

**Budget Section
Representative Gary A. Lee, Chairman**

**North Dakota Department of Corrections and Rehabilitation
Presenting Testimony on Section 6 of 2013 Senate Bill No. 2015
September 29, 2016**

Good morning Chairman Lee 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 2013 Senate Bill 2015.

Section 6 of 2013 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 2013 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.

I presented the DOCR’s prison population management plan to the Budget Section several meetings ago and that plan has not changed. I believe the DOCR will make it through the entire biennium without any delay in admitting inmates. This is due to

the continued efforts by the DOCR to manage the prison growth through a number of strategies which include 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.

I believe it is important to discuss all of the back-end efforts the DOCR has undertaken over the past 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 ("TRCC") and the 16 bed expansion at TRCC, the expansion of the North Dakota State Penitentiary, male and female inmate transitional housing, halfway houses, and the temporary modular housing units the Missouri River Correctional Center.

The inmate population continues to grow. Attached to my testimony are the 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 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 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 appropriation bill by the 2015 legislature.

Department of Corrections and Rehabilitation
Actual Average Female Inmate Population by Facility / Program
July 2015 - June 2017

| Month | DWCRC \1 | TRCC \2 | Transition / Community | County Jail | Interstate Compact \3 | (a) Total Population | (b) 15-17 Est. Population | (a) - (b) |
|------------------------|------------|-----------|---------------------------|----------------|--------------------------|----------------------------|---------------------------------|-----------|
| July-15 | 137 | 26 | 35 | 22 | - | 219 | 216 | 3 |
| August-15 | 135 | 27 | 34 | 21 | - | 217 | 216 | 1 |
| September-15 | 137 | 29 | 28 | 20 | - | 214 | 217 | (3) |
| October-15 | 131 | 30 | 56 | 3 | - | 220 | 217 | 3 |
| November-15 | 128 | 29 | 51 | 2 | - | 211 | 218 | (7) |
| December-15 | 120 | 30 | 52 | 2 | - | 204 | 219 | (15) |
| January-16 | 129 | 29 | 55 | 1 | - | 215 | 220 | (5) |
| February-16 | 132 | 30 | 59 | 2 | - | 224 | 222 | 2 |
| March-16 | 132 | 30 | 67 | 5 | - | 233 | 223 | 10 |
| April-16 | 130 | 30 | 65 | 5 | - | 230 | 224 | 6 |
| May-16 | 130 | 30 | 73 | 5 | - | 238 | 226 | 12 |
| June-16 | 129 | 29 | 76 | 3 | - | 237 | 228 | 9 |
| July-16 | 124 | 29 | 71 | 4 | - | 229 | 229 | (0) |
| August-16 | 129 | 30 | 65 | 3 | - | 227 | 230 | (3) |
| September-16 | | | | | | | 230 | |
| October-16 | | | | | | | 231 | |
| November-16 | | | | | | | 232 | |
| December-16 | | | | | | | 233 | |
| January-17 | | | | | | | 235 | |
| February-17 | | | | | | | 236 | |
| March-17 | | | | | | | 238 | |
| April-17 | | | | | | | 239 | |
| May-17 | | | | | | | 241 | |
| June-17 | | | | | | | 243 | |
| 15-17 Bien Ave. | 130 | 29 | 56 | 7 | - | 223 | 228 | 1 |

Department of Corrections and Rehabilitation
Actual Average Male Inmate Population by Facility / Program
July 2015 - June 2017

| Month | NDSP \1 | JRCC \2 | MRCC \3 | TRCC \4 | MTP / BTC \5 | County Jail / CPP | Out of State | Interstate Compact \7 | (a) Total Population | (b) 15-17 Est. Population | (a) - (b) |
|-----------------|---------|---------|---------|---------|-----------------|----------------------|-----------------|--------------------------|----------------------------|---------------------------------|-----------|
| July-15 | 781 | 437 | 156 | 49 | 98 | 8 | - | 21 | 1,550 | 1,576 | (26) |
| August-15 | 787 | 436 | 154 | 53 | 96 | 9 | - | 22 | 1,555 | 1,581 | (26) |
| September-15 | 792 | 437 | 152 | 55 | 109 | 7 | - | 21 | 1,573 | 1,587 | (14) |
| October-15 | 798 | 437 | 153 | 57 | 103 | 20 | - | 22 | 1,590 | 1,594 | (4) |
| November-15 | 797 | 437 | 153 | 58 | 93 | 36 | - | 23 | 1,597 | 1,601 | (4) |
| December-15 | 762 | 438 | 152 | 65 | 110 | 38 | - | 23 | 1,589 | 1,608 | (19) |
| January-16 | 737 | 436 | 151 | 69 | 126 | 36 | - | 22 | 1,578 | 1,617 | (39) |
| February-16 | 733 | 434 | 164 | 71 | 116 | 19 | - | 22 | 1,558 | 1,625 | (67) |
| March-16 | 734 | 436 | 186 | 72 | 112 | 9 | - | 21 | 1,571 | 1,635 | (64) |
| April-16 | 734 | 437 | 188 | 71 | 103 | 10 | - | 20 | 1,563 | 1,645 | (82) |
| May-16 | 724 | 438 | 187 | 72 | 113 | 13 | - | 20 | 1,567 | 1,655 | (88) |
| June-16 | 730 | 436 | 185 | 69 | 111 | 15 | - | 20 | 1,566 | 1,666 | (100) |
| July-16 | 716 | 434 | 187 | 69 | 104 | 16 | - | 20 | 1,547 | 1,674 | (127) |
| August-16 | 723 | 437 | 184 | 70 | 95 | 13 | - | 20 | 1,541 | 1,680 | (139) |
| September-16 | | | | | | | | | | 1,687 | |
| October-16 | | | | | | | | | | 1,693 | |
| November-16 | | | | | | | | | | 1,701 | |
| December-16 | | | | | | | | | | 1,709 | |
| January-17 | | | | | | | | | | 1,718 | |
| February-17 | | | | | | | | | | 1,727 | |
| March-17 | | | | | | | | | | 1,736 | |
| April-17 | | | | | | | | | | 1,746 | |
| May-17 | | | | | | | | | | 1,757 | |
| June-17 | | | | | | | | | | 1,769 | |
| 15-17 Bien Ave. | 753 | 437 | 168 | 64 | 106 | 18 | - | 21 | 1,567 | 1,666 | (57) |