

Commission on Alternatives to Incarceration  
Senator Joel Heitkamp, Chairman  
April 21, 2008

---

Warren R. Emmer, Director  
Department of Corrections and Rehabilitation  
Division of Adult Services

---

I) Introduction: The Department of Corrections began a reorganization initiative nearly one year ago. All areas of the department are affected by the initiative.

The anticipated outcome of the reorganization is to better protect the public by reducing recidivism while adding value to the product that we are releasing from prisons and managing in the community, the criminal offender.

Significant changes in our delivery system have occurred. Discussion of our efforts is appropriate in a forum concerning "alternatives to incarceration". Let's take a look at what has transpired.

II) Timeline of events:

A) Nearly five years ago we officially became a "Transition from Prison to Community State". That meant we became one of only eight states that formally stated a commitment to reducing offender recidivism.

During the next four years, we made strides to achieve our objective. We authorized several work groups to look at road blocks to our success. The work groups included staff from the department as well as outside stake holders.

Last spring Director Bertsch determined that our organizational structure was impeding our progress in achieving our TPC objectives. She announced her intention to reorganize the assets of the department.

B) The reorganization of the adult side of the Department of Corrections:

1) On June 1, 2007, Director Bertsch named me the Director of the Division of Adult Services. Most assets from the prisons division and field services division were rolled into Adult Services. Plant Services, Medical, and Human Resource assets relocated to the central office.

2) I asked twelve key staff from the formerly known as prison and field divisions to join me on a transition team. (see attachment entitled transitioning into....)

3) We met regularly throughout the summer. We knew that we were up against the clock. (Transition teams lose their effectiveness over time). We determined that we wanted to have our new organizational chart completed and Deputy Directors promoted and ready to serve by October 1, 2007.

4) Our team was put into place on October 1, 2007. (see org chart). Team members include:

- Tim Schuetzle, Deputy Director for maximum security facilities (Warden, NDSP)
- Don Redman, Deputy Director for medium security facilities (Warden, JRCC)
- Robyn Schmalenberger, Deputy Director for transitional facilities (Warden for MRCC)
- Barney Tomanek, Deputy Director for parole and probation services
- Rick Hoekstra, Deputy Director for programs
- Chuck Placek, Deputy Director for administration
- Pat Bohn, Deputy Director for transitional planning
- Barb McGillivray, Deputy Director for women's services
- Denny Fracassi, Deputy Director for industries and education
- Tom Erhardt, Special Deputy Director for Transition from Prison to Community Initiative

5) Our team has spent the past six months closing loose ends and making things work. As we do the business of "corrections", we have also prioritized the needs of our staff. Staff retention is important to our future success.

III) Conclusion: We are early in the process with our reorganization and we are hopeful. It is too soon to stand on a hilltop and brag about our successes but things have stabilized within our system. We are working well together and we all have embraced the concept that we can reduce recidivism while we add value to our final product, the criminal offender. Please see the attached National Institute of Corrections report concerning our progress.

Three of our Deputy Directors will now provide you with additional information.

## **Transitioning into: The Division of Adult Services**

Key personnel from the Department of Corrections will join together to begin the process of becoming a unified Division of Adult Services

### **Transition Team Mission:**

To assist the Directors of Corrections and Adult Services in the development of an organizational chart for the Division of Adult Services that:

- Follows the tenets of the Transition from Prison to Community Initiative (TPCI)
- Is non- hierarchal
- Grays traditional division "silos"
- Is responsive to the needs of the DOC&R and it's stakeholders
- Protects the public, reduces recidivism, and preserves security within DOCR/contract facilities

### **Transition Team:**

- Security/Transition Work Group includes:
  - Tim Schuetzle (Group Leader)
  - Pat Bohn (TPC monitor)
  - Keith Grabowska
  - Don Redman
  - Denny Fracassi
  - Chuck Placek
- Treatment/Programming Work Group includes:
  - Robyn Schmalenberger (Group Leader)
  - Rick Hoekstra (TPC monitor)
  - Barney Tomanek
  - Mike Froemke
  - Dan Wrolstad
  - Mark Hanlon

### Expectation for the Transition Team

- Commitment to this project
- Provide the Director of Adult Services weekly updates of progress (Tim and Robyn)
- Provide staff with an email site to ask questions concerning the reorganization. Questions answered within one working day (Tim and Robyn).
- Director of Adult Services to provide the Director of Corrections with weekly progress reports. Progress reports will be posted on the DOC&R intranet and in briefing notes.
- Director of Corrections will prepare a news letter article concerning the reorganization as needed.
- Deliver a draft Adult Services organizational chart that identifies direct reports to the D.A.S. as well as their job descriptions/ job responsibilities, to the Directors of Corrections and Adult Services by October 1<sup>st</sup>, 2007.

