

Alternatives to Incarceration Commission

January 9, 2012

Testimony of Dell Horn, Director, Jamestown Community Corrections

Good Afternoon Chairperson and members of the Commission. My name is Dell Horn and I am the Director of Jamestown Community Corrections and also stand as the Vice-President of the North Dakota Community Corrections Association. The NDCCA is a non-profit association made up of 15 regional offices and was organized in order to help support these regional offices in their mission of providing opportunities for Court-Ordered Community Service.

In our Community Corrections Guidelines Manual which was revised by Tim Brehm, DOCR Community Corrections Program Manager our Mission Statement is:

Community Corrections Programs are strategically placed statewide in an effort to enhance community partnerships while providing community based alternatives to detention. The community-based alternatives focus on protecting society, addressing the concerns of crime victims, and providing supervision to offender in the community. More specifically all community programs are to have a coordinated office which provides: 1) alternatives to incarceration; 2) repayment to the community for inappropriate or unlawful behavior; 3) a positive support system.

Community Service has been an organized institution since 1991. We were helped in our organization by the Department of Corrections and Rehabilitation. Of the 15 regional offices 10 offices are private not for profit businesses with the others being County run programs. All the offices rely on several funding sources ranging from: grants, private donations, contracts with counties & municipalities, state funding, to program fees from offenders.

In 2005 the DOCR was not able to continue to help in its funding of Community Service Program grants for regional offices.

For the 2007 – 2009 biennium the Alternative to Incarceration Commission recommended the Governor include \$200,000 in the executive budget 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.

The NDCCA and the DOCR determined that the \$100,000 was to be immediately released to the regional offices due to the immediate need for funds in most offices. It was determined that the fees collected would go to each region of record for each District court in which the fees were collected.

In the 2009-11 biennium SB 2028 (2009) was enacted and the community service supervision fee was reduced from \$50 to \$25 per defendant receiving community service as a portion of his/her sentence. In August of 2009, NDCCA entered in a contract with the DOCR to manage the monies collected thru the courts for the community service supervision fee. Also in the 2009-11 biennium SB 2178 (2009) was enacted allowing for the appropriation of \$187,500 that was to be included in the annual budget of the Office of Management and Budget for the purpose of funding the NDCCA regional offices.

In the 2011-2013 biennium SB 2275 (2011) was enacted and this appropriated \$375,000 into the biennium budget of the Office of Management and Budget for the purpose of funding the NDCCA regional offices. The intent of the Legislative assembly is further outlined as: It is the intent of the sixty-second legislative assembly that the funds appropriated in section 1 of this Act are considered ongoing funding and that the funds be a part of the office of management and budget's base budget as a separate line item for the 2013-15 biennium.

During a House Appropriations hearing for SB 2275, issues were raised by Representative Weiland concerning the regional offices of Bismarck Urban and Bismarck Rural. These issues have not been resolved at this time. Representative Weiland also has concerns as to exactly where in the state budget, funding for community service, belongs.

I have included a breakdown of Community Service for the fiscal year for 2010. As you can see 2478 is the total number of offenders who performed Community Service with Fargo having 26% of the offenders. A total of 75267.32 hours of Community Service were completed with noncash value to the worksites of \$602,138.56 ($75267.32 * \8 per hour) in saved wages.

If we take the total of the community service completed (75267.32) and divide by 8 (number of hours of Community Service that is equivalent to 24 hours of incarceration) we can show 9408.4 days of prison/jail saved. If a day of incarceration is valued at \$65 per day then an additional savings of \$611,547 can be attributed to the use of community service.

These two above values combined means a savings to the taxpayer of roughly 1,026,185.50 after subtracting the state provided funding of \$187,500 per year. If we ignore the savings to

the taxpayer for the cost of incarceration then the savings would be about \$414,638 after subtracting the \$187,500 of state provided funding.

But what is community service? Community Service can be defined as free work completed by an offender as referred by a court, adult parole and probation office, juvenile court.

Community service work is completed at or for nonprofit agencies, thus augmenting the nonprofit workforce and making the nonprofit community more able to provide reasonably priced services/goods. An offender can be of any age from a Juvenile to a Senior Citizen. Community Service is completed for a variety of crimes ranging from a Juvenile status offense for juveniles to an Adult felony offense.

Community service as used by the Adult and Juvenile court systems is a very viable alternative to incarceration. 8 Hours of community service is thought to be equivalent to 24 hours of incarceration, but this varies from Judge to Judge and from offense to offense. Some judges seem to have a belief that community service is only for particular offenses or ages of offenders while other Judges seem to have a belief that all offenses require some level of use of community service.

The primary goals of community corrections programs are to provide a structured organization that provides:

- ✓ an alternative to incarceration
- ✓ Repayment to the community for inappropriate or unlawful behavior
- ✓ Provide a positive support system for the offender
- ✓ Provide the offender with a sense of self worth
- ✓ Provide the potential for future job placement for the offender

Site	# of Offend	# CS Hrs worked	Ave # CS per mth per Off	Ttl P&P cases	Ttl Misd cas	Ttl Juven Non-Cash	Value of CS hr. worked.
Barnes	102	3339.06	2.576435185	0	95	22	\$26,712.48
Bismarck Rur	161	3493.86	1.722810651	0	23	147	\$27,950.88
Bismarck Urb	225	6431.4	2.330217391	40	193	0	\$51,451.20
Devils Lake	103	3271.34	2.596301587	11	21	66	\$26,170.72
Dickinson	118	3372.5	2.303620219	4	57	62	\$26,980.00
Fargo	652	20124.62	2.521882206	32	513	137	\$160,996.96
Fessenden	17	608.75	2.984068627	0	14	2	\$4,870.00
Forman-Sargt	29	555.75	1.403409091	0	33	0	\$4,446.00
Grand Forks	232	10107.64	3.480592287	59	186	0	\$80,861.12
Jamestown	317	8943.15	2.185520528	1	306	17	\$71,545.20
Minot	164	4388.75	2.138767057	24	125	40	\$35,110.00
Ransom Co. C	0	0	0	0	0	0	\$0.00
Rugby	28	908.5	2.703869048	0	24	3	\$7,268.00
Wahpeton	258	7943	2.347222222	5	264	13	\$63,544.00
Williston	72	1779	2.030821918	0	56	31	\$14,232.00
totals	2478	75267.32		176	1910	540	\$602,138.56

Filters:

Hours Worke 7/1/2010 - 6/30/2011