

Real Cost of Prisons Project: Writing from Prison:
 "North Dakota Is Supposedly The Safest State in the Nation: Why is the Prison Population Growing?" by Mark C. Palmer

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5 Mar 07

Dear Sir or Madam;

Before you rush into approving millions of dollars in new spending for the North Dakota Department of Corrections and Rehabilitation, increasing their ever-growing budget once again, I respectfully request that you give careful consideration to the information set down on these pages. This information was gathered mainly from sources within North Dakota and has been readily available to you to assist in your political decision making process.

There are two parts to this letter. They are both equally important to me and, I hope and pray, important to you. The last part is the basic reason for my researching and writing this letter. Pain can be a tremendous motivator. The intense pain and overwhelming sense of loss that I have experienced over the past six years has moved me to these somewhat drastic measures to draw attention to my case and prove my innocence. Justice is still important to me! Even though I am here, I am still an innocent man.

Before I go any further, I must let you know that I am already being punished for this letter before it has even gotten out the door. I was given a Class A Write-up for a Major Rule Infraction that never happened. This is nothing more than a futile attempt to discredit me and portray me as nothing more than "another lying inmate". The facts speak for themselves and I have told the truth from the very start of this mess more than six years ago. The truth and nothing less.

I can't even begin to imagine why the North Dakota Department of Corrections and Rehabilitation could possibly need another huge budget increase. Since the 1980's, their budget has increased exponentially. In fact, the growth in the NDDOCR spending seems to far outstrip the inmate and staff growth. Of course, its been somewhat difficult for me to get all of the numbers that I have requested, but the following may be of some use to you.

These NDDOCR Budget figures come from the North Dakota State Library and the North Dakota Office of Management and Budget. The totals are listed as follows by biennium:

Years	ND State Library	OMB
2005-2007	\$ N/A	\$128,900,831
2003-2005	117 million	114,316,698
2001-2003	103 "	101,981,130
1999-2001	88.9 "	84,664,295
1997-1999	77.9 "	71,355,018
1995-1997	57.5 "	51,100,439
1993-1995	43.4 "	45,529,772
1991-1993	39.8 "	N/A
1989-1991	31.4 "	N/A
1987-1989	23.0 "	N/A
1985-1987	19.1 "	N/A
1983-1985	17.6 "	N/A
1981-1983	23.7 "	N/a

I did not get full explanations with these figures. Getting this much information was a task in itself. I can only surmise that the State Library numbers were estimates and the OMB numbers were, or are, the actual expenditures. As you can plainly see, the jump in spending has been phenomenal! I can't even begin to

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imagine what logical explanation there could be for this or why it should be allowed to continue. Can you explain it?

I do recognize that the North Dakota prison population has grown over the years with the emptying out of the State Hospital and other state mental health facilities and with the passing of Mandatory Minimum laws. The biggest jump that I was able to find was a 14.1 percent increase from December 31, 1999 to December 31, 2000. That was a rise in the inmate population from 943 to 1076 inmates. This is according to the USDOJ publication, "Prisoners in 2000". The most recent inmate population count that I have is from May 2006. That number 1423 total inmates.

The numbers that I have never been able to get and seem to be conspicuously missing are the recidivism numbers. Over the past six years, I have seen a tremendous number of men come back to this place; some of them two and three times in just six years. There are others who talk about having bounced in and out of here for so long that they have two Inmate Identification Numbers, an "old" number and a "new" number.

That would indicate two things to me. The first being that this system has failed to provide the necessary tools that these individuals need to stay out of prison or that they have failed to pick up and use those tools. That's pretty obvious.

The second observation is less obvious and will most likely be denied by the NDDOCR Administration. Its called "Empty Bed Recidivism". The object is to keep the beds full to capacity to justify the excessive spending and the need for more funds. "If the prisons are full to overflowing, then a new prison must be the order of the day."

That may not necessarily be the case. As of October 2006, there were 100-120 County Jail beds available to the NDDOCR, yet they only averaged 48 male inmates in county jails from July 2005 to September 2006. There were also 30-40 Treatment beds available at Rugby. As of July 1, 2008 there will be 185-205 County Jail beds available to the NDDOCR with the same 30-40 Treatment beds still at Rugby. This all comes from reports given to the Budget Committee on Government services on October 5, 2006.

Incidentally, from the same report, the inmate population here at the James River Correctional Center averaged 113 percent for the period from July 2005 to September 2006 and, according to the staff here, they are staffed at only 85 percent of the necessary guards to safely operate this facility at any given time. I don't believe that is all that comforting for any of us.

Overcrowded, overbudget, understaffed prisons and they don't want to let anyone out and they keep bring more and more people back to prison. Is this justice or simply job security? The prison system is not supposed to be part of the "Economic Growth Plan", is it?

According to Ms. Linda Houfek, Director, Human Resources Division, NDDOCR, the average turnover rate for Correctional Officers is 17 percent. Treatment staff average a 20 percent turnover rate and juvenile institutional resident specialists average 16 percent. That would seem to be quite high considering that, in the same Employee Benefits Programs Committee meeting on February 22, 2006, Mr. Ken Purdy, Compensation Manager, Human Resource Management Services, stated that the average turnover rate for North Dakota State employees is 9.2 percent. The main reasons cited for the high turnover rates were below average pay and benefits.

