

DELINQUENCY AND CRIME PREVENTION AND DISPOSITIONAL ALTERNATIVES - BACKGROUND MEMORANDUM

Section 10 of Senate Bill No. 2016 (attached as Appendix "A") directs the Legislative Council to study programs to prevent crime and delinquency and reduce incarceration. This section directs the study of crime prevention programs other than incarceration and suggests a review of programs identified in the 1996 research report *Diverting Children From a Life of Crime - Measuring Costs and Benefits*, which includes information on early childhood interventions for children at risk of developing antisocial behavior, interventions for families with children exhibiting aggressive and antisocial behavior, providing graduation incentives for disadvantaged high school students, and early monitoring of youth exhibiting delinquent behavior. In addition, this section creates a delinquency prevention consortium composed of representatives from the Department of Corrections and Rehabilitation, Department of Human Services, Department of Public Instruction, and other state agencies and private organizations. This section directs the delinquency prevention consortium to cooperate with the Legislative Council in the completion of this study.

Senate Concurrent Resolution No. 4053 (attached as Appendix "B") directs the Legislative Council to study the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children.

DIVERTING CHILDREN FROM A LIFE OF CRIME: MEASURING COSTS AND BENEFITS

"Diverting Children From a Life of Crime: Measuring Costs and Benefits" is the name of a study conducted by the RAND Corporation, a nonprofit research firm, which compares prevention, intervention, and sanctions as investments for children at risk of being delinquent and delinquent children. The RAND study was a cost-benefit analysis of five responses to crime. These responses included:

1. Home visits by child care professionals beginning before birth and extending through the first two years of childhood, followed by four years of day care.
2. Training for parents and therapy for families with very young school-age children who have shown aggressive behavior or have begun to "act out" in school.

3. Four years of incentives, including cash, to induce disadvantaged high school students to graduate.
4. Monitoring and supervising high school age youth who have already exhibited delinquent behavior.
5. California's "Three Strikes Law."

The study resulted in estimates that can be expressed in terms of serious crimes prevented per million dollars spent on each program. The costs do not take into account savings realized by not having to eventually imprison youth diverted from criminal careers. In addition, the estimates are the result of limited demonstrations and educated guesses and actual values could vary considerably from those shown.

The most cost-effective approach for preventing serious crimes was graduation incentives for high-risk youth. The cost of preventing serious crimes with this program is approximately \$4,000 per crime or 250 serious crimes prevented per million program dollars.

The second most cost-effective approach was the parent training intervention. The cost of this approach was \$6,500 per serious felony prevented. This results in 160 serious crimes averted per million dollars spent.

The third and fourth most effective approaches were delinquent youth supervision and California's "Three Strikes Law." The delinquent youth supervision would prevent approximately 70 serious crimes per million dollars, and the "Three Strikes Law" would prevent approximately 60 serious crimes per million dollars spent. The cost per crime is \$14,000 and \$16,000, respectively.

Home visits and day care did the worst out of the approaches. This approach resulted in less than 10 serious crimes averted per million dollars spent. However, the kind of early childhood intervention considered in the study has been shown to reduce rates of child abuse by about 50 percent.

The RAND study found that the human service approaches depended on the ability to identify families with children at risk for future trouble with the law. The study said troublesome and delinquent children are more likely to come from troubled families. Previous studies cited by the RAND study revealed that family factors associated with higher rates of delinquency include:

1. Early childbearing.

2. Substance abuse during pregnancy.
3. Low birth weight and other types of birth complications.
4. Parents' criminal record or mental health problems.
5. Poor parental supervision.
6. Erratic child-rearing behavior.
7. Parental disharmony.
8. Parental rejection of child.
9. Abuse and neglect.

