

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

COMMISSION ON ALTERNATIVES TO INCARCERATION

Monday, December 9, 2013

Commission Room, Cass County Courthouse, 211 Ninth Street South
Fargo, North Dakota

Tuesday, December 10, 2013

Second Floor Boardroom, Learning Resource Center, State Hospital, 2605 Circle Drive
Jamestown, North Dakota

Senator Ron Carlisle, Chairman, called the meeting to order at 12:30 p.m.

Members present: Senators Ron Carlisle, John Grabinger, Margaret Sitte; Representatives William E. Kretschmar, Marie Strinden; Citizen Members Maggie D. Anderson, Leann K. Bertsch, Dan Donlin, Mark A. Friese, Meredith Huseby Larson, Duane Johnston, Paul D. Laney, Judge Lisa McEvers, Jason T. Olson, Thomas L. Trenbeath

Members absent: Representative Lawrence R. Klemin; Citizen Members Justice Mary Muehlen Maring, Dr. Gary Rabe

Others present: Tim Mathern, State Senator, Fargo
Ben W. Hanson, State Representative, West Fargo
See [Appendix A](#) for additional persons present.

The minutes of the September 10, 2013, meeting were approved as distributed.

Chairman Carlisle called on Mr. Greg LaFrancois, Prairie St. John's Hospital, for comments ([Appendix B](#)) regarding chemical dependency and addiction treatment services.

In response to a question from Senator Sitte, Mr. LaFrancois said it is more difficult to become a licensed addiction counselor in North Dakota than it is in Minnesota. He said Minnesota requires 800 hours of supervision, while North Dakota requires 1,400 hours. In addition, he said, the board review of transcripts in this state can be an issue in finding licensed addiction counselors. With increased numbers of licensed addiction counselors, he said, there would be more trainers to provide the required supervision.

In response to a question from Senator Carlisle, Ms. Anderson said many individuals released from incarceration may be eligible for Medicaid under the expansion of Medicaid eligibility.

Mr. LaFrancois said the expansion of Medicaid will make medication more affordable.

In response to a question from Mr. Trenbeath, Mr. LaFrancois said although adherence to medication regimes is an important concern, affordability of medication is the biggest issue facing many individuals with mental illnesses.

Chairman Carlisle called on Mr. Joel Bakken, Executive Director, Solutions Behavioral Healthcare Professionals, Inc., for comments ([Appendix C](#)) regarding mental health treatment services, including the mobile crisis team service operated in collaboration with the Southeast Human Service Center.

In response to a question from Senator Carlisle, Mr. Bakken said the mobile crisis team works with other providers that have given services to a client before the client came into contact with the mobile crisis service. If veterans are involved, he said, the Veterans' Administration or other provider will be contacted.

In response to a question from Mr. Trenbeath, Mr. Bakken said the contract with the Department of Human Services provides a portion of the funding for the mobile crisis service. He said he is working with insurance companies and also working to obtain Medicaid coverage to provide additional funding.

In response to a question from Ms. Huseby Larson, Mr. Bakken said schools, law enforcement, and other service providers refer individuals to the mobile crisis service. He said the staff of the mobile crisis service is trained to address situations of crime or abuse.

In response to a question from Ms. Anderson, Mr. Bakken said the service could be replicated in other parts of the state if additional professionals were trained in the other human service regions. He said there are 10 people on staff at all times and 2 on call.

In response to a question from Representative Strinden, Mr. Bakken said the criteria for admission for treatment generally involves whether an individual is a danger to himself or herself or to others.

Mr. LaFrancois said the treatment admission process is very comprehensive and includes a 90-minute interview. He said it is important to balance the safety of the community and the safety and freedom of the individual being considered for admission.

In response to a question from Senator Sitte, Ms. Anderson said the Department of Human Services contracts with Solutions Behavioral Healthcare Professionals, Inc., for the mobile crisis service. She said the department is interested in assessing how the service works and whether it is feasible for expansion to other areas of the state.

In response to a question from Senator Carlisle, Mr. Bakken said there are various tools to measure the success of a program. He said a treatment program examines the functional impairment of an individual and determines how that impairment can be improved. He said providing links to services is critical so the appropriate services can be provided at the appropriate time.

In response to a question from Mr. Donlin, Mr. Bakken said although the mobile crisis unit works with individuals with alcohol problems, it is not involved with detoxification processes. He said the services provided by Solutions Behavioral Healthcare Professionals, Inc., in Detroit Lakes, Minnesota, include frequent visits to the county jail to address drunk individuals who may be in need of a suicide intervention.

Chairman Carlisle called on Mr. Jeff Stenseth, Director, Southeast Human Service Center, for a presentation ([Appendix D](#)) relating to services provided by the Southeast Human Service Center and partners of the center.

In response to a question from Senator Carlisle, Mr. Stenseth said each human service center has oncall staff for crisis intervention. However, he said, the mobile crisis service provides intensive service beyond what a human service center can provide. He said if the mobile crisis service can resolve an issue without an inpatient admission, the service has been successful.

In response to a question from Senator Carlisle, Mr. Stenseth said residential treatment programs generally are at 95 to 97 percent of bed capacity. He said a program will often hold a bed open for a day or two knowing that it will be needed soon. He said the human service center works with numerous entities to provide services, including partnering with the Cass County Jail to send doctors to the facility twice a week and to have staff provide assessments when needed. In addition, he said, through the Jail Intervention Coordinating Committee, a case manager works to help provide transitional care when individuals are released from custody. He said the center works with homeless shelters to provide case managers to work with anyone who needs treatment.

