

The Minnesota Juvenile Justice Advisory Committee

*Annual Report and Recommendations
to Governor Tim Pawlenty and
the Minnesota State Legislature*

October 2009

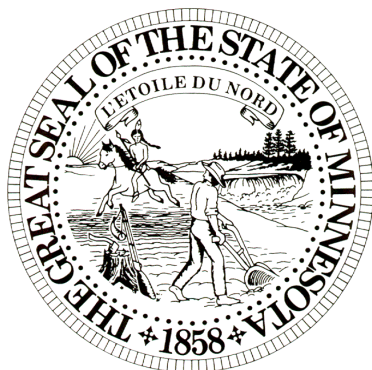


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2009 JJAC Accomplishments

In 2009, the Juvenile Justice Advisory Committee (JJAC) achieved or made significant progress toward all of the goals identified in our 2008 Report. The eight goals identified in 2008, along with our 2009 accomplishments, are as follows:

1. *Establish a statewide policy regarding DMC. Further, that all state agencies will collaborate with and provide available data on DMC within these systems to JJAC so that JJAC may gather pertinent statistical information and other documentation in support of the state-wide DMC policy. Moreover, these data will assist JJAC in monitoring Minnesota's continued compliance with the four core protections of the JJDP Act. JJAC will work to explore ways to enable counties and local jurisdictions to collect and report DMC data.*

The 2009 Minnesota legislature passed and Governor Pawlenty signed into law on May 11, 2009, the following state-wide policy:

It is 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. (2009, Chapter 59, Article 3, Section 1 (HF1301))

The passage of this legislation is important for a number of reasons. First it identifies a statewide commitment of the elimination of DMC. Second, it occurs at the same time that juvenile justice analysts are examining differences in how data is collected county by county in Minnesota. This current situation results in an inconsistency that works against any cumulative data's reliability. Accurate and consistent data collection is necessary to assist in the elimination of DMC. The statewide policy against DMC gives this data reform effort the foundation needed to achieve statewide data consistency.

2. *Support and expand juvenile detention reform in all 87 Minnesota counties.*

In 2009, JJAC committed additional resources to expand the Juvenile Detention Alternatives Initiative (JDAI) to Greater Minnesota sites, St. Louis County and the Ninth Judicial District. This moves JDAI beyond the Twin Cities (the three initial sites of Dakota, Hennepin and Ramsey Counties all fall within the Twin Cities metropolitan area) to northeastern Minnesota and a possibility in north central Minnesota. JJAC will hold its November meeting in the Ninth Judicial District which is comprised of four Minnesota counties – Beltrami, Cass, Hubbard and Itasca along with the Leech Lake Band of Ojibwe Tribal Court. JJAC will hold its meeting on site to hear from the representatives of these jurisdictions, to provide encouragement for

their efforts and to identify ways in which JJAC can further support juvenile detention alternatives within the Ninth Judicial District.

3. *Support the recommendations from the Juvenile Justice and Mental Health Initiative.*

JJAC continues to support the Juvenile Justice and Mental Health Initiative which has identified the following four Recommendations:

1. **Data Collection:** Address system-wide disparity issues by assembling, and publicizing existing data related to disproportionality in each of the systems—*such information is currently not shared.*
2. **Post-Screening Coordination:** Develop a model for post-screening coordination that includes the following components: Model Post-Screening Protocol for Youth Entering Detention and Model Post-Screening Protocol for Youth Found to be Delinquent.
3. **Engaging parents as partners:** As a critical element of post-screening coordination, develop a System Navigator function that will assist in meeting this goal.
4. **Evidence-based, community-based interventions:** The initiative is committed to increasing the availability of evidence-based, community-based interventions that are proven to reduce recidivism among justice-involved youth with mental health disorders.

JJAC's support of this initiative is important and timely. The Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) currently under consideration in Congress now includes language on the importance of the identification and treatment of mental health issues for youth involved in the juvenile justice system. JJAC will continue to explore ways to assist in this effort. JJAC has consistently used its Title II grant to support programming that addresses mental health issues – programs such as ART – Anger Replacement Therapy—a promising practice used by two of the current grantees.

4. *Promote evidence-based strategies and non-secure programs that address status offense behaviors to prevent further involvement in the juvenile justice system and promote safe and healthy outcomes for youth. Reduce repeat offender rates by focusing on treatment and family-oriented approaches in non-secure facilities. Invest funding in non-secure community-based programs to serve as alternatives to juvenile detention.*

JJAC continues to support evidence-based community interventions. The most important way in which JJAC can support this priority is through awarding grants to evidence-based programs that address, at the community level, the risky status

behavior that can lead to a youth's further involvement in the juvenile justice system. Through the grant process, JJAC has consistently supported programming that promotes safe and healthy outcomes for youth.

The following are current grantees in Title II:

Employment Action Center
Tree Trust
Minneapolis American Indian Center
Guadalupe Alternative Programs
Brown County Juvenile AOD Court
Washington County Community Corrections
YWCA of Saint Paul
Emerge
180 Degrees
SEARCH
YWCA of Minneapolis
Northfield Public Schools

A brief description and other information on the grantees are listed in Appendix D.

5. *The Office of Justice Programs in the Department of Public Safety and the Department of Corrections should work together to strengthen inspection of jails and lockups to monitor compliance with JJDP Act regulations regarding juveniles in adult jails and lockups.*

The Minnesota Department of Public Safety and the Minnesota Department of Corrections have entered into an agreement (DPS Contract No: DPS-M-0837) for the inspection of jails and lockups in order to monitor compliance with JJDP Act regulations regarding juveniles. See full agreement in Appendix F. JJAC is committed to ensuring that this inspection process will be thorough, consistent and transparent to ensure the continued safety of detained youth.

6. *JJAC joins with other organizations for the expansion of community-based programs providing prevention, intervention, treatment and aftercare/re-entry services to keep youth out of the justice system and speed their return to successful lives in their communities.*

JJAC continues to fund community initiatives via Title II with twelve sub-grantees which are currently in their third year of funding. We have released a new Title II funding RFP for programs commencing in January of 2010. The review process for these proposals is underway and we anticipate funding up to ten exemplary community programs that focus on prevention, intervention, treatment, aftercare, and successful re-entry.

The Department of Education and the Department of Public Safety should explore strategies that address behavior and keep youth in school.

The two departments should work together to prepare and provide training to school administrators, teachers and law enforcement on how they can best work together to control behavior while keeping youth in school.

JJAC visited the Duluth Independent School District in May of 2009 in order to learn about an innovative school intervention practice that is designed to keep youth in school while addressing behavior issues. This promising practice, "Restorative Learning" has changed the way in which educators and students resolve problem behaviors. Through guided conversations with the student and the teacher, administrator or staff person affected, the student gains an understanding of the harm caused by the behavior and is given an opportunity to make amends. The program has significantly reduced referrals from school to the juvenile justice system. Following the visit to Duluth, JJAC discussed its priorities for 2010. Based on this discussion, our experience in Duluth and our recognition that many youth are referred to the juvenile justice system from schools, JJAC has decided to focus a majority of our collective efforts in 2010 on school issues. (See new JJAC recommendations which follow this section.)

7. Minnesota should take no further action towards implementing the Adam Walsh Act as it relates to juveniles at this time. Minnesota should request a one year extension to July, 2010 without penalty on the Adam Walsh Act as provided in the federal rules. The relevant state departments should come together to engage all parties in an ongoing discussion on the Adam Walsh Act and its relevance to good public policy in Minnesota.

Along with the William Mitchell College of Law and the Minnesota County Attorney's Association, JJAC sponsored an all-day forum on juvenile sex offenders. The forum, Juvenile Sex Offenders: Building Safer Communities Through Law and Effective Public Policy, was designed to bring juvenile justice practitioners together to discuss current law and practices and to explore ways to improve public safety while preserving the fundamental principles of juvenile court. The first half of the forum focused on Minnesota's predatory offender registration statute and the psychology of juvenile sex offenders.

The afternoon session included a discussion of current trends in victimization and an overview of the Minnesota County Attorney's Association's (MCAA) legislative proposal and a segment on juvenile victimization. The day ended with a town hall forum to discuss the current application of the law and recommendations for change. Panelist for the forum included a judge, prosecutor, defender, victim's advocate, and a young adult who had offended as a juvenile. The audience was comprised of prosecutors, defenders, probation officers, judicial staff, and three legislators. A survey of the audience was conducted and the majority approved of the Minnesota County Attorneys Association's proposed legislative changes. In addition to

discussion of the MCAA's proposal, a number of additional recommendations were made and discussed.

The consensus of those participating in the Town Hall Forum was:

1. There is a need for changing the existing application of the Predatory Registration Statute, particularly as it relates to juvenile sex offenders under the age of 16;
2. Registration should not automatically be linked to an adjudication of delinquency for those offenders under the age of 16 who commit an age-difference offense;
3. In cases involving offenders under the age of 16 who have committed an age-difference sexual offense:
 - a. Judges should be given the discretion to decide the issue of registration AFTER a juvenile has completed treatment and/or programming;
 - b. The judge's decision should be based on a number of specific factors including the results of an independent evaluation conducted by someone experienced in the treatment of juvenile sex offender but who is not connected to the offender's treatment provider
4. More work is needed to prevent children from being sexually abused. Age-appropriate prevention education should be taught to every child. Ideas for this education piece included classroom sessions twice a year that include information on the law, on-line sessions on safety policies, and parent education campaigns – especially relating to computer and cell phone usage,

JJAC will continue to examine this issue and explore ways to bring juvenile justice practitioners together to move these recommendations forward.

2009 JJAC Recommendations

During 2009, JJAC spent significant time examining juvenile justice issues relating to the core requirements of the JJDP Act and the connection between schools and the juvenile justice system. JJAC member Judge Michael Mayer stated that 40% of his juvenile cases in Dakota County originated from the schools within his district.

Challenged by the inspirational approach of Duluth Independent School District Superintendent, Keith Dixon, JJAC has decided to focus on examining the role that schools play as a conduit for youth entering into the juvenile justice system. JJAC also intends to support school success by promoting practices that improve a youth's connection to school and that decrease referrals from schools while preserving a safe school environment. Superintendent Dixon's Restorative Learning focus demonstrates that young people need to be involved in the solution to their everyday problems. With the positive restorative learning approach the school district has implemented the number of referrals from classroom teachers and administrators has dropped by two thirds and major altercations have declined over 50%. The district appears to have found an effective solution by using an approach which recognizes the strengths of the individual youth while ensuring that the student's behavior is addressed.

The following are education-focused goals for the core requirements of De-institutionalization of Status Offenders (DSO), Jail Removal and Disproportionate Minority Contact (DMC):

1. DSO:

Recommendation: Appropriate services will be provided to status offenders so they are reconnected to an appropriate school or educational plan and are never placed in secure detention.

Strategies:

1. Promote programs and strategies that focus on reconnecting youth to an appropriate school or educational plan.
2. Promote school or community-based mentoring that supports attendance, academic achievement and life skills development.
3. Eliminate suspensions or expulsions imposed solely on the basis of truancy.
4. Promote school-based interventions that address the causes of truancy and promote reconnection to school or an alternative educational plan.

Measures of Success:

1. Detention admission data from OJP will show a steady decline in the numbers of status offenders detained.
2. There will be an increase in evidenced-based programs that promote reconnecting status offenders to appropriate school/educational plans.
3. There will be a decrease in the number of schools using expulsion or suspension as a sanction for truancy.

2. Jails:

Recommendation: Remove barriers to educational opportunities for delinquent juveniles returning to the community. See DSO strategies above.

3. DMC:

Recommendation and Strategy: To send a contingent of law enforcement personnel to the OJJDP DMC Conference in October of 2009. These professionals, coming from a variety of juvenile justice contact points in law enforcement—rural, city, supervisor, et cetera, will then become resources on DMC for other law enforcement personnel

DMC Reduction Plan for FY 2009-2011 from the 2009 JJAC Three-Year Plan:

1. Reduce DMC in the juvenile justice system in Minnesota.
2. Continue to educate service providers and system participants on DMC and best practices to combat it.
3. Encourage pilot projects that indicate success in dealing with DMC.
4. Engage practitioners in developing and implementing a variety of innovative strategies for reducing DMC.
5. Engage and participate with the communities of Minnesota in creating innovative strategies for children in Minnesota.
6. Establish a statewide DMC/disparity policy.
7. Support alternatives to detention expand throughout Minnesota.
8. Continue to improve state and local data collection related to DMC and critically examine decision points at each stage of the juvenile justice system.

JJAC encumbrances:

- \$75,000 for statewide forums.
- \$130,000 for additional JDAI sites.
- \$10,000 for law enforcement training.
- \$5,000 for the CCJ's forum on juvenile records improvement

Ramsey County, one of the original three JDAI counties that JJAC funded beginning in 2005 has issued a report on the declination of their juvenile detention numbers. That report follows in Appendix G.

OTHER PARTNERSHIPS

JJAC is committed to partnering with other juvenile justice organizations dedicated to improving the practice of juvenile justice in Minnesota. For example, The Council on Crime and Justice has called for reforming the accessibility of juvenile court records; the Minnesota Corrections Association has called for improving youth's knowledge about the juvenile justice system; and the Minnesota County Attorney's Association has put forth a legislative proposal which would modify the predatory registration statute and no longer require automatic register for certain juvenile offenders under the age of 16 (See S.F. No. 1126, 2nd Engrossment - 85th Legislative Session (2007-2008) for provisions of the full bill). JJAC will consider each of these initiatives and, to the extent they fit with JJAC's mission, is committed to working with these organizations to promote legislation that will positively reform juvenile justice practices in our state.

Council on Crime and Justice legislative agenda:

- Adoption of a state-wide juvenile detention Risk Assessment Instrument (RAI).
- Expansion of the types of records that can be sealed by court order.
- Creation of an expedited records-sealing process in appropriate circumstances.
- Creation of a process for obtaining a "Certificate of Restoration" for records not eligible for sealing.
- Restriction of public inquiry into and use of juvenile records.
- Creation of a presumption of rehabilitation for juvenile offenses for purposes of statutory background studies.
- Restriction of release of peace officer juvenile records through informed consent.
- Make felony-level charges for 16-17 year olds public data only if the final adjudication is felony level.

Minnesota Corrections Association legislative agenda:

- Allow Courts the authority to extend the length of Continuances/Stays of Adjudication of Delinquency to one year for misdemeanor offenses and up to two years for gross misdemeanor and felony offenses.
- House File 58 - Teach middle school students about the juvenile and criminal justice systems and the consequences of delinquent and criminal conduct (amending MN Statutes 2008, section 120B.023, subdivision 2).
- House File 65 - Require public school students to complete service learning hours as a condition of graduation from high school, amending MN Statutes 2008, section 120B.024.

Minnesota County Attorney's Association legislative proposal:

- Modify the predatory registration statute and no longer require automatic registration for certain juvenile offenders under the age of 16 (See S.F. No. 1126, 2nd Engrossment - 85th Legislative Session (2007-2008) for provisions of the full bill).

The Minnesota Juvenile Justice Advisory Committee

Minnesota's Juvenile Justice Advisory Committee (JJAC) members are appointed by the Governor to advise and make recommendations to the Governor and the Legislature regarding issues, trends and practices affecting juveniles within the juvenile justice system in Minnesota. JJAC serves as Minnesota's state advisory group (SAG) to meet specific requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP Act). The JJDP Act was first authorized by the US Congress in 1974 and has been continuously re-authorized, most recently in 2002. Reauthorization is currently pending in Congress.

The eighteen JJAC appointees come from all backgrounds and places to truly represent Minnesota. Each member brings a particular interest and expertise based both in professional and/or personal experience. Geographically one third are from the metropolitan Twin Cities area, one third are from rural Minnesota and one third are from the metropolitan suburbs. People of color representing major racial origins comprise fifty per cent of the committee. The committee contains juvenile justice experts including judges, prosecutors, defenders, private sector non-profit service providers, researchers and youth representatives with personal experience in the juvenile justice system. (The current JJAC Membership Roster and membership profile analysis are provided in Appendices A and B.)

JJAC has three standing committees and a Youth Caucus. The three committees are Disproportionate Minority Contact, Jail Issues and Deinstitutionalization of Status Offenders. Specific committee work on current issues can be viewed later in this report.

