

CORRECTIONS COMMISSION MEETING
STAR Academy - Custer
West Campus Multi-Purpose Room
October 15, 2007

Members Present: Representative Garry Moore, Commission Chair; Senator Ken Albers, Commission Vice-Chair; Committee Members: Representative Carol Pitts, and Judge Kathleen Caldwell.

Others Present: Secretary Tim Reisch; Laurie Feiler, Deputy Secretary of Corrections; Dave Schiefen, Policy and Compliance Manager, Jeff Haiar, Chuck Gilson, Doug Herrmann, Wally Steele, Larry Hudlemeyer, and Al Van Zee from KEVN TV.

Members Absent: Paul Aylward, Brad Drake, George Prest, Senator Julie Bartling and Justice Steven Zinter.

Agenda Item Number One: Welcome – Chuck Gilson:

Superintendent Chuck Gilson explained where both campuses are located and the names of the programs available at each campus. He provided the organizational chart for juvenile corrections.

Senator Albers asked what the Brady Academy was. Gilson provided more detail on the various programs at both campuses.

Agenda Item Number Two: Review/Approval of Minutes:

Approval of the minutes was postponed until the next meeting because a quorum was not present.

Chair Moore spoke on how the number of meetings held by the Corrections Commission has been beneficial. He is very proud of the juvenile side of corrections.

Agenda Item Number Three: Admissions, Security and Control – Jeff Haiar:

Jeff Haiar told the Commission that the admissions unit is now a 24 bed unit, where it used to have 36 beds. The length of stay in admissions is now down to 14 days for juveniles. Haiar said they take juveniles in every other week and release every other week as well. He explained how juveniles are adjudicated to the STAR Academy. Haiar said they take 14-18 year olds at the STAR Academy. He told the Commission that a

juvenile with a predator-type sex offence would likely go to private facility. Haiar went through a PowerPoint presentation that explained the different steps of the admissions process.

Senator Albers asked who decides where a kid goes when he's been committed.

Doug Herrmann explained they get a call from Court Services and then gather the information on the juvenile. Juvenile Corrections Agents (JCAs) cover each county, and the call from Court Services goes to the JCA. The DOC has seven days to decide where the juvenile will be placed. Herrmann said the committing county picks up the cost to house the juvenile for the first week and the DOC assumes the cost after that. Representative Pitts asked how we decide which private placement facilities we use. Herrmann explained we pick licensed facilities that meet our needs.

Haiar talked about the control room at the STAR Academy and its function. Representative Pitts asked about controlling the med carts. Haiar explained the procedures for tracking, security and disbursement of medications. Haiar said Jason Gillespie is the program manager for the Brady Academy and he gave a rundown on the program components.

Haiar provided an overview on motivational interviewing. Representative Pitts asked for more details on motivational interviewing and Haiar provided an example. Representative Pitts wondered if this is showing up statistically in the success rate of the programs. Representative Pitts asked more questions about the recidivism rate and how the motivational interviewing applies to that. The DOC didn't have statistics available at the moment so Representative Pitts asked if we could have something available next year.

Herrmann said about 20% of the youth that come through the juvenile programs end up in the adult SD DOC system. On the positive side, we have a lot more juveniles out in the community and that is considered a success.

Chair Moore asked if the DOC was holding any juveniles right now that are going to roll into the adult system. Judge Caldwell and Herrmann explained the process of how a juvenile is transferred to adult court.

Haiar said that in 2003 the boot camp was changed over to the Brady Academy. It's still a very structured set up but has a lot more programming now. Haiar explained the physical fitness/activities that take place at the Brady Academy.

Senator Albers wanted to know when the Brady Academy kicked in. Haiar explained that once a juvenile gets through admissions then he is transferred. Haiar said the Brady Academy is one of the shorter programs with about a 90 day average stay. Haiar said the last 30 days is usually used to plan the juvenile's transition back into the community.

Haiar explained the juvenile has to demonstrate that he is ready to go back into the community.

Representative Pitts asked about the role of the family. Haiar explained the assessment of the juvenile's family and what it takes to determine if the family is a good placement back into the community.

