

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## CORRECTIONS COMMITTEE

Thursday, June 27, 2002  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Duane DeKrey, Chairman, called the meeting to order at 8:30 a.m.

**Members present:** Representatives Duane DeKrey, Ron Carlisle, Howard Grumbo, Gil Herbel, George Keiser, Joe Kroeber, Ken Svedjan, Laurel Thoreson, John M. Warner, Amy Warnke; Senators Dick Dever, Jerome Kelsh, Stanley W. Lyson, Carolyn Nelson, Dave Nething

**Members absent:** Representative John Mahoney; Senator Darlene Watne

**Others present:** See attached appendix

**It was moved by Representative Carlisle, seconded by Senator Dever, and carried on a voice vote that the minutes of the May 1, 2002, meeting be approved as distributed.**

Chairman DeKrey recognized Representative Wesley R. Belter, Chairman of the Legislative Council, as being in attendance at the meeting.

### DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY

Chairman DeKrey called on Mr. Michael Fair, President, Security Response Technologies, Inc. (SRT), Middleton, Massachusetts, for a presentation of the final findings of the study of the facilities and operations of the Department of Corrections and Rehabilitation. Mr. Fair said Mr. Karl Becker, Mr. Ken McGinnis, and Mr. Glen Hodson would also be presenting information regarding the findings of the study.

Mr. Becker said the members of the study team made six trips to North Dakota. He said the final report contains the following five volumes: *Executive Summary and Project Overview*; *Population Projections and Capacity Needs Analysis*; *Physical Plant Review*; *Operations Assessment*; and *Program Review*. He said the methodology of the study included document reviews, institution tours, interviews, and data analysis. He said the team's general impressions of the state's corrections system were the system's small size creates both benefits and problems; there is a notable commitment to programming; the cleanliness and upkeep of the facilities are outstanding; and the staff attitudes and professionalism are exceptional. He said the team's recommendations have a high pricetag. He said the goal was to point out what the system needs. He said there may

be less costly ways to accomplish some of the goals and not all recommendations need to be performed immediately but rather may be phased in.

Regarding the system's population, Mr. Becker said the state's correctional system is operating at or near the limit of its current capacity. He said the team's projection for the state's inmate population is that it will continue to grow at an annual rate of 3 percent over the next 10 years, increasing to over 1,600 inmates. He said the female population is projected to grow by 67 percent in 10 years. He said this will be one of the highest rates of growth in the nation. He said the current system has a capacity of 1,111. He said the only expansion the state has planned is the transition center, which is expected to open in August. He said the transition center will house about 50 inmates. He said the short-term actions the state can take are open the transition center; expand the corrections rehabilitation and recovery program (CRRP) by an additional 25 beds for female offenders; and increase contracting with county jails and the Prairie Correctional Facility in Appleton, Minnesota, as needed over the next year.

Mr. McGinnis said the policy actions recommended include the acceleration of the parole review of eligible offenders and the expanded use of the community placement program (CPP). He said the impact of granting parole at an earlier stage in an offender's sentence can be significant. He said the population reduction that would be achieved by the granting of parole 60 days earlier would range from 52 beds in 2002 to 74 beds in 2012. He said in North Dakota, 30 percent of inmates leave the corrections system with no parole supervision. Nationally, he said, 16 percent leave without parole supervision.

In response to a question from Representative Keiser, Mr. McGinnis said the forecasts made are based on status quo. He said the assumptions are based on the anticipated trends without the implementation of any policy changes. He said the policy changes would need to be made by the Legislative Assembly and the state. He said items such as capital expenditures were not adjusted based upon the policy recommendations. He said the implementation of those changes would save bed capacity. He said the number of inmates involved in the CPP program could easily be doubled. He said national

studies indicate that inmates who participate in programs similar to the CPP program have half the recidivism rate of those who do not participate in that type of program.

