DEPARTMENT OF CORRECTIONS
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Dear Governor, Chief Justice and 2018 Legislators:

The South Dakota Corrections Commission met four times during 2017. The first meeting was March 27 at the Pierre Community Work Center located in Pierre. The meeting included a tour of the penitentiary and Pierre Community Work Center and an election of officers. Representative Tieszen was elected Chair of the Commission and Senator Heinert was elected Vice Chair. The second meeting was held by conference call on August 10 to discuss a new prison industry proposed for the South Dakota Women's Prison in Pierre. The third meeting was held at the Training Academy, located on the grounds of the South Dakota State Penitentiary in Sioux Falls and included a tour of the penitentiary and Sequel Transition Academy. Commission members also observed parole hearings and other parole business while at the penitentiary. The final meeting was held at the Community Work Center located in Rapid City and included a tour of the facility.

The focus of the Corrections Commission is to assist the Department of Corrections (DOC) in examining various criminal justice issues, developing initiatives, and when necessary, taking action on requests by the department to use certain funds from the prison industries revolving fund to enhance, develop, or expand the business of prison industry, as provided in statute.

TOPICS REVEIWED AND ACTION TAKEN IN 2017:

FACILITY POPULATION AND PROGRAM UPDATES:

Laurie Feiler, Deputy Secretary of Corrections, provided the Commission information at the March meeting about the current male and female inmate populations. The Average Daily Count (ADC) for male inmates started increasing a year ago. This is attributed to increases in new admissions, increases in parole violators and an increase in average length of stay. Drug offenses continue to be a large contributor.

The Tribal Parole Program is operating on Sisseton-Wahpeton reservation. The department is looking to add another parole program within another reservation in South Dakota if possible. Turn-over within the tribal parole agent position continues to be a challenge but the program is an important component of managing inmates on parole who wish to return to the reservation.

Director of the Division of Juvenile Services, Kristi Bunkers provided the Commission a general overview on juvenile corrections, including identifying juvenile residential service providers, population statistics, and recidivism rates. The provider system on the juvenile side is separated into three types: group care, psychiatric residential treatment, and intensive residential treatment. These are distinguished by staffing levels, payment source, and intensity of services.

NEW PRISON INDUSTRY-

In August, Vicki Vandermay, owner of Badlands Quilting from Martin, SD met with the Commission to discuss her intent to establish a prison industry shop at the South Dakota Women's Prison. The new industry is a for-profit business which will utilize 7-9 inmate laborers to manufacture star quilts. The owner is required to pay prevailing wages, which was set at $8.90 per hour by the South Dakota Department of Labor, and to hire a supervisor to oversee the operations of the shop. The owner also must provide all equipment and materials. Darold Diede, Director of Prison Industries, provided the Commission with additional details about the shop and process of approving the request to open the shop. The Bureau of Justice Assistance granted approval of the new industry, as is required prior to operation. Pursuant to SDCL 1-15-1.13, the Commission voted to approve the Department of Corrections to enter into an agreement with Badlands Quilting for a for-profit business at the Women's Prison.

INMATE POPULATION UPDATE:

Deputy Secretary Feiler briefed the Commission at the September meeting on the inmate population. The average daily population of inmates continues to grow. For FY18, the DOC is budgeted for 3845 inmates. The inmate population total as of September was 3898 inmates, with a breakdown of 3378 males and 523 females. Of the new commit male admissions, 15% were violent and 40% non-violent. Male probation admissions were 4% violent and 40% non-violent. 26% of the crimes committed by male inmates are drug related. Female new admissions were 4% violent and 30% non-violent. Female probation admissions were 2% violent and 62% non-violent. Approximately 62% of the crimes committed by female inmates are drug related. Parole numbers have also increased as the inmate population increased. There are 327 offenders released to out-of-state parole supervision and 2711 released to supervision in South Dakota.

