

NORTH DAKOTA JUVENILE COURT ▶ ▶ ▶
ANNUAL REPORT

2014



CONTENTS

Mission Statement 3

North Dakota Juvenile Court 4

The Administration of North Dakota Juvenile Court 5

North Dakota Juvenile Court Jurisdiction 6

2014 Juvenile Referrals 7

2014 Juvenile Court Dispositions 12

Director Summary 18



MISSION STATEMENT

The Mission: Balanced and Restorative Justice

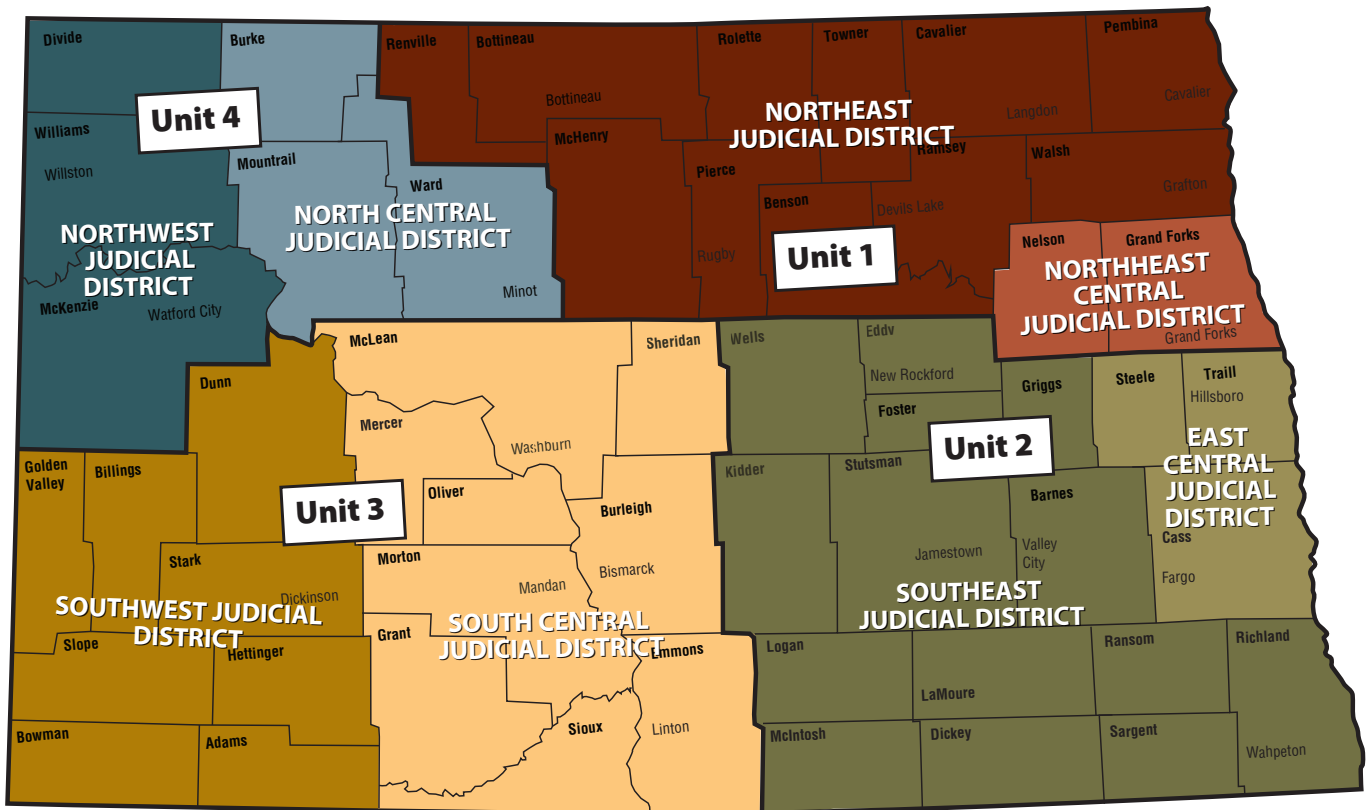
Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their communities. Juvenile Court staff empower victims, encourage community participation, and support parental responsibility.

