

2009 HOUSE JUDICIARY

HB 1237

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1237

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/21/09

Recorder Job Number: 7399

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1237.

Rep. Jon Nelson: Sponsor, support (attachment).

Rep. Delmore: How are they transported, is there a separation between the guard and the prisoner?

Rep. Jon Nelson: There is a separation, but I will let Elaine Little tell you the specific details of how the transports take place. Our facility is housed with the Pearce County Sheriff's Dept as well, so there is transport available from the sheriff's department at times; but in rural counties there are times when there are only three officers on the entire staff at some times. From a practical standpoint this would increase the availability of being to transport the prisoners when necessary.

Chairman DeKrey: Thank you. Further testimony in support.

Elaine Little, Administrator of the North Central Correctional and Rehabilitation Center,

Rugby, ND: Support (attachment).

Chairman DeKrey: So this is just permissive language that just allows you to do it, if that contract requires you to be able to do it.

Elaine Little: Only if the contract requires it.

Rep. Klemin: As I understand this bill, this allows you, as the correctional center, to determine the qualifications yourself as to who is qualified to carry a firearm. Would there be some other outside

entity that could actually do that. It's kind of like your qualifications could be some to none, or extensive. There's no range here that specifies this in the bill as I read it.

Elaine Little: The bill authorizes the correctional officers to carry weapons after they have been trained. As I mentioned, we are training the officers, the officers do have to be qualified. I, as an individual, who has certification to provide weapons training; if there was a need to put that into the language, I wouldn't have a problem with that.

Rep. Delmore: How are the inmates transported and what's your average length of transport.

Elaine Little: We have two transport vans; each of them can carry 4 or 5 inmates. There is separation between the inmates and the officers during the transport. The contract requires our officers to carry weapons and they also provide training for correctional officers. Only those officers who have received that training from the US Marshall service can do the transport. That's another bit of training that the officers need to have. The time of transport depends on where they are going; to Minot is 1 hour, Jamestown is 2-3 hours; Bismarck is 2.5-3 hours. The officers take the inmates to the jail; wait for them to finish and then transport back to the correctional facility in Rugby.

Rep. Delmore: Are the prisoners restrained, and what average number of inmates would you take at one time.

Elaine Little: Yes, the inmates are always restrained. The US Marshall service has somewhat a different technique to restrain the inmates, which differs from what law enforcement typically does and that is why they require the officers have this training. Typically the inmate is handcuffed on a chain that goes around the waist and leg irons.

Rep. Delmore: And how many?

Elaine Little: That number varies, typically we would transport two or three is the average number that we transport. Sometimes it is only one. A couple of times we have transported four or five. That is the max.

Rep. Klemin: Another question, is there some type of oversight of your correctional center by a government entity or an accrediting agency or somebody because this requires you to adopt a policy establishing qualifications but it doesn't say it has to be approved by anybody or that it is subject to review; what you have to do with that policy or anything. Can you expand on that?

Elaine Little: The NCORC is operated by a board of directors who are composed of city, county, law enforcement, local judge, that meets almost every month. We review our policies are they have to be approved every year at a minimum. They are approved by the board. All of these types of issues are governed by the board.

Rep. Zaiser: Have you had any escapes while transporting inmates.

Elaine Little: No we haven't.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition.

Sheriff Pat Heinert, Burleigh County Sheriff: Opposed (attachment).

Rep. Delmore: What is your objection to the bill, if people have training, and the standards will be set for people to be trained to carry weapons? Why do you see a problem with that?

Sheriff Pat Heinert: I see this bill allowing each and every jail administrator to be able to establish standards, and who they go to is their own board. There is no statewide board to oversee this. There are no minimum requirements such as there is in law enforcement. When a law enforcement officer gets up and straps on that sidearm every day, they know they may have to use that. When a correctional officer gets up and goes to work, they aren't thinking about transporting inmates out of their facility carrying firearms. They are thinking about their duties inside the facility and what they have to do in corrections to move their inmates within the building. When they get there, they may find out that they have to go somewhere, and then they have to get a different thought process. That's the difference in my mind. The establishment of guidelines by and every individual, even though

somewhere along the line, they may become somewhat standardized, they do not have guidelines now.

