

COMMISSION ON ALTERNATIVES TO INCARCERATION

The Commission on Alternatives to Incarceration was created by House Bill No. 1473 (2005). The bill, which was codified as North Dakota Century Code (NDCC) Section 54-35-24, required the Legislative Council chairman to select the chairman and vice chairman of the commission and provided for the membership of the commission as follows:

1. Three members appointed by the Governor, one of whom must be an academic researcher with specialized knowledge of criminal justice sentencing practices and sentencing alternatives;
2. The Attorney General or the Attorney General's designee;
3. Two members appointed by the Chief Justice of the Supreme Court;
4. The director of the Department of Corrections and Rehabilitation;
5. The director of the Department of Human Services;
6. Two local law enforcement officers appointed by the Attorney General;
7. One state's attorney appointed by the North Dakota State's Attorneys Association;
8. Three members of the House of Representatives, two of whom must be selected by the leader representing the majority faction of the House of Representatives and one of whom must be selected by the leader representing the minority faction of the House of Representatives;
9. Three members of the Senate, two of whom must be selected by the leader representing the majority faction of the Senate and one of whom must be selected by the leader representing the minority faction of the Senate; and
10. One representative of the North Dakota Association of Counties appointed by the Association of Counties.

North Dakota Century Code Section 54-35-24 requires the commission to study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues. That section requires the commission to provide to the Governor information and recommendations for the Governor's consideration in time for inclusion of the recommendations in the biennial executive budget. The legislation that created the commission expires June 30, 2009.

Commission members were Senators Joel C. Heitkamp (Chairman), Dick Dever, and Tony Grindberg; Representatives Ron Carlisle, Kari L. Conrad, and Lawrence R. Klemin; Governor's appointees Edward Brownshield, Dr. Gary Rabe, Deborah Ness (who resigned in January 2008), and Keith Witt; Attorney General's designee Thomas L. Trenbeath; Chief Justice's appointees Judge Gail Hagerty and Justice Mary Muehlen Maring; Director of the Department of Corrections and Rehabilitation Leann K. Bertsch;

Director of the Department of Human Services Carol K. Olson; Attorney General's law enforcement officer appointees Paul Hendrickson and Paul D. Laney; North Dakota State's Attorneys Association's appointee Bradley A. Cruff; and North Dakota Association of Counties' appointee Duane Johnston.

The commission submitted this report to the Legislative Council at the biennial meeting of the Council in November 2008. The Council accepted the report for submission to the 61st Legislative Assembly.

BACKGROUND

The United States Department of Justice reported that during the 12 months ending June 30, 2006, there were 2,245,189 individuals incarcerated in federal and state prisons and local jails, which was an increase of 2.8 percent from the previous year. The federal report also indicated that the increase in state and federal prison admissions continued to increase faster than the rate of releases, thus resulting in continued growth in prison populations. The department's statistics indicated that there were 497 prisoners per 100,000 residents in this country as of June 30, 2006.

Although the report indicated that the number of state and federal prisoners per 100,000 population in North Dakota--211--is significantly lower than the national average, the report also indicated that the rate of increase in incarcerated individuals in this state--6.1 percent--was among the highest in the nation for the period from June 30, 2005, through June 30, 2006.

Department of Corrections and Rehabilitation

In 2007 the Legislative Assembly appropriated \$195.6 million for the Department of Corrections and Rehabilitation for the 2007-09 biennium. Of that amount, \$171.6 million is from the general fund. The general fund appropriation included a \$41 million transfer to the State Penitentiary land fund for the purpose of addressing correctional facility needs. The general fund appropriation also included \$9,528,597 for contract housing of inmates, \$7,955,877 of which is for housing female inmates at the Dakota Women's Correctional and Rehabilitation Center and \$1,632,720 of which is for housing male inmates at county correctional centers and private facilities.