Mr. Becker said to address the capacity increase, the team has recommended that a new housing unit be built for female inmates at the James River Correctional Center (JRCC) location. He said the building of this unit would create an additional 180 beds dedicated to female inmates, would free up 114 beds for male inmates, and would address the serious deficiencies in female housing at JRCC. He said large-scale privatization is not feasible for North Dakota. He said contracting for an entire facility requires the state to pay for more beds than it currently needs. He said privatization would result in increased state spending on corrections due to the department's need to continue to cover its fixed costs.

In response to a question from Representative Carlisle, Mr. Becker said JRCC was recommended for a new female unit over the Missouri River Correctional Center (MRCC) because MRCC lacks a secure perimeter, does not have medical services, and has other infrastructure issues. He said it would be more costly to build the new facility at MRCC. He said females use much more medical services than males and to add those services at MRCC would be costly.

In response to a question from Representative Herbel, Mr. Becker said the projected cost of a new female unit is \$11,494,829. He said this figure includes the general housing unit, a multipurpose visitation and recreation area, medical services, and academic and vocational programming.

In response to a question from Senator Dever, Mr. Becker said the new female unit would be built within the perimeter of JRCC, which is a secure facility.

In response to a question from Representative Belter, Mr. Becker said although North Dakota has not experienced an increase in its overall population, the inmate population is projected to increase because of the anticipated increase in drug crimes, especially methamphetamine-related drug crimes, because of the decline in the rate of parole, and because of the state's sentencing practices.

In response to a question from Representative Warnke, Mr. Becker said the new unit could be built within JRCC's secure perimeter; therefore, there would not be a need for the construction of a new secure perimeter. Mr. McGinnis said there was not a significant difference in the labor force in Jamestown and Bismarck and adequate services were available in both cities. He said construction of the unit at JRCC would be more cost-effective. He said JRCC already has a staff that is trained in working with female offenders. Mr. Hodson said the plan for the new female unit is similar to the plan proposed during the 2001 legislative session, but the layout of the unit would be different. He said another concern about

the MRCC location involved the restrictions on the availability of public water. He said JRCC has a power plant and the road access is better at JRCC than at MRCC.

In response to a question from Representative Keiser, Mr. McGinnis said making cost-benefit projections on the effects of policy changes would require a myriad of scenarios depending on what policy issues are made. He said the Department of Corrections and Rehabilitation will be able to make fiscal projections if the various policy changes are implemented.

In response to a question from Representative Carlisle, Mr. Hodson said the fact that MRCC and the surrounding 900 acres are located on a floodplain was a concern. He said locating the new facility at MRCC would also require the need to build up the physical plant, the access road, and the parking, all of which are already in place at JRCC. He said MRCC also is limited on the amount of public water it can purchase and use. He said that problem could be overcome by the addition of a water tower; however, that would add \$500,000 to the cost of the project. He said while the 900 acres surrounding MRCC could be sold to help offset the cost of building the facility, it is not likely that developers would want to build a residential development around a correctional facility.

Mr. Hodson reviewed the physical plant assessment contained in Volume III of the report. He said one of the common facility issues that was noted was that the configurations of the institutions result in an inefficient use of staff. An example of this, he said, is at JRCC. He said it is difficult to transition a facility from being a mental illness hospital to a correctional facility. He said the JRCC has many "blind spots." He said the design of the facilities also makes it difficult to visually control and monitor inmates. The buildings, he said, were not constructed with energy efficiency and longevity as a primary concern. He said while the primary facilities at the Penitentiary, MRCC, JRCC, and the Youth Correctional Center (YCC) are largely in sound condition, each institution's physical plant can be expected to develop issues that will need to be addressed. He said the state will need to invest an estimated \$42 million to \$62 million in major capital repairs to these four facilities over the next 10 years. Major projects that need to be pursued during this time period, he said, include a new dietary building at MRCC, a new female housing unit at JRCC, a gatehouse at the Penitentiary, a fire alarm system at YCC, the replacement of the east cellhouse at the Penitentiary, and other roofing and infrastructure projects. He said the department will need to invest \$14 million to \$21 million in facility maintenance over the next 10 years. He said this amount is based on the replacement value of the facilities and includes routine maintenance, minor capital repair, and the costs of contracts and salaries of maintenance staff.

