

SD Department of Corrections
Response to the
National Institute of Corrections (NIC)
Technical Assistance Report 11P1030

Technical Assistance Report
of NIC's review of the
after incident responses to the
homicide of Senior Correctional Officer
Ronald "RJ" Johnson
and
escape attempt by inmates
Rodney Berget and Eric Robert

October 22, 2011

Redacted

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Response to National Institute of Corrections
Technical Assistance Report 11P1030 – dated: 9/21/2011
Submitted by James Upchurch and Meg Savage

Response date: 10/22/2011
Redacted

On September 6-9, 2011 James Upchurch and Meg Savage conducted a review of the South Dakota Department of Corrections After-Incident Report regarding the attempted escape of inmates Rodney Berget and Eric Robert and the homicide of Senior Correctional Officer Ronald Johnson at the South Dakota State Penitentiary on April 12, 2011. This review was provided through the National Institute of Corrections (NIC) and was initiated at the request of Governor Daugaard and the Department of Corrections.

On September 21, 2011, James Upchurch and Meg Savage issued the Technical Assistance (TA) Report of this review. This report was received by the SD DOC on September 23, 2011. A copy of this report is attached.

The following is a summary of the report recommendations, applicable supplemental information and the corresponding implementation status of each recommendation.

There are certain references within the NIC report narrative and consultant recommendations within the report and SD DOC's subsequent responses that address safety and security provisions that, if made public, could impact the safety of inmates, staff and the public and the security of the facility. These references, recommendations and DOC responses have been redacted from the report and response and a summary of the recommendation and response has been inserted as necessary for reader understanding in this DOC response document. These redactions are consistent with SDCL 1-27-1.5 (5), (8) and (17) and SDCL 1-27-1.13.

Recommendation #1. (report page 6)

- A. *The provisions contained in the July 19, 2011 memorandum should be incorporated into policy and procedure and applicable post orders.*
- B. *Additionally, the requirement for security related training during shift briefings should be formalized, scheduled and documented in the briefing logs.*

On July 19, 2011, Warden Doug Weber issued a memo outlining the Facility Accountability Plan addressing single person posts and areas. This memo went to all State Penitentiary staff and was updated on September 13, 2011 to insert the word "trained" in the first recommendation. [REDACTED]
[REDACTED] These memos have been redacted from this response.

In addition to being provided to all staff, the September 13, 2011 memo has been attached to and incorporated into the institutional post orders impacted by the directives of this memo. This occurred on September 14, 2011. Penitentiary/Jameson Operational Memorandum will be developed and implemented by December 1, 2011 to incorporate the provisions of the September

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13, 2011 memorandum into institutional policy. DOC policy will also be reviewed and revised as needed to reflect the provisions of the September 13th memo. This policy review and revision will be completed by December 1, 2011.

A staff safety guide book was implemented October 14, 2011. This is a small handbook, patterned after a prototype provided by Mr. Upchurch utilized within the Florida DOC and is designed to provide simple, common sense safety reminders for correctional staff. One specific safety issue/reminder is now reviewed at each shift briefing (effective October 5, 2011) and enhanced briefing documentation was implemented October 17, 2011.

Recommendation #2. (report page 7)

- A. *All Maximum Custody general population inmates assigned to the Penitentiary should be very carefully reviewed to determine if the need identified justifying their assignment is sufficient to override the security concerns associated with housing them in a dispersed manner in a predominantly lower custody population.*
- B. *If it is determined to be necessary to allow some of these Maximum Custody inmates to remain at the Penitentiary, it is recommended that all assigned staff be aware of who these inmates are and that cell locations and movement activity be considered in an area allowing for greater supervision. Job assignment is addressed further in the section that follows.*

The classification system used by the SD DOC was developed in the mid 1990s through a technical assistance grant funded by the NIC. The system is predominately risk-based, but allows for mitigation or addition of risk factors and for institutional placements based on factors in addition to risk (separation requirements, medical needs, presence of pending charges and administrative factors regarding institutional adjustment). Berget and Robert were placed at the Penitentiary as maximum custody inmates using the placement basis of administrative factors.

The SD DOC's classification policies are being critically reviewed and each maximum custody inmate housed at the Penitentiary has been reassessed to determine whether continued housing at the Penitentiary is still appropriate.

Areas of particular focus in the policy review are procedures for classification approval involving additional or mitigating risk factors, placement recommendations that use separation requirements for placement at a facility inconsistent with risk, and placements with a basis of administrative factors. These are the typical reasons an offender is approved for placement in a facility using a basis other than risk.

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As part of the critical review of the classification policies, the factors scored under escape profile of the classification instrument will be evaluated to ensure these measures are predictive of escape. The policy review will be completed by November 1, 2011.

South Dakota has only one facility primarily designated for each secure custody level for male inmates. While there are three minimum units (Unit C in Sioux Falls; the Yankton Minimum Unit and the Rapid City unit) there is just one low medium unit (Mike Durfee State Prison in Springfield); one high medium (State Penitentiary in Sioux Falls) and one maximum unit (Jameson Annex in Sioux Falls). In addition, there is only one unit for special needs inmates (at the Penitentiary), one mental health unit and one administrative segregation unit (both at the Jameson Annex). When inmates need to be kept separate from each other, need specialized placement (i.e. special needs, medical or mental health) or have difficulty adjusting to a particular housing assignment, SD does not have the option of moving the offender to another facility of the same custody status. Larger systems have several facilities of the same custody status which provides much more flexibility and ability to house more exclusively by custody status. For example, the state of Florida has 53 institutions for male inmates and 47 of these institutions house offenders medium custody and above. (Based on the ACA 2011 Directory)

A committee of institutional and classification staff was formed on September 16, 2011 to conduct the review of each maximum inmate housed at the State Penitentiary. Committee members included Warden Weber, the Director of Classification, the Executive Director of the Board of Pardons and Paroles and two associate wardens. Through this review, the number of maximum inmates at the State Penitentiary has decreased from 66 at the time of the technical assistance review to 32 as of October 20, 2011. It is anticipated that the number will be maintained at this lower level in accordance with the above recommendation.

The review of the maximum inmates at the Penitentiary was completed October 17, 2011.

Housing within a facility is determined by the Adult Inmate Management System (AIMS) which groups offenders by personality, attempting to keep offenders more prone to aggression housed in the same wing and those who would be more susceptible to victimization housed in a separate wing. The SD DOC also uses a Prison Rape Elimination Act (PREA) assessment to separate offenders with propensity for sexual aggressiveness from those identified as being at risk for sexual victimization. The recommendation that maximum offenders who remain at the Penitentiary be housed in a specific housing area will be considered within the context of the AIMS and PREA systems to determine the best means to merge and accommodate all the necessary factors.

