

Official Proceedings
Codington County Justice Advisory Committee
City Council Chambers, Watertown City Hall
Watertown, SD 57201
June 16, 2015

The Codington County Justice Advisory Committee (CCJAC) met in the Watertown City Council Chambers on June 16, 2015. In attendance were Lee Gabel, Tyler McElhany, Larry Wasland, Megan Gruman, Al Koistinen, Greg Endres and Toby Wishard, as well as non-voting member Tom Walder. Absent was the Honorable Robert Timm, who recently retired from the bench. The meeting was called to order at 6:33 p.m. by Chairman Gabel.

Agenda Approved

The agenda for the meeting was presented. Motion by McElhany to approve, motion seconded. Chairman Gabel requested a change in agenda order to accommodate schedule for the Clerk of Courts; all in favor, agenda approved.

Minutes from May 12, 2015 Approved

Motion by Wasland seconded, all in favor, minutes approved.

State of Process to Fulfill Commissioners' Instructions to the CCJAC

- **Regarding Instruction #2: Analyze and recommend to the BoCC ways to obtain the needed analysis**

Ms. Jenny Hammrich, Court Administrator, provided an overview of the 3rd Judicial Circuit (see attached slides). The Third Judicial Circuit has two full-time judges and is presently interviewing for a magistrate judge that will cover Codington County. The Court has not determined where the magistrate judge will be chambered. Two circuit judges share the two courtrooms in the present Codington County courthouse. The magistrate judge will need office space (either as a visiting judge or chambered) in the courthouse when hired.

Connie Hartley, Codington County Clerk of Courts, presented information on the impact of the current courthouse space on the functions of her department (see attached slides). Highlights:

- The Clerk of Courts (CoC) office space is currently about 1120 sq ft. on the first floor of the courthouse.
- **Inadequate Waiting Area:** The waiting area for the public can accommodate only two to three people at a time, which is especially insufficient on magistrate court day when an average of 117 people pass through the court system. Glass partitions have been installed on the counter for

protection but these do not go to the ceiling are not bulletproof. The placement of the glass partitions leaves little room for paperwork on the counter. The counter is too high to meet handicapped accessibility requirements. There is no designated protection order room. This function is currently being done in the microfiche room, which is open to the public with controlled access. Since the CoC office is not adjacent to the courtrooms, it is frequently bypassed by those who need to pay fines or set up payment plans following a trial.

- **Impact of current CoC work space:**

Lack File Space: File storage space is full, both in the CoC office and in the basement of the Courthouse. The State (Unified Judicial System) determines the archiving, microfilming and digitizing schedule. This determines what paper files may be sent to Pierre, what can be destroyed and which must be stored in county courthouses. At this point in time, files from 1912 and older have been sent to Pierre. Files from 1912-1960 are on microfiche. Roughly the past ten years are digitized. Currently, all is electronic filing. Many old paper files are not in good condition.

No space designed for exhibit storage: There is no secure place to lock up exhibits. Exhibits are stored around case file shelves during trials. Some large exhibits must be kept in the basement. Exhibits often consist of drugs and guns. CoC moves exhibits to and from (during lunch recess or end of the day) the courtroom. It often takes months or years to finally dispose of exhibits.

Lack provision for current Technology: There are not enough outlets or phone lines (a new credit card machine needs its own line).

Work area issues: There are presently five work stations plus the CoC office in the back. A load bearing column in the office hinders lines of site to the service counter.

Staffing allocation not likely to increase for the foreseeable future: Due to funding constraints, additional staff in the next five years seems unlikely. The use of electronic filing may help mitigate the impact.

Other: Cameras in the office can be considered to address some security and visibility issues.

- **Impact of current court spaces:**

Only two courtrooms (one jury capable): CoC has experienced up to three jury trials on the same day. When there are two simultaneous jury trials, the smaller courtroom (not designed for jury) must be used. In this courtroom, there are only two benches causing spectators to sit directly adjacent to the jurors. In such situations, the jurors have to be moved across the hall for deliberation and breaks. Often, 20-25 jury trial cases are stacked causing constant shuffling of court schedules.

Lack of inmate holding rooms: Inmates sit among the public during court. Inmates are moved through public passages sharing the same hallway with defendants, jurors and even judges. The use of ITV, when possible, mitigates this problem slightly. The judge has discretion when to use ITV. The courthouse has a multipurpose room that can be used for ITV hearings sometimes.

Lack provision for current technology: Electrical is not set up for laptops or projectors. Extension cords are taped to floor. Sometimes newer equipment can't be used.

Basement not secure: The elevator stops in the basement. News media have shown up in the basement to film inmate movement.

Bill Garnos, Jail Consultant, explained inmate population trends gathered with assistance from the jail and the Sheriff's office (see attached slides). Highlights:

- **Monthly bookings:** This number includes the total volume of people brought into facility, whether 2 hours or 2 months. Bookings are important because they show the demand on intake and release areas. This is a complex area that can be volatile. It is usually the most poorly designed part of an old jail. Many architects don't understand what is needed to sufficiently and securely process a large number of people. Bookings increased 17% from 2008-2014.
- **Average Daily (inmate) Population (ADP):** ADP is the most critical piece of the puzzle in analyzing jail needs and looking into the future. Annual ADP was 57 in 2008, 59 in 2014, 3% increase indicating a fairly stable but slowly growing inmate population. Measuring the difference between peak population for the month and the average for the month provides a peaking factor. This helps to generally predict a typical peak population based on the ADP for a given month. This factor appears to be 15%. A jail must be able to accommodate these peaks.
- **Revenue from housing other counties' inmates:** This increased about 24% from 2008-2014. The primary counties using Codington County's jail are Clark, Hamlin and Deuel. Grant and Kingsbury counties use the Codington County's jail less frequently. Sheriff Wishard noted that the daily rate was about \$55 per day in 2008 and is now \$65. It will be increasing to \$75. The county sets the daily rate. Mr. Garnos notes that most facilities start with extra beds, which they rent out. As their facility fills, they have fewer beds to rent out.
- **Mr. Garnos: will update his data with the most recent statistics before finalizing the report.**
- Regarding the next steps in the jail needs assessment, the inmate population profile should help determine if there are inmates that can be better served in another program.