In response to a question from Representative Keiser, Mr. Hodson said the women's facility should be the top priority followed by the gatehouse at the Penitentiary. He said in any construction project undertaken by the state, it is important that the architects hired have experience in correctional facility design.

Mr. Fair discussed the staffing at the department's facilities. He said in reviewing the system used by the department to assign and manage staff, it does not appear that the department utilizes a master roster or relief factor system. As a result, he said, it is difficult for the department to adequately justify its staffing needs to the Legislative Assembly and it is equally difficult for the Legislative Assembly to discern the department's needs and to appropriate sufficient resources to meet those needs. He said the development of a good master roster should begin with a post analysis and a calculation of the relief factor based upon the actual number of personnel required to staff a function complete with post coverage on days off, sick days, vacation, and other types of absences. He said it appears that over the years the department has underestimated its true staffing needs and opted instead to request only what it believes the Legislative Assembly will support. This has resulted, he said, in a staffing process that is based more on personalities and politics than on objective assessment tools. He said the team calculated a relief factor for the Penitentiary, which includes MRCC and JRCC. He said a post analysis was conducted for each post on every shift and the resulting posts were then applied to a master roster. He said the relief factor was then applied to the posts and the roster and the number of personnel required for each function was then calculated. He said the calculations showed the Penitentiary to have a seven-day relief factor of 1.62 and JRCC to have a seven-day relief factor of 1.55.

In response to a question from Representative Carlisle, Mr. Fair said any threat posted by groups or gangs within the inmate population can be handled through placement and programming and do not require the employment of extra staff.

Mr. McGinnis discussed the operations assessment. He said the team was impressed with the existing staff and how the department manages with the staff it has. He said the recommended staff increases of 15.5 full-time equivalent (FTE) positions at the Penitentiary, 30.7 FTEs at JRCC, 4 FTEs at MRCC, and 1 FTE at the central office would enhance safety and security. He said the recommendations for the Penitentiary, which are listed on page 23 of Volume IV of the report, include a recommendation that one of the two deputy warden positions be converted to a warden position and the present combined director of Prison Division/warden positions be split into two separate positions.

Mr. McGinnis said the study revealed major staffing deficiencies at JRCC and that an additional

30.7 FTEs are needed in the areas of security, administration, maintenance, and education. He said JRCC relies on a maintenance agreement with the State Hospital for most of its maintenance needs. He said because JRCC is a high-maintenance facility, it needs its own maintenance staff. He said two areas at MRCC, the visiting room and the overnight shift, need to be addressed. He said the visiting room is a prime location for the exchange of contraband and it is essential that well-trained officers staff this function. He said as the system grows and becomes more complex, the staffing issues raised in the report will need to be addressed.

In response to a question from Representative Keiser, Mr. McGinnis said the Penitentiary and JRCC are very staff intensive because of each facility's design. He said appropriately designed facilities require less staff, although a certain number of staff is necessary for activities outside the facility, such as recreation and transportation.

Mr. McGinnis said the department needs to develop or acquire an information system for Field Services which can communicate with the Prison Division's ITAG system. He also said the department should integrate the policies and procedures of its various divisions into one policy manual and should formalize and audit the system to test policy compliance.

Mr. McGinnis also reviewed the department's programs. He said female offenders do not have adequate access to programs, the department lacks adequate vocations programs, and the classification instrument is dated and has not been validated. He also said the intake process takes too long, which delays access to programs and parole. He said the intake process could be reduced from five to three weeks. He said there appears to be a high percentage of inmates on prescribed medications and that an independent medical review should be conducted to determine if the medications are appropriate. He said the State Hospital's CRRP should be expanded to include women. He said Roughrider Industries is a model correctional industry program and that every state should try to achieve such a program.

