

**Official Proceedings**  
**Codington County Justice Advisory Committee**  
**Lake Area Technical Institute (LATI), 1201 Arrow Avenue, Watertown, SD 57201**

The Codington County Justice Advisory Committee (CCJAC) met at LATI for its inaugural meeting on Feb. 19, 2015, 6:30 p.m. All committee members were present: Lee Gabel, Tyler McElhaney, Megan Gruman, Larry Wasland, Al Koistinen, Greg Endres, and Toby Wishard, as well as non-voting members, Judge Robert Timm and Tom Walder. Sheriff Wishard was excused from approximately 6:48 p.m. to approximately 7:45 p.m. Approximately ten members of the public attended. Meeting called to order by Interim Chairman, Lee Gabel, at 6:30 p.m.

**Agenda Approved**

Motion by Wasland seconded. All voting members present voted aye; agenda approved.

**Elections**

Interim Chairman, called for nominations for Chair, Vice Chair and Recording Secretary positions to be elected to one-year terms (February – February). Lee Gabel was nominated for the position of Chairman by Koistinen, second by Wasland, no additional nominations; all in favor, motion carried. Gruman was nominated for Vice Chairman by Gabel, second by Koistinen; no other nominations, all in favor, motion carried. Gabel nominated Julie Radach for Recording Secretary, second by Gruman, no other nominations, all in favor, motion carried.

**Overview Presentation of Charter and Purpose**

Gabel provided an overview of the CCJAC charter and purpose. (presentation slides attached)  
Gabel outlined the legal basis for the County's responsibility to provide court and jail facilities.

Judge Timm provided a history of South Dakota's Unified Judicial System. In 1972, a constitutional amendment eliminated municipal and county court judges together with justices of the peace and consolidated judicial power in circuit court judges. In 1975 the laws requiring counties to provide facilities for county court and circuit court were amended to require counties to provide suitable and sufficient facilities for circuit court, clerks of court, and magistrate judges. Judge Timm noted that the related statutes delegating to counties the duty to provide suitable court facilities use "may" and "shall" with "may" intended in the mandatory sense rather than discretionary under rules of statutory construction.

Gabel said that SDCL 24-11-2 and SDCL 24-11-3 together mean that the counties each have to provide jail space somewhere (which could be in another county's jail).

Gabel noted that CCJAC information is on the county's website, [codington.org](http://codington.org), and demonstrated how to locate CCJAC's webpage.

***Overview of current court and jail space issues***

Gabel summarized (included in attached presentation slides) of the current caseloads and facility issues. There is an impact on how the States Attorney adjusts priorities on cases to be scheduled for trial. Gabel also summarized the rising jail inmate population and facility issues. Concerning the booking area of the jail, Mr. Walder explained that the need to keep certain jail populations separate impacts the booking area's use. For example, if a juvenile is present in the booking area, no other inmates can be present. Gabel noted that the trend for juvenile incarceration is toward having juveniles in a separate facility.

***Overview of instructions to CCJAC from the Board of County Commissioners (BoCC)***

Chairman Gabel presented the instructions to the CCJAC from the BoCC (included in attached presentation slides). Gabel noted that the criteria that the CCJAC is directed to develop should include both screening and comparative criteria. Gabel also noted that options for resolving court and jail space issues are in two categories 1) facility options and 2) options to execute the solution (funding, phasing, etc.).

***Overview of process to carry out BoCC Instructions and of the current state of analysis***

Chairman Gabel provided an overview of the working process and the current state of analysis to determine needs for court and jail space (included in attached presentation slides). Ms. Gruman added that it would be useful to understand how other counties (that use Codrington County Jail) view their inmate housing requirements. Mr. Gabel stated that new laws, such as SB-70, might also have an impact on the needs of court and jail facilities.

***Discussion of tasks to begin between now and next meeting***

Gabel suggested tasks to begin (included in attached presentation slides): Gabel noted that he has been in contact with court and jail consultants as well as architects that had consulted or worked on the County's courthouse and jail (to learn any insights into the structure of current facilities).

Gabel asked for comment from public members present concerning the determination of needs for court and jail space and establishing criteria to use in evaluating eventual options. Public comments (not verbatim):

- ACA guidelines are the ideal level, but still guidelines. There is a range of choices. (Gabel responded that that would be a decision on how much risk to accept).
- Use consultants to project growth in caseload for the courts and inmate population to predict when these factors might become critical. This might allow the county to deal with the court space and jail space separately or sequentially. (Gabel and Judge Timm responded that there might be some phasing and co-location options to consider).
- It is important to determine what the County needs and wants before approaching an architect, who could then help us see whether existing facilities can accommodate the county's needs.
- The county should provide a consistent source of information on CCJAC activity.

