

# NORTH DAKOTA THREE-YEAR JUVENILE JUSTICE PLAN

Federal Fiscal Years 2015-17

This plan was submitted to the Federal Office of Juvenile Justice and Delinquency Prevention pursuant to the Juvenile Justice and Delinquency Prevention Act on behalf of North Dakota's Juvenile Justice State Advisory Group.



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# Program Narrative

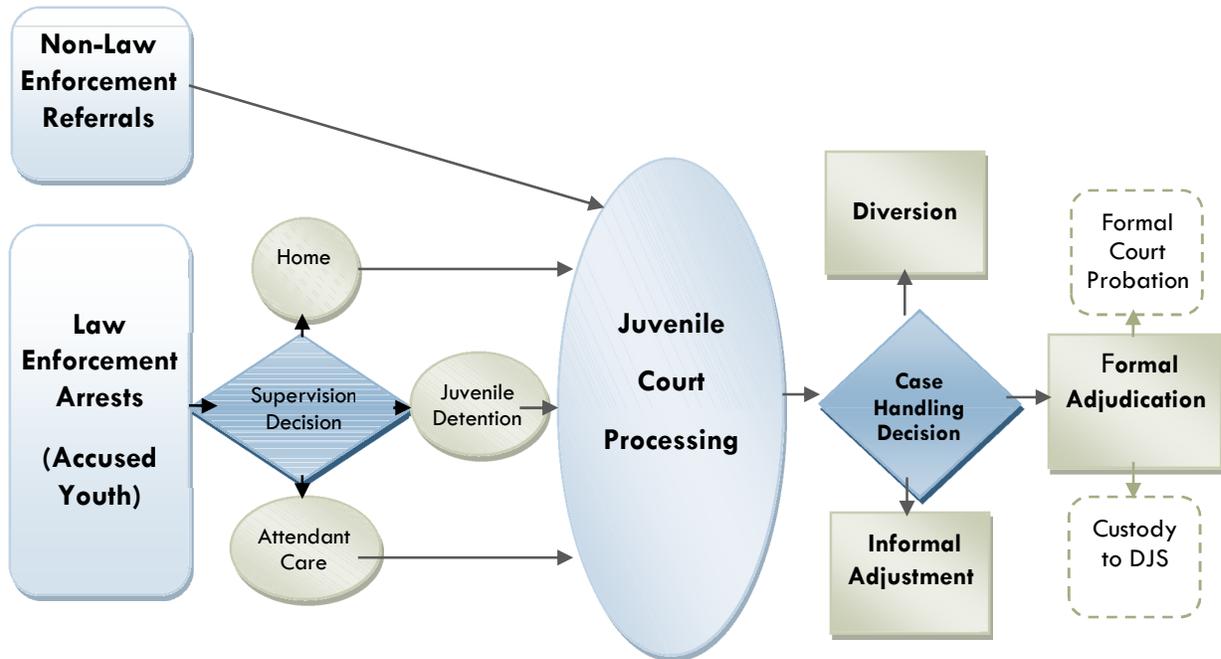
## A. STATEMENT OF THE PROBLEM

### 1. STRUCTURE AND FUNCTION OF THE JUVENILE JUSTICE SYSTEM

The North Dakota Juvenile Justice System is largely defined through the role of the Juvenile Court under Chapter 27-20 of the North Dakota Century Code (NDCC) which is titled the Uniform Juvenile Court Act. The Uniform Juvenile Court Act established the Juvenile Court as a division of the District Court.

The Juvenile Court has exclusive and original jurisdiction over any child who is alleged to be deprived, delinquent and/or unruly. In North Dakota, youth ages seven up to age eighteen who are alleged to have committed a delinquent or unruly act fall under the jurisdiction of the Juvenile Court.

The following diagram illustrates the flow of youth through the juvenile justice system in North Dakota:



Most of the referrals to Juvenile Court are made by law enforcement through an arrest. However, there are some referrals that come from non-law enforcement personnel such as parents, schools or social service agencies. The majority of youth that are arrested are released. Depending upon the circumstances and severity of the offense, youth may need to be held either for release to a parent/guardian or to await a court appearance. For youth that

are held, North Dakota Rules of Juvenile Procedure requires that they have a court hearing within 24 hours.

Pre-adjudicatory supervision of youth in North Dakota is provided through non-secure holdover programs, termed “Attendant Care”, which are used for status and low-level delinquent offenders, and juvenile detentions centers for the more serious juvenile offenders.

If the youth is detained, an authorized officer of the court will immediately make an investigation and release the child unless it appears that the holding is warranted or required. If the child is not released, a petition must promptly be made and presented to the Juvenile Court. Juvenile Court supervisors have the responsibility of intake, investigation and supervision.

The Juvenile Court has three options for handling juvenile cases: 1) *diversion*, in which the juvenile is referred to a private agency or program; 2) *informal adjustment* in which the juvenile court intervenes with no formal charge or conviction entered; or 3) *formal adjudication*, in which charges are filed in the District Court and the case proceeds through the court system. The decision on the option selected is based on the seriousness of the offense, the age of the juvenile, previous offense history, whether or not the youth denies the charges at the informal level, and reliability of evidence.

Options 1 and 2 allow for cases to be handled informally by the Juvenile Court without the filing of a petition. This may mean that the youth is diverted to a program or comes to the juvenile court offices with his/her parents to address the charges. The Juvenile Court provides, refers, or contracts for a variety of diversion programs designed to prevent further involvement in the system. In some cases, if they admit to the charges, the child and parents enter into an informal adjustment agreement that sets conditions for the youth to be accountable for the charges through informal court probation without the filing of a petition.

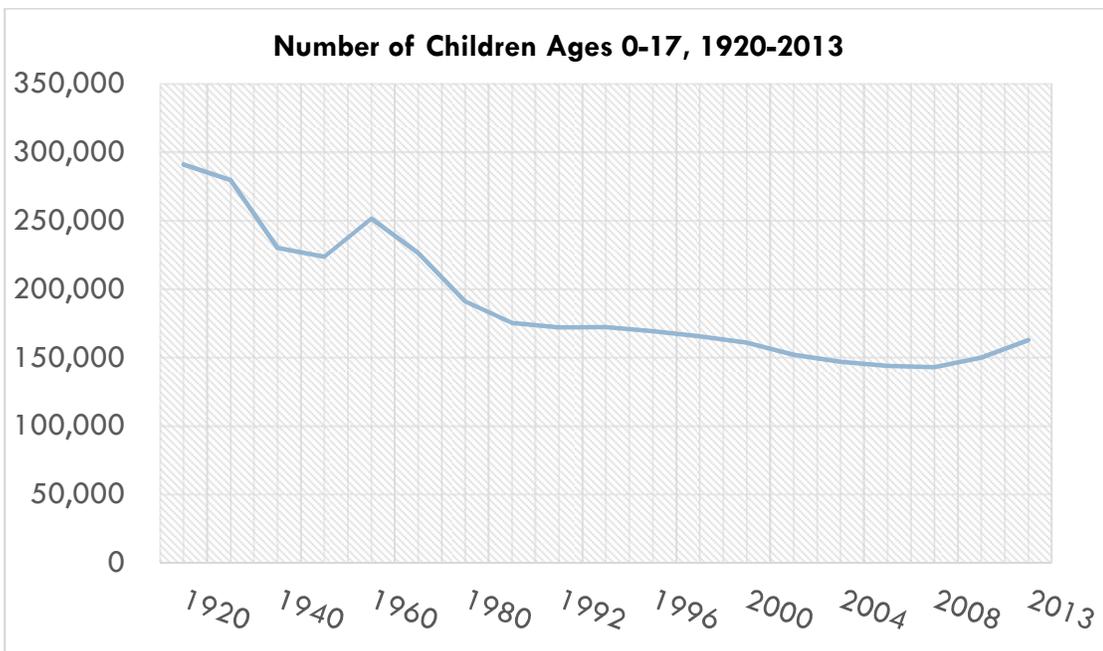
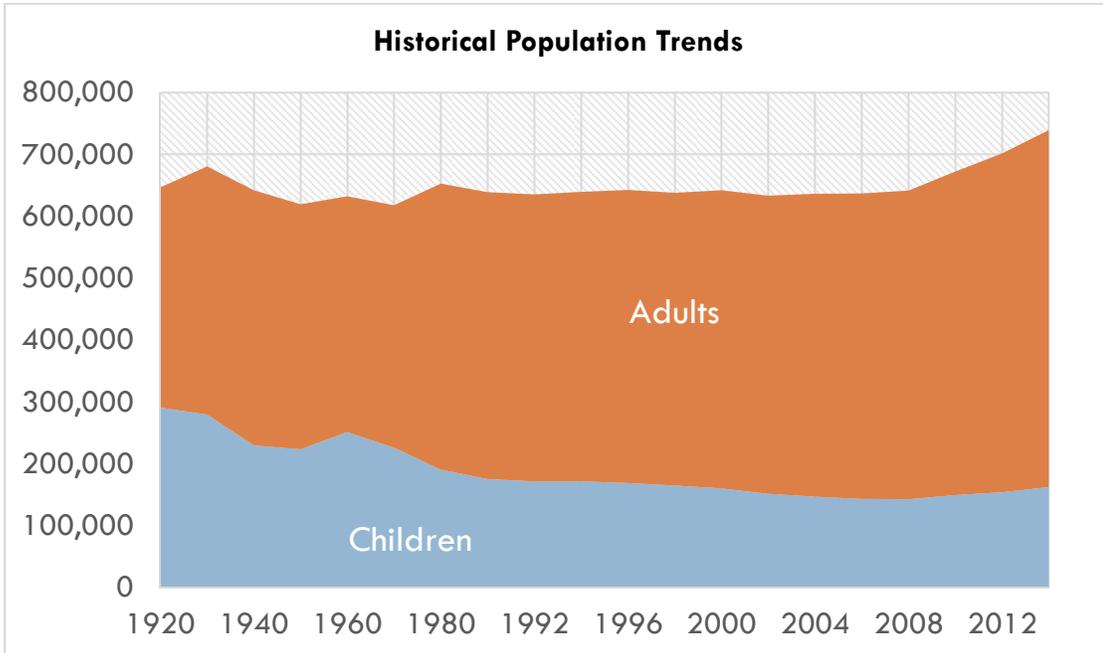
Option 3 provides for the case to be handled formally and a petition filed in the district court. The juvenile may receive formal court probation of up to twenty-four months or be transferred to the state juvenile corrections agency, the Division of Juvenile Services (DJS). The DJS system includes the operation of the state’s only correctional facility, the North Dakota Youth Correctional Center, and a community services division. The community services division operates through regional offices throughout the state.

Out-of-home placement is not an option for youth on formal court probation; youth have to be committed to the custody of DJS to be placed in residential facilities or the state’s juvenile correctional facility. DJS operates under the philosophy that services should be provided in the least restrictive environment consistent with the practice of assuring public safety and the well-being of the youth.

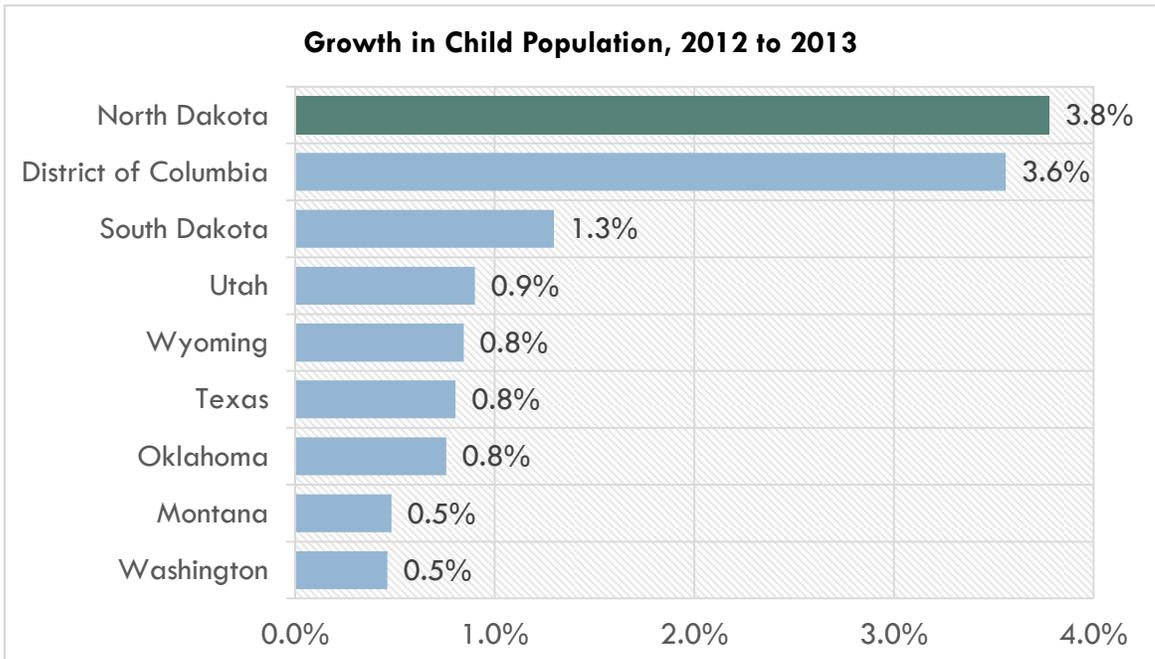
## 2. YOUTH CRIME ANALYSIS AND NEEDS/PROBLEM STATEMENTS

### A. Analysis of Youth Crime Problems

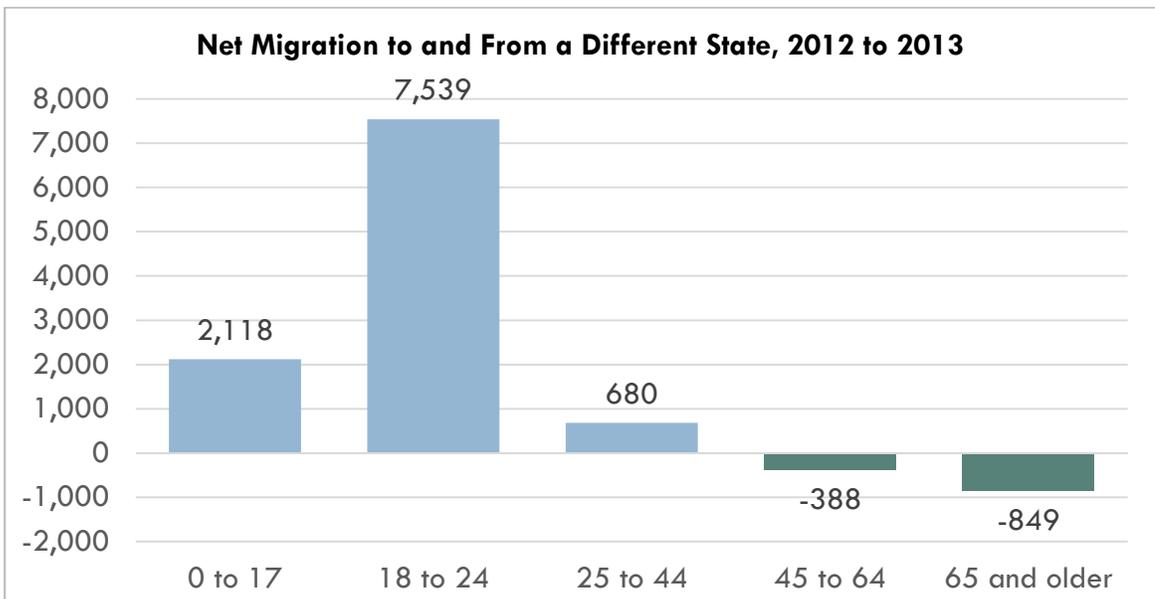
The analysis of North Dakota’s juvenile crime begins with a look at the state’s youth population. Due to an economic boom with oil production over the last eight years, North Dakota has been the fastest growing state in the nation. However, as shown with the charts below, the youth population has not grown as steadily as the adult population.



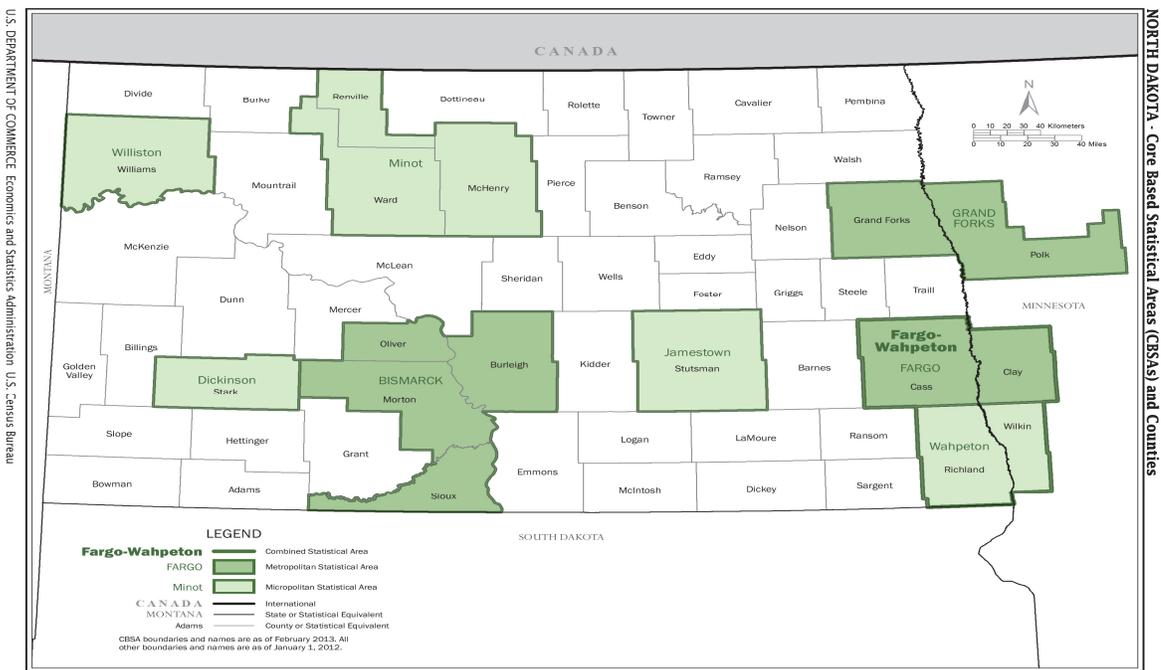
The youth population started to increase around 2008 and is just now back to 2000 census levels with approximately 160,000 youth. There were only two counties (Burleigh and Cass) that showed a youth population increase from 2000 to 2010. However, there has been a considerable amount of growth since 2010. It is estimated that between 2010 and 2013, 36 of the 53 counties in North Dakota had a youth population increase. As indicated by the chart below, North Dakota has had the fastest growing child population.



The increase in the number of births accounts for some of the increase in youth population, but the main reason is the in-migration due to a booming economy.



Although North Dakota’s population is increasing due changes in the state’s recent economic performance, the state is still very rural. The following map shows North Dakota’s metropolitan and micropolitan statistical areas based on February 2013 estimated population data from the U.S. Census Bureau. There are only three combined metropolitan statistical areas, and five micropolitan statistical areas, together accounting for only thirteen of the state’s fifty-three counties. Based on the most recent population estimates, only two counties in North Dakota have greater than 10,000 youth and only two counties have between 5,000 - 10,000 youth. All the remaining counties have less than 5,000 in youth population, with over 60% of the counties having less than 1,000 in youth population. **Thus, North Dakota is predominantly a rural state and delinquency prevention and intervention services are provided in rural areas.**

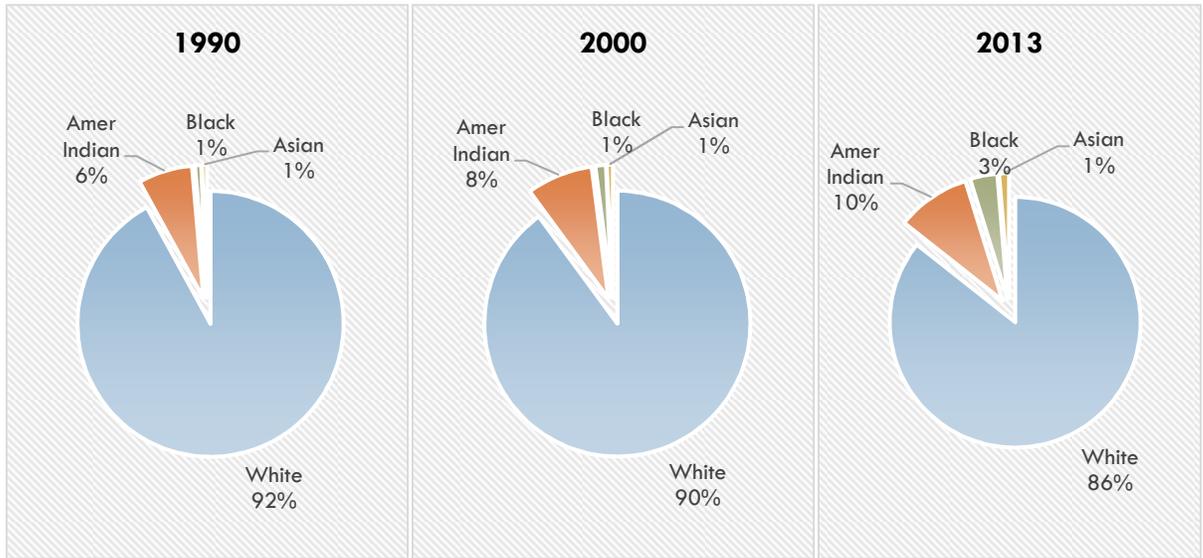


Based on national juvenile justice research, rural communities tend to consistently possess several key characteristics, which appear to hold true for the state of North Dakota’s youth population<sup>1</sup>:

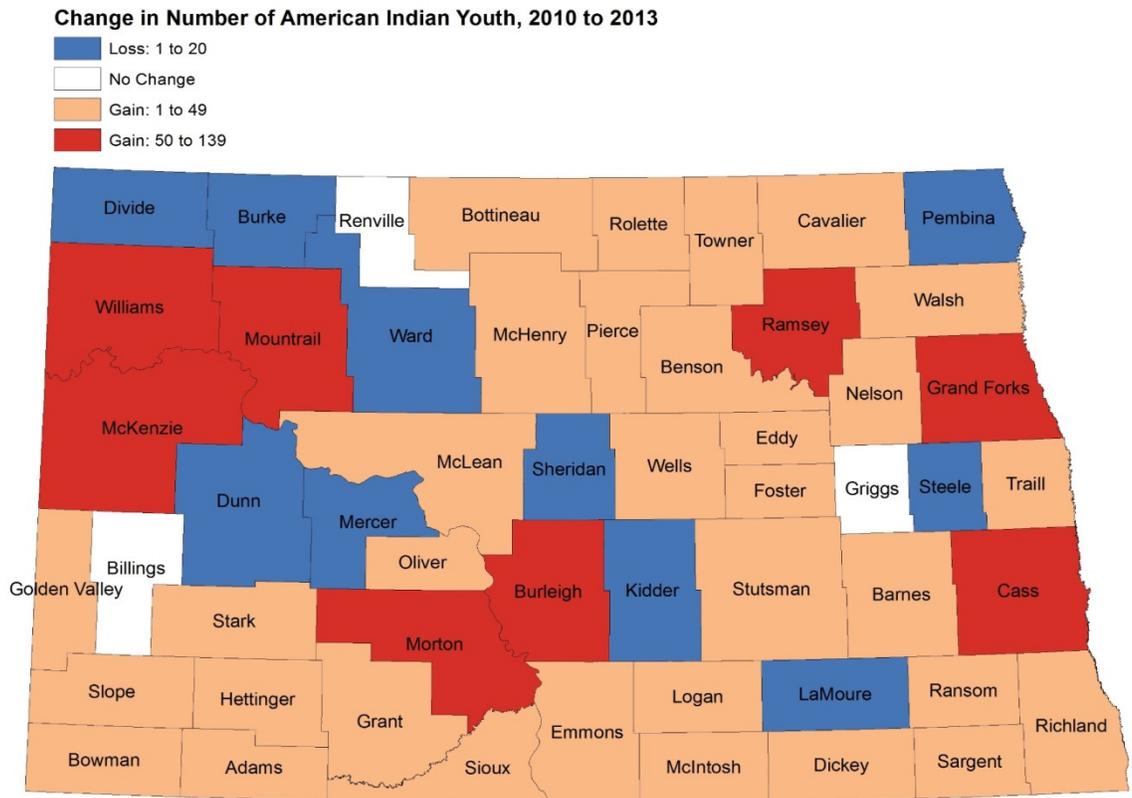
***Although rural communities tend to be less multi-ethnic than urban cities and suburbs, they too are becoming more diverse.***

As demonstrated by the pie charts below, the demographics of North Dakota’s youth are changing. Minority youth now make up 14% of the youth’s population compared to only 8% in 1990.

<sup>1</sup> Mendel, Richard. *Pathways to Juvenile Justice Reform: Detention Reform in Rural Areas*. Baltimore, MD: The Annie E. Casey Foundation, 2008



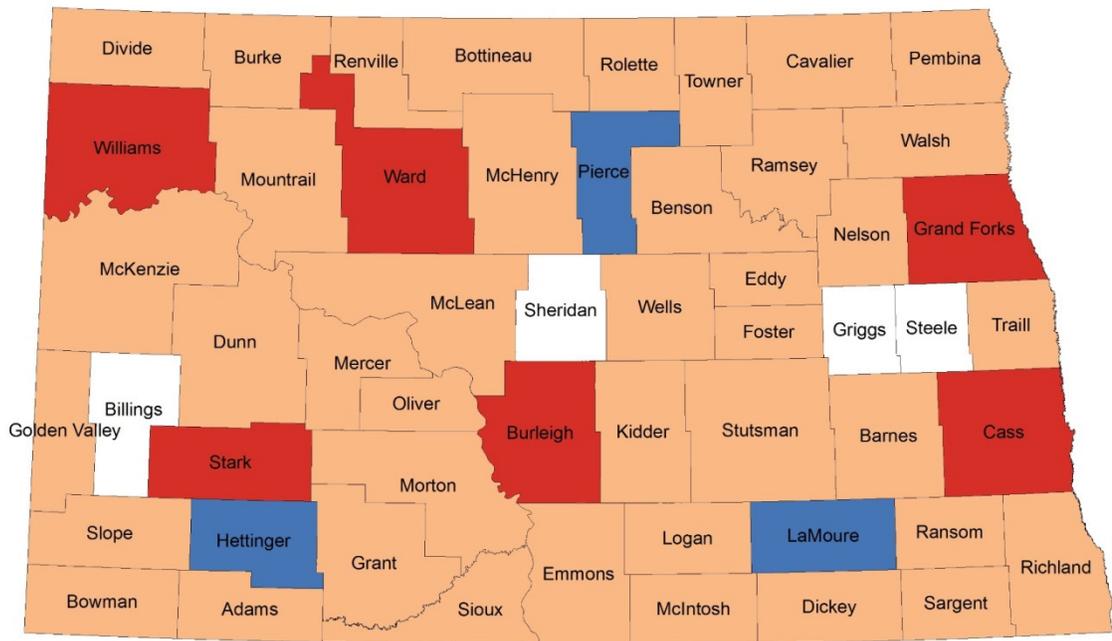
Native American youth make up the largest percent of minority youth at 10% of the juvenile population, and as shown by the map below, their percentage continues to increase both in counties with and without Native American Reservations.



Black youth are the other growing racial group, and now make up 3% of the youth population compared to only 1% for the previous two census years. Although a majority of the state has seen an increase in Black youth population, the largest increase has been in those metropolitan and micropolitan statistical areas. The increase is largely due to refugees of African areas of turmoil being re-located to North Dakota. “New American” integration services are being provided by a non-profit organization, Lutheran Social Services of North Dakota.

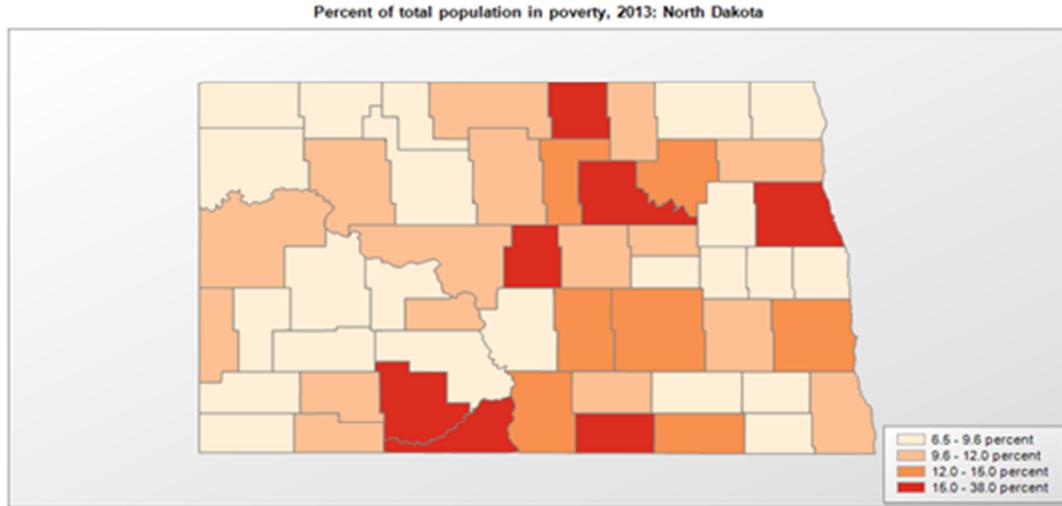
**Change in Number of Black Youth, 2010 to 2013**

- Loss: 1 to 4
- No Change
- Gain: 1 to 49
- Gain: 50 to 731

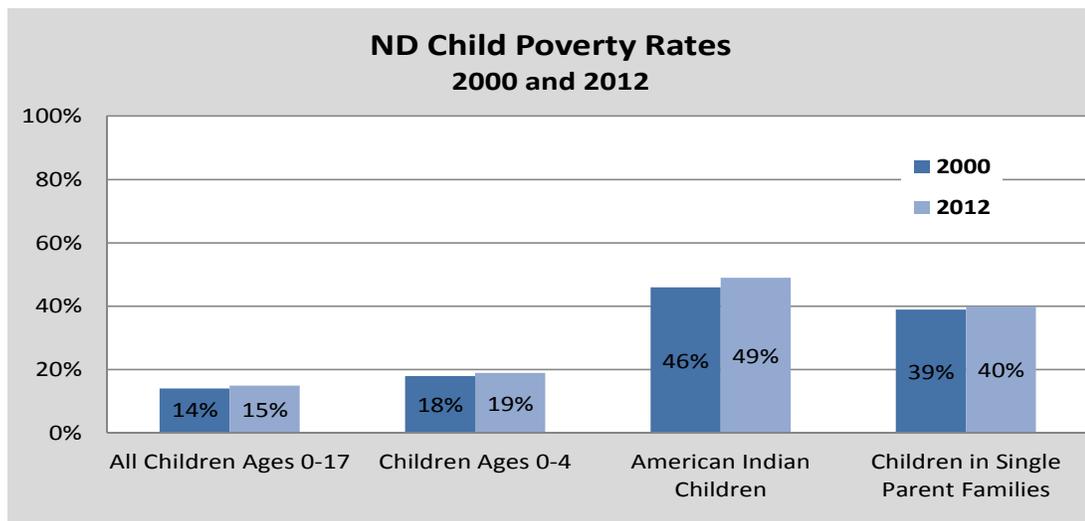


***Rural residents are more likely to suffer poverty than those in metropolitan areas.***

Overall, North Dakota’s poverty rate is lower than the national average for both adults and children, but as illustrated with the chart below, there are some counties in North Dakota that are at poverty levels much higher than the national average of 15.8%.