Division of Adult Services

North Dakota Century Code Section 12-47-01 provides for the establishment of the State Penitentiary. The main prison complex in Bismarck houses maximum and medium security male inmates. As of June 1, 2007, the State Penitentiary housed 530 male inmates. The James River Correctional Center in Jamestown is classified as a medium security housing facility and, as of June 1, 2007, housed 403 medium security male inmates. The 2007 Legislative Assembly provided funding to assist in increasing the capacity of the James River Correctional Center by 20 beds. The Missouri River Correctional Center is south of Bismarck and has

no fences or barriers to contain the inmates. The Missouri River Correctional Center has approximately 150 prison beds and houses minimum security male inmates whose sentences are not less than 30 days nor more than one year. As of June 1, 2007, the Missouri River Correctional Center housed 141 inmates.

The department has offices across the state staffed by parole and probation officers who manage offenders sentenced to supervision by a court, released to parole by the State Parole Board, sent to community placement by the director, or placed at the Tompkins Rehabilitation and Correction Center. The officers supervise offender compliance with the supervision conditions and provide cognitive, behavioral, and other forms of counseling services.

The Tompkins Rehabilitation and Correction Center, a combined program located on the campus of the State Hospital in Jamestown, houses both inmates and noninmates. The center provides a structured two-phased treatment program that generally lasts between 100 days and 120 days. The center is the combination of the Tompkins Rehabilitation and Corrections Unit from the Stutsman County Corrections Center and the Corrections Rehabilitation and Recovery Center. The center consists of three 30-bed wards--one ward (30 beds) for females and two wards (60 beds) for males.

During the 2003-05 biennium, the Department of Corrections and Rehabilitation began to contract with the Dakota Women's Correctional and Rehabilitation Center in New England to house its female inmates. The Dakota Women's Correctional and Rehabilitation Center is owned and operated by the Southwest Multi-County Correction Center Board, which consists of one member from each of the six counties represented in the Southwest Multi-County Correction Center. The six counties are Stark, Slope, Billings, Bowman, Dunn, and Hettinger. The prison at the Dakota Women's Correctional and Rehabilitation Center consists of facilities for minimum and higher security inmates and for administrative segregation. As of June 1, 2007, the Dakota Women's Correctional and Rehabilitation Center housed 101 state inmates.

Division of Juvenile Services and Youth Correctional Center

The Division of Juvenile Services has eight regional offices serving the eight human service regions across the state and is staffed to provide supervision to juveniles committed by the courts. The division's case managers supervise about 400 juveniles per day. The division also oversees the Youth Correctional Center, which is located west of Mandan and is the state's secure juvenile correctional institution. The Youth Correctional Center serves as a secure detention and rehabilitation facility for adjudicated juveniles who require the most restrictive placement and maximum staff supervision and provides appropriate programming to address delinquent behavior. Juvenile programming at the Youth Correctional Center includes drug and alcohol programming, child psychiatric and psychological services, sexual offender programming, a pretreatment

program for juveniles who are difficult to manage, and a security intervention group program to inform, educate, and provide juveniles with alternatives to gang activity and gang affiliation. The Youth Correctional Center provides adjudicated adolescents an opportunity to complete or progress toward completing their education coursework while in residence.

2005-06 INTERIM STUDY AND 2007 LEGISLATION

During the 2005-06 interim, the commission made several recommendations and the Legislative Assembly responded to most of the recommendations.

Electronic Monitoring

The commission recommended Senate Bill No. 2029 (2007), which provided that except for an offense for which the law requires mandatory incarceration, electronic home detention or global positioning system monitoring may be used for certain adult and juvenile offenders. The bill, which was enacted, authorized, subject to the availability of funding, the court, or with the approval of the court, the Department of Corrections and Rehabilitation or a correctional facility, to implement an electronic home detention and global positioning system monitoring program.

Executive Budget and Funding Issues

Faith-Based Treatment Program

The commission recommended the Governor include in the 2007-09 executive budget \$300,000 for room and board expenses for individuals admitted to a faith-based program to address addiction problems.

