

HCR 3026 – Study of Reentry Outcomes

House Judiciary Committee – March 8, 2023 Testimony from Rep. Karla Rose Hanson – District 44

Chairman Klemin and members of the House Judiciary Committee,

My name is Karla Rose Hanson and I represent District 44 in Fargo. Today, I'm introducing House Concurrent Resolution 3026, which seeks to begin our next phase of criminal justice reform in North Dakota by studying reentry outcomes for incarcerated adults and youth.

Background: Criminal Justice Reform in ND

For the last eight years, the North Dakota Legislature has been on a journey to reform our criminal justice system – to maximize public safety, use taxpayer dollars more efficiently, and help people who are justice involved become more productive citizens.

Justice Reinvestment:

This journey began in October 2015 when Gov. Dalrymple, Chief Justice VandeWalle, Attorney General Stenehjem, and Republican and Democratic-NPL legislative leaders requested technical assistance from the Council of State Governments (CSG) Justice Center with support from the Pew Charitable Trusts and the US DOJ Bureau of Justice Assistance to use a data-driven justice reinvestment approach.

The result of this work was the passage of HB 1041 in 2017. This major reform aimed to contain ND's rapidly growing spending on correctional facilities and reinvest a portion of the savings into strategies to reduce recidivism and increase public safety. Primary aspects of the bill included reducing penalties for certain low-level, non-violent offenses and creating Free Through Recovery, an outcomes-driven program to address the fact that a large majority of incarcerated individuals have addiction and mental health issues.

Juvenile Justice:

Following this major reform to our adult system, we next turned to our juvenile system. Thanks to leadership from Chairman Klemin, a newly created Juvenile Justice Commission – which includes both legislators and practitioners – partnered with CSG to conduct an in-depth analysis of current practices and policies related to ND kids who are justice involved. The group reviewed data, statutes and policies and worked with a broad group of stakeholders, including state attorneys, public defenders, court staff, law enforcement, educators, tribal representatives, behavioral health professionals and child welfare officials.

The result of these findings and recommendations was HB 1035, which became law in 2021. HB 1035 modernized state laws related to juvenile justice, which hadn't been overhauled

since 1969, with the purpose of increasing access to services and improving outcomes for youth. Some key provisions in HB 1035 were to create distinct categories for juvenile delinquency, deprivation and child welfare to clearly delineate between these populations so each type of case is handled more consistently and to better enable youth to access social services without formal involvement in the justice system.

What's Next: Reentry Reform

Our next reform opportunity is to improve North Dakota's reentry outcomes.

Reentry is more than avoiding a return to prison or jail. It means meeting a wide variety of needs to help people successfully transition back to society. It includes education and job training, the removal of barriers to employment and stable housing, transportation, mental health services, recovery support, parenting and other personal skill building, and more.

As you know, roughly 95% of people who are incarcerated in North Dakota's prisons and jails are eventually released – so they return to being our neighbors. We have a strong interest in ensuring our neighbors can be as successful as possible in our communities.

North Dakota releases about 1,400 people from its state prison system every year, plus thousands more from our county jails.

Thankfully, our state has a strong network of both public and private services to reduce the chance of these folks returning to prison or jail. These state agencies and non-profit organizations help on many fronts. They reduce barriers to stable employment and housing, connect people to substance use treatment and recovery services, deliver support services and more. Let me highlight some of the excellent reentry work being done today:

- **DOCR:** The forward-thinking leaders at DOCR have developed a multi-pronged approach to improving reentry success for offenders – including a variety of education initiatives, community supervision and coaching done by Parole & Probation officers, and transitional planning efforts.
- **DHHS:** In addition to offering direct services for behavioral health needs through regional human services centers, the Free Through Recovery Program created by the 2017 reforms has been very successful. It has served just shy of 5,000 people over five years and has reduced recidivism with those at higher criminogenic risk.
- **ND Job Service:** Seeing an opportunity to connect formerly incarcerated people with our state's 30,000+ open jobs, ND Job Service has envisioned a Job Placement Pilot Program in partnership with DOCR to help ex-offenders re-enter the workforce and stay there successfully.
- **Local Jails:** Our county jails are on the front lines, connecting people to supportive services such as care coordinators, housing navigators (in Cass County, 40% of those

in jail with local charges are homeless), drug treatment programs, and faith-based group programming to improve skills around parenting and anger management.

- **F5 Project:** This statewide nonprofit organization provides personalized support for those leaving incarceration, aiming to reduce barriers to finding employment and housing, helping them develop life skills, and creating a bridge to other resources.
- **Ministry on the Margins:** This volunteer-based ecumenical ministry in Bismarck supports people during times of transition, including prison-to-society support. Sister Kathleen Atkinson, director of this program, is unable to attend this hearing today but submitted testimony in support of this study. She emphasized how this work can change people's lives and help them become contributing members of society.

Despite these important efforts, however, **North Dakota's recidivism rate is around 40%**. The law enforcement community sees concerning trends related to repeat offenders; this is emphasized in the submitted testimony from Captain Andrew Frobig who leads the Cass County jail. Leaders doing this work tell me that we see the most success when we connect people to services to help their transition, but unfortunately, the existing reentry services can be an insufficient patchwork.

By taking a comprehensive look at our reentry efforts, and identifying and building on the most effective services, we can reduce the rate that people return to prison and jail – which will save taxpayer dollars, improve public safety, and help people become productive members of our workforce and society.

Phase One: Assessment

This resolution asks for a legislative study on reentry as our next phase of criminal justice reform. I envision that this work could be handled in a similar way to the adult and juvenile reforms we've enacted over the last eight years.

I propose a holistic approach over at least two biennia. **This study resolution focuses on the first phase, where we would assess the landscape** of the current range of reentry services during the first biennium. In the subsequent biennium, as part of phase two, we would implement the resulting recommendations.

As part of the assessment in phase one, we can look at data, practices and policies; identify gaps in services and needed coordination across groups; and recommend ways to take the most effective & efficient services to the next level to maximize impact. Given our state's workforce shortages and the fact that financial resources are not unlimited, these recommendations will help us be smart about our priorities and investments going forward.

We can model our approach after the adult and juvenile work done previously, forming a **dedicated working group** that includes both legislators and practitioners and partnering with a national justice organization for technical support.

The resolution before you lists who might participate in such a working group: legislators, representatives from nonprofit organizations that assist with re-entry, community members with re-entry experience, plus representatives from the DOCR, county jails, the Behavioral Health Division of DHHS, the courts, job service or the business community, adult and postsecondary education institutions, and tribal nations. We should ensure the workgroup members represent both urban and rural communities.

The working group may want to have a special focus on targeted services for specific populations that have a **disproportionate representation** in our criminal justice system. These include members of tribal nations, people ages 18-24, the seriously mentally ill, and women. North Dakota also struggles to provide adequate reentry services in our rural areas.

By receiving **technical assistance** from either the CSG Justice Center or the Crime and Justice Institute, we could get a clear picture of what has worked well elsewhere and how those **data-driven best practices** could be incorporated into the work we do here. Their recommendations would establish the scope of work for phase two, the implementation phase in the subsequent biennium. We have several options for funding the technical assistance, if you chose to go that route. Legislative Management has a budget for its interim studies, including third-party assistance. Or, there may be grant opportunities through federal legislation including the Safer Communities Act and Second Chance Act. Additionally, CSG or CJI may be able to assist us in securing additional federal grants for the subsequent phase of implementing whatever recommendations result from the assessment.

Committee, thank you for considering this study on reentry outcomes as our next phase of criminal justice reform in North Dakota. I'm happy to answer any questions.