

# **Minnehaha County Correctional Facilities Interim Report**



*Strong Foundation. Strong Future.*

Presented to

**The Minnehaha County Commission**

by the

**Minnehaha County  
Criminal Justice Advisory Committee**

**April 8, 2014**



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This interim report is respectfully submitted for consideration by the Commission. The report has been reviewed and approved by all Committee members.

Craig A. Anderson

Craig A. Anderson, Chair
For the Committee

## **Executive Summary**

### **Minnehaha County Criminal Justice Advisory Committee**

The Minnehaha County Commission, in collaboration with Sheriff Mike Milstead, formed the Criminal Justice Advisory Committee on May 14, 2013 (the “Committee”). The Committee was tasked with gathering facts and making a recommendation to the County Commission regarding the future of the Community Corrections Center (“CCC”) following a review of the facility by the National Institute of Corrections. See Overview of the Minnehaha County Corrections Center.

The current members of the Committee are:

|                                |                                  |
|--------------------------------|----------------------------------|
| Craig Anderson—Committee Chair | Public Representative            |
| Mike Milstead                  | Minnehaha County Sheriff         |
| Commissioner Gerald Beninga    | County Commission Representative |
| Commissioner Dick Kelly        | County Commission Representative |
| Warden Jeff Gromer             | Minnehaha County Jail Warden     |

Chief Deputy Sheriff Michelle Boyd serves as an *ex officio* advisory member. Robert Wilson, Assistant Commission Administrative Officer, serves as Committee Secretary.

All Committee proceedings are public and the Committee maintains a public website at <http://www.minnehahacounty.org/cjac/cjac.aspx>

The Committee met eight times over the past ten months, with various members working between meetings on assigned issues. See Meetings of the Criminal Justice Advisory Committee. In addition, the Committee requested and received Commission approval for the preparation of a comprehensive inmate forecast, which was completed at the end of 2013. See Inmate Population Forecast. During that time, it became increasingly evident that the existing Community Corrections Center is woefully inadequate and deteriorating rapidly. Moreover, inmate usage patterns and needs have changed significantly. As a result, the Committee increased the scope of its investigation to include a review of all of the County’s correctional facilities and future plans. This report summarizes the Committee’s findings to date and contains links to the materials assembled by Committee during its investigation.

Due to the increased scope of review, this document presents a number of interim recommendations. The Committee recommends that the County Commission task the Committee with the additional responsibility of developing a detailed plan for implementing the recommendations broadly defined in this report.

## Interim Committee Recommendations

Based on its investigation and discussions, the Committee makes the following interim recommendations:

**1. The present County Corrections Center is inadequate for its current use and should be phased out as a correctional facility and repurposed for other County needs or sold.**

The Committee found the following observations important in reaching this recommendation:

- The County Corrections Center is an aging facility in need of extensive repair or reconstruction. Current maintenance and replacement costs are estimated at over \$780,000.00.
- The mix of inmates housed in the facility has changed over the past years. The February 2013 National Institute of Corrections Jail & Justice System Assessment of the facility cited numerous safety and security concerns, especially given the present inmate mix.
- Current conditional zoning of the property limits its use as a correctional facility.
- The County Corrections Center is located across from the new Sioux Falls Events Center and Howard Wood Fields and borders the Elmwood Golf Course. The value of this location has appreciated substantially and alternative commercial uses make it a marketable property.

These points are discussed in detail in “Overview of the Minnehaha County Corrections Center.”

**2. The County should immediately begin the process of planning for the addition of at least 400 new inmate beds over the next 10 years with room to expand that capacity for additional growth of the inmate population in the future.**

The Committee found the following observations important in reaching this recommendation:

- The current combination of the County Corrections Center and the County Jail is increasingly used near or at full capacity. More than 20,000 individuals are booked into the jail every year. Bookings have grown from an average of 930 people a month in 1999 to 1,300 to 1,400 a month today. Future population growth of the area assures that these facilities will be inadequate for future operations.
- Alternatives to incarceration have been extensively implemented, with over 800 people currently serving under one or more of the programs. Further significant inmate population relief is unlikely.
- The Garnos Inmate Population Forecast provides a solid analytical basis for future facility planning and forms the basis for the facility capacity recommendation. Much more architectural work remains to be done in planning for the actual mix of cell and detention areas as well as support and operating facilities.