National Institute of Jail Operations (NIJO) inspection report: Codington County hosted NIJO for a training conference in March. While here, the two instructors from NIJO evaluated the jail facilities (they spent from 8-10 total hours in the jail) and operations. Their written review was presented to the committee (the report is posted on the CCJAC webpage on the County website). Highlights of the report (see attached slide):

- Major facility shortcomings are poor lines of sight, inadequate cell space, lack of natural lighting, lack of access to adequate recreational space, fire evacuation concerns, inadequate perimeter security, the need for control room upgrades and vulnerable inmate movement routes to the courthouse.
- Regarding lines of sight, Sheriff Wishard noted that a modern podular jail design cuts down on issues by about 85-90% because jailers can see into the cell blocks constantly. The report cautions about reliance on CCTV monitoring, noting that this can cause a false sense of security. The jail does have a camera in each cell due to the poor lines of sight.
- Regarding fire evaluation concerns, the Sheriff's office is awaiting a report from the city fire marshal.
- The NIJO inspectors, Mike Haley and James Chipp were available by speakerphone during the later part of the discussion. Mr. Haley and Mr. Chipp stated that the county was very vulnerable to being challenged on the jail's physical structure. They stated that they would be available to CCJAC members for any further questions.

Public Information Points: Chairman Gabel highlighted the main points he has been emphasizing during public speaking events (see attached slides).

Rough work timeline: Gabel presented a very rough work timeline (see attached slides). The four instructions from commissioners are basically the project planning phase. Assuming the County would pursue construction and/or renovation to address justice facility problems, CCJAC will need to consider recommending that the County budget for hiring an architect. An architect would be able to facilitate completion of the planning phase and the beginning of the design phase. This should provide enough information to eventually hold a bond election.

Meeting dates:

July meeting date was changed to July 21, 2015 at a different location (City Council Chambers will not be available). Meeting time moved to 6 p.m.

A date of August 18, 2015 at 6 p.m. was tentatively set.

The first facility visit will be June 25, with travel to Douglas County MN they have a new jail facility with a separate holding facility at the courthouse. Gabel will attempt to find dates for three or four more visits. A list of aspects to consider in evaluating the facilities will be given.

Unfinished Business, New Business, Open, Adjournment:

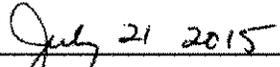
There being no unfinished business or new business, Chairman Gabel gave a quick overview of navigation of CCJAC information on the county website.

Motion to adjourn was made by McElhany. Motion was seconded, all in favor; meeting adjourned at 8:42 p.m.



Secretary

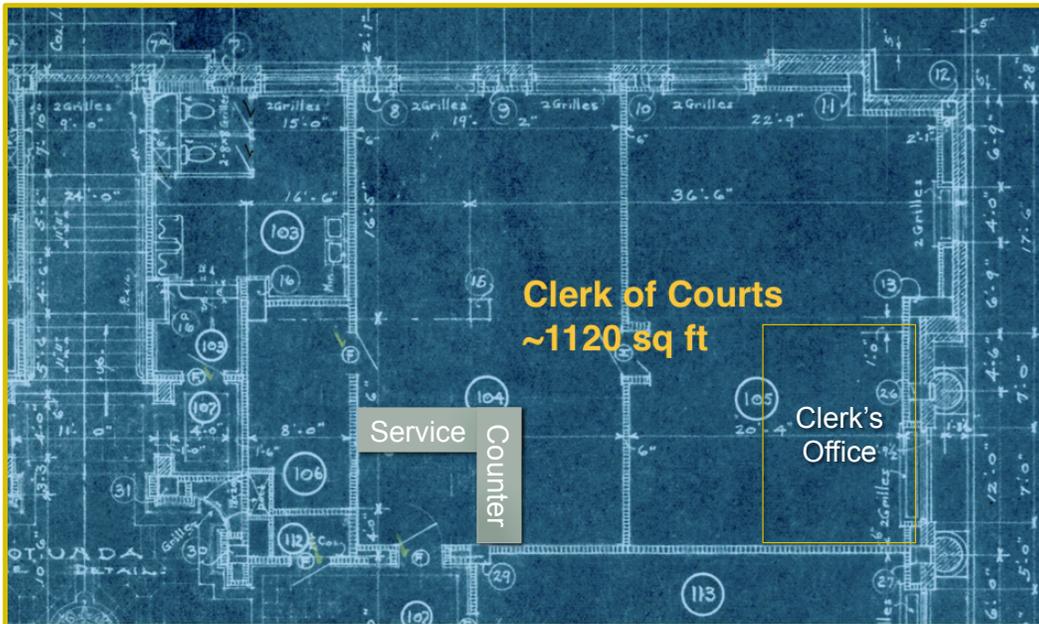
CCJAC



Date Approved



Clerk of Courts





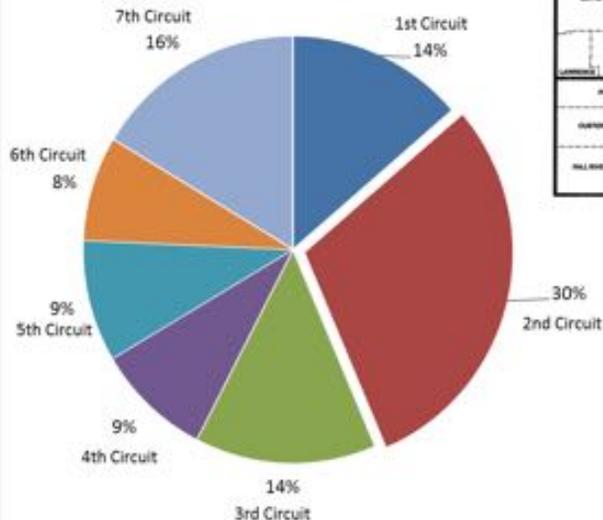
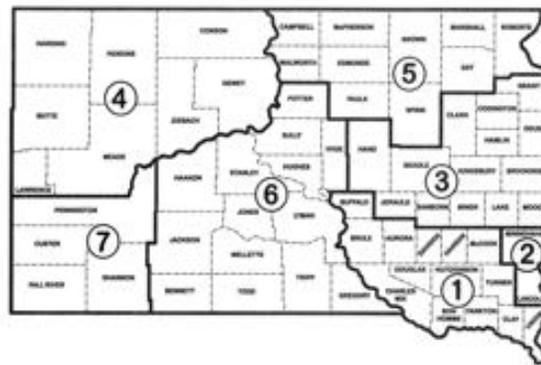
Beadle, Brookings, Clark, Codington, Deuel, Grant, Hamlin, Hand, Jerauld, Kingsbury, Lake, Moody, Miner, Sanborn Counties.