CCJAC Minutes, February 19, 2015

- The failed bond election (November 2014) shows that a new facility is not wanted. The composition of the CCJAC is unbalanced. No new facts have been presented. (Gabel offered to do a Q&A session after adjournment to discuss items not on the meeting agenda. The individual who made the comments departed before adjournment).

After public comments, Gabel noted that he would try to devise a tracking method, to manage efforts to determine space needs.

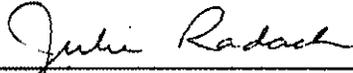
***Discussion and action to schedule future meetings of CCJAC***

The next scheduled meetings will be March 12, April 9 and tentatively May 21. Locations to be determined.

Gabel asked the for any further comments as to whether the discussion had set an accurate starting point for CCJAC to begin work. No further comments.

***Action to adjourn as CCJAC until next meeting***

Motion by Gabel seconded. All present voting members voted aye. Meeting adjourned 8:09 until Thursday March 12, 6:30 p.m., location to be announced.



Julie Radach  
Secretary  
CCJAC

March 12, 2015  
Date Approved



# CODRINGTON COUNTY JUSTICE ADVISORY COMMITTEE (CCJAC)

Helping leaders & citizens make good  
decisions about justice issues



## Agenda for February 19, 2015

1. Action to Approve Agenda
2. Overview Presentation of Charter and Purpose - Interim Chairman
3. Nomination and action to appoint CCJAC Chair, Vice Chair and Recording Secretary
4. Overview of current court and jail space issues
5. Overview of Instructions to CCJAC from County Commission
6. Discussion and possible action to agree on process to carry out County Commission Instructions
7. Review and discussion of the current state of analysis
  - Overview of what we know
  - Overview of what we need to confirm or revisit
  - Overview of what we don't know
8. Discussion of tasks to begin between now and next meeting.
  - What data can we gather/analyze with our own resources?
    - Who will assemble it?
    - Who will analyze it?
    - Are there other stakeholders to talk to for input and data?
  - What type of consulting do we need to consider?
    - Who will contact potential consultants?
    - Potential consultants already contacted
9. Discussion and action to schedule future meetings of CCJAC.
10. Open
11. Action to adjourn as CCJAC until next meeting



## Overview of Charter & Purpose

Purpose: To advise commission regarding justice facility issues – SDCL on counties and court space

- 16-2-25. **Counties to provide facilities for clerk.** Each county in the state shall provide suitable and adequate facilities for the clerk or any deputy clerk of the circuit court, including the facilities necessary to make the space provided functional for its intended use.
- 16-5-22. Place of holding terms of circuit court. All terms of the circuit court within and for each county shall be held at the county seat thereof.
- 16-6-7. **Courtroom facilities for circuit judges provided by counties.** The board of county commissioners in every county in this state may provide the circuit judge of the judicial circuit of which such county forms a part with suitable and sufficient courtroom facilities and equip the same to conduct the business of the court at a place other than the county seat of such county but within said county where such judge resides.
- 16-12A-29.1. **Counties to provide facilities for court.** Each county in the state shall provide **suitable and adequate facilities for the magistrate court**, including the facilities necessary to make the space provided functional for its intended use.



## Overview of Charter & Purpose

Purpose: To advise commission regarding justice facility issues – SDCL on counties and jail space

- 24-11-2. **Establishment of county jail at expense of county.** There shall be established and maintained in every county, by authority of the board of county commissioners and at the expense of the county, a jail for the purposes stated in this chapter, except as provided in § 24-11-3.
- 24-11-23. **Policies and procedures--Adoption--Contents.** The governing body or commission responsible for the operation of a jail shall adopt written policies and procedures for the regulation of the jail on the following subjects:
  - (1) The cleanliness of the prisoners;
  - (2) The classification of prisoners by sex, age, crime, and mental illness;
  - (3) Beds and clothing;
  - (4) Warming, lighting, and ventilation of the jail;
  - (5) The employment of medical and surgical aid when necessary;
  - (6) Employment, temperance, and instruction of the prisoners;
  - (7) The communication between prisoners and their counsel and other persons; however, no mail censorship is to be allowed of inmates' correspondence to and from their counsel, or their designated agents;
  - (8) The punishment of prisoners for violation of the policies and procedures of the jail;
  - (9) The twenty-four hour supervision of the jail when it houses any inmate population which policies and procedures may provide for supervision by means other than the continuous personal presence of jail personnel;
  - (10) The training of the jailors;
  - (11) Such other policies and procedures to ensure the fair and humane treatment of and to promote the welfare of the prisoners; provided, that such policies and procedures shall not be contrary to the laws of this state.



