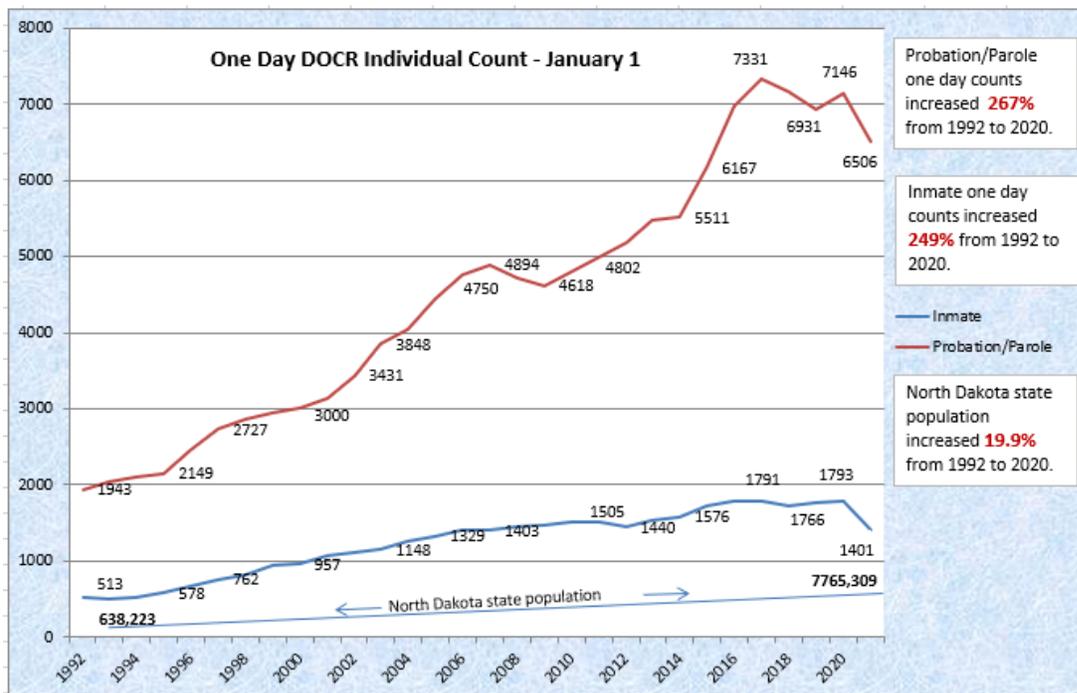


**HOUSE JUDICIARY COMMITTEE
 REPRESENTATIVE LAWRENCE KLEMIN, CHAIRMAN
 MARCH 10, 2021**

**PATRICK N. BOHN, DIRECTOR FOR NORTH DAKOTA PAROLE & PROBATION,
 NORTH DAKOTA DEPARTMENT OF CORRECTIONS & REHABILITATION
 PRESENTING TESTIMONY RE: SB 2166**

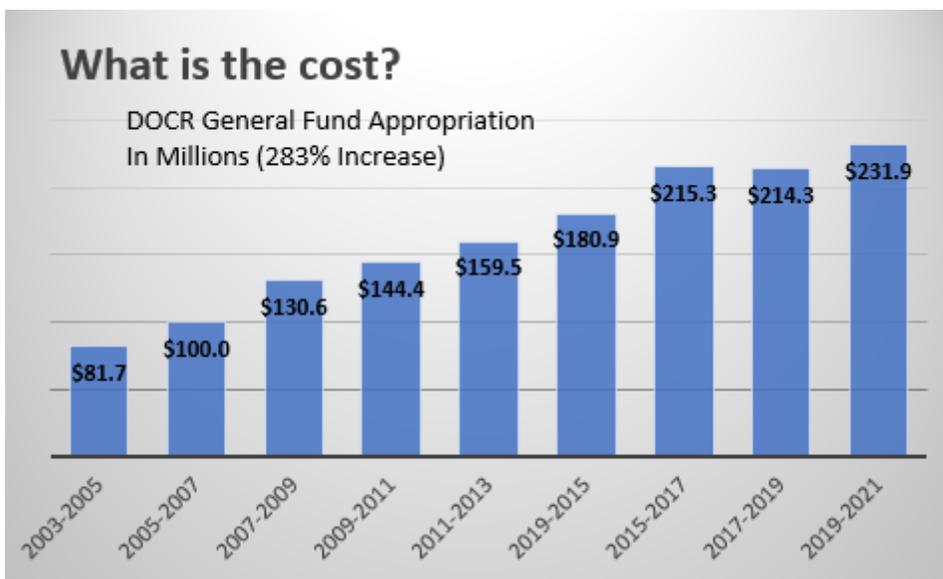
My name is Pat Bohn and I am the Director for North Dakota Parole and Probation, a division of North Dakota Department of Corrections and Rehabilitation (DOCR). I am here to testify neutral on behalf of the department on SB 2166.

We can understand the frustration that retailers feel when dealing with habitual thieves and the reported growing costs of retail theft along with the brazen attitudes of some people that can pose a real danger to employees. This impacts not only the



retailers, but it also as stated impacts the price you and I pay for goods and our family and friends that work the retail industry.

The retailers have accumulated a lot data on retail theft; however, we continue to rely on solutions that we know and that is we go to the overused criminal statutes looking to increase penalties for the issue at hand with no evidence that the proposed solution will work. Furthermore, as criminal penalties are added or enhanced there are no efforts or requirements to revisit the changes to determine if the data is showing a reduction in the behavior we are looking to curb. Bottom line, these policies typically are not benchmarked with data, impacts measured and reviewed for possible changes. The department has generally sought to educate policymakers on criminal penalty expansion or enhancements. It is these types of enhancements that can incrementally contribute the growth of incarceration, supervision, and correctional costs that are also paid for by you and I.



These incremental actions contribute to the growth in not only corrections but our broader criminal justice system. It also has life-long implications to those convicted of a Felony. According to the data of the [National Inventory of Collateral Consequences of Conviction](#), North Dakota has 542 collateral consequences to a conviction compiled in century and administrative code.

According to a recent article written in the Loss Prevention Magazine¹ there is very limited research on the science of what works in loss prevention. I think it would be a novel approach for the legislature to harness the knowledge of our research universities in the valley and work with the retailers to design a study to grow the science and knowledge behind loss prevention and bring forward evidence-based solutions to the legislature.

If you choose to enact the proposed graduated penalty enhancement policy, we encourage that you consider the following:

- Establish performance measures that could be revisited by future legislatures.
- Require the court to provide written notice in the criminal judgment to the defendant information about enhancements for future charges.
- Establish a safety net so you don't end up catching smaller players when you are trying to address the habitual for-profit bigger players. For instance, in addition to the time requirement, maybe the enhancement doesn't kick in unless the sum value of the previously shoplifted items exceeds \$500 to trigger the A Misdemeanor and the same could apply to establish a sum of \$1000 or greater to trigger the C Felony.

I want to be clear that by no means are we condoning these types of behaviors or at all minimizing what has been testified to by those people on the front lines of the

¹ <https://losspreventionmedia.com/we-all-know-or-do-we-improving-the-science-of-evidence-based-lp/>

retail industry. In closing, we respect your decision and will execute our responsibilities accordingly. If you have any questions, I'd be glad to try and answer them.