



Legislative
Research
Council

MINUTES

Department of Corrections

Agency Review Committee

(As Amended October 1, 2003)

Second Meeting
2003 Interim
Wednesday and Thursday, August 13-14, 2003

LCR 1 & 2
State Capitol Building
Pierre, South Dakota

The second meeting of the interim Department of Corrections Agency Review Committee was called to order by Senator Lee Schoenbeck, Chair, at 8:00 a.m. on Wednesday, August 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 Kris Schneider, Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council. For the purpose of continuity, these minutes are not necessarily in chronological order.

Approval of Minutes

Representative Rounds moved, seconded by Representative Rhoden, that the minutes of the June 13, 2003, meeting be approved as printed and mailed. Motion prevailed unanimously on a voice vote.

Remarks

Chair Schoenbeck welcomed everyone and announced the third meeting would be held sometime in October and that the date would be set prior to adjournment. He reported that the Executive Board had denied the Subcommittee on Juvenile Justice's request to hold a meeting at the Plankinton juvenile facility; however, approval was given for a fourth meeting, if necessary. Chair Schoenbeck reminded the committee to keep in mind that their goal is to develop a final report and draft any necessary legislation for the upcoming session. He encouraged members to tour the prisons if they have not already done so and commented on the *Argus Leader's* editorial regarding Senator Abdallah.

Mr. Bezpaletz reported that there had been tremendous response from the public to the review of the Department of Corrections. He distributed copies of the public comments he had received to date (**Document #1**). He announced the meeting locations for the subcommittee meetings. Mr. Bezpaletz stated that he will mail his comparative study to the committee prior to the third meeting.

Report on the Governor's Corrections Workgroup

Review of Workgroup Meetings and Agenda: **Mr. Tim Reisch**, Secretary, Department of Corrections (DOC), stated that the Governor's Corrections Workgroup came about because of the projected need for additional beds to the male prison system. Their first meeting was held July 28-29, 2003. An overview of the prison system and the history of the growth were presented at this meeting. The second meeting is in the process of being scheduled for sometime in September. Secretary Reisch distributed copies of his presentation (**Document #2**). He reviewed the groups represented in the Workgroup: circuit court judges, legislators, court services, law enforcement, prosecutors, chemical dependency and mental health professionals, corrections personnel, a former inmate, a ministerial representative, a victims' advocate, and others. He stated that the Workgroup has been divided into three subcommittees: 1) Sentencing - Mark Smith, Chair; 2) Incarceration - Representative Chris Madsen, Chair; and 3) Parole/Community Corrections - Judge Max Gors, Chair. The issues to be covered by the Sentencing Subcommittee are: a) review of sentencing and parole statutes; b) average sentences to prison by felony class; c) impact of mandatory minimum sentences on prison population; and d) inventory of existing sentence options. He commented that the criminal code was last revised in 1978. Their next meeting is scheduled for August 29. The issues before the Incarceration Subcommittee are: a) chemical dependency programming in DOC facilities; b) work and community service programs; c) clemency/commutations; and d) numbers of inmates working in programs. He stated that all inmates, upon entry into the system, are given a chemical dependency (CD) assessment. This assessment shows that 85% of the inmates have a CD and that all but 5% of the inmates receive CD treatment before being released. The issues before the Parole/Community Corrections Subcommittee are: a) parole violation and recidivism; b) urban vs. rural issues - use of jails; c) options to incarceration; d) what sub-population of prisoners can be sentenced differently? and e) pardons. Secretary Reisch stated that the primary goal is public safety and that the common themes for the subcommittees are: 1) What else can we do within the prison system? and 2) What risks are we willing to take? He stated that the major issues for inmates upon being released are having employment and a place to live. Secretary Reisch stated that DOC will end up being a better department because of this review process.

Comments from Members of the Workgroup

Representative Burg, member of the Parole/Community Corrections Subcommittee, stated that it was a very productive meeting with a lot of ideas and open discussion.

Senator Arlene Ham, member of the Parole/Community Corrections Subcommittee, reiterated Representative Burg's comments. She stated that it was important that the CD inmates be treated throughout their incarceration to increase their self-esteem and enable them to take personal responsibility. She also felt that aftercare is important and that non-violent inmates need to have an alternative to the prison system.

