

Testimony on House Bill 1035

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Thank you for the opportunity to testify today on House Bill 1035. I'd like to provide you with background on the assessment that the Council of State Governments Justice Center conducted that helped inform the development of this bill. I will also speak to how this bill aligns with what research and best practice show works to protect public safety and improve outcomes for youth in the juvenile justice system.

I am a Deputy Director within the Corrections and Reentry Division with the Council of State Governments (CSG) Justice Center, and I oversee all of our juvenile justice work. The CSG Justice Center is a national, non-profit, non-partisan organization that works with all branches of government to help states improve outcomes for youth and adults in the justice system. We have worked with dozens of states and counties to help them assess and improve their juvenile justice systems, and have appreciated the opportunity over the last year to partner with the North Dakota Juvenile Justice Commission, State Advisory Group, Interim Judiciary Committee, and other state and local agencies to assess North Dakota's juvenile justice system.

To conduct the assessment, we reviewed past juvenile justice system improvement efforts including publicly available data and annual reports; analyzed existing juvenile justice statute; and conducted an array of focus groups to solicit feedback from policymakers, the Division of Juvenile Services, Juvenile Court judges and probation officers, prosecutors and public defenders, law enforcement, service providers, schools and school resource officers, as well as other youth service systems such as child welfare and behavioral health.

Our assessment findings highlighted that North Dakota's juvenile justice system has made considerable progress over the last five years. At the same time, our assessment identified three continued, overarching challenges to improved public safety and youth outcomes:

First, North Dakota lacks a statewide vision, purpose, and statutorily established research-based principles to guide its juvenile justice system. North Dakota's current juvenile justice statute is overly general and vague, confusingly mixes child welfare and juvenile justice populations, and is largely lacking research-based principles and practices that have become foundational for most states' juvenile justice systems. This lack of a statewide framework and approach means that the administration of justice, adherence to research, availability and quality of services, and ultimately, system performance, equity, and outcomes differs across the state by region, by agencies, and by the populations being served including youth of color and tribal youth.

Second, North Dakota offers limited access to services without system involvement, and has an overreliance on residential services. Agencies refer "unruly" youth to court, not because these young people are a public safety risk, but to ensure they receive services. While most states across the country have instituted ways to serve these low risk youth outside of the juvenile justice system, North Dakota is still using the juvenile justice system as a default service provider rather than as a system of last resort focused on public safety. Likewise, despite

progress, North Dakota still has the tenth highest state commitment rate in the country, largely not because of public safety concerns, but due to limited efforts to build a robust continuum of services in the community that can meet the needs of higher risk youth.

Finally, North Dakota offers limited evidence-based, community-based cognitive behavioral therapy, family therapy, and behavioral health treatment services demonstrated by research as effective specifically for justice-involved youth. The state also lacks formal, ongoing quality assurance activities to assess whether the right youth are being matched to the right services and whether services are being implemented effectively. As a result, North Dakota can't fully evaluate service provider effectiveness, support and expand strong providers, hold poor performers accountable, and ensure limited resources are used as efficiently as possible for service delivery.

House Bill 1035 would be a significant step forward in addressing these challenges and aligning North Dakota's juvenile justice system with over a decade of research on recidivism reduction, the science of adolescent development, and state best practices. If adopted and implemented effectively, these reforms could result in significant improvements to public safety, youth outcomes, and the more efficient use of limited resources.

First, research shows that arrest and court involvement for low risk youth actually increases their reoffending and has a negative impact on their high school completion and mental health. The establishment of "Children in Need of Services" as a separate legal category from delinquent youth and Children in Need of Protection, and requirement that these youth are served outside of the juvenile justice system, will mitigate these harmful effects. At the same time, the bill ensures that these youth's service needs are still met while enabling the juvenile justice system to focus its resources on the highest risk youth with the most intensive needs.

Second, research shows that matching youth to the appropriate level of supervision and services, based on their assessed risks and needs, is critical to recidivism reduction. The bill requires that North Dakota use risk and needs screening tools to guide diversion decisions as well as assessment tools to guide dispositional decisions, and also provides for an expanded right to legal counsel throughout juvenile court proceedings. These reforms can help improve supervision and service matching and the more efficient use of system resources.

Third, research has clearly shown that detaining and incarcerating youth is a costly, ineffective public safety strategy—multiple studies have shown that youth placed out of home are more likely to reoffend, and to commit felony offenses when they do reoffend, compared to their similar peers who are served in the community. House Bill 1035 helps to ensure that detention and incarceration in North Dakota are reserved for youth identified as a risk to public safety, based on the results of detention and risk assessment tools, and positions the state to potentially reap cost savings that can be reinvested into expanded, more effective services in the community.

Finally, it's important to note that HB1035 not only aligns juvenile justice policy and practice statewide with research and best practice, but HB1427, as the companion bill, provides for a collaborative, thoughtful approach to implementing these policy changes. The CSG Justice Center's experience with other states shows that effective implementation is critical to realizing

the potential public safety benefits of statutory reforms. The delayed effective dates for key bill provisions, and required establishment of associated working groups, can help ensure that all juvenile justice system stakeholders are partnering to develop and strengthen the policies, practices, and programs necessary to implement the provisions of HB 1035 with fidelity and high quality statewide.

In conclusion, with HB1035, North Dakota is poised to take key steps necessary towards bringing its juvenile justice system in line with research and national best practices. The CSG Justice Center appreciates being part of this process and having the opportunity to speak before you today on this important effort on behalf of North Dakota's youth and families. Thank you.