



Legislative Research Council

MINUTES

Department of Corrections
Agency Review Committee

**First Meeting
2003 Interim
Friday, June 13, 2003**

**LCR 1&2
State Capitol Building
Pierre, South Dakota**

The first meeting of the interim Department of Corrections Agency Review Committee was called to order by Senator Lee Schoenbeck, Chair, at 8:02 a.m. on Friday, June 13, 2003, in Legislative Conference Rooms 1 and 2 of the State Capitol Building in Pierre, South Dakota.

A quorum was established with the following members present: Senators Gene Abdallah, Arlene Ham, Dick Kelly, Garry Moore, Bill Napoli, John Reedy, and Lee Schoenbeck (Chair); and Representatives Quinten Burg, Richard Engels, Art Fryslie, Cooper Garnos, Tom Hennies, Casey Murschel, Sean O'Brien, Larry Rhoden, Tim Rounds, Donna Schafer, Lou Sebert (Vice-chair), and Paul Valandra.

Staff members present included Reuben Bezpaletz, Chief Analyst for Research and Legal Services; Annie Mertz, Principal Fiscal Analyst, and Rhonda Purkapile, Senior Legislative Secretary.

For the purpose of continuity, these minutes are not necessarily in chronological order.

Determine Sentencing Review Parameters

Mr. Bezpaletz informed the committee that the last time the Legislature had a complete review of the criminal code was during the mid 1970s. Chair Schoenbeck commented that it might be useful for the committee to view a list of the current felonies, a list of enhancement statutes, and mandatory sentences. Mr. Bezpaletz noted that there is a fairly decent report making comparisons of felonies between North Dakota and South Dakota.

Chair Schoenbeck suggested that staff limit the external comparisons to states that are similar and geographic to South Dakota, and limit the number of criminal offenses that are compared.

Senator Napoli stated that he would like the committee to examine statutes that South Dakota has that other states do not have. Chair Schoenbeck suggested comparing the top 20 offenses that most often result in incarceration.

Representative O'Brien commented that he would like to see information on the number of inmates in the prison system due to probation and parole violations, stating that South Dakota appears to be much more strict in this regard.

Senator Moore stated that he would also like to see information on recidivism. Chair Schoenbeck commented that he did not view recidivism issues as being included within the scope of the committee's study.

Representative Engels commented that he would like to see information on penalty levels of other states.

Senator Abdallah stated that he did not necessarily agree that there is a problem with probation/parole violations, noting that if you are convicted of a felony and you violate probation/parole, you deserve to be sent to prison. He commented that the federal system abolished parole several years ago. Senator Abdallah commented that the committee should also review information on uniform sentencing.

Senator Ham commented that she would like comparison information from New Mexico, while Representative Murschel asked for information from New Hampshire or Vermont. Representative Valandra commented that Montana should be included in the comparison states because they also deal with a significant minority population.

Chair Schoenbeck determined the states for comparison information as Nebraska, Wyoming, North Dakota, Montana, New Mexico, Vermont, Minnesota, and Iowa.

Representative Rhoden asked that the committee also receive statistics on minority populations in the system. Chair Schoenbeck noted that the committee will request a demographic background on each of these states.

Senator Moore presented the committee with information on the United States inmate population growth (**Document #3**).

Mr. Bezpaletz suggested that the committee analyze the high incidence crimes—those crimes that send the most people into the prison system. Chair Schoenbeck suggested examining the top 15 generators of prison population. Senator Napoli noted that the crime may not place the person in prison but the parole or probation violation might.

Senator Moore suggested that the committee hear a presentation from the Parole Board on the parole process.

The Sunset Process

Mr. Bezpaletz presented the committee with a copy of House Bill 1196, which authorized the periodic review of state agencies, passed during the 2003 Legislative Session (**Document #1**). He also presented the committee with an outline of a typical study plan for interim sunset committees (**Document #2**).

