

North Dakota

Juvenile Court

Staffing Standards

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Staffing Standards

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JUVENILE COURT STAFFING STANDARDS

Purpose of the Project

The North Dakota Supreme Court has assigned the task of developing staffing standards for the juvenile courts to the District Court Personnel Advisory Board and the Juvenile Policy Board. This is the first time since 1990, when a subcommittee of the Council of Presiding Judges promulgated standards, that the issue of developing staffing standards for the juvenile courts has been re-visited. The 1990 standards, predicated on the populations of the judicial districts, were used to address competing requests for new positions and to assess the need for reductions in force. Since that time, the Juvenile Policy Board has overseen the establishment of more consistent juvenile justice practices across judicial districts.

In addition, the Juvenile Policy Board has adopted *balanced and restorative justice* as the operational philosophy for juvenile courts state-wide. The adoption of balanced and restorative justice addresses one of the central recommendations of the 1990 staffing standards report – to better define the mission and role of the juvenile court prior to developing workload based standards. Balanced and restorative justice represents a fundamental shift in the philosophy of the juvenile court and, thus, in the way juvenile justice is administered at the local level.

The balanced and restorative justice model emphasizes a community-based approach to juvenile justice that balances individual accountability, community protection, and competency development. Balanced and restorative justice represents a response to more polarized approaches to juvenile justice (e.g., purely retributive or purely rehabilitative) and requires the active participation of non-traditional participants (e.g., victims of juvenile crime, the offender's families, and the community).

In addition, the balanced and restorative justice model creates new roles for juvenile justice professionals.¹ To assure offender accountability, for example, juvenile court staff may be required to facilitate victim / offender mediation, actively solicit input from victims, develop victim empathy groups, or help to create meaningful employment opportunities for juveniles to earn money to pay their restitution.

Likewise, to assure that delinquent youth have every opportunity to develop appropriate competencies, juvenile court staff may be required to continuously assess youth, family, and community strengths, available resources, and gaps in resources. Juvenile court staff are also likely to develop new (or new types of) partnerships with other public human service agencies (e.g., law enforcement, schools, children and family services), private service providers, and the community.

Implementing a balanced and restorative justice model also requires new roles for juvenile justice professionals to assure community protection. Balanced and restorative justice requires juvenile court leadership in developing an effective continuum of interventions and sanctions that reflect the needs and characteristics of the community. In addition, community protection under the balanced and restorative justice model is not the sole

¹ OJJDP. "Guide for Implementing the Balanced and Restorative Justice Model."

province of law enforcement, the courts, and corrections. The community, itself, plays an active role in protecting itself. Accordingly, juvenile justice professionals are required to promote youth development and community problem solving while providing structured day and night community-based supervision of juvenile offenders.

The purpose of the North Dakota Juvenile Court Services Staffing Project is to assess current juvenile court services staffing allocations and to develop a staffing model to guide juvenile court staffing decisions under the balanced and restorative justice model. The project will be completed in two phases. In Phase I, the project will assess and document current juvenile court practices, including the time associated with completing individual tasks. In Phase II, the project will identify new or revised juvenile court practices suggested by the balanced and restorative justice model, establish time estimates associated with those practices, develop a model and action plan for implementing balanced and restorative justice initiatives in North Dakota, and establish a workforce allocation model based on juvenile court workload estimates.

Juvenile Court Case Processing in North Dakota

North Dakota has a total population of almost 650,000 with almost 82,000 youth between the ages of 10 and 17 (the upper age of juvenile court jurisdiction). Four counties in the state have populations that exceed 50,000 – Cass (113,300), Grand Forks (71,400), Burleigh (65,700), and Ward (59,700) – and contain almost 45% of the youth aged 10 to 17 in the state.

In 1997, over 12,000 cases were referred to juvenile court in North Dakota. Of those, a little over a fifth (2,515) received formal dispositions, about a quarter of them (3,118) received informal probation, and well over half (6,566) were informally counseled and adjusted. The most common formal dispositions include remand custody to social services (25%), probation (25%), and remand custody to Division of Juvenile Services (23%). Almost two thirds of the referrals receiving informal dispositions were given informal probation (32%), counseled and adjusted (18%), or diverted without an informal adjustment (15%).

The 12,199 cases referred to juvenile courts in North Dakota represented an overall increase of almost 4% over referrals made in 1996. The South Central District representing over a quarter of all juvenile court referrals in North Dakota had the largest increase in referrals between 1996 and 1997 (18%). Four districts registered reductions in the number of referrals – Northeast (-6%), Northeast Central (-6%), Southeast (-10%) and Southwest (-1%).

Of the 12,199 cases referred in 1997, almost three quarters (73%) were delinquency referrals. A little over a fifth (21%) were unruly referrals and about 5% were deprivation cases. Most of the 8,872 delinquency referrals were for property offenses (34%) or other minor offenses (49%). There were only 595 (7%) delinquency referrals for offenses against the person in 1997 which was the same as the proportion for the previous year.

Establishing Workload Requirements.

The transition to a balanced and restorative justice model represents a major shift in North Dakota's approach to the administration of juvenile justice. Historically, North Dakota has embraced the traditional *parens patriae* approach to juvenile justice in which rehabilitation and community protection are the primary goals. Conceptually, the shift to a balanced and restorative justice model will not strain the ability of juvenile court

professionals to adjust. Functionally, however, the shift to a balanced and restorative justice model is likely to tax the current resources available to administer juvenile justice programs through out the state. As a result, it is important to take a hard look at existing workload requirements and to project workload requirements under a balanced and restorative justice model.

There are several methods for assessing juvenile court workloads, including time / task analysis, time / task analysis with weighted caseloads, sampling expert opinion (Delphi Method), and workload comparisons. The trouble with all of these methods of assessing workloads is that the work of the juvenile court is complex, it takes place in an open and turbulent environment (the real world), and is subject to factors that cannot be predicted or controlled (i.e., policy changes made by judges, legislators, or administrators). These methods, however, provide a method for documenting the empirical factors that affect staffing decisions and provide a baseline for making workload projections.

In 1990, workload estimates were made to establish staffing standards for juvenile court services in North Dakota. After considering and rejecting both *workload standards* (no applicable existing standards) and *relative caseloads* (insufficient or unreliable data) as the basis for estimating workload, it was determined that the most appropriate method would be to base workload estimates on total population. Using population as the basis for staffing requires a fairly homogenous population and relatively similar cases across jurisdictions. It was determined that both of these conditions existed in North Dakota and that population was the most objective and most defensible standard for making staffing decisions. Using this method, it was determined that there should be:

- one court reporter or clerical staff per judge and 3.5 clerical court reporter staff per 100,000 population in each district; and
- seven (7) other professional staff per 100,000 population in each district (“other” professional staff may include law clerks, referees, administrators, and juvenile court officers²).

These determinations were made with two important caveats. First, the standards were intended as a method for comparing staffing levels and not as indicators of optimal staffing levels. Second, the establishment of standards based on juvenile court workload (as opposed to judicial district population) required a clear articulation of juvenile court mission, objectives, and strategies across judicial districts.

The goals of the current effort are to estimate and compare workloads under the existing model for juvenile justice and to estimate workload requirements under a balanced and restorative justice model. Three strategies have been employed for this purpose. First, a time / task analysis survey was conducted by the Office of the State Court Administrator to determine current levels of effort required for specific common tasks of juvenile court officers (e.g., detention hearings, juvenile court intake, filing petitions, conducting group sessions with probationers). Second, a meeting of the Juvenile Court Directors was held to establish consensus regarding procedures and time

² Wallace, Greg and Gladden, Ted. “Staffing Standards Summary.” Memo to the Salary and Classification Subcommittee and Presiding Judges. August 10, 1990.

requirements common to each of the Judicial Districts. Third, a comparison of available juvenile court staff for the at-risk juvenile population in each of the Judicial Districts was conducted.