Agenda Item Number Four: Walk-aways from STAR Academy – Chuck Gilson:

Chuck Gilson showed stats from Fiscal Year 1998 forward on the number of juvenile runaways. He pointed out that there are currently no juvenile runaways at large. Gilson said STAR Academy staff is really good at diverting runaways and if a juvenile does get out of the building or off the campus, staff is good at apprehending them. Gilson talked about the last four boys that recently ran from the STAR Academy. The boys broke into a house, stole a car, and then were apprehended in Nebraska.

Chair Moore wanted to know how they handle the kids who get off the campus. Gilson explained they have an Emergency Response Manual and escape procedures that are initiated. Gilson said a runaway is noted on the NCIC (National Crime Information Center). They call in extra staff, notify law enforcement agencies, etc. Gilson said these are practically the same procedures used when looking for an escaped adult. Gilson said most juveniles are apprehended within the first hour.

Judge Caldwell asked what parts of the facility are locked. Gilson explained the STAR Academy is a non-secure facility so nearly every area has an egress available. Herrmann said the recreation yard may be considered secure because it has a fence around it. Herrmann said there are also four cells within the Brady Academy that would be considered secure.

Senator Albers asked about outsiders getting onto the campus and what happens if the public tries to walk onto the campus at night. Gilson explained that after 5 PM they energize the egress system so that access into the building is severely limited. Gilson said the campus gates are locked at night. Gilson and Herrmann said they have cameras around the facility that are monitored at the control room.

Representative Pitts wanted to know about a policy violation on the four boys who ran away (the supervisor left them unattended for a couple of minutes and that's when they ran). Representative Pitts further asked about supervision requirements for juveniles at any particular time. Gilson explained that he came from the adult side and STAR is more like a trustee unit on the adult side.

Agenda Item Number Five: Youth Challenge Center – Wally Steele:

Wally Steele talked about the two different programs (I & II) within the Youth Challenge Center that are geared towards substance abuse treatment. Juveniles are taught how to make better decisions, make better friends, empathy, etc. Juveniles earn privileges with each level of advancement through their respective program. The juveniles get a lot of

positive reinforcement. Some of the juveniles learn trades that they can use the rest of their lives. Each juvenile works with a transitional specialist that helps them transition back into the community. The juveniles get tied into community treatment when they go back home. Steele also talked about the use of evidence based practices and how motivational interviewing has been a great thing for their programs.

Judge Caldwell asked about the old youth forestry camp and if that's what kids are doing today. Steele said that program was discontinued a long time ago. He emphasized that working in the park is mainly a team-building experience. Herrmann explained that the youth forestry camp was mainly tracking 17-19 year olds who needed to get a GED. That program went away 12 years ago.

Representative Pitts asked who or what determines if a kid gets into the YCC. Wally explained the YLS inventory. Herrmann explained the indeterminate sentencing of youth and that the court puts them in the system until age 21. Secretary Reisch said not all adjudicated kids come to the DOC. Some kids are sent back home or placed in other community programs.

Senator Albers asked about the DOC's authority to discharge a kid before age 21. He wanted to know if it was in statute.

Herrmann said yes – there are five reasons and he has that on a slide that he will show later on. Herrmann explained the recent change in statute and how that made things clearer for the DOC. Judge Caldwell didn't think that CHINS came to the STAR Academy. Herrmann said yes, they do handle CHINS. There is a CHINS committee that looks at every case and decides if a kid comes to the STAR Academy.

Judge Caldwell explained that parents can ask for a review before the court to get their child out of a program. The court retains jurisdiction throughout the process.

Representative Pitts wondered how we compare to other states in the number of youth in custody. Herrmann said our numbers are down over the past few years and the commitments are flat. Herrmann said it's a really mixed bag in comparing us with other states. He thought juvenile crime in the country is down since the 90's.

Agenda Item Number Six: Food service contract at the STAR Academy – Chuck Gilson:

Chuck Gilson stated that CBM was the food service provider until July 1, 2007. A'viands took over as of 7/1/07. A'viands rehired the previous CBM workers except for the management staff. Gilson has noticed a very positive change in attitude of food service staff.