The study cited longitudinal studies that have demonstrated that inappropriate or inadequate parenting are among the strongest predictors of later delinquency. These studies consistently identify the following three factors as associated with a significantly higher risk of being an ineffective or abusive parent:

1. Poverty.
2. Single parenthood.
3. Youthfulness.

PREVENTING CRIME

In February 1997, the United States Department of Justice released *Preventing Crime What Works, What Doesn't, What's Promising*. This report is a compilation of the results of a congressionally authorized University of Maryland study of virtually every study of criminal prevention efforts to determine which worked best. The central conclusion of the report is that the effectiveness of most crime prevention strategies will remain unknown until the nation invests more in evaluating them. The Maryland study concluded that by scientific standards there are very few crime prevention "programs of proven effectiveness." However, the study did say that effective programs appear to share a common characteristic--they focus on specific crimes, convicts, or potential lawbreakers. The least effective tend to be broad-based. For example, the Maryland report found that additional police officers are mainly effective if sent to high crime areas. In an April 21, 1997, article entitled "A Taxpayer's Guide to Crime and Punishment," published in *U S News and World Report*, the author, in summarizing the 500 plus page Maryland study, said:

The same failure to focus on problems undermines other anticrime efforts. For instance, many police departments have scored public-relation points with programs to buy back guns from citizens. But gun violence has not necessarily gone down in those places. What does work, say the researchers, is more-aggressive police seizure of guns on streets from suspicious-looking characters. Putting more high-risk and violent offenders in prison has helped lower crime rates. Locking up low-risk

drug offenders may have not. Rehabilitation programs designed to boost convict's self-esteem have not lowered recidivism rates. Rehab programs that instill a work ethic have.

This report suggests that crime prevention practices can be organized by the seven local institutional settings in which these practices operate. The report organized these settings as follows:

1. Community-based crime prevention, which includes community organization and mobilization against crime, gang violence prevention, community-based mentoring, and after school recreation programs.
2. Family-based crime prevention, which includes home visitation of families with infants, preschool education programs involving parents, parents training for managing troublesome children, and programs for preventing family violence, including battered women's shelters and criminal justice programs. The report found that intervening in troubled families is a good strategy in reducing juvenile crime; however, the services must reach the child before the age of 10 for the services to have a significant impact.
3. School-based prevention, which includes DARE, peer group counseling, gang resistance education, antibully campaigns, law-related education, and programs to improve school discipline and improve social problem-solving skills.
4. Labor markets and crime risk factors, which include training and placement programs for unemployed people, including job corps, vocational training for prison inmates, diversion from court to employment placements, and transportation of intracity residence to suburban jobs.
5. Preventing crime at places, which includes practices to block opportunities for crime at specific locations like stores, apartment buildings, and parking lots by using cameras, lighting, guards, and alarms.
6. Policing for crime prevention, which includes the police practices of directed patrol in crime hotspots, rapid response time, foot patrol, neighborhood watch, drug raids, and domestic violence crackdowns.
7. Criminal justice and crime prevention, which includes prisoner rehabilitation, mandatory drug treatment for convicts, boot camps, shock incarceration, intensively supervised parole and probation, home confinement, and electronic monitoring.

The report states "that serious youth crime in America can be reduced most substantially by a

simultaneous investment in all seven institutional settings for crime prevention, focused on the small number of neighborhoods in the nation where serious youth violence is concentrated." Complete and focused crime prevention appears to be the recommendation of the report.

SERVICES, TREATMENT, AND REHABILITATION FOR CERTAIN BEHAVIOR

This memorandum defines "crime prevention" as anything that may reduce crime rates. The preceding tests seven settings in which crime prevention may operate. The following is a cursory review of what this state does in the way of "crime prevention." This state's crime prevention efforts will be divided into groups by the governmental units that expend the effort--the human service system and the criminal justice system, including the juvenile justice system.

Many human service programs have an effect on crime and delinquency because they intentionally or unintentionally reduce risk factors. These risk factors are based on characteristics that are significantly related to criminal or delinquent populations. The manner in which these programs are administered is usually on a voluntary participation basis.

