

Testimony
Department of Human Services
Judiciary Committee
Senator Hogue, Chairman
May 6, 2014

Chairman Hogue and members of the Judiciary Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital for the North Dakota Department of Human Services (DHS). Thank you for the opportunity to report on the sex offender program at the North Dakota State Hospital (NDSH).

The process for the evaluation of a sexually dangerous individual is initiated by the local state's attorney. If it appears that an individual is a sexually dangerous individual, the state's attorney may file a petition in state district court alleging that the individual is a sexually dangerous individual and providing sufficient facts to support the allegation. If the court determines, after a preliminary hearing, that there is probable cause to believe the individual is a sexually dangerous individual, the court shall order that the individual be transferred to an appropriate treatment facility for an evaluation as to whether the individual has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder that makes the individual likely to engage in further acts of sexually predatory conduct. The NDSH assigns an evaluator to conduct an expert evaluation within 60 days after the finding of probable cause, unless the court allows an extension for good cause. The individual also has a right to have an independent evaluator conduct an evaluation, which is paid for by the NDSH.

Within 60 days after the finding of probable cause, the court shall conduct a commitment hearing to determine whether the individual is a sexually dangerous individual. The court may extend the time for good cause. At the commitment hearing, any testimony and reports of an expert who conducted an examination of the individual are admissible, including risk assessments. At the commitment hearing, the state's attorney shall present evidence in support of the petition and the burden is on the state to show by clear and convincing evidence that the individual is a sexually dangerous individual. An individual may not be committed unless expert evidence is admitted establishing that the individual has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder that makes that individual likely to engage in further acts of sexually predatory conduct. The individual has a right to an attorney, be present at the hearing, testify, and present and cross-examine witnesses.

If the individual is found to be a sexually dangerous individual, the court commits the individual to the care, custody and control of the Executive Director of the DHS. The Executive Director places the individual in an appropriate facility or program at which treatment is available. The appropriate treatment facility or program must be the least restrictive available treatment facility or program. If the individual is found not to be a sexually dangerous individual, the court shall discharge the individual.

Annually, the Executive Director shall provide the committed individual with written notice of the individual's right to petition the court for discharge and forward a copy of the notice to the court. If the committed individual files a

petition for discharge and has not had a hearing in the preceding twelve months, the committed individual has a right to a hearing on the petition. At the hearing on the petition for discharge, the committed individual is entitled to be present and to the benefit of the protections afforded at the commitment hearing.

The evaluation and treatment program for sexually dangerous individuals has operated at the NDSH since 1997. The NDSH currently operates 76 inpatient beds for this purpose. The NDSH also operates a transitional home for patients that are in the late stages of treatment and are scheduled for discharge from the program.

The sex offender evaluation and treatment program at the NDSH is designed as a psychiatric rehabilitation program with special programming for residents with sex offense histories. The program includes a multidisciplinary team that uses both cognitive behavioral and rehabilitation approaches in providing group and individual therapy. The emphasis is on assessment, skills building, a vocational process and group psychotherapy. Treatment plans are individualized to meet each patient's needs. The philosophy of the program is to use the most current available interventions and strategies to provide the most effective sex offender treatment. The intent of the program is to provide treatment opportunities for sex offenders within a safe, secure and humane environment that protects residents, staff and the public.

The treatment program is designed for a patient to advance through stages of treatment, based on completing good work.

The stage advancement of a patient is approved by the Superintendent of the NDSH, after review and consultation with the treatment team, clinical management, and an advisory committee. The patient earns privileges as they advance through the stages of the program and these privileges include: escorted or unescorted privileges on the NDSH grounds, participation in work opportunities on the unit and the grounds, and in the last stage moving to the transitional home.

The current annual cost per patient in the program is \$91,206. There are 87.7 full-time equivalents (FTE) assigned to the program, including treatment, direct care and security personnel.

The following chart shows the statistics in the program to date:

North Dakota State Hospital Sex Offender Program
1997 – 2014

Sex Offender Statistics	N=
Evaluations completed	152
Discharged after evaluation	61
Sex Offenders committed since 1997	91
Current inpatient census	59
In evaluation stage (included in 60)	2
Residing in county jail or prison	7
Discharged from program since 1997	26
Returned to prison	3
Returned to NDSH	1

In 2007, the Legislative Assembly mandated that the Department of Corrections and Rehabilitation enter into an agreement with DHS to provide security services for the sex offender unit located at the NDSH. The James River Correctional Center (JRCC) provides security consultation, training and services to the NDSH under this agreement.

The JRCC provides the following security services to the NDSH sex offender treatment and evaluation program:

1. Security training consisting of over 32 hours of initial training in the first year of an employee's employment.
2. Annual half-day refresher course for all employees.
3. Consultation regarding security measures and procedures.
4. Security backup and emergency personnel in crisis situations.
5. Perimeter surveillance 24 hours a day, 7 days a week.

I am pleased to report that security measures in the sex offender program are greatly enhanced because of the training, consultation and services of the JRCC.

Thank you. I would be happy to answer any questions.