In response to a question from Mr. Trenbeath, Mr. Stenseth said many of the services that have been initiated by human service centers have been to address gaps in service or to address specific problems that have been identified.

Ms. Anderson said the Department of Human Services has regional stakeholder meetings at which problems and needs are identified and prioritized. She said the department will frequently fund programs that involve contracts with community partners to provide a service.

Mr. Laney said the jail intervention project was implemented about seven years ago and has grown to become a big part of the work of the jail. He said that project spurred the crisis intervention team initiative that provides training for law enforcement personnel to identify mental health issues. He said mental health professionals and law enforcement have become an effective team, and he is very proud of the programs implemented to address mental illnesses.

In response to a question from Mr. Trenbeath, Mr. Laney said he is not aware of any other jail in the state that has implemented an intervention project like that in Cass County. However, he said, he is willing to help any other jail initiate a similar program.

Mr. Stenseth said the jail intervention project is worthy of expansion to other areas of the state.

Chairman Carlisle requested Commission Counsel to include on the agenda for the next meeting a presentation regarding the jail intervention project.

In response to a question from Judge McEvers, Mr. Stenseth said a treatment plan for an individual may be created and presented to a judge to be considered before sentencing.

Mr. Andrew Frobig, Cass County Sheriff's office, said because arraignments generally occur quickly and there is only one person to conduct assessments, it is difficult to refer many individuals to treatment programs at that early stage.

Judge McEvers said judges would like to know if treatment has been given before making sentencing decisions.

Senator Sitte distributed documents ([Appendix E](#)) relating to *South Dakota's 2013 Criminal Justice Initiative*, The Pew Charitable Trusts *Public Safety Performance Project*, and *Public Opinion on Sentencing and Corrections Policy in America*. She said representatives of The Pew Charitable Trusts would be willing to come to this state to provide information regarding the South Dakota initiative and initiatives relating to sentencing and corrections reform in other states.

It was moved by Judge McEvers, seconded by Representative Strinden, and carried on a voice vote that the Legislative Council staff be requested to contact representatives of The Pew Charitable Trusts to invite them to give a presentation at a future meeting of the commission.

Chairman Carlisle recessed the meeting, and the commission participated in tours of the Cooper House Apartments, which is a supportive housing project for chronically homeless individuals; the Next Step residential treatment facility for individuals undergoing chemical dependency treatment with the Southeast Human Service Center; and the Robinson Recovery Center and facilities of ShareHouse which provide chemical dependency treatment services.

The commission reconvened at 12:30 p.m. on Tuesday, December 10, 2013, in Jamestown after tours of the Bridgepoint Transitional Living Center, a 15-bed center for the chronically mentally ill; Progress, Inc., a 15-bed crisis residential unit; the Tompkins Rehabilitation and Corrections Center; and transitional living homes at the North Dakota State Hospital.

Mr. Alex Schweitzer, Superintendent/Administrator, State Hospital, said an emphasis has been placed on providing community-based care. He said the transitional living centers are used throughout the state to provide the community-based care.

In response to a question from Senator Carlisle, Mr. Schweitzer said 59 sex offenders have been civilly committed and 22 have been discharged. Of the discharged offenders, he said, only two have committed offenses. However, he said, those offenses were not sex offenses, and neither of those individuals were recommended for release by the Department of Human Services.

Chairman Carlisle said the commission will likely meet again in February 2014. He requested Ms. Anderson to provide the commission with additional information regarding services provided by the Department of Human Services through contracts with community providers. He said the commission will review a bill draft requested by Representative Klemin and the bill draft that would implement the proposals submitted by the representatives of the Department of Corrections and Rehabilitation at the last meeting of the commission. He said although it would be interesting to hear more about the reforms implemented in South Dakota, it is important to keep in mind that South Dakota has been way behind this state with respect to incarceration and recidivism rates.

Senator Sitte said the state must look at what is best for an individual, and she questioned whether nonviolent offenders should be incarcerated.

Mr. Donlin said law enforcement officials are only trying to enforce the law. He said drugs kill people and, although treatment is important, some people belong in prison.

Ms. Bertsch said if this state were to examine an initiative similar to that facilitated by The Pew Charitable Trusts in South Dakota, all the stakeholders must be involved and on board with the proposals.

Ms. Anderson said representatives of the Department of Human Services will provide additional financial information regarding its programs at the next meeting of the commission and will report on results from its stakeholder meetings.

Senator Sitte said future meetings should include reports by law enforcement officials, state's attorneys, and judges with respect to proposed initiatives.

Senator Grabinger said he agrees that input is needed from all stakeholders.

Ms. Bertsch said it is interesting to note the variation between judicial districts with respect to sentencing. She said variations in sentencing often are a reflection of the prosecutors involved. She said some prosecutors are more likely to recommend treatment. She said it is important for offenders on probation to be honest. However, she said, sometimes honesty is discouraged when an individual may be charged with an ingestion offense and returned to incarceration rather than being subject to an intermediate sanction.

No further business appearing, Chairman Carlisle adjourned the meeting at 2:05 p.m.

John Bjornson
Assistant Code Revisor

ATTACH:5