

# N.D. Department of Corrections takes lesson from Norway prison

By Allison Lindgren

"The degree of civilization in a society can be judged by entering its prisons."

~Fyodor Dostoyevsky

Leann Bertsch, Director of the North Dakota Department of Corrections and Rehabilitation, (ND DOCR) was the recipient of the 2016 Tom Clements Innovation Award from the Association of State Correctional Administrators, and she is lauded by her peers as a future-looking, innovative and creative leader. Her approach to corrections and rehabilitation is gaining national media attention, including an excellent article in *Mother Jones* magazine, titled *North Dakota's Norway Experiment*.

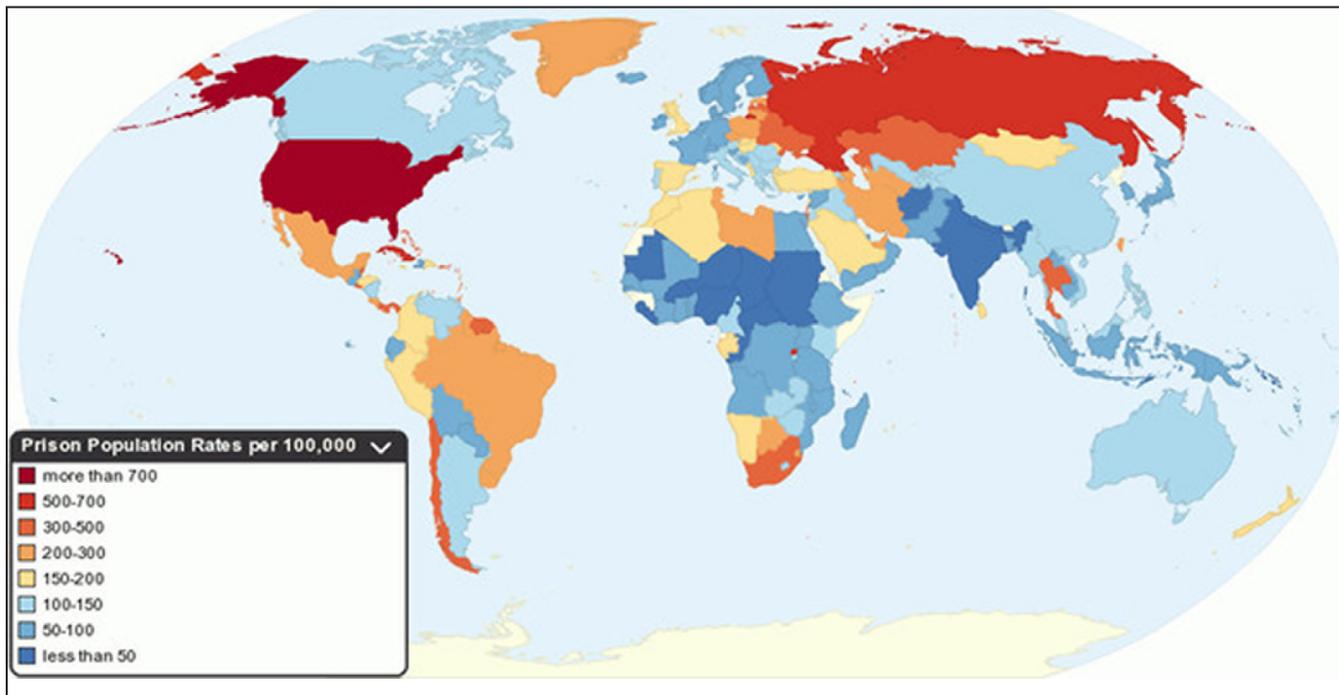
Since becoming director of ND DOCR in 2005, Bertsch has been an advocate for ensuring rehabilitation within the prison system. She pays close attention to what can be improved upon for transitional services, as well as services to victims.

In 2016, she took part in the Warden Exchange (WE), which is a Prison Fellowship program, "empowering corrections professionals to create a legacy of safer prisons and safer communities through the exchange of innovative ideas and best practices for the moral rehabilitation of inmates."

She has accomplished much because of her ability to incorporate evidence-based practices throughout DOCR. She devised an innovative budget approach known as the "allocation plan" with the premise that correctional resources are limited and should be managed as such. She fought to address inequities of correctional officer pay and made significant advancements with officer salaries.

Bertsch has not hesitated to call attention to the overcrowding offender population and the resulting drain of limited state resources. She's also educating our state on the lack of mental and behavioral health resources. She has brought the cost of imprisonment to the forefront and has shown how taxpayer resources are directly impacted by sentencing practices that are overly reliant on imprisonment.

There are about 1,800 inmates in the state's prisons now, and that number is expected to rise to nearly 3,000 by 2025. Bertsch attributes some of the rise in numbers to increases in the number of crimes that have now been made felonies by new legislations, as well as mandatory sentences. "At the end of



The map of world prison populations rates per 100,000 people, courtesy of *World Prison Brief 2010*, International Centre for Prison Studies, *World Prison Brief*, King's College London – School of Law, London, 22nd August, 2010. The United States incarcerates more people per capita than any other country in the world, more than 700 people incarcerated for every 100,000 people.

the day, we want to change criminal behavior," Bertsch said. "All this criminalization and locking people up is not changing criminal behavior."

Bertsch participated in the Norway Project over the past year, where she spent an intensive week learning about the transformation Norway made within their correctional system. Through this experience, she returned to North Dakota determined to execute and encourage "humanity" as a primary focus within ND DOCR facilities.