Senator Albers asked if A'viands has the entire contract for the DOC. Secretary Reisch said CBM has most of the adult facilities and they do a fine job with that.

Representative Pitts asked if the cost per meal is the same. Secretary Reisch said it went up approximately \$.30 - \$.40 per meal. Reisch thought CBM was losing money at STAR because the count went down 60-70 kids.

Agenda Item Number Seven: Performance Based Standards – Doug Herrmann:

Chair Moore was part of a group that pushed for accreditation a few years ago. Now he's glad he lost that battle as Performance Based Standards (PbS) have been very good for juvenile corrections.

Herrmann said STAR started Performance Based Standards in 2001 and had their first reports in 2002. PbS is a quality improvement program that also includes reintegration and focuses on order, safety, programming, health and mental health services, preparation for return to the community and overall fairness of the environment.

Herrmann said DOC juvenile participation in the project is laid out in a public report provided to the legislature each January. The PbS report is also distributed on our website (we are the only state who does this). PbS started in 1996, started catching on throughout the country in 2001, and has exploded since 2003. Herrmann explained the process of continuous improvement for each facility. He then went over the blueprint of how PbS works: data collection and standards. He talked about how data is gathered and gave an example on isolation, room confinement, and segregation. He showed the Commission members the PbS levels of improvement. These levels will be launched in January 2008. Herrmann said we were one of five winners for the 2004 Innovations in American Government Awards. We received recognition through PbS. Barbara Allen-Hagen was an Award winner in August 2007 (Youth Challenge Center). The PbS project has been federally funded for the first 12 years. South Dakota got it free for our six years but now the move will be to have states start to pay their own way.

Representative Pitts asked who came up with the outcome measures. Herrmann explained that they were developed by experts in the field. Representative Pitts asked about changing policies to match up with PbS standards. Herrmann answered that some policies (operational memorandums) were changed during this process.

Chair Moore said South Dakota juvenile corrections went from the scorn of the country to a model for the country. It's been a joy to watch the metamorphosis of the agency.

Agenda Item Number Eight: DOC Foster Care Program – Larry Hudlemeyer / Doug Herrmann:

Larry Hudlemeyer explained the goals of the foster care program: to place a juvenile back with the family, even if it's extended family. The foster care program was piloted in July 1998. Eight couples from around the state were recruited at that time. Three of those families are still in the program. The foster homes are licensed through the Department of Social Services.

Hudlemeyer said they use tools of evidenced based practices to place a juvenile into the foster care program. The YLS plays a role in this process. He walked through the process of placing a child in foster care. Families are given the opportunity to participate in services provided – sometimes this works and other times it doesn't. He explained the referral process: a JCA gathers background information, referrals are sent on to Foster Care Specialists for consideration, and an interview is conducted with the juvenile. The process to match youth/family begins. They then determine whether it is a long-term or short-term placement.

Duties of a foster parent are much the same as a regular parent. Foster parents undergo eight hours of annual training. Foster parents have to provide monthly reports and cooperate with required contacts. Each foster parent/family has a JCA assigned to the case.

A Foster Care Specialist (FCS) will also monitor the home to help deal with issues. A FCS will visit the home every two months. FCS must visit with the youth individually every two months. Hudlemeyer talked about who can be a foster parent (See the attachment PowerPoint presentation). There are currently 17 active foster homes in the state. As of last week they had 24 youth in foster care placement and he is hoping to get up to 40 by May 2008. He gave examples of the positive results that have come from the foster care program.

Chair Moore asked why there weren't foster care providers in Sioux Falls, Mitchell, and Yankton. Hudlemeyer said there have been homes in Sioux Falls and Rapid City in the past. Sometimes foster care parents decide to no longer participate. The providers vary from time to time.

Agenda Item Number Nine: Adjourn for the day and tour the west campus:

Adjourned for the day at 4:15 PM for the tour.

