

# JUVENILE JUSTICE SYSTEM DECISION POINTS STUDY:

## Strategies to Improve Minnesota's Juvenile Justice Data

(2009, Regular Session: H.F. No. 702. Chapter 132, Section 2)

Report to the Minnesota Legislature

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DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF JUSTICE PROGRAMS

Submitted by the Criminal and Juvenile Justice Information Policy Group

Prepared by the Minnesota Department of Public Safety,  
Office of Justice Programs in collaboration with the  
Minnesota Bureau of Criminal Apprehension, Justice Information Services



# LEGISLATIVE AUTHORITY

2009, Regular Session: H.F. No. 702. Chapter 132, Section 2.  
**Juvenile Justice System Decision Points: Study Required**

## Subdivision 1. **Study required.**

- (a) The criminal and juvenile justice information policy group, consistent with the duties described in Minnesota Statutes, section 299C.65, shall study the feasibility of collecting and reporting summary data relating to the decisions that affect a child's status within the juvenile justice system. The policy group shall consult with the Department of Corrections, the Office of Justice Programs, and other relevant criminal justice agencies, juvenile justice stakeholders, and interested community groups. The Office of Justice Programs shall provide administrative support to the study.
- (b) At a minimum, the study must consider:
  - (1) required data elements to be collected, such as age, gender, race, ethnicity, criminal charge, county of offense, and county of residence;
  - (2) the decision points at which the data must be collected;
  - (3) the criminal and juvenile justice agencies required to supply data;
  - (4) who the repository entity for collected data should be;
  - (5) the frequency of reporting;
  - (6) the level of summary analysis;
  - (7) a plan to implement the data collection, reporting, and analysis; and
  - (8) the cost of implementing the plan.

## Subdivision 2. **Report required.**

The commissioner of public safety shall submit the study described in subdivision 1 to the chairs and ranking minority members of the Senate and House of Representatives committees having jurisdiction over juvenile justice policy by February 15, 2010.

## Vision Statement

*The purpose of the Juvenile Justice System Decision Points Study is to determine the viability of collecting summary data information about juveniles involved in the justice system in Minnesota. Accurate and comprehensive data at critical decision points in the juvenile justice system statewide allows system practitioners and policy makers to make sound decisions regarding resource allocation and interventions. Additionally, this effort is consistent with Minnesota's policy commitment to identify and eliminate barriers to racial, ethnic and gender fairness. Collecting this data will make progress toward a more equitable, efficient and effective juvenile justice system in Minnesota.*

# ACKNOWLEDGEMENTS

The Criminal and Juvenile Justice Information Policy Group would like to thank the Minnesota Department of Public Safety's Office of Justice Programs and Bureau of Criminal Apprehension Justice Information Services for compiling the information presented in this report. Our thanks also is extended to juvenile justice system practitioners and community stakeholders who volunteered their time and shared personal and professional expertise with the Feasibility Study Work Group. Data availability, the nuances of data collection, and the effects of data practices upon juvenile justice system practitioners and citizens could not be fully understood without their input.

Special thanks to the faculty and law students of the Community Justice Project at the University of St. Thomas School of Law, who made significant contributions to the Legislative History, Community Impact Statement, Best Practices in Race Data Collection, and Best Practices in Addressing Disproportionate Minority Contact sections of this report.

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# EXECUTIVE SUMMARY

In May 2009, the Minnesota Legislature passed the Juvenile Justice System Decision Points Study bill, which directed the Criminal and Juvenile Justice Information Policy Group<sup>a</sup> to complete a study assessing Minnesota's ability to collect and report summary data on youth involved in the juvenile justice system statewide.<sup>1</sup> The original iteration of the bill mandated that juvenile justice system decision-making agencies annually report data on all decision points affecting youths' status within the juvenile justice system to the commissioner of the Minnesota Department of Public Safety. These data were to be disaggregated by age, gender, race, ethnicity, offense, county of offense, and county of residence. As adopted, the bill tasked the Policy Group with identifying the key decision points at which data should be collected. In addition to the data elements, the Policy Group was directed to determine the entities responsible for data collection and analysis, frequency of reporting, and cost of implementing a data collection plan.

Per the bill, the feasibility study process was to include the Minnesota Department of Corrections (DOC), Minnesota Department of Public Safety Office of Justice Programs (OJP), other relevant criminal justice agencies, juvenile justice stakeholders and interested community groups. Ultimately, the Policy Group approved the creation of a Feasibility Study Work Group<sup>b</sup> to complete the study and draft the report. The Work Group, facilitated by OJP, consisted of over 50 representatives from law enforcement, county attorney's offices, juvenile courts, juvenile probation, juvenile correctional facilities, academia, policy and advocacy groups, and community members.<sup>c</sup> The Work Group convened for six discussions between August and November in 2009 to meet the February 2010 report due date. The Policy Group had final authority over the report content and recommendations.

## ***Feasibility Study Work Group Requirements***

The Work Group, through full membership meetings and focused subgroup discussions, explored the following in detail: how youth flow through Minnesota's juvenile justice system; key system decision points affecting youths' involvement in the system; what data are currently collected at local and state levels; what data are (or are not) disseminated; and what data gaps exist. Specifically, the Legislature assigned eight feasibility study tasks (see box below).

### **The Work Group, on behalf of the Policy Group was charged with, at minimum, considering:**

- (1) [the] required data elements to be collected, such as age, gender, race, ethnicity criminal charge, county of offense, and county of residence;
- (2) decision points at which data must be collected;
- (3) criminal and juvenile justice agencies required to supply data;
- (4) who the repository entity for collected data should be;
- (5) frequency of reporting;
- (6) level of summary analysis;
- (7) a plan to implement data collection, reporting, and analysis; and
- (8) cost of implementing the plan.

While this Executive Summary is organized around these eight tasks for clarity, the broad scope of the juvenile justice system coupled with the complex, interconnected nature of the system stages does not lend itself to a conventional data collection plan.

<sup>a</sup> Hereafter referred to as *the Policy Group*

<sup>b</sup> Hereafter referred to as *the Work Group*

<sup>c</sup> For a list of Work Group participants and membership of the Criminal and Juvenile Justice Information Policy Group, see report Appendices II and III.



# EXECUTIVE SUMMARY

Instead, the body of this report includes chapters dedicated to each system stage: Law Enforcement, County Attorneys, Juvenile Courts, Juvenile Probation, and Detention and Residential Facilities. Within each chapter, key decision points affecting youths' status in the system are identified and ranked both for importance to understanding youth in the juvenile justice system, and for the feasibility of statewide data collection. Recommendations for improved data collection, analysis, and reporting complete each chapter. These chapters, in concert, create the overall data improvement plan for Minnesota.

## *The Eight Feasibility Study Tasks*

The following sections summarize how the activities of the Work Group aligned with each of the tasks required under the Juvenile Justice System Decision Points Study:

**(1) [The study must consider] required data elements to be collected, such as age, gender, race, ethnicity, criminal charge, county of offense, and county of residence.**

With the exception of “county of residence,” the data elements above are routinely collected in some fashion by local and state agencies at each system stage. Age and gender are uniformly collected using date of birth and male or female gender designations.

“County of offense” is not collected specifically, but can be obtained through another variable. The arresting law enforcement agency is typically documented and each law enforcement agency in the state has a unique agency code. Within this code is a county identifier. Knowing the county of the arresting agency typically reveals the county in which the offense took place. There are no variables designed to specifically capture the county of offense nor the youth's county of residence.

A primary concern reinforced by the feasibility study is that both “criminal charge” and “race and ethnicity” are collected using different definitions, coding

schema, and data collection methodology across the juvenile justice system stages. These data discrepancies, explained briefly in the following sections, can confound the ability to analyze system outcomes by offense type, offense level, and offender demographics.

## *Criminal Charge*

“Criminal charge” (type of offense) is one area where data definitions and codes vary. While law enforcement may code an arrest using a very specific Minnesota Offense Code (MOC), county attorneys and courts may cite the offense by referencing the specific state statute, while the Department of Corrections may enter a broad MOC category to describe the reason youth are on probation or in placement. Each system uses codes which best suit their needs, but the differences can make it difficult to follow certain types of offenders through the entire system.

While Misdemeanor, Gross Misdemeanor and Felony level delinquency offenses tend to be coded and counted consistently, this is not the case with “low-level” juvenile offenses. Children in Need of Protection or Services (CHIPS), Status Offenders<sup>d</sup> and Petty Misdemeanants are often grouped and counted differently by different system stages. As an example, federal arrest data requires that Runaway (a CHIPS matter) and Curfew (a Status Offense) be counted together as “Juvenile Offenses.” All other low-level behaviors are captured in other arrest categories. The courts, however, count Truancy and Runaway together as CHIPS cases, and Curfew is counted elsewhere.

Federal reporting (and system flow analysis) requires that delinquency offenses be separated out from low-level offenses, which can be difficult due to different recording methods across systems. Furthermore, understanding how the system responds to the lowest level offenses is key to understanding if the system utilizes best practices in low-level offender management and responds to such acts equitably.

<sup>d</sup> Status offenses are behaviors that are prohibited only for youth but are legal for adults. Some offenses are curfew, runaway, truancy, and possession and use of tobacco and alcohol. Two offenses: truancy and runaway, are codified in Minnesota Statutes as CHIPS matters, not delinquency.

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It is advised that state level agencies convene to standardize how low-level offenses are coded and counted across systems.

The lack of continuity across systems as to how youth are coded and counted makes it difficult to accurately complete federal reporting requirements related to delinquent youth. It also makes it difficult to assess how the system responds to non-delinquent youth. To address these concerns, this report recommends that Minnesota establish and adopt standardized terms and methods system-wide for coding, counting and reporting juvenile offenses.

## **Race and Ethnicity**

A second major data barrier exists in that Minnesota lacks uniform terminology and methodology for collecting race and ethnicity data, a critical piece of demographic information related to system outcomes monitoring. Some system stages classify Hispanic as an ethnicity separate from race, while some classify Hispanic as a unique racial category. Some stages have categories for “unknown” race, “bi- or multi-racial,” or “other.” Some have pre-defined, mutually exclusive categories from which to choose while others have open-ended entry fields. Finally, race and ethnicity are sometimes collected by observation, youth self-report or written census form. Differing collection, classifications and analysis confound the ability to examine the justice system response to different demographics across the system.

This lack of standardization is not unique to Minnesota. Two states (Pennsylvania, Illinois) are involved in a juvenile justice system reform called “Models for Change: Systems Reform in Juvenile Justice,” and have initiated a protocol for collecting youth ethnicity and race information based on best practices. A protocol and more information on best practices in race data collection can be found in Appendix I. This report recommends that Minnesota establish and adopt uniform race and ethnicity definitions, data collection procedures, and dissemination categories statewide.

## **(2) [The study must consider] the decision points at which the data must be collected**

The Work Group spent significant time determining which decision points at each stage of the juvenile justice system are priorities for data collection. State-level data are useful to understanding how many youth are involved in the juvenile justice system (descriptive statistics); how juvenile justice system rates change over time (trend statistics); the effects of policies on justice system-involved youth and agencies; whether Minnesota is utilizing best practices; and whether juvenile justice system policies and resources are equally applied with equitable outcomes for youth. All of these factors were considered as data points were discussed and prioritized for statewide data collection.

## **Required Data Points**

Decision points were deemed by the Work Group to be required if data collection is mandated by state or federal law, if the data are connected to mandatory state or federal reporting, or are conditional for federal funding.

Required data elements as it relates to juvenile justice are primarily dictated by the federal *Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP A)*. The JJDP A requires that states monitor four core protections for juvenile justice system-involved youth. Three protections are related to the proper use of secure detention or placement (known as Compliance Monitoring), and the last monitors states for the overrepresentation of youth of color in the system, known as Disproportionate Minority Contact (DMC). The JJDP A specifically requires comprehensive juvenile justice data collection at all system stages and the data must be disaggregated by youth race and Hispanic ethnicity. Additional juvenile data are collected and reported to comply with the Federal Bureau of Investigation’s Uniform Crime Report (UCR) and the Bureau of Justice Statistics’ *Annual Probation and Parole Survey*.

# EXECUTIVE SUMMARY

The following system decision points were classified by the Work Group as required in that data is necessary for Compliance Monitoring, DMC Reporting, Uniform Crime Reporting, Probation Survey completion, or other state or federal requirements

## Law Enforcement:

- Total number of juvenile arrests
- Total number of delinquency arrests
- Total number of youth placed in secure detention settings by facility type: jails, police lock-ups and juvenile detention centers
- Total youth referred to the county attorney for prosecution for delinquency arrests.

Currently, it is feasible for Minnesota to collect juvenile arrest data, as law enforcement agencies across the state submit arrest information to a database at the Bureau of Criminal Apprehension (BCA). The demographic variables needed are collected with the exception of county of residence. Collecting information on the total number of youth placed in secure detention by law enforcement is a bit more difficult. A database at the DOC is able to distinguish between facility type (jail, lock-up or juvenile facility) and all entries into this database are to represent secure admissions only. However, the DOC system cannot always differentiate between youth held in secure pre-adjudication detention and those held in secure, post-adjudication placement if a single facility has both types of programming. The final required point, total youth referred for prosecution, should be collected at the next system stage (county attorneys), but a lack of data at the county attorney stage means the best indicator of referral to prosecution currently comes from law enforcement. This variable, as currently collected by the BCA, has never been explored for accuracy.

## County Attorneys:

- Total delinquency referrals received by the county attorney
- Total delinquency cases diverted from legal processing for any reason
- Total delinquency cases referred to a formal Diversion Program
- Total delinquency cases petitioned or filed in juvenile court
- Total delinquency cases petitioned directly to adult court.

Minnesota is currently unable to report on county attorney decision points except petitions to court because there is no central, statewide repository for county attorney data. The feasibility of reporting on these data elements is formidable without a data collection infrastructure. While county attorneys are required by Minnesota statute to report youth referred to diversion programs to the BCA,<sup>2</sup> statewide compliance appears minimal. The last data element, youth petitioned to court, can be captured at the next system stage, Juvenile Courts. The lack of information regarding how county attorneys process cases statewide is a significant gap in information regarding youth in the juvenile justice system in Minnesota. The number of cases petitioned directly to adult court can be obtained from Criminal Court records.

## Juvenile Courts:

- Total number of juvenile delinquency petitions filed
- Total number of juvenile delinquency cases disposed
- Total number of cases referred to a formal Diversion Program
- Total delinquency cases resulting in out-of-home secure placement or probation
- Total number of cases transferred to adult court.

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The courts have a new centralized, statewide database that generally makes court-related data feasible to collect and analyze. While data on the total number of juvenile petitions filed and the number of cases disposed is readily available from the State Court Administrator's Office (SCAO), the race and ethnicity data contained in the court's data system is often incomplete. The courts collect this information directly from youth and families using a race census form, a method that is consistent with best practices but often leads to missing information. Two additional required data points, delinquent youth court ordered to probation and delinquent youth placed in secure residential facilities as a court disposition, can be extracted from court data but are better captured by the next system stages.

## Juvenile Probation:

- Total number of delinquent youth on court ordered probation.

Probation data is generally feasible to collect in that all but one county in the state use the same software package for monitoring youth on probation supervision. Information in these local systems upload to a statewide database at the DOC. Hennepin County, which uses its own supervision software, is poised to upload data to the DOC system in the near future. As such, the number of youth on probation supervision statewide and their demographic information will be accessible from the DOC. Race, ethnicity and offense data at the DOC does not seamlessly match that of the BCA or Courts, however.

## Juvenile Detention and Residential Placement:

- Total secure detention admissions to: jails, police lock-ups and juvenile detention facilities
- Total secure residential placements as court ordered by a judge
- Total youth ordered to out-of-state residential placements.

Facility admissions data are primarily gathered by the DOC to monitor facility-licensing requirements. These data are also required under the JJDP. Through the DOC, total secure facility admissions by facility type can be counted. It cannot always reliably be determined whether the youth was in the secure placement for initial detention, continued detention, or for court-ordered placement. The JJDP requires states to distinguish between pre-adjudication detention and post-adjudication placement, which Minnesota presently is unable to do.

In addition, there is limited data disseminated on out-of-state correctional placements. The Minnesota Sentencing Guidelines Commission (MSGC) publishes an annual report on the number of youth placed out-of-state but it does not contain demographic data. The MSGC feels their report underrepresents the actual number of youth placed out-of-state and has asked the Legislature that the DOC be responsible for this report.<sup>3</sup>

## Needed Data Points

Beyond required data elements, decision points were deemed by the Work Group to be needed if they are related to procuring federal grants; are connected to known risk factors for future delinquency; result in collateral consequences for youth;<sup>e</sup> or are useful in understanding targeted intervention strategies.

The following system decision points were classified by the Work Group as needed in order to ensure juvenile justice system efficiency, effectiveness, adherence to best practices and equitable application of law:

## Law Enforcement:

- Total youth arrested for non-delinquency
- Total youth arrested by written citation versus custodial apprehension
- Total youth released by law enforcement without charges
- Total youth receiving a referral to a formal Diversion Program by law enforcement
- Total youth referred to the county attorney for prosecution.

<sup>e</sup> For a description of risk-factors and collateral consequences, see footnotes m and n (page 32).

# EXECUTIVE SUMMARY

Arrests by citation or custodial apprehension are captured in a required reporting field called *Person Charge Code* when law enforcement agencies submit their data to the BCA. Two decision points, release without charges and referral to county attorney, could also be obtained through the *Arrest Disposition codes* (ADN) connected to each arrest at the BCA. An additional ADN code to track referrals to Diversion Programs could potentially be added to the BCA system. Again, these currently collected codes have never been explored for accuracy and would require the BCA to investigate their reliability and ability to report on these system responses.

The system events that occur as a result of a citation as compared to a custodial arrest are substantial. Once in custody, youth may be held securely and potentially be detained until a court appearance. Conversely, other youth are released with a court date, referred to diversion, or released with no further action. These data monitor law enforcement agencies for equitable, appropriate use of release, detention and diversion.

## County Attorneys:

- The total number of referrals received by offense type: Delinquency, CHIPS, Status/Petty Offender
- Total number of youth not petitioned to court by case: Declined, Transferred, Informal Diversion, and Formal Diversion
- Total cases petitioned to court by type: Delinquency, CHIPS, Status/Petty
- Delinquency cases filed by: Delinquency, Extended Jurisdiction Juvenile (EJJ) motion, Adult Certification motion.

Discretionary decisions made by county attorneys significantly affect youth status in the system. Data are needed to ensure that county attorneys are

equitable in their use of diversion, pleas and enhanced prosecution and that the interventions are effective. While these data are needed, data collection efforts are formidable without a centralized county attorney database. One variable, cases petitioned to court, can be captured by the next system stage: Juvenile Courts. The court system is able to make a distinction between delinquency and non-delinquency cases filed, as well as petitions with motions for EJJ and Adult Certification.

## Juvenile Courts:

- Total number of warrants issued for Failure to Appear
- Total cases resulting in continued secure detention
- Total pleas accepted
- Total cases disposed by outcome: Dismissed, Continuance for Dismissal, Adjudication, Stays of Adjudication, EJJ designation, Adult Certification
- Total court ordered sanctions, specifically cases resulting in non-secure, out-of-home placement.

The new statewide court database makes it feasible to track warrants issued, continued detention orders, and pleas accepted. It does not have the capability to report total pleas offered or rejected. Furthermore, the system can distinguish between CHIPS, Status/Petty, Delinquency, EJJ, and Adult Certification cases. Codes illuminating court ordered sanctions are also present. Much of this information has either not been analyzed before, or has not yet been analyzed using the new system. Investigation into these data elements by the State Court Administrator's Office (SCAO) is needed to assess these data for accuracy and completeness. These data are key to monitoring judicial discretion and again ensuring effective, equitable outcomes for youth.

# EXECUTIVE SUMMARY

## Juvenile Probation:

- Total number of youth on probation for any level of charge
- Total number of probation violations filed
- Total youth placed in secure detention or secure residential placement related to a probation violation
- Total number of EJJ youth who are revoked
- Total number of youth discharged from probation: delinquency and non-delinquency cases.

Much of this information can be obtained either from the court database (violation hearings, placements in response to violations, and EJJ revocations) or the DOC database (number of youth on probation, offense level, and probation discharges). This report recommends that SCAO and DOC review their data for accuracy, completeness and dissemination, as many of these variables have not been analyzed for this purpose.

## Juvenile Detention or Residential Facilities:

- Total youth placed in initial secure detention due to probation violations or warrants (rather than a new charge)
- Total youth who, following initial detention, are court ordered to remain in continued secure detention during all or part of their judicial proceedings
- Total non secure residential placements court ordered by a judge
- Total youth placed out-of-state by facility type: secure and non-secure.

These admissions are subsets of total initial detention admissions and total residential admissions—federally required decision points. The information related to reasons for admission is possibly available from the SCAO. The DOC does not upload out-of-state admissions to its system. This report recommends that the SCAO and DOC explore the use of their systems and codes for the ability to report on these needed variables.

## Informative Data Points

Decision points that inform individual programs or local agencies but are not applicable or generalizable to youth statewide were deemed informative. Informative data points were not recommended for state-level data collection, but may be very relevant to local agencies and programs. They are listed in the main body of the report but do not include data collection or improvement strategies.

**(3) [The study must consider] the criminal and juvenile justice agencies required to supply data and (4) who the repository entity for collected data should be.**

The majority of information collected and maintained on youth in the juvenile justice system can be found at three state-level agencies: BCA's Criminal Justice Records System (CJRS); SCAO's Minnesota Court Information System (MNCIS); and DOC's Detention Information System (DIS) and Statewide Supervision System (S<sup>3</sup>). These state systems contain a wealth of information on juvenile arrests, juvenile petitions and dispositions, juvenile placements, and youth on probation. All state agencies have protocols for the local uploading or reporting of their data to state-level systems at regular intervals.

County attorneys do not have a centralized database and lack a centralized agency aside from the Minnesota County Attorney's Association professional group. While 57 county attorneys use the same software package, these databases do not link together or upload to a central repository. The remaining 30 counties vary in the electronic case management software used, if any. Some county attorneys continue to use paper files and computer spreadsheets to manage caseloads.

While Minnesota is federally required to report county attorney data and county attorneys are required by state statute to report certain diversion and petition data, they currently are unable to consistently comply. These represent significant gaps in understanding how Minnesota's youth move through the juvenile justice system and Minnesota's ability to comply with the JJDPA.

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This report does not recommend a single centralized repository for all juvenile justice system data, as the systems in place at each agency are largely sufficient for Minnesota's data collection needs. Instead, this report offers recommendations for the creation of a centralized county attorney system and improvements to the existing centralized systems. Even though a centralized repository for all juvenile justice data is not recommended, it is important that existing databases work cooperatively to gather information that can be compared across systems. In particular, information on uniform race codes and offense categories is needed.

With additional attention to juvenile data, in-depth analysis of currently collected data elements, and regular reporting, much required and needed information can be extracted. While the accuracy of the data will need to be assessed, these are preliminary steps state agencies can take to improve juvenile data.

## **(5) [The study must consider] the frequency of reporting.**

Because all federal requirements for juvenile justice data are annual, this report proposes that the data dissemination standard for state agencies be annual as well. It is recommended that the following information be reported each year with analysis based on age, gender, race, ethnicity, criminal charge, county of offense, and county of residence, to the extent possible:

### **Department of Public Safety, Bureau of Criminal Apprehension:**

Continued annual publication and dissemination of arrest data in the Minnesota Crime Information Report (or a comparable report) with greater attention to juvenile offenders. Utilize current data elements to report on youth cited or apprehended, youth released without charges, and youth forwarded for prosecution. Full recommendations are in the Law Enforcement Chapter.

### **Minnesota County Attorney's Association:**

Release an annual report with statewide numbers of youth referred for delinquency prosecution and those diverted. These are the minimum requirements for compliance with the JJDP. Full recommendations are in the County Attorney Chapter.

### **State Court Administrator's Office:**

Resume publication of the statewide report on juvenile petitions (or a comparable report) that was discontinued in 2006 pending the changeover to a new court database. Provide additional information on youth in the EJJ process, warrants issued for failure to appear, hearings for probation violations, and youth placed in secure detention or placement in response to probation violations. Full recommendations are in the Juvenile Courts Chapter.

### **Department of Corrections:**

Continue annual publication of the Probation Survey report. Provide additional data on youth probationers including supervision disaggregated by offense level, those specifically under supervision for delinquency cases, EJJ dispositions, or stays of adjudication (continuances). Full recommendations are in the Juvenile Probation Chapter.

Annually disseminate data on juvenile admissions to secure jails, police lock-ups, juvenile facilities, and out-of-state correctional facilities. Report on youth admissions by offense type and charge level. Full recommendations are in the Detention and Residential Facilities Chapter.

### **Juvenile Justice Advisory Committee (JJAC):**

JJAC is a body of 18 governor-appointed members, additional non-voting members and staff who advise and make recommendations to the governor and Legislature about issues, trends and practices relating to the state's juvenile justice system.<sup>4</sup> JJAC is the entity responsible for allocating federal grant funding received as a result of compliance with the JJDP. It is recommended that the body annually publish data detailing Minnesota's compliance with the JJDP, Minnesota's DMC rates, and progress made towards addressing DMC in the state.

### **Department of Public Safety, Office of Justice Programs:**

Annually integrate the juvenile justice data disseminated by other state level agencies and bodies into a report illustrating trends, rates, and youth movement through Minnesota's juvenile justice system. Illuminate areas for potential data improvement and cross-system data coordination.

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The frequency with which local entities must upload individual data to state repositories is dependent upon the need of each state agency's system in order to meet an annual dissemination standard and other reporting requirements.

## **(6) [The study must consider] the level of summary analysis.**

### ***Public Data vs. Private Data***

According to Minnesota Statute 13.02, summary data are “statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.”<sup>5</sup> This study recommends data dissemination on aggregate data only, free of any personal identifiers such as a juvenile's name, date of birth, or social security number. That being said, some recommendations in this study do require improvements to the data collected on individuals (such as race and ethnicity data) in order to increase the accuracy of data aggregated and summarized. No recommendations in this report support the release of individual, private data.

Data on individuals in the justice system are generally classified as private or confidential data, which restricts data access, sharing and release. Summary data, however, is public. In addition, analyzing data by demographics such as age, gender, or race, are still summary data and are allowable under Minnesota's Data Practices law.

### ***Number of Events vs. Number of Individuals***

Data systems most often capture the number of times an event occurs. For instance, a juvenile detention facility may record 100 admissions in a year, but that does not mean 100 different youth were admitted. If 60 admissions were connected to 60 people and the remaining 40 admissions were connected to 10 people, it would illuminate a high-risk population of youth admitted multiple times that year.

Sometimes event information is most useful, sometimes the number of individuals served is most useful, depending on the question the data is to inform. For this reason, no single level of summary analysis is recommended. Rather, it is important that data are collected in such a way as to allow for both event analysis and individuals served analysis when necessary.

What is necessary is that state agencies, when annually disseminating data, agree to report either events or individuals served (or both), such that system flow analysis is possible. It is recommended that state agencies and professional bodies responsible for state-level data dissemination convene to standardize their reporting methodology.

## **(7) [The study must consider] a plan to implement the data collection, reporting, and analysis.**

This report represents a single, comprehensive plan for juvenile justice data in as much as it sets out a series of criteria for data improvement, uniformity in data collection variables, and regular dissemination. This report also prioritizes activities based on feasibility and general costs. This section highlights the Summary of Recommendations found at the conclusion of the report. Specifically, the findings of this study support the following:

**I. Short-Range Goals.** *These goals represent the lowest cost and highest feasibility for data collection, reporting, and analysis:*

- 1A.** Each year, the Department of Public Safety, State Court Administrator's Office, Department of Corrections and Juvenile Justice Advisory Committee are to disseminate their respective juvenile justice data at required and needed decision points by age, gender, race, ethnicity, criminal charge, and county of offense.
- 1B.** Agencies with central data repositories ought to assign staff to investigate the validity and reliability of data currently collected and, if needed, develop suggestions and strategies for data improvement.



# EXECUTIVE SUMMARY

**1C.** The Minnesota County Attorney’s Association and the Minnesota Counties Computer Cooperative software manager ought to convene and develop a plan to collect statewide data on the number of delinquent youth referred for prosecution, number of delinquent youth diverted from prosecution, and number of youth referred to a formal diversion program.

It is also recommended that a plan be implemented to standardize the race and ethnicity codes used in the Minnesota County Attorney Practice System (MCAPS), which currently has no such standardization.

**1D.** State agencies ought to convene to: standardize race and ethnicity categories; clarify how these data are collected; agree on whether to report on number of events or number of individuals served when disseminating data; and establish uniform ways of collecting and coding data on CHIPS matters, Status Offenses and Petty Offenses.

**1E.** It is unknown how many formal Diversion Programs are serving youth in the state and what services are offered. It is recommended that a comprehensive list of law enforcement and county attorney diversion programs be created and made available. No state agency has definitively been identified as appropriate for this task.

**II. Mid-Range Goals.** *These represent moderate costs and moderate feasibility for data collection, reporting, and analysis:*

**2A.** The Legislature ought to support the adoption of standardized race and ethnicity categories across justice agencies as developed under recommendation 1D. Funding for this initiative ought to be secured prior to the adoption of a statewide requirement to support state and local agencies in any changes needed to records management technology.

**2B.** Legislation ought to be enacted requiring both law enforcement agencies and schools to report race and ethnicity data on all CHIPS and delinquency citations/referrals to county attorneys. County attorneys rely on this information being supplied by referring agencies. If this information is missing early in the system, it may not be recorded until much later in the system, if at all.

Race and ethnicity information ought to be categorized as public data, when in summary form, consistent with the Comprehensive Law Enforcement Data (Minn. Stat. Chapter 13). The Legislature ought to also require county attorneys to maintain race and ethnicity data on juveniles in their records management system and that this data be public in summary form.

**2C.** One area of arrest data that is lacking are juvenile arrests made by tribal law enforcement agencies. Currently, arrests by tribal agencies are grouped in with all arrests reported by the county sheriff. Tribal arrests ought to be sent to the BCA and maintained under the tribe’s unique agency identifier, rather than the county sheriff’s identifier. This data can be used to support funding and resource allocation to tribal agencies and potentially provide information on the overrepresentation of American Indian youth in Minnesota’s juvenile justice system.

Furthermore, the Policy Group ought to work with the Indian Crime Awareness and Research Evaluation (ICARE) Project to improve tribal data collection and data sharing as it relates to juveniles.

**2D.** The St. Paul Police Department and the Minneapolis Police Department ought to be supported with legislative funding in uploading their individual juvenile arrest records into the BCA’s CJRS system. Currently, the state’s two largest municipal police departments do not upload arrest data to the BCA. Instead, summary reports are submitted to the BCA for Uniform Crime Reporting purposes. As such, CJRS is not a comprehensive database of all juvenile arrests in the state making detailed, comprehensive analysis of arrest data formidable.

# EXECUTIVE SUMMARY

**2E.** The Department of Corrections' Detention Information System ought to be enhanced to ensure that data can be parsed out by youth held for initial detention, court ordered continued detention, or court ordered residential placement. These data elements are needed to comply with federal reporting requirements. It is recommended that funding for these upgrades be secured to support the DOC and local partners in this system upgrade.

**III. Long-Range Goals.** *These represent the highest cost, most formidable feasibility for data collection, reporting, and analysis:*

**3A.** The CJRS arrest database at the BCA operates on a mainframe from the 1960s and is nearing collapse. The system no longer has technical support from the vendor. In the event CJRS crashes, there will be no database in the state for arrest data (adult or juvenile).

The next logical progression is to the Minnesota National Incident Based Reporting System (NIBRS), which is a database that collects far more information on offenders and incidents and is supported by the FBI as the preferred data management system for states. A federal NIBRS system is supported by the FBI, which compiles data for the federal Uniform Crime Report. It is recommended that the Legislature fiscally support the BCA in a transition from CJRS to Minnesota NIBRS.

**3B.** A statewide central repository for county attorney data is needed to fill a significant data gap in the juvenile justice system. The Legislature ought to allocate funding to ensure that cases referred to county attorneys, cases diverted, and cases where pleas are offered, accepted or declined, can be maintained on a statewide level. County attorney's offices ought to be supported in an upgrade to compatible software systems.

## **(8) Cost of implementing the plan.**

Because of the complexity of the information gathered for this report, the broad range of recommendations and the short timeline for completion, a meaningful cost assessment for the specific recommendations or the totality of the project could not be compiled. However, potential costs were considered when determining the feasibility of the aforementioned recommendations.

The issue of cost was raised throughout the feasibility study process. Discussions acknowledged costs to state agencies, local partners, and the reality of current budget shortfalls. It is important to understand that even the most feasible recommendations will involve costs and resource reallocation at the state and local level.

The Policy Group representative from Minnesota Management and Budget (MMB) estimates that a minimum of six months would be required to assess costs related to any state-level or systemwide change to databases or reporting requirements. MMB cautions against the use of fiscal notes, which would not be comprehensive enough in their assessment. Should the Legislature desire that any of the recommendations in this report undergo a thorough cost assessment, it is recommended that legislation be proposed to that effect. State and local partners are united in the position that new data collection and analysis mandates without additional resources would greatly strain already exiguous resources.

## ***Final Considerations***

While the Juvenile Justice System Decision Points Study did not ask the Policy Group to explain why state level data are needed, the Work Group felt that it was important that there be a context for the recommendations. The full report includes, and indeed opens with, sections dedicated to the purpose and limitations of statewide data, an explanation of Disproportionate Minority Contact, and a Community Impact Statement.

Work Group participants, acting both as system professionals and as citizens, engaged fully in the

# EXECUTIVE SUMMARY

study process unified by a belief that Minnesota's juvenile justice system should operate in an equitable manner toward positive, rehabilitative outcomes for all youth. Participants also shared a mutual belief that quality data collection and analysis are important to the task of monitoring system effectiveness and parity. In the Community Impact Statement section of this report (page 26), surveys and focus groups revealed that people involved in the juvenile justice field expressed concern that the system does not treat youth fairly regardless of race or gender. It is through accurate, meaningful and available data that these issues of disparity can be highlighted and progress toward equity can be measured.

Germane to any discussion of justice system parity is the topic of Disproportionate Minority Contact (DMC). DMC occurs when youth from minority racial or ethnic populations are overrepresented in the juvenile justice system as compared to their percentage in the youth population as a whole. In Minnesota, as in many other states, the rate of youth from communities of color at most stages of the juvenile justice system are significantly higher than rates of White youth. Because the DMC phenomenon is so pervasive, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires that all states monitor DMC through data collection and reporting, and take steps to address DMC at the state level. It is a core protection of the JJDP.

Factors contributing to DMC are complex but primarily are attributed to differential offending patterns by groups of youth, disparate treatment by justice system practitioners, and discrimination in favor of or against certain groups of youth based wholly or in part upon their membership in a minority group. Any or all of these factors may be at play when exploring why some youth receive different justice system outcomes than others.

Minnesota has rates of DMC that are higher than the national average and is in the top 11 states for overrepresentation of minority youth in residential facilities. Specifically, young Black Minnesotans are five times more likely than young White Minnesotans to be arrested, and almost three times more likely to

have their case transferred to adult court. Asian and American Indian youth in Minnesota are three times more likely than White youth to be securely detained and two times more likely to be confined in a secure juvenile correctional facility. In contrast, minority youth are less likely than White youth to receive supervision in the community (probation).

DMC has been acknowledged by the Minnesota Legislature which, in 2009, also passed a Statewide Policy on Disproportionate Minority Contact. This policy intends to: "identify and eliminate barriers to racial, ethnic, and gender fairness within the criminal justice, juvenile justice, corrections, and judicial systems, in support of the fundamental principle of fair and equitable treatment under law."<sup>6</sup> Because the Juvenile Justice System Decision Points Study and the Statewide Policy on Disproportionate Minority Contact statewide DMC policy were passed in the same legislative session, this report has a significant focus on issues around improving race and ethnicity data collection in Minnesota.

## **Conclusion**

It was the goal of this report to not only respond to the legislative mandate, but also to take the opportunity to provide those working within and on behalf of the juvenile justice system with a context as to why data is important to sound programming, policy decisions and resource distribution. Quality data collection and dissemination are key elements to ensuring efficient, effective, and equitable juvenile justice practices that are responsive to changing social, political and economic conditions.

This report provides a wealth of information on decision points, data collection improvements, and data standardization at both the local and state levels. While a single, comprehensive data plan is not feasible, there are many actions that can take place now with modest costs, and in the future to greatly improve the availability and quality of information about justice system-involved youth. It is the hope that this document can serve as a task-list of activities which, when complete, will result in comprehensive data related to Minnesota's juvenile justice system and the youth it serves.

# INTRODUCTION

Minnesota is like many other states in that the juvenile justice system is comprised of local, county and state-level agencies each carrying out a specialized role related to community safety, offender accountability and rehabilitation. To greater or lesser degrees, data is collected on the number of individuals served and their characteristics primarily to inform agency efficiency, effectiveness and resource allocation. Additionally, many agencies are motivated to collect data in order to comply with external requirements such as licensure conditions, funding awards, or state or federal law. While many data are collected at the local and state level, rarely are those analyzed or disseminated beyond that which is necessary to meet internal objectives or external mandates.

