



SOUTH DAKOTA CORRECTIONS COMMISSION

May 18, 2016, 1:00 p.m.

**Pierre Community Corrections Unit
3200 East Highway 34
Pierre, SD 57501-5070**

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OPENING

Chairman Craig Tieszen called the meeting of the South Dakota Corrections Commission to order at 1:00 p.m. CDT. Documents presented at this meeting were emailed to members previously and are available online on the Boards and Commissions portal (<http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=17>), and on the Department of Corrections website (<http://doc.sd.gov/about/commission/meetings/>).

Members present: Senator Craig Tieszen, Senator Jim Bradford, Representative Pat Kirschman, Judge John Brown, Judge Randall Macy, and Mark Anderson

Members present by teleconference: Representative Matthew Wollmann and Timothy Bottum

A quorum was present.

Department of Corrections staff present: Cabinet Secretary Denny Kaemingk, Deputy Secretary Laurie Feiler, Director of Prison Operations Bob Dooley, Director of Operations Candy Snyder, Director of Parole Doug Clark, Communications and Information Manager Michael Winder, Policy and Compliance Manager Aaron Miller and Corrections Specialist Mandy Nielsen.

Also present: South Dakota Women's Prison Warden Brenda Hyde and Human Resource Manager Eric Hildebrandt.

Present by teleconference: Two callers joining did not identify when Chairman Tieszen requested introduction

APPROVAL OF MINUTES

Chairman Tieszen asked for review and approval of the minutes from the last meeting on November 2, 2015. Senator Bradford motioned the minutes be approved as written. Seconded by Mark Anderson. Motion carried.

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CITIZEN INPUT

Warren Welch, Correctional Officer at the South Dakota Women's Prison discussed his concerns and problems with correctional facilities.

1. Improve hiring policies.
2. Meth is not our problem. It's the way they are handling meth that is the problem in this state. The other states have realized, at this rate, they can't build prisons fast enough to put these people away for minor drug problems.

Secretary Kaemingk responded indicating he did not disagree with Officer Welsh that meth is problem when 93% of the state's female intakes from July of last year till December of last year were for non-violent offenses. On the staffing issue; whether we have 70 FTEs or 80 FTEs, we cannot find enough qualified applicants to hire. We have tried to hire everyone that comes forward that qualified and passed the test. It is currently very difficult to find qualified individuals to fill the current vacant positions.

NEXT MEETING

Tentatively, the Commission will meet on the afternoon of November 16, 2016 at West Farm, now called Sequel, which is a juvenile transition unit. The Commission will have lunch and meet there then will tour the facility and stay overnight in Sioux Falls. Thursday morning the Commission will meet with the Parole Board followed by a tour of the facilities and departure by noon.

FACILITY POPULATION UPDATE

Laurie Feiler, Deputy Secretary of Corrections, provided a briefing on the prison population for both the male and female inmate populations. As part of the PSIA (Public Safety Improvement Act), the Pew Center for the States completed population projections for the South Dakota DOC. Until December of this year, the inmate population stayed under the projections that were part of the reform. In January 2016, the inmate population started exceeding the population projection, i.e. performance goal. By the end of April, the inmate count was 113 over the projected number but still under what was projected without the reforms. Without reform, there would be almost 280 additional inmates in the system.

Parole admissions are staying relatively flat. The story is the court commitments. There was a 10% increase in court commitments for the males during the period of January through June 2015 compared to the last half of that calendar year. There was a 55% increase in female court commits during the same period.

One of the goals of the Public Safety Improvement Act is to shift the ratio of violent to non-violent offenders to include more violent offenders in prison and less non-violent offenders. Of the inmates that came in as new commitments from July through December 2015, 93% of the female new commits were non-violent. Approximately 76% of the new commit males were non-violent. In summary, the majority of the new commits during the last review period were for non-violent offenses. A lot of the Class 5 and 6 Felonies now carry a presumption of probation.

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About one-half or 49% of the females that came in as new commits, and approximately one-third of male new commits were doing time for an offense subject to presumptive probation. New commits are not probation violators. These inmates have been sentenced to prison by the court after making a finding that placement on probation is not appropriate.

Chairman Tieszen inquired if presumptive probation was bypassed. There are indications that a number of convictions are subject to presumptive probation. Approximately 53% of convictions in 2014 were for crimes subject to presumptive probation. In 2015, 7 out of 10 are subject to presumptive probation.

Judge Brown inquired if the number of new commits sent to prison can be separated by judicial circuit. Laurie will provide the information to the Commission.

Chairman Tieszen shared he presently serves on the Public Safety Improvement Act Oversight Council and the Council has received this information from DOC. He made the following comments: It is disturbing to the Oversight Council because we are getting outside the boundaries of our goals. Clearly, part of it is the resurgence of the meth epidemic in South Dakota. DOC does not have control of who comes in the door. We had great hopes for the Public Safety Improvement Act to get off to a great start, and now we have changing circumstances. This is an issue of concern for the Oversight Council and the Legislature. There are two sides on response to the resurgence in meth use. The impact is clear. This will be an issue at the forefront for the legislature. It will be interesting to see what the report is at the Commission's November meeting. The Oversight Council will look at it before the next meeting. Six months is a little too early to panic but this is a sharp turn in the curve and not a good sign.

RESPONSE TO VIOLATION/SANCTIONING GRID

Doug Clark, Director of Parole, presented an overview of parole's response to offender violations and the use of the parole sanctioning grid. Parole agents respond to ALL violations of parole conditions and use a wide range of responses and sanctions. The response not only attempts to control the behavior but targets the underlying things that lead to the behavior in an effort to change it. In 2013, SB 70 put into effect a graduated response matrix that up until that time had been part of policy, not law. The DOC revised the existing sanctioning grid to reflect the provisions of SB 70, including a community response for new felony behavior subject to presumptive probation and working closer with the court in the disposition of additional offenses.

