

OVERVIEW OF THE JUVENILE JUSTICE SYSTEM

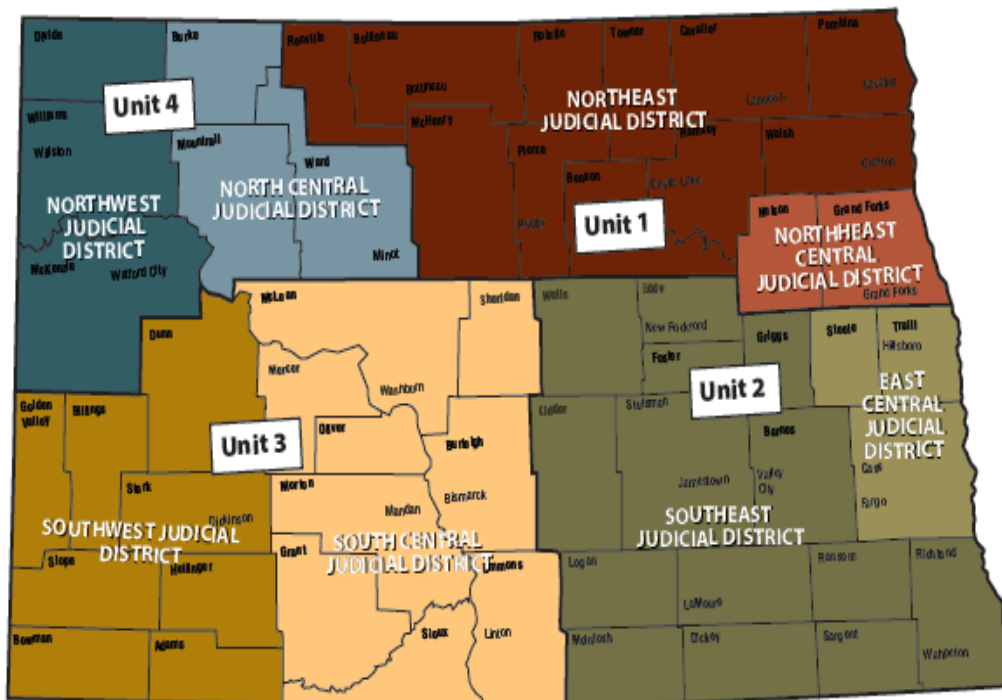
Cory Pedersen

Director of Juvenile Court
Unit Three – SCJD / SWJD

Exclusive jurisdiction: delinquent, unruly, and deprived children

(27-20-03 NDCC)

Structure



- 8 Judicial Districts
- 4 Court Admin Units
- 11 Juvenile Offices
- 34 Juvenile Court Officers
- 6 Juvenile Drug Courts
- 45 Average probation caseload per JCO
- Approximately 8,000 referrals each year

Director of Juvenile Court Statutory Powers and Duties

27-20-06(1)(b)

Receive and examine complaints and charges of delinquency or unruly conduct ...for purposes of considering commencement of proceedings...

27-20-06. Powers and duties of director of juvenile court.

1. For the purpose of carrying out the objectives and purposes of this chapter and subject to the limitations of this chapter or imposed by the court, a director shall:
 - a. Make investigations, reports, and recommendations to the juvenile court.
 - b. Receive and examine complaints and charges of delinquency or unruly conduct or deprivation of a child for the purpose of considering the commencement of proceedings under this chapter.
 - c. Supervise and assist a child placed on probation for delinquency or unruly conduct, or both.
 - d. Make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable.
 - e. Issue a temporary custody order concerning a child who is referred to the director's supervision or care as a delinquent, unruly, or deprived child. Except as provided by this chapter, a director does not have the powers of a law enforcement officer.
 - f. Administer oaths.
 - g. Take acknowledgments of instruments for the purpose of this chapter.
 - h. Make such temporary order not to exceed ninety-six hours for the custody and control of a child alleged to be deprived as may be deemed appropriate. The order must be reduced to writing within twenty-four hours, excluding holidays and weekends.
 - i. Perform all other functions designated by this chapter or under section 27-05-30 or by order of the court pursuant thereto, including, if qualified, those of a referee.
 - j. Issue an order to a law enforcement authority to transport a child to and from a specified location.
2. Any of the foregoing functions may be performed in another state if authorized by the court of this state and permitted by the laws of the other state.