In this state, the county social service board hires staff who determine the eligibility for economic assistance and provide human services. For example, county social service offices provide family social work, which may include family focus services, intensive in-home programs, and parent aide, foster care, case management, and health services for children. The board is responsible for the administration of federally directed human service programs.

The Department of Human Services administers economic assistance and offers programs to those families that may be at risk of having a delinquent child. For example, the Child and Family Services Division administers, develops, funds, supervises, monitors, licenses, and coordinates services to children who have become or who are at risk of becoming neglected, abused, deprived, delinquent, or unruly and regulates through licensure some children's services programs. In particular, the Children and Family Services Division establishes policies and procedures for child protection, foster care, family services adoption, pregnancy, and early childhood services and licensure of group homes, family foster care, residential child care facilities, child-placing agencies, maternity homes, and early childhood facilities.

Services are delivered to communities in this state through eight regional human service centers, 53 county social service agencies, and a variety of contracted service providers. Regional human service centers are the community service centers of the

Department of Human Services. The regional human service centers are located strategically throughout the state in the eight major population centers. North Dakota Century Code Section 50-06-05.3(2) provides, in part:

Regional human service centers shall provide human services to all eligible individuals and families to help them achieve or maintain social, emotional, and economic self-sufficiency; prevent, reduce, or eliminate dependency; prevent or remedy the neglect, abuse, or exploitation of children and of adults unable to protect their own interests; aid in the preservation, rehabilitation, and reuniting of families; prevent or reduce inappropriate institutionalized or providing for community-based or other forms of less restrictive care; secure referral or admission for institutional care; provide outpatient diagnostic and treatment services; provide information concerning guardianship to people interested in becoming or who are guardians; and provide rehabilitation services for patients suffering from mental or emotional disorders, mental retardation, and other psychiatric conditions, particularly for those patients who have received prior treatment in an inpatient facility.

The second governmental unit expending effort in the area of crime prevention is the criminal justice system. Although the criminal justice system includes many entities, the following focuses on juveniles because they are the focus of the assigned studies.

The juvenile justice system operates by intervening when there is unhealthy behavior by a child or directed at a child. Certain behaviors may bring the child under the jurisdiction of the juvenile court. The juvenile court makes determinations as to juveniles in three specific instances. These instances are when a child is deprived, unruly, or delinquent. In short, a deprived child is a child who is abused or neglected. A deprived child has not broken the law. An unruly child is a child who is truant, does not obey the child's parents, is a status offender, has violated the open container or minor in possession prohibitions, or has committed a noncriminal traffic offense without an operator's license or permit. A delinquent child is a child who has committed an act designated as a crime under the law.

Once a child is found to be deprived, unruly, or delinquent, the court will determine what services, treatment, or rehabilitation is needed at a disposition hearing. Under NDCC Section 27-20-30, the juvenile court in the disposition of a deprived child may, in the

best interests of that child, return the child to the child's parents subject to conditions and limitations or transfer temporary legal custody to a qualified individual, public agency, or private organization. A deprived child may not be confined to a facility designed or operated for the benefit of delinquent children.

Under NDCC Section 27-20-32, the disposition for an unruly child is the same as for a delinquent child, except there may be no commitment to a secure facility. Under NDCC Section 27-20-31, the juvenile court in the disposition of a delinquent child may, in the best interests of the child, make any order authorized for the disposition of a deprived child; place the child on probation under the supervision of the juvenile supervisor, probation officer, an appropriate officer of the court, or the director of the county social service board; order the child to pay a fine in limited circumstances; place the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority; commit the child to the Division of Juvenile Services or another state department; order the child to make monetary restitution or complete community service; order periodic drug and alcohol testing; or suspend driving privileges for an offense that would be a Class A misdemeanor or felony if the offense were committed by an adult.

It appears that the juvenile court has broad powers in the disposition of children that come under the court's purview. Any limitation on what kind of service, treatment, or rehabilitation a child may be assigned appears to be a result of what services are offered by various agencies. Division of Juvenile Services is the main in-state agency that provides services to chronically unruly and delinquent children.

