

# **PLAN FOR COMPLIANCE WITH THE REDUCING RACIAL AND ETHNIC DISPARITIES (R/ED) CORE REQUIREMENT**

## **I: R/ED Identification**

The North Dakota Juvenile Justice State Advisory Group is the coordinating body that oversees the state's compliance, analysis, and efforts related to reducing Racial and Ethnic Disparities (R/ED).

The State of North Dakota is a very rural state with fifty-three counties. Based on the most recent school enrollment data (2023-24 school year), approximately 24% of North Dakota's adolescent population is minority. American Indian youth are the largest minority population in the state, at approximately 10% of the adolescent population, followed by Black and Hispanic youth, each at around 7% of the adolescent population.

The majority of the counties have 100 minority youth or less. The two largest counties with the majority of minority youth were selected for analysis. Thus, in addition to analyzing statewide data, key decision points was also analyzed for Burleigh and Cass Counties to identify R/ED, and to focus on those areas where the most significant impact can be made.

To complete the Data Preparation Worksheet, OJJDP data definitions were used with a couple of exceptions. Because arrest data is only available on a summary basis, making it is difficult to analyze and less consistent, juvenile court referral data was used in lieu of arrest data. In North Dakota every arrest citation results in a referral to juvenile court, and thus, it was determined that court referral data would provide a more accurate picture and allow for further analysis of the factors that may be driving minority youth's contact with the juvenile justice system. Using Juvenile Court data also provides consistency in data among the decision points. In addition, commitment to state juvenile corrections was used in lieu of secure commitment as in North Dakota secure correctional facility placements cannot be used as a dispositional option. This is consistent with previous year's analysis.

The data reflects calendar year 2022 to provide the next subsequent year of analysis to be able to analyze trends. The data is based on an unduplicated count in order to get a more accurate picture of arrests and juvenile court processing. The population figures reflect school enrollment data for ages 10 to 17, as this is the age group in North Dakota that falls under juvenile court jurisdiction. Previously, US Census Bureau estimates were used but due to concern about the reliability of the of the single-year of age at the county level, school enrollment data form the ND Department of Public Instruction is much more accurate. Two databases were used in the compilation of the contact points, the court's case management system and the statewide juvenile detention records system.

Below are the R/ED Data Preparation Worksheets, on a statewide basis and for the counties mentioned above. The worksheets for calendar year 2021 are included in addition to 2022 to be able to analyze increases or decreases from the previous year.

**STATEWIDE**

**CY2021**

RED Identification		White	Black	Amer Indian	Asian	Hispanic	Pac Isl	All Minority
	Population Data	51,973	4,465	7,292	1,331	4,270	378	17,736
Arrest/Referral	Number	1,415	309	342	16	96	0	763
	Percentage	2.72%	6.92%	4.69%	1.20%	2.25%	0.00%	4.30%
Diversion	Number	1,204	252	276	16	77	0	621
	Percentage	2.32%	5.64%	3.78%	1.20%	1.80%	0.00%	3.50%
Detention	Number	187	58	81	3	39	0	181
	Percentage	0.36%	1.30%	1.11%	0.23%	0.91%	0.00%	1.02%
Commitment	Number	24	4	6	4	3	0	17
	Percentage	0.05%	0.09%	0.08%	0.30%	0.07%	0.00%	0.10%
Transfer to Adult Court	Number	0	0	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

**CY2022**

RED Identification		White	Black	Amer Indian	Asian	Hispanic	Pac Isl	All Minority
	Population Data	52,242	4,698	7,314	1,402	4,521	392	18,327
Arrest/Referral	Number	1,596	377	437	25	121	0	960
	Percentage	3.06%	8.02%	5.97%	1.78%	2.68%	0.00%	5.24%
Diversion	Number	1,353	301	337	20	94	0	752
	Percentage	2.59%	6.41%	4.61%	1.43%	2.08%	0.00%	4.10%
Detention	Number	206	97	97	6	46	0	246
	Percentage	0.39%	2.06%	1.33%	0.43%	1.02%	0.00%	1.34%
Commitment	Number	13	6	11	0	3	0	20
	Percentage	0.02%	0.13%	0.15%	0.00%	0.07%	0.00%	0.11%
Transfer to Adult Court	Number	1	0	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

