

Back to the future

Volume 2

Thirty Years of Minnesota
Juvenile Justice Policy and Practice
1980-2010

March 2014



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF JUSTICE PROGRAMS

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Introduction

In the 30 years between 1980 and 2010, a dramatic change occurred in both the volume and rate of youth contact with the U.S. juvenile justice system. Juvenile crime rose significantly through the 1980s and most of the 1990s before a pattern of decline emerged in the late 1990s and into new millennium. By 2010, both the volume and rate of youth arrests in the United States were comparable to levels observed in the early 1980s.

The title of this report, *Back to the Future*, pays homage to the 1980s cinema blockbuster of the same name, in which a teenaged Michael J. Fox accidentally travels back in time 30 years to 1955. While there he inadvertently alters the course of his own future which he must set right before returning to 1985. While his character is clear as to what must be done to set his future right, less clear are what combination of policy, practice and social conditions over the past 30 years aligned to result in the sustained decrease in juvenile crime.

Volume One of this two-part report summarizes the past 30 years of juvenile justice data in Minnesota. These data illustrate that the rise and subsequent fall of juvenile crime observed at the national level was also evident in Minnesota. Detailed in *Volume One* are Minnesota's data on juvenile arrests, court petitions, out-of-home placements and community-based supervision between 1980 and 2010.

Volume Two of the series is a compendium to *Volume One* and explores juvenile justice system policies and practices in Minnesota between 1980 and 2010. Many changes to law, policy and procedure occurred at both the federal and state level during this period. While some changes were a reaction to rapidly rising crime perpetrated by youth, others were proactive initiatives intended to stem delinquency through new strategies and evidence-based practices.

In addition to changes in policy, practice and philosophy concerning youth, *Volume Two* explores changes in the macro-environment of Minnesota and the nation. Included are data about the prevalence of poverty and unemployment, the strength of the economy, the value of wages, and school engagement. This report also provides details on federal funds allocated to states for crime-and-delinquency prevention and intervention activities between 1980 and 2010.

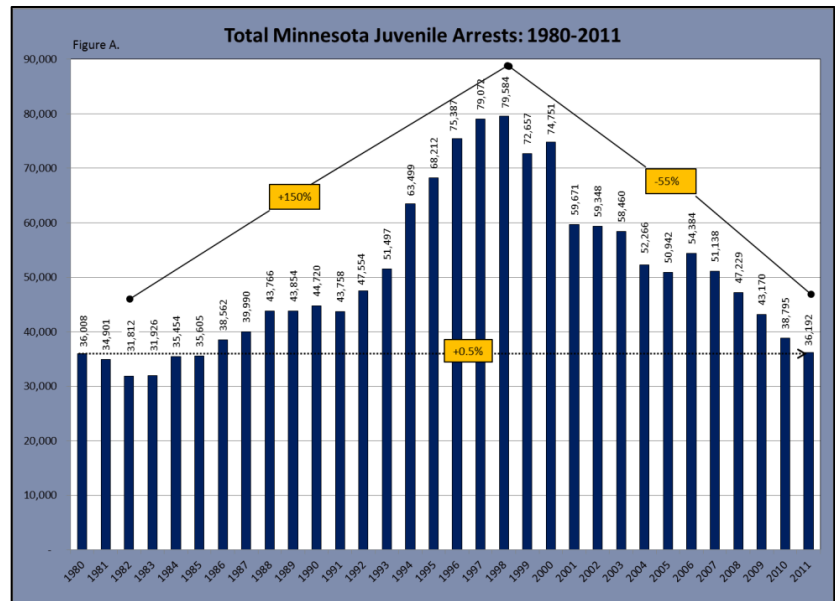
Exploring the evolution of juvenile justice in Minnesota and the nation during this period of rapid change may provide insights regarding effective responses that can be taken back to the future.

Volume One Reprise

Before venturing into changes in the juvenile justice system and the conditions of the macro socio-economic environment, it is helpful to review the data on youth involved in Minnesota’s juvenile justice system over time. These data are the backdrop for policies and funding decisions made between 1980 and 2010. The data presented below are explained in greater detail in *Volume One* of this report series.¹

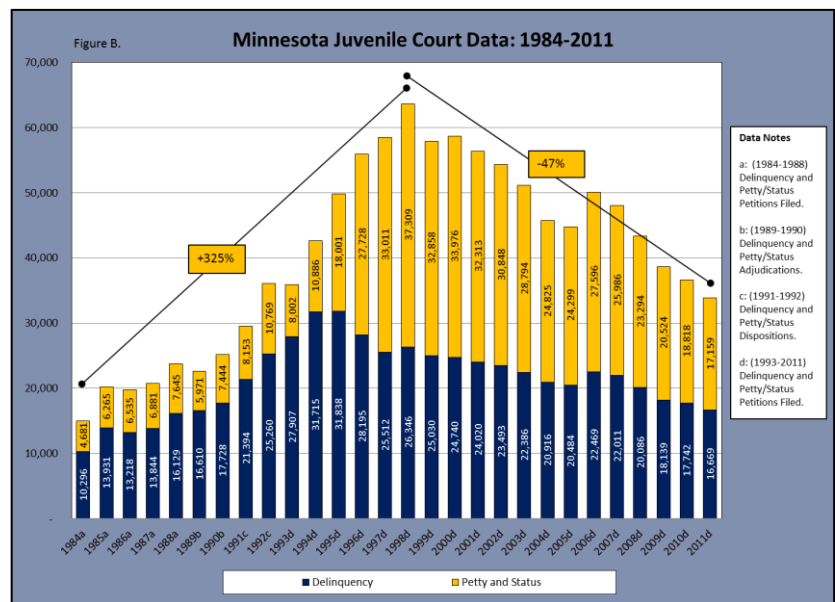
Juvenile Arrest Data

Over thirty years of juvenile arrest data (Figure A) illustrate that juvenile arrests in Minnesota increased 150 percent between 1982 and the peak year of 1998. Conversely, between 1998 and 2011, juvenile arrests declined in Minnesota by over half (-55%). Ultimately, the number of arrests in 2011 (36,192) was comparable to the number recorded in 1980 (36,008). The number and rate of juvenile arrests for violent crime peaked in Minnesota and nationally in 1994.^a



Juvenile Court Data

Data collected on youth involvement in juvenile court in Minnesota illustrates a precipitous rise between 1984 and 1998 (Figure B). During this period, the number of petitions filed rose 325 percent from approximately 15,000 to more than 63,000. While the number of juvenile petitions filed between 1998 and 2011 declined by nearly half (-47%), the number of youth petitioned in 2011 (33,828) was still over twice the number recorded in 1980. Higher court volume in the latter half of the graph is at least partially attributable to improved data collection and reporting methodologies. It is also possible that a larger proportion of arrests are petitioned to court than in the 1980s.

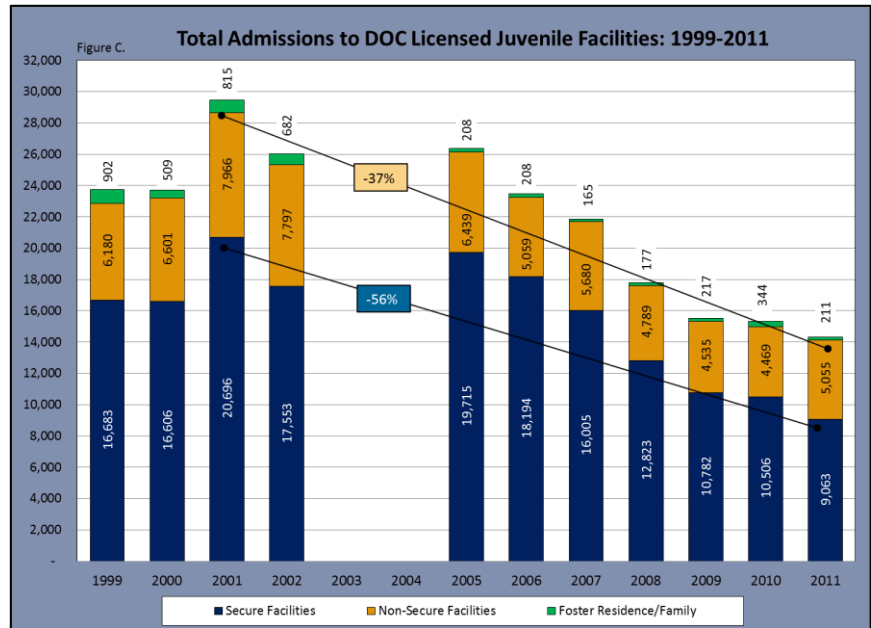


^a Violent crimes as defined by the FBI include murder, aggravated assault, robbery and rape.

Juvenile Placement Data

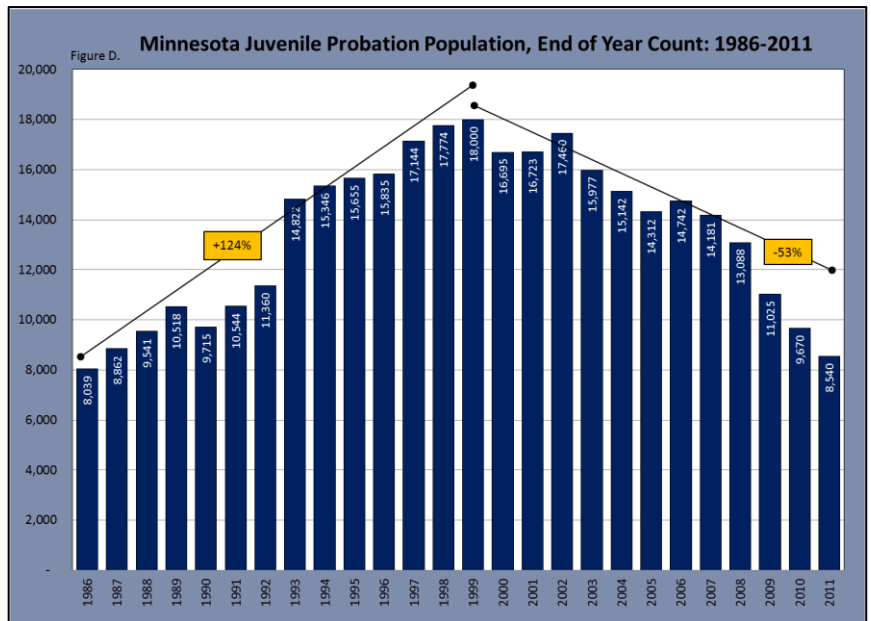
Minnesota lacks historical data on the use of detention and residential placements for justice system involved youth because the state had no centralized data repository during the 1980s and 1990s.

Data available beginning in 1999 illustrates a decline in the use of both secure and non-secure correctional placements in Minnesota during the 2000s (Figure C). The declining use of placements is consistent with the declining number of juvenile arrests and petitions during this period. The combined number of secure and non-secure juvenile placements declined by 51 percent between 2001 and 2011. Data for 2003 and 2004 are not available.



Juvenile Probation Data

Year-end counts of juveniles on probation in Minnesota follow a pattern similar to juvenile arrests.^b In 1986, approximately 8,000 juveniles were on probation at the end of the calendar year compared to 18,000 in 1999; an increase of 124 percent in just 13 years. (Figure D). Between 1999 and 2011, the number of juveniles on probation at year's end declined by over half (-53%) to approximately 8,500.



Data illustrate the interconnected nature of the different stages of the juvenile justice system. The volume of arrests affects the volume of petitions to court and youth detained; the volume of youth petitioned to court affects the number of youth placed out of the home and receiving probation.

^b The Minnesota Department of Corrections maintains data on both the total number of youth placed on probation in a given year, as well as an end of the year census count as are represented in Figure D. Both counting methodologies are present in *Back to the Future: Volume 1*.

Other Youth Serving Systems

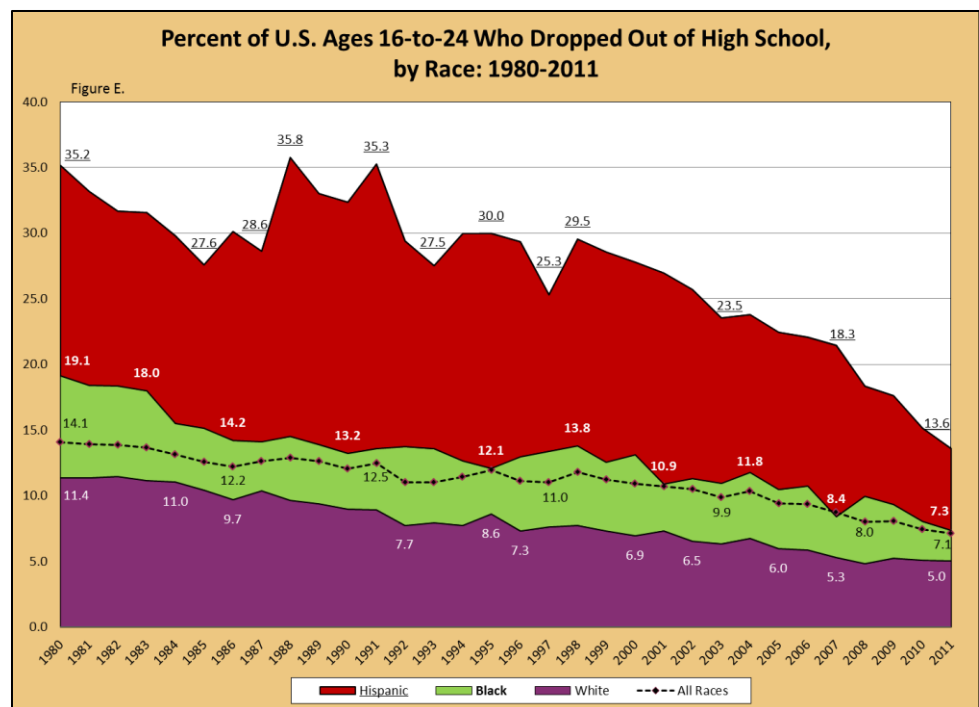
Juvenile justice is not the only arena in which outcomes for youth have improved since the 1980s. Both in Minnesota and nationally, significant progress has been made in improving high school graduation rates and reducing school dropouts. Also, reductions have occurred in the number and rate of child victims identified by child protective services. The following sections illustrate these improvements.

School Engagement

U.S. High School Dropouts

Nationally, the percentage of youth ages 16-to-24 who dropped out of high school in 2011 is half of what it was 30 years prior. In 1980, just over 14 percent of all youth ages 16-to-24 had dropped out of high school and not acquired a high school equivalency degree. By 2011, the percentage of youth ages 16-to-24 who had dropped out and not acquired a high school equivalency degree was 7.1 percent (Figure E).^{2,3}

Gains have been significant for some subpopulations, namely Hispanic youth whose dropout percentage in the 16-to-24 age cohort was over 35 percent in 1980 compared to 13.6 percent in 2011. Furthermore, the percentage of African American youth ages 16-to-24 who dropped out of school in 2011 was also half of what it was in 1980 (7.3% vs. 19.1%).⁴ National dropout data are unavailable for Asian and American Indian youth specifically, but these populations are included in the "All Races" category.

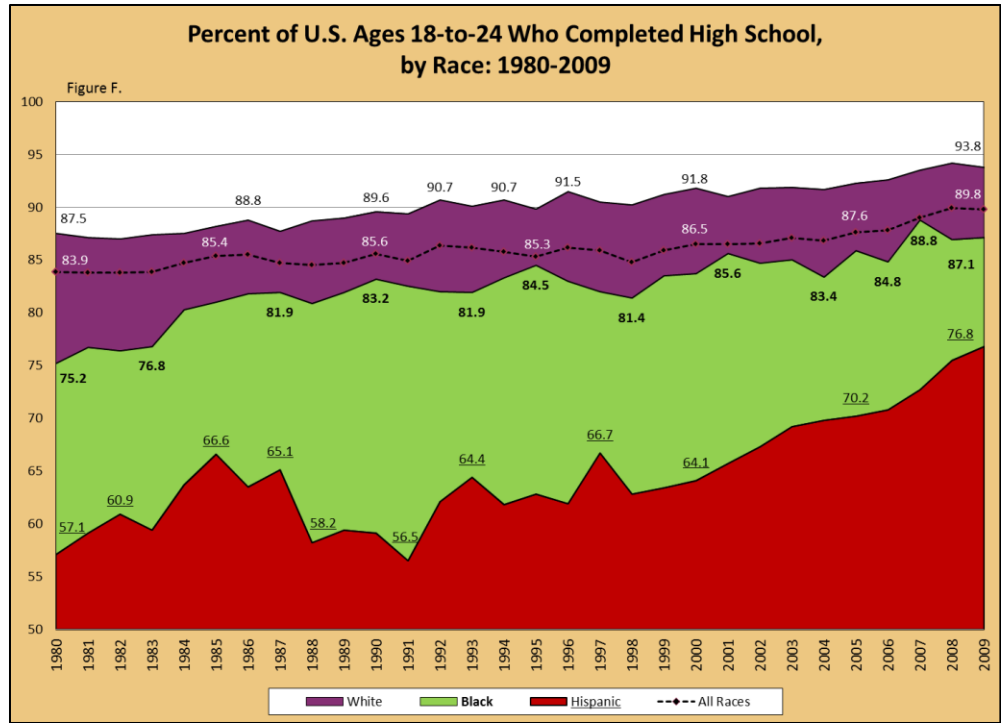


U. S. Graduations

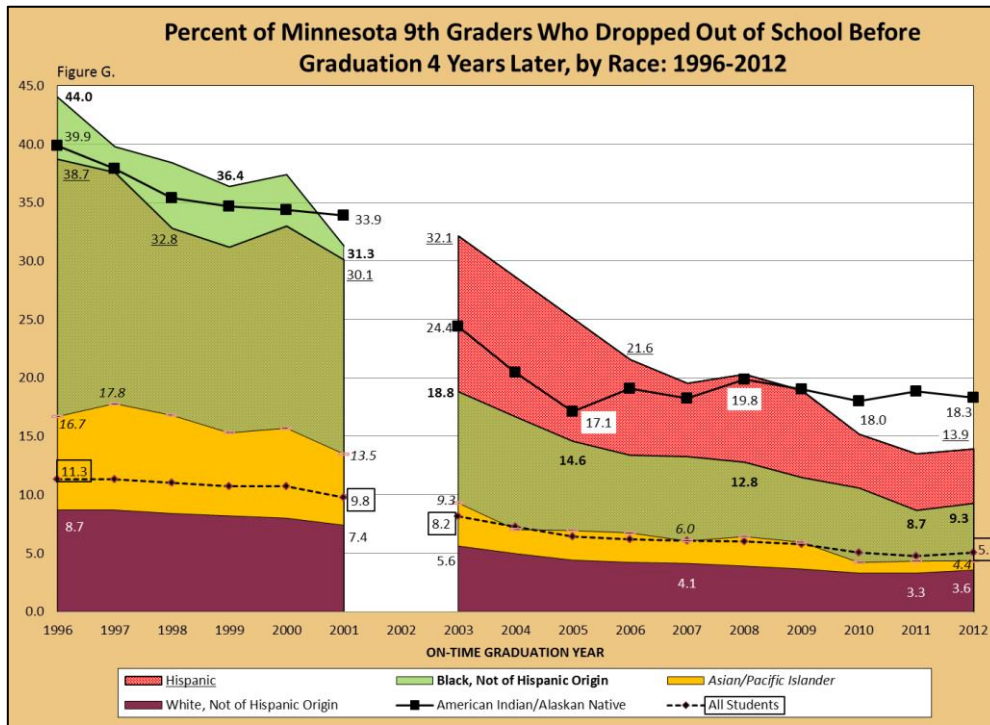
Not only has the percentage of dropouts declined, but the percentage of 18-to-24 year-olds who have graduated from high school or earned a GED in the United States rose between 1980 and 2009 (Figure F).

The overall percentage of youth ages 18-to-24 who graduated increased by 5.9 percent between 1980 and 2009; however, the percentage of African Americans who graduated increased by nearly 12 percent (11.9%) during that time. Similarly, the percentage of Hispanic youth ages 18-to-24 who graduated increased by nearly 20 percent (19.7%).⁵

Again, national level data are unavailable for Asian and American Indian youth but these populations are included in the “All Races” category.