Minnesota is unlike other states in that there is no state-level juvenile justice authority. Many states have Departments of Juvenile Justice that are the natural entities for reporting data on the performance of the juvenile justice system as a whole. These agencies often compile and publish systemwide data into state “report cards” and comparable assessment publications—activities consistent with their agency missions and scope. In Minnesota, the five main system participants—law enforcement, county attorneys, juvenile courts, probation and correctional facilities—while interconnected by the youth served, are fragmented in data collected. Records systems use differing data definitions, offender classifications, demographic elements, and counting methodology, resulting in data that cannot be reliably compared across system stages. Even were there continuity in data collection, the question of whose charge it is to analyze, disseminate and ultimately coordinate the aforementioned providers in a systemwide response is unclear.

At present, Minnesota’s state agencies, local service providers and community stakeholders have come together under the auspices of a mandated feasibility study to discuss how data can be coordinated for a more seamless portrayal of youth in our juvenile justice system. Many other states have undertaken similar initiatives to define data elements and promote data collection across agencies and jurisdictions.

For example, California convened the Juvenile Justice Data Project (2004), New York convened the New York State Taskforce on Juvenile Justice Indicators (2005), and Massachusetts (2007), proposed an act requiring juvenile justice data collection and annual reporting similar to the origins of this Feasibility Study. These states, as does Minnesota, all began by examining data availability and gaps statewide.

Fortunately, the importance of data in monitoring juvenile justice system goals and objectives, system parity, and system responsiveness to the needs of offenders is not lost upon the collective of Minnesota’s youth-serving professionals and citizens. While the practicalities and costs of data improvement were at times seriously questioned by Feasibility Study participants, rarely was the importance of the data itself.

Currently, only two state level agencies, the Minnesota Bureau of Criminal Apprehension and the Minnesota Department of Corrections publish annual reports that include information on youth offenders: the Minnesota Crime Information Report (arrest data) and the Annual Probation Survey (community supervision data), respectively. Other data related to youth in the juvenile justice system must be obtained through a direct request to the state agency that houses the data. In 2010, there is less data available by public report than there was even five years ago. When funding is limited, it is often the case that data collection and analysis tasks are cut before are direct services to individuals.

This Feasibility Study asserts that annual, public data dissemination by state level agencies would constitute the best first steps toward system improvement and positive outcomes for youth, a dissemination standard with which state agency partners are wary. State and local representatives alike were justifiably apprehensive of additional data collection mandates and, at the same time, cautious against voluntary commitments to data improvement and dissemination in a time of diminished resources. State agencies asked that it be clearly communicated that all data collection and dissemination activities require staff and resource commitments that are not currently available. Without

# INTRODUCTION

financial support from the Legislature, stakeholders feel the recommendations in this report would pose a substantial burden.

In the interest of furthering data improvement and acknowledging the concerns of state and local agencies, the findings of this study include both large-scale systems improvements and smaller scale, exploratory steps that agencies and professional associations can take towards comprehensive juvenile justice system data in Minnesota. It is the hope that even if some recommendations cannot be implemented in the current economic environment that not all progress toward data improvement will be halted.

## *Costs of Implementation*

While the Juvenile Justice Decision Points Study legislation requests a specific assessment of the costs and timeline of implementing a data collection plan, the short timeframe allowed for this study was insufficient to address this matter in a meaningful

way. The data improvements suggested in this report can guide the creation of additional workgroups, mandatory or collegial, to evaluate the financial implications each recommendation may have on stakeholders and the state.

Minnesota Management and Budget (MMB) estimates that a minimum of six months would be necessary to assess the fiscal effects of significant changes to any statewide data collection systems. MMB cautions against the use of “fiscal notes” which would not be comprehensive enough in their assessment of costs. The Legislature may wish to request such studies as members see fit.

Even the more feasible recommendations outlined in this report will require costs in terms of budget, resources and staff time. Attention to this fact, both on a state and local level, is important in ensuring that agencies are able to comply with any recommendations implemented by the Legislature.

# LEGISLATIVE HISTORY OF THE FEASIBILITY STUDY

## *Juvenile Justice and Delinquency Prevention Act of 1974*

Widespread state and national level data collection on youth in the juvenile justice system is largely an effect of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974. The law was enacted as a uniform federal response designed to both reduce juvenile crime and improve methods for handling juvenile offenders. In acknowledgement of emerging research that certain practices in the juvenile justice system could cause physical and psychological harm to youth or exacerbate future criminal behavior, the JJDPA placed restrictions on the use of secure detention for youth and fiscally promoted the use of diversion and community-based interventions.<sup>7</sup>

The most recent iteration of the JJDPA (2002)<sup>f</sup> identifies Four Core Protections with which states must comply in order to be eligible for certain federal funds. States must submit data annually to demonstrate measurable progress towards the following:

1. Deinstitutionalization of status offenders;
2. Sight and sound separation of juveniles from adult inmates/trustees when held in the same facility;
3. Removal of juvenile offenders from adult jails and police lock-up facilities, and;
4. Reduction of Disproportionate Minority Contact (DMC) at all stages of the juvenile justice system (see page 23 for a full explanation of DMC).

For more than a decade, a requirement of the JJDPA has been that states must collect and share racial, ethnic, and gender-related data on youth in the juvenile justice system with the U.S. Department of Justice, Office of Juvenile Justice and Delinquency (OJJDP).<sup>8</sup> With regard to the fourth protection, the reduction of Disproportionate Minority Contact, data collection on race and Hispanic ethnicity must occur at nine key juvenile justice system decision points established by the OJJDP (see box at right). These data are used to calculate rates of youth from communities of color at each decision point as compared to rates of White youth. States experi-

## **Federally Required DMC Data Collection Points:**

1. Juvenile arrests
2. Referrals to County Attorney for legal processing
3. Cases diverted from legal processing
4. Cases involving secure detention
5. Cases petitioned/charges filed
6. Cases resulting in delinquent findings
7. Cases resulting in probation placement
8. Cases resulting in confinement in secure correctional facilities
9. Cases transferred to adult court

encing certain levels of minority youth overrepresentation must submit a plan to help eliminate identified disparities where they exist.<sup>9</sup>

In addition to the nine decision points, states are mandated to show improvement in myriad areas, two of which are relevant to data at the state level. States must report:

- The “number of state agencies reporting improved data collection systems as evidenced by an ability to collect data by race; collect data by race with increased accuracy and consistency; report timely data collection and submission...”
- And the “number of contact points reporting reduction in disproportionality at the state level during the reporting period compared with the last reporting period...”<sup>10</sup>

Funding is awarded to states based on the Four Core Protections through Title II and Title V formula grants for juvenile justice programs and system improvement initiatives, which are distributed to local communities by Minnesota’s Juvenile Justice Advisory Committee (JJAC). JJAC is a body of 18 governor-appointed members, additional non-voting members and staff who advise and make recommendations to the

<sup>f</sup> The JJDPA is currently in negotiation for reauthorization in 2010.

# LEGISLATIVE HISTORY OF THE FEASIBILITY STUDY

governor and the Legislature about issues, trends and practices relating to the state's juvenile justice system.<sup>11</sup> In 2009, JJAC allocated \$1 million dollars in federal Title II and Title V funds to local governments and community programs on behalf of Minnesota. If OJJDP determines that a state is out of compliance with JJDP standards or data collection requirements, the state will receive a 20 percent reduction in formula grant funds and be required to use 50 percent of the balance to get back in compliance.<sup>12</sup> The 20 percent reduction applies to each of the four core requirements with which there is non-compliance.

## *Minnesota's Compliance with the JJDP*

Currently, the Minnesota Department of Public Safety, Office of Justice Programs (OJP) receives data annually from state and county level agencies in Minnesota and reports on the Four Core Protections to the OJJDP. While Minnesota thus far has been found in compliance with JJDP data collection mandates, there are several required data elements that Minnesota is not able to accommodate. Two of these are referrals to county attorneys by race and ethnicity, and county attorney referrals diverted from legal processing by race and ethnicity. As such, Minnesota is often in the position of having to explain the obstacles to data collection and articulating how progress toward data collection will be made. If Minnesota is missing data on the other three Core Protections, plans must be submitted outlining strategies to "eliminate instances of noncompliance through statutory reform, changes in facility policy and procedure, modification of court policy and practice, or other appropriate means."<sup>13</sup> DMC data reporting is moving toward this level of rigor as well.

In addition, state-level data collection systems do not always classify youth using the same offense terms, legal status designations, or race and ethnic categories. Ongoing gaps in Minnesota's data confound efforts at analyzing juvenile justice system points contiguously and may threaten Minnesota's eligibility to receive federal resources. These are just a few contributing factors warranting comprehensive juvenile data collection.

## *Juvenile Justice System Decision Points: Reports Required Bill (as proposed 2009)*

In February 2009, a bill requiring enhanced data collection and reporting in Minnesota was proposed as a result of collaborative efforts by members of Minnesota Juvenile Detention Alternatives Initiatives<sup>14</sup> (JDAI), Juvenile Justice Coalition, University of St. Thomas School of Law Community Justice Project, Council on Black Minnesotans, Ramsey County Juvenile Justice Reform Coalition, Council on Crime and Justice, Organizing Apprenticeship Project, and other community individuals and partners. These community organizations and advocacy groups shared the sentiment that quality data on youth at all stages of the juvenile justice system is necessary to further quality work on behalf of youth and families in Minnesota. Furthermore, data are imperative to juvenile justice system transparency and accountability.

Originally introduced to the Minnesota House of Representatives, the proposed Juvenile Justice System Decision Points; Reports Required Bill sought to require juvenile justice decision-making agencies to report certain information pertaining to youths who were interacting with each agency.<sup>15</sup> These decision-making agencies included law enforcement, state or local probation officials, individuals associated with a prosecutorial office and judicial district, and any kind of juvenile detention, shelter, residential, or correctional facility. These agencies were designated to report decisions made by individuals that affect a youth's entry into, or status within, the juvenile justice system including but not limited to:

- (1) issuing a notice or summons to appear in court;
- (2) arresting or taking the child into custody;
- (3) pre-adjudication detention or release from custody both before and at an initial hearing;
- (4) petitioning the child for an offense;
- (5) placement in a pre or post-adjudication diversion or similar program;
- (6) adjudicating the child as an extended jurisdiction juvenile, delinquent, or petty offender;
- (7) dispositions;

# LEGISLATIVE HISTORY OF THE FEASIBILITY STUDY

- (8) placement in, treatment and programming offered in, and release from a residential facility;
- (9) probation conditions and sanctions for violations, including, but not limited to, detention;
- (10) adult certification; and release from judicial or correctional supervision.

Each year, the director of each of the aforementioned decision-making agency would be required to submit a report to the commissioner of the Minnesota Department of Public Safety containing information made by individuals within that organization regarding the child's status. Additionally, the youth's race, ethnicity, gender, county of residence, offense, age, and county of offense would be collected and included in the annual report.

## ***Juvenile Justice System Decision Points: Study Required Bill (as adopted 2009)***

In May 2009, after a series of amendments, the Juvenile Justice System Decision Points: Feasibility Study Requirement Bill passed, which mandated this study.<sup>16</sup> The original bill was amended from mandatory data collection to a Feasibility Study due to concerns about the data privacy of youth in smaller counties, the fiscal impact on the participating statewide organizations, and creating an implementation plan that would enable systems to collect and report data.

The purpose of the bill, as adopted, is to require the Criminal and Juvenile Justice Information Policy Group<sup>17</sup> to determine the feasibility of collecting and reporting summary data relating to the decisions that affect a child's status within the juvenile justice system. In order to conduct this study, the Policy Group authorized OJP and the Bureau of Criminal Apprehension, Justice Information System Division (MNJIS), along with other criminal justice agencies and stakeholders to respond to the legislation with consideration to the following:

- (1) required data elements (age, race, gender, ethnicity, criminal charge, county of offense, county of residence);
- (2) decision points at which the data must be collected;
- (3) criminal and juvenile justice agencies required to supply data;
- (4) who the repository entity for the collected data should be;
- (5) frequency of reporting;
- (6) level of summary analysis;
- (7) plan to implement the data collection, reporting, and analysis; and
- (8) cost of implementation the plan.

Collecting these data is essential to being able to adequately analyze Minnesota's juvenile justice system. Accurate, timely information regarding our juvenile justice system will aid in determining how to improve our system to ensure better outcomes for youths and their families, public safety, equitable justice, and the most effective use of fiscal resources. By collecting data with these considerations in mind, Minnesota will be better equipped to both comply with the requirements of the JJDP and advocate for any necessary system change.



# SUMMARY DATA AND DATA PRACTICES

Naturally, projects that encourage the collection of data on individuals, especially on juveniles, raise concerns about data practices. It is worth noting that the language of the feasibility study is limited to collecting and reporting “summary level data.” According to Minnesota Statute 13.02, summary data are “statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.”<sup>18</sup> Where this study recommends data dissemination, it is on aggregate data free of any personal identifiers such as a juvenile’s name, date of birth, or social security number. That being said, some recommendations in this study do require improvements to the data collected on individuals in order to increase the accuracy of data aggregated and summarized.

Data on individuals in the justice system are generally classified as private or confidential data, which restricts data access, sharing and release. Summary data, however, is public. The following justice system data have already been codified in statute:

- Minnesota Statutes section 13.82, *Comprehensive Law Enforcement Data*, indicates that “data created or collected by law enforcement agencies which documents any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty **shall be public at all times** in the originating agency.” This section also applies to juveniles but restricts the release of a minor’s name and address. Because individual data are public, so too are summary data.
- Minnesota Statutes section 260B.171 subdivision 5, indicates that juvenile peace officer records are classified differently than adult records and are to be maintained separately. This pertains to individual records and does not discuss summary data. This statute is not pertinent to this study.
- Minnesota Statutes section 13.84, *Court Services Data*, indicates that “data that are created, collected, used or maintained by a court services department, parole or probation authority, correctional agency, or by an agent designated by the court to perform studies or other duties and that are on individuals who are or were defendants, parolees or probationers of a district court, participants in diversion programs, petitioners or respondents to a family court, or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court” **are private data unless in summary form.**
- Minnesota Statutes section 13.85, *Corrections and Detention Data*, indicates that “data on individuals created, collected, used or maintained because of their lawful confinement or detention in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities” **are private data unless in summary form.**

Under Minnesota Statutes Chapter 13, government entities are responsible for ensuring that the information they hold is accessible, if public, and protected if not public. The intended purpose of recommendations in this study is to improve the quality and quantity of public, summary data available on youth in the juvenile justice system as a whole. As such, data practices issues are few.

# PURPOSE AND LIMITATIONS OF STATEWIDE DATA

## **Data Uses**

“Data-driven decision-making” has quickly become the national hallmark for best practices in juvenile justice. When juvenile justice system data are consistently and uniformly collected at the state level (followed by timely analysis and dissemination), many objectives relevant to the state can be attained. Having a factual picture of system operation allows for consequent changes in policy and practice that align with more effective, efficient and equitable use.

Fiduciary responsibility is always a primary goal as it relates to data analysis. The state has a vested interest in spending and allocating tax dollars and federal funding in a productive, justifiable manner. Truly, all data have fiscal relevance in that they represent the cost of processing offenders in one manner over the cost of implementing the next best alternative. While cost-benefit analysis are perhaps the most common uses of state-level data, data serve many other functions:

**Descriptive data** “describe” the number events and persons served by the system. Descriptive data answer:

- *Who are the youth in the juvenile justice system?* What is their age, gender, race and ethnicity? Where do they come from geographically? How many are there?
- *For what crimes are youth being arrested and charged?* How many charges are felonies, misdemeanors, petty offenses, or status offenses? How many are person or property charges?
- *What consequences and services do youth receive as a result of system involvement?* How many youth are ordered to detention, placement, community service, probation, or fines? How many receive mental health, chemical health or cognitive-behavioral services?
- *What is the level of stress on system providers?* What are the work loads of law enforcement officers, attorneys, courts, facilities and probation officers? Are they manageable or excessive as it relates to resources?

**Trend data** assess changes to the number of events and individuals served over time. Trend data answer:

- *How are the descriptive statistics of today the same or different than those of the past?* Is crime rising or falling? Is there more violent crime today than 10 years ago? Are offenders younger? Are there more female offenders? Are placements longer or shorter than in the past?
- *What can the past and present tell us about the future?* Is crime likely to rise or fall? Will we need more placement beds or fewer? What will the future demand be on mental and chemical health services?
- *What is the impact of the external environment on the juvenile justice system?* How do youth in the system reflect changes in population, demographics, and economic and political conditions? What is the effect of seasonal changes, transience, tourism, drug trends, etc.?

**Policy evaluation data** explores the effect of widespread policies and legislation. Policy evaluation data answer:

- *How have changes to juvenile justice policy affected the system?* What is the effect of classifying some juvenile offenses as petty offenders? What is the effect of Extended Jurisdiction Juvenile legislation? What is the effect of mandatory county attorney diversion programs? What are the effects of prosecuting youth as adults? How do changes in federal delinquency regulations affect Minnesota?
- *How have changes to other youth serving systems affected the juvenile justice system?* What is the effect of “zero tolerance” school discipline policies? What is the effect of school resource officers? How do cuts to community recreation programs affect delinquency levels? How do changes to services provided by the Department of Human Services, Health, and local social services effect youth in the justice system?
- *How have policy changes ‘unrelated to youth’ affected the juvenile justice system?* What are the effects of policies related to social services,

# PURPOSE AND LIMITATIONS OF STATEWIDE DATA

government assistance, health care and treatment, employment, housing, firearms, transportation, and stimulus packages?

**“Best practices” data** gauge whether Minnesota is utilizing processes and procedures that have proven through research to have positive outcomes for youth. Best practices data answer:

- *Is Minnesota utilizing strategies that have proven effectiveness in the field of juvenile justice? Are youth screened with a validated risk assessment tool to establish risk-level and determine supervision level? Is secure confinement being used only for the most serious offenders? Are lowest-risk offenders receiving the fewest interventions? Are gender-specific services and culturally competent programs available? Are mental health screenings done in accordance with statute? Does Minnesota use programs or interventions that have been demonstrated to harm youth?*
- *Is Minnesota collecting program outcome data? Are youth completing diversion programs successfully? Do youth participating in diversions remain out of the system? What is the success rate for youth given a continuance for dismissal by the court? What is the rate of reoffending for youth who complete probation? How many Extended Jurisdiction Juvenile youth have their probation revoked and an adult sentence imposed?*

**System equality data** assess if system policies and resources are equitably applied with equitable outcomes. System Equality data answer:

- *Do youth receive equitable system outcomes? Are youth statewide likely to experience similar or disparate outcomes as it relates to arrest, charging, detention or disposition? Does offender geography, age, gender, race or ethnicity effect system handling and outcomes? Are sanctions and diversions equally applied?*
- *Are resources equitably available statewide? Are diversion programs equally accessible across the state? Do all jurisdictions have detention alternatives available? Are mental and chemical health resources equally available? Do programs have comparable resources, staff quality, and effectiveness?*

Without state-level data such as these, neither the Legislature nor state agencies can establish nor measure goals related to system improvement in a meaningful way. Without data, Minnesota cannot make sound policy or fiscal decisions related to the juvenile justice system; cannot compare our progress to that of similar states; cannot demonstrate a commitment to justice system parity; and cannot objectively focus resources on the places and populations which need them most. Additionally, Minnesota will find it difficult to remain competitive for federal funding, which is becoming ever more contingent on quality data collection and reporting.

## **Limitations**

As was previously mentioned, state and local data are typically collected by justice system organizations to track system operations, staff workloads, client information and behavior, and to comply with licensing, billing, and grant management tasks. Rarely were these data collection systems designed with research and evaluation purposes in mind. As such, the data variables collected might not be the ideal ones to measure a certain system phenomena. They may, however, be the only ones available. Using data for purposes other than that for which it was intended can undermine the validity of the data used.

Secondly, the information extracted from state level repositories is only as good as data in at the local level. Generally, the quality of data collected at the local and state level in Minnesota has continued to improve with greater records system standardization, electronic data submissions and professional training. Still, there remains a continuous need for ongoing data entry training to ensure accuracy and consistency; monitoring of systems for data quality; and ultimately data analysis and dissemination. If the quality of the data entered is in question, so too is the quality of the summary data.

Finally, this type of secondary data analysis is not “research.” Data may reveal a phenomenon such as disparate treatment, but the data does not explain why the phenomenon occurs. Targeted research that test hypotheses and controls for other variables must be done to get to the root of “why” certain phenomena

# PURPOSE AND LIMITATIONS OF STATEWIDE DATA

exist. Aggregate data are important to research and should be available to those with the resources to collect, manage, extract and analyze this information. Collaborative relationships with foundations, educational institutions and private research corporations are effective toward this end when state and local agencies are unable to analyze their own data.

## *Issues of Data Uniformity*

Throughout this report, three major data issues continuously arise:

### ***Counting Methodology***

First, some of the justice system components have data systems that track information on events or cases, while other systems capture information on people. For example, one person may be arrested on three charges resulting in one recorded arrest event. The county attorney may assign codes to these charges that subsequently show three cases petitioned to court. In this manner, the number of cases petitioned to court would exceed arrests. These collection differences may be useful for operational purposes but challenging for data analysis purposes. Care and consideration must always be taken when comparing these “apples to oranges” situations to ensure that inappropriate conclusions are not drawn. It also speaks to the need, from a data collection standpoint, to develop common reporting methods across systems (events versus individuals).

### ***Charge and Offense Level***

Secondly, different system points use different coding to describe an offense or charge. Law enforcement uses a set of Minnesota Offense Codes (MOC) that provides a detailed event description. For example, code B3794 indicates 3rd Degree Felony Burglary of an Unoccupied Building with the intent to commit theft. The county attorney, in their records, would typically reference the state statute for 3rd degree burglary rather than an MOC code: Minn. Stat. 609.582 Subdivision 3. Finally, when entered into

a Probation caseload, a third code is used to depict Felony Burglary: B1000. Tracking burglary cases (and all others) through the entire system would require knowledge and integration of all these coding schema.

While Misdemeanor, Gross Misdemeanor and Felony level delinquency offenses tend to be coded and counted consistently, this is not the case with “low-level” juvenile offenses. Children in Need of Protection or Services (CHIPS), Status Offenders<sup>9</sup> and Petty Misdemeanants are often grouped and counted differently by different system stages. As an example, federal arrest data requires that Runaway (a CHIPS matter) and Curfew (a Status Offense) be counted together as “Juvenile Offenses.” All other low-level behaviors are captured in other arrest categories. The courts, however, count Truancy and Runaway together as CHIPS cases and Curfew is counted elsewhere. Furthermore, law enforcement does not count Petty Misdemeanor arrests, as this legal designation is given later by the county attorney. Petty Offenses are grouped in with delinquency arrests by law enforcement but are pulled out in court analysis.

Allowable system responses are different for delinquency and non-delinquency matters in all areas of the system. Detention practices, court dispositions, and probation length and accountability methods are limited for non-delinquency matters.

Federal reporting (and system flow analysis) requires that delinquency offenses be separated out from low-level offenses, which can be difficult due to different recording methods across systems. Furthermore, understanding how the system responds to the lowest level offenses is key to understanding if the system utilizes best practices in low-level offender management and responds to such acts equitably. It is advised that state level agencies convene to standardize how low-level offenses are coded and counted across systems.

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<sup>9</sup> Status offenses are behaviors that are prohibited only for youth but are legal for adults. Some offenses are curfew, runaway, truancy and possession and use of tobacco and alcohol. Two offenses: truancy and runaway, are codified in Minnesota Statutes as CHIPS matters, not delinquency.

# PURPOSE AND LIMITATIONS OF STATEWIDE DATA

## ***Race and Ethnicity Data***

Finally, Minnesota does not have a statewide policy for uniform race and ethnicity data collection across systems. Some systems classify Hispanic as an ethnicity distinct from race, while others count Hispanic as a unique racial category; some systems have categories for “bi-/multiracial” as well as categories for “unknown” or “other” race; some systems require race selection from a predetermined list while others allow unrestricted entry. To add to the issue, some justice system stages collect or verify race by staff observation, by individual self-report, by written census form, or not at all.

The race and ethnic categories in use by various juvenile justice system participants are also affected by the responsibility of each to report to various federal departments. Lack of race category uniformity at the federal level translates to lack of uniformity at the state level, as each agency tries to fulfill their federal reporting requirements. The task of standardizing race and ethnic categories for the state as a whole must take into consideration obligations to meet other reporting requirements. Other states have taken steps towards race and ethnicity standardization. For further information, see Appendix I.

# DISPROPORTIONATE MINORITY CONTACT

## *Overrepresentation, Disparity and Discrimination*

Disproportionate Minority Contact (DMC) is the overrepresentation of minority groups throughout key decision points in the juvenile justice system.<sup>19</sup> Overrepresentation refers to a situation in which a larger proportion of a particular group is present at various stages within the juvenile justice system (such as intake, detention, adjudication, and disposition) than would be expected based on its proportion in the general population.<sup>20</sup> The causes of minority overrepresentation are complex and interconnected.

Justice system practitioners are wise to monitor for two contributing factors to overrepresentation: disparate treatment and discrimination. Disparate treatment means that the probability of receiving a particular outcome (e.g., being detained vs. not being detained) differs for different groups. Disparities can be based on geography, offense type, offender age, targeted enforcement practices, and many other factors. Discrimination occurs when juvenile justice system decision makers treat one group differently from another group based wholly, or in part, on their gender, race, and/or ethnicity. Both disparate treatment and discriminatory decision-making can contribute to overrepresentation.<sup>21</sup>

Overrepresentation can also result from behavioral and legal factors. For example, if minority youth commit proportionately more (and more serious) crimes than White youth, they will be overrepresented in secure facilities, even when there was no discrimination by system decision-makers.<sup>22</sup> Many independent research studies show, however, that minority overrepresentation rates exceed that which can be accounted for by differential offending patterns, suggesting additional factors are in play. In order to determine if overrepresentation exists, quality data on race, ethnicity and youth movement through the justice system are required.

While DMC data do not diagnose reasons for disparity, it “distills data into statistics that decision-makers can use to assess the vital signs of the local juvenile justice system and, in doing so, target areas of concern.”<sup>23</sup> Further research is then necessary to uncover the dynamics that lead to overrepresentation.

## *DMC in Minnesota*

Disproportionate Minority Contact is addressed in federal law because it is a national phenomenon. All states, to a greater or lesser extent, have evidence of youth of color overrepresented in their juvenile justice systems. Regrettably, Minnesota has DMC rates that are higher than the national average<sup>24</sup> and is in the top highest 11 states for overrepresentation of minority youth in residential facilities.<sup>25</sup>

In Minnesota, the greatest known disparities for minority youth as a whole occur at the points of arrest, secure detention, and transfer to adult court.<sup>26</sup> These three points mirror the most disparate decision points for all youth nationally.<sup>27</sup> Conversely, there are decision points where youth of color are underrepresented. Nationally, minority youth are less likely to be diverted from legal processing by county attorneys than are White youth. Diversion provides an opportunity to exit the system without formal charges, a key decision point for which statewide data are not available in Minnesota. Unlike the national average where White youth and minority youth receive probation roughly equally, minority youth in Minnesota were half as likely to receive probation as White youth.

The following index illustrates the rate at which minority youth in Minnesota experienced certain outcomes in 2007 at the key system decision points determined by the OJJDP. A Relative Rate Index (RRI) outcome of 1.0 indicates that minority youth and White youth have equal outcomes at this point based on their percentage of the population at that stage in the system. An RRI of less than 1.0 indicates a less likely outcome for minority youth than White

# DISPROPORTIONATE MINORITY CONTACT

## Summary: Relative Rate Index Compared with White Juveniles

	Reporting Period Month / Year						
State : Minnesota	1-1-07 through 12-31-07						
County: Statewide							
	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	<b>5.23</b>	<b>2.22</b>	<b>0.65</b>	*	<b>3.42</b>	*	<b>3.09</b>
3. Refer to County Attorney	--	--	--	*	--	*	--
4. Cases Diverted	--	--	--	*	--	*	--
5. Cases Involving Secure Detention	<b>1.43</b>	<b>1.13</b>	<b>3.08</b>	*	<b>3.18</b>	*	<b>1.48</b>
6. Cases Petitioned	<b>1.22</b>	1.04	<b>1.29</b>	*	<b>1.82</b>	*	<b>1.33</b>
7. Cases Resulting in Delinquent Findings	--	--	--	*	--	*	--
8. Cases resulting in Probation Placement	<b>0.42</b>	<b>0.76</b>	<b>0.93</b>	*	<b>0.94</b>	*	<b>0.53</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	0.91	0.97	<b>2.06</b>	*	<b>2.01</b>	*	1.04
10. Cases Transferred to Adult Court	<b>2.71</b>	**	**	*	**	*	<b>2.30</b>
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	

**BOLD= Statistically Significant**

youth; an RRI of 2.0, for example, indicates the outcomes is twice as likely for minority youth than White youth. Data on referrals to county attorneys and cases diverted are not available in Minnesota. Data for cases resulting in delinquent findings were temporarily unavailable due to a systems upgrade by the courts but will be available for cases filed in 2008 and beyond.

The greatest overrepresentation of youth in the juvenile justice system in Minnesota occurs in the African American and American Indian populations. While African American youth are 7 percent of the youth population, they accounted for 33 percent of all juvenile arrests in 2008 and 31 percent of secure detention admissions in 2007.<sup>28</sup> African American youth account for 57 percent of all arrests for curfew and loitering ordinances in Minnesota in 2008. Based on the above RRIs, African American youth in Minnesota are five times more likely to be arrested,

one and one-half times more likely to be securely detained, and twice as likely to be transferred to adult court as White youth.

American Indian youth in Minnesota experience some of the greatest disparities across the juvenile justice system as a whole. American Indian youth are over three times more likely to be arrested and over three times more likely to be securely detained than White youth. Additionally, American Indian youth are also nearly twice as likely as White youth to have their case petitioned to court and to be placed in a secure correctional facility following court. These rates are higher than for any other youth in Minnesota and are higher than the national averages for American Indian youth in the juvenile justice system. Nationally, American Indian youth are twice as likely to be transferred to adult court as White youth; numbers of transfer to adult court in Minnesota are too small to calculate a reliable rate statistic.

# DISPROPORTIONATE MINORITY CONTACT

## *Statewide Policy on Disproportionate Minority Contact (2009)*

Concurrent to the Juvenile Justice System Decision Points Study, JJAC proposed legislation for a Statewide Policy on Disproportionate Minority Contact. Also passed in the 2009 session, it became the policy of the state of Minnesota to “identify and eliminate barriers to racial, ethnic, and gender fairness within the criminal justice, juvenile justice, corrections, and judicial systems, in support of the fundamental principle of fair and equitable treatment under law.”<sup>29</sup>

While the Juvenile Justice System Decision Points Study and the statewide DMC policy are significant strides for Minnesota, other states have implemented legislation placing DMC at the forefront of the legislative process. In 1997, the State of Washington adopted a statewide Risk Assessment Instrument to screen youth held pre-adjudication in an effort to reduce DMC in state facilities in response to their overrepresentation data.<sup>30</sup> More recently,

the governor of Iowa signed legislation in 2009 requiring a “Minority Impact Statement” for any legislation related to a public offense, sentencing, or parole and probation procedures. This was done in response to a national report that found Iowa prisons and jails maintain the highest rate of racial disparity in the nation.<sup>31</sup> Data projections are used in Iowa to determine whether proposed changes will inadvertently disparately affect communities of color before a policy is implemented.

Examples such as these demonstrate that DMC and the use of data can be made a legislative priority even in states comparable to Minnesota with decentralized justice systems and local control. Minnesota, however, still lacks a collective acknowledgement by state and local justice system partners and governance that DMC exists in our state and requires targeted intervention strategies at the state level.



# COMMUNITY IMPACT STATEMENT<sup>h</sup>

## **Fair and equitable treatment under the law.**

This seemingly simple concept describes how all people expect to be treated by our justice system — including the juvenile justice system. Our American democracy relies on the consent of the governed. In regard to the judicial system and the process of justice, the American system relies on its citizens knowing and believing that law enforcement, prosecutors, probation officers, judges, and corrections officials will all exercise their power fairly and equitably, without regard to the relative wealth or poverty of the person before them; without regard to the gender of the person before them; without regard to the social status of the person before them; and without regard to the race, ethnicity or country of origin of the person before them or that of their ancestors.

But for youth of color, their parents, and the broader community of color, this is not what they experience. Communities of color are well aware of the effects of disparate treatment in the justice system and that youth of color experience substantially harsher treatment than White youth at every stage of the juvenile justice system. As illustrated by the preceding section on rates of Disproportionate Minority Contact, disparity begins with decisions by law enforcement and continues throughout the system.

At a recent meeting of Minnesotans working in and concerned about the juvenile justice system,<sup>i</sup> one of the frustrations expressed was that so few people who work in the justice system come from communities of color. Communities of color are concerned that law enforcement personnel, prosecutors, judges, probation officers and corrections officials are overwhelmingly White and do not live in or come from

the most affected neighborhoods. The people at this meeting reported that they have seen disparate treatment where White youth are brought home in lieu of arrest or are offered a diversion program, where youth of color are not. Further, there was unanimous support for tracking these decisions to see where these disparities happen. There was also strong support for equal access to programs designed to give youth positive, constructive things to do after school and weekends by ensuring that youth of color have equal access and opportunity to participate in sports, educational and cultural programming.

In a survey conducted by the University of St. Thomas School of Law targeted at Minnesotans working in or concerned about the juvenile justice system, 85 percent of respondents stated that they do not think Minnesota's juvenile justice system treats all youth fairly regardless of their race, gender or ethnicity.<sup>j</sup> In this same survey, 67 percent of respondents stated that politicians are not responsive to citizens' concerns about Minnesota's juvenile justice system; about half (48%) believe judges are non-responsive.

When asked, "What do you feel is the goal of Minnesota's Juvenile Justice System?" only 18 percent of respondents felt the goal is rehabilitation, while 44 percent felt the goal is punishment. When asked to suggest what should be done to improve the juvenile justice system in Minnesota, respondents offered the following observations and recommendations:

*"...Treat all offenders alike based on the type of criminal activity they were proven to have committed....Don't warehouse non-violent offenders with violent ones..."*

<sup>h</sup> The authorship of this section and the activities described herein were voluntarily completed for the purpose of this report by law students at the University of St. Thomas School of Law, Community Justice Project.

<sup>i</sup> Meeting held October 13, 2009 at the Aurora St. Anthony Neighborhood Development Corporation. This section reflects opinions expressed by meeting attendees.

<sup>j</sup> *Juvenile Justice System in Minnesota Community Survey*, conducted between 10/8/2009 and 10/23/2009. The demographic breakdown of respondents is as follows: 57% identified as African-American or black, 26% as White or Caucasian, 7% as Native American, 4% Asian American and 2% Hispanic or Latino. Women made up 60% of respondents. 44% of respondents stated they are between the ages of 50-65, with 22% between 30 and 39, and 20% between 40 and 49. 54% stated they held a graduate degree, 30% hold an under-graduate degree and 16% said they had a high school diploma and had taken some college courses.

# COMMUNITY IMPACT STATEMENT

*“Complete overhaul, get back to rehabilitation and get out of the punishment mode. Work more closely with community support systems and programs. Allow more alternative community intervention; create new alternative programs or outlets. In addition, these areas need to be funded by diverting more funds and resources to community programs and services versus detention and incarceration.”*

*“True equity, fairness and true justice must be imbued in the Minnesota juvenile justice system. Preferential treatments, stereotypes, etc., impede the delivery of true juvenile justice in Minnesota. . . Kids in North Minneapolis, regardless of their race, should be given the same opportunity as the kids in Eden Prairie or Edina.”*

In summary, those working in the juvenile justice system and community members impacted by it, are very much aware of the disparities that exist in the juvenile justice system in Minnesota. Disparities in the administration of justice undermine the credibility of

everyone involved in the process. One of the most debilitating effects of these disparities is that they cause the community to question the integrity of the justice system itself, as well as the motives and integrity of politicians, judges, prosecutors, probation officers, corrections officials, and other criminal justice professionals. Disparate treatment leads to a lack of faith in the equitability, effectiveness and accountability of both the “system” and the public officials who work in it, run it and oversee it.

Communities of color, those in the juvenile justice system and those affected by it, believe strongly that the collection of accurate, reliable data is vital to the process of eliminating these disparities. In order to fix the problem, we must first collect accurate data on what is happening and where it is happening. Only then can effective solutions be found to address the problem of disparate treatment and begin the process of restoring the community’s faith and trust in Minnesota’s administration of juvenile justice.

# FEASIBILITY STUDY PROCESS

## ***Feasibility Study Work Group Participants***

To complete the Juvenile Justice System Decision Points Study, the Policy Group authorized OJP and MNJIS to convene a Feasibility Study Work Group.<sup>k</sup> The Work Group was established by inviting juvenile justice system professionals, representatives of the state councils representing communities of color, and other organizations working on juvenile justice issues and initiatives to a series of discussions about system decision points and data collection.<sup>l</sup> The meetings were open in that attendees were encouraged to invite colleagues and other stakeholders to attend who possessed unique knowledge, skills or perspectives related to juvenile justice and data analysis.