JJAC Youth Caucus

The Youth Caucus consists of the five JJAC youth members plus one non-youth JJAC member who has a history of working with youth within the juvenile justice system of Hennepin County. The Youth Caucus has recently asked for other interested youth to join with them to augment the caucus and to gain perspective from under-represented youth who are over-represented in the juvenile justice data in Minnesota. Although approximately sixty-eight percent of youth within the juvenile justice system in Minnesota are males, there are currently no male JJAC youth representatives.

One of the youth members, Danielle Chelmo, serves on the Coalition of Juvenile Justice' (CJJ) National Youth Committee which has developed the following three goals:

1. Ensure that youth SAG members are not simply listed on every SAG's roster, but are actively engaged in the work of the SAG and its subcommittees.
2. Work with youth and older SAG members to enhance the communication and understanding that develops when youth and older SAG members work in partnership, each valuing the others point of view.
3. Engage a larger number of youth SAG members in national level activity with CJJ and other allies.

JJAC Ex Officio Members

JJAC has established a working relationship with six Ex Officio Members representing the other six state departments and branch of Government that also have within their purview Minnesota juveniles. They are the departments of Corrections, Education, Employment and Economic Development, Health, Human Services, and the judicial branch's Court Administration. These six Ex Officio members have consistently given their time and professional perspective to advise JJAC as JJAC's responsibilities are enacted especially when the responsibility intersects with the Ex Officio's home department or branch of government. They are listed on the Membership roster.

JJAC Responsibilities and Work Plan

JJAC meets monthly to fulfill its federal and state responsibilities. Chief among those responsibilities are:

1. To develop an ongoing and comprehensive Three-Year Plan for Juvenile Justice in Minnesota;
2. To advise the Governor and Minnesota Legislature on Minnesota's compliance with the four core requirements of the federal JJDP Act;
3. To advise the Governor and Minnesota Legislature on Recommendations for the Minnesota juvenile justice system – which is the purpose of this report;
4. To review, award and monitor federal juvenile justice funds appropriated by Congress in Title II, Title V and in the Juvenile Accountability Block Grant (JABG) funds. Title II provides funding for Prevention, Intervention and Aftercare programs to community organizations. Title V provides funding for Community Delinquency Prevention Program to local units of government. JABG provides funding support to local units of government for the juvenile justice system.

JJAC's work plan is based on the Four Core Requirements contained in the JJDP Act. The four core requirements are:

1. De-institutionalization of status offenders (DSO)

States must ensure that juveniles who are charged with status offenses are not placed in secure detention or correctional facilities. Status offenses are those that would not be an offense if committed by someone over the age of eighteen except for alcohol where the age of use is twenty one – truancy, curfew, runaway, use of tobacco or alcohol.

2. Sight and sound separation of juveniles from adult offenders.

States must ensure that a juvenile charged with a delinquent offense who is detained or confined in an adult jail or lockup will not have verbal or visual contact with adult offenders.

3. Removal of juveniles from adult jails and lockups.

States must ensure that no juvenile shall be detained or confined in a jail or lockup that is intended for adult offenders beyond proscribed time limits: six hours in a Metropolitan Statistical Area (MSA) county and twenty-four hours in non-MSA counties.

4, Disproportionate Minority Contact (DMC).

States must make efforts to reduce the proportion of minority youth at the designated nine points along the juvenile justice system continuum when that proportion exceeds the minority's representation in the general population. There are other recognized points along the continuum, but OJJDP focuses on nine.

The four core requirements have evolved beginning with the first iteration of the JJDP Act in 1974 to today with the next iteration of the act in process currently in Congress. JJAC's overarching goal is to balance the protection of youth while instilling in them the basic foundation premise of accountability. While research has shown that a juvenile needs the JJDP Act protections in order to continue on a healthy path to maturation, accountability and execution of the juvenile justice system should guarantee both public safety and the safety of the individual youth. Statistics show conclusively that once a youth has been involved in the juvenile justice system, the possibility of recurring visits and involvement in the juvenile justice system increases. Prevention and community based alternatives remain important tools for Minnesota's juveniles.

Current Minnesota Youth Demographics

Minnesota Youth Population

Youth under the age of 18 account for roughly 1.25 million of Minnesota's 5.2 million residents. While Minnesota's total estimated population has been slowly rising since 2000, the estimated percentage of youth under age 18 has been declining. In 2000, youth made up 26 percent of the total Minnesota population, while in 2008 youth accounted for 24 percent.¹

Minnesota is home to approximately 560,000 youth ages 10 to 18 and who, under Minnesota Statute, could be involved in the juvenile justice system. There are approximately 289,000 youth² between the ages of 14 and 17, the group with the highest risk for becoming involved in the juvenile justice system.

Racial and Ethnic Representation³

Minnesota's youth are more racially and ethnically diverse than the state population as a whole. U.S. Census Bureau estimates indicate that close to one quarter (23%) of all Minnesota youth under age 18 represent racial or ethnic minority groups. This compares to 15 percent of the state population as a whole. In the youth community, those of Hispanic ethnicity are surpassing African American youth as the most populous minority group in the state.

Race/Ethnic Category⁴	Overall Minnesota Population	Minnesota's Youth Population (Under 18)
Caucasian, Non-Hispanic	85.4%	77.2%
African American	4.6%	6.8%
American Indian	1.2%	1.8%
Asian	3.5%	4.8%
Native Hawaiian/Pacific Islander	>0.1%	0.1%
Two or more races	1.5%	3.5%
Hispanic (any race)	4.1%	7.0%

¹ U.S. Census Bureau State and County Quick Facts: 2000, 2008: Minnesota. <http://quickfacts.census.gov/qfd/states/27000.html>

² U.S. Census Bureau. Estimates of the Resident Population by Selected Age Groups for the United States, States, and Puerto Rico: July 1, 2008. www.census.gov/popest/states/asrh/tables/SC-EST2008-01.xls

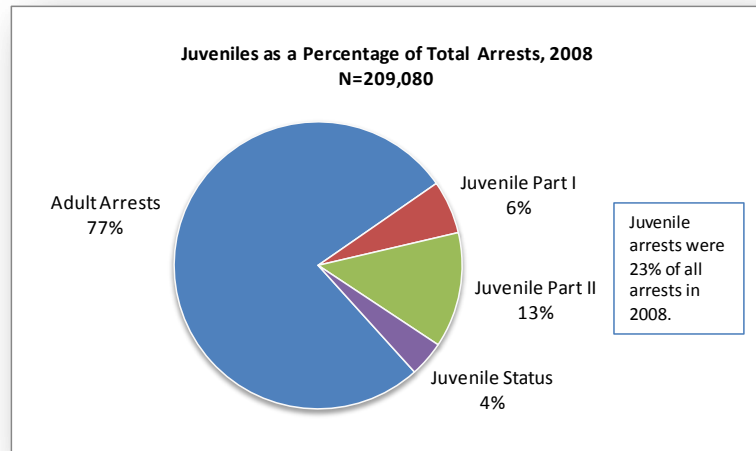
³ U.S. Census Bureau. Population Estimates: State Population Datasets: State by Age, Sex, Race and Hispanic Origin: Illinois-Missouri.

⁴ The US Census uses the racial categories 'White' and 'Black or African American'. The terms 'Caucasian' and 'African American' have been selected for use in this report to ensure consistent use of terms throughout.

More information on foreign-born youth will become available after the 2010 Census. According to data created by the Department of Homeland Security and U.S. Immigration and Customs Enforcement, 15,832 immigrants declared Minnesota as their intended state of residence in 2008. The majority of immigrants were African born (48%) with the greatest numbers born in Somalia, Ethiopia and Liberia. Asian born immigrants accounted for 30.2 percent of Minnesota immigrants, half of which were from Southeast Asian countries. Vietnam, Laos, Philippines, and Cambodia were the most frequent Southeast Asian immigrants; India and the People's Republic of China were the most frequent greater Asian immigrants to Minnesota. European immigrants were 7 percent of Minnesota's total and North American immigrants were 10 percent. Of North American immigrants, just over half (54%) were from Mexico. South Americans constituted four percent of Minnesota immigrants in 2008, followed by less than 1 percent from Oceania.⁵

Youth Entering the Juvenile Justice System: 2008 Arrests⁶

Juveniles as a percentage of total arrests have slowly declined from 26 percent in the year 2000 to 23 percent in 2008. In 2008, 47,229 arrests of juveniles were recorded in the Minnesota Uniform Crime Report (UCR) as compared to 74,751 arrests in the year 2000.⁷



One-quarter of juvenile arrests (25%) fall within the Part I offense category for the most serious person and property crimes.⁸ The majority of all juvenile arrests are for Part II offenses (59%), which are less serious person and property offenses. Arrests for Status Offenses of

⁵ Minnesota Department of Administration, Office of Geographic and Demographic Analysis, Office of the State Demographer. (2009). Immigrants to Minnesota by region and selected country of birth. <http://www.demography.state.mn.us/documents/Immigrants2008.csv>

⁶ While the term "arrest" is used to describe juveniles in the Minnesota Crime Information Report, the term used in the juvenile justice system to describe the detaining or citing of juvenile offenders is "apprehension".

⁷ Minnesota Department of Public Safety, Bureau of Criminal Apprehension (2009). 2008 Minnesota Crime Information Report. <http://www.bca.state.mn.us/CJIS/Documents/crime2008%5Cmci2008.pdf>

⁸ Information regarding offenses categorized by the FBI as Part I, Part II and Status can be found at http://www.fbi.gov/ucr/ucr_general.html

curfew/loitering and runaway make up the smallest percentage of juvenile arrests at 16 percent.⁹

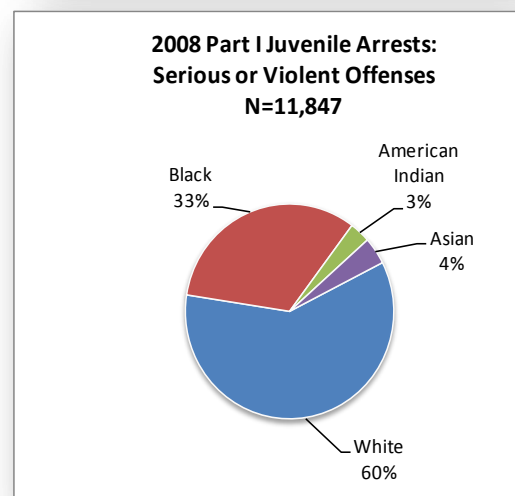
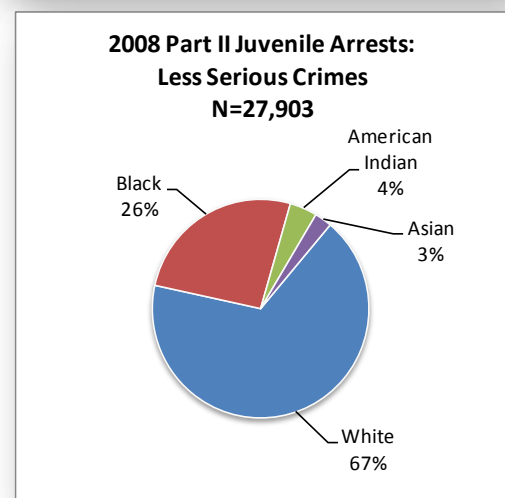
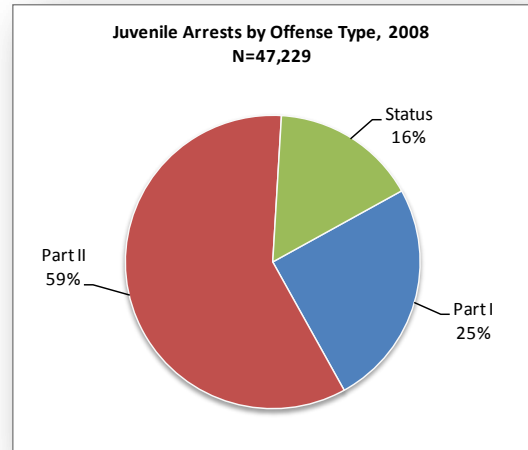
Arrests by Gender:

In the past five years, males have consistently accounted for two-thirds of juvenile arrests. In 2008, more males were arrested for Part I offenses than females (63% vs. 37%) and for Part II offenses (71% vs. 29%). While more males were arrested than females for the Status Offenses of curfew and loitering (68% vs. 32%), more females were arrested for runaway than males (55% vs. 45%). Runaway is the only UCR arrest category for which females are consistently arrested in greater numbers than males.

Arrests by Race/Ethnicity¹⁰:

Within each arrest category (Part I, Part II and Status), unique racial distributions exist. While Hispanic ethnicity data is collected for the UCR, it is not currently published on juveniles. As such, youth of Hispanic ethnicity are included in the four primary racial categories reported. The racial category “Native Hawaiian/Pacific Islander” is included in data on Asian youth.

Caucasian youth, who are the majority of the Minnesota youth population, represent the majority of arrests for Part I and Part II crimes (60% and 67%, respectively). When it comes to arrests for Status offenses, however, youth from minority communities constitute 70 percent of arrests and Caucasian youth only 30 percent.

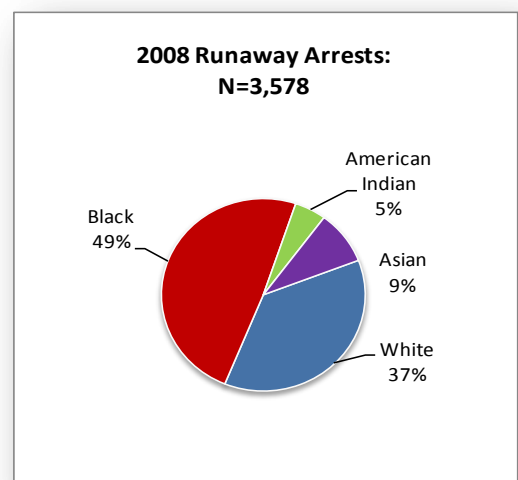
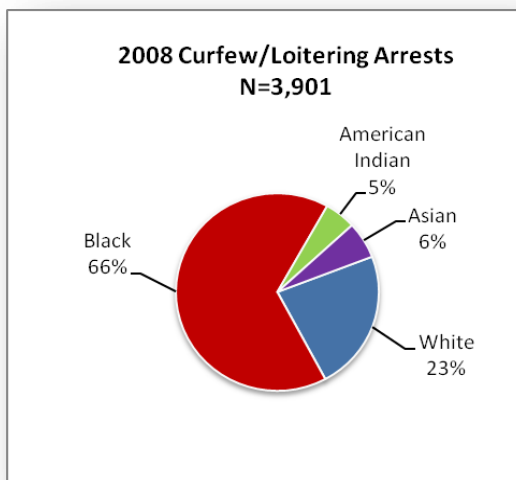
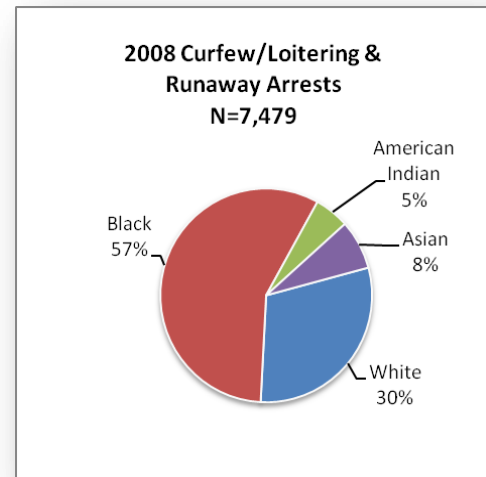


⁹ Only curfew/loitering and runaway arrests are counted as Status Offenses for federal reporting requirements. Other Status Offenses, such as underage consumption of alcohol, are counted in other UCR categories such as “Liquor Laws”. Law enforcement agencies are not required to report Truancy to the BCA for federal UCR reporting.

¹⁰ The UCR uses the racial categories ‘White’ and ‘Black’ when reporting race data. The terms ‘Caucasian’ and ‘African American’ have been selected for use in this report to ensure consistent use of terms throughout.

Minority youth are over-represented compared to their percentage of the juvenile population in all arrest categories, especially for the status-level offenses of Curfew/Loitering and Runaway. Specifically, African American youth represent two-thirds of arrests for Curfew/Loitering (66%) and half (49%) of arrests for Runaway.

Since race data began being publicly reported by the BCA in 2000, the percentage of youth of color arrested has been rising. In 2000, youth of color accounted for one-quarter of juvenile arrests; in 2008, youth of color accounted for 40 percent of juvenile arrests. This does not mean, however, that greater numbers of youth of color are being arrested since the overall number of juvenile arrests has been decreasing.



