

September 2011

COMMISSION ON ALTERNATIVES TO INCARCERATION - BACKGROUND MEMORANDUM

The Commission on Alternatives to Incarceration was created by House Bill No. 1473 (2005). The bill, which was codified as North Dakota Century Code Section 54-35-24, required the Legislative Management chairman to select the chairman and vice chairman of the commission and provided for the membership of the commission as follows:

1. Three members appointed by the Governor, one of whom must be an academic researcher with specialized knowledge of criminal justice sentencing practices and sentencing alternatives;
2. The Attorney General or the Attorney General's designee;
3. Two members appointed by the Chief Justice of the Supreme Court;
4. The director of the Department of Corrections and Rehabilitation;
5. The director of the Department of Human Services;
6. Two local law enforcement officers appointed by the Attorney General;
7. One state's attorney appointed by the North Dakota State's Attorneys Association;
8. Three members of the House of Representatives, two of whom must be selected by the leader representing the majority faction of the House of Representatives and one of whom must be selected by the leader representing the minority faction of the House of Representatives;
9. Three members of the Senate, two of whom must be selected by the leader representing the majority faction of the Senate and one of whom must be selected by the leader representing the minority faction of the Senate; and
10. One representative of the North Dakota Association of Counties appointed by the Association of Counties.

The commission is directed to study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues. The commission is authorized to request funding for consultant services from the Legislative Management and other interested entities if the commission determines that consultant services are necessary to assist the commission in conducting its assigned studies.

Section 54-35-24 requires the commission to study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues. That section requires the commission to

provide to the Governor information and recommendations for the Governor's consideration in time for inclusion of the recommendations in the biennial executive budget. The legislation that created the commission was due to expire on June 30, 2009, but the Legislative Assembly adopted Senate Bill No. 2029 (2009), which extended the commission to August 1, 2013.

BACKGROUND

Department of Corrections and Rehabilitation

In 2011 the Legislative Assembly appropriated \$159,565,919 from the general fund for the Department of Corrections and Rehabilitation for the 2009-11 biennium. The appropriation bill, House Bill No. 1015, also appropriated to the department \$31,606,150 in special funds. The appropriation for the department provided for an increase of 59 full-time equivalent (FTE) positions, which increased the total number of FTE positions within the department to 794.29.

The appropriation to the department included \$27,584,656, an increase of \$816,501 from the 2009-11 biennium appropriation, for contract housing and transitional facilities for male inmates housed at the Missouri River Correctional Center, county jails, and private facilities. The department was appropriated \$8,458,683 to contract with the Dakota Women's Correctional and Rehabilitation Center to house female inmates.

House Bill No. 1015 also provided additional funding for the prison construction project. In 2009 the Legislative Assembly provided an appropriation of \$64 million, of which \$19,465,804 was from the general fund and \$44,534,196 from the State Penitentiary land fund, to the Department of Corrections and Rehabilitation for completing the renovation and expansion project at the State Penitentiary. Funding from the State Penitentiary land fund was to include interest income earned on money in the fund. Because the department anticipated interest income on money in the State Penitentiary land fund to be \$1.5 million less than projected due to lower than anticipated interest rates, in 2011 the Legislative Assembly authorized the department to borrow up to \$1.1 million from the Bank of North Dakota for the purpose of defraying the expenses of the Penitentiary project during the 2011-13 biennium.

Adult Services Division

Section 12-47-01 provides for the establishment of the State Penitentiary. The main prison complex in Bismarck houses maximum and medium security male inmates. As of the end of April 2011, the State

Penitentiary housed 552 male inmates. The James River Correctional Center in Jamestown is classified as a medium security housing facility and, as of the end of April 2011, housed 417 male inmates. The Missouri River Correctional Center is south of Bismarck and has no fences or barriers to contain the inmates. The Missouri River Correctional Center has approximately 150 prison beds and houses minimum security male inmates whose sentences are not less than 30 days nor more than one year. As of the end of April 2011, the Missouri River Correctional Center housed 143 inmates. Due to the Missouri River flood in the summer of 2011, inmates from the Missouri River Correctional Center were transferred to the James River Correctional Center and the Youth Correctional Center.