(1)(d) Make appropriate referrals to other private or public agencies of the community...

How is a child referred to court?

- Law Enforcement
- Schools
- Parents
- Social Service



Most Common ND Juvenile Crimes

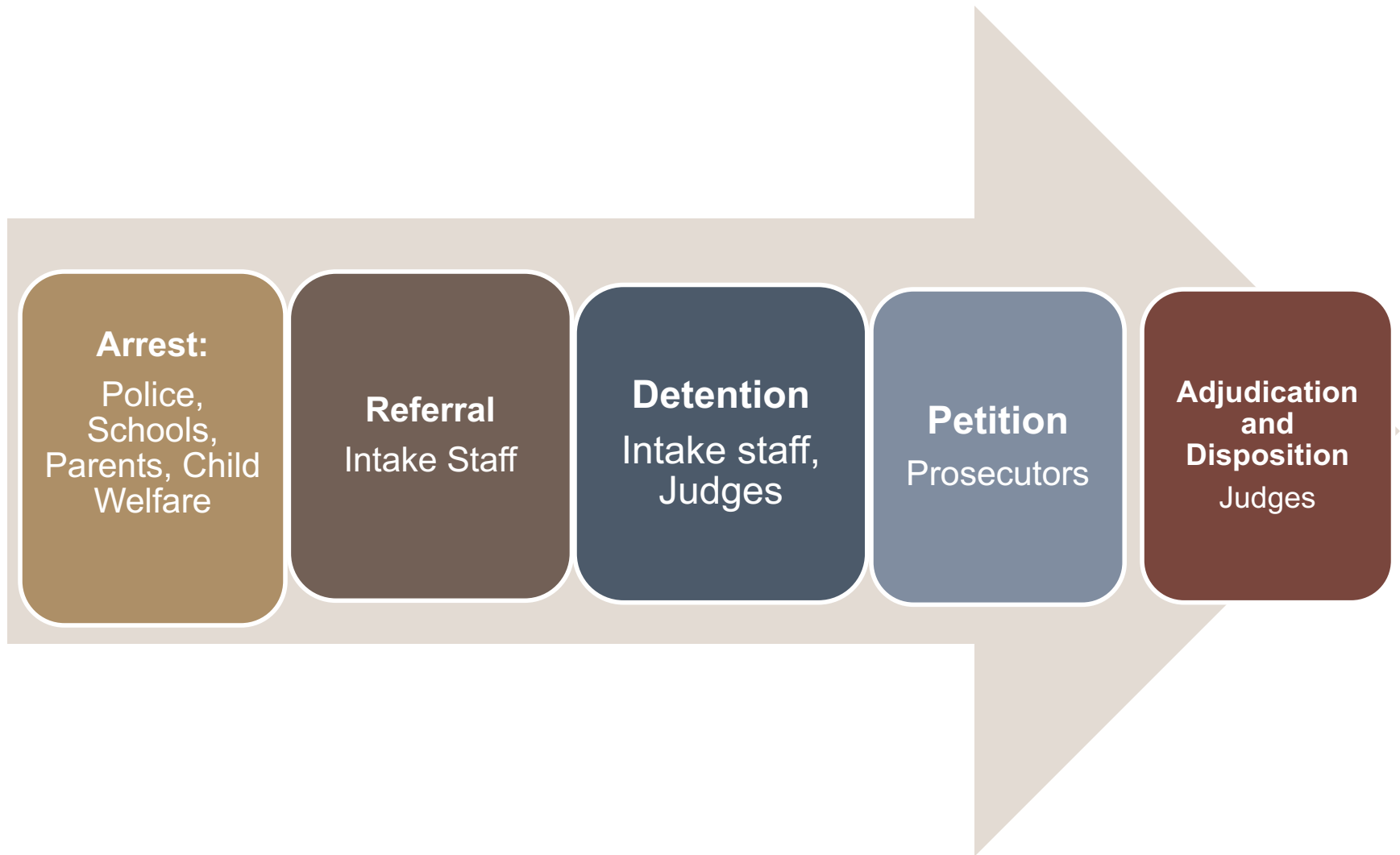
- Disorderly Conduct
- Unruly/Runaway
- Abuse/Neglect of Children
- Alcohol/Drug Related
- Theft
- Criminal Mischief