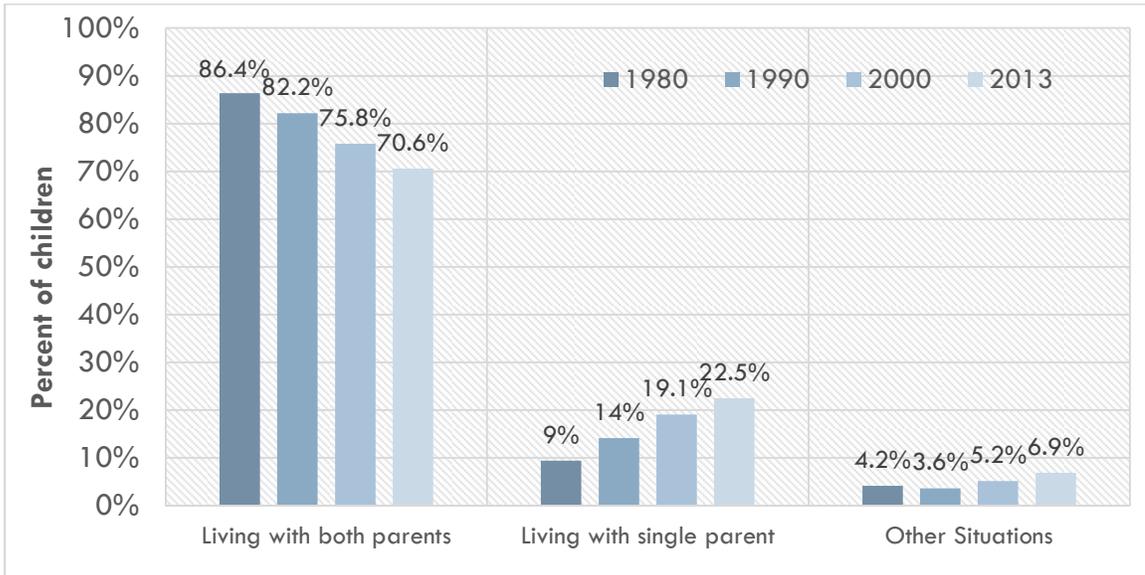


Despite North Dakota’s fast-paced economy, there has been relatively little change in the overall child poverty rate since 2000. Child poverty differs by age, race, and family type. Within North Dakota, younger children (i.e., ages 0-4) have a higher poverty rate than children overall (19% and 15%, respectively in 2012). North Dakota children living with a single parent are six times more likely to live in poverty than children living with married parents (40% compared to 6%, respectively in 2012). And half of all American Indian children living in North Dakota were impoverished in 2012 (49%). Similar to the overall child poverty rate for North Dakota, there has been relatively little change in these rates since 2000. Poor living conditions, unemployed parents and other financial factors hinder a child’s ability to learn and grow into successful adults.



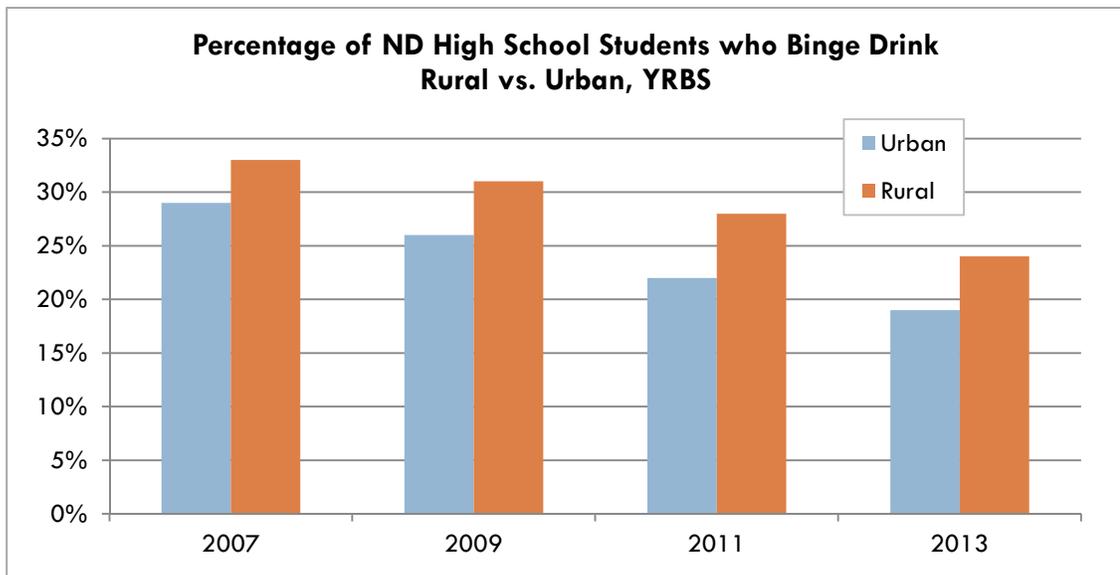
***Family dysfunction and breakdown are no less likely in rural areas than in the nation.***

Although the percent of North Dakota children living in single parent homes is still below the national average of 35%, the percentage has increased faster than the national rate. North Dakota’s percentage of children living in single parent homes has doubled from 1980 to 2000, and continues to increase.

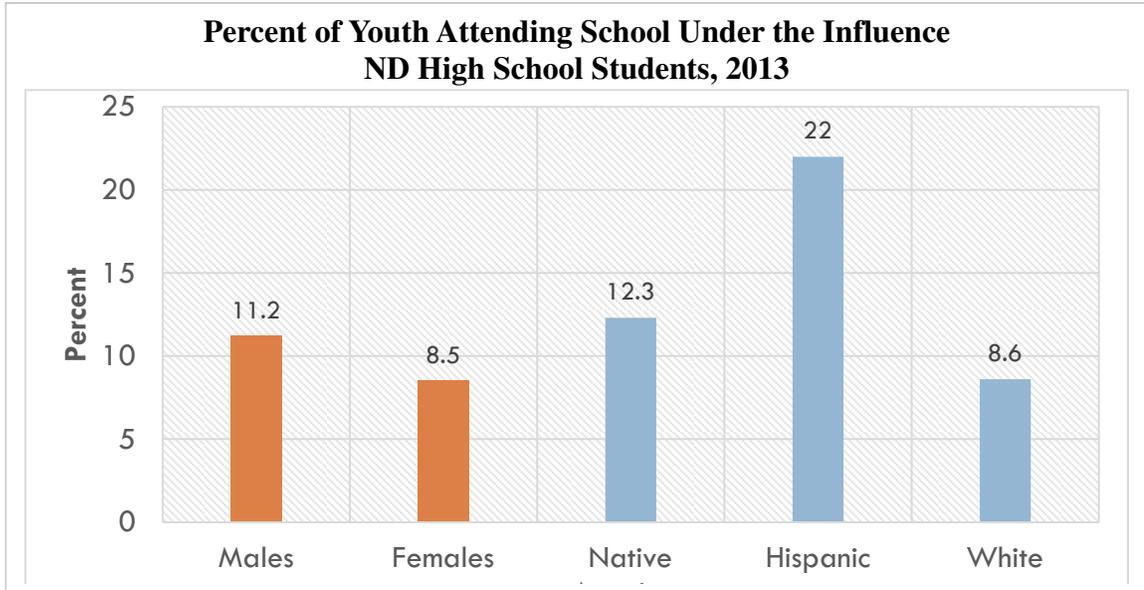


***Rural youth abuse alcohol more often than youth in more densely populated regions.***

The level of alcohol use among North Dakota youth is dropping and now similar to that of the nation, but the state still ranks 37<sup>th</sup> nationally for high schoolers who binge drink and, as shown below, youth in the more rural areas of the state abuse alcohol more often.



In addition, of concern is the percentage of youth that come to school under the influence, and it appears to be higher for males and for certain minority groups:



*Though they are less likely to be arrested for serious violent offenses or weapons violations, rural youth are as likely to engage in law breaking behavior.*

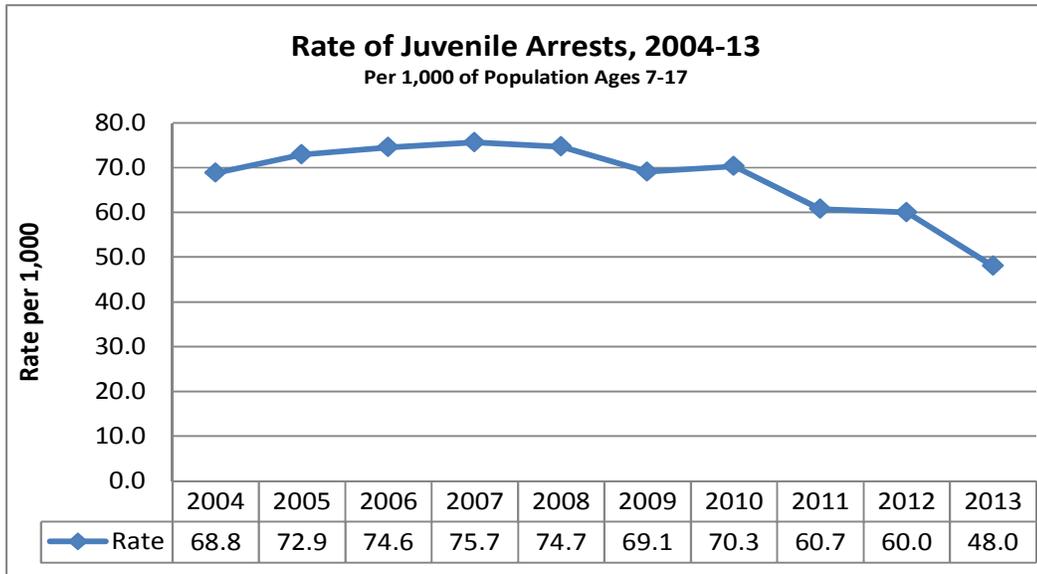
The table below was constructed from data available via OJJDP’s Statistical Briefing Book. As shown, North Dakota exhibits significantly lower arrest rates for violent offenses and weapon violations than that of the nation. However, North Dakota youth are still very likely to be involved in law breaking behavior as juvenile property crime in ND is significantly higher than that of the nation. Disorderly conduct and liquor law violations continue to be a primary offense for the state. The most alarming rate is the *total* juvenile arrest rate for ND is more than twice that of the nation.

<b>Juvenile Arrest Rates for Selected Offenses Per 100,000 Youth, Ages 10-17</b>		
Offense Category	ND 2012	US 2012
Violent Crime Index	91.2	182.5
<b>Property Crime Index</b>	<b>1365.9</b>	<b>883.3</b>
Weapon Violations	40.2	72.7
Vandalism	347.7	176.9
<b>Disorderly Conduct</b>	<b>1172.8</b>	<b>358.8</b>
<b>Liquor Law Violations</b>	<b>1359.7</b>	<b>233.9</b>
Total Arrests	8451.9	3941.0

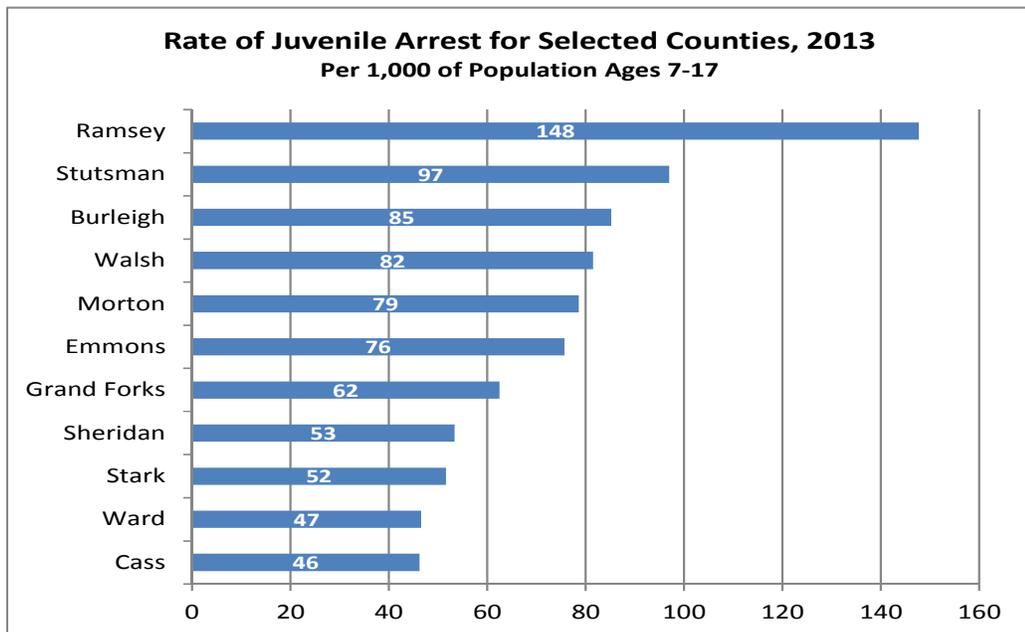
## A Closer Look at Juvenile Crime in North Dakota

### Juvenile Arrests

As indicated by the chart below, North Dakota juvenile arrests have experienced a substantial decline in the past 10 years (2004-2013). The year 2007 marked the highest rate of arrests for the 10-year period at 75.7 arrests per 1,000 of the youth population, and it has significantly declined since then to a rate of 48.0.



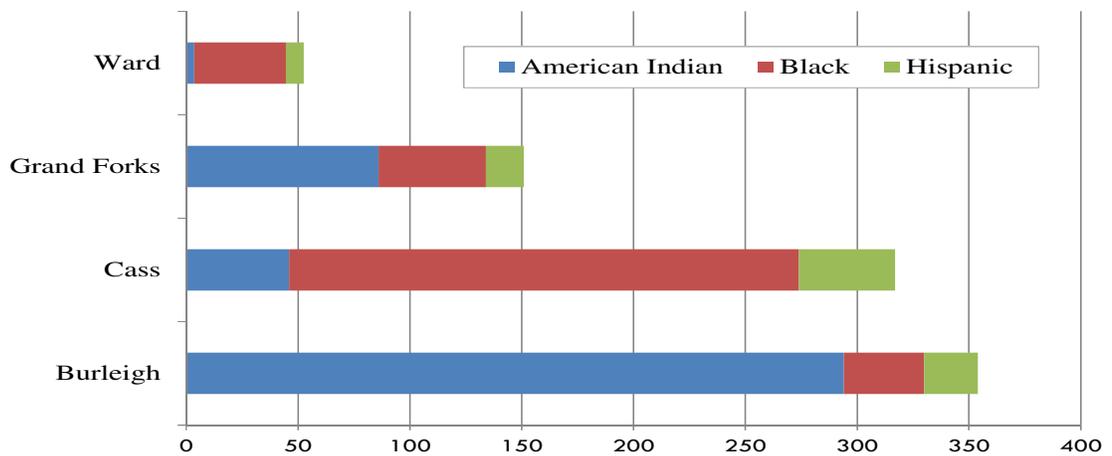
The chart below shows which North Dakota counties had the highest rates of juvenile arrests in calendar year 2013, the most recent year that arrest data is available.



Ramsey County had a significantly higher rate of arrests than the other counties, primarily due to it being the closest retail area for some distance and thus, resulting in higher rates as the population from the communities nearby is not included in the rate calculation. In looking at the types of offenses that are associated with the higher arrest rates in these counties, the largest single offenses are for disorderly conduct, larceny/theft and liquor law violations.

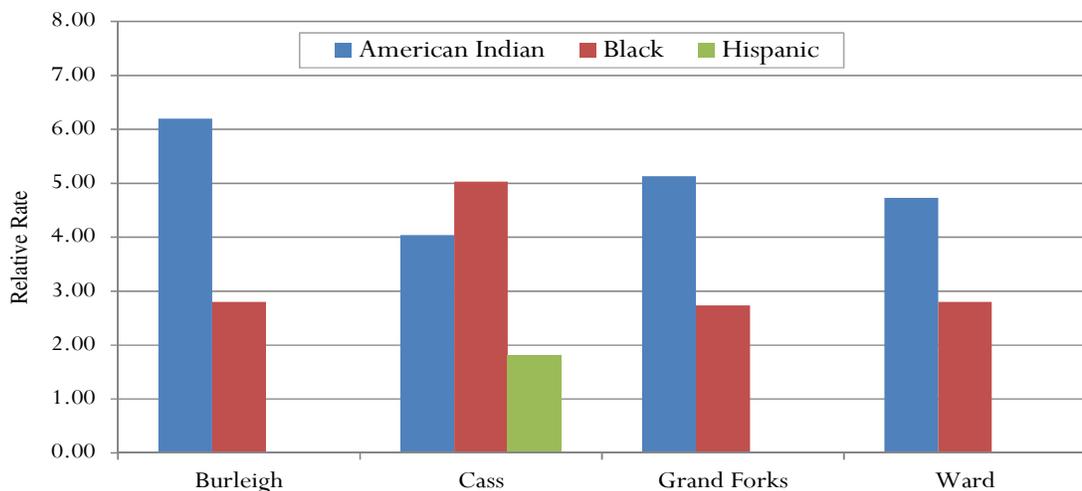
As indicated below and more fully discussed as part of North Dakota’s DMC Plan, Burleigh, Cass, Grand Forks and Ward Counties have the highest number of arrests of minority youth. The largest numbers are associated with American Indian youth in Burleigh County and Black youth in Cass County.

**Number of Juvenile ARRESTS, CY2013 - by County and Minority Group**

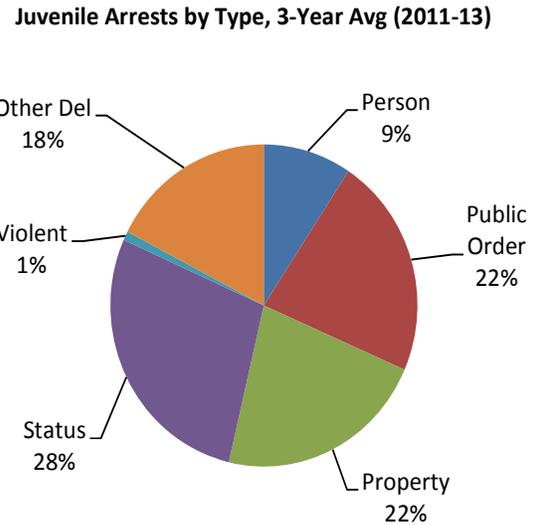


Based on the Relative Rate Index Calculations for calendar year 2013, American Indian youth are arrested at rates four to six times that of white youth and Black youth are arrested at rates two and half to five times that of white youth.

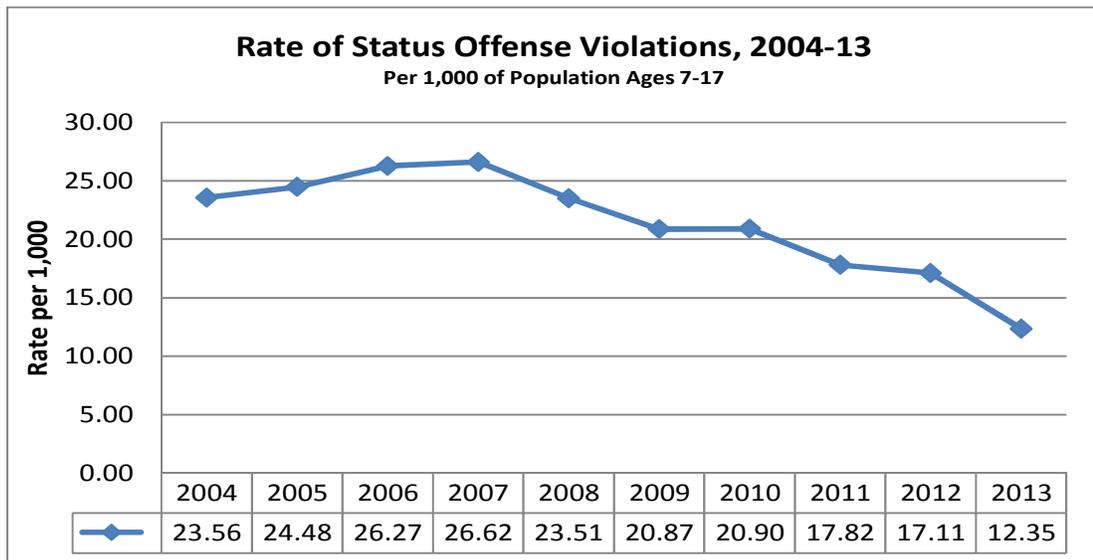
**Rate of Juvenile ARREST, CY2013 - by County and Minority Group**

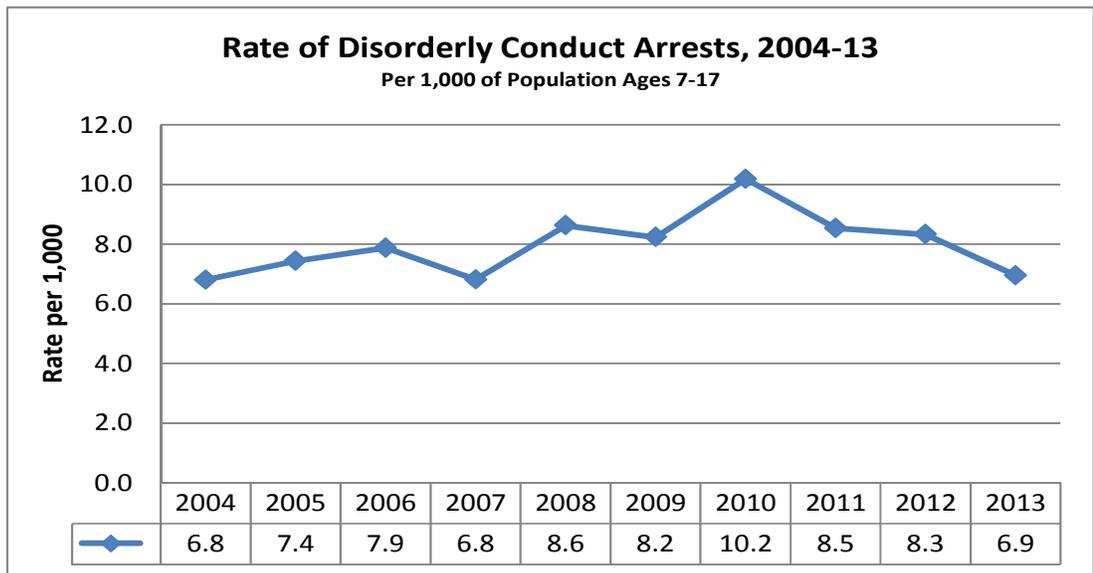
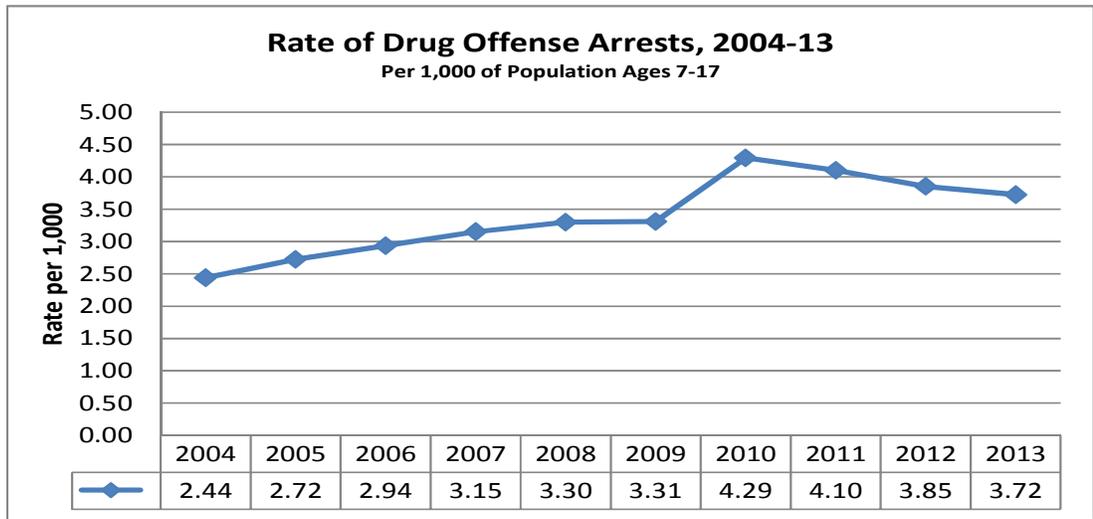
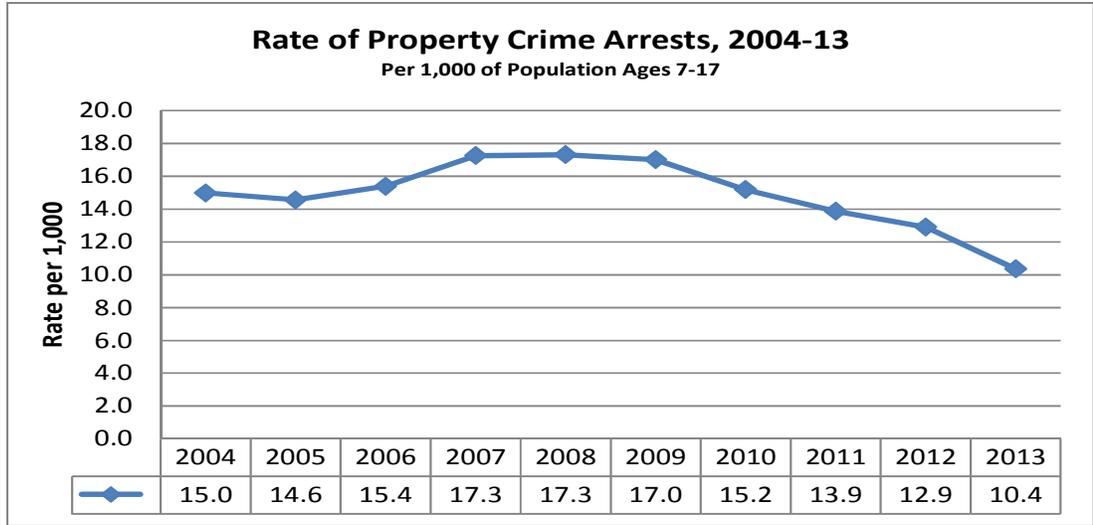


The chart below details the types of offenses for which juveniles were arrested based on the most recent three-year average (2011–13). Violent offenses continue to be very low at an average at 1% of all juvenile arrests. Per the most recent release of the OJJDP Statistical Briefing Book, the violent crime arrest rate for North Dakota is well below the nation at a rate of 89 per 100,000 youth versus 187 per 100,000. There was an average of 47 total arrests for violent offenses over the time period and none for murder. The majority of juvenile arrests are a result of status offenses, followed closely by property and public order offenses. Liquor law violations and runaways make up the majority of status offense arrests. Over half of the property offenses are for larceny/theft, excluding motor vehicle theft, and one fourth for vandalism. Over 60% of the public order offenses are for disorderly conduct and another 30% for possession of marijuana.

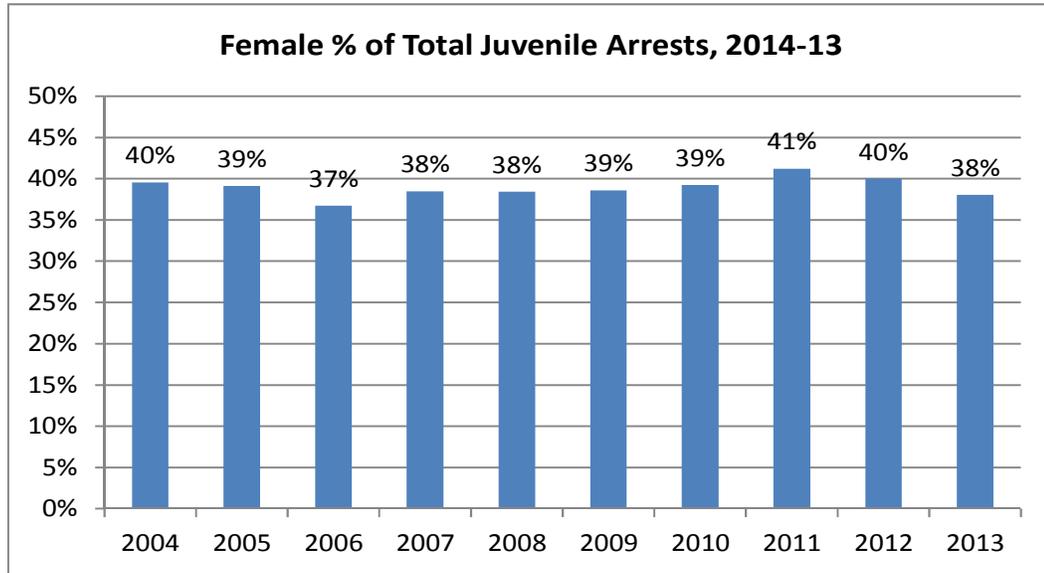


The charts below detail the trend in those offenses or offense categories that make up the majority of arrests. Status offense violation and property crime arrest rates have decreased over the last five years, but drug offense arrest rates have increased from where they were 10 years ago but have declined over the last three years. The rate of arrest for disorderly conduct has remained somewhat the same.

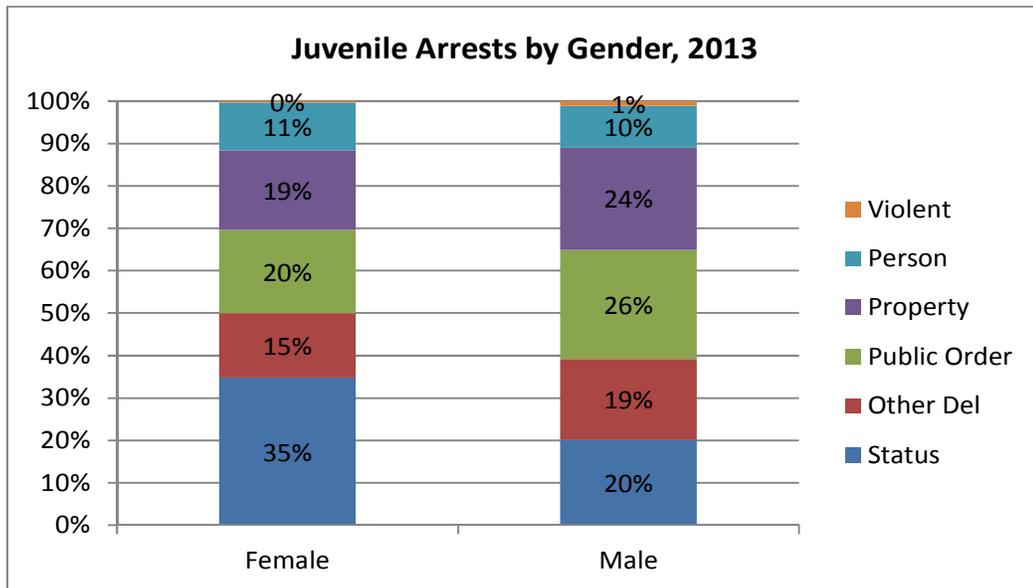




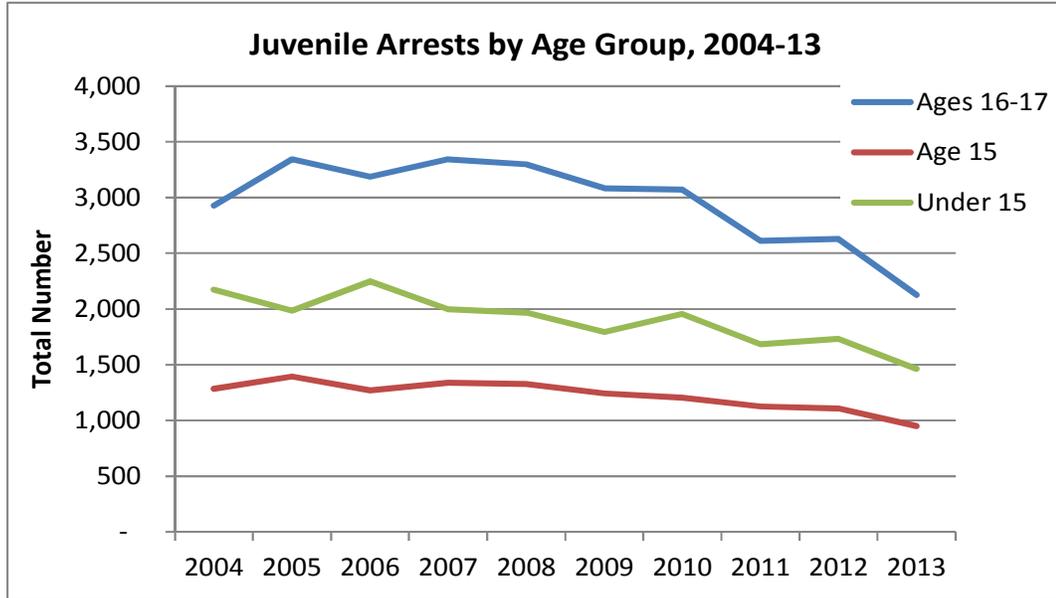
Looking at North Dakota juvenile arrest data in terms of gender, we see that the female percentage of total arrests has remained fairly constant over the last 10 years, between 37% and 41%.