Results of the Time Task Analysis. A juvenile court time study was conducted by the North Dakota Office of the State Court Administrator. The time study covered the three week period between November 1, 1998 and November 21, 1998. The purpose of the study was to determine how much time is necessary to carry out the various mandates on juvenile court services. Specifically, the time study was designed to take a one-time snapshot of the time demands on juvenile court services officers.

To capture this information, juvenile court services officers were asked to record their daily activities on a time-line broken into 15 minute intervals. They were instructed to select from a menu of common tasks performed by juvenile court service officers (see table below) and to document when the task was initiated and when it ended. In this way, the AOC documented the frequency of the various tasks and how long it takes to complete these tasks.

To facilitate the completion of the timelines, a "site-expert" was assigned for each district to answer questions regarding how to complete the timelines. Activities specified in the time – task survey included detention hearings, referral intake, diversion conferences, formal hearings, completing formal petitions, conducting informal adjustments, and collateral contacts. The results of the time – task survey are summarized in Table 1 below.

Preliminary analysis of the results of the time – task survey revealed a number of critical issues, including:

- Probation officers report only eight (8) hours of direct contact with probationers each week.
- On average probation officers will see (i.e., have direct contact with) 16 to 18 probationers a week.
- Typically, probation officers meet with their probationers for twenty to thirty minutes.
- Probation orders tend to lack specificity which allows probation officers to have a high degree of discretion regarding supervision in the community.
- Probation caseloads appear to be increasing.
- To address increasing caseloads, juvenile court service agencies are increasingly developing community based services to meet the needs of probationers in the community.

Director's Meeting. On December 2 – 3, 1998, Juvenile Court Directors in North Dakota's seven Judicial Districts met in Bismarck to review current practices in juvenile court services, identify standard operating procedures, and review basic principles of the balanced and restorative justice model. The juvenile court directors served as the expert panel for determining standard operating procedures for several common tasks expected of juvenile court service officers, including preparing for and participating in detention hearings, conducting referral intakes, conducting diversion conferences, preparing formal petitions, conducting informal adjustments, and carrying out various tasks associated with juvenile probation services.

Table 1: Summary Results of Time Task Analysis		
Specified Activities	Description of Activities	Estimated Staff Time per Activity
<i>Detention Hearing</i>	Making a determination regarding detention status (e.g., remain in detention or return home) – contacts with juvenile, parents, police, agencies and actual court time.	32 minutes
<i>Referral Intake</i>	Making a determination regarding how the case should be processed by the juvenile court (i.e., diverted, handled formally, etc.) - collateral contacts with victims and parents.	12 minutes
<i>Shelter Care</i>	Activities related to shelter care of deprived children (caused by parental behavior) or issuing temporary custody orders.	27 minutes
<i>Diversion Conference</i>	Diverting cases from the court system (e.g., court officer perform informal intervention, short of informal adjustment).	25 minutes
<i>Formal Hearings</i>	Activities related to formal hearings, to include travel and waiting time.	48 minutes
<i>Formal Petition</i>	Activities related to formal adjudicative, dispositional, or review hearings. To include preparation of petitions, contacting attorneys, parents, and agencies.	29 minutes
<i>Informal Adjustment</i>	Conducting informal adjustments - preparation, conducting, paperwork, time spent with collateral contacts.	37 minutes
<i>Keys Group</i>	Facilitating "Keys" Group Sessions of 10 12 youth per session, including preparation time.	28 minutes per session
<i>Probation Supervision - Administrative Tasks</i>	Administrative responsibilities of probation officers (e.g., paperwork, reports, letters, police reports, agency reports, meetings with supervisors).	20 minutes
<i>Direct Probation Supervision</i>	Activities associated with meeting directly with probationers or phone contacts, directly supervising youth in the community, group activities, or arranging community service hours.	26 minutes
<i>Collateral Contacts</i>	Contacting parents, teachers, social workers, attorneys, or other persons essential to supervising youth on probation.	20 minutes
<i>Probation Recommendations</i>	Preparing social histories or recommendations for formal hearings relating to the disposition of a case.	17 minutes

A researcher from the National Center for Juvenile Justice facilitated the discussion of current and future juvenile court service practices. These discussions were designed to discuss general perceptions of current juvenile justice practices in North Dakota, identify universal tasks of juvenile court service officers, achieve consensus regarding general procedures for completing these tasks, and review basic principles of the balanced and restorative justice model as applied to juvenile court services in North Dakota.

When asked about their perceptions of the nature of delinquency in North Dakota and the characteristics of the juveniles referred to the juvenile court, the Directors indicated that youth being referred to the juvenile court were younger and were committing less serious offenses than in the past. They attributed these perceptions to a “zero tolerance” across the state for very minor offenses – tobacco violations, curfew violations, status offenses, and truancy. At the same time, however, the Directors indicated that the children being referred to the juvenile court are exhibiting increasingly serious emotional, behavioral, and mental dysfunctions. While the “zero tolerance” policies are reducing the criteria for formal and informal juvenile court involvement, they are at the same time increasing the number of youth being processed by the juvenile court who would otherwise not come to the attention of the court or be handled by other social agencies.

When asked about the current mission of the juvenile courts in North Dakota the Directors were unanimous in their agreement that juvenile court services in North Dakota are based on a traditional *parens patriae* model that emphasizes rehabilitation and social work (as opposed to retribution and law enforcement). This perception is reinforced by the documented number of cases handled informally and the willingness, indeed the sense of duty, among the juvenile court directors to intervene informally in all sorts of circumstances ranging from requests from parents to accepting (both formally and informally) the youth rejected by other human service agencies. The juvenile courts in North Dakota are perceived by their Directors to be the catch-basin for many of the troubled, abused, and neglected youth in their communities, regardless of their status as delinquents or non-delinquents.

While time did not permit a full discussion of all of the common tasks performed by juvenile court service officers, several common tasks were identified and discussed. Among these were diverting cases, making informal adjustments, assigning informal probation, adjudicating formal probation, and handling unruly and deprivation cases. There appeared to be a high degree of agreement among the Directors regarding the critical tasks of juvenile court services and how to conduct those tasks. Similarly, while no state-wide standards or criteria were mentioned, there was widespread agreement and uniformity among the Directors regarding decision criteria for handling cases informally versus handling them formally.

Informal or Diverted Cases. It was estimated (and juvenile court data confirms) that 80% of the referrals to the juvenile court are handled informally or diverted prior to filing a petition. The decision to handle these cases informally is made by juvenile court services staff. There are no standard criteria for the determination to handle a case informally. However, all of the juvenile court directors agreed that they make these decisions in similar fashions. Common decision criteria include the age of the youth, the seriousness of the offense, the number of prior offenses, and the attitude of the youth. The types of offenses for which youth are commonly diverted or informally adjusted include tobacco violations, curfew violations, shoplifting, minor assaults (fights), and unruly behavior. Some, but not all, districts will informally adjust (under special circumstances) certain felonies and driving under the influence charges.

Diverted cases may result in a letter from the juvenile court, a referral to another agency, community service, or a conference with juvenile court staff and family members. It was estimated that, on average, it takes about ten minutes of juvenile court services time to divert a case.