ND Juvenile Court Mission/Philosophy

- Following the principles of balanced and **restorative justice** the mission of the ND Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juvenile to contribute productively to their communities.
- The Court aims to protect the best interests of children and address the **unique characteristics and needs** of deprived, unruly and delinquent children (Scope and Purpose, Rule 1, NDRJuvP)



Key Decision Points



Critical Function: Referral Intake

- Children ages 7 to 17 (§12.1-04-01, 27-20-02)
- Intake designee (NDCC §27-20-02(10))
- Considerations: history, collateral contact with parents, victim impact info, risk to public
- Case processing choices:
 - **Diversion**
 - **Informal adjustment**
 - **Formal petition**
 - **Transfer to adult court**
- Consistency and fairness: state manual requested from ND Juvenile Policy Board 7/23/2004

“Research has found that with some youth, any exposure to the juvenile justice system can actually increase their chances of offending again”

*Journal of Child Psychology & Psychiatry,
50(8), 991-998*

The Board asked Karen Kringlie to select an advisory group to evaluate the juvenile management reviews and bring back a "best practice" policy for juvenile operations.

ND Courts Intake Decision Guides

2006 Version

Juvenile Court Action	Characteristics of the offense and youth
Diversion <ul style="list-style-type: none"> Letter to parents Referral to program/agency Informal adjustment with referral to program/agency 	<ul style="list-style-type: none"> Unruly/absenting/curfew violations First offenders MIC/MIP Tobacco Juveniles under age 10 Selected misdemeanors upon discretion of JCO
Informal Adjustment (IA) <ul style="list-style-type: none"> IA with referral to program IA with unsupervised probation IA with supervised probation 	<ul style="list-style-type: none"> Failed diversion cases Misdemeanors (prop or person) Early offenders MIC/MIP, misdemeanor drug Consenting and amenable youth Selected felonies upon discretion of JCO
Petitioned <ul style="list-style-type: none"> Adjud/Dispo with court ordered services Adjud/Dispo with probation Adjud/Dispo with transfer of custody to an agency 	<ul style="list-style-type: none"> Repeat offenders Most felonies Contested / denied at IA Noncompliant IA 2nd or more DUI Unruly for placement
Transfer to Adult Court <ul style="list-style-type: none"> Voluntary (request of child) Involuntary (request of SA) Mandatory (by statute) 	<ul style="list-style-type: none"> Child over 16 years and requests transfer Child 14 years or more at time of alleged conduct, court finds PC for the alleged delinquent act listed at 27-20-34(1)(b) NDCC Child 14 years at time of alleged delinquent conduct and hearing on transfer held and grounds found per 27-20-34(1)(c)(4) NDCC

