



DEPARTMENT OF CORRECTIONS AND REHABILITATION REVIEW COMMITTEE

Monday, September 28, 2020
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Jon O. Nelson, Chairman, called the meeting to order at 1:00 p.m.

Members present: Representatives Jon O. Nelson, Richard G. Holman, Randy A. Schobinger; Senators Jay Elkin, Tim Mathern, Terry M. Wanzek

Members absent: None

Others present: Representative Karla Rose Hanson, Fargo, member of the Legislative Management
See [Appendix A](#) for additional persons presents.

Chairman Nelson said he would have preferred to meet at the Dakota Women's Correctional and Rehabilitation Center (DWCRC) in New England, but due to the Coronavirus (COVID-19) pandemic, it was not possible. He said he is hopeful members of the Legislative Assembly will tour the facility during the 2021 legislative session.

It was moved by Senator Mathern, seconded by Representative Holman, and carried on a voice vote that the minutes of the July 15, 2020, meeting be approved as distributed.

Mr. Patrick Bohn, Parole and Probation Director, Department of Corrections and Rehabilitation, said the COVID-19 pandemic impacted the planning for the pretrial services pilot program, but the program began on July 1, 2020, as originally intended.

Mr. Adam Anderson, Pretrial Services Program Manager, Department of Corrections and Rehabilitation, presented information ([Appendix B](#)) regarding the pretrial services pilot program. He said the goals of the program are to reduce incarceration, criminal activity, and failure to appear at a trial. He said the program's primary functions include collection and analysis of defendant information, provision of information to the court, and supervision of defendants prior to trial. He said 111 defendants have been interviewed and 89 have been selected for pretrial services. He said of the 11 defendants to complete pretrial supervision, 9 closed successfully and 2 absconded.

In response to a question from Representative Hanson, Mr. Anderson said the success rate of the pretrial services program has not yet been compared to a control group. He said preliminary data indicates the success rate is better for defendants selected for the program and the Department of Corrections and Rehabilitation (DOCR) is finalizing a contract with North Dakota State University for data collection and analysis to confirm the preliminary data.

In response to a question from Representative Hanson, Mr. Anderson said 40 percent of defendants selected for the pretrial services program are referred to community service providers for chemical dependency or mental health services.

In response to a question from Senator Mathern, Mr. Anderson said significant changes are not needed to expand the program statewide; however, he said, each judicial district may have minor differences in operations.

In response to a question from Representative Holman, Mr. Anderson said preventative detention and other alternatives to financial bail should be considered. He said the criminal justice system should focus on high-risk defendants and consider the elimination of financial bail for low-risk defendants.

In response to a question from Chairman Nelson, Mr. Anderson said pretrial services are provided at the discretion of the judge.

Mr. Dave Krabbenhoft, Interim Director, Department of Corrections and Rehabilitation, presented an update ([Appendix C](#)) regarding the department's response to the COVID-19 pandemic. He said DOCR has reduced operating capacities at its facilities and contracted facilities. He said DOCR is conducting COVID-19 testing at its facilities weekly or biweekly, depending on results. He said new inmates are tested prior to admission to DOCR and are quarantined from the existing population for 4 weeks after arrival. He said DOCR is admitting new inmates in groups of up to 60 males and 8 females. He said DOCR had 1,333 male inmates in August 2020, 203 fewer than the population estimate of 1,536 used during the 2019 legislative session. He said DOCR had 150 female inmates in August 2020, 78 fewer than the population estimate of 228 used during the 2019 legislative session. He said an additional 92 males and 21 females were being held in county jails awaiting DOCR admission during August 2020.

In response to a question from Senator Mathern, Mr. Krabbenhoft said DOCR requires its employees to wear masks.

In response to a question from Representative Holman, Mr. Krabbenhoft said DOCR has utilized federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds to reimburse county jails for the cost of holding inmates prior to admission to a DOCR facility.

