

Senate Bill 2136 – Department of Human Services
Senate Judiciary Committee
Senator Nething, Chairman
January 10, 2007

Chairman Nething, members of the Judiciary Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and Developmental Center of the Department of Human Services. I am here today to provide you with testimony in support of Senate Bill 2136.

Senate Bill 2136 amends sections of the North Dakota Century Code to allow for the transfer of responsibilities of the civil commitment program for sexually dangerous individuals from the Department of Human Services to the Department of Corrections and Rehabilitation and to provide for the transfer of ownership of the Gronewald Middleton Building on the grounds of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation. The bill provides for an appropriation and for an effective date.

The Department of Human Services established the program for the treatment of sexually dangerous individuals on the grounds of the State Hospital in the fall of 1997, as a result of legislation passed in the 1997 legislature allowing for the civil commitment of sexually dangerous individuals. The census in the program started at two patients in 1997 and slowly grew to 15 patients in 2003.

From 2004 through December of 2006, the program census grew to 58 patients.

The Department of Human Services supports the transfer of responsibility of this program to the Department of Corrections and Rehabilitation for several reasons:

- The State Hospital was never intended/designed to serve a population such as civilly committed sexually dangerous individuals.
- The Correctional system has the knowledge and skills to handle the high intensity behavioral issues seen in the civilly committed sexually dangerous individuals population.
- The State Hospital is a health care facility and strives to comply with the Joint Commission on Accreditation of Hospital Organization (JCAHO) standards.
 - It is difficult to meet JCAHO standards while serving civilly committed sexually dangerous individuals. Much of this has to do with facility standards. A health care setting is inconsistent with the requirements of a secure unit.
 - State Hospital employees are health care workers and focus on clinical and therapy services for individuals with serious and persistent mental illness.

- Sexually dangerous individuals admitted to this program require heightened security and safety measures.
- The State Hospital has experienced two major incidents since August of 2005 in the civilly committed sexually dangerous individuals program.
 - March 30, 2006: A State Hospital employee was seriously injured while transporting a sexually dangerous individual back to the secure unit after an appointment in another building on the hospital grounds.
 - August 2005: Elopement of a sexually dangerous individual from the hospital's secure services unit.
 - In addition, the hospital is experiencing a rash of minor assaults and behaviors from sexually dangerous individuals toward other offenders and staff.

The State Hospital has responded to these incidents with the implementation of risk reduction strategies, the hiring of a security manager and safety/security upgrades.

The State Hospital management staff has completed research on how other states handle the management and responsibility of civilly committed sexually dangerous individuals. The recommended change in North Dakota is not without precedent.

The State of Massachusetts and the State of Illinois have civil commitment programs for sexually dangerous individuals managed by their correctional systems. The experience of these two states in the management of high intensity sexually dangerous individuals has been very successful. These states have the necessary security measures in place to manage the high intensity sexually dangerous individual and provide the required treatment.

Senate Bill 2136 allows for the transfer of any remaining monies from the Department of Human Services for the operation of the civil commitment of sexually dangerous individuals program, including the remaining funding for 73.5 full time equivalents, to the Department of Corrections and Rehabilitation. The transfer of money will occur when the Department of Human Services transfers the program to the Department of Corrections and Rehabilitation. The bill also allows the Department of Corrections and Rehabilitation to request a deficiency appropriation from the legislative assembly to cover any funding shortage from the operation of the program.

This Act allows for the transfer to become effective by July 1, 2008, or the date on which the Department of Human Services and the Department of Corrections and Rehabilitation certify to the legislative council that the transfer of the civil commitment of sexually dangerous individuals program, facility, staff, and appropriation are ready for transition.

The Department of Human Services, Department of Corrections and Rehabilitation and the Office of Management and Budget staff will meet as a transition committee to complete the requirements of this Act if this legislation is passed.

I would be glad to answer any questions.