Jenny Hammrich, Court Administrator

Distribution of State Court Caseload by Circuit, FY13

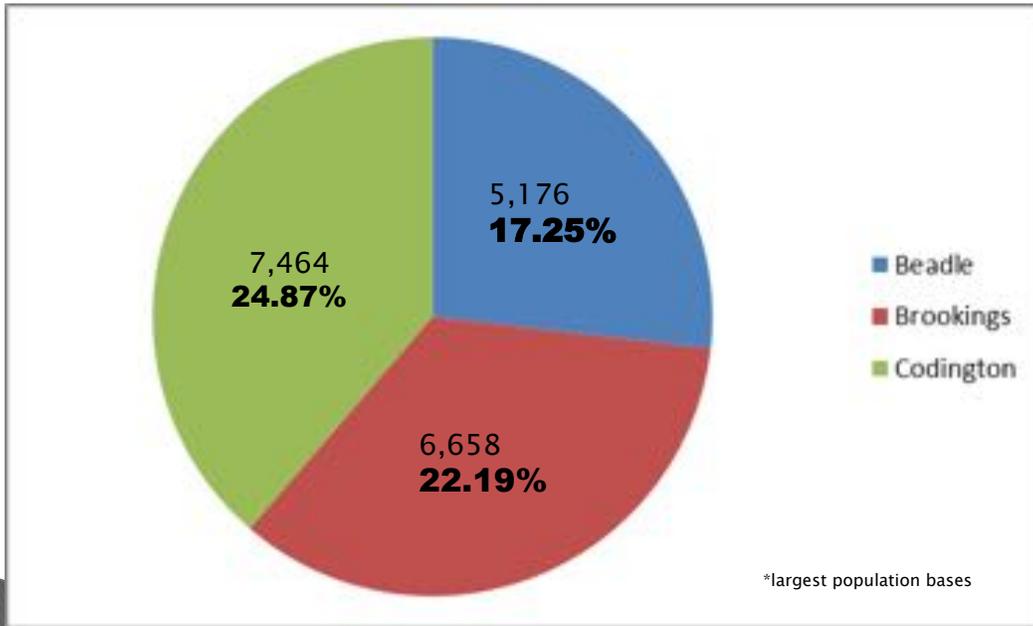
All Case Types; data Source: State Court Administration Annual Report

South Dakota Judicial Circuits and Counties

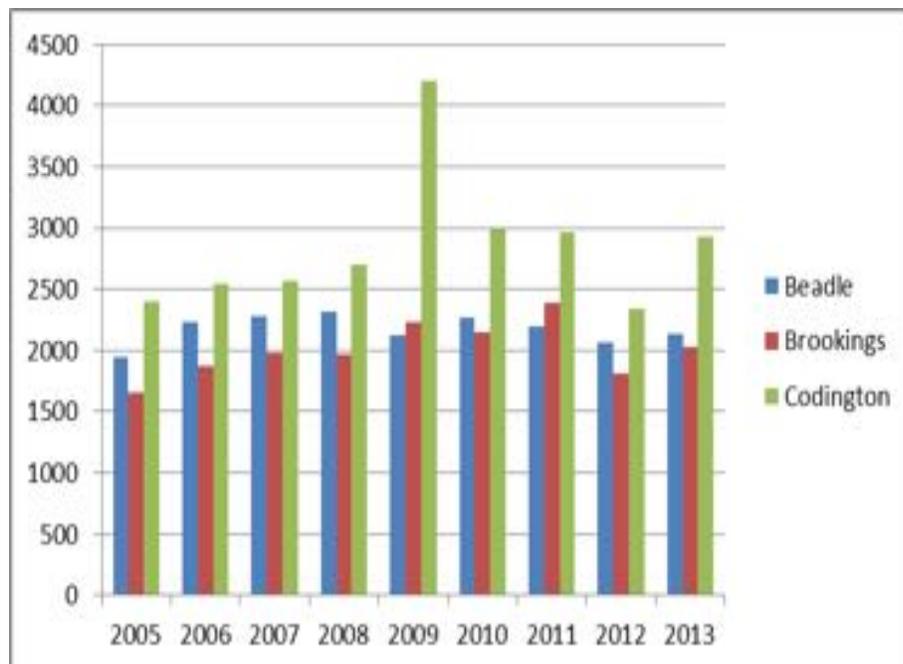


CASES FILED	
1st Circuit	29,402
2nd Circuit	64,122
3rd Circuit	30,008
4th Circuit	19,079
5th Circuit	19,756
6th Circuit	17,029
7th Circuit	35,150
TOTAL	214,546

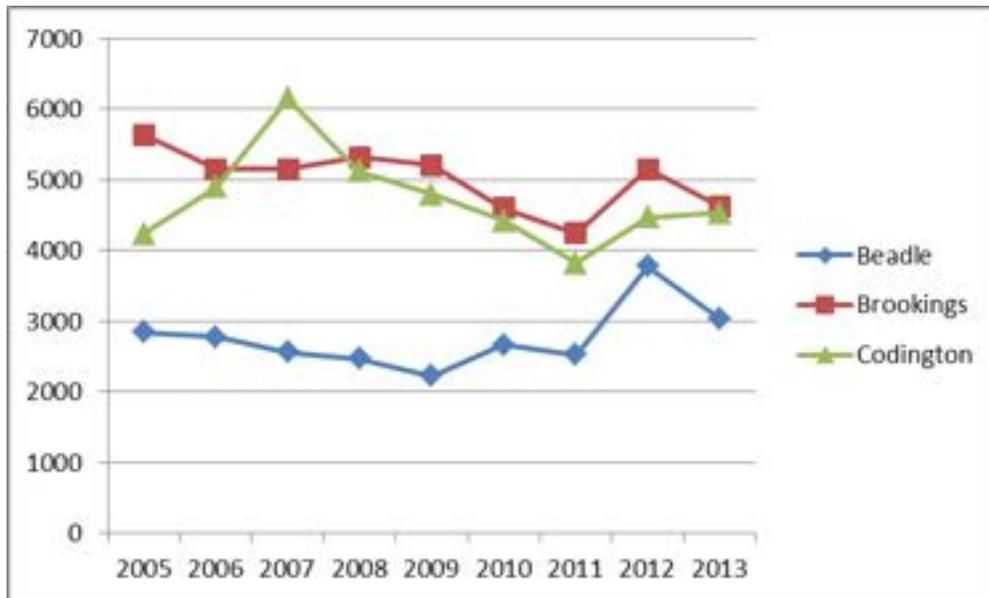
FY2013 - 3rd Circuit Total Case Filings = 30,008



Civil Case Filings



Criminal Case Filings



Beadle County = 5,176 Case Filings FY13
1 Circuit Judge, .5 Magistrate Judge = 2 Courtrooms
Specialty Court - Drug Court July 1, 2015

Brookings County = 6,658 Case Filings FY13
2 Circuit Judges, 1 Magistrate Judge* = 3 Courtrooms
Specialty Court - Drug Court July 1, 2016

Codington County = 7,464 Case Filings FY13
2 Circuit Judges, .5 Magistrate Judge = 2 Courtrooms
Specialty Court s- Drug Court & Vet Court July 1, 2014

