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**NORTH DAKOTA
DEPARTMENT OF
CORRECTIONS AND REHABILITATION
INTENSIVE SUPERVISION PROGRAM
MANUAL**



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APPLICATION FOR PUBLICATION AND DISTRIBUTION


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INTENSIVE SUPERVISION MANUAL

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Date Authorized: 10 / 18 / 94

Signatures:


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and Rehabilitation


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November 4, 1994

TO: ALL DISTRICT OFFICES

FROM: Rick Hoekstra *Rich*

RE: ISP, MRCC/Relapse Tx, and Community Resources

The boss has assigned the task of compiling a list of all the community programs by District which are a resource to offenders for your areas. We are asking for each District to maintain this Directory of Human Resources for their area and provide a copy to Bismarck Central Office by January 15, 1995.

The Fargo/Moorhead area United Way has maintained a comprehensive book entitled "Directory of Human Resources" they update every 2 years. I have checked with United Way in Bismarck to learn Fargo may be the only United Way to have a book like this. However, your local United Way can be a resource to begin to obtain a list of the resource agencies providing assistance or programs in your areas.

If your local Community Corrections Advisory Boards support this project they may dedicate the resources of their CSRP/VISTA to work in cooperation with your United Way agency on this project. If January 15, 95 isn't a realistic date it is flexible but try get this done as soon as possible.

Concerning the PVs and the MRCC/Relapse I have recently learned they are still in the process of defining the program and the target offender population. Presently the programs only definition for an offender profile is that they 1) have to have a prior successful addiction treatment, and 2) must have demonstrated a period of meaningful sobriety.

Bev Bergson is working with Human Services to formalize her program and will meet with me again on Dec. 1 to discuss an agenda to introduce the program to our staff as it applies to your recommendations for PVs. It is essential the design of the program provide a service as an effective intervention and sanction for your PVs that you refer for treatment.

WE HOPE TO SCHEDULE REGIONAL MEETINGS DURING DECEMBER TO MEET WITH ALL THE OFFICERS CONCERNING THE MRCC/RELAPSE PROGRAM. I WILL BE ARRANGING THIS WITH THE SUPERVISORS.

Finally, the text of the revised ISP manual is enclosed for your review and to be placed in the "Mother of all Manuals". The changes to the appendix and forms will follow.

The main revisions include adding definitions for "high risk" and "violent offender"; change in the criteria; changing the length of ISP from just 6 months to a minimum of 6 and up to 12 month; and a change in the curfew and contact standards within each level of ISP. The contacts will be determined primarily by the officer based on their supervision plans. The curfew is now 8 p.m. to 6 a.m. with officer discretion to reward a deserving offender with a less restrictive curfew.

By December 1 we will have the technical assistance report through NIC evaluating our ISP and other programs. We anticipate the future of our programs will be contingent on providing effective residential and treatment services to hold offenders accountable for longer periods through the support of these services.

We were successful through the Edward Byrne Grant funds to obtain some funds (Warren will be informing you later about these grants). However, we continue to look toward other funding sources to support improving the development of our resources and "alternatives".

Call me if there are any questions. If I don't see you before I hope to see you all December 5!

cc Elaine Little
Warren Emmer
Bev Bergson

INTENSIVE SUPERVISION PROGRAM

NORTH DAKOTA MODEL

I NDIVIDUALIZED

- Identify risk and needs
- Supervision Planning/Classification
- Orientation of offender and family/significant other
- 40 hour constructive week

S ACTION/CONTROL

- Minimum standards of supervision
- Treatment
- Community service
- Curfew
- Day reporting
- Home detention/House arrest
- Electronic monitoring
- Residential Halfway House
- Drug/Alcohol testing

P LANNING/PROTECTION

- Investigate Parole Plans
- Review Pre-sentence Reports/Sentencing Reports
- A screening interview with the offender
- Admission to Caseload
Interview to develop supervision plan and classification
- Criteria/Standards and Policy/Procedure for ISP
- Regular criminal records check
- Immediate intervention procedures for technical or criminal violations

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I

INTRODUCTION TO INTENSIVE SUPERVISION [The North Dakota Model]

Throughout the United States Intensive Supervision programs have grown in popularity, developing a variety of definitions and objectives. Research suggests these Intensive Programs provide alternatives and intermediate sanctions or controls for offenders under the courts, parole boards, and in some states under the authority of the department of corrections. Through offender accountability and timely intervention for violations there is better risk management of offenders and deterrence from criminal conduct. North Dakota's Intensive Supervision model will adopt this definition and use several components identified by other programs to successfully supervise offenders in our major communities (Fargo and Bismarck 1994).

The Intensive Supervision Program (ISP) in North Dakota provides an alternative to incarceration and the opportunity for an offender to demonstrate responsibility in the community. The criminal justice system, the offender, and the community benefit from the ISP alternative by offering a higher level of supervision than traditional probation and a more cost effective alternative than imprisonment.

Offenders placed on ISP supervision in North Dakota are released to the community by the authority of either the Parole Board or the Court. Due to the program's criteria, enrollment of an offender in the program follows verification of eligibility and acceptance by the Division of Parole and Probation. The Parole Board may identify offenders requiring more supervision and accountability who would not be paroled without the ISP alternative. The Court may sentence an offender to include ISP as a condition of their probation or modify conditions of a probation violator to include ISP conditions when recommended by the supervising officer.

The target population for ISP is the offender who represents a higher risk (see glossary). Risk may be determined by the offender's history of criminal, social, education, and employment activities as well as psychological and emotional stability. Therefore a screening process completed by the Probation/Parole Officer will assess the risk to the community or others. It is due to the intense nature of the program that a higher risk offender with multiple needs is ideal for Intensive Supervision. With risk management as one objective, the supervising officer will initiate appropriate referrals and surveillance to provide accountability to support an offender's stability in the community.

In addition to identifying services in the community to assist the offender there are other controls inherent to the program. Familiar controls include drug/alcohol testing, chemical dependency treatment, psychological/psychiatric treatment, community service, fines and restitution. Other controls and deterrent measures available to ISP include electronic monitoring, home detention/house arrest, curfew requirements, residential halfway house placement, day reporting, community service, and administrative fees for program costs.

ISP is the highest level of offender accountability short of incarceration. Effective supervision of offenders in the program requires the supervising officer's duties to also intensify. Therefore, the number of offenders in ISP per officer is limited; frequency of contacts by the officer with the offender is determined by a cognitive supervision plan. When an offender successfully meets the objectives of the ISP supervision plan he/she will continue on a more traditional parole or probation status or be terminated from supervision.

North Dakota Department of Corrections and Rehabilitation
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II

INTERMEDIATE MEASURES/CONTROLS AND SERVICES
GLOSSARY OF TERMS

The Intensive Supervision Program is an intermediate measure with several controls and services inherent to the program. Following is a list of terms describing these measures and controls or services.

- **Alcohol/Drug Testing:** Alcohol and drug testing is an effective deterrent. It provides a measure of compliance to conditions restricting alcohol and drug use. Means of testing will include alcohol breathalyzer, intoxilizer, blood or urine drug testing.
- **Community Service:** Community service is imposed as a sanction and condition of supervision, specifying a certain number of uncompensated hours of work in the community. In ISP community service adds control and accountability. An offender must demonstrate 40 hours of productivity each week which may include community service.

Community service is voluntary work performed by the offender that does not displace paid workers. It should consist of duties that would not otherwise be performed. The work should be for a civic or nonprofit organization and within the offender's skill and ability.

- **Curfew:** A curfew places the offender on home confinement during specific hours. A curfew is less restrictive than house arrest by allowing the offender liberties during otherwise "normal" hours of the day and evening (i.e. 10 pm to 6 am curfew allows liberty from the home between 6 am to 10 pm).
- **Day Reporting:** Offenders are required to report daily in person to a designated facility and account for their activities. This will include up to 12 hours of productive activities verified by the "Day Reporting Center".
- **Electronic Monitoring:** Electronic monitoring is a tool used to provides the supervising officer the ability to monitor an offender's compliance with a curfew, home confinement, or house arrest/detention conditions of supervision. There are two systems of electronic monitoring to consider:

the continued signaling system (active) places a receiver in the offenders home. The receiver records radio transmissions from the offender and is connected by telephone to a monitoring center. The offender wears a tamper resistant waterproof bracelet which transmits a continuous signal between the bracelet and the receiver. If the offender moves beyond the parameters of confinement the signal is interrupted resulting in immediate notification of authorities;

a programmed contact system (passive) is programmed by the monitoring center to systematically and randomly telephone the offender to verify their presence at their residence by using the tamper-resistant-waterproof bracelet, voice verification, or visual imagery.

- Fines/Fees/Restitution: Monetary sanctions provide accountability and should be imposed as an intervention or deterrent whenever possible. This may include fees payable to the Department of Corrections/Division of Probation and Parole for program costs. An offender on ISP may be required to pay for the additional costs of supervision, i.e. electronic monitoring, residential confinement, treatment costs.

- High Risk: Risk is the term identifying the chance taken with an offender in the community. Risk is assessed using historical factors which help predict the offender's future conduct; i.e. unemployment, chemical addiction, criminal, or history.

High risk suggests a greater degree or probability exists for the offender to recidivate. Due to an increased probability of to commit a new offense more supervision and intervention is required to effectively manage the offender in the community; i.e ISP vs administrative cases.

- Home Confinement: Home confinement is a modified form of house arrest/home detention. Home confinement authorizes an offender the liberty to move beyond the set boundaries for specific purposes and/or specific periods of time; i.e. employment, community service, medical or treatment needs, AA attendance, etc. No other liberty is authorized.
- House Arrest/Home Detention: House arrest/detention is 24 hour restriction to an offender's residence. This condition does not allow for movement beyond the parameters set by the conditions of house arrest/detention except for medical emergency.
- Residential Halfway House: A community-based facility providing the necessary structure, services, and controls to assist with an offender's adjustment to their community.

