



Juvenile Out-of-State or Alternative Placement Reports

February 15, 2005

Minnesota Sentencing Guidelines Commission



Minnesota Sentencing Guidelines Commission

Capitol Office Building
525 Park Street, Suite 220
Saint Paul, MN 55103

Phone: 651-296-0144

Fax: 651-297-5757

Email: sentencing.guidelines@state.mn.us

Website: www.msgc.state.mn.us

MN Relay Service TTY: 1-800-627-3529 (ask for 651-296-0144)

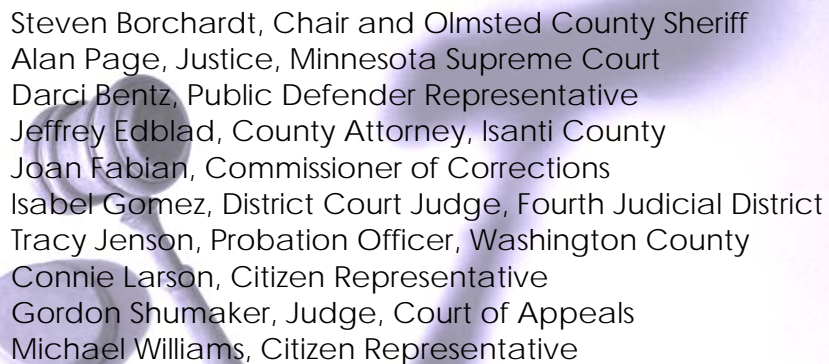


Juvenile Out-of-State or Alternative Placement Reports

February 15, 2005

Minnesota Sentencing Guidelines Commission

Members



Steven Borchardt, Chair and Olmsted County Sheriff
Alan Page, Justice, Minnesota Supreme Court
Darci Bentz, Public Defender Representative
Jeffrey Edblad, County Attorney, Isanti County
Joan Fabian, Commissioner of Corrections
Isabel Gomez, District Court Judge, Fourth Judicial District
Tracy Jenson, Probation Officer, Washington County
Connie Larson, Citizen Representative
Gordon Shumaker, Judge, Court of Appeals
Michael Williams, Citizen Representative

Staff

Barbara Tombs, Executive Director
Matt Berger, Research Analyst
Linda McBrayer, State Program Administrator
Lee Meadows, Research Analysis Specialist
Lori Neubauer, Research Analyst
Scott Van Cleave, Research Analyst Intermediate
Anne Wall, Research Analysis Specialist, Senior

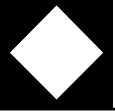
Minnesota Sentencing Guidelines Commission

This information will be made available in an alternative format upon request. The total cost of salaries, printing, and supplies incurred in development and preparation of this report was \$1884.00 (reported as required by Minn. Stat. § 3.197).



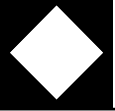
Table of Contents

Executive Summary	1
Introduction	2
Juvenile Out-of-State Placement Reports Summary	3
Juvenile Alternative Placement Reports Summary	8
APPENDIX	
Appendix A: Juvenile Out-of-State Placement Reports Summary Table	11
Appendix B: Juvenile Alternative Placement Report Summary Table	13
Appendix C: Juvenile Out-of-State Placement Report Form	14
Appendix D: Juvenile Alternative Placement Report Form	15



Executive Summary

- ❖ In 2004, the commission received 55 out-of-state placement reports, an increase from the 32 reports filed the previous year. The commission received eight alternative placement reports, which was fairly consistent with the seven reports received in 2003.
- ❖ It is apparent, through conversations with judges and review of the filed reports, that the forms are somehow awkward and confusing to complete. The commission feels that a re-design of the forms may be of use in more accurately capturing the intended information.
- ❖ Judges' reasons for placing juveniles out-of-state varied. In 24% of the cases, the court determined that the placement was best suited to meet the needs of the child referring to the appropriate structure, time frame and services offered by the particular program.
- ❖ Judges considered several different in-state facilities as options prior to sending juveniles out-of-state: 24% of juveniles placed out-of-state were first considered for MCF-Red Wing and both Boys Totem Town and Elmore Academy were considered in 20% of the cases.
- ❖ The overwhelming reason (53% of the cases) judges provided for choosing an out-of-state facility over an in-state facility was that the juvenile needed appropriate therapeutic placement not available in Minnesota.
- ❖ Other reasons frequently given for juveniles being placed out-of-state included they did not meet the MCF-Red Wing admissions criteria as serious offenders (47%) and they were simply ineligible for the program as females (47%).
- ❖ Public safety and the safety of the child were concerns expressed by judges who chose not to send juveniles to MCF-Red Wing although the juvenile qualified for admissions.
- ❖ In half of the alternative placements, judges expressed concern about the safety of the community. In just over one-third of the cases, judges cited the juvenile's chemical dependency issues as best being addressed by an out-of-state placement.



Introduction

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 Minnesota Correction Facility-Red Wing, or make alternative placements when juveniles meet the requirements for mandatory commitment, the court reports 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.

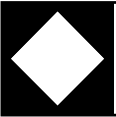
In 2004, the commission received 55 out-of-state placement reports, up from the 32 reports filed in 2002.