Under NDCC Section 27-21-02, the Division of Juvenile Services takes custody of delinquent and unruly children committed to its care by the juvenile courts. Upon taking custody of a child, the Division of Juvenile Services processes the child through a diagnostic testing and evaluation program to determine the treatment and rehabilitation that is in the best interests of the child and the state. The Division of Juvenile Services utilizes the following out-of-home placements, which are listed from the least restrictive to the most restrictive:

1. Family foster care (county social service homes).
2. P.A.T.H. (Professional Association of Therapeutic Homes)--therapeutic foster family care.
3. Group homes and residential child care.
 - a. Charles Hall Youth Services operates three group homes and one shelter care facility in the Bismarck/Mandan communities. They accept referrals from the entire state.
 - b. Prairie Learning Center in Raleigh.

- c. Dakota Boys Ranch in Minot and Fargo.
- d. Home on the Ranch in Sentinel Butte.
- e. Eckert Youth Home in Williston.
4. Residential treatment centers (used for youth with severe mental problems).
 - a. Dakota Boys Ranch in Minot.
 - b. Luther Hall in Fargo.
 - c. Ruth Meiers Adolescent Center in Grand Forks.

Note: A number of out-of-state facilities are utilized for specialized care, including sex offender treatment and severe conduct disordered youth.

5. North Dakota Youth Correctional Center.

The Division of Juvenile Services offers a number of community-based programs and sanctions. There are three levels of escalating sanctions recommended to case managers. Level 1 sanctions include:

1. Amends to victims, schools, law enforcement, and parents.
 - a. Apology letters.
 - b. Face-to-face visits.
2. Verbal reprimands.
3. Written reports and assignments.
4. Structure.
 - a. Curfew limits on use of driver's license.
 - b. Limits on use of telephone.
 - c. Supervision sessions.
 - d. After school reporting.
 - e. Tracking.
5. Community services and restitution.
6. Employment.
7. Community activities.
8. Education and self-help groups.
 - a. Anger management.
 - b. Aggression replacement training.
 - c. Alcoholics Anonymous.
 - d. Grief counseling.
9. Urine analysis.

Level 2 sanctions are in addition to level 1 sanctions. These sanctions include:

1. More structure.
 - a. Increased tracking.
 - b. Increased supervision sessions.
 - c. Daily reporting.
 - d. Telephone contact.
 - e. Written log of daily activities.
 - f. Reduced privileges.
 - g. Closed campus at school (no free time outside school building).
2. Increased frequency of urine analysis.
3. Conversation with the Youth Correctional Center or placement facility.
4. Required community service.

Level 3 sanctions are in addition to level 1 and level 2 sanctions. These sanctions include:

1. Electronic monitoring.
2. Contact with law enforcement regarding house rules and expectations.
3. Informal court hearing.
4. House arrest.
5. Time out at the Youth Correctional Center.

The Division of Juvenile Services provides programs that may enhance the success of reducing bad behavior by children committed to its care. These programs may be used at various times while the youth is under community sanctions. The following is a list of these programs.

1. Day treatment services - Provides a special classroom setting in schools for children unable to function adequately in a regular classroom.
2. Intensive in-home services - Provides six to eight weeks of in-house training for families to improve the family's relationship.
3. Drug and alcohol evaluation and treatment.
4. Psychological evaluations.
5. Individual therapy.
6. Psychiatric interventions.
7. Job and vocational skills development - Provides training to children in daily living skills and job and vocational skills through a school-based program.
8. Independent living services are provided for juveniles over the age of 16 who may not return home. These services provide training to develop daily living skills.