One of the more significant initiatives to modify behavior was the creation and implementation of earned discharge credits. This is an incentive program that is focused on completion of treatment, consistency with work, and other daily expectations set by the parole agent for the parolee. With the earned discharge credits parole agent caseloads shifted. The caseload average went from 68 in June 2013 to 56 by June 2015. The last couple of months are the first time that the parole agent caseload average is below 60. This is significant because it means we are focusing our resources on the right people.

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Secretary Kaemingk commended Parole Services for a wonderful job and highlighted contact standards for the month of April at 99%.

Senator Bradford inquired about the number of Native Americans on parole. Doug Clark briefed the committee on the tribal pilot in Sisseton.

Chairman Tieszen shared there was some concern from law enforcement that violators were not sent back to prison for committing violations. He shared the department's efforts to communicate information about the response grid with law enforcement. Tieszen acknowledged that not everybody will agree with the result. He expressed appreciation of the effort to improve communication.

TURNOVER/VACANCY/CORRECTIONAL OFFICER SALARY

Eric Hildebrandt, one of the Human Resources Managers for the DOC presented an overview on the starting wage for correctional officers during FY 2013 through FY 2017 and provided an overview of budgeted FTEs, total departures and the turnover rate from FY 2013 to date. He explained internal turbulence i.e., if an employee went to work for another division in DOC. Since FY 2014, turnover has generally gone down with the exception of 3.3% increase at the SDSP from FY 2015 to FY 2016 and a 2.3% increase at SDWP from FY 2014 to FY 2015.

Discussion followed on recruiting efforts i.e., radio and newspaper ads and social media. The hiring process has been analyzed to allow for a more efficient way of hiring applicants. This has helped but there still are not enough applicants. Bob Dooley and Secretary Kaemingk explained in detail the hiring process. Southeast Tech and Western Dakota have a law enforcement program that includes corrections. The high school in Yankton has corrections intern program high school seniors 18 years of age or older. MDSP is exploring a partnership with the school to recruit students for paid internship positions.

ADULT INSTITUTIONAL SAFETY

Warden Bob Dooley briefed the Commission on adult institutional safety. Safety and security of staff, the public and the inmate is number one concern at all the facilities. Staff shortage is a very serious problem. Essential posts always have an officer in that position, often this is accomplished through paid overtime. Overtime expenditures for March were \$138,000. SD DOC formed a partnership with a company in Colorado called Desert Waters. They have a program that is specifically designed for Corrections called Corrections Fatigue, which is a training program for staff and supervisors about becoming aware of correctional fatigue. Staff has been certified in the program. Anytime there is a serious incident at an institution; staff follows up with the staff person.

DOC is currently 100% compliant with all PREA Standards (Prison Rape Elimination Act). We are one of the few states in the country that is able to say that. One of the things that PREA looks at very carefully is staffing pattern.

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Discussion followed on the KELO Land coverage. Warden Dooley briefed the Commission on the operations and procedures of the Rapid City Community Work Center with regards to staff coverage.

In addition to the daily oversight provided by senior DOC staff, DOC has a full-time Director of Security. This person's time is devoted almost exclusively to the assisting with and improving the safety and security of the institutions. He travels to all institutions.

MOVE OF SPRINGFIELD VOCATIONAL INDUSTRIES (SVI) TO PRISON INDUSTRIES

Candy Snyder, Director of Operations, briefed members on several issues that potentially impact Springfield Vocational Industries (SVI) and Prison Industries (PI). With recent funding changes, DOC is looking at options to manage SVI funding. One of these involves moving SVI to PI. By statute, the Corrections Commission must approve any expansion of PI.

Candy described prior to that change, SVI had an Information Budget, which means they were not funded by the General Fund. Revenue received from a completed job is used to purchase materials for the next job. SVI is an educational program for inmates at Springfield so revenue is not received on a regular basis. The focus is on education and development vocational skills. to the inmates at MDSP. With the change in the budget, SVI is now completely funded through the prison budget. They have been given a sum of funds to complete the SVI projects but this limits the program. One fix is having SVI have its own budget which means it would retain revenue to use as working capital for future jobs and then turn that back over to the General Fund at the end of the year. Right now, this may be the preferred method.

The second option is for SVI to operate under PI. This would allow access to working capital from PI. If the option of rolling SVI under PI is pursued, the Corrections Commission will need to take action.

Chairman Tieszen: As it stands now, and you will continue to sort this out and bring to us a resolution or recommendation. We will need to act on it before the November meeting?

Secretary Kaemingk: Yes.

Chairman Tieszen: We will then call a special meeting or teleconference if we have proposed action.

Chairman Tieszen briefed the members on a complaint from a citizen involving the inmate phone system.

Commission members were briefed by Secretary Kaemingk on the recent GOAC meeting regarding the Juvenile Corrections Monitor (JCM). The JCM was employed outside the DOC (by DHS) and was available to youth at state facilities. It has never been the function of the JCM to look at juveniles placed in private/contract settings. Since the closure of STAR Academy, DOC has not refereed issues to the juvenile corrections monitor. The Department of Social Services currently investigates all reports of abuse or neglect involving a minor. There

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has been some discussion about continuing the JCA position to include monitoring of incidents involving juveniles placed in private/contact placement. All the private providers that DOC utilizes are licensed by the Department of Social Services

Chairman Tieszen thanked all for attending in person and by telephone.

MOTION TO ADJOURN

Representative Kirschman moved, seconded by Senator Bradford to adjourn. Motion carried.