

North Dakota Three Year Juvenile Justice Plan Fiscal Years 2009-2011

Fiscal Year 2009 Title II Formula Grant Application

March 31, 2009

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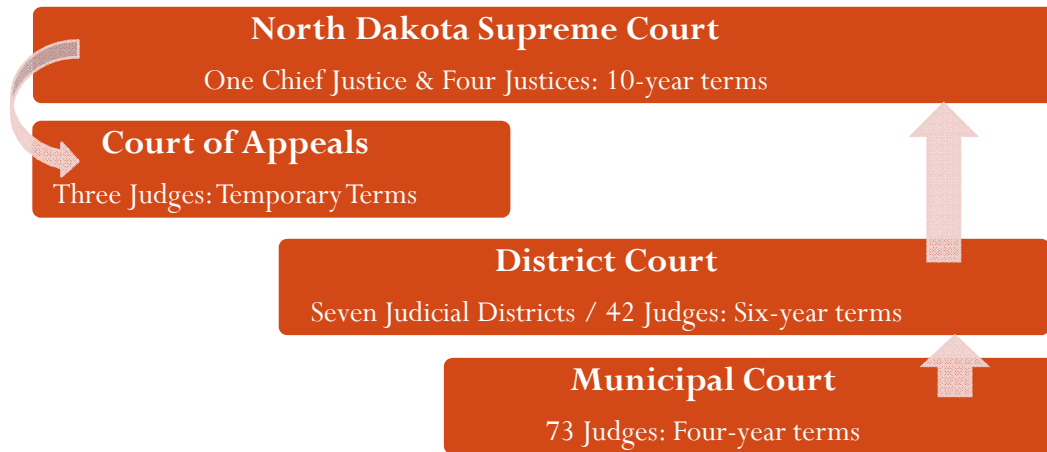
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Program Narrative (Attachment 1)

Fiscal Year 2009 Title II Formula Grant Application

1. Structure and Function of the Juvenile Justice System

The North Dakota Juvenile Justice System involves a number of state and local agencies; however, it is largely defined through the role of the Juvenile Court under Chapter 27-20 of the North Dakota Century Code, 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 structure of North Dakota's judicial system is as follows:

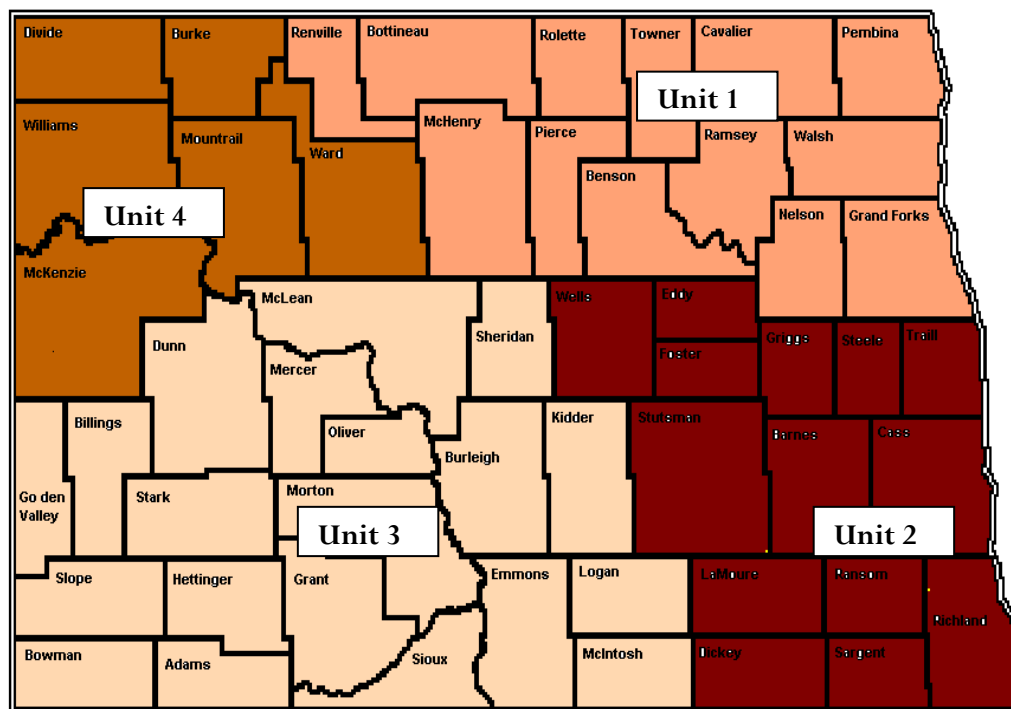


The North Dakota Supreme Court is the highest court for North Dakota. It is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts. The Supreme Court maintains administrative and budgetary authority over the District Court. The district courts are the courts of general jurisdiction in North Dakota. They have original and general jurisdiction in all cases, including criminal felony and misdemeanor cases, and general jurisdiction for civil cases. There is a district court in each of the state's fifty-three counties, which are divided into seven judicial districts. In each of the judicial districts a presiding judge supervises court services of all courts in the district. In some districts judicial referees have been appointed to preside over juvenile cases. Upon the conclusion of a hearing, the referees submit their findings and a recommendation for disposition to the judge. Municipal Courts have jurisdiction over all violations of municipal ordinances, except certain violations involving juveniles.

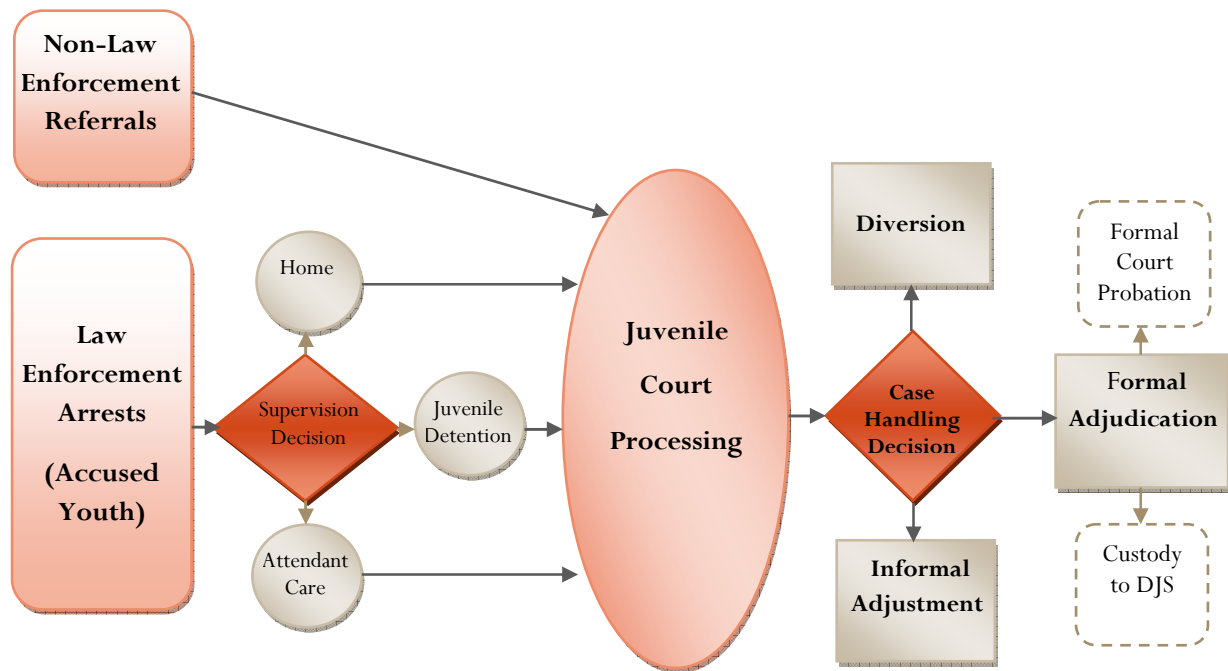
The district courts serve as the juvenile courts in the state and have exclusive and original jurisdiction over children. As defined by Section 27-20-02, "*Child*" means an individual who is: a) under the age of eighteen years and is not married; or b) under the age of twenty years with respect to a delinquent act committed while under the age of eighteen years. The Uniform Juvenile Court

Act further defines the jurisdiction of the Juvenile Court with regard to deprived, delinquent, and unruly children. The latter two have been defined as follows: “*Delinquent child*” means a child who has committed a delinquent act and is in need of treatment or rehabilitation. “*Unruly child*” means a child who: a) is habitually and without justification truant from school; b) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian an is ungovernable; or who is willfully in a situation dangerous or injurious to the health, safety, or morals of himself or others; c) has committed an offense applicable only to a child; d) has manufactured, purchased, consumed, or is under the influence of, or in possession of, or furnished money for the purchase of an alcoholic beverage; or entered a licensed premise where alcoholic beverages are being sold or displayed; e) is under the age of fourteen years and has purchased, possessed, smoked, or used tobacco or tobacco-related products; and f) in any of the foregoing instances is in need of treatment or rehabilitation. Under North Dakota law, children under the age of seven cannot be charged with delinquent or unruly acts.

The mission of the North Dakota Juvenile Court is to hold juvenile offenders accountable for their behavior, promote the safety and restoration of victims and communities, assist offenders and their families in developing skills to prevent crime. The administration of the Juvenile Court in North Dakota has been divided into four units, as depicted below, each under the supervision of a Unit Court Administrator.

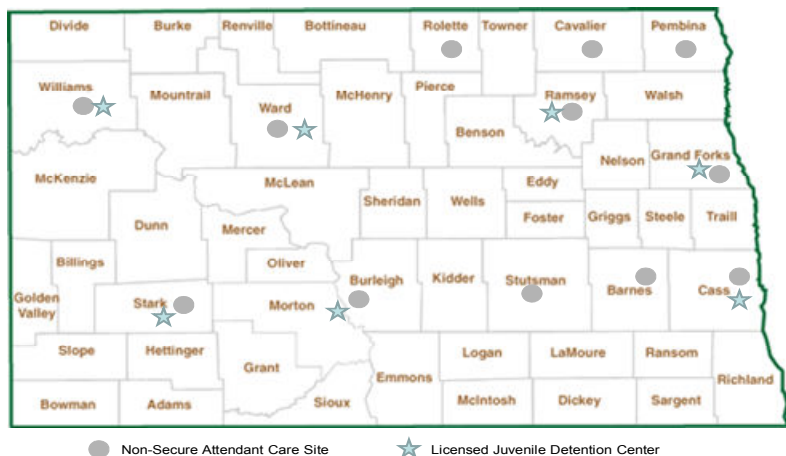


The following diagram illustrates the flow of youth through the juvenile justice system in North Dakota:



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 with a warrant to appear in court at a later date. Depending upon the circumstances and severity of the offense, some youth need to be held either for release to a parent/guardian or to await a court appearance. For youth that are detained, state law requires that they have a court hearing within 96 hours. However, Supreme Court Rule and Juvenile Court Time Standards clarify the statutory 96-hour time limit by stating that it is the policy of the court to hold hearings for juveniles detained within 24 hours, excluding weekends and holidays.

Pre-adjudicatory supervision of youth in North Dakota is provided through twelve non-secure holdover sites, termed “Attendant Care”, and seven licensed juvenile detentions centers located throughout the state, as depicted on the map.



Non-secure Attendant Care supervision is provided by the county or tribe (or a private agency on behalf of the county or tribe) through funding under the Statewide Detention Support Services (SDSS) Program. The SDSS Program was implemented with JJDP Act funding in 1989 and moved North Dakota into compliance with the core requirements of the Act by encouraging the use of least restrictive supervision for juvenile offenders.

Except for one facility operated by the State, licensed juvenile detention facilities are operated by the county or multi-county groups. The facilities are licensed by the State's Jail Inspector within the North Dakota Department of Corrections and Rehabilitation as required by State statute and administrative rule.

If the child 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 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 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 can 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 guilt, 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.

If a case is handled formally, a petition is filed in the District Court. The juvenile may receive formal court probation of up to twenty-four months with regular meetings with a probation officer and additional sanctions. All youth placed on formal court probation are screened using the Youth Assessment Screening Inventory (YASI) to determine appropriate supervision level, supervision strategies, and to ensure proper matching to treatment programming. The YASI includes both static and dynamic risk factors to help probation staff manage the risk on their caseloads and ensure the needs of the youth can be addressed through programs or services.

Juvenile Courts are also able to transfer care, custody, and control of youth to the juvenile corrections agency, the Division of Juvenile Services (DJS), as a formal dispositional option. Usually less than five percent of all youth referred to Juvenile Court on an annual basis are committed to DJS. The North Dakota youth corrections system includes the operation of the State's single correctional facility, the North Dakota Youth Correctional Center, and the Community Services division. Community services are delivered through 8 regional offices. Out-of-home placement is not an option for youth on formal court probation; youth have to be committed to the custody of DJS for residential facilities or the state's juvenile correctional facility to be used as a placement option.

DJS provides intensive case management services for youth committed to their agency. Each youth is assigned to a corrections specialist prior to or at the time of commitment, and that worker follows the case for the duration of the order, which averages 18 months. The corrections specialist assigned to the youth completes a thorough treatment and rehabilitation plan based on input gathered by the assessment team during a 14-21 day assessment period that occurs immediately upon commitment to the agency. The corrections specialist works closely with public and private agencies, school, and placement facilities to arrange for services that might accomplish the goals of the treatment plan. Whether the youth is placed in the home of a family member, a treatment facility, or the youth correctional facility, the corrections specialist is ultimately responsible for the case.

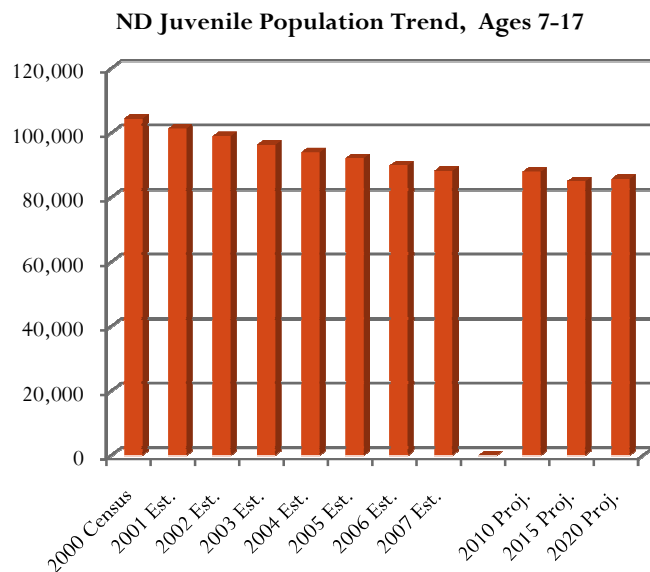
DJS uses a comprehensive risk/needs assessment process for juveniles committed to their custody. It is a standardized, research-based approach to assessment and case planning for offenders, linking risk/need factors to proven treatment strategies. Over the course of their treatment, youth might make be in a number of programs in multiple levels of care. 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. Analysis of Juvenile Crime Problems and Juvenile Justice Needs

A. Analysis of Juvenile Crime Problems

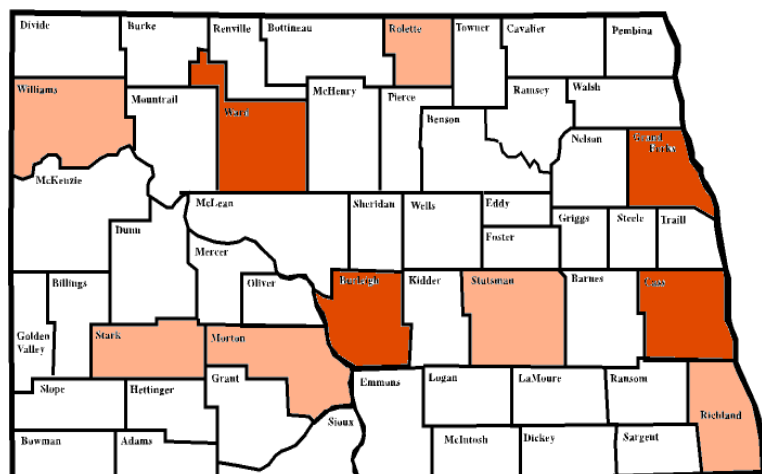
In order to properly analyze juvenile justice system involvement, it is necessary to account for changes in the population of the youth involved. In North Dakota youth under the age of 7 cannot be charged with delinquent or unruly acts and the age of majority is 18, so the analysis focuses on youth ages 7-17.

Based on provisional estimates from the U.S. Census Bureau, the State has experienced a significant decline in the number of youth in this age group, decreasing from 104,395 youth ages 7-17 with the 2000 Census to 88,243 estimated for 2007, a 15% decrease. It appears the downward trend will continue over the next 10-15 years, but will not be as significant, with projections for 2020 at 85,737 youth ages 7-17.



Based on the 2007 estimates, only four of the State's fifty-three counties, as illustrated below, have more than 8,000 youth ages 7-17. The next county with the most youth in that age group is estimated to have less than 4,000 youth ages 7-17. Six counties have between 2,000 and 4,000 youth and all other counties (43) are estimated to have less than 2,000 youth ages 7-17.

With the division of the State into four court administrative units, as illustrated previously, it is in these four most populated counties - each located within one of the court units - where services tend to be directed.

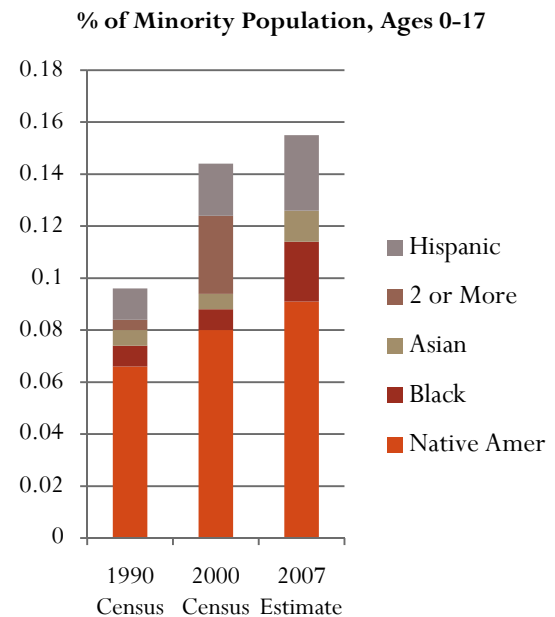


With the limited amount of population, North Dakota is most certainly a rural state. According to data from the U.S. Department of Education, 44% of people in North Dakota live in rural areas, compared to 27% for the nation.¹ Based on national research there are key characteristics of rural communities that appear to also hold true for North Dakota:²

1) Though rural communities tend to be less multi-ethnic than America's cities and suburbs, they too are becoming more diverse

Although the juvenile population in North Dakota is primarily white, the demographics are changing, with the percentage of minority youth increasing. Based on estimates from the U.S. Census Bureau, minority youth now make up 15.5% of the overall juvenile population, compared to only 9.6% in 1990. Native American youth make up the largest percent of minority youth at 9% of the juvenile population, and their percentage continues to increase, both in counties with and without Native American Reservations.

The State is also experiencing an increase in the number of Black youth, rising from .8% in 2000 to 2.3% estimated for 2007. This is largely due to an influx of refugees through immigration services provided by a private non-profit organization, Lutheran Social Services of North Dakota. Over 2,200 refugees have resettled in North Dakota since calendar year 2000, of which more than half are children under the age of 18. The majority of the refugees have resettled in the eastern part of the state, and it is estimated that Cass County alone has tripled their population of Black youth since 2000.