**Increase/Reduction**

	White	Black	Amer Indian	Asian	Hispanic	Pac Isl	All Minority
Arrest/Referral	0.33%	1.10%	1.28%	0.58%	0.43%	0.00%	0.94%
Diversion	0.27%	0.76%	0.82%	0.22%	0.28%	0.00%	0.60%
Detention	0.03%	0.77%	0.22%	0.20%	0.10%	0.00%	0.32%
Commitment	-0.02%	0.04%	0.07%	-0.30%	0.00%	0.00%	0.01%

**BURLEIGH COUNTY**

**CY2021**

RED Identification		White	Black	Amer Indian	Asian	Hispanic	Pac Isl	All Minority
	Population Data	6,663	376	851	130	296	100	1,753
Arrest/Referral	Number	204	29	84	0	1	0	114
	Percentage	3.06%	7.71%	9.87%	0.00%	0.34%	0.00%	6.50%
Diversion	Number	176	24	69	0	1	0	94
	Percentage	2.64%	6.38%	8.11%	0.00%	0.34%	0.00%	5.36%
Detention	Number	29	4	14	0	3	0	21
	Percentage	0.44%	1.06%	1.65%	0.00%	1.01%	0.00%	1.20%
Commitment	Number	6	1	3	0	0	0	4
	Percentage	0.09%	0.27%	0.35%	0.00%	0.00%	0.00%	0.23%
Transfer to Adult Court	Number	0	0	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

**CY2022**

RED Identification		White	Black	Amer Indian	Asian	Hispanic	Pac Isl	All Minority
	Population Data	6,649	402	926	139	333	105	1,905
Arrest/Referral	Number	229	39	88	2	7	0	136
	Percentage	3.44%	9.70%	9.50%	1.44%	2.10%	0.00%	7.14%
Diversion	Number	198	32	70	1	6	0	109
	Percentage	2.98%	7.96%	7.56%	0.72%	1.80%	0.00%	5.72%
Detention	Number	25	3	15	0	9	0	27
	Percentage	0.38%	0.75%	1.62%	0.00%	2.70%	0.00%	1.42%
Commitment	Number	8	0	4	1	1	0	6
	Percentage	0.12%	0.00%	0.43%	0.72%	0.30%	0.00%	0.31%
Transfer to Adult Court	Number	0	0	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

**Increase/Reduction**

	White	Black	Amer Indian	Asian	Hispanic	Pac Isl	All Minority
Arrest/Referral	0.38%	1.99%	-0.37%	1.44%	1.76%	0.00%	0.64%
Diversion	0.34%	1.58%	-0.55%	0.72%	1.46%	0.00%	0.36%
Detention	-0.06%	-0.32%	-0.03%	0.00%	1.69%	0.00%	0.22%
Commitment	0.03%	-0.27%	0.08%	0.72%	0.30%	0.00%	0.09%

**CASS COUNTY**

**CY2021**

RED Identification		White	Black	Amer Indian	Asian	Hispanic	Pacific Islander	All Minority
Population Data		11,780	2,226	576	505	748	53	4,108
Arrest/Referral	Number	362	182	59	13	25	0	279
	Percentage	3.07%	8.18%	10.24%	2.57%	3.34%	0.00%	6.79%
Diversion	Number	295	143	44	13	16	0	216
	Percentage	2.50%	6.42%	7.64%	2.57%	2.14%	0.00%	5.26%
Detention	Number	65	37	17	0	12	0	66
	Percentage	0.55%	1.66%	2.95%	0.00%	1.60%	0.00%	1.61%
Commitment	Number	3	2	0	0	1	0	3
	Percentage	0.03%	0.09%	0.00%	0.00%	0.13%	0.00%	0.07%
Transfer to Adult Court	Number	0	0	0	0	0	0	0
	Percentage	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

