

Corrections Commission Meeting
South Dakota Women's Prison – H Unit
3234 E. Highway 34, Pierre, SD 57501
December 5, 2006 10:00 – 11:30 PM

Members Present Judge Max Gors, Vice Chair, Justice Steven Zinter, Brad Drake, Senator Garry Moore, and Representative Casey Murschel.

Members Absent Senator J.P. Duniphan, Commission Chairperson, Representative Pat Haley, George Prest, and Paul Aylward.

Others Present Secretary Tim Reisch, Laurie Feiler, Deputy Secretary of Corrections; Dave Schiefen, Policy and Compliance Manager (DOC); Michael Winder, Communication and Information Manager (DOC); Dwane Russell, Warden for the Women's Prison; Robyn Seibel, Corrections Specialist (DOC); Tina LaRosh, Executive Assistant (DOC); Jerry Hofer, Cabinet Secretary for the Department of Human Services(DHS); Doneen Hollingsworth, Cabinet Secretary for the Department of Health (DOH); Laurie Gill (DOH); Joe Kafka, Associated Press; Jeri Thomas, Media (KGFX); and Robert Wilson, Reporter (KSFY).

Agenda Item Number One: Intensive Meth Treatment (IMT) Unit.

Deputy Secretary Laurie Feiler gave a PowerPoint presentation on the Intensive Methamphetamine Treatment (IMT) Program at Unit H of the SDWP (See attached handout).

Agenda Item Number Two: Offender Population Update.

Deputy Secretary Feiler provided an update on the offender population and other related matters (See attached handout).

Male Inmate Average Daily Count (ADC) by Month

Note: In PowerPoint slide three the ADC for July 2004 is missing and was 2,768 inmates.

The ADC in Fiscal Year (FY) 2006 for male inmates was 3070 and for FY 2007 to date (TD) is 3036. This is a decrease of approximately 1% from FY 2006. Statistics show there has been a decrease in admissions to prison and a substantial increase in parole releases. Last year there was an average of 166 parole releases a month and this year the average is 212 releases a month.

Deputy Secretary Feiler explained some inmates are counted twice under parole releases. In some cases, an inmate is first counted as a parole release when he/she enters the Community Transition Program (CTP) and is counted again as a parole release when he/she is moved from the CTP into the community.

In FY 2005 the DOC had an increasingly high number of new admissions. 1216 inmates entered the prison during that time, which averaged to 101 new inmates a month. In addition, parole violations increased that year from an average of 42 to 57 inmates a month. In FY 2006 parole violators and new commitments decreased. In FY 2007 TD new commitments within the first five months (July through November) are averaging 88 inmates a month.

Female Inmate ADC by Month

Note: In PowerPoint slide four the ADC for July 2004 is missing. Please make a note in July 2004 the ADC was 297 inmates.

In FY 2006 the ADC for female inmates was 358 and for FY 2007 the ADC TD is 357. There has been a small increase in releases and a slight decrease in admissions to the Women's Prison from FY 2006 to FY 2007 TD. In FY 2006 there was an average of 23 new commitments a year and FY 2007 TD reveals an increase of 19 inmates from the previous year.

Population Trends

In FY 2006 36% (161) inmates were females in prison for drug possession or distribution. This number was up from 33% in 2005, and is also an increase from the 44 female inmates (23%) in prison for drug possession or distribution in FY 1999.

58% of all current female admissions and 48% of all male admissions to prison are a result of a DUI or drug offense. This includes all felony DUI admissions: third, fourth, and fifth DWI offenses, alcohol and drug possession and distribution. Deputy Secretary Feiler reported the percentage of inmates serving time for drug distribution is flat but inmates serving time for drug possession has doubled.

Substance Dependence or Abuse Diagnosis

Deputy Secretary Feiler said 90% of female and male inmates are assessed as having a substance dependence or abuse diagnosis. 86% of female inmates have a dependence (Alcohol, Amphetamine, Cannabis) and 87% of male inmates have dependence (Alcohol, Cannabis, Amphetamine). Substance dependence is treated more severe than an abuse diagnosis.

Senator Moore asked if all the halfway houses for females are in Pierre or if they are located throughout the state of South Dakota. Deputy Secretary Feiler responded that halfway houses for female offenders are spread throughout South Dakota. The DOC contracts with two halfway houses in Sioux Falls, one in Rapid City, and one in Mitchell.

Senator Moore asked if female offenders participating in the IMT program go back to the same community where they lived prior to incarceration or if they can choose where they want to go when they finish with the halfway house. Deputy Secretary Feiler replied it depends on the individual female offender's status.

Some female offenders may be finishing Phase 2 while they are still inmates. The DOC likes to keep these inmates in the community on work release, probably in the same halfway house. For example, if a female inmate had been on Phase 3, the halfway house in Sioux Falls will bring her to work release status and she would have access to aftercare services. If the female offender is not on parole at that point they could parole her back to her own community if it was not where one of the halfway houses is located.