The division offers addiction treatment services, a sexual offender treatment program, and mental health programs through its treatment department. The division's education program offers a variety of education programs, skills training, and vocational programs. In addition, the division offers work experience through Roughrider Industries.

Parole and Probation Division

The department has 15 offices across the state staffed by parole and probation officers who manage offenders sentenced to supervision by a court, released to parole by the State Parole Board, sent to community placement by the director, or placed at the Tompkins Rehabilitation and Correction Center. The officers supervise offender compliance with the supervision conditions and provide cognitive, behavioral, and other forms of counseling services.

The division manages the Bismarck Transition Center and the Tompkins Rehabilitation and Correction Center; operates or participates in drug court programs, global positioning monitoring of offenders, drug and alcohol testing of offenders, and monitoring of sexual offenders; and contracts for services with half-way houses.

The Tompkins Rehabilitation and Correction Center is a Department of Corrections and Rehabilitation-funded program at the State Hospital. The center consists of three 30-bed wards--one ward (30 beds) for females and two wards (60 beds) for males.

Dakota Women's Correctional and Rehabilitation Center

During the 2003-05 biennium, the Department of Corrections and Rehabilitation began to contract with the Dakota Women's Correctional and Rehabilitation Center in New England to house its female inmates. The Dakota Women's Correctional and Rehabilitation Center is owned and operated by the Southwest Multi-County Correction Center Board. The prison at the Dakota Women's Correctional and Rehabilitation Center consists of a 70-bed minimum security unit, a 40-bed medium security unit, and a 16-bed orientation unit. In May 2006 a five-bed high security unit was

added to the facility. As of the end of April 2011, the Dakota Women's Correctional and Rehabilitation Center housed 123 state inmates.

Division of Juvenile Services and Youth Correctional Center

The Division of Juvenile Services has eight regional offices serving the eight human service regions across the state and is staffed to provide supervision to juveniles committed by the courts. The division also oversees the Youth Correctional Center, which is located west of Mandan and is the state's secure juvenile correctional institution. The Youth Correctional Center serves as a secure detention and rehabilitation facility for adjudicated juveniles who require the most restrictive placement and maximum staff supervision and provides appropriate programming to address delinquent behavior.

Juvenile programming at the Youth Correctional Center includes drug and alcohol programming; child psychiatric and psychological services; sexual offender programming; a pretreatment program for juveniles who are difficult to manage; and a security intervention group program to inform, educate, and provide juveniles with alternatives to gang activity and gang affiliation. The Youth Correctional Center provides adjudicated adolescents an opportunity to complete or progress toward completing their education coursework while in residence through an accredited junior high and high school.

2005-06 INTERIM STUDY AND 2007 LEGISLATION

During the 2005-06 interim, the commission made several recommendations, and the Legislative Assembly responded to most of the recommendations.

Electronic Monitoring

The commission recommended Senate Bill No. 209 (2007), which provided that except for an offense for which the law requires mandatory incarceration, electronic home detention or global positioning system monitoring may be used for certain adult and juvenile offenders. The bill, which was enacted, authorized, subject to the availability of funding, the court, or with the approval of the court, the Department of Corrections and Rehabilitation or a correctional facility, to implement an electronic home detention and global positioning system monitoring program.

Executive Budget and Funding Issues Faith-Based Treatment Program

The commission recommended the Governor include in the 2007-09 executive budget \$300,000 for room and board expenses for individuals admitted to a faith-based program to address addiction problems.

In 2007 the Legislative Assembly included within the 2007-09 biennial budget for the Department of

Corrections and Rehabilitation \$500,000 for faith-based programming.

Drug Courts

The commission recommended the Governor include in the 2007-09 executive budget approximately \$600,000 for the addition of two FTE positions for the Department of Corrections and Rehabilitation and four FTE positions for the Department of Human Services to assist in the expansion of drug courts.