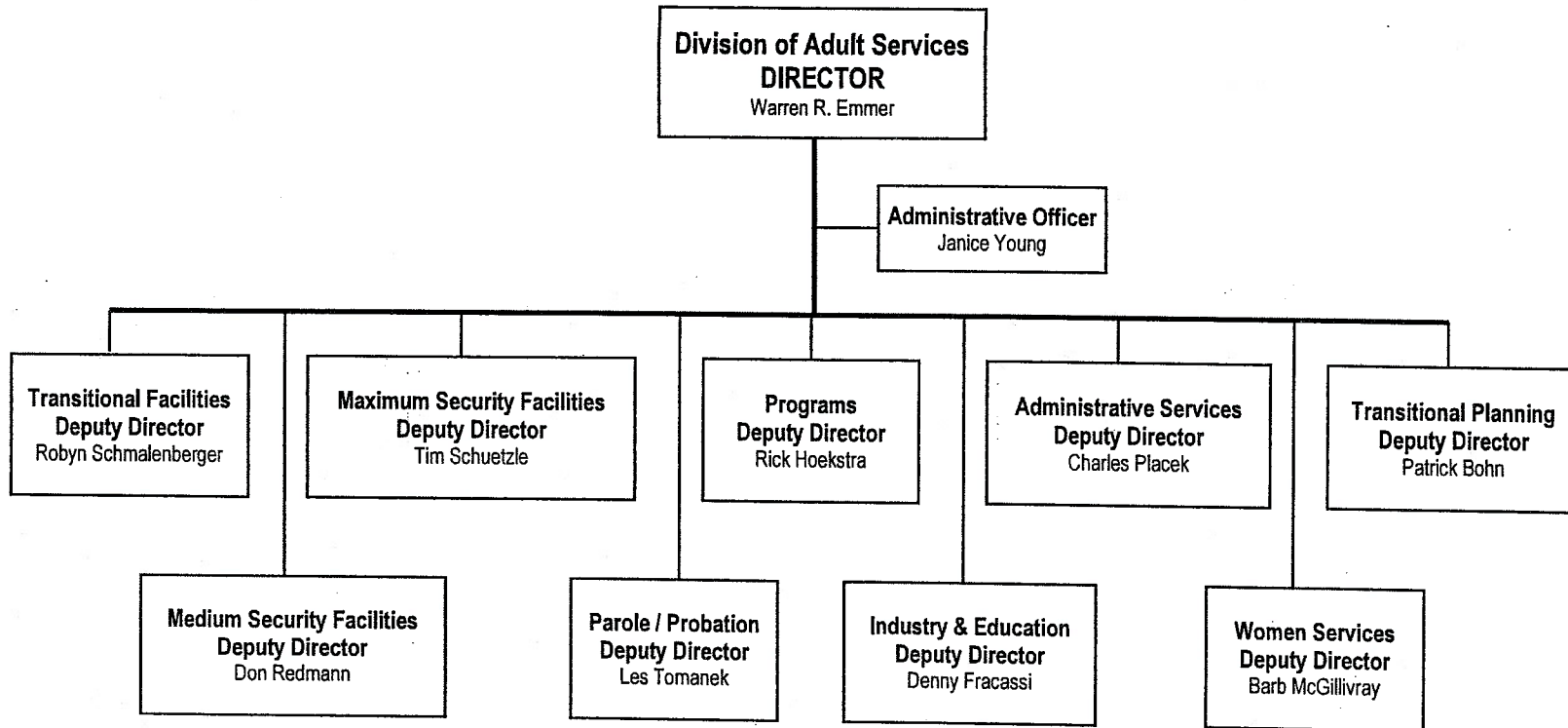
### Strategies for success include:

- Approach this project as a team
- Utilize other DOC&R staff as a valuable resource
- Access TPCI consultant
- Access legal counsel
- Review Climate surveys, security assessments, etc...
- "Cluster" primary work flows to assist in the development of the org chart
- Consider data that must be captured to insure that we are following a "recidivism reduction model" (TPCI)

# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

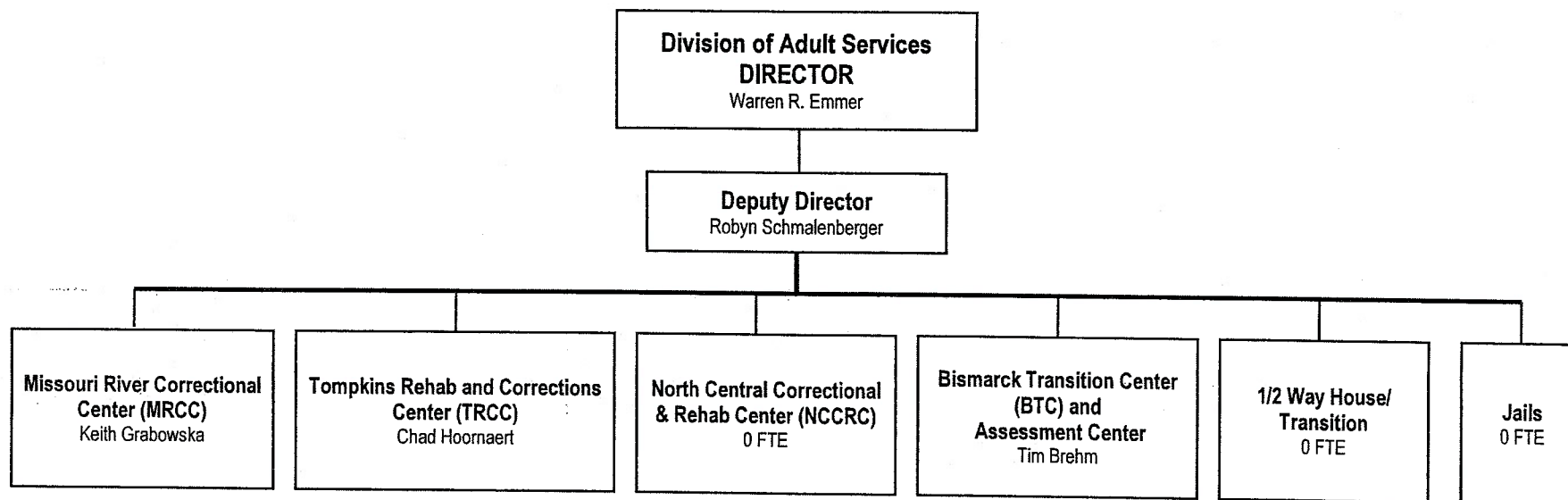
## Division of Adult Services Organizational Chart



# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

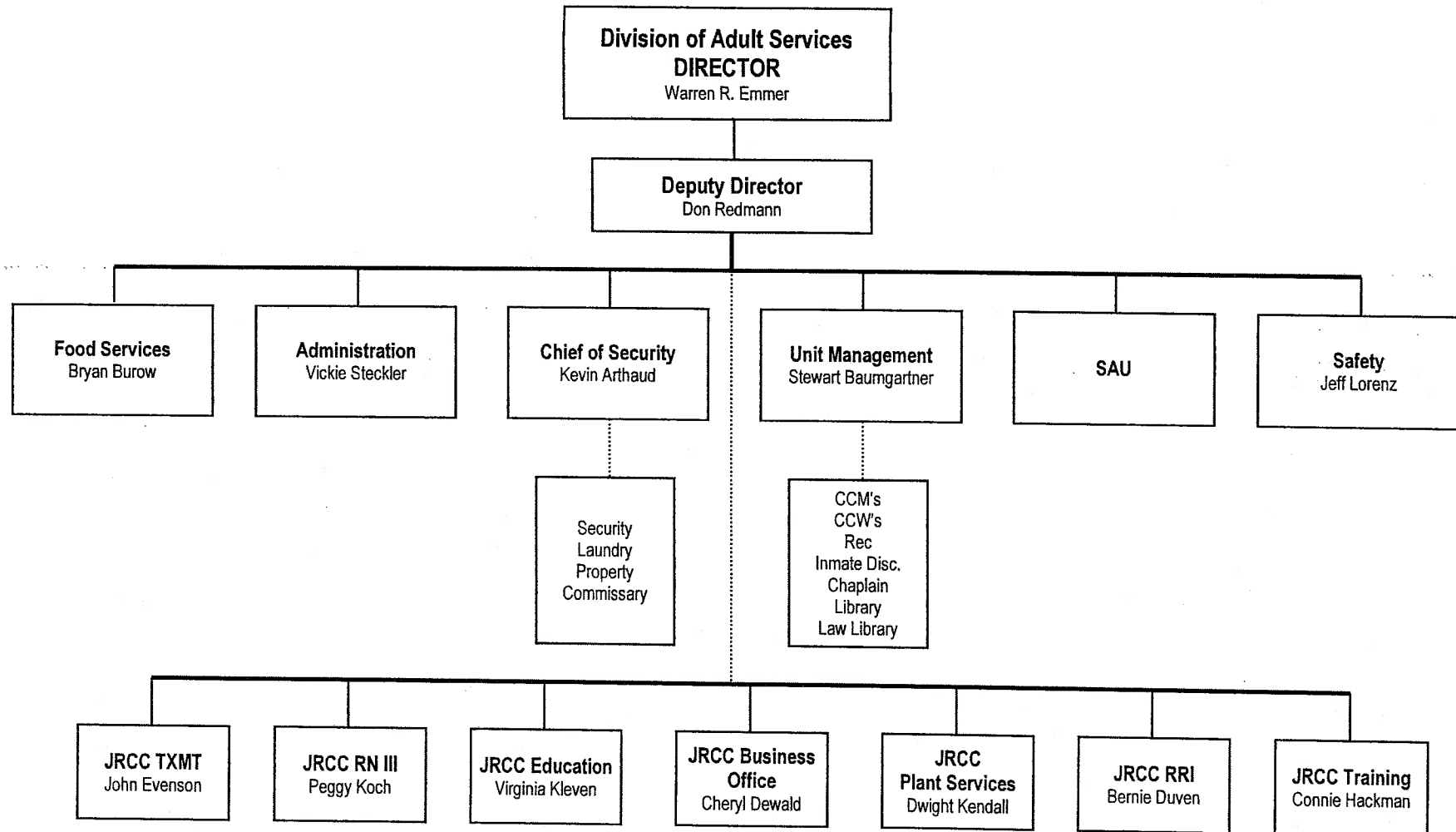
## Transitional Facilities Reporting Structure



# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

## Medium Security Facilities Reporting Structure

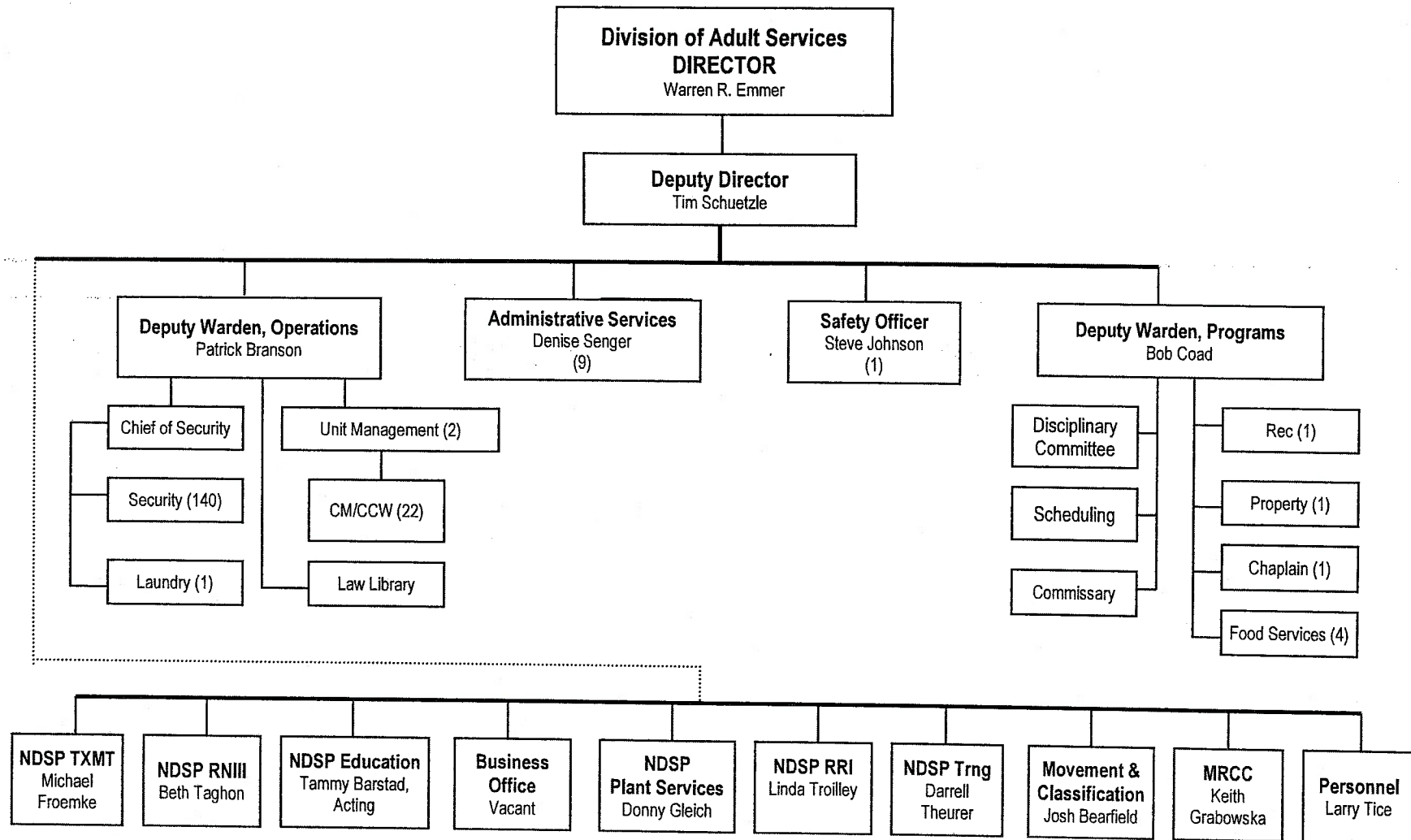




# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

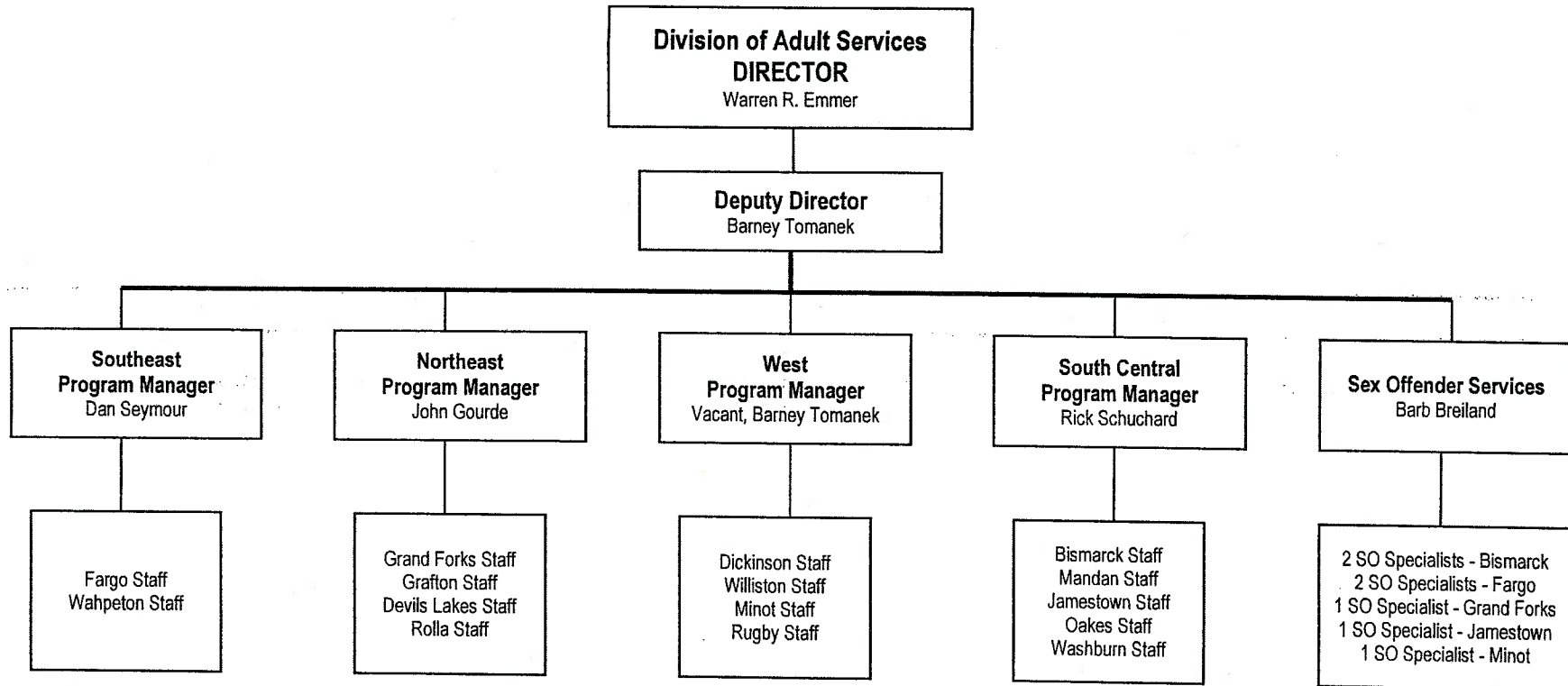
## Maximum Security Facilities Reporting Structure



# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

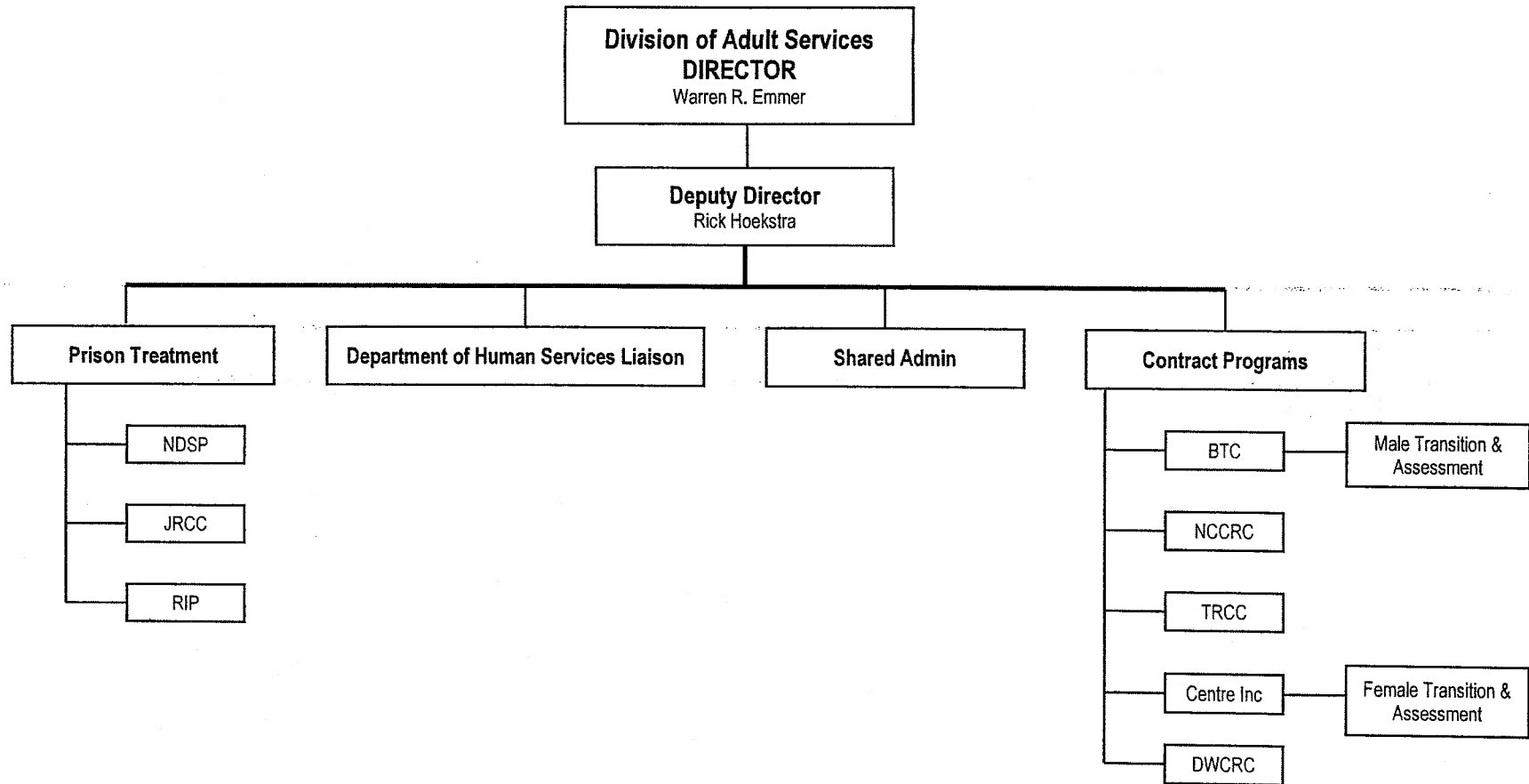
## Parole and Probation Reporting Structure



# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

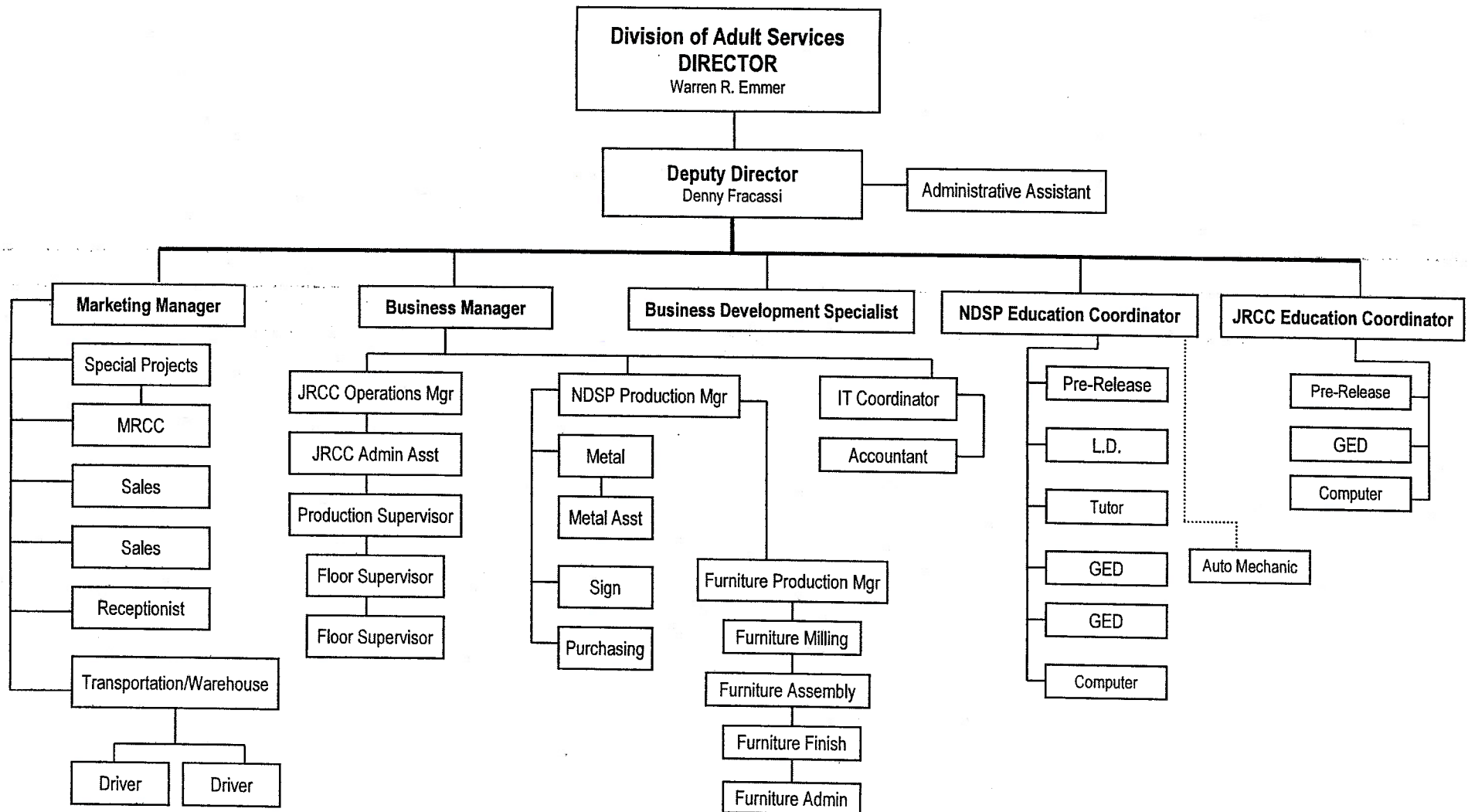
## Programs Reporting Structure



# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

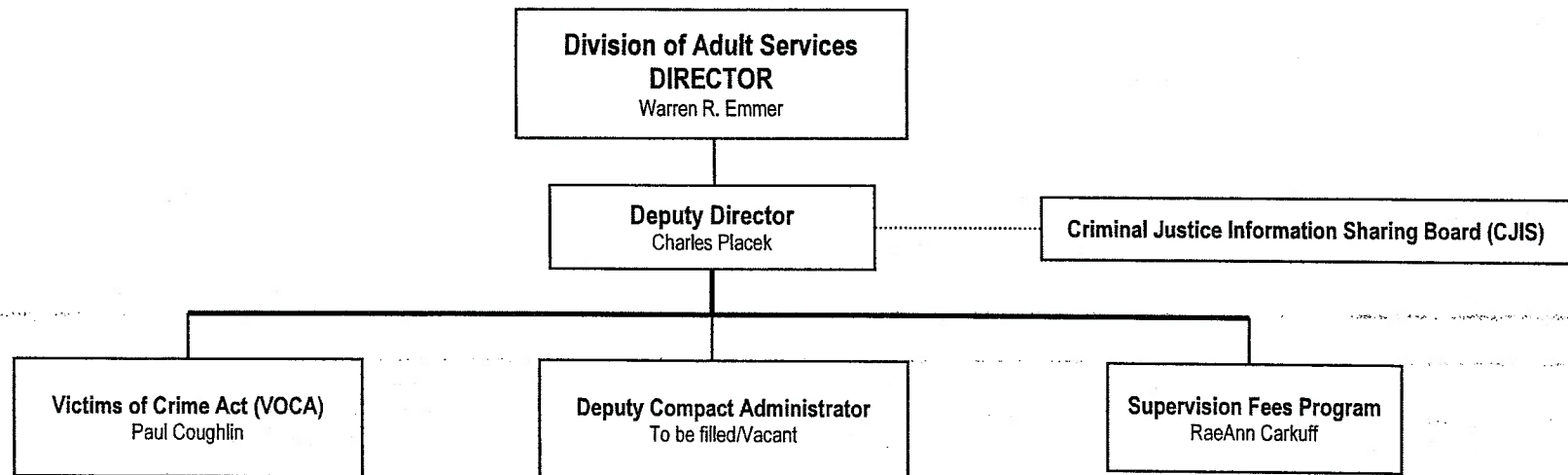
## Industry & Education Reporting Structure