Minnesota Dropouts



Mirroring the national trend, Minnesota has seen a significant decline in high school drop-outs. Since 1996, the Minnesota Department of Education has collected longitudinal data on each class entering 9th grade, and assessing their level of educational attainment four years later.^{6,7}

Data in Figure G reflect the percentage of 9th grade students who had dropped-out of school four years later, when they ought to have been graduating.^c In 1996, just over 11 percent of all 9th

^c Data from 2002 are unavailable, perhaps suggesting a change to data collection methodology or definitions.

graders had dropped out of school four-years later (11.3%); by 2012, the number was just over 5 percent (5.1%).^d All racial and ethnic populations, including white students, saw a reduction in the percentage of dropouts from the 9th grade class between 1996 and 2012. Specific racial and ethnic populations saw significant declines:

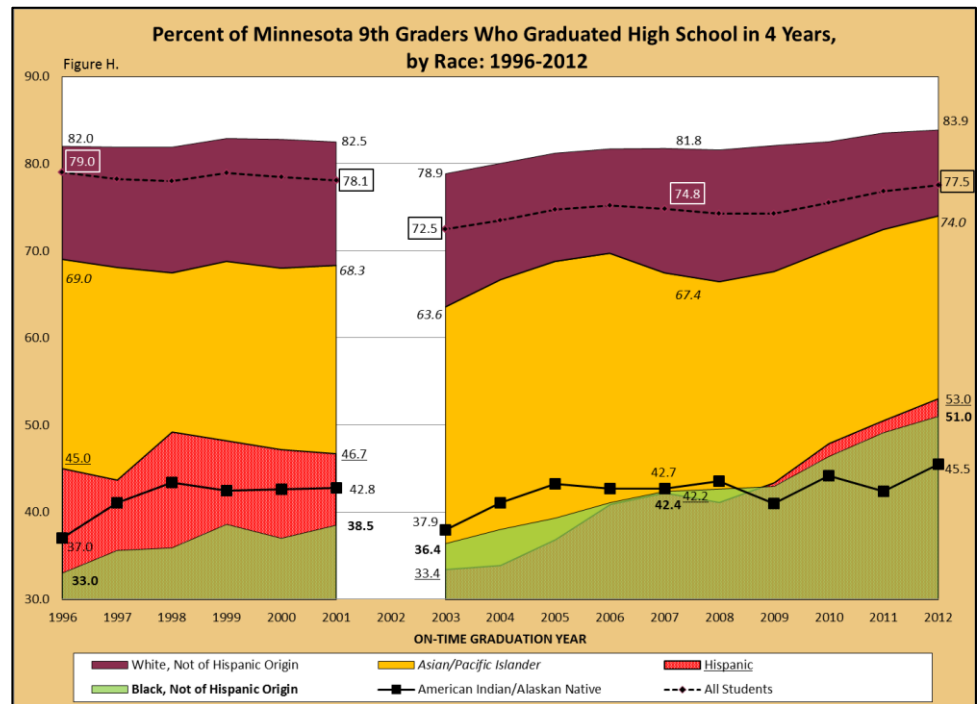
- Over four-in-10 African American students dropped-out between 9th and 12th grade in 1996 (44.0%) compared to under one-in-10 in 2012 (9.3%).
- Hispanic dropouts declined from 38.7 percent in 1996 to 13.9 percent in 2012.
- American Indian dropouts declined from nearly four-in-10 in 1996 (39.9%) to under two-in-10 in 2012 (18.3 %).
- Finally the number of Asian students who dropped out between 9th and 12th grade declined from over 16 percent in 1996 to 4.4 percent in 2012.

While not graphed, dropouts in Minnesota have also declined among youth who are eligible for Free or Reduced Priced Lunch (FRPL). FRPL dropouts declined from 19.7 percent in 2000 to 10.4 percent in 2012. Dropout rates for youth receiving special education services also declined from 23.1 percent in 1998 to 9.8 percent in 2012.⁸

Minnesota Graduations

Along with a decline in the percentage of 9th-grade dropouts comes an increase in the percentage of 9th graders who graduated “on-time” four-years later.^e

Between 1996 and 2012, on-time graduation increased for African American students from 33 percent to 51 percent (Figure H).⁹ For Hispanic youth, on-time graduation rose from 45 percent to 53 percent. American Indian youth saw graduation increase from 37 percent to 45.5 percent and Asian youth on-time graduations also increased from 69 percent in 1996 to 74 percent in 2012. While not graphed, the percentage of students who continued their education and graduated in five and six years is tracked by the Minnesota Department of Education.



^d The 9th grade cohort manner of measuring drop-outs means Minnesota data cannot be compared directly to the aforementioned national data.

^e Data from 2002 are unavailable perhaps suggesting a change to data collection methodology or definitions.

School indicators are important because success in school is a protective factor against youth delinquency. School attendance, engagement and academic success reduce the likelihood of youth engaging in delinquent behaviors. Factors such as comprehensive school retention and dropout prevention initiatives, new focuses on positive school climates and behavioral support, and emphasis on the importance of high school and post-secondary degrees may have collectively worked to keep more youth engaged in school.

Despite advancements, white youth in Minnesota have greater school success than their peers from communities of color. White youth are far more likely to graduate high school in four years and are far less likely than populations of color to drop out of school. In addition, youth of color in Minnesota are more likely to be labeled as having a learning disability, especially emotional or behavioral disturbances (EBD), and they are overrepresented in school disciplinary incidents.¹⁰ Minnesota has significant work to do to ensure more equitable outcomes for all youth in the education system and reducing school disenfranchisement.

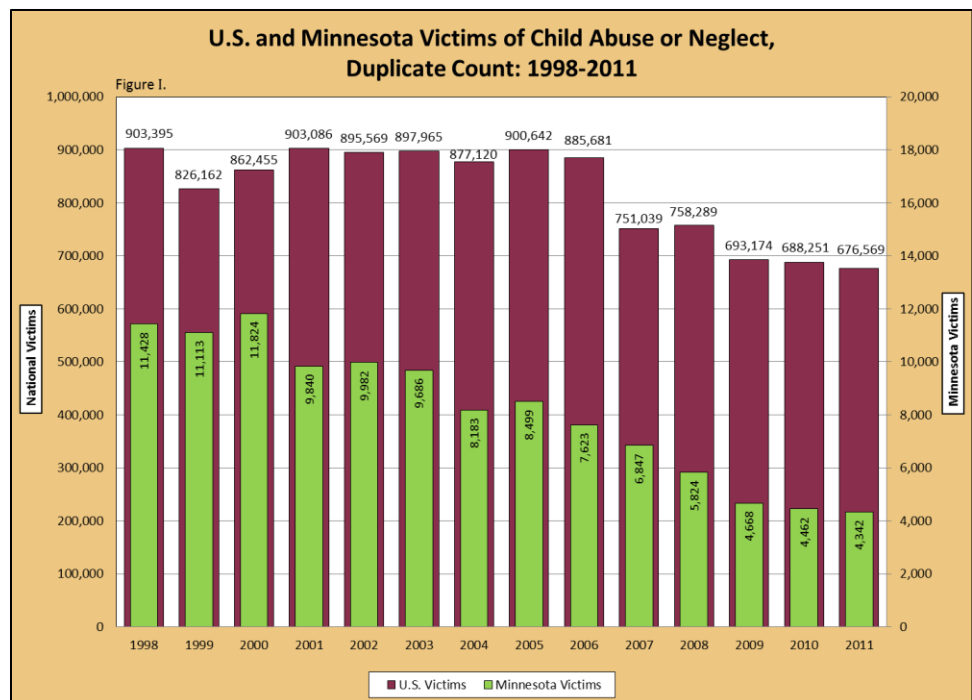
Child Protection

Like the juvenile justice system, the child protection system has experienced declining volume since the turn of the century. In Minnesota and nationally, the number of child victims of abuse or neglect, determined by assessment or alternative responses, as well as the rates of victimization per 1,000 children in the population have been declining.

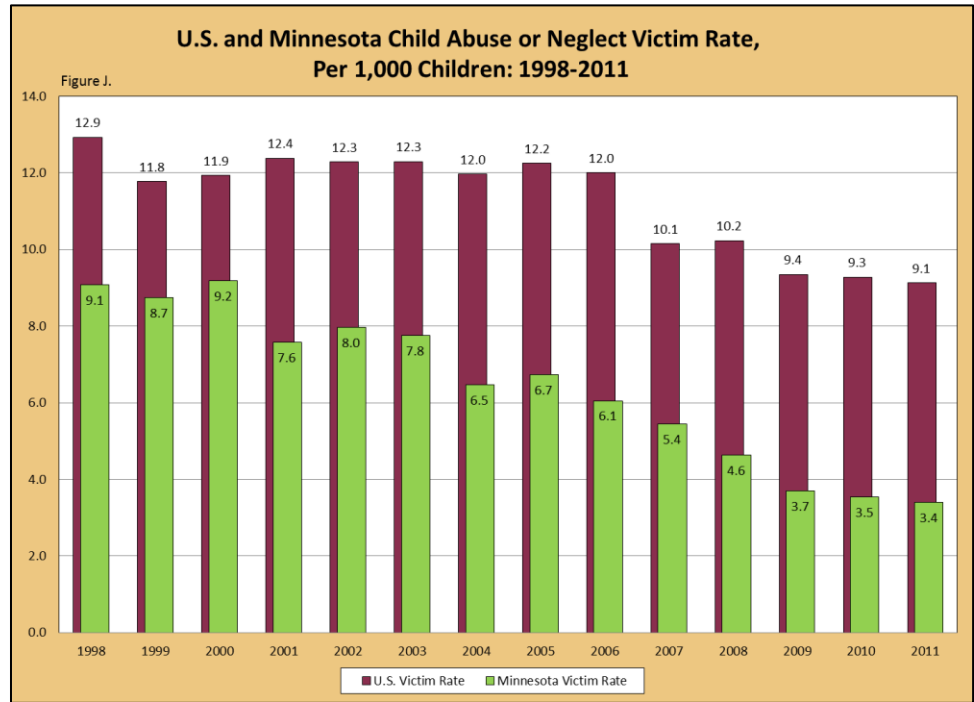
Victim Counts and Rates

Between 1998 and 2011, the number of child victims of abuse or neglect nationally has declined from approximately 903,000 to just over 676,000; this is just over a 25 percent decline in the number of child victims (Figure I). The rate of child victims per 1,000 children ages 0-to-17 declined from 12.9 in 1998 to 9.1 in 2011 (Figure J).¹¹

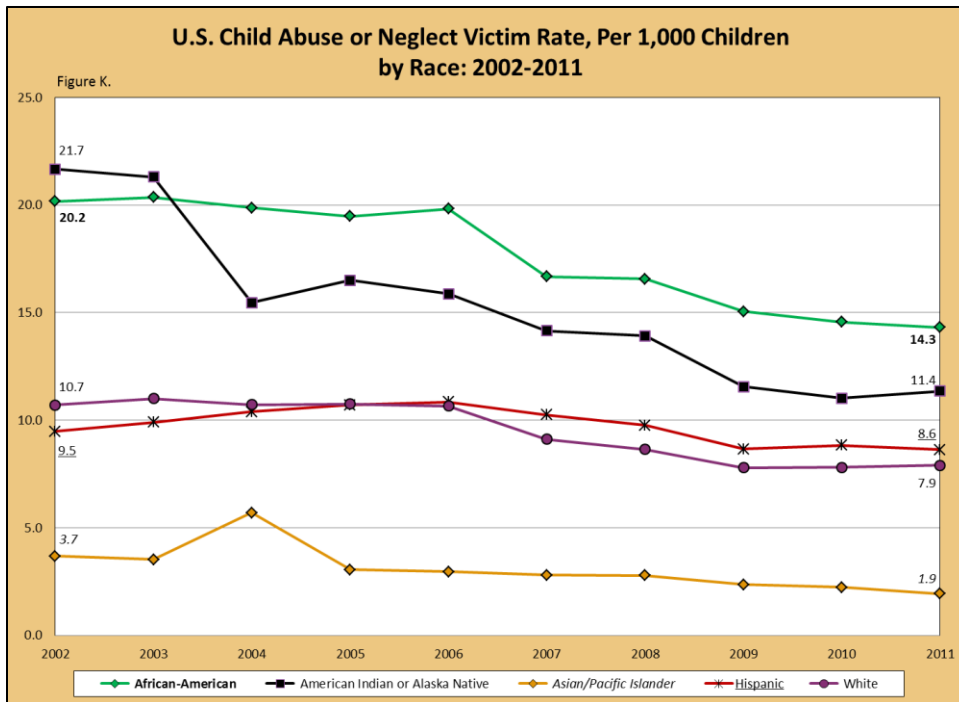
In Minnesota the number of child victims of abuse or neglect exceeded 11,400 in 1998 as compared to just over 4,300 in 2011 (Figure I). This is a 62 percent decline in the number of determined child victims. Minnesota’s rate of victimization declined from 9.1 per 1,000 children to 3.4 percent in 2011 (Figure J).¹² Data indicate that conditions that contributed to a decline in juvenile crime near the turn of the century may also have had a positive effect in reducing the number of child victims of abuse or neglect.



Like failing to engage in school, exposure to violence and domestic violence is a known risk-factor that can exacerbate delinquency as well as negatively affect mental health and social-emotional development. It is not uncommon for cases that originate in the child protection system to “cross-over” into delinquency, with behavior escalating as children age.¹³ Exposure to violence, personal histories of trauma, insufficient basic needs such as shelter, medical care or food, and poor emotional connections are risk factors for future involvement in the juvenile justice system.¹⁴



involvement in the juvenile justice system.¹⁴



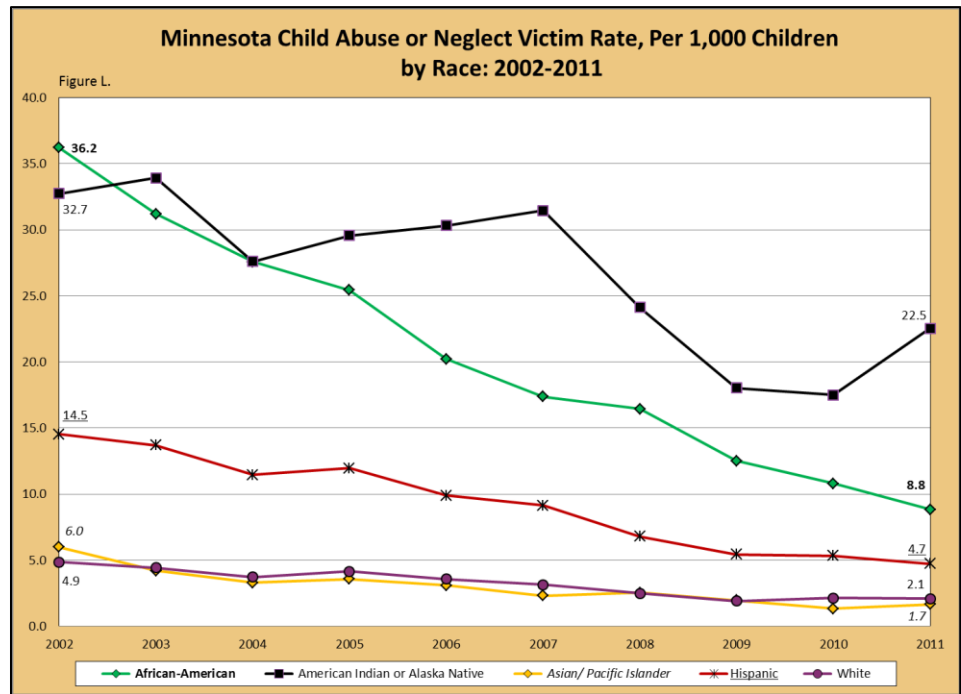
Victim Rates by Race

Nationally and in Minnesota, the rate of victimization has been declining in African American and American Indian communities since 2002. Nationally, the rate of child victimization for white, Hispanic and Asian youth has also declined since 2002, albeit to a smaller degree than for African American and American Indian children (Figure K).¹⁵ American Indian child abuse or neglect victims declined in number from 21.7 per 1,000 in 2002 to 11.4 per 1,000 in 2011; African American victim rates fell from 20.2 to 14.3.

In Minnesota, the largest decline in child victimization rates occurred for African American children. In 2002 there were 36.2 victims per 1,000 black youth; that fell to 8.8 victims per 1,000 black youth in 2011 (Figure L).¹⁶

The rate of child victimization for American Indians in Minnesota also declined by over 10 per 1,000 between 2002 and 2011, followed by Hispanic rates, which declined by 9.8 per 1,000. White and Asian youth saw the smallest change in rates between 2002 and 2011, but they both declined.

Similar to education and juvenile justice^f, the child protection system does not have equitable representation between white youth and populations of color in Minnesota. Youth of color are more likely to be the reported



victims of child abuse or neglect; have higher reported maltreatment reoccurrences; and are more likely to be placed in out-of-home care than white youth.¹⁷ National survey data on the incidence of child abuse and neglect, however, has historically shown that race is not a significant factor in child victimization or endangerment, rather the disparity is the result of differential enforcement and processing by social service professionals.¹⁸ Nevertheless, adults of color in Minnesota report more adverse childhood experiences (ACEs), which measure exposure to violence, abuse, neglect, drug abuse and mental illness as a child than do white adults.¹⁹ Minnesota must continue to address the conditions that contribute to the abuse and neglect of children and prevent those exposed from carrying the effects of trauma into adulthood.

^f See *Back to the Future Volume I* for data on the volume of youth in Minnesota’s juvenile justice system by race.

Youth Population Changes

When exploring juvenile justice system trends and other youth related data, it is important to take into consideration changes in the youth population. For example, if juvenile arrests increase by 10 percent while the population of juveniles also increases by 10 percent, a correlation probably exists.

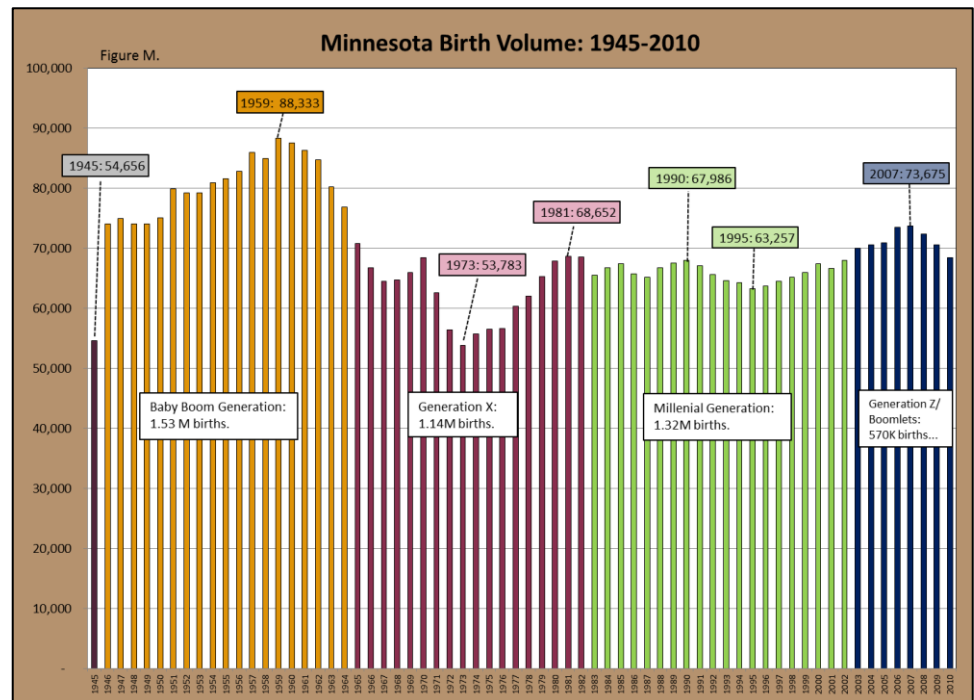
Germane to the discussion of population are birth cohorts, as they affect the size of populations aging into and out of the juvenile justice system in any given year.

Minnesota Population Cohorts

When exploring populations in the justice system between 1980 and 2010, three unique generations of youth are involved: The *Baby Boomers* born between 1946 and 1964; *Generation X* born between 1965 and 1982; and the *Millennial Generation* born between 1983 and 2002. When looking toward what future juvenile justice volume might be, one must also include *Generation Z* or the “*Boomlets*” born after 2002.⁶

Like the nation as a whole, Minnesota had a large *Baby Boom* generation. More than 1.5 million births occurred in this generation in Minnesota. The peak year was 1959 when more than 88,000 births were recorded (Figure M). This stands in sharp contrast to 1945, before the *Baby Boom* began, when just over 54,600 births were recorded.²⁰

The *Baby Boom* generation was followed by the much smaller *Generation X* born between 1965 and 1982. The smallest birth cohort since the 1940s in Minnesota occurred in 1973 when fewer than 54,000 births were recorded. The number of births in the state remained somewhat constant during the *Millennial Generation* fluctuating between a high of nearly 80,000 in 1990 and a low of approximately 63,000 in 1995. *The Millennials* are the second largest complete generation



⁶ Generation cohorts are, at times, given different beginning and end dates depending on the source. This report uses dates reported by the Population Reference Bureau.

in Minnesota at 1.32 million births.²¹

The *Boomerlet Generation*, however, beginning in 2002 has had birth cohorts over 70,000 in the mid- to late-2000s; levels have not been seen since the *Baby Boom* Generation.²² Depending on future birth volume and the length of the social generation, the *Boomerlets* could outpace the *Millennials* in total size.

