

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

CORRECTIONS COMMITTEE

Thursday, October 25, 2001
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Duane DeKrey, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Duane DeKrey, Ron Carlisle, Howard Grumbo, Gil Herbel, George Keiser, John Mahoney, Ken Svedjan, John M. Warner; Senators Dick Dever, Jerome Kelsh, Stanley W. Lyson, Carolyn Nelson, Dave Nething, Darlene Watne

Members absent: Representatives Amy Warnke, Joe Kroeber, Laurel Thoreson

Others present: See attached appendix

It was moved by Senator Nething, seconded by Representative Keiser, and carried on a voice vote that the minutes of the August 20, 2001, meeting be approved as distributed.

DEPARTMENT OF CORRECTIONS AND REHABILITATION STUDY

Chairman DeKrey called on Mr. Michael Fair, President, Securities Response Technologies, Inc. (SRT), Middleton, Massachusetts, for a proposal for a study of the facilities and operations of the Department of Corrections and Rehabilitation. A copy of the proposal is on file in the Legislative Council office. Mr. Fair said SRT, established in 1989, is a privately held consulting company based in Middleton, Massachusetts. He said SRT has indepth experience and knowledge in the corrections field and works collaboratively with the client to provide solutions. He said the company's staff is skilled and has knowledge in correctional management.

Mr. Fair introduced two other members of the company's staff, Mr. Karl Becker and Mr. Ken McGinnis. Mr. Becker reviewed the proposed project approach and said SRT would work closely with the Department of Corrections and Rehabilitation in conducting the study. Mr. McGinnis reviewed the proposed workplan.

In response to a question from Representative Warner, Mr. Fair said although the study would not formally involve the inmates, the study would include spending time in the corrections facilities and talking with inmates.

In response to a question from Representative Keiser, Mr. Fair said the study would take an estimated 177 days to complete. He said the total proposed cost of conducting the study would be

\$200,000. He said the amount includes \$47,000 for expenses and travel.

In response to a question from Senator Nething, Mr. Fair said the study would be completed by June 2002.

In response to a question from Representative Herbel, Mr. Fair said the studies previously conducted by SRT have resulted in a variety of outcomes, including increased corrections costs, decreased corrections costs, and no change in corrections costs. He said the result of a study conducted in Virginia resulted in a \$23 million savings in staffing and in improved security. He said he toured the State Penitentiary and found the facility to be very clean. He said a clean facility is frequently a sign of a well-managed facility. He said throwing money at problems does not create solutions. He said SRT will make recommendations and help establish priorities.

In response to a question from Representative Mahoney, Mr. Becker said the study will utilize a state-of-the-art projection model. He said the model has been refined and has proven to be very accurate. He said in Illinois the projections made were accurate within one-half of 1 percent over the short term. Mr. McGinnis said a historical analysis will be performed and that parameters built into the projection model make it extremely accurate.

In response to a question from Senator Watne, Mr. Fair said SRT will seek information needed for the study from all sources and will not be limited to information obtained from the Department of Corrections and Rehabilitation.

In response to a question from Senator Kelsh, Mr. Fair said if the committee is interested, the study can include recommendations on privatization. He said privatization is not always appropriate for every situation. He said a study of issues relating to the Native Americans in the corrections system was not a part of the request for proposal, but consideration could be given to a study of those issues if the committee so directed.

Ms. D'Joyce Kitson, concerned citizen, said the study should address issues affecting Native American prisoners who have not been adequately represented by court-appointed attorneys. She said there are many problems involving Native Americans in the corrections system which need to be

addressed. Ms. Kitson submitted written testimony, a copy of which is on file in the Legislative Council office.

In response to a question from Representative Herbel, Mr. Fair said it is important to look at privatization as an option. He said privatization should be used as a tool and not as a solution.

In response to a question from Representative Carlisle, Mr. Fair said SRT conducted a staffing analysis in Montana and a perimeter security study in Wyoming. He said all the recommendations made by SRT as a result of the study were implemented.

