

Greeting Representative Magrum

RE: Support of HB1112

I hope you and your family are well.

I am writing you in regards to seeking your support of HB1112 which will be heard tomorrow morning.

The purpose and intent of HB1112 is to require DOCR enter into negotiations with local jails for inmate reimbursement costs when a defendant through due process is sentenced to serve their incarceration time in the State Prison System with DOCR for a crime they committed that they have either Plead Guilty to, was found guilty by a Judge in a Bench Trial or by their peers in a Jury Trial.

The purpose and the reasoning for HB1112 is because of the associated cost of housing State Inmates in Local Jails which is then paid by the citizens of the jurisdiction in which they were arrested, after they have been sentenced and remanded over to DOCR by a District Judge to serve their time. Any time served by an inmate prior to being found guilty and sentenced is paid by the local arresting jurisdiction.

In 2020 the cost to the tax payers of Emmons County citizens was **\$8,175.00 for two inmates** that committed crimes in Emmons County and who eventually plead guilty in District Court and were sentenced to serve time at DOCR, but had to remain in the local jail until DOCR would accept them into their system. The two inmates who's crimes were several counts of burglary and the possession and selling of narcotics served a total of 109 Days combined @ \$75.00 per day in the Burleigh/Morton Jail after they plead guilty and sentenced to DOCR. The cost for serving these 109 days after they were sentenced was the responsibility of Emmons to pay to Burleigh/Morton while the Emmons County Inmate awaits to be accepted into the DOCR system. Our office has since paid Burleigh/Morton and has requested reimbursement from DOCR for those costs incurred which is pending at this time.

Recently DOCR, state-wide has agreed to pay some of these costs when it was given Federal CARES ACT funds through the state to be used to pay these reimbursement costs should a county seek reimbursement, which most if not all have done or in is the process of seeking.

Prior to these Federal funds becoming available, the frustration by Sheriff's state-wide was that DOCR was not offering or willing to pay those costs paid by local jails and appeared reluctant to do so, even though they are considered and legally DOCR Inmates.

HB1112 will require DOCR to negotiate with local jails for reimbursement costs in the future.

The Emmons County Sheriff's Office only has a temporary hold cell which allows us to temporarily hold an arrested person for a maximum of 8 hours. Anyone required to spend more time or unable to post bond must be transferred a larger facility certified or classified to house inmates for an extended period of time. Our holding cell is classified as a Class 4 facility by DOCR who classifies, inspects and regulates all local jails state-wide. If someone arrested in Emmons County is unable to post Bond or must be held longer then our facility can allow, the person must be transferred to a larger facility that is licensed to hold them for a longer period of time if necessary.

Emmons County primarily utilizes the Burleigh/Morton facility which is classified as a Class 1 facility and located within our South Central District Court region that we also are a part of. Our current Inmate Housing Contract with Burleigh/Morton requires Emmons County to pay Burleigh County \$75.00 per day

to house an inmate that we bring them. It remains the responsibility for Emmons County to transport the inmate to any necessary court proceedings and any medical appointments. It is also the financial responsibility of Emmons County to pay for any medical costs while in custody if the inmate has no insurance coverage. We were fortunate that the two inmates listed above had no serious medical costs while awaiting to get into DOCR, but that is a great concern going forward should HB1112 not go forward to address these potential financial costs that could become several thousands of dollars very quickly.

In ending I would appreciate your support in HB1112 to ensure that DOCR is required to negotiate with Local jails for these reimbursement costs after they have been sentenced to DOCR custody but are forced to remain in a local jail at the expense of the various local taxpayers.

Should you have any questions or concerns that I can be of assistance please don't hesitate to call on me.

Respectfully;

*Gary R. Sanders, Sheriff
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