Ms. Rachele Juntunen, Warden, Dakota Women's Correctional and Rehabilitation Center, presented information ([Appendix D](#)) regarding DWCRC. She said DWCRC has 62 full-time staff, 13 part-time staff, and over 100 volunteers. She said DWCRC consists of a 70-bed minimum security unit, a 45-bed medium security unit, and a special management unit with 5 individual cells. She said the 45-bed medium security unit includes a 16-bed orientation dorm where new residents reside for 2 to 4 weeks while evaluations are being completed. She said contact visits are allowed 5 days per week and an average of 42 residents get visitors each month, totaling an average of 83 guests per month. She said DWCRC residents also have averaged 27 video visits per month since March 2020. She said DWCRC offers education, vocational training, chemical dependency treatment, evidence-based trauma therapy, pregnancy and parenting counseling, and peer support services.

In response to a question from Chairman Nelson, Ms. Juntunen said DOCR policies and procedures established in response to the COVID-19 pandemic have been implemented by DWCRC.

In response to a question from Senator Mathern, Ms. Juntunen said DWCRC and DOCR are not measuring treatment outcomes to determine the eventual effect on the children of female inmates. She said DWCRC is offering evidence-based, gender-responsive treatment programs.

Mr. Alex Cronquist, Senior Fiscal Analyst, Legislative Council, distributed a 10-year master plan executive summary ([Appendix E](#)) prepared by DOCR in consultation with The Moss Group, Inc. and The CGL Group.

Ms. Andie Moss, President, The Moss Group, Inc., said The Moss Group was asked to explore multiple options for DOCR based on the department's vision for its 10-year plan. She said the following assumptions prevailed in preparing options for DOCR:

- Expanded community services capacity;
- No net increase in beds;
- A phased relocation of female residents from DWCRC to the Youth Correctional Center (YCC);
- Continued use of DWCRC for community-based services;
- Modified or relocated juvenile facility; and
- Completion of a phased program for deferred maintenance.

Mr. Stephen A. Carter, Executive Vice President, The CGL Group, presented information ([Appendix F](#)) regarding capital construction needs addressed in the study of DOCR. He presented 2 options to address facility needs of DOCR. He said option 1 converts YCC to a women's campus, maintains DWCRC as a community corrections resource center, and provides for a total of 350 beds at the James River Correctional Center (JRCC) and 100 beds at the Missouri River Correctional Center (MRCC) for male inmates, with estimated funding as follows:

Description	2021-23 Biennium	2023-25 Biennium	2025-27 Biennium	2027-29 Biennium	2029-31 Biennium	Total Estimated Cost
Develop regional reporting centers for females	\$500,000	\$250,000				\$750,000
Improve Hickory and Maple Cottages at YCC	3,781,800					3,781,800
Upgrade YCC to include a vocation and employment center	1,612,250					1,612,250
Deferred maintenance at YCC	1,332,985	1,332,985				2,665,970
Expand community reporting centers for males	750,000	750,000				1,500,000
Deferred maintenance at JRCC	2,332,470	2,332,470				4,664,940
Renovate JRCC			\$12,441,150			12,441,150
Upgrade MRCC		15,563,000				15,563,000
Deferred maintenance at the North Dakota State Penitentiary (NDSP)	1,772,020	886,010	886,010			3,544,040
Renovate NDSP for special beds		1,911,000				1,911,000
Renovate or replace west housing unit at NDSP				\$4,170,000		4,170,000
Construct new 20-bed juvenile facility		6,000,000				6,000,000
Construct two new 8-bed juvenile residential centers			1,680,000		\$1,680,000	3,360,000
Total	\$12,081,525	\$29,025,465	\$15,007,160	\$4,170,000	\$1,680,000	\$61,964,150

Mr. Carter said option 2 provides for the design and construction of a new 100-bed female facility and for YCC to be converted into a 100-bed male regional transition center, with estimated funding as follows:

Description	2021-23 Biennium	2023-25 Biennium	2025-27 Biennium	2027-29 Biennium	2029-31 Biennium	Total Estimated Cost
Develop regional reporting centers for females	\$500,000	\$250,000				\$750,000
Upgrade Hickory Cottage at YCC	2,673,000					2,673,000
Design and construct 100-bed female facility		27,500,000				27,500,000
Expand community reporting centers for males	750,000	750,000				1,500,000
Deferred maintenance at JRCC		2,332,470	\$2,332,470			4,664,940
Deferred maintenance at YCC	141,765		2,612,018			2,753,783
Repurpose YCC for 100-bed male re-entry facility				\$21,264,750		21,264,750
Renovate JRCC		6,220,575	6,220,575			12,441,150
Upgrade MRCC		7,781,500	7,781,500			15,563,000
Deferred maintenance at NDSP		2,658,030		886,010		3,544,040
Renovate NDSP for special beds	1,911,000					1,911,000
Renovate or replace west housing unit at NDSP					\$4,170,000	4,170,000
Construct new 20-bed juvenile facility		6,000,000				6,000,000
Construct two new 8-bed juvenile residential centers		1,680,000			1,680,000	3,360,000
Total	\$5,975,765	\$55,172,575	\$18,946,563	\$22,150,760	\$5,850,000	\$108,095,663

Mr. Carter said both option 1 and option 2:

- Use YCC to initiate the transfer of female inmates from DWCRC;
- Recommend similar internal renovations to JRCC, MRCC, and NDSP and the maintenance of existing facility missions;
- Include funding to construct 3 new juvenile facilities, including a 20-bed secure facility and two 8-bed residential centers; and
- Assume an expansion of locations and staff for the Parole and Probation Services Division.

In response to a question from Chairman Nelson, Mr. Carter said the cost of increased parole and probation services was not included in the estimates in the presentation. He said the final report will include detailed cost estimates.

In response to a question from Senator Mathern, Ms. Moss said both options address concerns relating to the perception of unequal services between male and female inmates.

In response to a question from Senator Elkin, Mr. Carter said the recommendation provides for 100 secure beds and 100 residential community beds for females.

In response to a question from Senator Elkin, Ms. Moss said the relocation of female inmates will provide for greater access to re-entry services, medical services, and visitation.

Representative Hanson expressed support for the prioritization of community supervision in the corrections system.

Ms. Moss said the final report will include additional details regarding potential improvements available for female inmates. She said the Mandan community would need to be involved in any decision to relocate adult offenders to YCC. She said the strategic plan for implementation of the recommended changes would need to support culture change at YCC and community supervision also would need to be expanded.

Chairman Nelson suggested the committee accept the consultant's report without recommendation and gather more information and testimony from the affected communities during the 2021 legislative session.

Representative Holman thanked Ms. Moss and Mr. Carter for their work on the study. He said the size of North Dakota allows the state to act as a model for potential changes in the corrections system.

Senator Mathern suggested the committee consider a recommendation in support of option 1.

In response to a question from Chairman Nelson, Mr. Carter said implementing option 1 would allow the state to implement option 2 in the future. He said direction and support from the committee could help as the study is finalized.

Senator Mathern said option 1 is more conservative but would require significant investment and change. He said the results of the study provide data and talking points to support legislative action.

It was moved by Senator Mathern, seconded by Representative Holman, and carried on a roll call vote that the committee recommend DOCR and the Legislative Assembly support option 1 for future capital project and operations requests. Representatives Nelson and Holman and Senators Elkin and Mathern voted "aye." Representative Schobinger voted "nay."

It was moved by Senator Mathern, seconded by Representative Schobinger, and carried on a roll call vote that the Department of Corrections and Rehabilitation Review Committee accept the final report from The Moss Group, Inc., for the study of DOCR. Representatives Nelson, Holman, and Schobinger and Senators Elkin and Mathern voted "aye." No negative votes were cast.

Chairman Nelson thanked Representative Holman for his service to the Legislative Assembly and the state.

Representative Holman thanked Chairman Nelson and said he has appreciated his time serving in the Legislative Assembly.

Mr. Krabbenhoft thanked Representative Holman for his service and work with the DOCR budget.

It was moved by Representative Schobinger, seconded by Senator Mathern, and carried on a roll call vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report and committee recommendation to the Legislative Management. Representatives Nelson, Holman, and Schobinger and Senators Elkin and Mathern voted "aye." No negative votes were cast.

It was moved by Representative Holman, seconded by Representative Schobinger, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Nelson adjourned the committee at 3:30 p.m.

Alex J. Cronquist
Senior Fiscal Analyst

Samantha E. Kramer
Counsel

ATTACH:6