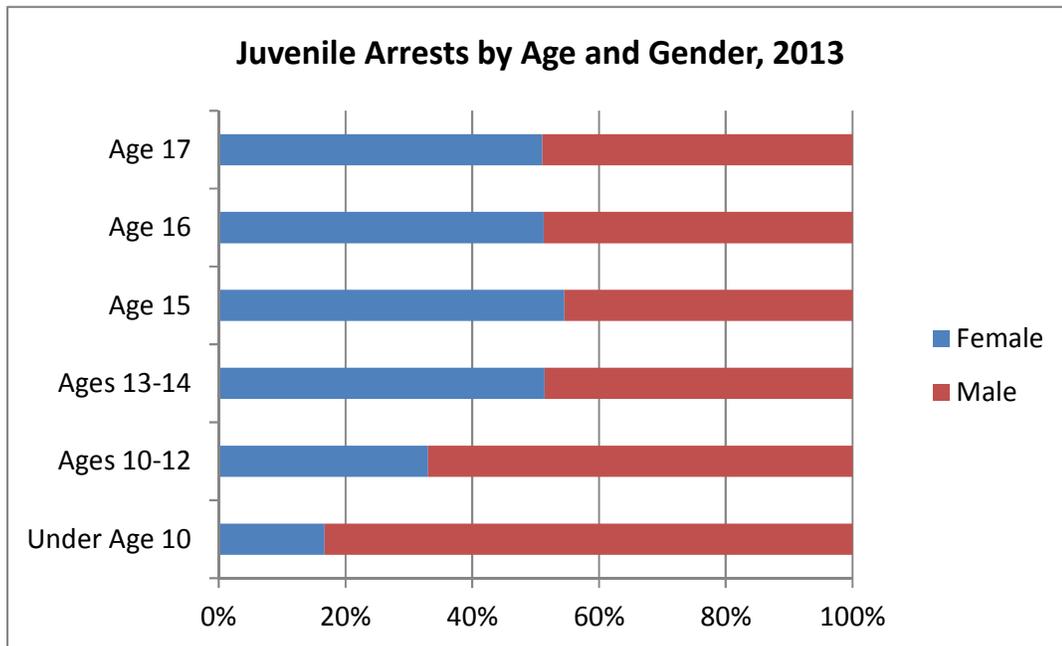
The chart below shows the type of juvenile arrests by gender for the most recent calendar year. A larger percentage of female arrests are for status offenses, primarily liquor law violations and runaway. Males tend to commit a higher percentage of delinquent offenses compared to females in most offense categories. However, females were arrested for a similar percentage of person offenses as males, which in both cases were primarily simple assault charges.



Looking at North Dakota juvenile arrest data by age - chart below - we can see that total arrests are highest in the 16-17 year-old age group, followed by the under age 15 group. Arrests for all three age groups had a downward trend during the last 10 years, with the most significant decline with the 16-17 age group.

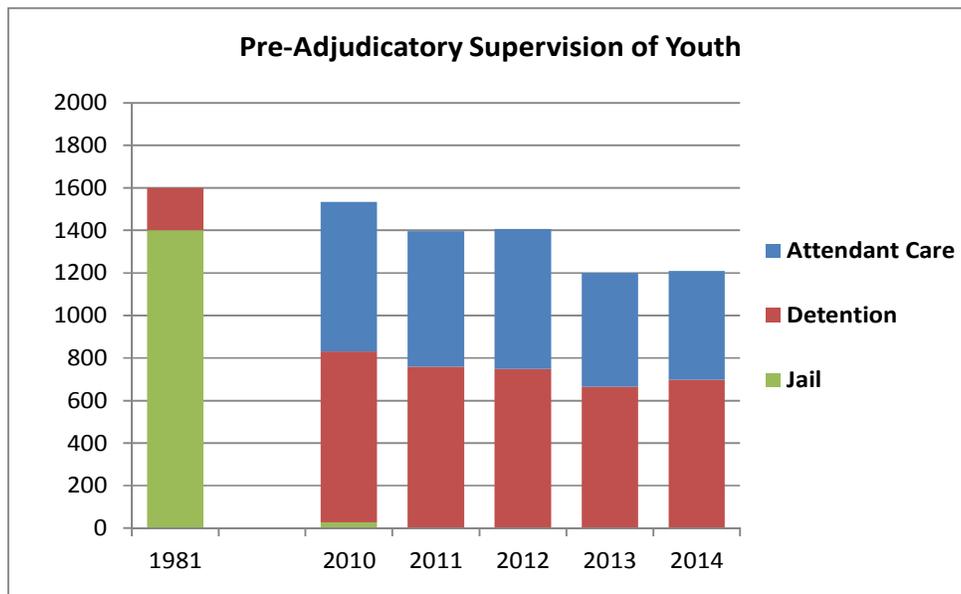


The chart below details juvenile arrests by age and gender. It appears that a higher percentage of male arrests are in the younger age group (i.e. Age 12 and under) compared to females. For the older age groups, the percentages were very similar (i.e. 25% of females and 24% of males that were arrested were age 17).



## Pre-Adjudicatory Supervision Data

As discussed above, after juveniles are arrested or cited, the majority is released but some do need some sort of supervision while awaiting release to a parent/guardian or a court hearing. Supervision options include a non-secure holdover program called “Attendant Care”, as discussed above, in addition to secure juvenile detention. We see in the graph below that almost half of the youth needing supervision are placed in Attendant Care and the others in juvenile detention centers. Very few youth are ever held in adult jail, and when it does occur it is usually due to false information being given by the youth or situations in very rural areas where law enforcement lacks the personnel to make an immediate transport.

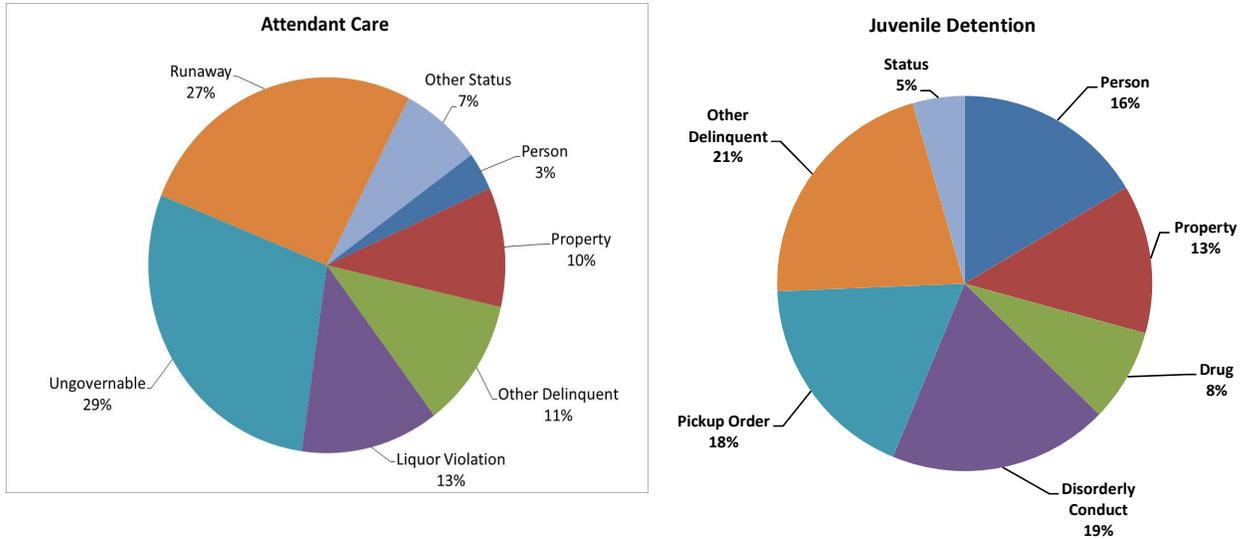


The chart above contrasts the pre-adjudicatory supervision with that from the year 1981 when, prior to the development of Attendant Care, the majority of youth were held in adult jail facilities. Attendant Care has been instrumental in changing the way youth are held on a pre-adjudicatory basis, bring the state into alignment with best practice and JJDP Act standards.

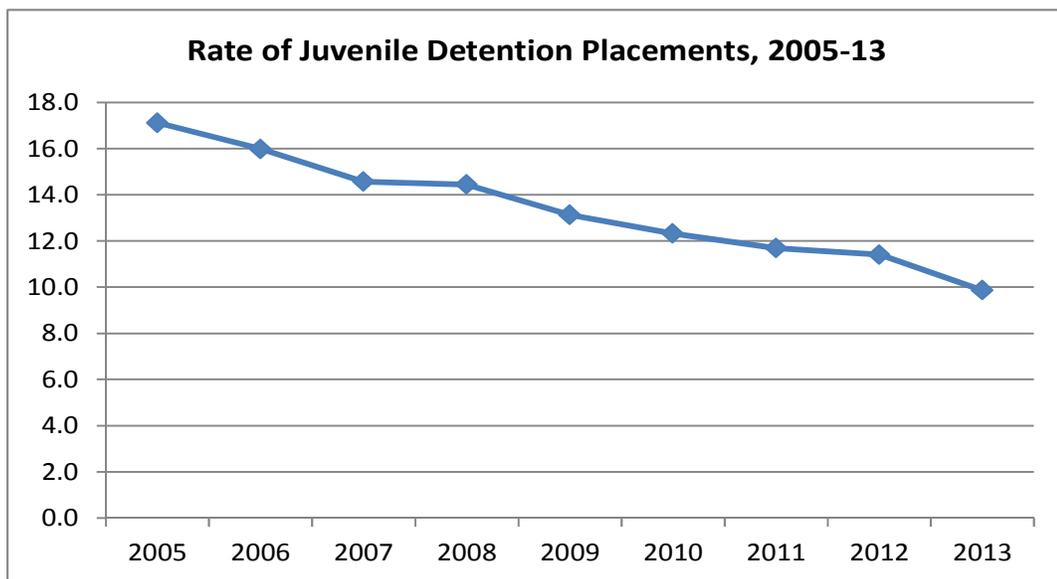
The charts below show the percentages of the types of offenses for which youth are placed in either Attendant Care or detention. As illustrated below, Attendant Care is primarily used for status offending youth (i.e. ungovernable, runaway, liquor violation), although some low-level delinquent offenders are held non-securely as well. This is encouraged as long as there are no safety concerns.

Secure juvenile detention is primarily used for the more serious delinquent offenders. Typically no more than 5 % of status offenders are taken to detention, and usually only

when there is a concern about the youth absconding or they are being held pursuant to the Interstate Compact. In terms of gender, approximately 30% of youth held in detention on an annual basis are female. This percentage does not fluctuate much from year to year.

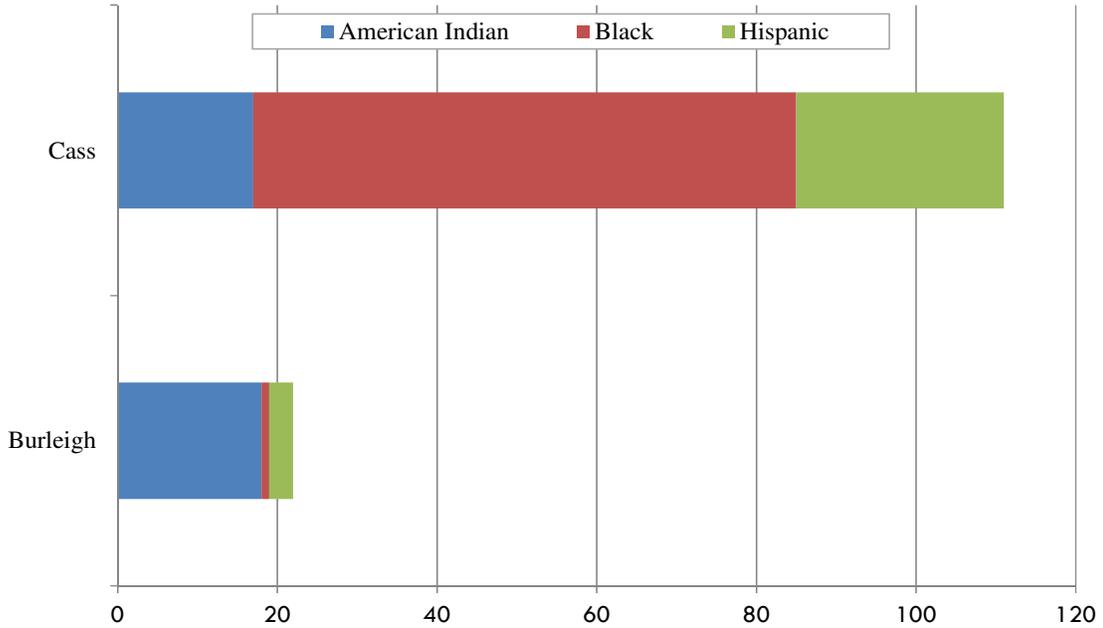


As indicated by the chart below, North Dakota’s detention rate has continued to decline over the last ten years, which could be attributable to the decline in arrests, and also to the stability of Attendant Care services, an increase in other community based services, and the implementation of best practices by the Juvenile Court with regard to the use of detention. According the OJJDP’s most recent release of the Statistical Briefing Book, North Dakota’s detention rate is much lower than that of the nation at 23 per 100,000 youth compared to 61 per 100,000 youth for the nation.



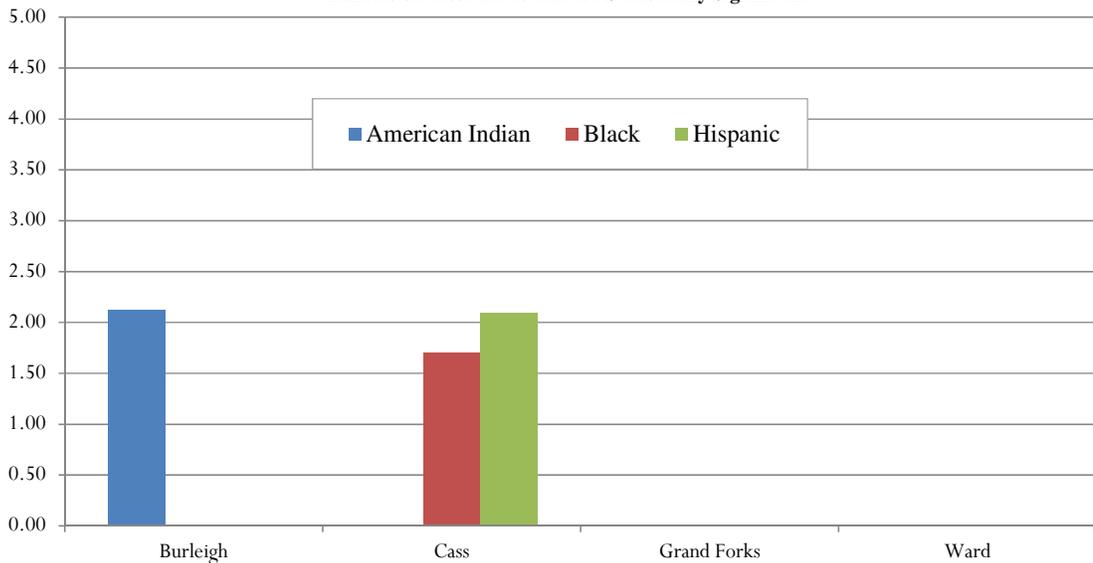
As indicated below and more fully discussed as part of North Dakota’s DMC Plan, Burleigh and Cass Counties have the highest number of minority youth placed in detention. The largest numbers are associated with Black youth in Cass County.

**Number of Juvenile DETENTIONS, CY2013 - by County and Minority Group**



Based on the Relative Rate Index Calculations for calendar year 2013, American Indian, Black and Hispanic youth are detained at rates one and a half to two times that of white youth.

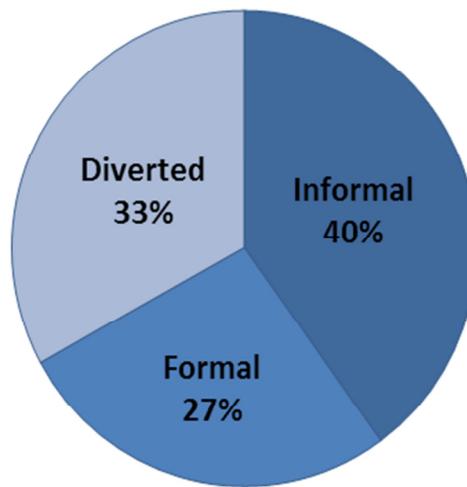
**Rate of Juvenile DETENTION, CY2013 - by County and Minority Group**  
Reflects on those Rates that are Statistically Significant



## Juvenile Court Data

All citations issued upon arrest are referred to the Juvenile Court. In addition, referrals to Juvenile Court are made by schools and parents. As discussed above, cases that are referred are processed in one of three ways: 1) diversion; 2) informal adjustment; and 3) formal adjudication. Below is the latest three-year average of juvenile court dispositions. As indicated, the majority of cases are diverted, either through straight diversion to programs or through the informal process in which no formal petition is filed.

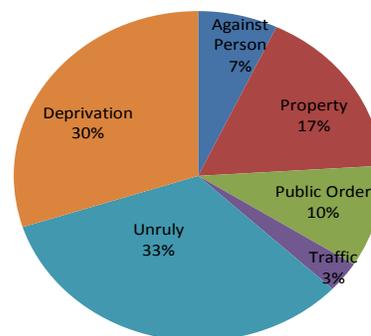
**Delinquent or Unruly Referral Intake  
3-Yr Avg 2011-2014**



Three-fourths of all youth referred never enter the formal courtroom and one-third never entered the courthouse at all because they were diverted to appropriate community programs.

The chart to the right shows a breakdown of the ND Juvenile Court Caseload by offense type for the latest three-year period. A good portion of the juvenile court cases were for status offenses while only a small number are for person or property offenses. This significant proportion of status offenses explains the high reliance on

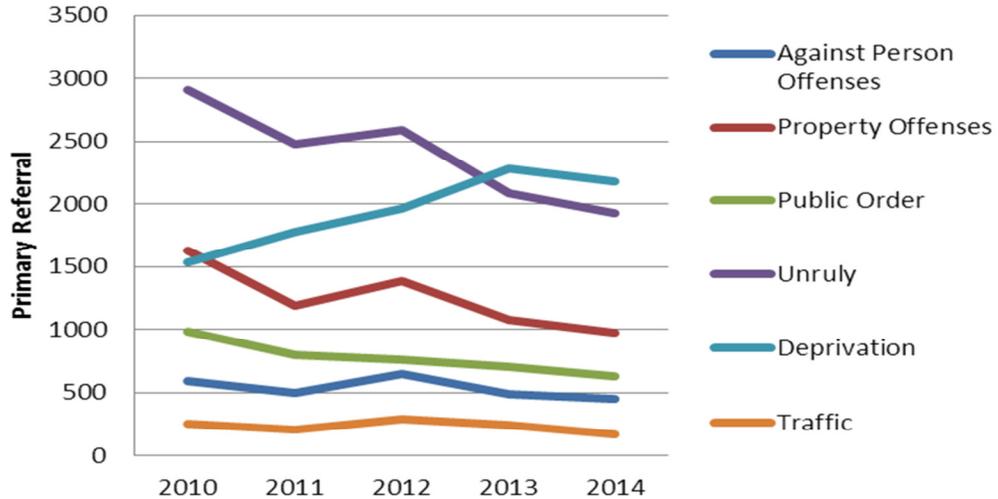
**Juvenile Court Case Types  
3-Year Avg, 2011-14**



diversion procedures. Possession or consumption of alcohol by a minor continues to be the most common reason for referral to Juvenile Court.

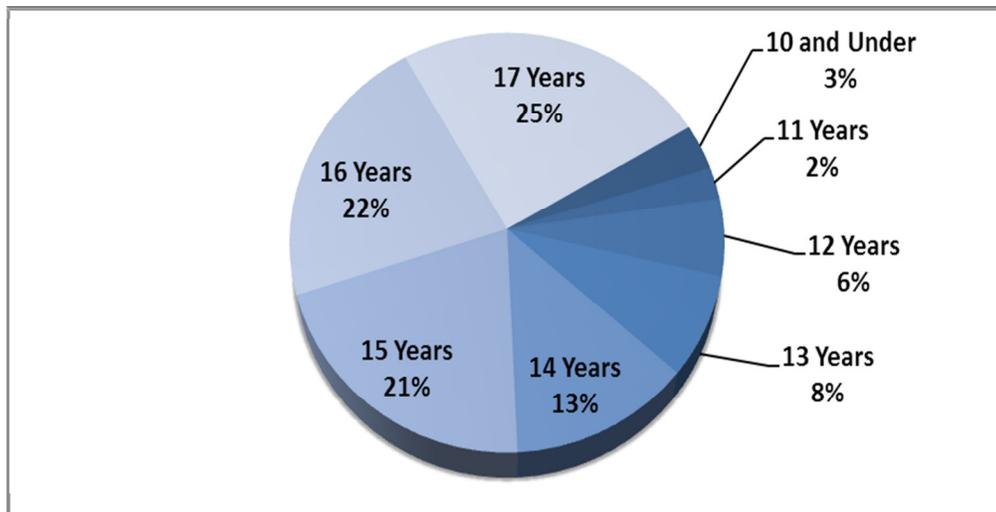
The chart below shows juvenile court referrals by type over time. All referral types have gone down over the last five years, with the exception of referrals for deprivation.

### Juvenile Referrals by Case Type Over Time

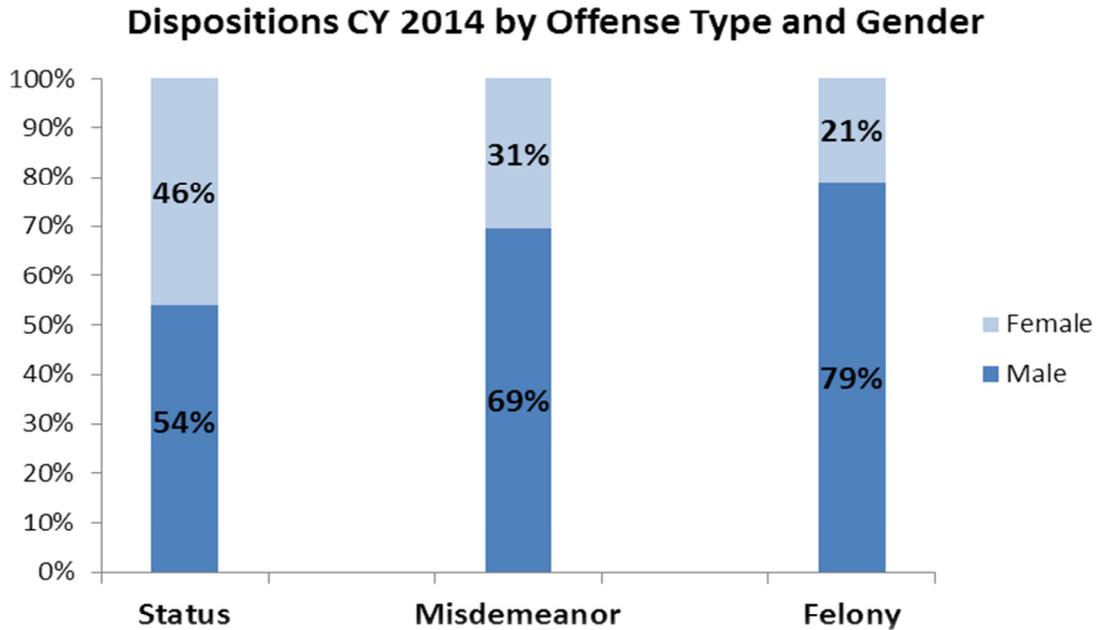


As illustrated below, and consistent with the arrest data, the highest percentage of referrals are for youth 17 years of age.

### Delinquent/Unruly Referrals by Age 3 Yr Avg 2011-2014

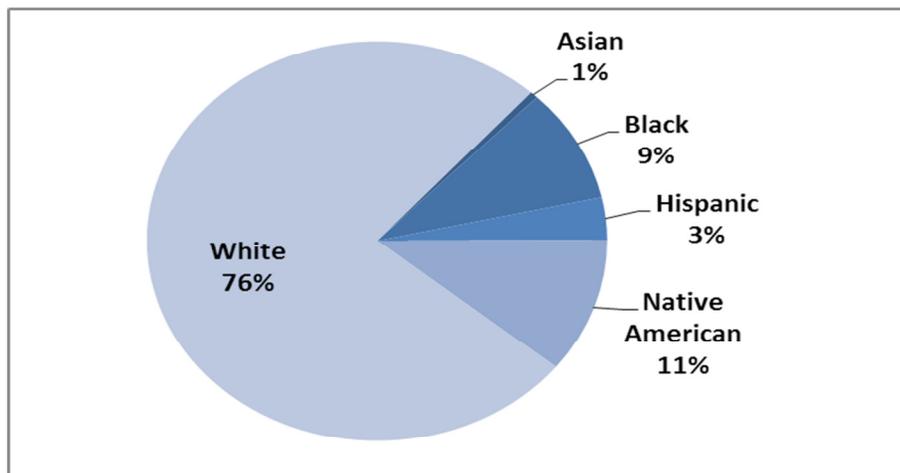


We can see below that males were more likely to be disposed for felony and misdemeanor offenses. Females had a much higher proportion of status offenses, and thus, more juvenile court dispositions for females were diverted. However, felonies committed by females in calendar year 2014 are up by 3% from calendar year 2010.



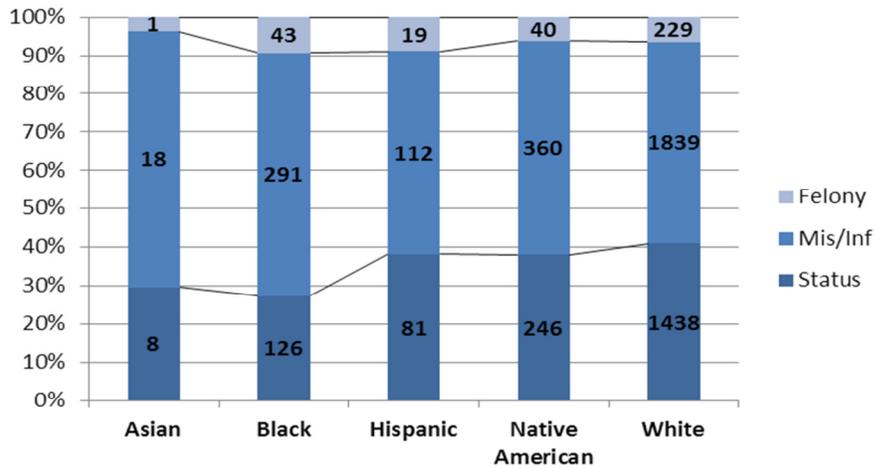
If we look at juvenile court referrals by race and ethnicity, we can see that the minority groups with the highest percentage of referrals are Native American and Black, consistent with the DMC data analysis.

### Delinquent/Unruly Referrals by Race 3 Yr Avg 2011-2014



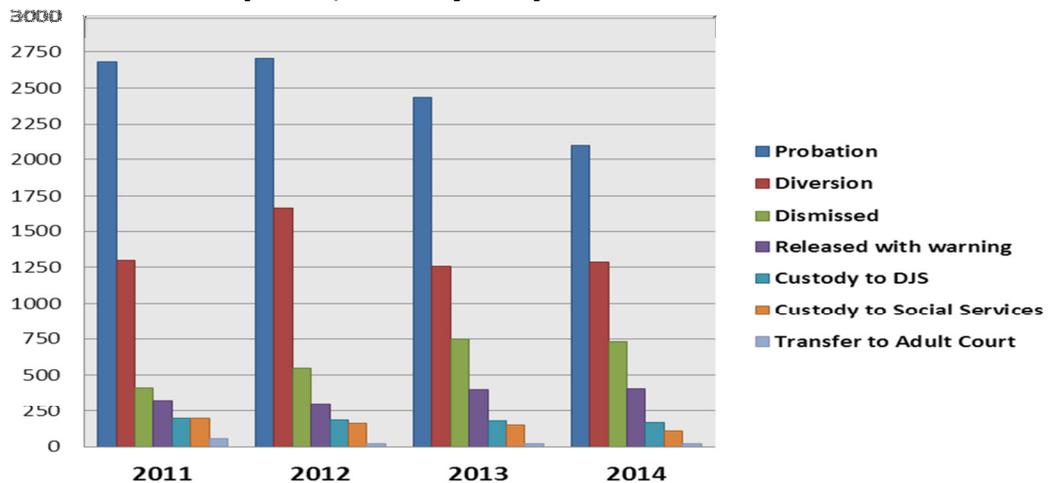
The chart below shows the offense level by race. There were very few Asian youth referred to juvenile court in calendar year 2014 and the majority of referrals were for misdemeanor offenses. Black youth had a higher percentage of referrals for misdemeanor and felony offenses compared to other racial groups. Felony offenses by Black youth are up 5% from calendar year 2010.

### Offense Level by Race, CY2014

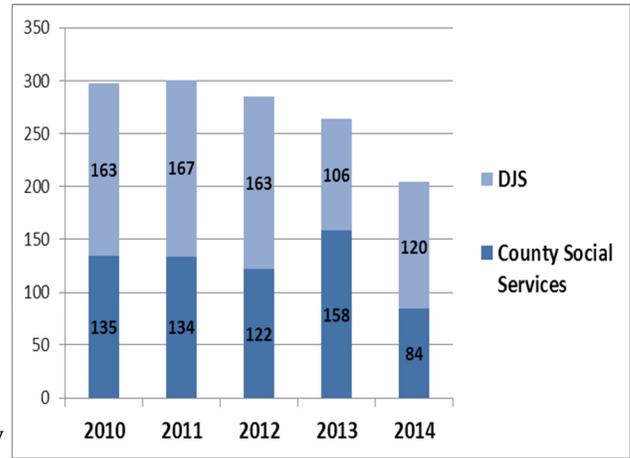


The chart below shows juvenile court dispositions for the latest three-year period. A majority of cases receive probation, primarily informal probation in which the juvenile admits to the charges and is referred to programming, but no petition is filed. If the case is processed formally, the juvenile may receive formal probation with regular meetings with a probation officer, or be committed to the care, custody and control of the juvenile corrections agency, the Division of Juvenile Services (DJS). For deprivation cases, custody is given to county social services. Very few cases are transferred to adult court.

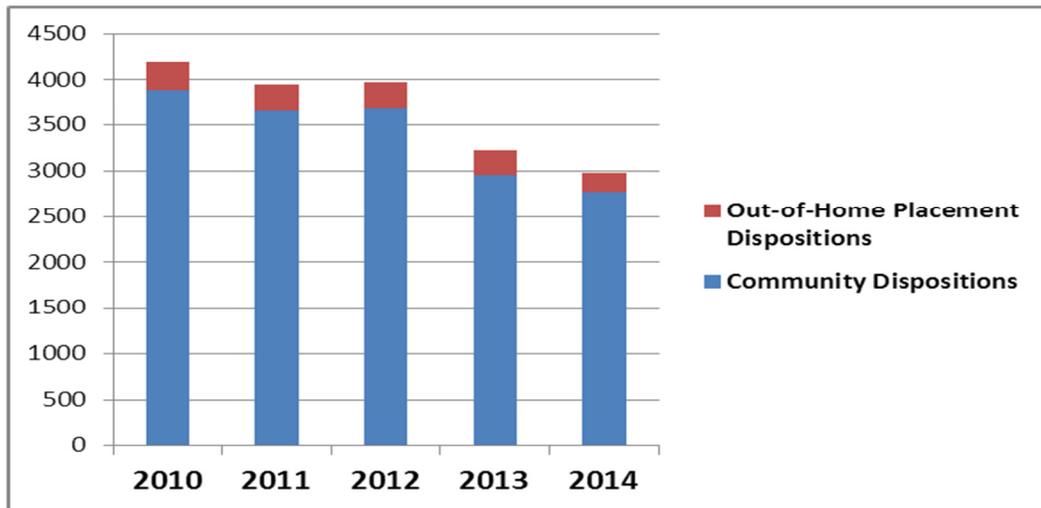
### Delinquent/Unruly Dispositions 2011 to 2014



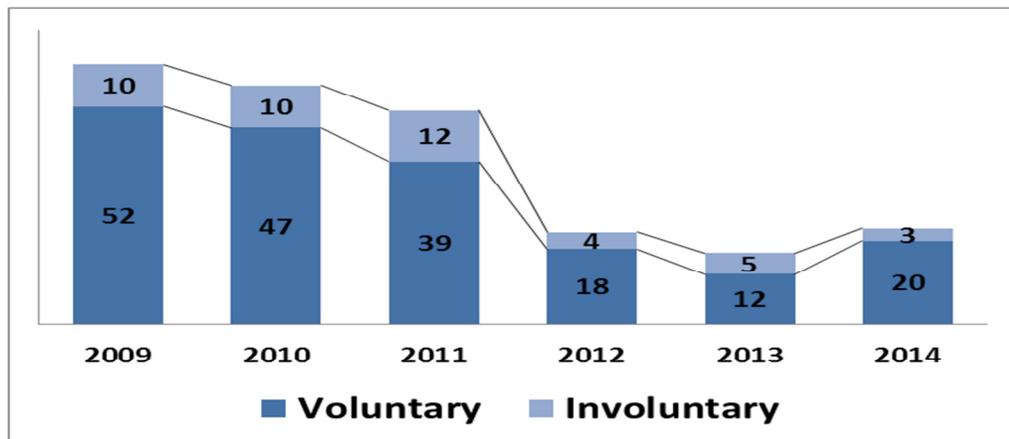
The court does not have the authority to place youth in a group home or residential treatment facilities or the state’s youth correctional facility. Only DJS or county social services, as custodial agencies, can place a youth in out-of-home care. As illustrated in the chart to the right, which shows dispositions for delinquent/unruly youth, there has been a decline over the last five years in the number of youth being placed out of the home, which is most likely due to the drop in court referrals as well as programming aimed at that goal.