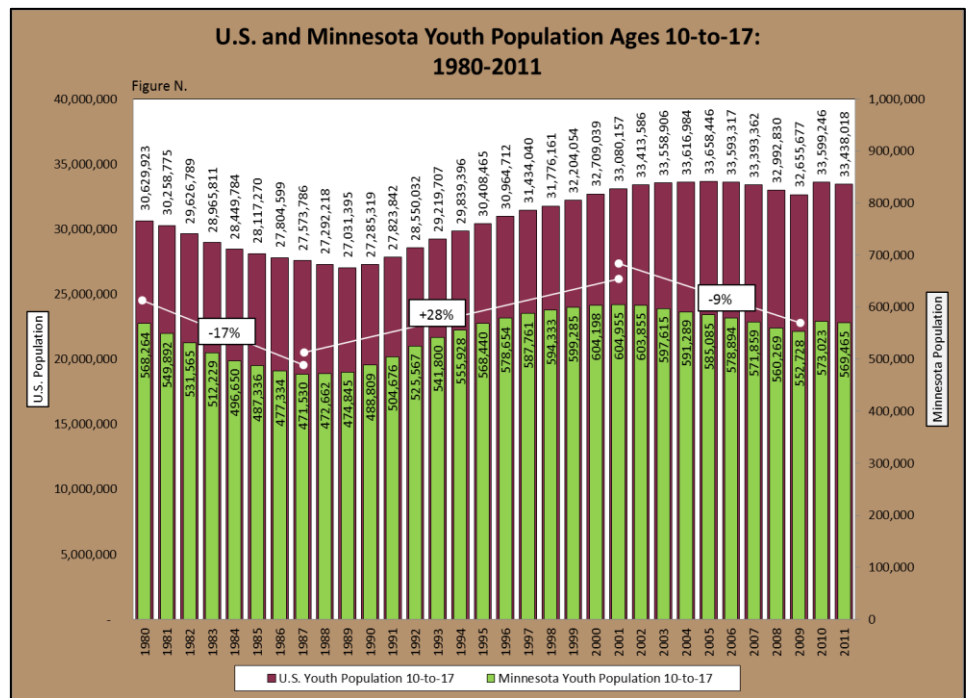
Impact of Population on Juvenile Justice System Volume

The national decline in total juvenile arrests in the early 1980s has generally been attributed to the majority of the *Baby Boom* generation having aged out of peak offending years.^{23,h} In Minnesota, the population of youth eligible for juvenile justice system involvement (ages 10- to-17) also declined through the 1980s consistent with *Baby Boomers* aging out of juvenile justice jurisdiction (Figure N). This accompanied a decline in the number of juvenile arrests during the same period (see Figure A).

Around 1990 the number of Minnesota youth ages 10-to-17 began to rise, consistent with an increase in the number of births in the late 1970s and early 1980s near the end of *Generation X*.²⁴ As youth born in the large birth cohort years of 1980, 1981 and 1982 aged into peak juvenile offending (ages 15-to-17), juvenile arrests in Minnesota were at their highest level (1995 to 1999).

The trend reversed as the juvenile population ages 10-to-17 began to decline after the year 2001. This decline is consistent with lower birth numbers between 1990 and 1995. Juvenile arrest volume also began to decline substantially around the year 2000.

While population change has some effect on the volume of



juvenile delinquency, it alone is insufficient to explain the dramatic rise and fall observed in the data. Case in point: the juvenile population ages 10-to-17 increased approximately 10 percent between 1993 and 1998, but juvenile arrest volume increased 55 percent. Similarly, between 2001 and 2009 the juvenile population declined 9 percent, but the volume of juvenile arrests between those same years declined 42 percent (see Figure A). Additional factors believed to affect crime rates will be explored in this report including economic conditions, policing strategies and criminal justice legislation.

^h Peak offending years are ages 15-to-20.

Future Minnesota Justice System Population

In 2010 and 2011, the population of juveniles ages 10-to-17 in Minnesota began to rise again (Figure O).²⁵ This was consistent with youth born in 2000 and 2001 turning 10 years old. Figure M illustrates that the early 2000s were the beginning of another increase in births that lasted until 2007. These youth will contribute to a growing youth population ages 10-to-17 between 2011 and 2025, at which time those born in 2007 begin to age into adulthood.²⁶

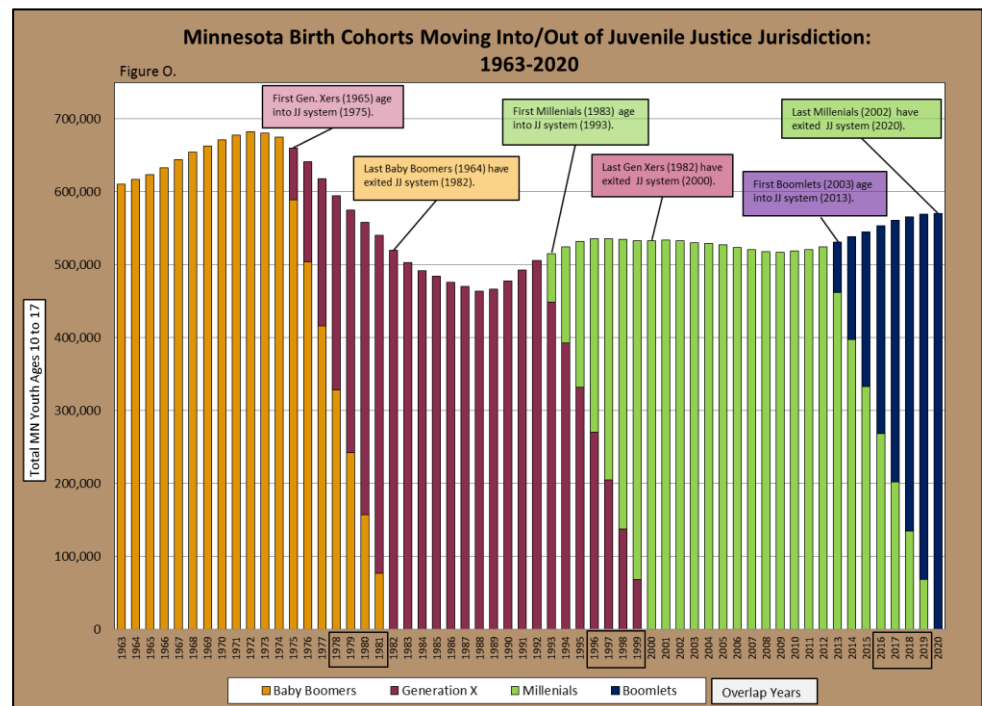
Children born in 2003 (start of the *Boomlet* Generation) will begin to age into juvenile justice jurisdiction in 2013 and enter their highest offending years (15+) around 2018. The birth rate continued to rise after 2001 until an apparent peak in 2007. Youth born during that period will age into juvenile justice jurisdiction in 2017 and age out in 2025. It is therefore likely that the number of youth involved in the juvenile justice system will increase between 2017 and 2025 until the largest 2007 birth cohort ages out of juvenile justice jurisdiction.

Overlapping Social Generations

Some peak years of juvenile crime in Minnesota occurred when two social generations were in the juvenile justice system jurisdiction simultaneously.

In Minnesota, juvenile crime had a peak in the late 1970s and early 1980s, when the *Baby Boomers* were aging out of juvenile justice jurisdiction and the first *Generation X* youth were aging in (Figure O).²⁷ In the mid-1990s the last of *Generation X* was aging out of the system and the first of the *Millennial Generation* were aging in. Presently (2013 to 2019), the last of the *Millennial Generation* is aging out of the system as the *Boomlet* Generation ages in.

While it is yet to be seen whether arrests will increase in coming years, these transition years may nevertheless be a time when juvenile justice practitioners observe that youth entering the system are fundamentally different in their attitudes and behaviors than those aging out. Indeed, the two populations may have exhibit different behavior and world views due to their unique social eras and histories.



The Macro-Environment

With the aforementioned population changes in mind, one can explore how changes in the macro-environment of the state and nation may have affected youth and their involvement in delinquency during this era. Crime and delinquency always exist in the context of the macro-environment.ⁱ In order to fully understand the environment that contributes to crime, as well as the policies, practices and perceptions related to crime, one must be cognizant of social and economic conditions. This section will describe the conditions in Minnesota and the nation that may be connected to delinquency and delinquency policy between 1980 and 2010.

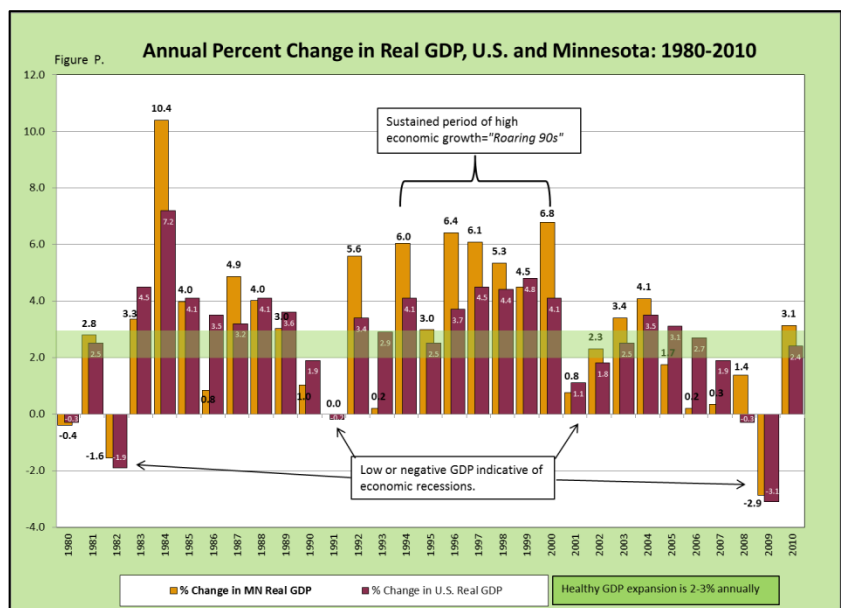
Economy, Inflation, Unemployment and Poverty

The economy is important in that certain types of crime are thought to be connected to economic conditions. Contemporary research on crime and the economy suggest that without a steady, legitimate income people resort to crime; that the unemployed have more time to engage in crime; and that even if unemployment is low, crime will rise if it pays more than work.²⁸

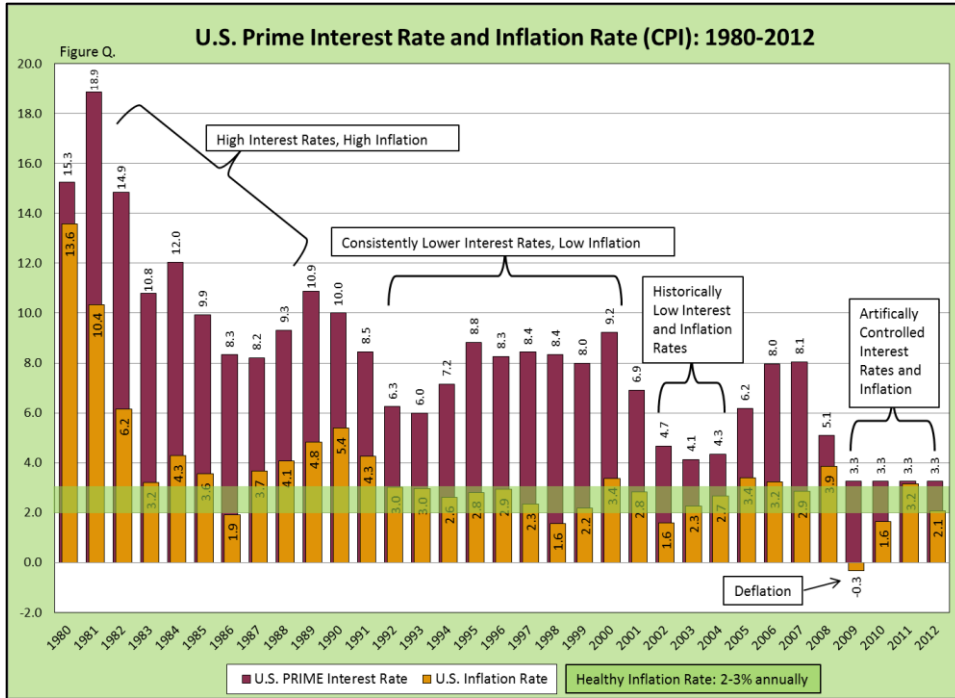
Economic conditions can put strain on families and community resources, further affecting children. The economies of the United States and Minnesota changed significantly between 1980 and 2010. This following section will provide an overview of those changing economic conditions, including periods of economic growth and recession, inflation, unemployment and poverty.

The 1980s

The 1980s were a challenging period in the United States from an economic standpoint. The decade began with two years of recession in 1980 and 1982, as defined by at least two consecutive quarters of declining Gross Domestic Product (GDP). Both the national economy and Minnesota's economy experienced the downturn (negative GDP) indicative of a contracting business cycle (Figure P).^{29,30} While GDP rebounded in the 1980s as a whole, other economic concerns, such as inflation, stymied economic prosperity for many.



ⁱ Macro is a prefix meaning the "large-scale" structure, behavior, characteristics or performance of economies, social conditions or populations.

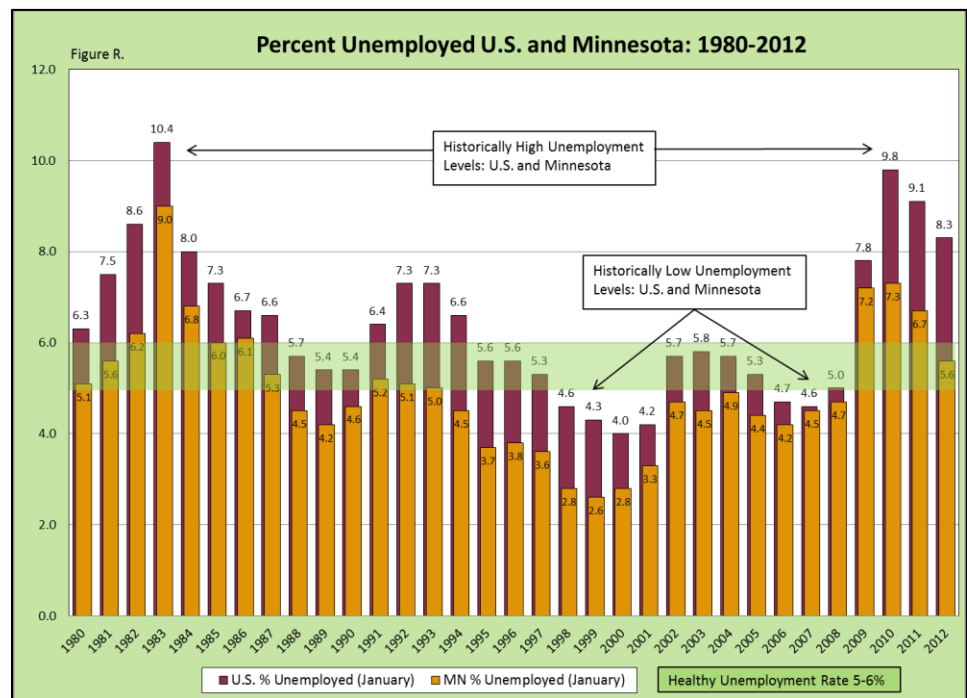


Inflation is typically measured by the Consumer Price Index (CPI) which calculates changes to the cost of a standard set of goods and services. A “healthy” inflation rate for the cost of these items is 2 to 3 percent annually,³¹ as might be offset by an annual “COLA” or cost-of-living-adjustment to wages.

Between 1979 (not shown) and 1981, the national inflation rate was 10 percent or higher (Figure Q).³² In addition, the Prime Interest Rate used by financial institutions to set lending and

credit interest rates was extremely high in the early 1980s (15% to 19%).³³ These high rates made obtaining credit and borrowing money an expensive activity for individuals and industry alike.

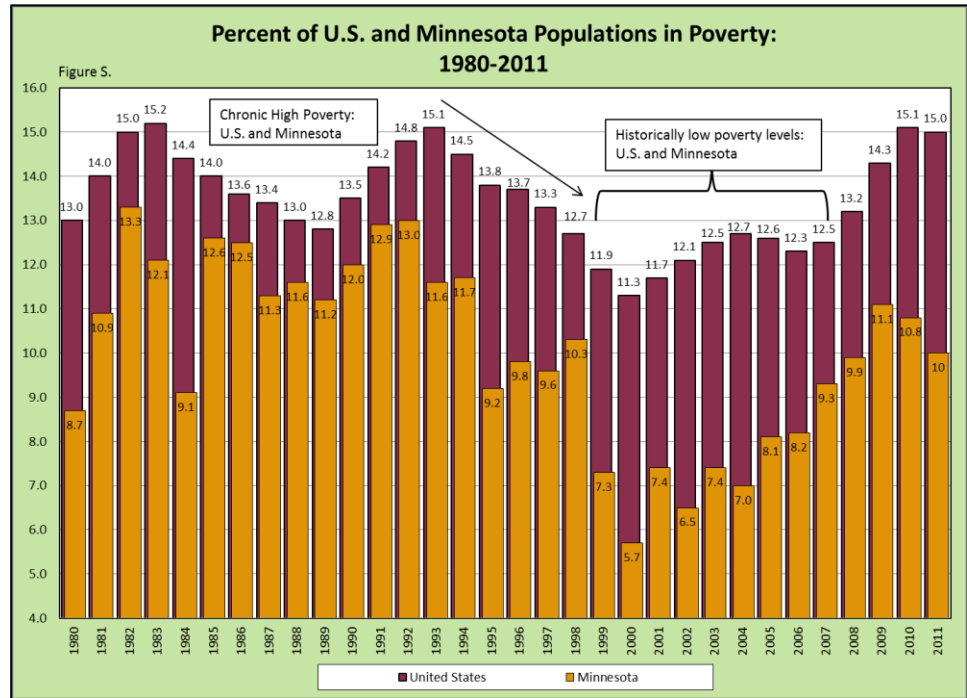
The early 1980s were also a time of high unemployment and high poverty. Unemployment peaked nationally in 1983 at 10.4 percent and, in Minnesota, at 9.0 percent (Figure R).^{34,35} As a point of reference, 5 to 6 percent unemployment is considered “natural unemployment” as people move around in the labor market. Some unemployment is beneficial as it allows business and industry to grow.³⁶



Despite 3 to 7 percent economic expansion coupled with declining unemployment in the latter half of the 1980s (Figures P and R), poverty levels remained high (Figure S). Throughout the 1980s, 13 percent or more of the United States’ population was below the federal poverty threshold.

Poverty levels in Minnesota were lower than the national average, however 11 percent or more of Minnesotans were below the poverty threshold for the majority of the 1980s.

While some attest that President Reagan’s fiscal policy during the 1980s brought the nation out of the economic doldrums, others assert that the philosophy of supply-side or “trickle-down economics” never reached the working-class and the poor.³⁷



The 1990s

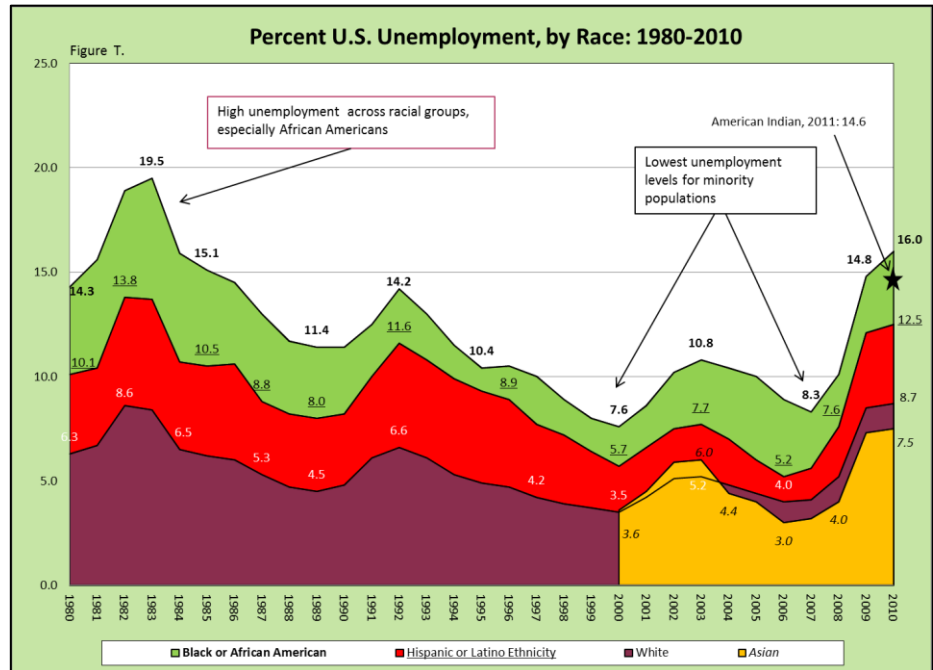
Like the 1980s, the 1990s began with a recession. A complex interplay of fiscal policy to control inflation; the high cost of energy; the *Savings and Loan Crisis*; the “Black Monday” stock market drop (1987); declining demand in the housing market; and American involvement in the Persian Gulf War contributed to a recession in 1991.^{38,39} Figure P depicts a negative national GDP in 1991 (-0.2%) and a stagnant Minnesota GDP (0.0%). Following the recession, both the state and national economy grew rapidly. National GDP growth was over 4 percent in the latter half of the decade and Minnesota GDP ranged from 4.5 to 6.8 percent growth annually.^{40,41}

The 1990s were ultimately dubbed *The Roaring '90s* because economic growth was high while inflation was low (Figures P and Q).⁴² Much of the economic engine driving the economy of the 1990s was technology and new “dot.com” industries.⁴³ Both private and public enterprises had money to spend and low rates at which to borrow compared to the previous decade (Figure Q). The national deficit declined through the 1990s and between 1998 and 2001, the national economy experienced a surplus for the first time since 1960.⁴⁴

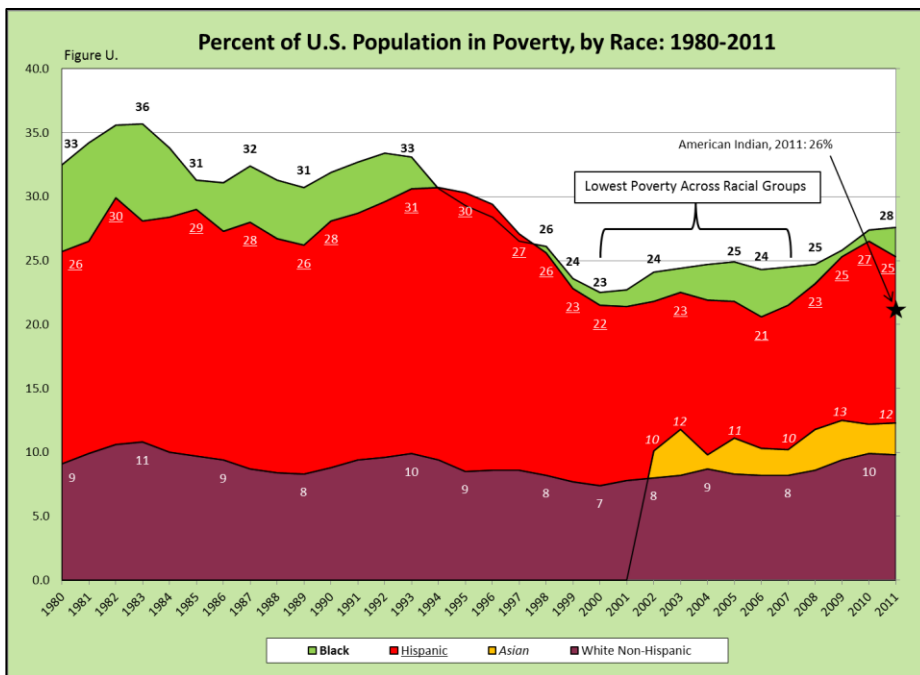
Generally, unemployment declined in the mid-1990s and continued to fall for the balance of the decade (Figure R). Between 1995 and 2001, the rate of unemployment in Minnesota was actually lower than is generally considered healthy or sustainable for an economy (<5%).

