

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### COMMISSION ON ALTERNATIVES TO INCARCERATION

Tuesday and Wednesday, August 12-13, 2008

Dakota Women's Correctional and Rehabilitation Center, New England, North Dakota  
Ballroom, Student Center, Dickinson State University, Dickinson, North Dakota

Senator Joel C. Heitkamp, Chairman, called the meeting to order at 1:00 p.m. (MDT).

**Members present:** Senators Joel C. Heitkamp, Dick Dever; Representatives Ron Carlisle, Kari L. Conrad, Lawrence R. Klemin; Citizen Members Leann K. Bertsch, Edward Brownshield, Bradley A. Cruff, Judge Gail Hagerty, Duane Johnston, Paul D. Laney, Carol K. Olson, Dr. Gary Rabe, Thomas L. Trenbeath, Keith Witt

**Members absent:** Senator Tony Grindberg; Citizen Members Paul Hendrickson, Justice Mary Muehlen Maring

**Others present:** Aaron Krauter, State Senator, Regent

Francis J. Wald, State Representative, Dickinson  
Representative Shirley Meyer, member of the Legislative Council, was also in attendance.

See [Appendix A](#) for additional persons present.

#### DAKOTA WOMEN'S CORRECTIONAL AND REHABILITATION CENTER

Chairman Heitkamp called on Mr. Colby Braun, Operations Administrator, Dakota Women's Correctional and Rehabilitation Center, for a presentation ([Appendix B](#)) regarding the Dakota Women's Correctional and Rehabilitation Center.

In response to a question from Representative Conrad, Mr. Braun said women incarcerated at the center are required to work toward a general educational development (GED) diploma if they have not graduated from high school or earned a GED. He said 18 women are working toward a GED. He said the center is working to get an apprenticeship program implemented to assist women in their transition into the community and the job force. He said treatment programs are also mandated and 8 women to 12 women are in treatment programs at any one time.

In response to a question from Mr. Cruff, Mr. Braun said the center works with the Department of Human Services to allow visitation through the interactive video network. He said the interactive video visitations work well.

In response to a question from Senator Heitkamp, Mr. Braun said some areas of concern to him include the compensation of employees and adequate funding to address increases in the cost of living. In addition, he said, emphasis is needed on vocational programs and transitional programs.

In response to a question from Representative Shirley Meyer, Mr. Braun said the center is working to implement a system to better keep track of inmates who have been released from incarceration. He said it is important to look at the skills of an individual when entering the center so that the individual is better prepared to transition into the community upon release. He said the Department of Commerce is working with the center to track individuals after release from incarceration.

In response to a question from Mr. Laney, Mr. Braun said the Department of Corrections and Rehabilitation classifies inmates upon orientation. He said each individual is assessed and a case planning committee is in place to classify the inmates.

In response to a question from Senator Dever, Mr. Braun said the treatment programs at the center are the same models used at the Department of Corrections and Rehabilitation. He said the center works closely with the department. He said the one difference in the programs is that the program at the center is gender-specific.

In response to a question from Senator Heitkamp, Mr. Braun said the residents of New England and the surrounding area have embraced the facility. When the facility was first proposed and opened, he said, not everyone was as welcoming. However, he said, the center is receiving positive feedback from the community and residents of the area do not view the center as having a negative impact on the community. He said the center attempts to do as much business as possible locally to support the community. He said 66 of the 112 inmates currently incarcerated are in minimum security. He said most of the offenders are low-risk and he feels comfortable putting them into the general population with monitoring. However, he said, there is a reason that the inmates are incarcerated and close supervision is needed upon release. He said most of the inmates have already been through probation or parole.

