

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

CORRECTIONAL FACILITY REVIEW COMMITTEE

Teleconference Meeting
Tuesday, October 2, 2007
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Chet Pollert, Chairman, called the meeting to order at 10:00 a.m.

Members present: Representatives Chet Pollert, Ralph Metcalf, Alon Wieland; Senators Tony Grindberg, David O'Connell, Bob Stenehjem

Others present: Ralph L. Kilzer, State Senator, Bismarck

See attached [appendix](#) for additional persons present.

It was moved by Senator O'Connell, seconded by Representative Wieland, and carried on a voice vote that the minutes of the August 21, 2007, meeting be approved as distributed.

CORRECTIONAL FACILITY REVIEW STUDY

Chairman Pollert called on Mr. George M. Camp, Project Director, Criminal Justice Institute, Inc., to discuss Criminal Justice Institute's proposed schedule and workplan for the correctional facility review study. Mr. Camp introduced Mr. Jeff Buck, DMJM; Mr. Lou Raggiozino, The Louis Berger Group; and Mr. Dave Marcial and Mr. Bob May, Criminal Justice Institute, Inc., as project team members who will be assisting with the study. Mr. Camp said Criminal Justice Institute has begun collecting documents and reports from the Department of Corrections and Rehabilitation. He said work to be completed from October 2-5, 2007, includes a preliminary visit to the existing State Penitentiary and Missouri River Correctional Center facilities, a review of the physical capacity and capability of each facility, and a review of operations at each facility.

In response to a question from Senator O'Connell, Mr. Camp said the project team will conduct site reviews at the State Penitentiary, Missouri River Correctional Center, Sunny Farm site, and a location in northeast Bismarck. He said the project team will not be looking for additional sites unless the committee provides that direction today.

In response to a question from Representative Pollert, Mr. Camp said the project team has a detailed project plan with a timeline that will be updated every couple of weeks. He said the project team is comfortable with the final report deadline of March 3, 2008.

In response to a question from Representative Pollert, Mr. Camp said current prison resources and

capacities will be compared to population projections to determine future facility needs.

In response to a question from Senator Grindberg, Mr. Camp said the project team will review how populations are projected, including custody levels and degree of risk, gender, anticipated changes in legislation, and special needs groups when determining future needs.

In response to a question from Senator O'Connell, Mr. Camp said the needs of the aging inmate population will be taken into consideration. He said it is a trend not only in North Dakota but across the nation that prison populations are aging due to longer sentences being served. He said prison systems are accumulating a larger percentage of elderly inmates. He said it is not just the chronological age but in many cases, due to the lifestyle of the inmate, the physical aging of the inmate is advanced to a degree that a 50-year-old inmate may be physically comparable to a 70-year-old noninmate.

In response to a question from Representative Pollert, Mr. Camp said because James River Correctional Center and Missouri River Correctional Center are closely linked operationally to the State Penitentiary, consideration must be given to how a change at one facility will affect the other facilities.

In response to a question from Representative Pollert, Mr. Camp said at the next meeting with the committee, the project team will report on the current situation, identified needs, and any gaps between the two. He said the subsequent committee meeting will include a discussion of strengths and weaknesses of the various facilities. He said as the study progresses, the team will develop an ideal configuration for meeting the needs of the prison system and then match the ideal to what is currently available to see what, if any, buildings can be reused effectively. He said this will help determine the best possible solution. He said by March 2008 the team will provide options which have been ranked as the most cost-effective and cost-beneficial.

Chairman Pollert called on the project team members to discuss the work they will be performing.

Mr. Buck said he will use an operationally based approach to identify physical plant solutions. He said his work will include thorough tours of the State Penitentiary and Missouri River Correctional Center.

Mr. Raggiozino said he will evaluate alternative sites. He said he has received information relating to the existing utility demands for the Penitentiary and will be comparing that to projections for what a new or expanded facility would require. He said he will be meeting with the individual utility companies to identify what the costs will be to bring the required utilities to the new or expanded sites. He said he will also meet with city officials to identify the location of alternative sites, zoning considerations, and future land use of surrounding property to determine if a new facility will fit into the overall master plan of the community. He said environmental and cultural resource issues will be addressed. He said the committee should inform the project team as soon as possible regarding any other sites that should be considered.

In response to a question from Representative Pollert, Mr. Raggiozino said alternative sources of energy will be evaluated to determine the most efficient source. Mr. Buck said public sector clients need to be concerned with sustainable design. He said one of the areas the project team will focus on is the long-term cost of the central plant.