Repairing Harm, Reducing Risk and Creating Opportunities



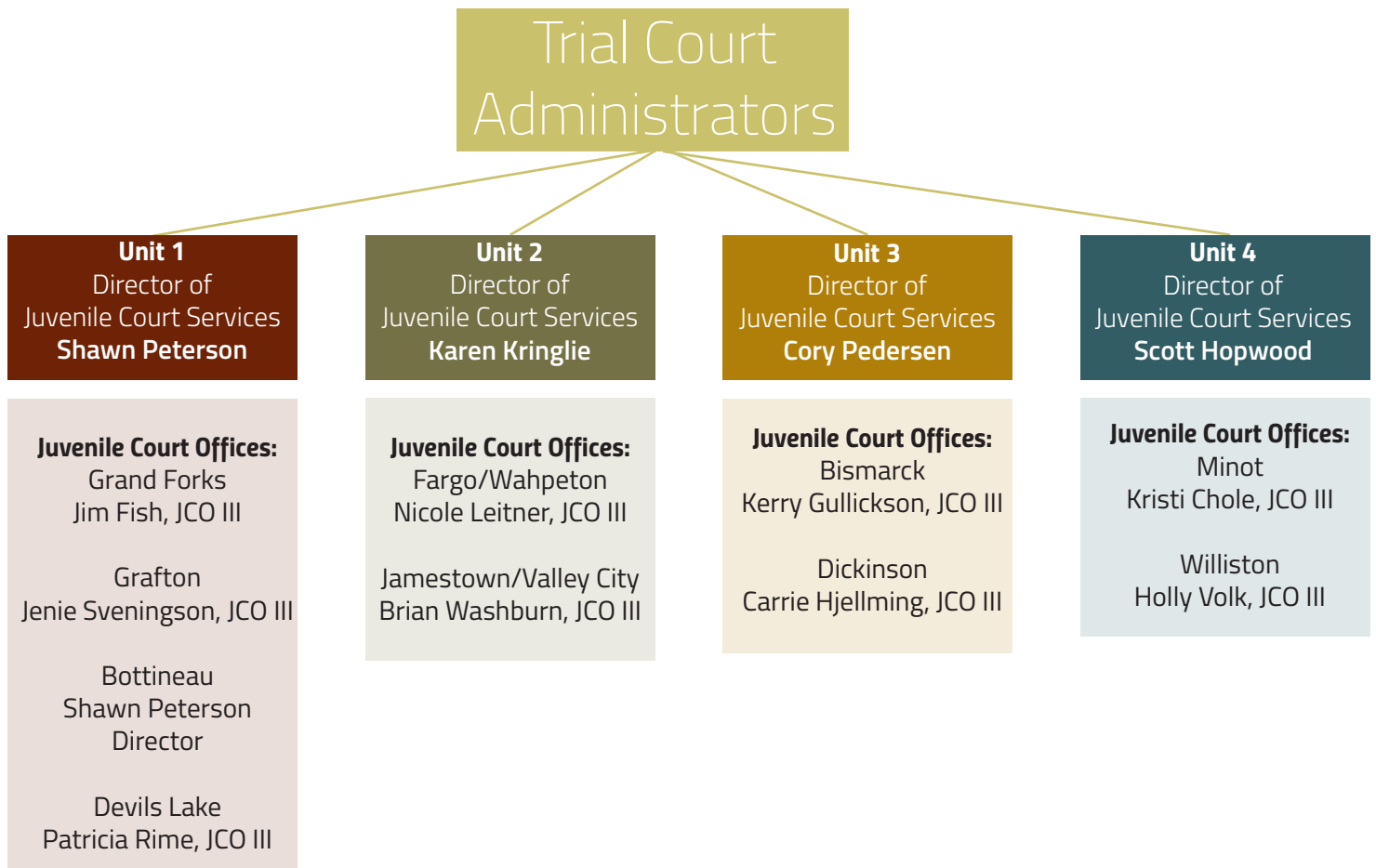
NORTH DAKOTA JUVENILE COURT

North Dakota Juvenile Court Structure: Since 2004, the administration of the Juvenile Courts in North Dakota has been divided into four administrative units, each under the supervision of a Unit Court Administrator.



ORGANIZATIONAL STRUCTURE

Within each unit, there is a Director of Juvenile Court who supervises the juvenile court staff and is responsible for the planning and directing of all juvenile court services in the unit. Under the direction of the Director of Juvenile Court, the JCO III assists in providing advanced investigative, diagnostic, supervisory, and probation services in their designated juvenile court office as well as provides supervision of juvenile court officers and staff.



NORTH DAKOTA JUVENILE COURT JURISDICTION

Delinquent and Unruly Case Referrals: In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages seven to seventeen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

Deprived Case Referrals: The Juvenile Court also has exclusive jurisdiction over children from birth until age seventeen who are alleged to be deprived of proper care or control by their parent, guardian, or other custodian. More commonly known as child abuse and neglect, these cases are referred to the courts by the county social service agencies after a child abuse and neglect investigation.

