

November 2009

## COMMISSION ON ALTERNATIVES TO INCARCERATION - BACKGROUND MEMORANDUM

The Commission on Alternatives to Incarceration was created by 2005 House Bill No. 1473. The bill, which was codified as North Dakota Century Code Section 54-35-24, required the Legislative Council 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 Council 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

A 2008 study conducted by the Pew Center on the States reported that approximately 2.3 million adults were incarcerated in this country, which means that more than 1 in every 100 adults in the country was incarcerated. A followup report in 2009 indicated that number of adults under community supervision also has increased dramatically to over 5 million. However, the report stated that the percentage of offenders under community supervision decreased slightly over the last 25 years, while the number of offenders incarcerated increased. The report indicated that in 1982, 28 percent of offenders were incarcerated and 72 percent were under community supervision. At the end of 2007, the percentage of total offenders under community supervision versus incarceration decreased to 69 percent. Combining the number of offenders incarcerated and the number under community supervision, the percentage of adults under the control of the correctional system in this country has risen to 3.2 percent, which is approximately 1 in every 31 adults.

The 2009 report prepared by the Pew Center on the States indicated that the number of adults under the control of the correctional system (state and federal) in North Dakota increased from 1 in 234 in 1982 to 1 in 63 at the end of the year 2007. The report also indicated that 35 percent of the correctional population was incarcerated in 2007, which ranked 27<sup>th</sup> nationally. According to the report, North Dakota ranks 47<sup>th</sup> nationally in the total number of adult offenders either incarcerated or under community supervision.

### Department of Corrections and Rehabilitation

In the appropriation bill--Senate Bill No. 2015 (2009)--for the Department of Corrections and Rehabilitation, the Legislative Assembly appropriated \$170,362,718 for the Department of Corrections and Rehabilitation for the 2009-11 biennium. Of that amount, \$144,425,025 is from the general fund. The bill also appropriated \$1,039,856 from federal American Recovery and Reinvestment Act of 2009 funds to the department. The appropriation for the department provided for an increase of 24 full-time

equivalent (FTE) positions, which increased the total number of FTE positions within the department to 735.29. In addition, 2009 Senate Bill No. 2030 appropriated to the department \$19,465,804 from the general fund and \$44,534,196 from the State Penitentiary land fund for the purpose of completing the renovation and expansion of the State Penitentiary project. Senate Bill No. 2355 (2009) appropriated to the department \$200,000 for contracting with a private nonprofit organization to conduct a short-term shelter and assessment pilot project.

The appropriation to the department in Senate Bill No. 2015 included \$27,928,227 for contract housing and transitional facilities for male inmates housed at the Missouri River Correctional Center, county jails, and private facilities. The department received \$8,638,154 to contract with the Dakota Women's Correctional and Rehabilitation Center to house female inmates. In addition, Senate Bill No. 2015 required the department to distribute in 24 equal payments the sum of \$1,628,813 to the Heart of America Correction and Treatment Center for inmate-related treatment services during the biennium. The bill included a provision that states that if the Heart of America Correction and Treatment Center does not accept a sufficient number of inmates to occupy at least 96 percent of the average daily treatment program bed count provided for in the contract for the first 10 months of each year of the biennium, the department must reduce the monthly payments for the remaining two months of each year. However, the department is required to refer a sufficient number of inmates to the Heart of America Correction and Treatment Center to allow for the average daily treatment program bed count provided for in the contract to be fulfilled.

### **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 September 2009, the State Penitentiary housed 526 male inmates. The James River Correctional Center in Jamestown is classified as a medium security housing facility and, as of the end of September 2009, housed 416 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 September 2009, the Missouri River Correctional Center housed 148 inmates.

### **Parole and Probation Division**

The department has 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, the Tompkins Rehabilitation and Corrections Unit, and the Last Chance Programs.