In response to a question from Representative Conrad, Mr. Braun said the starting pay at the center is approximately \$2,200 per month. He said it is difficult to compete with other businesses for employees. He said he almost lost one of the directors at the facility to an oilfield job. Because of the high price of gas, he said, employees who commute to the center are feeling a greater financial impact. He said the competition for employees has gotten to the point where the center almost has to

compete with fast food businesses for employees. He said all the open positions at the center were recently filled through a job fair. He said the center has a core group of employees who have remained at the center on a long-term basis, a group who have about two years' to three years' experience, and about 10 positions that seem to rotate regularly.

In response to a question from Senator Heitkamp, Mr. Braun said it is necessary to invest in programs that teach inmates skills to help the individuals transition into the community upon release. He said the investment in the skills training programs is an investment in the individual and aids in creating a workforce in the state.

Senator Aaron Krauter said the center is accepted in the community and the staff is committed to rehabilitation. He said the center has provided an opportunity for area residents to develop new careers.

Representative Meyer said the southwest part of the state is desperately short of employees.

In response to a question from Senator Heitkamp, Ms. Bertsch said the center has done a wonderful job. She said the department will be making a big push during the next legislative session for vocational education for inmates. If programs are added for male inmates, she said, similar programs will be implemented for the female inmates.

In response to a question from Representative Conrad, Mr. Braun said most of the inmates from the center go through transition centers in Bismarck and Fargo. He said some inmates have done work release programs in Dickinson and have stayed on the job after release from incarceration.

Representative Conrad said the transition programs are not located where the greatest need for employees exists.

In response to a question from Senator Heitkamp, Ms. Bertsch said an attempt is being made to get all states to use a uniform measurement for determining recidivism rates. She said recidivism rates have been hard to compare because the measurements used throughout the country vary greatly.

Representative Carlisle said the incarceration rates for the Department of Corrections and Rehabilitation and the Dakota Women's Correctional and Rehabilitation Center have stabilized or decreased. He said even a small decrease in the incarceration rate has a significant financial impact for the state.

In response to a question from Representative Meyer, Mr. Braun said the center experienced difficulty in finding a dentist to serve the inmates. However, he said, a dentist in Bowman came forward and offered to provide that service. He said the center has signed an agreement with that dentist and the arrangement has worked very well.

In response to a question from Representative Conrad, Mr. Braun said work release programs through local jails need to be set up and approved through the Department of Corrections and Rehabilitation. He said those types of arrangements

may be appropriate when transitioning inmates into the community and into good jobs.

Chairman Heitkamp recessed the meeting and members of the commission participated in a tour of the center. When the meeting was reconvened, the commission members visited with several inmates. Chairman Heitkamp requested the inmates provide input regarding efforts to reduce incarceration. Among the suggestions were:

- Provide long-term outpatient treatment to help keep individuals released from incarceration in the community.
- Have less stringent acceptance requirements for treatment programs, including residential programs such as Teen Challenge.
- Provide additional treatment options to address mental illnesses.
- Provide sexual offenders released from incarceration assistance in transitioning into the community.
- Provide diversion programs that provide treatment rather than incarceration.
- Provide treatment for gambling addictions.
- Provide other training options beyond welding and sewing.
- Provide additional aftercare and treatment services.
- Provide additional funding to assist mentally ill individuals in purchasing medications.
- Provide for earlier intervention and address juvenile issues before problems become bigger.

In response to a question from Representative Conrad, Mr. Braun said the center does not provide individual mental health treatment, except in extreme cases. He said it would be very difficult to provide individual treatment for each inmate. Upon release of individuals needing mental health services, he said, the center works with the regional human service centers to set up treatment services.

Ms. Bertsch said the Department of Corrections and Rehabilitation has been working with the Department of Human Services to plan for the provision of mental health services to seriously mentally ill individuals released from incarceration.

Mr. Trenbeath said it is necessary to identify problems earlier in schools or elsewhere to provide mental health services to individuals before they commit crimes and become incarcerated.

Senator Dever said a balance is needed and ultimately it comes down to personal responsibility of the individual who commits a crime.

