

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

COMMISSION ON ALTERNATIVES TO INCARCERATION

Wednesday and Thursday, June 2-3, 2010
States Room, State Fair Center
Minot, North Dakota

Representative Lisa Wolf, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Lisa Wolf, Lawrence R. Klemin; Senator Dick Dever; Citizen Members Leann K. Bertsch, Bradley A. Cruff, Duane Johnston, Paul D. Laney, Justice Mary Muehlen Maring, Carol K. Olson, Dr. Gary Rabe, Thomas L. Trenbeath, Keith Witt

Members absent: Representative Brenda Heller; Senators Stanley W. Lyson, John Warner; Citizen Member Judge Gail Hagerty

Others present: Robert M. Horne, State Senator, Minot

Liz Vickermen, Kevin Morrison; Minot

Dell Horn, North Dakota Community Corrections Association, Jamestown

Sheree Spear, Cass County Jail Intervention Project, Fargo

Mark Schaefer, Jim Swegarden, Tim Eissinger, Becky Eissinger; Dakota Boys and Girls Ranch, Minot

Dave Hohn, United States Probation and Pretrial Services Office, Bismarck

Elaine Little, Heart of America Correctional and Treatment Center, Rugby

Allison Hughes, Ward County Juvenile Detention Center, Minot

Jackie Jensen, Department of Corrections and Rehabilitation, Minot

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

It was moved by Senator Dever, seconded by Mr. Johnston, and carried on a voice vote that the minutes of the March 24, 2010, meeting be approved as distributed.

NARCOTICS ANONYMOUS

Chairman Wolf called on Mr. John Ford, Narcotics Anonymous (NA), for comments regarding the Narcotics Anonymous program.

Mr. Ford said NA is thriving in this state, but there is limited knowledge among the professional and judicial community about the program. He said NA is different from most 12-step programs in that it focuses on the disease of addiction and not a substance. He said the lack of knowledge regarding the program leads to resources not being utilized. Through the hospitals and institutions program, he said, NA meetings are brought into treatment centers and halfway houses. In addition, he said, representatives of the program have worked within penal institutions

to help prisoners form a foundation of treatment before release. He said the program was a participant in the Second Chance Job Fair that recently was held and representatives of the program are trying to make the program more available to those who need it within the state. He said representatives of the program have participated in a number of events around the state.

Mr. Ford introduced two participants of the program--Kelsey and Mr. Steve Johnson.

Kelsey said she began participating in the NA program at the age of 15 and has been clean for over five years. She said she went through the juvenile justice system for years and learned about the NA program while participating in a treatment program in Minnesota. She said participants in the program who had been through what she had been through helped keep her clean and out of the prison system. She said the program is based on the idea of one addict helping another and does not focus on one drug. She said addiction is a disease and addicts need to change their entire way of life to become productive members of society. She said she is a student at Minot State University and is currently second in her class. She said she holds two jobs and is leading a healthy life while trying to make a difference in the world. She said the NA program has grown significantly in Minot, and approximately 50 people now attend weekly meetings.

In response to a question from Ms. Olson, Kelsey said she attends NA meetings three times a week.

In response to a question from Justice Maring, Kelsey said there are NA groups in all of the larger cities in the state. She said there is not a separate program for adults and adolescents. However, she said, there are some separate adolescent meetings, but adults are not prohibited from attending those meetings.

In response to a question from Representative Wolf, Kelsey said NA meeting lists are available through narcoticsanonymous.org. She said meetings frequently are held at churches and hospitals.

In response to a question from Mr. Trenbeath, Kelsey said she was addicted to alcohol, prescription drugs, marijuana, and methamphetamine. She said alcohol abuse is treated as an addiction under NA.

Mr. Johnson said he is the chairman of the Lewis and Clark area NA program. He said he spent nine years in prison after assaulting a police officer. He said he was addicted to whatever made him feel

good. After he was released from prison in 1995, he said, he met some people in Fargo who were associated with NA. He said he has been clean since 1999 and went to the first NA meeting in Bismarck in the early 2000s. He said he attended nightly meetings. He said a meeting has been established at the Bismarck Transition Center. He said NA works to help people coming out of prison to feel like they are a part of something and become productive members of society. He said it is important to get drug courts involved with encouraging participants to be a part of NA.