The Tompkins Rehabilitation and Correction Center, a combined program located on the campus of the State Hospital in Jamestown, houses both inmates and noninmates. The center provides a structured two-phased treatment program that generally lasts between 100 days and 120 days. The center is the combination of the Tompkins Rehabilitation and Corrections Unit from the Stutsman County Corrections Center and the Corrections Rehabilitation and Recovery Center. The center consists of three 30-bed wards--one ward (30 beds) for females and two wards (60 beds) for males.

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, which consists of one member from each of the six counties represented in the Southwest Multi-County Correction Center. The six counties are Stark, Slope, Billings, Bowman, Dunn, and Hettinger. The prison at the Dakota Women's Correctional and Rehabilitation Center consists of facilities for minimum and higher security inmates and for administrative segregation. As of the end of September 2009, the Dakota Women's Correctional and Rehabilitation Center housed 117 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.

## **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. 2029 (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 CONSIDERATIONS**

### **Department of Corrections and Rehabilitation Department Reorganization**

During the 2007-08 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.

In 1989 the Legislative Assembly merged the State Penitentiary, the Parole and Probation Department, and the Division of Juvenile Services into the newly created Department of Corrections and Rehabilitation. The legislation creating the department provided that the department consist of an Adult Services Division, a Division of Juvenile Services, and such other divisions as determined necessary. From 1989 until 2007, the department included a Prisons Division and a Parole and Probation Division, which later became known as the Field Services Division.

The department sought to be considered for a National Institute of Corrections program--the Transition From Prison to Community Initiative. In working to implement that initiative, officials of the department recognized that the significant growth of the Prisons Division and the Field Services Division resulted in a fragmentation of the department. To better achieve the results desired under the initiative, the department underwent a restructuring at the

directive of the director of the department. Beginning in May 2007, the department moved to merge the Field Services Division and the Prisons Division into an Adult Services Division to combine all adult services under one division director. Under that director, there are now nine deputy directors. The department also established a centralized administration office and a human resources office. The reorganized department continues to include a Division of Juvenile Services.

### **Recidivism and Transition**

The recidivism rate--offenders reoffending--in this state is approximately 23 percent, which compares very favorably nationally. A key to reducing recidivism is to prepare an offender to reenter the community and to provide the education and training necessary to help the offender succeed after release from incarceration. The department initiated a process through which the department assesses all new inmates to identify individual strengths, aptitudes, and interests with the goal of recommending programs to enhance inmates' ability to transition into the community upon release. The department also has worked with Job Service North Dakota, the Department of Commerce, and private industry to identify workforce needs in the state. By collaborating with workforce training programs in the state, the department has attempted to educate and train offenders to fill unmet needs in the state's workforce and, thereby, lessen the chances that an offender will reoffend.

In transitioning offenders back to the community, the department has used facilities of the department, including the Missouri River Correctional Center, the Tompkins Rehabilitation and Correction Center, and county jails.

### **Sexual Offender Task Forces and Electronic Monitoring**

The department has placed sexual offender specialists around the state to work with local law enforcement, parole and probation officers, treatment providers, state's attorneys, and victims' advocates to collaborate in the supervision, treatment, and management of registered sexual offenders who are required to be supervised.

One of the tools used in the supervision of sexual offenders is global positioning system monitoring. Because some sexual offenders experience difficulty in finding housing upon release from incarceration, it has been more difficult for the department and law enforcement to supervise and monitor the offenders.

### **Faith-Based Community Housing Initiative**

The department continued to contract with the Teen Challenge program to provide housing for individuals participating in the residential treatment program.

### **Department of Human Services**

The commission received reports from representatives of the Department of Human Services regarding substance abuse treatment programs and mental health intervention programs provided by the department. Alcohol has continued to be the primary substance abuse problem, followed by marijuana and methamphetamine. Although the use of methamphetamine apparently has decreased within the state, the abuse of prescription drugs has become a growing problem.

### **Regional Human Service Centers**

The Department of Human Services provides substance abuse treatment to the public through the eight regional human service centers. In addition to providing a variety of substance abuse treatment services, the human service centers have the ability to contract with private service providers for additional treatment services so that the department is able to offer treatment options ranging from outpatient to residential treatment. The regional human service centers also provide crisis intervention and assessment services.