Judge Hagerty said people would be shocked if they knew how many crimes someone has to commit before going to prison.

Mr. Brownshield said mental health issues need to be addressed. However, he said, he sees incarcerated and addicted individuals making a lot of excuses when they have made poor choices. He said treatment providers need to feel a rapport with the

individuals and examine underlying issues before progress can be made.

Judge Hagerty said drug courts work because the program addresses addictions and mental health issues. She said both problems need to be treated and the participant has to be actively engaged for a longer period of time.

Chairman Heitkamp recessed the meeting at 4:30 p.m. and reconvened the meeting at 8:00 a.m. in the Ballroom of the Dickinson State University Student Center.

**It was moved by Senator Dever, seconded by Representative Carlisle, and carried on a voice vote that the minutes of the April 21-22, 2008, meeting be approved as distributed.**

### LUTHERAN SOCIAL SERVICES PROGRAMS

Chairman Heitkamp called on Ms. Janell Regimbal, Lutheran Social Services, for comments regarding services provided by Lutheran Social Services for juvenile and adult offenders. Ms. Regimbal submitted written testimony ([Appendix C](#)).

In response to a question from Representative Carlisle, Ms. Regimbal said diversion programs could be provided in every region of the state for approximately \$500,000.

In response to a question from Representative Conrad, Ms. Regimbal said the Healthy Families program involves home visits, which can be expensive in rural areas. She said expanding the program on a statewide basis would likely cost approximately \$2 million per year.

In response to a question from Senator Heitkamp, Ms. Regimbal said the Healthy Families program began as a pilot program in Grand Forks County after the 1997 flood. She said the implementation of the program was to address stress-related concerns as a result of the flood. She said the program provides short-term focused counseling to families and provides assistance with mental health issues.

In response to a question from Ms. Olson, Ms. Regimbal said the Healthy Families program in Grand Forks receives some funding from the Department of Human Services. She said the program in Burleigh and Morton Counties is funded through a grant.

In response to a question from Senator Dever, Ms. Regimbal said the Department of Corrections and Rehabilitation and the Supreme Court have budgeted for juvenile restorative justice programs. In addition, she said, the Day Report program receives funding through the Department of Corrections and Rehabilitation.

### CRISIS INTERVENTION PROGRAMS

Chairman Heitkamp called on Mr. Don Wright, Division of Mental Health and Substance Abuse Services, Department of Human Services, for comments regarding crisis intervention models.

Mr. Wright submitted a proposed budget ([Appendix D](#)) for a pilot project to provide specialized response for individuals with mental illnesses. He said in examining the proposed pilot project, representatives of the Department of Human Services learned that the training component would not be a good fit with the law enforcement training program, as discussed at the last meeting of this commission.

In response to a question from Mr. Laney, Mr. Wright said the training should be open to supervisory staff and new law enforcement officers. He said law enforcement officials could decide who would be the best individuals to be trained. He said individuals with a mental health background would be selected to provide the training. He said the program would be designed to train law enforcement officers how to handle mental health issues and when to contact appropriate mental health officials to assess an individual.

In response to a question from Senator Heitkamp, Mr. Laney said the training that he has observed has been designed to provide law enforcement officers with 40 hours of training rather than train mental health professionals to provide assessments in response to law enforcement requests.

Representative Conrad said earlier discussions regarding this program involved having mental health professionals trained to be able to respond with law enforcement. She said the question is when law enforcement should call for assistance from mental health professionals.

Mr. Laney said law enforcement officers need training to identify mental health issues. He said mental health professionals can be called to assist after law enforcement has taken the individual to a stable environment such as a hospital.

Representative Conrad said the program should be designed to divert mentally ill individuals from the hospital and to involve mental health professionals to help stabilize a situation.

Mr. Wright said the proposed budget was not intended to be cut in stone. He said the exact nature of the model can be decided at the community level.

Ms. Olson said the Memphis model has been the only model discussed by this commission and was the basis for the proposed budget.

