

SOUTH DAKOTA CORRECTIONS COMMISSION
SOUTH DAKOTA STATE PENITENTIARY TRAINING ACADEMY

SIOUX FALLS, SD

SEPTEMBER 13, 2017 3:00 PM

OPENING BUSINESS

Chairman Craig Tieszen called the meeting of the South Dakota Corrections Commission to order at 3:01 PM at the South Dakota State Penitentiary Training Academy in Sioux Falls, SD on September 13, 2017.

Members present were Representative Craig Tieszen, Mark Anderson, Senator Arthur Rusch, Representative Jamie Smith, Judge Pat Pardy, and David McGirr.

Present via Teleconference was Tim Bottum.

Seven of nine commissioners were present.

Also present were DOC Cabinet Secretary Denny Kaemingk, DOC Deputy Secretary Laurie Feiler, DOC Assistant Director of Juvenile Services Scott Prenger, DOC Policy and Compliance Manger Aaron Miller, DOC Technology Systems Director Rod Axsom, SDSF Deputy Warden Jen Dreiske, DOC Corrections Specialist Mandy Nielsen, and Ryan Brunner, Commissioner of School and Public Lands.

REVIEW AND APPROVAL OF MARCH MINUTES

Chairman Tieszen asked for review and approval of the minutes from the last regularly scheduled meeting on March 27, 2017. David McGirr motioned that the minutes be approved as written. Representative Smith seconded the motion. The minutes were approved.

Chairman Tieszen asked for review and approval of the minutes from the special telephonic meeting held on August 10, 2017 to discuss Prison Industry. Representative Smith motioned that the minutes be approved as written. Judge Pardy seconded the motion. The minutes were approved.

ADULT POPULATION UPDATE & EXTENDED CONFINEMENT PROGRAM

DEPUTY SECRETARY LAURIE FEILER

The average daily population of adult inmates is continuing to grow. For FY18 the DOC is budgeted for 3845 inmates. Population total as of September 12th, 2017 was 3898. There

is a request for one time money for FY18 to cover some of that anticipated gap. For August 2017 total Male Population was 3378 and Female Population was 523.

Senator Rusch asked why August seemed to be an outlier for population. Deputy Secretary Feiler responded that we began to see an increase in January and February of FY16 and expect to continue to see growth based on an increased number of admissions and increased length of stay. There have also been a lot of admissions for probation and parole violators; more so than for new commits.

For FY17, of the new commit male admissions 15% were violent offenses and 40% non-violent offenses. Male probation admissions were 4% violent and 40% non-violent. Crimes for the male population are 26% drug related, 27% non-violent and 47% violent. Of the adult female new admissions 4% were violent and 30% non-violent. Female probation admissions were 2% violent and 62% non-violent. Female crimes were 62% drug related, 23% non-violent and 15% violent.

Judge Parady asked what year we began to see an increase in violators? Deputy Secretary Feiler responded with July FY15. Judge Parady commented that he believes this number will get worse before it gets better as more people on probation means more opportunity to get more violations.

Parole numbers are up because adult population numbers are up. There are 327 on parole out-of-state and 2711 on parole in state, for a total of 3038 parolees. Caseloads are also up. The DOC tries to work with the parolees on ways to stay on parole rather than placing them back in the prison.

Extended Confinement Program: Individuals in this program are still inmates, but they are supervised by a Parole Agent. These inmates are typically within 6 months of release and are serving time for a non-violent offense who have a minimum custody status. Inmates pay for their own expenses, including their GPS tracking bracelets. There have been 273 individuals placed on extended confinement since May 2016 and currently have 53 inmates in this program. Approximately 87% have gone on to parole, with the remaining percent returned to custody due to violations. There are five inmates who have either removed their GPS tracking bracelets or let the batteries die. This is treated as an escape.

Chairman Tieszen asked if these individuals are counted in the Parole's numbers. Deputy Secretary Feiler responded that they are. Chairman Tieszen also asked if they can be in this program anywhere in the state. Deputy Secretary Feiler responded that they can, but it is treated like a parole release plan so that we have information regarding their housing and work.

Judge Pardy asked if there are sex offender inmates in Extended Confinement. Secretary Kaemingk responded that sex offenders are not in the program.

