

PLAN FOR COMPLIANCE WITH THE DISPROPORTIONATE MINORITY CONTACT (DMC) CORE REQUIREMENT

I: Identification

The State of North Dakota is a very rural state that has fifty-three counties. The majority of the counties have less than 75 total minority youth. Four large counties (Burleigh, Cass, Grand Forks and Ward) contain most of the minority youth. In addition, these four counties are geographically located in a way that represents the four quadrants of the state, and one for each judicial unit. It is these four counties that the Data Preparation Worksheet was used to identify racial and ethnic disparities

To complete the Data Preparation Worksheet, OJJDP data definitions were used with a couple of exceptions. Because arrest data is only available on a summary basis, making it difficult to analyze, and does not contain all race/ethnicity groups, making it less consistent with court data, juvenile court referral data was used in lieu of arrest data. In North Dakota every arrest citation results in a referral to juvenile court, and thus, it was determined that referral data would provide a more accurate picture and allow for further analysis of the factors that may be driving minority youth's contact with the juvenile justice system. In addition, commitment to state juvenile corrections was used in lieu of secure confinement as pursuant to North Dakota State law, the state's only secure correctional facility cannot be used as a dispositional option (and there are no other secure facilities in which youth are placed post-adjudication). Rather youth are committed to state custody as the last disposition option on the graduated sanctions continuum. Therefore, consistent with previous year's analysis, commitment was substituted for secure confinement.

The data reflects calendar year 2017 and is based on an unduplicated count in order to get a more accurate picture of arrests and juvenile court processing. The population figures reflect U.S. Census population estimates for ages 7 to 17, as this is the age group that falls under juvenile court jurisdiction. Two databases were used in the compilation of the contact points, the Juvenile Court Case Management System and the statewide Juvenile Detention Records system.

Below are the DMC Data Preparation Worksheets, on a statewide basis and for the four counties mentioned above.

CY2017 DMC Identification: Statewide		White	Black	American Indian	Asian	Hispanic
	Population Data	81,346	4,352	8,965	1,553	5,535
Arrest/Referral	Number	1808	363	442	7	139
	Percentage	2.22%	8.34%	4.93%	0.45%	2.51%
Diversion	Number	1359	248	302	5	83
	Percentage	1.67%	5.70%	3.37%	0.32%	1.50%
Detention	Number	221	51	101	3	33
	Percentage	0.27%	1.17%	1.13%	0.19%	0.60%
Commitment	Number	36	13	18	0	2
	Percentage	0.04%	0.30%	0.20%	0.00%	0.04%
Transfer to Adult Court	Number	3	0	0	0	0
	Percentage	0.17%	0.00%	0.00%	0.00%	0.00%

CY2017 DMC Identification: Burleigh County		White	Black	American Indian	Asian	Hispanic
	Population Data	10,388	488	1,128	158	436
Arrest/Referral	Number	296	26	136	1	6
	Percentage	2.85%	5.33%	12.06%	0.63%	1.38%
Diversion	Number	249	17	102	1	6
	Percentage	2.40%	3.48%	9.04%	0.63%	1.38%
Detention	Number	8	4	14	0	1
	Percentage	0.08%	0.82%	1.24%	0.00%	0.23%
Commitment	Number	5	3	6	0	0
	Percentage	0.05%	0.61%	0.53%	0.00%	0.00%
Transfer to Adult Court	Number	1	0	0	0	0
	Percentage	0.34%	0.00%	0.00%	0.00%	0.00%

CY2017 DMC Identification: Cass County		White	Black	American Indian	Asian	Hispanic
	Population Data	18,298	1,950	434	759	920
Arrest/Referral	Number	476	218	44	3	41
	Percentage	2.60%	11.18%	10.14%	0.40%	4.46%
Diversion	Number	325	143	25	2	17
	Percentage	1.78%	7.33%	5.76%	0.26%	1.85%
Detention	Number	68	32	19	1	5
	Percentage	0.37%	1.64%	4.38%	0.13%	0.54%
Commitment	Number	11	8	2	0	1
	Percentage	0.06%	0.41%	0.46%	0.00%	0.11%
Transfer to Adult Court	Number	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%

CY2017 DMC Identification: Grand Forks County		White	Black	American Indian	Asian	Hispanic
	Population Data	6,492	513	344	219	561
Arrest/Referral	Number	197	46	53	1	35
	Percentage	3.03%	8.97%	15.41%	0.46%	6.24%
Diversion	Number	142	36	30	1	22
	Percentage	2.19%	7.02%	8.72%	0.46%	3.92%
Detention	Number	37	9	14	1	12
	Percentage	0.57%	1.75%	4.07%	0.46%	2.14%
Commitment	Number	3	0	2	0	0
	Percentage	0.05%	0.00%	0.58%	0.00%	0.00%
Transfer to Adult Court	Number	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%

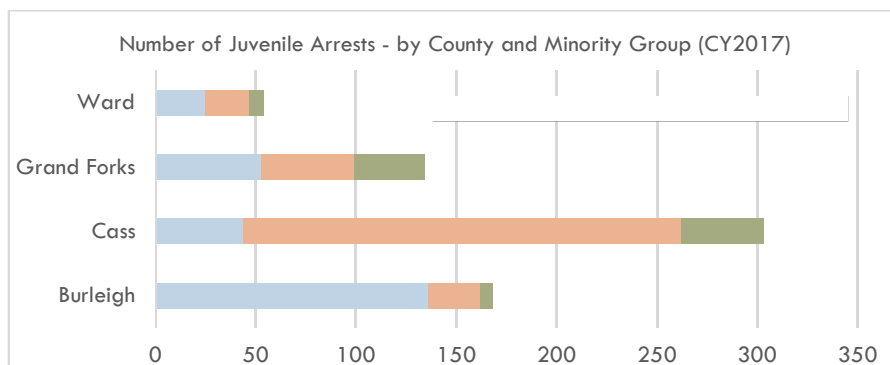
Arrest/Referral	Number	110	22	25	2	7
Diversion	Number	91	19	21	1	6
Detention	Number	30	1	9	0	2
Commitment	Number	5	1	3	0	0
Transfer to Adult Court	Number	0	0	0	0	0