Senator Heitkamp said he believed the intention of the commission was to train law enforcement officers to properly assess when mental health interaction is required.

In response to a question from Senator Dever, Mr. Wright said some communities have facilities that provide crisis intervention beds. Therefore, he said, less funding may be needed in those areas.

Senator Dever said policymakers must address where the state has responsibility and where local communities are responsible.

In response to a question from Senator Heitkamp, Ms. Olson said it would be advantageous to see the outcomes of the program that is in place in Fargo.

She said further efforts could be a collaborative process that includes a city, a county, and the state.

Representative Conrad said local funds have been used in Minot to provide crisis beds. She said similar efforts could be done in other communities.

Judge Hagerty said mental health diversion programs are avoiding the cost of incarceration, the necessity for evaluations at the State Hospital, and the cost of probation. She said diversion programs can move an individual into the mental health system before bigger problems develop and the individual becomes part of the criminal justice system.

Mr. Witt said he has concerns regarding the proposals to provide training through the regional crime conferences. He said the number of individuals he can send to the conferences is minimal.

Mr. Laney said he has similar concerns. He said it is very difficult to send an officer for 40 hours of training and cover the officer's shifts.

Chairman Heitkamp said if resources are not available at the local level to make the program succeed, the program probably should not go forward. He said a request for proposals should be created to see if there is interest in developing the program.

Ms. Olson said there must be state and community funding committed to make the program succeed. She said she believes in the project.

Chairman Heitkamp called on Mr. Don Snyder, Foster Care Administrator, Children and Family Services Division, Department of Human Services, for comments regarding the potential costs for a short-term crisis intervention program. Mr. Snyder provided written testimony ([Appendix E](#)).

In response to a question from Senator Dever, Mr. Snyder said the proposed budget he submitted could be used to replicate the program administered by Youthworks or expand services for such a program.

Ms. Sheree Spear, Cass County Justice and Mental Health Collaboration Project, said a 22-member community partnership formed in Minot, which included law enforcement, raised \$8,000 to send four individuals to a national crisis intervention team conference and send six individuals for crisis intervention team training. She said she believes the crisis intervention team model is a program for law enforcement and recommends funding to be placed in the budget of the Attorney General to award funds for training. She said crisis beds are needed around the state and the Department of Human Services should budget to assist in that area.

## ROBINSON RECOVERY CENTER

Chairman Heitkamp called on Ms. Andi Johnson, ShareHouse, for comments regarding the Robinson Recovery Center. Ms. Johnson submitted a written report ([Appendix F](#)).

In response to a question from Senator Dever, Ms. Johnson said individuals who are required to serve a mandatory minimum sentence can enter the Robinson Recovery Center after the required period of

incarceration. However, she said, admission to the center often may be after more than a one-year period of incarceration. Although an individual is likely to receive treatment while incarcerated, she said, that treatment program is not as intensive as the program at the Robinson Recovery Center.

Representative Carlisle said some individuals simply will not qualify for admission to the Robinson Recovery Center because they are required to serve their sentences for other offenses. He said some of those individuals need to serve some time before being allowed to enter the Robinson Recovery Center.

In response to a question from Senator Heitkamp, Ms. Johnson said the state does not fund alcohol addiction treatment. She said options other than incarceration should be examined, including shifting funding to allow alcoholics to seek treatment in a residential setting.

In response to a question from Representative Carlisle, Ms. Johnson said the Robinson Recovery Center has never filled more than 30 beds. She said the center should be allowed to treat addictions other than methamphetamine or reduce the number of beds. She said the beds could be filled by allowing treatment for alcohol addiction.

## 24/7 SOBRIETY PILOT PROGRAM

Chairman Heitkamp called on Attorney General Wayne Stenehjem for comments regarding the 24/7 sobriety pilot program. Mr. Stenehjem said the 24/7 sobriety program has been very successful in South Dakota and in a pilot program conducted within the South Central Judicial District.