Mr. Bezpaletz noted that the sunset process examines why a particular agency exists, what it does, and whether it should continue to do that job. The sunset process was originally legislation that repealed the existence of the state agency, and that agency then had one year to come in and prove to the Legislature that they were doing their job and should continue to exist. It was determined through this process that it was not so much the agency and its statutes that were the problem but the agency rules, so the statute was modified to examine the agency rules and rule-making authority for those rules. It very quickly became difficult to get legislators to serve on these committees. As soon as the process was completed for all state agencies, the legislation was repealed, and authority given to the Rules Review Committee for review of agency rules. The sunset process now gives the Legislature an opportunity to ask detailed questions, get detailed information, and make determinations on how the department might better perform its duties. The sunset process has become more of an oversight function. Public testimony is included in the sunset process. Also, Mr. Bezpaletz indicated that staff will review the agency statutes to determine if there is a need for updates.

Presentation by the Department of Corrections Adult Corrections

Mr. Tim Reisch, Secretary, Department of Corrections (DOC), introduced his staff, and presented the committee with an overview of the Department of Corrections (**Document #4**). Secretary Reisch informed the committee that the department's mission is to protect the people of South Dakota by providing safe and secure facilities for juvenile and adult offenders, offer the opportunity for their clients to rehabilitate themselves, and to provide effective supervision upon their release.

Mr. Michael Winder, Department of Corrections, presented a brief history of the South Dakota penitentiary system, noting that the first penitentiary was created in Sioux Falls by the Territorial Legislature in 1881, and it has evolved over the years to the current system in place today. Secretary Reisch noted that in South Dakota the Department of Corrections is responsible for both adult and juvenile corrections, whereas in most other states, the juveniles are usually monitored by another department.

Secretary Reisch reported that the adult prison inmate population has increased from 1,733 in FY95 to 2,781 in FY02. This is a growth rate of 7 percent. He noted that parole services has also increased. Secretary Reisch clarified that the elimination of "good time" is not contributing to the prison overcrowding issue.

Senator Ham asked about the ratio of parole officer to parolee. **Ms. Laurie Feiler**, Department of Corrections, responded that it is a ratio of 1-60.

Senator Abdallah asked if "good time" promotes better behavior in inmates. Secretary Reisch noted that there are still a few inmates that operate under the "good time" program, but that number is decreasing. Under the new program, where each inmate is given a plan for release upon their entrance into the penal system, each inmate has certain tasks they need to complete to make parole. They really do have to behave or they will not make parole. If they are compliant with their individual plan, then they will automatically make their parole date. Senator Abdallah asked if money could be saved by having the inmates do flat time and not place them on parole when they are released from prison. He noted that he is not a fan of the parole system. Secretary Reisch replied that the judge renders the sentence; however, the amount of time served versus the amount of time they are out of the system is really a matter of how they serve their time in the system. Under the new parole system, the inmate will get out earlier but will be on parole for the balance of their sentence. Secretary Reisch stated that it is much cheaper to monitor the individual outside the prison than to have them incarcerated in the prison.

In response to committee questions, Ms. Feiler noted that 15 percent of the inmates are operating under the old "good time" system. Under the "good time" system, for a sentence of 1-9 years the inmate must serve four months per year; 10 years and beyond, the inmate must serve six months per year. This was based on the sentence length and not the nature of the crime. A first-time felon had to serve one-fourth of his sentence before parole eligibility; a second-time felon had to serve three-eighths of his sentence before parole eligibility; and a third-time felon had to serve one-half of his sentence before parole eligibility.

Ms. Feiler noted that the new system does not have "good time." The new system takes into consideration the crime committed. The inmates actually serve a smaller percentage of their sentence based on the severity of the felony and how many offenses the inmate has committed before they will be eligible for parole.

In response to committee questions, Secretary Reisch indicated that a parolee can be returned to prison for violation of terms of his parole or for committing a new offense.

Senator Moore asked why growth in the prison is projected at 7 percent. Secretary Reisch responded that 7 percent is based on straight line projections over the last five-year average.

