

**SOUTH DAKOTA CORRECTIONS COMMISSION  
BLACK HILLS CORRECTIONAL TRANSITION CENTER  
RAPID CITY, SD  
JUNE 29, 2015, 2:00 P.M.**

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**OPENING BUSINESS**

Chairman Craig Tieszen called the meeting of the South Dakota Corrections Commission to order at 2:00 P.M. at the Black Hills Correctional Transition Center (BHCTC) in Rapid City, SD on June 29, 2015.

Members present were Senator Craig Tieszen, Senator Jim Bradford, Representative Mathew Wollmann, Representative Pat Kirschman, Judge John Brown, Judge Randall Macy, and Mark Anderson.

Seven of the nine commissioners were present making a quorum.

Also present were DOC Cabinet Secretary Denny Kaemingk, DOC Deputy Secretary Laurie Feiler, DOC Director of Juvenile Services Doug Herrmann, and DOC Policy and Compliance Manager Aaron Miller.

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**REVIEW AND APPROVAL OF MARCH MINUTES**

Sen. Tieszen asked for review and approval of the minutes from the last meeting on March 30, 2015. Sen. Bradford motioned that the minutes be approved as written. Rep. Wollmann seconded the motion. The minutes were approved.

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**QUESTIONS AND COMMENTS REGARDING TOURS OF CANYON HILLS AND BHCTC**

Sen. Tieszen opened the floor up to Commission members to ask questions and comments regarding the tours of Canyon Hills and BHCTC.

Sen. Tieszen asked Sec. Kaemingk for comments regarding Canyon Hills.

Sec. Kaemingk commented that Lutheran Social Services has been a good partner with the Department of Corrections (DOC) and have a great program.

Sen. Tieszen stated that the tour was well prepared and the facility was very nice.

Sen. Bradford stated that there was discussion during the tour that the education funding is not adequate.

Sec. Kaemingk responded that Doug Herrmann would be better to answer on the education funding for juveniles.

Clarification on Sen. Bradford's comment is that the statement was made by Canyon Hills staff that Canyon Hills is not receiving adequate education funding for juveniles that are not in the State's custody.

Members mentioned that Canyon Hills is exceeding the standard by having the student to teacher ratio at a five to one ratio.

Sen. Tieszen stated that the Commission attends the facilities that have contracts with the state to see where the money that we appropriate is being spent in the private sector.

Sec. Kaemingk stated that we currently have seven juveniles at Canyon Hills.

Rep. Wollmann commented that it was pleasant having the student give the tour at Canyon Hills.  
Sec. Kaemingk stated it is the intent for our tours of juvenile facilities to have the youth give the tours.

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### RESTRICTIVE HOUSING BRIEFING

Attachment Link: [RESTRICTIVE HOUSING PRESENTATION](#)

Sec. Kaemingk presented to the Commission an update on Restrictive Housing (see Attachment Link).

#### **Questions on Restrictive Housing**

*Are you providing training for your all of your adult institutional staff?*

Sec. Kaemingk responded it is planned to train all staff in the principals of Restrictive Housing.

*Have you completed this transition?*

Sec. Kaemingk responded that yes, we have completed this transition in January and we have had some graduates that have transitioned into general population and are doing well. Sec. Kaemingk continued to present testimonials from inmates thanking the staff for giving them the opportunity to better themselves.

*What are you seeing as far as numbers in Restrictive Housing?*

Sec. Kaemingk responded that the data for our performance measures will not be complete until after the data is recorded through June 30, 2015. We are hoping to affect the population of restrictive housing, it is hard to get in and there is a progression to get out.

*Would you still have people in Restrictive Housing for a long period of time?*

Sec. Kaemingk responded that we will always have individuals in restrictive housing ensuring that the inmate is ready to transition through the level system. This requires a lot of people involved in that process and some major decisions are based on that transition. Major rule infractions will affect the transition.