In response to a question from Justice Maring, Mr. Johnson said the women's prison in New England is not allowing NA access to the prisoners. However, he said, NA has access to the Missouri River Correctional Center. He said the program is trying to get into the State Penitentiary to help prisoners prior to release.

In response to a question from Senator Dever, Mr. Johnson said drug courts and transition centers need to become familiar with NA. Because prison teaches people how to become better convicts, he said, it is important to provide the prisoners with the idea that there is something else available and that getting clean gives them a better prospective on how to live life. He said the concept of one addict talking with another is priceless.

In response to a question from Representative Wolf, Mr. Johnson said NA is not allowed in the State Penitentiary but Alcoholics Anonymous is permitted to hold meetings in the Penitentiary. He said almost every individual who is incarcerated at the Penitentiary is there due to a drug addiction.

Mr. Ford said the North Central Regional Human Service Center is allowing NA to be involved with the center. He said NA meeting lists are posted at um.na.org. Because addicts need to want to get better, he said, it is important that they see other people clean and healthy to make the program attractive.

STUDENTS AGAINST DESTRUCTIVE DECISIONS

Chairman Wolf called on Ms. Liz Vickermen for comments regarding the Students Against Destructive Decisions (SADD) program. Ms. Vickermen said she is a student at Bishop Ryan High School in Minot and participates in the SADD program. She said the Northern Lights SADD encompasses North Dakota, South Dakota, and Minnesota. She said the program began as the Students Against Drunk Driving program and was changed to Students Against Destructive Decisions in 1997. She said the program has a no use policy that addresses all types of destructive decisions, including preventing sexually transmitted diseases and prohibiting texting while driving. She said the program allows students to join during the freshman year of high school by signing a contract promising to avoid destructive decisions. Within the

program, she said, there are a number of activities, including the reality check, which is a class for students in grades 4 through 6 in which high school students go to the younger grades to teach lessons on alcohol abuse. She said the SADD chapter at Bishop Ryan holds fundraisers and generally attempts to spread the message of the program through a number of meetings, including Facebook, YouTube, and Twitter.

In response to a question from Representative Wolf, Ms. Vickermen said approximately 20 to 30 high school students from around the state participate in the Breakdown activity in which the students use skits, dancing, and music to spread the program's message. If a student breaks the SADD contract on two occasions, she said, the student will not be allowed to participate in the activities, and the student is removed from the program at Bishop Ryan after breaking the contract three times. She said there are approximately 20 students involved in the program at Bishop Ryan. She said the program at Minot High School is relatively new and is smaller than the program at Bishop Ryan.

COMMUNITY READINESS SURVEY

At the request of Chairman Wolf, commission counsel distributed a report entitled *Alcohol and Other Drugs (AOD) in North Dakota: A Community Readiness Survey to Gauge Perceptions of Alcohol and Other Drug Use* ([Appendix B](#)).

Ms. Olson said the survey had surprising results in that there was a lack of recognition of the problem of underage drinking in communities in the state. She said the survey revealed that counselors were not fully cognizant of the problem. She said the survey demonstrated that it was important to develop a plan to raise awareness at the local level in a nonthreatening manner. She said the results of the survey were a wakeup call and suggest that there is a culture in the state to not recognize a problem in the community in which an individual lives but perhaps see that the problem exists in other communities. She said the state is ranked first in binge drinking, but there is a lack of recognition of that problem.

HOPE PROGRAM

At the request of Chairman Wolf, commission counsel distributed a document entitled *Managing Drug Involved Probationers With Swift and Certain Sanctions: Evaluating Hawaii's HOPE* ([Appendix C](#)).

