

## **Agenda**

**Meeting to Discuss Multi-County Cooperation for a Jail to be located in Codington County  
July 8<sup>th</sup>, 2016 & July 15<sup>th</sup>, 2016  
Codington County EOC**

- 1. Review Codified Law about Jail Cooperation**
- 2. Example structures of agreements – Pennington & Minnehaha JDC Examples**
- 3. Other Jurisdictions' Inmate population data from Mr. Garnos' Jail assessment**
- 4. Feedback from other counties**
- 5. Open**
- 6. Adjourn**

# SDCL Regarding Jail Cooperation

## Shared & Area Jails:

24-11-3. **Counties without jails or juvenile detention facilities**--Overcrowded or unsafe jails and facilities--Confinement in adjoining political subdivision--Expenses. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the requirements of this chapter, every judicial or executive officer of the county who has the power to order, sentence, or deliver any person to the county jail or juvenile detention facility may order, sentence, or deliver such person to the jail or juvenile detention facility of any near or adjoining state, Indian reservation, county, organized township, or municipality, pursuant to a written agreement to house such prisoner. The written agreement shall contain provisions addressing liability issues and facility standards and shall also contain appropriate provisions assuring that the agency housing the prisoner shall release the prisoner to the county from which the prisoner was committed within two days of receiving a request from the committing county. Any written agreement with a federally recognized Indian tribe shall receive approval from the Bureau of Indian Affairs prior to the delivery of any prisoner. The county from which the prisoner was committed shall pay to the agency housing the prisoner all expenses of keeping and maintaining the prisoner in the jail or juvenile detention facility, including the cost of building depreciation, administration, and a reasonable charge for obsolescence of the facility and all other tangible and intangible costs.

24-11-4. **Agreements between political subdivisions for use of jails**--Termination of agreement. Any organized township, municipality, or county of the state is hereby authorized, upon passage of an affirmative resolution by each of the governing bodies of two or more such subdivisions of the state, to enter into a mutually acceptable contract, or to amend or terminate such contract, by which a jail may be used, owned, constructed, maintained, or operated, or any of the foregoing relationships may be established, by such two or more subdivisions.

24-11-4.1. **Creation of area jail or juvenile detention facility compact--Liquidated damages for withdrawal without consent--Acquisition of facilities--Funding--Operation--Lease with compact.** Any combination of counties or municipalities of this state may enter into an agreement pursuant to chapter 1-24 for the creation of an area jail or juvenile detention facility compact which may be a separate legal entity. In addition to the provisions of chapter 1-24, an agreement pursuant to this section may be for any period of time and may provide for liquidated damages to be imposed upon any party withdrawing without the consent of all other parties to the agreement. The liquidated damages may not exceed the minimum contribution agreed to by the withdrawing party to termination of the agreement reduced to present value. The compact may own, purchase, construct or otherwise acquire ownership of jail or juvenile detention facilities located within any of the parties. The compact may issue revenue bonds, enter into lease, lease-purchase and sale, and lease-back agreements, either as lessee or lessor, in the manner provided in §§ 7-25-19 and 7-25-20, or take any other steps necessary to assist in funding jail or juvenile detention facilities. Operation of the jail or juvenile detention facility shall remain under the authority of the county where the facility is located or by agreement with a municipality. Any county or municipality may enter into lease or lease-purchase agreements with an area jail or juvenile detention facility compact pursuant to §§ 7-25-19 and 7-25-20.

## SDCL Regarding Jail Cooperation

24-11-4.2. **Annual prisoner rate for members--Additional compensation to sheriff--Daily prisoner rate for nonmembers.** The compact agreement shall provide for annual minimum fees for providing facilities for specified numbers of prisoners by each member. The compact agreement may further provide for additional compensation payable to the sheriff of the county in which the facility is located, provided that the sheriff is the person in charge of the facility, equal to ten percent of the authorized salary in § 7-12-15. This amount shall be paid to the sheriff in addition to the amount set forth in § 7-12-15. In addition, the agreement shall provide a daily prisoner rate for nonmembers which may not exceed five times the daily rate charged to members.

24-11-4.3. **Money collected for housing prisoners--Distribution to member operating facility and compact debts--Excess funds.** Notwithstanding § 24-11-8, in the case of jail facilities located in a county participating in a compact pursuant to §§ 24-11-4.1 to 24-11-4.3, inclusive, money collected for housing prisoners shall be paid to the officer designated by the agreement who shall distribute the money so received to the member operating the facility under the terms of the agreement and shall apply remaining funds to retirement of the compact's financial obligations. Excess funds, if any, shall be held by the compact and may be used by the compact to make capital improvements to existing facilities or for the creation of new facilities.

