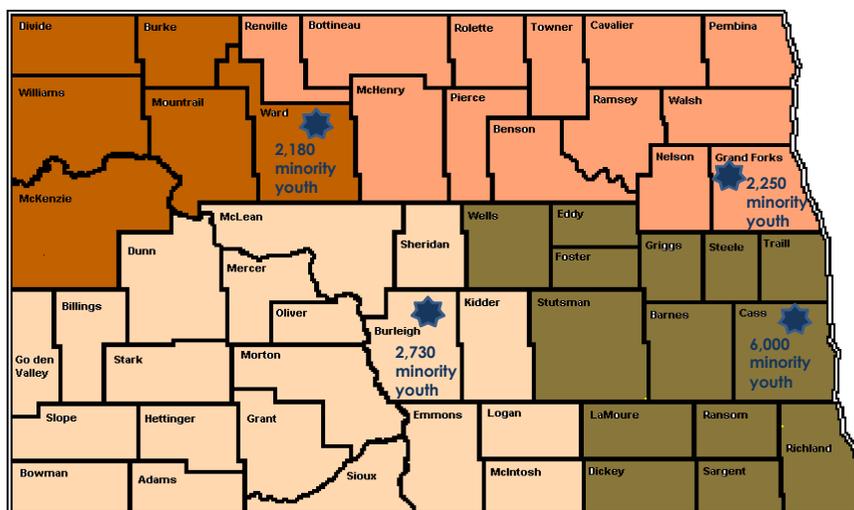


PLAN FOR COMPLIANCE WITH THE DISPROPORTIONATE MINORITY CONTACT (DMC) CORE REQUIREMENT

Phase I: Identification

The State of North Dakota consists of 53 counties, and as illustrated on the map below - based on the most recent school enrollment data (2017-18 school year), only 4 of the 53 counties have more than 2,000 minority youth¹. 1 of the 4 counties (Cass) has approximately 6,000 minority youth and the other 3 counties (Burleigh, Grand Forks, and Ward) have between 2,000-2,800 minority youth. 44 of the 53 counties (83%) have a minority youth population of 1000 or less, of which over 50% have less than 100 minority youth. With the majority of the state's minority youth population being in 4 counties, and because the counties are geographically located in a way that represents the four quadrants of the state – one in each of the four judicial units, it is most practical and beneficial to focus DMC efforts on these 4 counties.

Minority Youth Population in ND



★ Counties with > 2,000 Minority Youth

Source: ND Dept of Public Instruction, 2017-18 School Enrollment Data

Relative Rate Indices (RRI's) have been calculated using the most recent calendar year for which data is available (2016). Rates were calculated on both a statewide basis and for each of the four counties that were identified as having the highest concentration of minority youth (Burleigh, Cass, Grand Forks, and Ward). The spreadsheets have been exported from OJJDP's web-based DMC data entry system and included as "Attachment 2" in the online compliance reporting tool with the respective jurisdiction name. The Relative Rate Index Tracking Sheet was used in each instance to interpret and analyze the rates generated and is also being included as an attachment in the Grants Management System.

¹ Reflective of those counties with off-reservation youth under state jurisdiction.

Arrest data is only available on a summary basis, making it is difficult to analyze. It also does not contain all race/ethnicity groups and thus does not match well with the court data. In North Dakota, every arrest citation results in a referral to Juvenile Court. Thus, it was determined that a more accurate number to use for arrests (point 2 on the RRI Spreadsheet) would be referrals to juvenile court. This will allow for further analysis of the factors that may be driving minority youth's contact with the juvenile justice system.

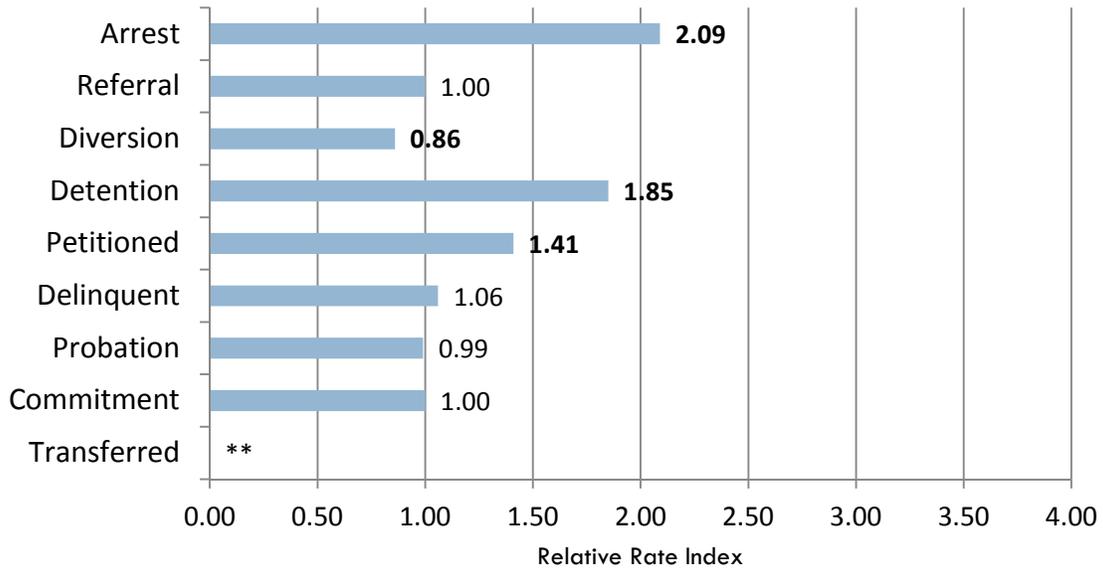
One of the major decision points on the RRI spreadsheet is "Cases Resulting in Confinement in Secure Juvenile Correctional Facilities", which follows the general system model where court disposition options for adjudicated youth include probation supervision or secure confinement. However, pursuant to North Dakota State law, the Juvenile Court is not authorized to place youth in secure correctional facilities as a disposition option, but rather place youth in state custody as the last disposition option on the graduated sanctions continuum. Therefore, consistent with previous year's analysis, "Commitment to the Division of Juvenile Services" was substituted for "confinement in secure juvenile correctional facilities" as number 9 on the RRI Spreadsheet.

The data used to calculate the RRI's is based on an unduplicated count in order to get a more accurate picture of arrests and juvenile court processing. Two databases were used in the compilation of the number of contacts from point of arrest to point of disposition (Juvenile Court Case Management System for all points except detention in which the statewide Juvenile Detention Records system was used).

Four of the six minority groups exceed the 1% population threshold -- American Indian, Black, Hispanic, and Asian. However, only on a statewide basis and for Cass County – and only at the point of arrest – is there a sufficient number of cases for the calculation of rates associated with Asian youth. Therefore, the primary populations identified by the RRI analysis include Black, Hispanic, and American Indian. In Burleigh and Ward Counties (western part of the state), the primary population identified is American Indian youth with rates calculating at most system contact points. Rates for Black and Hispanic youth also calculate but only with the first few contact points. In Cass and Grand Forks Counties (eastern part of the state), the primary populations identified are American Indian, Black and Hispanic youth.

As illustrated in the chart below, which details the RRI calculations on a statewide basis for all minorities, the statistically significant rates with higher magnitude are those on the front end of the system with arrest and detention.

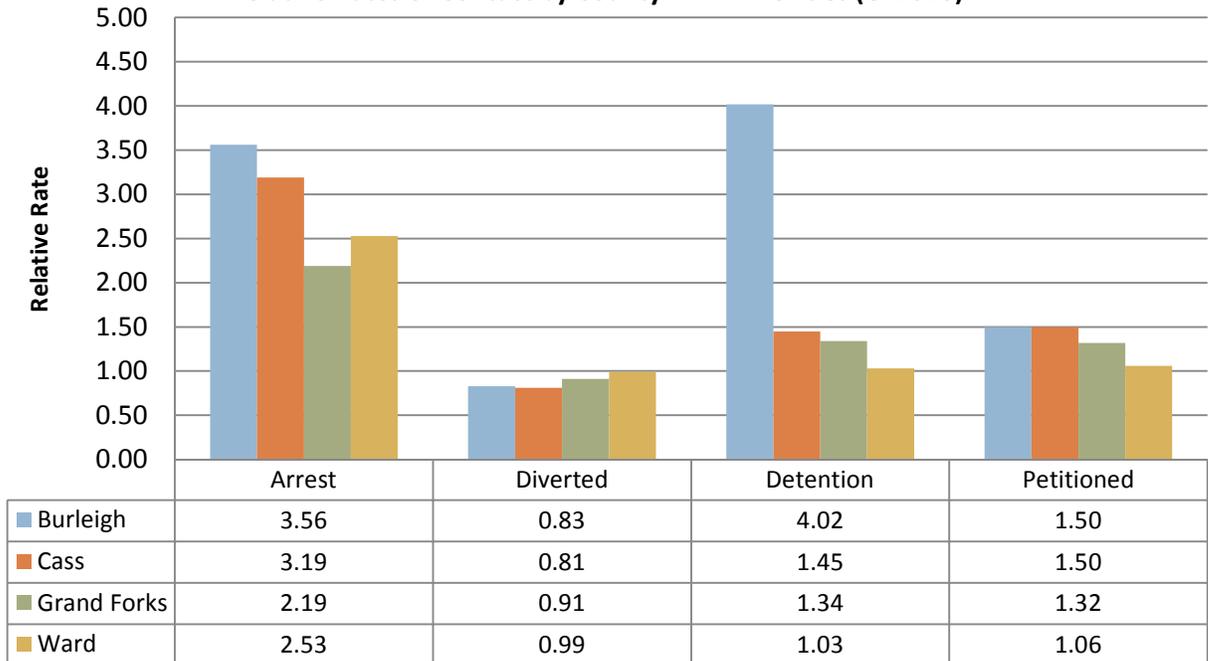
RRI Calculations Statewide - All Minorities (CY2016)