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Maximum inmates identified to remain at the State Penitentiary are clearly identified through distinguishing markings on their clothing. This was implemented October 21, 2011.

Recommendation #3. (report page 8)

We recommend that senior staff at the Penitentiary create a focus group to identify all job assignments at the institution and then assess them in terms of associated risk level factors. These risk levels can be placed into appropriate categories to create the beginning of a matrix wherein the risk factor categories are aligned with a threat level determination category for inmates being assigned that is derived by using the classification tools currently available in the SDDOC. Included threat level considerations could be some combination of custody level, Adult Internal Management System (AIMS), Level of Services Inventory – Revised (LSI-R) and possibly the Department's PREA predator/prey assessment tool as well as the previously referenced escape points determination.

Immediately following the April 12th escape attempt and murder, work assignments for all maximum custody inmates at the Penitentiary were reviewed. One inmate was immediately reassigned and a second was reassigned as the review progressed. All maximum inmates currently housed in the Penitentiary with work assignments have had their work assignments reviewed.

A committee made up of Warden Weber, the Director of Classification, the Executive Director of the Board of Pardons and Paroles, the Prison Industries Director and two associate wardens was formed to develop a work assignment process that incorporates job risk and inmate risk.

All inmate jobs will be evaluated in the domains of perimeter access, access to tools and other contraband, level of staff supervision, training of supervising staff and scope and frequency of required movement within the facility. Attached is a **DRAFT** prototype of the Inmate Employment – Security Risk Assessment. This should not be considered a final version, rather is included in this response report as an example of the work to date on the inmate employment security risk assessment.

After all Penitentiary inmate jobs are assessed, inmate risk assessments will be matched with allowable job categories. The anticipated completion/implementation date is December 1, 2011. In the interim, all maximum security inmates housed at the Penitentiary who are given work assignments will continue to be carefully and individually reviewed by an associate warden prior to work placement.

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Recommendation #4. (report page 10)

While there is always a sense of being understaffed in a correctional environment, it is impossible to determine if any facility has the right number of staff, doing the right thing at the right time without doing a comprehensive, objective staffing analysis. Such an analysis was not conducted during the course of this brief review, but several issues noted during this review would indicate that such a review is warranted.

An objective staffing analysis at the Penitentiary is underway. The initial written document from this analysis will be completed by October 28, 2011. This is expected to a fluid process and it is anticipated there will be revisions beyond October 28th in response to questions, requested clarifications and possible requests for additional analysis.

In addition, the following is offered as contextual information. These officer to inmate and staff to inmate ratios were included in the May 9, 2011 After Incident Report:

Officers: 1 staff to 5.16 inmates
All staff: 1 staff to 4.28 inmates

Based on the American Correctional Association (ACA) 2011 Directory, the national officer to inmate ratio was 1 to 6.74.

Four correctional officer posts have been added to the Penitentiary complex since April 12, 2011.

Recommendation #5. (report page 11)

While no direct correlation was found between the incidents and staffing patterns at SDSP, it is felt that operations would benefit from a staffing analysis based on the inclusion of the factors referenced above (issues with relief factor) and any others determined to be relevant. As a resource, the NIC publication Prison Staffing Analysis – a Training Manual published in 2008 is available for download on NIC's website. Training in prison staffing analysis process is also available and described on the NIC website.

The Penitentiary has been applying the principles contained in the staffing analysis training manual for at least a dozen years. This 233 page manual is guiding the staffing analysis underway at the Penitentiary. This analysis involves mapping inmate activities, identifying where staff need to be located, assessing number of posts, relief procedures and identifying the minimum number of staff needed at a post. Differences in building design are reflected by the staffing and post assessments and assignments. Over the years, several staff members involved with staffing analysis have attended the NIC training in prison staffing analysis. The Penitentiary will continue to take advantage of NIC resources as methods continually evolve.

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The data used to calculate the staff relief factor at the Penitentiary was reviewed by staff from the Bureau of Personnel. The relief factor was recalculated using variables of actual average sick and vacation leave used, actual time for military leave, actual holiday days off work, and actual training and lunch time used. (Pre-shift briefing time was already factored in the relief factor calculation). This recalculation resulted in a relief factor of 1.2 for 5 day a week posts and 1.7 for 7 day a week posts.

Recommendation #6. (Report page 11)

As Prison Industries continues to operate, having a second officer on duty in this high profile/high traffic area contributes to a safer, more efficient operation and should be maintained as permanent posts.

Three additional correctional officers have been added for prison industries (PI). The PI positions were added in April, 2011. These will be maintained as permanent posts.

Recommendation #7. (report page 13)

Following this orientation, Secretary Kaemingk voiced his intent to pursue implementation of the Incident Command System for Corrections within the South Dakota Department of Corrections to further enhance response capabilities from the institutional level agency-wide.

The orientation referenced in this recommendation is a discussion between consultant Savage and adult institutional senior staff and SD DOC staff regarding the Incident Command System for Corrections (ICSC).

The SD DOC has requested technical assistance from NIC for Meg Savage to be on site in Sioux Falls to do Incident Command System training for trainers. This request is pending approval from NIC. Designated SD DOC staff have already taken Incident Command System (ICS) training as required by federal mandate through the National Incident Management System (NIMS) and Homeland Security directive. In addition, two SD DOC Deputy Wardens participated in the NIC training program, Prison Emergency Preparedness, in May 2011. This training teaches the tenets of the Incident Command System for Corrections (ICSC). The requested NIC technical assistance on ICSC will facilitate the implementation of ICSC on a state wide basis.

The following two consultant recommendations and subsequent SD DOC's responses have been redacted in the report and in this response.

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Recommendation #8. (report page 14)

The consultants' Recommendation #8 involves placement and training on specific security equipment.

[REDACTED]

[REDACTED]

The SD DOC completed the Recommendation #8 on September 30, 2011.

Recommendation #9. (report page 14)

The consultant's Recommendation #9 involves the issuance and training on specific security equipment.

[REDACTED]

[REDACTED]

An initial response to Recommendation #9 was implemented on September 6, 2011 and an additional response will occur after the first of the year (January 1, 2012).

Recommendation #10. (report page 15)

Include the position designation number on the back of each munitions vest to ensure the numbers correspond with the number on the helmet.

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This recommendation pertains to DART, the Designated Armed Response Team, and observations from the DART drill the consultants observed during their visit.

This recommendation was completed September 16, 2011.

