



DEPARTMENT OF CORRECTIONS
SOUTH DAKOTA CORRECTIONS COMMISSION

3200 East Highway 34
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3478
Fax: (605) 773-3194

December 14, 2009

Dear Governor, Chief Justice and 2010 Legislators:

The South Dakota Corrections Commission met four times during calendar year 2009, twice in Pierre, once in Rapid City and once in Springfield. The meeting in Rapid City was held at the Juvenile Community Corrections office and the meeting in Springfield was held at the Mike Durfee State Prison. The commission's meetings focus on a variety of criminal justice issues, trends, initiatives and programs within the Department of Corrections. This report is constructed in sections to highlight the subjects of commission review.

Adult Trends:

The average daily count (ADC) for fiscal year 2009 was 3,387, an increase of 43 from FY 2008. The increase of 43 inmates consisted of 35 males and eight females.

In FY 2009 the average end of month count for adults under parole supervision was 2,729 down from 2,785 in FY 2008, a difference of 56.

Juvenile Trends:

In FY 2009 the average daily population of juveniles under DOC jurisdiction was 889, a decline of two from FY 2008. This continues a trend where seven out of the last eight fiscal years the total number of juveniles under DOC jurisdiction has declined. Among the total 889 youth in FY 2009, 422 youth were on aftercare and 467 youth were in placement. The 422 youth on aftercare in FY 2009 was a decrease of 19 from the FY 2008 average daily population on aftercare of 441. During FY 2009, there were 467 youth in placement, a slight increase of the 460 in placement in FY 2008, but yet 39 less in placement from the 506 in FY 2007.

2009 Legislative Bills:

There were five bills passed during the 2009 legislative session that impact the SD Department of Corrections. These bills were briefed and discussed by the Corrections Commission.

SB 108: An Act to exclude parole agents from concealed weapons permit requirements.

This allows agents to carry a state-issued duty weapon without needing a pistol permit.

HB 1015: An Act to revise certain provisions regarding inmate appeal of prison disciplinary actions.

This cleared up language to ensure that prison inmates may appeal both a finding that they violated a prison rule and the sanction that was imposed as a result of the rule violation. The bill also clarified that the warden can modify an infraction as the result of an appeal and made it clear that the finding of guilt is removed from the record as the result of a successful appeal rather than the removal of all reference to the alleged act.

HB 1016: An Act to revise the applicability of the rules of evidence to proceedings before the Board of Pardons and Paroles.

This clarified that the rules of evidence do not apply to parole hearings. The exemption of Parole Board hearings from the rules of evidence requirements is consistent with current law where sentencing, placement on probation and probation revocation hearings are not subject to the rules of evidence.

HB 1017: An Act to revise certain provisions regarding the escape from a non-secure facility.

This defined a non-secure correctional facility in order to specify that an inmate walk away from a DOC minimum security unit or a juvenile that leaves from a placement such as West Farm be considered a second degree escape, which is a Class 5 felony.

HB 1271: An Act to authorize the South Dakota Building Authority and the Department of Corrections to provide for the purchase, design, construction, and equipping of a combined minimum security/parole facility in Rapid City for the Department of Corrections and to declare an emergency.

This authorized the South Dakota Building Authority to issue \$6 million in revenue bonds for the purchase and remodeling of a property in Rapid City for use as a minimum security facility and parole offices.

DOC Topics Reviewed with the Commission:

A. Tours of DOC Facilities/Programs:

In an effort to familiarize the Corrections Commission with various programs and institutions operated within the DOC, two of the four meetings were scheduled to accommodate tours. One was scheduled in Rapid City, which provided the commission an opportunity to tour the Rapid City Juvenile Community Corrections offices, Rushmore Academy, the current Rapid City Minimum Unit and the projected Rapid City Minimum Unit located at 2725 Creek Drive. The commission also met at the Mike Durfee State Prison (MDSP) in Springfield, allowing the commission to tour MDSP and the Governor's House Program.

B. Governor's Reentry Council:

During 2009, the Corrections Commission received information on the Governor's Re-entry Council and the adult re-entry grant. It continues to be a challenge for inmates released into the community to obtain housing, employment and programming. The intent of the re-entry grant is to work with various governmental entities and local programs to provide appropriate transition services for offenders released from the Department of Corrections. Through collaboration with various state departments and local programs, the goal is to reduce recidivism by 50% over the next five years for adult offenders. In addition to the Governor's Reentry Council and associated work group, there are reentry task forces located in Rapid City and Sioux Falls to coordinate local efforts to reduce recidivism in these communities, which receive the highest number of offenders released from the Department of Corrections.

