

Justice Reinvestment in North Dakota

Second Presentation to the Incarceration Issues Committee: Interim Report

Second Presentation to the Incarceration Issues Committee: Sentencing Analysis

April 20, 2016

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Council of State Governments Justice Center



National non-profit, non-partisan membership association of state government officials that engage members of **all three branches** of state government.



Justice Center provides **practical, nonpartisan advice** informed by the best available evidence.

What is Justice Reinvestment?



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the **U.S. Department of Justice's Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

Justice reinvestment includes a two-part process spanning analysis, policy development, and implementation

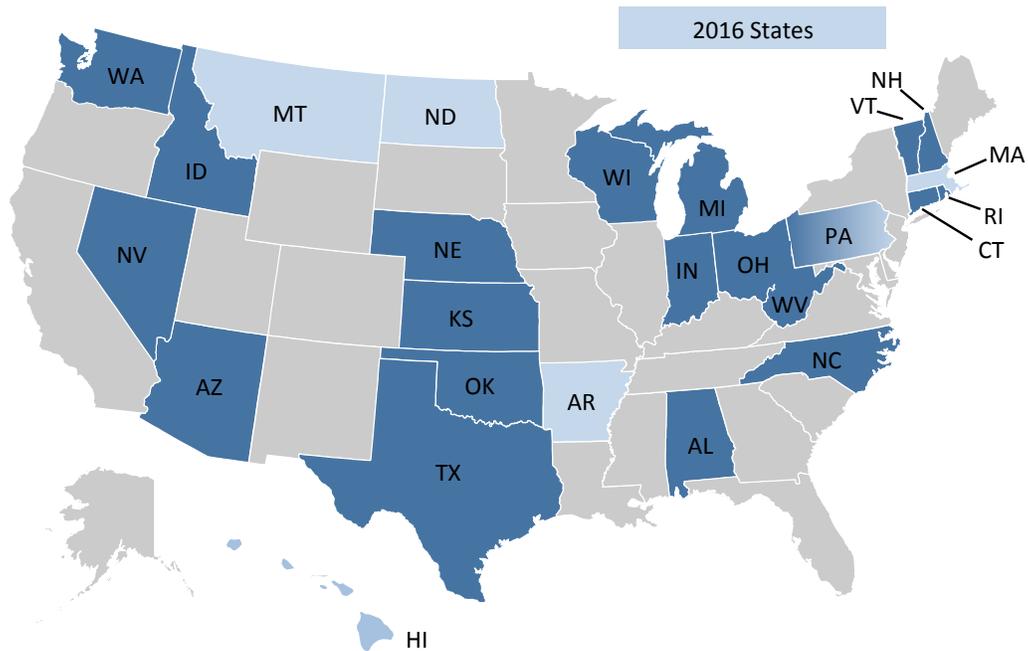
I. Pre-Enactment

- | | | |
|----------|---|---|
| 1 | Bipartisan, Inter-branch Working Group | Assemble practitioners and leaders, receive and consider information, reports and policies |
| 2 | Data Analysis | Data sources should come from across the criminal justice system for comprehensive analysis |
| 3 | Stakeholder Engagement | Complement data analysis with input from stakeholder groups and interested parties |
| 4 | Policy Options Development | Present a policy framework to reduce corrections costs, increase public safety, and project the impacts |

II. Post-Enactment

- | | | |
|----------|------------------------------|--|
| 5 | Policy Implementation | Identify needs for implementation and deliver technical assistance for reinvestment strategies |
| 6 | Monitor Key Measures | Monitor the impact of enacted policies and programs, adjust implementation plan as needed |

CSG has worked on justice reinvestment in 21 states, with five underway in 2016



Overview

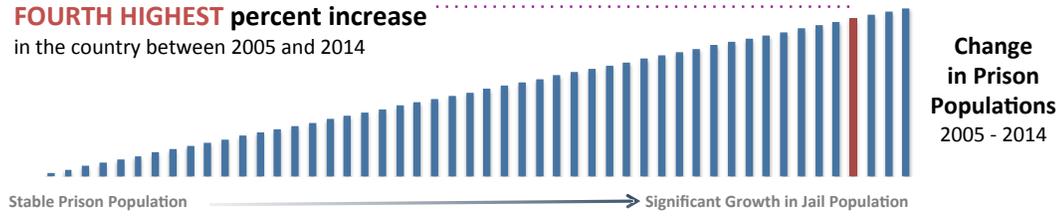


- 01** Review of Big- Picture Trends
- 02** Project Update
- 03** Sentencing Analysis
- 04** Next Steps

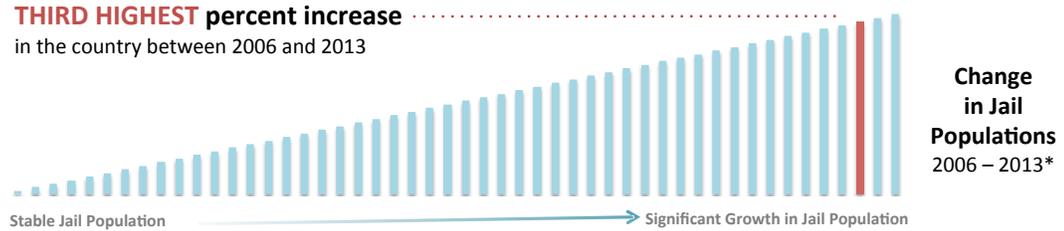
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North Dakota's jail and prison populations are experiencing some of the largest rates of growth in the country

The North Dakota prison population was the **FOURTH HIGHEST percent increase** in the country between 2005 and 2014



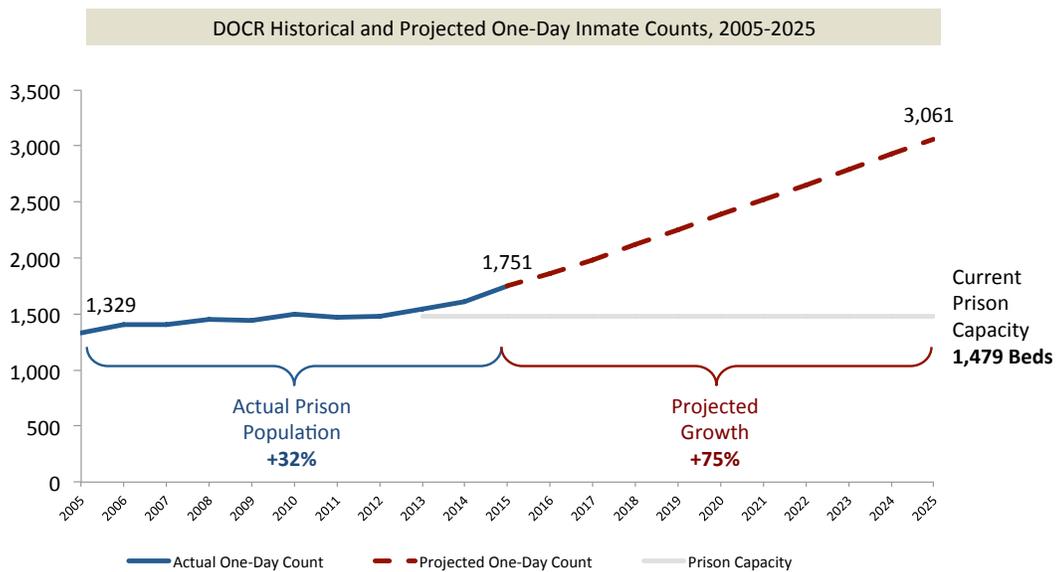
The North Dakota jail population was the **THIRD HIGHEST percent increase** in the country between 2006 and 2013



*The 2006-2013 timeframe is the most recent data available for national data comparisons on jail populations.
Source: U.S. Department of Justice, Bureau of Justice Statistics (BJS) Census of Jails: Population Changes, 1999-2013 (Washington DC: BJA, 2015). Excludes the unified jail and prison systems in Alaska, Connecticut, Delaware, Rhode Island, Hawaii and Vermont. BJS, "Correctional Statistical Analysis Tool (2005-2014)," retrieved on January 21, 2016, from <http://www.bis.gov/index.cfm?view=ns>.

2

The state's correctional system is at capacity and has significant growth forecasted over the next decade

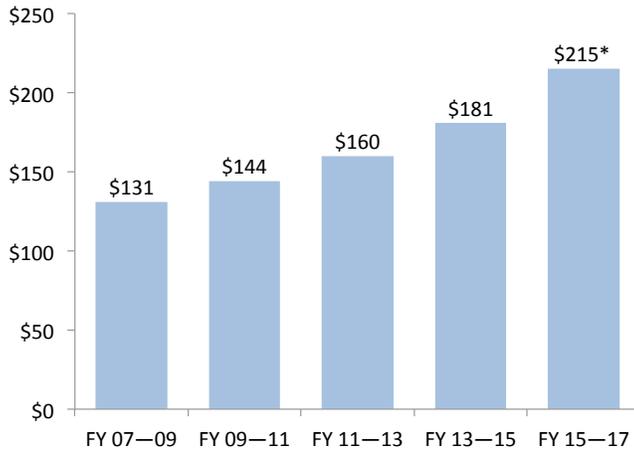


DOCR one-day inmate population snapshots for 2005-2007 are as of January 1 of each fiscal year. DOCR one-day inmate population snapshots for 2008-2015 and one-day inmate population projections for 2016-2025 are as of the last day of each fiscal year (June 30).
Source: Email correspondence between CSG Justice Center and DOCR, 2015 and 2016.