Senator Garry Moore, member of the Parole/Community Corrections Subcommittee, stated that between this committee and the workgroup, he thinks substantial legislation will be brought forth. He agreed with Secretary Reisch that through this process, DOC will become more efficient. He hopes the end result will help inmates lead more productive lives when released from DOC.

Mr. Mark Smith, Pierre, Hughes County States Attorney and Chair of the Sentencing Subcommittee, remarked that the workgroup's timeframe is different than the interim committee's. The workgroup may be able to make suggestions for legislative ideas; however, they will be a longer serving group than the interim committee. He stated that he was surprised to learn that 25% of the inmates have mental health issues. His subcommittee feels this is an area that needs to be reviewed--looking at alternatives to incarceration.

Report on Inmate Demographics

Ms. Laurie Feiler, Deputy Secretary, DOC, gave a presentation on the adult inmate demographics (**Document #3**). She reported that at the end of FY2003, the actual average daily population of adult inmates was 2,705 males (M) and 249 females (F), which reflects a growth rate of 6% M and 12% F over the past year. Fifty-nine percent of the males and 79% of the females are classified as a minimum or a low/medium security level. As of August 7, 2003, there were 2,765 M and 301 F in the adult corrections system. The projected average daily count for FY2004 is 2,929 M and 315 F. The percent of population by race as of August 7 was: Native American - 23% M, 29% F; Caucasian - 72% M, 67% F; and African American - 5% M and 3% F. The average age of current inmates is 34.4 M and 33.6 F. The age range of current inmates is 18-77 years M and 18-59 years F. The average age upon admission is 31 M and 32 F. Seventy-seven percent of the males are admitted with their GED or high school diploma or are enrolled in academic education compared to 82% for the females. Ms. Feiler reported that 222 inmates are currently enrolled in some level of academics. She stated that the medical, mental health and dental status of incoming inmates is used as a guide when placing inmates in institutions. Eighty-three percent of the males have dental issues compared to 55% of the females; 26% M and 45% F have mental health issues; and 29% M and 19% F have medical issues. Ms. Feiler stated that 85% of the incoming inmates have some type of chemical dependency (CD). She reported that the CD status for males is that 2,312 (84%) have been diagnosed as CD dependent, of which 1,620 have had prior CD treatment on an average of 1.67 times; and for females it is 227 (75%) have been diagnosed as CD dependent, of which 182 have had prior CD treatment on an average of 2.19 times. Inmates identified as needing sex offender services are 652 M (24%) and 7 F (2%). She stated that the inmates identified as such include those cases that have been pled down. The crimes and sentences for male inmate profile show 44% are serving time for violent crimes, 17% for a drug offense, and 39% for a non-violent/non-drug offense. The most common offenses for males are: DWI - 343 (12%), Possession of a Controlled Substance - 292 (11%), Grand Theft - 262 (9%), Aggravated Assault - 243 (9%), and Sexual Contact with a Child - 163 (6%). The crimes and sentences for female inmate profile show that 20% are serving time for a violent crime, 28% for a drug offense, and 52% for a non-violent/non-drug offense. The most common offenses for females are: Possession of a Controlled Substance - 58 (19%), DWI - 55 (18%), Grand Theft - 40 (13%), Forgery - 33 (11%), Aggravated Assault - 18 (6%), and Distribution of a Controlled Substance - 18 (6%). The average number of felony convictions for males is 2.28 and 1.69 for females. Ms. Feiler stated that the top ten counties of commitment have been pretty stable over the years. The counties and the number of inmates are: Pennington - 704 (22.8%), Minnehaha - 619 (20.1%), Brown - 129 (4.2%), Lawrence - 121 (3.9%), Davison - 115 (3.7%), Yankton - 110 (3.6%), Union - 105 (3.4%), Brookings - 86 (2.8%), and Meade - 85 (2.8%). She stated that 50% of the inmates were born in South Dakota; 84% state that their last known address is South Dakota, and 74% state that their emergency contact resides in South Dakota. Currently there are four male inmates under death sentence and 142 inmates serving life sentences (137 M and 5 F). The average sentence of admissions in FY2003 was 36 months for males and 30 months for females. Only 7% of the population (218 inmates) has been in prison more than ten years; 51% have been in less than two years. As to the length of sentences, Ms. Feiler reported that the length of sentence for 51% (1,563 inmates) in prison is less than two years; 28% (848 inmates) is at least two but less than five years; 13% (400 inmates) is at least five but less than

ten years; 4% (130 inmates) is at least ten but less than 15 years; 2% (46 inmates) is at least 15 but less than 20 years; and 1% (41 inmates) is twenty plus years.