2017 Update

C. Intake Matrix

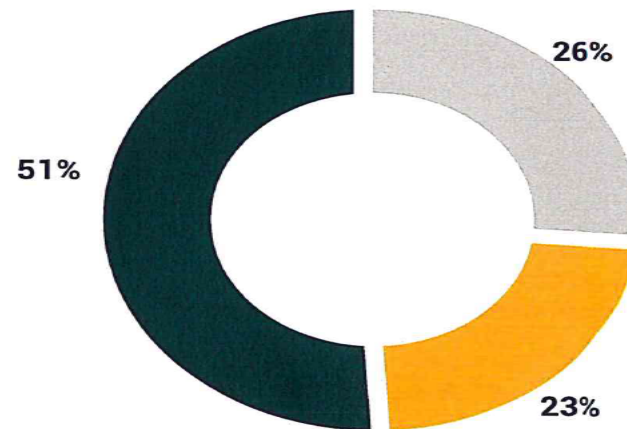
Referral Category	Diversion Typically the method to handle the 1 st - 3 rd referrals or if the last referral > 1 year ago or if this is the first referral in new case type.	Informal Adjustment (IA) Typically after youth has already received multiple diversions unless case requires DOT notice or 24/7 program	Formal Petition Best practice to meet at least one of the listed criteria below and be approved by JCO III or Director
Unruly	<ul style="list-style-type: none"> 1st - 3rd unruly referrals Child under 12 years Repeaters with priors in other category Child in placement 	<ul style="list-style-type: none"> 3 or more prior referrals Multiple similar diverted referrals in the past 6 months 	<ul style="list-style-type: none"> Denial at informal and state's attorney requires filing Exhausted community resources and placement recommended
Infraction / Misdemeanor	<ul style="list-style-type: none"> 1st - 3rd referrals Child under 12 years Repeaters with priors in other category Child in placement Restitution case to Restorative Justice 	<ul style="list-style-type: none"> 2 or more referrals Non-cooperative with diversion Similar repeat diverted referrals in the past 6 months Referral, if admitted, requires ND DOT notice or 24/7 program 	<ul style="list-style-type: none"> Denial at IA and state's attorney approves filing based on sufficiency of evidence Exhausted community resources and placement recommended
Felony drug / Felony property	<ul style="list-style-type: none"> 1st referral Child under 12 years Repeater but under a different offense level Child in placement but only after staffing with state's attorney 	<ul style="list-style-type: none"> 2 or more referrals Non-cooperative with diversion Child in placement but only after staffing with state's attorney 	<ul style="list-style-type: none"> Risk to public safety - in detention Offense requires offender registration Contested restitution Meets criteria for JDC JDC termination
Felony against person	<ul style="list-style-type: none"> Child under 12 years Child already in residential placement but only after consulting with state's attorney 	<ul style="list-style-type: none"> Child age 12 or older but only after consulting with state's attorney 	<ul style="list-style-type: none"> 3+ offenses in past 6 months Non-compliant with IA reporting probation

Intake Decisions 2017

Juvenile Court Processes for Delinquent & Unruly Case Types

■	Diversion to Programs	1,575
■	Informal Adjustment	799
■	Formal Court Process	688

77% OF ALL JUVENILE CASES WERE HANDLED OUTSIDE OF THE COURTROOM THROUGH EITHER A DIVERSION TO PROGRAMMING OR AN INFORMAL ADJUSTMENT CONFERENCE CONDUCTED BY A JUVENILE COURT OFFICER.