In response to a question from Representative Warner, Mr. McGinnis said a consultant could be hired to conduct a study of the department's classification system.

Mr. McGinnis said the programming recommendations include increasing program opportunities for female offenders, increasing educational programming at JRCC, expanding vocational training programs, and accelerating the processing of offenders through classification.

In response to a question from Representative Svedjan, Mr. McGinnis said day monitoring and intensive supervision is used by the department more than electronic monitoring. He said electronic monitoring

puts more high-risk people into the community. He said the team did not view electronic monitoring as a necessary or appropriate alternative in North Dakota. He said electronic monitoring is used as an enhancement to existing supervision. He said it is occasionally used by judges as an enhancement in lieu of jail sentences but not in lieu of prison. He said electronic monitoring is used when caseloads are high, which is not a problem in this state. He said it is used as a substitute for staff.

In response to a question from Senator Nething, Mr. McGinnis said the recent substantial increase in the female population at JRCC is a small "blip," but is part of an ongoing trend. He said the projections made in the study cover the increase.

In response to a question from Representative DeKrey, Mr. McGinnis said the two primary issues that lead to Department of Justice investigations in prisons are the treatment of the mentally ill and the treatment of female offenders. He said the Department of Justice has been very aggressive throughout the country, particularly in the area of female offenders, because of the disparate treatment of females. He said this is due in part to the small number of female offenders compared to the number of males. He said Michigan has been involved in litigation over similar issues for the past 25 years. He said in North Dakota there are clear issues that need to be addressed. He said the issues are due in part to the rapid growth of the female population and the lack of adequate programs and facilities. A copy of the final report prepared by SRT is on file in the Legislative Council office.

Chairman DeKrey called on "Zoe," a concerned citizen and inmate advocate. She said the male inmates at the Penitentiary are not receiving the medical attention they need. She said the male inmate population only receives treatment in cases of emergencies. She said a large number of inmates have Hepatitis C, but only four inmates are being treated. She said these health problems need to be addressed. She said the Legislative Assembly needs to help provide decent medical services for the male inmates. She said she is aware of several inmates who are not receiving the medical services they need, and she gave examples of specific cases.

In response to a question from Representative Svedjan, Ms. Elaine Little, Director, Department of Corrections and Rehabilitation, said the department is working hard not to have a deficit at the end of the biennium. She said the department is \$700,000 over its medical budget but is trying to make up for it in other areas. She said the department is working with the Parole Board to initiate some changes and the implementation of those changes will positively impact the next budget. She said she agrees that the No. 1 priority for the next biennium is a women's facility and adequate and comparable women's programs. She said a new women's facility would open new beds for

the males. She said there is \$2.4 million available that can be used toward the cost of a women's unit.

In response to a question from Senator Kelsh, Ms. Little said there is only one dentist in the state who is willing to provide services for the department. She said one of the main reasons why the inmates have a high number of dental problems is from the use of methamphetamine. She said methamphetamine use is very damaging to teeth.

In response to a question from Representative Carlisle, Ms. Little said about 30 percent of paroled inmates stay in the Bismarck-Mandan area.

In response to a question from Senator Nething, Ms. Little said there are 134 female inmates. She said 101 are at JRCC, 14 at MRCC, and the remainder are in the Tompkins Rehabilitation and Corrections Unit, CPP, and county jails. She said the department is limited on where the female inmates can be housed. She said the department is working with private contractors in Fargo to house some of the women. She said they are in discussions with the State Hospital to provide treatment beds for women. She said the Prairie Correctional Facility in Appleton, Minnesota, is a male-only facility.

In response to a question from Representative Kroeber, Ms. Little said the seriously mentally ill unit will be operational by November 1, 2002, and it will accommodate 23 to 25 beds.