Mr. Cruff said because there likely are not enough participants to establish a drug court in Barnes County, he has examined the HOPE program as an alternative to drug court. He said the HOPE program is similar to drug court in that it provides a swift and certain sanction. He said probationers are required to call in daily as a condition of probation. He said the program requires abstention from drugs and alcohol but does not require daily testing. He said the frequency of testing is lessened over time with a

demonstration of success by the participant. He said the program is a low-cost program, and the federal government is looking at funding private programs. He said there could be support for establishing one or two private programs in this state.

In response to a question from Representative Wolf, Mr. Cruff said the HOPE program can work in any sized area. He said the program is a judge-driven program and needs leadership.

Ms. Bertsch said the costs associated with the HOPE program largely relate to the judicial involvement and specialized training required for probation officers. She said staff time may be an issue with implementation of the program. She said a pilot program should probably start in an area with a smaller judicial workload but must be driven by the judiciary in that area. She said the immediate sanction for a violation of the program is key to the program. She said participation in the program has been shown to have a positive effect on probationers.

In response to a question from Representative Wolf, Ms. Bertsch said technical assistance grants of up to \$10,000 may be available for implementation of the program.

In response to a question from Justice Maring, Ms. Bertsch said the sanction for a violation of the program is dependent upon the degree of the violation. She said incarceration would be the most severe sanction.

In response to a question from Justice Maring, Mr. Cruff said in the event of a violation, the probation officer would file a form with the judge and the offender would be brought before the judge for a hearing within a day or two.

Ms. Bertsch said the program could be used for all types of probationers and not be limited to alcohol and drug offenders.

In response to a question from Justice Maring, Ms. Bertsch said the drug and alcohol tests would be paid for by the Department of Corrections and Rehabilitation. She said the probation officers are already conducting regular tests.

Justice Maring said because the program would appear to have a significant impact on the workload of judges, the issue should be addressed with the Chief Justice.

In response to a question from Representative Klemin, Mr. Cruff said the program is designed to be a mandatory program to ensure compliance with the terms of probation. He said some individuals may be determined to be unfit for the program, but most probationers would be included.

In response to a question from Senator Dever, Ms. Bertsch said there would appear to be no need to change any state laws to implement the program. She said implementation would be a matter of managing resources and reducing the caseload of probation officers involved with the program.

MINIMUM MANDATORY SENTENCES AND TRUTH IN SENTENCING LAWS

Chairman Wolf called on Mr. Patrick Bohn, Department of Corrections and Rehabilitation, for a presentation ([Appendix D](#)) relating to truth in sentencing and minimum mandatory transition issues. Mr. Bohn said there is a 51 percent increase in outcomes if an offender has meaningful employment within the first two weeks after release. He said suitable housing is difficult to find and there is a need to address with whom the released offenders are associating. He said transition programs can begin addressing financial matters with the offenders while the offenders are on work release.

In response to a question from Representative Klemin, Mr. Bohn said he has worked to develop a proposal to authorize the Department of Corrections and Rehabilitation to use work release programs for 85 percent of offenders and minimum mandatory sentence offenders. Although a broader concept was proposed a few years ago, he said, his proposal would be less extensive.

In response to a question from Senator Dever, Mr. Bohn said the average amount of time served by the general population in the North Dakota prison system is 741 days, which includes credits. He said 25 percent of that time would amount to approximately six months. If an offender does not earn good time credit, he said, the offender is not a good candidate for work release.

In response to a question from Dr. Rabe, Mr. Bohn said six months for work release seems to be a workable time period for an offender to obtain employment and continue through the program so that the offender is prepared for reentry. He said research shows that 18 months is really necessary for long-term programmatic changes. He said the average time served at the Bismarck Transition Center is four months to six months. He said a minimum of 90 days at the transition center is viewed as necessary, and employment is a condition for participation at the center.

In response to a question from Justice Maring, Mr. Bohn said a transition program can provide another tool to help the sexual offender population find housing upon release.

In response to a question from Mr. Cruff, Mr. Bohn said mechanisms are in place to share information regarding offenders participating in work release with local officials. He said victim notification is important and the department seeks input from state's attorneys and judges.