**CY2022**

RED Identification		White	Black	Amer Indian	Asian	Hispanic	Pacific Islander	All Minority
Population Data		11,948	2,402	573	545	778	45	4,343
Arrest/Referral	Number	391	223	75	15	32	0	345
	Percentage	3.27%	9.28%	13.09%	2.75%	4.11%	0.00%	7.94%
Diversion	Number	308	172	53	15	22	0	262
	Percentage	2.58%	7.16%	9.25%	2.75%	2.83%	0.00%	6.03%
Detention	Number	63	69	20	4	17	0	110
	Percentage	0.53%	2.87%	3.49%	0.73%	2.19%	0.00%	2.53%
Commitment	Number	1	3	3	0	1	0	7
	Percentage	0.01%	0.12%	0.52%	0.00%	0.13%	0.00%	0.16%
Transfer to Adult Court	Number	1	0	0	0	0	0	0
	Percentage	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

**Increase/Reduction**

	White	Black	Amer Indian	Asian	Hispanic	Pacific Islander	All Minority
Arrest/Referral	1.60%	3.04%	3.82%	1.70%	0.09%	0.00%	2.75%
Diversion	0.07%	0.74%	1.61%	0.18%	0.69%	0.00%	0.77%
Detention	-0.02%	1.21%	0.54%	0.73%	0.58%	0.00%	0.93%
Commitment	-0.02%	0.04%	0.52%	0.00%	-0.01%	0.00%	0.09%

## II: R/ED Action Plan

### 1. What do your R/ED numbers tell you about your jurisdiction?

Statewide R/ED numbers for calendar year 2022 show that Black and American Indian youth are arrested/referred to court and securely detained at rates higher than white youth. However, they are diverted by the court at higher rates than white youth, decreasing their involvement at other points deeper in the system. Thus, the primary focus of R/ED efforts is preventing minority youth's contact with the juvenile justice system.

The arrest rates are even more concerning on a county-level basis, showing American Indian and Black youth in Burleigh County being arrested at 9.5% and 9.7% of their population, respectively, compared to white youth at 3.4% of their population. Cass County has high arrests percentages for American Indian youth, at 13.1% of their population, and the largest minority group, Black youth, at over 9%, compared to White youth at 3.3% of their population.

Detention rates for minority youth are not nearly as high but still significant when compared to White youth. Black and American Indian youth in Burleigh County are detained at .8% of their population while White youth are detained at .4%. The detention rates in Cass County are much more significant, with American Indian and Black youth being detained at 3.5% and 2.9% of their population, respectively, compared to White youth at .5%.

As indicated above, Burleigh and Cass Counties have the largest minority populations; they also have the largest number of juvenile arrests/referrals to court. Thus, Burleigh and Cass Counties have been the focus of R/ED efforts. Based on population data, the focus in Burleigh County has primarily been American Indian youth and in Cass County, Black youth. This does not mean that local prevention and diversion efforts only pertain to those counties or those minority groups.

- Burleigh County: American Indian youth make up 65% of the arrests/referrals of minority youth.
  - 9.5% of American Indian youth are arrested vs 3.4% of white youth;
  - American Indian youth are diverted 80% of their arrests compared to white youth at 86%;
  - American Indian youth that are arrested are detained at 17% of their arrests vs 11% for White youth;
  - American Indian youth are committed to state custody at 4.5% of their arrests vs white youth at 3.5%.

*Based on this analysis, the focus in Burleigh County is the arrest/referral, diversion, and detention of American Indian youth.*

- Cass County: Black youth make up 65% of the arrests of minority youth.
  - 9.2% of Black youth are arrested compared to 3.3% of white youth;
  - Black youth are diverted slightly less than white youth, at 77% of their arrests compared to 79% of arrests for White youth.
  - White youth that are arrested are detained 16% of the time compared to Black youth at 30%;
  - Black youth end up being committed to state custody at .01% of arrests compared to White youth at .002% of their arrests.

