

North Dakota's Challenge: Improve Reentry for Better Use of Prison

Over the last decade, North Dakota's rising prison population has made the state a national outlier. While the U.S. adult prison population fell by approximately 25% between 2011 and 2021, North Dakota's population grew over 18%. In recent years, the growth has been even more startling with the population climbing to 1,899 in December of 2023, a 36% increase compared to December of 2020.

The swelling prison population, and the consequential pressures it has placed on correctional leaders, local jails, and the state budget, compelled North Dakota state leaders to investigate their criminal justice system through the lens of reentry—exploring not only the drivers of the population growth, but the efforts in place to ensure people don't cycle ineffectively in and out of the criminal justice system.

With technical assistance from the Bureau of Justice Assistance through the Justice Reinvestment Initiative (JRI) grant, the North Dakota JRI Reentry Study Work Group convened to review system data, examine best practices in the field, and identify opportunities to improve reentry outcomes in the state.

The Work Group's Key Findings



Point of Growth

North Dakota's prison population growth is driven by a 10% increase in admissions to prison from 2014 to 2023. Almost half of prison admissions in 2023 were due to a community supervision violation.



Behavioral Health Needs

Over one-third of prison admissions in 2023 were admitted on a drug or alcohol offense. Substance-related offenses were also the most common new offense leading to revocations, accounting for 29% of all parole case revocations and 17% of all probation case revocations in 2023.



Disproportionate Impact

From 2014 to 2023, prison admissions for Black and Native individuals grew 120% and 61%, respectively. Black and Native individuals were additionally overrepresented in the community supervision population, and in supervision cases revoked to prison.

Recommendations to More Effectively Address Needs and Reduce Recidivism for Justice-involved Population

Goal 1: Expand Pathways to Alternatives to Incarceration

- Authorize citations in lieu of arrest for non-traffic offenses in statute and create presumption for misdemeanor offenses
- Establish statewide deflection standards for law enforcement agencies
- Formalize local coalitions involved in responses to crises and low-level crime in the community
- Expand presumptive probation policy
- Establish court-led pre-adjudicatory diversion programs & incentivize counties to establish prosecution-led diversion programs
- Limit the use of cash bail for cases released to pretrial supervision and evaluate savings from pretrial supervision program

Goal 2: Decrease the Number of Individuals Entering Prison Due to a Drug or Alcohol Offense, or Revocation from Supervision

- Make the second instance of drug possession a class A misdemeanor
- Develop a tiered response model to supervision violations that includes sanctions and incentives
- Establish clear definitions of “absconding” and “technical violations” in statute
- Update data collection practices relating to violations
- Limit or eliminate imposition of court fines and fees with the exception of victim restitution
- Evaluate current practices and the programming needs of the jail population across the state

Goal 3: Reduce Racial Disparities in the Criminal Justice System

- Require the Minority Justice Implementation Committee to annually report its recommendations for mitigating racial disparities in the court system to North Dakota Supreme Court and the Legislature
- Employ a Native liaison or liaisons within Parole and Probation
- Identify culturally responsive training opportunities for officers through consultation with tribal system partners
- Design a reentry program in conjunction with tribal partners that is responsive to the specific needs of the Native population and rural communities

Goal 4: Further Support Successful Transition Back into the Community

- Provide vouchers for people exiting DOCR custody to make housing possible
- Improve coordination between housing providers for justice-involved individuals, increase education about available housing, and establish a pilot housing program for people with sex offenses
- Reduce liability for landlords to lease dwellings to people with criminal convictions
- Expand access to expungement

Goal 5: Increase Cross-agency Collaboration Between System Partners

- Reinstate Medicaid benefits for incarcerated individuals earlier and create a data sharing portal to ensure DHHS is promptly notified when someone’s Medicaid is suspended due to incarceration and when they have been released
- Apply for the Medicaid Section 1115 Reentry Waiver
- Partner with the Department of Transportation to provide access to driver’s licenses for incarcerated individuals
- Develop a standard practice of coordination between probation or parole officers, care coordinators, and peer supporters involved in the Free Through Recovery (FTR) Program
- Create a statewide commission to serve as a clearinghouse for criminal justice data and facilitate data-sharing and uniform practices between state and local partner agencies
- Create regional reentry coordinating councils

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