

Minnehaha County Criminal Justice Advisory Committee Meeting  
January 8, 2014  
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, Commission Administrative Officer Ken McFarland, State’s Attorney Aaron McGowan, Public Advocate Cindy Howard, Presiding 2<sup>nd</sup> Circuit Judge Larry Long, 2<sup>nd</sup> Circuit Court Administrator Karl Thoennes

- 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 September 10, 2013 Meeting, seconded by Commissioner Kelly. Motion passed 5-0.
- V. Inmate Population Study – Mr. Bill Garnos:  
Mr. Garnos reviewed the items covered at the last meeting on September 10, 2013, including his background and the different trends and statistical indicators he uses to make inmate population projections. The forecast presented today is broken down by Minnehaha County inmates, other county inmates, federal and state inmates as well as by inmate classifications. Mr. Garnos said he has updated the report and his data now represents four additional months of information beyond what was presented in the initial draft.

Projections- These are not budget projections and should only be used for facility planning purposes. Mr. Garnos examined five models to estimate future inmate capacity. For this report he used the one that represents a linear, increasing trend. Mr. Garnos observed that from 2005 to 2007 the total number of inmates dropped. He is not sure why that happened. Consequently, if the forecast only used the data from 2008 to present, the projections would be even higher. In the final report, data from 2005 to 2013 is used, which smooths over the 2005-2007 anomalies.

SB70- The full impact of SB70 on county jails will take some time to assess, and opinions differ about what the full impact will be. There will be additional felony probationers in the system because of the change, but it’s not clear how many of those will also be additional inmates. Mr. Garnos used data from Pennington County in

2011 for estimating the resulting additional needed jail beds as a result of felony probationers. Sheriff Mike Milstead said he felt the assumptions, based on Pennington County data, were reasonable. Data is not available to identify exactly how much additional jail time felony probationers received when they did violate.

Minnehaha and the other counties that use this jail will have the following needs in the future:

In:	Minnehaha County:	Other Counties:	Total Beds:
5 years	550	79	629
10 years	617	92	709
15 years	685	106	791
20 years	753	119	872

Total overall capacity requirements, including Federal inmates and DOC would increase the requirements as follows:

In:	Total Beds:
5 years	714
10 years	796
15 years	876
20 years	957

Commissioner Kelly noted that the forecast estimates 50 federal inmates a year. Could the Marshal's Service use more than that if we built additional capacity? Mr. Garnos said that would be hard to determine, but that may be a reasonable assumption. Sheriff Milstead said he would not want to dramatically "over-build."

Conclusions and Recommendations- Mr. Garnos noted that the Committee's work began with the well-founded conclusion that the CCC needs to be replaced. With the downtown jail full, the CCC is not only acting as a work-release center, it is also functioning as over-flow relief for the downtown jail. One challenge is the beds at the CCC are dorm-style and some of the inmates now placed at the facility need supervision and security beyond what is available in a dorm setting.

Mr. Garnos offered the following facility options:

- The CCC must be replaced
- It must be replaced with a facility designed for a correctional purpose
- The facility should have a reasonably sized living space
- Appropriate program options must be available
- It should be designed for future expansion

Consideration should be given to expanding the downtown jail, but it must be recognized that expansion is difficult while continuing to operate a facility at full capacity. An alternative site should also be considered.

Garnos pointed out that intake and release areas should be evaluated and planned very carefully. Many people pass through that area and it has a high potential for problems. The jail should consider a new, nationally recognized inmate classification standard. The effects of SB 70 also need to be monitored very closely. When looking at building needs, the County should give consideration to the needs of other jurisdictions. The Sheriff's office should also continue to look at alternatives to incarceration. Alternatives generally do not save staff time, but they do save on facility costs. And finally, jail staffing is key to an efficiently operating jail.

#### VI. Comments From Committee Members and Other Parties

Chairman Anderson was impressed by the data and depth of the analysis. He noted that if the CCC goes away, the county will need a substantial number of new beds. If building new, which yearly forecast should we use? Mr. Garnos responded that generally the rule is to build for needs over the next ten years. Twenty years is for master planning or site consideration. If the current jail was expanded vertically, that would add about 180 beds. If, at the same time the CCC is closed, that would mean the added jail capacity would be full the day it opened.

Commissioner Beninga asked if a different classification system might make a difference in the need for single, double or dorm style beds? A classification system simply gives you better information to base your decisions on. 75% of inmates in the jail are in for 3 days or less. It is important those inmates are in the right place. A classification system give you an objective criteria rather subjective circumstances. According to the forecast, one thing that is needed is more secure housing. Currently 20% of the capacity is single cells.

Note: The current classification system was closely examined by Mr. Garnos at a later date and found adequate for current purposes. Mr. Garnos' letter is found here:

[http://www.minnehahacounty.org/cjac/reports/2014PopulationForecast\\_Classification\\_Letter.pdf](http://www.minnehahacounty.org/cjac/reports/2014PopulationForecast_Classification_Letter.pdf)

Commissioner Kelly asked if there are other jurisdictions in a similar situation. Mr. Garnos said he could suggest other jurisdictions to talk to.

Commissioner Kelly also asked if there are technological advances that exist or will soon be available that could reduce the number of beds that are needed? Mr. Garnos noted that some of the GPS tracking options are good resources, as well as equipment that can monitor drug and alcohol use. The first place you look is alternatives to

incarceration, and you do it with small, targeted, non-violent groups of offenders. Sheriff Milstead noted that all alternatives to county jail are either being used in Minnehaha County right now or being explored and observed that the immediate need is for more secure prisoner beds.

Presiding Judge Larry Long addressed the Committee noting that the City of Sioux Falls is expanding and that includes increased judicial responsibilities – effecting both Minnehaha and Lincoln Counties. The relationship between the counties and the city is going to be key in the future. His opinion was that SB 70 will not have a huge impact on Minnehaha County because we are already doing many of the things specified in the legislation. The biggest impact will be on the more rural counties. He also noted that he has engaged in ongoing discussions with the Sheriff about additional work release options and the length of time it takes to process a pre-sentence report. Collectively we have some experience with electronic monitoring in the JDC that may be beneficial for the adult population as well.

States Attorney Aaron McGowan addressed the Committee to offer his support of the points made by Judge Long. He noted that at this point we do not have any empirical data on the increased impact on the Minnehaha County Jail due to SB 70, but that he thought the impact would be minimal for the reasons given by Judge Long.

Minnehaha County Public Advocate Cindy Howard also agreed with the points offered by Judge Long and States Attorney McGowan. She also urged the Committee and the County to continue to look at alternatives to incarceration, especially on the pre-trial side.

#### VII. Future Actions:

With the completion of the Garnos Inmate forecast, the Committee agreed that the next step was the preparation of a report summarizing its findings and presenting its recommendations to the Commission for further direction and action. The Committee agreed that given the comprehensive nature and importance of his forecast, Mr. Garnos should return for the presentation of the Committee's report to the Commission. The Committee asked Secretary Robert Wilson to prepare a draft report for its consideration.

There being no further business, the meeting was adjourned.