Official Proceedings
Codington County Justice Advisory Committee
Lake Area Technical Institute, Room 512
Watertown, SD 57201
August 18, 2015

The Codington County Justice Advisory Committee (CCJAC) met at Lake Area Technical Institute on August 18, 2015. In attendance were committee members Lee Gabel, Tyler McElhany, Larry Wasland, Megan Gruman, Al Koistinen, Greg Endres and Toby Wishard. Absent were non-voting members Tom Walder and the Honorable Dawn Elshere. The meeting was called to order at 6:05 p.m. by Chairman Gabel.

Agenda Approved

Motion by Gruman to approve, motion seconded. All in favor, agenda approved.

Minutes Approved

Motion by Koistinen seconded, all in favor, minutes approved. A reminder was given that the minutes are posted online and slides and other materials presented during the meeting are attached to the minutes.

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**

The ***Technical Assistance Report by the National Center for State Courts*** is nearly complete. Lee Gabel and Jenny Hammrich (Third Judicial Circuit Court Administrator) reviewed the report in detail and suggested edits throughout to keep wording consistent with the way that the Court is referred to locally. NCSC made these changes as well as the key changes suggested at the previous CCJAC meeting (see attached slides with the list of these changes). An addition to the report was a section on considerations for the legal requirements placed upon the county to provide a law library available to the public (pp. 24-25 of the report). The most recent version of the report is available on the CCJAC website under the "CCJAC Work" subheading.

There are only a few remaining typographical edits to be requested of NCSC. Gabel noted the possibility of needing to add considerations for courthouse space if a future court facility were to be geographically separated from the jail.

The NCSC Technical Assistance report provides useable criteria as required by **Instruction #3: "Recommend to the BoCC criteria to use in evaluating options to resolve Court and jail space needs."** These criteria are outlined on pages 17-24, principles for organizing court space, and pages 27-34, which show the sizes, quantities and types of required space.

It is possible that the report and the corresponding criteria will be ready to be recommended to the BoCC at the next meeting of the CCJAC.

Bill Garnos, Jail Consultant, updated the CCJAC on his continuing research on jail needs (see slides). Mr. Garnos noted record high statistics in July 2015 such as 309 bookings (previous high was 269) and an Average Daily Population of 78 (previous high was 74). These numbers will be incorporated into the inmate population projections.

To gain an appreciation of the inmate population in the jail, Mr. Garnos provided a one-day snapshot of the jail population on August 2, 2015. This information was broken down into categories: male/female, age, resident/non-resident, ethnicity, time in jail, arresting jurisdiction, court status and type of offense (see attached slides).

Mr. Garnos documented the current jail space with a series of photos (see attached slides). Some of the key shortcomings are inadequate cell size (currently jail cells average about 51 square feet with 32 square feet of unencumbered space); little to no natural light; only one small visitation booth and a very small kitchen for serving 80 people.

Since South Dakota has no state jail standards or jail inspection programs, consideration should be given to the minimum jail standards established by the American Correctional Association (ACA). While the ACA standards are not federal or constitutional standards, are not mandatory and not enforceable, they provide a means to compare what currently exists to what is recommended. While most of the ACA standards are operational (staff/inmate observation and interaction, environmental requirements, etc.); a few apply to minimum sizes (cell size, single cells for inmates with special needs, dayroom space).

The jail currently has 96 beds (see attached slide for breakdown of cell types). By ACA standards, the current space occupied by 96 beds would provide room for 60-64 beds. The jail ADP is consistently higher than the ACA-based bed count.

Mr. Garnos stated that his next steps are to continue to monitor inmate population and then in a month or two, recompute inmate population projections and to review any previous studies and documents about the jail and include a summary in the final report.

Brian DeJong, Third Circuit Deputy Court Services Officer, gave an overview of the Adult Public Safety Improvement Act (also know as "SB70"), which came into effect in October 2013. The goal of the act is to reverse the trend of putting non-violent offenders in prison. In so doing, SB70 shifts much of the effort to provide additional probationary services locally. This increases the burden on county-provided facilities such as jails and space for Court Services.

Court Services Officers (probation officers) carry a heavy caseload, 80-100 cases. 90% of those on probation have pled guilty or been found guilty of a felony. SB70 provides a Sanction Grid, giving immediate short-term consequences for probation violations without involving a judge (see attached slides). Some of the consequences involve a short-term jail sentence.

Mr. DeJong also reviewed the typical way in which a person is placed on probation and other provisions of SB70. Specialized courts have been set up as a result of SB70. This includes a Drug Court, which was begun in July of 2014, with a volunteer judge and intense supervision on a local level through the court system. There are currently 14 participants in the drug court who would have been in jail otherwise. A

DUI court could be established in Codington county in the next ten years. Mr. DeJong commented that the progress being made through the specialized courts is exactly what was hoped for with the passing of SB70.

He added that there may be a need for two additional Court Service Officers in the future and that the NCSC Technical Assistance report accurately reflects this.

Review of visit notes from Douglas & Lyon Counties, MN:

Comparison was made between Codington County's current jail layout and those from Douglas and Lyon counties in Minnesota, which were visited by committee members (see slides). Summaries of the visits and photos from the facilities are posted online on the CCJAC webpage under the "CCJAC Work" subheading.

Unfinished Business, New Business, Open:

Chairman Gabel noted that the Board of County Commissioners has adopted a resolution requesting that the South Dakota Association of County Commissioners pursue legislation allowing a limited and temporary sales tax to fund court and/or jail construction if approved by a public vote (slides attached).

Discussion was held on how a new or remodeled facility might affect operational costs. In this vein, it was noted that the geographical separation between the courthouse and jail in Douglas County, MN resulted in significant transportation costs and liability issues. It was noted that properly defining criteria, as directed by Instruction #3 from the BoCC, is key to enable the CCJAC to account for operational costs as well as other factors when evaluating and recommending facility options.

Meeting dates and adjournment:

The next meeting will be Sept. 22, 6 p.m. at Lake Area Technical Institute. A tentative date of October 20 was set as well. The next exploratory jail visit will be to Dakota County, NE, on August 27.

Wasland motioned to adjourn, seconded, all in favor. Meeting adjourned at 7:50 p.m.

Julie Radach

Secretary

CCJAC

Sept 22, 2015

Date Approved

Instruction Task Tracker

Reports/ Recommendation	CCJAC agreement	Report CCJAC apprvd	Forwrd to BoCC	Comment
Review of pre-Nov 2014 work	General data on rising caseload & ADP. General info on facility needs. General info	Summary report		Done – Short Summary Report
Further self analysis	Space inventory			Limited Capability
	Compare to basic standards			
	Stakeholders			
	Funds inventory			
	Assumptions/Choices			
Recommendations for obtaining analysis	Jail			Mr. Garnos, NCSC
	Court			
Develop Criteria	Elimination			Planning Consultant(s)
	Comparative			
Develop Options	Facility			
	Execution (loc, $, phasing)			

Review NCSC Final Draft

- Reformatted Caseload/Jury graphs to show types of cases (pp 9, 14)
- Revised FTE tally (p 15)
- Added law library discussion (pp. 24-25)
- Revised Floor space summary (p.27)
  - Adjusted for FTE, Library
  - Shows current square footages
- Note footnotes for various options (pp. 28-30,33
- Rephrasing, typographical changes throughout

Courthouse Space Criteria Summary

Usable Criteria: pp 17-24, 26-34

Future Space Requirements Summary

TABLE 11: CODINGTON COUNTY COURT FACILITY SPACE REQUIREMENTS SUMMARY

Department	Current Existing Space *(Approximation)*	Current Space Needs (DGSF)	Year 2035 Space Needs (DGSF)
Court Courtrooms and Support Areas	5,300 DGSF	8,089	8,089
Judicial Chambers	1,100 DGSF	1,554	1,554
Clerk of Courts	1,450 DGSF	2,736	2,830
Court Services	1,063 DGSF	1,804	2,116
State's Attorney	1,600 DGSF	2,063	2,302
Building Security	N/A	1,225	1,225
Building Support	*Shared with County Agencies*	4,474	4,474
Sub-total Departmental Space (DGSF)	**10,513**	**21,994**	**22,589**
Building Gross Square Footage Estimate (25%)	**13,141**	**27,431**	**28,236**

Items to consider

- *Jury Assembly Room (Option)* *~ 2000 SF -> 2,500 DGSF -> 3,125 BGSF*
- *Additional Jury Deliberation Room*
- *Law Library*
- *Additional Court Reporter Space*
- *If Jail separate from courthouse, will need additional holding, sally port*