As illustrated, most youth receive services and or supervision in their home communities.



There has also been a decline in the number of transfers to adult court, both voluntary and involuntary, as illustrated below.



## Other Social and Economic Conditions

The analysis began by looking at recent and future trends in youth population for the state of North Dakota, and some of the social conditions typical of rural states like North Dakota. In looking more specifically at the social and economic climate in the state, there are certain factors to be noted that may have an impact on juvenile crime. The unemployment rate in ND dropped over the last five years and is the lowest in the nation at 2%. This is attributable to a robust economy due to farming and the expanding exploration and extraction of oil and natural gas. The median income for families with children rose from \$49,276 in 1990 (in inflation-adjusted 2009 dollars) to \$58,814 in 2000 (2009 dollars) and most recently to \$70,530 in 2013.

This rise in prosperity has had a great influence on the condition of North Dakota's youth. North Dakota currently ranks 6<sup>th</sup> in an overall indicator composite index from Kids Count Data on Child Well-Being (up from 12<sup>th</sup> in 2008). The state's highest ranks among various indicators for states included:

- First in percent of *Children whose Parents Lack Secure Employment*
- Second in percent of *Teens Ages 16 to 19 Not Attending School and Not Working*
- First in percent of *Children Receiving Free or Reduced Price Lunch*
- First in percent of *Children Living in Households that are Owned*
- First in percent of *Children Ages 0 to 17 Living in Extreme Poverty*

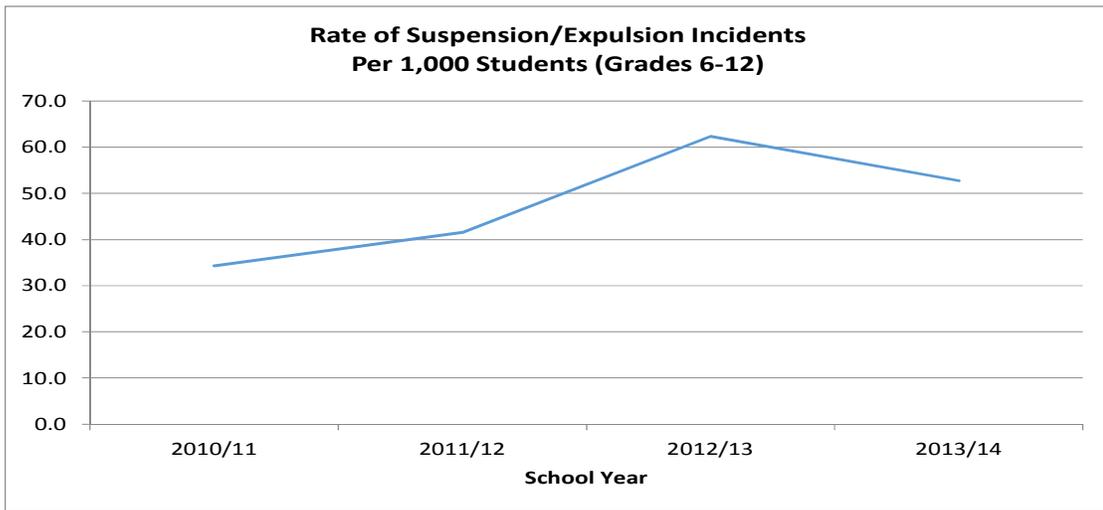
Thus, the region's increased economic activity has benefitted North Dakota youth and the financial stability of their home life. However, ND still has low ranks for important social well-being indicators:

- 29<sup>th</sup> in *Fourth Graders Below Proficient Reading Achievement Levels*
- 28<sup>th</sup> in percent of *Births to Women Receiving Late or No Prenatal Care*
- 42<sup>nd</sup> in percent of *Children Ages 3 to 4 Not Attending Preschool*
- 27<sup>th</sup> in *Infant Mortality Rate*
- 43<sup>rd</sup> in *Teen Death Rate*

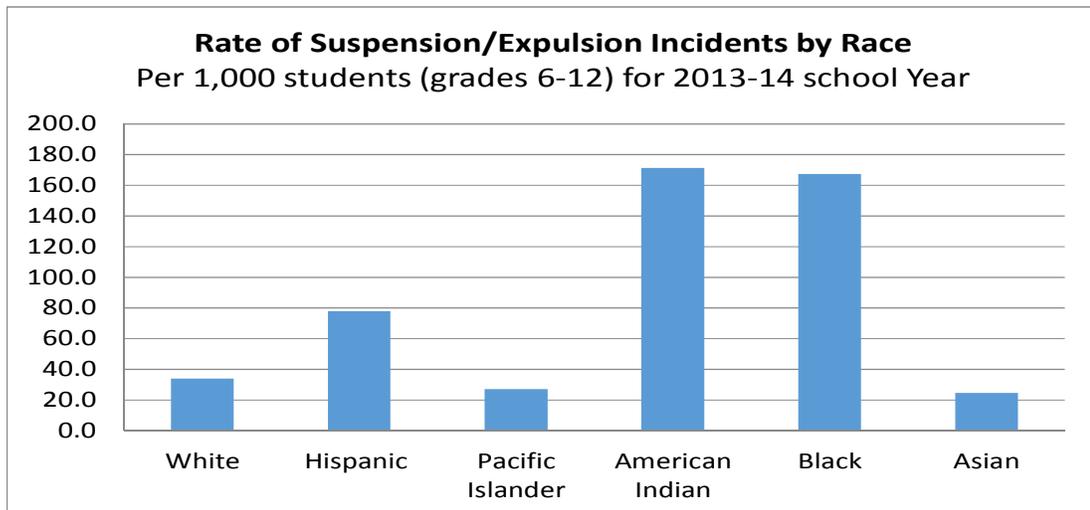
### Indicators of School Behavior and Safety

Fostering a safe, supportive, and productive learning environment to keep kids in school is critical to preventing juvenile justice system involvement, and thus, it is important to look at indicators of behavior at school and school safety.

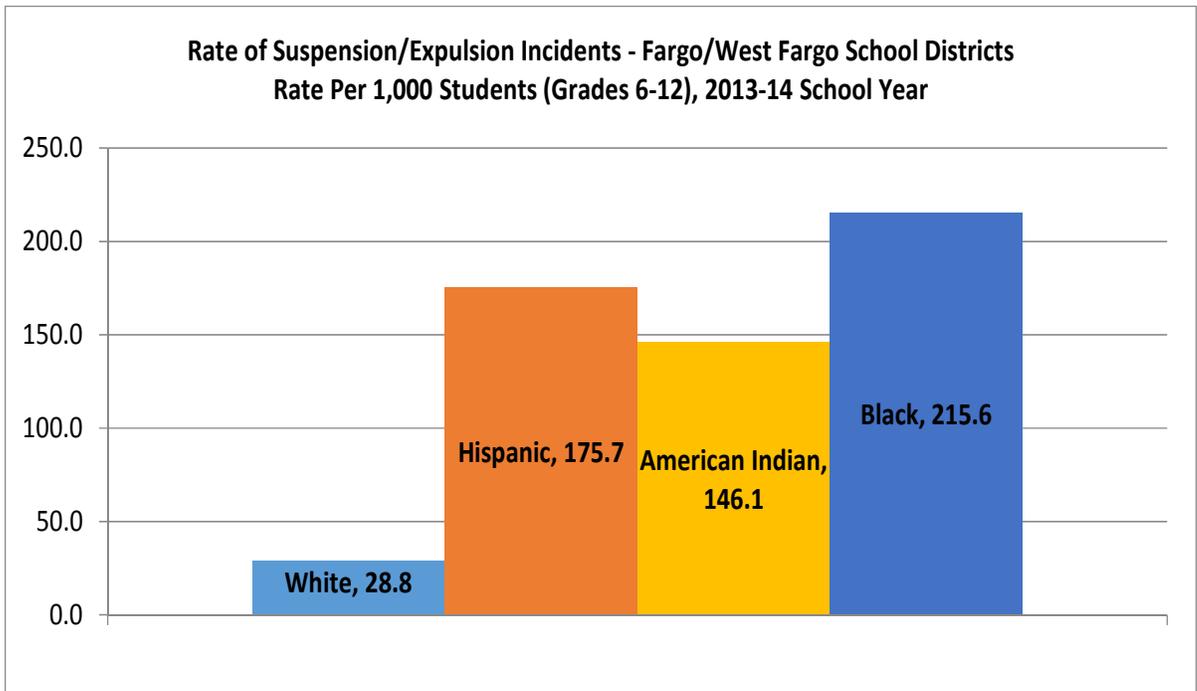
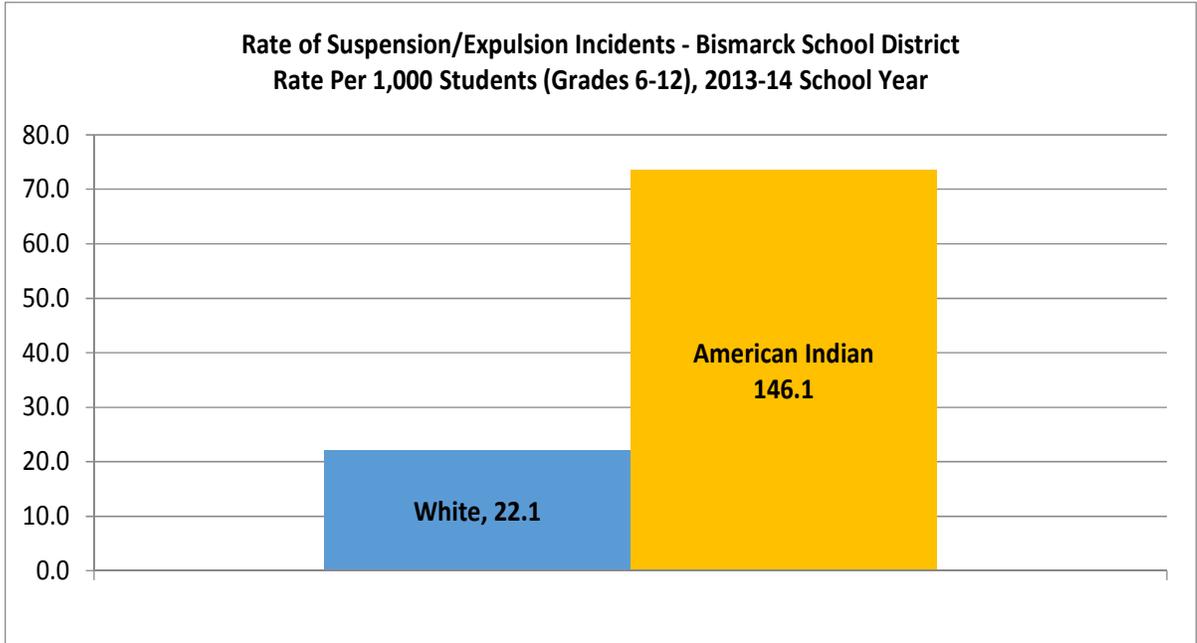
Youth who are suspended or expelled from school are more likely to end up in the juvenile or adult justice systems. Although there has been a slight decrease in the number of suspensions and expulsions over the last school year, as illustrated by the graph below, the rate of incidents is still significantly higher than three years ago (rate of 52.7 for the 2013-14 school year compared to a rate of 34.3 for the 2010-11 school year).



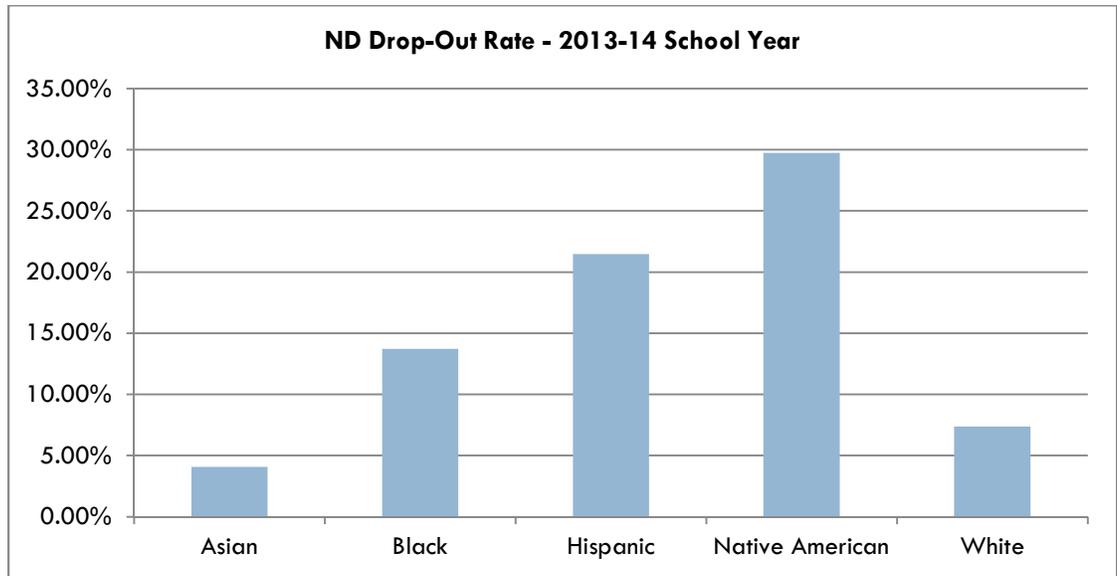
The national research shows that youth who are suspended or expelled are more likely to be racial or ethnic minorities and that also holds true for North Dakota. As illustrated by the graph below, American Indian and Black youth have much higher incident rates than white youth (rates of 171.4 and 167.5 for American Indian and Black youth, respectively, compared to a rate of 33.9 for White youth).



These rates become even more pronounced when looking at the data on a district-level. The charts below show the rates of suspension/expulsion for the Bismarck School District (Burleigh County) and the Fargo/West Fargo School Districts (Cass County), the two larger metropolitan statistical areas with a larger number of minority youth (i.e. the charts show those minority groups that had greater than 30 incidents) for the last school year.

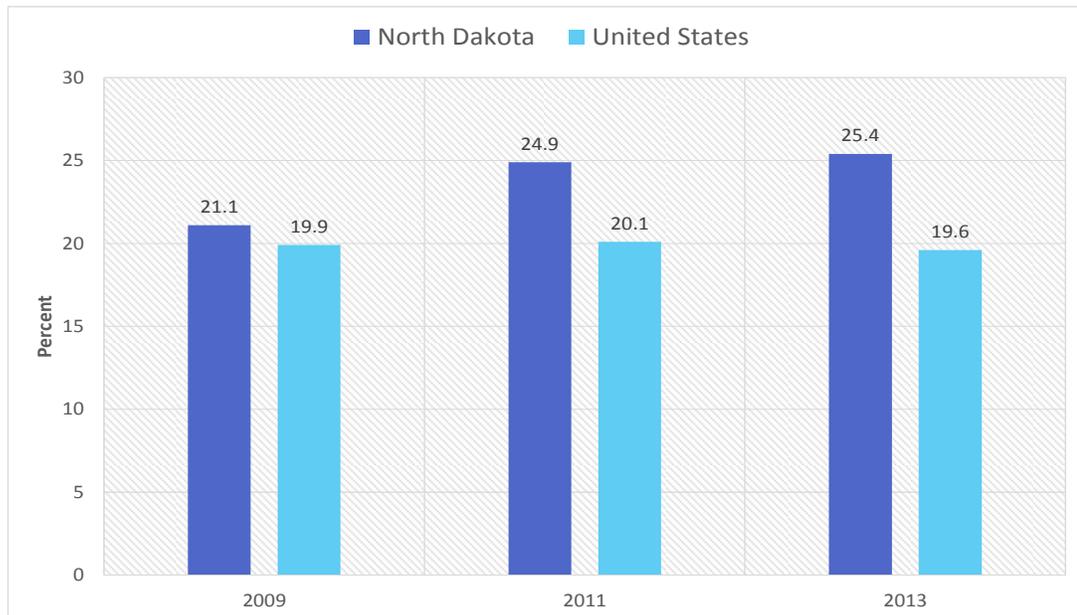


North Dakota’s overall school drop-out rate has declined slightly over the last five years but minority youth continue to have a much larger drop-out percentage than do white youth.



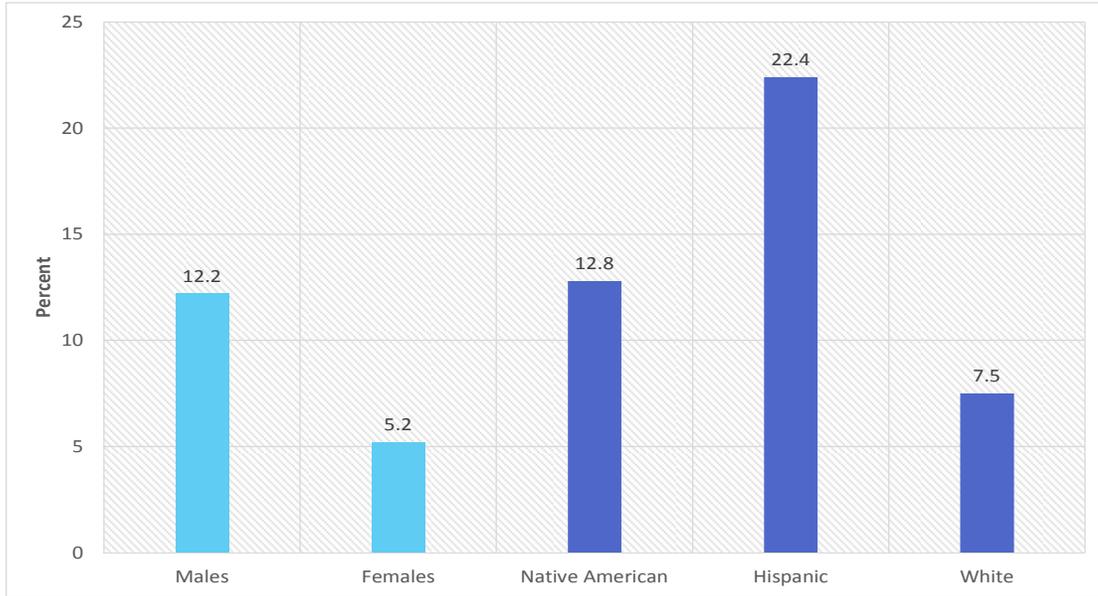
Other indicators of school behavior were included as part of the Youth Risk Behavior Survey. Based on the survey, as indicated by the chart below, North Dakota high school students, compared to those of the nation, are more likely to be bullied on school property.

**Percent of High School Students Bullied on School Property  
Youth Risk Behavior Survey**



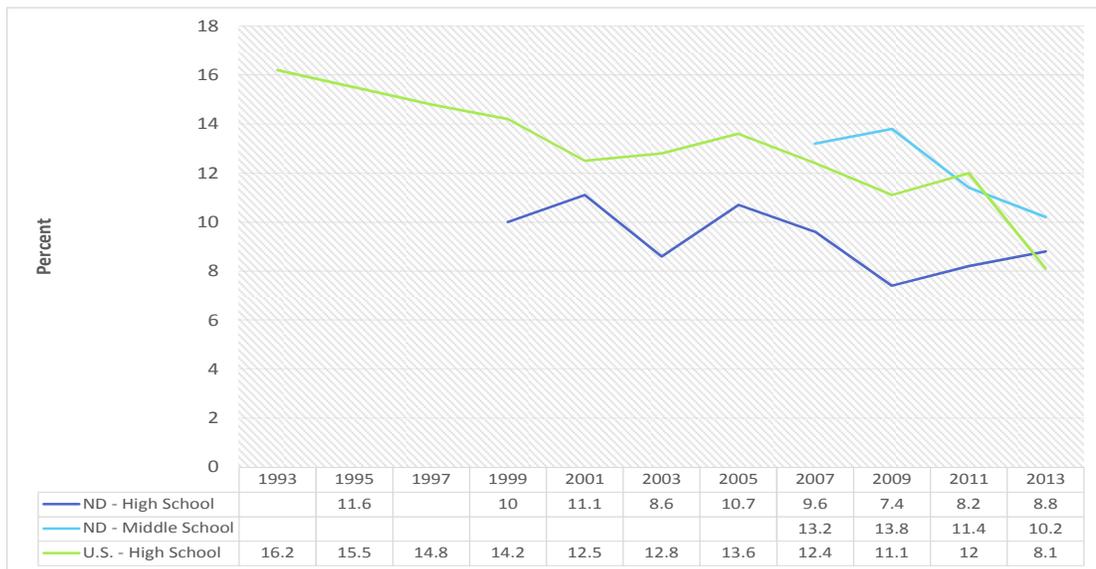
Based on the most recent Youth Risk Behavior Survey (2013), a larger percent of males and minority youth reported being in a fight at school.

**Percent of High School Students in Fight at School by Gender/Race  
Youth Risk Behavior Survey, 2013**



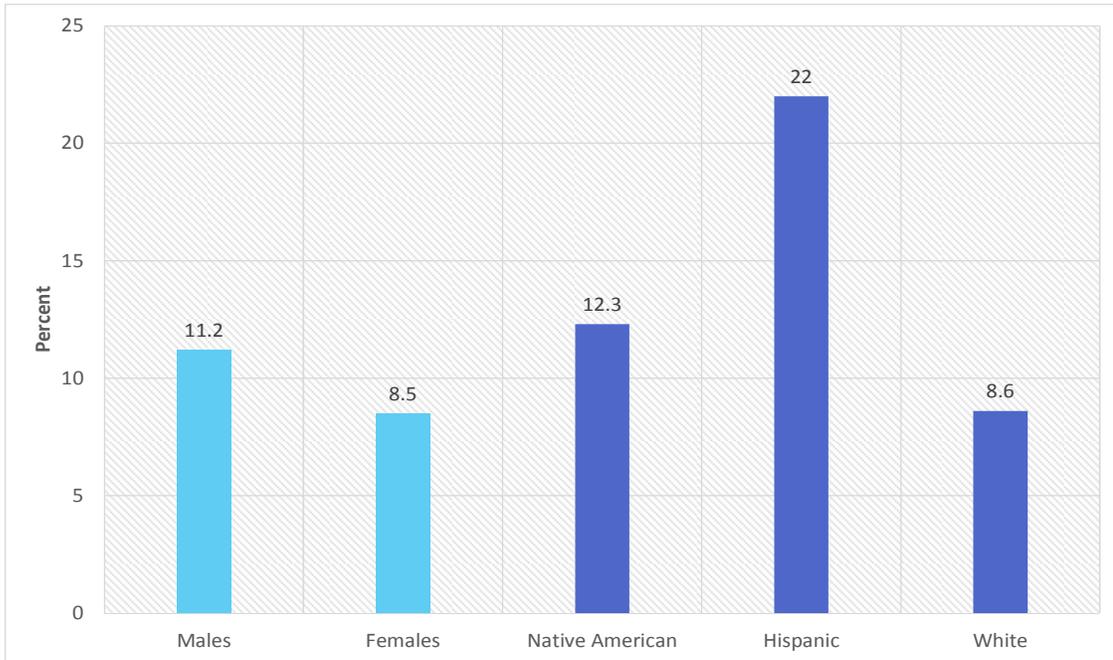
The percentage of North Dakota high school students reporting being in a physical fight at school has now passed that of the nation, and the percentage of North Dakota middle school students reporting it, although decreasing, is higher than North Dakota high school students and those of the nation.

**Percent of High School Students in Fight at School – ND compared to Nation  
Youth Risk Behavior Survey, 2013**



Based on the survey, 10% of high school students reported attending school under the influence of alcohol or drugs on one or more of the past 30 days. This percentage was higher for males and minority populations.

**Percent of High School Students Attending School Under the Influence  
Youth Risk Behavior Survey, 2013**



## **B. State Priority Juvenile Justice Needs/Problems Statements**

### **1. Alternatives to Detention**

As illustrated in the data analysis section, the implementation of an Attendant Care Program brought North Dakota into compliance with the JJDP Act by providing a plan for the removal of juveniles from adult jails and status offenders from secure facilities. The Attendant Care program was implemented with Title II Formula funds and dramatically reduced the number of juveniles held in adult jail facilities from over 1,400 prior to implementation to less than 5 per year on average, and currently provides a non-secure alternative for over 500 status offenders on an annual basis.

In addition, more recently, Attendant Care has allowed for North Dakota to be more consistent with best practice by supporting non-secure community-based services to keep low-level offenders from further penetrating the juvenile justice and child welfare systems. Several of the local Attendant Care programs operate as part of a Short Term Care and Assessment Center model. The model provides for shelter,

mental health screening, family assessment, counseling, and family reunification. This works well as an increasing number of youth picked up by law enforcement and placed into Attendant Care have numerous precipitating issues and often times present with parent-child conflict and anger. If the youth returns home without some sort of assessment and intervention, the underlying issues continue to manifest themselves with repeated instances of acting out behavior and future citations. Thus, providing assessment, intervention, and/or reunification services in combination with Attendant Care services has a significant impact on the reduction of at-risk behavior and helps minimize the need for future placements into detention, foster care, or juvenile corrections. It is the state's intent to build these services to work in conjunction with Attendant Care in other areas of the state, in particular the more rural areas.

JJDP Act Title II Formula funds for Attendant Care are made available to any county or tribe in the state (or private agency authorized by the county or tribe) that has been approved by the juvenile court to provide the service. There are currently nine Attendant Care sites throughout the state, including a tribal site. The Attendant Care site administered by the tribal government has been in operation since the implementation of the program and provides supervision to approximately 50 American Indian youth per year. Another Tribe in the state is currently exploring the possibility of establishing Attendant Care services.

As shown with the crime data analysis, the largest percentage of arrests and juvenile court referrals are for status offenses and thus, presents a significant need for having a non-secure supervision option. The counties operating Attendant Care sites have recently budgeted a good portion of the costs associated with operation of the program; however, Title II Formula funding is still needed to augment county dollars to maintain the stability of the service and build other community-based services in conjunction with Attendant Care in order to address the issues that bring the youth in contact with the system. Maintaining a stable network of Attendant Care sites throughout the state is critical to maintaining compliance with the JJDP Act, and thus, identified by the North Dakota Juvenile Justice Advisory Group (SAG) as the number one priority.

## **2. Disproportionate Minority Contact (DMC)**

North Dakota's DMC analysis clearly indicates that disproportionality exists with minority youth in the North Dakota's juvenile justice system, particularly at the front end of the system, with arrests and detentions. As more fully discussed in the state's DMC Plan, the Relative Rate Indices that are the most significant and have the

greatest volume of activity are at the point of arrest for Native youth in Burleigh County and points of arrest and detention for Black youth in Cass County.

DMC assessment studies were conducted in both Burleigh and Cass Counties and recommendations were made that focused on training opportunities, court liaison services, development/enhancement of programs, and utilizing objective screening criteria. The SAG has awarded funding to service providers in both Burleigh and Cass Counties to address the recommendations in the assessment reports.

In its 9/30/14 finding of compliance letter, OJJDP strongly encouraged North Dakota to prioritize and increase efforts aimed at eliminating systemic racial and ethnic disparities. North Dakota's SAG recognizes the significance of this issue and has made it one of two areas of reform upon which to focus its efforts (the other being the school-to-prison pipeline discussed below). The DMC subcommittee of the SAG has been focusing on the assessment recommendations and developing a multi-pronged approach to reducing minority involvement in the system by taking into account existing resources and identified gaps in services. Some of the services that are currently being funded with federal formula dollars will be picked up by state general funds in the next biennium. Title II Formula funding is being allocated over the next three-year planning period to continue those programs that are meeting clearly established objectives in this area, as well as for continuing training opportunities for system partners and developing additional intervention services.

### **3. School-to-Prison Pipeline**

North Dakota's SAG reviewed the two publications from the National Academy of Sciences on juvenile justice reform (*Reforming Juvenile Justice: A Developmental Perspective* and *Implementing Juvenile Justice: The Federal Role*), and identified two areas to direct reform efforts -- DMC, as discussed previously, and the School-to-Prison Pipeline. There were many factors, in addition to the data, that lead to the School-to-Prison Pipeline being chosen as an area to focus reform: 1) There is a strong correlation with DMC - the other priority area of the SAG - with one of the recommendations from the DMC assessment studies being to further study this issue; 2) It is one of the top areas for reform as recognized by the launch of the Supportive School Discipline Initiative; and 3) It coincides with the SAG's belief that the state needs to keep low-level offending youth from formal handling and incarceration, as well as its long-standing priority of keeping kids connected to school.

The SAG has been trying to gather more information on this issue over the last several years, with various discussion at SAG meetings about it, including the North Dakota Supreme Court's establishment of a school-justice partnership state team, the work of the school resource officer, and use of restorative justice in schools. After

identifying the issue as a priority for reform efforts, the SAG established a School-to-Prison Pipeline subcommittee to develop objectives that would expand or enhance work in this area. Both a national and state perspective was provided on the issue at a recent SAG meeting, with presentations by the Coalition for Juvenile Justice and the North Dakota Department of Public Instruction.

The research shows that kids who are suspended or expelled from school are more likely to end up in the juvenile justice or adult criminal justice systems, and also that those kids are also more likely to be racial or ethnic minorities. The data analysis indicates that minority youth in North Dakota are suspended at a much higher rate than white youth. In addition, Native youth have drop-out rates that are significantly higher than all other races.

In addition to being suspended or expelled, it seems youth are also finding themselves arrested or referred to juvenile court for behavior at school. The data analysis points to some indicators for this, but the extent to which this is happening is somewhat unknown due to lack of data collection and reporting. The Cass County DMC assessment study indicates that this is a valid issue as the data showed that “disturbance at school” was the second most common offense for which Black youth were cited, although not in the top ten of offenses for white youth. Black youth were also more likely to be cited for disorderly conduct and assault, offenses which in some cases can be somewhat subjective.

Resources have previously been allocated to address the School-to-Prison Pipeline issue with funding provided for training by the National Association of School Resource Officers, several school-based programs, and implementation of the Effective Police Interactions with Youth Curriculum. However, additional resources are needed to focus on the issue, and thus, Title II Formula funding has been allocated over the next three-year planning period for the objectives that are in the process of being established by the SAG.

## B. COORDINATION OF STATE EFFORTS

- i. Provide an overview of state efforts and plans to promote youth development and well-being and prevent negative consequences, including delinquency, and explain how youth justice work funded through this award fits into the state’s overall efforts.**

There are many community-level efforts that support developmental “assets” among youth in North Dakota (i.e. 4-H, YMCA, Big Brothers/Big Sisters, Boy and Girl Scouts) and the specific programs and/or their level of involvement depends upon the community or area of the state. There are also several models of positive youth outcomes that are used in North Dakota by various agencies and organizations, including the Targeting Life Skills, 40

Developmental Assets and Circle of Courage. Thus, North Dakota has a philosophy that guides the way organizations provide services, supports and opportunities to youth.

Agencies and service providers in North Dakota that work with youth and families have shifted their focus from solely a reduction in negative behaviors to include promoting healthy and positive outcomes for youth through a strength-based approach. The approach recognizes that all adolescents have strengths and the children and youth will develop in positive ways when these strengths are aligned with resources. Particularly, the philosophy of professionals that work with youth in the juvenile justice system has changed from a punitive-based approach to a therapeutic approach that focuses on restorative practices, skill building, counseling, and “wrap-around” services. The state has several major non-profit agencies that have worked with youth and families for over 30 years. It is through these community-based providers that a whole host of activities, opportunities, and supportive services are offered.

It is recognized by agencies and community providers that youth and families need to have a voice and be actively engaged, and that approaches need to be developmentally appropriate. In most cases there is a “team” approach to case planning and treatment that includes the youth, family, and other supportive people as equal partners. It is recognized that youth need to have supportive relationships and engage in school and community activities in order to nurture resiliency in youth and build on their strengths. State and local agencies and community providers collaborate on many levels with the understanding that it takes more than one agency to provide all of the services and supports that youth need.

To the extent possible, agencies and providers work to develop services that are culturally competent, or at least provide cultural awareness. The intent has been to enhance existing programs as well as create new activities outside of traditional youth programming. Activities and programs are geared toward keeping youth connected to their cultural traditions. State agencies collaborate with tribal organizations to enhance partnerships to increase understanding, address needs, and provide training.