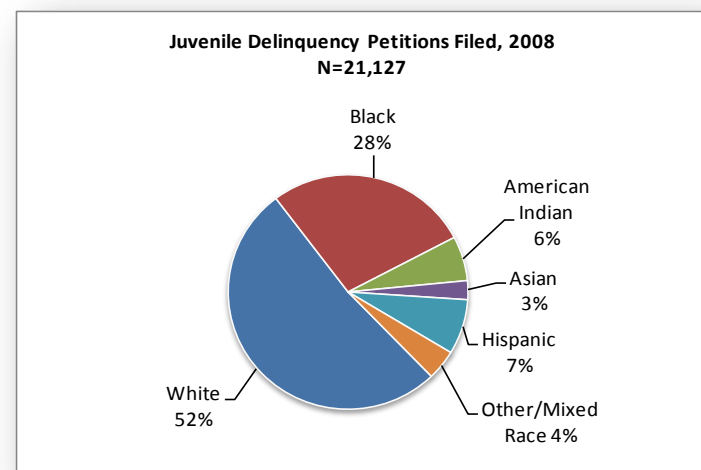
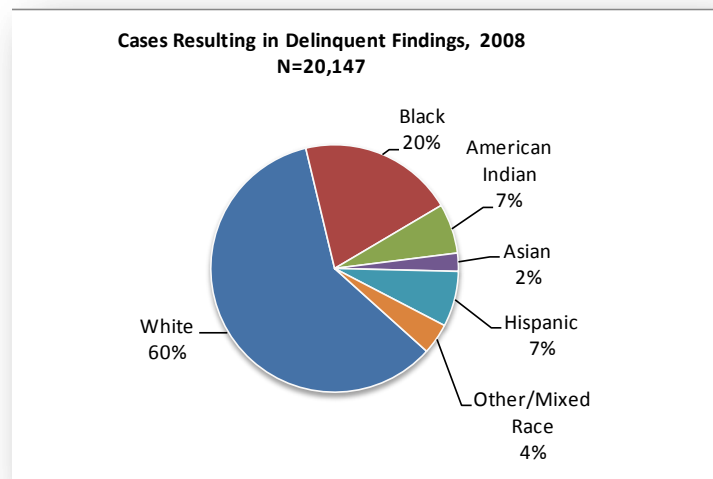
Cases Petitioned and Cases Resulting in Delinquent Findings:

In 2008, there were 53,063 juvenile filings in Minnesota district courts. These filings included Delinquency, Petty/Status offenses, Runaway and Truancy, Neglect and Abuse cases, and Termination of Parental Rights.¹¹

According to data supplied by the State Court Administrator's Office (SCAO), there were 21,127 delinquency petitions filed in 2008 (40% of all juvenile cases). Delinquency petitions include felony, gross misdemeanor and misdemeanor level charges. They do not include charges for petty misdemeanors or the status offense of Curfew or Runaway. In 2008, Caucasian youth accounted for just over half (52%) of all delinquency petitions filed.¹²

Youth of color as a whole in Minnesota are just under one-quarter of all youth (23%) but are just under one-half (48%) of delinquency petitions.

District court records show that there was a finding of delinquency in 20,147 cases. (These are not necessarily a subset of 'cases petitioned' as cases are not necessarily petitioned and disposed in the same calendar year). Caucasian youth were most likely to be found delinquent (60% of all delinquency findings) followed by African American youth (20%), Hispanic and American Indian youth (7%, respectively), "Other" or Mixed Race youth (4%) and Asian youth (2%).



¹¹ Minnesota Judicial Branch. (2009). A Report to the Community: The 2008 Annual report of the Minnesota Judicial Branch. http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/AR_Working_08.pdf

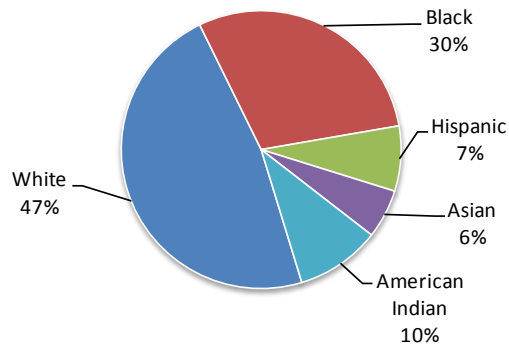
¹² Juvenile case filing and disposition data provided upon request by the State Court Administrator's Office.

Youth in Secure Facilities:

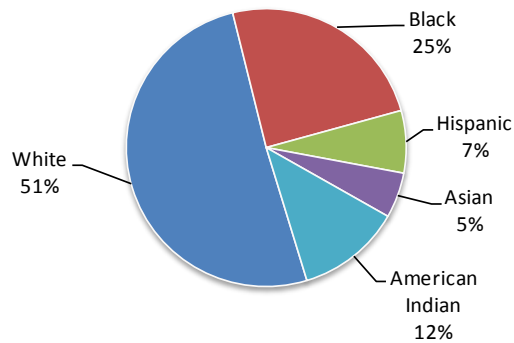
Juvenile admissions reported by the Minnesota Department of Corrections and select individual counties for the purpose of federal Disproportionate Minority Contact Reporting indicate that 11,003 juveniles were held in secure juvenile detention in 2008 and 1,788 youth were held in secure juvenile placement following disposition. These are not a count of individuals, rather events, as the same youth can be admitted to detention multiple times in a calendar year. Additionally, youth can move from detention to post-disposition placement which will be counted as two separate admissions.

Statewide, youth of color account for just over half of secure detention admissions (53%) and just under half of secure placement admissions following disposition (49%). Facility admissions by race can vary significantly by geographical location. As an example, data provided by Hennepin and Ramsey counties show that over 80 percent of secure detention and placement admissions are youth of color.

Secure Detention Admissions, 2008
N=11,003



Secure Placements, 2008
N=1,788



Youth on Probation¹³

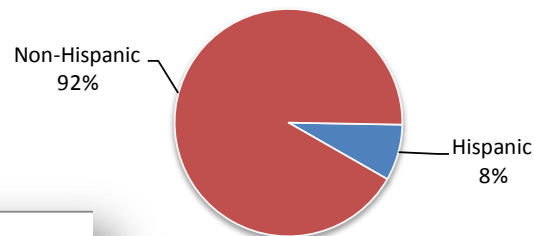
In 2008, there were 13,088 youth under probation supervision in Minnesota accounting for nine percent of all probationers. The number of youth on probation has been declining since a peak of 17,460 in 2002. The percentage of youth as probationers has decreased from 13 percent in 2001 to nine percent in 2008.

¹³ Minnesota Department of Corrections (2009). 2008 Probation Survey.
http://www.doc.state.mn.us/publications/documents/2008ProbationSurvey_Final.pdf

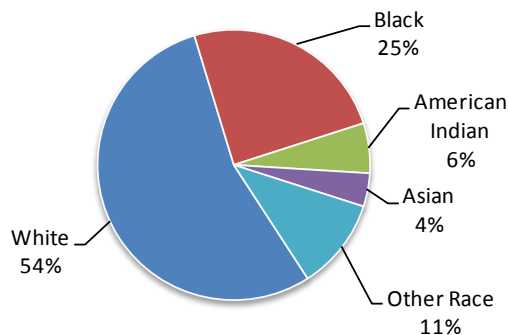
In 2008, males were 73 percent of the juvenile probation population; females 27 percent. The percentage of male probationers has been slowly declining from a 76 percent high in 2002 when this data became publicly available.

Like arrests, the percentage of youth of color on probation has been rising while the number of youth on probation declines. Caucasian youth were two-thirds of probationers in 2002 (67%) but just over half (55%) in 2008.

Juvenile Probationers, 2008
N=13,088



Juvenile Probationers, 2008
N=13,088



Data Gaps and Opportunities:

In JJAC's 2008 Annual Report and Recommendations to the Governor and the Minnesota Legislature, highlighted conditions that confounded juvenile justice data collection and analysis. The majority of the issues presented in that

report remain unchanged. These obstacles include: lack of standardization in race and ethnicity data collection; missing or incomplete data on juvenile diversions; a lack of published reports on juvenile case handling and outcomes; and a lack of published data on juvenile detention and placements.

In the Spring of 2009, legislation passed requiring a "Juvenile Justice System Decision Points Study".¹⁴ In this study, the Criminal and Juvenile Justice System Policy Group, with administrative support from the Office of Justice Programs, will be studying "the feasibility of collecting and reporting summary data relating to decisions that affect a child's status within the juvenile justice system." The study must consider data elements such as age, gender, race, ethnicity, criminal charge, county of offense and county of residence. The study is also charged to identify the decision points at which data must be collected; the agencies required to provide data; the frequency of reporting the data; and the level of summary analysis. Finally, the study must create a plan to implement data collection and address the cost of implementation.

¹⁴ H.F. 702/ S.F. 561

The study workgroup, comprised of juvenile justice system agencies and stakeholders, has begun exploring juvenile justice decision points, data gaps and opportunities for data improvement. The findings and recommendations of the work group will culminate in a report to the Minnesota Legislature in February, 2010. At that time, a more comprehensive understanding of Minnesota's data needs related to the juvenile justice system and Disproportionate Minority Contact will be known and shared with policy makers.

Disproportionate Minority Contact:

Disproportionate Minority Contact (DMC) is measured using a Relative Rate Index (RRI) that compares outcomes for youth of color at various stages in the juvenile justice system to the outcomes of Caucasian youth at the same stage. In order to be analyzed using the RRI, a population must represent at least one percent of the total population at each stage in the system. In reading the following RRI matrix, a calculation of 1.0 means the outcomes for both Caucasian youth and minority group youth were statistically the same. As an example, Hispanic youth were equally likely to be petitioned to court (RRI= 1.04) as Caucasian youth.

The 2008 RRI (using 2007 data) demonstrates significant disparities in juvenile justice system outcomes both between Caucasian youth and youth of color, and among minority groups themselves. The greatest disparities occur in Minnesota at the point of arrest where African American youth are over five times more likely to be arrested; American Indian youth are nearly three and a half times more likely to be arrested; and Hispanic youth are over twice as likely to be arrested as Caucasian youth.

The second most disparate stage occurs immediately following arrest with admission to a secure detention facility. American Indian youth and Asian youth were both over three times more likely than Caucasian youth to be securely detained following arrest. Following case disposition, Asian and American Indian youth were twice as likely as Caucasian youth to be placed in a secure residential facility.

At one point in the juvenile justice system, "Cases resulting in Probation Placement", youth of color were half as likely as Caucasian youth (RRI=0.53) to receive probation.

The aforementioned Juvenile Justice System Decision Points Study will be exploring the feasibility of collecting data at decision points where data is not currently available statewide, namely referrals to county attorneys and cases diverted by the county attorney. The category "Cases resulting in Delinquent Findings" will again be available starting with 2008 data from the recently implemented Court Services Tracking System (MNCIS).

Summary: Relative Rate Index Compared with Caucasian Juveniles

				Reporting Period	Month / Year		
State : Minnesota				1-1-07 through	12-31-07		
County: Statewide							
	African American 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	5.23	2.22	0.65	*	3.42	*	3.09
3. Refer to Juvenile Court	--	--	--	*	--	*	--
4. Cases Diverted	--	--	--	*	--	*	--
5. Cases Involving Secure Detention	1.43	1.13	3.08	*	3.18	*	1.48
6. Cases Petitioned	1.22	1.04	1.29	*	1.82	*	1.33
7. Cases Resulting in Delinquent Findings	--	--	--	*	--	*	--
8. Cases resulting in Probation Placement	0.42	0.76	0.93	*	0.94	*	0.53
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	0.91	0.97	2.06	*	2.01	*	1.04
10. Cases Transferred to Adult Court	2.71	**	**	*	**	*	2.30
Group meets 1% threshold?	Yes	Yes	Yes	No	Yes	No	

BOLD= Statistically Significant

JJDPA Core Compliance Requirements:

Data provided by the Minnesota Department of Corrections for Compliance Monitoring purposes indicates that 3,271 juveniles were held in adult jails or police lock-ups across the state in 2008. The Juvenile Justice and Delinquency Prevention Act (JJDPA) limits the holding of youth accused of delinquency to six hours in jails and police lock-ups in Metropolitan Statistical Areas (MSAs). Youth requiring longer detention must be transferred to an appropriate juvenile facility. The JJDPA prohibits the secure holding of status offenders for any length of time in either adult or juvenile facilities and prohibits any sight or sound contact between juveniles and adult inmates.

Because much of greater Minnesota is rural, state statute allows for juvenile holds of up to 24 hours in adult facilities outside of MSAs. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) allows a Rural Removal Exception (RRE) for these facilities as well. In 2008, Minnesota was granted RREs for 33 county jails in greater Minnesota. The holding of status offenders is always prohibited.

Deinstitutionalization of Status Offenders (DSO):

Admissions data shows that no status offenders were detained in Minnesota's secure juvenile facilities in 2008, but there were seven admissions of status offenders to adult jails or lock-ups. These seven admissions resulted in a DSO rate of 0.68 per 100,000 youth under 18, down from 0.94 in 2007. This rate is within numerical de minimis standards and requires no corrective action plan.

Sight and Sound Separation:

Facility audits completed by Minnesota's Compliance Monitor resulted in no violations of the Sight and Sound Separation requirement. No violations were reported to the OJJDP for 2008 or 2007 requiring no corrective action plan.

Jail Removal:

Of the 3,271 juvenile admissions to adult jails and lock-ups, 25 were found to be in excess of the allowable 6 or 24 hours. These violations resulted in a Jail Removal violation rate of 2.55 per 100,000 youth under 18, down from a rate of 5.86 violations in 2007.

States with a Jail Removal Rate under 9.0 are eligible for "numerical de minimus" provided a plan is submitted to the OJJDP that: "describes a State's plan to eliminate the noncompliant incidents through enactment or enforcement of State law, rule, or statewide executive or judicial policy, education, the provision of alternatives, or other effective means."