U.S. Unemployment by Race

While all races benefited from the economic improvement of the 1990s, unemployment rates by race are far from equal. Nationally, unemployment levels between 1980 and 2010 have been highest for African Americans, followed by Hispanics (Figure T).⁴⁵ National level trend data on American Indian unemployment are lacking but recent releases suggest American Indian unemployment is most similar to African American unemployment levels.



Unemployment levels have typically been lowest for the white and Asian populations. For white Americans, the unemployment level was at its highest following the 2008 recession; for other races, unemployment was highest in the early 1980s.⁴⁶ Across racial groups, 30-year lows in unemployment were observed at the end of the 1990s.



U.S. Poverty by Race

In the mid- to late-1990s, about the time that violent juvenile crime took a turn for the better, unemployment was reaching historic lows; the GDP of both the state and the nation were consistently expanding above 'typical' levels; inflation was low; and the overall percentage of citizens in poverty had declined significantly (Figure S.)

Like unemployment, poverty was not equally distributed in the population. In the United States as a whole, African American and Hispanic

populations experienced the highest poverty levels throughout the 1980s and early 1990s (Figure U). Conversely, white Americans and Asian Americans experienced the lowest poverty rates. As the 1990s were drawing to a close, poverty levels across all racial groups were reaching 30-year lows.

Minnesota Unemployment and Poverty by Race

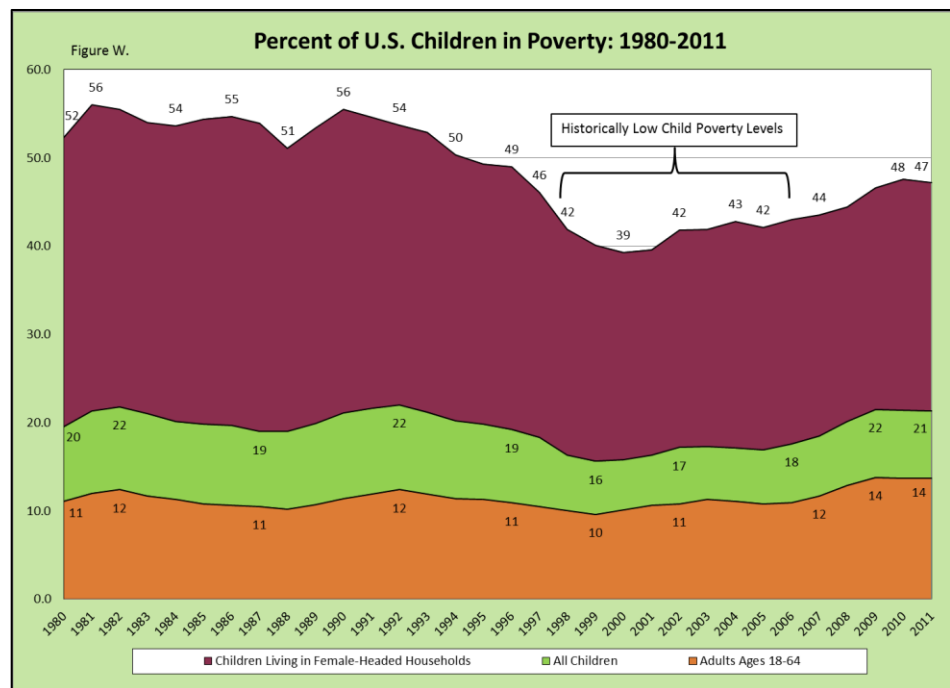
Annual unemployment and poverty data by race for the state of Minnesota are available only as of the late 1990s. Those data illustrate that Minnesota’s unemployment and poverty trends tend to mirror national fluctuations. However, Minnesota often has poverty and unemployment levels that are lower than the national average for white and Hispanic populations and higher than the national average for African American, Asian and American Indian populations. Figure V contains a single year comparison between national and Minnesota unemployment and poverty levels by race.

Figure V. U.S. and MN Unemployment and Poverty Rates	U.S. Unemployment Rate ⁴⁷ 2011	MN Unemployment Rate ⁴⁸ 2011	U.S. Poverty Rate ⁴⁹ 2012	MN Poverty Rate ⁵⁰ 2012
White Non-Hispanic	7%	6%	10%	8%
African American or Black	16%	21%	27%	38%
Asian	7%	9%	12%	16%
Hispanic	12%	9%	26%	26%
American Indian^j	15%	19% (2012)	26% (2009-2011 average) ⁵¹	32% (2009-2011 average)

Children in Poverty

The decline in poverty throughout the 1990s is especially noteworthy among children. The percentage of children in poverty is always higher than the population overall, as one or two adults in poverty can have multiple children experiencing poverty. Throughout the 1980s approximately two in 10 children in the United States were below the federal poverty threshold (Figure W).

For children in female-headed households, the poverty level



^j Due to the small number of American Indian households nationwide, census data do not make an estimate of the American Indian/Alaska Native poverty rate. These figures are calculated off three-year averages using the American Community Survey.

was over 50 percent for much of the 1980s. By the late 1990s and early 2000s, the poverty level of the population as a whole, as well as for subgroups of children, declined to the lowest levels in 30 years. Since the 2008 recession, however, child poverty has been increasing. Low socio-economic status is consistently documented as a risk-factor related to juvenile delinquency.

The Value of Wages

An interesting phenomenon occurred in the 1990s related to worker’s wages that may have contributed to the decline in overall poverty at the end of the decade. Figure X illustrates that from 1980 through 2012 the average wage of United States workers in the private labor force was rising.⁵² Also, both the federal minimum wage and Minnesota’s minimum wage were increasing periodically.⁵³

Despite the increase in wages, the purchasing power of wages was declining (Figure Y). Due to inflation and other economic factors, employees were earning more but higher consumer prices meant the money did not go as far.

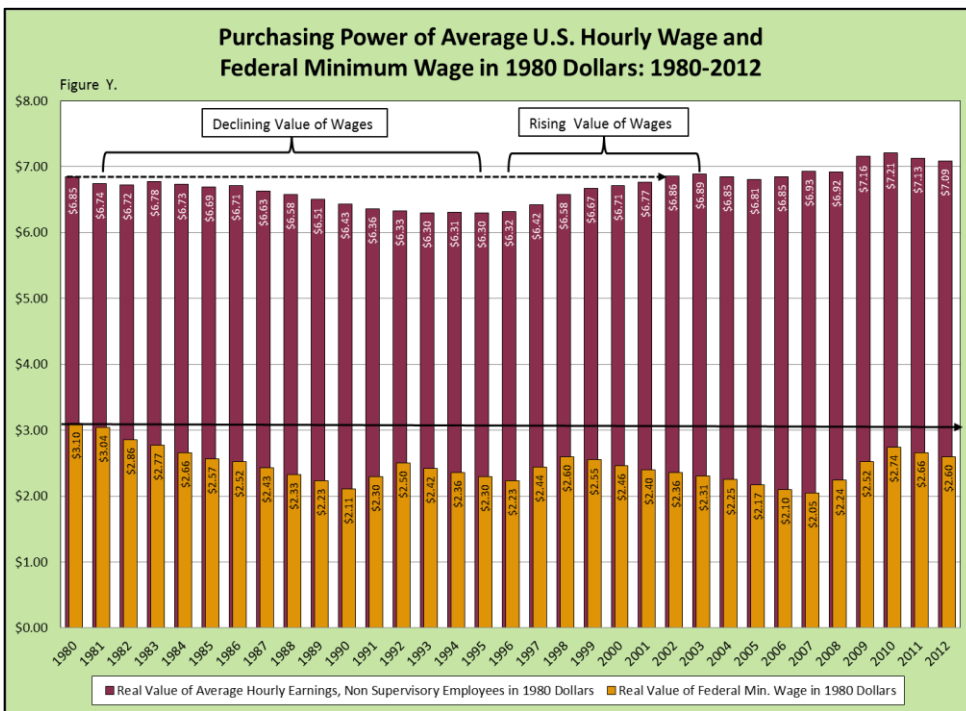
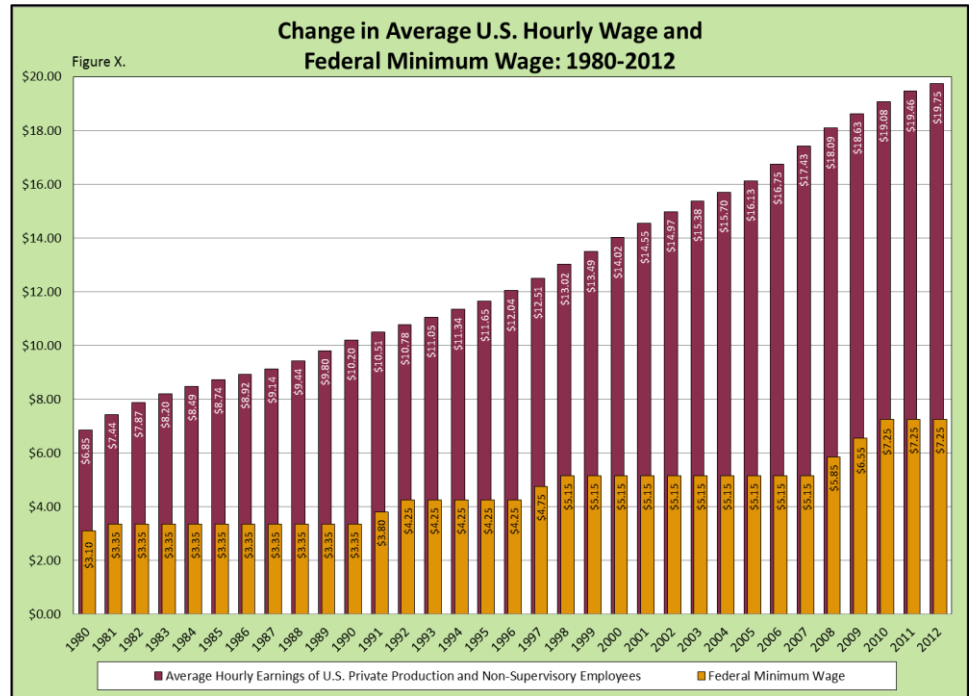


Figure Y illustrates the purchasing power the average wage had over time in 1980 dollars. In 1980, \$6.85 bought \$6.85 worth of goods and services. Ten years later, in 1990, the average hourly wage of \$10.20 would have been worth only \$6.43 in the 1980 economy. The lowest value of wages occurred between 1993 and 1995 when the average hourly wage was the equivalent of only \$6.30 in the 1980 economy.⁵⁴ These years of low wages correspond to years of rising juvenile crime (see Figure A).

The real value of wages began to increase in 1996 and continued to rise through the late 1990s and early 2000s.⁵⁵ In terms of purchasing power, it was not until 2002 that the value of the average hourly wage broke even with the purchasing power of the average hourly wage in 1980. Greater value of wages in the late 1990s, coupled with low unemployment likely contributed to the reduction in poverty. As for minimum wage, the purchasing power of minimum wage in 1980 (\$3.10) has not been reached again over the past 30 years. In order to be equivalent to 1980 value, the minimum wage in 2013 would need to be \$8.77 per hour.⁵⁶

The 2000s

In 2000, the economic prosperity of internet related ventures (often called the “dot.com bubble”) collapsed and 2001 began in recession. In addition, the September 11 terrorist attack threatened to derail the economy further. Both unemployment and poverty increased by several percentage points between 2000 and 2002 (Figures R and S). Despite this, the inflation rate remained low as did the Prime Interest Rate. Money remained “cheap” to borrow and credit “loose,” or easy to acquire (Figure Q).

America did not go deeper into recession; rather, GDP began expanding again. By 2004 both the national and Minnesota GDP were increasing by over 3 percent annually (Figure P).^{57,58} The economic engine driving prosperity in the 2000s was the real estate and housing market. The period from 2002 to 2007 was marked by low inflation, low unemployment, low poverty and a continued increase in the value of wages. In Minnesota, total child poverty was at historically low levels: between 8 and 12 percent, compared to 16 to 18 percent nationally (Figure Z).⁵⁹ During this time, juvenile delinquency (along with adult crime) was steadily declining at both the state and national level.

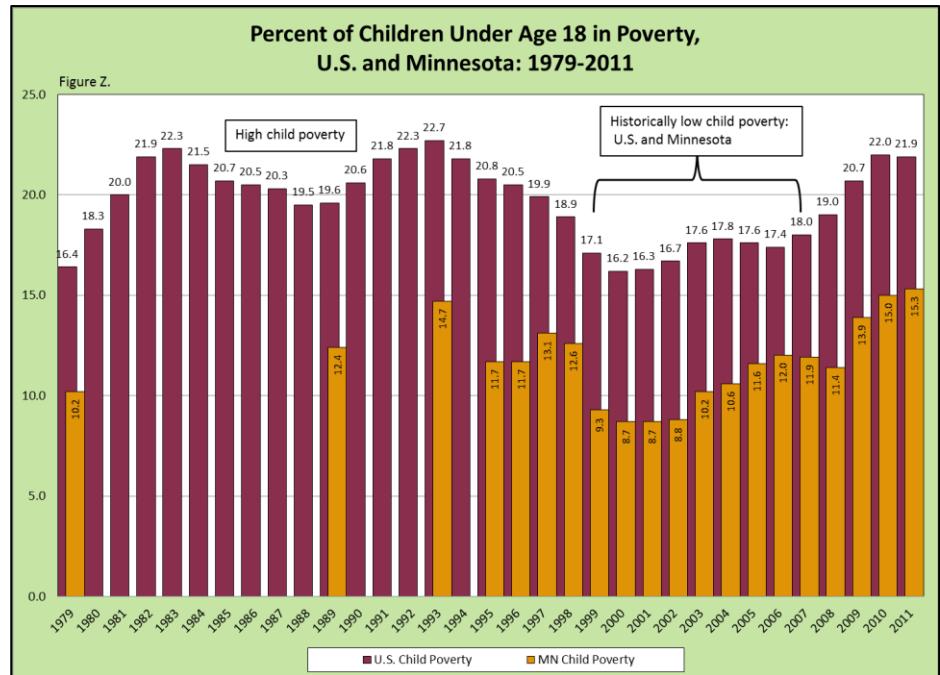
In 2008, the real estate bubble burst causing the United States to enter two consecutive years of economic recession (2008-09). As a state, Minnesota managed to have an overall positive GDP growth in 2008 but not so in 2009 when both the national and state economy contracted by approximately 3 percent (Figure P).^{60,61} National unemployment leapt from 5 percent to nearly 8 percent in one year peaking just under 10 percent in 2010 (Figure R). While unemployment levels were not as high as they were in the early 1980s, they were more prolonged. Minnesota’s unemployment rates were 2 to 3 percent lower than the national level. Unemployment peaked in Minnesota at 7.3 percent in 2010, still below the 9 percent seen in 1983 (Figure R).

In 2009, for the first time in 30 years, the national economy experienced deflation (Figure Q).⁶² The Federal Reserve Bank implemented fiscal policy designed to limit the economic impact of the depression, one of which was holding interest rates artificially low at 3.3 percent. Inflation has remained low, as well, compared to other economic recessions; that has helped hold the value of wages. In addition, President Obama initiated a government bail-out of private financial institutions and private industries, coupled with a “stimulus package” to boost employment and the economy. Despite the efforts, the percentage of people in poverty has risen since the recession of 2008 in Minnesota and nationally (Figure S).

Juveniles and the Economy

Often, research studies that explore effects of the economy on crime focus primarily on adults. With the exception of young, unskilled laborers and their need for employment opportunities, youth are typically viewed as passive participants in the economy.

Economic conditions, however, can significantly affect youth. Child poverty rates are higher than adult poverty rates (Figures W and Z) and low socio-economic status and poverty are consistently listed as risk-factors for delinquency, yet these are things over which youth have little control.⁶³ In addition, living in a high-poverty, high-crime neighborhood is an environmental contributor to delinquency.⁶⁴ Economic hardship has also been associated with family discord and conflict—another risk factor for delinquency. Youth who are exposed to family violence are more likely to experience other risk-factors for delinquency, including substance abuse and mental health issues associated with trauma.⁶⁵



Conversely, a strong economy can contribute to creation of families with resources to meet the basic needs of children, and less stress on parents' relationships with their partners and children. Strong macro-economies also make funding available for youth programs and interventions, as well as for resources youth use, such as schools and community organizations. Finally, strong economies can absorb young, unskilled labor — whereas those jobs are taken by adults in times of low economic growth.

Teen Labor Force Participation and Unemployment

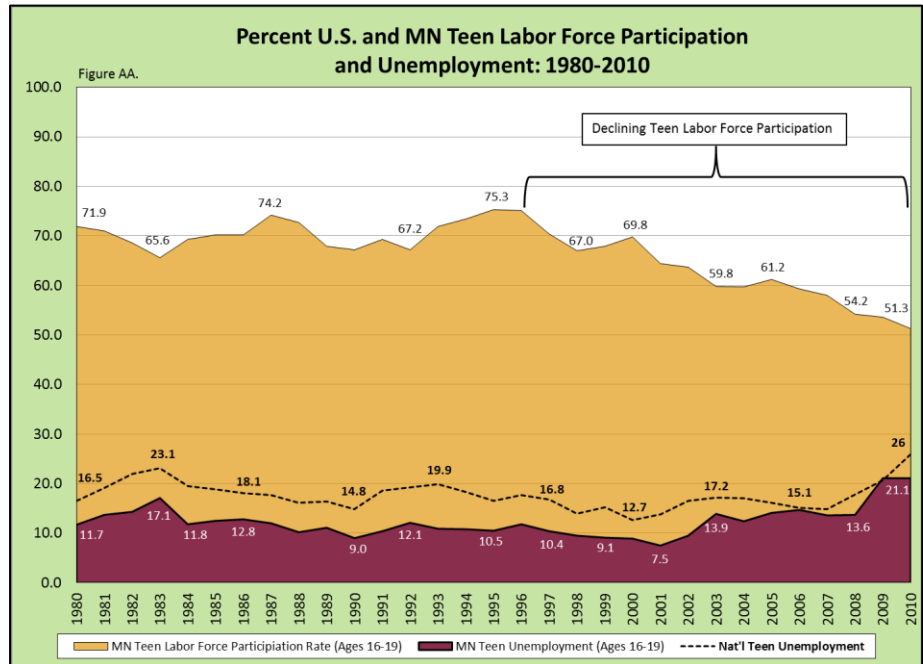
Many adolescents choose to participate in the economy by becoming employed. Throughout the 1980s and 1990s, 65 to 75 percent of Minnesota teens ages 16-to-19 were in the labor market meaning they were employed or seeking employment (Figure AA). With the exception of the early 1980s when teen unemployment was higher, approximately 9 to 12 percent of teens seeking employment were unemployed between 1984 and 2000. In 2001, teen unemployment declined to a low of 7.5 percent.⁶⁶

Around 1997 the percentage of youth who aspired to be in the labor market began declining. One possible explanation for declining workforce participation during a time of economic growth is school retention. About the same time that employment participation declined, so did the percentage of youth dropping out of high

school (see Figure E). Young adults may not have felt the pressure to get jobs to help support their families, and a greater percentage of teens remained in school, as evidenced by lower dropout rates throughout the 2000s.