Bold = statistically significant

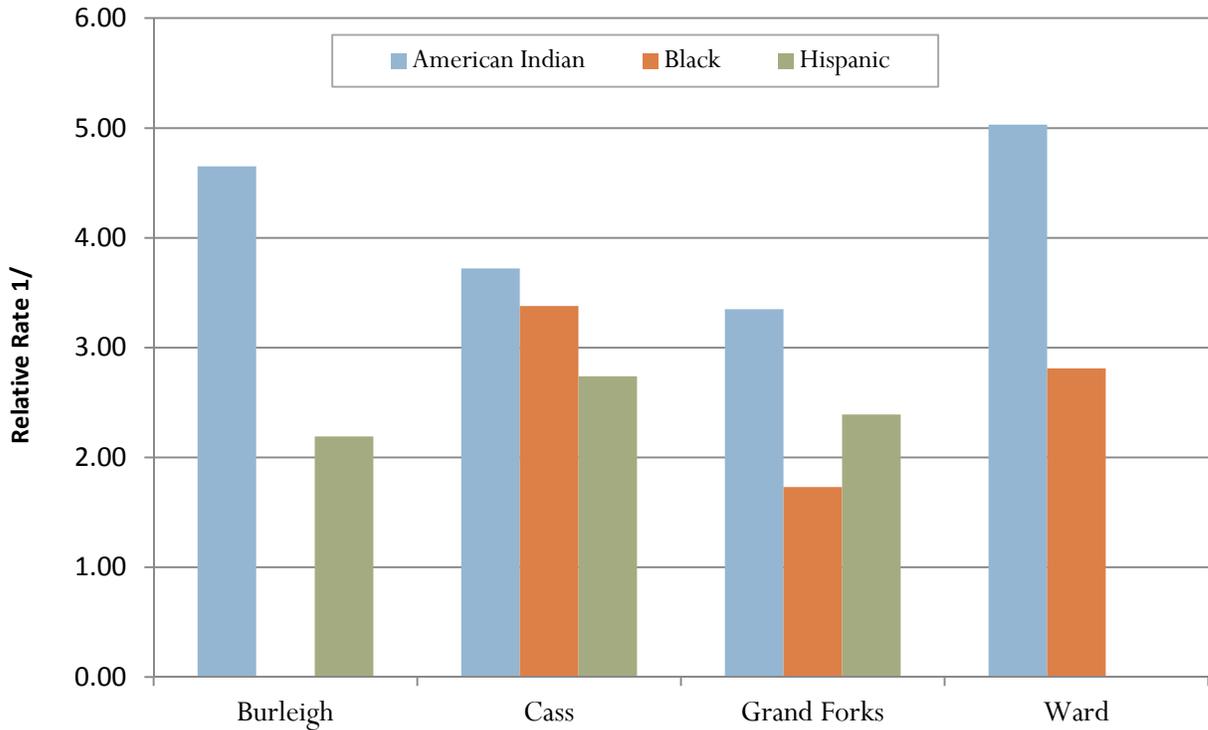
The chart below details (by county) those contact points above that had statistically significant rates (arrest, diversion, detention, and petitioned).

Relative Rates of Contact by County - All Minorities (CY2016)

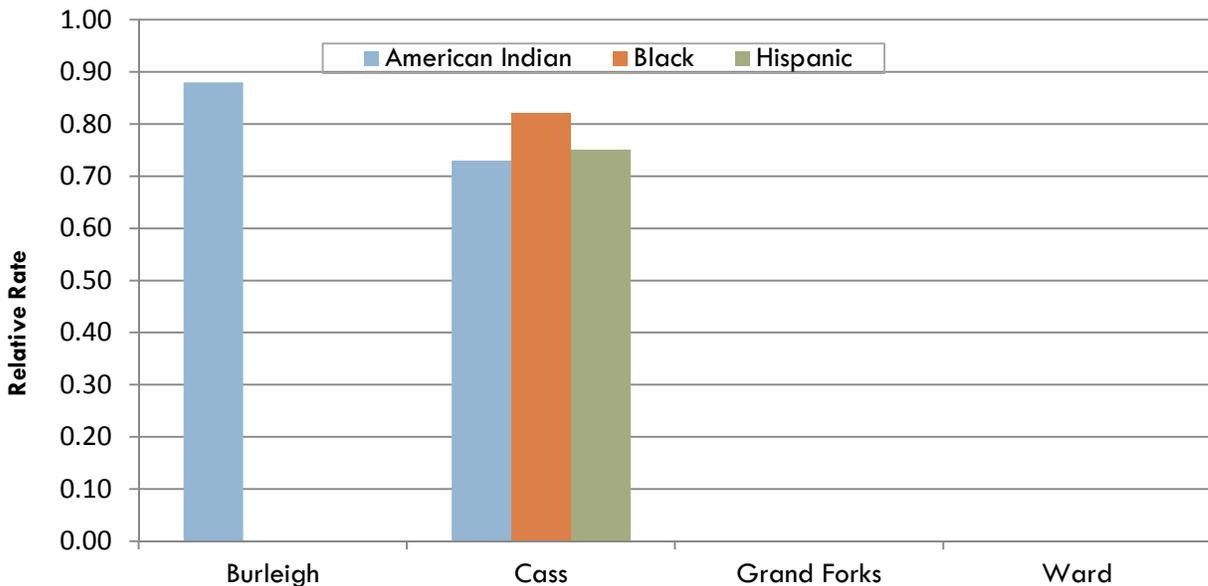


The following charts detail (by county *and* by minority group) each of the system contact points identified above, but detailing only those rates that are **statistically significant and of greater magnitude**.

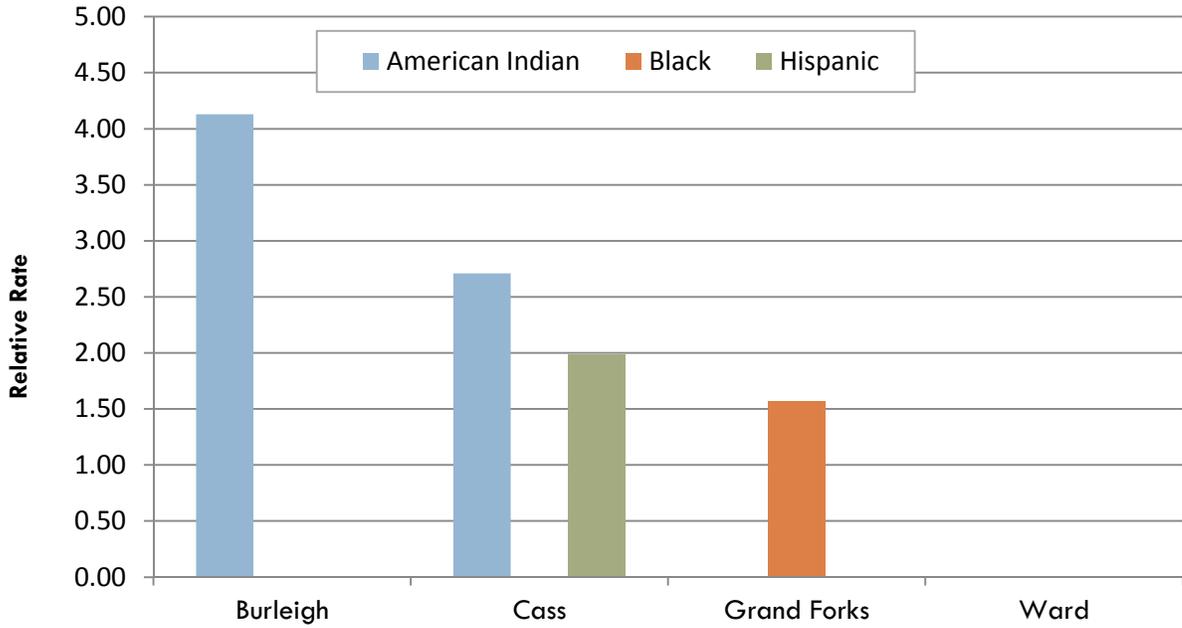
Rate of Juvenile ARREST - by County and Minority Group (CY2016)



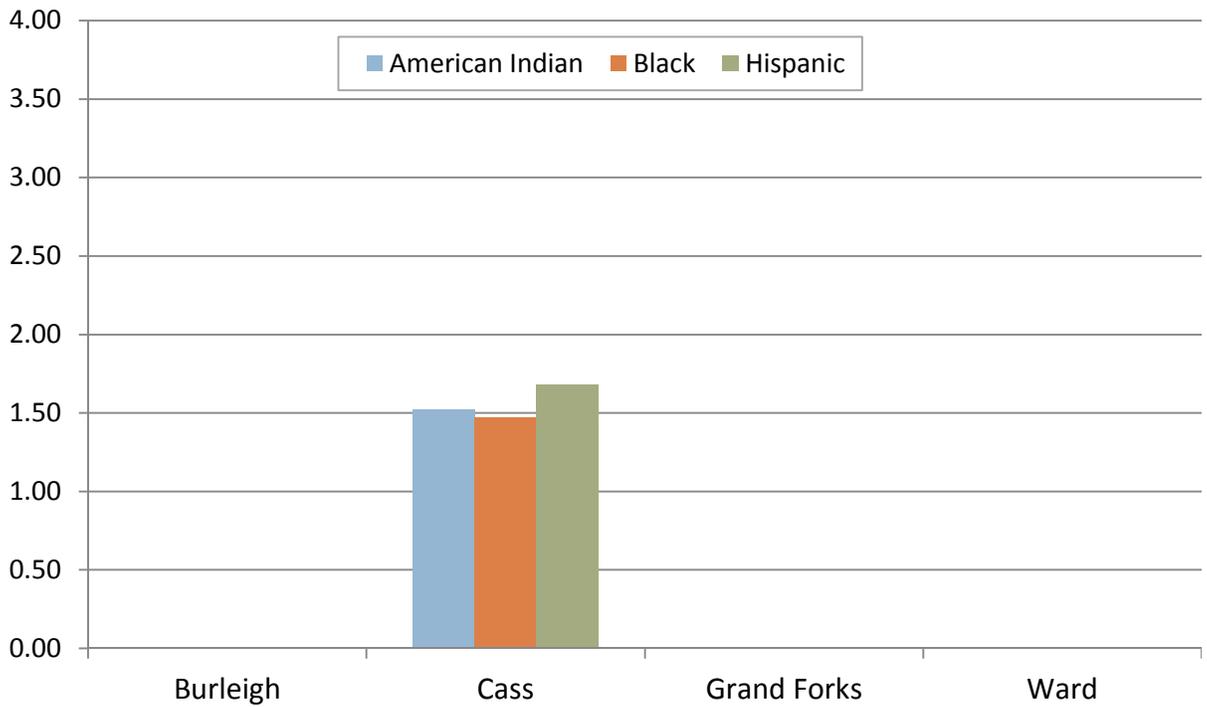
Rate of Juvenile DIVERSION - by County and Minority Group (CY2016)



Rate of Juvenile DETENTION - by County and Minority Group (CY2016)

