

# Program Narrative

## A. DESCRIPTION OF THE ISSUE

### 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 jurisdiction over any child who is alleged to be deprived, delinquent and/or unruly. In North Dakota, youth age 7 up to age 18 who are alleged to have committed a delinquent or unruly act fall under the jurisdiction of the Juvenile Court.

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

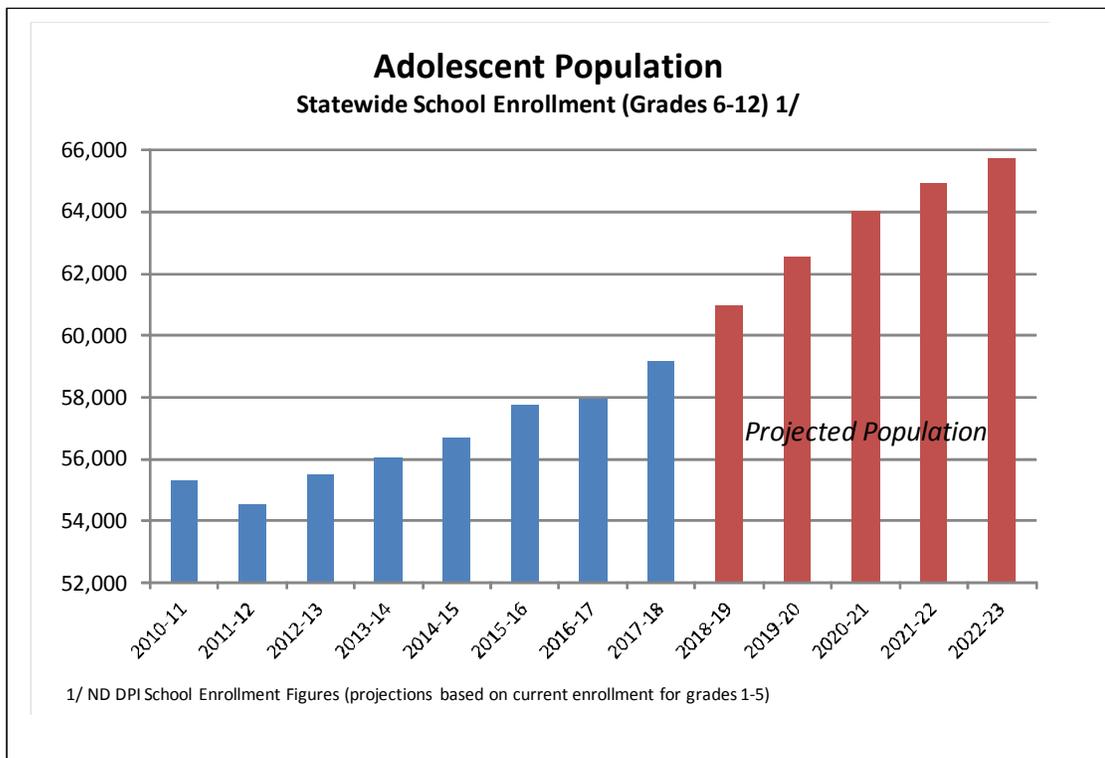
The Juvenile Court has three options for handling juvenile cases: 1) *diversion*, in which the juvenile is referred to a private agency or program; 2) *informal adjustment* in which the juvenile court intervenes with no formal charge or conviction entered; or 3) *formal adjudication*, in which charges 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.

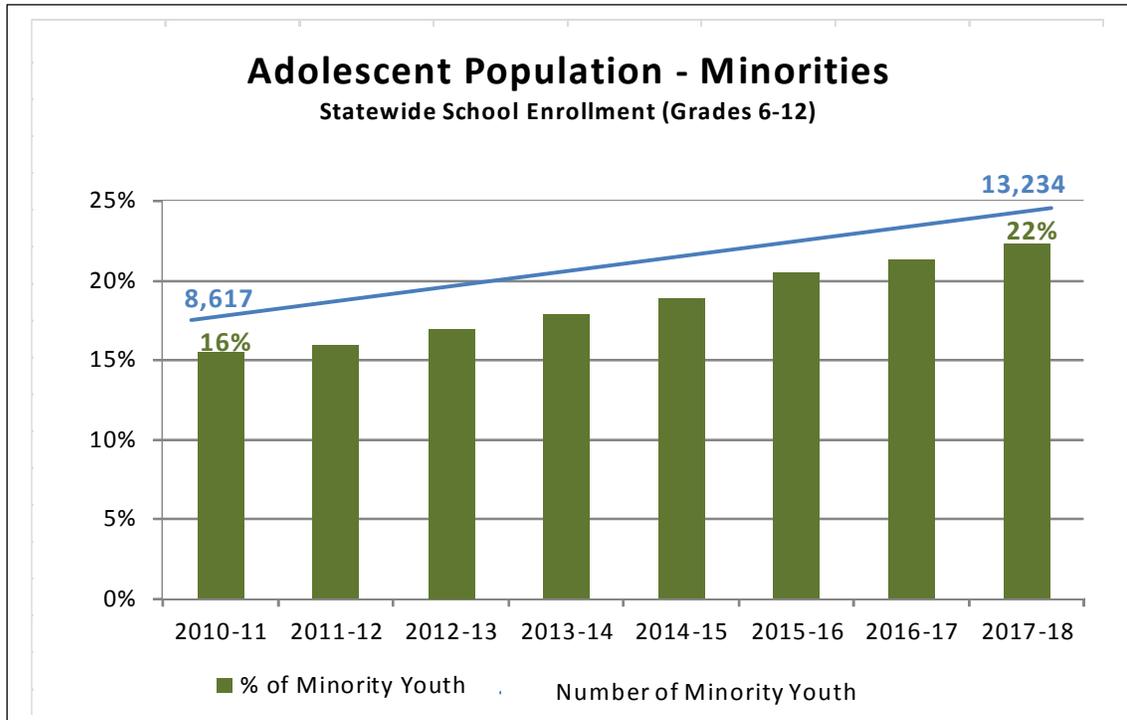
Option 3 provides for the case to be handled formally and a petition filed in the district court. The juvenile may receive formal court probation of up to twenty-four months or be transferred to the state juvenile corrections agency, the Division of Juvenile Services (DJS). The DJS system includes the 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.

ANALYSIS OF JUVENILE DELINQUENCY PROBLEMS AND NEEDS

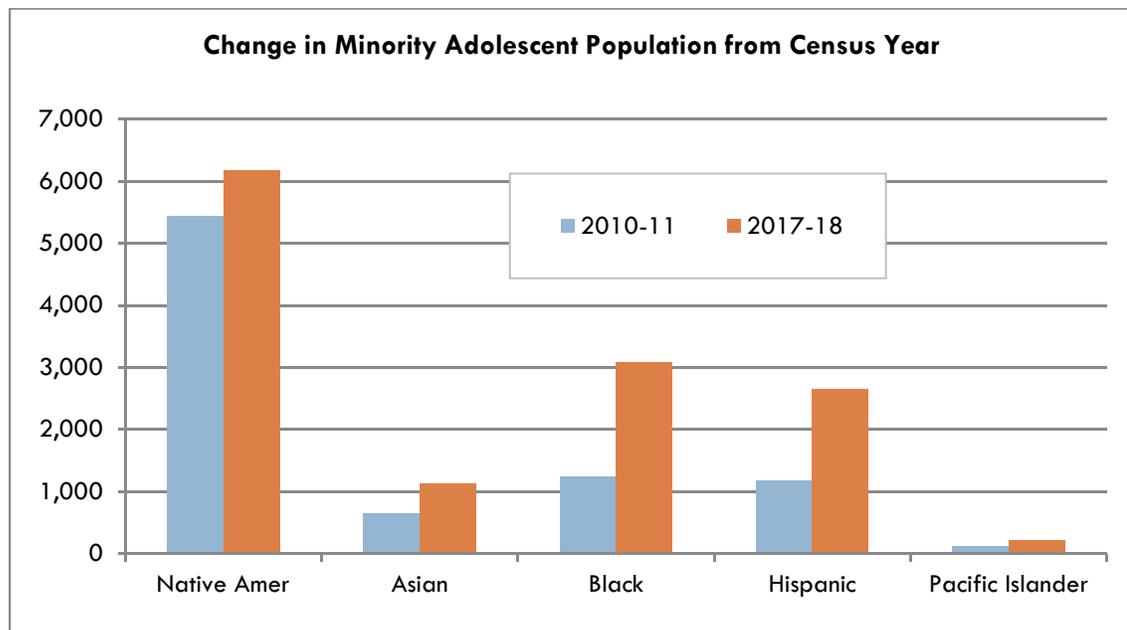
The analysis of North Dakota’s juvenile crime starts with a look at the state’s adolescent population, as any change in youth crime needs to take into account the change in youth population. As shown in the chart below, North Dakota’s adolescent population has continued to grow over the last six years from the 2010 Census, and based on the state’s 2017-18 school enrollment figures, is projected to continue to increase over the next six years. This stresses the need for prevention efforts to keep youth out of the system.



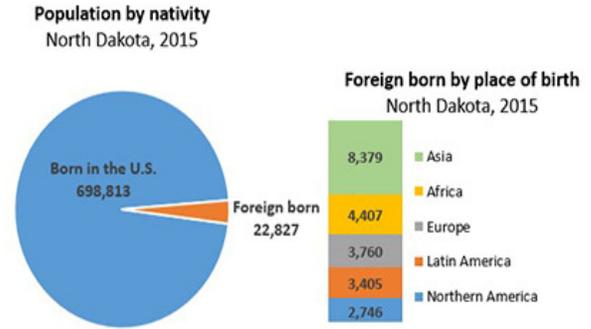
As detailed in the chart below, the largest change in state’s adolescent population occurred with minority youth, increasing from 16% of the state’s adolescent population to 22%. The white adolescent population actually decreased by 2% over the time period.