In 2007 the Legislative Assembly included funding and authorization for three FTE positions within the Department of Corrections and Rehabilitation for drug court parole and probation officers and for four additional FTE positions for addiction counselors at regional human service centers.

Robinson Recovery Center

The commission recommended the Governor include in the 2007-09 executive budget up to \$1.2 million for the expansion of the Robinson Recovery Center.

In addition to the base funding of \$500,000 and an inflationary increase of \$134,000, the Legislative Assembly directed that \$700,000 from the general fund within the budget for the Department of Human Services must be used for increasing the number of individuals receiving methamphetamine treatment services at the Robinson Recovery Center.

Community Service Programs

The commission recommended the Governor include in the 2007-09 executive budget \$200,000 to be administered on a cost-share basis with local governments for the operation of community service programs.

The Legislative Assembly enacted Senate Bill No. 2243 (2007), which imposed a \$50 community service supervision fee upon each defendant who receives a sentence that includes community service. The bill provided that the community service supervision fees collected are to be deposited in the community service supervision fund to be used to provide community service supervision grants. The bill appropriated \$125,000 from the fund for the 2007-09 biennium to the Department of Corrections and Rehabilitation for providing matching grants for community service supervision of offenders and directed the department to use \$100,000 of the funds appropriated in the field services line item in Section 3 of House Bill No. 1015 (2007) for the purpose of providing matching grants for community service supervision of offenders for the biennium.

Cass County Jail Intervention Coordinating Committee

The commission recommended the Governor include in the 2007-09 executive budget \$582,000 to assist in implementing the Cass County Jail Intervention Coordinating Committee mental health

project, to be contingent upon the receipt of a federal grant for the implementation of the project.

Other Recommendations and Statements

The commission expressed its support for an appropriate level of funding, staffing, and training for electronic monitoring programs and the continued use and expansion of the secure continuous remote alcohol monitoring program. The commission encouraged the Governor to assess the need for reducing caseloads for licensed addiction counselors, case managers for individuals with serious mental illnesses, and parole and probation officers to attempt to achieve industry caseload standards.

The Legislative Assembly provided funding in the 2007-09 budget for the Department of Human Services for 4 additional full-time case managers, 1 additional addiction counselor, and 1 sexual abuse therapist and provided funding in the budget for the Department of Corrections and Rehabilitation for up to an additional 11 parole and probation officers and 1 corrections agent.

The commission recommended the provision of adequate funding for mental health and substance abuse programs.

The Legislative Assembly included within the budget for the Department of Human Services approximately \$2.8 million for the phase in of a community-based sexual offender treatment program.

The commission encouraged the Department of Human Services to work with treatment providers to identify gaps in recovery support services and to assist in the implementation of programs to provide early mental health screenings.

The commission encouraged school districts to operate alternative schools to assist in keeping adolescents in school.

The commission encouraged the continued study of the effectiveness of substance abuse treatment programs. The Legislative Assembly amended Section 19-03.1-45 to continue the drug assessment and treatment diversion program and expanded the program from a three-county pilot program to a statewide program.

The commission encouraged state agencies and other entities to place additional emphasis on education and awareness of substance abuse issues.

The commission expressed support for the work of the Prevention Advisory Council on Drugs and Alcohol appointed by the Governor, including the identification of methods for strengthening families and healthy communities.

The commission expressed support and encouragement for private initiatives, such as programs that provide mentors for children of incarcerated individuals.

2007-08 INTERIM STUDY AND 2009 LEGISLATION

During the 2007-08 interim, the commission made several recommendations, and the Governor and the Legislative Assembly responded to most of the recommendations.

Community Service Supervision Fee Bill

The commission recommended Senate Bill No. 2028 (2009) to repeal the \$50 community service supervision fee that courts are required to impose on participants in community service programs. As enacted the bill retained the community service supervision fee but reduced the fee to \$25.