24-11-8. **Charges for prisoners confined by authority other than county in which jail located--Amount fixed by county--Special jail building fund.** If any person is confined in any county jail by authority of the United States or of any state or territory other than this state or any county other than the county in which the county jail is located, the sheriff or other person in charge of the jail, may charge and collect a sum fixed by the county in addition to the charges allowed by law for any person confined by authority of the county, a sum necessary to fully compensate and reimburse the county for money actually and necessarily expended for utilities and other expenses in the keeping of the person, including the expense of building depreciation, administration, and a reasonable charge for obsolescence of the facility and all other tangible and intangible costs, to the county. The amount of the expense shall be fixed by the board of county commissioners and collected by the sheriff or other person in charge of the county jail in the manner and at the time other charges provided by law are collected. Upon collection of the money, the money collected for building depreciation, and tangible and intangible costs may be deposited into a special jail building fund. Moneys in the special jail building fund may only be used to make capital improvements to the existing jail or for the building of a new jail.

## Pennington & Minnehaha Multi-County Agreement Summary Comparison

	<b>Pennington JDC Compact*</b>	<b>Minnehaha JDC JPA</b>
<b>Participants</b>	Pennington, Lawrence, Fall River, Custer, Meade, Butte, Harding	Minnehaha, Bon Homme, Brookings, Charles Mix, Clay, Hanson, Hutchinson, Lake, Lincoln, McCook, Miner, Turner, Yankton
<b>Legal Status</b>	Compact-Non-Profit	Agreement to share with Minnehaha
<b>Cost share</b>	Based on population from last census	Based on age 0-19 population
<b>Cost Structure</b>	<ul style="list-style-type: none"> <li>• Annual Minimum Fee = 100% lease payment (to Pennington) + 25% operations budget. This part is shared based on population from most recent census.</li> <li>• Member counties pay a daily rate. Daily rate =75% of operating budget based on a 50% occupancy rate of the facility.</li> <li>• Reconciled at end of FY for actual expenses.</li> </ul>	<ul style="list-style-type: none"> <li>• Annual amortization (principle &amp; interest) divided into two semi-annual payments to Minnehaha.</li> <li>• Separate daily rate agreements.</li> </ul>
<b>Ownership</b>	Facilities owned by Pennington. Term of Compact corresponded to term of Pennington's bond.	Facilities owned by Minnehaha
<b>Transportation</b>	Provided by compact	
<b>Oversight</b>	Board of Directors (one representative per county)	Advisory board to Minnehaha Commissioners

\*After bond was paid in 2013, Pennington's JDC terminated compact and established a joint powers agreement with all members except Meade county. Key differences: Cost structure is built into daily rate. Daily rate is averaged for each county to simplify monthly payments/budgeting and reconciled at end of FY for actual expenses. Oversight is weighted by distributing board votes based on each county's population.

### **Inmates Held for Other Jurisdictions**

Over the past seven years, the number of inmates held at the Codington County Detention Center for other jurisdictions has remained fairly stable, with an ADP of:

- 6 inmates held for other jurisdictions in 2008 and 2009;
- 5 inmates held for other jurisdictions in 2010 and 2011;
- 6 inmates held for other jurisdictions in 2012, 2013, and 2014.

During the first nine months of 2015, the Detention Center held an ADP of 7 inmates for other jurisdictions.

Since 2008, the ADP of inmates held for other jurisdictions each month ranged from a low of 1 inmate held for another jurisdiction in January 2010, to a high of 11 inmates held for other jurisdictions in July 2009.

Over the past seven years (2008 – 2014), Codington County has received a total of approximately \$829,014 in revenue for holding inmates from other jurisdictions.