In response to a question from Representative Wolf, Mr. Bohn said the infrastructure is in place to allow the monitoring of additional offenders on work release. He said work release is not an entitlement, and the department can manage its resources accordingly and limit the use of work release if necessary.

COMMUNITY SERVICE PROGRAMS

Chairman Wolf called on Mr. Dell Horn, North Dakota Community Corrections Association, for information ([Appendix E](#)) regarding community service programs.

In response to a question from Representative Klemin, Mr. Horn said community service organizations that are operating at a deficit are reducing staff hours and making other cuts. In addition, he said, some community service organizations are taking funds out of reserve accounts. He said the community service organizations are doing what is necessary to remain operational because there is a strong belief that community service is a viable and underutilized alternative. However, he said, more funding is needed to at least break even.

In response to a question from Representative Wolf, Mr. Horn said although the community service organizations began as a budget item within the Department of Corrections and Rehabilitation budget, the programs are now funded as a stand-alone budget. He said the programs were intended to become self-sufficient over time, but work is still needed on the funding of the programs. He said a \$25 fee is collected for those ordered to perform community service.

In response to a question from Justice Maring, Mr. Horn said the community service fee is the ninth fee on the priority list established by the court system. He said collection of the fee and waiver of the fee vary depending upon the judge.

Justice Maring said it would be helpful to know if judges are waiving the fee or if the fee is simply not being collected. She said it may be an educational issue for judges.

Mr. Horn said he attempts to visit with all the judges in the judicial district in which he works. He said the philosophies of judges toward community service programs differ. He said one judge orders the program for almost every offender while another judge orders participation only for first-time drug offenses. Although education of the judges may be necessary, he said, he is a bit apprehensive about telling judges what the judges should do.

Mr. Cruff said part of the problem is that the community service fee is ninth on the priority list. He said most offenders are indigent and few offenders are able to pay the fee after other applicable fees are imposed.

Mr. Horn said the Jamestown community service program collects over 30 percent of the total amount of the fees collected in the state. He said he has had good access to judges and clerks of court, which helps in the collection of the community service fee.

In response to a question from Mr. Cruff, Mr. Horn said the \$25 fee is collected pursuant to a court order and the fee is forwarded to the State Treasurer. He said the fees collected are placed in a fund and redistributed to the regional programs. In addition, he said, a \$50 program fee is paid directly to the

community service office. He said the \$50 fee is a one-time fee that his program assesses. However, he said, other offices may impose monthly fees.

Ms. Bertsch said the Bismarck program charges a monthly fee that also serves as an incentive to get the community service hours completed.

Mr. Horn said the regional programs that are not part of a county system answer to an advisory board that determines the amount of fees imposed. He said the Devils Lake board refused to allow a \$5 increase in fees. He said the boards are weighing different funding options and each agency and region is different. He said his advisory board is waiting to see what happens during the next legislative session before making additional funding determinations.

In response to a question from Senator Dever, Mr. Horn said his program has a contract with the City of Jamestown to provide offenders to do work for the city. He said the contract is to provide community service within the city, but not directly for the city.

DRUG COURT

Chairman Wolf called on Mr. Kevin Morrison for comments regarding participation in drug court. Mr. Morrison said he got in trouble and was facing a significant jail sentence, but entered a plea agreement that dropped his offense to a Class A misdemeanor and required him to participate in drug court. He said the opportunity to participate in drug court was a good thing for him and likely saved him from losing his military retirement, his job, and his family.

Mr. Morrison said after he was sentenced to participate in drug court, he realized he had an alcohol problem and posttraumatic stress. He said the drug court program is very rigorous and required him to attend daily meetings for the first four months. In addition, he said, he had weekly court visits and treatment for posttraumatic stress. He said he was monitored to see that he maintained a 10:00 p.m. curfew. He said the second four-month period became easier and he attended alcohol counseling one day per week and reported to court every other week. He said he continued to participate in Alcoholics Anonymous meetings and participate in counseling for posttraumatic stress. He said he will graduate from drug court in July and has been reduced to once-a-month meetings with his probation officer and attendance at drug court once every three weeks, as well as Alcoholics Anonymous meetings. He said he has now been sober for one year. He said the program works if participants want it to work. Although violations of the program result in sanctions, he said, a program works to get the participants back on track. He said drug court has given him the tools he needs to change his life and serves as a support group. He said he feels that he can talk with the probation officer and the judge.