Representative Burg questioned how many of the incarcerations for grand theft are related to gambling/video lottery. Ms. Feiler stated she would check on it.

Representative O'Brien asked if there are any alternative treatments for CD since a large number of inmates have already been through CD treatment. Chair Schoenbeck stated that Mr. Steve O'Neil, Department of Health, would be speaking on this topic in one of the subcommittee meetings.

Representative Murschel asked if the most common offenses committed by inmates, both male and female, were similar to other states. Ms. Feiler stated she would find out.

In response to Senator Napoli's question on what percent of the inmates from Pennington County are Native Americans, Ms. Feiler responded 36%.

Representative Murschel asked how many inmates use English as their second language. **Mr. Michael Winder**, DOC staff, responded they currently report between 40-45 inmates monthly to INS - five years ago this number was about 30. He stated these are foreign-born inmates who were not citizens of the United States at time of birth.

In response to Senator Kelly's question if the leased beds for federal inmates were included in the numbers, Secretary Reisch replied that they were not and that DOC receives \$56 per day for each federal boarder. Currently there are forty in the system, twenty at the women's prison and twenty located elsewhere.

Department of Corrections' Response to Submitted Committee Questions

In response to the question, *"What efforts does the Department of Corrections anticipate making to address correction employees' compensation, with an eye towards further reducing turnover?"* **Mr. Doug Weber**, Warden, S.D. State Penitentiary, stated that two-thirds of the core staff are long-term employees. He distributed a handout, Correctional Officer Turnover and Starting Pay by Fiscal Year (**Document #4**). The turnover rate for uniform staff is about thirty percent and less for treatment and non-uniform staff. He stated that they are currently satisfied with the rate of pay and are receiving many qualified applicants when filling vacancies.

In response to the question, *"What efforts are being made to increase available programming for the 30% of inmates for which there are currently no programming or employment opportunities within the existing corrections programs and budget?"* Warden Weber stated because of the lack of employment opportunities, they have implemented job sharing where inmates work split shifts (four hours per shift) and that they are focusing on treatment needs. He distributed a handout that stated how many inmates are working (**Document #5**).

In response to the question, *"Has the Department of Corrections considered a separate facility with an intensive chemical dependency program for the nonviolent and all-too-numerous drug and alcohol offenders on felony sentences currently populating our prison and our county facilities?"* Secretary Reisch stated that a stand-alone facility would be too expensive but that having a wing in the prison devoted to counseling and CD treatment is a possibility. He commented that they are looking for a permanent trusty site in Rapid City.

The committee recessed at 9:40 a.m. to tour the Department of Corrections' offices and the Women's Prison. The subcommittees met at 1:00 p.m. The committee reconvened at 4:00 p.m.

Subcommittee Reports

Program Evaluation and Aftercare: **Representative Murschel**, chair of the subcommittee, reported that Ms. Feiler, DOC, outlined the programs offered by DOC. Ms. Feiler stated that every inmate upon entering the system, is individually assessed and placed on an individual program based upon the availability of the program and the time in the system. Mr. Steve O'Neil, Department of Health, discussed the CD programs and Mr. Ed Latessa, University of Cincinnati, discussed program evaluations. Chair Murschel stated that the committee needed more time to discuss alternative sentencing proposals.