*Are you seeing a reduction in the Restrictive Housing population or because of the individualized attention do you see more inmates from general population wanting to get into Restrictive Housing?*

Sec. Kaemingk responded that he was not seeing that as we did previously. In Administrative Segregation, an inmate was getting too many privileges and having a lot more property. With the new process, we have stripped down the property for Level I and II with increased limitations and a progression of gaining privileges and property back.

*Sen. Bradford asked for clarification on Restrictive Housing.*

Sec. Kaemingk responded that Restrictive Housing is the Jail inside the Prison. We do not use solitary confinement; most of our inmates are not placed in a solitary confined cell because they are in a 2-person cell. The only time inmates are by themselves is if they are a capital punishment inmate or in the past, they have

killed someone who was in a cell with them. The feeder system of Restrictive Housing is the write-ups, risk to security and safety of the staff and inmates.

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### **ADULT INSTITUTION POPULATION UPDATE**

Attachment Link: [PSIA UPDATE PRESENTATION](#)

Dep. Sec. Feiler updated the Commission on the South Dakota Public Safety Improvement Act and impact on population (see Attachment Link).

#### **Question on Adult Institution Population Update**

*What portion of available Earned Discharge Credits (EDC) are being earned? Are 9 out of 10 parolees earning EDC?*

Dep. Sec. Feiler stated that 2139 parolees were eligible to earn EDC in May. 1648 parolees earned EDC in May (77%).

*Sen. Bradford mentioned that if the inmate population is flat then this is a big gain because there is a population that is not going into prison.*

*For parolees that are coming back are you tracking their education or ability to get a job? How does this affect them and re-offending?*

Dep. Sec. Feiler stated at this time we are not tracking that data.

*If they come back, do they come back for a worst crime or the same crime?*

Dep. Sec. Feiler replied that most are for parole violations.

*Commissioner stated that we are measuring recidivism from their release from prison not from parole. What is the impact of EDC on recidivism and the parolee spending less time on parole?*

Dep. Sec. Feiler replied that most parolees that are having problems are caught early during their time on parole. EDC should positively impact recidivism.

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### **HEALTHCARE IN PRISON**

Sen. Tieszen mentioned to the Commission the recent articles that discussed the issues of how healthcare services are provided in prison and concerns raised in the article. Sen. Tieszen asked Dep. Sec. Feiler to respond on the inmate healthcare program.

Dep. Sec. Feiler responded that the inmate in question is 47 year old doing a ten-year sentence for possession of control substance. The inmate was admitted in August of 2014 and has an initial parole date of 8/21/2016. Dep. Sec. Feiler continued to state that due to HIPPA, she could not discuss the detail of his medical treatment but could present to the Commission an overall summary of adult inmate healthcare.

The Department of Health provides the healthcare for inmates under Department of Correction's custody, which includes physical health, optometry, and dentistry. The Department of Social Services provides behavioral healthcare for inmates under Department of Correction's custody. Medication is provided between both Department of Health and Department of Social Services. Facilities have nursing staff, doctors that visit regularly, specialty care and inmates are sent out for specialty care. Every day 10-12 medical transports are done to include dialysis, physical therapy, and regular doctor appointments. The doctor drives the inmate's care directives not the state. All locations are accredited through the National Commission on Correctional Health Care. The budget for the adult side for medical care and medication is \$18 million a year.

The inmate population is getting older and sicker. Some of this is due to addiction and complications with years of addictions. If the inmate is unhappy about his healthcare then they can file a grievance with the Warden through the Administrative Remedy Process. Last year, 91 Administrative Remedies reached Sec. Kaemingk's Level and only two were medically related.

Senator Tieszen opened the floor for question from the Commission, no questions were asked.

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#### **JUVENILE EDUCATION FUNDING**

Sen. Tieszen asked for an explanation of the educational funding for juveniles.

Mr. Herrmann stated that the process is clear-cut when it comes to state custody, which includes the DOC and Department of Social Services (DSS) custody.

The agency is responsible for the education of the youth. There is a specific funding source for the youth to pay for their education: the Auxiliary Placement Fund for Education managed by DSS. The rates are established and paid by the cost per day. DSS works with the Department of Education and the funding, to ensure that the school district is not double dipping on the funding provided. Funds follow the student throughout the school year. For juveniles committed to the DOC and placed at STAR Academy, we have a specific funding source for the Education and this is a part of the STAR Budget.