This restrictive environment removes the offender from his/her home and requires residence under the most desirable rehabilitative conditions. These facilities also provide treatment, individual counseling, and/or educational services.

- Risk Assessment: The ND Division of Parole and Probation uses a scored instrument as a "tool" to assess an offender's risk to the community based on their history. This assessment determines the classification and level of supervision necessary to assist, manage, and monitor the offender.
- Surveillance: Any covert or enhanced monitoring of an offenders activity to verify compliance with conditions of parole and/or probation supervision. By definition the ISP officer provides direct surveillance. However, indirect methods of monitoring an offender's compliance include collateral contacts in the community with police, employers, family members and associates of the offender, and treatment providers.
- Treatment/Training: An offender's needs often include chemical dependency treatment, psychological/psychiatric treatment, anger management, and/or educational or vocational training. These needs are also identified when screening ISP candidates and will be addressed in the supervision plan. Communities in North Dakota with ISP require a healthy network of community-based treatment and educational services to implement and support the program.
- Violent Offender: Offenders with a history of aggressive behavior which demonstrates their willingness to use or threaten the use of force against another person.

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III

CRITERIA AND STANDARDS

I. CRITERIA FOR SELECTION:

The Division of Parole and Probation may accept or deny enrollment of an offender in the Intensive Supervision Program. Recommendations by an officer to accept an offender into ISP are based on the following GUIDELINES (an override to place an offender on ISP who does not meet these guidelines may be appropriate and accomplished by staffing these cases individually):

- No violent offenders (see glossary of terms) unless unanimously accepted by the ISP team and approved by the Director of Parole & Probation; and
- The offender's risk score is generally greater than 20, regardless of the offense; or
- Regardless of risk score, the offender's needs, history and conduct represent a risk (i.e. sex offenders or multiple DUI offenders may require an override to a higher level of supervision); and
- The offender demonstrates motivation and agrees to live within the parameters set by the ISP program ; and
- There are no unresolved detainers or warrants, and
- The offender has not been revoked under ISP supervision (an override may be appropriate for ISP cases revoked for technical violations).

II. GOALS:

To provide the Court and Parole Board an alternative to incarceration through immediate intermediate measures and controls:

The objectives of this goal are to:

- 1) protect the community in a cost-effective manner,
- 2) identify the offender's needs, and
- 3) require offender participation in appropriate community based services.

To provide the Division of Parole and Probation an effective tool to affect change and protect the community:

The objectives of this goal are to:

- 1) increase an offender's accountability,
- 2) impose intense supervision and surveillance,
- 3) enhance the use of resources available to develop a cognitive supervision plan, and
- 4) provide immediate intervention for violations.

III. STANDARD PAROLE & PROBATION CONDITIONS OF SUPERVISION/ISP CONDITIONS/SUPERVISION PLANNING:

- The offender is required to abide by the standard and special conditions of supervision imposed by the Court or the Parole Board, including the ISP agreement when ordered (DOC&R SFN 18975).
- The Court may authorize the Intensive Supervision Program agreement as a condition of probation by ordering "intermediate measures and controls..." under NDCC 12.1-32-07(3)(p), or ordering ISP as a modification of probation conditions pursuant to a petition for modification.
- The Parole Board may authorize the ISP agreement by imposing the program as a condition of parole and an alternative to incarceration. The Board may also approve intermediate measures and controls (ISP) as an appropriate intervention to a violation of parole.
- The ISP officer will develop a cognitive supervision plan to state the problem and realistic short-term objectives within each level of ISP supervision. The offender's supervision plan will compliment the objectives stated for the goals of the Intensive Supervision Program.

IV. LEVELS OF ISP SUPERVISION:

- Offenders under ISP remain in the program for the duration of 6 to 12 months. An offender may progress through three levels of ISP by the sixth month or be extended up to 12 months to complete each level of the program. Intensity of the supervision by levels from most intense to least intense is from Level I to Level III.
- The nature and frequency of the officer/offender contacts or officer/collateral contacts or surveillance should be guided by the supervision plan to meet the stated goals and objectives.
- Each level should require 40 hours per week of productive activities by the offender; including employment, education, treatment, vocational training, community service, verifiable employment search, up to five hours of productive exercise and fitness program, or any approved combination.
- When the offender works a night shift the officer may impose day confinement.
- Progress through ISP requires the offender to meet the objectives of each level within the supervision plan.
- Movement from ISP to a less restrictive level of supervision requires the offender to have met the objectives of the program and the supervision plan. Transfer of supervision from the ISP officer to another officer should include recommendations concerning the offender's continuing needs and risk level.

LEVEL I:

1. Treatment and AA/NA attendance is required as recommended, if diagnosed as chemically dependent.
2. Support group meetings as recommended for any other diagnosed problem, i.e. sex offenders, gamblers anonymous, co-dependency, al-anon, family counseling, anger management.
3. The frequency of random or scheduled drug/alcohol tests will be determined by the stated objectives of the supervision plan. Methods usually include on-site or laboratory drug screening, alcohol breathalyzer, or intoxilyzer.

4. Weekly personal and/or collateral contacts are required by the supervising officer to meet the objectives stated by the supervision plan.

5. A curfew between 8:00 p.m. to 6:00 a.m. is required unless modified by the ISP officer for employment or other legitimate purposes. The curfew may be more restrictive or changed to affect the greatest degree of offender accountability to address risk and needs assessed.

LEVEL II

1. Continue treatment and AA/NA attendance as recommended, if diagnosed as chemically dependent.

2. Continue support group meetings as recommended for any other diagnosed problem, i.e. sex offenders, gamblers anonymous, co-dependency, al-anon, family counseling, anger management.

3. The frequency of random or scheduled drug/alcohol tests will be determined by the stated objectives of the supervision plan.

4. Weekly personal and/or collateral contacts are required by the supervising officer to meet the objectives stated by the supervision plan.

5. Curfew between 8:00 p.m. to 6:00 a.m. is required unless modified by the ISP officer for employment or other legitimate purposes. The curfew may be more restrictive or changed to affect the greatest degree of accountability to address the risk and needs assessed. (Officers may provide a more lenient curfew based on the offenders early successes in the program.)

LEVEL III:

1. Continue treatment and AA/NA as recommended, if diagnosed as chemically dependent.

2. Continue support group meetings as recommended for any other diagnosed problem, i.e. sex offenders, gamblers anonymous, co-dependency, al-anon, family counseling, anger management.

3. The frequency of random or scheduled drug/alcohol tests will be determined by the stated objectives of the supervision plan. (It is recommended that alcohol/drug testing for an offender in level III of ISP be reduced to a frequency in compliance with the division's policy and a traditional case when possible.)

4. Weekly personal and/or collateral contacts are required by the supervising officer to meet the objectives stated by the supervision plan.

5. A curfew between 8:00 p.m. to 6:00 a.m. is required unless modified by the ISP officer for employment or other legitimate purpose. In level III the curfew may be determined by the officer based on the offender's progress. (A curfew should be in effect through the duration of ISP supervision. Any consideration for eliminating a curfew must be approved by the Regional Supervisor.)

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IV

PROCEDURES

The target population for the Intensive Supervision Program is the offender who would likely be incarcerated without the alternative or intervention of ISP. The offender may be either probation or parole status and should meet the criteria of the program.

Referrals to ISP should be directed to the Division of Probation and Parole in the community where the offender proposes to reside. Referrals should include any information to assist the officer screening the offender. This will aid the officer to provide a timely response to the referral source.

Upon receipt of the referral the ISP officer should interview the offender to obtain additional relevant information; this may include a risk and needs assessment. If the offender is appropriate for ISP a more complete interview may be required to support the officer's recommendations and to develop the supervision plan.

Sources for referrals who may identify offenders for the program are: 1) the Court, 2) the State's Attorney, 3) the State Parole Board, or 4) the Division of Parole & Probation.

The distinctions between these sources for referrals are as follows:

1) **THE COURT:** Offenders may enroll in the Intensive Supervision Program through the court by either a) Intermediate Measures and Controls, or b) Petition for Modification of Probation Conditions.

a. Intermediate Measures and Controls: The court may sentence an offender to probation and impose the condition of supervision stating the offender will "undergo various agreed to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation".

This authority to impose ISP as an intermediate measure is pursuant to NDCC 12.1-32-07(3)(p). The ISP program is developed by the Department of Corrections and Rehabilitation under the authority of NDCC 54-23.3-04(9).

The North Dakota Department of Corrections and Rehabilitation is committed to placing offenders in the most appropriate, least restrictive environment based upon their risk to society and program needs. ISP is the highest level of control and community based supervision prior to incarceration. When ISP is authorized and an offender declines to accept the parameters set by the ISP agreement, the offender should be returned to the Court for further consideration or revocation.

- b) Petition for Modification: The court, with or without a hearing, may order an offender onto the ISP program through an offender's Petition for Modification of Probation Conditions. This document sites the violations of existing conditions of probation and states the offender's request to avoid revocation by agreeing to enroll in the ISP. (See appendix - Petition to Modify and Change Conditions)

When an offender has violated the terms of a probation order to the extent that the supervising officer feels ISP is a necessary and an effective measure for the offender to remain in the community, the case is staffed with an ISP officer. If ISP is appropriate the offender and supervising officer will prepare the Petition for Modification. With the signatures of the offender, the supervising officer, and the states attorney the petition is presented to the court for further consideration.

The Judge may sign the petition, ordering the modification as requested; or the Judge may deny the petition and order the offender to appear to show cause for the modification.

When an offender has violated conditions of probation and rejects the officer's recommended intervention (ISP) the officer shall petition the court for revocation.

2. STATES ATTORNEY OR DEFENSE COUNSEL: As a part of the sentencing process the prosecutor and/or defense counsel may consider recommending ISP to be considered by the Court either a) prior to sentencing, or b) through a reduction (Rule 35 Motion).