The commission, with the assistance of state court and legislative staff, originally developed reporting forms to collect this information. Each year, the forms and an explanatory memo are distributed 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. It is apparent, through conversations with judges and review of the filed reports, that the forms are somehow awkward and confusing to complete. The commission feels that a re-design of the forms may be helpful to more accurately capture the intended information. Copies of the reporting forms can be found at the end of this report in Appendix C and D.

In 2004, the commission received 55 out-of-state placement reports, an increase from the 32 reports filed the previous year but still considerably fewer than the 115 reports filed in 2002. In the FY04 (7-1-2003 to 6-30-2004), the Minnesota Department of Corrections, Inspection and Enforcement Unit, reported that 168 juvenile placements were made to certified non-Minnesotan facilities. These semi-annual data would appear to indicate that more juveniles are being placed outside Minnesota without reports being filed with the commission. The commission received eight alternative placement reports, which was consistent with the seven reports received in 2003.

As noted in last year's report, a similar reporting system has been undertaken by the department of corrections through legislation passed by the 2003 legislature in Special Session Laws, Chapter 14, Article 13C, Section 2. These similar efforts seem to duplicate some of the reporting requirements set forth in Minn. Stat. 260B.199 and Minn. Stat. 260B.201. In light of the juvenile out-of-state placements now being tracked by the department of corrections, the legislature may want to consider consolidating efforts made by both the sentencing guidelines commission and the department of corrections for efficiency purposes.

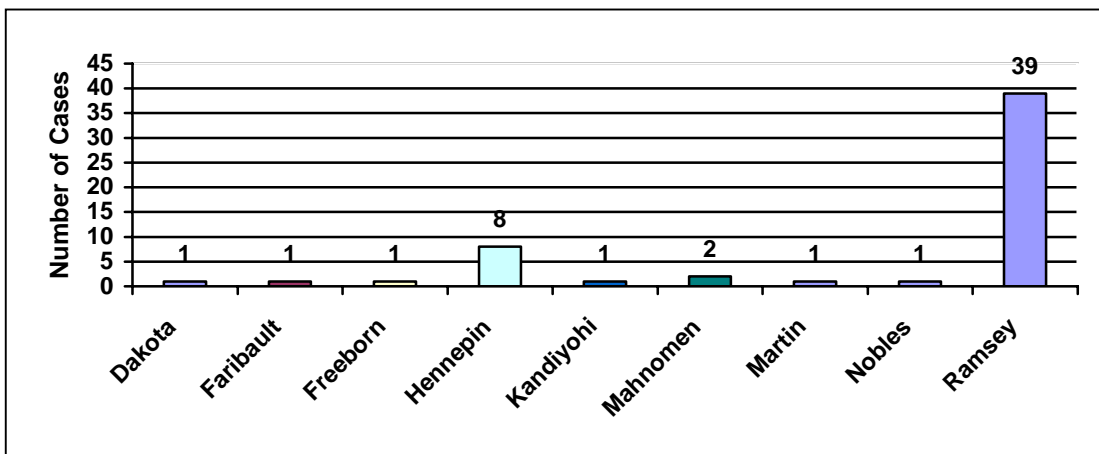
This report summarizes information received from reports on placements during 2004. Tables with full details of the reports are summarized in Appendix A and B. Please note that summary information includes multiple responses to questions. Percentages represent cases and not responses.



Juvenile Out-of-State Placement Reports Summary

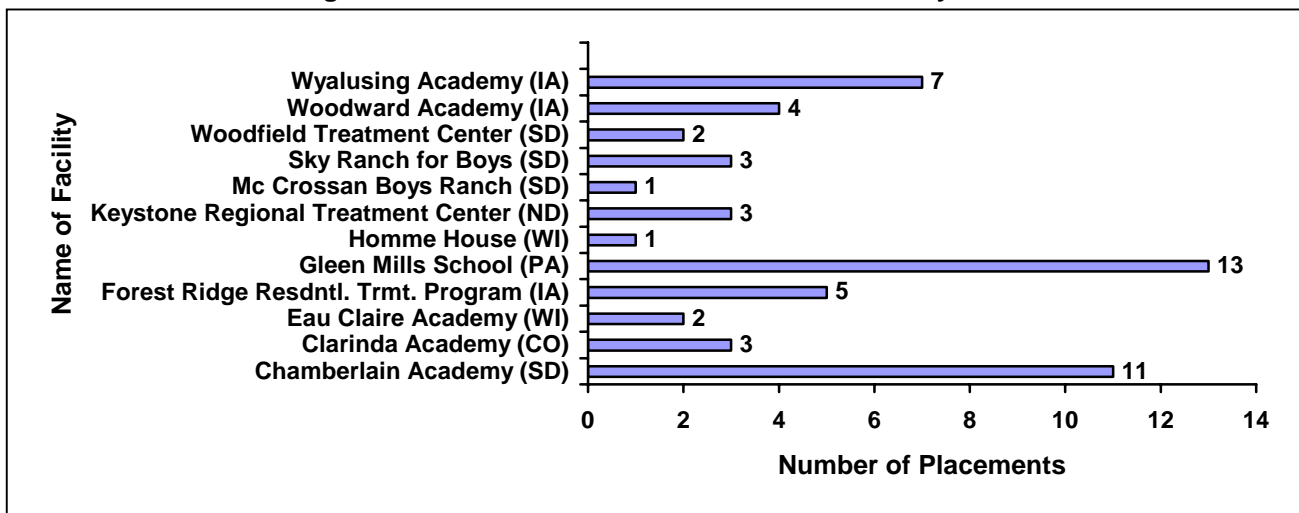
Minn. Stat. 260B.199 requires that when courts make certain juvenile placements at out-of-state facilities rather than at Minnesota Correction Facility-Red Wing, the courts report information about the placements to the Minnesota Sentencing Guidelines Commission. The commission received 55 out-of-state placement reports in 2004. The majority (39) of the reports came from Ramsey County. The remainder of the reports came from eight different counties (Figure 1).