*Is the state subsidizing for other students who are not in the state's custody?*

Mr. Herrmann stated that he is not the best to answer. The rate is established by the DSS for basic education is over \$70/ day. The more needs will provide more funding especially for Special Education and student with higher needs.

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#### **JUVENILE JUSTICE REINVESTMENT ACT**

Mr. Herman presented an update on Senate Bill 73 (SB 73), Juvenile Justice Reinvestment Act.

SB 73 looks across the whole spectrum and more importantly, the focus has been to re-invest funding on areas that we can identify savings and efficiency where we can better place dollars in the system for better bang for the buck with better services earlier in the juvenile justice process. SB 73 had a \$3.2 million budget change for ½ of the year however, DOC budget received a \$3.2 million reductions. Residential housing of

juveniles is the most expensive approach to juvenile justice. We have learned through Evidence Based Practices is that it better for the juvenile if the programming is done earlier in the system.

Mr. Herrmann presented to the Commission the key policy areas he is involved in to include diversion, community based intervention services, performance measures, and the Oversight Council. Additionally, Mr. Herrmann presented side projects for Senate Bill 73 to include LSI validation, Native American Youth Outcome Study, DOC monthly treatment team meetings, Performance Based Contracting with Residential Providers, changes to CHINS, CART Teams, and length of stay at STAR Academy

### **Questions on the Juvenile Justice Reinvestment Act**

*Senator Tieszen asked if Mr. Herrmann liked Senate Bill 73 and should it be changed.*

Mr. Herrmann answered that he liked what we are doing over all with SB 73. The bill makes the commitment to re-invest money in the community. STAR Academy has reduced our juveniles and our full time employees but, the money went away. With SB 73 the money is being reinvested.

*Can you clarify the deadline of January 1, 2016?*

Mr. Herrmann stated that if parts of the implementation did not have the deadline of January 1, 2016 they viewed the deadline to be July 1, 2015.

*Commissioner stated that with Senate Bill 70 many parts began before the deadline. Are you seeing this happening in a similar fashion with SB 73?*

Mr. Herrmann stated that yes certain pieces are transitioning before the January 1 deadline.

*Mark Anderson asked with the length of stay at STAR Academy going from 4-5 months to 90 days could they develop a program that can meet that 90 days.*

Mr. Herrmann stated that yes they have to look at what can be done in the institution and what can be done in the community. Education will be a challenge. Four to five months is a semester and they can get a semester credit done but now with 90 days they will be looking at what they can accomplish and working with school districts.

*With SB 73 limiting reasons why CHINS can get into DOC, do you think that is going to leave some juveniles out that should be committed to DOC?*

Mr. Herrmann responded most cases will meet the exception but the key of SB 73 is the Community Based Services. Community Based Services have strict guidelines so the juvenile will not be left out.

*There are services that are already in progress in Sioux Falls and Rapid City?*

Mr. Herrmann responded that there are programs in those cities but they are not state ran. The RFP process for these programs/ services will begin late October and November through DSS.

*Will the rural nature of the state be a problem in providing services?*

Mr. Herrmann responded that there will be challenges with community services in rural areas. However, the challenge should be treated more as a barrier and respond by working with community providers to provide the services to rural areas. The alternative is to provide more residential care, which cost the state \$200-\$300 a day.

*Approximately how many juveniles are in out of state placement?*

Mr. Herrmann responded there are 37-38 placements out of state.

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**CLOSING BUSINESS**

Sen. Tieszen reviewed the Commission's schedule for the next day which includes a tour of STAR Academy provided by DOC.

The next meeting is scheduled for November 2-3 including a Yankton Community Work Center tour, Mike Durfee State Prison tour, and meeting with the Parole Board.

Sec. Kaemingk suggested that the public meeting be on November 2, 2015.

Sen. Bradford motioned to adjourn the meeting and Rep. Wollmann seconded the motion.

Meeting was adjourned at 4:11 PM.