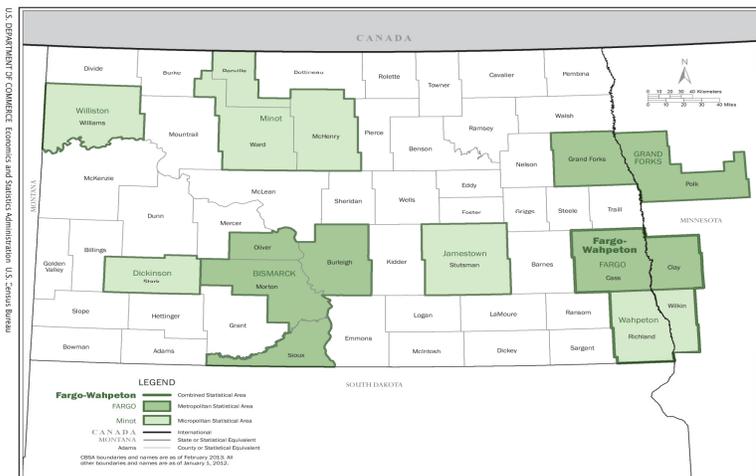
As shown by the following chart, all minority groups experienced an increase in adolescent population. Although Black and Hispanic youth have increased significantly, Native American youth continue to make up the largest number of minority youth in the state.



North Dakota also has a large new immigrant population that is not necessarily depicted by the race data above. Census Bureau estimates in 2015 indicated that there were nearly 23,000 residents in North Dakota who were foreign born, accounting for 3.2% of the total state population, of which about 50% are youth.

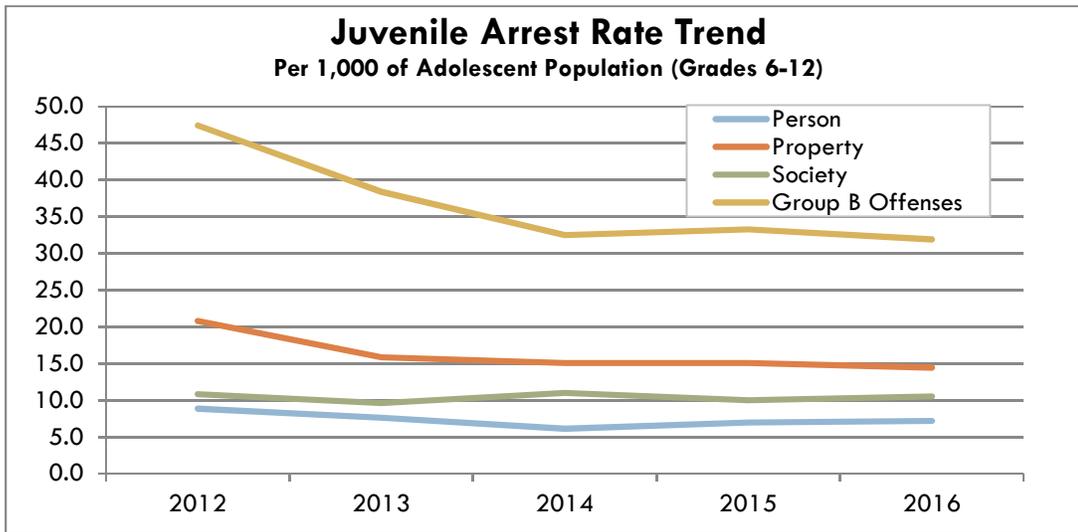


Although North Dakota’s population is increasing, the state is still very rural. The following map shows North Dakota’s metropolitan and micropolitan statistical areas based on estimated population data from the U.S. Census Bureau. There are only three combined metropolitan statistical areas, and five micropolitan statistical areas, together accounting for only thirteen of the state’s fifty-three counties. Based on the most recent population estimates, only four counties in North Dakota have greater than 10,000 youth (ages 0-17) and only four counties have between 5,000 - 10,000 youth. 85% of the counties (45 of 53) have less than 5,000 youth, of which 60% of those counties have less than 1,000 youth.

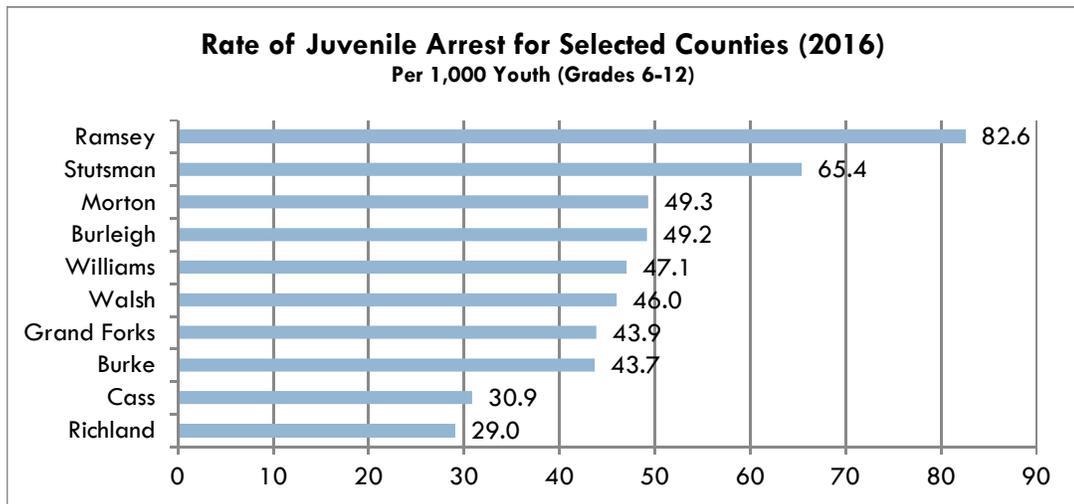


**Thus, North Dakota is predominantly a rural state and delinquency prevention and intervention services are provided in rural areas.**

As indicated by the chart below, North Dakota’s juvenile arrest rates have declined in the last 5 years (2012-2016), with the largest decline seen among the Group B offenses per the National Incident-Based Reporting System (NIBRS). The Group B offenses are low level offenses or status offenses. In North Dakota, the majority of the offenses in this category consist of disorderly conduct, unruly or ungovernable behavior, and liquor law violations. All Group B arrests declined except for family non-violent arrests.



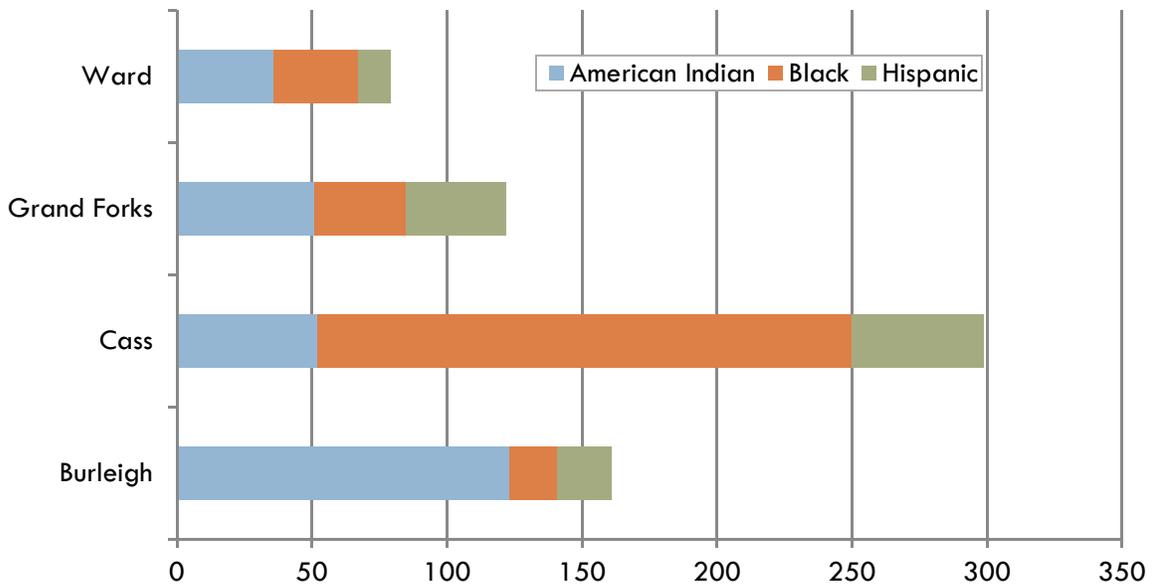
The following chart shows which North Dakota counties had the highest rates of juvenile arrests in calendar year 2016, the most recent year that arrest data is available.