In 2002, total unemployment increased in Minnesota and nationally by approximately 2 percent (Figure R). The increase in teen unemployment was higher at approximately 5 percent. After the 2008 economic recession, Minnesota teen unemployment jumped from around 14 percent to over 20 percent as the few jobs that were available were taken by adults.⁶⁷ Unemployment for teens nationally took a similar jump.⁶⁸

By 2010, just over half of teens were participating or wanted to participate in the labor market (51.3 percent) compared to over three-quarters in 1995 (75.3%). As of 2010, only 51.3 percent of teens were in or vying for a place in the labor market — a 30 year low.



Summary

Youth crime declined in the late 1990s and early 2000s when the economy was strong, unemployment was low, and poverty rates were low for the population as a whole, and for youth specifically. Figure S illustrates that the percentage of Minnesotans in poverty in 2000 was nearly half of what it was in 1998 (5.7% versus 10.3%). This decline occurred at the same time that the juvenile arrest trend turned (Figure A). Also, children born during the most difficult economic times between 1980 and 1984 have fully aged out of the juvenile justice system by 2001 when juvenile arrests substantially declined (Figure O).

Naturally, this begs the question: Why didn't delinquency rise after the 2008 economic crash when unemployment and poverty were high? Many possible explanations exist, including the possibility that law enforcement priorities were different than before, or that a decade of spending on juvenile justice prevention and intervention affected youth attitudes about crime (spending detailed in the next section).

Another hypothesis is that changes in juvenile delinquency do not happen immediately; rather, they require a longer period of strain. The 'juvenile delinquents' of the 1990s, for example, grew up in the economy of the 1980s and early 1990s, a 12-year period of persistently high poverty (Figure S). Conversely, youth entering the justice system in the mid- to late-2000s were predominantly raised in a strong economy of the late 1990s and the early 2000s, with lower poverty rates. It is possible that, collectively, youth entering the justice system in the past had more lifelong risk-factors than those presently entering the system.

Funding to Address Crime and Delinquency

The robust economy of the mid-1990s not only benefitted individuals and families; it also benefitted the federal and state governments. This prosperity allowed the federal government to allocate significant funding to states for crime prevention and intervention. Some funds were granted to law enforcement, some to local units of government, and others to community-based organizations. All were part of an effort to allow states to determine the interventions and programs needed in their unique communities to stem the tide of crime and violence.

The following section illustrates key federal funding streams that were established and passed through to states to address delinquency and related risk-factors between 1980 and 2010.

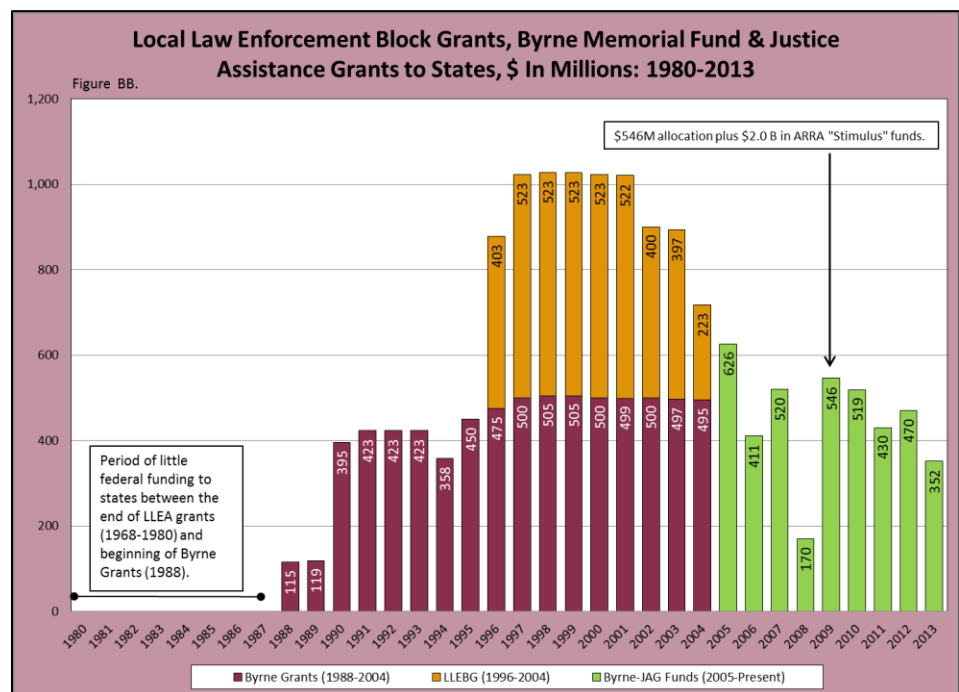
Federal Funding to States for Crime Prevention and Intervention

Law Enforcement Assistance Administration, Byrne Memorial Formula Grants, Local Law Enforcement Block Grants Program and the Justice Assistance Grants Program

One of the older federal funding streams to states was the *Law Enforcement Assistance Administration (LEAA)* established in 1968. The *Omnibus Crime Control and Safe Streets Act of 1968* provided for federal funding for criminology and criminal justice research. Block grants were given to states, at least 40 percent of which were designated to assist local law enforcement agencies. *LLEA* appropriations peaked around 1975 with more than 900 million allocated to states. Appropriations then declined to nearly nothing by the start of the 1980s.⁶⁹

LEAA grants were intended to “encourage states and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of state and local problems.” Allowable activities included hiring officers, public education, and training special law enforcement units and community service officers.⁷⁰ An additional goal of the grants was to limit access to guns by minors prone to criminal behavior.

In 1986 congress passed the



Anti-Drug Abuse Act (ADAA) which renewed block grants to states for prevention of drug related crimes. In 1988, the ADAA was reauthorized and established the *Byrne Memorial Formula Grants* named for slain New York police officer Edward Byrne. At that time, Byrne became the primary criminal justice grant program to states⁷¹ with the purpose of helping local law enforcement agencies “control violent and drug-related crime, improve operations, and build coordination and cooperation among the components of the criminal justice system.”⁷² Between 1990 and 1995, a low of \$358 million and a high of \$450 million were allocated annually to states (Figure CC); Minnesota received nearly \$45 million in Byrne funding during that time.⁷³

In 1996, an additional funding source, the *Local Law Enforcement Block Grants Program (LLEBG)*, was established to provide local units of government with federal funds to hire police officers or create programs to combat crime and increase public safety. Between 1996 and 2004, both the LLEBG and Byrne funds were allocated to states.⁷⁴ At its peak, \$525 million was allocated annually to states (Figure BB).

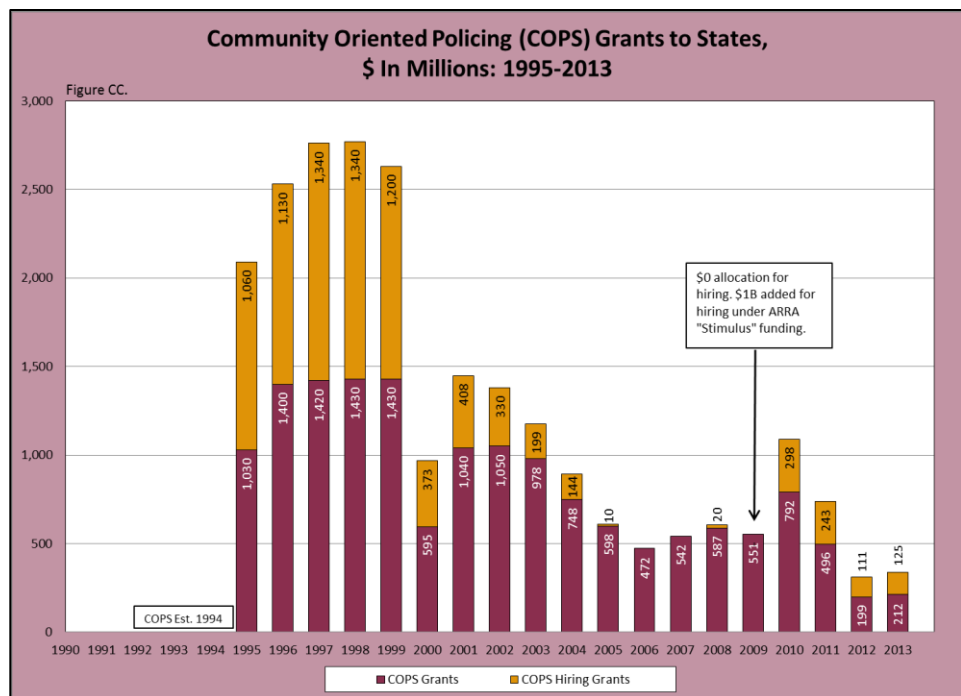
Finally, in 2005, the *Violence Against Women and Department of Justice Reauthorization Act* combined Byrne grants and LLEBG grants into the *Byrne Memorial Justice Assistance Grant Program (JAG)*. Often called ‘Byrne-JAG’, these funds are again allocated to states. Half of a state’s allocation is population based, while the other half is based on crime levels measured by the Uniform Crime Report (UCR). Seven broad purpose areas were established for JAG funding including: law enforcement programs, prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; crime victim and witness programs; and planning, evaluation and technology improvement programs.⁷⁵

Total funding for crime programs was highest throughout the mid-1990s and early 2000s. Generally, the amount of money allocated to states under *Byrne-JAG* has been declining since 2004 and is presently at its lowest level (\$352 million) with the exception of the major economic recession of 2008 (\$170 million).

Community Oriented Policing Grants

As a part of the *1994 Violent Crime Control and Law Enforcement Act*, the *Office of Community Oriented Policing Services (COPS)* was established within the Department of Justice. The goal of the office was to advance the practice of community policing in state, local and tribal law enforcement agencies through competitive grants.⁷⁶

According to the COPS office, “community policing is a philosophy which support the systematic use of partnerships and problem-solving techniques to proactively address the conditions that give rise to public safety issues such as

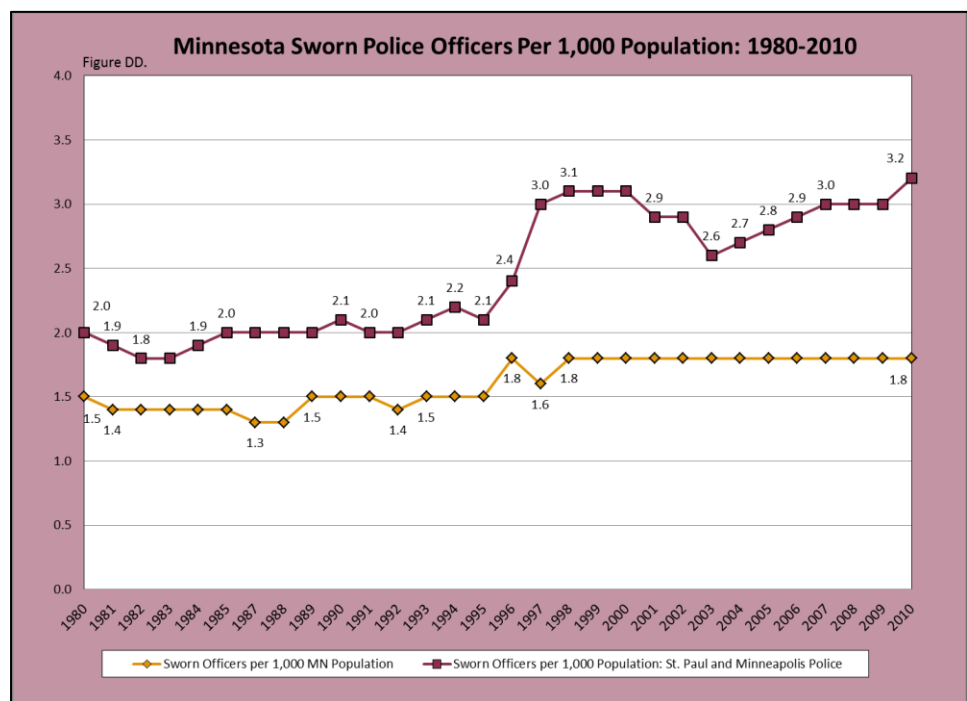


crime, social disorder, and fear of crime.”⁷⁷ Community policing is not merely reactive to crime in the community. Partnerships are made with stakeholders, intervention strategies are assessed for effectiveness and law enforcement agencies undergo organizational and cultural changes. In the mid-1990s, significant funding was allocated to states to implement community-oriented policing strategies as well as to hire additional police officers (Figure CC).

Among other areas, policing expanded into school settings. The COPS in Schools (CIS) grant program was developed to help law enforcement agencies hire and train School Resource Officers (SROs) in primary and secondary schools.⁷⁸

Funding to states for COPS grants generally declined throughout the 2000s with an upsurge as a part of the *American Recovery and Reinvestment Act (ARRA)*. Funding was at its lowest level since program inception in 2012.⁷⁹

Minnesota did experience an increase in the number of sworn law enforcement officers in relation to the state population during the mid-1990s (Figure DD). Prior to 1995 there were 1.5 or fewer sworn officers in per 1,000 people in Minnesota; since 1996, there have consistently been 1.8 sworn officers in Minnesota for every 1,000 citizens, with the exception of 1997 when the count was 1.6.⁸⁰



In the state’s two largest municipal police departments: St. Paul and Minneapolis, there were 2.2 officers or fewer for every 1,000 citizens prior to 1996.⁸¹ Between 1997 and 2000, a time when juvenile arrests were at their peak, the St. Paul and Minneapolis police departments had 3.0 sworn officers or more per 1,000 citizens. The number of sworn officers in these departments declined during the mid-2000s but never to as low as before 1997. As of 2010, St. Paul and Minneapolis police had the highest proportion of officers to citizens at 3.2 per 1,000.⁸²

Weed and Seed Grants

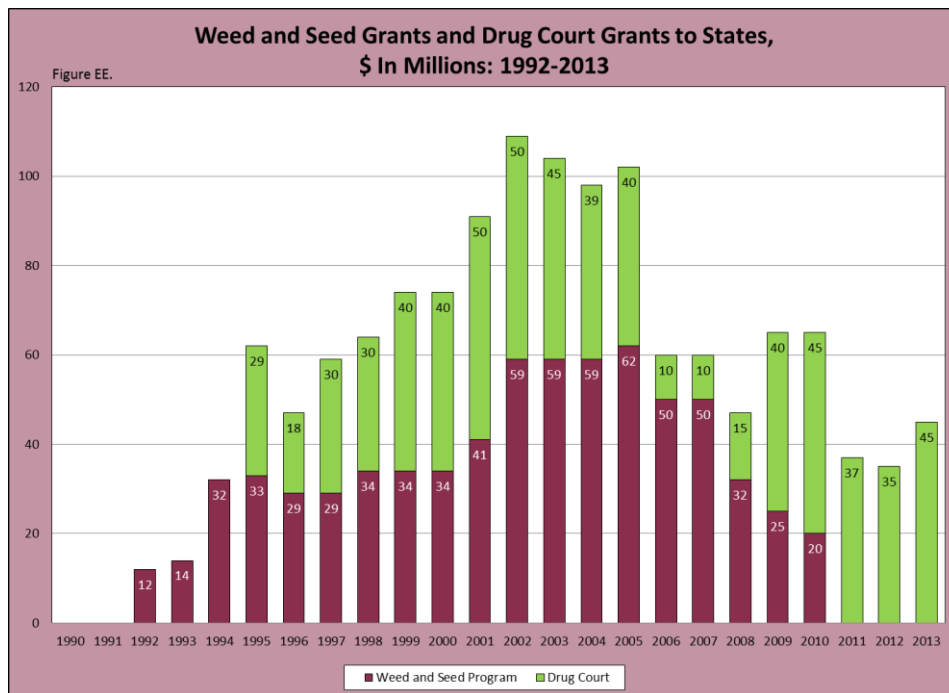
In 1991, Congress established *Operation Weed and Seed* funding to be distributed by the Department of Justice. These grants were to support a community-based, multi-agency approach to violent crime, gang activity and drug use/trafficking in hardest-hit communities. *Weed and Seed* was designed to reduce the impact of violent crime on communities; provide prevention, intervention, and treatment services for substance abuse and other social problems; and revitalize communities through improved housing and economic development.⁸³

The *Weed and Seed* strategy was two-pronged: law enforcement cooperates with local residents to “weed out” criminal activity in a designated area, while social service and economic providers “seed” revitalization efforts to promote lasting positive change and a higher quality of life for residents.⁸⁴ *Weed and Seed* began as a pilot project and expanded throughout the 1990s into the mid-2000s.

At the time of peak funding, there were 10 *Weed and Seed* funded programs operating in Minnesota. Funding for *Weed and Seed* declined until 2010 when the funding stream to states was eliminated.⁸⁵

Drug Court Grants

The *Drug Court Program*, also part of the *Violent Crime and Control and Law Enforcement*



Act of 1994, provided discretionary grants to states, state courts, local courts, and other local units of government or tribal government for the establishment of drug treatment courts.⁸⁶ The first known drug court was established in 1989 and by 2009 there were more than 2,300 known drug courts in operation.⁸⁷ Drug courts integrate substance abuse treatment, mandatory drug testing, sanctions and incentives in a supervised court setting in order to habilitate non-violent substance-based offenders.⁸⁸

Drug courts are a best-practice in supervision and habilitation of offenders, including juveniles, whose criminal behavior is driven by controlled substances.⁸⁹ Both adult and juvenile drug courts have been supported by this federal funding stream. At their peak in 2007, there were a total of 27 drug courts in Minnesota, four of which were for juveniles.⁹⁰ Despite declines in funding for many other activities, drug courts have retained comparatively high levels of funding support well into the 2000s (Figure EE).⁹¹

Federal Funding to States for Juvenile Crime

Some federal funding streams are specifically allocated for addressing juvenile delinquency and at-risk youth. The following programs are geared toward prevention of, and intervention in, the rise of juvenile crime in the 1980s and 1990s.

Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP): Title II and Title V Funds

One of the oldest federal funding streams for juvenile crime prevention and intervention is the *Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP)*. This act established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which remains the federal government’s authority on juvenile justice issues.

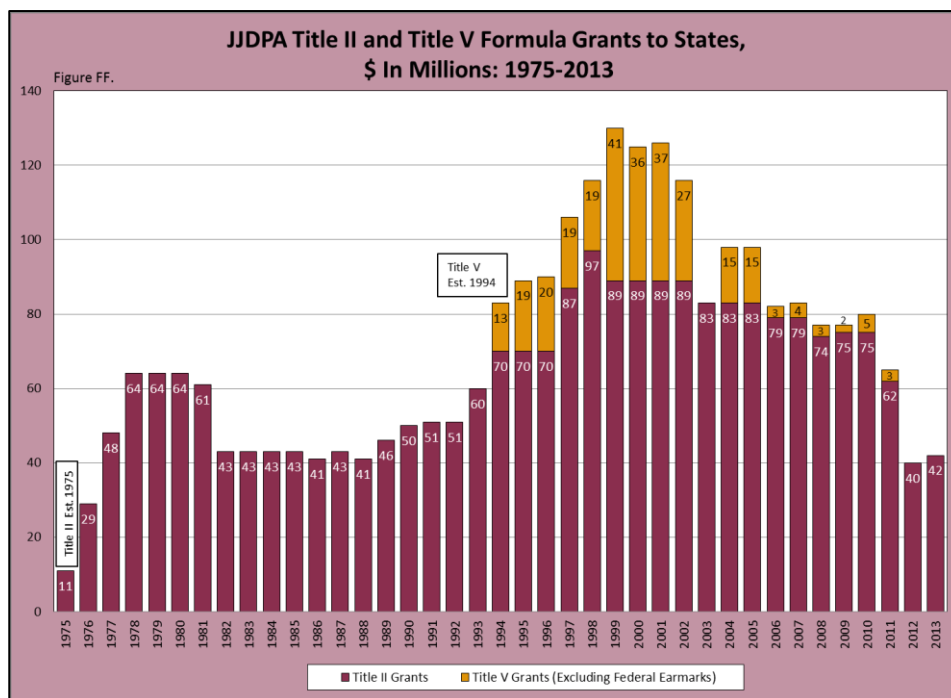
The *JJDP*A is considered “the principal federal program through which the federal government sets standards for juvenile justice systems at the state and local levels, providing direct funding for states, research, training, technical assistance, and evaluation.”⁹²

The *JJDP*A put in place many protections for juvenile offenders, notably restricting juvenile’s exposure to adult facilities and inmates. In 1988, the *JJDP*A added issues of disproportionate minority confinement and disproportionate minority contact (2002) to its list of core juvenile protections.

