

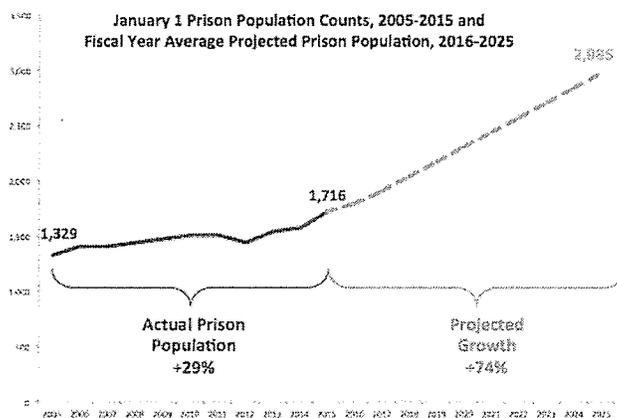
Justice Reinvestment in North Dakota
Council of State Governments Justice Center
Legislative Management Incarceration Issues Committee
September 21, 2015

Population growth in North Dakota has been the fastest in the nation, leading to more violent crime and more pressure on law enforcement, courts, and corrections.

- North Dakota's population grew 15 percent between 2004 and 2014, from 644,705 to 739,482 individuals.¹
- North Dakota's violent crime rate increased 247 percent since 1990, while the U.S. violent crime rate declined 50 percent.²
- While some oil-patch areas like McKenzie County saw violent crime increase 1,500 percent between 2010 and 2013, most of the growth in violent crime has been in Fargo, Bismarck, and other cities.³
- Total felony court filings increased 78 percent between 2009 and 2014, with the western part of the state experiencing the largest growth.⁴
- Overall, North Dakota's ratio of law enforcement officers per capita has increased, but several large cities trended downward, such as Fargo, Grand Forks, Minot, and West Fargo.⁵

North Dakota's correctional populations have risen sharply in recent years, and the prison population is projected to grow.

- North Dakota's prison population has risen 29 percent from 1,329 to 1,716 between 2005 and 2014 and is projected to grow another 74 percent, to 2,985 individuals, by 2025.⁶



- The Department of Corrections and Rehabilitation's medium and maximum security facilities are at or over operational capacity.⁷
- Probation and parole supervision populations have grown even more rapidly than the prison population. The probation population grew 36 percent from 4,132 to 5,602 individuals between

¹ U.S. Census Bureau

² FBI UCR Online Data Tool and Crime in the U.S., 2013

³ U.S. Census Bureau Current Population Estimates, "Population, Population Change and Estimated Components of Population Change: April 1, 2010 to July 1, 2013," County Totals: Vintage 2013. <http://www.prb.org/Publications/Articles/2014/us-oil-rich-counties.aspx>
Office of the Attorney General, Crime in North Dakota, 2009 and 2013.

⁴ Data received from North Dakota State Court Administrator

⁵ FBI Crime in the U.S., 2003 and 2013

⁶ Data received from North Dakota Department of Corrections and Rehabilitation

⁷ Data received from North Dakota Department of Corrections and Rehabilitation

2005 and 2015. The parole population grew 86 percent from 304 to 565 individuals between 2005 and 2015.⁸

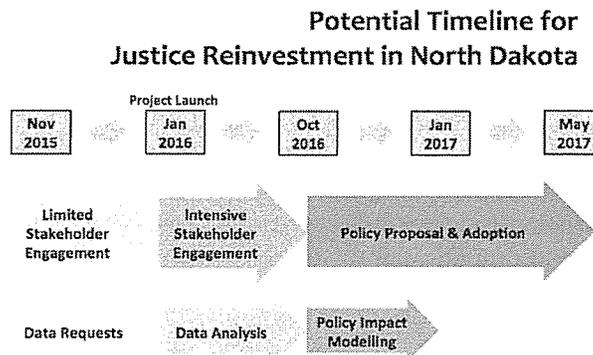
- General fund appropriations for corrections have more than doubled since the 2005-2007 biennium, from \$81.7 million to \$215.4 million in 2015-2017.⁹

North Dakota's Sentencing System

- HB 1367 (2015) addressed supervised probation, unsupervised probation, returning property to victims, and defining probation terms as noted below.¹⁰
- Offenses are divided into seven classes, with four felony classes as follows:
 - Class AA = up to life or life without parole (In some sex offenses up to lifetime probation, all others up to a total of 10 years)
 - Class A = up to 20 years prison, up to a total of 10 years supervised probation
 - Class B = up to 10 years prison, up to a total of 10 years supervised probation
 - Class C = up to 5 years prison, up to 3 years probation (or 5 for violent Cs)¹¹
- Those sentenced for violent offenses must serve 85% of their sentences before becoming parole eligible, those with a weapon finding serve 2 years before becoming parole eligible for a C felony and 4 years for a B felony or greater, and all others can be released on parole after a "reasonable period." A court may not include a minimum term of imprisonment as part of its sentence.¹²
- In prison, length of stay may be affected by performance based sentence reductions of 5 days per month, and meritorious conduct sentence reductions of 2 days per month.¹³

Justice Reinvestment

- Justice reinvestment is a data-driven approach to reducing corrections spending and reinvesting a portion of savings in strategies that can reduce recidivism and increase public safety. It is a comprehensive, independent analysis of a state's criminal justice data, guided by a bipartisan, inter-branch body, which helps policymakers identify the drivers of rising costs and develop practical solutions.
- Launching a justice reinvestment project in North Dakota in 2015 or 2016 would prepare the state to present findings and recommendations, including required legislation, to the 65th Legislative Assembly in 2017.



⁸ Data received from North Dakota Department of Corrections and Rehabilitation. This data represents sentenced offenders only and does not account for Interstate Compact-In offenders, which could add 10% to the total. As of 4/6/15 the total number of offenders the Parole and Probation Division is responsible for was 6,746.

⁹ Senate Bill No. 2015 (2005, 59th Legislative Assembly); House Bill 1015 (2015, 64th Legislative Assembly). Includes both adult and juvenile services.

¹⁰ House Bill No. 1367 (2015, 64th Legislative Assembly).

¹¹ Bureau of Justice Statistics, "National Corrections Reporting Program State Fact Sheets – North Dakota," (2011)

¹² *Ibid.*

¹³ *Ibid.*