3

Without action, public safety dollars will be consumed trying to keep up with growth rather than investing in crime and recidivism reduction strategies

General Fund Corrections Appropriations (in millions), FY2007 - 2017



Corrections Spending Increase, FY07-09 to FY15-17



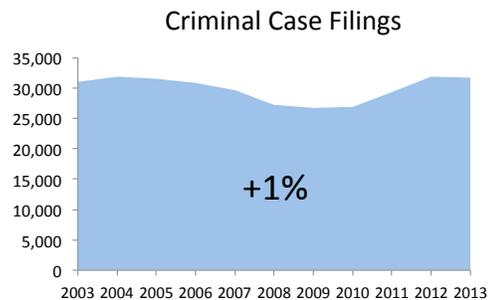
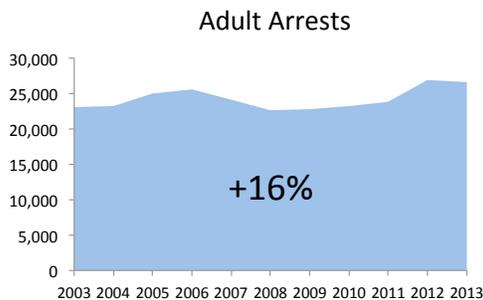
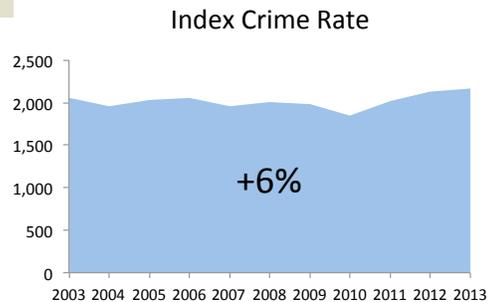
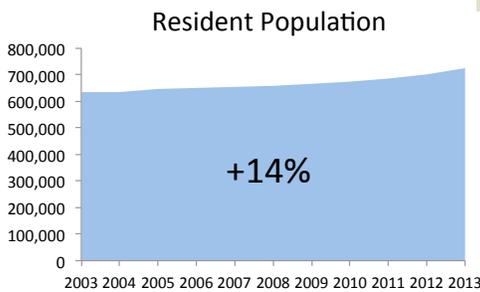
The FY2009-11 state budget provided **\$64 million** (\$22.5 million from the General Fund) for construction and renovation at the North Dakota State Penitentiary.

DOCR also receives special funding allocations.

*Budgeted, not spent for 2016 and 2017. Biennial budgets run on a two-year cycle. Budget information cited here is from July 1, 2003 to June 30, 2005 and the most recent running from July 1, 2013 to June 30, 2015. Source: DOCR, Biennial Report 2003-2005, (Bismarck: DOCR, 2005); DOCR, Biennial Report 2013-2015. Actual General Fund appropriations were \$83,458,031 for 2005 and \$178,475,785 for 2015.

Increases in resident population and front-end system pressures are some of the factors contributing to increases in sentences

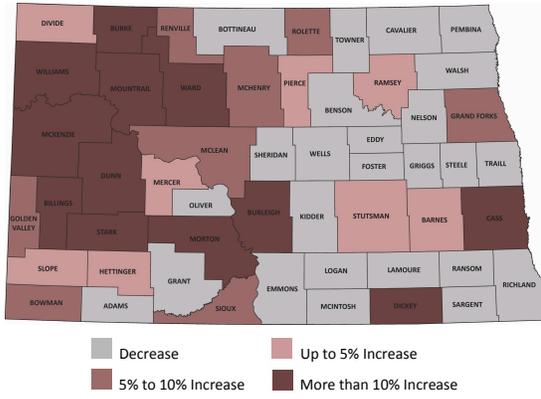
2003 — 2013



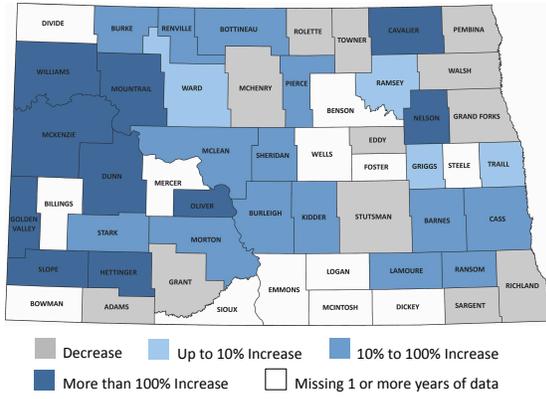
Source: North Dakota Office of Attorney General, Bureau of Criminal Investigation (BCI), Crime in North Dakota reports by year; North Dakota Courts Annual Reports by year.

County population and index crime changes create a more complex picture, especially in the east, than state-level trends

Population Growth by County, 2005 - 2013



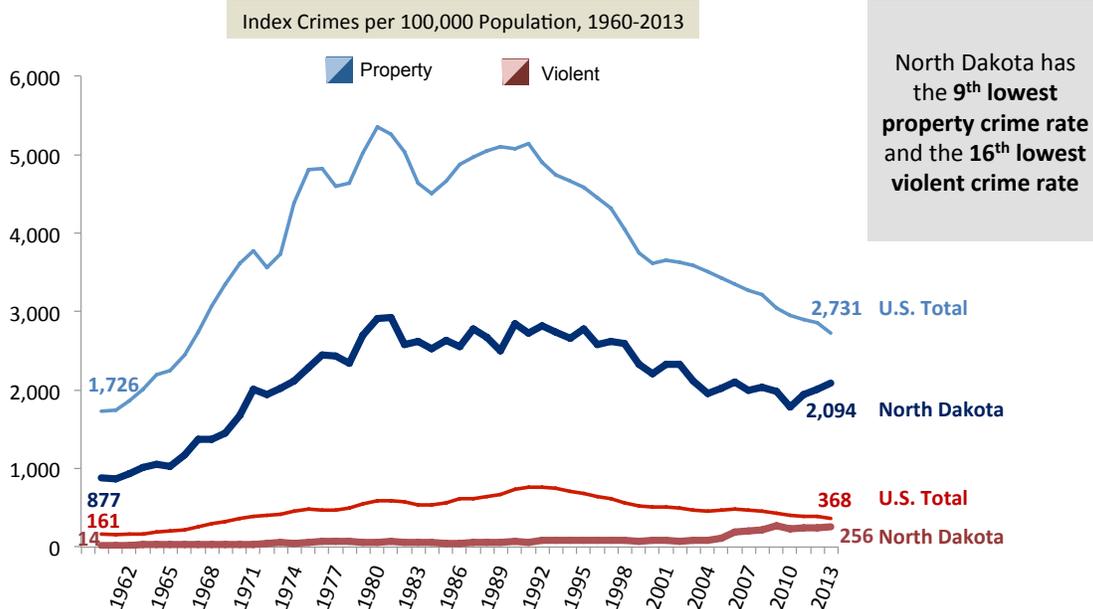
Reported Index Crime Growth by County, 2005 - 2013



Source: North Dakota Office of Attorney General, Bureau of Criminal Investigation (BCI), *Crime in North Dakota, 2013* (Bismarck: BCI, 2014) <http://www.og.nd.gov/Reports/BCIReports/CrimeHomicide/Crime13.pdf>
 BCI, *Crime in North Dakota, 2005* (Bismarck: BCI, 2006) <http://www.og.nd.gov/Reports/BCIReports/CrimeHomicide/Crime05.pdf>

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North Dakota's index crime rate is consistently below the national total



Source: FBI UCR Online Data Tool and *Crime in the U.S., 2013*.

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Overview



01 Review of Big-Picture Trends

02 Project Update

03 Sentencing Analysis

04 Next Steps

The justice reinvestment process reviews the entire system to identify opportunities to reduce pressure and increase public safety

| Data Requested | Source | Status |
|--|---|----------------------------|
| Criminal History Information | Attorney General Bureau of Criminal Investigation | Received |
| Filing, Disposition, & Sentencing | Administrative Office of the Courts | Received; Analyzed |
| Probation and Parole Supervision | Department of Corrections and Rehabilitation | Received; Analysis pending |
| Prison Population, Admissions, & Releases | Department of Corrections and Rehabilitation | Received; Analysis pending |
| County Jail Population, Admissions, & Releases | Criminal Justice Information Sharing | Requested |

Common roadblocks in states

Agencies unaccustomed to sharing data with outside groups

Data is insufficient for analysis

Challenges creating a research-ready dataset

Shortage of data, IT, and research staff

Today's analysis focuses on sentencing, with review of other areas to come in future presentations

| TOPIC OF ANALYSIS | WHEN ANALYSIS WILL BE COVERED |
|---|-------------------------------|
| Sentencing policy | Today |
| Sentencing practices | Today |
| Statue review | Today |
| Probation | June |
| Parole | June |
| Prison | June |
| Recidivism/outcomes | June |
| Front end pressures | July |
| County Jails | July |
| Pretrial Processes (pretrial release, length of stay, bail, etc.) | July |

North Dakota' rich sentencing data powered the analysis in today's presentation

336,387 records received from the FY2006 – FY2014 timeframe

Data records include **case filings, dispositions, and sentences**

Key Analysis Terms Used in Today's Presentation

Sentence Event: Unit of sentencing data analysis representing the event at which a charge, or group of charges, reaches conviction. Sentence events are based on sentencing date and judge. Sentence events can include multiple cases and charges, if they were sentenced in the same court on the same day. The outcome of a sentence event is defined using the following hierarchy: life sentence, state prison sentence, jail sentence, probation sentence, and deferred imposition.

Governing Offense: The single charge associated with a sentence event. If there are multiple charges in an event, the governing offense is the offense associated with the most severe sentence in a sentence event.

Some analysis could not be completed due to challenges in the source data

No standardized offense codes.

