

TRANSITIONAL FACILITIES

- Transitional facilities function similarly to dorms that provide drug and other counseling services.
- Most inmates in transitional facilities participate in a variety of release programs.
 - Inmates can leave the transitional facilities for the day.
 - These inmates are out in the community and appear no different from noninmates.
 - If they go somewhere other than their work location during the day, the transition center may not discover this for many days.
- Inmates on work release rarely have drug testing when they return to the transition center at night.
- An inmate may be placed in a release program (to be out in the community each day), even if no one has determined whether the inmate is not likely to escape.
- An inmate may be placed in a release program even if it is not in the best interests of the community or public.
- According to DOCR, not all who walk away (escape) from transitional facilities have been returned.

DOCR Testimony¹ and Statements on Transitional facilities

- As of January 23, the Bismarck location (BTC) has 123 “residents” -- 101 inmates and 22 who are on parole or probation.
 - 87 work in Bismarck or Mandan.
- From BTC, “normally, it could be 5 walk-aways [escapes] a month. And that’s an expectation. Our doors are not locked. ... They can walk away from any job that they want. ... People are going to walk away.”
 - DOCR could not provide data on how long it takes to recover walk-aways or how many walk-aways are not recaptured.
- “We do have staff that go and physically check on the residents at their job sites.” However, in 2024, based on DOCR testimony and using a low estimate of 90 individuals on release at a given time, physical checks occurred about once every 9 or 10 days per individual.
- During 2024, BTC administered 1,201 urinalysis tests, including tests administered to each individual when they first arrive at the facility. That’s 3.3 tests per days for the facility. If the average head count was 120, that’s an average of 1 drug test every 10 days per individual.
- “On January 9, there were 238 men and women serving their sentence in a transitional facility. Under [SB 2128], only 8 of the 238 inmates currently in a transitional facility would be eligible.”
 - That means, at most, only 8 of the 238 were sentenced for one of the many nonviolent offenses listed in Section 3 of the bill.
- The people who run transition programs “have decades of positive outcomes.”
 - What are the “positive outcomes” and how are they measured?

- “Nearly 80% of inmates who participate in an adult transition program at a transitional facility successfully complete.”
 - The recidivism rate for DOCR, based on its own misleading definitions, is 40%.² So “successfully complete” cannot mean that those inmates do not recidivate.
 - What does DOCR mean when they say an inmate “successfully completes” a transition program?

Examples of Transition Center Walk-Aways (Escapes)

- Kadar Pearson
 - Dealing fentanyl, terrorizing with a dangerous weapon, theft, and refusal to halt
 - Sentence should have run to October 25, 2025, minus good time if earned
 - Served about 24% of sentence in prison
 - On April 2, 2024, he was transferred to a transition center in Fargo
 - On May 20, 2024, the center placed him on “full restrictions” for an incident
 - On May 28, 2024, he “walked away” after staff tried to talk him out of leaving
 - On June 5, 2024, he fled from Fargo PD and was caught with an illegal handgun
- Mark Conica
 - 2 counts of robbery
 - Sentence should have run to February 2027, minus good time if earned
 - Served 149 days in prison
 - On July 26, 2024, he was transferred to a transition center
 - On July 29, 2024, he was allowed to leave for work release and did not return
- Jesse White Eagle
 - High speed chase/felony fleeing
 - Sentence should have run to October 2025, minus good time if earned
 - Served about 2 months in prison
 - On January 31, 2024, he was transferred to a transition center
 - On February 14, 2024, he went out on work release and “failed to return”
 - On March 19, 2024, he was arrested for car theft and drug possession

¹ Testimony provided by Colby Braun and Kevin Arthaud at the Senate Judiciary Committee hearing on Senate Bill 2128 on January 22, 2025, either orally or in writing.

² See the handout on *Recidivism*.