C. Permanent Rapid City Minimum Unit:

On September 3, 2009, the DOC closed on the purchase of the property located at 2725 Creek Drive in Rapid City. The property has two existing buildings located on the 11.3 acre site. The existing buildings will be renovated to accommodate parole offices, inmate housing, programming, visitation, medical services and warehouse space. New construction will accommodate a full service kitchen and laundry services. The DOC continues to work through the challenges that are associated with placing a permanent correctional facility in a community. At the time of this report, there is no confirmed date of when construction will start.

D. Governor's House Program:

During the August 2009 meeting at Mike Durfee State Prison, the Corrections Commission received an overview and tour of the Governor's House Program, operated by the South Dakota Housing Development Authority. Information regarding the history of the program, home buyer qualifications, financing options, floor plans, opportunities for non-profit organizations, consumer/community benefits and the inmate apprenticeship program was provided to the commission. It was noted that the homes are energy efficient, the program continues to strive to get an energy star rating on the entire home and that all products to construct the homes are purchased locally whenever possible. It was reported that as of August 24, 2009, 1,805 homes have been sold, 1,764 homes completed and 1,728 delivered. In addition, 74 homes have been built for use for daycares. All homes are pre-sold and from the time of purchase to delivery is 120 days.

At full capacity, the program employs around 130 inmates building 100 to 150 homes per year; with the most built in one year of 197. With the current financial challenges, the program is employing around 75 inmates and building around 90 homes per year. All inmates employed with the Governor's House Program go through the Inmate Carpentry Apprenticeship Program (ICAP). ICAP provides skills and a trade for inmates to use for employment purposes once released. A few of the skills include residential carpentry, such as framing, siding, plumbing, electrical and etc.

Membership Changes:

This past year, the Corrections Commission lost four members; Representative Garry Moore, Senator Ken Albers, Judge Kathleen Caldwell and Representative Carol Pitts. All four combined served nearly sixteen years on the Commission. They all were a valuable asset to the Corrections Commission and provided great insight and knowledge on corrections issues. With their departure, the Corrections Commission welcomed four new appointments; Judge Patricia Riepel, Representative Lance Carson, Representative Richard Engels and Senator Craig Tieszen. In accordance with the Corrections Commission's by-laws, the election of officers was conducted during the 2009 spring meeting. Senator Bartling was elected Chair and Senator Tieszen was elected Vice Chair.

Statistics:

A. Adult Inmates:

The following charts provide a breakdown of adult inmate statistics for males and females for 2008 and 2009.

	FY 2008		FY 2009	
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Average Daily Counts:	2,978	366	3,013	374
Admissions:				
New Commitments:	1,049	212	1,114	256
Parole and Suspended Sentence Violators:	663	115	655	125
Releases:				
Expiration of Sentence:	300	51	281	60
* To Parole/Suspended Sentence:	2,447	390	2,417	351
* Inflated due to multiple releases to CTP				

Offender Classification:	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>
Maximum and Specialized:	13%	7%	14%	12%
High Medium:	18%	8%	19%	6%
Low Medium:	41%	35%	39%	31%
Minimum and Community Transition:	28%	49%	28%	51%

As of (6/16/09)

B. Juvenile Offenders:

The following chart provides a breakdown of juvenile offender statistics for males and females for FY 2008 and 2009. The figures reflect an overall consistency across the various criteria for the past two fiscal years.

	FY - 2008	FY - 2009
New Commitments	376	359
Recommitments After DOC Discharge	17	21
Overall Caseload - ADP	901	889
Aftercare ADP	441	422
Aftercare Revocations	175	188
Aftercare Revocation Rate	17.1%	17.9%
Reason For Revocation:		
Technical	32.5%	34.2%
Chemical Dependency	33.8%	37.6%
Psychological	2.6%	0%
Felony	5.3%	6%
Misdemeanor	25.8%	22.1%
Average Agent Case Load	24.7	24.5
STAR Academy Programs – Total ADP	142.3	143.5
Brady Academy	44.3	45.4
Youth Challenge Center	44.7	43.1
Intake/Admissions	13.3	12.1
QUEST	22.9	21.3
EXCEL	17.1	21.6
Detention – ADP	10.7	10.5
Group/Residential – ADP	229.8	244.8
Foster Care	27.9	27.3
West Farm	23.7	24.3

The Corrections Commission held four meetings this calendar year and reviewed a wide array of information regarding programs, services, construction projects, legislative bills, contracts, grants and statistics pertaining to the South Dakota Department of Corrections. The commission is committed to working closely with the DOC in its continuation of high quality services provided to the citizens of SD.

Respectfully,



Senator Julie Bartling, Chair
SD Corrections Commission