

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIR
MARCH 9, 2023**

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

Madam Chair Roers and members of the State and Local Government Committee, my name is Tom Erhardt, and I am the Director of Parole and Probation, a division of the North Dakota Department of Corrections and Rehabilitation (DOCR). I stand before you today to testify in favor of House Bill 1183.

The DOCR's Parole and Probation Division employs approximately 98 sworn parole and probation officers. N.D.C.C. Section 12-59-20 requires parole and probation officers be peace officers. However, parole and probation officers are not in the ND PERS retirement plan for peace officers. The Parole and Probation Division has 17 district offices throughout the state serving our communities by supervising approximately 6,500 adults who are released from incarceration to parole, sentenced to probation by the district courts, or transferred from other states via the Interstate Compact for Adult Offender Supervision.

A parole and probation officer's 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 providing mentorship so they can desist from crime. The second role is holding these individuals accountable

to the conditions of supervision and enforcing those conditions, including enforcement of the laws of this state.

A parole and probation officer's day can vary widely. A parole and probation officer may be conducting routine office visits during which the parole and probation officer meets with individuals, drug tests them, refers them to needed services, and coaches them on avoiding risky situations. However, the next day, or even moments later, the officer may participate in a drug raid with dangerous, uncooperative suspects or conduct announced and unannounced home visits of supervised individuals to detect and intervene in their activities at home. Officers are increasingly encountering danger, including fentanyl, firearms, and dangerous weapons. In 2021 and 2022, officers conducted 583 searches, confiscating over 31 pounds of illegal narcotics, 57 illegally possessed firearms (handguns, rifles, shotguns) and, among other prohibited items, 2 live hand grenades. Many times, this dichotomy happens at a moment's notice and parole and probation officers must "switch gears" from office visits to field operations to complete their duties.

In the past two years, the Parole and Probation Division 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 at least 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. When parole and probation officers reach the age of 55-60, they are more likely to have health conditions that could interfere with performing some tasks in the field; when a parole and probation officer attempts to perform tasks the officer is not able to complete, it can compromise their safety and the safety of their fellow officers. I'm not saying that people in that age range cannot perform those tasks, but it becomes more likely that they have health conditions that interfere with these tasks. Parole and Probation has very few positions to which staff with these health conditions can move that would pay the same rate and minimize the risk of personal safety.

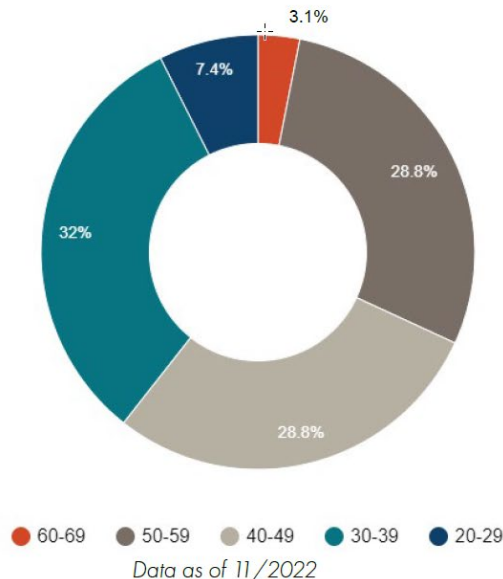
According to the 2011 Florida Mortality Study by the Florida State Fraternal Order of Police, on average, law enforcement and correctional officers died 12 years earlier than the general population. In other words, law enforcement and correctional officers lived 62.4 years compared to 74.2 years for 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. Given their shorter life expectancy, public safety professionals do not have a lot of time to enjoy 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 to retire at age 55 with three years of eligible employment or when the officer's age plus years of service credit equal eighty-five (85). We are not asking for anything more than other law enforcement agencies; we just want 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.

The House of Representatives passed this bill with strong support, and I ask that you support your 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