



Justice  
Center

# Justice Reinvestment Oversight Committee

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## Overview

- 01 Background
- 02 Prison and supervision population trends
- 03 Sentencing trends
- 04 Key takeaways and next steps

Several challenges existed in North Dakota when state leaders embarked on Justice Reinvestment.



North Dakota's prison and jail populations were **growing faster** than nearly every other state in the US.



**Community supervision revocations and low level non-violent offenses** accounted for 74 percent of prison admissions



**Lack of community resources** to support people with substance use and mental health disorders

Justice Reinvestment included three main goals to increase public safety.



Reserve **prison space** for people who commit the most serious and violent offenses



Reduce **recidivism** by changing behavior



Increase **behavioral health services** for people struggling with substance use and mental health challenges in the criminal justice system

SB 2015 and HB 1041 included a variety of policies aimed at improving the criminal justice system.

**Justice Reinvestment policies:**

- Credit for time served in custody prior to sentencing and commitment
- 30-day custodial intermediate sanction for people who violate probation
- Presumptive probation for specific Class C felonies and Class A misdemeanors
- Pretrial services pilot project
- \$7 million in funding for community-base behavioral health services (Free Through Recovery)
- \$500,000 to create a strategic plan to increase the behavioral health workforce

**Other aligned policies:**

- Medical parole
- Prioritization plan
- Drug offense reclassifications (ingestion and possession)
- Authorization of people to transition to probation to complete their sentence after successfully completing substance use treatment at DOCR
- Authorization of district courts to terminate probation after successful substance use treatment for DUI convictions
- Repeal of provisions denying federal benefits to people who have felony convictions

CSG works with stakeholders in each state to identify key metrics and establish benchmarks for monitoring progress.



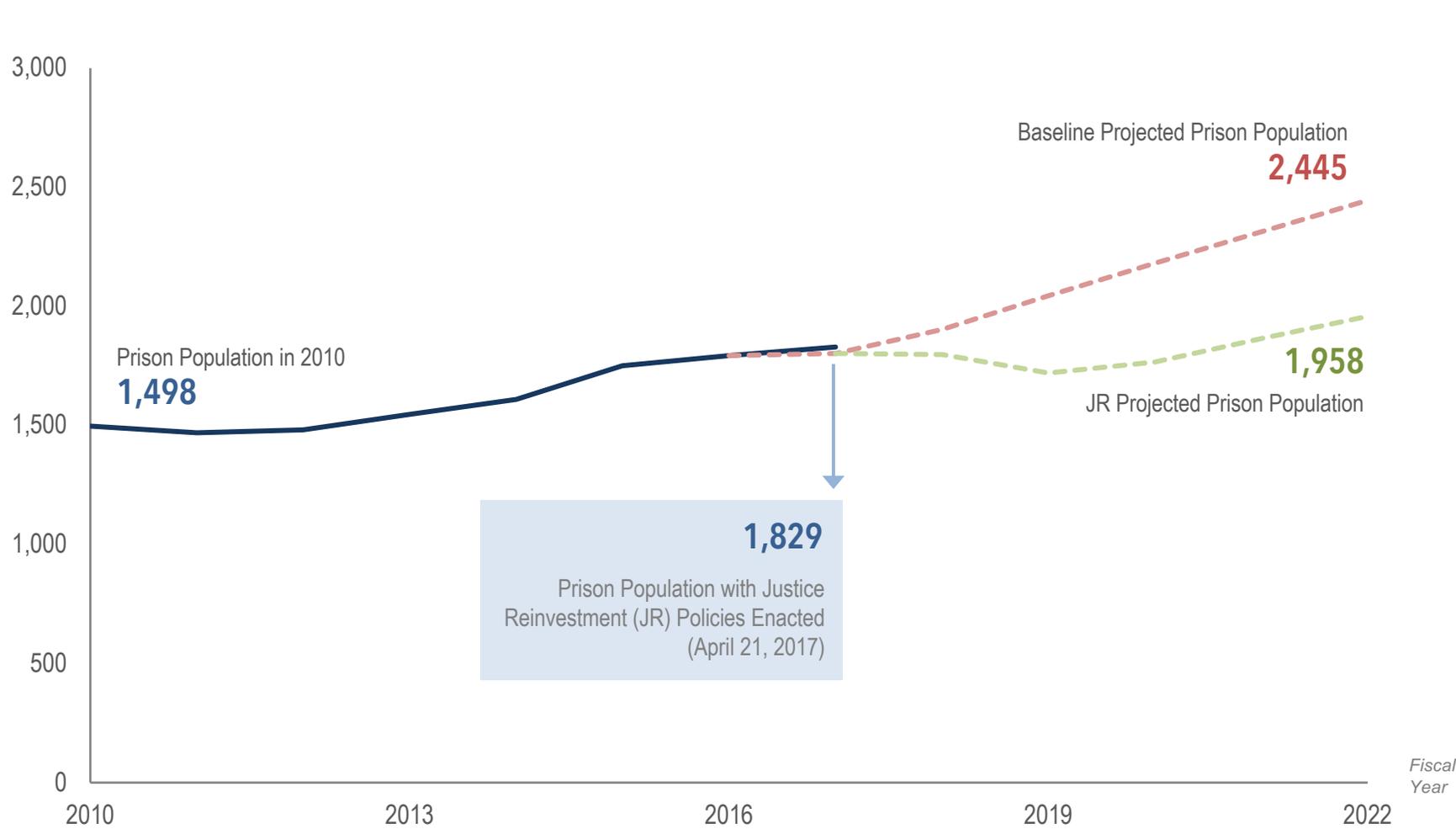
**State monitoring** is the process of collecting, monitoring, analyzing and using data about a state's criminal justice system in order to improve outcomes.



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North Dakota's package of legislation is projected to avert prison population growth by 36 percent by FY2023.



**\$64 million**

**in averted costs**

**1,650 fewer people**

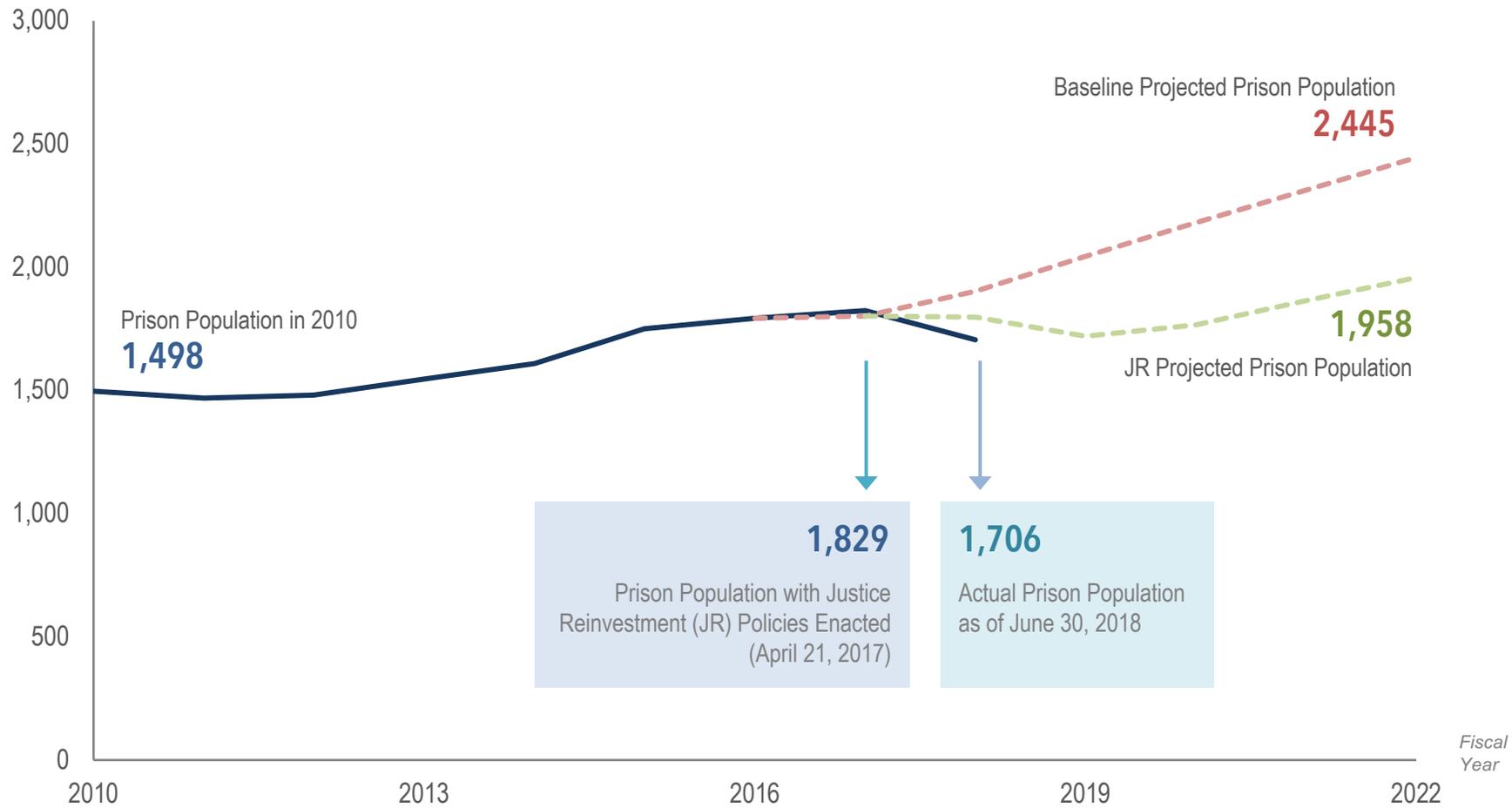
**in prison than forecasted FY2023 population**