Informal adjustments are defined as non-judicial proceedings that result in a consensual agreement between the juvenile court and the juvenile. Juveniles are, however, afforded the same rights that would be available to them if a formal petition were filed (e.g., right to an attorney). There were some minor inconsistencies in the ways that

informal adjustments are implemented across the jurisdictions, however, these inconsistencies did not appear to warrant further discussion. Informal adjustments are not used in the event of serious felonies or the manufacture or delivery of drugs.

Informal probation is used extensively in North Dakota. About one quarter of all cases referred to the juvenile court in 1997 resulted in informal probation. Informal probation results after a petition has been filed on a youth and he agrees to conditions of probation in lieu of a formal adjudication. Again, there are no formal or written criteria for determining which youth are eligible for informal probation. There does, however, appear to be consensus among the Directors regarding what conditions are appropriate for assigning informal probation.

Informal probation, in its execution, is very similar to formal probation. Juvenile court service officers treat formal probationers and informal probationers in similar fashions. Informal probationers, however, may be younger, they may have committed less serious offenses, and they may have had fewer contacts with the juvenile justice system. Because of the uncertainty regarding the specific characteristics of youth placed on informal versus formal probation, there was agreement among the Directors that a closer look at the characteristics of formal and informal probation is warranted.

Filing Petitions. Juvenile court staff, as a matter of both expediency and tradition, have taken-on the responsibility for preparing juvenile court petitions. This is a time consuming and complicated task that includes reviewing police reports, drafting the petitions, serving process, arranging for witnesses to be served subpoenas, making collateral contacts, and briefing both State's Attorneys and defense (or contract) attorneys. While there was not a firm estimate of the staff time required to prepare petitions, most agreed that, on average, it may take as many as 3 hours of staff time to prepare and file a petition.

The propriety of having officers of the court serving this function was widely questioned among the Directors. Not only is this an extremely labor intensive task and time consuming task, but it was thought that this is a task more suitable to staff from the State's Attorneys Office. The social investigations of youth referred to the juvenile court are considered particularly time consuming as they involve interviewing witnesses, talking to victims, constructing a social history, and preparing a report. There is consensus among the Director's that the legality and propriety of juvenile court staff preparing petitions should be critically assessed and re-evaluated.

Deprivation and Unruly Cases. There was almost universal consensus that deprivation and unruly cases should be removed from the jurisdiction of juvenile court services and placed in the domain of children and family services. Current practice across all juvenile court districts is to intervene in these cases only when all other options have been exhausted. It was estimated that deprivation cases, while accounting for less than 10% of the total caseload, may take as much as a quarter of an administrators time to process.

Juvenile Court Directors will, on occasion, conduct an informal adjustment on behalf of the parents of unruly youth. While relatively rare (perhaps as few as four cases a month), it was estimated that an informal adjustment for an unruly youth may take as long as two hours to arrange, complete and follow-through.

Results of the Comparative Analysis. The ratio of juvenile court services staff against the juvenile population between the ages of 10 and 17 in each judicial district was calculated as a means of comparing the relative staff resources across judicial districts. The results of these calculations are represented in Table 2.

<i>Judicial District</i>	<i>Total Number of Court Services Staff</i>	<i>Total Population Aged 0 – 17</i>	<i>Ratio of Staff Per Population 0 – 17 1 STAFF PER</i>
Northwest	8	26,949	3,362
Northeast	6.5	24,105	3,708
Northeast Central	6.5	21,924	3,372
East Central	6.5	30,284	4,659
Southeast	5.5	21,570	3,318
South Central	6.5	36,770	5,656
Southwest	2.5	11,120	4,448
Totals	42	171,827	4,091

Another way to look at the population figures is to project staff based on the state average of 4,091 children per staff.

	EC	NE	NEC	NW	SC	SE	SW
Population	30,289	24,105	21,924	26,949	36,770	21,570	11,120
Project Standard	7.3	5.8	5.3	6.5	8.9	5.2	2.6
Allocation	6.5	6.5	6.5	8.0	6.5	5.5	2.5
Difference	-.8	+.7	+1.2	+2.5	-3.4	+.3	-.1

Conclusions

Several observations emerged from the review of the available data, the results of the time study, and the meeting of the Juvenile Court Directors regarding staffing standards, roles and responsibilities of juvenile court staff, and the transition to the Balanced and Restorative Justice Model.

Regarding staffing standards, several observations were made. First, there appears to be a great deal of uniformity across the juvenile court districts in terms of how they currently do the work of the juvenile court. Given the opportunity to discuss implementation of a wide range of tasks (e.g., intake to aftercare) the Juvenile Court Directors were far more likely to agree on the specifics of implementation than to disagree. In the rare cases when they disagreed, the disagreements were over minor procedural issues that were well within the tolerable limits of procedural flexibility – very often they amounted to semantic differences. In general, the Directors were able to agree on virtually all of the substantive definitions of the tasks and the procedures required to accomplish them.

The second observation regarding staffing standards is that more detailed and empirical observations are required. The culling of expert opinion, while a useful tool for starting an inquiry, is not adequate to the task of providing the information required to establish workload standards. For example, several critical questions were actually generated by the Directors – What are the characteristics of the youth being processed by North Dakota's juvenile courts? How much staff time is devoted to filing petitions? How does informal probation compare to formal

probation? What are the effects of “zero tolerance” for minor offenders? Does this “zero tolerance” truly exist? What are the outcomes of the diverted and informal cases?

The third observation regarding staffing standards is that a valid and reliable staffing model should be developed to confidently estimate staffing needs in the various judicial districts. However, the model developed, in addition to taking advantage of the best available information, should also reflect the power of policy decisions to render impotent the most sophisticated staff projection model. The staffing model should be considered only as a point of departure and not the final word in making staff allocations. Phase II of this project will concentrate on developing this model and will include consideration of a major policy shift in the state – the adoption of the Balanced and Restorative Justice model for juvenile court services.

Regarding the roles and responsibilities of juvenile court staff, there appears to be a wide range regarding what is considered appropriate for juvenile court service officers in North Dakota. Currently, the juvenile court acts as a catch-basin for a wide range of youth with a wide range of issues beyond delinquency. For example, juvenile courts in North Dakota informally handle thousands of cases of unruly behavior each year, they prepare petitions for youth to appear before the juvenile court judge, they conduct informal adjustment hearings for unruly children, and they handle deprivation cases after all other options have failed.

There is nothing particularly right or wrong about this, but it does have implications for projecting staffing needs. If this is by design, the courts should be staffed accordingly (i.e., have adequate staff with appropriate training to handle a wide range of cases). If this is by default, it will be difficult to plan adequately for all the contingencies that may be imposed on juvenile courts across the state.

Regarding transition to the *balanced and restorative justice model* for juvenile court services, several observations are noteworthy. First, one should not underestimate the magnitude of change required to successfully design and implement a system of juveniles justice based on the principles of Balanced and Restorative Justice across the state. This represents a fundamental change in the purpose and direction of juvenile justice in North Dakota and requires, at a minimum, a revision of the existing juvenile justice mission. It is likely to require intensive planning, both state-wide and at the local level; a great deal of training and technical assistance; and a high degree of coordination state-wide and locally.

Second, of the three primary goals of Balanced and Restorative Justice - accountability, community protection, and competency development – North Dakota, like many jurisdictions making this transition, will need to focus most heavily on accountability. Upon review of the component parts of balanced and restorative justice, the juvenile court directors expressed a great deal of familiarity and comfort with the concepts of community protection and competency development. Accountability, especially as it relates to the needs, concerns, and rights of victims, while not a foreign concept, is the one that generated the most discussion. Indeed, there was general agreement that the least developed component of balanced and restorative justice had to do with actively involving victims in juvenile justice matters in a meaningful way.