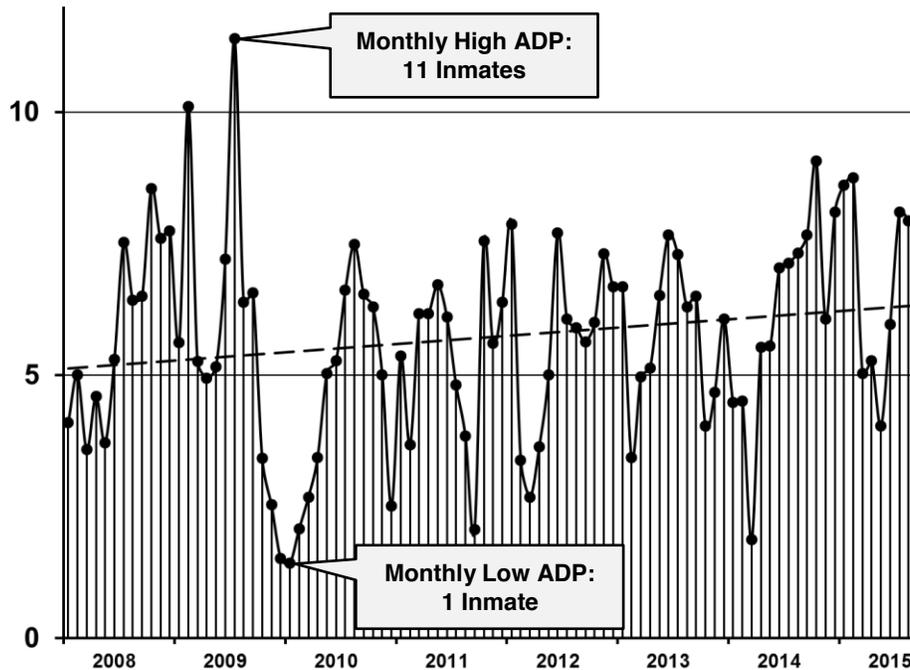
*The graph and table on the following page show the ADP of inmates held in the Detention Center for other jurisdictions for each month from 2008 through 2015 to date, including the high, low, and overall trendline.*

*The graph and tables on the page after that show the annual distribution of inmates held in the Detention Center for Clark County, Deuel County, Hamlin County, and for other agencies for 2008 through 2015 to date.*

*The graph and table after that show the annual revenue that Codington County has received for holding inmates from other jurisdictions over the past seven years.*

*A three-page table is then provided showing a detailed breakdown of the ADP of inmates held for other jurisdictions each month from 2008 through 2015 to date.*

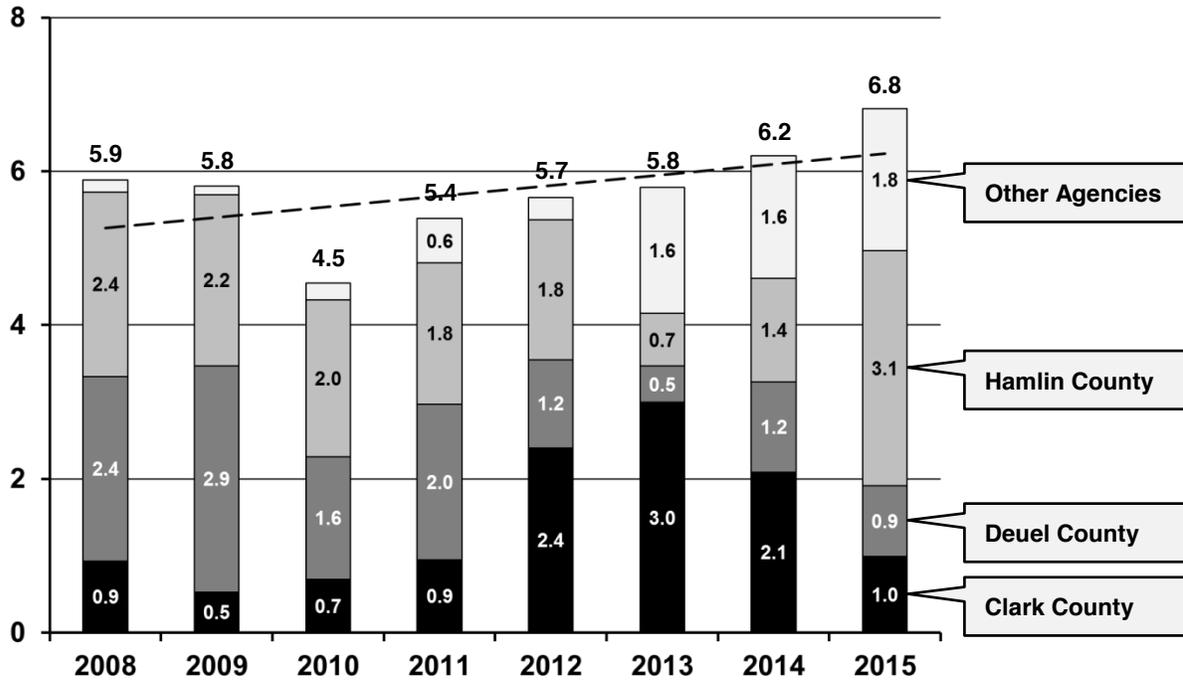
Other Jurisdictions' Average Daily Population at the  
 Codington County Detention Center (2008 – 2015)