- There was a large amount of variation in the way that offense descriptions and statutes were entered, which prevented a more detailed analysis of offenses.
- Example: Over 6,000 different offenses descriptions for DUI offenses because offense descriptions are written in as opposed to having a standardized code.

| |
|--|
| DR OR APC M/V UNDER INFLUENCE ALCOHOL OR AC OF .08% OR > |
| DR OR APC M/V WHILE UNDER INFL ALCOHOL OR WITH AC .08 OR > |
| DR OR APC M/V WHILE UNDER INFLUENCE &/OR AC OF .08% OR > |
| DR OR APC M/V WHILE UNDER INFLUENCE &/OR BAC .08 OR GREATER |
| DR OR APC M/V WHILE UNDER INFLUENCE ALCOHOL OR BAC .08% OR > |
| DR OR APC M/V WHILE UNDER INFLUENCE OF ALCOHOL OR AC .08 OR> |
| DR OR APC M/V WHILE UNDER INFLUENCE OR AL OF .08% OR > |
| DR OR APC M/V WHILE UNDER INFLUENCE OR BAC .08% OR > |
| DR OR APC OF M/V WHILE UNDER INFLUENCE &/OR AC .08% OR > |
| DR OR IN APC M/V WITH ALCOHOL CONCENTRATION .08% OR GREATER |
| ... |

- Local differences in the way court data is entered – including offense descriptions, sentence information, and restitution for cases – make it difficult to analyze trends statewide.

Data analysis identified three key challenges in the source data

Demographic information missing from most court records

80% of race information missing from sentencing data

52% of gender information missing from sentencing data

Sentencing information incomplete for some court records

Some criminal judgment records in did not have specific sentencing information attached. For example, these records show a disposition for a misdemeanor or felony conviction, but they did not show if the sentence was to jail, prison, or probation. These unspecified sentences are labeled as “Not Specified” when such details were not available.

No differentiation between consecutive and concurrent sentences

The use of the “Concurrent” and “Consecutive” fields is not consistent. Often, it appears that the “Consecutive” field is used to add notes for the “Concurrent” field. As such, CSG Justice Center research staff were unable to analyze concurrent/consecutive sentences.

Stakeholder input informs the data analysis presented today



Incarceration Issues Committee

Individual meetings/calls with working group members and their staff



North Dakota Legislature

Meetings with Senators and House Representatives



Courts

Meetings/calls with individual judges, state attorneys, and the Attorney General's Office; administration of a judicial survey; and court observations



Other Organizations

Department of Human Services, DOCR, Association of Justice, Centre Inc., NDACo, Indian Affairs Commission, Three Affiliated Tribes, Ruth Meiers Hospitality Center, and CAWS North Dakota

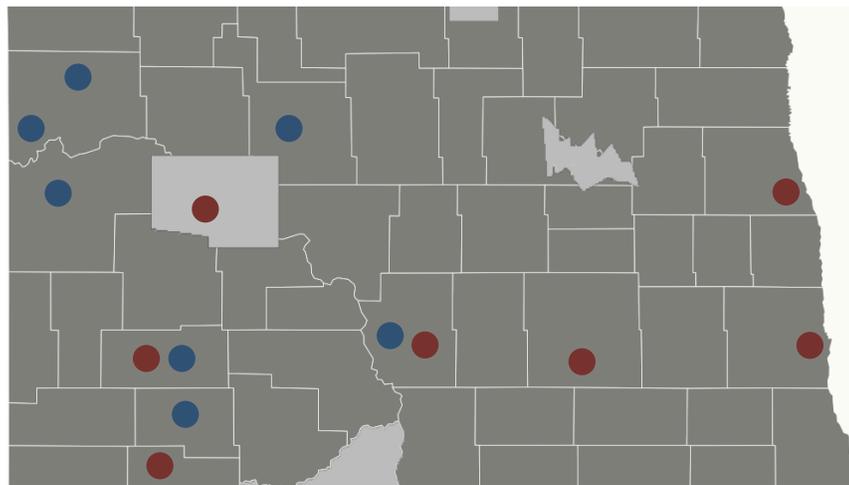


Law Enforcement

Meetings with Burleigh County Police Department, Bismarck Police Department, Ward County Police Department, Cass County Police Department, and Minot Police Department

CSG Justice Center staff are pursuing regional perspectives in stakeholder engagement, reflecting the state's size and diversity

60
CALLS & MEETINGS
6
ON-SITE VISITS
8
DIFFERENT REGIONS
SINCE FALL 2015



Judicial Survey

District Court judges participated in an online CSG Justice Center staff survey that the Supreme Court distributed. 62 percent of district court judges responded, and their input is included in today's presentation.

Overview



01 Review of Big-Picture Trends

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Glossary of terms used in this presentation

Disposition — Post-arraignment court appearance with the outcome of a guilty or not guilty finding, or Deferred Imposition of Judgment.

Conviction — A type of disposition resulting in a guilty finding either through a plea deal, trial, or the revocation of a Deferred Imposition of Judgment.

Suspended Sentence — A sentence in which a fixed period of incarceration is postponed while an individual is on an accompanying probation sentence. Sentences can be either fully or partially suspended.

- *Fully suspended sentence*: the individual will not be incarcerated if the probationary period is successfully completed.
- *Partially suspended sentence*: an initial period of incarceration is imposed, followed by a period of probation. If the probation is completed successfully, the remainder of the period of incarceration is not served.

Deferred Imposition of Sentence — A diversion disposition in which there is a finding of guilty but imposition of a sentence is suspended. The defendant is placed on probation and if he or she successfully completes probation, the guilty finding is dismissed.

Probation — A sentence to community supervision. Judges may assign conditions of probation, including use of the 24/7 program. Beginning last year, individuals can be sentenced to either supervised or unsupervised felony probation. Deferred Impositions of Sentence and suspended sentences are both supervised by probation.

Definitions of offense categories used in this analysis

| | | | |
|--|---|--|--|
| Person <ul style="list-style-type: none"> Aggravated Assault Robbery Homicide Manslaughter Assault Kidnapping Domestic Violence Child Abuse Sexual Assault | Property <ul style="list-style-type: none"> Theft of Property/Service Insufficient Funds Possession of Stolen Property Burglary Criminal Mischief Forgery/fraud Motor Vehicle Theft | Drug <ul style="list-style-type: none"> Possession Distribution (includes possession with intent to distribute) Manufacturing Drug paraphernalia Forged prescription Controlled substance at school | Other <ul style="list-style-type: none"> Disorderly conduct Criminal Trespass Resisting/Evading Arrest Reckless Driving Leaving the Scene of an Accident Minor in possession of alcohol Contributing to the delinquency of a minor Driving without Insurance/Registration Cruelty to animals Hunting offenses |
| Driving Under the Influence <ul style="list-style-type: none"> Driving Under the Influence Driving Under the Influence Resulting in Injury or Death Operating a Boat/Watercraft Under the Influence | Driving with Suspended License <ul style="list-style-type: none"> Driving while License Suspended Driving after License Revoked Driving in Violation of License Restriction Driving without a Valid License | | |

Note: Violations of sex offender registration were categorized as "Person" offenses, and accounted for less than one percent of all offenses sentenced.

Source: Administrative Office of the Courts filing offense data

Offense classes set the maximum confinement and probation lengths as well as fines

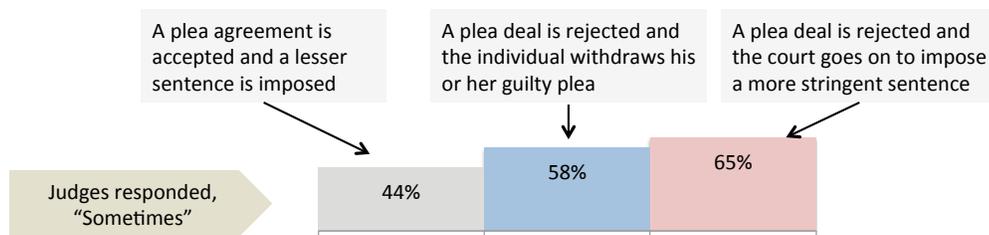
| CLASS | MAX CONFINEMENT | MAX PROBATION TERM | MAX FINE | EXAMPLE OFFENSES |
|---------------|-------------------------------|---|----------|---|
| Infraction | N/A | N/A | \$1,000 | Sale of tobacco to minors |
| Misdemeanor B | 30 days | 360 days | \$1,500 | DUI, disorderly conduct, prostitution |
| Misdemeanor A | 1 year | 2 years | \$3,000 | Ingesting a controlled substance, larceny (under \$1,000) |
| Felony C | 5 years | 3 years; 5 years for certain offenses/offenders | \$10,000 | Theft, failure to appear, Possession of a Controlled Substance Other than Marijuana (first offense) |
| Felony B | 10 years | 3 years; 5 years for certain offenses/offenders | \$20,000 | Manslaughter, aggravated assault (aggravated circumstances) |
| Felony A | 20 years | 3 years; 5 years for certain offenses/offenders | \$20,000 | Robbery with a dangerous weapon, human trafficking of someone over 18 |
| Felony AA | Life (with or without parole) | Not specified | \$20,000 | Murder; Gross sexual imposition; Human trafficking of someone under the age of 18 |

Judges estimate that the vast majority of cases involve plea deals, and the agreed-upon sentence is often or always imposed

Most judges responded that plea deals resolved cases and the deals were accepted



Responses varied concerning the frequency of imposition of a lower sentence or rejected plea deals



Source: 2014 CSG Justice Center North Dakota Judicial Survey

PREVIEW: Drivers of the increase in felony sentence events

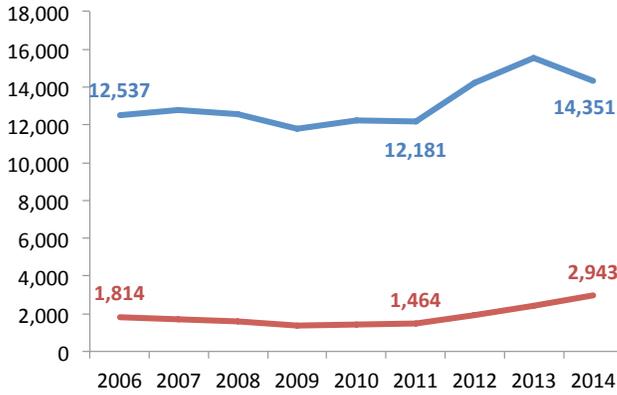
Felony sentence events doubled between 2011 and 2014

Drug offenses were the primary driver of increases in felony sentence events, and most were sentenced to incarceration

Lowest-level felonies (Class C) comprise 83 percent of felony sentence events

After years of decline, felony sentence events doubled between 2011 and 2014

Felony and Misdemeanor Sentence Events,
FY2006 — FY2014



| Type of Offense | 2006-2011 Difference | 2011-2014 Difference | 2006-2014 Difference |
|-----------------|----------------------|----------------------|----------------------|
|-----------------|----------------------|----------------------|----------------------|

| | | | |
|-------|-----|-----|-----|
| Misd. | -3% | 18% | 14% |
|-------|-----|-----|-----|

| | | | |
|--------|------|------|-----|
| Felony | -19% | 101% | 62% |
|--------|------|------|-----|

Note: Between 1 – 3% of sentence events are for infractions or unknown level offenses each fiscal year.