In 2007 the Legislative Assembly included within the 2007-09 biennial budget for the Department of Corrections and Rehabilitation \$500,000 for faith-based programming.

Drug Courts

The commission recommended the Governor include in the 2007-09 executive budget approximately \$600,000 for the addition of two full-time equivalent (FTE) positions for the Department of Corrections and Rehabilitation and four FTE positions for the Department of Human Services to assist in the expansion of drug courts.

In 2007 the Legislative Assembly included funding and authorization for three FTE positions within the Department of Corrections and Rehabilitation for drug court parole and probation officers and for four additional FTE positions for addiction counselors at regional human service centers.

Robinson Recovery Center

The commission recommended the Governor include in the 2007-09 executive budget up to \$1.2 million for the expansion of the Robinson Recovery Center.

In addition to the base funding of \$500,000 and an inflationary increase of \$134,000, the Legislative Assembly directed that \$700,000 from the general fund within the budget for the Department of Human Services must be used for increasing the number of individuals

receiving methamphetamine treatment services at the Robinson Recovery Center.

Community Service Programs

The commission recommended the Governor include in the 2007-09 executive budget \$200,000 to be administered on a cost-share basis with local governments for the operation of community service programs.

The Legislative Assembly enacted Senate Bill No. 2243 (2007), which imposed a \$50 community service supervision fee upon each defendant who receives a sentence that includes community service. The bill provided that the community service supervision fees collected are to be deposited in the community service supervision fund to be used to provide community service supervision grants. The bill appropriated \$125,000 from the fund for the 2007-09 biennium to the Department of Corrections and Rehabilitation for providing matching grants for community service supervision of offenders and directed the department to use \$100,000 of the funds appropriated in the Field Services line item in Section 3 of House Bill No. 1015 (2007) for the purpose of providing matching grants for community service supervision of offenders for the biennium.

Cass County Jail Intervention Committee

The commission recommended the Governor include in the 2007-09 executive budget \$582,000 to assist in implementing the Cass County Jail Intervention Coordinating Committee mental health project, to be contingent upon the receipt of a federal grant for the implementation of the project.

Other Recommendations and Statements

The commission expressed its support for an appropriate level of funding, staffing, and training for electronic monitoring programs and the continued use and expansion of the secure continuous remote alcohol monitoring program. The commission encouraged the Governor to assess the need for reducing caseloads for licensed addiction counselors, case managers for individuals with serious mental illnesses, and parole and probation officers to attempt to achieve industry caseload standards.

The Legislative Assembly provided funding in the 2007-09 budget for the Department of Human Services for 4 additional full-time case managers, 1 additional addiction counselor, and 1 sexual abuse therapist and provided funding in the budget for the Department of Corrections and Rehabilitation for up to an additional 11 parole and probation officers and 1 corrections agent.

The commission recommended the provision of adequate funding for mental health and substance abuse programs.

The Legislative Assembly included within the budget for the Department of Human Services approximately \$2.8 million for the phase in of a community-based sexual offender treatment program.

The commission encouraged the Department of Human Services to work with treatment providers to

identify gaps in recovery support services and to assist in the implementation of programs to provide early mental health screenings.

The commission encouraged school districts to operate alternative schools to assist in keeping adolescents in school.

The commission encouraged the continued study of the effectiveness of substance abuse treatment programs. The Legislative Assembly amended NDCC Section 19-03.1-45 to continue the drug assessment and treatment diversion program and expanded the program from a three-county pilot program to a statewide program.

The commission encouraged state agencies and other entities to place additional emphasis on education and awareness of substance abuse issues.

The commission expressed support for the work of the Prevention Advisory Council on Drugs and Alcohol appointed by the Governor, including the identification of methods for strengthening families and healthy communities.

The commission expressed support and encouragement for private initiatives, such as programs that provide mentors for children of incarcerated individuals.

