

Minnehaha County Criminal Justice Advisory Committee Meeting
September 10, 2013
Meeting Minutes

Attendees: Chairman Craig Anderson, Commissioner Dick Kelly, Commissioner Gerald Beninga, Sheriff Mike Milstead, Warden Jeff Gromer, Robert Wilson (secretary)

Other Attendees: Bill Garnos – Jail Consultant, Chief Deputy Sheriff Michelle Boyd, Commissioner Jeff Barth, Commissioner Cindy Heiberger, Commissioner John Pekas, Commission Administrative Officer Ken McFarland

- I. Call to Order:
Meeting called to order by Chairman Anderson.
- II. Quorum Determination:
All five committee members were in attendance and a quorum was present.
- III. Approval of Agenda:
The agenda was approved as presented.
- IV. Approval of Minutes:
Motion by Commissioner Beninga to approve the Meeting Minutes from the August 5, 2013 Meeting, seconded by Commissioner Kelly. Motion passed 5-0.
- V. Inmate Population Study – Mr. Bill Garnos:
Mr. Garnos opened his presentation with a review of items covered at the last meeting on August 5, 2013. He reviewed his background and the different trends and statistical indicators he uses to make inmate population projections. This estimate is broken down by Minnehaha County inmates, other county inmates, federal and state inmates as well as by inmate classifications. Developing an inmate population projection is not an exact science and different organizations use different methodologies to make projections. Projections typically use historical data to estimate future need. If a new factor, such as Senate Bill 70 is introduced, that requires an adjustment to the trend line established by the historical data.

Mr. Garnos considered using five possible population projection models: an Average Daily Population (ADP) trend from 2007 indicates a steep increase in the population, the ADP trend from 2005 shows a more gradual increase. The Average Length of Stay (ALS) shows a modest growth, as does the Rate of Incarceration (ROI) model. The final model – the Age-at-Risk of Incarceration (ARI) represents the lowest of all models, with a trend line essentially flat for the next 10 years. Mr. Garnos is using the second model that shows an expected total bed need of 659 in 5 years, 732 in 10 years, 804 in 15 years and 877 in 20 years. That reflects alternates to incarceration that are currently used. Chief Deputy Sheriff Michelle Boyd asked why the first population model, showing a steeper growth rate shouldn't be used. Chairman Anderson followed with a question of why there was a drop in inmate numbers in 07'

and 08'. He felt understanding why that drop happened will be a key piece of information in determining which forecasting model is the appropriate one to use for this forecast. Sheriff Milstead said the 24/7 Program was first implemented in 2007 and 2008 and that could be the reason for the dip in inmate numbers at that time. All committee members agreed that understanding why the inmate population dipped in 07' & 08' will make a big difference in the final results of this analysis. Sheriff Milstead reminded the group that one of the results of the inmate snapshot conducted earlier this year was that most inmates who were in custody at that time wouldn't be eligible for any type of work release program because they were too dangerous or their charges were too serious.

Mr. Garnos presented his initial inmate population estimates prior to factoring in Senate Bill 70's effects. SB 70 will likely reduce inmate numbers in some categories, such as SD DOC inmates, but those reductions could be offset by increases in other segments of the inmate population. Sheriff Milstead commented that the DOC inmates are one category of inmates his department has total control over. The office can choose not to accept DOC inmates if that is needed. Chairman Anderson asked Mr. Garnos to make sure the report reflects a specific impact of SB 70. He assured the committee it will. Mr. Garnos has spoken with members of the SD Governor's Office about the legislation and is still working to factor that element into the final population forecast.

Currently Mr. Garnos also has not included federal inmates into this forecast. That calculation will be included in the final report. Commissioner Kelly pointed out that federal inmates are a considerable source of revenue for the county and some number needs to be included. Sheriff Milstead said one thing to be aware of is that as the county continues to reduce the number of federal inmates it accepts, the Marshal's Service is likely working with other jail facilities. There may be a limit to the number of additional future federal inmates the Marshal's Service wishes to place in Minnehaha County. The current facility is a regional jail, but Minnehaha County has no partners in sharing the facility costs. Partner counties share the operational expenses, but not the facility costs. The contract for jail beds with Lincoln County, for example, is a year-to-year contract that only covers operational costs. Regarding inclusion of the number of federal inmates, Commissioner Beninga said it's important to use a number of beds that reflects the actual need the county will have.

