

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### CORRECTIONAL FACILITY REVIEW COMMITTEE

Teleconference Meeting  
Monday, November 5, 2007  
Harvest 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

**Member absent:** Senator Bob Stenehjem

**Others present:** See attached [appendix](#)

**It was moved by Senator O'Connell, seconded by Representative Wieland, and carried on a voice vote that the minutes of the October 2, 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 present information regarding the [status of the correctional facility review study](#). A copy of the information presented is on file in the Legislative Council office. Mr. Camp said of the eight major tasks identified on the project task timeline, Task 1 relating to verifying needs and site evaluations is 85 percent complete and Task 2 relating to identifying and assessing shortfalls is 50 percent complete.

Mr. Camp said Criminal Justice Institute, Inc., projects the male inmate population to reach 1,727 by 2017, an increase of 435 inmates or 33 percent over the next 10 years. He said the 10-year projection is based on the assumption that the future will be similar to the preceding years. He said major changes in policy, sentencing legislation, or an unexpected event that would influence inmate release procedures would affect the projection. He said the projection should be updated every two years.

In response to a question from Representative Pollert, Mr. Camp said the 10-year projection is approximately 45 to 50 less inmates than the 10-year projection presented by the Department of Corrections and Rehabilitation to the 2007 Legislative Assembly.

Mr. Camp said there were 862 male inmates admitted to the prison system in fiscal year 2007, an average of 72 inmates per month. He said 411 inmates were admitted with a probation violation, 117 inmates were admitted with a parole violation, and 219 inmates were admitted for a methamphetamine (meth) charge. He said 80 inmates were admitted to maximum security,

442 inmates were admitted to medium security, and 340 inmates were admitted to minimum security.

In response to a question from Representative Metcalf, Mr. Camp said the Department of Corrections and Rehabilitation uses a meth allegations category to identify inmates who may not have been admitted for a meth charge but may have been involved with the use of meth. He said the study will need to clarify how many inmates admitted on meth charges are meth users and how many inmates admitted on other charges are meth users to determine the actual number of inmates in need of meth treatment.

In response to a question from Representative Metcalf, Mr. Camp said the Department of Corrections and Rehabilitation tracks several types of substance abuse by prisoners, including meth, cocaine, heroin, and marijuana.

Mr. Camp said there is a significant difference in the custody level of inmates at admission and the custody level of inmates on any given day. He said a typical pattern is for inmates admitted to the prison system with a greater risk and who tend to be more violent have longer sentences and stay in the system longer. He said this will result in the percentage of maximum custody inmates being lower at admission than on any given day and the percentage of minimum custody inmates being higher at admission than on any given day. He said this is an important distinction to make when planning for bed space and types of services and programs.

Mr. Camp said the custody levels of male inmates has remained relatively stable since 2004, a factor which was used to determine what the trend will be in 2017. He said the estimated male inmate custody level distribution on January 1, 2017, will include 430 inmates in maximum security, 785 inmates in medium security, and 512 inmates in minimum security.

Mr. Camp said the average age of inmates at admission in fiscal year 2007 was 31. He said most inmates at admission were between 22 and 29 years of age. He said the oldest person admitted was 76 years of age and the youngest was 16 years of age. He said approximately 11 percent of the admissions were persons 21 years of age or younger and approximately 4.8 percent were 50 years of age or older.

Mr. Camp said North Dakota has two different groups of male inmates. He said there is a higher custody, more violent group that stays in the system longer with some of the group affiliated with prison gangs. He said this group can be very disruptive to the prison system. He said the other group is less violent and goes through the prison system more rapidly. He said consideration must be given to short-term programs to reach these inmates quickly before they leave the prison system and, at the same time, maintain a safe, secure institution for those who are disruptive.

Mr. Lou Raggiozino, The Louis Berger Group, presented a [draft report on prison site evaluations](#). A copy of the report presented is on file in the Legislative Council office. Mr. Raggiozino said five sites are being considered as part of the site evaluation task--the State Penitentiary site, the Missouri River Correctional Center site, a site adjacent to the Bismarck landfill, a site near the Bismarck airport, and the Sunny Farm site.

Mr. Raggiozino said the State Penitentiary site is owned by the state, zoned for public use, and consists of 225.34 acres. He said part of the acreage is used by the Game and Fish Department, State Department of Health, Family Forest, State Water Commission, and a railroad easement. He said the site contains 20.2 acres of wetlands and 39.9 acres are in the floodplain. He said existing environmental constraints include the Hay Creek 100-year floodplain, drainage areas, freshwater wetlands, and the Family Forest. He said existing utilities include 6-inch and 12-inch water lines, an onsite sewer pumping station and force main to Bismarck's 18-inch gravity system, three-phase electrical power, and a 4-inch natural gas line.

In response to a question from Representative Metcalf, Mr. Raggiozino said the actual acreage of land available for development at the existing Penitentiary site is under review and will be provided at the December 2007 Correctional Facility Review Committee meeting.

In response to a question from Representative Pollert, Mr. Raggiozino said the drainage areas will require permits and, depending on the extent of wetlands associated with the areas, possible mitigation or compensation to move the drainage areas.

In response to a question from Representative Pollert, Mr. Raggiozino said the model facility concept and utility needs analysis have not been completed.

