

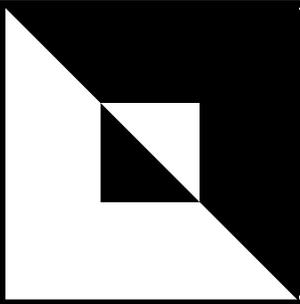
Minnesota Sentencing Guidelines Commission
Special Report to the Legislature
February 15, 2008

Juvenile Out-of-State Placement Reports and Juvenile Alternative Placement Reports



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Executive Summary

- ❖ According to Minnesota Sentencing Guidelines Commission records, there were 57 juvenile out-of-state placements made in 2007: 57 juvenile out-of-state placement reports, and seven juvenile alternative placement reports, were filed with the Commission.¹
- ❖ All but three of the 57 out-of-state placement reports were from Hennepin County. All seven alternative placement reports were from Hennepin County.
- ❖ During FY07, the Department of Corrections reported 236 juvenile out-of-state placements, up from the 143 in 2006.
- ❖ When comparing the Commission's data to the DOC data, it is clear that in most instances, a report is not submitted to the Commission.
- ❖ Efforts to improve reporting have been made on the part of the Commission and the State Court Administrator's Office by posting the forms on the Court's intranet (CourtNet).
- ❖ There are relatively few juvenile out-of-state placement reports available to the Commission; therefore, it is fairly easy for interested persons to review all of them. The small number of reports makes it impossible to use them as a basis for general statements about the judiciary's reasoning concerning out-of-state placements. In addition to the included summaries, all individual reports will be made available upon request by contacting the Commission's office.
- ❖ Because juvenile out-of-state placements are being monitored by the Department of Corrections, and because their numbers have remained consistently low since a dramatic drop reported by DOC in 2001, the Commission respectfully recommends that the Legislature repeals Minn. Stat. § 260B.199, Subdivision 2, and Minn. Stat. § 260B.201, Subdivision 3, which requires reporting out-of-state placements and alternative placements to the Minnesota Sentencing Guidelines Commission.

¹ There was a companion out-of-state placement report filed for four juveniles sent outside Minnesota as an alternative to MCF-Red Wing under M.S. § 260B.201; three juveniles were placed within Minnesota as an alternative to MCF-Red Wing.

Overview and Recommendations

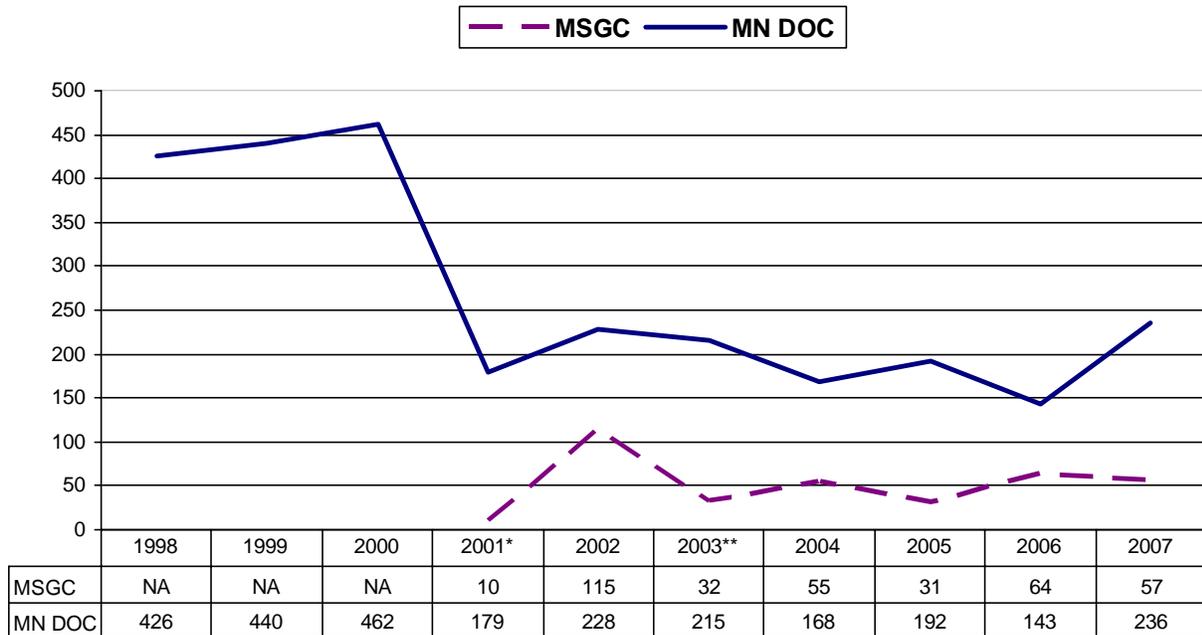
In 2000, the Legislature amended Minn. Stat. § 260B.199 requiring courts to report to the Minnesota Sentencing Guidelines Commission (MSGC) the placement of juveniles at out-of-state facilities rather than at Minnesota Correctional Facility (MCF)-Red Wing or other in-state facilities. Under Minn. Stat. § 260B.201, courts are required to report the alternative placement of juveniles, either in-state or out-of-state, 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. In 2007, the Commission received 57 juvenile out-of-state placement reports and seven juvenile alternative placement reports. Of the alternative placements, four juveniles were sent outside Minnesota and three were placed in-state.

The Commission, with the assistance of state court and legislative staff, developed reporting forms to collect this information. Copies of the current forms can be found in the Appendices and are made available to judges on the Court's Intranet (CourtNet). Individual reports will be made available upon request by contacting the Commission's office.