2014 REFERRALS TO JUVENILE COURT

Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Juvenile Court Officers screen referrals from law enforcement, schools, and agencies determining how they should be processed; making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to a formal court, and processing the vast majority of the cases informally via an adjustment conference or diversion program.

Total referrals to the North Dakota Juvenile Courts declined 6% in the past year to 9,274. Nationally, both adult and juvenile crime is at an all-time low. North Dakota has seen similar decreases in unruly and delinquent referrals. Deprived referrals, however, remain at high levels as compared to recent years. The chart below reflects the total number of charges referred to the juvenile courts over the past five years in the three legal categories of unruly, delinquent, and deprived.

Total Referrals by Year

	Unruly	Delinquent	Deprivation
2010	4055	6075	1556
2011	3469	5678	1879
2012	3510	5473	1969
2013	2792	4817	2282
2014	2572	4433	2269

*Note that referral data in this chart changed slightly as compared to prior ND Juvenile Court Annual Reports due to a change in the way the data was categorized.

Intake decisions are a critical function of the juvenile court

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court or a designated court officer. Juvenile Court intake staff are knowledgeable about North Dakota criminal and juvenile law as well as the techniques of juvenile treatment and rehabilitation. They screen for probable cause and make decisions regarding the

appropriate manner to handle the case whether via diversion, informal adjustment or the formal court process. Whether to detain a delinquent youth or take an unruly or deprived child into protective custody are also authorized powers of the juvenile court under the Century Code.

2014 JUVENILE REFERRALS BY CASE TYPE

Delinquent Referrals: Of the delinquent referrals received in 2014, 84% were misdemeanors, 13% were felonies, and 3% were infractions. In 2014, the most common delinquent referral received by the juvenile courts was disorderly conduct, which made up 12% of all delinquent referrals received, followed by possession of drug paraphernalia at 11%. Possession of a controlled substance (10%), theft of property (9%), and simple assault (8%), rounded out the five most common delinquent referrals. Shoplifting (7%) and criminal mischief/vandalism (6%) were also common delinquent referrals to the Juvenile Courts in 2014.

Unruly Referrals: Of all the unruly referrals received in 2014, 32% were referrals of unlawful possession/consumption of alcohol, 25% were for ungovernable behavior, 23% for runaway, 10% were for school truancy, and 10% were for other unruly referrals including tobacco and curfew violations.

Deprivation Referrals: Thirty-eight percent of referrals in this area resulted in a formal petition to the Court, 5% involved the filing of a termination of parental rights petition and 57% involved cases where the families cooperated with services or the matter was otherwise diverted by social services from the formal court system.

The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type over the past five years. In 2014, unruly offenses (offenses which only a child can commit) made up 28% of juvenile court referrals, while deprivation referrals made up 25%; property offenses comprised 15%; drug related offenses 12%; public order offenses 10%; offenses against persons 7%; and traffic offenses 3% of the total referrals to juvenile courts.