Recommendation #11. (report page 15)

It is recommended that the facility conduct a comprehensive review of all post orders and ensure assigned staff, including those in relief status, reviews and sign documenting same.

A comprehensive review of post orders has been completed and a log of staff review has been implemented. Unit managers and direct supervisors will ensure officers assigned to each post review any changes to post orders and sign the log indicating review of the order or revisions to the order. Unit managers and direct supervisors are responsible for monitoring post order compliance. This was completed October 17, 2011.

Recommendation #12. (report page 15)

- A. *It is recommended that SD DOC include an officer safety module in in-service and academy training*
- B. *and utilize the pocket handbook on officer safety from Florida as a guide to possibly developing something similar in South Dakota.*
- C. *We further suggest that an officer/staff safety topic area be briefly addressed and discussed as appropriate during each briefing period.*

Annual in-service staff training will include a staff safety curriculum which will be presented to all staff attending annual in-service. The next annual in-service training is scheduled for January, 2012. A specific staff safety curriculum was added to pre service training effective October 14, 2011.

A staff safety guide book has been developed and implemented October 14, 2011. This guide book is issued to every staff member including contractual staff and volunteers. A topic from the guide book is selected for review at staff briefings.

In the consultant's out briefing on September 9, 2011 Meg Savage highlighted that it is a "best practice" to be able to put all staff through academy training, as we do. Meg indicated SD would be the envy of other states that aren't able to do this. She also made specific positive comments on the "Con Tree" used in training.

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Also at the out briefing, James Upchurch reported that he had interviewed numerous officers randomly about whether they felt safe/comfortable in their work environment, if they were provided the tools they needed to do their jobs and if they were comfortable redirecting and confronting inmates. James reported all correctional officers answered “yes” without reservation and he (James) felt they were being forthright and honest.

Recommendation #13. (report page 16)

Construct locally “mail box” type scrap metal containers that allow for disposal and storage of scrap metal, etc. for retrieval, salvage and or disposal later under supervision.

Metal contraband barrels have been placed in all areas where metal fabrication takes place. These are 55 gallon drums with a slit in the top with a hasp and lock limiting removal of the cap to staff. The slit is small enough that once the scrap is deposited in the barrel, it cannot be removed without unlocking the padlock. This was implemented September 26, 2011.

Recommendation #14. (report page 16)

- A. *Construct portal configuration that funnels inmates through the metal detector and search point that is designed similarly to those utilized in airports.*
- B. *Whenever possible a supervisor and any available additional staff should be present and assist in this area during the exit of significant numbers of the inmates assigned to industries.*
- C. *Additionally, metal detectors should be subject to regular daily testing prior to use.*

There are currently two staff members assigned to the post controlling entrance to and exit from the PI building. This is increased to three during times of large scale inmate movement. The presence of the three staff serve to maintain order, enforce single file lines of inmates waiting for search and observe of inmate activities to inhibit and detect attempts to pass contraband.

When consultant Upchurch was on site and discussed a portal type system in the PI building, he suggested a drop down shelf or barrier between the wall and the metal detector to prohibit access through the hallway and out the door, except through the metal detector. This barrier will be constructed and installed by October 28, 2011.

A formal testing procedure for metal detectors has been developed and implemented October 7, 2011. Prior to this, metal detectors were tested on an informal basis by the staff operating the detectors and staff also reported potential problems as the problems surfaced. This new formal

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testing procedure outlines the method for testing, the frequency (daily) of tests and log provisions to document the testing and outcome.

Recommendation #15. (report page 16)

Relocate these panic alarms [REDACTED] to allow for access to it by staff without the knowledge of the potential inmate aggressor. [REDACTED]

[REDACTED]

Additional relevant status reports not included as recommendations include the following:

1. Specialized two-way radios have been purchased for identified single post assignments. These radios have a panic alarm feature that when activated it alerts the central control room. These specialized radios were placed in service at the Penitentiary on October 5, 2011 and placed in service a Jameson on October 6, 2011.
2. Staff rosters for the proximity card reading system can and will be sorted alphabetically by last name rather than by employee badge number to speed up accounting of staff members.

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South Dakota Department of Corrections
September 5-10, 2011

Submitted by:

James Upchurch
Meg Savage

September 21, 2011

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South Dakota Department of Corrections
September 5-10, 2011

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BACKGROUND

The National Institute of Corrections received a request for Technical Assistance from the South Dakota Department of Corrections for a review of the After-Incident Report regarding the attempted escape of Inmates Rodney Berget and Eric Robert and the homicide of Senior Correctional Officer Ronald Johnson at the South Dakota State Penitentiary on April 12, 2011.

On June 8, 2011 BeLinda Watson submitted the name and contact information for James Upchurch and Meg Savage who were subsequently interviewed telephonically and chosen for the review. Plans were formalized to conduct the review on site during the week of September 5-10, 2011.

In preparation for this review, the After-Incident Report dated May 9, 2011 was provided to consultants describing the incident, the response and the actions taken subsequent to the incident. Additionally, prior to the visit information specific to operations at the penitentiary was obtained from Major Crystal Van Vooren and was reviewed in preparation for the site visit. These documents included staffing patterns and daily rosters along with relief factor, turnover and vacancies statistics.

On Tuesday September 6, 2011 a briefing was held at the South Dakota State Penitentiary (SDSP) with the following key staff members:

Douglas L. Weber, Warden/Director Prison Operations

Troy Ponto, Associate Warden

Jen Wagner, Associate Warden

Owen Spurrell, Industries Director

Daryl Slykhuis, Deputy Warden

Crystal Van Vooren, Major

Present via teleconference were Secretary Denny Kaemingk and Deputy Secretary Laurie Feiler.

During this meeting, a plan for the week was developed to conduct the review based on the methodology described below. Briefings were conducted each afternoon to relate findings, request additional information and indicate the planned activities for the following day.

METHODOLOGY

In order to complete this review, the following process was utilized. After the in-briefing, a comprehensive tour of the physical plant was conducted to fully understand the environment and layout of the facility. Over the next three days, information was gathered through interviews with staff and inmates, observation of pertinent institutional activities, documentation review and conducting a variety of simulations.

TOURS: South Dakota State Penitentiary, Jameson State Prison and Minimum Unit C, Training Academy

INTERVIEWS: Interviews were conducted with the Warden, Deputy Warden, Associate Wardens, Major, Unit Managers, Case Managers and Coordinators, Human Resource Manager, Director of Classification and Transfer, Hostage Negotiations Team Leader, Training Personnel, Prison Industries personnel, Security and Programs staff on post.