Appendix A: 2009 JJAC Membership Roster

JUVENILE JUSTICE ADVISORY COMMITTEE MEMBERS	
<p>Chelsea Becker, Youth Member Maple Grove</p> <p>Danielle Chelmo, Youth Member Medina</p> <p>William Collins, Co-Vice Chair Saint Paul</p> <p>Freddie Davis-English Co-Chair, DMC Committee Plymouth</p> <p>Amanda Dionne, Youth Member Crystal</p> <p>Sarah Dixon, Past Chair Duluth</p> <p>Richard Gardell, Chair Minneapolis</p> <p>Abdallai "Abe" Hassan Saint Paul</p> <p>Amanda Heu, Youth Member Co-chair, Jail Issues Committee Saint Paul</p>	<p>Chong Y. Lo Co-Chair, Jail Issues Committee Saint Cloud</p> <p>Honorable Michael Mayer, Co-Vice Chair Eagan</p> <p>Felix Raymond Montez Minneapolis</p> <p>Brenda Pautsch Mankato</p> <p>Kathryn "Kate" Richtman Co-Chair, Long Range Planning Committee Saint Paul</p> <p>Honorable Kathryn N. Smith Co-Chair, DMC Committee Willmar</p> <p>Richard Smith Plymouth</p> <p>Antonio Tejeda Co-Chair, Long Range Planning Committee Spicer</p> <p>Emily Tischer, Youth Member Rochester</p>
EX OFFICIO STATE AGENCY MEMBERS	
<p>Kim Larson Minnesota Court Services Division State Court Administrator's Office</p> <p>Amy Roberts, Director Division of Compliance and Assistance Department of Education</p> <p>Jennifer O'Brien Adolescent Health Coordinator Department of Health</p>	<p>Kyuinga Olson Department of Corrections, Red Wing</p> <p>Bill Wyss Children's Mental Health Division Department of Human Services</p> <p>Lynn Douma Department of Employment and Economic Development Office of Youth Development</p>
STAFF	
<p>Department of Public Safety Office of Justice Programs 445 Cedar Saint - Suite 2300 Saint Paul, MN 55101</p> <p>(651) 201-7348</p>	<p>Maurice Nins, Disproportionate Minority Contact and Compliance Monitor</p> <p>Debi Reynolds, JABG Grant Manager</p> <p>Dana Swayze, Juvenile Justice Analyst</p> <p>Carrie Wasley, Juvenile Justice Specialist</p>

Appendix B: 2009 JJAC Membership Profile

Gender:

Female = 10
Male = 8

Occupations:

Government Employees/Full Time:	7
Non-Profit:	4
Private Legal Practice	1
Retired	1
Youth members*	5

Race:

African American =	3
Asian American =	2
European American =	9
Hispanic American =	2
Native American =	2

Geographic Distribution:

Greater MN:	6
Minneapolis /St. Paul	5
Metro Suburban	7

Counties:

Blue Earth	1
Dakota	1
Hennepin	7
Kandiyohi	2
Olmstead	1
Ramsey	3
St. Louis	1
Stearns	1
Washington	1

Congressional District

1
2
3/5**
7
1
4
8
6
6

*one is also a full time government employee

** three are in Minneapolis and thus in the 5th Congressional District

Appendix C: OJJDP Juvenile Justice Allocations to Minnesota

Federal Fiscal Year: 2000-2009

Federal Fiscal Year	Amount	Percentage Change per year
2000	\$6,244,300	NA
2001	\$5,952,800	(-) 5%
2002	\$6,152,300	(+) 3%
2003	\$5,213,200	(-) 15%
2004	\$3,916,600	(-) 25%
2005	\$2,197,085	(-) 44%
2006	\$1,683,550	(-) 23%
2007	\$1,722,489	(+) 2%
2008	\$1,674,760	(-) 3%
2009	\$1,841,786	(+) 10%
Title II: Formula Grants		
2000	\$1,209,000	NA
2001	\$1,190,000	(-) 2%
2002	\$1,193,000	0%
2003	\$1,173,000	(-) 2%
2004	\$1,060,000	(-) 10%
2005	\$1,104,000	(+) 4%
2006	\$932,000	(-) 16%
2007	\$962,000	(+) 3%
2008	\$893,000	(-) 7%
2009	\$977,000	(+) 9%
Title V: Community Delinquency Prevention		
2000	\$733,000	NA
2001	\$659,000	(-) 10%
2002	\$679,000	(+) 3%
2003	\$473,000	(-) 30%
2004	\$0	NA
2005	\$246,000	NA
2006	\$56,250	(-) 77%
2007	\$75,250	(+) 34%
2008	\$48,360	(-) 36%
2009	\$33,486	(-) 31%
Juvenile Accountability Block Grant (JABG)		
2000	\$4,156,300	NA
2001	\$3,962,800	(-) 5%
2002	\$4,140,300	(+) 4%
2003	\$3,432,200	(-) 17%
2004	\$2,644,600	(-) 23%
2005	\$847,085	(-) 68%
2006	\$695,300	(-) 18%
2007	\$685,239	(-) 1%
2008	\$733,400	(+) 7%
2009	\$831,300	(+) 13%

Appendix D: Current Title II grantees

Title II Grantee/Address	Name/Phone #e-mail	Description	\$\$	Outcomes January, 2009
Employment Action Center 900 20 th Av. S. Minneapolis, MN 55404	Sherry Glanton 612/752-8822 sglanton@resource-mn.org	Aftercare program for education/employment assessment, individual counseling and support.	60,000	40 girls and families involved with GirlsCARE. Will develop an Individual Service Strategy (ISS) Plan
TreeTrust 2350 Wycliff Street, Suite 200 St. Paul, MN 55114	Norm Champ 651-644-5800X109 normc@treetrust.org	Provide at-risk youth with an intensive summer job training completing projects in the community	60,000	64 youth employed in a nine week employment project in partnership with SP Parks Department. Families will act as partners. Computer proficiency included.
Minneapolis American Indian Center 1530 E. Franklin, MPLS 55404	Julie Green 612/879-1707 jgreen@maicnet.org	STAY NATIVE diversion/prevention program	60,000	90 Native American youth served. Self survey developed by Wilder Research Institute will be administered – pre and post program.
Guadalupe Alternative Programs 381 East Robie Street St. Paul, MN 55107	Jody Nelson 651-222-0757 jnelson@gapschool.org	Crossroads program providing case management, mentoring and dev. of individual plan	60,000	30 youth/25 families – HS diploma and job readiness skills
Brown County Probation 1 South State New Ulm, MN 56073	Jon Schiro 507-233-6634 jonathan.shiro@co.brown.mn.us	Development of juvenile AOD court	60,000	75 juveniles in start-up AOD court
Washington County Comm. Corr. 14949 62 nd St. North PO Box 6 Stillwater, MN 55082	Kristin Tuenge 651-430-6986 kristin.tuenge@co.washington.mn.us	FFT, MST and ART programs for youth of color in WC juvenile system	59,770	10 youth of color in FFT or MST served 16 in ART program – 20% youth of color

Title II Grantee/Address	Name/Phone #e-mail	Description	\$\$	Outcomes January, 2009
YWCA of St. Paul 375 Selby Avenue St. Paul, MN 55102	Christina McCoy 651-222-3741 cmccoy@ywcaofstpaul.org	YAP at YWCA – assessment and tailored YAP components to individual	60,000	200 youth (100 families) involved in various components of YAP
Pillsbury United Communities 2020 Elliot Avenue South Minneapolis, MN 55404	Harry Ford 612-435-1529 fordh@emerge-mn.org	Homeless Youth School Attendance Project (HYSAP)	60,000	80 youth/40 families served focusing on increased school attendance and reducing number of truancy petitions
180 Degrees 236 Clifton Avenue Minneapolis , MN 55403	Sarah Walker 651-266-4145/612-220-2070 sarah.walker@co.ramsey.mn.us	Program for youth at risk via assessment and group work	60,000	40 youth at risk placed in separate gender support groups working on job placement, anger mgmt et cetera.
SEARCH 1113 E. Franklin, #212 Minneapolis , MN 55404	Hoang Tran 612/673-9388 Search-mn@visi.com	Cultural relevant asset building experiences for SE Asian youth with case management	60,000	50 families/50 youth served. Program will provide skill building for both parents and youth utilizing UM curriculum.
YWCA of MPLS 1130 Nicollet Mall Minneapolis , MN 55403	Gwen Wilson 612-522-6559X01 gwilson@ywcamppls.org	Girls RAP support group to avoid truancy, criminal involvement	60,000	135 girls ages 11~17 involved in various support components
Northfield Public Schools 1400 Division Street South Northfield, MN 55057	Marnie Thompson/Zack Pruitt 507-645-7836 marnie.thompson@nfld.k12.mn.us zpruitt@carleton.edu	TORCH program for Latino students in Northfield school system – one on one mentoring, tutoring et cetera.	60,000	Graduation rate for Latino students will double and at least half of graduates will pursue post secondary educational opportunities

Appendix E: Proposed New ABA Policy on Collateral Consequences of Juvenile Arrests or Adjudication

RECOMMENDATIONS

RESOLVED, that the American Bar Association urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and prevent the continuing discrimination against those who have been involved with the criminal justice system in the past by limiting the collateral consequences of juvenile arrests, adjudications, or convictions.

FURTHER RESOLVED, that the American Bar Association urges federal, state, territorial and local governments to adopt and enforce policies prohibiting employers, colleges, universities, and financial aid offices, licensing authorities and other agencies from inquiring about or considering a juvenile arrest that did not lead to a finding of guilt, an adjudication or a conviction, or denying educational or vocational opportunities to applicants based on such an arrest.

FURTHER RESOLVED, that the American Bar Association urges federal, state, territorial and local governments to adopt and enforce laws and policies prohibiting employers, colleges, universities, and financial aid offices, licensing authorities and other agencies from inquiring about or considering any juvenile adjudication(s) or convictions that occurred as a juvenile when determining whether a student is a candidate for admission.

FURTHER RESOLVED, that the American Bar Association urges federal, state, territorial and local governments to adopt and enforce policies prohibiting the opening of any records by any employer or educational institute for any crime that occurred while the individual was a juvenile and where the records pertaining to that arrest, adjudication or conviction have been sealed or expunged by court order or by operation of law or policy.

FURTHER RESOLVED, that the American Bar Association urges federal, state, territorial and local governments to adopt and enforce laws and policies prohibiting employers and employment licensing authorities from considering (1) juvenile adjudications when three years has passed following the applicant's discharge from custody or supervision without being adjudicated or convicted of a subsequent offense or (2) criminal convictions (in an adult criminal court) for conduct committed under the age of 18 when five years has passed following the applicant's release from custody or supervision without being convicted of a subsequent offense unless engaging in the conduct underlying the adjudication or conviction would provide a reasonable basis for denial of the opportunity even if the person had not been convicted.

FURTHER RESOLVED, that the American Bar Association urges federal, state, territorial and local governments to adopt and enforce policies encouraging employers, colleges, universities, financial aid offices, licensing authorities and other agencies to give positive consideration to a juvenile's successful completion of a community re-entry program or the terms of their probation.

REPORT

The ABA has a long history of addressing the collateral consequences faced by adjudicated and convicted persons through its Criminal Justice Standards.¹ This resolution represents an extension of all of the already published standards to include areas where collateral consequences occur not by “operation of law”² but rather through a policy, procedure or by the discretion of an employer or admissions committee. Laws, rules, regulations and policies that require disclosure of juvenile adjudications can lead to numerous individuals being denied opportunities as an adult based upon a mistake(s) made when they were a child. The ABA recognizes the language used by the United States Supreme Court in *Roper v. Evans*, 543 U.S. 551 that children are different than adults because of: “A lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.”³ Therefore, the ABA is recommending that the collateral consequences of committing a crime as a youth be severely reduced by reducing barriers to education and vocational opportunities because of a juvenile incident. Furthermore there should be limited exceptions that only exist when the incident is directly relevant to the position sought or a concern of a school.

For the purposes of this report:

- (a) The term “**adjudication**” means a sentence imposed in juvenile court against a juvenile following a finding of guilt by the judge. Adjudication is not a conviction.
- (b) The term “**conviction**” means the act or process of judicially finding a juvenile that has been certified as an adult guilty of a crime.
- (c) The term “**arrest**” means a juvenile being taken into custody usually in relation to an investigation. Arrests may or may not lead to charges being filed and/or an adjudication or conviction.
- (d) The term “**juvenile**” means an individual that is under the age of majority (18 years old). Also synonymous with “youth”, “child”, and “adolescent”.
- (e) The term “**collateral sanction**” means a penalty, disability, or disadvantage, however denominated, imposed on an individual as a result of the individual’s conviction for an offense that applies by operation of law whether or not it is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.
- (f) The term “**discretionary disqualification**” means a penalty, disability, or disadvantage, however denominated, that an administrative agency, governmental official, or a court in a civil proceeding is authorized, but not required, to impose on an individual on grounds relating to the individual’s conviction for an offense.
- (g) The term “**collateral consequence**” means a collateral sanction or a discretionary disqualification.

¹ Juvenile Justice Standards, Standards relating to Disposition (1979); ABA Standards for Criminal Justice, Collateral Sanctions and Discretionary Disqualifications of Convicted Persons No. 3, (2004).

² Juvenile Justice Standards, Standards relating to Disposition, Standard 1.2.I (1979).

³ *Roper v. Evans*, 543 U.S. 551, 569 (2005).

- (h) The term “**sealed**” means that the record cannot be examined except by court order or by designated officials. Such statutes commonly refer to juvenile offenders.
- (i) The term “**expunged**” refers to the process by which record of criminal conviction is destroyed or sealed after the expiration of time.
- (j) The term “**custody**” refers to one’s liberty restrained by either detention, jail, or prison.

Two-thirds of individuals released from prison will wind back up in the criminal justice system within three years of their release.⁴ Barriers that prevent or make it more difficult for released inmates to obtain employment or education, especially if due to a juvenile adjudication or conviction, exacerbate this problem. American Bar Association policy has long promoted individualized treatment of court-involved youths, limitations on the dissemination of juvenile records and prohibitions against collateral consequences for juvenile behavior by operation of law. The ABA juvenile justice policy – developed in conjunction with the Institute of Judicial Administration and set forth in twenty volumes of IJA-Juvenile Justice Standards (“Standards”) – calls for individually tailored treatment of court-involved youths that is fair in purpose and scope:

The purpose of the juvenile correction system is to reduce juvenile crime by maintaining the integrity of the substantive law proscribing certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of juveniles, and that give juveniles access to opportunities for personal and social growth.⁵

The Standards also set forth clear parameters for juvenile justice sanctions, stating that the definition and applications should not only address public safety, but also give fair warning about prohibited conduct and recognize “the unique physical, psychological, and social features of young persons.”⁶ These Standards – along with accepted research – recognize that youths and adolescents differ from adults in terms of culpability,⁷ and that their patterns of offending differ from those of adults, as well.

A review of applications for public employment, financial aid or admissions to public colleges and universities reveals that many applications call for information about past arrests or criminal convictions, but frequently fail to distinguish between adult criminal activity and child

⁴ Patrick A. Langan and David Levin, *Recidivism of Prisoners Released in 1994*, Bureau of Justice Statistics Special Report NCJ 193427 (Washington, DC: U.S. Department of Justice, 2002), cited in Amy Solomon, et al., *Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute’s Prisoner Reentry Portfolio*, Urban Institute – Justice Policy Center, January 2006.

⁵ Juvenile Justice Standards, Standards relating to Disposition § 1.1 (1979)

⁶ Juvenile Justice Standards, Standards relating to Disposition § 1.1 (1979); ABA Standards for Criminal Justice, Collateral Sanctions and Discretionary Disqualifications of Convicted Persons No. 3, §1.2 (2004).

⁷ *Id.* at Part III: General Principles of Liability. *See also Roper v. Evans*, 543 U.S. 551, 570 (2005) (“From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed”).

arrests or juvenile proceedings.⁸ It is unclear in these circumstances whether those employers or educators even intend to inquire about juvenile arrests or adjudications. At a minimum, to avoid confusion and unnecessary disclosures that could result in impediments to employment or education opportunities, applications for employment, education and professional licenses requesting past arrest or criminal records should make clear that juvenile arrest or adjudication records should not be disclosed. The ABA proposes that these applications include a parenthetical explaining the difference between an adjudication and conviction to make clear that juveniles need not disclose their respective adjudications. The ABA recommends the following language in the parenthetical: “Convictions do not include proceedings or adjudications that take place in a juvenile court system.”

As the Supreme Court stated in *Roper*, there are three main reasons why juveniles and adults differ in terms of culpability:

First, as any parent knows and as the scientific and sociological studies respondent and his amici cite tend to confirm, “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.” Johnson, *supra*, at 367, 113 S.Ct. 2658; see also Eddings, *supra*, at 115-116, 102 S.Ct. 869 (“Even the normal 16-year-old customarily lacks the maturity of an adult”). It has been noted that “adolescents are overrepresented statistically in virtually every category of reckless behavior.” Arnett, *Reckless Behavior in Adolescence: A Developmental Perspective*, 12 *Developmental Rev.* 339 (1992). In recognition of the comparative immaturity and irresponsibility of juveniles, almost every State prohibits those under 18 years of age from voting, serving on juries, or marrying without parental consent. See Appendixes B-D, *infra*.

The second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. Eddings, *supra*, at 115, 102 S.Ct. 869 (“[Y]outh is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage”). This is explained in part by the prevailing circumstance that juveniles have less control, or less experience with control, over their own environment. See Steinberg & Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*, 58 *Am. Psychologist* 1009, 1014 (2003) (hereinafter Steinberg & Scott) (“[A]s legal minors, [juveniles] lack the freedom that adults have to extricate themselves from a criminogenic setting”).

⁸

In contrast, some applications appropriately limit the scope of their inquiry to adult criminal convictions, *See, e.g., SUNY Undergrad Application*, http://www.suny.edu/student/paper_app.cfm. Question 20a asks if the applicant has ever been convicted of a felony. The instructions for the question specifically state: “If you have been adjudicated as having juvenile delinquent or youthful offender status, you are required to respond to the felony question 20a by indicating a response of ‘no.’”

The third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed. See generally E. Erikson, *Identity: Youth and Crisis* (1968). . . . These differences render suspect any conclusion that a juvenile falls among the worst offenders. The susceptibility of juveniles to immature and irresponsible behavior means “their irresponsible conduct is not as morally reprehensible as that of an adult.” Thompson, *supra*, at 835, 108 S.Ct. 2687 (plurality opinion).⁹

Thus, ABA policy supports sanctions that vary in restrictiveness and intensity, are developmentally appropriate, and are limited in duration.