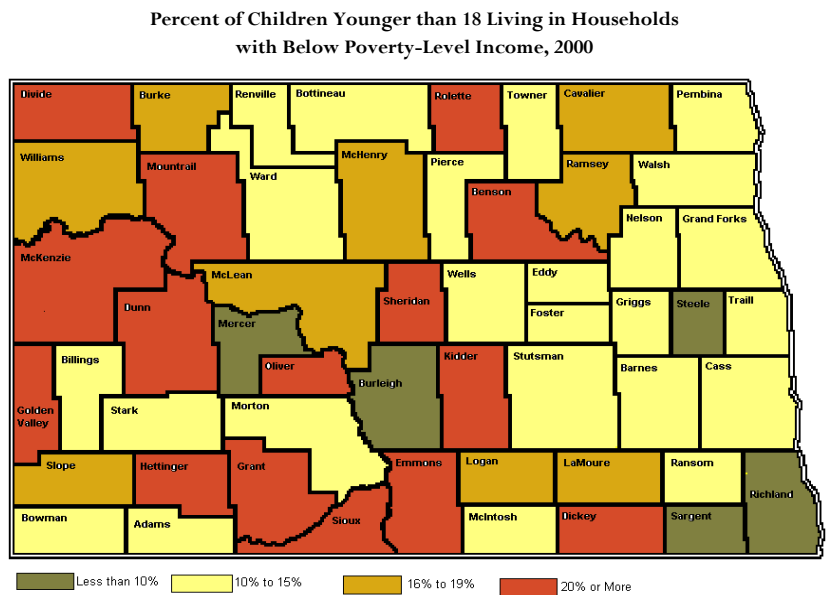
Note: Data for the race category "2 or More" was only available with Census data.

¹ U.S. Department of Education, Office of Special Education and Rehabilitative Services (2003).

² Mendel, Richard. *Pathways to Juvenile Justice Reform: Detention Reform in Rural Areas*. Baltimore, MD: The Annie E. Casey Foundation, 2008.

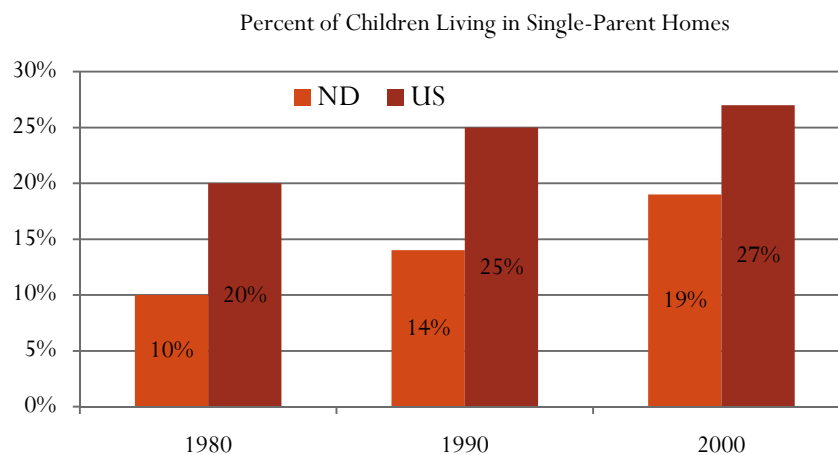
2) Rural residents are more likely to suffer poverty than those living in metropolitan areas

North Dakota's statewide child poverty rate is less than that of the nation (14% for ND versus 18% for the US); however that rate is not reflective of all counties or populations in the State. As shown by the map below, poverty levels are the highest in the smaller non-metropolitan and Reservation counties in western and south central North Dakota, with poverty rates almost twice as high as other counties, primarily in eastern part of the State. American Indian children have poverty rates four times that of white youth. North Dakota children younger than six have the highest poverty rates of all age groups, including the highest percentage of persons experiencing extreme poverty.



3) Family dysfunction and breakdown are no less likely in rural areas than in the nation as a whole

Although the percent of North Dakota children living in single parent homes is still below the national average, the percentage almost doubled from 1980 to 2000, from 10% to 19%. While the percentage of White children living in single-parent homes was 16% in 2000, the percentage of American Indian children living in single-parent homes was 44%.



4) Rural youth abuse alcohol more often than youth in more densely populated regions

North Dakota students have one of the highest rates of binge drinking in the nation. The Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System shows that students in grades 9-12 reported that they are much more likely to engage in binge drinking than youth in the United States overall (32.5% for ND versus 26.0% for the US). The percentage was the highest in the more rural areas of western North Dakota. Whereas binge drinking reported among grades 9-12 has gone down (32.5% in 2007 versus 41.5% in 2001), binge drinking reported among grades 7-8 has gone up (15% in 2007 versus 8.7% in 2001).

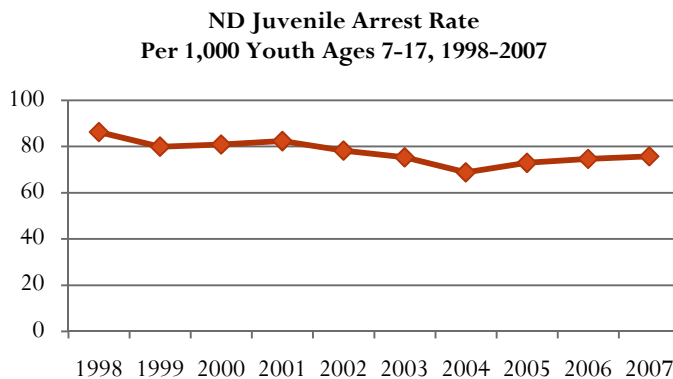
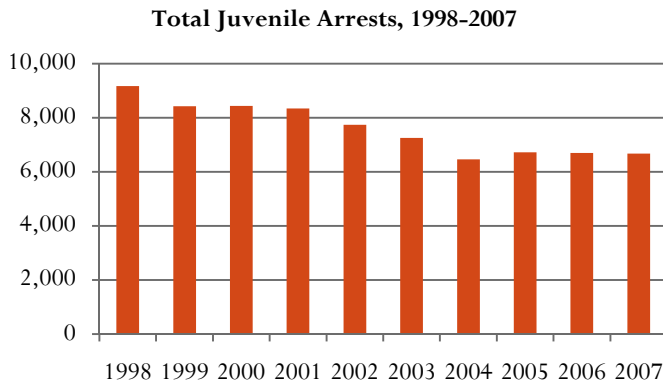
| Alcohol Use, 2007 YRBS | North Dakota | United States |
|--|--------------|---------------|
| Students who had a least one drink of alcohol on one or more of the past 30 days | 46.1% | 44.7% |
| Students who had five or more drinks of alcohol in a row, within a couple of hours, on one or more of the past 30 days | 32.5% | 26.0% |

5) Though they are less likely to be arrested for serious violent offending or weapons violations, rural youth are as likely to engage in law breaking behavior

North Dakota's rate of violent crime and weapons violations are lower than that of the nation; however, North Dakota youth are still very likely to be involved in law breaking behavior. In fact, North Dakota's juvenile arrest rate for 2007 was twice that of the nation. North Dakota has higher arrest rates for many crimes, particularly property crime, disorderly conduct, and liquor law violations.

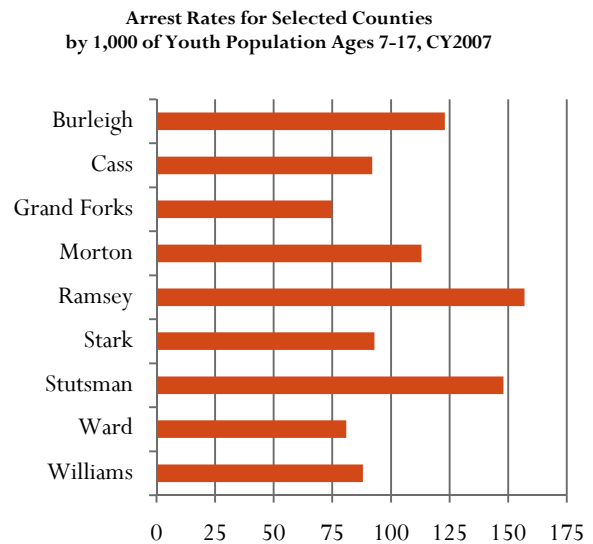
| Juvenile Arrest Rates for Selected Offenses Per 1,000 Youth Ages 7-17, 2007 | | |
|--|-------|-------|
| Offense Category | ND | US |
| Violent Crime Index | 5.2 | 16.3 |
| Property Crime Index | 119.9 | 70.8 |
| Other Assaults | 50.1 | 40.3 |
| Weapon Violations | 3.2 | 7.4 |
| Vandalism | 42.8 | 18.8 |
| Drug Abuse Violations | 31.5 | 32.7 |
| Disorderly Conduct | 68.1 | 34.0 |
| Liquor Law Violations | 152.0 | 23.6 |
| Total Arrests | 756.5 | 366.2 |

A Closer Look at Juvenile Crime in North Dakota



Over the last ten years, there has been a substantial decrease in the total number of juvenile arrests, from 9,175 in 1998 to 6,676 in 2007. Given the decline in juvenile population, the decline in arrests is not that surprising; however, the rate of juvenile arrests per 1,000 youth ages 7-17 has also declined, from a rate of 86.2 in 1998 to 75.7 in 2007, a decrease of 12%. The most significant declines in juvenile arrest rates have been with property offenses (25% decrease) and status offenses (15% decrease).

The chart to the right reflects the counties with the highest rates of arrests, above 75 per 1,000 youth ages 7-17. Of the counties, four have rates of arrest that are over 100 per 1,000 of the youth population ages 7-17 (Burleigh, Morton, Ramsey, and Stutsman). A closer look at the arrest data for those counties shows that similar to the statewide data, the highest rates of arrest were for larceny/theft, disorderly conduct and liquor law violations.



The chart to the right shows the type of offenses for which juveniles are being arrested. It based on an average for the most recent three calendar years (2005-2007).

Part 1 violent offenses account for only 1% of all juvenile arrests. North Dakota has one of the lowest violent crime rates in the nation. Typically, juvenile arrests for violent offenses are less than 50 per year, the majority of which are aggravated assaults. There have been only 3 murders by juveniles in the last 10 years.

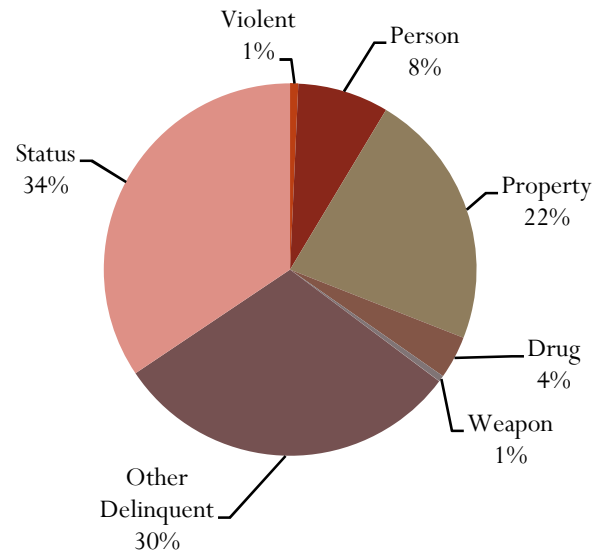
Arrests for person offenses are 8% of all juvenile arrests. This percentage has increased over the last 10 years due to an increase in the rate of simple assaults and decrease in property and status offenses. The increase in the rate of simple assaults appears to be due to an increase arrests associated with parent-child conflict.

Arrests for property offenses account for 22% of all juvenile arrests. Although the rate of property crime has decreased over the last 10 years, North Dakota has a high rate of Part 1 property index offenses by juveniles, and as discussed previously, is much higher than that of the nation. This is attributed to a high rate of arrests for larceny/theft, at 99.3 per 1,000 youth ages 7-17, compared to 51.0 for that of the nation. In addition, as illustrated in the chart to the right, juveniles account for a large percent of all property crime index arrests in North Dakota, and are much higher than their percentage of overall arrests (22% of all arrests versus 40% of the property crime index arrests).

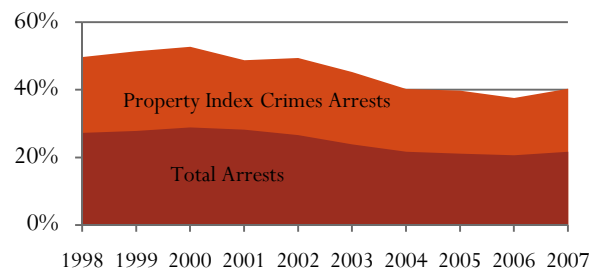
Drug offenses account for approximately 4% of all juvenile arrests. This percentage has remained fairly constant over the last 10 years, as has the rate of juvenile arrests for drug offenses.

As with violent offense arrests, juvenile arrests for weapon offenses is usually very low, at or below 1% of total juvenile arrests.

**Juvenile Arrests by Type
3-Year Avg (2005-07)**



Juvenile Percentage of Arrests

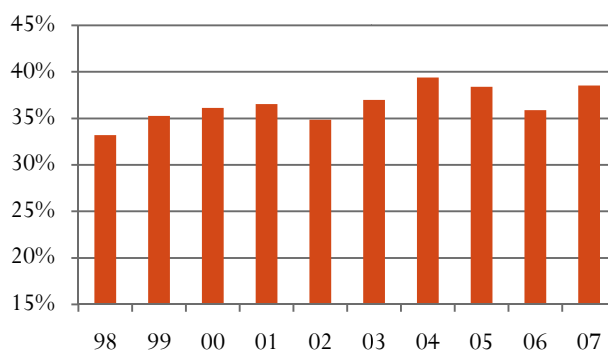


Arrests for offenses categorized as “other delinquent” reflects a large portion of juvenile arrests at 30%. This includes arrests for disorderly conduct, obstruction, traffic violations, and court related arrests due to pick up and hold orders and probation violations. Disorderly conduct alone reflects 10% of all juvenile arrests. North Dakota’s rate of arrests for disorderly conduct is two times that of the nation and surrounding states.

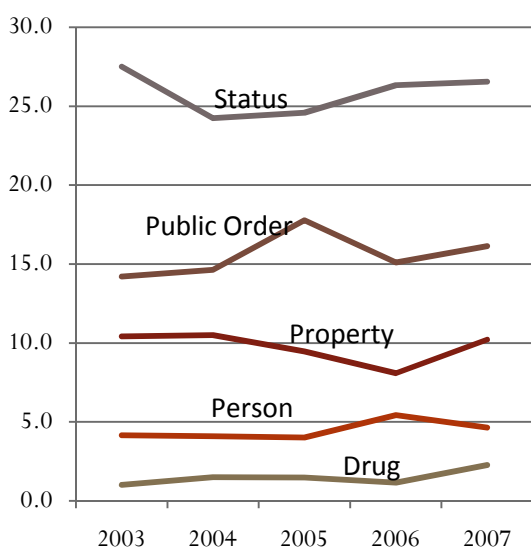
Status offenses make up the largest percentage of all juvenile arrests. This is attributed to a large number of arrests for liquor law violations. The rate of arrests for liquor law violations has declined considerably in the last 10 years, from 20.4 per 1,000 youth adolescents ages 7-17 in 1998 to 15.2 in 2007. However, based on the latest Youth Risk Behavior Survey, as illustrated above, 46% of North Dakota students in grades 9-12 reported having at least 1 drink in the last 30 days, and North Dakota students have been classified as being at “greater risk” for episodic heavy drinking when compared to U.S. students.

The arrest rate of male juveniles has decreased over the last 10 year while the arrest rate of female juveniles has stayed fairly constant. Thus, as illustrated in the chart to the right, the female percentage of overall juvenile arrests has trended upward, increasing from 33% in 1998 to closer to 40% for 3 of the last 4 years.

Female % of Total Juvenile Arrests, 1998-2007



Trend in Female Arrest Rates



The chart to the left looks at the trend in female arrest rates by offense type over the last five years. Most of the offense categories have not changed substantially; however, the rate of drug offenses has doubled (from 1.0 per 1,000 female juveniles in 2003 to 2.3 in 2007). Status offenses account for the largest number of female juvenile arrests. As with males, the largest portion of status offenses for females is for liquor law violations, accounting for 55% of all female status offense arrests. Females are more likely to run away than males, with 35% of female juvenile arrests for status offenses being associated with runaway, versus 23% for males.

Public order offenses account for a significant portion of female juvenile arrests, of which almost 70% are for disorderly conduct. Although there was an increase in the total number of public order offenses by females in 2005, the upward trend did not continue.

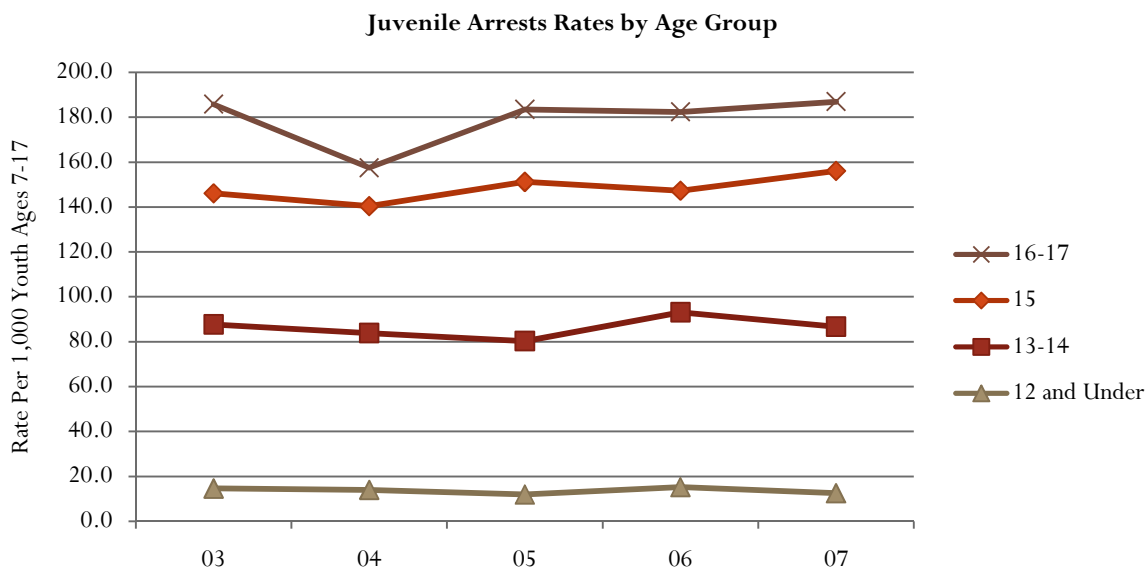
As with male juvenile arrests, the majority of the female juvenile arrests for property offenses are for larceny/theft. Males are much more likely than females to be arrested for vandalism, with 30% of male arrests for property offenses being related to vandalism, versus only 12% for females.

The rate of female juvenile arrests for person offenses increased slightly the last two years and are, on average, around 200 per year, 75% of which are for simple assault. The remaining 25% usually relate to conflict within the home.