INSTITUTIONAL ACTIVITY OBSERVATIONAL REVIEW: Consultants conducted unannounced observation of scheduled and routine institutional activities including counts, meals, prison industries activities and movement, recreation, west gate operation, cell inspections, routine inmate movement, cellblock operations, control room operations, pre-service training activities.

DOCUMENTATION REVIEW: Documents that were obtained and reviewed included agency and institutional policy and procedure, instructional memoranda, post orders, institutional logs, staffing rosters, inmate file and classification documents, training schedules and curriculum, turnover reports and exit interview data.

SIMULATIONS: Simulations developed by the consultants were conducted to observe responses to Emergency Code Activations, Designated Armed Response Team activation and deployment and Staff Accountability.

While each consultant reviewed certain areas independently, the observations and recommendations contained in this report are based on collaboration and concurrence between consultants.

ACTIVITIES

TUESDAY, SEPTEMBER 6, 2011

- In-briefing with Key Staff
- Detailed tour of South Dakota State Penitentiary and Jameson Unit

WEDNESDAY, SEPTEMBER 7, 2011

- Interview with SDDOC Director of Classification and Transfer
- Simulation of Code Red, Code Three – Prison Industries
- Observation of security practices and pat searches in Prison Industries
- West Gate tower and sallyport
 - Observation of physical plant and environmental issues
 - Interview of officers on post
 - Review of Post Orders
 - Review of weapons and munitions on post
- Emergency Preparedness Plans and Drill Review
- Designated Armed Response Team Drill
- Interview with Hostage Negotiations Team Leader

THURSDAY, SEPTEMBER 8, 2011

- Classification Documentation Review
- Observation of cell inspections and cell block operation
- Observation of 1100 Count Procedures
- Staff Accountability Drill – observation of Control Room activities
- Observation of 1345 Shift Briefing

FRIDAY, SEPTEMBER 9, 2011

- Interview with Human Resources Manager re: Recruitment, Retention, Relief Factor
- Incident Command System overview institution and agency personnel
- Out briefing with Secretary, agency and facility staff

OBSERVATIONS AND RECOMMENDATIONS

Review of Response to Events of April 12, 2011

Through examination of documents, physical plant observation and staff interviews, a review was conducted of the agency and institutional emergency response system and the specific response to the escape attempt and homicide of Officer Johnson that occurred on April 12, 2011.

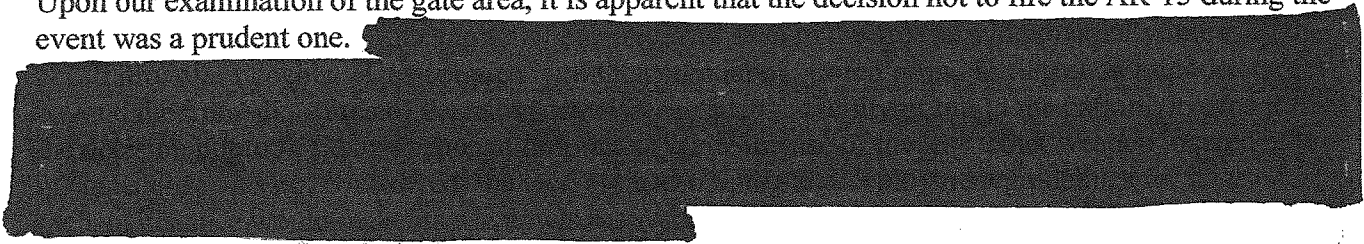
ATTEMPTED ESCAPE RESPONSE

In reviewing the documents provided regarding the emergency response on April 12, 2011 it appears that in spite of the tragic consequences in the death of Officer Johnson, the staff response to the incident resulted in the ultimate prevention of the escape of Inmates Rodney Berget and Eric Robert.

Several things alerted the staff at the gate that the actions of Inmate Robert, wearing Officer Johnson's jacket and pants, were inconsistent with normal operations. First, the jacket being worn was oversized and it appeared that the "officer" was not wearing a uniform shirt underneath. Second, he did not swipe his ID card on the way out. Had he in fact scanned Officer Johnson's ID card, the system would have immediately flashed a picture that did not resemble Inmate Robert. Further, it is apparent that Officer Johnson was well known and respected, and the likelihood that Inmate Robert could be confused with him is remote.

When the officers posted at the gate became suspicious, appropriate measures were taken to challenge Inmates Robert Berget and, and once their intent became clear, prevent them from escaping. It is noted that the specific actions by the individuals at the gate were in keeping with the training, policies and post orders in existence at the time.

Upon our examination of the gate area, it is apparent that the decision not to fire the AR-15 during the event was a prudent one.



Finally the quick response to the calling of a Code Red made the potential of the use of the least amount of force effective in subduing and restraining the inmates with limited injury to staff.

RESPONSE TO OFFICER DOWN

As soon as it was determined that the inmates had obtained an officer's uniform, an immediate call for staff accountability resulted in the rapid discovery of Officer Johnson in the Prison Industries area.

By all document review and interviews with available responders, it appears that such staff accounting is done regularly with an interpersonal emphasis which no doubt explains the quick identification and response to Officer Johnson.

Actions Taken Since the Incident

In the process of conducting the review it was noted that numerous actions have already been taken as reflected in the After Incident Report. Additionally, consultants were provided with another document that provided additional guidance and instructions relevant to enhanced security protocols dated July 19, 2011.

ACTION PLAN FROM AFTER-INCIDENT REPORT

Consultants verified the following improvements undertaken since the incident and included in the after-incident report dated May 9, 2011. These changes were confirmed through direct observation, document review and staff interviews.

1. Routing all routine foot traffic through the Main Control Room
2. Reducing access points into and out of PI Building
3. Installation of additional cameras
4. Better positioning of staff post location with the PI Building
5. Additional correctional officers posted in PI
6. Adjustment of inmate work assignments
7. Improvement of lighting
8. Strengthening of secured perimeter fences
9. Relocation of chemical dependency offices
10. Restriction of inmate traffic
11. Providing radios for civilian PI staff
12. Mandating body alarms

Consultants found these changes to be consistent with good security practices and in keeping with response to this incident. In the instances of the posting of additional correctional officers (Item 5) and the adjustment of inmate work assignments (Item 6), consultants have supplementary recommendations which are elaborated separately below.

FACILITY ACCOUNTABILITY PLAN MEMORANDUM DATED JULY 19, 2011

This memorandum was issued by Douglas Weber, Director of Prison Operations and defines single person posts/areas as "those locations where there is no other staff member or volunteers within the visual or auditory range and the area is accessible to offenders."