In light of these goals of the juvenile justice system, and of the transitory characteristics of youth offenders, ABA policy also limits the compilation and dissemination of juvenile records. In general, the Standards disapprove of “labeling” offenders, call for very careful control of records, and prohibit making juvenile records public:

Access to and the use of juvenile records should be strictly controlled to limit the risk that disclosure will result in the misuse or misinterpretation of information, the unnecessary denial of opportunities and benefits to juveniles, or an interference with the purposes of official intervention.¹⁰

This privacy requirement is essential because most adolescent anti-social activity is not predictive of future criminal activity.

Concerns over the labeling of child offenders, and the public access to and dissemination of juvenile records, are inextricably linked with the potential impact a child’s conduct will have on his or her subsequent attempts to re-engage with the community and become productive citizens. ABA policy therefore opposes collateral consequences for delinquent behavior. The Standards state that “[n]o collateral disabilities extending beyond the term of the disposition should be imposed by the court, by operation of law, or by any person or agency exercising authority over the juvenile.”¹¹ A recent ABA resolution provided that “[c]ollateral consequences that [are] normally attendant to the justice process should not necessarily apply to all youth arrested for crimes committed before age 18.”¹² Relatedly, the ABA Criminal Justice Section Standards object to “ineligibility for governmental benefits relevant to successful reentry into society, such as educational and job training programs”¹³ resulting from a criminal conviction.

Three impediments to the implementation of these ABA policies are addressed by this resolution:

1. Adverse consequences for educational opportunities resulting from inquiries into juvenile arrests and charges even where these do not result in an adjudication.

⁹ *Roper*, 543 U.S. at 569-70.

¹⁰ Standards Relating to Juvenile Records and Information Services, Part XV: Access to Juvenile Records.

¹¹ Standards Relating to Dispositions, Part I, 1.2.

¹² *Reports of American Bar Association*, 2002 Volume 127, Number 1 at 445.

¹³ Part II, Standard 19-2.6, prohibited collateral sanctions (f).

Heightened security concerns have encouraged public and private employers, institutions of higher education and others to seek access to criminal history information on their applications. Even where a law does not create an absolute bar to employment, people with a record are less likely to be given an opportunity in a climate that rewards risk-avoidance. The policies and practices of many public employers, universities, state financial aid offices and others allowing or even requiring the consideration of child arrest and adjudication records of applicants for employment, admission or assistance pose a substantial risk of adverse collateral consequences to court-adjudicated youths.

Moreover, many people who sought and obtained the expungement of their juvenile arrest or adjudication records still feel compelled to disclose that information. Some applications ask if the applicant was ever suspended or expelled from school, has ever been adjudicated, has ever entered a pre-trial diversion program or has ever entered a plea of no contest or *nolo contendere* under a first offender act.¹⁴ Some state licensing requirements for certain professional work require candidates to make similar disclosures of past arrests or criminal activity.¹⁵ Many youths seeking entry into military service are denied that opportunity based on juvenile arrests or charges that did not result in a finding of guilt or delinquency. All of this suggests that a child's single, first-time juvenile court involvement, including proceedings that were expunged or did not result in a finding of delinquency, still hinder that child's pursuit of further employment, education or other opportunities. Such collateral consequences undermine the very purpose of expungement statutes and the broader ABA policies and societal interests supporting the re-entry of juveniles into the community.

Higher education and employment opportunities are critical for many former youths detained within the juvenile justice system seeking to re-engage with the community and become productive citizens able to reach their highest potential. The childhood or adolescent experience of youths in the juvenile justice system should not be used to preclude an educational, vocational or employment opportunity unless the government can sustain a heavy burden demonstrating a specific societal interest why juvenile records should be disclosed. Absent an employer or educational institution satisfying that burden, applications for such opportunities should specifically state that disclosure of juvenile arrests or adjudications – particularly those that have been expunged or where arrests or charges did not result in a finding of delinquency – is not required in response to any inquiry on any application that inquires about criminal arrests or convictions. Accordingly, any such application should clearly and prominently indicate after any inquiry concerning criminal arrests or convictions that the applicant need not disclose any information concerning juvenile arrests or adjudications.

Some jurisdictions are taking steps toward limiting the collateral consequences associated with convictions by creating policy that encourages employers to hire ex-offenders via grants, tax-breaks, and other means. The District of Columbia has gone further by introducing a bill to the city council that would amend the *Human Rights Act of 1977* and prohibit employment and educational discrimination based on arrest/conviction records unless there is a rational relationship between the record and the position sought. If passed, the bill will restrict employers

¹⁴ www.gacollege411.org

¹⁵ <http://courts.delaware.gov/bbe>

and educational institutions from taking an individual's criminal record into account unless certain conditions apply, such as a rational relationship and the length of time since the conviction. The policy is not effective on employer's that provide care or services for children or the elderly nor on specific types of government employers.

The principle that at least some licenses, benefits and employment opportunities should not be denied to people with criminal convictions unless the conviction is significantly related to the opportunity is well established in state codes. More than 30 states have statutory restrictions on collateral sanctions and disqualifications imposed by state accords; a core principle of these laws is that individuals should not be excluded if there is no connection between the crime committed and the opportunity sought.¹⁶

When determining if a juvenile conviction is substantially related to a position or opportunity, several key factors should be considered:

- a) The value to the public of encouraging the employment of persons who have been convicted;
- b) The specific duties and responsibilities that are required for the position or opportunity being sought;
- c) Whether the criminal offence(s) for which the individual was convicted bears any light on the person's fitness or ability necessary for the position or opportunity;
- d) The amount of time which has lapsed since the commission of the offense;
- e) The gravity of the offense;
- f) All information produced that reflects on the individual's rehabilitation and good conduct since the conviction; and
- g) The legitimate issues of individual or public safety arising from the position or opportunity.

And as a final note, this policy only affects the admissions process. If this were to be adopted as law, colleges and universities would still be free to consider previous criminal records, whether juvenile or adult, when making decisions regarding housing and special needs that a student might have.

2. Adverse collateral consequences resulting from the accessibility of juvenile arrest and court records that have been sealed or expunged.

The resolution provides that colleges and universities should not inquire into an arrest or adjudication that has been sealed or expunged. This is necessary because of the patchwork of state and local laws requiring varying levels of protection for – or permit the disclosure of – child arrest and adjudication records. In some states, delinquency records may only be inspected with the court's permission and only under certain limited circumstances or by certain individuals demonstrating a legitimate interest in those records.¹⁷ In other states such as California, it means that the disposition is simply changed from conviction to dismissed, but all other details of the

¹⁶ See National Conference of Commissioners on Uniform State Laws, *Uniform Collateral Consequences of Conviction Act* § 9 (Draft for Approval, May 31, 2009).

¹⁷ A.C.A. §§ 9-27-309, 352; § 9-28-217, § 16-90-903; Alaska Stat. § 40.25.120, §§ 47/12.300-320.

case are the same.¹⁸ Some states require the automatic sealing of certain delinquency records following the passage of time,¹⁹ while other states seal records only by motion of the offender or the discretion of the court.²⁰ Still other states allow for the destruction rather than the sealing of certain records.²¹ Nonetheless, when a juvenile record is sealed and expunged it should truly be unavailable to an employer or a school. For example, in Minnesota, expunged records can be open for criminal investigations or where an individual is being considered for particular government employment.²²

3. Consideration of Participation in Re-entry Programs and Completion of Probation Terms

The fourth issue addressed by this report involves urging an employer or admissions council to consider the offender's successful completion of a community re-entry program, or if a juvenile does not have access to a re-entry program, then urging one to recognize if the offender has successfully completed the terms of his or her probation. Many re-entry programs across the country reduce youth recidivism and reduce the behavior that correlates with high levels of continuous criminal behavior.²³ Their goal is to reduce criminal recidivism by providing the formerly incarcerated with the tools and support they need to remain drug-free, crime-free, and employed.²⁴ Thus, employers, colleges, universities, financial aid offices, licensing authorities and other agencies should consider juvenile participation in re-entry due to its cited success rate.

Specifically in Brooklyn, New York's Community and Law Enforcement Resources Together program (ComALERT), run by the Brooklyn district attorney, Charles "Joe" Hynes, has promoted rehabilitation through employment as a way of improving public safety in Brooklyn's poor, high crime neighborhoods.²⁵ More recently, his office established a program of treatment and community supervision, as an alternative to incarceration, for nonviolent drug offenders. ComALERT also provides jobs, in addition to referring parolees to job-placement services; program parolees who enroll with the Doe Fund, a welfare-to-work organization, are employed in street cleaning and other low skill jobs for \$5.50 to \$6.50 an hour. These jobs can't provide economic independence, but they do allow ex-inmates to build work histories and experience with continuous employment. New research and the experience of re-entry organizations like ComALERT show that disadvantaged communities need social investments, not just intensive policing, to absorb the large numbers of men returning home from penal institutions.²⁶ Prisoner re-entry programs offer a way not to confine and separate them but to reintegrate them through

¹⁸ Cal. Rules of Court, Rules 5.830, 1497; *see also*, Margaret Colgate Love, *Relief from the Collateral Consequences of a Criminal Conviction*, March 2007, pp. 125-30.

¹⁹ Alaska Stat., § 47.12.300; Cal. Wel & Inst. Code §§ 781-781.5 and Cal. Rules of Court, Rules 5.830, 1497; *see also*, Margaret Colgate Love, *Relief from the Collateral Consequences of a Criminal Conviction*, March 2007, pp. 125-30.

²⁰ Burns. Ind. Code §§ 31-39-5-7; 31-39-8-1 through 8-7.

²¹ A.C.A. §§ 9-27-323, 16-90-601 to 605, and 16-90-901 to 906.

²² Minnesota Chapter A609A.03 (2008).

²³ *See* <http://www.brooklynda.org/grasp/grasp.htm>.

²⁴ *See* <http://www.brooklynda.org/comalert/comalert.htm>

²⁵ http://www.accessmylibrary.com/coms2/summary_0286-19769423_ITM

²⁶ http://www.accessmylibrary.com/coms2/summary_0286-19769423_ITM

expanded opportunity--and to increase public safety in the process. Such programs offer a way to get smart, rather than tough, on crime.

Re-entry program results appear extremely promising. Gatling reports that after one year, about 16 percent of Brooklyn parolees are rearrested, while recidivism among ComALERT parolees is just 6.6 percent.²⁷ Over three years, 41 percent of parolees in Brooklyn commit new crimes compared with less than 17 percent among ComALERT participants.²⁸

Related Standards

ABA Standards for Criminal Justice, Collateral Sanctions and Discretionary Disqualification of Convicted Persons Standard 19-1.2 (3d ed. 2004) provides that collateral consequences should be minimized to lessen the frustrations experienced by a convicted person upon reentry. Furthermore, the standard urges the abolition of automatic disqualification from benefits and opportunities based solely on conviction. Standard 19-2.6. *ABA Juvenile Justice Standards, Standards Relating to Dispositions* Standard 1.1 (1979) states that the juvenile justice system should recognize the unique characteristics and needs of juveniles by ensuring they maintain access to “opportunities for personal and social growth.” *Standards Relating to Dispositions* Standard 1.2.I calls for the prohibition of collateral disabilities that extend beyond the disposition being “imposed by the court, by operation of law, or by any person or agency exercising authority over the juvenile.”

CONCLUSION

Collateral consequences made as a juvenile can adversely affect an individual's educational and employment opportunities throughout her or his life. While the ABA has historically addressed problems with collateral consequences through its Criminal Justice Standards, this resolution goes beyond those previous standards to specifically suggest reduction of collateral consequences related to juvenile adjudications, convictions, or arrests through policy, procedure, and by discretion of employers and admissions committees. Through this policy, the ABA hopes to develop individual responsibility for lawful behavior through means that are fair and just, that recognize the unique characteristics and needs of children and adolescents, and that give court-involved children access to opportunities for education and employment necessary for personal and social growth, and for a re-engagement with the community.

²⁷ http://www.accessmylibrary.com/coms2/summary_0286-19769423_ITM

²⁸ http://www.accessmylibrary.com/coms2/summary_0286-19769423_ITM

STATE OF MINNESOTA INTERAGENCY AGREEMENT

This agreement is between the Minnesota Department of Public Safety, Office of Justice Programs, 445 Minnesota Street, Suite 2300, St. Paul, Minnesota 55101 (hereinafter "DPS") and the Minnesota Departments of Corrections, Inspection and Enforcement Unit, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108 (hereinafter "DOC").

Agreement

1 Term of Agreement

- 1.1 **Effective date:** July 1, 2009 or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration date:** June 30, 2011, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2 Purpose of Agreement

- 2.1 Pursuant to the Federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002 (Public Law 93-415) 42 U.S.C. 5601, DPS must inspect facilities authorized to hold juveniles for compliance with three of the four core requirements of the act. Pursuant to Minnesota Statute section 241.021, DOC must inspect and license all correctional facilities. In order to better achieve these mandates, reduce duplication, eliminate potential inter-departmental issues, and strengthen facility monitoring, DPS and DOC enter into a formal agreement to partner together to monitor facilities.

3 Scope of Work

3.1 DPS agrees to:

- 3.1.1 Share responsibility for inspecting DOC licensed facilities, specifically DPS will inspect the following facilities according to the JJDP Act: all secure municipal facilities, Anoka County Adult Correctional Center – Medium Security, Carver County Temporary Hold Facility, Many Rivers Juvenile Detention Center, Minnesota Correctional Facility (MCF) Red Wing, MCF Togo, and Washington County Temporary Hold Facility.
- 3.1.2 Share Responsibility for inspecting court holding facilities in counties without jails, specifically Big Stone, Stevens, Pope, Rock, and Grant counties.
- 3.1.3 Share responsibility for onsite verification of admission data.
- 3.1.4 Share responsibility for identification of potential violations and enforcement of the JJDP Act through a two stage enforcement process. This process includes both agencies identifying potential violations, DPS providing follow up on all potential violations, followed by DOC providing restrictive use sanctions for chronically non-compliant facilities.
- 3.1.5 Attend DOC Inspection Unit staff meetings quarterly.
- 3.1.6 Provide funding for DOC staff to attend all mandatory compliance training.
- 3.1.7 Maintain sole responsibility for compliance with the JJDP Act.
- 3.1.8 Provide 30 days advance notice of Office of Juvenile Justice and Delinquency Prevention (OJJDP) compliance related site visits that require a DOC representative.

3.2 DOC agrees to:

- 3.2.1 Identification of the DOC licensed facility universe.
- 3.2.2 Classification of DOC licensed facility universe.
- 3.2.3 Share responsibility for inspecting DOC licensed facilities, specifically DOC will inspect the following facilities according to the JJDP Act: all jails, all secure and non secure juvenile facilities excluding those inspected by DPS listed above, and all court holding facilities excluding those inspected by DPS listed above and including the following counties without jails: Red Lake, Mahnomen, Dodge, and Wabasha.
- 3.2.4 Submit inspection reports to DPS within 30 days of completing inspections.

- 3.2.5 Provide DPS with a monthly list of potential violations discovered through reviewing statewide supervision site data submitted by facilities.
- 3.2.6 Collect and share aggregate data regarding juveniles in secure correctional facilities with DPS.
- 3.2.7 Share responsibility for onsite verification of admission data.
- 3.2.8 Share responsibility for identification of potential violation and enforcement of the JJDP Act through a two stage enforcement process. This process includes both agencies identifying potential violations, DPS providing follow up on all potential violations, followed by DOC providing restrictive use sanctions for chronically non-compliant facilities.
- 3.2.9 Provide a minimum of 3 Inspection and Enforcement Unit staff to attend all mandatory OJJDP compliance trainings at the expense of DPS.
- 3.2.10 Provide at least 1 Inspection and Enforcement Unit staff to attend OJJDP compliance site visits.

4 Authorized Representative

DOC's Authorized Representative is Timothy Thompson, Inspection and Enforcement Unit, Corrections Alternative Program Manager, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108, 651-361-7147.

DPS's Authorized Representative is Tricia Hummel, Office of Justice Programs, 445 Minnesota Street, Suite 2300, St. Paul, Minnesota 55101, 651-201-7320.

5 Amendments

Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

6 Liability

Each party will be responsible for its own acts and behavior and the results thereof.

7 Termination

Either party may terminate this agreement at any time, with or without cause, upon 30 days' written notice to the other party.