Commission Extension Bill

The commission recommended Senate Bill No. 2029 (2009) to extend the existence of the commission until June 30, 2013. As enacted the bill extended the life of the commission until August 1, 2013.

Executive Budget and Funding Issues

Faith-Based Treatment Program

The commission recommended the Governor include \$500,000 in the executive budget for room and board expenses for individuals admitted to a faith-based program to address addiction problems.

The Legislative Assembly increased funding for faith-based treatment programming to \$800,000.

Community Service Programs

The commission recommended the Governor include \$500,000 in the executive budget for the Department of Corrections and Rehabilitation to be used by the department to provide matching grants for community service programs at a level to be determined by the department.

The Legislative Assembly provided an appropriation of \$62,500 from the community service supervision fund to the department in Senate Bill No. 2015 (2009) and also provided an appropriation of \$375,000 from the general fund to the Office of Management and Budget in Senate Bill No. 2178 (2009) for community service supervision grants.

Cass County Justice and Mental Health Collaboration Project

The commission recommended the Governor include \$86,000 in the executive budget for the Cass County Justice and Mental Health Collaboration Project.

Crisis Intervention Training

The commission recommended the inclusion of \$126,576 in the budget for the Attorney General to provide for crisis intervention training for law enforcement officials.

Juvenile Crisis Intervention Programs

The commission expressed its support for a request by the Department of Human Services for expanded state funding for juvenile crisis intervention programs around the state.

Senate Bill No. 2355 (2009) appropriated to the Department of Corrections and Rehabilitation \$200,000 for a pilot project relating to providing a short-term shelter program for at-risk youth.

Other Recommendations and Statements

The commission encouraged the Governor and the Department of Human Services to allow the Robinson Recovery Center to address treatment needs for addictions other than the treatment of methamphetamine addiction.

The commission expressed its support for the efforts of the Department of Human Services and encouraged the department to provide broader residential treatment services for addictions and mental health issues on a statewide basis.

The commission expressed its support for legislation during the 2009 legislative session to clarify the role of the county sheriff in supervision of electronic home monitoring in misdemeanor cases. The Legislative Assembly adopted House Bill No. 1223 (2009), which provided that for those offenders who are sentenced to a term of imprisonment in a county jail or regional correctional facility, the court may commit the offender to the legal and physical custody of the administrator of the jail or correctional facility and provided that it is the responsibility of the administrator to determine whether the use of electronic home detention or global positioning system monitoring is appropriate for that offender.

The commission expressed its support for the 24/7 sobriety program initiated by the Attorney General and the efforts of the Attorney General to work with the Department of Transportation to extend work permits for participants in the 24/7 sobriety program. The Legislative Assembly adopted House Bill No. 1306 (2009), which authorized the State Parole Board to participate in the 24/7 sobriety program as an intermediate sanction or condition of parole. The bill also authorized the Attorney General to establish a statewide 24/7 sobriety program and established program guidelines and fees. The bill authorized a district or municipal court to order an offender charged with a violation of driving under the influence of alcohol or drugs, domestic violence, abuse or neglect of a child, or other offense in which alcohol or controlled substances are involved to participate in the 24/7 sobriety program as a condition of bond. The bill created a 24/7 sobriety program fund and provided a continuing appropriation for the use of money in that fund. The bill appropriated \$100,000 from the general fund to the Attorney General for the purpose of the 24/7 sobriety program.

2009-10 INTERIM STUDY AND CONSIDERATIONS

Department of Corrections and Rehabilitation

During the 2009-10 interim, the commission received reports from representatives of the Department of Corrections and Rehabilitation regarding programs and initiatives at the department which provide alternatives to incarceration or which are intended to keep offenders from reoffending.

Division of Juvenile Services and Youth Correctional Center

The commission toured the Youth Correctional Center and received testimony regarding the programs implemented at the center to bring about corrective actions in youth and to help keep troubled youth out of the adult justice system. Although the Youth Correctional Center serves as a secure detention and rehabilitation facility for adjudicated juveniles who require the most restrictive placement, about 30 percent of the juveniles who receive services through the Division of Juvenile Services are under supervision at home.

