

**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIR
MARCH 22, 2023**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1289**

Chairwoman Diane Larson and the Senate Judiciary Committee, my name is Kristen Kiemele, and I am a Probation and Drug Court Officer for the North Dakota Department of Corrections and Rehabilitation (DOCR). I have been a licensed peace officer and probation officer for over six years, and a drug court officer in Cass County for almost four years. I am here to testify on behalf of the DOCR in support of House Bill 1289.

The purpose of drug court is to keep the community safe by holding clients accountable, providing opportunities for positive change, and reducing recidivism. The drug court team is made up of a district court judge, assistant state's attorney, defense attorney, licensed addiction counselor, mental health coordinator and me, the probation/drug court officer.

Drug court is considered an intensive supervision program with rigorous requirements lasting a minimum of one year. Participants in drug court are placed under the following requirements in order to graduate:

- participate in and successfully complete intensive outpatient treatment and aftercare totaling around nine hours per week at first and then decreasing the level of care as the client progresses through the program;
- meet with the probation officer once a week;
- attend two community support groups per week;
- provide a minimum of two drug and/or alcohol tests per week, even if those participants are on 24/7 monitoring;
- obtain and maintain full-time employment; and
- obtain and maintain suitable housing.

Throughout their time in the program, participants are also required to participate in Thinking for a Change, which is a cognitive restructuring class that educates on social skills, cognitive self-change, and problem solving. It allows clients to identify risk and then develop and practice healthy coping skills when dealing with the risk to commit crime.

Costs related to court fines/fees, supervision fees, and 24/7 requirements add up quickly and become a financial burden for clients on supervision and especially those in drug court. The difference is that drug court is voluntary, and participants choose to apply and participate in the program. If individuals in the criminal justice system choose to participate in drug court, they are already taking that first step toward positively changing their lives.

Court fines and fees, aside from restitution on a case, usually cost a client about \$2,500 to \$3,000 per case. Supervision (or probation) fees cost clients \$55 per month, or \$1,320 per two years. If the client is a DUI offender, 24/7 is a financial stressor to the clients as it costs \$2/day for the breathalyzers, \$25 for hookup/disconnect and \$6/day for the alcohol monitoring scram bracelet, and \$60 per drug patch (totaling between \$1,440 to \$2,210/two years).

Most participants in drug court have been recently released from jail or prison. They typically do not have a job or income right after release from jail or prison but are expected to pay an approximate total of \$5,000 to \$10,000 in two years. Participants are spending hundreds of dollars each month just to stay afloat with their criminal judgment conditions, and this is in addition to their cost of living, child support, other state fines/fees, DOT fees, and regular life necessities, which can be substantial, especially if they have children.

We are focused on reducing recidivism in drug court and helping participants make better choices, so they can live a clean and sober lifestyle after graduation from drug court. However, burdening a participant with extensive court fines and fees does not deter someone from committing new crimes; instead, it promotes new charges for failure to pay, etc., which often puts individuals back in jail, which is the exact opposite of our goal—keeping them out of the criminal justice system.

Participants are responsible for enough obligations and requirements that promote positive change while participating in drug court. Waiving unpaid fines and fees upon successful completion of the program would not only be an incentive to do better but also a reward for those who put the work into positive change throughout their time in the system.

Thank you, Chairwoman Diane Larson and the Senate Judiciary Committee.