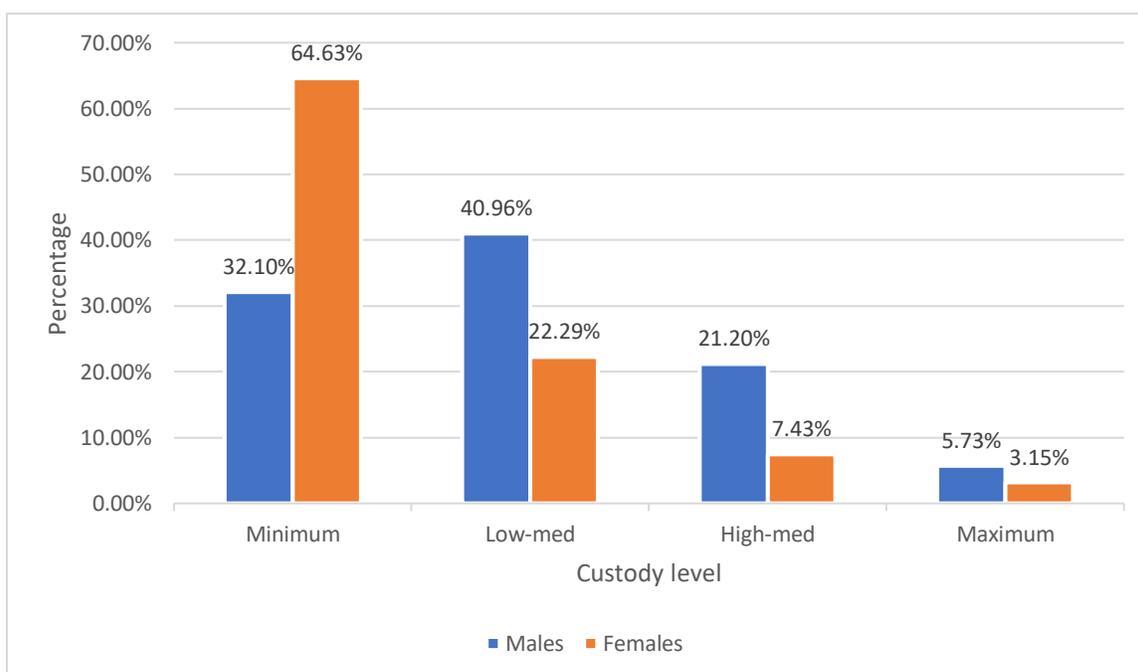
Agency data shows that 11.5 percent of the population is convicted of Possession of Controlled Substances. It is important to note that in South Dakota, possession of drugs also includes convictions of “unauthorized ingestion,” which contributes to this percentage. Possession convictions are followed by Aggravated Assault 9.3 percent, DWI 7.9 percent, Grand Theft 6.6 percent, and Sexual Contact 6 percent.

**Custody Levels:** South Dakota DOC has four levels of custody for both men and women: minimum, low-medium, high-medium, and maximum. The agency uses several assessment tools to determine both institutional risk and community risk. The Level of Service Inventory-Revised (LSI-R) is used to assess the males, and the Women’s Risk/Need Assessment (WRNA) is used for the women. According to the staff’s report, the agency used the LSI-R on both males and females but determined that the women needed a tool to identify protective factors and risk factors. The WRNA was implemented in July 2021.

The custody tool calculates a score based on the following data points: restrictive housing, violence risk assessments (LSI-R, PCL, VRAG), sex offenses (Static-99, MnSOST), violent felony conviction, institutional violence, and assessed risk, and any administrative factors. This score will determine the incarcerated person’s custody level.

Final custody levels for males and females:

Exhibit 11: Custody Levels for Males and Females



Currently, the agency has two policies for incarcerated classification, one for males and one for females. Upon reviewing both policies, there is no discernable difference in their content. On page 7, Section 8: Classification Actions, the male and female classification policies indicate that the classification staff will recommend housing placement and program requirements based on the classification.

