

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION REVIEW COMMITTEE**

Tuesday, February 25, 2020  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Jon O. Nelson, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Representatives Jon O. Nelson, Richard G. Holman, Randy A. Schobinger; Senators Jay Elkin, Tim Mathern, Terry M. Wanzek

**Members absent:** None

**Others present:** Representatives Karla Rose Hanson, Fargo, and Karen M. Rohr, Mandan, members of the Legislative Management

See [Appendix A](#) for additional persons present.

**It was moved by Representative Holman, seconded by Senator Wanzek, and carried on a voice vote that the minutes of the October 22, 2019, meeting be approved as distributed.**

Mr. Dave Krabbenhoft, Director of Administration, Department of Corrections and Rehabilitation, presented information ([Appendix B](#)) regarding the study of the Department of Corrections and Rehabilitation (DOCR) conducted by The Moss Group, Inc. He said The Moss Group, Inc., and CGL Companies have been onsite at each DOCR facility, the State Hospital, and the Dakota Women's Correctional and Rehabilitation Center (DWCRC). He said The Moss Group, Inc., held visioning sessions and workshops with DOCR staff, state and local partners, community partners, advocacy groups, and clergy. He said the next steps to be taken by The Moss Group, Inc., include drafting an options paper from the visioning and workshop sessions and drafting resident population projections.

In response to a question from Senator Mathern, Mr. Krabbenhoft said Ms. Lorraine Davis, Executive Director, Native American Development Center, attended the visioning session with The Moss Group, Inc.

In response to a question from Chairman Nelson, Mr. Krabbenhoft said representatives of DWCRC have been involved in the study with The Moss Group, Inc.

Ms. Lisa Bjergaard, Director, Division of Juvenile Services, Department of Corrections and Rehabilitation, presented information ([Appendix C](#)) regarding juvenile justice reforms. She said the Legislative Management's interim Judiciary Committee also is studying juvenile justice. She said North Dakota incarcerates 69 percent of juvenile offenders compared to a national incarceration rate of 60 percent. She said recidivism rates indicate community supervision is a better public safety strategy than incarceration for juvenile offenders. She said day treatment for juvenile offenders has resulted in academic improvement for 70 percent of program participants and allowed 100 percent of participants to remain in the community rather than be removed from their homes.

In response to a question from Chairman Nelson, Ms. Bjergaard said the Council of State Governments' Justice Center has worked with DOCR regarding adult corrections and rehabilitation reform, but this is their first review of DOCR youth services.

In response to a question from Representative Rohr, Ms. Bjergaard said DOCR's Division of Juvenile Services has well-educated and effective case managers working in community supervision.

In response to a question from Chairman Nelson, Ms. Bjergaard said there are not enough behavioral health service providers in the community to adequately serve the needs of the state.

In response to a question from Senator Elkin, Ms. Bjergaard said not all behavioral health services require a service provider with a doctorate degree.

In response to a question from Representative Rohr, Ms. Bjergaard said DOCR case managers include social workers, criminal justice majors, and individuals with other degrees.

In response to a question from Chairman Nelson, Ms. Bjergaard said there are 50 residents at the Youth Correctional Center, including 41 boys and 9 girls.

In response to a question from Senator Mathern, Ms. Bjergaard said community supervision is much less expensive than residential incarceration of juveniles.

In response to a question from Chairman Nelson, Ms. Bjergaard said there were 27 middle and high school students participating in day treatment in Mandan.

In response to a question from Representative Schobinger, Ms. Bjergaard said she suggests expanding day treatment services for juveniles.

Mr. Adam Anderson, Program Manager, Pretrial Services, Department of Corrections and Rehabilitation, presented information ([Appendix D](#)) regarding the pretrial services pilot project. He said the goal of pretrial services is to reduce incarceration, criminal activity, and "failure to appear" at trial. He said pretrial services include collection and analysis of defendant information, provision of information to the court, and supervision of defendants. He said the pretrial services pilot project is working with the North Central Judicial District, South Central Judicial District, and East Central Judicial District. He said in addition to his position, DOCR has made job offers to applicants for two pretrial services positions and posted job advertisements for the remaining four pretrial services positions authorized by the 2019 Legislative Assembly.

In response to a question from Representative Rohr, Mr. Anderson said a random selection of defendants in the three pilot regions receive pretrial services. He said DOCR eventually may be more selective in the population of defendants selected to receive pretrial services based on the results of the pilot project.

In response to a question from Chairman Nelson, Mr. Anderson said pretrial services assists defendants in connecting with necessary services in the community.

In response to a question from Representative Schobinger, Mr. Anderson said there has not been any significant resistance to pretrial services in the pilot project regions.

In response to a question from Representative Hanson, Mr. Anderson said he is unsure how much data will be available for review by the 2021 Legislative Assembly. He said the program will not start working with defendants until July 1, 2020.

In response to a question from Representative Holman, Mr. Anderson said he has visited the Standing Rock reservation, and has support from the tribe to work with its members.

In response to a question from Chairman Nelson, Ms. Leann K. Bertsch, Director, Department of Corrections and Rehabilitation, said the goal is to have the report from The Moss Group, Inc., by August 2020.

In response to a question from Senator Mathern, Ms. Bertsch said recommendations from Ms. Bjergaard likely would be addressed with proposed legislation from the interim Judiciary Committee.

In response to a question from Representative Schobinger, Chairman Nelson said the committee likely will meet in New England this interim and tour the DWCR.

The committee conducted a tour of the State Penitentiary, including Roughrider Industries and the education, medical, and housing units.

No further business appearing, Chairman Nelson adjourned the meeting at 4:00 p.m.

---

Alex J. Cronquist  
Senior Fiscal Analyst

---

Samantha E. Kramer  
Counsel

ATTACH:4