The *JJDP*A includes two funding streams to states: *Title II* funds to states are distributed to local communities and non-profits for activities related to delinquency prevention and intervention, in fulfillment of the state’s juvenile justice plan. *Title V* funds (established 1994) have a similar purview but must be allocated to local units of government or tribes for “collaborative, community-focused, community-based delinquency prevention.”⁹³

Like other funding streams, *Title II* money to states was high in the 1970s and declined in the 1980s.⁹⁴ As youth violence became more pervasive in the 1990s, Congress allocated additional funding to states.⁹⁵

The highest levels of *Title II* grants to states for delinquency prevention and intervention occurred between 1997 and 2002. In 2012 and 2013 support to states for delinquency activities fell to less than half of what it was at the peak (Figure FF).⁹⁶



Similarly, *Title V* funding to local units of government were highest in the mid- to late-1990s and early 2000s. The *Title V* program has been especially vulnerable to federal earmarks, making less and less money available for states. Since 2006, a total of less than \$5 million was allocated to states, and the funding for Title V has been nearly eliminated as of 2012 and 2013.^{97,98}

Juvenile Accountability Block Grants

The *Juvenile Accountability Block Grants (JABG)* were authorized in 1998 and provided funding to states and units of local government to address juvenile crime by encouraging accountability-based reforms by states and localities.⁹⁹ To be eligible, states must certify to the Attorney General that they are actively considering through laws policies or programs, accountability-based reforms including graduated sanctions, adult prosecution of violent juveniles and juvenile record reform.

JABG funds are allowable under 11 purpose areas in these categories: hiring or training new juvenile judges, prosecutors, and other court officials; building, expanding or operating juvenile detention and corrections

facilities; establishing drug court programs for juvenile offenders; and assisting prosecutors to address drug, gang, and youth violence more effectively.¹⁰⁰

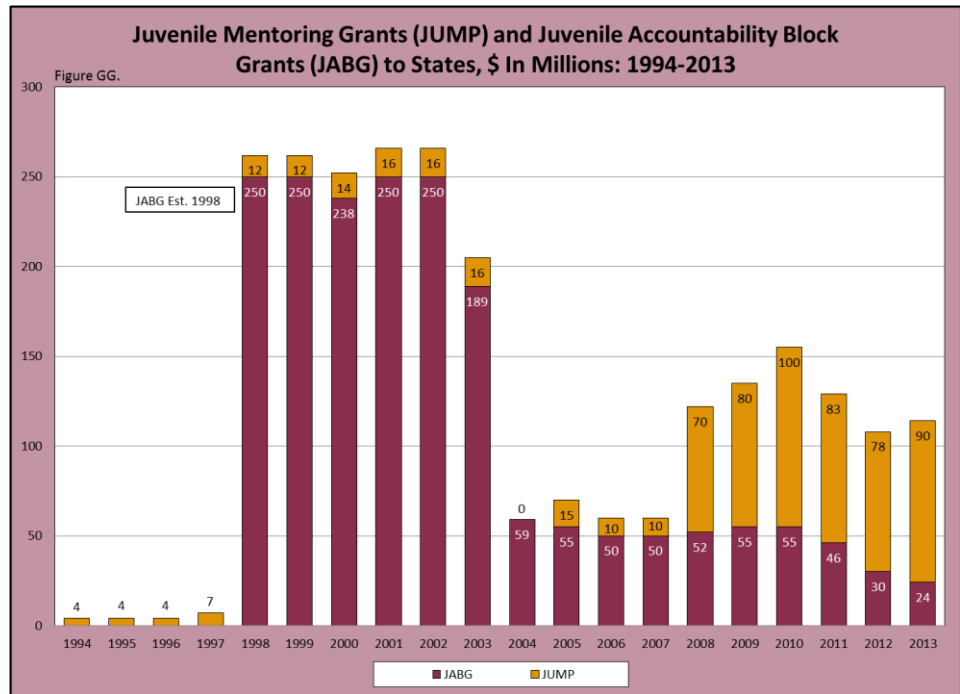
The JABG program was highly funded between 1998 and 2003 (\$189 million to \$250 million) and reduced to under \$60 million for the remainder of the 2000s (Figure GG). In 2013, JABG funds for states are at an all-time low (\$24 million).¹⁰¹

Juvenile Mentoring Grants

Part G of the JJDP Act reauthorization in 1992 authorized a *Juvenile Mentoring Program (JUMP)* first funded in 1994.¹⁰² In this program, competitive grants were given to local

law enforcement agencies that collaborated with public or private nonprofits to create and support mentoring programs.¹⁰³ The purpose of the *JUMP* program was to “support one-to-one mentoring programs for youth at risk of educational failure, dropping out of school, or involvement in delinquent activities, including gangs.”¹⁰⁴ Mentors were to provide basic guidance to at-risk youth; encourage personal and social responsibility among such youth; enhance interests, participation in, and benefits from elementary and secondary school; discourage criminal behavior, dangerous weapons and gang involvement; and encourage participation in community service and activities.¹⁰⁵

Mentoring of at-risk youth has been identified as a best-practice for prevention of delinquency by establishing a protective factor for youth.¹⁰⁶ Numerous Minnesota entities have applied for and received JUMP funding awards over the years. The mentoring program has actually grown in terms of its congressional allocation in the late 2010’s, whereas most other funding streams have been cut (Figure GG).¹⁰⁷



Federal Funding to States for School Safety and Success

Safe and Drug-Free Schools Act

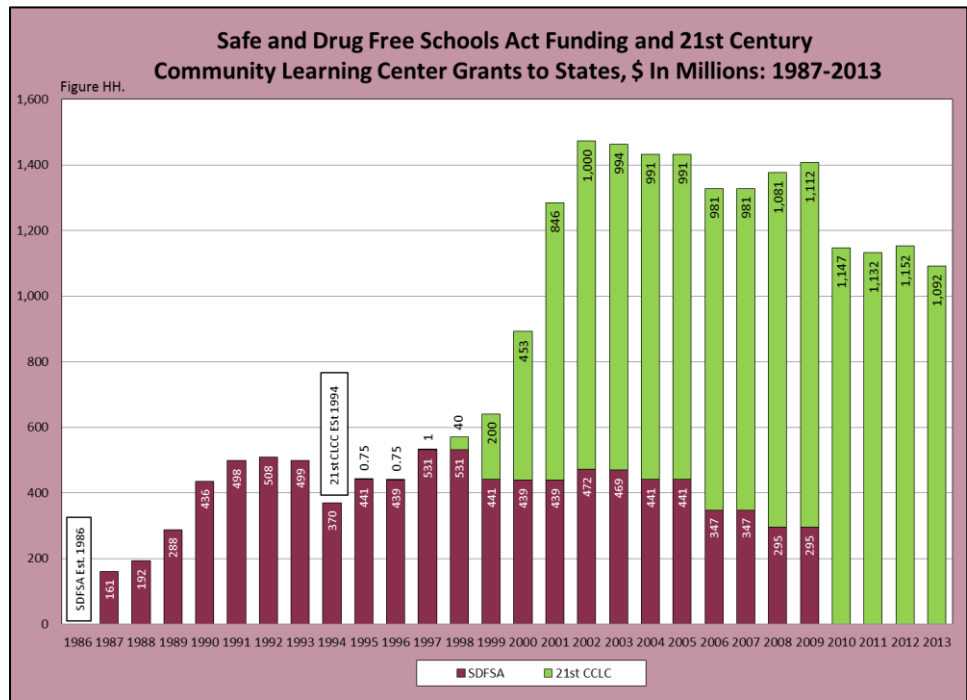
In 1986, the *Safe and Drug-Free Schools Act (SDFSA)* was enacted. Formula grants to states were to go to preventing drug-abuse and violence prevention activities for school-aged youth. States were required to pass 93 percent of the funds to local education agencies for drug-abuse and violence-prevention activities. Funding could be used to develop instructional materials; counseling services or professional development; community

service projects and conflict resolution; peer mediation; mentoring; safe zones for passage to and from school; installing metal detectors and hiring security personnel.¹⁰⁸

SDFSA funding was highest in 1997 and 1998 and remained high into the 2000s.¹⁰⁹ As of 2010, however, the funding stream to schools has been eliminated and has not been replaced (Figure HH).¹¹⁰

21st Century Community Learning Centers Grants

Established in 1994, the 21st Century Community Learning Center (21st CCLC) formula grants are intended to “support the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools.”¹¹¹ These grants help students meet state and local standards in core academic subjects such as reading and math; offer students a broad array of enrichment activities to complement regular academic programs; and



offer literacy and other educational services to the families of participating children.”¹¹² The grants are distributed by the U.S. Department of Education.

Funding for the 21st CLCC grants mushroomed from \$1 million or less from 1995 to 1997, to over \$1 billion for most years since the turn of the century (Figure HH).¹¹³

Minnesota Funding to Address Delinquency

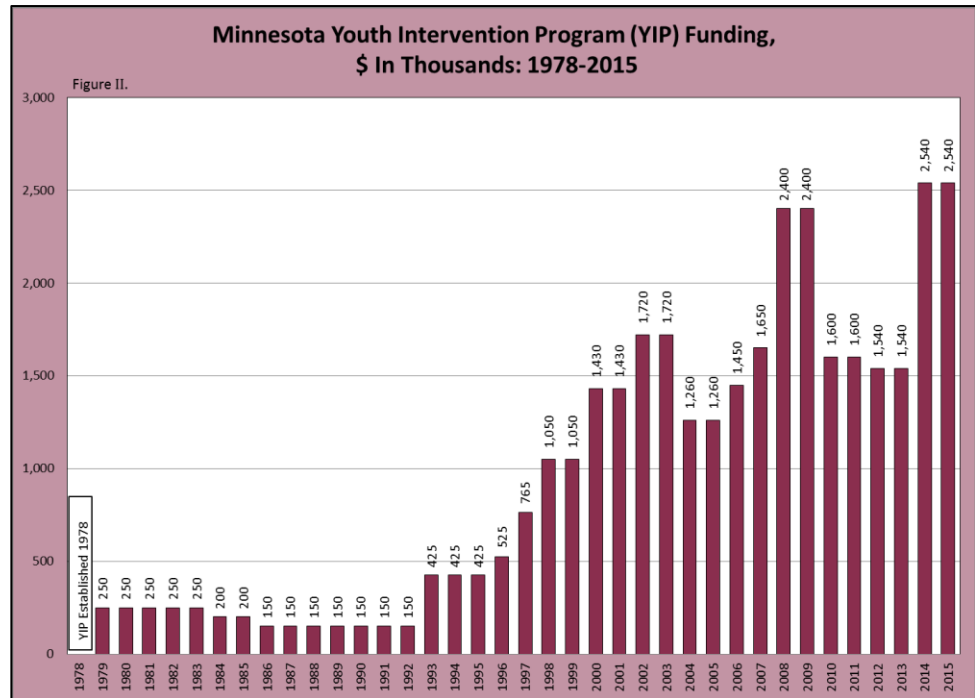
Youth Intervention Programs

One of the only dedicated, state-level, delinquency prevention funding streams supports the *Minnesota Youth Intervention Program (YIP)* established in 1978.

In statute, a YIP Program is defined as: “...A nonresidential community based programs providing advocacy, education, counseling and referral services to youth and their families experiencing personal, familial, school, legal or chemical problems...”¹¹⁴ The goal of YIP is to resolve presenting problems and prevent the occurrence of

problems in the future. YIP money is awarded through a competitive application process administered by the Minnesota Department of Public Safety.

As with federal programs, funding increased throughout the 1990s. YIP experienced some funding cuts in the mid-2000s but has been allocated the highest amount yet for 2014 and 2015 at over \$2.54 million per year (Figure II).¹¹⁵ YIP activities are based in community non-profits, schools, and law enforcement and probation agencies. Services range from academic support to drop-in youth centers and justice-system diversion programs.



Other Minnesota Programs

Federal and state funding have infused communities with delinquency prevention and intervention dollars over the past 30 years. Minnesota’s state departments of Public Safety, Corrections, Health, Human Services, Education, and Economic Development, in turn, grant state and federal money to communities. In addition, the Minnesota Legislature directs money from the general fund to state departments for reallocation to meet the needs of youth. The next section on youth policy between 1980 and 2013, details the ways in which support for delinquency prevention and intervention flowed through Minnesota’s state agencies.

Public institutions are only one piece of the equation in addressing delinquency. Minnesota communities have also procured financial support and technical assistance from many state and national philanthropic organizations. Some of entities active in Minnesota include the MacArthur Foundation, Annie E. Casey Foundation, Burns Institute, United Way, Otto Bremer Foundation, St. Paul Foundation, Minneapolis Foundation, Wilder Foundation, 3M Foundation, General Mills and Target Foundations, Pohlad Foundation, Cargill Foundation and McKnight Foundation.

Countless organizations have given to Minnesota communities to support positive outcomes for youth from birth through adulthood, each in their own area of expertise. As a result, the total investment in youth, in Minnesota and the nation, over the past 30 years is immeasurable. We turn now to important changes in state and national juvenile-justice policy as a lens into changing attitudes about juveniles and delinquency between 1980 and 2010.

Minnesota Juvenile Policy and Practice

In the 30 years since 1980, many changes to juvenile justice policy and practice have occurred in Minnesota and nationally. Between 1980 and the mid-1990s, the juvenile justice system embraced a punitive, accountability-based philosophy that led to harsher consequences for youth; increased the reach of the justice system into other arenas such as schools; and enacted more collateral consequences for delinquent behavior that can follow youth into adulthood.

In the past 15 years especially, significant investment has been made in prevention and intervention programming for youth, prompting a call for evaluation to determine whether the methods were effective in reducing youth delinquency or known risk-factors. Evidence-based practices backed by scientific research and “model programs” suitable for replication began to emerge at all stages of the justice system.

Youth-serving systems began to identify philosophies and practices that yielded improvement and phase out ineffective or (worse yet) harmful practices. During this time, service systems renewed emphasis on community and victim restoration; offender rehabilitation and reentry; the unique gender, cultural and mental health needs of youth in the justice system; and the importance of a strength-based approach and family engagement when working with youth.

The following sections highlight, in five year increments, key changes to juvenile policy in Minnesota and the nation between 1980 and 2013. The year 1994 is presented singly, as it was an exceptionally important year for juvenile justice policy and practice.

Each era is divided into distinct practice areas including law enforcement policy, court policy, chemical and mental health policy, community supervision policy, school-based statutes and data practices — to name a few. Also included is a summary of studies and task forces commissioned by the Minnesota Legislature or courts to better guide juvenile delinquency practice. A key to interpreting the policy section is illustrated on the following page.

Due to the large volume of statutory changes over this time period, only those affecting the state of Minnesota as a whole (as opposed to local jurisdictions or regional initiatives) or those indicative of a philosophical shift in the management of youth offenders are included.

Policy Section Key

In the following sections, the symbols below correspond to different aspects of Minnesota’s juvenile justice and related systems. Changes made to federal law or policy will be underlined:



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law



Revisions to Juvenile **Probation Supervision** or the Justice System **Continuum of Care**



Revisions Related to **Law Enforcement** Policy or Practice



Revisions to Juvenile **Data, Record Retention** or **Privacy** Policy



Revisions Related to **Diversion** Policy or Programs



Revisions to **Controlled Substances** and **Chemical Treatment** Policy



Revisions to Juvenile **Prosecution, Public Defense** or **Victim Services**



Revisions to **Youth Mental Health** Policy



Revisions to Juvenile **Court Procedure** or **Disposition** Options



Revisions to **School Safety** or **At-Risk Youth** Policy



Revisions to Juvenile **Out-of-Home Placement** or **Correctional Facility** Policy



Juvenile Justice **Task Forces** or **Studies**



Revisions to Youth **Community-Based Services** or **Interventions**

1980 to 1984: The Transition to Tough Justice

1980 to 1984 Overview

Throughout the 1960s and '70s, both adult and juvenile crime rates rose in the United States. A well-documented contributor to the rise in crime in the U.S. was the emergence of illegal drug markets. Throughout the '70s drugs, notably marijuana, became more commonplace among the middle-class, and cocaine re-emerged as the “champagne of drugs” because it was expensive and used among high-status people. The U.S. Drug Enforcement Agency reported that **1979** was the highest year for drug use in the United States, when one person in 10 reportedly used drugs regularly.¹¹⁶

The federal government attempted to curb the social ills connected to drug use. In **1970**, the federal *Controlled Substance Act* passed, assigning all substances a “schedule” based on their potential for abuse. This act required mandatory prison sentences for the manufacture, possession and distribution of drugs, based on their schedule. In **1971**, President Richard Nixon declared a *War on Crime* and, more specifically, a *War on Drugs*. By the early 1980s, prevention messaging including First Lady Nancy Reagan’s *Just Say No* campaign (**1982**) and *Drug Abuse Resistance Education (D.A.R.E., 1983)* were targeted at youth in an attempt to deter new users.^{117,118}

As the popularity of powdered cocaine began to wane, drug mafias introduced crack, a form of smokeable cocaine.¹¹⁹ The highly addictive nature of crack coupled with small, cheap doses made distribution easy among marginalized populations in inner cities. The sharp increase in crime in the mid-1980s, especially violent crime, is attributed to the crack cocaine epidemic in the United States beginning in **1984**.¹²⁰ In **1984**, “Safe and Drug-Free School Zones” were created under federal law, which allowed for enhanced penalties for drug sale or possession around schools.

In the 1980s, a get-tough-on-crime attitude permeated the justice system. In Minnesota, this era signaled a shift from a benevolent, rehabilitative focus for juveniles to a punitive, accountability-based approach. The period from 1980 to 1984 included a change in the purpose of juvenile court for delinquents; increased circumstances whereby juveniles could be referred for adult prosecution; and juvenile felonies taken into consideration for sentencing if youth continued to offend as adults.

Also during this period, “juvenile petty offenses” were established in Minnesota statute, which moved low-level drinking and drug offenses, as well as age-based status offenses, out of the realm of delinquency proceedings. While this limited the severity of consequences for youth who committed these acts, it also limited legal protections — such as the right to public defense. In the same era, uniform rules of juvenile court procedure were established for use in juvenile courts across Minnesota.

Finally, the 1980s yielded broader application of crime-victim rights in statute. Increasingly, the rights afforded victims of adult criminal offenses were being applied to persons victimized by acts of juvenile delinquency. Statutes also began to require collection and retention of data related to accused and adjudicated delinquents.



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

- **Changes to the Purpose of Minnesota’s Juvenile Court: 1959 and 1980**

In **1959**, Minnesota adopted a new *Juvenile Court Act* — the first major revision to laws related to dependent, neglected and delinquent youth since 1917.¹²¹ Under the 1959 act, the purpose of laws relating to juvenile courts was to:

“Secure for each minor under the jurisdiction of the court the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and best interests of the state; to preserve and strengthen the minor’s family ties whenever possible, removing him^k from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody and care and discipline as nearly as possible equivalent to that which should have been given by his parents.”¹²²

The benevolent purpose of the juvenile court was in effect for delinquent and neglected youth in Minnesota until the **Juvenile Court Act of 1980** that changed the purpose of juvenile court for delinquents only. While dependent and neglected youth remained under the 1959 purpose, laws related to delinquent youth changed to the following:

“To promote public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.”

The purpose of the court for delinquents shifted to enforcing the law and holding youth accountable for their behaviors. Having two distinct purpose statements drew a clear distinction between delinquent and non-delinquent youth.

- **Minnesota Adds Juvenile Alcohol and Controlled-Substance Offender Classification**

In **1982** a new class of juvenile offender was added to Minnesota statute.¹²³ Youth who possessed or consumed alcohol or were found in possession of a small amount of marijuana were reclassified from delinquents to *juvenile alcohol offenders* and *juvenile controlled-substance offenders*. Under this classification, they were not to be adjudicated delinquent. The sanctions permitted in statute for these offenders were of lesser severity than those for a delinquency matter.

^k MN Statutory language did not become gender neutral until 1986.

- **Minnesota Adds Juvenile Petty Offender Classification**

In **1982** the term *juvenile petty offender* was added to statute. This provision stated that youth who violated tobacco, curfew, truancy and other ordinances prohibited for youth solely because of their status as minors under age 18, were *petty offenders* and could not result in adjudication as a delinquent.¹²⁴ In this regard, a large number of juvenile-status offenders were removed from the realm of delinquency adjudication, even though the substantive aspect of the offenses did not change.

- **Juvenile Felonies Added to Adult Criminal History Points**

In **1978**, Minnesota established the Sentencing Guidelines Commission, which created the Minnesota Sentencing Guidelines.¹²⁵ Based on a practice known as “determinate sentencing,” these guidelines specify minimum and maximum sentences for adult offenders based on the severity of the current crime and their prior criminal histories. An offender’s past criminal behavior is used to create a “criminal history score.” A higher criminal history score will result in longer periods of incarceration.

