

**Budget Section
Representative Chet Pollert, Chairman**

**North Dakota Department of Corrections and Rehabilitation
Presenting Testimony on Section 6 of 2013 Senate Bill No. 2015
September 25, 2013**

Good afternoon Chairman Pollert and members of the Budget Section. I am Leann Bertsch, Director of the North Dakota Department of Corrections and Rehabilitation (“DOCR”). I am here today to provide you with an update on the department’s prison population management plan, inmate admissions and the number of inmates the department has not admitted after sentencing pursuant to Section 6 of our appropriation bill, Senate Bill 2015.

Section 6 of Senate Bill 2015 provided the DOCR the authority to refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates exceeds the maximum operational capacity of its prison facilities and result in the department exceeding its authorized legislative appropriation for contract housing. Section 6 also directs the DOCR to develop a prison population management plan to prioritize admissions based on sentences and the availability of space within its facilities.

To date, the DOCR has not refused to admit any inmates pursuant to Section 6. As I indicated during the session, we are hoping that this language brings some attention to the issue of how correctional resources are being utilized and awareness that correctional resources are finite. If the DOCR does reach capacity and does invoke this authority, it still would not refuse the admission of an inmate, but rather, there may be a delay in the department’s ability to accept the inmate. We may get to the point where it would be one inmate out, one inmate in. That is when the DOCR’s prison population management plan would be used to prioritize admissions and releases. Before DOCR reaches that point, the department will of course be in regular communication with the county sheriffs who operate county jails as well as prosecutors and judges who play key roles in determining who is sentenced to the department’s custody.

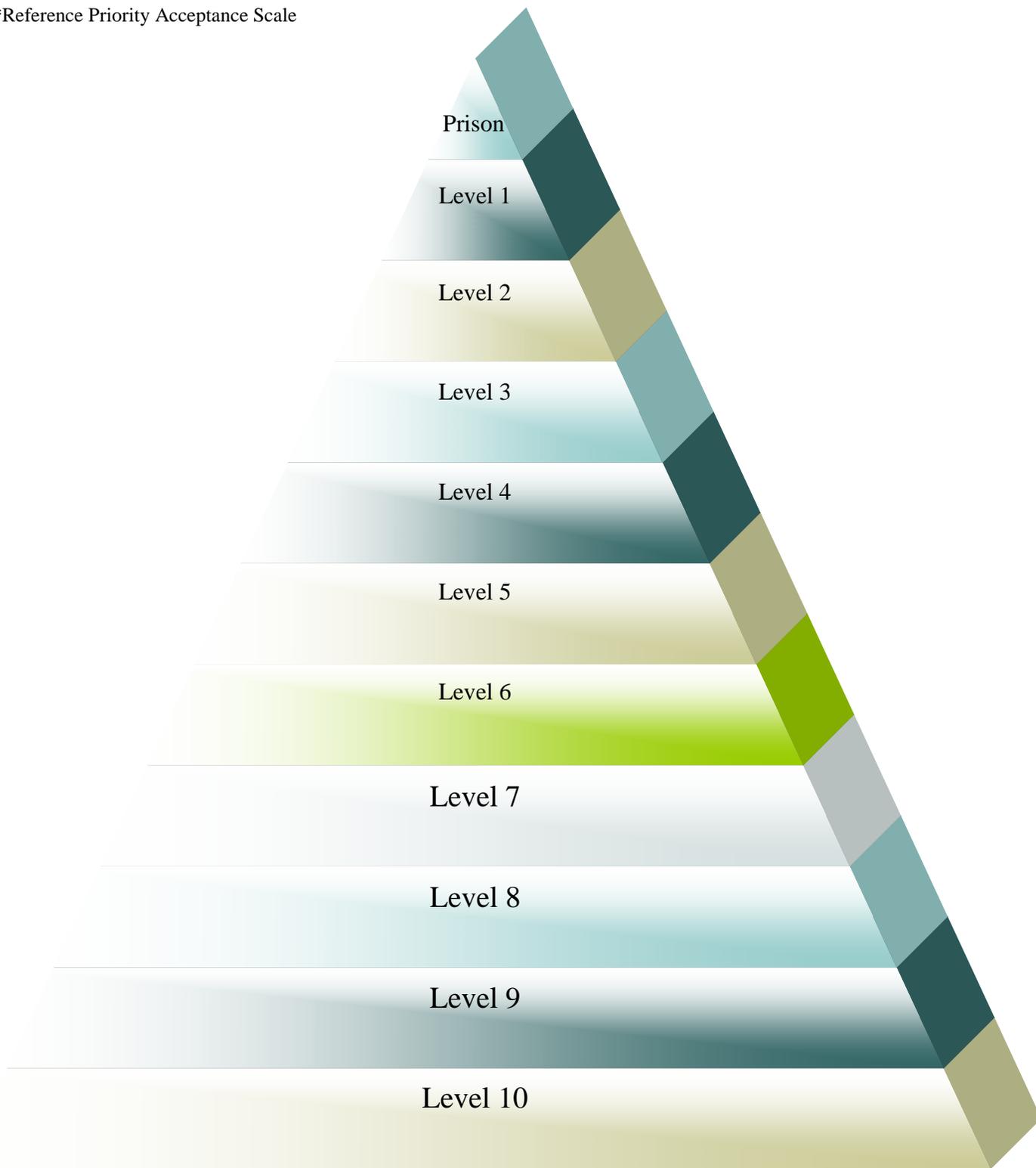
Because of the focus on the front-end management as promoted in this prison population management plan, I believe it is important to discuss all of the back-end efforts the DOCR has undertaken over the past 15 years to manage the prison growth which include the addition of James River Correctional Center, Dakota Women’s Correctional and Rehabilitation Center, , Tompkins Rehabilitation and Correctional Center, Male and Female Inmate Transition, Halfway Houses, enhanced paroling, Transition from Prison to Community Initiative, Managing Non-compliant Behavior guidelines and strategies, evidenced-based programming, prioritizing the supervision of higher risk offenders over lower risk offenders, and implementation of a diversion caseload. The DOCR will continue to prioritize releases to manage correctional resources and maintain public safety.

