

Corrections Commission Meeting
South Dakota Women's Prison
December 2, 2013
Minutes

Chairman Tieszen called the meeting of the South Dakota Corrections Commission to order at 1:00 p.m. The roll was called. Members present were Senator Tieszen, Chair; Senator Bradford, Vice-Chair; Mr. McGirr; and Representative Kirschman. Judge Houwman and Mr. Bottum attended by telephone. Mr. Anderson toured the facility but did not remain for the meeting. Also touring the facility was Senator Jeff Monroe. Present from the Department of Corrections were Denny Kaemingk, Secretary; Laurie Feiler, Deputy Secretary; Aaron Miller, Policy and Compliance Manager; Kim Edson, Evidence-based Practices Manager; and Michael Winder, Communications and Information Manager.

Chairman Tieszen noted that the Commission members were impressed with the appearance of the facility they toured and offered the Commission's thanks to the Department staff for the lunch and the tour.

Chairman Tieszen asked for discussion and review of the draft minutes from the September 24, 2013, meeting held at the Rapid City Minimum Unit. Senator Bradford moved approval of the minutes, Representative Kirschman seconded the motion, and the motion carried.

Senator Tieszen noted that the Criminal Justice Initiative (CJI) Oversight Committee will hold its second meeting to look at statewide implementation on December 16 at 1:30 p.m. in Pierre at a location to be determined in the Capitol. DOC is involved in a great many facets of the Criminal Justice Initiative, which impacts the Unified Judicial System, the Department of Social Services, the Attorney General's Office, and the Department of Corrections.

Deputy Secretary Feiler provided the Commission with an update on the Criminal Justice Initiative (CJI) and its implementation. Feiler explained the Earned Discharge Credits (EDCs), which parolees began earning in July. They can earn one day off their parole for each day of the month if they meet certain criteria. The law is written so the EDCs are applied on transactions. Parolees with multiple sentences can earn multiple credits to shorten their parole. So far, four months of credits have been accumulated. Typically, credits are awarded by the 15th of the following month. For October 2013, 73 percent of all parolees earned EDCs on at least one transaction. Those who did not earn credits were either serving time for sentences that are not eligible for EDCs, such as sex offenses, or the people did not earn the credits because of their misbehavior, such as absconding or a policy driven response. A total of 68,054 days were awarded in October. It was pointed out that one inmate could have five transactions and receive 150 days in a particular month. Cumulative through October, DOC has awarded 277,000 days of Earned Discharge Credits in the first four months of FY 14.

Senator Tieszen asked if there would be any situation where an inmate could earn credits on one sentence and not on another. Mrs. Feiler provided the example of a person doing time for a qualifying and a disqualifying offense. Someone doing time for a sex offense (disqualifying) and a DUI 3rd (qualifying) would earn EDCs on the DUI 3rd but not on the sex offense.

Senator Bradford asked about the 40 who did not earn credits because of extended detentions. Mrs. Feiler stated that an offender can be put in county jail or be brought back to the penitentiary without an actual parole revocation. Sometimes it is to see if local officials will be bringing new felony charges, and sometimes it is to settle them down. It is a period of a couple of months the parolee agrees to in lieu of a violation. If things clear, they are re-released to parole but they do not earn credits during that time. Secretary Kaemingk noted that they can be required to take chemical dependency treatment during that extended detention.

Secretary Kaemingk addressed the Tribal Pilot component. He and Tribal Affairs Secretary J. R. LaPlante visited the seven tribes which expressed an interest in the tribal pilot program. Two tribes chose not to investigate the option. Sisseton-Wahpeton and Standing Rock provided a positive response. It was decided to work initially with Sisseton-Wahpeton. The state has funds help the tribe hire a contract parole agent. DOC will reimburse the tribe for the salary, benefits, and expenses of this position. DOC will also be able to pay for jail days if jail time is used as a sanction. The tribal pilot will help develop a means of supervising parolees who return home to the reservation while on parole. When an inmate arrives at facility and is placed in Admissions and Orientation (A&O), staff work with the inmate to identify an inmate's need and to begin the process of creating an appropriate release plan. If an inmate indicates he/she wishes to return home to Sisseton-Wahpeton, the wellness committee will help decide if the inmate may return to the reservation as part of the program. The wellness group will help work with housing, jobs, and mental health and chemical dependency issues. If the wellness group does not accept a particular parolee, DOC will work with the inmate to formulate a different release plan. DOC has provided the tribe with the parole sanctioning grid, and they are reviewing this to help them develop their own individual sanctioning grid. An intergovernmental agreement has also been submitted to Sisseton-Wahpeton-Oyate tribe for review.

