

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

### COMMISSION ON ALTERNATIVES TO INCARCERATION

Tuesday, August 10, 2010  
Media/Training Room, Cass County Jail  
Fargo, North Dakota

Representative Lisa Wolf, Chairman, called the meeting to order at 8:15 a.m.

**Members present:** Representatives Lisa Wolf, Brenda Heller, 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, Keith Witt

**Members absent:** Senators Stanley W. Lyson, John Warner; Citizen Members Judge Gail Hagerty, Thomas L. Trenbeath

**Others present:** See [Appendix A](#)

Justice Maring said the minutes of the June 2-3, 2010, meeting indicated that she had said there was a lack of evidence to demonstrate the effectiveness of community service programs. She said she believes community service programs are effective, and she did not recall making that statement.

**It was moved by Senator Dever, seconded by Mr. Johnston, and carried on a voice vote that the minutes of the June 2-3, 2010, meeting be revised to remove the statement attributed to Justice Maring.**

**It was moved by Senator Dever, seconded by Mr. Witt, and carried on a voice vote that the minutes of the June 2-3, 2010, meeting be approved as revised.**

#### DRUG COURTS

In response to a question from Representative Wolf, Justice Maring said there are six juvenile and five adult drug courts in operation in the state. She said the Department of Corrections and Rehabilitation generally has provided the initiative for the establishment of the adult drug courts while the juvenile drug courts generally have been initiated at the local level.

In response to a question from Senator Dever, Justice Maring said if a juvenile drug court is requested within a judicial district, the Supreme Court may include funding for the juvenile drug court in the court system budget.

Ms. Bertsch said the Department of Corrections and Rehabilitation partners with the Department of Human Services with respect to the support of the adult drug courts.

**It was moved by Representative Klemin, seconded by Mr. Cruff, and carried on a roll call vote that the commission express its continued**

**support for expansion of drug courts within the state.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Cruff, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

#### TEEN CHALLENGE

Chairman Wolf said the commission toured Teen Challenge during an earlier meeting of the commission and during the previous two interims made recommendations regarding funding of faith-based programs.

Representative Klemin said Teen Challenge appears to be filling a useful role, and the program appears to be successful. He said the program deserves continued support.

Representative Wolf said the tour of the Teen Challenge facility indicated that money was not being wasted, and the program was using resources wisely for treatment.

In response to a question from Dr. Rabe, Ms. Bertsch said Teen Challenge received a large increase in funding from the state during this biennium. She said the program lost a significant amount of donated funds due to the economy and has scaled back its operations significantly. She said the amount paid by the state for per diem at Teen Challenge doubled.

**It was moved by Senator Dever, seconded by Representative Klemin, and carried on a roll call vote that the commission recommend to the Governor inclusion of funding in the executive budget an amount equal to the amount provided during the 2009-11 biennium for room and board expenses for individuals admitted to a faith-based program to address addiction problems.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Cruff, Johnston, Laney, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

#### 24/7 SOBRIETY PROGRAM

In response to a question from Representative Wolf, Mr. Witt said the 24/7 sobriety program is in the final stages of implementation statewide.

Mr. Laney said the program is a huge step in the right direction in providing alternatives to incarceration. He said the program works very well

and mostly pays for itself. He said the accountability for failing a test is instantaneous.

In response to a question from Representative Wolf, Mr. Laney said the program has been a great tool for the municipal judge in Fargo to use with young people. He said the program places no burden on the county and in time should generate revenue to allow the county to hire a part-time coordinator.

**It was moved by Mr. Laney, seconded by Mr. Witt, and carried on a roll call vote that the commission express its continued support for the 24/7 sobriety program.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Cruff, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

### COMMUNITY SERVICE PROGRAMS

At the request of Chairman Wolf, commission counsel presented a bill draft [10146.0100] that would repeal the \$25 community service supervision fee.

Representative Wolf said although she believes in the community service programs, she is concerned with the funding and the direction of the programs. She said some of the programs are using reserves to maintain operations while the community service supervision fee is not being collected.

