

***Official Proceedings  
Codington County Justice Advisory Committee  
Watertown Regional Library, Watertown SD 57201  
March 12, 2015***

The Codington County Justice Advisory Committee (CCJAC) met at the Watertown Regional Library on March 12, 2015, 6:30 p.m. Committee members present were Chairman Lee Gabel, Tyler McElhaney, Al Koistinen, Larry Wasland, Megan Gruman, Greg Endres and Toby Wishard. Also present were non-voting committee members Tom Walder and The Honorable Robert Timm. The meeting was called to order by Chairman Gabel at 6:32 p.m.

***Agenda Approved***

Motion by Gruman to approve the proposed agenda, seconded, all in favor; agenda approved.

***Minutes Approved***

No corrections or questions were presented to the minutes from Feb. 19, 2015. Motion by Wasland to approve the minutes; motion seconded, all in favor, minutes approved.

***Development of a process to fulfill Commissioners' instructions to the CCJAC***

Chairman Gabel suggested that the committee establish a pattern for CCJAC meetings that reviewed the four instructions from the Board of County Commissioners (BoCC) at each meeting, and tracking progress as per the Instruction Task Tracker (see attached slides). It was suggested that each instruction be completed by developing a report(s)/recommendation(s) and forwarding these to the BoCC. The committee's work at this point is focused on Instructions #1 and #2.

- **Regarding Instruction #1: Review previous work to determine need for further analysis**

Gabel suggested a report be drafted for the BoCC, to state succinctly what we know based on what was done before (from 2002 to 2014). A handout was provided showing a cross reference of pre-November 2014 information resources with the various topics addressed by each resource. The handout highlighted that none of the information resources include projections of future court caseloads, or future inmate populations. Gabel offered to begin writing up the report and provide a draft to the committee.

- **Regarding the first part of instruction #2: Further analyze**

Gabel presented a summary of a space inventory done so far. This included floor plans of portions of the courthouse and jail (see attached slides). Discussion highlights:

- Court calendar management has unique challenges because of the number of people involved in a trial. It is very difficult to have a backup trial lined up to use a courtroom should a scheduled case be settled just before trial. This causes constant juggling of courtroom schedules.
- In the case of Codington County, three judges share the schedule of one jury-capable courtroom.

- The level of needed court security measures was briefly discussed. The safety of South Dakota 3<sup>rd</sup> Judicial Circuit Court personnel has been threatened.
  - Because jury trials must by law take place in the county where the crime occurred, moving a jury trial to another county simply because a courtroom is available would be problematic and most likely resisted given the inconvenience to the interested public, prospective jurors, court personnel, the parties, witnesses, and attorneys who would all have to travel a considerable distance to observe or participate in the proceedings.
  - South Dakota doesn't provide facility standards for county courthouses.
  - Codington County's jail has a linear layout with no direct line of sight and relies on video cameras. This system is "reactive."
  - "Indirect supervision" means that there is a direct line of sight into each day room and individual cell, but the correctional officer is not physically in the cellblock. A non-linear "pod" layout would lend itself to indirect supervision.
  - "Direct supervision" requires the highest level of manpower, because it means that the correctional officer is physically in the cellblock. Direct supervision is most effective in large jails, with up to 60 inmates in a cellblock.
  - The court backlog is generally not a factor in causing longer incarcerations, because those convicted are given credit for pretrial confinement time.
  - De facto regional jails are here. Regional courthouses are not.
  - Gabel provided an explanation of Codington County's Surplus Funds to clarify which of the county's surplus funds might be applied to the cost of construction or changing the justice facilities (see attached slides and handout).
- **Regarding the second part of instruction #2: Recommend ways to obtain the needed analysis**

The committee considered a proposal from Mr. Bill Garnos to conduct a jail needs assessment (Garnos' CV and proposal are attached). Questions were posed to Mr. Garnos from the committee members and the public. Discussion highlights:

- There are no state standards or state inspectors for correctional facilities in South Dakota. It is left up to the counties to determine how to address needs; but if there is a problem, it is up to the county to defend. In these cases, Garnos tends to use American Correctional Association (ACA) standards.
- Inmate population projections can potentially go out 20 years. Beyond that, it is difficult, because census projections only go 20 years out.
- If the County decides to build facilities for a certain number of years, it will need to establish criteria to address that. An example would be a criterion that requires a facility option to permit expansion.
- It should be possible to project the various parts of the inmate population such as those from other counties.
- Getting good probation data upon which to base projections has been difficult in South Dakota, but it may be possible to get that data in this case.
- Completion of the proposed assessment should take 3-6 months. Garnos is ready to begin immediately.

- The National Institute of Corrections (NIC) will sometimes provide technical assistance visits (as they did in Minnehaha County). These visits will indicate what the needs are, but typically not how to address them.
- Fee structure is somewhat flexible depending on the desires of the county and the number of trips he makes to the area.

Motion by Koistinen, seconded, to recommend that the BoCC accept Mr. Garnos' proposal to conduct a jail needs assessment, contingent upon addressing any sole source procurement concerns, all in favor, motion carried.

### ***Other Tasks to Begin***

The committee discussed other tasks to begin and seeking input from other stakeholders (see attached slides). The committee and public seeking input from the following stakeholders: Emergency Management; Highway Patrol; Codington County Historical Society; counseling agencies (such as H.S.A., L.S.S.); Codington County Bar Association; public defenders; other counties sending inmates.

### ***Calendar:***

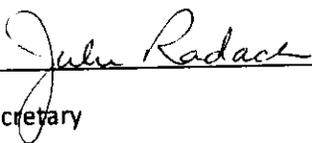
Upcoming meeting dates for the CCJAC were set: April 9, May 12 and June 9. Locations to be announced.

### ***Unfinished business, New business, Open discussion:***

There were no items of unfinished business or new business. Public comments and questions were accepted from the approximately twelve members of the public who were present at the meeting.

### ***Adjournment***

Ms. Gruman motioned that the meeting be adjourned, motion seconded; all in favor, adjourned at 8:40 p.m. until the next meeting on April 9, 2015.

  
\_\_\_\_\_  
Secretary  
CCJAC

**April 9th, 2015**  
\_\_\_\_\_  
Date Approved



## 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.



## 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			
Further self analysis	Space inventory			
	Compare to basic standards			
	Stakeholders			
	Funds			
	Assumptions/Choices			
Recommendations for obtaining analysis	Jail			
	Court			
Develop Criteria	Elimination			
	Comparative			
Develop Options	Facility			
	Execution (loc, \$, phasing)			



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## Current state of analysis

What we know:

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





## Reviewing Previous Work

- What we know
  - Court
    - Caseload History
    - General issues with current spaces
      - Impact on Court function
        - Capacity impact due to
          - Caseload Increases
          - Expected Staffing Increases
        - Functionality Issues
    - Space needs
      - Types of space needed
      - Furnishings needed
  - Jail
    - ADP history
    - General issues with current facility
      - Capacity
      - Impact on Jail Function
  - Standards & Best Practices – generally
- What we need to find out
  - Size and Quantity of Space Types
  - Caseload and ADP projections
  - Assumptions & Choices
  - Full Impact of modern standards to our situation
  - Planning and process best practices



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# 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**



What we don't know:

- Caseload projections
- ADP projections
- Assumptions/Choices

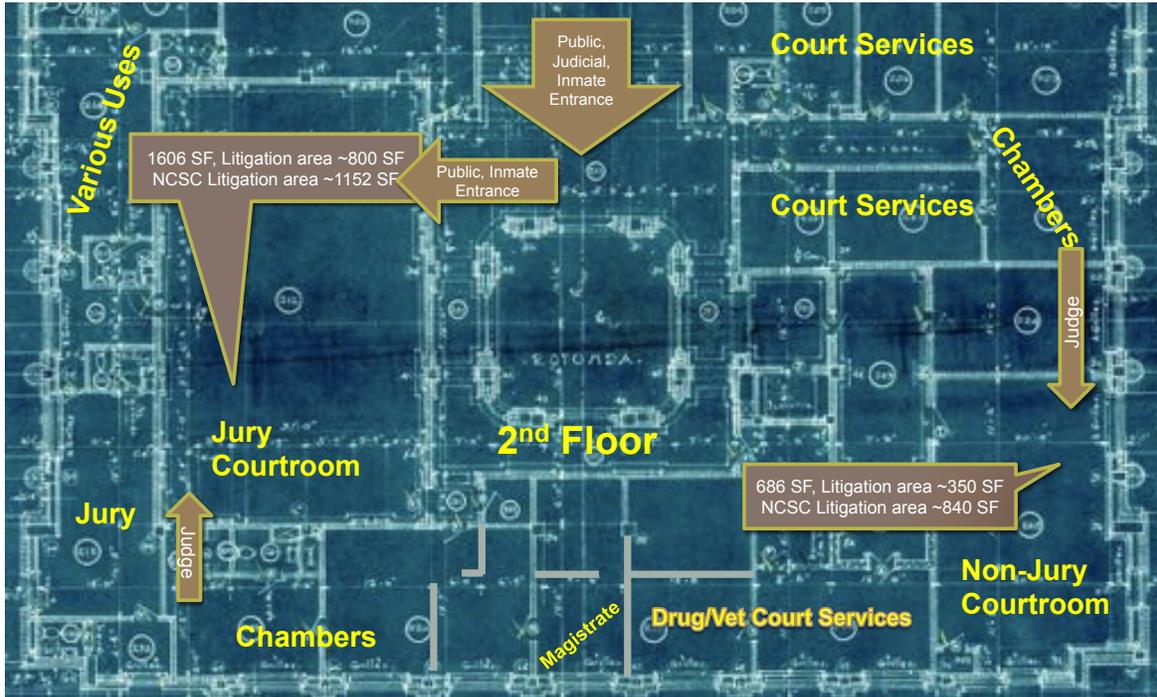


# Tasks to begin

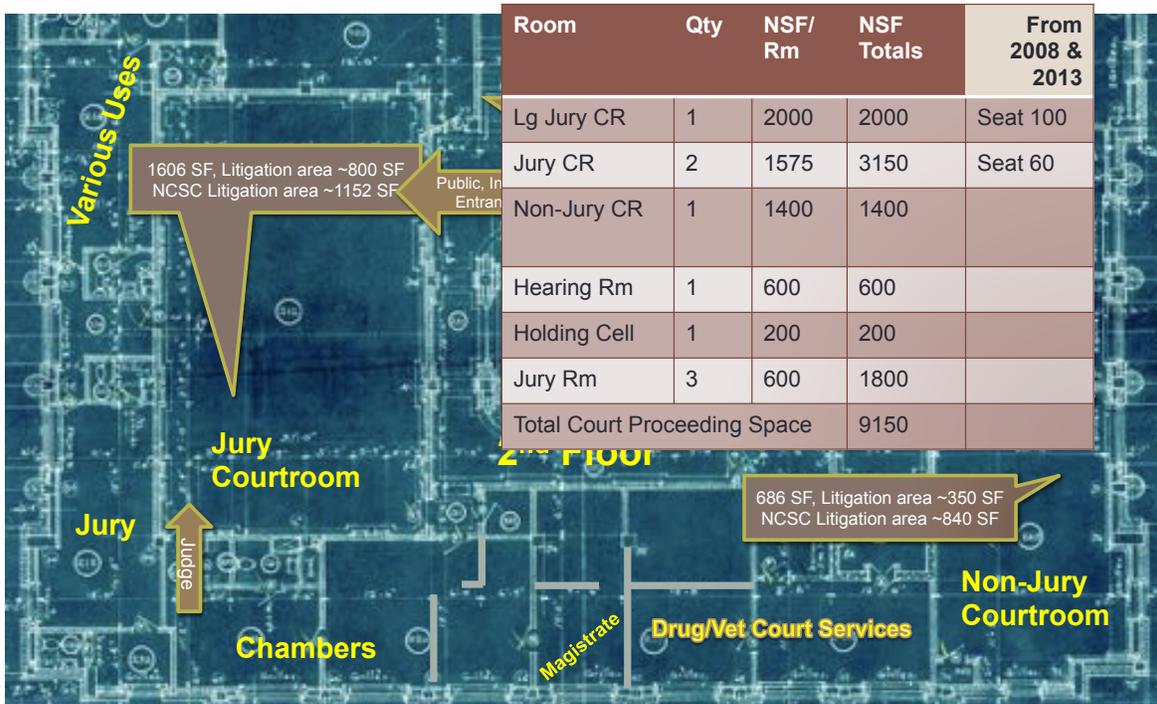
Needs	Data we might be able to collect	Who among us?	Outside Help
Space inventory	Square footages, features	Facilities	Facility recommendations
Detailed data breakdown for court and jail	Historical Data	Clerk of Courts, Sheriff's Office	Additional compilation and analysis
Impact of standards, best practices 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