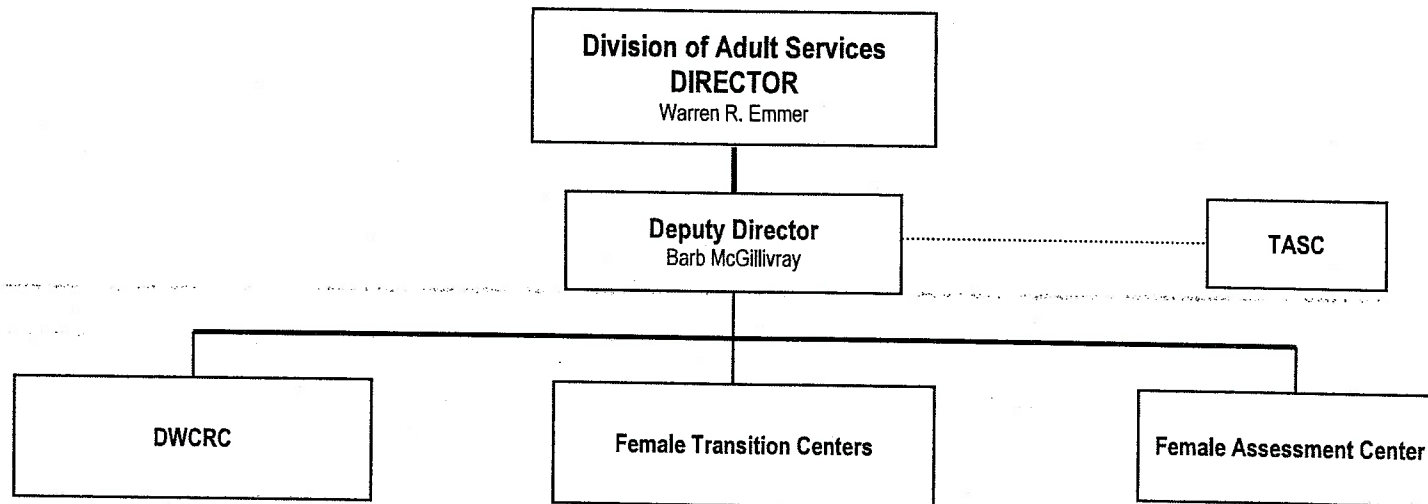
# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