In response to a question from Representative Wolf, Mr. Gary Euren, Cass County State's Attorney's office, Fargo, said if the community service supervision fee is imposed by a court and the offender does not pay the fee, the fee may be listed as a civil judgment. However, Mr. Euren said, the fee often is not reduced to a judgment that would affect the credit rating of the offender.

Justice Maring said the community service supervision fee is low on the priority list of fees to be collected from offenders. However, she said, if the statutory fee is eliminated, a message should be sent to the Legislative Assembly that funding should be increased to assist in the operation of community service programs.

In response to a question from Mr. Cruff, Ms. Bertsch said the multitude of fees that may be imposed upon offenders gets confusing. In addition to the statutory fee, she said, many community service organizations charge participation fees. She said the Legislative Assembly appropriated a significant amount of funding for the various community service programs for this biennium.

Representative Klemin said the imposition of the fee should remain an option, and judges should have discretion with respect to imposition of the fee. He said the disparity in imposition and collection of the fee may be an educational issue for judges.

Mr. Cruff said the Barnes County community service program charges a \$50 fee for offenders who participate in the program. He said the large number of fees that may be imposed by courts result in nickel and diming indigent offenders.

Representative Klemin said he has a problem with passing laws requiring something to be done and courts choosing to ignore the statutory requirement. He said waiving a fee is appropriate, but not addressing the issue is not appropriate.

Justice Maring said there is no evidence indicating that judges are not imposing the fee. Because the fee is approximately the 11<sup>th</sup> fee on the priority list that may be imposed by courts, she said, collection of the fee is not realistic. She said if community service is wanted, the state should fund it.

Representative Klemin said he has understood some of the testimony to indicate that some judges were simply not imposing the fee.

In response to a question from Representative Wolf, Mr. Euren said that of the 15 defendants he had go before a court yesterday, only one offender did not have a court-appointed attorney.

Mr. Witt said he has concern with respect to eliminating the fee because some of the programs are depending upon the collection of the fee.

Ms. Bertsch said the majority of the funding for the community service programs does not come from the supervision fee, and only a small amount is collected.

Mr. Johnston said the community service programs provide good value to communities, and he would like to see continued state funding of the programs.

Representative Klemin said he does not support the bill draft, and he would prefer to see funding of the community service programs through the Office of Management and Budget.

**It was moved by Mr. Johnston, seconded by Representative Klemin, and carried on a roll call vote that the commission recommend to the Governor that the executive budget include an amount equal to or greater than the amount provided during the current biennium to support community service programs during the 2011-13 biennium.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Cruff, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

Representative Klemin said the commission should consider recommending a study of all of the court-imposed fees during the next interim.

Representative Wolf said the bill draft could be revised to provide for a study of all fees and fines, to address indigent costs, and to determine which fees are collected and which fees are not collected.

Mr. Cruff said such a study could be viewed as encroaching upon the domain of the judiciary. He said it may not be feasible to look at misdemeanor offenses because data may not be available. He said the committee received a list of the various fees at its last meeting.

Representative Klemin said sometimes an interim study is the only method through which the Legislative Assembly can get information it needs to make policy decisions. He said the Supreme Court may have the information, but the information is not getting to the Legislative Assembly and a study may be the

mechanism needed to provide for sharing of the information and developing solutions.

Senator Dever said the issue of fees imposed by courts and the collection of the fees may be an appropriate area for the Supreme Court to study.

Ms. Bertsch said research demonstrates diminishing returns when offenders are overburdened with fees. She said offenders are often faced with the various fees imposed, restitution, child support, and other obligations. She said a study of costs faced by offenders may be a good idea.

In response to a question from Representative Wolf, Justice Maring said the court's administrative council looks at all fees and prioritizes the fees. She said certain fees should be paid before others. She said the courts attempt to collect what the Legislative Assembly directs the courts to collect, but priorities must be established. She said imposing a fee is not difficult, but collection of the fee may be difficult.

Dr. Rabe said there is a broader issue than simply the court-imposed fees. He said other fees, such as the fees imposed by the community service programs, also affect offenders.