The North Dakota justice system is working to ensure racial fairness. Racial and ethnic justice has been made a priority by the North Dakota Supreme Court. The Supreme Court had established a Commission to Study Racial and Ethnic Bias to ensure equity in decision-making. The commission released a report with recommendations which included exploring the use of a single statewide tool to guide detention decisions, juvenile minority liaison program in counties demonstrating a need, culturally sensitive programming, equal access to diversion, and training to increase cultural sensitivity. An implementation committee was established and is currently working on the report recommendations. The committee is being expanded to include families and cultural groups in the discussion.

State agencies are working to create a better understanding among professionals that work with youth of adolescent development and identifying mental health issues. A Mental Health Training Curriculum for Juvenile Justice that was developed by the McArthur Foundation’s Models for Change/Juvenile Justice Action Network is being provided on a

regional basis to agencies and organizations that work with youth, including private non-profit agencies, law enforcement, staff that supervise youth on a pre-adjudicatory basis, juvenile court, county social services, and human service center staff. In addition, a Youth Mental Health First Aid training is to be rolled out to school personnel.

North Dakota uses a wraparound process for youth identified with mental health issues. The process has core elements but is not a program or service; it not something you “get” but rather something you “do”. It is based on individualized, strength-based planning. It provides for teams that include the child and family as select members of the team as well as other informal and natural support people, not just service providers. The planning includes services across system lines and involves all providers and services.

Although the juvenile justice system tends to be problem-focused, it is infused with youth development principles. The North Dakota juvenile justice system has established a mission of repairing harm, reducing risk and creating opportunities. Agencies work collaboratively in a manner that best serves the best interest of youth, families, and communities. System effectiveness is no longer measured just by recidivism, but rather by establishing positive youth development outcomes. This information is used in a variety of ways, including program development/enhancement and as support for state budgets.

Agencies understand the need to keep youth connected to their community and school. Juvenile justice system agencies operate with a philosophy of least restrictive most appropriate levels of care and that community-based options are utilized to the extent possible to address risk factors and keep from engagement in the juvenile justice system. Even the juvenile corrections agency, the deepest end of the juvenile justice system, focuses on community-based options through a statewide case management system with supportive services.

The programs and activities to be funded with JJDP Act Title II Formula funds (i.e. non-secure community-based services, DMC, and school engagement) fit well into the state’s philosophy of providing least restrictive care through community-based options and services, ensuring that youth with different racial backgrounds feel accepted and are treated fairly, and keeping kids connected to their school and community.

**ii. Describe what is being done by the designated state agency to partner with non-justice system agencies and other stakeholders who have a vested interest in or influence to enhance, leverage, and expand the work in the juvenile justice arena.**

The North Dakota Division of Juvenile Services (DJS), within the North Dakota Department of Corrections, is the agency designated by the Governor’s Office to administer compliance with the federal Juvenile Justice and Delinquency. DJS partners closely with many state and local agencies, including the North Dakota Department of

Human Services (DHS), Department of Public Instruction (DPI), county social services, local schools, and an array of private providers where applicable.

In North Dakota, the psychiatric residential facilities, residential child care facilities, and treatment foster homes are utilized by youth from the child welfare system as well as youth within the juvenile justice system. The DHS promulgates rules, licenses, and oversees all of these out-of-home placement options. Thus, DHS through its Division of Children and Family Services and its Division of Behavioral Health, has influence over the care provided for juvenile justice system youth who must receive services in a residential setting. DHS can ensure that residential environments are safe, productive places for youth, with appropriate management strategies and services in place to adequately serve juvenile justice system youth. In a cooperative effort to improve conditions in the residential continuum, and to provide a mechanism for continuous quality improvement, DJS and DHS have partnered to implement Community-based Standards (CbS). DHS has placed the expectation of participation in CbS into the licensing rules, and has provided the site funding for each facility. DJS provides the technical expertise to oversee data collection, data analysis, and the development of facility improvement plans. Collectively, this process is known as “coaching”. DJS coaches all facilities across the state during twice-yearly data collection events as well as during goal-setting and implementation efforts between data collection periods. This effort enhances the quality of care for all youth served. It is a remarkable effort in leveraging resources and creating access for youth in either system to appropriate levels of residential care.

At the local child welfare level (i.e. county social services), child welfare social workers, regional foster care supervisors, and DJS staff work together at quarterly child and family team meetings to ensure youth’s specific treatment plans are up-to-date and meet all of the expectations for safety, permanency and well-being. DJS staff is fully cross-trained in the child welfare system training, and also serve on federal foster care compliance audit teams. There is a county social service director on the North Dakota Juvenile Justice State Advisory Group (SAG).

The DJS works with state and local education agencies on a continuous basis as well. At the state level, DJS staff serves on the State IDEA Advisory Board, which connects DJS to the special education processes as they evolve. There is a high prevalence of special education needs in the juvenile justice population, and it is important that juvenile justice and special education foster an effective pathway for communication. Conversely, the special education division within DPI has representation on the SAG.

Local education agency representation serves on the SAG as well. In addition to special education needs, juvenile justice youth present other behavioral and educational challenges in the public schools. At the local level, DJS case managers cultivate relationships with school administrators. School administrators are invited to child and

family team planning processes. DJS has a formal notification process for informing schools of any impending movement of youth in or out of any public school. A full-time school transition coordinator, sited within DJS, coordinates the movement of student records as DJS youth move around within the system and between public schools. Communication between schools and DJS about case planning, youth movement, and the behavioral health needs of students serves to best leverage resources for students, and enhance the likelihood of successful transition back to the home school following a period of juvenile justice system involvement.

The DJS recognizes that schools face enormous challenges in managing youth with special behavioral needs. DJS and local education agencies have long co-funded Day Treatment classrooms that serve to prevent at-risk youth from penetrating the deep end of the juvenile justice system. This partnership has proven highly effective in reducing incidents of contact with law enforcement and the juvenile court. Youth are identified for placement into the classroom by the school, child welfare, or juvenile justice system personnel. A local team made up of representatives from each of these agencies screens youth in and out of the program, which serves to invest all agencies in the continuing success of the service. This leverages a combination of local and state dollars to provide highly effective early intervention and prevention for behaviorally challenging youth who are not categorically eligible for special education services.

The DJS partners with other non-profit child serving agencies in a variety of ways. DJS and the juvenile courts pool money to purchase intensive in-home therapy from private providers in the effort to intervene with families early, and so prevent further penetration into the juvenile justice system. This is an expensive but highly effective method of early intervention for families and their youth. There are also similar efforts to provide restorative justice programming for youth who are either at the front or deep end of the juvenile justice system. These cooperative funding efforts maximize the impact of programming, reaching larger numbers of youth and families than could be reached by either the juvenile court or the DJS by themselves.

The DJS was able to secure grant funding for a mental health in juvenile justice curriculum. Trainers from youth corrections, juvenile court, and several non-profit agencies that serve at-risk youth have been trained. The training is being delivered statewide to groups whose staff engages with juvenile justice system youth. Time, resources, training space, etc. are cooperatively shared in order to maximize the effectiveness of the program delivery.

DJS also works with small agency efforts that are more localized when possible. For example, a Lutheran congregation has expressed interested in supporting youth transitioning from secure care into their home community, and staff have joined with the church staff to attend training in a model for delivering that service.

**iii. Discuss challenges and plans to improve coordination and joint decision making.**

The challenges are always resources and personnel. Agencies are understaffed, making time to attend joint planning and decision-making a premium commodity. Resources are always scarce. State funds are never adequately allotted for the needs presented. Fortunately, North Dakota agencies, public and private, have a long history of cooperation and sharing resources. Relationships are understood to be the foundation for every effort, and communication is the key to sustaining healthy relationships. Therefore, highly prized time is always set aside for coordination and cooperation efforts. It is important that agency leaders, wherever the top of the organizational structure resides, agree to principles of mutual support, respectful relationships, and collaboration whenever possible. Agencies and providers are committed to coordination wherever they are able, and seeking new opportunities whenever they arise.

## C. GOALS AND OBJECTIVES

### ALTERNATIVES TO DETENTION

**Goal:** Maintain a stable network of non-secure supervision sites (i.e. Attendant Care) for status and low-level offending youth as an alternative to secure detention that works in conjunction with community-based assessment and intervention services. (Program Areas: 3 Alternatives to Detention, 5 Community-Based Programs and Services, 24 Indian Tribe Programs).

**Objectives:**

- Objective 1 - Support nine non-secure community-based placement options throughout the state to serve as an alternative to secure detention (i.e. Attendant Care);
- Objective 2 - Support a comprehensive array of services for youth temporary placed in Attendant Care, such as assessment, crisis intervention, and family reunification services;
- Objective 3 – Maintain low DSO and Jail Removal rates;
- Objective 4 - Support alternatives to detention on the Native American Reservations;
- Objective 5 - Reduce the disproportionate confinement of minority youth in secure facilities, on and off the Reservation; and
- Objective 5 - Increase support from local government in the development and expansion of community-based programming that could work in conjunction with Attendant Care.

## **DISPROPORTIONATE MINORITY CONTACT**

**Goal:** Reduce racial and ethnic disparities in the juvenile justice system (Program Area: 21 Disproportionate Minority Contact).

### **Objectives:**

- Objective 1 - Provide training for service providers, school personnel, law enforcement and other system personnel to increase their effectiveness of working with minority youth;
- Objective 2 - Utilize objective screening criteria in determining the use of detention;
- Objective 3 - Establish and/or enhance juvenile court liaison services to work with minority youth and families;
- Objective 4 - Engage minority youth and families in determining and addressing factors that lend to youth's involvement in the juvenile justice system;
- Objective 5 - Develop or enhance programs that would work to reduce or prevent minority youth's involvement in the juvenile justice system and a greater connection to and engagement with the community;
- Objective 6 - Examine and address the use of citations issued at school for minor misconduct.

## **DIVERSION**

**Goal:** Increase the number of youth engaged in school by decreasing the number of suspensions/expulsions, drop-out rates, and/or referrals to juvenile court for behavior at school (Program Area: 22 Diversion).

### **Objectives:**

- Objective 1 - Increase understanding among school and juvenile justice system staff of "school-to-prison pipeline" issues (i.e. policies and practices that tend to push youth out of the school system and into the juvenile justice system);
- Objective 2 - Gather data on disciplinary actions and referrals to juvenile court from schools/school resource officers to examine the extent of the issues;
- Objective 3 - Establish dialogue between school personnel and the courts about better ways to handle behavior and address risks and needs of youth;
- Objective 4 - Train school personnel on the use of positive behavioral interventions for at-risk students;
- Objective 5 - Create appropriate limits on the use of law enforcement in schools through policy and/or clearly defined MOU's;

Objective 6 - Explore the use of requiring intervention or diversion steps as a prerequisite for referral to juvenile court;

Objective 7 - Implement non-punitive programs aimed at addressing needs and identifying students at risk for school disengagement.

## **PLANNING AND ADMINISTRATION**

**Goal:** Administer JJDP Act Title II Formula funding to provide comprehensive planning and program development capability in coordination with state and local resources (Program Area: 28 Planning and Administration).

### **Objectives:**

Objective 1 - Maintain a thorough monitoring and reporting process to ensure that North Dakota continues to comply with all JJDP Act mandates and requirements and all federal administrative requirements while providing a mechanism for juvenile justice planning and system improvement;

Objective 2 - Enable the North Dakota State Advisory Group to function in an effective and efficient manner;

Objective 3 - Maintain a financial assistance mechanism to state agencies and general units of local government using JJDP Act Formula funds;

Objective 4 - Maintain comprehensive juvenile justice planning, data analysis, technical assistance, program development, and training capability.

## **STATE ADVISORY GROUP**

**Goal:** To provide for an advisory body to study juvenile justice issues and make recommendations, supervise the preparation and administration of North Dakota's three-year plan and its implementation, allocate Title II Formula funding, and disseminate information (Program Area: 32 State Advisory Group).

### **Objectives:**

Objective 1 - Maintain State compliance with the JJDP Act;

Objective 2 - Address priority issues for juvenile justice as identified in North Dakota's Three-Year Plan;

Objective 3 - Review and award Title II Formula grant funding based on the priorities established in the plan;

Objective 4 - Provide a forum for dissemination of information concerning juvenile justice issues and/or initiatives;

Objective 5 - Conduct planning and oversight of Formula Grant activities.

## D. IMPLEMENTATION (ACTIVITIES AND SERVICES)

Detailed below are the goals that have been established for the use of Title II Formula funds, as reiterated from above, followed by the activities and services to be provided over the three-year planning period to accomplish the objectives and progress toward the goal.

**Goal:** Maintain a stable network of non-secure supervision sites (i.e. Attendant Care) for status and low-level offending youth to work in conjunction with community-based assessment and intervention services.

- Through the statewide Attendant Care Program, funding will continue to be made available to assist local government, including tribal governments, in operating non-secure “holdover” sites for unruly and/or low-level delinquent juveniles who have been picked up by law enforcement and need short-term supervision on a pre-adjudicatory basis.
- Attendant Care services provide constant supervision of a juvenile in a non-physically secure setting. Attendant Care is short-term supervision (48 hours or less) and designed for juveniles who are awaiting release to a parent/guardian or a court hearing and their suspected offense or criminal history does not warrant placement in a physically secure setting. Reimbursement of costs associated with providing Attendant Care services will be provided for those juveniles who have been taken into law enforcement custody due to a citable charge and cannot be immediately released to a parent or guardian. Guidelines with regard to the reimbursement eligibility have been established and will be maintained and updated, as applicable.
- In some areas of the state, Attendant Care works in conjunction with other community-based services such as assessment, crisis intervention, and family reunification to address the issues that may have precipitated the placement. Development of those services in other areas, including the more rural areas of the state and those that service a larger number of minority youth, will be encouraged and supported to the extent possible.
- The use of Attendant Care for status and low-level delinquent offenders will continue to be encouraged with law enforcement and the juvenile court, in particular for minority youth and those youth who would not score high enough on the detention screening tool to warrant placement in a secure facility.
- Discussions with county commissions and tribal representatives will continue in order to increase the support for and stability of Attendant Care services, as well as to implement additional community-based services to work in conjunction with the non-secure supervision provided.
- An online database application will be maintained for the collection of information on juveniles held on a pre-adjudicatory basis, including attendant care, detention, or jail.

Jail and detention data will be analyzed periodically throughout each year to determine the impact of the programs on supervision decisions at the local level.

**Goal:** Reduce racial and ethnic disparities in the juvenile justice.

- The recommendations in the most recent DMC assessment studies will be addressed to the extent possible, which consists of training, objective screen criteria for detention, juvenile court liaison services, engaging minority youth and families in the discussion, developing/enhancing programming, and examining the use of citations issued at school.
- Training to increase the effectiveness of working with youth will be provided to various service providers, school personnel, law enforcement, and other system partners in an attempt to increase their effectiveness of working with youth. As mentioned above, a Mental Health Training Curriculum for Juvenile Justice that has been developed by the McArthur Foundation's Models for Change/Juvenile Justice Action Network, which provides an understanding of adolescent development, child trauma, and mental health needs, will be offered on a regional to various service providers and system personnel. Support will be provided to implement the Effective Police Interactions with Youth training program in the City of Bismarck/Burleigh County and the City of Fargo/Cass County. Training on historical trauma will be provided to school personnel in the Bismarck School District through a subgrant to the Sacred Pipe Resource Center. Additional training for school resource officers will be explored.
- A detention screening tool has been used in the south central judicial district for several years. Technical assistance was received to conduct a validation study of the instrument to provide support for statewide implementation of the tool. The tool is being now being utilized in all judicial districts; however, in most cases not conducted prior to detention placement. Technical assistance or support will be provided, as applicable, for the use of the tool prior to a placement decision being made.
- Support will continue for the Youth Cultural Achievement Program provided in Burleigh County, which provides court liaison services for Native American youth and families. Similar liaison services for minority youth and families in Cass and Ramsey Counties have recently been funded with state general funds and will begin in 2015-16. Support for enhancing those services, either through funding or technical assistance, will be provided.
- Surveys will be handed out to minority youth and families at various events, by various service providers, and at various points of contact with the system to engage

minority youth and families in the discussion of what lends itself to involvement in the juvenile justice system.

- Funding and support has been allocated and will be provided to develop and/or enhance programs and services that will work to prevent minority youth's involvement in the juvenile justice system and give them a greater connection to the community.
- The use of citations issued at schools for minority youth will be examined and addressed, as more fully discussed by the following goal.

**Goal:** Increase the number of youth engaged in school by decreasing the number of suspensions/expulsions, drop-out rates, and/or referrals to juvenile court for behavior at school.

- Funding will be provided and/or technical assistance sought to increase the understanding of issues related to the “school-to-prison pipeline”. A speaker for the North Dakota Council of Education Leaders (i.e. school administrators) will be explored for one of their statewide conferences.
- Providing a mental health training curriculum that includes trauma-informed practices for system partners will be explored and expanded.
- Data on school disciplinary actions and citations at school will be gathered and ways to increase dialogue between school personnel and the courts will be discussed.
- Technical assistance will be sought for training for school personnel and school resource officers on the use of positive behavioral interventions in the classroom and establishing objective guidelines on when citations should be issued.
- The use of requiring a documented intervention or diversion for certain behaviors at school as a prerequisite for referral to juvenile court will be explored with court personnel and the juvenile policy board. School-based disciplinary policies will be enhanced to create a layer(s) of intervention prior to youth being cited by law enforcement/referred to Juvenile Court.
- Research will be conducted and funding provided, as applicable, to implement non-punitive approaches to address misconduct at schools such as restorative justice programming. Training for providing restorative justice measures in schools will be provided to school educators and other professionals.

**Goal:** Administer JJDP Act Title II Formula funding to provide comprehensive planning and program development capability in coordination with state and local resources.

- North Dakota has developed a web-based application for monitoring and reporting of JJDP Act compliance. The system will be maintained and data will be analyzed semi-annually to detect compliance issues and plan for system improvements if necessary. Work will continue with the juvenile court and state jail inspector to address compliance issues. Necessary compliance reports will be prepared and submitted.
- Staff time and training will be provided to enable the North Dakota Juvenile Justice State Advisory Group to function in an effective and efficient manner. Subgrant application materials and technical assistance will be developed and distributed. Education about the mandates of the JJDP Act will be provided. Monitoring of JJDP Act violations will continue.
- All required monitoring, compliance, and performance update reports will be submitted to OJJDP according to their established timelines. Project monitoring and evaluation will continue to ensure quality programming and knowledgeable funding decisions. On-site visits will be conducted to monitor subgrantee activities and ensure the appropriate use of grant funds.
- Fiscal management of JJDP Act grant awards will be provided and a system for dispersing federal funds to state agencies and localities will be maintained. The present financial accounting system will be employed to ensure accurate and speedy records of financial transactions involving federal and state funds.
- Nationally-sponsored conferences on juvenile justice issues will be attended to receive and subsequently provide training in the areas of program development and evaluation.
- Planning efforts will be coordinated with other agencies, as well as special commissions and interim committees of the executive, judicial, and legislative branches of government to ensure that services for the juvenile justice population are given adequate attention.
- Data on the level of juvenile justice system involvement in North Dakota as well as other risk factors will be collected and analyzed.

**Goal:** To provide for an advisory body to study juvenile justice issues and make recommendations, supervise the preparation and administration of North Dakota's three-year plan and its implementation, allocate Title II Formula funding, and disseminate information.

- Recommendations with respect to matters relating to its functions, including State compliance with the requirements of the JJDP Act, will be reviewed and submitted. Any State legislative proposals that affect policies and procedures related to the

- juvenile justice system in North Dakota, in particular to the jailing and detention of juveniles will be reviewed and a response provided. Progress and accomplishments of juvenile justice and delinquency prevention projects will be discussed.
- The objectives of the priorities established by SAG subcommittees, as included in the Three Year Plan, will be discussed and addressed to the extent possible.
  - Monitoring data collected for the purposes of assessing JJDP Act compliance, as well as other related information to evaluate progress in addressing Plan goals, will be reviewed and discussed.
  - The Three-Year Plan will be reviewed and updated annually to maintain a current priority of problems and areas for funding. Comments and opinions regarding the juvenile justice system will be sought from juveniles currently under the jurisdiction of such.
  - Qualified state and local applicants will be solicited to address the juvenile justice problems identified. A subcommittee of the SAG will review and make recommendations of subgrant applications to the full SAG. The full SAG will review and recommend approval or disapproval of all juvenile justice and delinquency prevention sub-grant applications. Site visits of the programs funded will be conducted.

## **PLANNED REFORMS:**

North Dakota's planned reform efforts are discussed below and include the priority issues to be addressed with Title II Formula Funds, as discussed above. North Dakota's Juvenile Justice State Advisory Group (SAG) has taken steps to become juvenile justice reform leaders. The SAG recently has focused on developing an understanding of adolescent development and the hallmarks of reform, and identified and prioritized strategies to facilitate reform that guided the development of North Dakota's Three Year Plan and funding allocations.

Since North Dakota is predominantly a rural state, as demonstrated in the data analysis section, the following reform areas include the prevention and treatment of juvenile delinquency in **rural areas**.

### Community-Based Systems of Care

The state has been focusing on enhancing community-based systems of care that will prevent juvenile justice system involvement and out-of-home placements. A Short Term Care and Assessment Center model has been developed by a local non-profit provider in two of the major metropolitan statistical areas. It provides assessment, intervention, and family reunification services for youth placed in Attendant Care or shelter care. The model operates by leveraging resources and collaborating services and been shown to have an

impact on reducing juvenile justice system involvement and decreasing out-of-home placements. It is the intent to replicate the model in other areas of the state to the extent possible, in particular the more rural areas.

As discussed above, the state implemented an Attendant Care Program as an alternative to detention and this program has had a significant impact on the number of youth being held in secure facilities. It is the intent to encourage more local support for this program to be able to expand the services that are provided to youth upon placement into Attendant Care, including those offered as part of the Short Term Care and Assessment Center Model.

The Juvenile Court utilizes community-based diversion to the extent possible and hopes to provide continued expansion and financial support so that more youth can benefit, in particular youth in the more rural areas of the state.

Several community-based services with a therapeutic approach are utilized by various agencies to enable youth to stay in their home community and avoid out-of-home placement. Intensive In-Home Services uses high quality professionals to provide family-based services that will strengthen the family unit and promote self-sufficiency. The program has been viewed positively by families and has a high success ratio based on the prevention of out-of-home placements and/or further involvement with the juvenile justice system. Day Treatment Programming provides school-based treatment for students who are at-risk of out-of-home placement or more restrictive placement because of their behaviors. The program provides assessment, counseling, anger management, social skills training, behavior management, and academic remediation. Given the great outcomes with both of these programs, expansion to more areas of the state is continuously being sought.

#### Over-Representation of Minority Youth

This is also a core reform area of the SAG and the DMC Subcommittee has been meeting to discuss ways the SAG can have more of an impact with this issue. Recommendations for further interventions will be presented by the subcommittee to the full SAG at their fall 2015 meeting. JJDP Act Title II Formula funding has been allocated to address the recommendations.

Racial and ethnic justice has been made a priority by the North Dakota Supreme Court. As previously mentioned, the Supreme Court had established a Commission to Study Racial and Ethnic Bias to ensure equity in decision-making. The commission released a report with recommendations which included exploring the use of a single statewide tool to guide detention decisions, juvenile minority liaison program in counties demonstrating a need, culturally sensitive programming, equal access to diversion, and training to increase cultural sensitivity. An implementation committee was established and is currently working on the report recommendations. The committee will be expanded to include families and cultural groups in the discussion.

State general funds have recently been appropriated to provide the minority liaison services that were a recommendation of the most recent DMC assessments, as discussed above, similar to the Youth Cultural Achievement Program services that were established pursuant to a previous DMC assessment. Specifically, state funds have been allocated for minority liaison services in three areas of the state that have a large minority population.

Best practice interventions for minority groups are continuously being explored and/or enhanced. Community work groups have been established and continue to plan to enhance services at the local level. JJDP Act Title II funds will be used for development and enhancements. The courts plan to enhance their case management system to report out racial disparity and program recidivism rates to better monitor progress made by specific interventions.

As discussed above, the Juvenile Court has implemented a detention screening tool pursuant to a previous DMC assessment to provide equity in decision-making, but it is currently being used post-placement decision in all judicial districts except for one. The Juvenile Court is continuing to work towards administering the tool prior to placement. Technical assistance is currently being received through the National Center for Juvenile Justice to do an analysis of the impact of the tool and make recommendations. Although in most cases the tool is currently being scored after law enforcement has made their placement decision, the tool helps Juvenile Court staff make decisions on recommendations regarding release. Data collected from the tool will be used to educate law enforcement in order to improve their decision regarding the use of detention.

#### School-to-Prison Pipeline

The North Dakota Supreme Court has established a School-Justice Partnership Leaders Program that is looking at this issue. The members include the Chief Justice and representation from the ND Department of Public Instruction, judges (including a tribal judge), the ND Indian Affairs Commission, the ND School Board Association, schools, and mental health. The group has looked at data on graduation rates, especially among Native American youth, and attendance issues, juvenile court data, and data from the Department of Public Instruction on expulsions and suspensions. The members have been discussing best practices that can be incorporated into the Juvenile Court process and looking at ways to continue to inform education leaders about the issues.

Issues related to the “school-to-prison pipeline” have been made a priority by the SAG and a subcommittee established to further discuss ways the SAG can have more of an impact in this area. Recommendations for further interventions will be presented by the subcommittee to the full SAG at their fall 2015 meeting. Federal Title II Formula funding has been allocated to address the recommendations. Technical assistance may also be sought to

provide a speaker for one the North Dakota Council of Education Leaders (i.e. school administrators) conferences.

A lack of understanding about adolescent development and mental health issues can lead to inappropriate disciplinary responses. Thus, the North Dakota Department of Public Instruction, through its Safe and Healthy Schools unit, is working on establishing a mental health first aid program for schools. Youth Mental Health First Aid is included on SAMHSA's National Registry of Evidenced-Based Programs and Practices. The course teaches professionals how to help someone who is developing a mental health problem or experiencing a mental health crisis, and identify, understand, and respond to signs of addictions and mental illnesses.

There is a continuing effort to gather more data on citations issued for behavior at school and if disciplinary actions or policies at school may be driving referrals to the juvenile justice system. Dialogue between law enforcement, court staff, school personnel and families will be enhanced and collaboration increased. Technical assistance will be sought, as applicable, for training for school personnel and school resource officers on the use of positive behavioral interventions in the classroom and establishing objective guidelines on when citations should be issued. Diversion programs for non-punitive approaches to address misconduct at schools, such as restorative justice programming will be implemented and/or expanded to the extent possible. Training for providing restorative justice measures in schools will be provided to school educators and other professionals.

### Mental and Behavioral Health

Mental health services for youth are provided through eight regional human services centers that are operated by the North Dakota Department of Human Services. Each service center services a designated multi-county area, providing counseling and mental health services, substance abuse treatment and other human services. There are also crisis/emergency response services that are available 24-hours a day, 7 days a week. The Structured Psychotherapy for Adolescents Responding to Chronic Stress (SPARCS) program, which provides trauma screening, assessment and treatment, is also offered through the Human Service Centers. The state is working towards having more of an immediate access to services and promoting school-based mental health services, including the use of tele-technology in the rural areas of the state.

The Mental Health Training Curriculum for Juvenile Justice (MHTC-JJ) developed by the Models for Change Mental Health/Juvenile Justice Action Network is being offered on a regional basis to agencies and providers that work with youth. The intent of the training is to give professionals a better understanding about mental health needs and how mental health issues can lead to inappropriate responses. Instructors for each region of the state have been identified and trained as part of a "training of the trainers" course and will

continue to provide regional training for professionals that work with youth via a team approach.

As discussed above, the North Dakota Department of Public Instruction, through its Safe and Healthy Schools unit, is working on establishing a mental health first aid program for schools. The course teaches professionals how to help a youth who may be developing a mental health problem or experiencing a mental health crisis, and identify, understand, and respond to signs of addictions and mental illnesses. The plan will be to roll this program out statewide.

A bill was just passed by the North Dakota legislature that requires a candidate for teacher licensure to have competencies in youth mental health, including the impact of mental health on the family, education, juvenile services, law enforcement and health care providers. The bill also requires each school district to provide a minimum of eight hours of training on youth mental health to elementary, middle and high school teachers and administrators. Outcomes of the training will be provided to the North Dakota Department of Public Instruction.

The recent legislative bill also provides for interim studies of mental health resources and behavioral health needs related to youth. The studies must include input from stakeholders, including representatives of law enforcement, social and clinical service providers, education, medical providers, mental health advocacy organizations, juvenile court, tribal government, state and local agencies, and youth and families.

In some areas of the state early screening for mental health issues is conducted upon placement of youth into Attendant Care with the administration of the MAYSI. Additional assessment services are provided in those locations that operate the Short Term Care and Assessment Model discussed above. The state is working towards having services that will work in conjunction with Attendant Care, including mental health assessment and referral services.

The Juvenile Court also uses the MAYSI for youth at their first probation visit and thereafter if needed. Staff involves parents in the discussion of the results of the assessment and refers youth for mental health evaluations and counseling as necessary. The YASI screening used by the court also has a section concerning mental health risk and needs so a case plan and referral to services can be developed around those concerns. Juvenile Court staff receives ongoing training that includes behavioral identification, response and interventions.

The state has been developing a trauma-informed system of care and will be working on a trauma awareness campaign, training for therapists in trauma-focused cognitive behavioral therapy, and a contract to provide consultation and training to residential facility staff that is aimed at increasing family involvement/engagement.

The North Dakota Department of Human Services, through its Division of Mental Health and Substance Abuse Services, has recently developed a Youth Evaluation Services (YES) program for youth who need a high quality evaluation that could guide the development of an effective treatment plan, which would also include input from the family. The program is for youth referred by the Juvenile Court or custodial agency and at risk of out-of-home placement.

The state is in the very early stages of development of an early psychosis treatment model, and has received technical assistance through the National Institute of Mental Health in collaboration with the Substance Abuse and Mental Health Services Administration regarding evidenced-based treatments.

The North Dakota juvenile corrections agency operates Trauma Focused-Cognitive Behavioral Therapy (TF-CBT), a model of psychotherapy that combines trauma sensitive interventions and cognitive behavioral therapy through the use of individual, short-term treatment that involves individual sessions with the child and parent as well as joint parent-child sessions. The goal of TF-CBT is to help address the biopsychosocial needs of children with Posttraumatic Stress Disorder or other problems related to traumatic life experiences.

#### Gender- Specific Services

Gender-specific services are provided in North Dakota's juvenile justice system and agencies are continually attempting to enhance and build upon existing services. Gender-specific groups are being conducted in different regions of the state and the intent is to expand these services to other areas, particularly the more rural. The Juvenile Court provides cognitive restructuring groups that are gender-specific (i.e. one for boys and one for girls). The boys group is geared towards boys ages 14-17 that are the moderate to high risk youth on probation. Topics cover decision-making, social skills, conflict resolution, and relationships. The girls group is called GAP (Girls Asserting Power) and is designed to promote self-esteem, assertiveness, and self-awareness. The Division of Juvenile Services offers a girls group through their regional offices and these groups are also open to youth on court probation.

The regional human service centers, the Juvenile Court, and the North Dakota Division of Juvenile Services operate a SPARCS for girls. This group intervention is designed specifically to address the needs of chronically traumatized adolescents who may still be living with ongoing stress and are experiencing problems in several areas of functioning. These areas include difficulties with affect regulation and impulsivity, self-perception, relationships, somatization, dissociation, numbing and avoidance, and struggles with their own purpose and meaning in life as well as worldviews that make it difficult for them to see a future for themselves.

The Division of Juvenile Services is also planning to implement a new girls program titled “Girl’s Circle”. Girl’s Circle is a model of structured support groups for girls designed to foster self-esteem, help girls maintain authentic connection with peers and adult women in their community, counter trends toward self-doubt, and allow for genuine self-expression through verbal sharing and creative activity.

#### Prison Rape Elimination Act (PREA)

The North Dakota Department of Corrections and Rehabilitation, across both the adult and juvenile system, has undergone massive reform efforts over the past several years aimed at improving core correctional practices and conditions of confinement. Administrators are committed to providing effective risk reduction programming and services in environments that are safe and humane. Not least amongst these reform efforts is a commitment to create and sustain a culture that supports the sexual safety of every youth.

At the heart of this effort is a cultural shift from traditional correctional mindset and practices to those that emphasize beliefs and demonstrate the implementation of evidence-based practices proven to increase the likelihood of rehabilitation, protect the integrity and preserve the dignity of youth, and build and sustain an environment that has zero tolerance for sexual abuse and sexual harassment.