*covers Moody & Lake Counties also

Codington County UJS Staff

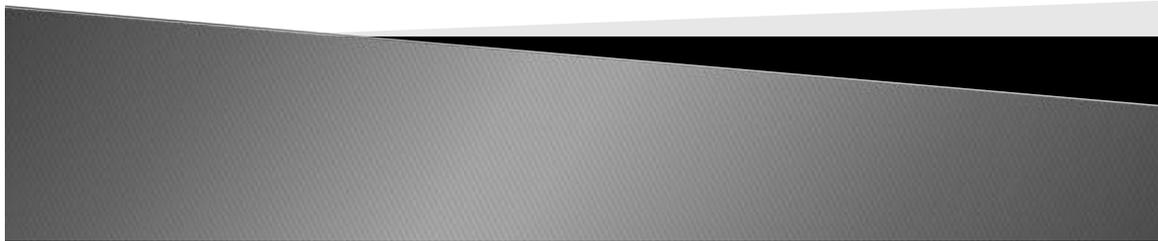
Circuit Court Judges – 2 (Judge Robert Spears & Judge Carmen Means)

Magistrate Judge – 1 Judge to cover Codington & Beadle Counties

Clerk of Courts – 1 Clerk, 5 Deputy Clerks

Court Service Staff – 1 Deputy CSO, 3 CSO, 1.5 Support Staff

Drug Court – 1 Coordinator, 1 CSO



Clerk of Courts Office Space Needs Assessment

What is impact of current office space on your ability to do your office's work in terms of size, type & location?

- **Location** – office located on 1st floor, courtrooms on 2nd floor
- **Waiting Area** – 117 people for court, only 2 can be helped at the window. Creates long lines and no room for the lines to form. Noise is an issue, although there are microphones at the windows there are so many people in a small area sound echoes and carries.
- **Counter Space** – It is very small on the public side of the glass that public/attorney's do not have a place to put their paperwork that needs to be processed or signed.
- **ADA Accessible** – We are not.



Clerk of Courts Office Space Needs Assessment

What is the impact of court space?

- **Constantly shuffling** court dates around to accommodate courtroom space. For Example – If we have two Jury Trials at one time, we only have 1 courtroom to accommodate. Therefore we have to move a Jury Trial or put cases in courtrooms that they don't fit into. In addition to court, we perform marriage ceremonies. We have a hard time finding space for these.
- **Holding Rooms** – We do not have holding rooms, inmates sit in the jury box in one courtroom and have to walk right in front of the public to get to the box. If it is a Jury Trial, Jurors and defendants family members are sitting together.
- **Mixed Space** – Inmates are mixed in with general public while being taken to court. Defendants and Plaintiffs are also mixed in the hallways, not always a good outcome. If there is a Jury Trial, Jurors are in the hallways with all the people mentioned above.

Clerk of Courts Office Space Needs Assessment

What could be improved with office space & courtroom space?

- **Electrical** – Extension cords in office & courtrooms because not enough outlets. Limited to where we can place equipment in office. Also in courtroom, there are extension cords on the floor (taped down) but still can creating life safety issues.
- **Telephone Lines** – Splitter box if our office space. Wires are hanging out in the open on a wall.
- **Cell Phone Storage for Defendants/Plaintiffs**– we need something secure to accommodate on court days.
- **Storage Closet** – was remodeled to accommodate privacy for persons filing protection orders. This closet is also used as a public terminal & microfilming area. This area can only accommodate one person at a time.
- **Filing Units** – Open face filing cabinets for easier access.

Clerk of Courts Office Space Needs Assessment

What could be improved with office space & courtroom space?

- **Work Area** – Currently 5 work stations but there is a large cement column that blocks the view of the front counter for 2–3 work stations.
- **Work Area** – Close proximity to each other, lots of noise and hard to hear on the phone when lots of people at the counter.
- **Exhibit Storage** – Currently do not have an area to keep our exhibits. They are stored in our file room. Exhibits include drugs, guns etc. Should be locked in a separate area. Should also not be carried up & down steps during a trial.
- **Jury Room** – During a Jury Trial, the Jury room is located off a employee break room and restrooms. Employees will not use the restroom because of noise. Also Bailiff will use restroom to clean dishes for the Jury as well as use the water for coffee.
- **Court Room** – Jury Box & Witness Stand are not ADA Accessible. Only 1 Accessible restroom on 1st floor.

Jail Needs Assessment for Codington County South Dakota

June 16, 2015

Bill Garnos
Jail Consultant



Agenda

Criminal Justice Statistical Indicators

Inmate Population Trends

- Monthly Bookings
- Average Daily Population (ADP)
- High and Low Inmate Population
- Annual Revenue from Contracts with Other Counties