Finally, a well conceived plan to develop and implement balanced and restorative justice initiatives in North Dakota is required. Developing such a plan is likely to require the following specific tasks; 1) a thorough review of the available data regarding the current state of juvenile case processing in North Dakota; 2) an systematic and critical accounting of the existing continuum of resources available to juvenile courts state-wide and within judicial

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districts; 3) a planning conference that addresses new goals for juvenile court services in the state and new roles for probation under the balanced and restorative justice model; 4) training modules that apply balanced and restorative justice to the day-to-day procedures of juvenile court service officers; 5) district-level planning to design a strategy for implementing balanced and restorative justice at the local level; and 6) careful coordination of planning, training, and implementation.

JUVENILE COURT TIME STUDY

Caseload and Workload Measures

In addition to population, caseloads and workloads may be used as a method of comparing staffing levels. The development of these measures included a site visit to six of the seven districts, a time study completed by all court officers from November 1-21, 1998, an analysis of referrals and case processing for 1998, and development of workload standards.

Site Visits

How cases are processed, which juveniles are placed on probation, and what administrative procedures are in place, all affect staffing needs. For example, a policy decision to process every felony by filing a petition impacts staff time. Obviously, which juveniles are placed on probation effect the need for probation officers. These are just two examples of variables that need to be considered in developing staffing standards.

As discussed earlier, some of the variables are within the control of the court, others are, at least in part, are controlled by the community. Through a series of meetings over the last three years, the juvenile court offices have been moving to more common practices, but differences do exist.

In November, 1998, as part of the development of staffing standards, district meetings of juvenile court personnel were held. The meetings were held to document formal and informal practices; formal and informal decision making criteria; and administrative practices and procedures effecting staffing needs. It was important to have all the juvenile court officers at these meetings. In a number of instances, it was found that what was thought to be a court practice did not follow through in implementation.

At these meetings, initial time and activity estimates were also discussed. For example, court officers were asked to estimate how long face to face probation meetings took and how often the meetings took place. They generally agreed that most face-to-face probation meetings lasted from 20-30 minutes and that they were expected to see probationers once every two weeks.

The court officers were also asked whether probationers could be put into high, medium, and low risk categories, based on the seriousness of the offense and offense history, with hours assigned based on category. The court officers universally agreed that type of offense does not determine time spent on a case, nor does whether the case is handled informally or formally. They agreed that a "good" burglar takes much less of their time than a "runaway".

The meetings also addressed where and how each district was in implementing balanced and restorative justice and the perceived effect implementation would have on workload. There is a common believe that implementing the "balanced" philosophy is a positive step forward, but there is equal concern with staffing implication. The district meetings served as a basis for a statewide planning meeting which was held in January.

Findings of Site Visits

A. Criteria Used in Determining How Cases are to be Handled

None of the courts had formal written criteria to determine if a case is diverted from the system, handled through an informal adjustment or handled through the filing of a petition.

However, all courts consider the following factors: seriousness of current charge, age of the child and previous offense history. If the child had previous contact with the court, the success of probation or program referred to and cooperativeness of child and parent were also considered.

B. Processing Minor Offenses.

It is common practice to divert first time minor offenders to local programs. However, each court also looked at factors which might be an indication of problems beyond the current charge. For example, it might be a practice of a court to divert first time shoplifters to a program; however, if the child was eleven years old and the shoplifting took place at three in the morning, the court may decide to bring the child and parents into informal adjustment conference.

While all courts wished to maintain discretion at the individual processing level, they also agreed that the standard practice for first time minor offenders should be to divert from the system. After the site visits were completed, the following matrix was agreed to by the directors of juvenile courts.

First Time Offender:

Charge	Method of Disposition	Results
Curfew	letter to parent	no further contact
Tobacco	letter to parent	referred to tobacco education program
Minor in Possession	informal adjustment	referred to MIP class - no probation; follow-up to ensure attendance
Shoplifting	informal adjustment	referred to "yes" program - no probation; follow-up to ensure completion

The courts have, in fact, put their decisions in practice. The 1998 data indicates that the diversion or informal adjustment is the preferred method of disposition.

Offense - Percent deferred or handled informally without probation:

- curfew - 87%;
- possession of alcohol - 49%;
- shoplifting - 71%;

- tobacco purchase - 85%.

For a breakdown by district, see Table 1 in the Appendix.

Unruly:

All court officers agreed that unruly cases are some of the most difficult to work with. They also agreed that the cases should not be handled by the juvenile court offices, if at all possible. The court officer is often placed in the position of acting as parent to the child.

The site visits indicated that all the courts require parents and the child to "exhaust" other community resources before the matter will be handled by the juvenile court. This means that the parents must show that they have attempted family counseling, parent education, or have a referral from another family/child professional in the community.

C. Petitions

All the juvenile court offices are involved in the petition in some manner, even though all agree that duties surrounding the petition should be in the state's attorney's office. Unfortunately, the duties of preparing the petition, serving parties, contacting witnesses, etc., is not clearly defined. As a result, local practice has developed where duties are shared between the juvenile court office and the state's attorney. Absent a legislative mandate defining the duties relating to preparing petitions, these practices will not change.

Time Study

In addition to site visits, a time study was conducted to gather information relating to processing times. Forty juvenile court officers participated in the study, which was conducted from November 1, 1998, through November 21, 1998. Though one day was lost due to the Veteran's Day holiday and from half a day to one full day due to weather in Grand Forks and Fargo, in follow-up interviews with directors of juvenile courts, the time period seemed to reflect the general course of business of the courts.

The time study was designed by the state court administrator's office with assistance of an ad hoc advisory committee made up of one officer from each district. The representatives were balanced for size of office and position, i.e., director versus probation officer. For ease of use, the study mimicked, in form, time study the court officers complete on a quarterly basis to capture federal dollars for the state. Officers noted what their activities were in 15-minute blocks, according to specified categories. See Table 2 in the Appendix for a list of the categories.

The timesheets were sent to the state court administrator's office where they were reviewed, entered into a database, and analyzed. Follow-up phone calls were conducted in cases of ambiguous or conflicting data. A total of 4463.17 hours were accounted for. Subtracting out leave and storm closures, 3875 hours of work related activities were documented. This accounts for 32.3 hours of work per week for each participant. When annual leave, sick leave, and holidays are subtracted from available work hours, on average, an employee can be expected

to work 33.5 hours per week (See Table 3 - Appendix). The difference in expected hours available and reported hours is due primarily to storm closures.

The following table shows the amount of time devoted to those activities in hours.