**\$7.5 million**

**Investment in behavioral health services and planning**

Source: Source: North Dakota Department of Corrections and Rehabilitation estimated prison population projection for 2016-2022 and CSG Justice Center policy impact projection

# The drop in North Dakota's prison population is exceeding projections.

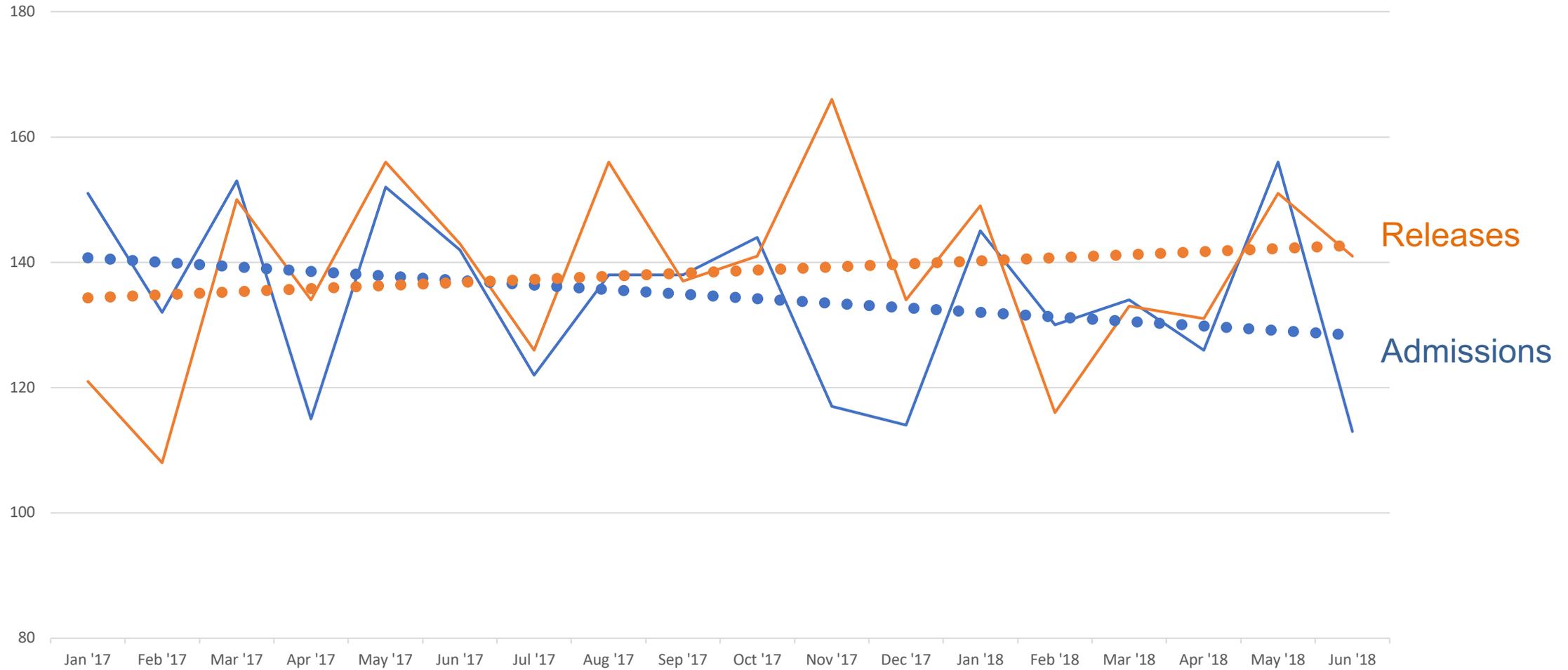


Since the 2017 legislative session, the DOCR population has decreased by **123** beds.

Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

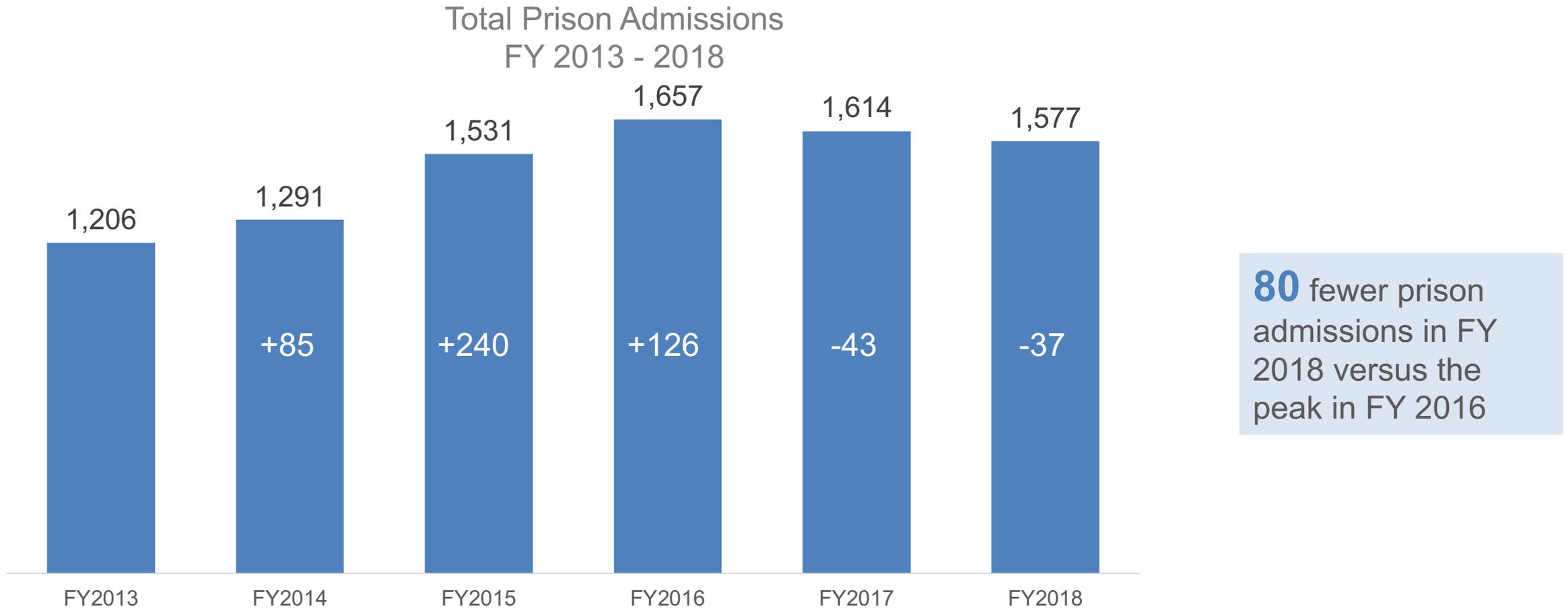
Starting in June 2017, prison releases surpassed prison admissions, contributing to the declining prison population.