**It was moved by Representative Klemin, seconded by Ms. Bertsch, and carried on a roll call vote that the bill draft relating to the repeal of the community service supervision fee be changed to a resolution draft to study the imposition of fees at sentencing and other fees that are imposed upon offenders.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Cruff, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

**It was moved by Representative Klemin, seconded by Ms. Bertsch, and carried on a roll call vote that the resolution draft be approved and recommended to the Legislative Management.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Cruff, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

## **CASS COUNTY JAIL INTERVENTION PROJECT**

Chairman Wolf called on Ms. Lynette Tastad, Cass County Sheriff's office, Fargo, for comments ([Appendix B](#)) regarding the Cass County Jail Intervention Project. Ms. Tastad said implementation of the jail intervention mental health program began in January 2009. She said when an officer brings an individual to the jail, the correctional officer screens the individual to determine whether a mental health assessment is needed. She said the program attempts to catch mental health issues before the individual goes before a court and allows for recommendations to be made to the prosecutor with respect to the individual. She said a judge may order an individual to participate in the program. She said she works with the Southeast Human Service Center to have a case manager meet with an individual while

the individual is still in jail. She said she monitors the mental health intervention process, updates the municipal judge monthly on the program, and works with defense attorneys to screen the offenders for mental health issues.

Ms. Tastad said the program had its first graduate on August 1, 2010. She said the individual was a model participant. She said the program is helping several participants, and the impact of the program has helped individuals who have been terminated from the program turn their lives around. She said the program is valuable in that it helps get individuals into treatment quickly, rather than having the individual sit in jail for days with mental health issues. She said a state's attorney will occasionally dismiss a charge after learning that the individual who committed an offense has mental health issues that can be addressed. She said law enforcement officers are becoming more comfortable with calling her to assess individuals, and she has worked well with the staff at the jail.

Mr. Laney said he is very proud of the jail intervention program. Although the federal grant funds for implementing the program are soon ending, he said, the Cass County Board of Commissioners has stepped up to support the program.

In response to a question from Representative Wolf, Ms. Sheree Spear, Cass County Jail Intervention Project, Fargo, said the program originated from a study done by the Council of State Governments. In implementing the program, Ms. Spear said, the coordinating committee looked at other states and modeled the program from a program implemented in Hawaii.

Ms. Tastad said individuals participating in the program meet monthly with a review panel that includes a representative of the state's attorney's office, a representative from the regional human service center, and a deputy sheriff. She said she reports to the judge on recommendations with respect to the individual so that the individual is held accountable.

In response to a question from Representative Wolf, Ms. Tastad said she makes mental health referrals to the Southeast Human Service Center or the local public health unit.

In response to a question from Representative Klemin, Ms. Tastad said communications between her and an offender are privileged communications if the communications are not a threat or involve harm to someone. She said the offenders often are vague about discussing crimes. She said she attempts to focus on the current emotional state of the individual with whom she is visiting.

In response to a question from Ms. Olson, Ms. Tastad said the program will track recidivism rates, monitor progress of participants, monitor use of medications, and monitor participants' appointments with the human service center.

Mr. Euren said participation in the program is similar to participation in drug court. He said he sits

on the review panel and has learned to expect relapses. He said the program monitors progress and holds participants accountable.

Ms. Spear said because the program has been fully implemented for only one year, performance measurements are difficult. However, she said, the program will result in a decrease in recidivism.

Ms. Linda Johansen, Assistant Director of Operations, Centre, Inc., Fargo, said performance measurements of programs such as this are measured in incremental steps in harm reduction on the way to perfection.

Ms. Olson said it is often difficult to demonstrate the benefit of programs through statistics. She said it is important to present small steps in progress and demonstrate that recidivism rates are decreasing, individuals are staying on their medications and staying out of jail, and show the difference the program is making. She said it is often difficult to get people to understand the mental health process, and education is vital.

Mr. Laney said the program is evolving, and the buyin from everyone involved has made the difference in the program becoming successful. He said he wants to work with the Department of Human Services to grow the program. He said the program has been a learning experience for law enforcement officers, but he has seen progress in breaking down barriers. He said law enforcement officers no longer see the program as a threat to them. He said the program is seen as a model program nationwide.

Mr. Rick Hoekstra, Department of Corrections and Rehabilitation, said the coordinated efforts of the program result in more screening, more diagnosis of mental health issues, and better and more appropriate treatment services.

