

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION REVIEW COMMITTEE**Tuesday, October 22, 2019  
Roughrider Room, State Capitol  
Bismarck, 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

**Members absent:** None

**Others present:** Representatives Karla Rose Hanson, Fargo, and Josh Boschee, Fargo, and Senator Ray Holmberg, Grand Forks, members of the Legislative Management

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

**It was moved by Senator Mathern, seconded by Senator Wanzek, and carried on a voice vote that the minutes of the August 22, 2019, meeting be approved as distributed.**

**DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY**

At the request of Chairman Nelson, Mr. Dave Krabbenhoft, Director of Administration, Department of Corrections and Rehabilitation, introduced Mr. Stephen A. Carter, Executive Vice President, CGL Companies, and Ms. Andie Moss, President, The Moss Group. He said Mr. Carter and Ms. Moss have years of experience in the field of corrections and the state is fortunate to be able to contract with them.

Ms. Moss said the goal for this meeting is to have a conversation and explore her company's approach. She said she has worked on corrections reform efforts for 36 years and was in the state several months ago to discuss working with women offenders. She said the first step is to evaluate what the state has in terms of facilities and programming to better understand the culture, what motivates the inmate population, and what we are trying to accomplish. She said North Dakota is putting the right components in place to manage the reform efforts and the state is well known in the corrections world for being innovative.

Mr. Carter said he has worked with 26 different states and several countries in developing specific master plans to move their systems forward and has a deep appreciation for the opportunity to work on a comprehensive overview of the system in North Dakota. He said he worked with Ms. Moss on the Missouri River Correctional Center (MRCC) project a year ago to determine how the facility could be repurposed or improved. He said when comparing what the state has in terms of basic conditions of confinement, North Dakota conditions are better than most states.

In response to a question from Senator Mathern, Ms. Moss said the project will look at the existing initiatives to determine the initiatives effect on recidivism. She said the opportunity to work with individuals under the care of the Department of Corrections and Rehabilitation (DOCR) and provide services at different points in the system will determine how successful an individual will be upon release. She said there is much discussion about reincarceration across the country and it is important to look at where the state's resources are being used. She said the core of the project is determining how to measure recidivism and how the state is using its resources.

Mr. Carter said national recidivism rates suggest 50 percent of individuals return to prison within 5 years. He said because the key to recidivism is aftercare, the project will focus on parole and probation. He said the cost of recidivism is about \$275,000 per individual for each reoffense. He said that amount includes everything from law enforcement to programming in a correctional facility. He said in Belgium, which uses a system based on mental health, the government set up five mental health facilities to which courts can send an individual and upon successful completion of programming at the mental health facility, the individual's prison time is either eliminated or reduced. He said mental illness is a challenge faced by many states, including North Dakota.

In response to a question from Chairman Nelson, Mr. Carter said because the inmates likely will return home upon release and may need mental health services in their community, part of the project's focus on mental health will include an assessment of where the state's facilities are located versus the inmate's home.

In response to a question from Representative Holman, Ms. Moss said the project needs guidance from the committee to determine the scope of the project. She said the project will review the entire system to determine how the pieces work together and to provide recommendations to achieve the desired outcome.

Mr. Carter said one of the first things to be reviewed is the role of the committing counties, including which counties send the most inmates, how long those inmates stay in the system, and why the length of stay is increasing. He said some states consider spending more money in the counties to provide community-based programming rather than sending individuals to the state to provide services.

In response to a question from Chairman Nelson, Mr. Carter said although programming is the way to reduce recidivism, counties and pretrial facilities typically do not spend a lot of money creating programs. He said how the physical plans of county facilities can offer more services must be considered.

In response to a question from Senator Wanzek, Mr. Carter said his team has asked DOCR for reports of completed projects as well as information on any work in progress. He said when House Bill No. 1015 (2019) was passed, the first thing included in the study related to the preferable location of facilities. He said if the goal of the state is to create a restorative justice model, correctional facilities would be located within about 25 miles of an individual's community.

