DEPARTMENT OF CORRECTIONS
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February 10, 2015

Dear Governor, Chief Justice and 2015 Legislators:

The South Dakota Corrections Commission met two times during calendar year 2014. The first meeting was April 16-17 at the South Dakota State Penitentiary in Sioux Falls and included tours of McCrossan and Sequel. Commission members also attended parole hearings and the meeting of the Board of Pardons and Paroles. The second meeting was October 16-17 in Mitchell, SD and included tours of Our Home, Abbott House and Aurora Plains.

The focus of the Corrections Commission is to assist the Department of Corrections (DOC) in examining various criminal justice issues, trends, developing initiatives and to monitor projects and programs occurring within the Department of Corrections.

2014 DOC Related Legislative Bills:

Secretary of Corrections Denny Kaemingk provided an overview of the 2014 state Legislative session and the new laws that will impact the Department of Corrections at the April Commission meeting.

HB 1028 An Act to revise the amount counties may be reimbursed for the detainment of parole violators.
Bill amends SDCL 24-15-29 to increase the amount of reimbursement for counties for detaining parole violators from a maximum of $50 per day to $70. Bill was signed by the governor.

SB 26 An Act to establish certain electronic crime victim notification procedures.
Bill moves victim notification laws related to DOC and parole from SDCL Chapter 24 to Chapter 23. Bill also allows for electronic notification of victims and requires notification to victim upon furlough and death. Bill was signed by the governor.

SB 41 An Act to revise the definition of penitentiary correctional staff for purposes of administering the South Dakota Retirement System.
Bill revises definition of penitentiary correctional staff in subdivision 53 of SDCL 3-12-47 for retirement purposes to warden, deputy warden and other correctional staff holding a security position, as determined by DOC and approved by BHR and BFM. Determination of Class B retirement shall be made by SD Retirement System board of trustees based on recommendation of DOC, BHR, BFM. Bill also repeals Administrative

Rule 62:01:02:03 which previously defined Class B retirement members. Bill was signed by the governor.

HB 1039 An Act to revise certain reversion provisions relating to the General Appropriations Act for fiscal year 2013.
Bill revises the general budget bill to extend the time DOC has to spend some of the money earmarked for the Criminal Justice Initiative until June 30, 2017. The bill has been amended to 2015 rather than 2017. Bill was signed by the governor.

HB 1040 An Act to revise the General Appropriations Act for fiscal year 2014.
Bill makes changes in personal services and operating expenses for each DOC division for state FY 2014. Bill was signed by the governor.

SB 177 An Act to make an appropriation to provide contingency funds to be made available for unanticipated costs related to inmate health care and health insurance for state employees, and to declare an emergency.
Bill appropriates more than $45 million in contingency funds to the Bureau of Finance and Management to be used to fund unanticipated costs related to medical services, inmate healthcare and health insurance for state employees. Bill was signed by the governor.

Department of Corrections Topics Reviewed by the Commission:

Criminal Justice Initiative Update:
The Commission received progress updates on the implementation of various policies and programs that are part of the South Dakota Public Safety Improvement Act at each of its meetings. The updates included information on the current status of Earned Discharge Credits (EDC) for parolees, Tribal Pilot project, validation of the Level of Service Inventory-Revised (LSI-R) and other changes in the management of offenders on parole, Community Transition Program housing pilot, evidence-based practice training for parole staff and the parole board, status of the county reinvestment fund and establishment of performance measures by the oversight council.

Juvenile Justice Reform Initiative:
Secretary Kaemingk presented the Commission with some of the preliminary information about the Juvenile Justice Reform Initiative and the formation of the Juvenile Justice Reform workgroup, which is composed of various judges, states attorneys, legislators, teachers, representatives from the Department of Corrections, Socials Services and others. The Commission also reviewed current juvenile population numbers and juvenile population projections.

Briefing on Inmate Incidents:
Secretary Kaemingk briefed the Commission on two separate incidents involving inmate James McVay and inmate Kent Davidson. Secretary Kaemingk described the DOC's response to the incidents, including the After Incident investigation and corresponding

review of the department's policies. In the case of the death of inmate Davidson, a criminal investigation was also conducted by the Division of Criminal Investigation.

Food Service and Commissary Contract:
Secretary Kaemingk briefed the Commission on the institutional food service and commissary contract and explained the bid process and services provided by the contractor.

Commission Membership Changes in 2014:

State statute requires the Commission be composed of two senators and two representatives, one each from each political party. The Commission is currently down one member as Representative Lance Carson did not seek re-election to the House. As required by state statute, the House Majority Leader will nominate a member from the House of Representatives to serve on the Commission.

In accordance with the Corrections Commission by-laws, the election of officers was held during the April meeting. Senator Craig Tieszen was re-elected as Chair and David McGirr was elected as Vice-Chair, replacing Senator Bradford.

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 juvenile and adult offenders committed to its 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.

Respectfully,

Senator Craig Tieszen, Chair
South Dakota Corrections Commission

c.c.
Secretary Kaemingk
Corrections Commission