It is not clear from the policy how consideration is given to those who may need a particular custody level where the recommended programming may not be offered; for example, the only location where parenting class is offered is at the women's prison, indicating that men do not have access to parenting classes.

Additionally, custody scores can be impacted by "reliable confidential information" according to policies 4844\_0 and 4845\_1. The policy does not clarify what kind of confidential information this may include and therefore leaves the reader to wonder about the subjectivity of this kind of information.

**Agency Partners:** South Dakota is unique in that the mental health and substance abuse providers are staff of the state Department of Social Services (DSS), and the state Department of Health provides health services. It is reported that they have a good working collaboration with DSS and DOH; however, there is no point of contact within the DOC for the DSS staff in each facility. This disconnect can lead to operational silos and a lack of role clarity. The

earlier recommendation for an Associate Warden position overseeing the coordination of programs and services at the facilities would rectify this issue.

**Core Menu of Programs:** According to data shared by headquarters, six programs occur in all facilities: general education development (GED) test, moral reconnection therapy, sex offender treatment, cognitive-behavioral intervention in substance abuse, dialectical behavioral therapy, and Seeking Safety. Upon document review of the facilities across the state, several other programs and activities were mentioned in unit plans and may, be taking place. However, this information was not reported by headquarters. Activities could not be accounted for as they are different in every facility. The program menu provided is listed in attachment B.

The number of incarcerated attending programming is low across the agency. For example, according to the incarcerated person's demographics, six percent of the population (204) are convicted of a sex offense, but only thirty-two are engaged in programming. The low attendance and participation are exacerbated by the lack of program space and staffing.

There was a discrepancy in responses from staff about the incarcerated's involvement in programs. The impact of the COVID-19 pandemic on short-staffing has made it difficult to run programs. Still, even before COVID-19, there have not been enough staffing positions to deliver programs, education, and activities to meet the needs of the incarcerated population. Staff indicated that while the training and assessments that are done is beneficial, there are not enough programs that address identified needs.

Data shows that the number one reason for incarceration in South Dakota is drug use/possession; however, out of the incarcerated population of approximately 3,400, only seven percent (238) are engaged in substance abuse treatment. The combined total of those incarcerated for drug and alcohol convictions is 19.4 percent.

The academic classes offered were limited to the GED. It is noteworthy that the agency implements a Test of Adult Basic Education (T.A.B.E.) at admission, which indicates a person's need for GED, Literacy, English as a Second Language, and Special Education; however, the GED is the only item listed in the program menu. It is possible that other educational programming may be taking place across the agency. However, data for this was not available.

**Program Structure:** The provision of programming across all facilities would benefit from centralized oversight from a Director of Programming reporting to the Secretary that would include the areas of education and activities. With centralized oversight, a structure could be built to promote consistency and responsiveness to local facility population needs. For example, facility-based program managers who report to the Director of programs could be created to:

- Oversee programs, education, and activities in their assigned facility. This role could be filled with either a uniform or non-uniform staff with knowledge and experience in the incarcerated person's behavior, assessments, programming, and social services.
- Oversee those who conduct case management/social services, programs, and activities. Currently, the Director of Classification oversees the case managers who are considered classification staff and cannot be present for the management or supervision of staff in these roles.

To support such change, policy needs to be revised to support new reporting structures and job descriptions that focus on the scope of the roles under review. For example, a job description for Corrections Specialist Class Code 11454, Pay Grade GJ, is extremely broad and allows for a great deal of authority over “policy development, incarcerated persons program establishment and interpretation of program guidelines and objectives,” which can lead to a lack of continuity across the system in what should be controlled by administrative oversight out of headquarters.

**Programming and Custody Classification Reviews:** The movement from high custody to lower custody would ideally be tied to program participation and completion. Currently, data shows that the vocational programming is only offered at the Durfee State Prison, and attendance at that facility is either low or non-existent. Ideally, the vocational programs offered would support the current trends in the South Dakota labor market to ensure that people leaving prison are truly employable upon release.