Monthly Prison Admissions and Releases, January 2017 – June 2018



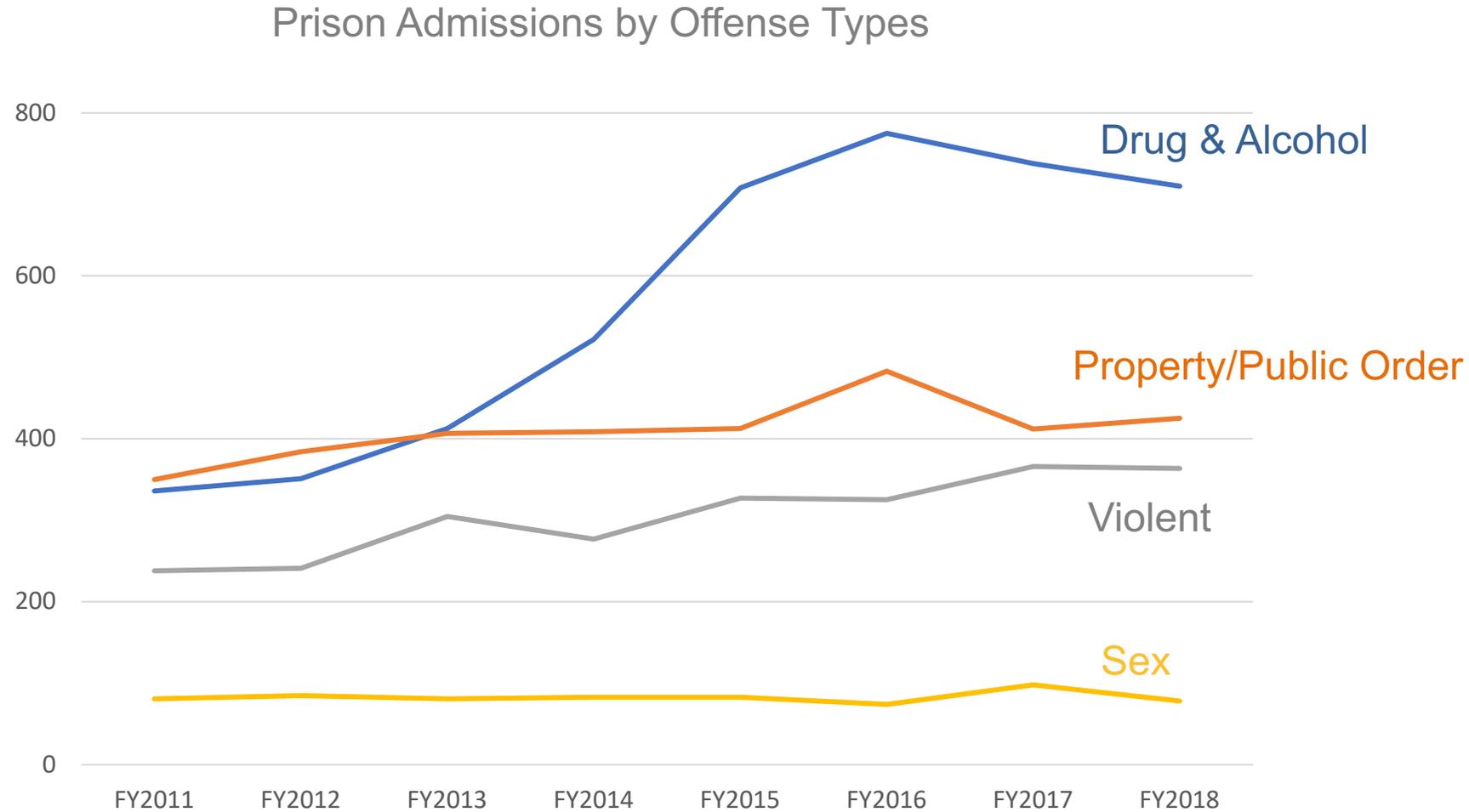
Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

After years of increasing, prison admissions have declined 4 percent since peaking in FY2016.



Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

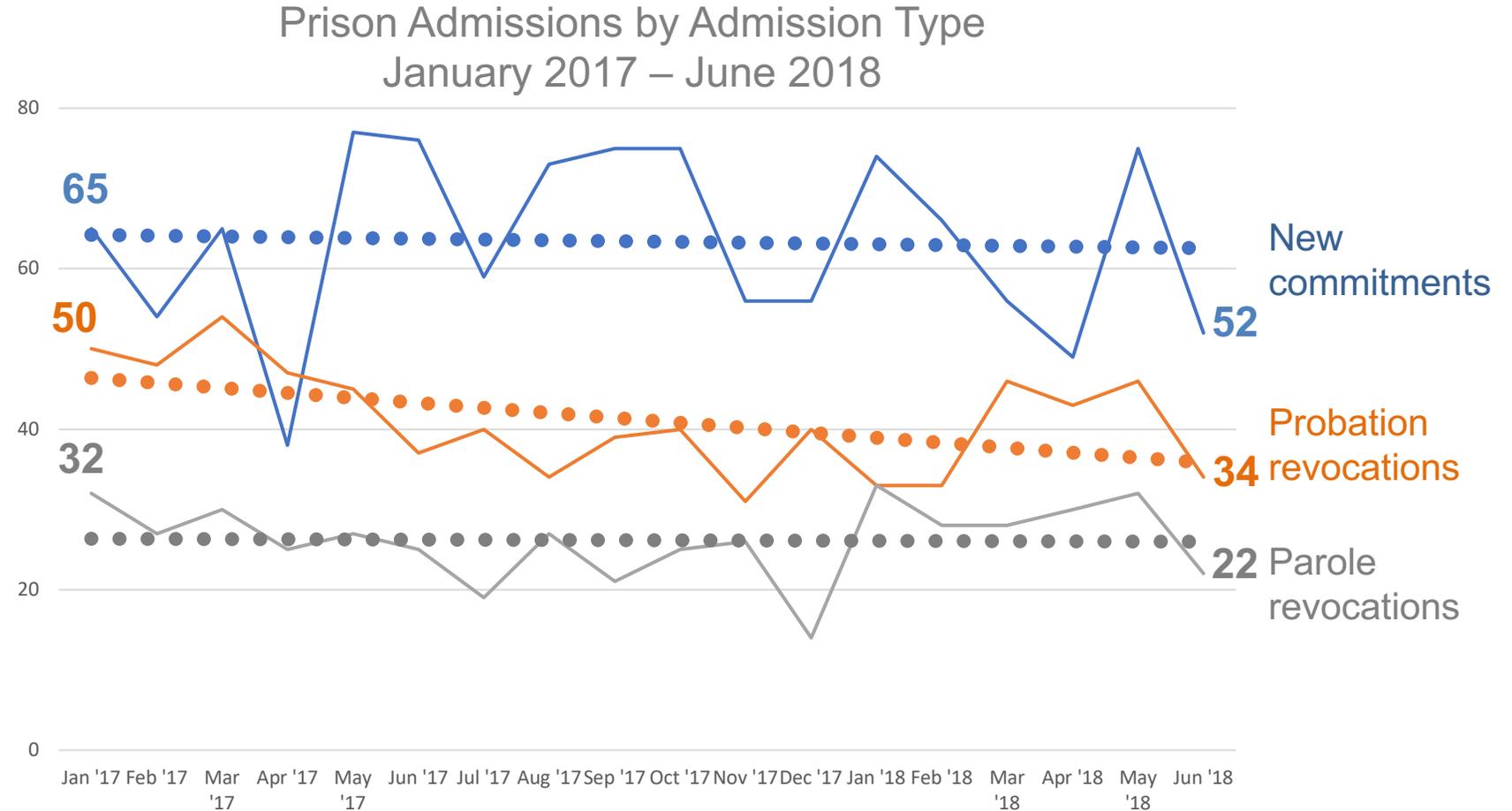
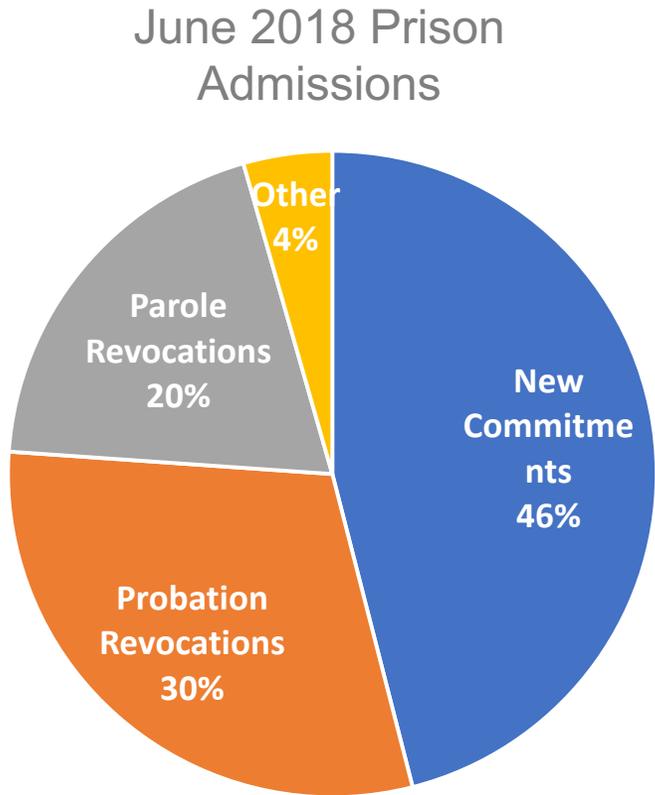
Admissions due to drug and alcohol offenses have been declining after significant growth from FY2011 to FY2016.