In response to a question from Senator Dever, Mr. Fair said the study will review all facilities of the Department of Corrections and Rehabilitation. He said the study will also include a review of parole and probation, both of which can be effective tools in the corrections system.

In response to a question from Representative Svedjan, Mr. Fair said any construction recommendations made will be based on 10- and 20-year projections. He said an architect on the team will review the life expectancy of the existing facilities. He said the study will address whether the services being provided are being provided in the most effective way and in the most effective location. He said the study will include a review of the need for a women's facility and where the facility should be located. He said the committee will be presented with a draft report in the sixth month of the study and a final report in the seventh month. He said he is willing to arrange for additional briefings with the committee.

In response to a question from Senator Nelson, Mr. Fair said SRT has extensive experience in both urban and rural settings and states. He said the company has done work in 44 states.

Chairman DeKrey called on Mr. George Camp, President, Criminal Justice Solutions, Middletown, Connecticut, for a proposal for a study of the facilities and operations of the Department of Corrections and Rehabilitation. A copy of the proposal is on file in the Legislative Council office. Mr. Camp said the Criminal Justice Institute (CJI) was established in 1978 to provide consultation, research, and information dissemination services with a primary focus on providing assistance to the nation's prisons and jail systems. He said Criminal Justice Solutions (CJS) was founded in 1999 as the consulting division of CJI. He said the company's main office is in Middletown, Connecticut, and the company has a Washington, D.C., office in Hagerstown, Maryland. He said he has worked in the field of corrections for 40 years and was one of the founders of CJI. He said the company has 15 employees and a pool of several hundred consultants upon whom to draw for specific services for its clients. He said the company has 23 years of experience in helping correctional agencies in more than 40 states, the federal Bureau of Prisons, the Commonwealth of Puerto Rico, and the Correctional Service of Canada. He said a team of seven would

be involved in the proposed study. He said CJS has done comparable work in 72 prison systems in 15 states. Mr. Camp introduced two members of the team, Mr. George Vose and Ms. Bona Miller, who would be involved in the proposed study.

Mr. Camp said in spite of similarities in corrections systems, each jurisdiction has its own practices and traditions. He said CJS will work closely with persons in the state during the study. He said the company's approach to the study would include holding informal yet structured discussions with staff working in the facilities, obtaining feedback from the committee staff and department administrators, providing regular updates to the committee, preparing a proposed outline of the final report for review and input from the committee, and ensuring that the project staff completes assigned tasks thoroughly, completely, and according to schedule. He said the study would take seven months to complete with a starting date of December 3. He said the estimated cost to provide all services would be \$199,868. He said an estimated 1,744 hours of work would be required. He said the proposed estimate includes \$29,240 in travel expenses. He said the company will only bill for hours actually worked. He said the estimate allows for a profit of 7 percent of the professional services.

In response to a question from Representative Keiser, Mr. Camp said the emphasis of the study would be in staffing and populations, but as a part of the review engineers can review reports of studies previously conducted. Mr. Vose said the study would involve obtaining site plans and reviewing systems equipment. He said the company has some expertise in-house and can contract for other necessary services.

In response to a question from Senator Watne, Mr. Camp said the request for proposal was not clear on how much emphasis was to be placed on the future facility needs of juveniles.

In response to a question from Representative Mahoney, Mr. Camp said as CJI became more involved in consulting work, it was recommended that a separate company be formed. He said CJS was formed in 1999. He said CJS has done comparable work to that in the proposed study in Idaho, Wyoming, and Washington.

In response to a question from Representative Warner, Mr. Camp said the study will include an evaluation of staff retention. He said a number of factors besides salary play a role in the retention of staff, including safety, training, workload, scheduling, fairness, and concern of supervisors.

In response to a question from Representative Keiser, Mr. Vose distributed a document regarding the use of a projection model, known as the "Wizard 2000 Simulation Model." A copy of the document is on file in the Legislative Council office. Mr. Vose said the model replaces the "Prophet Simulation Software" which has been used since 1982. He said the "Wizard" model generates a projection of the offender

population over a 10-year forecast horizon. He said the model allows local analysts to fully understand the underlying assumptions for the projections.

In response to a question from Representative Herbel, Mr. Camp said while rural and urban areas have similar issues to deal with in the area of crime, there tend to be much more intense substance abuse problems and gang problems in urban areas. Ms. Miller said women in correctional facilities in urban areas tend to be more sophisticated in adopting a subculture. She said there are also more problems with sexually transmitted diseases and drugs among women in urban areas. Mr. Vose said while there are larger pools to draw from for staffing in urban areas, there is a higher turnover rate.

In response to a question from Senator Dever, Mr. Camp said he had toured the State Penitentiary and found the facility to be very clean and to have a positive staff. He said he noticed some problems with blind spots in the facility as well as observation problems. Mr. Vose said the facility was clean and there was a noticeable cohesiveness among the corrections staff.

Committee Discussion

Senator Lyson said both companies gave excellent presentations and are both well-qualified to conduct the study.

Representative Carlisle said information he received from the Office of Management and Budget revealed that both companies were well-qualified.

Chairman DeKrey called on Ms. Elaine Little, Director, Department of Corrections and Rehabilitation, for comments regarding the presentations. Ms. Little said both companies employ very skilled and qualified persons. She said both have personnel with extensive experience in the corrections field. She said personnel in both companies have held positions as wardens and directors. She said she has worked extensively with both companies and both are well-qualified to conduct the study.

In response to a question from Representative DeKrey, Ms. Little said SRT tends to use a more "hands-on" approach in conducting studies. Representative DeKrey said the amount of time each company planned to spend in the state may explain the differences in the estimated travel expenses of each.

In response to a question from Senator Nething, Ms. Little said the Department of Corrections and Rehabilitation conducted a population projection analysis four years ago. She said any number of good models could be used, but a model requires resources and staff to make it work.

In response to a question from Representative Herbel, Ms. Little said with respect to issues relating to a women's facility, both companies are well-qualified. She said although CJS appeared to have more experience in women's prison issues, the issues in this study are not necessarily related to the

operation of a women's facility but rather are related to the need for the facility.

In response to a question from Representative Mahoney, Ms. Little said SRT has been a consulting company since the company was founded.

In response to a question from Senator Watne, Ms. Little said the issues in the study relating to juveniles are more in the area of adequacy and need for facilities than in the area of programming.

Representative Carlisle said SRT indicated their company had a 70 percent repeat business rate and CJS has a 25 to 30 percent rate.

In response to a question from Senator Nething, Ms. Little said the population projections of a 7 percent population growth made during the last legislative session have been very close to the actual numbers. She said the inmate population numbers tend to stabilize in the summer and increase in the fall. She said the James River Correctional Center is at capacity and the projected number of 50 inmates who would need to be out on contract is accurate.

Representative Svedjan said CJS had expressed some concerns about conducting a cost-benefit analysis. He said CJS also said they would be using a number of people from outside their organization. He said the issue of engineers and architects was also a concern. He said SRT indicated that they had in-house expertise in this area whereas CJS would contract for the services.

In response to a question from Senator Dever, Chairman DeKrey said the price quoted by each consultant is a fixed price and each must operate within the budgeted amount.

It was moved by Representative Svedjan, seconded by Representative Warner, and carried on a roll call vote that the Corrections Committee recommend to the chairman of the Legislative Council the selection of Security Response Technologies, Inc., as the consultant in the committee's study of the facilities and operations of the Department of Corrections and Rehabilitation. Representatives DeKrey, Carlisle, Grumbo, Herbel, Keiser, Mahoney, Svedjan, and Warner and Senators Dever, Kelsh, Lyson, Nelson, Nething, and Watne voted "aye." No negative votes were cast.

Chairman DeKrey said he would work with the chairman of the Legislative Council and the Legislative Council staff in preparing a contract.

Chairman DeKrey adjourned the meeting at 12:20 p.m.

Vonette J. Richter
Counsel

ATTACH:1