Notably, incarcerated individuals with mental health issues are housed with those on death row and those in segregation status. This is due to a lack of housing options for special populations; however, consideration should be given to housing and programming separately.

#### **Recommendations:**

- 74. Restructure the oversight of agency programs and services to be coordinated or overseen by a single director who has authority to manage the programs, a menu of activities, and educational programming in all prison facilities.**
- 75. Require close collaboration between the Unit Teams and the Facility Program managers to effectively decide which incarcerated individuals are assigned to community work centers and work release opportunities.**
- 76. Implement a revised assessed risk tool for females.** A revised tool would require a statistical analysis of the reliability and validity of the current tool as it pertains to women and would take into consideration different measures for the females' current convictions, length of stay, institutional misconduct, escape history, and incidence of

violence. Furthermore, incarcerated individuals with behavioral issues should be programmed by their high-risk needs.

77. **Update policy to reference a risk assessment tool rather than the tool's name being used (i.e., LSI-R).** This will ensure the most current research and best practices are referenced properly.
78. **Identify unit team staff to facilitate evidence-based programming within the housing units.** This will address the large segment of the population that does not receive evidence-based programming due to a lack of staff and programming space.
79. **Offer vocational programs in more than one location across the state.**
80. **Consider expanding the menu of vocational opportunities for women by engaging the Department of Labor to identify where the bulk of women go upon release and identify gaps in the labor market that the DOC can develop into vocational programming opportunities.**
81. **Implement more Indigenous American programs geared toward education, vocation, reentry, and any collaboration with local tribes to assist those upon release to improve recidivism rates.**
82. **Explore expanding parenting classes in male facilities.** These classes are currently only offered in female facilities.

**Correctional Industries:** The DOC operates a correctional industry program entitled Pheasantland Industries. Pheasantland Industries employs inmates in the manufacturing of products and provision of services, with the aim of “supporting pathways to instill marketable skills” in its assigned inmates. The individual shops it operates include:

- Carpentry Shop
- License Plate
- Metal Fabrication
- Sign Shop
- Upholstery
- Braille Transcription

After release of the anonymous email alleging concerns with DOC's operations, issues were raised concerning practices in Pheasantland Industries (PI). An initial investigation identified potential issues with PI's internal controls regarding pricing of its products and recent allowance for selling products/services to state employees.

The state has hired an accounting firm to conduct an internal controls audit of PI. That report has not been supplied to CGL. However, several practices were reviewed during time on-site at SDSP:

- **Product/Service Pricing:** As described, the overall methodology used to develop the price for a product appears sound. It includes an accounting of direct costs (labor and materials), shop overhead, central office overhead, plus markup. However, current practice allows the shop foreman to be the final arbiter of the established price.
- **State Employee Purchasing of Good/Services:** In recent years, PI has allowed state employees to purchase goods or services from correctional industries. The requirements of this practice are outlined in policy 1.5.A.3 Pheasantland Industries Sales to State Employees. The policy sets the following general requirements:
  - Employees seeking to purchase PI goods or services can contact PI directly and are not required to direct requests through the DOC.
  - PI must create a written work order specifying the type of work to be completed and the price.
  - Employees purchasing PI goods or services must sign a “State Employee Statement for Purchase” indicating the product/service is for their own use and not to be resold or transferred to another individual for a period of 12-months.

#### Recommendations:

- 83. Require all pricing to be approved by Pheasantland Industries Accountant and Director.** There should be a formal written review and sign-off process for all product/services pricing to ensure pricing is consistent and fair across all customers. This process should include a review by PI’s accounting staff to make certain pricing incorporates all costs and the accepted markup. Additionally, PI’s Director should have the final approval on all pricing.
- 84. Better regulate the practice of allowing state employees to purchase PI goods or services.** Approvals for state employee purchase of PI goods/services should require approval of the facility warden or agency supervisor (if a non-DOC employee) as well as the approval of PI’s Director. Additionally, the final product should be transferred to the employee from the office the most senior official at that location, thus improving the transparency of this process. At SDSP this could be the PI Director or warden. At other facilities it would be the warden.