Mr. Laney said the project helps keep offenders out of the State Penitentiary and from disrupting local services. He said the program allows for problems to be dealt with at the local level. He said the program is an excellent example of local officials partnering with state officials.

In response to a question from Representative Wolf, Ms. Tastad said some of the participants have never been diagnosed or treated for their mental illnesses, while others have stopped taking their medications or begun using alcohol or drugs to address their problems. She said it is not uncommon to see that families have tried to get help for individuals, but the individuals have not been able to get help until entering the jail.

In response to a question from Justice Maring, Ms. Tastad said the Cass County Jail contracts with the local public health unit for services. She said if there is not a court order to participate in the intervention program, an individual may be diverted to the local public health unit or the State Hospital before a court date if it is clear that the reason the individual was arrested was due to a mental health issue.

In response to a question from Senator Dever, Ms. Tastad said of the approximately 1,500 individuals

flagged for screening, she saw over 900. She said others were released before she had the opportunity to test them. She said the correctional center staff is now helping to prioritize assessments.

### **VICTIM ASSISTANCE ACADEMY**

Chairman Wolf called on Mr. Rodney Hair, Minot State University, Minot, for comments ([Appendix C](#)) regarding the Victim Assistance Academy of North Dakota.

In response to a question from Representative Klemin, Mr. Hair said the academy has applied for a grant from the State Department of Health through which the academy would attempt to consolidate training with other programs. He said that grant would extend through 2011. He said the academy would need to look at sustainability funding after that time.

In response to a question from Dr. Rabe, Mr. Hair said the size of the class has been limited to 40 students due to housing limitations and the type of class. He said the faculty members for the classes come from a variety of areas around the state. He said the academy is using information learned from the six-month followup to revise the curriculum and address its focus.

In response to a question from Justice Maring, Mr. Hair said the participants in the academy have included domestic violence advocates and law enforcement, as well as assistant state's attorneys.

Chairman Wolf recessed the meeting, and the commission toured the Cass County Jail and the Cass County Juvenile Detention Center.

Chairman Wolf reconvened the meeting at the Robinson Recovery Center.

### **ROBINSON RECOVERY CENTER**

Mr. Bill Lopez, Executive Director, ShareHouse, Fargo, said the Robinson Recovery Center uses the matrix treatment model. He said the Robinson Recovery Center receives referrals from around the state and is seeing more referrals coming from the eastern portion of the state than in the past. Although the center has been full at some times, he said, the average occupancy is 33 beds. He said one challenge facing the center is the ability to have gender-based treatment with the existing layout of the building.

Ms. Connie Stevens, Director of Clinical Services, ShareHouse, Fargo, said the Robinson Recovery Center is using some ShareHouse space, including a computer area and dining space. She said fraternization between male and female clients is a challenge, but has been reduced with the use of ShareHouse space.

Mr. Lopez said the funding the state has provided for the Robinson Recovery Center is an investment that results in clients returning to the community and becoming consumers and taxpayers. He said the completion rate of the program is 50 percent, which is

very good. He said the cost of the treatment is well worth the investment.

Ms. Stevens said females in the treatment programs may be transferred to the Sister's Path program to help reunite families. She said a parenting program is also available for the male clients.

Mr. Lopez said the various programs operated by ShareHouse work well together and provide a number of programming options.

In response to a question from Representative Klemin, Mr. Tim Erhardt, Program Director, Robinson Recovery Center, Fargo, said the initial recovery period during treatment takes four weeks to six weeks. After that time, Mr. Erhardt said, a client goes through a three-month relapse prevention program. He said clients then are able to obtain jobs and find a place to live while continuing treatment under the matrix model. He said the hybrid matrix cognitive approach works with 12-step programs in treating methamphetamine addiction.

Mr. Lopez said it is important to address the entire thought process and decisionmaking of an addict. He said decisions need to be made on fact not emotion.

Ms. Stevens said the program includes a significant amount of repetition and education.

In response to a question from Representative Klemin, Mr. Lopez said tracking clients after they leave the program is difficult. He said the center is trying different ideas to track clients. He said the national long-term sobriety rate is approximately 15 percent, and the center is demonstrating a 15 percent to 20 percent long-term sobriety rate.

