

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

JUSTICE REINVESTMENT COMMITTEE

Wednesday, January 10, 2018
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Jon O. Nelson, Vice Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Kelly M. Armstrong, Dick Dever, John Grabinger; Representatives Karla Rose Hanson, Karen Karls, Lisa Meier, Bernie Satrom, Steve Vetter

Members absent: Senators Dave Oehlke and Arne Osland; Representatives Jake G. Blum, Pat D. Heinert, Tom Kading, Lawrence R. Klemin,

Others present: See [Appendix A](#)

JUVENILE JUSTICE

Vice Chairman Nelson called on Mr. David Todd, Chief of Police, Fargo Police Department, for information regarding the community trust officer program. Mr. Todd said the Fargo Police Department received a grant from the Justice Department to use police officers to serve as community trust officers. He said the purpose of the position is to provide outreach to underserved communities, specifically youth, in an effort to build relationships based on trust and understanding. He said the community trust officer program operates in addition to the school resource officers in the high schools and middle schools.

In response to a question from Vice Chairman Nelson, Mr. Todd said the grant covers about 75 percent of the cost of the position and is for a period of 3 years. He said Fargo will fund the positions at the conclusion of the grant period because the program has been very successful.

Mr. Todd introduced Mr. Michael Bloom and Mr. Matt Niemeyer, who serve as the community trust officers in Fargo. Mr. Bloom said community engagement is a foundation to build relationships and trust between the police department and the people of Fargo. He said the Fargo Police Department partners with several community organizations to host events throughout the year to meet people and build transparency with police officers.

Mr. Niemeyer said community trust officers visit the elementary schools serving low-income neighborhoods and partner with the community organizations that work with the same population. He said one of the biggest barriers is the lack of trust between families and law enforcement.

In response to a question from Representative Meier, Mr. Niemeyer said, in 2016, the Fargo Police Department hosted the first summer camp for underserved youth, and about 14 youth participated. He said the number of youth participating rose to 45 during the 2017 summer camp. He said the intent of the program is to serve elementary age youth. Although he and Mr. Bloom visit several schools and see hundreds of youth each week, he said, the community trust officers tend to work with 60 to 75 youth on a more personal level.

In response to a question from Representative Hanson, Mr. Niemeyer said the Fargo Police Department and community services are stretched in terms of the services available for children with a mental health diagnosis.

Chairman Armstrong called on Dr. Jason Hornbacher, Principal, Dorothy Moses Elementary School, for a presentation ([Appendix B](#)) regarding the strategies used to address high-risk youth. Dr. Hornbacher said there is an enormous need for mental health services. While schools are focused on academic achievements, he said, social and emotional issues make it difficult to teach reading and mathematics.

Chairman Armstrong called on Ms. Alexis Baxley, Executive Director, North Dakota School Boards Association, for a presentation ([Appendix C](#)) regarding high-risk juveniles. Ms. Baxley said the majority of the programs being implemented by school districts have very little impact on a school's budget.

Chairman Armstrong called on Mr. Cory Pedersen, Director, Juvenile Court Services, for information (Appendices [D](#) and [E](#)) regarding the Dual Status Youth Initiative and transfers of youth to adult court.

In response to a question from Chairman Armstrong, Mr. Pedersen said one issue with delivering services can be attributed to funding being divided into different agencies and each individual case varies as to which service is needed and which funds are accessible. Because of the way the system is designed, he said, each time a juvenile is referred to juvenile services a new file is created regardless of whether that juvenile is receiving services from another agency. He said it can take months to match the cases across the various agencies resulting in a waste of time and resources.

In response to a question from Senator Dever, Mr. Pedersen said wrap around type funding would be extremely helpful as funding and services would meet the families and youth where the funds are needed. He said the big picture depicts a need for streamlining services centered around the needs of an individual because a problem does not get better by ignoring it.

In response to a question from Representative Nelson, Mr. Pedersen said the number of youth cases that have been transferred to adult court has declined because the juvenile court system does not advertise a transfer as an option. He said there is evidence transferring a juvenile to adult court does not necessarily result in a more successful outcome than juvenile court.

Chairman Armstrong called on Ms. Valerie Fischer, Director, Safe & Healthy Schools and Adult Education, Department of Public Instruction, for information regarding successful strategies related to high-risk juveniles in schools. Ms. Fischer said the North Dakota Association of School Resource Officers was created a few years ago as a place for schools and communities to network and collaborate.