It says that the jail administrator would set guidelines.

Rep. Delmore: I think we have a problem here now; they don't want to wait two years. I think you talked about the possibility of amendments, would there be an amendment that could be brought forward. Could we reach some agreement that we could bring in what that criteria could be for training. I understand your concerns, but that training could be set up on as needed basis.

Sheriff Pat Heinert: I believe you are probably right about that, it could be established. My problem is that we don't have any way to establish that under law right now. That's why we want to see some standards for corrections. We had that several years ago for law enforcement. Law enforcement has now become more professionalized and standardized across the state of North Dakota. This is more of an issue than just a correctional officer carrying a gun in my opinion. There is also the liability risk. The fact of the matter is if you compare this to hunting, hunters go out with the intent to kill an animal, not to kill a person. There is a significant difference.

Rep. Delmore: These people are also guarding prisoners every day. So I'm not too sure that that argument totally works out, because sometimes they don't kill animals, they kill other human beings.

Chairman DeKrey: If we amended into the bill that the ND Peace Officer standards and training for weapons, would that allay your fears any?

Sheriff Pat Heinert: I'm not sure. I know what those standards say, but we're back to the same problem, you can amend that in, but who's going to regulate them.

Chairman DeKrey: Who regulates the post board?

Sheriff Pat Heinert: The post board is regulated through the Attorney General's office. I don't know if they have the capability of accepting the detention regulations on top of what they are already doing.

Rep. Zaiser: Are there any other sheriff's or police department's chiefs around the state, particularly those in urban areas that feel as you do.

Sheriff Pat Heinert: We had a meeting of the Sheriff and Deputy Association last week and this did come up, and nobody at the meeting spoke in support of this bill.

Rep. Zaiser: Did they oppose it.

Sheriff Pat Heinert: Yes.

Rep. Klemin: I think what you're talking about focuses on the same questions that I had about the local correctional facility setting its own policy and establishing its own qualification standards, which is what the bill says now. Ms. Little said that she wouldn't have a problem with having some requirement for training that had to be by someone who is qualified to give training. I'm not sure if that is the whole answer. What do you think about that, is that sufficient.

Sheriff Pat Heinert: I don't know what kind of training you should have, even if you have someone who has been trained in it, you still don't have the requirement to say that the training has been provided correctly, and that there is a statewide standard, such as there is for law enforcement; that's where we are at, there isn't a statewide standard such as there is for the post board. Then we would be able to take correctional officers into enlightenment status and they would become professionals.

Rep. Klemin: If you follow along with what Rep. DeKrey is saying, following post board standards, say if they were required to do something equivalent and have that approved by someone like the Attorney General's office or the Dept. of Corrections. Does that take care of your concern?

Sheriff Pat Heinert: I'm not sure, if that would or not. I'm looking at this in the bigger picture, of the licensing of actual correctional officers as well and the establishment of regulations and rules.

Rep. Klemin: Could these correctional officers be subjected to the licensing requirements of law enforcement officers.

Sheriff Pat Heinert: I do not believe so, the way the law is written now, it would not include correctional officers.

Rep. Klemin: But we could write the law, I don't know what problems that might cause.

Sheriff Pat Heinert: I'm sure we would hear from the AG's office with a fiscal note.

Chairman DeKrey: Thank you. Further testimony in opposition. We will close the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1237

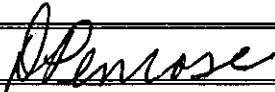
House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/28/09

Recorder Job Number: 7982

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will take a look at HB 1237.

Rep. Klemin: My problem with this is if we allow them to determine their own qualifications. Rep. Nelson is on that board, but I don't know that he is qualified to know if a person is qualified or not with weapons. If we're going to do this, we have to have something else in here about how you get qualified.

Rep. Boehning: How do county officers, do they follow post board regulations.

Rep. Klemin: That's right.

Rep. Boehning: Can we put in language that they follow the post board rules.

Chairman DeKrey: If we the post board in there, the first thing that is going to happen is that they are going to hang a tremendous fiscal note on it, because they don't want to do it.

Rep. Wolf: Don't correctional officers already carry firearms.

