



ISSUE BRIEF

State Juvenile Services - A Ten Year History

State policy on juvenile justice has been in a state of flux over the past ten years with major changes taking place since 1993. Some of the significant changes include creating the extended jurisdiction juvenile (EJJ) category, increasing the number of secure and non-secure detention beds, closing one state run juvenile facility, and changing the way counties pay for placing juveniles in Department of Corrections (DOC) juvenile facilities.

This issue brief intends to give the reader a history of the most significant juvenile justice issues that have taken place during the last decade. It addresses the major legislative actions taken during the last decade that impacted the juvenile justice system in Minnesota. The brief mainly covers financial issues that affect juvenile services, but because policy issues are so closely related to funding, several policy issues are also addressed. The brief also highlights many task force and legislative auditor reports that had a major impact on the juvenile justice system, and several budget initiatives brought forward by the Governor or the Department of Corrections.

Starting Point – 1993

In 1993 the state operated three juvenile facilities: Red Wing, Sauk Centre, and Thistledeew. The Red Wing and Sauk Centre facilities received on a regional basis juveniles committed to the Commissioner of Corrections. Sauk Centre also served female juveniles committed to the Commissioner of Corrections. Community Correction Act (CCA)¹ counties paid a subsidized portion of the per diem (around 70 percent); non-CCA counties did not pay for the placement of their juveniles. The reason CCA counties were charged a portion of the per diem is that they receive grants from the state to pay for a portion of their criminal justice expenses.

The other facility operated by the state was the Thistledeew facility in the northern part of the state. This facility received residents directly from the courts, and all counties were charged for their placements.

The following presents the major actions taken on juvenile justice issues by year.

1993

¹ CCA counties receive a subsidy from the state and are responsible for developing, implementing and evaluating both traditional and non-traditional local correction programs. Currently 31 of the 87 counties are CCA counties.

- The legislature directed the Commissioner of Corrections to consider whether per diem fees should be assessed to counties for the costs of confining juveniles at both Sauk Centre and Red Wing. This was a result of the DOC budget proposal to change the operation of Sauk Centre from a state funded facility to a fee-for-service facility.
- An advisory task force on the juvenile justice system was requested to assess the state's need for juvenile correctional facilities. The task force was to make recommendations regarding the need for secure juvenile detention centers to house both preadjudicated and postadjudicated juveniles. The recommendations were to address whether the centers should be regionally based or state controlled and whether they should provide long-term or short-term detention programs.

1994

- The report from the Minnesota Supreme Court Advisory Task Force on the Juvenile Justice System is released.² This report was very important and resulted in major legislative actions such as the extended jurisdiction juvenile category and an increase in funding for juveniles involved in the criminal justice system. This report also set the stage for the \$20 million in bonding authorized for juvenile detention and treatment facility construction grants during the 1994 session (see below).
- The extended jurisdiction juvenile category (EJJ) is created³, and became effective January 1, 1995.
- The legislature provided additional funding for the courts, public defenders, and probation as a result of the EJJ legislation. In fact, in 1994 there was a separate juvenile crime bill that resulted in the legislature appropriating over \$13.86 million, however the Governor did veto over \$4 million of the appropriation.
- A task force was established to survey existing juvenile programs. One of the task force requirements was to make recommendations on the appropriate financial responsibility for EJJs, and for the funding needs of implementing the proposed changes that were passed on the criminal justice system including probation, public defenders, courts and local units of government. This report resulted in the legislature appropriating money for a EJJ subsidy and for continuum of care grants (see 1995).

²This task force was formed by an order of the Minnesota Supreme Court at the request of the Minnesota Legislature. The task force began holding hearings in November of 1992 and issued its final report in January of 1994. In May of 1993 the task force duties were expanded to include the study of the need for secure juvenile facilities in the state.

³ The EJJ category applies to juveniles' accused of committing a felony-level offense after becoming 14 years of age. The juvenile court imposes both a juvenile disposition and a stayed adult criminal sentence. If a juvenile violates the conditions of the stayed sentence or commits a new offense, the court may revoke the stayed sentence and execute the adult sentence.