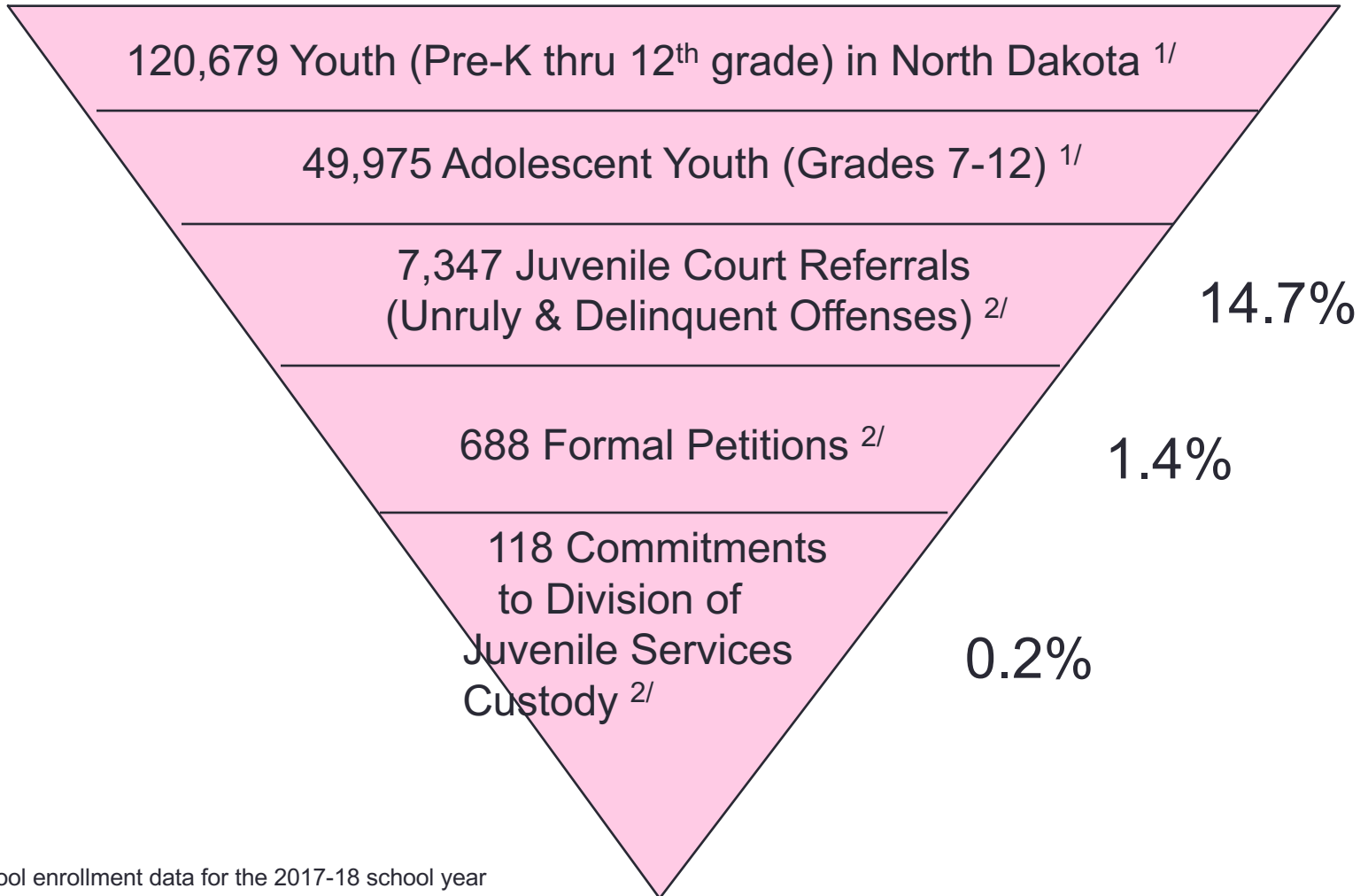


Juvenile Court Screening and Assessments

- Detention Screening Tool
- YASI –Pre-screen
- YASI - Full screen
- MAYSI -2
- Trauma Screening –**Coming Soon!**
- Human Traffic Indicator Tool

North Dakota Juvenile Justice System

Rates of Involvement (Calendar Year 2017)



1/ DPI school enrollment data for the 2017-18 school year

2/ ND Juvenile Court Annual Report 2017

ND Juvenile Court Reform Efforts

- YASI pre-screen assessment at earlier stage (2016)
- Increase in use of diversion services
- Structured decision making
 - YASI (2002)
 - Detention Screening (2015 statewide) – see attachments
 - Intake Matrix (2006, updated 2016) - attachments
 - Disposition Matrix (2017)- attachments
 - Trauma Screen (2018) – coming soon!
- Increased collaboration with child welfare - DSYI
- Quality Assurance in probation visits
 - Cognitive Behavioral Groups (2000)
 - Carey Guides for youth skills building (2017)
- ND Juvenile Recidivism Report (2017)

Probation Transformation

Old School Probation

- Same dose for every offender regardless of risk
- Office/court house based
- Probation visits as:
 - “check-ins” / chats
 - scare tactics / yelling
 - Punitive
 - Looking for mistakes

Modern Probation

- Amount of contact determined by risk level
- Skill-based (ex. Carey Guides, Cognitive Restructuring Groups)
- Relationship building
- Motivational interviewing
- Alert to trauma, behavioral health, addiction issues
- Engage the family in the solution