**8.4% decline** in prison admissions for drug and alcohol offenses since peak in FY 2016

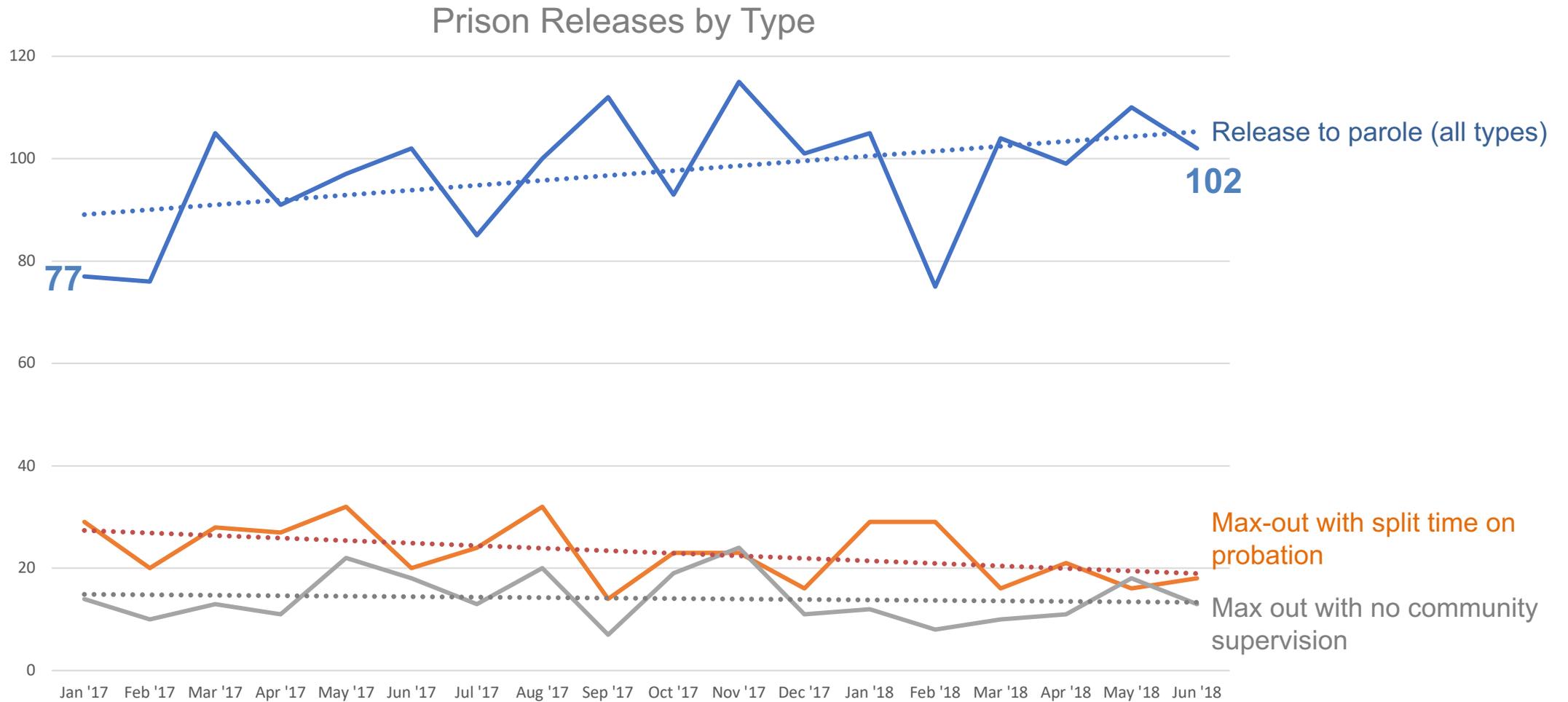
Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

Prison admissions due to probation revocations have declined since January 2017, while new commitments and parole revocations have remained flat.



Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

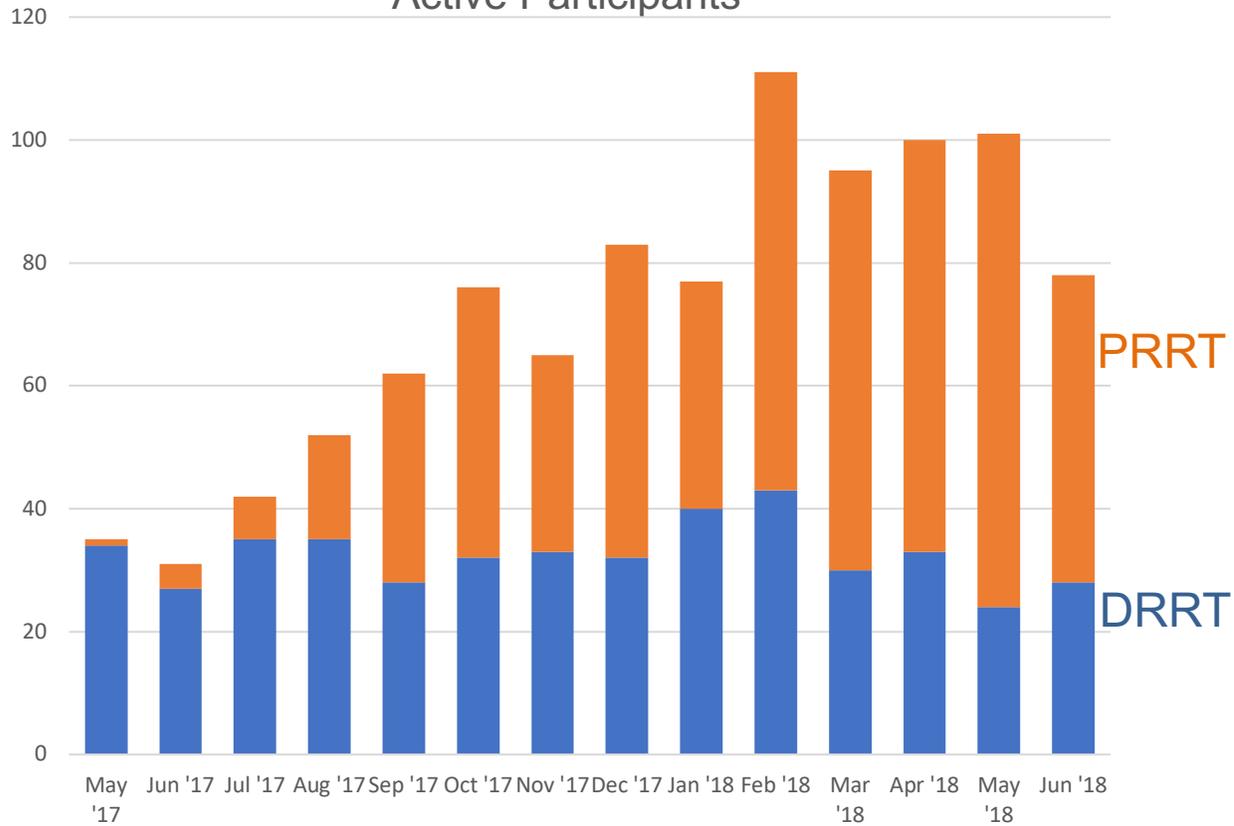
Prison releases to parole increased 32% from January 2017 to June 2018.



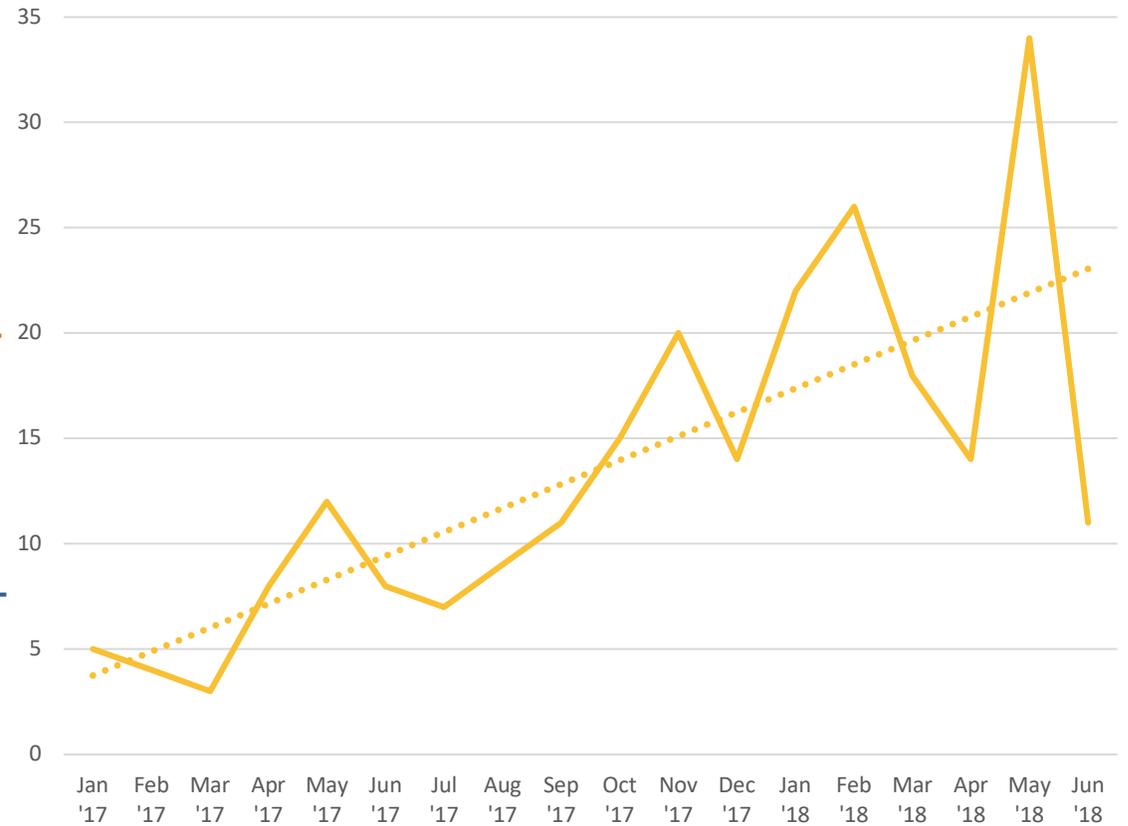
Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

People are increasingly completing Sentence and Treatment Early Release Programs (STEP) in prison as a path toward earlier release.