- The legislative auditor was requested to conduct an evaluation of programming at existing state-run facilities serving youthful offenders.
- The courts were prohibited from placing juvenile offenders in residential or detention facilities outside Minnesota unless the DOC certifies that the facility meets the standards required of Minnesota programs.
- A working group was established to look at maximizing federal revenue from Title IV-A, IV-E, and Medical Assistance (MA).
- The legislature approved bonding money for secure juvenile detention and treatment facility construction grants in the amount of \$16.565 million statewide and \$3.435 million for the northwestern juvenile training center. This resulted in 231 new secure detention beds and 134 new secure treatment beds.
- The legislature approved \$1.2 million in bonding dollars for an education building at the Thistledeew facility.

1995

- The DOC and Governor's budget initiatives requested \$2.526 million for costs associated with adding 26 beds to Red Wing and 15 beds to Sauk Centre. The legislature funded the Red Wing request, but not the Sauk Centre request.
- The Legislative Auditor released its report on residential facilities for juvenile offenders in February. This report generated much discussion at the legislature concerning the high rates of juvenile reoffenses. It also set the stage for the legislature looking more closely at the state run juvenile facilities.
- The task force on juvenile programming, evaluation and planning released its report.⁴ This was another very important report and resulted in increased funding to counties for EJJ and continuum of care grants (see below).
- The legislature appropriated \$3.4 million per year in funding for the EJJ partnership program subsidy. This was to help offset the cost to counties of the EJJ law.
- The legislature appropriated \$1 million per year for grants for a comprehensive continuum of care for juveniles who are extended jurisdiction juveniles or at high risk of becoming one.
- The legislature appropriated \$100,000 each year to develop a continuum of care for juvenile female offenders.

⁴The report was actually released in December of 1994, but the legislature did not review the report until early 1995.

- The legislature directed the Commissioner of Corrections to solicit proposals to study the profiles of youth placed at Red Wing and Sauk Centre. The study was to examine the type of offender placed in the facilities and to make recommendations on whether current placement policy makes optimal use of the facilities. An appropriation of \$50,000 was made for this study.
- The Legislature created a task force to study how services are provided to juveniles in residential facilities. The task force was to study various residential juvenile offender programs, both public and private. It was to develop plans addressing alternative methods for providing services and, programs for the juvenile offenders currently sent to Red Wing and Sauk Centre. The task force also was assigned the task of recommending alternative programming and locations for serving juveniles if it proposed closure of Red Wing, Sauk Centre or both and in this case, the task force also was to recommend alternative uses for the facilities.
- The Commissioners of Corrections and Human Services were to jointly adopt licensing and programming rules for secure and nonsecure residential treatment facilities that they license. The legislation also stated that the rulemaking process should be completed by July 31, 1997. The legislature appropriated \$12,000 for this process.
- The Commissioner of Corrections in consultation with the commissioner of human services was to conduct a study on the use of secure treatment facilities for juveniles. The report was to include recommendations concerning the use of admission criteria. The legislature appropriated \$25,000 for this study.
- The Commissioner of Corrections was to study the outcomes of placing juveniles in out-of-home placement programs. The legislature appropriated \$200,000 for this study.

1996

- The report on the profile of juveniles at Red Wing is released. One of its findings was that low-risk youth were being placed at Red Wing for reasons other than risk. This led to the legislature requiring the DOC to adopt admission criteria for Red Wing.
- The bonding bill contained a provision requiring the Commissioner of Corrections to report on the advisability of converting the Red Wing facility to a minimum-security facility for adults. (Report is issued February 1997).
- The legislature placed a limit on the number of long-term secure treatment beds to no more than 100 new beds that the DOC could license.

