

# Study Committee on Regional Jails and State Correctional Plans 2022 Final Report



## Study Assignment

The Executive Board of the Legislative Research Council established the Study Committee on Regional Jails and State Correctional Plans to examine regional jails and opportunities for collaboration with state correctional plans, as provided in SCR 608 adopted during the 2022 Regular Session. SCR 608 requested the interim committee be established to study local correctional needs across the state and opportunities for collaboration within the state's correctional plan, so that efficient and effective solutions among local and state leaders may be realized.

## Summary of Interim

The committee met five times during the 2022 interim, including two off-site meetings in Aberdeen and Sioux Falls.

The committee's first meeting included public testimony from Kellie Wasko, Secretary of the Department of Corrections, the South Dakota Association of County Commissioners, the South Dakota Sheriffs' Association, and county commissioners from Brown, Codington, and Lawrence counties. South Dakota has approximately 24 jails for 66 counties, effectively making all jails regional facilities. Counties are statutorily required to maintain and fund jails, and those that do not have jails contract with other counties to house inmates. Many of the existing jails are antiquated, small, and struggle to maintain adequate services and staffing. Most inmates in jails are pretrial detainees, and many are held for crimes related to drugs. Counties often face difficulty when pursuing new jail projects. The primary source of funding is property tax, and voters are typically reluctant to approve bonds or opt-outs<sup>1</sup> for jail projects. Counties have the authority to enter into formalized regional jail compact agreements as provided in SDCL Chapter 24-11, but the agreements are rarely used as counties do not see a sufficient return on investment.

The committee held its second meeting in Aberdeen. The committee toured the current Brown County Jail and a building the county proposes to convert into a jail. The current Brown County jail has approximately a 55-bed capacity and is often overcrowded. In addition to a new jail, Brown County's proposed plan includes using part of the newly acquired facility as a women's prison to house female inmates for the Department of Corrections, contingent upon the state providing funds to pay for the project. The committee additionally heard testimony from representatives of McPherson, Walworth, Edmunds, Faulk, and Grant counties. Faulk County is one of the few counties with a recently built jail facility, having successfully passed a referendum providing for a 35-bed facility in 2015. The closing of the Walworth County jail has been a challenge to the county and surrounding area, particularly for Mobridge, as the closest jail is nearly 100 miles away. Transporting inmates and finding adequate bed space is a financial and administrative burden for counties. Medical and mental health needs also limit their ability to find appropriate bed space. Detainees with mental health needs or court-ordered competency restorations are held in county jails for extensive periods while waiting for bed space at appropriate facilities, including the Human Services Center in Yankton.

The committee's third meeting was held in Sioux Falls. The committee toured both the Clay and Minnehaha County jails. The Clay County jail is over 100 years old and detains inmates for up to 72 hours before transferring them to a different jail. Minnehaha County recently expanded its jail, with a total capacity of over 500. Minnehaha County contracts with multiple counties to house inmates, including housing all Lincoln County inmates. Insufficient funding and challenges with increasing property valuations put counties in difficult positions when making decisions on

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<sup>1</sup> "Opt-out" means a taxing entity needs more moneys from property taxes than the taxing entity is allowed by levy limitations.

bonding and opt-outs. Even if other counties are interested in using bed space in a new facility, the host county bears the burden for construction costs.

The committee's fourth meeting was held in Pierre. The committee heard testimony from Lincoln County, the city of Mobridge, and representatives of the Winner City Jail, the only city-owned and operated jail in the state. The Winner City Jail has experienced success in providing a regional facility, providing housing for 14 counties. The committee also discussed presumptive probation and the shift of burden to counties after the criminal justice reforms of Senate Bill 70 in 2013. Counties are not equipped to provide the rehabilitation services that state facilities do. In such cases, jails that are overcrowded or isolated from service providers end up warehousing inmates and not addressing issues that contribute to recidivism.

### **Listing of Recommendations Adopted by the Committee**

The committee acknowledged that incarceration at the local and state level is a multi-faceted issue. Counties and local sheriff's departments play a significant role in the criminal justice system, often on the front-line of issues confronting their communities. Insufficient funding, drug and alcohol abuse, mental health issues, staffing, and inflation are several of the challenges that counties face. Within its scope of study, the committee recommended:

- (1) The Legislature encourage continued regionalization of jail facilities.
- (2) The Legislature appropriate funds from the Incarceration Construction Fund to be used to assist in the construction of regional jails. Funds could be distributed as grants to counties, or through a revolving loan fund, or a combination of both. The Legislature should establish the criteria and incentives for the program, but not be involved in the application process.
- (3) The Unified Judicial System and counties continue to use virtual, ITV, and other remote means for court proceedings to reduce inmate transportation costs for counties.
- (4) The Legislature establish incentives for regionalization, which may include property tax benefits.
- (5) More education on the importance of jails should be communicated throughout the state. Given the difficulty of passing public votes on jail projects, better education of the role of jails in keeping communities safe is needed.
- (6) The Legislature's Executive Board consider addressing county revenue and the statutory property tax freeze.

### **Listing of Legislation Adopted by the Committee**

TBD at final meeting.

### **Summary of Meeting Dates and Places**

The committee met on the following dates: June 9 in Pierre, July 20 in Aberdeen, August 22 in Sioux Falls, September 20 in Pierre, and November 1 in Pierre.

### **Listing of Committee Members**

Members of the committee are Senator Jim Stalzer, Chair; Representative Hugh Bartels, Vice-Chair; Senators Jim Bolin, Bryan Breitling, Helene Duhamel, Al Novstrup, Michael Rohl, and Arthur Rusch; and Representatives Rocky Blare, Becky Drury, Mary Fitzgerald, Carl Perry, Peri Pourier, Lynn Schneider, and Nancy York.

### **Listing of Staff Members**

Staff members for the committee are Anna Madsen, Research Analyst; Taylor Morris, Fiscal Analyst; and Kaitlyn Baucom, Administrative Specialist.