Mr. Stenehjem introduced South Dakota Attorney General Larry Long, who reviewed a PowerPoint presentation ([Appendix G](#)) relating to the 24/7 sobriety program in South Dakota.

In response to a question from Representative Meyer, Mr. Long said drug testing kits are purchased in bulk for about \$2.25 per kit. He said tests that result in failures are sent to the State Public Health Laboratory, which charges \$40 per test. He said passed tests are not sent to the State Public Health Laboratory.

In response to a question from Representative Carlisle, Mr. Long said he has not seen a significant number of revocations due to an individual being in a place where alcohol is served. He said the program works because there is an immediate sanction for a failed test.

In response to a question from Senator Heitkamp, Mr. Long said he would like to see individuals who participate in the program tracked on a long-term basis to determine the long-term effectiveness of the program. He said treatment professionals indicate that if an individual can be kept sober during a program such as the 24/7 sobriety program, the individual has a better chance of remaining sober.

In response to a question from Representative Klemin, Mr. Long said because there have been so few violations for failure to comply with the program,

the cost in rural areas to transfer an individual immediately to jail for a failed test has not been significant.

In response to a question from Representative Francis J. Wald, Mr. Long said although there has not been an analysis regarding the impact on other crimes, the number of individuals being sentenced to the South Dakota State Penitentiary has decreased. While individuals are in the program, he said, those individuals are not offending.

In response to a question from Dr. Rabe, Mr. Long said the law enforcement center in Rapid City tests 400 individuals two times a day. He said each breath test takes approximately 15 seconds. He said there are an average of three failures per day at that site. He said the biggest problem has been finding adequate parking. He said the law enforcement center has hired two college students to handle the testing process.

In response to a question from Mr. Cruff, Mr. Long said the individuals monitored by bracelet must be in close contact with a modem for 15 minutes per day. He said the individuals also can go to the county sheriff's department to download data from the bracelet.

Mr. Stenehjem submitted written information ([Appendix H](#)) regarding the North Dakota 24/7 sobriety pilot program.

Mr. Stenehjem said that he met with the judges of the South Central Judicial District and all the judges agreed to participate in the pilot program. He said an individual who has had 15 driving under the influence offenses was one of the first individuals to participate in the program. He said that individual consumed no alcohol during the time he was in the program. He said an immediate sanction is needed to make the program successful. He said it may be necessary to amend state law to allow individuals participating in the program a limited permit to drive to the county jail for testing. He said the program has worked in South Dakota and can work in this state. He said judges want to make participation in the program a condition of probation, and the program could be expanded to other areas such as has been done with the South Dakota program.

Judge Hagerty said judges would like to use the program for offenses other than driving under the influence. She said the use of the alcohol monitoring bracelets is popular.

In response to a question from Senator Heitkamp, Judge Hagerty said the program is used as a condition of release on bond. She said she does not see any constitutional issues with the program. She said the program also can be used as a condition of probation. She said an expansion of the program into other areas that do not involve an arrest, such as child protective services, may be done voluntarily or as a court-imposed condition.

Mr. Stenehjem said many participants have been thankful for participation in the program.

Mr. Long said individuals generally understand that they have a problem and are looking for the structure needed to overcome that problem. He said some individuals have asked to continue participating in the program upon completion of the program.

Mr. Stenehjem said the program is not a substitute for treatment, but may help with treatment.

In response to a question from Senator Dever, Mr. Stenehjem said expansion of the program will likely require one employee to work on implementation. He said expansion will also require additional bracelets.

In response to a question from Mr. Brownshield, Mr. Long said all nine Indian tribes in South Dakota have been approached to participate. He said he has seen various levels of interest from the tribes in participation, but progress is being made.

### COMMUNITY SERVICE PROGRAMS

Mr. Johnston said the community service legislation from last session is not doing what the Legislative Assembly had intended. He said he would prefer to see line item funding for community service programs.