These points are discussed in detail in “Overview of the Minnehaha County Jail”, “Inmate Population Forecast” and “Alternatives to Incarceration.”

**3. The County should create a long term correctional facilities development plan that leverages the existing jail operations in incremental steps to achieve the future facility needs.**

The Committee found the following observations important in reaching this recommendation:

- The County’s present and anticipated financial resources cannot support the immediate construction and operation of a stand-alone facility sufficient to support the forecasted needs for the next 10 years. An incremental plan needs to be conceptualized and designed.
- A key consideration to any facility expansion is the long term impact on facility operating costs and the potential impact on the County’s property tax revenues. Centralizing expansion around the current jail operation leverages the existing operating resources in the most optimal manner.
- A combination of policy and procedural changes along with a carefully planned facility expansion plan could meet the County’s needs. This plan could contain one or more of the following:
  - Changes to the current work release program.
  - Reconsideration of current extra-jurisdictional use of the facilities such as the current Department of Corrections program.
  - Possible remodeling of the current Public Safety Building to accommodate additional jail facilities.
  - Possible expansion of the current jail by building additional floors, expanding laterally, or both.

These points are discussed in more detail in “Overview of the Minnehaha County Jail” and “Alternatives to Incarceration.”

[Report continues on the following page.]

### **Requested Commission Actions**

In light of these recommendations, the Committee respectfully requests that:

1. The Commission accept this interim report.
2. The Commission accept the Garnos forecast as the basis for planning for future facility capacity.
3. The Commission authorize the Committee to proceed with a detailed planning study of possible options for correctional facility expansion consistent with the Garnos forecast.
4. The Commission retain architectural and structural engineering consultants to assist in the evaluation of possible facility expansion options.

The Committee also believes that the multijurisdictional nature of the use of the County's correctional facilities makes it important that the County involve other local, state and federal governmental units and agencies in the planning process. At this time the Committee specifically requests that the Commission formally reach out to the City of Sioux Falls, the City of Sioux Falls Police Department, the Lincoln County Board of Commissioners, the Lincoln County Sheriff's Department, the South Dakota Second Judicial Circuit, the Minnehaha County States Attorney's Office, and the Governor's Office of the State of South Dakota by providing them with a copy of this interim report and requesting their participation in the planning process.

The Committee believes that the operational cooperation of these entities is critical to the future operations of the County jail. The Committee also believes that the financial burden of the capital and operating costs of the County's facilities could appropriately be shared by one or more of these entities through a combination of operating agreements, direct contributions to the capital and/or operating budgets, and support for potential capital bonding to construct the facilities through some form of joint bond issuance and/or additional limited financial guarantees.

## **Meetings of the Criminal Justice Advisory Committee**

The Minnehaha County Criminal Justice Advisory Committee was formed by Commission action as a standing Commission advisory committee on May 14, 2013. At that time, the Committee was tasked with gathering facts and making a recommendation to the Commission regarding the future of the Community Corrections Center (“CCC”) following a review of the facility by the National Institute of Corrections. See Overview of the Minnehaha County Corrections Center.

The current members of the Committee are:

|                                |                                  |
|--------------------------------|----------------------------------|
| Craig Anderson—Committee Chair | Public Representative            |
| Sheriff Mike Milstead          | Minnehaha County Sheriff         |
| Commissioner Gerald Beninga    | County Commission Representative |
| Commissioner Dick Kelly        | County Commission Representative |
| Warden Jeff Gromer             | Minnehaha County Jail Warden     |

Chief Deputy Sheriff Michelle Boyd serves as an *ex officio* advisory member and has made numerous valuable contributions to the Committee’s work and discussions. Robert Wilson, Assistant Commission Administrative Officer, serves as Committee Secretary.

The Committee maintains a public website at <http://www.minnehahacounty.org/cjac/cjac.aspx> with links to the site accessible from both the Minnehaha County Commission and Minnehaha County Sheriff’s Office webpages. The website includes meeting agendas, minutes, member contact information and links to all relevant reports and data.

The Committee met eight times between May 20, 2013 and March 18, 2014. Members of the public were welcome and invited to attend all meetings. The time, date and locations of all meetings were posted on the official Minnehaha County Commission calendar. Press releases were also distributed to local media outlets in advance of meetings when public input on specific subjects was sought.