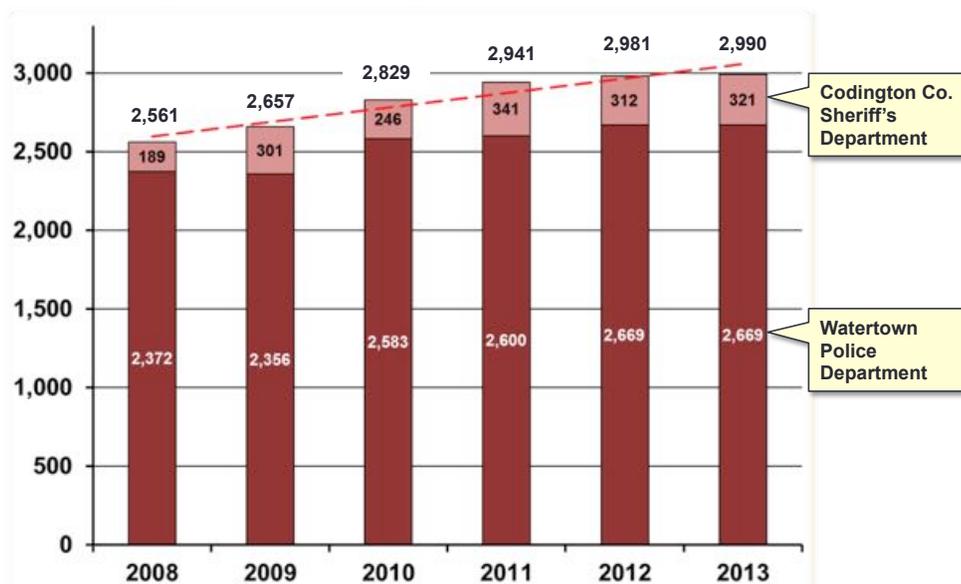
Next Steps



Criminal Justice Statistical Indicators

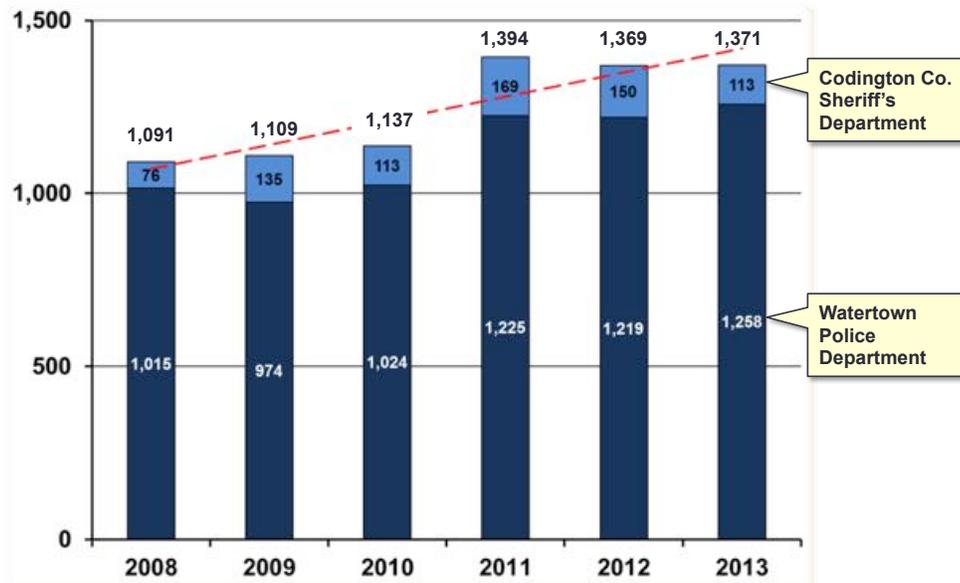


Criminal Offenses Reported in Codrington County

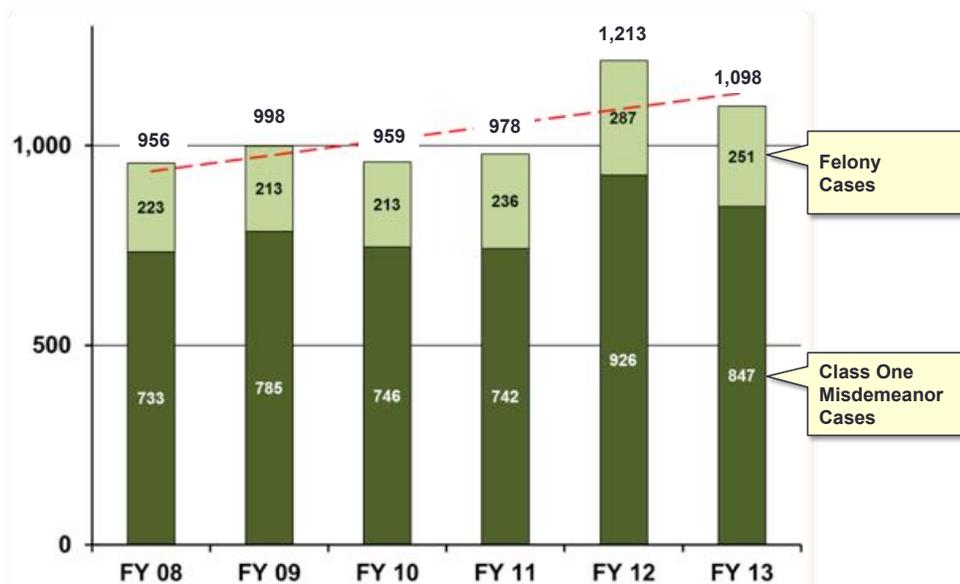




Adult Arrests in in Codrington County

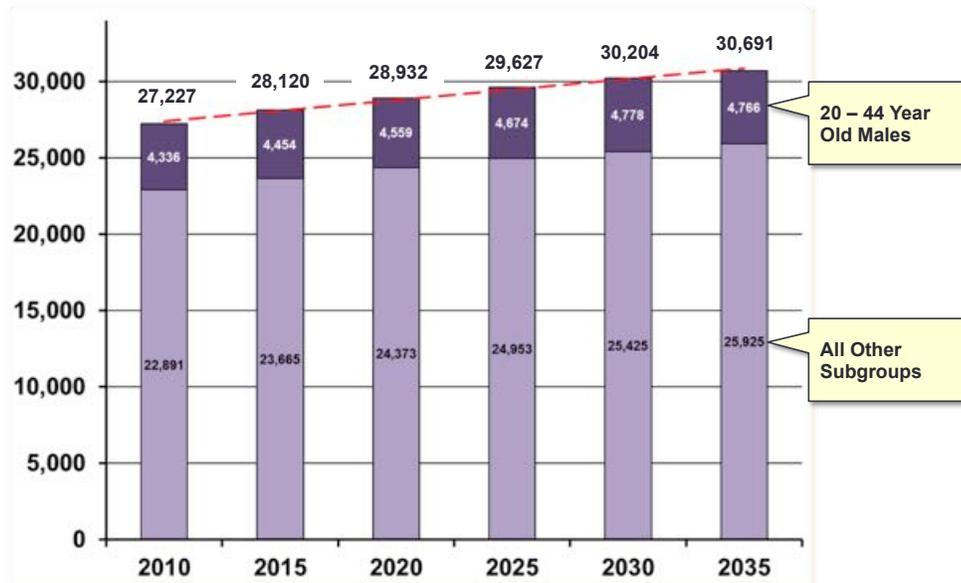


Criminal Case Filings in Circuit Court in Codrington County





Population Projections for Codrington County



Criminal Justice Statistical Indicators

Criminal Offenses Reported — 17% increase over past six years.

Adult Arrests — 26% increase over past six years.

Criminal Case Filings in Circuit Court — 13% increase in Felony case filings, and 16% increase in Class One Misdemeanor case filings, over the past six fiscal years.

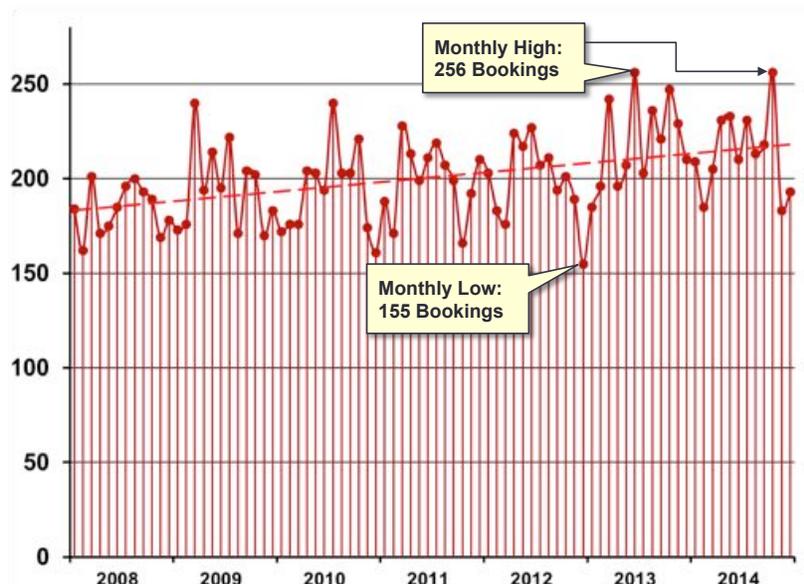
County Population Projections — 13% increase in total county population, and 10% increase in 20 - 44 year old males, from 2010 to 2035.



