

CORRECTIONS COMMISSION MEETING

Legislative Room 412 in Capitol Building

Pierre, SD 57501

December 6, 2004

Members Present: Senator J.P. Duniphan, Commission Chairperson, Committee Members: Justice Steven Zinter, Judge Max Gors, Brad Drake, Representative Bill Van Gerpen.

Members Participating through

Conference call: George Prest, and Paul Alyward

Others Present: Interim Secretary Doug Weber, Laurie Feiler, Deputy Secretary of Corrections, Michael Winder, Communications & Information Manager, Representative Ted Klaudt, Walker, SD, Representative Art Fryslie, Willow Lake, SD, Representative Mary Glenski, Sioux Falls, SD, Representative Jim Bradford, Pine Ridge, SD, Senator Clarence Kooistra, Garretson, SD, Bob Mercer, Pierre, SD, Joe Kafka, AP, Marletta Pecheco, Rapid City, SD, Katie Hansen, Pierre, SD Jim Klenski, Sioux Falls, SD Lynnette Eckert, Executive Assistant and Ron Zylstra, Director of Pheasantland Industries (by phone)

Members Absent: Representative Quinten Burg

The December 6, 2004 Corrections Commission meeting was called to order by Senator Duniphan.

Agenda Item Number One: Approval of minutes from previous meeting

Senator Duniphan stated a quorum was present and asked for motions to approve the previous minutes.

Judge Gors made a motion to approve the minutes of March 15, 2004.  
Representative Bill Van Gerpen seconded.  
The motion carried.

Agenda Item Number Two: Review of Legislation:  
(See attached handout)

Senator Kooistra was asked to approach to speak regarding a proposed legislative bill draft. The proposed bill draft was on his personal stationary along with talking points and a copy SDCL 23A-27-19 pertaining to how the Board of Pardons and Parole members are appointed.

Senator Kooistra gave a short presentation on what changes he would like to see in the board membership, and that the appointment power be changed to Governor appointments with Senate approval.

Senator Duniphan asked if there was anything more to discuss or any questions for Senator Kooistra on his presentation.

Judge Gors presented some historical background on how the board was appointed for the Commission and how the board members increased due to the amount of work that was required.

There was a short discussion with Representative Van Gerpen on how this proposed bill would impact the number of attorneys that could be on the board.

Justice Zinter had concerns on the public perception of the Supreme Court and Attorney General appointments. He asked if the appointments were not as fair as those were from the Gov.'s Office.

Senator Kooistra stated it had to be accountable and would fall back on the Senate for the accountability of the appointments.

A short discussion was held between Senator Kooistra and Justice Zinter.

Judge Gors stated the reason for attorneys to be on the board is that these are quasi- judicial hearings and they are trained to conduct such hearings. The attorneys are able to protect the rights of the inmates and have orderly public hearings.

Representative Van Gerpen asked how many attorneys were at each hearing at the facilities?

A short discussion was held with Senator Kooistra and Representative Van Gerpen.

Judge Gors stated he believed that some attorneys should be on the board for the hearings.

Commissioner Brad Drake stated that a review should be done for the down side of the proposed bill and suggested that perhaps the members of the board could be increased to twelve members.

Senator Duniphan thanked Senator Kooistra for coming.

Senator Duniphan asked that more research be done and asked if the Senator had visited with the Governor.

Senator Kooistra said this was a work in progress and would consider the suggestions provided at this meeting.

Senator Duniphan requested that more research be done on the bill before any changes be made to the current statute and policy that are now in place.

Senator Duniphan asked if there were any more legislative proposals.

Judge Gors gave a brief update on a bill to amend the current time the court has jurisdiction over the sentence from one year to two years. This came out of the Governor's workgroup and it was presented at the judicial conference this fall and passed. It will probably come in as a Chief Justice bill.

### Agenda Item Number Three: Prison Population Update

(See attached handout)

Laurie Feiler presented on Prison Population.

Senator Duniphan introduced Representative Klaudt to the Commission.

Representative Klaudt thanked the Commission for letting him attend the meeting.

Representative Klaudt asked how the hard numbers were calculated and what formula is used for these projections.

Laurie Feiler explained how the projections and the formulas were used to calculate the prison growth figures. Population projections have been on a straight-line method based on growth rates from previous years. There have been significant increases on parole numbers, length of stay is down and the prison population is not increasing.