Chairman Nelson said although the Appropriations Committees determined the restorative justice model was preferred, the committees did not have a specific goal as far as distance due to the rural landscape of the state which presents unique challenges. He said finding professional services is a major concern. He said some parts of the state have services in place to assist treatment efforts.

Senator Wanzek said the initial proposal was to move the female inmates to MRCC and move the inmates at MRCC to another facility, a proposal that would have required the construction of a new state hospital and James River Correctional Center. He said the Senate concluded a study may be warranted to determine how to get the most benefit for the investment instead of making hasty decisions.

Mr. Carter said if the state were starting with a clean slate and building a system around where the criminals reside, the state probably would not have placed facilities at the existing locations.

In response to a question from Representative Holman, Mr. Carter said although the project will look at the juvenile facilities in terms of programming, individuals between the ages of 18 and 24 present the greatest opportunity to reduce recidivism.

In response to a question from Representative Hanson, Mr. Carter said technology has to play a role in fostering communication between family members because being able to connect with your family is important. He said many systems around the world use tablets to facilitate communication between inmates and families.

In response to a question from Representative Boschee, Mr. Carter said social impact funding is a tool not many states have embraced because it is not fully understood. He said the state will need to assess alternative funding sources. He said states such as Ohio have used public private partnerships to find a funding mechanism. He said investing in small changes within existing facilities can produce amazing results because environment impacts human behavior. He said if we are going to incarcerate, the environment is important.

Mr. Carter provided a presentation ([Appendix B](#)) of images of Halden Prison in Norway.

In response to a question from Representative Boschee, Mr. Carter said the offenses committed by individuals incarcerated at Halden Prison are similar to those in the United States. However, he said, Norway does not imprison individuals who commit petty or victimless crimes as those individuals are handled through community-based alternatives.

In response to a question from Senator Mathern, Ms. Moss said when the state considers a new perspective on corrections, the state is considering social change and must consider how to include the public, staff, and residents in that change. She said training and development are important because these concepts are new and being implemented slowly across the country. She said without considering the inmates and staff, the change will not get the momentum to be successful and have the desired outcomes.

In response to a question from Representative Schobinger, Mr. Carter said his team will make suggestions at the end of the interim about the location of facilities. He said the focus will be whether the existing location of the women's facility is the right location for the women in the system and if it is, whether the services and environment are conducive to a reduction in recidivism.

Ms. Moss said the tension is between the economic reality for that community and what is indicated through evidence to create positive outcomes for the women. She said it is their responsibility to provide an answer and get the stakeholders to a comfortable decision point.

### **RECIDIVISM STUDY**

Chairman Nelson called on Mr. Patrick Bohn, Director, Parole and Probation Division, Department of Corrections and Rehabilitation, for a presentation ([Appendix C](#)) relating to community transitional housing programs and independent host homes. Mr. Bohn said it is important to understand the problem rather than creating a program to feel good.

In response to a question from Representative Holman, Mr. Bohn said under the existing housing contract, the cost is about \$75 per person per day in a transitional facility. He said facilities that have less case management are about \$15 to \$20 per person per day.

### **COMMITTEE DISCUSSION**

In response to a question from Senator Wanzek, Chairman Nelson said when the consultant has completed its work, the committee will review the logistics of the facilities, the need for updates, and the possibility of a new prison for women.

In response to a question from Representative Schobinger, Senator Mathern said the Department of Human Services is studying the role of the State Hospital and corrections. He said the study includes an assessment of all mental health beds in the state and requests a recommendation as to how many are needed and where the beds should be located.

Chairman Nelson said the committee is invited to participate in an informal tour of MRCC.

No further business appearing, Chairman Nelson adjourned the meeting at 12:00 noon.

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Alex J. Cronquist  
Senior Fiscal Analyst

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Counsel

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