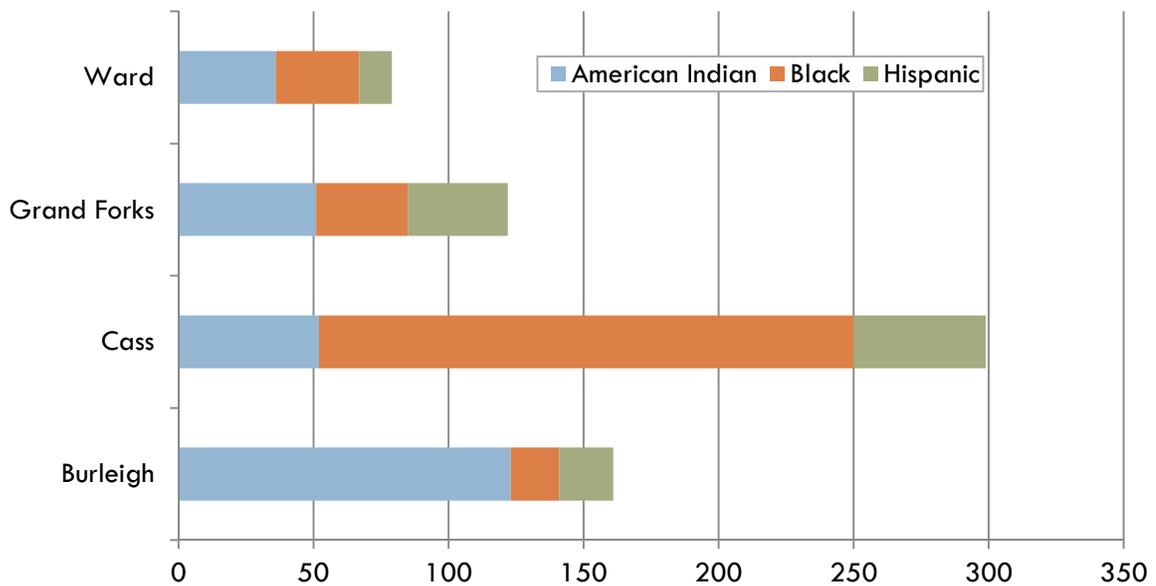


Rate of Cases Petitioned - by County and Minority Group (CY2016)



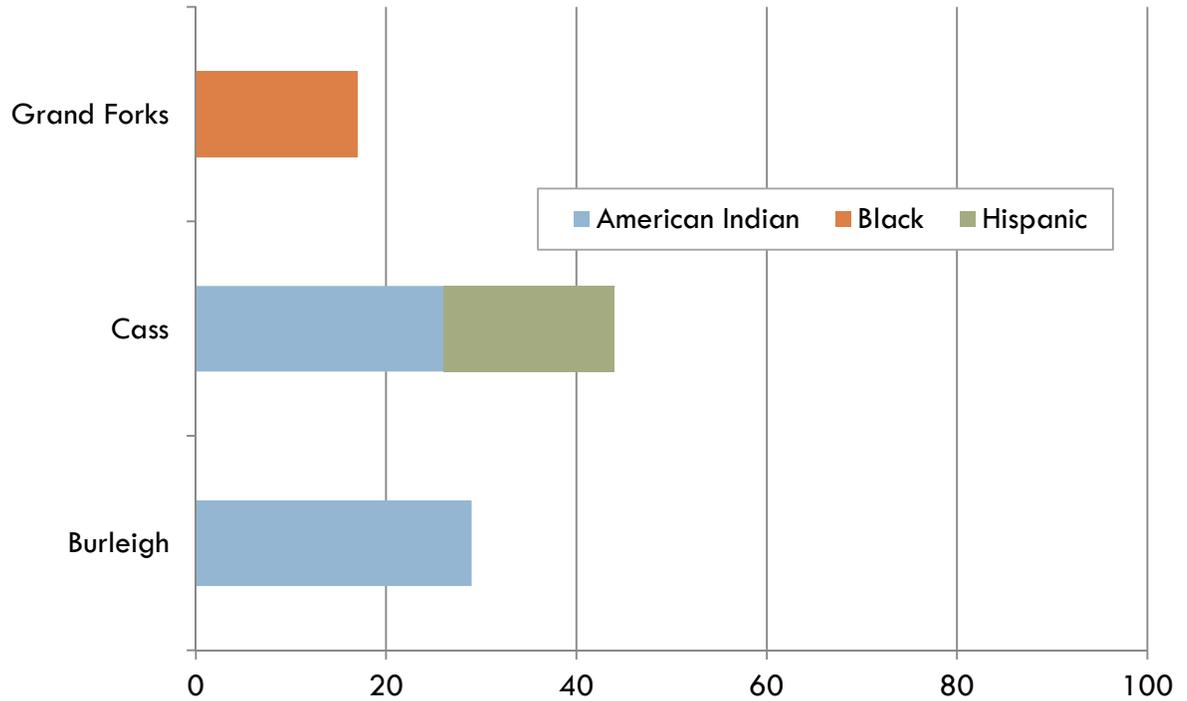
As illustrated by the charts above, the highest disproportionality is associated with the arrest of American Indian and Black youth and in some cases Hispanic youth. Rates of arrest for American Indian and Black youth are significant and of magnitude in all four counties, with rates in three of the four counties at over five times that of white youth. However, as indicated by the chart below, which details the total number of arrests by minority group, **the most significant volume of activity associated with arrests is that of American Indian youth in Burleigh County and Black youth in Cass County.**

Number of Juvenile ARRESTS - by County and Minority Group (CY2016)



Detention rates are not as high as arrest rates but are still statistically significant and of magnitude for Burleigh, Cass, and Grand Forks Counties. Burleigh County has a statistically significant detention rate for American Indian youth with a rate of 4.13. Cass County also has statistically significant detention rate for American Indian youth with a rate of 2.71, and Hispanic youth with a rate of 1.99. Grand Forks County has a statistically significant detention rate for Black youth at 1.57. However, as indicated by the chart below, **those detention rates that are statistically significant and of magnitude do not have a significant volume of activity.** In all instances there are less than 30 youth. Further analysis of the detention records indicates that a good portion of those detentions were instances where the youth scored high on the detention screening tool. Other instances were due to a pick up and hold order being issued as a result of the youth not showing up for court. The Juvenile Court and service providers are working on strategies to increase the number of youth coming to court to avoid a pick up and hold order being issued.

Number of Juvenile DETENTIONS - by County and Minority Group (CY2016)



The rate of cases diverted is statistically significant and of greater magnitude only in Burleigh and Cass Counties with the greatest magnitude and volume of activity being with rates ranging from .73 to .88. These rates have not been that low in previous years and will continue to be monitored.

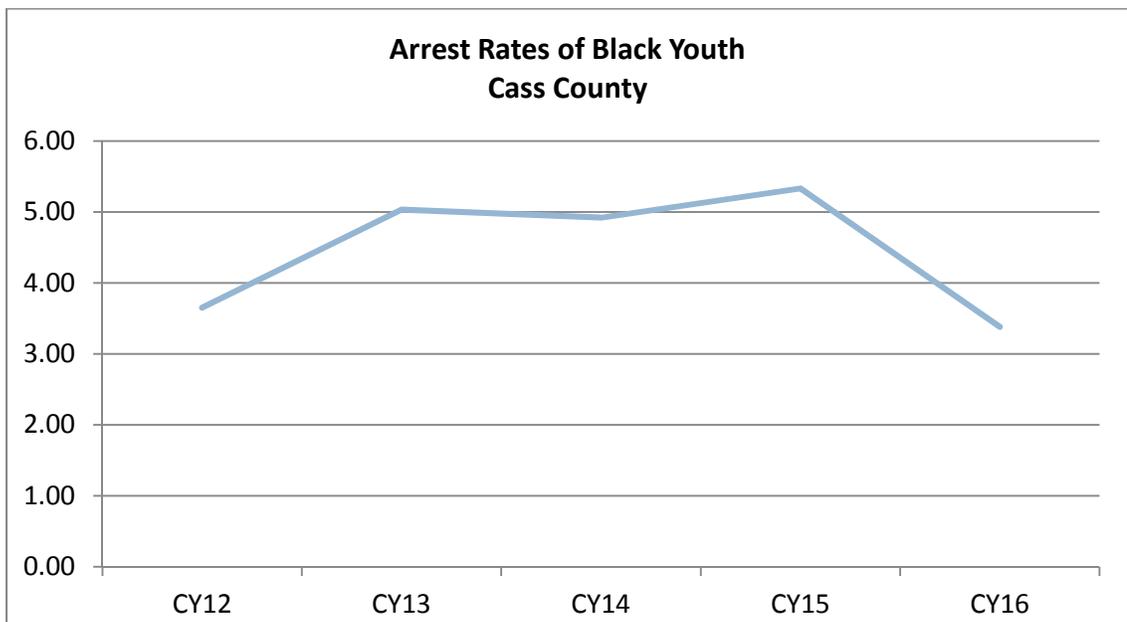
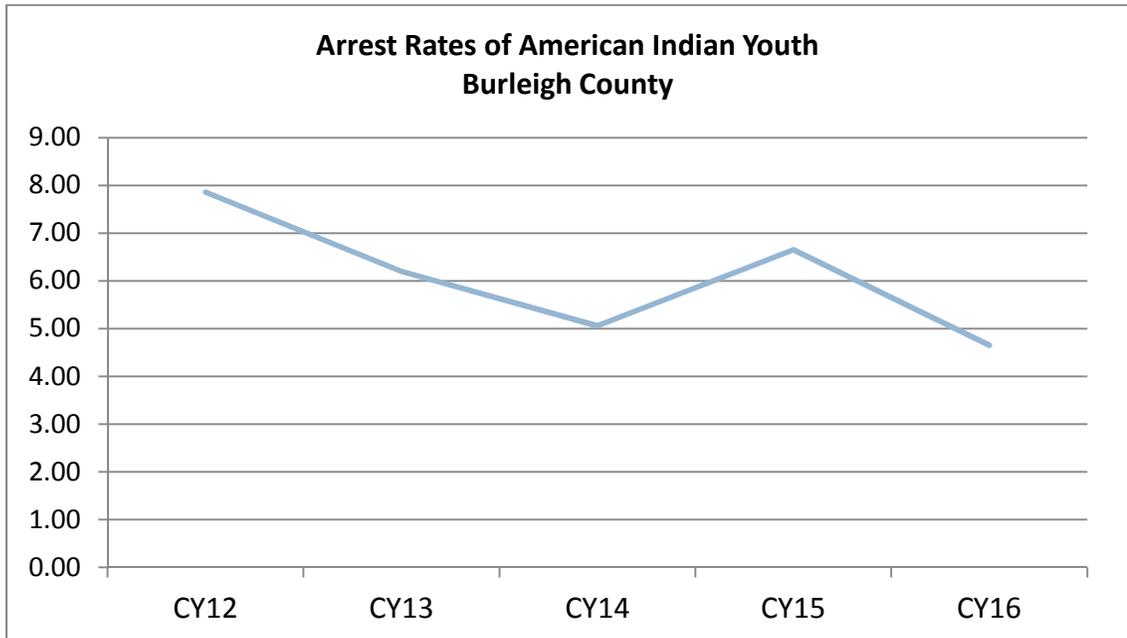
The rates of cases petitioned is also only statistically significant and of slightly greater magnitude in Cass County with rates ranging from 1.47 to 1.68. The rates have not been high in previous years and would correspond with the lower rates of cases diverted, and as with those rates, will continue to be monitored.