TESTIMONY AND COMMISSION CONSIDERATIONS

Department of Corrections and Rehabilitation Department Reorganization

The commission received reports from representatives of the Department of Corrections and Rehabilitation regarding programs and initiatives at the department which provide alternatives to incarceration or which are intended to keep offenders from reoffending.

In 1989 the Legislative Assembly merged the State Penitentiary, the Parole and Probation Department, and the Division of Juvenile Services into the newly created Department of Corrections and Rehabilitation. The legislation creating the department provided that the department consists of a Division of Adult Services, a Division of Juvenile Services, and such other divisions as determined necessary. From 1989 until 2007, the department included a Prisons Division and a Parole and Probation Division, which later became known as the Field Services Division.

The commission was informed that the department sought to be considered for a National Institute of Corrections program--the Transition to Community Initiative. In working to implement that initiative, officials of the department recognized that the significant growth of the Prisons Division and the Field Services Division resulted in a fragmentation of the department. To better achieve the results desired under the initiative, the department underwent a restructuring at the directive of the director of the department. Beginning in May 2007, the department moved to merge the Field Services Division and the Prisons Division into a Division of Adult Services to combine all adult services under one division director. Under that director, there are now nine deputy directors. The department also established a centralized administration office and a human resources office. The

reorganized department continues to include a Division of Juvenile Services.

The commission received testimony from a representative of the Department of Corrections and Rehabilitation indicating that the department has achieved a measure of stability after the reorganization, but continues to experience a significant level of turnover in security staff and has experienced difficulty in retaining and attracting employees for treatment positions and parole officer positions. The testimony indicated that much of the turnover was due, in part, to low salaries.

Recidivism and Transition

The commission received testimony indicating the recidivism rate--offenders reoffending--in this state is approximately 23 percent, which compares very favorably nationally. However, testimony revealed that the department lacks the resources to maintain a system that fully tracks all offenders after release from supervision.

A key to reducing recidivism is to prepare an offender to reenter the community and to provide the education and training necessary to help the offender succeed after release from incarceration. The department has initiated a process through which the department assesses all new inmates to identify individual strengths, aptitudes, and interests with the goal of recommending programs to enhance inmates' ability to transition into the community upon release. The department also is working with Job Service North Dakota, the Department of Commerce, and private industry to identify workforce needs in the state. By collaborating with workforce training programs in the state, the department is attempting to educate and train offenders to fill unmet needs in the state's workforce and, thereby, lessen the chances that an offender will reoffend.

In transitioning offenders back to the community, the department uses facilities of the department, including the Missouri River Correctional Center and the Tompkins Rehabilitation and Correction Center, as well as contract facilities. Testimony indicated that in addition to transition facilities such as the Bismarck Transition Center and Centre, Inc., the department has begun to consider the use of county jails as a transition opportunity for offenders as a method to improve employment opportunities, reunify families, and connect the offender with local service providers.

The commission received testimony from a member of the Legislative Assembly who proposed using excess capacity in the North Dakota University System to provide treatment and educational opportunities for offenders. The proposal suggested that the smaller campuses in the state could bid to have a corrections program located on the campus, which would allow for self-determination and community support for the program. Under the proposal, a low-risk offender who demonstrates a greater potential for rehabilitation could be provided career skills while not being exposed to the prison atmosphere.

Sexual Offender Task Forces and Electronic Monitoring

The commission received testimony regarding the monitoring of sexual offenders upon release from custody. The department has placed sexual offender specialists around the state to work with local law enforcement, parole and probation officers, treatment providers, state's attorneys, and victims' advocates to collaborate in the supervision, treatment, and management of registered sexual offenders who are required to be supervised.

One of the tools used in the supervision of sexual offenders is global positioning system monitoring. Testimony cautioned, however, that electronic monitoring is only a tool to be used, and cannot be used exclusively. The commission received testimony indicating that some sexual offenders experience difficulty in finding housing upon release from incarceration, which makes it more difficult for the department and law enforcement to supervise and monitor the offenders.