TOTAL TIME FOR ACTIVITIES IN HOURS

Total Time for Activities in Hours								
	EC	NE	NEC	NW	SC	SE	SW	Total
Detention Hearing	16	16.8	8.8	32	11.8	15.3	2.3	102.8
Diversion Conference	9.5	12.3	1.3	10.5	7.8	13.3	3.8	58.3
Formal Hearing	7.6	32	28.3	16	12.5	25.3	10.8	132.5
Formal Petition	5.6	40.8	30.5	99.6	22	38.8	30.3	267.8
Informal Adjustment	21	32.5	57	75	80.5	64.8	43.3	374
Keys Group	11	35.5	10.8	0	0	9.3	24	90.5
Other Case	52.6	34.8	9.3	41.8	33.3	18	14	203.8
Other General	107.5	108.3	84.8	112.5	107.1	112.8	32.8	665.6
Other Public	61.5	18.5	26.5	17	9.3	20	2.3	155
Probation Administration	144.5	56.5	49.5	117.6	91.8	79.1	38.3	577.2
Probation Collateral	48.5	14	63.8	54.8	46	38.3	23	288.3
Probation Group	0	0	0.3	0.8	0	1	0.3	2.3
Probation Meeting	86	30.8	45.3	86	55.8	34.8	25.8	364.3
Probation Recommendations	9.3	18.3	25.3	17.5	3.3	10.8	5.3	89.5
Referral Intake	29	31.5	30.5	26.3	33.5	12.8	12	175.5
Shelter Care	14.3	9.3	2.3	5.8	6	8.3	1	46.8
Travel	43	57.3	21	39.3	24.3	72.8	23.8	281.3
Total	667.3	548.8	494.8	752.3	544.6	574.8	292.5	3875

While total hours spent on the activities provides some general information, a comparison of staff time as a percent of work hours available is also helpful.

The following table represents the percent of work time spent on specific duties per district.

Percent of Staff Time Available Spent on Activity

Type of Activity	EC	NE	NEC	NW	SE	SC	SW	State Ave
DH - Detention Hearing	2.4	2.4	1.8	4.3	2.7	2.2	.8	2.7
RI - Referral Intake	4.4	5.9	6.2	3.5	2.2	6.2	4.1	4.5
SC - Shelter Care	2.1	1.1	.5	.8	1.4	1.1	.3	1.2
DC - Diversion Conference	1.4	1.3	.3	1.4	2.3	1.4	1.3	1.5
FP - Formal Petition	.9	6.8	6.2	13.3	6.7	4.0	10.3	6.9
FH - Formal Hearing	1.2	5.8	5.7	2.1	4.4	2.3	3.7	3.4
IA - Informal Adjustment	3.2	8.6	11.5	10.0	11.3	14.8	14.8	9.7
KG - Keys Group	1.7	4.4	2.2	0.0	1.6	0.0	8.2	2.3
PA - Probation Administration	21.7	10.2	10.0	15.6	13.8	16.9	13.1	14.9
PC - Probation Collateral	7.3	7.5	12.9	7.3	6.7	8.5	7.9	7.4
PM - Probation Meeting	12.9	7.3	9.2	11.4	6.1	10.2	8.8	9.4
PG - Probation Group	0.0	0.0	0.0	.1	.2	0.0	.1	.1
PR - Probation Recommendation	1.4	4.2	5.1	2.3	1.9	.6	1.8	2.3
T - Travel	6.4	7.5	4.2	5.2	12.7	4.5	8.1	7.3
OC - Other Case	7.9	4.2	1.9	5.6	3.1	6.1	4.8	5.3
OG - Other General	16.1	18.5	17.1	15.0	19.6	20.0	11.2	17.2
OP - Other Public	9.2	4.3	5.4	2.3	3.5	1.7	.8	4.0

An even clearer picture of how court officers spend their time is presented when the activities are collapsed into nine general categories.

The following table represents percent of work time, by general category, by district:

Percent Staff Time Spent on Type of Activity

Type of Activity	EC	NE	NEC	NW	SE	SC	SW	State Ave
Intake	4.4	5.9	6.1	3.5	2.2	6.2	4.1	4.5
Detention	4.5	3.6	2.2	5.0	4.1	3.3	1.1	3.9
Diversion	1.4	1.3	.3	1.4	2.3	1.4	1.3	1.5
Formal Hearings	2.0	12.6	11.9	15.4	11.1	6.3	14.0	10.3
Informal Adjustment	3.2	8.6	11.5	10.0	11.2	14.8	14.8	9.7
Probation	45.0	33.5	39.6	36.9	30.3	36.3	40.2	36.4
Travel	6.4	7.5	4.2	5.2	12.7	4.5	8.1	7.3
Other Case	7.9	4.2	1.9	5.6	3.1	6.1	4.8	5.3
All Other	25.3	22.8	22.5	17.2	23.1	21.4	12.0	21.2

See Table 4 in the Appendix for an explanation of how activities were grouped.

Discussions of Time Study Information

Travel

The reported travel time appeared inconsistent with the perception of the makeup of the districts.

The more rural districts, in order to provide the same level of service to outlying counties as the chambered counties, would appear to need to travel more. Though differences were reported, they were not as great as expected. This may be somewhat attributable to attempts to use time as efficiently as possible. For example, court officers will meet probationers at their school or at a community center in outlying schools.

To validate reported travel time, travel vouchers and state fleet usage records for May, 1998, were checked. The results are shown in the following table.

Travel as a Percent of Available Staff Time

	EC	NE	NEC	NW	SC	SE	SW	State
Time Study	6.4	7.5	4.2	5.2	4.5	12.7	8.1	7.4
May, 1998	5.0	9.4	6.9	6.1	3.5	10.3	11.4	7.1
Average of Two Methods	5.3	8.4	5.1	5.4	3.9	10.7	9.1	7.3

Formal Petitions

As was discussed in the site visits, one of the most difficult issues in terms of allocating staff time is preparation of petitions. Most court officers agree that the preparation of the petition, especially drafting the document itself, belongs with the state's attorney. However, the duty is not specifically identified in law as a duty of the state's attorney. In many areas of the state, juvenile court officers are drafting the document. In all districts, some type of working arrangement has been made where the juvenile court office is involved in some aspect, ranging from typing, to contacting witnesses, to serving parties. As a result, petition related work requires a considerable amount of staff time, nearly 7% of the work hours available.

Ideally, the judiciary would adopt a standard that juvenile court officers not prepare petitions. However, experience tells us that the petitions will not get done or there will be significant delays in getting the petition prepared. Absent the specific law stating that the state's attorney must prepare petitions, the courts will need to continue to account for staff time in this area.

Probation

One of the key findings of the time study was the expenditure of time in probation related duties.

Total Time for Activities in Hours

	EC	NE	NEC	NW	SC	SE	SW	Total
Probation Administration	144.5	56.5	49.5	117.6	91.8	79.1	38.3	577.2
Probation Collateral	48.5	14.0	63.8	54.8	46.0	38.3	23.0	288.3
Probation Meeting	86.0	30.8	45.3	86.0	55.8	34.8	25.8	364.3
TOTAL	279.0	101.3	158.5	258.3	193.5	152.1	87.0	1229.7

As a standard, court officers are expected to see each probationer once every two weeks. The average probation meeting takes 26 minutes.

In all districts, face-to-face meetings with probationers amounts to about 30% of the time spent within this category. Two-thirds of the court officer's time is spent on the related categories of probation administration and collateral contacts. Duties within this category include:

1. Arranging Services - This might vary from arranging attendance at a minor in possession class, to contacting the agency running the program, ensuring release of information is signed, etc., to arranging placement at the state hospital, which may take 8-10 hours of a court officer's time.
2. Tracking compliance with conditions of probation, including following up on restitution, attendance at programs and services, attendance at school, etc.
3. Contacting collateral sources, including parents, teachers, counselors, victims, etc.

When reviewing time requirements for carrying out probation supervision duties, collateral contacts, tracking cases, and follow-up must be taken into account.

Besides showing how juvenile court officers spend their time, the time study provides data in terms of how long it takes to perform tasks.