An initial meeting occurred at which time goals, objectives, outcomes and a logic model for the study were presented. The next four meetings consisted of subgroups specializing in law enforcement, county attorneys and courts, and probation and detention facilities. Members of subgroups included system leadership and professionals, systems analysts, and interested community parties. Per the legislation, each subgroup was asked to identify (and later prioritize for data collection) decision points that affect a child's status within the juvenile justice system. Subgroup participants also explained current data collection and analysis practices with an emphasis on those listed in the study requirements: offender age, gender, race, ethnicity, criminal charge, county of offense and county of residence.

The OJP/MNJIS team researched and solicited detailed information beyond the activities of the Work Group to fill in gaps in knowledge related to justice system processes and current data collection. A draft report with recommendations was created for review by the Work Group and a state data privacy expert. Final decisions regarding the content and recommendations of this report were made at the discretion of the Policy Group.

## ***Decision Point Identification Process***

In order to encourage a broad examination of juvenile justice system decision points, the Work Group began with these questions:

*If Minnesota could collect the data we desired at any and all points of the juvenile justice system, what would we want, from whom, and why? Subsequently, what of this data we desire is relevant at the state level?*

Extensive discussion revealed not only formal decision points dictated by statute and rule, but also informal or discretionary decision points made by individual justice system professionals. Examples of such discretionary decisions include: a law enforcement officer's decision to let youth go with a warning; a county attorney's decision to offer a plea bargain; a judge's decision to order a certain disposition; or a probation officer's decision to submit a probation violation to the court. While formal decision points are often measured and monitored through data collection, it is less often the case that informal or discretionary decisions are analyzed (even if the data are collected).

Informal decisions may be the result of a system professional's values and beliefs; may be governed by individual agency policy and procedure; or may be the product of an agency's professional culture. The most discretionary of decisions often lack uniform standards or application even at a local level, making the prospect of statewide data collection an enormous undertaking. Conversely, many decision points do have corresponding data collection already in place and need only be analyzed to maximize their utility.

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<sup>k</sup> Hereafter referred to as *the Work Group*

<sup>l</sup> For a list of Work Group participants see report Appendix II

# FEASIBILITY STUDY PROCESS

## *Juvenile Justice Cycle*

The juvenile justice system is most often visually portrayed in a linear fashion that begins with an arrest and ends when a youth successfully completes court ordered conditions or otherwise exits the system. For the purpose of the Work Group's discussion, however, the juvenile justice system was depicted as a cycle (see next page).

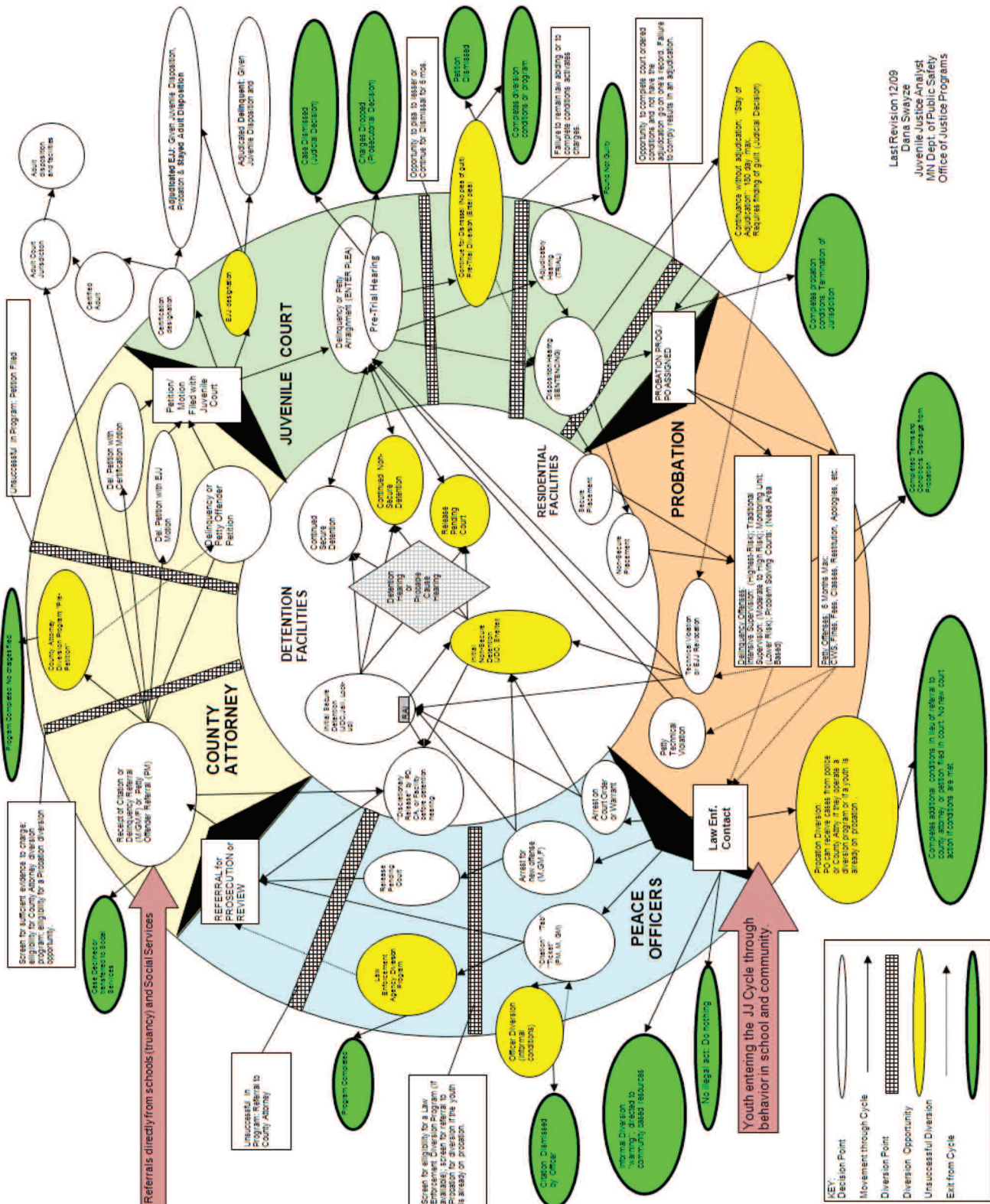
The Work Group, in the early stages, used the cycle to formulate agreement on the major decision points and diversion opportunities that generally have uniformity in Minnesota. The system is not linear, as there are ample opportunities for youth to exit

and re-enter the cycle through diversion, as well as to start the processes over again through re-offense. In particular, youth can move back and forth between the outer circle and the center of the circle, representing detention and residential facilities, many times and at many stages of the process.

This cycle facilitated the ranking of decision points for both their importance to understanding youth flow through the system, and for the feasibility of data collection. While not all points in the cycle have been recommended for statewide data collection most were discussed and given a priority ranking.

# FEASIBILITY STUDY PROCESS

## Minnesota Juvenile Justice Cycle: Petty, Traffic and Delinquent Offenses



Last Revision 12/09  
 Dana Swayze  
 Juvenile Justice Analyst  
 MN Dept. of Public Safety  
 Office of Justice Programs

# FEASIBILITY STUDY PROCESS

## *Decision Point Prioritization and Data Feasibility Assessment*

Once the range of decision points was finalized on the justice cycle, subgroups prioritized both the need for and feasibility of collecting statewide data. The following categories were created:

	Need For Statewide Data Collection	Feasibility Of Statewide Data Collection
Required	<ul style="list-style-type: none"> <li>■ Data collection is required of states by federal law</li> <li>■ Data collection is connected to federal funding to Minnesota</li> <li>■ Data collection is required by Minnesota Statute or Rule</li> </ul>	<ul style="list-style-type: none"> <li>■ State is already collecting data in whole or in part</li> <li>■ Centralized data system exists to manage data</li> <li>■ Majority of state and local systems are participating/submitting</li> <li>■ Minimal changes to systems or practices needed</li> <li>■ Agency responsible for collection/analysis/dissemination identified</li> <li>■ Shared understanding of definitions</li> <li>■ Lowest cost, potentially</li> <li>■ Lowest burden on stakeholders</li> </ul>
Needed	<ul style="list-style-type: none"> <li>■ Data in this area are related to known risk factors related to future delinquency<sup>m</sup></li> <li>■ Data at these decision points are related to collateral consequences for youth<sup>n</sup></li> <li>■ Data at these points support targeted intervention strategies</li> <li>■ Data are useful to procuring state or federal grant money</li> <li>■ Data may be generalizable to the entire juvenile justice system population</li> </ul>	<ul style="list-style-type: none"> <li>■ May exist in state statute or federal law but enforcement is required</li> <li>■ May require modification of current statute</li> <li>■ Current data systems could handle data with modest changes or additions</li> <li>■ Some changes required in stakeholder practices</li> <li>■ Data may be available at the county or regional level, but not state level</li> <li>■ Moderate costs to data improvement, potentially</li> <li>■ Moderate burden on stakeholders</li> </ul>
Informative	<ul style="list-style-type: none"> <li>■ Data at this level inform the effectiveness of individual programs, interventions, or risk assessment tools</li> <li>■ Data at this level are useful to individual agencies or regions in targeting specific at-risk populations or demographics</li> <li>■ Data at this level are important to securing local or regional support, partners or funding</li> <li>■ Data at this level reflect the actions of individuals or agencies but are not applied consistently systemwide</li> <li>■ Data at this level may not be generalizable to the majority of youth in the system</li> </ul>	<ul style="list-style-type: none"> <li>■ No federal law in place, no statewide statute or rule in place</li> <li>■ New statute or rule would be required</li> <li>■ No statewide data collection infrastructure</li> <li>■ No entity clearly responsible for collection or dissemination</li> <li>■ Extensive change to practices/policies required</li> <li>■ Costly additions to systems or training</li> <li>■ Ambiguous data definitions</li> <li>■ Few/no systems participating</li> <li>■ Data not available at agency level</li> <li>■ Most costly, potentially</li> <li>■ Highest burden on stakeholders</li> </ul>

# FEASIBILITY STUDY PROCESS

## *Decision Points and Data Improvement Recommendations*

The remainder of this report consists of chapters organized around each of the five components of the juvenile justice system:

1. Law enforcement
2. County attorneys
3. Juvenile courts
4. Juvenile probation
5. Detention and residential facilities

## **Each chapter includes:**

- Brief description of the stage of the system
- Basic flow chart illustrating youth movement through the system stage
- List of decision points discussed by the Work Group and those recommended for state-level data collection
- Overview of current laws and statutes related to data collection at that system stage
- Description of local- and state-level data collection systems and abilities
- Brief environmental scan detailing the number of agencies and professionals in that system stage
- Each decision point for which data are classified as “required” or “needed” at the state level is explained and assessed for Minnesota’s ability to currently collect data
- Following each data point are recommendations regarding ways to improve current data collection or analysis
- Each chapter concludes with summary of recommendations and a matrix visually depicting each decision point by importance and feasibility of data collection at the state level

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### *Footnotes for previous page*

<sup>m</sup> **Risk Factors** are characteristics or variables that, if present, make it more likely that one individual will engage in delinquency than another. A risk factor increases the probability of offending but is not a predictor of future offending. Some risk factors for youth include poverty, low academic performance, substance abuse, neighborhood crime, offending at an early age, past out-of-home placements, and histories of abuse.

<sup>n</sup> **Collateral consequences** are the unintended effects of the justice system upon individuals. Detaining a youth may remove him or her from school affecting attendance, academic achievement or eligibility for school activities. A criminal record can impact the ability to participate in certain jobs, housing, voting or military service. In the process of holding individuals accountable for their actions, longstanding repercussions can result.

# LAW ENFORCEMENT

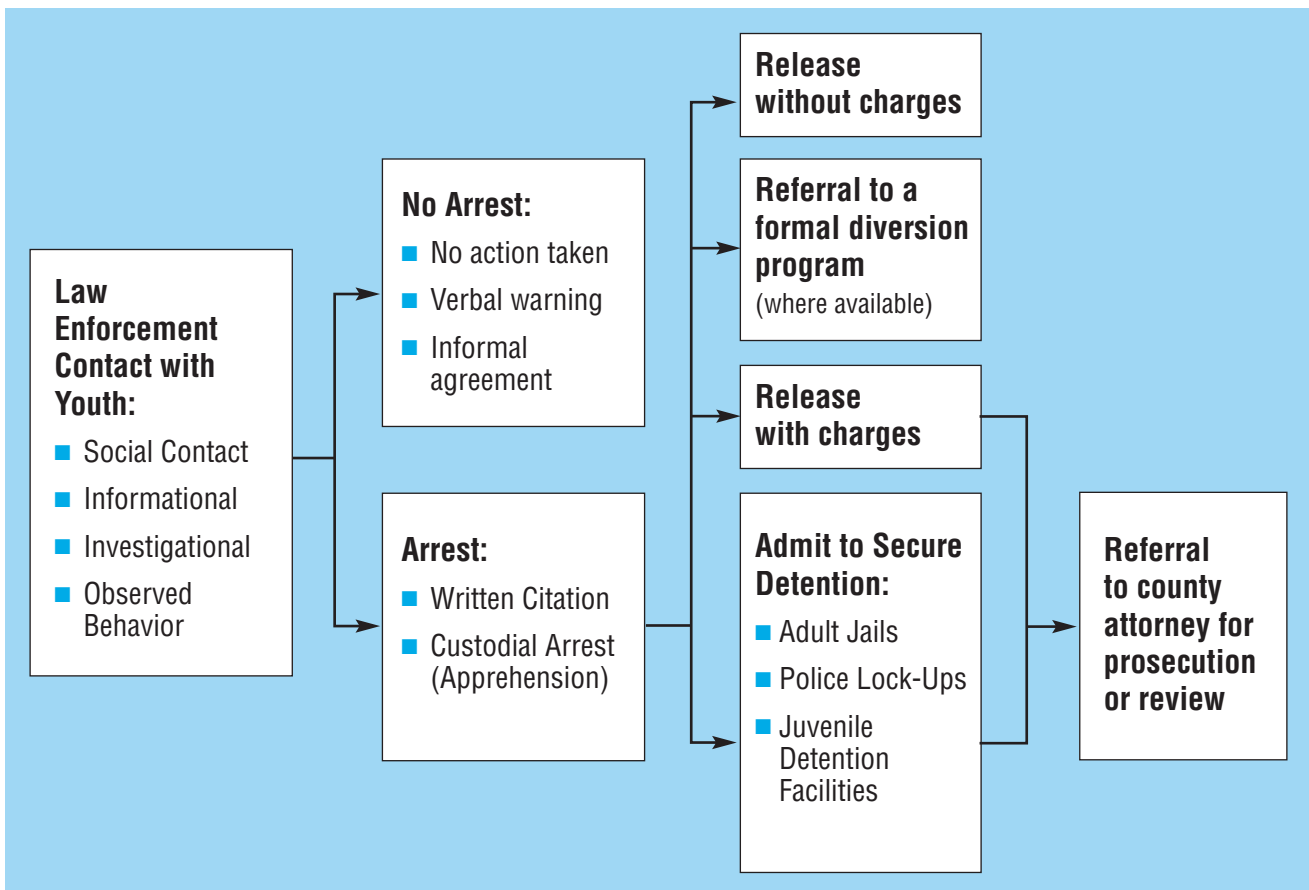
For the majority of youth, involvement in the juvenile justice system stems from having contact with a law enforcement officer. As the designated enforcers of criminal law in the state, and as frequent responders to issues of child welfare in the community, law enforcement officers have a primary role in both the juvenile justice and the child protection systems in Minnesota. Decisions made by law enforcement officers in response to observed or alleged delinquent behavior can either divert youth from system involvement or initiate a series of system events.

The most consistently documented law enforcement officer activity statewide is “arrests” which, from a data collection standpoint, includes the issuance

of a written citation to appear in court, or the taking of an individual into custody. In 2008, 47,229 juvenile arrests were reported by law enforcement agencies in Minnesota.<sup>0, 32</sup>

While the decision to issue a citation or take a youth into custody are primary law enforcement activities, officers make many other discretionary decisions as it relates to youths’ status in the juvenile justice system. Law enforcement officers have the discretionary power to: handle an issue informally (give a warning); handle an arrest internally (release a youth without charges); refer youth to a diversion program in lieu of charging; and/or place a youth in secure detention pending a court appearance.

## GENERAL DECISION POINT OVERVIEW



<sup>0</sup> Number of youth arrested for all events, not the number of youth arrested. The same person can be the subject of multiple arrests in a year. In Minnesota, the term *apprehension* is used for juveniles in lieu of *arrest*. Because *arrest* is the term used for state and federal data reporting and analysis, it is used for juveniles in this report. The term *apprehension* may also appear. The two terms are used interchangeably throughout this report.



# LAW ENFORCEMENT

## **RANGE OF DECISION POINTS DISCUSSED AND KEY DATA POINTS IDENTIFIED**

The range of decision points afforded law enforcement officers in Minnesota begins with the decision to initiate contact with youth and ends when a youth has been forwarded for legal processing by the county attorney.

The Work Group identified the range of key law enforcement decision points and identified those that most affect youths' status in the system.

- Those identified as **required decision points** for statewide data collection by federal law or state statute are **highlighted with green shade**;
- Those identified as **necessary decision points** for statewide data collection to better understand youths'

flow through the system and their status within, are listed in **bold**.

- Those identified as *informative decision points* are listed in italics and are not recommended for state level data collection.
- Per the language of the Feasibility Study statute, the Work Group was to explore if these data could or should be collected with the following data elements: age, gender, race, ethnicity, type of offense, county of offense and county of residence.
- The current availability of **required** and **needed** data points will follow a brief review of state-level data collection requirements and data collection systems.

	Decision Point	Data Point
1.	Decision by a law enforcement officer to make contact with a youth	<b>TOTAL LAW ENFORCEMENT OFFICER CONTACTS WITH YOUTH</b>
2.	Decision to not arrest a youth	<i>TOTAL NUMBER OF INFORMAL YOUTH DIVERSIONS (verbal warnings, informal agreements, no formal response).</i>
3.	Decision to arrest a youth	<b>TOTAL NUMBER OF JUVENILE ARRESTS</b> <ul style="list-style-type: none"> <li>Arrests by written citation</li> <li>Arrests by apprehension (custodial arrests)</li> </ul> <b>And</b> <ul style="list-style-type: none"> <li>Youth arrested for a delinquent act</li> <li>Youth arrested for a non-delinquent act</li> </ul>
4.	Decision to release a youth without charges	<b>TOTAL YOUTH RELEASED WITHOUT CHARGES</b>
5.	Decision to refer a youth to a formal diversion program following arrest	<b>TOTAL YOUTH REFERRED TO A FORMAL DIVERSION PROGRAM</b>
6.	Decision to refer a youth to the county attorney for charges	<b>TOTAL YOUTH REFERRED FOR PROSECUTION</b> <ul style="list-style-type: none"> <li>All Youth</li> <li>Delinquency</li> </ul>
7.	Decision to securely detain a youth following arrest	<b>TOTAL YOUTH SECURELY DETAINED PENDING COURT</b> <ul style="list-style-type: none"> <li>Youth detained in county jails and lock-ups</li> <li>Youth detained in secure juvenile detention facilities</li> </ul>

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## **LOCAL AND STATEWIDE DATA COLLECTION**

Minnesota Statute Chapter 299C primarily governs the state-level collection of law enforcement data.

To begin, Minnesota Statutes, section 299C.05, establishes within the BCA a Division of Criminal Statistics to “collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice.”

Under statute this data is to include such data as may be requested by the U.S. Department of Justice under its national system of crime reporting approved by the FBI. Law enforcement agencies statewide are expected to provide the BCA with data necessary for Minnesota to participate in submitting data to the federal Uniform Crime Report (UCR) annually. While the state of Minnesota is not penalized for failing to provide law enforcement data to the federal government, Minnesota becomes eligible for certain federal grant awards because of our data submission.

Minnesota Statutes, section 299C.06, further states: “it shall be the duty of all sheriffs, chiefs of police, prison wardens, superintendents of insane hospitals, reformatories, and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the commissioner of public safety, the commissioner of transportation, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered; arrests made; complaints, informations, and indictments filed, and the disposition made of same; pleas, convictions, acquittals, probations granted or denied; conditional release information; receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions; paroles granted and revoked; commutation of sentences and pardons granted and rescinded; and all other data useful in determining the cause and amount of crime in this

## **Overview of LAW ENFORCEMENT AGENCIES and OFFICERS in Minnesota**

By definition, law enforcement agencies are *unit(s) of state or local government with full powers of arrest and with duties of preventing and detecting crime and enforcing the criminal laws of the state.*

According to the Minnesota Peace Officer Standards and Training Board (POST), there are 470 active law enforcement agencies in Minnesota. Law enforcement agencies predominantly consist of municipal and tribal police departments, county sheriffs and the Minnesota State Patrol.

A peace officer is an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest.

There are 10,524 active peace officers in Minnesota, meaning they are presently employed by a law enforcement agency. On average, for every two sworn peace officers in the state, there is one non sworn or citizen employee. Citizen employees can include administrative staff and records support, analysts, dispatchers, community service officers, jail staff, and many other positions that support the work of law enforcement agencies.

For references and additional information on law enforcement agencies and officers in Minnesota, see Appendix LE 1 at the end of this chapter.

state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it...”

Compliance with statute 299C.06 is voluntary in that the BCA has no means by which to hold agencies accountable if they do not report complete arrest data. The BCA's arrest database, the *Criminal Justice Records System (CJRS)* will automatically flag

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incorrectly entered data submitted by agencies and a BCA trainer may provide technical assistance, but the BCA does not audit law enforcement agencies to ensure complete data submission.

The BCA may request data that fulfills federal reporting requirements which includes submissions for the federal UCR. Because the federal UCR requires race and ethnicity data to accompany arrests, law enforcement agencies have been collecting and reporting this information to the BCA. This information is then reported annually in the BCA's Minnesota Crime Information Report, which provides summary data on the number of juvenile arrests by offense type, by race, by age, and by county and arresting agency.

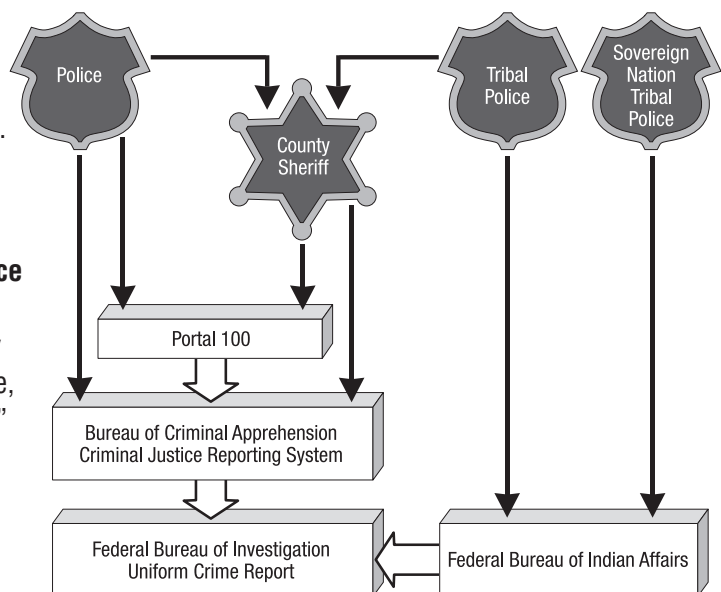
Local law enforcement agencies are permitted to select their own records management system (RMS) for tracking required data. At the last audit completed in 2006 by the BCA, there were over 25 different RMS in use for tracking law enforcement data. Despite this, in 2008, 305 law enforcement agencies reported arrest data to the BCA representing law enforcement activities among 99 percent of Minnesota's population.<sup>33</sup> The actual number of agencies with data reported is higher than 305, as some departments report data for multiple other departments under one Originating Agency Identifier (ORI).

Local law enforcement agencies submit their data to the BCA in three ways:

(1) **The RMS the agency uses has a direct interface with the CJRS system.** In this manner, arrests entered into an agency's RMS are automatically uploaded into CJRS. Depending on the software, the arrests may upload to the BCA in "real time" as entered by officers or clerks, or they may be uploaded in batches such as every 24 or 48 hours.

(2) **A local agency electronically submits individual records to the BCA.** Agencies with RMS that cannot or do not currently automatically link to CJRS must manually enter their arrest data for submission. The BCA has developed an electronic site called "Portal 100" for this purpose. In this scenario, the BCA trains a Terminal Operator to log on to the Portal 100 site and enter required arrest data by the 10th of each month for arrests occurring in the preceding month.

(3) **Law enforcement agencies have another agency report arrest data on their behalf.** Some police departments have an arrangement that another law enforcement agency will submit arrest data to the BCA for them. In smaller counties, the county sheriff often reports arrests for all agencies. A department may have another submit their data due to a low number of arrests, few officers or support staff, or the lack of technological capacity to submit the data on their own. It is relatively common that agencies report arrest data to the BCA on behalf of others.



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## ***Data Elements Collected***

Demographic data in the CJRS system are uploaded from or entered by the arresting agency. While individual agencies may have their own data codes, they must collapse or upload as the following elements to the BCA, all of which are required fields:

- Age (DOB)
  - Gender (male or female)
  - County of offense as reflected by agency of jurisdiction (Originating Agency Identifier or “ORI” number)
  - Offense type (Minnesota Offense Code: MOC Code)<sup>34</sup>
  - Race/Ethnicity: White, non-Hispanic; White with Hispanic origin; Black, non-Hispanic; Black with Hispanic origin; Indian or Alaskan Native, non-Hispanic; Indian or Alaskan Native with Hispanic origin; Asian or Pacific Islander, non-Hispanic; Asian or Pacific Islander with Hispanic origin
- Hispanic is an ethnic category independent of race
  - There is no use of “other” or “unknown” in arrest data for race/ethnicity
  - *County of Residence is not currently available.*

Data Collection Method: Demographic information collected on persons arrested is predominantly based upon law enforcement officer observation or alleged offender self-report. Law enforcement agencies may differ in how officers are trained to collect information on race and ethnicity.

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## KEY DECISION POINTS and DATA IMPROVEMENT RECOMMENDATIONS

The following sections highlight the key decision points and the feasibility of collecting statewide data.

### JUVENILE ARRESTS

<p>Decision Point: <b>TOTAL JUVENILE ARRESTS</b></p> <ul style="list-style-type: none"> <li>• <b>By citation</b></li> <li>• <b>By custodial apprehension</b></li> </ul> <p>And,</p> <ul style="list-style-type: none"> <li>• <b>By delinquent acts</b></li> <li>• <b>By non-delinquent acts</b></li> </ul>	<p>Arrest, from a data collection standpoint, is defined as the formal legal processing of a matter by citation or custodial arrest. The FBI’s Uniform Crime Reporting (UCR) Program counts one arrest for each separate instance in which a person is <i>arrested, cited, or summoned</i> for an offense. As it relates to juveniles, the program does not collect data regarding police contact with a juvenile who has not committed an offense, nor does it collect data on situations in which police take a juvenile into custody for his or her protection, e.g., neglect cases.<sup>35</sup></p> <p>The JJDPA specifically requires a count of arrests for delinquent acts only.</p>
<p>Prioritization: <b>REQUIRED</b> and <b>NEEDED</b></p>	<p>Arrest data is collected from states by the FBI for the purpose of national uniform crime reporting. While UCR participation is voluntary, all but one state participates. Participation is <b>required</b> for eligibility for federal Byrne/Justice Assistance Grants (JAG). Arrest data is also <b>required</b> for federal Disproportionate Minority Contact reporting. Failure to report risks loss of federal Title II and Title V funding.</p> <p>While it is not a federal requirement to distinguish between citations and custodial arrests, the Work Group determined these were <b>needed</b> data categories because of the differential effects of being ticketed versus taken into custody. These actions also have significantly different officer time and resource costs.</p>
<p>Data Collection: <b>FEASIBLE</b></p>	<p>Minnesota has a central repository for arrest data: the BCA’s Criminal Justice Reporting System. Electronic data uploads and submissions streamline the data collection process. While all offenses are submitted to the BCA, a hierarchy rule dictates that only the most serious charge is reported to the FBI and only the most serious charge for which one is arrested is in the annual Minnesota Crime Information Report.</p> <p>Delinquency arrests can be determined by the Minnesota Offenses Code (MOC) and isolated from arrests for Status and CHIPS arrests.</p>

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## JUVENILE ARRESTS: Challenges, Opportunities and Recommendations

(1) Additional data analysis from CJRS beyond what is currently reported in the Minnesota Crime Information Report is resource intensive and difficult to complete. Of greatest importance is that the CJRS database for arrest information is an outdated Legacy mainframe from the 1960s. When the mainframe becomes inoperable, the system cannot be repaired. At such time, there will be no arrest data repository in Minnesota. Without arrest data, Minnesota will not be eligible for federal Byrne/JAG dollars.

(a) It is recommended that the BCA transition from the current CJRS database to Minnesota “NIBRS” National Incident Based Reporting System. NIBRS contains more comprehensive crime data than CJRS and will eliminate the need for manual data entry. NIBRS is also a federal program supported by the FBI. There is limited NIBRS data currently being collected in Minnesota, which requires state-level expansion. A general estimate of \$3.5 million for the state portion of the overhaul does not include all interfaces between DPS and agencies that need to be changed, or any cost for local agencies.<sup>36</sup>

(b) The consequences of not transitioning the CJRS database are extensive. Federal dollars lost to Minnesota would be between \$4.5 and \$5 million annually, which the state currently receives and allocates to local crime prevention. Additionally, local agencies can directly request a portion of roughly \$2.2 million from the federal Department of Justice if they have provided at least three years of data to the Uniform Crime Report.

(c) Any loss of ability to analyze arrest data would be a significant backlash in Minnesota’s ability to make data-driven decisions and address issues of disproportionality. An additional \$1 million comes to Minnesota through federal Title II and Title V grants

which are allocated to local agencies specifically for juvenile crime prevention and intervention. These funds also rely, in part, on comprehensive arrest data.

(2) The St. Paul Police (SPPD) and Minneapolis Police Departments (MPD) currently do not upload their arrest data into the CJRS database. These agencies provide their arrest data to the BCA for UCR reporting but provide only summary statistics. As a result, the two largest municipal agencies with the greatest number of juvenile arrests do not provide individual arrest data to the statewide repository. As such, not all data can be queried and analyzed.

(a) It is recommended that both the SPPD and MPD report individual juvenile arrests to the BCA or make available data sets on juveniles arrested such that they can be analyzed along with other state data.

(b) It is recommended that funding be secured to assist SPPD and MPD in uploading their data to CJRS.

(3) Juvenile arrest data are comprised of citations and custodial apprehensions combined. Because youth *cited* as opposed to *apprehended* may have the opportunity to pay fines or complete conditions in lieu of a court appearance; because offenses handled by citation have fewer collateral consequences for youth; and because citations require a much lesser burden on court and county attorney resources, the number of juvenile “arrests” handled by citation versus custody is important information to understanding youth flow through the system. Currently, this data can be separated using the Person Charge Code (PCG), a mandatory data field that law enforcement is required to submit to the BCA.

(a) Because the PCG is a mandatory data field in which law enforcement agencies are required to enter a value, it is recommended that the BCA write a data query to extract the Person Charge Code and to explore to what extent this field and codes are currently being used.

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- (b) It is recommended that, as a part of the Minnesota Crime Information Report or as a separate publication, that the BCA publish for public consumption the number of juvenile apprehensions and citations by offense type and other demographic variables.
- (4) The BCA maintains a large list of all MOC codes and how they translate to a UCR category. MOC codes for low-level offenses such as truancy, incorrigibility, and Petty Offender are not included in the UCR. Petty offenses are to be entered in the offense category in which they occurred (i.e. Theft).
- (a) It is recommended all juvenile arrests and citations to be reported or uploaded into CJRS including juvenile status offenses which are not traditionally included in the UCR report.
- (5) The MN Crime Information Report does not currently report juvenile arrests of Hispanics as separate from adult arrests. Not knowing the number of Hispanic youth arrested is a gap in public information on juvenile arrests.
- (a) It is recommended that the BCA separate out Hispanic youth arrests from Hispanic adult arrests and report them as such in the Minnesota Crime Information report.
- (6) The only status offenses pulled out for analysis in the federal or Minnesota UCR report are curfew/loitering and runaway. Several other offenses are classified by the courts as status or petty offenses for their low-level nature or because they are only illegal for youth. A better understanding of juvenile arrests would result from these offenses reported and separated out for analysis. Low-level juvenile offenses are often an entry point for juvenile justice system involvement.
- (a) It is recommended that the BCA, as a part of the Minnesota Crime Information Report or as a separate publication, report out youth offenses coded as the following: M3003: Habitual Truant; M3005: Use of Tobacco; M5313: Curfew; M5350: Runaway; M5355: Incorrigible Juvenile; M3001: Juvenile Alcohol Offender Under Age 18; M3002: Juvenile–Controlled Substance (Small amount of Marijuana).
- (7) Several laws related to juvenile delinquents affect youth who are over age 14 including Extended Jurisdiction Juvenile Certification (EJJ), Adult Certification and the legal ability to be held in detention in an adult jail or lock-up. Currently, the BCA reports arrests of youth ages 10-14 as one age group, making it difficult to calculate what percentage of youth ages 14 and older have been arrested versus those held, certified EJJ, or charged.
- (a) It is recommended that the BCA, when reporting juvenile arrests change the age categories reported to “Under 10”, “10 to 13”, “14, 15 ,16, 17 and 18.”
- (8) It is difficult to have a clear understanding of juvenile arrests on American Indian tribal land. Seven tribal law enforcement agencies have ORIs which can connect arrest data to a tribal agency. However, it is often the arrangement that the county sheriff reports tribal arrest data in with their own arrests. As such, American Indian tribes cannot cite their own data in a state level publication or the UCR in order to apply for or be eligible for grant money specifically for American Indian communities and law enforcement activities.
- Minnesota and Wisconsin tribal law enforcement agencies have been working collaboratively since 2007 to address concerns in the process of collecting and analyzing tribal crime data by establishing a resource center to serve as a collection point. Known as the *Indian Crime Awareness, Research and Evaluation Project (I-CARE)*, the goal is to address a void in the tribal justice system. Presently, there is no such center which collects tribal crime data; interprets the data to verify the accuracy; addresses law enforcement jurisdictional relationships and crime data sharing; and applies the information to assist tribal communities in their effort to

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reduce crime.<sup>37</sup> All but one tribe in Minnesota plan to participate in ICARE data collection. The project is positioned to seek funding for the creation of the data management system, providing a potential future data source if proper collaborative steps are taken with American Indian communities.

- (a) It is recommended that tribes report arrest to the BCA under their own ORI or that county sheriffs report under the tribal ORI when reporting on their behalf.
- (b) Explore if the ICARE project in which Minnesota and Wisconsin tribes are collaborating to create a data management system for law enforcement activities on tribal land, can be used to publish tribal juvenile arrest data.

(9) Other arrest data recommendations:

- (a) Have race and ethnicity be a part of Comprehensive Law Enforcement Data (M.S.Ch. 13) and a mandatory field on arrest reports and citations forwarded to the court and county attorney's offices.
- (b) Classify required race and ethnicity data as public when in summary form.



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## RELEASE WITHOUT CHARGES

<p>Decision Point: <b>RELEASE WITHOUT CHARGES</b></p>	<p>Youth released without charges are those who have been cited or apprehended (an arrest counted) but where a law enforcement officer makes the final determination to not forward the matter to the county attorney or juvenile court. These matters are considered to be handled “internally” within the department and may include a verbal warning or reprimand.</p> <p>Law enforcement officers may determine the matter for which a youth was arrested requires intervention from a welfare or social services agency or they may transfer a youth or case to a different police department with jurisdictional authority. These are other discretionary actions where charges are often not sought.</p>
<p>Prioritization: <b>NEEDED</b></p>	<p>The decision to release youth without charges diverts youth from having a potential criminal charge or courtroom appearance. It is presumed that these cases reflect those where a law enforcement officer believes the matter was best handled by a warning or where a child is released to the custody of the parent for accountability. Law enforcement officers may also determine that they lack probable cause to send the citation or referral to the county attorney or court. Apprehension followed by release without charge can be a tool of social control law enforcement officers use in response to behaviors by individuals or communities, making it a worthwhile point of examination.</p>
<p>Data Collection: <b>FEASIBLE</b></p>	<p>Current data collection by the BCA includes a code that captures the outcome of an arrest. Arrest Disposition Numerics include: “Juvenile Handled Within the Department: Warn and Release”; “Referred to Other Police Department”; and “Referred to Welfare.”</p>

### RELEASE WITHOUT CHARGES: Challenges, Opportunities and Recommendations

- (1) It is unknown the extent to which the Arrest Disposition Numeric (ADN): “Juvenile Handled within the Department: Warn and Release” is in use in current data reporting and uploading to the BCA.
  - (a) It is recommended that the BCA explore the use of the ADN to ensure it is being used consistently and accurately.
- (2) There is no data currently published reflecting the number of youth arrested but subsequently released without charges.
  - (a) It is recommended that the BCA, as a part of the Minnesota Crime Information Report or as a separate publication, report on juvenile arrests “Handled within the Department: Warn and Release” by age, gender, offense, race, ethnicity and county of jurisdiction.