The commission received testimony indicating that the electronic monitoring legislation enacted in 2007 placed with courts the responsibility for determining if electronic monitoring for any eligible offender is appropriate. A member of the judiciary suggested that the responsibility for the electronic monitoring program better rests with law enforcement.

Dakota Women's Correctional and Rehabilitation Center

The commission toured the Dakota Women's Correctional and Rehabilitation Center in New England. The Dakota Women's Correctional and Rehabilitation Center consists of a 70-bed minimum security unit, a 40-bed medium security unit, a 16-bed orientation unit, and a 5-bed high security unit. The center offers treatment and education and training programs similar to those offered in facilities under the control of the Department of Corrections and Rehabilitation, including a welding and carpentry program and a prison industry sewing facility. The commission received testimony indicating that there are significant employment opportunities for offenders trained in the welding program.

Tompkins Rehabilitation and Correction Center

The commission toured the Tompkins Rehabilitation and Correction Center in Jamestown. The center is a Department of Corrections and Rehabilitation-funded program at the State Hospital consisting of 90 beds. Treatment at the center generally requires between 100 days and 120 days of residential treatment and subsequent community supervision.

Faith-Based Community Housing Initiative

The commission received a report indicating the Department of Corrections and Rehabilitation has continued to contract with the Teen Challenge program to provide housing for individuals participating in the residential treatment program. The testimony indicated that the partnership has produced good results and that

officials of the department have sought to involve inmates in the program before the inmates are paroled.

Department of Human Services

The commission received reports from representatives of the Department of Human Services regarding substance abuse treatment programs and mental health intervention programs provided by the department. The commission received testimony indicating that alcohol continues to be the primary substance abuse problem, followed by marijuana and methamphetamine. Although the use of methamphetamine appears to be decreasing within the state, the commission received information indicating the abuse of prescription drugs is a growing problem in the state.

Regional Human Service Centers

The Department of Human Services provides substance abuse treatment to the public through the eight regional human service centers. In addition to providing a variety of substance abuse treatment services, the human service centers have the ability to contract with private service providers for additional treatment services so that the department is able to offer treatment options ranging from outpatient to residential treatment. The regional human service centers also provide crisis intervention and assessment services.

The commission received testimony from representatives of the Department of Human Services regarding the crisis intervention team model--a program geared to divert individuals from the criminal justice system, emergency rooms, and intensive services when appropriate and to improve treatment for mentally ill individuals. The model requires a close working relationship between law enforcement officials and mental health professionals and may include the use of crisis stabilization units, mobile crisis teams, homeless shelters, and detoxification units. Although there may be variations of the model, the general purpose of the model is to train law enforcement officers to assess situations that may involve mental illness and to determine when intervention of mental health professionals may be appropriate to divert mentally ill individuals from the criminal justice system and provide treatment options.

The commission received testimony indicating that implementation of a pilot program for crisis intervention team training likely would require approximately \$125,000 for the biennium. Although commission members were uncertain as to the parameters of such a program, the commission members generally agreed that because the program would be designed to train law enforcement officers, the program should be coordinated through the office of the Attorney General.

Robinson Recovery Center

The commission received testimony regarding the treatment of methamphetamine addiction at the Robinson Recovery Center in Fargo. In 2007 the Legislative Assembly doubled the amount of funding provided for the Robinson Recovery Center so that

40 beds would be available at the center. The Robinson Recovery Center is one of three residential treatment facilities in the United States that focuses specifically on treatment for methamphetamine addiction.

The Robinson Recovery Center received 157 referrals between July 1, 2007, and June 30, 2008. Over 50 percent of the referrals were from the Fargo area. During that time period the center admitted 62 individuals, approximately 20 percent of whom resided in the western portion of the state. The number of admissions at the center has never exceeded 30.

The commission received testimony suggesting that mandatory sentencing laws have limited the ability of the Robinson Recovery Center to admit a significant number of individuals referred to the center. Of the individuals denied admission between July 1, 2007, and June 30, 2008, approximately one-third were denied because they were required to serve mandatory sentences.

