

**DRAFT MEETING MINUTES
SOUTH DAKOTA CORRECTIONS COMMISSION
VIA MICROSOFT TEAMS
APRIL 21, 2022
9:00 – 10:30 AM**

The meeting was called to order by Chairman Troy Heinert at 9:00 AM.

MEMBERS PRESENT:

Senator Troy Heinert, Chairman
Senator Michael Diedrich, Vice Chairman
Representative Shawn Bordeaux
Judge Christina Klinger
Judge Jon Sogn
Mr. Mark Anderson
Mr. Bruce Yakley
Mr. David McGirr

MEMBERS ABSENT:

Representative Kevin Jensen

DOC STAFF PRESENT:

Kellie Wasko, Secretary of Corrections
Doug Clark, Deputy Secretary of Corrections
Brittini Skipper, Director of Finance and Administration
Kristi Bunkers, Director of Juvenile Services
Michael Winder, Public Information Officer
Bridget Coppersmith, Associate Director of Planning and Analysis
Dan Sullivan, Warden of South Dakota State Prison
Brent Fluke, Warden of Mike Durfee State Prison
Justin Winters, Prison Industries Manager
Renée Keel, Policy and Compliance Coordinator

ALSO PRESENT:

Bob Mercer, KELO News
Joey Knofczynski, Legislative Research Council

REVIEW AND APPROVAL OF MINUTES

The first item on the agenda was approval of the July 9, 2021 minutes. A motion for approval was made by Mr. Anderson and seconded by Judge Sogn. Motion carried and the minutes were approved. A roll call vote was done with 7 Ayes, 0 Nays.

WELCOME TO NEW SECRETARY OF CORRECTIONS

Sen. Heinert welcomed Kellie Wasko as the new Secretary of Corrections.

Sec. Wasko thanked Sen. Heinert for the welcome and said she was now six weeks into the position and has been able to meet personnel at all DOC facilities on all shifts. She plans to meet even more staff members during the National Correctional Professionals Week coming up in the first full week of May. She has been made aware of the physical plant issues and has received tremendous support and assistance from staff and has been able to listen to their ideas, concerns, and accomplishments. She added new email accounts for over 350 employees to encourage and facilitate open door communication between her office and all DOC staff.

Sen. Heinert opened the floor for questions. There were none. Sen. Heinert said that the Corrections Commission was looking forward to working with Sec. Wasko to shape the direction of the DOC.

SUMMER STUDY DISCUSSION

Sen. Heinert led off the discussion by mentioning that the Executive Board met after the latest legislative session to discuss summer study topics, and the discussion of regional jails, prisons, and juvenile justice were main items. What is needed first is to establish two things:

1. The membership of the committee i.e., how many members and from which agencies and departments, as well as,
2. Defining the scope of the committee.

Sen. Diedrich added that it will be important to align the scope with the intent of the committee and identify how and what will be appropriate for collaboration between the state and regional jails.

Sen. Heinert asked Sec. Wasko about the current flow when an offender is sentenced to county jail versus the penitentiary, expressed concern for the funding for housing space (especially the overcrowding at the female facility), and asked how the process could be improved.

Sec. Wasko mentioned that she has been in discussions with legislators, county representatives, and local sheriffs on the regional jail concept. She clarified that judges have the authority to sentence offenders to other jurisdictions (jails, funded and operated by the counties) and those sentences are typically less than 365 days as allowed by statute. Those offenders sentenced to 365 days or longer, and/or are a higher risk to the community, are sentenced to prison facilities (State budgeted).

In regard to regional jails, Sec. Wasko submitted information to the legislative task force defining the successes and failures experienced by other states undertaking the regional jail concept. Additional discussion ensued regarding the possibility of contracting between the DOC and local facilities for offenders sentenced up to a certain number of days and other potential remedies to ease overcrowding, contracting out a specific number of beds for certain classification of offenders. One other option is to share an actual physical plant. However, this requires additional housing considerations as ACA accreditation standards do not allow the comingling of county sentenced and state sentenced offenders. There are workarounds, but the budgeting required becomes cumbersome. Sen. Diedrich asked about the regulation requiring the separation and Sec. Wasko affirmed the adjudicated and non-adjudicated offenders must remain separated per accrediting standards for corrections.

Judge Sogn added that in the 2nd District, the Minnehaha County jail will house Lincoln County offenders (Lincoln County does not have a jail) sentenced up to 90-120 days. Offenders adjudicated to serve longer sentences are usually sent to the penitentiary. Is electronic monitoring a consideration? That goes into the judge's decision.