Representative Van Gerpen commented he had read that the surrounding state numbers were increasing and that South Dakota's numbers were decreasing.

Laurie Feiler stated that population growth is due either to more people coming or increases in length of stay. The figures presented for FY05 were based on five months of data annualized and these will change.

Laurie Feiler explained the data on how many inmates are being discharged and why they are being discharged.

Justice Zinter asked how much is attributed with the new and old parole system.

Laurie Feiler stated the new system increased releases to parole and public policy is also influencing number of parole releases.

Representative Klaudt asked what the recidivism rate is?

Laurie Feiler stated it was about twenty per cent.

Laurie Feiler explained the recidivism rate with new convictions. With the parolees tracking over a certain period of time with about fifty percent of those return to prison.

Justice Zinter asked what the ratio of parole agents to parolees.

Laurie Feiler stated the parole agents have approx. sixty-one parolees on their caseloads and they would be looking at increasing the number of agents.

#### Agenda Item Number Four: Prison Industries Briefing

(See attached handout)

Director Ron Zylstra presented (by phone) an update on what the Prison Industries shops have been doing for projects and the income they have produced.

Director Ron Zylstra gave an update on the Native American Craft Shop and photos were presented at the meeting. (Attached is copies of those photos.)

Director Ron Zylstra asked for the Commission approval on the new venture with Balance Systems Inc. (BSI) This included 6-9 inmates being employed to assemble window balance assemblies, cord cutting and pre-lacing for the assemblies.

Examples were shown at the meeting. (Attached is copies of examples)

Senator Duniphan thanked Director Zylstra for the updates on Pheasantland Industries and asked for a motion for approval of the BSI venture.

Judge Gors made the motion for approval on BSI.

Brad Drake seconded the motion.

Motion carried.

#### Agenda Item Number Six: Review of related Commission Activities

- Governor Rounds” Adult Corrections Workgroup

(See attached handout)

Laurie Feiler gave a brief review on what the 45 member Workgroup had accomplished in their meetings the past year and half.

The workgroup has looked at the work commutation process, expansion of the chemical dependency services for offenders, creation of a thirty - bed work release unit for prison inmates at the Minnehaha County work release center, along with proper identification upon release, early final discharge from parole supervision and the 24/7 reporting program.

Laurie Feiler reviewed the 2004 legislation bills, SB 57 repealing Mandatory Consecutive Sentences; SB 90 repealing Indeterminate Sentencing, and SB 1 Criminal Code Revision Commission.

Laurie Feiler reviewed the Evidence Based Practices in Corrections, expansion of Intensive probation, and Community Transition Program.

- Criminal Code Commission.

Laurie Feiler presented a brief update on the Criminal Code Statutes Commission and some of the changes that would be taking place with the Sliming. This would eliminate mandatory stand alone consecutive no parole provisions, but the presumption will remain as a stand alone consecutive but the court will have discretion.

Changes to the Escape statutes will eliminate mandatory minimum sentences of 7 years for escape from DOC and mandatory stand alone consecutive with no parole provisions. It would also create a 2<sup>nd</sup> Degree Escape (walkway) which will be a Class 6 felony and the presumption will remain as stand alone consecutive but the court will have discretion.

#### Agenda Item Number Six: Construction Projects

(See attached handout)

Interim Secretary Doug Weber presented an update on the construction timelines, budgets and operational dates on the Unit D Jameson Annex and the Mike Durfee State Prison expansion.

There was a short discussion and question and answer period with Senator Duniphan, Representative Klaudt, and Representative Van Gerpen with Interim Secretary Weber, Deputy Secretary Feiler on the budgets, time lines and the use of VOITIS money for the Jameson, Mike Durfee State Prison and the Rapid City Unit.

#### Other Business

Senator Duniphan asked for an update on the Paroled Pup program.

Interim Secretary Doug Weber reported that program was going well and one of the dogs was being adopted by the DOC and would be receiving further training to be a drug dog for the facilities.

#### Agenda Item Number Seven: Date and Location for the next Commission meeting.

There was a short discussion of where the next meeting will be held. The location will be in Pierre, SD. The date is to be announced in the early part of January. There will also be a tour of the Women's facility at this meeting.

#### Agenda Item Number Eight: Adjourn:

Senator Duniphan called for a motion to adjourn the meeting.

Senator Drake made a motion to adjourn.

Judge Gors seconded the motion.

The motion carried, and the meeting was adjourned.