If South Dakota is to be successful in reducing absconder numbers, we must be successful in creating a working relationship with the tribes to manage parolees. Nearly 70 percent of the state's absconders are Native Americans. Many of these are believed to have returned to reservation lands. If we can find a way to supervise them while they reside on the reservation, taking into consider cultural differences and needs, we will be able to make many improvements to our parole supervision program and how we supervise offenders residing on reservations. Once the tribal pilot succeeds, the hope is to expand it across the remaining reservations.

Mrs. Feiler addressed the performance measures portion of CJI. In order to sustain the reforms, they must be tracked. Draft performance measures were presented to the CJI Oversight Council in September. At the December meeting, proposed baseline information will be presented on recidivism and Class 5 and 6 felons prior to the presumptive probation provision.

The first Evidence-based Practice is assessment. The risk and needs of the offender must be assessed. We have two assessment tools, the LSI-R and the Community Risk Assessment that will be normed and validated. Validation includes pulling data on how offenders are assessed and sending it to a researcher for evaluation/validation. The contract has been signed and the process will take about a year.

The Community Transition Program Alternative Housing Program component is a small pilot with \$250,000 in funding to provide non-DOC housing to very-low-risk CTP parolees. Evidence suggests that offenders housed outside of a corrections setting are less likely to return to prison. The CTP participants go into the community during the day for work release or community service. CTP is used in part to help offenders who have trouble finding housing when they are eligible for release to supervision. Currently, the options for housing is often limited to motels that offer weekly or monthly rates. The DOC intends to investigate other options for housing and to work with the local community to identify resources for offenders releasing to parole. For example, DOC is working with some landlords that have rental property and other agencies that may be willing to partner with us to help offenders with housing needs. The two-year pilot will serve somewhere between 10 and 12 CTP parolees in the state. First, a thorough needs assessment will be conducted to find what is most appropriate.

Evidence-based Practices for Parole Supervision will cover many policy areas including the CTP pilot and the validation piece. There are training requirements for parole agents and parole board members. EPICS is a case management structure the parole staff will be trained to use. Finally, the graduated responses to violation, which is the grid which outlines what response each violation earns, ranging from 24-7, to treatment, etc. DOC has been using that grid for the past two years, and it is an Evidence-based Practice in Corrections.

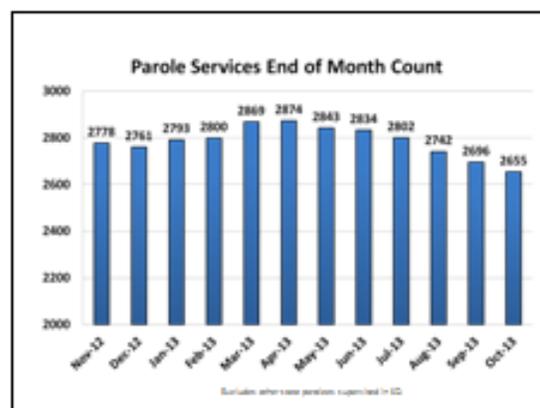
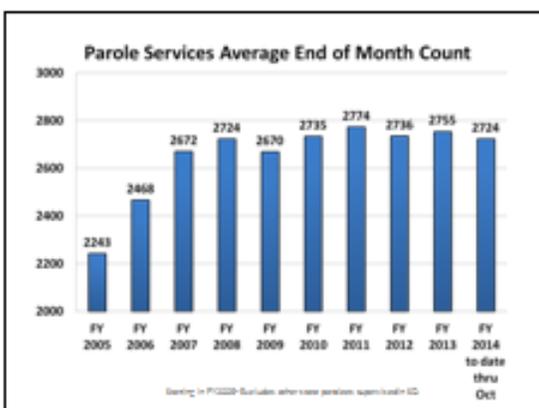
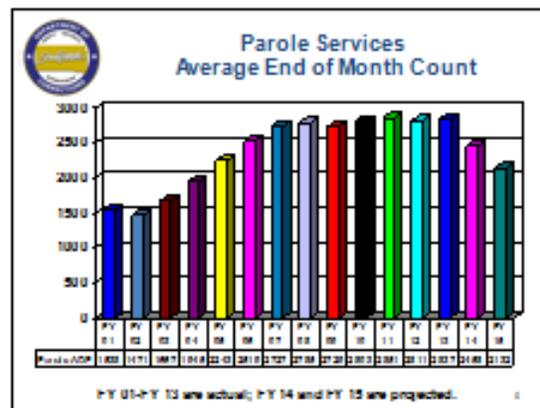
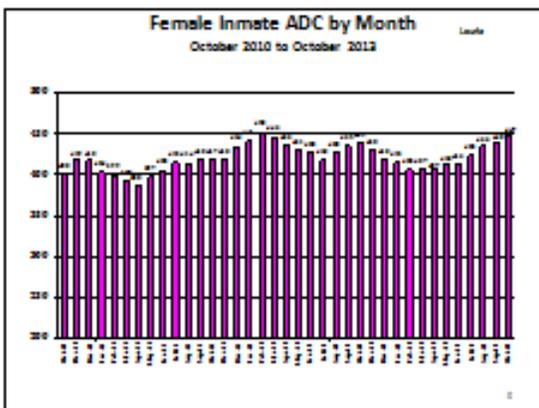
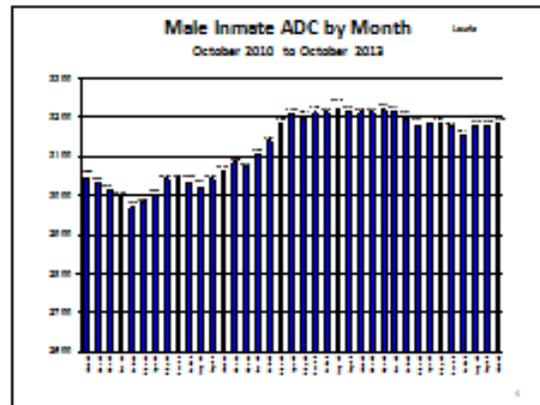
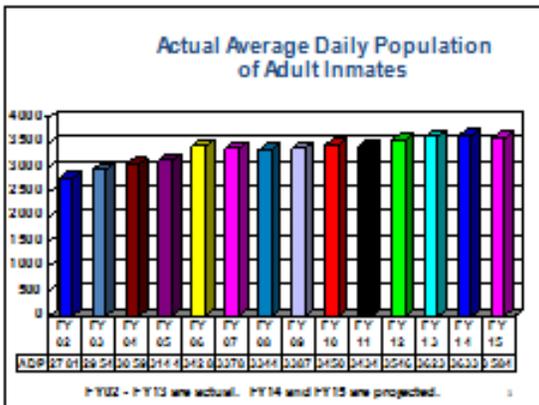
Mrs. Feiler finished up with the Reinvestment Fund piece and the SAVIN program. Counties will be eligible to receive \$1000 to \$1200 for each additional person on felony probation as a result of presumptive probation. A five-year trend line will be created to establish the actual rate, and for rates in excess of that, counties will receive payments at the end of the fiscal year.