Developing Criteria

Category	What	Type
Minimum Size, Required Type of Space and features	Court Space: NCSC TA Report pp 17-24, 26-34	Screening
Efficiency of Design		Comparative
Future Expandability		Comparative
Construction Cost		Comparative
Operational Cost		Comparative

Jail Needs Assessment
for
Codington County
South Dakota

August 18, 2015

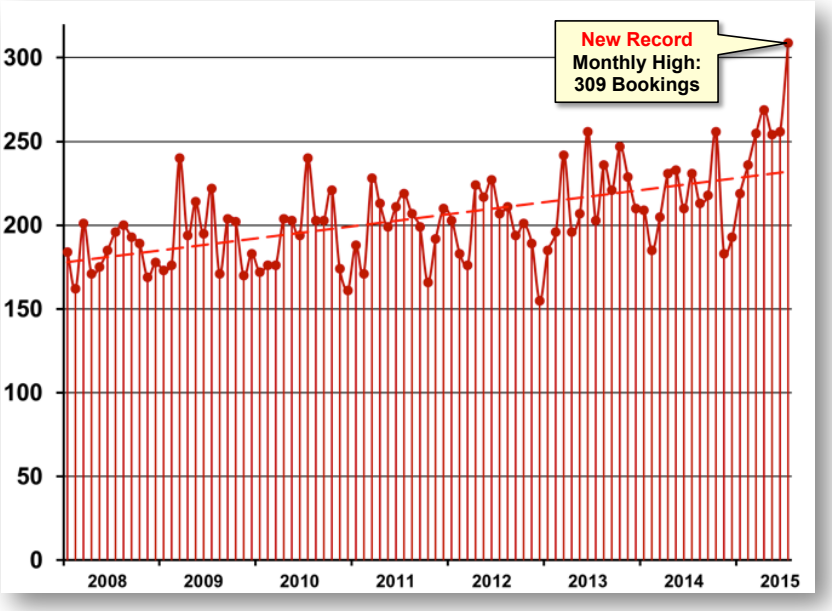
Bill Garnos
Jail Consultant

Agenda

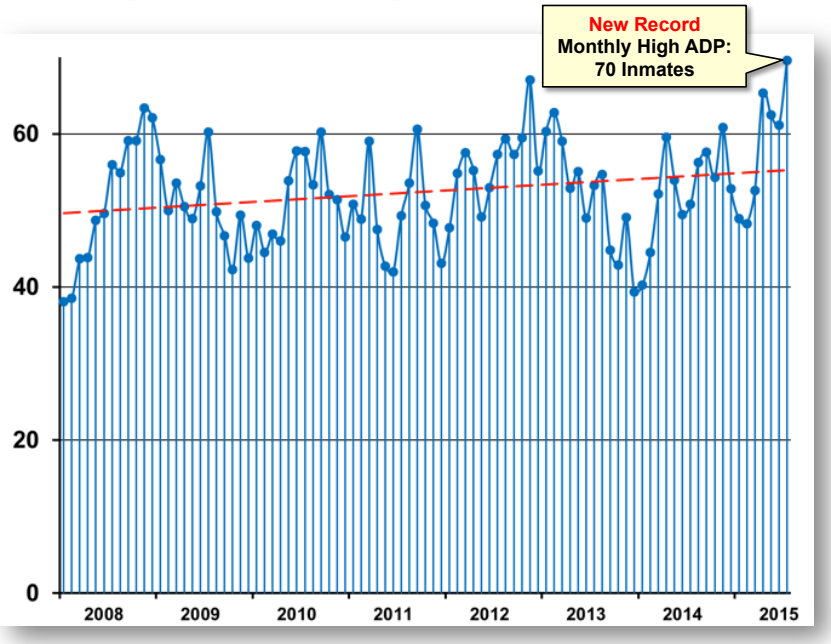
- Inmate Population Update
- Inmate Population Profile
- Current Jail Photos
- ACA Jail Standards
- Jail Capacity

Inmate Population Update

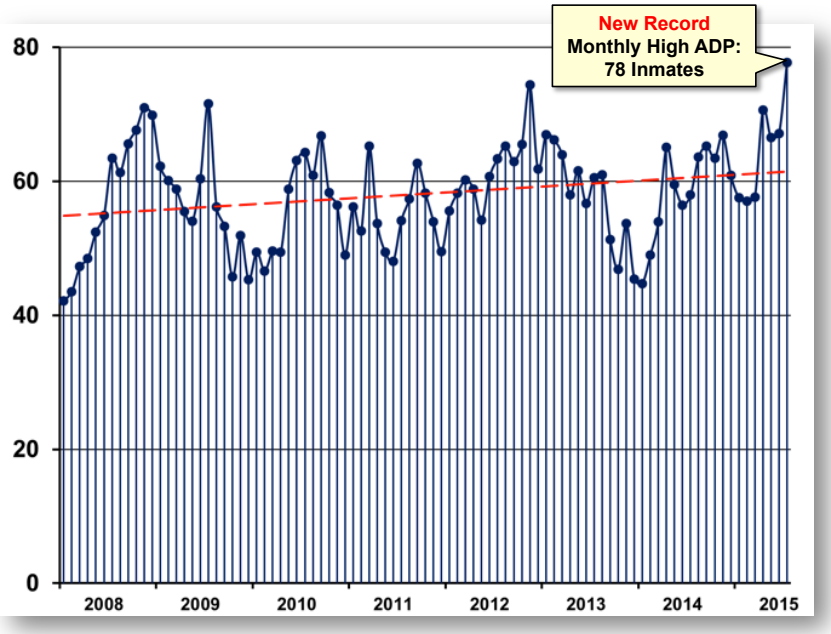
Monthly Bookings at the Codington County Detention Center



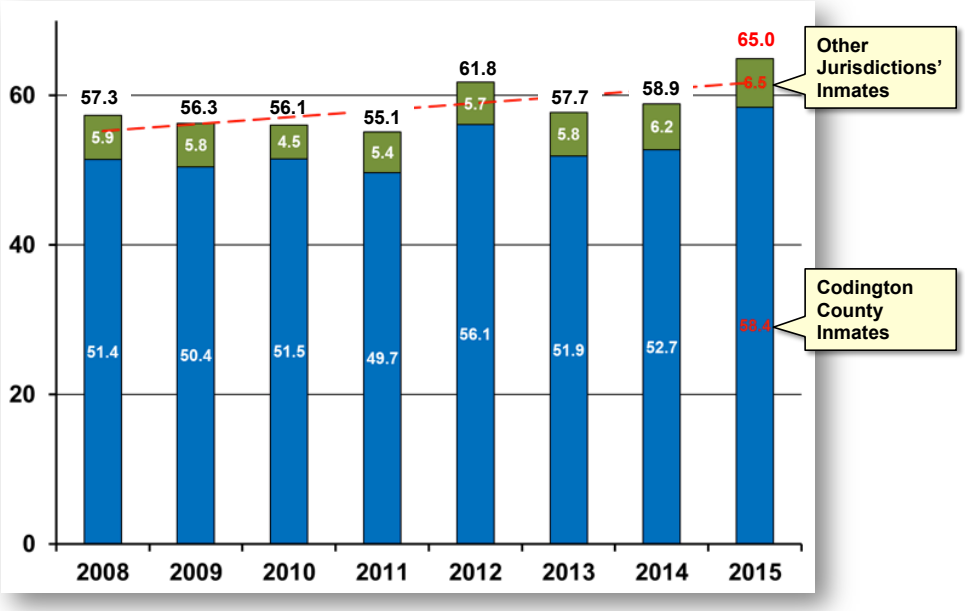
Codington County's ADP at the Codington County Detention Center



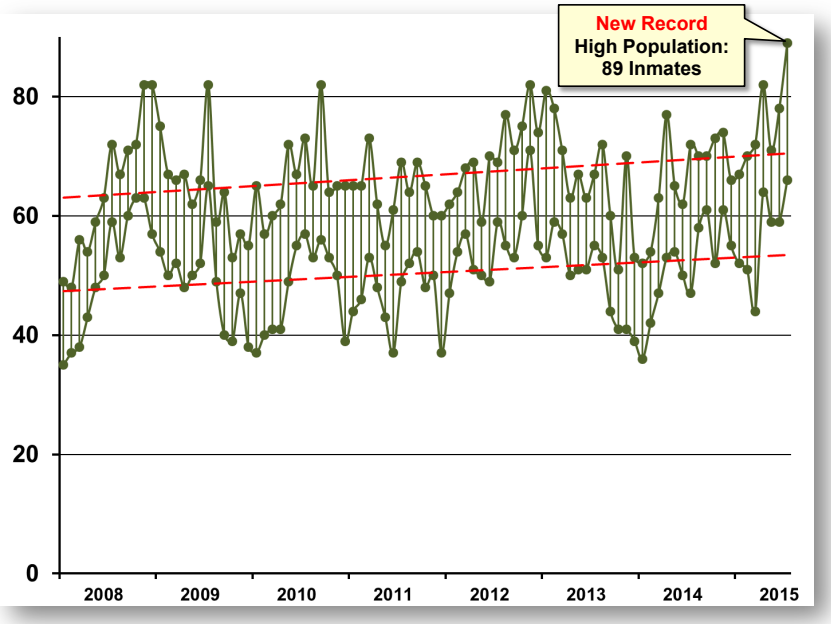
Total Average Daily Population at the Codington County Detention Center



