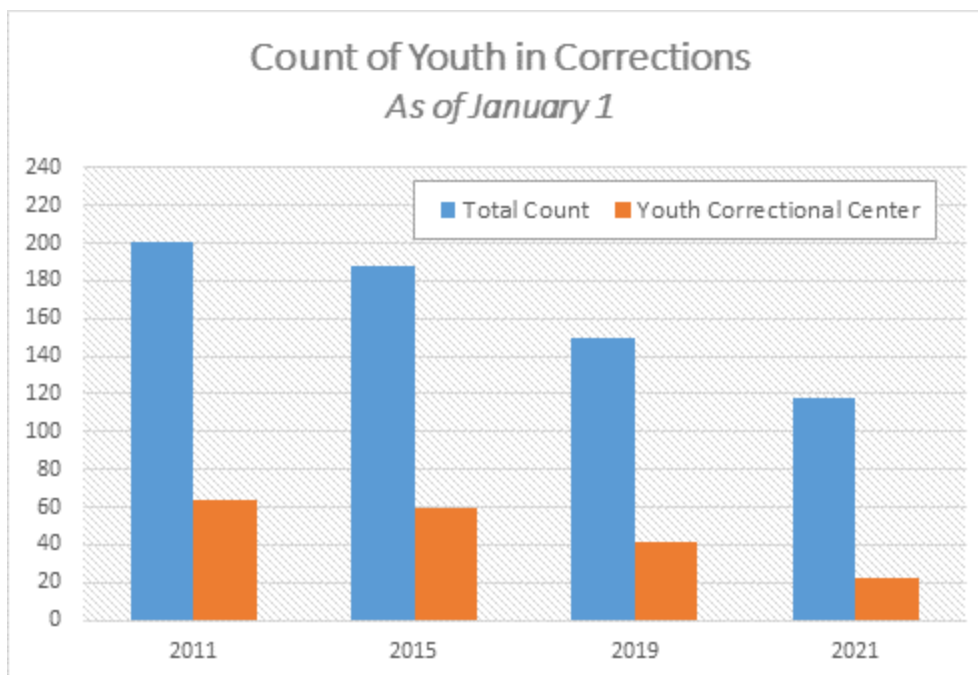


HOUSE APPROPRIATIONS COMMITTEE
REPRESENTATIVE JON NELSON, CHAIR
MARCH 2, 2021

NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
LISA BJERGAARD, DIRECTOR, DIVISION OF JUVENILE SERVICES
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2015

Chairman Nelson and members of the Appropriations Committee, my name is Lisa Bjergaard, and I am the Director of the Division of Juvenile Services for the North Dakota Department of Corrections and Rehabilitation. I am here to testify on behalf of the department in support of Senate Bill 2015.

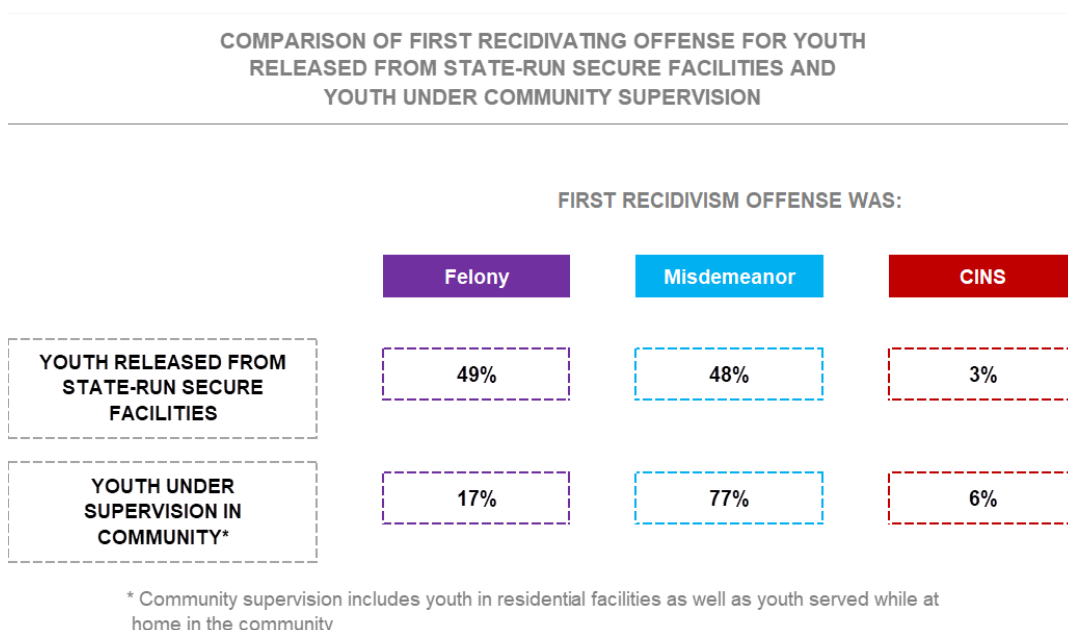
Over the past few bienniums, a combination of **factors** contributed to an overall decline in the numbers of youth committed to the custody of the Division of Juvenile Services (DJS). (slide 1)



The decline in overall case load and the number of youth housed at the North Dakota Youth Correctional Center (NDYCC) is due to a combination of lower juvenile arrest numbers for serious offenses and changes in juvenile justice practices within the DJS and across the broader juvenile justice system.