DUI Recidivism Reduction Track (DRRT) and Possession Recidivism Reduction Track (PRRT) Active Participants



Total DRRT and PRRT Releases from Prison



Source: ND Department of Corrections and Rehabilitation monthly tracking spreadsheet - June 2018

1,328 people have received a county jail earned good time credit, shortening length of stay in DOCR since HB 1041 enactment.

**16** fewer days per person spent in state prison, on average

**1/2** of people had 10 days or less of credit (10 day credit median)

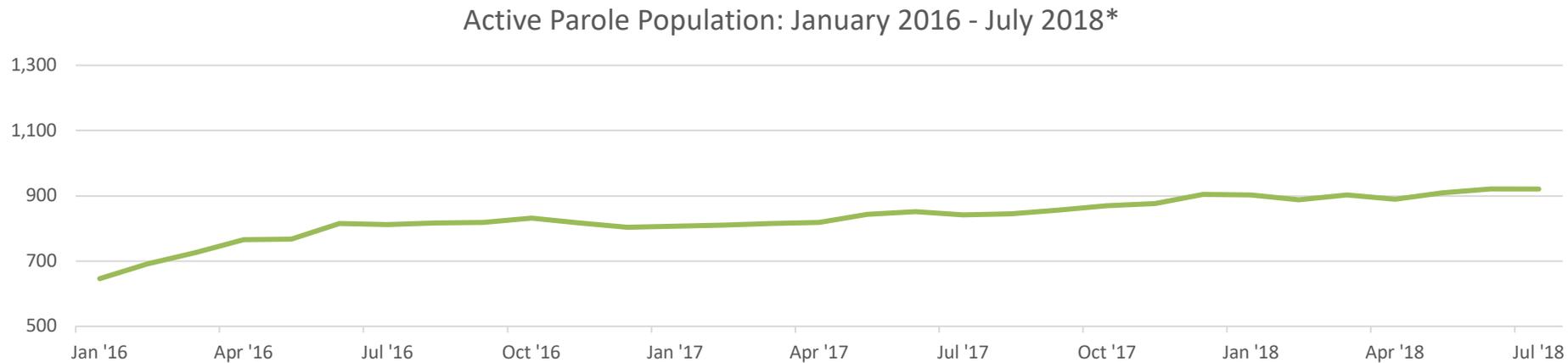
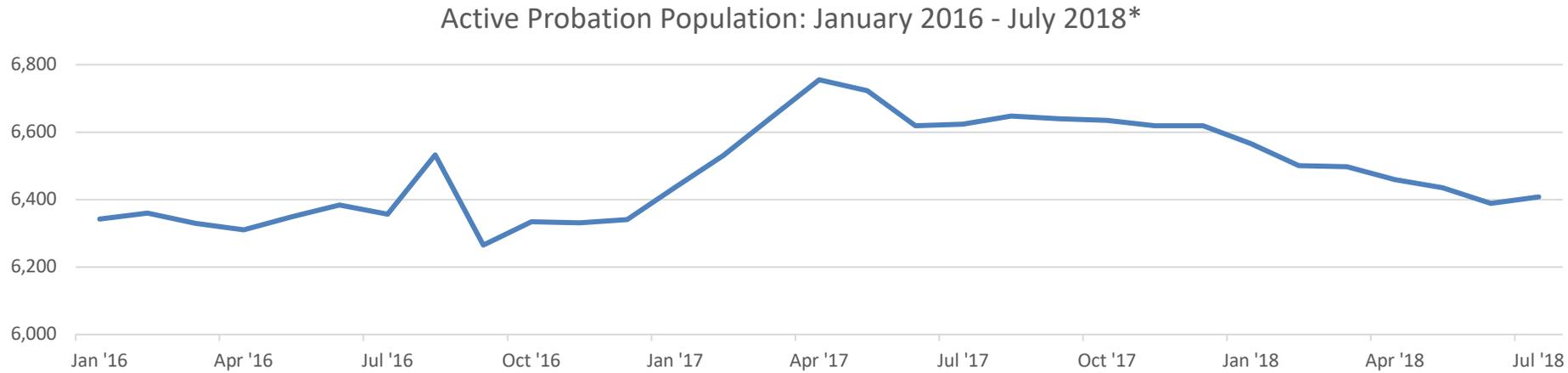
**88** individuals per month with earned good time in jail credit entering DOCR, on average

**23,337** days credited toward DOCR sentences total

**280** days was the longest credit given

*Source: Jail Good Time Credit excel spreadsheet, email by DOCR on 8/17/18*

The active probation population has steadily fallen since April 2017, while the active parole population continues to slowly grow.



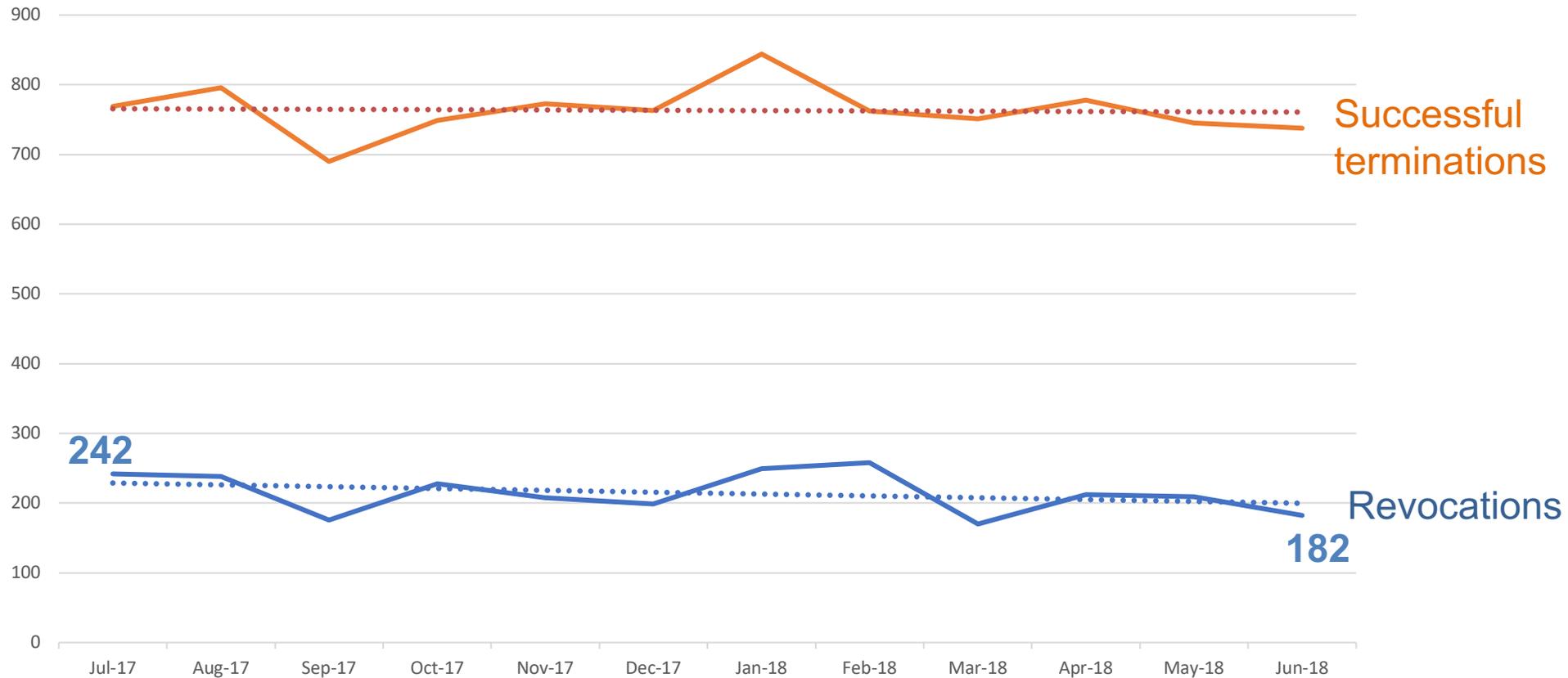
**7,081** total people on active supervision in July 2018

\*Data were not available for January – March 2017. Population volumes for these months were imputed based on the supervision volumes prior to and following these months.