Ms. Eileen Pfau, Southwest Community Service and Restitution Program, said judges frequently question whether an individual can afford the \$50 supervision fee for community service and do not assess the fee.

Judge Hagerty said during the last interim this commission recommended funding community service programs. However, she said, at the end of the last legislative session, the Legislative Assembly established the \$50 supervision fee. She said the fee has caused problems in some communities and has resulted in communities dropping the community service programs. She said the intent of this commission was to restore funding for the programs, not impose fees. She said funding is needed to support the programs.

In response to a question from Senator Heitkamp, Judge Hagerty said some level of state commitment is needed to support the community service programs. She said funding should be dedicated specifically for the programs.

Ms. Bertsch said offenders are assessed a number of fees. She said representatives of the community service programs were informed that local support would be needed to provide more funding. She said the Department of Corrections and Rehabilitation found that the biggest utilizers of community service were often not contributing to the programs. She said Burleigh and Morton Counties were an example of the lack of community support. She said the commission decided during the last interim to recommend the same level of funding from local governments as the state commitment.

Mr. Johnston said he agrees that local funding is necessary for the community service programs. However, he said, an adequate level of state commitment also is needed.

In response to a question from Representative Conrad, Mr. Dell Horn, Jamestown Community Corrections, said approximately \$500,000 would be needed for the biennium to provide a sufficient level of state support for the community service programs.

Representative Conrad said the Department of Corrections and Rehabilitation should be responsible for determining what level of local matching funds should be necessary.

In response to a question from Representative Conrad, Mr. Horn said about \$50,000 is projected to be collected with the community service supervision fee.

**It was moved by Representative Conrad, seconded by Mr. Johnston, and carried on a roll call vote that the commission recommend to the Governor inclusion of \$500,000 in the budget for the Department of Corrections and Rehabilitation for the 2009-11 biennium to be used by the department to provide matching grants for community service programs at a level to be determined by the department.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

Commission counsel distributed a bill draft [\[90232.0100\]](#) that would repeal the \$50 supervision fee imposed for participation in a community service program.

**It was moved by Mr. Trenbeath, seconded by Mr. Johnston, and carried on a roll call vote that the bill draft relating to the repeal of the \$50 community service supervision fee be approved and recommended to the Legislative Council.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

## MANDATORY SENTENCES

At the request of Chairman Heitkamp, commission counsel reviewed a bill draft [\[90236.0100\]](#) that would allow a judge to defer imposition or suspend a sentence when a mandatory term of imprisonment is required for a drug possession offense.

Mr. Brownshield said the commission has heard testimony indicating that the Robinson Recovery Center is not filling its beds in part due to mandatory sentences.

In response to a question from Representative Carlisle, Mr. Trenbeath said although he personally believes the bill draft would be acceptable, he does not know if the Attorney General would support the proposal.

Mr. Cruff said the mandatory sentences generally are applicable when a defendant has been charged with the intent to deliver a controlled substance.

Representative Klemin said he does not believe the bill draft addresses the problem that it was

intended to solve. However, he said, a court should have the ability to send a defendant to treatment in lieu of incarceration.

In response to a question from Mr. Trenbeath, Mr. Laney said the only individuals who likely cannot receive treatment or be admitted to the Robinson Recovery Center for a drug offense are likely to have also been charged with delivery offenses.

Senator Heitkamp said if the mandatory sentences are not the reason for the empty beds at the Robinson Recovery Center, the bill draft likely is not necessary.

Ms. Bertsch said mandatory sentences are a contentious issue and the commission must consider whether the bill draft is being considered to allow admission to the Robinson Recovery Center or for other reasons. She said participants in drug court are often charged with other offenses and the charges may be modified by prosecutors to allow participation in the drug court program.

