

EJJ TESTIMONY

Mr. Chairman and Members of the Judiciary Committee,

Hello, my name is Brad Saville. I am a Court Officer with the Juvenile Court out of Fargo. I have been with the Juvenile Court since August of 2011. Although I haven't worked at Juvenile Court for very long, my previous work history includes over 10 years experience as a juvenile probation officer for the Minnesota Department of Corrections in Moorhead, MN, 1.5 years as a Juvenile Corrections Specialist with the ND Division of Juvenile Services in Devils Lake and Grand Forks, ND, and 2.5 years as a primary counselor in a juvenile residential treatment facility in Wisconsin.

In Fargo, I currently supervise a caseload of 44 delinquent and unruly youth. As a juvenile court officer, I supervise juveniles who have been through both the informal and formal court process. In the North Dakota Juvenile Court, we use an evidence based model of supervision called Balanced and Restorative Justice. This model ensures both public safety and a process by which we include the offender, the family, the victim, and the community to restore and repair the harm that has been caused. The main principals of the Balanced and Restorative Justice model are community safety, accountability, and competency development. Juvenile court officers conduct needs/risks assessments on every supervised juvenile which helps us focus our supervision and services on their highest risk/need areas. These areas may include family, friends, school, work, and leisure activities. On a daily basis, juvenile court officers work directly with the juvenile, their families, and other service providers to ensure they are following through with court ordered conditions. Juvenile court officers also teach cognitive based skills to juveniles and their families through both group programming and individualized face to face visits. Based on my experiences in both Wisconsin and Minnesota, and seeing their models of supervision, I can assure you North Dakota is ahead of the game in providing evidenced-based, quality probation supervision and services to the state of North Dakota.

I am here today to tell you about my experiences not only as a juvenile probation officer, but more specifically my experience with Extended Jurisdiction Juveniles while working in Minnesota. While in Moorhead, my caseload averaged from 50 to 70 juveniles. I worked on all types of cases from low level status offenders to 20 year old EJJ offenders who committed serious felonies. In preparing for this testimony, I obtained information as to how many EJJ cases I personally handled over 10 years as well as how many juveniles were also designated EJJ

for our entire Moorhead office over the 10 years I was there. Throughout my 10 years in Moorhead, I supervised seven (7) EJJ cases and our entire office supervised 15.

In regards to whether EJJ is appropriate for North Dakota, I want to first give you my personal experiences with it and then provide some brief comments. I have also taken time to ask previous coworkers in Minnesota their thoughts and feelings on the positives and negatives of EJJ so this testimony isn't just my experiences, but are also thoughts of others with their own personal experiences. Before I get into those, I will preface it by saying I am aware that some of these issues may differ as North Dakota's proposed statute differs in some regards; however, I am strictly coming from the position of how Minnesota had their statute worded.

Here are the positives of EJJ:

1. It helped provide another option for those isolated cases where the juvenile committed a serious offense, but may not be appropriate for an automatic transfer to the adult system.
2. It helped enhance public safety by providing additional supervision to those offenders who commit serious offenses, violated their probation, or needed to be incarcerated.
3. In the county I worked in, EJJ was used sparingly in Minnesota as provided by the numbers I listed above.
4. EJJ did not appear to cost a significant amount of money.

Here are some of the obstacles or issues I saw:

1. Was implemented inconsistently across jurisdictions based on personal opinions, philosophies, and interpreting the statute differently.
2. In Minnesota, the statute did not specify which felony level offenses were eligible for EJJ; it merely said any felony was eligible. This caused a lot of inconsistencies as some Courts focused EJJ on violent offenses, whereas others used it for even low level non-violent felony offenses.
3. Revocations/violations were handled differently by supervising agencies, prosecutors, and Judges which led to inconsistencies. Some were reluctant to revoke, others were quick to revoke.
4. Once the child turns 18, most treatment providers treated them like they were in the adult system placing them in adult groups, adult treatment programs, and used

adult treatment modalities. This can be frustrating for both supervising officers, treatment providers, and the offender, and was against the philosophy of “keeping the child in the juvenile system.” Most of that was out of the control of the legal system.

5. Even though a child is an EJJ offender, once they were 18, he or she could still be charged with a new adult offense. The offender could be involved in both the juvenile and adult systems at the same time which led to confusion for supervising officers, the offender, and treatment providers. Even though the offender had a new offense, it didn’t necessarily mean the EJJ was revoked.
6. In Minnesota, if the Judge didn’t revoke the EJJ on a violation, but wanted to impose a sanction of a period of time in detention for violations, the statute wasn’t clear whether EJJ cases should serve their time in juvenile detention or adult jail. I am not sure how that would work in ND given we can’t order a juvenile to serve of period of time in the local detention center.
7. There can be issues with confidentiality when moving from the juvenile to adult system. Releases of information are needed for a juvenile court officer to share information. There was more than one occasion in Minnesota when the EJJ was revoked, the juvenile probation officer never heard from the adult probation officer. The transition to the adult system was anything but smooth and there were significant lapses in communication.
8. Once an EJJ offender turned 18, his/her options for treatment in an out of home placement were significantly reduced given the offender’s age, severity of the crime, and lack of out of home placement options. This is when many of the inconsistencies arose as some in the legal system were quicker to revoke given the lack of resources.
9. Given a lot of the issues listed above, there was a “mindset” by quite a few probation officers in Minnesota who chose revoke an EJJ offender when violations occurred once they were 18 to just get them out of the juvenile system and into the adult system since the resources weren’t available. Again, this was against the intended purpose of the EJJ statute, but it was evident it happened.
10. One issue that came up after implementation of the law in Minnesota was that the Minnesota Supreme Court ruled on an appeal that if a juvenile spent any time in a locked facility, credit would be given towards the adult sentence. Sometimes we

ran into offenders who were 19 or 20 years old, served a long enough period of time in a locked juvenile facility and would be given credit for time served on his or her adult sentence, in essence taking away the whole purpose of EJJ.

11. Finally, from my experience, and most importantly, designating a juvenile EJJ may have had some short term effectiveness, but did not appear to reduce recidivism in the long run. In my research preparing for this testimony, I again contacted my former employer and out of the 15 EJJ offenders (in the 10 years I worked there), so far eight (8) of them have committed new misdemeanor and/or felony level offenses that resulted in supervised probation with the Minnesota Dept. of Corrections and some term of jail and/or imprisonment

Those are just a few of the positives and negatives of the EJJ statute I saw in Minnesota. I understand some of these concerns may not arise in North Dakota given how the proposed EJJ statute I read is written. However, since Minnesota and North Dakota have different systems, I would also envision there may be additional obstacles that will arise here in North Dakota that Minnesota and other states do not face and have not been discussed. Based on my experience, I understand many of these obstacles may be hard to prepare for, however, the committee may consider reaching out to additional partners that may be impacted by this statute for their input. Some examples are both the juvenile and adult divisions of the Department of Corrections and Rehabilitation, the Department of Human Services, and other county and state agencies that may be impacted by potential unseen costs or unforeseen issues. Developing strategies for these obstacles and inconsistencies will ensure a better law, allowing easier implementation, and ensuring fairness and consistency in the juvenile system if implementation is recommended.

Thank you for your time,

Brad Saville

Court Officer II

Unit 2 Juvenile Court, Cass County, Fargo, ND