Annual Breakdown of Total ADP at the Codington County Detention Center



High and Low Inmate Population at the Codington County Detention Center



Inmate Population Profile

Jail Population Profile

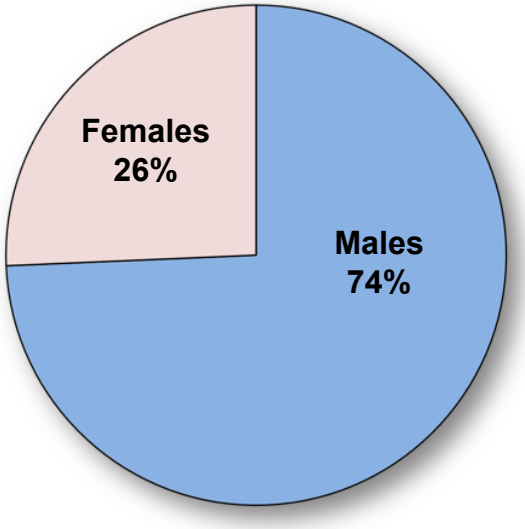
Gende	Age	Status	Rsdnt	Agency	Sentence	Days	Bond	Charge
Male	71	Pretrial	Yes	Codingt	NA	49	$2500 c/s	Indecent Exposure
Male	60	Sentenc	Yes	Codingt	20	11	NA	DUI3
Male	54	Sentenc	Yes	Codingt	90	19	NA	DUI3
Male	52	Probatio	Yes	Codingt	NA	2	No Bond	Poss Con Sub
Male	51	Sentenc	Yes	Codingt	180	102	NA	DUI4
Male	51	Sentenc	Yes	Codingt	16	10	NA	Simple Assault
Male	49	Sentenc	Yes	Codingt	80	23	NA	Failure to Appear,Poss MJ, Simple A
Male	49	Pretrial	No	Codingt	NA	33	$1,000	Grand Theft, Failure to Appear
Male	49	Probatio	Yes	Codingt	NA	5	No Bond	Poss Con Sub
Male	44	Pretrial	Yes	Codingt	NA	83	$19,000	Poss Con Sub,Poss MJ,Burg, Grand T
Male	44	Sentenc	No	Clark	90	49	NA	DUI3
Male	43	Sentenc	No	Codingt	90	25	NA	Ingesting Con Sub
Femal	43	Sentenc	Yes	Codingt	180	39	NA	Poss Con Sub, Ingest Con Sub
Male	42	Pretrial	No	Codingt	NA	16	$25,000	Dist Con Sub, Poss Con Sub
Male	42	Pretrial	No	Wilson,	NA	67	No Bond	Murder
Male	42	Sentenc	No	Codingt	90	67	NA	Felony Check Charges
Male	41	Pretrial	Yes	Codingt	NA	227	$50,000	Rape
Male	41	Sentenc	No	Hamlin	180	34	NA	DUI4
Male	41	Pretrial	No	Codingt	NA	16	$50,000	Dist Con Sub, Poss Con Sub
Femal	41	Sentenc	No	Codingt	60	23	NA	Grand Theft
Male	40	Sentenc	Yes	Codingt	180	81	NA	DUI3
Femal	40	Pretrial	Yes	Codingt	NA	1	10,000	Agg Assault Domestic
Male	39	Pretrial	No	Codingt	NA	60	$3000 c/s	Agg Assault
Femal	38	Sentenc	Yes	Codingt	120	16	NA	Poss Con Sub
Femal	36	Sentenc	No	Deuel	365	20	NA	Viol Requirements Death
Male	35	Sentenc	No	Hamlin	90	40	NA	DUI3
Male	34	Sentenc	Yes	Codingt	180	38	NA	Burg, Theft
Male	34	Sentenc	Yes	Codingt	90	81	NA	Intentional Damage
Male	34	Pretrial	No	Codingt	NA	12	$56,000	Agg Assault, Poss Con Sub, Theft, Fo
Male	34	Sentenc	No	Codingt	90	11	NA	Poss Con Sub
Femal	34	Pretrial	Yes	Codingt	NA	1	$300	False Report
Male	33	Sentenc	Yes	Codingt	297	96	NA	Poss Con Sub,Ingest, Simple Assault
Male	32	Sentenc	Yes	Codingt	120	39	NA	Sex Offender Register, Simple Assau
Male	32	Pretrial	Yes	Codingt	NA	8	No Bond	DUI3, Poss MJ
Femal	31	Probatio	Yes	Codingt	NA	2	No Bond	Poss Con Sub
Male	30	Pretrial	Yes	Codingt	NA	1	$3,000	Simp Assault - LEO
Male	30	Sentenc	Yes	Codingt	20	5	NA	Firearm while Intox
Male	29	Pretrial	No	Codingt	NA	5	$1,284	Petty Theft
Femal	29	Pretrial	Yes	Codingt	NA	4	$500	False Report
Femal	28	Pretrial	No	Codingt	NA	20	$2,000	Dist Con Sub, Poss Con Sub
Femal	28	Pretrial	No	Codingt	NA	96	$3,000	Ingesting Con Sub,Fail to Appear
Femal	27	Sentenc	No	Codingt	90	11	NA	Ingesting Con Sub
Male	27	Sentenc	Yes	Codingt	60	39	NA	Forgery
Male	27	Pretrial	No	Codingt	NA	3	$25,000	Agg Assault
Femal	26	Sentenc	Yes	Codingt	90	88	NA	Grand Theft
Male	26	Pretrial	Yes	Codingt	NA	1	$1,000	Burg, Poss MJ
Male	26	Pretrial	No	Codingt	NA	33	$4,500	Grand Theft, Failure to Appear
Femal	25	Sentenc	Yes	Codingt	30	6	NA	Poss Con Sub
Male	25	Sentenc	No	Codingt	135	39	NA	Grand Theft
Femal	24	Pretrial	Yes	Codingt	NA	33	$3,200	Poss Con Sub, Dist Con Sub, Poss M
Femal	24	Sentenc	No	Codingt	30	25	NA	Identity Theft
Male	24	Sentenc	Yes	Codingt	92	86	NA	Unauth Use Motor Veh, Poss MJ, D
Male	24	Pretrial	Yes	Codingt	NA	26	$1,000	Poss Con Sub, Ingest Con Sub
Male	24	Pretrial	No	Codingt	NA	13	$1,000	Ingest Con Sub, Poss MJ. DUI
Male	23	Sentenc	No	Codingt	90	52	NA	Ingest con Sub
Male	23	Sentenc	Yes	Codingt	180	102	NA	Dist Con Sub
Femal	23	Sentenc	Yes	Codingt	30	26	NA	Poss Con Sub
Femal	23	Sentenc	Yes	Codingt	75	11	NA	Poss Con Sub
Male	22	Sentenc	No	Codingt	21	16	NA	Sex Offender Register
Male	21	Sentenc	No	Codingt	45	38	NA	Burglary
Male	21	Pretrial	Yes	Codingt	NA	4	$6,000	Fail to Appear, Crim Entry MV, Assa
Male	21	Sentenc	Yes	Codingt	120	18	NA	Burglary
Male	21	Sentenc	Yes	Codingt	150	123	NA	Ingest Con Sub, Poss MJ, Fail to App
Male	20	Pretrial	Yes	Codingt	NA	135	$9,000	Ingest Con Sub, Dist Con Sub
Male	20	Sentenc	Yes	Codingt	180	138	NA	Poss Con Sub, Dist Con Sub
Male	20	Sentenc	No	Codingt	204	131	NA	Child Abuse, Simple Assault
Male	20	Pretrial	No	Codingt	NA	3	$550	Underage Poss Alcohol
Male	20	Pretrial	Yes	Codingt	NA	1	$1,000	DUI3,
Male	19	Sentenc	Yes	Codingt	90	5	NA	Simple Assault
Male	19	Pretrial	Yes	Codingt	NA	5	$1,000	Poss Con Sub
Femal	19	Pretrial	Yes	Codingt	NA	30	$20,000	Ingest Con Sub, Escape
Male	18	Probatio	No	DOC	NA	2	No Bond	DOC Aftercare Violation
Male	17	Juvenile	Yes	Codingt	NA	19	No Bond	Juvenile Probation Violation
Femal	15	Juvenile	Yes	Codingt	NA	8	No Bond	Juvenile Probation Violation