The crisis intervention team model is a program geared to divert individuals from the criminal justice system, emergency rooms, and intensive services when appropriate and to improve treatment for mentally ill individuals. The model requires a close working relationship between law enforcement officials and mental health professionals and may include the use of crisis stabilization units, mobile crisis teams, homeless shelters, and detoxification units. Although there may be variations of the model, the general purpose of the model is to train law enforcement officers to assess situations that may involve mental illness and to determine when intervention of mental health professionals may be appropriate to divert mentally ill individuals from the criminal justice system and provide treatment options.

### **Robinson Recovery Center**

In 2007 the Legislative Assembly doubled the amount of funding provided for the Robinson Recovery Center so that 40 beds would be available at the center. The Robinson Recovery Center is one of three residential treatment facilities in the United States that focuses specifically on treatment for methamphetamine addiction.

The Robinson Recovery Center received 157 referrals between July 1, 2007, and June 30, 2008. Over 50 percent of the referrals were from the Fargo area. During that time period the center admitted 62 individuals, approximately 20 percent of whom resided in the western portion of the state.

### **Drug Courts**

The commission received reports regarding the 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 are operated in Bismarck, Fargo, Grand Forks, Devils Lake, Williston, and Minot. Adult drug courts are operated in Bismarck, Fargo, Grand Forks, and Minot. In addition to the state drug courts, a tribal drug court has been implemented in Belcourt.

### **Community Service Programs**

In 2007 the Legislative Assembly adopted legislation requiring a court to impose a \$50 community service supervision fee upon each defendant who received a sentence that included 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 and defendants often do not have the financial resources to pay the fees imposed by courts, many judges do not impose the community service supervision fee when ordering a defendant to perform community service.

### **Cass County Justice and Mental Health Collaboration Project**

The commission received reports regarding the progress of implementation of the Cass County Justice and Mental Health Collaboration Project. The project received a federal grant for planning and implementation of the project, which is designed to keep nonviolent mentally ill offenders out of jail when appropriate. The diversion program is intended to provide a mental health assessment of an individual who has been arrested to determine if a mental health issue may be an underlying cause of the individual's criminal behavior.

### **24/7 Sobriety Program**

The commission received a report from the Attorney General and the Attorney General of South Dakota regarding implementation of a program designed to keep repeat driving under the influence offenders from consuming alcohol or drugs through the use of twice daily drug and alcohol testing. The 24/7 sobriety program has been in widespread operation in South Dakota since 2005. During the first three and one-half years of operation in that state, nearly 8,000 individuals participated in the program and nearly 1.3 million tests were administered. Of those tests, over 99 percent passed.

In 2007 the Legislative Assembly authorized the Attorney General to establish a sobriety pilot project in one or more judicial districts during the 2007-09 biennium. The pilot project was implemented in the South Central Judicial District and allowed a court to condition any bond or pretrial release of a defendant charged with a second or subsequent driving under

the influence offense on participation in the program. Under the program, the defendant must agree not to consume any alcoholic beverages and must commit to twice-per-day breath testing or electronic monitoring. As of August 13, 2008, 96 individuals participated in the pilot project. During that time, 5,765 tests were administered. Of that number, there were 83 failed tests or no-shows. Although most of the participants were required to report for breath tests, the program has implemented electronic monitoring through the use of five continuous alcohol monitoring bracelets.

### **Nongovernmental Programs**

The commission received reports from representatives of the Youthworks program and Lutheran Social Services regarding intervention programs administered and offered by those entities.

#### **Youthworks**

Youthworks is a private, nonprofit agency with a mission to prevent youth from entering the juvenile justice system and foster care. Youthworks operates a short-term care and assessment center in Bismarck which is able to serve up to five juveniles at a time. The juveniles served at the center are referred after experiencing a crisis, which may include the issuance of a juvenile citation, a mental health crisis, or an incidence of abuse. The purpose of the referral is to prevent long-term placement out of the juvenile's home. Juveniles referred to the program may receive attendant care, which typically is the result of a referral by law enforcement and which generally lasts less than 24 hours. Short-term or shelter care placements require parental or guardian consent and require reunification of the juvenile and parent or guardian within 96 hours, unless a court hearing has been held to allow continued placement.

