

SOUTH DAKOTA CORRECTIONS COMMISSION

June 6, 2018

Mike Durfee State Prison

Gill Hall Conference Room

Springfield, SD

June 6, 2018 3:00 PM

OPENING BUSINESS

Vice Chairman Troy Heinert called the meeting of the South Dakota Corrections Commission to order at 3:00 PM in the Gill Hall Conference Room at Mike Durfee State Prison on June 6, 2018.

Members present were Senator Troy Heinert, Senator Art Rusch, Representative Jamie Smith, Judge John Brown, and Representative Kevin Jensen.

Present via Teleconference were Bruce Yakley, David McGirr, and Mark Anderson

Eight of nine commissioners were present.

Also present: DOC Secretary Denny Kaemingk, DOC Deputy Secretary Laurie Feiler, DOC Policy and Compliance Manger Aaron Miller

REVIEW AND APPROVAL OF NOVEMBER MINUTES

Heinert asked for review and approval of the minutes from the last regularly scheduled meeting on January 29, 2018. Rusch motioned that the minutes be approved as written. Yakley seconded the motion. The minutes were approved.

WELCOME

WARDEN DOOLEY

Warden Dooley thanked the Corrections Commission for their support over the years. The Commission had just completed the tour of the facility. Comments were made that society needs to find a means to transition these skilled laborers, which are desperate need around the country, and especially in South Dakota, into the workforce and help them become successful member of the community. There was a thank you to Warden Dooley for his service and for his strong leadership.

DOC WEBSITE

MICHAEL WINDER

Winder stated Secretary Kaemingk asked him to walk through some of the changes to the DOC Website. Changes were made to the website with the help of BIT. Recently, there have been requests by the Legislature and Governor for more public information and to bring transparency to state government. Agencies have work hard to get as much information onto their public web sites as possible. Under the adult corrections section a fact sheet was added. This includes the mission statement and information about each campus. The public can also view budget information for each facility. Under the Corrections Connection, which falls under the News Section, there is a lot of information, including the Governor's Column and Corrections. This includes new correctional programs at the facilities. For instance, this year, the Legislature passed legislation granting Earned Discharge Credits for inmates. Information about Earned Discharge Credits is located on the website. It also includes information about topics like Compassionate Parole and drones. Information about inmate correspondence as well as inmate tablets is located on the website as well. This allows family members access to information about issues they have questions about. Additional changes include increasing DOC presence within social media. A Facebook page was added and 360 degree photos of certain locations within each facility. The video/photos do not show security sensitive material or individual faces of inmates. Winder stated that people on the outside have no idea what it looks like when you walk into one of the facilities. There is also a feed for the Twitter account. All public DOC policies are available on the web site. A link to Pheasant Land Industries is available on the homepage, as well as a link to the YouTube channel. The most recent video posted was of the Law Enforcement Memorial in May in Pierre. At the bottom of the page, links were added for some of the more popular state websites. Google has logistics information that tracks every visitor to the website. It measures what information visitors review, what kind of operating system they are using and their service provider. The number of people using mobile devices to access the website is greater than those using a desktop or laptop to access the website. Winder noted that in the future, when changes are made to the site(s), they need to be designed to be more compatible with people looking on an iPhone or similar remote devices. More than half the website visitors are using the Offender Locator to locate an inmate. A statement was made stating that prior to the Offender Locator, staff spent a lot of time looking up where an offender was housed for people who called DOC. If someone wants to write an inmate, the Offender Locator will list the facility where the offender is housed.

REPORT OF PAROLEE HIRES

COMMISSIONER YAKLEY

Commissioner Yakley shared that Trail King hired 18 parolees from June of 2013 to present. Fifteen of those were hired between June of 2013 and July of 2015. Of those, Trail King has been able to retain three. Yakley shared data regarding those hired, including the hire date, termination date, reason for termination, reason for incarceration and parole date. Yakley also shared information about the sentences which those hired were serving. Five are unknown, five were for possession of drugs, three were sex crimes, two for assault, two for burglary, and one for DUI. Data supports if Trail King was able to keep the worker a year, the retention rate increased. There were four employees that made it twenty months or more. The overall retention rate at the company is 73%, compared to a 17% retention rate for parolees hired. Six of the 15 that were terminated were incarcerated for absconding. Yakley stated he thought if the parolee has longer time on parole, it would be more likely they would choose to remain employed. However, there is no apparent correlation between the rate of retention and the length of parole. Retention of employees needs to improve. Skilled labor is critical to the operation of companies like Trail King. Leadership is getting more involved with the new hires. One the first day of employment, executive leadership is introducing themselves to the new hires. They are improving the training they offer and working to improve communication with all employees. Yakley stated they invest \$10,000 in every new employee they hire. The first four weeks they are there, the employee is not earning anything for the company. Other employees must work with the new hire, and therefore their productivity is less. Trail King is currently working to hire 55 employees between all three plants. They offer scholarships through the technical colleges and work to recruit employees from the schools.

EARNERD DISCHARGE CREDITS

LAURIE FEILER

Feiler stated she will be covering the next four agenda items. The last three Governors have supported granting clemency (time off their sentence) to inmates for certain accomplishments, including involvement in specified work programs or work assignments, such as disaster response. The Earned Discharge Credit program mirrors clemency for work by providing earned discharge credits for work completed. There are currently 38 other states that have some form of an earned discharge credit program, most of which are tied in some way to offender work performance. House Bill 1053 was passed during this past legislative session to allow the DOC to grant earned discharge credits (EDC) to

inmates. Feiler stated the EDC policy is complete and DOC is working towards awarding inmates EDC. Parolees have been eligible for EDC for a while now. Research shows programs like EDC have a positive impact on recidivism and institutional management of inmates. DOC encourages inmates to be positively engaged and occupied while serving time in prison. EDC provides an incentive to inmates to complete the things they are supposed to complete while in custody. If a person does their work as assigned or completes their education/programming, under the EDC program, they may be rewarded credits the following month. Feiler stated it will have a positive impact on the prison population and will help move compliant inmates through the system more efficiently. There are three ways an inmate can get EDC. Inmates may earn up to 90 days for 360 hours work; not to exceed 180 days in 12 months. They may also receive up to 90 days for completion of certain evidence based programs. Or, they may receive up to 365 days for heroic acts, disaster response or exceptional assistance in safety or security. EDC applies after July 1, 2018.

