

## **CORRECTIONS COMMISSION MEETING**

South Dakota State Capitol, Room B-01

December 7, 2010

Senator Julie Bartling, Chair, called the meeting of the South Dakota Corrections Commission to order at 8:30 a.m. on December 7, 2010, in Room B- 01 of the State Capitol.

Members present were: Senator Julie Bartling, Chair; Senator Craig Tieszen, Vice-Chair; Representative Lance Carson; Representative Richard Engels; Mr. Brad Drake; and Judge John Brown. Judge Patricia Riepel participated by telephone. Mr. Prest and Mr. Alyward were not in attendance.

Also in attendance were: Corrections Secretary Tim Reisch, Deputy-Secretary Laurie Feiler, Brady Kerkman and Michael Winder of the Department of Corrections, Ben Merrill of the Bureau of Finance and Management, and Aaron Miller, who currently works in the Governor's Office and who will assume Brady Kerkman's position soon. Mary Bisson was the recording secretary.

### **Review/approval of minutes from September meeting:**

The first item was the review and approval of the minutes from the September 2010 meeting in Custer. Senator Tieszen moved their approval, Judge Riepel seconded the motion, and the motion carried. The minutes were approved.

### **Rapid City Facility Update, Tim Reisch, Secretary**

Secretary of Corrections Tim Reisch provided the Commission with an update on the construction progress being made at the new Rapid City Minimum Unit. He indicated that things are processing nicely. Inmates have removed unneeded interior walls and the demolition phase has been completed. As much work as possible is being done with inmate labor to curb costs. Current work involves retrofitting the American Concrete office space into offices for parole services. All the new office walls are studded up and installed. A temporary lull currently exists because of the sequencing of bids for the electrical, plumbing, heating, mechanical, etc. The general contractor will connect the existing building with the cold storage area and add a second story for \$1,410,000. A preconstruction meeting was held yesterday with the low bidders for the plumbing, heating and cooling, electrical, and fire suppression segments. These bids came in close to the engineer's estimates.

Senator Tieszen asked how many bids were received for the general contractor role. Secretary Reisch indicated general contractor bids were received from Dean Kurtz, Gustafson Builders, Jay Scull, RCS and SCO Construction. The electrical bid went to Muth Electric; Rapid Fire won the bid for the fire. RCS was the low bidder for general contractor.

Senator Tieszen indicated that he had worked with RCS when they renovated the Public Safety Building in Rapid City and it went well.

In the parole offices, the stud walls are up, but the electrical and mechanical bids came in later than anticipated. The architect uses mechanical and electrical architects outside of his firm, so the bid letting was delayed a couple of weeks, but the bids have now been awarded.

This will be a LEED-certified facility, following the directives passed by the Legislature. Inmate labor is used to sort the materials removed from the building. Those materials are tracked and recycled or taken to a proper disposal facility and are not taken to the landfill. Test bores have been completed for the geothermal heat system which will be installed. The Elk Vale Road property had geothermal heating, and we elected to go with geothermal in this facility as well due to the long-term benefits. It is expensive up front but it eventually pays for itself in fuel savings. It also earns many LEED points, which helped qualify the project for \$350,000 in stimulus funds.

The initial estimate for a minimum unit at the Elk Vale Road property was \$6 million. The 2009 Legislature amended the bill which would have provided \$6 million in bonding authority in the House to exclude that site. Later, the owner of American Concrete called about this building. DOC ended up signing a purchase agreement about the time the initial bill was going to Senate Appropriations. DOC committed to the American Concrete building in a matter of weeks. It is about the same age as the first site, and since the first building already had some things this one doesn't, the cost estimate for the American Concrete facility was \$7.3 Million, while the other one was \$6 million. The best estimates show that DOC will need a little more to complete the facility. DOC will have a special bill for expenditure authority for the \$1.8 million in other funds it will need, which will come from within the department.

Parole is expected to move into the facility sometime in January, and inmates should move to the housing unit in the November-December timeframe in 2011.