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## FORMAL DIVERSION

Decision Point: <b>FORMAL DIVERSION</b>	A formal diversion is a program or opportunity that is purposefully created to screen certain youth out of formal justice system processes. Some law enforcement agencies have diversion programs to which they refer youth. If the youth successfully completes the program, charges are not forwarded to the county attorney by law enforcement.
Prioritization: <b>NEEDED</b>	Information on formal diversion is needed to understand how officer diversions are used to keep youth from moving deeper into the justice system, which has collateral consequences. In addition, understanding who gets a diversion opportunity and how well they do in completing that opportunity is useful for developing targeted interventions that are successful. Without knowing what programs yield the most successful completions, it is difficult to promote best practices in diversion programming or rally support for diversion programs as a needed resource in the state. Communities of color have also expressed concern about diversions (both formal and informal) being inequitably applied.
Data Collection: <b>FORMIDABLE</b>	<p>Currently, no statewide statute or rule requires the collection of formal diversion data at the law enforcement level. There is also no statewide infrastructure for collecting this information. Some law enforcement agencies have record management systems for tracking their diversion program participation but these systems do not interface between agencies. Law enforcement officers have expressed interest in knowing if youth had received a formal police diversion from another agency.</p> <p>Similarly, individual program providers may also collect data on referrals and completions but this data is not reported beyond the immediate diversion program and stakeholders. Additionally, the number of these programs statewide is unknown.</p>

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## **FORMAL DIVERSION: Challenges, Opportunities and Recommendations**

- (1) There is no accurate count of the number and type of formal diversion programs offered by law enforcement, nor is there a requirement to provide diversion programming. The major limitation of the formal law enforcement diversion data is that there is none available.
  - (a) It is recommended that an entity be designated to complete a state level environmental scan on law enforcement agency diversion programs. It is generally unknown how many diversion programs there are, in what areas and serving what youth. Undertaking this activity was beyond the time parameters of this current study.
  - (b) It is recommended that these programs be disseminated in a public list. While no clear responsible entity for maintaining this list exists, The Minnesota Association of Pretrial Services Agencies should be considered. This could also be accomplished by advocacy groups, community groups or academic institutions.
- (2) ADNs are intended to provide information on the outcome of arrests. Only five ADNs may be used on juveniles: “Juvenile Handled within the Department: Warn and Release”; “Referred to Juvenile Court or Probation”; “Referred to Other Police Department”; “Referred to Welfare”; and “Treated as an Adult.” This arrest numeric system could be used to collect information on law enforcement referrals to formal Diversion Programs.
  - (a) It is recommended that a sixth ADN code be created specifically for “Diversion in lieu of charges.” Because offense level, race, ethnicity, age, gender and jurisdiction are attached to arrest data, this code could provide much insight into who are being diverted, for what level offense, and by what department. It is unknown which ADN code law enforcement departments currently use for arrests referred to diversions.

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## YOUTH REFERRED FOR PROSECUTION

<p>Decision Point: <b>YOUTH REFERRED FOR PROSECUTION</b></p> <ul style="list-style-type: none"> <li>• All Youth</li> <li>• Delinquency</li> </ul>	<p>Youth referred for prosecution are those whom law enforcement perceives to have sufficient evidence for the county attorney to charge them for a CHIPs, Status or Delinquency offense.</p>
<p>Prioritization: <b>REQUIRED</b> and <b>NEEDED</b></p>	<p>It is important to know what arrests result in charging and referral to prosecution as opposed to those that end up released without charges. The JJDPA <b>requires</b> that county attorneys report all delinquency referrals from all referral sources; these youth are a subset of all county attorney referrals. Total referrals were deemed to be a <b>needed</b> decision point.</p>
<p>Data Collection: <b>FEASIBLE</b></p>	<p>There is an arrest disposition numeric (ADN) in the CJRS specifically for “Referral to Juvenile Court or Probation.” This identifies if an arrest results in a youth being forwarded for legal processing as opposed to handling the youth informally or released without charges.</p>

### YOUTH REFERRED FOR PROSECUTION: Challenges, Opportunities and Recommendations

- (1) It is unknown the extent to which the ADN capturing referral to court or probation is used consistently and accurately.

- (a) It is recommended that the BCA explore the use of the “Referral to Juvenile Court or Probation” ADN for the quality of data captured. Specifically, delinquency arrests should be examined for use of this code to comply with the JJDPA.

# LAW ENFORCEMENT

## SECURE DETENTION

<p>Decision Point:</p> <p><b>SECURE DETENTION</b></p> <ul style="list-style-type: none"> <li>• Adult Jails</li> <li>• Police Lock-Ups</li> <li>• Juvenile Facilities</li> </ul>	<p>Following a custodial apprehension, law enforcement officers must make a decision whether to place the youth out of the home until a court appearance, or to release the youth to a guardian or custodian. Furthermore, a youth in custody may be placed in either a secure detention facility or non-secure detention facility/shelter depending on the nature and severity of the charge and the youth’s risk to the community.</p> <p>Delinquency Statute 260B.176, <i>Release or Detention</i> requires that a youth not be detained unless there are compelling reasons not to release the youth to a guardian.</p> <p>Additionally, there are certain offenses for which youth cannot, by statute, be securely detained. Generally, these include Status or Petty Offenses, or offenses that are classified as Children in Need of Protection or Services (runaway and truancy). Federal Compliance Monitoring requires that both adult and juvenile facilities be monitored to ensure they are not admitting youth in a manner in violation of federal law.</p>
<p>Prioritization:</p> <p><b>REQUIRED</b></p>	<p>Knowing how many youth are placed in detention following an apprehension is a critical data point in the law enforcement category. The use of detention, especially secure detention is a significant deprivation of liberty known to have negative collateral consequences for youth. Additionally, secure detention is a costly resource which should be reserved for the most serious and dangerous offenders.</p> <p>Detention information is federally required for all four Core Protections including DMC reporting. Adult jails, police lock-ups and juvenile facilities must report the number of juvenile admissions. For the DMC report, it is required that data be disaggregated by race and Hispanic ethnicity.</p> <p>Facilities are also required to report corrections data as requested as a condition of facility licensing.<sup>38</sup></p>
<p>Data Collection:</p> <p><b>MODERATE</b></p>	<p>Minnesota complies with reporting on this data point by submitting facility admissions data reported to the Minnesota Department of Corrections, Detention Information System (DIS). However, it is not always clear whether a secure hold is for detention or for post-adjudication placement, which are substantially different decision points. The data collection is considered Moderate because the data system exists, but the data elements collected are not designed to address this specific question.</p> <p>For demographic data collected in DIS, please see the chapter on Juvenile Detention and Residential Facilities.</p>

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## **SECURE DETENTION: Challenges, Opportunities and Recommendations**

- (1) All county jails and secure juvenile detention facilities report secure detention admissions to the Statewide Supervision System (S3) at regular intervals. Data is submitted or uploaded electronically from Jail and Detention Management Systems (described further in the Facilities Chapter). Provided all secure municipal lock-ups are reporting, the number of facilities reporting is adequate. However, the data in the Statewide Supervision System for facilities that have both pre-and post-adjudication beds can be unclear as to whether the youth is being securely held for detention or for post-adjudication programming. More information on this issue and recommendations can be found in the Detention and Residential Facilities Chapter of this report.

While data on the number of youth securely detained is provided by the DOC Statewide Supervision System upon request for federal reporting, the DOC does not disseminate information of this nature leading to data coming from multiple sources at multiple times with different data definitions.

- (a) It is recommended that the DOC disseminate secure juvenile admissions data for adult jails, municipal police lock-ups, and juvenile detention centers licensed by the DOC annually. It is recommended that these data be disaggregated by gender, age, race, ethnicity, county of facility and county of residence.

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## **LAW ENFORCEMENT SUMMARY**

- (1) Minnesota submits data to the FBI Uniform Crime Report annually. As such, state and local agencies in Minnesota are eligible for roughly \$7 million annually for crime prevention and intervention work. The current data collection system utilizes an antiquated mainframe which, when no longer operable, will result in Minnesota having no statewide data collection on adult or juvenile arrests. It is recommended that MN NIBRS be supported to replace the current Criminal Justice Reporting System.
- (2) The vast majority of law enforcement agencies statewide submit arrest data to the BCA. While the St. Paul Police Department and the Minneapolis Police Department provide the BCA with the information needed to report to the FBI, they do not upload their arrest data into BCA's system. Because the database lacks arrest data from the two largest municipal police departments, state level analysis of arrest data by offender or offense characteristics is inhibited.
- (3) Arrest data in the CJRS system contains a code that, if in use by law enforcement and analyzed by the BCA, can distinguish between citations issued and custodial arrests. Citation versus arrest is a primary decision made by law enforcement officers that affects a youth's involvement in the juvenile justice system.
- (4) BCA arrest data contains a code that provides information on the outcome of a juvenile arrest. Codes capture if a youth is released without charges, transferred to other agencies, or forwarded to the juvenile court. The analysis and reporting of these data fields can provide additional information about law enforcement responses following citation/arrest. An additional code could potentially be added in this section to capture referrals to formal Diversion Programs.
- (5) Youth placed in secure detention facilities following arrest is a significant law enforcement officer decision point that affects a youth's status in the juvenile justice system. Data on the number of secure holds comes from detention facility admissions counts recorded by the DOC, rather than from law enforcement data. This will further be addressed in the chapter on Detention and Residential Facilities.
- (6) CJRS captures data on age, gender, race, ethnicity, county of arrest and MOC code (offense type). Information is not collected on county of residence. While race and ethnicity data are reliably in the arrest database, the information is not consistently forwarded to the county attorney on referral documents. A requirement that these data be forwarded to the county attorney is needed by the Legislature.

# LAW ENFORCEMENT

		Current Statewide Data Availability			
		<ul style="list-style-type: none"> <li>* State is already collecting data in whole or in part.</li> <li>* Centralized data system exists to manage data.</li> <li>* Majority of systems are participating/submitting.</li> <li>* Minimal changes to systems or practices needed.</li> <li>* Agency responsible for collection/analysis/ dissemination identified.</li> <li>* Shared understanding of definitions.</li> <li>* Lowest cost.</li> <li>* Lowest burden on stakeholders.</li> </ul>	<p><b>Feasible</b></p> <ul style="list-style-type: none"> <li>Total Juvenile Arrests</li> <li>Total Arrests for Delinquency</li> <li>Total Delinquency Arrests Referred for Prosecution</li> </ul>	<p><b>Moderate</b></p> <ul style="list-style-type: none"> <li>Total Youth Securely Detained                             <ul style="list-style-type: none"> <li>• In Adult Jails</li> <li>• In Police Lock-Ups</li> <li>• In Juvenile Facilities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>* No statewide statute or rules in place.</li> <li>* New statute or rule would be required.</li> <li>* No statewide data collection infrastructure.</li> <li>* No entity clearly responsible for collection or dissemination.</li> <li>* Extensive change to practices/policies required.</li> <li>* Costly additions to systems or training.</li> <li>* Ambiguous data definitions.</li> <li>* Few/no systems participating.</li> <li>* Data available at agency level.</li> <li>* High burden on stakeholders.</li> </ul> <p><b>Formidable</b></p>
			Required		
	<p><b>Decision Point Priority Analysis:</b></p> <p><b>Law Enforcement</b></p> <ul style="list-style-type: none"> <li>*Data collection is required of states by federal law.</li> <li>*Data collection is connected to federal \$ to MN.</li> <li>*Data collection is required by MN Statute or Rules.</li> </ul>				
Statewide Data Priority	<ul style="list-style-type: none"> <li>* Data in this area are related to known risk-factors related to future delinquency.</li> <li>* These decision points result in collateral consequences for youth.</li> <li>* Data at these points support targeted intervention strategies.</li> <li>* Data are useful to procuring state or federal grant money.</li> <li>* Data may be generalizable to entire youth population.</li> </ul>	Needed	<ul style="list-style-type: none"> <li>Total Arrests for Non-Delinquency (Status/Petty/CHIPS)</li> <li>Total Arrests by Written Citation</li> <li>Total Arrests by Apprehension (Custodial)</li> <li>Total Youth Released Without Charges</li> <li>Total Youth Referred for Prosecution</li> </ul>		Total Youth Referred to a Formal Diversion Program
	<ul style="list-style-type: none"> <li>* Data at this level inform the effectiveness of individual programs, interventions or risk assessment tools.</li> <li>* Data at this level are useful to individual agencies or regions in targeting specific at risk populations.</li> <li>* Data at this level are important to securing local or regional support, partners or funding.</li> <li>* Data reflect the actions of individuals or agencies but are not applied consistently system-wide.</li> <li>* Data may not be generalizable to the majority of youth in the system.</li> </ul>	Informative			<ul style="list-style-type: none"> <li>Total Law Enforcement Contacts with Youth</li> <li>Total Youth Receiving Informal Diversion</li> <li>Total Youth Released With Charges</li> </ul>



# LAW ENFORCEMENT

## APPENDIX LE-1

### Minnesota Law Enforcement Agencies, Officers and Employees

According to the Minnesota Police Officer Standards and Training Board (POST), there are 470 active law enforcement agencies listed in Minnesota.<sup>39</sup> As of July 2009, POST lists the following agencies:

- 361 Municipal Police Departments serving cities and townships
- 87 Sheriff's Offices: One per county
- 8 Non-Municipal Police Departments (no unique census population): University of Minnesota, Morris; University of Minnesota, Duluth; University of Minnesota, Twin Cities; State Fair Police; Metro Airports Commission Police; Metro Transit Police; Minneapolis Park Police; and Three Rivers Park District Police
- 8 Tribal Police Departments: The 1854 Treaty Authority Enforcement Division; Upper Sioux Indian Community Tribal Police Department; Lower Sioux Indian Community Tribal Police Department; Prairie Island Tribal Police Department; Fond du Lac Tribal Police Department; White Earth Tribal Police Department; Leech Lake Tribal Police Department; and Mille Lacs Band of Ojibwe Tribal Police Department
- 6 State Agencies: Department of Corrections, Fugitive Apprehension Unit; Department of Commerce, Insurance Fraud Prevention; Department of Natural Resources, Enforcement Division; Department of Public Safety, Alcohol & Gambling Enforcement; Department of Public Safety, Bureau of Criminal Apprehension; and Department of Public Safety, State Patrol

Additionally, there are two American Indian communities, the Red Lake Band of Chippewa and the Bois Forte Band of Chippewa (Nett Lake and Vermillion Reservations), which have law enforcement services that are not licensed by the Minnesota POST Board: Nett Lake Tribal Police Department officers are employees of the federal Bureau of Indian Affairs, Law Enforcement Services Division. The Red Lake Tribal Police Department is a sovereign department overseen by their Tribal Council.

### Law Enforcement Officers

By Minnesota Statute, a peace officer is "an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and...a peace officer who is employed by a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e), and who is licensed by the board."<sup>40</sup>

According to the POST Board, as of July 2009, 10,524 law enforcement officers were licensed and "active" in Minnesota. An active officer is one who is currently employed by a law enforcement agency. An additional 1,439 law enforcement officers are licensed in Minnesota but are inactive.<sup>41</sup> The POST Board presently lists the following officer distribution:

- Municipal police departments: 6,186
- Non-municipal police departments: 344
- Sheriff's Offices: 3,065
- State agencies: 831 (536 of which are State Patrol)
- Tribal agencies: 100 (excludes officers at Red Lake Police: 27 officers, and Nett Lake PD: 5 officers)

### Civilian Employees

While the powers of arrest are limited to licensed law enforcement officers, civilian employees provide key services and support within law enforcement agencies. Civilian employees can include support staff, records staff, data analysts, dispatchers, community service Officers, jail and lock-up personnel, and many others.

On average, for every two sworn officers in the state, there is one civilian employee. The 2:1 distribution is not a constant across agencies. For example, on average, police departments reported one civilian employee for every four sworn officers.<sup>42</sup> Comparatively, sheriffs' offices report more civilian employees than sworn officers. Sheriffs' offices maintain a county jail in almost every county, which are employee-intensive operations. Correctional officers are not law enforcement officers as they have neither powers of arrest nor jurisdiction outside the facility.

# LAW ENFORCEMENT

## **Joint Powers and Concurrent Jurisdiction**

Any city, town or county sheriff may contract with any other city, town or county sheriff for police services,<sup>43</sup> and units of government are permitted to establish joint police powers agreements whereby officers have the full and complete authority of a law enforcement officer for each governmental unit.<sup>44</sup> These arrangements ensure that there is a timely and adequate law enforcement response for all Minnesota communities. Joint powers agreements and concurrent jurisdictions can impact which agencies report arrest data to the state.

Tribal law enforcement agencies that are licensed under the POST board are expected to enter into a cooperative agreement with the county in order to “coordinate, define and regulate the provision of law enforcement services and to provide mutual aid and cooperation.”<sup>45</sup> Having entered into a Joint Powers Agreement, the tribal shall have concurrent jurisdictional authority with the local county sheriff over the enforcement of criminal law on the tribe’s reservation.<sup>46</sup>

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# COUNTY ATTORNEYS

In Minnesota, the county attorney is an elected official responsible for a variety of legal duties under Minnesota Statute Chapter 388 including, in part, prosecuting all juvenile offenders, and representing county social services in Children in Need of Protection or Services (CHIPS). For the purposes of the Juvenile Justice System Decisions Points Study, this report considers the county attorney's role in prosecution of juvenile offenders as well as truant and runaway youth. Juvenile offenders are handled in delinquency proceedings; by statute, truant and runaway youth are considered CHIPS cases.

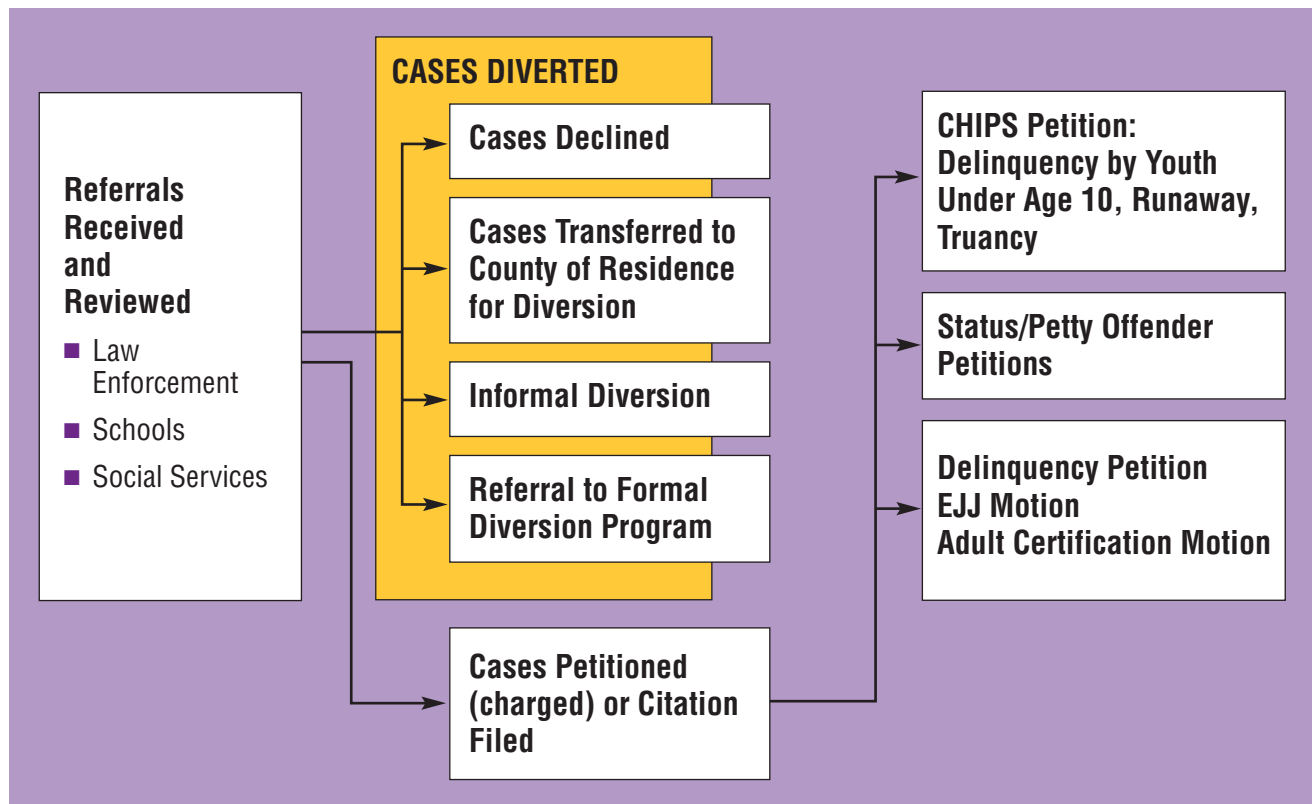
These cases begin with a referral to the county attorney's office from law enforcement, except for truancy cases, which are referred by schools. In some counties, runaway referrals may come from social services rather than law enforcement. The county attorney's office reviews referrals (police reports and citations) to determine if prosecution is appropriate. In making this determination, the county attorney's office determines whether there is probable cause that a youth committed an offense, whether there is sufficient evidence to prove the offense beyond a reasonable doubt, whether there is an alternative to

prosecution for handling the matter, and whether it is in the interests of justice to prosecute the case. A similar determination is made for truancy and runaway cases.

At this point in the process the county attorney's office decides to decline the case, divert the case (informally or formally), or charge the case by filing a delinquency, status, petty offender or CHIPS petition, or to file the citation that has been submitted by law enforcement. In serious felony cases, the prosecutor also decides whether to file motions for adult certification or Extended Jurisdiction Juvenile (EJJ). All of these decisions by the county attorney impact a juvenile's status in the juvenile justice system early in the process, typically before a juvenile gets to court.

Once a juvenile's case reaches juvenile court, there are more decisions by the county attorney that affect a youth's status in the juvenile justice system. These decisions include whether to dismiss the case after it has been charged, whether to offer a plea bargain to a lesser charge, whether to negotiate a continuance for dismissal or a stay of adjudication. These will be addressed in the next chapter, Juvenile Courts.

## GENERAL DECISION POINT OVERVIEW



# COUNTY ATTORNEYS

**Declining cases:** The county attorney declines to charge a case when there is no probable cause to believe a crime has been committed, when the county attorney will be unable to prove the case beyond a reasonable doubt, or when declining the case serves the interests of justice. The case is concluded at this point. Sometimes, a prosecutor returns the case to law enforcement with a request that further investigation be completed that could lead to additional evidence to potentially make the case chargeable. Law enforcement may then resubmit the case to the county attorney's office with the additional information for reconsideration of charging.

**Diversion:** Under Minnesota Statutes section 388.24, county attorneys are required to establish a diversion program for juveniles. By statute, diversion programs are designed to provide eligible offenders with an alternative to adjudication; to reduce the costs and caseload burdens on juvenile courts and the juvenile justice system; to minimize recidivism among diverted offenders; to promote the collection of restitution to the victim of the offender's crime; to develop responsible alternatives to the juvenile justice system for eligible offenders; and to develop collaborative use of demonstrated successful culturally specific programming. Most diversion opportunities are offered for lower-level, first-time property or drug/alcohol charges. However, some county attorney's offices also divert property felonies, especially where restitution amounts can be repaid within a typical diversion period of about six months. Juveniles are ineligible for a diversion program if they are being charged with an offense against a person; if they have previously been adjudicated for an offense against a person in Minnesota or any other state; or if they have previously had a petition dismissed as a part of participation in a diversion program. When cases are diverted, either the charges have not yet been filed or, if charges have been filed, no plea has yet been entered.

**Transferring Cases:** When the county attorney's office receives a referral for a juvenile who resides outside of the county and would qualify for diversion, the county attorney might choose to transfer the case to the juvenile's county of residence for diversion services if they are available.

**Charging:** When the county attorney's office determines there is sufficient evidence that a youth committed an offense and that it is appropriate to file charges in a given case, those charges are filed in a petition in juvenile court, or the petty or misdemeanor citation that had been issued by law enforcement is filed. When charging a juvenile, the county attorney must decide what offense to charge. The charged offense may be different from the charge proposed in the initial referral from law enforcement because the prosecutor has made an independent evaluation of the evidence in the police report, keeping in mind that at trial the case must be proven beyond a reasonable doubt. These cases may be petty offender or status-level offenses or they may be delinquency offenses — misdemeanors, gross misdemeanors, or felonies. (In Minnesota, first- and second-time misdemeanors, with some exceptions, are considered "petty offenses" which limits the court's dispositional options and the outcome is adjudication as a "juvenile petty offender" rather than "delinquent"). On serious felonies and with juveniles age 14 or older, the county attorney can also file motions to designate an offender as an Extended Jurisdiction Juvenile or to certify and transfer the case to adult court.

# COUNTY ATTORNEYS

## RANGE OF DECISION POINTS DISCUSSED AND KEY DATA POINTS IDENTIFIED

The county attorney's role in the juvenile justice process includes a range of decision points beginning when referrals are received and ending when there is a final disposition (sentencing) in court and any post-dispositional proceedings are concluded. While county attorneys contribute to many outcomes in the courtroom setting, this chapter focuses specifically on decisions made by county attorneys leading up to a petition in court.

The Work Group identified the range of key county attorney decision points and identified those that most affect youths' status in the system.

- Those identified as **required decision points** for statewide data collection by federal law or state statute are **highlighted with green shade**;

- Those identified as **necessary decision points** for statewide data collection to better understand youths' flow through the system and their status within, are listed in **bold**.
- Those identified as *informative decision points* are listed in *italics* and are not recommended for state level data collection.
- Per the language of the Feasibility Study statute, the Work Group was to explore if these data could or should be collected with the following data elements: age, gender, race, ethnicity, type of offense, county of offense and county of residence.
- The current availability of data at the **required** and **needed** data points will follow a brief review of state-level data collection requirements and data collection systems.

	Decision Point	Data Point	
1.	Decision to forward a youth for legal processing made by law enforcement, schools and social services	<b>TOTAL NUMBER OF REFERRALS RECEIVED &amp; REVIEWED BY COUNTY ATTORNEYS:</b> <ul style="list-style-type: none"> <li>Truancy and Runaway referrals (CHIPS)</li> <li>Status/Petty Offender referrals</li> <li>Delinquency referrals (M, GM, F)</li> </ul>	
2.	Decision to divert a case from legal processing	<b>TOTAL NUMBER OF ALL CASES DIVERTED FROM LEGAL PROCESSING</b> <ul style="list-style-type: none"> <li>Cases declined</li> <li>Cases transferred to county of residence for diversion</li> <li>Cases referred for informal diversion (to probation officer or social worker with an open case)</li> <li>Cases referred to a diversion program</li> </ul>	<b>TOTAL NUMBER OF ALL DELINQUENCY CASES DIVERTED FROM LEGAL PROCESSING</b> <ul style="list-style-type: none"> <li>Cases declined</li> <li>Cases transferred to county of residence for diversion</li> <li>Cases referred for informal diversion (to probation officer or social worker with an open case)</li> <li>Cases referred to a diversion program</li> </ul>
3.	Determination of the offense/offense level	<i>THE OFFENSE/ OFFENSE LEVEL AT THE TIME OF ARREST AS COMPARED TO THE OFFENSE/OFFENSE LEVEL PETITIONED TO COURT</i>	
4.	Decision to petition a youth to juvenile court	<b>TOTAL CASES PETITIONED TO JUVENILE COURT</b> <ul style="list-style-type: none"> <li>CHIPS (truancy and runaway)</li> <li>Status/Petty</li> <li>All Delinquency</li> </ul>	<b>TOTAL DELINQUENCY CASES PETITIONED TO JUVENILE COURT</b> <ul style="list-style-type: none"> <li>Delinquency</li> <li>EJJ Motions</li> <li>Adult Certification Motions</li> </ul>
5.	Decision to petition a youth to adult court	<b>TOTAL DELINQUENCY CASES PETITIONED DIRECTLY TO ADULT COURT</b>	

# COUNTY ATTORNEYS

## **LOCAL AND STATEWIDE DATA COLLECTION**

Comprehensive data collection around juvenile petitions is not required by statute, rather certain statutes and rules require pieces of information to be collected and reported.

As an example, Minnesota Rules of Delinquency Procedure parts 6.02 and 6.03, state the required data elements that must be on a tab charge, citation or petition sent to court. These include address, date of birth, race, offense charged, and county of the alleged offense. The State Court Administrator's Office published "Data Elements for Petitions Alleging Juvenile Delinquency, Juvenile Traffic Offender and, or Juvenile Petty Offender," which lists the mandatory and necessary data points that must be submitted to the court for case initiation in the Minnesota Court Information System (MNCIS).

In short, county attorneys are required to report race data to the court, but are not required by any statute to collect race data specifically.

No state statute directs county attorneys to collect information on cases declined or diverted other than those referred to a formal diversion program in lieu of prosecution.

### ***Diversion Program Data:***

Under the Diversion Program Statute 388.24 Subdivision 4, every county attorney who establishes a diversion program must report the following data elements to the BCA which are to be maintained in the criminal history file:

- Name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary
- The date and individual began, is expected to complete, and successfully completed the diversion program
- The date which an individual was removed from the diversion program for failure to successfully complete.

Because there is little information about county diversion programming, a brief survey was sent to each of

## **COUNTY ATTORNEYS OFFICES and EMPLOYEES**

Minnesota, having 87 counties, has 87 elected county attorneys. The 2009 Minnesota County Attorney Directory maintained by the MCCA lists an additional 750 prosecutors and victim/witness coordinators including chief assistant county attorneys, senior attorneys, deputy attorneys, and assistant county attorneys. This number does include positions related to office management or trial support; the total number of employees within each office would need to come directly from each county. Offices ranged in size from a single county attorney to over 170. Eight counties specifically listed juvenile prosecution divisions.

According to a list compiled by the Minnesota Association of Pretrial Service Agencies (MAPSA), 84 agencies oversee pre trial services in Minnesota including, but not limited to, juvenile Diversion Programs. These programs are also responsible for adult diversion programs, pretrial supervision and bail/bond studies. These programs are largely managed in Minnesota by the Community Corrections provider in the county (probation), or by county Court Services.

No comprehensive list of juvenile Diversion Programs statewide currently exists.

the 87 county attorneys in October 2009. Thirty-three county attorneys, many from greater Minnesota, completed the survey. Results showed that while most county attorneys have one or two diversion programs, there are counties with up to 10 available programs. These programs serve a variety of youth, from first-time petty offenders, to tobacco, alcohol and marijuana programming, truancy, smoking, property offenses, theft, teen courts and arson. Most of these diversion programs are offered pre-petition and the eligibility screening is often done by county attorney staff. However, probation staff also do the screening alone or in conjunction with county attorney staff. Human services, law enforcement and multi-disciplinary teams may also be responsible for the initial

# COUNTY ATTORNEYS

eligibility screen. Most often, the probation department is responsible for running the diversion programs. County attorneys did note that they are responsible for some programs, as are court services, community-based organizations and law enforcement.

Of those county attorneys who responded to the survey, only three indicated they reported their juvenile diversion data to the BCA. Of the three that do submit their diversion data, none use the BCA's Offender Tracking Form. When diversion information is submitted to the BCA, it is entered into a comments field in the Criminal History file. Data in comments fields cannot be easily extracted for analytical purposes. It is important to note that even though diversion programs are required statewide, no data is collected or analyzed on their effectiveness at the state level. And while one of the goals of diversion, in statute, is culturally competent programming, there is no race data to ensure that this programming exists or is effective.

Locally, diversion data is often kept in the county attorney's records management system or by the agency is responsible for providing the programming. Most county attorneys indicated a record of the youth's name, date of birth, gender, county of residence, offense and county of offense, date of entry and exit from the diversion program and exit status are tracked. However, very few indicated race or ethnicity is recorded.

In addition to diversion data, under Minnesota Statute 229C.06, the BCA Criminal Statistics Division can request data from county attorneys to be reported to the Criminal Justice Reporting System as needed for "determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems."

## *Data Management*

There is no central repository for county attorney data in Minnesota, nor is there a clear state agency responsible for county attorney practices. Furthermore, county attorney's offices use a variety of records management systems to capture their data.

The October 2009 survey to county attorneys also asked for information on their records management systems and race data collection. Most of the county attorneys who responded to the survey have an electronic records management system. However, four county attorneys said they use a paper system, and one indicated a word processing and paper management system. Of those using an electronic management system, the most common was MCAPS, the Minnesota County Attorney Practice System. Other systems include the Law Enforcement Network System (LENS), Legal Edge, DAMION, Court Services Tracking System (CSTS), Elite Case Management and MNCATS (Minnesota County Attorney Tracking System). Most respondents indicated that they have office staff responsible for entering information into their records management system. These staff are mainly legal assistants, office managers and secretaries.

Most of the record management systems in use provide a pre-identified list of racial categories from which to choose. Three county attorneys indicated that their system provides a blank field for entering the racial category that applies. Most systems allow for "unknown" to be a racial category, do not have a bi-or multi-racial race category, and do not allow for the user to select more than one racial category at a time. In about one-third of the systems identified, Hispanic is coded as a racial category, while the other third code Hispanic as an ethnicity, separate from racial categories. Many county attorneys indicated they don't know how Hispanic is coded or that it is not collected.



# COUNTY ATTORNEYS

County attorneys predominantly receive race data from law enforcement, information which can be missing. While court rules require race data to be included in delinquency petitions, if the county attorney does not receive this information from law enforcement, it is often left blank on the petition. The county attorney would not have this information if it is not provided by law enforcement, as defendants are often not seen in person prior to court. Race data can be included in supplemental reports that the county attorneys receive later in the process, but it is unlikely a county attorney's office would go into the system and backfill race/ethnicity data.

There is also concern that the racial categories available across the different records management systems are not consistent between county attorney offices, nor compatible with the racial categories used in other parts of the juvenile justice system.

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## KEY DECISION POINTS AND DATA IMPROVEMENT RECOMMENDATIONS

The following sections highlight the key decision points and the feasibility of collecting statewide data.

### REFERRALS RECEIVED AND REVIEWED

<p>Law Enforcement Decision Point:</p> <p><b>REFERRAL TO COUNTY ATTORNEY</b></p> <ul style="list-style-type: none"> <li>• <b>Truancy and Runaway (CHIPS)</b></li> <li>• <b>Status and Petty Offenders</b></li> <li>• <b>Delinquency</b></li> </ul>	<p>Referral is when law enforcement submits a CHIPS, petty offense, status offense, or delinquency report to the county attorney for consideration of charges. Schools also make referrals to the county attorney primarily for truancy cases. The referral may be a citation to be filed with the court or a written petition to describe probable cause to charge.</p>
<p>Prioritization:</p> <p><b>REQUIRED</b> and <b>NEEDED</b></p>	<p>The total number of all referrals to the county attorney for review or charging was considered by the Work Group to be a <b>needed</b> data collection point. This would include referrals from all sources to be charged at all levels. It was recommended that these be further evaluated by the type of referral (CHIPS/Status/Petty/Delinquency).</p> <p>Only one type of referral, Delinquency, is <b>required</b> for federal DMC monitoring. This requires that the number of delinquency referrals to county attorneys be collected statewide and that the numbers be disaggregated by race and ethnicity.</p>
<p>Data Collection:</p> <p><b>FORMIDABLE</b></p>	<p>No central database for county attorney data exists, making statewide data collection formidable.</p> <p>County attorneys do not typically collect or verify race data beyond that which is provided to them by law enforcement or other sources. County attorney's offices typically do not have contact with alleged offenders until and unless they appear in juvenile court.</p> <p>There is no clear entity that should be responsible for maintaining county attorney data. However, as detailed in the Law Enforcement chapter of this report, Minnesota Statute 229C.06 does require that county attorneys, along with others in the criminal justice system report their information to the BCA, if the BCA should desire it. It does not appear the BCA is requiring this extensive submission of data and would not have the resources to manage that volume of data.</p>

# COUNTY ATTORNEYS

## REFERRALS RECEIVED & REVIEWED: Challenges, Opportunities and Recommendations

- (1) The decision to refer a case to the county attorney's office is made by law enforcement, or in the case of truancy, by schools.
- (2) There is no centralized database for county attorney data nor is there a standard use of case management systems:
  - (a) It is recommended that Minnesota create a centralized data repository for county attorney data in order to track cases received, declined, and diverted. This data must also include age, gender, race, ethnicity, type of offense, county of offense and county of residence for analysis purposes.
  - (b) It is recommended that the primary case management system vendors in Minnesota standardize their race and ethnic categories. Fields in which race and ethnicity can be self-populated lead to inconsistent data collection.
- (3) Often, county attorneys do not have race data as it is not provided on the reports from law enforcement and they do not have the resources available to investigate and gather this information.
  - (a) It is recommended that law enforcement be required to provide race data on documentation sent to the county attorney to ensure that race information is available early in the justice system.
- (4) Race data received by the county attorney's office from law enforcement may be varied in the data collection method and accuracy. Law enforcement officers and agencies may procure data based on officer observation or from alleged offender self-report.
  - (a) It is recommended that Minnesota establish a uniform methodology for collecting race and ethnicity data from justice system involved juveniles and adults, consistent with best practices.