Ms. Stevens said success measurements vary. She said if an individual's life is better in some way, there has been a degree of success.

In response to a question from Representative Wolf, Mr. Erhardt said the methamphetamine treatment program is longer than most residential treatment. He said the continuing care program helps the clients integrate back into their communities.

Ms. Stevens said because each individual is different, continuing care is vital. She said treatment may last up to a year.

In response to a question from Representative Klemin, Mr. Erhardt said of the 33 beds now occupied, approximately 15 are occupied by clients addicted to methamphetamine.

In response to a question from Senator Dever, Mr. Lopez said law enforcement has done a good job addressing methamphetamine use. However, he said, addicts move to other drugs. He said expansion of the mission of the Robinson Recovery Center has allowed for treatment for other drug and alcohol addictions.

In response to a question from Ms. Bertsch, Mr. Erhardt said most referrals to the center come from the human service centers.

In response to a question from Representative Klemin, Mr. Lopez said the center receives very little insurance reimbursement for clients. He said he is

unsure of the potential impact of the health care reform legislation.

**It was moved by Representative Klemin, seconded by Justice Maring, and carried on a roll call vote that the commission recommend to the Governor that the executive budget include funding for treatment at the Robinson Recovery Center at the level provided during the current biennium.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

Chairman Wolf recessed the meeting and reconvened the meeting at the Cass County Jail.

## **WORK AND EDUCATION RELEASE BILL DRAFT**

At the request of Chairman Wolf, commission counsel reviewed a bill draft [[10147.0100](#)] that would allow the Department of Corrections and Rehabilitation to authorize work release or education release programs for offenders not currently eligible for participation in those programs. Commission counsel said the bill draft would authorize participation in the release programs for an offender required to serve 85 percent of the offender's sentence or an offender required to serve a mandatory term for certain other serious offenses. He said the bill draft would not allow participation in release programs for offenders sentenced to life imprisonment without the opportunity for parole.

In response to a question from Mr. Witt, Ms. Bertsch said the Department of Corrections and Rehabilitation uses work release and education release programs very conservatively. She said the programs are generally limited to six months in duration. She said some of the offenders currently are not permitted to participate in work release or education release and are not getting the foundation they need for return to the community. She said generally only 2 or 3 offenders of the approximately 150 at the Missouri River Correctional Center are cleared for work release at any one time. She said the program is very restrictive for good reasons.

**It was moved by Dr. Rabe, seconded by Mr. Laney, and carried on a roll call vote that the bill draft relating to work release and education release programs be approved and recommended to the Legislative Management.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

## **YOUTHWORKS**

Chairman Wolf called on Ms. Melanie Heitkamp, Executive Director, Youthworks, for comments regarding the Youthworks program. Ms. Heitkamp said she appeared before this commission two years ago to address the need for crisis intervention

programs for youth. She said in 2009 the Legislative Assembly provided for a pilot project that has addressed a need in the Bismarck region for shelter care which reduced the number of children entering the foster care system prematurely or entering the juvenile justice system. She said the shelter system is parent-driven and works with youth and families to address issues and reunite the youth with the family within a 96-hour period. She said the Youthworks program works closely with law enforcement, and approximately one-half of its cost is provided by the county served and through other funds, such as federal funds.

Mr. Lauren Bosch, licensed teacher, Youthworks, distributed written information ([Appendix D](#)) regarding the Youthworks Short-Term Care and Assessment Center. He said the Youthworks shelter facility has five beds and is staffed 24 hours per day. Although the facility is secure, he said, an individual brought to the facility could walk out of the building. He said Youthworks provides a 24-hour crisis line for access, and the facility is parent-friendly. Although most of the youth served by Youthworks are between the ages of 13 and 17, he said, the program has served a child as young as eight years old. He said about 90 percent of the parents involved give consent for their children to enter the facility. He said Youthworks provides attendant care for children brought to the facility by law enforcement, provides services for runaways, and provides shelter care for up to 96 hours. He said the 96-hour period is an opportunity for the child and the parents to cool off while providing an opportunity for assessment and eventual reunification with the family.