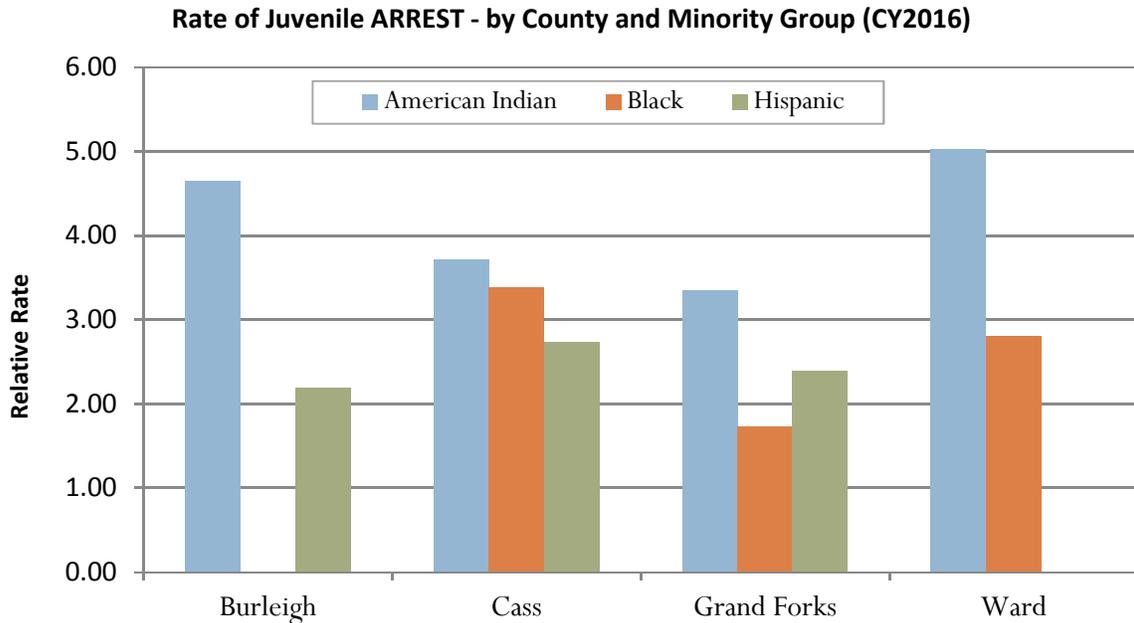
Ramsey County had a significantly higher rate of arrests than the other counties, primarily due to it being the closest retail area for some distance and thus, resulting in higher rates as the population from the communities nearby is not included in the rate calculation. In looking at the types of offenses that are associated with the higher arrest rates in these counties, the largest single offenses are for disorderly conduct, family (non-violent), 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 - by County and Minority Group (CY2016)**



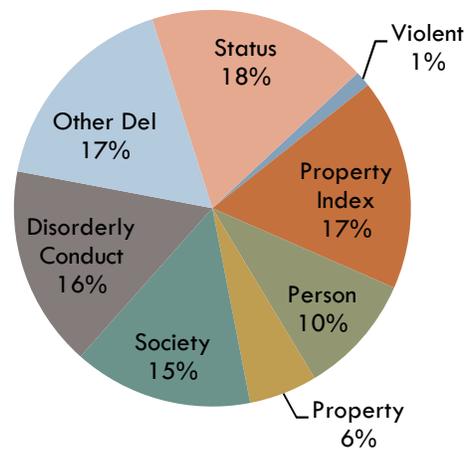
Based on the Relative Rate Index Calculations for calendar year 2016, as shown below, American Indian youth are arrested at rates three to five times that of white youth and Black youth are arrested at rates one and half to three times that of white youth.



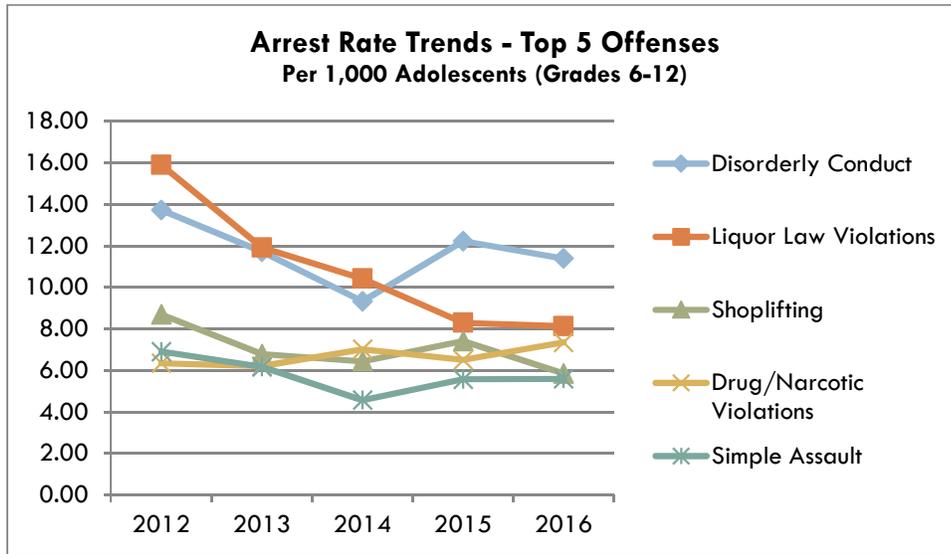
The following chart details the types of offenses for which juveniles were arrested based on the most recent five-year average (2012–2016). Violent offenses continue to be very low at an average at 1% of all juvenile arrests. There is an average of 52 arrests per year for violent offenses, and none for murder. The

majority of juvenile arrests are for status offenses, followed closely by property and public order offenses. Liquor law violations make up the majority of status offense arrests, but have decreased by almost 50% over the last five years. Over half of the property index offenses are for shoplifting. 95% of the Society arrests are related to drug offenses.

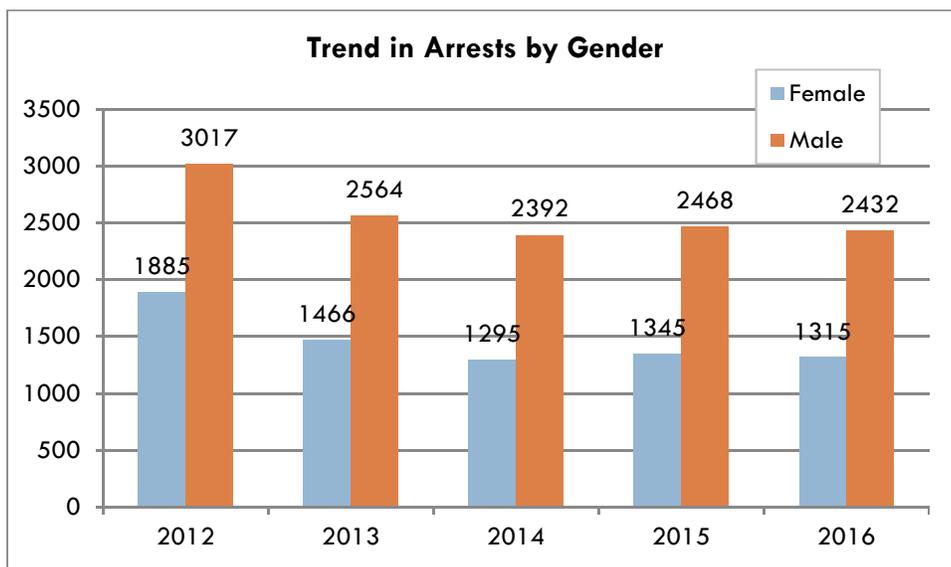
**Juvenile Arrests by Type, 5-Yr Avg (2012-16)**



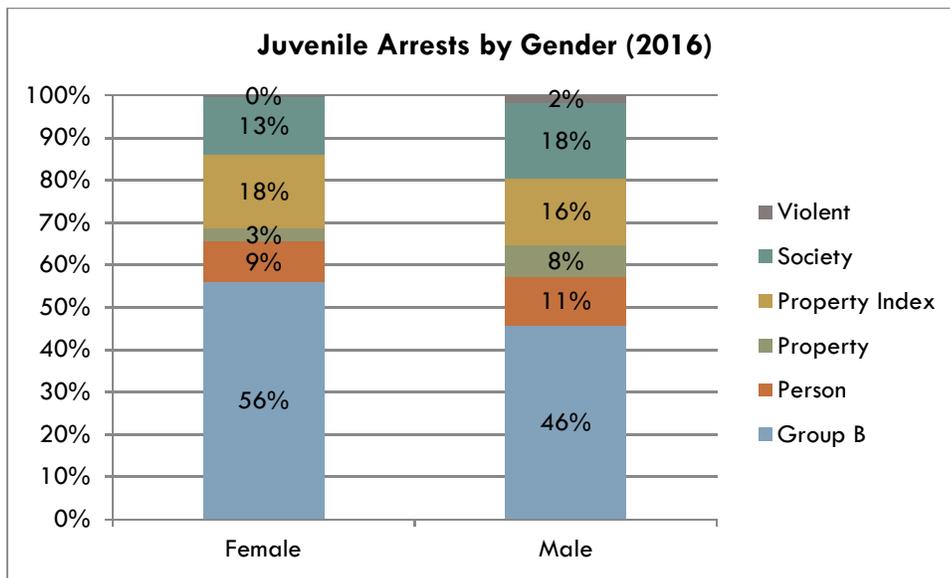
The chart below details the trend in arrest rates for the top five offenses. As noted, all rates have decreased over the last five years except for the arrest rates for drug/narcotic violations. Rates of simple assault have decreased overall from five years ago but not that significantly. Arrest rates for liquor law violations have decreased the most significantly.



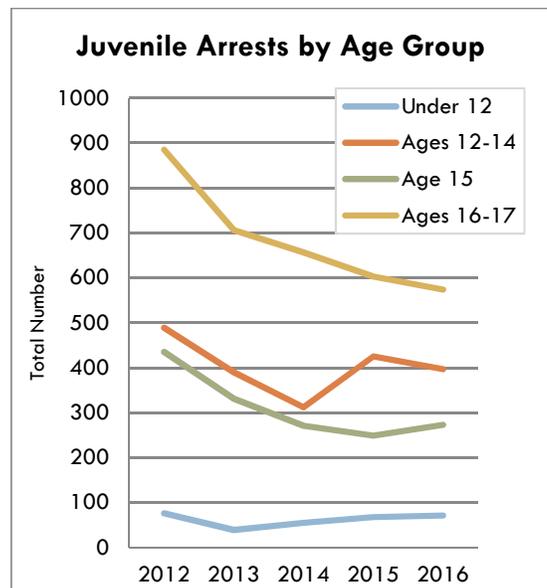
Looking at juvenile arrest data in terms of gender, both male and female arrest numbers have declined over the last five years. Female arrests were consistently about 35% of total arrests.



