

UNIVERSITY OF MINNESOTA

PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

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NORTH DAKOTA



ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

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North Dakota

By

Alexis Lee Watts, Julia Barlow, Eric Arch, Edward E. Rhine

In contrast to most of the parole profiles already posted, in-state experts did not review this document. Starting in 2015, the state began participation in a Council of State Government Justice Center sponsored Justice Reinvestment Initiative eventually enacting legislation in 2017 under House Bill 1401 and Senate Bill 2015. These bills targeted prison population growth, probation, parole, and the provision of community-based, behavioral health services. The various reforms adopted were granted a 12-24 month window of implementation by the legislation. For this reason, and the lack of in-state review referenced earlier, it is not possible in what follows to describe the changes adopted in specific parole policies or practices. We encourage readers to use this profile as an informative guide, but to exercise caution in relying solely on the description of the parole process in North Dakota without checking additional sources. We also welcome corrections to the profile.

CONTENTS

1. Background; Sentencing System

a. Sentencing Framework	3
b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?	3
c. Which Agencies Are Responsible for the Supervision of Released Prisoners?.....	3
d. Which Agency Has Authority Over Parole Revocation?.....	3

2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System	3
b. Good Time, Earned Time, and Other Discounts.....	4
c. Principles and Criteria for Parole Release Decisions.....	4
d. Parole Release Guidelines.....	4
e. Risk and Needs Assessment Tools	4
f. Medical or Compassionate Release.....	4
g. Executive Clemency Power	4
h. Emergency Release for Prison Crowding	4

3. Parole Release Hearing Process

a. Format of Release Hearings.....	4
b. Information Before the Board: Factors the Board May Consider	5
c. Prisoners' Procedural Rights.....	5
d. Victims and Other Participants	5
e. Burden of Proof or Standards of Persuasion.....	5
f. Possible Outcomes at Parole Release Hearings; Form of Decisions	5
g. Administrative or Judicial Review of Parole Denial.....	5
h. Rescission of Parole Release Dates.....	5

4. Supervision Practices

a. Purposes of Supervision.....	5
b. Are All or Only Some Releasees Placed on Supervision?	5
c. Length of Supervision Term.....	5
d. Conditions of Supervision.....	6
e. Fees and Other Financial Sanctions	7

CONTENTS

5. Parole Revocation

a. Principles and Criteria of “When to Revoke”	8
b. Revocation Guidelines.....	8
c. Risk and Needs Assessment Tools	8
d. Preliminary and Final Revocation Procedures.....	8
e. Offenders’ Procedural Rights	8
f. Victims and Other Participants.....	8
g. Burden of Proof or Standards of Persuasion.....	8
h. Revocation and Other Sanctions	8
i. Issuing Parole Revocation Decisions.....	9
j. Administrative or Judicial Review of Parole Revocation Decisions.....	9
k. Re-Release Following Revocation	9

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction.....	9
b. Location in Government	9
c. Purpose (Vision/Principles/Rationale)	9
d. Appointment and Qualifications of Board Members.....	9
e. Tenure of Board Members, Ease of Removal.....	9
f. Training and Continuing Education	9
g. Workload	9
h. Reporting and Accountability of Parole Board	9

End Notes.....	10
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1. Background; Sentencing System

a. Sentencing Framework

North Dakota is an indeterminate sentencing state that has no sentencing commission or sentencing guidelines. This jurisdiction has had some form of discretionary prison release and supervision since the late 1800's.¹

b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?

Yes, the North Dakota Parole Board has discretionary prison release authority.²

<https://www.nd.gov/docr/adult/tps/board.html>

c. Which Agencies Are Responsible for the Supervision of Released Prisoners?

The North Dakota Department of Corrections and Rehabilitation's Division of Parole and Probation Services is responsible for the supervision of released prisoners.³

<https://www.nd.gov/docr/parole/>

d. Which Agency Has Authority Over Parole Revocation?