1997

- In 1997 the Governor and the DOC proposed several initiatives involving juveniles, including a weekend camp, a three-week work camp, and a Vision Quest program. The total request amounted to over \$6 million. The legislature funded several of the initiatives and appropriated \$100,000 for planning and evaluation of additional camp programs and aftercare services for juvenile offenders (this was to include the Vision Quest program and a three-week work camp).
- The legislature authorized the Department of Corrections to use up to \$320,000 of dedicated receipts to construct a new building for their wilderness endeavors program at the Thistledeew Camp.⁵
- The legislature appropriated \$500,000 to renovate two cottages at Red Wing. These were the buildings that were to be converted from housing adult males to juvenile males.
- The sex offender program at Sauk Centre was transferred to the Red Wing facility. An appropriation of \$1,021,000 was made for this purpose.
- The legislature also appropriated \$333,000 for housing and programming for female juvenile offenders, and \$130,000 per year to improve aftercare services for juveniles released from correctional facilities.
- The legislature began to require the Department of Corrections to charge counties for the actual per diem cost of confinement of juveniles at Red Wing.
- Legislation was passed that Sauk Centre could no longer confine juvenile male offenders committed to the Commissioner's custody after December 30, 1998, and all male juvenile offenders were to be transferred to Red Wing or to an appropriate county placement. The legislature gave the Commissioner of Corrections authority to operate the facility in any manner not inconsistent with the above. The DOC was to report to the legislature on how it planned to use Sauk Centre (the report was issued January 1998).
- The legislature appropriated \$8 million per year for juvenile residential treatment grants to counties to defray the cost of juvenile residential treatment. Eighty percent was distributed to noncommunity corrections act counties and 20 percent went to CCA counties. This extra funding was due to the closing of Sauk Centre and the fact that counties would now be responsible for the full cost of housing juveniles at Red Wing.
- By January 1, 1999 the DOC was to develop admissions criteria for the placement of juveniles at Red Wing. The criteria were to ensure that juveniles who commit less serious offenses or who do not need the type of supervision and programming available at Red Wing are not placed there. The law went on to state that the criteria must ensure

⁵ Dedicated receipts were generated from housing inmates from other states or the federal government. In 1997 the legislature did not appropriate these funds.

that, to the greatest extent possible, juveniles are supervised and programmed for in the community in which they live or where the courts have jurisdiction over them.

- Legislation was passed stating the policy of the state is that delinquent juveniles should be supervised and programmed for within the state. Under this policy courts were requested, to the greatest extent possible and when in the best interest of the child, to place juveniles within the state.⁶
- The legislature appropriated \$500,000 each year to plan and establish a weekend camp program at Camp Ripley. The program was to be designed for first- or second-time male juvenile offenders ages 11 to 14.
- The legislature appropriated \$247,000 for a pilot project to certain counties to expand their productive day programs to include juveniles.⁷
- The legislative auditor was asked to conduct a study on the placement of juvenile offenders.

1998

- The legislative auditor's report on juvenile out-of-home placement is released.
- \$1.2 million was appropriated in the bonding bill for the construction of a security fence at Red Wing.
- The legislature ordered the DOC and the Department of Children, Families, and Learning to collaborate in developing recommendations concerning funding options for educational services at Red Wing, and if needed, Sauk Centre.
- The Departments of Corrections and Human Services were directed to institute a moratorium on the licensing of juvenile facilities in excess of 25 beds.
- The federal government created the Juvenile Accountability Incentive Block Grant Program. This resulted in over \$4 million per year coming into the state for juvenile justice issues.

1999

- The legislature appropriated \$200,000 per year to expand aftercare and transition services for youth under the Commissioner of Corrections, \$100,000 for asset preservation funding, and \$165,000 per year for two academic teacher positions and increased vocational education at Red Wing.

⁶ This was due to legislative concerns on the high number of juveniles that were being placed in other states.

⁷ Productive day programs are designed to motivate offenders to develop basic life and work skills through training and education.

- The weekend juvenile camp at Camp Ripley was transferred from the DOC to the Department of Public Safety, and the program received an increase in funding of \$125,000.
- The legislature directed the DOC to issue a request for proposal from vendors to operate the educational program at Red Wing.
- The legislature ordered the Sauk Centre facility to close as a juvenile facility by January 1, 2000.
- Counties will be charged for juvenile females that are committed to the Commissioner of Corrections.
- The DOC was to develop a request for proposals from vendors to provide residential services to juvenile females committed to the Commissioner of Corrections.
- Each county was asked to develop a classification system for juvenile offenders.
- The legislature required courts placing children in out-of-home placements to state in their disposition order the intended outcome of the placement.