In order to achieve statistical parity with white youth for those rates that are statistically significant, of greater magnitude, and reflect a significant volume of activity, there would need to be 97 less citations issued to American Indian youth in Burleigh County and 139 less citations issued to Black youth in Cass County. This is a significant reduction from the previous year when it would have taken 217 less citations to American Indian youth and 256 less citations to Black youth to achieve statistical parity with white youth.

Based on the data presented, the rates that are statistically significant, of magnitude, and associated with the greatest volume of activity are the arrest rates associated with American Indian youth in Burleigh County and Black youth in Cass County. The rates of detention for

American Indian youth in Burleigh and Cass Counties is also statistically significant and of greater magnitude, but do not reflect a greater volume of activity, with less than 30 youth detained in each minority group.

As shown by the chart below, the arrest rates of American Indian youth in Burleigh County and Black youth in Cass County have declined over the last year.



The arrest rates for American Indian youth in Burleigh County have decreased over the last year, from 6.65 to 4.65, and are down from a high of 7.86 in 2012. The arrest rate for Black youth in Cass County has declined from 5.33 to 3.38 over the last year and is at its lowest in five years.

When comparing the RRI values for Burleigh to all reporting counties, the minority arrest rate for Burleigh County was higher at 3.6 compared to a rate of 2.6 that reflected the 75th percentile (median was 1.8). In comparing the Native American arrest rate in Burleigh County to all reporting counties, Burleigh County is at a rate of 4.7 compared to 2.6 for the 75th percentile (median was 1.2).

When comparing RRI values for Cass County, the minority arrest rate was higher at a rate of 3.2 compared to a rate of 2.6 for the 75th percentile (median was 1.8). In comparing the Black arrest rate in Cass County to all reporting counties, Cass County is at a rate of 3.4, which is lower than the 75th percentile at 3.9 (median was 2.7).

In examining the local context for the RRI values, both Burleigh and Cass County are feasible target populations for continuing DMC reduction activities. Efforts focusing on the disproportionality of American Indian youth in Burleigh County and Black youth in Cass County have been ongoing for quite some time. Burleigh County had conducted two previous assessments relative to the higher arrest of American Indian youth, and recommendations continue to be explored and implemented to the extent possible. Cass County's minority population has changed dramatically over the last ten years due to an influx of refugees through immigration services provided by a local non-profit organization, and law enforcement agencies, the juvenile court, and non-profit providers continue to examine the issues and look for ways to provide services to the various minority groups. Teams from both jurisdictions have attended Georgetown University's "Reducing Racial and Ethnic Disparities in Juvenile Justice" Program, where they identified possible ways to address the higher rates and pursuant to the program, are working on capstone projects. A DMC study is in process in both jurisdictions with findings and recommendations to be presented to the ND Juvenile Justice State Advisory Group in June 2018.

In utilizing the RRI Analysis and Tracking Sheets, the RRI's that are statistically significant, of a higher magnitude, reflect the greatest volume of activity, and also have contextual considerations – and thus are the focus of DMC reduction efforts – are those that are associated with **arrest of American Indian youth in Burleigh County and Black youth in Cass County**.

Phase II: Assessment/Diagnosis

North Dakota's DMC analysis shows that disproportionality is most significant at the point of arrest. The rates of arrest of minority youth are considerably higher than all other rates, particularly for American Indian and Black youth. Rates of detention are also elevated in some instances but there is not a significant volume of activity. Therefore, assessment of DMC will continue to focus on the higher rates of arrest that may drive rates at later stages of the system.

A Request for Proposal (RFP) for DMC assessments to be conducted in Burleigh and Cass Counties was issued statewide in June 2017 with proposals due by August 15, 2017. Based on the selection criteria that was in the RFP, a service agreement was entered into with DLN Consulting, Inc. (DLN) to conduct the assessments. DLN is registered with the State Procurement Office, Dun and Bradstreet, and SAM. DLN has over 20 years of experience working with all aspects of evaluation projects and a proven track record of engaging stakeholders and community members in a collaborative process. Final reports of the DMC assessments will be provided by DLN Consulting in June 2018.

DLN is using qualitative and quantitative data for the assessment. Juvenile offense data, including potential data on recidivism rates, is being collected and analyzed, as well as data from the previous DMC studies to analyze trends. DLN is collaborating with the local DMC committees to coordinate focus groups with community leaders and stakeholders. The focus groups will gather relevant information regarding insights, attitudes, and concerns. They will also focus on resource availability and lack of, and the effectiveness of interventions that have been utilized. In addition, DLN is conducting in-person and telephone interviews with minority youth and families to garner feedback. The overall analysis will include identification of potential gaps as well as duplication of services.

The last assessments of DMC in Burleigh and Cass Counties were conducted in 2013. Both assessments were conducted by Mark Martin, with MJ Martin, Inc. The Burleigh County assessment followed up to previous assessments conducted by Mr. Martin in 2001 and 2007 that focused on court processing decisions. The assessment studies were both qualitative and quantitative, consisting of surveys that assessed the practices, perceptions, and attitudes of law enforcement and an analysis of arrest data to determine other factors that may play into the rates (chronicity, differential behavior, patrol areas, etc.).

The assessment findings and recommendations were reviewed with ND's Juvenile Justice State Advisory Group and were discussed with other system partners (i.e. police departments, juvenile court, non-profit youth serving agencies) to determine possible implementation of the recommendations and direction of resources.

The Burleigh County assessment focused on the arrest of American Indian youth by the Bismarck Police Department as this agency accounted for over 90% of the arrests of juveniles in Burleigh County at that time. As stated above, the assessment consisted of

surveys to gather qualitative data and an analysis of juvenile arrests over the last five years to examine quantitative data. The preliminary findings were discussed with the Bismarck Police Department and the local juvenile court to get feedback and discuss the proposed recommendations. The findings and recommendations were then made part of the final report prepared for the ND Juvenile Justice State Advisory Group.

The key findings from the Burleigh County assessment were as follows:

- According to the 2010 Census, Native Americans account for roughly 8% of all juveniles in Bismarck; however, they accounted for about 30% of the juvenile arrests in Bismarck between 2008 and 2012.
- The percentage of arrests involving a suspect residing in Bismarck was nearly identical for Native American (82.2%) and White (83.3%) juveniles.
- Seasonality does not seem to be a significant factor in arrests of Native American youth. Crime resulting in the arrest of Native American youth tended to be more frequent in the fall months of September, and October compared to the spring months of March, May, and June for White youth. An annual Pow Wow held every year in September at the United Tribes Technical College is a huge event with 70 different tribes participating and an estimated 20,000 spectators. The draw of non-resident Native American youth to this event may explain, in part, higher numbers of arrests in September.
- The day of the week of arrest and time of day of arrest does vary somewhat between Native American and White youth. The highest percentage of arrests of Native American youth occurred on Fridays and Saturdays, although arrest percentages were fairly consistent across the seven days of the week. The highest percentages of White youth were arrested on Fridays and Saturdays. As a percentage of all arrests, Native American juveniles were more likely than White juveniles to have been arrested during the early morning hours of 3:00-7:00 a.m. on Saturday and Sunday. In looking at weekday arrests, Native American juveniles had a greater percentage of arrests for crime occurring during the weekday mornings while Whites had a greater percentage for crimes over the lunch hour.
- A residence or home was listed as the most frequent location of arrests for both Native American and White youth. However, the second most common crime location for Native American juveniles was a department store, followed by a school and roadway. In contrast, department store was the 4th most common place of arrest for White youth. The data may suggest that an arrest of Native American youth may be more likely in situations involving calls for service where the officer may feel he or she has less discretion in dealing with the incident.
- In looking at arrest offenses, Native American youth were more likely to be arrested for theft and liquor violations compared to White youth. Whites were more likely than Native Americans to have been arrested for disorderly conduct, and were more than

twice as likely to have been arrested for drug-related violations. Drug-related offenses as a percentage of all offenses have increased quite dramatically over the period from 2008-2012 while liquor law violations decreased for both groups.

- In looking at crime resulting in arrests during typical school hours where school was listed as the location, over 33% occurred between the hours of 8:00-9:00 am. Percentages of arrest of Native American youth (31.9%) and Whites (33.8%) during this time block were similar. The percentage of crimes resulting in the arrest of Native American youth *at school locations* was higher than for Whites around the lunch hour and around the end of the school day.
- The most common offenses for White youth were disorderly conduct (24.3%) and drug related violations (22.8%) while the most common for Native American youth were runaway (21.3%), disorderly conduct (17%), and assault (17%).
- The law enforcement survey suggests that contacts with Native American youth are concentrated among a few officers (11.4% reported having 15 or more contacts with Native American youth in the prior month).
- Streets were reported by officers as the most common location for contacts with Native American youth (37.2%). This contrasts with the arrest data analysis which found that home/residents was the most common location for crime to have occurred that resulted in Native American juvenile arrests, with highways/streets being the third most common.
- Almost two-thirds of the officers responding to the survey did not believe that location was a factor as to whether or not an arrest occurred as a result of the contact; however, where location was considered a factor, officers were typically called there as a result of an alleged crime being committed or the officer viewed or had evidence of a crime when contact with the juvenile was made.
- Cultural awareness training to better understand the needs of Native American juveniles was indicated by those officers citing the need for additional training. At a departmental level, improved collaboration with community groups, parents, and/or tribal law enforcement was cited as a way to better address the needs of Native American juveniles.
- Poor parenting, lack of supervision and poor role models followed by a general lack of trust and respect for law enforcement were listed as the major barriers facing law enforcement in dealing with Native American juveniles who come in contact with the law. The lack of parental supervision indicated in the law enforcement survey is supported by the crime data analysis which found that the most frequent times of arrest of Native American youth were in the early morning hours on weekends.
- Close to half of all contacts with Native American juveniles during the past year (44.6%) were 'contact only' where no citation was issued. Only one-fifth (21.6%) of

Native American juveniles were cited and turned over to the police youth bureau according to the survey.