The North Dakota Parole Board has authority over parole revocation.⁴

2. Parole Release and Other Prison-Release Mechanisms

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System

General rules of release eligibility. Inmates in custody of the Department of Corrections and Rehabilitation are subject to the jurisdiction of the Board, unless by statute they are prohibited from gaining parole release.⁵ Offenders convicted of a Class A Misdemeanor or higher must be placed in DOCR custody.⁶

Category	Maximum Penalty	Maximum Fine
Class AA Felony	Life without parole	-
Class A Felony	20 years	\$20,000
Class B Felony	10 years	\$20,000
Class C Felony	5 years	\$10,000
Class A Misdemeanor	1 years	\$3,000
Class B Misdemeanor	30 days	\$1,500

It appears that unless an inmate is required to serve a minimum term by statute, is subject to truth-in-sentencing laws, or is statutorily ineligible for parole, they are immediately eligible for parole and the Board will consider their case within 30-90 days after incarceration. However, the Board will not consider parole release for those serving a sentence of 120 days or less.⁷

Violent offenders and sex offenders. Some violent and sex offenders are not eligible for release until they have served 85% of their sentence or their sentence is commuted.⁸

Life sentences. The duration in years of a life with parole sentence in North Dakota is calculated using an actuarial table to determine the offender's remaining life expectancy on the date of sentencing. As with violent offenders, 85% of that term of years must be served before parole release; however, in addition, parole cannot be considered for the first 30 years of the incarceration term less credit for good conduct.⁹

Recurring eligibility after denial of release. It appears that parole may be denied after an initial hearing or deferred to a later date, to be determined by the Board.¹⁰

b. Good Time, Earned Time, and Other Discounts

Most offenders are eligible for a sentence reduction for good conduct. The standard rate of reduction is five days' good time per month.¹¹ In addition, an inmate can receive a meritorious conduct sentence reduction of unspecified length for outstanding conduct, a heroic act, or as a special measure.¹² It appears that these credits reduce the amount of time inmates serve before becoming eligible for parole.

c. Principles and Criteria for Parole Release Decisions

General statutory standard for release decisions. The Board may grant parole to an inmate if it is convinced that the inmate will conform to the terms and conditions of release.¹³

Statutory factors the board must consider. The board must consider all pertinent information regarding each inmate, including the circumstances of the offense, the pre-sentence report, the inmate's family, educational, and social history and criminal record, the inmate's conduct, employment, participation in education and treatment programs during confinement, and the inmate's medical and psychological records.¹⁴

Special standard for sex offenders. There does not appear to be a special standard for sex offenders.

d. Parole Release Guidelines

There do not appear to be parole release guidelines in this jurisdiction.

e. Risk and Needs Assessment Tools

Statutory mandate. There does not appear to be a statutory mandate for risk assessment in this jurisdiction.

Risk instruments utilized. The Board does not appear to rely on an actuarial or risk assessment tool when making decisions affecting parole release and denial.

Sex offenders. The Board does not appear to rely on an actuarial or risk assessment tool when making decisions affecting parole release and denial for this special category of offenders.

f. Medical or Compassionate Release

The Board may grant medical parole to any inmate with a serious or terminal medical condition, including those serving capital sentences and those sentenced as violent or armed offenders. The Board must docket and consider any request for medical parole and ensure that the offender meets the conditional criteria. Any inmate who receives medical parole must remain under the jurisdiction of the Board.¹⁵

g. Executive Clemency Power

The governor may remit fines and grant commutations, pardons, or reprieves.¹⁶ Applications for executive clemency are initially reviewed by the Pardon Advisory Board, which consists of five members appointed by the governor including the attorney general and two members of the parole board.¹⁷

h. Emergency Release for Prison Crowding

It does not appear that this jurisdiction has an emergency release statute.

3. Parole Release Hearing Process

a. Format of Release Hearings

Initial Parole Board Reviews are held within 60 to 90 days of the inmate's admission to prison if an inmate has three or more years to serve. They are file reviews only, with no personal appearance. If an inmate has less than three years to serve, the clerk will set a parole review hearing.¹⁸

b. Information Before the Board; Factors the Board May Consider

The Board is required to consider all pertinent information, including the circumstances of the offense, the presentence report, the inmate's history and criminal record, the inmate's conduct and participation in programming while incarcerated, and the inmate's medical and psychological records.¹⁹ The Board may call witnesses and/or ask for documents as part of their parole investigation. It may also employ psychologists or other specialists to examine parole applicants.²⁰

c. Prisoners' Procedural Rights

Every inmate's eligibility for parole must be reviewed in accordance with adopted Board rules.²¹

d. Victims and Other Participants

By statute, registered victims have a right to be notified prior to parole release and the right to submit a written statement for consideration by the Board prior to the Board taking action. Victims of violent crimes may, at the discretion of the Board, personally appear and speak. The victim statement is a confidential record that can only be disclosed to the Board or an authorized representative. Finally, the victim is entitled to notice of the decision of the Board and the date of the inmate's future release.²²