Senator Stenehjem suggested the project team meet with the city of Bismarck regarding a location in northeast Bismarck. He said there may be some federal grants to assist with the cost of a heating plant.

In response to a question from Senator O'Connell, Representative Pollert said the location of the Penitentiary is a statutory provision rather than a constitutional provision. The legislative budget analyst and auditor said there is a statutory reference that the Penitentiary be located at the city of Bismarck. Representative Pollert said the location for the Penitentiary is provided for in North Dakota Century Code Section 12-47-01.

Mr. May said he will be evaluating medical services provided at the State Penitentiary and Missouri River Correctional Center. He said he was involved in the study of the Department of Corrections and Rehabilitation conducted by Criminal Justice Institute in 2004. He said he will be reviewing utilization data, current operations, and current capacity to determine what services are being provided. He said projections will be made relating to special needs and aging populations to determine what accommodations would need to be made in a new or expanded facility. He said the most recent American Correctional Association audit will be reviewed to identify any areas that require improvement and any operational issues that impacted the department's accreditation.

Mr. Marcial said he will be evaluating all programs, including treatment and contract housing, that are being offered by the department. He said the evaluation will include a review of space available for programs.

Senator Stenehjem said the project team, when developing the correctional facility options, should consider the substantial repair needs at Missouri River Correctional Center.

In response to a question from Representative Pollert, Mr. Camp said the project team will be evaluating the land at the State Penitentiary but would not pursue any land appraisals at Missouri River Correctional Center. Senator Stenehjem said the decision to sell any state-owned land will be made by a future Legislative Assembly.

Chairman Pollert called on Ms. Leann K. Bertsch, Director, Department of Corrections and Rehabilitation, to provide comments on the correctional facility review study. Ms. Bertsch said the department is looking forward to working with Criminal Justice Institute on the study. She updated the committee on the status of the department's reorganization. She said the 2007 Legislative Assembly allowed the department to reduce its number of line items from four to two for flexibility in operations. She said the Field Services Division and the Prisons Division have been combined into the Adult Services Division and the Youth Correctional Center and Juvenile Community Services have been combined into the Juvenile Services Division. She said Mr. Warren Emmer has been named the director of the Adult Services Division and he will have nine deputy directors in the following areas:

- Security institutions.
- Medium security institutions.
- Transitional planning.
- Transitional facilities.
- Industry and education.
- Administrative services.
- Women's services.
- Parole and probation services.
- Programs.

Ms. Bertsch said medical services and plant services have been moved to the central office under the direction of the Director of Administration. She said divisional human resource officers have been consolidated under the Director of Human Resources.

In response to a question from Senator O'Connell, Ms. Bertsch said there are approximately 88 juveniles at the Youth Correctional Center and approximately 400 youth under community supervision.

In response to a question from Senator Stenehjem, Ms. Bertsch said she will provide the committee with flow charts of the old and new department structures.

In response to a question from Senator O'Connell, Chairman Pollert said the Youth Correctional Center was not considered part of the correctional facility review study because the needs of the juvenile population are different than the needs of the adult population.

Senator Stenehjem said the consultants may consider any cooperative services between the Youth Correctional Center and the State Penitentiary.

Ms. Bertsch said as part of the department reorganization, the department is looking at any efficiencies that would be gained by sharing human resource, medical, training, and plant resources.

Chairman Pollert requested the Department of Corrections and Rehabilitation provide updates on any efficiencies that would be gained by sharing resources.

Chairman Pollert reviewed the following tentative schedule for meetings of the Correctional Facility Review Committee:

Monday, November 5, 2007	1:00 p.m.	Harvest Room
Thursday, December 6, 2007	9:00 a.m.	Harvest Room
Tuesday, January 8, 2008	9:00 a.m.	Harvest Room
Tuesday, January 29, 2008	9:00 a.m.	Harvest Room
Tuesday, February 19, 2008 (draft report)	9:00 a.m.	Harvest Room
Monday, March 3, 2008 (final report)	9:00 a.m.	Harvest Room

Mr. Camp said the project team will provide updates to the Legislative Council staff between meetings. Chairman Pollert said in most cases either he or Vice Chairman Stenehjem will participate in the meetings and the committee will be kept informed as

appropriate. He said unless there is any objection, this process will be used.

It was moved by Senator O'Connell, seconded by Representative Metcalf, and carried on a voice vote that the committee adjourn subject to the call of the chair. The meeting adjourned at 11:00 a.m.

Becky Keller
Fiscal Analyst

Jim W. Smith
Legislative Budget Analyst and Auditor

ATTACH:1