



Commission on Legal
Counsel for Indigents

Testimony of Travis W. Finck, in Opposition to SB 2128

Research Shows Truth in Sentencing Does NOT Reduce Recidivism

- SB 2128 will not reduce recidivism.
 - A 2021 analysis of 116 studies found, for example, that custodial sentences do not prevent reoffending—and can actually increase it.¹
 - “The null effect of custodial compared with noncustodial sanctions is considered a “criminological fact.” Incarceration cannot be justified on the grounds it affords public safety by decreasing recidivism. Prisons are unlikely to reduce reoffending unless they can be transformed into people-changing institutions on the basis of available evidence on what works organizationally to reform offenders.”
 - Georgia adopted Truth in Sentencing requiring 90% of a sentence to be served²
 - I estimate that eliminating parole for all prisoners would increase the prison population by 10% while also increasing the crime rate through deleterious effects on recidivism
 - Arizona truth in Sentencing Paper by David McDonald:³
 - “Overall, the results in this paper suggest that TIS runs contrary to public policy aimed at reducing reoffending among those convicted and incarcerated”
 - Also with commentary on Florida and North Carolina Truth In Sentencing

Locking people up for longer sentences does not make communities safer.

- North Dakota's Law Enforcement does a great job with their resources to protect communities
- [According to Pew Research and the Crime and Justice Institute, the prison population in the United States has fallen along with the crime rates](#)
- Current policies and procedures seem to be working when reviewing recent reports
 - Our two largest cities have released crime stats showing Group A or "violent" crime is down in 2024
 - [Fargo](#)
 - [Bismarck](#)

Truth in Sentencing will not deter criminal behavior.

- After decades of a mandatory minimum structure, it was found that Louisiana's sentencing laws had "**DONE LITTLE TO DETER CRIMINAL BEHAVIOR**" ... AND HAVE RESULTED IN A SIGNIFICANT INCREASE IN LOUISIANA'S PRISON POPULATION, WITH ATTENDANT COSTS TO LOUISIANA'S TAXPAYERS."⁴
- U.S. Department of Justice, office of Justice Programs has issued a paper on deterrence, titled five things about deterrence.⁵
 - 1) The certainty of being caught is vastly more powerful deterrent than the punishment.
 - 2) Sending an individual convicted of a crime to prison isn't a very effective way to deter crime.
 - 3) Police deter crime by increasing the perception that criminals will be caught and punished
 - 4) Increasing the severity of punishment does little to deter crime.
 - 5) There is no proof that the death penalty deters crime.

Conclusion: The Commission opposes SB 2128 based upon research and national best practices:

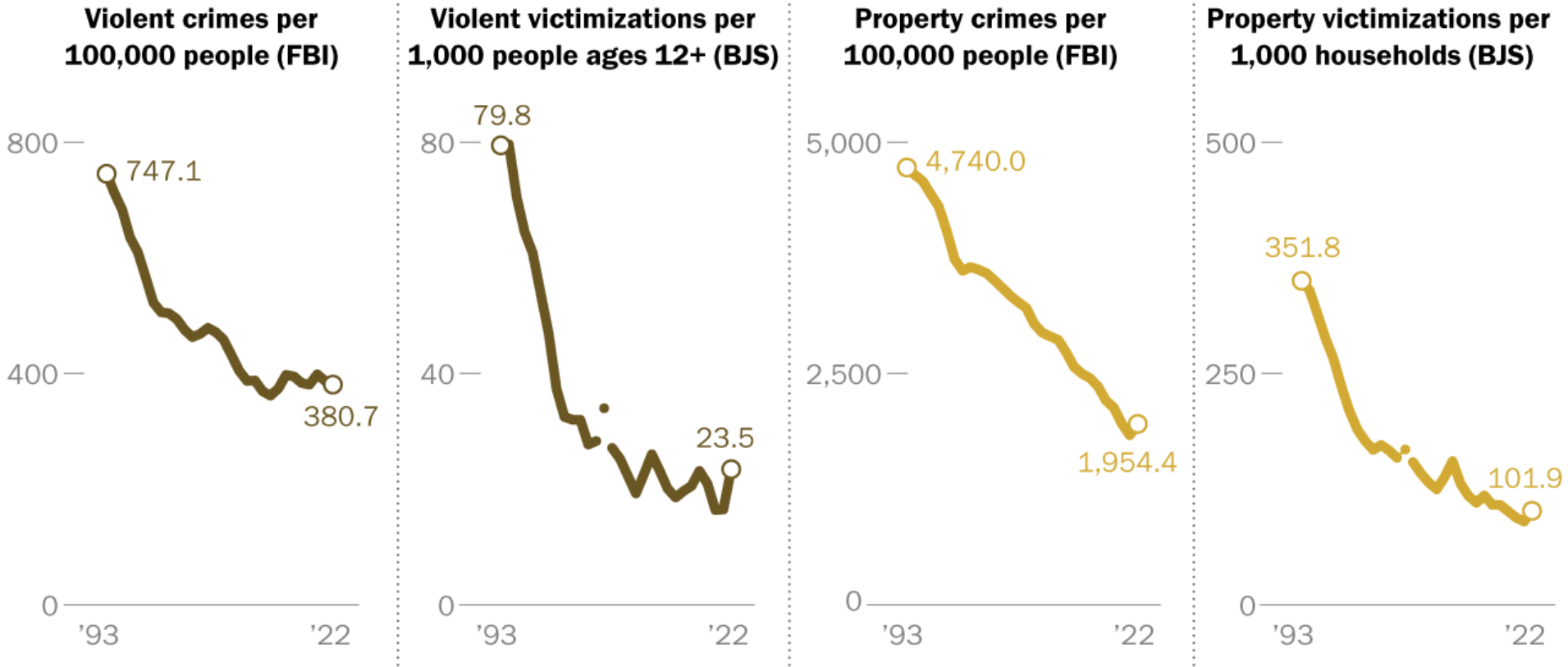
- A lot has been made about the fiscal note and whether it was inaccurate. Regardless, we know SB 2128 will cause increased costs without knowing if it will achieve its goals. What we do know is if we put the money into local law enforcement, our communities will be safer
- Mandatory minimum sentences and harsher sentences do not curb behavior
- The federal government under President Trump is moving away from determinate sentencing towards what North Dakota has, this bill would move us backwards
 - First Step Act
 - While SB 2128 limits the use of halfway houses to only “eligible offenders” Attorney General Pam Bondi is trying to increase their usage on a federal level.
https://www.judiciary.senate.gov/imo/media/doc/2025-01-15_-_opening_statement_-_bondi.pdf

References

- 1) Custodial Sanctions and Reoffending: A Meta-Analytic Review, Petrich, Damon M, Travis C. Prat, Cheryl Lero Jonson and Francis T. Cullen, <https://perma.cc/4ATJ-KY7Y>
- 2) Kuziemko, I. (2013). How should inmates be released from prison? An assessment of parole versus fixed-sentence regimes, *The Quarterly Journal of Economics*, 128(1), 371–424.
https://kuziemko.scholar.princeton.edu/sites/g/files/toruqf3996/files/kuziemko/files/inmates_release.pdf
- 3) Macdonald, D.C. (2024). Truth in Sentencing, Incentives and Recidivism, Working Paper.
https://www.dropbox.com/s/8d0xha35vxvsrgs/Macdonald_TIS.pdf?e=2&dl=0
- 4) Smart on Sentencing, Smart on Crime: An Argument for Reforming Louisiana’s Determinate Sentencing Laws, Galik, Laure and Julian Morris, Reason Foundation Report, https://reason.org/wp-content/uploads/files/louisiana_sentencing_reform.pdf, emphasis added
- 5) U.S. Dept. of Justice, Office of Justice Programs National Institute of Justice; Five Things About Deterrence, May 2016. <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

U.S. violent and property crime rates have plunged since 1990s, regardless of data source

Trends in U.S. violent and property crime, 1993-2022



Note: FBI figures include reported crimes only; BJS figures include unreported and reported crimes. 2006 BJS estimates are not comparable to those in other years due to methodological changes.