8 Government Data Practices

- 8.1 DPS and DOC must comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data provided by the DOC in accordance with this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the DPS in accordance with this Agreement. The civil remedies of Minnesota Statutes, section 13.08, apply to the release of the data referred to in this Article by either the DPS or DOC.
- 8.2 In the event DPS receives a request to release data referred to in this Article, DPS must immediately notify DOC. The DOC will give the DPS instructions concerning the release of the data to the requesting party before the data is released.
- 8.3 As provided in Minnesota Statutes, section 13.46, subdivision 1, paragraph (c), this interagency agreement serves to permit DPS to share all data collected pursuant to this agreement with the DOC.

1. STATE EMCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as
Required by Minn. Stat. §§16A.15 and 16C.05

Signed
Date
CFMS Contract No.

2. STATE AGENCY.

With delegated authority

By	<i>Julia Hemminger</i>
Title	<i>Deputy</i>
Date	<i>7/31/09</i>

3. STATE AGENCY

With delegated authority

By	<i>Chris Berg</i>
Title	<i>Deputy Commissioner</i>
Date	<i>7/27/09</i>

Distribution

Juvenile Detention Center Statistics

Quarter 2 2009 Report (period includes April 1 – June 30, 2009)

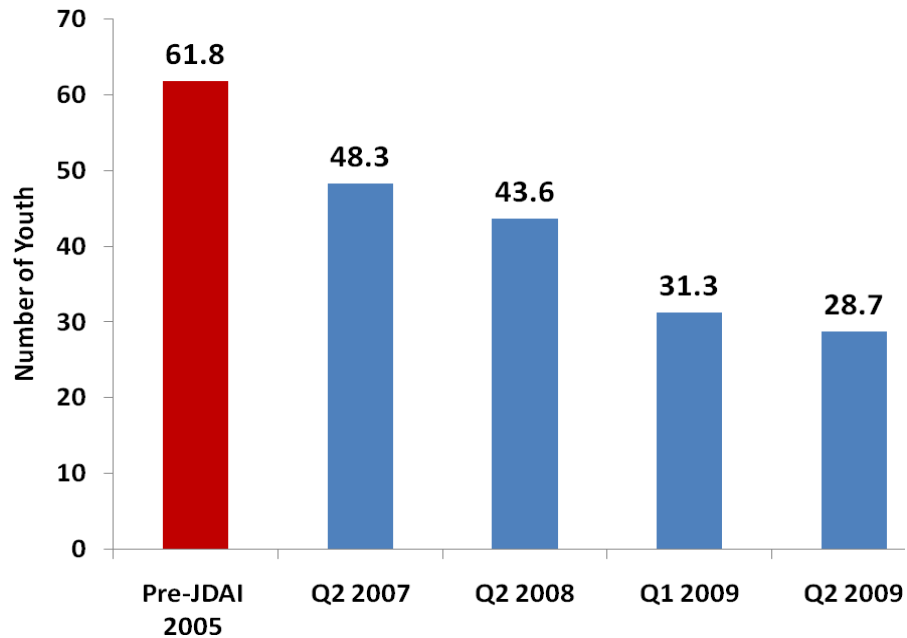
Date: 7/13/09

Detention Program Statistics

Average Daily Population of Detention

Pre-JDAI Q4 2005 – Q2 2009: Decrease of 54%

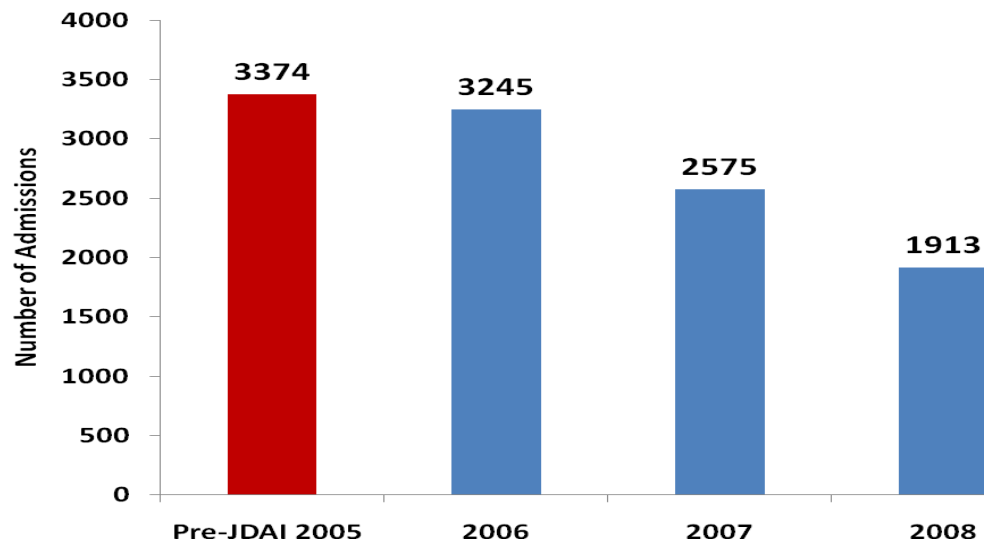
Average Daily
Population of
Juveniles in
Detention (for
Detention
Status
Juveniles
only).



Annual Admissions to Detention, 2005 - 2008

Pre-JDAI 2005 – 2008: Decrease of 43%

Annual
Admissions to
Detention (for
Detention
Status
Juveniles
only).



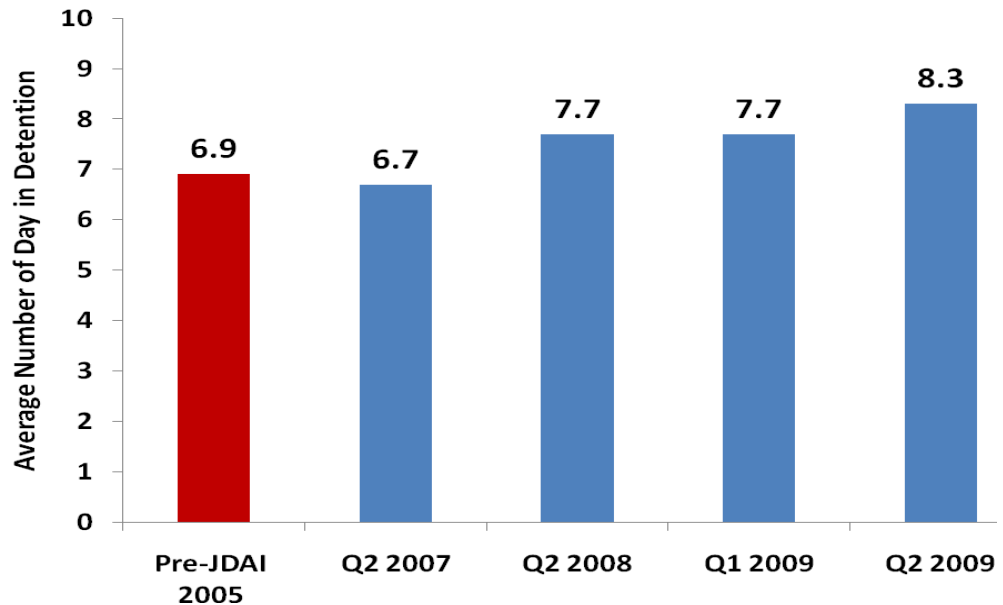
Detention Program Statistics

Average Length of Stay in Detention (ALOS)

Pre-JDAI Q4 2005 – Q2 2009: Increase of 20%

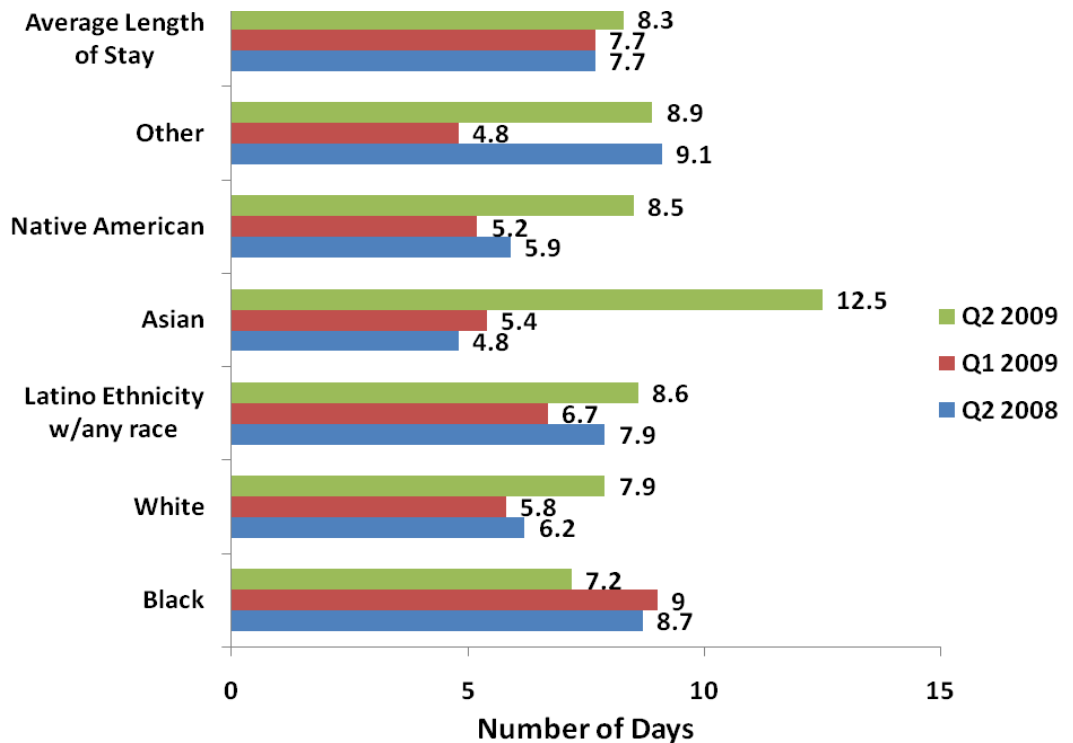
Average Length of Stay in Detention (for Detention Status Juveniles only).

The day the juvenile is admitted plus the day the juvenile is released is counted as one day in computing total detention days.



ALOS in Detention by Race and Ethnicity

Average Length of Stay in Detention by Race and Latino Ethnicity with any Race (for Detention Status Juveniles only).

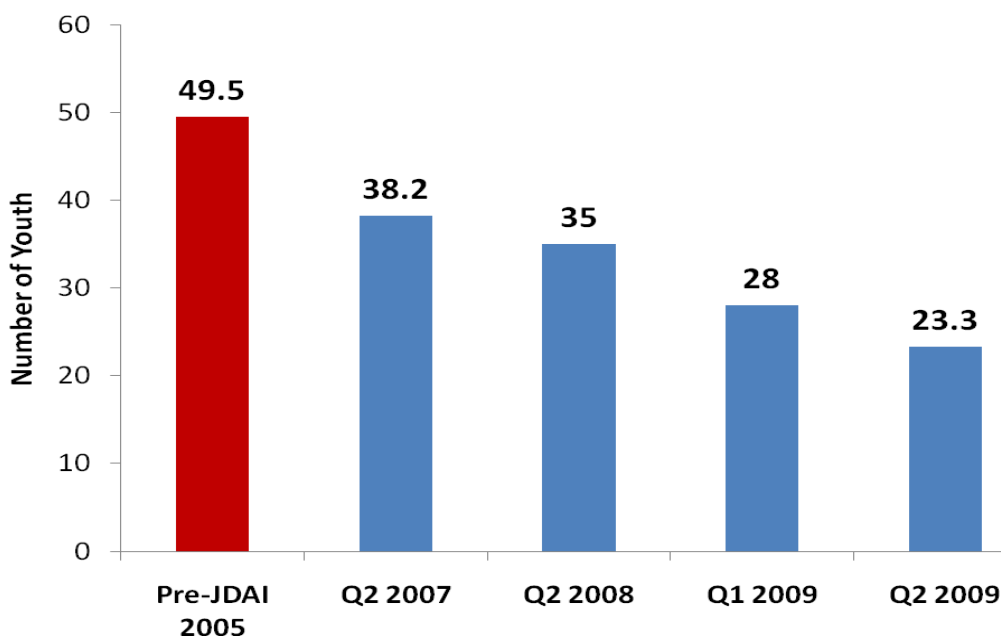


Detention Program Statistics

Average Daily Population (ADP) of Youth of Color in Detention

Pre-JDAI Q4 2005 – Q2 2009: Decrease of 53%

Average Daily Population of Youth of Color in Detention (for Detention Status Juveniles only).

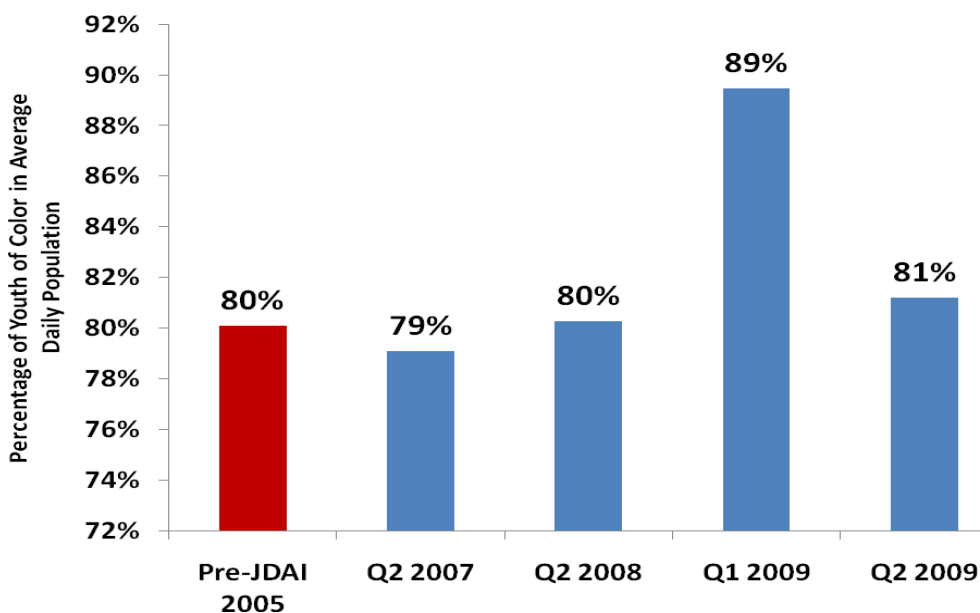


Youth of Color of Percentage of Average Daily Population (ADP) in Detention

Pre-JDAI Q4 2005 – Q2 2009: Increase of 1%

Youth of Color Percentage of Overall ADP in Detention (for Detention Status Juveniles only).

Formula:
Youth of Color
ADP / Total
Detention ADP



Detention Program Statistics

Average Daily Population of Youth in Detention by Race and Latino Ethnicity w/any Race

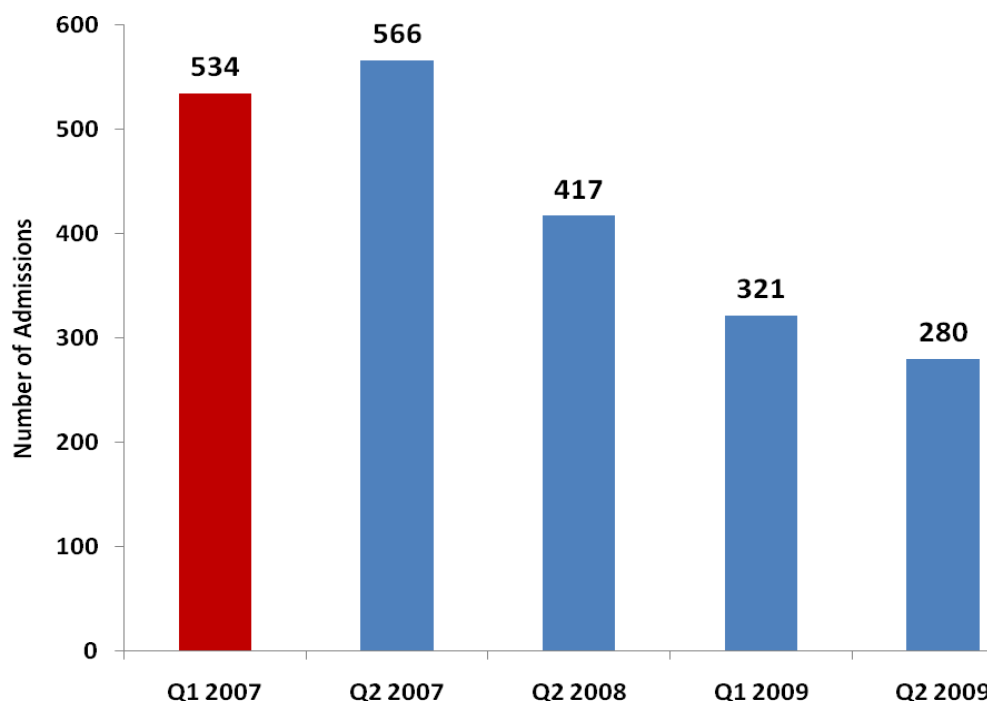
Average Daily Population of Youth in Detention by Race and Latino Ethnicity with any Race (for Detention Status Juveniles only).