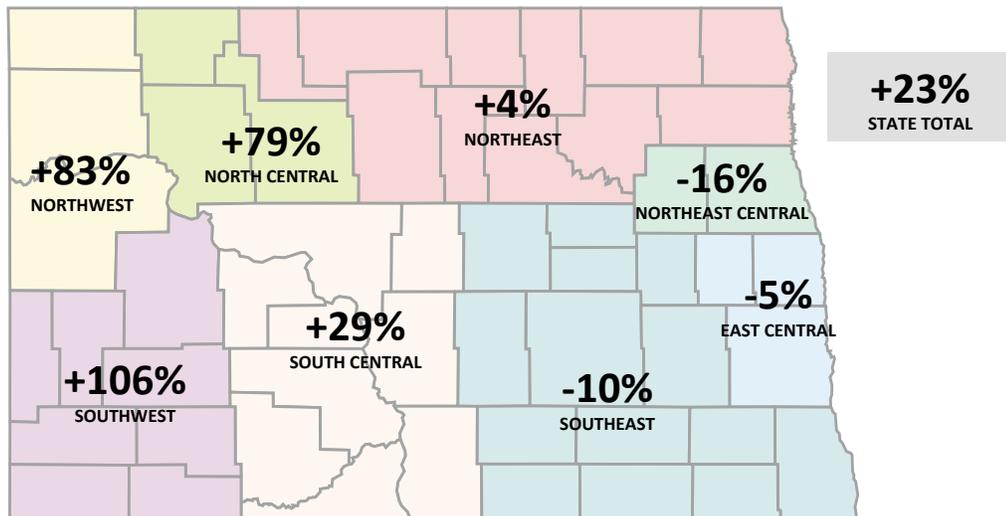
The offense level shown here represents the offense associated with the most severe sentence within a sentence event.

Between FY2013 and FY2014, the number of misdemeanor sentence events dropped by 1,200.

Source: CSG Justice Center analysis of Administrative Office of the Courts sentencing data

The number of sentence events climbed 23 percent, with larger increases coming from the western part of the state

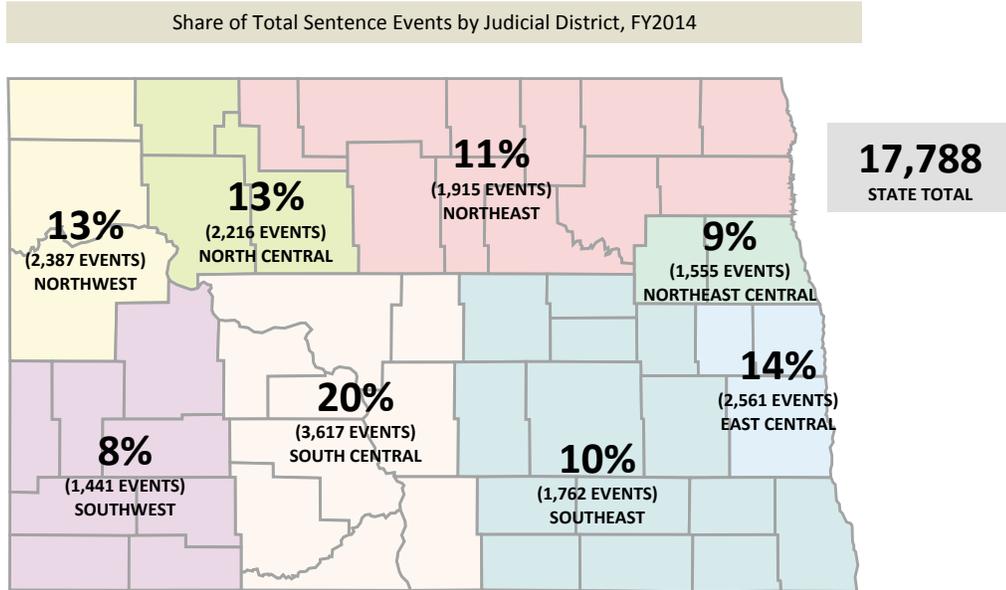
Change in Total Sentence Events by Judicial District, FY2006 – FY2014



*Between 1 and 3% of sentence events are missing judge or district information in each fiscal year

Source: CSG Justice Center analysis of Administrative Office of the Courts sentencing data

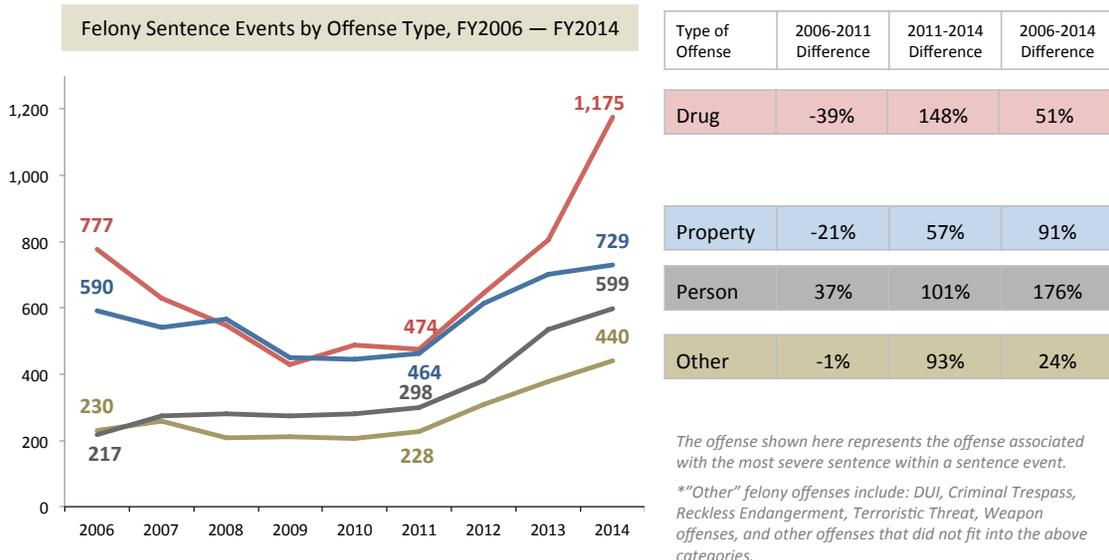
Share of sentence events is largely split between the western and eastern judicial districts



*2% of sentence events were missing judge or district information in fiscal year 2014

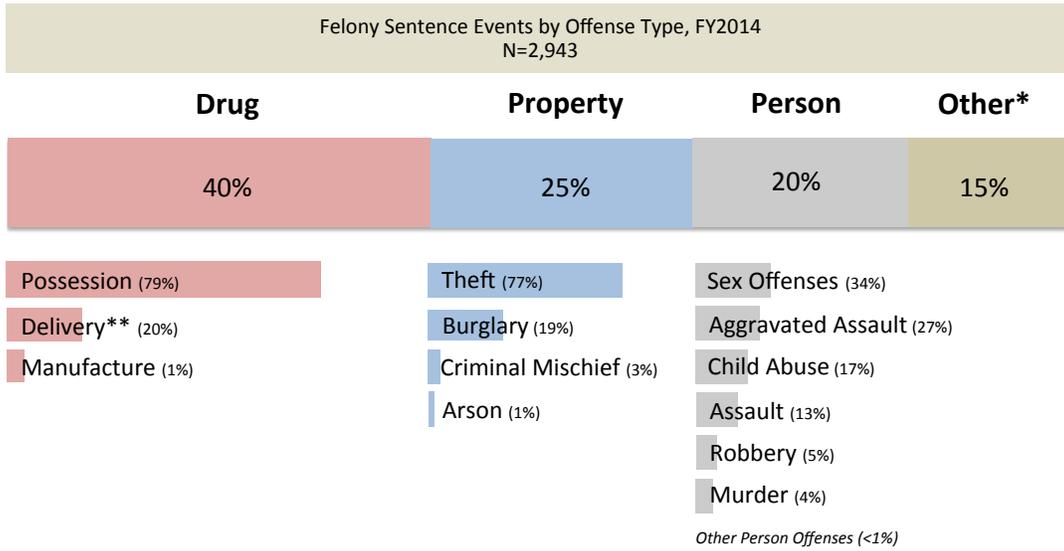
Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

Felony sentence events for drug offenses increased 2.5 times between 2011 and 2014



Source: CSG Justice Center analysis of Administrative Office of the Courts sentencing data

40 percent of felony sentence events were for drug offenses, 79 percent of which were for possession