Judge Klinger added that in the 6th Circuit, which contains 14 counties, many of which do not have jails and the communities are making it work by contracting with Hughes and Tripp Counties to house offenders from the more rural areas. This has a negative impact on the rural law enforcement officers though, when court appearances are required. Since the jail facilities in Tripp and Hughes Counties are doing a good job trying to accommodate the other counties and are right at maximum capacity. As a result, offenders sentenced to longer than 90 days are typically sent to the penitentiary.

Sen. Heinert asked about the greatest distance that this agreement for out of jurisdictional housing covers. Judge Klinger indicated that Potter County offenders travel to Hughes and Faulk County, and that Bennett County offenders are transported to either Tripp, Pennington, or Hughes County jails. This is due to the Bennett County facility not housing overnight sentences; they have a twelve-hour maximum hold. Potter County is the furthest north and uses Hughes and Faulk County. West river counties tend to use Pennington County jail and east river tend to utilize Tripp and Hughes County jails.

The question was asked by Sen. Heinert on the difference in cost between housing offenders in a jail versus at the penitentiary, and the exact numbers are not immediately known but that the contracts between the different counties are set at varying rates. Judge Klinger added that Hughes County is more expensive than Faulk County but is not aware of the contract details or contract update schedule. There is a Catch-22 for some of the West River counties who cannot afford to house offenders but can neither afford to enter into a contract with other counties to house their offenders.

Sen. Heinert next addressed the need to identify a scope for the summer study committee. He opened the meeting up for discussion on regional jails, versus housing at the SDSF, identifying ways to increase shared services, etc. Additionally, he thought that sentence timing as related to available treatment, therapy, and counseling programs was in need of discussion.? Do we have the right services and are offenders with mental illness and/or drug addictions getting ample time to complete these programs?

Mr. Anderson added that the summer study should also include discussions on where to build regional jails. Mitchell? Pierre? Where is the greatest need?

Sen. Heinert asked which jurisdiction is responsible for keeping track of who (which offender) is sent where? Sec. Wasko clarified that typically jails (County jurisdiction) house pre-adjudicated detainees, and adjudicated offenders are accompanied by a Writ of Mittimus and sentenced to a penitentiary which is state jurisdiction. Many offenders have drug addictions and also have more serious offenses that require higher levels of classification which impacts where they can be housed. Sen. Heinert asked what the state's responsibility was in tracking offenders sentenced to county jails.

Ms. Coppersmith added that there is not a single state entity that oversees all counties, although some utilize a singular software (Zuercher).

Sen. Heinert added that the discussion on length of stay necessitates discussions on possible appropriation needed. With a hard look at the utilization of addiction therapies, counseling and intervention, and scrutiny on how correctly these things are currently being funded. Is there an appropriation that would need to be made, or is there statutory revision needed? As previously mentioned, are offenders with mental illness and/or drug addictions getting ample time to complete these programs? Do we currently provide services to this demographic that will aid in reducing their recidivism?

Sec. Wasko added that the female offender population is more impacted than the male population due to shorter lengths of stay, fewer resources, and lack of programming space. Many remain in the program queue their entire sentence and are released before a seat in the program opens up for them. In Sioux Falls in the male offender population at the State Penitentiary, there is absolutely no space for programs like Thinking for Change, Cognitive Behavioral Therapy, or Addiction Programs. Additionally, the Department of Social Services (DSS) currently oversees the counseling and addiction services offered.

Judge Sogn added that it typically takes up to eighteen months to purge methamphetamines out of one's system. This is a concern as are mental health issues, employment counseling, and reintroduction to the community and the offender's family. Judge Klinger asked if anyone was currently tracking length of stay and the use of programs? When an offender, at sentencing, is required to attend programs is this impacted by the offender being housed at the penitentiary and is there a way to gauge the effectiveness of the programs?

Sec. Wasko thanked Judges Klinger and Sogn for their insight and she appreciates their thoughtful questions and futuristic vision. She added that there are several models looking at continuity of care and the communication of the continuity of care. It is important that any progress made by an offender in a community program is not lost if/when they are sentenced to the penitentiary. Knowing that relapses will happen, it is still essential that programs are utilized, and an effort is made to promote successful family reunification and also to initiate treatment of addictions with the goal being to improve the offender's success after release and to boost staff safety during the offender's incarceration.

Sen. Heinert added that additional topics to be considered by the summer study are the reunification and return to a safe space of offenders into their communities, especially in rural areas where services are limited, especially the rapidly growing female offender population. Legislators are typically only made aware of the specific legislative monitoring of issues when they are brought up via a budgetary report presented in an appropriation meeting or when a bill is introduced. Additionally, the summer study has a juvenile component. The demographic of the juveniles in South Dakota is changing; kids are becoming more impulsive and more likely to become incarcerated. How can we address in order to more frequently intervene before arrest? More discussion is needed on these issues and the budgeting that will be required for aftercare and counseling services. The Executive Board meets next Monday, and a scope will need to be identified by then for further discussion.