Ms. Olson said she recently reviewed the minutes of the commission from the last interim and reviewed the commission's expression of support for expanded funding for intervention programs through the Department of Human Services. She said the department completely missed that issue during the last legislative session. She said she recently spoke with the chief financial officer of the department to find \$200,000 for crisis intervention funding. She said the budget for crisis intervention funding was confused with a grant that had expired and was not placed within the department's budget when it should have been. She said funding will be provided in the department's budget proposal for the next biennium through the Children and Family Services Division. She said she will personally support intervention funding during the next legislative session.

Ms. Bertsch said funding for a grant provided to Youthworks was addressed through Senator Dever's legislation during the last legislative session but was not part of the base budget of the department.

Ms. Heitkamp said data collected demonstrates that there are a significant number of 17-year-olds coming into Youthworks on citations. She said the program is keeping those youths out of the justice system.

Ms. Bertsch said she has a strong passion for keeping children out of the correctional system who do not need to be in the system.

Ms. Olson said crisis intervention programs also keep youth out of the foster care system, which is very important.

Senator Dever said the intervention programs need to be expanded across the state.

Mr. Bosch said Youthworks has been very clear about its mission for the shelter program. He said Youthworks is in a good position to share its experience with other communities throughout the state, and representatives of Youthworks are willing to help other agencies.

In response to a question from Mr. Johnston, Mr. Bosch said most of the youth served by the Youthworks shelter program are from the Bismarck and Mandan area. He said Youthworks has a facility in Fargo that recently opened and has infrastructure in place to expand its 24-hour crises response.

In response to a question from Representative Klemin, Mr. Bosch said if the shelter program helped 30 children avoid foster care, approximately \$1 million in foster care costs were saved.

Ms. Olson said it is very difficult to show the savings of prevention programs. She said foster care numbers statewide have decreased for awhile, and the department's budget is based on trends. She said many variables go into preparing the department's budget. She said the department will look at cost avoidance in developing its budget, but prevention is very difficult to sell in the Appropriations Committees. She said it takes time to show prevention measures will make an impact, but she will look at the possibility of expanding funding for prevention programs.

Ms. Heitkamp said a large number of the children served by Youthworks are foster care-eligible. She said the foster care costs avoided are likely from federal funds.

Mr. Bosch said the number of children in foster care seems to be cyclical. He said at one point this summer, there were 17 girls who had no placement available.

Ms. Heitkamp said 16-year-olds and 17-year-olds placed in group care facilities are not prepared to make decisions on their own when they turn 17 years old. She said facilities and programs are needed to prepare the 16-year-olds and 17-year-olds to be independent upon turning 18 years old. Because there is a big gap in services for older children, she said, providers are looking at what is being done in other states.

Senator Dever said the shelter program reunites parents and children and should be a priority.

In response to a question from Dr. Rabe, Ms. Olson said grants for the shelter care programs would be available based on a request for proposals.

In response to a question from Ms. Olson, Ms. Heitkamp said Youthworks responded to a request for proposals from the Department of Corrections and Rehabilitation for funding during this

biennium. She said the process worked well, and the request for proposals should require some degree of local support for the program.

Mr. Bosch said 24-hour crisis availability is an essential component to the shelter program. He said the program works well through a private, nonprofit entity as opposed to being government-run.

Ms. Heitkamp said the program also requires assessment and family intervention to be successful.

Mr. Johnston said the program in Bismarck is working well, and expansion of the program should be done through regions of the state.

Senator Dever said the program could be established throughout the human service center regions.

Ms. Bertsch said she likes the idea of requiring local support for the programs. She said expansion statewide for the next biennium may be too large of an initial expansion.

**It was moved by Justice Maring, seconded by Representative Klemin, and carried on a roll call vote that the bill draft relating to short-term shelter and assessment programs be revised to place the funding for the programs within the Department of Human Services budget rather than the Department of Corrections and Rehabilitation and to provide for \$200,000 of additional funding for the expansion of the program.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

**It was moved by Mr. Laney, seconded by Senator Dever, and carried on a roll call vote that the bill draft, as revised, relating to short-term shelter and assessment programs be approved and recommended to the Legislative Management.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

### HOPE PROGRAM

Ms. Bertsch said she met with the Chief Justice to discuss the HOPE program because implementation of the program would involve judicial resources. She said the Court Services Committee was assigned the responsibility to review the program along with implementation of other specialty courts. She said implementation of the HOPE program through the court system would appear to be the best option.

