LEGISLATIVE PROPOSALS OVERVIEW

- **48-hour jail hold:**
  - Authorizes a probation officer to place an individual who violates conditions of probation in jail for up to 48-hours as an immediate consequence to violations without bringing a petition to revoke probation before the court
  - Authorized intermediate measure in statute
  - Counties paid housing per diem by DOCR
  - Hold cannot be used more than five times in one year and cannot be back-to-back
  - Utilization of 48-hour hold will include an approved due process procedure in consult with North Dakota Attorney General's Office
- **Court authorizes DOCR to terminate probation as soon as 18 months:**
  - Must be written into judgment of conviction or disposition
  - DOCR must notify court and state's attorney when invoking this authority
  - Excludes sex offenses
- **Court has the discretion to place a person on supervised probation with the DOCR in felony cases where the court suspends a sentence except:**
  - Sex offenses or sexual performance by children, murder, manslaughter, aggravated assault, robbery, kidnapping, burglary with weapon, felony involving the use of a firearm or dangerous weapon, stalking, a second or subsequent of any domestic violence protection order, human trafficking, child abuse, driving under the influence/actual physical control/failure to consent to chemical testing
- **In felony cases, the court has the discretion to place an individual on probation for up to three years except in the following cases where a period of five years will remain available to the court:**
  - Murder, manslaughter, aggravated assault, robbery, kidnapping, burglary with weapon, felony involving the use of a firearm or dangerous weapon, stalking, a second or subsequent of any domestic violence protection order, human trafficking, child abuse, driving under the influence/actual physical control/failure to consent to chemical testing
- **In misdemeanor cases, the court has the discretion to place an individual on probation for up to 360 days:**
  - 360 days to avoid complications with the Interstate Compact on the exchange of people on probation or parole

- **Realignment of drug paraphernalia offense classes:**
    - Reduces C Felony paraphernalia to a A Misdemeanor
    - Manufacture or distribution of drug paraphernalia remains a C Felony
    - Reduces A Misdemeanor paraphernalia to a B Misdemeanor
- **Eliminate minimum mandatory sentencing under Title 19 (Drug manufacture-delivery):**
    - Offense classes for crimes are unchanged but would give sentencing discretion back to the court
- **Pretrial Services:**
    - Authorizes the DOCR to provide pretrial supervision on a pilot basis and dependent on an appropriation in an effort to alleviate pressure on targeted county jails
- **Jail Recidivism Reduction Programming:**
    - Would provide funding for the DOCR to collaborate with selected county jails to implement and operate assessment and correctional treatment programs on the county level in an effort to attack recidivism on the front-line (county level)
- **Correctional Resources Allocation and Reinvestment Plan:**
    - Allocation formula for use of high-end state prison resources
    - Counties that go over their allocation will be assessed costs by DOCR
    - Counties that are under their allocation will receive reinvestment dollars from the state to be used on the local level to implement or enhance local correctional treatment resources

Please direct any questions to:

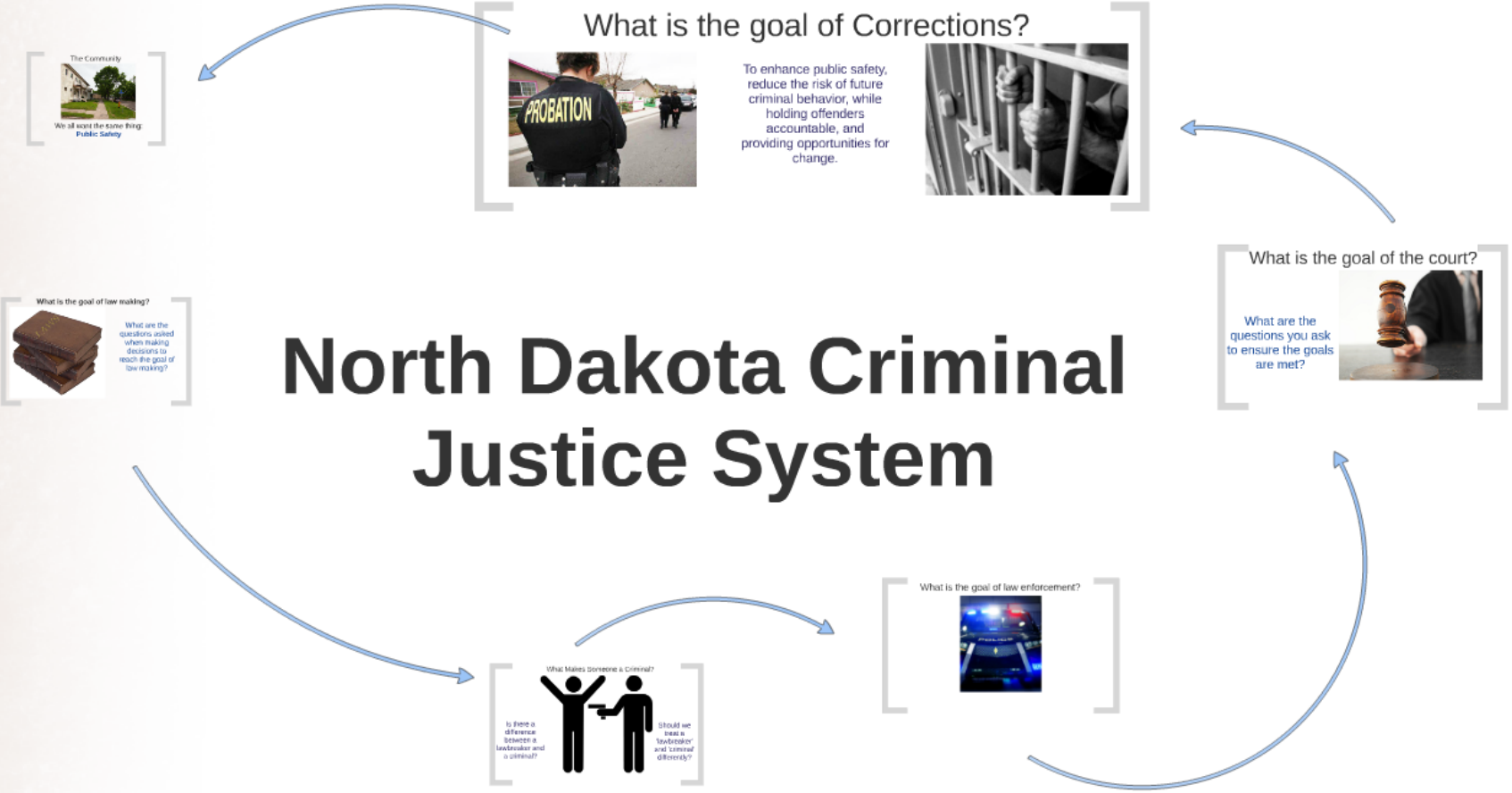
Leann Bertsch: Phone 701-328-6616 or email at lebertsc@nd.gov

Pat Bohn: Phone 701-328-6664 or email at pbohn@nd.gov

Bridging the Public Safety Gap

Myths, Facts, & What Works

North Dakota Criminal Justice System



What is the goal of law making?

What are the questions asked when making decisions to reach the goal of law making?

What Makes Someone a Criminal?

Is there a difference between a lawbreaker and a criminal?

Should we treat a 'lawbreaker' and 'criminal' differently?

What is the goal of law enforcement?

What is the goal of the court?

What are the questions you ask to ensure the goals are met?

What is the goal of Corrections?

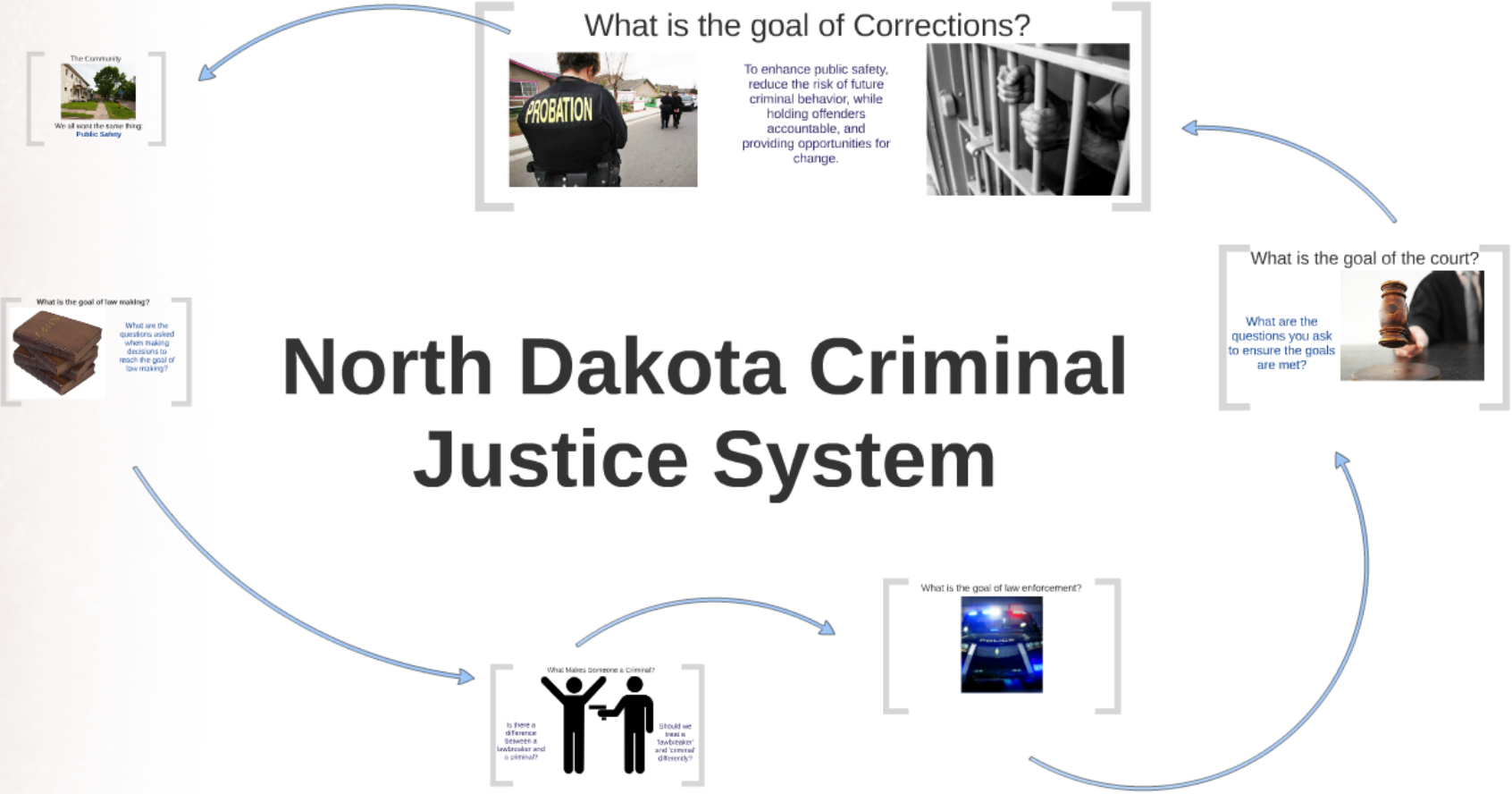
To enhance public safety, reduce the risk of future criminal behavior, while holding offenders accountable, and providing opportunities for change.

The Community

We all want the same thing:

Public Safety

North Dakota Criminal Justice System



...but gaps in the criminal justice system result in obstacles to achieving public safety.

Enhanced Penalties or More Laws =
Reduced Criminal Behavior?

More Penalties/Laws? More Enforcement.

More Enforcement? More Court Activity.