CORRECTIONS COMMISSION MEETING
STAR Academy - Custer
East Campus Chapel
October 16, 2007

Members Present: Representative Garry Moore, Commission Chair; Senator Ken Albers, Commission Vice-Chair; Committee Members: Representative Carol Pitts and Judge Kathleen Caldwell.

Others Present: Secretary Tim Reisch; Laurie Feiler, Deputy Secretary of Corrections; Dave Schiefen, Policy and Compliance Manager; John Ellis, Chuck Gilson, Doug Herrmann, Jeff Haiar, Melody Tromburg, Becky Stoddard, Joe Gutierrez and Jodi Larabee.

Members Absent: Paul Aylward, Brad Drake, George Prest, Senator Julie Bartling, and Justice Steven Zinter.

Agenda Item Number One: Number of juveniles placed with DOC / private contractors in and out of state – Doug Herrmann

Doug Herrmann reviewed the assessment procedures when a juvenile is first committed to the DOC. Herrmann showed a slide with the juvenile placements as of September 30, 2007. They operate in the 140 – 150 juvenile number range at the STAR Academy. These numbers are down from a little over 200 in August 2006. Most of this reduction is due to reorganization at the STAR Academy. There are currently 211 kids in private care right now. That's down from about 250 a year ago.

Herrmann explained the difference between Private Placement DOC paid and Private Placement Non-DOC paid. Herrmann pointed out the five main detention facilities around the state. Non-DOC detention is typically juveniles that are brought in on new charges or brought back for court. Jails can be used for those who are 18 years old. Herrmann discussed AWOL juveniles. In most cases the DOC knows where they are but they're likely in another jurisdiction; i.e. reservation. A few juveniles we are not sure where they are.

Senator Albers inquired if foster care was included in "other placement" and asked for examples of private placement. Herrmann said foster care is part of aftercare. Herrmann offered up Chamberlain Academy, Springfield Academy, and Aurora Plains as examples. Herrmann showed the different sources of aftercare; halfway houses, West Farm, Independent Living, Foster Care, etc. Herrmann said within the last year the DOC made a concerted effort to get juveniles back in the community. Right now the breakdown is about 50% in residential care and 50% in the community. About a year ago it was 60%

in residential care and 40% on aftercare. Putting a juvenile back into the community is proven out in long-term success.

Representative Pitts asked about DOC liability for absconders. Herrmann said we are obligated to try to find the absconders but our liability doesn't extend too far beyond that. Secretary Reisch gave an example of parolees who commit crimes in the community. The DOC doesn't assume liability once an offender has earned their way out into the community. Reisch said we review absconders each month during Metrics.

Senator Albers asked what happens when an absconder turns 18. Can we take them back into custody? Herrmann said the DOC will take them back into custody but the choices for placement are limited. Jurisdiction continues until the juvenile turns 21.

Representative Pitts questioned the numbers of youth in private placement; the chart on PowerPoint and asked other questions regarding sex offenders and lower functioning kids.

Herrmann explained that these numbers are the average daily count. He said the lower functioning kids are the hardest ones to place. Herrmann showed some cost comparisons for Intensive Residential Treatment and Psychiatric Residential Treatment Facilities. Recent Medicaid changes revised the definitions of what is a psychiatric residential treatment facility. The private providers had to make significant changes in the level of their service of care.

Herrmann explained the two-step process to get kids into an Intensive Residential Treatment or Psychiatric Residential Treatment facility. Group care is the next level of care; i.e. the lowest level that licensing requires. Group care facilities have historically been the same for years (the list of names is on the PowerPoint). However, some are starting up for respite care; i.e. Wellspring and McCrossin's Boys Ranch. The DOC is partnering with these two places to get this respite program going.

Representative Pitts asked if we had any local partnerships with local school systems and group care facilities. Herrmann said yes and gave Joe Foss School as one example. The local school district will also provide some educational services at the group care facility as well. Herrmann showed a slide on out-of-state providers. The DOC has been trying to do more in-state placement if we have those resources available. For out-of-state providers, they try to use border states in the Midwest. Cottonwood Youth Academy in Utah is used for the most difficult kids; low-functioning sex offenders. They specialize in this group of offenders. Herrmann said when the DOC want to serve a juvenile out of state, they also have to go through another committee to gain approval.