- a) Prior to sentencing the States attorney or defense counsel may request the Division of Parole and Probation to determine if an offender meets the criteria for ISP. With the knowledge of both the defense and the States attorney the ISP officer determines the eligibility of the offender for ISP. The officer will provide a written response with appropriate recommendations concerning ISP.
- b) The states attorney or defense counsel may consider ISP in a Rule 35 Motion for Reduction of Sentence. The Division of Parole and Probation requires adequate notification and information to complete an assessment. The ISP officer proceeds to determine the offender's eligibility and reports accordingly with recommendations.

It is essential for ISP to provide the sentencing court and counsel with a recommendation when requested. This may include the ISP supervision plan if ISP is an alternative.

3) **THE PAROLE BOARD:** The Intensive Programs Coordinator or designee will attend each Parole Board meeting. Recommendations will be provided concerning ISP. Most offenders being considered will have parole plans previously investigated. Those who appear appropriate for ISP will be invited to submit a parole plan for a future board considering ISP. Others may be given a presumptive parole date to ISP pending verification. Further consideration requires verification of the offender's parole plan with the ISP component. The ISP Officer will interview the inmate to verify eligibility and begin development of a supervision plan prior to release.

- a) **Direct Placement:** The Parole Board may impose ISP immediately as a parole condition which states: "As an alternative to incarceration, the offender is paroled under Intensive Supervision and must comply with the additional ISP conditions."
- b) **Intermediate Measures/Intervention:** The Parole Board may order ISP as an intermediate measure pursuant to the Intermediate Sanctions Intervention Report (SFN 18592). This document states the parole violation(s) alleged and the officer's recommended intervention (i.e., ISP). This document is signed by the officer and offender stipulating to the intervention. Upon review the Parole Board may approve or deny the actions and intervention being requested.

4. **THE DIVISION OF PAROLE AND PROBATION:** The Division has two sources which may identify an offender for ISP. They are a) the Parole/Probation Officer, and b) the Parole Support Unit.

- a) Parole/Probation officers may refer offenders from their existing caseloads. ISP may be an appropriate intervention when an offender has violated existing conditions of parole or probation. This is outlined in sections 1(b) and 3(b) of this chapter.
- b) The Parole Support Unit, which includes the Intensive Programs Coordinator, will staff all cases scheduled to appear or be reviewed by the Parole Board. A sentencing report from the Parole Support Unit helps determine which offenders meet the program's criteria and who may not otherwise be considered favorably for a parole. Recommendations from the Parole Support Unit may include the Intensive Supervision Program as a condition of release.

Prior to the parole support unit staffing the ISP officer is responsible to investigate the inmates parole plan, advise the inmate of the program's conditions, and make recommendations to the Parole Board. The Intensive Programs

Coordinator may facilitate arrangements for the inmate to be interviewed by the officer. (It is recommended but not required that the officer draft the offender's supervision plan prior to an inmates release.)

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V

CASELOAD MANAGEMENT

The North Dakota Intensive Supervision Program uses a team approach to manage the ISP caseload. The team consists of the Regional Supervisor, the Intensive Programs Coordinator, and an ISP Officer assisted by a surveillance officer. A full-time ISP officer will manage 15 to 20 offenders. The officer is responsible to develop a supervision plan, coordinate community programs, and verify the offender's progress and compliance.

Job descriptions and responsibilities for the Intensive Programs Coordinator, the Regional Supervisor, the ISP Officer, and the Surveillance Officer follow:

INTENSIVE PROGRAMS COORDINATOR

I. Summary of Work:

The individual assigned to this position will be responsible for the continued development and implementation of intensive programs in North Dakota. This individual will work closely with the Courts, ND State Penitentiary, ND Parole Board and Parole Support staff, law enforcement, local treatment agencies, educational facilities and employment agencies. The Intensive Programs Coordinator may initiate screening of the ISP referrals and assist with supervision plan development.

II. Responsibility: (see P.I.Q. - Appendix)

III. Minimum Qualifications:

The Intensive Programs Coordinator must possess a BA/BS degree with a major emphasis in Social and/or Behavioral Sciences. This individual must have four years experience with extensive direct interaction with the adult/juvenile offender population. Supervisory experience or demonstrated supervisory ability is required.

REGIONAL SUPERVISOR

I. Summary of Work:

The Regional Supervisor for the District with ISP is the immediate supervisor for the ISP Probation/Parole Officer II. Specific duties to ISP include staffing cases, acting as an Intervention Hearing Officer, reassigning successful ISP cases, and authorizing immediate intermediate measures as intervention including ISP for probation and parole violators.

II. Responsibilities: (see P.I.Q. Appendix)

III. Minimum Qualifications:

The Regional Supervisor must have a BA/BS degree with a major emphasis in Social and/or Behavioral Sciences. This individual must have four years experience with extensive direct interaction with the adult/juvenile offender population. Supervisory experience or demonstrated supervisory ability is required.

PROBATION/PAROLE OFFICER II INTENSIVE SUPERVISION PROGRAM

I. Summary of Work:

The ISP Probation/Parole Officer is responsible for the direct supervision and surveillance of the ISP offender. The ISP Officer will interview candidates, develop case supervision plans and provide immediate interventions as needed. Case management requires working closely with law enforcement, human service agencies, treatment centers, educational facilities and employment agencies to develop a network of resources to manage the offenders risk and needs.

II. Responsibility: (see P.I.Q. - Appendix)

III. Minimum Qualifications:

This individual must possess a BA/BS degree and is eligible for this position if they have two years experience working in a law enforcement, corrections, or a social work agency where the duties required extensive interaction with adult or juvenile offenders.

SURVEILLANCE OFFICER

I. Summary of Work:

This individual assists the parole/probation officer with managing and monitoring an offenders activities in the community. Verification of the offender's compliance with home confinement/curfew and abstinence from illicit drug use are primary functions.

II. Responsibility: (see Job Description - Appendix)

III. Minimum Qualifications:

This individual should have prior experience as a correctional officer, parole/probation officer, or peace officer. This person should be or eligible to become a licensed peace officer in North Dakota.

RESPONSIBILITIES: Offender vs ISP Team/Officer

Through each level of supervision the offender will be required to comply with the conditions of supervision and cooperate with community-based service providers. With the support of these resources the offender must accept full responsibility for his/her progress through Intensive Supervision. The supervising officer is responsible to assess risks and needs, develop a supervision strategy, verify compliance with conditions of supervision, and provide immediate intervention for violations.

Case management begins with a supervision plan and strategy. A structured interview by the officer is necessary to develop a comprehensive supervision plan. This may include the ATC "Acceptance to Caseload" form (SFN 13374) to assess the Risk and Needs of the offender. The offender on ISP is required to sign the ISP Agreement and accept responsibility to achieve the objectives of their supervision plan.

It is recommended the ISP Officer staff cases with other officers, the Intensive Programs Coordinator, or Regional Supervisor. When violations occur swift and immediate intervention is necessary. When an intervention or sanction requires the action of the court or parole board a petition to modify conditions to include the intervention is submitted for approval by the proper authority. (See Chapter IV)

The ISP officer will maintain a monthly record (activity report) of new and active or incoming cases. A copy of this record is provided to the Regional Supervisor and Intensive Programs Coordinator.

Upon completion of ISP the case will be reassessed and reclassified. The ISP Officer should staff the case with the receiving officer. An ATC/Reclassification form (SFN 13374) and Reassessment (SFN 19294) will be completed within ten working days. A chronological case summary of the offenders progress under ISP will be entered by the ISP Officer prior to the transfer of the case to another officer.

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VI

VIOLATIONS/REVOCATIONS

The Division's existing policies and procedures will guide the ISP officer's intervention concerning violations, petitions for modification, or revocation action. However, emphasis is placed on swift action and immediate consequence for technical as well as criminal violations of supervision conditions. To accomplish this the support of the Parole Board and the Court is necessary to protect the community and the integrity of the program.

ISP offenders whose supervision in the program has been terminated may be reconsidered for ISP if the offender meets the initial criteria set by ISP.

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VII

DATA COLLECTION AND TERMINATION FROM ISP

The objective of data collection for the Intensive Supervision Program is to determine the success of the program through outcome measures including but not limited to the following:

- 1) the number of offenders entering the program,
- 2) the % of the offenders completing ISP; the % who remain crime free after 6 months, 1 year, etc., and
- 3) the reduction in cost, i.e. ISP v. incarceration.

The "Acceptance to Caseload" (ATC), Reclassification, Reassessment and "Termination from Sentence" (TFS) forms are used by the division to gather the offender's social/demographic information as well as changes. Factors relating to risk and needs are identified by the ATC and reassessment. These forms also capture relevant offender information, classification, reclassification, violations, and dates.

An offender may be tracked following successful completion of ISP by review of their semiannual reassessments, the "Termination from Caseload" (TFS) and a case summary report upon termination.

APPENDIX: FORMS/MISCELLANEOUS

INTENSIVE PROGRAMS
MONTHLY CASE REPORT
MONTH OF _____, 1992
Bismarck/Mandan

ACTIVE CASES

<u>R/PROB</u> <u>P/ISP</u>	<u>NAME</u>	<u>REC'D</u>	<u>EXP</u>	<u>JAIL/</u> <u>1/2 HOUSE</u>	<u>EMS</u>	<u>BALANCE</u> <u>COSTS/</u> <u>REST FEES FINES</u>
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INCOMING CASES

<u>R/PROB</u> <u>ISP</u>	<u>NAME</u>	<u>DATE</u>	<u>NOTES</u>
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ABSCONDERS

<u>R/PROB</u> <u>/ISP</u>	<u>NAME</u>	<u>DATE</u>	<u>COMMENTS</u>
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INTENSIVE PROGRAMS
MONTHLY CASE REPORT
MONTH OF _____, 1992

PENDING REFERRALS

<u>CCP/ISP</u>	<u>NAME</u>	<u>GT DATE</u>	<u>SCHEDULED PB HEARING</u>	<u>COMMUNITY/RECOMMENDATION/NOTES</u>
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INTENSIVE SUPERVISION PROGRAM AGREEMENT
NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF PAROLE AND PROBATION
SFN 18975 (1-95)

I, _____, understand the Intensive Supervision Program (ISP) is an alternative to imprisonment. In addition to the standard and special conditions of Supervision the following conditions are required during my participation in the North Dakota Intensive Supervision Program.