Mr. Doug Weber, Warden, S.D. State Penitentiary, testified that he prefers the new parole calculation system rather than the "good time" system used in the past. Under the new system, each inmate has an individualized plan for the inmate to work toward parole on their first eligibility date. They will be paroled on that first eligibility date as long as they comply with their individual plan. The "good time" system offered no incentives to behave because it was based on the length of sentence.

Representative Valandra commented that under the old "good time" system there appeared to be a certain disparity between Native American inmates and non-Native American inmates serving their sentences. The new system seems to have taken care of that disparity. Also, people are serving shorter times because the parole board has been taken out of the equation. Ms. Feiler noted that they tried to make the new system as population neutral as possible. She noted that the chronic violent offenders tend to do a little more time in prison.

Senator Abdallah questioned the economic feasibility of requiring parole officers to continually follow-up on non-violent offenders.

Representative Schafer asked if the new system has impacted recidivism rates. Ms. Feiler noted that the percentages remain almost exactly the same--between 22-25 percent.

Senator Reedy asked about the possibility of utilizing electronic monitoring devices. Secretary Reisch responded that electronic monitoring is not utilized for parole purposes. He noted that not every parolee requires the same amount of the parole agent's time. He feared there would be no incentive for inmates to behave if the possibility of parole is eliminated.

Secretary Reisch reported that even though the number of inmates has been increasing over the years, the FTE numbers within the Department of Corrections have remained fairly constant. The average annual growth from FY93 to FY04 in the department has been 2.08 percent FTE, 6.34 percent expenditures, and 7.43 percent population.

In response to committee questions, Ms. Feiler stated that eighty percent of the inmate population has been identified as being chemically dependent (alcohol and drugs). Sixteen percent of the inmates are sex offenders. All inmates are required to go through parenting programs. Fifty percent of the inmates are assessed as needing re-entry training.

Senator Moore asked if the inmates can choose not to participate in the programs. Ms. Feiler responded affirmatively, but noted that there are consequences to not participating--each inmate must complete the recommendations included in his individual plan before the inmate can be paroled.

Mr. Bezpaletz asked if there is an orientation process for the inmates where all the rules are explained to them. Ms. Feiler responded that all inmates go through Admissions and Orientation (A&O) where everything is explained to them. In addition, each inmate receives a printed rule book.

Representative Burg asked Ms. Feiler if the department develops its own inmate programs or if it utilizes nationally recognized programs. Ms. Feiler replied that the department has had its standard programs in place since 1997, and many of the life skills programs have been developed by the department in response to inmate needs when they are released from prison. The goals of the programs are to reduce the parole violation rate and to ensure that inmates get out of prison on their parole release date.

Representative Rhoden asked if there are any programs where inmates can work toward college or vocational credits. Ms. Feiler replied that the department does not fund college or vocational courses, but inmates may work toward these credits with the use of their own money. She added that they have had over 1,200 inmates receive their GED (General Equivalency Degree) through the program at the Mike Durfee State Prison in Springfield.

Representative Valandra asked if there are any culturally specific programs offered. Ms. Feiler responded affirmatively. Warden Weber added that all of the penitentiary staff participate in cultural awareness training before their employment and there is continual training on this issue each year.

Ms. Feiler reported that the classification system applies to both male and female inmates and determines where each inmate will be housed within the system. The initial classification process is done during admission and orientation and then revisited at least once a year. Current male inmate classifications are as follows: 25 percent minimum, 34 percent low-medium, 20 percent high-medium, 8 percent maximum, and 13 percent specialized. Current female inmate classifications are as follows: 31 percent minimum, 45 percent low-medium, 7 percent high-medium, 7 percent maximum, and 9 percent specialized. Ms. Feiler noted that an inmate has to work at it to be classified as maximum security.

Representative Rhoden commented that it would seem that a large majority of low and medium classification inmates could be candidates for electronic monitoring, thereby reducing prison population numbers. Ms. Feiler noted that this would be a sentencing option that could be exercised by the judges.