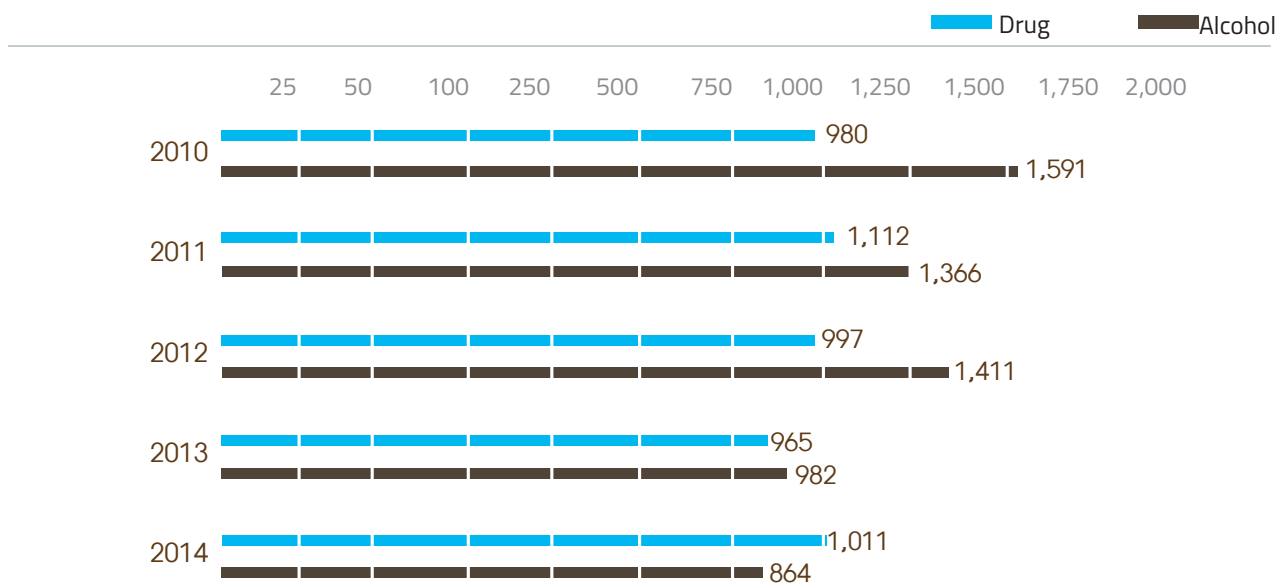
Total Referrals by Case Type

	2010	2011	2012	2013	2014
Against Person Offenses	911	845	886	845	684
Property Offenses	2354	2137	1996	1676	1380
Public Order	1355	1163	1177	960	942
Unruly	4055	3469	3510	2792	2572
Deprivation	1556	1879	1969	2282	2269
Traffic	470	418	413	365	315
Drug Related Offenses	985	1115	1001	971	1011

ALCOHOL AND DRUGS

Despite a decrease in alcohol-related offenses over the past five years, minor consuming or minor in possession of alcohol continues to be the most common unruly offense referred to the ND Juvenile Court.

ALCOHOL AND DRUG RELATED OFFENSES



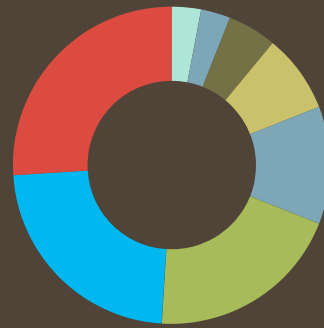
ANALYSIS OF JUVENILE OFFENDERS

The age of criminal responsibility in North Dakota begins at 7 years old. Youth can be referred to the North Dakota Juvenile Courts on charges of unruly or delinquent behavior at that age.

In 2014, the most common age of youth referred to the

juvenile courts for delinquent or unruly behavior was 17 years of age. Juveniles age 13 (and younger) accounted for 19% of all referrals to the courts, which remained virtually unchanged from the previous year.

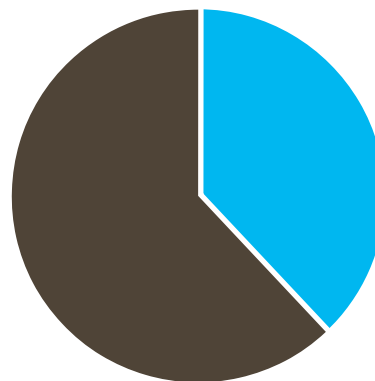
AGE AT TIME OF REFERRAL TO JUVENILE COURT



In 2014, males committed 62% of delinquent and unruly acts referred to the juvenile courts, while females accounted for 38% of referrals.

Male 2986

Female 1841



COMMUNITY SAFETY

Juvenile Detention: Juvenile detention centers are intended to temporarily house dangerous youth in the pre-adjudicatory phase or pending trial. It is critical to avoid use of detention for low-level offenders because secure confinement has a profoundly negative impact on a child’s physical and mental well-being. Additionally, detention interrupts school, employment, and family connections. Research conducted over the past decade has pointed out to juvenile justice professionals the dangers of using secure detention with low-risk youth. Studies have shown that not only is secure detention ineffective for low-risk youth, it actually increases recidivism. There has been increased screening by law enforcement and the Juvenile Court prior to placing a youth in secure detention to ensure only those that truly pose a risk to the community are held securely. The following graph shows the physical placement of detention by facility but note that the juveniles placed there may be from different counties or regions of the state. The graph below excludes federal or tribal placements.

SECURE DETENTION

Facility	2011	2012	2013	2014
Cass County Detention Center	259	282	249	224
Grand Forks County	163	163	147	211
Lake Region*	64	52	61	20*
Youth Correctional Center Detention	118	124	104	120
Ward County Detention	106	107	92	117
Williams County	4	1	5	3

*Note that Lake Region stopped detention admits in March of 2014 and youth in that region requiring detention were held in Grand Forks County.

Detention Screening Tool: In January of 2014, the screening of detention youth began statewide in North Dakota. The detention risk screening tool is a set criteria to rate each youth brought to secure detention to assess if the risk to community is significant enough to warrant use of secure detention. The overall score guides the law enforcement officer or intake court officer in making the critical decision on detention. The purpose is to ensure appropriate release of youth back into the community. The primary objective is to minimize the risk of re-offending as well as failure to appear for a scheduled hearing. The score of the detention screen does not detail a course of action that should be taken. Rather it provides objective information (grounded in research) to enhance the decision-making process.