While the memo places significant requirements on staff in the control room as well as the staff assigned to the designated single person posts, it was apparent that there was good compliance with these requirements and the heightened awareness these procedures bring to those people in these areas.

This compliance was observed in the control room through the logs required as well as with those staff on these posts. Examples were given of instances in which communication was not made within required time frames and steps taken to make contact with the staff person involved.

Additional two-way radios were purchased for identified single post assignments ([REDACTED] in total) where distance from other staff cause some concern about the adequacy of the screamer type audible personal body alarm devices. These radios include a radio panic alarm feature that when activated by the staff member alerts the central control room that the officer is in distress so an immediate response can be initiated.

The reinforcement of other sound provisions were noted in the observations and interviews conducted by consultants. These included:

- Requirement for all staff and volunteers to wear body alarms
- Escort staff being required to contact control room prior to leaving the facility and when their destination is reached
- Diminishment of movement of visitors and guests until count has cleared
- Positive identification of all individuals entering the facility through the sallyport (all pedestrian traffic through the sallyport was eliminated previously following the incident)
- Securing of driver's license when a guest Identification Card is issued
- Eliminating eligibility of inmates with 7 escape points for work in Prison Industries
- Requiring a clear count before vehicular movement on the yard

Recommendations

The provisions contained in the July 19, 2011 memorandum should be incorporated into policy and procedure and applicable post orders. Additionally, the requirement for security related training during shift briefings should be formalized, scheduled and documented in the briefing logs.

Inmate Housing Assignments

At the time of our visit to the Penitentiary there were a total of 776 inmates assigned to the facility. According to Rick Leslie, Director of Classification and Transfer, the penitentiary is primarily designated to house High Medium Custody inmates and indeed 511 of the assigned inmates fall into this level. Based on our observations of the facility this appears to be an appropriate designation. The newer and more secure Jameson Annex is designated as the primary Maximum Custody facility for the Department.

There were 66 Maximum Custody inmates assigned to the Penitentiary during our visit. When those pending transfer to Jameson and those assigned to the Special Housing Unit (SHU) are subtracted, a total of 37 Maximum Custody inmates are assigned to the Penitentiary. Of these, 8 are there for separation issues (alternative to placement in Protective Management unit), 4 are there for medical/mental health reasons and the remainder, 25 are there based on "administrative decisions" Eric Robert and Rodney Berget were Maximum Custody inmates who fell into this last category.

Reports provided to us revealed, and staff confirmed the availability of sufficient vacant bed space to absorb the Maximum Custody inmates assigned to the Penitentiary at the Jameson Annex.

Recommendation

All Maximum Custody general population inmates assigned to the Penitentiary should be very carefully reviewed to determine if the need identified justifying their assignment is sufficient to override the security concerns associated with housing them in a dispersed manner in a predominantly lower custody population. When such a dispersed/mixed custody population exists, staff and facility operations in general will default to security practices/precautions that are most appropriate for the midpoint custody level of the population.

The expectations of the predominantly lower custody inmate population about internal security restrictions regarding freedom of movement within the institution, types of job assignments, etc. can lead to higher custody inmates being allowed more unsupervised freedom than is appropriate as staff try to apply rules and practices that they feel can be applied fairly to all inmates assigned.

If it is determined to be necessary to allow some of these Maximum Custody inmates to remain at the Penitentiary, it is recommended that all assigned staff be aware of who these inmates are and that cell locations and movement activity be considered in an area allowing for greater supervision. Job assignment is addressed further in the section that follows.

Inmate Work Assignments

Discussions with a variety of staff at the unit level confirm that job assignments for inmates are determined on a first come first serve basis. A new arrival in the living unit is put on the bottom of a list and when a job comes open and his name has risen to the top of the list then he is given that job. The only qualifier applied is the inmate's "escape points" which are assigned per a formula based on his prior escape related activity.

Staff were quick to point out that these points can be misleading in that, for example, a parole absconder can have his escape points raised for this act subsequently impacting his job assignment possibilities when he returns to the prison. It is also noteworthy that past escape activity can be "timed out" meaning that after a specified time frame the escape incident no longer increases the escape points.

Direction from Warden Weber in his July memorandum denies work in the prison industry areas to inmates with escape points of "7" or higher. Unit staff indicate that they commonly apply the "rule of 7" to qualifying for all "off unit" jobs. There is however, some inconsistency in what constitutes "off unit" since, for example, kitchen work and recreation orderly are not excluded even though they do occur outside of the housing unit. According to the staff interviewed there really is no formal internal job assignment process. It is important to note as well that custody level is reportedly not a consideration in job assignment consideration.

Recommendation

General population job assignments inside a secure prison facility have significant implications for the overall security of the institution. Job assignments vary greatly in terms of the risks associated with them. Proximity of the assignment to the perimeter fence, number and type of tools and work materials, level of supervision by staff – direct sight and sound, intermittent at various intervals, etc., associated frequency and location of movement within the institution are just some of the job related risk considerations.

We recommend that senior staff at the Penitentiary create a focus group to identify all job assignments at the institution and then assess them in terms of associated risk level factors. These risk levels can be placed into appropriate categories to create the beginning of a matrix wherein the risk factor categories are aligned with a threat level determination category for inmates being assigned that is derived by using the classification tools currently available in the SDDOC. Included threat level considerations could be some combination of custody level, Adult Internal Management System (AIMS), Level of Services Revised Inventory (LSRI) and possibly the Department's PREA predator/prey assessment tool as well as the previously referenced escape points determination.

The development and implementation of this job assignment methodology can serve to mitigate risk and provide a defensible structure for making job assignment determinations. This critical part of institutional security operations is frequently overlooked in terms of its importance to overall institutional security. The significance of an inmate's job assignment in allowing him the opportunity to access the materials, location(s) and/or opportunity to act on a plan cannot be underestimated.

Staffing

Staffing levels and issues relative to personnel and human resources were reviewed from a broad basis to determine any potential correlation between staffing levels and the incident or the facility's response to it.

VACANCY/TURNOVER RATES

During the time of this review there were 13 vacancies reported, all filled with new employees attending the three week pre-service training academy which began that week.