Month	2008	2009	2010	2011	2012	2013	2014	2015
January	4	6	1	5	8	7	4	9
February	5	10	2	4	3	3	5	9
March	4	5	3	6	3	5	2	5
April	5	5	3	6	4	5	6	5
May	4	5	5	7	5	7	6	4
June	5	7	5	6	8	8	7	6
July	8	11	7	5	6	7	7	8
August	6	6	7	4	6	6	7	8
September	7	7	7	2	6	7	8	8
October	9	3	6	8	6	4	9	
November	8	3	5	6	7	5	6	
December	8	2	3	6	7	6	8	
<b>Annual ADP</b>	<b>6 Inmates</b>	<b>6 Inmates</b>	<b>5 Inmates</b>	<b>5 Inmates</b>	<b>6 Inmates</b>	<b>6 Inmates</b>	<b>6 Inmates</b>	<b>7 Inmates</b>

Source: Codington County Sheriff's Office.

**Annual Breakdown of Other Jurisdictions' Average Daily Population  
 at the Codington County Detention Center (2008 – 2015)**

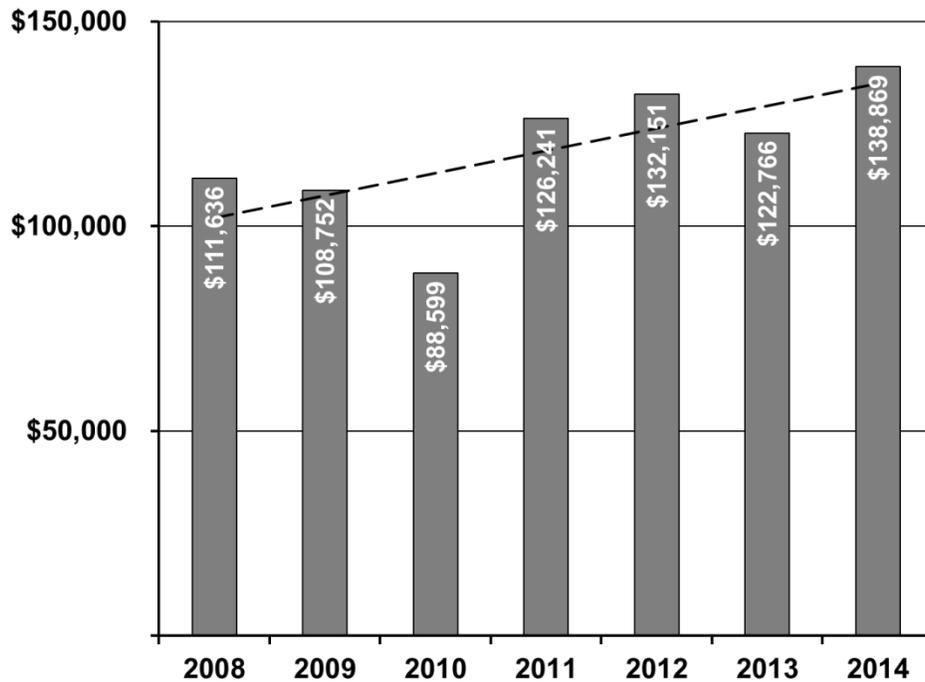


Jurisdiction	2008	2009	2010	2011	2012	2013	2014	Jan – Sept 2015
Clark County	0.9	0.5	0.7	0.9	2.4	3.0	2.1	1.0
Deuel County	2.4	2.9	1.6	2.0	1.2	0.5	1.2	0.9
Hamlin County	2.4	2.2	2.0	1.8	1.8	0.7	1.4	3.1
Other Jurisdictions	0.2	0.1	0.2	0.6	0.3	1.6	1.6	1.8
<b>Total</b>	<b>5.9</b>	<b>5.8</b>	<b>4.5</b>	<b>5.4</b>	<b>5.7</b>	<b>5.8</b>	<b>6.2</b>	<b>6.8</b>
	<b>Inmates</b>							

Jurisdiction	2008	2009	2010	2011	2012	2013	2014	Jan – Sept 2015
Clark County	16%	9%	15%	18%	42%	52%	34%	15%
Deuel County	41%	51%	35%	38%	20%	8%	19%	13%
Hamlin County	41%	38%	45%	34%	32%	12%	22%	45%
Other Jurisdictions	3%	2%	5%	11%	5%	28%	26%	27%
<b>Total</b>	<b>100%</b>							

Source: Codington County Sheriff's Office.

