



Hettinger County Sheriff's Office

Sheriff Sarah D. Warner

Senate Judiciary Committee
February 1, 2023
SB 2286

Chairwomen Larson, and members of the Judiciary Committee, I am Sarah Warner, the Sheriff of Hettinger County. I am here in support of SB 2286.

I would like to give you an idea of what this bill would do. Hettinger County is located in the Southwest portion of the State. Hettinger County has no hospital and does not have a local jail. This causes an issue when we have to transport arrestees and mental health individuals out of our jurisdiction.

Currently, there is no law which explicitly grants arrest authority to law enforcement outside their jurisdiction. If we are forced to take law enforcement action outside our political subdivision, we potentially open ourselves and our political subdivision to civil liability. After speaking to Attorney General Wrigley and Deputy Attorney General Ness, on this proposal, they were surprised that there was no law already in effect that address this.

There is a 1996 Attorney General Opinion that states that such authority exists during one continuous transport. So if for any reason we should stop outside of our jurisdiction, the transport is over and would need to ask an agency with jurisdiction for permission to continue. It is also not well defined if having a signed transport order by a judge would grant such authority.

For example, if we make an arrest and need medical clearance before taking an individual to jail, we would need to take that individual to the hospital. Once we are at the hospital, we currently have no further jurisdiction. This means if the individual should become agitated and start fighting with the medical staff or us, we have no jurisdiction to intervene without first getting permission from the Law Enforcement Agency with jurisdiction. Once the individual has been cleared, we now have no jurisdiction to transfer this person to the jail.

Likewise, we had an incident a few weeks ago of an individual who was suicidal and we were able to voluntarily get the individual to a Bismarck hospital for help. If we had decided to take the individual first to Dickinson for a medical evaluation, we would not have been able to continue to another facility for a mental health evaluation. This would cause an agency with jurisdiction to have to transport the individual. Once in Bismarck the individual became upset as it took over 3 ½ hours to speak with a Doctor. The individual did become aggressive, but we were able to talk them down. If the individual would have become combative with medical staff and we would have be forced to intervene to protect the safety of others, we would have opened ourselves and our political subdivision to liability. Once an evaluation took place, it was found that there was no mental health beds to place the individual in North Dakota. If the individual would have needed to continue on to a different facility, we would not have been able to do the transport as we were out of our jurisdiction. This would cause another agency to have to transport and deal with the individual we had already been working with for over 6 hours.

This bill would give us the narrow scope of jurisdiction to keep care, custody and control of an individual until we can get them to the final destination of the jail or a mental health facility. This proposed amendment to Century Code will better protect a political subdivision and individual for civil liability.

I ask that you vote DO PASS on SB 2286. Thank you, Chairwoman Larson and Judiciary Committee. I will try to answer any questions.

Respectfully,
Sarah D. Warner
Sheriff

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