The Division of Juvenile Services (DJS) operates the state’s single youth correctional facility, the North Dakota Youth Correctional Center (NDYCC). **NDYCC was one of the first juvenile facilities in the country to be found in compliance with the PREA standards.** An audit was conducted at NDYCC in July 2014 by a PREA auditor certified through the U.S. Department of Justice. The audit report concluded that all 42 of the PREA standards for juvenile facilities had been met and thus, NDYCC was found in compliance with PREA. This is largely attributed to the work that had been done around policy and practice adjustments, and ensuring that there were mechanisms in place to create supporting documentation during the PREA audit process.

There are two general areas identified within PREA that will continue to be the focus of reform efforts by DJS: 1. staff-to-youth ratios and; 2. physical plant. Additional staff positions and changes to physical plant will need to be considered in order to be able to maintain compliance with PREA. DJS has made recommendations regarding these efforts to the Governor and will focus on them during the next state legislative session.

## E. ADDITIONAL REQUIREMENTS

### 1. SAG MEMBERSHIP

In July of 1989, the Governor of North Dakota signed an Executive Order which established North Dakota's Juvenile Justice State Advisory Group (SAG) pursuant to Section 223(a) of Part B of the Juvenile Justice and Delinquency Prevention Act. The Executive Order provides the authority for the SAG's function and the established by-laws outline its authority and responsibilities which includes **supervising the preparation and administration of the state's three-year juvenile justice plan and its implementation.**

The following is a list of the SAG's current members, along with their contact information and representation. This list can also be found on the North Dakota Office of the Governor's website at <http://governor.nd.gov/boards>. Pursuant to Section 223(a)(3)(A) of the JJDP Act, North Dakota's SAG includes at least three members who have been or are currently under the jurisdiction of the juvenile justice system.

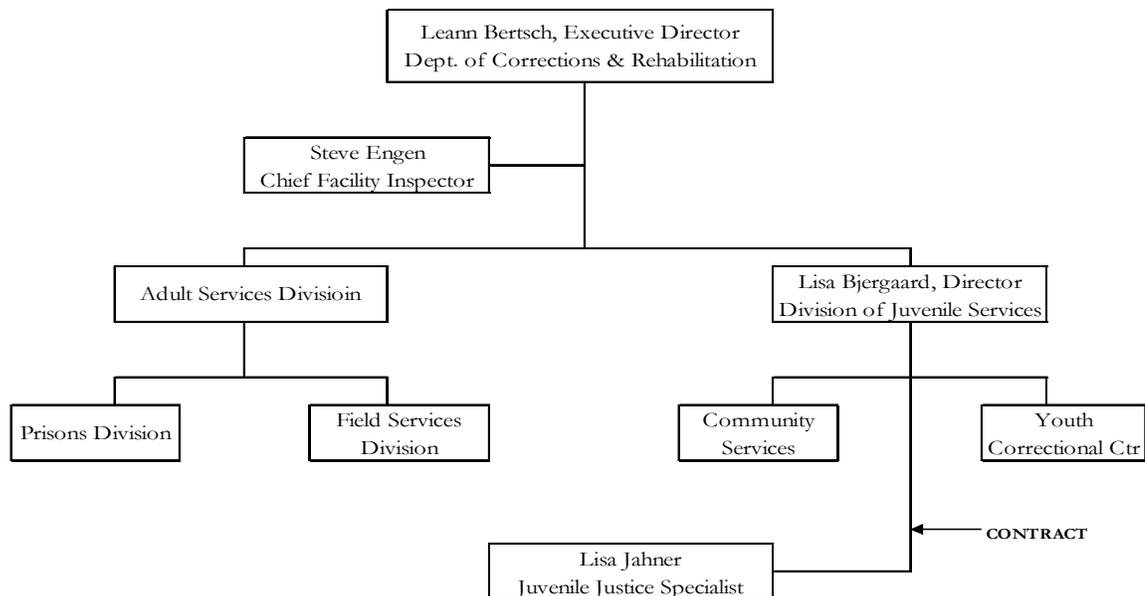
	Name	Represents	FT Gov	Youth Member	Date of Appt.	Residence
1	Terry Traynor (Chair) ttraynor@nd.gov	A			07/01/14	Bismarck
2	Karen Kringlie kkringlie@ndcourts.gov	B	X		07/01/07	Fargo
3	Ashley Beall Ashley.beall.law@gmail.com	D			07/01/13	Minot
4	Rhonda Allery rrallery@nd.gov	C	X		07/01/13	Devils Lake
5	Russ Riehl Russ_riehl@bismarckschools.org	C, G	X		07/01/14	Bismarck
6	Joel Friesz jfriesz@lssnd.org	D			07/01/14	Fargo
7	Craig Poitra Craig.poitra@tmbci.org	H			07/01/10	Belcourt
8	Chelsea Kuhlmann Chelsea.nicole210@yahoo.com	D, F		X	07/01/09	Bismarck
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15	Shelby Delorme Shelber_2004@hotmail.com	E		X	03/01/11	Rolette
16	Lisa Bjergaard lbjergaa@nd.gov	B	X		09/01/06	Bismarck
17	Erin Stangeland Erin.stangeland@live.com	E		X	04/01/12	Fargo
18	Andrew Solberg adsolberg@hotmail.com	E		X	07/01/12	Bismarck
19	Aaron Birst abirst@ndaco.org	B			07/01/08	Bismarck
20	Chad Kaiser chkaiser@nd.gov	A	X		07/01/13	Jamestown

Three of North Dakota’s SAG members have been or are currently under the jurisdiction of the juvenile justice system.

## 2. FORMULA GRANTS PROGRAM STAFF

The North Dakota Division of Juvenile Services (DJS), established in 1989 as part of the North Dakota Department of Corrections and Rehabilitation (DOCOR), was originally designated as the state agency to implement the Formula Grant Program, and that responsibility has remained with this agency. The following organizational chart illustrates the structure of operation and the names and titles of program staff:



As illustrated, the director of the DJS, Lisa Bjergaard, oversees the administration of the state's single correctional facility, the North Dakota Youth Correctional Center, and a community services division. As the designated state agency, DJS contracts with the North Dakota Association of Counties (NDACo) for administration of the Title II Federal Formula Grant Program. NDACo employees the State's Juvenile Justice Specialist, Lisa Jahner, and she spends 100% of her time on juvenile justice and delinquency prevention, including administration of the federal grant programs, JJDP Act compliance, and DMC activities. Matching funds are provided by DJS and NDACo. A description of the juvenile justice specialist duties are as follows:

- Direct North Dakota's compliance with JJDP Act regulations; work with state and local officials to provide guidance on federal and state standards; advocate for best practice policy and programming
- Administer federal grant funding; develop budgets and cost projections; implement and maintain programs in accordance with an approved state plan
- Inform the governor and/or appointed state advisory group and other relevant agencies about the status of compliance and relevant issues; facilitate legislative action or other interventions as necessary
- Develop policy and administer guidelines for a statewide program that provides alternatives to detention
- Oversee the grant proposal process and the funding of various programs; initiate and monitor contracts, program expenses, and grant activities
- Evaluate grant-funded programs; conduct on-site audits of subgrantees; provide technical assistance and training relative to program performance and reporting
- Facilitate the collaboration among state and local officials and private agencies to plan and implement research-based practices and policies
- Plan and facilitate the meetings and activities of a governor-appointed advisory group, providing relative research to effectively allocate resources to address system needs and implement the state plan
- Collect, analyze, and present system data to various stakeholders

Both the benefits of NDACo involvement in achieving JJDP Act compliance and the inability of DOCR to obtain authorization for the necessary staff positions were the factors driving the initial decision to use contract staff for Formula grant administration. This administrative structure has continued due to its relative low cost (counties provide the match), broad political support, and obvious success in maintaining compliance. Although the State Legislature has in recent years allowed for the addition of staff positions to be created, the agency has determined that the addition of direct care and treatment staff are a priority over the replacement of contract staff that are fulfilling the need. In addition, the agency has identified some significant benefits of contracting with NDACo, including:

- All four of the JJDP Act mandates require extensive work with county government because of the counties' statutory law enforcement, detention and social service roles. NDACo's affiliation with county member associations (i.e. Sheriff's & State's Attorneys' Associations) facilitates a more effective relationship for meeting compliance requirements.
- At least 66.7% of the federal funds received under JJDP Act must go out to local government; thus, NDACo serves as a natural conduit for ensuring that the requirements of the JJDP Act are met with the federal funds received.
- The intent of the JJDP Act in requiring a full-time "juvenile justice specialist" position can be more fully addressed by having an organization/staff that is perceived as one created to assist rather than regulate.
- Education and advocacy on best practices issues tends to be better received by a non-profit organization rather than a state agency.
- NDACo can effectively work with the counties in understanding the need for and support of non-secure alternatives, as required for compliance with the JJDP Act. NDACo has been able to secure county dollars to continue the operation of non-secure services in the midst of declining federal funds that have been provided for that purpose.
- NDACo can work more directly and non-adversarial with local government, various state agencies, schools, and community-based providers as there are no other perceived implications.
- NDACo can be a partner in addressing legislation as it relates to compliance issues.
- NDACo can serve as a natural advocate with county detention facilities for implementation of quality assurance programs such as Performance-based Standards.
- Because NDACo has staff "out in the counties" on a regular basis, the federal requirements and state goals can be regularly communicated to county officials efficiently and cost-effectively.

Biennially, the North Dakota Legislature and the Governor, through the appropriation process, address the administration of the Formula grant program. In North Dakota, all funds – federal as well as state – must be appropriated by the Legislature. The NDACo staff involvement is governed by an annual grant agreement between NDACo and the State of North Dakota acting by and through DJS. The DOCR, with the Governor's budget staff, develop a budget that includes the JJDP Act grant funds prior to each Legislative Session. As requested, NDACo staff participates in those budget meetings to explain their grant administration function. NDACo staff also participates as needed in the Appropriation Committee Hearings on the DOCR's budget, to discuss NDACo's role and respond to questions.

### 3. PERFORMANCE MEASURES

Performance measurement data specific to each of the program areas to be funded with Title II Formula grant dollars, as detailed above, will be collected on an ongoing basis and entered into OJJDP's data reporting tool (i.e. DCTAT). Reports will be generated and uploaded to the federal Grants Management System. The data will include all mandatory measures that are established for each program area as well as some non-mandatory measures, as applicable.

## F. ADDITIONAL INFORMATION

### 1. GATHERING JUVENILE JUSTICE INFORMATION

Data reflective of juvenile justice system involvement, including law enforcement arrests, pre-court supervision, juvenile court referrals and dispositions, and juvenile corrections commitments and placements is available upon request of the respective agency. Data queries of each agency's database systems have been established to gather necessary information for analysis and planning. Arrest data is gathered by the North Dakota Office of Attorney General, Bureau of Criminal Investigation, through the State's Incident-Based Reporting System, and is made available for analysis on a calendar year basis. A web-based application has been designed and is being used for the collection of pre-court supervision numbers, including the number and demographics of youth placed in attendant care, detention and/or jail facilities. This system is maintained by the designated state agency through contract and data is pulled from the system as needed. The Juvenile Court purchased software for a case management system in order to automate and track proceedings for the Juvenile Courts. Various referral and disposition data is pulled from this database system for analysis, as requested. The juvenile corrections agency has used JABG funding to purchase and maintain an automated case management system that has allowed for better planning and decision making. Data is queried from this system as needed. Data reflective of youth risk factors, such as substance abuse, teen pregnancy, special education, school drop-out and violence, abuse and neglect, and suicide are provided by the North Dakota Departments of Public Instruction and Human Services upon request. A portion of the information is also made available via the respective State agency's website.

### 2. BARRIERS ENCOUNTERED IN THE SHARING OF INFORMATION

There are no specific barriers that have been encountered with regard to the sharing of juvenile justice information. However, it can be difficult to analyze data across systems as there is not a unique identifier for youth that can be used to track involvement. In addition, some of the databases do not have the same breakout of race/ethnicity which makes for disparity across the system. Work continues with the respective agencies to achieve more consistency among databases.

# Plan for Compliance and Monitoring

Below is North Dakota's Fiscal Year 2015 plan for compliance with the first three core Requirements of the Juvenile Justice and Delinquency Prevention Act, the State's Compliance Monitoring Plan, and Plan for Compliance with the Disproportionate Minority Contact. The information below is based on the most recent data available.

## PLAN FOR COMPLIANCE WITH THE FIRST THREE CORE REQUIREMENTS OF THE JJDP ACT AND THE STATES COMPLIANCE MONITORING PLAN

### 1. Plan for Deinstitutionalization of Status Offenders (DSO)

The State enacted legislation, effective on January 1, 1988, that prohibits the placement of status offenders in adult jails [NDCC 27-20-16]. State law does allow for the use of juvenile detention facilities for *accused* status offenders; however, the ND Juvenile Court Best Practices Manual (Section 4.3) prohibits the use of detention facilities for status offenders except for brief periods of time, less than 24 hours. North Dakota Rules of Juvenile Procedure (Rule 2) state that it is the policy of the court to hold hearings for juveniles detained in secure facilities within 24 hours, excluding weekends and holidays. Effective in 2014, North Dakota Correctional Facility Rules were revised to include a specific rule (Rule 120) stating that juvenile detention facilities may only detain juveniles who have been taken into custody on a delinquent offense. In addition, effective May 1, 2015, North Dakota Rules of Juvenile Procedure will require a finding at every detention hearing on what alternatives to detention were considered and why secure detention is needed.

State law does not provide for non-offenders to be placed in either jail or juvenile detention facilities.

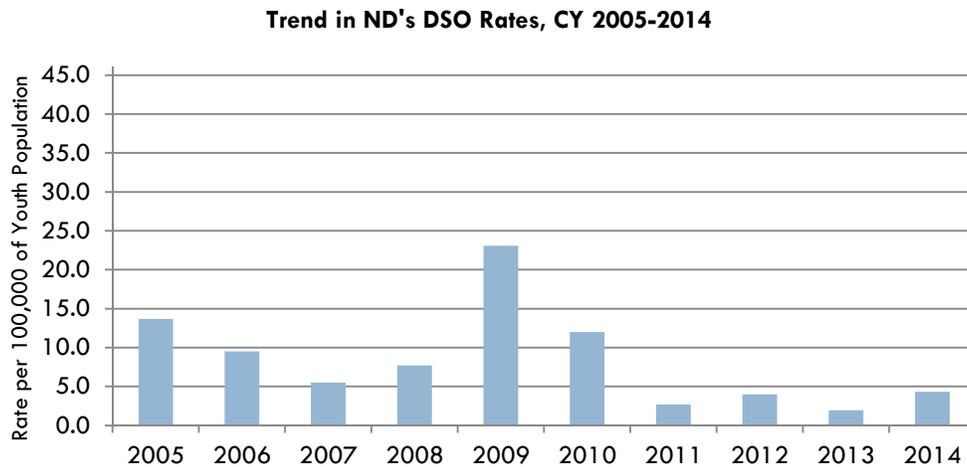
To address the use of secure juvenile detention for accused status offenders, the North Dakota Division of Juvenile Services, in cooperation with the North Dakota Association of Counties, developed a program for locally-administered "Attendant Care" sites, which provide non-secure supervision for unruly and/or delinquent juveniles who have been picked up by law enforcement and need short-term supervision on a pre-adjudicatory basis. Attendant Care has been extremely effective in reducing the use of secure detention for status offenders and, as a result, North Dakota has been able to demonstrate compliance with Section 223(a)(11) of the JJDP Act for every calendar year since 1992.

North Dakota law does not provide for the placement of *adjudicated* youth in either detention or jail [NDCC 27-29-31 & 32] except for the placement of youth participating in drug court in juvenile detention if they violate the terms of the drug court program. Although the use of detention for drug court participants is intended for delinquent offenders, there are times when participation in the drug court program is based solely on alcohol-related offenses, and

thus at the onset, resulted in the placement of adjudicated status-offending youth being placed in detention. An amendment to state law was enacted which clarifies that only youth participating in the drug court program “as a result of an adjudication for a delinquent offense” can be detained, eliminating the placement of adjudicated status offending youth.

As it relates to the use of secure correctional facilities, state law allows for the disposition of delinquent youth to include placement in a secure facility when the child has been committed to a state agency (i.e. ND Division of Juvenile Services); however, if a child is found to be unruly, disposition excludes commitment to a secure facility [NDCC 27-20-32]. Deprived youth cannot be confined in a facility operated for the benefit of delinquent youth unless the child is also found to be delinquent [NDCC 27-20-30].

Below is a chart depicting North Dakota’s DSO rates over the last ten years (2005-2014). As shown in the chart, North Dakota’s DSO rates have been at a level that allows the state to be eligible for a finding of full compliance with de minimis exceptions, and the last four years depicts the lowest rates at less than 5.0 per 100,000 juveniles



The DSO violations are associated with youth that are on court probation for prior status offenses and are continuing to violate the terms of their probation by committing additional status offenses. Often times they are a flight risk or have behavioral issues in which the use of non-secure supervision is questionable due to concerns for their safety. In fact, this was the case for all of the status offending youth held in secure detention during calendar year 2014. Although the Valid Court Order exception is usually met by these placements, it has never been used to demonstrate compliance.

The rate of DSO violations were the highest in calendar year 2009 due to a city police department holding accused status offenders for a very brief period of time (while a police

officer was present) in a secure booking area of the facility until a parent or guardian arrived to pick them up. The police department was unaware that they were in violation of the JJDP Act since an officer was always present with the youth. The police department took immediate corrective action by removing all locks on the doors to that area and implementing policies and procedures regarding the handling of juveniles, which specifically state that they will be held non-securely at all times.

As it relates to the correlation of the DSO mandate with Disproportionate Minority Contact, a disproportional number (4 of the 7) were minority youth. This does not appear to be a trend as last year none of the placements in violation of the DSO mandate were minority youth. This is something that will continue to be tracked and analyzed.

The designated state agency and the Juvenile Justice State Advisory Group work together to monitor compliance and address factors that will assist with maintaining compliance with Section 223(a)(11) of the JJDP Act. Support for non-secure alternatives is critical as detention facilities are not operating at full capacity and thus, present the opportunity to use bed space for non-delinquents. Intake data for detention facilities is continually analyzed to monitor violations as they occur and conduct follow-up discussions with those court districts and/or facilities that have higher incidence.

## 2. Plan for Separation of Juveniles from Adult Offenders

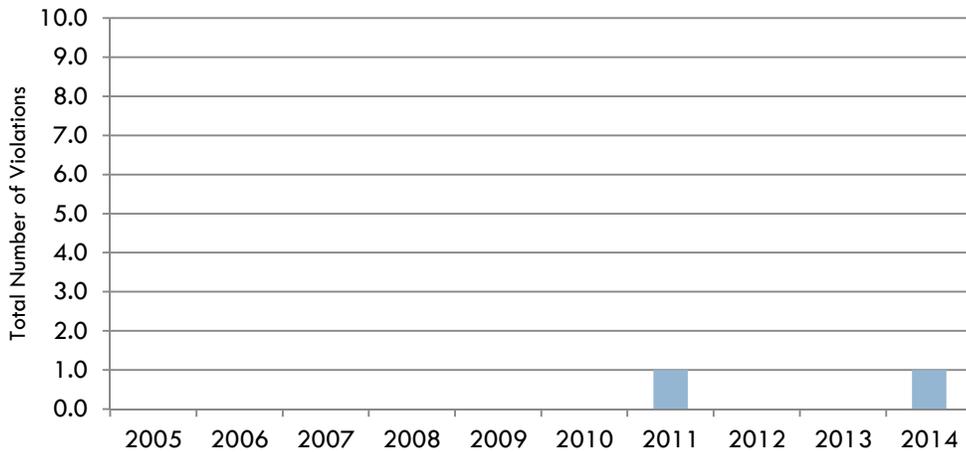
The State of North Dakota has established legislative and operating policy safeguards that effectively prohibit contact between juveniles and adults held in the same facility. State law [NDCC 27-20-16] clearly prohibits the detention of juveniles in an area that is not “separate and removed from those for adults”. State law [12-44.1-09] also requires correctional facilities to house juveniles separate from adults. In addition, correctional facility rules [Rule 126] requires that sight and sound separation be maintained between juvenile detainees and adult inmates and adult inmate trustees. Each facility, as required by state law, must undergo an annual on-site inspection by the North Dakota Department of Corrections and Rehabilitation (DOCR) that includes inspection of the facilities and procedures used to ensure compliance with state law. The facilities have developed policies stating that juveniles, other than those transferred to adult court, will not be held. In addition, State law does not provide for the placement of adjudicated youth in either juvenile detention or jail and offenders cannot be reclassified administratively to avoid segregation.

North Dakota law requires that correctional facility staff, which includes staff that work with both adult and juvenile populations, receive correctional facility training as determined and approved by the DOCR [NDCC 12-44.1]. The law specifically defines *trained correctional facility staff* as “correctional personnel who have completed a course of training approved by the Department of Corrections and Rehabilitation”. Compliance with the personnel training

requirement is part of the annual inspection of facilities conducted by the State Jail Inspector [NDCC 12-44.1-24]. The DOCR conducts a three-week training session for corrections personnel once a quarter. The training includes information on the juvenile justice system which is presented by Division of Juveniles Services' Director of Training. In addition, topics take into account supervision for both adults and juveniles. The training covers a multitude of topics, including but not limited to, staff/inmate relations, UA testing, youth development, adolescent physical and mental health, working with the mentally ill, cognitive restructuring, and non-violent crisis intervention.

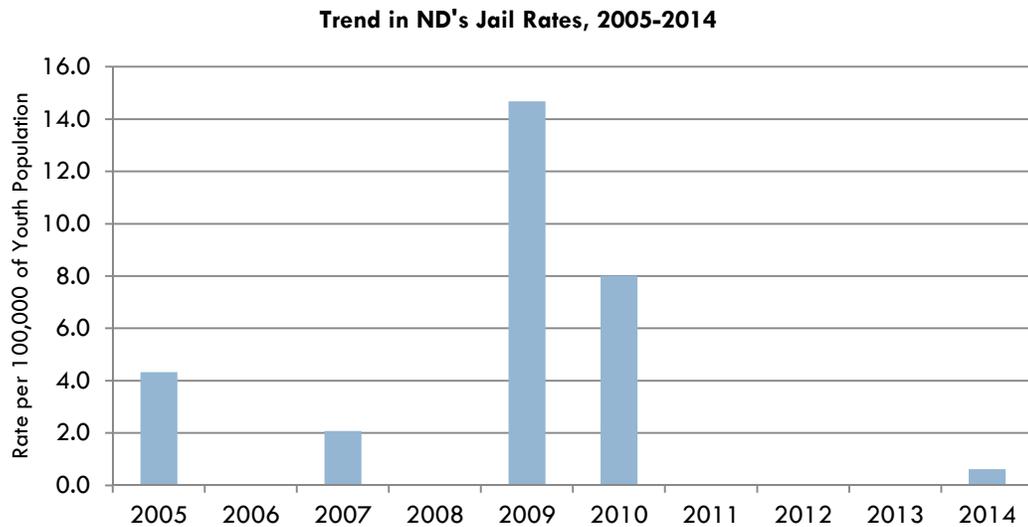
As depicted on the chart below, there has been only two incident of noncompliance with Section 223(a)(12) over the last ten years. Both of these incidents involved a delinquent offender that was inadvertently brought into the county jail, and although not booked in and only held for a very brief period in the lobby, encountered an adult criminal. The availability of supervision options other than jail, along with the legislative and administrative requirements, should allow North Dakota to maintain separation pursuant to Section 223(a)(12) the JJDP Act.

**Trend in ND's Separation Rates, 2005-2014**



### 3. Plan for Removal of Juveniles from Adult Jails and Lockups

Legislation enacted in 1987 prohibiting the use of adult jails for status offenders, the increased awareness of the liability of jailing juveniles, the development of alternatives through the Attendant Care Program, and educating on best practice has almost completely eliminated the use of adult jails for juvenile offenders and enabled the state to demonstrate compliance with Section 223(a)(13) of the JJDP Act since 1992. As illustrated on the chart below, there was only one violation of the Jail Removal requirement last year and none the previous three years.



North Dakota’s jail removal rates are typically fairly low; however, the rate was significant in calendar years 2009 and 2010 due to accused status offenders being held by a city police department in which youth sat briefly (less than 2 hours) with a police officer in the secure booking area of the facility until a parent or guardian arrived to pick them up. The police department was unaware that they were in violation of the JJDP Act because they had an officer present with the youth. Corrective action was taken immediately to eliminate future violations. Without these violations, North Dakota’s jail removal rates would have been less than 3.0. Other than these instances, there has only been one instance of a status offender being held in an adult jail facility over the last ten years.

Conversations with rural county sheriffs are ongoing in order to promote best practice and encourage transport to a juvenile detention facility when secure holding is necessary. The State Jail Inspector verifies that no juveniles are being held and that policies and procedures are in place during his annual inspection of the facility.

In determining violations, the state has used the rural removal exception of Section 223(a)(13)(B). However, the exception has only been applied when the juvenile is classified as a delinquent offender, not as a status or non-offender. The State seeks to continue to use the rural removal exception for those facilities that have been identified and received approval from OJJDP.

## PLAN FOR COMPLIANCE MONITORING FOR THE FIRST THREE CORE REQUIREMENTS OF THE JJDP ACT

### 1. *Policy and Procedures*

A copy of the state's compliance monitoring policies and procedures manual is being submitted as a separate attachment.

### 2. *Monitoring Authority*

The state's monitoring authority is detailed in the Compliance Monitoring Manual on page 1.

### 3. *Monitoring Timeline*

North Dakota's monitoring timeline is detailed on pages 3-4 of the Compliance Monitoring Manual.

### 4. *Violation Procedures*

Violation procedures are detailed in the Compliance Monitoring Manual on page 5.

### 5. *Barriers and Strategies*

As indicated on page 5 of the Compliance Monitoring Manual, the state has not identified any barriers in implementing an adequate system of compliance monitoring.

### 6. *Definition of Terms*

North Dakota does not use any key juvenile or criminal justice terms that differ from those provided in the JJDP Act. For purposes of monitoring for compliance with the JJDP Act, North Dakota uses the definitions established by the OJJDP, as detailed on pages 6-9 of the Compliance Monitoring Manual.

### 7. *Identification of the Monitoring Universe*

Those facilities that might hold juveniles pursuant to public authority have been identified in North Dakota's Compliance Monitoring Manual starting on page 13.

### 8. *Classification of the Monitoring Universe*

Those facilities that might hold juveniles pursuant to public authority have been classified in North Dakota's Compliance Monitoring Manual starting on page 13.

### 9. *Inspection of Facilities*

A description of the state's inspection process is included in North Dakota's Compliance Monitoring Manual on page 15.

### 10. *Data Collection and Verification*

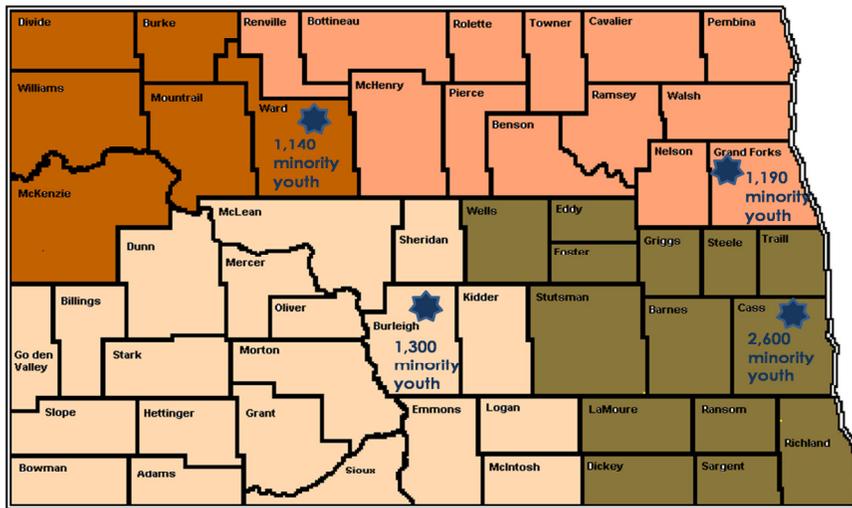
A description of the State's process for data collection and verification is included in North Dakota's Compliance Monitoring Manual on page 16.

## PLAN FOR COMPLIANCE WITH THE DISPROPORTIONATE MINORITY CONTACT CORE REQUIREMENT

### A. Phase I: Identification

The State of North Dakota consists of 53 counties, and as illustrated on the map below - based on the most recent census - only 4 of the 53 counties have more than 1,000 minority youth. 1 of the 4 counties (Cass) has approximately 2,600 minority youth and the other 3 counties (Burleigh, Grand Forks, and Ward) have between 1,100-1,300 minority youth. The other 49 counties have a minority youth population of 500 or less, of which 78% have less than 100 minority youth. With the majority of the state’s minority youth population being in 4 counties, and because the counties are geographically located in a way that represents the four quadrants of the state – one in each of the four judicial units, it is most practical and beneficial to focus DMC efforts on these 4 counties.

Minority Youth Population in ND - Ages 7 to 17  
(Excludes Youth on Reservation Land)



★ Counties with > 1,000 Minority Youth

Source: US Census Bureau, 2010

Relative Rate Indices (RRI's) have been calculated using the most recent calendar year for which data is available (2013). Rates were calculated on both a statewide basis and for each of the four counties that were identified as having the highest concentration of minority youth (Burleigh, Cass, Grand Forks, and Ward). The spreadsheets have been exported from OJJDP’s web-based DMC data entry system and included as “Attachment 2” in the Grants Management System with the respective jurisdiction name. The Relative Rate Index Tracking Sheet was used in each instance to interpret and analyze the rates generated and is also being included as an attachment in the Grants Management System.

One of the major decision points on the RRI spreadsheet is “Cases Resulting in Confinement in Secure Juvenile Correctional Facilities”, which follows the general system model where

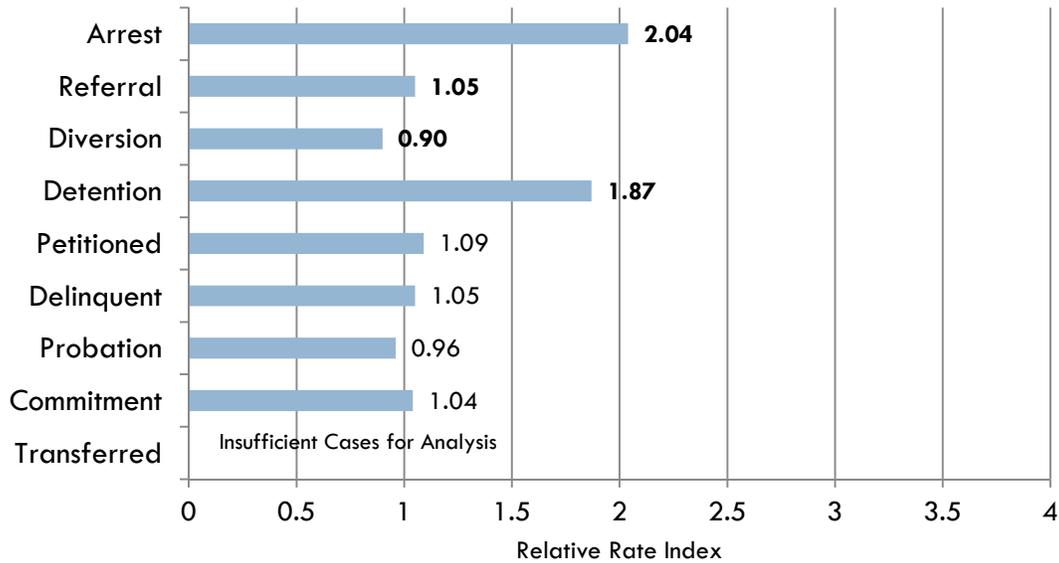
court disposition options for adjudicated youth include probation supervision or secure confinement. However, pursuant to North Dakota State law, the Juvenile Court is not authorized to place youth in secure correctional facilities as a disposition option, but rather place youth in state custody as the last disposition option on the graduated sanctions continuum. Therefore, consistent with previous year's analysis, "Commitment to the Division of Juvenile Services" was substituted for "confinement in secure juvenile correctional facilities" as number 9 on the RRI Spreadsheet.

The data used to calculate the RRI's for those processing points that are reflective of the front end of the system (i.e. arrests through detention) is based on a duplicated count, one reflecting the total number of youth contacts with the system. This is because there is no way to get to an unduplicated count for juvenile arrests. However, it was determined, in order to get a more accurate picture of juvenile court processing, from the point of cases petitioned forward, an unduplicated count would be used. Three separate and distinct databases were used in the compilation of the number of contacts from point of arrest to point of disposition (i.e. Incident-Based Reporting System for arrest statistics, Juvenile Detention Records system for detention data, and the ND Juvenile Court case management system for the remainder of the case processing points). The Juvenile Detention Records system and the Juvenile Court case management system both allow for a breakout of race by "other/mixed"; however, the Incident-Based Reporting System does not, nor does it allow for a breakout of "Native Hawaiian or Other Pacific Islanders".