Inmate Population by Gender

Codington County Adult Detention Center

August 2, 2015

Gender	# of Inmates	% of Total
Male	55	74%
Female	19	26%
Total	**74**	**100%**

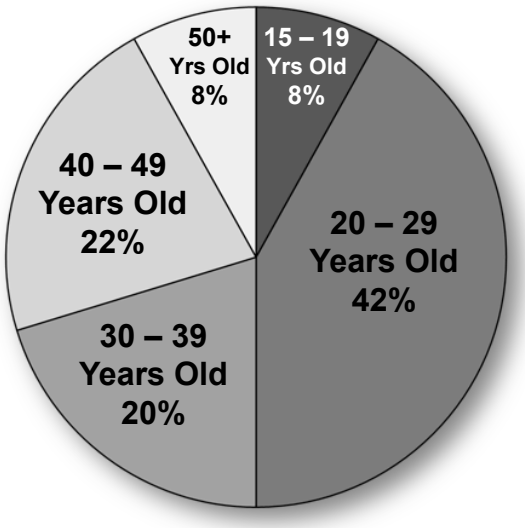


Inmate Population by Age

Codington County Adult Detention Center

August 2, 2015

Age	# of Inmates	% of Total
15 – 19	6	8%
20 – 29	31	42%
30 – 39	15	20%
40 – 49	16	22%
50+	6	8%
Total	**74**	**100%**

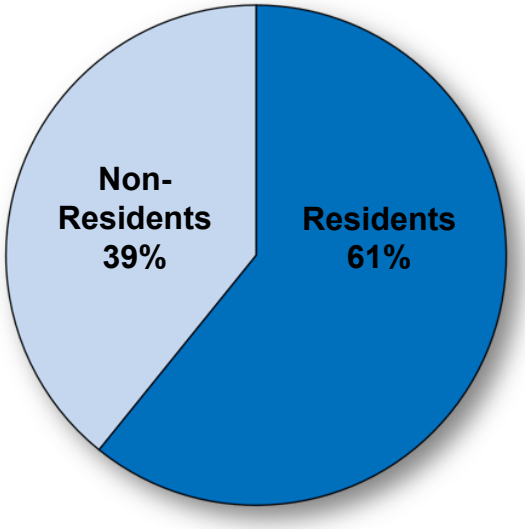


Inmate Population by Residence

Codington County Adult Detention Center

August 2, 2015

Residence	# of Inmates	% of Total
Codington County	45	61%
Other	29	39%
Total	**74**	**100%**

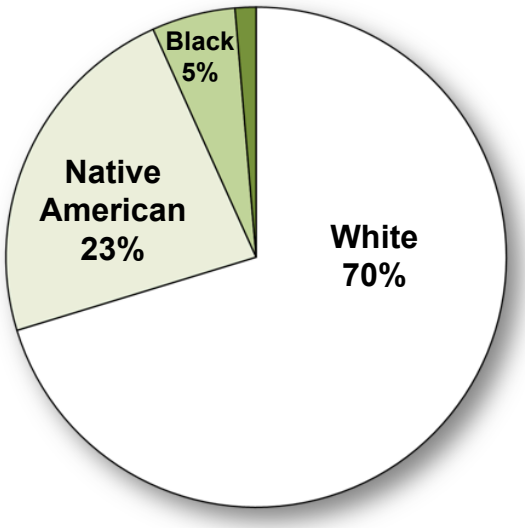


Inmate Population by Race / Ethnicity

Codington County Adult Detention Center

August 2, 2015

Race / Ethnicity	# of Inmates	% of Total
White	52	70%
Native American	17	23%
Black	4	5%
Hispanic	1	1%
Total	**74**	**100%**

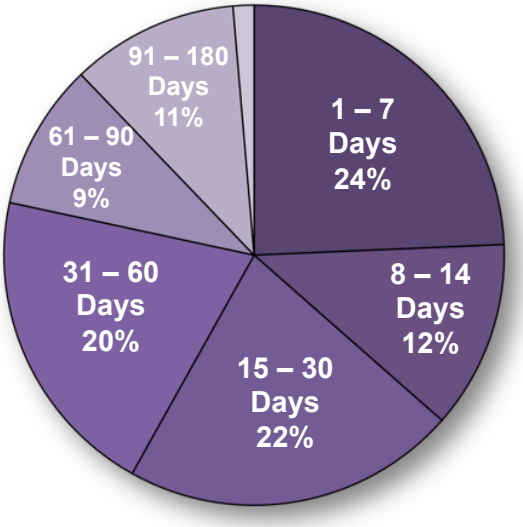


Inmate Population by Days in Jail

Codington County Adult Detention Center

August 2, 2015

Days in Jail	# of Inmates	% of Total
1 – 7 Days	18	24%
8 – 14 Days	9	12%
15 – 30 Days	16	22%
31 – 60 Days	15	20%
61 – 90 Days	7	9%
91 – 180 Days	8	11%
181+ Days	1	1%
Total	**74**	**100%**



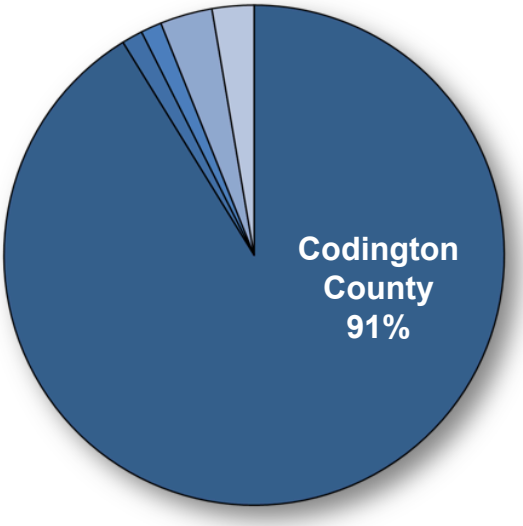
Inmate Population by Jurisdiction

Codington County Adult Detention Center

August 2, 2015

Jurisdiction	# of Inmates	% of Total
Codington County	68	91%
Clark County	1	1%
Deuel County	1	1%
Hamlin County	3	3%
Other	2	3%
Total	**74**	**100%**

1 inmate held for <u>both</u> Codington and Hamlin Counties.

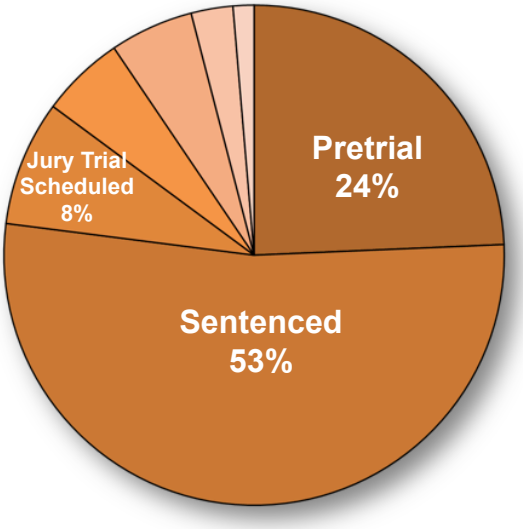


Inmate Population by Court Status

Codington County Adult Detention Center

August 2, 2015

Court Status	# of Inmates	% of Total
Pretrial	18	24%
Sentenced	39	53%
Jury Trial Scheduled	6	8%
PSI Ordered	4	5%
Probation	4	5%
Juvenile Probation	2	3%
Extradition Proceedings	1	1%
Total	**74**	**100%**

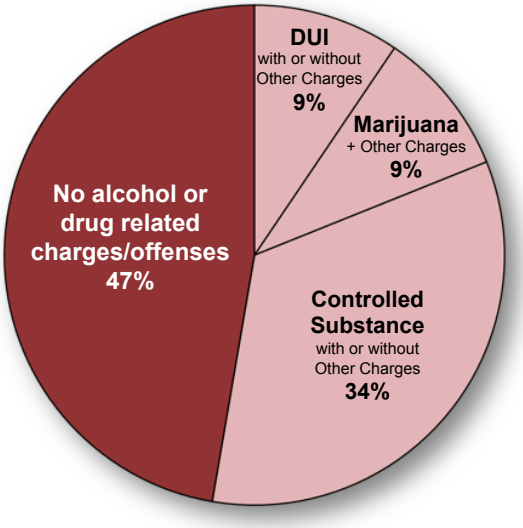


Alcohol/Drug Related Charges/Offenses

Codington County Adult Detention Center

August 2, 2015

Charge / Offense	% of Total
DUI (with or without Other Charges)	9%
Marijuana (+ Other Charges)	9%
Controlled Substance (with or without Other Charges)	34%
No alcohol or drug charges / offenses	47%
Total	**100%**