Warden Weber briefed the committee on the condition of the facility in Sioux Falls. He noted that there are over 800 inmates in the old penitentiary. There are a little fewer than 100 inmates in maximum security. The building is in excellent condition with extensive remodeling jobs through the years. It is a very well run facility compared to other prisons nationwide. The old penitentiary is five stories high, compared to the Jameson Annex, which is more of a pod design with a central control room. About 56 units are triple bunks, and a limited number of cells in the Jameson unit are triple bunks as well. Some prisoners volunteer to be in a triple bunk cell because privileges are increased for those inmates. There are 50-60 inmates in disciplinary segregation at one time. The inmate receives anywhere from 10-90 days per rule infraction.

Warden Weber noted that there are 150 inmates at the Redfield Trusty Unit. The focus at the Mike Durfee Prison in Springfield is that of a working prison--if the inmates can get out and go to work, they have a greater chance of staying out of prison upon their release. Warden Weber noted that over 940 homes and 56 day care centers have been built at the Springfield facility under the Governor's homes program.

In response to committee questions, Warden Weber stated that these work programs are not tied to any vocational programs. It is cost prohibitive. Representative Burg asked if the inmates are rotated to various jobs so they can develop more skills. Warden Weber replied that the inmates are usually not rotated to various jobs because the prison is trying to get them as proficient in one skill as possible. The facility at Springfield is a low-medium facility, and usually the inmates that are there do not have time to be cross-trained in the entire house building process because their time is usually short.

Warden Weber stated that the auto body program primarily repairs state vehicles, but will work on private vehicles.

Representative Garnos questioned if prison industries compete with the private sector. Warden Weber replied that he is not aware that they have run anybody out of business. They try to provide services to disadvantaged people and provide services to people within the community. Representative Sebert commented that there is an effect on certain private industries.

Warden Weber reported that a little over 100 inmates are living in the Custer Trusty Unit. There are 303 inmates in the S.D. Women's Prison who provide buildings and grounds support for state government, provide road reporting for the Department of Transportation, and handle fleet and travel reservations for state automobiles.

Secretary Reisch reviewed Pheasantland Industries (the prison industries) with the committee, noting that there are 16 full-time employees that run the business that are not inmates. The money earned by the business builds up in a revolving account. As revenues in this account increase, they are utilized for prison industry purposes. Three new buildings have been built for the prison industry program from funds in this revolving account.

Chair Schoenbeck recessed the committee at 11:45 a.m. for lunch and reconvened the committee at 12:45 p.m.

Secretary Reisch reported that the community service program is a huge program. State agencies, counties, and local governments have come to rely upon this manpower for certain duties associated with running their programs. This program also gets the inmates into the work habit. Since 1995, inmates have tuck pointed 34 state buildings, with 40 buildings remaining. Inmates have reroofed 81 state buildings since 1995. Inmates have been trained to respond to fires, primarily in the Black Hills area. They have also helped with tree thinning, disaster response, and Missouri River development (enhancement of campgrounds). Secretary Reisch noted that there is the conception that people should get inmate labor for nothing; however, it does cost to house, transport, supervise and feed these people.

Senator Moore asked if the firefighting is done for the state entity or the federal entity, and if for the federal entity, is the state reimbursed. Secretary Reisch replied that it is mostly for the state; however, if it turns out to be a federal expense fire, the state is reimbursed for some of the inmate expenses.

Ms. Feiler reported that the Board of Pardons and Paroles is administratively tied to the Department of Corrections. The board utilizes Department of Corrections staff. It is a nine-member part-time board. The average number of hearings is 170-180 per month. The board also handles noncompliance hearings of inmates with the individual plans and revocation hearings for adults and juveniles in aftercare. The board can also grant an early final release date from parole.

There are currently 1,763 adult offenders under South Dakota conditional release from the Department of Corrections. About 300 are South Dakota prisoners on parole from other states. The average time spent on parole in FY95 was 13 months compared to 25 months in FY03.

In response to committee questions, Ms. Feiler noted that two things are driving prison population-- more people coming in and longer stays. New commitments have increased 22 percent. New commitments to the women's facility have increased 49 percent this year. The number of parole violators coming into prison has increased 7 to 9 percent. The average length of stay for women has increased to 14 months, with the average length of stay for men remaining stable at 18 months.

