



## Office of Attorney General Internal Memo

To: Commission on Alternatives to Incarceration

From: Sandi Tabor, on behalf of the ad hoc group

Date: July 6, 2006

Re: Possible programs for future consideration

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A few months ago several members of the Commission held a series of meetings with other stakeholders to evaluate what other states have done in the area of alternatives to incarceration programming.<sup>1</sup> We reviewed not only new programs, but also discussed changes to existing programs in North Dakota. The following are suggestions for programs which merit a more in depth review by the Commission. At our last meeting, the group discussed prioritizing the programs, but in the end we decided each was of equal merit ... at least until more information can be gathered regarding implementation and operation costs, etc.

### **New Programs for Review:**

1. ***Crisis Intervention Teams*** – This includes a multidisciplinary screening team that identifies mental health, organic brain disease or severe substance abuse. The process places high demands on resources. To be completely functional it may require the development of a centralized drop center, i.e. somewhere besides a jail or emergency room. To implement this program, the state may need to review civil commitment laws. If this were to be implemented, the group recommends setting up two pilot projects. It is recommended that the implementing authority establish an application process in order to determine where to place the pilot projects.

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<sup>1</sup> Members of the ad hoc group were: Leann Bertsch; Don Wahus; Joanne Hoesel; Sally Holewa; Jean Delaney; Judge Gail Hagerty; Justice Mary Maring; Cheryl Kulas; Marilyn Moe; Deb Ness; Peter Welte; and Susan Hegland.

2. ***Prosecutorial Diversion*** (withhold charges if conditions are met) or ***Delay of Prosecution*** (charges filed, prosecution stayed pending compliance; charge dismissed if comply) - This program may require statutory change and will require coordination with the Supreme Court regarding impact on docket currency standards. Once the initial review phase is complete, it is suggested that the program be implemented by way of a pilot program in one of the judicial districts.
3. ***Specialized Women's Diversion Program*** – Consider establishing a diversion program targeted to address women's issues (domestic violence, appropriate parenting, sexual abuse, etc.). This will require an expansion of the female transition program to pre-sentence. We should also consider the need for programming that will take children.
4. ***Misdemeanor Probation*** – Evaluate the development of effective probation on minor offenses to discourage continued criminal behavior. This may involve cooperation between local and state government in order to make it work. There are several complex issues which need to be addressed before an implementation strategy can be developed.
5. ***Productive Day Program*** – Unemployed defendants required to participate in education, job training programs which may be in lieu of jail or in conjunction with jail sentence.
6. ***Transition Teams*** – This program involves the establishment of a multidisciplinary team to identify housing, employment and family issues facing offenders being released from prison. This “wrap around service” is occurring to some degree in Bismarck and Fargo, but in order to implement the program elsewhere, more resources are needed for Human Service centers in other areas, such as Jamestown, Grand Forks and Minot.
7. ***Mentoring*** – This program involves pairing parolees with a community member or group. This program would ideally involve cooperation with the faith-based community.
8. ***Case Management for Parolees/Probationers with Mental Health Issues*** – Under this program specially trained officers are assigned to offenders with mental health issues. It requires specialized probation programs and may require more intensive case management programs.

### **Existing Programs to Expand:**

1. **Expand and Standardize Pre-sentence Investigation** – The present pre-sentence investigation (PSI) involves gathering information prior to sentencing about the defendant, including criminal history and risk of re-offending assessments. It is likely that additional resources will be needed to improve the process. This suggestion is important in order to achieve consistency across the state, including standardization of the PSI process and protocols.
2. **Expanded Community Service Work** – Adequate funding of this important program should be identified as a priority. **Sentence to Serve** – Defendants earn early release in ratio to community service work completed while incarcerated. We should consider either a transitioning back to jails for work release or develop a work release center where inmates would report at the end of each day. A work release center concept could enhance the present **Work Release** program used in North Dakota. Under this program employed defendants report to a facility only for evening hours.
3. **Drug Court** – This involves an intensive court-sponsored supervision of high risk substance abusers. Further expansion of this program should come as a result of systematic planning and dedication of adequate resources for staffing, administrative expenses and treatment.
4. **Day Reporting** – Under this scenario defendants report to a day reporting center rather than jail. To be in the program the defendant must submit to drug/alcohol testing. To some degree this program is happening in North Dakota through the juvenile court system, however, federal funding cuts are affecting some of the options in this area.
5. **Institutional treatment** – This involves treatment programs for offenders with substance addictions, followed by supervised release to the community. The program needs additional funding and we need to consider alternatives to provide treatment for offenders earlier in the process as opposed to waiting until they are in prison.
6. **Transition Housing** – This program involves securing housing for the early release of offenders with appropriate safeguards for community safety. This is a significant issue for violent offenders, those with mental illness and/or those with substance abuse problems.