Ms. Jackie Jensen, Department of Corrections and Rehabilitation, said the Minot drug court will have two

new graduates when it meets tomorrow. She said the program is court-supervised and very time-intensive for the court and the probation officers that participate. However, she said, the program is very viable. She distributed written information ([Appendix F](#)) relating to drug court participation.

CASS COUNTY JAIL INTERVENTION PROJECT

Chairman Wolf called on Ms. Sheree Spear, Cass County Jail Intervention Project, for comments ([Appendix G](#)) regarding the project.

In response to a question from Representative Wolf, Ms. Spear said federal funds are available for projects, such as the jail intervention project. She said there are three types of grants available--one for planning, one for planning and implementation, and one for implementation.

In response to a question from Mr. Cruff, Ms. Spear said participants in the program are monitored for at least six months and up to one year. If someone does not want to participate in the program, she said, the individual will go through the regular legal proceedings and may receive other referrals for services.

In response to a question from Justice Maring, Ms. Spear said the Cass County Sheriff's office has put in a request to the Cass County Commission to fund a clinical mental health coordinator position.

Mr. Laney said although the program did not receive any state funding during the last legislative session, the program is continuing with county support. However, he said, state support will continue to be sought. He said he hopes the program will be able to continue partnering with Southeast Human Service Center for a caseworker.

In response to a question from Senator Dever, Mr. Laney said the state Administrative Committee on Veterans' Affairs has met with the representatives of the jail intervention program and county and state veterans' service officers are working to partner with the program to address returning soldiers who are suffering with posttraumatic stress disorders.

Chairman Wolf called on Mr. Mike Reitan, West Fargo Police Department, for comments ([Appendix H](#)) regarding the Cass County Jail Intervention Project.

Ms. Olson said the eight regional human service centers have afterhours telephone lines and five of the eight centers have risk centers to take afterhours calls. She said the other three regional human service centers have other alternatives for handling the afterhours calls. She said the human service centers have assistance and residential beds available after hours and community-based services for mental health and residential-based treatment will be a top priority for the department during the next legislative session. She said that issue was the top priority last session, but the department did not receive funding. She said the department has held stakeholder meetings to find a better approach to fill

the needs and to fill the gap in services. Although the department would like to work with providers to address problems, she said, funding is also needed at the community level.

Mr. Reitan said a major concern facing law enforcement is transportation of mental health and chemical dependent patients. He said those patients often are being transported with prisoners and transportation poses workforce issues, particularly in rural areas.

Ms. Olson said transportation is a problem that must be addressed. She said transportation is funded at the county level and local and state officials need to discuss the issues and find solutions.

Mr. Laney said Mr. Reitan has brought an issue forward that has been a concern of law enforcement. He said it is important for law enforcement and representatives of the Department of Human Services to communicate better and coordinate to address issues with the Legislative Assembly. He said law enforcement and the department have the same goal and solutions can be found.

Ms. Olson said representatives of the Department of Human Services have begun discussions with providers and plan to meet with law enforcement as the second part of the effort to address the transportation issues.

Mr. Reitan said the reaction by law enforcement to mental health issues and chemical dependency is reactive rather than proactive. He said it is difficult to show cost-savings in prevention and to demonstrate to the community that community resources are saved through prevention.

Chairman Wolf recessed the meeting and reconvened the meeting at the Heart of America Correctional and Treatment Center in Rugby.