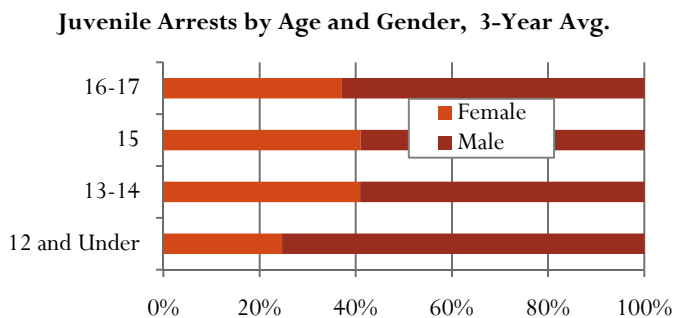
Overall, very few females are arrested for drug-related offenses. However, there appears to be a spike in female juvenile arrest for drug offenses in 2007, associated with an increase in arrests for the possession of marijuana. In 2007, 82 of the 98 arrests for drug offenses were for the possession of marijuana.

Based on an average of arrests from 2005-2007, almost 70% of youth that are arrested are age 15 and older, with the majority, almost 50%, being ages 16-17. 22% of the youth are ages 13-14, and only 9% of the youth arrested are 12 and under.

The chart below look at juvenile arrest rates by age group over a five year period. The largest change has been with the arrest rate for the 15-year old age group, increasing from 146 per 1,000 youth ages 7-17 to 156 per 1,000 youth. The arrest rate for younger youth, ages 12 and under, has remained fairly constant.

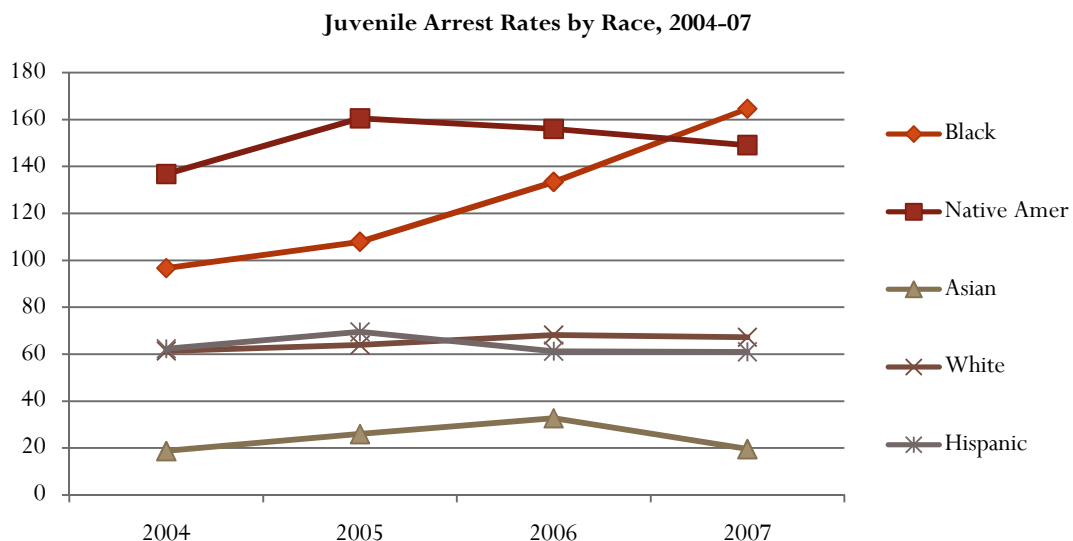


In looking more closely at the arrests of younger youth, specifically 12 and under, 35% of the arrests were a result of property-related offenses, and another 20% were specifically for disorderly conduct. It was interesting to note that person offenses for this younger age group made up a higher percentage of their overall arrests than when compared to all age groups (18% versus 8%), and status offenses made up a lower percentage (10% for this age group versus 34% for all age groups). Less than 1% involved drugs or weapons. The rates of arrests by county for the 12 and under age group were similar to that of the overall arrest rates, with Ramsey, Stutsman and Burleigh Counties having the highest rates.

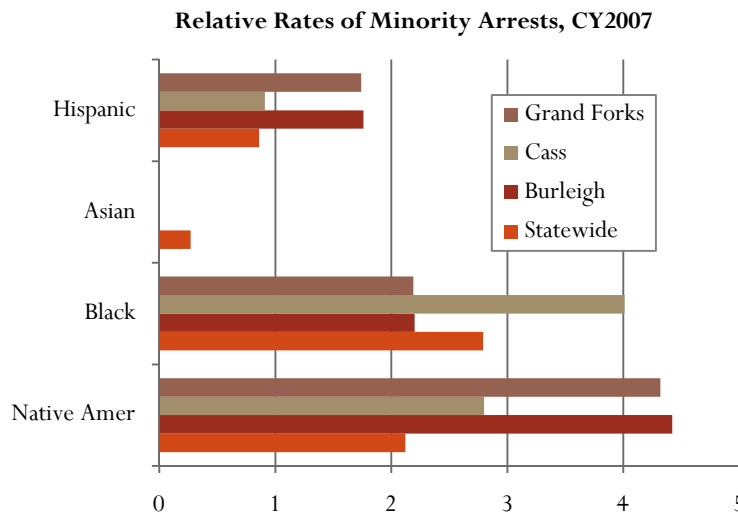


Females make up about 25% of all juvenile arrests in the 12 and under age group, whereas in the other age groups they account for around 40%. Thus, males tend to be more involved at a younger age.

Native American youth have the highest rates of juvenile arrest, followed by Black youth. While the arrest rate for Native American youth had decreased over the last three years, the rate for Black youth has increased. The majority of the arrests of Black youth are in Cass County (almost 70%), which is related to the increasing refugee population discussed previously. The rate of arrests for Hispanic youth is close to that of White youth, and has decreased slightly over the last couple of years. Asian youth have the lowest rates of arrest and the rate has also decreased over the last year.



The chart below looks at the rate of arrests for each minority group when compared to that of White youth. The data is presented statewide and also for three of the counties that have the largest concentration of minority youth (Burleigh, Cass, and Grand Forks Counties). On a

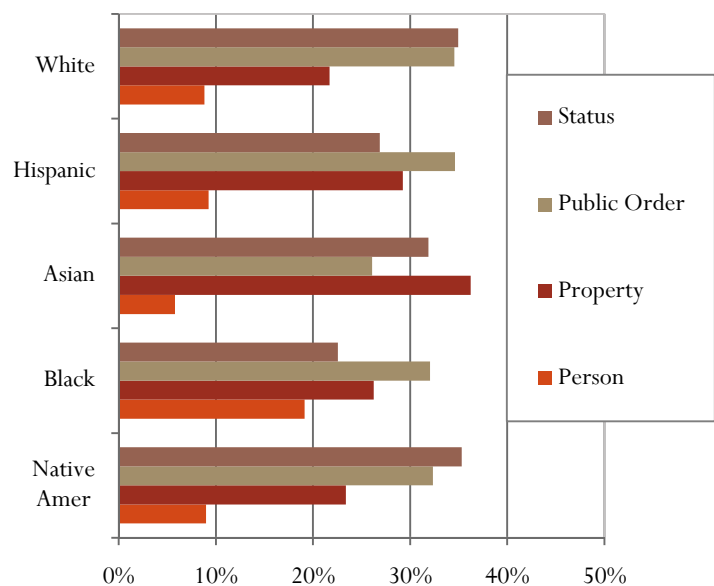


statewide basis, Native American youth are arrested at a rate that is just over twice that of White youth, with a rate of 2.12. The rate is much larger on a county-level basis, in particular with Burleigh and Grand Forks Counties, with rates of 4.42 and 4.32, respectively. Black youth are also arrested at rates at least double that of White youth.

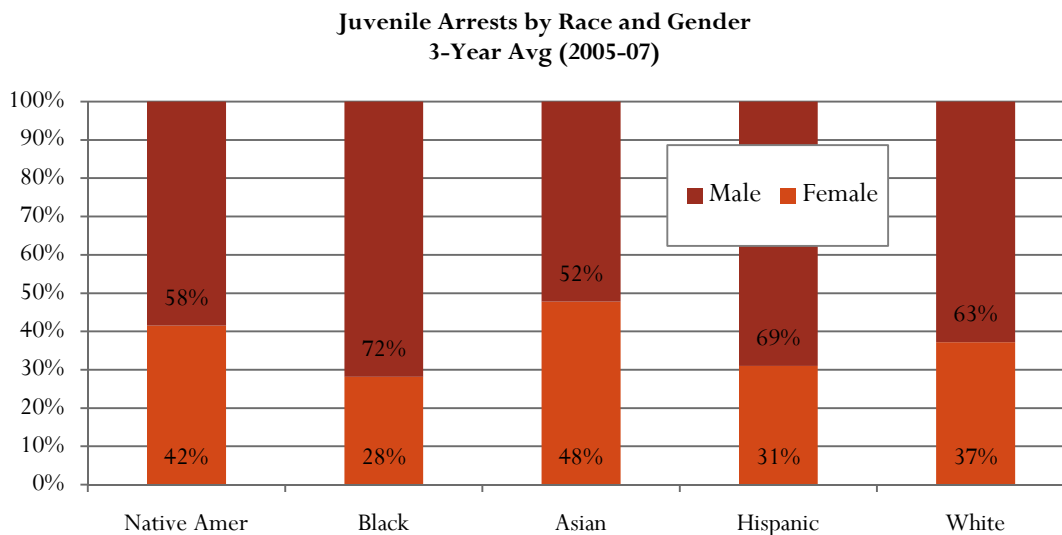
The rate is higher in the eastern part of the state with Cass County having a rate of 4.01. The rates of arrest for Hispanic youth are closer to that of White youth. There was an insufficient number of cases for analysis of Asian youth. The rate of minority involvement will be more fully discussed under Section 7 related to the Disproportionate Minority Contact (DMC) Core Requirement.

The chart to the right looks at the types of offenses by race. Over 30% of the arrests in each race category, except Asian, are for public order offenses. White and Native American youth have the highest percentage of arrests for status offenses. A larger percentage of arrests of Black youth are associated with person offenses than other racial groups. In addition, it appears Asian youth have a higher percentage of arrests for property offenses. However, those percentages could be attributed smaller numbers (i.e. there were only a total of 12 Asian arrests in calendar year 2007).

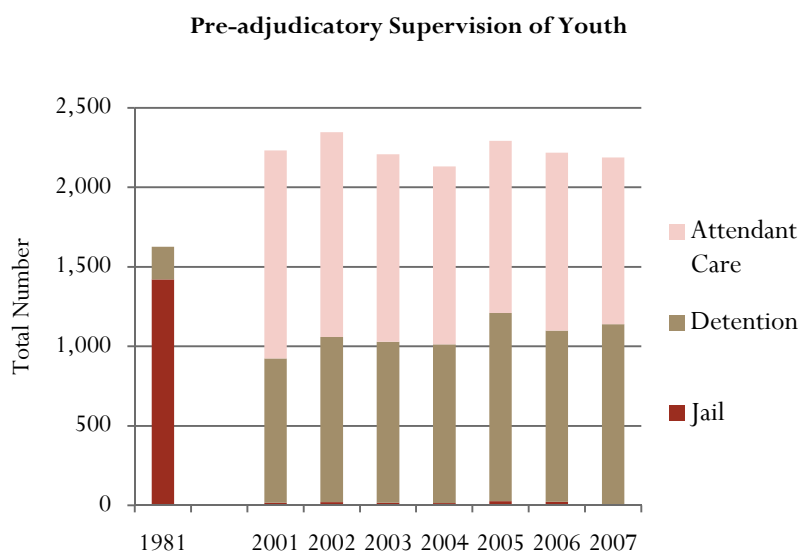
**Juvenile Arrests by Race and Offense Type
3-Year Avg (2005-07)**



The chart below shows the percentage of arrests by race and gender based on a three-year average of arrests, from 2005-2007. Native American and Asian youth have a higher percentage of arrests that are female, with 42% and 48% respectively. Black youth have the lowest percentage of arrests that are female, at 28% of the total.



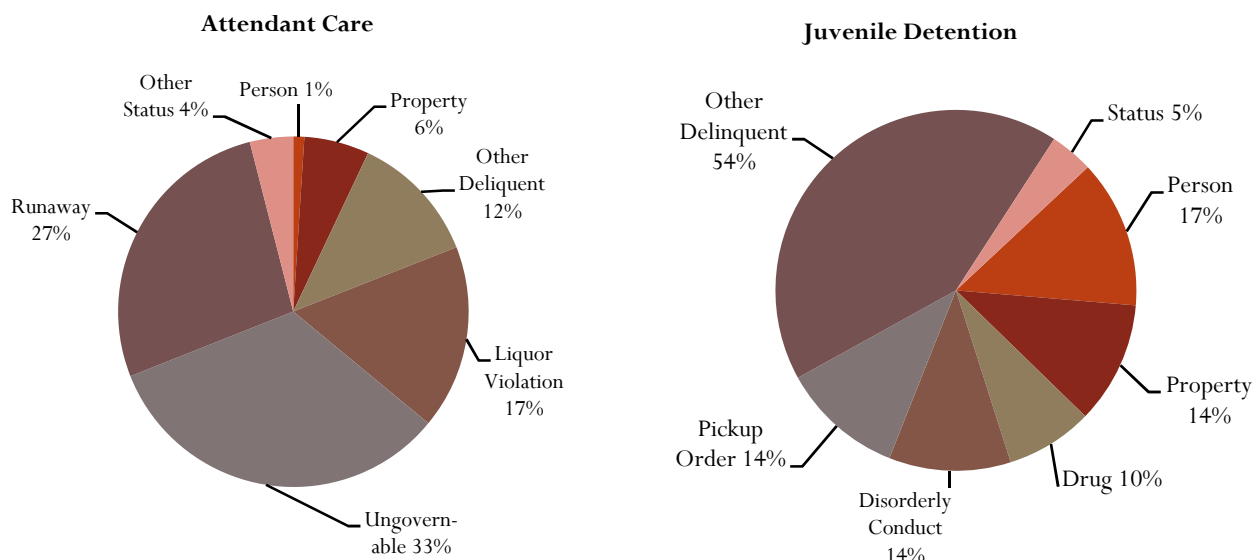
In North Dakota, the majority of youth that have been arrested are released with a warrant. About 30% of youth arrested need to be held to await release to a parent/guardian or a court hearing. As discussed under Section 1, North Dakota has established a network of non-secure holdover programs titled “Attendant Care”. Of the youth needing supervision, usually about half are held non-securely in Attendant Care. As illustrated in the chart below, development of Attendant Care has dramatically shifted the way that youth are handled on a



pre-adjudicatory basis. In 1981, prior to the development of Attendant Care, the majority of youth were held in adult jail facilities. Since then, adult jail facilities are only used in rare instances in rural areas where the nearest juvenile facility is over 100 miles away and law enforcement personnel needed for transport is lacking.

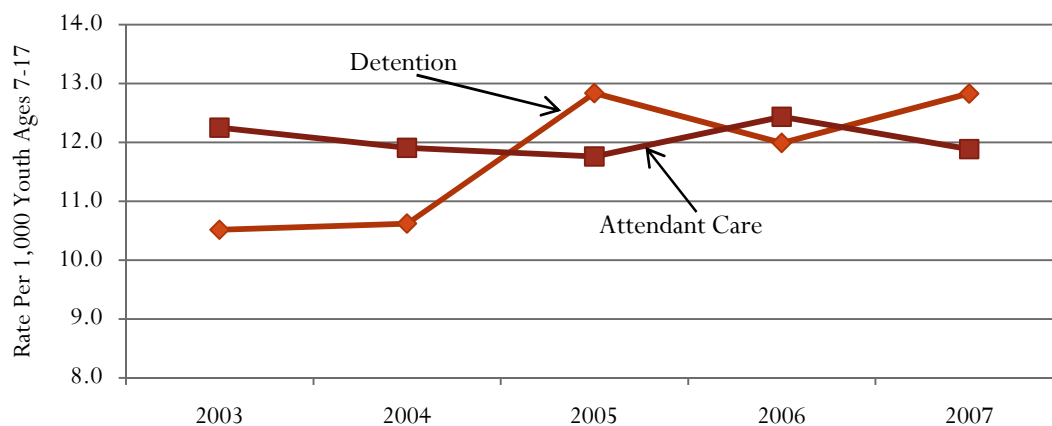
As shown in the following charts, the majority of youth held in Attendant Care are status offenders; however, some delinquent youth are held if there are no safety concerns. The reverse is true with secure detention, where the majority of youth held are delinquent. Only 5% of the youth held securely in juvenile detention facilities are status offenders. These tend to be habitual status offending youth that have violated their court order or runaways in which there is a concern they will run again if held non-securely.

Pre-Adjudicatory Supervision of Youth by Offense Type, 3-Year Average (2005-07)



The chart below looks at the trend in the rates of pre-adjudicatory supervision by type. Of some concern are the increased rates of juvenile detention over the last five years. The increase in the detention rate from 2004 to 2005 appears to be related to increased placements at one county facility by a Tribal authority. In addition, when looking at the rates of arrest for status versus delinquent offenses, there is an increased rate of delinquent offense arrests over the five year time period, which may explain part of the the increased use of detention.

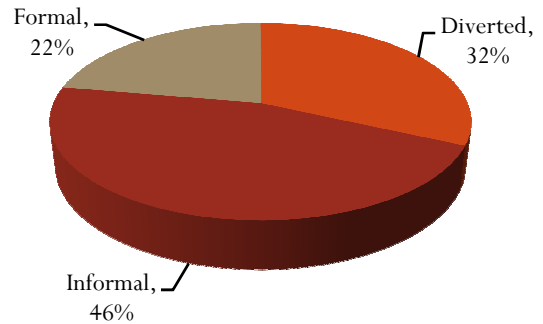
Pre-Adjudicatory Supervision Rates by Type



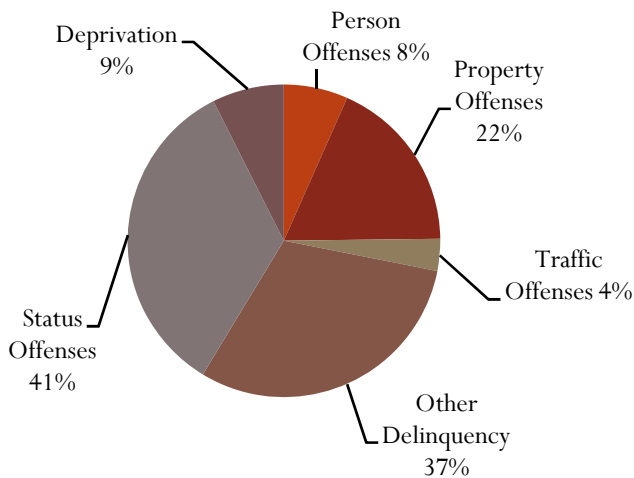
All citations issued upon arrest are referred to the Juvenile Court. In addition, referrals to Juvenile Court are made by schools and parents. As discussed above, cases that are referred are processed in one of three ways: 1) diversion; 2) informal adjustment; and 3) formal adjudication.

Based on an average of the most previous three years, the method by which Juvenile Court cases are disposed shows a reliance on diverted proceedings, with 78% of all cases being referred to a private agency/program or handled informally by the court, with no petition being filed. Around 22% of cases are handled formally by the Juvenile Court, resulting in the filing of a petition.

