

Testimony to the  
**Senate Judiciary Committee**  
March 16, 2021  
By Donnell Preskey, NDACo  
ND Sheriffs & Deputies Association



**RE: HB 1112 – Prioritization Plan - Reimbursement**

Chair Larson and committee members, I’m Donnell Preskey with the North Dakota Association of Counties. NDACo serves many of the county member associations as well ranging from Commissioners to Sheriffs. In my role at NDACo, I serve as the executive director for the North Dakota Sheriffs and Deputies Association. The Sheriffs Association, NDACo and ND County Commissioners Association all passed a resolution supporting this legislation.

HB 1112, simply ensures that when and if the prioritization plan is in place DOCR must enter into an agreement with our county and regional facilities if they are unable to take an inmate that has been sentenced to DOCR. The agreement includes DOCR paying for the housing and medical costs incurred. This is what is fair to the taxpayers of North Dakota.

I will provide you a statewide perspective on how the prison prioritization plan has impacted our counties and why we are seeking reimbursement for when the prioritization plan is utilized in the future.

The 2017 Legislature provided NDDOCR the authority to implement a prioritization plan in order to manage the prison population. In May 2019, DOCR notified Sheriffs and Jail Administrators that the prison prioritization plan would go into effect for female inmates.

It’s important for you to know, these female inmates are individuals who a District Court Judge has sentenced on a state crime to the North Dakota Department of Corrections. With the prioritization plan in place – DOCR denied admission to these inmates, until DOCR’s “operational capacity” allowed for their transfer. This resulted in state sentenced inmates, serving at least part of their sentence in a county facility, at the county expense – which falls on local property taxes.

PRIORITIZATION  
PLAN IMPACT TO  
COUNTIES

- **79 FEMALES**
  - NUMBER OF FEMALES SENTENCED TO STATE AND DENIED ADMISSION TO DOCR FACILITIES UNDER PRIORITIZATION PLAN FROM MAY-SEPTEMBER
- **870 DAYS**
  - NUMBER OF DAYS STATE SENTENCED FEMALE INMATES SPENT IN COUNTY FACILITIES DENIED ADMISSION TO DOCR FACILITIES
- **\$65,250**
  - COUNTY COST FOR HOUSING FOR STATE SENTENCED FEMALE INMATES DUE TO PRIORITIZATION PLAN

The prioritization plan was in effect from June 1, 2019 through September 30<sup>th</sup>, 2019 for female inmates. In those 4 months... DOCR denied admission for **79 inmates in 18 counties**. Those inmates spent **870 days in county facilities** instead of in the DOCR's custody. At \$75/day – this equates to a **\$65,250 expense** that under current

law is the responsibility of county taxpayers. This cost is just for housing. While that state sentenced inmate is in the county facility, that county is responsible for the medical costs as well. Fortunately, we avoided a major medical event for these inmates. A major medical event could be devastating to a county's budget. Addressing this issue is a top priority for the Sheriff's Association and NDACo.

I also want to add that the state has based the prioritization plan on DOCR's "operational capacity" which is not solely based on available beds but also their budget. We ask you to recognize that local jails have operational capacities as well. During the prioritization plan in 2019, DOCR reduced their female population all while the population at the local facilities grew, reaching a population of 1592 inmates. The prison population prioritization plan essentially uses property taxes to subsidize the DOCR budget.

**DOCR deferrals during COVID-19**

For the committee's information, I'm also providing supplemental information as it relates to deferred inmates during the COVID-19 pandemic. DOCR notified counties they were closing admissions in March 2019 and in June started taking state inmates on a scheduled basis. As of March 14th, counties are still holding 103 state sentenced inmates. The cost to house these inmates over the course of the past ten months has exceeded \$2 million. CARES funds were approved to be used to reimburse the local facilities, which counties are grateful for.

