

Testimony in Support of HB 1112

Members of the House Judiciary Committee my name is Jesse Jahner and I am the Sheriff in Cass County North Dakota. As Sheriff of Cass County my staff and I oversee the Cass County Jail. The Cass County Jail has a capacity to house 348 Inmates. I write in support of House Bill 1112, which would codify a responsibility to compensate counties, according to a negotiated agreement, when the Department of Corrections and Rehabilitation (DOCR) executes their prioritization plans, where they seek to house Inmates in county jail for any reason, or where they seek to delay transfer of legally sentenced prisoners into the prison system.

The DOCR has long sought to have standing contractual agreements with county facilities to house state Inmates. Some counties have signed them, Cass County is not one that has chosen to contract state beds, for a number of reasons. The main reason is that on a day to day basis we are struggling for space to meet our local needs. When our local needs for incarceration are not met it can cause safety issues within our community. As we speak, we are in the process designing an addition to our facility to meet growing needs. The Cass County Jail does not have space to house Inmates sentenced to DOCR for a lengthy period of time. As Sheriff, I do understand that there are going to be times where we will have to house those sentenced to DOCR for a few extra days and in those instances the tax payers of Cass County should be reimbursed for housing and medical costs according to our requests.

A couple of biennium's ago, the DOCR introduced a prioritization and housing contingency plan that effectively imposed- delays in the transfer of inmates when the DOCR lacked available bed space. At that time, we were assured by the agency director that it was not something that we needed to worry about, that there was no intention or expectation that it would actually have to be used.

And then it ultimately was necessary to implement. The DOCR advocated to build a new unit and renovate. They advocated to reduce penalties for certain offenses, and redirect support and funding to address addiction. But not to increase beds according to trends in sentencing, and it became necessary to implement the contingency plan and delay entry of newly sentenced inmates due to space concerns despite all of the other efforts and approaches.

Only a handful of inmates were delayed each year from 2017 thru 2019, and those that were delayed were typically only a week or two outside of the normal transportation schedule.

Then in 2020, the pandemic impacts of COVID thru the whole system into disarray, as we all tried to cope with our new reality and keep our inmates safe. And the DOCR agreed to pay for the massive delays that they imposed as part of their own safety plans.

There are real costs to supervising, feeding, and managing inmates who are delayed due to space availability. There are real medical expenses. The DOCR already seeks to contract with counties to hold some prisoners. Some counties have space to do this, others do not. But the DOCR pays for that space when they use it. This bill seeks to establish that they have an obligation to compensate the counties

when transfer delays or denials are imposed on them, the same as they would compensate according to an agreement in cases where bed space has been pre-arranged and pre-approved.

This bill actually does one other thing. It requires the DOCR to negotiate individual agreements with each county, a stipulation that accounts for the fact that each county has different expenses, different services available, different programming, and different space availability. Some counties may want to contract for longer term housing, others may want to do so only for absolute emergencies, or maybe not at all. Whatever the reason, and for whatever the length, it is only right to ensure that counties will be sufficiently compensated when they are used as the solution to a prison system that runs out of beds.