- Officers with less experience, compared to those with more experience, reported having had more contact with Native American juveniles during the course of their work. The fact that new officers are typically assigned to street patrol before moving on to other assignments may help explain this finding.
- Officers with less experience, compared to those with more experience, were more likely to cite the Native American juveniles they encountered during the past year. This response may be related to the previous finding. Officers doing street work may be involved in more encounters with youth where a citation may be issued. Decisions of new officers may be advised by more experienced officers they are partnered with on shift.
- The survey results suggest that department training related to the needs and circumstances of Native American juveniles would be helpful. Those officers who reported that they can ‘very much’ manage situations involving Native American juveniles reported that one of the reasons for this is their experience and knowledge of Native American youth/culture. Among those who indicated the type of training that they thought would be beneficial to meeting the needs and circumstances of Native American juveniles, cultural training to better understand the needs of Native American juveniles was the most common response. The less experienced officers reported that they have more contact with NA juveniles and were more likely to report that additional officer training by the department could improve its ability to meet the needs of Native American juveniles. Though some reported that they think training is unnecessary for their department, the body of survey responses suggested that many officers either want this type of training or could benefit from it.
- Over 40% of surveyed youth believe all youth coming into contact with law enforcement are treated the same.
- Among those youth survey respondents who responded that not all youth are treated the same by law enforcement, “bad appearance” and “prior history with law enforcement” were listed as the primary reasons for the differential treatment. Less than one-fifth (17.2%) indicated that minorities are treated worse.
- Two-thirds of youth survey respondents (68.1%) felt that the local police officers they have dealt with were fair in how they treated them and other youth.
- More than 2 in 5 youth survey respondents (44.2%) felt that the officers treated all of these racial and ethnic groups the same. Of those who responded that racial and ethnic groups are treated differently, nearly all (96.4%) felt that White youth get treated the best by police.
- Among those who responded that racial and ethnic groups are treated differently two-thirds (65.4%) felt that Native American youth (alone or in combination with another

race) get treated the worst by police. Native American youth was followed closely by Black youth at 57.7%. Racism and prejudice were cited by most of these respondents as the reason for the poorer treatment of minorities.

- Two thirds of youth survey respondents (66.7%) felt that Native American youth (alone or in combination with another race) were the most likely racial or ethnic group to be arrested. While “racism and prejudice” were cited as the primary reasons for this group being more likely to be arrested, almost an equal percentage cited “behaving more poorly, committing more crime, or having an uncooperative or bad attitude” as reasons this group may be more likely to be arrested.
- Slightly more than half of the youth survey respondents (54.1%) felt that Native American youth (alone or in combination with another race) were the most likely to be detained after arrest. Prejudice and the youth’s personal behavior were the top two responses as to why Native American youth would be more likely to be detained following arrest.
- Based on the factors surveyed, youth survey respondents’ personal experience with officers was generally positive.

The Burleigh County assessment report indicated that the overrepresentation of Native American youth at the point of arrest is a multi-faceted issue that does not lend itself to an “easy fix”, nor does it fall just to law enforcement to address the issue. Below are the recommendations that were made, designed to reduce the rate of disparity through a combination of training and collaborative efforts:

1. Programs that create opportunities for personal contact between police and Native American youth should be implemented or enhanced to increase trust and opportunities for positive experiences. Examples of programs that have demonstrated promise in other jurisdictions include:
 - Programs in which law enforcement officers help juveniles make the transition into the community following secure confinement.
 - Recreational programs in which police provide an array of youth activities such as police explorers, police youth academy, police-led athletics, police participation with youth in adventure programs, skill training, etc.
 - Programs in which police officers serve as mentors and role models, focusing on the academic achievement of at-risk students.
 - Programs in which police officers spend time with at-risk youth attending recreational and cultural events and participating in community activities.
2. Native American youth face unique challenges with regard to cultural identity and trauma that contribute to poor coping skills and decision-making. Law enforcement officers and other service providers may be better equipped to respond to situations

involving Native American youth with greater awareness and understanding of these issues as it relates to their current behavior. Opportunities for training of law enforcement, service providers, and other justice system personnel on issues of historical trauma² should be considered.

3. Both the law enforcement and youth survey suggested a need to increase the effectiveness of law enforcement in their interactions with youth, particularly Native American youth and other minorities. The “Effective Police Interactions with Youth” training program is an example of a curriculum available through OJJDP designed to reduce the likelihood that interactions between police officers and young people will have negative outcomes and/or result in police action. The goals of the training program are to:
 - Increase patrol officer awareness of disproportionate minority contact (DMC);
 - Increase patrol officer knowledge of youth behavior and strategies for interacting effectively with youth;
 - Improve police attitudes toward young people;
 - Increase the likelihood that police/youth interactions will have positive outcomes; and
 - Increase the likelihood that youth will respond positively toward police.
4. Both the 2007 study and the law enforcement survey described characteristics of Native American youth and their families that suggested a lack of connection to and engagement with the community. Institutions which provide a means to create a stronger cultural identity for Native Americans in the community are a means to strengthen these connections. A community cultural center is one such example. It provides a hub for cultural healing and programming; serves as a repository for cultural resources; and provides space for cultural expression and identity exploration. There have been some preliminary discussions regarding the creation of a Native American cultural center in the community. Community leaders should be encouraged to work with representatives of the tribes in the area to move this initiative forward.
5. For various reasons, there has been a recent trend in schools across the country to call police to respond to minor misconduct of students. The result has been an increased reliance on the justice system to address matters which had formerly been handled internally by the schools. The crime data analysis showed a number of arrests/citations of Native American youth occurring during school hours for minor offenses such as disorderly conduct, theft, and runaway. The extent to which this situation contributes to overrepresentation at arrest is not fully understood based on the data available. Further study by law enforcement and school officials is recommended

² **Historical trauma** is cumulative emotional and psychological wounding over the lifespan and across generations, emanating from massive group trauma. Self-destructive behavior, suicidal thoughts and gestures, depression, anxiety, low self-esteem, and anger that are among the responses of those dealing with trauma issues.

to see if this trend is also occurring in the Bismarck schools and the extent to which arrests/citations have increased as a result.

6. As possible follow-up to this assessment, it would be helpful to better understand the effect that recidivism has on the level of overrepresentation of Native American youth at arrest. From the data available, it was not possible to determine the extent to which chronic offenders contributed to the arrest count. With more detail on these recidivists, it may be possible to develop strategies to reduce or prevent re-offending by addressing the underlying cause of this behavior. If more complete data were available on arrest location, it would also be helpful to take another look at where arrests occurred to determine if there are factors present which would be addressed to reduce or prevent the behaviors of youth leading to arrest (i.e. congregating in mall areas resulting in calls to police from businesses; minor disruptions at schools which should more appropriately be handled by school officials, etc.).

The Cass County assessment focused primarily on the arrest of minority youth by the Fargo Police Department. The assessment consisted of a law enforcement officer survey to gather qualitative data and an analysis of juvenile arrests over the last five years to examine quantitative data. The preliminary findings were presented to the Fargo Police Department and the local juvenile court to get feedback and discuss the proposed recommendations. The findings and recommendations were then made part of the final report prepared for the ND Juvenile Justice State Advisory Group.

The key findings from the Cass County assessment were as follows:

- Both Native American and Black youth were overrepresented in juvenile arrests in Fargo for the years 2008-2012 based on the 2010 Census.
- The percentage of arrests among juveniles of a minority race was similar for older and younger female juveniles and for older male juveniles, ranging from 20.5% to 23.0%. Among younger males (those in the “under 15” age category), however, 36.1% of all arrests involved a juvenile of a minority race; 29.1% of those were black.
- The sharpest decline in the number of juvenile arrests between 2008 and 2012 occurred among Native Americans, who declined from 125 arrests to 43 arrests for a 65.6% decline. The reason for this decline could not be explained based on the data available. Further review may be needed to make sure the decline is not related to miscoding or other factors unrelated to actual frequencies of arrests.
- “On-view” arrests accounted for 54.3% of arrests for 2011-2012 combined. Native American females compared to Native American males had a higher percentage for on-view, while the opposite occurred for Blacks and Whites.
- During 2011-2012 about 1 in 5 juvenile arrests resulted in a juvenile being held or placed in either attendant care or detention. Native American juveniles were more likely than Black and White juvenile to end up in attendant care or detention following

an arrest. The higher incidence of detention or attendant care for Native American youth correlates with the type of offenses for which these youth are commonly arrested (runaway). In these situations youth may typically be held until they can be released to parents or juvenile authorities. Difficulty in locating parents of Native American youth is often cited by police as a factor in the need for temporary detention or placement.

- During the combined time period of 2008-2012, June had the highest number of arrests for any month (482 arrests, 9.3%) while January had the lowest number of arrests (354 arrests, 6.8%).
- When looking at juvenile arrests by three-month seasons during 2008-2012 combined, the most common season for arrests among Native American juveniles was summer (29.1%). The least common season for arrests of Black youth over the time period was winter (19.5%).
- During the combined time period of 2008-2012, arrests were most likely to have occurred on Friday (16.1%) and least likely to have occurred on Sunday (11.3%). Native Americans had the highest percentage of their arrests occurring on Wednesday (20.4%), which was the highest percentage for any day for any race.
- During the combined time period of 2008-2012, the most common hours of the day for arrests occurred between 4 and 7 PM (18.9%). During the weekdays, a higher proportion of arrests occurred between 7 AM and 1 PM, while a much greater proportion of arrests occurred on the weekend during the late evening and overnight hours of 11 PM to 5 AM.
- Theft was the most common offense listed, accounting for more than 1 in 5 offenses (22.7%), followed by alcohol/drug-related offenses, assault, and disorderly conduct.
- When breaking down seven common juvenile arrest offenses by race, theft was the most common for each race during 2008-2012 combined. Native American juveniles, compared to Black and White juveniles, had a higher percentage for runaway. Black juveniles had a much higher percentage for assault and disorderly conduct offenses and a much lower percentage for alcohol and drug-related offenses. Whites were the most likely to be arrested for drug-related offenses and the least likely for runaway.
- When selecting the time period when school is most likely to occur and juveniles are coming and going to and from school (Sept-May, Monday-Friday, 7:00 a.m.–5:00 p.m.) disturbance of public school was the most common individual juvenile offense overall, and the most common among Black juveniles, during the combined years of 2008-2012.
- When breaking down seven common juvenile arrest offenses by race during the typical school operating period, theft remained the most common for Native American and White juveniles. Among Black juveniles, disorderly conduct was overwhelmingly the most common category, accounting for more than one-third of all offenses. Assault offenses were also more common among Black juveniles.

