



**2005 Interim**

**May 2, 2005**

**Kelly Inn  
Yankton, South Dakota**

**May 3, 2005**

**Mike Durfee State Prison  
Springfield, South Dakota**

**Monday, May 2, 2005**

The second meeting of the Government Operations and Audit Committee for the 2005 interim was called to order by Chair Representative Ted Klaudt at 8:00 a.m. (CT), May 2, 2005, in Room 229 of the Kelly Inn, Yankton, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jerry Apa, William Earley, Jason Gant, John Koskan, and Garry Moore; and Representatives Michael Buckingham, Margaret Gillespie, Ted Klaudt, Gerald Lange, and Deb Peters.

Other legislators present at all or part of the meeting included Representative J.E. "Jim" Putnam and Representative Jean Hunhoff.

Staff members present included Annie Mehlhaff, Principal Fiscal Analyst.

**(NOTE:** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

**Remarks from the Chair**

**Chair Ted Klaudt** explained that the purpose of this meeting was to address personnel issues, safety issues, and over-all conditions at the Mike Durfee State Prison in Springfield, South Dakota.

**Public Testimony**

**Raymond Berry**, Norris, South Dakota, testified that his son is an inmate in Springfield. He quoted from a Rapid City doctor about classifying inmates as sex offenders and not sending those who had committed statutory rape to prison. He explained that his son listened to Public Radio and heard a program about child pornography. He went home and logged on to the site that was mentioned on the radio and, unbeknownst to him, was infiltrated by a piece of spy ware that put child porn pictures on his computer. His son was caught in a child porn sting and was charged and convicted of possessing child pornography. He will be in prison for approximately 3 years.

Mr. Barry also talked about the importance of aftercare. Most of the inmates will acquire debt while in prison from unpaid liabilities on the outside, child support, court costs, etc. When they get out of prison, they really need to have a good job and a good support system.

Mr. Barry testified about the positive effect of faith based ministries on recidivism. He spoke of many different ministries and their components.

The committee discussed the state's laws regarding the true meaning of "possession of child pornography." What constitutes possession, downloading, or just viewing? Committee members requested the Internet Crimes Against Children Director, Bill Mickelson, and a representative from the Attorney General's office be present at the next meeting held in Pierre.

**IT WAS MOVED BY REPRESENTATIVE LANGE, SECONDED BY REPRESENTATIVE PETERS, TO GO INTO EXECUTIVE SESSION FOR THE PURPOSES OF DISCUSSING PERSONNEL ISSUES IN THE DEPARTMENT OF CORRECTIONS. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

**IT WAS MOVED BY SENATOR APA, SECONDED BY REPRESENTATIVE GILLESPIE TO COME OUT OF EXECUTIVE SESSION. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

**Senator Garry Moore** stated he had talked to the Mayor of Springfield and reported that, even though the City of Springfield and the Mike Durfee State Prison have a very good relationship, communication does need to be improved. During the July 2004 riot, the Mayor was not notified of the events until the next day. He believes that it is important to be kept informed because of the close proximity of homes to the prison. The mayor also believes the warden should live in Springfield or within a close distance.

**Senator William Earley** wondered if it would be as simple as adding the mayor's name to the call list that might be included in the riot disaster plan.

**Senator Jason Gant** presented a list of issues he would like investigated by Legislative Audit (**Document 1**). **Auditor General, Marty Guindon**, will be asked to review the listing and present the information that they have available and to answer questions at the June meeting held in Pierre.

The committee also talked about the timing of the statewide audit and what they could do to aid the Department of Legislative Audit in getting the final product done before the legislative session each year. **Representative Deb Peters** reported that she had visited with Mr. Guindon who told her that some of the reasons for the audit taking eighteen months to finish are out of his control. The committee will discuss this further with Mr. Guindon.

**Senator John Koskan** would like the committee to look at the administrative rules relating to the takings process in the Department of Transportation. He explained that the required public notification and hearings process was allowing speculators to purchase land they know

the Department of Transportation will need in the near future. The land then sells for a higher-than-appraised price.

Chair Klaudt reported that the first of possibly three state-wide meetings to hear public testimony from those involved with the Department of Social Services, Division of Child Protection Services will be held in Rapid City on June 14 and June 15, 2005.

The Government Operations and Audit Committee will hold another meeting in Pierre during the first week of June. Details will follow as soon as they are available.

Senator Moore wondered if the state needed a person like the juvenile monitor in the adult system. Since the adult prison system has a dispute system in place, Senator Earley had concerns that most of these people are con artists and do not need another avenue to manipulate the system. Since the old inspector general position was given a very specific task to investigate guards and illegal activity, committee members wondered if a new position would have enough focus.