Priority Acceptance Scale-Most Severe Offense:

Priority	Offense Level	Violent or Nonviolent
Level 1	Felony AA	Violent
Level 2	Felony A	Violent
Level 3	Felony B	Violent
Level 4	Felony AA	Nonviolent
Level 5	Felony A	Nonviolent
Level 6	Felony C	Violent
Level 7	Felony B	Nonviolent
Level 8	Misdemeanor A	Violent
Level 9	Felony C	Nonviolent
Level 10	Misdemeanor A	Nonviolent

Another way to conceptualize this is to think of a pyramid with the smaller number of cases but most serious being at the top and first priority to access prison resources and the larger number of cases but less serious at the bottom and least priority to access prison resources.

*Reference Priority Acceptance Scale

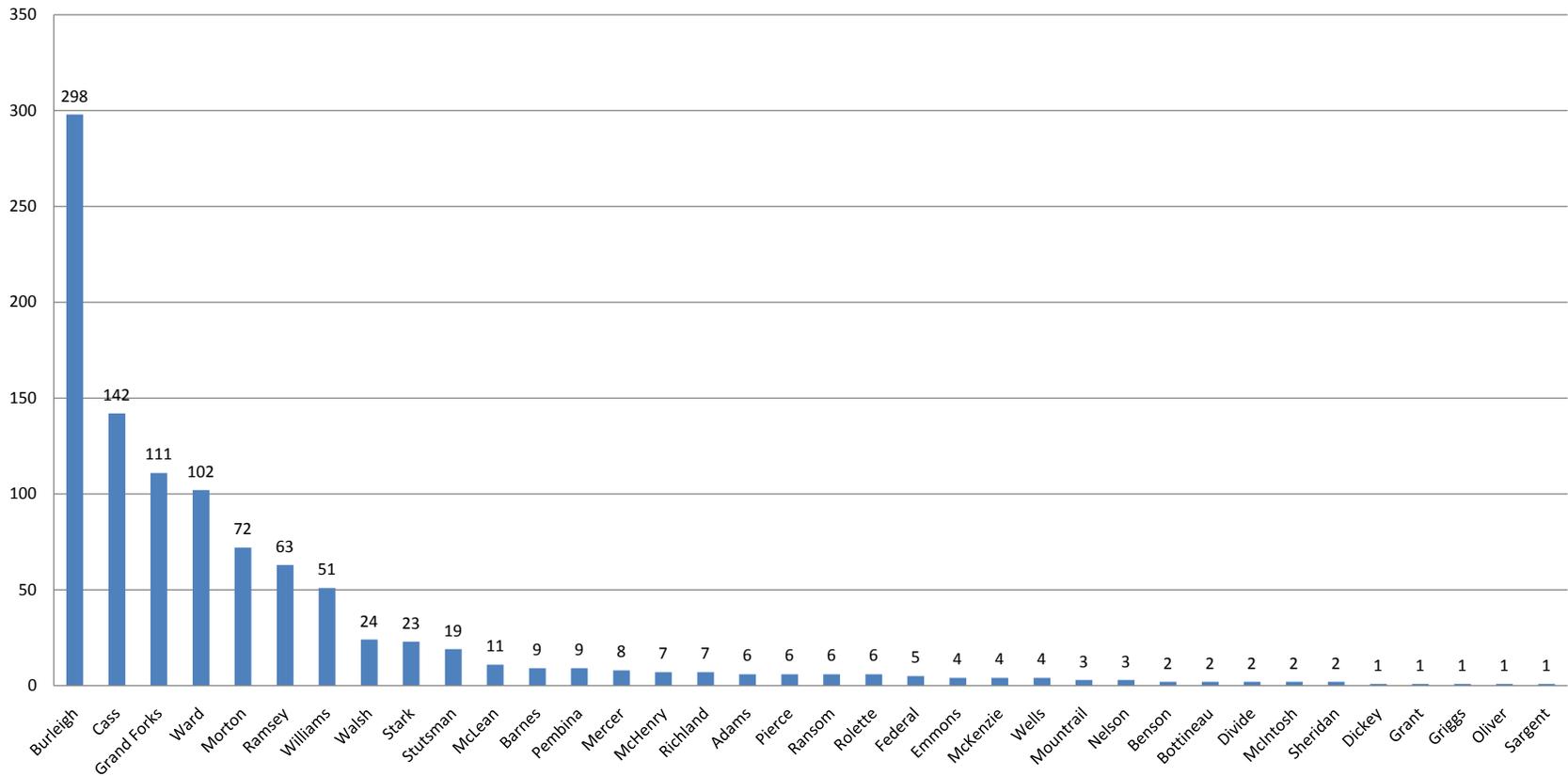


Other Criteria (Tie Breaker)

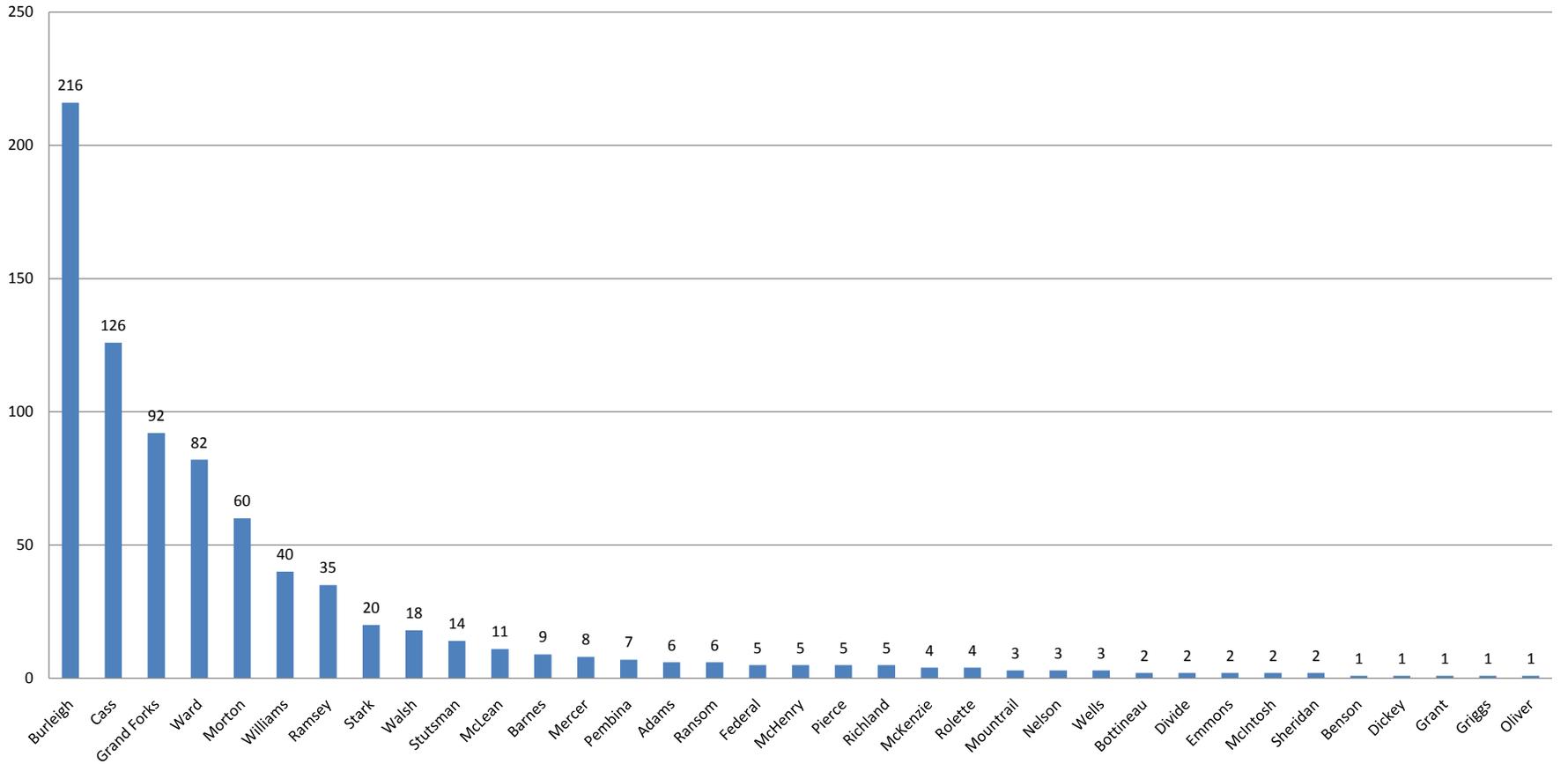
1. Levels of Service Inventory-Revised Score (LSI-R Score)
2. Length of time on waiting list
3. Custody Level