North Dakota law requires that youth securely detained have a detention hearing held within twenty-four hours, excluding weekends and holidays, and on average, most youth spend only hours to a few days in secure detention before lesser restrictive options are achieved. In 2014, 695 youth were admitted to secure detention and the average detention risk score was 9.5. The average length of stay was less than seven days and 70% of those admitted were males.

Alternatives to Detention: The primary use of the detention assessment tool is to help guide decisions to determine whether to place a youth in detention. Therefore, it is important to establish and maintain viable alternatives to detention that are available in communities. The alternatives are developed to maintain community safety and assure that youth will appear for future court hearings on the pending charge or charges. The following alternatives are available in North Dakota:

House Arrest and Electronic Monitoring: An alternative to pre-adjudicatory detention is the use of house arrest. This alternative can be monitored by a Juvenile Court Officer using a voice verification system to confirm a youth’s location or in conjunction with Global Positioning Systems (GPS) electronic

monitoring systems. Electronic monitoring is a continuous monitoring device that attaches around a youth’s ankle and allows them to remain in their home pending further court proceedings. Voice monitoring and GPS electronic monitoring are increasing in use as an alternative to detention by North Dakota Juvenile Court staff. Electronic monitoring can cost as little as five dollars per day (which is much lower than the cost of secure detention) and allows the youth to remain in their home and community.

Attendant Care: The North Dakota Attendant Care Program began in 1989 as an alternative to detention. Attendant Care

is a non-secure pre-adjudicatory supervision option in lieu of secure detention. Attendant Care provides adult supervision of children that have been picked up by law enforcement on a citable offense and need short-term supervision until the arrival of a parent/guardian or until a court appearance. The average length of stay in 2014 was 20.7 hours and most children are released quickly to a parent or guardian. If there is a family crisis that predicated the placement, Juvenile Court staff can access unruly child or family crisis services to assist in the successful release without the need for shelter care or foster care. There are eight sites in North Dakota and the following chart shows admissions to attendant care by site in 2014.

2014 ATTENDANT CARE ADMISSIONS

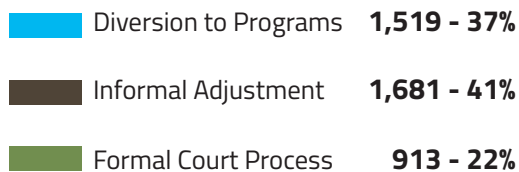
Location of Attendant Care Site	Pre-Adjudicatory Supervision Youth
Burleigh/Morton Counties	112
Cass County	163
Grand Forks County	50
Ramsey County	22
Stark County	42
Stutsman County	37
Ward County	24
Williams County	62

2014 JUVENILE COURT DISPOSITIONS FOR DELINQUENT AND UNRULY CASE TYPES

North Dakota law provides a system where the majority of juvenile cases are handled with precision by juvenile court officers. All referrals are screened by a juvenile court officer for potential diversion to a program. This may include an education class or counseling, informal adjustment (a meeting of the youth, parents, court officer and victim, if the victim so chooses), or formal court processing (referral to a States Attorney for the filing of a petition and proceedings before a judge). Most low-level offenses and early offenders are

adjudicated via diversion or informal adjustment. This is advantageous to youth, family and victims. Diversion and consent-driven informal adjustment processes can address cases soon after an offense occurs. The intake process is applied consistently across the state as decisions about diversion or use of informal adjustment are guided by state-wide criteria. Typically, felony-level cases, youth requiring placement and contested matters are heard by a District Court Judge or Judicial Referee