Efforts to change practice are based in research. A comprehensive study completed by the Council of State Governments Justice Center (CSG) in 2015 compared delinquent youth who received intervention in secure state facilities with delinquent youth who received community-based supervision and interventions. Researchers found that youth supervised in the community did commit fewer subsequent offenses than youth who were placed into secure state facilities. In fact, they committed 21% fewer crimes than those who had been placed in a secure facility. Even more striking, however, are the findings specific to the recidivating offenses. Youth who had been incarcerated in state-run secure facilities were three times more likely to commit a felony when recidivating than youth supervised in the community.

(slide 2)



However, the safety of the public must come first. Therefore, all youth undergo extensive risk and needs assessment during the admission phase, which takes about 21 days. Following the completion of the initial assessment, each case plan is staffed with the family, the assessment director, the case manager, the juvenile court and relevant service provider(s). The decision to place a youth in a community setting is made carefully and monitored closely, and conditions of supervision are subject to change.

Factor 1: DJS has a good track record related to the impacts of the intensive case management system. The five-year average recidivism rate remains at 14%. As always, there is room for improvement, and we continue to emphasize strategies and services that the research tells us are the most likely to be effective. Thus, based on the compelling research described on slide 2, we have purposefully focused on supervision strategies that allowed us systematically reduce reliance on incarceration.

It is not enough to simply shift placement from facility to community. We must pay attention to what works. Studies show that the most effective interventions for delinquent youth include Cognitive Behavioral Therapy (CBT), and strategies that promote positive youth development. The following summary describes the most effective interventions as follows:

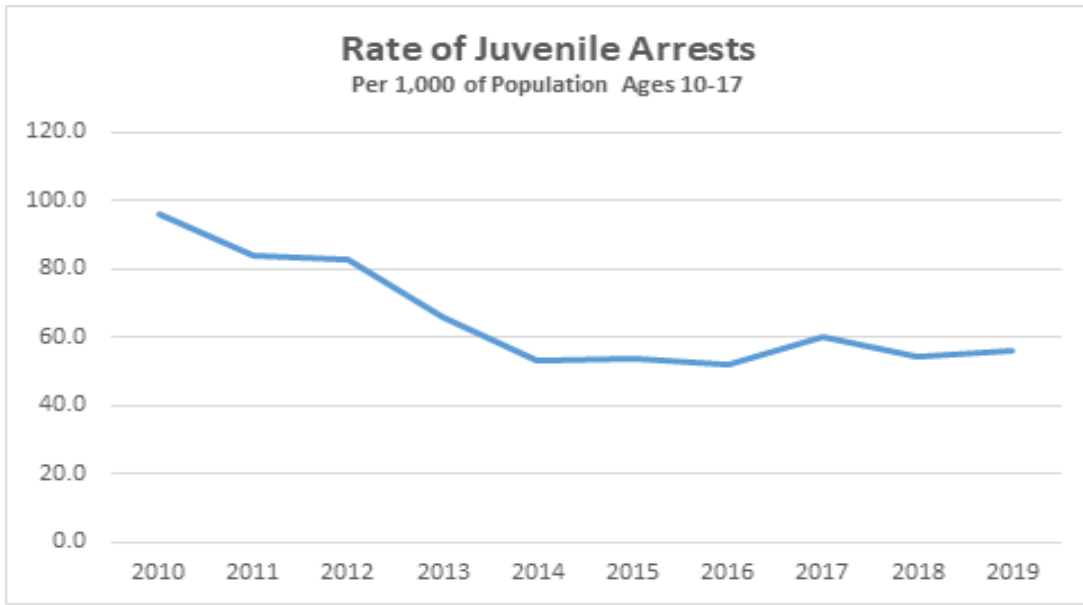
“Youth’s families, peers, schools, and communities exert significant influence on their behavior. As such, many of the programs that have demonstrated the most success focus not only on facilitating youth behavioral change, but also seek to strengthen youth-family interactions, improve parenting skills, and connect youth to other positive adults, peers, and activities in their schools and community.” (Seigle, Walsh & Weber, 2014, p 18).