As the Committee began its deliberations, it was clear that a significant amount of information was needed prior to making recommendations. Obtaining an updated inmate population forecast was critical. The Committee also requested information from the Sheriff’s Office on the seriousness of the offenses committed by inmates and the danger those inmates pose to the community. A review of South Dakota Senate Bill 70, the 2013 legislation rewriting many of the state’s criminal sentencing guidelines, was also needed to assess its impact on county jails. Additionally, the Committee made it a priority to review all available alternatives to incarceration now used in Minnehaha County as well as other alternatives that could benefit the community.

The following is a brief summary of the Committee’s meetings:

- May 20, 2013** Initial organizational meeting. Committee procedures were agreed upon and preliminary issues identified.  
<http://www.minnehahacounty.org/cjac/minutes/2013/052013.pdf>
- June 3, 2013** First Committee Task Force reports were made. The importance of an inmate population study was agreed. The Committee is also briefed on the various alternatives to incarceration programs run by the Sheriff’s Department.  
<http://www.minnehahacounty.org/cjac/minutes/2013/060313.pdf>



## Minnehaha County Correctional Facilities Review

April 8, 2014

**July 8, 2013**

Special meeting focusing on a further review of alternatives to incarceration programs. Various interested community service providers were invited to present a summary of their programs. Existing inmate category information was also presented.

<http://www.minnehahacounty.org/cjac/minutes/2013/070813.pdf>

**August 5, 2013**

Bill Garnos presents his preliminary work on the inmate population study.

<http://www.minnehahacounty.org/cjac/minutes/2013/080513.pdf>

**September 10, 2013**

Garnos presents the status of his work to date on the inmate population study. Further issues were identified by the Committee and an initial timeline for completion of the Committee's report is discussed.

<http://www.minnehahacounty.org/cjac/minutes/2013/091013.pdf>

**January 8, 2014**

Garnos presents his final report and conclusions. Comments were invited and presented by various judicial system participants including Judge Larry Long, Presiding Judge of the South Dakota Second Judicial Circuit, Aaron McGowan, Minnehaha County States Attorney, and Cindy Howard, County Public Advocate.

<http://www.minnehahacounty.org/cjac/minutes/2014/010814.pdf>

**February 26, 2014**

The Committee reviews the first draft of its report and further explores and discusses possible options for expanding the County's jail capacity.

<http://www.minnehahacounty.org/cjac/minutes/2014/022614.pdf>

**March 17, 2014**

The Committee continues its review of the draft interim report and sets the schedule for the final review and presentation of the report.

## Overview of the Minnehaha County Corrections Center

The Minnehaha County Corrections Center was built in 1969. It was designed and constructed as a social venue. For 23 years it was the Sioux Falls Elks Club Lodge. Minnehaha County purchased the facility and the 4.47 acre lot in June, 1992 for \$850,000 and spent \$542,750 on renovations prior to opening the building as a correctional facility.

A zoning change, requiring approval from the City of Sioux Falls, was needed to allow a correctional facility to operate at the 1900 West Russell Street location. The city granted Minnehaha County a Conditional Use Permit that included a restriction that no violent inmates or sex offenders could be held at the center. Those restrictions remain in place. The CCC was opened and operates with an absolute capacity of 228 inmates and target capacity of 186 inmates.

As the County purchased and re-zoned the property, a number of citizens and businesses urged commissioners not to proceed with plans to operate a correctional facility at that location. Objections included safety concerns for employees at area businesses and questions about the appropriateness of locating a correctional facility near Elmwood Golf Course and Howard Wood Field.

The building is now in need of significant repair. In July, 2013 Minnehaha County Facilities Director Lloyd Olson provided the committee with an itemized estimate of all needed repairs and upgrades if the building's current functions are to be maintained. The cost to address all issues is \$782,500. <http://www.minnehahacounty.org/cjac/reports/CCCImprovementCostEstimate.pdf>

For many years Minnehaha County Commissioners and Sheriff Milstead have discussed the challenges of operating the County Corrections Center and the need to eventually replace the facility. The 44 year-old building was not designed as a correctional facility and is charitably described as, "aging quickly." The CCC houses Minnehaha County inmates on work release, work release inmates from other counties as well as other low and medium security inmates. Female work release inmates in the custody of the South Dakota Department of Corrections are also held at the facility. In recent years, as Minnehaha County's inmate population has grown, the CCC has also been utilized as an overflow housing option when the jail approaches or exceeds capacity. The design of the facility, a growing inmate population and a significant change in South Dakota criminal sentencing guidelines in 2013 all increased the urgency of the need to address the long-term future of the CCC.