Charted below is the type of juvenile arrests by gender for the most recent calendar year. A larger percentage of female arrests are for Group B offenses, primarily liquor law violations and disorderly conduct. Males tend to commit a higher percentage of delinquent offenses compared to females, particularly drug related offenses. However, a slightly higher percentage of female arrests were for property index offenses, primarily larceny/theft.

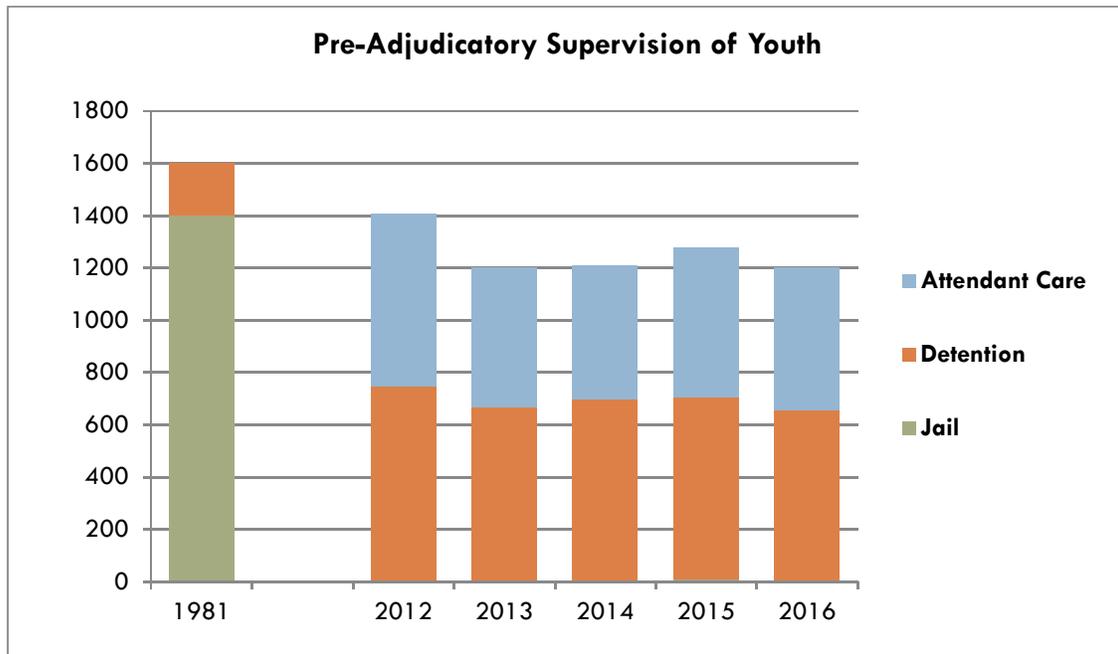


Looking at North Dakota juvenile arrest data by age, all age groups experienced a decrease in arrests except the under 12 age group. The largest declines were with the age 15 and ages 16-17 groups with a decline of more than 35% over the five-year period. The total number of arrests remains the highest with the 16-17 age group.

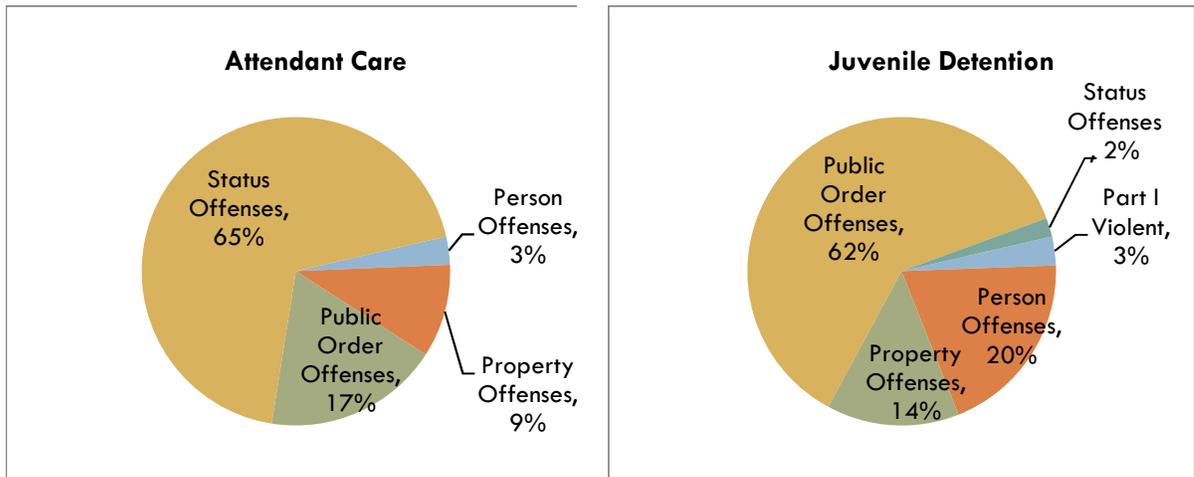


### Pre-Adjudicatory Supervision Data

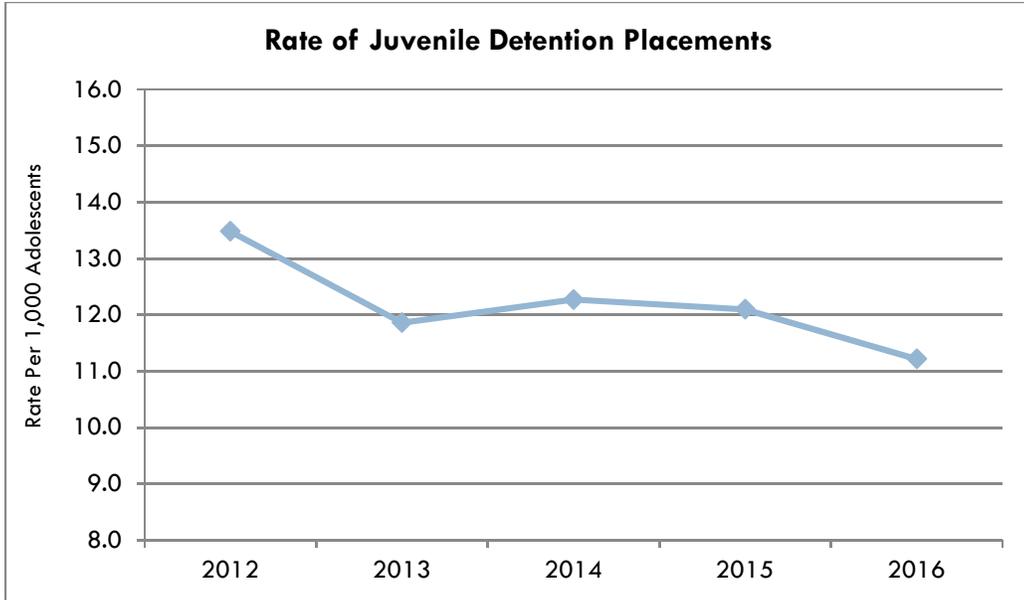
As discussed above, after juveniles are arrested or cited, the majority are released but some do need some sort of supervision while awaiting release to a parent/guardian or a court hearing. We see in the graph below that almost half of the youth needing supervision are placed in non-secure Attendant Care and the others in juvenile detention centers. Few, if any, 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 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.



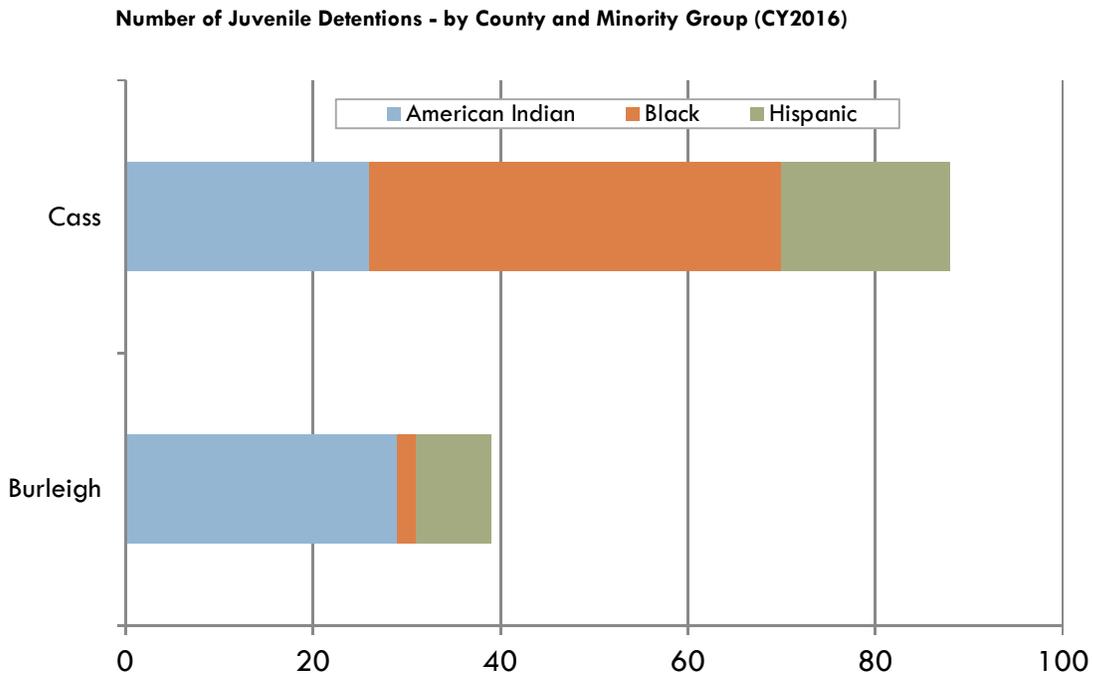
The charts below show the percentages of the types of offenses for which youth are placed in either Attendant Care or juvenile detention. As illustrated, Attendant Care is primarily used for status offending youth (i.e. ungovernable, runaway, liquor violation) although some low-level delinquent offenders are also placed. This is encouraged as long as there are no safety concerns. Juvenile detention is primarily used for the more serious delinquent offenders. Very few 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, almost 40% of youth held in detention on an annual basis are female.