**Types of Juvenile Court Dispositions,
3-Year Avg 2005-07**



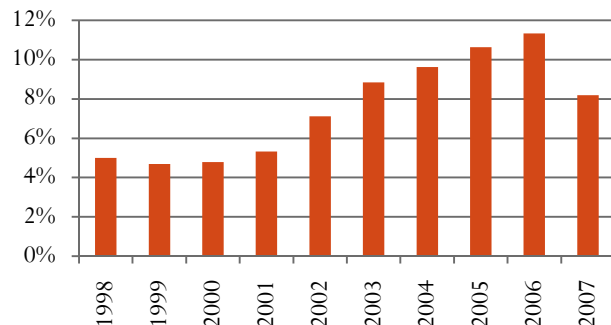
Juvenile Court Caseload



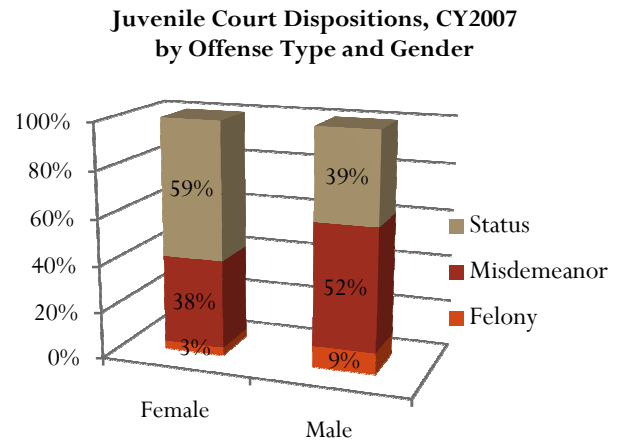
The high reliance on diversion appears relative to the offenses for which juveniles are referred to Juvenile Court, detailed in the chart to the left. Offenses against persons made up only 8% of the juvenile court caseload; whereas status offenses made up 41% of the caseload. The illegal possession or purchase of alcoholic beverages continues to be the most single common reason for referral to Juvenile Court.

The Juvenile Court also handles deprivation cases (i.e. abandonment, abuse/neglect, deprived), and those cases make up on average 9% of the overall caseload. As illustrated in the chart to the right, this percentage has continued to increase over the last ten years.

**Juvenile Court Referrals
% of Referrals related to Deprivation**

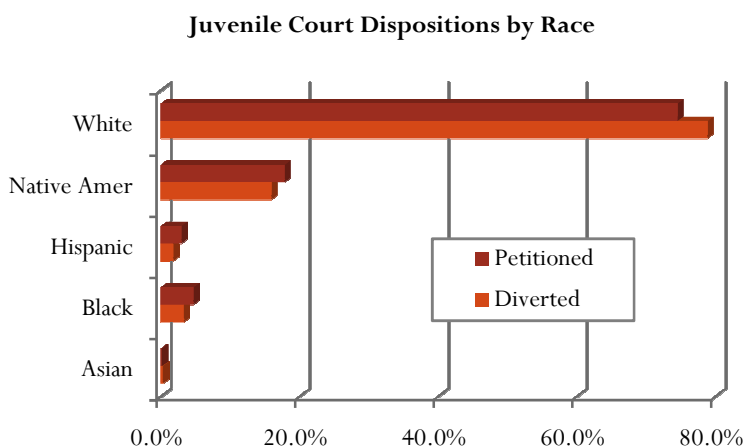
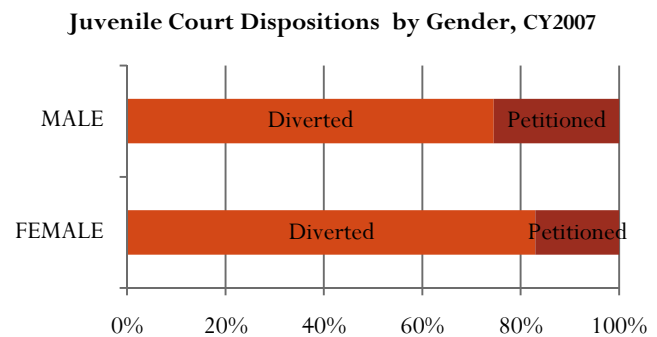


Females, on average, make up 33% of Juvenile Court dispositions for delinquency and status offenses. Whereas males are much more likely to be disposed for felony or misdemeanor offenses, females are more likely to be disposed for status offenses, with 59% of all female dispositions being for status offenses. Almost half of the status offenses are related to minor in possession/consumption of alcohol.

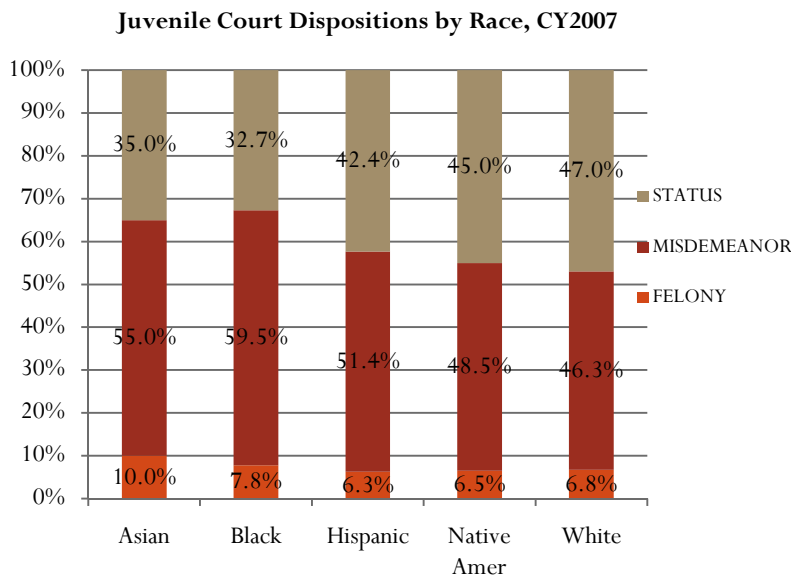


Of the male referrals for felony offenses, the largest percentage is for burglary, accounting for 25% of all male felony referrals. Theft, breaking into a motor vehicle, and terrorizing each accounted for 10% of the male felony referrals. Part 1 violent crimes accounted for only 1% of all male referrals.

Based on their offenses, it seems appropriate that females would have a higher number of cases that are diverted or non-petitioned than males, with over 80% of the Juvenile Court dispositions of females being diverted, either through a referral to another agency or program, or through an informal hearing by the court.



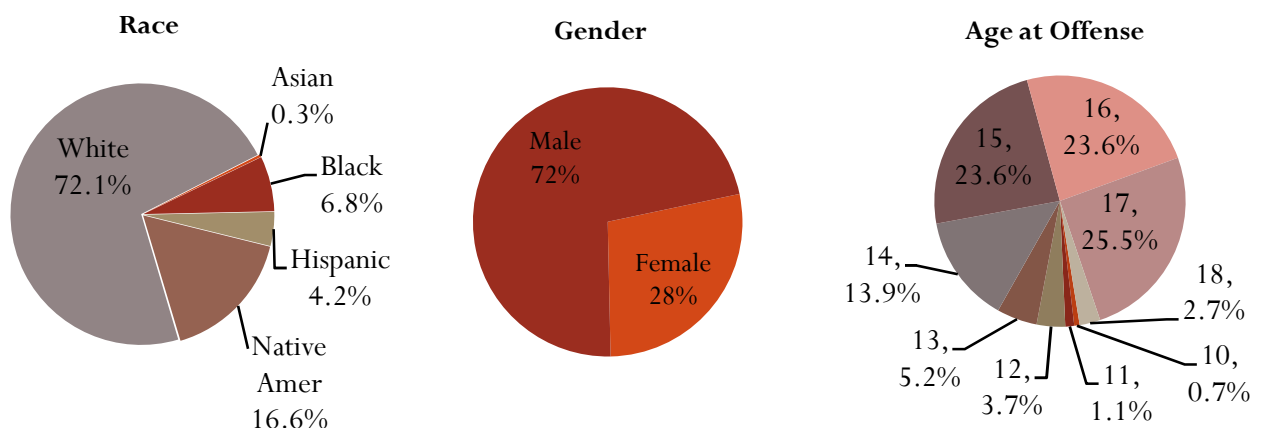
The chart to the left illustrates diverted versus petitioned cases by race. It appears that a larger percentage of cases that involve White youth are diverted, compared to other races in which a larger percentage of the cases are petitioned.



In looking at Juvenile Court dispositions by race, it appears that Asian and Black youth have a somewhat higher percentage of felony and misdemeanor offenses and less status offenses for which they are disposed. However, it is difficult to analyze due the small numbers. For example, there were only 2 Asian felony offenses and 20 Black felony offenses.

If the Juvenile Court decides to process a case formally, the juvenile may receive formal probation for up to twenty-four months 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). The court does not have the authority to place youth in a group home or residential treatment facilities or the State's correctional facility. Only DJS as a custodial agency can place a youth in out-of-home care.

Below is a depiction of the youth that were placed on formal court probation in calendar year 2007:

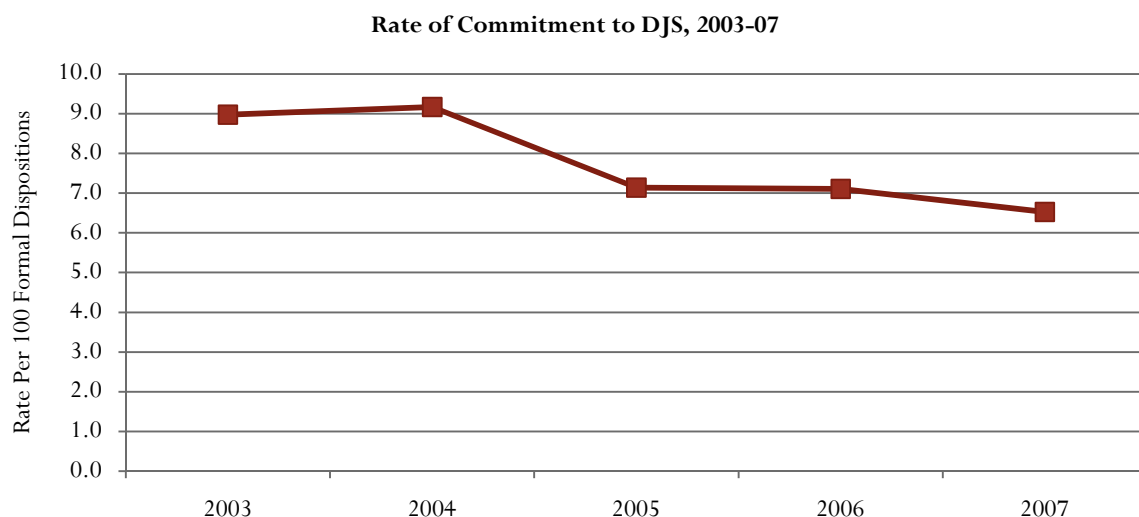


As previously discussed, the Juvenile Court is divided into four administrative units. The table below shows the number of dispositions by administrative unit along with the number and percentage that were handled formally for the most recent calendar year available, 2007.

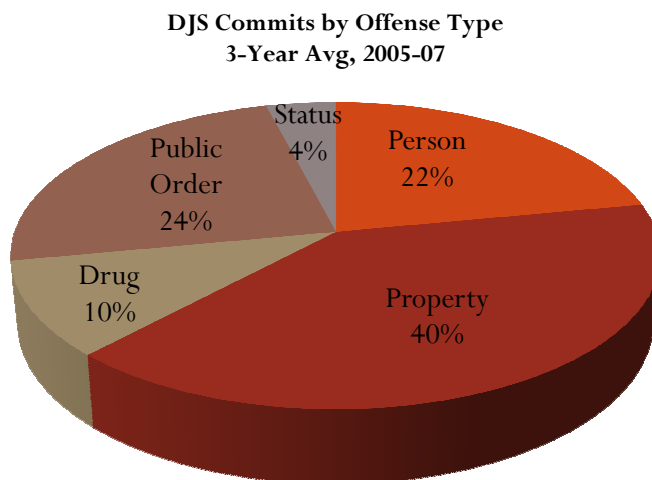
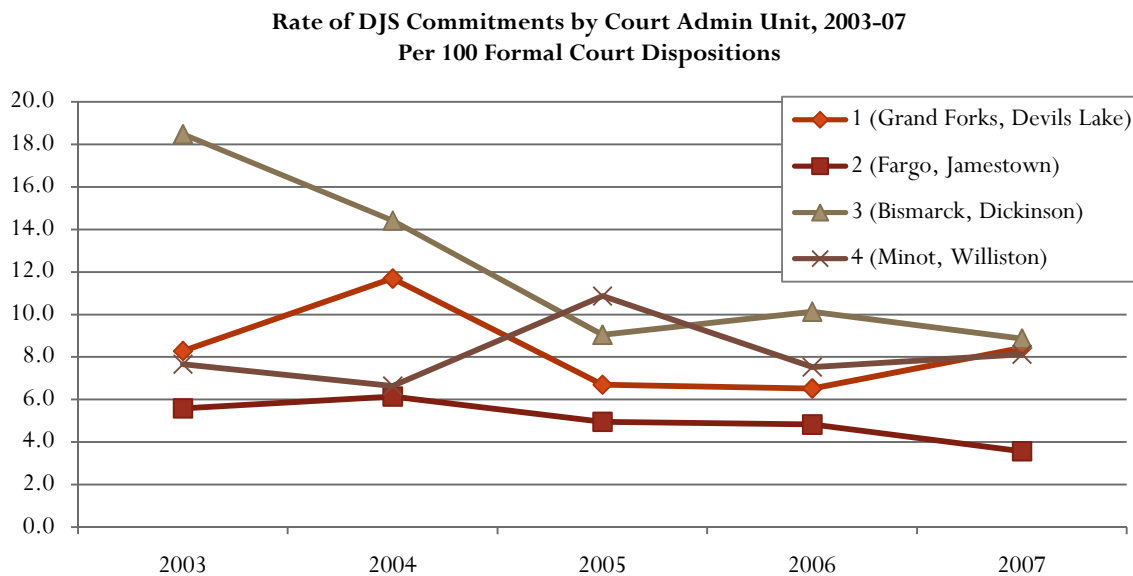
| | Total Dispositions | Formal Dispositions | Estimated Population | Rate of Formal Disp. |
|--------------------------------------|--------------------|---------------------|----------------------|----------------------|
| Unit 1 (Northeast/Northeast Central) | 2,167 | 570 (26%) | 20,184 | 28.2 |
| Unit 2 (East Central/Southeast) | 3,914 | 1,123 (29%) | 30,193 | 37.2 |
| Unit 3 (South Central/Southwest) | 3,709 | 937 (25%) | 24,239 | 38.7 |
| Unit 4 (Northwest) | 1,784 | 419 (24%) | 13,627 | 30.7 |
| Statewide | 11,574 | 3,049 (26%) | 88,243 | 34.6 |

As illustrated, between 24-29% of Juvenile Court dispositions are handled formally by the individual administrative units. The rate of formal dispositions based on 1,000 of the youth population, ages 7-17, varies by unit, with the higher rates of formal dispositions being in southern half of the state, including the more populated counties of Stark, Burleigh, Stutsman and Cass. This seems to correlate with the arrest data as three of the counties are ones with the highest rates of arrest, as discussed above.

The rate of formal dispositions resulting in formal court probation has increased however, as shown in the chart below, the rate of formal dispositions resulting in commitment to DJS has declined over the last four years, from 9.0 to 7.1 per 100 formal dispositions. This is likely due to the implementation of the YASI, providing the Juvenile Court with a better assessment of youth's risks and needs, and the ability to handle more youth through the formal probation process rather than committing them to the correctional agency.



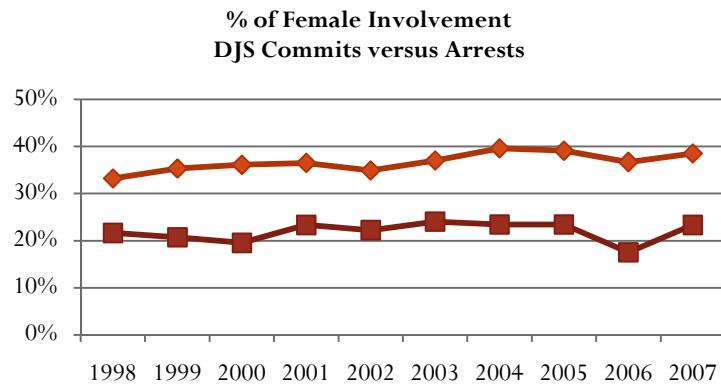
As illustrated in the chart below, the largest decline in the rate of commitments to DJS was in Unit 3, which includes the more populated counties of Dickinson and Bismarck.



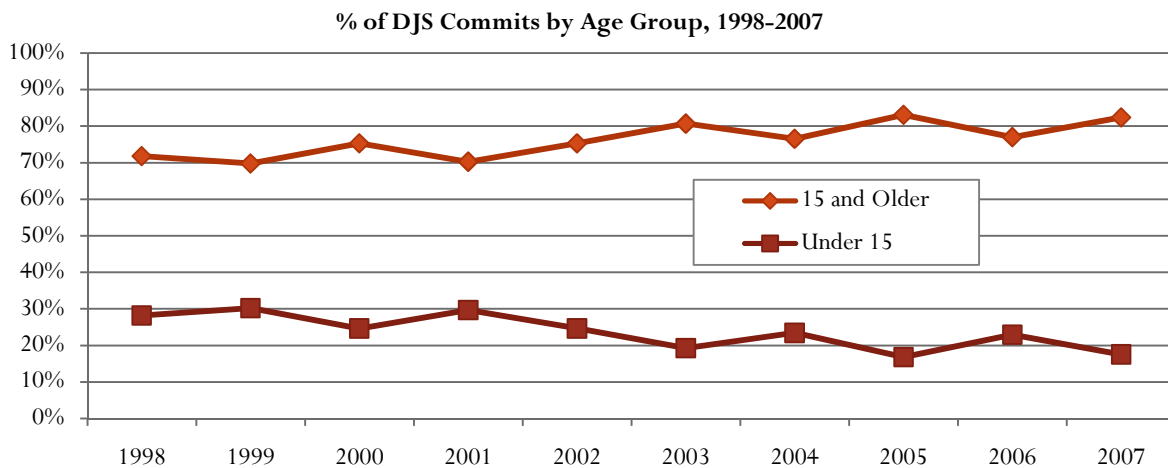
The chart to the left looks at DJS commitments by offense type based on an annual average of commits from 2005-2007. It is no surprise based on arrest and court referral data that the majority of the offenses for which youth are committed to DJS are property offenses, at 40% of commitments. The second largest is public order at 24% and then person offenses at 22%. Drug offenses reflect 10% of commitments. Only a small percent are status offenses,

which is usually around 10 youth on an annual basis that are habitual status offenders and in which additional services or out-of-home placement is needed. On average 36% of the commitments to DJS are felony offenders, of which over 50% of the felony offenders are property offenders.

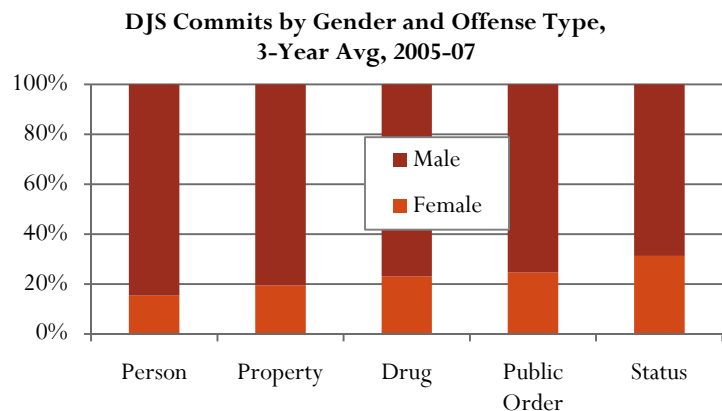
Approximately 20-25% of the commitments to DJS are female youth. Based on the chart to the right, the trend in female involvement in the corrections system has not changed much over the last ten years, and tends to mirror the trend in female juvenile arrests.



