



October 13, 2023

Heather Tubman-Carbone, Ph.D.
Associate Deputy Director
Bureau of Justice Assistance
Office of Justice Programs
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Julie Wertheimer
Director
Public Safety Performance Project
The Pew Charitable Trusts
901 East Street, NW
Washington, DC 20004

Dear Ms. Tubman-Carbone and Ms. Wertheimer:

We write to express North Dakota's interest in working with the Crime and Justice Institute (CJI) through the Justice Reinvestment Initiative (JRI), funded through a public-private partnership between the Bureau of Justice Assistance (BJA), The Pew Charitable Trusts (Pew) and Arnold Ventures (AV). Your assistance is requested to support North Dakota's work to effectively use taxpayer resources to address our rising incarceration rate, reduce recidivism, enhance public safety, and increase opportunity for all North Dakotans. We believe the inter-branch, evidence-based approach of JRI will help us reach our goals.

During this year's legislative session, our Legislature passed a resolution establishing a working group to study how reentry and recidivism impacts our system and what steps might be taken to improve outcomes for those leaving incarceration. This working group has already been formed and is ready to begin work on developing recommendations that strengthen North Dakota's support for those reentering society and lower recidivism rates. The group wants and needs assistance in completing a JRI system assessment to assist the working group in developing recommendations rooted in data and evidence.

North Dakota is experiencing its highest prison population ever, with a 39 percent increase since 2020. As a result of a previous JRI assessment, we have reformed our adult sentencing laws and juvenile code. However, recent data makes clear reentry and recidivism is the next phase of the system we must address to lower our incarceration rates and enhance public safety. On average, 22 percent of individuals were reincarcerated within one year of release between 2013 and 2021. In addition, an average of 40 percent of individuals were reincarcerated within three years of their release between 2013 and 2019, a higher rate than 29 other states. In light of this data, we believe it is critical to turn our attention to how we can improve outcomes for our citizens who are returning to communities from incarceration.

We have demonstrated our commitment to improving outcomes in recent years by investing in rehabilitative programs for individuals reentering society post-incarceration. For example, the Free Through Recovery (FTR) initiative was established in 2018 as a partnership between the Department of Health and Human Services (DHHS) and the Department of Corrections and Rehabilitation (DOCR). FTR's mission is to improve health care outcomes and reduce recidivism by delivering high-quality community behavioral health services linked with effective community supervision. Since program inception in February 2018, the FTR program has served 7,895 participants, with 1,512 current program participants and 54 providers. The Legislature appropriated more than \$15 million to DHHS for the purpose of continuing the Free Through Recovery program for the 2023-2025 biennium. Free Through Recovery Providers are reimbursed with a pay for performance model. In addition to monthly base pay, providers can receive performance pay if participants meet at least 3 of 4 outcome metrics (Housing, Employment, Recovery, and Involvement with Law Enforcement).

In early 2018, North Dakota began work to advance effective recovery supports and services for people with behavioral health disorders and their families. One of the goals developed by this team from North Dakota was to develop peer support services in the highest risk/pivotal points (prisons, emergency departments, community outreach, public health, etc.) in the system. DHHS has trained 990 individuals with lived experience, developed peer support certification, and expanded reimbursement for peer support services in Medicaid, Medicaid Expansion, state-funded programs such as FTR and the Substance Use Disorder (SUD) Voucher and in commercial insurance.

While FTR, growing workforce with lived experience (peer support) and other initiatives demonstrate North Dakota's commitment, our persistent recidivism rates and our rising prison population show we have more work to do. And we would value JRI technical assistance from CJI to continue our efforts.

Under this proposed partnership, the state of North Dakota will:

- Provide CJI with full and priority access to corrections and court data required to do an analysis of our criminal justice system;
- Utilize the working group comprised of justice system stakeholders and established by Legislative Management to guide the JRI process;
- Include in the assessment an analysis of demographic and geographic disparities in the current system;
- Use the findings of the working group to prepare for administrative and legislative actions in 2024 and 2025; and
- To the extent any reforms generate cost savings, prioritize reinvestment of a portion of those savings into programs shown by research to reduce recidivism and improve the successful transition of individuals to the community.

We understand in requesting assistance, we are asking CJI to:

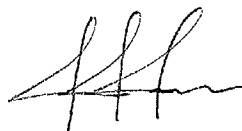
- Support legislative staff and the chair of the working group with facilitation and administrative needs;
- Conduct research on and analysis of North Dakota's criminal justice system, including analyzing crime trends and the drivers of prison and jail populations and growing costs;
- Assess North Dakota's sentencing and detention laws, policies, and practices;
- Provide examples of how other states and localities have responded to similar challenges and present research on studies of evidence-based practices and recidivism;
- Conduct roundtable discussions with stakeholder groups across the state;
- Support the working group as it develops recommendations to address the challenges identified in the analyses;
- Develop population and cost projections of the impact of policy options considered by the working group;
- Assist in drafting the report to include the findings and recommendations issued by the working group in anticipation of the 2025 legislative session;
- Support working group members throughout the legislative process to educate the public, stakeholders, and policymakers regarding the goals, findings, recommendations, and subsequent proposed legislative and administrative changes of the effort; and
- Work with the Legislature, the Office of the Governor, the Administrative Office of the Courts, and working group, as needed, in drafting and advancing legislation to be introduced in the 2025 legislative session.

We are committed to using data and evidence to identify ways to improve the quality and functioning of North Dakota's criminal justice system. Thank you for your consideration of this request.

Sincerely,



Doug Burgum
Governor of North Dakota



Jon J. Jensen Chief Justice
North Dakota Supreme Court



Donald Schaible, President Pro Tempore
North Dakota Senate



Dennis Johnson, Speaker
North Dakota House of Representatives