*Based on this analysis, the focus in Cass County is the arrest/referral, diversion, and detention of Black youth.*

2. What would success in R/ED reduction look like?

Any reduction in R/ED is considered a success. R/ED reduction is a *long-term strategy* and thus, a continued reduction in minority youth's contact with the juvenile justice system each year is the goal. To progress toward that goal, R/ED reduction efforts in North Dakota continue to focus on the *longer term* strategies that have been shown to work in successfully reducing disparity:

- *Data collection and utilization* – Data is collected and analyzed on an annual basis to inform decision-making as well as track progress.
- *Increased collaboration* – a statewide racial equity workgroup was established under the Juvenile Justice State Advisory Group as a way of increasing collaboration among state agencies, community-based organizations, service providers, and other stakeholders. The workgroup explored ways to keep minority youth from coming in contact with the juvenile justice system by developing alternatives to court and reducing barriers to service. A number of strategies were developed aimed at accomplishing the goal of preventing minority youth's contact with the juvenile justice system. The strategies included expanding and strengthening restorative justice practices, increasing prevention services, and reducing barriers to preventive service delivery for minority youth.

In addition, a consultant that is a person of color was recently hired to collaborate with minority communities, service providers, and public agencies. With the help of the consultant, strategic planning sessions will be held with local community leaders and members to inform existing service delivery and develop an action plan for policy, practice and funding. The consultant will be engaging and collaborating with system agencies, service providers and BIPOC communities around juvenile justice diversion and community-based prevention services.

- *Shift from punitive toward a focus on what is best for youth and community* – North Dakota recently passed significant bipartisan legislation to improve outcomes for youth in its juvenile justice system, as well as keep certain youth out. The legislative bill moved North Dakota toward practices that research has shown to be effective for youth. The improvements incorporated the latest adolescent development research by including ways to hold youth accountable for their actions without a punitive approach. It resulted in statute that provides for clear guidelines for the different populations of youth, the availability of incentives and graduated sanctions, and the identification of youth’s distinct risk and needs.

In addition, there has been a greater focus on restorative justice practices as a way to hold youth accountable in lieu of strictly punitive practices. The North Dakota Juvenile Court has adopted a Balanced and Restorative Justice approach in handling youth. Many schools are using restorative justice services as an intervention for youth behavior. The Juvenile Justice State Advisory Group recognized the importance of having effective interventions in place to divert youth from the juvenile justice system and thus, provided funding for expanding restorative justice practices in schools, as well as in communities. In addition, pursuant to a recommendation by the statewide racial equity workgroup that was established, the Juvenile Justice State Advisory Group funded the establishment of a statewide restorative practices council. The council will ensure integrity to the restorative justice services being provided throughout the state as well as looking for ways to increase restorative practices in schools and communities.

- *Affiliation with national juvenile justice reform initiatives* – North Dakota applied for and received funding for juvenile justice system improvement efforts through technical assistance by the Council of State Governments Justice Center. Through that initiative, North Dakota has adopted a number of system enhancement strategies, with a particular focus on strengthening evidenced-based service delivery for minority populations and in rural communities.

Previously, the Juvenile Justice State Advisory Group has supported the attendance of local R/ED committees at Georgetown University’s R/ED Certificate Program, where they learned about reform efforts proven successful with minority youth. North Dakota participated in a Dual Status Youth Initiative aimed at reducing involvement in the juvenile justice system, particularly for minority youth. In addition, as discussed, North Dakota

passed a legislative bill (House Bill 1035) that modernized its juvenile justice statute, aligning language with national initiatives.

- *Create alternatives to secure detention, secure confinement, and formal system involvement* – North Dakota has developed alternatives to secure detention and is focusing on increasing community-based services to avoid secure confinement. The State passed a legislative bill (House Bill 1427) that created a planning committee focused specifically on alternatives to detention. The committee made a number of recommendations related to alternatives, including increasing the use and accuracy of the detention screening tool. Efforts to enhance the use of alternatives to secure detention continue to be a focus for North Dakota’s Three-Year Plan.