While sentencing guidelines do not apply to juveniles adjudicated in juvenile court, effective in **1983**, the guidelines were amended to allow a maximum of one adult criminal-history point to be counted for felony crimes committed as a minor at age 16 or 17.¹²⁶ In order to receive a criminal history point, a juvenile must have committed two felonies, each in a separate offense incident. In this manner, a juvenile’s past offending behavior could be taken into account during sentencing if they continued to offend in adulthood. The past juvenile criminal history point was given a limitation: It could only be used in sentencing if the adult offenses were committed prior to the offender turning age 21.¹²⁷



Revisions to Juvenile **Prosecution, Public Defense** or **Victim Services**

- **Prima Facie Cases for Adult Prosecution Established**

Minnesota has long had a procedure in statute for transferring juvenile delinquency cases to adult court for prosecution. The first reference to adult prosecution occurs in **1917** when it was established that “the court may, in its discretion, cause any alleged delinquent child of twelve years or older to be proceeded against in accordance with the laws that may be in force governing the commission and punishment for crimes and misdemeanors...”¹²⁸ When the juvenile code was rewritten under the Juvenile Court Act of **1959**, the age requirement was raised from 12 to 14.¹²⁹ This revision added a provision that the juvenile court may refer a youth to adult court only if it found the child was not suitable for treatment or that public safety was not served under the provision of laws relating to juvenile courts.¹³⁰

In **1980**, statute 260.125 (Reference for Prosecution) was given greater specificity as to which youth should be transferred to adult court.¹³¹ A “prima facie” case that public safety was not served or the offender was not suitable for treatment existed if the child was 16 at the time of offense, the offense was an aggravated felony against the person, the child acted with particular cruelty or disregard for life,

or the offense involved a high level of sophistication or planning. Murder in the 1st degree was also a prima facie case for adult transfer if the youth was over age 16. Additional circumstances were also prima facie cases based on the offender's past history of felonies and current charges.¹³²

- **Intelligent Waiver of Counsel**

In **1980**, the Minnesota statute on juvenile hearings was amended to add a subdivision stating that a child waiving any rights must “express waiver intelligently” after having been fully and effectively informed of the rights being waived. The subdivision stated that if the child was under age 12 then the parent, guardian or custodian was to give any waiver.¹³³ The “under 12” age provision was removed in **1997**.¹³⁴

- **Crime Victim Rights Legislation Adopted**

In **1983**, Minnesota consolidated victim-related statutes and established new provisions for the rights of crime victims in the state. A new chapter in statute was created (611A) to include victim notification of court procedures and notice of release from facilities. In the new statutes, crime victim rights also applied to victims of acts committed by juveniles.¹³⁵



Revisions to Juvenile **Court Procedure** or **Disposition Options**

- **Minnesota Supreme Court Case: *LEA v. Hammergren***

In **1980**, a Minnesota Supreme Court decision affected the manner in which youth accused of committing status or petty offenses were detained. In this case, a youth who was adjudicated as a status offender was securely detained for a violation of his court conditions. The Minnesota Supreme Court ruled that non-delinquent youth had to be notified in advance that failure to follow court conditions could result in secure confinement.

The outcome of this decision was the “Hammergren Warning” which must be given by a judge in court, on the record, stating that continued violations may result in the youth being placed out of the home. This warning allows non-delinquents to be held in secure juvenile facilities based on “contempt of court” even when their underlying offense would not otherwise meet secure admission criteria.¹³⁶

- **Requirement to Promulgate and Establish Juvenile Court Rules**

Also in **1980**, the Minnesota Supreme Court was directed to promulgate rules to regulate the pleadings, practice, procedure and forms in juvenile proceedings in all juvenile courts of the state.¹³⁷ In May of **1983**, the *Minnesota Rules of Juvenile Procedure* went into effect for use in all juvenile courts in the state. The purpose of the Rules was to “establish uniform practice and procedures for the juvenile courts of the State of Minnesota and to assure that the constitutional rights of the child are protected.”¹³⁸

- **U.S. Supreme Court: *Eddings v. Oklahoma***

In the 1960s and 1970s, the U.S. Supreme Court ruled on many cases related to juvenile justice. Some key cases include *in re Gault* (1967) where juvenile courts were ordered to use “fundamentally fair” procedures for youth. Included were the advanced notice of charges against them; a fair, impartial hearing; the assistance of counsel; the opportunity to confront and cross examine witnesses; and the privilege against self-incrimination. In a series of cases between 1970 and 1975 the High Court ruled that juveniles were to be held to the same standard of evidence as adults: “proof beyond a reasonable doubt” (*In re. Winship*, 1970) but the right to a trial by jury was not granted to in delinquency matters (*McKiever v. Pennsylvania*, 1971). In 1975, juveniles were given protection against “double jeopardy” or being tried for the same offense twice (*Breed v. Jones*).^{139,140,141,142}

By 1982, the U.S. Supreme Court began a series of court cases related to juveniles and the death penalty. While Minnesota has not had the death penalty since 1911, the case nevertheless illustrated a gradual shift in ideology related to youth offenders. In *Eddings v. Oklahoma* the High Court ruled that an offender’s age may be taken into consideration as a mitigating factor in whether or not a juvenile should receive the death penalty.



Revisions to Juvenile **Data, Record Retention** or **Privacy Policy**

- **Juvenile Court Record Retention**

In 1980, Minnesota statute 260.161 (Records) was amended to add a provision stating that the juvenile court shall keep records pertaining to delinquent adjudications until the youth reaches the age of 23.¹⁴³

In 1981, many provisions related to data privacy were established, specifically 15.791 which defined law enforcement data. Under this statute the age and sex of an arrested juvenile were classified as public data, but not the name or last known address, as were public for adults.¹⁴⁴



Revisions to **Controlled Substances** and **Chemical Treatment Policy**

- **National Drinking Age Established**

In 1984, the United States established 21 as the national drinking age. While the federal government could not require states to adopt the new age provision, federal money to states for highways was only available to those that complied. As of 1984 the legal drinking age in Minnesota was 19; Minnesota did not adopt the national drinking age until 1986.¹⁴⁵



Revisions to **School Safety** or **At-Risk Youth** Policy

- **Federal and State Drug-Free School Zones Established**

Federal Public Law 98-473, passed in **1984**, established enhanced federal penalties for distribution of controlled substances in or near schools. This law specified a school zone as within 1,000 feet of a primary or secondary school.¹⁴⁶ This law was the basis for most states to establish drug-free school zones and enhanced penalties at the state level.



Juvenile Justice **Task Forces** or **Studies**

- **Governor's Task Force on Juvenile Justice**

In **1980**, Governor Quie established the *Governor's Task Force on Juvenile Justice* through Executive Order. This task-force solicited the opinions of community members and juvenile justice system professionals to serve as an impetus for improving the justice system. Principles supported by the task force included maintaining the separation of adult and juvenile courts; granting juveniles the same constitutional rights as adults; assuring that the justice system has a consistent response to juvenile behavior in Minnesota; and that the concept of proportionality should be applied at the time of disposition.¹⁴⁷

1985 to 1989: Growing Unrest

1985 to 1989 Overview

In the mid- to late-1980s, reaction to the nation's drug epidemic was dominating federal and state level policy. Federal and Minnesota laws were amended to mandate harsher sanctions for controlled substance offenses. Gun violence and gang activity were also of significant concern. During the mid-1980s and into the 1990s, there was a significant influx of handguns to inner cities in connection to protection of drug markets.¹⁴⁸

In **1988**, criminal gangs were defined in Minnesota statute and certain gang-related acts committed by juveniles were designated as grounds for transfer to adult court prosecution. During this era, felony-level court proceedings for youth ages 16 or older became open to the public. Minnesota adopted "school zones" and "park zones" in **1989** and added drug sales in these areas to the definitions of controlled substance crimes.

Between 1985 and 1989, additional protections for youth were implemented in Minnesota. In **1988**, the former language of "dependent and neglected youth" was replaced by "children in need of protection or services (CHIPS)." Youth under the age of 10 who committed delinquent acts were reclassified as CHIPS cases, rather than delinquency, establishing a clear minimum age of delinquency jurisdiction in Minnesota.

Additional protections during this era included a "voluntary" provision added to youth waiver of counsel, and a statute requiring that a written case plan be prepared for delinquency dispositions. The case plan was to ensure that youth and families were clear on court-ordered conditions and the services they were to receive.

In the late 1980s, Minnesota had two high-profile events related to youth: In **1988**, a 16-year-old murdered his parents and two younger siblings with an axe near Rochester. In **1989**, 11-year-old Jacob Wetterling was abducted at gunpoint on his way home from a convenience store in the town of St. Joseph. These crimes raised concerns about youth both as perpetrators and victims of violent crime.

At the federal level, states electing to receive certain federal funding, including Minnesota, were directed to investigate *Disproportionate Minority Confinement (DMC)*. DMC referred to the phenomenon where youth of color in the justice system were being admitted to secure detention and to secure placements at rates higher than their white counterparts. States were directed to gather data on the use of secure placements, by race, to assess the extent to which DMC was an issue in their jurisdictions.

Also in the late 1980s, the U.S. Supreme Court continued its foray into the issue of the death penalty for those who committed crimes as juveniles. In these cases, the court cited specific ages which were too young to receive the death penalty (15 or under at the time of offense), as well as not-too-young for the death penalty (ages 16 or 17 at the time of offense). The death penalty for offenses committed as a juvenile would remain an issue into the 2000s.



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

- **Children in Need of Protection or Services (CHIPS) Language Introduced; Delinquent Acts Committed by Children Under Age of 10 are Reclassified as CHIPS; Runaway and Truant Youth Reclassified as CHIPS**

In **1988**, *Children in Need of Protection or Services (CHIPS)* language replaced “dependent and neglected” language in Minnesota statute. Added to the definition of a child in need of protection or services were children who “committed a delinquent act before becoming ten years old.”¹⁴⁹ This designation placed very young offenders under the jurisdiction of child protection proceedings rather than delinquency proceedings. This revision established age 10 as the minimum age of delinquency jurisdiction in Minnesota. In the same year, runaway and truant youth were also removed from the definition of a delinquent child and redefined as *CHIPS* youth. This change limited the severity of sanctions and the use of out-of-home placements.¹⁵⁰



Revisions to **Juvenile Prosecution, Public Defense** or **Victim Services**

- **Right to Participate in Proceedings and Voluntary Waiver of Counsel**

In **1986**, a statute related to juvenile hearing procedures was modified to include a statement that “a child who is the subject of a petition, and the parents, guardian or custodian of the child, have the right to participate in all proceedings on a petition.”¹⁵¹ In addition, language related to a child’s right to counsel was expanded to include a “voluntary and intelligent” waiver of the right to counsel. In determining whether a child had voluntarily and intelligently waived counsel the court was to look at “the totality of the circumstances which included but was not limited to a child’s age, maturity, intelligence, education, experience and ability to comprehend...and the presence and competence of the child’s parents or guardians...”¹⁵²

- **Adult Transfer for Gang Related Activity**

A revision to statute in **1988** allowed juveniles to be transferred to adult court for felonies in furtherance of criminal activity by an organized gang. A gang was defined in statute as: “an association of five or more persons, with an established hierarchy, formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.”¹⁵³

- **Juvenile Restitution**

In **1988**, the definition of restitution was expanded to include money due the victim of a juvenile offense.¹⁵⁴



Revisions to Juvenile **Court Procedure** or **Disposition Options**

- **Requirement for Disposition Case Plan**

In **1988**, it was established that for each disposition ordered, the court was to order the preparation of a written case plan developed with the child and their guardian. The case plan was to specify the actions to be taken by the child and guardians to comply with the court's disposition order, and name the services to be provided to the child and family. The court was to review and incorporate the case plan into the disposition order.¹⁵⁵

- **U.S. Supreme Court: *Thompson v. Oklahoma* and *Stanford v. Kentucky***

In **1988**, the U.S. Supreme Court took a more definitive step into the topic of the juvenile death penalty. In *Thompson*, the court ruled that the death penalty was not permissible if a juvenile was under the age 16 at the time of the offense. While this clarified that youth who were age 15 or under at the time of offense could not receive the death penalty, the ruling remained silent on youth ages 16 or 17 at the time of offense.¹⁵⁶ The next year, **1989**, the U.S. Supreme Court ruled in *Stanford* that a crime committed by a youth when age 16 or 17 was not too young to receive the death penalty.¹⁵⁷

- **Minnesota Transitions to a State Court System: 1989-2005**

In **1959**, Minnesota's 87 county courts were reclassified into 10 judicial districts.¹⁵⁸ It was not until **1989**, however, that Minnesota began the transition from a local, county-funded judicial system to a state-funded operation. Between **1989** and **2005**, Minnesota developed the courts as a third branch of state government solely responsible for administration of the state court system, court policy and budget request to the legislature. The transition also centralized many systems including fine payment, case management data, and performance measures.¹⁵⁹ Key goals of the consolidated court system were to ensure timeliness and expediency, as well as equal protection under the law.¹⁶⁰ This transition also gave district court judges jurisdiction over juvenile cases. Prior to the unification of the court system, juvenile cases were solely within the jurisdiction of the county judges.



Revisions to Juvenile **Out-of-Home Placement** or **Correctional Facility Policy**

- **Federal Requirement to Monitor for Disproportionate Minority Confinement (DMC)**

In **1974**, the U.S. Congress passed the *Juvenile Justice and Delinquency Prevention Act (JJDP)*. This act contained three provisions requiring that juveniles held in secure adult jails or police lock-up facilities be sight and sound separated from adult inmates; imposed maximum lengths of time that accused delinquents could be held in adult facilities (6 or 24 hours); and provided that youth accused of juvenile status offenses neither be held in secure adult facility for any length of time, nor a secure juvenile

facility in excess of 24 hours. These three provisions are known as the “core protections” of the *JJDP*. Since 1974, Minnesota has participated in the requirements of the *JJDP* in exchange for federal grant money to the state for juvenile delinquency prevention and intervention (Title II and Title V grant funding).

In **1988**, an amendment to the *JJDP* required that states address *Disproportionate Minority Confinement (DMC)* in their justice systems. DMC occurs when youth from communities of color are placed in secure detention and secure treatment facilities at rates higher than their white counterparts. States were directed to collect and analyze facility-admission data for DMC and report annually to the federal *Office of Juvenile Justice and Delinquency Prevention (OJJDP)*. In **1992**, DMC was elevated to a “core protection” meaning federal money could be withheld if states did not make progress in reducing disproportionality.¹⁶¹

- **Sex Offender Treatment System Required**

In **1989**, the Department of Corrections was directed to establish a sex offender treatment system to provide and finance a range of sex offender treatment programs for eligible adults and juveniles. Appropriate treatment programs for adults and juveniles were to be created and piloted.¹⁶² The juvenile sex offender program was ultimately established at MCF: Sauk Centre and later moved to MCF: Red Wing.¹



Revisions to Juvenile **Probation Supervision** or the Justice System **Continuum of Care**

- **Probation Option Added for Juvenile Petty Offenders**

In **1989**, a new provision was added to statute allowing juvenile petty offenders to be placed on probation supervision for up to six months.¹⁶³



Revisions to Juvenile **Data, Record Retention** or **Privacy Policy**

- **Felony Delinquency Court for 16-Year-Olds Open to the Public**

In **1986**, it was determined that juvenile delinquency proceedings would be open to the public if the youth was 16 or older at the time of the hearing and if the offense would have been a felony had it been committed by an adult.¹⁶⁴

¹ MCF stands for Minnesota Correctional Facility. In 1979, the Minnesota legislature adopted a standard naming convention whereby the MCF acronym was followed by the geographic location of each state operated facility.

- **DNA Collection for Sex Offenses**

In **1989**, the first statutes related to the collection of DNA were established. Adults convicted of, or juveniles adjudicated, for certain sex offenses were to submit a “biological specimen.” The Minnesota Bureau of Criminal Apprehension (BCA) was to create a record management system for DNA.¹⁶⁵

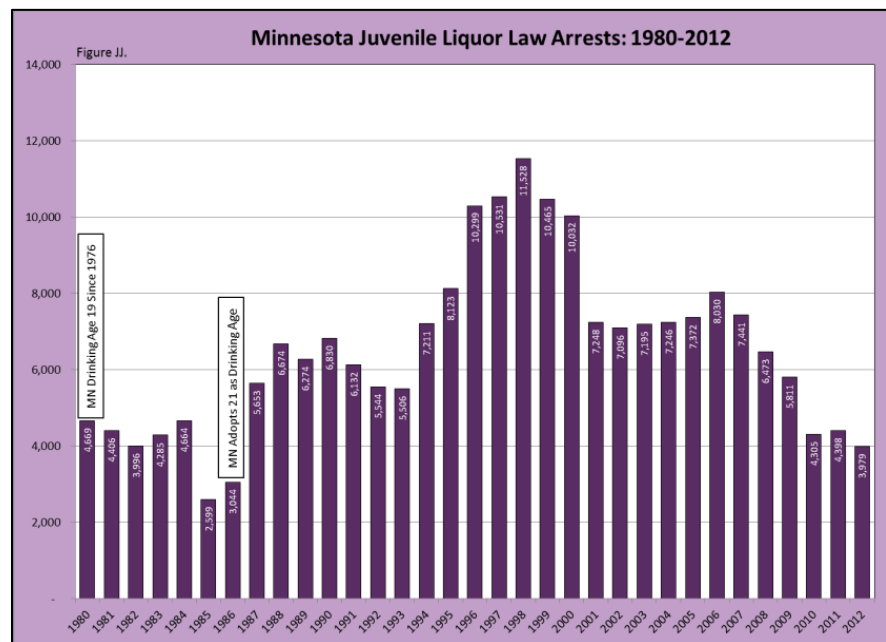


Revisions to **Controlled Substances** and **Chemical Treatment** Policy

- **Minnesota Adopts National Drinking Age**

Facing the potential for serious cuts to federal highway funds, Minnesota raised the legal drinking age to 21 in **1986**. Persons who were legal to drink when the age was 19 were “grandfathered in” and treated as 21-year-olds.¹⁶⁶

Arrests for juvenile liquor law violations increased dramatically in Minnesota after the age change and continued into the late 1990s, as is illustrated in Figure JJ.¹⁶⁷

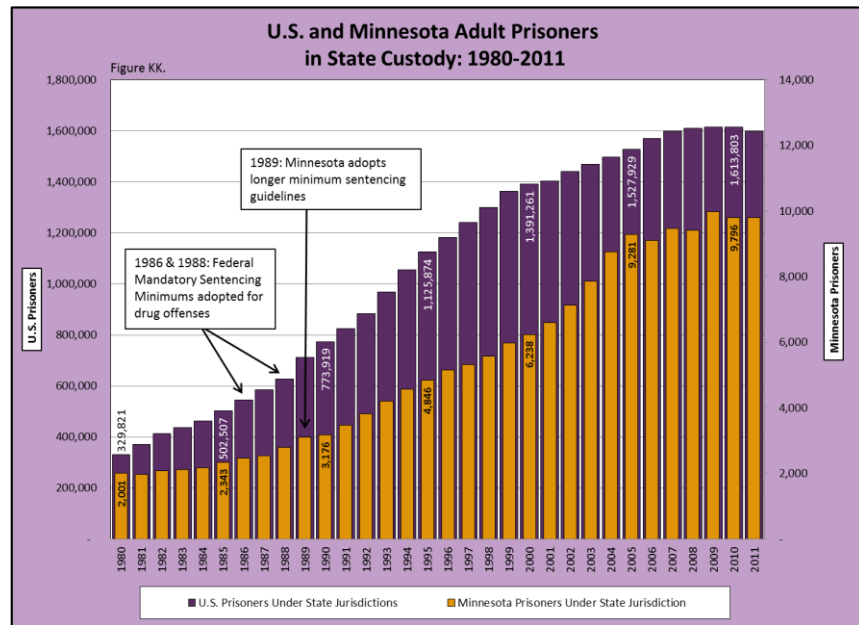


- **Federal Mandatory Sentencing Minimums for Controlled Substance Offenses and Minnesota Sentencing Guideline Revisions**

In **1986** and **1988**, federal mandatory minimum sentencing laws were enacted as a part of anti-drug bills. Five- and 10-year mandatory minimum prison sentences for certain drug possession and distribution offenses were adopted.¹⁶⁸

In **1989**, Minnesota’s sentencing guidelines also were amended with heightened penalties for the most severe offenses on the sentencing grid which included the possession, sale and manufacture of controlled substances in the first and second degree. For example, a second degree controlled substance charge with no prior criminal history went from a 23 to 25 month prison sentence in 1988 to a 44 to 52 month sentence in 1989.¹⁶⁹ The same year, statutes were created establishing increased sentences for “heinous crimes” and “career offenders.”¹⁷⁰

Harsher sentencing laws contributed to a rise in the population of incarcerated persons through the 1980s and 1990s. Figure KK illustrates the number of adults in prison between 1980 and 2011 both nationally and in Minnesota. Disparate sentencing laws for crack, as compared to powder cocaine, led to widespread incarceration of young minority males and a rapidly growing incarceration rate.¹⁷¹ In addition, adults were sent to prison for a longer periods of time. The incarceration and incapacitation of adults is one factor purported to have contributed to juveniles moving into more serious criminal roles in the late 1980s and the 1990s which were previously held by adults.¹⁷²



- **D.A.R.E. Adopted by Minnesota**

In **1989**, the BCA was directed to develop training for peace officers to teach a curriculum on *Drug Abuse Resistance Education* in schools (*D.A.R.E.*). The Commissioner of Public Safety was directed to administer the program and “promote it throughout the state.”¹⁷³



Revisions to **Youth Mental Health Policy**

- **Minnesota Comprehensive Children’s Mental Health Act**

In **1989**, Minnesota adopted the “*Comprehensive Children’s Mental Health Act.*”¹⁷⁴ This law established a children’s mental health service system to serve the needs of “emotionally disturbed” children and their families. The law had eight primary goals, some of which included: identifying children eligible for mental health services; making preventive services available to all children; assuring access to a continuum of services; early screening and prompt intervention; and providing mental health services to children and their families in the context in which the children live and go to school.