# COUNTY ATTORNEYS

## CASES DECLINED OR DIVERTED

<p>Decision Point: <b>CASES DECLINED OR DIVERTED</b></p> <ul style="list-style-type: none"> <li>• Delinquency</li> <li>• Non-Delinquency</li> </ul>	<p>Following the receipt of a referral, the county attorney determines if the case should be charged or declined, or if the case needs to be transferred to a different county. If there is sufficient probable cause to charge, the county attorney reviews cases referred for petty offenses, status offenses, or delinquencies to determine whether diversion is appropriate. Truancies and runaways (CHIPS) are also sometimes diverted.</p> <p>Diversion is in lieu of filing the case in court. The county attorney can either divert these cases informally by referral to the juvenile’s probation officer or social worker or formally by referral to a diversion program. If a juvenile is successful in diversion, the case is concluded without prosecution. Cases can also be diverted after a petition or citation is filed, but these cases are not considered part of the diversion population.</p>		
	<table border="1"> <tr> <td data-bbox="500 810 898 1136"> <p><b>ALL CASES DECLINED OR DIVERTED:</b></p> <ul style="list-style-type: none"> <li>• Declined</li> <li>• Transferred</li> <li>• Informal Diversion</li> <li>• Formal Diversion Program</li> </ul> </td> <td data-bbox="898 810 1399 1136"> <p><b>ALL DELINQUENCY CASES DECLINED OR DIVERTED:</b></p> <ul style="list-style-type: none"> <li>• Declined</li> <li>• Transferred</li> <li>• Informal Diversion</li> <li>• Formal Diversion Program</li> </ul> </td> </tr> </table>	<p><b>ALL CASES DECLINED OR DIVERTED:</b></p> <ul style="list-style-type: none"> <li>• Declined</li> <li>• Transferred</li> <li>• Informal Diversion</li> <li>• Formal Diversion Program</li> </ul>	<p><b>ALL DELINQUENCY CASES DECLINED OR DIVERTED:</b></p> <ul style="list-style-type: none"> <li>• Declined</li> <li>• Transferred</li> <li>• Informal Diversion</li> <li>• Formal Diversion Program</li> </ul>
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<p>Prioritization: <b>REQUIRED and NEEDED</b></p>	<p>Federal DMC monitoring requires that the total number of delinquency referrals to county attorneys that are diverted for any reason be collected statewide and that the numbers be disaggregated by race and ethnicity. In addition, it would be helpful in more fully understanding how youth move throughout the justice system. The use of diversion programs differs throughout the state due to differences in available resources and levels of offenses experienced in different jurisdictions.</p> <p>Furthermore, Minnesota Statute requires that referrals to diversion programs for delinquency matters be submitted to the BCA’s Computerized Criminal History database.</p> <p>The Work Group determined that the specific reasons youth are diverted away from legal processing are <b>needed</b> data points, as are diversions for charges other than delinquency matters.</p>		
<p>Data Collection: <b>FORMIDABLE</b></p>	<p>With no central county attorney database, this pre-petition diversion data is difficult to collect statewide. In addition, like referral data, race is often not included in this information. Therefore, the effort to obtain cases declined is also estimated to be formidable. Additionally, the diversion numbers reflect the final diversion decision, not the total of juveniles who are eligible or those who are later diverted in court after charges have been filed.</p>		

# COUNTY ATTORNEYS

## **CASES DECLINED OR DIVERTED: Challenges, Opportunities and Recommendations**

- (1) Diversion data is a key data point required for federal DMC reporting and is vital to understanding how youth move in and out of the justice system. Understanding the effectiveness of diversion programming is also important to ensuring youth are provided programming rooted in best practices with proven effectiveness.
  - (a) It is recommended that any centralized database created for county attorneys have the capacity to track diversion data along with other case information. In general, any central database developed should be able to capture all reasons a youth is diverted, pre-petition.
  - (b) If a formal centralized database is not possible, a method to track diversion referrals and outcomes at the state level needs to be improved upon and reporting enhanced.
- (2) County attorneys expressed that they would like access to a youth's prior criminal history from other counties more readily. They would also like to know if youth have received a prior diversion opportunity from another county, state or by law enforcement. This information would be useful when making decisions about diversion opportunities for youth who may have committed a delinquent act in another jurisdiction.

# COUNTY ATTORNEYS

## CASES PETITIONED OR FILED WITH JUVENILE COURT

<p>Decision Point:  <b>CASES PETITIONED OR FILED WITH JUVENILE COURT</b></p> <ul style="list-style-type: none"> <li>• <b>CHIPS</b></li> <li>• <b>Status</b></li> <li>• <b>Petty</b></li> <li>• <b>All Delinquency</b>  <b>-Delinquency</b>  <b>-EJJ Motion</b>  <b>-Adult Certification Motion</b></li> </ul>	<p>When the prosecutor determines a case should be handled formally, a petition is filed with juvenile court. Formally charged petty offenses, status offenses, delinquency cases, truancy and runaway are those that appear on a court calendar in response to the filing of a petition or citation.</p> <p>These petitions can request the court to adjudicate a youth as a petty, status, CHIPS (truancy and runaway only) or delinquent offender. A motion for adult certification asks the court to waive jurisdiction and transfer a youth to criminal court. An EJJ motion asks the court to designate the juvenile as EJJ with an adult stayed sentence.</p>
<p>Prioritization:  <b>REQUIRED</b> and <b>NEEDED</b></p>	<p>Federal DMC monitoring <b>requires</b> that the total number of delinquency petitions be collected statewide and that the numbers be disaggregated by race and ethnicity. The Work Group also saw value in having data on youth referred to court for reasons other than delinquency, and for subdivisions of delinquency including EJJ and Adult Certification motions. These are classified as <b>needed</b> data elements.</p>
<p>Data Collection: FEASIBLE</p>	<p>MNCIS is able to report total number of cases petitioned to court by Delinquency, Status/Petty Offenders, CHIPS, Adult Certification and EJJ.</p>

### CASES PETITIONED OR FILED WITH JUVENILE COURT: Challenges, Opportunities and Recommendations

(1) Using MNCIS, the State Court Administrator's Office is able to separate juvenile petitions to indicate if it is CHIPS petition, a Status/Petty petition, a delinquency petition, and if there is a motion for EJJ or adult certification. However, the court petition categories do not match arrest categories, making it difficult to measure flow through the system. As an example, public arrest data include the juvenile category *curfew and runaway* but the MNCIS category is for *CHIPS-truancy and runaway*. Curfew is moved over

to the status/petty category in the courts and truancy is added in. Without consistent petition and arrest categories, it is inaccurate to determine the percentage of juvenile arrests resulting in juvenile petitions using law enforcement and court data.

(a) It is recommended that the BCA, SCAO and other state agencies convene to discuss how data can be queried such that a more linear examination of case outcomes by arrest and petition type can be explored. This will not require new data collection, rather different data classifications for analysis.

# COUNTY ATTORNEYS

## CASES PETITIONED DIRECTLY TO ADULT COURT

Decision Point: <b>CASES PETITIONED DIRECTLY TO ADULT COURT</b>	One offense, Murder in the first degree, if committed by a juvenile age 16 or older must be petitioned directly to adult criminal court. Under Minnesota Statute section 260B.007 Subdivision 6, youth accused of committing murder in the first degree are not classified as delinquents.
Prioritization: <b>REQUIRED</b>	Cases transferred to adult court are a required data collection point under the JJDP. Cases transferred directly, along with all others transferred through the juvenile court Adult Certification process, collectively fulfill this data point obligation.
Data Collection: <b>FEASIBLE</b>	Case data collected by MNCIS captures juvenile cases petitioned directly to adult court.

### **CASES PETITIONED DIRECTLY TO ADULT COURT: Challenges, Opportunities and Recommendations**

- (1) Data related to the number of youth petitioned directly to adult criminal court are not presently disseminated, nor are cases originating in juvenile court and certified to adult court.

- (a) It is recommended that the SCAO disseminate data on youth petitioned to adult court by offense type and offender demographics.

# COUNTY ATTORNEYS

## ***COUNTY ATTORNEY SUMMARY***

- (1) County attorneys are the only stage of the juvenile justice system for which there is no centralized, state-level records system. While the majority of counties use the same case management software, these do not feed into a state repository. Moreover, Hennepin and Ramsey counties, which together account for a large number, if not a majority of juvenile offenses in the state, use case management systems different from almost all other counties. Minnesota is in need of both a centralized system and race/ethnicity data standards at the county attorney level. Modifying or rebuilding case management systems at the county level, however, is extremely expensive.
- (2) County attorneys are required by rule to submit race data to the courts on all juvenile petitions and citations. They are often thwarted in their ability to do this because the information does

not consistently come to them from law enforcement and it may not be accurate. Requiring law enforcement officers to provide race/ethnicity information consistently on referrals would prevent data gaps at both the county attorney and the court level.

- (3) Statute requires that county attorneys establish a diversion program for juveniles in every county and that data on youth referred to diversion be reported to the BCA. Counties are not consistently reporting this information to the BCA and the BCA does not maintain the information in a manner by which it can be extracted for analysis. Furthermore, county attorneys vary widely in their current methods of maintaining diversion data which often does not include race/ethnicity information. Even in the absence of a centralized system, a method to track diversion referrals and outcomes at the state level needs to be improved upon and reporting enhanced.



# COUNTY ATTORNEYS

		Current Statewide Data Availability		
		Feasible	Moderate	Formidable
Statewide Data Priority	<p><b>Decision Point Priority Analysis:</b></p> <p><b>County Attorneys</b></p>	<ul style="list-style-type: none"> <li>* State is already collecting data in whole or in part.</li> <li>* Centralized data system exists to manage data.</li> <li>* Majority of systems are participating/submitting.</li> <li>* Minimal changes to systems or practices needed.</li> <li>* Agency responsible for collection/ analysis/ dissemination identified.</li> <li>* Shared understanding of definitions.</li> <li>* Lowest cost.</li> <li>* Lowest burden on stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>* May exist in state statute but enforcement required.</li> <li>* May require modification of current statute.</li> <li>* Current data systems could handle data with modest changes or additions</li> <li>* Some changes required in stakeholder practices.</li> <li>* Data may be available at the county or regional level, but not state level</li> <li>* Moderate costs to data improvement.</li> <li>* Moderate burden on stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>* No statewide statute or rules in place.</li> <li>* New statute or rule would be required.</li> <li>* No statewide data collection infrastructure.</li> <li>* No entity clearly responsible for collection or dissemination.</li> <li>* Extensive change to practices/policies required.</li> <li>* Costly additions to systems or training.</li> <li>* Ambiguous data definitions.</li> <li>* Few/no systems participating.</li> <li>* Data available at agency level.</li> <li>* High burden on stakeholders.</li> </ul>
	<ul style="list-style-type: none"> <li>* Data collection is required of states by federal law.</li> <li>* Data collection is connected to federal \$ to MN.</li> <li>* Data collection is required by MN Statute or Rules.</li> </ul>	<p><b>Required</b></p> <p>Total Delinquency Cases petitioned or filed</p> <p>Total Delinquency Cases petitioned directly to adult court</p>	<p><b>Moderate</b></p>	<p><b>Formidable</b></p> <p>Total Delinquency referrals received by the County Attorney for charges or review.</p> <p>Total Delinquency Cases diverted from legal processing for any reason: (Declined, Transferred, Diverted Informally, Diverted Formally)</p> <p>Total Delinquency Cases referred to a formal Diversion Program.</p>
	<ul style="list-style-type: none"> <li>* Data in this area are related to known risk-factors related to future delinquency.</li> <li>* These decision points result in collateral consequences for youth.</li> <li>* Data at these points support targeted intervention strategies.</li> <li>* Data are useful to procuring state or federal grant money.</li> <li>* Data may be generalizable to entire youth population.</li> </ul>	<p><b>Needed</b></p> <p><b>Total Juvenile Cases Petitioned or Filed</b></p> <p><b>Total Delinquency Cases Petitioned or Filed with motions for:</b></p> <ul style="list-style-type: none"> <li>• EJJ</li> <li>• Adult Certification</li> </ul>		<p><b>Total Referrals Received by County Attorneys for Charges or Review: (CHIPS, Status/Petty, Delinquency)</b></p> <p><b>Total Juvenile Cases Diverted from Legal Processing for any reason: (Declined, Transferred, Diverted Informally, Diverted Formally)</b></p>
	<ul style="list-style-type: none"> <li>* Data at this level inform the effectiveness of individual programs, interventions or risk assessment tools.</li> <li>* Data at this level are useful to individual agencies or regions in targeting specific at risk populations.</li> <li>* Data at this level are important to securing local or regional support, partners or funding.</li> <li>* Data reflect the actions of individuals or agencies but are not applied consistently system-wide.</li> <li>* Data may not be generalizable to the majority of youth in the system.</li> </ul>	<p><b>Informative</b></p>		<p><i>Charge at time of arrest versus charge petitioned to court by County Attorney</i></p>

# JUVENILE COURTS

Juvenile Courts handle matters involving youth under age 18, with cases categorized as either a delinquency matter (illegal acts) or as a Child in Need of Protection or Services (CHIPS). As it relates to delinquency, it is the role of the judiciary to hear juvenile cases, find whether charges have been proven, and determine an appropriate disposition balancing the interest of community safety and offender rehabilitation. It is through the judicial process that certain offenses come to be designated as Adult Certification or Extended Jurisdiction Juvenile (EJJ) proceedings.

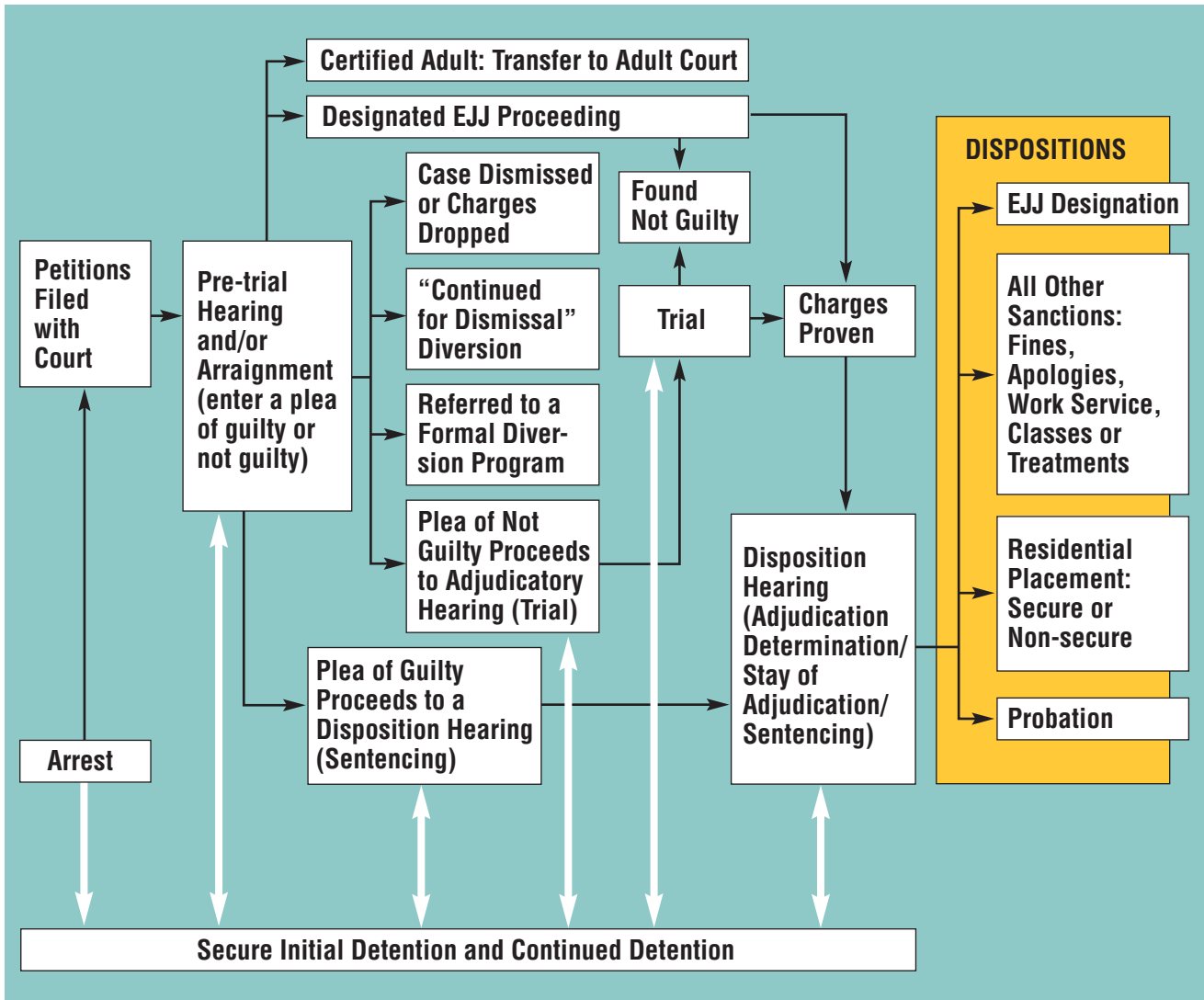
Judges, county attorneys, public defenders, and probation officers are all part of the courtroom milieu that ideally arrives at the best outcome for juveniles which balances accountability and rehabilitation. Many decisions that occur during the court process affect a youth's status within the juvenile justice system:

charges can be dismissed; negotiated pleas may result in additional diversion opportunities; or cases may go to trial for a judicial determination of guilt. Whether or not a youth remains securely detained during part or all of the judicial process is also determined by the court.

For cases resulting in a plea of or finding of guilt, a judge ultimately orders a disposition (sentence). Judges have many dispositional options available from which to choose, including fines, apologies, community service, chemical and mental health evaluation, and treatment. Among the more serious sanctions are residential out-of-home placements (secure and non-secure) and community supervision (probation). Depending on the courtroom environment, judges may solicit dispositional recommendations of the county attorney and probation department.

# JUVENILE COURTS

## GENERAL DECISION POINT OVERVIEW



# JUVENILE COURTS

## ***RANGE OF DECISION POINTS DISCUSSED AND KEY DATA POINTS IDENTIFIED***

The range of decision points afforded the judiciary in Minnesota begins when a petition is filed in juvenile court by the county attorney and does not end until court ordered conditions are completed and the case is closed or a court's jurisdiction is otherwise terminated. While involvement of the judiciary remains while a youth is on community probation, this chapter will address decision points up to initial disposition on new charges. The remainder of court decisions as it relates to violations of probation will occur in the next chapter dedicated to Juvenile Probation.

The Work Group identified the range of key judicial decision points and identified those that most affect youths' status in the system.

- Those identified as **required decision points** for statewide data collection by federal law or state statute are **highlighted with green shade**;
- Those identified as **necessary decision points** for statewide data collection to better understand youths' flow through the system and their status within, are listed in **bold**.
- Those identified as *informative decision points* are listed in *italics* and are not recommended for state level collection.
- Per the language of the Feasibility Study statute, the Work Group was to explore if these data could or should be collected with the following data elements: age, gender, race, ethnicity, type of offense, county of offense and county of residence.
- The current availability of **required** and **needed** data points will follow a brief review of state-level data collection requirements and data collection systems.

# JUVENILE COURTS

	Decision Point	Data Point	
1.	County attorney's decision to file charges with juvenile court (from previous chapter)	<b>TOTAL JUVENILE PETITIONS FILED WITH COURT:</b> <ul style="list-style-type: none"> <li>• CHIPS Petitions</li> <li>• Status/Petty Offender Petitions</li> <li>• All Delinquency Petitions                             <ul style="list-style-type: none"> <li>○ Traditional Delinquency (M,GM,F)</li> <li>○ Delinquency with EJJ Motions</li> <li>○ Delinquency with Adult Certification Motions</li> </ul> </li> </ul>	
2.	Decision to issue a warrant for failure to appear in court	<b>TOTAL JUVENILE WARRANTS ISSUED FOR FAILURE TO APPEAR</b>	
3.	Decision to continue a youth in secure detention during judicial processing	<b>TOTAL YOUTH HELD IN CONTINUED SECURE DETENTION</b>	
4.	Decision to offer a plea agreement	<b>TOTAL PLEAS OFFERED:</b> <ul style="list-style-type: none"> <li>• Pleas accepted</li> <li>• Pleas not accepted</li> <li>• Offense/offense level charged as compared to offense/offense level disposed</li> </ul>	
5.	Decision to make a determination on (dispose) a case	<b>TOTAL CASES DISPOSED:</b> <ul style="list-style-type: none"> <li>• Cases dismissed</li> <li>• Cases "Continued for Dismissal"</li> <li>• Cases referred to Diversion Program</li> <li>• Continuance without Adjudication ("Stay")</li> <li>• Cases closed/jurisdiction terminated</li> <li>• Finding that charges have been proven (Adjudication)</li> <li>• EJJ</li> </ul>	<b>TOTAL DELINQUENCY CASES DISPOSED:</b> <ul style="list-style-type: none"> <li>• Cases dismissed</li> <li>• Cases "Continued for Dismissal"</li> <li>• Cases referred to Diversion Program</li> <li>• Continuance without Adjudication ("Stay")</li> <li>• Cases closed/jurisdiction terminated</li> <li>• Finding that charges have been proven (Adjudication)</li> <li>• EJJ</li> </ul>
6.	Decision to certify a youth as an adult	<b>TOTAL CASES RESULTING IN CERTIFICATION/ TRANSFER TO ADULT COURT</b>	
7.	Decision to assign court-ordered conditions or sanctions.	<b>TOTAL CASES DISPOSED RESULTING IN:</b> <ul style="list-style-type: none"> <li>• Probation Supervision</li> <li>• Out of home placement:                             <ul style="list-style-type: none"> <li>○ Non-Secure</li> <li>○ Secure</li> </ul> </li> <li>• All other sanctions</li> </ul>	<b>TOTAL DELINQUENCY CASES DISPOSED RESULTING IN:</b> <ul style="list-style-type: none"> <li>• Probation Supervision</li> <li>• Out of home placement:                             <ul style="list-style-type: none"> <li>○ Non-Secure</li> <li>○ Secure</li> </ul> </li> <li>• All other sanctions</li> </ul>

# JUVENILE COURTS

## LOCAL AND STATEWIDE DATA COLLECTION

The State Court Administrator's Office (SCAO) previously published an annual report on delinquency petitions including the race of the juvenile, county where the petition was filed, offense level, and legal outcome of the petition (dismissal, continuance for dismissal, continuance without adjudication, adjudication and transfer to adult court). The report also included dispositional sanctions including residential placement, probation, community service, treatment, or fines.<sup>p</sup>

In 2007, the requirement for the SCAO to publish the report on delinquency petitions was repealed. In 2003 the court system began phasing out an old records management system, the Total Court Information System (TCIS), and converting all counties to a new case management system, the Minnesota Court Information System (MNCIS). The conversion made it impossible to fulfill the reporting obligation.

Indeed, comprehensive, reliable state-level court data is unavailable between 2003 and 2007 because of the TCIS to MNCIS transition. The migration to MNCIS was completed in 2008 such that statewide data will again be available. Because the courts operate one system with statewide standards, some of the data collection issues apparent in other parts of the justice system are not an issue for court data. The new system also has myriad data elements that have not been extracted and analyzed before.

Race and ethnic data in MNCIS is collected from youth directly at their first court appearance. Youth are given a race census form to fill out and return to a court clerk.<sup>q</sup> The collection of this data is completely voluntary. If a youth does not indicate his or her race, observed race data can be substituted. However, there is very little observed race data in the court system. Courts will record race data provided by another source (county attorneys or law enforcement) if the

## COURTS AND STAFF

Minnesota is divided into 10 Judicial Districts. According to the Minnesota Judicial Branch's 2008 Annual Report, there are 315 authorized judgeships, 289 of which are at the District or Trial Court level. The Judicial Branch has 2,890 permanent, full time employee positions authorized. There are 101 hearing facilities in the state.

The Minnesota Judicial Branch is a fully state funded program, with each district managed by a chief judge, an assistant chief judge and a judicial district administrator.

Depending on the size of a county and the volume of cases, there may be county attorneys, public defenders, judges and court staff who specialize in Civil Court, Criminal Court (adults), Delinquency Court (Juveniles), Family Court, Traffic Court, etc. It is also often the case that court calendars, or the list of cases to be heard for the day, are grouped by offender type (adult or juvenile) and by case type (criminal, delinquency, CHIPS, family, traffic). Furthermore, the court calendar may be created based on the stage in the court process such as Detention Hearings, Supervision Violation Hearings, Disposition Hearings, etc.

Certification is a legal process by which a youth over age 14, having committed certain offenses with certain elements present, are either required to be or are referred by the juvenile court to have their case processed in adult court. Sentences determined in adult court for juveniles can include time in an adult jail or prison.

census form is not completed. The courts expressed concern that youth often indicate their ethnicity is Hispanic but do not go on to select a racial category, resulting in missing data.

<sup>p</sup> Minn. Stat. § 260B.173 required the state court administrator to annually prepare aggregate data by judicial district on juvenile delinquency petitions. This report was last completed in 2005 (using 2003 data) and the legislative requirement for the report was repealed in 2007.

<sup>q</sup> See Appendix JC-2 at the end of this chapter for a copy of the Census Form.

# JUVENILE COURTS

## KEY DECISION POINTS AND DATA IMPROVEMENT RECOMMENDATIONS

The following sections highlight the key decision points and the feasibility of collecting statewide data.

### PETITIONS FILED

<p>Decision Point: PETITIONS FILED</p> <ul style="list-style-type: none"> <li>• All</li> <li>• Delinquency</li> </ul>	<p>Juvenile petitions filed with the courts by the county attorney’s office can be delinquency petitions, Children in Need of Protection or Services (CHIPS), or status/petty offenders. When a petition is filed, a court appearance to answer to the allegations contained within is scheduled.</p>
<p>Prioritization: REQUIRED and NEEDED</p>	<p>While data on all types of petitions filed are needed, the number of delinquency petitions specifically is a required data collection point for federal DMC reporting.</p>
<p>Data Collection: FEASIBLE</p>	<p>MNCIS collects information on the type of petition filed. These can be disaggregated by petition type and other demographic and geographic elements.</p> <p>However, race data is not always included on the petitions. Therefore, race data can often be missing.</p>

### PETITIONS FILED: Challenges, Opportunities and Recommendations

(1) While detailed information on juvenile petitions was legislatively required in the past, this is no longer the case. This report was previously posted online and easily accessible to the public. The State Court Administrator’s Office has expressed that with the conversion to MNCIS complete, they can begin to disseminate data beginning with 2008.

(a) It is recommended that the state court administrator annually prepare a report on juvenile petitions filed (delinquency and non-delinquency) by the demographic variables included in this report, and offense level

(b) It is recommended that this report include information on the number and characteristics of youth in the EJJ process, which were not previously included.

(2) The court data race information is often inaccurate or missing. The large percentage of “missing” race data makes the remaining data ineffective for calculating rates and trends.

(a) It is recommended that a method by which race data more consistently arrives at the courts from law enforcement and county attorneys be established to minimize the amount of missing data in the court system.

# JUVENILE COURTS

## WARRANTS FOR FAILURE TO APPEAR

Decision Point: <b>WARRANTS FOR FAILURE TO APPEAR</b>	Youth who do not appear for court as scheduled may receive an additional notice or summons, or may have a warrant issued for their apprehension/detention.
Prioritization: <b>NEEDED</b>	There are many reasons that youth do not appear for court that may not be related to system defiance. Parental transportation, work schedules, and frequent moves and mailing issues are a few factors impacting appearance rates. Understanding for what offenses and demographics secure warrants are issued for failures to appear can help drive court and community interventions that are less costly and result in a lesser deprivation of liberty.
Data Collection: <b>FEASIBLE</b>	MNCIS has a new code for tracking warrants where the SCAO would be able to report the number of warrants issued for first appearances, for subsequent failures to appear, and for probation violations.

### WARRANT FOR FAILURE TO APPEAR: Challenges, Opportunities and Recommendations

(1) Warrants issued for juveniles are key decisions that affect a youth's status within the juvenile justice system.

(a) It is recommended that the SCAO report the number of warrants issued for first appearances, for subsequent failures to appear, and for probation violations by primary demographic and geographic characteristics. These elements have not previously been disseminated. The SCAO would need to investigate the data integrity of these variables.



# JUVENILE COURTS

## CASES RESULTING IN CONTINUED SECURE DETENTION

Decision Point: <b>CASES RESULTING IN CONTINUED SECURE DETENTION</b>	Youth held for continued detention are those who have had a detention hearing within 36 hours of apprehension and are ordered by a judge to remain in secure detention during part or all of their judicial proceedings. This is decision is made by a judge in concert with county prosecutor and other courtroom participants.
Prioritization: <b>NEEDED</b>	While this information is not required by state or federal statute, extracting this information and examining it by race and charge would shed light on how continued detention is used across Minnesota.
Data Collection: <b>FEASIBLE</b>	<p>This information is already being captured statewide by the court's MNCIS system in that they can determine if a youth was remanded to detention as a result of each court appearance.</p> <p>However, it is important to note that additional factors, not captured in the data, affect the decision to use continued detention. These factors can include criminal history but also whether the child has a responsible adult to whom he or she can be released.</p>

### CASES RESULTING IN CONTINUED SECURE DETENTION: Challenges, Opportunities and Recommendations

(1) Information on pre-disposition cases resulting in a continued detention has not been reported in the past.

(a) It is recommended that the SCAO annually collect and report information on continued detention ordered by the courts. It is recommended that this data be disaggregated by offense type, level, and offender demographics.

(2) It is possible that some information on continued detention can be derived from facility admissions data. Please see the chapter on Detention and Residential Facilities for further examination of data availability.

# JUVENILE COURTS

## PLEAS

Decision Point: PLEAS OFFERED <ul style="list-style-type: none"> <li>• <b>Accepted</b></li> <li>• Declined</li> </ul>	A plea is an opportunity for a youth to admit to a lesser charge in lieu of trial on a more serious charge. A plea may be declined if the accused wishes to proceed to trial and have their case proven beyond a reasonable doubt before a judge.
Prioritization: <b>NEEDED</b>	The offering of a plea is a discretionary point made by county attorneys and decided upon by the court. This information would clarify who receives a plea opportunity and consequently a less serious criminal history. It may also provide information on the quality of arrests made, if charges are routinely reduced by county attorneys.
Data Collection: FEASIBLE	It is believed that the new MNCIS system has a record of pleas accepted that can be queried. MNCIS would <i>not</i> have a record of pleas offered or pleas rejected. This information may be kept by county attorneys in their individual case records or notes, but there is no central repository for this information. Any other information related to plea offers would be formidable to collect.

### PLEAS: Challenges, Opportunities and Recommendations

(1) The discretionary plea bargain decision has not been explored in the past. Court data is the best available data source for plea information.

(a) It is recommended that the SCAO investigates their ability to report accurately on the number of pleas accepted by offense type, level and offender demographics. If the data are deemed reliable, annually disseminate plea information.

# JUVENILE COURTS

## CASES DISPOSED

<p>Decision Point: <b>CASES DISPOSED</b></p> <ul style="list-style-type: none"> <li>• <b>Dismissal</b></li> <li>• <b>Continued for dismissal</b></li> <li>• <b>Continuance (“stay”) without adjudication</b></li> <li>• <b>Diversion Program</b></li> <li>• <b>Delinquent findings (Delinquency and EJJ)</b></li> <li>• <b>EJJ</b></li> <li>• <b>Certified to adult court</b></li> <li>• <b>Case closed or termination of jurisdiction</b></li> </ul>	<p>A disposition is the final legal outcome of a petition. This category refers to a number of potential case outcomes. A case can be dismissed (finding of not guilty); youth can be offered a “continuance for dismissal” where they are afforded an opportunity to have no offense on their record in exchange for a 6 month period of no new offenses; youth may be found guilty but the legal adjudication may be continued for 6 months (stay); a case may result in an adjudication (finding of guilt); or a case may be certified to criminal (adult) court. A case may also be closed or the court may terminate their jurisdiction.</p>
<p>Prioritization: <b>REQUIRED</b> and <b>NEEDED</b></p>	<p>Two of the dispositions above are <b>required</b> federal data collection points: number of delinquency petitions resulting in delinquent findings and number of petitions resulting in adult certification are required for federal DMC reporting. Formal diversions are <b>required</b> to be tracked under Minnesota Statute.</p> <p>While the other dispositions are not required, information on all the dispositions are <b>needed</b> for a complete picture of the results of the petitions filed. Continuances for dismissal and stays of adjudication are key opportunities for youth to exit the judicial system with fewer collateral consequences than an adjudication on their record.</p>
<p>Data Collection: <b>FEASIBLE</b></p>	<p>Information on cases disposed is already captured statewide by the court’s MNCIS system and is accessible.</p> <p>Again, race data is not always included on the petitions. Therefore, race data can often be missing.</p>

### CASES DISPOSED: Challenges, Opportunities and Recommendations

(1) The disposition categories listed above that were previously reported by the SCAO are largely sufficient for reporting requirements; however, “continuances without adjudication” were grouped together with other diversion opportunities. Continuances without adjudication require a judicial finding of guilt whereas the other diversion options are offered pre-plea or pre-adjudicatory hearing.

(a) It is recommended that diversions, continuances for dismissal, and continuances without adjudication be reported to ensure that there is equitable application of these dispositions for youth of different demographic and geographic characteristics. This will also provide information on whether these are an effective diversion tool and which youth are most successful in remaining law abiding.

# JUVENILE COURTS

## COURT SANCTIONS: PROBATION and OUT-OF-HOME PLACEMENTS

<p>Decision Point: <b>COURT SANCTIONS</b></p> <ul style="list-style-type: none"> <li>• Probation</li> <li>• Out of Home Placement             <ul style="list-style-type: none"> <li>○ Secure</li> <li>○ Non-secure</li> </ul> </li> </ul>	<p>When a youth enters a plea of guilty or been found guilty by a judge, the judge may order probation supervision and/or placement in a residential facility. Some of these dispositions are only available to certain offense levels in statute. Also, depending on the severity of the offense and the risk level of the offender, placement may be secure or non-secure.</p>
<p>Prioritization: <b>REQUIRED</b> and <b>NEEDED</b></p>	<p>The number of youth admitted to secure residential facilities is <b>required</b> by both DMC reporting and Compliance Monitoring which ensures that secure facilities are being used appropriately for juveniles. Secure placements, however, are only part of the equation. To understand the practice of out-of-home placements, one must collect information all out-of-home placements.</p> <p>Youth ordered to probation supervision is also a required data point for federal DMC reporting. This will be covered in greater detail in the next chapter on Juvenile Probation.</p>
<p>Data Collection: <b>FEASIBLE</b> to <b>MODERATE</b></p>	<p>The SCAO tracks if out-of-home placements are court-ordered as a part of the disposition and if youth are court ordered to probation supervision. These two data elements are feasible to obtain. While MNCIS administrators believe that the type of placement (secure or non-secure) is coded in their system, the specific data query has not yet been attempted. It is currently unknown if this data element is in use or if it is accurate.</p>

### PROBATION and OUT-OF-HOME PLACEMENTS: Challenges, Opportunities and Recommendations

(1) Historically, the SCAO published information regarding both probation supervision and out-of-home placement. The placement data, however, were not clearly separated by secure or non-secure placements.

- (a) It is recommended that the SCAO report and define dispositional placements in clear terms and in greater detail such that the type of facility is clearly understood.
- (b) If possible, report on the number of secure placements annually as a result of disposition by offense type, level and demographic variables.
- (c) Report on sanctions as a product of EJJ dispositions.

(2) Information about youth admitted to secure placements can also be derived from juvenile facility admission records. Please see the chapter on Detention and Correctional Facilities for further information about data availability from this source.

(3) Information about youth on probation can also be derived from cases initiated by county probation providers. Please see the chapter on Juvenile Probation for further information about the data availability from this source.

# JUVENILE COURTS

## ***JUVENILE COURT SUMMARY***

(1) Many data required around juvenile court processes and outcomes can be filled with the new MNCIS case management system, which operates statewide. It is recommended that the SCAO report summary data on the decision points collected in MNCIS and publish this report annually. The SCAO could improve its data reporting by including more detailed information on EJJ and certification procedures; orders for continued detention and secure placements, and warrants issued for youth by key offense and demographic variables.