Senator Albers noted how Herrmann seems very pleased with Southwestern and how much less expensive they are. Herrmann pointed out their rate doesn't include education services.

Agenda Item Number Two: Aurora Plains Academy / Clinicare – Doug Herrmann:

Doug Herrmann stated that Clinicare Corporation out of Wisconsin manages the facility at Plankinton. There are 28 male youth currently at the facility as of 10/12/07. There are three units currently operating in the Kennedy Building (two sex offender units and 1 serious mental health unit). A fourth unit for females is opening this week in one of the cottages. Three females will be in this unit to start with. They hope to have a capability to serve 40 juveniles by November 1. Herrmann showed a slide of Aurora Plains staffing. With their current space they hope to serve 66 youth some day (maybe six months from now).

Senator Albers asked what the Aurora Plains' rate was. Herrmann said the initial rate was \$296 a day with some inflationary factors built in so right now it's probably a little over \$300 a day. Herrmann said this is comparable to what the average cost is for an out of state provider.

Agenda Item Number Three: QUEST Program – Melody Tromburg:

Melody Tromburg explained the differences between the two programs are the intensity and length of services. QUEST is the longer program and it is on the upper campus. Tromburg gave a layout of the campus. It serves the girls with the highest level of criminogenic needs. QUEST provides three levels of chemical dependency treatment. They also cover intensive sexual abuse issues; i.e. rape or abuse. Staff ratio is 1 to 8. Tromburg went over some other counseling services that are provided. QUEST also provides recreational activities and physical health care on site.

Agenda Item Number Four: ExCEL Program – Melody Tromburg:

Melody Tromburg said that they are licensed by the Department of Social Services. They manage girls age 14-17 and at low to medium criminogenic risks. It's shorter term, 3-4 months, verses QUEST which is 6-7 months. ExCEL stresses five wellness areas: Intellectual, Social, Spiritual, Emotional, and Physical. They also provide workshops for the families. This is intensive family counseling session that works on communication, etc. The families can be reimbursed \$100 for their expenses to attend. Tromburg provided an overview of the medical and mental health services provided to the girls when they come here.

Chair Moore asked about the average length of stay and if we had girls who didn't want their families to come visit. Tromburg stated that the average length of stay is 158 days for QUEST and 73 days for ExCEL. She said they have never had an issue with a girl not wanting her family to see her in the program. However, they have had girls who didn't want families to come because of family issues/problems that they don't want to air in public. Tromburg summarized that girls have emotional needs that need to be fulfilled by the family.

Agenda Item Number Five: Education – Rebecca Stoddard:

Becky Stoddard stated that they are an accredited middle school and high school. Teachers are certified and serve the core academic subjects. Vocational education is also provided. About 1/3 of their students come in with special education needs. They have a Workforce Investment Program. GED testing services are available. About 90 percent of kids pass the GED test each time. 10 – 15 students earn a high school diploma each year.

Agenda Item Number Six: The Juvenile Corrections Agent – Their role within juvenile corrections – Joe Gutierrez / Jodi Larabee:

Joe Gutierrez went through the regions, field offices, and JCAs. They handle intake, case management, and aftercare. He showed a flow chart from when a juvenile is apprehended until he/she reaches aftercare and gave an explanation on how the process works. The JCA serves as the single point of case management for the juvenile. At the time of commitment, the juvenile is either a delinquent child or a CHINS. Gutierrez explained the CHINS committee that approves a juvenile coming in as a CHINS. Intake begins the day the juvenile is committed to the DOC. For a lot of the CHINS students they use a day reporting center to keep the juvenile occupied and out of trouble.

Representative Pitts asked about abuse and neglect on the part of the parents. Gutierrez advised that the Department of Social Services (DSS) gets involved if the parents are a problem. A juvenile can be in the CHINS while the parents are investigated for abuse or neglect.

Secretary Reisch noted that it might be easier for a family to handle a CHINS petition than to deal with an abuse or neglect charge. Judge Caldwell pointed out that the DOC has numerous more programs to help a CHINS than DSS can do with a kid taken out of the home. Herrmann pointed out that DSS doesn't necessarily take custody of the kids like the DOC would do.