In response to a question from Senator Nelson, Ms. Little said the new Cass County jail will be a 250-bed facility, but the county expects to fill the facility with its own population.

In response to a question from Senator Dever, Ms. Little said the department has policies and procedures for inmate access to medical care. She said the department contracts with Medcenter One for medical services. She said the information that inmates share with the public is often different from what actually occurs. She said inmates are referred to the appropriate treatment.

In response to a question from Representative DeKrey, Ms. Little said 35 states have passed the Interstate Compact for Adult Offender Supervision.

Chairman DeKrey called on Mr. Don Houston, Regional Vice President, WCC, Austin, Texas, for information on the privatization of prison facilities. Mr. Houston said WCC is a leader in the area of privatization of prison facilities. He said WCC's first contract was in 1986 in Aurora, Colorado. Currently, he said, WCC has 56 facilities under contract worldwide with over 40,000 beds. He said WCC stock is traded on the New York Stock Exchange.

Mr. Houston said one of the advantages of privatization of correctional facilities is the ability to be innovative, creative, and flexible. He said privatization also provides cost-savings. He said states can save 15 to 20 percent in the construction phase and about 10 percent annually in operating costs. He said privatization reduces the liability of the contracting agency.

He said with privatization the request for proposal (RFP) and the contract define the mission. Privatization, he said, allows for healthy competition. He said 25 percent of the correctional facilities in Oklahoma are privatized. He said Texas has more than 30 private correctional facilities. Mr. Houston submitted information regarding WCC, a copy of which is on file in the Legislative Council office.

Mr. Houston said another advantage of privatization of correctional facilities is that more project financing options are available to the private sector than are available to the state. He said privatization also provides for corporate oversight and responsibility. He said as a publicly traded company, the company must be accountable. He said when designing new facilities, the company's objective is to meet the operational needs of the client.

In response to a question from Representative Herbel, Mr. Houston said WCC builds facilities based on the needs of the client and on the requirements set forth in the RFP and the contract. He said the facilities are built with a design that can be expanded if needed. He said the smallest facility operated by WCC is 200 beds. He said the fixed costs can be moved to the private sector. He said WCC does not pick and choose inmates. He said WCC will design a facility that meets the state's needs. He said a contract can be written so that the state will only pay for those beds that are needed.

In response to a question from Representative Keiser, Mr. Houston said a facility can either be one that is newly constructed or WCC can take over an existing facility. He said escape provisions for the state can include the length of the contract, causes for default, and a condition that appropriated funds must be available.

In response to a question from Representative Svedjan, Mr. Houston said some states include in their RFP the level of security needed and the location of a facility, but WCC can do an analysis and make recommendations to the state. He said both minimum and maximum security inmates can be housed in the same facility. He said this can be accomplished by compartmentalizing the facility. He said because of management problems, WCC does not recommend housing male and female inmates at the same facility. He said the per day cost varies throughout the country. He said in this region, the average cost per day is \$42. He said \$42 per day would include debt services if WCC owns the building. He said operating costs would be about \$35 per day.

In response to a question from Representative Warnke, Mr. Houston said programming is an important part of the corrections process. He said the per day cost includes programming. He said the client sets the level of programming, but for management reasons WCC would provide programming even if it were not asked for in the contract.

In response to a question from Representative Svedjan, Mr. Houston said the typical amount of time from RFP to a facility being operational is about two years. He said that time period includes the RFP, negotiating the contract, designing the facility, obtaining permits, and construction.

In response to a question from Senator Nething, Mr. Houston said a larger institution does not necessarily mean a lower per day cost. He said the cost per day depends on whether WCC or the state is carrying the debt services.

In response to a question from Representative DeKrey, Mr. Houston said the cost per day is higher for its federal contracts because the federal salary requirements are higher than the state's. He said WCC has had one contract that lapsed. He said the contract ended by mutual agreement.