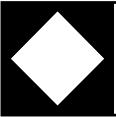
Figure 1. County of Out-of-State Placement Reports



The 55 juveniles were placed in 12 different out-of-state facilities. The majority of facilities received five or fewer placements. One facility, Glen Mills in Pennsylvania received thirteen juvenile placements (Figure 2).

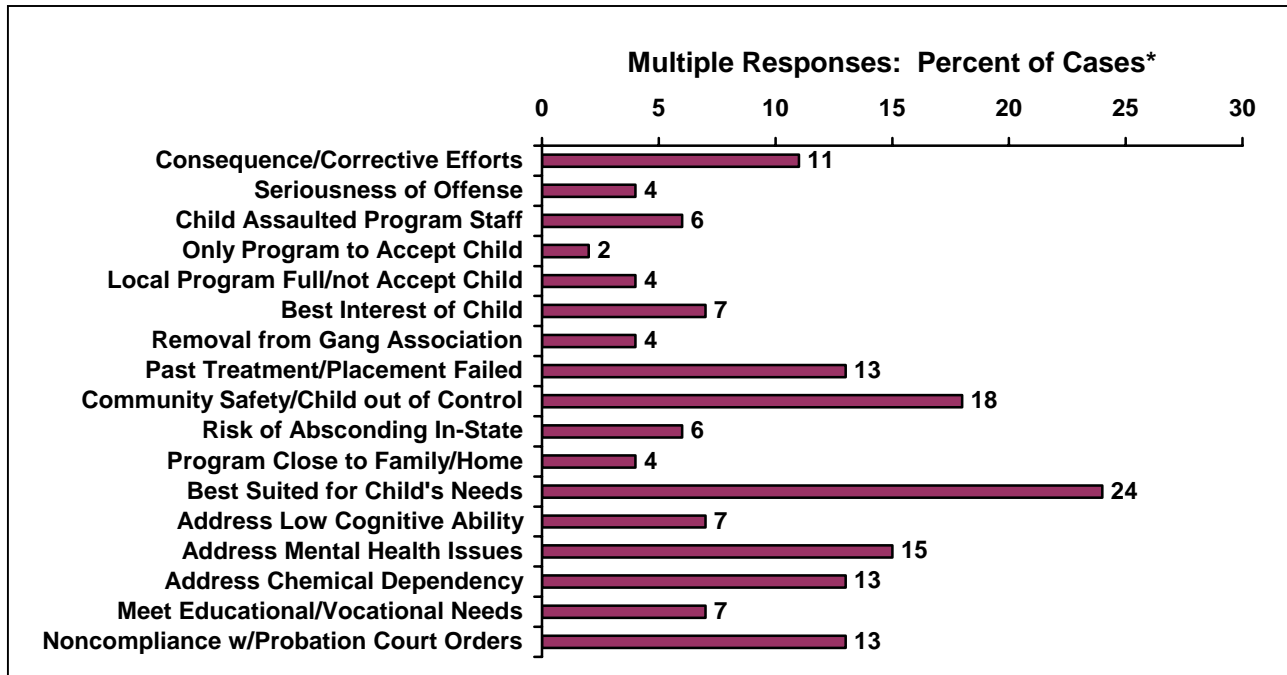
Figure 2. Name and Number of Out-of-state Facility Placements





Judges' reasons for placing juveniles out-of-state varied. In 24% of the cases, the court determined that the program was best suited to meet the child's needs. Other reasons for out-of-state placement included community safety (18%) and that the out-of-state facility better addressed the child's serious behavioral or mental health needs (15%). See Figure 3 for a complete list of reasons for out-of-state placements.