	Number of Youth	% of Total
Black	12.5	43.6%
White	5.4	18.8%
Latino (any race)	2.7	9.4%
Asian	5.8	20.2%
Native American	1.1	3.8%
Other	1.2	4.2%
Total	28.7	100.0%

Number of Youth of Color Admitted to Detention

Q1 2007 – Q2 2009: Decrease of 48%

Youth of Color Admitted to Detention (for Detention Status Juveniles only).

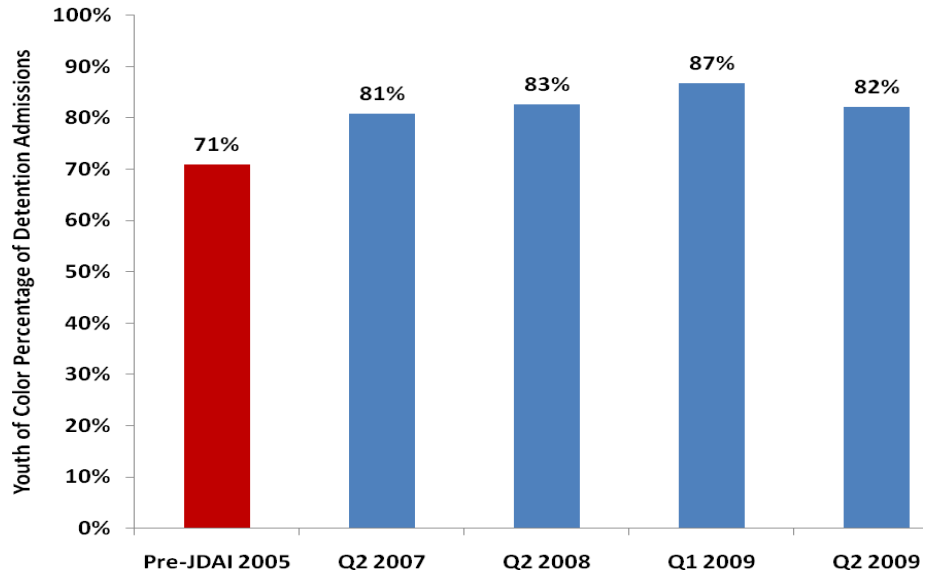


Detention Program Statistics

Youth of Color Percentage of Detention Admissions

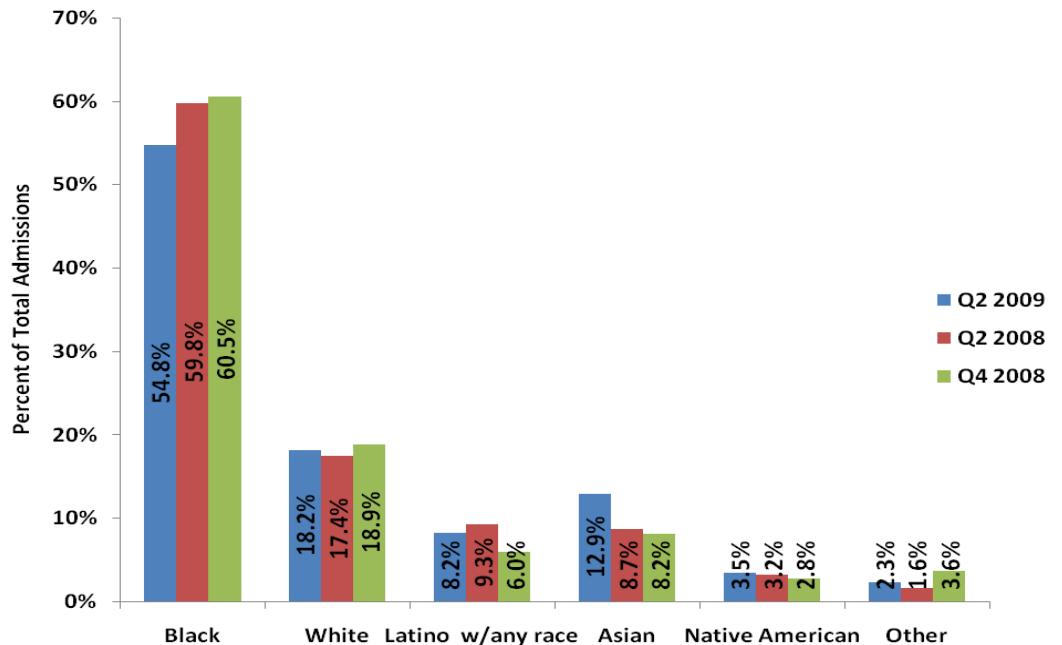
Pre JDAI 2005 – Q2 2009: Increase of 15%

Youth of Color
Percentage of
Detention
Admissions
(for Detention
Status only).
Formula: Youth of
Color
Admissions/Total
Admissions



Admissions to Detention by Race and Latino Ethnicity with any Race

Admissions to
Detention by
Race and
Latino
Ethnicity with
any Race (for
Detention
Status
Juveniles
only).



Total Number of Admissions

Q2 2009 = 341

Q1 2009 = 370

Q1 2008 = 500

JDC Facility Statistics

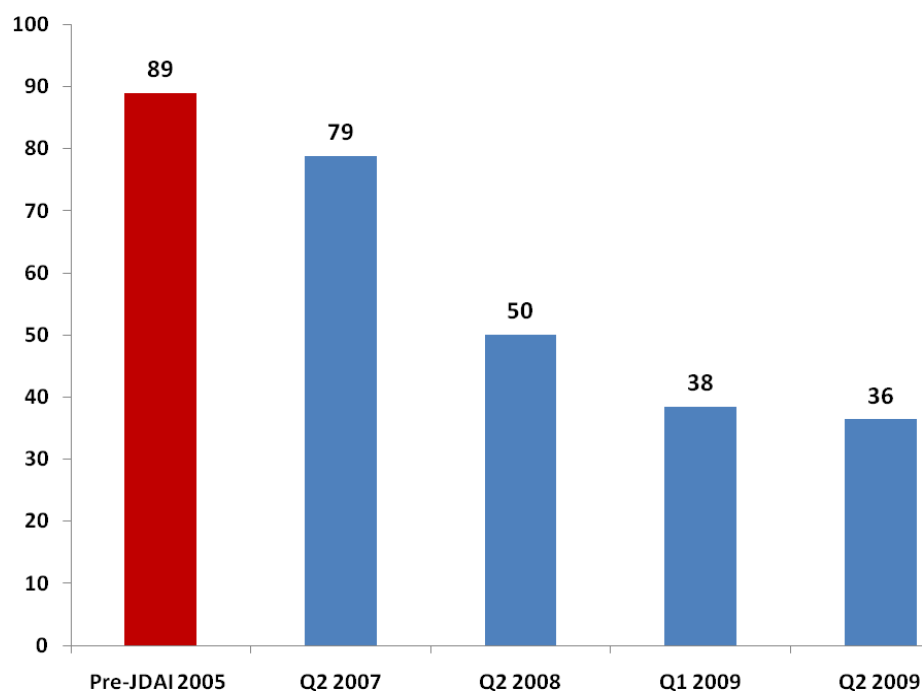
Average Daily Population (ADP) in JDC Facility

Pre JDAI 2005 – Q2 2009: Decrease of 60%

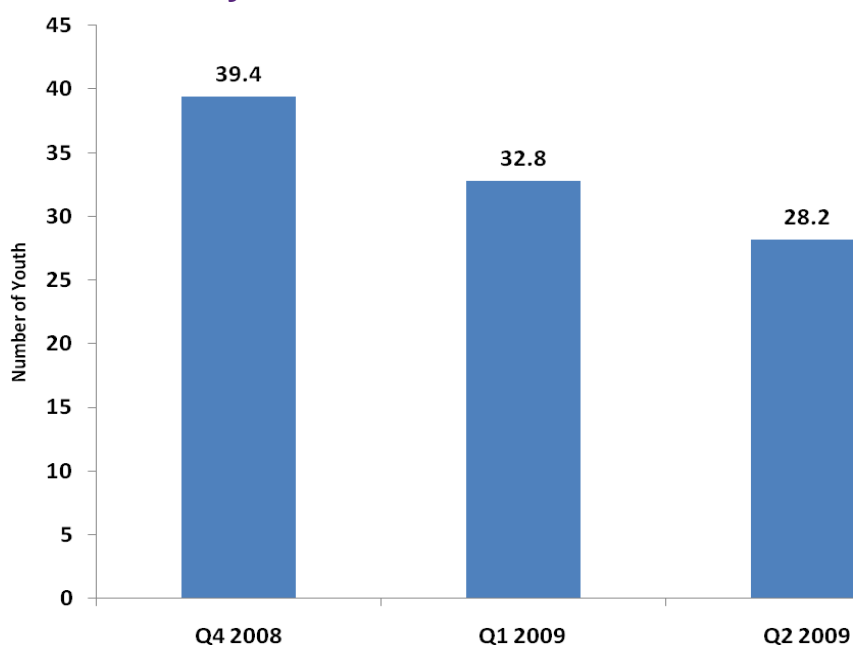
Average Daily Population for entire JDC facility:
Includes QUEST (formerly START), Work Program for Boys and Girls,* and Detention.

Capacity of JDC facility = 86

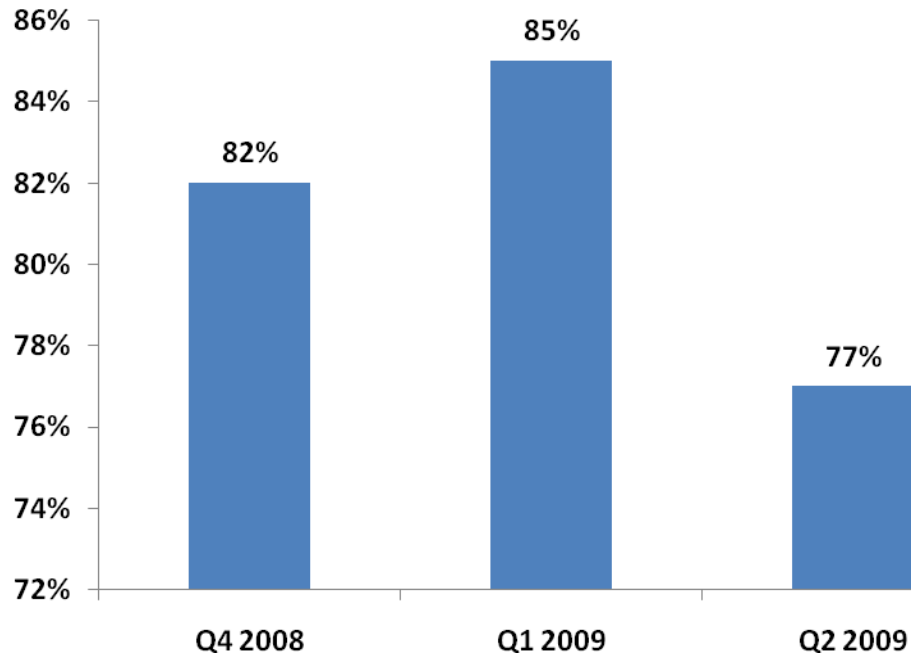
*The Boys Work Program was moved to Boys Totem Town in early March 2008. Girls are remaining at JDC.



Youth of Color Average Daily Population (ADP) in JDC Facility



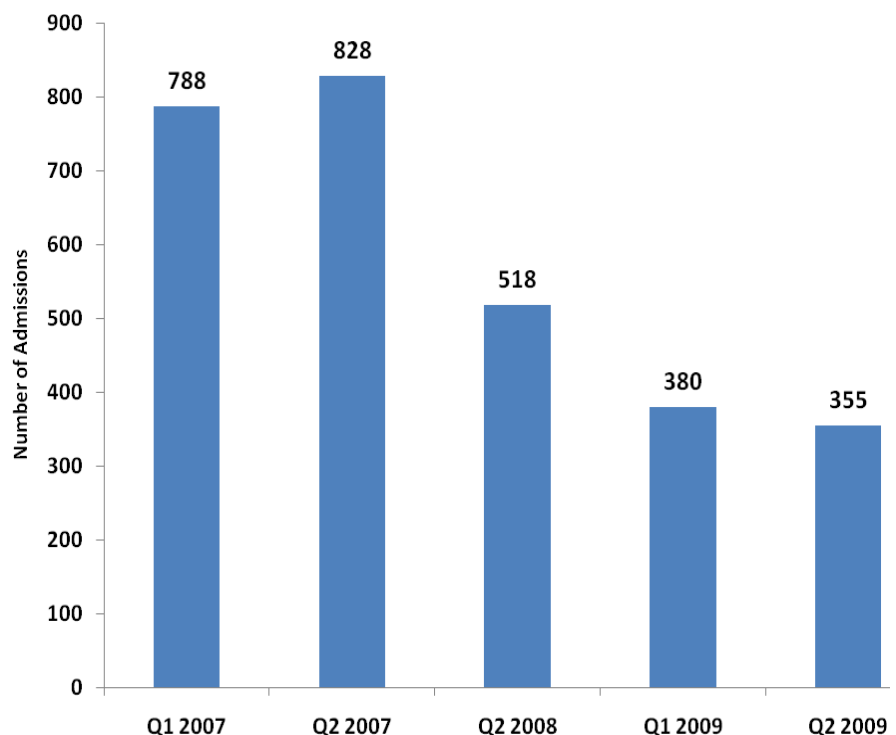
Youth of Color Percentage of Average Daily Population (ADP) in Detention



Total Admissions to JDC Facility Q1 2007 – Q2 2009: Decrease of 55%

Annual Admissions to entire JDC facility: Includes QUEST (formerly START), Work Program for Boys and Girls,* and Detention.

An admission into Detention immediately followed by an admission into the Work Program or QUEST Program is counted as two admissions.

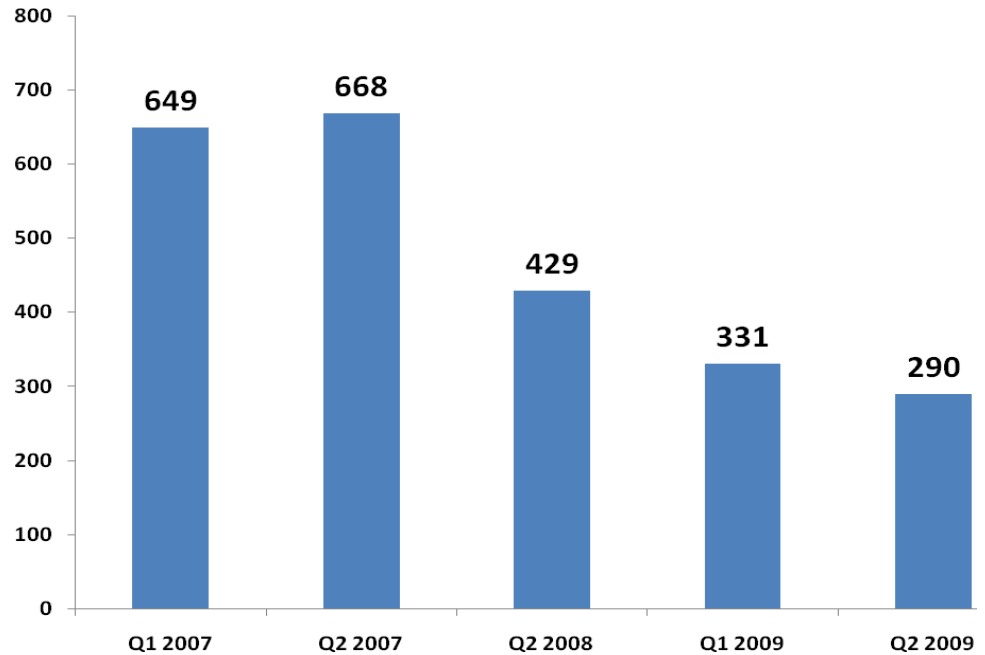


JDC Facility Statistics

Youth of Color Admitted to JDC Facility

Q1 2007 – Q2 2009: Decrease of 55%

Youth of Color
Admitted to JDC
Facility.