The commission received testimony indicating there is a shortage in the state of residential treatment facilities for substance abuse addictions other than methamphetamine addiction. In addition, commission members expressed concerns regarding the availability of residential treatment for methamphetamine in the western portion and rural areas of the state.

The commission considered a bill draft that would have allowed a judge to defer the imposition of a sentence or suspend a sentence when a mandatory term of imprisonment is required for a drug possession offense. Because it appeared that most individuals denied admission to the Robinson Recovery Center due to mandatory sentences were likely guilty of more than possession offenses or likely originally charged with delivery offenses, commission members expressed concerns regarding whether the bill draft would have any impact on admissions to the Robinson Recovery Center.

Drug Courts

The commission received reports regarding the status of drug courts in the state. The state drug courts have been administered as cooperative ventures among district judges, state's attorneys, the Department of Corrections and Rehabilitation, the Department of Human Services, and contracted private treatment providers. Juvenile drug courts have expanded to include courts in Williston and Minot in addition to the courts in Bismarck, Fargo, and Grand Forks. Adult drug courts have continued to operate in Bismarck and Fargo, and testimony indicated that planning was underway for the implementation of adult drug courts in Grand Forks and Minot. Testimony indicated both the juvenile and adult drug courts have been a cost-effective and successful alternative to incarceration.

In addition to the state drug courts, the commission received testimony regarding the operation of a tribal drug court in Belcourt and the plan to implement a juvenile drug court in that community. Although testimony indicated the adult drug court in Belcourt has been successful, the drug court faces substantial funding issues.

Community Service Programs

A court is required to impose a \$50 community service supervision fee upon each defendant who receives a sentence that includes community service. The community service supervision fees collected are to be deposited in the community service supervision fund to be used to provide community service supervision grants. The commission was informed that the community service fee is low on the hierarchy of fees that a court is required to impose, and defendants often do not have the financial resources to pay the fees imposed by courts. Therefore, many judges do not impose the community service fee when ordering a defendant to perform community service. Because less than \$15,000 had been collected and deposited in the community service supervision fund during the first nine months of the 2007-09 biennium, community service supervision grants were not likely to amount to the \$125,000 appropriated from the fund for the biennium.

Proponents of community service programs contended that the programs reduce incarceration rates and keep offenders out of the state criminal justice system, which results in cost-savings for the state. It was also argued that the programs, especially when operated in conjunction with drug-testing programs, are an effective tool to reduce recidivism. A representative of the Department of Corrections and Rehabilitation testified that the community service programs were created with the intention that the programs would become self-supporting at the local level after a period of initial state support.

The commission considered a bill draft to repeal the \$50 community service supervision fee. Proponents of the bill draft contended that the fee has been a burden to community service programs and community service participants and that the state has an obligation to provide an adequate level of support to assist communities providing community service programs.

Cass County Justice and Mental Health Collaboration Project

The commission received reports regarding the progress of implementation of the Cass County Justice and Mental Health Collaboration Project. The testimony indicated that the project has received a federal grant for planning and implementation of the project, which is designed to keep nonviolent mentally ill offenders out of jail when appropriate. The diversion program is intended to provide a mental health assessment of an individual who has been arrested to determine if a mental health issue may be an underlying cause of the individual's criminal behavior. Testimony indicated that state funding in the amount of \$86,000 could assist in operating the program for 18 months.

24/7 Sobriety Program

The commission received a report from the Attorney General and the Attorney General of South Dakota regarding implementation of a program designed to keep repeat driving under the influence offenders from consuming alcohol or drugs through the use of twice daily drug and alcohol testing. The 24/7 program has

been in widespread operation in South Dakota since 2005. During the first three and one half years of operation in that state, nearly 8,000 individuals participated in the program and nearly 1.3 million tests were administered. Of those tests, over 99 percent passed. The testimony revealed that the success of the program is dependent upon the threat of incarceration for a failed or missed test and the immediate imposition of that sanction.