**IT WAS MOVED BY REPRESENTATIVE PETERS, SECONDED BY REPRESENTATIVE BUCKINGHAM, TO GO INTO EXECUTIVE SESSION FOR THE PURPOSES OF DISCUSSING PERSONNEL ISSUES IN THE DEPARTMENT OF CORRECTIONS. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

**IT WAS MOVED BY SENATOR KOSKAN, SECONDED BY SENATOR MOORE TO COME OUT OF EXECUTIVE SESSION. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

The committee summarized the issues they want to discuss with the Department of Corrections at tomorrow's meeting in Springfield on May 3, 2005.

- Should the warden of the Mike Durfee State Prison live in Springfield?
- Do "lifers" (inmates serving a life sentence) belong in Springfield?
- Is lighting sufficient in the case of another riot?
- Are the prisoners being fed enough and is it quality food?
- Should the commissary be operated by the same vendor as the food service?
- Are infractions and disciplinary actions being reduced to affect the classifications of prisoners?
- Is more aftercare needed?
- Does the prison have cameras and are they operational?
- Should the fence surrounding the outer perimeter be moved back to prevent outsiders from getting some contraband into the prison?
- Should the sallyport inspection process be changed?
- Are promotions of staff being made according to procedure?

- Do the radios need to be upgraded?
- What are the job responsibilities of the key clerk?
- What are the job responsibilities of the safety officer?

**IT WAS MOVED BY REPRESENTATIVE PETERS, SECONDED BY SENATOR GANT, THAT THERE BEING NO FURTHER BUSINESS, THE MEETING BE DECLARED ADJOURNED. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

The committee adjourned at 4:45 p.m.

### **Tuesday, May 3, 2005**

The second day of the Government Operations and Audit Committee meeting was called to order by Chair Representative Ted Klaudt at 9:00 a.m. (CT), May 3, 2005, at the Mike Durfee State Prison, Springfield, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jerry Apa, William Earley, Jason Gant, John Koskan, and Garry Moore; and Representatives Michael Buckingham, Margaret Gillespie, Ted Klaudt, Gerald Lange, and Deb Peters.

Staff members present included Annie Mehlhaff, Principal Fiscal Analyst.

The morning began with a tour of the facility lead by **Warden Bob Dooley**. The committee was updated on the many different areas where the prison employs and educates men. Some of these include: auto mechanics, auto body repair, house building, bicycle repair, wheelchair repair, sewing, screen printing, and horticulture.

**IT WAS MOVED BY SENATOR APA, SECONDED BY REPRESENTATIVE BUCKINGHAM, TO GO INTO EXECUTIVE SESSION FOR THE PURPOSES OF CORRECTIONS ISSUES WITH THREE INMATES. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

**IT WAS MOVED BY SENATOR GANT, SECONDED BY SENATOR EARLEY TO COME OUT OF EXECUTIVE SESSION. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

The Department of Corrections distributed an organizational chart (**Document 2**), a vacancy listing (**Document 3**) and a map of the prison grounds (**Document 4**).

**Senator Jerry Apa** asked the department representatives about the number of prisoners that would eventually be housed in Springfield with the new barracks. The representatives responded that there will be room for a total of 1,313 inmates when the new building is done. The number of inmates will not reach that level as soon as the building is done, however. The department plans on eliminating the existing nine-man rooms and moving some of those inmates to the new space. The build-up will be very gradual.

Senator Apa also asked about a concern surrounding the expungement of disciplinary actions on inmates' records. The committee heard there were cases of Springfield inmates being sent to Sioux Falls for purposes of 60-day administrative segregation sentences, but the inmate would be back in Springfield in only 30 days. The department assured the committee that no incidences of disciplinary actions are ever expunged from the inmate's records without a formal review. Sometimes the inmate might get their time in administrative segregation reduced due to good behavior, but it could not be expunged from their record by administrative action.

Senator Koskan asked Warden Dooley what new employment opportunities would be added with the addition of the new inmates. The warden said they have been concerned about this and are forming exploration teams to develop more vocations and jobs at the prison. This is definitely a priority for the prison officials. Senator Koskan stated that he would like to be kept up-to-date on these developments.

Senator Apa wanted to know if there were enough guards on all shifts to keep the staff and the inmates safe. The Warden said that there probably is not adequate staffing at all times. Senator Apa explained that the Appropriations Committee has never turned down a request from the Department of Corrections that contained additional FTEs for safety purposes and that if the prison needed additional guards, they should request it during the budget process. The current staff to inmate ratio is 1:9.6; however, that number includes some security personnel who do not have regular, direct contact with the prisoners, so the ratio is actually higher.

**Acting Department Secretary Douglas Weber** added that it is common practice in prisons to downsize the staff during the night time hours and that finding an adequate staff to inmate ratio is not a science, it is an art.