Two years ago, DOC anticipated issuing \$6 million in bonds to pay for the facility but did not end up issuing the bonds. After being sued by Don Purdue, the \$2.2 million purchase and costs of settling that lawsuit were paid by Risk Management. The next \$3.8 million in funding was authorized by Senate Bill 53 which passed in the 2010 legislative session (which included \$1.8 million in general funds and \$2 million in other fund expenditure authority). Had DOC gone the initial route and issued the \$6 million in bonds, it would have paid about \$450,000 annually to pay off the mortgage over 25 years. The completion of this facility will result in significant departmental cost savings, as the Rapid City Minimum Unit will expand from 100 beds to 280 beds with just two additional staff, (those being a building maintenance person who will come aboard July 1 and a unit coordinator to be hired later). Most of the initial inmates brought here will come from the Yankton unit. The new facility will allow the DOC to cancel the current parole office lease in February of 2011 and the Rapid City Minimum Unit lease in the December of 2011 timeframe. Since DOC closed the Redfield unit, it has been renting bed space and in opening the new facility we will be able to stop paying bed rent of \$342,000 annually.

Senator Tieszen asked where the Rapid City Minimum Unit leased beds are. Secretary Reisch indicated that DOC is currently renting 22 beds from Pennington Co.

Representative Carson asked about the lawsuit status. Secretary Reisch indicated that DOC had prevailed in the South Dakota Supreme Court receiving a unanimous verdict.

Representative Carson asked about the \$1.8 million appropriation last year and the need for an additional \$1.8 million this session. Secretary Reisch indicated that the request is for expenditure authority, not general funds. Last year's appropriation was \$1.8 million in general funds and \$2 million expenditure authority in other funds. There will be no bonds issued for any portion of this construction.

Senator Bartling asked where the other funds come from. Secretary Reisch indicated that moneys are earned beyond what is expected for such things as federal borders, work release fees, phone revenue and inmate fines. There are a wide variety of monies budgeted, and DOC has been fortunate to receive more revenue than expected.

### **Review/approval of 2010 SD Corrections Annual Report, Brady Kerkman, Policy and Compliance Manager**

Brady Kerkman presented the annual report and reviewed its content. In Adult Trends, the Average Daily Count was up by 63 inmates, 53 of which were males and 10 were females. The Juvenile Trend declined by 59 from 2009 to 830 Average Daily Count. The numbers include both those in DOC facilities and those in private facilities and on aftercare.

The list of bills passed in the 2010 session was reviewed, as was the Corrections Commission's tour of the STAR Academy. The Adult Restitution Collection Process was reviewed. Inmates receive 25 cents an hour for institutional support and community service work. Parolees' average annual income is about \$10,000. The department collects court-ordered obligations prior to recovering the costs of incarceration. The inmate banking system allows each inmate to spend a maximum of \$140 from their commissary account each 28 days. After that, inmates' earnings are split between a savings account for release and court-ordered obligations. The Adult and Juvenile Reentry initiatives were covered. South Dakota is the only state to receive both an adult and juvenile grant. Also reviewed were the Juvenile Assessment and Intake Process and the permanent Rapid City Minimum Unit which Secretary Reisch reported on earlier. Finally, the annual statistics for adult inmates and juvenile offenders were reviewed.

The chair asked if the members had any questions on the report and noted that the annual report is submitted to the Governor, Chief Justice, and all Legislators.

Representative Engels moved for the approval of the report. Represented Carson seconded the motion, which motion carried and the annual report was approved.

### **GOAC**

Senator Tieszen discussed his membership on the Government Operations and Audit Committee (GOAC), which provides oversight of the Juvenile Corrections Monitor and juvenile placements. He is a member of GOAC and the Corrections Commission. Yesterday, GOAC discussed Springfield Academy and the recent story in the Argus Leader following an alleged escape and break-in. The GOAC Committee voted yesterday to ask DOC and DSS to take a look at the situation at Springfield Academy and report back before February 1.