In 2007 the Legislative Assembly authorized the Attorney General to establish a sobriety pilot project in one or more judicial districts during the 2007-09 biennium. The pilot project was implemented in the South Central Judicial District and allows a court to condition any bond or pretrial release of a defendant who is charged with a second or subsequent driving under the influence offense on participation in the program. The defendant must agree not to consume any alcoholic beverages and must commit to twice-per-day breath testing or electronic monitoring. As of August 13, 2008, 96 individuals participated in the pilot project. During that time, 5,765 tests were administered. Of that number, there were 83 failed tests or no-shows. Although most of the participants were required to report for breath tests, the program has implemented electronic monitoring through the use of five continuous alcohol monitoring bracelets.

The commission considered a bill draft that would have authorized the extension of temporary driving permits for participants in the 24/7 sobriety program. Although commission members were supportive of the program and cognizant of the need for participants to be able to drive to report for breath tests, concerns were expressed regarding the impact of the bill draft with respect to federal highway funding and the need for additional comment from representatives of the Department of Transportation.

Nongovernmental Programs

The commission received testimony from representatives of the Youthworks program and Lutheran Social Services regarding intervention programs administered and offered by those entities.

Youthworks

Youthworks is a private, nonprofit agency with a mission to prevent youth from entering the juvenile justice system and foster care. Youthworks operates a short-term care and assessment center in Bismarck which is able to serve up to five juveniles at a time. The juveniles served at the center are referred after experiencing a crisis, which may include the issuance of a juvenile citation, a mental health crisis, or an incidence of abuse. The purpose of the referral is to prevent long-term placement out of the juvenile's home. Juveniles referred to the program may receive attendant care, which typically is the result of a referral by law enforcement and which generally lasts less than 24 hours. Short-term or shelter care placements require parental or guardian consent and require reunification of the juvenile and parent or guardian within 96 hours,

unless a court hearing has been held to allow continued placement.

The commission received testimony indicating that the Youthworks intervention programs have been supported through private sources and grant funding. It was contended that the intervention programs have contributed to a reduction in costs incurred by the juvenile justice system and social services while addressing a crisis and ultimately keeping the juveniles united with their families.

Lutheran Social Services

Lutheran Social Services is a private, nonprofit, faith-based organization that has served the state since 1919. Lutheran Social Services operates a Youth Court in Cass County through which first-time offenders appear before a jury of their peers. In Grand Forks and Nelson Counties, the DIVERT program uses an intensive counseling approach to identify underlying issues of conflict between a parent and a child or to identify a mental health issue. The Youth Court and DIVERT programs have been funded through a variety of grants, donations, and private sources. It was argued that the early intervention provided by the programs is effective in keeping the juveniles served by the programs out of the court system.

A representative of Lutheran Social Services provided the commission with information regarding the Healthy Families program, which is a voluntary home visiting program designed to prevent child abuse and neglect; the Day Report Center in Grand Forks, which provides supervision of high-risk juvenile offenders during the late afternoon and evening; restorative justice programs, which bring together all parties involved in an offense to attempt to resolve the problem and address the offense, including the payment of restitution; and adult reintegration services provided through a pilot program in Bismarck which are designed to assist offenders by providing testing and work skills evaluation, preemployment training, and job placement.

Other Reports

Rural Crime and Justice Center

The commission received a report regarding the Rural Crime and Justice Center at Minot State University. The center was created in 1999 and became designated as a Center of Excellence in 2002. A representative of the center reported to the commission regarding the center's Rural Methamphetamine Education Project, which has received funding from the United States Department of Justice. The purpose of the project is to provide public awareness and education with respect to methamphetamine use to individuals, schools, and communities. The project partnered with Prairie Public Television to produce three documentaries relating to methamphetamine. Between February 2003 and October 2007, the project included over 900 presentations that were attended by more than 87,000 individuals. The center also has been conducting a methamphetamine residual effects study, a Victim's Assistance Academy, and a North Dakota Crime Perception Survey.