Four of the six minority groups exceed the 1% population threshold -- American Indian, Black, Hispanic, and Asian. However, only on a statewide basis and for those counties in the eastern part of the state (Cass and Grand Forks) at the point of arrest is there a sufficient number of cases for the calculation of rates associated with Asian youth. Therefore, the primary populations identified by the RRI analysis include Black, Hispanic, and American Indian. In Burleigh and Ward Counties (western part of the state), the primary population identified is American Indian youth with rates calculating at most system contact points. Rates for Black and Hispanic youth also calculate but only with the first couple of contact points. In Cass and Grand Forks Counties (eastern part of the state), the primary populations identified are American Indian, Black and Hispanic youth.

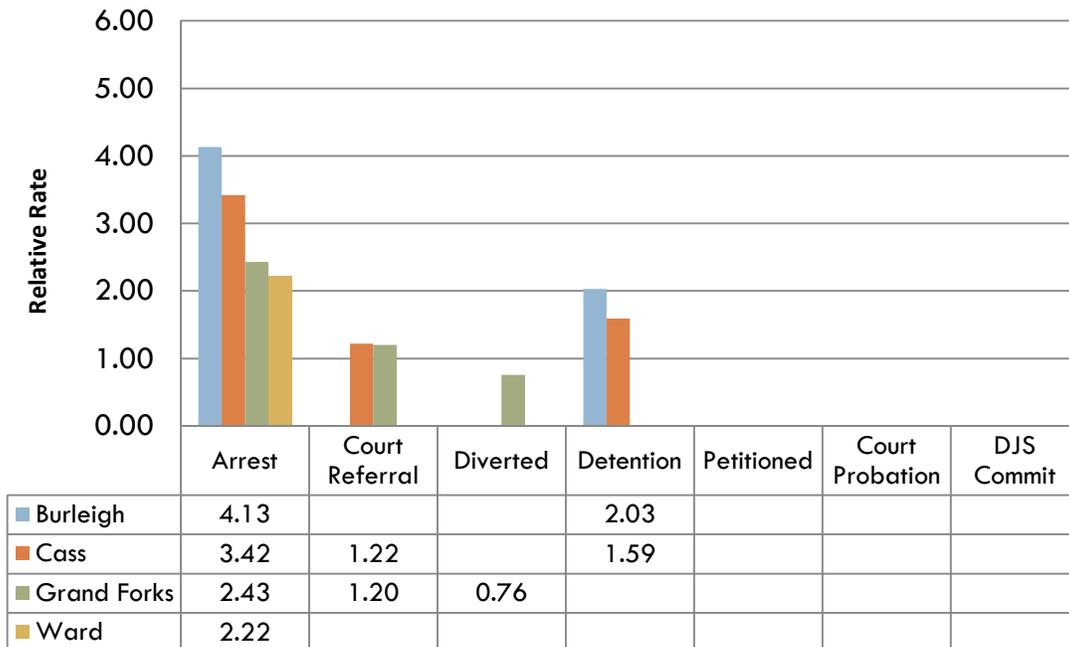
As illustrated in the chart below, which details the RRI calculations on a statewide basis for all minorities, the statistically significant rates with higher magnitude are those on the front end of the system with arrest and detention.

**RRI Calculations (Statewide), CY2013 - All Minorities**



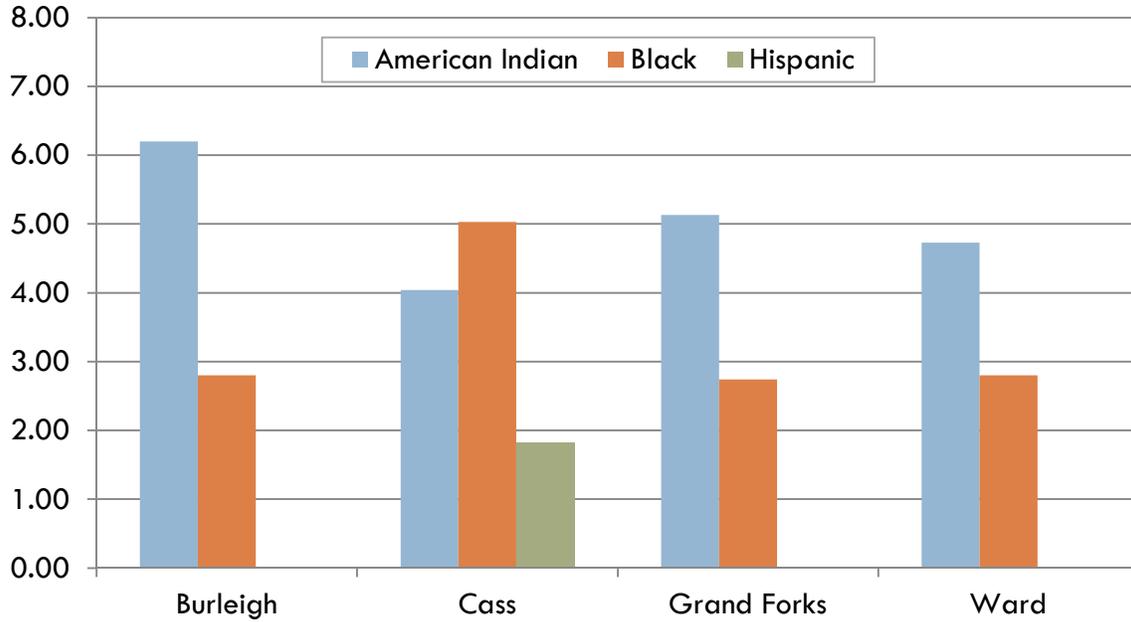
The chart below shows **those rates (for all minorities) that are statistically significant and greater magnitude** at the county level, which primarily consists of arrest, referral to court and detention.

**RRI Calculations (by County), CY2013 - All Minorities**

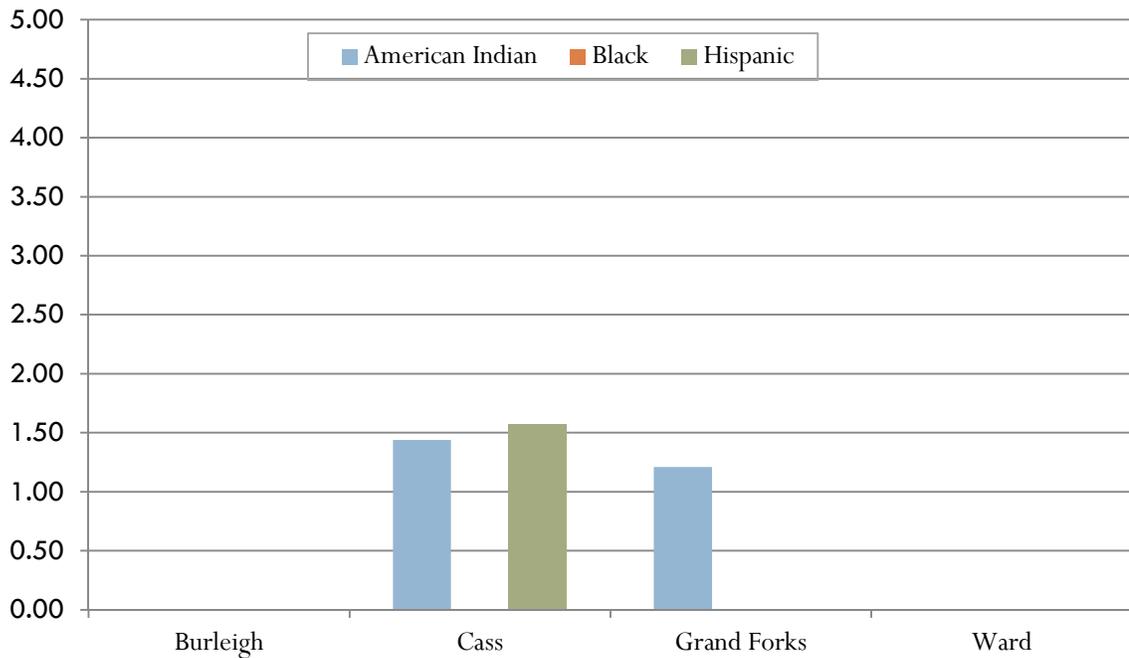


The following charts look at the system contact points identified above and shows those the rates are statistically significant and of greater magnitude by county *and* by individual minority group.

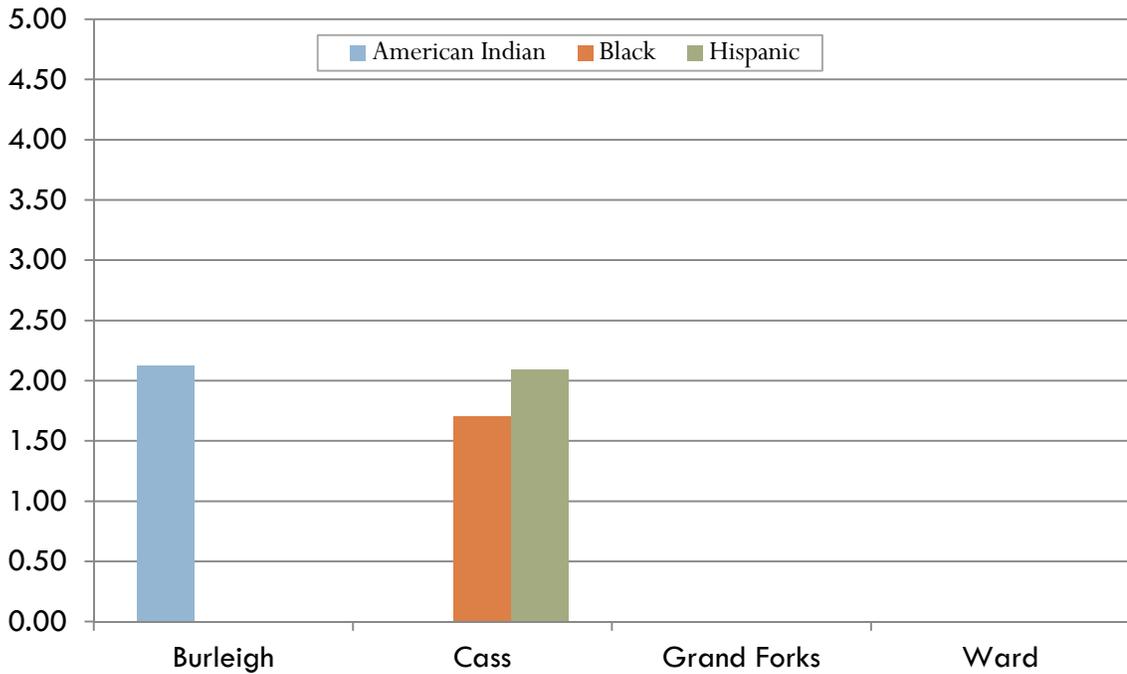
**Rate of Juvenile ARREST, CY2013 - by County and Minority Group**



**Rate of COURT REFERRALS, CY2013 - by County and Minority Group**

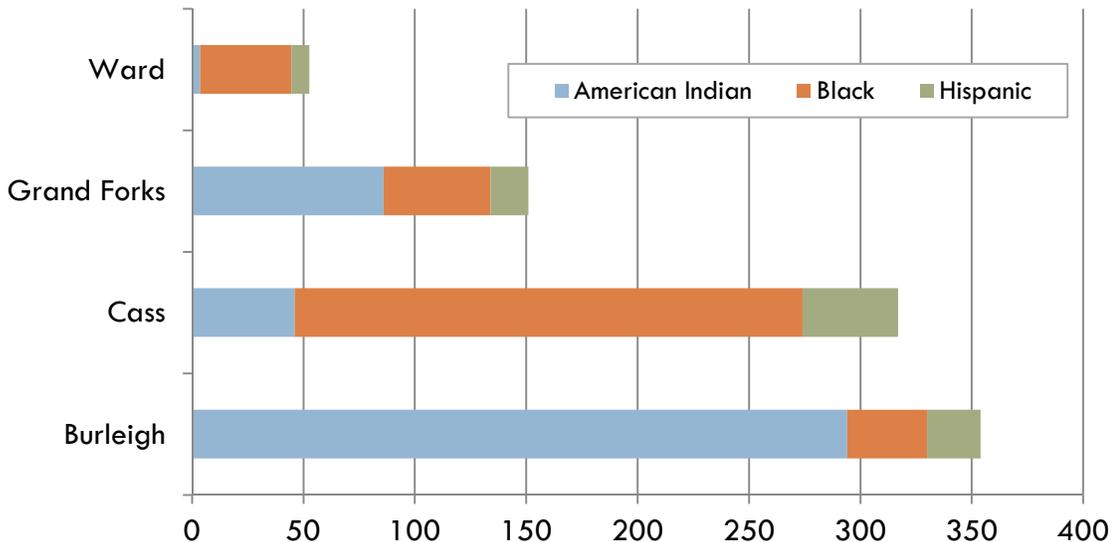


Rate of DETENTION, CY2013 - by County and Minority Group



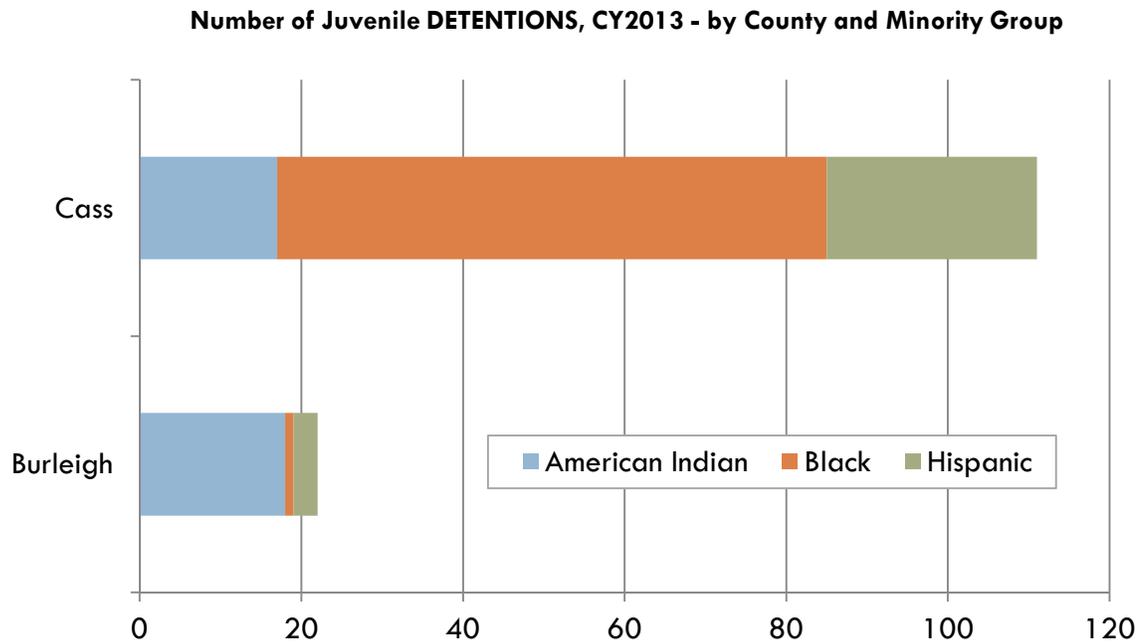
As illustrated by the charts above, the highest disproportionality is associated with the arrest of American Indian and Black youth. Rates of arrest for American Indian and Black youth are significant and of magnitude in all four counties, with rates ranging from 4.0 to 6.2 and 2.7 and 5.0, respectively. **However, as indicated by the chart below, the most significant volume of activity associated with arrests is that of American Indian youth in Burleigh County and Black youth in Cass County.**

Number of Juvenile ARRESTS, CY2013 - by County and Minority Group



Court referrals are also significant and elevated in some cases, particularly in the eastern part of the state in Cass and Grand Forks Counties with rates ranging from 1.21 to 1.57. However, court referral rates are not as great of magnitude.

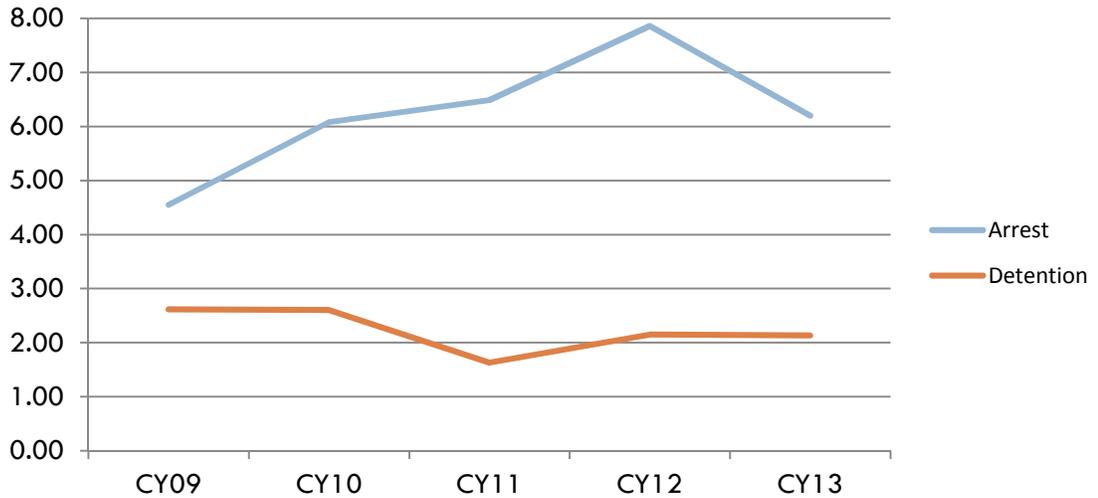
The detention rates are not nearly as high as arrest rates but are still statistically significant and of magnitude for Burleigh and Cass Counties. Burleigh County has a statistically significant detention rate for American Indian youth with a rate of 2.13 and Cass County has statistically significant detention rates for Black and Hispanic youth, with rates of 1.70 and 2.09, respectively. **However, as indicated in the chart below, the detention rates that are statistically significant and of magnitude, and have a significant volume of activity, are the rates of detention of Black youth in Cass County.**



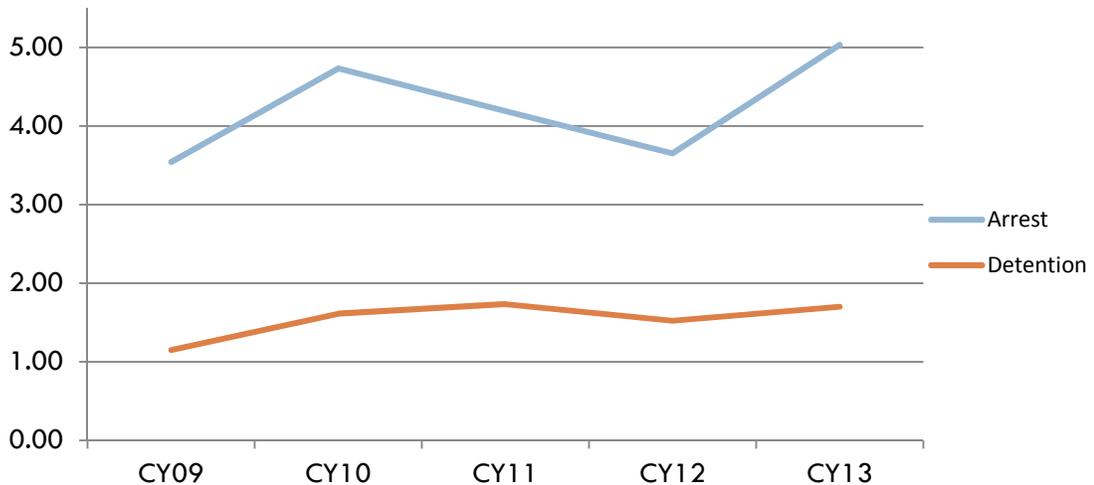
In order to achieve statistical parity with white youth for those rates that are statistically significant, of greater magnitude, and reflect a significant volume of activity, there would need to be 247 less citations issued to American Indian youth in Burleigh County and 183 less citations issued to Black youth in Cass County. In addition, there would have to be 28 instances of detained Black youth in Cass County.

The charts below compare the calendar year 2013 rates that are statistically significant, of magnitude, and associated with the greatest volume of activity to those of previous years.

**Arrest and Detention Rates of American Indian Youth  
Burleigh County**



**Arrest and Detention Rates of Black Youth  
Cass County**



The arrest rates for American Indian youth in Burleigh County have decreased for the first time in five years, from a high of 2.86 in 2012 to 6.20 in 2013. Detention rates have remained unchanged from the previous year (2.15 in 2012 to 2.13 in 2013), but still lower than they were five years ago (2.61 in 2009). The Bismarck Police Department has conducted an analysis relative to the high arrest rates, and the drop in detention rates could be

somewhat attributable to the implementation of a detention screening tool, both of which are more fully discussed under Phase III.

The arrest rates for Black youth in Cass County have been sporadic (from 4.73 in 2010, to 4.19 in 2011, to 3.65 in 2012) but were at a high in 2013 at a rate of 5.03. Detention rates of Black youth have remained fairly stable but are higher than they were five years ago (1.15 in 2009 to 1.70 in 2013). The Fargo Police Department has been making efforts to address this issue, which could account for the drop in rates, as more fully discussed under Phase III.

When comparing the RRI values for Burleigh and Cass Counties to other counties in the country with similar youth population and minority representation, the arrest rates for Burleigh County had the tendency to be slightly lower while the detention rates slightly higher. This was true when looking at specific minority groups as well as for all minority groups combined. For Cass County, arrest rates were higher in one instance and much lower in another. The detention rates were mostly comparative. The rates for all minorities combined were comparative.

In examining the local context for the RRI values, both Burleigh and Cass County are feasible target populations for continuing DMC reduction activities. Efforts focusing on the disproportionality of American Indian youth in Burleigh County and Black youth in Cass County have been ongoing for quite some time. Burleigh County had conducted two previous assessments relative to American Indian youth, and recommendations continue to be explored and implemented to the extent possible. Cass County's minority population has changed dramatically over the last five years due to an influx of refugees through immigration services provided by a local non-profit organization, and law enforcement agencies, the Juvenile Court, and non-profit providers continue to examine the issues and look for ways to provide services to the various minority groups.

In utilizing the RRI Analysis and Tracking Sheets, the RRI's that are statistically significant, of a higher magnitude, reflect the greatest volume of activity, and also have contextual considerations – and thus are the focus of DMC reduction efforts – are those that are associated with arrest of American Indian youth in Burleigh County and the arrest and detention of Black youth in Cass County. This is fairly consistent with previous years.

## **B. Phase II: Assessment/Diagnosis**

North Dakota's DMC analysis shows that disproportionality is most significant at the point of arrest. The rates of arrest of minority youth are considerably higher than all other rates, particularly for American Indian and Black youth. Rates of detention are also elevated, but not nearly as high as arrest rates. Therefore, assessment of DMC has focused on the higher rates of arrest that may drive rates at later stages of the system.

Assessments were conducted in the two counties in which there was a higher volume of activity, one in the western part of the state (Burleigh County) and one in the eastern part of the state (Cass County). Both assessments were conducted by Mark Martin, with MJ Martin, Inc. The Burleigh County assessment followed up to previous assessments conducted by Mr. Martin in 2001 and 2007 that focused on court processing decisions. The assessment studies were both qualitative and quantitative, consisting of surveys that assessed the practices, perceptions, and attitudes of law enforcement and an analysis of arrest data to determine other factors that may play into the rates (chronicity, differential behavior, patrol areas, etc.).

The assessment findings and recommendations were reviewed with ND's Juvenile Justice State Advisory Group in March 2013, and have been discussed with other system partners (i.e. police departments, juvenile court, non-profit youth serving agencies) over the last couple years to determine possible implementation of the recommendations and direction of resources.

The Burleigh County assessment focused on the arrest of American Indian youth by the Bismarck Police Department as this agency accounts for almost 95% of the arrests of juveniles in Burleigh County. As stated above, the assessment consisted of surveys to gather qualitative data and an analysis of juvenile arrests over the last five years to examine quantitative data. The preliminary findings were discussed with the Bismarck Police Department and the local juvenile court to get feedback and discuss the proposed recommendations. The findings and recommendations were then made part of the final report prepared for the ND Juvenile Justice State Advisory Group.

The key findings from the Burleigh County assessment were as follows:

- According to the 2010 Census, Native Americans account for roughly 8% of all juveniles in Bismarck; however, they accounted for about 30% of the juvenile arrests in Bismarck between 2008 and 2012.
- The percentage of arrests involving a suspect residing in Bismarck was nearly identical for Native American (82.2%) and White (83.3%) juveniles.
- Seasonality does not seem to be a significant factor in arrests of Native American youth. Crime resulting in the arrest of Native American youth tended to be more frequent in the fall months of September, and October compared to the spring months of March, May, and June for White youth. An annual Pow Wow held every year in September at the United Tribes Technical College is a huge event with 70 different tribes participating and an estimated 20,000 spectators. The draw of non-resident Native American youth to this event may explain, in part, higher numbers of arrests in September.
- The day of the week of arrest and time of day of arrest does vary somewhat between Native American and White youth. The highest percentage of arrests of Native American youth occurred on Fridays and Saturdays, although arrest percentages were

fairly consistent across the seven days of the week. The highest percentages of White youth were arrested on Fridays and Saturdays. As a percentage of all arrests, Native American juveniles were more likely than White juveniles to have been arrested during the early morning hours of 3:00-7:00 a.m. on Saturday and Sunday. In looking at weekday arrests, Native American juveniles had a greater percentage of arrests for crime occurring during the weekday mornings while Whites had a greater percentage for crimes over the lunch hour.

- A residence or home was listed as the most frequent location of arrests for both Native American and White youth. However, the second most common crime location for Native American juveniles was a department store, followed by a school and roadway. In contrast, department store was the 4<sup>th</sup> most common place of arrest for White youth. The data may suggest that an arrest of Native American youth may be more likely in situations involving calls for service where the officer may feel he or she has less discretion in dealing with the incident.
- In looking at arrest offenses, Native American youth were more likely to be arrested for theft and liquor violations compared to White youth. Whites were more likely than Native Americans to have been arrested for disorderly conduct, and were more than twice as likely to have been arrested for drug-related violations. Drug-related offenses as a percentage of all offenses have increased quite dramatically over the period from 2008-2012 while liquor law violations decreased for both groups.
- In looking at crime resulting in arrests during typical school hours where school was listed as the location, over 33% occurred between the hours of 8:00-9:00 am. Percentages of arrest of Native American youth (31.9%) and Whites (33.8%) during this time block were similar. The percentage of crimes resulting in the arrest of Native American youth *at school locations* was higher than for Whites around the lunch hour and around the end of the school day.
- The most common offenses for White youth were disorderly conduct (24.3%) and drug related violations (22.8%) while the most common for Native American youth were runaway (21.3%), disorderly conduct (17%), and assault (17%).
- The law enforcement survey suggests that contacts with Native American youth are concentrated among a few officers (11.4% reported having 15 or more contacts with Native American youth in the prior month).
- Streets were reported by officers as the most common location for contacts with Native American youth (37.2%). This contrasts with the arrest data analysis which found that home/residents was the most common location for crime to have occurred that resulted in Native American juvenile arrests, with highways/streets being the third most common.
- Almost two-thirds of the officers responding to the survey did not believe that location was a factor as to whether or not an arrest occurred as a result of the contact; however, where location was considered a factor, officers were typically called there as a result

of an alleged crime being committed or the officer viewed or had evidence of a crime when contact with the juvenile was made.

- Cultural awareness training to better understand the needs of Native American juveniles was indicated by those officers citing the need for additional training. At a departmental level, improved collaboration with community groups, parents, and/or tribal law enforcement was cited as a way to better address the needs of Native American juveniles.
- Poor parenting, lack of supervision and poor role models followed by a general lack of trust and respect for law enforcement were listed as the major barriers facing law enforcement in dealing with Native American juveniles who come in contact with the law. The lack of parental supervision indicated in the law enforcement survey is supported by the crime data analysis which found that the most frequent times of arrest of Native American youth were in the early morning hours on weekends.
- Close to half of all contacts with Native American juveniles during the past year (44.6%) were ‘contact only’ where no citation was issued. Only one-fifth (21.6%) of Native American juveniles were cited and turned over to the police youth bureau according to the survey.
- Officers with less experience, compared to those with more experience, reported having had more contact with Native American juveniles during the course of their work. The fact that new officers are typically assigned to street patrol before moving on to other assignments may help explain this finding.
- Officers with less experience, compared to those with more experience, were more likely to cite the Native American juveniles they encountered during the past year. This response may be related to the previous finding. Officers doing street work may be involved in more encounters with youth where a citation may be issued. Decisions of new officers may be advised by more experienced officers they are partnered with on shift.
- The survey results suggest that department training related to the needs and circumstances of Native American juveniles would be helpful. Those officers who reported that they can ‘very much’ manage situations involving Native American juveniles reported that one of the reasons for this is their experience and knowledge of Native American youth/culture. Among those who indicated the type of training that they thought would be beneficial to meeting the needs and circumstances of Native American juveniles, cultural training to better understand the needs of Native American juveniles was the most common response. The less experienced officers reported that they have more contact with NA juveniles and were more likely to report that additional officer training by the department could improve its ability to meet the needs of Native American juveniles. Though some reported that they think training is

unnecessary for their department, the body of survey responses suggested that many officers either want this type of training or could benefit from it.

- Over 40% of surveyed youth believe all youth coming into contact with law enforcement are treated the same.
- Among those youth survey respondents who responded that not all youth are treated the same by law enforcement, “bad appearance” and “prior history with law enforcement” were listed as the primary reasons for the differential treatment. Less than one-fifth (17.2%) indicated that minorities are treated worse.
- Two-thirds of youth survey respondents (68.1%) felt that the local police officers they have dealt with were fair in how they treated them and other youth.
- More than 2 in 5 youth survey respondents (44.2%) felt that the officers treated all of these racial and ethnic groups the same. Of those who responded that racial and ethnic groups are treated differently, nearly all (96.4%) felt that White youth get treated the best by police.
- Among those who responded that racial and ethnic groups are treated differently two-thirds (65.4%) felt that Native American youth (alone or in combination with another race) get treated the worst by police. Native American youth was followed closely by Black youth at 57.7%. Racism and prejudice were cited by most of these respondents as the reason for the poorer treatment of minorities.
- Two thirds of youth survey respondents (66.7%) felt that Native American youth (alone or in combination with another race) were the most likely racial or ethnic group to be arrested. While “racism and prejudice” were cited as the primary reasons for this group being more likely to be arrested, almost an equal percentage cited “behaving more poorly, committing more crime, or having an uncooperative or bad attitude” as reasons this group may be more likely to be arrested.
- Slightly more than half of the youth survey respondents (54.1%) felt that Native American youth (alone or in combination with another race) were the most likely to be detained after arrest. Prejudice and the youth’s personal behavior were the top two responses as to why Native American youth would be more likely to be detained following arrest.
- Based on the factors surveyed, youth survey respondents’ personal experience with officers was generally positive.

The Burleigh County assessment report indicated that the overrepresentation of Native American youth at the point of arrest is a multi-faceted issue that does not lend itself to an “easy fix”, nor does it fall just to law enforcement to address the issue. Below are the recommendations that were made, designed to reduce the rate of disparity through a combination of training and collaborative efforts:

1. Programs that create opportunities for personal contact between police and Native American youth should be implemented or enhanced to increase trust and opportunities for positive experiences. Examples of programs that have demonstrated promise in other jurisdictions include:
  - Programs in which law enforcement officers help juveniles make the transition into the community following secure confinement.
  - Recreational programs in which police provide an array of youth activities such as police explorers, police youth academy, police-led athletics, police participation with youth in adventure programs, skill training, etc.
  - Programs in which police officers serve as mentors and role models, focusing on the academic achievement of at-risk students.
  - Programs in which police officers spend time with at-risk youth attending recreational and cultural events and participating in community activities.
  
2. Native American youth face unique challenges with regard to cultural identity and trauma that contribute to poor coping skills and decision-making. Law enforcement officers and other service providers may be better equipped to respond to situations involving Native American youth with greater awareness and understanding of these issues as it relates to their current behavior. Opportunities for training of law enforcement, service providers, and other justice system personnel on issues of historical trauma<sup>2</sup> should be considered.
  
3. Both the law enforcement and youth survey suggested a need to increase the effectiveness of law enforcement in their interactions with youth, particularly Native American youth and other minorities. The “Effective Police Interactions with Youth” training program is an example of a curriculum available through OJJDP designed to reduce the likelihood that interactions between police officers and young people will have negative outcomes and/or result in police action. The goals of the training program are to:
  - Increase patrol officer awareness of disproportionate minority contact (DMC);
  - Increase patrol officer knowledge of youth behavior and strategies for interacting effectively with youth;
  - Improve police attitudes toward young people;
  - Increase the likelihood that police/youth interactions will have positive outcomes; and
  - Increase the likelihood that youth will respond positively toward police.