JUVENILE POPULATION UPDATE

ASSISTANT DIRECTOR OF JUVENILE SERVICES SCOTT PRENGER

Juvenile population numbers are on the decline and there has been a decrease in the average daily population. At the end of August 2017, there were 267 juveniles in the Department of Corrections, 151 of those are in aftercare in the community and 116 in private placement, either in state or out of state. In August 2016, there were 369 juveniles in the DOC. In 2008-2009, the juvenile numbers were around 900.

The decrease in population was attributed to the Juvenile Detention Alternatives Initiative (JDAI), which emphasized providing services/programs and support to juveniles and their families within the community. These include functional family therapy, moral recognition therapy, and aggression replacement therapy. So far, we are seeing positive feedback from these programs.

Changes that came about from implementation of JJRI also resulted in fewer juvenile admissions to the DOC. We are only receiving juveniles that require the level of supervision that is provided by the DOC and rarely receive status offenders, CHINS violators, or probation violators. Placement in DOC should be for those who commit serious crimes and require intense programming and supervision. Admissions for 2016 were 103. In FY2014, approximately 241 were admitted. In 2016, 53% of the discharges from DOC were for good conduct, 25% for locating suitable placement for the juvenile, 2% aged out, and 5% were sent out of state and 15% were discharged from the juvenile system and admitted to the adult system for committed a crime as an adult.

Mark Anderson asked who decides where juveniles go for placement? Scott Prenger answered that when a judge commits a youth to the DOC, they are assigned a Juvenile Corrections Agent who will work to determine appropriate placement options based on the juvenile's needs and assessment/evaluation findings.

Mark Anderson asked if it was known how many juveniles who the courts decided not to place with the DOC, later commit a crime as an adult and end up in DOC custody. Secretary Kaemingk answered there is currently no data or means of tracking that. This would be a question for the Unified Judicial System. low risk offenders should not be placed in custody if appropriate services can be provided to the juvenile while remaining in the community. Placement in custody can make the behaviors of low risk offenders worse. Scott Prenger stated the legislature was very clear that only those juveniles that had committed a crime of violence or were a danger to others should be placed in DOC custody. If they are not

coming to us, that means they are a lower level offender. UJS has the funding to send these kids to functional family therapy, MRT, ART as well; they do not have to be sent to DOC to receive services. Judge Parady added that with some families the parents may not be invested in therapy programs and a lack of support at home may cause the court to consider other placement options, including placement in the DOC.

Representative Smith commented on the hardship put on families who have a child in treatment far away from where they live, sometimes out of state, and asked what can be done to keep those youth closer to home? Secretary Kaemingk responded that in some instances we do not have enough youth in the area with the same issue; therefore we do not have appropriate services available for them. Secretary Kaemingk also mentioned a new program coming to Sequel that will be for both male and female youth that will help bring back some juveniles to South Dakota for certain services.

Chairman Tieszen asked about in-state versus out-of-state numbers in these treatment programs. Scott Prenger responded that in order for a youth to be sent to one of the out-of-state facilities, the juvenile must be ineligible for local treatment programs. DOC currently has 41 youth in out-of-state programming.

INMATE TABLETS

ROD AXSOM, JEN DREISKE

Chairman Tieszen requested the Commission be able to see one of the tablets before they left. Secretary Kaemingk stated arrangements would be made to do prior to the tour of Sequel on September 14.

The tablets issued to the inmates are provided by GHL at no cost to the inmate or DOC.

Phone Calling: In the 12 calendar months before tablets went live, there was an average of 96,378 calls made in adult DOC facilities with 1,146,737 minutes of phone time per month statewide. In the 3.5 months since tablets were implemented, 113,427 calls have been made which represents 1,415,263 minutes of talk time. That's an increase of 17,049 calls and 265,256 minutes. This uptick has resulted in additional commission revenues coming to the state and is likely the result of the ease which inmates may access telephone service through their tablets. In the 12 calendar months before the tablets were live, the average phone call commission was about \$15,752.69. Since the tablets have been introduced, the average phone call commission amount is \$18,903.84. That is an increase of \$3,151.15 per month and projecting over a full fiscal year it is an additional \$37,813.80 for the state general fund.