As indicated by the chart below, North Dakota’s detention rate has continued to decline, 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.

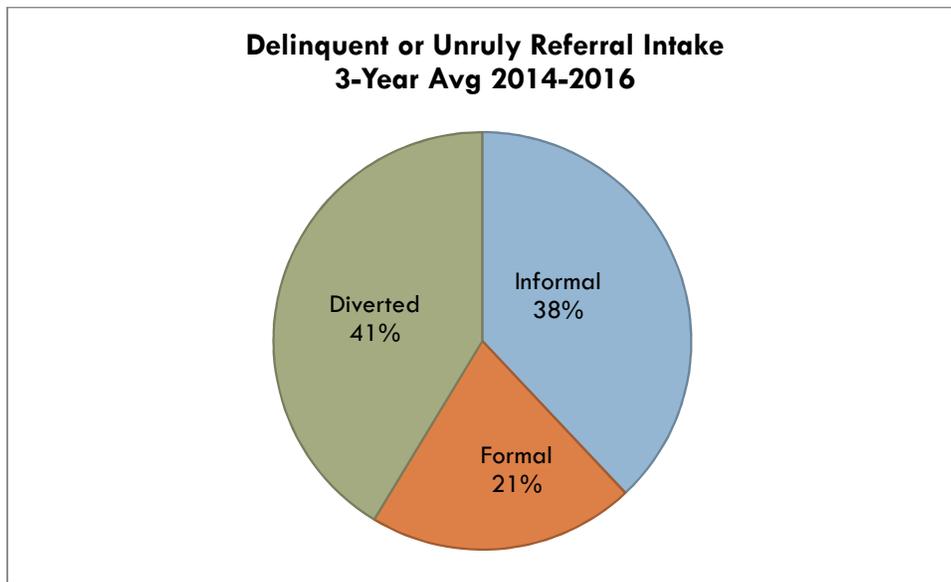


As indicated below and more fully discussed as part of North Dakota’s DMC Plan, Burleigh and Cass Counties have the highest number of minority youth placed in detention.



### Juvenile Court Data

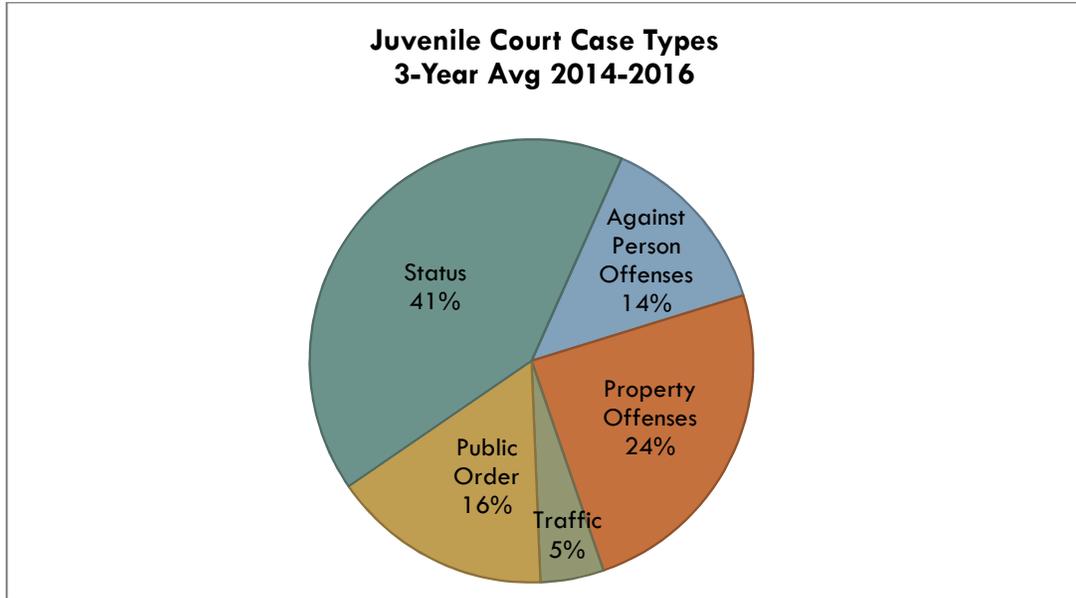
All citations issued upon arrest are referred to the Juvenile Court. In addition, referrals to Juvenile Court are made by schools and parents. As discussed above, cases that are referred are processed in one of three ways: 1) diversion; 2) informal adjustment; and 3) formal adjudication. Below is the 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 there is no formal petition filed.



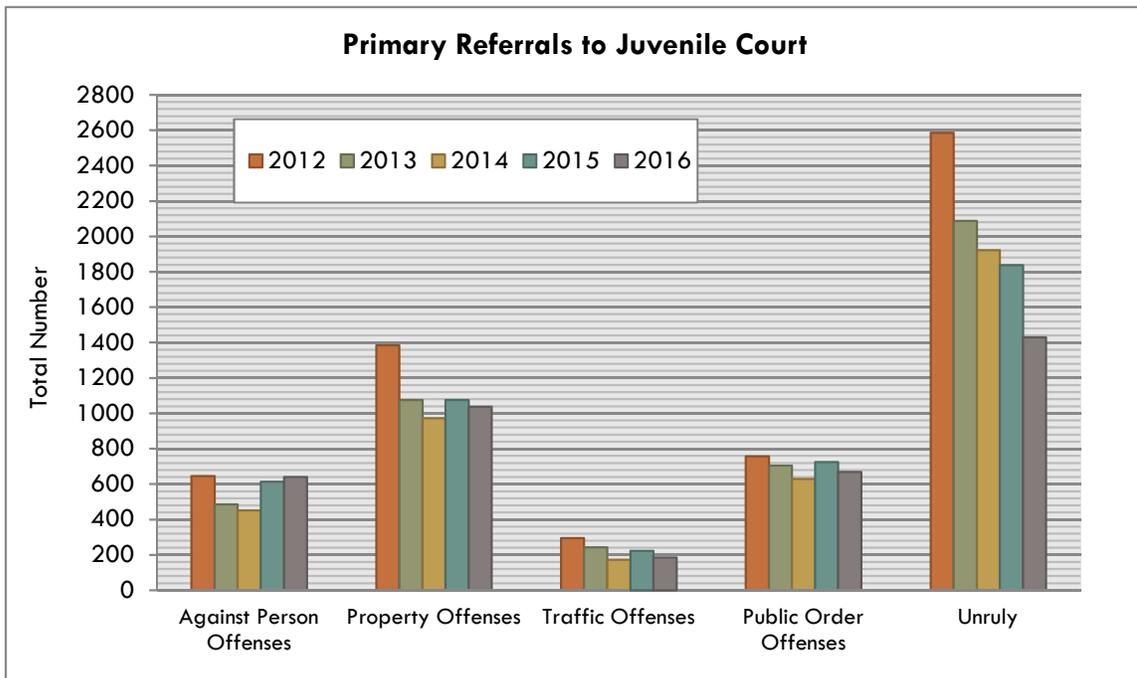
Eighty percent of all youth referred to Juvenile Court never enter the formal courtroom, and forty percent never entered the courthouse at all because they were diverted to appropriate community programs.

The chart below shows a breakdown of the ND Juvenile Court Caseload by offense type for the latest three-year period. A significant good portion of the juvenile court cases were for

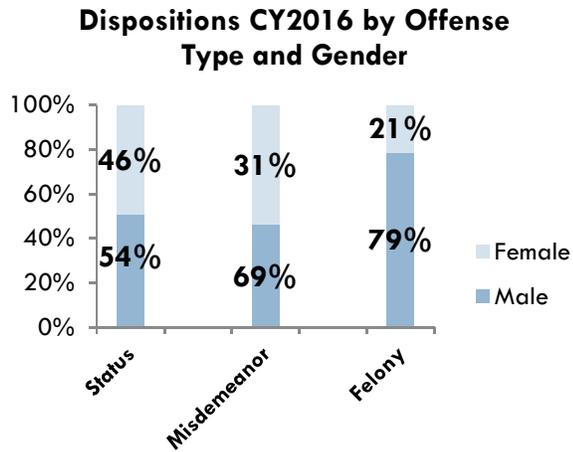
status offenses while only a small number are for person or property offenses. This significant proportion of status offenses explains the high reliance on diversion procedures.



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 person offenses.