More Court Activity = More Incarceration/Supervision

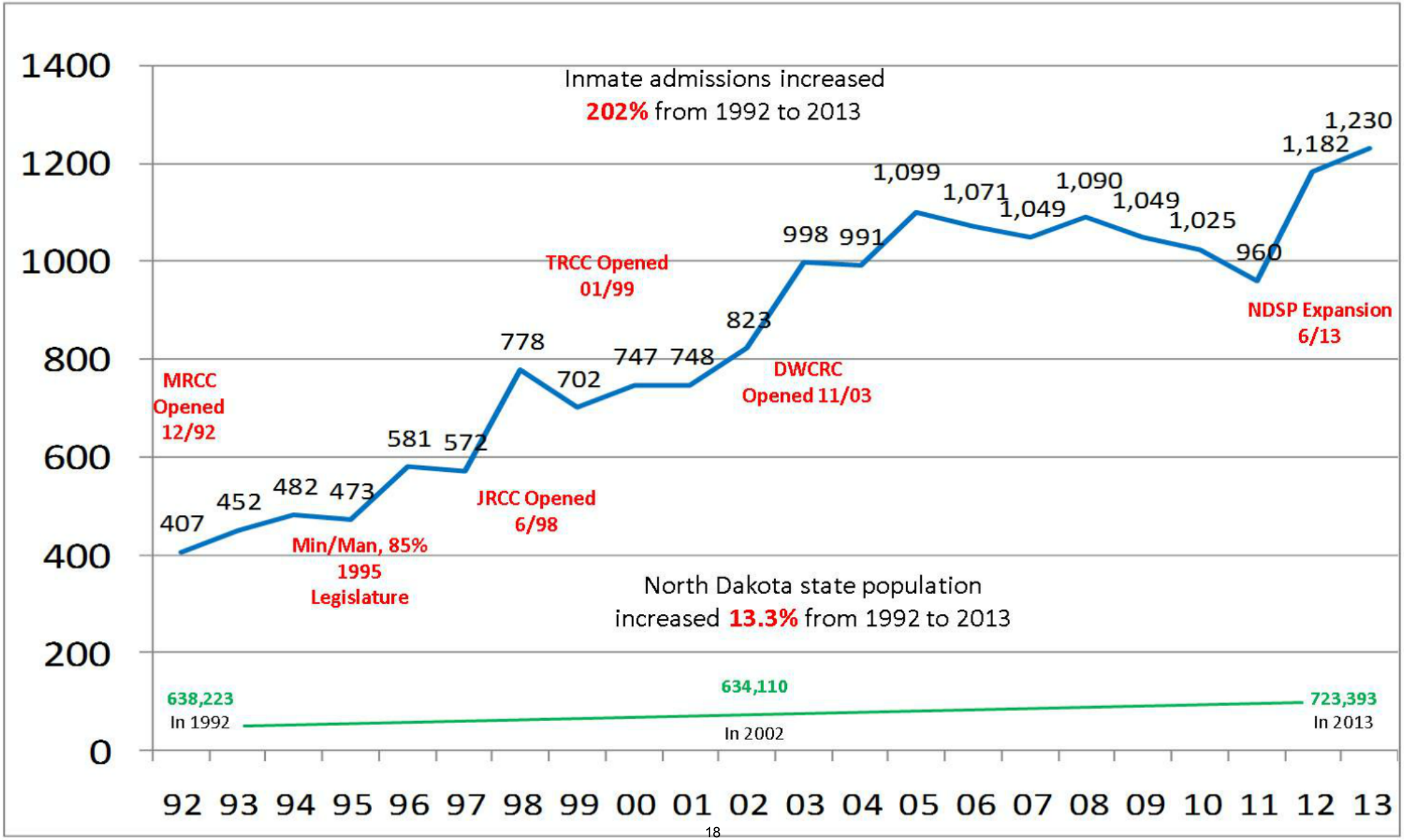
Statewide				
				*Through October 2014. Current rate will result in about 7,300 filings in 2014. (Approximately 79% increase)
Criminal	**2006**	**2010**	**2014**	
Felony	4,075	4,150	*6,068	

LAWS

POLICE

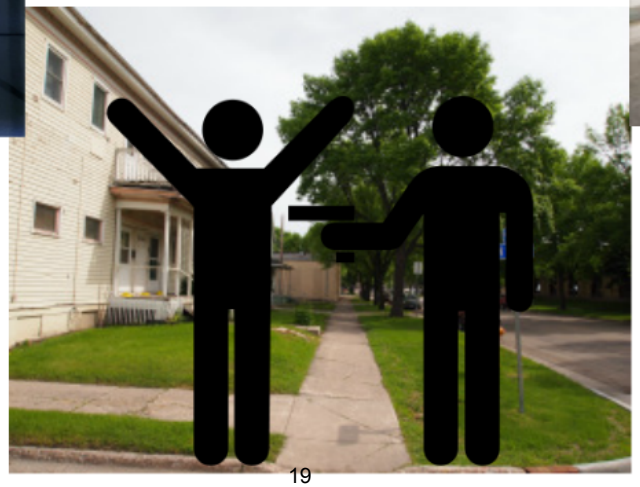
Inmate Admissions by Calendar Year

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



LAWS

POLICE



PROBATION

The Criminal Justice Tidal Wave

- Tough on crime legislation, sentencing, & initiatives simply increase incarceration
- Increased incarceration rates result in more jail/prison building
- More prison/jail beds result in more taxpayer resources and staffing challenges

Our current strategies to achieve public safety don't work.

WE CAN SLOW THE TIDAL WAVE IN 2015 by bridging the public safety gaps based on the best research of what *does* work:

- 48-hour jail hold for probation officers
- Court authorize DOCR to terminate probation as soon as 18 months
- Promote the effective and efficient use of probation resources
- Realign drug paraphernalia offense classes
- Eliminate minimum mandatory sentencing under Title 19
- Pretrial Services at County Jails
- Jail Recidivism Reduction Programming
- Correctional Resources Allocation and Reinvestment Plan

Bridge the Public Safety Gaps Using Risk

Heart Disease Risk Calculator

Use the heart disease risk calculator to find out your risk of cardiovascular disease.

Age 42 years

Gender Male Female

Height 6 ft. 1 in.

Weight 215 lbs.

Race Caucasian

Switch to **Metric Units**

Continue

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

Have you ever had any of the following conditions or procedures?

- [ ] Heart attack or coronary bypass surgery
- [ ] Stroke or transient ischemic attack (TIA)
- [ ] Peripheral artery disease — reduced blood flow in arteries in your legs, arms or other areas
- [ ] Angioplasty or stent placement — a procedure to open narrowed or clogged arteries by placing a small tube (stent) in an artery to keep it open and prevent it from narrowing
- [ ] Abdominal aortic aneurysm — enlargement of the lower area of the major blood vessel (aorta) that supplies blood to the body
- [x] None of the above

Continue

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

Have your parents, siblings or children had any of the following at an early age (younger than age 55 for men and younger than age 65 for women)?

- [ ] Heart attack or coronary bypass surgery
- [ ] Stroke or transient ischemic attack (TIA)
- [ ] Peripheral artery disease — reduced blood flow in arteries in your legs, arms or other areas
- [ ] Angioplasty or stent placement — a procedure to open narrowed or clogged arteries by placing a small tube (stent) in an artery to keep it open and prevent it from narrowing
- [ ] Abdominal aortic aneurysm — enlargement of the lower area of the major blood vessel (aorta) that supplies blood to the body
- [x] None of the above

Continue

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

Have you been told by a doctor, nurse or other health care provider that you have diabetes?

○ Yes ● No

Do you know your total cholesterol and "good" high-density lipoprotein (HDL) cholesterol levels?

● Yes ○ No

What are your cholesterol levels?

144 Total cholesterol level

47 HDL ("good") cholesterol level

Continue ▶

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

Do you know your blood pressure measurements?

(●) Yes ( ) No

120 Systolic (top number)

80 Diastolic (bottom number)

Do you currently take blood pressure medication?

( ) Yes (●) No

Continue ▶

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

Which one of the following statements best describes your usual weekly physical activity?

Note: Vigorous physical activity is any activity that makes you breathe much harder than usual, such as aerobic exercise or fast bicycling. Moderately intense physical activity makes you breathe somewhat harder than usual, such as bicycling at a regular pace or doubles tennis.

- (●) At least 75 minutes of vigorous physical activity or 150 minutes a week of moderately intense physical activity each week
- ( ) Less than 75 minutes of vigorous physical activity or less than 150 minutes of moderately intense physical activity each week
- ( ) No physical activity

Continue ▶

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

How many servings of saturated (animal) fats do you eat each day (not including low-fat dairy, white and skinless turkey, white and skinless chicken, or fish)?

Serving sizes of common foods with saturated fat: Hamburger, steak, bacon, ham, sausage (3 ounces or the size of a deck of cards); butter (1 teaspoon); whole milk (1 cup); ice cream (1/2 cup); cheese (1 prepackaged slice, about 1 ounce).

- ○ 5 or more servings
- ● 2 to 4 servings
- ○ 0 to 1 servings

Continue ▶

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Heart Disease Risk Calculator

Your 30 year risk of cardiovascular disease **16%***

Your 30 year risk represents the chance that you'll have cardiovascular disease at any point in the next 30 year s.

Take action to reduce your risk | Risk factors

If you were to control your risk factors for cardiovascular disease to acceptable levels, then your 30 year risk would be: **12%***

Before increasing your physical activity level, check with your doctor to make sure it's safe for you to proceed.

- Eat a healthy diet that emphasizes:
  - Fruits, vegetables and whole grains
  - Low-fat dairy products and low-fat proteins, such as poultry, fish and legumes

The results from this assessment are estimates and should be interpreted as one factor in determining your risk of heart disease. These results may occasionally be inaccurate and may overestimate risk in some populations.

About this tool | Print Results | Start Over

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

y wouldn't you
this guy in the
hospital?

Heart Disease Risk Calculator

Your 30 year risk of cardiovascular disease **16%***

Your 30 year risk represents the chance that you'll have cardiovascular disease at any point in the next 30 year s.

Take action to reduce your risk | Risk factors

Additional factors that may influence your risk include:

Additional risk factors:

- Low number of fruits and vegetables in your diet

Protective risk factors:

- High amount of physical activity

The results from this assessment are estimates and should be interpreted as one factor in determining your risk of heart disease. These results may occasionally be inaccurate and may overestimate risk in some populations.

About this tool Print Results **Start Over**

Created by Mayo Foundation for Medical Education and Research using content from Framingham Heart Study Cardiovascular Disease 10-Year BMI-Based Risk Score Calculator, Framingham Heart Study General Cardiovascular Disease 30-Year Lipid-Based and BMI-Based Calculators, and ACC/AHA Pooled Cohort Equations CV Risk Calculator.

Assessing Risk of Reoffending like Assessing a Risk of Heart Attack

LSI-R

54 questions

Lifetime

Past Year

Current Characteristics

10 Criminogenic Domains
Maximum Points

Criminal History (10)
Education/Employment (10)
Financial (2)
Family/Marital (4)
Accommodation (3)
Leisure/Recreation (2)
Companions (5)
Alcohol/Drug (9)
Emotional/Personal (5)
Attitude/Orientation (4)

North Dakota LSI-R Risk Levels

LSI-R Score	% Recidivated	Raw # Recidivated	Total Cases by Score	% of Total by Score	Approx. % Chance of Recidivism (Average)	
46	100%	1	1	0%		
42	67%	4	6	0%		Range: 50% - 100%
41	50%	1	2	0%	**70%**	
40	67%	2	3	0%	* High Risk/Need	
39	75%	6	8	1%		
38	33%	1	3	0%		
37	0%	0	3	0%		
36	50%	5	10	1%		
35	50%	3	6	0%	**58%**	Range: 38% - 70%
34	38%	5	13	1%	Moderate-High Risk/Need	
33	69%	9	13	1%		
32	70%	14	20	2%		
31	66%	21	32	3%		
30	59%	17	29	2%		
29	45%	15	33	3%		
28	54%	25	46	4%		
27	53%	23	43	3%	**51%**	Range: 45% - 54%
26	52%	26	50	4%	Moderate Risk/Need	
25	50%	30	60	5%		
24	50%	26	52	4%		
23	27%	19	70	6%		
22	38%	27	71	6%	**33%**	Range: 27% - 38%
21	35%	21	60	5%	Low-Moderate Risk/Need	
20	32%	24	76	6%		
19	23%	17	75	6%		
18	19%	14	74	6%		
17	23%	12	53	4%		
16	16%	8	51	4%		
15	11%	6	56	5%		
14	10%	4	39	3%		
13	14%	5	36	3%	**15%**	Range: 0% - 23%
12	12%	3	25	2%	Low Risk/Need	
11	0%	0	25	2%		
10	0%	0	14	1%		
9	0%	0	14	1%		
8	0%	0	9	1%		
7	0%	0	6	0%		
6	0%	0	2	0%		
5	0%	0	1	0%		

N = 1,173 North Dakota Probation Cases
Correlation Coefficient = .26 at the P<.0001 level

Recidivism is defined as: Return to prison within 3 years of release or; revocation due to technical violation; or absconded from supervision.
Data based on June, 2011 LSI-R validation performed by Dr. James Austin under a technical assistance grant through the National Institute of Corrections.

*Due to limited representation in the high risk group, another sample was taken: n =20

North Dakota LSI-R Risk Levels

LSI-R Score	% Recidivated	Raw # Recidivated	Total Cases by Score	% of Total by Score	Approx. % Chance of Recidivism (Average)	
46	100%	1	1	0%		
42	67%	4	6	0%		Range: 50% - 100%
41	50%	1	2	0%	**70%**	
40	67%	2	3	0%	* High Risk/Need	
39	75%	6	8	1%		
38	33%	1	3	0%		
37	0%	0	3	0%		
36	50%	5	10	1%		
35	50%	3	6	0%	**58%**	Range: 38% - 70%
34	38%	5	13	1%	Moderate-High Risk/Need	
33	69%	9	13	1%		
32	70%	14	20	2%		
31	66%	21	32	3%		
30	59%	17	29	2%		
29	45%	15	33	3%		
28	54%	25	46	4%		
27	53%	23	43	3%	**51%**	Range: 45% - 54%
26	52%	26	50	4%	Moderate Risk/Need	
25	50%	30	60	5%		
24	50%	26	52	4%		
23	27%	19	70	6%		
22	38%	27	71	6%	**33%**	Range: 27% - 38%
21	35%	21	60	5%	Low-Moderate Risk/Need	
20	32%	24	76	6%		
19	23%	17	75	6%		

How do I make decisions that bridge gaps in the criminal justice system and increase public safety?

QUESTION 1

What are my thoughts, beliefs, or fears about this issue?

QUESTION 2

What does the research say about this issue?

QUESTION 3

What is the cost and benefit of doing what the research says?

QUESTION 4

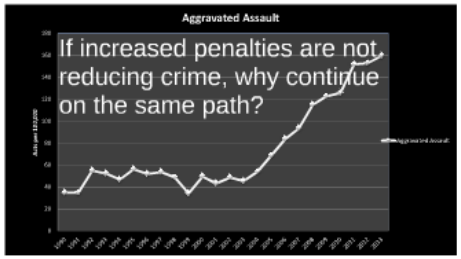
How could this decision impact other entities in the criminal justice system?