Intercultural and Minority Concerns: **Senator Ham**, chair of the subcommittee, reported that Ms. Stephanie Autumn, Council on Crime and Justice, spoke to the subcommittee regarding the need to have better cultural-based education; 60-70% of the Native Americans need CD treatment. Ms. Autumn is willing to do a need assessment, at no charge, if the committee desires. Warden Weber discussed outreach and the need to continue treatment when inmates are released. He reported that furloughs for funerals have been reinstated. Mr. Bob Dooley, Warden, Mike Durfee State Prison, reported that quite a few trades are taught at the Springfield facility and they have a plan ready to submit to the Governor.

Juvenile Justice: **Senator Abdallah**, chair of the subcommittee, reported that the committee had heard presentations regarding the use of the former Plankinton juvenile facility and the current placement of juveniles out-of-state. It is currently costing \$6 million for the out-of-state juvenile placements. Chair Abdallah stated that he would like to see the kids come home and keep this money in South Dakota. Dr. Susan Randall, South Dakota Coalition for Children, gave a presentation to the group on the Juvenile Justice and Delinquency Prevention Act. Deb Phillips distributed information regarding Cornell Companies of Houston, their history of lawsuits and other allegations at facilities they have operated in other states, stating that maybe this was not the company we needed operating the State Training School. She also distributed an appendix on public strategies for contracting with private prisons.

Parole Issues: **Representative O'Brien**, chair of the subcommittee, reported that Mr. Ed Ligtenberg, Director of Board of the Pardons and Paroles, spoke regarding the need for more parole agents and explained the release plan and the problems that are created because of the CD and mental health problems. He stated that the current rate for recidivism is 67%. Electronic monitoring is not being used in South Dakota because of the expense and because it does not address what the person is doing. The impact on parole violations and mandatory minimum sentences was also discussed.

Chair Schoenbeck requested that each subcommittee chair draft a written report of findings to be submitted to the Executive Board.

The committee recessed at 4:55 p.m. and reconvened at 8:00 a.m. on Thursday, August 14, 2003, with all members present.

Public Testimony

Mr. Dan Petersen, Rapid City, a certified alcohol and drug counselor, testified that aftercare treatment programs that continue three to six months are effective. He stated that having CD treatment at the beginning instead of the end of an inmate's sentence would help change their attitudes. Parolees are often disappointed when they cannot get employment, so they start using again.

Mr. Lowell Noeske, Pierre, a volunteer at the women's prison who coordinates speakers on AA and tobacco topics, testified that the cooperation of the staff at the prison is great and it makes his job easier. He stated that there is an overcrowding issue in the meeting room. Four years ago when the program was started there were five to six inmates at an AA meeting; now there can be anywhere between thirty and seventy. He commented that alcoholism is a disease - 5% is removing the alcohol, 95% is psychological. Aftercare is important; however, they have to want it and do it themselves. In response to Representative Burg's question if scheduling or space was a problem, Mr. Noeske replied that rehabilitation is not part of the prison system, space is an issue.

Ms. Leslie Balonich, Chicago, Senior Vice President for Cornell's Midwestern Region, gave a brief overview of Cornell. She stated that she would be responsible for putting the team together if the Plankinton facility is reopened. She highlighted five values of the Cornell company: 1) quality services; 2) leadership; 3) reinvestment back into the business and facility (they are a for-profit company); 4) partnership with the Legislature, government entities, families, and staff to make it work; and 5) their employees. She testified that in-prison treatment is as valuable as aftercare; you need to do both for reduction of recidivism. Cornell would propose to do a need assessment by Department of Social Services (DSS) and set up programs for the high-end kids, possibly sex offenders and mental health needs. The programs would be gender specific. She stated that with the staff houses on campus family programs could be initiated. In response to questions, Ms. Balonich stated that staff would be comprised of former employees and relocated Cornell employees, which would partner with the local school for education and other health professionals in the local community. They will work with DOC and DSS for aftercare and they follow the children for up to two years when released. Senator Abdallah distributed a handout (**Document #6**) regarding out-of-state costs. He stated that of the \$6 million, fifty percent is paid by Medicaid. If South Dakota reopens Plankinton on its own, the state will lose the Medicaid money; however, if the state goes with a private company the Medicaid money would continue. The average cost for housing currently is \$210 per day. Ms. Balonich stated that Cornell proposes costs of between \$178-179 per day.