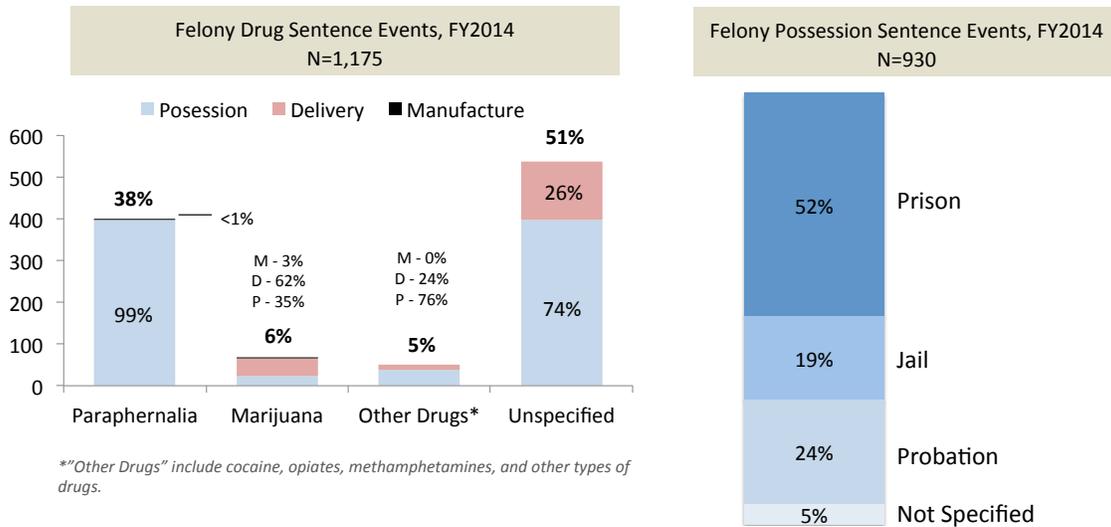


*"Other" felony offenses include: DUI, Criminal Trespass, Reckless Endangerment, Terroristic Threat, Weapon offenses, and other offenses that did not fit into the above categories.

**Includes "possession with intent to deliver" charges.

Source: CSG Justice Center analysis of Administrative Office of the Courts sentencing data

79 percent of felony drug sentence events are for possession, 71 percent of which were sentenced to incarceration



**Other Drugs* include cocaine, opiates, methamphetamines, and other types of drugs.

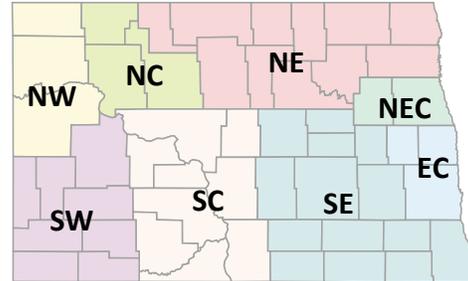
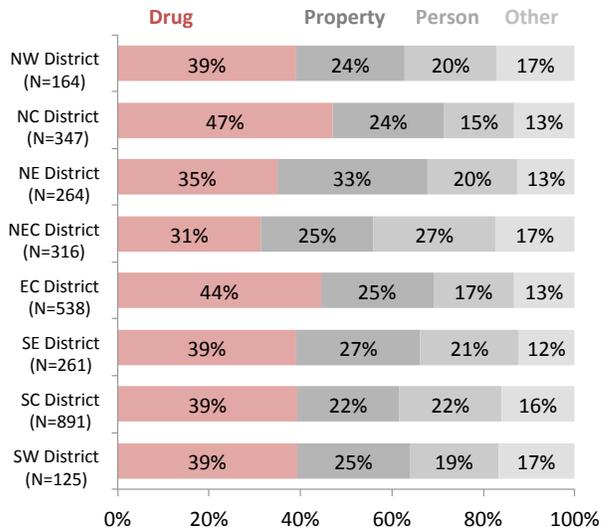
In 2014, 51% of felony drug sentence events lacked information indicating what type of drug was involved in the offense description and were categorized as "Unspecified."

Less than one percent of felony drug possession sentence events were sentenced to confinement in a treatment or private facility.

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

Drug offenses account for the largest portion of felony sentence events in each judicial district

Felony Sentence Events, by Judicial District, FY2014



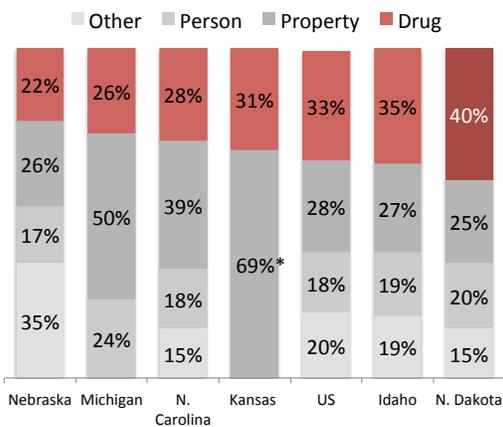
"Other" felony offenses include: DUI, Criminal Trespass, Reckless Endangerment, Terroristic Threat, Weapon offenses, and other offenses that did not fit into the other listed categories.

Approximately 1% of sentence events were missing judge or district information.

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

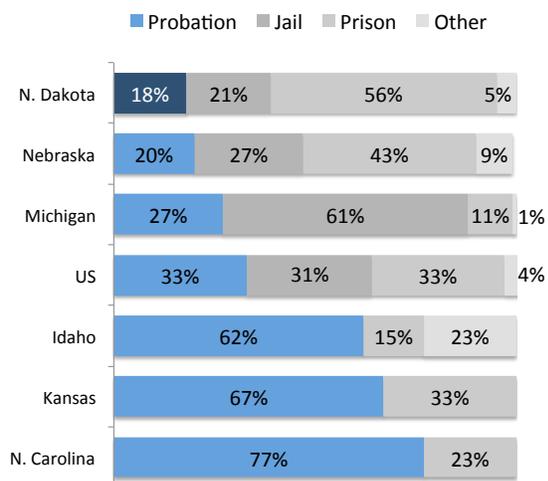
Drug offenses comprise a larger share of felony sentence events in North Dakota than other states, and a smaller proportion of drug sentence events are to probation

Felony Sentence Events by Offense Category



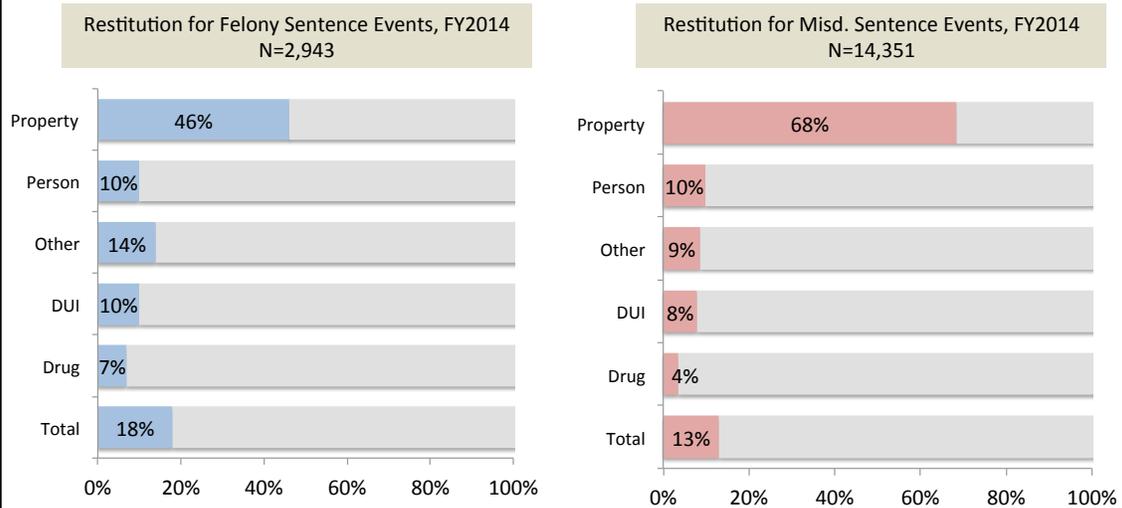
Kansas' sentencing data categorizes person and property into the same category ("non-drug").

Felony Drug Sentence Events by Type of Disposition



Source: Statewide sentences — Nebraska JUSTICE sentencing data, FY2013; Office of Community Alternatives, MI Dept. of Corrections, November 2012; NC Sentencing and Policy Advisory Commission; FY2014; KS Felony Sentencing Data; Structured Sentencing Statistical Report FY 2014; BIS Felony Sentences in State Courts, 2006–Statistical Tables; IDOC admissions and release data, FY2012; CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

Restitution orders, which are attached to 14 percent of sentence events, are most common for property offenses



Future analysis will explore whether restitution collection data are available, and stakeholder engagement will explore opportunities to improve the management of victim restitution

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentence conditions and fees data

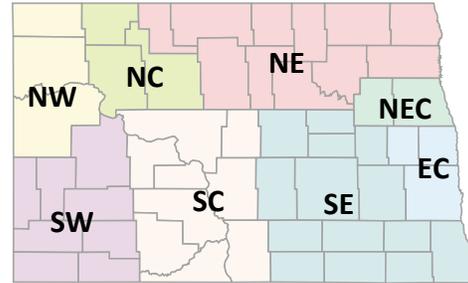
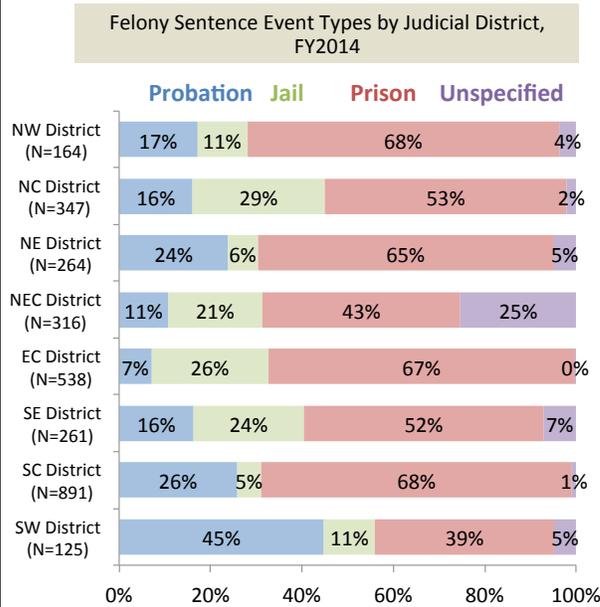
PREVIEW: Distribution of sentence events across incarceration and supervision

76 percent of felony sentence events are to incarceration

Probation is used for 20 percent of lowest-level felony sentence events

Felony sentence events vary considerably across judicial districts

Distribution of felony sentence event types varies considerably by judicial district, especially percent sent to probation, which ranges from 7 percent to 45 percent



"Probation" includes straight probation, fully suspended sentences to either prison or jail, and deferred impositions.