Source: Federal Bureau of Investigation (FBI), U.S. Bureau of Justice Statistics (BJS).

Q: Does Truth in Sentencing make communities safer?

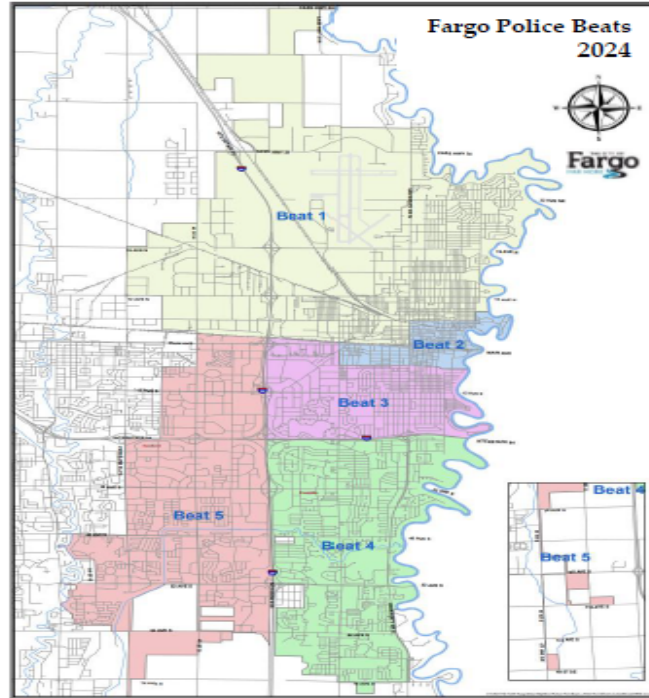
A: Crime across the country has declined regardless of TIS laws. Between 1984 and 2009, when TIS was on the rise, prison populations grew by 250% and crime decreased by 31%. Since 2010, the prison population has fallen by 24% and crime has dropped by another 30%.