In response to a question from Representative Kroeber, Mr. Houston said WCC has some 20-year contracts, but many are five-year contracts. He said the five-year contracts are usually three-year contracts with two 1-year options. He said after the fifth year, the contract may be put out for rebids.

In response to a question from Representative Herbel, Mr. Houston said in most cases the state's department of corrections writes the contract.

In response to a question from Senator Dever, Mr. Houston said because many state employees have tenure, the state employees' salaries will be higher than an entry-level position in a new facility.

In response to a question from Representative Warner, Mr. Houston said ombudsmen are used to handle complaints.

In response to a question from Representative Herbel, Mr. Houston said in this region the average starting salary would be \$21,000 to \$22,000.

Chairman DeKrey called on Mr. Jim Gilliam, Senior Director, Business Development, Corrections Corporation of America, Nashville, Tennessee, for a presentation on the privatization of correctional facilities. Mr. Gilliam said the Corrections Corporation of America (CCA), founded in 1983, is the founder of outsource corrections management. He said CCA manages 61 facilities. Of these 61, he said, more than 30 are owned by CCA. He said CCA currently houses more than 54,000 inmates in 61 facilities under contract for management in 23 states, the District of Columbia, and Puerto Rico. He said CCA is the sixth largest correctional system in the country.

Mr. Gilliam said treatment, programs, and health care are provided to its inmates. He said 86 percent of CCA's facilities are accredited by the American Correctional Association. He said CCA's wardens have an average of 25 years' experience. He said CCA's escape ratio is less than one-third of the national average. He said customer satisfaction is its goal and CCA has a 95 percent contract renewal rate.

In response to a question from Representative Herbel, Mr. Gilliam said the state only pays for what is

needed. He said the state can contract for a set number of beds or a certain percentage of that amount. He said CCA operates a 65-bed juvenile facility. He said CCA does not handpick inmates. He said CCA is in a partnership with its clients and will work with the client to meet the client's needs. He said CCA's average starting salary is around \$21,000.

In response to a question from Senator Nething, Mr. Gilliam said there are logistical concerns in housing male and female inmates in the same facilities. He said CCA has some facilities that house both males and females, but CCA prefers to not house both genders in the same facility.

In response to a question from Representative DeKrey, Mr. Gilliam said nationwide, inmate populations are flat and in some states, including Texas, populations are declining. He said since the September 11 attack, the federal prisons are seeing some growth. He said CCA has 6,000 to 7,000 empty beds across the country.

In response to a question from Representative Kroeber, Mr. Gilliam said the juvenile facility cost per day ranges from \$35 to \$100 per day depending on the level of supervision.

In response to a question from Representative Warner, Mr. Gilliam said any lobbying efforts of CCA are for the purpose of creating an awareness of privatization and not to change policies that may create more business.

In response to a question from Representative Herbel, Mr. Gilliam said staffing accounts for the bulk of the expense in a facility. He said an efficiently designed facility will reduce the number of staff needed.

In response to a question from Senator Dever, Mr. Gilliam said if the state would contract with CCA for existing out-of-state beds, the state only pays for the number of beds needed. He said this would make it easier to budget for this expense. He said under this option, the state does not have to deal with empty beds or debt services. He said contracting for existing out-of-state beds would be a cost-efficient way to deal with an increasing inmate population.

In response to a question from Senator Nelson, Mr. Gilliam said CCA tries to pay a competitive wage that compares with other comparable facilities in the area. He said CCA offers its employees a full benefit plan.