Average Time to Complete Activity in Minutes

Type of Activity	EC	NE	NEC	NW	SE	SC	SW	State Ave
DH - Detention Hearing	27	22	23	54	29	33	67	32
RI - Referral Intake	12	11	10	8	11	13	27	12
SC - Shelter Care	21	27	27	26	55	27	20	27
DC - Diversion Conference	19	27	37	45	22	24	25	25
FP - Formal Petition	34	24	24	42	23	23	31	29
FH - Formal Hearing	24	45	42	56	60	57	71	48
IA - Informal Adjustment	48	24	21	52	32	49	55	37
KG - Keys Group	17	24	10	52	46	49	55	28
PA - Probation Administration	15	18	17	42	20	18	23	20
PC - Probation Collateral	16	15	14	25	24	18	21	18
PM - Probation Meeting	19	27	25	34	21	28	35	26
PG - Probation Group	19	15	15	45	60	28	15	33
PR - Probation Recommendation	17	12	8	28	46	27	35	17
OC - Other Case	20	18	14	30	15	18	26	20

Type of Activity	EC	NE	NEC	NW	SE	SC	SW	State Ave
OG - Other General	33	45	40	38	50	44	37	41
OP - Other Public	73	108	88	56	70	92	135	79

The time study was helpful in determining how offices spent their time and how long it took to complete activities. With few exceptions, the amount of time spent on individual activities and the percent of staff time devoted to activities was consistent across the districts.

For purposes of staffing standards, the state average of minutes per activity will be used.

Case Processing

The method by which cases are processed affects staffing needs. Some of the decisions on how cases are processed, such as whether a juvenile is placed on informal probation, are decisions the courts may make. Others, such as who is placed in detention, whether a case is processed formally, or whether a case is even referred to the juvenile court, are often beyond the control of the juvenile court.

Community efforts affect the workload of the court. For example, Bismarck and Mandan have established a Police Youth Bureau which handle almost all first and second time minor offenders. This results in considerable time savings to juvenile court staff (about 1,000 cases were handled in this manner in 1998).

Table 5 in the Appendix shows the primary reasons for referral to the juvenile court. A referral is defined as offenses handled at the same time, i.e., the informal adjustment conference. Thus, a juvenile who was referred for burglary and minor in possession when the charges are handled together, would be counted as one referral (the referral is coded under the more serious offense). If the charges come at different times and were disposed of on different dates, each offense is counted as a referral.

The method of disposition on a district by district basis for 1998 may be found in Table 6 of the Appendix..

Using the referral and disposition data, a staffing comparison based on caseload may be developed as follows.

	EC	NE	NEC	NW	SC	SE	SW	Total
Referrals	2082	1716	1572	2017	2036	1478	616	11,517
Projected Staff	7.5	6.3	5.8	7.4	7.4	5.4	2.2	42
Current Allocation	6.6	6.5	6.5*	8	6.5	5.4	2.5	42
Difference	-.8	+.2	+.7	+.6	-.7	0	+.3	0

*Currently filled as 5 permanent; 1 temporary; ½ unfilled.

The table is based on 274 referrals (the state average) per court officer. The cases diverted to the Police Youth Bureau in the South Central district were subtracted from the state average and from the South Central district.

Workload Data

A third method of determining staffing standards is to look at "workload". The measures combine reported time to complete activities (time study) and case processing information (1998 data).

There are some limitations to this process. Information relating to referrals and dispositions are collected, but information relating to events within the referral, such as shelter care hearings, detention hearings, is not universally collected. However, the time study does give some indication of the time devoted to such activities.

Workload standards are based on activities which reflect the practice in place, not necessarily the best practice. For example, the chart below allocates time to formal hearings. Thus, those districts which process a higher percentage of cases formally will be allotted more time than those that use the informal process to a greater degree. However, the decision to proceed formally is not that of the judiciary alone.

Additionally, the juvenile court perform a number of activities that are not documented in statistics. It is common for a school or a social service agency to ask the court to meet with a parent and child to explain the process and consequences of an unruly or deprivation petition. While not documented, the court officers believe that these meetings often save significant time in the future. Again, these meetings are not recorded in statistics and no case file is opened. The time study and site visits indicate considerable time is devoted to those functions.

Despite these shortcomings, time to complete activities may be merged with referral information. The following charts show the results of using workload measures to project staff.

WORKLOAD DATA - 1998								
HOURS NECESSARY TO COMPLETE TASKS PER MONTH								
	EC	NE	NEC	NW	SC	SE	SW	TOTAL
Caseload Activities	806.0	460.0	460.0	690.0	660.0	479.0	153.0	3708.0
Travel	51.0	77.0	50.0	61.0	33.0	88.0	41.0	401.0
Detention- Shelter Care	28.0	22.0	21.0	22.0	33.0	21.0	10.0	157.0
Public Contact	35.5	35.0	35.0	43.0	35.0	29.1	13.5	226.0
Other General	150.9	148.6	148.6	182.9	148.6	123.5	57.2	960.3
Other Case	35.5	35.0	35.0	43.0	35.0	29.1	13.5	226.0
TOTAL HOURS	1106.9	777.6	749.6	1042.0	944.6	769.6	288.1	5678.3
Staff Hours Available	887.7	874.2	874.2	1076.0	874.2	726.3	336.2	5649.0
Allocated Staff	6.6	6.5	6.5	8.0	6.5	5.4	2.5	42.0
Projected Staff	8.2	5.8	5.6	7.7	7.0	5.7	2.1	42.2
Difference	-1.6	0.7	0.9	0.3	-0.5	-0.3	0.4	-0.2

Table 7 in the Appendix shows the result of applying time standards against specific events. For example, allotting 37 minutes for each informal adjustment means that 3225.6 hours is necessary to hold informal adjustments every year on a statewide basis. (Tables 8 through 15 show the breakout per district.) An explanation of how the time allotments were applied may be found in Table 16.

Summary and Staffing Recommendations

Three methods of looking at staff were reviewed. Each has its drawbacks.

Population:

Distributing staff based on population assumes a homogeneous population; that policies outside the courts control (i.e., arrest and referral practices, involvement of the state's attorney, etc.), are consistent; and that travel is not a factor.

Caseload:

Caseloads more accurately reflect the arrest practices of a district, but still ignore travel requirements and decisions of the prosecutor.

Workload:

Workload data does take arrest and referral practices and decisions of the prosecutor into account. However, this method has inherent biases. For example, the East Central district processed 43% of its cases formally, compared to a state average of 23%. This, of course, adds significant weight to that district in terms of hours needed to complete tasks.

The three methods viewed together show:

Projected Staff Based on Three Methods

	EC	NE	NEC	NW	SC	SE	SW
Population	7.3	5.8	5.3	6.5	8.9	5.2	2.6
Caseload	7.5	6.3	5.8	7.4	7.4	5.4	2.2
Workload	8.2	5.8	5.6	7.7	7.0	5.7	2.1

Current Staff Allocation

	EC	NE	NEC	NW	SC	SE	SW
Population	6.6	6.5	6.5	8.0	6.5	5.4	2.5

The three methods, while different in actual numbers, reflect the same general pattern. The East Central and South Central districts appear consistently low in staff. Under current allocation patterns, the Northeast Central district is consistently high. The remaining districts fall in-between, depending on the method used.

At this point, caseload is perhaps the best method of projecting needs, and is recommended as the standard. If accepted, filling a full-time position in the Northeast Central and a half-time position in the Northeast district results in the following:

	EC	NE	NEC	NW	SC	SE	SW
Caseload Projection	7.5	6.3	5.8	7.4	7.4	5.4	2.2
Proposed Staff	6.6	6.5	6.0	8.0	6.5	5.4	2.5
Difference	-.9	+.2	+.2	+.6	-.9	0	+.3

This leaves a .5 FTE to be placed with either the East Central or South Central district.