Juvenile Court Processes for Delinquent & Unruly Case Types

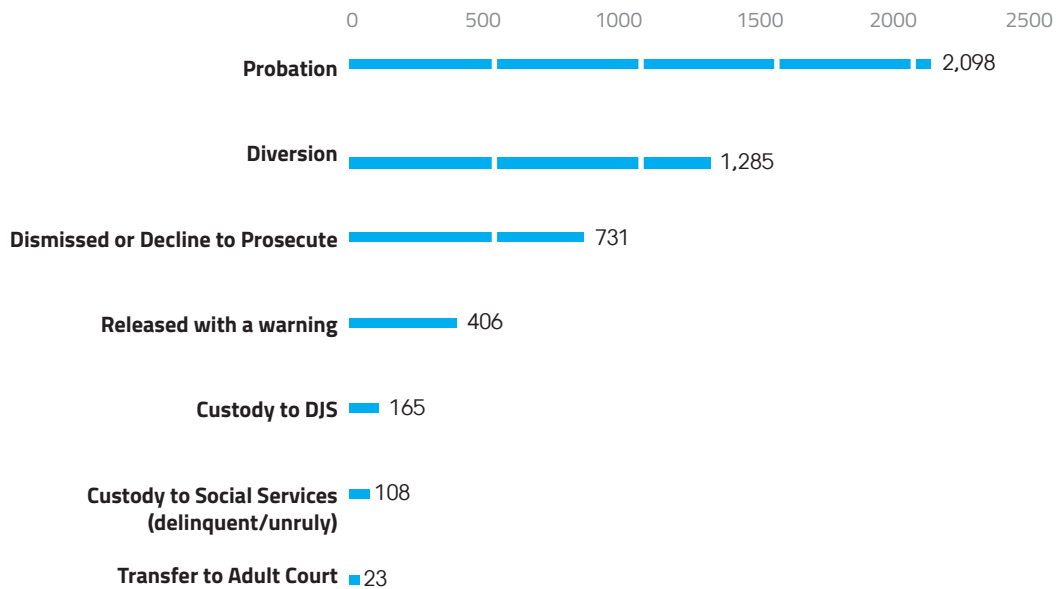


78% of all juvenile cases were diverted to programming or an informal adjustment conference conducted by a juvenile court officer.

Disposition Types: North Dakota law allows for flexible outcomes once a juvenile has admitted or been found to have committed a delinquent or unruly offense. This approach

allows for individualized justice based on a child’s needs and risks, as well as the needs of the victim and community. A child is removed from a parent only as a last resort.

DELINQUENT/UNRULY DISPOSITIONS 2014



Community Supervision: Juvenile probation is the oldest and most widely used means of delivering a range of court-ordered services while supervising the youth within the community. Staff engages behavior change, holds the youth accountable and increases offender competency at one-tenth the cost of out-of-home placement. Juvenile Drug Court (JDC) is an option in six North Dakota cities. Children accepted into JDC are supervised by juvenile probation staff.

Transfer to Adult Court: Studies have shown that transferred youth quickly reoffend at much higher rates than juveniles kept in the juvenile justice system. Further, national studies have shown that transferred youth that are detained pretrial in adult jails are at serious risk of rape, assault, death or suicide. Transfer is an option of last resort but some youth do request transfer to adult court as a matter of legal strategy.

In 2014, only 3 youth were transferred to adult court involuntarily. Those cases involved serious charges of against person felonies. There were 20 youth who voluntarily requested transfer. In 2013, there were 19 total transfers to adult court, 4 of these were involuntary and the remainder was granted at the request of the child.

2014 JUVENILE COURT DISPOSITIONS IN DEPRIVED CHILD CASES

Deprivation Cases Referred: In North Dakota, deprivation cases are referred to the Juvenile Court by local county social service departments. The referrals are received after a child abuse or neglect investigation is conducted by a child protective worker. If services are found to be required, the case is referred to Juvenile Court and a decision whether to file a petition is made by a State's Attorney based on information gathered during the investigation. In 2014, 57% of all deprivation cases referred to the juvenile court did

not result in the filing of a petition for a variety of reasons including family cooperation with services or the prosecutor declining to file a petition. In 38% of the cases referred, the States Attorney determined it was necessary to file a petition and a hearing was held before the court. In 5% of all 2014 cases, a termination of parental rights petition was filed. Two percent of those filings were at the request of the parent(s) or child's legal custodian.

DEPRIVED CASES 2014

Services Required, No Petition Filed	1240
Deprived Petition Filed	824
Involuntary Termination of Parental Rights Filed	66
Voluntary Termination of Parental Rights Filed	44

Continued Foster Care: Since 2011, youth ages 18 to 21 who have previously (or are currently) been in foster care may choose to stay in foster care to support them in continuing with education and make a successful transition to adulthood. In 2013, there were 17 continued foster cases filed in North Dakota, and in 2014 there were 28 cases.

Disposition Types: If a child is found to be deprived, the court may order services for the family, place the child with a willing relative or guardian, or place the child with a local county social services agency for foster care placement.

North Dakota law defines a deprived child as a child who is without proper parental 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. §27-20-02(8) N.D.C.C.