Chairman DeKrey called on Mr. Tim O'Dell, Warden, Prairie Correctional Facility, Appleton, Minnesota, for testimony regarding the operations of the Prairie Correctional Facility. Mr. O'Dell said the facility currently houses 40 North Dakota inmates and has had as many as 60 North Dakota inmates. He said the facility began as an economic development project in Appleton in an effort to create jobs and to develop a stable workforce in the area. In 1996, he said, CCA purchased the facility. He said the facility has a maximum capacity of 1,365 inmates. He said

the facility has 400 employees and an annual payroll of \$10.5 million. Annually, he said, the facility pays approximately \$1 million in property taxes and \$730,000 in utilities. He said the facility has a good relationship with the city. He said the facility has not had any successful escapes nor has it had any facility-wide incidents. He said the facility has been accredited for the third time with a score of 99.3. He said the facility offers a variety of programming, including drug and alcohol treatment and aftercare. He said the employees are paid a competitive wage for the region and the facility has a fairly stable workforce. Mr. O'Dell said the committee was welcome to tour the Prairie Correctional Facility.

In response to a question from Senator Nelson, Mr. O'Dell said employees are required to complete 200 hours of training before having contact with inmates. He said the training includes crisis intervention, self-defense, and training on general policies and procedures. He said the 200 hours of training is followed by a 40-hour peer shadow program and a 90-day mentoring program. He said CCA uses its own trainers and also works with regional law enforcement groups. He said all training programs are certified.

In response to a question from Representative Warner, Mr. O'Dell said to transition inmates back into society, the facility provides life skills training programs prior to release. He said some inmates are released back to their home states and others are released directly from the facility.

In response to a question from Senator Nelson, Mr. O'Dell said the Department of Corrections and Rehabilitation transports its inmates to and from the facility.

In response to a question from Representative Thoreson, Mr. O'Dell said the facility offers certified vocational training programs in a number of areas, including facility maintenance, plumbing, carpentry, computers, and hydraulics. He said the Appleton facility houses a large number of Wisconsin inmates because Wisconsin has seen an increase in its prison population, which has created a need to contract with out-of-state facilities. He said Wisconsin houses about 4,000 of its inmates in out-of-state CCA facilities.

In response to a question from Senator Nething, Mr. O'Dell said when the facility was built, the city of Appleton did not have a commitment from anyone. He said it was just an economic development project. He said the facility's early days were "touch and go."

In response to a question from Representative Herbel, Mr. O'Dell said he was attracted to the positive aspects of working in a privately run facility. He said the bureaucracy of a state-run facility makes change difficult. He said, however, private facilities do not have the sovereign immunity of the state and the employees do not have the same job security that public employees enjoy.

In response to a question from Senator Nething, Mr. O'Dell said the state of North Dakota pays \$50 per day to house inmates at the Appleton facility.

### **COMMITTEE DISCUSSION**

Chairman DeKrey requested the Department of Corrections and Rehabilitation to review the SRT report and respond to the committee at its next meeting.

Representative Svedjan said the department should attempt to provide the committee with options. For example, he said, if the state cannot afford to build a new women's facility, what other options might be available.

Ms. Little said she would provide the committee information on alternatives.

In response to a question from Senator Nelson, Ms. Little said she would provide the committee information on transportation costs.

In response to a question from Representative Warner, Ms. Little said she would provide the committee information on parole guidelines and the membership of the Parole Board.

Ms. Little said in a 1977 decision the North Dakota Supreme Court held that the state may not house all of its female inmates out of state.

In response to a question from Representative Warnke, Ms. Little said there are legal problems to sending inmates out of state if a certain group is targeted. She said sending more males out of state would not necessarily create more beds for females. She said the Penitentiary does not have a unit for females. She said because a different level of security would be needed, it would be costly to convert MRCC to a female facility.

Representative Svedjan said he is not sure what level of commitment there is to a private prison or the level of interest from the executive branch.