Senator Bartling stated that Springfield Academy is one of 15 or 20 contract facilities which usually house a mix of DOC and DSS juveniles.

Secretary Reisch indicated that DOC does business with dozens of private facilities, with a current total of approximately 215 kids in private placement. This particular facility is one DOC has a lot of faith in, and we believe they run a good program. DOC will be happy to provide information on the facility's mission and service history to GOAC. Where a child is placed is based on a comprehensive screening process done for each child DOC receives. The process much more sophisticated screening tools than what was available a decade ago. It employs LSIR for Adults and YLSIR for juveniles and the screening is done on every offender and includes community risk assessments, etc. Over the years, this provider has taken kids that

were too much for other programs to handle and it has done a remarkable job with them. Secretary Reisch stated that the incident reported in the Argus Leader was an isolated one. In the article, the Sheriff stated that a fence should be built around the facility. Springfield Academy is a psychiatric residential treatment facility (PRTF), and while a perimeter fence may be a good fit for a juvenile detention facility, it is not compatible with the mission of a PRTF. We fully expect that these walk-away episodes will continue. Thirty years ago when Secretary Reisch was Sheriff of Miner County, kids were always escaping or walking away from Plankinton, so this is really nothing new. DOC will provide additional information to GOAC, but DOC has 400 kids in communities every day, and there are very few stories about them wreaking havoc. However, the facility's neighbors have a right privacy and security for their property.

Senator Tieszen indicated that GOAC meets several times during the year and usually tours state facilities. This year, the members divided up into pairs and visited contract facilities. As chair, he scheduled legislators to visit facilities in their local areas, and between 12 and 15 facilities were visited. Many facilities had not been visited since the Gina Score days. On most visits, DOC and DSS staff members were along.

Senator Bartling visited Springfield Academy and found it eye opening. She felt the care provided by these facilities is phenomenal and that it was good tour.

Representative Carson asked if contract facilities such as Springfield bring in out of state offenders. He also asked whether the worst of South Dakota's juvenile sex offenders are treated in South Dakota. Secretary Reisch advised that many of the state's private providers do take kids from out of state, but not all of them.

Secretary Reisch indicated that we typically have 50 to 60 kids placed out of state. It all depends on the unique needs of the youth. Our Home in Huron also serves sex offenders.

### **Adult and Juvenile Reentry Initiatives, Laurie Feiler**

Laurie Feiler updated the Commission on the Adult and Juvenile Reentry Initiatives. The Reentry initiatives are primarily a public safety issue. Most prisoners DOC receives are released, and DOC wants to prepare them to reenter society without recidivating. Today, many academic studies show people's behavior can be impacted. Preventing recidivism protects the community. In South Dakota, at any given time, half of DOC's inmates are recidivators. The Federal Second Chance Act grants are tools to help the SD initiative, but they are not the whole program.

Adult Reentry major components involve institutional programming, and DOC has learned that people with an LSIR score over 30 are more likely to recidivate than those who score less than 30. Thinking for a Change involves cognitive behavior, with the notion that if you can change how someone thinks about things, it will translate to behavioral change. Moral Recognition Therapy is the same concept but more intense than Thinking for a Change. The Department of Labor provides Job Search Assistance programming, and private nonprofits are offering Credit Where Credit is Due, which helps inmates learn about money management. DOC is focusing on providing intensive case management within the institutions. Transitional case management continues through the Rapid City and Sioux Falls local programs. The effort is for proactive supervision. For low risk people, DOC will scale back services to free up resources to enhance supervision of higher risk inmates.

Job search programming had 387 enrollments, of which 341 completed as of December 3. Thinking for a Change had 10 enrolled in Pierre, 39 at Mike Durfee State Prison, 23 at the South Dakota Penitentiary, 49 in Yankton, and 8 in Unit C in Sioux Falls. These figures are from a slice in time. One of the biggest issues is developing the capacity to do risk-based case management in the institutions, so the high risk will receive more. DOC has several collaborative partners in state government, among them Social Services, Labor, Human Services, Tribal Relations, and the Housing Authority.