DEPRIVED DISPOSITIONS 2014

Custody to Social Services	474
Decline to Prosecute or Dismissed	91
Custody to Department of Human Services	101
Court Ordered Services	57
Transferred to Tribal Court	6

PROBATION SUPERVISION

Probation is the most widely-used community-based juvenile court program. During the period of probation supervision, a juvenile offender remains in the community and continues normal activities such as school and work while complying with individualized probation rules such as curfew, community service, payment of restitution, and attendance at classes or counseling. The supervision of offenders in their communities enhances community safety and prevents the need for costly out-of-home placement. Juvenile court officers use a system of graduated responses to ensure compliance with informal adjustment agreements or formal court orders and treatment goals. In addition to monitoring compliance, court officers coordinate rehabilitative and treatment services for youth and families. Court officers evaluate the youth's progress toward achieving probation goals and recommend release from probation at the appropriate time.

Juvenile court officers are dedicated professionals who believe that all young persons who break the law have the ability to change their behavior. They are dedicated to public safety while holding youth accountable. Their actions restore youth and their families as productive individuals who contribute to the strength of their communities.

Risk and Needs Assessments: Effective probation supervision requires a reliable and valid offender assessment to assist the court officer to determine appropriate supervision

level, supervision strategies and ensure proper matching of treatment programming. The juvenile court has adopted the Youth Assessment Screening Inventory or YASI to assess the likelihood of recidivism and the specific needs of each child. By using the YASI, court officers make decisions about supervision levels, programs, and treatment needs. Juvenile court officers develop case plans based upon a child's risk and needs. This is done to focus program resources on the area(s) most likely to cause the youth to reoffend.

Behavioral Health Assessment: A mental health assessment called the Massachusetts Youth Screening Instrument -2 (MAYSI-2) is used to assess a broad scope of possible mental health needs. These assessments are conducted immediately upon entry into probation and re-administered as needed. Referrals to behavioral health services are based on this assessment.

Competency Development: In addition to contracted programs available to youth, juvenile court officers teach skills and cognitive restructuring programming to probation youth and their families. Examples of the staff-facilitated cognitive restructuring programming include: Decision Making 101, Life Management, Anger Management, Relationships & Communication Group, Boundaries Classes, Girls Groups, and SPARCS, a trauma-based program.

Making smart choices means providing the right sanctions and services to the right juveniles at the right time without regard to biases or prejudices but based upon each child's unique risks and needs.

RESTORING JUSTICE TO VICTIMS AND COMMUNITIES

Victim Rights in Juvenile Cases: Despite the fact that Juvenile Court cases are closed to the public, state law allows victims of juvenile crime the same rights as victims of adult crimes. In petitioned proceedings it is the state's attorney who is tasked with giving victims notice of the charges filed, hearings scheduled, and their ability to give input as to the disposition. Non-petitioned proceedings result in the juvenile court staff contacting victims, informing them of their rights, and seeking their active input in the resolution of a case. Victims are invited to attend the informal adjustment conference. Some cases are referred to an *offender accountability conference* for resolution.

Restitution: Youth are required by the Court to pay for the harm they have caused their victims. In the past year, \$142,247 in restitution was ordered and \$155,279 was collected (which includes carry over from the previous year.) Restitution collection is challenging with young people as some are unable to work due to age or placement out of the home. In some cases, victims elect to pursue a civil action against parents as a more viable means of being repaid for losses.

\$155,279 in restitution was collected by probation staff and returned to victims

Community Service: Offenders may also be required to perform community service as a way to repay victim(s) and the community for harm suffered because of a child's behavior. The amount of community service hours completed by youth referred to juvenile courts in 2014 was 15,549 hours. The value of these hours to the community if the youth were employed at a minimum wage would be \$112,730.

Examples of ways juvenile offenders give back to the community:

- Helping at Senior Centers
- Assisting with Meals-On-Wheels
- Working with the Humane Society
- Assisting with Apple Festival
- Assisting with citywide cleanups
- Work projects with local parks and zoo's
- Habitat for Humanity landscaping
- YMCA
- Community safety/neighborhood block party picnics
- Salvation Army bell-ringing
- Local food pantry

Victim Empathy Seminars and Offender

Accountability Conferences: In support of the balanced and restorative justice mission, the court system contracts with Lutheran Social Services of North Dakota to provide victim empathy classes, offender accountability conferences, and community circles. The four-hour victim empathy class is educational and helps juveniles and their parents to understand how delinquent behavior impacts others. Accountability conferences bring together the offender, victim, key supporters and a trained facilitator to discuss the impact of the juvenile's behavior and ways to repair the harm caused. Community circles provide a community response to crime.

In 2014, 241 juveniles were referred to participate in an Offender Accountability Conference, 227 juveniles completed a Victim Empathy Seminar in their community, and 6 participated in the Community Circles.