- Officer survey respondents were not a very diverse group. All were White and over 80% were male. Just over 40% reported having 5 or fewer years of experience.
- Officers reported having more contact with Native American youth than with any other minority.
- A substantial number of respondents reported having contact with immigrant populations. The most commonly listed population groups were Bosnians, Somalis, Sudanese, Liberians, and Hispanics.
- Over 80% responded that there are barriers to effectively dealing with minority/immigrant populations. The most commonly listed barriers included language barriers, cultural differences, poor parenting or lack of supervision of youth, and little respect for or trust in law enforcement by parents or youth.
- Survey respondents indicated an average of 45.7% of the contacts made with minority youth during the past month occurred on the streets, making streets the most common location where contact occurred, followed closely by residential homes (35.6%).
- Survey respondents generally considered themselves to be comfortable in interacting with minority youth and confident in their ability to manage situations involving minority youth. They were least confident in the effectiveness of the department in keeping minority youth from being referred to juvenile court.
- The survey respondents listed a number of positives in describing their comfort and confidence in managing situations involving minority youth. These included such things as: relationships officers have developed with community leaders and parents; availability of resources for youth; access to interpreters; training and experience; assistance from the multicultural liaison officer; and assistance from school resource officer. Some negatives listed by respondents included: cultural and language barriers; poor parenting and lack of parental supervision; lack of respect for authority; officer restrictions and lack of time to spent with youth; inadequate training in working with minority youth; lack of diversity in the department; and lack of assistance/support from the minority community.
- Survey respondents reported that most of their encounters with minority youth involved contact only; about 35% result in a referral and/or placement in either attendant care or detention.
- Survey respondents with less experience, compared to those with more experience had more positive responses related to interacting with and managing minority youth in their work and by their department. In particular, less experienced respondents reported more positive responses for their own confidence and their confidence in their fellow officers to meet the needs of minority youth and their department meeting the needs of minority youth.

The Cass County assessment report indicated that Black and Native American youth are the primary minority groups that are overrepresented in the justice system at the point of arrest.

Based on the law enforcement survey responses, many Black youth are among the new immigrant population in the community. New immigrant populations present unique challenges to law enforcement in dealing with youth from those minority communities. Some of them apply to the Native American community as well.

- Immigrant groups may have a distrust of police and judicial systems carried over from their countries or origin, particularly those who come from countries with corrupt and violent police forces;
- It is typical for there to be cultural misunderstanding and language barriers that inhibit communication with public safety and justice services. Immigrant populations are made up of ethnically, culturally, and socio-economically diverse sub-groups. This is true of the various Native American Tribes represented in the community as well. Police must engage a wide range of minority groups to understand their interests and needs;
- Immigrants may also come from countries that are accustomed to resolving disputes informally or they may have a distorted view as to what is truly dangerous or unacceptable behavior based on their past experiences. This may also be true of Native American youth and their families who are part of Tribes with traditional ways of handling disputes or who are used to a higher tolerance for misbehavior on the Reservation compared to the city.
- Community organizations representing new immigrant groups may have limited resources and may be unable to contribute to trust-building efforts to the degree police may wish. This may require more effort and resources on the part of police to build these essential relationships.

The following recommendations were made in the Cass County assessment report and are intended to address the overrepresentation issue for both Black and Native American youth (many of which are included in the new immigrant population) at the point of arrest. The recommendations are intended to reflect a broad-based approach to addressing the overrepresentation issue and, as such, may include initiatives or approaches that have already been implemented as the Fargo Police Department has already addressing some of the recommendations or has plans to do so.

1. Enhance the effectiveness of the police department in working with Native American and other minority youth.
 - Establish diversity goals in police recruitment. Proactively recruit Native American and other minority individuals to work in both sworn and non-sworn positions in the police department.
 - Provide opportunities for representatives from minority communities to teach officers about the cultures of the local minority populations and to talk about needs and concerns.

- Provide additional training to increase the effectiveness of law enforcement in their interactions with youth, particularly Native American youth and other minorities. The “Effective Police Interactions with Youth” training program is an example of a curriculum available through OJJDP designed to reduce the likelihood that interactions between police officers and young people will have negative outcomes and/or result in police action.
 - Provide officers with easy access to language interpretation and translation through multilingual and multicultural staff and contracts with local interpreting/translating services, Obtain language tools for officers such as booklets to help identify the language of non-English speaking persons and on-line translation applications.
2. Enhance the level of trust among minority youth and families of law enforcement.
- Identify community leaders and organizations that advocate for and serve minority and immigrant populations. These entities can provide information on needs, assist in sharing accurate information with immigrants and other minorities about law enforcement services, and provide a contact for immigrants and other minorities when they have crime-related concerns.
 - Establish and conduct regularly scheduled forums for youth and families of the various minority and immigrant populations to learn about the community, laws, customs, services, and opportunities. Presenters who are able to present the information in the immigrants’ native languages should be available at these forums.
 - Programs that create opportunities for positive personal contact between police and minority youth should be implemented or enhanced to increase trust and opportunities for positive experiences. Examples of programs that have demonstrated promise in other jurisdictions include:
 - Programs in which law enforcement officers help juveniles make the transition into the community following secure confinement.
 - Recreational programs in which police provide an array of youth activities such as police explorers, police youth academy, police-led athletics, police participation with youth in adventure programs, skill training, etc.
 - Programs in which police officers serve as mentors and role models, focusing on the academic achievement of at-risk students.
 - Programs in which police officers spend time with at-risk youth attending recreational and cultural events and participating in community activities.
 - Conduct focus groups with families of Native American and other minority youth to identify their needs and concerns, to get their ideas on what the law enforcement and other agencies could do to better respond to their concerns, and share ways in which to more effectively engage minority families in the process. An example of questions and responses of such a focus group is provided in Appendix III.

3. Utilize objective criteria in determining the use of detention and other placement of youth at arrest.
 - Implement an objective screening instrument to guide detention decisions.
4. Establish a juvenile court minority liaison to work with minority youth and their families. The liaison would be available to help youth and their families understand and navigate through the juvenile court process, facilitate access to services, and assure that culturally appropriate approaches are understood and considered during each stage of the case process. The liaison would also work with court officials and service providers to promote increased understanding of the culture and unique needs of minority youth and their families.
5. Develop and implement programs and services designed to prevent involvement or reduce further involvement of youth in the juvenile justice system. There are a number of evidenced based programs that have been shown to be effective including:
 - Mentoring
 - Afterschool/recreation programs
 - Leadership and youth development programs
 - Parent training and support
6. The youth crime data provided for this assessment did not include data required to assess the impact of recidivism or residency on arrests of minority youth on overrepresentation. Follow-up study by the crime analysis unit of the police department in these areas is recommended:
 - The extent to which a number of arrests may be attributed to a smaller number of chronic offenders would help explain some portion of the overrepresentation and could provide the basis for developing specific strategies that would impact recidivism.
 - With regard to the residency issue, nonresident Native American and Black youth could explain some of the overrepresentation. Further assessment should consider residency along with seasonality to determine the relationship of community activities and event to increased arrests of nonresidents. The extent to which arrests of minority youth from the adjacent community of Moorhead across the state line contribute to overrepresentation should also be further studied.
 - An assessment of incident location as it relates to arrest of minority youth may also be useful. The impact of deployment policies and enforcement priorities in particular neighborhoods or locations where minority youth live or congregate can be assessed. The findings may provide the basis for policy changes or development of strategies to prevent or reduce unlawful behavior by youth in those areas.

Phase III: Intervention

Based on the RRI data and the DMC assessments, resources have primarily been allocated for diversion, prevention, and training, as more fully detailed below.

Initially, to address the recommendations in the 2013 assessment reports, the SAG voted to allocate Formula grant funding to Burleigh and Cass Counties to conduct delinquency prevention, intervention, and systems improvements activities. Specifically, \$100,000 in Title II Formula grant funding for DMC-related activities was allocated -- \$50,000 to Burleigh County and \$50,000 to Cass County. A Request for Proposal went out specifying the availability of funding for addressing the recommendation made in the assessment reports. Four applications were received (three applications for services in Burleigh County, and one for services in Cass County), and all applications were awarded funding by the SAG through September 30, 2014.

In late 2014, the SAG again decided to continue to provide funding to address the recommendations in the DMC assessment reports and allocated \$70,000 in Title II Formula grant funding -- \$35,000 to Burleigh County and \$35,000 to Cass County. Five applications were received (three applications for services in Burleigh County and two applications for services in Cass County). Four of the five applications were awarded funding for the period ending September 30, 2015 (one was not allocated any funding due to it being a duplication of services).

In 2015 a subcommittee of the SAG was established to develop recommendations and focus efforts in this area. The subcommittee made the following recommendations: 1) Expand the “Effective Police Interactions with Youth” Curriculum; 2) Support application and completion of the “Reducing Racial and Ethnic Disparities in Juvenile Justice” Program offered by Georgetown University’s Center for Juvenile Justice Reform; and 3) Expand existing services that address DMC, particularly those that encourage stronger relationships between the justice system and minority community members in those counties that have the highest rates of DMC.

To address the SAG subcommittee recommendations:

- 1) The Bismarck (Burleigh County) and Fargo (Cass County) Police Departments received training on the “Effective Police Interactions with Youth Curriculum”. Both agencies provide this curriculum to staff. Discussions continue on ways of getting the curriculum to other law enforcement agencies throughout the state.
- 2) The SAG voted to allocate funding for Burleigh and Cass Counties to send a team to Georgetown University’s “Reducing Racial and Ethnic Disparities in Juvenile Justice” Program. Teams from each jurisdiction were formed and applications were submitted in July 2016.

- 3) The SAG allocated funding for activities and/or services to address DMC. The funding will be awarded for programs and services based on recommendations from the local DMC teams attending the Reducing Racial and Ethnic Disparities in Juvenile Justice Program, as well recommendations from the DMC assessment studies to be completed in June 2018.

Progress Made in FY 2017 (October 1, 2016-September 30, 2017)

The applications for attendance at Georgetown University’s Reducing Racial and Ethnic Disparities in Juvenile Justice Program were awarded and teams from Burleigh and Cass Counties attended the certificate program in October 2016. In 2017, pursuant to the program, each team developed a “capstone project” to direct efforts to reduce DMC in their respective jurisdictions. During 2017 the teams established objectives relative to their capstone projects and are continuing to meet regularly to move efforts forward.

The Burleigh County DMC team is implementing the following objectives with the goal of reducing the rate of disparity at the point of arrest:

- Student and Family Engagement – system partners and providers are collaborating to actively engage Native American youth and families to explore cultural and socio-economic needs and address areas where the systems fall short.
- Professional Training – training on implicit bias and cultural awareness is being provided to community leaders, service providers, and stakeholders.
- School Behavior and Diversion – a school diversion screening tool was developed and being utilized by school resource officers to objectively guide decisions and provide interventions without a citation and juvenile court involvement. School behavior is being addressed through positive behavioral interventions that include Multi-Tiered Systems of Support, Restorative Justice, and evidence-based cognitive classes.

The Cass County DMC team is implementing the following strategies with the goal of reducing the rate of disparity at the point of arrest:

- Civil Citation – youth who commit certain non-serious misdemeanor offenses are eligible to receive a civil citation as an alternative to an arrest/citation. Participation in the civil citation program is voluntary and does not result in the traditional referral to juvenile court.
- Professional Training – training on implicit bias and cultural awareness is being provided to community leaders, service providers, and stakeholders.

- Relationship Building – providing different kinds of opportunities with the community for youth and adults of all backgrounds to interact in positive activities.