The attachments to my testimony include inmate admissions for calendar year 2012 and January 1 through August 31, 2013. Also attached are three count reports that we have provided in the past. The **Male Count** report is a count of all male inmates by placement. The second to the last column on the right is the male population estimate adopted by the 2013-2015 legislature. The **Female Count** report is all female inmates by placement and the second to the last column on the right is the female population estimate adopted by the 2013-2015 legislature. **DOCR Capacity** is the number of inmates we have housed in DOCR facilities which is compared to the budgeted capacity that was adopted in our appropriate bill by the 2013-2015 legislature.

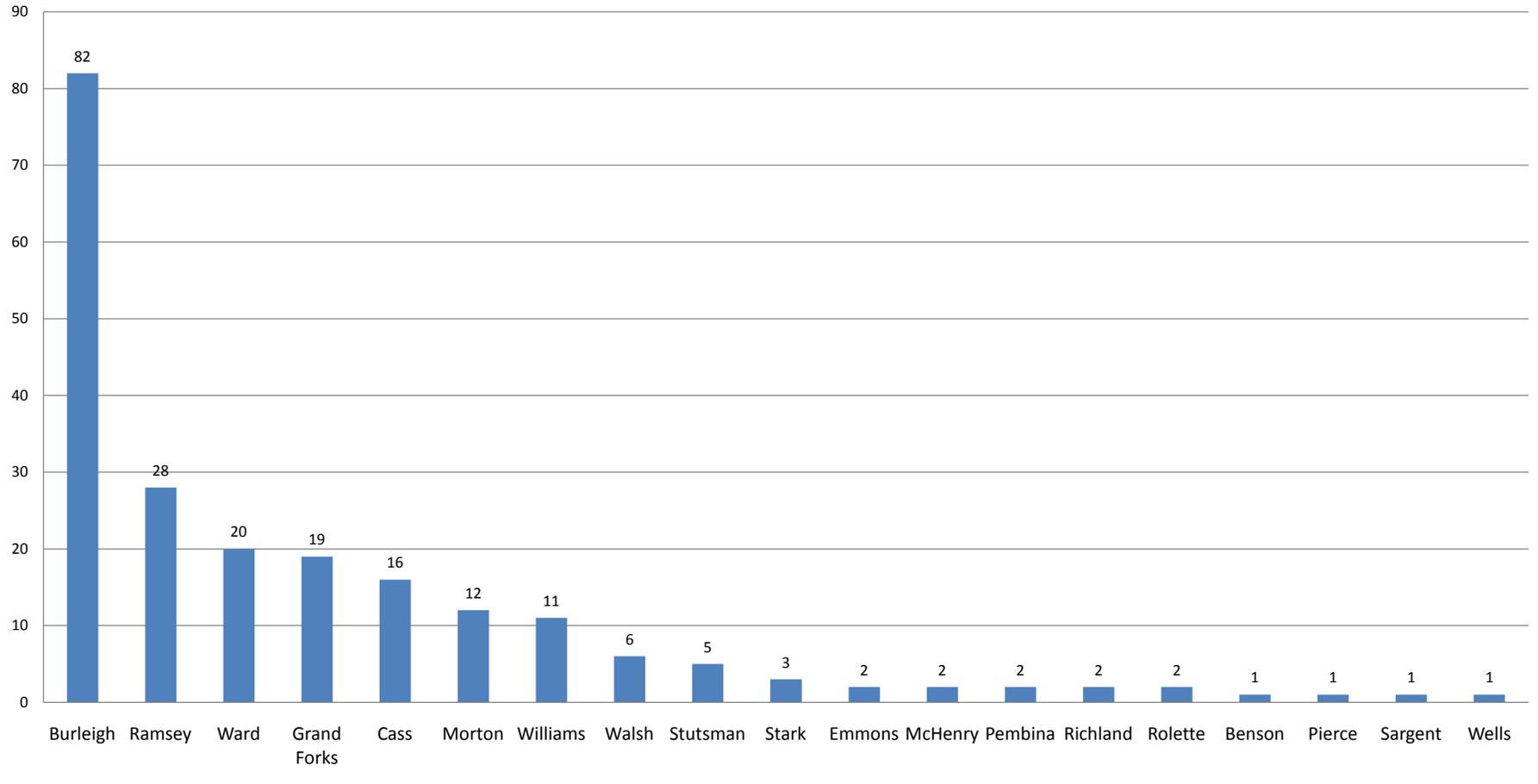
Inmates Admitted to DOCR by County CY 2012