## Administrative Services Reporting Structure



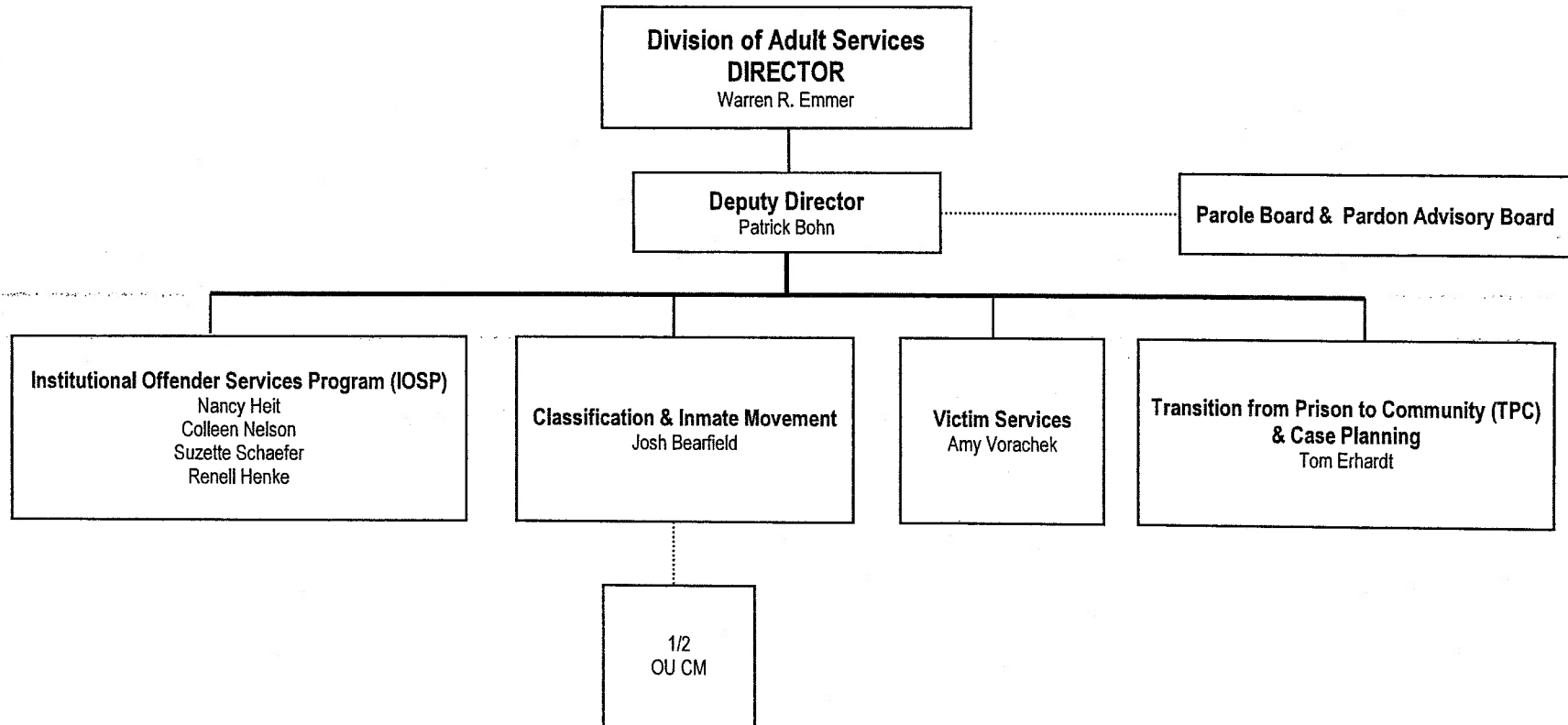
## Women Services Reporting Structure



# North Dakota Department of Corrections and Rehabilitation

Leann Bertsch, Director

## Transitional Planning Reporting Structure



# **National Institute of Corrections**

**Kermit Humphries, Project Manager, CPS  
George Keiser, Chief**

## **Transition from Prison to Community Initiative**

**Administered by**

**Center for Effective Public Policy  
Silver Spring, Md  
Peggy Burke, Principal**

**Report of Site Visit**

## **North Dakota Department of Corrections and Rehabilitation**

**Leann Bertsch, Director  
Warren Emmer, Director of Adult Services  
Tom Erhardt, TPC Coordinator**

**March 3-5 2008**

**Report Prepared by**

**William Woodward  
University of Colorado  
Center for the Study and Prevention of Violence  
Boulder, Colorado**



## **Background and Overview**

The initial meeting with Leann Bertsch, Tom Erhardt, and Warren Emmer covered the purpose of the site visit and DOCR needs:

- Review of progress on TPC
- Update on restart of policy team and steering committee
- Update on reorganization
- Needs my assistance with steering committee on Wednesday
- Review of recommendations from prior visits

It was most clear that the DOCR has made major progress in the aggressive pursuit of TPC goals and objectives. Fundamentally the following three major changes initiated by the Director have made the TPC effort a top priority in DOCR:

1. The reorganization of DOCR so that one person is in charge of all adult services
2. The assignment of a full time FTE for TPC implementation
3. The increase of direct reports to the Warren Emmer, Director of Adult Services which brings 9 deputy directors and 1 TPC Coordinator together on a regular basis to problem solve and to keep focused on EBP outcomes across prison and field services.
4. The commitment of Warren Emmer to TPC and evidence based practices
5. The commitment of leadership to a full time researcher for EBP and the implementation of TPC.

North Dakota Leadership team developed a series of values and beliefs:

- Reentry participants should be treated with respect and dignity;
- Change is Possible
- The community has the right to expect that an offender has been prepared for re-entry;
- Input should be considered from multiple stakeholders;
- Programs follow the principles of evidence-based practices;

- Each offender should have a “Transitional Accountability Plan” developed before hi or she is released
- Decisions within our team should be made by consensus; and
- All parts of the process should perform to their highest level .

## **Review of prior recommendations:**

### **August 2006 Recommendations:**

- The DOCR should take a series of monthly or biweekly “daily snap shots” of all offenders who are medium or high risk and who are not receiving appropriate treatment services. The proper data must be collected to either confirm or refute the current theory about the needs of offenders who are not getting services from DHS
  - Not Accomplished: This continues to be an issue for DOCR and there continues to be anecdotal evidence that DHS does not accept a significant percentage of higher risk offenders.
- DOCR and DHS should request additional funding to treat offenders DHS cannon treat at this time. This is critical
- to reduce re-offending.
  - Partially Accomplished. Additional dollars were requested for such offenders in an optional budget request to the legislature. This was not funded. However, the treatment was not considered sufficiently important, given other DHS priorities, to place this request in its core budget request. Seldom are optional budget items funded in ND.
- Invest in an upgrade to ITAG for both prisons and field services as recommended and develop a “crosswalk” of data items between ITAG and DOCSTARS, where data from the two

systems can be batched across systems on a daily basis. If this is not possible, supervisors ensure that any offender with an LSI score of 30 or above must have LSI domain updates transferred by hand from one system to the other.

- Partially Accomplished. Supervisors and officers are transferring the data from one system to another. However, we do not know the efficiency or effectiveness of this procedure. Nor is there a plan to do so.
  - The current practice is for all offenders who are released from prison on parole or probation to have the LSI-R reassessed at intake, and a case plan developed based on the current LSI-R risk/needs information. (There is no reassessment done on the LSI-R while the offender is in prison, and the scores may have changed dramatically.) Risk reduction programming the offender completed while in prison is taken into account, and the parole/probation officers are required to make contact with the prison case manager to discuss any areas of concern. Parole/probation officers have access to the case plan and sentencing report with risk/needs information and completed programs while in prison. They can use these to work off of when developing the case plan in the community. Likewise, all prison and contractor case managers have been trained in using Docstars to access information on the offender while he/she was in the community.
- The DOCR should develop a series of case studies of serious violent offenders who are in the community without services and who represent the population of high risk offenders who are not being properly programmed to reduce recidivism.
- Not Accomplished.
  - While there is not a plan at this time, DOCR does plan to utilize the "Top 50" high-risk LSI-R report to monitor and track those high risk cases.

- Ownership of the case plan should rest with a specific designated officer as the offender moves through the prison and into the community
  - Partially Accomplished, the DOCR does not feel this is appropriate for DOCR at this time.
    - However, case managers are responsible for assisting the offenders work on their case plans while in prison, and parole/probation officers while the offender is in the community. Also, a Transitional Program Coordinator will be hired soon to assist to implement the changes in transition practices, including tracking of case plan recommendations. Another Transitional Planning function is to coordinate reentry to the community for all offenders who have supervision upon their completion of incarceration.
  
- Ten recent cases of offenders placed on parole should be randomly selected and the “data element” by “data element” cross verification should be made between the ITAG information and the DOCSTARS information. A report for the director should include the number of items successfully transferred, the number of items not transferred from ITAG to DOCSTARS manually, the number of items not transferred from DOCSTARS back to ITAG for offenders who are revoked. Develop a plan based on the data collected.
  - Not Accomplished. This will be critical to better understand the efficiency and effectiveness of the current manual process for transferring data between data system. If this shows reasonable reliability, perhaps the integration of the two systems can be delayed. However, if this shows major reliability problems other options should be investigated for full integration.
  
- Develop a Performance Measurement Framework which should include data elements mentioned in the original report at the individual, agency, and system levels. These include the measures

listed that report: Employment, Housing, Substance abuse, Mental health, etc.