Secretary Kaemingk shared Governor Dugaard wanted to reduce the phone costs to help inmate families. The FCC has placed a .21 cents per minute cap on interstate calls. No cap is

set for intrastate calls. Current charges are .05 cents per minute for local calls and .08 cents per minute for long distance. Chairman Tieszen asked what the call price was previous to the tablet introduction. Secretary Kaemingk responded that calling prices have remained the same.

In addition, the tablets allow inmates to communicate with their family through a messaging system, similar to email. The cost of sending a message by tablet is .25 cents per message and is paid for by the inmate's family through an account established with GTL. Chairman Tieszen asked if these messages had a size limit. Deputy Warden Dreiske answered they are limited to 1,000 characters.

Since the messaging application went live in May, there have been 92,698 messages generated statewide. This application has created an additional revenue stream for the state general fund. To date, the revenue total is approximately \$11,770. Projecting these revenues out over a full fiscal year, this application looks to total around \$44,245.

In early August, inmates were permitted to receive approved pictures within the messages. The total amount is approximately \$1,450 to date. All photos need to be approved by DOC staff before forwarded on to the inmate. None of the messages or pictures is saved to the tablets, but is instead saved to the Cloud.

Receipt of messages and pictures through the tablets has helped to reduce contraband that may enter the facility through the mail and reduces long waiting lines at the wall phones. Staff has also noticed less tension on the units as the tablets help provide something to occupy inmate's free time. Along with phone calls and messaging, inmates can subscribe to music and a game application on the tablet. Tablets are used to promote good behavior and used for disciplinary sanctions.

Benefits to inmates include exposure to technology similar to that in the community, near-instant communication with family members, phone and message conversations in the privacy of their cell, no wait times or lines to make calls and opportunity to make more frequent and longer phone calls to family. DOC is able to communicate with inmates via the tablet as well. We have policies, OMs and notices posted to the tablets, in addition to Lexis Nexus law library.

Senator Rusch asked what procedures were in place to make sure tablets were not being used inappropriately, such as to contact victims or engage in criminal activity. Secretary Kaemingk responded inmates can only communicate with individuals who are on their approved telephone list. All calls and messages are recorded. Rod Axsom added there is a list of flagged words that will stop a message from being received. Also, messages can be searched by keyword and/or individual.

Judge Parady asked if the tablets could be used to access the Internet. Secretary Kaemingk responded that they do not. Inmates must be on the secure GTL network in order for the tablets to function.

Chairman Tieszen asked if inmates were allowed attorney communication through the tablet. Deputy Warden Dreiske responded that should they choose to do so, there is no attorney client privilege and that the attorneys and inmates know that.

Chairman Tieszen asked if every inmate gets a tablet. Deputy Warden Dreiske responded that they do unless they are in disciplinary or refuse the tablet. They can also have tablet services removed as a disciplinary sanction. Chairman Tieszen asked what happens if a tablet gets destroyed. Deputy Warden Dreiske responded that if it is our fault, we will cover the cost. If the inmate damages or destroys the tablet, they would have to pay for a replacement, which is \$200.

Chairman Tieszen asked how long the tablets have been in operation. Deputy Warden Dreiske responded that they have been live since May 2017.

Secretary Kaemingk added that eventually commissary and inmate banking services will be introduced on the tablets. This will eliminate wrong orders which cause extra work for staff and the commissary contract staff. Inmates will be able to check their debts. Also, with the Lexus Nexus application the department is saving money by not having to replace or update physical books. There is an eBook subscription available on the tablets, which is being updated and improved.

VIDEO VISITATION

AARON MILLER

GTL has provided the DOC with a video visitation system for inmates and their families. This is supplemental to regular visitation and does not replace it. This went live in August 2017 after the success of Skype visits at MDSP. This is beneficial to families who may live far away or have young children that may limit travel distances. The cost for this is .40 cents per minute. Family members must put money into an account to pay for these visits. So far, SDSP has had 76 video visits with 200 throughout the entire prison system.

Chairman Tieszen asked what families have to do to participate. Rod Axson responded that the family at home would have to have a laptop or computer with a camera. Aaron Miller added that they would have to have an account set up with GTL. Secretary Kaemingk added that it was planned that individuals living in Rapid City would be able to go to the Minimum Unit in to use the video visitation system to visit someone in Sioux Falls or Springfield if they did not have the capability to do so in their home.