Alternatives to formal system involvement are being used through a number of diversion options by the Juvenile Court, as noted by the overall rate of diversion. In addition, pursuant to recent legislation, unruly youth were reclassified as Children in Need of Services and are completely diverted from the juvenile justice system.

- *Intentional focus on R/ED reduction* – North Dakota’s Juvenile Justice State Advisory Group has established R/ED reduction as one of their main priorities. Requests for Proposals released by the advisory group provide priority consideration to entities and/or practices that promote racial equity.

The advisory group established a statewide racial equity workgroup specifically focused on R/ED reduction. The workgroup established the following goals:

- Strengthen existing interventions and invest in new interventions that prevent minority from becoming involved in the juvenile justice and/or child welfare systems; and
- Ensure that adolescent prevention services are available statewide and that such services are sufficiently targeted and tailored to minority populations that are disproportionately involved in both systems.

A number of strategies were developed to work towards those goals, including:

- Establishment of youth and family engagement activities to pilot mediation, credible messengers, and culturally aligned prevention services for youth and families at risk of system contact.



- Development of a statewide restorative practices council to strengthen and expand restorative justice services/practices, with a particular focus on ensuring equal access for minority youth.
- Reducing practical barriers to preventive service delivery for minority youth, including knowledge of available services, transportation and funding.
- Establishing a steering committee with minority representation to guide the development and implementation of policies, trainings, funding, and capacity building.

Pursuant to the strategies, the advisory group recently awarded a number of subgrants aimed at increasing youth and family engagement services and preventing system involvement, particularly for minority youth. Priority consideration was given to those applicants that plan to promote racial equity, remove barriers for accessing services, and increase community connection for minority youth and families. Funding was also awarded for the development of a statewide restorative practices council that will work on increasing fidelity and ensuring cultural competency for the services.

In addition, the advisory group recently allocated funding for a consultant that is a person of color to provide an intentional focus on racial equity and assist with the recommended strategies. The consult will also to conduct focus groups, and assist with strategic planning. The goal is to identify and reduce barriers to service, increase healing-centered approaches that acknowledge and address racial trauma, and increase awareness of unconscious bias and cultural responsiveness through training and technical assistance to service providers and system agencies.

It is also the intent to develop a Black, Indigenous and Other Person of Color (BIPOC) steering committee that can engage with the consultant and advise on this work.

- *Maintenance of leadership at the local level, state level or both* – state and county stakeholders have continued to show their leadership and commitment to improving R/ED and youth and family outcomes. There are a number of state and local leaders on the advisory group that have been an integral part of the efforts related R/ED. In addition, a number of state and local leaders participated on the statewide racial equity workgroup.
- *Prioritizing R/ED reduction as a long-term strategy* – North Dakota’s Juvenile Justice State Advisory Group, as well as local stakeholders and providers,

know that R/ED reduction efforts, in order to be successful, need to be sustained over a long period. There are many factors that contribute to R/ED and targeted intervention strategies need to be systematically examined and adjustments made to ensure effectiveness.

3. How do you want to reduce R/ED next year?

Based on the analysis, a continued reduction in minority youth's contact with the juvenile justice system each year is the goal, with the focus on the points of arrest/referral to court and secure detention for American Indian and Black youth. A particular focus will be on Burleigh and Cass Counties given their proportion of minority population and juvenile justice system involvement. R/ED reduction is also part of the goals/objectives in North Dakota's Three-Year Plan.

4. Why do you believe this is a reasonable reduction?

North Dakota has tried various things over the last ten years to impact its R/ED numbers, including a number of assessments with corresponding funding for the resulting recommendations, curriculum for law enforcement, and Georgetown University's certificate program. However, the data hasn't changed much in terms of the level of disparity. Thus, pursuant to a recommendation from the Council of State Governments Justice Center (through North Dakota's technical assistance contract with them), a different approach is being implemented, as discussed above under item 2. Thus, the goal of a reduction, even small, seems reasonable. In addition, the SAG is willing to continue to support this work and additional strategies that are identified.