In FY2013 the Minnehaha County Commission allocated \$100,000 for architectural studies related to a new or remodeled CCC. To most effectively allocate those funds, the County Commission requested additional information. In October, 2012 the Minnehaha County Commission and Sheriff Mike Milstead requested that the National Institute of Corrections (NIC) conduct a site visit and prepare a Jail & Justice System Assessment (JJSA) of the CCC. That assessment was completed in February, 2013, and is available at the following location: <http://www.minnehahacounty.org/cjac/reports/December2012NICReport.pdf>

The assessment concluded that the facility presents "many deficiencies." Two of the three dormitory units are too large to observe from any one location, housing units must be entered to observe activity and there is only one dining room for both male and female inmates. The JJSA found that both safety and liability issues exist at the CCC.

## **Overview of the Minnehaha County Jail**

### **Facility History**

The current 400 bed Minnehaha County Jail opened in April, 2003, following an extensive design and construction process. In September, 1997, Sheriff Milstead organized two citizen committees to give feedback on department operations. One focused on patrol and public law enforcement duties, the other reviewed jail and CCC operations. One goal was to assess future needs of the jail and CCC because the jail population was quickly approaching capacity. Minnehaha County and the ACLU had recently signed a Letter of Understanding about limiting the number of inmates held in the old jail (2nd floor of the current Public Safety Building) as a way to avoid litigation. The agreement was that the jail population would not exceed 166 inmates. At the time the jail population was approaching 90% of that number. In May, 1998 Sheriff Milstead and the County Commission requested that the National Institute of Corrections (NIC) conduct a Jail & Justice System Assessment (JJSA). The assessment was presented to the Commission in October, 1998. The assessment's key findings were the facility's size and the linear design which made supervision of inmates extremely difficult. A follow-up technical assistance report included an architect's assessment that renovating the existing jail was not feasible.

Minnehaha County signed a contract with CSG Consultants in February, 1999 to develop an inmate population forecast. When completed, it projected the county would have a total Average Daily Population (ADP) of 428 inmates by 2008. When all relevant data was included, the forecast concluded Minnehaha County would need a total of 496 beds by 2008, not including federal inmates. If Minnehaha County wished to accommodate all federal inmates the local U.S. Marshals Service needed to house, the total needed jail beds would be 591. This projection assumed 150 of the 591 needed beds would be at the CCC and all CCC inmates would be classified as minimum security.

<http://www.minnehahacounty.org/cjac/reports/1999InmatePopulationStudy.pdf>

In May, 1999 Minnehaha County awarded a Jail Space Needs and Program Assessment contract to Spitznagel/CSG Consultants/BWBR Architects. The goal was to assess the space needs, staffing plan and an annual operating cost of a facility large enough to meet the needs identified in the population study. The final report included the following recommendations: a new jail facility should include 392 jail beds, would likely cost \$32.2 million to construct and would require 142.4 FTE's to properly staff, an increase of 66.4 FTE's from current levels. The initial annual operating cost was estimated at \$5.4 million.

By the time Minnehaha County constructed the 400 bed jail, several major cost-saving changes had been made, including the elimination of an on-site laundry facility and jail kitchen. Construction bids came in substantially lower than expected. In June, 2001 Gil Haugen Construction was awarded the bid to build the new jail for \$14.8 million. The final cost of the jail that opened in April 2003 was just under \$15.5 million. Operating costs currently run approximately \$11 million per year.

## Current Jail Operations

The Committee examined current jail operating statistics in detail. For example, on May 27, 2013 there were 385 inmates in custody, 259 of whom were un-sentenced awaiting resolution of their cases. The 259 inmates were classified into 10 different security levels. The Sheriff's Office reports are divided between sentenced inmates:

<http://www.minnehahacounty.org/cjac/reports/InmateSnapshotSentenced.pdf> and un-sentenced inmates: <http://www.minnehahacounty.org/cjac/reports/InmateSnapshotUn-sentenced.pdf>

The Committee also discussed other potential operating changes that might impact jail usage, including:

- **Pre-Sentence Processing.** A large percentage of the inmates in custody are awaiting Pre-Sentence Reports, a process that can take up to eight weeks to complete. Second Circuit Presiding Judge Larry Long has agreed to look at this issue with the Sheriff's office, but the process is somewhat restricted by 8<sup>th</sup> Amendment rights and the potential to speed up the reviews is limited.
- **Double Bunking.** The jail staff could and does utilize double-bunking that can be employed quickly on a temporary basis if additional jail space is needed. However, this is not a long term solution due to security and safety concerns and ultimately could lead back to the overpopulation problems that spurred the original construction of the present jail facility.
- **Incarceration Alternatives.** As is evident in above reports, alternatives to incarceration are already implemented and used as much as reasonably practicable, with the present jail inmates representing truly dangerous individuals. See "Alternatives to Incarceration." The Sheriff's office reported that all inmates housed at the jail and about 120 of those at the CCC were facing serious criminal charges and could not be considered for alternatives to incarceration. Relaxing the current inmate classification rules for transfers to the CCC and/or placement in an alternatives program were also examined and rejected as posing too much of a safety risk to the public and the attending jail personnel.

## Facility Expansion Options

The Committee believes that the biggest issue facing the County's present jail operations is the need for additional jail beds. The Committee began to explore possible options for adding on to the present jail and made a formal recommendation that the County Commission engage TSP to produce an initial cost estimate to add two floors, the equivalent of one two-level pod, onto the existing jail. Work continues on this option, but it should be noted that even if two floors are added it would not solve even the immediate needs, without significant steps being taken to also reduce the number of non-Minnehaha County inmates (i.e. DOC, Federal, and out of county inmates). For example, if two floors were added and the CCC was closed, the additional floors would be nearly at capacity as soon as they opened.

The Committee also discussed two other possible options including remodeling portions of the existing Public Safety Building and expanding the present jail facility laterally by overbuilding Fourth Street, or in or above the parking lot directly adjacent to the present jail. These alternatives leverage the existing staff (thus reducing additional operating costs) but require additional architectural and structural engineering reviews to examine the possible viability of the options. The Committee believes that one or more of these options could meet the forecasted needs over the next 10 years.