1. I will reside in the community designated by ISP and will not change residence during the period of Intensive Supervision, unless previously approved by the ISP Officer.
2. If I reside in a security building, I will provide a key to the ISP Officer to access the building.
3. I will maintain a telephone at my residence and be on home confinement with an 8:00 p.m. to 6 a.m. curfew. Telephone service will be established within 10 days. I understand I am required to remain at my residence between the established curfew hours unless for medical emergency.
4. If electronic monitoring is required, I agree to the terms of the Electronic Monitoring Agreement; SFN 18974 (see reverse).
5. If I am confined to house arrest/home detention, I cannot leave the residence or parameters set unless for medical emergency or with prior approval by the Parole/Probation Office.
6. I will maintain 40 hours weekly of approved productive and constructive work or activities which may include employment, chemical dependency or psychological/psychiatric treatment, education, verifiable efforts in job search, community service, and up to five hours of approved physical fitness/exercise program.
7. I will complete a weekly activity report and/or participate in the Day Report program to verify my activities when instructed.
8. I will not enter into any contract or agreement to act as an informant or special agent for law enforcement.
9. I will refrain from the use or possession of alcohol, and the purchase, possession or consumption of any controlled substance, except as prescribed by a licensed physician. I will submit to a medical examination or other reasonable testing including the Breathalyzer, Intoxilizer, blood samples or urine samples for the purpose of determining the use of alcohol or controlled substances whenever requested by any probation officer.
10. I shall submit my person, place of residence, and vehicle, wherever they may be found, to search and seizure by a police officer, peace officer, parole or probation officer at any time of the day or night, with or without a search warrant.
11. Unless for work or other legitimate purpose I will not own, possess, or use in my residence, vehicle, or other place a law enforcement scanner.

I have or had read to me the above conditions. I realize any violation will be grounds for revocation of my probation or parole. I understand upon completing the Intensive Supervision Program my case may be transferred to another officer, subject to the standard conditions of supervision imposed by the Court or Parole Board.

I understand and accept these conditions.

Signature of Offender	Date
Signature of ISP Supervising Officer	Date



ELECTRONIC MONITORING AGREEMENT
NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF PAROLE AND PROBATION
SFN 18974 (1-95)

I, _____, agree to participate in the Electronic Monitoring Program. I further agree to the following conditions:

1. I agree to pay a user fee for electronic monitoring in the amount of \$_____ per day. This fee is paid prior to the services as arranged by the supervising officer.
2. I will reside at _____ during my assigned curfew hours. (My telephone number is _____.) If I leave during my curfew, I must have permission to do so from my supervising officer unless for a medical emergency. Any unapproved departure from my schedule will be a violation of my curfew.
3. Compliance on the Electronic Monitoring Program will be enforced by the use of a computer. I understand this monitoring will be accomplished by a receiver attached to my residence telephone connected electronically by common carrier to a Computer Center. I understand the purpose of the Electronic Monitoring equipment is to verify my curfew compliance.
4. I know it is necessary for Supervision Staff to maintain or inspect the installation of this monitoring equipment. I agree to allow the Supervision Staff in my home at any time to inspect the monitoring device. I further agree to maintain continuous telephone service without custom calling features. I agree this telephone line will be available and all telephone calls on this line will be limited to ten (10) minutes by myself and other users during curfew hours.
5. I acknowledge receipt of Electronic Monitoring Equipment: HMD # _____ Transmitter # _____. This equipment will be installed and removed at the discretion of the Supervision Staff. Failure to return the electronic monitoring equipment will result in prosecution.
6. If I fail to return the equipment, I am subject to felony prosecution. I understand I am responsible for any damage to the equipment other than the normal wear. If I do not return the equipment, or do not return it in good condition, I may be charged for replacing or the cost of repairing the equipment. The cost of this equipment is \$1,850.00 receiver and \$550.00 transmitter.
7. I agree to report any problems with the equipment immediately, in person or by telephone, to my supervising officer at, telephone numbers for work: _____ home: _____. I agree that the Department of Corrections and Rehabilitation is not liable for any damages resulting from my tampering with the monitoring device. Any damages associated with the tampering of the monitoring device are a result of my own negligence.

I have or had read to me the conditions of the Electronic Monitoring Program. I understand and accept these conditions. I have been given a copy of these conditions.

Signature of Offender	Date
Signature of Supervising Officer	Date

STEP 3: TENTATIVE PLAN: *"Pencil in" the tentative plan using the priority area(s) identified in Step 2.*

PROBLEM STATEMENT: *State the ◇'s undesirable behavior, the conditions under which it occurs and the undesirable results:*

BEHAVIORAL OBJECTIVES: *State short-range behavioral outcomes. The objectives should be 1) measurable; 2) time-framed; 3) stated positively; and 4) realistic.*

OFFENDER ACTION PLAN: *State the methods, techniques and resources ◇ will use to achieve and verify the objectives.*

OFFICER/REFERRAL ACTION PLAN: *State methods/techniques the P.O. will use to assist/insure that the objectives are achieved.*

OFFENDER'S SIGNATURE

OFFICER'S SIGNATURE

DATE:

STEP 4: FINAL PLAN: *Negotiate the tentative plan with the ◇ and modify as needed.*

**MONTHLY REPORT**

NORTH DAKOTA DEPARTMENT OF PAROLE AND PROBATION

SFN 7583 (NDPPD7) 5/85

NOTE: This
Report is Due
by the 5th Day
of Each
Month

SEND TO:

REPORT FOR MONTH/YEAR

TYPE OF REPORT

☐ PAROLE
☐ PROBATION☐ "X" THIS BOX IF YOU NEED MORE FORMS

Your Name		Your Home Telephone Number		Today's Date	
Address Where You Live (No. & Street)		City	State	Zipcode	
Your Mailing Address		City	State	Zipcode	
With Whom Do You Live?		Relationship		Monthly Rent Paid \$	
Your Employer		Address		Work Phone Number	
Type of Work You Do		Name of Your Boss		Monthly Take Home Pay \$	
Number of Work Days Lost This Month:		Reason for Lost Work Days			
Does Employer Know of Your Parole/Probation Status?		YES	AMOUNT OF MONEY YOU PAID OUT THIS MONTH FOR:		
		NO	Restitutions \$		Court Costs \$
					Fines \$
WERE YOU ARRESTED OR QUESTIONED BY ANY LAW ENFORCEMENT OFFICER DURING THE MONTH? <input type="checkbox"/> NO; <input type="checkbox"/> YES (If YES, Explain Below)					
VEHICLES OPERATED DURING THE PAST MONTH		YEAR	MAKE	COLOR	LICENSE NO
NAME OF VEHICLE INSURANCE COMPANY					

EXPLAIN ANY FAMILY, EMPLOYMENT, OR OTHER PROBLEMS ENCOUNTERED DURING THE MONTH:

This report is true and correct to the best of my knowledge. I understand that part of the rules of my Parole/Probation require that I secure permission to change residence, employment, make an installment purchase, or travel outside this district.

SIGN YOUR NAME _____

DO NOT WRITE BELOW THIS LINE

AGENT'S COMMENTS

DATE REPORT RECEIVED

DAY REPORTING CENTER

Daily Itinerary : The offender is required to complete and submit the Day Report to the designated Day Reporting Center prior to 12 noon each day.

NAME _____

DATE _____

ADDRESS _____

HOME TELEPHONE

LIST ALL DESTINATIONS AND TIMES:

[illegible]

IF TRANSPORTATION IS BY CAR: VEHICLE MAKE _____ YEAR _____ COLOR _____

PROBATIONER WEEKLY SCHEDULE

Week _____

Probationer's Name _____

TIME	SAT SUNDAY	SUN MONDAY	MON TUESDAY	TUES WEDNESDAY	WED THURSDAY	THURS FRIDAY	FRI SATURDAY
12:00 a.m. - 1:00 a.m.							
1:00 a.m. - 2:00 a.m.							
2:00 a.m. - 3:00 a.m.							
3:00 a.m. - 4:00 a.m.							
4:00 a.m. - 5:00 a.m.							
5:00 a.m. - 6:00 a.m.							
6:00 a.m. - 7:00 a.m.							
7:00 a.m. - 8:00 a.m.							
8:00 a.m. - 9:00 a.m.							
9:00 a.m. - 10:00 a.m.							
10:00 a.m. - 11:00 a.m.							
11:00 a.m. - 12:00 noon							
12:00 noon - 1:00 p.m.							
1:00 p.m. - 2:00 p.m.							
2:00 p.m. - 3:00 p.m.							
3:00 p.m. - 4:00 p.m.							
4:00 p.m. - 5:00 p.m.							
5:00 p.m. - 6:00 p.m.							
6:00 p.m. - 7:00 p.m.							
7:00 p.m. - 8:00 p.m.							
8:00 p.m. - 9:00 p.m.							
9:00 p.m. - 10:00 p.m.							
10:00 p.m. - 11:00 p.m.							
11:00 p.m. - 12:00 a.m.							

NOTE: This form is to be completed by the probationer and submitted to the Probation Office each Monday until no longer required by the Supervising Probation Officer.

DAILY EMPLOYMENT SHEET

Name: _____

Please fill out information daily pertaining to job search. A minimum of ten (10) contacts daily is required: When unemployed, each completed form must be returned to the Probation Office.