**Annual Revenue from Contracts with Other Jurisdictions  
 at the Codington County Detention Center (2008 – 2014)**



Month	2008
2008	\$ 111,636
2009	108,752
2010	88,599
2011	126,241
2012	132,151
2013	122,766
2014	138,869
<b>7-Year Total</b>	<b>\$ 829,014</b>

Source: Codington County Sheriff's Office.

**Monthly Breakdown of Other Jurisdictions' Average Daily Population  
at the Codington County Detention Center (2008 – 2015)**

<b>Year</b>	<b>Month</b>	<b>Clark County</b>	<b>Deuel County</b>	<b>Hamlin County</b>	<b>Other Jurisdictions</b>	<b>TOTAL ADP</b>
<b>2008</b>	January	0.0	2.0	2.0	0.0	<b>4.1</b>
	February	0.2	1.7	2.8	0.4	<b>5.0</b>
	March	0.0	1.5	2.1	0.0	<b>3.6</b>
	April	1.2	1.7	1.8	0.0	<b>4.6</b>
	May	1.0	2.0	0.7	0.0	<b>3.7</b>
	June	1.6	3.3	0.4	0.0	<b>5.3</b>
	July	1.1	3.6	2.8	0.0	<b>7.5</b>
	August	1.0	2.5	2.7	0.2	<b>6.4</b>
	September	1.1	2.0	2.6	0.8	<b>6.5</b>
	October	1.4	3.0	4.0	0.2	<b>8.5</b>
	November	1.3	2.0	3.9	0.4	<b>7.6</b>
	December	1.2	3.5	2.9	0.1	<b>7.7</b>
<b>2009</b>	January	1.7	1.5	1.9	0.5	<b>5.6</b>
	February	3.1	4.8	2.3	0.0	<b>10.1</b>
	March	0.1	2.8	2.4	0.0	<b>5.3</b>
	April	0.1	2.1	2.3	0.5	<b>4.9</b>
	May	0.1	2.4	2.6	0.1	<b>5.2</b>
	June	0.2	4.2	2.6	0.2	<b>7.2</b>
	July	0.6	5.5	5.3	0.0	<b>11.4</b>
	August	0.4	4.0	2.0	0.0	<b>6.4</b>
	September	0.2	2.6	3.7	0.0	<b>6.6</b>
	October	0.0	3.2	0.2	0.0	<b>3.4</b>
	November	0.0	1.4	1.0	0.1	<b>2.5</b>
	December	0.0	0.9	0.6	0.0	<b>1.5</b>
<b>2010</b>	January	0.3	0.6	0.5	0.0	<b>1.4</b>
	February	0.2	0.6	1.3	0.0	<b>2.1</b>
	March	1.0	0.5	1.2	0.0	<b>2.7</b>
	April	0.4	0.8	1.9	0.3	<b>3.4</b>
	May	0.0	0.7	4.3	0.0	<b>5.0</b>
	June	0.1	2.9	2.3	0.0	<b>5.3</b>
	July	1.0	2.5	3.1	0.0	<b>6.6</b>
	August	1.9	3.1	2.2	0.4	<b>7.5</b>
	September	1.2	3.4	1.2	0.7	<b>6.5</b>