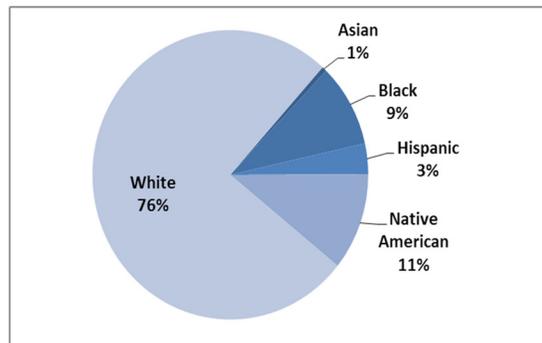


We can see that males were more likely to be disposed for felony and misdemeanor offenses. Females had a much higher proportion of status offenses, and thus, more juvenile court dispositions for females were diverted.

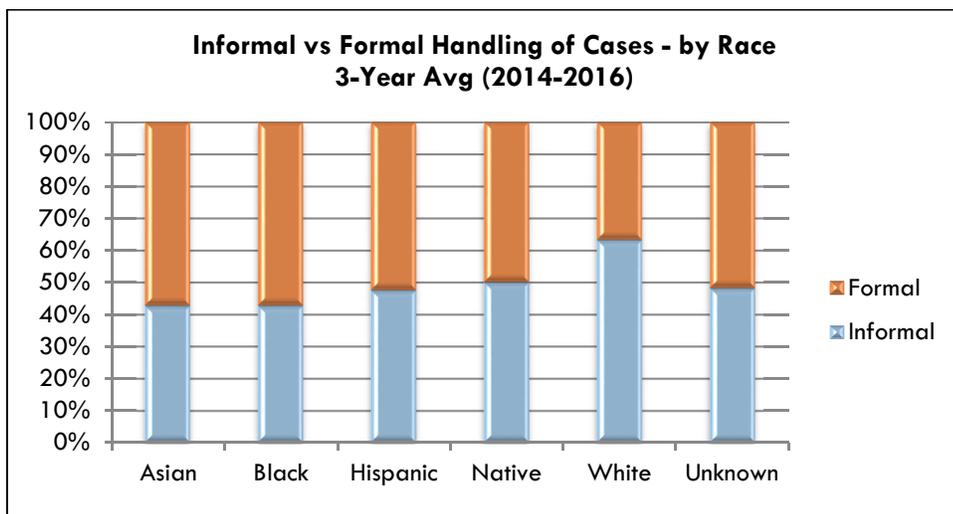


Juvenile court referrals by race and ethnicity show that the minority groups with the highest percentage of referrals are Native American and Black, consistent with the DMC data analysis.

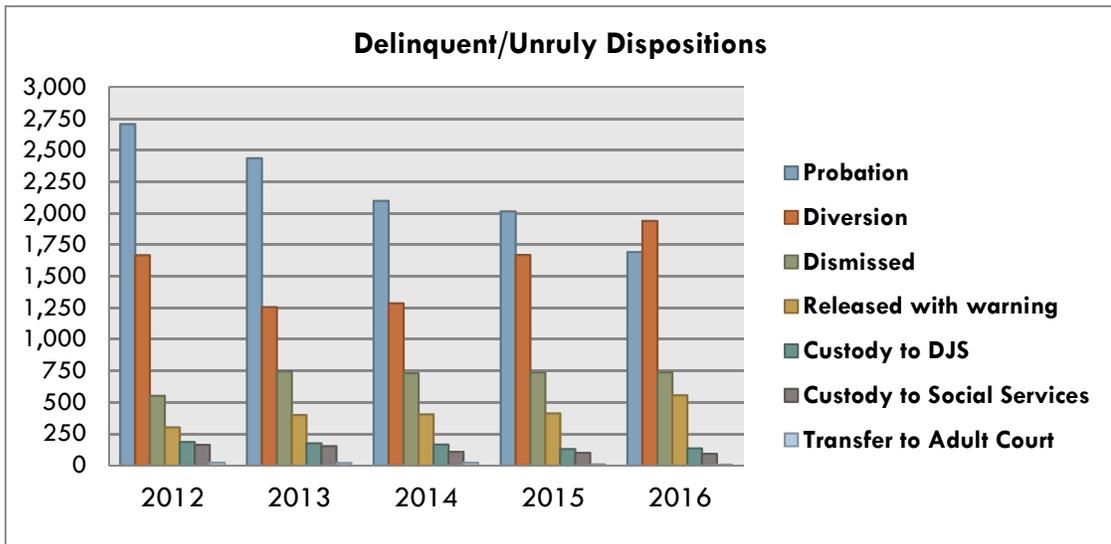
Delinquent/Unruly Referrals by Race  
3 Yr Avg 2011-2014



The chart below shows juvenile court case processing by race. Minority youth had a lower percentage of cases handled informally compared to white youth.



The chart below shows juvenile court dispositions for the latest five-year period. A majority of cases receive probation, primarily informal probation. 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. For deprivation cases, custody is given to county social services. Very few cases are transferred to adult court.



### Other Social and Economic Conditions

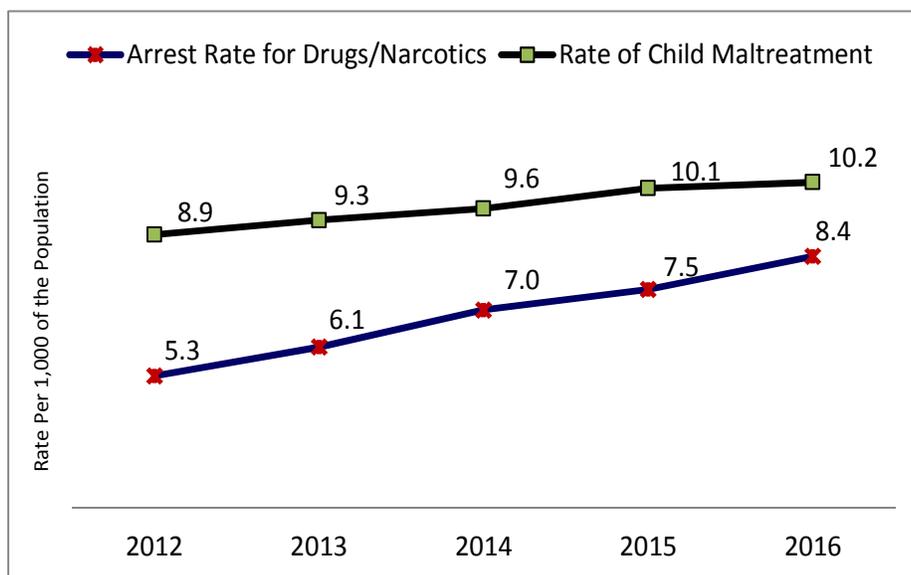
The North Dakota Kids Count Fact Book (2017) provides a multitude of data related to social and economic conditions in the state. There are certain data domains to be noted that may have an impact on juvenile delinquency, including: economic well-being, family and community, education, and health.

North Dakota currently ranks 1<sup>st</sup> in economic well-being based on the composite index from Kids Count. However, there were still 14% of children in the state who are living in families that do not meet the poverty threshold.

The state ranks 25<sup>th</sup> in education based on the composite index. Particularly concerning is the increasing percentage of fourth grade public school students that are below a basic reading level. Research shows that children who reach fourth grade without being able to read proficiently are more likely to drop out of high school.

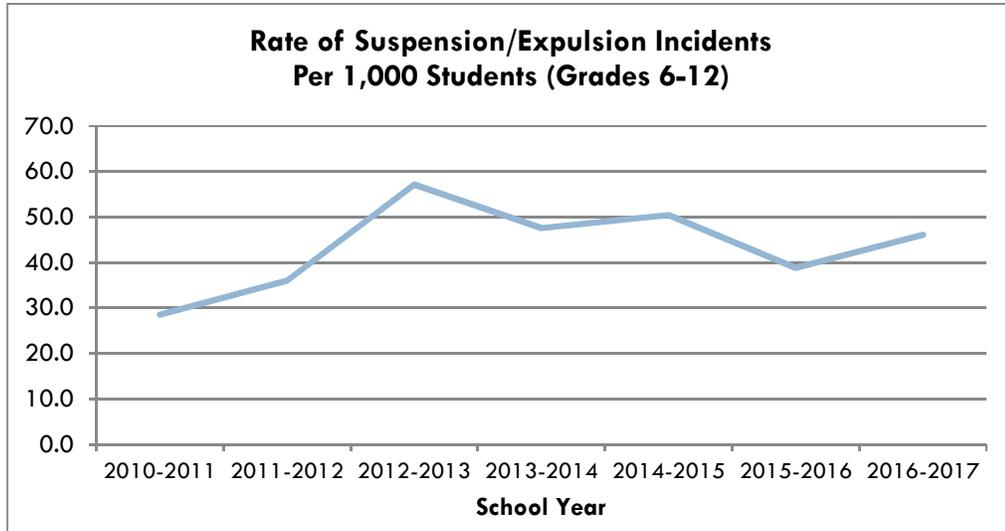
North Dakota ranks 27<sup>th</sup> in health based on the composite index from the Kids Count Data. The state had the third lowest percentage of low birth weight babies in the nation, but the child and teen death rate is higher than that of the nation. According to the North Dakota Department of Health, suicide is now the second leading cause of death for ages 15-24.

In terms of family and community, North Dakota ranks 5<sup>th</sup> on the composite index. The percentage of children living in single-parent families is well below the national average. However, there has been a substantial increase in the rate of child maltreatment. As indicated by the chart below, the increase seems to correlate with an increase that the state is seeing in adult arrests for drug/narcotics violations.