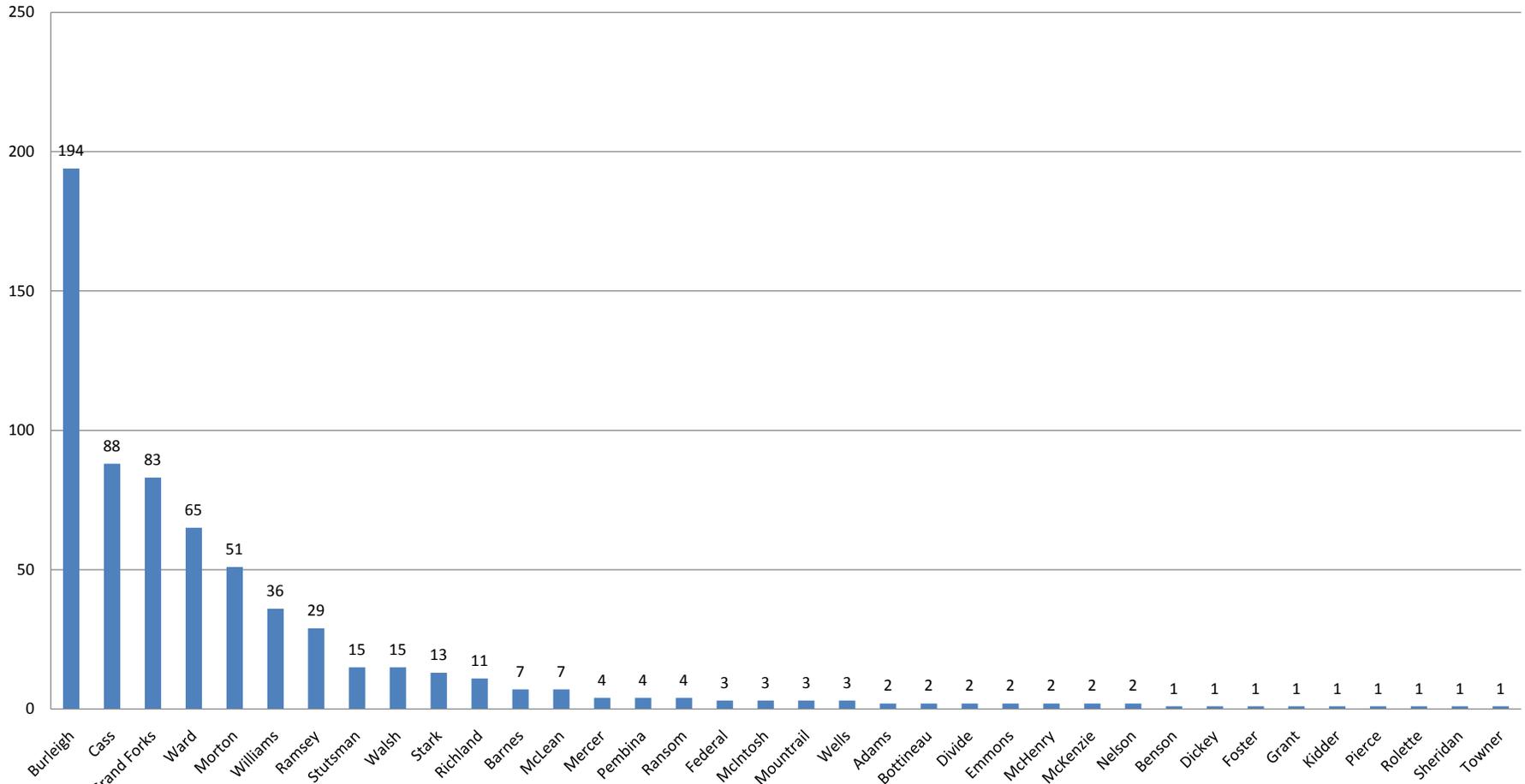
Male Inmates Admitted to DOCR by County CY 2012