Mr. Raggiozino said the Missouri River Correctional Center site is owned by the state, zoned for public use, and consists of over 985 acres. He said the site contains 121.4 acres of wetlands and 905 acres are in the floodplain. He said existing environmental constraints include the Missouri River 100-year and 500-year floodplains, freshwater wetlands, and a potential habitat for endangered species. He said existing utilities include a six-inch water line, an onsite sewer pumping station and three-inch force main to

Bismarck's system, three-phase electrical power, and a four-inch natural gas line.

Mr. Raggiozino said the "landfill site" is in the northeast quadrant of the city of Bismarck, owned by the city, zoned for public use, and consists of 200 acres. He said the site is vacant and has an electrical easement across the property. He said the site contains 21.5 acres of wetlands. He said existing environmental constraints include a drainage course and freshwater wetlands. He said there are no utilities immediately adjacent to the site but there is a large overhead electrical transmission line for which an easement exists that crosses over the site, a three-phase electrical circuit 1,000 feet from the site, a 12-inch water line 2,500 feet from the site, an 18-inch sewerline 4,000 feet from the site, and a 4-inch natural gas line 1,000 feet from the site.

Mr. Raggiozino said the "airport site" is owned by the city of Bismarck, zoned for public use with an internal portion zoned for agriculture, and consists of 308.4 acres. He said the site is used for agriculture and sludge disposal. He said the site surrounds a 10-acre plot owned by the United Tribes Technical College which contains the former lagoon site for the United Tribes Technical College. He said the site contains 17.6 acres of wetlands and 62.6 acres of floodplain. He said existing environmental concerns include the Apple Creek 100-year and 500-year floodplains and freshwater wetlands. He said existing utilities include a 24-inch water line along Airway Avenue, a 10-inch gravity sewerline 3,000 feet from the site that serves a National Guard facility, a three-phase electrical circuit adjacent to the site on 48<sup>th</sup> Street, and a 6-inch natural gas line 1,000 feet from the site along 48<sup>th</sup> Street.

In response to a question from Representative Wieland, Mr. Raggiozino said there is a section line road that accessed the lagoon area and there may be an easement associated with the road.

Mr. Raggiozino said the Sunny Farm site is owned by the state, zoned for public use with an internal portion zoned for parks and open space greenways, and consists of 1,419.37 acres. He said the site is used for the Youth Correctional Center, agriculture, open space, and a gravel pit/quarry operation. He said the site contains 110 acres of wetlands and 108 acres of floodplain. He said existing environmental concerns include drainage courses, freshwater wetlands, and a potential habitat for endangered species. He said existing utilities for the city of Mandan end at the Heart River near Highway 10. He said there is a 12-inch water line on the west side of the river 13,000 feet from the site, a 10-inch sewerline on the east side of the river 14,000 feet from the site, a three-phase overhead electrical line along Highway 10 within 5,000 feet of the site, and a 3-inch natural gas line 5,000 feet from the site.

Mr. Randy Withrow, Archaeologist, The Louis Berger Group, presented information on the effects the correctional facility review project may have on

cultural resources. He said cultural resources include buildings, bridges, archaeological sites that predate European settlement in the area, and traditional cultural properties that include areas of cultural or religious importance to Indian tribes and other groups. He said the sites will be reviewed to determine if cultural resources exist within the sites. He said several types of properties, including cemeteries, gravesites, and burial grounds, are protected by North Dakota state laws.

Mr. Camp said the upcoming tasks of the project team will include matching the custody levels of the inmates with the security level of beds that are currently available to determine what the needs will be through 2017 and where the shortfalls are. He said a shortfall analysis will be presented at the December 2007 Correctional Facility Review Committee meeting. He said the project team is currently working on three parallel tracks--site evaluations, program and service needs associated with projected populations, and the condition of existing facilities relative to future demands.

In response to a question from Representative Metcalf, Mr. Camp said the 2004 study of the Department of Corrections and Rehabilitation completed by Criminal Justice Institute identified that the department is applying best practices to programs and services. He said the correctional facility review study will include a review of space needed through 2017 for programs that will incorporate transition to community programs beginning at admission rather than waiting until discharge of the inmate.

Chairman Pollert asked Mr. Camp to provide an e-mail to committee members and the Department of Corrections and Rehabilitation regarding a status update of onsite work completed by the project team.

Mr. Dave Krabbenhoft, Director of Administration, Department of Corrections and Rehabilitation, presented information on current inmate populations. A copy of the information presented is on file in the Legislative Council office. Mr. Krabbenhoft said the total male inmate population was 1,294 as of October 31, 2007, 19 more than the estimated

population of 1,275 at the end of the 2007 legislative session. He said the prison system has been over capacity for each month of the 2007-09 biennium. He said this is done to save money by not sending inmates to contract facilities. He said the female inmate populations have been lower than projected for the 2007-09 biennium.

Ms. Leann K. Bertsch, Director, Department of Corrections and Rehabilitation, presented information regarding the Department of Corrections and Rehabilitation's organizational structures prior to and after the departmentwide reorganization. A copy of the information presented is on file in the Legislative Council office.

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

Thursday, December 6, 2007 (teleconference)	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

The meeting recessed for lunch at 12:00 noon and reconvened at 1:00 p.m. for a van tour of the potential prison sites.

The meeting adjourned subject to the call of the chair at 2:45 p.m.

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Becky Keller  
Fiscal Analyst

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Jim W. Smith  
Legislative Budget Analyst and Auditor

ATTACH:1