BRIDGING THE PUBLIC SAFETY GAP

MYTHS, FACTS, & WHAT WORKS

Using the Evidence to Bridge the Public Safety Gap

Beating a Dead Horse



Length of probation is less important for behavior change than the intensity of services based on risk level.

Offenders who can demonstrate behavior change prior to the expiration of supervised probation term can end their probation early.

Offenders who ended probation early recidivated at a rate LOWER than those offenders who completed full probation terms.

The Relationship Between Early Termination of Supervision and Recidivism

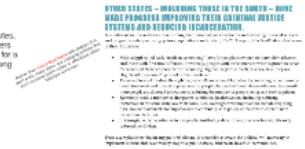
In 2009, the Administrative Office of the Courts, an agency of the U.S. Federal Courts, conducted an initial study of the impact of early termination of supervision among federal probationers. This study demonstrated that such practice, when limited to appropriate cases, did not adversely affect public safety. An expanded study was subsequently conducted using a larger sample and a matched-sample design. Subjects in the early termination and the full-term groups were followed for three years after release, and recidivism was measured on the basis of arrests for new crimes. Although the subjects of the study were predominately low risk offenders, moderate and high risk offenders were represented as well. Researchers determined that the offenders in the early termination groups, regardless of risk level, had lower rates of recidivism than their full-term counterparts (Baber & Johnson, 2013).

A series of studies have examined the public safety effects of imposing longer periods of imprisonment. Ideally, from a deterrence perspective, the more severe the imposed sentence, the less likely offenders should be to re-offend.

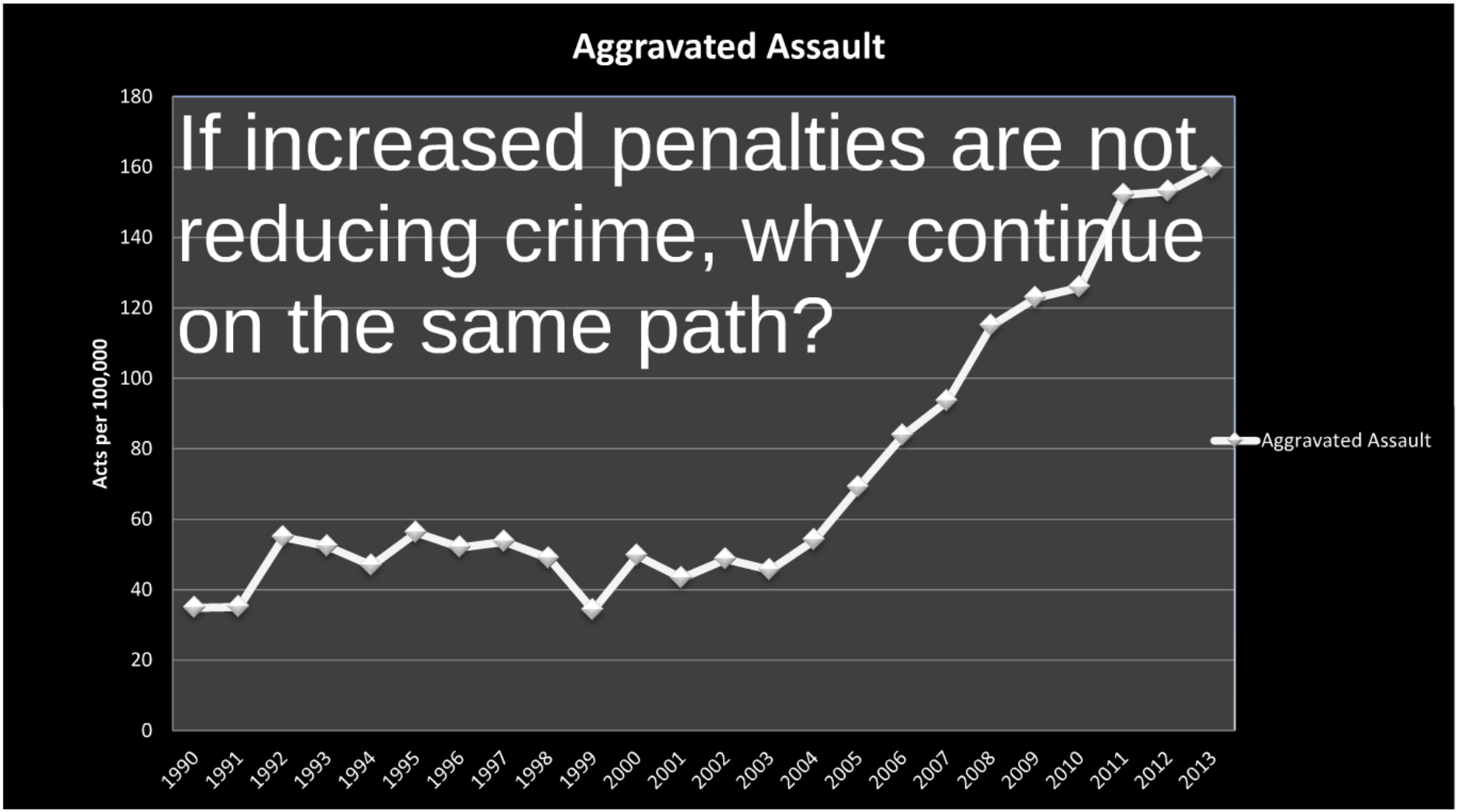
A 1999 study tested this assumption in a meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various offenses and criminal histories. Controlling for risk factors such as criminal history and substance abuse, the authors assessed the relationship between length of time in prison and recidivism, and found that **longer prison sentences were associated with a three percent increase in recidivism.** Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months.

Like three-strikes laws and mandatory minimum sentencing statutes, truth in sentencing laws are premised on assertions that offenders who commit violent crimes or repeat their crimes are responsible for a disproportionate amount of crime and that locking them up for long periods of time will reduce the crime rate.

Studies concluded that the laws did not result in lowered crime rates.
(Turner et al. 1999).



Beating a Dead Ho



Length of probation is less important for behavior change than the intensity of services based on risk level.

Although further research is clearly warranted given the limited number of studies conducted to date that are specific to dosage and recidivism, the following reflects a conceptual model to guide risk-based interventions:

Dosage Conceptual Model

Risk Level	Dosage Target	Likely Duration	Illustration	
			Dosage Hours Delivered by Corrections Professional	Dosage Hours Delivered through Referral Services
Moderate risk	100 hours	12 months supervision (52 weeks) *with* 12 months services (52 weeks)	45 minutes/ 2 weeks for 12 months Total hours: 19.5	90 minutes/week for 12 months Total hours: 78
Moderate/ high risk	200 hours	18 months supervision (78 weeks) *with* 15 months services (65 weeks)	45 minutes/week for 12 months + 45 minutes/2 weeks for 6 months Total hours: 49	3 hours/week for 9 months + 90 minutes/week for 6 months Total hours: 156
High risk	300 hours	24 months supervision (104 weeks) *with* 18 months services (78 weeks)	45 minutes/week for 24 months Total hours: 78	6 hours/week *or* 24 hours/4 weeks for 6 months + 90 minutes/week *or* 6 hours/4 weeks for 12 months Total hours: 234

Offenders who can demonstrate behavior change prior to the expiration of supervised probation term can end their probation early.

Offenders who ended probation early recidivated at a rate LOWER than those offenders who completed full probation terms.

The Relationship Between Early Termination of Supervision and Recidivism

In 2009, the Administrative Office of the Courts, an agency of the U.S. Federal Courts, conducted an initial study of the impact of early termination of supervision among federal probationers. This study demonstrated that such practice, when limited to appropriate cases, did not adversely affect public safety. An expanded study was subsequently conducted using a larger sample and a matched-sample design. Subjects in the early termination and the full-term groups were followed for three years after release, and recidivism was measured on the basis of arrests for new crimes. Although the subjects of the study were predominately low risk offenders, moderate and high risk offenders were represented as well. Researchers determined that the offenders in the early termination groups, regardless of risk level, had lower rates of recidivism than their full-term counterparts (Baber & Johnson, 2013).

The Relationship Between Early Termination of Supervision and Recidivism

In 2009, the Administrative Office of the Courts, an agency of the U.S. Federal Courts, conducted an initial study of the impact of early termination of supervision among federal probationers. This study demonstrated that such practice, when limited to appropriate cases, did not adversely affect public safety. An expanded study was subsequently conducted using a larger sample and a matched-sample design. Subjects in the early termination and the full-term groups were followed for three years after release, and recidivism was measured on the basis of arrests for new crimes. Although the subjects of the study were predominately low risk offenders, moderate and high risk offenders were represented as well. Researchers determined that the offenders in the early termination groups, regardless of risk level, had lower rates of recidivism than their full-term counterparts (Baber & Johnson, 2013).

Offenders who can demonstrate behavior change prior to the expiration of supervised probation term can end their probation early.

Offenders who ended probation early recidivated at a rate LOWER than those offenders who completed full probation terms.

The Relation

of Supervisi

In 2009, the A

U.S. Federal C

termination o

demonstrated

not adversely

conducted us

in the early te

years after rel

for new crime

low risk offen

Researchers determined that the offenders in the early termination groups, regardless of risk level, had lower rates of recidivism than their full-term counterparts (Baber & Johnson, 2013).

A series of studies have examined the public safety effects of imposing longer periods of imprisonment. Ideally, from a deterrence perspective, the more severe the imposed sentence, the less likely offenders should be to re-offend.

A 1999 study tested this assumption in a meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various offenses and criminal histories. Controlling for risk factors such as criminal history and substance abuse, the authors assessed the relationship between length of time in prison and recidivism, and found that **longer prison sentences were associated with a three percent increase in recidivism.** Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months.

Like three-strikes laws and mandatory minimum sentencing statutes, truth in sentencing laws are premised on assertions that offenders who commit violent crimes or repeat their crimes are responsible for a disproportionate amount of crime and that locking them up for long

OTHER STATES – INCLUDING THOSE IN THE SOUTH – HAVE MADE PROGRESS IMPROVING THEIR CRIMINAL JUSTICE SYSTEMS AND REDUCING INCARCERATION.

A number of southern states are reforming their criminal justice systems and investing in social services and programs, safely reducing prison populations and costs. JPI's 2011 report, *Due South*[6] described some of these initiatives:

- **Mississippi** rolled back "truth-in-sentencing" laws for people convicted of nonviolent offenses and those with first-time offenses. Previously, people with these offenses were required to serve

Like three-strikes laws and mandatory minimum sentencing statutes, truth in sentencing laws are premised on assertions that offenders who commit violent crimes or repeat their crimes are responsible for a disproportionate amount of crime and that locking them up for long periods of time will reduce the crime rate.

Studies concluded that the laws did not result in lowered crime rates.
(Turner et al. 1999).

Rather than beat
don't work, many
don't increase

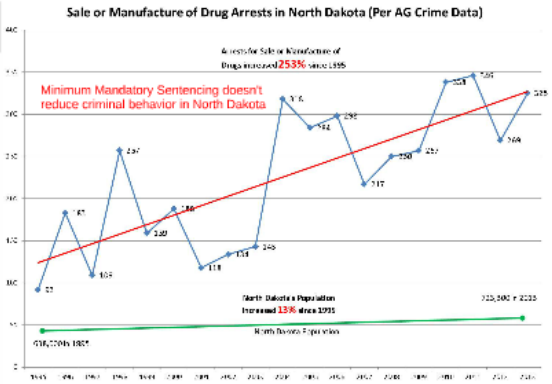
Rather than beat a dead horse with policies that don't work, many states are changing policies that don't increase public safety or effectively utilize taxpayer resources.

OTHER STATES – INCLUDING THOSE IN THE SOUTH – HAVE MADE PROGRESS IMPROVING THEIR CRIMINAL JUSTICE SYSTEMS AND REDUCING INCARCERATION.

A number of southern states are reforming their criminal justice systems and investing in social services and programs, safely reducing prison populations and costs. JPI's 2011 report, *Due South*[9] described some of these initiatives:

- **Mississippi** rolled back "truth-in-sentencing" laws for people convicted of nonviolent offenses and those with first-time offenses. Previously, people with these offenses were required to serve 85 percent of their sentence before becoming eligible for parole. With this new law, they are eligible after serving 25 percent of their sentence.
- **Texas** reallocated funding through the Justice Reinvestment Initiative, by investing in community-based treatment and diversion programs for people charged with nonviolent offenses. As a result, more people are diverted to treatment, reducing the number of people being sent back to prison.
- **Kentucky** made a number of changes to its criminal justice system, including reducing incarceration for some drug law violations. Also, oversight was improved to include requiring fiscal impact statements for any changes to criminal justice policy or the construction of new correctional facilities.
- In **Georgia**, which continues to use parole, instituting data driven practices has significantly reduced recidivism.

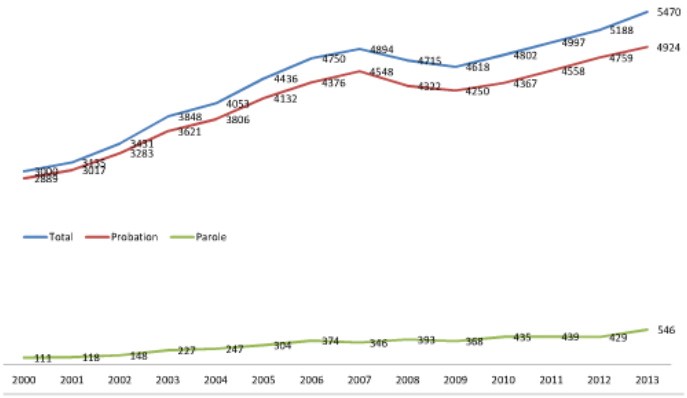
These examples show that in any political climate, it is possible to create the political will necessary to implement reforms that save money, improve public safety, and create healthier communities.