The Department of Corrections was directed to institute a similar reporting system to the Commission's by the 2003 Legislature in Special Session Laws, Chapter 14, Article 13C, Section 2. These efforts appear to duplicate some of the reporting requirements set forth in Minn. Stat. § 260B.199 and Minn. Stat. § 260B.201. A comparison of Commission data to DOC data reveals that more juveniles are placed outside of Minnesota than are reported to the Commission. However, the numbers from DOC also suggest that there has been a significant, persistent decline in out-of-state placements since the laws were implemented (see Chart 1).

**Chart 1: Number of Out-of-State Placements –
MN Department of Corrections and
MN Sentencing Guidelines Commission**



^{NA} Data not available

* MSGC mandated reporting begins

** DOC mandated reporting begins

Recommendation

Because report submissions to the Minnesota Sentencing Guidelines Commission are so low, there is little value to the information obtained. If the Legislature wishes to continue with this mandate, additional staff time could be dedicated to the project; results are not guaranteed even if increased tracking efforts were made. As the DOC numbers indicate above, there are dramatically fewer out-of-state placements since 2001 when the Commission’s mandate began. It is not clear whether or not this is a direct result of the law.

The Commission respectfully recommends that the Legislature repeals Minn. Stat. § 260B.199, Subdivision 2, and Minn. Stat. § 260B.201, Subdivision 3, which requires the collection of data and preparation of this report. In light of the fact that juvenile out-of-state placements will continue to be monitored by the Department of Corrections through their Facilities Inspection and Enforcement Unit, and the fact that juvenile out-of-state placements have dropped dramatically since 2001, and remain consistently low, it is the Commission’s opinion that these reports are unnecessary.

Juvenile Out-of-State Placement Reports

Prior to making an out-of-state placement, courts are to first give full consideration to local and regional placements. Courts should also determine whether or not 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.

Minn. Stat. § 260B.199 requires that when courts make certain juvenile placements at out-of-state facilities rather than at the 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 2007, the Commission received 57 out-of-state placement reports, a decrease from the 64 reports filed the previous year. Placements were reportedly made at twelve different out-of-state facilities: nineteen at Eau Claire Academy (Wisconsin); twelve at Glen Mills School (Pennsylvania); six at Rite of Passage (Nevada); five at Wyalusing Academy (Iowa); three each at Clarinda Academy (Iowa) and Homme House (Wisconsin); two at both Indiana Development Training Center (Indiana) and McCrossan Boys Ranch (South Dakota); and one each at Benchmark Behavior Health Systems (Utah), Colorado's Boys Ranch (Colorado), Prairie St. John's (North Dakota), and Sky Ranch for Boys (South Dakota).²

Judges often noted multiple reasons for not choosing an in-state facility. The most often cited reasons for out-of-state placement were the need for appropriate therapeutic placement, appropriate mental health treatment or care, public safety, and no other immediate openings in appropriate programs.

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." 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.

² An out-of-state facility was not recorded on one report.

Juvenile Alternative Placement Reports

Minn. Stat. § 260B.201 requires that when courts make alternative placements of juveniles who meet the requirements for mandatory commitment to MCF-Red Wing, the court reports information about the placement to the Minnesota Sentencing Guidelines Commission. The Commission received seven alternative placement reports in 2007, which is consistent with the number of reports from previous years (7 in 2006; 10 in 2005; 8 in 2004).

Four of the seven alternative placements were out-of-state; three were at Glen Mills School (Pennsylvania); and one was at Eau Claire Academy (Wisconsin). Three in-state placements were made; two were at Hennepin County Home School and one was at Mille Lacs Academy. Below are summaries of the seven alternative placement reports including reasons why safety needs could not be met at MCF-Red Wing, if applicable.

Report 1

- A. **Alternative Placement Ordered:** Glen Mills School.
- B. **Reasons for Alternative Placement:** Other – “Child admitted the offense and agreed to disposition due to programs offered by Glen Mills.”
- C. **Why safety needs could not be met at the MCF-Red Wing:** NA.

Report 2

- A. **Alternative Placement Ordered:** Glen Mills School.
- B. **Reasons for Alternative Placement:** Other – “Child admitted the probation violations and agreed to disposition due to programs offered by Glen Mills.”
- C. **Why safety needs could not be met at the MCF-Red Wing:** NA.

Report 3

- A. **Alternative Placement Ordered:** Glen Mills School.
- B. **Reasons for Alternative Placement:** Other – “The respondent was already placed at Red Wing on two separate occasions.”
- C. **Why safety needs could not be met at the MCF-Red Wing:** “Child has already been sentenced and released from Red Wing.”

Report 4

- A. **Alternative Placement Ordered:** Eau Claire Academy.
- B. **Reasons for Alternative Placement:** Safety of child and safety of community.
- C. **Why safety needs could not be met at the MCF-Red Wing:** “The child is female and requires a psychological evaluation due to her chemical dependency issues and aggressive behavior. Eau Claire Academy will complete the psychological evaluation and the child will return to court for disposition.”

Report 5

- A. **Alternative Placement Ordered:** Hennepin County Home School.
- B. **Reasons for Alternative Placement:** Closer to child’s home.
- C. **Why safety needs could not be met at the MCF-Red Wing:** NA.

Report 6

- A. **Alternative Placement Ordered:** Mille Lacs Academy.
- A. **Reasons for Alternative Placement:** Unknown.³
- C. **Why safety needs could not be met at the MCF-Red Wing:** Unknown.³

Report 7

- A. **Alternative Placement Ordered:** Mille Lacs Academy.
- B. **Reasons for Alternative Placement:** Safety of child.
- C. **Why safety needs could not be met at the MCF-Red Wing:** “Better serves child’s needs.”

³ An “Out-of-State Placement” form was used by mistake; reasons for alternative placement were not given.



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:

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(Form Revised 11/03)