Figure 3. Reasons for Out-of-State Placement



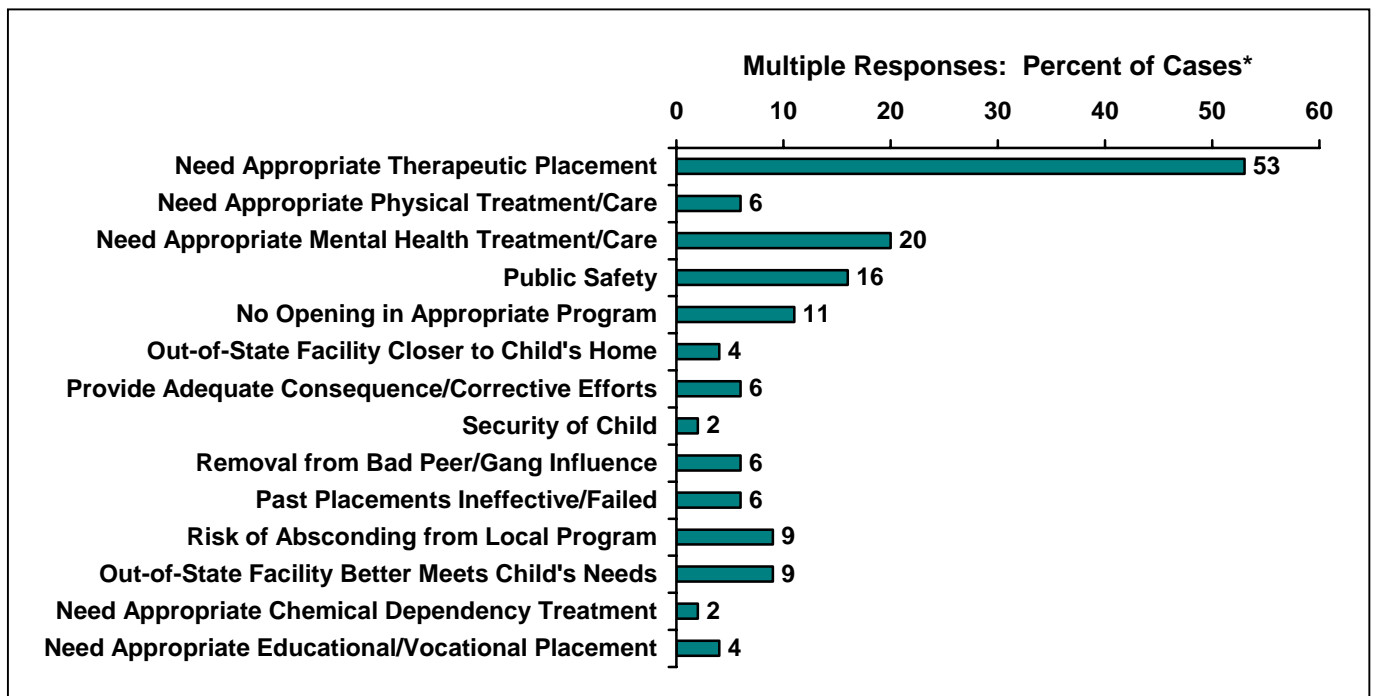
*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Judges looked at several different in-state facilities as options before sending juveniles out-of-state: 24% of juveniles placed out-of-state were first considered for MCF-Red Wing County while Boys Totem Town and Elmore Academy were both considered in 20% of the cases. Other in-state facilities considered included Austin Ranch (2%), Bar None (2%), Chisolm House (2%), City Group Home (6%), County Home School (4%), County Juvenile Detention Center (4%), Fountain Center (2%), Gillfilan (2%), Mc Crossan Boys Ranch (2%), Mash-Ka-Wisen (2%), Mille Lacs Academy (2%), Ramsey County START Program (2%), Sheriff's Youth Program (2%), St. Cloud Children's Home (2%), St. Croix Camp (6%), Thistledeew (7%), Willmar (2%), Winnebago (2%) and Woodland Hills (7%).

The overwhelming reason (53% of the cases) judges gave for choosing an out-of-state facility over an in-state facility was that the juvenile needed appropriate therapeutic placement not available in Minnesota. In 20% of the cases, the judge stated that the juvenile needed appropriate mental health treatment not available within the state. Another 16% of the cases cited public safety while an additional 11% showed no opening in the appropriate in-state facility. Other reasons for not choosing an in-state facility are provided in Figure 4.