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While it would appear that the North Dakota Department of Corrections and Rehabilitation would like everyone to believe that crime in this state is growing at a rate that is completely out of control, it would seem that quite the opposite is true. The prisons are full because the same people are brought back over and over again, prison sentences are considerably longer than they used to be, and the available county jail beds are not being utilized.

According to the Bureau of Justice Statistics report, "Prisoners in 2004", state prison populations grew by 1.6 percent, but the last that I heard, North Dakota was planning on a prison population growth rate of 2.7 percent to 5.9 percent for male inmates per year and 5.3 percent to 17.1 percent for female inmates per year. I'm having more than a little trouble understanding how this could be possible.

According to Patrick Springer in a (Fargo) Forum article dated April 20, 2006, North Dakota suffered an average annual population out-migration rate of 6.3 percent from 2000 to 2004. That, and North Dakota's average annual wage is still about 25 percent behind the national average. The state's population is expected to drop below 600,000 in this decade. Its hard to believe that that will do anything possitive for jobs and wages, if it should happen

Let see, fewer people in this state with only low paying jobs and more people in prison with an ever increasing NDDOCR budget. Economic Development?

In a report titled "State and Local Taxes, An Overview and Comparative Guide 2006" that I received from the North Dakota State Tax Commissioner's office, it shows quite clearly that state taxes, and especially those taxes paid by teh individual taxpayers, have been on the rise for quite a number of years. It would surely seem that there are fewer people paying more taxes for services that there are fewer and fewer people left living here to utilize. If all of the people are leaving, then why is government spending and taxation increasing?

The point is, if North Dakota is supposedly "The Safest State in the Nation", then why is the prison population growing when the overall population of the state is decreasing at an alarming rate? Why is a new prison necessary? Yes, the East Cell House is a death trap and needs to be torn down. It should have been torn down 40 years ago! There is no logical reason to house human beings in that open sewer! Let people out and let them stay out. Give them the tools that they need to accomplish this goal.

If building a new prison is part of some new economc development plan and some unholy scheme to keep people in North Dakota so that they can be counted as a viable population in the next census, then something is seriously wrong here. It sure looks like the NDDOCR is merely trying to create more new jobs for their family and friends while, at the same time, keeping more people locked up for longer than was ever necessary. I may be way off base, but it sure looks that way to me.

In a Study published by the British Columbia Centre for Excellence in HIV/AIDS, an informal audit of Canada's Drug Strategy, the authors found that throwing 73 percent of Canada's 2004-2005 budget for addressing illicit drugs has had little or no effect on the drug problem and may even be making things worse. Co-author and Centre investigator, Dr. Thomas Kerr stated, "The proposed Americanization of the drug strategy towards entrenching a heavy-handed approach that relies on law enforcement will be a disaster. It is as if the federal government is willing to ignore a mountain of science to persue an ideological agenda."

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Maybe its time that North Dakota, and the rest of the United States, started to look at that "Mountain of Science" as well. Incarceration isn't the answer! Keeping more people locked up for loner periods of time only embitters them and destroys families, creating the next generation of inmates. More prison beds is not the answer! Education and prevention and family services is what it takes to keep people out of prison and families together.

There is a rather wonderful report that was published in June of 2006 by the Commission on Safety and Abuse in America's Prisons titled "Confronting Confinement". It can be downloaded from their website, www.prisoncommission.org. This report is just about the most enlightening peice that I have read in a very long time. It addressed specific issues pertaining to America's prisons and prison populations. It specifically talks about accountability. What ever happened to the North Dakota Corrections Committee? I used to get their meeting minutes a long time ago.

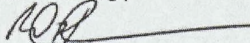
One last item that you may want to consider before you finally decide on what to do about building or remodeling. Corrections Corporation of America (CCA) is the parent company of Trans Cor America, LLC. Trans Cor is the outfit that let Kyle Bell escape. CCA owned Preairie Correctional Facility (PCF) in Appleton, MN. That is where the NDDOCR sent a bunch of us in 2004. I spent fifteen months suffering at their hands until I finally had a stroke and then nearly bled to death from being mis-medicated before I was finally sent back here to JRCC and got my health issues at least partially resolved. Any reliable Internet search engine should be able to bring up a ton of information on CCA & Trans Cor America, LLC. You may want to reconsider any further discussions with them or anyone like them without first thoroughly investigating them and any pending legal actions against their companies.

Finally and most emphatically, I am an innocent man who was falsely accused and wrongfully convicted of crimes that I did not and would never commit. My guilt was decided before I was even allowed to post bail. None of the evidence that Would have helped to prove my innocence was ever subpeoned into trial. The concept of a "vigorous defense" was completely lost to my attorneys. Neither the attorney that I originally hired (and who later wound up in federal prison himself for income tax evasion) nor the public defender appointed for my appeal seemed to understand this concept. When a man is innocent, he is innocent!! It is that simple. Justice has not been served. Punishment without reason is persecution. Its time for me to go home!!

Everything that I have told you is true to the best of my knowledge. If I have erred, it is unintentional. Feel free to write to me at the address below and correct me. If you wish to help me in any way, I'll be here.

Thank you in advance for your time and consideration.

Sincerely,


 Mark C. Palmer
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 Jamestown, ND 58401

cc-141 North Dakota State Legislators &
 the attached "Mailing List"

I often wondered why somebody didn't do something,
 Then I realized that I was somebody