Inmate Population Trends



Monthly Bookings at the Codrington County Detention Center





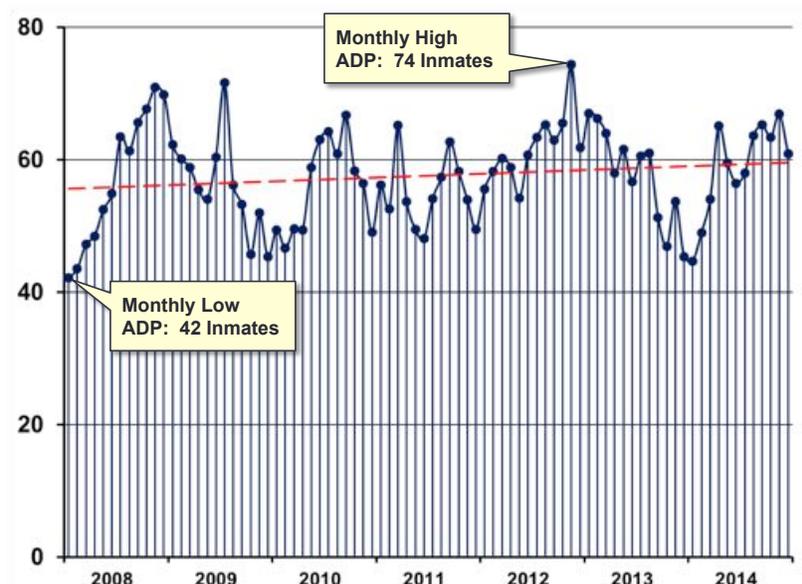
Monthly Bookings at the Codrington County Detention Center

Jail bookings increased from an *average* of 184 bookings per month in 2008, to an *average* of 214 bookings per month in 2014 — a 17 percent increase.

Monthly jail bookings ranged from a *high* of 256 bookings (June 2013 and October 2014), to a *low* of 155 bookings (December 2012).



Average Daily Population at the Codrington County Detention Center





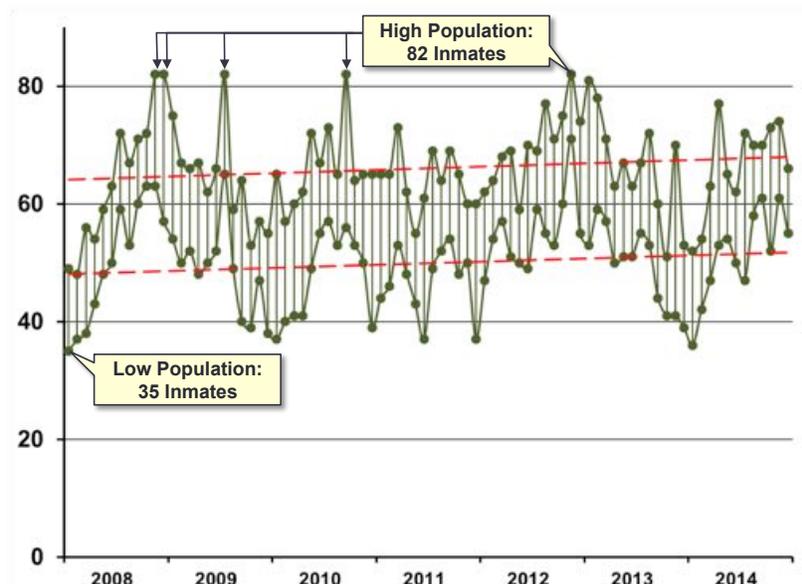
Average Daily Population at the Codrington County Detention Center

Annual ADP increased from 57 inmates in 2008, to 59 inmates in 2014 — a 3 percent increase.

Monthly ADP ranged from a *high* of 74 inmates (November 2012), to a *low* of 42 inmates (January 2008).



High and Low Inmate Population at the Codrington County Detention Center





High and Low Inmate Population at the Codrington County Detention Center

Daily inmate population ranged from 35 – 82 inmates in 2008, and from 36 – 77 inmates in 2014.

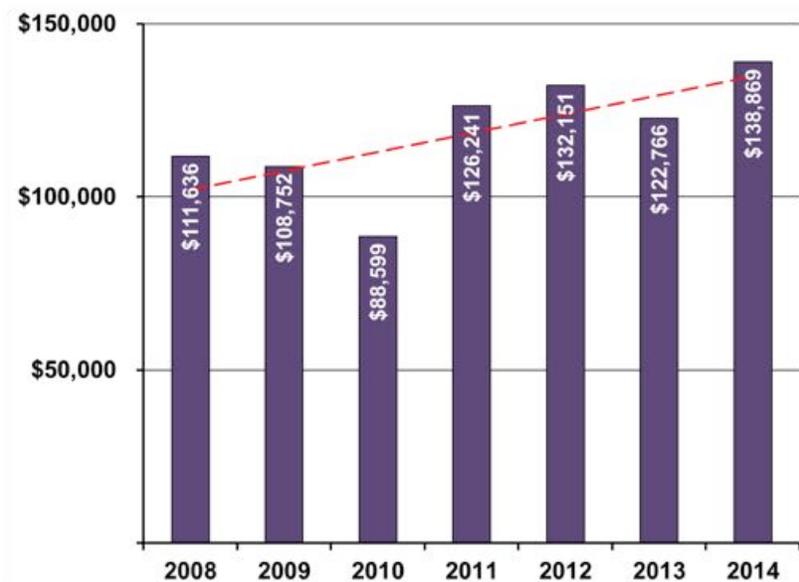
High population was 82 inmates (in November and December 2008, July 2009, September 2010, and November 2012).

Low population was 35 inmates (January 2008).

Peak population each month exceeded the ADP for that month by an *average* of 15 percent.



Annual Revenue from Contracts with Other Counties





Annual Revenue from Contracts with Other Counties

Annual revenue from contracts with other counties increased from \$111,636 in 2008, to \$138,869 in 2014 — a 24 percent increase.

Over the past seven years (2008 to 2014), Codrington County received \$829,014 in revenue from contracts with other counties — an *average* of \$118,431 each year.



Next Steps

Tabulate jail population data for other counties, to separate from Codrington County's inmate population data.

Develop inmate population profile.