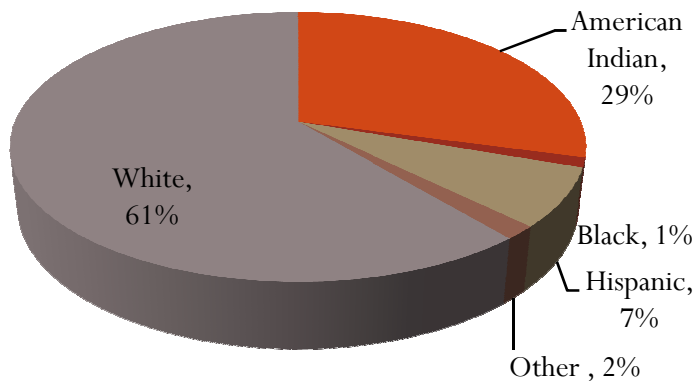
As illustrated in the chart below, a larger percentage of the youth being committed to DJS over the last ten years are age 15 and older. This could be due to increased resources in the Juvenile Court's continuum that allows them to hold on to youth longer before committing them to the juvenile corrections system. The average age of commitment to DJS from 1998-2002 was 15.3 versus an average of 15.6 from 2003-2007.



On average, 21% of the youth committed to DJS are female offenders and 79% are male. In looking at the gender of the commits by offense type, females make up a larger percentage of status and public order offenses than person and property.



DJS Commits by Race, 2005-07



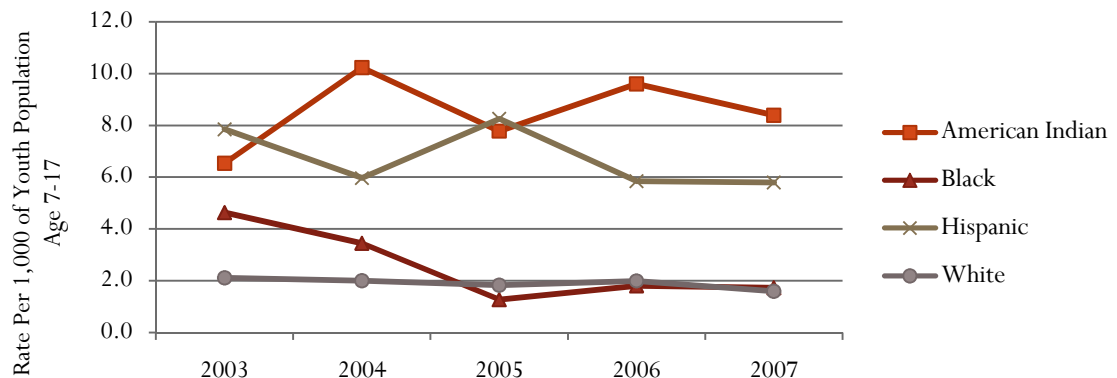
The chart to the left illustrates commitments to DJS by race.

American Indian youth make up the largest percent of minority youth committed to the agency at 29%. The next largest is Hispanic youth at 7% of all commitments. Black youth make up only 1%.

Due to small numbers, other race categories, including Asian, Pacific Islander, and mixed have been grouped together as "Other".

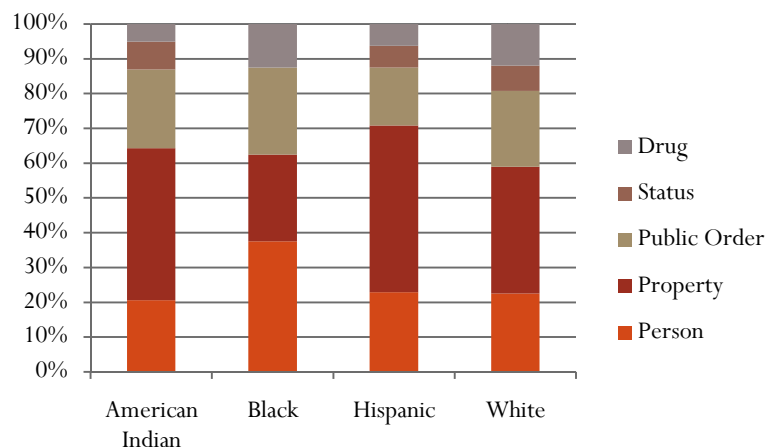
As shown in the chart below, American Indian youth have the highest rate of commitment to DJS, followed by Hispanic youth. The rate of commitment for Black youth has declined over the last five years. The rate of commitment for White youth has also slightly declined.

Rate of Commitments to DJS by Race, 2003-07



In looking at committing offenses by race, there are no major differences in the offenses for which racial groups are committed to DJS. It appears a larger percentage of Black youth are committed for Person offenses versus property; however, it is difficult to analyze due to small numbers.

**DJS Commits - Offense Type by Race
3-Year Avg, 2005-07**



B. State Priority Juvenile Justice Needs

1. Compliance with the Juvenile Justice and Delinquency Prevention Act

Deinstitutionalization of Status Offenders

As illustrated in the data analysis section, the implementation of the Statewide Detention Support Services (SDSS) 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 SDSS Program was implemented in 1989 with Title II Formula funds and provides for: 1) locally administered non-secure holdover sites, known as “Attendant Care”; 2) subsidies for holding serious delinquent offenders in juvenile detention rather than adult jail facilities (if strict intake criteria is met); and 3) subsidies for transportation of a juvenile to the most appropriate supervision setting, either Attendant Care or juvenile detention. The SDSS Program dramatically reduced the number of juveniles held in adult jail facilities from over 1,400 prior to implementation to less than 25 per year (of which less than 10 are violations of the JJDP Act), and has provided non-secure alternatives for over 1,000 status offenders on an annual basis that may have been held in either secure detention or jail.

The SDSS Program along with on-going education about liability issues and best-practice research has effectuated the practice of not using adult jail facilities for juvenile offenders. It is only in rare instances due to distance and lack of personnel for transport that youth are placed in an adult jail. Therefore, beginning with fiscal year 2009, the SDSS Program will be modified to no longer provide subsidies to hold serious delinquent offenders in juvenile detention rather than adult jail facilities.

Title II Formula funding is essential for continued operation of the Attendant Care component of the SDSS Program and thus maintaining compliance with the JJDP Act, as the State currently lacks the funding structure and local financial resources to maintain these services. As shown in the data analysis section, the largest percentage of arrests (34%) and juvenile court referrals (41%) are for status offenses. With the large number of status offending youth, constant 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.

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 twelve Attendant Care sites throughout the state, including a tribal site, and an additional site is anticipated to be developed during calendar year 2009.

The Attendant Care site administered by the Tribal government has been in operation since the implementation of the SDSS Program and provides supervision to approximately 100 American Indian youth per year. Efforts continue to implement additional Attendant Care programs on the State's other three Reservations.

The single most important element to a strong, effective network of non-secure supervision programs is well-trained and highly motivated supervision staff. Private non-profit agencies currently provide most of the initial and ongoing training for the staff of the non-secure Attendant Care programs. This has been a flexible and effective means of maintaining a high level of training. With funding under the SDSS Program, this training has been constant and consistent, which is necessary to maintain quality staff and ensure continued support of the program.

Disproportionate Minority Contact (DMC)

The crime analysis and Relative Rate Index calculations suggest that disproportionality exists with minority youth in the State's juvenile justice system. As discussed in those sections, minority youth are arrested, and in some cases, securely detained at rates that are two to four times that of White youth. The disproportionality continues to be most significant with American Indian and Black youth.

Title II Formula funding will be allocated over the next three-year planning period to further assess and provide interventions relative to DMC. Planning activities will be conducted to further assess the factors underlying the contact of minority youth with the juvenile justice system. Data will be analyzed to target those jurisdictions that have higher rates of disproportionality and/or higher levels of over-representation in the system. Possible explanations for minority involvement and the nature of the involvement will be explored. To the extent possible, a multi-pronged approach to reducing involvement will be developed, taking into account existing resources and identified gaps in services.

2. Intervention and Enforcement of Underage Drinking

Survey results from the most recent Youth Risk Behavior Survey suggests that substance abuse by North Dakota youth is decreasing; however, North Dakota students are still much more likely to engage in binge drinking than youth in the nation (32.5% for ND vs. 26.0% for the US) and North Dakota's rate of arrests for liquor law violations are much higher than the nation (rate of 1,520 per 100,000 youth ages 7-17 for ND compared to a rate of 236 for the nation). The illegal possession and purchase of

alcoholic beverages continues to be the most single common reason for referral to Juvenile Court. In addition, 60% of the assessments of the youth in the juvenile corrections system indicate that their delinquency is associated with substance abuse, of which a large majority is alcohol use.

The North Dakota Department of Human Services, Division of Mental Health and Substance Abuse Services is utilizing the funding from the Enforcing Underage Drinking Laws (EUDL) Program to address the problem of underage drinking in North Dakota as identified through state prevention strategic planning.

The overall goal for EUDL funding is to enforce North Dakota state laws prohibiting the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors throughout the state. Four primary goals for funding include: 1) support of a North Dakota Youth Advisory Council, which will be measured by the number of youth participating in task forces, enforcement, campaigns, etc.: 2) enforcement activities such as underage drinking enforcement activities and compliance checks which will be measured by the number of agencies involved or the number of retail establishments checked or in compliance: 3) public advertising campaigns such as the First Lady's Keep Children Alcohol Free campaign and public awareness campaigns such as providing alcohol to youth which is measured by the number of earned media coverage events related to EUDL activities; 4) support of the Roughrider Health Promotion Conference in which schools (educators) and community members are provided training and professional development and then create action plans in order to facilitate local level change regarding underage drinking, this will be measured by the number of local level events, policy changes, environmental strategies utilized, etc.

The EUDL funding is directed in collaboration with the Governor's Prevention Council, which was created in 2007 for the purpose of supporting substance abuse prevention, education, and enforcement programs; addressing traffic safety issues including driving under the influence of drugs or alcohol; and developing policies that promote safe, stable families and communities. The Council has been appropriated \$100,000 in state general funds to grant money to projects that will discourage alcohol and drug abuse by minors. Five awards were made by the council in 2008 to organizations that will conduct educational prevention activities targeted at elementary and middle school-aged youth and their parents.

3. Effective Programming for Juvenile Property Offenders

The crime analysis clearly illustrates that North Dakota has a high rate of property crime, with Part 1 property crime index for juveniles being much higher than that of the nation (119.9 per 1,000 youth ages 7-17 in ND versus 70.8 for the nation).

Restorative Justice programming, specifically Juvenile Accountability Conferencing, has been shown to be an effective intervention for all levels of property offenders. It has a significant impact on the persons involved and effectuates system responsiveness by addressing reparation and accountability for the offenders while fulfilling concerns of the victims and communities.

State-share JABG funding was used to implement a Restorative Justice Program which provides offender accountability conferencing, restorative justice councils and victim empathy seminars. A majority of the costs for Restorative Justice programming have since been secured by state general funds; however, a portion of the costs of the administration of the statewide program will continue to be supported through the use of JABG funds.

As indicated by the data analysis, the Juvenile Court has a high number of cases that are handled through diversion. This in part is due to the increased availability and confidence in diversion options such as restorative justice programming, which assists juvenile court probation officers in holding youth accountable and broadens their continuum of services. The Juvenile Court is able to refer juveniles to the restorative justice program, diverting them from further involvement in the juvenile justice system.

Research indicates that Restorative Justice, in its many different forms, is becoming increasingly more important in criminological practice. A recent study found that when Restorative Justice is operated as a voluntary, community-based response to criminal behavior that brings together the victim, the offender, and the community as a way to address the harm caused by criminal behavior, it yields positive results³. Based on the findings in the study, restorative justice programs are a more effective method of improving participant satisfaction, increasing offender compliance with restitution, and decreasing the recidivism of offenders when compared to more traditional criminal justice responses. Based on the most recent performance measurement data for North Dakota, 90% of juveniles completing a juvenile accountability conference did not recidivate. This appears to be higher than the success rates of other Restorative Justice programs in the nation.

³ Latimer, J. & Dowden, C. & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *The Prison Journal*, Vol. 85 No. 2, 127-144.

3. Plan for Compliance with the First Three Core Requirements of the JJDP Act and the State's Compliance Monitoring Plan

A. 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 and requires a court hearing within 96 hours. However, Supreme Court Rule and Juvenile Court Time Standards (Policy 409) clarify the statutory 96-hour time limit by stating that it is the policy of the court to hold hearings for juveniles detained in secure facilities within 24 hours, excluding weekends and holidays. State law does not provide for non-offenders to be placed in either jail or juvenile detention facilities.

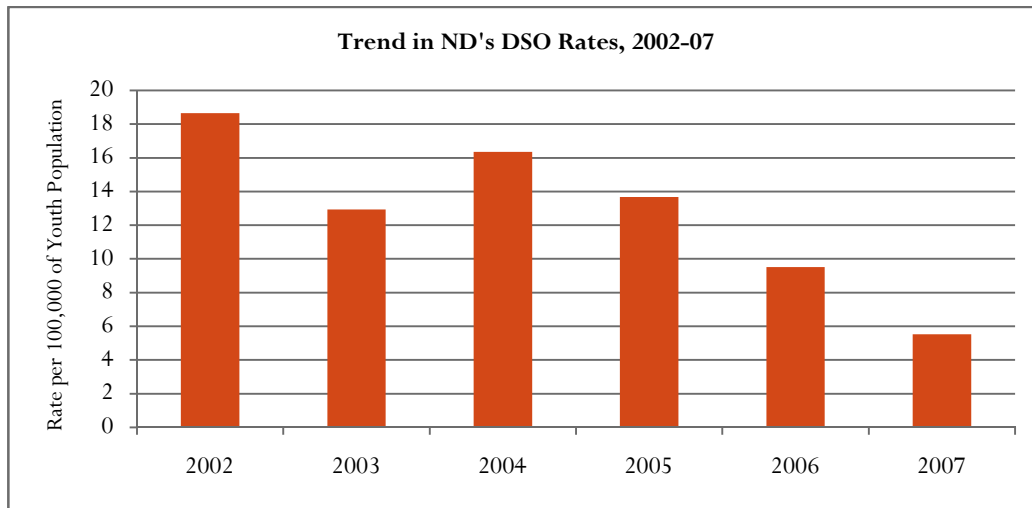
To address the use of secure juvenile detention for accused status offenders, in 1989, the North Dakota Division of Juvenile Services, in cooperation with the North Dakota Association of Counties, developed a program for locally-administered “Attendant Care” sites under the Statewide Detention Support Services (SDSS) Program, as more fully discussed in Sections 1 and 2 above. The Program has been extremely effective in reducing the use of secure detentions of 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]. However, recent changes in State law allow for youth participating in the juvenile drug court program to be securely detained pursuant to violation of the drug court program rules. Although this was intended to be used mainly for delinquent offenders, there are times when participation in the drug court program is based solely on alcohol-related offenses, in which case the youth would be classified as a status offender rather than a delinquent. To address the issue of youth classified as status offenders potentially being placed in detention pursuant to a drug court order, a bill has been introduced this legislative session that amends North Dakota Century Code to clarify that youth participating in the drug court program can be detained only “as a result of an adjudication for a delinquent offense”.

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. DJS); however, if a child is found to be unruly, disposition excludes commitment to a secure facility [NDCC 27-20-32]. In addition, deprived youth

cannot be placed in a facility operated for the benefit of delinquent youth unless the child is also found to be delinquent [NDCC 27-20-30].

As shown in the following chart, North Dakota's DSO rates have continued to decrease:



The limited number of the State's DSO violations tend to be 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 safety concerns. The intent of the Valid Court Order (VCO) exception is usually met by these placements, however the State's juvenile court process makes meeting the established guidelines for considering the VCO exception difficult.

The designated state agency and the State's SAG work together to monitor compliance and address factors that will assist with maintaining compliance with Section 223(a)(11) of the JJDP Act. As discussed under Section 2b regarding the proposed use of Title II Formula funds, 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 that have higher incidence. In addition, training for attendant care workers as part of the SDSS Program continues to be conducted on a quarterly basis. This is necessary to maintain quality staff to provide non-secure supervision and ensure continued support of the program by law enforcement and court personnel.

B. 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 clearly prohibits the detention of juveniles in an area that is not “separate and removed from those for adults”. 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 the facilities and procedures used to ensure compliance with this state law. In addition, State law does not provide for the placement of adjudicated youth in either detention or jail and such offenders cannot be reclassified administratively to avoid segregation.

Some of the jail facilities have designated juvenile beds which have been determined to be separate and removed from those for adults. All other jail facilities may only hold juveniles in the event that no adults are incarcerated at the facility. Three city police departments have been identified as having rooms that could be used as secure “lock-ups”. Although these are not typically used for juveniles, some of the agencies have developed policies that will either prohibit their use for juveniles, or restrict their use to situations within the mandates of the JJDP Act.

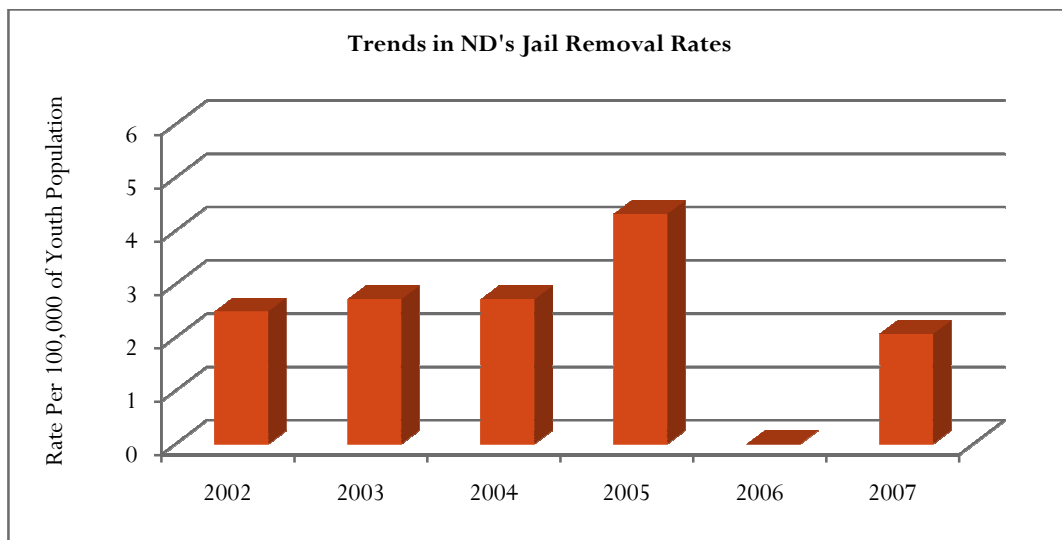
North Dakota law requires that correctional facility staff, which includes staff that work with both adult and juvenile populations, receive correctional facility training as determined and approved by the DOCR [NDCC 12-44.1]. The law specifically defines *trained correctional facility staff* as “correctional 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 every quarter. 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 stated previously, with the development of a statewide system of Attendant Care sites, the reliance on adult jails for detention of juveniles has been greatly reduced, and thus, there have been no violations of the separation requirement. The availability of supervision options other than jail, along with the legislative and administrative requirements, should allow North Dakota to maintain separation of juveniles and adults pursuant to Section 223(a)(12) the JJDP Act.