The SAVIN program is an automated victim notification system. DOC has notified victims for years, but the SAVIN system will also alert victims of inmates in county jails. This next legislative session, the Attorney General’s Office will introduce legislation to pull all of the victim notice statutes under the Victim Rights Chapter in Code. DOC’s are currently in four different chapters in the code.

Mrs. Feiler then briefed the Commission on inmate population:

Adult Prison System Capacities and Counts

	CAPACITY	COUNT AS OF 11/26/13
State Penitentiary	904	732
Jameson Annex (Secure)	646	517
Durfee State Prison	1,334	1,228
Jameson Unit C (Minimum)	303	237
Yankton Minimum Unit	360	257
Rapid City Minimum Unit	416	207
Off Count		26
MALE TOTAL:	3,963	3,204 <small>(13 Fed and 3,191 State)</small>
Women’s Prison	227	182
Unit E (Minimum)	96	92
Unit H	107	107
Minnehaha County	50	46
Community Alternatives of BH	6	6
Community IMT	12	9
Off Count		6
FEMALE TOTAL:	498	448
SYSTEM TOTAL:	4,461	3,652



In response to Representative Kirschman’s question about crimes by race, Secretary Kaemingk noted that in the male facilities, 28 percent of inmates are Native American. In the female facility, 46 percent are Native American. Other races are statistically very small. Overall, the percentage across the board is 29 percent

Native American. Laurie Feiler noted that on the DOC website, breakdowns by race and crime are posted (<http://doc.sd.gov/about/stats/adult.aspx>). About 60 percent of offenders are serving time for an alcohol- or drug-related offense. Ninety percent of inmates have substance abuse issues.

The Chair asked for discussion about the next meeting. He reminded the members that at the last meeting, a preference to visit the South Dakota State Penitentiary and contract juvenile facilities in the surrounding area was expressed. In order to be in Sioux Falls during Parole Board week, the meeting will be held in Sioux Falls April 16 and 17, 2014. The members plan to meet with the Parole Board, tour the penitentiary, and visit contract juvenile facilities in addition to holding a business meeting Thursday. They will commence late morning Wednesday and disperse mid-afternoon on Thursday.

The Chair asked for any new business. There being none, Mr. McGirr moved the meeting be adjourned, Senator Bradford Seconded the motion, which motion carried.