II: Action Plan

1. What do your DMC numbers tell you about your jurisdiction?

The DMC numbers on a statewide basis indicate that American Indian and Black youth are arrested and detained more than white youth. About 5% of American Indian youth and 8% of Black youth are arrested compared to only 2% of White youth. In addition, over 1% of American Indian and Black youth are detained while only .3% of White youth are. This is also true of commitments to state custody.

Burleigh and Cass Counties have the largest minority populations, and as indicated by the graph below, the largest number of juvenile arrests, particularly of American Indian and Black youth. Thus, in order to effectively utilize resources, these counties have been and will continue to be the focus of DMC efforts. Given the numbers, the focus in Burleigh County has primarily been American Indian youth and in Cass County it is Black youth. However, this does not mean that local prevention and diversion efforts only pertain to those minority groups.



- Burleigh County: American Indian youth make up 80% of the arrests of minority youth.
 - 12.1% of American Indian youth are arrested vs 2.9% of white youth;
 - White youth are diverted 84% of the time while American Indian youth are diverted 75% of the time;
 - 1.2% of American Indian youth are detained vs .1% of White youth;
 - .5% of American Indian youth are committed to state custody compared to .05% of White youth.

- Cass County: Black youth make up 71% of the arrests of minority youth.
 - 11.2% of Black youth are arrested compared to 2.6% of white youth;
 - White and Black youth are diverted approximately about the same percentage - 68% of the time for White youth and 66% of the time for Black youth.
 - 1.6% of Black youth are detained compared to .4% of White youth;
 - .4% of Black youth are committed to state custody compared to .06% of White youth.

2. What would success in DMC reduction look like?

Ideally, success would be a race-neutral justice system. To work toward that goal, DMC reduction efforts in North Dakota have focused on the strategies that have been shown to work in successfully reducing disparity:

- Data collection and utilization – Data is collected and analyzed on an annual basis to inform decision making as well as track progress.
- Increased collaboration – local DMC committees consist of a wide variety of representation, including law enforcement, state’s attorneys, juvenile court, social services, private youth-serving agencies, and community members.
- Shift from punitive toward a focus on what is best for youth and community – the juvenile court has adopted a Balanced and Restorative Justice approach in handling youth. They have involved law enforcement, including school resource officers, in this process.
- Affiliation with national juvenile justice reform initiatives – North Dakota’s SAG supported the attendance of local DMC committees at Georgetown University’s Reducing Racial and Ethnic Disparities, where they learned about reform efforts that have proven successful with minority youth. In addition, North Dakota recently implemented a Dual Status Youth Initiative that should help to prevent minority youth’s involvement with the justice system.
- Create alternatives to secure detention, secure confinement, and formal system involvement – North Dakota has developed alternatives to secure detention

and is focusing on increasing community-based services to avoid secure confinement. In addition, the juvenile court has implemented diversion efforts to avoid formal system involvement when appropriate.

- Intentional focus on DMC reduction – North Dakota’s SAG has established DMC reduction as one of three main priorities.
- Maintenance of leadership at the local level, state level or both – state and county stakeholders have continued to show their leadership and commitment to improving DMC and youth/family outcomes.
- Prioritizing DMC reduction as a long-term strategy – North Dakota’s SAG as well as local stakeholders and providers know that DMC reduction efforts, in order to be successful, need to be sustained over a long period of time. There are many factors that contribute to DMC and targeted intervention strategies need to be systematically examined and adjustments made to ensure they are effective.

3. How much do you want to reduce DMC next year?

The local DMC committees from Burleigh and Cass Counties each met to discuss their DMC reduction efforts and goals for the next year. Both committees established a goal of reducing DMC by 2% next year at the contact point of arrest. It is hoped that by reducing DMC at the first point of contact, it will result in a corresponding reduction at all other points in the system.

4. Is that reasonable? If yes, why?

Yes, it is reasonable. Teams from both jurisdictions have attended Georgetown University’s “Reducing Racial and Ethnic Disparities in Juvenile Justice” Program, where they identified possible ways to reduce DMC. Based on the knowledge about effective interventions gained from that program, both jurisdictions have recently implemented diversion programming that they believe will have an impact on DMC at the point of arrest.

5. What do you need from OJJDP to be successful with your plan?

Training focused on DMC reduction strategies that have proven successful with American Indian and New Immigrant populations. There does not appear to be a lot of evidenced-based strategies that are specific to these populations.

6. What safeguards will you put in place to ensure that as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

The North Dakota Juvenile Court follows the principles of Balanced and Restorative Justice, with its mission being to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. It is with that mission in mind that DMC reduction efforts are established. The criteria for diversion targets low-level offenses that have high rates of disproportionality and it is understood that accountability does not have to equal criminalization. Thus, diversion efforts provide accountability and objective decision-making with the goal of keeping low-level offenders out of the juvenile justice system, but not in lieu of public safety. Risk and needs assessments are also done to assess the risk of further delinquent behavior to ensure the goal of public safety.