[illegible]

INTENSIVE SUPERVISION PROGRAM
HOME/DETENTION/HOUSE ARREST
RESIDENT/VISITOR LIST

Offender _____ Date: _____

VISITOR'S NAME: _____

Relationship: _____

Address: _____

Phone: _____

Date of Birth: _____

Approved By: _____

Record: _____

VISITOR'S NAME: _____

Relationship: _____

Address: _____

Phone: _____

Date of Birth: _____

Approved By: _____

Record: _____

VISITOR'S NAME: _____

Relationship: _____

Address: _____

Phone: _____

Date of Birth: _____

Approved By: _____

Record: _____

VISITOR'S NAME: _____

Relationship: _____

Address: _____

Phone: _____

Date of Birth: _____

Approved By: _____

Record: _____

VISITOR'S NAME: _____

Relationship: _____

Address: _____

Phone: _____

Date of Birth: _____

Approved By: _____

Record: _____

ADMISSION TO CASELOAD
NORTH DAKOTA PAROLE AND PROBATION DEPARTMENT
 SFN 13374 Page 2 (7-88)

Client's Name: Last	First	MI	Client's SID Number	Client's Soc. Sec. No.	Agent's No./Radio No
---------------------	-------	----	---------------------	------------------------	----------------------

A - Number of Address Changes in Last 12 Months Prior to incarceration for parolees)	0 None 2 One 3 Two or More	RA
B Percentage of Time Employed in Last 12 Months Prior to incarceration for parolees)	0 60% or more 1 40% - 59% 2 Under 40% 0 Not Applicable	RB
C - Alcohol Usage Problems Prior to incarceration for parolees)	0 No interference with functioning 2 Occasional abuse; some disruption of functioning 4 Frequent abuse, serious disruption; needs treatment	RC
D - Other Drug Problems Prior to incarceration for parolees)	0 No interference with functioning 1 Occasional abuse, some disruption of functioning 2 Frequent abuse, serious disruption, needs treatment	RD
E - Attitude	0 Motivated to change; receptive to assistance 3 Dependent or unwilling to accept responsibility 5 Rationalizes behavior; negative, not motivated to change	RE
F - Age at First Conviction	0 24 or older 2 20-23 4 19 or younger	RF
G - Number of Prior Periods of Probation/Parole Supervision (Adult or Juvenile)	0 None 4 One or More	RG
H - Number of Prior Probation / Parole Revocations	0 None 4 One or More	RH
I - Number of Prior Felony Convictions	0 None 2 One 4 Two or More	RI
J - Convictions or Juvenile Adjudications for: Select applicable and add for score. Do not exceed total of 5. Include current offense.)	2 Burglary, theft, auto theft or robbery 3 Worthless checks or forgery	RJ
K - Conviction or Juvenile Adjudication for Assaultive Offense within Last Five Years: (An offense which involves the use of a weapon, physical force or threat of force.)	15 Yes 0 No	RK

RL-TOTAL RL



Client's Name: Last

First

MI

Client's SID Number

Client's Soc. Sec. No.

Agent's No. Radio No

NA - ACADEMIC / VOCATIONAL SKILLS

- 1 High school or above skill level
- 0 Adequate skills; able to handle everyday requirements
- +2 Low skill level causing minor adjustment problems
- +4 Minimal skill level causing serious adjustment problems

NB - EMPLOYMENT

- 1 Satisfactory employment for one year or longer
- 0 Secure employment; no difficulties reported; or homemaker, student, or retired
- +3 Unsatisfactory employment; or unemployed but has adequate job skills
- +6 Unemployed and virtually unemployable; needs training

NC - FINANCIAL MANAGEMENT

- 1 Long standing pattern of self-sufficiency; e.g.: good credit rating
- 0 No current difficulties
- +3 Situational or minor difficulties
- +5 Severe difficulties; may include garnishment, bad checks or bankruptcy

ND - MARITAL / FAMILY RELATIONSHIPS

- 1 Relationships and support exceptionally strong
- 0 Relatively stable relationships
- +3 Some disorganization or stress but potential for improvement
- +5 Major disorganization or stress

NE - COMPANIONS

- 1 Good support and influence
- 0 No adverse relationships
- +2 Associations with occasional negative results
- +4 Associations almost completely negative

NF - EMOTIONAL STABILITY

- 2 Exceptionally well adjusted; accepts responsibility for actions
- 0 No symptoms of emotional instability; appropriate emotional responses
- +4 Symptoms limit but do not prohibit adequate functioning, e.g.: excessive anxiety
- +7 Symptoms prohibit adequate functioning, e.g.: lashes out or retreats into self

MG - ALCOHOL USAGE

- 0 No interference with functioning
- +3 Occasional abuse; some disruption of functioning
- +6 Frequent abuse; serious disruption; needs treatment

NH - OTHER DRUG USAGE

- 0 No interference with functioning
- +3 Occasional substance abuse; some disruption of functioning
- +5 Frequent substance abuse, serious disruption; needs treatment

NI - MENTAL ABILITY

- 0 Able to function independently
- +3 Some need for assistance; potential for adequate adjustment; mild retardation
- +6 Deficiencies severely limit independent functioning; moderate retardation

NJ - HEALTH

- 0 Sound physical health; seldom ill
- +1 Handicap or illness interferes with functioning on a recurring basis
- +2 Serious handicap or chronic illness needs frequent medical care

NK - SEXUAL BEHAVIOR

- 0 No apparent dysfunction
- +3 Real or perceived situational or minor problems
- +5 Real or perceived chronic or severe problems

NL - AGENT'S IMPRESSION OF CLIENT'S NEEDS

- 1 Minimum
- 0 Low
- +3 Medium
- +5 Maximum

NM - TOTAL

NA	MG
NB	NH
NC	NI
ND	NJ
NE	NK
NF	NL
	NM

APPENDIX "A"

JUDGMENT AND COMMITMENT

CONDITIONS FOR SENTENCE TO PROBATION,
DEFERRED OR SUSPENDED SENTENCE IN THE CASE OF

State vs. C

Criminal Case No. 8C - Cass County

Pursuant to the Order of the Court,

As the Defendant in this case you shall not violate any Federal, State, County or Municipal criminal law or ordinance during the period of probation.

In addition, you shall:

1. continue your present employment or seek and maintain suitable employment; you may pursue a vocational or educational course of study which will lead to future or better employment.
2. if on a supervised probation, inform your probation officer immediately in the manner that he directs of any changes in your place of residence and employment, and other pertinent activities. This information will be furnished to the probation officer by written report, telephone, or a personal visit to his office. You also understand that your probation officer has the right to visit your residence or place of employment at reasonable hours. You are to report within seventy-two hours to an agent of the North Dakota Parole and Probation Department at 15 Broadway, Room 503, Fargo, North Dakota, telephone number: 237-7070.
3. if on a supervised probation not leave the State of North Dakota without permission from your probation officer.
4. not own, purchase, borrow, possess, use or carry any type of firearm, destructive device, or dangerous weapon unless granted written permission by the Court.
5. waive extradition to the State of North Dakota from any jurisdiction in or outside the United States where you may be found, and also agree that you will not contest any effort by any jurisdiction to return you to the State of North Dakota while this probation is in effect.
6. support your dependents.
7. refrain from (excessive use) (use or possession) C of alcohol. You will not purchase, possess or consume any controlled substance, except as prescribed by a licensed physician.

8. not knowingly associate with drug users or traffickers in controlled substances possessed, manufactured, or delivered in violation of law.

9. if on a supervised probation submit to a medical examination or other reasonable testing including the Breathalyzer, Intoxilizer, blood samples or urine samples for the purpose of determining the use of alcohol or controlled substances whenever requested by any probation officer.

10. if on a supervised probation the Defendant shall submit their person, place of residence, and vehicle, wherever they may be found, to search and seizure by a police officer, peace officer, parole or probation agent at any time of the day or night, with or without a search warrant.

11. attend, participate in, cooperate with and successfully complete the following rehabilitative or treatment program(s):

12. pay full restitution through the office of the States Attorney of Cass County, North Dakota, in the amount of \$^C in equal monthly payments within 90 days prior to termination of probation and within the discretion of the Defendant's Probation Officer.

Dated this ____ day of ^C, 19^C.

BY THE COURT:

^C
District Judge

APPENDIX "B"

JUDGMENT AND COMMITMENT

CONDITIONS FOR INTENSIVE SUPERVISION
SUSPENDED SENTENCE IN THE CASE OF

State vs. C

Criminal Case No. C in the County of Cass

Pursuant to the Order of the Court,

the defendant is placed under the Intensive Supervision Program for a period of up to six months; subject to the following conditions of Intensive Supervision the defendant shall:

1. reside within the community of Fargo and shall not change residence during the period of Intensive Supervision, unless previously approved by the Supervision Officer.
2. during Phase I and Phase II of Intensive Supervision, comply with a curfew from 10:00 p.m. to 6:00 a.m., remaining at his/her residence between these hours unless previously approved by the ISP Officer for employment or medical emergency.
3. during Phase III of Intensive Supervision Defendant will comply with a curfew from 11:00 p.m. to 6:00 a.m., remaining at his/her residence between these hours unless previously approved by the ISP Officer for employment or medical emergency.
4. maintain a 40 hour constructive work week. This may include employment, chemical dependency or psychological/psychiatric treatment, education, verifiable efforts in job search, community service, and up to five hours of approved physical fitness/exercise program.
5. be confined to home detention, and shall live within and not leave the parameters as set by the court unless for medical emergency or with prior approval from the Parole and Probation Department.
6. be subject to electronic monitoring, and defendant shall be responsible for the cost of electronic monitoring as determined by the Parole and Probation Department.
7. maintain a telephone at his/her residence during Intensive Supervision. The telephone will be connected within a reasonable period of enrollment in the program.
8. not enter into any contract or agreement to act as an informant or special agent for any law enforcement agency.