Once Mr. Garnos establishes the ADP, he will factor in both a peaking factor and a classification factor. Mr. Garnos estimates that at some point during a month the actual population will be 6.7% higher than the average daily population. That peaking factor needs to be accounted for in identifying bed needs. In addition to the peaking factor there must also be "wiggle room" for bed needs based on inmate classification. Ideally a jail should only be 80%-85% full. Commissioner Beninga commented that the committee will communicate with judges to as part of the process to identify the correct jail size. The county also must let partner organizations know

they will need to be part of the solutions. That may include covering some of the capital costs as well as operational costs. Chairman Anderson commented that if the committee focuses on the more conservative inmate population projections it might ignore the more extreme reality. The committee needs to identify if the numbers really are higher, as the most extreme model suggests. Mr. Garnos told the group that the standard in the industry is that jails are considered full when they are at 80%-85% of capacity. Sheriff Milstead commented that to properly complete this forecast we must have an estimate for the number of federal prisoners. Mr. Garnos assured the committee that will be part of the report.

Mr. Garnos presented initial jail population estimates that don't include a factoring for SB 70 or federal inmates. Because these elements must still be added the current projections will not be made public. The committee will also need to know how the overall totals break down by classification. Mr. Garnos told the group there is a housing configuration they may wish to consider between double-cells and dorm style. That is an 8-person dorm that is easier to control than an open dorm, but not as expensive as double-bunk cells. Sheriff Milstead said the county had a bad experience with 8 to 14 bed pods. For such a set-up to work, there must be good sight access to the living space. Chairman Anderson repeated the fact that he has big concerns with model #2.

Next step:

Mr. Garnos will continue to look at the impact of SB 70 on jail inmate numbers, continue reviewing jail population projections and required capacities and prepare a conclusion to the overall report. He expects that effort to take an additional 2-4 weeks.

Commissioner Beninga said it would be nice to have full classification break-downs for county, federal, and other jurisdiction inmates. That information will be needed to make the most appropriate facility decision. This could be a \$10-15 million decision. The County Commission will need to have all information available to explain to the public why the addition is needed. Chairman Anderson said he's very concerned the committee is using the correct projection. There's no reason to build a \$15M facility if a \$25M facility is needed.

VI. “Socialization” – Fully Explaining the Need for Additional Jail Beds:

Chairman Anderson: the first step in moving forward will be to get the full report from Mr. Garnos. At that point it should be distributed to 2nd Judicial Circuit Presiding Judge Larry Long, Minnehaha County State's Attorney Aaron McGowan, and Jim Seward in South Dakota Governor Dennis Daugaard's office as well as other interested parties. At that time all interested parties should be invited to provide feedback about the report. Chairman Beninga said one of the parties the report should be provided to is Lincoln County. An offer must be made to bring them into the discussion of future jail needs and financial considerations. The input from

interested parties should come after Mr. Garnos's final report but prior to the committee's final report. Committee members should forward names of those they want to receive a copy of the report to Robert Wilson.

VII. Preparation of this Committee's Report:

This committee's final report should be divided into the following sections:

1. A history of the Community Corrections Center
2. A history of the Jail
3. The work of this committee
4. Alternatives to incarceration currently used by the Sheriff's Department as well as possible additional alternatives under consideration

In addition the final report will include a conclusion and recommendation as well as an executive summary.

Commissioner Beninga said he expects a clear need will be apparent once all information is presented and reviewed. Chairman Anderson added that it appears fairly clear that some building project will be needed and the role of this committee will be to make a recommendation regarding what that project should include. Commissioner Beninga said he hopes the recommendation will be for a solution that satisfies the county's needs for more than 20 years. In the more immediate timeframe, Chairman Anderson offered that the current situation will become unmanageable within about 2 years.

Sheriff Milstead asked Commissioner Beninga what the funding situation will be for a recommendation coming out of this committee. Chairman Anderson suggested that could be additional work for this committee. As currently set that question is beyond the charge of the group. Any facility expansion will require an expansion of staffing, likely requiring a staffing analysis. All of these potential results highlight the need to be very accurate in the early stages of the inmate population forecast. Based on the financial considerations, Chairman Beninga reiterated that it will be important to bring Lincoln County into this discussion early.

VIII. Adjournment:

Motion for adjournment by Kelly. Seconded by Beninga. Meeting adjourned.