The Cass County DMC team has also established the following strategies with the goal of reducing the rate of disparity at the point of detention:

- Providing “Effective Police Interactions with Youth Training” curriculum to all patrol officers
- Simplifying the court’s detention screening tool so that it can be used at the point of arrest and prior to detention
- Decreasing secure detentions due to juvenile pick up and detain orders for failures to appear for court through a court reminder system
- Conducting a 12-month multi-disciplinary review of all school-based arrests that result in the use of secure detention

Other efforts towards progress in FY 2017 are as follows:

- The Juvenile Court implemented a statewide matrix in order to objectively structure decisions for intake and disposition with the intention of eliminating bias and diverting more youth away from the juvenile justice system.
- The Youth Cultural Achievement Program Coordinator in Bismarck/Burleigh served 154 Native American youth in a wide range of programs. Services included shelter, individual and family counseling, homework assistance, mentoring, crisis intervention, psychological assessment, transitional housing and independent living support.
- The Youth Cultural Achievement Program Coordinator in Fargo/Cass County served 67 minority youth. Restorative Justice interventions were utilized in lieu of a citation. The program implemented “Brown Bag Training” on strategies for working with youth and families. The training included information on the misconceptions of immigrant people about the juvenile justice system and the difficulties faced by minority families.
- The Juvenile Court Director in Fargo/Cass County provided training on implicit bias to juvenile justice professionals, school administrators and counselors, and community agencies serving minority youth and families.

- The Juvenile Court analyzed detention screening tool data to educate law enforcement about the appropriate use of detention and encouragement of non-secure alternatives.
- The Juvenile Court modified their database to start collecting the location of offenses. This data will aide future DMC studies and analysis.
- Administrators from the Bismarck Police Department participated in training in 2017 on native cultures and perspectives, which is provided by a local Native American organization.
- The Bismarck Policy Youth Bureau staff facilitated two positive school engagement sessions that are designed for students struggling with truancy and behavior problems that interfere with academic success.
- Pursuant to technical assistance the state received through the Council of State Governments, North Dakota's SAG, in collaboration with the North Dakota Department of Human Services, the North Dakota Court System and the North Dakota Division of Juvenile Services entered into a contract with the Robert F Kennedy National Resource Center for Juvenile Justice in 2017 for technical assistance with a Dual Status Youth Initiative. This initiative is aimed at improving multi-disciplinary policies and practices impacting youth with prior histories in the child welfare system that are entering the juvenile justice system, of which a significant percentage are minority youth.
- The SAG collaborated with the ND Supreme Court, the Bismarck Public School District (Burleigh County) and the North Dakota Association of School Resource Officers on a school-justice symposium. Judge Steven Teske, a well-known national speaker, presented information on how to keep kids connected to school and out of the justice system.
- The SAG provided funding to pilot a project in Ramsey County, a more rural county in the northeast part of the state that is also in close proximity to a Native American Reservation, to implement restorative justice programming in their middle school. Restorative Justice services are being provided by Ramsey County Social Services staff as a prevention effort.

Previous efforts have been made in each jurisdiction to address the recommendations from the assessment reports included:

- Enhance the level of trust and thus effectiveness of law enforcement among minority youth and families.

- The Police Department in Fargo (major city in Cass County – over 70% of the juvenile citations) employs a cultural liaison officer to reach out to minority groups in the community. The department created the position to provide Fargo’s large New American population (i.e. refugees, immigrants, and asylees) as well as the Native American population with a familiar face in law enforcement that they could reach out to with questions and concerns. The position collaborates with other service providers, elder groups, community or religious leaders, and social organizations. The position also teaches classes, hosts forums, and does regular home visits with social workers.
 - The Bismarck and Fargo Police Departments actively recruit minority individuals to work as sworn officers. This is done at the colleges, including the United Tribes Technical College, and schools and job fairs. The Fargo Police Department also travels to the Minneapolis, MN area to try to recruit minority individuals.
 - Both police departments utilize “Language Line”, which provides immediate access to interpreting/translating services when language barriers arise. They have established policy about proper usage, in particular not depending upon the juveniles to interpret for their parents.
 - The Fargo Police Department hired two Community Trust Officers to build relationships with youth, particularly minority youth. The community oriented policing promotes and supports organizational strategies to address the causes, and reduce the fear of, crime and social disorder through problem solving tactics and community/police partnerships. The Community Trust Officers regularly and proactively connect with residents and community stakeholders to foster trust between the community and the police. The Community Trust Officers partner with the Cultural Liaison Officer to engage with local cultural communities, and the Crime Prevention Officer for community outreach events and education. They work with local elementary schools by engaging and mentoring the youth in the community. They are also running a citizen’s academy for youth that provides an opportunity for them to learn about the role and activities of the police department through classroom learning and hands-on participation.
- Provide opportunities for training of law enforcement, service providers, and other justice system personnel to increase the effectiveness of their interactions with minority youth.
 - A Title II Formula grant was awarded by the SAG to the Bismarck Police Department for cultural diversity training by the Wellbriety Training Institute in Colorado. The training was conducted in August 2014 and several training sessions were provided so that all departmental staff had the opportunity to attend. The training consisted of an understanding of cultural diversity; the trauma faced by Native people; how

intergenerational trauma continues to play a role in urban communities and the Native population that the police work with; and solutions that can be implemented to strengthen the relationship between law enforcement and the community. Seventy-five staff from the Bismarck Police Department received the training and all rated it as beneficial.

- The Bismarck Police Department has a staff person who has done extensive research around the issue of historical trauma. She conducts training for new officers on cultural sensitivity and how historical trauma relates to contemporary Native American issues that the officers will be faced with.
 - The cultural liaison officer with the Fargo Police Department provides training to the other officers within the department as well as other system partners on various cultural issues and community trends.
 - The Bismarck and Fargo Police Departments were awarded technical assistance through CIVICSFIRST to implement the “Effective Police Interactions with Youth” curriculum. The entire police force (170 officers) will receive this training.
 - As part of the Title II Formula grant that was awarded in Cass County for DMC Prevention Coordinator, Lutheran Social Services conducted DMC/Restorative Justice training to school personnel in West Fargo.
 - A Title II Formula grant was awarded to the Sacred Pipe Resource Center to provide training to school personnel in the Bismarck Public School District (Burleigh County) on historical trauma and understanding actions/reactions of Native American youth. The Sacred Pipe Resource Center has continued to work in the Bismarck community with monthly support groups for Native American parents, weekly talking circle for Native American juveniles, weekly or special events for Native American families and individuals, including movies, youth basketball camps, and community engagement teams. Sacred Pipe provided training on addressing some of the common problems experienced by service providers when working with Native youth and families.
- Utilize objective criteria in determining the use of detention and other placement of youth at arrest
 - The use of a detention screening tool in the South Central Judicial District (i.e. Burleigh County) continues with the assistance of the Bismarck Police Youth Bureau. Federal training and technical assistance was awarded in 2014 to conduct a validation study of the tool to measure its success in terms of meeting public safety but also not detaining more youth than necessary. The Juvenile Court Director for the South Central Judicial District and the Juvenile Justice Specialist worked with the technical assistance provider, the National Center for Juvenile Justice, on the data used for the

study, which was finalized in June 2015. The study recommendations pointed to an ineffective data management system with regard to being able to measure recidivism and automate the tool to allow for less error and subjectivity, as well as a significant number of mandatory holds/detention over-rides. The study report and recommendations were presented to the Minority Justice Implementation Committee in 2016. The high use of overrides and mandatory holds continues to be discussed. The East Central Judicial District is implementing a court reminder system to reduce placements in secure detention due to pick up and detain order issued for failures to appear for court.

- The detention screening tool is being used by other judicial districts on a post-placement basis to analyze placement decisions and educate law enforcement on the appropriateness of using secure detention.
- Establish a juvenile court minority liaison to work with minority youth and their families
 - A Title II Formula grant was awarded in 2014 by the SAG to Youthworks to enhance their Youth Cultural Achievement Program (YCAP) in the South Central Judicial District. The YCAP is a diversion program for Native American youth that was created pursuant to a previous DMC assessment study and is now funded by the ND Supreme Court. It currently provides prevention and diversion services, including crisis intervention, individual and family counseling, psychological evaluation, case management, and referral. Additionally the program has implemented some culturally relevant group activities. Youthworks also operates a complimentary program, New Directions, which is an after school program for Native American high school students. Intake and assessment services for New Directions participants is provided by YCAP staff, as often these families may benefit from YCAP services as well. Referrals are made to the YCAP program by the Juvenile Court, school liaisons, or by concerned parents or family members. Any at-risk Native American youth is eligible for services at no cost to the family. The most recent funding awarded by the SAG allowed for an even higher level of prevention-focused services for additional counseling, case management, one-on-one mentoring, and a school-based group at the middle school level.
 - Title II Formula funding was awarded by the SAG to Lutheran Social Services of North Dakota to continue the work of the DMC Prevention Coordinator position in Cass County that was created with previous Title II funding. The position works collaboratively with many agencies and service providers, including the Fargo Police Department's cultural liaison officer discussed previously. This position was continued with funding from the North Dakota Supreme Court and is part of a Youth Cultural Achievement Program (YCAP) in Cass County, similar to the one established in

Burleigh County. The YCAP seeks to support and connect youth with services that will prevent them from entering or progressing further into the juvenile justice system.

- Develop and implement programs and services designed to prevent involvement or reduce further involvement of youth in the juvenile justice system.
 - A Title II Formula fund grant was awarded to the Bismarck Police Department to continue to assist with the delivery of a Truancy Intervention Program by Police Youth Bureau staff. Previous grant funding allowed for implementation of the evidence-based curriculum. The truancy classes are being conducted in an attempt to keep kids, in particular Native American youth that have a high rate of truancy, connected to school (Native youth are 36.7% of high school drop outs). All students referred to the program were at risk of credit loss due to lack of school attendance. With the start of the 2014-15 school year the Bismarck Police Youth Bureau partnered with the Bismarck Public Schools to bring the program to more students that are at risk of school failure and are facing truancy citations. Students are now able to attend the program rather than receive a citation. The program introduces strategies for students to understand themselves and their specific areas of problematic thinking.
 - The Bismarck Police Department has changed its practices to allow for officers to write a report rather than a citation for discretionary calls involving youth (when there is not a clear need for a citation), which is then reviewed by the Police Youth Bureau to determine the need for services. Arrests of minority youth were reduced by over 30% the year of implementation, although there may be other contributing factors. In addition, the Bismarck Police Department has met with administration from the local group homes to discuss handling of disciplinary issues rather than calling law enforcement.
 - The SAG allocated funding for teams from Burleigh and Cass Counties to attend Georgetown University's "Reducing Racial and Ethnic Disparities in Juvenile Justice" Program. Because of the varying minority populations and issues, it was determined it would be appropriate to send teams from each jurisdiction rather than just one. Teams have been formed and include juvenile justice, child welfare, and mental health representation. Applications were submitted in July 2016 and both teams were awarded and participated in the program in October 2016. Since that time teams have been working on capstone projects that were developed pursuant to the program, and are designed to prevent or reduce minority involvement in the juvenile justice and/or child welfare systems, as more fully explained above.
- Support the development of a community cultural center for Native Americans (Burleigh County).