The Board must notify the district court and the state's attorney's office in the county/counties of conviction when the Board is reviewing whether an inmate may be released on parole.²³

e. Burden of Proof or Standards of Persuasion

It does not appear that there is a burden of proof associated with parole release.

f. Possible Outcomes at Parole Release Hearings; Form of Decisions

At each hearing, parole will be either granted or denied. If parole is denied, at least one reason for the decision must be recorded and listed on the Order Denying Parole.²⁴ The initial parole review also allows the Board to defer a subsequent parole review to a later month and year.

g. Administrative or Judicial Review of Parole Denial

By statute, the decisions of the Board are not reviewable unless they violate the law.²⁵ There is almost no recent case law at the appellate level on this subject.

h. Rescission of Parole Release Dates

The Board may reconsider its decision at any time before an inmate has been released on parole. Reconsideration may be triggered by the Board or through a petition by interested parties.²⁶ The case must be placed on the docket for reconsideration at the next Board meeting after any necessary investigation or hearings have taken place.²⁷

4. Supervision Practices

Parole supervision rate. As of December 31, 2016, there were 138 parolees per 100,000 adults in North Dakota. This is lower than the 50-state average of 303 parolees per 100,000 adults.²⁸

a. Purposes of Supervision

According to the Division of Parole and Probation Services, their mission is "to improve public safety by providing effective correctional interventions for people on supervision so that they can be law abiding."²⁹ Towards this end, the division relies on the Level of Supervision Inventory (LSI-R) to identify offenders' risk factors and to prepare case plans focused on the top criminogenic needs.³⁰

b. Are All or Only Some Releasees Placed on Supervision?

It appears that all parolees are initially placed on supervision.

c. Length of Supervision Term

Maximum supervision terms. The Board can set parole expiration dates beyond the longest expiration date of the court-imposed sentence not to exceed two years for a misdemeanor or five years for a felony. The minimum length of a parole term must be the expiration date of the court-imposed sentence minus any sentence reduction credits earned during incarceration.³¹

Early termination. The Board may terminate a parolee's supervision at any time earlier than the fixed date of release if it determines that early termination is warranted and in the interest of justice. However, the Board may not terminate supervision for a parolee with a life sentence earlier than five years from the date of release.³² It appears that the Board may end the requirements associated with active supervision, but cannot alter the actual expiration of the parole term itself.

Extension of supervision term. It is unclear whether the Board has the authority to extend the term of supervision.

Incentives; "goal parole." The Board may allow a parolee to earn performance based parole reduction credits at a rate of up to five days per month. This credit may lead to early termination of parole.³³ To earn these credits, parolees must be gainfully employed or seeking employment, participating in recommended treatment, educational programs, or other programming, and engaging in behavior reasonably consistent with the conditions of parole. Note that parolees can also lose credits through lack of compliance.³⁴

d. Conditions of Supervision

There are many standard conditions of parole in North Dakota, including:

- (1) I shall not violate any laws of any city, county, state, tribal or United States government.
- (2) I shall report as instructed to my assigned parole officer upon my actual release from any correctional facility. Reporting instructions will be provided by the DOCR prior to release.
- (3) I shall report according to the instructions of my parole officer and the DOCR. I shall pay a \$45 monthly supervision fee which is due on the first of every month and payable on the fifth. I shall complete and submit a MONTHLY REPORT by the fifth day of each month to my Parole Officer.
- (4) I shall not own, purchase, borrow, possess, use or carry any type of firearm, destructive device or dangerous weapon. I will not engage in any assaultive, intimidating, harassing, stalking or abusive behavior or make any threats of violence.
- (5) I shall not participate in undercover work with any member of the Drug Enforcement Unit, or any other Law Enforcement Agency, while on parole. I will not associate with individuals who use illegal controlled substances, engage in illegal activities, and are known felons. Any association with a known felon or someone under parole/probation supervision must be approved, in writing, by a Parole and Probation Services Program Manager.
- (6) I shall allow my person, place of residence and any outbuildings or curtilage, or vehicle, or property that I own or lease, to be searched, and that any contraband and evidence that may be found may be seized, at any time of the day or night, by a parole and probation officer without requiring the parole and probation officer to obtain or present a search warrant.
- (7) I shall not use or possess any alcoholic beverage, nor shall I enter any liquor, beer or wine establishment while I am under parole supervision, unless otherwise directed by my Parole Officer. I shall not use or possess any non-prescribed controlled substances. I shall not gamble, nor shall I enter any gambling establishment. I shall not possess or use any type of surveillance equipment such as audio, video and motion detectors, scanners or any type of surveillance/counter surveillance equipment without written permission from my assigned parole officer.
- (8) I shall submit to a medical examination or other testing procedure for the purpose of determining whether I have used or consumed any alcoholic beverages, controlled substance or any non-prescribed drugs, whenever requested to do so by a Parole Officer. I shall not possess or use any adulterants.
- (9) I shall not leave the State of North Dakota without obtaining advanced permission from a parole officer and having a travel permit. I do hereby waive extradition to the State of North Dakota from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of North Dakota. I understand that if I am returned to the Parole Board as a Parole Violator, the Parole Board may order that I pay for any or all costs associated with my return.
- (10) I shall make restitution, fines, fees and costs payments on a monthly basis at a rate set by my Parole Officer.
- (11) If required to register as a sex offender or an offender against children, I shall register my residential address, employment, school, vehicles operated and internet information in accordance with NDCC Section 12.1-32-15 with the law enforcement in the county or city of my residence.

- (12) I shall continue to seek out and accept at the earliest possible time, either gainful employment, participation in an educational or vocational training program approved by my Parole Officer. I shall not change, quit or be terminated from employment, educational or vocational training programs without approval of my Parole Officer. I shall work towards obtaining my GED if I do not have a high school diploma or GED.
- (13) I shall, upon the recommendation of my assigned Parole Officer, participate in an evaluation at a facility approved by the DOCR relative to possible chemical dependency, mental health or criminogenic risk issues. I further agree to comply with the recommendations made by representatives of the facility concerning treatment possibilities, including medications, of my diagnosed chemical, mental health or criminogenic risk issues. I shall also attend, participate in and successfully complete any recommended aftercare or continuing care program and attend, actively participate in AA/NA or other self-help group on a weekly basis and obtain and utilize a sponsor, unless otherwise directed by my Parole Officer.
- (14) I shall abide by various intermediate measures imposed by my Parole Officer. These measures consist of community constraints and controls, which are supervised by the DOCR.
- (15) I shall reside at my designated Parole Board or DOCR approved residence. If placed in a community corrections facility/transition center/halfway house; I shall successfully complete all programming and follow all the rules of the facility. Transportation to any facility shall be by bus or DOCR transport unless otherwise specifically authorized. I may not change address without prior approval of my Parole Officer and I shall allow any Parole Officer to visit me at anytime, at my place of employment or at my place of residence.³⁵

Discretionary conditions of parole may include abiding by a no-contact order with the victim or the victim's family, daily reporting, abiding by a curfew, electronic monitoring, not being a party to or using a checking account or credit card, or participation in an alcohol or drug monitoring program. Other conditions may include participation in re-entry programming or obtaining a batterer's or anger management evaluation.³⁶

Sex offenders. Apart from registration, it is unclear how conditions of supervision may differ for sex offenders.

Modification of conditions. It is not clear who is authorized to initiate the modification of conditions imposed by the Board, what the process is, and who must ultimately approve of any changes that are recommended by probation and parole staff.

Incentives; lighter conditions. See the discussion of incentives and goal parole above under section 4(c).

e. Fees and Other Financial Sanctions

Parole supervision fees. Parolees must pay a monthly supervision fee of \$45.³⁷ It is unclear whether this fee may be waived or reduced based on a parolee's income.

