

FY2024 BIENNIAL REPORT

North Dakota Juvenile Justice State Advisory Group

About the JJSAG

In 1989, Governor George Sinner signed an Executive Order which established North Dakota's Juvenile Justice State Advisory Group (JJSAG) pursuant to Section 223(a) of Part B of the Juvenile Justice and Delinquency Prevention Act. The Act specifies requirements regarding the composition of the JJSAG, including representation of the individuals that should be appointed. North Dakota's JJSAG includes 20 members with specific experience and/or expertise in the prevention of juvenile delinquency. The JJSAG is one of the Governor's boards and commissions and members are listed on the Office of the Governor's web site at www.governor.nd.gov/boards.

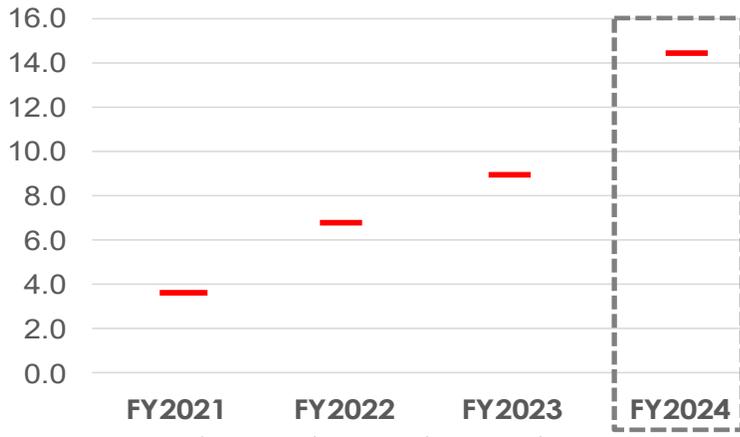
Appointed by the Governor to study juvenile justice issues and make recommendations with regard to policy. The JJSAG has the overall responsibility to develop and implement the State's juvenile justice plan.

The Juvenile Justice and Delinquency Prevention Act (JJDP A) creates a federal-state partnership for delinquency prevention efforts. The JJDP A encourages and incentivizes states to invest in evidence-based programs that promote accountability without criminalization. To be eligible for funding under the JJDP A, states must satisfy 33 statutory requirements. Within the requirements are four "core" protections that states must adhere to:

1. **Jail Removal** – No juvenile shall be securely detained in adult jails or lockups.
2. **Sight and Sound Separation** – During the temporary period for which a juvenile may be held in an adult jail or lockup (less than 6 hours under the Reporting Exception), the juvenile must be held "sight and sound" separated from adult offenders.
3. **Deinstitutionalization of Status Offenders (DSO)** – Juveniles charged with status offenses, offenses that would not be criminal if committed by an adult, should not be placed in secure detention or correctional facilities.
4. **Reducing Racial and Ethnic Disparities (R/RED)** – States must address disparity of Black Indigenous and Other People of Color (BIPOC) youth populations involved at a decision point in the juvenile justice system at higher rates than non-BIPOC youth at that decision point.