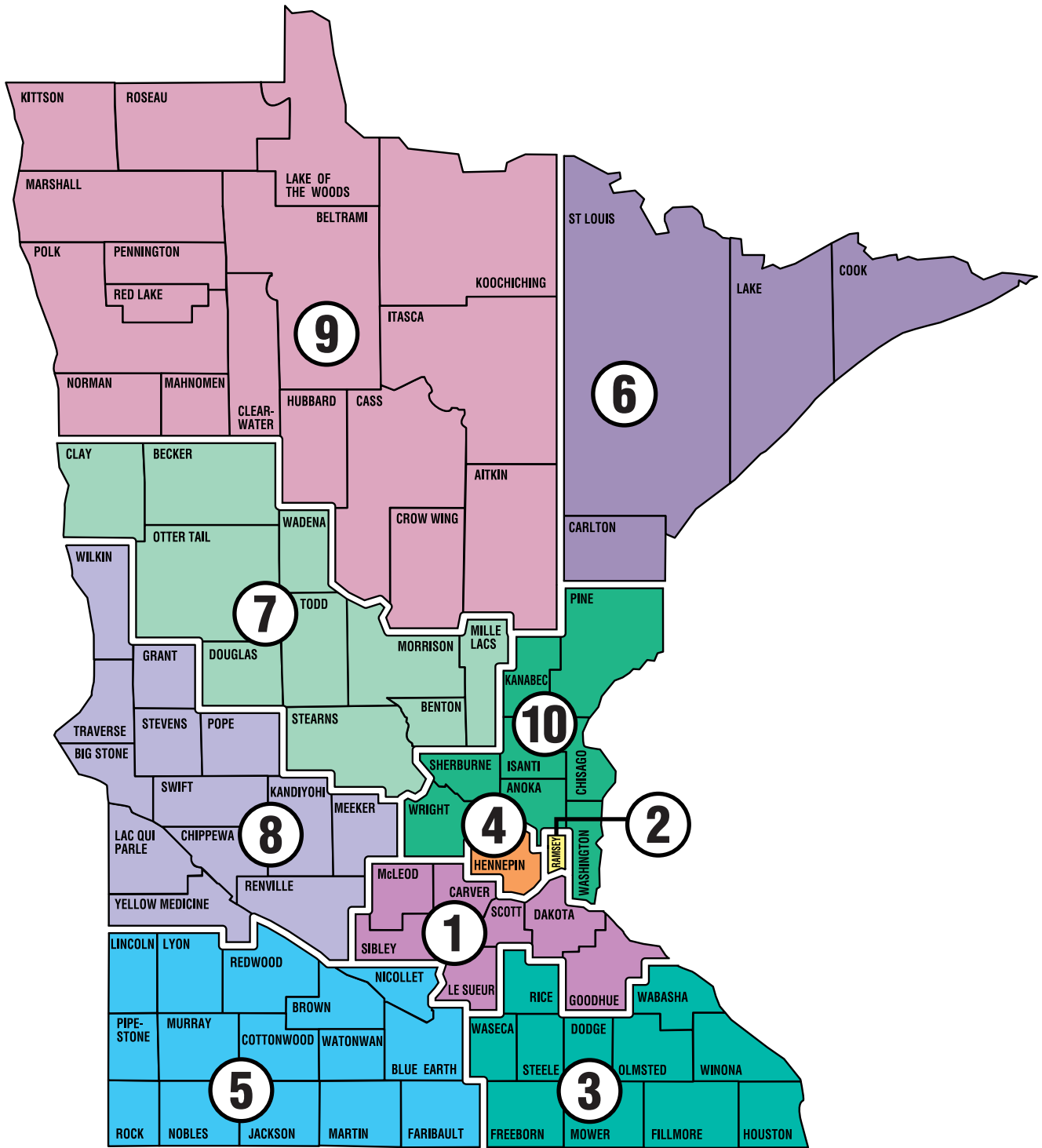
(2) While race and ethnicity data is supposed to accompany a petition, it is often the case that information comes to the courts missing this information. As such, courts enter the data they receive and supplement information with the Race Census Form provided at the first court appearance. The census form is the primary source used, followed by the petition source. If race and ethnicity were required data elements provided to county attorneys by law enforcement, more of this data could be forwarded to the courts thus alleviating large percentages of “missing” data at the court level. The Race Census Form should continue to be used as a best practice in self report race and ethnicity data collection.

# JUVENILE COURTS

		Current Statewide Data Availability			
Statewide Data Priority	<p><b>Decision Point Priority Analysis:</b></p> <p><b>Juvenile Courts</b></p>	<ul style="list-style-type: none"> <li>* State is already collecting data in whole or in part.</li> <li>* Centralized data system exists to manage data.</li> <li>* Majority of systems are participating/submitting.</li> <li>* Minimal changes to systems or practices needed.</li> <li>* Agency responsible for collection/ analysis/ dissemination identified.</li> <li>* Shared understanding of definitions.</li> <li>* Lowest cost.</li> <li>* Lowest burden on stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>* May exist in state statute but enforcement required.</li> <li>* May require modification of current statute.</li> <li>* Current data systems could handle data with modest changes or additions</li> <li>* Some changes required in stakeholder practices.</li> <li>* Data may be available at the county or regional level, but not state level</li> <li>* Moderate costs to data improvement.</li> <li>* Moderate burden on stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>* No statewide statute or rules in place.</li> <li>* New statute or rule would be required.</li> <li>* No statewide data collection infrastructure.</li> <li>* No entity clearly responsible for collection or dissemination.</li> <li>* Extensive change to practices/policies required.</li> <li>* Costly additions to systems or training.</li> <li>* Ambiguous data definitions.</li> <li>* Few/no systems participating.</li> <li>* Data available at agency level.</li> <li>* High burden on stakeholders.</li> </ul>	
	<ul style="list-style-type: none"> <li>* Data collection is required of states by federal law.</li> <li>* Data collection is connected to federal \$ to MN.</li> <li>* Data collection is required by MN Statute or Rules.</li> </ul>	<p><b>Required</b></p> <p>Total Delinquency Petitions Filed in Court</p> <p>Total Delinquency Cases Disposed by Delinquent Findings</p> <p>Total Delinquency Cases Disposed by Transfer to Adult Court</p>	<p><b>Feasible</b></p>	<p><b>Moderate</b></p> <p>Total cases resulting in secure, out-of-home placement.</p>	<p><b>Formidable</b></p>
	<ul style="list-style-type: none"> <li>* Data in this area are related to known risk-factors related to future delinquency.</li> <li>* These decision points result in collateral consequences for youth.</li> <li>* Data at these points support targeted intervention strategies.</li> <li>* Data are useful to procuring state or federal grant money.</li> <li>* Data may be generalizable to entire youth population.</li> </ul>	<p><b>Needed</b></p> <p>Total Warrants for Failure to Appear</p> <p>Total Cases Resulting in Continued Secure Detention</p> <p>Total Pleas Accepted</p> <p>Total Cases Disposed and All Cases outcomes: Dismissed, Continued for Dismissal, Continuance of Adjudication, Cases Closed, Delinquent Findings, EJJ.</p> <p>Total cases resulting in out-of-home placements</p>	<p><b>Feasible</b></p>	<p><b>Moderate</b></p> <p>Total cases resulting in non-secure, out-of-home placement</p>	<p><b>Formidable</b></p>
	<ul style="list-style-type: none"> <li>* Data at this level inform the effectiveness of individual programs, interventions or risk assessment tools.</li> <li>* Data at this level are useful to individual agencies or regions in targeting specific at risk populations.</li> <li>* Data at this level are important to securing local or regional support, partners or funding.</li> <li>* Data reflect the actions of individuals or agencies but are not applied consistently system-wide.</li> <li>* Data may not be generalizable to the majority of youth in the system.</li> </ul>	<p><b>Informative</b></p>	<p><b>Feasible</b></p>	<p><b>Moderate</b></p>	<p><b>Formidable</b></p> <p>Pleas Declined</p>

# JUVENILE COURTS

Appendix JC-1: MINNESOTA JUDICIAL DISTRICTS MAP<sup>47</sup>



# JUVENILE COURTS

## Appendix JC-2: CENSUS FORM<sup>48</sup>

The Minnesota Courts are collecting information on all people who appear in criminal, traffic and juvenile cases. Collecting this information will help the Court ensure that everyone is treated fairly and equally, regardless of his/her race or ethnicity.

Please answer both questions 1 and 2 below.

(1) What is your race?

Mark an X by one or more races to indicate what race you consider yourself to be.

- (I). American Indian or Alaska Native
- (A). Asian
- (B). Black or African American
- (H). Native Hawaiian or Other Pacific Islander
- (W). White
- (O). Other:

(2) Are you Hispanic or Latino?

Mark the "NO" box if not Hispanic or Latino

- (N). NO, Not Hispanic or Latino
- (Y). YES, Hispanic or Latino

Have you answered both questions?  
For definitions see the back of this form.



# JUVENILE COURTS

## **DEFINITIONS:**

### Race Categories:\*

**American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Hmong, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American:** A person having origins in any of the black racial groups of Africa, for example Somalia. Terms such as “Haitian” can be used in addition to “Black or African American.”

**Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White:** A person having origins in any of the original peoples of Europe, the Middle East, North Africa, or Mexico.

### Ethnicity:\*

**Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, “Spanish origin,” can be used in addition to “Hispanic or Latino.”

\* The United States Census Bureau has established these Race and Ethnicity categories

# JUVENILE PROBATION

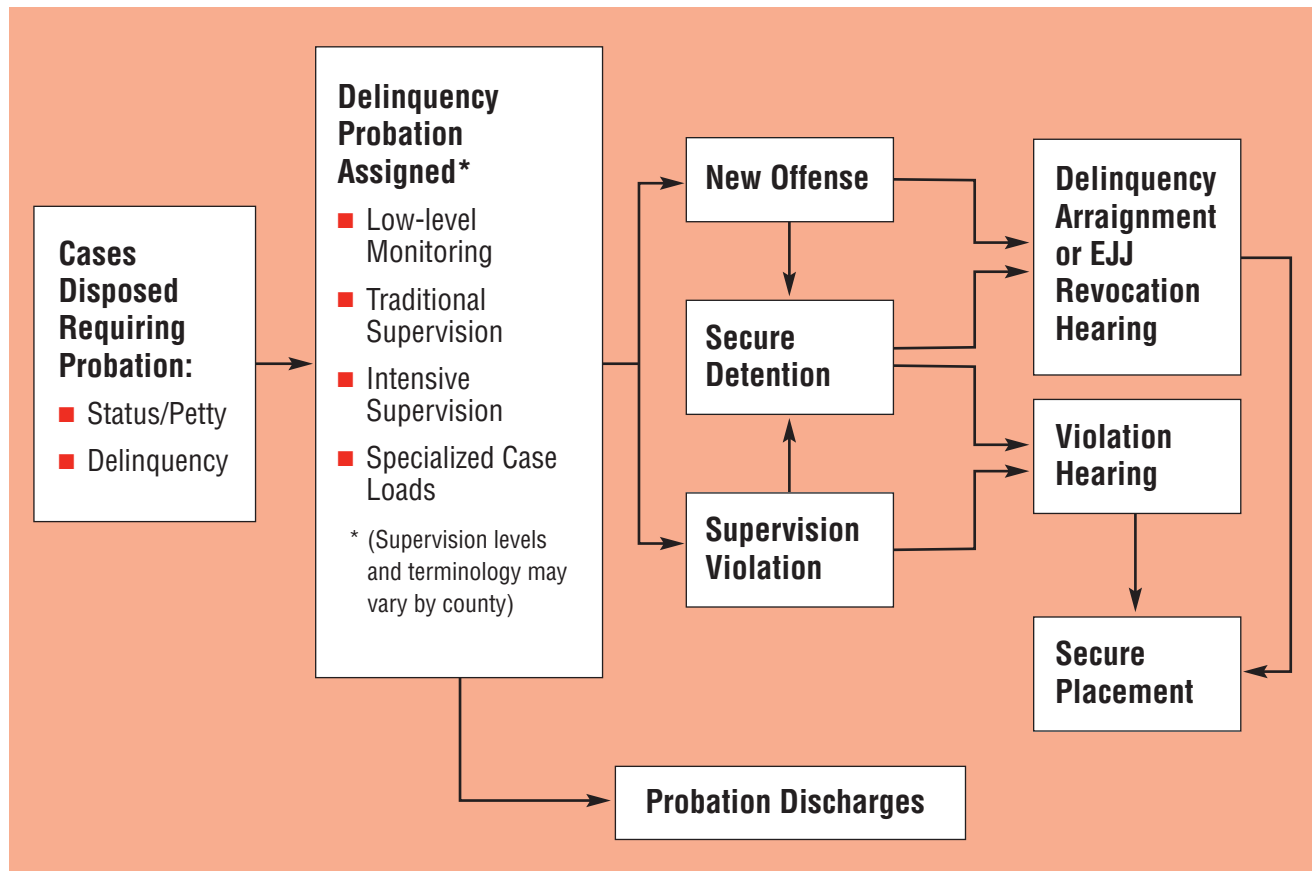
Youth who are involved in the juvenile court may be placed on probation by a judge. The county's probation provider is often consulted pre-disposition to determine if probation is appropriate. Probation officers monitor youth's behavior in the community and ensure that court ordered conditions are being met. Conditions often include the payment of restitution or fines, completing community work service, completing chemical or mental health evaluations and treatment, attending cognitive-behavioral programs and attending school. Sometimes youth are placed in secure or non-secure residential programs as a part of their disposition. Probation officers work with youth in all phases of the supervision process.

Probation is key to the juvenile justice system in that it is intended to be the final stage. Ideally, a youth will complete his or her probation conditions and be discharged by a judge. However, youth must not only remain law abiding while on probation but also regulate many behaviors with which they may not have

previously been successful such as staying sober and attending school. Probation officers have the discretion to bring to the court's attention violations of a youth's probation conditions. Violations such as these can be called probation violations, technical violations, or supervision violations. Probation officers have a significant voice in recommending what the consequences for violations should be, including the use of secure detention and placement.

If a youth commits a new offense while on probation, charges can be forwarded to the county attorney at which time the judicial process begins again. At times, law enforcement officers inform a youth's probation officer of new low-level charges and allow the probation officer the opportunity to address the issue with the youth rather than filing a new charge in juvenile court. For youth on Extended Juvenile Jurisdiction probation, new charges can initiate the EJJ revocation process, which can result in the imposition of their adult sentence.

## GENERAL DECISION POINT OVERVIEW



# JUVENILE PROBATION

## **RANGE OF DECISION POINTS DISCUSSED and KEY DATA POINTS IDENTIFIED**

The range of decision points afforded probation officers in Minnesota begins when a youth is court-ordered to community supervision and ends when youth: are discharged by the court; complete their probation conditions; a mandatory length of probation expires; and/or a youth ages out of the juvenile court's jurisdiction.

The Work Group identified the range of key judicial decision points and identified those that most affect youths' status in the system.

- Those identified as **required decision points** for statewide data collection by federal law or state statute are **highlighted in green shade**;
- Those identified as **necessary decision points** for statewide data collection to better understand youths' flow through the system and their status within, are listed in **bold**.
- Those identified as *informative decision points* are listed in italics and are not recommended for state level data collection.
- Per the language of the Feasibility Study statute, the Work Group was to explore if these data could or should be collected with the following data elements: age, gender, race, ethnicity, type of offense, county of offense and county of residence.
- The current availability of **required** and **needed** data points will follow a brief review of state-level data collection requirements and data collection systems.

	Decision Point	Data Point
1.	Court disposition of probation supervision/Probation intake	<b>TOTAL YOUTH ASSIGNED TO PROBATION:</b> <ul style="list-style-type: none"> <li>• All cases</li> <li>• <b>Delinquency cases</b></li> </ul>
2.	Decision to assign a supervision level <ul style="list-style-type: none"> <li>• Status/Petty Offender</li> <li>• Delinquency Offender</li> </ul>	<i>TOTAL DELINQUENCY PROBATION INTAKES BY SUPERVISION LEVEL:*</i> <ul style="list-style-type: none"> <li>• <i>Monitoring</i></li> <li>• <i>Traditional Probation</i></li> <li>• <i>Intensive Supervision</i></li> <li>• <i>Specialized Case Loads</i></li> </ul> <i>*(Supervision levels and terminology may vary by county)</i>
3.	Decision to file a probation violation	<b>TOTAL PROBATION VIOLATION HEARINGS IN JUVENILE COURT</b>
4.	Decision to securely detain on a probation violation	<b>TOTAL SECURE DETENTION ADMISSIONS FOR PROBATION VIOLATIONS</b> (subset of a mandatory data point: <b>secure detention admissions</b> )
5.	Decision to recommend placement for a probation violation	<i>TOTAL PLACEMENTS FOR PROBATION VIOLATIONS:</i> <ul style="list-style-type: none"> <li>• <i>Non-secure placement orders &amp; admissions</i></li> <li>• <b>Secure placements orders &amp; admissions</b></li> </ul> (Subset of a mandatory data point: <b>secure residential admissions</b> )
6.	Decision to revoke EJJ status/impose adult sentence	<b>TOTAL EJJ REVOCATIONS</b>
7.	Decision to recommend discharge from probation	<b>TOTAL PROBATION SUPERVISION DISCHARGES</b> <ul style="list-style-type: none"> <li>• Delinquency</li> <li>• Non-Delinquency</li> </ul>

# JUVENILE PROBATION

## **LOCAL AND STATEWIDE DATA COLLECTION**

With the exception of Hennepin County, all other 86 Minnesota county probation departments use the Court Services Tracking System (CSTS) as their records management system.

The CSTS system was developed and maintained by the Corrections User Group, which is managed by the Minnesota Counties Computer Cooperative (MCCC). MCCC is a joint powers organization providing services, software, and other cost-effective measures to substantially reduce the cost of data processing for counties. The Corrections User Group is MCCC's largest user group working with all 87 Minnesota counties either directly or through agencies and the Department of Corrections. Strategic Technologies, Inc. is the vendor who holds the maintenance and support contract for CSTS.

Information from individual counties is uploaded to a statewide repository, the Statewide Supervision System (S<sup>3</sup>) maintained by the Department of Corrections. This secure, centralized database contains not only probation information but also data on persons in jail, prisons or detention facilities.

Hennepin County uses the MAIn system which now feeds to S<sup>3</sup>. As such, S<sup>3</sup> will be the source for statewide probation data for all 87 counties in the future.

Minnesota Statutes section 241.065 calls for the DOC to establish, administer and maintain “a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections.” It is the task for the DOC to “adopt procedures to provide for the orderly collection, entry, retrieval, and deletion of data contained in the statewide supervision system.”

## **AGENCIES and EMPLOYEES**

There are three probation delivery systems in Minnesota. The modality selected by each county influences how services are paid for and how probation staff are appointed. The following describe each system's role as it relates to *juvenile* offenders:

- (1) *Department of Corrections (DOC)*: In counties with the DOC system, all probation services to a county are provided by DOC field agents who are employees of the state.
- (2) *County Probation Office (CPO)*: In the CPO system, probation officers serve at the pleasure of the Chief Judge in the county. All offenders are supervised by a county probation officer with the exception of adult felony offenders who are supervised by DOC agents.
- (3) *Community Corrections Act (CCA)*: In CCA counties, all probation officers are employees of the county and they provide all the correctional services for their county or region. Large metro counties or small groups of counties with a combined population of 30,000 or more are eligible to be CCA counties. The DOC does not have a supervisory role of offenders in CCA counties.

Currently, 28 counties use the DOC system, 27 are CPO counties, and 32 are CCA counties. (See Appendix JP 1 following this chapter for references and delivery system map)

There is no state level information on the number of employees in probation in Minnesota. The Department of Corrections maintains a *Community Services Directory* of field services, probation and community corrections employees in the state, but because posting is voluntary, the DOC feels it is an inaccurate reflection of employees in the state.

Information on probation employees must come directly from county departments.

# JUVENILE PROBATION

Minnesota Statutes section 260B.171 allows the juvenile court to forward the following data in juvenile petitions for individuals under supervision by probation agencies or in an out-of-home placement to S<sup>3</sup>:

- (1) name, address, birth date, race, and gender of the juvenile, including any of the juvenile's known aliases or street names;
- (2) act for which the juvenile was petitioned and date of offense;
- (3) date and county where the petition was filed;
- (4) county, date of court action, and court file number of any adjudication or continuance;
- (5) case disposition, including any conditions of supervision; and
- (6) discharge or closing date and reason for the case under supervision.

## **Note about race data in CSTS, MAin & S<sup>3</sup>**

While individual probation agencies have the flexibility to enter the racial categories that are useful and meaningful for their agency, the different racial categories, when uploaded to the S<sup>3</sup> are collapsed into categories that are consistent with the racial categories used by the BCA and MNCIS (White, Black Asian/Pacific Islander, American Indian/Native Alaskan). There is an "Unknown" race category. The actual race data in local systems may come from another source until a probation officer or intake worker meets with a youth. Hispanic is recorded as an ethnicity. Data is based off of youth self-report.<sup>49</sup>

# JUVENILE PROBATION

## **KEY DECISION POINTS AND DATA IMPROVEMENT RECOMMENDATIONS**

The following sections highlight the key decision points and the feasibility of collecting statewide data.

### **PROBATION DISPOSITION/INTAKE**

Decision Point: <b>PROBATION DISPOSITION/INTAKE</b> Intake <ul style="list-style-type: none"><li>• <b>All Cases</b></li><li>• <b>Delinquency Cases</b></li></ul>	Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition. Youth may be placed on probation for a delinquency matter or may be on probation for a status/petty level offense. Following a court order for supervision, the county probation provider typically completes an “intake” process where a case file is created or completed.
Prioritization: <b>REQUIRED</b> and <b>NEEDED</b>	DMC reporting requires data on the total number of juvenile delinquency probationers statewide by race and ethnicity. The DOC also completes an annual Probation Survey in order to comply with federal reporting requirements by the Bureau of Justice Statistics. The DOC report excludes probationers for CHIPS matters.
Data Collection: <b>FEASIBLE</b>	There are two data sources for this information: MNCIS disposition codes, and CSTS and MAin cases initiated. Theoretically, the number of probation dispositions and probation cases initiated should be very similar. The DOC currently provides probation data to OJP annually to fulfill federal reporting requirements.

# JUVENILE PROBATION

## PROBATION DISPOSITION/INTAKE: Challenges, Opportunities and Recommendations

- (1) The Probation Survey report published by the DOC lists adult offenders by supervision level (M, GM, F) but does not do so for juveniles — all juvenile probationers are listed together.
  - (a) It is recommended that the DOC investigate their ability to report on juvenile probationers disaggregated by offense level including petty misdemeanors and juvenile status offenders.
  - (b) There is also a code in CSTS that captures a juvenile's disposition status as: Delinquent, Traffic, Continuance, EJJ, CHIPS, or Status/Petty Offender. It is recommended that the Probation Report also disaggregate and report on those juveniles specifically under supervision for a delinquency matter, EJJ and continuance. This will allow for an examination of data as subsets of juvenile delinquency petitions.
- (2) S<sup>3</sup> has adopted uniform race and ethnicity codes but there are both an "Unknown" and an "Other Race" category used for probation reporting. While these categories are needed within the system for a variety of reasons, their use makes it difficult to examine probationers by race as a subset of cases disposed by race.
  - (a) It is recommended that Minnesota adopt a uniform race and ethnicity data collection categories as it relates to the juvenile justice system.
- (3) CSTS utilizes Minnesota Offense Code (MOC) categories which match the required Probation Survey categories but do not match the federal Uniform Crime Report arrest categories. As such, an arrest may occur in one category but probation may fall in other. It is also often the case that the greatest number of juvenile offenders falls in the MOC category: "Status/Federal/Miscellaneous." Within this category are: Habitual Truant, Petty Offender, Use of Tobacco, Curfew, Runaway, Incurable Juvenile, Alcohol Offender under age 18, and Juvenile Controlled Substance.
  - (a) It is recommended that the DOC report subsets of the Status/Federal/Miscellaneous category to better illuminate the offenses for which juveniles are on probation in Minnesota. All status offenses can be reported together using the M7000 code in CSTS, or using reserved codes for Truancy, Runaway, Tobacco, Curfew and Alcohol.

# JUVENILE PROBATION

## PROBATION VIOLATIONS FILED

Decision Point: <b>PROBATION VIOLATIONS FILED</b>	A technical violation is when a youth fails to comply with one or more court-ordered conditions but has not committed a new offense. Violations can be filed for failures to attend school, court-ordered programs, or community service. Failed drug or alcohol screens are another common violation. A probation officer must be able to articulate probable cause that a youth violated their probation conditions to the court. Low-level offenses can also be handled by a probation officer as a violation rather than as a new charge.
Prioritization: <b>NEEDED</b>	The decision to recommend a violation with the juvenile court on the part of a probation officer is a discretionary one. A Probation Officer can choose to handle the aforementioned behaviors with a variety of responses that do not involve court. Probation officers also vary in the number of “chances” or interventions they will try before filing a violation. Not unlike law enforcement officers, probation officer discretion can keep many youth out of the system, but it can also funnel some offenders in.  Data collection at this phase is needed to ensure that demographic variables are not a contributing factor to formal technical violations.
Data Collection: <b>FEASIBLE</b>	The MNCIS court system has an event code for tracking probation violation hearings. While this event code has not been analyzed for accuracy as of yet, it is in use to capture this decision point.

### VIOLATIONS FILED: Challenges, Opportunities and Recommendations

(1) Data on juvenile technical violations have not been reported in the past. Because of this, it is unknown whether the probation violation hearing event code is being used properly and consistently. If so, it would prove a relatively easy way to better understand technical violations for juveniles.

- (a) It is recommended that the SCAO attempt a preliminary analysis of the use of the violation hearing event code. If this event code is of good quality, it is recommended that the information be published annually and disaggregated by the primary demographics examined in this report.
- (b) If the data are not of a good quality, it is recommended that the courts direct the use of this hearing code in the future and provide support to district courts as needed to track violation hearings and outcomes.



# JUVENILE PROBATION

## VIOLATIONS WITH SECURE DETENTION/PLACEMENT

Decision Point: <b>YOUTH SECURELY DETAINED OR PLACED IN RESPONSE TO A PROBATION VIOLATION</b>	This category includes youth held in secure detention prior to a technical violation hearing. It also includes youth placed securely as an outcome of their violation hearing. Secure detention and placement for violation hearings are a subset of all secure placements, which is required data point under the JJDPA.
Prioritization: <b>NEEDED</b>	This is not a required data subset, but can illuminate discretionary behavior by probation officers that can significantly impact personal liberty before a violation hearing, and the decisions by judges to securely detain youth in response to probation violations.
Data Collection: <b>MODERATE</b>	<p>Data on youth placed in secure detention prior to a violation hearing is maintained by juvenile correctional facilities and is discussed more fully in that chapter. It may be difficult to determine the reasons for the youth hold (new offense hold vs. violation hold).</p> <p>The MNCIS system has a disposition code that tracks if a youth is securely placed as an outcome of a court appearance. This may be able to be connected to the Probation Hearing code as one way to determine if the outcome of a technical violation is a placement.</p>

### VIOLATIONS WITH SECURE DETENTION/ PLACEMENT: Challenges, Opportunities and Recommendations

(1) While understanding the total number of youth held securely is a federal data requirement, examining the specific reasons for the placement is not. However, knowing this information is important into fully examining Minnesota's juvenile justice system. It is unclear whether the SCAO can examine if a secure placement is an outcome of a technical violation hearing.

(a) It is recommended that SCAO examine this issue more closely. If this data is useful and easily accessed, it is recommended that this information be published annually. For more information, please see the Juvenile Court chapter of this report.

# JUVENILE PROBATION

## EXTENDED JUVENILE JURISDICTION REVOCATIONS

Decision Point: <b>EJJ REVOCATIONS</b>	Youth with EJJ dispositions are typically placed on probation. If a youth has repeated technical violations or a new offense, EJJ can be revoked and an adult sentence imposed.
Prioritization: <b>NEEDED</b>	EJJ, while a step up in severity from a typical delinquency offense, is also a diversion from an adult certification. Youth who are up for adult certification may receive EJJ instead. Because EJJ is a key diversion opportunity affecting a youth's status in the system, the outcomes of EJJ probation, including revocations, must be analyzed for consistent use and application.
Data Collection: <b>MODERATE</b>	Two potential data sources exist: MNCIS hearing types and event codes, and the Minnesota Sentencing Guidelines Commission, which would have information on adult sentences imposed. This information is available from the MSGC upon request.

### EXTENDED JUVENILE JURISDICTION REVOCATIONS: Challenges, Opportunities and Recommendations

- (1) Because an EJJ revocation leads to the imposition of an adult sentence, the MSGC has information on the number of youth revoked. This information is currently available upon request.

- (a) It is recommended that this information is published annually by the primary demographic characteristics identified in this report.
- (b) In the event the courts have this information, it is recommended that revocations be included in an annual juvenile petition report.

## PROBATION DISCHARGES

Decision Point: <b>PROBATION DISCHARGES</b>	Persons who are discharged from probation are those who have completed their court ordered conditions; who have had a mandatory probation period expire; or have aged out of the juvenile court's jurisdiction. The aging out process can be at a different age for different types of offenders. Youth can also have probation closed when they move out of the county or the state.
Prioritization: <b>NEEDED</b>	As the final stage of the juvenile justice process, it is important to know what youth are successful on probation and which are not. This informs whether services are well implemented and if gender or culturally responsive interventions are required.
Data Collection: <b>MODERATE</b>	S <sup>3</sup> captures probation data for 86 of 87 counties. Data from Hennepin County must be provided from Hennepin directly and cannot be queried as a database by the DOC. Soon Hennepin County data will be available in S <sup>3</sup> .

### PROBATION DISCHARGES: Challenges, Opportunities and Recommendations

- (1) The DOC Probation Survey provides an aggregate number of cases removed from the probation caseload in the reporting year for adults and juveniles. Codes within CSTS explain the reason for a case is closed/discharged.

- (a) It is recommended that the DOC report the number of youth discharged from probation in a given calendar year by race, gender, offense, supervision county, and close reason.

# JUVENILE PROBATION

## ***PROBATION SUMMARY***

- (1) Probation data is statewide in S<sup>3</sup> maintained by the DOC with the exception of Hennepin County, the state's largest juvenile probation provider. Any recommendations for data collection and reporting in the statewide system would also have to be extracted from Hennepin County's data separately. Any recommended changes to the S<sup>3</sup> system would also require changes to Hennepin County's database.
- (2) It would be beneficial to understanding youth on probation to have more information extracted from S<sup>3</sup> about juvenile probationers. Codes

within S<sup>3</sup> provide demographic information and offense level information about youth on probation and could provide greater detail on the offenses for which probation is ordered (especially for status level offenses). These data are already reported but would need to be analyzed and disseminated.

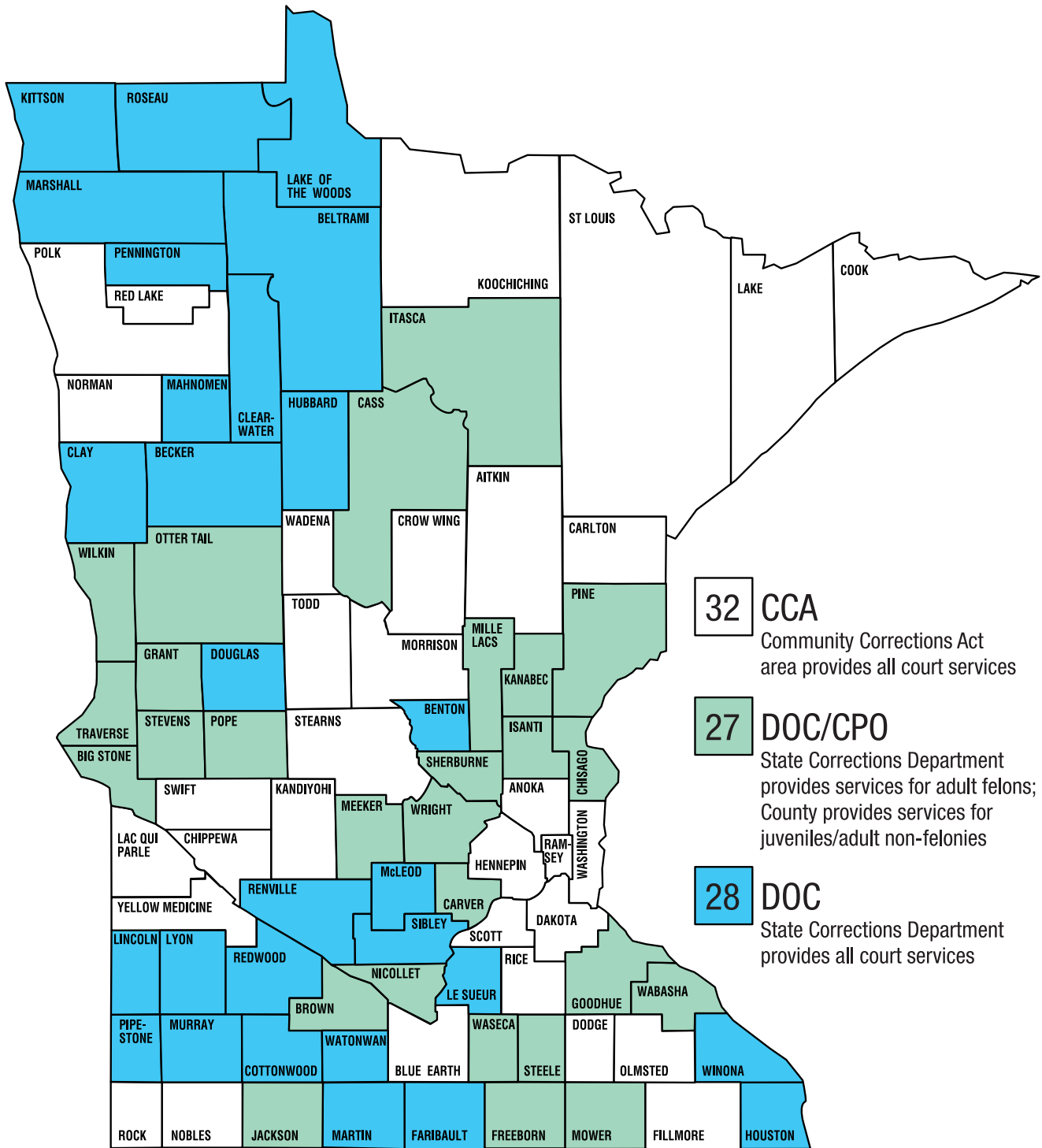
- (3) The discretionary actions of probation officers as it relates to recommending probation violations, EJJ revocations, and placing youth out of the home are largely collected statewide in court data and facility data, rather than in probation data.

# JUVENILE PROBATION

		Current Statewide Data Availability			
<p><b>Decision Point Priority Analysis:</b></p> <p><b>Juvenile Probation</b></p>		<ul style="list-style-type: none"> <li>* State is already collecting data in whole or in part.</li> <li>* Centralized data system exists to manage data.</li> <li>* Majority of systems are participating/submitting.</li> <li>* Minimal changes to systems or practices needed.</li> <li>* Agency responsible for collection/analysis/ dissemination identified.</li> <li>* Shared understanding of definitions.</li> <li>* Lowest cost.</li> <li>* Lowest burden on stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>* No statewide statute or rules in place.</li> <li>* New statute or rule would be required.</li> <li>* No statewide data collection infrastructure.</li> <li>* No entity clearly responsible for collection or dissemination.</li> <li>* Extensive change to practices/policies required.</li> <li>* Costly additions to systems or training.</li> <li>* Ambiguous data definitions.</li> <li>* Few/no systems participating.</li> <li>* Data available at agency level.</li> <li>* High burden on stakeholders.</li> </ul>		
		<p><b>Feasible</b></p> <p>Total Number of Youth on Court Ordered Probation for Delinquency Cases</p>	<p><b>Moderate</b></p>	<p><b>Formidable</b></p>	
		<p><b>Required</b></p> <ul style="list-style-type: none"> <li>* Data collection is required of states by federal law.</li> <li>* Data collection is connected to federal \$ to MN.</li> <li>* Data collection is required by MN Statute or Rules.</li> </ul>			
	<p><b>Statewide Data Priority</b></p> <ul style="list-style-type: none"> <li>* Data in this area are related to known risk-factors related to future delinquency.</li> <li>* These decision points result in collateral consequences for youth.</li> <li>* Data at these points support targeted intervention strategies.</li> <li>* Data are useful to procuring state or federal grant money.</li> <li>* Data may be generalizable to entire youth population.</li> <li>* Data at this level inform the effectiveness of individual programs, interventions or risk assessment tools.</li> <li>* Data at this level are useful to individual agencies or regions in targeting specific at risk populations.</li> <li>* Data at this level are important to securing local or regional support, partners or funding.</li> <li>* Data reflect the actions of individuals or agencies but are not applied consistently system-wide.</li> <li>* Data may not be generalizable to the majority of youth in the system.</li> </ul>	<p><b>Needed</b></p> <p><b>Total Number of Youth on Court Ordered Probation (All Cases)</b></p> <p><b>Total Probation Violations Filed</b></p>	<p><b>Total EJJ Revocations</b></p> <p><b>Total Probation Discharges</b></p> <ul style="list-style-type: none"> <li>• Delinquency</li> <li>• Non-Delinquency</li> </ul> <p><b>Total Violations Resulting in Secure Detention/Placement</b></p>	<p><b>Level of Supervision Assigned:</b></p> <ul style="list-style-type: none"> <li>Monitoring</li> <li>Traditional</li> <li>Intensive Supervision</li> <li>Specialized Case Loads</li> </ul> <p><b>Total Violations Resulting in Non-Secure Detention/Placement</b></p>	

# JUVENILE PROBATION

## Appendix JP-1 MINNESOTA CORRECTIONAL DELIVERY SYSTEMS<sup>50</sup>



# DETENTION AND RESIDENTIAL FACILITIES

Correctional facilities provide two primary services for juvenile justice system divisions: 1) detention of youth following arrest or pending court disposition, and 2) residential correctional placement and treatment for youth who have been adjudicated by a judge. While juvenile facilities handle the bulk of youth admissions in Minnesota, some county jails and police lock-ups intended for adult inmates can admit youth on a short-term detention only basis pending transfer to a juvenile facility or a court appearance.