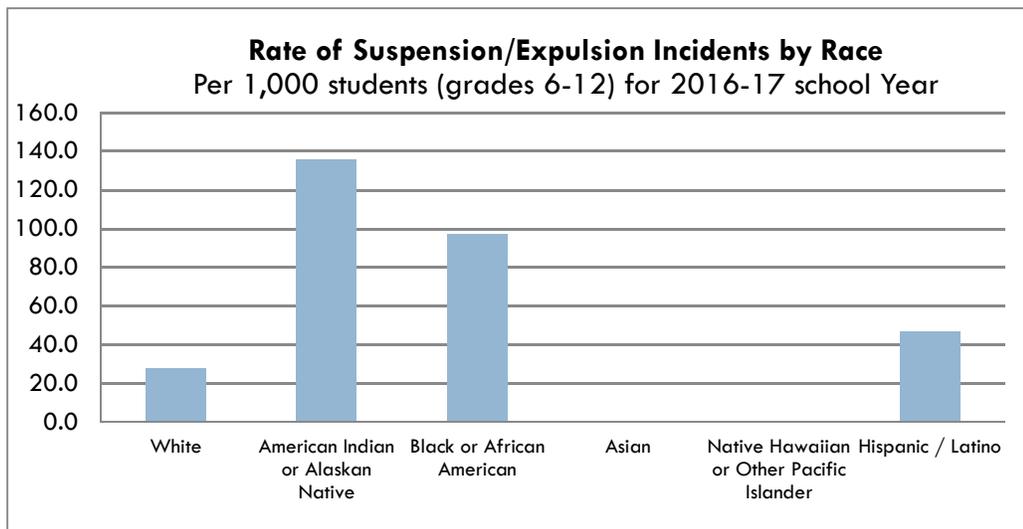


### Indicators of School Behavior and Safety

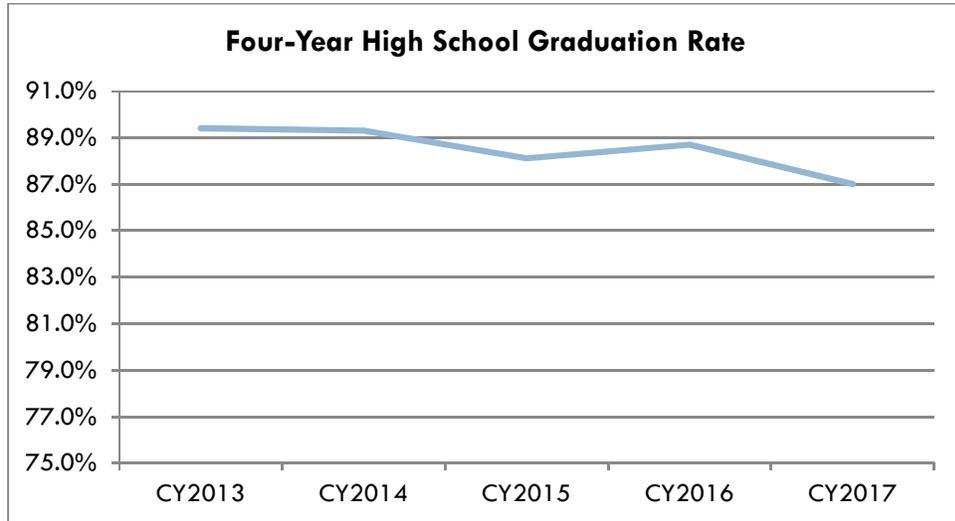
Fostering a safe and productive learning environment to keep kids engaged in school is critical to preventing juvenile justice system involvement. There has been a decrease in the rate of suspensions/expulsions over the last 5 years, as illustrated by the graph below, but the rate of incidents is still significantly higher than it was with the 2010-11 school year.



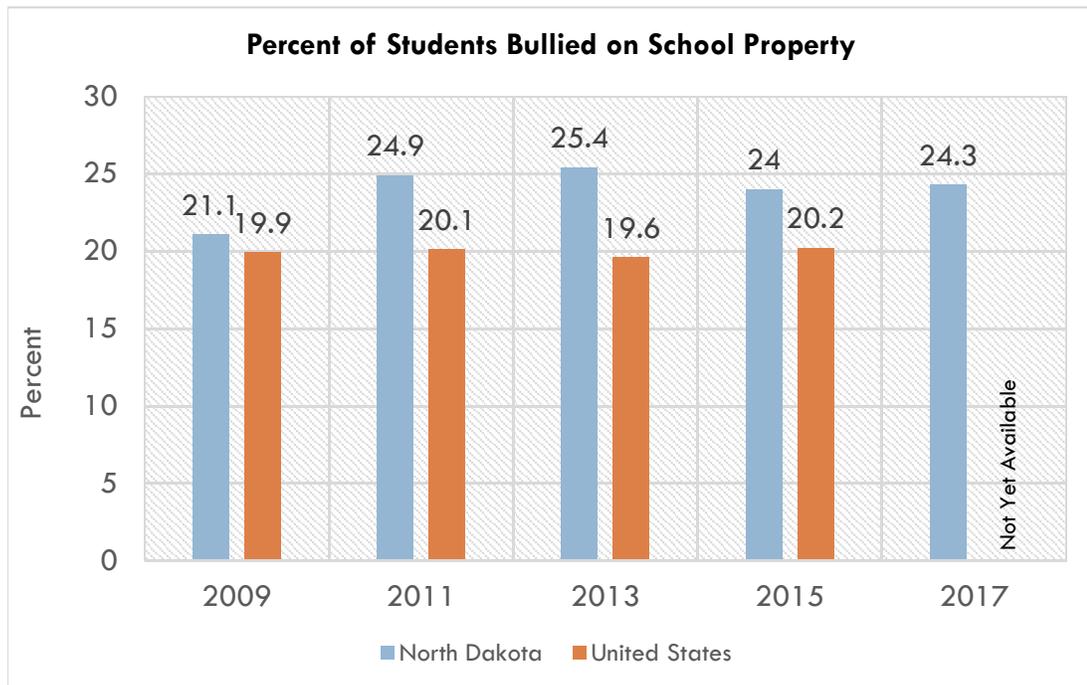
The national research shows that youth who are suspended or expelled are more likely to be racial or ethnic minorities and that also holds true for North Dakota. As shown below, American Indian and Black youth have much higher incident rates than white youth.



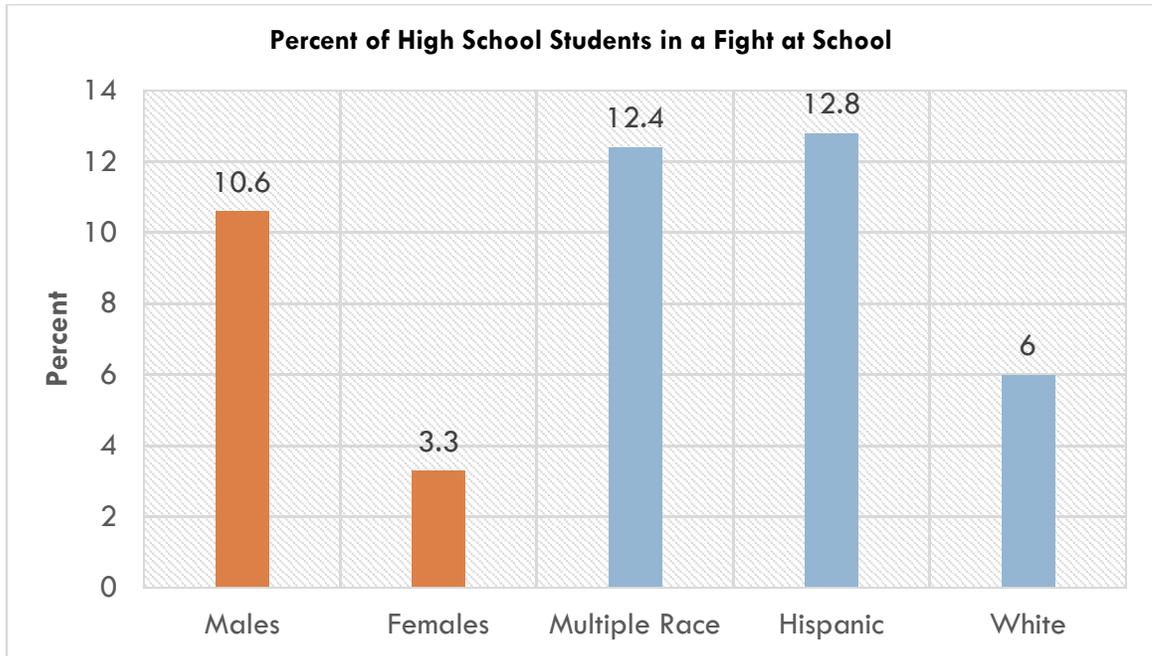
Also concerning is that North Dakota’s four-year high school graduation rate has continued to decline over the last five years.



Based on the Youth Risk Behavior Survey (2017), 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.



The North Dakota Youth Risk Behavior Survey (2017) also shows a larger percent of males and minority youth reported being in a fight at school.



## B. GOALS AND OBJECTIVES

### 1. 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. (**Program Areas:**

### 3. Alternatives to Detention and 24. Indian Tribe Programs).

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; and

Objective 5 - Increase support from local government for non-secure alternatives.

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 on an annual basis, prior to implementation, to only a few if any. It 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.

As shown with the crime data analysis, the largest percentage of arrests and juvenile court referrals are for status offenses, which 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**

**Goal:** Reduce racial and ethnic disparities in the juvenile justice system (**Program Area: 10. Disproportionate Minority Contact**).