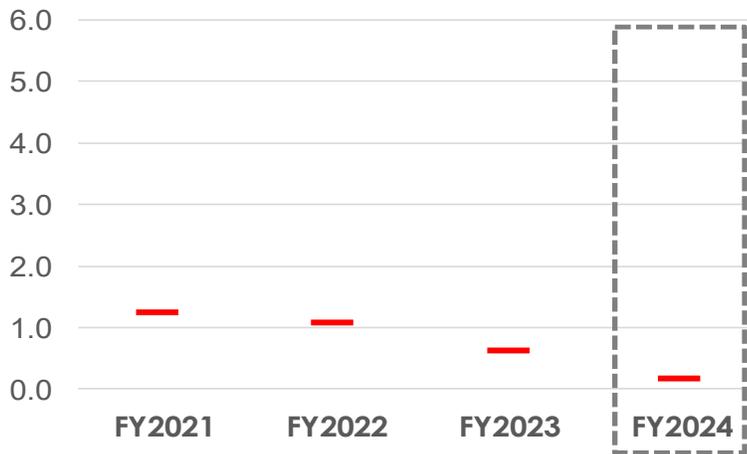
Compliance with Jail Removal

ND Jailing Rates



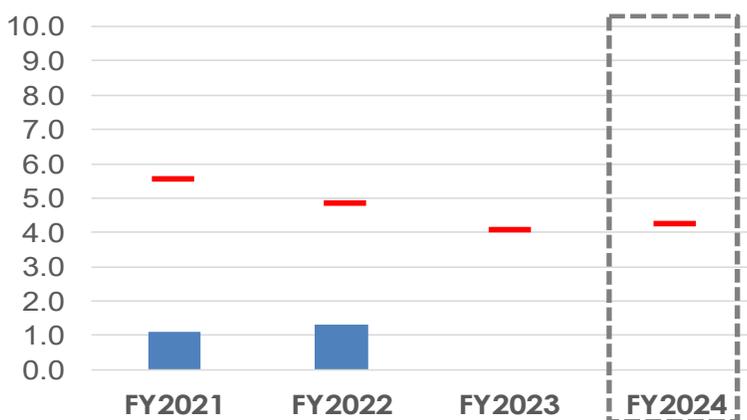
Compliance with Sight and Sound Separation

ND Separation Rates



Compliance with Deinstitutionalization of Status Offenders

ND DSO Rates



Compliance with the First Three Mandates

The first three mandates of the JJDPa are based on numerical standards, whereas the fourth mandate (R/RED) requires continuous identification and monitoring, as more fully discussed on page 3. North Dakota has demonstrated compliance with the numerical standards since its participation in the JJDPa began, with the rate of violations below the federally established de minimis, which are indicated by the red line. New rules effective in Fiscal Year 2017 significantly decreased the allowable de minimis, intensifying compliance efforts. Violations associated with the first three mandates of the JJDPa (jail removal, separation and DSO) is detailed graphically to the left. As noted, only violations of DSO have occurred in the last 4 reporting years. North Dakota has been in compliance with all of the mandates since its participation in the JJDPa began in 1989.

Maintaining a stable network of non-secure supervision options through North Dakota's Attendant Care Program was critical to maintaining compliance with the JJDPa.

R/RED Compliance Plan

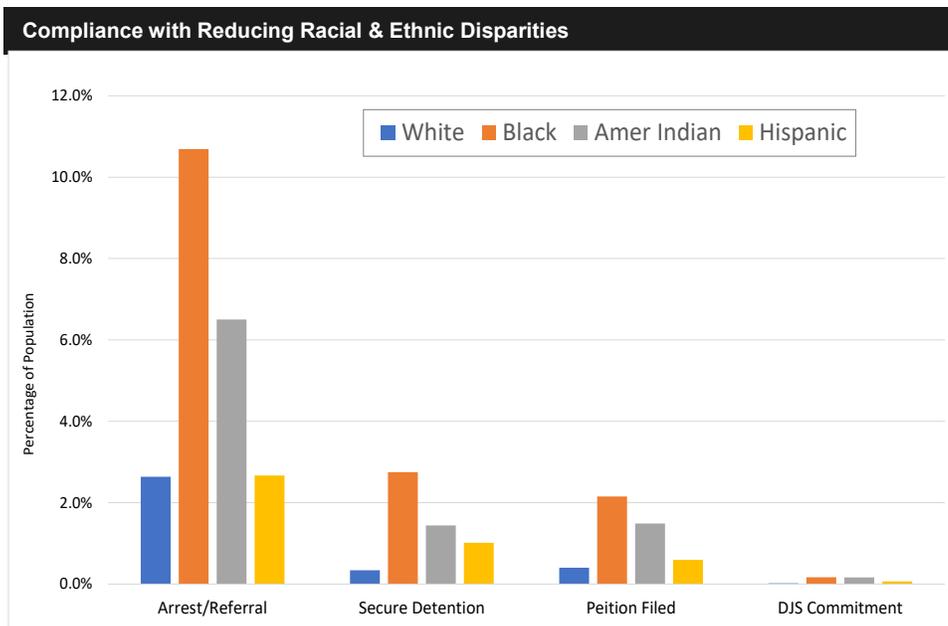
In order to achieve compliance with the R/RED core requirements, states must implement policy, practice, and system improvement strategies at the state and local level to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards, by:

- (A) Establishing coordinating bodies composed of juvenile justice stakeholders to advise efforts;
- (B) Identify and analyze data on race and ethnicity at decision points in the juvenile justice system to determine which points create disparity;
- (C) Develop and implement a work plan that includes measurable objectives for policy, practice, or other system changes based

Compliance with R/RED

Pursuant to the fourth mandate of the JJDP, states must work to reduce racial and ethnic disparities in the juvenile justice system at each stage of processing (i.e. arrest, secure detention, referral to juvenile court, petition, etc.). An analysis of R/RED is required on a statewide basis and for those counties that have a higher concentration of BIPOC youth.

North Dakota's FY2024 R/RED compliance report shows that disproportionality is the most significant at the points of arrest, as indicated by the chart below, with Black and Native youth being arrested at much higher percentages than white youth.



The JJSAG established a statewide racial equity workgroup with a focus on ways to keep BIPOC youth out of the juvenile justice system. The following strategic priorities were established:

- Youth & family engagement activities to pilot culturally-aligned prevention services;
- A statewide restorative practices council with a particular focus on ensuring equal access to services for minority youth;
- Reducing barriers to preventative service delivery for BIPOC youth;
- Engaging BIPOC leaders and service providers.

The SAG has contracted with a consultant to develop an action plan to advance the established priorities and provide actionable recommendations related to policy, practice and funding that is informed by an understanding of best practices and a systems thinking approach to identify root causes of the disparity.

SAG Strategic Plan (FY2024-26)

1. Reducing incarceration and institutionalization

This goal is focused on providing access to community-based alternatives. Objectives include reducing the use of secure detention, particularly the disproportionate detention of BIPOC youth, and the risk of out-of-home placement. Support for North Dakota's Attendant Care Program, which was implemented in 1989 and moved North Dakota into compliance with the core requirements of the JJDP, will continue to be supported as an alternative to secure detention. The JJSAG will advocate for fidelity to the detention screening tool, use of detention alternatives, and increased provider capacity. The JJSAG also sees the need to build other community-based services that can possibly work in conjunction with Attendant Care and shelter services by providing family intervention services and preventing out-of-home placement.

2. Reducing the Number of Youth in the Juvenile Justice System

This goal is focused on meeting the needs of youth and families to prevent systems involvement. Objectives include increasing intervention services in schools, increasing fidelity to restorative justice services, improving outcomes for youth and families through community-based supports, and identifying and reducing barriers to services, particularly for our BIPOC youth.

JJDP Title II Formula Funding

North Dakota's allocation of JJDP Title II formula funds is approximately \$600,000 annually. The JJDP contains restrictions that a maximum of 10% be used for planning and administration, up to 5% for support of the JJSAG, and 66% of the balance be awarded to local public, private and/or non-profit agencies.

During the FY2024-26 strategic plan period, funding has been allocated for youth and family engagement activities, a restorative practices council, positive school-based interventions, continued operation of the Attendant Care Program, and for a consultant to assist the state in addressing the over-representation of BIPOC youth in the juvenile justice system, as required by the JJDP. Priority in funding decisions is provided to those programs and services that promote racial equity, remove barriers to accessing services, and increase community connection for BIPOC youth and families.

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