

LOCKING UP NORTH DAKOTA: MORE IS NOT ALWAYS BETTER

Presented to the Incarceration Issues
Committee

September 21, 2015

Leann K. Bertsch, Director, Department of
Corrections and Rehabilitation

The Human Factor

This is about people.

Punishment = Justice

Limited Community Resources

Ineffective Treatment

37% Increase In Felony Laws Since 1997

Pretrial Detention

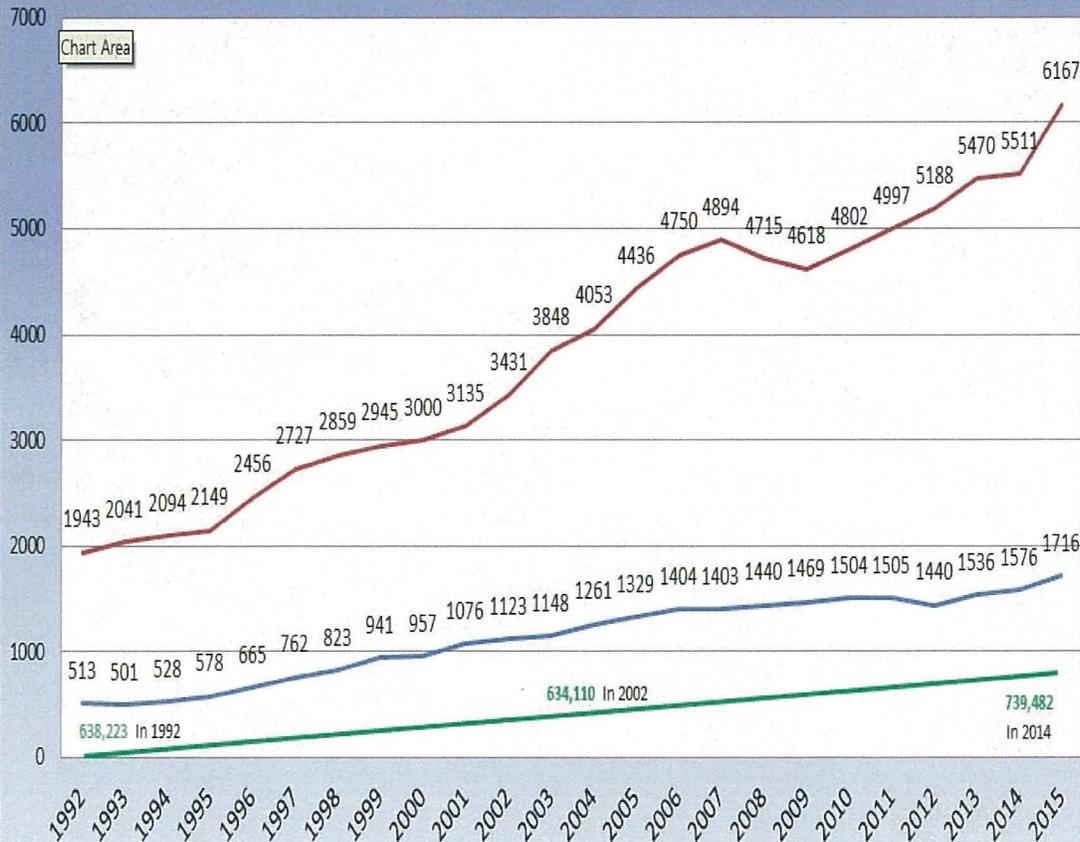
Culture of Criminalization (More is Better)

