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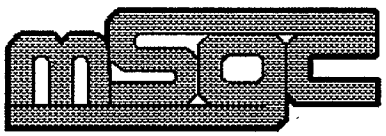
Minnesota Sentencing Guidelines Commission



Juvenile Out of State or Alternative Placements Report

February 2003

Juvenile Out of State or Alternative Placement Reports Summary

The 2000 Legislature amended Minn. Stat. 260B.199 and Minn. Stat. 260B.201 requiring that when courts make certain placements of juveniles at out-of-state facilities rather than at MCF-Red Wing, or make alternative placements when juveniles meet the requirements for mandatory commitment, the court report information about the placement to the Minnesota Sentencing Guidelines Commission. The commission is required to report to the Legislature by February 15 of each year on placements during the preceding year. This report summarizes information received from reports on placements during 2002.

The commission, with the assistance of state court and legislative staff, developed reporting forms to collect this information. Each year, the forms and an explanatory memo are sent out to District Court Judges across the state to help inform them of the reporting requirements for out-of-state placement of juveniles and alternative placements of juveniles. Copies of the reporting forms are found at the end of this report.

It would be helpful to get feedback from the Legislature regarding the information collected and the collection forms. If it appears additional information is expected by the Legislature, the commission would amend the forms as necessary.

❖ Juvenile Out-of-State Placement Reports Summary

The Commission received 115 reports. Those reports are summarized below. Numbers within parentheses indicate the number of responses for each question.

A. Name of out-of-state facility where child was placed:

(3) Benchmark Behavioral Program (UT)	(12) Homme House (WI))
(10) Brown School (TX)	(8) Indiana Development andt Training Center
(2) Chamberlain Academy (SD)	(8) McCrossan Boys Ranch (SD
(2) Colorado Boys Ranch	(11) Rite of Passage (NV)
(1) Emily Griffith Program (CO)	(1) Rutherford House (LA)
(3) Excelsior Center for Girls	(1) Scarseth (WI)
(23) Glen Mils (PA)	(25) Wyalusing (WI)
(5) Grey Hill Academy (IA)	

Reason(s) for placement:

(86) Child's safety	(1) School has college scholarship program
(25) Community safety/Secure facility	(1) Child needs structure
(5) Treatment Program	(5) Criminal sexual conduct offense
(12) EJJ offender/Seriousness of offense	(2) Sex offender treatment program
(2) Low functioning /Low IQ	(2) Vocational training
(3) Failed in previous placement	(1) Not accepted in local program
(5) Probation violation	(9) Best Interest of Child/Need to Remove Child from Environment or Gang Influence
(1) Female offender	

B. ***In-State facilities considered:***

(1) Anoka County Juvenile Girls Center	(10) MCF-Red Wing
(1) Anoka County Halfway House	(9) Bar None
(1) Boys Totem Town	(1) Phoenix Group Home
(37) County Home School	(6) St. Cloud Children's Home
(1) Elmore	(1) Village Ranch Treatment Program
(2) Hennepin Cty. Male Sex Offender Program	(12) Woodland Hills
(2) Hearthstone	(1) Storefront
(1) Lyon County Group Home	(4) Mille Lacs Academy
(2) Gerand School	(2) Lutheren SocialServices
(1) Project Pathfinder	(7) Northwoods
(2) St Croix Camp	(1) Home Away Group
(2) Little Sands on Omegeon	(2) Gillfilan
(1) Billo	(2) Chisolm House
(1) Thistledew	(1) Thunderbird Halfway House
(2) Willmar	(1) Midway Group
(1) The Bridge	(1) Operation DeNovo
(1) Turning Point	(1) City Group Home
(1) Ain Dah Yung	(2) Leo Hoffman

Reason(s) for not choosing an in-state facility:

(52) Need for appropriate therapeutic placement	(21) Low functionality/Developmentally Disabled Low IQ
(7) Need Sex Offender Treatment	(25) Vocational/Academic programming
(6) Need for appropriate physical treatment/care	(11) Failed in previous program
(36) Need appropriate mental health treatment	(2) Child/family threatened at home/school
(94) Public Safety	(14) Remove from Gang/Criminal Influence/ codefendent/Needs new start
(16) No opening in appropriate program	(1) Closer to child's home
(6) Culturally appropriate programming	(1) Place with sibling
(4) Decline to accept	

C. ***Red Wing Criteria:***

Reason(s) why the child did not meet the admissions criteria for the MCF-Red Wing:

(6) Criteria not applicable to this case (16) Child is a female
(2) Does not meet criteria as a Serious Offender (42) Firearm not used (15) Child not an EJJ (19) Offense not included in M.S. 609.11 (mandatory minimum for weapons offenses) (36) Offense would not be at Severity Levels VII through X of Sentencing Guidelines
Does not meet criteria as a Chronic Offender (15) Child does not have 2 or more felony-level offenses
Does not meet criteria as a Sex Offender (12) Child did not fail to complete court-ordered treatment

Reason(s) for not placing at Red Wing if juvenile did meet admissions criteria:

(9 Safety of Child	(1) Child failed similar Red Wing program
(8) Safety of Community	(1) Child/family threatened at home/school
(2) Child is low functioning	(1) Child wants to leave state to start anew
(3) Send to Treatment program not available in MN	(1) Placement closer to child's home
	(2) Vocational/Educational programming

❖ Mandatory Commitment: Juvenile Alternative Placement Reports Summary

The Commission received 7 reports. Those reports are summarized below. Numbers within parentheses indicate the responses for each question.