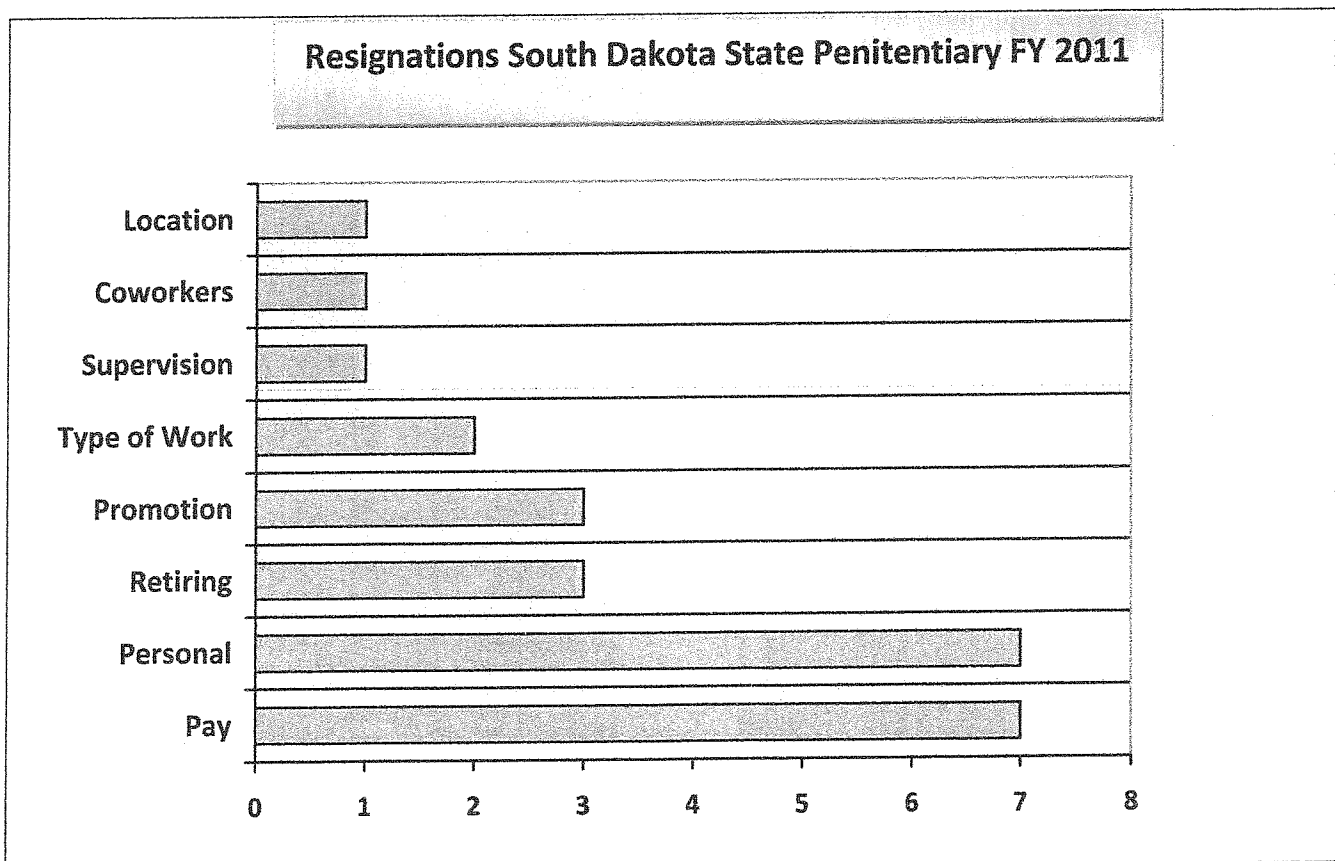
While recruiting for vacant positions at the SDSP is not an issue, the turnover rate was examined to determine if there was any correlation between turnover, vacancy rates and security levels relative to the incident. Human Resources Manager Kirk Edison provided the following statistics regarding turnover at the penitentiary and for the agency for the fiscal year ending June 2011:

All Staff: 26.2%

Security: 28.7%

Correctional Officers: 30.7%

For the penitentiary, the overall turnover rate was 24.30%, but of those, only 16.86% were the result of resignations. To determine if there was any pattern of safety concern or managerial complaints that contributed to these resignations, exit interviews were reviewed. For FY 2011, the primary reasons for resignation cited at SDSP were as indicated below:



From this cursory review, it would appear that working conditions, including personal safety or supervisory concerns are not a sizeable consideration in the rather high turnover rates, conversely, it would appear that pay levels and other personal considerations are more cogent factors causing staff to resign from the penitentiary.

Recommendation

While there is always a sense of being understaffed in a correctional environment, it is impossible to determine if any facility has the right number of staff, doing the right thing at the right time without doing a comprehensive, objective staffing analysis. Such an analysis was not conducted during the course of this brief review, but several issues noted during this review would indicate that such a review is warranted.

RELIEF FACTOR

Another element impacting staffing is the relief factor.

The shift relief factor is the number of full-time-equivalent (FTE) staff needed to fill a relieved post (one that is covered on a continuous basis) for a single shift. This number may vary according to job classification and the post schedule.

In staffing calculations, the shift relief factor is multiplied by the number of staff assigned to a specific post to determine the number of staff necessary to provide relief for the post. The SRF is an essential tool in developing and managing staffing plans and employee schedules.

Four basic variables are considered in determining the shift relief factor:

- How often and how long posts are to be filled.
- The numbers of days per week posts are authorized to be filled.
- Whether the post must be relieved to keep it filled during the shift for briefings, meal relief and scheduled breaks
- Leave and absence patterns of the workforce, including both paid and unpaid leave.

SDSP is currently operating with a relief factor of 1.7 based on the following calculation:

One Year	365
Scheduled Work per Officer	260
Less:	
Vacation Leave	15
Sick Leave	14
Holidays	10
Annual Training	5
Actual Work Days per Officer	216
Divided by 365=Relief Factor	1.7

One concern with the data used to calculate this relief factor is that the leave numbers are based on the amount of leave accrued and not the actual leave taken. Employee tenure, demographics and many other factors can significantly affect actual leave usage and impact the required relief factor.

For instance, the five days allocated for mandatory annual training is a required minimum and does not reflect the time required for a variety of different specialized training events that occur throughout the training year.

Additionally, other categories such as military leave, FMLA, worker's compensation, leave without pay, and administrative leave do not appear to be included in this calculation. Their inclusion in the calculation will impact the determination of the true relief factor.

Finally, while officers are required to attend a fifteen minute briefing before assuming their posts and must take a half hour lunch break, neither of these time periods when the assigned staff are actually absent from their post and must be relieved by another staff member are included in the relief factor calculations.

The combined impact of all of these non-included 45 minute absences from shift post assignments and the need to identify relief for them from the existing staff complement is significant and likely results in periods of time during the shifts in which staffing adequacy is significantly diminished.