Mr. John Steele, Plankinton, Aurora County States Attorney, and **Ms. Kristi Saville**, Plankinton, both representing the Plankinton Task Force Board, testified that Governor Rounds has made an offer to the city of Plankinton to lease the Plankinton facility for one dollar. Since that time, a task force was formed and they have been working with DOC to develop programs that would meet the needs of South Dakota's children. The task force has considered five proposals and has made three site visitations. Mr. Steele stated that the task force would like to go forward with a lease and then enter into a contract with Cornell because of their philosophy, track record, financing, expertise, and the overall ability to do a startup program. Mr. Steele stated that they have not been informed that there will be formal oversight of the facility by DOC. He also stated that any profit from the lease agreement between Cornell and the city of Plankinton will be escrowed for improvements to the campus. The term of the contract with Cornell would be for five years with an option to renew in five years; however, this is not set in stone.

Mr. Eric Swanson, Yankton, City Manager, and **Mr. Charlie Grosz**, Yankton, Mayor, both testified that the presence of DOC in their community has been very positive. The work that the trustees provide is a valuable service and no jobs in the private sector have been lost. They hope that the practice of allowing trustees to work in their community is allowed to continue.

Dr. Bill Smith, Sioux Falls, Director for Instructional Support Services, Sioux Falls School District, testified regarding the need for transitional programs from juvenile facilities to the public schools. He spoke about the transition project that the Sioux Falls School District implemented five years ago and distributed information regarding it (**Document #7**). He stated that the biggest challenge is funding. The project has been funded primarily with grant money, with costs running \$1,100 - \$1,200 per child. During the 2002-03 school year, there were 117 students under the guardianship of the Sioux Falls DOC office enrolled in the transition project. He asked that the Legislature consider funding these programs for schools. He stated that these kids have unique needs and that additional funding is necessary to give them the support that they need.

Mr. Jerry Hunter, Sioux Falls, South Dakota Prison Aftercare Ministry, testified that this program is a prison fellowship and that he is not in the aftercare business. The prison fellowship provides a job for the parolees, helps them manage their money, encourages them to have good leisure time and a healthy lifestyle, helps them find a new support system, and encourages spiritual morality. Mr. Hunter stated that South Dakota has a great prison system although the inmates do not agree. He thinks more needs to be done with aftercare and that the recidivism rate is too high. He feels that the security car that drives around the prison during the day is a waste of taxpayers' money. Additional funding is needed for alcohol and drug programs. He stated that the prisoners need an ombudsman.

Mr. Dick DeVaney, Sioux Falls, Operations Manager for Gage Brothers Concrete Products, testified that the work release program works. There are thirty prisoners in the program now. He stated that the parole agents are great to work with and more employers need to get involved. In response to a question if absenteeism was a problem, he stated no. Transportation is a problem; most ride the bus or a bicycle.

Mr. Bob Hofer, Pierre, Board of Pardons and Parole, testified that he has been a member of the board for at least seven years. The Parole Board has nine members and meets one week per month. He thanked Mr. DeVaney and Gage Brothers for their support. He stated that if parolees have a job when they are released, you know that they are going to make it. He reviewed the procedure when a parole violation has occurred. He stated that the Board has the right to invoke the original sentence and give no credit for time already served.

Ms. Twylla Turney, Kadoka, on behalf of the Oglala Sioux Tribe, testified that they had received correspondence from inmates and families concerning the conditions in DOC facilities. She stated Native Americans want to be treated with respect, both for themselves and their property. Staff needs to be taught the Native American culture. Ms. Turney stated that the quality and quantity of the food and the medical care needs improvement.

Secretary Reisch shared the following comments regarding the public testimony given thus far. As far as CD treatment, the state has developed an excellent CD program and possibly more money needs to be put into it. He stated that the service provided by Mr. Noeske and volunteers like him is invaluable. Senator Napoli suggested that the space issue at the women's prison be reviewed. Secretary Reisch stated that within the last few weeks, DOC has changed its mission statement to include the opportunity for rehabilitation. He reported that DOC has worked with the Plankinton Task

Force and approves of getting a private provider in-state; however, DOC will not guarantee that a certain number of beds will be filled at this facility. When placing juveniles, their needs must be met.