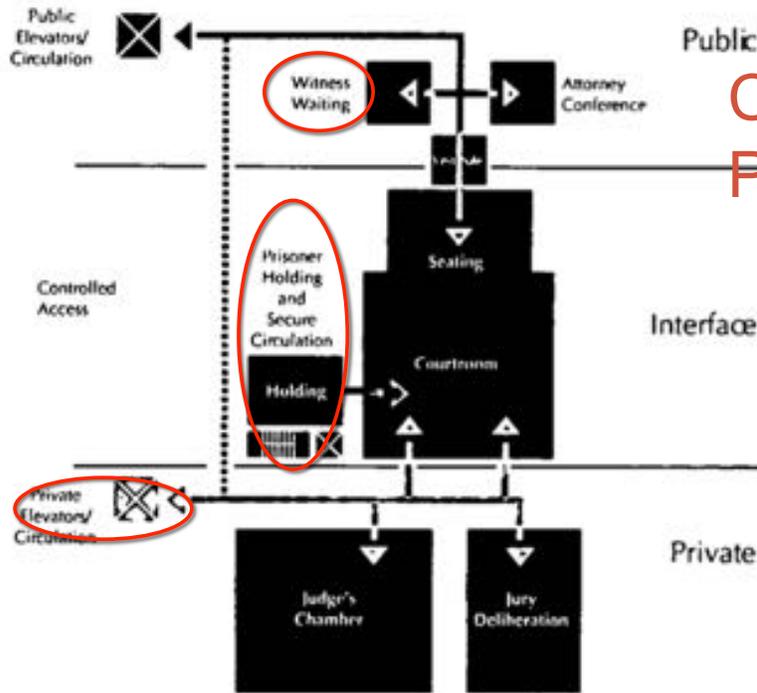


# Court Data Orientation



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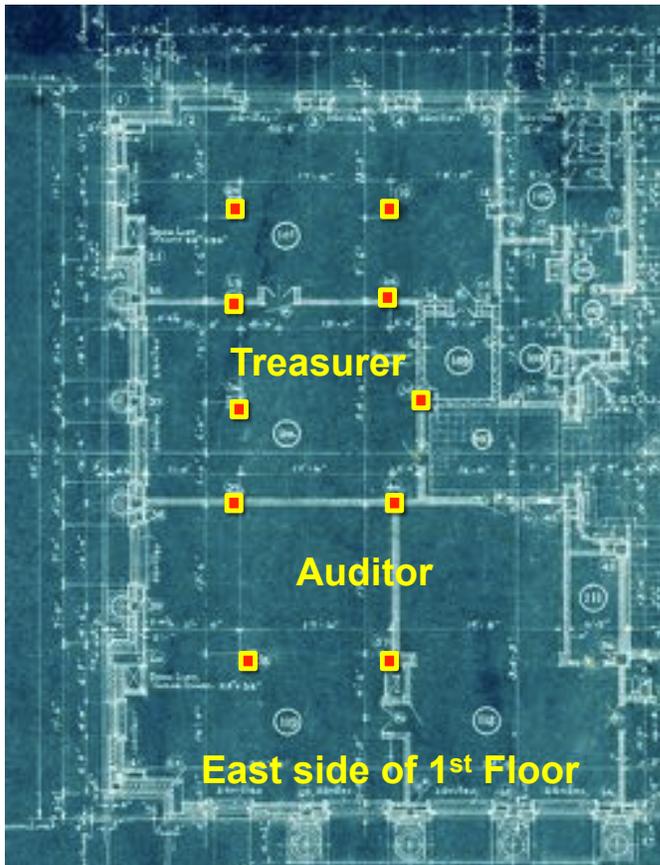
# Court Best Practices

## Managed Access

- Separate Witness Waiting
- Secure Movement of Inmates