Incarcerating Low Risk Offenders results in increases of recidivism by up to 10% *(Latessa, 2006)* and:

- Low risk offenders will learn anti-social behavior from higher risk offenders
- Disrupts prosocial networks of low risk offenders

Community Offender Count--1 Day Count December 31st



According to Jalbert et al., 2011 Probation Officers with smaller caseloads had :

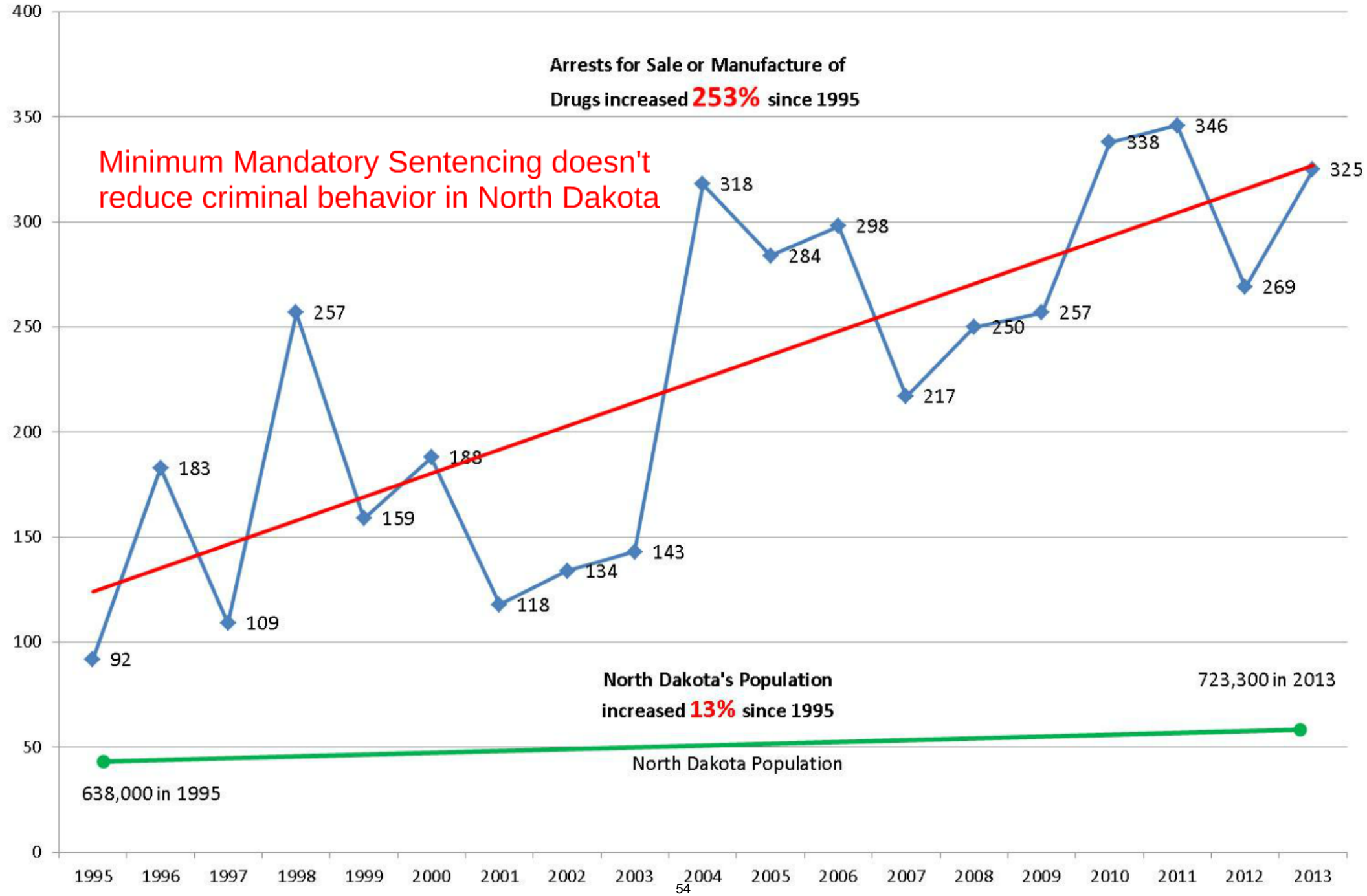
- More frequent contact with offenders
- More time in individual contacts
- Increased likelihood to utilize effective correctional interventions
- Lower recidivism rates if their agency had implemented Evidence Based Practices than those with larger caseloads

Possession of Drug Paraphernalia Impacts State and County Resources

- *#1 offense type for a one day snapshot of the Burleigh County Detention Center population*
- *#1 offense type at booking during a one year booking review of the Cass County Jail*
- *DOCR in a one day snapshot had 13 people in prison for only a drug paraphernalia offense(s). Cost to incarcerate those 13 people for their sentence = approximately $850,000*
- *Drug equipment arrests for North Dakota:*
  - *2011 – 1,384*
  - *2012 – 1,678*
  - *2013 – 1,707*

It's expensive.
It soaks up resources.
And that's okay, **but does it work?**

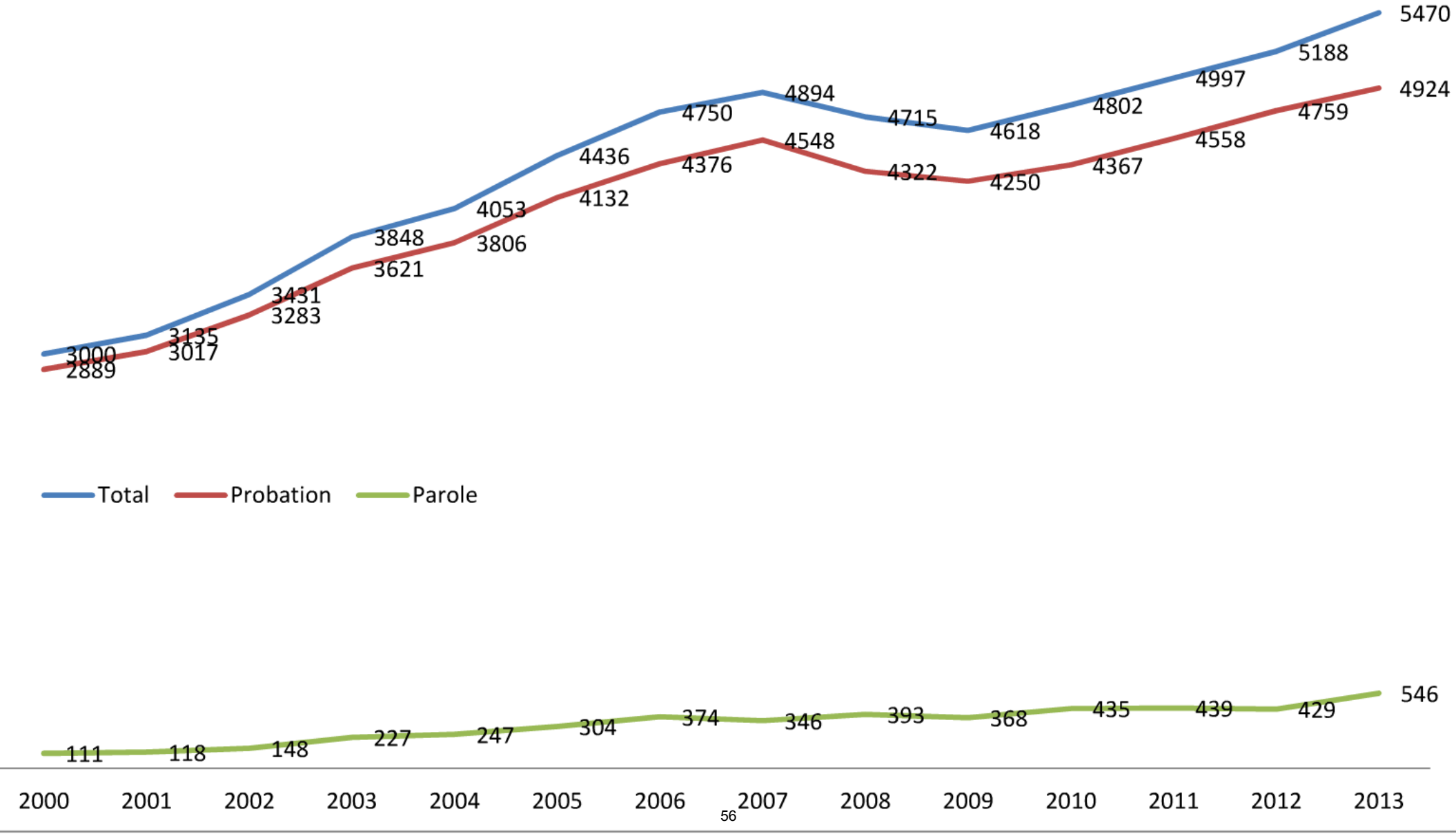
Sale or Manufacture of Drug Arrests in North Dakota (Per AG Crime Data)



Incarcerating Low Risk Offenders results in increases of recidivism by up to 10% *(Latessa, 2006)* and:

- Low risk offenders will learn anti-social behavior from higher risk offenders
- Disrupts prosocial networks of low risk offenders

Community Offender Count--1 Day Count December 31st



According to Jalbert et al., 2011 Probation Officers with smaller caseloads had :

- More frequent contact with offenders
- More time in individual contacts
- Increased likelihood to utilize effective correctional interventions
- Lower recidivism rates if their agency had implemented Evidence Based Practices than those with larger caseloads

Statewide				
				*Through October 2014. Current rate will result in about 7,300 filings in 2014. (Approximately 79% increase)
Criminal	**2006**	**2010**	**2014**	
Felony	4,075	4,150	*6,068	

Possession of Drug Paraphernalia Impacts State and County Resources

- *#1 offense type for a one day snapshot of the Burleigh County Detention Center population*

- *#1 offense type at booking during a one year booking review of the Cass County Jail*

- *DOCR in a one day snapshot had 13 people in prison for only a drug paraphernalia offense(s). Cost to incarcerate those 13 people for their sentence = approximately $850,000*

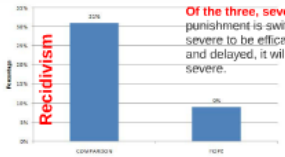
- *Drug equipment arrests for North Dakota:*
    - *2011 – 1,384*
    - *2012 – 1,678*
    - *2013 – 1,707*

It's expensive.
It soaks up resources.
And that's okay, **but does it work?**

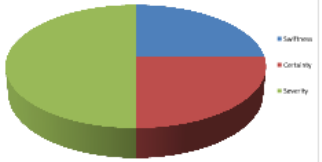
Proof is in the Puddin'

"a swift and effective response to low level offending that is more cost-effective and proportionate than formal prosecution" (Sosa, 2012:10).

Way back in the eighteenth century, Cesare Beccaria—the Italian criminologist —identified three characteristics that determine the deterrent efficacy of a threatened punishment: **its swiftness, its certainty, and its severity.**



Of the three, severity is least important. If punishment is swift and certain, it need not be severe to be efficacious. If punishment is uncertain and delayed, it will not be efficacious even if it is severe.



In recent decades, U.S. law enforcement has emphasized severity and not swiftness and certainty. **But the severity of future punishment has little deterrent effect** if the likelihood of punishment is low or if it is delayed, particularly if we're dealing with people who are reckless, impulsive, and short-term-oriented.

Low risk offenders have significantly lower rates of recidivism, meaning that they **do not pose a threat to public safety despite reduced contact levels and access to treatment services** (Lowenkamp & Latessa, 2005).

Expending resources on offenders regardless of risk level is an inefficient use of resources to increase public safety.

County Jails Lack Effective Intervention to Reduce Recidivism Because...

- "We detain, not correct."
- There are limited resources for or investments in rehabilitation or data collection
- Hard to predict length of stay

Treatment Works!

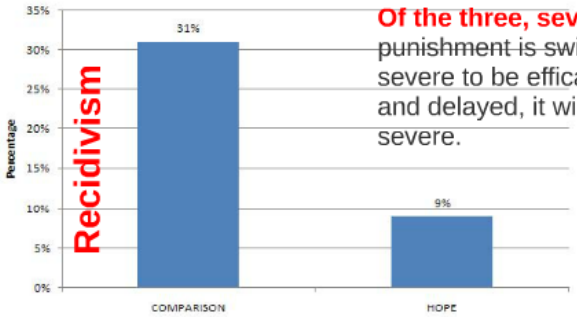
Research collected over the last 50 years has indicated that Cognitive Behavioral Treatment interventions delivered by trained staff, targeted on high risk offenders reduced recidivism by 25%, but the most effective configurations found more than 50% reductions in recidivism.

Andrews, 1994
Dowden & Andrews, 2003
Landenberger & Lipsey, 2005
Lowenkamp & Latessa, 2006

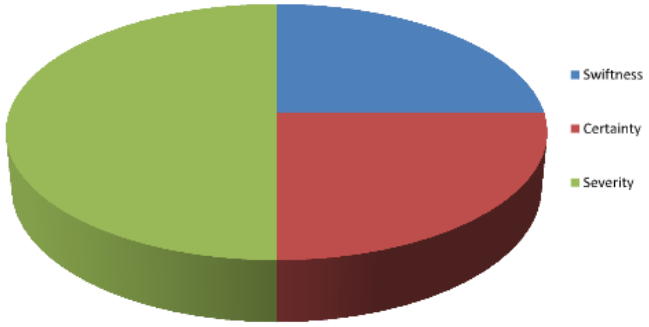
Proof is in the Puddin'

"a swift and effective response to low level offending that is more cost-effective and proportionate than formal prosecution" (Sosa, 2012:10).