Chairman DeKrey: They can, I'm not sure under what circumstances they can, but they do carry them in Jamestown. I know for a fact that they have weapons on site, they have them locked in a locker. So I guess I wasn't really clear as to why Rugby couldn't already do it. Maybe jails are excluded from having weapons, but penitentiaries aren't. I'm not sure. All Rugby is trying to do here, is they

have a contract with the US Marshall Service to haul the inmates back and forth, but the contract says they have to be armed. Maybe we should put in here that the US Marshall Service has to certify them.

Rep. Klemin: I don't know how we can impose that obligation on the federal government.

Rep. Koppelman: Is there anything in law that prevents them from being armed now?

Chairman DeKrey: They must be or they wouldn't be here, that was my thought too.

Rep. Klemin: I move to amend the bill on page 1, line 14 to replace "establishing" with ", approved by the attorney general, who establishes", and on page 1 line 15, after "qualifications" insert "and training".

Rep. Delmore: Second.

Chairman DeKrey: Voice vote, motion carried. We now have the bill before as amended.

Rep. Delmore: I move a Do Pass as amended.

Rep. Koppelman: Second.

12 YES 0 NO 1 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Dahl

VR
1/28/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1237

Page 1, line 14, replace "establishing" with ", approved by the attorney general, which establishes"

Page 1, line 15, after "qualifications" insert "and training"

Renumber accordingly

Date: 1/28/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1237

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ DP ☐ DNP ☒ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Dahl Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 12 No 0

Absent 1

Floor Carrier: Rep. Dahl

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1237: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1237 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "establishing" with "approved by the attorney general, which establishes"

Page 1, line 15, after "qualifications" insert "and training"

Renumber accordingly

2009 SENATE JUDICIARY

HB 1237

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1237

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: March 3, 2009

Recorder Job Number: 10053

Committee Clerk Signature

that

Minutes:

Senator Nething opens the hearing on HB 1237, relating to allowing correctional officers to carry weapons in certain circumstances.

Representative Jon Nelson, District 7, introduces the bill (see attachment #1).

Elaine Little, Administrator of the North Central Correctional and Rehabilitation Center, testified in favor of the bill (see attached testimony #2).

Senator Nething How much time do you have under your contract?

Elaine Little we have been incorporating various means to provide that transportation and they are waiting to see what happens with this bill.

Senator Nething so you are not under a timeline?

Elaine Little not a specific one no.

Pat Heinert, Sheriff and Jail Administrator for Burleigh County, I am opposed to this bill (see attached testimony #3).

Senator Nething you are not opposed to the bill, but you want to see the study happen is that correct?

Pat Heinert the study prior to the allowance to carry while transporting inmates.

Senator Nething closes the hearing on HB 1237.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1237

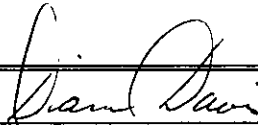
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11130

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee work

Senator Lyson said the problem for the Rugby prison is to transport federal prisoners you must be armed. He talked with Cass County and they transport a lot of federal prisoners and they just call a US Marshall and deputize them. Senator Nething said he is bothered by the fact that they have no training by just deputizing them. He feels this bill has some benefit in the training part. The committee discusses who would approve the training. Senator Lyson said every jail in ND has to have a policy and procedure that has to go to the Dept. of Corrections for approval. The bill says to have the warden in charge of training but the committee thinks it should stay with the Dept. of Corrections. Senator Lyson said he will talk to the Attorney General.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1237

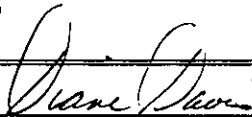
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11188

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee work

Senator Lyson discusses the Attorney General being put in charge. Now all jails are under the control of the Dept. of Corrections. They are all inspected and approved by the DOC. He is afraid that every time someone has a dispute with the DOC they will want to go to the Att. General. The Attorney General said they can look at policy and decide whether it is good, bad or indifferent but they have no guidelines to do it with. Senator Nelson mentions it would be better for the city of Rugby to be able to fill up the jail. Senator Nething mentions that this doesn't just limit this to Federal prisoners. Senator Lyson explains the training requirements of officers. The committee feels comfortable to have the training done by the Dept. of Corrections. Senator Nething asks how broad do we want this to be to carry weapons. The problem is with Federal prisoners. The committee would like it limited to that. They discuss the amendment that will be put on. They decide to look at this again after the amendment has been drawn up.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1237

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/23/09

Recorder Job Number: 11362

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Committee work

Senator Lyson explains the amendment he has brought in. He says all the amendment does is take it out of the Attorney General's and put it back where it began. The bill will be the same as it came in except for the Attorney General portion.