Recommendation

While no direct correlation was found between the incidents and staffing patterns at SDSP, it is felt that operations would benefit from a staffing analysis based on the inclusion of the factors referenced above, and any others determined to be relevant. As a resource, the NIC publication *Prison Staffing Analysis – a Training Manual* published in 2008 is available for download on NIC's website at: <http://nicic.org/Library/022667>. Training in the prison staffing analysis process is also available and described on the NIC website at <http://ncic.gov>.

ADDITIONAL POSTS IN PRISON INDUSTRIES

Even absent a full review of the facility staffing patterns, the addition of a second post in the three prison industries buildings was a sound decision. The sheer size, number and complexity of the shops, coupled with the dangerous tools and secluded areas warrants the inclusion of this post.

Recommendation

As Prison Industries continues to operate, having a second officer on duty in this high profile/high traffic area contributes to a safer, more efficient operation and should be maintained as permanent posts.

Emergency Response Procedures and Training

CURRENT AGENCY EMERGENCY PROCEDURES

South Dakota Department of Corrections and the penitentiary have policy and procedures regarding emergency response. Further, there are modules in the pre-service curriculum relating to emergency response. These Emergency Plans were reviewed and are current for specific types of incidents, and documentation was provided on the frequency and evaluation of drills that are conducted regularly. These specific plans and drills include provisions for escapes, fires severe weather, suicide, hostage, staff/inmate assaults, and bomb threats. Drill evaluation reports as submitted were reviewed and found to be comprehensive.

SDDOC uses codes to specify the type of emergency and the expected response which include Code Red/Codes One through Five, and a Code Green for cell entry teams. An emergency response for the activation of a personal body alarm is to be considered a Code Red Code Three specifying that a staff member needs assistance. The description of these codes is included in the after incident report.

To determine staff familiarity with response protocol, three separate simulations were conducted during the course of the review.

Code Red Code Three Response Simulation: This simulation required staff to respond to a fight between two inmates in the Prison Industries area. Consultants observed that once the code was called, staff from adjacent areas responded within one minute. During the debriefing, staff indicated that the response witnessed by the consultants was typical of an expected response and it appeared that the immediate infusion of line and supervisory staff would have been more than sufficient to quell a fight in that area. Additionally, later in the week a body alarm was accidentally activated in the same area resulting in a similar level of response.

DART Drill: The penitentiary is equipped with a Designated Armed Response Team for rapid deployment of less lethal weapons intended to quickly respond and contain a disturbance. A drill of the deployment of this team was conducted and it was apparent that staff were fully trained and familiar with the equipment and the formations involved in this procedure.

Staff Accountability Drill: The penitentiary uses a card swipe system at main control to account for all staff and visitors inside the secure perimeter of the facility. To test the process a staff accountability simulation was conducted to determine familiarity and efficiency of the process. In this accountability system, a listing from the system is printed out which is coupled with the OIC personally reconciling the roster with phone, radio and personal verification.

The observed process took approximately [REDACTED] minutes to clear, even with the self-imposed obstacles of allowing traffic to continue through the sally port and utilizing a roster sorted by badge number instead of alphabetically. Had this been a real situation, and traffic had been suspended and an alphabetized roster been used, it is within expectations that all staff could be accounted for in under [REDACTED] minutes.

USE OF INCIDENT COMMAND SYSTEM

It was reported that designated staff in the agency have taken Incident Command System (ICS) training as required by federal mandate through the National Incident Management System (NIMS) and Homeland Security Presidential Directive #5. Additionally, in the event of a large scale incident involving multiple agencies the Incident Command System would be the system utilized by responding South Dakota Department of Corrections agency personnel.

However, while many of the primary tenets of the Incident Command are already in place within the Department of Corrections' emergency protocols at the agency level; its use is not currently specifically incorporated in institutional level response.

In May of 2011, the South Dakota Department of Corrections sent Deputy Wardens Daryl Slykhuis and Dallas Schneider to the National Institute of Corrections training program *Prison Emergency Preparedness 11P2601* in Huntsville Texas. This program teaches the tenets of the Incident Command System for Corrections (ICSC) which provides practical methodology for the implementation of the NIMS ICS model for the correctional environment beginning at the institutional level.

On Friday morning, a discussion of the applicability of ICSC principles to SDDOC was conducted with Warden Weber, Deputy Wardens Schneider and Slykhuis, Warden Bob Dooley of the Mike Durfee State Prison and Brenda Hyde of the South Dakota Women's Prison. Some benefits of the use of this system in the South Dakota Department of Corrections identified were:

Utilization of clear text: The code system currently utilized is understood by most long term employees, but adds complication when clarity is of the essence. Eliminating the code system may meet with some resistance but the benefits of knowing what type of situation is occurring and what response is needed will become quickly apparent.

Expanded operations organizational model: While no specific issues were raised regarding the deployment of staff during the response to the attempted escape and homicide, it is clear that numerous agencies responded and the facility remained on lockdown for an extended period of time. The ICSC command organization provides a standardized format that not only takes advantage of the skills and abilities of staff responders, but also meshes with command structure most probably used by all responding outside agencies and mandated by the federal government.

Designated Response Teams: The South Dakota Department of Corrections' system for immediate response to incidents is well understood amongst on duty staff as verified through interviews and simulations. Use of the Incident Command model would formalize anticipated responders while ensuring all other posted staff remain in place until called.

Simulations: While drills are currently conducted for emergency preparedness, simulations as specified in ICSC are conducted as training not rule enforcement. By formalizing the simulation process as a method of learning ICSC principles and developing decision making skills, the agency will enhance staff development in emergency response.

Recommendation

Following this orientation, Secretary Kaemingk voiced his intent to pursue implementation of the Incident Command System for Corrections within the South Dakota Department of Corrections to further enhance response capabilities from the institutional level agency-wide.

Security Equipment

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

DART EQUIPMENT NUMBERING

The DART drill observed revealed a quick and measured response with staff familiar with the weaponry and structure of the team. Further formations were obviously well practiced, and the training curriculum for this team was found to be practical and straightforward.

Recommendation

Include the position designation number on the back of each munitions vest to ensure the numbers correspond with the number on the helmet.

Post Orders

In general, the post orders reviewed were specific to the actual duties with specific time frames and descriptions. However the post orders reviewed in the west gate tower did not include specific instructions regarding the maintenance and deployment of the less lethal weapon and munitions located on this post. Further, the documentation did not reflect that the staff on duty at the time had reviewed them.

Recommendation

It is recommended that the facility conduct a comprehensive review of all post orders and ensure assigned staff, including those in relief status, reviews and sign documenting same.