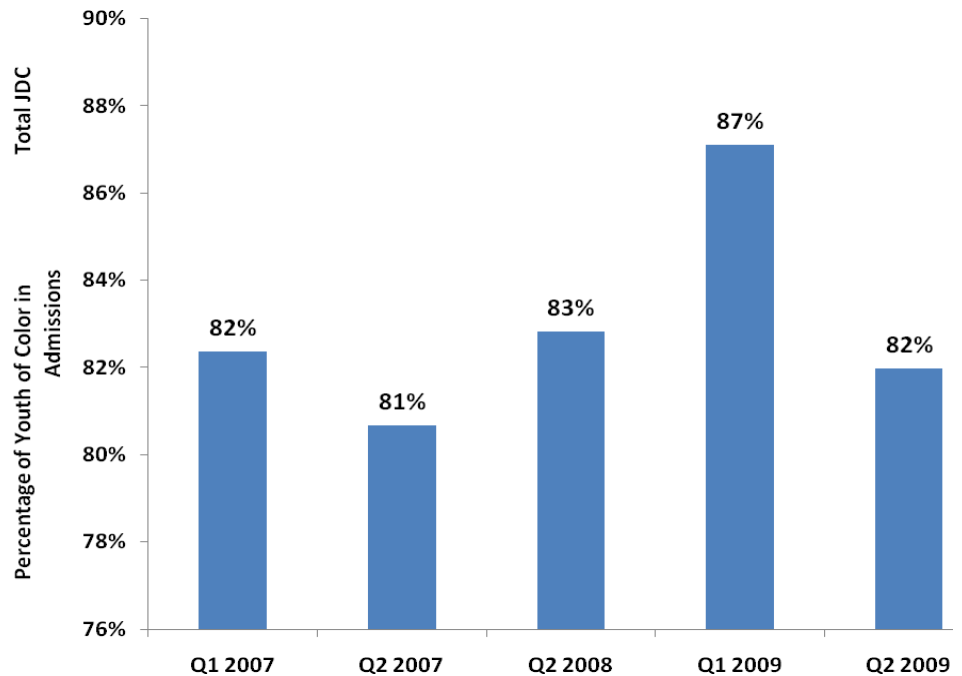


Youth of Color Percentage of JDC Facility Admissions

Q1 2007 – Q2 2009: No Change

Youth of Color
Percentage of Overall
JDC Facility
Admissions.

Formula:
Youth of Color
Admissions to JDC
Facility /
Total Admissions to JDC
Facility



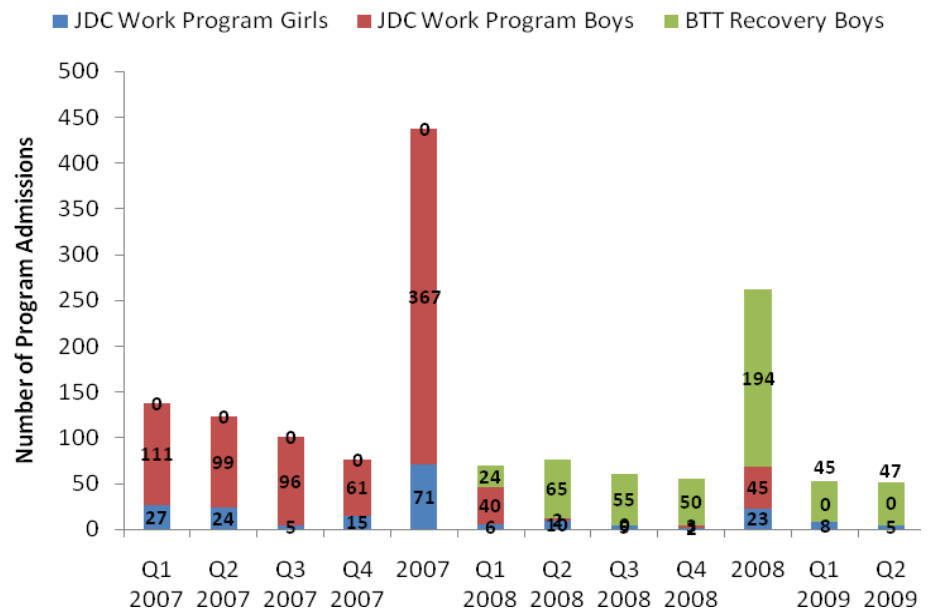
JDC Facility Statistics

Admissions to JDC Facility by Program and by Race and Latino Ethnicity w/any Race in Quarter 2 2009

Admissions to JDC Facility by Program and by Race and Latino Ethnicity with any Race.

	QUEST	Work Program	Det.	Total JDC Facility	% of Total
Black	2	3	187	192	54.1%
White	3		62	65	18.3%
Latino w/any race	1	1	28	30	8.5%
Asian	2	1	44	48	13.5%
Native Am.			12	12	3.4%
Other			8	8	2.3%
Total Number of Admissions	8	5	341	355	100.0%

Admissions to BTT Recovery Program-Boys/ JDC Short-Term Work Program-Boys* & Girls 2007 to 2008 Decrease: 40%



*Boys Work Program was moved from JDC to BTT in March 2008 and was renamed the Recovery Program.

2007 Total = 438

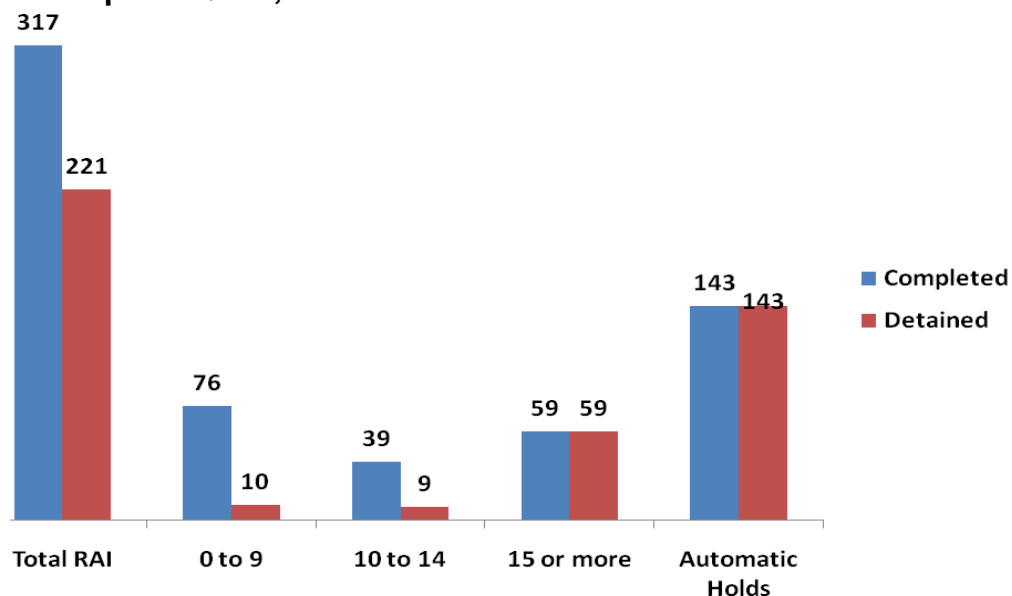
2008 Total = 262

Q1 2009 Total = 53

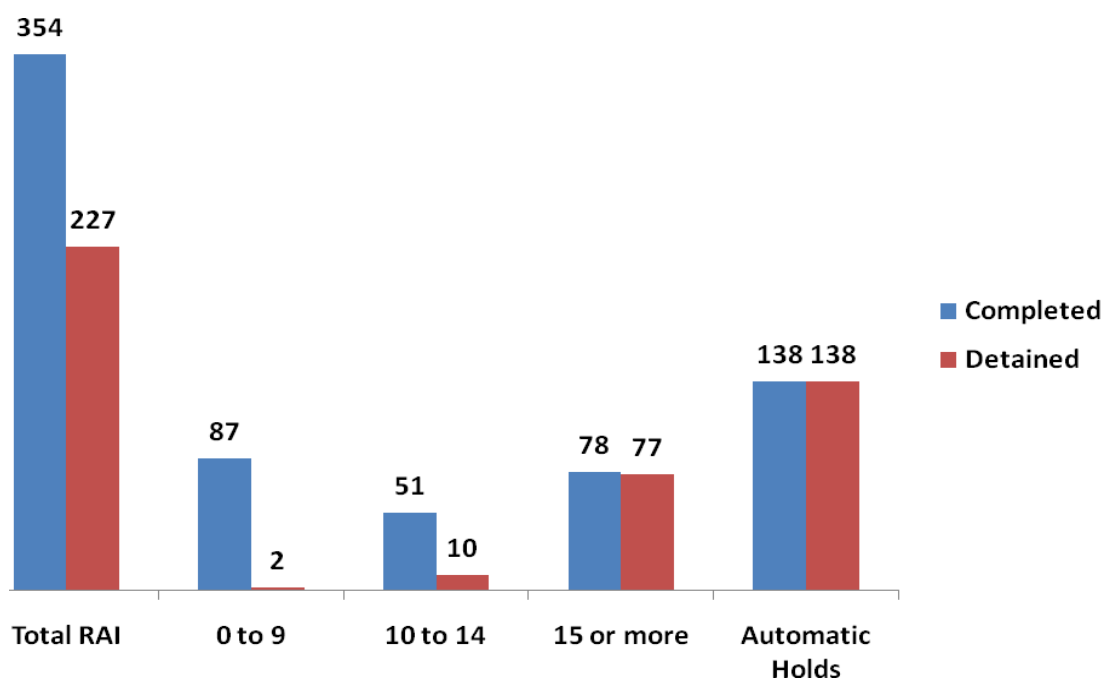
Q2 2009 Total = 52

Risk Assessment Instrument Data, Quarter 1 2008 - Quarter 1 2009

RAI Impact: Qtr. 1, 2009 Override rate: 17%



RAI Impact: Qtr. 2, 2009 Override rate: 9%

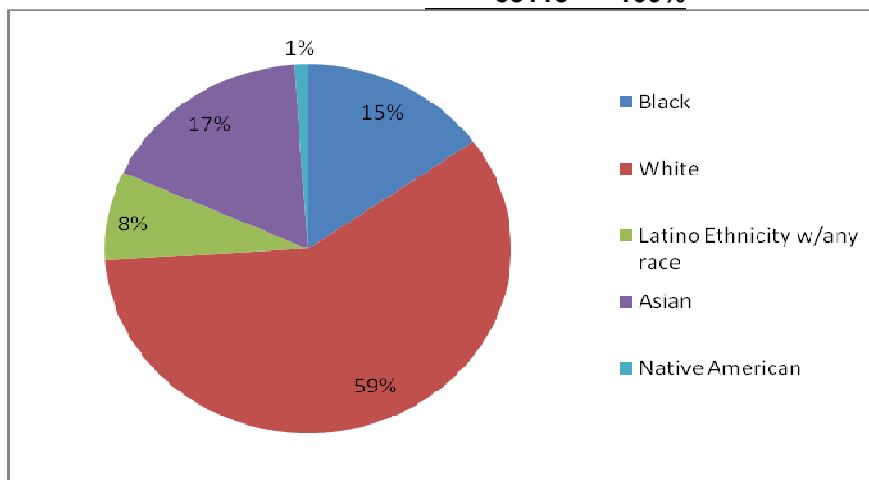


Ramsey County Census and Saint Paul Public School Demographics

Ramsey County, Minnesota, Juvenile Population, Ages 10 through 17 by Race and Latino Ethnicity with any Race.

Ramsey County Juveniles – 2006, Ages 10-17 by Race*

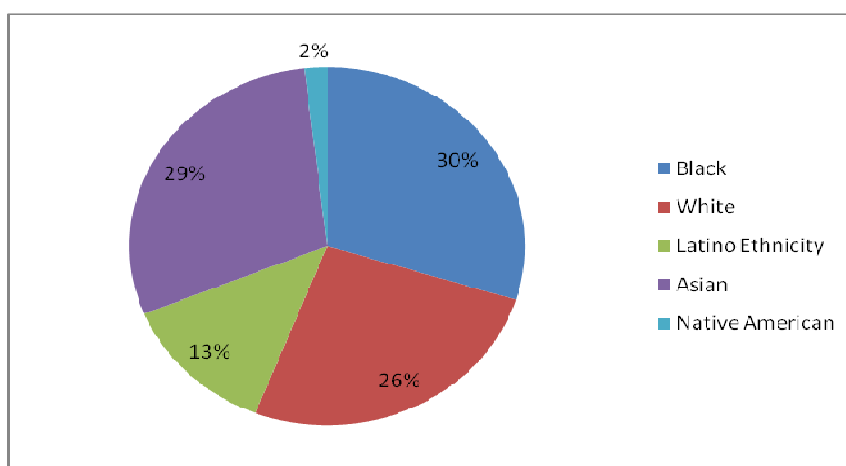
Race	Number	% of Total
Black	8336	15%
White	32455	59%
Latino Ethnicity w/any race	4276	8%
Asian	9446	17%
Native American	602	1%
Total Juveniles	55115	100%



St. Paul Public Schools Students by Race, 2006-7

St. Paul Public Schools, Early Education through Grade 12, by Race and Latino Ethnicity; 2006-7 School Year Enrollment.

Race	Number	% of Total
Black	12099	30%
White	10576	26%
Latino Ethnicity	5230	13%
Asian	11891	29%
Native American	747	2%
Total Number of Students	40543	100%



Radius Program numbers are included in the Detention numbers throughout this report. Radius is a program for girls. The program had 12 admits in 2007 and 27 admits in 2008.

The Boys Work Program was moved from the Juvenile Detention Center (JDC) to Boys Totem Town (BTT) in early March 2008 and was renamed The Recovery Program. Girls are remaining at JDC.

Milestones:

January 2, 2008: All juveniles with new offenses are administered a Risk Assessment Instrument (RAI). With this change, some juveniles are not detained at JDC; this is a new practice.

March 19, 2008: Two alternatives to detention are implemented (house arrest and shelter).

May 1, 2008: JDC supervisors are responsible for determining override with detaining authority input except for domestic abuse offenses.

June 11, 2008: JDC supervisors are responsible for determining override with detaining authority input.

August 19, 2008: Another alternative to Detention Implemented (GPS) – GPS temporarily suspended on September 3, 2008.

October 1, 2008: Probation Response Grid is implemented.

November 1, 2008: Juveniles brought to JDC on a warrant for “Failure to Appear at an Initial Hearing” for a Misdemeanor, Petty Misdemeanor or Status Offense (truancy or runaway) will be assessed with the RAI based upon special instruction from the Bench.

January 1, 2009: Juveniles on Active Warrants admitted to JDC are administered a RAI. All assessments with Active Warrants have 3 points added to the total score. Exceptions: All out-of-county warrants continue to be an automatic hold. Juveniles brought in for a Probation Violation Warrant also are an automatic hold (this is temporary while probation officers are trained in new warrant procedures).

January 1, 2009: The mitigating point on the RAI, “*Parent/Guardian will take custody—juvenile self report*” is changed to “*If your child is eligible for release, would you be willing to take custody and ensure your child’s appearance at Court?*” This mitigating point is not received unless the parent/guardian affirms this—if the parent cannot be reached, the mitigating point is not given.

January 1, 2009: Pending charges located in CISR/MNCIS are now being counted in the prior offense history section of the RAI.

March 1, 2009: Began using the Statewide Supervision System (SSS) to search for statewide probation supervision records.

March 1, 2009: JW Jail is added to all database searches: new offenses as well as warrants.

March 1, 2009: Probation Violation warrants are no longer Automatic Holds. Judges’ warrant instructions will be honored.

April 1, 2009: Revisions that were discussed at the November workshop were implemented to the RAI.

***Ramsey County Juvenile Populations, Year 2006, Ages 10-17 by Race: Puzzanchera, C., Finnegan, T. and Kang, W. (2007). “Easy Access to Juvenile Populations” Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>**

File: JDAI Data Requests/Master Statistics Report.doc (goes with Master Statistics Sheet.xls)

Juvenile Justice Advisory Committee

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