Payments for drug and alcohol testing and treatment. It is unclear whether parolees must pay for drug and alcohol testing or treatment.

Restitution. Payment of restitution is a standard condition of parole. Payment can be at a rate set by the parole officer.³⁸ The sentencing court may order restitution for any damages directly related to the criminal offense. The court must consider the ability of the defendant to pay and the likelihood that attaching such a condition will serve a valid rehabilitative purpose.³⁹

Child support. It does not appear that payment of child support is a standard condition of parole except insofar as nonpayment of child support might violate the law.

Other financial obligations. Parolees must pay fines, fees, and costs as a condition of parole.⁴⁰

Incentives; reduction of economic sanctions. It does not appear that there are incentives related to reduction of economic sanctions.

5. Parole Revocation

Parole revocation proceedings. In 2016, 239 individuals returned to incarceration through revocation and 72 did so through a new sentence.⁴¹

Absconders. In 2016, there were 40 reported absconders from the parole system.⁴²

a. Principles and Criteria of “When to Revoke”

Legal predicates. Revocation may be based on any violation of the terms of parole established by the Board or by the Department of Corrections and Rehabilitation.⁴³

Statutorily enumerated factors. Apart from the criteria above, there are no further statutory factors the Board must consider.

b. Revocation Guidelines

It does not appear that the Board utilizes guidelines in determining whether to revoke parole.

c. Risk and Needs Assessment Tools

It is unclear whether there is a risk and needs assessment utilized in the revocation process.

d. Preliminary and Final Revocation Procedures

Arrest or summons. If a parolee has allegedly violated any terms or conditions of parole, the director of the Department of Corrections and Rehabilitation may issue a warrant for their arrest. In the alternative, the Department may impose intermediate conditions of parole, which will be discussed further below. If the Department institutes an intermediate measure, they must also contact the Board for authorization. The Board may instead ask the Department to initiate revocation proceedings and take the parolee into custody.⁴⁵

Preliminary hearing. The preliminary hearing is conducted by a parole officer not directly involved in the case (designated by the Director of the Department of Corrections), and must determine whether there is probable cause to find that there has been a parole violation. At the end of the hearing, the parolee must be returned to custody, transferred to another facility or hospital, or released pending a final hearing.⁴⁶

Final hearing. The Board must conduct a final hearing to determine whether the parolee has violated the terms and conditions of parole.⁴⁷ The Board must make the final determination of whether or not a parolee should be returned to physical custody to serve all or part of their remaining sentence.⁴⁸

e. Offenders’ Procedural Rights

At any phase of parole revocation, the parolee must have written notice of the purpose of the hearing and the alleged violations, the opportunity to be heard in person and to present evidence and testimony, the opportunity to confront and cross-examine witnesses (unless there is a risk of harm to the witness), and a written statement as to the reasons of the decision.⁴⁹

Under Department regulations, parolees do not have the right to an attorney at the preliminary hearing but may obtain an attorney at their own expense.⁵⁰ It is unclear how parolees are appointed counsel if required under *Gagnon v. Scarpelli*, which guarantees council under certain circumstances.⁵¹

The parolee may waive all hearings and admit to any violations of parole; however, the Department may hold a preliminary hearing regardless.⁵²

f. Victims and Other Participants

It does not appear that victims receive notification of, or play a role in parole revocation hearings.

g. Burden of Proof or Standards of Persuasion

It is unclear what burden of proof or standard of persuasion is associated with parole revocation.

h. Revocation and Other Sanctions

After a violation has been proved, the Board may order a parolee to serve all or part of their remaining sentence in custody. If that occurs a parole clerk will determine the appropriate placement for the offender.⁵³ It is not clear if the Board can take other actions short of revocation.