Current
Jail Photos

Juvenile Boys (dorm, 4 beds)

Codington County Adult Detention Center
August 6, 2015

Tank

Codington County Adult Detention Center
August 6, 2015

Work Release 1 (12 beds)

Codington County Adult Detention Center
August 6, 2015

Work Release 1 (12 beds)

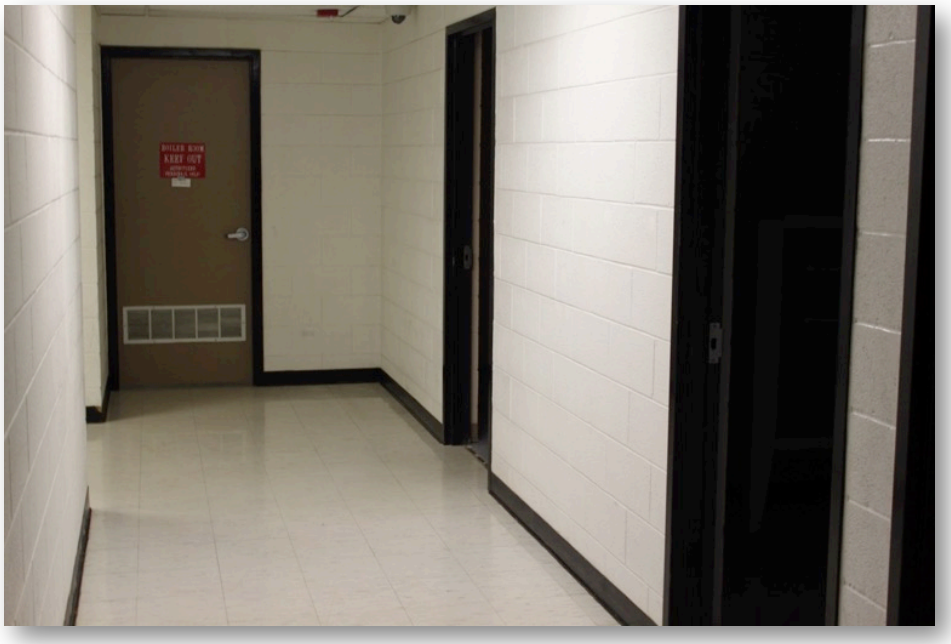
Codington County Adult Detention Center
August 6, 2015

Work Release 1 (12 beds)

Codington County Adult Detention Center
August 6, 2015

Work Release 2 (4 rooms, 12 beds)

Codington County Adult Detention Center
August 6, 2015



Work Release 2 (4 rooms, 12 beds)

Codington County Adult Detention Center
August 6, 2015

Segregation (3 cells, 3 beds)

Codington County Adult Detention Center
August 6, 2015

Segregation (3 cells, 3 beds)

Codington County Adult Detention Center
August 6, 2015

Segregation (3 cells, 3 beds)

Codington County Adult Detention Center
August 6, 2015

Maximum (5 cells, 8 beds)

Codington County Adult Detention Center
August 6, 2015

Maximum (5 cells, 8 beds)

Codington County Adult Detention Center
August 6, 2015

Maximum (5 cells, 8 beds)

Codington County Adult Detention Center
August 6, 2015

Dorm 1 (dorm, 12 beds)

Codington County Adult Detention Center
August 6, 2015

Dorm 1 (dorm, 12 beds)

Codington County Adult Detention Center
August 6, 2015

Dorm 2 (dorm, 12 beds)

Codington County Adult Detention Center
August 6, 2015

Dorm 2 (dorm, 12 beds)

Codington County Adult Detention Center
August 6, 2015

Outdoor Exercise Area

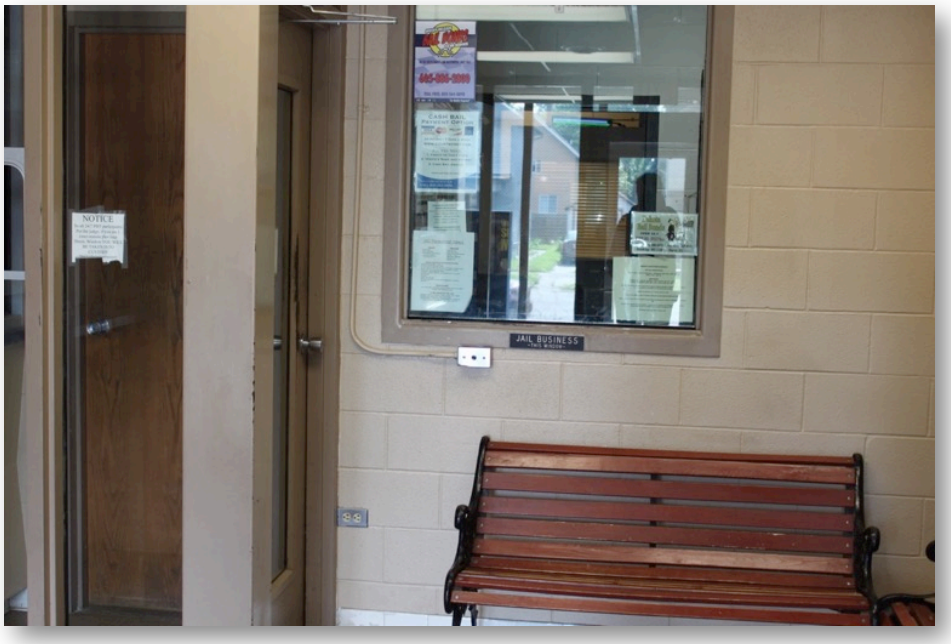
Codington County Adult Detention Center
August 6, 2015