9. cooperate and comply with the minimum standards set by the Intensive Supervision Program which includes:

- a) AA/NA attendance.
- b) Primary or aftercare treatment for chemical dependency.
- c) Counselling and/or educational programs for identified needs; i.e. psychological/psychiatric, vocational-rehabilitation.
- d) Chemical testing to determine use of alcohol/drugs.
- e) Face to face and telephone contact with the supervising probation officers.

10. complete a weekly written report to verify activities and compliance with conditions of supervision.

11. refrain from (excessive use) (use or possession) of alcohol. You will not purchase, possess or consume any controlled substance, except as prescribed by a licensed physician.

12. not knowingly associate with drug users or traffickers in controlled substances possessed, manufactured, or delivered in violation of law.

13. if on a supervised probation submit to a medical examination or other reasonable testing including the Breathalyzer, Intoxilizer, blood samples or urine samples for the purpose of determining the use of alcohol or controlled substances whenever requested by any probation officer.

14. if on a supervised probation the Defendant shall submit their person, place of residence, and vehicle, wherever they may be found, to search and seizure by a police officer, peace officer, parole or probation agent at any time of the day or night, with or without a search warrant.

15. diligently apply himself/herself to meet the goals and objectives stated by the Supervision Plan which I have read and signed.

Dated this _____ day of _____, 19____.

BY THE COURT:

District Judge



ALTERNATIVE SANCTIONS DATA COLLECTION REPORT
DEPARTMENT OF CORRECTIONS & REHABILITATION
PAROLE AND PROBATION DIVISION
SFN 18861 (6-92)

Offender Name (Last, First, MI)	Offender SID Number	Officer Number	Radio Number
---------------------------------	---------------------	----------------	--------------

Complete if CCP, ISP and/or EMS is imposed and when the offender is terminated from the program.
Submit to clerical staff for data entry, retain a copy in the offender's file.

Status	<input type="checkbox"/> Inmate <input type="checkbox"/> Parole <input type="checkbox"/> Probation			
Community Confinement Program	<input type="checkbox"/> Yes <input type="checkbox"/> No	Began (Date)	End (Date)	Status Code (see reverse)
Intensive Supervision Program	<input type="checkbox"/> Yes <input type="checkbox"/> No	Began (Date)	End (Date)	Status Code (see reverse)
Electronic Monitoring/Home Confinement	<input type="checkbox"/> Yes <input type="checkbox"/> No	Began (Date)	End (Date)	Status Code (see reverse)
Number of contacts while in the program	Face to Face	Telephone	Collateral	
Number of Community Service Hours Performed During Program	Weeks in treatment (in-out patient, aftercare, counseling)			
Weeks in training/education				
Number of UA's collected	Number of Positive UA's (confirmed)	Number of Alcohol Breath Tests Performed	Number of Positive Alcohol Breath Tests	
New Criminal Charges During the Program	<input type="checkbox"/> Yes <input type="checkbox"/> No	New Offense NCIC Code	New Offense NCIC Code	
Technical Violations	<input type="checkbox"/> Yes <input type="checkbox"/> No	Total Number		

Type of Violation	Violation Code (see reverse)	Action Taken	Action Code (see reverse)

Offender's Gross Earnings during Program (does not include public assistance)				Number of weeks employed during program (25 hours or more)			
Number of days in jail/halfway house	X	Cost per day	= \$	-	Offender payments	=	DOCR costs
Number of days on Electronic Monitoring	X	Cost per day	= \$	-	Offender payments	=	DOCR costs

* Prior criminal record should consider information retrieved through local, state, and federal resources, (i.e. NCIC/CWIS, Motor Vehicle Dept./Driving Abstract, Presentence Reports, etc.). Juvenile records are dependent primarily on self report, institutional reports, or treatment and social history when available.

Offender Prior Record (Adult Felony Convictions Only. Begin with current offense.)

Offense	Date	NCIC Code	Number of Counts

Prior DUI Convictions (NCIC Codes: 5404/alcohol; 5403/drugs)

NCIC Code	Date

Juvenile Record (includes status offense)	Is there a juvenile record? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Could Not Be Determined
--	---

Offense	NCIC Code (Use 8100 for status offense)

Age of first juvenile Court appearance	Juvenile probation? <input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes", number of times
State or Private Placement (i.e., SIS, Boys Ranch, Group Home) <input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes", number of times	

DATA REPORT CODES
Status Codes

- 01 Successful/Complete/Stable - discharged from program to regular supervision
- 02 Revoked, technical violations only
- 03 Revoked, new misdemeanor charge/arrest
- 04 Revoked, new felony charge/arrest
- 05 Absconded
- 06 Other

Type of Violation Codes

- 11 Curfew violation
- 12 Failure to report
- 13 Positive drug test(s)
- 14 Positive alcohol test(s)
- 15 Other drug/alcohol violation
- 16 Fines/Restitution/Fees violation
- 17 Community Service violation
- 18 Employment/School violation
- 19 Treatment violation

- 21 Unauthorized contact with victim
- 22 New crime, misdemeanor
- 23 New crime, felony
- 24 Other violations of supervision

Action Taken Codes

- 30 No action
- 31 Verbal or written warning, continued on current program
- 32 Verbal or written warning, returned to more intensive phase of ISP supervision
- 33 Referred to treatment
- 34 Referred to more restrictive community confinement (includes home detention/house arrest, electronic monitoring, residential placement, or jail with work release
- 35 Warrant/Arrest - Parole/Probation Revocation - Termination
- 36 Other action taken (specify)



REPORT TO NORTH DAKOTA PAROLE BOARD
DOCR/PAROLE & PROBATION
SFN 18592 (2-92)

_____, a Parole Officer for the State of North Dakota, respectfully reports that _____, a parolee, has been supervised pursuant to an Order of the Parole Board since _____, after having served a portion of a sentence in the penitentiary for the crime of _____. Parolee _____, may have violated the terms of release to parole supervision in the following particulars:

Parole Officer _____ recommends that the Parole Board allow the Division of Parole and Probation to make adjustments in the supervision of the noted case as follows:

Signature of Parole Officer

Date

PAROLEE STIPULATION

_____, request that the North Dakota Parole Board follow the recommendations of _____ Parole Officer in lieu of returning me to the North Dakota Penitentiary for further action. I agree to be supervised pursuant to the original conditions of parole, as amended above, prior to the Board acting upon the request made by _____ Parole Officer.

Signature of Parolee

Date

PAROLE BOARD ACTION

The above-noted adjustments to parole supervision are ☐ approved ☐ denied.

Signature of Chairman

Date

JOB DESCRIPTION

INTENSIVE PROGRAMS COORDINATOR

RESPONSIBILITY:

A. Manage the Intensive Supervision and Community Confinement PROGRAMS:

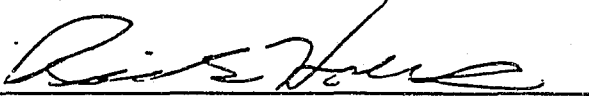
1. Develop and maintain contracts with service providers.
2. Develop policy and procedure.
3. Liaison to the parole board, parole/probation staff, penitentiary staff, the judiciary, and other criminal justice agencies, as well as the general public.
4. Develop and maintain assessment tools to assure proper supervision of cases.
5. Develop and maintain empirical data to measure progress of the program and its participants.
6. Supervise staff.
7. Act as a hearing officer as needed.
8. Assist in the management and development of the ISP and CCP budgets.
9. Support and assist officers with the management of ISP and CCP caseloads.
10. Screen/interview offenders considered for the ISP who are inmates, and report recommendations to the parole board or court.

B. Employee Supervision:

1. Cooperate and assist Regional Supervisors to assign and manage CCP and ISP casework.
2. Respond to employee grievances.
3. Investigate complaints and report in writing to the Director of Parole and Probation.
4. Discipline staff as may be determined necessary.
5. Ensure that necessary training is provided for the application of special intensive and community programs.

C. Manage Drug Testing and Electronic Surveillance Programs:

1. Develop and maintain contracts with vendors.
2. Develop and maintain contracts with other criminal justice agencies.
3. Modify programs as needs and technology changes.
4. Develop and maintain policy and procedure.
5. Assure that necessary training is provided for the application of electronic surveillance/drug testing.


Richard Hoekstra,
Intensive Programs Coordinator

Date: 5-13-92


Warren R. Emmer, Director

JOB DESCRIPTION
REGIONAL SUPERVISOR

RESPONSIBILITY:

A. Supervise all regional personnel:

1. Evaluate and prepare employee work performance appraisals.
2. Respond to all regional employee grievances.
3. Investigate all complaints against regional personnel and prepare report for the Director.
4. Responsible for the progressive discipline including termination of all regional personnel.
5. Review and approve all employee time reports to ensure compliance with company policy.
6. Conduct regular staff meetings with all regional staff.
7. Assign all cases, PSI reports, post-sentence investigations, special investigations, placement investigations, parole plans to personnel within the region.
8. Assist the Division auditor in conducting case audits of employee's case files. Case audits will include reviewing chronological histories, field files, assessments, presentence investigations, parole plans, etc. It will also include occasional direct contact with representatives of the Criminal Justice System Judiciary Victim groups, etc.

B. Offender Supervision:

1. Meet with offender as supervision standards dictate.
2. Monitor conduct, progress and employment history of offender.
3. Refer offender to appropriate agencies.
4. Staff offender's case with other agencies.
5. Assist offender with career decision making.
6. Maintain collateral contact with other appropriate people concerning the progress of the offender.
7. Conduct home visits with offender.
8. Search offender's home, vehicle, or person as needed.
9. Ensure offender's abstinence of the use of controlled substance by urinalysis testing.
10. Perform arrests of offenders as warranted by their behavior.
11. Transport offenders to correctional centers, penitentiary, halfway house, or home confinement as warranted.