- A Native American Develop Center for the Bismarck community (Burleigh County) was founded by a local Native American woman and seven founding board members with the mission of strengthening and advancing Native American individuals and families by providing supportive services and resources designed to preserve culture and promote economic security. The Center recently became certified for financial counseling and coaching services and has begun employment and home buyer workshops in collaboration with a local bank. They also have provided support groups for youth and parents.
- Examine the extent to which policies and/or practices at school are contributing to the over-representation of minority youth being arrested.
 - Title II grant funding was awarded by the SAG for training by the National Association of School Resource Officers. The 1 ½ day training was available to school resource officers and school administration. It provided training on the role of the school resource officer as mentor and educator, not just enforcer.
 - The SAG established a “school-to-prison pipeline” subcommittee to further study this issue and examine ways in which policies and/or practices at school are contributing to the over-representation of minority involvement in the juvenile justice system. The subcommittee made the following recommendations: 1) Educate school personnel on the issues; 2) Advocate for Restorative Justice in Schools; and 3) Expand the Multi-Tiered Systems of Support model, as applicable.
 - The ND Supreme Court asked that the SAG take on the role of the established School-Justice Partnership Team that is studying issues associated with the school-to-prison pipeline, including the over-representation of minority youth. The SAG accepted that role at their March 2016 meeting.
 - A curriculum developed by the National Curriculum and Training Institute (NCTI) titled “Positive School Engagement” is being provided at the school by Bismarck Police Youth Bureau staff for youth that are referred by the school. NCTI’s curricula focuses on making positive behavior change in juveniles by building an intrinsic desire to change their behaviors. This is mainly done by helping them understand the relationship between values, attitudes and behaviors. The program utilizes a Cognitive Behavior Approach that helps juveniles understand how their current behaviors need to be more in line with their intrinsic values and attitudes in order for them to reach their goals and uses roles plays and motivational interviewing techniques to achieve that.
- Further study recidivism, location of arrest, and residency to take a closer look at the factors that may be driving the over-representation and/or rates.

- 1) The Bismarck Police Department has a staff person that is conducting a study on the over-representation of Native American youth at the point of arrest. In doing so, she performed a case file review to look at recidivism and the residency of Native American youth that are cited. The analysis was based on calendar year 2010 data to be consistent with the assessment conducted by Mark Martin. The analysis showed that:
- 39% of Native American youth recidivated compared to 24% of White youth;
 - 25% of the citations issued to Native American youth were reflective of only 11 family units;
 - 27% of the citations issued to Native American juveniles were based on a call from the juvenile's parent/guardian, 18% from schools, and 17% from businesses;
 - 13% of the citations issued were related to youth that did not reside in Bismarck/Burleigh County;

The recidivism data and the calls for service that were outside of law enforcement's discretion, particularly those by parents, demonstrates that more effective diversion and intervention efforts need to be made with Native American youth and their families. The Bismarck Police Department is looking at ways to provide effective interventions through resource referral and de-escalation rather than citations in situations that involve a call from the parents wanting the youth to be cited. In addition, there is discussion about educating school personnel on the issues of historical trauma and how to use disciplinary actions rather than citations in situations that involve minor infractions.

In addition to items specific to the assessment recommendations, other intervention efforts are taking place:

- A Native American Leadership Academy is held annually by the North Dakota Indian Affairs Commission to create an opportunity for American Indian youth to learn and develop leadership skills to create a successful future, find mentors that will assist them in identifying and reaching their goals, and build positive relationships with peers. The academy's mission is to design, develop and implement a wide range of leadership programs that will advance the spiritual, intellectual, emotional and physical growth of students.
- The North Dakota Juvenile Justice State Advisory Group has continued to make funding for minority youth a priority of JJDP Act funding. In addition, Title II Formula funding is used to continue to support alternatives to secure detention on tribal reservations.

- An implementation committee has been established by the ND Supreme Court to review the recommendations from the final report issued by ND's Commission to Study Racial and Ethnic Bias in the Courts:
1. An assessment should be conducted to investigate causes of the high minority juvenile arrest rates.
 2. A single statewide tool to guide the decision to detain should be implemented. The tool should include criteria that are related to the purpose of detention and that will be objectively measured and applied uniformly across cases.
 3. The Court should explore establishing a juvenile minority liaison program in counties demonstrating a need, similar to the program in Burleigh County.
 4. The State Court Administrator's Office should develop a resource list of services available for minority youth and their families. This list should be available in clerks of district courts' offices.
 5. Courts should develop and fund culturally sensitive programs for minority youth, which will emphasize the skills needed to give minority youth the best chance at rehabilitation and prevent return to the juvenile justice system.
 6. Youth drug courts should offer high-risk intensive services to youth in order to generate the greatest overall benefit. Such services should be culturally sensitive.
 7. Efforts should be made by the state to work out reciprocal juvenile probation agreements with the tribes so that Native American juveniles who leave, or return to a reservation can receive supervision.
 8. The state should continue efforts to identify and reduce the barriers to full and equal access to juvenile diversion.
 9. All state and local agencies should make significant efforts in the recruitment, training, retention, and promotion of minority personnel within the juvenile justice system. These efforts should be directed toward providing personnel in proportion to the client community, and not be based solely upon demographic representation of communities of color in the population at large.
 10. Judges, attorneys, social workers, guardians ad litem, and other court personnel should receive education and training to increase their sensitivity to cultural and racial issues.
 11. The State should continue to provide annual training on the provisions of Indian Child Welfare Act.
 12. The Court should support agencies' efforts to increase recruitment and licensure of minority foster care parents.
 13. The Court should support efforts to identify experts for purposes of testifying under the Indian Child Welfare Act.

The implementation committee has been meeting since July 2013 and is focusing on the implementation of a detention screening tool statewide (recommendation #2) and

the expansion of a minority justice liaison (recommendation #'s 3, 5, and 8). The Juvenile Justice Specialist presented information on DMC to the committee in 2014. In addition, as mentioned above, information regarding the detention screening tool study recommendations was presented to the group in May 2016. The committee reviewed the study recommendations, in particular the recommendation to reduce the high number of overrides and mandatory holds.

- The ND Supreme Court continues to sponsor an annual Indian Child Welfare Act conference (ICWA) with “tracks” of varying content, including juvenile justice, child welfare, mental health, and trauma.
- The ND Supreme Court continues to co-sponsors a statewide Children’s Justice Symposium with the North Dakota Department of Human Services. The symposium provides several sessions relative to Native American youth, including Historical Trauma and North Dakota Native American Cultural Awareness. Many child-serving agencies are represented.
- Training on the refugee resettlement population was conducted in the Southeast Juvenile Court District (Cass County) and online training statewide was held in the Fall of 2016.

Phase IV: Evaluation

As discussed above, The SAG provided funding for teams from Burleigh and Cass Counties to attend Georgetown University’s “Reducing Racial and Ethnic Disparities in Juvenile Justice” Program. Pursuant to the program, each team developed a “capstone project” to direct efforts to reduce DMC in their respective jurisdictions. Progress measures were identified for each of the objectives, as detailed below.

Burleigh County (point of arrest):

Output Measures:

- Number of family engagement group meetings and attendance / response
- Number and percent of professional staff trained implicit bias, cultural awareness, and trauma training
- Number of hours of professional training provided and response to trainings
- Number of school policies or procedures created or amended

Outcome Measures:

- Number and percent of professional staff with increased knowledge on implicit biases, cultural awareness and/or complex trauma as measured training surveys

- Percent change in referrals for education neglect in schools with *Stay in School* program
- Percent change in school-related arrests
- Percent change in suspensions and expulsions by race / ethnicity
- Percent change in school-related arrests
- Percent change in graduation rates for Native youth

Cass County (point of arrest):

Output Measures:

- Number of youth served
- Number of youth successfully completing program requirements
- Number of training hours held
- Number and percent of professional staff trained implicit bias, cultural awareness, and trauma training
- Number of hours of professional training provided

Outcome Measures:

- Number and percent of professional staff with increased knowledge on implicit biases, cultural awareness and/or complex trauma as measured training surveys
- Percent change in referrals due to civil citation procedures
- Number and percent of youth and families satisfied with the program
- Number of youth that reoffend

Cass County (point of detention):

Output Measures:

- Number and percent of youth screened with risk tool
- Number and percent of officers trained
- Number and percent of school staff to receive training on DMC
- Number of hours of professional training provided
- Number of youth released to a parent/guardian at point of arrest
- Number of court reminder systems developed
- Number of reminders completed prior to court hearing
- Number of youth served by court cultural liaison for court appearance project

Outcome Measures:

- Number and percent of staff with increased knowledge
- Average risk tool score of youth detained

- Percent change in the average daily detention
- Percent change in utilization of detention alternatives
- Percent change in youth held in detention for failure to appear
- Percent of school-based arrest referrals

In addition, the SAG has allocated funding to assist with the efforts associated with the capstone projects and the recommendations from the DMC study that will be completed in May 2018, and any activities and/or programs funded with Formula grant dollars will be required to report on the following **performance measures**, as applicable:

- Number of programs implemented;
- Number of program youth served;
- Number of planning activities conducted;
- Number and percent of program youth who offend or reoffend (short and long term);
- Number and percent of program youth exhibiting desired change in targeted behaviors;
- Number and percent of program youth completing program requirements;
- Number of contributing factors determined from assessment studies;
- Number of contact points reporting reduction in disproportionality at the state level;
- Number of contact points reporting reduction in disproportionality at the local level;
- Number and percent of recommendations from assessment studies implemented.

Phase V: Monitoring

North Dakota will continue to monitor and track changes in DMC trends over time. The activities related to the DMC capstone projects will be monitored and performance data tracked to determine their impact. DMC assessment studies will be complete in June 2018 and the findings and recommendations presented to the SAG. Funding has been allocated for programs and services that will address the recommendations as well as for those recommended by the local DMC teams based upon their capstone project work. DMC will continue to be monitored on an annual basis through the calculation of the relative rates indexes and an analysis of the level of system involvement based on minority youth population. These activities will be conducted by the Juvenile Justice Specialist, who is also the DMC Coordinator, and reviewed by the SAG. Any Formula grant-supported DMC reduction activities, pursuant to the DMC capstone projects or assessment, will be required to report on evaluation measures, as discussed above, and on-site monitoring will be conducted of all subgrantees.