Mandatory Minimum Sentencing

Life Sentences & Life Consequences



One Day DOCR Offender Count - January 1



*Probation/Parole one-day counts increased **217%** from 1992 to 2014

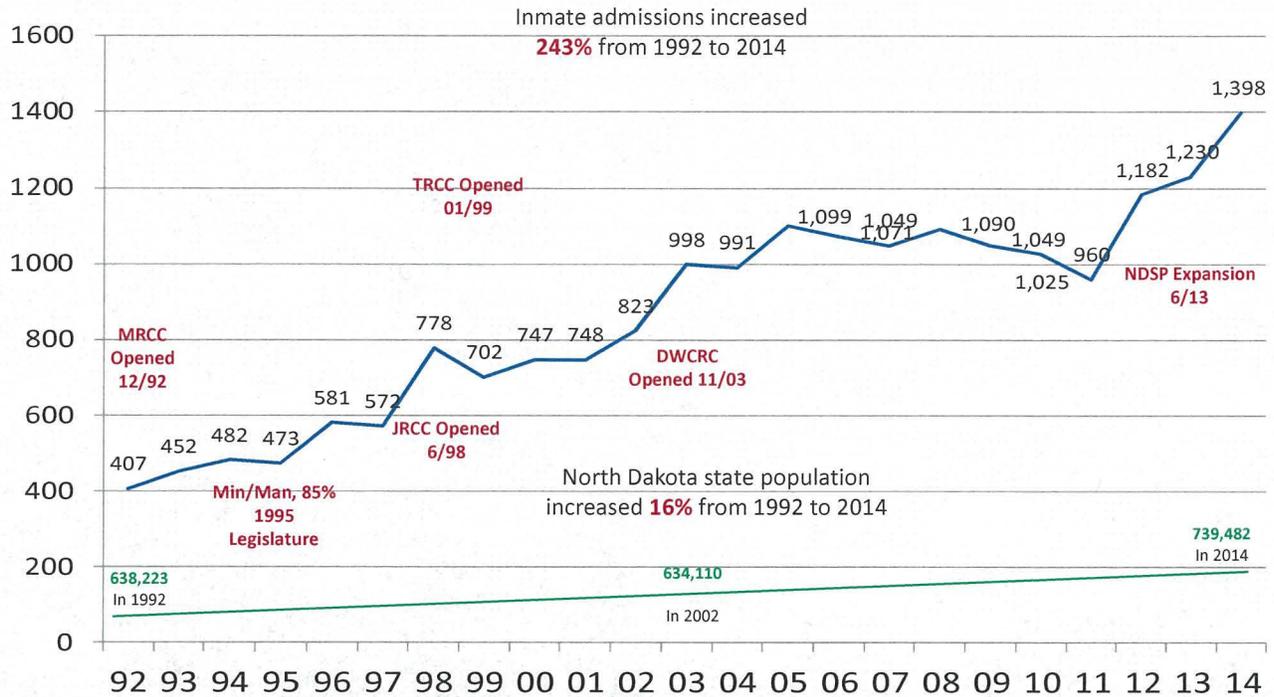
Inmate one-day counts increased **234%** from 1992 to 2014

North Dakota state population increased **16%** from 1992 to 2014

*P&P Count does not include Interstate Compact-in offenders, which adds approx. 10% to total.

Inmate Admissions by Calendar Year

(The same inmate can be admitted more than once during a calendar year)