YASI Risk & Needs Assessment

Overall Scores

Overall Risk Level

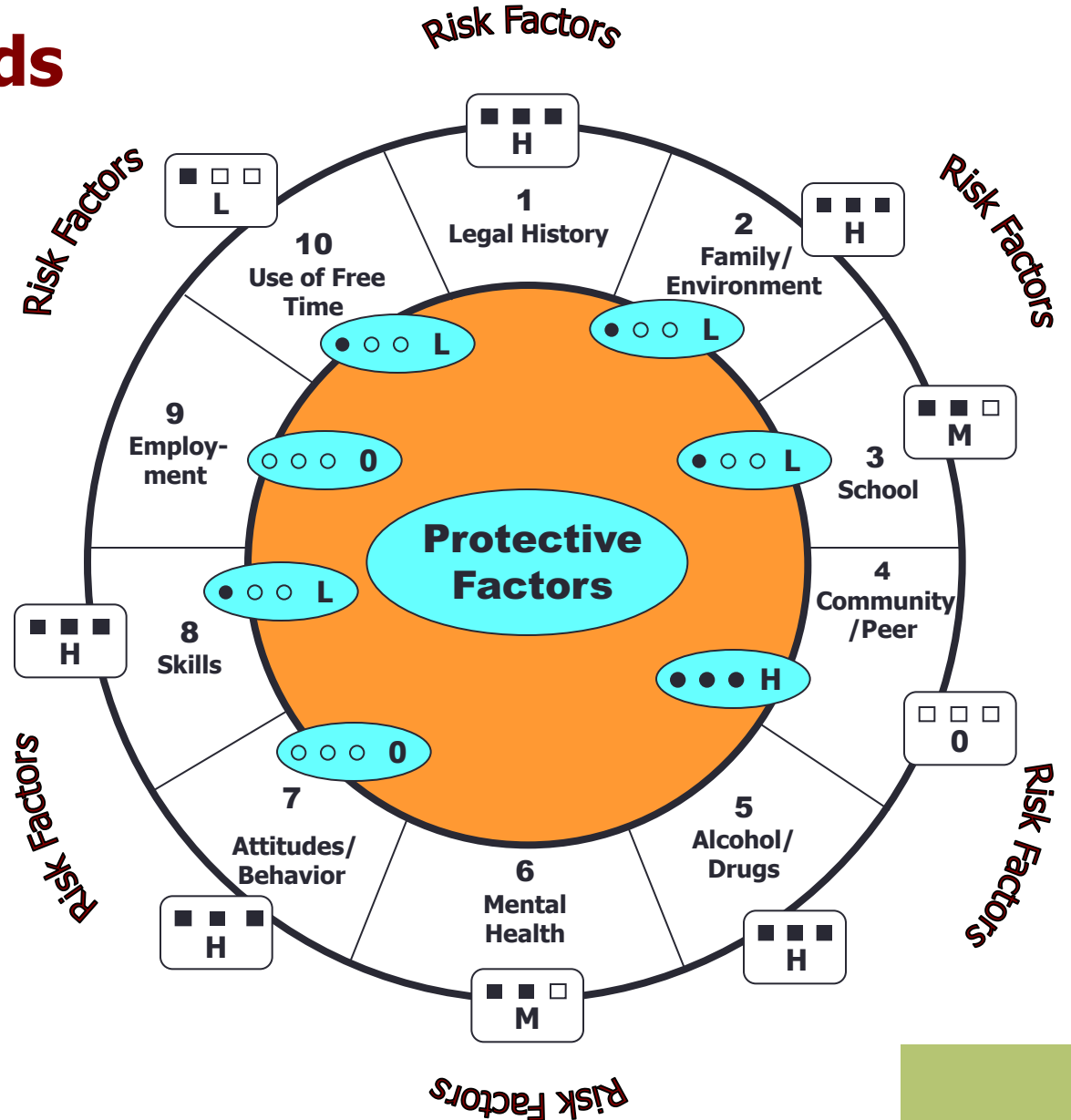
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Overall Protective Factors

