

**HOUSE GOVERNMENT AND VETERANS AFFAIRS  
REPRESENTATIVE AUSTEN SCHAUER, CHAIR  
JANUARY 20, 2023**

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**TOM ERHARDT, DIRECTOR, PAROLE AND PROBATION  
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1183**

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Chairman Schauer and members of the Government and Veterans Affairs Committee, my name is Tom Erhardt and I am the Director of North Dakota Parole and Probation, a division of the North Dakota Department of Corrections and Rehabilitation. I was hired as the Director in September 2022. I am approaching my 27th year as an employee of the DOCR and am in my 21st year as a sworn peace officer of this state. I stand before you today to testify in favor of House Bill 1183.

Parole and Probation employs approximately 98 sworn parole and probation officers. N.D.C.C. 12-59-20 authorizes parole officers as peace officers, and those officers are not in the ND PERS retirement plan for peace officers. We have 17 district offices throughout the state serving our communities to provide supervision of approximately 6,500 adults released from incarceration to parole, sentenced to probation by the district courts, and transferred from other states via the Interstate Compact for Adult Offender Supervision. Our job is unique in that we take on two roles. Our primary role is helping the individuals we supervise find resources, teaching them prosocial skills to handle risky situations, and provide mentorship so they can desist from crime. The second role is holding these individuals accountable to the

conditions of supervision and to enforce those conditions, including enforcement of the laws of this state. An officer's day can range from a routine office visit where an individual is met with, drug tested, referred for services and coached on avoiding risky situations; to participating in a drug raid with dangerous, uncooperative suspects. Many times, this dichotomy happens at a moment's notice and officers must "switch gears" to complete their mission. Additionally, parole officers conduct announced and unannounced home visits on supervised individuals to detect and intervene on their activities at home. Officers are increasingly encountering dangerous situations including fentanyl, firearms, and dangerous weapons. In 2021 and 2022, officers conducted 583 searches, confiscating over 31 pounds of illegal narcotics, and 57 illegally possessed firearms (handguns, rifles, shotguns) and, among other prohibited items, 2 live hand grenades.

In the past two years Parole and Probation continues to face challenges in turnover and salaries compared to market. I believe being able to offer prospective recruits the same retirement plan as other law enforcement agencies will help attract and retain professional and experienced staff to assist in our mission.

As of today, under the ND PERS Main Defined Benefit retirement plan, 32 sworn parole officers qualify for the rule of 90 – they were hired after January 1, 2016. This means that they, and others who are starting their careers must work to about age 60 to achieve retirement. We will see the effects of the rule of 90 in the years to come as veteran staff retire, and new staff enter the parole and

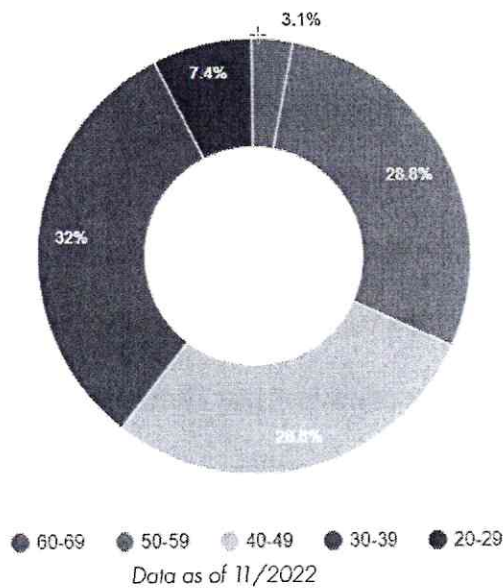
probation work force. Having officers in the 55-60 age range performing high intensity enforcement tasks may compromise their safety, as well as the safety of their fellow officers. I'm certainly not saying that people in that age range cannot perform those tasks, but Father Time forgets no one. Parole and Probation has very few positions where those staff could move to that would pay the same rate and minimize the risk of personal safety.

According to the 2011 Florida Mortality Study by the Florida State Fraternal Order of Police on average, law enforcement and correctional officers died 12 years earlier than the general population. In other words, law enforcement and correctional officers lived 62.4 years compared to 74.2 years for the general population. Other studies I found show a life expectancy of 59 for law enforcement and correctional officers compared to 77 for general population. Whichever you choose, it is not good news for these public safety professionals to enjoy a lot of time in a much-earned retirement.

House Bill 1183 would provide Parole and Probation a benefit to attract and retain skilled staff and "level the playing field" with other law enforcement agencies who are currently in the retirement plan for peace officers when competing for employees. It would allow all state peace officers normal retirement at age 55 with three years of eligible employment, or at the rule of 85. We are not asking for anything more than other law enforcement agencies, but the same benefit for our officers. I believe that after 25-30 years of service as a peace officer, these individuals have earned this benefit. We put our personal safety at risk each day in performance of our service to the citizens of this great

state, and statistically, are at a higher risk of dying sooner than the general population. I ask that you support your state peace officers employed by state agencies by recommending a do pass on House Bill 1183. I will stand to answer any questions I can. Thank you.

### Parole and Probation PERCENTAGE OF SWORN STAFF



### TOTAL STAFF IN AGE GROUP

60-69...	3
50-59...	27
40-49...	27
30-39...	30
20-29...	7