Analyze current jail capacity, including:

- Breakdown of inmate housing units;
- Type of housing (single cells, double cells, dorm beds, etc.); and
- Current usage.



Next Steps

Compare the current jail facility with minimum jail standards.

Develop preliminary inmate population projections.

Develop preliminary forecast of jail capacity requirements.



Obtaining Analysis: NIJO

- Jail Inspection, National Institute for Jail Operations
 - Visit in conjunction with training March 2015
 - cursory review of jail facility & operations

The **NATIONAL INSTITUTE**
for **JAIL OPERATIONS**



CODRINGTON COUNTY JAIL FACILITY ANALYSIS
Using Legal-Based Methodology to Address Duty to Protect Issues,
Deliberate Indifference and Administrative Liability.

May 12, 2015
AUDIT TEAM
Mike Haley
James Chipp

Key Facility Findings:

- Exterior Security Perimeter needs to be strengthened
- Booking Area inadequate
- Control Room inadequate
- Overall Layout
 - Poor lines of sight
 - Segregation and handling incidents difficult
 - Fire Safety concerns
 - Kitchen & Laundry Capacity
 - Inadequate floor space & natural light
- Prisoner routes to Courthouse vulnerable



Public Information Points

Justice is critical to our identity as Americans

US Constitution

We the People of the United States, in Order to form a more perfect Union, **establish Justice**, ...

South Dakota Constitution

We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, **establish justice**,

Counties' Role in Establishing Justice

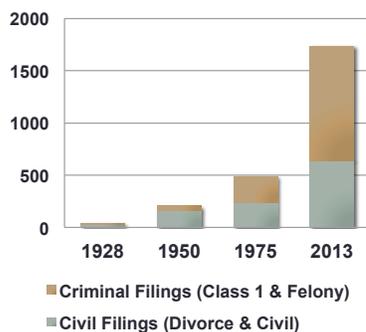
- 16-6-7. Courtroom facilities for circuit judges provided by counties.
- 16-12A-29.1. Counties to provide facilities for court. Each county in the state shall provide suitable and adequate facilities for the magistrate court,.
- 24-11-2. Establishment of county jail at expense of county.



Public Information Points

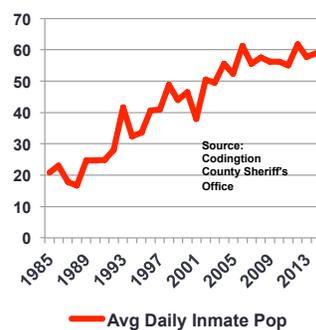
Current Court & Jail Space Issues

Increasing Caseload Problems



- Currently one jury & one non-jury courtroom
- Courtrooms overbooked (like airlines) –hope some cases will settle
- Increasing staff to manage cases
- Security problems
- Lack handicapped access

Increasing Inmate Population



- Inmate Population (ADP) steadily growing
- Capacity is ~80 inmates, but ≥ 70 is difficult
- Linear layout doesn't allow constant view into cell blocks.
- Most cells & common areas too small to comply with modern standards



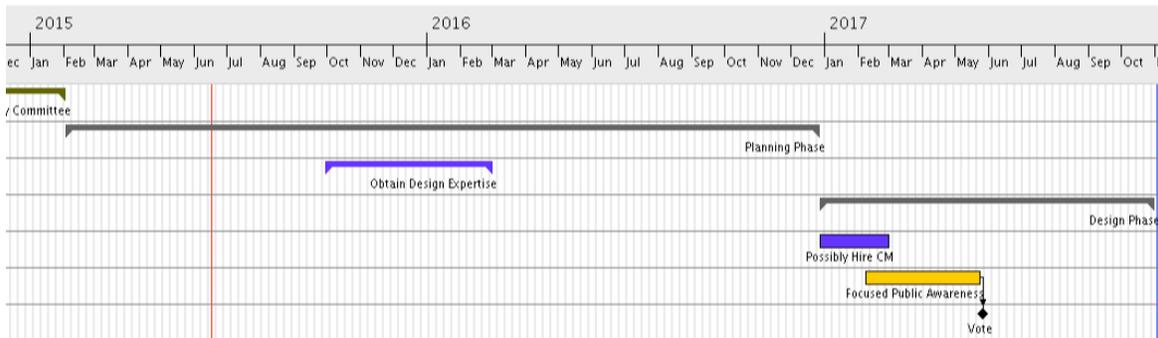
Public Information Points

Why a Justice Advisory Committee?

- Examine the issues surrounding the County's legal responsibility to provide adequate jail & court space
 - To handle the correct number of inmates safely & humanely,
 - To secure our constitutional right to a speedy trial.
- By examining these issues, the CCJAC is able to:
 - Make reports & recommendations to the County Commissioners
 - Help the public stay informed about these issues