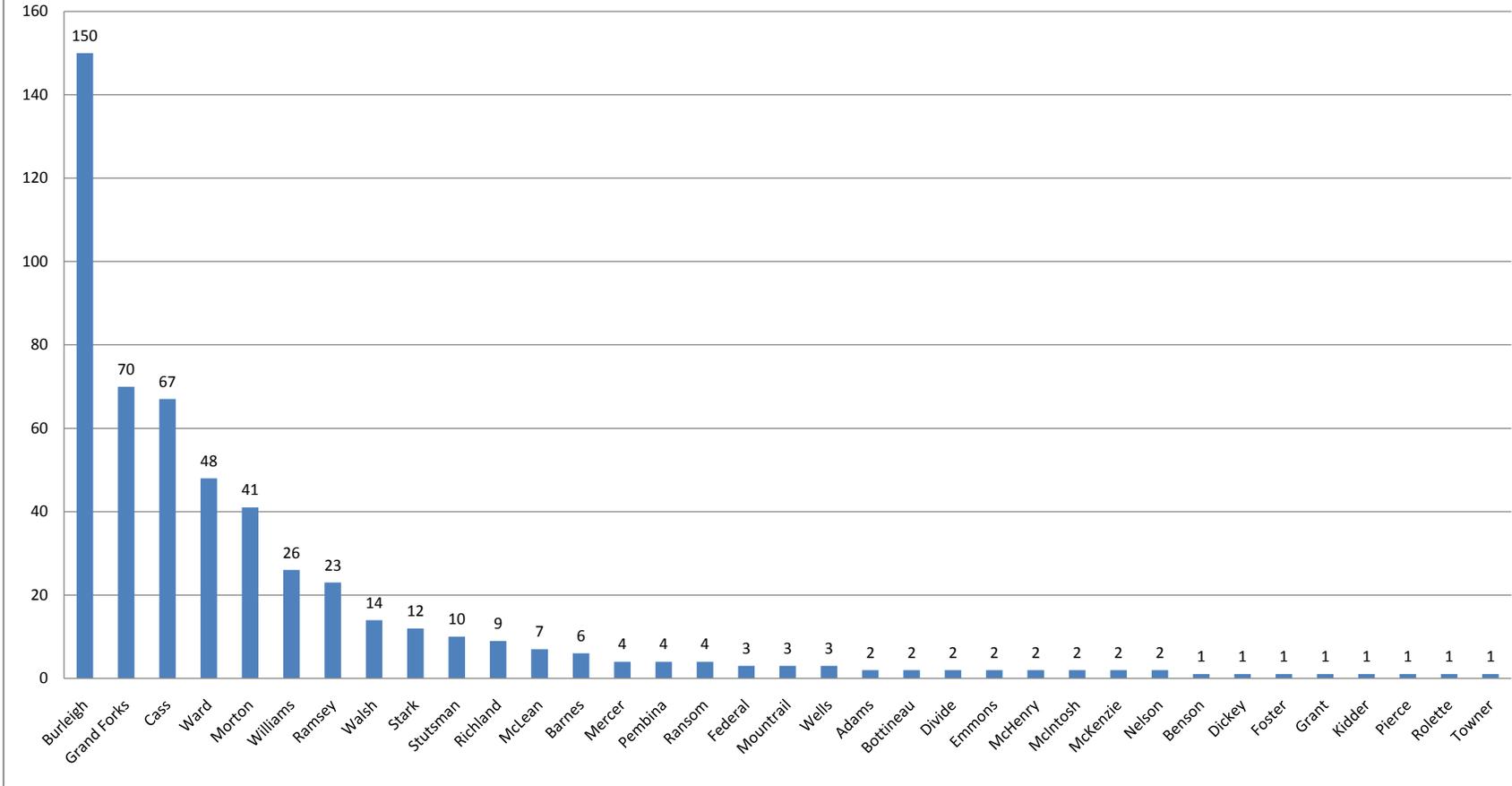
Female Inmates Admitted to DOCR by County CY 2012