EXTENDED CONFINEMENT PROGRAM:

The Commission received information at the September meeting regarding the Extended Confinement Program. Individuals participating in the program remain inmates and under the authority of the DOC. They are supervised while released to the community by Parole Services. The inmate is typically within 6 months of release, serving time for a non-violent offense, not a sex offender and currently classified to minimum custody status. Inmates released to extended confinement must pay all expenses, such as housing, health insurance, medical expenses, GPS tracking fees, etc. There have been 273 individuals placed on extended confinement since May 2016. Approximately 87% of those successfully released or were placed on parole supervision.

JUVENILE POPULATIONUPDATE:
Scott Prenger briefed the Commission at the September meeting on the juvenile offender population. Juvenile offender numbers continue to decline. At the end of August 2017, there were 267 juveniles in the Department of Corrections, 151 of those were in aftercare in the community and 116 in private placement, either in state or out of state. As of August 2016, there was a total of 369 juveniles committed to the DOC. In 2008-2009, the juvenile numbers were around 900. The decrease in population is attributed in part to an earlier reform, Juvenile Detention Alternatives Initiative (JDAI) as well as the Juvenile Justice Public Safety Improvement Act (JJPSIA), which reserves disposition to DOC for youth who post a risk to public safety. Under the JJPSIA youth and families have access to an expanded array of proven community based services which research has shown to be more effective than out of home placement.

LAND SALE:
The Commission received information from School and Public Lands Commissioner Brunner on the plan to sell certain property held by the DOC. Clinicare, which operates Aurora Plains in Plankinton on the grounds of the old State Training School, leases the property from the DOC and indicated it wanted to purchase the property. The property was 82 acres and went on the market October 4th. It appraised for $1,358,000. All proceeds from the sale are placed in trust and may be reinvested by the SD Investment Council.

The second property is the STAR Academy in Custer. The facility was closed over a year ago. The campus was offered for sale in October. The appraised value is $2,340,000. Additional property associated with the campus may be sold at a later date. All funds received will be placed in the trust fund.

The third property is the Rushmore Building in Rapid City. Currently there is six Juvenile Community Corrections staff that work in that building. This property is appraised at $4.1 million and will be for sale in September.

MAXIMIZING STATE REFORMS:
Kevin McLain with the DOC presented information about the Maximizing Justice Reinvestment Grant to the Commission at the November meeting. South Dakota was eligible to apply for the grant from the U.S. Bureau of Justice Assistance. This project fits under three of the federal justice reinvestment goals, which are to reduce corrections costs by reducing unnecessary prison confinement, expand and promote collaboration among those working in the criminal justice system to support justice reinvestment and use of evidence-based practices to reduce recidivism and prevent re-incarceration. A program will be established to assist female probation violators in Pennington County.

There were a variety of factors that led to the choice of focusing on the female offender population. In 2015, South Dakota ranked sixth in the nation in female incarceration rates. In FY 2017, 93% of all female court commitments were nonviolent. The female prison population fell from FY14 to FY15 as part of the Justice Reinvestment Initiative,

but since that time, the population has once again began to increase and is currently approaching the level of inmates that was projected if the Justice Reinvestment changes had not been implemented. Forty-eight percent of the female prison population is Native American, compared to 29% of the male prison population. Of the female inmates in prison from Pennington County, 72% of those are Native American. In 2017, roughly 79% of the Pennington County female commitments were sentenced to prison for drug crimes.

The grant is $1.75 million and there is no state match required. One hundred percent of the funds are budgeted for contractual services. The program includes a 90 day residential programming phase, followed by a 6-9 month community phase. There will be 100 hours of cognitive-based programming onsite during the residential phase. The capacity for the residential phase of the program is 16 offenders with an anticipated average daily population of 12 offenders.

POPULATION UPDATE AND WALKAWAY NUMBERS:
Secretary Kaemingk provided the Commission with an update on the inmate population at the November meeting. The prison population has increased to almost 4000 inmates in custody. The meth epidemic appears to be a driving force behind the increase. The female population is at an all-time high of 523 inmates. The male population is between 20-23% minimum custody inmates while the female population is about 40% minimum custody. The male population is 54% non-violent and the female population is 84% non-violent. Probation and parole violation admissions increased in FY17. For the female population, new commitments for probation violations increased dramatically. Parole violations increased but at a slower rate. The number of offenders on parole also reached record highs with the average caseload per parole agent of 69 offenders.

