

# Juvenile Out-of-State or Alternative Placement Reports

February 15, 2007

## 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](mailto:sentencing.guidelines@state.mn.us)

Website: [www.msgc.state.mn.us](http://www.msgc.state.mn.us)

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



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Isabel Gomez, Executive Director  
Jacqueline Kraus, Research Analyst  
Linda McBrayer, Management Analyst  
Lee Meadows, Research Analyst  
Jill Payne, Senior Research Analyst  
Anne Wall, Senior Research Analyst

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### 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 \$591.37 (reported as required by Minn. Stat. § 3.197).

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# Executive Summary

- ❖ In 2006, the Commission received 64 out-of-state placement reports and seven alternative placement reports.
- ❖ All but two of the 64 out-of-state placement reports were from Hennepin County. Six of the seven alternative placement reports were also from that county.
- ❖ During FY06, the Department of Corrections reported 143 juvenile out-of-state placements. It is clear that in most instances, a placement report is not submitted to the Commission. Consolidating efforts between the Minnesota Sentencing Guidelines Commission and the Department of Corrections could lead to greater efficiency, as well as a higher response rate in data collection.
- ❖ Efforts to improve reporting were made on the part of the Commission and the State Court Administrator's Office including posting the forms on the Court's intranet (CourtNet) and sending a reminder email to District Court judges statewide at the end of the year.
- ❖ Because there are relatively few out-of-state placement reports available to the Commission, it is fairly easy for interested persons to review all of them; and it is not possible to reach any conclusions concerning the judiciary's reasoning about out-of-state juvenile placements. In addition to the included summaries, all individual reports will be made available upon request by contacting the Commission's office.

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# Juvenile Out-of-State Placement Reports

In 2000, the Legislature amended Minn. Stat. § 260B.199 and Minn. Stat. § 260B.201 requiring courts to report to the Minnesota Sentencing Guidelines Commission the placement of juveniles at out-of-state facilities rather than at Minnesota Correctional Facility (MCF)-Red Wing or other in-state facilities. Courts are also required to report the alternative placement of juveniles who meet the requirements for mandatory commitment at MCF-Red Wing. The Commission is required to report to the Legislature by February 15 of each year on placements made during the preceding year.

Prior to making an out-of-state placement, courts are to first give full consideration to local and regional placements. The courts should also determine whether the juvenile meets the criteria for admission at MCF-Red Wing. If a judge believes the available in-state options are inadequate, the juvenile may be placed in an out-of-state facility.

The Commission, with the assistance of state court and legislative staff, developed reporting forms to collect this information. Copies of the current reporting forms can be found at the end of this report in Appendix A and B. Individual reports will be made available upon request by contacting the Commission's office.

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, as was noted in previous reports. These similar efforts seem to duplicate some of the reporting requirements set forth in Minn. Stat. 260B.199 and Minn. Stat. 206B.201. In FY 06 (7-1-2005 to 6-30-2006), the Minnesota Department of Corrections Inspection and Enforcement Unit reported that 143 juvenile placements were made to certified non-Minnesota facilities. This data indicates that numerous juveniles are being placed outside Minnesota without reports being filed with the Commission.

In light of the fact that juvenile out-of-state placements are now also being tracked by the Department of Corrections, the Legislature may want to consider consolidating data collection efforts made by both the Sentencing Guidelines Commission and the Department of Corrections for efficiency purposes. Combining efforts of the Minnesota Sentencing Guidelines Commission and the Department of Corrections would not only provide greater efficiency, but would likely lead to a much higher response rate in data collection, as well.

Minn. Stat. § 260B.199 requires when courts make certain juvenile placements at out-of-state facilities rather than at Minnesota Correction Facility-Red Wing or other in-state facilities, the courts report information about the placements to the Minnesota Sentencing Guidelines Commission. The following is a summary of the data collected from those reports.

In 2006, the Commission received 64 out-of-state placement reports, an increase from the 31 reports filed the previous year. These 64 juveniles were placed at seven different out-

of-state facilities: thirty at Eau Claire Academy (Wisconsin); thirteen at Glen Mills School (Pennsylvania); eleven at Wyalusing Academy (Iowa); five at Indiana Development Training Center (Indiana); three at Rite of Passage (Nevada); one at McCrossan Boys Ranch (South Dakota); and one at San Marco (Texas). Judges often noted multiple reasons for not choosing an in-state facility. The need for appropriate therapeutic placement and the need for appropriate mental health treatment or care were most often cited as reasons for out-of-state placement.

Reports indicated that, when juveniles did not meet the admissions criteria for MCF-Red Wing, it was because they did not qualify as “chronic offenders” or as “serious offenders.” Ten juveniles were not eligible because they were females. For those who reportedly met the standards but were still not placed in-state, the safety of the child and the safety of the community were most often the reasons given by judges.

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# Juvenile Alternative Placement Reports

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. These reports differ from the Out-of-State Placement Reports because these are meant for juveniles who qualify for a mandatory commitment to MCF-Red Wing. Therefore, it is expected that fewer of these reports will be submitted each year. The Commission received seven alternative placement reports in 2006, which is consistent with the number of reports from previous years (10 in 2005 and 8 in 2004). The following is a summary of the data collected from those reports.

Four juveniles were placed at Glen Mills School (Pennsylvania); one at Boys Totem Town XL (Minnesota); one at Indiana Development Training Center (Indiana); and one at Wyalusing Academy (Iowa). "Child safety" and "community safety" were most often cited as reasons for alternative placements. Reports indicated the following reasons why safety needs could not be met at MCF-Red Wing:

1. "Prior out of home placement did not restore child to law abiding behavior; chemical use; all parties were in agreement;"
2. "Treatment needs;"
3. "Child presents with significant educational, vocational, and mental health needs and is in need of independent living skills training;"
4. "Child can continue his education and participate in vocational programming;"
5. "Glen Mills will provide a strong academic, vocational and athletic program;"
6. "This setting will provide the most appropriate structure for the child;" and
7. (No reasons given).



# Appendix



## 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<br><input type="checkbox"/> Need for appropriate physical treatment/care<br><input type="checkbox"/> Need for appropriate mental health treatment/care | <input type="checkbox"/> Public Safety<br><input type="checkbox"/> No opening in appropriate program<br><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](mailto: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:**

\_\_\_\_\_  
\_\_\_\_\_

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**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](mailto:sentencing.guidelines@state.mn.us)**

(Form Revised 11/03)