Jodi Larabee talked about how she goes about conducting an assessment on a juvenile assigned to her. She went through the YLS-I. She explained what she does when a juvenile scores "high" on a particular issue; i.e. chemical dependency – refer the kid to chemical dependency treatment. They also question the juvenile on mental health issues; i.e. suicidal thoughts, meds, etc. She also goes through the living guide with the juvenile.

Gutierrez explained how the JCA looks to place the juvenile in state first. If the JCA doesn't think there's an in-state program that would be a good match, they start the process of placing the juvenile out of state. Larabee said that the JCA is the families' contact person regarding their child. They explain rules and other issues for bringing the juvenile back home. She talked about the aftercare contract the youth and their family sign.

Gutierrez said that if the aftercare contract is not followed then they can start the revocation process. They have some sanctions they can use in the interim to straighten the juvenile out verses bringing them back into a lengthy program. He noted how important it is for the JCA to be out in the field working with the juvenile. Aftercare is intended to be proactive in dealing with inappropriate behavior prior to the point where the juvenile would re-offend. Most juveniles are on aftercare a minimum of six months before they are eligible for discharge. Gutierrez went through the reasons to discharge a juvenile from the juvenile division of the DOC.

Agenda Item Number Seven: Juvenile Corrections Monitor – John Ellis:

Chair Moore brought up the Gina Score incident which brought about the Juvenile Corrections Monitor (JCM). At one point there was an attempt to get an ombudsman who is completely independent of the executive branch. Moore said he lost the battle but realizes Ellis has done a yeoman's job of handling his duties.

Senator Albers asked if every legislature received the Juvenile Corrections Monitor report. Ellis thought they did, but also said the reports are available on the LRC website. Ellis works for Lori Bauer, who is the general counsel for the Department of Human Services (DHS). He investigates reports when he sees a potential problem. He is willing to talk with any juvenile supervised by the DOC. Ellis maintains a log on his contacts with the juveniles. He gave examples of the issues that kids complain about. He's generally at the STAR Academy every week.

Senator Albers asked what would happen if he came across an incident that was criminal in nature? Ellis is not a mandatory reporter. He gave an example of what he did on a sexual assault many years ago at Plankinton. He interviewed with a mandatory reporter so that the mandatory reporter was responsible for reporting the incident. Ellis said he interviews juvenile girls with another staff member present (a female) so the girl will be more comfortable.

Representative Pitts said she is waiting for the first half report for 2007. Ellis explained that due to legislative changes in 2007 the disclosure information is a little different and is taking a little longer.

Chair Moore explained the battle in the 2007 session to protect confidentiality. Chair Moore stated he has always had concerns about making the reports public. He's also had concerns about going into executive session.

Representative Pitts noted there are very few substantiated reports of abuse or neglect, probably less than ten percent. Pitts wondered if the JCM is still needed. She also wondered if the report is going to be so controversial that maybe we shouldn't be bothering with this. Ellis pointed out the DSS response to private care facilities.

Reisch pointed out what is covered in statute and the JCM powers limited to by statute. Reisch pointed out how helpful Ellis is in assisting the DOC with any complaint,

regardless of whether it applies to abuse or neglect. Ellis thought the position is still necessary because he is still available to discuss the operation of the system. He also determines if a report is substantiated or not. Albers asked who Ellis notifies about these situations. Ellis said he tells the Governor, Secretary of Corrections and DHS.

Chair Moore does not want to see the JCM office expanded anymore. He would consider changing it to an ombudsman.

Agenda Item Number Eight: Schedule date and identify the location for the next meeting:

December 4th, later in the afternoon (3:30 PM to 5:00 PM)

Possible topics for discussion:

24/4 Program

Meth Program

2008 Legislation from DOC or for the Commission to review

Coroner present at an execution – Moore and Albers. Send the members a copy of the current policy on execution of an inmate.

Agenda Item Number Nine: Adjourn and tour the east campus: