

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

CORRECTIONS COMMITTEE

Tuesday and Wednesday, December 18-19, 2001
State Penitentiary, Roughrider Industries, and Missouri River Correctional Center,
Bismarck, North Dakota
Youth Correctional Center, Mandan, North Dakota
James River Correctional Center and State Hospital, Jamestown, North Dakota

Representative Duane DeKrey, Chairman, called the Corrections Committee meeting to order at 10:00 a.m. at the State Penitentiary.

Corrections Committee members present: Representatives Duane DeKrey, Ron Carlisle, Howard Grumbo, George Keiser, Joe Kroeber, Laurel Thoreson, John M. Warner; Senators Dick Dever, Jerome Kelsh, Stanley W. Lyson, Carolyn Nelson, Dave Nething, Darlene Watne

Corrections Committee members absent: Representatives Gil Herbel, John Mahoney, Ken Svedjan, Amy Warnke

Budget Tour Group members present: Representative Keith Kempenich; Senator Ed Kringstad

Other legislators present: Senators John M. Andrist, Dwight Cook

Others present: See attached appendix

It was moved by Representative Carlisle, seconded by Representative Keiser, and carried on a voice vote that the minutes of the October 25, 2001, meeting be approved as distributed.

TOURS OF STATE PENITENTIARY, ROUGH RIDER INDUSTRIES, AND MISSOURI RIVER CORRECTIONAL CENTER

Chairman DeKrey called on Ms. Elaine Little, Director, Department of Corrections and Rehabilitation, for testimony regarding the Department of Corrections and Rehabilitation's programs, trends in inmate population, the status of the agency's 2001-03 biennium budget, plant improvement needs, and programmatic changes and budgetary needs for the 2003-05 biennium. Ms. Little distributed information regarding the department's inmate population, a copy of which is on file in the Legislative Council office. Ms. Little said the number of new arrivals for calendar year 2001, estimated at 738, is expected to be down slightly from calendar year 2000, during which there were 747 new arrivals. She also said the number of releases has increased from 616 in 2000 to an expected 681 in 2001. She said the average length of sentences for sexual offenders has increased while the average sentence length for drug offenses has

decreased. She said the December 1, 2001, inmate population is 1,127 inmates, which consists of 535 inmates at the State Penitentiary, 342 inmates at the James River Correctional Center (JRCC), 139 inmates at the Missouri River Correctional Center (MRCC), 11 inmates in county jails, 18 inmates at the Thompkins Rehabilitation and Corrections Unit, 13 inmates at the DUI offender treatment center at the State Hospital, 34 inmates in community placement programs, and 35 inmates at a private correctional facility in Appleton, Minnesota.

In response to a question from Representative Grumbo, Ms. Little said it costs \$50 per day to house prisoners at the Appleton facility.

Ms. Little discussed the status of the three new programs authorized by the 2001 Legislative Assembly for the 2001-03 biennium--the transition or prerelease center, the DUI offender treatment program, and the drug court. She said that due to problems finding a suitable location for the transition center, the opening date will be April or May 2002 rather than October 2001 as originally planned. She said the department is in the process of pursuing a zoning change for a site zoned for industrial use in south Bismarck. She said the DUI offender treatment program, operated on a contract basis with the State Hospital, has a capacity of 25 offenders. She said the program is operating successfully but has not reached the 25-inmate capacity included in the budget. She said the drug court program is also operating successfully but has fewer inmates than the 20-inmate capacity.

In response to a question from Representative Thoreson, Ms. Little said upon sentencing to the Department of Corrections and Rehabilitation, each inmate goes through a four-week orientation. She said during the orientation, tests and evaluations are used to determine the inmate's individual needs. She said a case planning committee then develops a plan for the inmate which is to be followed from the time the inmate is admitted to the facility through to the end of the inmate's supervision. She said there is about a 19.5 percent recidivism rate for those inmates who complete the treatment plan. She said that compares to a 30 percent recidivism rate for the general prison

population. She said the State Parole Board considers the inmate's compliance with the plan when reviewing an application for parole.

In response to a question from Representative DeKrey, Ms. Little said released persons who later commit another offense are most likely to commit that offense within the first six months after release. She said a released person who has not committed a new offense within the first three years after release is not likely to offend again.

In response to a question from Representative Warner, Ms. Little said there is no national standard for what constitutes recidivism. She said the department calculates its recidivism rate based upon whether a released person is returned to the department on a new charge.

In response to a question from Representative DeKrey, Ms. Little said there are about 35 states that have not adopted the Interstate Compact for Adult Offender Supervision. She said there are a number of states expected to introduce the compact in 2002.

In response to a question from Senator Dever, Ms. Little said state courts tend to impose sentences that are harsher than the minimum.

Chairman DeKrey called on Mr. Tim Schuetzle, Director, Prisons Division, Department of Corrections and Rehabilitation, for information regarding the status of the budget for the Prisons Division, concerns for the 2001-03 and 2003-05 bienniums, and future capital construction needs. Mr. Schuetzle provided written testimony, a copy of which is on file in the Legislative Council office. Mr. Schuetzle said as of December 18, there were 1,135 inmates sentenced to the Department of Corrections and Rehabilitation, 27 fewer than the number projected during the 2001 legislative session. He said even though the number of inmates is less than projected, the department is not realizing any savings due to the department's new programs, as outlined by Ms. Little, that have been operating at less than capacity. He said as a result, the department has had to contract for the housing of additional inmates. He said the increase in the number of female inmates is an item of concern. He said the department's average number of female inmates during the 2001 legislative session was 68. He said the current average daily population of women inmates is 98.

In response to a question from Senator Nething, Mr. Schuetzle said the increase in the female population can be attributed to increases in drug offenses committed by women.

Mr. Schuetzle also said the number of mentally ill inmates continues to be an area of concern. He said during the past 23 months, 710 inmates have received contracted psychiatric care. He said 33 percent of all inmates under the care of the department are currently receiving psychiatric care. He said the department needs a specialized unit to adequately care for the seriously mentally ill. He said mentally ill

inmates account for 78 percent of serious behavioral incidents.

Mr. Schuetzle said the increased use of methamphetamines has contributed to an increase in the inmate population and to an increase in medical costs for those inmates. He said the Prisons Division currently has 65 inmates with confirmed cases of hepatitis C and the actual number of inmates with the disease may be much higher. He said the yearlong regimen to treat the disease costs approximately \$30,000 per inmate. He said the department uses a protocol developed by the Centers for Disease Control and Prevention to determine which inmates will receive the treatment regimen. He said methamphetamine use also contributes to poor dental health and a number of inmates have serious dental needs. He said the department has difficulty recruiting and retaining nursing staff and has provided additional salary increases not included in the department's budget in an attempt to retain its nurses.

Mr. Schuetzle said future capital construction needs include a dining and multipurpose facility at the MRCC, a women's unit at the JRCC, renovation and expansion of the Penitentiary infirmary, and expansion of the Penitentiary administrative segregation unit. He said the Legislative Assembly also needs to consider constructing a new cellhouse to replace the 90-year-old east cellhouse unit.

In response to a question from Representative Warner, Ms. Little said the federal crime bill, which provided funding for prison construction, was not reauthorized. She said, however, the department has access to approximately \$1 million authorized through the original crime bill legislation.

In response to a question from Representative Carlisle, Mr. Dick Frohlich, Plant Manager, Department of Corrections and Rehabilitation, said the alternative fuel study conducted by the Penitentiary has been completed and the results will be presented to the Department of Energy. He said the study was funded by a \$200,000 grant. He said the study involved the burning of wood waste products to create energy to operate the Penitentiary.

In response to a question from Representative DeKrey, Mr. Schuetzle said the area of greatest concern is additional treatment and programs for inmates with mental illness.

Representative Carlisle said the Legislative Assembly may need to consider selling some of the land currently used for agricultural purposes at the MRCC in order to defray the costs of new construction and requested that the committee be provided with information on the valuation of the land.

Chairman DeKrey called on Mr. Michael V. Fair, President, Securities Response Technologies, Inc., for comments concerning the study of the operations and facilities of the Department of Corrections and Rehabilitation being conducted by his firm. Mr. Fair said the team assigned to the study is in the process

of document gathering. He said the team was spending the week gathering information at the Bismarck and Jamestown facilities.

The Corrections Committee and the budget tour group had a noon luncheon at the Penitentiary and toured various areas of the Penitentiary, including the infirmary, therapeutic community unit, west cellhouse, south unit, administrative segregation unit, and Roughrider Industries.

The Corrections Committee and the budget tour group traveled to MRCC for a tour and presentation by Mr. Keith Grabowska, Director, Missouri River Correctional Center. Mr. Grabowska discussed the need for the construction of a food service and multi-purpose facility to replace the current food service building at MRCC. He distributed copies of the plan for the proposed facility, a copy of which is on file in the Legislative Council office. Mr. Grabowska said there are 136 male inmates at MRCC and 14 female inmates. He said as part of the department's work release program, 25 to 45 inmates per day work in the community. He said the work release program is the last step in the treatment process before an inmate is released.

In response to a question from Senator Andrist, Mr. Schuetzle said the completion of the transition center will allow the department to transfer more inmates from the Penitentiary to MRCC. He said MRCC will continue to operate at capacity when the transition center is operational.

In response to a question from Senator Kelsh, Mr. Schuetzle said all persons sentenced to confinement by the courts are sentenced to the custody of the Department of Corrections and Rehabilitation. He said the department makes the decision, based upon a number of factors, as to where the inmate will be housed.

In response to a question from Senator Dever, Mr. Schuetzle said an inmate sentenced to MRCC may be returned to the Penitentiary if the inmate becomes a disciplinary problem.

The committee and the budget tour group toured the residential building and the food service building at MRCC, then traveled to the Youth Correctional Center in Mandan.

YOUTH CORRECTIONAL CENTER

The Corrections Committee and the budget tour group reconvened at the Youth Correctional Center in Mandan.

Chairman DeKrey called on Mr. Al Lick, Director, Juvenile Services Division, Department of Corrections and Rehabilitation, for information regarding the capital project needs for the 2003-05 biennium. Mr. Lick said the highest priority project is the construction of a south entrance road at a cost of approximately \$390,000. He said, however, the cost may be less if assistance can be received from the National Guard. He said the south entrance road is

needed to address safety concerns. He said the north entrance is frequently blocked by train traffic that prohibits emergency vehicles from reaching the institution.

Mr. Lick distributed a list of the tentative capital improvement projects for 2003-05, a copy of which is on file in the Legislative Council office.

Mr. Lick said the key area the Youth Correctional Center focuses on is how to integrate the students back into school and back into the student's family. He said only two students have run away from the Youth Correctional Center in the past year. He said both were apprehended within a short time. He said the low number of runaways is a reflection on how well the center's programs are working. He said the students are held accountable for their actions. He said the center has about a 17 percent recidivism rate.

In response to a question from Representative Warner, Mr. Lick said Hickory Cottage does not have bathroom facilities in the students' rooms.

In response to a question from Representative Carlisle, Mr. Lick said the students housed at the Youth Correctional Center are required to wear uniforms. He said the uniforms take away the competition over clothing and minimize gang activity. He said a polo-type shirt is used as a reward for good behavior and compliance with treatment.

In response to a question from Senator Dever, Mr. Lick said 104 students are currently housed at the Youth Correctional Center. He said the average student age is 16 to 16.5 years. He said about 36 percent of the students at the center are Native American.

In response to a question from Senator Kelsh, Mr. Lick said the average stay at the Youth Correctional Center is eight months. He said the population is about 80 percent male and about 80 percent of all students at the center have some type of drug or alcohol problem. He said many were struggling in school and were 1 to 1.5 academic grades behind. He said mental health problems are an increasing concern with the students sentenced to the Youth Correctional Center.

The committee and the budget tour group toured the Youth Correctional Center campus, including Pine Cottage and the gymnasium. The committee and budget tour group recessed at 3:30 p.m. and traveled to Jamestown.

JAMES RIVER CORRECTIONAL CENTER

The Corrections Committee and the budget tour group reconvened at 9:00 a.m., Wednesday, December 19, 2001, at the James River Correctional Center, Jamestown.

Chairman DeKrey called on Mr. Don Redmann, Warden, James River Correctional Center, for information on the status of the facility and concerns for the future. Mr. Redmann welcomed the committee

and introduced several members of the JRCC staff. A copy of the information presented by Mr. Redmann is on file in the Legislative Council office.

Mr. Redmann said all beds at JRCC are occupied. He said JRCC's population consists of 240 male inmates and 80 female inmates. He said on June 5, 2001, the fifth and sixth floor renovation project was completed, increasing the facility's capacity to 344 general population beds. He said the construction of a security station at the front gate has also been completed and installation of fire suppression systems in unprotected buildings is anticipated to be completed in January 2002.

Mr. Redmann said following the completion of the fifth and sixth floor renovation project, JRCC's average daily inmate count increased resulting in a shortage of space for food service, education and treatment programs, and visitation. He said the department has developed a master plan for JRCC and a key component of the plan is the transfer of the State Hospital food service and laundry facilities to JRCC. He said by utilizing inmate labor, the department could operate the laundry facility for JRCC and the State Hospital at a reduced cost and use the currently unoccupied second floor for inmate programs. He said use of the State Hospital food service building would solve the current space needs of JRCC by providing needed space for vocational programs, office, and possibly for visitation and the education program.

Mr. Redmann said housing women and men together in the facility has created numerous problems and forces the department to operate the medium security facility with maximum security procedures to protect the female inmates from the men. He said the construction of a new women's unit at a separate location at JRCC would eliminate many of these problems.

In response to a question from Senator Nelson, Mr. Schuetzle said the department may propose building a new women's unit at a site across the street from JRCC's front entry gate. He said the proposed seriously mentally ill (SMI) unit was planned for the former forensic building previously operated by the State Hospital.

In response to a question from Representative Thoreson, Mr. Redmann said services are provided to the SMI population. He said the SMI inmates are about 10 percent of the facility's population but cause about 90 percent of the problems. He said it is difficult to keep the SMI population busy all day.

In response to a question from Representative Kroeber, Mr. Redmann said there are 24 beds in the facility that would be used for the SMI population.

In response to a question from Senator Watne, Mr. Redmann said the increase in the female population has been the result of an increase in female involvement in drug offenses and the result of tougher sentences being imposed by judges.

The committee and the budget tour group toured JRCC, including the former forensic unit, the kitchen, the women's unit, and the recently completed sixth floor. The tour also included the Roughrider Industries building and the food service and laundry facilities operated by the State Hospital.

After completion of the tour of JRCC, the committee and the budget tour group reconvened at the State Hospital.

STATE HOSPITAL

Chairman DeKrey called on Mr. Alex C. Schweitzer, Superintendent, State Hospital, for information regarding the State Hospital and the relationship between the State Hospital and the Department of Corrections and Rehabilitation. Mr. Schweitzer provided written testimony, a copy of which is on file in the Legislative Council office.

Mr. Schweitzer discussed the status of the serious mental illness system of care, the children's mental health system of care, and the substance abuse system of care operated by the State Hospital. He said the State Hospital and the Department of Corrections and Rehabilitation are in the early stages of discussing a collaborative effort to share food preparation services, beginning with the 2003-05 biennium.

In response to a question from Representative Warner, Mr. Schweitzer said if the State Hospital and the department move forward with the shared food preparation arrangement, the State Hospital will need to renovate an existing building to provide dining space because patients and prisoners cannot be mixed.

The committee and the budget tour group toured various buildings on the State Hospital grounds, including the Learning Resource Center, the Lahaug building, and the GM building. The tour also included the DUI offender treatment program ward and the adolescent unit.

Upon the conclusion of the State Hospital tour, the Corrections Committee and the budget tour group conducted a working luncheon. Chairman DeKrey called on Mr. Fair, the Corrections Committee consultant, for information on the project and the proposed project schedule. Mr. Fair provided written testimony and a copy of the proposed schedule, copies of which are on file in the Legislative Council office. Mr. Fair said Securities Response Technologies, Inc., would like to set up meeting dates with the committee in March and April or May. He said his initial reaction to the facilities is that all are very clean. He said a clean facility is usually an indication that the facility is well-managed. He said he and his team have been impressed with the Department of Corrections and Rehabilitation's infrastructure.

In response to a question from Representative Keiser, Mr. Fair said the study will include a return-on-investment analysis.

Chairman DeKrey adjourned the meeting at
1:00 p.m.

Vonette J. Richter
Committee Counsel

John D. Olsrud
Director

ATTACH:1