

County Perspectives on Regional Jails

Outline

- SDCL pertaining to jails
- Jail situation statewide
- Reasons for lack of jail compacts
- County Concerns
- County Examples

Current Statute – Counties provide jails

- § 24-11-2. **Counties pay for jails.**
- § 24-11-3. **If a county has no jail** or if it's insufficient, county pays for jail housing elsewhere.

Current Statute – Jurisdictions may cooperate to use, build, & run jails

- Contract Bed Space:
 - SDCL § 24-11-3. Housing another counties inmates is by agreement. Host county can factor in all costs to "bed rate."
- Regional Jails
 - § 24-11-4. Counties and other jurisdictions may jointly own & operate a "regional" jail
 - § 24-11-4.1. **may create a compact which may be a separate legal entity**...may issue revenue bonds, enter into lease, lease-purchase and sale, and lease-back agreements, either as lessee or lessor ...

Current Statute – Counties may increase property tax levy to pay for jail

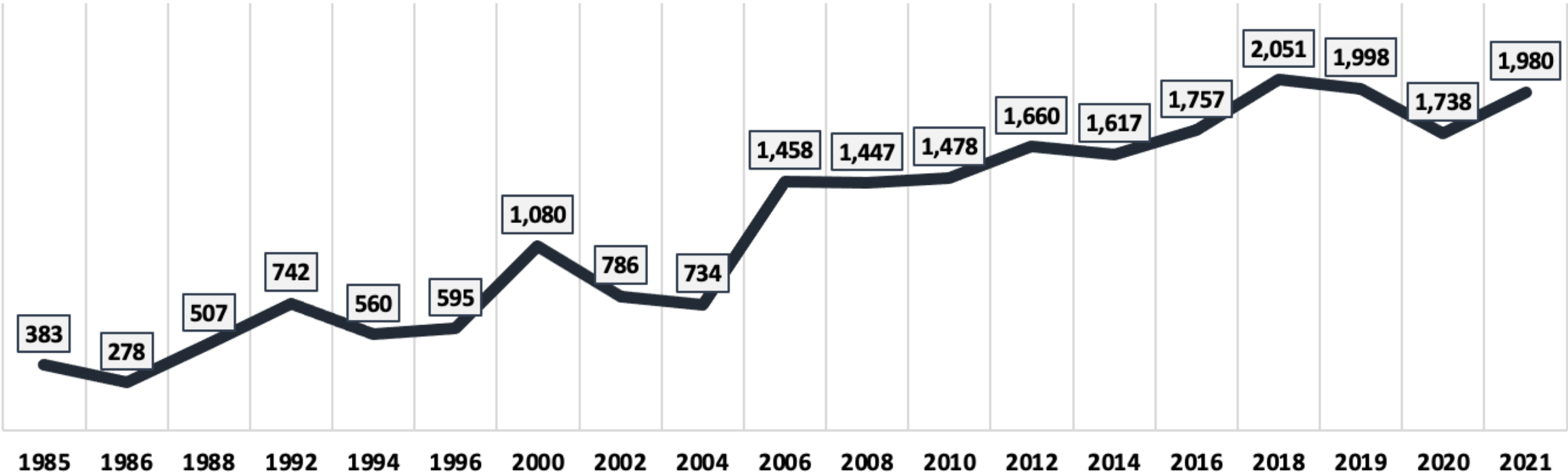
- 7-25-1. County **may levy up to exceed 90¢ cents per \$1000 of taxable valuation** to build a jail
- 7-25-3. Any such levy beyond one year requires a vote of the people. **50% +1 of votes cast must approve**
- 7-25-19 & 7-25-20. If county does lease-back arrangement, referendum not required, but still referable