Way back in the eighteenth century, Cesare Beccaria—the Italian criminologist —identified three characteristics that determine the deterrent efficacy of a threatened punishment: **its swiftness, its certainty, and its severity.**



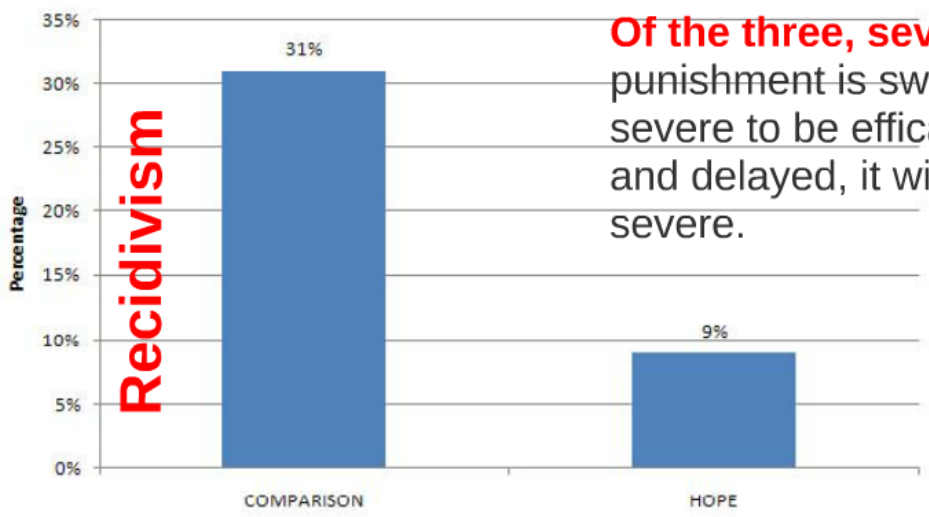
Of the three, severity is least important. If punishment is swift and certain, it need not be severe to be efficacious. If punishment is uncertain and delayed, it will not be efficacious even if it is severe.



In recent decades, U.S. law enforcement has emphasized severity and not swiftness and certainty. **But the severity of future punishment has little deterrent effect** if the likelihood of punishment is low or if it is delayed, particularly if we're dealing with people who are reckless, impulsive, and short-term-oriented.

“a swift and effective response to low level offending and proportionate than formal prosecution” (Sosa, 20

Way back in the eighteenth century, Cesare Beccaria—the Italian criminologist —identified three characteristics that determine the deterrent efficacy of a threatened punishment: **its swiftness, its certainty, and its severity.**

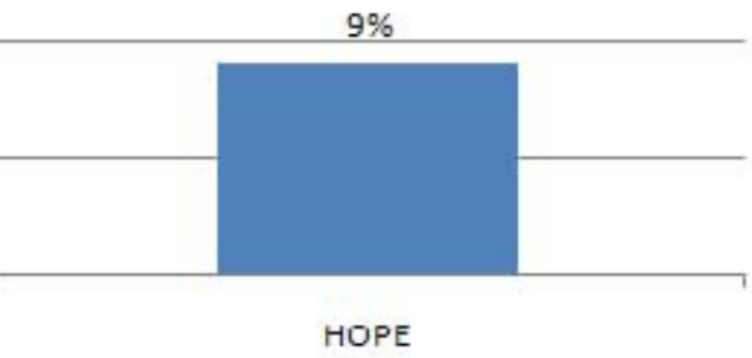


Of the three, severity is least important. If punishment is swift and certain, it need not be severe to be efficacious. If punishment is uncertain and delayed, it will not be efficacious even if it is severe.

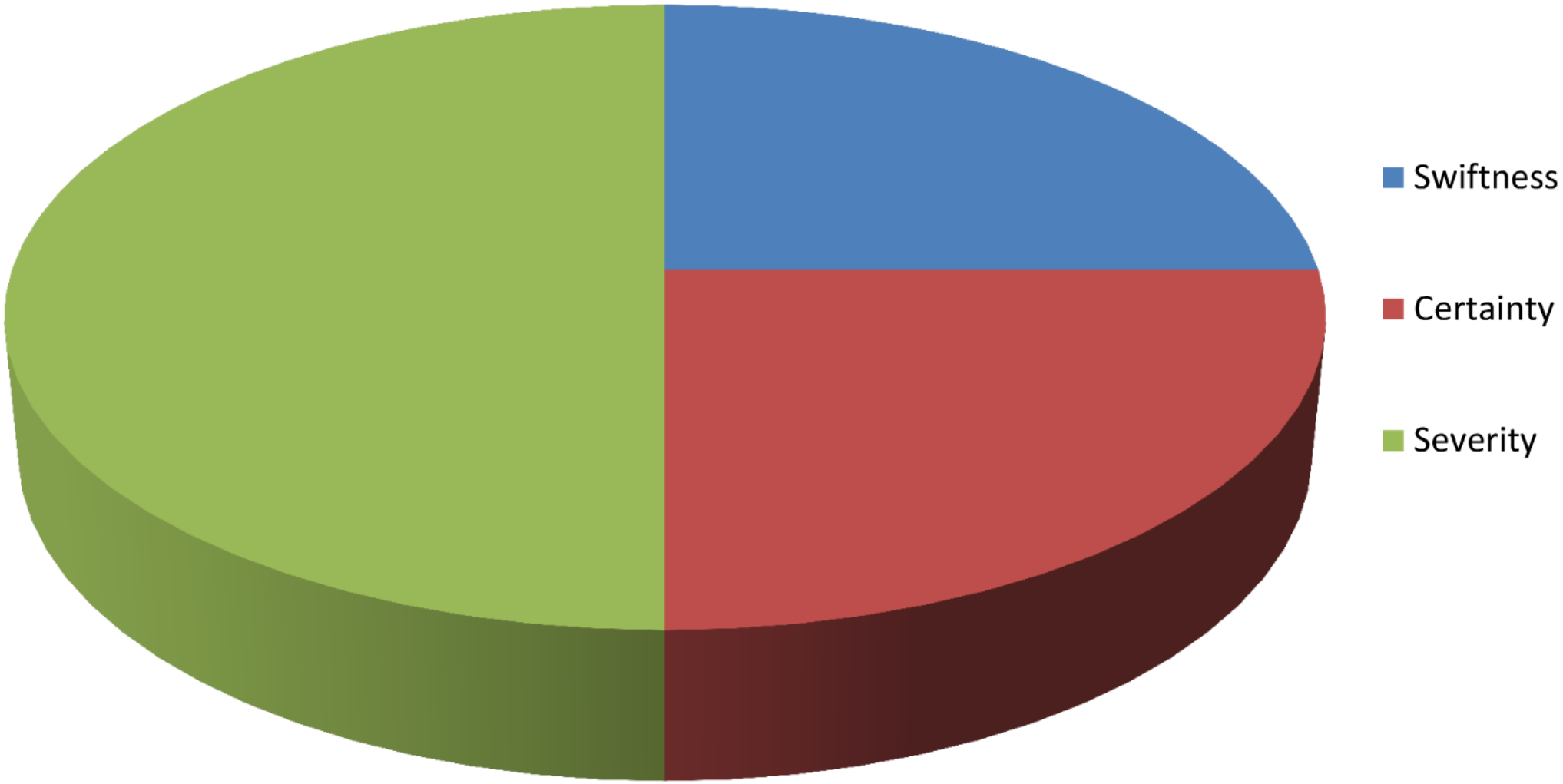
In recent d
severity ar
future pur
likelihood o
if we’re dea
short-term

nteenth century, Cesare Beccaria—the Italian
ified three characteristics that determine the
a threatened punishment: **its swiftness, its
everity.**

Of the three, severity is least important. If punishment is swift and certain, it need not be severe to be efficacious. If punishment is uncertain and delayed, it will not be efficacious even if it is severe.

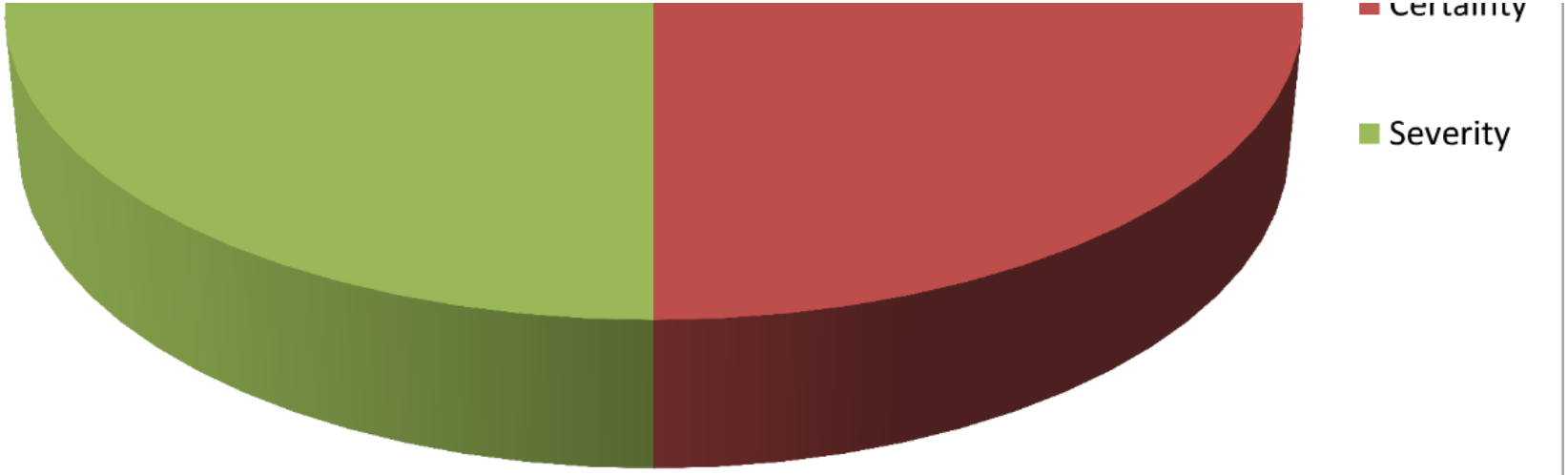


sa, 2012:10).



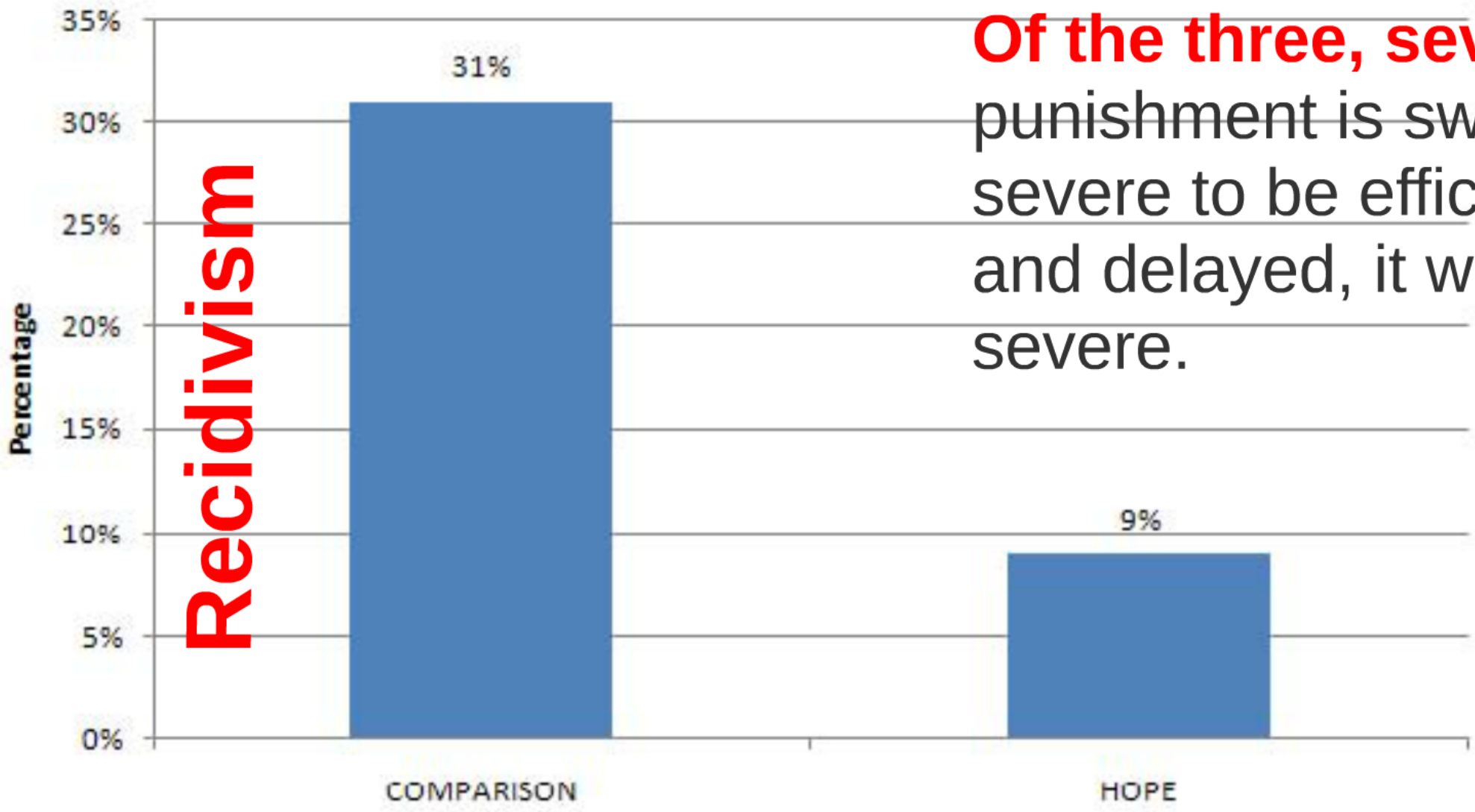
In recent decades, U.S. law enforcement has emphasized severity and not swiftness and certainty. **But the severity**

e
s



In recent decades, U.S. law enforcement has emphasized severity and not swiftness and certainty. **But the severity of future punishment has little deterrent effect** if the likelihood of punishment is low or if it is delayed, particularly if we're dealing with people who are reckless, impulsive, and short-term-oriented.

certainty, and its severity.