DOC is not allowing the highest risk inmates to receive earned discharge credits. Also, credits will not be awarded to inmates who are actively non-compliant. The rates speak to the length of the program. There are some programs that are short and some that are long. The procedures apply across the board to all adult institutions. EDC is applied prior to the calculation of parole. Example:

4 year sentence = 1460 days

Time to parole of 1 year = 365 days

1460 days - original sentence

-180 days of EDC

1280 days - sentence after EDC (3 yr. 6 mo. Sentence)

320 days to parole (25% of 1280) is 10.5 months to parole

COMPASSIONATE PAROLE

LAURIE FEILER

HB 1109 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 other alternatives that would support releasing the inmate to the community to receive care, provided such a release would not be a burden on the community or pose safety and/or security concerns. DOC staff may provide the parole board with information about the inmate's condition and possible options for the Board to consider. In some cases, DOC will approach the Governor about commuting the inmate's sentence, which is often accomplished by revising the number of days of the inmate's sentence to make the inmate eligible for discharge or release to supervision. The Warden or medical provider shall refer inmates to the Secretary. At the Secretary's discretion, the inmate may be referred to the Board for a hearing. It can take up to three months to conclude this process. The referral can be approved or denied by the Board. One of the key points of the new legislation is the inmate cannot meet the definition of being a medically indigent person. The DOC will not release inmates to the community if there is no financial plan to provide the inmate the necessary medical care and services. The inmate must have an acceptable and approved release plan. During session, DOC identified about 60 inmates who may meet the criteria for consideration. Criteria includes:

- (1) The inmate's assessed risk level;
- (2) The inmate's conduct in prison;
- (3) The inmate's conduct while on extended confinement, if applicable;
- (4) Sentence served and sentence remaining;
- (5) Offense and chronicity of criminal behavior;
- (6) Prognosis and incapacitation level;
- (7) The inmate's compliance with health care ordered by a health care provider;
- (8) Release plan including provisions for health care;
- (9) Input, if any, of the sentencing judge, the prosecuting attorney, and the victim;
- (10) If the care and supervision that the inmate requires and is anticipated to require can be provided in a more medically appropriate or cost effective manner than the Department of Corrections;
- (11) Allowing a geriatric or terminally ill person to live at a location outside of prison prior to death; and
- (12) The ability to adequately monitor the inmate, after release, to ensure public safety.

Senator Heinert asked if the DOC is helping the inmates with the paperwork for Medicare? Laurie responded there is staff who are assigned to work with inmates who qualify for compassionate parole. The DOC is working on designating staff who will pull information on inmates who meet the criteria and work with the inmate on identifying a release plan that that addresses specific medical needs.

INTERMEDIATE CORRECTIONAL INTERVENTION PROGRAM

Laurie Feiler

Feiler stated that this topic was briefed to the Commission last fall at the Commission meeting held in Rapid City. The funding for the program is through a grant awarded to the DOC. The Maximizing State Reforms Grant was awarded in 2016 and included \$1.75 million to be paid over 3 years. The DOC developed a program based on the criteria set forth by the grant to help female offenders released to the community and lower the number who return to custody. The program is located in Rapid City. It has been a two year process to get the program established and ready to start accepting offenders. A contract with Lutheran Social Services has recently been finalized with collaboration from Pennington County. Feiler stated DOC anticipates the program will receive its first offenders within the next month. Feiler stated the female inmate population has some unique needs and there is a number of offenders released to the community who seem to need additional support to avoid committing violations and being sent back to prison. Pennington County accounts for about one fourth of the total of female offenders. A significant number of these offenders are in prison for drugs. Native American females represent a disproportional number of the offenders placed in custody. The program has 12 residential beds and will provide substance abuse services and mental health services.

COMMUNITY PLACEMENT FOR CTP PAROLEES

Laurie Feiler

Feiler stated that at any given time in the state prison system, there are typically 200-300 parolees held in DOC prisons. About half of them are in the Community Transition Program (CTP). CTP allows offenders who have been granted parole to reside at a special minimum custody unit while having access to the community for employment and some programming. Offenders are released to CTP and are under the supervision of parole. They eat and sleep at the unit and can come and go, within set curfew times. There are about 150 offenders in CTP across the state. DOC has worked to secure funds to purchase CTP beds within the community through community partners who offer these services to offenders 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.

PUBLIC COMMENT

VICE CHAIR HEINERT

Heinert asked if there was any person at the meeting who wished to comment. No members from the public offered any comments.

ELECTION OF OFFICERS

VICE CHAIR HEINERT

Nominations from the floor for Chair and Vice Chair: Rep. Smith nominated Sen. Heinert and seconded by Yakely. Vote was unanimous. Nominations for Vice Chair: motioned by Rep. Smith to nominate Sen. Rusch, seconded by Rep. Jensen. All in favor and non-opposed.

SCHEDULE OF NEXT MEETINGS

Fall 2018	South Dakota Women's Prison Pierre, SD	Agenda Forthcoming
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CONCLUDING BUSINESS

Heinert adjourned the meeting at 5:00 p.m.