HEART OF AMERICA CORRECTIONAL AND TREATMENT CENTER

Chairman Wolf called on Ms. Elaine Little, Heart of America Correctional and Treatment Center, for comments regarding the center. Ms. Little said the center began taking inmates in September 2006. She said the center has 132 beds. She said there are 32 beds in the treatment unit, which provides a 90-day alcohol and drug treatment program. She said 25 of the 32 beds are allocated for the Department of Corrections and Rehabilitation and 7 are allocated between the United States Probation Office and the Sisseton-Wahpeton Oyate of the Lake Traverse Tribe.

In response to a question from Representative Klemin, Ms. Little said the feasibility study for the construction of the center was built on false pretences, in that it underestimated costs and overestimated contract revenue. She said the center would have had to have been at capacity for 30 years to pay the construction loan. She said the facility was sold to Pierce County at a reduced price approximately one year ago and loan payments have been reduced to about one-fourth of the amount

previously paid. In addition, she said, the center has generated additional contracts and is operating quite well. She said the center has a contract with the Bureau of Indian Affairs to accept 37 inmates from the bureau.

In response to a question from Representative Wolf, Ms. Little said the treatment program was advertised as a methamphetamine treatment program at one time. She said the treatment program is a cognitively based treatment.

In response to a question from Senator Dever, Ms. Little said the center has about 25 inmates from the Department of Corrections and Rehabilitation in the treatment center on an ongoing basis and has about 12 inmates from the department on the jail side. Although the department is required by law to provide programming for inmates, she said, county facilities are not covered by that law. She said the jail is the only jail in the state with a treatment program.

In response to a question from Justice Maring, Ms. Little said the center accepts all levels of offenders and the offenders are housed by custody level.

In response to a question from Mr. Cruff, Ms. Little said most of the inmates received from the Department of Corrections and Rehabilitation have received a parole date or will receive a parole date while at the center. She said the inmates will generally go to the Bismarck Transition Center after release from this facility.

In response to a question from Representative Klemin, Ms. Little said the center has been at approximately 120 inmates recently for the average headcount. She said representatives of the center have no plans for requesting legislation during the next legislative session with respect to the housing of out-of-state inmates.

In response to a question from Mr. Johnston, Ms. Little said the center has three vehicles for transporting inmates. She said one trip per week is made to Fort Yates for Bureau of Indian Affairs' inmates. She said officers frequently transport inmates as an extra shift on a day off.

In response to a question from Representative Wolf, Ms. Little said there is no existing plan to expand the center. She said additional time is needed to make sure the center is on firm ground financially.

Chairman Wolf recessed the meeting and reconvened at 8:00 a.m. on Thursday, June 3, 2010, in Room 301 of the Ward County Courthouse in Minot. After observing drug court proceedings and drug court graduation, the committee reconvened for a tour of the Ward County Juvenile Detention Center in Minot.

WARD COUNTY JUVENILE DETENTION CENTER

Ms. Allison Hughes, Ward County Juvenile Detention Center, said the detention center is licensed to hold up to eight juveniles. She said the detention center houses male and female juveniles. She said

the detention center is staffed by 13 officers, 2 of whom are full-time. She said the detention center acts as a holding facility and juveniles are generally in front of a judge within 24 hours of admission and then moved on within the juvenile justice system.

In response to a question from Senator Dever, Ms. Hughes said the juvenile detention center is administered separately from the sheriff's department. She said she has seen an increase in the number of mental health issues that are present in the detainees, and the officers frequently administer medications. She said Mountrail, Williams, and Burke Counties may send juveniles to the detention center at a cost of approximately \$258.50 per day. Because attendant care has not been available in the Minot area due to funding and staffing problems, she said, there have been concerns about where to place juveniles. She said other alternatives are sought rather than detention, but the facility is needed to protect juveniles and the community.

In response to a question from Representative Wolf, Ms. Hughes said there is a constant struggle with funding of the facility. If the facility were closed, she said, the county would encounter the cost of transporting juveniles to the Youth Correctional Center.

In response to a question from Representative Wolf, Ms. Hughes said 85 percent to 90 percent of the juveniles detained are involved with illegal drugs. In addition, she said, most are on at least one type of medication for mental health issues. She said most of the detainees are boys.