Of the three, seve
punishment is swift
severe to be effica
and delayed, it will
severe.

Low risk offenders have significantly lower rates of recidivism, meaning that they **do not pose a threat to public safety despite reduced contact levels and access to treatment services** (Lowenkamp & Latessa, 2005).

Expending resources on offenders regardless of risk level is an inefficient use of resources to increase public safety.

Expending resources on offenders regardless o risk level is an inefficient use of resources to increase public safety.

County Jails Lack Effective Intervention to Reduce Recidivism Because...

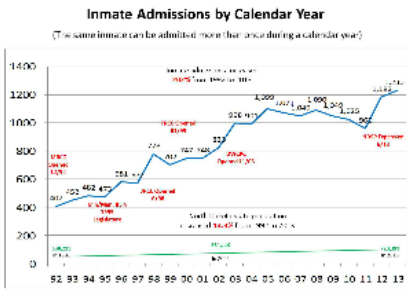
- "We detain, not correct."
- There are limited resources for or investments in rehabilitation or data collection
- Hard to predict length of stay

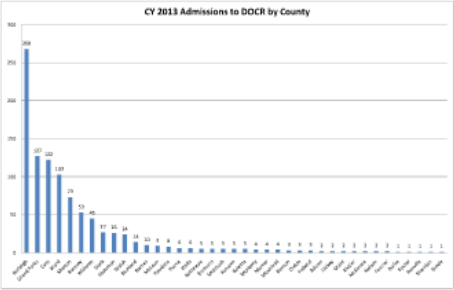
Treatment Works!

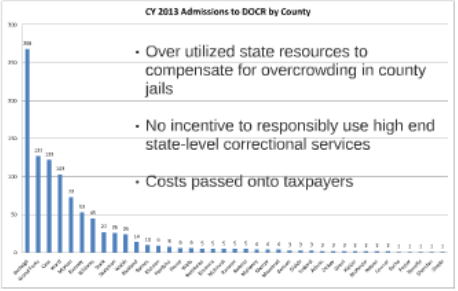
Research collected over the last 50 years has indicated that Cognitive Behavioral Treatment interventions delivered by trained staff, targeted on high risk offenders reduced recidivism by 25%, but the most effective configurations found more than 50% reductions in recidivism.

Andrews, 1994
Dowden & Andrews, 2003
Landenberger & Lipsey, 2005
Lowenkamp & Latessa, 2006

Build it and They will Come:
Finite Correctional Resources





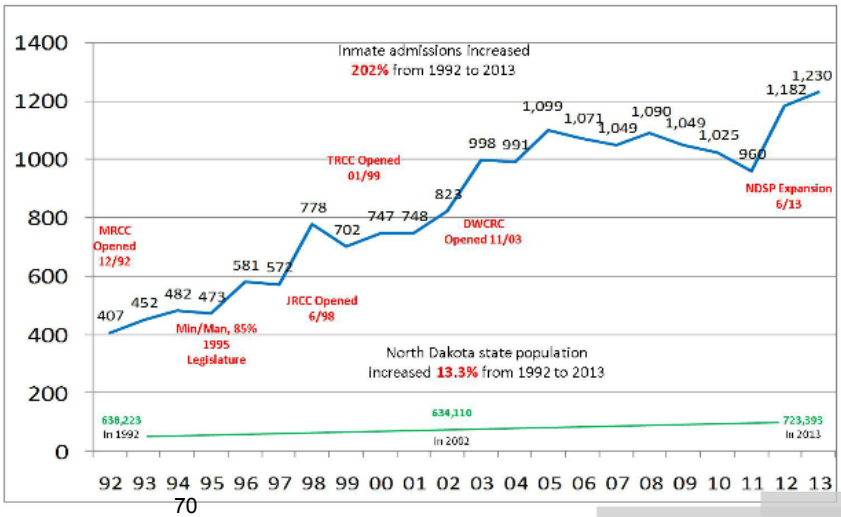


Correctional Resource Allocation:
We Can't Outbuild This

- Localize the cost of imprisonment and therefore encourage the exploration of alternatives to incarceration.
- Allocate prison space to each county based on population size. Counties would pay the state to imprison each additional offender incarcerated over the allotted number.
- Pre-trial Services to alleviate county overcrowding issues
- Counties that do not use their allotment of state prison beds are rewarded by receiving a percentage of the costs avoided by the State for each allotment they did not use to invest in community-based alternatives to incarceration.
- Stem the rising tide of incarceration and recidivism at an offender's first stop by implementing evidence based treatment services within facility.

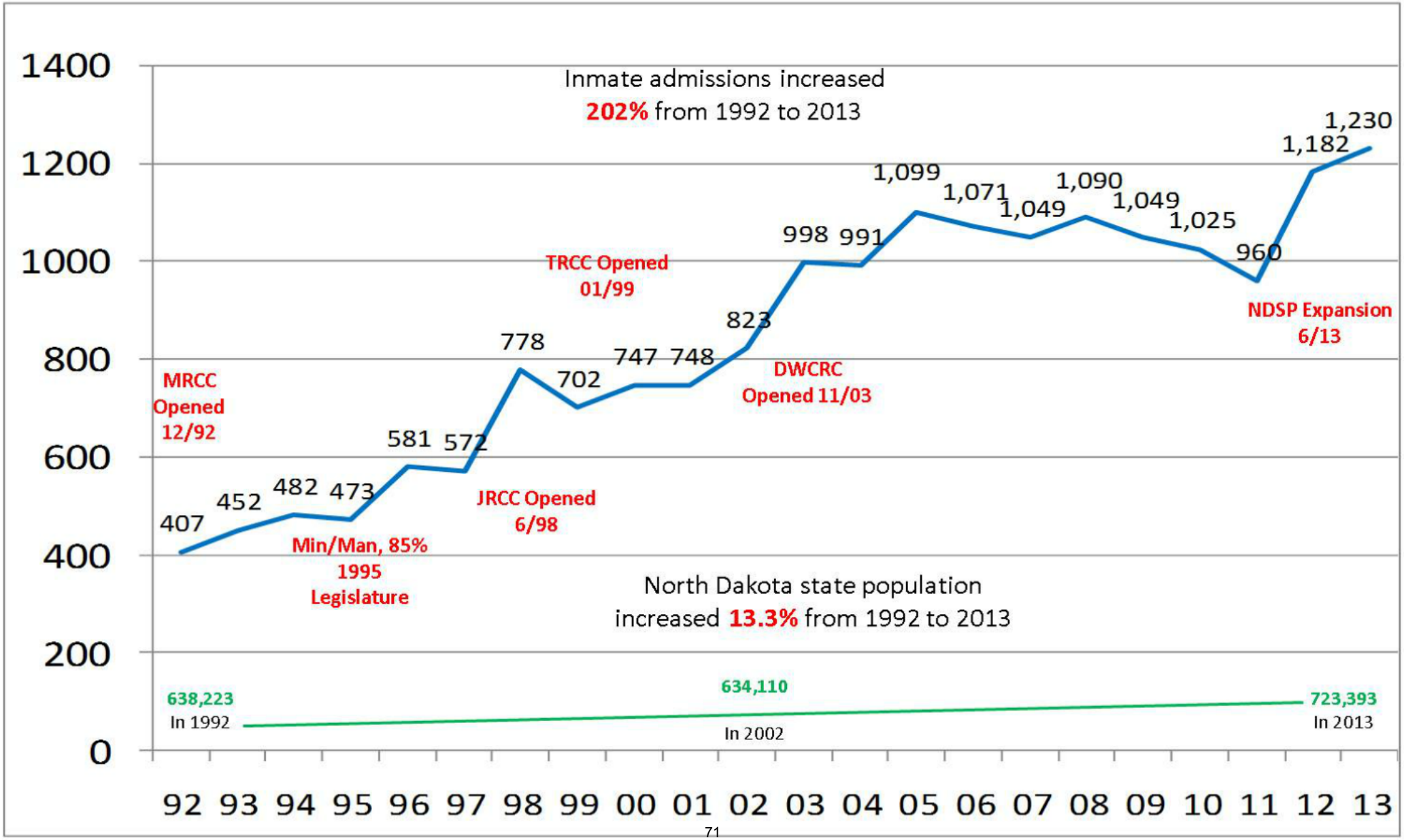
Inmate Admissions by Calendar Year

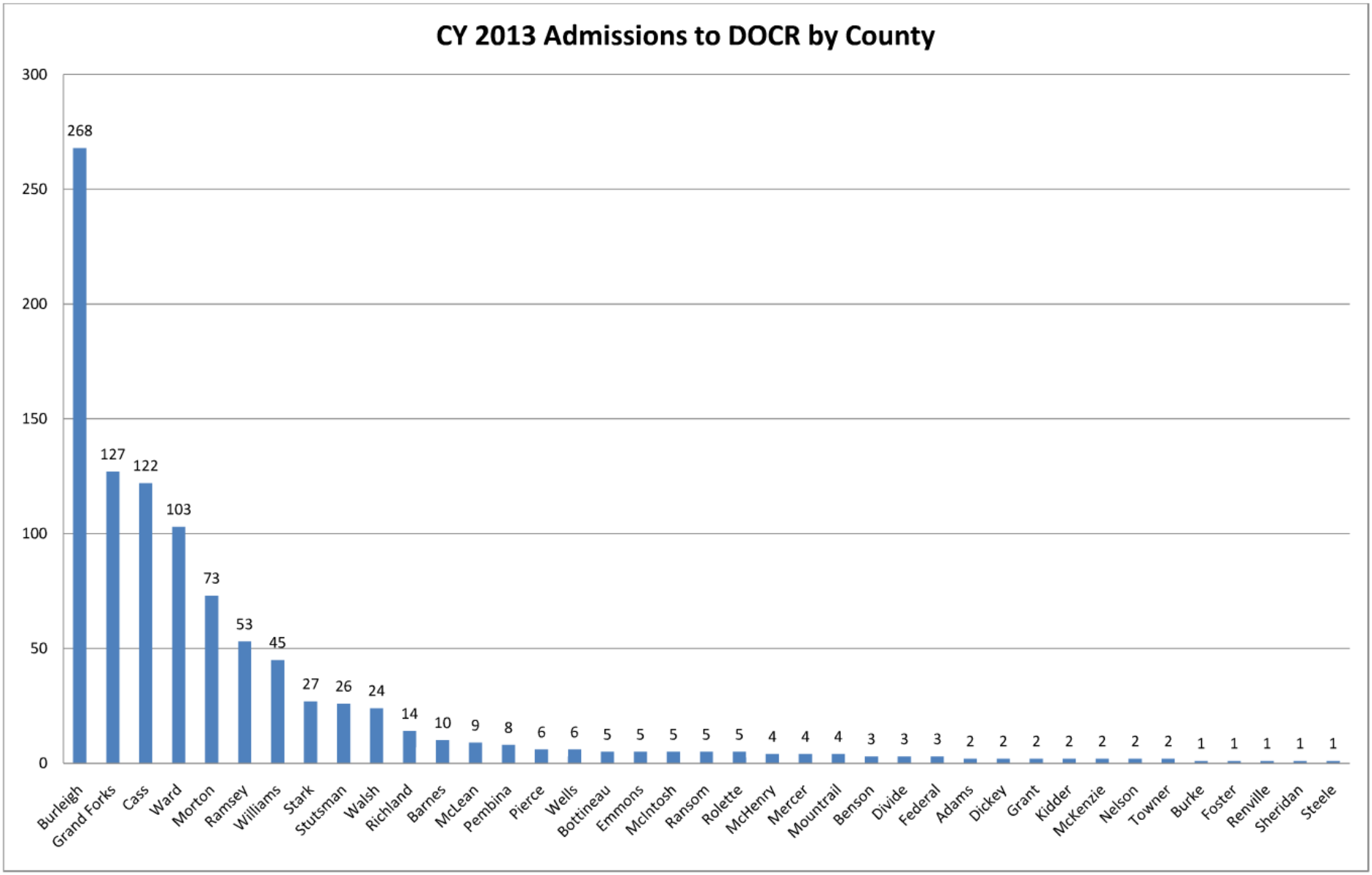
(The same inmate can be admitted more than once during a calendar year)