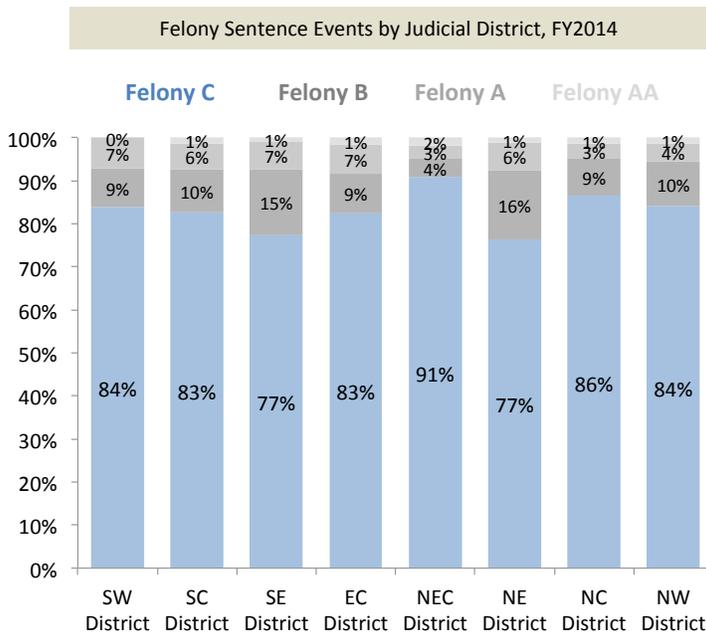
"Not Specified" sentences include cases with no specified sentence in the court data.

Less than one percent of sentence events were to a treatment or other privately operated facility.

Approximately 1% of sentence events were missing judge or district information.

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

Class C offenses are four out of five felony sentence events, with slight variation across the judicial districts

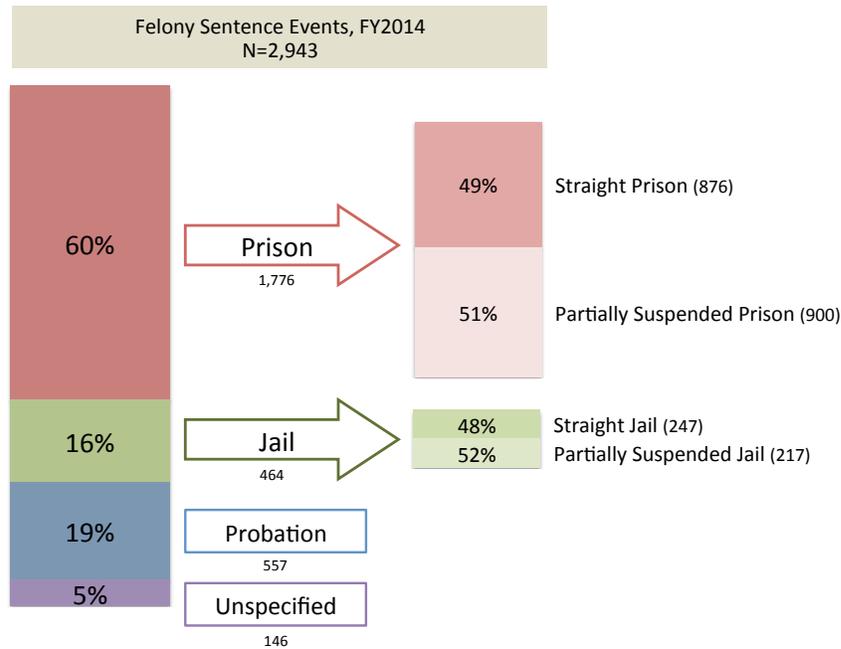


Felony Sentence Event State Totals, FY2014

| Felony Class | Number | Percent Total |
|--------------|--------|---------------|
| AA | 37 | 1% |
| A | 163 | 6% |
| B | 297 | 10% |
| C | 2,446 | 83% |
| Total | 2,943 | 100% |

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

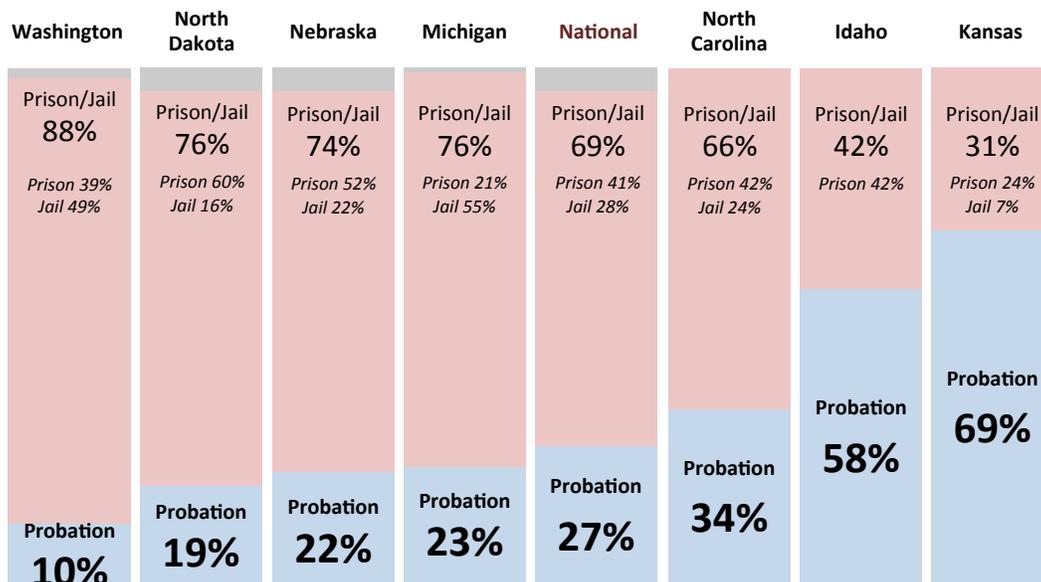
In 2014, 76 percent of felony sentence events are to incarceration (jail or prison)



"Not specified" sentences are cases with a sentence type entered, but no other information indicative of confinement, supervision, or sentence length is provided. Less than one percent of felony convictions were for confinement to a facility not operated by DOCR or local jail.

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

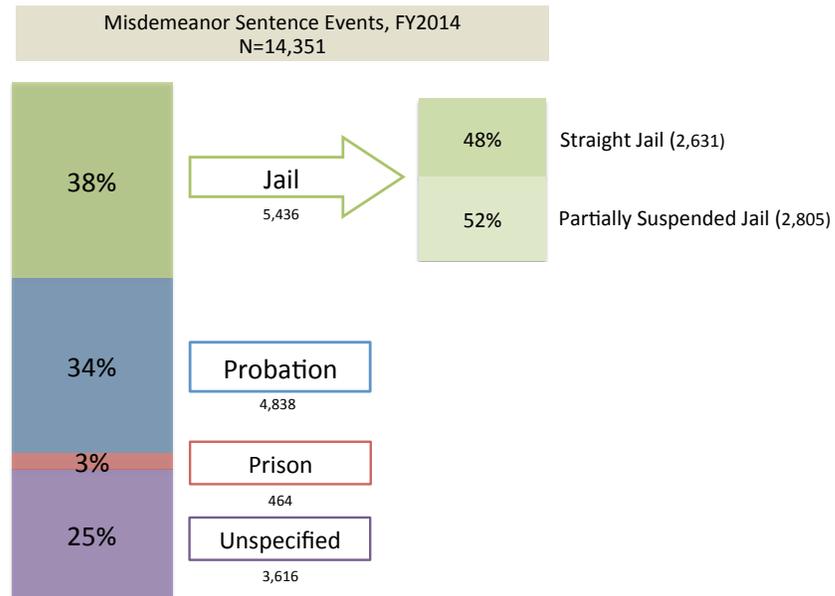
North Dakota sentences a smaller proportion of felony sentence events to probation than the national average and most justice reinvestment states



Source: Statewide Dispositions – Fiscal Year 2012, Office of Community Alternatives, MI Dept. of Corrections, November 2012; KS Felony Sentencing Data; Structured Sentencing Statistical Report FY 2011/12, NC Sentencing and Policy Advisory Commission; BIS Felony Sentences in State Courts, 2006–Statistical Tables; Nebraska JUSTICE sentencing data; CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

Gray bars indicate "Other"

In 2014, 41 percent of misdemeanor sentence events are to incarceration (jail or prison)



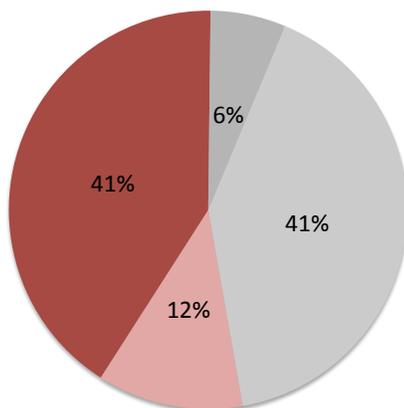
"Not specified" sentences are cases with a sentence type entered, but no other information indicative of confinement, supervision, or sentence length is provided. Less than one percent of misdemeanor convictions were for confinement to a facility not operated by DOCR or local jail.