#### **Lutheran Social Services**

Lutheran Social Services is a private, nonprofit, faith-based organization that has served the state since 1919. Lutheran Social Services operates a Youth Court in Cass County through which first-time offenders appear before a jury of their peers. In Grand Forks and Nelson Counties, the DIVERT program uses an intensive counseling approach to identify underlying issues of conflict between a parent and a child or to identify a mental health issue. The Youth Court and DIVERT programs have been funded through a variety of grants, donations, and private sources.

Lutheran Social Services also administers the Healthy Families program, which is a voluntary home visiting program designed to prevent child abuse and neglect; the Day Report Center in Grand Forks, which provides supervision of high-risk juvenile offenders during the late afternoon and evening; restorative justice programs, which bring together all parties involved in an offense to attempt to resolve the problem and address the offense, including the payment of restitution; and adult reintegration services

provided through a pilot program in Bismarck which are designed to assist offenders by providing testing and work skills evaluation, preemployment training, and job placement.

### **Other Reports**

#### **Rural Crime and Justice Center**

The commission received a report regarding the Rural Crime and Justice Center at Minot State University. The center was created in 1999 and became designated as a center of excellence in 2002.

The center's Rural Methamphetamine Education Project has received funding from the United States Department of Justice. The purpose of the project is to provide public awareness and education with respect to methamphetamine use to individuals, schools, and communities. The project partnered with Prairie Public Television to produce three documentaries relating to methamphetamine. Between February 2003 and October 2007, the project included over 900 presentations that were attended by more than 87,000 individuals. The center also has conducted a methamphetamine residual effects study, a Victim's Assistance Academy, and a North Dakota Crime Perception Survey.

#### **Individual Justice Planning Project**

The commission received a report regarding the Individual Justice Planning Project being undertaken by the Protection and Advocacy Project in cooperation with a number of entities, including the Department of Human Services, the Department of Corrections and Rehabilitation, and the judiciary. Although the Individual Justice Planning Project was established in 1988, the project was rarely used. The development of a new manual for the project was seen as an opportunity to expand the use of the project. The purpose of the project is to present alternatives to the criminal justice system, when appropriate, to address behavior that may have resulted from a mental or cognitive impairment. Pursuant to that purpose, an individual justice plan developed for an individual must provide accountability for the behavior but provide a less restrictive alternative approach to addressing the behavior which does not include incarceration.

#### **Pathways to Prosperity**

The commission received a report regarding the Pathways to Prosperity program established through a foundation grant for members of the Turtle Mountain Band of Chippewa Indians. The purpose of the grant is to reduce poverty over a 10-year period. As part of the poverty reduction plan, one strategy includes an effort to reach out to at-risk youth which may eventually include the creation of a youth drug court as well as other drug and alcohol prevention programs.

#### **Project Peacemaker**

The commission received a report regarding Project Peacemaker, which is a program at the Turtle

Mountain Community College designed to increase tribal members' knowledge of the law. The program is also intended to improve the curriculum of tribal colleges in law-related education and to train tribal council members, court employees, and other judicial officials.

### **Hyperbaric Oxygen Treatment**

The commission received a report regarding hyperbaric oxygen treatment for brain injuries and the potential to use the treatment to address brain damage due to drug abuse.

## **2007-08 STUDY RECOMMENDATIONS AND 2009 LEGISLATION**

At the conclusion of 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 to repeal the \$50 community service supervision fee that courts are required to impose on participants in community service programs. The bill was adopted but amended to retain the community service supervision fee and reduce the fee to \$25.

### **Commission Extension Bill**

The commission recommended Senate Bill No. 2029 to extend the existence of the commission until June 30, 2013. The bill was adopted but amended to extend 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 and also provided an appropriation of \$375,000 from the general fund to the Office of Management and Budget in Senate Bill No. 2178 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 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, 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, 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 establishes 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.

### **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 2010.