- Not Accomplished, but set as a priority for our next site visit in 2008.
- Review all policies and procedures to insure that emphasis is placed on the high risk offender's top criminogenic needs. Officers should be held accountable for having a thoughtful case plan for these domains. Each month the supervisor should randomly select five cases for each officer and review these cases to insure that the top three criminogenic needs are being addressed in the case plan.
  - Partially Accomplished. The top three criminogenic needs are being identified in the case plan automatically by the DOCSTARS program. However, supervisors are not at this time reviewing five cases per officer each month.
    - Supervisors complete a computer audit on 5 cases every six months, not to exceed 212 days. The computer audits are not scored, but the supervisor keeps a record and can take corrective action at any time.
    - Supervisors also do a complete audit of 5 cases every six months. This is a full, scored audit of 5 random cases and they are staffed with the officer. Assessments/reassessments and case supervision records are assessed. Officers must score 80% and if they fail to attain that score, other cases can be audited.
    - Supervisors also do 3 officer observations per year. These consist of ride-alongs in the field. Community relations, professionalism, communication, law enforcement/safety activities, equipment maintenance, and overall knowledge of the case are assessed.
    - There is a policy on developing the case supervision plan the LSI-R, Stable, Acute, Static, and MnSOST-R in the development of case plans.

- A recidivism study of offenders released from prison in July 2004 should be completed based on original recommendations comparing offenders transitioning through various DOCR programs and practices. The study is designed to compare data to determine if there are better or worse outcomes based on average risk score and type of transition program.
- Not Accomplished
  - Barb McGillivray is working with North Dakota State Univ. on a recidivism study for females.
- Use the EBP committee to act as an “inspector general’s” office for EBP in the DOCR. This would systematically assess the eight principles of recidivism reduction and the extent to which they were being implemented.
- Not Accomplished.
  - It is understood that the committee is waiting for the Steering Committee to charter such a plan.

**June 11-13 2007 Recommendations outcomes:**

- Rebuild and reestablish policy group and develop charters for newly revitalized working groups established by the steering committee. Develop charters for working groups.
  - Accomplished: This has been accomplished and the new leadership group and steering committee have met 4 times since its recreation in November 2007
  - Accomplished: Charters for Leadership team established
    - Charter for Quality Assurance Team Established
    - Charter for Release and Integration Implementation Planning Team established
- Recommend visitation with the Missouri site for TA and capacity building



- Accomplished: This has been accomplished and occurred in August 2007 to the great benefit of the state.
- Assign one FTE to the implementation of TCP
  - Accomplished: This has been accomplished with the assignment of Tom Erhardt to manage the TCP process
- Assign one FTE to research necessary for principles seven and eight to reduce recidivism. Prioritize list of research projects described in report and begin work on those projects
  - Partial Accomplished: This is in progress and the new director of adult services has assured us that he is removing any other duties from Pat Foley so that he can fully devote himself to research for TPC
- Determine the top 5% of high risk offenders – who pose the greatest risk of violent recidivism.
  - Accomplished: The DOCR has instituted a top 50 highest risk offenders for review by the Director. However, there needs to be further research and definition concerning the way these offenders should be managed. In addition, some in the agency do not believe that these high LSI-R scoring offenders are in fact the highest risk of violent recidivism.

## **New Recommendations**

- 1 Recommend the DOCR obtain a sample of officer nominated offenders who the officers believe will recidivate violently. At the same time a new list of the top 50 highest scoring offenders should be obtained. The two lists should be followed for at least three years, with yearly updates, to determine the recidivism of the offenders on the two lists.

Discussion: This is important to complete this research to help establish the reliability of the LSI-R or if the officer nominations predict violence better, there is a review of how the LSI-R is being scored – as LSI-Rs scored without the use of high impact communication skills are at risk of producing artificially low scores on the LSI-R.

2. Recommend review of August 2006 recommendations concerning the lack of resources for offenders who need MH treatment, Alcohol/Drug treatment. Data concerning such offenders needs to be systematically collected to determine the size of the problem, if any.
  - Discussion: This data should be collected for all offenders who have high MH and or AOD needs, but specifically for the top 20% of offenders in the community listed by LSI- R scores. Each year this top 20% should be reviewed. The LSI-R has been proven to be an excellent predictor (as compared to clinical judgment) of recidivism and violent recidivism. Therefore, by focusing on the most likely to recidivate and recidivate violently, public safety is improved.
3. Recommend the Charter for the Steering Committee include specific outcomes with due dates and specific responsibility for each of the barriers and/or priorities listed. This is critically important as the designated TPC coordinator can easily end up with all the responsibility for everything if there is not clarity about who is responsible and what the due dates are for each piece of work to be accomplished.

Discussion: For example the following is the status of the work on barriers and assigned work groups:

- PSI Accomplished change in Rule 32. Note that this item had a specific champion assigned (Mike Hagburg and Tom Erhardt)
  - Pre-Release: unknown lead responsibility (two decision point work groups listed) ; unknown due date
  - ID cards: Unknown lead responsibility, Unknown due date
  - Enhance Offender Employment/employability: Lead responsibility – Education/employment decision point workgroup; Unknown due dates
  - Short Sentenced Offenders: Lists many strategies but unknown responsibility and due dates for each strategy.
4. Recommend the Release and Implementation Planning Team add to its charter how it overlaps with the decision point work groups and



clarify roles and responsibilities as well as due dates for the products it plans on producing based on its planned March 31, 2008 retreat.

- 5 Recommend the Quality Assurance Team utilize the NIC quality assurance handbook to guide its work. This is the most important team for the implementation of recidivism reduction principles seven and eight – as a learning organization is not built without this work. This group may want to consider reviewing recommendations on quality assurance contained in our August 2006 recommendations.
6. Recommend the updating of the “Implementing the TPC Model” matrix quarterly. This matrix provides the overall guidance for the project and its multiple goals and decision points. At this point the matrix has recently been updated and this recommendation simply formalizes the recommendation for quarterly updates.
- 7 Recommend development of a research strategic plan to integrate all aspects of research based recommendations. Management has made clear its intent to focus one full time on research regarding TPC. This will integrate all such research efforts.

Summary, the NDCOCR has made excellent progress toward TPC implementation especially through the reorganization and integration of prison division with the field services division, the appointment of Warren Emmer as the director of the new adult division, the appointment of a full time TPC coordinator and the appointment of a full time researcher – to be implemented in the near future. Now it will become critical that the work of the leadership group and steering committee be integrated with the ongoing work of the decision point work groups in a combined strategic work and research action plan. This was only accomplished through the commitment, vision and leadership of the new director, Leann Bertsch.