C. 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, and the development of statewide network of Attendant Care and detention support services via the SDSS Program have resulted in a dramatic shift of juveniles from adult jails. In addition, Supreme Court Rule and Juvenile Court Time Standards clarify State law with respect to detention hearings within 24 hours of initial detention, eliminating the use of jails for periods longer than allowed by the rural exception, except in rare circumstances.

The implementation of alternatives and subsidies through the SDSS Program, as discussed above, has almost completely eliminated the use of adult jails for juvenile offenders and enabled the State to demonstrate compliance with Section 223(a)(13) since 1992. As shown in the chart below, North Dakota's jail removal rates have remained fairly low with rates usually less than 3.0 per 100,000 youth per year. The rate went up in calendar year 2005 to just over 4.0 per 100,000 youth because total violations went from 4 to 6. However, the most two recent calendar years have had the lowest rates since participation in the JJDP Act, with no violations in calendar year 2006 and only 3 total violations in calendar year 2007.



It's only in isolated instances in the more rural areas of the State where distance to the nearest juvenile facility and/or the lack of law enforcement personnel is an issue that juveniles are held in adult jail facilities for longer than the time allowed by the JJDP Act. There have been no instances of status offenders being held in adult jail facilities over the last five years. Conversations with juvenile court personnel and rural county sheriffs have

been ongoing in order to promote best practice and encourage transport to a licensed juvenile detention facility when secure holding is necessary. Based on these discussions, the county that tends to have jail removal violations has recently developed a policy that no juveniles will be held in their county jail facility. The State Jail Inspector will be verifying that no juveniles are being held with 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 rural removal exception has only been applied when the juvenile is classified as a delinquent offender, not 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 in the past. The Rural Removal Exception Certification form has been signed and is being submitted with the Formula grant application.

D. 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 above-referenced policy manual on page 1.

3. Monitoring Timeline

The State's compliance monitoring is conducted annually, with on-site inspection and monitoring functions occurring at each facility each year, as more fully detailed on page 11 of the State's compliance monitoring manual. In addition, data collection and analysis is done throughout the year, with reporting to OJJDP based on a 12-month calendar period, as more fully discussed on pages 12-13 of the manual.

4. Violation Procedures

The State's violations procedures are included in the above-referenced compliance monitoring manual on page 13.

5. Barriers and Strategies

The State has not identified any barriers in implementing an adequate system of compliance monitoring.

6. Definition of Terms

The State 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 OJJPD, as detailed on pages 2-5 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 on page 9.

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 on page 10.

9. Inspection of Facilities

A description of the State's inspection process is included in ND's compliance monitoring manual on page 11.

10. Data Collection and Verification

A description of the State's process for data collection and verification is included in ND's compliance monitoring manual on page 12.

4. Plan for Compliance with the Disproportionate Minority Contact Core Requirement

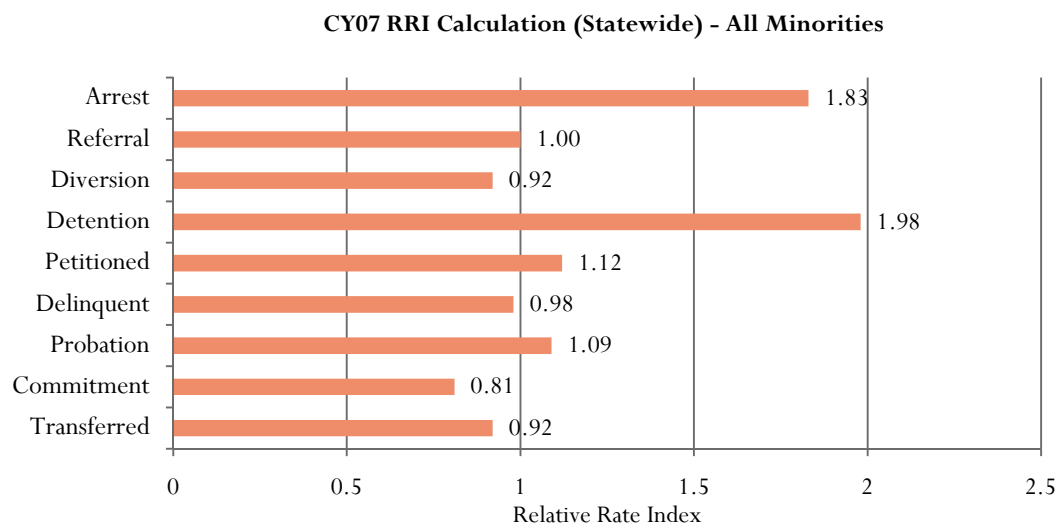
A. Phase I: Identification

The DMC identification spreadsheets have been updated for the most recent calendar year (2007), both on a statewide basis and for three of the counties with the highest concentration of minority youth. The Relative Rate Spreadsheets have been exported from OJJDP's web-based DMC data entry system and attached in the Grants Management System as "Attachment 2" with the respective jurisdiction name.

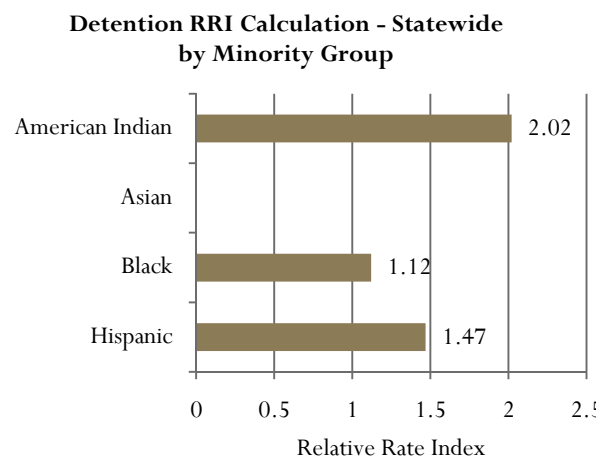
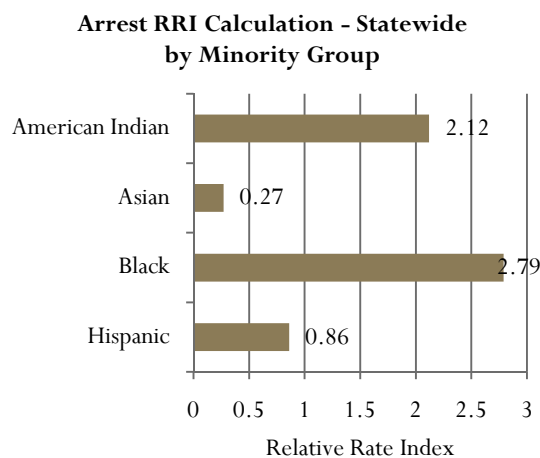
One of the major decision points included on the DMC Identification Spreadsheet is "Cases Resulting in Confinement in Secure Juvenile Correctional Facilities", which follows the general system model where court disposition options for adjudicated youth include probation supervision or secure confinement. 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, "Custody to the Division of Juvenile Services" was substituted for confinement in secure juvenile correctional facilities as number 9 on the DMC Identification Spreadsheet.

Three separate and distinct databases were used in the compilation of the number of youth from point of arrest to point of disposition (i.e. Incident-Based Reporting System for arrest statistics, Statewide Detention Support System for detention data, and the ND Juvenile Court records system for the remainder of the processing points). Only the database for detention data allows for a breakout of race by “other/mixed”. In addition, the Incident-Based Reporting System does not allow for a breakout of “Native Hawaiian or Other Pacific Islanders”, but in no case does that population group meet the 1% threshold.

As illustrated in the chart below, the most recent relative rate index calculations show that disproportionality of minority youth exists on a statewide basis with higher rates of arrest and detention, with rates that are almost two times that of white youth.



In looking specifically at arrest and detention rates by individual minority group (charts below), the most significant disproportionality is with arrests of American Indian and Black youth, with rates of 2.12 and 2.79, respectively. American Indian youth also have a high rate of detentions on a statewide basis, with a rate twice that of white youth.



In looking at the relative rates on a county level basis, the highest rates are with arrests of American Indian youth, with rates of 4.42 in Burleigh County, 2.80 in Cass County, and 4.32 in Grand Forks County. Rates of arrest for Black youth are also statistically significant with rates of 2.20 in Burleigh County, 4.01 in Cass County, and 2.19 in Grand Forks County. Rates of detention are also higher for American Indian youth in Cass and Grand Forks Counties with rates twice that of white youth. Arrest rates for Hispanic youth were slightly higher in Burleigh and Grand Forks Counties but less than 2.00. All other processing points for Hispanic youth have an insufficient number of cases for analysis. As with the statewide analysis, all other race categories and/or processing points have relative rates that are close to or less than 1.00.

In comparing the calendar year 2007 relative rates to those of the previous two years, it is encouraging to see a decline in some of the rates that have been elevated. On a statewide basis, arrest rates for American Indian youth have declined from 2.45 in 2005, to 2.33 in 2006, to 2.12 in 2007, and detention rates of American Indian youth have declined from almost 3.00 in 2005 and 2006 to 2.02 in 2007. Arrest and detention rates for American Indian youth have also declined on a county level basis. Arrest rates in Burleigh and Cass Counties declined from 6.56 and 5.08, respectively, in 2005 to 4.42 and 2.80, respectively, in 2007. Grand Forks County has seen an increase and then decrease in the arrest rate of American Indian youth over the past three years, from 3.83 in 2005, to 5.63 in 2006, to 4.32 in 2007. Detention rates of American Indian youth have declined considerably in Burleigh County, from a rate of 3.14 in 2005 to a rate of .93 in 2007. Cass and Grand Forks County also experienced a decline in detention rates of American Indian youth from rates of almost 3.00 to rates just over 2.00.

While detention rates for Black youth have decreased on a statewide basis from 2.02 in 2005 to 1.12 in 2007; arrest rates experienced a slight increase from 2.28 in 2005 to 2.79 in 2007. The same is true on a county level basis with rates of detention of Black youth declining, while rates of arrest saw a slight increase. Detention rates in Cass County, the only county have a sufficient number of detention cases for analysis, declined from 1.54 in 2006 to .92 in 2007, while arrest rates increased from 2.42 in 2005 to 4.01 in 2007.

Arrest rates for Hispanic youth for the most part have remained close to 1.00 over the last three years on both a statewide and county-level basis. Grand Forks County had the highest rate of arrest for Hispanic youth, and it declined from 2.22 in 2006 to 1.74 in 2007. The detention rates for Hispanic youth also decreased on a statewide basis over the last three years, going from a rate of 5.00 in 2005 to 1.47 in 2007. There were an insufficient number of detention cases for analysis of rates for Hispanic youth on a county-level basis.

In summary, while the DMC identification analysis conducted using calendar year 2007 data indicates that rates of disproportionality are decreasing, minority youth continue to be arrested, and in some cases, securely detained at higher rates than white youth. The disproportionality continues to be most significant with American Indian and Black youth on a county-level basis. Rates for all other processing points remain close to that of white youth.

B. Phase II: Assessment/Diagnosis

American Indian youth represent the largest minority group in North Dakota and have the most significant over-representation in the juvenile justice system. As illustrated in Section 2 above, American Indian youth make up the largest minority group, at approximately 9% of the State's juvenile population. All other minority race groups together only make up 6% of the State's juvenile population. While American Indian youth reflect 9% of the juvenile population, they account for 17% of all juvenile arrests, 18% of cases petitioned by the Juvenile Court, and 29% of the commitments to the juvenile corrections agency.

An assessment of American Indian involvement was conducted in the fall of 2007 by MJ Martin, Inc. The assessment consisted of a comprehensive case file review to more closely examine case processing decisions to determine what factors may play into the higher rates of disproportionality, and was a follow-up to recommendations made in a previous assessment conducted in 2001. The assessment was completed in several stages – development of a survey instrument or codebook for use in collecting case file information; collection of data from a sampling of cases from 2006 juvenile court disposition files; initial analysis and on-site review with a work group consisting of local juvenile justice officials; and follow-up analysis and production of the final report.

Data was collected from a random selection of 30% of the total case files from calendar year 2006 juvenile court dispositions. A total of 71 variables were investigated. The variables were grouped into categories corresponding to the following key decision points in the case process (i.e. arrest, intake and detention, referral, adjudication, and disposition). Two additional groups of variables relating to the juvenile's prior record and demographic social history were also examined.

The preliminary findings were presented to a local work group for discussion and feedback. The findings and recommendations were then made part of the final report prepared for the ND Division of Juvenile Services, as the designated state agency, and the ND Juvenile Justice State Advisory Group.

The study examined the variables at each of the key case processing decision points for disparity between Native American and White youth. Prior record and demographic/social history variables were also analyzed for disparity between the two groups. Very few of the legal/case processing variables were found to be associated with race. Most of the racially significant differences were found among the *social history* and *prior record* variables. Thus, the study suggested that the characteristics and behavior of the youth and their families may play a much more significant role in their disproportionate level of contact than do the policies or practices of key decision-makers in the case process.

The study also focused specifically on the cases involving Native American youth in the sample. A profile was developed and assessed to look for characteristics or conditions which may contribute to higher rates of arrest and detention of Native American youth or which may increase the depth and duration of their involvement with the system. The profile describes a group with significant social and economic challenges that have difficulty conforming to the social and behavioral norms of the community. The analysis indicates that Native American youth experience high rates of poverty, domestic violence in the home, histories of child abuse and neglect, and increased levels of family criminality. Home stability may also be impacted by more frequent moves.

Specific conclusions were made from the study:

1. The reasons for the racial disparity in the relative rates of arrest of Native American youth were not apparent with the data provided in the case files. Law enforcement policies and practices as well as the behavior of the youth in the community were not documented in case files and could affect arrest rates. In addition, the extent to which recidivism plays a role could not be fully explored as arrest data is not kept by youth, only in total. In the case files studied, Native American youth had significantly higher rates of prior arrests.
2. While the relative rate analysis indicated that secure detention of Native American youth is was approximately three times that of White youth, the actual number of youth detained in relation to overall arrests is quite low. In the study sample of 300 cases, only 10 youth were securely detained, four were Native American. Three additional youth, including two Native American, were detained in non-secure settings. The Bismarck community has an excellent early intervention program in place with the Police Youth Bureau (PYB). PYB workers are able to avoid detaining many youth through their efforts to contact parents or other responsible parties and efforts to de-escalate youth at the point of arrest so they can return home. In cases where youth are taken into custody, youth workers seek to find the least restrictive

alternative and use shelter care or safe beds when appropriate. PYB workers report that economic, social, and cultural circumstances of Native American youth sometimes limits their options in avoiding the use of detention (no telephone, parents/guardians unavailable or unable to accept responsibility, etc.).

3. The Burleigh County Juvenile Court handles the vast majority of referrals informally. The number of formal court petitions compared to the overall number of referrals is quite low. Given the low number of formal petitions, it is difficult to draw any conclusions as to any association of race with the petition filing decision or subsequent dispositions. While Native American youth were over-represented in the cases where petitions were filed, factors were present which distinguished these cases from others handled informally (more serious misdemeanor offenses, prior misdemeanor adjudications, higher needs, etc.).
4. Dispositions of cases involving Native American youth in the study appeared to be proportionate and equitable given the circumstances. Youth committed to the Division of Juvenile Services were adjudicated for more serious offenses and had prior misdemeanor adjudications. Overall, there were relatively few serious offenses. The majority of youth were charged with status or minor misdemeanor offenses. The breakdown of dispositions appeared to be generally appropriate for the types of offenses listed.
5. An unexpectedly high number of youth were reported to have successfully completed the terms of their diversion or informal adjustment (almost 98% of cases where information was available). Most of the conditions of diversion or informal adjustment appeared to be accountability focused (write a report, write an apology letter, make restitution, community service, etc.). Little was mentioned in the way of interventions to address some of the underlying causes of the behavior (family conflict, substance abuse, lack of parental supervision, economic hardship, etc.). The failure to adequately address these issues as part of an intervention plan may be contributing to recidivism, particularly with Native American youth faced with significant social and economic challenges. Recidivism then becomes an additional risk factor which further increases the likelihood of their involvement with the system.

Based on the findings and conclusions, the consultant made the following recommendations:

1. Begin tracking arrest recidivism to provide a breakdown of the number of arrests by youth by race to determine the extent to which repeat offenders may be contributing to higher arrest rates, and to provide targeted interventions to those youth;
2. Establish a Native American juvenile court liaison or mentor to assist the court and families of Native American youth involved in the system;
3. Expand services available to the juvenile court to address family, social, and economic issues contributing to the involvement of Native American youth in delinquent behavior;
4. Explore ways to incorporate traditional healing practices and support systems with contemporary professional services;
5. Design and implement an objective screening instrument to guide detention decisions.

C. Phase III: Intervention

1. Progress Made in FY 2008

The following details the DMC reduction activities that were planned for FY 2008 along with their status.

Planned activities based on the assessment report prepared by MJ Martin, Inc. included:

- Discussions will be initiated with the Bismarck Police Youth Bureau to begin tracking arrests by youth in order to be able to analyze recidivism and target services for repeat offenders.

Discussions were held with the director of the Bismarck Police Youth Bureau and data related to arrest recidivism was obtained. Based on calendar year 2007 data received, American Indian youth were arrested on average 1.6 times per year, versus 1.4 times per year for white youth.

- A work group will be established to discuss service needs for American Indian youth. Members of the group will include Native American community members, tribal agency providers, non-profit service providers, and juvenile justice system agencies, including the Bismarck

Police Youth Bureau, Juvenile Court, Division of Juvenile Services, and the Youth Correctional Center.

A Native American Youth and Families Project oversight committee, which consists of Native American community members, tribal agency representatives, non-profit service providers and juvenile justice system agencies, was established and met regularly to discuss service needs for American Indian youth. It is anticipated that the group will seek technical assistance to implement new and enhance existing programming that will be culturally relevant for American Indian youth.

- The potential for establishing a Native American juvenile court liaison or mentor in the South Central Judicial District will be explored. This position could assist in identifying, developing and/or coordinating appropriate cultural resources to better address the needs of Native youth and their families.

Through the work of the Native American Youth and Families Project oversight committee, a Native American liaison was established as a pilot project for the South Central Judicial District. The “project coordinator” is a Native American employed by a local non-profit youth-serving agency through funding provided by the ND Supreme Court. The coordinator is providing crisis intervention and case management services to at-risk American Indian youth and their families to prevent involvement in the juvenile justice and child welfare systems. Specifically, the coordinator is working to ensure that the least restrictive options are exercised and that custody remains with the parents when the environment is deemed safe, and when necessary, providing a crisis response to divert youth from the system or limit their penetration into the system. The coordinator is also working with other agencies to enhance culturally appropriate supporting services. In addition, the coordinator works in collaboration with two Native American college students that are providing mentoring services.

- The juvenile court will partner with the Division of Juvenile Services to provide traditional healing practices for American Indian youth in the system.

The Division of Juvenile Services is looking at ways of collaborating with the court and non-profit providers on services specific to American Indian youth. The agency has several staff that conducts weekly cultural

activities (i.e. sweats, beading, tanning, talking circles) and is exploring ways of collaborating these services with other agencies and providers.

Additional planned DMC reduction activities included:

- The possibility of having the detention centers cross-check the race/ethnicity that is recorded in their records with that of the court's records will continue to be explored.

Detention administrators have agreed to cross-check race/ethnicity on their records with that of the court's records to ensure consistency across databases.

- Alternatives to secure detention will continue to be provided through the Statewide Detention Support Services Program. Title II Formula funding in the amount will support a non-secure holdover/attendant care program on the Turtle Mountain Reservation. Technical assistance and support will be provided to other Reservations to develop sites. Initial and quarterly training for attendant care workers will continue to be provided to all sites through a private provider.