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Static/Dynamic Summary

Static Risk	Dynamic Risk
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Static Protective Factors	Dynamic Protective Factors
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ND 2016 YASI Assessment

- 735 Pre-Screens
 - 262 Pre-Screen Low
- 473 Full Screens
 - Overall Risk
 - High 13 %
 - Moderate 73%
 - Low 14%
- 78% High Risk in Behavior Health Needs
- 51% Violent History
- 65% Youth are currently failing schools
- 88% Parents have BH needs and legal issues

JC Upcoming 2017-2019

- RFK Study of Dual Status Youth
- Disproportionate Minority Contact (DMC) projects
- UND, Dr. Matz Study of YASI in North Dakota
- ND Courts: Yearly Recidivism Report
- Legislative Interim Study of Juvenile Justice System
 - SCR 4003 - Chair Senator Kelly Armstrong
 - Age of jurisdiction (§12.1-04-01 NDCC)
 - Competency evaluation process for children

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the current juvenile justice process, the appropriate age when a juvenile is considered capable of committing a criminal offense, levels of collaboration among various service systems, implementation of dispositional alternatives, and methods for improving outcomes for juveniles involved in the process; and

North Dakota

Dual Status Youth Initiative

Cory Pedersen

Executive

Juvenile Court Director – South Central AND Southwest

Dual Status Committee Chair

Target Population:

Youth with an “open assessment” or “services required” finding and an unruly/delinquent referral.

What Have We Learned Here?

Characteristics of North Dakota DSY (2015 sample):

- Young
- High number in residential group homes or facilities
- **38% of charges came from schools;** 17% occur in facilities
- Behavioral health concerns are prevalent among these youth and families
- Majority had parent previously or presently incarcerated
- Over-representation of Native American youth

Identified areas of concern:

- Challenge of data and information sharing
- Belief that youth have to be charged to get services
- Services are scarce in rural areas; access is a problem
- Placements are chosen based on availability rather than fit
- Coordinated practice is informal and personality-driven

Where are We Headed?

- **MOU development to facilitate necessary data and information sharing**
- **Implementation of an identification protocol to ensure identification of dual status youth**
- **Standardized practice that provides multi-disciplinary opportunity to assess, plan and manage multi-system cases**
- **Training curriculum**
- **Engagement with schools, tribes, and law enforcement**
- **Identifying resource needs (e.g. 24/7 crisis line, safe beds, behavioral health services)**

Coming Soon

- ❑ Continued subcommittee work
 - ❑ MOU/ROI
 - ❑ Process Mapping
 - ❑ Quarterly/Annual Data Reports
 - ❑ Implementation Committee

- ❑ Final Site Visit from RFK
 - ❑ Finding and Recommendations in July 12th 2018

Profile of Juvenile Corrections Youth

86% have issues with
mental health

- 79% of youth have a serious emotional disorder
- 46% of the youth that have a mental health issue require a medication managed by psychiatry

84% have issues with
substance abuse

- 67% used alcohol before age 15
- 65% have family w/criminality or substance abuse
- 52% used marijuana on a weekly basis

79% have
family instability

- 63% have a family that struggles economically
- 58% have had multiple caretakers
- 56% witnessed parental conflict and/or violence

77% have
academic problems

- 57% have failed 3 or more classes
- 42% have usual grades that are a "D" or "F"
- 32% have had to repeat a grade

99% have
criminogenic risk factors

- 96% are impulsive and take risks
- 93% have opportunity for criminal activities
- 90% have been rebellious over past two years
- 88% associate w/criminal friends or other delinquents

99% have issues with
cognitive reasoning

- 92% appear manipulative and dominate others
- 87% easily lie and get away with it
- 81% blame others or situation
- 69% demonstrate a lack of remorse or guilt

77% lack adequate
social skills

- 74% exhibit negative social perceptions
- 41% are isolated and lacking social support

ND Juvenile Corrections Recidivism