The continued goal statewide, as detailed with the objectives in North Dakota's plan, is to aim for a 1% reduction from year to year, while still recognizing that RED reduction is a long-term strategy and that results from implementation of new practices and policies takes time (i.e. the impact of the new approach will not be seen with the lagging data). It is hoped that by reducing R/ED at the first point of contact (arrest), it will result in a corresponding reduction at all other points in the system.

5. What do you need from OJJDP to be successful with your plan?

North Dakota continues to look for effective R/ED strategies, and is excited about the launch of the Center for Reducing Racial and Ethnic Disparities to further explore policy, practice and system improvement strategies to reduce disparities.

6. What safeguards will you put in place to ensure that as you work to reduce R/ED, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

The North Dakota Juvenile Court follows the principles of Balanced and Restorative Justice, with its mission being to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. In addition, along with statute changes, the Juvenile Court has implemented various screening and assessment tools to ensure that youth are treated equitably. It is with that same mission that R/ED reduction efforts are established. The criteria for newly implemented diversion practices targets low-level offenses that have high rates of disproportionality. Also, it is understood that accountability does not have to equal criminalization. Thus, diversion efforts provide accountability and objective decision-making with the goal of keeping low-level offenders out of the juvenile justice system, but not in lieu of public safety. One example of diversion efforts that provide accountability is restorative justice services. The SAG has funded additional restorative justice services in schools and communities, including rural and communities with a higher concentration of minority youth. In addition, a restorative practices council has recently been established through support of the SAG. The council will work to ensure fidelity to restorative justice services as well as increase the cultural competency of the services.

### III: Conduct an outcome-based evaluation

1. What are your new numbers?

In comparing CY2021 to CY2022, it appears disparity is increasing, on both a statewide and county-level basis. On a statewide basis, all minority groups saw an increase in rates, with the largest increases with Black and American Indian youth. This is also true for Burleigh and Cass Counties, with all groups seeing an increase in rates, except American Indian youth in Burleigh County seeing a slight decrease in both arrests/referrals and detention placements. This is encouraging since American Indian youth are the largest minority group in Burleigh County.

2. Did you meet your goals?

As indicated, there was a slight reduction in rates for American Indian youth in Burleigh County, although slightly less than the goal of a 1% reduction. Otherwise the goal was not met. It is hoped that with a new approach, with the establishment of a new statewide racial equity workgroup and the development of strategies to address R/ED, as well as the hiring of consultants that are BIPOC, further reductions

will be seen, but still recognizing that it will take some time to operationalize the strategies and see real change.

3. If yes, what worked? What drove the success? If not, what were the barriers? How did you overcome them? What partners do you need?

There was success in the reduction of arrests/referrals and detention placements of American Indian youth, the largest minority group in Burleigh County. This could be attributed to statute changes, increased diversion services at school, and funding to support additional culturally-specific services. The same success was not seen on a statewide basis or for the largest jurisdiction, Cass County. Increases in minority populations in that area of the state, particularly diverse New Immigrant populations, as discussed in North Dakota's Three-Year Plan, could attribute to the increases. Family engagement is difficult due to distrust and cultural differences.

4. How can OJJDP help you next year?

North Dakota has a large American Indian population as well as a continued influx of New Immigrants, and thus, training focused on R/ED reduction strategies that have proven successful with these populations would be helpful.

5. How did you protect the public, hold juvenile offenders accountable, and equip them to live a crime-free life?

The North Dakota Juvenile Court follows the principles of Balanced and Restorative Justice, with its mission being to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. In addition, along with statute changes, the Juvenile Court has implemented various screening and assessment tools to ensure that youth are treated equitably. It is with that same mission that R/ED reduction efforts have been established, and it is understood that accountability does not have to equal criminalization. Thus, diversion efforts provide accountability and objective decision-making with the goal of keeping low-level offenders out of the juvenile justice system, but not in lieu of public safety.

6. What are your goals for next year?

As discussed above, and included in North Dakota's Three-Year Plan, the goal is to work toward a 1% reduction in R/ED. This will be done through the strategies developed by the statewide racial equity workgroup and the hiring of the consultant to lead those efforts.