

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION REVIEW COMMITTEE**

Thursday, August 22, 2019
Large Training Room, Administration Building, James River Correctional Center
2521 Circle Drive
Jamestown, North Dakota

Representative Jon O. Nelson, Chairman, called the meeting to order at 10:00 a.m.

Members present: Representatives Jon O. Nelson, Richard G. Holman, Randy A. Schobinger; Senators Jay Elkin, Tim Mathern, Terry M. Wanzek

Others present: Senator Rich Wardner, Dickinson, member of the Legislative Management
Senator Kathy Hogan, Fargo
See [Appendix A](#) for additional persons present.

The Legislative Council staff distributed a memorandum entitled [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

The Legislative Council staff presented a memorandum entitled [Department of Corrections and Rehabilitation - Best Practices to Reduce Recidivism - Background Memorandum](#). She said the 2019 Legislative Assembly appropriated \$229,678,076 from the general fund and \$41,955,889 from other funds to the Department of Corrections and Rehabilitation (DOCR) for the 2019-21 biennium. She said the appropriation for the department provided for an increase of 54.5 full-time equivalent (FTE) positions, which increased the total number of FTE positions within the department to 899.79. She said inmate counts as of April 2019, as documented by DOCR, indicate an average inmate count for the 2017-19 biennium of 1,531 males and 204 females.

Ms. Leann K. Bertsch, Director, Department of Corrections and Rehabilitation, commented regarding department efforts to contract with a consultant to assist the committee in its study of DOCR. She said the department received one bid ([Appendix B](#)) in response to the request for proposal (RFP). She said the bid was from The Moss Group, Inc. in cooperation with CGL Companies. She said she believes these firms have the necessary experience and knowledge to assist with the study. She said the bid included a total project cost of \$458,830, \$16,170 less than the \$475,000 available for the study.

In response to a question from Senator Mathern, Ms. Bertsch said the RFP allows for the consultant to address the location of facilities relative to the home location of most inmates.

In response to a question from Senator Wanzek, Ms. Bertsch said the bid meets the requirements of the RFP.

In response to a question from Chairman Nelson, Ms. Bertsch said The Moss Group, Inc. previously has worked in North Dakota and is familiar with the state's correctional system.

In response to a question from Senator Mathern, Ms. Bertsch said The Moss Group, Inc. has partnered in its bid with CGL Companies, a firm with significant experience worldwide in prison programming and facilities, including gender-responsive programming and facilities.

Ms. Lisa Bjergaard, Director, Juvenile Services, Department of Corrections and Rehabilitation, presented information ([Appendix C](#)) regarding the DOCR Division of Juvenile Services. She said DOCR is attempting to transition from services delivered at the Youth Correctional Center (YCC) to community-based services delivered closer to the youths' homes. She said the adolescent population in North Dakota is projected to increase from 61,000 in 2018-19 to 67,000 in 2023-24. She said the juvenile crime rate has decreased by approximately 50 percent since 2010; however, the rate of juveniles committed to DOCR has remained relatively constant.

In response to a question from Chairman Nelson, Ms. Bjergaard said DOCR has had intensive day treatment funding for 30 years. She said the 2019 Legislative Assembly appropriated additional funding to allow DOCR to expand the day treatment program to five additional school districts.

In response to a question from Chairman Nelson, Ms. Bjergaard said there are several reasons why North Dakota's rate of juvenile incarceration is higher than other states. She said the state's rural setting has made community treatment and services difficult and expensive compared to more highly populated states.

Dr. Lisa Peterson, Clinical Director, Department of Corrections and Rehabilitation, presented information ([Appendix D](#)) regarding behavioral health treatment provided by DOCR. She said DOCR has made changes to better address behavioral health, including:

- Providing motivational interviewing training for all staff;
- Providing cognitive-behavioral intervention training for all staff, along with training on relationship skills and how to build rapport with residents;
- Implementation of positive behavior reports;
- Redesign of assessment and group treatment; and
- A renewed focus on creating a sense of harmony and collaboration between staff and residents.

In response to a question from Senator Mathern, Dr. Peterson said the availability of community-based treatment is increasing; however, certain individuals still may be sentenced to DOCR to receive treatment. She said DOCR is continuing to engage outside behavioral health providers for treatment services.

Dr. Penny Veit-Hetletved, Director of Education, Staff Development, and Core Correctional Practices, Department of Corrections and Rehabilitation, presented information ([Appendix E](#)) regarding education services provided by DOCR. She said DOCR offers GED testing, adult basic education, high school education, career and technical education, and other educational and enrichment programs.

In response to a question from Representative Holman, Dr. Veit-Hetletved said DOCR uses performance reviews, simulations, and mentors to evaluate staff training.

In response to a question from Chairman Nelson, Dr. Veit-Hetletved said she works with the Dakota Women's Correctional and Rehabilitation Center to ensure the teachers at the facility are certified and meeting standards.

Mr. Rick Gardner, Director, Roughrider Industries, Department of Corrections and Rehabilitation, presented information ([Appendix F](#)) regarding Roughrider Industries. He said Roughrider Industries is a self-sustaining entity and operates solely from the revenue generated from the sale of its products and services. He said studies have shown significant reductions in recidivism rates for individuals participating in correctional industry programs.

In response to a question from Senator Mathern, Mr. Gardner said work release is available for minimum security inmates to work for private employers outside the correctional facility.

Mr. Loren Haid, Plant Services Director, Department of Corrections and Rehabilitation, said he would like DOCR to transition from central heating plants which are inefficient to operate and maintain. He said the James River Correctional Center (JRCC) and YCC have underutilized abandoned buildings. He said the Missouri River Correctional Center still is recovering from the 2011 flood. He suggested the committee and consultant review the physical plant and related future needs of DOCR.

Mr. Patrick Bohn, Director, Parole and Probation Division, Department of Corrections and Rehabilitation, presented information ([Appendix G](#)) regarding parole and probation. He said the number of individuals in parole and probation increased 260 percent from 1992 to 2019. He said DOCR has approximately 94 staff managing the parole and probation caseload, with an average ratio of 74 cases for every 1 officer.

Mr. Chad Pringle, Warden, James River Correctional Center, said DOCR is working to improve the treatment of individuals sentenced to the department.

It was moved by Senator Mathern, seconded by Representative Holman, and carried on a roll call vote that the committee recommend the director of DOCR contract with The Moss Group, Inc. to assist the committee in its study. Representatives Nelson, Holman, and Schobinger and Senators Elkin, Mathern, and Wanzek voted "aye." No negative votes were cast.

The committee conducted a tour of the JRCC, Tompkins Rehabilitation and Corrections Center, and State Hospital grounds.

Senator Mathern expressed support for the proposed study approach included in the background memorandum.

Representative Schobinger suggested the committee continue to visit DOCR facilities.

In response to a question from Chairman Nelson, Ms. Bertsch said the next step for DOCR is to contract with the consultant. She said the consultant should be given some time to learn about DOCR before working with the committee at its next meeting.

Chairman Nelson said he anticipates the next meeting will be in late October.

Senator Mathern suggested the committee consider meeting at a noncorrectional facility.

Ms. Bertsch expressed support for visiting facilities that are different than DOCR.

Senator Mathern suggested the committee focus on reducing the number of individuals sentenced to DOCR, improving the transition of inmates from DOCR, and DOCR facilities.

No further business appearing, Chairman Nelson adjourned the meeting at 3:40 p.m.

Alex J. Cronquist
Senior Fiscal Analyst

Samantha E. Kramer
Counsel

ATTACH:7