9. Every child released from the Youth Correctional Center is provided after care services.

AMERICAN INDIAN CHILDREN

The 1986 Governor's Commission on Children and Adolescents At Risk said in relation to American Indian children:

Native American children and adolescents at risk were not singled out in this study since most have the same problems as the rest of the children and adolescent population. However, the Native American youth's problems may be more intensified because of social and economic factors: the high rate of unemployment, the lack of services available on the reservation; and the lack of understanding between tribal authorities and the State of North Dakota on service provision, authority limits, and cultural values.

According to 1992 statistics, American Indian children represent seven percent of all the children in North Dakota but represent 28 percent of the children in juvenile detention and 36 percent of the admissions to the North Dakota Youth Correctional Center.

The schedule below is a profile of American Indian children. These numbers were compiled by the Child Welfare Research Bureau at the University of North Dakota.

Indicator	American Indian	White
1994 total population (estimate)	27,363	602,738
1994 percent of population (estimate)	4%	94%
1994 child population (estimate)	13,613	173,838
1994 percent of child population (estimate)	7%	91%
The following poverty information cannot be updated (census data)		
1990 poverty status	50%	13%
1990 below poverty income for less than 18 years old	58%	14%
1994 resident live births	13%	85%
1994 low birth weight ratios (per 1,000 births)	77.01	50.68
1994 resident live births by use of tobacco	39.1%	16.7%
1994 resident live births by use of alcohol	4.7%	1.2%
1994 percent of births to teen mothers by race	19.8%	7.7%
1994 out-of-wedlock ratio (per 1,000 births)	568.4	181.1
1995 infant mortality rate (per 1,000 births)	12.06	6.84
1995 youth death rates by age 1-19 years	1	0.41
1993 percent of youth who considered suicide grades 9-12	33%	27%
1993 percent of youth who attempted suicide grades 9-12	15%	9%
1993 youth sexual behavior (had sex) grades 9-12	70%	45%

Indicator	American Indian	White
1995 juvenile detention by race	29%	67%
1995 admissions to the Youth Correctional Center	38%	57%
FY 1995 victims of child abuse/neglect (probable cause cases)	18%	76%
FY 1995 children in foster care	31%	66%
1995 admissions to State Hospital Children and Adolescents Unit	27%	68%
FY 1995 children served by human service centers	11%	87%

In September 1996, a final report of the North Dakota American Indian juvenile justice summit was released. A portion of the report summarized

problems facing American Indians and offered solutions for those problems. Those problems and solutions as they relate to this study include:

Problem	Solution
Tribes need facilities for unruly children and children with behavioral problems.	Establish tribal group home process of on-reservation facilities and develop resources to send families to attend off-reservation facilities.
Low self-esteem and discipline.	Construct a tribal juvenile detention facility on the reservation where traditional and spiritual ways can be used in the treatment process.
The tribal juvenile court has a heavy caseload.	Implement community conflict resolution through the tribal court and make changes to tribal law as it relates to child welfare and the judicial system.
No tribal youth probation officers.	Make an agreement in which the Division of Juvenile Services has jurisdiction over runaways.
Lack of coordination between key entities and individuals in the juvenile justice system.	Develop preventative programs that network into the community and coordinate all the entities in the juvenile process. Make a tribal contract with the Youth Correctional Center.

These are just a few of the problems and solutions listed in the juvenile justice summit final report. Because of the status of Indian tribes as sovereign nations, there are limits on the jurisdiction of the state to aid in the juvenile justice system on reservations. According to a representative from the Indian Affairs Commission, the jurisdictional issue is not the major problem, but the issue is of cooperation in providing services, especially to children who have entered both the tribal and state systems. As for services needed on and near the reservations, the representative said that the juvenile justice services are adequate, but there is a great need for human services.

SUGGESTED STUDY APPROACH

It appears there are presently many human service and juvenile justice programs that may have an effect on reduction of crime and delinquency. The committee may wish to receive testimony from the Department of Human Services and the Division of Juvenile Services on which programs work. The committee may wish to work closely with the delinquency prevention consortium and review the consortium's recommendations and findings as they relate to the RAND study. The committee may wish to hear from a representative of the Indian Affairs Commission on services offered to American Indian children.