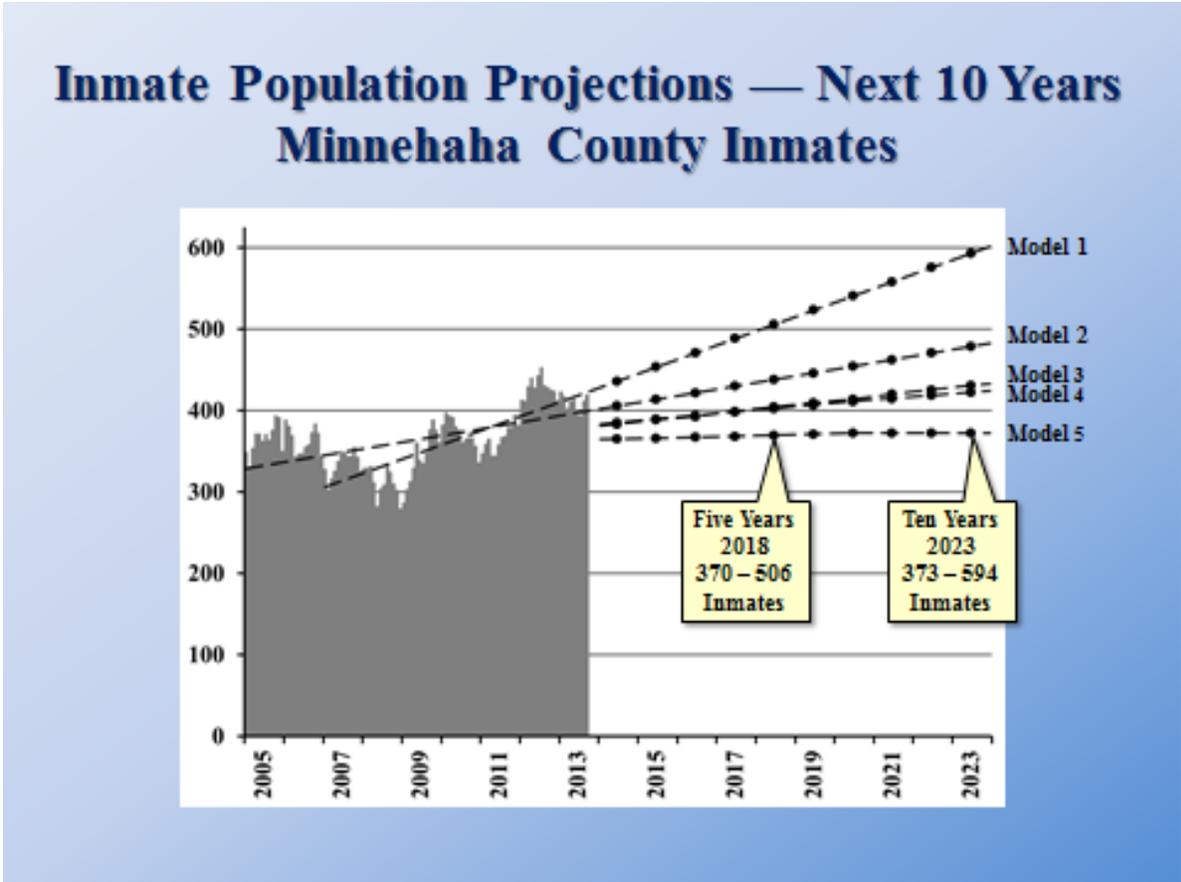
## Inmate Population Forecast

On May 28, 2013 on the recommendation of the Committee, the County Commission accepted a proposal from Mr. Bill Garnos to conduct a review and prepare an inmate population forecast. Mr. Garnos has a detailed understanding of inmate issues in Minnehaha County, dating back to 1999 when he prepared Minnehaha County's last inmate population forecast. Full text of the Garnos report appears here: <http://www.minnehahacounty.org/cjac/reports/2014InmatePopStudy.pdf> Garnos met three times with the Committee to review the status of his work and respond to Committee questions and concerns.

The heart of the Garnos report is a statistical analysis of inmate population trends using linear trend line forecasting methods. These are discussed in more detail below. Garnos also made a number of observations about the capacity limits of the County jail and the Corrections Center including the following:

- **Capacity Limits.** For 17 straight months, the jail has had at least one day when the population was above the official capacity of 400 inmates, even though 83% of all inmates are released within one week of being taken into custody and maximum use is made of the County Corrections Center to hold appropriate security rated inmate overflow. This is a very high frequency of peak facility use and by itself indicates the need for additional inmate facilities.
- **Capacity Mix.** About one fourth of all inmates in Minnehaha County are in general population. The number of restricted custody inmates – those requiring segregation – has grown by 73% since 1999. Garnos observed that while the percentage of different types of housing in the Minnehaha County Jail is currently appropriate for the population, the facility has slightly more dorm-style beds than optimal. Dorm style beds make up 57% of the total beds in Minnehaha County. The industry-wide target is that 40% of total beds should be dorm style or minimum security, 40% should be medium security and 20% as single cells. Garnos concluded that the Sheriff's Department does a good job of getting inmates appropriate for work release into the program and out of jail, freeing up beds and cells for inmates who are more dangerous. The difficulty is that because the facility has so many dorm-style beds, more dangerous inmates are placed in dorm-style housing. Again the need for additional facilities is evident.

The Garnos Reports examines five different linear trend line projection models. One used average daily population (ADP) trends over the past seven years, another used the same data over five years. The seven year ADP trend showed a relatively modest increase in inmates. The five-year ADP model predicted a much more significant increase. Two other models predicted more modest jail population increases. One focused on an inmate's average length of stay and the other on a rate of incarceration compared to a percentage of the overall area population. The fifth model predicted essentially no change in the inmate population over ten years. Garnos selected the two average daily population models (Models 1 and 2 in the below table), looking at past trends over seven years, as the most appropriate for facility planning. The following table summarizes these forecast model results:



There is a significant aberration in the historical data that should be noted. The data for 2008 and 2009 indicate a substantial drop in Average Daily Population. The Committee was unable to establish an explanation for this drop. ***It should be observed that if this drop represents a one-time decrease due to the change in incarceration policy, such as the implementation of one or more of the incarceration alternatives, inclusion of this data in the forecast would substantially understate the future forecast*** as illustrated by the difference between the trend lines between Model 1 and Model 2. This is one reason why the Committee believes that any future site should be large enough to allow for the further expansion of the facility.