Senator Moore asked about parole percentages. Ms. Feiler responded that under the old "good time" program, parole is at 11 to 14 percent (this will continue to decrease as fewer inmates remain under the old system). The total parole percentage (old and new program, combined) is 52 percent.

Representative Garnos asked about the percentage of inmates from out-of-state. Ms. Feiler stated that the number is small, but it is slowly increasing.

In response to questions, Ms. Feiler indicated that about one-fourth of prison admissions in South Dakota are parole violators, compared to the national average of one-third.

Ms. Feiler informed the committee that if a person has been in the South Dakota prison before with a felony conviction and they come back into the prison, they would be counted as a recidivist. A parole violator with a non-law breaking violation would not be counted as a recidivist. A parole violator with a law-breaking violation would be counted. The recidivism rate is about 20 percent.

Secretary Reisch reported that the department contracts with the Department of Health for inmate health services and with the Department of Human Services for inmate mental health services and chemical dependency treatment programs. Many cost-containment measures have been negotiated over the last two years. When necessary, the department utilizes McKennan Hospital. Secretary Reisch noted that the department is meeting the needs for inmate health care and works very hard at providing the inmates with the appropriate care. An inmate can go through the inmate grievance process if they feel they are being denied treatment.

Senator Napoli asked about the prison health care budget for the next fiscal year. Secretary Reisch replied that they have negotiated a lower rate with the hospital and have accessed some federal funding. The Department of Health has told the department to expect a modest increase.

Representative Rounds asked if former inmates are still factored into medical costs for conditions/accidents that occurred while they were in prison. Secretary Reisch responded that these cases are handled by Risk Management.

Ms. Feiler directed the committee's attention to the list of professional organizations that the department is involved with or interacts with. Mr. Bezpaletz asked if any of these organizations require significant membership dues or fees. **Mr. Scott Bollinger**, Department of Corrections, replied that the most expensive membership is for the Interstate Commission for Adult Offender Supervision, of which DOC pays one-half (\$9,000) and the Unified Judicial System pays the other half.

Secretary Reisch noted expansion plans of 192 beds in the Jameson Annex at a projected cost of \$9 million; a 400 bed barracks at Springfield at a projected cost of \$3.6 million; and a 200 bed unit West River at a projected cost of \$500,000.

Secretary Reisch also informed the committee that the Governor is putting together a task force to look into the increasing numbers in the prison population and possible alternatives.

Juvenile Corrections

Mr. Doug Herrmann, Director of Juvenile Services, testified that with a change in laws in 1996, the Department of Corrections has been allowed placement authority for juveniles. Juveniles are committed to the authority of the Department of Corrections (DOC) until the age of 21 unless the department discharges them prior to age 21. There are two types of youth entering the system--delinquents and CHINs (children in need of supervision). Once the youth are committed to the DOC, they go through an intake/classification process which determines placement, treatment, and follow-up care. The youth is assigned a Juvenile Corrections Agent (JCA) the first day who works with the youth and maintains contact with the family. A short-term housing placement is determined while the treatment plan for the youth is being finalized. In order for a child to be placed as a CHIN, the case must be reviewed by five different agencies.

Senator Ham asked about the percentage of parents who participate in the assessment process. Mr. Herrmann replied that about two-thirds of the parents participate in some form or another (including telephonically).

Senator Abdallah commented on the dire need presented in 1997 for a juvenile prison to be built for millions of dollars and then being closed in 2001. He asked where all these troubled youth have gone. Mr. Herrmann replied that the majority of these youth are in private placements out-of-state. These are secure facilities with high level treatment programs. A large number of these youth would be sex offenders. About 40 of the 75 youth in out-of-state placements are sex offenders. The cost of this placement can range anywhere from \$125 per day to \$340 per day. All of these placements are able to access federal Medicaid dollars to reimburse one-half the rate.