Secretary Kaemingk addressed the Commission on the walkway numbers. As of November 27th, there were 973 minimum custody inmates housed in minimum custody DOC facilities. During FY17, four inmates walked away from minimum facilities, four inmates failed to return from a job search or work release and four left from their assigned community service job site.

PREP PROGRAM:
Leland Anderson with the DOC provided the Commission with information about the PREP program. This is a pre-release program which is incentive based and available to community service workers at the Rapid City Community Work Center. Typically, participants are within 4-6 months of release. There are also opportunities for offenders released to parole who are housed at the unit within the Community Transition Program to participate in PREP.

The program was created to fill the void left by the discontinuation of the Federal Second Chance Act. It is designed to prepare the offenders for return to the community and to lower recidivism. The program is eight weeks and includes providing offenders with assistance with personal development, problem solving, anger management,

values and goal setting, employment skills, job placement skills, victim awareness and restitution, and reentry support resources. The program has existed since June 2016.

JUVENILE JUSTICE REFORM INITIATIVE:
Kristi Bunkers, Director of the DOC Division of Juvenile Services provided the Commission with an update on Senate Bill 73, otherwise known as the Juvenile Justice Public Safety Improvement Act. The annual report is available on the JJRI website. An Oversight Council was established and charged with monitoring the impact and implementation of the adopted reforms.

Since 1997, the national census conducted by the Office of Juvenile Justice and Delinquency Prevention has reported South Dakota having one of the highest juvenile incarceration rates in the nation. One contributing factor is the lack of evidence based community based services. As a result of JJPSIA, funds were shifted from the custody side of juvenile corrections to programming and services designed to serve youth in their home communities.
Such funds include the diversion fiscal incentive, which included $250,000 distributed to counties. For every successful diversion of a youth from incarceration, the county receives $250. For two years in a row, Pennington County has been the leader in diversion. Not all counties participate. There were three services implemented under the reform which the Division of Behavioral Health is responsible for overseeing. The services include functional family therapy, Moral Recognition Therapy (MRT) and Aggression Replacement Therapy (ART).

The reform also required the establishment of an Oversight Council. Early indicators support a decrease in recidivism for both juvenile probation and youth committed to the DOC. The number of youth who successfully complete probation has increased since the law has been in effect. Since the inception of the community based services under the reform, more than 1200 referrals have been made to meet the needs of youth and families in their home communities. The 2015 census, which is the most recent, now ranks SD as fifth in the nation for juvenile commitments.

Commission Membership Changes in 2017:
State statute requires the composition of the Commission to include two Senators and two Representatives from each political party. Representative Jamie Smith was appointed to the Commission by the House Minority Leader, Senator Troy Heinert was appointed by the Senate Minority Leader and Senator Arthur Rusch was appointed by the Senator Majority Leader. Judge Pat Pardy was appointed by the Chief Justice to replace Judge Randall Macy, who retired in March. Tim Bottum, the governor's Industry and Commerce appointment resigned from the Commission in September. Bruce Yakley, CEO of Trail King in Mitchell, SD was appointed by the Governor. Tragically, on November 22, 2017 Chairman Craig Tieszen died in a kayaking accident while visiting the Cook Islands in the South Pacific. The House Majority Leader appointed Representative Kevin Jensen to fill the vacancy.

The Commission is committed to assisting and supporting the Department of

Corrections in its mission to protect the citizens of South Dakota by providing safe and secure facilities for offenders committed to DOC custody by the courts, to provide effective community supervision to offenders upon their release and to utilize evidence-based practices to maximize opportunities for rehabilitation.

Sincerely,

Senator Troy Heinert-Vice Chair

c.c.
Secretary Kaemingk
Corrections Commission