The United States has a "tough on crime" mantra, coming from both legislators and those who elect them. That mantra, starting with Lyndon Johnson's War on Crime and continuing through Ronald Reagan's War on Drugs has over-filled our prison systems. With prisons filled well over capacity, those prisons have largely failed to rehabilitate inmates and prepare them for re-entry into society.

The goal in these "get tough on crime" laws is for a safer society, but the reality is that we are not safer. So, maybe it's time to risk the eye-rolls, risk being called a bleeding-heart liberal and dig deeper to find an answer that does work.

The United States is the most highly incarcerated country in the world with 2.2 million people currently behind bars. The United States also has one of the highest recidivism rates in the world, with 76.6 percent of prisoners re-arrested within five years of their release.

North Dakota's recidivism rate is currently about 39 percent, while Norway's recidivism rate is between 16 and 20 percent, giving Norway one of the lowest recidivism rates in the world.

That wasn't always the case. Norway used to have a prison system very much like North Dakota's. They had a growing prison population. They had very high recidivism rates. They started having a lot of violence in their prisons. That's when Norway's prison officials decided to change course. They started moving away from punitive measures and instead, tried to create a world inside the prison that would help offenders succeed outside of prison.

The idea was to make the prison as close to normal life as you can, to make the transition from prison to community as easy as possible. So, to make the prison more normal, they wanted to put people to work. They wanted them going to school. They wanted them to be making autonomous decisions for themselves. They wear their own clothes and they cook some of their own meals. They live their life as normal as possible.

Halden Prison is very committed to strong security but security isn't just about fences and barbed wire, a couple of things Halden does not have. The prison staff work to foster respect with the prisoner, to model better behavior and give the prisoner skills to function better when they leave.

Corrections officers in Norway are given two years of training before being hired to do a job that is highly respected. Officers in the United States do not receive the same training, even though their jobs include working with mental illnesses and addictions.

To curb some of the issues within the state's criminal justice system, Leann Bertsch, director of North Dakota's Department of Corrections and Rehabilitation, traveled to Norway in 2015. Donald Specter, the Executive Director of the Prison Law Office, had decided to use some of the legal fees his office had won prosecuting California prisons, to bring state correction chiefs, judges and lawmakers on a similar journey to one he had already taken.

Halden Prison is a maximum-security facility 60 miles south of Oslo, Norway's capital. Halden, houses its prisoners in private rooms that look more like college dorm rooms than the stereotypical prison cell. The prison has colorful interior decor, athletic facilities, a recording studio, outdoor trails and seating areas, according to *Time* magazine. Guards and inmates mingle, eating and playing games and sports together. Violence is rare and assaults on guards are unheard of. Solitary confinement is almost never used.

Bertsch had left Bismarck feeling pretty good about their system, which prided itself on its humane practices and commitment to rehabilitation. Af-

ter spending time at Halden, she came to the conclusion that, "We're hurting people...I had always thought that we run a good system. We're decent. We don't abuse people. We run safe facilities with good programs," she said. "But, how did we think it was okay to put human beings in cage-like settings?"

Upon her return, Bertsch took the lessons learned at Halden and began her radical new goal of "implementing humanity." She started at North Dakota's Missouri River Correctional Center, nicknamed "The Farm." Men who have been sentenced for lesser crimes and men who are approaching the end of lengthy sentences are now housed at "The Farm" in communal rooms with eight to 16 men. They're not the stylish digs Bertsch visited in Norway, but they're an improvement on traditional prison sleeping quarters. If an inmate is close to his release date and has proven good behavior, he can obtain a private room which shares a bathroom with only one other room and gain the privilege of sleeping on a real mattress.

Before Bertsch's trip to Norway, breaking a rule as insignificant as an untucked shirt, could land an inmate in solitary confinement, instead of addressing their behavior in a constructive manner. Because of the proven detrimental effects of solitary confinement, only inmates who endanger somebody will end up in soli-

tary and there will be a shortened maximum time that he can be held there. Prisoners who have been isolated for long periods of time undergo behavioral therapy before they re-join the general prison population, giving them time to acclimate.

Another change was an effort to foster stronger relationships among guards and prisoners. Guards in the segregation unit are required to have at least two conversations with each inmate under their supervision per shift. Prisoners gather in sweat lodges and play handball outside on the court to build their relationships with one another, and seek on-site and off-site jobs to further their employment prospects once they are released. That's something we need to remember when thinking about criminal justice. Over 90 percent of prisoners will ultimately leave the prison system and return to their home communities.

"Everybody down here is going to be out of here in a short amount of time," says James Saylor, warden of the Missouri River Correctional Center. "So how do you want 'em? This is the crux of Norway's approach. Once you accept that these people will one day be your neighbors, you might feel more invested in making sure they have the skills to get by on the outside."

Scandinavian prisons tend to get eye rolls from the punitive law-and-order types, who keep pushing the tough on crime agenda. However, a growing number of state corrections officials are coming to the realization that our approach is ineffective, costly, and cruel. Fred Patrick, director of the Center on Sentencing and Corrections at the Vera Institute of Justice, cites the nation's staggering recidivism rate and says, "Once you realize that this system isn't working well, it's fairly easy to pivot to: 'How do we do something different?'"

Bertsch emphasizes that their mission to treat prisoners like human beings fits the state's conservative goals: Be nice. Be fiscally responsible. Be a good neighbor. "The most I can do with the Legislature," Bertsch says, "is get them to understand that incarcerating more people is not a good investment. If we had the same incarceration rate as Norway, we would have the resources to do a really good job with the people in our system."