A. ***Alternative Placement Ordered:***

(1) Brown School (TX)	(1) Rite of Passage (NV)
(2) Glen Mills (PA)	(1) Benchmark Behavioral Program (UT)
(1) McCrossan Boys Ranch (SD)	(1) Wyalusing Academy (WI)

B. ***Reasons for Alternative Placement:***

(2) Safety of child	(1) Need for appropriate mental health treatment
(2) Safety of community	(1) Child is low functioning –not suitable for Red Wing
(1) Placement is closet to child's home	
(1) Unsuccessful at County Home School – Child needs different type of treatment (sex offender specific) from CHS or Red Wing. Glen Mills offers very good schooling and vocational training	(1) Unsuccessful at Katahdin – Child requires different type of training from Red Wing or County Home School

Reasons why safety of the child or the community could not be met at the MCF-Red Wing:

Child and family have been threatened at home and school. They are afraid and want child to be sent far away for safety reasons.
Brown School offers therapeutic mental health treatment for sexual offenders who have previously failed treatment

Juvenile Out-of-State Placement Report (Minn. Stat. 260B.199)

County: _____ **Juvenile Court Case #:** _____

Judge: _____

Report Completed By: _____ **Contact Phone # or E-Mail:** _____

Out-of-State Placement: *Minn. Stat. 260B.199 requires that before a court orders a delinquency or EJJ disposition, it determine whether the child meets the admission criteria for the MCF-Red Wing, including full consideration of local and regional placements. If the child meets the criteria, the court shall place the child at the facility and may not place the child in an out-of-state facility unless the court finds, on the record, that this best addresses the safety of the child or the community or that the out-of-state facility is closer to the child's home. Courts placing a child in an out-of-state facility are required to provide information pertaining to the placement to the Minnesota Sentencing Guidelines Commission.*

A. Name of out-of-state facility where child was placed: _____

Reason for this placement: _____

_____

B. In-state facilities considered: _____

Reason for <u>not</u> choosing an in-state facility:

- _ Need for appropriate therapeutic placement
- _ Need for appropriate physical treatment/care
- _ Need for appropriate mental health treatment/care
- _ Public Safety
- _ No opening in appropriate program
- _ Out-of-state facility closer to child's home

Other: _____

C. Red Wing Criteria

- _ **Reason(s) why the child did not meet the admissions criteria for the MCF-Red Wing**
  - _ Criteria not applicable to this case (e.g., the child is female)
  - _ Does not meet Red Wing commitment criteria as a <u>Serious Offender</u> because:
    - _ Offense would not be at Severity Level VII through X of the Sentencing Guidelines
    - _ Offense not included in M.S. 609.11 (mandatory minimum sentences)
    - _ Firearm was not used
    - _ Child is not an EJJ
  - _ Does not meet Red Wing commitment criteria as a <u>Chronic Offender</u> because:
    - _ Child does not have two or more current or previous felony-level offenses.
    - _ Child has not experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more.
  - _ Does not meet Red Wing commitment criteria as a <u>Sex Offender</u> because:
    - _ Child did not fail to complete court-ordered treatment.
    - _ Child is able to complete residential sex offender treatment at a local facility.
    - _ More appropriate sex offender treatment is available locally.

- _ **Reason(s) for not placing at Red Wing if juvenile did meet admissions criteria:**
  - _ Safety of Child
  - _ Safety of Community
  - _ Closer to Child's Home

Reasons why safety of the child or the community could not be met at MCF-Red Wing:

_____

_____

Please Forward Report to:

Minnesota Sentencing Guidelines Commission, University National Bank Building, 200 University Avenue West, Suite 205, St. Paul, MN 55103. Phone: (651) 296-0144 Fax: (651) 297-5757 E-mail: <u>sentencing.guidelines@state.mn.us</u>

(Form Revised 10/4/2000)

Mandatory Commitment: Juvenile Alternative Placement Report (Minn. Stat. 260B.201)

County: _____ Juvenile Court Case #: _____

Judge: _____

Report Completed By: _____ Contact Phone # or E-Mail: _____

Alternative Placement when Commitment/Placement at Red Wing Required: *Minn. Stat. 260B.201requires that a child be committed to the custody of the commissioner of corrections or placed at the MCF-Red Wing if the child: (1) was previously adjudicated delinquent or convicted as an EJJ for an offense requiring registration under section 243.166; (2) was placed on probation and ordered to complete a sex offender or chemical dependency treatment program; and (3) subsequently failed or refused to successfully complete the program. If initially convicted as an EJJ, the court may execute the child's adult sentence under section 260B.130, subdivision 4. A court may place a child in an out-of-state facility if the court makes a finding on the record that the safety of the child or the community can be best met by placement in an out-of-state facility or that the out-of-state facility is located closer to the child's home. A court ordering an alternative placement is required by the statute to report on the placement and the reasons for not committing the child to the custody of the Commissioner of Corrections.*

A. Alternative Placement Ordered:

_____

_____

B. Reasons for Alternative Placement:

_ Safety of Child _ Safety of Community _ Closer to Child's Home

_____

_____

_____

Reasons why safety of the child or the community could not be met at the MCF-Red Wing:

_____

_____

_____

Please Forward Report to:
Minnesota Sentencing Guidelines Commission
University National Bank Building
200 University Avenue West, Suite 205, St. Paul, MN 55103.
Phone: (651) 296-0144 Fax: (651) 297-5757 E-mail: sentencing.guidelines@state.mn.us

Form Revised 10/4/2000)