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

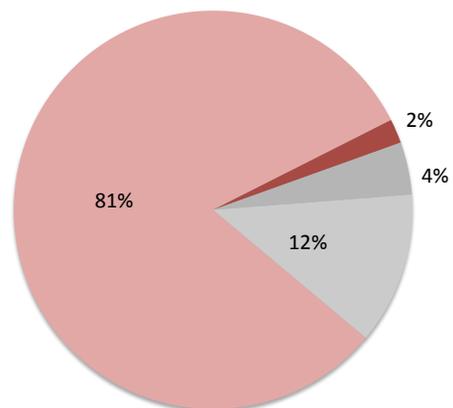
53 percent of felony probation sentence events, and 83 percent of misdemeanor probation sentence events, include periods of suspended incarceration



Felony Probation Sentence Events, FY2014
N=557



Misd Probation Sentence Events, FY2014
N=4,838



Less than one percent of sentence events to supervision were suspended sentences from a facility other than prison or jail.

Source: CSG Justice Center analysis of Administrative Office of the Courts FY2014 sentencing data

SUMMARY: Community treatment capacity and strategies to reduce recidivism

Perceptions of community program and treatment infrastructure may impact sentencing decisions

Effective supervision combined with treatment is the key to holding offenders accountable and reducing recidivism

The Risk-Need-Responsivity model focuses treatment and supervision to have greatest impact on recidivism

A common theme among stakeholders was concern regarding a lack of treatment options to address mental health and substance use needs



Concerns heard across the criminal justice system:

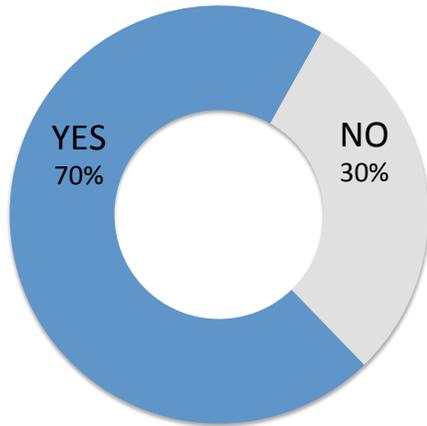
Rural communities reported a lack of local health care services

Some professionals reported that services were generally available, but that justice system individuals could not access them

Long wait times to access services were reported in several jurisdictions

A majority of judges have sentenced individuals to prison in order to connect them with mental health or alcohol and drug programming

Have you ever sentenced someone to prison in order to connect her/him with needed mental health, or alcohol or drug addiction programming, or other treatment even when he/she is not considered high risk?



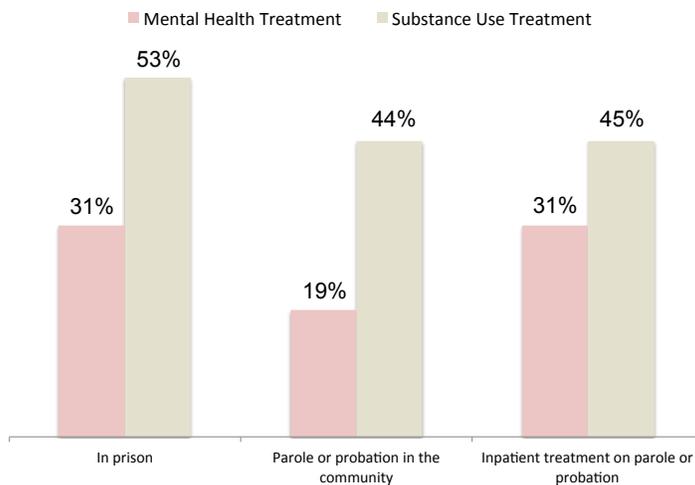
Judges noted that these sentences are reserved for specific instances with extenuating circumstances, such as:

- Inadequate services in the local area
- Community based drug or alcohol treatment programs have failed or been exhausted
- Defendant has no ability to pay for treatment

Source: 2014 CSG Justice Center North Dakota Judicial Survey

Judges seemed more confident that substance use treatment is available than mental health treatment, and that treatment was most available in state prison

Percentage of Judges Responding that Treatment Is Often Available as Compared to Always, Sometimes, or Never

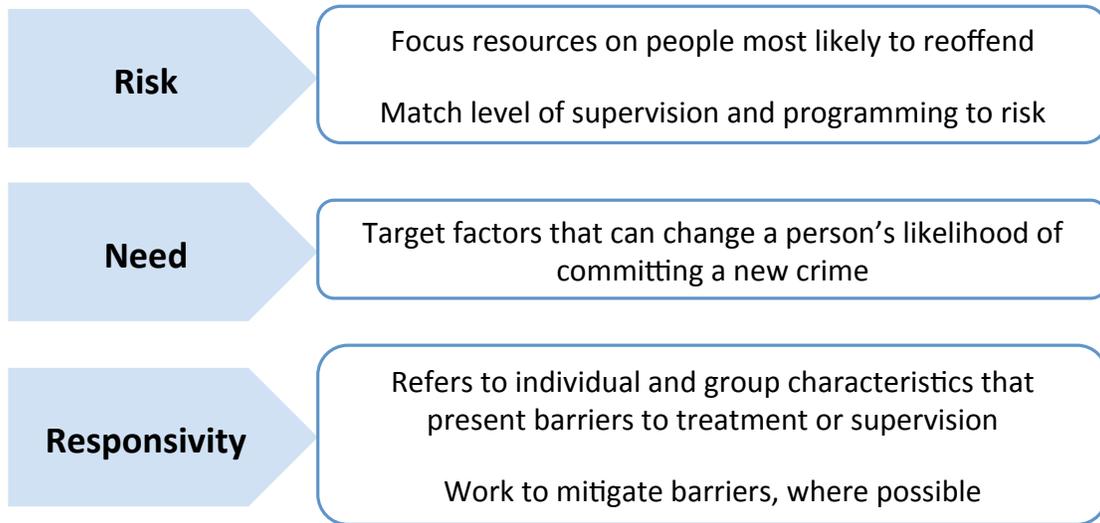


Judges identified the following as needed criminal justice resources:

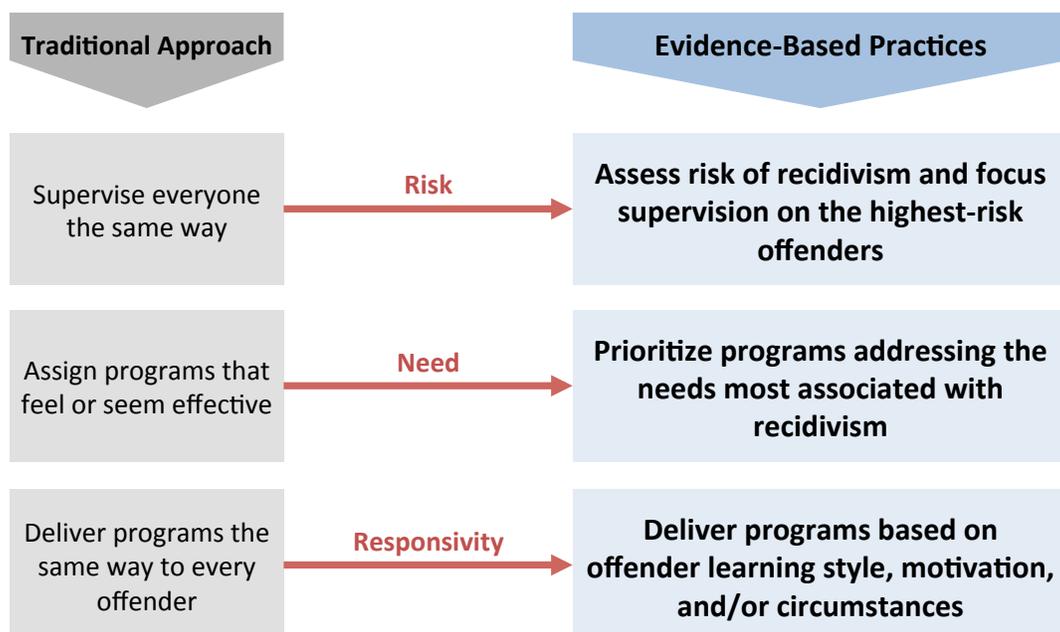
- Credible treatment
- Inpatient and outpatient drug and alcohol treatment
- HOPE probation program
- Half-way houses
- Additional SCRAM bracelets
- Mandatory treatment provided as part of sentence

Source: 2014 CSG Justice Center North Dakota Judicial Survey

Probation can provide states with support in addressing these behavioral health challenges by using Risk, Need and Responsivity principles



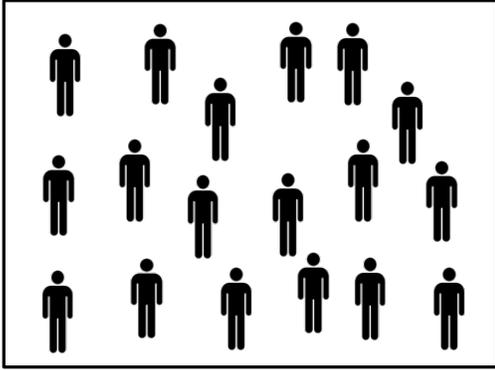
Effective probation applies the risk, need, and responsivity principles



Risk is about sorting and tailoring resources to higher-risk

Risk

Without Risk Assessment...