C. Case Management:

1. Maintain chronological log of all offenders.
 2. Prepare all necessary monthly reports for assigned cases.
 3. Interview offenders to include preparing necessary Admission to Caseload forms, assessing the offender's individual needs and probable risk to society, prepare other case assessment instruments, as well as the case provision plan for all offenders.
 4. Reassess all offender's needs and potential risk to society every six months.
 5. Issue travel permits, prepare waiver of extradition forms as required, provide for travel and/or transfer of offender as provided by Interstate Compact for adult offenders.
 6. Prepare annual and final reports concerning the progress and conduct of all appropriate offenders.
- D. Serve as the Division's liaison with the criminal justice agencies, cooperating agencies, media, and general public:
1. Make personal contacts with all district judges, criminal justice agencies, and cooperating agencies in the region to facilitate the Division's Mission.
 2. Provide information to the local media, community service groups, and schools pertaining to the Division's policies and procedures.
 3. Serve as the Division's regional representative on various community task forces and related boards.
- E. Hire and provide orientation and training for regional personnel:
1. Develop job descriptions, job listings, screen applications, interview regional personnel.
 2. Participate in initial orientation of parole and probation officers hired statewide and formally orientate all staff hired in the assigned region. Provide a written list of job duties and responsibilities and explain to the employee the Division's expectations.
 3. Verify and facilitate the training of all of the regional personnel.
 4. Assist in the coordination of staff training.
- F. Act as the Division's Hearing Officer for various hearings:
1. Hold on-site preliminary parole revocation hearings and provide findings of fact and recommendations to the administrative hearing officer.
 2. Conduct intervention hearings to assist other parole and probation officers to determine the appropriate intermediate intervention concerning offenders.

3. Serve as the community confinement adjustment hearing officer in matters concerning community confinement offenders.
4. Prepare all required paperwork following any hearing.
5. Issue parole board authority HOLDS, if necessary, as a result of on-site hearings.

G. Prepare, monitor, and evaluate region's biennial budget:

1. Assist in the preparation of the regional biennial budget.
2. Review all financial status reports to ensure the expenditures are within allocation limits.
3. Be responsible for all expenditures within the region.
4. Be responsible for all equipment.
5. Assist in the negotiation concerning leases for regional office space and equipment.

H. Interact with appropriate courts, parole and pardon boards:

1. Testify in courts and before the parole/pardon board.
2. Prepare petitions revoking probation concerning offenders.
3. Assist offenders by preparing petitions to dismiss and petitions to terminate probation when appropriate.
4. Provide information to judges, states attorneys, and defense counselors concerning the progress of the offender to include the making of recommendations for sentencing of matters involving the offenders.
5. Monitor payment of court costs, attorney fees, court fees, fines, restitution and administrative fees by the offender.
6. Complete investigations as ordered by the court or parole board to include the development of pre-release plans for offenders requesting release.
7. Ensure that all issues concerning victims are dealt with appropriately.
8. Testify at all necessary preliminary hearings concerning possible violations of parole.
9. Transport all adjudicated parole violators to the appropriate place of confinement.

I. Preparation of investigative reports:

1. Interview offenders, victims, as well as other collateral sources to determine the nature of the offense and the damage the offender has caused victims, as well as discovering information concerning offender's past experiences and future

- plans.
2. Complete a full criminal records check to determine offender's prior record.
 3. Prepare a formal victim impact statement on behalf of the victim with such statement to be included with the investigative report.
 4. Prepare the sentencing report to include all appropriate information provided by the offender's collateral contact victims and criminal information check.

J. Other professional responsibilities:

1. Assist law enforcement investigations concerning offenders.
2. Assist with the maintenance of handling of all evidence concerning criminal activity perpetrated by offenders.
3. Maintain licensing requirements as provided by the Criminal Justice Division of the ND Attorney General's office.
4. Maintain Firearms Certification when applicable.
5. Continue to grow professionally by developing skills appropriate to the duties of a parole/probation regional supervisor.

Darlene Briland 4/21/92

JOB DESCRIPTION

PAROLE OFFICER II

RESPONSIBILITY:

A. Offender Supervision:

1. Meet with offender as supervision standards dictate.
2. Monitor conduct, progress and employment history of offender.
3. Refer offender to appropriate agencies.
4. Staff offender's case with other agencies.
5. Assist offender with career decision making.
6. Maintain collateral contact with other appropriate people concerning the progress of the offender.
7. Conduct home visits with offender.
8. Search offender's home, vehicle, or person as needed.
9. Ensure offender's abstinence of the use of controlled substance by urinalysis testing.
10. Perform arrests of offenders as warranted by their behavior.
11. Transport offenders to correctional centers, penitentiary, halfway house, or home confinement as warranted.

B. Case Management:

1. Maintain chronological log of all offenders.
2. Prepare all necessary monthly reports for assigned cases.
3. Interview offenders to include preparing necessary Admission to Caseload forms, assessing the offender's individual needs and probable risk to society, prepare other case assessment instruments, as well as the case provision plan for all offenders.
4. Reassess all offender's needs and potential risk to society every six months.
5. Issue travel permits, prepare waiver of extradition forms as required, provide for travel and/or transfer of offender as provided by Interstate Compact for adult offenders.

Interact with appropriate courts, parole and pardon boards:

1. Testify in courts and before the parole/pardon board.
2. Prepare petitions revoking probation concerning offenders.

3. Assist offenders by preparing petitions to dismiss and petitions to terminate probation when appropriate.
4. Provide information to judges, states attorneys, and defense counselors concerning the progress of the offender to include the making of recommendations for sentencing of matters involving the offenders.
5. Monitor payment of court costs, attorney fees, court fees, fines, restitution and administrative fees by the offender.
6. Complete investigations as ordered by the court or parole board to include the development of pre-release plans for offenders requesting release.
7. Ensure that all issues concerning victims are dealt with appropriately.
8. Testify at all necessary preliminary hearings concerning possible violations of parole.
9. Transport all adjudicated parole violators to the appropriate place of confinement.
10. Prepare annual and final reports concerning the progress and conduct of all appropriate offenders.

D. Preparation of Presentence/post-sentence investigation reports:

1. Interview offenders, victims, as well as other collateral sources to determine the nature of the offense and the damage the offender has caused victims, as well as discovering information concerning offender's past experiences and future plans.
2. Complete a full criminal records check to determine offender's prior record.
3. Prepare a formal victim impact statement on behalf of the victim with such statement to be included with the investigative report.
4. Prepare the sentencing report to include all appropriate information provided by the offender's collateral contact victims and criminal information check.

E: Other professional responsibilities appropriate to the duties of a parole/probation officer:

1. Assist law enforcement investigations concerning offenders.
2. Assist with the maintenance of handling of all evidence concerning criminal activity perpetrated by offenders.
3. Maintain licensing requirements as provided by the Criminal Justice Division of the ND Attorney General's office.
4. Maintain Firearms Certification when applicable.
5. Continue to grow professionally by developing skills appropriate to the duties of a parole/probation regional supervisor.

6.) Included with electronic monitoring
11-201-972

APPENDIX B: GUIDELINES

INTERMEDIATE SANCTIONS

I. INTRODUCTION

The North Dakota Department of Corrections and Rehabilitation is committed to placing offenders in the most appropriate, least restrictive environment based upon their risk to society and program needs. Traditionally, adult offenders have been sentenced either to the North Dakota State Penitentiary or placed on probation. Those sentenced to the Penitentiary could be released to the community only at the expiration of their sentence or on parole. With the development of the Department of Corrections and Rehabilitation, alternatives to incarceration are being introduced to selected offenders in the community as intermediate sanctions.

NDCC 54-23.3-04 grants the Director of the Department of Corrections and Rehabilitation the authority "To promote the development of alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community based facilities and programs." These alternatives to imprisonment were not previously available. They place offenders in a rehabilitative atmosphere, improving their chance to successfully integrate into society.

The mission of the DOC&R is to protect the public, particularly the victims and their rights, while providing a safe and humane environment for offenders placed under its management and control.

The goals of Alternatives to Incarceration are to impose Intermediate Sanctions by:

- 1) Maintaining offender accountability by effectively implementing a continuum of necessary sanctions.
- 2) Establish an intervention process to implement sanctions.
- 3) Evaluate effectiveness of imposed sanctions:
 - a. Remove sanctions.
 - b. Increase sanctions.
 - c. Petition for revocation.

Alternatives to incarceration provide a continuum of intermediate sanctions to accomplish these goals. The program benefits the State of North Dakota as well as the offender in that it holds offenders accountable, manages risk and is a cost effective method of supervision.

II. DEFINITIONS.

EXHIBIT 1

Intermediate Sanctions include the following program options, in addition to the standard conditions of probation ordered by the Court, to facilitate successful reintegration into the community: Standard Probation, Program Costs, Continued Education (GED, High School Diploma, Vocational/Technical Training), Chemical Dependency Treatment or Counseling, Residential/Half-Way House, Drug Testing, Community Service, Day Reporting, Curfew, Home Confinement, House Arrest/Home Detention, Electronic Monitoring (EMS), Intensive Supervision Program (ISP) and Jail. Any condition listed in NDCC 12.1-32-07 that was not initially imposed by the Court or the Parole Board may be imposed by stipulation between the offender and the DOC&R. Failure to abide by any Intermediate Sanctions may be cause for revocation of Parole or Probation.