## Overview of Charter & Purpose

Purpose: To advise commission regarding justice facility issues

- All Decisions are advisory or relate to such decisions
- Who do we advise?
  - Commissioners
  - Citizens

Secondary Benefit: Official status helps public

- To stay informed (public meetings, minutes, website)
- To participate in the discussion



## Overview of Charter & Purpose

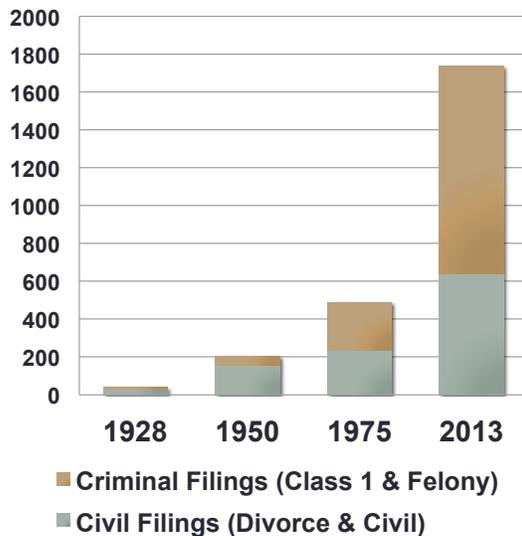
Basic process:

- Issue identified (by anyone)
  - Commissioners instruct and/or
  - CCJAC takes initiative to address
- CCJAC Studies Issue
- CCJAC Reports and/or makes Recommendation to Commissioners



## Current Court & Jail Space Issues

### Court Space: Increasing Caseload Problems



- Currently one medium jury & one small non-jury courtroom
- Courtrooms scheduled 6+ months out
  - Speedy trial jeopardized
  - Courtrooms overbooked (like airlines) in hope that some cases will settle out of court
- Increasing staff to manage cases
  - Most offices are crowded
  - Inadequate evidence space



## Current Court & Jail Space Issues

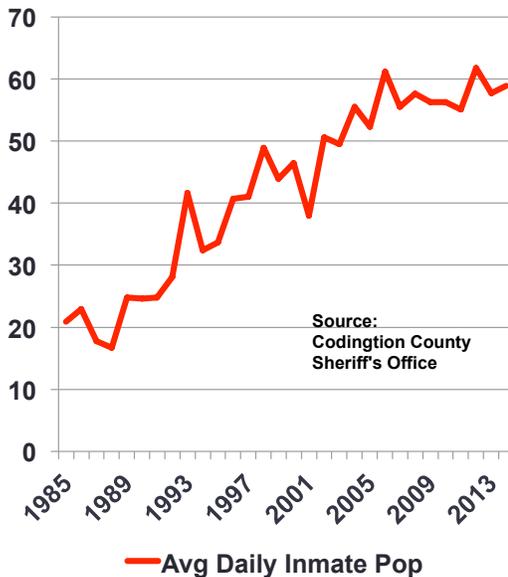
### Court Space: Inadequate structural features

- No separate public/judicial/inmate entrances to courthouse
- No secure circulation: plaintiffs, defendants, witnesses, public, counsel share same corridors and entrance to court room.
- No inmate holding rooms.
- No separate entrance for inmates (moved through public spaces)
- Attorney Client space severely limited
- No handicapped-accessible bench, jury box, witness stand & jury restrooms



## Current Court & Jail Space Issues

### Jail Space: Crowded & Growing



- Average Daily Population (ADP) steadily growing
- Currently ADP consistently near capacity
  - ADP often spikes above capacity
  - Sometimes forces inmates to be placed in inappropriate type of cell space



## Current Court & Jail Space Issues

### Jail Space: Inadequate Structural Features

- Linear layout doesn't allow constant surveillance into cell blocks.
- Most cells and common areas are too small to comply with American Corrections Association (ACA) Standards
  - Subjects County (i.e. taxpayers) to greater liability
- Booking area inadequate for "intake & release"
- Juvenile area OK, but will need to be addressed