Based on his analysis, Garnos identified the following trends in Minnehaha County's inmate population. These trends do not answer the question of why the number of county inmates continues to grow, but they point out some of the key growth areas:

- The number of men in custody is stable but the number of women inmates is increasing.
- The number of inmates from Minnehaha and other counties continues to grow while the number of federal inmates is decreasing.
- The result is that the facility is losing its ability to house federal inmates, but continuing to accommodate Minnehaha County inmates as well as DOC inmates and inmates from other counties.
- The jail is very close to its 400 inmate capacity. The CCC has an absolute capacity of 228, but an operational capacity of 185, and is at 96% of operational capacity.

Overall, the number of people processed through the Minnehaha County Jail has increased significantly since the last inmate population forecast. In 1999 an average of 930 people per month were booked into the jail. That number now approaches 1,300 to 1,400 per month.

In preparing his final forecast, Garnos adjusted the population trend forecast for several additional factors, including:

- The impact of inmate classifications on jail capacity. Garnos used an overall assumption that a jail should not be more than 80%-85% full.
- The impact of capacity peaking factors, which he estimated at 6.7% for Minnehaha County facilities.
- The potential impact of other County, State and Federal utilization.
- The potential impact of Senate Bill 70.

The final results of the Garnos Report are summarized in the following table:

| <b>Total Jail Capacity Requirements</b> |             |                         |                       |                |             |                               |
|---|-------------|-------------------------|-----------------------|----------------|-------------|-------------------------------|
| <b>Forecast Year</b>                    | <b>Year</b> | <b>Minnehaha County</b> | <b>Other Counties</b> | <b>Federal</b> | <b>DOC</b>  | <b>Total Jail Beds Needed</b> |
| 5                                       | 2018        | 550                     | 79                    | 50             | 35          | <b>714</b>                    |
| 10                                      | 2023        | 617                     | 92                    | 50             | 35          | <b>796</b>                    |
| 15                                      | 2028        | 685                     | 106                   | 50             | 35          | <b>876</b>                    |
| 20                                      | 2033        | 753                     | 119                   | 50             | 35          | <b>957</b>                    |
|   |             | <i>Beds</i>             | <i>Beds</i>           | <i>Beds</i>    | <i>Beds</i> | <i>Beds</i>                   |

## **Senate Bill 70**

At the Committee's first meeting it was agreed that a more complete understanding of Senate Bill 70 was needed. The legislation took effect on July 1, 2013 and could have a direct impact on South Dakota county jail populations. However, immediately assessing the full impact of the legislation proved difficult. The statute gives judges the ability to sentence defendants to time in county jails, or impose a suspended imposition of sentence, for convictions that previously resulted in penitentiary sentences. The unknown elements include how judges will apply the new law and what percentage of defendants will violate their sentences.

The Committee requested that the Inmate Population Forecast focus on this issue. In his final report, Garnos relied on interviews with various law enforcement officials and existing data from Pennington County which indicated that the impact of SB70 would be manageable. At the Committee's January 8, 2014 meeting, Second Circuit Presiding Judge Long supported Garnos's general analysis and offered his opinion that SB 70 will not have as large an impact on Minnehaha County as it will on other counties because this county has already implemented many of the changes specified in the legislation. Mr. McGowan and Ms. Howard both concurred with Judge Long's comments.

## **Alternatives to Incarceration**

A major focus of the Committee has been on alternatives to incarceration, both alternatives currently used in Minnehaha County as well as others that, if implemented could help reduce the inmate population. More than 20,000 individuals are booked into the Minnehaha County Jail every year. The community benefits when these individuals continue working, paying taxes and fulfilling family responsibilities while following the obligations and sanctions set by the court. Throughout its work, the Committee sought to engage both the general public and outside providers who operate alternatives to incarceration programs. On several occasions Sheriff Milstead shared with the Committee the alternatives to incarceration his office currently uses:

**Trustee Program.** Inmates who meet program qualifications will receive one day's credit towards the completion of their sentence for every day they work in the jail and CCC, assisting with meal preparation, laundry duties and general facility cleaning.

**Sentenced to Serve.** Inmates work in crews on projects outside the facilities, in the community. Work crew jobs include cleaning Canaries Stadium and picking up fireworks debris after the July 4th holiday. Other tasks include fairgrounds and general grounds clean up and emergency response clean up.

**24/7 Program.** More than 600 individuals currently participate in the program. Most have been charged with or convicted of an alcohol-related offence. Many would be in jail if not for this program. Most participants come to the Public Safety Building twice a day for a Breathalyzer tests to check for alcohol in their system. Other participants alcohol consumption is monitored using a vehicle interlock device or by wearing a SCRAM bracelet that reports electronically the presence of alcohol in their system.