The Division of Juvenile Services has implemented an assessment process through which risks may be reduced by addressing the criminalgenetic needs, treatment needs, and academic needs of juveniles placed under the custody of the division. Under the assessment process, the division may make better informed decisions about placement and treatment of juveniles and provide for specialization of staff, continuity of procedures for intake, and the development of staff expertise.

The Youth Correctional Center operates a state-approved and accredited school that provides core classes, elective courses, and vocational education. The school also provides classes for independent living skills, parenting, and special education. The Read Right program implemented at the center has demonstrated that of the nearly 270 students completing the program, 94 percent have tested over two grade levels higher than their starting point and 83 percent tested at a post-high school level on a reading comprehension test.

Prison Industry and Education Programs

Chapter 12-48 authorizes the director of the Department of Corrections and Rehabilitation to establish and operate prison industries, and Chapter 12-48.1 authorizes the director to provide for work release and educational release programs for offenders under the custody of the department. In operating the prison industries, work release, and educational programs, the department has partnered with a number of private and public entities, including Job Service North Dakota, the Department of Commerce, the North Dakota University System, the Department of Public Instruction, and the Department of Human Services.

Because over 20 percent of the approximately 200 to 300 offenders placed under the custody of the Department of Corrections and Rehabilitation each year do not possess a high school diploma, and because a primary reason offenders reoffend after release from custody is the inability to find suitable employment due to a lack of education and appropriate skills, the department requires any offender who does not have a high school diploma to participate in an education program to work to achieve a general educational development (GED) diploma. To assist offenders in achieving educational advancement, the department has instituted reading programs, including the Read Right program and over 90 percent of the offenders earn a GED before release from custody.

In addition to addressing the basic educational needs of offenders, the department has implemented vocational education programs to help prepare offenders for employment upon release from custody. The prison industry program has over 50 skill-sets from which offenders may choose to participate. As well as providing offender training, the department works with private sector employers to help address workforce needs and with Job Service North Dakota to help place offenders in jobs upon release from custody.

The department also has implemented programs to help offenders learn how to obtain housing, prepare resumes, prepare budgets, and complete job applications.

Because a significant number of offenders under the custody of the department have child support obligations, the department works with the Department of Human Services to reduce temporarily the child support obligations of offenders while incarcerated so that the child support burden does not overwhelm the offender upon release. Although the support obligation may be reduced, 50 percent of an offender's earnings from a prison industry program are used to meet the child support obligation.

Transition Programs and Work Release

The Department of Corrections and Rehabilitation utilizes transitional facilities as a front-end alternative to incarceration and as a graduated release system for individuals being discharged from prison. In addition to providing parole and probation officers options in responding to violations from community offenders, transition programs are used to assist in maintaining continuity between the offender's reentry plan developed in prison and the offender's community reentry plan.

Evidence-based practices indicate lower risk offenders have improved outcomes if diverted to a less-restrictive environment and higher risk offenders have improved outcomes if released through a graduated, step-down system. Transitional facilities also provide chemical dependency treatment; cognitive behavioral programming; and conflict

resolution, parenting, budgeting, and employment skills.

If an offender has meaningful employment within the first two weeks after release from custody, the likelihood of the individual reoffending is significantly lower. Although transition programs are instrumental in helping offenders obtain meaningful employment, statutes imposing minimum mandatory sentences and requiring an offender to serve 85 percent of a sentence prevent some offenders from participating in education and work release programs.

Sexual Offender Monitoring and Electronic Monitoring of Offenders

The Department of Corrections and Rehabilitation provided information regarding efforts of the department to find housing for sexual offenders who are unable to find housing upon release from custody. In addition to being more difficult to monitor, homeless sexual offenders frequently violate sexual offender registration requirements due to being transient, which leads to further incarceration. During the 2009-11 biennium, the department budgeted \$160,000 to address the issue of housing for sexual offenders. The department placed a mobile home outside the fence at the State Penitentiary and began paying the Northlands Rescue Mission in Grand Forks to house sexual offenders.