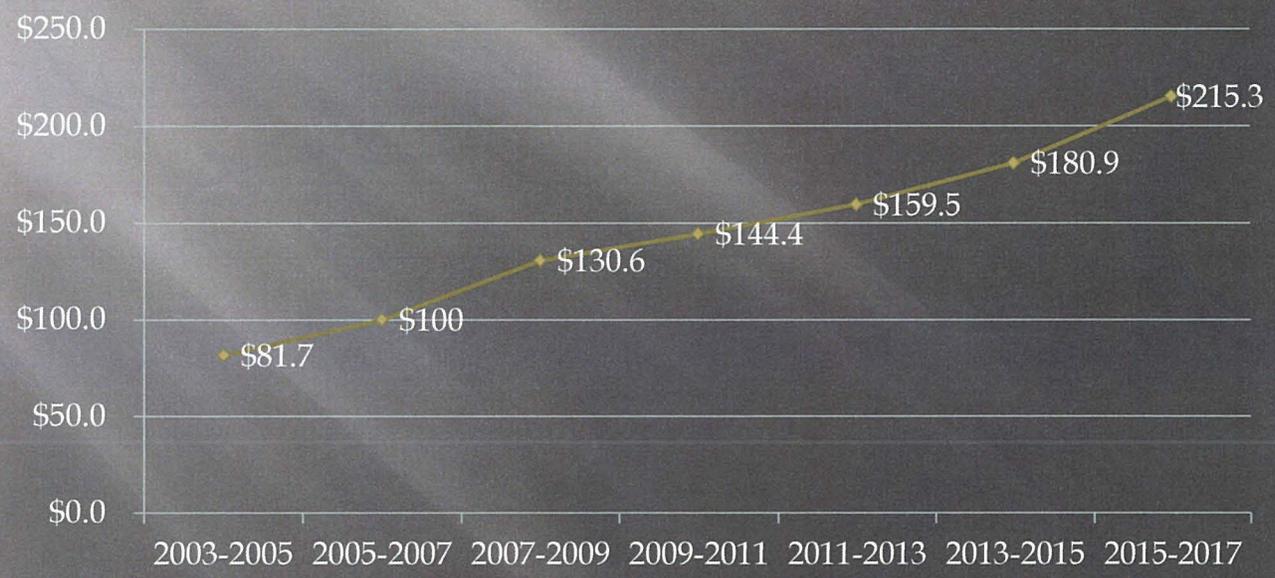
Growth in CJ Involved Women

DOCR Female Inmate Average Daily Population Count December of Each Year (524% Increase)