Science has long told us that the three most salient factors in developing healthy adolescent psychology are: the presence of positive peers, the involvement of positive adults, and the opportunity for prosocial activities. Building on that knowledge, we

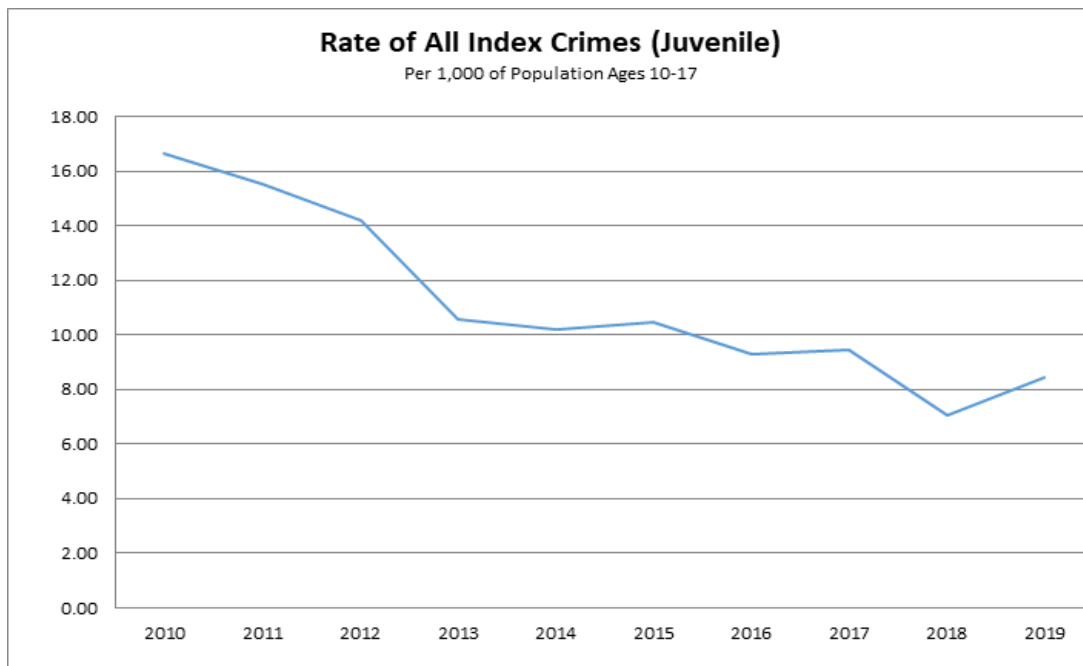
recognize that when any youth or child is removed from their home, whatever positive attachments and activities present in their lives is disrupted. Therefore, we remain committed to the time-tested programs that have the backbone of community based DJS services for over 30 years: intensive in-home family therapy and school-based Day Treatment. These interventions include precisely the strategies that research now identifies as most effective.

Factor 2: As the slide indicates, overall numbers of youth committed to the DJS has also declined significantly over the past few years. Some of the decline can be explained by changes in practices elsewhere in the juvenile justice system. The child welfare system, juvenile courts, and DJS worked together with other system stakeholders on the Dual Status Youth project, which gathered data and then worked to develop strategies to prevent youth who had histories in the child welfare system from crossing over into the juvenile justice system. We are seeing some of the impacts of this work, as there is a heightened awareness across systems of the research findings, and policies and practices that better support vulnerable youth. The juvenile courts have also continued to improve and strengthen their practices, as the entire juvenile justice system works to understand and implement all the research we now have at our disposal.

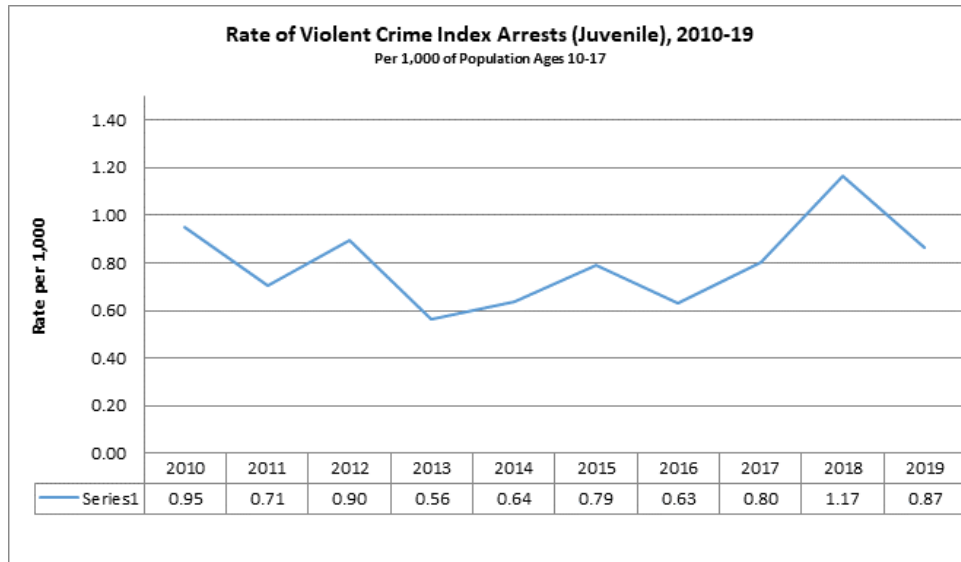
Factor 3: Finally, the number of youth committed to the Division of Juvenile Services is lower because the number of youth arrested for serious delinquent acts continues to decline. (Slide 3)