The Department of Corrections and Rehabilitation continued efforts to expand the use of electronic monitoring of selected offenders under appropriate conditions.

Department of Human Services

During the 2009-10 interim, the commission received reports from representatives of the Department of Human Services regarding substance abuse treatment programs, the statewide community readiness survey, and mental health intervention programs provided by the department.

Robinson Recovery Center

The Department of Human Services continued to contract with the 40-bed Robinson Recovery Center in Fargo for residential treatment services for individuals with a primary methamphetamine addiction. By expanding admissions to include treatment for addictions other than methamphetamine, the center increased bed utilization to an average of 33 beds. At the time the commission visited the center in August 2010, 18 of the 33 individuals under treatment at the center were being treated for addictions other than methamphetamine.

Prevention Coordinators

Twelve substance abuse prevention coordinator positions are funded by the Department of Human Services. The department contracts with the Rural Crime and Justice Center of Minot State University for eight regional prevention coordinators located in each of the human service regions. In addition, the

department provides four tribal prevention coordinators. The purpose of the coordinators is to provide innovative, culturally appropriate substance abuse prevention strategies to local communities and offer resources and materials, education programs, and information on environmental strategies.

Community Readiness Survey

In 2008 the Department of Human Services funded a statewide community readiness survey to gauge the readiness of North Dakota citizens, professionals, and communities to take action regarding substance abuse issues. The results of the survey suggested a readiness to recognize that there is a concern, but there has been little recognition that the substance abuse problems are occurring locally or that there may be a local concern but there is no immediate motivation to do anything about the problem.

Community Service Programs

A court is required to impose a \$25 community service supervision fee upon each defendant who receives a sentence that includes community service. The community service supervision fees collected are to be deposited in the community service supervision fund to be used to provide community service supervision grants. Because the community service fee is low on the hierarchy of fees that a court is required to impose, defendants often do not have the financial resources to pay the fees imposed by courts. Therefore, many judges do not impose the fee or waive the fee when ordering a defendant to perform community service. In addition, there is a varied level of funding of community service organizations by local governments and a lack of consistency in establishing adequate local participation fees to cover the costs of the programs.

Juvenile Crisis Intervention

In 2009 the Legislative Assembly adopted Senate Bill No. 2355, which appropriated to the Department of Corrections and Rehabilitation \$200,000 for a pilot project relating to providing a short-term shelter program for at-risk youth. The department awarded the funds to Youthworks to provide shelter care in the Bismarck area.

During the first year of the biennium 147 short-term shelter care placements were made under the program. A report from Youthworks indicated that of the 78 juveniles who were assessed at intake as likely to require foster or group care placement, such placement was avoided for 33 of those juveniles which the report suggested resulted in an estimated cost-savings of \$35,145 based upon the 165-day average length of placement at a cost of \$213 per day.

24/7 Sobriety Program

In 2007 the Legislative Assembly authorized the Attorney General to establish a pilot sobriety program in one or more judicial districts of the state during the

2007-09 biennium for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing twice per day seven days per week or continuous monitoring, for offenders charged with or convicted of driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. In 2009 the Legislative Assembly authorized the Attorney General to expand the 24/7 sobriety program statewide. The program also was expanded to implement procedures for offenders charged with or convicted of domestic violence, abuse or neglect of a child, or for other offenses in which alcohol or controlled substances are involved and to include electronic monitoring and random drug testing by law enforcement.

The commission received reports indicating the statewide expansion of the 24/7 sobriety program was nearly complete and has been implemented and operated with minimal state funding. Because participants are required to pay the cost of testing, the program is able to operate in a self-sustaining manner. Statistics presented to the commission suggest that the threat of the immediate sanction of being jailed contributed to a passage rate of over 98 percent of the breath tests administered.