Senator Olafson says what this does is put the responsibility for establishing the qualifications in training an officer must meet to carry a weapon with the Dept. of Corrections.

Senator Lyson moves adoption of the amendment

Senator Nelson seconds

Verbal vote – all yes

Senator Lyson moves do pass as amended

Senator Fiebiger seconds

Vote – 6-0

Senator Lyson will carry

March 23, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1237

Page 1, line 15, replace "attorney general" with "director of the department of corrections and rehabilitation"

Renumber accordingly

Date: 3/23
Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

1237
Amendment

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman			Sen. Tom Flebiger		
Sen. Curtis Olafson – V. Chair.			Sen. Carolyn Nelson		
Sen. Stanley W. Lyson			Sen. Mac Schneider		

Total (Yes) _____ (N) _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Verbal - All yes

Date: 3/18
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

1237

Senate **JUDICIARY** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Sen. Lyman Seconded By Sen. Fubiger

[illegible]

Total (Yes) 6 (N) 0

Absent

Floor Assignment *Sen. 84502*

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1237, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1237 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "attorney general" with "director of the department of corrections and rehabilitation"

Renumber accordingly

2009 TESTIMONY

HB 1237

TESTIMONY ON HB 1237

REP. JON NELSON

Good morning, Chairman DeKrey and members of the House Judiciary Committee. My name is Jon Nelson and I serve District 7 in the state House of Representatives. It is my pleasure to appear before you today to introduce HB 1237.

In addition to my legislative duties, I also serve on the board of directors at the North Central Corrections and Rehabilitation Center (NCCRC) in Rugby. Our facility houses inmates on a contract basis from the Department of Corrections and Rehabilitation (DOCR), regional county members, US Marshall Service, as well as from the US Probation and Parole.

Because of the geographic location of our facility and the diverse nature of the inmate population, we provide transportation for some of the entities we contract with.

Current code does not allow our correction officers to be armed during these transports. For some of the agencies we contract with, it is required that the transporting agents be armed. With the change in law our facility will be able to fully serve the entire contract list of clients in the area of inmate transportation.

Elaine Little, the administrator at NCCRC is with us today and will testify to the specific details and need of this legislation.

Thank you for the opportunity to appear before you and I urge a DO PASS recommendation on HB 1237.



Robert Wilmot, Chairman
Elaine Little, Administrator

**NORTH CENTRAL CORRECTIONAL & REHABILITATION CENTER
110 INDUSTRIAL ROAD, RUGBY, ND 58368
(701) 776-2221**

January 21, 2009

Testimony on House Bill No. 1237

Good morning Chairman DeKrey and members of the House Judiciary Committee. My name is Elaine Little. I'm the Administrator of the North Central Correctional and Rehabilitation Center located in Rugby, North Dakota. I'm here today to testify in favor of House Bill No. 1237.

Current statute does not authorize county correctional officers to be armed to do transports of inmates. That is not a problem for the jails when transporting their own county inmates. However, a number of county jails have contracts with other governmental agencies to transport their inmates and those contracts require that the correctional officers doing the transports be armed.

The North Central Correctional and Rehabilitation Center (NCCRC) has a contract with the United States Marshal Service (USMS) to house inmates at the NCCRC and also has a contract with the USMS to transport its inmates to and from the NCCRC. The USMS contract requires that the officers doing the transports be armed. This has created an issue that we are asking be solved through legislation to allow correctional officers to be armed in certain circumstances.