Alternatives to secure detention were provided by Turtle Mountain Tribe through the Statewide Detention Support Services Program. JJDP Act Title II Formula funds were provided to the Tribe to operate an attendant care site. Initial and quarterly training updates were provided to the attendant care workers at the site via a private provider. Technical assistance continues to be made available to other tribes to plan for attendant care services.

- The North Dakota Juvenile Justice State Advisory Group will continue to make funding for programs that serve minority youth a priority, in particular for programs on American Indian Reservations and in areas of the State that have a higher concentration of minority youth. Specifically, when scoring applications for JJDP Act funding, the State Advisory Group will provide up to 10 additional points to those applications that focus on providing culturally competent services for American Indian youth.

The North Dakota Juvenile Justice State Advisory Group awarded Title V delinquency prevention funding to the Spirit Lake Tribe to support community and family-focused interventions. The program funded is being used by the Spirit Lake Juvenile Court as a diversion option to reduce the number of

juvenile offenders and is modeled after a research-based intervention program for youth.

- Information regarding funding opportunities and technical assistance for programs that serve minority youth will continue to be provided to counties, service providers and Tribal representatives.

Information regarding funding opportunities and technical assistance for programs that serve minority youth was provided. Representatives from Tribal schools, social service agencies and courts were notified of potential funding opportunities for Native American youth. In addition, Tribal representatives were notified of available training and technical assistance in preparation for the availability of Title V delinquency prevention funding.

- An analysis of calendar year 2007 records will be conducted to determine the disparity in the reporting of race/ethnicity between databases to determine whether consistency in reporting is increasing.

Court data for calendar year 2007 was not provided in a format that would allow for analysis of disparity in the reporting of race/ethnicity between databases. This will be a goal for calendar year 2008 data.

- The Juvenile Court will continue to encourage officers to take into account cultural differences and explore ways to provide culturally competent services and programming to minority youth and their families.

The court invested \$10,000 to sponsor the Indian Child Welfare Act conference and also set money aside for all court officers to attend. The conference focused on Native American history and culturally-based practices.

2. DMC Reduction Plan for FY 2009-11

As detailed in Section 7 below, Title II Formula funding will be allocated over the next three-year planning period to further assess and provide interventions relative to DMC. Planning activities will be conducted to further assess the factors underlying the contact of minority youth with the juvenile justice system. Data will be analyzed to target those jurisdictions that have higher rates of disproportionality and/or higher levels of over-representation in the system. Possible explanations for minority involvement and the nature of the involvement will be explored. To the extent possible, a multipronged

approach to reducing involvement will be developed taking into account existing resources and identified gaps in services.

The Native American Youth and Families Project oversight committee will continue to meet to study issues relative to American Indian youth. The recently hired Native American liaison is a member of the committee and will be providing updates about issues facing American Indian youth and their families, along with recommendations for service options. The group will explore the possibility of receiving technical assistance for training relative to implementing and/or enhancing programming that will be culturally relevant to better serve the needs of American Indian youth and their families.

The Native American liaison position that is being piloted in the South Central Judicial District will be evaluated to determine the effectiveness in preventing American Indian youth from becoming further involved in the juvenile justice and child welfare systems. The potential for this pilot project to be replicated in other areas of the state will be explored.

The North Dakota Juvenile Justice State Advisory Group will continue to make funding for minority youth, in particular American Indian youth, a priority of JJDP Act Title V funding by providing up to 10 additional points to those applications that focus on providing culturally competent services for American Indian youth. Title II Formula funding will be used to continue to support alternative to secure detention on tribal reservations, including the Turtle Mountain Reservation. In addition, as discussed above, starting with FY 2009 funding, the advisory group will allocate \$30,000 of JJDP Act Title II funding per fiscal year toward the issue of DMC for further assessment and/or system improvement intervention strategies.

An analysis of calendar year 2008 records will be conducted to determine the disparity in the reporting of race/ethnicity between databases to determine whether consistency in reporting is increasing.

With the influx of New American refugees in the eastern part of the state, and the higher rates of arrest of these youth in Cass County, the potential for an assessment will be explored to track which ethnic groups are having legal issues and determine the factors that play into their contact with the system.

Statewide training that is conducted for attendant care workers will include the topic of cultural diversity. The training will focus on how issues are handled with the context of family, not in behavior as a race, and providing services that are culturally responsive.

The potential for establishing a North Dakota Indian Youth Leadership Academy will be explored. The goal of the academy would be to create an environment for American Indian youth to learn and enhance leadership skills and create opportunities. The academy would build knowledge regarding Tribal issues, including education, environmental, and tribal and state constitutions and allow participants to develop leadership and teamwork.

To address any real or perceived bias within the court system, the ND Supreme Court has requested state general funds for the establishment of a task force on racial and ethnic fairness. In addition, North Dakota is participating in the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts and has recently applied to the National Center for State Courts to serve as a pilot site to develop and deliver educational materials. The National Campaign is designed to mobilize the significant expertise, experience, and commitment of state court judges and court officers to ensure both the perception and reality of racial and ethnic fairness across the nation's state courts.

The Supreme Court will continue to sponsor the Indian Child Welfare Act conference (ICWA) organized by the Native American Training Institute, as well as ICWA forums to address specific needs within the state. It is planned that funds will be allocated for scholarships for lay guardians ad litem to attend the conference.

A Request for Proposal will be issued by the Supreme Court for a review and analysis of the factors contributing to the disproportionate contact of American Indian youth in the State's child welfare system. The review will assist the judicial system and the ND Department of Human Services to focus its efforts and resources on addressing factors most significantly contributing to the identified disproportionate contact.

The annual Juvenile Court Conference will include topics relative to diversity and culturally-based practices. Specifically, strengths-based services will be discussed, including building partnerships with families and recognizing client attachment to family in a cultural context.

The Division of Juvenile Services plans to explore the potential for establishing a Cultural Activity Coordinator to conduct cultural activities with American Indian youth under the agency's custody and also collaborate with existing community resources.

D. Phase IV: Evaluation

As discussed above, state general funds have recently been committed as a specific intervention strategy to reduce the over-representation of American Indian youth in the South Central Judicial District through the employment of a Native American project coordinator. This project will be evaluated using the following measures:

- Number and percent of youth who offend or reoffend;
- Number of attendant care/shelter care placements and average length of stay;
- Number of shelter care hearings;
- Number and percent of formal court dispositions.

In addition, any Formula grant-supported DMC reduction activities planned for FY2009-11 will be required to report on the following evaluation 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;
- 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 February-March as previous calendar year data is made available.

5. Coordination of Child Abuse and Neglect and Delinquency Programs

The mental health, corrections and child welfare systems in North Dakota have collaborated to develop a strength-based “wraparound” planning process across systems for children and families in order to provide a single plan of care. As a commitment to core principles, a memorandum of understanding was signed between various child-serving agencies including the Department of Human Services, Division of Juvenile Services (DJS), Federation of Families, Department of Public Instruction, Developmental Disabilities Division, Supreme Court, and the eight regional human service centers.

The wraparound process has been established to work with kids and families to “wrap” services around the child with the goal of maintaining them in their home, school and community. Together a team, which includes the child and family, and formal and informal support services identified by the family, works together to develop, implement, and evaluate an individualized plan.

A Single Plan of Care (SPOC) is the treatment/service plan that will be used by each of the systems. A web-based SPOC computer application was built to support the process and people working in corrections, child welfare and mental health have full access to the information. The implementation of the wraparound process is bringing consistency to service planning among the different systems.

A. Reducing Probation Officer Caseloads

Title II Formula funds are not being allocated to reduce the caseload of probation officers as adequate levels are maintained with State general funds.

B. Sharing Public Child Welfare Records with Juvenile Courts

North Dakota law provides for the Juvenile Court to have jurisdiction of all child-related proceedings and records, including those related to child welfare. Specifically, North Dakota Century Code (NDCC) Section 27-20-03 provides for the Juvenile Court to have exclusive jurisdiction of “proceedings in which a child is alleged to be delinquent, unruly or deprived”. A “deprived child” is defined as one who: (a) Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child’s physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child’s parents, guardian, or other custodian; (b) Has been placed for care or adoption in violation of law; (c) Has been abandoned by the child’s parents, guardian, or other custodian; (d) Is without proper parental care, control, or education as required by law, or other care and control necessary for the child’s well-

being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of omission by the child's parents, and care is requested by a parent; (e) Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court; (f) Was subject to prenatal exposure to chronic or severe use of alcohol or any controlled substance in a manner not lawfully prescribed by a practitioner; or (g) Is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia as prohibited.

Pursuant to NDCC Section 27-20-06, a juvenile supervisor shall "receive and examine complaints and charges of delinquency, unruly conduct, or deprivation of a child for the purpose of considering the commencement of proceedings" and shall "make investigations, reports, and recommendations to the juvenile court".

NDCC Section 27-20-30, as detailed below, provides the options available to the Juvenile Court for the disposition of a deprived child. As outlined, a deprived child cannot be committed to or confined to an institution or other facility designed or operated for the benefit of delinquent children unless the child is also found to be delinquent.

27-20-30. Disposition of deprived child.

1. If the child is found to be a deprived child, the court may make any of the following orders of disposition best suited to the protection and physical, mental and moral welfare of the child:
 - a. Permit the child to remain with the child's parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.
 - b. Subject to conditions and limitations as the court prescribes, transfer temporary legal custody to any of the following:
 - (1) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.
 - (2) The director of the county social service board or other public agency authorized by law to receive and provide care for the child.
 - c. Without making any of the orders otherwise provided in this section, transfer custody of the child to the juvenile court of another state if authorized by and in accordance with Section 27-20-39 if the child is or is about to become a resident of that state.
 - d. Require the parents, guardian, or other custodian to participate in treatment.
 - e. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian.
 - f. In cases in which a compelling reason has been shown that it would not be in the child's best interest to return home, to have parental rights terminated, to

be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish, by order, some other planned permanent living arrangement.

2. Unless a child found to be deprived is found also to be delinquent, the child may not be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.

C. Establishing Policies and Systems to Incorporate Child Protection Services Records into Juvenile Justice Records

The Juvenile Court maintains both child welfare and juvenile justice records. If, pursuant to NDCC Section 27-20-06, as referenced above, a child is found to be a delinquent child as well as a deprived child, the Juvenile Court may make any of the following orders of disposition for a delinquent child under Section 27-20-31 in addition to those for a deprived child under Section 27-20-30 outlined above.

27-20-31. Disposition of delinquent child. If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation, and welfare:

1. Any order authorized by section 27-20-30 for the disposition of a deprived child;
2. Placing the child on probation under the supervision of the juvenile supervisor, probation officer, or other appropriate officer of the court or of the court of another state as provided in section 27-20-41 or the director of the county social service board under conditions and limitations the court prescribes;
3. Ordering the child to pay a fine if the delinquent act committed by the child constitutes manslaughter resulting from the operation of a motor vehicle in violation of section 12.1-16-02; negligent homicide in violation of section 12.1-16-03; or driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance. The court may suspend the imposition of a fine imposed pursuant to this subsection upon such terms and conditions as the court may determine. Fines collected pursuant to this subsection must be paid into the county treasury for disposition pursuant to section 29-27-02.1;
4. Committing the child to the division of juvenile services or to another state department to which commitment of delinquent or unruly children may be made. When necessary, the commitment order may provide that the child initially be placed in a secure facility;

5. Ordering the child to make monetary restitution to the victim of the offense or to complete a specified number of hours of community service as determined by the court, or both;
6. Ordering the periodic testing for the use of illicit drugs or alcohol pursuant to rules or policies adopted by the supreme court; or
7. Ordering the child's participation in a juvenile drug court program.

Upon committing a child to the custody of DJS, the Juvenile Court, law enforcement officers, and other public officials must make available to DJS all pertinent data in their possession with respect to the child pursuant to NDCC Section 27-21-02. This would include deprivation records. DJS is required to develop and recommend to the Juvenile Court an individualized treatment and rehabilitation plan for each child under its custody based upon diagnostic testing, pertinent circumstances and reasons for the child's commitment.

In addition, DJS has established policy pursuant to NDCC Chapter 50-25 to report all suspicions of child abuse and/or neglect to the proper authorities. A copy of the report must be kept in the juvenile's case file. In turn, DJS has access to information in the Child Protection Services assessment report.

All juveniles placed under the custody of the DJS receive the protections specified in Section 471 of the Social Security Act, including having a case plan and case review as defined in Section 475 of the Act.

6. Collecting and Sharing Juvenile Justice Information

A. 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 Juvenile Case Management System in order to automate and track proceedings for the Juvenile Courts. The system is installed in all juvenile courts statewide. 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.

B. Barriers Encountered in the Sharing of Juvenile Information

There are no specific barriers that have been encountered with regard to the sharing of juvenile justice information. However, it is 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.

7. Statement of the Problem/Program Narrative

PLANNING AND ADMINISTRATION:

A. Program Area Code and Title: 23 Planning and Administration

B. Program Goals: Maintain grant administration capacity to provide comprehensive planning and program development capability in coordination with State and local resources.

C. Program Objectives:

Objective 1 – Develop and 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 funds;

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

D. Activities and Services

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. All required monitoring, compliance, and performance update reports will be submitted to OJJDP according to their established timelines. Education about the mandates of the JJDP Act will be provided.

The planning, program development, technical assistance, and training capability established under the Non-Participation State Initiative will be continued. Project monitoring and evaluation will continue to ensure quality programming and knowledgeable funding decisions.

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 appropriate services for the juvenile justice population are given adequate attention.

Data on the level of juvenile justice system involvement in North Dakota will be collected and analyzed, and compared to surrounding states and national statistics.

E. Performance Measures

Output and outcome indicators for planning and administration have been chosen from the list of OJJDP Performance Measures for Formula Grants.

Output Performance Measures:

- Formula Grant funds allocated for Planning and Administration;
- Number of FTE's funded with Formula grant dollars;
- Number of SAG committee and subcommittee meetings staffed;
- Number of subgrants awarded;
- Number and percent of programs monitored.

Outcome Performance Measures:

- Average time from receipt of subgrant application to date of award;
- Number and percent of programs funded directly in line with the Three-Year Plan;
- Percent change in technically acceptable proposals received.

F. Budget

| Fiscal Year | Formula Grant Funds (\$) | State/Local/Private Funds (\$) | Total Funds (\$) |
|-------------|--------------------------|--------------------------------|------------------|
| 2009 | \$60,000 | \$60,000 | \$120,000 |
| 2010 | \$60,000 | \$60,000 | \$120,000 |
| 2011 | \$60,000 | \$60,000 | \$120,000 |

G. SMART

The SMART system is not applicable for this program area.

STATE ADVISORY GROUP:

A. Program Area Code and Title: 31 State Advisory Group Allocation

B. Program Goals: To provide an advisory body capable of assisting in the dissemination of information concerning juvenile justice problems, providing input into the allocation of federal funding for programming, and evaluating the adequacy of the juvenile justice system

C. Program Objectives:

Objective 1 – Maintain State compliance with the JJDP Act;

Objective 2 – Provide a forum for dissemination of information concerning juvenile justice issues and/or initiatives;

Objective 3 – Address priority issues for juvenile justice as identified in the Three Year Plan through funding of effective programs and services for youth;

Objective 4 – Conduct planning and oversight of Formula Grant activities

D. Activities and Services

Recommendations with respect to matters relating to its functions, including State compliance with the requirements of the JJDP Act, will be submitted to the Governor and the Legislature on at least a biennial basis. 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.

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 for a "first-hand" review of implementation problems and procedures.

E. Performance Measures

Output and outcome indicators for the State Advisory Group allocation have been chosen from the list of OJJDP Performance Measures for Formula Grants.

Output Performance Measures:

- Number of SAG committee meetings held;
- Number of SAG subcommittee meetings held;
- Annual report submitted to the Governor;
- Number of grants funded with Formula Grant funds;
- Number and percent of programs using evidenced-based models;
- Number of grant applications reviewed and commented on;
- Number of Units of Local Government consulted during preparation of the Three Year Plan.

Outcome Performance Measures:

- Number and percent of Plan recommendations implemented;
- Number of Formula Grant-funded programs sustained after three years;
- Number and percent of SAG members showing increased knowledge of their program areas.

F. Budget

| Fiscal Year | Formula Grant Funds (\$) | State/Local/Private Funds (\$) | Total Funds (\$) |
|-------------|--------------------------|--------------------------------|------------------|
| 2009 | \$30,000 | \$0 | \$30,000 |
| 2010 | \$30,000 | \$0 | \$30,000 |
| 2011 | \$30,000 | \$0 | \$30,000 |

G. SMART

The SMART system is not applicable for this program area.

STATEWIDE DETENTION SUPPORT SERVICES (SDSS) PROGRAM:

A. Program Area Code and Title: 08 Deinstitutionalization of Status Offenders; 22 American Indian Programs.

B. Program Goals: Maintain compliance with the core requirements of the JJDP Act by reducing the use of secure detention to only those juveniles that truly pose a threat to themselves or the community.

C. Program Objectives:

Objective 1 – Support the use of licensed juvenile detention facilities rather than jail for serious juvenile delinquents;

Objective 2 – Support a statewide attendant care/holdover network to reduce the level of use of juvenile detention for status offenders;

Objective 3 – Increase the utilization of the transportation subsidy program to facilitate the transport of juvenile offenders to a more appropriate alternative of pre-adjudicatory supervision;

Objective 4 – Expand to the extent possible the system of attendant care sites;

Objective 5 – Assist in the continued development and use of a consistent training curriculum for youth workers involved in alternative programs and detention;

Objective 6 – Reduce the disproportionate confinement of American Indian youth in secure facilities, on and off the Reservation.

D. Activities and Services

A contract between DJS and the North Dakota Association of Counties will be extended for the Association's continued management of the SDSS Program. Subgrant contracts with local agencies administering attendant care projects will be monitored and new contracts initiated as appropriate. Agreements between DJS and the seven locally administered

detention facilities will be monitored to ensure that grant-funded detention placements meet strict state-established intake criteria.

Attendant care training will be monitored to ensure that the training contractors are providing a consistent and quality training program and participation by attendant care workers is maintained. Evaluations of both training participants and training sessions will be analyzed to determine effectiveness.

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.

E. Performance Measures

Output and outcome indicators for the SDSS Program were chosen from the applicable program areas of the OJJDP Performance Measures for Formula Grants. Because funding allocated for American Indian programs is being used for the deinstitutionalization of status offenders on the Reservation, outcome performance measures related to American Indian programming are those under Standard Program Area 08.

Output Performance Measures:

- Formula Grant funds allocated for deinstitutionalization of status offenders, jail removal and American Indian Programs;
- Number of programs implemented;
- Number and percent of program staff trained;
- Number of hours of staff training provided;
- Number of site visits conducted;
- Number of program youth served.

Outcome Performance Measures:

- Change in the number of violations of DSO and jail removal requirements;
- Number and percent of staff with increased knowledge of program area

F. Budget

| Fiscal Year | Formula Grant Funds (\$) | | State/Local/Private Funds (\$) | Total Funds (\$) |
|-------------|--------------------------|-------------|--------------------------------|------------------|
| | DSO | Amer Indian | | |
| 2009 | \$460,548 | \$19,452 | \$0 | \$480,000 |
| 2010 | \$460,548 | \$19,452 | \$0 | \$480,000 |
| 2011 | \$460,548 | \$19,452 | \$0 | \$480,000 |

G. SMART

The SMART system was used to analyze arrest data, particularly the rate of arrests by county to determine which counties had higher rates of arrest and thus, where Attendant Care sites should be located. Specifically, a SMART report detailing the ten counties with the highest arrests rates was generated and is being included as a separate attachment. The SDSS Program supports Attendant Care programs in nine of the ten counties listed.