Senator Moore asked if the female inmate could parole back to her home community if she didn't have community-based services. Deputy Secretary Feiler assured Senator Moore the female inmate would need to reside in an area where she is able to access aftercare services.

Senator Moore asked Deputy Secretary Feiler why the percentage is so much higher in females with alcohol or chemical dependency? Senator Moore noted the percentage difference is phenomenal and wondered if women are more prone to this type of addiction. Deputy Secretary Feiler replied women seem to be more impacted by methamphetamine than men. Some of the training she has gone to shows methamphetamine is more appealing to women for self-esteem, weight loss, and energy.

Agenda Item Number Three: Changes in Juvenile Corrections.

Secretary Tim Reisch provided a PowerPoint presentation titled on the upcoming changes in juvenile corrections (See attached handout). Secretary Reisch gave a brief overview and description about the factors driving the changes: loss of Federal Title XIX funding, the adoption of evidence-based principles, and the need to tailor programs to fit current needs.

Changes at STAR Academy

Secretary Reisch explained the Youth Challenge Center (YCC) currently has 13 FTEs (Full Time Equivalents) and that number will increase to 24 FTEs, which will be split among two groups. The Intake Center (male juveniles) will be moved from the Administration Building into the Patrick Henry Brady Academy (PHBA). There is going to be a change in the three platoons at PHBA. One platoon will become an Intake and Short Platoon Program. The second platoon will remain the same (117-day) program. The third platoon will be an approximate two-month long program.

The Living Center (LC) is used as a secondary placement option for boys who successfully complete a program but do not have an acceptable home to go back to. This program will soon be eliminated. Boys needing this type of placement in the future will be placed in foster care or in private placement.

Justice Zinter expressed concern for where the male juveniles who are in the Living Center right now will go after it gets closed down. Secretary Reisch responded that our philosophy will not change at all. Those juveniles no longer served on the Custer campus will go to foster care, the West Farm, or some other secondary placement. The DOC will not return them back to a bad home environment.

Note: Approval of the changes described above will result in a reduction of 10 FTE and \$385,477.

Age 19 Change

Secretary Reisch explained that the DOC plans to introduce legislation that would reduce the age of discharging juveniles under the supervision of the DOC from 21 to 19. Many of the youth that the DOC currently keeps in residential placement all the way to age 21 will not have experienced much (if any) positive change during the final two years of placement. This is particularly true for developmentally delayed individuals. The proposed statutory change would result in a general fund budget reduction in the amount of \$462,948.

Brad Drake asked if there was information available on what age other states discharge juveniles. Secretary Reisch reviewed a comparison study on the age discharge statutes from other states. Brad Drake asked if there was any information on experiences from those states that have a discharge age of 19. Judge Gors pointed out the most serious juvenile offenses are automatically transferred to adult court, which provides a margin of safety.

Brad Drake asked why not consider changing the age of discharge to 18. Secretary Reisch replied there is no real clear answer he could give other than it would give the DOC one more year to work with the juvenile. Senator Moore asked what the projected savings would be if the discharge statute age changed to 18. Secretary Reisch estimated it would save another \$200,000 but would have to run numbers to get a more exact figure, which could be done fairly easily.

Representative Murschel pointed out that keeping jurisdiction of a juvenile that is 18 would be beneficial for their final (senior) school year.

Plankinton Facility

Secretary Reisch reported the Plankinton facility was turned over to CliniCare Corporation and they are now responsible for utilities, maintenance and employees. The Plankinton facility will offer services to juvenile sex offenders, aggressive/assault behavior treatment of juveniles, as well as chronic mental health treatment to juveniles.

Justice Zinter noted some concern for private care success at the Plankinton facility when private ownership didn't work out previously. Secretary Reisch explained the previous company wanted to offer a higher level of service than requested but there was no reimbursement rate for those services.

Secretary Reisch said the payment rate was not identified for that higher level of service offer by the previous company. Therefore, funds were not available for the DOC to send juveniles there for services. CliniCare has identified what the DOC needs for services and a rate for which is feasible to both parties.

Agenda Item Number Four: Review and Approval of Minutes.

Motion by Representative Murschel to approve the minutes of the May 8, 2006 meeting. Second by Brad Drake. Approved by all.

Agenda Item Number Five: Proposed 2007 Legislation.

No legislator provided the Corrections Commission with proposed bills for consideration. Deputy Secretary Feiler briefed the Commission on legislation the DOC would likely introduce to the 2007 legislature. One bill involves calculating the parole eligibility dates on consecutive sentences. A second bill involves clarification of the duties of the Executive Director of the Board of Pardons and Paroles. A third bill concerns discharging juveniles from the DOC at age nineteen, which was discussed previously during the meeting.

Agenda Item Number Six: Date and Location of the Next Meeting/Adjourn

It was decided the next meeting would take place on May 1, 2007. The location for the meeting will be determined at a later time. The meeting was adjourned. Warden Dwane Russell gave the attendees a tour of the IMT at Unit H.