The National Reentry Resource Center conducted site visits to evaluate our programs for the subsequent year funding. Preliminarily, the visit went very well. The hints we received are to continue to work on the risk-based principles. DOC has received an invitation to apply for strategic planning technical assistance from the Center for Effective Public Policy, which would further the reentry initiative.

One of the challenges with the reentry initiative is that it could take two years to chart results. One interim watch is the number of parole revocations in a month. Current indications are that revocations among the parolees are about 24 percent less than the monthly averages from the previous year. Most recidivists are parole violators as opposed to coming back with new crimes.

The youth Second Chance Act grant is a three-year grant. The adult grant is for one year, with the necessity to reapply for successive years. DOC's overall goal is to cut recidivism for youths and adults by 50 % in five years. The juvenile grant focuses on Rushmore Academy and West Farm in Sioux Falls and provides staff to focus on education for the youth. The capacity at each site is approximately 20-25 youths.

STAR has a readiness for release initiative, which involves telephone calls among the youth's JCA, parents, and youth counselor. The juvenile division employs EPICS training for the JCAs to make their role change agents helping the youth make better choices rather than the JCAs being only supervisors. The incentive grid is also being used. Typically, kids have been told to behave or be punished, and the incentive piece is positive reinforcement. When DOC catches them doing something good, they are rewarded or complimented. There are also goals such as consistent attendance rewarded with things such as movie passes.

Representative Carson noted that there are 49 enrolled at Thinking for a Change in Yankton compared to 80 for all the remaining locations and asked if that was unusual. Laurie Feiler indicated that in Yankton, an 11-week class for inmates and a 3-week course for CTP inmates are running concurrently, which shows an unusually high number for the facility.

### **DOC FY 2010 Annual Report, Secretary Reisch**

Secretary Reisch presented the members with a copy of the just-released DOC FY 2010 annual report, which is in the same format as previous years. Page 5 shows the DOC's mission, vision, and values, which have been refined in the past year. DOC's mission statement has changed twice over the course of the past eight years to include rehabilitation and the use of evidence-based practices. The vision states DOC's aspiration to be a nationally recognized leader in corrections. When national associations such as the Association for State Corrections Administrators respond on South Dakota's standing, they always place South Dakota in high esteem in both juvenile and adult corrections.

The remainder of the book follows the previous format. Commissioners may look at the report as time allows and DOC will be happy to answer any questions the commissioners have

### **Presentations, Secretary Reisch**

Secretary Reisch presented a plaque made at Prison Industries to Representative Engels, thanking him for his participation on the commission.

Secretary Reisch presented a similar plaque to Senator Julie Bartling, Commission Chair, in appreciation of her leadership and support during her tenure in the Legislature and as a commission member and Chair.

Chair Bartling commented on the Commission's appreciation of Brady Kerkman's efforts and wished him the best in the future. She also commented on the huge differences in the Department of Corrections since Secretary Reisch has been leading the department. She believes DOC is headed in the right direction under Secretary Reisch's leadership.

The chair asked if there was any further business.

Representative Carson asked, in light of the 10% budget reduction, how the Department of Corrections will fare and whether any decisions have been made that Secretary Reisch could share?

Secretary Reisch indicated that the information was embargoed until the Governor's Budget Address, but that the Rounds budget would include some staff reductions, as there is no way to make significant cuts without cutting staff. Since the department has been anticipating these changes and the new budget won't be effective until July, the department is working behind the scenes to let attrition take care of many of the staff cuts. He also noted that Governor-elect Daugaard will have a budget proposal as well, and DOC is working to make sure the cuts are ones that can be made safely.

Senator Drake moved for adjournment, Judge Brown seconded the motion, and the motion carried. The meeting was adjourned at 9:50 a.m.