Appendix

Table 1 - 1998 Method of Disposition

	EC	NE	NEC	NW	SC	SE	SW	TOTAL
Curfew								
Diverted	28	29	10	18	66	11	2	164
Formal	3	1	2	5	1	0	0	12
Formal Probation	0	0	0	2	0	0	0	2
Informal	7	40	6	50	20	16	2	141
Informal Probation	1	1	6	16	5	2	0	31
Total	39	71	24	91	92	29	4	350
Possession of Alcoholic Beverage								
Diverted	14	18	10	15	59	8	0	124
Formal	43	19	17	20	3	10	0	112
Formal Probation	39	20	5	12	2	13	0	91
Informal	30	304	176	126	52	206	22	916
Informal Probation	230	76	50	244	72	188	5	865
Total	356	437	258	417	188	425	27	2108
Shoplifting								
Diverted	85	7	6	4	148	0	1	251
Formal	18	1	1	6	3	3	2	34
Formal Probation	6	1	2	0	1	1	0	11
Informal	20	88	125	97	16	27	10	383
Informal Probation	68	14	10	73	28	24	1	218
Total	197	111	144	180	196	55	14	897
Tobacco Purchase/Smoking								
Diverted	52	21	108	97	0	4	16	298
Formal	5	0	3	5	0	1	3	17
Formal Probation	0	0	1	2	0	1	0	4
Informal	5	22	13	51	0	59	2	152
Informal Probation	10	3	5	24	0	10	2	54
Total	72	46	130	179	476	75	23	525
TOTAL	664	665	556	867	476	584	68	3880

The data in the table pictured above lists all offenses charged with the specific offenses listed, including report offenders. (The matrix is intended for first time offenders.)

Table 2 - Categories for Coding Daily Activities***Intake***

Code	Description
DH (Detention Hearing)	Record time spent on activities related to a decision on whether a juvenile in detention, attendant care, or shelter care should be detained or returned home; include contact with juvenile, parents, police, agencies, and actual court time (record delinquency and unruly here).
RI (Referral Intake)	Time spent reviewing police reports, referrals, to determine how the case should be processed by the juvenile court; i.e., whether it should be diverted, handled formally, etc. This includes collateral contacts with victims, parents, etc. Record only time spent prior to a decision on how to proceed.
SC (Shelter Care-Temporary Custody Order)	Record time related to shelter care of deprived children or issuing temporary custody orders.. Include collateral contacts as above (Detention). This code should be used for deprivation caused by parental behavior - cases where the child is deprived/unruly, emotionally disturbed, should be recorded under DH.

Disposition

Code	Description
DC (Diversion Conference)	Time devoted to diverting cases from the court system. Example - Court officer adjusts a case without an informal adjustment by meeting with parent and child or performs "intervention" with family where child is unruly.
FH (Formal Hearing)	Time actually spent in a formal hearing (not detention or shelter care). Include "waiting time" if the hearing takes you out of your office thus prohibiting you from completing other tasks.
FP (Formal Petition)	Administrative duties preparing petitions, contacting attorneys, parents, agencies, relating to a formal adjudicative, dispositional, or review hearing, including preparation of orders.
IA (Informal Adjustment)	Record time preparing for, conducting, and final paperwork related to an informal adjustment. This includes any time spent with collateral contacts after the decision has been made to proceed informally.

Probation Services

Code	Description
KG (Keys-Group)	Time spent preparing for and facilitating "Keys" program.
PA (Probation-Administrative)	Record time spent on related paperwork, reports, letters, police reports, agency reports, meetings with supervisors, etc.
PC (Probation-Collateral)	Collateral contacts related to a specific case (social worker, attorney, teacher, parent, etc.)
PG (Probation-Group)	Time spent directly arranging and directly supervising juveniles performing community service hours or conducting any other group activity where you directly run the group. Time spent arranging community service hours or group activities where another agency supervises the group or community service should be recorded as Probation-Collateral.
PM (Probation-Meeting)	Direct, face-to-face, or phone contact with an individual juvenile on probation.
PR (Probation-Recommendations)	Time spent preparing recommendations or social history for a formal hearing relating to the disposition of a case, including collateral contacts.

Travel

Code	Description
T	Travel related to cases, hearings, attending meetings, education, etc.

Other

Code	Description
L (Leave)	Leave - Annual, sick, comp time, etc.
OC (Other-Case)	Case related duties - that do not fall under probation administration. Generally, this involves phone calls, etc., on cases that the court officer does not directly supervise. For example, parent calls wondering about unruly child. Court officer informs parent of process.
OG (Other-General)	Staff meetings that are not case related, educational sessions, or other administrative duties that are not case specific.
OP (Other-Public Involvement)	Public speaking, attending meetings that are not case specific, such as the local Childrens Services Coordinating Committee, meeting with law enforcement, etc.

Table 3 - Standard Hours Available

2080	Standard Work Year (40 hours X 52 weeks)
- 144	Vacation (1.5 days per month = 18 days per year; 18 X 8 = 144)
- 84	Holidays (10.5 days X 8 = 84 hours)
- 48	Sick Leave (6 days per year, 6 X 8 = 48)
1804	Available
64	8 days per year education and stated wide meetings (8 X 8 = 64)
1740	Standard Work Year (33.5 Standard Work Week)

Table 4 - Grouping Activities into Categories

Group	Activity
Detention	- Detention Hearing - Shelter Care
Diversion	- Diversion Conference
Formal	- Formal Petition - Formal Hearing
Informal	- Informal Adjustment
Intake	- Referral Intake
Leave	- Leave
Other	- Other General - Other Public
Probation	- Keys Group - Probation Administration - Probation Collateral - Probation Meeting - Probation Group - Probation Recommendations
Travel	- Travel

Table 5 - Referrals 1998 Statewide									
		EC	NE	NEC	NW	SC	SE	SW	Total
Deprivation	Abandonment	1	2	0	1	0	0	0	4
	Abuse/Neglect	5	26	29	13	32	42	0	147
	Deprived	191	76	54	24	59	51	19	474
	Total	197	104	83	38	91	93	19	625
Offenses Against Persons	Assault	81	54	43	71	122	65	29	465
	Homicide	0	0	2	0	0	0	0	2
	Other Offenses Against Persons	34	21	23	13	31	12	5	139
	Sex Offenses	25	11	9	12	15	10	0	82
	Total	140	86	77	96	168	87	34	688
Offenses Against Property	Arson	2	0	2	0	1	2	1	8
	Burglary	20	36	26	36	44	18	3	183
	Criminal Mischief/Vandalism	59	111	53	95	161	111	35	625
	Criminal Trespass	44	34	40	36	103	25	20	302
	Forgery	9	8	11	7	10	1	2	48
	Other Property Offenses	26	10	15	10	39	11	5	116
	Robbery	2	0	0	3	3	0	1	9
	Shoplifting	197	111	144	180	196	55	14	897
	Theft	180	132	143	162	187	99	66	969
		Total	539	442	434	529	744	322	147
Other Offenses	Controlled Substance Violations	150	51	59	60	140	37	20	517
	Disorderly Conduct	68	72	92	78	149	54	32	545
	Firearms	11	4	4	7	7	8	1	42
	Game and Fish	3	24	5	12	24	16	1	85
	Obstruction	21	24	19	21	24	23	5	137
	Other Public Order	64	95	51	33	74	47	10	374
	Possession /Purchase Alcohol	357	437	261	417	675	428	206	2781
	Tobacco	72	46	130	179	0	75	23	525
		Total	746	753	621	807	1093	688	298
Special Proceedings	Other Special Proceeding	11	2	3	0	76	0	0	92
	Termination Of Parental Rights (Involuntary)	36	2	0	5	6	0	0	49
	Termination Of Parental Rights (Voluntary)	26	8	3	5	16	1	1	60
	Total	73	12	6	10	98	1	1	201
Traffic Offenses	DUI/Physical Control	16	17	11	16	21	16	8	105
	Driving Without License	45	64	42	56	1	27	16	251
	Other Traffic	18	15	8	19	76	11	6	153
	Total	79	96	61	91	98	54	30	509
Unruly	Curfew	39	71	24	91	92	29	4	350
	Other Unruly	0	37	4	13	211	1	0	266
	Run-a-way -- (instate Resident)	84	35	176	255	180	44	6	780
	Run-a-way -- (out of state Resident)	0	3	3	1	0	0	2	9
	Truancy	115	29	41	19	69	38	6	317
	Ungovernable Behavior	69	48	35	59	187	100	69	567
	Violation Of Conditions For Conduct And Control	1	0	7	8	5	21	0	42
	Total	308	223	290	446	744	233	87	2331
TOTAL		2082	1716	1572	2017	3036	1478	616	12517