### READ RIGHT PROGRAM

In response to a question from Representative Wolf, Ms. Bertsch said the Read Right program is an excellent program and will continue at the Youth Correctional Center. In addition, she said, tutors are being trained to provide the program in adult facilities of the Department of Corrections and Rehabilitation. She said the results during the first three months of

the expansion of the program have been good. She said because the Department of Corrections and Rehabilitation and its various institutions are considered one school district for the purposes of the program, the cost of the expansion of the program has been minimal.

**It was moved by Mr. Witt, seconded by Mr. Laney, and carried on a roll call vote that the commission express its support for the Read Right program.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

### VICTIM ASSISTANCE ACADEMY

Senator Dever said although he is sympathetic to the issues addressed by the academy, the work of the academy does not fall within the scope of this commission's responsibilities.

Representative Klemin said he agrees that the academy is not within the mission of the commission, but representatives of the academy may approach members of the Legislative Assembly individually to seek support for funding of the mission.

### ELECTRONIC MONITORING

Representative Klemin said the commission worked during the previous two interims to address issues related to electronic monitoring and to promote the expansion of electronic monitoring of offenders.

**It was moved by Representative Klemin, seconded by Mr. Witt, and carried on a roll call vote that the commission express its support for continuation of electronic detention and global positioning system monitoring programs.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Rabe, and Witt voted "aye." No negative votes were cast.

### SEXUAL OFFENDER HOUSING

In response to a question from Representative Wolf, Ms. Bertsch said the Department of Corrections and Rehabilitation has worked to address the issue of the difficulty of finding housing for sexual offenders upon release from incarceration. She said there is no good answer for the problem, but a working group has been looking for solutions.

Justice Maring said the courts have been seeing problems associated with lack of housing for sexual offenders. She said sexual offenders are living out of vehicles and moving around, which leads to a failure to report an address. As a result, she said, the offenders are ending up in court for not registering an address and for being homeless.

Ms. Bertsch said the Department of Corrections and Rehabilitation has \$160,000 in its budget to address the issue of housing for sexual offenders. She said the department has begun paying the mission in Grand Forks for housing. She said

residency restrictions, such as preventing sexual offenders from living within 1,000 feet of a school, intensify the problem. She said the department will likely be requesting ongoing funding to address the issue.

Justice Maring said it is important that people are aware that sexual offenders are being reincarcerated due to being homeless.

### **CASS COUNTY JAIL INTERVENTION PROJECT**

In response to a question from Representative Wolf, Mr. Laney said he will be meeting with representatives of the Department of Human Services to see if the department will continue to provide a case manager for the program. He said the program is a benefit to the state as well as Cass County.

Ms. Olson said the department's budget has not been drafted. However, she said, support for providing a case manager for the program would be most meaningful when the department has its budget before the Appropriations Committees.

Senator Dever said because the Cass County program was initiated locally, expansion to other areas of the state should be done in the same way. He said education is vital.

Mr. Laney said he has shared information regarding the program with representatives from McLean County and will continue to share information with other interested parties. He said the partnership with the Department of Human Services is critical to the operation of the project. He said partnerships between law enforcement and the mental health community are important. In addition, he said, state

and federal support are important in maintaining the program.

**It was moved by Mr. Witt, seconded by Senator Dever, and carried on a roll call vote that the commission, in recognition of the fact that many individuals incarcerated have underlying mental health issues, express continued support for the maintenance of a case manager position for the Cass County Jail Intervention Project.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

**It was moved by Senator Dever, seconded by Mr. Johnston, 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 and resolution draft recommended by the commission and to present the report and recommended drafts to the Legislative Management.** Representatives Wolf, Heller, and Klemin; Senator Dever; and Citizen Members Bertsch, Johnston, Laney, Maring, Olson, Rabe, and Witt voted "aye." No negative votes were cast.

There being no further business, Chairman Wolf adjourned the meeting at 4:45 p.m.

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John Bjornson  
Commission Counsel

ATTACH:4