2000

- The legislature gave Red Wing authority to take juvenile males that are not committed to the Commissioner of Corrections but the juveniles still have to meet the admissions criteria. This was intended to increase the census at Red Wing.
- Legislation was passed that encouraged courts to place juvenile offenders at Red Wing who would otherwise be placed in out-of-state facilities.
- The way counties pay for the per diem at Red Wing was changed. Counties were charged 65 percent instead of 100 percent of the per diem of cost of confinement for juveniles at the Red Wing facility and for juvenile females that are committed to the Commissioner of Corrections. This change was for a one-year period with the legislature needing to address the issue again during the next legislative session. Juvenile residential treatment grants were reduced by \$1.942 million to offset the cost to the state. The legislature also provided an additional \$1.5 million to help offset the cost to counties.
- The bonding bill included \$800,000 to turn one cottage at Red Wing into a mental health support area and to add 14 beds. The legislature also authorized the DOC to use the funding for security improvements at the Dayton cottage.
- The Department of Corrections, in consultation with the counties, was to study the state's juvenile correctional system as it relates to serious and chronic offenders.

2001

- In order to maximize federal Title IV-E funding for juvenile females, the DOC was to make necessary changes to the facility and programming for juvenile females in order to comply with IV-E requirements. The IV-E funds were to go into the state's general fund (currently Title IV-E funds go to the counties).
- Counties were to continue to pay 65 percent of the per diem at Red Wing (for another year). The juvenile residential treatment grants to counties were reduced by \$2.79 million to offset the cost to the state. The legislature also provided an additional \$1 million to help offset the cost to counties.
- The legislature appropriated \$40,000 for a study on the sanctions imposed by judges on extended jurisdiction juveniles whose juvenile court disposition is revoked.
- The legislature reduced the EJJ grants to counties by \$1.4 million. This was an ongoing reduction.
- Funding for the juvenile weekend program at Camp Ripley was reduced by \$450,000 per year, leaving their base funding at \$175,000 per year.

2002

- The requirement that counties pay 65 percent of the Red Wing per diem was made permanent. The juvenile residential treatment grants were reduced by \$5 million. The cost to make this revenue neutral to the state was \$3.9 million; therefore, the other \$1.1 million was deposited in the state's general fund.
- An additional \$1.2 million dollar reduction in the EJJ grants was made, leaving the base funding for this program at \$800,000 per year. This base funding was later reduced to \$730,000 per year based on further overall reductions to the DOC.
- The juvenile service division budget was reduced by \$115,000 per year.
- The rest of the funding for the juvenile program at Camp Ripley was eliminated (\$175,000 per year).

Current Situation

The DOC now has a juvenile services division (in 1993 juvenile services was under the institutions division). The division's budget for FY 2003 is over \$20 million. The current role of the division is to serve and provide direct, unique, and centralized treatment services to the most difficult to place juvenile offenders who have exhausted local resources. These are generally the most serious, chronic and violent juvenile male and female offenders. The division also plans

and directs the department's juvenile legislative policy and interagency collaboration initiatives. It also provides statewide leadership to counties and other juvenile justice stakeholders.

The division operates the following two juvenile facilities.

MCF-Red Wing

- Red Wing provides residential care for juvenile male delinquents from 87 counties. This facility serves juveniles who are committed to the Commissioner of Corrections and juveniles who are court ordered to complete the program as a condition of their probation. The facility is licensed for 215 beds and the counties now pay 65 percent of the per diem (this does not include education costs).

Thistledew Camp

- The other state operated juvenile facility is Thistledew, which is licensed for 80 beds. This facility receives residents directly from the courts, and counties are charged the full cost for the placement. Thistledew offers a three-month residential treatment program and a three-week adventure therapy program.

Juvenile Females

Juvenile females who are committed to the Commissioner of Corrections are now housed under contract at the nonprofit Woodland Hills facility in Duluth.

For additional information on this or other judiciary finance related issues, contact Gary Karger at (651) 296-4181 or gary.karger@house.mn.