

To the honorary members of the North Dakota Legislative committee. Let me introduce myself and my background. My name is Tyler Falk. I've been employed with the ND Dept of Corrections and Rehabilitation for 23 years. I started at the James River Correctional Center from 1999-2009 as a correctional officer. I held several positions to include correctional case worker and correctional case manager, supervising the housing units within the institution. I started as a parole/probation officer in 2009. I helped start the Stutsman/Barnes County Adult Drug Court program in 2019 and currently serve as the drug court coordinator for the program. The drug court program is a minimum 14 month program of intensive supervision with treatment services combined with intensive supervision and monitoring of compliance within the program. The clients must successfully complete 4 phases of the program and meet weekly with the drug court judge. The program overall is proven through research to work very well for repeat drug and alcohol offenders.

I'm here to present my views on the HB1277. Our drug court has been in operation for 3+ years and we are noticing a trend among our clients sentenced through drug court with DUI offenses. As per the DUI law, offenders are sentenced to 2 years on the 24/7 SCRAM or alcohol monitoring breathalyzers. Majority of our DUI clients have successfully graduated from the drug court programs throughout the state. Many of them have graduated without any real issues from day one to graduation. We've had DUI clients successfully complete treatment, complete Drug Court, removed from probation and the 24/7 SCRAM bracelet, only to have substantial relapses leading to new felony DUI arrests as recent as a couple of months from graduation. This has caused a lot of internal discussion among our team and treatment providers.

We believe the reason clients are struggling post Drug Court is the individual's thought process starts to change, almost immediately when the 24/7 SCRAM bracelet is removed. To put in simple terms, consuming alcohol becomes an option again when the bracelet is removed. The addict's mind is a tricky thing to comprehend. I believe the majority of our clients do not plan on drinking when done with drug court. Living a sober lifestyle for almost a year and a half brings clarity to their thought process just how destructive using alcohol has been to their livelihood. While I know some clients are only biding their time until they can drink again, many have voiced consistently from day one, and validated it with their own actions, they truly do not want to drink again. For whatever reason, when the structure and accountability of drug court is removed from their lives, they slowly make their way back to alcohol. We feel we are not seeing our clients in their truest form during their time in drug court when the SCRAM bracelet is on. The clients convince themselves they have succeeded in defeating their disease and complacency and overconfidence take hold.

We are requesting this bill pass so we have the ability to observe, monitor, and most importantly treat the client without the 24/7 monitoring of the SCRAM bracelet. A huge part of the process of treating addiction is having the client understand how they must treat their disease every single day of their life moving forward. We would like to have the ability to remove the SCRAM bracelet during the middle of their time in Drug Court. We have the ability to closely monitor for potential substance abuse throughout the program. We will have safeguards in place to ensure safety to the community, to include putting the SCRAM bracelet back on if needed. I have the ability to do random home visits 7 days a week, 365 days a year. I am able to test for alcohol usage within 72 hours of usage with the use of UA's.

In conclusion, we are constantly striving to make our drug and alcohol programs better. We have identified this issue over the last couple of years and are in agreement our program is not as effective treating DUI clients when the clients have the SCRAM bracelet on for the entire time while in the drug court program. Thank you for your time.