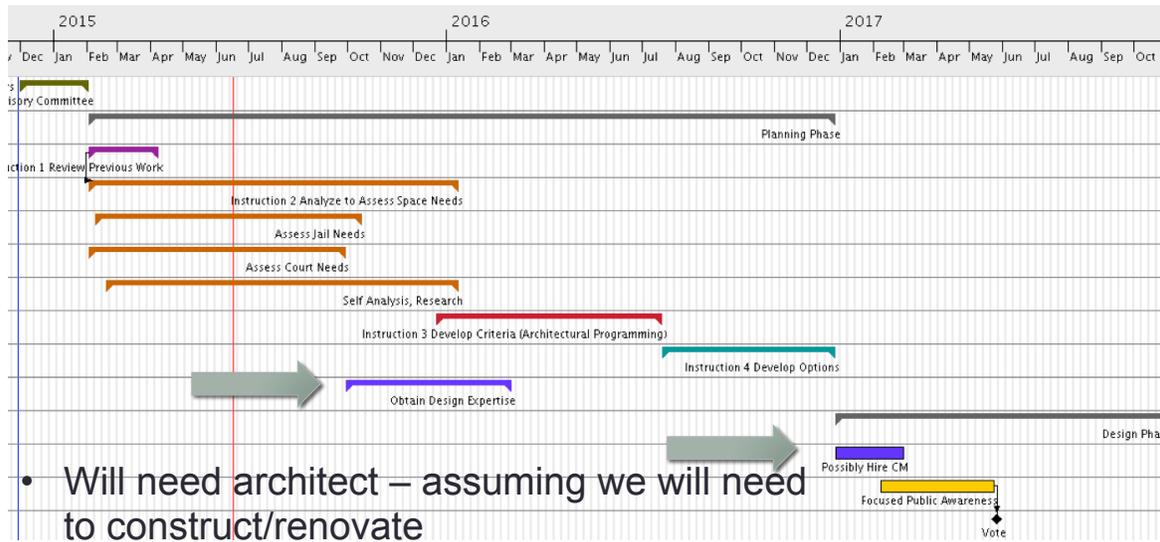
Rough Timeline



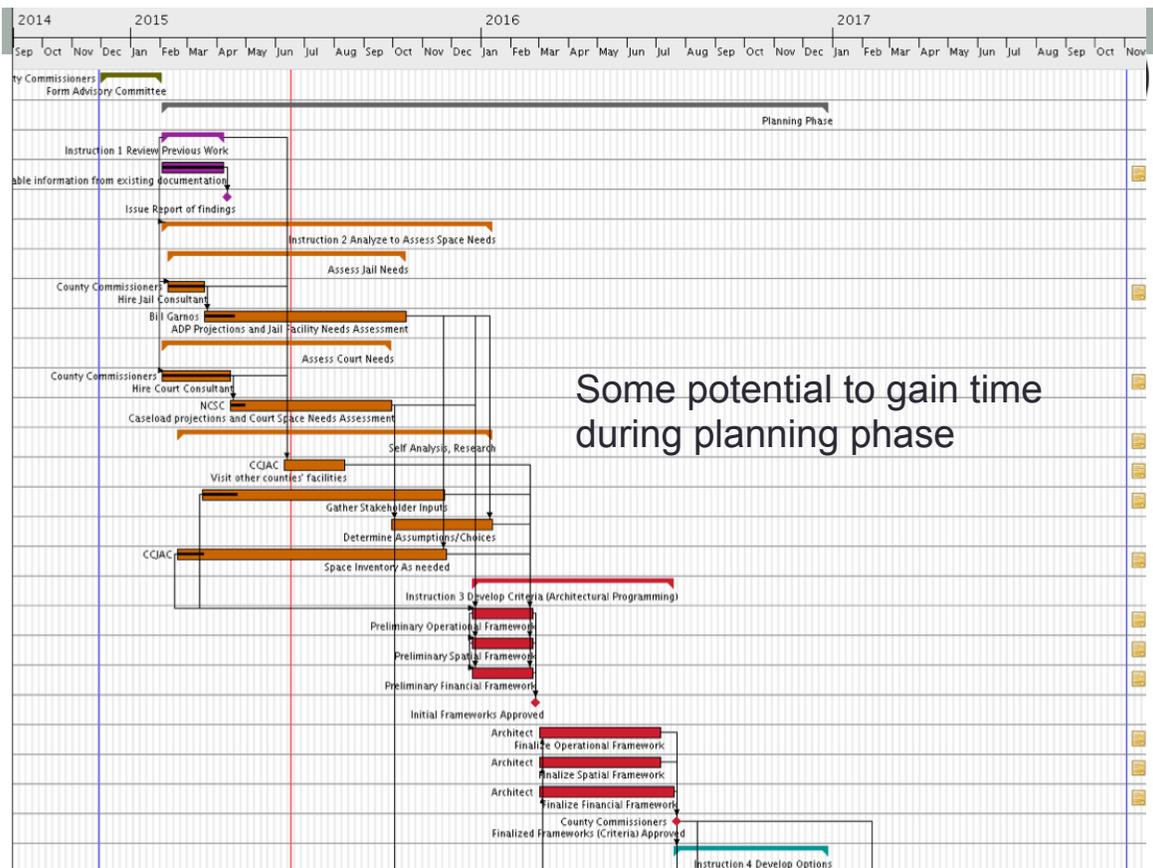
- Very rough – general idea
- Hopefully won't take this long



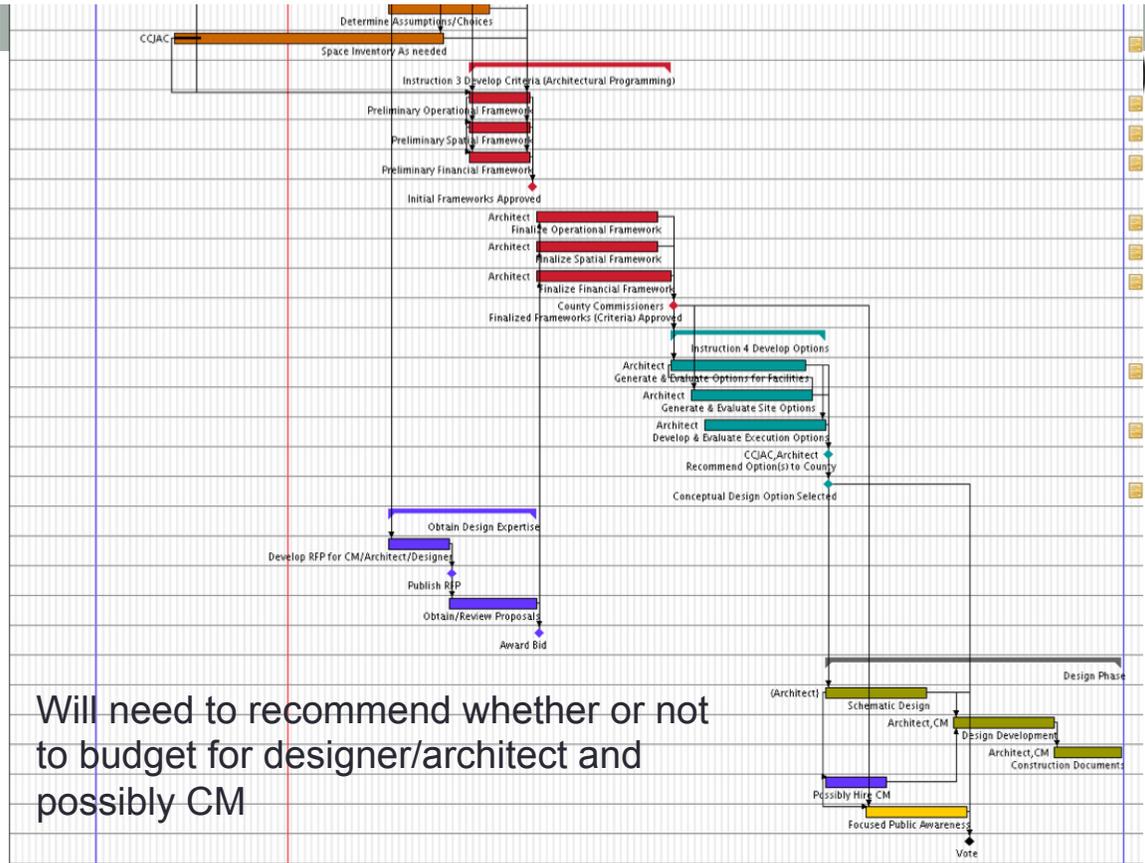
Rough Timeline – Showing Instructions



- Will need architect – assuming we will need to construct/renovate
- Possibility of construction manager near start of design phase



Some potential to gain time during planning phase



Will need to recommend whether or not to budget for designer/architect and possibly CM