

House Judiciary
Representative Lawrence R. Klemin, Chairman
SB 2128 – In Opposition
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Good morning, Chairman Klemin and members of the committee. My name is Dr. Lisa Peterson, I have been a licensed clinical psychologist since 2012 and reside here in Bismarck, North Dakota. I have worked my entire career in corrections, including a pre-doctoral internship with the Federal Bureau of Prisons, ten years with the DOCR, and then transitioning to the private sector in 2021. Throughout my time in graduate school and as a licensed psychologist, in addition to corrections, I have worked in almost every aspect of the behavioral health system in North Dakota; however, I'm not representing any agency today. I took annual leave from my current position to speak in opposition to SB 2128 as a concerned citizen of North Dakota, albeit one with specific education and experience in these topics.

I will focus on two aspects of this bill: The first is in potentially limiting access to work, education, and treatment programming for incarcerated people and the second is limiting access to supported re-entry services, particularly for those who have served lengthy sentences. Much work has been done in North Dakota over the past 15 years to make a term of incarceration as transformative as possible and to ensure that people leaving prison are set up for success. There is rhetoric about "the Norway Model" being a softer approach, but what is often lost in those conversations is that it is an approach that significantly raises expectations for incarcerated adults. It endeavors to make sure incarcerated adults have the same responsibilities as free adults to the extent possible and provide opportunities for them to grow in work ethic, dependability, integrity, and accountability – values we hold dear as North Dakotans.

We do not want incarcerated people, especially those who have perpetrated violent crimes, to be restricted from starting educational, work, and treatment programs for any portion of their sentence. That creates a situation in which they are often literally lying around doing nothing. Bored people cause problems – especially bored people with a propensity for violence. We want them to use every possible minute of their incarceration to become better citizens and DOCR has created a prison system that allows for that to take place. Many prison systems do not, and they have substantially higher rates of violent crime inside their prisons, including toward staff, and substantially higher recidivism rates. Prohibiting people from engaging in productive activity during incarceration is less safe for staff and less safe for our communities. I understand previous versions of this bill did just that and would caution against any attempt to prescribe when people can start engaging in productive activity during incarceration.

Despite DOCR's work in raising expectations for incarcerated adults, the transition from prison is still very challenging for many people, especially those that have served a lengthier term. North Dakota has been working on effective re-entry and transition for more than 20 years. North Dakota was one of the first states chosen in 2004 to participate in the National Institute of Corrections Transition from Prison to Community Initiative. The North Dakota legislature formed an Alternatives to Incarceration Commission in 2005 that worked for 15 years and encouraged the DOCR and other

levels of government to develop effective alternatives to incarceration, transition centers being one of them.

Even with the best re-entry plans in place, moving from the level of structure and support provided by a prison to a life at liberty can feel like jumping off of a cliff without a parachute and often results in poor outcomes without adequate support. A meta-analysis examining eight studies conducted by Wong and colleagues in 2019 indicated that halfway house residents are 1.27 times less likely to recidivate than people on general parole or people released with no supervision. Transitional facilities help individuals secure safe housing, become employed, work through strained relationships, find healthy coping skills, build up their financial resources, and test out increasing freedom. Anyone in a transitional facility who doesn't meet the expectations of their placement there can be taken back to prison immediately, so it gives us an opportunity to see how the person is going to handle being in the community with significantly greater expectations and supervision than parole or probation alone can realistically provide.

There has been much discussion about people walking away from these facilities and the fears we may have that a transitional facility resident will commit a violent crime during their re-entry phase when they could have still been in a secure prison instead. Try as I might, I could not locate any example in an online search of available news media and other public records of a transitional facility resident in North Dakota perpetrating a violent crime during their stay, either while they were at the facility or after walking away. I found one concerning example from 2018 of a federal case in which an individual who had been convicted of murder only one year prior was furloughed at Centre, Inc. in Fargo for a mental health evaluation and fled the facility, but he was not reported to have committed a new offense during the escape.

There may be contrary information that I do not have access to, but in listening to previous testimony on this bill I have not heard of even one specific case in which the DOCR's decision to place someone at a transitional facility resulted in the commission of a new violent crime. There is language in this bill that is not clearly defined that relates to DOCR determining with "a high degree of reliability" that the person will basically be safe to reside in the facility and I would argue they are already doing that. In short, in terms of limiting who can receive supported re-entry services and when, this bill is proposing a costly and detrimental solution to a problem that does not exist. Thank you for your time and I'm happy to answer any questions you may have.