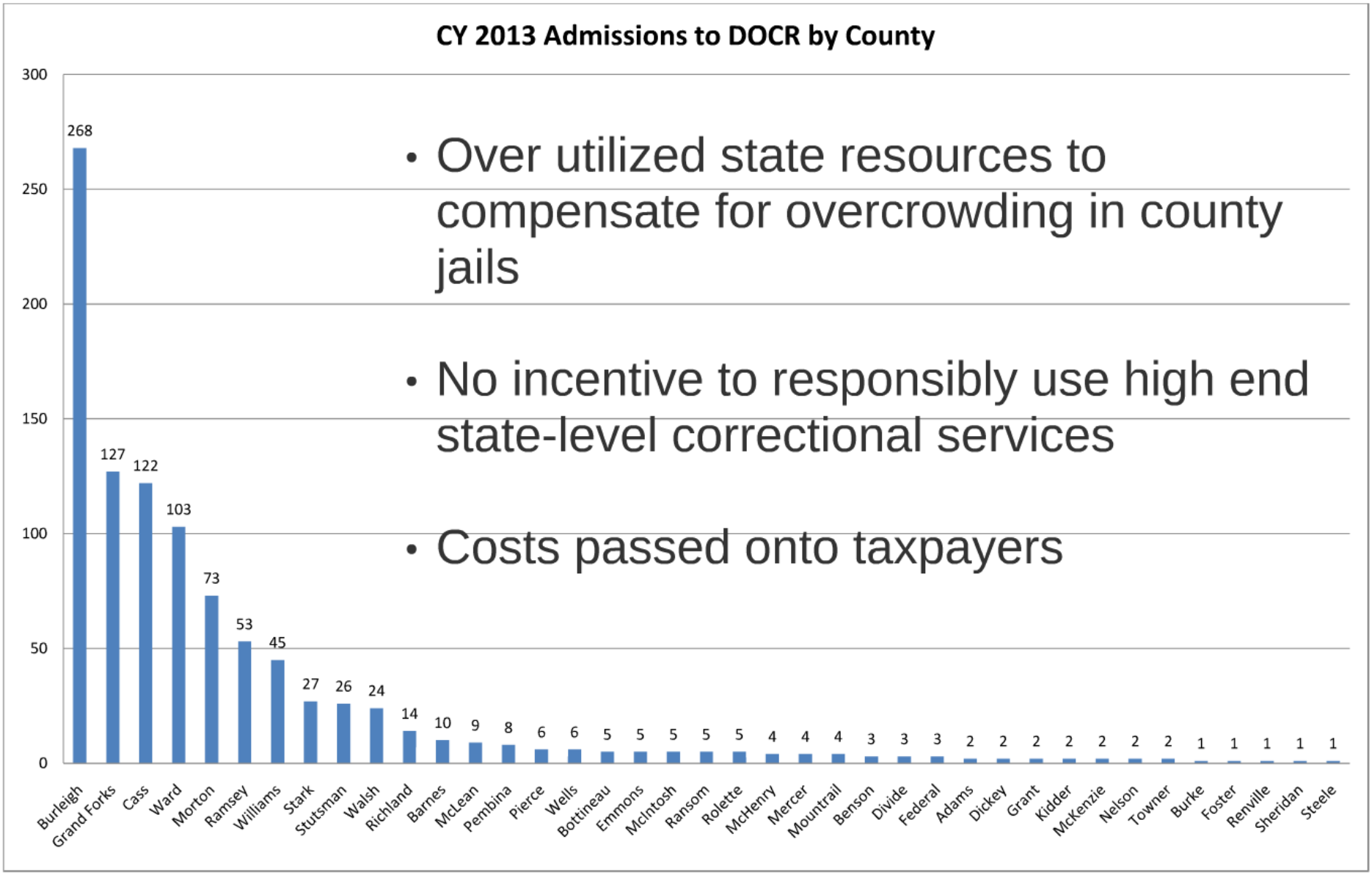


Inmate Admissions by Calendar Year

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



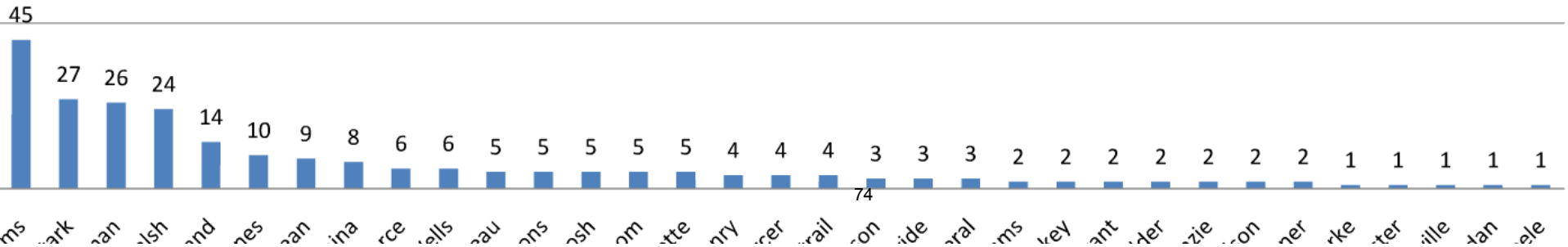

CY 2013 Admissions to DOCR by County
300
250
200
150
100
50
0
268
127
122
103
73
53
45
27
26
24
14
10
9
8
6
6
5
5
5
5
5
4
4
4
3
3
3
2
2
2
2
2
2
2
1
1
1
1
1
Burleigh
Grand Forks
Cass
Ward
Morton
Ramsey
Williams
Stark
Stutsman
Walsh
Richland
Barnes
McLean
Pembina
Pierce
Wells
Bottineau
Emmons
McIntosh
Ransom
Rolette
McHenry
Mercer
Mountrail
Benson
Divide
Federal
Adams
Dickey
Grant
Kidder
McKenzie
Nelson
Towner
Burke
Foster
Renville
Sheridan
Steele

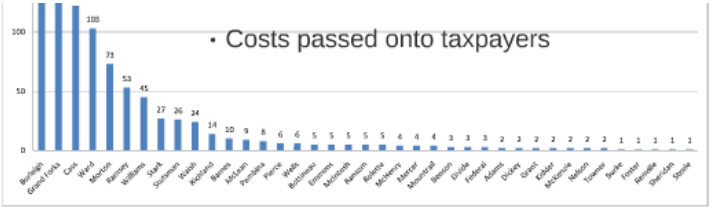


- Over utilized state resources to compensate for overcrowding in county jails
- No incentive to responsibly use high end state-level correctional services
- Costs passed onto taxpayers

CY 2013 Admissions to DOCR by County

- Over utilized state resources to compensate for overcrowding in county jails
- No incentive to responsibly use high end state-level correctional services
- Costs passed onto taxpayers



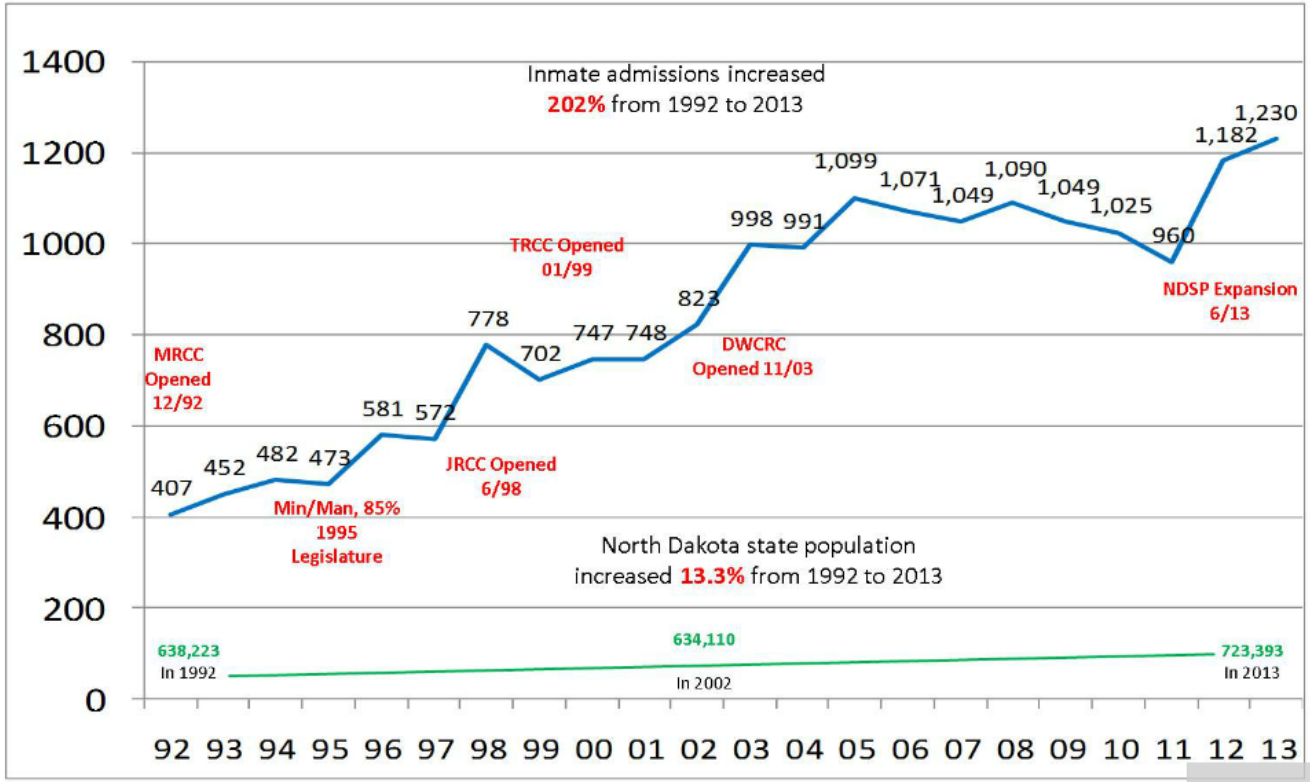


Correctional Resource Allocation:
We Can't Outbuild This

- Localize the cost of imprisonment and therefore encourage the exploration of alternatives to incarceration.
- Allocate prison space to each county based on population size. Counties would pay the state to imprison each additional offender incarcerated over the allotted number.
- Pre-trial Services to alleviate county overcrowding issues
- Counties that do not use their allotment of state prison beds are rewarded by receiving a percentage of the costs avoided by the State for each allotment they did not use to invest in community-based alternatives to incarceration.
- Stem the rising tide of incarceration and recidivism at an offender's first stop by implementing evidence based treatment services within facility.

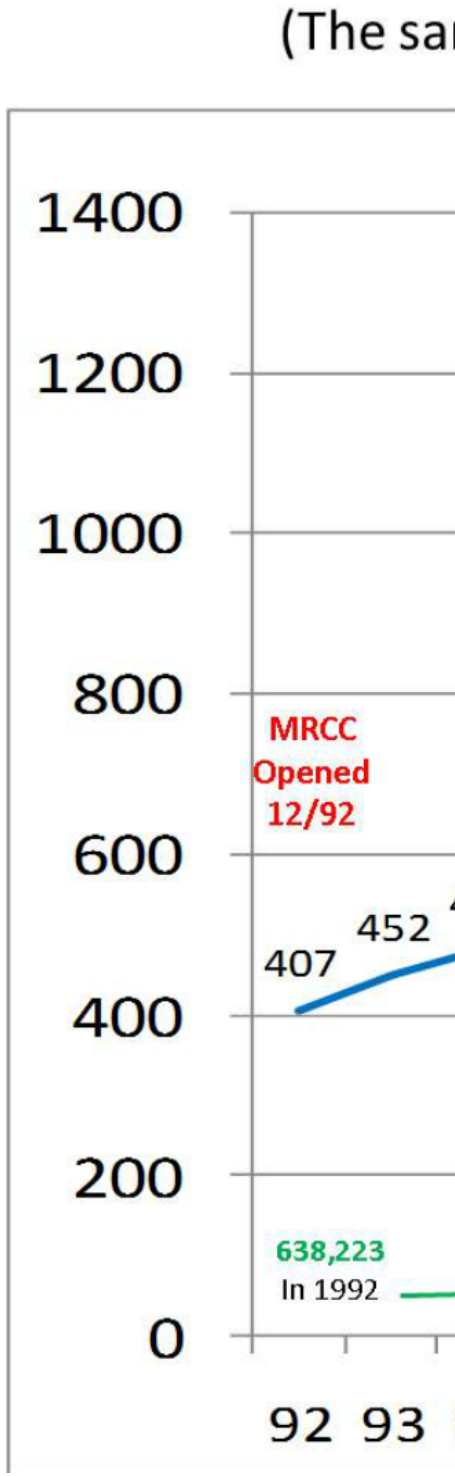
Inmate Admissions by Calendar Year

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



Correctional Resource Allocation:
We Can't Outbuild This

- Localize the cost of imprisonment and therefore encourage the exploration of alternatives to incarceration.
- Allocate prison space to each county based on population size. Counties would pay the state to imprison each additional offender incarcerated over the allotted number.
- Pre-trial Services to alleviate county overcrowding issues
- Counties that do not use their allotment of state prison beds are rewarded by receiving a percentage of the costs avoided by the State for each allotment they did not use to invest in community-based alternatives to incarceration.
- Stem the rising tide of incarceration and recidivism at an offender's first stop by implementing evidence based treatment services within facility.



BRIDGING THE PUBLIC SAFETY GAP

MYTHS,
FACTS, & WHAT WORKS

What will you do to bridge the gaps to achieving public safety in 2015?