- Secure Entry for Judicial Personnel

### Court Floor Zoning

NCSC *The Courthouse: A planning & Design Guide for Court Facilities* p. 34



# Courthouse Structural Elements



## Load Bearing Columns

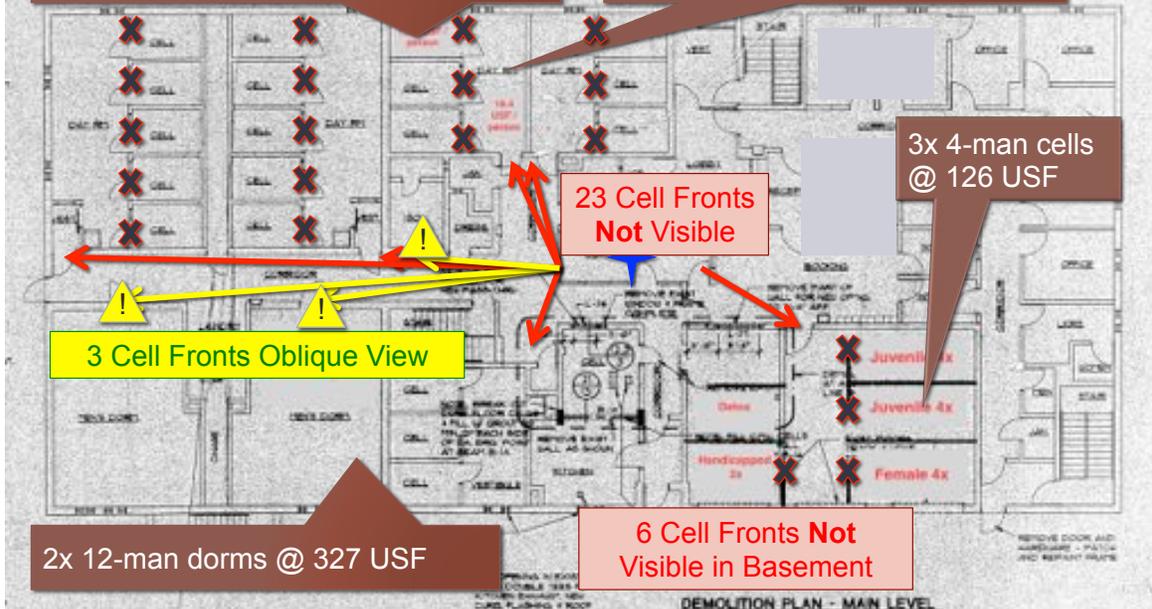
- Throughout Courthouse
- Would impact court room space