Mr. Dick Kirkie, Ft. Thompson, counselor at Crow Creek Tribal High School, testified that DOC needs to hire Native Americans. There needs to be Native Americans on the Board of Pardons and Parole, in the administration, and as court service officers. By doing so it would make a better core group to deal with minority issues. He stated that DOC could improve cultural issues by training staff and allowing more powwows. He feels that programs like COPE should be reinstated; they allowed inmates to speak to middle school students about the bad choices the inmates have made. Mr. Kirkie suggested that DOC staff approach the tribal councils about getting involved.

Ms. Mary Montoya, Sioux Falls, a volunteer at the penitentiary's chapel and president of the board for Family Connections (**Document #8**), testified that there is a constant need to guard against suicidal behavior and to protect both inmates and staff from harm. She stated that it is a clean prison and that there is access to senior staff. There needs to be more sensitivity training as to minorities and their cultures. More transition time is needed when inmates are released on parole. They go from being locked up to free. She felt there is a need for an ombudsman for the sake of the families and the inmates. She would like to see more opportunities for spiritual activities than in the past. She stated that when an inmate is serving time, so is the family. When family ties are maintained, the inmates are less likely to reoffend.

Mr. Glenn Sellevold, Sioux Falls, representing Prison Congregations of America (**Document #9**) and COPE support groups, testified that their ministry offers support for the parolees. He distributed a copy of the COPE Aftercare Application (**Document #10**). Mr. Sellevold stated that Lutheran Social Services received a \$5,000 grant for aftercare in the West River area and things are happening now. He stated that other money is available. In response to Representative Sebert's comment that home parishes be involved with the aftercare, Mr. Sellevold responded that some parishes tell inmates not to return.

Mr. Lawrence Schroeder, Sioux Falls, representing South Dakota Citizens United to Rehabilitate Errants (CURE), a prisoner advocacy group, distributed a handout detailing inmate complaints and spoke in support of it (**Document #11**).

Ms. Patricia Boyd, Lead, representing South Dakotans for the Arts, and **Mr. Michael Pangburn**, Pierre, representing the South Dakota Arts Council, thanked DOC for the opportunity to have the arts core program. Ms. Boyd stated that twenty-four artists had visited juvenile facilities. It allows the children to channel their energies.

The committee recessed at 12:00 p.m. for lunch and reconvened at 1:10 p.m.

Ms. Sandy Dame, Huron, a chemical dependency counselor, testified that DOC needs to be handling fetal alcohol spectrum disorder (FASD) inmates differently. She stated that FASD is a birth defect and one-third of the inmates suffer from it. They have behavioral problems and cannot relate to cause and effect because they process information differently. She stated that the FASD inmates need to be housed separately from the general inmate population.

Dr. Frank Dame, Huron, Clinical Psychologist, testified that a high percentage of male sex offenders are young men between the ages of 18-19 and are statutory sex offenders (underage girl friends). He stated that there are different types of sex offenders but that the state lumps them all together. He

stated that diversions should be implemented for these young men and that there is a need to look at the statutes and sentencing guidelines for sex offenders. In response to Representative Engels' comment that the sentencing judge has discretion when placing these young men, Dr. Dame stated there needs to be more community based treatment programs.

Mr. Duane A. Martin, Sr., Rapid City, a member of the Tetuwan Oyate Judicial Council and the Oglala Sioux Tribe, testified that people need to visit Pine Ridge and that more than talk needs to be done. As a former inmate, he stated that Warden Weber's employment needs to be terminated. Senator Napoli asked Mr. Martin to put in writing some facts that support such statement. In response to Representative Sebert's question on what the tribe has done for him since his release, Mr. Martin replied that they have reinstated his position on the Judicial Council.

Ms. Nancy Flemming Martin, Rapid City, testified that integrity is lacking in the system and that she has concerns about racism. She stated that she had testified previously in the State Tribal Relations Committee meetings regarding her concerns and that no one really wants to know what is going on. She stated that she has major concerns with the administrative segregation unit and the need for it.