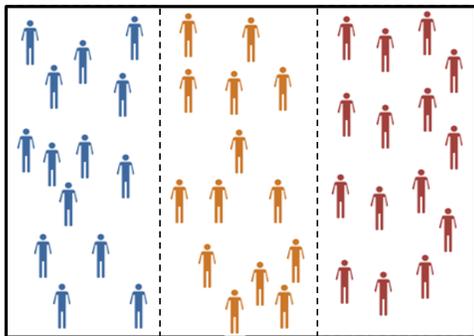


Risk is about sorting and tailoring resources to higher-risk

Risk

Assess risk of re-offense and focus supervision on the highest-risk offenders

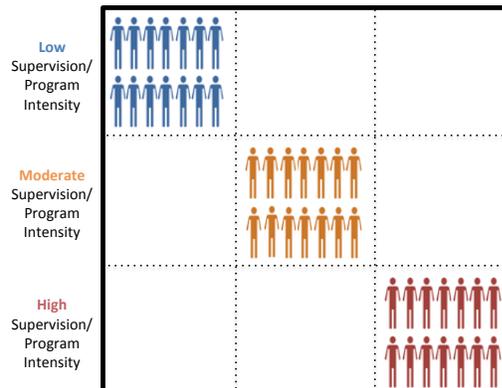
Assess for Risk Level...



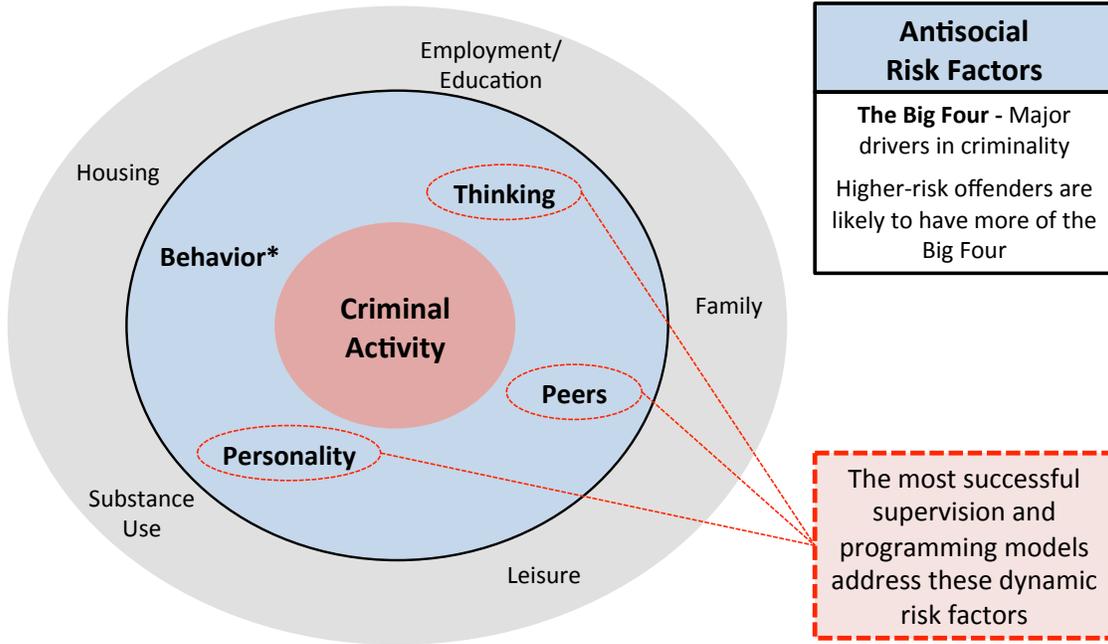
...and Focus Accordingly

| Risk of Re-offending | | |
|---------------------------|--------------------------------|----------------------------|
| LOW 10% re-arrested | MODERATE 35% re-arrested | HIGH 70% re-arrested |

| LOW 10% re-arrested | MODERATE 35% re-arrested | HIGH 70% re-arrested |
|---------------------------|--------------------------------|----------------------------|
|---------------------------|--------------------------------|----------------------------|



Target the factors that evidence shows are most central to criminal behavior



* Past antisocial behavior cannot be changed

To reduce recidivism, focus programs and treatment on higher-risk offenders and address criminogenic needs

Prioritize programs for higher-risk offenders

The same "Risk Principle" for supervision also applies to programs

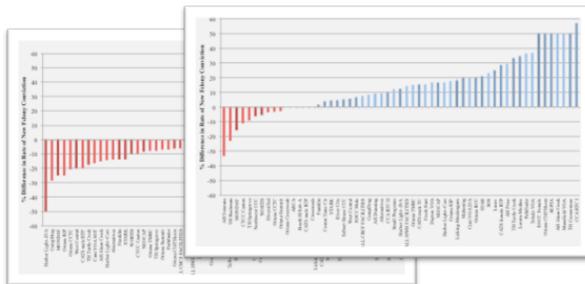
Higher-risk offenders are more likely to have more, and more serious, criminogenic needs

Programs targeting these needs can significantly lower recidivism rates

Same programs receiving higher-risk offers produced significantly better outcomes

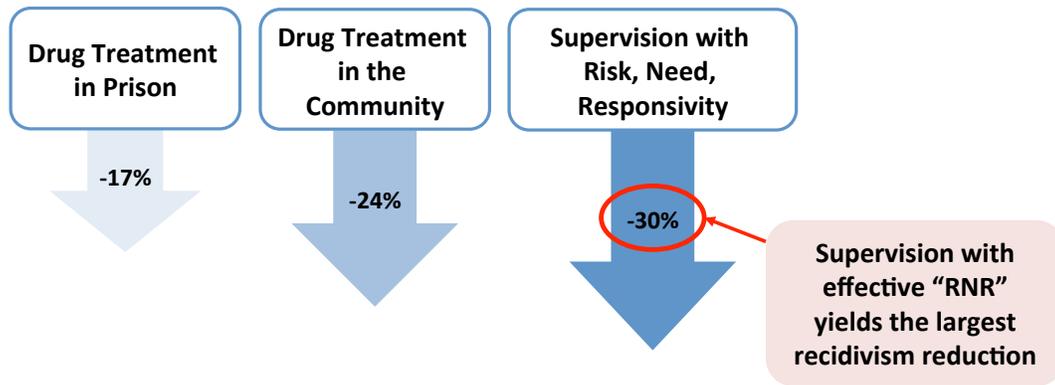
Program outcomes for lower-risk offenders

Program outcomes for higher-risk offenders



Where and how treatment is delivered impacts the degree of recidivism reduction

Research on the impact of treatment intervention on recidivism rates



Source: Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). Return on investment: Evidence-based options to improve statewide outcomes, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.

Overview



- 01 Review of Big-Picture Trends
- 02 Project Update
- 03 Sentencing Analysis
- 04 Next Steps

Challenges identified by sentencing analysis

-  Felony sentence events doubled between 2011-2014, primarily due to drug offenses
-  Three quarters of lowest-level felony sentence events (Class C) were to incarceration
-  Over half of sentence events to probation included suspended periods of incarceration

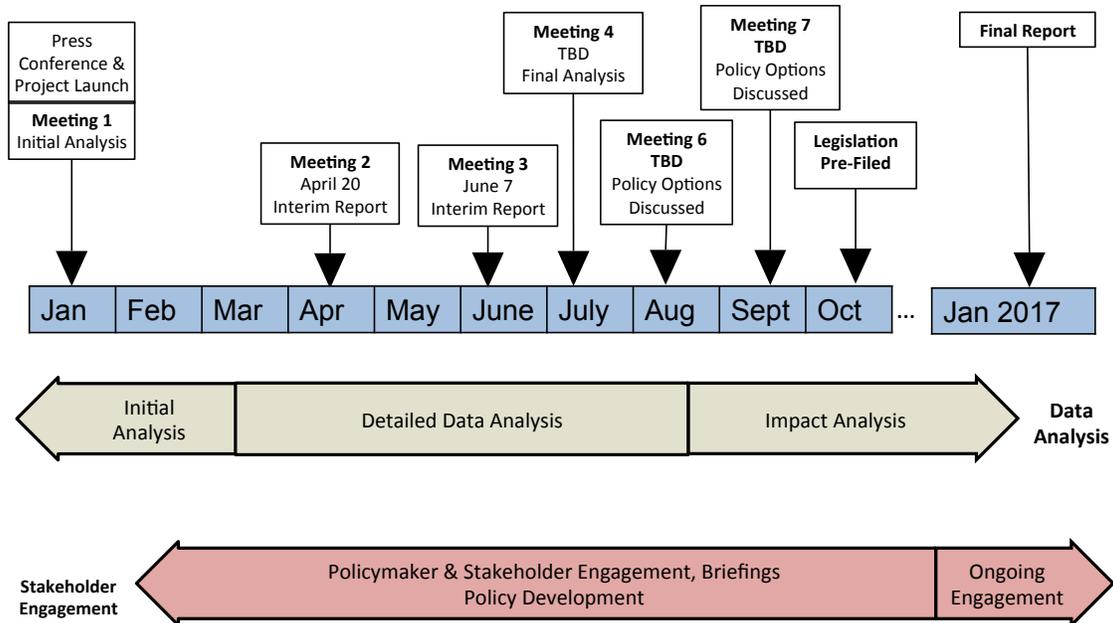
Opportunities for North Dakota to address these challenges

-  Avert significant increases in corrections spending by prioritizing incarceration for highest-risk people convicted of the most serious offenses.
-  Lower recidivism by focusing effective supervision plus treatment on higher-risk probationers and parolees
-  Increase stakeholder confidence by improving community-based treatment capacity

DISCUSSION



North Dakota Justice Reinvestment Timeline



Thank You

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