The Department of Corrections has the option, by regulation, to punish offenders through intermediate conditions of parole. These can include restitution, incarceration for up to 72 hours, or other conditions necessary for rehabilitation.⁵⁴

When the board determines the parolee has absconded from supervision, the board may order the parolee to pay the costs of being returned to the board.⁵⁵

i. Issuing Parole Revocation Decisions

Parolees are entitled to a written decision regarding parole revocation that includes the findings of fact and reasons for the decision.⁵⁶

j. Administrative or Judicial Review of Parole Revocation Decisions

Most orders of the Board are unreviewable unless they do not comply with statutory law.⁵⁷ There is very little recent case law on parole revocation at the state appellate or supreme court level.

k. Re-Release Following Revocation

If an offender has fewer than nine months to serve at the time of revocation, and the Board has decided to revoke the remainder of their term, another parole hearing will not be scheduled. If there is more than nine months remaining on the sentence, the Board will set a future review date in the revocation order.⁵⁸

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction

The Board is created by statute and has authority over parole release, the conditions of parole, and parole revocation.⁵⁹

b. Location in Government

The Board appears to be an independent agency located within the executive branch with administrative support from the Department of Corrections and Rehabilitation.⁶⁰

c. Purpose (Vision/Principles/Rationale)

According to its website, “the mission of the Board is to conduct informed and fair hearings on cases subject to the jurisdiction of the Board and take appropriate action to ensure public and victim safety and to reduce the likelihood of future criminal behavior of offenders by providing opportunities for rehabilitation.”⁶¹

d. Appointment and Qualifications of Board Members

The Board consists of six members appointed by the governor. The governor designates one member to be the chairman of the Board. Unusually, each meeting of the Board requires the attendance of only three out of six members.⁶²

Qualifications? Each of the members must be an “elector of the state,” in other words, they must have the right to vote in North Dakota. One of the members must be experienced in law enforcement (which can include prosecution), one must be a licensed attorney, and four must be qualified by special experience, education, or training.⁶³

e. Tenure of Board Members, Ease of Removal

Board members are appointed to three-year staggered terms. The governor may only remove a member for disability, inefficiency, neglect of duty, or malfeasance in office.⁶⁴

f. Training and Continuing Education

There does not appear to be a statutory requirement for member training or continuing education.

g. Workload

There is little published data available about the Board’s annual activities. However, the Board does publish details about their latest monthly hearing results.⁶⁵ It appears that there were 533 discretionary parole releases of some kind in 2016, however no further data is available.⁶⁶

h. Reporting and Accountability of Parole Board

Apart from the detailed summary of each monthly hearing described above, there is very little published information about the actions or activities of the Board.