Figure 4. Reasons for Not Choosing In-State Facility



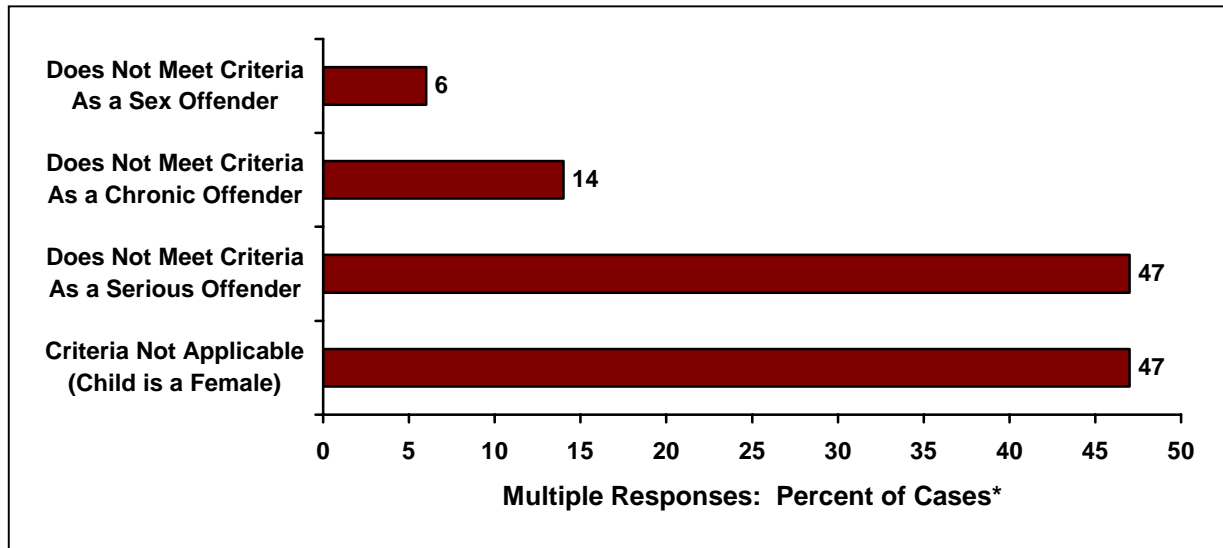
*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Often the reasons given for juveniles being placed out-of-state were because they did not meet the MCF-Red Wing admissions criteria as serious offenders, chronic offenders, or sex offenders. A serious offender is defined as: 1) A juvenile having a severity level VII through X offense (on the sentencing guidelines grid); 2) A juvenile with an offense covered by M.S. §609.11, (Mandatory minimum for weapons offenses); 3) A juvenile who commits an offense in which a firearm was used; or 4) An Extended Jurisdiction Juvenile (EJJ). A chronic offender is a juvenile who: 1) Has two or more current or previous felony-level offenses; or 2) Has experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more. A juvenile can be admitted to MCF-Red Wing as a sex offender if: 1) The child has failed to complete court ordered treatment; 2) The child was unable to complete residential sex offender treatment at a local facility; or 3) Sex offender treatment at MCF-Red Wing is more appropriate.

Figure 5 shows that in an equal number of cases (47%), the juvenile did not meet the admissions criteria to MCF-Red Wing because they were female and therefore not eligible, or they did not qualify as a serious offender. An additional combined 20% of the cases did not meet the admissions criteria to MCF-Red Wing because they were not classified as chronic offenders (14%) or sex offenders (6%).



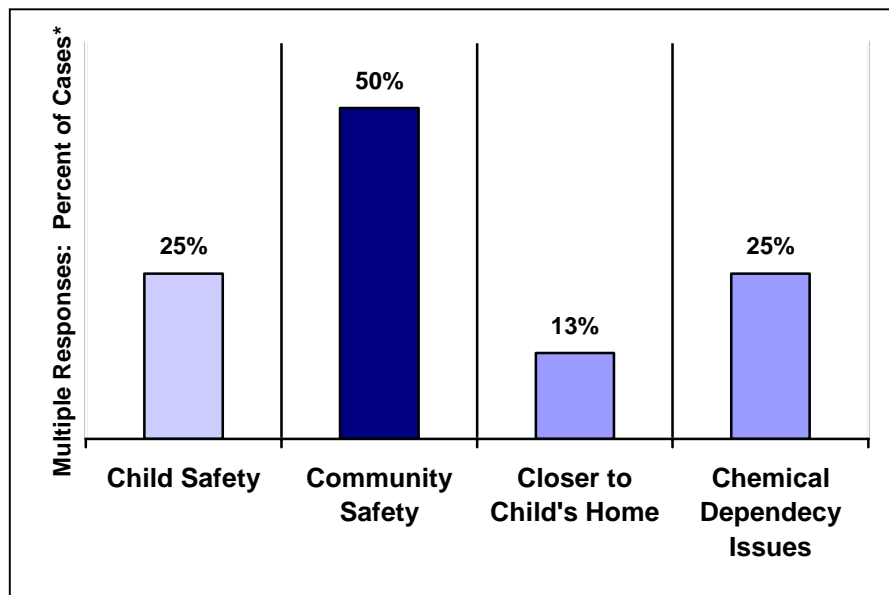
Figure 5. Reasons Juvenile Did Not Meet MCF-Red Wing Admissions Criteria



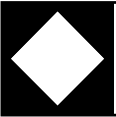
*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Public safety and the safety of the child were concerns expressed by judges who did not send juveniles to MCF-Red Wing although the juvenile qualified for admissions. Judges cited public safety in 50% of the cases and both safety of the child and the need to address serious chemical dependency issues in 25% of the cases (Figure 6). Also cited was that the placement was closer to the child's home.