The committee asked Mr. Weber about his close ties with the Sioux Falls Penitentiary and whether those close ties were affecting the placement of some inmates. His reply was that he uses the inmate classification system which does not allow him to pick and choose where inmates will be housed. Mr. Weber said that accusation was totally false.

**Representative Michael Buckingham** asked how many jobs would be lost when the new barracks were completed. Warden Dooley said the number would be minimal because the workers were pulled from other areas of prison work to help with the new building.

Senator Gant asked if any changes have been made since the July 2004 riot, such as installation of additional lighting or security cameras. Warden Dooley said that cameras have been purchased using the Homeland Security grant, but they are still in boxes and haven't been installed because the electricians are all working on the new barracks. **Deputy Warden Dallas Schneider** added that some of the cameras had been installed in the residence halls but had not been wired and were not operational.

Chair Klautdt wondered if the prisoners were being adequately fed. The department told the committee that a registered dietician reviews all menus and meals to ensure that prisoners are getting the correct nutrients and number of calories. He said that the CBM contract has saved the state hundreds of thousands of dollars, and he is satisfied with their performance.

Senator Moore asked about moving the outer perimeter fence back to try to stop some of the contraband tobacco that is being thrown over the fence. The Warden responded that it would not help. Those who get it over the fence today will find another way to get it further over the fence tomorrow.

Senator Apa wanted to know how many fights have occurred in the last month. The response was four, and that includes suspected fights that were not reported. The administration investigates if an inmate is injured and may be the victim or if an inmate shows symptoms of possibly being the perpetrator. Mr. Weber added that there are more fights in a month at most high schools across the country than there are at their medium-security prison.

Representative Peters asked about the prison's alcohol and chemical dependency program. **Wayne Dougherty**, Department of Human Services, described the programs administered at the prison. He highlighted a new program targeting Native Americans that was suggested during the Governor's Correction Taskforce meetings. Mr. Dougherty said the program was showing strong signs of success. He also reported the abstinence rate in DOC substance abuse programs was about 49%.

Chair Klaudt asked about the timing of the treatment and whether it was being done at the beginning of the inmate's sentence, or toward the end. **Department of Corrections Deputy Secretary, Laurie Feiler**, responded that research shows the inmate must be away from the drugs and alcohol for a period of time before the counseling will help. The research also shows that it is important for the inmate to receive the counseling and then immediately be able to put it to use on the outside.

Chair Klaudt asked if any changes had been implemented from the suggestions raised by the Governor's Corrections Task Force that had been meeting for two years. The department responded that some alcohol and chemical treatment changes had been implemented and they were waiting to meet with the Governor on the remainder of the issues addressed.

**Scott Bollinger**, Department of Corrections, responded to the question regarding articulation agreements with the vocational technical schools and said that the department has a contract with **Dianna Miller** to coordinate all of the educational programs at the correctional institutions. Each campus used to have a principal and now Ms. Miller's contract has replaced those positions. Mr. Bollinger also said that some of the vocational education programs in the prison can be continued at a state vocational school after release from prison.

Representative Gillespie asked if the department discouraged overtime for the guards. Warden Dooley said that overtime is discouraged, but it is never made a priority over safety of the guards. If he can get the guards to use flextime, he does so.

Senator Koskan asked if the barracks and the control room were designed by professionals and if other prisons had similar layouts. Both Warden Dooley and Mr. Weber said that they had toured other prisons with similar open bay configurations. They also said that Banner and Associates designed the building and the control room with input from some department personnel.

Senator Early asked for details on the process used to promote employees. Mr. Weber explained that they follow the State Bureau of Personnel guidelines for all promotions. The majority of the job openings are filled internally if possible.

Senator Apa asked about the quality of the hand-held radios the guards use. Deputy Warden Schneider reported that the guards would soon be issued new radios. The radios would not have a panic button on them, but it was explained that, because of the size of the campus, that feature would not be helpful anyway.

Senator Early asked if the prison's disaster plan included notification of the Mayor of Springfield. Warden Dooley said that notification process has been added since the July 2004 riot.

Senator Early wanted to stress that there appears to be a communication problem and much of the morale issues could be solved by routine top-to-bottom communications briefings. He strongly encouraged the department to work on that issue.

The committee expressed many thanks to the prison administration, the Department of Corrections, and especially the men and women on the front lines each and every day. They praised their hard work and dedication in keeping the public and inmates safe from harm.

**IT WAS MOVED BY SENATOR EARLY, SECONDED BY SENATOR KOSKAN, THAT THERE BEING NO FURTHER BUSINESS, THE MEETING BE DECLARED ADJOURNED. THE MOTION PASSED UNANIMOUSLY ON A VOICE VOTE.**

The committee adjourned at 2:00 p.m. (CT).



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