**It was moved by Judge Hagerty and seconded by Ms. Bertsch that the commission encourage continuing study of mandatory sentences in relation to potential treatment options.**

Mr. Trenbeath said the bill draft would be a major shift in policy. He said the commission already has recommended a bill draft to extend the life of the commission for four years. He said that was done, in part, due to the continuing need to look at issues such as mandatory sentences.

**With the consent of the second, Judge Hagerty withdrew her motion.**

## ROBINSON RECOVERY CENTER

Ms. Olson said the use of methamphetamines is decreasing. She said alcohol is the primary addiction problem in this state and prescription pain medication is becoming a more significant problem. Because of the availability of prescription pain medications through the Internet, she said, addiction to those drugs is likely to increase. She said it may be beneficial to open the Robinson Recovery Center to individuals with addictions other than methamphetamine.

In response to a question from Senator Heitkamp, Ms. Olson said the specifics of the request for proposals for the Robinson Recovery Center limit admissions for methamphetamine treatment. She said the request for proposal could be broadened during the next biennium to not be drug-specific.

Representative Conrad said the Robinson Recovery Center is a major effort for the treatment of methamphetamine addiction. She said there are other individuals in the state who would like treatment for methamphetamine addiction, but do not go to the Robinson Recovery Center because of its location. She said the state must address methamphetamine addiction statewide and provide a program for treatment in areas such as Minot.

Ms. Olson said she agrees statewide residential treatment options are needed. In addition, she said, the needs resulting from the changes in drug use are

not being met. She said the Department of Human Services will prioritize funding for residential treatment for substance abuse and mental illnesses.

Dr. Rabe said the strength of the program at the Robinson Recovery Center is that the treatment is solely focused on methamphetamine addiction. He questioned whether it would dilute the impact of the program if the center were to begin focusing on other addictions.

Mr. Wright said although different types of drug addictions may have differing treatments, he has not heard of studies that have shown that it is problematic to mix treatments.

Senator Dever said the Robinson Recovery Center was started to specifically address methamphetamine use. He said other treatment centers in the state are not receiving state funding and methamphetamine addiction is being treated on an outpatient basis in some cases.

Mr. Laney said the Robinson Recovery Center should have some flexibility and the state should not provide barriers to treatment.

Representative Klemin said expanding the scope of the Robinson Recovery Center to provide for alcohol treatment while not funding other alcohol treatment programs may not be appropriate. He said it is important to remember that the Robinson Recovery Center was established to address methamphetamine treatment.

Senator Heitkamp said the Department of Human Services could be given some flexibility to expand the use of the Robinson Recovery Center to see that the beds are being used.

Ms. Olson said there are not enough treatment facilities in this state for drug and alcohol addictions; and when beds are available at the Robinson Recovery Center, why would the state not want to assist in solving problems when the center has a proven track record.

Senator Heitkamp said because he has worked with ShareHouse and the Robinson Recovery Center, he would have a direct conflict of interest on any vote involving the center.

**It was moved by Representative Carlisle, seconded by Mr. Laney, and carried on a roll call vote that the commission encourage the Governor and the Department of Human Services to allow the Robinson Recovery Center to address addiction needs in addition to the treatment of methamphetamine addiction.** Senator Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

**It was moved by Representative Conrad, seconded by Ms. Bertsch, and carried on a roll call vote that the commission supports the efforts of the Department of Human Services and encourages the department to provide broader residential treatment services for addictions and mental health issues on a statewide basis.**

Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

## **CRISIS INTERVENTION TRAINING PROGRAM**

**It was moved by Mr. Laney and seconded by Representative Conrad that the commission support the inclusion of \$126,576 in the budget for the Attorney General to provide funding for crisis intervention training for law enforcement officials and that the Attorney General be encouraged to establish parameters acceptable to the mental health community and law enforcement in implementation of the program.**

Mr. Trenbeath questioned whether the Attorney General's office would need funding for administrative costs to set up and administer the program.