Ms. Marletta Pacheco, Rapid City, chair of the South Dakota Prisoner's Support Group, testified that inmates need an ombudsman because they currently have no place to go to voice their complaints without the threat of retaliation.

Ms. Deb Phillips, Whitewood, a parent of a child in a correctional facility, testified that there is truly a need for an ombudsman. She stated that DOC, DSS, and other law enforcement agencies have a lot of power and that no one is overseeing them. She felt the reopening of the Plankinton facility and the possible contract with Cornell needs to be made more public. She thinks that the state should be taking this on, that if Cornell's profit is low, it will be the youth that suffer. She distributed information regarding the closure of the New Morgan Academy, Morgantown, Pennsylvania, run by Cornell Companies (**Document #12**). She also suggested that training is needed by court services officers, defending and prosecuting attorneys, judges, etc., on the Indian Child Welfare Act (IWCA), so that more youth would be placed with family members or their own tribes. Representative Murschel stated that the monitor should be a citizen review board because some of the complaints concern private facilities. Representative Burg commented that judges should play a role in the oversight of DOC.

Mr. Frank Cordell, Watertown, a homebuilder, testified that the Governor's housing project is straying from the guidelines. He stated that the \$30,000 and \$33,000 income limits need to be lowered. He estimated that the seventeen homes located in the Watertown area have hurt the Watertown economy by \$170,000. Representative Murschel stated that the program provides a vocational education for inmates. It was suggested that a better structured program be incorporated so that inmates learn more than one area of the building process and are able to obtain employment in the construction business when released.

Mr. Terry Dosch, Pierre, South Dakota Council of Mental Health Centers, Inc., encouraged the emphasis of alternatives to incarceration. He distributed two handouts, an Executive Summary of "South Dakota Rural Youth-At-Risk Outreach Program" (**Document #13**) and articles regarding juvenile justice centers that make a difference (**Document #14**). He stressed the importance of all of the entities working together to identify the mental health needs. Mr. Dosch stated that DOC is doing the best they can in dealing with mental health issues with the resources they have available. He stated that the state needs to be spending money to divert the problems.

Mr. Vic Erlacher, Lemmon, testified that as a DOC foster parent they take kids in that are released from juvenile facilities that cannot go home. He had high praises for the kids coming out of the boot camp because they have goals and morals. He stated that they need more foster parents; the goal is fifty and they currently have twenty-five. He feels more help needs to be available on the local level--he has parents come to him and ask if he can get their kids into the boot camp.

Ms. Pat Steel, Rapid City, a Court Appointed Special Advocate (CASA) and a foster parent, testified that she appreciates all that is being done for the young people. Additional funding is needed for more foster homes and the training of foster parents. She stated that boot camp graduates sometimes do not want to leave; they need another alternative after they leave the boot camp. She also stated that there is a need for therapeutic foster homes and more girls' programs. Senator Napoli suggested that she put a plan together and bring it before the Appropriations Committee next session.

Ms. Kay Scheibe, Pierre, Director of the Right Turn, testified that for the past six years the Right Turn has contracted with DOC to provide educational services at the women's prison. She stated that there had been a lot of changes in the curriculum over the years and that space is cramped. She stated that they have a good working relationship with the staff at DOC and the women's prison. With the amount of funding available, they are doing a good job and that overall it is a good program.

Mr. Travis Hallock, Chamberlain, Youth Services International (YSI) located in Springfield and Chamberlain, testified that the systematic process has improved for assessments and stressed the importance of aftercare programs.

Ms. Sharon Starks, Pierre, a volunteer at the women's prison, testified that inmates need to work on corrective thinking and getting their lives back in order. They want to leave a better person; however, many of the inmates grew up in single-family homes and have many strikes against them when released. The ones that return tell her they could not make it on minimum wage. Ms. Starks also stated that parenting skills and more foster care are needed in Custer.

Determination of Meeting Dates and Agenda

Chair Schoenbeck set the next meeting for Wednesday and Thursday, October 1 and 2, in Pierre, beginning at 8:00 a.m. Agenda items will focus on sentencing issues, DOC's response to issues, and subcommittee reports.

Adjournment

There being no further business, Chair Schoenbeck adjourned the meeting at 2:48 p.m.



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