

Minnehaha County Criminal Justice Advisory Committee Meeting
March 17, 2014 Meeting Minutes

Attendees: Chairman Craig Anderson, Commissioner Dick Kelly, Commissioner Gerald Beninga, Sheriff Mike Milstead, Warden Jeff Gromer, Robert Wilson (secretary)
Other Attendees: Chief Deputy Sheriff Michelle Boyd.

I. Approval of Agenda:

The agenda was approved as presented.

II. Approval of Minutes from the February 26, 2014 Meeting:

Motion to approve the Meeting Minutes from the February 26, 2014 meeting. Motion by Commissioner Beninga to approve the minutes, seconded by Commissioner Kelly. Motion passed 5-0.

III. Discussion of Interim Report:

Sheriff Milstead reminded the committee that the group's charge is to make a recommendation to the County Commission. It's very important to make clear to the community, the media, and to crime victims that as the committee considers a remodel of the Public Safety Building as one option, the facility would not be reused in anything resembling its previously layout. This is one of several options under consideration and reusing portions of the PSB will only be considered if the facility can be renovated to accommodate a direct supervision model. There must also be a broad evaluation of options to determine if the PSB is the right location for additional jails beds, or if new construction is a better option- either adjacent to the current jail or at a new site.

It was agreed that the report should address three topics:

- A determination that the Community Corrections Center is outdated and must be replaced or repurposed,
- The Garnos Inmate Population Forecast,
- A recommended plan for how the County will obtain the number of jail beds needed to accommodate expected growth over the next 10-20 years

This work may need to be done in stages. One possibility would be to add 200 beds over the next 5 years. If 200 beds were built downtown and several jail programs were modified to further reduce inmate population counts that could provide the adequate number of jail beds for several years. That would also minimize the staffing impact. After closing the CCC, those staff members could be transferred to the new housing unit's downtown.

Chairman Anderson said multiple actions need to happen simultaneously to make that type of plan work. There must be a plan to close the CCC as well as a plan to develop and open new housing units.

Sheriff Milstead said the plans for a sobering center have changed. Originally plans called for three units with capacities of 10, 10 and 5 individuals. Now, after several weeks of using the sobering center concept the number of users is substantially lower than expected. This will change building plans. On occasion some jail staff have been moved from the sobering center to jail intake when numbers in the sobering center are especially low. The current Sheriff's Office recommendation to the Building Committee is that there's no reason to move forward with construction of the sobering center. However, more information is needed before making a final decision. A big test will be usage numbers in detox and the sobering center during the summer when the weather is nice and more people are out.

One option for reducing the county's inmate population is potentially discontinuing the county's agreement with the South Dakota DOC to house women trustee inmates. Commissioner Kelly wondered if, because the county is considering this option, would the DOC consider being a funding partner with the county in building or remodeling a facility if that allowed the partnership to continue. Sheriff Milstead felt that if the state was going to participate financially in a building project they would most likely build their own facility for women trustee inmates. Commissioner Kelly also asked if this is the right time for Minnehaha County to request that the City of Sioux Falls be part of the discussion of paying for additional jail beds.

It was agreed that Bill Garnos should be present for, and participate in the presentation of the interim report to the County Commission. Commissioner Beninga talked about what will be needed following the presentation of the interim report. At that point future tasks must be divided and assigned to small groups for follow-up. During the process it will be important to maintain flexibility regarding specific assignments. Both construction and operational costs of all options need to be carefully evaluated. It will also be important to consider what, if any change in judicial philosophy should be expected in the coming years. Recent experience with the JDC facility planning process is a good example. Questions that will need to be answered include comparisons of construction costs of a new and remodeled facility, timeframes for construction and operational costs.

Sheriff Milstead is still waiting for information from the City of Omaha and Douglass County about their arrest and booking procedures. Although substantially larger than Sioux Falls and Minnehaha County, they book fewer individuals into jail than we do. One reason is a Nebraska state statute that directs law enforcement to cite and release individuals unless they present a danger to public safety, have a history of missed court appearances or if other reasons exist why they should be taken into custody. Most individuals cited for violations in Omaha and Douglass County are never booked into jail. Adopting a similar process in South Dakota would require legislative action. A copy of the Nebraska statute will be distributed. Commissioner

Kelly asked if the number of people booked into jail is higher or lower than it used to be. Substantially fewer people are now booked into jail for the same offenses. It was agreed that one significant factor is the ability to post bond. One person could be booked and remain in jail while a second individual, charged with the same crime, could be released quickly because of their ability to post bond. Chief Deputy Boyd said the department is also seeing situations when the State's Attorney's Office asks to hold individuals in custody when they can't pay fines. In some of those cases the cost to house them is greater than the amount owed in fines. There are some jurisdictions around the country where bond amounts are set based on the risk an individual poses. It might also be worth raising the issue with Judge Long because the presiding judge in each circuit has some discretion to set bond schedules.

Warden Gromer believes smaller jurisdictions might support such a change. Petty thefts are another class of offenses that frustrate jail staff. In those cases defendants will be booked in and immediately released on a PR bond. If the individual then fails to show up for court they are charged with failure to appear and have to be booked into jail the next time they're contacted by law enforcement. City ordinance violations are also problematic. They automatically result in a PR bond, but if city officers want the individual held they may add a state charge. That requires a bond to be set and if the defendant can't pay, they're booked into custody. Chairman Anderson commented that these issues will require multiple approaches to fully address.

Warden Gromer also reminded the committee that although minor charges like the ones just described add to the county's booking totals, but they don't add significantly to the overall jail population. Most of these individuals are in and out of the jail quickly. But cutting the number of bookings would reduce the workload for jail intake staff.

Sheriff Milstead briefed the committee on another project that could also have a big impact on Minnehaha County. Minnehaha is one of two counties piloting the Hope Project. The program requires counties to identify their highest risk probationers and put them on this program. Program participants are randomly tested 6 times a month for drugs. Potentially this program could grow to several hundred people in Minnehaha County. That would require 1,200 UA tests a month. The state statute outlining the program doesn't specify how much can be charged to administer the tests, what rate counties might be reimbursed at, how those funds will be collected or how the testing will be done. Every element of this program could place a major burden on counties. Each time an individual on the program tests positive they face an increasing number of days in county jail. This could have a huge effect on the county. The program is part of SB 70.

Rather than approving the interim committee report at this time committee members agreed to take one more day and reread the report. All members will submit

additional comments to Secretary Wilson by the end of the day on Wednesday, the report will be recirculated on Thursday and submitted for Commission review on Friday, March 21, 2014. The Committee will present the report at the Commission meeting on Tuesday, April 8th.

There being no further business, the meeting was adjourned.