Secretary Reisch commented that the philosophy of sending the child to the best program that could best meet their needs and also be able to access federal funding for those placements helped to make the decision to close Plankinton. He stated that a group in Plankinton has formed and selected a corporation to come into the facility and take private placements. However, this is still a work in progress, because their daily rate is higher than the current daily rate for in-state placements. Secretary Reisch noted that any rate higher than the established in-state rate for reimbursement would have to be approved by the Department of Social Services. Secretary Reisch noted that the Governor is committed to entertaining a higher rate of reimbursement for this facility. However, this provider would have to be able to demonstrate that they can provide a level of services equal to or above those being provided by an out-of-state facility.

Representative Valandra asked what percentage of juveniles are handled by the Department of Social Services. Mr. Herrmann replied that the department utilizes the Intensive Family Services program under the Department of Social Services for after care needs for some youth. Otherwise, the department does not place youth with the Department of Social Services. If youth are placed under the Department of Social Services, they would be placed under an abuse and neglect order and not for delinquency or as a CHIN. The percentage of Native American juvenile offenders is 34 percent. Mr. Herrmann noted that the assessment process of each youth is critically important because children respond differently to different approaches.

Medical Services for youth in placement are provided through the Department of Health. The Department of Human Services contracts with the department to provide mental health services. The cost of the mental health program is about \$650,000 for both campuses. The department is not anticipating a large increase in this program this fiscal year.

Representative O'Brien asked if parents of the youth in placement are charged for the expenses of the youth in placement. Mr. Herrmann replied that this is an option of the court.

Representative Schafer asked if there are any board-certified adolescent psychiatrists under contract. Mr. Herrmann responded that there are not.

Mr. Herrmann reported that both the middle school and the high school programs on the campuses are accredited. Representative Murschel asked if special education assessments are performed. Mr. Herrmann responded affirmatively, noting that they contract with Black Hills Coop for special education services. About 33 percent of the youth in placement need some kind of special education services--many of the children coming under DOC control are already under behavioral individual education plans (IEPs). About one-half of the IEPs are behavioral and one-half are educational IEPs. Some of the youth even attend Custer High School.

Mr. Herrmann reported that the Boot Camp is a short-term program. It has an accredited out-patient chemical dependency (CD) treatment program. Living Center A is an offshoot of the youth forestry camp. Living Center B is a community residential program.

Mr. Herrmann reported that 70 percent of the youth in placement with DOC are designated as chemically dependent. Most of the youth in placement range between 14-17 years of age.

Mr. Herrmann reported that there are two girls' programs: the QUEST program (6-8 months) and the ExCEL program (4 months). The department receives federal funding for these programs by being licensed through the Department of Social Services.

Mr. Herrmann stated that the department has available to them 24 in-state placement options and twelve out-of-state placement options. Foster care and secondary placements are also an option. Smaller towns have been targeted for foster care and secondary placements because the department feels children do better in a smaller community. Mr. Herrmann noted that the department has accessed a \$2 million federal grant for a reentry initiative for youth returning to the community. He also noted that by utilizing private care placements, the department can access federal Medicaid dollars. The department still utilizes placements at West Farm but can now access federal dollars for those placements.

Mr. Kevin McLain, Department of Corrections, briefed the committee on the Juvenile Justice and Delinquency Prevention Act. He reported that Wyoming is the only state not participating in this program. Basically, the state agrees to comply with four core requirements and receive federal funding for juveniles in return. South Dakota anticipates accessing about \$680,000 this fall of which most will go to local programs. South Dakota previously participated in this program, from 1993 to 1997 when it fell out of compliance. Senate Bill 202 passed in 2003 will allow South Dakota to again participate in this program. Senate Bill 8, also passed in 2003, establishes the required Council of Juvenile Services, which will become the juvenile justice planning body for South Dakota.