ATTACH:2

SECTION 9. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM CHAPTERS 48-01.1 AND 54-44.7. The department of corrections and rehabilitation may purchase, within the limits of legislative appropriations provided for that purpose, the forensic unit building, the extended treatment building, a gymnasium building, and surrounding real property at the state hospital for development of a medium security correctional facility. The department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1 and 54-44.7, relating to public improvement contract bids and architect, engineer, and land surveying services, for construction and renovation relating to the medium security correctional facility.

SECTION 10. DELINQUENCY PREVENTION CONSORTIUM AND LEGISLATIVE COUNCIL STUDY. During the 1997-99 biennium, the department of corrections and rehabilitation, the department of human services, and the department of public instruction shall develop a delinquency prevention consortium, including representatives of those departments, other state agencies, and private organizations. The legislative council shall consider studying, during the 1997-99 biennium, programs to prevent crime and delinquency and reduce incarceration. If the legislative council conducts such a study, the delinquency prevention consortium shall work in cooperation with the legislative council. The study shall consider crime prevention programs other than incarceration, such as the following programs identified in the 1996 research report "Diverting Children from a Life of Crime - Measuring Costs and Benefits": early childhood interventions for children at risk of developing antisocial behavior, interventions for families with children exhibiting aggressive or antisocial behavior, providing graduation incentives for disadvantaged high school students, and early monitoring of youth exhibiting delinquent behavior. The legislative council may report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly. If, during the 1997-99 biennium, the legislative council does not study programs to prevent crime and delinquency and reduce incarceration, the delinquency prevention consortium shall complete such a study and present periodic reports to the legislative council or its designated committee during the 1997-99 biennium on its findings and recommendations.

SECTION 11. LEGISLATIVE INTENT - YOUTH CORRECTIONAL CENTER CARPENTRY PROGRAM. It is the intent of the fifty-fifth legislative assembly that the department of corrections and rehabilitation use the funds appropriated in section 1 of this Act to continue the carpentry program at the youth correctional center during the 1997-99 biennium.

SECTION 12. CONTINGENT PAYMENT. If, as of December 31, 1998, the superintendent of public instruction determines that a portion of the amount appropriated in the grants - foundation aid and transportation line item in House Bill No. 1013 will not be distributed during the 1997-99 biennium, the superintendent shall provide a payment, in addition to any other payments required by law, equal to the estimated undistributed amount, up to \$350,000, to the youth correctional center for educational costs incurred during the 1997-99 biennium. If the amount of the payment is less than \$350,000, the department of corrections and rehabilitation shall request a deficiency appropriation from the fifty-sixth legislative assembly for the amount that when added to the amount of the payment will equal \$350,000.

SECTION 13. EFFECTIVE DATE. Section 5 of this Act is effective on July 1, 1999.

SECTION 14. EMERGENCY. The capital improvements - medium security facility line item in subdivision 3 of section 1 of this Act and section 9 of this Act are declared to be an emergency measure.

Approved April 17, 1997
Filed April 17, 1997

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

**SENATE CONCURRENT RESOLUTION NO. 4053
(Senators LaFountain, Nalewaja, Robinson)**

A concurrent resolution directing the Legislative Council to study the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children.

WHEREAS, according to 1992 statistics, American Indian children represent seven percent of all the children in North Dakota, but represent 28 percent of the children in juvenile detention and 36 percent of the admissions to the North Dakota Youth Correctional Center; and

WHEREAS, dispositional alternatives to admission to the North Dakota Youth Correctional Center include community service, employment, education, self-help groups, drug and alcohol testing and treatment, house arrest, electronic monitoring, curfew, and supervision sessions; and

WHEREAS, there are special problems concerning delinquency in the rural and tribal areas of this state; and

WHEREAS, there is a need to identify and treat the problems of juveniles that enter the juvenile justice system;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Council study the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-sixth Legislative Assembly.

Filed March 25, 1997