Individual Justice Planning Project

The commission received a report regarding the Individual Justice Planning Project being undertaken by the Protection and Advocacy Project in cooperation with a number of entities, including the Department of Human Services, the Department of Corrections and Rehabilitation, and the judiciary. Although the Individual Justice Planning Project was established in 1988, the project was rarely used. The development of a new manual for the project was seen as an opportunity to expand the use of the project. The purpose of the project is to present alternatives to the criminal justice system, when appropriate, to address behavior that may have resulted from a mental or cognitive impairment. Pursuant to that purpose, an individual justice plan developed for an individual must provide accountability for the behavior, but provide a less restrictive alternative approach to addressing the behavior which does not include incarceration.

Pathways to Prosperity

The commission received a report regarding the Pathways to Prosperity program established through a foundation grant for members of the Turtle Mountain Band of Chippewa Indians. The purpose of the grant is to reduce poverty over a 10-year period. As part of the poverty reduction plan, one strategy includes an effort to reach out to at-risk youth, which may eventually include the creation of a youth drug court as well as other drug and alcohol prevention programs.

Project Peacemaker

The commission received a report regarding Project Peacemaker, which is a program at the Turtle Mountain Community College designed to increase tribal members' knowledge of the law. The program is also intended to improve the curriculum of tribal colleges in law-related education and to train tribal council members, court employees, and other judicial officials.

Hyperbaric Oxygen Treatment

The commission received a report regarding hyperbaric oxygen treatment for brain injuries and the potential to use the treatment to address brain damage due to drug abuse. The commission received testimony from a physician who proposed the creation of a hyperbaric center of excellence. The testimony suggested that an investment by the state of approximately \$500,000 could provide the equipment to establish a fixed-base hyperbaric oxygen facility and a mobile unit to be used for research and treatment purposes.

Continuation of the Commission

Commission members discussed the mission of the commission and whether continued study may be necessary to achieve the purposes of the commission. The commission considered a bill draft to extend the life of the commission for an additional four years until June 30, 2013. Commission members generally agreed that the commission has been effective in developing and proposing solutions to address issues related to

incarceration in this state and that continued study would be desirable.

RECOMMENDATIONS

2009-11 Executive Budget and Funding Issues

The commission recommends the Governor include \$500,000 in the executive budget for room and board expenses for individuals admitted to a faith-based program to address addiction problems.

The commission recommends the Governor include \$500,000 in the executive budget for the Department of Corrections and Rehabilitation to be used by the department to provide matching grants for community service programs at a level to be determined by the department.

The commission recommends the Governor include \$86,000 in the executive budget for the Cass County Justice and Mental Health Collaboration Project.

The commission recommends the inclusion of \$126,576 in the budget for the Attorney General to provide for crisis intervention training for law enforcement officials.

The commission expressed its support for a request by the Department of Human Services for expanded state funding for juvenile crisis intervention programs around the state.

Community Service Supervision Bill

The commission recommends Senate Bill No. 2028 to repeal the \$50 community service supervision fee that

courts are required to impose on participants in community service programs.

Commission Extension Bill

The commission recommends Senate Bill No. 2029 to extend the existence of the commission until June 30, 2013.

Other Recommendations and Statements

The commission encouraged the Governor and the Department of Human Services to allow the Robinson Recovery Center to address treatment needs for addictions other than the treatment of methamphetamine addiction.

The commission expressed its support for the efforts of the Department of Human Services and encouraged the department to provide broader residential treatment services for addictions and mental health issues on a statewide basis.

The commission expressed its support for legislation during the 2009 legislative session to clarify the role of the county sheriff in supervision of electronic home monitoring in misdemeanor cases.

The commission expressed its support for the 24/7 sobriety program initiated by the Attorney General and the efforts of the Attorney General to work with the Department of Transportation to extend work permits for participants in the 24/7 sobriety program.