The method by which cases are disposed is shown in the following table.

2/18/03

Table 6 - Cases Disposed of in 1998 - Statewide										
	EC	NE	NEC	NW	SC	SE	SW	Total		
Diverted	214	40	4	10	1031	16	4	1319		
Diverted by court officer-no informal adjust held										
Diverted to another agency-no informal adjust held	23	24	216	123	72	24	56	538		
Letter To Parent	50	47	8	19	124	7	0	255		
No Further Action Taken	149	74	134	125	88	39	13	622		
Total	436	185	362	277	1315	86	73	2734		
Formal	0	0	0	4	0	2	3	9		
Case Monitored by DJS										
Case Monitored by Social Services	4	14	0	5	0	25	0	48		
Custody to Division of Juvenile Services	49	47	53	89	118	61	30	447		
Custody to social services	128	96	78	61	140	53	30	586		
Direct commitment to the NDYCC	1	3	0	1	1	0	0	6		
Dismissed	184	56	16	28	17	13	16	330		
Not Prosecuted - No Action By States Attorney	127	11	80	3	1	4	6	232		
Other	84	3	1	1	1	5	5	100		
Termination of parental rights	49	10	4	9	22	4	2	100		
Transferred to adult court-involuntary	1	1	7	7	0	4	0	20		
Transferred to adult court-voluntary	12	10	23	14	3	12	1	75		
Transferred to another juvenile court jurisdiction	43	16	13	24	5	4	22	127		
Total	682	267	275	246	308	187	115	2080		
Formal Probation	215	161	120	64	68	84	29	741		
Total	215	161	120	64	68	84	29	741		
Informal	5	63	3	69	53	45	0	238		
Charges Dismissed After Informal Hearing										
Counseled, warned, and adjusted	20	638	72	296	213	491	258	1988		
Held open/Deferred	0	74	30	96	216	22	23	461		
Informal Adjustment-Diverted To Another Agency	1	2	260	3	50	27	1	344		
Transferred to Another jurisdiction (Inf)	123	111	152	221	227	108	11	953		
Total	149	888	517	685	759	693	293	3984		
Informal Probation	600	215	298	745	586	428	106	2978		
Total	600	215	298	745	586	428	106	2978		
TOTAL	2082	1716	1572	2017	3036	1478	616	12517		

Table 15

The following, Table 15, was used to determine hours required to complete case processing activities:

1. Intake (.2 hours) - 12 minutes per referral.
2. Informal Adjustment (.62 hours) - 37 minutes per informal adjustment.
 - Informal Adjustment
 - Counseled, Warned, and Adjusted
 - Informal Adjustment - Probation
 - Charges Dismissed After Informal
 - Held Open/Deferred
3. Diversion Conference (.42 hours) - 28 minutes per diversion conference.
 - Diverted by Court Officer
 - Diverted to Another Agency (except SE district, no time allotted)
4. Probation Meeting (.43 hours) - 26 minutes per meeting - one meeting every two weeks.
5. Probation Administration and Collateral Contacts - Total hours ÷ total number of juvenile on probation ÷ 3 weeks = probation administration per week per probationer/ X 13 for informal X 26 for formal (865.5 ÷ 909 = .96 hours ÷ 3 weeks = .32 hours per week X 13 weeks 4.16 hours for informal; X 26 weeks 8.3 hours for formal).
6. Follow-Up - In cases that are diverted, the court usually follows up to ensure the juvenile has attended the program diverted. In such cases, .43 hours - the equivalent of one probation meeting was given.
7. Probation Recommendation (.28 hours) - 17 minutes per formal case.
8. Petition (.48 hours) - 29 minutes per case.
9. Formal Hearing (.8 hours) - 48 minutes per case.

As previously mentioned, there are a number of activities which are not accounted for in case processing though there is some indication of item required in these general areas through the time study. The areas include travel, supervision of staff, public contacts, implementing Keys to Innervisions, detention and shelter care hearings.

Travel:

The travel time assigned each district is based on the average of the time reported in the time study and travel voucher for May, 1998.

	EC	NE	NEC	NW	SC	SE	SW
Hours Per Month	51	75	45	61	33	88	41

Detention and Shelter Care:

As previously mentioned, data relating to the number of detention and shelter care hearings is not kept. The following chart from the Department of Corrections shows the detention and attendant care statistics for 1994-97. They are not particularly useful, as they are broken down by site rather than by county where a detention hearing would take place. The statistics do, however, show that detention hearings do impose time demands on the courts.

It appears that the best available data comes from the time study, indicating that on the average 3.9% of the juvenile courts' time is spent on shelter care/detention hearings. Travel time was individualized on a per district basis. In this case, however, the average percent of time spent on this activity is a better measure of time needed.

Detention and shelter care are sporadic. That is, one or two hearings in an office may significantly affect the number of hours needed to complete the tasks. The data shows that the amount of time per activity is relatively consistent in most of the districts. (The exceptions, of course, may be due to exceptional cases when number of events are small.) On an average, 3.9% of the juvenile courts' staff time is devoted to this area, or about 158 hours per month statewide. It would seem that detention and shelter care are proportionate to youth population. The following time allocation results from that assumption:

	EC	NE	NEC	NW	SC	SE	SW
Percent Youth Pop.	18	14	13	16	21	13	6
Hours Per Month	28.4	22.0	20.5	22.1	33.2	20.5	9.5

Other Public:

The juvenile court staff are involved in the community. Officers represent the judiciary in permanency planning meetings, child protection meetings, various local groups, such as mayors' task forces, and regional child services coordinating committees. They are also called upon to make presentations to civic groups and schools planning juvenile court processes and procedures.

The philosophy of balanced and restorative justice calls for the courts to be even more involved. Under this philosophy, the juvenile court is part of the community, and not an entity in isolation. For example, the juvenile courts may be involved in establishing community service projects, merchant accountability boards, or unruly diversion programs.

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The time study showed that, as a state, 4% of the staff time is spent in this area. The range of reported time, however, varies significantly from .8% to 9.2%.

Other Case:

The 4% average of the state allocated on a district basis.

Other General:

This includes supervision of staff, general staff meetings, filling out travel vouchers, time studies for the Department of Human Services, and other non-specified duties. The state average of 17% was applied across the districts. This is a significant block of time which is not account for by activity. It does, in fact, amount to 5.7 hours per week per employee or about 70 minutes a day.