<b>Year</b>	<b>Month</b>	<b>Clark County</b>	<b>Deuel County</b>	<b>Hamlin County</b>	<b>Other Jurisdictions</b>	<b>TOTAL ADP</b>
	October	1.3	2.2	1.7	1.2	<b>6.3</b>
	November	0.9	1.4	2.7	0.0	<b>5.0</b>
	December	0.0	0.4	2.1	0.0	<b>2.5</b>
<b>2011</b>	January	0.2	1.0	4.0	0.2	<b>5.4</b>
	February	0.0	0.6	2.7	0.4	<b>3.7</b>
	March	0.4	1.6	3.5	0.7	<b>6.2</b>
	April	0.9	3.2	1.7	0.5	<b>6.2</b>
	May	1.6	3.4	1.7	0.0	<b>6.7</b>
	June	2.0	3.1	1.0	0.0	<b>6.1</b>
	July	1.8	1.7	1.3	0.0	<b>4.8</b>
	August	1.4	1.4	0.3	0.8	<b>3.8</b>
	September	1.0	0.6	0.4	0.0	<b>2.1</b>
	October	0.8	2.8	3.5	0.4	<b>7.5</b>
	November	0.3	2.7	0.6	2.0	<b>5.6</b>
	December	0.9	2.2	1.3	2.0	<b>6.4</b>
<b>2012</b>	January	1.5	3.8	2.1	0.5	<b>7.9</b>
	February	0.8	1.6	1.0	0.0	<b>3.4</b>
	March	0.9	1.2	0.5	0.2	<b>2.7</b>
	April	0.7	0.8	1.7	0.5	<b>3.6</b>
	May	0.9	1.1	2.2	0.8	<b>5.0</b>
	June	3.1	0.5	3.0	1.1	<b>7.7</b>
	July	3.8	0.8	1.4	0.0	<b>6.1</b>
	August	2.7	1.5	1.6	0.1	<b>5.9</b>
	September	3.0	1.1	1.3	0.2	<b>5.6</b>
	October	3.6	0.8	1.6	0.0	<b>6.0</b>
	November	4.5	0.1	2.7	0.0	<b>7.3</b>
	December	3.3	0.4	2.9	0.2	<b>6.7</b>
<b>2013</b>	January	3.1	0.2	2.2	1.2	<b>6.7</b>
	February	1.4	0.3	1.1	0.6	<b>3.4</b>
	March	2.3	0.3	1.6	0.8	<b>5.0</b>
	April	3.8	0.4	0.3	0.6	<b>5.1</b>
	May	3.7	0.1	0.8	2.0	<b>6.5</b>
	June	4.7	1.3	0.2	1.5	<b>7.7</b>
	July	4.6	0.3	0.3	2.1	<b>7.3</b>
	August	3.9	0.3	0.4	1.6	<b>6.3</b>
	September	3.1	0.3	0.2	3.0	<b>6.5</b>
	October	1.4	0.6	0.1	1.9	<b>4.0</b>

<b>Year</b>	<b>Month</b>	<b>Clark County</b>	<b>Deuel County</b>	<b>Hamlin County</b>	<b>Other Jurisdictions</b>	<b>TOTAL ADP</b>
	November	1.8	0.8	0.5	1.5	<b>4.7</b>
	December	2.0	0.9	0.5	2.6	<b>6.1</b>
<b>2014</b>	January	1.2	1.3	0.8	1.1	<b>4.5</b>
	February	1.4	1.0	0.5	1.6	<b>4.5</b>
	March	1.0	0.1	0.6	0.2	<b>1.9</b>
	April	1.6	0.1	1.9	1.9	<b>5.5</b>
	May	2.0	1.0	0.7	1.9	<b>5.5</b>
	June	2.1	1.2	1.4	2.3	<b>7.0</b>
	July	2.5	1.5	0.7	2.4	<b>7.1</b>
	August	2.6	1.5	1.5	1.7	<b>7.3</b>
	September	3.5	0.9	2.2	1.1	<b>7.7</b>
	October	3.8	2.7	1.6	0.9	<b>9.1</b>
	November	1.8	1.1	1.7	1.4	<b>6.1</b>
	December	1.4	1.8	2.3	2.6	<b>8.1</b>
<b>2015</b>	January	2.1	0.1	1.9	4.6	<b>8.6</b>
	February	1.0	0.9	2.4	4.5	<b>8.8</b>
	March	0.2	1.2	2.2	1.5	<b>5.0</b>
	April	0.1	0.9	2.9	1.4	<b>5.3</b>
	May	0.1	0.1	2.7	1.1	<b>4.0</b>
	June	1.6	0.4	2.2	1.7	<b>6.0</b>
	July	2.1	0.9	4.1	1.0	<b>8.1</b>
	August	1.2	1.5	4.7	0.5	<b>7.9</b>
	September	0.6	2.3	4.4	0.5	<b>7.8</b>
	October					
	November					
	December					

<b>2008 – 2015 AVERAGE:</b>	1.5	1.6	1.9	0.8	<b>5.7</b>
<b>2008 – 2015 HIGH:</b>	4.7	5.5	5.3	4.6	<b>11.4</b>
<b>2008 – 2015 LOW:</b>	0.0	0.1	0.1	0.0	<b>1.4</b>

Source: Codington County Sheriff's Office. Billing to Other Agencies Reports.