DISPROPORTIONATE MINORITY CONTACT:

A. Program Area Code and Title: 10 Disproportionate Minority Contact.

B. Program Goals: Increase the understanding of the factors causing the over-representation, and the availability of prevention and intervention services for minority youth.

C. Program Objectives:

Objective 1 – Support planning and development of DMC activities;

Objective 2 – Improve system effectiveness in serving minority youth;

Objective 3 – Reduce the number of minority youth involved in the juvenile justice system.

D. Activities and Services

Planning activities will be conducted by the SAG to further assess and address the factors underlying the contact of minority youth with the juvenile justice system. Data will be analyzed to target those jurisdictions that have higher rates of disproportionality and/or higher levels of over-representation in the system. Possible explanations contributing to minority involvement and the nature of the involvement will be explored. To the extent possible, a multipronged approach to reducing involvement will be developed taking into account existing resources and identified gaps in services.

E. Performance Measures

Output and outcome indicators for reducing disproportionate minority contact were chosen from the applicable program areas of the OJJDP Performance Measures for Formula Grants.

Output Performance Measures:

- Number of programs implemented;
- Number of program youth served;
- Number of planning activities conducted.

Outcome Performance Measures:

- Number and percent of program youth who offend or reoffend;
- Number and percent of program youth exhibiting desired change in targeted behavior;
- 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.

F. Budget

| Fiscal Year | Formula Grant Funds (\$) | State/Local/Private Funds (\$) | Total Funds (\$) |
|-------------|--------------------------|--------------------------------|------------------|
| 2009 | \$30,000 | \$0 | \$30,000 |
| 2010 | \$30,000 | \$0 | \$30,000 |
| 2011 | \$30,000 | \$0 | \$30,000 |

G. SMART

The SMART system was used to analyze which counties have the highest percentage of youth, minority populations, and arrest rates to determine where DMC efforts should be focused. The report that was generated is being included as a separate attachment.

8. Subgrant Award Assurances

The North Dakota Juvenile Justice State Advisory Group (SAG) has increased its emphasis on giving priority to projects that are based on nationally recognized programs which have been thoroughly evaluated and proven to be effective at preventing or reducing juvenile delinquency. In the Request for Proposal process, the SAG has made evidenced-based programming one of three top priorities for funding and applicants can be awarded up to 10 additional points in the subgrant review process. To enable subgrantees to implement evidence-based programs, the internet address for OJJDP's Model Programs Guide and Database has been and will continue to be referenced in the request for proposal document. Specifically, it is stressed that the Guide can assist in identifying appropriate programs and strategies to address the risks that are identified during the risk/resource assessment.

In addition, the SAG has stressed the importance of a strong evaluation component with clear measurable out-come based objectives, and has required all subgrantees to select and report on performance measures from OJJDP's web site as a system of tracking progress. Subgrantees need to demonstrate substantial achievement with established objectives on an annual basis. Progress is reviewed by the SAG grants review subcommittee during the Request for Proposal process and also by the full SAG throughout the year with subgrantee reports.

9. SAG Membership

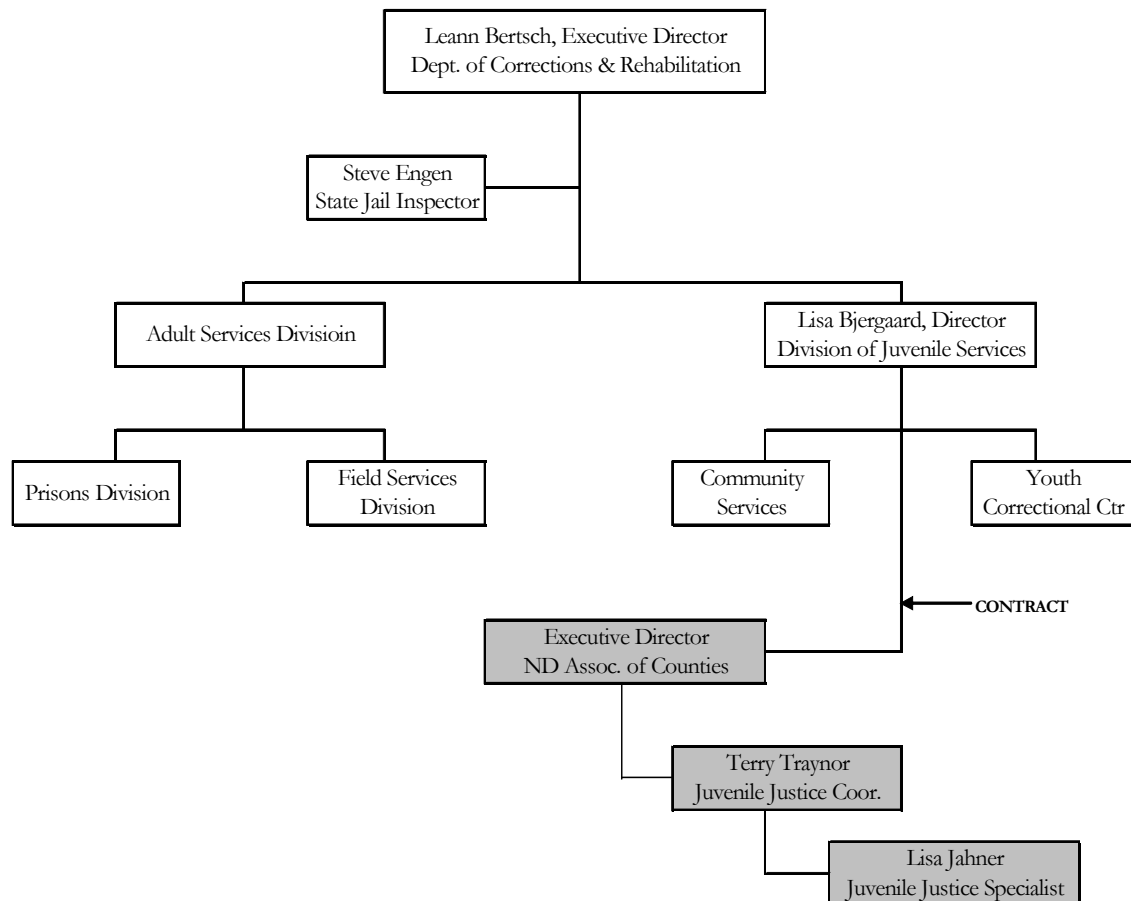
In July of 1989, the Governor of North Dakota signed an Executive Order which established North Dakota's Juvenile Justice State Advisory Group (SAG) pursuant to Section 223(a) of Part B of the Juvenile Justice and Delinquency Prevention Act. The Executive Order provides the authority for the SAG's function and outlines the duties and responsibilities of the body which includes participating in the development of the State's juvenile justice plan. The SAG also serves as the advisory board for the Juvenile Accountability Block Grant (JABG) program that was authorized through the Omnibus Crime Control and Safe Streets Act of 2002.

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 www.governor.state.nd.us/boards.

| | Name | Represents | FT Govn | Youth Member | Date of Appt. | Residence |
|----|-------------------------|------------|---------|--------------|---------------|-------------|
| 1 | Mark A. Johnson (Chair) | A | | | 07/01/89 | Bismarck |
| 2 | Mike Abel | E | | X | 07/01/89 | Bismarck |
| 3 | Pat Andahl | D, F | | | 02/01/92 | Bismarck |
| 4 | Christian Heller | E | | X | 07/01/08 | Beulah |
| 5 | Brian Beehler | C | X | | 09/01/06 | Bismarck |
| 6 | Mathew Garcia | E | | X | 02/01/08 | Mandan |
| 7 | Janice Dubois-Delorme | D | | | 09/16/02 | Belcourt |
| 8 | Kayla Effertz | E | | X | 12/13/01 | Grand Forks |
| 9 | Karen Kringlie | B | X | | 07/01/07 | Fargo |
| 10 | Alton Lick | E | | | 07/01/89 | Bismarck |
| 11 | Melody Staebner | C | X | | 09/01/06 | Fargo |
| 12 | Tim Eissinger | D | | | 11/01/05 | Fargo |
| 13 | Clara Sue Price | E | | | 10/18/00 | Minot |
| 14 | Bob Rutten | C | X | | 07/01/08 | Bismarck |
| 15 | Aaron Birst | D | | | 07/01/08 | Bismarck |
| 16 | Lisa Bjergaard | B | X | | 09/01/06 | Bismarck |
| 17 | Jeff Ubben | B | X | | 07/02/08 | Bismarck |
| 18 | Sandy Bendewald | C | X | | 10/01/07 | Jamestown |
| 19 | Rich Wardner | G | | | 07/01/99 | Dickinson |
| 20 | Lauren Wild | A | X | | 10/27/03 | Grafton |

10. Formula Grants Program Staff

The North Dakota Division of Juvenile Services (DJS), established in 1989 as part of the Department of Corrections and Rehabilitation (DOCR), was originally designated as the state agency to implement the Formula Grant Program, and that responsibility has remained with this agency. DJS is also responsible for administering the Title V Delinquency Prevention program and the Juvenile Accountability Block Grant Program. The following organizational chart illustrates the structure of operation:



As illustrated on the above organization chart, Ms. Lisa Bjergaard is the director of DJS, which includes administration of the State's single correctional facility, the 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 Federal grant programs. This includes the JJDP Act Title II Formula Grant Program and Title V Delinquency Prevention Grant Program, as well as the Juvenile Accountability

Block Grant Program. Terry Traynor serves as the NDACo Juvenile Justice Program Coordinator. Mr. Traynor was the key project staff for the Non-Participating State Initiative, and the continued involvement of NDACo has been considered essential to the operation of the Statewide Detention Support Services Program, which enables North Dakota to remain in compliance with the JJDP Act compliance requirements. He spends approximately 35% of his time coordinating activities associated with that Program. Lisa Jahner of NDACo serves as the State's Juvenile Justice Specialist and spends 100% of her time on juvenile justice and delinquency prevention, including administration of the federal grant programs, JJDP Act compliance, and DMC activities.

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 determined that the addition of direct care and treatment staff are a priority over the replacement of contract staff that are fulfilling the need.

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 (state fiscal year) 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.

DMC RRI Spreadsheets (Attachment 2)

Fiscal Year 2009 Title II Formula Grant Application

| Summary: Relative Rate Index Compared with White Juveniles | | | | | | | |
|---|----------------------------------|-----------------------|-------------|--|---|-----------------|-------------------|
| State : North Dakota | | | | Reporting Period 1/1/2007 through 12/31/2007 | | | |
| County: Statewide | | | | | | | |
| | Black or African- American | Hispanic or Latino | Asian | Native Hawaiian or other Pacific Islanders | American Indian or Alaska Native | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | 2.79 | 0.86 | 0.27 | * | 2.12 | * | 1.83 |
| 3. Refer to Juvenile Court | 0.94 | 0.96 | ** | * | 1.01 | * | 1.00 |
| 4. Cases Diverted | 0.85 | 0.81 | ** | * | 0.95 | * | 0.92 |
| 5. Cases Involving Secure Detention | 1.12 | 1.47 | ** | * | 2.02 | * | 1.80 |
| 6. Cases Petitioned | 1.22 | 1.38 | ** | * | 1.08 | * | 1.12 |
| 7. Cases Resulting in Delinquent Findings | 0.98 | 1.05 | -- | * | 0.97 | * | 0.98 |
| 8. Cases resulting in Probation Placement | 1.47 | ** | -- | * | 0.93 | * | 1.09 |
| 9. Cases Resulting in Custody to the Division of Juvenile Services | ** | ** | -- | * | 1.11 | * | 0.81 |
| 10. Cases Transferred to Adult Court | ** | ** | -- | * | 1.12 | * | 0.92 |
| Group meets 1% threshold? | Yes | Yes | Yes | No | Yes | No | |
| release 10/30/05 | | | | | | | |

Key:

Statistically significant results:

Bold font

Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

*

Insufficient number of cases for analysis

**

Missing data for some element of calculation

Summary: Relative Rate Index Compared with White JuvenilesReporting Period 1/1/2007
through 12/31/2007

State : North Dakota

County: Burleigh County

| | Black or African- American | Hispanic or Latino | Asian | Native Hawaiian or other Pacific Islanders | American Indian or Alaska Native | Other/ Mixed | All Minorities |
|---|----------------------------------|-----------------------|-----------|--|---|-----------------|-------------------|
| 2. Juvenile Arrests | 2.20 | 1.76 | * | * | 4.42 | * | 3.44 |
| 3. Refer to Juvenile Court | ** | ** | * | * | 1.30 | * | 1.22 |
| 4. Cases Diverted | ** | ** | * | * | 0.98 | * | 1.00 |
| 5. Cases Involving Secure Detention | ** | ** | * | * | 0.93 | * | 1.18 |
| 6. Cases Petitioned | ** | ** | * | * | 1.00 | * | 0.95 |
| 7. Cases Resulting in Delinquent Findings | ** | ** | * | * | 0.85 | * | 0.84 |
| 8. Cases resulting in Probation Placement | -- | ** | * | * | 0.80 | * | 0.86 |
| 9. Cases Resulting in Custody to the Division of Juvenile Services | -- | ** | * | * | 1.13 | * | 1.07 |
| 10. Cases Transferred to Adult Court | ** | ** | * | * | ** | * | ** |
| Group meets 1% threshold? | Yes | Yes | No | No | Yes | No | |

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Key:

Statistically significant results:

Bold font

Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

*

Insufficient number of cases for analysis

**

Missing data for some element of calculation

Summary: Relative Rate Index Compared with White JuvenilesReporting Period 1/1/2007
through 12/31/2007

State : North Dakota

County: Cass County

| | Black or African- American | Hispanic or Latino | Asian | Native Hawaiian or other Pacific Islanders | American Indian or Alaska Native | Other/ Mixed | All Minorities |
|---|----------------------------------|-----------------------|------------|--|---|-----------------|-------------------|
| 2. Juvenile Arrests | 4.01 | 0.91 | ** | * | 2.80 | * | 2.18 |
| 3. Refer to Juvenile Court | 0.97 | ** | ** | * | 1.64 | * | 1.13 |
| 4. Cases Diverted | 0.89 | ** | ** | * | 0.84 | * | 0.85 |
| 5. Cases Involving Secure Detention | 0.92 | ** | ** | * | 2.29 | * | 1.65 |
| 6. Cases Petitioned | 1.12 | ** | ** | * | 1.21 | * | 1.16 |
| 7. Cases Resulting in Delinquent Findings | 0.99 | ** | -- | * | 1.12 | * | 1.07 |
| 8. Cases resulting in Probation Placement | 1.26 | ** | -- | * | ** | * | 1.19 |
| 9. Cases Resulting in Custody to the Division of Juvenile Services | ** | ** | -- | * | ** | * | ** |
| 10. Cases Transferred to Adult Court | ** | ** | -- | * | ** | * | ** |
| Group meets 1% threshold? | Yes | Yes | Yes | No | Yes | No | |

release 10/30/05

Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

*

Insufficient number of cases for analysis

**

Missing data for some element of calculation

Summary: Relative Rate Index Compared with White JuvenilesReporting Period 1/1/2007
through 12/31/2007

State : North Dakota

County: Grand Forks County

| | Black or African- American | Hispanic or Latino | Asian | Native Hawaiian or other Pacific Islanders | American Indian or Alaska Native | Other/ Mixed | All Minorities |
|---|----------------------------------|-----------------------|------------|--|---|-----------------|-------------------|
| 2. Juvenile Arrests | 2.19 | 1.74 | ** | * | 4.32 | * | 2.48 |
| 3. Refer to Juvenile Court | ** | ** | ** | * | 0.96 | * | 0.73 |
| 4. Cases Diverted | ** | ** | ** | * | 0.86 | * | 0.85 |
| 5. Cases Involving Secure Detention | ** | ** | ** | * | 2.08 | * | 2.21 |
| 6. Cases Petitioned | ** | ** | ** | * | 1.29 | * | 1.36 |
| 7. Cases Resulting in Delinquent Findings | ** | ** | -- | * | ** | * | 1.03 |
| 8. Cases resulting in Probation Placement | ** | ** | -- | * | ** | * | ** |
| 9. Cases Resulting in Custody to the Division of Juvenile Services | ** | ** | -- | * | ** | * | ** |
| 10. Cases Transferred to Adult Court | ** | ** | -- | * | ** | * | ** |
| Group meets 1% threshold? | Yes | Yes | Yes | No | Yes | No | |

release 10/30/05

Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

*

Insufficient number of cases for analysis

**

Missing data for some element of calculation

Budget Detail Worksheet (Attachment 3)

Fiscal Year 2009 Title II Formula Grant Application

| Program Area | Program Area Title | Total Funds | OJJDP Federal Share | State Matching Funds |
|--------------|--|-------------|---------------------|----------------------|
| 23 | Planning and Administration | \$120,000 | \$60,000 | \$60,000 |
| 31 | State Advisory Group | \$30,000 | \$30,000 | |
| 08 | Deinstitutionalization of Status Offenders | \$460,548 | \$460,548 | |
| 22/08 | American Indian Program/DSO | \$19,452 | \$19,452 | |
| 10 | Disproportionate Minority Contact | \$30,000 | \$30,000 | |
| Total | | \$660,000 | \$600,000 | \$60,000 |

The State is allocating ten percent, or \$60,000, of its award to **Program Area 23 Planning and Administration** to support administration of Formula Grant activities. The North Dakota Division of Juvenile Services (DJS), as the designated state agency, will contract this amount to the North Dakota Association of Counties (NDACo) to employ a full-time juvenile justice specialist. Matching funds for that amount will be provided by NDACo.

The State is allocating \$30,000 to **Program Area 31 State Advisory Group Allocation** to support the planning and oversight activities of North Dakota's Juvenile Justice State Advisory Group. For administrative efficiency, DJS contracts with the NDACo to make reimbursements on behalf of the SAG for meetings, travel, and training.

The State is allocating a total of \$480,000 to **Program Area 08 Deinstitutionalization of Status Offenders** to support a statewide attendant care/holdover network to reduce the use of juvenile detention for status offending youth. Of the \$480,000 budgeted for attendant care, \$19,452 is allocated to **Program Area 22 American Indian Programs** as SDSS Program funding is made available to each of the State's Native American Reservations. Although only \$19,452 is allocated per Formula grant requirements, North Dakota intends to pass-through more than the required amount to Native American programs. Through the SDSS Program,

North Dakota passes through, on average, over \$50,000 per year to American Indian programs.

As indicated in the budget above, funding for the SDSS Program is largely used to operate attendant care programs which provide non-secure supervision of juveniles charged with minor delinquent or status offenses. High quality training is an essential part of the attendant care program. Attendant care workers are provided initial and ongoing training related to the supervision of youth as well as adolescent behavior and development.

In addition, \$30,000 is being allocated to **Program Area 10 Disproportionate Minority Contact** to further assess and address the factors underlying the contact of minority youth with the juvenile justice system. Data will be analyzed to target those jurisdictions that have higher rates of disproportionality and/or higher levels of over-representation in the system. Possible explanations contributing to minority involvement and the nature of the involvement will be explored. To the extent possible, a multipronged approach to reducing involvement will be developed taking into account existing resources and identified gaps in services.