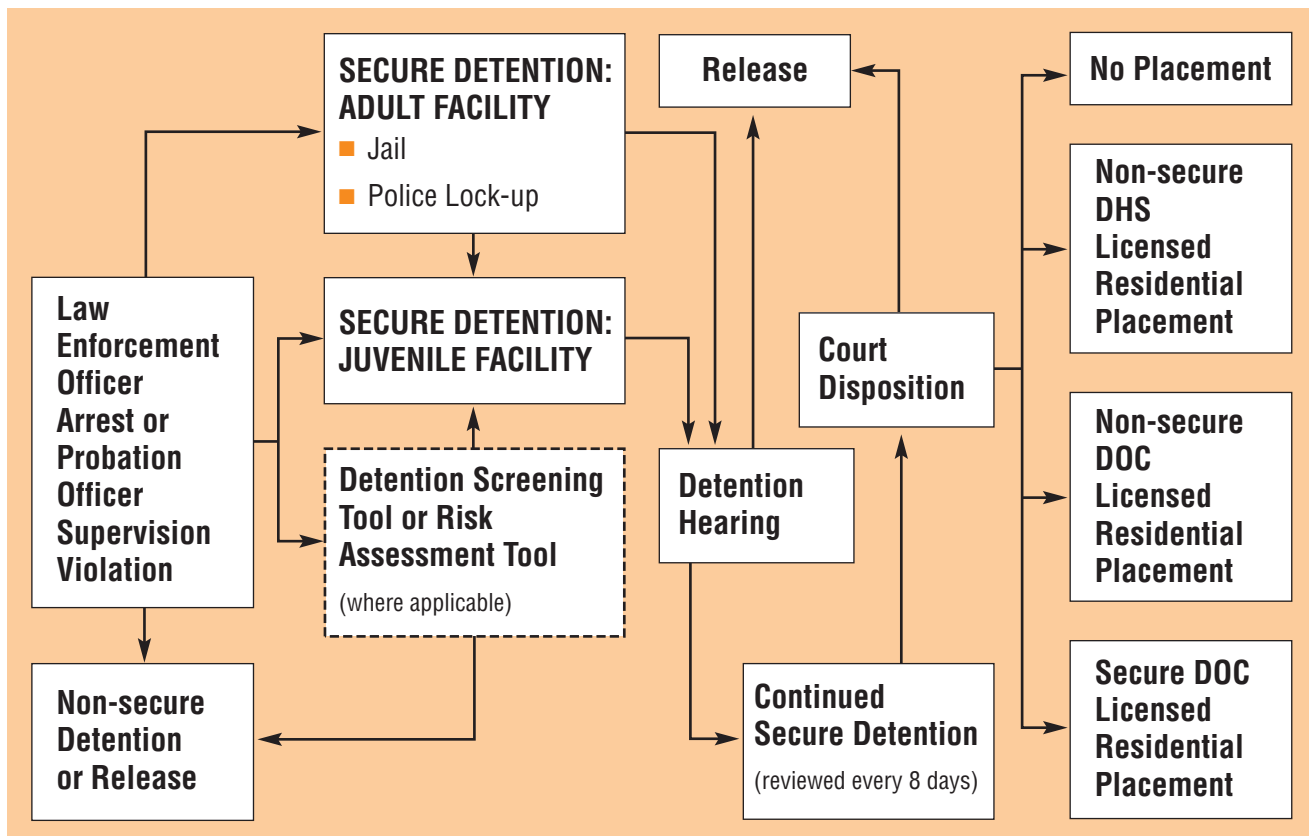
Minnesota statutes and the Department of Corrections (DOC) licensing rules provide guidance for facilities regarding the type of youth offender who may be admitted to the facility, appropriate age, gender, and allowable length of stay. Certain youth offenders are prohibited from being admitted to secure facilities. Additionally, every program within a facility gets a classification of secure or non-secure by the DOC. A secure program is one that has locks that prevent residents from leaving the premises. A single facility may provide secure and non-secure beds, as well

as pre-adjudication detention and post-adjudication placement beds.

Generally, youth accused of delinquency are detained if they are determined to be a risk to self or others, or at risk to not appear for court. Secure facilities may use Detention Assessments to ensure that youth meet minimum statutory requirements for admission or, less commonly, Risk Assessment Instruments (RAIs) that objectively determine if a youth's risk level warrants secure detention. RAIs can divert youth who meet secure admission criteria to their home or a less-restrictive detention setting (non-secure facility, shelter beds, etc).

At the disposition phase of the judicial process, after a guilty plea or determination of guilt has been found, a judge may order a youth to be placed in a residential facility. A youth court ordered out of the home must be placed in a facility licensed for youth. At no time may a judge order a youth to "serve time" in an adult jail, adult lock-up or other facility intended for adult inmates.

## GENERAL DECISION POINT OVERVIEW



# DETENTION AND RESIDENTIAL FACILITIES

## **RANGE OF DECISION POINTS DISCUSSED and KEY DATA POINTS IDENTIFIED**

The range of decision points afforded secure facilities in Minnesota begins when a youth is brought by a law enforcement officer or probation officer to be admitted for booking or awaiting court, and ends when a judge issues a court order for their release or when a youth completes a court ordered placement.

The Work Group identified the range of key facility decision points and identified those that most affect youths' status in the system.

- Those identified as **required decision points** for statewide data collection by federal law or state statute are **highlighted in green shade;**

- Those identified as **necessary decision points** for statewide data collection to better understand youths' flow through the system and their status within, are listed in **bold**.
- Those identified as *informative decision points* are listed in *italics* and are not recommended for state level data collection.
- Per the language of the Feasibility Study statute, the Work Group was to explore if these data could or should be collected with the following data elements: age, gender, race, ethnicity, type of offense, county of offense and county of residence.
- The current availability of **required** and **needed** data at these points will follow a brief review of state-level data collection requirements and data collection systems.

	Decision Point	Data Point
1.	Decision to detain youth in a secure jail, police lock-up, or juvenile detention facility	<b>TOTAL YOUTH SECURELY DETAINED IN:</b> <ul style="list-style-type: none"> <li>County jails</li> <li>Municipal Police Lock-ups</li> <li>Juvenile Detention Facilities <b>for:</b> <ul style="list-style-type: none"> <li><b>New offenses</b></li> <li><b>Technical Violations</b></li> <li><b>Warrants</b></li> </ul> </li> </ul>
2.	Decision to divert youth from secure juvenile detention	<i>TOTAL YOUTH DIVERTED USING DETENTION ASSESSMENTS OR RISK-ASSESSMENT INSTRUMENTS TO:</i> <ul style="list-style-type: none"> <li><i>Non-secure detention</i></li> <li><i>Release</i></li> </ul>
3.	Decision to hold youth securely in continued detention	<b>TOTAL YOUTH ORDERED TO CONTINUED DETENTION</b>
4.	Decision to place a youth in a residential facility	<b>TOTAL YOUTH ORDERED TO A RESIDENTIAL FACILITY:</b> <ul style="list-style-type: none"> <li>Number of placements in DOC licensed secure residential beds</li> <li><b>Number of placements in DOC licensed non-secure residential beds</b></li> </ul>
5.	Decision to place a youth in a correctional program out-of-state.	<b>TOTAL YOUTH PLACED IN DOC LICENSED FACILITIES OUTSIDE OF MINNESOTA:</b> <ul style="list-style-type: none"> <li><b>Secure facility</b></li> <li><b>Non-secure facility</b></li> </ul>

# DETENTION AND RESIDENTIAL FACILITIES

## **LOCAL AND STATEWIDE DATA COLLECTION**

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner of DOC adopt rules establishing minimum standards for all correctional facilities throughout the state, whether public or private. Therefore, the DOC is responsible for establishing standards for all correctional facilities in the state.

This requires that all correctional, whether public or private, established and operated for the detention and confinement of persons detained or confined according to law be inspected and licensed except to the extent that they are inspected or licensed by other state regulating agencies. Every admission and release at each facility must be reported to the DOC so that analysis of facility usage can be made to ensure rule compliance.

The DOC maintains a database for admissions to facilities operated by the DOC, namely adult prisons and the juvenile correctional facility at Red Wing. Admissions data for Red Wing youth, both as detention holds and adjudications are in the Correctional Operations Management System (COMS). COMS also contains information on youth under age 18 who have been certified as adults by the courts and adult inmates who were under age 18 at the time of their admission to adult facilities.

## **STATEWIDE SUPERVISION SYSTEM (S<sup>3</sup>) and the DETENTION INFORMATION SYSTEM (DIS).**

All adult and juvenile facilities must report daily all admissions and releases from their facility to the DOC's Detention Information System (DIS), which is part of the Statewide Supervision System (S<sup>3</sup>). With the aid of pre-formatted screens, data is sent electronically from the facility's Information Management System to S<sup>3</sup>. In addition to submitting daily, all adult and juvenile facilities that send data electronically must also submit a full file load quarterly.<sup>51</sup>

Unique codes within the Detention Information System provide information on the type of offender held: Juvenile, EJJ Juvenile, CHIPS hold, runaway; the reason for the detention hold: Pending Court,

The Minnesota Department of Corrections currently licenses 40 juvenile facilities that have either "detention" or "residential" beds, or both. Some facilities are allowed to use their beds for either detention or residential treatment, depending on their population needs. These beds are classified as "interchangeable" by the DOC. While the facility may be the same, the variety of programming offered before and after formal adjudication is different.

Currently, half (20) of the juvenile facilities licensed by the DOC provide secure beds and half provide exclusively non-secure beds. There are a total of 2,014 DOC licensed beds in juvenile facilities in Minnesota, 604 of which are secure.

The juvenile justice system has many more beds at its disposal than those listed above. Youth in the system are often placed in shelters or group homes licensed by the Minnesota Department of Human Services (DHS). Furthermore, DHS licenses all programs that provide residential chemical treatment or mental health treatment.

The DOC licenses 21 juvenile facilities out-of-state where Minnesota youth can be sent if they have exhausted treatment options in the state or if the outstate program provides a service that cannot be found here. Requirements for out-of-state placement are dictated in statute.

For references and additional information on DOC licensed juvenile facilities, see Appendix DR-1 at the end of this chapter.

Pending Disposition, Warrant, Supervision Hold; and the Legal Status of the youth: Pre-Adjudication, Adjudicated Delinquent, or Committed.

Not unlike how law enforcement agencies can select their own records management systems, county jails and police lock-ups can select their own Jail Management System (JMS) to track admissions and releases. There is no standardized software package in the state. As such, JMS providers and the DOC must ensure that individual facilities have records that



# DETENTION AND RESIDENTIAL FACILITIES

accurately upload to DIS/S<sup>3</sup>. The law enforcement records vendor may or may not match the jail or lock-up JMS vendor. Juvenile facilities also use a variety of JMS packages. The most commonly used software package in Minnesota juvenile facilities is “JAIMS” the *Juvenile and Adult Information Management System*.

Demographic data in the DIS/S<sup>3</sup> system are uploaded from or entered by the arresting agency. While individual agencies may have their own data labels, they must collapse or upload as the following elements to S<sup>3</sup>, all of which are required fields:

- Age (DOB)
- Gender (male or female)
- Race: White, Black, Asian/Pacific Islander, American Indian/Alaskan Native

- Ethnicity: Hispanic or non-Hispanic
- Hispanic is an ethnic category independent of race
- County of Residence: may be reflected by a field entitled “sentencing county”
- County of offense: County of controlling law enforcement agency
- Offense type: MOC.

Data Collection Method: Demographic information collected on persons admitted to secure facilities is, according to the Detention Information System Manual, to be based upon resident self-report. It is likely, however, that data is also entered using correctional officer observation.

# DETENTION AND RESIDENTIAL FACILITIES

## KEY DECISION POINTS AND DATA IMPROVEMENT RECOMMENDATIONS

The following sections highlight the key decision points and the feasibility of collecting data statewide.

### INITIAL SECURE DETENTION

<p>Decision Point:</p> <p><b>INITIAL SECURE DETENTION:</b></p> <ul style="list-style-type: none"> <li>• Jails</li> <li>• Lock-Ups</li> <li>• Juvenile Facilities</li> </ul>	<p>An admission to an adult jail, adult lock-up or a juvenile detention center occurs when a youth is brought to a facility with secure capabilities and is held for any length of time within a secure perimeter. While juvenile detention centers most often admit a juvenile to be held until a court appearance, youth admissions to adult jails and lock-ups can be very brief for the purpose of completing a “book and release.” Even short-term administrative admissions are counted as a secure hold if a youth is within a secure perimeter.</p> <p>Municipal lock-ups and juvenile facilities without secure holding capabilities are not included, nor are youth brought to secure facilities but processed or “booked” non-securely.</p>
<p>Prioritization:</p> <p><b>REQUIRED</b></p>	<p>Minnesota is required to collect data on the number of youth detained securely in jails, lock-ups and juvenile detention centers in the state in accordance with the JJDP. Data must be disaggregated by facility type and length of hold. This report does not require information on age, gender or race/ethnicity. Data on offender type (CHIPS or Delinquency or EJJ) is required.</p> <p>This data is also required for DMC reporting where race and ethnicity data is required.</p>
<p>Data Collection: FEASIBLE</p>	<p>Adult jails, adult lock-ups and juvenile detention centers routinely report their juvenile admissions to the DOC’s <i>Detention Information System</i>.</p>

### INITIAL SECURE DETENTION: Challenges, Opportunities and Recommendations

- (1) There is no public report of youth held in secure detention in Minnesota. The courts are not a reliable source for initial detention information, as it occurs before a court case is initiated. As such, facility admissions are the best source of detention data.

- (a) It is recommended that the DOC annually publish the number of admissions to secure jails, lock-ups and detention facilities by age, gender, race, ethnicity, offense, sentencing county, and facility type.

# DETENTION AND RESIDENTIAL FACILITIES

## INITIAL SECURE DETENTION: TECHNICAL VIOLATIONS and WARRANTS

<p>Decision Point: <b>SECURE DETENTION FOR PROBATION VIOLATIONS AND WARRANTS</b></p>	<p>This category is a sub-set of total initial detention admissions. Most detention admissions are presumed to be on new charges. However, youth may also be detained on a warrant or on a technical violation of probation. Warrants can be for a new charges, failure to appear, or “Apprehend and Detain” (A&amp;Ds) for a violation of probation.</p>
<p>Prioritization: <b>NEEDED</b></p>	<p>Knowing how many youth are securely detained for warrants, including failure to appear in court, may help guide efforts by courts to improve court attendance rates. Also, secure detention solely to facilitate the judicial process is not necessarily a good use of detention as a resource intended to protect community safety. It is also an area of practice evaluation to determine how often youth appearing on technical violations are being admitted to secure facilities. It is also important to ensure there are not disparities in the discretionary use of secure detention by certain youth demographics.</p>
<p>Data Collection: MODERATE</p>	<p>The S<sup>3</sup>/DIS system has codes for “Warrant” and “Supervision Violation” under the Hold Reason category. The extent to which these codes are being used, or used in a uniform manner in facilities across the state, is unknown. This information can also potentially be cross-checked or supplemented by MCIS data on the number of warrants issued and the number of technical violation hearings annually.</p>

### INITIAL SECURE DETENTION: TECHNICAL VIOLATIONS and WARRANTS:

#### Technical Violations and Warrants: Challenges, Opportunities and Recommendations

(1) It is unknown the extent to which the “Warrant” and “Supervision Violation” codes are being used by facilities when youth are admitted for these reasons. It may be the case that admitting personnel enter the original offense for which

a youth was charged rather than the current circumstance prompting their detention. In order to do this, they must also receive this information from the detaining officer or agent.

(a) It is recommended that the DOC explore the use of these codes and determine the validity and reliability of data collected under these fields.

# DETENTION AND RESIDENTIAL FACILITIES

## CONTINUED SECURE DETENTION

Decision Point: <b>CONTINUED SECURE DETENTION</b>	Following initial secure detention, youth must have a detention hearing to determine if continued detention is warranted. Those in this category are those deemed by a judge to be a continued risk to self or community who are court-ordered to remain in secure detention during part or all of their judicial proceedings.
Prioritization: <b>NEEDED</b>	The decision to remand youth to secure detention can be subjective based on the court's perception that a youth will remain law abiding and appear for subsequent court appearances. It is a needed data area to know what youth are sent back to secure detention by demographic, geographical and offense characteristics.
Data Collection: <b>MODERATE</b>	MNCIS has information about cases where a youth is returned to detention following the proceeding. Additionally, the DOC's S <sup>3</sup> system has detention codes and legal status codes intended to track their point in the judicial process. However, a youth returning to a facility will not have a new admission. There does not appear to be a code specifically to reflect a youth returning following a detention hearing.

### CONTINUED SECURE DETENTION: Challenges, Opportunities and Recommendations

(1) Youth who are returned to secure detention following a detention hearing are a unique portion of the juvenile justice population. It does not appear as though the DIS system captures information on these youth though this information may be in a local JMS.

(a) It is recommended that the DOC explore the possibility of implementing a code that can track youth returned on continued detention and/or upload this information if it is already captured at the local level.

# DETENTION AND RESIDENTIAL FACILITIES

## RESIDENTIAL PLACEMENTS

<p>Decision Point: RESIDENTIAL ADMISSIONS</p> <ul style="list-style-type: none"> <li>• Secure</li> <li>• Non-Secure</li> </ul>	<p>A secure residential placement is one where a judge has court ordered a youth's admission. Secure programs have locks and are constructed in a manner to prohibit offender exit, according to DOC standards.</p>
<p>Prioritization: REQUIRED and NEEDED</p>	<p>Minnesota is required to collect data on the number of youth detained securely in jails, lock-ups and juvenile detention centers in the state in accordance with the JDDPA. Data must be disaggregated by facility type and length of hold. This report does not require information on race/ethnicity, but the DMC reporting aspect of the report does. Data on offender type (CHIPS or Delinquency) is also required.</p> <p>Non-secure admissions are needed to understand all youth placed out of the home and as a comparison to those placed in secure facilities.</p>
<p>Data Collection: MODERATE</p>	<p>While there is a statewide data collection tool (S<sup>3</sup>), the system cannot differentiate between a pre and post disposition hold unless staff consistently change one's legal status in the system from "Pre-Adjudicated" to "Adjudicated" or "Committed." Furthermore, once the new adjudicated status is entered, the pre-adjudicated status is lost such that they will no longer be counted in the detention population.</p> <p>S<sup>3</sup> does not collect data on non-secure facility admissions, those these are reported annually to the Inspection and Enforcement unit at the DOC.</p>

### SECURE RESIDENTIAL PLACEMENTS: Challenges, Opportunities and Recommendations

- (1) There is no public report of youth admitted to secure residential placements in Minnesota.
  - (a) It is recommended that the DOC annually publish the number of admissions to secure jails, lock-ups and detention facilities by age, gender, race, ethnicity, offense and sentencing county.

- (b) It is recommended that the DOC devise a manner to distinguish between the use of secure detention beds and secure residential beds when they exist in the same facility. Currently a move from a detention bed to a residential bed may not be recorded as a new admission in the S<sup>3</sup> system or the prior detention status may be lost.

# DETENTION AND RESIDENTIAL FACILITIES

## OUT-OF-STATE RESIDENTIAL PLACEMENTS

<p>Decision Point: <b>OUT-OF-STATE RESIDENTIAL PLACEMENTS</b></p> <ul style="list-style-type: none"> <li>• <b>Secure</b></li> <li>• <b>Non-secure</b></li> </ul>	<p>The Minnesota DOC licenses facilities outside of the state of Minnesota to provide correctional services to Minnesota youth. Youth sent to out-of-home placement are to have either exhausted in-state residential resources or to possess a unique need area that can only best be addressed by an out-of-state service. Out-of-state placements may also be used if the out-of-state option is geographically closer to a youth's home than the in-state equivalent.</p> <p>Per statute 242.085, it is the policy of the state that juvenile delinquents be supervised or programmed within the state, to the greatest extent possible.</p>
<p>Prioritization: <b>REQUIRED</b> and <b>NEEDED</b></p>	<p>In 2000, the Legislature amended Statute 260B.199 requiring courts to report to the Minnesota Sentencing Guidelines Commission (MSGC) the placement of juveniles at out-of state facilities. Under Statute 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.<sup>52</sup></p>
<p>Data Collection: <b>MODERATE</b></p>	<p>Courts are to report out-of-state and alternative placements to the MSGC but they do so infrequently. DOC data reveals significantly more out-of-state placements than are reported to MSGC. The MSGC is requesting that the statute requiring their out-of-state placement reporting be repealed because it is duplicative of a similar statute requiring that the information be reported to the DOC.</p> <p>Furthermore, no demographic data is included in the MSGC out-of-state placement report. It is unknown if they receive demographic data when out-of-state placements are reported to them.</p>

### OUT-OF-STATE RESIDENTIAL PLACEMENTS: Challenges, Opportunities and Recommendations

(1) The MSGC appears to be the only public report of youth placed in an out-of-state facility. However, it appears that the courts are not consistently providing this information. Therefore, the MSGC's report significantly underrepresents out-of-state placements. The MSGC's 2009 Juvenile Out-of-State Placement and Alternative Placements Report: 2008 suggests that the Minnesota Department of Corrections was directed in Special Session Law (Chapter 14,

Article 13C, Section 2) to institute an out-of-state placement reporting system similar to the one established by the MSGC. Because of this, and the low overall reporting by the courts to the MSGC, they are requesting that the statute requiring them to receive and report out-of-state juvenile placements be repealed.<sup>53</sup>

(a) For these reasons, it is recommended that the DOC annually publish the number of youth placed out of state by all available offense, demographic and facility characteristics.

# DETENTION AND RESIDENTIAL FACILITIES

## ***DETENTION AND RESIDENTIAL FACILITIES SUMMARY:***

- (1) Secure adult and juvenile facilities are regularly submitting admissions information to the Minnesota Department of Corrections DOC S<sup>3</sup>/DIS system. This captures information about youth detained in jails, lock-ups and juvenile detention centers and youth court ordered to secure juvenile placements.
- (2) There is currently no published report by the DOC of juveniles held in secure detention or placements. While these data are available upon request, a consistent and reliable publication of admissions by demographic, geographic and offense characteristics would be beneficial to understanding youth's status in the juvenile justice system.
- (3) The S<sup>3</sup> system has a number of Detention Codes and Legal Status codes that can provide information on the reason for a youth's detention, but it is unknown if these codes are being consistently used at the local level.
- (4) The S<sup>3</sup> system cannot differentiate between a youth held in a secure detention bed or in a secure residential bed if the two bed types exist within the same facility. These may not appear in S<sup>3</sup> as admissions to two different programs and the youth's original detention information can be lost if they are re-coded to a residential bed.
- (5) S<sup>3</sup> captures data on age, gender, race, ethnicity, offense type, offense level and sentencing county.





# DETENTION AND RESIDENTIAL FACILITIES

## Appendix DR-1: DOC Licensed Juvenile Residential Facilities, Bed Type and Count

Information compiled from the Minnesota Department of Corrections. (2009). *Facilities Inspected by the MN DOC IE Inspectors.*

Operator	DOC Licensed/Inspected Facilities	Secure Detention	Secure Inter-changeable	Secure Residential	Secure Bed Total	Non-Secure Detention	Non-Secure Inter-changeable	Non-Secure Residential	Non-Secure Bed Total	Total Beds
1 Private	After Today Group Foster Home: Mpls.		50 coed		50			10 males	10	10
2 Public	Anoka County Juvenile Center: Lino Lakes								24	50
3 Public	Anoka County J.C.: Non-Secure: Lino Lakes		48 coed		48				24	24
4 Public	Arrowhead Juvenile Center: Duluth								63	48
5 Private	Bar-None Residential Treatment: Anoka			12 males	12			63 coed	63	75
6 Public	Boy's Totem Town: St. Paul			20 males	20			65 males	65	85
7 Public	Carver Co. Temp. Holdover: Chaska	6 coed			6				6	6
8 Public	Dakota County JSC: Hastings	20 coed		20 coed	40					40
9 Public	East Central Regional J.C.: Lino Lakes	12 coed	12 coed	12 coed	36			100 males, 50 females		36
10 Private	Elmore Academy: Elmore								150	150
11 Private	Hayward Group Foster Home: Albert Lea							14 coed	14	14
12 Private	Heartland Ranch: Benson							26 females	26	24
13 Public	Hennepin Co. Home School: Minnetonka			16 coed	16			168 coed	168	184
14 Public	Hennepin County JDC: Minneapolis	87 coed		24 males	111				111	111
15 Private	ITASKIN J.C. (secure unit): Grand Rapids		9 coed		9					9
16 Private	Kids Peace Academy/Mesabi: Buhl		20 males		20			84 males	84	104
17 Private	MABSSCO STEP North: Victoria							20 males	20	20
18 Public	Many Rivers JDC: Rochester		12 coed		12					12
19 Private	Marshall Group Home: Marshall						10 males		10	10
20 Public	MCF -Redwing		27 males		27			192 males	192	219
21 Public	MCF-Togo (aka "Thistledew Camp")							71 males, 12 females	83	83
22 Private	Millie Lacs Academy: Onamia							103 males	103	103
23 Public	MN River Valley Detention Cntr: New Ulm	12 coed			12					12
24 Public	Northwestern MN Juvenile Center: Bemidji	16 coed			16	24 coed		25 coed	49	65
25 Public	Otter Tail Temp Holdover: Fergus Falls					2 coed			2	2
26 Private	PORT Girls & Burlington Hs: Brainerd							26 females	26	26
27 Private	PORT Crow Wing: Brainerd							14 males, 12 females	26	26
28 Public	Prairie Lakes JDC: Willmar	11 coed	21 coed	14 coed	46		21 males		21	67
29 Public	Prairie Lakes Youth Program: Boys Group Home							11 males	11	11
30 Public	Prairie Lakes Youth Program: Girls Group Home							12 females	12	12
31 Public	Ramsey County JDC: St. Paul		86 coed		86					86
32 Public	Red River Valley Juv Center: Crookston	8 coed			8			8 coed	8	16
33 Public	Scott County Juv Alt Fac: Jordan						16 coed		16	16
34 Private	Southwestern Youth Services: Magnolia						42 males		42	42
35 Private	Steps Of Success: Andover							14 females	14	14
36 Private	Valley Lake Boys' Home: Breckenridge							14 males	14	15
37 Private	Village Ranch Res. Facility: Kokato							34 males	34	34
38 Public	Washington Co. Temp Hold: Stillwater	5 coed			5					5
39 Public	West Central Regional J.C.: Moorhead		24 coed		24			14 coed	14	38
40 Private	Woodland Hills Residential Treatment: Duluth							110 coed	110	110
	<b>TOTAL BEDS</b>	<b>177</b>	<b>309</b>	<b>118</b>	<b>604</b>	<b>26</b>	<b>89</b>	<b>1296</b>	<b>1411</b>	<b>2014</b>

# SUMMARY OF RECOMMENDATIONS

## **SUMMARY OF RECOMMENDATIONS**

This report provides a wealth of information on decision points, data collection improvements, and data standardization at both the local and state levels. While a single, comprehensive data plan is not feasible, there are many actions that can take place now and in the future to greatly improve the availability and quality of information about justice system involved youth.

Based on the findings of the Work Group and the recommendations for improved data collection and analysis contained in each chapter, the following are respectfully submitted to the Minnesota Legislature as priority areas to be supported and funded as it relates to juvenile justice data:

### **I. MINNESOTA SHORT-RANGE GOALS — LOWEST COST; HIGHEST FEASIBILITY**

Activity	Costs	Responsible Entities
<b>1A. Annual dissemination of available juvenile justice data</b>	<ul style="list-style-type: none"> <li>■ Staff costs related to time needed to complete data analysis, report writing, and report posting</li> <li>■ Publication costs</li> </ul>	<ul style="list-style-type: none"> <li>■ Public Safety, Bureau of Criminal Apprehension (BCA)</li> <li>■ State Court Administrator's Office (SCAO)</li> <li>■ Department of Corrections (DOC)</li> <li>■ Public Safety, Office of Justice Programs (OJP) Juvenile Justice Advisory Committee (JJAC)</li> </ul>

This data study has revealed that state agencies collect myriad data on youth involved in the juvenile justice system, yet there is limited dissemination of this public data. Reports are often written by state agencies to meet state or federal reporting requirements but the purpose is not typically to assess juvenile justice system responses and parity. The juvenile data contained in our current state databases can be explored in greater depth using data elements that are already routinely collected. These data are important to monitoring outcomes of the juvenile justice system as a whole, to understanding the impact of policy changes, to the edification of the public, and to support the work of justice reform initiatives.

■ **It is recommended that** each state agency with a central data repository on justice system involved juveniles compile an annual report consisting, at minimum, of descriptive data on youth at their system stage. These reports should disaggregate data based on offender age, race, ethnicity, offense, and county of offense.

■ **It is recommended that** these data be disseminated annually, as is the reporting requirement for other state and federal reports.

■ **It is recommended that** these reports be published or posted for public use.

■ **It is recommended that** the following agencies prepare reports on the following data:

**BCA:** Juvenile arrests with attention to data elements described in Chapter 1.

**SCAO:** Juvenile petitions and case dispositions with attention to data elements described in Chapter 3.

**DOC:** Secure juvenile placements and juveniles on probation, with attention to data elements described in Chapters 4 and 5.

**OJP:** Trend data and youth rates of flow through the juvenile justice system.

**JJAC:** Data related to Minnesota's compliance with the Four Core Protections of the Juvenile Justice and Delinquency Prevention Act of 2002, with special attention to data on Disproportionate Minority Contact (DMC) in the state.

# SUMMARY OF RECOMMENDATIONS

Activity	Costs	Responsible Entities
<b>1B. Assessment of current data accuracy</b>	<ul style="list-style-type: none"> <li>■ Staff costs related to data exploration and planning</li> <li>■ Potential costs upon state level systems and local partners if new data elements need to be created and used</li> </ul>	<ul style="list-style-type: none"> <li>■ Public Safety, Bureau of Criminal Apprehension (BCA)</li> <li>■ State Court Administrator's Office (SCAO)</li> <li>■ Department of Corrections (DOC)</li> <li>■ Public Safety, Office of Justice Programs (OJP)</li> </ul>

A naturally occurring phenomenon as data is prepared for analysis and publication (Activity 1A) is the assessment of the data quality, accuracy and reliability. It is likely that in the process of preparing annual statistics that issues of data entry, accuracy and uniformity will arise. In addition, some databases have data elements that have never been explored, so their accuracy and utility is unknown.

The task of exploring data across juvenile justice systems, with which this report charges the Office of Justice Programs, can also illuminate data accuracy issues caused by agencies using different data definitions or measurement procedures.

- **It is recommended that** state agencies assess the accuracy of the data elements in their systems and determine whether data fields are being used properly.

- **It is recommended that** state agencies make plans to address instances where data are unreliable and develop suggestions for data improvement. This may include the creation of new data elements to better measure system decision points than those that currently exist, or plans to improve the accuracy of data entry or uploads from local partners.

Activity	Costs	Responsible Entities
<b>1C. County attorney data collection planning</b>	<ul style="list-style-type: none"> <li>■ Staff time from county attorney's offices and the Minnesota Counties Computer Cooperative to convene</li> </ul>	<ul style="list-style-type: none"> <li>■ Minnesota County Attorney's Association (MCAA)</li> <li>■ Minnesota Counties Computer Cooperative (MCCC)</li> </ul>

There is presently a lack of juvenile justice data related to youth referred to county attorneys for prosecution and diversion from court; federally required data points with which Minnesota cannot comply given the absence of a statewide database. State statute requires county attorneys to submit data on youth referred to formal diversion programs to the BCA but compliance with this statute appears minimal. In addition, county attorneys use widely varying race and ethnicity codes with no standardization.

- **It is recommended that** the Minnesota County Attorney's Association (MCAA) and the Minnesota Counties Computer Cooperative (MCCC), which

owns the Minnesota County Attorney Practice System (MCAPS) used by 57 county attorneys, convene and develop a plan for how to:

- Collect statewide data on the number of youth referred for prosecution
- Collect statewide data on the number of youth diverted from prosecution, including those referred to a formal diversion program.

- **It is recommended that** the MCAA and MCCC convene and develop a plan to standardized race and ethnicity codes in MCAPS.

# SUMMARY OF RECOMMENDATIONS

Activity	Costs	Responsible Entities
<b>1D. Data standardization initiatives related to:</b> <ul style="list-style-type: none"> <li>■ Race and Ethnicity Data</li> <li>■ Incidents vs. Individuals</li> <li>■ CHIPS/Status/Petty Offenses</li> </ul>	<ul style="list-style-type: none"> <li>■ Staff costs related to meetings and discussions</li> </ul>	<ul style="list-style-type: none"> <li>■ The Criminal and Juvenile Justice Information Policy Group</li> <li>■ State level agencies</li> <li>■ Juvenile justice system stakeholders</li> <li>■ Community members</li> </ul>

### Race and Ethnicity Data:

There are no standardized categories (or practices) among juvenile justice system providers for collecting data on race and ethnicity, which needs to be addressed in order to explore system parity and address issues of minority youth overrepresentation. Best practices for collecting such data at a state level are included in the appendix of this report.

- **It is recommended that** the Criminal and Juvenile Justice Information Policy Group convene state level agencies, system stakeholders and community members in an effort to standardize race and ethnicity categories consistent with best practices in race data collection.

### Incident Data vs. Individual Data:

At times, state agencies can differ in the way events are counted: incidents/events (number of times something happens) or individuals (number of people connected to the events). How data are counted and recorded at each system stage can confound system flow analysis if the next stage uses a different counting system. For instance, if one agency reports only the most serious of multiple charges or dispositions, while another reports all charges and dispositions separately, trend analysis can be compromised.

- **It is recommended that** state-level data practitioners convene to clarify how data are collected and analyzed to look for areas where youth may

be double-counted, or where system flow is over- or underrepresented as compared to other system stages.

- **It is recommended that** state level agencies report data both on incidents/events and on individuals, to the best of their ability.

### CHIPS, Status Offenses and Petty Offenses:

While the offense categories of Misdemeanor, Gross Misdemeanor and Felony have uniformity in statute and across systems, “low-level offenses” including Children in Need of Protection and Services (CHIPS) for truancy and runaway; youth who have committed status offenses such as curfew violations or minor consumption; and youth who have misdemeanor level offenses reduced to petty offenses are often coded or grouped differently by different systems. As an example, curfew and runaway together are a category of arrest data while truancy and runaway together are a data category recorded by the courts. These different groupings make it difficult to understand how low-level offenses are being managed and how these youth move through the system.

- **It is recommended that** state level agencies come together and attempt to establish uniform ways of collecting and coding data on CHIPS matters, status offenses and petty offenses for comparison across systems.

# SUMMARY OF RECOMMENDATIONS

Activity	Costs	Responsible Entities
<p><b>1E. Diversion resource mapping</b></p> <ul style="list-style-type: none"> <li>■ Law enforcement diversion programs</li> <li>■ County attorney diversion programs</li> </ul>	<ul style="list-style-type: none"> <li>■ Staff costs for investigation and information compilation/posting</li> </ul>	<p>Potentially:</p> <ul style="list-style-type: none"> <li>■ Minnesota Association of Pretrial Service Agencies</li> <li>■ Public Safety, Office of Justice Programs</li> <li>■ Educational institutions</li> <li>■ Other juvenile justice initiative members</li> </ul>

While many law enforcement agencies use diversion programs for youth in lieu of formal referral to the county attorney, and while county attorneys are required by statute to have at least one diversion program for juvenile offenders in lieu of a referral to juvenile court, there is no comprehensive list of these programs in the state. It is unknown how many diversion programs exist, in what counties they operate, what youth populations are served, and with what degree of success. Diversion programs are mandatory under statute but their effectiveness in Minnesota has never been explored. It is unknown if diversion opportunities are equally available statewide and what geographic areas may

need additional or specialized diversion programs. Furthermore, information, data and training relevant to diversion programming cannot be distributed to program providers in the state if they are only known at the county and local levels. This task of creating such a list does not clearly fall to anyone agency but could be a task undertaken by any agency, advocacy group, or educational institution.

- It is recommended that a comprehensive list of law enforcement and county attorney diversion programs be created and available. This list should include, at minimum: type of program provided, program duration, referral source/method, and type of offender eligible to participate.

# SUMMARY OF RECOMMENDATIONS

## II. MINNESOTA MID-RANGE GOALS — MODERATE COST; MODERATE FEASIBILITY

Activity	Costs	Responsible Entities
<b>2A. Implement statewide race and ethnicity data collection standards</b>	<ul style="list-style-type: none"> <li>■ Legislative action</li> <li>■ Training of county and local partners</li> <li>■ Changes to local record management systems to ensure category standardization</li> <li>■ State Agencies to modify any reporting or uploading changes</li> </ul>	<ul style="list-style-type: none"> <li>■ Legislature</li> <li>■ State Agencies</li> <li>■ Local and County Partners</li> </ul>

Following the aforementioned conversations related to standardization of race and ethnicity data collection (Activity 1D), steps must be taken towards the implementation of data standards at the state and local level. This activity will require legislative action. All state systems currently have the ability to capture race and ethnicity data in some capacity, so this would largely require changes to local records management systems to come into compliance and will affect how these data are uploaded to state level systems.

