

Tribal Juvenile Services Cooperative Agreement

Report to Legislative Management

July 1, 2020

To: Representative Chet Pollert, Chairman of Legislative Management

From: ND Supreme Court, ND Department of Corrections, Spirit Lake Tribal Court, and ND
Indian Affairs Commission.

As required by N.D.C.C. 27-20-61, this report on Tribal Juvenile Services Cooperative Agreements is being submitted for review by Legislative Management.

Senate Bill 2153 was passed in the 66th North Dakota Legislative Assembly and signed by Governor Burgum on April 1, 2019. This created N.D.C.C. 27-20-61, Tribal Juvenile Services Cooperative Agreement, which went into effect on August 1, 2019. The intent of the statute is to allow Tribal and State entities to enter into memorandums of understanding (MOU's) to provide services for the treatment and rehabilitation of youth adjudicated in Tribal Courts under Tribal or Federal laws. Tribal and State officials who work in the juvenile justice system in North Dakota agree that youth in delinquency cases under Tribal Court jurisdictions often do not have access to, or receive, the same rehabilitative services as youth adjudicated in the State's District Courts.

During the Fall of 2019, a group of juvenile justice stakeholders began meeting in Devils Lake, ND, with the goal of developing a memorandum of understanding and implementing a pilot project under this new statute. The Spirit Lake Tribal Court, the North Dakota Indian Affairs Commission, the North Dakota Department of Corrections-Division of Juvenile Services, and the Juvenile Court/North Dakota Supreme Court all participated. A memorandum of

understanding was developed and a Symbolic Signing of the MOU was held on January 15, 2020, at the Strengthening Government to Government Relationships Conference in Bismarck.

This MOU facilitates the sharing of information, data collection, and resources between the agencies listed above in an effort to provide access to similar services for all adjudicated youth. A multi-disciplinary team (MDT) with representatives from these agencies, and other youth-serving agencies, was assembled and have been meeting at least monthly since January 2020. A “menu of services” was also created which outlines a protocol for the MDT meetings and resources available in the region, as well as services that could be offered from both the Division of Juvenile Services and Juvenile Court.

Spirit Lake Tribal Court began sharing information with the team regarding individual juvenile cases in February 2020 and to date, six juvenile cases have been involved in the pilot project. Monthly meetings had been in person and the locations rotated between Spirit Lake Tribal Court and the Ramsey County Courthouse. Since the COVID-19 Pandemic, meetings have been held via Zoom Videoconference. Examples of services provided to date under the pilot include:

- Risk and Needs Assessments-Juvenile Court has conducted risk and needs assessments to assist with Tribal probation case planning. Assessing risk is a critical step in deciding how to proceed with a case as well as matching services to address specific criminogenic risk factors with delinquent youth. The North Dakota Supreme Court, through its Juvenile Drug Court Program, purchased a risk assessment software license (Youth Assessment Screening Instrument-YASI) for Spirit Lake Tribal Court and Juvenile Court will assist in training Tribal probation staff on the YASI;

- Access to Treatment-Division of Juvenile Services staff have shared their knowledge with Tribal Social Services case managers regarding the universal application process and treatment options for youth needing residential treatment;
- Juvenile Drug Court-A separate MOU to accept youth under Tribal Court jurisdiction into the Juvenile Drug Court Program was also developed between the Spirit Lake Tribe and the ND Supreme Court. There are currently two cases pending in this pilot which are being considered for the Drug Court Program.

The approach this pilot is taking differs slightly from how the statute describes these cooperative agreements. Rather than the State agencies simply providing all of the supervision and services, Spirit Lake Tribal Court Chief Judge Joseph Vetsch and the pilot team prefer that Tribal staff work in tandem with State staff, when possible, in the delivery of services. The philosophy behind this approach is that if the MOU were to end the systems that serve delinquent youth will be more effective from what is learned during the co-mentoring that happens during the partnership.

The team is collecting data on the juvenile cases that are a part of the pilot project. Demographic information, offense type/history, services provided or recommended, and recidivism data will all be useful in measuring performance of the pilot. The team feels that it will require more time and experience with these cases to assist in determining if additional resources, such as funding, may be necessary to support program success.

While it is still too early into this pilot phase to have actual outcome data to measure effectiveness, it is the belief of this team that the MOU under this cooperative agreement is sustainable and will benefit youth adjudicated in Spirit Lake Tribal Court. All of the partner agencies are looking forward to continuing this MOU into the future and working to improve

outcomes for youth. At this point, there have not been any similar MOU's established with other Tribes in North Dakota under N.D.C.C. 27-20-61. Information regarding this statute and the pilot project described in this report has been shared with the Tribal and State Court Affairs Committee, which includes representatives from all of the Tribes in North Dakota.