Ms. Caisee Sandesky, School Resource Officer, Minot Police Department, said she has been a school resource officer for 4 years and also has an elementary teaching degree.

In response to a question from Senator Grabinger, Ms. Sandesky said her position is funded by Minot Public Schools during the school year and the Minot Police Department when she returns to patrol during the summer months.

Mr. Chris Potter, School Resource Deputy, Maple Valley School District, said school resource officers handle everything from medical emergencies to crisis interventions. He said officers have a deterrent effect and increase the level of comfort for school stakeholders and parents.

In response to a question from Representative Hanson, Mr. Potter said school resource officers use restorative justice in the sense that not every situation needs a tough approach. He said officers do not want to send kids into the justice system for a situation that could be handled within the school system.

In response to a question from Representative Vetter, Mr. Potter said school resource officers are armed.

Mr. Noah Olson, a senior at Maple Valley High School, said after he attempted suicide, he developed a relationship with the school resource officer and eventually became a police explorer. He said he credits his academic and social success to his school resource officer who made school feel like home when students do not have anywhere else to go.

At the request of Chairman Armstrong, the Legislative Council staff reviewed a bill draft [[19.0039.01000](#)] relating to the age of juvenile culpability. The Legislative Council staff said the bill draft amends North Dakota Century Code Section 12.1-04-01 to raise the age a juvenile may be deemed capable of committing an offense from 7 to 10 years old.

Chairman Armstrong said the committee will discuss the bill draft at the next meeting.

JUSTICE REINVESTMENT

Chairman Armstrong called on Ms. Pamela Sagness, Director, Behavioral Health Division, Department of Human Services, for a presentation ([Appendix F](#)) regarding the progress of justice reinvestment.

In response to a question from Senator Dever, Ms. Sagness said there will not be a lag in reporting because payments are based on outcomes. She said the services and program will be monitored constantly to make changes if things do not progress as hoped.

Representative Nelson said he would caution the committee to avoid having specific expectations by a specified date and be very careful what numbers are used for comparison.

In response to a request from Representative Hanson, Ms. Sagness said communities and providers are encouraged to create local teams to identify issues as they arise and then relay concerns to the state.

MANAGEMENT AND OVERSIGHT OF JAIL FACILITIES

Chairman Armstrong called on Mr. Andrew Frobig, Jail Administrator, Cass County Sheriff's office, for information ([Appendix G](#)) regarding the screening process used by the Cass County jail. Mr. Frobig said the Cass County jail booked 9,313 individuals in 2017, which was nearly a 10 percent increase over 2016. He said jailers spend about 2 hours with each individual during the booking process. He said about 50 percent of the mental health assessments provided are flagged for further assessment and about 60 percent of those are actually evaluated.

In response to a question from Chairman Armstrong, Mr. Frobig said the assessment information is available during a pre-sentence investigation or if there is a plea agreement; however, there is not enough time before the initial appearance to provide the information to the judge. He said the jail is really good at collecting information and identifying needs, but barriers exist when it comes to connecting people to services. He said it is very difficult to connect the individuals who remain in custody with services because of a lack of resources. He said an individual who is arrested for a Class C felony is held in custody for an average of 118 days.

In response to a question from Representative Satrom, Mr. Frobig said about 50 percent of the jail population is comprised of individuals who have never been in the jail before and will never be in jail again.

Chairman Armstrong called on Ms. Leann K. Bertsch, Director, Department of Corrections and Rehabilitation, for information ([Appendix H](#)) regarding the inmate prioritization plan.

Chairman Armstrong called on Mr. Dan Donlin, Chief of Police, Bismarck Police Department, for information (Appendices [I](#) and [J](#)) regarding crime prevention strategies being used by law enforcement.

COMMITTEE DISCUSSION

Senator Grabinger said part of the justice reinvestment effort was to give judges more options for treatment programs to avoid sending more individuals to jail. He said the money reinvested and the work on the recovery aspect is great, but it is important to get people treatment prior to getting into a recovery program.

Chairman Armstrong said there are four primary goals of justice reinvestment--to reduce jail bed days, to decrease recidivism, to maintain public safety, and to get individuals into treatment.

No further business appearing, Chairman Armstrong adjourned the meeting at 2:52 p.m.

Samantha E. Kramer
Counsel

ATTACH:10