



## DEPARTMENT OF CORRECTIONS

### **ADMINISTRATION**

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Dear Governor, Chief Justice and 2019 Legislators:

The South Dakota Corrections Commission met two times during 2018. The first meeting was January 29 at the Pierre Community Work Center in Pierre. The second meeting was held June 6 at the Mike Durfee State Prison in Springfield.

The focus of the Corrections Commission is to assist the Department of Corrections (DOC) in examining various criminal justice issues, developing initiatives, and when necessary, take action on requests by the department to use certain funds from the prison industries revolving fund to enhance, develop or expand the business of prison industry.

### **TOPICS REVIEWED:**

#### **Senate Bills:**

Vice Chair Heinert called a meeting of the Commission in January to discuss potential impact of Senate Bills 61, 63 and 64 on Corrections. These bills were introduced during the 2018 Legislative Session. Charlie McGuigan with the South Dakota Attorney General's office was present at the meeting and answered various questions regarding the bills.

Much of the discussion focused on Senate Bill 63 and its potential to impact the prison population if passed, and whether enhancing the penalty for certain drug-related crimes deters such activity. The bill makes distribution of meth a Class IV felony and was estimated to possibly cost the state approximately \$5.5 million over the next ten years if passed. The Commission discussed whether these various bills were consistent with Senate Bill 70, the Public Safety Improvement Act. The Commission received information about treatment programs offered in the community to parolees and treatment provided to inmates within the correctional system. The Commission was briefed on the types of drug-related crimes which make up the current prison population, including the number of inmates currently incarcerated for drug crimes. There was discussion about the various public programs the state has used in the past to educate about the dangers of drug use and the court's role in determining where to place individuals charged with drug crimes. The Unified Judicial System has expanded its drug court program, which provides alternatives to placing those with treatment needs

inside of a prison. The Commission did not take formal action on any of the bills discussed.

**DOC Website:**

The Commission received an update on changes made to the DOC website and the type of information that may be accessed from the site. The DOC has worked diligently to make more department-related information available to the public in response to efforts to increase transparency of state government. The DOC also uses social media, such as Facebook, Twitter and YouTube to provide information to the public about the DOC.

**Report of Parolee Hires:**

Commissioner Yakley with Trail King provided information on 18 DOC parolees hired by the company from June 2013 to present. Many of those parolees hired received welding training through a vocational program offered at the Mike Durfee State Prison. Trail King has been involved in the vocational program in the past. Trail King is actively looking to recruit more workers and has been reviewing retention trends of its employees to help identify how to hire and retain workers to fulfill its work needs. They remain interested in utilizing and hiring parolees who have completed the vocational welding program.

**Earned Discharge Credits:**

The Earned Discharge Credit (EDC) program is similar to governor sentence commutation, which has been awarded to inmates by the last three governors. Commutation is the act of reducing an inmate's sentence through executive action and has been used in the past to reward positive behavior by inmates; such as participating in special work assignments, and academic achievements. The Earned Discharge Credit program reduces an inmate's sentence for participation in work and for completing certain programs. The program is administered by the DOC and does not require executive clemency. There is annual limit on the amount of EDC an inmate may earn. Approximately 40 states utilize similar programs. House Bill 1053 was passed by the Legislature in 2018 and gives authority to the DOC to administer an Earned Discharge Credit program, which mirrors a similar program that reduces the sentences for persons on parole who complete certain requirements. The department created policy to guide the EDC process. Research supports such programs have a positive impact on recidivism and management of offender behavior. The DOC encourages offenders to be positively engaged in their rehabilitation, which includes developing work skills and participating in programming and treatment. The program went into effect July 1, 2018. Some high-risk inmates are not eligible for EDC.

**Compassionate Parole:**

House Bill 1109 was passed by the Legislature in 2018. The law provides an avenue to recommend and consider parole for seriously ill and aged inmates who meet certain criteria, before they reach their initial parole date. The DOC and Department of Health (DOH) currently utilizes a medical clemency process to identify and consider inmates with significant health issues, such as terminal illness or specialized care that is costly

and difficult to provide within a correctional setting. Staff review inmates that meet the criteria to consider if there are care alternatives that support the release of the inmate to the community. The release must not be a financial burden on the community or pose safety and/or security concerns. The inmate must have a means of addressing the costs of care in the community. DOC staff provides the Parole Board with information about the inmate's needs for care. HB 1109 allows the Warden or medical provider to refer inmates to the Secretary of Corrections. At the Secretary's discretion, the inmate may be referred to the Parole Board for a hearing. The Board has authority to approve or deny the release. Inmates referred may not meet the definition of a medically indigent person. The Board will not release inmates to the community if there is no financial plan to provide for the necessary medical care and services required by the inmate. The inmate must have an acceptable and approved release plan.

**Intermediate Correctional Intervention Program:**

Funding for the program is through the Maximizing State Reforms Grant, which was awarded to the DOC in 2016. The DOC developed a program based on the criteria set forth by the grant. The program is designed to help support female offenders released to the community and to reduce the numbers of offenders who return to custody for violations. The program is located in Rapid City and is administered through a contract with Lutheran Social Services. Pennington County accounts for about one fourth of the total of female offenders. A significant number of female offenders are in prison for drug related crimes. Native American females represent a disproportional number of offenders in custody. The program has 12 residential beds and provides a number of services, including substance abuse treatment and mental health services.

**Community Placement for CTP Parolees:**

Community Transition Program (CTP) allows offenders granted parole to reside at a minimum custody DOC unit while they work towards transitioning into the community. CTP offenders are granted access to the community for job search, employment, programming, treatment and other approved issues they are working on. These offenders are under the supervision of parole services and subject to the rules of the institution. The offenders eat, sleep and receive most medical care at the unit. They come and go from the unit within set curfew times. There are about 150 offenders in CTP across the state. DOC has worked to secure funds to contract for beds within the community which can be utilized to place CTP offenders outside of DOC minimum custody facilities. This would allow more offenders to be placed on CTP. The contracts are with community partners who offer residential services for offenders and assist them in working to transition into the community. One of the partners is the St Francis House in Sioux Falls. There are usually about 30 CTP offender at the St Francis House.

**Commission Changes in 2018:**

An election of officers was held during the June meeting. Senator Heinert was elected chairman and Senator Rusch was elected vice-chairman. Officers are elected to serve two-year terms.

The Commission is committed to assisting and supporting the Department of Corrections in its mission to protect the citizens of South Dakota by providing safe and secure facilities for offenders committed to DOC custody by the courts, provide effective community supervision to offenders upon release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

Sincerely,

Senator Troy Heinert-Chair

c.c.  
Secretary Mike Leidholt  
Corrections Commission

AM/TH