DEFINITIONS OF SANCTIONS:

1. STANDARD PROBATION - Supervision of an offender where the Court has imposed any or all of the conditions set forth in NDCC 12.1-32-07. The offender is required to report at times and locations as instructed by a supervising officer.
2. PROGRAM COSTS - Additional costs resulting from imposing intermediate sanctions may become the financial responsibility of the offender based on his/her ability to pay. Example: electronic monitoring, treatment, etc.
3. CONTINUED EDUCATION - The offender is required to pursue a GED, High School Diploma, Vocational/Technical training or an alternative course of study.
4. CHEMICAL DEPENDENCY TREATMENT AND/OR COUNSELING - Individual and/or group programming to resolve problems and/or areas of need identified by qualified addiction, counselor, social worker, mental health staff or probation officer.
5. RESIDENTIAL/HALFWAY HOUSE - Contracted living arrangement that provides the necessary structure, control and programs to facilitate offender's progress and compliance with probation conditions and needs.
6. COMMUNITY SERVICE - Uncompensated hours to be worked within the community at the probation officer's direction and discretion. Community Service should not displace paid employees.
7. DAY REPORTING - Offenders are required to report on a daily basis, in person or by telephone, as instructed by

the supervising officer. The offender will provide specific information relative to his/her daily activities.

8. CURFEW - Set times imposed wherein the offender is required to be at his/her residence or other designated placement.
9. HOME CONFINEMENT - A modified form of home detention which authorizes an offender's movement beyond the set boundaries of his/her home for specific purposes and/or specific periods of time.
10. HOUSE ARREST/HOME DETENTION - A program which restricts an offender to his/her residence. Movement beyond the parameters of the home is not allowed unless previously approved by a probation officer or for a medical emergency.
11. ELECTRONIC MONITORING (EMS) - Provides the probation officer with the capability of monitoring an offender's compliance with curfew, house arrest or home detention conditions of supervision.
12. INTENSIVE SUPERVISION PROGRAM (ISP) - The most restrictive form of intermediate sanctions prior to jail or imprisonment. The supervising probation officer may impose ISP at any time. The components include all of the previously stated sanctions in Exhibit 1.
13. JAIL - The offender is to be confined in the county correctional facility and to abide by the rules and regulations of that facility.

III. PROCEDURES.

The Court's sentencing order authorizes the DOC&R to utilize appropriate intermediate sanctions. This is based on an offender's needs and the required intervention to manage risk and to control behavior in the community. Within the DOC&R there are two resources who recommend the imposition of intermediate sanctions. They are the individual Parole/Probation Officer and the Intervention Hearing Officer.

Evaluation: The Parole/Probation Officer will monitor the progress and conduct of the offender to determine whether imposed conditions are being followed. When the officer determines that the conditions are not being complied with or the officer thinks the offender is moving on a counter-productive path, Intermediate Sanctions may be imposed. The sanctions are designed, not as punishment, but as a method of helping the offender maintain a healthy and productive lifestyle. The officer must clearly articulate in the chronological notes all observations which support imposition, modification or removal of Intermediate Sanctions.

Intervention Hearing: A process by which the Parole/Probation Officer obtains the advice and approval of the Intervention Hearing Officer to impose any Intermediate Sanction as part of the offender's supervision.

Intervention Hearing Officer: A line officer's Regional Supervisor or a Regional Supervisor's immediate supervisor or designee.

When the Parole/Probation Officer determines that imposition of Intermediate Sanctions are appropriate, the following actions will be taken:

- 1) Record offender's progress and conduct in the chronological notes;
- 2) Staff the situation with the Intervention Hearing Officer;
- 3) Meet with the offender and review the intentions and rationale of suggested Intermediate Sanctions;
- 4) Complete the stipulation form and implement sanctions;
- 5) Monitor offender progress and modify sanctions as appropriate (upon consultation with the Intervention Hearing Officer and the offender.)

The Intervention Hearing may be as simple as talking with the Intervention Hearing Officer on the telephone when the offender readily agrees to the imposition of Intermediate Sanctions. If the offender rejects the Parole/Probation Officer's suggestion of Intermediate Sanctions, the hearing may consist of a face to face meeting between the offender, the Parole/Probation Officer and the

Intervention Hearing Officer. Both the Parole/Probation Officer and the offender will present information to the Hearing Officer as necessary. The Hearing Officer will make a final decision regarding imposition of Intermediate Sanctions. The decision of the Intervention Hearing Officer is appealable only to the Court in the form of a Petition to Revoke Probation or to the Parole Board in the form of a Parole Violation Hearing.

Alternative methods of ordering Intermediate Sanctions:

Within the body of the Court Order right after the reference to an Appendix A.

"It is further ordered that the Department of Corrections and Rehabilitation, through it's officers, may impose Intermediate Sanctions as set forth on the attached Exhibit One to effectively manage and control the defendant's probation. Any violation of Intermediate Sanctions may result in a revocation and termination of probation."

In the Appendix A.

Include on the Appendix A right after "...during the period of probation." at the top of the form.

You are also subject to any or all of the Intermediate Sanctions as set forth on the attached Exhibit One. This program is managed by the Department of Corrections and Rehabilitation through it's officers.

Stipulation Form:

- 1) Record contacts with Intermediate Hearing Officer (date, whether approved, etc)
- 2) One copy in file, one copy to offender (and one copy to the Parole Board in the case of a parolee).
- 3) For parole, the current form will be used (consider any modifications).

in section 12.1-32-02(1). State v. Siegel (1987) 404 NW 2d 469.

12-53-13. State v. Nelson (1987) 417 NW 2d 814.

Jurisdiction.

Where probation pursuant to a sentence under former section 12.1-32-06 and former section 12-53-03 was for a period of 30 days, the court did not lack jurisdiction to revoke probation after the period of probation had elapsed, where such action was taken with reasonable promptness and within the five-year period authorized by former section

Maximum Probation Period.

Under the law in effect prior to the 1989 repeal of Chapter 12-52, amendment of Chapter 12.1-32, and enactment of section 12.1-32-06.1, a person could not be placed on probation for a period of time in excess of one year, the maximum term for which the person could have been imprisoned. State v. Rohrich (1990) 450 NW 2d 774.

12.1-32-07. Supervision of probationer — Conditions of probation — Revocation.

1. When the court imposes probation upon conviction for a felony, the court shall place the defendant under the supervision and management of the department of corrections and rehabilitation. In all other cases, the court may place the defendant under the supervision and management of the department of corrections and rehabilitation or other responsible party selected by the court.
2. The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation.
3. When imposing a sentence to probation, probation in conjunction with imprisonment, or probation in conjunction with suspended execution or deferred imposition of sentence, the court may impose such conditions as it deems appropriate, and may include any one or more of the following:
 - a. Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment.
 - b. Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
 - c. Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
 - d. Support the defendant's dependents and meet other family responsibilities.
 - e. Make restitution or reparation to the victim of the defendant's conduct for the damage or injury which was sustained, or perform other reasonable assigned work. When restitution, reparation, or assigned work is a condition of probation, the court shall proceed as provided in section 12.1-32-08.
 - f. Pay a fine imposed after consideration of the provisions of section 12.1-32-05, except when imposition of sentence is deferred.
 - g. Refrain from possessing a firearm, destructive device, or other dangerous weapon unless granted written permission by the court or probation officer.
 - h. Refrain from excessive use of alcohol, or any use of narcotics or of another dangerous or abusable drug without a prescription.
 - i. Permit the probation officer to visit the defendant at reasonable times at the defendant's home or elsewhere.

- j. Remain within the jurisdiction of the court, unless granted permission to leave by the court or the probation officer.
 - k. Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment.
 - l. Report to a probation officer at reasonable times as directed by the court or the probation officer.
 - m. Submit to a medical examination or other reasonable testing for the purpose of determining the defendant's use of narcotics, marijuana, or other controlled substance whenever required by a probation officer.
 - n. Refrain from associating with known users or traffickers in narcotics, marijuana, or other controlled substances.
 - o. Submit the defendant's person, place of residence, or vehicle to search and seizure by a probation officer at any time of the day or night, with or without a search warrant.
 - p. Serve a term of imprisonment of up to one-half of the maximum term authorized for the offense of which the defendant was convicted or one year, whichever is less.
 - q. Pay a probation supervision cost, if doing so will not materially interfere with other financial obligations.
4. When the court imposes a sentence to probation, probation in conjunction with imprisonment, or probation in conjunction with suspended execution or deferred imposition of sentence, the defendant must be given a certificate explicitly setting forth the conditions on which the defendant is being released.
 5. The court, upon notice to the probationer and with good cause, may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the period for which the probation remains conditional. If the defendant violates a condition of probation at any time prior to the expiration or termination of the period, the court may continue the defendant on the existing probation, with or without modifying or enlarging the conditions, or may revoke the probation and impose any other sentence that was available under section 12.1-32-02 or 12.1-32-09 at the time of initial sentencing or deferment. In the case of suspended execution of sentence, the court may revoke the probation and cause the defendant to suffer the penalty of the sentence previously imposed upon the defendant.
 6. The court may continue or modify probation conditions or revoke probation for a violation of probation conditions occurring before the expiration or termination of the period of probation notwithstanding that the order of the court is imposed after the expiration or termination has occurred. The petition for revocation must be issued within sixty days of the expiration or termination of probation.
 7. Jurisdiction over a probationer may be transferred from the court that imposed the sentence to another court of this state, with the concurrence of both courts. Retransfers of jurisdiction may also occur in the same manner. The court to which jurisdiction has been transferred under this subsection may exercise all powers permissible under this chapter over the defendant.

Source: 158, § 4; 1991, c.

Effective Date.
The 1989 amendment came effective on filing, pursuant to

Burden of Estab-
The prosecution establishing a violation of the probation (1987) 406 NW

Condition of Probation Court.
The Legislature not the probation pose conditions to submit to driver was imposed by the court, result of authority. St NW 2d 667.

Delay in Revocation.
It is appropriate disposition of criminal probation v. Gefroh (1990)

Double Jeopardy.
Because the subsection of the constitution of the state result in the imposition upon revocation had no legitimacy of his sentence of a harsh probation was jeopardy clause NW 2d 479.

Effect of Revocation.
If a probation conviction while the probation is in effect. State 213.

Judicial Discretion.
The Legislature in imposing this section in this fashion any power necessary to lead a law-abiding citizen is not excluded conditions is creation so as to meet