Figure 6. Reason for Not Placing at MCF-Red Wing if Juvenile Did Meet Admissions Criteria

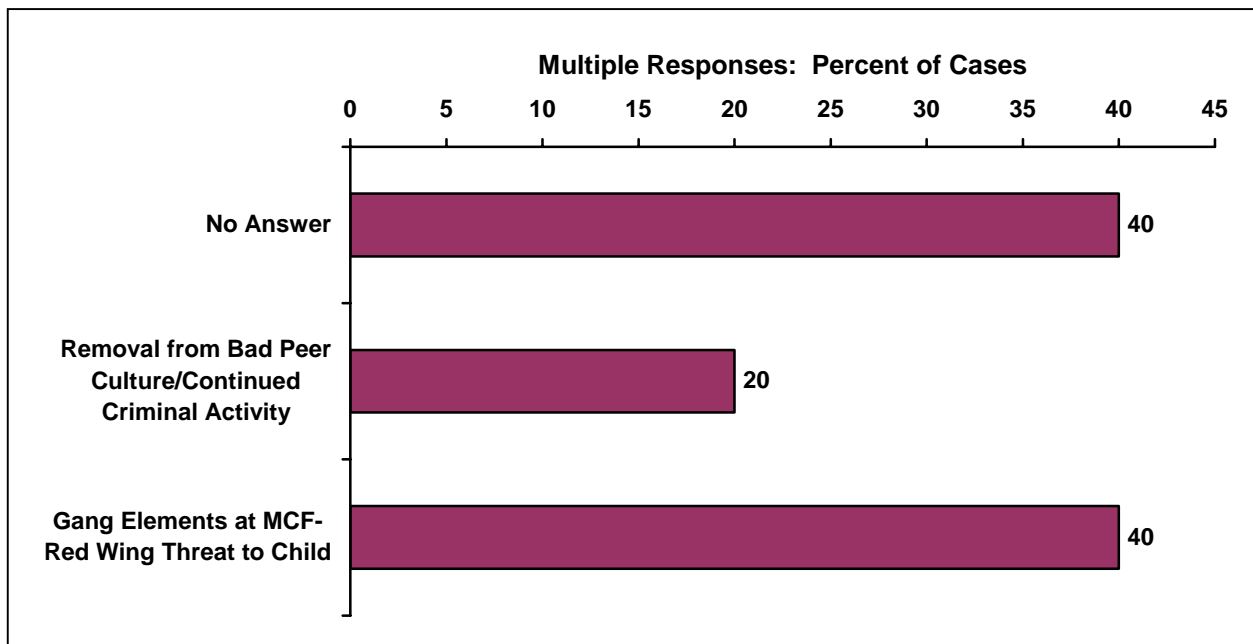


*Note: Summary information includes multiple responses to questions. Percentages represent cases.

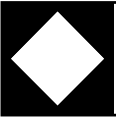


As stated earlier, there were only eight Alternative Placement Reports and of those eight only five cited the child's safety or community safety as a reason for alternative placement. In 40% of these cases, judges stated that the child's gang association and the presences of gangs at MCF-Red Wing were a serious threat to the child. Another reason was a need to remove the child from a bad peer culture that encouraged ongoing criminal activity and represented a threat to the community (Figure 7).

Figure 7. Reasons Why Safety of Child or Community could not be met at MCF-Red Wing



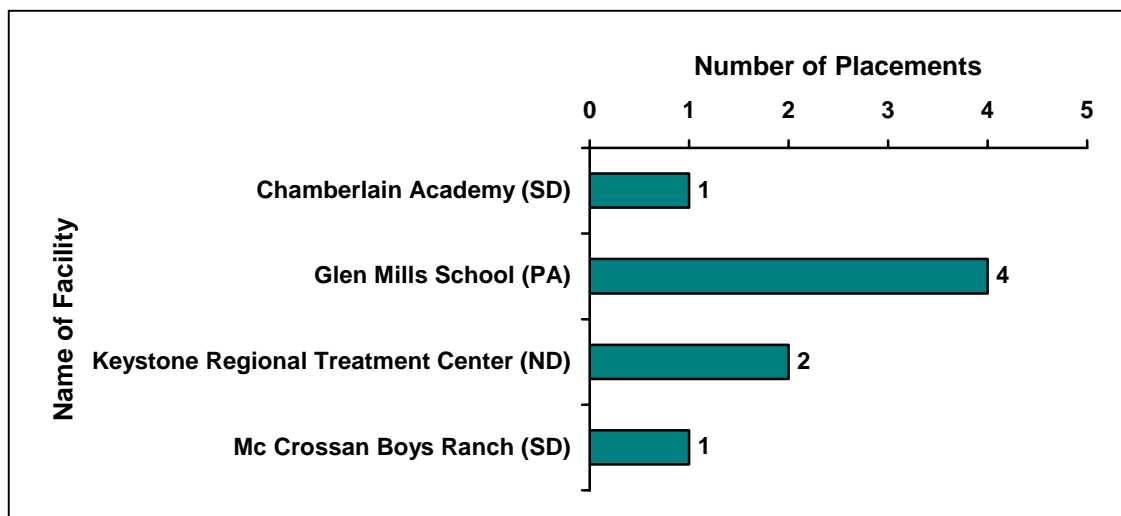
*Note: Summary information includes multiple responses to questions. Percentages represent cases.