Upon completion of the tour of the juvenile detention center, Chairman Wolf recessed the meeting and reconvened in the Commissioner's Room of the Ward County Courthouse.

SECOND CHANCE JOB FAIR AND MOBILE EMPLOYMENT AND EDUCATION TRANSITIONS SERVICE UNIT

Chairman Wolf called on Mr. Dave Hohn, United States Probation and Pretrial Services Office, for a presentation regarding the Second Chance Job Fair ([Appendix I](#)) and the Mobile Employment and Education Transitions Services (MEETS) Unit ([Appendix J](#)).

Mr. Hohn said offenders who have jobs that they enjoy are less likely to reoffend. He said there is a need to train offenders to address workforce development needs. He said the biggest problem an offender faces in finding a job is an employer not considering hiring someone with a criminal conviction. He said the job fair helped employers put a face on the applicant and seemed to result in an increased willingness to hire offenders.

In response to a question from Dr. Rabe, Mr. Hohn said surveys will be conducted to determine the results of the Second Chance Job Fair. He said the size of the job fair doubled this year and included employers from numerous job sectors.

In response to a question from Representative Wolf, Mr. Hohn said the MEETS Unit would bring services to communities around the state. He said he would like to see the purchase of two vehicles with one being based in the eastern part of the state and one in the western part of the state. He said the vehicles would maintain a monthly schedule visiting various communities. Because many people do not know how to use the Internet or lack Internet access, he said, there would be a need to rely on participating agencies to send people to provide assistance. In addition, he said, the drivers would be able to help provide assistance. He said the MEETS Units would focus on the Indian reservations where there is high crime and the population is the poorest and on other areas in outlying areas where there is a great need.

In response to a question from Mr. Laney, Mr. Hohn said because of turnover in tribal governments, it has been difficult to plan and get tribal government participation. He said it is important to go to the tribal governments with a solid plan that they can support.

In response to a question from Dr. Rabe, Mr. Hohn said the educational services provided through the MEETS Unit would include resume-building classes, a money smart program, and pretests and practice tests for general educational development degrees.

In response to a question from Senator Dever, Mr. Hohn said Job Service North Dakota likely would be the best agency to handle the MEETS Unit.

COMMISSION DISCUSSION

Chairman Wolf requested members of the commission to provide suggestions for the next meeting and propose potential commission recommendations.

Senator Dever said the commission recommended funding for juvenile crisis intervention programs, such as Youthworks, during the last interim. He said funding was provided to set up a pilot project and the commission should obtain additional information regarding expansion of the program statewide.

Mr. Laney said he was concerned with information provided at the Ward County Juvenile Detention Center with respect to mixing status and nonstatus offenders in the detention center. He said there is a need for attendant care around the state and detention should be a last resort used only for serious offenses.

Dr. Rabe said the administrator of the juvenile detention center is constantly having to justify support for the center. However, he said, closing the center will cost the community and the county more than operating the center.

Mr. Laney said Cass County operates a 12-bed facility that has male and female staff on the job at all times. He said Lutheran Social Services handles attendant care in Cass County and the space for the attendant care is provided by the county.

Justice Maring said the community service fee collection is so inconsistent because it is impossible to

collect all of the fees that may be imposed from people who have no money. In addition, she said, there is a lack of resources to have clerks of court act as collection agencies. She said community service programs are very successful for a majority of offenders and help create a connection to the community and a sense of caring. However, she said, the programs cannot be funded through a court fee. She said it is difficult to tell if the fee is being waived and the reasons for the waiving of the fee. Because the community service programs vary, she said, some programs may be providing less meaningful service than other programs. Although community service is a big part of drug court, she said, community service may not work for all offenders.

Mr. Laney said if the community service programs are providing free labor to some employers, there must be some financial support from those employers to fund the programs.

Mr. Cruff said that the recipients of the community service must be nonprofit or public entities. Because the programs are so different, he said, it seems impossible to come up with a uniform funding system.

Mr. Johnston said the information provided by Mr. Horn indicates that three counties contributed a substantial amount of the total collected statewide.

