

Tribal Juvenile Services Cooperative Agreements

Report to Legislative Management

May 4, 2022

To: Representative Kim Koppelman, Chairman of the Judiciary Committee

From: ND Supreme Court, ND Department of Corrections and Rehabilitation, Spirit Lake Tribal Court, and ND Indian Affairs Commission.

Good afternoon Chairman Koppelman and members of the Committee. My name is Shawn Peterson and I am a Juvenile Court Director with the North Dakota Court System. As required by N.D.C.C. 27-20.4-27, this report on Tribal Juvenile Services Cooperative Agreements is being submitted for review by Legislative Management.

Senate Bill 2153 was passed in the 66th North Dakota Legislative Assembly and signed by Governor Burgum on April 1, 2019. This created N.D.C.C. 27-20-61, Tribal Juvenile Services Cooperative Agreements, which went into effect on August 1, 2019. Due to a repeal of the Uniform Juvenile Court Act (N.D.C.C. 27-20), Senate Bill 2345 in the 67th North Dakota Legislative Assembly placed the authorization for Tribal Juvenile Services Cooperative Agreements under N.D.C.C. 27-20.4-27. The intent of the statute is to allow Tribal and State entities to enter into memorandums of understanding (MOU's) to provide services for the treatment and rehabilitation of delinquent youth under Tribal Court jurisdictions. Tribal and State officials who work in the juvenile justice system in North Dakota have long agreed that youth in delinquency cases under Tribal Court jurisdictions often do not have access to, or receive, the same rehabilitative services as youth adjudicated in the State's District Courts.

Status of MOU's

The first cooperative agreement involved the Spirit Lake Tribal Court, the North Dakota Indian Affairs Commission, the North Dakota Department of Corrections and Rehabilitation, and the North Dakota Supreme Court. A memorandum of understanding was developed and a symbolic signing of the MOU was held on January 15, 2020. This MOU facilitates the sharing of information, data collection, and resources between the agencies in an effort to provide access to similar services for all delinquent youth. A multi-disciplinary team (MDT) with representatives from these agencies, and other youth-serving agencies, was assembled and have been meeting to staff cases since February of 2020. Standing monthly meetings are held via video-conference and impromptu meetings are arranged when cases of a more urgent nature arise. Prior to the COVID-19 Pandemic, the team had been meeting in person and we are hopeful to have that option again in the near future.

An exciting development to report is that a second memorandum of understanding under this statute has been developed with the Turtle Mountain Band of Chippewa. Representatives from the Turtle Mountain Band, the Department of Corrections and Rehabilitation, the North Dakota Indian Affairs Commission, and the North Dakota Supreme Court began meeting in the Fall of 2021. The Turtle Mountain Tribal Council approved the MOU just last week and agency signatures are now being gathered. Next steps will be to develop the multi-disciplinary team, finalize the meeting structure and objectives, and begin staffing cases. It is the desire of this group to coordinate a symbolic signing event in Bismarck in the near future to commemorate this agreement.

Performance/Effectiveness of MOU's

Since the inception of the agreement with Spirit Lake, a total of 21 youth have been referred by the Tribal Court to be staffed with the multi-disciplinary team. This includes 11 boys

and 10 girls, with the average age being 15 years old. The approach this team is taking differs slightly from how the statute describes the cooperative agreements. Rather than the State agencies providing the supervision and services, Spirit Lake Tribal Court Chief Judge Joseph Vetsch and the team prefer that Tribal Court and Tribal Social Services staff work in tandem with State staff, when possible, in the delivery of services. The philosophy behind this approach is that if the MOU were to end, all of the systems that serve delinquent youth will be more effective due to what has been learned during the co-mentoring that occurred during the partnership.

The team is collecting data on the juvenile cases that are a part of the agreement to include demographic and offense information, length of stays in detention, and services recommended or provided by the multi-disciplinary team. In regards to recidivism calculation, only 4 youth currently meet the criteria to measure recidivism 1 year following the close of supervision. During the next year, however, several more cases will have had enough time pass to allow for recidivism calculation. This information will be useful in attempting to measure performance of the agreements. There are also other ways to measure success that must be considered. For example, if youth make progress towards graduating from high school or obtaining their G.E.D., gaining employment, or experiencing increased periods of sobriety. Improved working relationships amongst the youth-serving agencies (through communication/information sharing) is also a sign of an effective agreement.

In thinking about significant accomplishments since the first agreement was established, the Spirit Lake Tribal Court now has the ability to conduct risk and needs assessments on delinquent youth. Assessing risk is an evidence-based practice in probation so this will benefit youth under Tribal Court jurisdiction beyond the timeline of any agency agreements. Early into the agreement, Juvenile Court staff completed risk assessments on several Tribal Court youth.

The North Dakota Supreme Court, through its Juvenile Drug Court Program, later purchased a risk assessment software license (Youth Assessment Screening Instrument-YASI) for the Spirit Lake Tribal Court and Juvenile Court staff assisted in training Tribal Court probation staff on conducting the risk assessments.

Another positive development is in regards to youth in need of residential treatment. Tribal Social Services has had some success accessing placements at residential treatment facilities in North Dakota for youth who would otherwise have served long sentences in detention, often without significant treatment services. Department of Corrections and Rehabilitation-Division of Juvenile Services (DJS) staff have been able to share their knowledge regarding the universal application process and treatment options for youth requiring residential placement. Additionally, for a couple of youth who have had delinquent offenses in both Tribal and State District Court, the agency relationships developed in this agreement assisted in the transition of appropriate youth into the temporary custody of the Division of Juvenile Services so that necessary treatment and rehabilitation services could be delivered.

Youth under Tribal Court Jurisdiction have also been referred to, and are currently participating in, the Juvenile Drug Court Program provided by State District Court in Devils Lake. A separate MOU to accept Tribal Court youth into the Juvenile Drug Court Program was developed between Spirit Lake and the ND Supreme Court. It is a goal of the team to provide front-end and preventative services as well when appropriate. Additional examples of services provided to delinquent youth under the agreement with Spirit Lake include referrals to intensive in-home family therapy and to a cultural liaison program. The cultural liaison program in Devils Lake was discontinued at the end of the last biennium due to a lack of funding.

Sustainability of MOU's

MOU's under this statute appear to be sustainable as long as the partner agencies feel the agreements are valuable and are willing and able to provide their time and resources. In regards to the agreement with Spirit Lake, the agencies involved feel that the improved communication between Tribal and State agencies has been a benefit. To this point, there has been no separate financial support requested, or provided for these agreements. Measuring success is challenging but the multi-disciplinary teams need to put additional emphasis on this area as it will assist in determining if additional resources, such as funding, may be necessary. The partner agencies are looking forward to continuing the MOU with Spirit Lake, as well as getting started with the MOU with Turtle Mountain, to improve outcomes for delinquent youth.