Outdoor Exercise Area

Codington County Adult Detention Center
August 6, 2015

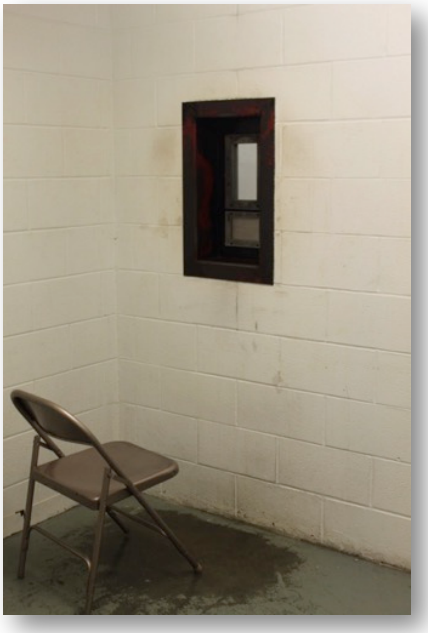
Public Lobby

Codington County Adult Detention Center
August 6, 2015



Visitation Booth

Codington County Adult Detention Center
August 6, 2015



Booking Area

Codington County Adult Detention Center
August 6, 2015

Master Control

Codington County Adult Detention Center
August 6, 2015

Master Control

Codington County Adult Detention Center
August 6, 2015

Kitchen

Codington County Adult Detention Center
August 6, 2015

Kitchen

Codington County Adult Detention Center
August 6, 2015

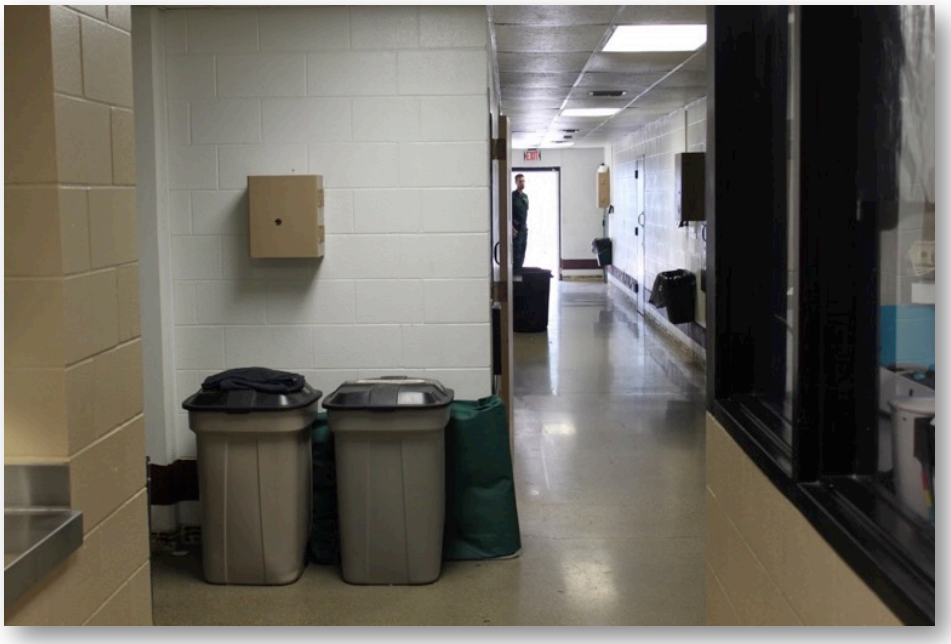
Laundry

Codington County Adult Detention Center
August 6, 2015

Central Corridor

Codington County Adult Detention Center

August 6, 2015



ACA
Jail Standards

ACA Jail Standards

- South Dakota is one of several states with no state jail standards or jail inspection programs.
- In the absence of state standards, consideration should be given to the minimum jail standards established by the American Correctional Association (ACA).
- ACA Standards are *national professional* jail standards.

ACA Jail Standards

- ACA Jail Standards are <u>not</u> *federal* standards.
- ACA Jail Standards are <u>not</u> mandatory.
- ACA Jail Standards are <u>not</u> enforceable.
- ACA Jail Standards are <u>not</u> constitutional standards.

ACA Jail Standards

- ACA Standards "are frequently referred to by the executive, legislative, and judicial branches of local, state, and federal jurisdictions as the professional benchmark for judging the quality of a detention operation."
- The ACA and the Commission on Accreditation for Corrections (CAC) are private, nonprofit organizations that administer the only national accreditation program for jail facilities.

ACA Jail Standards

- Most ACA Standards apply to jail operations, including policies, procedures, and practices.
- There are a few ACA Standards regarding the jail's physical plant, layout, and design that should be kept in mind during the facility planning process.
- The most important of these affect the minimum size of the certain areas, including inmate housing areas, dayrooms, and exercise areas.

Single-Occupancy Cells

4-ALDF-1A-09 Revised August 2008. Single cells in general population provide at least 35 square feet of unencumbered space. At least 70 square feet of total floor space is provided when the occupant is confined for more than 10 hours per day.

Multiple-Occupancy Cells

4-ALDF-1A-10 Multiple-occupancy rooms/cells house between two and 64 occupants and provide 25 square feet of unencumbered space per occupant. When confinement exceeds 10 hours per day, at least 35 square feet of unencumbered space is provided for each occupant.

Cell/Room Furnishings

4-ALDF-1A-11 Each inmate confined in a cell/room is provided with the following:

- a sleeping surface and mattress that allows the inmate to be at least 12 inches off the floor
- access to a writing surface and proximate area to sit
- a place to store clothes and personal belongings

Dayrooms

4-ALDF-1A-12 Dayrooms with space for varied inmate activities are situated immediately adjacent to inmate sleeping areas. Dayrooms provide a minimum of 35 square feet of space per inmate (exclusive of lavatories, showers, and toilets) for the maximum number of inmates who use the dayroom at one time. No dayroom encompasses less than 100 square feet of space, exclusive of lavatories, showers, and toilets.

4-ALDF-1A-13 Dayrooms provide sufficient seating and writing surfaces. Dayroom furnishings are consistent with the custody level of the inmates who are assigned.

Other Environmental Conditions

- Other ACA Jail Standards apply to environmental conditions, including:

  Minimum lighting levels;

  Access to natural light;

  Maximum noise levels;

  Ventilation; and

  Temperature and humidity.

Facility Design

4-ALDF-2A-18 Physical plant designs facilitate continuous personal contact and interaction between staff and inmates in housing units. All living areas are constructed to facilitate continuous staff observation, excluding electronic surveillance, of cell or detention room fronts and areas such as dayrooms and recreation space. (Renovation, addition, new construction only)

Classification and Separation

4-ALDF-2A-34 Revised January 2007. Single occupancy cells/ rooms are provided when indicated for the following:

- maximum and close custody
- inmates with severe medical disabilities
- inmates suffering from serious mental illness
- sexual predators
- inmates likely to be exploited or victimized by others
- inmates who have other special needs for single-occupancy housing

No less than 10 percent of the rated capacity of the facility is available for single occupancy.

Jail Capacity

Jail "Capacity"

- *Design* Capacity
- *Rated* Capacity
- *Operational* Capacity

"Capacity" typically refers to general population inmate housing. "Capacity" typically does not include:

- Temporary holding space in the booking area, or
- Special management cells used on a temporary basis.

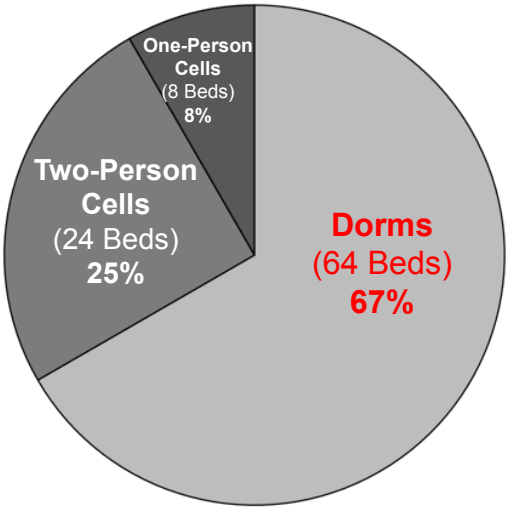
Current Jail Capacity

Housing Unit	Males / Females	Cells / Dorms	# of Beds
Main Level			
Medium	Males	2 One-Person Cells 3 Two-Person Cell	8 Beds
Maximum	Males	2 One-Person Cells 3 Two-Person Cell	8 Beds
Dorm 1	Males	Dorm (6 Bunkbeds)	12 Beds
Dorm 2	Males	Dorm (6 Bunkbeds)	12 Beds
Women 1	Females	3 Two-Person Cells	6 Beds
Women 2	Females	Dorm (2 Bunkbeds)	4 Beds
Minimum	Males or Females	3 Two-Person Cells	6 Beds
Segregation	Males	3 One-Person Cells	3 Beds
Juvenile Boys	Juvenile Males	Dorm (2 Bunkbeds)	4 Beds
Juvenile Girls	Juvenile Females	Dorm (2 Bunkbeds)	4 Beds
Handicapped Cell	Males or Females	Dorm (1 Bunkbed)	2 Beds
Tank	Males or Females	Dorm (2 Benches)	2 Beds
Confinement	Males or Females	1 One-Person Cell	1 Bed
Basement Level			
Work Release 1	Males	Dorm (6 Bunkbeds)	12 Beds
Work Release 2	Males or Females	Dorm (6 Bunkbeds in 4 Rooms)	12 Beds
TOTAL			**96 Beds**

Current Capacity by Type of Housing

Codington County Adult Detention Center

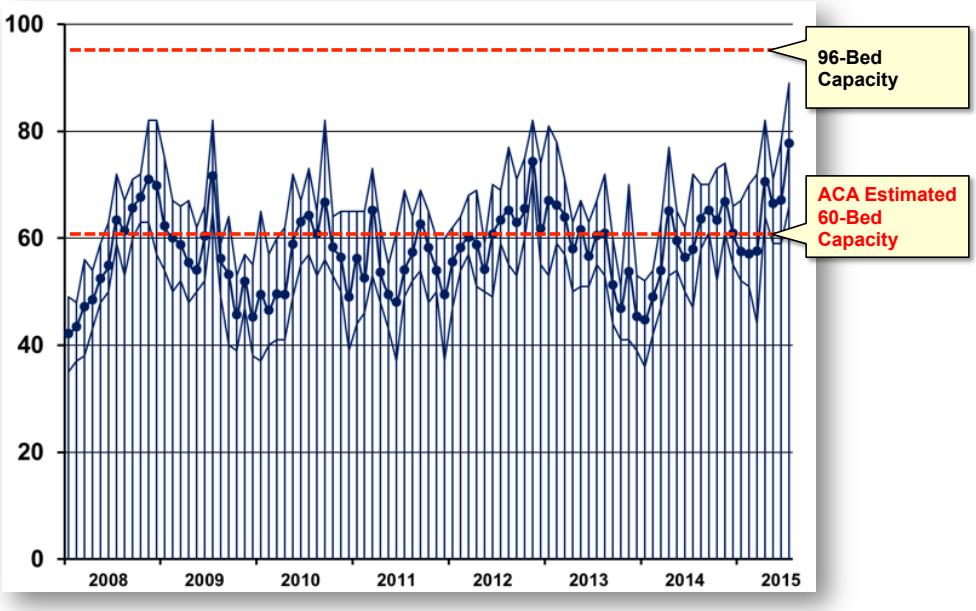
Type of Housing	Quantity	Total Beds	# of Total Capacity
One-Person Cells	8	8 Beds	8%
Two-Person Cells	12	24 Beds	25%
Dorms	9	64 Beds	67%
TOTAL		**96 Beds**	**100%**



Estimated Capacity based on ACA Stds.