As you can see, the rate of all juvenile arrests has leveled off, and perhaps increased slightly in the past year. However, the rate of index crimes arrests for juveniles has continued to decline. Index crimes are person offenses and serious property crime. These youth are those most likely to be committed to state youth correctional custody. (slide 4)



Violent juvenile index crimes have fluctuated by less than one youth per thousand over the past nine years. (slide 5)



These three primary factors combined have allowed us the flexibility to move towards a juvenile corrections system that is more appropriately sized for the population of North Dakota, while allowing us to continue to emphasize effective programs and services provided in the community.

DJS operations are overseen by Tim Tausend at the youth correctional center, Tony Kozojed with community corrections, and Casey Traynor who manages quality assurance and compliance. In addition to overseeing daily operations, these gentlemen are the “boots on the ground” that are responsible for implementing all the reform work over these past few years, but especially during this most recent biennium. They are hard-working, dedicated professionals who show up every day and give the state their best. I could stay the same for virtually every one of the hard-working men and women of the juvenile division.

The march towards system improvement is not new, but it is sure to continue to gather a great deal of attention during the remainder of the legislative session. (slide 6) There is much about which we can be hopeful.

HB 1035 proposes the first major update of the Uniform Juvenile Court Act since the late 1960's, when it was first enacted. This bill will modernize the basic structure of our code and will provide the foundation for continued system improvement work. If we are to make the best use the resources we have and do the best work we can with youth and families, we must have a court act that is designed for that purpose. Representative Klemin chaired the Interim Judiciary Committee, is a member of the Commission on Juvenile Justice, and is a member of the Children's Cabinet.

HB1036 is a study resolution that will serve as a companion to HB1035. During this interim, the Commission on Juvenile Justice, the Interim Judiciary Committee and the ND Juvenile Justice State Advisory Group worked together to complete the preliminary assessment of the Uniform Juvenile Court Act, as well as the writing of the bill draft. Representative Klemin spent hours this summer guiding the work that resulted in HB1035. It was an effective partnership between legislators and practitioners from across child serving systems. We hope to work together in similar fashion next biennium. HB 1036 has passed both the House and the Senate.

There are those who have worries about the changes to practice that this bill will bring; change is always challenging for some. Therefore, we have built in delayed implementation dates to allow for the time to make sure that all the systems that interact with youth have the tools they will need to move forward. Representative Klemin introduced a companion bill that provides structure and oversight for three planning

committees that will work over the next interim to develop community based services for moderate to high risk delinquent youth, plan for the category of children in need of services, and develop alternatives to detention. HB1427 has cleared the House and has crossed over.

In order to accomplish the implementation work, the DJS applied for and received three years of federal funding that will allow the Council of State Governments Justice Center to continue to work in North Dakota. Their vast research and system reform experience will be invaluable during the upcoming biennium. We can go forward with the assurance that we are not the first state to undertake this work, and we can be confident that the changes we make will produce the outcomes we intend. CSG will be able to assist the planning committees by providing the most current “what works” research, as well as the practical knowledge of lessons learned in other states during implementation.

In the Child and Family Services budget address, you heard about the federal Families First legislation currently undergoing implementation. This legislation marks a major shift in how federal Title IV-E funds will be used, with an emphasis on activities that prevent out of home placement and work to reunify youth who have already been removed. HB1035 will provide the updated structure that will support the implementation of best practices in child welfare and juvenile justice, including the new federal Families First legislation.

Endnotes:

Elizabeth Seigle, Nastassia Walsh, and Josh Weber. Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014)

<https://csgjusticecenter.org/publications/juvenile-justice-white-paper/>

Tony Fabelo, Nancy Arrigona, Michael D. Thompson, Austin Clemens, and Miner P. Marchbanks III. Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms (New York: Council of State Governments Justice Center, 2015).

<https://csgjusticecenter.org/wp-content/uploads/2020/01/texas-JJ-reform-closer-to-home.pdf>