Training

PRE-SERVICE TRAINING

South Dakota Department of Corrections offers a three week academy pre-service training program which the consultants reviewed the curriculum and observed delivery of training modules. Additional interviews with trainers revealed a high level of professionalism and commitment in this area.

A forty hour annual in service training curriculum is provided for all staff. This curriculum includes as a component in several areas of instruction various elements addressing officer safety. There is however no lesson plan and class titled specifically Officer/Staff Safety where all elements are compiled and considered with the appropriate emphasis commensurate with their importance. SDDOC training staff advised us that they are developing and plan to implement such a training module for implementation in January of 2012.

Recommendation

It is recommended that SDDOC include an officer safety module in in-service and academy training and utilize the pocket handbook on officer safety from Florida as a guide to possibly developing something similar in South Dakota. The actual designation of a module as Officer/Staff Safety serves to emphasize the importance of a continuing heightened awareness in this area. Considering that complacency and allowing oneself to become too comfortable in the prison environment can be primary contributors to inmates being able to gain a predatory advantage, officers/staff cannot be reminded too frequently of this environment's potential hazards. Frequent reinforcement of those practices that they can use to avoid becoming a victim is critical to insuring everyone's safety. To this end we further suggest that an officer/staff safety topic area be briefly addressed and discussed as appropriate during each briefing period.

Physical Plant

PRISON INDUSTRIES

Scrap Metal: During our tour of the prison industries shops we observed the presence various metal fabrication areas and noted the presence of scrap metal pieces, etc. in boxes underneath work tables, etc. in this area.

Recommendation

Construct locally "mail box" type scrap metal containers that allow for the disposal and storage of scrap metal, etc. for retrieval, salvage and or disposal later under supervision.

Metal Detectors: We also noted that during large scale movement of inmates out of the industries building for lunch and end of work day that the single exit area from the building where searches and metal detection operations were occurring became congested especially when inmates from the book bindery came from one direction and inmates from other shops were exiting from the other direction. The capabilities for staff assigned to this area to insure that all inmates actually clear the metal detector, are thoroughly frisk searched and that there are not items being passed around the detector could be compromised.

Recommendation

Construct locally a portal configuration that funnels inmates through the metal detector and the search point that is designed similarly to those utilized in airports. Such a portal could help control the movement of the inmates and significantly mitigate the opportunity for undetected contraband removal from the building. Inmate movement from the industries building is a critical security area within the institution where search effectiveness to detect contraband and in particular weapons and weapons material is critical to the safety of staff and inmates alike. Whenever possible a supervisor and any available additional staff should be present and assist in this area during the exit of significant numbers of the inmates assigned to industries. Additionally, the walk through metal detectors in this and all other areas of the penitentiary should be subject to regular daily testing prior to use to insure that they are working properly and that the sensitivity level is appropriate.

PANIC BUTTONS

We observed in the unit management staff offices on East and West Wings of the penitentiary the presence of "panic buttons" located on the walls adjacent to their desks. These buttons serve to augment the personal body alarms (screamers) and radios that staff carry on their person. These panic buttons serve to alert other staff to the need for assistance in the unit offices.

Recommendation

Relocate these panic alarms [REDACTED] to allow for access to it by staff without the knowledge of the potential inmate aggressor. [REDACTED] This is a relatively simple and inexpensive enhancement that would require only a little wire and conduit and could be accomplished by facility maintenance staff.

Best Practices

PRE-SERVICE STAFF TRAINING

The practice of training all new staff together in the pre-service academy serves not only to enhance the concept of collaboration between disciplines that was apparent during our review, but also gives non-security staff the sense that all employees are responsible for institutional security and safety.

DESIGNATED ARMED RESPONSE TEAM

The procedures, training and practice of having a DART team and the apparent capability exhibited during the drill demonstrate the philosophy of continuous improvement and getting out ahead of an escalating incident. The proactive approach of having such a resource is to be commended.

CON TREE

The display in the Training Academy which depicts the faces and stories of inmates who have successfully “conned” staff members is a graphic reminder to employees of keeping a professional distance from inmates and is an idea that can be replicated in any corrections agency.

STAFF ACCOUNTABILITY

The combination of using technology, but verifying staff presence with the interpersonal attention of the OIC appeared to be a most efficient and rapid method of staff accountability.

Conclusion

In the aftermath of the tragic circumstances of the death of Officer Ronald Johnson, the South Dakota Department of Corrections and the South Dakota State Penitentiary have taken a series of appropriate measures to deal with the immediate situation as well making other changes that will enhance security and officer safety. It is hoped that the additional steps outlined above will further the agency’s obvious efforts toward continuous improvement.

DISCLAIMER

RE: NIC Technical Assistance No. 11P1030

This technical assistance activity was funded by the Prisons Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource persons who provided the onsite technical assistance did so through a cooperative agreement, at the request of the South Dakota Department of Corrections, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

INMATE EMPLOYMENT - SECURITY RISK ASSESSMENT

Facility: _____ Job Title: _____ Date: _____

Total Points: _____ High (20-35) Medium (10-19) Low (less than 10)

1. Proximity of the work assignment to the perimeter fence.

No access to fence	Occasional access to fence	Adjacent to fence
1	3	5

2. Type of tools available in the work assignment.

SDSP OM Tool Control 2.3.A.17

No tools	No restricted tools	Less restricted tools	Restricted tools	Hot tools
1	2	3	4	5

3. Number of Hot tools available in the work assignment.

0	5	10	15	20+
1	2	3	4	5

4. Number and Type of Hazardous Materials available in the work assignment.

SDDOC Policy 1.3.B.4 Control, Use and Disposal of Hazardous Material

None	Toxic	Caustic	Combustible Class 2 and 3 liquid	Flammable-Poisonous Class 1 liquid
1	2	3	4	5

5. Level of supervision by staff provided by the work assignment.

SDDOC Policy 1.4.B.2 Male Inmate Classification

Direct	Routine	Minimal Non-Direct 15 minute	Minimal Non-Direct 30 minute	Minimal Non-Direct Hourly
A supervisor is present during inmate activities, conducting frequent direct visual observation of activities.	Frequent observation of the inmate. Inmate activities are performed in the general location of staff.	Periodic checks on the inmate. Most inmate activities are independent of supervisor direction and observation.		
1	2	3	4	5

6. Training level of staff providing supervision at the work assignment.

SDDOC Policy 1.1.D.1 Staff Training Requirements

DOC Staff	Contract Staff	Pink tag Volunteers
1	2	3
4	5	

7. Associated frequency and location of movement within the institution.

Restricted to Housing Unit	Unescorted movement at beginning and end of shift	Unescorted movement during work hours
1	3	5