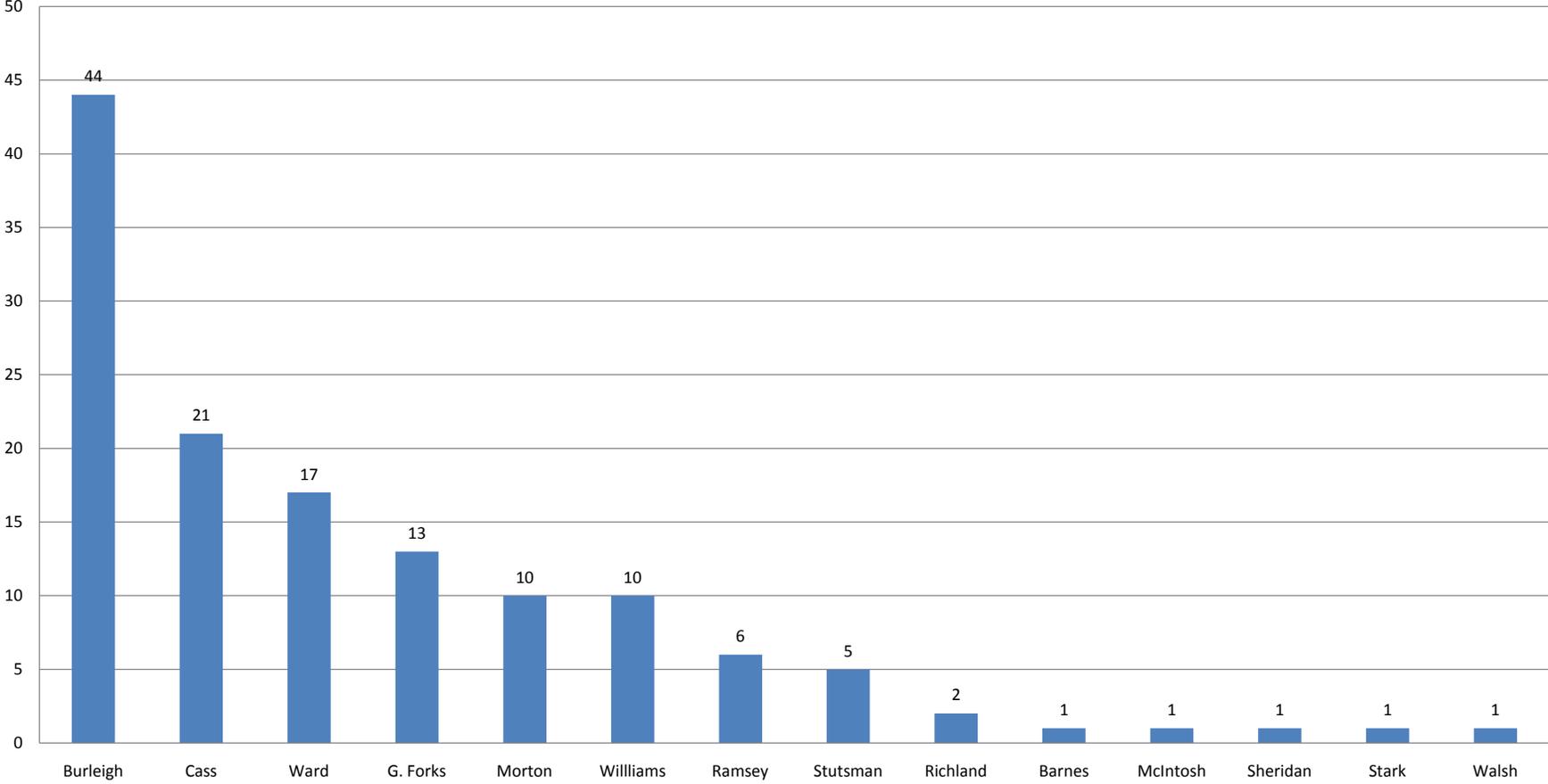
Inmate Admissions to DOCR by County 1/1/13 to 8/31/13



Male Inmate Admissions to DOCR By County 1/1/13 to 8/31/13



Female Inmate Admissions to DOCR By County 1/1/13 to 8/31/13



Source: Inmate Records

Department of Corrections and Rehabilitation
Actual Average Male Inmate Population by Facility / Program
July 2013 - June 2015 - As of 9/19/13