### **SUBSTANCE ABUSE STUDY**

Chairman DeKrey called on Ms. Sandi Tabor, Deputy Attorney General, for a report on the current status and trends of unlawful drug use and abuse and enforcement efforts in the state. Ms. Tabor said instituting a comprehensive reporting system is one of the eight goals of Attorney General Stenehjem's statewide drug policy initiative. She said his initiative recognizes the need to develop a system of accountability which objectively evaluates each area of drug control, whether it is education, enforcement, rehabilitation, or treatment, and will keep public confidence in drug control efforts by highlighting the nature of our efforts. She said in this initial report, the Attorney General is providing a statistical baseline from which future successes or failures can be compared. She said the report contains information compiled by the State Department of Health, the State Crime Laboratory, the Department of Human Services, the Department of Corrections and Rehabilitation, and the

Attorney General. She said in the future the Attorney General hopes to be able to correlate changes in statistics directly to the outcomes produced by the North Dakota Commission on Drugs and Alcohol, a commission formed by the Governor and the Attorney General to evaluate present programs in the areas of enforcement, prevention, and treatment. She said the commission will study what works and what does not work and will reformulate the statewide substance abuse policy. She said the work of the commission will result in recommendations regarding ways to combat the alarming statistics contained in the report. She said the commission is also working to update and expand the North Dakota comprehensive substance abuse prevention five-year plan.

Ms. Tabor said Appendix B of the report includes summaries from the 2001 statewide youth risk behavior survey. She said Appendix C of the report provides information on the types of controlled substances tested at the State Crime Laboratory and the number of times tests were run for each controlled substance. She said by far marijuana led the way during 2001 with 3,442 samples analyzed. She said Appendix D of the report provides numbers from the Department of Human Services regarding treatment. She said the numbers reflect treatment statistics from the nine public providers across the state. Appendix E, she said, provides information on the prison and probation component of the study. She said the analysis looks at the number of admissions for drug offenses for the year, excluding parole violators. Appendix F, she said, provides an overview of current enforcement efforts to combat unlawful drug trafficking and usage and statistics on arrests. She said drug arrests in 2001 appear to have increased by 20.7 percent over 2000, and as of June 19, 2002, 128 meth labs have been busted. She said this compares to 89 labs for all of 2001 and 46 in 2000. She said the number of meth lab busts is almost equally split between urban and rural locations. A copy of the report presented by Ms. Tabor is on file in the Legislative Council office.

In response to a question from Representative Keiser, Ms. Karen Romig Larson, Department of Human Services, said approximately half of the persons needing substance abuse treatment are receiving treatment in private facilities.

In response to a question from Representative Warner, Ms. Larson said the risk survey was sent to all high schools and middle schools. She said it was completed by students in grades 7 through 12.

In response to a question from Representative Thoreson, Ms. Tabor said the penalty for operating a meth lab depends on what is collected during the bust. She said the minimum penalty is a Class C felony. She said eight public forums will be held throughout the state on the updating of the North Dakota comprehensive substance abuse prevention five-year plan. She said she would provide a report to

the committee on those forums at the committee's next meeting.

Ms. Tabor introduced Mr. Mike Ness, Bureau of Criminal Investigation. Mr. Ness set up a display of the items that are likely to be used in a meth lab. He said when a meth lab is busted, samples are taken from the crime scene to determine the content of the sample. He said the increased education efforts in the state will result in more public awareness and more busts. He said a retail awareness program in Williston has been very successful.

Chairman DeKrey called on Ms. Annetta Sutton, Social Concerns, Diocese of Bismarck, for comments concerning the report. Ms. Sutton said she concurred with the findings in the report. She said she sees two or three persons per day who have issues related to methamphetamine and other drugs. She said there are a high number of college students using drugs. She said alcohol and methamphetamine abuse have reached epidemic proportions in North Dakota. She said the result of this abuse will be high costs in

medical services and treatment. She said society is in denial on the severity of the problem. She said law enforcement, the Attorney General, and the Department of Human Services are doing great work.

Chairman DeKrey adjourned the meeting at 3:15 p.m.

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Vonette J. Richter  
Committee Counsel

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John D. Olsrud  
Director

ATTACH:1