Rod Axsom went over advantages to video visitation which includes reduced introduction of contraband, less inmate movement, and less travel burden for family. This also allows visitors who may be denied regular visitation, such as due to their criminal record, to still have visits with their loved one. This is also an investigative tool. These visits, except for those with attorneys, are recorded and can be reviewed at a later time.

Chairman Tieszen asked about availability of video visits at cells. Rod Axsom answered that there are two mobile carts in the secure housing unit that can be wheeled up to the cell. Secretary Kaemingk added that inmates cannot access video visitation on their tablet that this was a completely separate unit that is either bolted to the wall or carts.

ON-LINE PARDON PROCESS

MANDY NIELSEN

Pardon Process Website: Governor Daugaard wants the government to be more efficient, which is how the Pardon Process website came to be. South Dakota is currently the only state to offer this service online. The website went live in May 2017 and can be located through the DOC website. The website contains links to pardon documents as well as an eligibility questionnaire, frequently asked questions, instructions, and definitions. The process takes roughly two months.

Senator Rusch asked how this site works in conjunction with Marsy's Law. Mandy responded that the individual applying for the pardon will not be given access to the victim's information. The States Attorney is provided notice of pardon application allowing notice to be provided to the victim via the SA's office.

JUVENILE FACILITY LAND UPDATE

SECRETARY DENNY KAEMINGK

Aurora Plains: The facility in Plankinton is the old training school. Clinicare is currently leasing the property and indicated that they wanted to buy. The property is 82 acres and will be going on the market October 4th. It was appraised for \$1,358,000 and there was some farmland that was appraised at \$282,000 that will be sold later.

Chairman Tieszen asked how the sale will be conducted and where the money would go. Secretary Kaemingk deferred to Commissioner Brunner to answer. Commissioner Brunner replied that it is done at auction that is subject to terms and conditions prescribed by the governor or legislature. In this case, one of the conditions to participate in the auction as a qualified bidder is that you would have to be able to provide those youth services and that they would need to contact them and DOC to make those arrangements to show that they could do that.

Chairman Tieszen asked what would be done with the money from the sale of the main campus. Commissioner Brunner answered that it goes into the trust that will be invested through the SD Investment Council.

The second property is STAR Academy in Custer. The facility was closed over a year ago. There are several pieces of property at STAR Academy; the main campus and two other properties across the road. Tours and an Open House for bidders interested in the main campus will be October 6th. The campus will be sold October 18th. The appraised value is \$2,340,000. The other properties across the road may be sold at a later date.

Chairman Tieszen asked if this money go to the same place as the Aurora Plains sale. Commissioner Brunner answered the money from the sale of the main campus would go to the trust fund.

Chairman Tieszen asked what the DOC would do if it needs to reopen a state juvenile facility or other juvenile correction facility in the future. Secretary Kaemingk responded that the STAR Academy property would not be appropriate due to high facility upkeep a cost, staffing challenges and distance from a population center, which increases operations costs and makes is challenging to provide juvenile service to offenders. If a state facility is considered in the future, it would likely be in or near Sioux Falls, which is where the largest population of offenders requiring services is located.

The third property is the Rushmore Building in Rapid City. Currently there is six Juvenile Community Corrections staff that work in that building. This property is appraised at \$4.1 million and will be for sale on September 14th, 2017. There are three tenants paying rent but it still operates at a significant loss each month. This property may take some time to sell.

Chairman Tieszen asked if the DOC staff that currently works at the location will be relocating to another office space. Secretary Kaemingk said that the DOC currently pays rent to use the space to the Bureau of Administration. He stated that the DOC would likely continue to lease the space after the building is sold or look for another space to lease.

Secretary Kaemingk spoke briefly about the Sequel Property. Significant work has been completed on the campus. We currently have two leases in place for the campus.

SCHEDULE OF NEXT MEETINGS

Week of November 27 th : Date TBD	Rapid City, SD	Agenda Forthcoming
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PUBLIC TESTIMONY

Chairman Tieszen called for public testimony. There was none.

CONCLUDING BUSINESS

Chairman Tieszen adjourned the meeting at 5:00 PM.

Approved