Juvenile Court Officer Surveys: The Juvenile Court Officer Survey collected feedback from youth who had been placed on supervised probation. Survey questions measure offender opinions regarding the relationship they had with their probation officer. A survey was given to all youth when they completed supervised probation. A total of 638 surveys were distributed statewide, with a return rate of approximately 25%. Survey results have provided

a mechanism to evaluate the services provided by probation. Additionally, the results demonstrate the positive effect a meaningful relationship with one adult can be for an at-risk child.

Victim Surveys: Victims in the juvenile justice system – like all victim groups – want to be informed, respected participants in the system. North Dakota law provides victims of juvenile offenses the same rights and protections as victims of adult crime. In 2014, the juvenile court implemented a victim survey to collect feedback from victims of juvenile offenses. The survey questions are designed to measure the opinions of victims regarding receiving their rights and the overall service they received from the juvenile court office. A survey is mailed to all victims who the courts have been able to have contact with once the case has reached final disposition. Statewide a total of 154 surveys distributed, with a return rate of approximately 33%. Feedback is reviewed by the juvenile directors for areas of system improvement. Overall, victims who responded to the survey appeared to appreciate the level of communication and assistance received from juvenile court staff.

A few examples of some comments youth made about their probation officers on the surveys:

"My probation officer didn't give up on me and helped me a lot"

"My probation officer was very positive and supportive. She made it clear she was proud when I did good"

"My PO was great. He helped me realize what I did wrong, but I could fix it"

"My PO was very understanding and gave some great advice"

DIRECTOR'S SUMMARY

Historically, the juvenile court system has relied heavily on the use of cost-effective diversion services and informal case processing. Even during the perceived crime waves of the 1990s, when most states increased use of secure detention and correctional facility placements to curb youth behavior, North Dakota maintained its “old-fashioned” common sense approach to working with youth. This approach is now considered cutting edge and has been supported by adolescent brain science research and recent U.S. Supreme Court decisions such as *Roper v. Simmons* (2005), *Graham v. Florida* (2010) and *Miller v. Alabama* (2012). Clearly the use of diversion programs and informal adjustment procedures (while keeping youth at home and in the community setting) has been a positive, cost-effective technique for the juvenile court system.

During the past year, the juvenile court showed its commitment to maintaining a high level of court practice and juvenile case management professionalism by hosting training and speakers to enhance behavior change catalyst skills, broaden knowledge of the diverse cultures that reside within the state and spark meaningful discussions on the constitutional rights of juveniles and their families.

In the spring of 2014, juvenile court officers participated in Motivational Interviewing training. Motivation interviewing is an evidence-based method for professionals to work with people in a way that strengthens their intrinsic desire to change behavior. Small staffing groups continue to meet regularly to practice this skill critical to service as a behavior change catalyst. Access to ongoing internet-based training has extended the opportunity to regularly hone this skill.

The directors were pleased to host a showing of the critically acclaimed juvenile justice documentary, “Kids for Cash” at the Fall 2014 conference in Minot. The film covers the juvenile justice scandal which occurred in 2008 in Luzerne County, Pennsylvania, and highlights two judges who sent more than 2,000 children to a privately owned detention center while receiving kickbacks. Hillary Transue, one of the subjects of the film, and Emily Keller, staff attorney for the Juvenile Law Center, took part in a panel discussion after the showing of the film. The showing of this film and the discussion afterwards reinforced our commitment to justice, due process rights for all and a practice that seeks to reduce reliance on detention and facility placement.

We strongly believe that the most important task we perform each day is discerning the most appropriate path of response to juveniles who come in conflict with the law either by their own behavior or by that of the adults responsible for them. We are committed to this work despite challenges such as lack of services in rural areas, a growing state population and the misconception that locking up delinquent youth is the only way to protect a community from crime.

GOALS FOR 2015 INCLUDE THE FOLLOWING:

1. Collaborate and partner with communities to enhance available community interventions and reduce use of out-of-home placements.
2. Strengthen and analyze the use of the detention screening tool. A goal is to reduce the inappropriate use of detention and the disparate use of detention observed with minority youth.
3. Partner with the Court Improvement Project to enhance compliance with the Indian Child Welfare Act.
4. Investigate the use of a trauma-based assessment tool and services for youth who have experienced trauma and participate in the development of protocols to address youth, including sex or labored trafficked youth, who come into contact with the juvenile court.
5. Conduct regular data improvement meetings to enhance the current case management system to the greatest extent possible.

Directors of Juvenile Court Services