Source: NDOC DOCR Data Tracking – June 2018

Supervision revocations decreased 25% over FY 2018, as successful terminations increased as a proportion of releases from supervision.

Supervision Releases by Type



**60 less** people revoked to prison in June 2018 as compared to July 2017

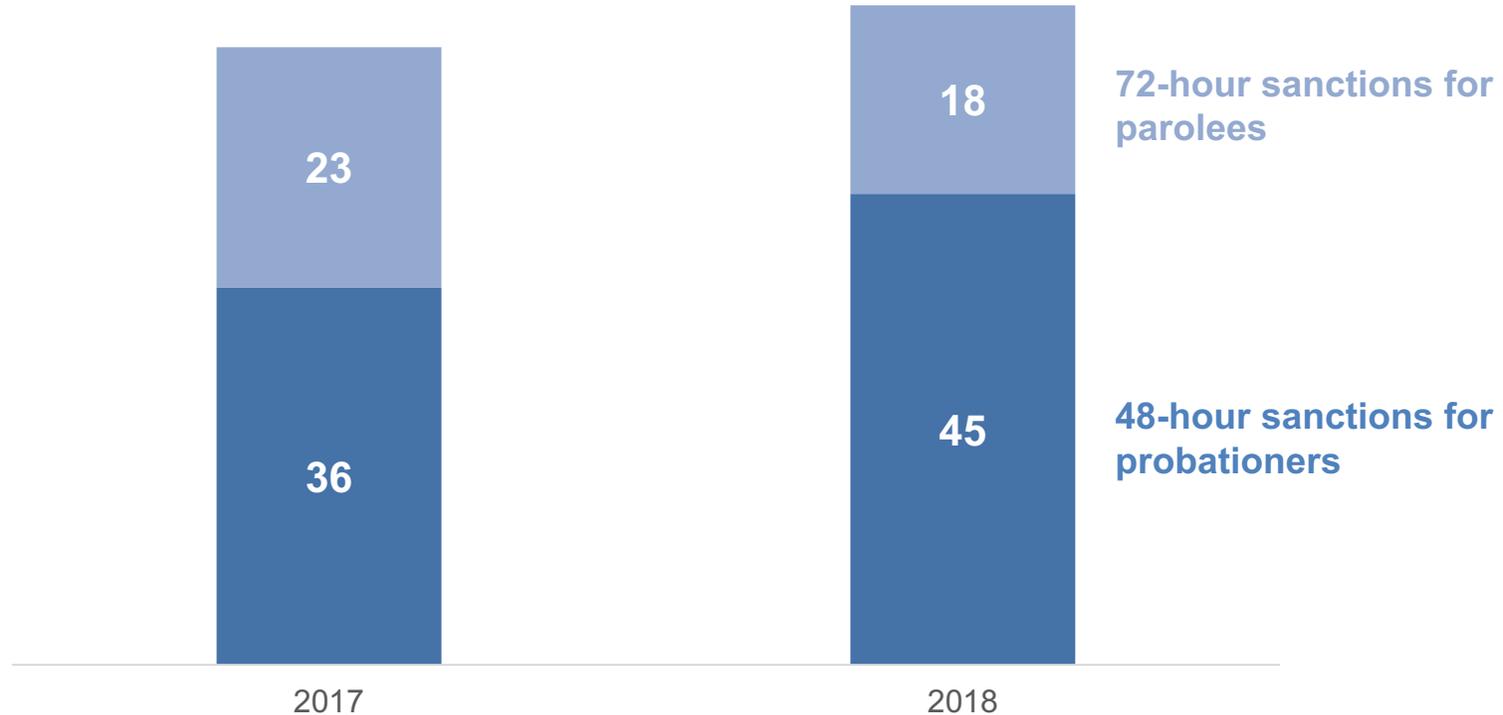
The proportion of successful terminations increased from **78%** in July 2017 to **80%** in June 2018

Source: NDOC DOCR Data Tracking – June 2018

Parole and probation officers are increasingly using short-term custodial sanctions as a response to supervision violations, with the goal of reducing the likelihood of full revocation.

### Short-term Custodial Responses to Violations of Supervision

On average, POs used 5 short-term sanctions per month in 2017 and 9 short-term sanctions per month in 2018



Source: NDOC DOCR Data Tracking – June 2018

## Overall, corrections and supervision data in North Dakota show promising trends

1. The prison population has decreased by 123 beds since the enactment of SB 2015 and HB 1041.
2. This appears to be driven by decreasing prison admissions for drug offenses and probation revocations; increasing releases to parole supervision; and reductions in length of stay.
3. Overall, there was a 2.5% decrease in the number of people in correctional control.
4. Supervision revocations have also decreased over FY 2018, as parole and probation officers focus on intermediate responses to violations to promote behavior change.



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It is still too soon to measure the impact of the new presumptive probation policy on felony sentencing, as it takes an average of 8 months for felony cases to be disposed.

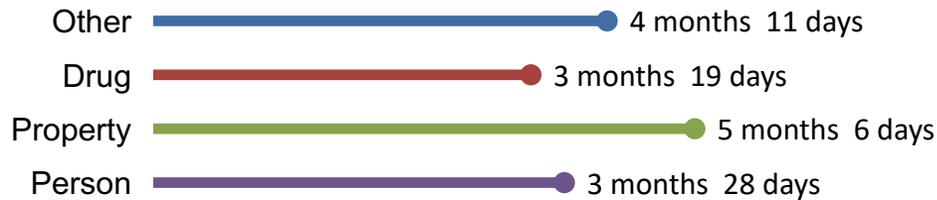
**Effective Dates:**

**April 21, 2017:** HB 1041 sentencing changes

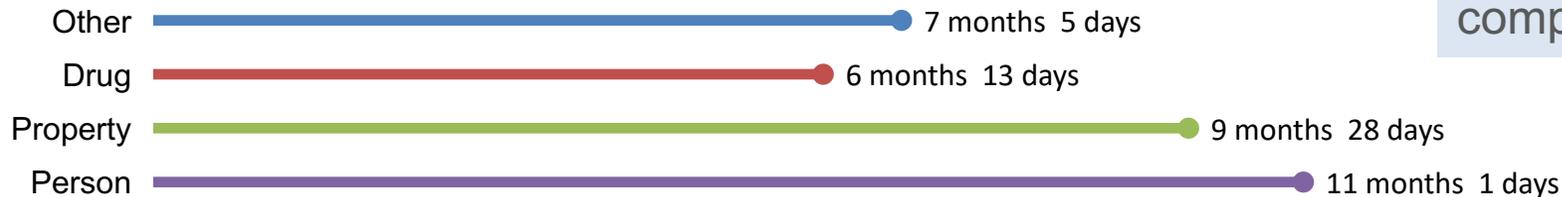
**January 1, 2018:** Presumptive probation for Class C felonies and Class A misdemeanors

Average completion time for court cases from offense date to disposition

**Misdemeanor**



**Felony**



**4 months** average court case completion time for all misdemeanor types

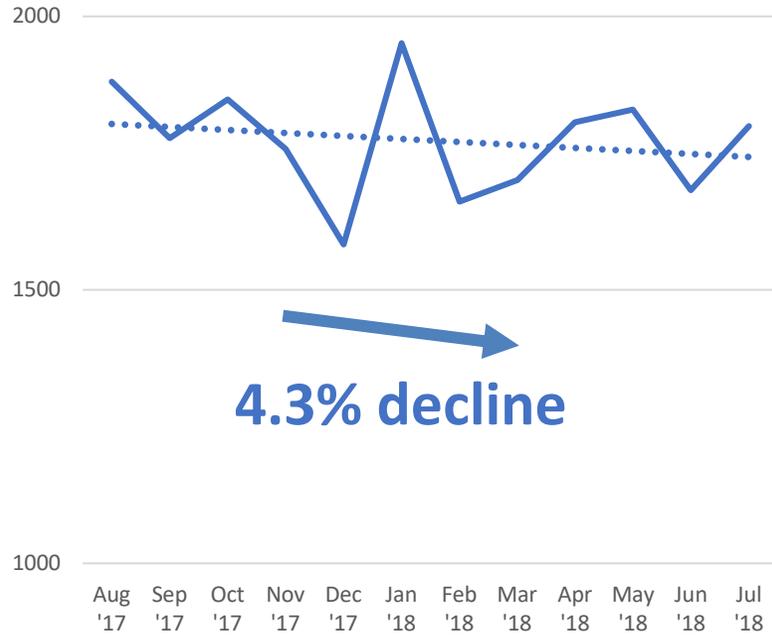
**8 months** average court case completion time for all felony types

