

**House Judiciary Committee**  
**Jesse Jahner, Cass County Sheriff**

**Reference House Bill 1123**

Mr. Chair, members of the House Judiciary Committee, my name is Jesse Jahner, and I am the elected Sheriff of Cass County, North Dakota. I have been a licensed Peace Officer in the State of North Dakota for 22 years. As Sheriff of Cass County, North Dakota, I oversee approximately 225 employees and a Jail with a 348 Inmate capacity. In addition, I sit on the North Dakota POST Board, Crime Victim Services Board and am Vice-Chair of the Dakota Territories Sheriff's Association. I testify before you today in opposition to House Bill 1123.

In reviewing House Bill 1123, it appears that an officer can still arrest if the misdemeanor happens in their presence, but that seems to be left open for clarification. Also, I am not sure if the committee is aware that each judiciary district sets its own bond schedule. In other words, a blanket approach to this bill does not address those instances where some misdemeanors are set as must appear. This can cause confusion amongst jurisdictions, and I feel that the bond schedule statewide would need to be addressed first. By setting a statewide bond schedule, you will be taking away judicial discretion on those specific issues that affect each community. Additionally, some misdemeanor arrests require fingerprinting, when an arrest is made and I do not see where the bill addresses that issue.

Over the past year, with the spread of COVID-19, law enforcement in Cass County has had to adjust their arrest procedures in an attempt to reduce the number of individuals who have been brought into the Cass County Jail. One adjustment that was made was in reference to misdemeanor arrest procedures. Rather than arresting those who committed a misdemeanor in an officer's presence, individuals committing misdemeanor offenses were "cited and released on their own recognizance." Before the COVID-19 pandemic, those committing misdemeanor offenses in an officers' presence were arrested and brought to the Cass County Jail to post-bond or see a judge. COVID-19 has provided law enforcement the opportunity to evaluate whether "cite and release would be an effective alternative to arresting individuals for these misdemeanor offenses. It did not take long to realize that "cite and release on a person's own recognizance" was not working. In fact, "cite and release" has done the opposite; We have witnessed a considerable spike in the number of arrest warrants being issued on those who have failed to show up for court. In the months following the "cite and release" philosophy we have seen double the number of warrants which are coming into the Cass County Sheriff's Office. Here is an example of these numbers.

February	383
March	324
April	75
May	65
June	314
July	621
August	503

September	487
October	558
November	392
December	504

In 2020 we had 4,631 warrants that were issued; We still have 3200 outstanding misdemeanor warrants.

Based on these numbers, it is easy to see that individuals who have been "cited and released on their own recognizance" are not taking care of their warrants.

In Cass County, when individuals are arrested for misdemeanor offenses and have had to post a bond or see a Judge, 90% of them were able to make their bail. This is a very high percentage, and we do not see individuals typically sitting in jail on misdemeanor charges unless they have had prior convictions or have other pending charges. In an assessment of surrounding areas and other states, our bond schedules are in line and, on most occasions, lower. Our courts hold bond hearings regularly throughout the week in an attempt to get individuals out of jail.

In requiring individuals arrested to post bond, I believe we see more "buy-in," so to speak. By having to post bond, I believe there is a higher probability that a person will appear in court since they have a financial commitment for their offense. What prevents a person, who, for example, is disorderly or criminally trespassed and now released on their own recognizance from going back and being disorderly or trespassing again. There does not seem to be much of a deterrent for individuals who commit the same offense repeatedly. At what point do we consider our victims and that they should take priority over those Individuals who have violated other's rights. When those committing these crimes must post bail, some of that bail can be used to compensate our victims through restitution. I would respectfully ask that we start thinking of the victims in these cases, whether that be our businesses or our citizens who live out their lives every day and do not victimize others.

Lastly, House Bill 1123 is going to come with a financial Increase. As more and more individuals receive misdemeanor warrants, they will be arrested in other jurisdictions and will have to be extradited to the communities where these offenses have occurred. This can become very costly and resource-intensive to our counties. Also, in these situations, those having misdemeanor warrants will have to sit in jail longer to get their situation resolved, and this by no means is a quick process.

In closing, as Sheriff of Cass County, my primary duty is to provide public safety and keep the peace. I also feel it is a top priority to get justice for victims. House Bill 1123 provides concern for public safety, does not look out for victims' best interest, is more resource-intensive, and will increase costs to counties. I am respectfully asking the committee to oppose house bill 1123. Please do not make it harder for law enforcement to protect our citizens, businesses, and providing public safety to our communities.