Representative Klemin said the best approach may be to let the local programs establish fees and remove the court-imposed fee.

Dr. Rabe said he agrees that funding may be a local issue and some of the programs may need new advisory boards willing to address the funding issues.

Mr. Cruff said if Ms. Bertsch believes that the HOPE program will work, she likely may be able to address the additional probation officer needs for the program.

Mr. Laney said the MEETS Unit appears to be a good concept and the United States Probation and Pretrial Services Office should work with Job Service North Dakota to develop a partnership and pursue the concept jointly. In addition, he said, if the program is going to benefit the tribes, tribal governments should be involved.

Mr. Cruff said he does not see how the MEETS program will benefit the state probation office.

In response to a question from Dr. Rabe, Mr. Trenbeath said the 24/7 sobriety program is progressing well. He said the program pays for itself after implementation. He said a small investment yields great results. He said the Attorney General is seeking funding through private industry to expand use of the alcohol monitoring bracelet.

Chairman Wolf recessed the meeting and reconvened the meeting for a tour of the Dakota Boys and Girls Ranch located at 6301 19th Avenue NW in Minot.

DAKOTA BOYS AND GIRLS RANCH

Chairman Wolf called on Mr. Mark Schaefer, Dakota Boys and Girls Ranch, for a presentation ([Appendix K](#)) regarding the Dakota Boys and Girls

Ranch. Mr. Schaefer said the facility receives referrals from a variety of sources, including the Division of Juvenile Services and counties and through private placements. He said the Dakota Boys and Girls Ranch works to provide the juveniles with the skills necessary to use in life. He said the trend is to see the placement of more girls at the facility. He said 32 percent of the juveniles placed with the Dakota Boys and Girls Ranch have a dual diagnosis and the staff is seeing more complex issues which require an adjustment in training to better serve the juveniles. He said there is a continuing effort to track demographics and profiles to review outcomes.

Mr. Jim Swegarden, Dakota Boys and Girls Ranch, said he obtained information at a dropout prevention summit which indicated 60 percent of incarcerated individuals are high school dropouts. He said the Dakota Boys and Girls Ranch is working to prevent school dropouts through the residential programs and through day programs. He said a day program in Bismarck serves 37 juveniles whom the public schools are no longer able to serve. He said the program identifies the needs of the juveniles and puts a plan in place to address those needs and get the juveniles on track for return to the public schools or to graduate through the day program. In addition, he said, work is underway to implement a reading program to address reading problems. He said a vocational education program is in place as well.

In response to a question from Representative Wolf, Mr. Swegarden said the goal is to get a juvenile back into the regular schools. He said either the Minot School District or the student's home district will pay for busing to schools. However, he said, some students are more successful staying at the facility for school.

Mr. Tim Eissinger, Dakota Boys and Girls Ranch, said the early riser skills for success prevention

program will be implemented for kindergarten and first grade in four cities to identify at-risk children with a child who is doing well. He said the program will address bullying and provide support for positive behaviors. He said it is important to be ahead of the curve and address issues early to prevent the problems that lead to incarceration or residential placement.

In response to a question from Representative Wolf, Mr. Swegarden said the trend is to see younger children being referred to the Dakota Boys and Girls Ranch. He said the facility is serving fourth and fifth graders now and is receiving referrals for children as young as third grade.

Ms. Becky Eissinger, Dakota Boys and Girls Ranch, said the Safe House in Fargo is serving children as young as five years old. She said the Dakota Boys and Girls Ranch is examining a crisis nursery in Moorhead, Minnesota. She said county social workers sometimes end up taking young children home because there is no place to place them. She said it is vital to find a method to support families.

In response to a question from Representative Wolf, Mr. Eissinger said the Dakota Boys and Girls Ranch accepts children for shelter care. He said the facility has four beds for that type of care.

Upon completion of a tour of the Dakota Boys and Girls Ranch facilities, Chairman Wolf adjourned the meeting at 2:50 p.m.

John Bjornson
Commission Counsel

ATTACH:11