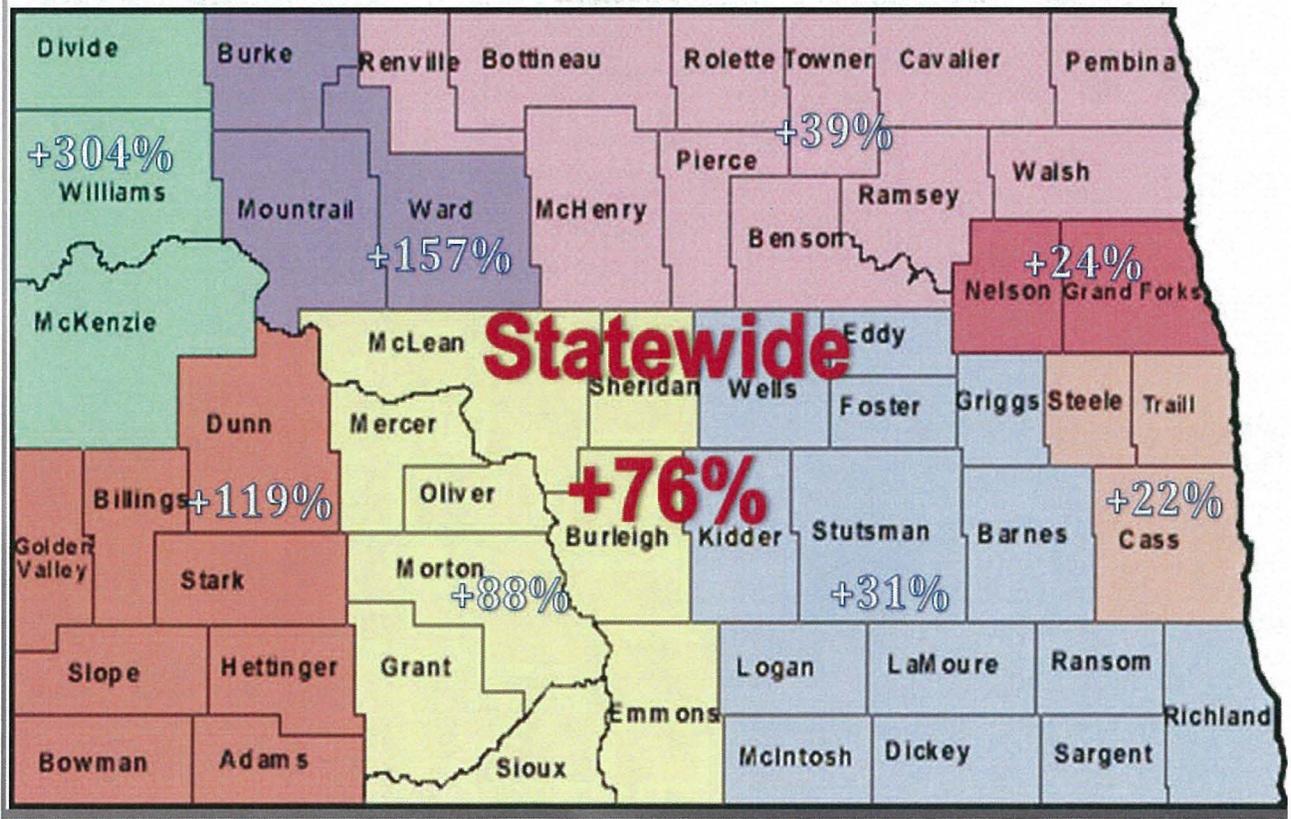


What is the cost?

General Fund Appropriation
In Millions (163% Increase)



Felony Filings per Judicial District 2010 to 2014



Inmate Count September 16, 2015

Total Inmates **1,783**

Location	Current Count	Capacity
NDSP	795	841
JRCC	436	441
MRCC	152	161
DWCRC	136	126
BTC (male & female)	63	Flexible
MTP (Mandan, Fargo, GF)	47	Flexible
TRCC (male & female)	81	90
FTP (Mandan, Fargo)	18	Flexible
Lake Region Reentry (male & female)	5	Flexible
7 County Jails	29	Flexible
Inmate Exchange	21	Flexible

Community Offender Count

September 17, 2015

- ▣ Total Offenders Supervised: **7,091**
 - Male: 5,224
 - Female: 1,867
 - ▣ Parole: 674
 - ▣ Probation: 6,167
 - ▣ Interstate Compact Incoming: 713 (parole & probation)
 - ▣ Interstate Compact Outgoing: 783 (parole & probation)

Note: An offender can be on parole, probation, and/or interstate compact at the same time.

Estimated Prison Population Projections

Estimated Inmate Population



What Is Filling the Bathtub?

- ❑ Culture of Criminalization/Punishment = Justice
- ❑ 37% Increase in Felony Laws
- ❑ Limited Community Resources & Effective Early Intervention Strategies
- ❑ Ineffective Behavioral Health Services (Schulte Report) "The North Dakota mental health and substance abuse system is in crisis."
- ❑ Mandatory Minimum Laws
- ❑ Pretrial Detention Practices
- ❑ Life Sentences & Life Consequences

What Keeps the Bathtub From Draining?

- ▣ Mandatory Minimum Sentences
- ▣ Mentally Ill & Addicted CJ Involved People
- ▣ Lack of Pretrial Strategies
- ▣ Aging CJ Involved People
- ▣ Registration Laws
- ▣ Overburdening Financial Obligations
- ▣ Lack of & Ineffective Community Services
- ▣ Culture of Criminalization

A Shift in Thinking and Culture

- ▣ A Risk Averse Social Policy
- ▣ A Risk Averse Criminal Justice System
- ▣ A Risk Averse Correctional System

Some Recommendations to Consider

- ❑ Research-informed decision making.
- ❑ Invest in Pretrial Services and diversion strategies.
- ❑ Invest in effective community & institutional treatment for CJ involved people.
- ❑ Revise conditions of probation to promote pro-social behavior change.
- ❑ Revise of criminal code.
- ❑ Compassionate release for elderly & chronically ill.
- ❑ Restructure CJ strategies for 18-26 year olds.
- ❑ Reducing barriers for pro-social behavior.

Some Recommendations to Consider

- ❑ Implement measures to reduce criminalization of addicted and mentally ill people.
- ❑ Restructure financial penalties and collection.
- ❑ Seal criminal histories for people with 5 years or more of crime-free behavior.
- ❑ Restructure sexual offender registration laws to promote compliance, reduce offending, and promotes safe integration of sex offenders.
- ❑ Redefine sexual offender.

Question:

What are your fears about doing things differently?