Housing Unit	Cells / Dorms	Current Capacity	Estimated Capacity based on ACA Stds.
Main Level			
Medium	2 One-Person Cells 3 Two-Person Cell	8 Beds	5 Beds
Maximum	2 One-Person Cells 3 Two-Person Cell	8 Beds	5 Beds
Dorm 1	Dorm (6 Bunkbeds)	12 Beds	6 Beds
Dorm 2	Dorm (6 Bunkbeds)	12 Beds	6 Beds
Women 1	3 Two-Person Cells	6 Beds	3 Beds
Women 2	Dorm (2 Bunkbeds)	4 Beds	4 Beds
Minimum	3 Two-Person Cells	6 Beds	3 Beds
Segregation	3 One-Person Cells	3 Beds	3 Beds
Juvenile Boys	Dorm (2 Bunkbeds)	4 Beds	2 Beds
Juvenile Girls	Dorm (2 Bunkbeds)	4 Beds	2 Beds
Handicapped Cell	Dorm (1 Bunkbed)	2 Beds	1 Beds
Tank	Dorm (2 Benches)	2 Beds	
Confinement	1 One-Person Cell	1 Bed	
Basement Level			
Work Release 1	Dorm (6 Bunkbeds)	12 Beds	8 Beds
Work Release 2	Dorm (6 Bunkbeds in 4 Rooms)	12 Beds	12 Beds
TOTAL		**96 Beds**	**60 Beds**

Total High, ADP, and Low at the Codington County Detention Center



Next Steps

Next Steps

Continue to monitor current inmate population trends.

Develop updated inmate population projections and new forecast of capacity requirements.

Review and document findings and conclusions on the jail facility from past studies.

Incarceration Alternatives: What is SB 70 (a.k.a. Public Safety Improvement Act)?

- SD prison population, from 1977 to 2013, increased 500%.
- If this trend continued, cost to the State were estimated to be $224 million over the next 10 years.
- SD addressed these challenges by
  - improving its behavioral health service and community service infrastructure,
  - developing Drug and DUI courts and
  - adopting Evidence Based Supervision practices.
  - Changing criminal code to reserve prison space for most serious offenders
- Estimated savings at $207M over 10 years.
- Came into effect in October 2013. For probation, January 2014.

Incarceration Alternatives: The Goal

- Reverse the trend of non-violent offenders from going to prison.
  - In 2012, 81% of newly admitted prisoners were non-violent offenders and 53% were drug/alcohol offenders.
  - 61% of prisoners were non-violent offenders.
- 6 Of the Top 10 prison inmate offenses are non-violent
  - Drug Possession – 12%
  - Grand Theft – 9%
  - DUI – 3rd Offense – 7%
  - Burglary 3rd Degree – 5%
  - DUI – 4th Offense – 3%
  - Forgery – 3%

Incarceration Alternatives: Achieving the Goal

- Expanded DUI/Drug Courts
  - Drug Court in Codington County
  - Currently 14 in Drug Court - probably would have been in prison otherwise
- Community Based Programing – Evidenced Based Practices
  - **CBISA – Cognitive Behavioral Interventions for Substance Abuse** – HuSA for a Provider.
  - **MRT – Moral Reconation Therapy** – Lutheran Social Services is our local Provider.
- Anyone who scores a Med-High on their RISK score is assigned to complete either or both of these programs.
  - The RISK is a 54 question scored questionnaire that is done as part of a defendants Presentence Investigation (PSI).
  - Questions about criminal history; employment/education; alcohol/drug problems; accommodations; financial situations; family marital situations; leisure/recreation interests; Companions; Emotional/MH/personal questions; Attitudes/Orientation

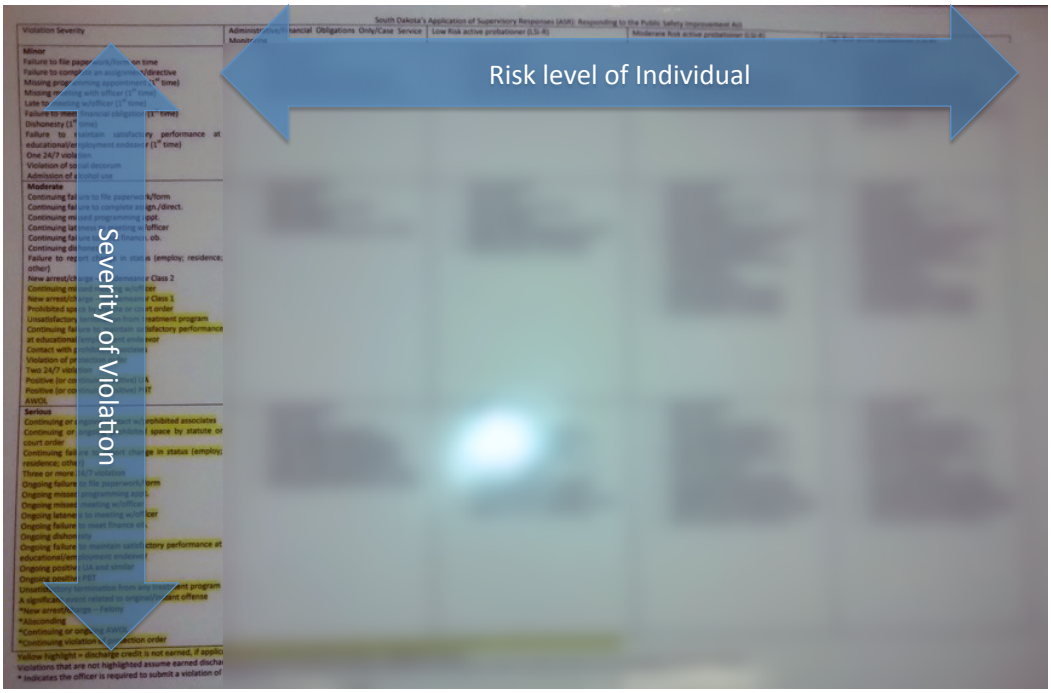
Incarceration Alternatives: Path to Probation

- A plea of guilty/found guilty.
- Judge orders a PSI – Presentence Investigation.
  - Usually a felony
  - PSI is written by a CSO
- If Class 5 or 6 Felony, Presumptive Probation is the likely result. (SB 70)
  - Class 5 Felony – Possession of CS (meth); DUI #4; Grand Theft; Forgery
  - Class 6 Felonies – DUI #3; Possession of Marijuana more than 2oz; Grand Theft - $1000-2500
- At sentencing, Judge orders the Defendant to (2) years probation after jail release with the following conditions:
  - 30-90 days jail – usually granted work release
  - Must pay Fine, court costs, restitution, attorney fees. Sometimes jail costs $25/day
  - CD eval and recommendations
    - Could be assigned MRT for criminogenic thinking (Forgery)
    - Testing and Search requirements
    - Stay LAC
    - Work/school requirements