**Walk-in Warrants.** There are approximately 18,000 outstanding warrants in Minnehaha County. To reduce that number the Sheriff's Office has developed a program where individuals with warrants can come to the Law Enforcement Center, pay a \$25 fee and their case will be scheduled for a court hearing the following day. The program has been very successful, especially when it is advertised. Another campaign is planned. This program reduces the number of warrants that deputies have to serve and allows member of the community to take care of their warrants without the fear of going to jail.

**Redesigned Work Release Program.** The Minnehaha County Sheriff's Office is in the process of expanding the use of electronic monitoring. Some work-release inmates who are in custody at the CCC when they're not working will soon be transferred to at-home electronic monitoring during their non-working hours. Sheriff Milstead indicated he would like to look at work-release as a totally electronic monitoring based program. The Committee believes that the expansion of this program should be an important step in the County's future planning for jail facilities.

Minnehaha County also participates in Drug Court, DUI Court programs and will soon be piloting the HOPE project. Other possible alternatives to incarceration are also under consideration. The Sheriff's office is considering expanding in-custody drug and alcohol treatment options utilizing 24/7 Program funds. The Alliance Program is a new partnership between the Minnehaha County Sheriff's Office and the Human Services Department that provides intensive support to individuals who are frequently arrested for minor offences. The goal is to give individuals the needed support to break the cycle of repeated criminal violations resulting in their arrest and incarceration.

At the meeting on July 8, 2013 Gary Touchen of Carroll Institute, Dave Johnson of the Glory House and Mary Hintzeman of Face It! TOGETHER Sioux Falls spoke to the Committee to discuss alternatives to incarceration.

Mr. Touchen said most of his organization's work focuses on treating addictions. Carroll Institute also does some case management work. Carroll has found the most important factor in determining an individual's success after leaving jail or prison is how well they integrate back into the community. Most newly-released individuals need a structured residential environment for a short period of time. Carroll is considering a larger facility, but its current residential capacity is 50 men and 28 women and the success rate is about 50%. Most clients will stay in the residential program about 60 days. Prior to entering the Carroll program, most clients were either in jail or prison.

Dave Johnson from the Glory House told the Committee a variety of alternatives to incarceration currently exist in Sioux Falls. In their program, their first step in evaluating how they can best assist a client is through the completion of a risks assessment. They have a continuum of reporting and check-in options for clients who require supervision. About 70% of all clients have mental health issues. The organization attempts to measure client's employability and match them with jobs best suited to their skills. They also have a substance abuse treatment program based on Native American traditions. The organization has a long history of working with electronic monitoring practices. The average length of stay in the program is 100 day. Their programs are currently 96% full. They can accommodate 60 men and 24 women and there is a waiting list. Approximately 60-65% of individuals who go through the program will remain sober after one year and 60% will not reoffend.

Face It! TOGETHER Sioux Falls was represented by Mary Hitzmann. Face it! is a recovery organization. Their mission is to increase the number of families and individuals in recovery and help increase the quality of recovery services available. Services are provided at no charge and the organization is a peer assistance group. All staff and volunteers are either in recovery or have family members in recovery. They help clients integrate back into the community after coming out of treatment programs or incarceration. The organization currently serves approximately 5,000 people a year. Many referrals come from family members. Inquiries also increase following paid media campaigns.

Commissioner Beninga asked if the three organizations could work together and prepare a residential need assessment detailing the needs of individuals transitioning back into the community after incarceration. The three organizations indicated they have applied for a grant that could be used for this purpose. All agreed that reentry housing is an important issue that will become even more important as Senate Bill 70 is fully implemented. An immediate impact will be that transitioning individuals will need places to live. Currently there are limited housing options for many offenders. Commissioner Beninga suggested that Low Income Housing Tax Credit financed projects could be one option for creating more housing units.

The Committee's assessment is that the County's correctional facilities operate as part of a complex socio-economic and cultural environment that impact the demand for and use of the facilities. However, many of these factors are beyond the control of the County. The Committee believes that the linear forecasting techniques employed in the Garnos Study are the best approximation of what to expect in the future given these environmental factors. However, the County should continue to explore the impact that changes in these factors might have on the County's facilities.