

Testimony Prepared for the
Senate Judiciary Committee

March 23, 2021

By: Russ Riehl

RE: House Bill 1035 – Juvenile Justice System Improvements

Senator Larson and members of the Senate Judiciary Committee, thank you for the opportunity to provide written testimony on behalf of Bismarck Public Schools. For the record, I am Russ Riehl, Principal of Simle Middle School, and I am presenting this testimony in support of House Bill 1035.

I have been in my current role for the past seventeen years. I have seen many changes in juvenile justice throughout this time. Early in my career we were a very punitive system in dealing with juvenile offenders. We would often use the police, court, placement facilities, etc. As I look back, we never did anything to address and/or curb the behaviors of youth. We did not do a great job in working with the family and supporting the family with their son or daughter. We have learned a great deal, and in our school, we have found other evidence-based practices to assist our students and families.

In our school and in our district every school has implemented a Multi-Tiered System of Support for schools. Teaching and reinforcing behaviors to all students and providing interventions for students along the way. We have shifted our focus from consequences to interventions. The interventions we present to our students are based on data we gather regarding office discipline referrals (ODR's), police citations, staff input, etc. The support system allows us to be very

responsive to the needs of our students. This effort is building and district wide and all staff play an important role in teaching and reinforcing positive behavior.

We still have students who need more support at the school or community level.

We work closely with community partners such as the United Way, Lutheran Social Services, the Police Youth Bureau, the Bismarck Police Department, Sanford Health, Department of Human Services and many more. We spend a considerable amount of time on prevention. Our School Resource Officers (SRO's) are a critical part of this continuum in all levels of support. We use a significant amount of our School Resource Officer time on the front end of our continuum. Working with "at risk" youth outside of the classroom and connecting them to our community. The role of School Resource Officers has expanded, and I welcome the continued collaboration and growth with School Resource Officers.

We will always have students in our schools who are safety risks and I do not want these students lost in this bill. We need an appropriate placement for these students as they often do not fit in their neighborhood school. Some of these students are significant safety risks for schools and communities. We have instances throughout our district where students are in a placement facility and for whatever reason they are dismissed from this facility and back in the public school setting with little or no advanced notice and no services or supports that follow the child or family. This is a considerable expense and strain on our school system as we need to hire additional staff, establish safe educational spaces to address the needs of these students and families. In short, BPS does not have the staff or resources to work with these students and their families in an effective manner. We need to find a solution/supports on how to address these youth, their family, and their school community.

We have implemented a School Based Behavioral Health system in our schools that has been an incredible asset for our students and their families. We are funding this through private insurance and Medicaid. It is an incredible partnership between Simle Middle School and Sanford Health, while other schools across BPS have partnered with other community agencies to accomplish similar school, student, staff, and family supports. Behavioral Health and juvenile justice reform go together, and I (we) would like to see us (this process) continue to grow and work together.

Youth that have a low risk to reoffend are more likely to recidivate and less likely to complete high school if they are arrested/referred to court as opposed to being diverted from formal juvenile justice system involvement, even if they don't receive robust services. This bill establishes a new legal category of Children In Need of Services (CHINS) to include most unruly offenses such as truancy, runaways, and incorrigible behaviors. These youth are removed from the jurisdiction of juvenile court and can no longer be arrested or referred to court.

This bill strengthens the dispositional process and provides research-based guidelines for matching youth with the most appropriate level of supervision. Research has shown that in order to achieve best outcomes for reducing recidivism and increasing positive youth outcomes, it is necessary to properly match youth with the correct level of supervision and services based on validated risk and needs assessment tools.

The reforms in this bill support improved outcomes for youth in the juvenile justice system, improving public safety and positive youth outcomes. Allowing

youth to access services without requiring contact with the juvenile justice system is a change that can work. We have seen this firsthand with the implementation of Restorative Justice in our school. For many years the only way students could access Restorative Justice was through the courts. We saw this is a valuable, evidence-based practice for students. We know have Restorative Justice available to all students in our school. We collect data on these students and over eighty percent of students who went through this process felt safer in their school and that the process was beneficial.

Mrs. Larson and Committee Members, on behalf of Bismarck Public Schools, we support a Do Pass recommendation on House Bill 1035, with the understanding that progressive supports for diverted students and families need to be established in all agencies prior to implementation of this new legislation. In addition, the needs of students coming out of placement and placed back to schools needs to be addressed in both process and funding.