Representative Carlisle said the administrative costs can be addressed in the Attorney General's budget.

Dr. Rabe questioned whether the commission should simply support a budget request rather than specify a particular dollar amount.

Mr. Laney said the proposed amount seems to be a reasonable starting point and the funding level can be adjusted during the legislative session.

Mr. Trenbeath said the groups that would be involved in the program also need to support the program.

After this discussion, **the motion carried on a roll call vote.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

## **24/7 SOBRIETY PILOT PROGRAM**

Representative Carlisle said the 24/7 sobriety program is going to be successful and the commission should express its support for the program.

**It was moved by Senator Dever, seconded by Ms. Olson, and carried on a roll call vote that the commission express its support for the 24/7 sobriety program.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

Mr. Trenbeath said he discussed with commission counsel before the meeting the potential necessity for a bill draft to provide a temporary driving permit for participants in the 24/7 sobriety program.

Commission counsel distributed a bill draft [[90238.0100](#)] which would authorize the extension of temporary permits for participation in the 24/7 sobriety program.

Judge Hagerty said she is concerned with the potential impact on federal highway funding of such a proposal. She said additional input from the Department of Transportation may be necessary.

**It was moved by Senator Heitkamp, seconded by Mr. Trenbeath, and carried on a roll call vote that the commission express its support for the efforts of the Attorney General to work with the Department of Transportation to extend work permits for participants in the 24/7 sobriety program.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

### **JUVENILE CRISIS INTERVENTION PROGRAMS**

Mr. Witt said the Youthworks program has been a valuable resource for the Bismarck Police Department and the city of Bismarck. He said the program keeps youth out of the criminal justice system. Without the program, he said, there would be fewer intervention options available and youth in crisis likely would need to be detained.

Representative Conrad said there are different funding mechanisms around the state for similar programs and funding needs to be available on a statewide basis.

Chairman Heitkamp said any action by the commission to support funding for juvenile crisis intervention programs would be to support the concept and would not be a directive to direct funding to a specific program.

Mr. Laney said the Department of Human Services should support active programs that can serve as a model for programs in other areas.

In response to a question from Representative Klemin, Ms. Olson said if funding were provided for intervention programs, the funding would likely be through the provision of grants pursuant to a request for proposals.

**It was moved by Judge Hagerty, seconded by Mr. Cruff, and carried on a roll call vote that the commission support a request by the Department of Human Services for expanded state funding for juvenile crisis intervention programs around the state.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff,

Hagerty, Johnston, Laney, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

### **ELECTRONIC MONITORING**

Judge Hagerty said the electronic monitoring legislation recommended by this commission during the last interim suggests that judges will be responsible for the operation of an electronic monitoring program. She said local law enforcement should have that responsibility.

Representative Klemin said he initiated that legislation and would take the responsibility for introducing any legislation necessary to clarify the law. He said he would work with Judge Hagerty to introduce legislation to clarify the law.

Senator Dever said he would be willing to cosponsor any such legislation.

**It was moved by Judge Hagerty, seconded by Mr. Trenbeath, and carried on a roll call vote that the commission express its support for legislation during the 2009 legislative session to clarify the role of the county sheriff in supervision of electronic home monitoring in misdemeanor cases.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

**It was moved by Representative Carlisle, seconded by Mr. Trenbeath, and carried on a roll call vote that the chairman and the staff of the Legislative Council be requested to prepare a report and the bill drafts recommended by the commission and to present the report and recommended bill drafts to the Legislative Council.** Senators Heitkamp and Dever; Representatives Carlisle, Conrad, and Klemin; and Citizen Members Bertsch, Brownshield, Cruff, Hagerty, Johnston, Laney, Olson, Rabe, Trenbeath, and Witt voted "aye." No negative votes were cast.

There being no further business, Chairman Heitkamp adjourned the meeting at 2:15 p.m.

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John Bjornson  
Commission Counsel

ATTACH:8