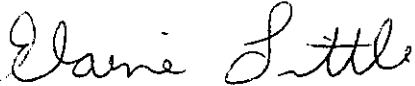
The NCCRC was built in 2005-2006, a time when inmate populations were growing and it was expected by all involved that the facility's inmate count would be at capacity soon after opening. However the inmate populations in the State have stabilized and the NCCRC's inmate population has been far below its capacity. It is critical for the NCCRC to continue its contracts with the USMS, however it is not economical for the USMS to house inmates at the NCCRC unless the NCCRC can also transport its inmates. The USMS provides training to transport officers on proper supervision and restraint of inmates during transports and only officers who attend this training are authorized to transport inmates for the USMS.

House Bill No. 1237 includes language similar to the language allowing the DOCR director to authorize its correctional officers to be armed in NDCC 12-47-34. House Bill No. 1237 specifies that the transports are allowed only for the purposes of transporting inmates for another governmental agency when that agency requires that the officers be armed. It also requires the jail to implement policies to train its

correctional officers in the use of weapons and that only officers receiving such training be allowed to do armed transports. This language also allows officers to carry weapons in public places if required to do so during the transport of the inmate. It would be unusual however that this language would be utilized since a typical transport just involves transporting an inmate to and from a jail.

House Bill No.1237 is important to the continued operation of the NCCRC. We urge a do pass on the bill.

Thank you.

A handwritten signature in cursive script that reads "Elaine Little".

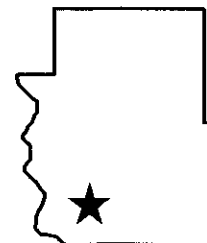
Submitted by
Elaine Little
Administrator, NCCRC



514 E. Thayer
P.O. BOX 1416
BISMARCK, ND 58502-1416

BURLEIGH COUNTY SHERIFF'S DEPT.

PAT HEINERT, SHERIFF



TELEPHONE 701-222-6651
FAX 701-221-6899

TO: HOUSE JUDICIARY COMMITTEE
DATE: January 21, 2009
FROM: Pat Heinert, Sheriff, Jail Administrator
RE: HB 1237

Good Morning Chairman DeKrey and members of the House Judiciary Committee.

I am Pat Heinert, Sheriff of Burleigh County and also the appointed Jail Administrator for Burleigh County.

I am here today in opposition of HB 1237.

I am in fear of what will come of this bill. Allowing a local jail administrator the authority to establish policy for the carrying and use of side arms in my opinion is dangerous.

In the law enforcement world, there is established regulations, set by a board that oversees licensing who determine the training and shooting requirements that need to be meet by all who carry a side arm. These requirements are not taken lightly as they must be followed in their entirety.

I am here to ask you to kill this bill, but to look at amendments to bring the correctional system to licensing standards similar to law enforcement. I believe that all correctional officers in North Dakota need standards established and overseen by a Board similar too if not the ND Peace Officers Standards and Training Board. This will bring professionalism to corrections.

My request is quite entailed and cannot be done with a simple amendment. I believe we should study this issue over the next two years and come back before the 62nd session of the legislature to adopt standards for corrections.

Many of the issues that are presented here today would be taken care of with standards.

Thank you for your time and I urge your support of licensing Correctional Officers in North Dakota.

TESTIMONY FOR HB 1237

REP. JON NELSON

Good morning, Chairman Nething, and members of the Senate Judiciary Committee. My name is Jon Nelson and I serve District 7 in the state House of Representatives. It is my pleasure to appear before you today to introduce HB 1237.

In addition to my legislative duties, I also serve on the board of directors at the North Central Corrections and Rehabilitation Center (NCCRC) in Rugby. Our facility houses inmates on a contract basis from the North Dakota Department of Corrections and Rehabilitation (DOCR), regional county members, US Marshall Service, as well as from the US Probation and Parole.

Because of the geographic location of our facility and the diverse nature of the inmate population, we provide transportation for some of the entities we contract with.

Current code does not allow our correction officers to be armed during these transports. For some of the federal agencies we contract with, it is required that the transporting agents be armed. With the change in law our facility will be able to fully serve the entire contract list of clients in the area of inmate transportation.

The engrossed bill allows for the Attorney General to approve a training program for those corrections officers seeking this qualification.

Elaine Little, the administrator at NCCRC is with us today and will testify to the specific details and need of this legislation.