- Consider my thoughts/beliefs about the issue
- Consult the research of what works
- Weigh the costs/benefits of applying the research
- Consider the impact of this decision on all members of criminal justice system and the shared goal

Prison and Crime: A Complex Link

Crime drop since 1994 has been bigger in states that cut imprisonment rates

Two decades after Congress passed the Violent Crime Control and Law Enforcement Act of 1994—with lawmakers focused on locking up more offenders for longer periods—the nation's imprisonment rate has climbed 24 percent and crime has declined 40 percent. But research shows that many other factors have been at work in the nation's crime drop and several states have demonstrated that it is possible to reduce imprisonment and crime at the same time.

State	Imprisonment rate change between 1994 and 2012	Crime rate change between 1994 and 2012
New York	-24%	-54%
New Jersey	-15%	-50%
California	-9%	-48%
Maryland	-9%	-47%
South Carolina	-7%	-27%
Texas	-6%	-36%
Nevada	-3%	-49%
Rhode Island	4%	-31%
Michigan	4%	-45%
Connecticut	5%	-47%
Virginia	11%	-42%
North Carolina	11%	-34%
Delaware	13%	-20%
Massachusetts	17%	-42%
Ohio	17%	-23%
Georgia	19%	-37%
New Hampshire	19%	-8%
United States	24%	-40%
Illinois	24%	-47%
Alaska	25%	-41%
Washington	25%	-34%
Oklahoma	28%	-31%
Maine	29%	-20%
Arizona	30%	-50%
Florida	31%	-54%
Kansas	31%	-28%
Hawaii	36%	-50%
Colorado	36%	-44%
Arkansas	40%	-14%
Vermont	44%	-22%
Alabama	45%	-19%
Iowa	48%	-31%
Wyoming	50%	-42%
New Mexico	50%	-33%
Nebraska	52%	-32%
Missouri	54%	-29%
Utah	57%	-40%
Tennessee	59%	-22%
Louisiana	61%	-39%
Kentucky	70%	-17%
Indiana	71%	-27%
Pennsylvania	71%	-23%
Montana	75%	-43%
Mississippi	82%	-36%
Minnesota	86%	-36%
South Dakota	86%	-23%
Wisconsin	92%	-31%
Oregon	99%	-45%
Idaho	103%	-46%
North Dakota	175%	-18%
West Virginia	195%	6%

5 largest decreases in imprisonment rate

Crime -45% (average)

5 largest increases in imprisonment rate

Crime -27% (average)

Note: Imprisonment rates do not include local jail populations. The national imprisonment rate includes federal prison population.

An infographic from THE PEW CHARITABLE TRUSTS | Sept 2014

Prison and Crime: A Complex Link

Crime drop since 1994 has been bigger in states that cut imprisonment rates

Two decades after Congress passed the Violent Crime Control and Law Enforcement Act of 1994—with lawmakers focused on locking up more offenders for longer periods—the nation's imprisonment rate has climbed 24 percent and crime has declined 40 percent. But research shows that many other factors have been at work in the nation's crime drop and several states have demonstrated that it is possible to reduce imprisonment and crime at the same time.

State	Imprisonment rate change between 1994 and 2012	Crime rate change between 1994 and 2012
New York	-24%	-54%
New Jersey	-15%	-50%
California	-9%	-48%
Maryland	-9%	-47%
South Carolina	-7%	-27%
Texas	-6%	-36%
Nevada	-3%	-49%
Rhode Island	4%	-31%
Michigan	4%	-45%
Connecticut	5%	-47%
Virginia	11%	-42%
North Carolina	11%	-34%
Delaware	13%	-20%
Massachusetts	17%	-42%
Ohio	17%	-23%
Georgia	19%	-37%
New Hampshire	19%	-8%
United States	24%	-40%

5 largest decreases in imprisonment rate

Crime -45% (average)

Arkansas	40%	-14%
Vermont	44%	-22%
Alabama	45%	-19%
Iowa	48%	-31%
Wyoming	50%	-42%
New Mexico	50%	-33%
Nebraska	52%	-32%
Missouri	54%	-29%
Utah	57%	-40%
Tennessee	59%	-22%
Louisiana	61%	-39%
Kentucky	70%	-17%
Indiana	71%	-27%
Pennsylvania	71%	-23%
Montana	75%	-43%
Mississippi	82%	-36%
Minnesota	86%	-36%
South Dakota	86%	-23%
Wisconsin	92%	-31%
Oregon	99%	-45%
Idaho	103%	-46%
North Dakota	175%	-18%
West Virginia	195%	6%

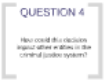
Note: Imprisonment rates do not include local jail populations. The national imprisonment rate includes federal prison population.

5 largest increases in imprisonment rate

Crime

-27%

(average)



References

Andrews, D. A., & Bonta, J. (1995). The Level of Service Inventory - Revised. Toronto: Multi-Health Systems.
Andrews, D. A., & Bonta, J. (2006). The psychology of criminal conduct (4th ed.). Newark, NJ: LexisNexis.
Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. Criminal Justice and Behavior, 17, 19-52.
Andrews, D. A., & Dowden, C. (2005). Managing correctional treatment for reduced recidivism: A meta-analytic review of program integrity. Legal and Criminological Psychology, 10, 173-187.
Andrews, D. A., & Dowden, C. (in press). The Risk-Need-Responsivity model of assessment and human service in prevention and corrections: Rehabilitative jurisprudence. Canadian Journal of Criminology and Criminal Justice.
Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A psychologically informed meta-analysis. Criminology, 28, 369-404.
Smith, P., Goggin, C., & Gendreau, P. (2002). The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences.(User Report 2002-01). Ottawa, Ontario: Public Safety Canada.
Jalbert, S. K., Rhodes, W., Kane, M., Clawson, E., Bogue, B., Flygare, C., Kling, R., & Guevara, M. (2011). A multi-site evaluation of reduced probation caseload size in an evidence-based program setting. Washington, DC: U.S. Department of Justice.
Kleiman, M. (2001). Controlling drug use and crime among drug-involved offenders: Testing, sanctions, and treatment. In Heymann, P.H., & Brownsberger, W.N. (Eds.),Drug Addiction and Drug Policy. Harvard University Press.
Lipsey, M. W. (1999). Can intervention rehabilitate serious delinquents? The ANNALS of the American Academy of Political and Social Science, 564, 142–166.
Lipsey, M. W., Landenberger, N. A., & Wilson, S. J. (2007). Effects of cognitive-behavioral programs for offenders. Campbell Systematic Reviews, 6, 1–27.
Lowenkamp, C. T., Flores, A. W., Holsinger, A. M., Makarios, M. D., & Latessa, E. J. (2010). Intensive supervision programs: Does program philosophy and the principles of effective intervention matter? Journal of Criminal Justice, 38, 368–375.
Lowenkamp, C. T., Holsinger, A., Robinson, C. R., & Alexander, M. (2012). Diminishing or durable treatment effects of STARR? A research note on 24-month re-arrest rates. Journal of Crime and Justice. doi: 10.1080/0735648X.2012.753849
Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. (2006). The risk principle in action: What have we learned from 13,676 cases and 97 correctional programs? Crime & Delinquency, 52, 77–93.
Lowenkamp, C. T., Pealer, J., Smith, P., & Latessa, E. J. (2006). Adhering to the risk and need principles: Does it matter for supervision-based programs? Federal Probation, 70, 3–8.
Paparozzi, M. A., & Gendreau, P. (2005). An intensive supervision program that worked: Service delivery, professional orientation, and organizational supportiveness. The Prison Journal, 85, 445–466.
Paternoster, Raymond, Robert Brame, Ronet Bachman, and Lawrence W. Sherman. 1997. "Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse Assault." Law and Society Review 31:163-204.
Rhine, Edward. 1993. Reclaiming Offender Accountability: Intermediate Sanctions for Probation and Parole Violators. Laurel, MD.: American Correctional Association.
Smith, P., Schweitzer, M., Labreque, R. M., & Latessa, E. J. (2012). Improving probation officers' supervision skills: An evaluation of the EPICS model. Journal of Crime and Justice, 35, 189–199.
Sperber, K. G., Latessa, E. J., & Makarios, M. D. (2013a). Establishing a risk-dosage research agenda: Implications for policy and practice. Justice Research and Policy, 15(1), 123–142.
Sperber, K. G., Latessa, E. J., & Makarios, M. D. (2013b). Examining the interaction between level of risk and dosage of treatment. Criminal Justice and Behavior, 40, 338–348.
Taxman, Faye (1999) "Graduated Sanctions: Stepping into Accountable Systems and Offenders", Prison Journal, 79(2): 182-205.
Tonry, Michael (1996) Sentencing Matters. New York: Oxford University Press.
Urada, D., & Evans, E. (2008). Treatment. In: Evaluation of the Substance Abuse and Crime Prevention Act 2008 Report. 33-55.
U.S. Department of Justice (2002) State Court Sentencing of Convicted Felons, 2002. Available online at: http://www.ojp.usdoj.gov/bjs/abstract/scsc02st.htm
U.S. Department of Justice (2006). Probation and Parole in the United States, 2005. November 2006, NCJ 215091.
Wilson, James. Q. (1997) "Making Justice Swifter." City Journal 7(4).

Correctional Symposium Jeopardy

Question and Answer

Beating a Dead Horse

Beating a Dead Horse
According to Albert Einstein, what does this define? "Doing the same thing over and over again and expecting different results."

What is insanity?

Continuing to increase penalties is actually increasing crime. Aggravated Assault. Drug Arrests.

True or False: The prison experience and its aftermath, in some cases, may contribute to further criminal activity.

What is True?

It depends on risk of offender, length of stay, treatment of offenders while incarcerated, and how people are treated after release.

True or False: Longer period of probation increases community safety.

What is False?

Goal driven-performance based supervision using incentives and sanctions grids promote behavior change and attaining goals in supervision. P 15 NIC's Dosage Probation.

True or False: The longer they remain incarcerated the more rehabilitated they will be when they are released.

What is false?

Researchers found an increased likelihood that lower-risk offenders will be more negatively affected by incarceration.

True or False: Policy choices have increased the use of imprisonment as a respone to crime.

What is True?

High rates of incarceration in ND and the great number of people held in ND prisons and jails, results substantially from decisions by policy makers to increase the use and severity of prison sentences as a response to crime.
Federal Crime and Law Enforcement Act of 1994

Turning Off the Spigot

True or False: To turn off the spigot, the best course is to repeal mandatory minimum laws, so that judges can craft sentences to fit the circumstances of each crime and offender.

What is true?

Transfer discretion to neutral judges from adversarial prosecutors.

Research indicates that incarcerating low risk offenders has a positive or negative effect.

What is a negative effect?

Exposure to higher risk criminals, reduction of mitigating factors (removal of pro-social friends/family), removal from other pro-social activities such as employment.

From 2000 to 2013, the parole and probation statewide caseload has increased less than 50% or more than 50%.

What is more than 50%?

Parole and Probation Statewide caseload has increased by 82%.

True or False: A harsher penalty reduces drug use.

What is false?

The penalty often makes people with addiction issues a felon. Drug crimes and drug paraphernalia are often the greatest feeders into the incarceration system and are those offenders that return on technical violations.

True or False: Pre-trial detainees comprise approximately 85% of the jail bed population.

What is True?

Developing pre-trial services within the state could relieve the pressure on the jails of pre-trial detainees taking up beds that could be used for post-trial, sentenced offenders.

Proof is in the Puddin'—What Works

True or false, according to a Cambridge University Institute of Criminology study, swiftness and certainty have the greatest effect on deterring criminal behavior?

What is True?

(As opposed to length prison terms: Swift, Certain, and Proportionate to crime…)

True or False: 48 hour jail hold will cost counties money and will increase jail overcrowding.

What is false?

The state would reimburse counties at established per diem rate. Research shows this type of intervention to be most effective.

True or false: Requiring supervised probation for all felons reduces criminal behavior.

What is false?

One size does not fit all. Focusing probation resources on high risk offenders would reduce recidivism and free up correctional resources for the offenders that need it most.

True or False: People incarcerated in county jails generally receive assessment, addiction, and mental health services.

What is false?

Little to no services are offered at the county jail level. More offenders are sent to DOCR facilities for treatment purposes due to those services not being available at the local level. Without local level treatment services a ripple effect is created of increased state costs, that in turn increase a cycle of new crime and recidivism back to the local level.

True or False: Assessing and treating offenders at the county level will reduce criminal behaviors.

What is True?

Treatment works. Offering effective correctional interventions has been proven to reduce recidivism by up to 50%.

Build It and They Will Come—Reality of Finite Correctional Resources

Admissions to prison has increased less than or more than 100% in the last 22 years.

What is more than 100%?

Actual increase is 202%.

True or False: In 2013, it cost tax payers of ND $25,000.00 per year to incarcerate an offender in a DOCR facility.

What is false?

It costs $39,800 per offender per year.
($109.10 per day)

Which county led the state in sentencing the most people to the custody of the DOCR?

What is Burleigh County?

Burleigh County = 268;
Cass=122; Grand Forks=127

True or False: Those who send inmates to prison accrue political capitol and do not have to pay for it—thus being one of the core problems underlying mass imprisonment.

What is true?

Defaulting to incarceration is RISK AVERSE. Dynamics of Risk Aversion and County Financial Burden

True or False: It is not possible to stem the tide of exponential growth of incarceration.

What is false?

It is possible to equitably allocate finite correctional resources and discontinue exponential population growth.

Final Question

How can I bridge the gaps to achieving the goal of public safety?

Open Discussion.