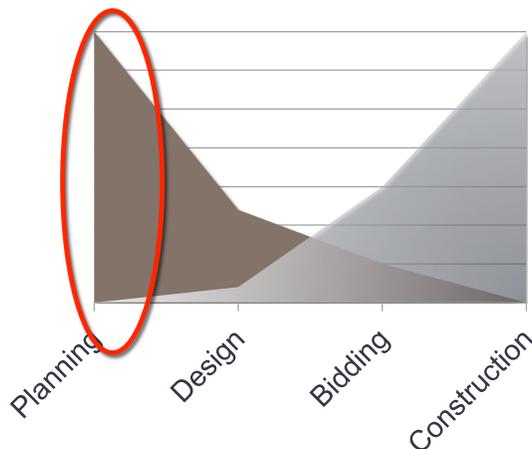
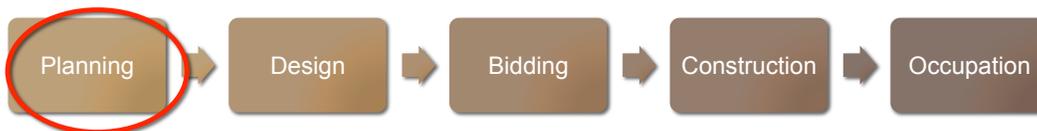


## Instructions to CCJAC from County Commission

- Review the previous work done to develop the “Justice Center” proposal prior to the election in November 2014 to determine the need for further analysis regarding the space needs for the Court and jail,
- As necessary, further analyze or recommend to the Board of County Commissioners ways to obtain the needed analysis,
- Recommend to the Board of County Commissioners criteria to use in evaluating options to resolve Court and jail space needs,
- Recommend to the Board of County Commissioners options for resolving Court and jail space needs.



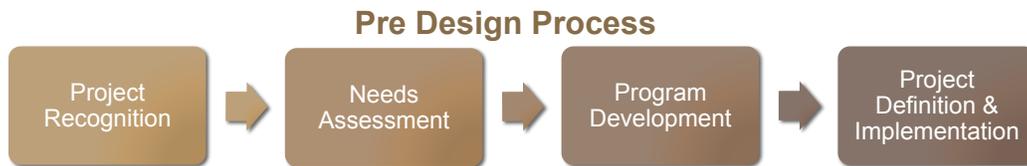
## Instructions to CCJAC from County Commission



■ Opportunity for Savings  
■ Cost of Change



## Process to carry out County Commission Instructions



from National Institute of Corrections' *Jail Design Guide, 3<sup>rd</sup> ed*

- Determine Need
- Determine Criteria
- Develop Options
- Evaluate Options using Criteria
- Recommend Option(s)



## Current state of analysis

What we know:

- Standards & Best Practices - generally
- Most of the basic issues with current spaces





## Current state of analysis

What we need to confirm or revisit:

- Detailed understanding of current issues
  - Space inventory
  - Detailed data breakdown for court flow
  - Detailed data breakdown for jail flow
- Impact of best practices and standards on current facilities
- Structural details of current facilities



## Current state of analysis

What we don't know:

- Caseload projections
- ADP projections
- Assumptions/Choices





## Tasks to begin

Needs	Data we might be able to collect	Who among us?	Outside Help
Space inventory	Square footages, features	Facilities	Facility recommendations
Detailed data breakdown for court and jail	Historical Data	Clerk of Courts, Sheriff's Office	Additional compilation and analysis
Impact of standards, best practices on facilities	Stakeholder input	CCJAC	Procedure & Facilities Recommendations. Situational understanding
Structural Info on current facilities	Previous consultant architects opinions	CCJAC	Possible engineering analysis
Caseload Projections	Historical Data, Straight line projection	Clerk of Courts, Sheriff's Office, CCJAC	Multiple projection models. Detailed data. Arrive at desired capacity.
ADP/booking Projections			
Assumptions & Choices	List questions	All	Consultants might help



## Other Tasks to begin

- Contact Consultants
  - Court
  - Jail
- Obtain consultant proposals
- Familiarize with standards, best practices for courts and jails
- Are there other stakeholders to talk to for input and data?
- Devise Draft Criteria - All
- Devise tracking method – Hope to propose next meeting
- Review best *planning* practices -
- Public information tasks – fact based dialogue
- Review Draft Minutes – should be posted or emailed soon
- Provide agenda Items