National Crime Rate v. Number of Imprisoned Individuals, 1984-2022



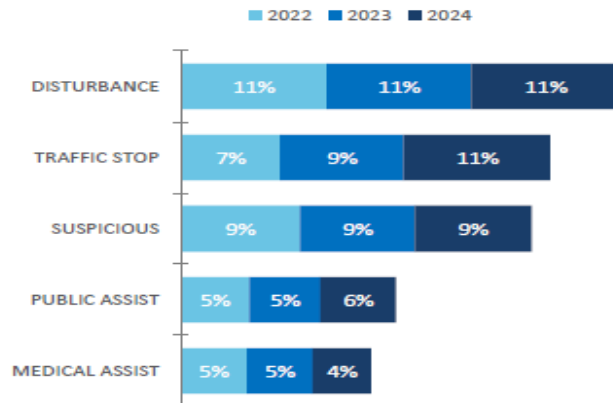


ALL FARGO POLICE BEATS



	2022	2023	2024
Number of Calls for Service (CFS):	91,175	92,211	89,633
Case Offenses:			
All Rape	144	108	126
All Other Larceny	2,222	1,973	1,450
Animal Cruelty	17	28	30
Arson	37	23	14
Assault, Aggravated	501	480	375
Assault, Simple	1,978	1,994	1,786
Assisting or Promoting Prostitution	7	0	2
Betting/Wagering	0	0	0
Bribery	0	0	0
Burglary/Breaking & Entering	1,069	1,025	964
Counterfeiting/Forgery	164	169	126
Credit Card/Automatic Teller Machine Fraud	80	72	40
Destruction/Damage/Vandalism	1,065	1,024	1,004
Drug Equipment Violation	940	1,158	939
Drug/Narcotic Violations	799	881	710
Embezzlement	15	23	19
Extortion/Blackmail	15	17	9
Forcible Fondling	109	101	84
Fraud - Welfare Fraud	0	0	0
Fraud-False Pretenses/Swindle	222	258	230
Gambling Equip. Violations	0	0	0
Hacking/Computer Invasion (Fraud)	0	1	0
Human Trafficking, Commercial Sex Acts	1	0	0
Human Trafficking, Involuntary Servitude	0	1	2
Identity Theft (Fraud)	237	265	266
Impersonation	143	120	16
Incest	1	0	2
Intimidation	659	616	488
Kidnapping/Abduction	43	45	35
Motor Vehicle Theft	712	589	464
Murder/Non-Negligent Manslaughter	4	2	5
Negligent Manslaughter	0	0	0
Operating/Promoting/ Assisting Gambling	0	0	0
Pocket Picking	0	2	6
Pornography/Obscene Material	57	71	59
Prostitution	0	0	2
Purchasing Prostitution	0	0	1
Purse Snatching	0	6	10
Robbery	123	99	100
Shoplifting	750	952	940
Sports Tampering	0	0	0
Stalking	22	66	58
Statutory Rape	23	16	8
Stolen Property Offenses	290	242	209
Theft from Building	12	61	103
Theft from Coin Operated Machine or Device	0	5	2
Theft from Motor Vehicle	766	748	849
Theft of Motor Vehicle Parts or Accessories	91	102	35
Weapon Law Violations	113	101	88
Wire Fraud	30	10	20
TOTAL GROUP A OFFENSES	13,461	13,454	11,676

TOP 5 CFS TYPES



GROUP A CRIMES

Crimes Against Persons	2020	2021	2022	2023	2024	%Change 2023-2024
Murder	0	2	6	2	1	-50.00%
Manslaughter	1	0	0	0	0	N/C
Sex Offenses	148	151	135	157	168	7.01%
Aggravated Assault	170	122	191	133	113	-15.04%
Simple Assault	868	792	736	735	696	-5.31%
Intimidation	165	40	112	151	141	-6.62%
Stalking ¹	28	22	11	10	21	110.00%
Kidnapping ²	19	3	1	3	2	-33.33%
Human Trafficking ³	6	3	0	2	3	50.00%
TOTAL	1,405	1,135	1,192	1,193	1,145	-4.02%

Group A offenses consist of the serious crimes against persons, generally felonies by statute; some crimes of vice include gambling, prostitution and drug offenses; and larcenies which also include fraud. The NIBRS reporting requirements for these offenses are much more extensive than for the offenses classified in Group B and Group C.

Crimes Against Property	2020	2021	2022	2023	2024	%Change 2023-2024
Arson	12	4	1	3	4	33.33%
Burglary	334	302	294	170	190	11.76%
Counterfeit/Forgery	127	97	107	88	63	-28.41%
Fraud	315	328	287	266	189	-28.95%
Destruction/Damage/Vandalism	742	656	580	582	504	-13.40%
Possession of Stolen Property	73	52	55	46	34	-26.09%
Robbery	28	26	25	30	34	13.33%
Motor Vehicle Theft	192	83	204	201	144	-28.36%
Shoplifting	776	742	460	693	631	-8.95%
Theft	1194	1389	1173	1121	1161	3.57%
Drug/Narcotic Violation	776	1029	847	638	671	5.17%
Drug Paraphernalia/Equip	801	1014	564	673	664	-1.34%
Embezzlement	36	18	14	15	8	-46.67%
Pornography/Obscenity	39	53	32	23	26	13.04%
Prostitution	12	7	10	10	7	-30.00%
Weapon Law Violations	71	85	60	57	59	3.51%
TOTAL	5,528	5,885	4,713	4,616	4,389	-4.92%