Month	NDSP \1	JRCC \2	MRCC \3	TRCC \4	MTP / BTC \5	H of A \6	County Jail	Out of State	Interstate Compact \7	(a) Total Population	(b) 13-15 Est. Population	(a) - (b)
July-13	630	439	147	41	62	11	4	-	23	1,358	1,389	(31)
August-13	674	419	145	39	55	5	6	-	24	1,367	1,391	(24)
September-13	698	412	137	40	62	-	5	-	24	1,377	1,392	(15)
October-13											1,394	
November-13											1,396	
December-13											1,398	
January-14											1,399	
February-14											1,401	
March-14											1,403	
April-14											1,405	
May-14											1,407	
June-14											1,408	
July-14											1,410	
August-14											1,412	
September-14											1,414	
October-14											1,415	
November-14											1,417	
December-14											1,419	
January-15											1,421	
February-15											1,423	
March-15											1,424	
April-15											1,426	
May-15											1,428	
June-15											1,430	
13-15 Bien Ave.	667	424	143	40	60	5	5	-	24	1,367	1,409	(24)

- \1 - North Dakota State Penitentiary (count includes inmates on temporary leave status and juveniles sentenced as adults being held at YCC)
 \2 - James River Correctional Center (count includes inmates on temporary leave status)
 \3 - Missouri River Correctional Center
 \4 - Tompkins Rehabilitative Correctional Center
 \5 - Bismarck Transition Center / Male Transition Program
 \6 - Heart of America Correctional and Treatment Center (Rugby)
 \7 - Inmates housed out-of-state with either Bureau of Prison or other States

Department of Corrections and Rehabilitation
Actual Average Female Inmate Population by Facility / Program
July 2013 - June 2015 - As of 9/19/13

Month	DWCRC \1	TRCC \2	Transition / Community	County Jail	Interstate Compact \3	(a) Total Population	(b) 13-15 Est. Population	(a) - (b)
July-13	130	19	25	5	-	179	175	4
August-13	126	19	23	3	-	171	176	(5)
September-13	126	19	25	1	-	171	176	(5)
October-13							177	
November-13							177	
December-13							178	
January-14							179	
February-14							179	
March-14							180	
April-14							180	
May-14							181	
June-14							181	
July-14							182	
August-14							182	
September-14							183	
October-14							184	
November-14							184	
December-14							185	
January-15							185	
February-15							186	
March-15							186	
April-15							187	
May-15							187	
June-15							188	
13-15 Bien Ave.	127	19	24	3	-	174	182	(2)

\1 - Dakota Womens Correctional and Rehabilitation Center (count includes inmates on temporary leave status)
 \2 - Tompkins Rehabilitative Correctional Center
 \3 - Inmates housed out-of-state with either Bureau of Prison or other States (Interstate Compact Agreement)

North Dakota Department of Corrections and Rehabilitation
Male Inmate Housing by DOCR Facility
2013 - 2015 Biennium - As of 9/19/13

Month	NDSP				JRCC				MRCC				Total DOCR Facilities			
	DOCR Available Beds	Inmates Housed \1	Difference	% Capacity	DOCR Available Beds	Inmates Housed \1	Difference	% Capacity	DOCR Available Beds	Inmates Housed	Difference	% Capacity	DOCR Available Beds	Inmates Housed \1	Difference	% Capacity
July-13	741	630	111	85.0%	410	439	(29)	107.2%	147	147	(0)	100.3%	1,298	1,216	82	93.7%
August-13	741	674	67	90.9%	410	419	(9)	102.3%	147	145	2	98.6%	1,298	1,238	60	95.4%
September-13	741	698	43	94.1%	410	412	(2)	100.5%	147	137	10	93.0%	1,298	1,246	52	96.0%
October-13	741				410				147				1,298			
November-13	741				410				147				1,298			
December-13	741				410				147				1,298			
January-14	741				410				147				1,298			
February-14	741				410				147				1,298			
March-14	741				410				147				1,298			
April-14	741				410				147				1,298			
May-14	741				410				147				1,298			
June-14	741				410				147				1,298			
July-14	741				410				147				1,298			
August-14	741				410				147				1,298			
September-14	741				410				147				1,298			
October-14	741				410				147				1,298			
November-14	741				410				147				1,298			
December-14	741				410				147				1,298			
January-15	741				410				147				1,298			
February-15	741				410				147				1,298			
March-15	741				410				147				1,298			
April-15	741				410				147				1,298			
May-15	741				410				147				1,298			
June-15	741				410				147				1,298			
Average Total	741	667	74	90.0%	410	424	(14)	103.3%	147	143	4	97.3%	1,298	1,234	64	95.0%