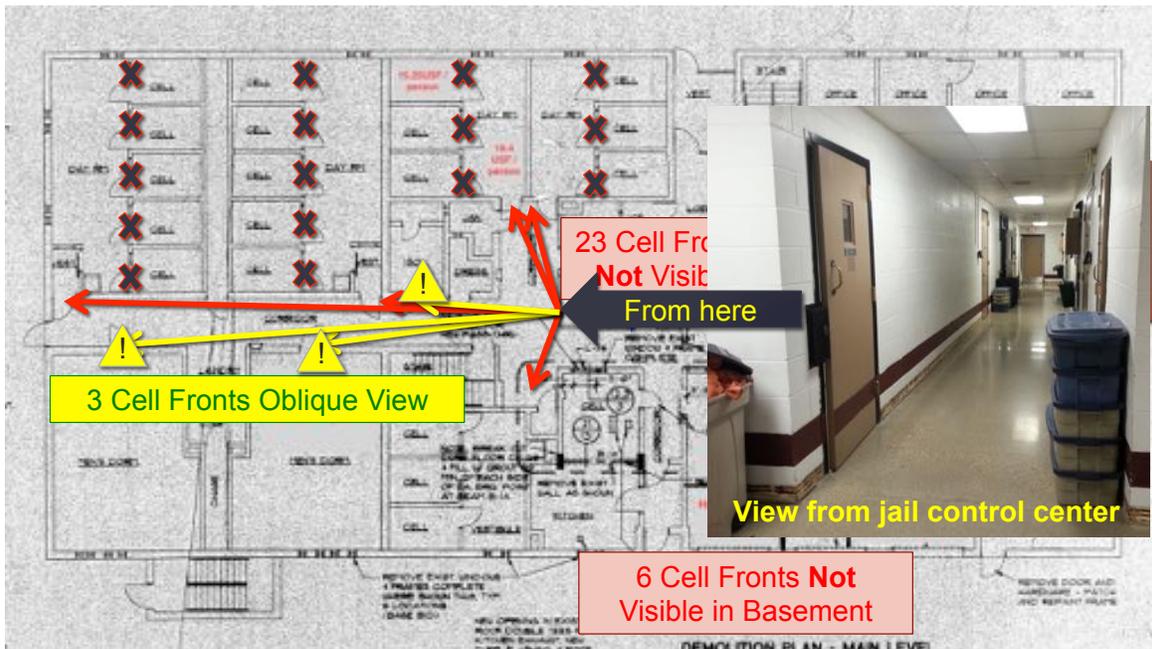
# Jail Data Orientation

19 cells @ 15.25 USF per person  
(ACA 25 or NIJO 22.5 USF per person)

Day Rooms ~18.4 USF / person  
(ACA & NIJO 35 USF per person)