Housing for Faith-Based Treatment Program

The commission toured the Teen Challenge facility in Mandan. The Department of Corrections and Rehabilitation has contracted with Teen Challenge to provide funding for housing of program participants who are referred by the department. The funding provided by the department does not cover the program or counseling costs for department referrals, which amounts to approximately 50 percent of the total monthly cost of about \$2,000.

Drug Courts

The commission attended an adult drug court session and participated in the graduation ceremony for drug court participants in Minot. The commission received a report regarding the expansion and status of drug courts in the state. The state drug courts have been administered as cooperative ventures among district judges, state's attorneys, the Department of Corrections and Rehabilitation, the Department of Human Services, and contracted private treatment providers. Juvenile drug courts were being operated in Bismarck, Devils Lake, Fargo, Grand Forks, Minot, and Williston, and adult drug courts were located in Bismarck, Fargo, Grand Forks, and Minot.

Cass County Justice and Mental Health Collaboration Project

The commission received reports regarding the progress of implementation and the operation of the Cass County Justice and Mental Health Collaboration Project. In 2007 Cass County was awarded a \$250,000 grant to plan and implement a post-booking, jail-based program targeting offenders with a specific

diagnosis and whose nonviolent offense is a product of a treatable mental illness. As the project has been implemented, the Cass County Jail has collaborated with the Southeast Human Service Center for mental health services and also has hired a full-time clinical mental health coordinator at the jail to conduct assessments, refer mentally ill offenders to treatment providers, and make referrals to prosecutors for consideration of dismissal of charges or a deferred or suspended sentence. Although the federal grant funding for the project will cease, representatives of Cass County informed the commission the Cass County Board of County Commissioners agreed to provide funding for continuation of the project.

Other Reports

Students Against Destructive Decisions

The commission received a report regarding the Students Against Destructive Decisions program in Minot. The program, which began as Students Against Drunk Driving, has a policy that prohibits the use of illegal substances and the engaging in destructive behaviors by members who sign a contract promising to avoid destructive decisions.

Narcotics Anonymous

The commission received testimony from representatives of Narcotics Anonymous. Representatives of the program expressed concern that although the program has been allowed access to inmates at the Missouri River Correctional Center, access to inmates at the State Penitentiary and the Dakota Women's Correctional and Rehabilitation Center in New England has been denied.

HOPE Program

The commission received a report regarding the HOPE program, which is similar to drug court in that the program requires abstinence from drugs and alcohol and requires probationers to call in to the program daily as a condition of probation. However, the program does not require daily drug and alcohol testing. The frequency of drug and alcohol testing is lessened over time with demonstration of success by the participant. The program was described as a low-cost alternative to drug court but as a program that also would require judicial involvement.

Victim Assistance Academy

The commission received a report regarding the Victim Assistance Academy of North Dakota. The purpose of the academy is to provide comprehensive training to develop, implement, and maintain a statewide structure to expand and enhance the level of skills and knowledge for those who interact with victims of crime. The academy has used federal grant funding to implement the education program and has partnered with Minot State University to house students participating in the academy. Because federal funding for the academy was expected to cease, it was estimated the academy will need

approximately \$70,000 per year to continue to operate beyond 2010.

Second Chance Job Fair

The commission received a report regarding the Second Chance Job Fair, which was held in May 2010. The job fair was a collaborative effort involving the United States Probation and Pretrial Services Office, the Department of Corrections and Rehabilitation, Job Service North Dakota, the Department of Commerce, and other private and nonprofit entities. The job fair provided an opportunity for individuals who have criminal records and other job seekers to connect with employers. Over 200 individuals attended the job fair.

Mobile Employment and Education Transitions Unit

The commission received a report from a representative of the United States Probation and Pretrial Services Office regarding a mobile employment and education transitions unit. A mobile employment and education transitions unit is a small truck that includes workspace for individuals to access the Internet and other resources through which the individuals may obtain educational and workforce resources. The purpose of purchasing such a vehicle would be to bring the resources to rural areas of the state and assist residents of those areas in seeking employment and educational services that generally would not be accessible to them.