Representative Murschel asked about staff issues with facilities that will house both adults and juveniles. Mr. McLain indicated that the federal legislation, as revised in November, only requires staff

to be trained to work with juveniles. It will now be easier for those facilities to supervise juveniles with existing jail staff. He noted that many of these facilities, on any given day, do not have any juveniles to house. Mr. McLain indicated that jail issues were South Dakota's non-compliance problem with the grant. South Dakota was consistent with state law but in violation of requirements of the federal act. Most of these problems were occurring in smaller rural jails.

Representative Engels asked if there is a timetable for full compliance. Mr. McLain replied that there is a self-monitoring and self-reporting requirement for the grant. If a state is found to not be in compliance, it will lose 10 percent of the funding per requirement. If there is no intent for the state to come into compliance, the state would then be deemed ineligible for the grant. Again, Mr. McLain noted that most of this funding will go to local entities.

With regard to the requirement of a study of disproportionate minority confinement issues, Mr. McLain indicated that the department can do some of the raw data collection but will have to contract with a researcher for the rest of the variables. He noted that it is important that the department continue to monitor the impact of these requirements on local units of government.

Committee Discussion

Chair Schoenbeck set the next meeting for August 13 and 14 in Pierre, beginning at 8:00 a.m. The meeting will include a tour of the Women's Prison, subcommittee work (subcommittee membership to be determined), and public testimony. Chair Schoenbeck indicated that he would like to tour the penitentiary in Sioux Falls on June 24 and invited committee members to join him. He also suggested the possibility of touring the facilities at Springfield and Plankinton on July 22 or 24.

Representative Burg commented that he would like the Unified Judicial System to make a presentation to the committee with regard to their intensive probation program and information on an intensive probation program for adult offenders.

Representative Rounds stated that he would like information on after-release community programs available, and on recidivism rates with geographical factors. Representative Fryslie commented that he would also like information on programs offered to youth when they come out of DOC placement.

Representative Engels commented that he would like information on DOC expenses for lawsuits, resources used from the Attorney General's Office, and dollars spent on private lawyers. He also requested information on the use of civil forfeitures, how often they are used, and if they are successful.

Senator Ham requested information on coordination between departments, and changing the way chemically dependent inmates are sentenced and receive treatment.

Senator Reedy suggested that he would like a discussion on alternative sentencing to get away from prison construction.

Senator Abdallah stated that he would like more information on the Plankinton situation.

Representative Valandra stated that there are a lot of state and federal minority inmates and he would like the committee to examine innovative programs to help these people integrate back into the community when they are released from prison.

Representative Sebert suggested that the committee spend some time reviewing penalties in South Dakota to determine if more people are being sent to prison and why they are being sent to prison.

Chair Schoenbeck suggested examining information on vocational and college training and intensive probation/parole programs.

Representative Schafer requested more information on juvenile corrections and examining the way South Dakota sentences crimes for drugs and alcohol and look for creative solutions/alternatives to incarceration.

Representative Rhoden requested a comparison of the percentage of inmates on parole in South Dakota and other states. He also suggested that the committee examine alternative sentencing.

Senator Moore suggested that the committee examine parole service issues--if parole services could more effectively serve the state by making some changes with regard to non-violent offenders; suspended imposition of sentences; and suggested examining the old Board of Charities and Corrections, structuring the board to govern the operation of the prisons in South Dakota.

Senator Napoli commented that the Legislature is always adding felonies and enhancing penalties. It is very easy to be charged with a felony in South Dakota these days. He felt the committee should examine the differences in penalties between various states and the number of laws. The committee should examine who is being incarcerated and why and look for alternatives to incarceration.

Representative Murschel suggested that the committee examine whether or not the programs offered by the Department of Corrections are in fact doing what they are supposed to do--are these people finding jobs after they are released from prison?

Representative Hennies requested information regarding recidivism rates and parole violations and how this corresponds with inmates who have received their GEDs while in prison. Do the structured juvenile programs prevent them from becoming adult offenders?

Representative O'Brien asked for information on the services being provided by parole officers and if they need more FTE. He requested a comparison of parole services provided to high-risk and low-risk parolees.

There being no further business, Chair Schoenbeck adjourned the meeting at 3:30 p.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).