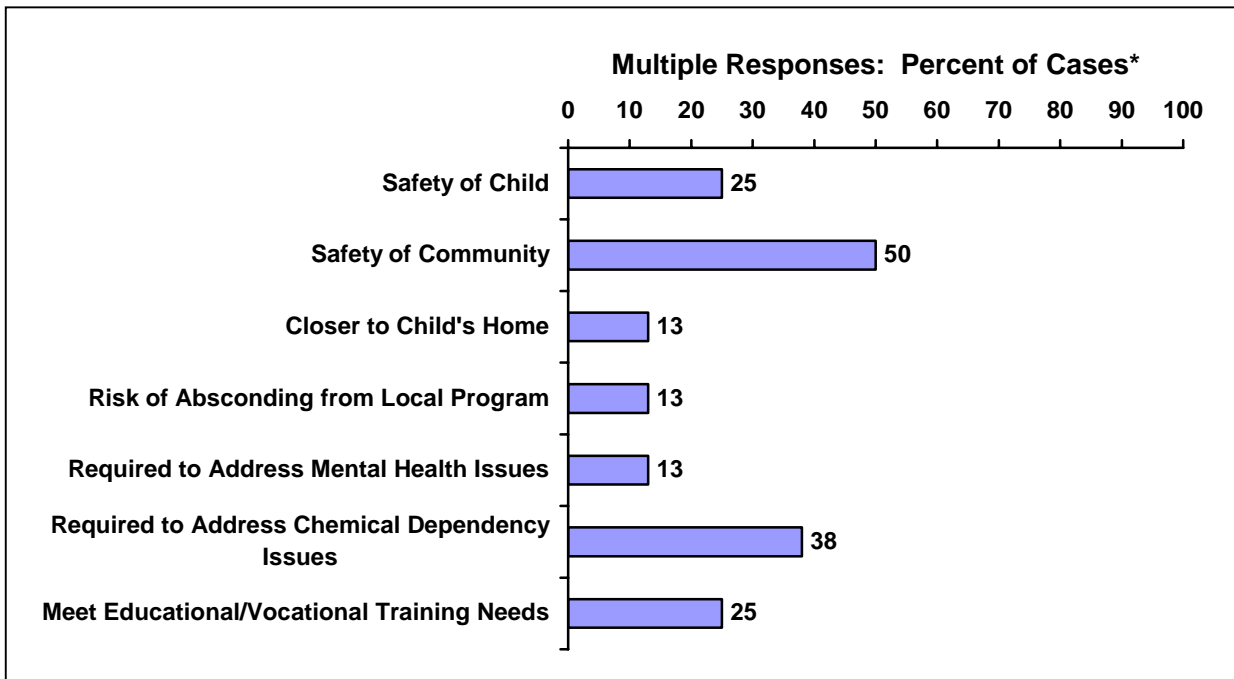
Juvenile Alternative Placement Reports Summary

Minn. Stat. 260B.201 requires that when courts make alternative placements of juveniles who meet the requirements for mandatory commitment, the court reports information about the placement to the Minnesota Sentencing Guidelines Commission. The commission received eight alternative placement reports in 2004. Four reports came from Ramsey County and one report each from Hennepin, Mahnomon, Martin and Nobles counties. The eight juveniles were placed in four different out-of-state facilities (Figure 8).

Figure 8. Name and Number of Out-of-state Facility Placements



In half of the alternative placements, judges were concerned about the safety of the community. In just over one-third of the cases, judges cited the juveniles chemical dependency issues as best being addressed by an out of state placement. See Figure 9 for a complete list of reasons for out-of-state placements.

**Figure 9. Reasons for Alternative Placement**

*Note: Summary information includes multiple responses to questions. Percentages represent cases.

When judges were asked to explain why the safety of the child or the community could not be met at MCF-Red Wing, they responded that either the child or family was being threatened at school or in the community and also that the child had associates at MCF-Red Wing that would likely inhibit or prevent any successful attempt at treatment.

Conclusion

Because such a limited number of reports were collected for this summary, it is difficult to draw any valid conclusions as to what the results indicate. It does appear, however, that judges most often placed juveniles in out-of-state facilities or alternative placements to better address the child's needs. Another significant reason was that the child represented a threat to their community due to continued delinquent behavior and the perceived need for consequences or corrective efforts. In some cases, appropriate treatment (i.e., therapeutic, mental health, chemical dependency and educational/vocational) was reportedly not available in Minnesota at all or previous in-state placements had failed or been exhausted.



Appendix A: Juvenile Out-of-State Placement Reports Summary Table

(Please note that summary information includes multiple responses to questions.)

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

(11) Chamberlain Academy (SD)	(3) Keystone Regional Treatment Center (ND)
(3) Clarinda Academy (IA)	(1) Mc Crossan Boys Ranch (SD)
(2) Eau Claire Academy (WI)	(3) Sky Ranch for Boys (SD)
(5) Forest Ridge Residential Treatment Program (IA)	(2) Woodfield Treatment Center (SD)
(13) Glen Mills School (PA)	(4) Woodward Academy (IA)
(1) Homme House (WI)	(7) Wyalusing Academy (WI)

Reason(s) for placement:

(2) No Response	(10) Community Safety/Child Out of Control in Community/Engaged in Criminal Activity
(6) Placement in order to Receive Consequence/Corrective Efforts	(3) High Risk of Absconding from Local Program
(2) EJJ Offender/Seriousness of Offense	(2) Program Close to Family/Home
(3) Child Assaulted Program Staff in Previous Program	(13) Program Best Meets Child's Needs/Child Needs Structure
(1) Only Program to Accept Child/Last Hope	(4) Child Requires Program to Address Low Cognitive Ability/ Low I.Q.
(2) Child not Accepted/Inadmissable to In-State Program/Program Full	(8) Child Requires Program to Address Mental Health/Behavioral/Therapy/Psychiatric Needs
(4) In the Best Interest of the Child	(7) Program Addresses Child's Serious Chemical Dependency Issues
(2) Removal from Gang Association	(4) Meets Child Vocational/Educational Needs
(7) Past treatment(s)/Placement(s) Ineffective, Failed Program(s)	(7) Child Failed to Comply with Court Orders/Conditions of Probation

B. In-state facilities considered:

(11) No Response	(1) Mille Lacs Academy
(1) Austin Ranch	(1) Ramsey County START Program
(1) Bar None	(13) MCF-Red Wing
(11) Boys Totem Town	(1) Sheriff's Youth Program, Austin, MN
(1) Chisolm House	(1) St. Cloud Children's Home
(3) City Group Home	(3) St Croix Camp
(2) County Home School	(4) Thistledew
(2) County Juvenile Detention Center	(1) VOA:Children's Residential Treatment Cntr.
(11) Elmore Academy	(1) Willmar
(1) Fountain Center	(1) Winnebago
(1) Gillfilan	(4) Woodland Hills
(1) Mash-Ka-Wisen	(1) None Considered

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

(1) No Answer	(1) Child safety/threatened at home/school
(29) Need for Appropriate Therapeutic Placement	(3) Remove from Gang/Criminal Influence/Bad Peer Culture
(3) Need for Appropriate Physical Treatment/Care	(3) Past Treatment(s) Ineffective/Failed Program(s)
(11) Need Appropriate Mental Health Treatment	(5) Risk of Absconding from Local Program
(9) Need for Public/Community Safety	(5) Program Best Suited for Child's Needs/ Offers Greatest Likelihood of Success
(6) No Opening in Appropriate Program	(1) Need for Appropriate Chemical Dependency Programming
(2) Out-of-State Facility Closer to Child's Home	(2) Need for Appropriate Educational / Vocational Programming
(3) In order to Receive Consequences/Corrective	

Efforts	
---------	--

C. Red Wing Criteria:

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

(1)	No Response
(23)	Criteria not applicable to this case (e.g., child is a female)
(8)	Does not meet criteria as a <u>Serious Offender</u>
	(8) Offense would not be at Severity Levels VII through X of Sentencing Guidelines
	(4) Offense not included in M.S. 609.11 (mandatory minimum for weapons offenses)
	(6) Firearm not used
	(11) Child not an EJJ
(0)	Does not meet criteria as a <u>Chronic Offender</u>
	(7) Child does not have 2 or more felony-level offenses
	(2) Child has not experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more
(2)	Does not meet criteria as a <u>Sex Offender</u>
	(1) Child did not fail to complete court-ordered treatment

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

(2) Safety of Child	(1) Closer to Child's Home
(4) Safety of Community	(2) Need to address Chemical Dependency Issues

Appendix B: Juvenile Alternative Placement Report Summary Table

(Please note that summary information includes multiple responses to questions.)

A. Alternative Placement Ordered:

(1) Chamberlain Academy (SD)	(2) Keystone Regional Treatment Center (ND)
(4) Glen Mills (PA)	(1) Mc Crossan Boys Ranch (SD)

B. Reasons for Alternative Placement:

(2) Safety of Child	(1) Requires Program to Address Mental Health Issues
(4) Safety of Community	(3) Requires Program to Address Chemical Dependency Issues
(1) Closer to Child's Home	(2) Requires Program to Meet Vocational/Educational Needs
(1) High Risk of Absconding from Local Program	

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

(2) No response
(1) Community threatened by Child's continued Bad Peer Association and ongoing Criminality
(2) Child's Safety threatened by Gang Elements at MCF-Red Wing

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

County:	Juvenile Court Case #:
Judge:	Placement Date:
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 not choosing an in-state facility:

- | | |
|--|---|
| <input type="checkbox"/> Need for appropriate therapeutic placement
<input type="checkbox"/> Need for appropriate physical treatment/care
<input type="checkbox"/> Need for appropriate mental health treatment/care | <input type="checkbox"/> Public Safety
<input type="checkbox"/> No opening in appropriate program
<input type="checkbox"/> Out-of-state facility closer to 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 Serious Offender because:
 - Offense would not be at Severity Level VII through XI 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 Chronic Offender 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 Sex Offender 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, Capitol Office Building, 525 Park Street, Suite 220, St. Paul, MN 55103 Phone: (651) 296-0144 Fax: (651) 297-5757 E-mail: sentencing.guidelines@state.mn.us

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

County:	Juvenile Court Case #:
Judge:	Placement Date:
Report Completed By:	Contact Phone # or E-Mail:

Alternative Placement when Commitment/Placement at Red Wing Required: *Minn. Stat. 260B.201 requires 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
Capitol Office Building
525 Park Street, Suite 220, St. Paul, MN 55103
Phone: (651) 296-0144 Fax: (651) 297-5757 E-mail: sentencing.guidelines@state.mn.us