Objective 1 - Engage minority youth and families to explore cultural and socio-economic needs and address areas where systems fall short;

Objective 2 - Provide training on implicit bias and cultural awareness to community leaders, service providers, and stakeholders;

Objective 3 - Utilize objective screening criteria to guide decisions and provide interventions without a citation or referral to juvenile court;

Objective 4 - Establish and/or enhance juvenile court liaison services to work with minority youth and families;

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;

North Dakota's DMC Plan and the data replicated above clearly illustrates the need to address DMC to prevent youth from entering the juvenile justice system. The objectives

established will be addressed through the work of the local DMC committees and funding that has been allocated for gaps in services identified by the DMC study that will be complete in June 2018, as more fully discussed in North Dakota's DMC Plan.

### 3. SCHOOL PROGRAMS

**Goal:** Increase the number of youth engaged in school by decreasing the number of disciplinary incidents, suspensions/expulsions, drop-out rates, in-school citations, and/or referrals to juvenile court for behavior at school (**Program Area: 17. School Programs**).

Objective 1 - Increase understanding among school and juvenile justice system staff statewide of the "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) and the importance of keeping youth engaged.

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 - Support positive behavioral interventions that will keep youth engaged in school;

Objective 4 - Increase dialogue between school personnel and the courts about better ways to handle behavior and address risks and needs of youth;

Objective 5 – Support the creation of appropriate limits on the use of law enforcement in schools by promoting policy and/or clearly defined MOU's;

Objective 6 – Utilize school diversion screening tools to objectively guide decisions and provide interventions without a citation or court involvement.

The data included above clearly illustrates the need to address school behaviors and find ways to keep youth engaged in school. In addition, North Dakota's SAG chose school programs as a priority area due to the strong correlation with DMC, and because it coincides with their intent to keep low-level offending youth from formal handling and incarceration, as well as their long-standing belief of keeping kids connected to school.

### C. 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) as an alternative to detention for status and low-level offending youth.**

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. 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, which includes rural areas.

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 placements are monitored to ensure compliance.

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.**

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. 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 Black youth in Cass County.

A subcommittee of the SAG was established to develop recommendations and focus efforts in this area. The subcommittee recommended an application for local teams from Burleigh and Cass Counties to attend the "Reducing Racial and Ethnic Disparities in Juvenile Justice" Program offered by Georgetown University's Center for Juvenile Justice Reform. This would engage local leaders and stakeholders and develop more of a grass-roots effort to address DMC. The SAG allocated funding for both jurisdictions to attend and both applications were awarded. Pursuant to their participation in the program, each team has developed a "capstone project" that will address DMC issues in their respective jurisdictions.

In addition, DMC assessment studies for Burleigh and Cass Counties are currently scheduled to be completed by June 2018. The SAG allocated funding and priority will be given to programs and services that address the recommendations from the DMC studies as well as those that work in collaboration with the capstone project objectives established by the local DMC teams attending the Reducing Racial and Ethnic Disparities in Juvenile Justice Program.

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

A subcommittee of the SAG was established to develop recommendations and focus efforts in this area. The subcommittee made the following recommendations: 1) Educate school personnel on the issues; 2) Advocate for Restorative Justice in Schools; and 3) Expand the Multi-Tiered Systems of Support model, as applicable.

To address the recommendations, the SAG has allocated funding to support the implementation of evidenced-based positive behavioral interventions at school through the implementation of the Multi-Tiered Systems of Support framework and/or Restorative Justice practices. The SAG will work in collaboration with the Rural Education Cooperatives to educate schools on practices to keep youth engaged in school and identify those schools most in need of positive behavioral interventions based on the data that is available.

### **Population-Specific Plans**

#### **1. Gender-Specific Services**

Gender-specific services are being conducted by different agencies in various regions of the state and the intent is to expand on these services and offer them to other areas, particularly the more rural.

The North Dakota Division of Juvenile Services, the designated state agency, has applied to participate in an initiative that would provide technical assistance by the Vera Institute with the intent of eliminating confinement of girls and LGBTQ/TGNC youth.

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 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 also provides a 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.

## **2. Rural Areas**

Since North Dakota is predominantly a rural state, as demonstrated in the data analysis section, a good portion of the programs and services to be supported by the SAG include the prevention and treatment of juvenile delinquency in rural areas. Six of the nine Attendant Care sites that are supported as an alternative to detention are located outside of what is considered a metropolitan statistical area. In addition, it is the SAG's intent to support school programs, as discussed above, in the more rural areas that are limited in terms of services.

## **3. 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 North Dakota Department of Public Instruction, through its Safe and Healthy Schools unit, has established 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 Juvenile Court 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.

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 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.

Pursuant to the most recent legislative session a task force on children’s behavioral health was established for the purpose of assessing and guiding efforts to ensure a full continuum of care is available in the state. The task force is to engage stakeholders, including education, juvenile justice, child welfare, community, and health care to develop strategies to address gaps or needs. A report with regard to their efforts is to be provided to the Governor and Legislative Management every six months.

### **Consultation and Participation of Units of Local Government**

Consultation with and participation of units of local government is done through extensive collaboration with the North Dakota Association of Counties (NDACo). NDACo staff are on the SAG and participate in the development of North Dakota’s Three-Year Plan.

### **Collecting and Sharing Juvenile Justice Information**

#### **1. Process for 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 available in real time through an online application. 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 has a case management system that tracks proceedings for the Juvenile Courts. Various referral and disposition data is pulled from this database system for analysis, as requested. The juvenile corrections agency maintains 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

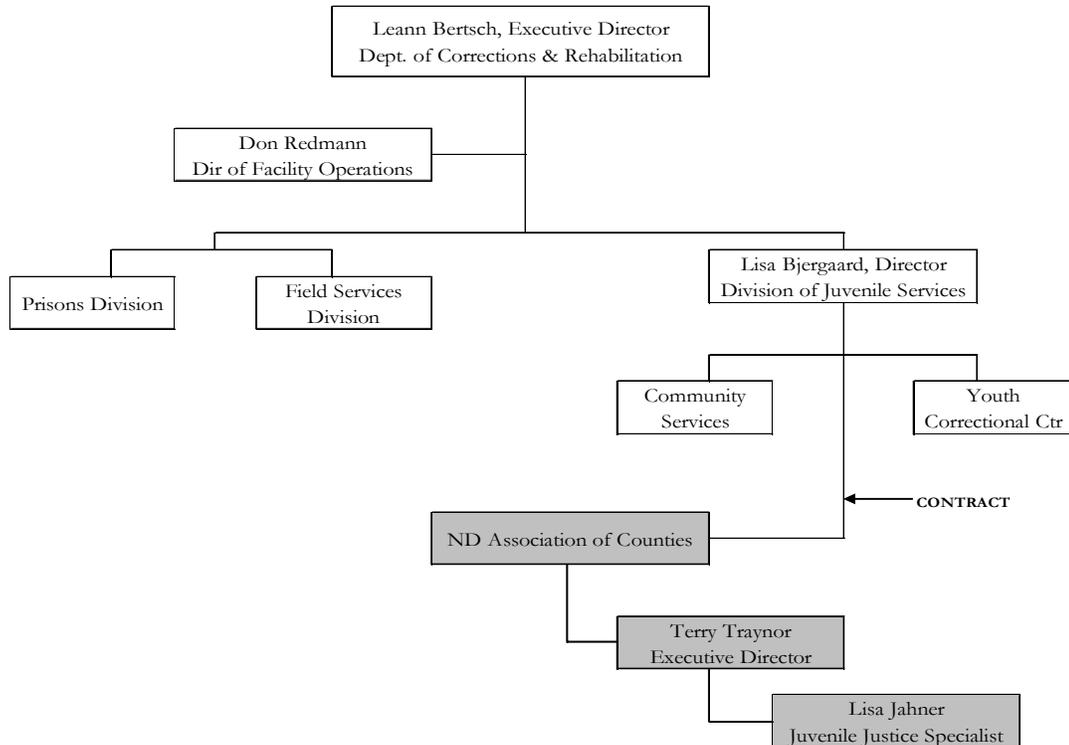
There are no specific barriers that have been encountered with regard to the sharing of juvenile justice information. However, it can be difficult to analyze data across systems as there is not a unique identifier for youth that can be used to track involvement. In addition, some of the databases do 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.

## D. FORMULA GRANTS PROGRAM STAFF

The North Dakota Division of Juvenile Services (DJS), a division of the North Dakota Department of Corrections and Rehabilitation (DOCR), is designated as the state agency to oversee North Dakota's compliance with the Juvenile Justice and Delinquency Prevention

Act, including administration of the Three-Year Plan. The designation was established per Executive Order 1989-7 signed by Governor George A. Sinner on July 7, 1989.

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 employs the State’s Juvenile Justice Specialist, Lisa Jahner, who 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
- Plan, coordinate and provide support for the activities of the federally-required and governor-appointed Juvenile Justice State Advisory Group
- Research and train on evidenced-based programs and practices to effectively address youth's risks/needs and allow for the proper allocation of resources
- Facilitate the collaboration among state and local officials and private agencies to plan and implement research-based practices and policies
- Develop policy and administer guidelines for a statewide program that provides alternatives to detention and the building of additional community-based services
- Analyze data and report compliance with the JJDP Act requirements
- 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
- 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 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 identified some significant benefits of contracting with NDACo, including:

- All four of the JJDP 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 must go out to local government; thus, NDACo serves as a natural conduit for ensuring that the requirements of the JJDP are met with the federal funds received.
- The intent of the JJDP 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. 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 must be appropriated by the Legislature. 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.