# Jail Data Orientation



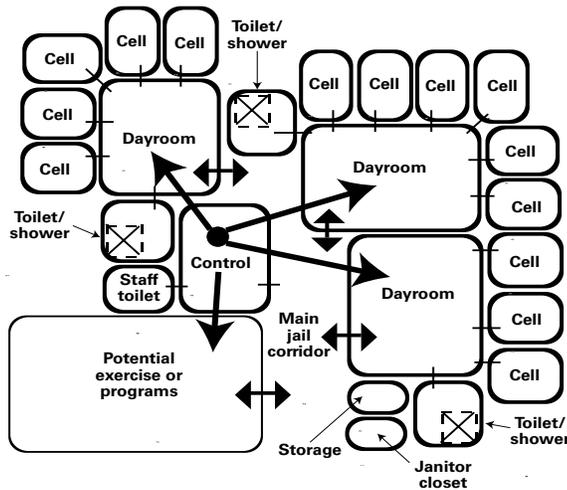


## Jail Standards

**Exhibit 15-14.** Relationships Between Housing Unit Space Components

National Institute of Corrections

- Position spaces to observe into cell blocks & see cell fronts



NIC Jail Design Guide, 3<sup>rd</sup> ed, p 179



## Funding Resources

### Potential Funds for Building:

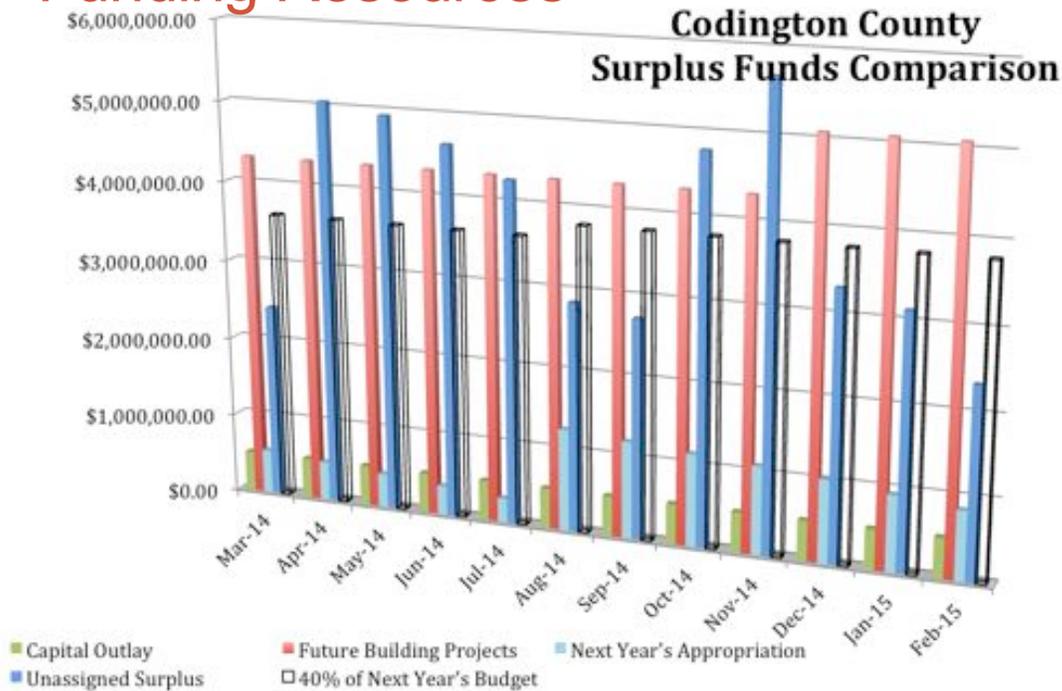
- **Capital Outlay Fund** allows county to save up to \$5 million
- **Future Building Projects Fund**
  - would help reduce the bond amount
  - amassed through year-to-year savings without a special mil levy.

### Other Funds to know about

- **Next Year's Appropriation Fund** maintained in anticipation of revenue shortfalls.
- **Unassigned Surplus Fund**
  - catastrophic reserve **not** for building projects
  - cannot exceed 40% of next year's budget fluctuates as revenues come in or money is transferred.
  - has been money available to transfer to The Future Projects Fund



## Funding Resources



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What we don't know:

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- ADP projections ★
- Assumptions/Choices



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## Other Tasks to begin

- Suggested Stakeholders Questions
  - Current Needs
  - Impact of Current Space (positive or negative)
  - Anticipated needs
- Assumptions/Choices
  - Desired Life of Facility
  - Historical Preservation choices
  - Non-Court/Jail co-location choices
- Suggested Draft Criteria
  - Cost (immediate, long term, operational)
  - Level of Liability Risk
  - Efficiency / Effectiveness
  - Minimum Space Requirements



## Other Tasks to begin – Committee / Public Thoughts

- Suggested Stakeholders Questions
  - Historical society
  - Hwy Patrol
  - State's Attorney
  - Counseling svcs.
  - Bar Assn
  - Public Defender
  - Other Jurisdictions?
- Assumptions/Choices
  -
- Suggested Draft Criteria



## Next Steps

- Contact Consultants
  - Court
  - Planning
- Obtain other consultant proposals
- Familiarize with standards, best practices for courts and jails
- Begin talk with stakeholders
- Provide agenda Items