Jail Situation in South Dakota

Growth in Jail Population

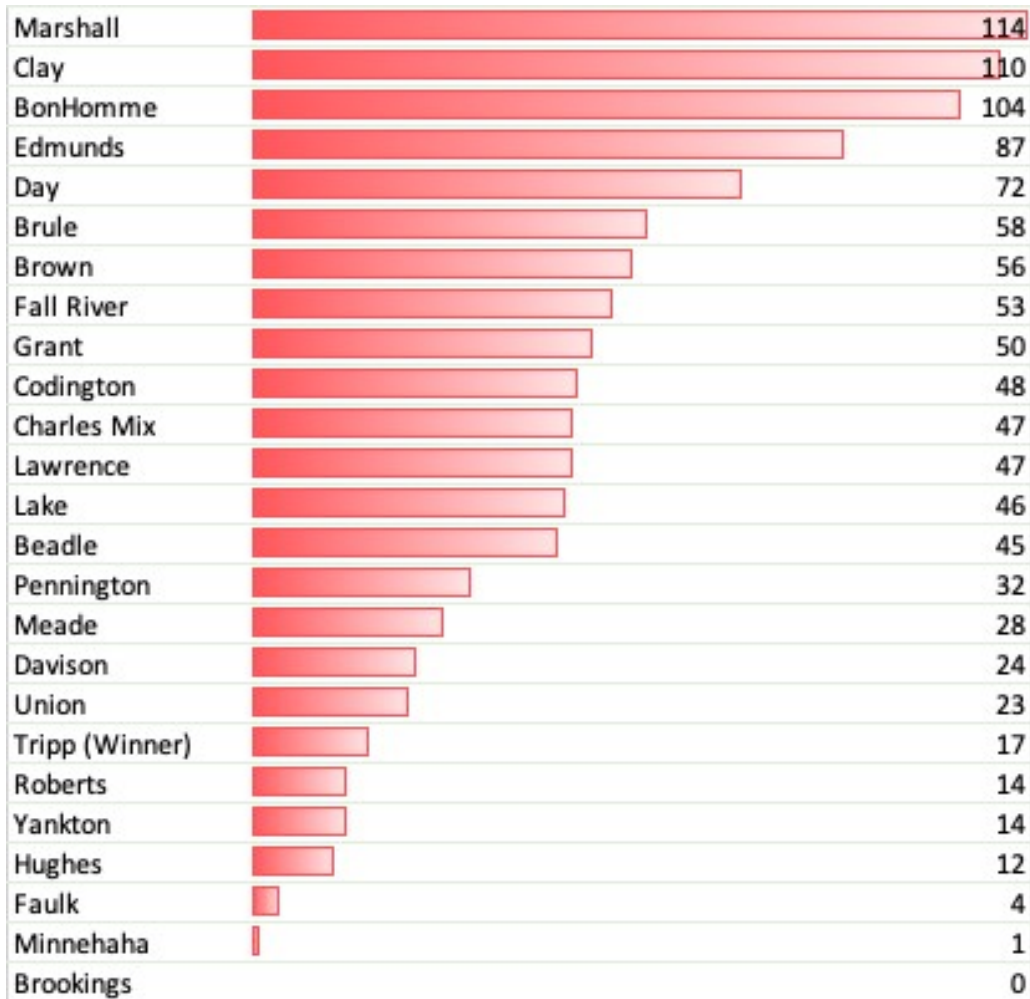
Estimated Statewide Total Average Daily Jail Population

Data from SDACC/SDSA survey of counties & South Dakota DCI
<https://atg.sd.gov/OurOffice/Departments/DCI/SAC/SheriffManagementStudy.aspx>



Jail Situation in South Dakota

Age of Jail Buildings



Marshall	114
Clay	110
BonHomme	104
Edmunds	87
Day	72
Brule	58
Brown	56
Fall River	53
Grant	50
Codington	48
Charles Mix	47
Lawrence	47
Lake	46
Beadle	45
Pennington	32
Meade	28
Davison	24
Union	23
Tripp (Winner)	17
Roberts	14
Yankton	14
Hughes	12
Faulk	4
Minnehaha	1
Brookings	0

- Average Jail Age: **44.24 Years**
- Over 50% build before 1990
- Some “younger” jails have new additions

*Brookings/Minnehaha age based on expansion year

Jail Situation in South Dakota

Estimated Capacity

County	Estimated Capacity
Pennington	624
Minnehaha	579
Tripp (Winner)	177
Hughes	168
Yankton	127
Codington	96
Brookings	80
Meade	80
Roberts	74
Davison	72
Charles Mix	60
Beadle	60
Union	52
Lawrence	51
Brown	48
Faulk	32
Lake	26
Brule	20
Clay	20
Fall River	18
Grant	17
Day	15
Edmunds	12
Marshall	6
BonHomme	6

- Statewide bed count: **2520**
- Average size: 100.8 beds
- Average size (less Minnehaha & Pennington): 57.3 beds

Why aren't jail compacts popular?

- Compact provisions don't significantly reduce burden on host county
 - Host county must shoulder bulk of burden to build jail
 - Multiple counties would need to raise levy (possible referenda in multiple counties)
 - Statutes that allow compacts don't offer funding other than property tax
- Population distribution
 - Sparsely populated counties surround host counties
 - Low population counties less interested in compact
 - Funding from low population counties would be small % of construction
- Compact ROI not worth the trouble unless many counties included

Jail Situation in South Dakota

County Concerns

- What is the problem to be solved? Most Counties see their jails as “regional”
 - Already host out of county inmates
 - Already serve a region within the state
- How will funding work? How will a mandated regional system worsen/improve funding options?
- Loss of Local control?
- Transport expenses for non-jail counties?

Jail Situation in South Dakota

Example from Codington

- Serves Neighboring Counties – up to ~10% of inmates
- 1974 – linear design
 - Can't see inmates - dangerous
 - Expanded bed count to 96, but most cells don't meet ACA standard
 - No program space, booking traffic problems
- County efforts to remedy
 - 2014 Justice Center Bond Vote failed by over 70%
 - 2017 Jail (only) Bond Vote passed in Watertown, failed in rural area. Failed by <100 votes overall
- Voter Feedback
 - Understand need
 - Want customer counties to help
 - Rural taxpayers believe they are being asked to bear more than fair share of burden
 - Many say would prefer sales tax