Offense Date      3 months      6 months      9 months      12 months

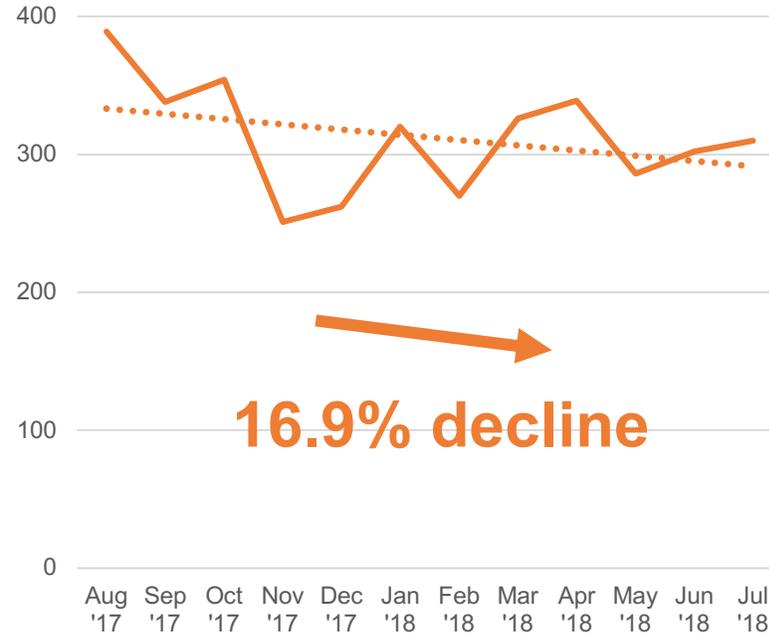
Source: Case level sentencing data provided to CSG Justice Center by ND's State Office of Court Administration

Overall felony and misdemeanor dispositions have fallen since August 2017, while deferred impositions have slightly increased.

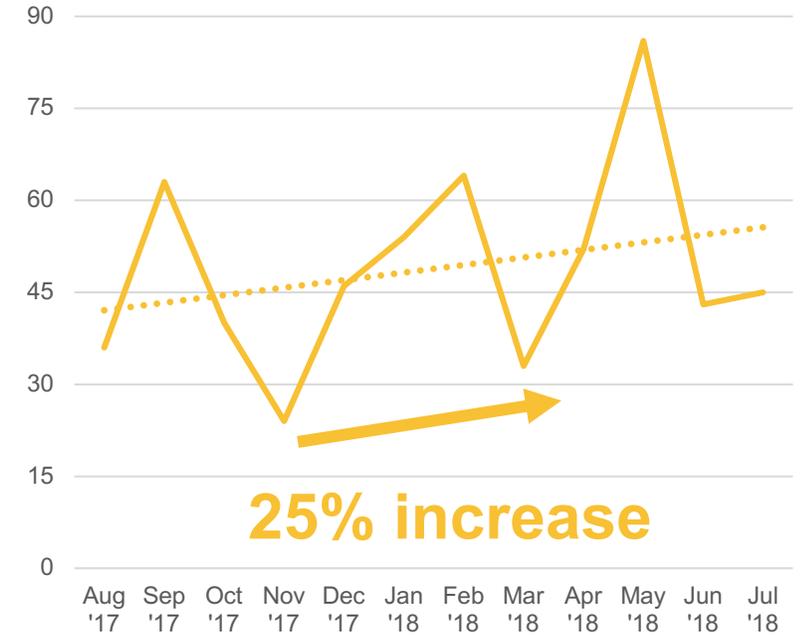
Misdemeanor Sentence Dispositions



Felony Sentence Dispositions



Deferred Impositions

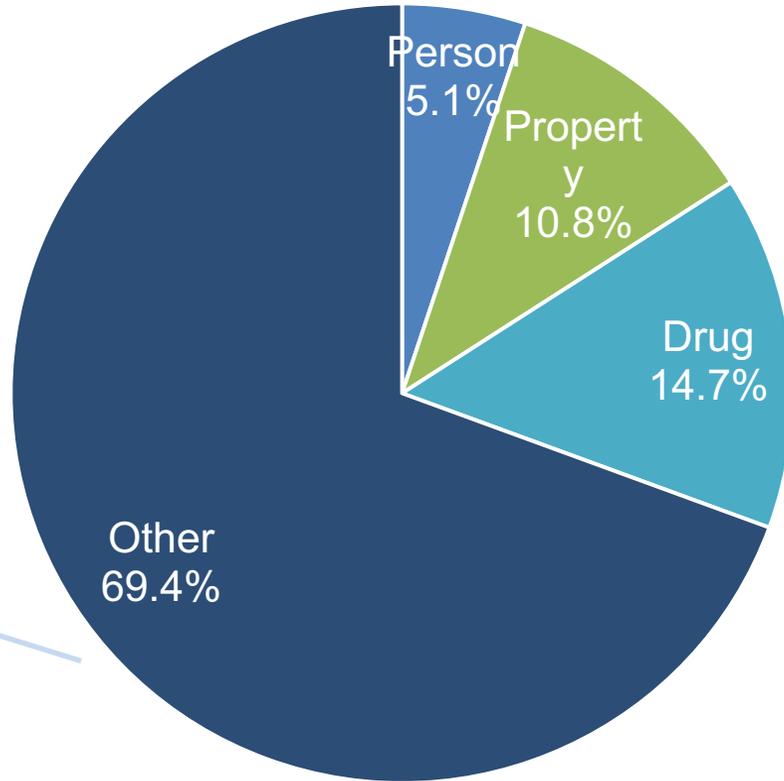


Note: each chart uses a different scale

Source: Case level sentencing data provided to CSG Justice Center by ND's State Office of Court Administration

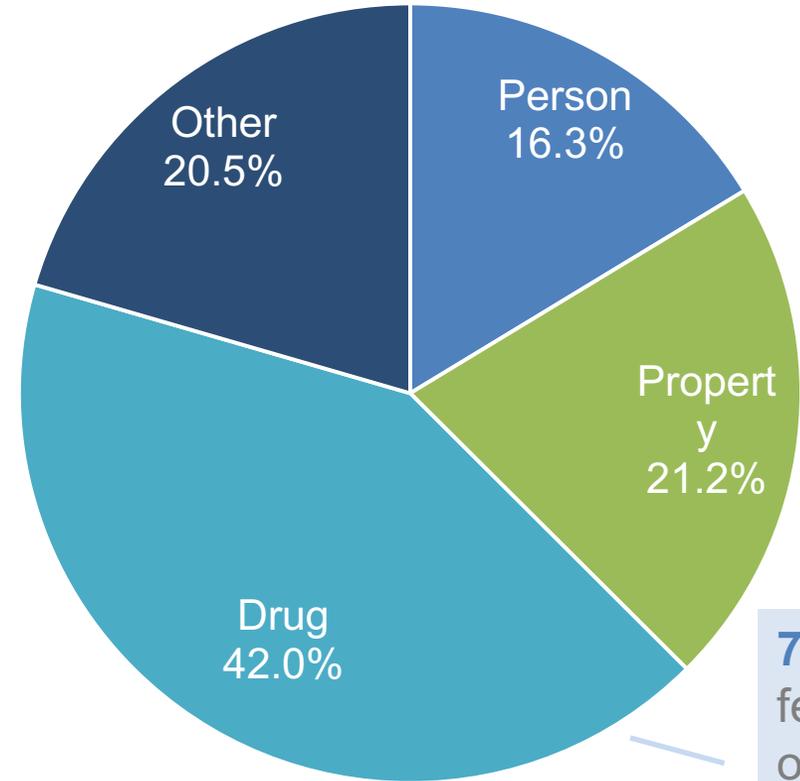
For dispositions between August 2017 and July 2018, nearly half of felony convictions were for drug-related offenses.