END NOTES

- ¹ State Historical Soc’y of N.D., *Parole and Probation*, <http://history.nd.gov/archives/stateagencies/paroleprobation.html> (last visited Jul. 18, 2018).
- ² See, e.g., N.D. Cent. Code § 12-59-03 (2018).
- ³ See, e.g., N.D. Cent. Code §§ 12-59-15(1), 12-59-20 (2018).
- ⁴ N.D. Cent. Code § 12-59-15(6) (2018).
- ⁵ N.D. Cent. Code § 12-59-09 (2018).
- ⁶ N.D. Cent. Code § 29-27-07(1) (2018).
- ⁷ N.D. Dep’t of Corr. & Rehab. Directive 1A-13(3)(B), (5)(D) (Jun. 7, 2016) <https://www.nd.gov/docr/adult/tps/policy2012.pdf> [hereinafter “Directive 1A-13”]. It appears that this directive is no longer available to the public online.
- ⁸ N.D. Cent. Code § 12.1-32-09.1 (2018) (including individuals convicted of murder, manslaughter, aggravated assault, gross sexual imposition, or burglary).
- ⁹ *Id.*; N.D. Cent. Code § 12.1-32-01(1) (2018).
- ¹⁰ N.D. Parole Bd., *July 2018 Parole Board* (2018), https://docr.nd.gov/sites/www/files/documents/parole_pardon/July%202018%20PB%20Dist.pdf.
- ¹¹ N.D. Cent. Code § 12-54.1-01 (2018).
- ¹² N.D. Cent. Code § 12-54.1-03 (2018).
- ¹³ N.D. Cent. Code § 12-59-07 (2018).
- ¹⁴ N.D. Cent. Code § 12-59-05 (2018).
- ¹⁵ N.D. Cent. Code § 12-59-08 (2018); Directive 1A-13(F)(3), *supra* note 7.
- ¹⁶ N.D. Cent. Code § 12-55.1-04 (2018).
- ¹⁷ *Id.*
- ¹⁸ N.C. Dep’t of Corr. & Rehabilitation, *Inmate Handbook*, <https://www.law.umich.edu/special/policyclearinghouse/Documents/North%20Dakota%20-%20Inmate%20Handbook.pdf> 62 (last visited Jul. 18, 2018).
- ¹⁹ N.D. Cent. Code § 12-59-05 (2018).
- ²⁰ N.D. Cent. Code § 12-59-06 (2018).
- ²¹ N.D. Cent. Code § 12-59-05 (2018).
- ²² N.D. Cent. Code § 12.1-34-02(18) (2018).
- ²³ N.D. Cent. Code § 12-59-10 (2018).
- ²⁴ Directive 1A-13 (F)(10)(a), *supra* note 7.
- ²⁵ N.D. Cent. Code § 12-59-18 (2018).
- ²⁶ N.D. Cent. Code § 12-59-12 (2018).
- ²⁷ Directive 1A-13(I)(1), *supra* note 7.
- ²⁸ Danielle Kaebler, Bureau of Justice Statistics, Probation and Parole in the United States, 2016 at 19 (Appendix Table 5) (Apr. 2018), <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>.
- ²⁹ N.D. Division of Parole and Probation, <https://docr.nd.gov/facilityoffice-locations/parole-and-probation> (last visited Jul. 15, 2018).
- ³⁰ *Id.*
- ³¹ N.D. Cent. Code § 12-59-21 (2018).
- ³² *Id.*
- ³³ *Id.*
- ³⁴ Directive 1A-13(G)(1)(a), *supra* note 7.
- ³⁵ N.D. Parole Bd., *Conditions of Parole* (2012), <http://www.interstatecompact.org/LinkClick.aspx?fileticket=QwVUronPfNg%3D&tabid=1289&portalid=0&mid=4392>. This resource is no longer available to the public online.
- ³⁶ *Id.*
- ³⁷ *Id.*
- ³⁸ *Id.*
- ³⁹ N.D. Cent. Code § 12.1-32-08(1) (2018).
- ⁴⁰ *Id.*
- ⁴¹ Kaebler, *supra* note 28, at 22 (Appendix Table 7).
- ⁴² *Id.*
- ⁴³ N.D. Cent. Code § 12-59-15(6) (2018).
- ⁴⁴ N.D. Cent. Code § 12-59-15(1) (2018).
- ⁴⁵ Directive 1A-13(H)(9), *supra* note 7.
- ⁴⁶ *Id.* at (H)(6); N.D. Cent. Code § 12-59-15(6) (2018).
- ⁴⁷ N.D. Cent. Code § 12-59-15(6) (2018).
- ⁴⁸ *Id.*; Directive 1A-13(H)(9), *supra* note 7.
- ⁴⁹ Directive 1A-13 at (H)(7), *supra* note 7.
- ⁵⁰ *Id.* at (H)(6)(e).
- ⁵¹ *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).
- ⁵² Directive 1A-13 at (H)(8), *supra* note 7.
- ⁵³ *Id.* at (H)(10).
- ⁵⁴ N.D. Cent. Code § 12-59-07 (2018).
- ⁵⁵ N.D. Cent. Code § 12-59-15 (2018).
- ⁵⁶ Directive 1A-13(H)(7)(d), *supra* note 7.
- ⁵⁷ N.D. Cent. Code § 12-59-18 (2018).
- ⁵⁸ Directive 1A-13(H)(11), *supra* note 7.
- ⁵⁹ N.D. Cent. Code §§ 12-59-01 – 12-59-22 (2018).
- ⁶⁰ N.D. Cent. Code § 12-59-01 (2018).
- ⁶¹ N.D. Dep’t of Corr. & Rehab., *Parole Board Information*, <https://docr.nd.gov/parole-pardon-boards> (last visited Jul. 18, 2018).
- ⁶² N.D. Cent. Code §§ 12-15-01, 12-15-02 (2018).
- ⁶³ N.D. Cent. Code § 12-15-01 (2018).
- ⁶⁴ *Id.*
- ⁶⁵ N.D. Parole Bd., *July 2018 Parole Board* (2018), https://docr.nd.gov/sites/www/files/documents/parole_pardon/July%202018%20PB%20Dist.pdf.
- ⁶⁶ Kaebler, *supra* note 28, at 20 (Appendix Table 6).