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<sup>2</sup> **Historical trauma** is cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma. Self-destructive behavior, suicidal thoughts and gestures, depression, anxiety, low self-esteem, and anger that are among the responses of those dealing with trauma issues.

4. Both the 2007 study and the law enforcement survey described characteristics of Native American youth and their families that suggested a lack of connection to and engagement with the community. Institutions which provide a means to create a stronger cultural identity for Native Americans in the community are a means to strengthen these connections. A community cultural center is one such example. It provides a hub for cultural healing and programming; serves as a repository for cultural resources; and provides space for cultural expression and identity exploration. There have been some preliminary discussions regarding the creation of a Native American cultural center in the community. Community leaders should be encouraged to work with representatives of the tribes in the area to move this initiative forward.
5. For various reasons, there has been a recent trend in schools across the country to call police to respond to minor misconduct of students. The result has been an increased reliance on the justice system to address matters which had formerly been handled internally by the schools. The crime data analysis showed a number of arrests/citations of Native American youth occurring during school hours for minor offenses such as disorderly conduct, theft, and runaway. The extent to which this situation contributes to overrepresentation at arrest is not fully understood based on the data available. Further study by law enforcement and school officials is recommended to see if this trend is also occurring in the Bismarck schools and the extent to which arrests/citations have increased as a result.
6. As possible follow-up to this assessment, it would be helpful to better understand the effect that recidivism has on the level of overrepresentation of Native American youth at arrest. From the data available, it was not possible to determine the extent to which chronic offenders contributed to the arrest count. With more detail on these recidivists, it may be possible to develop strategies to reduce or prevent re-offending by addressing the underlying cause of this behavior. If more complete data were available on arrest location, it would also be helpful to take another look at where arrests occurred to determine if there are factors present which would be addressed to reduce or prevent the behaviors of youth leading to arrest (i.e. congregating in mall areas resulting in calls to police from businesses; minor disruptions at schools which should more appropriately be handled by school officials, etc.).

The Cass County assessment focused primarily on the arrest of minority youth by the Fargo Police Department. The assessment consisted of a law enforcement officer survey to gather qualitative data and an analysis of juvenile arrests over the last five years to examine quantitative data. The preliminary findings were presented to the Fargo Police Department and the local juvenile court to get feedback and discuss the proposed recommendations. The findings and recommendations were then made part of the final report prepared for the ND Juvenile Justice State Advisory Group.

The key findings from the Cass County assessment were as follows:

- Both Native American and Black youth were overrepresented in juvenile arrests in Fargo for the years 2008-2012 based on the 2010 Census.
- The percentage of arrests among juveniles of a minority race was similar for older and younger female juveniles and for older male juveniles, ranging from 20.5% to 23.0%. Among younger males (those in the “under 15” age category), however, 36.1% of all arrests involved a juvenile of a minority race; 29.1% of those were black.
- The sharpest decline in the number of juvenile arrests between 2008 and 2012 occurred among Native Americans, who declined from 125 arrests to 43 arrests for a 65.6% decline. The reason for this decline could not be explained based on the data available. Further review may be needed to make sure the decline is not related to miscoding or other factors unrelated to actual frequencies of arrests.
- “On-view” arrests accounted for 54.3% of arrests for 2011-2012 combined. Native American females compared to Native American males had a higher percentage for on-view, while the opposite occurred for Blacks and Whites.
- During 2011-2012 about 1 in 5 juvenile arrests resulted in a juvenile being held or placed in either attendant care or detention. Native American juveniles were more likely than Black and White juvenile to end up in attendant care or detention following an arrest. The higher incidence of detention or attendant care for Native American youth correlates with the type of offenses for which these youth are commonly arrested (runaway). In these situations youth may typically be held until they can be released to parents or juvenile authorities. Difficulty in locating parents of Native American youth is often cited by police as a factor in the need for temporary detention or placement.
- During the combined time period of 2008-2012, June had the highest number of arrests for any month (482 arrests, 9.3%) while January had the lowest number of arrests (354 arrests, 6.8%).
- When looking at juvenile arrests by three-month seasons during 2008-2012 combined, the most common season for arrests among Native American juveniles was summer (29.1%). The least common season for arrests of Black youth over the time period was winter (19.5%).
- During the combined time period of 2008-2012, arrests were most likely to have occurred on Friday (16.1%) and least likely to have occurred on Sunday (11.3%). Native Americans had the highest percentage of their arrests occurring on Wednesday (20.4%), which was the highest percentage for any day for any race.
- During the combined time period of 2008-2012, the most common hours of the day for arrests occurred between 4 and 7 PM (18.9%). During the weekdays, a higher proportion of arrests occurred between 7 AM and 1 PM, while a much greater proportion of arrests occurred on the weekend during the late evening and overnight hours of 11 PM to 5 AM.

- Theft was the most common offense listed, accounting for more than 1 in 5 offenses (22.7%), followed by alcohol/drug-related offenses, assault, and disorderly conduct.
- When breaking down seven common juvenile arrest offenses by race, theft was the most common for each race during 2008-2012 combined. Native American juveniles, compared to Black and White juveniles, had a higher percentage for runaway. Black juveniles had a much higher percentage for assault and disorderly conduct offenses and a much lower percentage for alcohol and drug-related offenses. Whites were the most likely to be arrested for drug-related offenses and the least likely for runaway.
- When selecting the time period when school is most likely to occur and juveniles are coming and going to and from school (Sept-May, Monday-Friday, 7:00 a.m.–5:00 p.m.) disturbance of public school was the most common individual juvenile offense overall, and the most common among Black juveniles, during the combined years of 2008-2012.
- When breaking down seven common juvenile arrest offenses by race during the typical school operating period, theft remained the most common for Native American and White juveniles. Among Black juveniles, disorderly conduct was overwhelmingly the most common category, accounting for more than one-third of all offenses. Assault offenses were also more common among Black juveniles.
- Officer survey respondents were not a very diverse group. All were White and over 80% were male. Just over 40% reported having 5 or fewer years of experience.
- Officers reported having more contact with Native American youth than with any other minority.
- A substantial number of respondents reported having contact with immigrant populations. The most commonly listed population groups were Bosnians, Somalis, Sudanese, Liberians, and Hispanics.
- Over 80% responded that there are barriers to effectively dealing with minority/immigrant populations. The most commonly listed barriers included language barriers, cultural differences, poor parenting or lack of supervision of youth, and little respect for or trust in law enforcement by parents or youth.
- Survey respondents indicated an average of 45.7% of the contacts made with minority youth during the past month occurred on the streets, making streets the most common location where contact occurred, followed closely by residential homes (35.6%).
- Survey respondents generally considered themselves to be comfortable in interacting with minority youth and confident in their ability to manage situations involving minority youth. They were least confident in the effectiveness of the department in keeping minority youth from being referred to juvenile court.
- The survey respondents listed a number of positives in describing their comfort and confidence in managing situations involving minority youth. These included such things as: relationships officers have developed with community leaders and parents; availability of resources for youth; access to interpreters; training and experience;

assistance from the multicultural liaison officer; and assistance from school resource officer. Some negatives listed by respondents included: cultural and language barriers; poor parenting and lack of parental supervision; lack of respect for authority; officer restrictions and lack of time to spent with youth; inadequate training in working with minority youth; lack of diversity in the department; and lack of assistance/support from the minority community.

- Survey respondents reported that most of their encounters with minority youth involved contact only; about 35% result in a referral and/or placement in either attendant care or detention.
- Survey respondents with less experience, compared to those with more experience had more positive responses related to interacting with and managing minority youth in their work and by their department. In particular, less experienced respondents reported more positive responses for their own confidence and their confidence in their fellow officers to meet the needs of minority youth and their department meeting the needs of minority youth.

The Cass County assessment report indicated that Black and Native American youth are the primary minority groups that are overrepresented in the justice system at the point of arrest. Based on the law enforcement survey responses, many Black youth are among the new immigrant population in the community. New immigrant populations present unique challenges to law enforcement in dealing with youth from those minority communities. Some of them apply to the Native American community as well.

- Immigrant groups may have a distrust of police and judicial systems carried over from their countries or origin, particularly those who come from countries with corrupt and violent police forces;
- It is typical for there to be cultural misunderstanding and language barriers that inhibit communication with public safety and justice services. Immigrant populations are made up of ethnically, culturally, and socio-economically diverse sub-groups. This is true of the various Native American Tribes represented in the community as well. Police must engage a wide range of minority groups to understand their interests and needs;
- Immigrants may also come from countries that are accustomed to resolving disputes informally or they may have a distorted view as to what is truly dangerous or unacceptable behavior based on their past experiences. This may also be true of Native American youth and their families who are part of Tribes with traditional ways of handling disputes or who are used to a higher tolerance for misbehavior on the Reservation compared to the city.
- Community organizations representing new immigrant groups may have limited resources and may be unable to contribute to trust-building efforts to the degree police

may wish. This may require more effort and resources on the part of police to build these essential relationships.

The following recommendations were made in the Cass County assessment report and are intended to address the overrepresentation issue for both Black and Native American youth (many of which are included in the new immigrant population) at the point of arrest. The recommendations are intended to reflect a broad-based approach to addressing the overrepresentation issue and, as such, may include initiatives or approaches that have already been implemented as the Fargo Police Department has already addressing some of the recommendations or has plans to do so.

1. Enhance the effectiveness of the police department in working with Native American and other minority youth.
  - Establish diversity goals in police recruitment. Proactively recruit Native American and other minority individuals to work in both sworn and non-sworn positions in the police department.
  - Provide opportunities for representatives from minority communities to teach officers about the cultures of the local minority populations and to talk about needs and concerns.
  - Provide additional training to increase the effectiveness of law enforcement in their interactions with youth, particularly Native American youth and other minorities. The “Effective Police Interactions with Youth” training program is an example of a curriculum available through OJJDP designed to reduce the likelihood that interactions between police officers and young people will have negative outcomes and/or result in police action.
  - Provide officers with easy access to language interpretation and translation through multilingual and multicultural staff and contracts with local interpreting/translating services, Obtain language tools for officers such as booklets to help identify the language of non-English speaking persons and on-line translation applications.
2. Enhance the level of trust among minority youth and families of law enforcement.
  - Identify community leaders and organizations that advocate for and serve minority and immigrant populations. These entities can provide information on needs, assist in sharing accurate information with immigrants and other minorities about law enforcement services, and provide a contact for immigrants and other minorities when they have crime-related concerns.
  - Establish and conduct regularly scheduled forums for youth and families of the various minority and immigrant populations to learn about the community, laws, customs, services, and opportunities. Presenters who are able to present the information in the immigrants’ native languages should be available at these forums.

- Programs that create opportunities for positive personal contact between police and minority youth should be implemented or enhanced to increase trust and opportunities for positive experiences. Examples of programs that have demonstrated promise in other jurisdictions include:
    - Programs in which law enforcement officers help juveniles make the transition into the community following secure confinement.
    - Recreational programs in which police provide an array of youth activities such as police explorers, police youth academy, police-led athletics, police participation with youth in adventure programs, skill training, etc.
    - Programs in which police officers serve as mentors and role models, focusing on the academic achievement of at-risk students.
    - Programs in which police officers spend time with at-risk youth attending recreational and cultural events and participating in community activities.
  - Conduct focus groups with families of Native American and other minority youth to identify their needs and concerns, to get their ideas on what the law enforcement and other agencies could do to better respond to their concerns, and share ways in which to more effectively engage minority families in the process. An example of questions and responses of such a focus group is provided in Appendix III.
3. Utilize objective criteria in determining the use of detention and other placement of youth at arrest.
    - Implement an objective screening instrument to guide detention decisions.
  4. Establish a juvenile court minority liaison to work with minority youth and their families. The liaison would be available to help youth and their families understand and navigate through the juvenile court process, facilitate access to services, and assure that culturally appropriate approaches are understood and considered during each stage of the case process. The liaison would also work with court officials and service providers to promote increased understanding of the culture and unique needs of minority youth and their families.
  5. Develop and implement programs and services designed to prevent involvement or reduce further involvement of youth in the juvenile justice system. There are a number of evidenced based programs that have been shown to be effective including:
    - Mentoring
    - Afterschool/recreation programs
    - Leadership and youth development programs
    - Parent training and support
  6. The youth crime data provided for this assessment did not include data required to assess the impact of recidivism or residency on arrests of minority youth on

overrepresentation. Follow-up study by the crime analysis unit of the police department in these areas is recommended:

- The extent to which a number of arrests may be attributed to a smaller number of chronic offenders would help explain some portion of the overrepresentation and could provide the basis for developing specific strategies that would impact recidivism.
- With regard to the residency issue, nonresident Native American and Black youth could explain some of the overrepresentation. Further assessment should consider residency along with seasonality to determine the relationship of community activities and event to increased arrests of nonresidents. The extent to which arrests of minority youth from the adjacent community of Moorhead across the state line contribute to overrepresentation should also be further studied.
- An assessment of incident location as it relates to arrest of minority youth may also be useful. The impact of deployment policies and enforcement priorities in particular neighborhoods or locations where minority youth live or congregate can be assessed. The findings may provide the basis for policy changes or development of strategies to prevent or reduce unlawful behavior by youth in those areas.

### **C. Phase III: Intervention**

#### **1. Progress Made in FY 2014**

To address the recommendations in the assessment reports, the SAG voted to allocate Formula grant funding to Burleigh and Cass Counties to conduct delinquency prevention, intervention, and systems improvements activities. Specifically, \$100,000 in Title II Formula grant funding for DMC-related activities was allocated -- \$50,000 to Burleigh County and \$50,000 to Cass County. A Request for Proposal went out specifying the availability of funding for addressing the recommendation made in the assessment reports. Four applications were received (three applications for services in Burleigh County, and one for services in Cass County), and all applications were awarded funding by the SAG through September 30, 2014.

In 2014, the SAG again decided to continue to provide funding to address the recommendations in the DMC assessment reports and allocated \$70,000 in Title II Formula grant funding -- \$35,000 to Burleigh County and \$35,000 to Cass County. Five applications were received (three applications for services in Burleigh County and two applications for services in Cass County). Four of the five applications were awarded funding (one was not allocated any funding due to it being a duplication of services).

The following bullets summarize the recommendations from the assessment reports (Burleigh and Cass Counties), and are followed by the efforts in each jurisdiction, including

those implemented with the grant awards discussed above, as well as other efforts that have or are taking place:

- Enhance the level of trust and thus effectiveness of law enforcement among minority youth and families.
  - The Police Department in Fargo (major city in Cass County – over 70% of the juvenile citations) employs a cultural liaison officer to reach out to minority groups in the community. The department created the position to provide Fargo’s large New American population (i.e. refugees, immigrants, and asylees) as well as the Native American population with a familiar face in law enforcement that they could reach out to with questions and concerns. The position collaborates with other service providers, elder groups, community or religious leaders, and social organizations. The position also teaches classes, hosts forums, and does regular home visits with social workers.
  - The Bismarck and Fargo Police Departments actively recruit minority individuals to work as sworn officers. This is done at the colleges, including the United Tribes Technical College, and schools and job fairs. The Fargo Police Department also travels to the Minneapolis, MN area to try to recruit minority individuals.
  - Both police departments utilize “Language Line”, which provides immediate access to interpreting/translating services when language barriers arise. They have established policy about proper usage, in particular not depending upon the juveniles to interpret for their parents.
- Provide opportunities for training of law enforcement, service providers, and other justice system personnel to increase the effectiveness of their interactions with minority youth.
  - A Title II Formula grant was awarded by the SAG to the Bismarck Police Department for cultural diversity training by the Wellbriety Training Institute in Colorado. The training was conducted in August 2014 and several training sessions were provided so that all departmental staff had the opportunity to attend. The training consisted of an understanding of cultural diversity; the trauma faced by Native people; how intergenerational trauma continues to play a role in urban communities and the Native population that the police work with; and solutions that can be implemented to strengthen the relationship between law enforcement and the community. Seventy-five staff from the Bismarck Police Department received the training and all rated it as beneficial.
  - The Bismarck Police Department has a staff person who has done extensive research around the issue of historical trauma. She conducts training for new officers on

cultural sensitivity and how historical trauma relates to contemporary Native American issues that the officers will be faced with.

- The cultural liaison officer with the Fargo Police Department provided quarterly training to the other officers within the department as well as other system partners on various cultural issues and community trends.
  - The Bismarck Police Department was awarded technical assistance through CIVICFIRST to implement the “Effective Police Interactions with Youth” curriculum. The training is scheduled for June 2015.
  - As part of the Title II Formula grant that was awarded in Cass County for DMC Prevention Coordinator, Lutheran Social Services conducted DMC/Restorative Justice training to school personnel in West Fargo.
  - A Title II Formula grant was awarded to the Sacred Pipe Resource Center to provide training to school personnel in the Bismarck Public School District (Burleigh County) on historical trauma and understanding actions/reactions of Native American youth.
- Utilize objective criteria in determining the use of detention and other placement of youth at arrest
    - The use of a detention screening tool in the South Central Judicial District (i.e. Burleigh County) continues with the assistance of the Bismarck Police Youth Bureau. Federal training and technical assistance was awarded in 2014 to conduct a validation study of the tool to measure its success in terms of meeting public safety but also not detaining more youth than necessary. The Juvenile Court Director for the South Central Judicial District and the Juvenile Justice Specialist has worked with the technical assistance provider on the data used for the study through December 2014. The study report is expected to be finalized in June 2015.
    - The East Central Judicial District, which is inclusive of Cass County, has begun to pilot the detention screening tool that was implemented in the South Central Judicial District. In order to fully implement the tool they will need additional resources for proper completion of the tool prior to intake. This will be further explored during the next ND legislative session.
    - The ND Juvenile Court conducted a statewide analysis of detention placements using calendar year 2014 data to determine how the placements would have scored had the tool been used in order to more fully determine the appropriateness of placements. The data analysis will be presented to the SAG at their Fall 2015 meeting.

- Establish a juvenile court minority liaison to work with minority youth and their families
  - A Title II Formula grant was awarded in 2014 by the SAG to Youthworks to enhance their Youth Cultural Achievement Program (YCAP) in the South Central Judicial District. The YCAP is a diversion program for Native American youth that was created pursuant to a previous DMC assessment study and is now funded by the ND Supreme Court. It currently provides prevention and diversion services, including crisis intervention, individual and family counseling, psychological evaluation, case management, and referral. Additionally, the program has implemented some culturally relevant group activities. Youthworks also operates a complimentary program, New Directions, which is an after school program for Native American high school students. Intake and assessment services for New Directions participants is provided by YCAP staff, as often these families may benefit from YCAP services as well. Referrals are made to the YCAP program by the Juvenile Court, school liaisons, or by concerned parents or family members. Any at-risk Native American youth is eligible for services at no cost to the family. Funding provided by the SAG in 2014 will allow for an even higher level of prevention-focused services for additional counseling, case management, one-on-one mentoring, and a school-based group at the middle school level.
  - Additional Title II Formula funding was awarded by the SAG in 2014 to Lutheran Social Services of North Dakota to continue the work of the DMC Prevention Coordinator position in Cass County that was created with previous Title II funding. The position is based on Restorative Justice concepts and practices and works collaboratively with many agencies and service providers, including the Fargo Police Department's cultural liaison officer discussed previously. The funding awarded will continue through the end of the current biennium at which point the ND Supreme Court may fund services with state general funds.
- Develop and implement programs and services designed to prevent involvement or reduce further involvement of youth in the juvenile justice system.
  - A Title II Formula fund grant was awarded to the Bismarck Police Department in 2014 to continue to assist with the delivery of a Truancy Intervention Program by Police Youth Bureau staff. Previous grant funding allowed for implementation of the evidence-based curriculum. The truancy classes are being conducted in an attempt to keep kids, in particular Native American youth that have a high rate of truancy, connected to school (Native youth are 36.7% of high school drop outs). All students referred to the program were at risk of credit loss due to lack of school attendance. With the start of the 2014-15 school year the Bismarck Police Youth Bureau has partnered with the Bismarck Public Schools to bring the program to more students that are at risk of school failure and are facing truancy citations. Students are now able to

attend the program rather than receive a citation. The program introduces strategies for students to understand themselves and their specific areas of problematic thinking.

- In 2014, the Bismarck Police Department changed its practices to allow for officers to write a report rather than a citation for discretionary calls involving youth (when there is not a clear need for a citation), which is then reviewed by the Police Youth Bureau to determine the need for services.
- Support the development of a community cultural center for Native Americans (Burleigh County).
  - A Native American Development Center for the Bismarck community (Burleigh County) has been founded by a local Native American woman and seven founding board members. Work on community engagement and organizational development continues. Grant funding is trying to be secured for its operation. Information on the Center was presented by the founder to the SAG and support for development and/or training will be provided as applicable.
- Examine the extent to which policies and/or practices at school are contributing to the over-representation of minority youth being arrested.
  - The SAG has established a “school-to-prison pipeline” subcommittee to further study this issue. The subcommittee will be making recommendations to the full SAG at the fall 2015 meeting.
  - The ND Supreme Court has established a School Justice Partnership Leaders Program that is studying this issue. The members include the Chief Justice and representation from the ND Department of Public Instruction, judges (including a tribal judge), the ND Indian Affairs Commission, the ND School Board Association, schools, and mental health. The group has looked at data on graduation rates, especially among Native American youth, and attendance issues, juvenile court data, and data from the Department of Public Instruction on expulsions and suspensions. The members have been discussing best practices that can be incorporated into the Juvenile Court process. Staff from the Bismarck Police Youth Bureau presented data on citations that have been issued by the school resource officers and how they impact Native American youth.
  - Title II grant funding was awarded by the SAG for training by the National Association of School Resource Officers. The 1 ½ day training was available to school resource officers and school administration. It provided training on the role of the school resource officer as mentor and educator, not just enforcer.
- Further study recidivism, location of arrest, and residency to take a closer look at the factors that may be driving the over-representation and/or rates.

- The Bismarck Police Department has a staff person that is conducting a study on the over-representation of Native American youth at the point of arrest. In doing so, she performed a case file review to look at recidivism and the residency of Native American youth that are cited. The analysis was based on calendar year 2010 data to be consistent with the assessment conducted by Mark Martin. The analysis showed that:
  - 39% of Native American youth recidivated compared to 24% of White youth;
  - 25% of the citations issued to Native American youth were reflective of only 11 family units;
  - 27% of the citations issued to Native American juveniles were based on a call from the juvenile's parent/guardian, 18% from schools, and 17% from businesses;
  - 13% of the citations issued were related to youth that did not reside in Bismarck/Burleigh County;

The recidivism data and the calls for service that were outside of law enforcement's discretion, particularly those by parents, demonstrates that more effective diversion and intervention efforts need to be made with Native American youth and their families. The Bismarck Police Department is looking at ways to provide effective interventions through resource referral and de-escalation rather than citations in situations that involve a call from the parents wanting the youth to be cited. In addition, there is discussion about educating school personnel on the issues of historical trauma and how to use disciplinary actions rather than citations in situations that involve minor infractions.

In addition to those things specific to the assessment recommendations, there are other intervention efforts that were part of the DMC Reduction Plan for FY2012-2014:

- A Native American Leadership Academy is held annually by the North Dakota Indian Affairs Commission to create an opportunity for American Indian youth to learn and develop leadership skills to create a successful future, find mentors that will assist them in identifying and reaching their goals, and build positive relationships with peers. The academy's mission is to design, develop and implement a wide range of leadership programs that will advance the spiritual, intellectual, emotional and physical growth of students.
- Funding for programs for native youth on the reservations will continue to the extent possible. The North Dakota Juvenile Justice State Advisory Group will continue to make funding for minority youth a priority of JJDP Act funding. Title II Formula funding will be used to continue to support alternatives to secure detention on tribal reservations.

- An implementation committee has been established by the ND Supreme Court to review the recommendations from the final report issued by ND's Commission to Study Racial and Ethnic Bias in the Courts:
1. An assessment should be conducted to investigate causes of the high minority juvenile arrest rates.
  2. A single statewide tool to guide the decision to detain should be implemented. The tool should include criteria that are related to the purpose of detention and that will be objectively measured and applied uniformly across cases.
  3. The Court should explore establishing a juvenile minority liaison program in counties demonstrating a need, similar to the program in Burleigh County.
  4. The State Court Administrator's Office should develop a resource list of services available for minority youth and their families. This list should be available in clerks of district courts' offices.
  5. Courts should develop and fund culturally sensitive programs for minority youth, which will emphasize the skills needed to give minority youth the best chance at rehabilitation and prevent return to the juvenile justice system.
  6. Youth drug courts should offer high-risk intensive services to youth in order to generate the greatest overall benefit. Such services should be culturally sensitive.
  7. Efforts should be made by the state to work out reciprocal juvenile probation agreements with the tribes so that Native American juveniles who leave, or return to a reservation can receive supervision.
  8. The state should continue efforts to identify and reduce the barriers to full and equal access to juvenile diversion.
  9. All state and local agencies should make significant efforts in the recruitment, training, retention, and promotion of minority personnel within the juvenile justice system. These efforts should be directed toward providing personnel in proportion to the client community, and not be based solely upon demographic representation of communities of color in the population at large.
  10. Judges, attorneys, social workers, guardians ad litem, and other court personnel should receive education and training to increase their sensitivity to cultural and racial issues.
  11. The State should continue to provide annual training on the provisions of Indian Child Welfare Act.
  12. The Court should support agencies' efforts to increase recruitment and licensure of minority foster care parents.
  13. The Court should support efforts to identify experts for purposes of testifying under the Indian Child Welfare Act.

The implementation committee has been meeting since July 2013 and is focusing on the implementation of a detention screening tool statewide (recommendation #2) and

the expansion of a minority justice liaison (recommendation #'s 3, 5, and 8). The Juvenile Justice Specialist presented information on DMC to the committee in 2014.

- The ND Supreme Court again sponsored an Indian Child Welfare Act conference (ICWA) in February 2014 with various different content “tracks” including juvenile justice, child welfare, cultural and mental health. One of the major topics covered was trauma informed care in Indian country.
- The Supreme Court co-sponsored a statewide Children’s Justice Symposium in July 2014 with the North Dakota Department of Human Services. The symposium was three days in length and provided several sessions relative to Native American youth, including Historical Trauma and North Dakota Native American Cultural Awareness. There was 300+ participants with representation from many child-serving agencies.

#### **D. Phase IV: Evaluation**

As detailed above, four projects were awarded Title II Formula grant funding by the SAG in 2013 and four projects were awarded Title II Formula grant funding by the SAG in 2014 to address the recommendations in the assessment reports. Below is performance data related to the programs/activities awarded funding in 2013. Data is not yet available for those projects awarded funding in 2014 as the grant period has not yet ended.

##### Bismarck Police Department – Cultural Diversity Training

The cultural diversity training was provided to Bismarck Police Department staff in August 2014. Two sessions were provided allowing attendance by 75 people, which is a majority of the staff. Per reporting by the Bismarck Police Department, all 75 staff members rated the training as helpful.

##### Bismarck Police Department – Cognitive Behavior Change Curricula

The Bismarck Police Department received funding to train and certify two Police Youth Bureau workers in cognitive behavior change curricula, which is evidenced-based programming through the National Curriculum and Training Institute.

- Number of programs implemented;  
*Five new curriculum programs were implemented.*
- Number of program youth served;  
*62 youth were served during the reporting period.*
- Number of program materials developed;  
*11 different program materials were developed during the reporting period.*
- Percent of youth who offend or reoffend (short term);  
*31% of youth offended/reoffended.*

- Percent of program youth exhibiting desired change in targeted behaviors (school attendance);  
*77% exhibited an improvement in school attendance during the period.*
- Percent of program youth completing program requirements;  
*73% of youth completed program requirements.*
- Percent of program youth satisfied with the program;  
*75% of youth surveyed (i.e. those that completed the class) were satisfied with the program.*
- Percent of program families satisfied with the program;  
*92% of families surveyed were satisfied with the program.*

#### Youthworks – Native American Summer Program

- Number of program youth served;  
*There were 43 youth served by the program.*
- Number of service hours provided;  
*3560 service hours were provided.*
- Number and percent of youth who offend or reoffend (short term);  
*There were 4 youth that offended/reoffended (9%).*
- Number and percent of youth who offend or reoffend (long term);  
*This data is not able to be tracked.*
- Number and percent of program youth exhibiting desired change in targeted behaviors;  
*Unable to measure individually due to testing validity.*
- Number and percent of program youth completing program requirements;  
*26 out of 34 closed cases (76%) completed program requirements.*

#### Lutheran Social Services – DMC Prevention Coordinator

- Number of program youth served;  
*There were 80 youth served by the DMC Prevention Coordinator, the majority of which were black youth.*
- Number of non-program personnel trained;  
*128 non-program people were trained on DMC-related issues.*
- Number of hours of non-program personnel training provided;  
*28 training hours were provided to non-program people.*
- Number of service hours provided;  
*214 service hours were provided.*
- Percent of youth who offend or reoffend (short term);  
*13% of youth offended/reoffended.*

- Number and percent of youth who offend or reoffend (long term);  
*This data is not yet able to be tracked.*
- Percent of program youth exhibiting desired change in targeted behaviors (family relationships);  
*100% of youth surveyed exhibited an improvement in family relationships.*
- Percent of program youth completing program requirements;  
*100% of youth completed program requirements.*
- Percent of program families satisfied with the program;  
*92% of families surveyed were satisfied with the program.*
- Percent of program youth satisfied with the program;  
*91% of youth were satisfied with the program.*

In addition to the Formula grant funding, state general funds have been committed as a specific intervention strategy to reduce the over-representation of American Indian youth in the South Central Judicial District (Burleigh County) through the employment of a Native American project coordinator. This project has been titled the Youth Cultural Achievement Project. This project is being evaluated using the following measures. Performance measurement data for the most recent calendar year (2014) is included:

- Number and percent of program youth served;  
*There were 56 American Indian youth referred to the Youth Cultural Achievement Program during the period. All of the youth were served by the program (100%).*
- Number and percent of youth who offend or reoffend (short term);  
*36 of the 56 participants (62.5%) had offended or been cited at the time of referral to the Youth Cultural Achievement Program. Following intake into the program, 19 of the 56 participants (33.9%) reoffended or had further citations.*
- Number and percent of youth who offend or reoffend (long term);  
*Since inception of the program, 192 American Indian youth have been served. 126 of the 192 participants (65.6%) had offended or been cited at the time of referral to the Youth Cultural Achievement Program. Following intake into the program, 74 of the 192 participants (38.5%) reoffended or had further citations.*
- Number of service hours provided;  
*705 direct service hours (one-on-one) were provided during the period.*
- Number and percent of program youth exhibiting desired change in education;  
*Participants raised their grades equivalent to two letter grades.*
- Of those who received family reunification services, the number and percent of youth who remain in their home;  
*3 of the 56 participants (5.3%) have been placed with a change in custody.*

As detailed above with the performance measurement data, the Youth Cultural Achievement Project is having a positive impact, particularly as it relates to preventing out-of-home placements.

In addition, any Formula grant-supported DMC reduction activities will be required to report on the following **performance measures**, as applicable:

- Number of programs implemented;
- Number of program youth served;
- Number of planning activities conducted;
- Number and percent of program youth who offend or reoffend (short and long term);
- Number and percent of program youth exhibiting desired change in targeted behaviors;
- Number and percent of program youth completing program requirements;
- Number of contributing factors determined from assessment studies;
- Number of contact points reporting reduction in disproportionality at the state level;
- Number of contact points reporting reduction in disproportionality at the local level;
- Number and percent of recommendations from assessment studies implemented.

#### **E. Phase V: Monitoring**

North Dakota will continue to monitor and track changes in DMC trends on an annual basis through the calculation of the relative rates indexes and an analysis of the level of system involvement based on minority youth population. These activities will be conducted by the Juvenile Justice Specialist and will take place each year in March as previous calendar year data is made available. Any Formula grant-supported DMC reduction activities planned will be required to report on evaluation measures, as discussed above. In addition, on-site monitoring will be conducted of all subgrantees.

#### **DMC Reduction Plan for FY2014**

The intervention efforts currently underway as part of the assessment recommendations as well as any other efforts being made statewide to address minority involvement with the juvenile justice system, as fully detailed above, will be encouraged and supported to the extent possible.

The SAG DMC subcommittee has been discussing this issue and will be providing recommendations about addressing the recommendations in the DMC assessment reports as the fall 2015 meeting. They have allocated \$60,000 in Fiscal Year 2015 Title II Formula funding specifically for prevention, intervention, and system improvement strategies related to DMC. In addition, state general funds have been allocated to for court liaison services for minority youth and families in Cass County, as more fully discussed above.