Heart of America Correctional and Treatment Center

The commission toured the Heart of America Correctional and Treatment Center in Rugby. The center has 132 beds, including 32 beds in a treatment unit. Twenty-five of the treatment unit beds have been allocated for referrals from the Department of Corrections and Rehabilitation. The commission was informed that the 25 treatment beds allocated to the department were filled on an ongoing basis.

Other Commission Tours

The commission also toured the Dakota Boys and Girls Ranch in Minot, the Ward County Juvenile Detention Center in Minot, and the Cass County Jail and the Cass County Juvenile Detention Center in Fargo.

2009-10 STUDY RECOMMENDATIONS AND 2011 LEGISLATION

At the conclusion of the 2009-10 interim, the commission made several recommendations, and the Governor and the Legislative Assembly responded to many of the recommendations.

2011-13 Executive Budget

The commission recommended the Governor include in the executive budget funding in an amount

equal to the amount provided during the 2009-11 biennium for treatment at the Robinson Recovery Center. The Legislative Assembly included within the budget for the Department of Human Services \$1,594,025, which accounts for an inflationary increase of \$112,452 over the 2009-11 biennium.

The commission recommended the Governor include in the executive budget an amount equal to or greater than the amount provided during the 2009-11 biennium to support community service programs. The Legislative Assembly, through Senate Bill No. 2275, appropriated \$375,000 from the general fund for the biennium to support the community service programs.

The commission recommended the Governor include in the executive budget funding in an amount equal to the amount provided during the 2009-11 biennium for room and board expenses for individuals admitted to a faith-based program to address addiction problems. The Legislative Assembly included within the budget for the Department of Corrections and Rehabilitation \$815,000 for room and board expenses for individuals admitted to faith-based treatment programs, which is essentially the same amount provided during the previous biennium.

Work and Education Release Bill

The commission recommended House Bill No. 1028 (2011) to allow the Department of Corrections and Rehabilitation to authorize work release or education release for an offender not currently eligible for participation in those programs due to the requirement to serve 85 percent of a sentence or to a minimum mandatory sentence, with the exception of an offender sentenced to life imprisonment without the opportunity for parole. The Legislative Assembly enacted the bill.

Community Service and Other Fees Study

The commission recommended Senate Concurrent Resolution No. 4001 (2011) to direct a Legislative Management study of the imposition of fees at sentencing and other fees that are imposed upon offenders. The Legislative Assembly passed the resolution and the study was assigned by the Legislative Management to the Commission on Alternatives to Incarceration.

Short-Term Shelter Care Bill

The commission recommended Senate Bill No. 2029 to continue the short-term shelter care and assessment program that was initiated during the 2009-11 biennium and provide an additional \$200,000 in funding to expand the program to another area of the state. The bill failed to pass the Senate. However, the Legislative Assembly included a total of \$200,000 in the Department of Human Services budget to continue the short-term shelter care and assessment program.

Other Recommendations and Statements

The commission expressed its support for the Read Right program.

The commission expressed its support for continuation of electronic detention and global positioning system monitoring programs.

The commission expressed its continued support for the 24/7 sobriety program.

The commission expressed its continued support for expansion of drug courts within the state.

The commission, in recognition of the fact that many individuals incarcerated have underlying mental health issues, expressed continued support for the maintenance of a case manager position for the Cass County Justice and Mental Health Collaboration Project.

PROPOSED STUDY APPROACH

In undertaking this study, the commission may continue to monitor and assess the agencies and programs discussed during the last interim and monitor and assess new programs implemented during this biennium. The commission may consider spending some time identifying additional areas of study. The commission also could continue to monitor and review successful alternatives-to-incarceration programs undertaken in other states and jurisdictions. The commission should prepare recommendations for inclusion in the Governor's budget by September 2012.