Mr. Anderson agreed that a lot of the discussion boils down to budget issues and asked if anyone was aware of an example in another state where a facility has been built specifically for mental health and addiction treatment. Reducing addictions would potentially have a positive impact on reducing the number of offenders overall. He also added that the summer study committee should have a member from organized labor.

Mr. McGirr added that the Corrections Commission also needed to be represented on the committee and that the role of the Corrections Commission needs to be scrutinized. Currently the Corrections Commission is being called upon to address a wider scope than what is outline by [SDCL § 1-15-1.13](#). Sen. Heinert agreed with this.

Mr. Anderson stated that there is an inconsistency of the Correction Commission's inclusion in notification of important events. By example, he mentioned that the Corrections Commission was largely involved when a Correctional Officer was killed in the line of duty in Sioux Falls, but that the Commission did not receive even an email notification related to the recent allegations leading to the termination of the Corrections Commissioner and several senior staff members at the SDSP. Sen. Heinert agreed with this and said he had discussed with the Governor the need for better information sharing moving forward in this regard. He also stated that Sen. Rusch had the same discussion with the Governor's Office.

Mr. Anderson added that local law enforcement and judges should be involved with the summer study committee. Sen. Heinert stated that he will bring up all the mentioned topic areas with the Executive Board on Monday, i.e., local law enforcement and judges, schools, scope of the Corrections Commission, organized labor, etc. Rep. Bordeaux added that a Tribal representative should also be included, as they are more greatly impacted by the higher number of juvenile offenders.

Regarding the size of the committee, Mr. McGirr asserted that with the large scope, the committee should also be large to accommodate all the necessary discussions.

Sen. Heinert asked for any additional questions. There were none.

Sen. Heinert added that typically task forces and teams of larger sizes meet four-times per year, with a lot of time spent on appropriations and development of a budget by the Governor's Office. He would like to have an ex-offender be a part of the discussions in order to get a firsthand telling of the experience and to get a better understanding of what can be improved from the offender perspective.

PHEASANTLAND INDUSTRIES LATEX PRINTER

Mr. Winters addressed the Commission and explained that the acquisition of a Latex 800 printer would be beneficial for two reasons:

1. It would increase inmate staff skills giving them better odds of succeeding after reintegration to society (use of the printer requires certification), and,
2. It would increase revenue by servicing a larger area with better quality product in a shorter time.

Purchasing this printer would decrease the turnaround time and increase the life expectancy of the signs made.

Currently, North Dakota purchases their signs online. If we were to acquire this printer, it would pay for the cost of acquisition within two months. The revenue could potentially be increased by \$95,000 - \$110,000 per year servicing our current customers. If additional cities, counties, and states are serviced, the revenue could reasonably be increased by \$225,000-\$250,000 annually.

Mr. McGirr expressed concern over the amount of labor currently sourced to North Dakota, and if acquiring a printer would have a negative impact on the private sector. Mr. Winters stated that North Dakota is currently working under contract with several counties and Brookings but is getting their items online and not through local private industry. Also, the South Dakota Department of Transportation (DOT) would greatly benefit from the use of this printer, as well as the City of Sioux Falls who is current re-doing all of their traffic signs.

In addition, Mr. Winters assured Mr. McGirr that the Latex 800 printer was fully capable of producing reflectorized surfaces that are compliant with required DOT standards.

The cost for the printer is \$27,995 capital outlay and will be recouped within two months.

Judge Sogn motioned a Roll Call vote on the acquisition of the Latex 800 printer. Mr. McGirr seconded the motion. The Roll Call vote was seven (7) Ayes, and one (1) not present. The motion was approved.

Mr. Winters thanked the Commission members for their support and said he looks forward to proceeding with the purchase. He also stated that he would be having additional conversations in the future on starting up a canine program in Pierre.

PUBLIC COMMENT

None.

SCHEDULING OF NEXT CORRECTIONS COMMISSION MEETING

Sen. Heinert recommended that the fall meeting be held at a facility in the Rapid City area, since much of the discussion will be centered around the building of a new facility in Rapid City. Sec. Wasko said she would be happy to host the meeting and will make sure that all members are provided a meal.

Discussion on dates and times ensued and it was determined that the next Corrections Commission meeting will be held at the Rapid City Minimum Security Facility on Monday, September 19th, 2022, between 1:00 – 2:30 PM *Mountain Time*.

ADJOURN

A motion for adjournment was made by Judge Sogn and seconded by Mr. Anderson. Motion carried. Meeting adjourned at 10:30 AM.

DRAFT