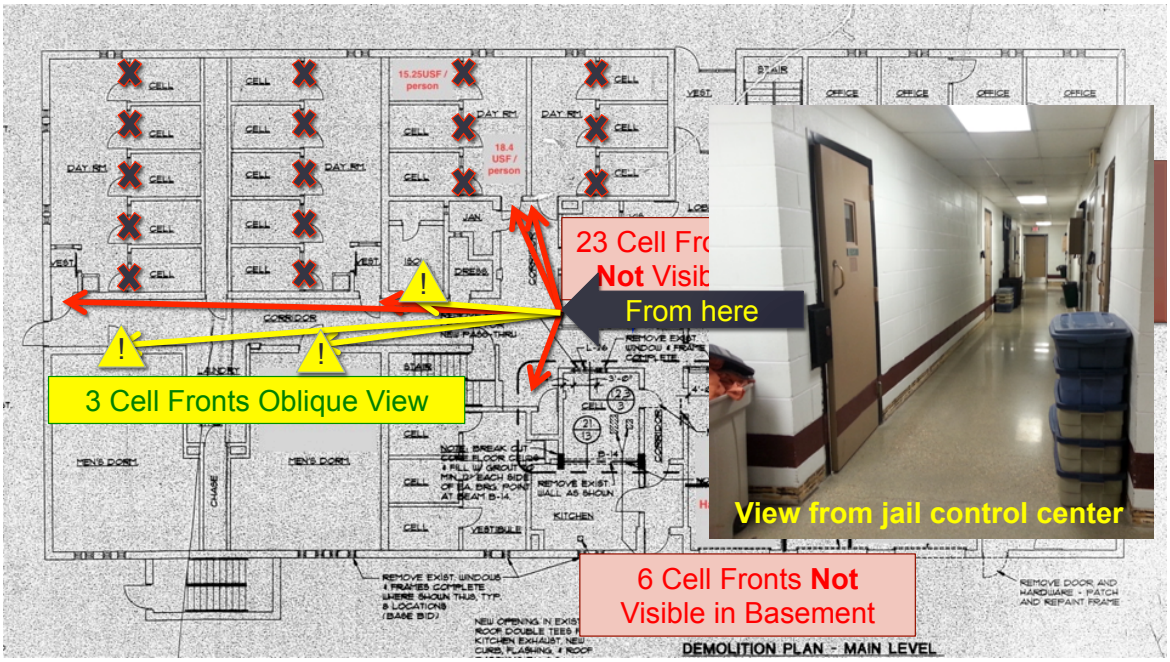
Incarceration Alternatives: Path to Probation

- After jail release, probationer meets with CSO
  - Depending on RISK score, (Med-High) CSO meets with probationer 1-4x/month
  - Drug Court – can be daily
  - At probation meetings, CSO reviews contact info; treatment; work; payments; crisis situations (housing, transportation, etc)
  - Complete an EPICS session. (Behavior Chain – Cost Benefit Analysis – Thought restructuring)
  - Drug test
  - Assign homework for next meeting
  - Remind of Earned Discharge Credit status

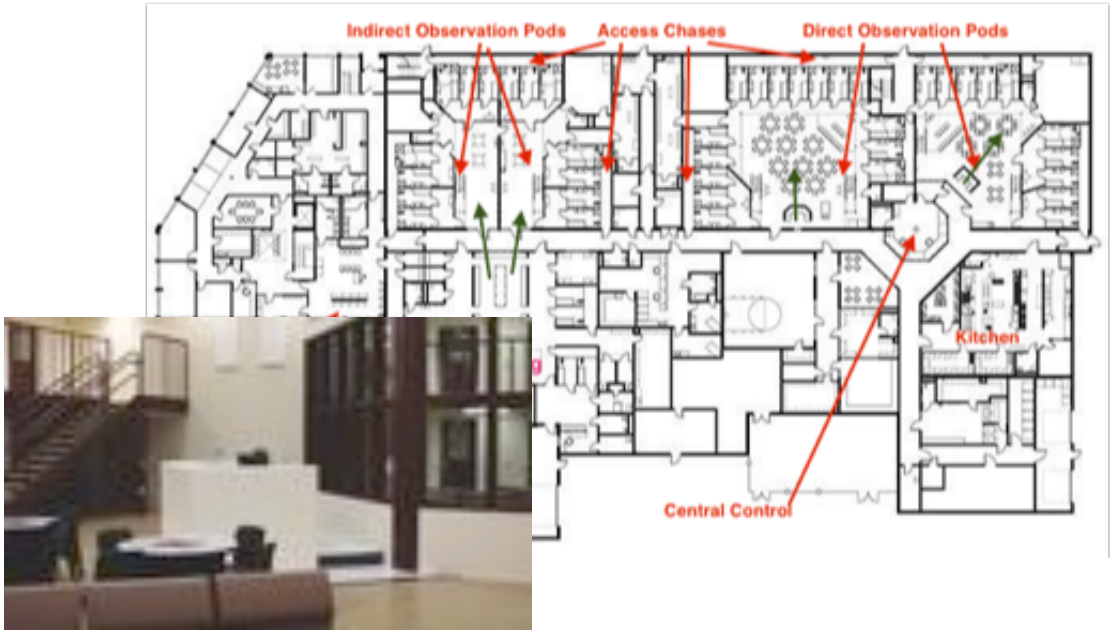
Incarceration Alternatives: Sanction Grid for Violations of Probation



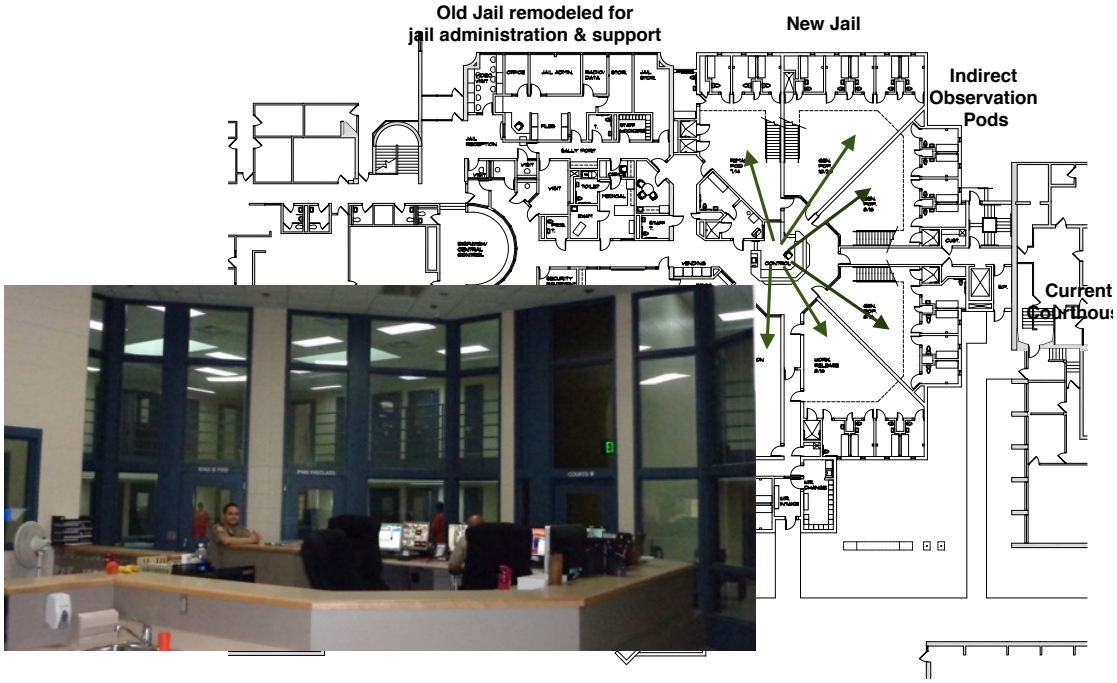
Jail Data Orientation



Douglas County, MN Jail



Lyon County, MN Jail



Funding Court & Jail Construction Using Sales Tax

At Issue:

- Counties are faced with the legal requirement to provide adequate courts & jails (SDCL § 16-6-7, §16-12A-29.1, § 24-11-2)
- Only source for funding this large expense is property tax (SDCL § 7-25-1)
- Usually, this must be referred to voters (SDCL § 7-25-3)
- Additional property tax is often undesirable to voters; especially for facilities that "not everyone uses"
- Very difficult to solve problems of overloaded courts & crowded aging jails

A Proposed Solution:

- Authorize counties to offer voters the option of sales tax to fund court & jail construction
  - Up to 0.5% for either court or jail. Up to 0.75% if both done simultaneously
  - Sunsets when bond is retired.

How is this different from prior county sales tax proposals that have failed?

- Limited – *only* to help counties fulfill their legal mandate to provide courts & jails
- Temporary – Sunsets when bond is paid
- Mandatorily referred to voters - Holds county responsible to come up with the best solution for court/jail needs

Funding Court & Jail Construction Using Sales Tax

What about the details?

- Would also authorize counties that house inmates in another county to offer voters sales tax to share proportionately in jail construction – supports de facto regional jails
- Remaining funds (after sunset), applied to operations and maintenance of new jail

Advantages:

- Another tool for counties and their voters to find the least burdensome solution – provides alternative to property tax to fund a necessary expense
  - Sales tax, can usually pay off a bond more quickly than property tax. Lowers cost of financing
  - Sales tax shares the burden with out-of-county/out-of-state residents (appropriate since not all jail inmates are county residents)
  - Sales tax is generally less burdensome to voters than property tax