Thank you for the opportunity to appear before you and I would urge a DO PASS recommendation from the committee on HB 1237.

Thank you for your consideration.



Attachment #2
1237
Robert Wilmot, Chairman
Elaine Little, Administrator

**NORTH CENTRAL CORRECTIONAL & REHABILITATION CENTER
110 INDUSTRIAL ROAD, RUGBY, ND 58368
(701) 776-2221**

March 3, 2009

Testimony on Engrossed House Bill No. 1237

Good morning Chairman Nething and members of the Senate Judiciary Committee. My name is Elaine Little. I'm the Administrator of the North Central Correctional and Rehabilitation Center located in Rugby, North Dakota. I'm here today to testify in favor of Engrossed House Bill No. 1237.

Current statute does not authorize county correctional officers to be armed to do transports of inmates. That is not a problem for the jails when transporting their own county inmates. However, a number of county jails have contracts with other governmental agencies to transport their inmates and those contracts require that the correctional officers doing the transports be armed.

The North Central Correctional and Rehabilitation Center (NCCRC) has a contract with the United States Marshal Service (USMS) to house inmates at the NCCRC and also has a contract with the USMS to transport its inmates to and from the NCCRC. The USMS contract requires that the officers doing the transports be armed. This has created an issue that we are asking be solved through legislation to allow correctional officers to be armed in certain circumstances.

The NCCRC was built in 2005-2006, a time when inmate populations were growing and it was expected by all involved that the facility's inmate count would be at capacity soon after opening. However the inmate populations in the State have stabilized and the NCCRC's inmate population has been far below its capacity. It is critical for the NCCRC to continue its contracts with the USMS, however it is not economical for the USMS to house inmates at the NCCRC unless the NCCRC can also transport its inmates. The USMS provides training to transport officers on proper supervision and restraint of inmates during transports and only officers who attend this training are authorized to transport inmates for the USMS.

House Bill No. 1237 specifies that the transports are allowed only for the purposes of transporting inmates for another governmental agency when that agency requires that the officers be armed. It also requires the jail to implement policies to train its

correctional officers in the use of weapons and that only officers receiving such training be allowed to do armed transports; HB 1237 was amended in the House of Representatives to require that this policy be approved by the Attorney General's Office. HB 1237 also allows officers to carry weapons in public places if required to do so during the transport of the inmate. It would be unusual however that this language would be utilized since a typical transport just involves transporting an inmate to and from a jail.

House Bill No.1237 is important to the continued operation of the NCCRC. We urge a do pass on the bill.

Thank you.

Submitted by
Elaine Little
Administrator, NCCRC

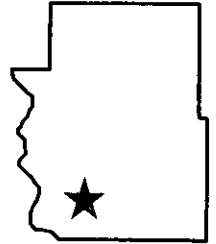


514 E. Thayer
P.O. BOX 1416
BISMARCK, ND 58502-1416

BURLEIGH COUNTY SHERIFF'S DEPT.

PAT HEINERT, SHERIFF

Attachment 3
1237



TELEPHONE 701-222-6651
FAX 701-221-6899

TO: Senate Judiciary Committee
Chair Nething
DATE: March 3, 2009
FROM: Pat Heinert, Sheriff
RE: HB 1237

Good Morning Senate Judiciary Committee.

I am Pat Heinert, Sheriff and Jail Administrator for Burleigh County.

I am here today to testify in opposition of HB 1237.

When I testified in opposition to this bill in the House Judiciary Committee I stated that I felt an amendment needed to be made to take a closer look at this request. I feel establishing rules for detention officers to carry side arms while transporting inmates requires more training than what appears on the surface of this bill.

I fully trust in the North Dakota Attorney General to establish rules that would have to be followed by Jail Administrators. I however look at this as more than just policy development.

I feel that this issue needs to be studied and hopefully a detention officer licensure would come of a study. I see an absolute need to make sure not only do detention officers obtain the initial training requirements of the Department of Corrections, but continued education as well.

My request is that this bill be amended with language which calls for an interim study into the adoption of a form of licensure for Detention Officers/Jailers in North Dakota.

Thank You.