Misdemeanor Convictions  
N=21,278



61.6% of “other” convictions were for driving offenses – 20% of “other” were DUIs, 33% were driving with suspended license

Felony Convictions  
N=3,747

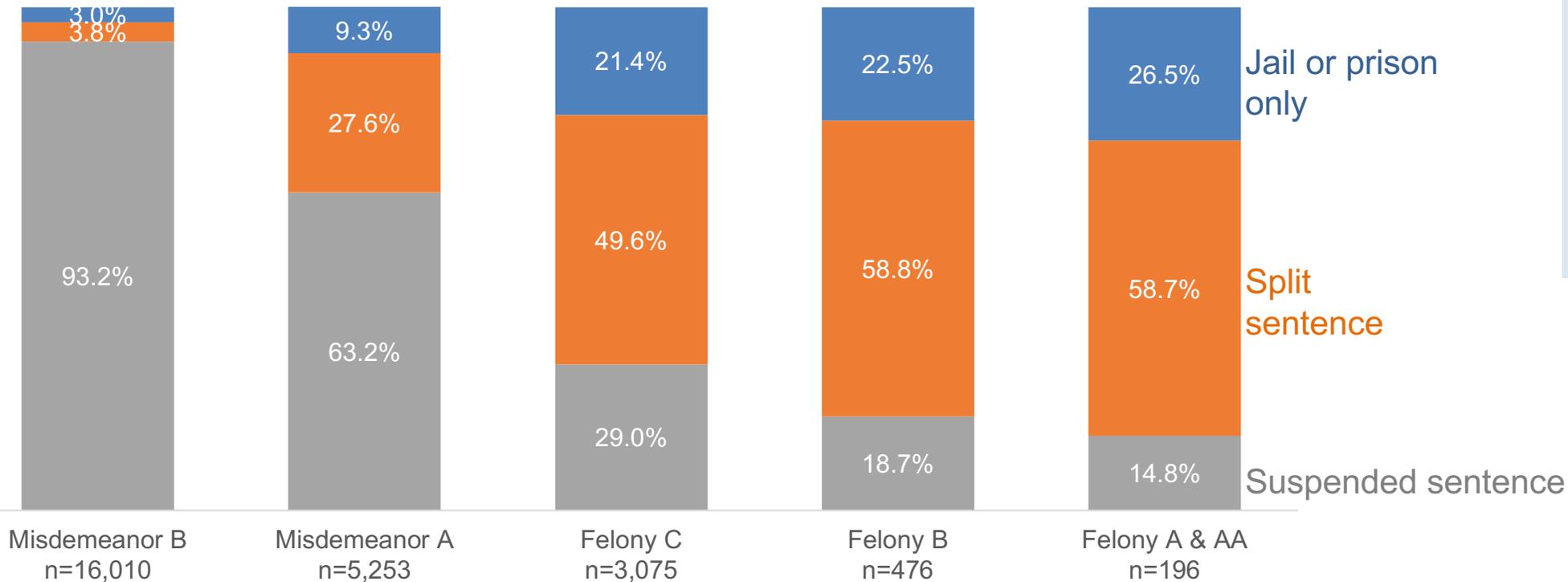


76% of felony drug offenses involve possession

Source: Case level sentencing data provided to CSG Justice Center by ND’s State Office of Court Administration

Misdemeanor convictions routinely receive sentences to supervision rather than sentences that include incarceration; split sentences are most often used for felony offenses.

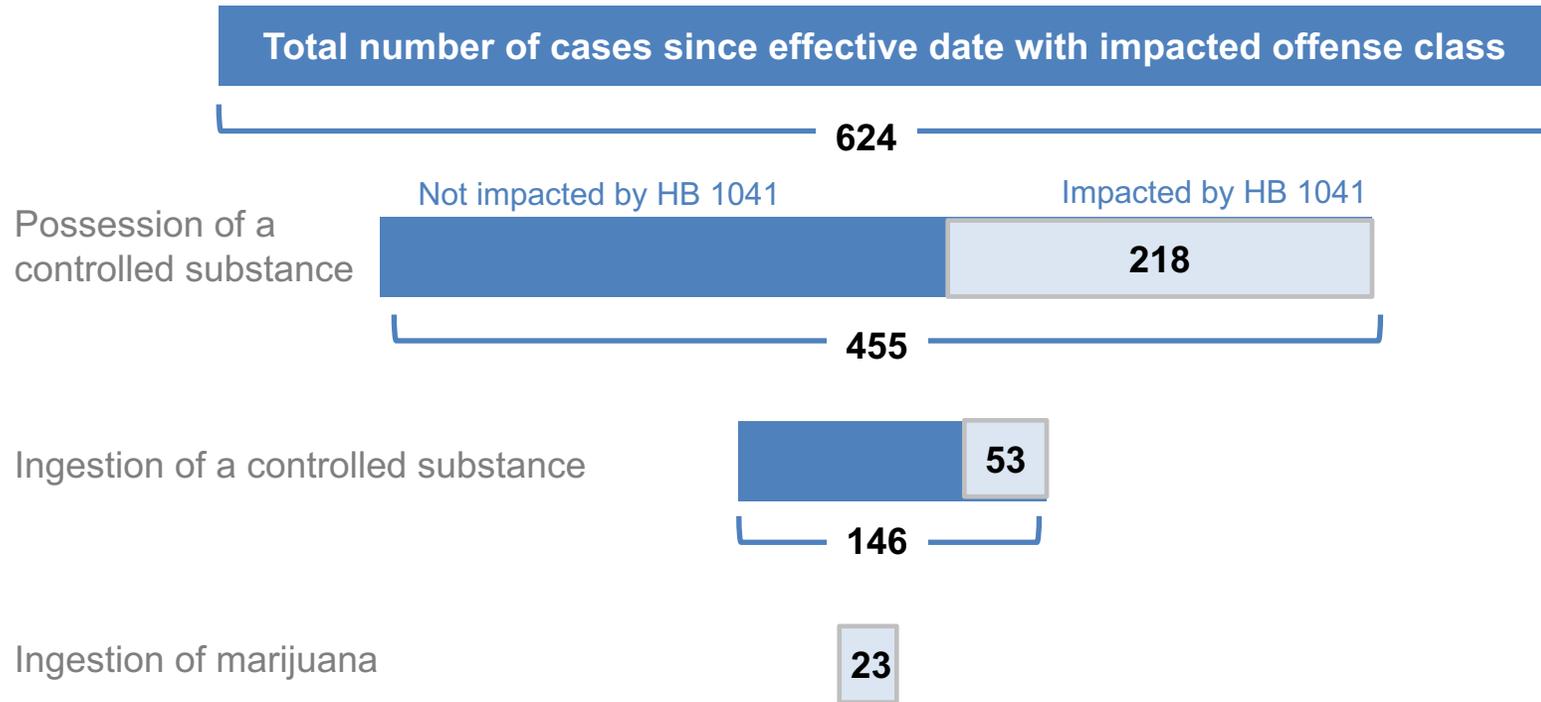
Convictions by Sentence Type  
August 2017 – July 2018



**73%** of all felonies include some incarceration, usually followed by supervision

Source: Case level sentencing data provided to CSG Justice Center by ND's State Office of Court Administration

Approximately 294 cases were affected by HB 1041’s reclassification of certain drug offenses from Felony C to Misdemeanor A or from Misdemeanor A to Misdemeanor B between August 2017 and July 2018.



Section 12: Reclassifies the possession of a controlled substance or controlled substance analog from a Felony C to a Misdemeanor A for the first offense. Retains Felony C degree for second/subsequent offenses.

Section 11: Reclassifies the first offense of intentional ingestion of a controlled substance analog from a Felony C to a Misdemeanor A.

Section 10: Reclassifies the ingestion, inhalation, injection, etc. of marijuana from a Class A to a Class B misdemeanor. Retains Class A for second/subsequent convictions.

Source: Case level sentencing data provided to CSG Justice Center by ND’s State Office of Court Administration



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| There are a number of key takeaways from current data.

1. After increasing for many years, North Dakota's prison population declined 6.5% in FY 2018, exceeding expectations.
2. Admissions due to drug and alcohol offenses have been declining after significant growth. Admissions to prison for probation revocations are also on the decline.
3. The number of felony and misdemeanor dispositions decreased significantly from August 2017 to July 2018, contributing to declining prison admissions.
4. Drug-related offenses continue to make up the largest proportion of felony convictions.
5. More time is needed to track the impact of 2017 legislative changes that went into effect on January 1, 2018, including presumptive probation and 30-day supervision sanctions, as a critical mass of cases need to make their way through the court system.

| There are additional opportunities for further data analysis that North Dakota should consider.

Although active technical assistance, wherein CSG Justice Center staff travel to the state, is winding down, staff are available to help North Dakota analyze data through July 31, 2019 and intermittently beyond then.

Some research questions to examine going forward:

- How has length of stay in prison and jail changed due to 2017 sentencing changes?
- Have supervision revocations been reduced by the new 30-day custodial sanction option or increased utilization of short-term custodial sanctions?
- Is there a continued trend to reserve prison space for more serious and violent offenders?
- How has the presumptive probation policy increased the prison and probation populations?
- How has FTR improved outcomes for people on supervision?

CSG Justice Center staff is finishing up assistance on Free Through Recovery implementation.



Conducted three site visits in June and July to interview FTR provider staff and parole and probation officers. Met with 39 staff and 29 officers.



Created four surveys to be deployed in the future to gain further insight into FTR successes and areas for growth



Will finalize documentation of insights from interviews and recommendations for implementation team



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# Thank You

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