- **It is recommended that** the Legislature support the adoption of standardized race and ethnicity categories across justice agencies.
- **It is recommended that** the funding needed to support state, county and local level partners in complying with this initiative be secured prior to the adoption of statewide standard requirement.

Activity	Costs	Responsible Entities
<b>2B. Required reporting of race and ethnicity information to county attorneys accompanying CHIPs or delinquency citations and referrals</b>	<ul style="list-style-type: none"> <li>■ Legislative action</li> <li>■ Changes to law enforcement or county attorney citations or referral documents</li> <li>■ Training for law enforcement, schools and county attorneys, as needed</li> </ul>	<ul style="list-style-type: none"> <li>■ Legislature</li> <li>■ Local Law Enforcement</li> <li>■ Schools</li> <li>■ County Attorneys</li> </ul>

Law enforcement officers generally collect information on offender race and ethnicity as a routine part of establishing probable cause and completing reports. While this information is submitted to the BCA as a part of the arrest record, there is no explicit requirement that race and ethnicity information then be provided to county attorneys. As such, county attorneys do not consistently have offender race and ethnicity information for their own databases. County attorneys may not see youth prior to a decision to divert or petition.

- **It is recommended that** legislation be enacted that requires law enforcement officers and schools to

report race and ethnicity to county attorneys on all CHIPS and Delinquency citations and referrals.

- **It is recommended that** this data, collected by law enforcement agencies, be categorized as public data when in summary form consistent with the Comprehensive Law Enforcement Data Statute 13.82.
- **It is recommended that** legislation be enacted that requires county attorneys to maintain race and ethnicity data on juveniles in their records management systems as provided by law enforcement and schools, and that these data also be categorized as public data in summary form.

# SUMMARY OF RECOMMENDATIONS

Activity	Costs	Responsible Entities
<p><b>2C. Improve the collection of juvenile arrest data from Minnesota’s tribal law enforcement departments</b></p>	<ul style="list-style-type: none"> <li>■ New BCA data submission policies</li> <li>■ Training for county sheriffs and tribal law enforcement</li> <li>■ Dialogue facilitation between the Policy Group and the ICARE project coordinators</li> </ul>	<ul style="list-style-type: none"> <li>■ BCA</li> <li>■ The Criminal and Juvenile Justice Information Policy Group</li> <li>■ Tribal Law Enforcement</li> <li>■ ICARE Project Coordinators</li> </ul>

Many tribal law enforcement departments in the state report their juvenile arrest data to their county sheriff who, in turn, reports arrest data for the entire county to the BCA. When these arrest data are all reported together it is not possible to extract arrests made by tribal law enforcement. Having tribal arrest data commingled with other arrest data may prevent tribal police departments for being eligible to receive certain federal funds available to agencies that report arrest data to the federal Uniform Crime Report. Federal funds available in response to arrests on tribal land should be allocated to tribal police. Data on juvenile arrests on tribal land may also be important to understanding DMC and what services Indian communities need to serve their youth.

■ **It is recommended that** arrests by tribal law enforcement agencies be entered into the BCA’s database under the tribal agencies unique ORI number (agency identifier), not under a county sheriff’s ORI.

■ **It is recommended that** tribal law enforcement and county sheriffs receive any training related to this matter that is required to implement this reporting change.

Additionally, not all Minnesota tribal agencies are obligated to report arrest data to the BCA. Two Indian communities are required only to report arrest data to the federal Bureau of Indian Affairs. As such, a comprehensive picture of the arrests of Indian youth statewide is lacking. The Indian Crime Awareness and Research Evaluation (ICARE) project are tribal agencies in Minnesota and Wisconsin coming together to create a database and reporting system to improve the quality of criminal justice data from Indian communities.

■ **It is recommended that** the BCA and the Policy Group work with the ICARE Project to promote better tribal data collection as it relates to juveniles and to develop collaborative data-sharing practices.

# SUMMARY OF RECOMMENDATIONS

Activity	Costs	Responsible Entities
<b>2D. MPD and SPPD to make available individual arrest data to the BCA</b>	<ul style="list-style-type: none"> <li>■ Costs for SPPD and MPD to create data files containing juvenile arrest records for the BCA</li> <li>■ Technical costs of potentially uploading SPPD and MPD data to the BCA's CJRS system</li> </ul>	<ul style="list-style-type: none"> <li>■ BCA</li> <li>■ St. Paul Police Department</li> <li>■ Minneapolis Police Department</li> </ul>

Currently, the Minneapolis Police Department and the St. Paul Police Department do not submit arrest data on individuals to the BCA. As such, the BCA's CJRS data system missing arrest data from two of the state's largest law enforcement agencies. To comply with federal UCR reporting, SPPD and MPD provide the BCA with summary totals of youth arrested by crime type and race for each year. These arrest records are in the St. Paul and Minneapolis arrest record management systems but are not in the BCA's for analysis. Any new analysis of CJRS arrest data would exclude offenses occurring in the Twin Cities, where the greatest proportion of juvenile arrests occur.

- **It is recommended that** SPPD and MPD be supported to upload their juvenile arrest data to the BCA's CJRS System.
- In the event that is not possible or practical, **it is recommended that** SPPD and MPD provide the BCA with a data file of juvenile arrests that the BCA can query by offense and offender characteristics annually.
- **It is recommended that** SPPD, MPD and the BCA receive financial support from the Legislature to make the necessary improvements to juvenile arrest data reporting.

Activity	Costs	Responsible Entities
<b>2E. Modify/upgrade the Detention Information System for enhanced information on youth in secure detention and residential placement</b>	<ul style="list-style-type: none"> <li>■ Considerable technical upgrades</li> <li>■ Local level training</li> </ul>	<ul style="list-style-type: none"> <li>■ Minnesota Department of Corrections</li> <li>■ Local Detention and Residential Facilities</li> </ul>

Federal reporting annually requires data on admissions to secure detention and secure placements. Facility admissions data currently in the Minnesota DOC Detention Information System (DIS) lack the level of detailed required to fully meet federal reporting standards (see Chapter 5). This is largely because the DIS system is designed to monitor facility's compliance with licensing standards as opposed to serving broader needs. In order to address this issue, additional data elements may need to be added to DIS or data from locals may need to be uploaded differently. This would require both technical changes to data systems and possibly data entry training in jails, police lock-ups and juvenile facilities. This activity

is categorized as moderately feasible and a moderate expenditure because the DIS database framework already exists. However, depending on the actual nature of the changes that need to be made, the costs of implementation may be formidable.

- **It is recommended that** the Minnesota DOC make the necessary updates to the Detention Information System to be able to meet federal Compliance Monitoring requirements related to secure facility admissions.
- **It is recommended that** the Legislature allocate to the DOC and local facilities the funding necessary to make this data collection enhancement.



# SUMMARY OF RECOMMENDATIONS

## III. MINNESOTA LONG-RANGE GOALS — GREATEST COST; MOST FORMIDABLE

Activity	Costs	Responsible Entities
<b>3A. Transition from the CJRS arrests database to Minnesota NIBRS (National Incident Based Reporting System)</b>	<ul style="list-style-type: none"> <li>■ Expansion of MN NIBRS</li> <li>■ Modifications to local records management systems to allow uploads to a centralized system</li> </ul>	<ul style="list-style-type: none"> <li>■ Legislature</li> <li>■ BCA</li> <li>■ Local Partners</li> </ul>

The CJRS at the BCA operates on a mainframe from the 1960s and is nearing collapse. The system no longer has technical support from the vendor. In the event CJRS crashes, there will be no database in the state for arrest data (adult or juvenile). The next logical progression is to Minnesota NIBRS, which is a database that collects far more information on offenders and incidents. A federal NIBRS system is supported by the Federal Bureau of Investigation which compiles data for the federal Uniform Crime Report. The FBI is promoting that all states move to a NIBRS system.

■ **It is recommended that** the Legislature fiscally support the BCA and local partners in transitioning from CJRS to Minnesota NIBRS statewide.

Activity	Costs	Responsible Entities
<b>3B. Create a statewide central data repository for county attorney data</b>	<ul style="list-style-type: none"> <li>■ Creation of a new, centralized state database</li> <li>■ Modifications to local records management systems to allow uploads to a centralized system</li> </ul>	<ul style="list-style-type: none"> <li>■ Legislature</li> <li>■ County Attorneys</li> <li>■ County Attorney's Association</li> </ul>

County attorney data, or lack thereof, at the state level is a significant gap in understanding how youth move through Minnesota's juvenile justice system. Without a centralized database for county attorney data, information about referrals to county attorneys and diversion programs must come from the 87 county attorneys and the hundreds of diversion programs in the state individually. While the County Attorneys Association is a professional association, they are not positioned to create or manage a county attorney database. Responsibility for this database would need to be established.

■ **It is recommended that** the Legislature allocate funding to create a central county attorney database to track cases referred to county attorneys, cases diverted, cases where pleas are offered and accepted or declined, and dispositional outcomes.

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## ***Appendix I: Best Practices in Race Data Collection<sup>r</sup>***

The lack of race and ethnic data uniformity are not unique to Minnesota. Other states have explored new methods to collect data from the children who are entering their juvenile justice systems. Some states, such as Pennsylvania and Illinois, have followed initiatives similar to what the original bill proposed and may serve as a model for “best practices.”

### ***Pennsylvania***

Pennsylvania was selected by the John D. and Catherine T. MacArthur Foundation to pilot their model of juvenile justice reform called “Models for Change: Systems Reform in Juvenile Justice.” Implemented in part by the National Center for Juvenile Justice (NCJJ) and the Youth Law Center (YLC), staff at both organizations decided how to reform their data collection system which presented several challenges. One issue was that there was a gap between information they needed to comply with JJDPA and the information they had been recording in the past. For example, since Latino/Hispanic is not technically a race, it was being handled differently at various points of contacts. Furthermore, the race information pertaining to each child would differ if it came from the child or his or her family versus an observer.<sup>54</sup>

In order to combat these problems, the NCJJ and YLC decided to collect data regarding gender, race, and ethnicity at nine main decision points in the juvenile justice system.<sup>55</sup> The groups also decided to record the general category of the offense.<sup>56</sup> Furthermore, prior to the Model for Change, officials in Pennsylvania were recording race and ethnicity as one category despite being two distinct classifications. To alleviate this problem, the groups adopted separate questions pertaining to race and ethnicity according to the U.S. Census.<sup>57</sup> After identifying an applicable ethnicity, the next question was what race the child associated.<sup>58</sup> Finally, an optional category was created so if the youth indentified with a certain national origin, tribe, or ancestry.

The group also developed guidelines for administration. Specifically, self-identification on the part of the child is preferred, but if the identification is coming from officer or another source this must be tracked so authorities know where information is coming from. If the child refuses to answer the first mandatory questions, the interviewer can make inferences, but this should be tracked. However, the interviewer should not infer the answer to the third question.

### ***Illinois***

Illinois was posed with a similar problem as Pennsylvania and devised nearly an identical approach. Their plan prefers the child/family to self-identify, but an outside source (i.e. interviewer) can make inferences. They implemented the three main questions mentioned used in the Pennsylvania data collection reform. With regards to the first question, Illinois officials decided to put the ethnicity question before the race question as well. Furthermore, they replaced “What is your ethnicity?” with “Are you Hispanic or Latino?” The next question, which pertains to race, asks the individual to identify any and all applicable races. This was important since many children are multiracial. Finally, they changed the last question from, “Do you indentify primarily with a particular country of origin, ancestry or, if you are Native American, a particular tribe?” with the variable label of “National Origin, Ancestry, or Tribal Affiliation.” This allows the child or interviewer to gather more information regarding the child’s demographic than could be captured in the first two questions. Furthermore, counties were allowed to adopt their own list of codes and there is also room for the child to write his or her own response to the questions.

Minnesota faces a similar situation as Pennsylvania and Illinois. Specifically, our state’s population is becoming more diverse and we need to ensure that our system of tracking youth to accurately reflects this change. If demographic projections for Minnesota’s minority population are correct, the number of individuals of color will grow to almost one-quarter of the

<sup>r</sup> The primary authorship of this section was voluntarily completed for the purpose of this report by law students at the University of St. Thomas School of Law, Community Justice Project.

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total population in Minnesota by the year 2035.<sup>59</sup> The largest population increases are expected among Hispanics followed by Asians, African Americans and persons of two or more races, at roughly equal rates. American Indians will have the smallest percent increase among communities of color but the lowest projected population increase in the next 20 years is among the White population.<sup>60</sup> These expected population changes will provide new opportunities and new challenges and by creating a data-driven juvenile justice system, we can pinpoint disparities in our system and help ensure that our children are all treated fairly regardless of their race, ethnicity, or gender.

## ***Best Practices in Addressing DMC***

Best practices in addressing DMC in the juvenile justice field should be driven by a methodology of data analysis at key decision points by race, ethnicity, gender, geography and offense. A “profile” of youth and system outcomes is needed to inform policy and changes in practice. Data provides an objective, rather than anecdotal, understanding of current practices and consequent outcomes.

Depending on local practices, values and traditions, states and communities can differ in the way that they process juvenile offenders. Regardless of locality however, there is a common set of critical decision points such as arrest, intake, detention, adjudication, and disposition. These decision points are the foundation for research on system overrepresentation of youth of color within the juvenile justice system. This allows for an assessment of whether a certain practice is appropriate at each decision-making point and if impact and outcomes are disparate by race, ethnicity, and/or gender.

As an example, nationally, two-thirds of youth held in detention are held for policy holds such as “failure to appear” warrants or violating probation conditions. Two-thirds of these youth are youth of color. Minnesota is able to assess that over one-third of its state-wide detention population are youth of color, a ratio three times their representation in the overall teenage population. However, because of a lack of data or analysis, Minnesota cannot assess why youth are detained.

Having a factual picture of system operation and outcomes leads to a greater understanding of what drives DMC and allows for consequent system changes in policy and practice that align with more effective, efficient, and equitable use. Examples of policy and practice changes to address detention policy holds include: instituting court reminder calls to families rather than detaining youth for failing to appear, and creating more culturally specific community interventions for youth on probation to support their successful completion. Rather than using detention as an accountability tool — which is harmful to youth and aggravates criminality — we need to address the underlying problems of juvenile delinquency in order to heal and rehabilitate our children. The goal with system analysis through data collection is to inform sound public policy-making and to support building more effective, efficient and fair juvenile justice system in Minnesota by ensuring objective criteria at decision points and monitoring system practices, impacts, and outcomes.

## ***Peoria Pilot Project***

In an effort to develop standards for collecting, utilizing, and analyzing data related to children in the juvenile justice system, the W. Haywood Burns Institute worked with the National Center of Juvenile Justice and the Center for Children’s Law and Policy to pilot their template in Peoria, Illinois.<sup>61</sup> The study focused on the front-end of the juvenile justice system, namely, information related to detention admissions and the decisions leading up to this key decision point. Specifically, the study examined information regarding the following steps:

- (1) jurisdiction’s “at-risk” youth population
- (2) youth arrests
- (3) youth referred to pre-adjudication detention facilities
- (4) youth admitted to pre-adjudication detention facilities;
- (5) detention screening
- (6) detention overrides
- (7) length of stay in detention
- (8) alternatives to detention utilization.

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Prior to the study, the data that was being collected in Peoria was the bare necessity required to fulfill state or federal mandates. This study indicated that this basic data was not sufficient in determining where in the system disparities existed and how local policy and organizations might be driving it. Although information from Peoria was used to make general statements about how to gather information about youth in the juvenile justice system, the study used information from a “Sample County” (not Peoria County) because Peoria was not prepared to publically release the information and was unable to collect all of it in time for the report.

The study acknowledges that although decision-points and their collection systems may vary between jurisdictions, the template used in this study could be easily manipulated to adhere to the procedures and systems in a variety of locations. The first analysis in this template examined changes in the youth population by race and ethnicity, in addition to variations in arrests, referrals and admissions to detention, and average length-of-stay in detention over a five-year period. By collecting overall trend information, policy makers were better able to initially identify where disparities in the juvenile justice system may be occurring in order to create necessary systems change.

The next piece of information gathered for this study was the number of court-age youth in the county. For most jurisdictions this age range is from 10-17, but can vary. Regardless, it is important to collect this information to ascertain the baseline for the group of youth that could potentially be arrested and brought to detention. This information was easily collected through the Office of Juvenile Justice and Delinquency Prevention or the U.S. Census.

The Peoria study then collected data at key decision points leading up to detention:

- (1) arrest
- (2) referral to detention facilities
- (3) detention admission screening
- (4) admission to detention facility
- (5) detention utilization
- (6) alternatives to detention.

The Peoria study also analyzed information related to the average length-of-stay (ALOS) in juvenile detention. This data is especially important in identifying disparities to see if youth are staying in detention for similar lengths of times for similar offenses. Besides collecting the race and ethnicity of each child who was kept in juvenile detention, the study collected information regarding pre- and post-adjudication, top offense, and target offenses. In Peoria, this information was collected by the probation and detention staff. The only piece that sounded somewhat time-consuming was that the staff had to manually calculate the length-of-stay analysis.

Finally, the Peoria template examined information related to using alternatives to detention. In this analysis they collected information pertaining to race, ethnicity, number of youth in various alternatives at the beginning and end of the quarter, number of normal, “successful” exits, and number of failed, “failure to appear or re-offense” exits. Peoria broke this analysis down between their alternatives which included home detention, Evening Reporting, and Electronic Monitoring.

Despite the somewhat daunting task of collecting this information about the Peoria’s juvenile justice system, the county found that a much of this data was already being collected. The problem was that it was not being collected in a way that was conducive to sorting. In order to collect additional data suggested by the template, Peoria only had to make minor adjustments.

Although the Peoria study was just one county, the issues it presented mirrors many of the situations we currently face in Minnesota. For one, many of the taskforce meetings that were conducted in preparation for this report highlighted the variations of systems and processes within each county. The difficulty does not seem to be that information cannot be recorded, it is just simply being able to harvest and adequately disaggregate it. As we can see from Peoria, they also had various procedures within their juvenile justice decision-making points. It only took simple variations in the systems they already had in place, however, to be able to do this.

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## ***Pennsylvania***

Pennsylvania has used a number of tools in order to improve their juvenile justice system and combat DMC issues. By using a juvenile court application, which was later modified by the John D. and Catherine T. MacArthur Foundation's "Models for Change" initiative, the State has been better able to create an equitable system of justice for their children and be a leader in the effort to eradicate DMC.<sup>62</sup>

Starting in the late 1980s, the Chief Juvenile Probation Council, along with the Pennsylvania Juvenile Court Judges' Commission, began developing a juvenile court application to collect and compile statistics from the 67 counties in Pennsylvania.<sup>63</sup> The Pennsylvania Juvenile Court Judges' Commission is mandated to collect this data and the Pennsylvania Juvenile Case Management System (PaJCMS) grew out of that requirement. The application is voluntary, so 64 of the 67 counties in Pennsylvania are currently using PaJCMS. Philadelphia has just requested to begin using it as well, leaving only two counties not participating. One county is so small that it still reports using paper forms; the other has an in-house application that is used for other court processes.

The funding for the application was originally provided by the Pennsylvania Commission on Crime and Delinquency through grants. The most recent reiteration of the application was around 2000 and has cost somewhere under \$7 million over that time span. The counties receive grant-in-aid funding through the state that the Pennsylvania Juvenile Court Judges' Commission processes. A portion of approximately 5 percent is withheld from the counties using PaJCMS to assist in the funding of two positions. Linda Bender, director of Juvenile Justice Information and Technology at the Juvenile Court Judges' Commission, could not provide the total costs of creating and using their juvenile court application, but she indicated that it is "substantially less" than what it would have cost through a vendor.<sup>64</sup>

Currently, the Information and Technology Division of the Pennsylvania Juvenile Court Judges' Commission has taken on the responsibility of the continued

maintenance and enhancement of the application and database. That department has a total of seven individuals on staff: four information technology generalists,<sup>65</sup> two application developers, and one database administrator who is also the project supervisor.

The application has been an overall success — especially considering that almost all 67 counties in Pennsylvania have opted to use it. Counties have a tremendous amount of input into the enhancements and where the application is heading. In order to keep the application accurate, the Pennsylvania Juvenile Court Judges' Commission has quarterly user group meetings for data entry, IT, management, and report writing. Another success is that Pennsylvania has a much more standardized way of collecting the data and consequently, the counties have a fully functioning case management system that makes their job much easier. There are some difficulties, however, in using this method such as the limited amount of staff available to support 65 counties. Each of the help desk staff are assigned over 20 counties to assist and is tasked with applying any upgrades at the county. There has not been any study done on the impact of the application, but according to Linda Bender, it has improved the way Pennsylvania can collect federally required data on DMC because the state is able to research and study the impact of any DMC project because of the ability to collect the data with the application.

Pennsylvania and Illinois are two examples of states which strove to not only comply with the JJDP, but more importantly, to cure their juvenile justice systems and better serve their states' children. The Juvenile Justice System Decision Points; Reports Required Bill is Minnesota's essential tool to reduce DMC by enabling us to monitor and improve the effectiveness and efficiency of the juvenile justice system. By implementing this system, we can ensure an efficient use of the State's resources and a better future for our youth.

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## APPENDIX II: FEASIBILITY STUDY WORK GROUP PARTICIPANTS

<b>Allison Anfinson</b>	MN Dept. of Education, Safe and Healthy Learners Division
<b>Angelique Kadem</b>	MN Juvenile Detention Alternatives Initiative
<b>Artika Tyner</b>	University of St. Thomas School of Law
<b>Brian Shaffer</b>	Minneapolis Police Dept.
<b>Brian Smith</b>	Smith & Associates
<b>Bud Olson</b>	Carver County Sheriff's Office
<b>Carrie Wasley</b>	MN Dept. of Public Safety/Juvenile Justice Advisory Committee
<b>Cheryl Kreager</b>	Juvenile Justice Coalition of Minnesota
<b>Chris Bray</b>	MN Dept. of Corrections, Community Services Division
<b>Colleen Brazier</b>	Northern Star Juvenile Diversion Programs
<b>Curt Peterson</b>	Juvenile Justice Coalition of Minnesota
<b>Dana Gotz</b>	MN Dept of Public Safety, Bureau of Criminal Apprehension, MN Justice Information Systems Division
<b>Dana Swayze</b>	MN Dept. of Public Safety, Office of Justice Programs (Work Group Facilitator)
<b>Danette Buskovich</b>	MN Dept. of Public Safety, Office of Justice Programs (Work Group Facilitator)
<b>Dave Johnson</b>	MN Dept of Public Safety, Bureau of Criminal Apprehension, MN Justice Information Systems Division
<b>David Brown</b>	Hennepin County Attorney's Office
<b>Dayna Burmeister</b>	MN Dept. of Corrections
<b>Deb Dailey</b>	MN State Court Administrator's Office
<b>Deb Kerschner</b>	MN Dept. of Corrections, Information & Technology
<b>Don Bruce</b>	Dakota County Attorney's Office
<b>Doug Johnson</b>	Washington County Attorney's Office
<b>Ebony Ruhland</b>	Council on Crime and Justice
<b>Enrique Estrada</b>	Neighborhood House
<b>Gail Clapp</b>	MN State Court Administrator's Office
<b>Garin Strobl</b>	University of St. Thomas School of Law
<b>Harlan Johnson</b>	Minnesota Chiefs of Police Association
<b>Heather Griesert</b>	Mille Lacs County Community Corrections
<b>Hon. Michael Mayer</b>	1 <sup>st</sup> Judicial District/Juvenile Justice Advisory Committee
<b>Jay Lindgren</b>	Amicus
<b>Jennye Croft</b>	Dakota County
<b>Jim Franklin</b>	Minnesota Sheriffs' Association

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<b>Jim Seward</b>	Hennepin County Corrections
<b>Joe Mullery</b>	State Representative
<b>John Kingrey</b>	Minnesota County Attorney's Association
<b>Kaaren Hensrud</b>	Dakota County Community Corrections, Juvenile
<b>Karen Jaszewski</b>	MN State Court Administrator's Office
<b>Kate Richtman</b>	Ramsey County Attorney's Office
<b>Kathy Surridge</b>	MN Dept. of Public Safety, Bureau of Criminal Apprehension
<b>Kevin Cedergren</b>	Carver County Attorney's Office
<b>Kim Wick</b>	Duluth Police Department
<b>Hon. Korey Wahwassuck</b>	Leech Lake Band of Ojibwe
<b>Marina Yakhnis</b>	Amicus
<b>Matthew Engelking</b>	Stearns County Attorney's Office
<b>Maurice Nins</b>	MN Dept. of Public Safety, Office of Justice Programs
<b>Melanie Priebe</b>	Hennepin County Probation
<b>Michael Belton</b>	Ramsey County Community Corrections, Juvenile
<b>Nekima Levy-Pounds</b>	University of St. Thomas School of Law
<b>Patty Moses</b>	Hennepin County Attorney's Office
<b>Rashad Hameed</b>	Dakota County Community Corrections, Juvenile
<b>Roger Banks</b>	Council on Black Minnesotans
<b>Ruth Kuehni</b>	MN Dept. of Corrections, MCF: Red Wing
<b>Stacy St. George</b>	Isanti County Attorney's Office
<b>Steve Holmgren</b>	Public Defender, 1 <sup>st</sup> Judicial District
<b>Terry Thomas</b>	Washington County Community Correction, Juvenile
<b>Tim Flynn</b>	University of St. Thomas School of Law
<b>Tricia Hummel</b>	MN Dept. of Public Safety, Office of Justice Programs
<b>Vanessa Glavas</b>	Dakota County Community Corrections, Juvenile
<b>Vickie Tholkes</b>	MN Dept. of Corrections, Information & Technology
<b>Warren Liepitz</b>	Mille Lacs County Community Corrections, Juvenile

## Consultants

<b>Joe Murray</b>	MN Dept. of Public Safety, Bureau of Criminal Apprehension (CJRS Consultation)
<b>Laurie Beyer-Kropuenske</b>	MN Dept. of Administration (Data Practices Consultation)

# APPENDICES

## APPENDIX III: CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP MEMBERSHIP

Commissioner <b>Michael Campion</b> , Chair	Minnesota Department of Public Safety
Commissioner <b>Joan Fabian</b>	Minnesota Department of Corrections
Chief Information Officer <b>Gopal Khanna</b>	Office of Enterprise Technology
Commissioner <b>Tom Hanson</b>	Department of Finance
Justice <b>Paul H. Anderson</b>	Minnesota Supreme Court
Judge <b>Hunter P. Anderson</b>	10 <sup>th</sup> Judicial District
State Court Administrator <b>Sue K. Dosal</b>	Minnesota Supreme Court
Judge <b>J. Thomas Mott</b>	2 <sup>nd</sup> Judicial District
Rice County Attorney, <b>G. Paul Beaumaster</b>	Chair, Criminal and Juvenile Justice Information Task Force
Chief Public Defender 1 <sup>st</sup> Judicial District, <b>Steve Holmgren</b>	Vice Chair, Criminal and Juvenile Justice Information Task Force



# ENDNOTES

- <sup>1</sup> 2009, Regular Session: H.F. No. 702 chapter 132, section 2.
- <sup>2</sup> Minn. Stat. § 388.24, subd 4.
- <sup>3</sup> Minnesota Sentencing Guidelines Commission. (2009). *Juvenile Out-of-State Placement and Alternative Placement Report*. [http://www.msgc.state.mn.us/data\\_reports/juvenile\\_placement/juvplacement\\_2009.pdf](http://www.msgc.state.mn.us/data_reports/juvenile_placement/juvplacement_2009.pdf)
- <sup>4</sup> The Minnesota Juvenile Justice Advisory Committee (2009). <http://www.jjac.state.mn.us/about.htm>
- <sup>5</sup> Minn. Stat. § 13.02, subd 19.
- <sup>6</sup> Laws of Minnesota 2009, chapter 59, article 3, section 1.
- <sup>7</sup> G. Raley & J. Dean. (1986). *The Juvenile Justice and Delinquency Prevention Act: Federal Leadership in State Reform. Law & Policy* Vol. 8 No. 4
- <sup>8</sup> 42 U.S.C. 5617 § 207 and 42 U.S.C. 5633 § 223.
- <sup>9</sup> 42 U.S.C. 5633 § 223.
- <sup>10</sup> The Office of Juvenile Justice and Delinquency Prevention. (2009). *Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition*. [http://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/dmcfull.pdf](http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/dmcfull.pdf)
- <sup>11</sup> The Minnesota Juvenile Justice Advisory Committee. (2009). <http://www.jjac.state.mn.us/about.htm>
- <sup>12</sup> 42 USC 5632 § 222.
- <sup>13</sup> The Office of Juvenile Justice and Delinquency Prevention. (2007). *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002*. <http://ojjdp.ncjrs.org/compliance/guidancemanual.pdf>
- <sup>14</sup> The Juvenile Detention Alternatives Initiative is a national juvenile justice system reform instituted by the Annie E. Casey Foundation. Main goals of JDAI are to reduce the inappropriate use of detention; reduce the number of youth failing to appear for court; and to address racial disparities in the system without compromising public safety. Pretrial Justice Institute. (2009) *JDAI Help Desk* <http://www.jdaihelpdesk.org/overview/aboutjdai/Pages/default.aspx>
- <sup>15</sup> See H.F. 702/ S.F. 0561, as introduced <https://www.revisor.mn.gov/bin/bldbill.php?bill=H0702.0.html&session=ls86>
- <sup>16</sup> See H.F. 702/S.F.0561, as amended/adopted on page i of this report.
- <sup>17</sup> Hereafter “the Policy Group”
- <sup>18</sup> Minn. Stat. §13.02, subd 19.
- <sup>19</sup> U.S. Department of Justice, Office of Justice Programs, *Disproportionate Minority Contact Project Summary*. <http://www.ojjdp.ncjrs.gov/programs/ProgSummary.asp?pi=18&ti=&si=&kw=&PreviousPage=ProgResults>.
- <sup>20</sup> Snyder, Howard N., and Sickmund, Melissa. (2006). *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- <sup>21</sup> Ibid.
- <sup>22</sup> Ibid.
- <sup>23</sup> Ibid.
- <sup>24</sup> Minnesota Department of Public Safety, Office of Justice Programs. (2008). *2007 Disproportionate Minority Contact Report* prepared for and submitted to the federal Office of Juvenile Justice and Delinquency Prevention. All Minnesota DMC data contained in this report is derived from this source unless otherwise noted.
- <sup>25</sup> Ibid.
- <sup>26</sup> Ibid.
- <sup>27</sup> Puzzanchera, C. and Adams, B. (2008). *National Disproportionate Minority Contact Databook*. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. <http://ojjdp.ncjrs.gov/ojstatbb/dmcdcb/>
- <sup>28</sup> See endnote 24.

# ENDNOTES

- 29 Laws of Minnesota 2009, chapter 59, article 3, section 1.
- 30 Governor's Juvenile Justice Advisory Committee, Washington State. (2009) *Title II Formula Grants Program Application: Comprehensive 3-Year Plan for FFY 2009 – 2011*. [http://www.juvjustice.org/media/resources/resource\\_308.pdf](http://www.juvjustice.org/media/resources/resource_308.pdf)
- 31 Press Release Archive, From the Office of Chet Culver, Governor of Iowa. April 17, 2008. [http://www.governor.iowa.gov/news/2008/04/17\\_2.php](http://www.governor.iowa.gov/news/2008/04/17_2.php)
- 32 Minnesota Department of Public Safety, Bureau of Criminal Apprehension. (2009). *Uniform Crime Report*. <http://www.bca.state.mn.us/CJIS/Documents/crime2008%5Cmci2008.pdf>
- 33 Ibid.
- 34 Minnesota Judicial Branch. (2008). *Minnesota Offense Codes (MOC)*. [http://www.mncourts.gov/Documents/0/Public/Justice\\_Agency/MOC\\_Complete\\_PDF\\_August\\_2008.pdf](http://www.mncourts.gov/Documents/0/Public/Justice_Agency/MOC_Complete_PDF_August_2008.pdf)
- 35 FBI/UCR definitions: Arrests: <http://www.fbi.gov/ucr/cius2008/arrests/index.html>
- 36 NIBRS cost assessment provided by the BCA.
- 37 Native American Law Enforcement Summit. (2008). *Annual Multi-Jurisdictional Conference Agenda*.
- 38 Minn. Stat. § 241.021 subd 1.
- 39 Minnesota Department of Public Safety, Board of Peace Officer Standards and Training. (2009). *Law Enforcement Agency Directory*. <http://www.dps.state.mn.us/newpost/PDFs/LEA.PDF>
- 40 Minn. Stat. § 626.84. subd, 1.
- 41 Minnesota Department of Public Safety, Board of Peace Officer Standards and Training. (2009). <http://www.dps.state.mn.us/newpost/statistics.asp>
- 42 Minnesota Department of Public Safety, Bureau of Criminal Apprehension. (2009). *Uniform Crime Report*. <http://www.bca.state.mn.us/CJIS/Documents/crime2008%5Cmci2008.pdf>
- 43 Minn. Stat. § 436.05.
- 44 Minn. Stat. § 471.59, subd 12.
- 45 Minn. Stat. § 626.93, subd 4.
- 46 Minn. Stat. § 626.93, subd 3.
- 47 Minnesota Judicial Branch. (2009). *Minnesota District Courts by County*. <http://www.mncourts.gov/?page=238>
- 48 Minnesota Supreme Court Advisory Committee. (2004). *Recommendations of the Minnesota Supreme Court Advisory Committee on Rules of Public Access to Records of the Judicial Branch*. <http://www.lawlibrary.state.mn.us/access/accessreport.htm#tocE>
- 49 Corrections User Group. (2008). *CSTS XP Data Entry Standards*
- 50 Minnesota Department of Corrections. (2009). *DOC Backgrounders: Minnesota Correctional Delivery Systems*. <http://www.corr.state.mn.us/publications/backgrounders/documents/08-09Deliverysystemsbackgrounder.pdf>
- 51 Minnesota Department of Corrections. (2003). *Detention Information System Manual* <http://www.doc.state.mn.us/org/communityserv/sss/pdf/DISManual.pdf>
- 52 Minnesota Sentencing Guidelines Commission. (2009). *Juvenile Out-of-State Placement and Alternative Placement Report*. [http://www.msgc.state.mn.us/data\\_reports/juvenile\\_placement/juvplacement\\_2009.pdf](http://www.msgc.state.mn.us/data_reports/juvenile_placement/juvplacement_2009.pdf)
- 53 Ibid.
- 54 *Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois' Juvenile Justice System*, available at <http://www.modelsforchange.net/publications/105>.

# ENDNOTES

- 55 Those include arrest, court referral, informal processing, detention, petitioning, adjudication, probation, placement, and waiver. *Analyzing DMC Data: The Models for Change Initiative in Pennsylvania*, available at [http://www.buildingblocksforyouth.org/noturningback/ntb\\_fullreport.pdf](http://www.buildingblocksforyouth.org/noturningback/ntb_fullreport.pdf).
- 56 Categories of offenses included person, property, drug, public order. Ibid.
- 57 Ibid.
- 58 Racial categories include:
- White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa
  - Black or African-American: A person having origins in any of the black racial groups of Africa.
  - Hispanic or Latino: A person of Cuban, Mexican, Puerto Rico, south or Central American, or other Spanish culture or origin, regardless of race.
  - Asian: a person having origins in any of the original peoples of the Far East, Southeast Asian, or the Indian subcontinent.
  - American Indian or Alaska Native: a person having origins in any of the original peoples of North and South American (including Central America), and who maintains tribal affiliation or community attachment.
  - Native Hawaiian or Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. <http://www.modelsforchange.net/publications/185>.
- 59 Minnesota State Demographic Center. (2009). *Minnesota Populations by Race and Hispanic Origin, 2005 to 2035*. <http://www.demography.state.mn.us/documents/MinnesotaPopulationProjectionsbyRaceandHispanicOrigin2005to2035.pdf>.
- 60 Ibid.
- 61 Models for Change. (2009). *Collecting and Analyzing Data on Racial and Ethnic Disparities: The Peoria Pilot Project*. <http://www.modelsforchange.net/publications/218>.
- 62 See Patrick Griffen, National Center for Juvenile Justice, *Doing Something About DMC*, available at [ftp://ftp.sws-wis.com/pccjpo/doing\\_something\\_about\\_dmc.pdf](ftp://ftp.sws-wis.com/pccjpo/doing_something_about_dmc.pdf).
- 63 42 Pa. C.S.A. §6372 creates the powers and duties of the Juvenile Court Judge’s Commission including the ability to “[c]ollect, compile and publish such statistical and other data as may be needed to accomplish reasonable and efficient administration of the juvenile courts system.”
- 64 Email correspondence with Linda Bender, Director of Juvenile Justice Information and Technology at the Juvenile Court Judges’ Commission, Nov. 11, 2009, (on file with author).
- 65 Three are help desk support and one is a dedicated report writer. Two of the staff are supported by grant money and the rest are state employees.



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