The set of statutes that comprise the Act were to develop the existing clinical services through the creation of a continuity of care with other community agencies. *The Children’s Mental Health Act* created and directed state and local coordinating councils to assure the availability of services to meet the mental health needs of children in a cost-effective manner. Local coordinating councils were to create written interagency agreements and identify service need priorities. Each county board was to

develop education and prevention services; early identification and intervention services; emergency services; outpatient services; day treatment services; and residential treatment and case management services.¹⁷⁵

While the focus of the Act was not justice-system-involved youth specifically, those with undiagnosed and untreated mental health issues are at higher risk for justice system involvement due to behaviors that accompany their conditions. The Act was a step toward greater access to services in communities. Under the Act, local coordinating councils were to include all members of the local systems including mental health services, social services, educational services, health services and correctional services. When possible, the council was also to include a representative of juvenile court and law enforcement.¹⁷⁶



Revisions to **School Safety** or **At-Risk Youth** Policy

- **Federal Drug-Free Schools and Communities Act**

In response to increased awareness of alcohol and other drug use by youth, the *Drug-Free Schools and Communities Act (DFSCA)* was enacted in **1986**. The purpose of the *DFSCA* was to establish, operate and improve drug and alcohol abuse education and prevention programs in communities across the United States.¹⁷⁷ It was broadly intended to encourage and support cooperation among schools, communities, parents and governmental agencies to make progress towards the goal of a drug-free generation.¹⁷⁸ The *DFSCA* has been amended several times including in **1988**, **1989** and **1990**.

- **Federal and State Drug-Free Zones Expanded**

In **1989**, the federal law that established drug-free school zones (1984) was expanded to include areas around colleges, day cares, playgrounds and housing facilities owned by a public housing authority.¹⁷⁹ In **1989**, numerous drug possession and sale crimes in Minnesota were given additional penalties if the crime occurred in, or around schools or parks. These possessions and sales were considered “aggravating factors” related to sentencing. As it relates to juveniles, statute allowing transfer to adult court was added if the juvenile committed a felony-level offense involving a Schedule I or II narcotic in a school or park zone.¹⁸⁰

- **Sexual Harassment and Sexual Violence Policy**

In **1989**, the Minnesota Legislature directed each school board in the state to adopt a written sexual harassment and sexual violence policy that was to apply to all pupils, teachers and administrators.¹⁸¹ In **1993**, “religious and racial harassment” were added to the statute.¹⁸²

- **First Administration of the Minnesota Student Survey**

In **1989**, Minnesota began to administer a statewide student survey in public schools. The *Minnesota Student Survey (MSS)* is a questionnaire with more than 100 indicators of youth attitudes, health and

behaviors. The survey measures protective factors such as connectedness to school, family and community, as well as risk factors such as chemical use, violence and victimization.

Traditionally the survey has been given triennially to youth in grades 6, 9 and 12. The *MSS* was first given to youth placed in Minnesota correctional facilities in **1991**.¹⁸³ The survey has been useful in monitoring changes in attitudes and behaviors among youth over the last 30 years, and identifying risk factors unique to certain populations of youth, such as those placed out of the home. The survey was most recently administered in **2013**.



Juvenile Justice **Task Forces** or **Studies**

- **Minnesota Supreme Court Task Force on the Legal Representation of Juveniles**

In **1989**, as a part of the transition to a state-funded court system, the legislature directed the Minnesota Supreme Court to “continue to study all county-funded components of district courts” and to make recommendations to the Governor for state control and financing. In addition, the court was directed to “study the right to legal counsel in the juvenile justice matters” and make recommendations regarding that right to the legislature.¹⁸⁴

- **Minnesota Supreme Court Task Force for Gender Fairness in the Courts**

While not related to juveniles specifically, in **1989** a task force was convened to examine gender fairness in Minnesota’s courts by studying four primary areas: family law, domestic violence, criminal and civil justice, and courtroom environment. In the end, the judiciary was found to treat women and men unequally in a host of ways ranging from the underrepresentation of female judges to the victim blaming in sexual assault cases.¹⁸⁵ This was part of the conversation on the need for gender-responsive systems and services in the state.



Revisions to Youth **Community-Based Services** or **Interventions**

- **Community Crime Reduction Programs**

In **1989**, the Commissioner of Public Safety was directed to administer a grant program to fund community-based programs designed to assist the community in crime control efforts. Qualifying projects included community-based programs designed to discourage young people from involvement in unlawful drug or street-gang activities; neighborhood block clubs and community-based crime watch programs; and other community-based crime prevention programs that encouraged substantial involvement by members of the community.¹⁸⁶

1990 to 1993: The Rise in Violent Crime

1990 to 1993 Overview

The crack cocaine epidemic is purported to have ended nationally around **1990** when demand for the drug began to fall due to an absence of new users.¹⁸⁷ Nevertheless, the youth rate of involvement in juvenile delinquency, particularly violent crime, was rising rapidly.

During this time period, Minnesota allowed for tax levies to offset the relatively new practice of placing police officers in schools. In addition, the Minnesota Department of Education was required to report on incidents of dangerous weapons in schools. Similarly, “using or brandishing a firearm” became grounds for transfer to adult court, and a new statute was created defining *crimes committed for the benefit of a gang (1991)*, with enhanced penalties.

Between 1990 and 1993, the demand for justice system services was also growing. During this era, no fewer than eight legislative studies were ordered in Minnesota, exploring the need for additional juvenile facilities and beds; assessing aftercare services and treatment availability; establishing juvenile justice system guidelines; and establishing probation standards. The recommendations of many of these task forces were adopted in significant juvenile justice system legislation in **1994**. In the meantime, the Minnesota Department of Corrections was authorized to subsidize the construction of secure juvenile centers around the state.

Also during this era, the juvenile justice system in Minnesota was beginning to move toward assessment of the needs of offenders. Chemical health assessments became a requirement for youth involved in controlled substance related offenses; sex offender assessments were created for adults and juveniles involved in criminal sexual conduct; and mental health screening tools for youth in secure detention were piloted. In **1993**, a Supreme Court task force also began investigating potential racial bias in Minnesota’s judicial system. At the federal level, *the Individuals with Disabilities Education Act (IDEA)* established 14 categories of disability for which students could receive special education services and accommodations in schools.

The early 1990s were a time in which offenders still received harsh sanctions, but the system had to be more selective about gatekeeping. For instance, in **1992**, Minnesota implemented pre-trial diversion programs for low-level adult offenders to reduce strain on the justice system.¹⁸⁸ This statute was the precursor for the creation of juvenile pre-trial diversion programs in Minnesota. Also in **1992**, Minnesota authorized the creation of an adult “boot camp,” *The Challenge Incarceration Program*. Militaristic style boot camps were popular during this era as they provided both a consequence and a less costly alternative to incarceration. Throughout the 1990s, the system would be challenged to make the best use of resources in light of an ever-increasing volume of offenders.



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

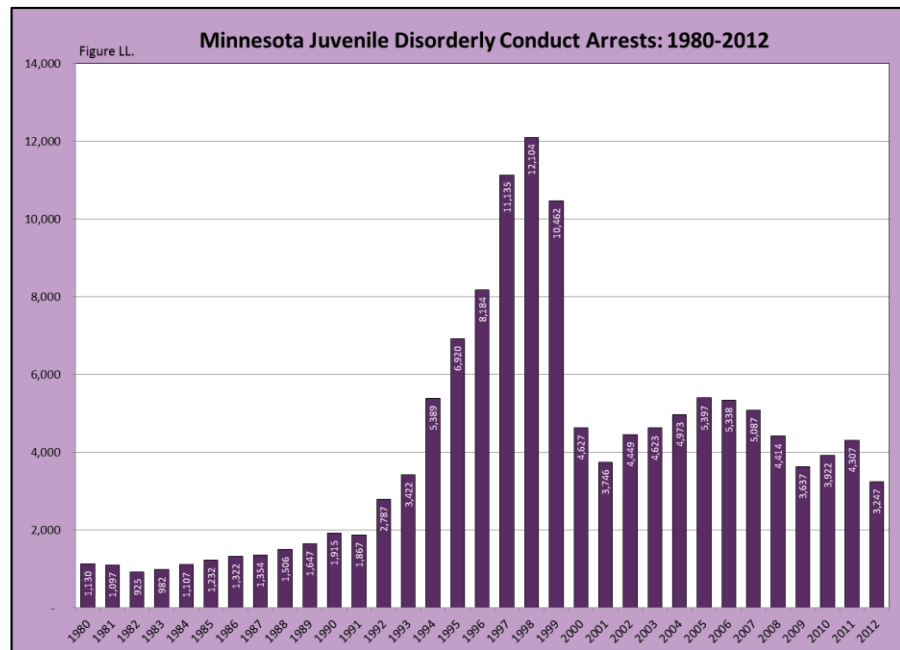
- **Crime Committed for the Benefit of a Gang**

Much of the drug industry in the 1980s and 1990s was facilitated by street gangs prone to use excessive violence to protect their market. In **1991**, a *crime committed for the benefit of a gang* was added to Minnesota Statute. Under the new statute, persons who committed a crime for a gang could receive enhanced penalties. For example, if the crime committed was a misdemeanor the sentence was to be enhanced to a gross misdemeanor; and if the crime was a gross misdemeanor, it was to be elevated to a felony.¹⁸⁹

- **Disorderly Conduct Statute Expanded**

Minnesota’s disorderly conduct statute prohibits fighting, brawling or disturbing a lawful assembly or meeting.¹⁹⁰ In **1991**, a second portion of the statute was modified from: “engaging in offensive, obscene, or abusive language or in boisterous and noisy conduct tending to reasonably arouse alarm, anger or resentment in others” to engaging in “offensive, obscene, abusive, boisterous or noisy conduct or in offensive, obscene or abusive language tending to reasonably arouse alarm, anger or resentment in others” (emphasis added).

Figure LL illustrates that juvenile arrests for disorderly conduct skyrocketed between **1991** and **1998** from fewer than 3,000 to more than 12,000.¹⁹¹ It is unknown whether this was the result of a change in statutory language; increased presence of police in schools coupled with “Zero Tolerance” policies (1994); enhanced community enforcement, or a combination thereof.





Revisions Related to **Law Enforcement** Policy or Practice

- **School Tax Levy to Support Law Enforcement in Schools**

A pervasive phenomenon of the 1990s was the collocation of police officers in schools. These school-based officers have been referred to under numerous titles including School Liaison Officers or School Resource Officer (SROs). In **1991**, Minnesota added a provision to taxation statutes permitting schools to tax property in the school district as a “levy for crime related costs.” This levy money could go “to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison services in the district’s middle and secondary schools” or *D.A.R.E.* in elementary schools.¹⁹²



Revisions to **Juvenile** Prosecution, Public Defense or Victim Services

- **Juvenile Release Notification**

In **1990**, consistent with statute 611A.06 (Right of Victims to Notice of Release), juvenile correctional agencies were permitted to release private or confidential data to victims of delinquent acts as necessary to enable the victims to assert their right to notice of release. Information released was only to include the name, home address and placement site of the juvenile.¹⁹³

- **Expansion of Mediation Programs**

In **1992**, the State Court Administrator’s Office (SCAO) was to award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. Offenders were to include adults and juveniles charged or petitioned with a non-violent crime.¹⁹⁴



Revisions to Juvenile **Out-of-Home Placement** or **Correctional Facility** Policy

- **Juvenile Bed Expansion Appropriations and the Juvenile Detention Services Subsidy Program**

Since **1969**, the Minnesota Legislature has authorized political subdivisions to establish and operate community corrections centers (*Community Corrections Center Act*).¹⁹⁵ This allowed any city or county to “establish and operate a community corrections center for the purpose of providing housing, supervision, treatment, counseling and other correctional service” for convicted adults or adjudicated juveniles. The Department of Corrections was given the authority to establish minimum standards for size, staffing qualifications, staff to inmate ratios and treatment programs.¹⁹⁶

In **1971**, the legislature further authorized the Commissioner of Corrections to issue grants to promote the development of such centers.¹⁹⁷ With financial incentives to build, individual counties and multi-county collaboratives began opening juvenile facilities. A first wave of appropriations for secure regional juvenile facilities occurred in the **1970s** aiding the opening of the following facilities:¹⁹⁸

- West Central Juvenile Detention Center, Moorhead
- Northeast Juvenile Detention Center (Arrowhead), Duluth
- Northwest Regional Detention and Treatment Center for Juveniles, Bemidji
- Anoka County Juvenile Facility, Lino Lakes

In **1991**, the Commissioner of Corrections was again authorized to pay subsidies to counties or groups of counties to assist in construction or rehabilitation of local detention facilities, and to develop or maintain adequate local detention facility operations or alternative detention programs. A county or group of counties could apply for a subsidy and the DOC could pay up to 50 percent of the costs of construction or rehabilitation.¹⁹⁹ As a result, a second wave of secure juvenile facilities opened around Minnesota in the early **1990s**:

- Prairie Lakes Juvenile Detention Center, Willmar
- Minnesota River Valley Juvenile Detention Center, New Ulm
- Central Regional Juvenile Detention Center, Brainerd

In addition, many *Temporary Holdover Facilities* were funded which provided short-term secure holding for juveniles in individual counties. Under the *Secure Juvenile Detention Center Subsidy Program (1991)*, counties operating a secure juvenile detention facility could receive a sum of up to \$1,200 per bed, per year from the Department of Corrections.²⁰⁰

● **Report on Youth Placed Out-of-State**

In **1992**, the juvenile court was required to report to the State Court Administrator's Office on the reason for the placement and type of placement each time a juvenile was ordered to a residential program out-of-state related to a delinquency or CHIPS disposition.²⁰¹



Revisions to Juvenile Probation Supervision or the Justice System Continuum of Care

● **Sex Offender and Predatory Offender Registration**

In **1991**, Minnesota adopted a statute requiring that sex offenders^m register their home addresses with the Department of Corrections for a period of 10 years after release from prison.²⁰² The record was to be updated each time an offender moved. In **1993**, the sex offender registration statute was expanded and

^m Minn. Stat. § 243.166 subd. 1 (1991). Persons must register who were sentenced for kidnapping, criminal sexual conduct, solicitation of children to engage in sexual conduct, use of minors in sexual performance, soliciting a minor to engage in prostitution, soliciting a minor to engage in sexual conduct, and use of minors in a sexual performance.

renamed the “Registration of Predatory Offenders.” The new predatory offender definition included a wide range of offensesⁿ if they were part of a predatory pattern of behavior with sexual contact as the goal.²⁰³ In **1994**, juveniles adjudicated delinquent were added to the list of those who must register.²⁰⁴



Revisions to Juvenile **Data, Record Retention** or **Privacy Policy**

- **Limits on Retention of Photographs of Juveniles**

In **1992**, it was established in statute that a photograph may be taken of a child in custody in accordance with the laws of arrest, provided that the photograph be destroyed when the youth reached 19 years of age.²⁰⁵

- **Court Records Expanded for Juvenile Sex Offenses**

In **1992**, it was determined that the court should retain, until the offender reached 25 years of age, any records of court findings that a juvenile committed or attempted criminal sexual conduct in the first, second, third or fourth degree. The court was to forward information about the offender and the offense to the BCA which was required to develop a system to track the records.²⁰⁶



Revisions to **Controlled Substances** and **Chemical Treatment Policy**

- **Juvenile Chemical Health Assessments in Detention**

In **1990**, juveniles alleged or found to be delinquent for alcohol or controlled substance offenses were undergo chemical assessment if they were held in custody under a detention order. The assessment report was to include the recommended level of care for the offender and other appropriate action or care such as educational programs; one-to-one counseling or other treatment to address mental health concerns; or an explanation why no care or action was recommended.²⁰⁷

In **1992**, statute allowed chemical health assessments to be expanded to juveniles found delinquent for *any* felony under Minnesota’s Criminal Code *if* the probation officer determined that alcohol or drugs were a contributing factor in the commission of the offense.²⁰⁸

ⁿ Among the list of acts added as predatory offenses were murder, manslaughter, assault, aggravated robbery, incest, false imprisonment, and burglary if the goal of the crime was a sexual act.



Revisions to **Youth Mental Health** Policy

- **Juvenile Treatment Screening Teams (Optional)**

In **1990**, a subdivision was added to statute 260.151 (Investigation: Physical and Mental Examination) in order to be in compliance with the Minnesota *Children's Mental Health Act of 1989*. The addition stated that the county welfare board, "at its option," may establish a juvenile treatment screening team consisting of social workers, juvenile justice professionals and persons with expertise in the treatment of juveniles who are emotionally disabled, chemically dependent or have a developmental disability, to conduct screenings and prepare case plans in the event the court proposes placement for a child for the *primary purpose of residential treatment* in Department of Human Services licensed beds. The screening team was to evaluate the child and determine if they supported or opposed the proposed placement.²⁰⁹

The statute specified that a child could be placed in a treatment facility only if: a treatment professional certified that an emergency required placement; the screening team recommended placement to ensure the safety of the community; placement would best meet the therapeutic needs of the child; or if the court overrode the screening team's recommendation against placement. This legislation was the pre-cursor to mandatory screening teams established in statute in **1999**.

- **Mental Health Screening Pilot for Juveniles in Detention**

In **1992**, the Commissioner of Corrections and the Commissioner of Human Services were to establish pilot projects to reduce recidivism rates of juvenile offenders by identifying and treating the underlying mental health problems that contribute to delinquent behavior.²¹⁰ A component of the program was that all alleged delinquents admitted pre-adjudication to a secure detention facility or shelter facility were to receive a mental health screening designed or approved by the Commissioners.

Positive mental health screenings were then to be referred for assessment by a mental health professional and youth were to be given nonresidential mental health services as identified in the assessment.²¹¹ The assessments were to be delivered by a mental health professional. Further, the assessment was to be "relevant, culturally specific and sensitive to the juvenile's cultural needs."²¹² This pilot project was the precursor to expanded screening of justice system involved youth in **1994** and again in **2003**.



Revisions to **School Safety** or **At-Risk Youth** Policy

- **Federal Individuals with Disabilities Education Act (IDEA)**

In **1975**, Public Law 94-142 was adopted, known as the *Education for All Handicapped Children Act (EHA)*. This Act was intended to protect the rights of children with disabilities and required that a "free and appropriate public education" be given to children ages three to 21 with disabilities in every state and local community across the country.^{213,214} Prior to the EHA, only one in five children with disabilities

received an education and some states had laws expressly excluding youth who were deaf, blind, emotionally disturbed or 'mentally retarded.'²¹⁵

The *EHA* legislation also required that children be placed in the least-restrictive learning environment possible that allowed maximum contact with non-impaired students.²¹⁶ A **1986** law (PL 99-457) extended education and protections for infants and preschoolers with disabilities.²¹⁷

In **1990**, the *EHA* was replaced by the *Individuals with Disabilities Education Act (IDEA)*. This combined the two previous laws and covered children ages birth through 21. Also, 14 *categories of disability* were identified for which youth were eligible for services following evaluation. Included were physical disabilities, speech and sensory disabilities, autism, developmental delay, emotional disturbance, traumatic brain injury and specific learning disabilities.²¹⁸

A key aspect of the *IDEA* adopted in 1990 was the establishment of *Individualized Education Programs (IEPs)* and *Individualized Family Service Plans (IFSP)*. Individualized Education Programs (IEPs) direct the specific special education and related services for each child with a disability, reflecting the individualized needs of each student.²¹⁹ Processes for creating and monitoring progress on IEPs were established.

The 1990 *IDEA* also re-emphasized that "special classes, separate schooling or other removal of children with disabilities [only occur] when the nature or severity of the disability is such that education in regular classes...cannot be achieved satisfactorily (*IDEA* Section 612)."²²⁰ The *IDEA* required that the child's disability be taken into consideration in the event disciplinary actions were needed at school. Specific due process protections must be followed for youth with disabilities when they violate school codes of conduct or are to be transferred to an alternative learning setting.²²¹

The *IDEA* has been amended numerous times to add services to additional youth, such as homeless students (**1994**), infants and toddlers, and older students transitioning into adulthood (**1997**). The *IDEA* also underwent revisions in **2004** to come into alignment with the *No Child Left Behind Act*.²²²

- **Prohibition of Corporal Punishment in Schools**

In **1990**, the Minnesota Legislature enacted a statute that prohibited employees or agents of public schools from inflicting corporal punishment on students to reform unacceptable conduct or as a penalty for unacceptable conduct.²²³

- **School-Based Violence Prevention Education Recommended**

In **1992**, it was recommended that schools add violence prevention education to their curriculum in Minnesota. The Department of Education was to work with state-level partners and victim advocacy groups to assist districts, on request, in the creation of a violence prevention program for youth in grades K through 12. Early adolescents were to be specifically targeted for prevention. Schools were encouraged to adopt policies and have a staff that modeled nonviolent behavior and non-violent conflict resolution that did not display or condone sexual, racial or cultural harassment.²²⁴

- **Minnesota Safe Streets and Schools Act—Dangerous Weapons Report**

In **1993**, the Commissioner of Education was directed to develop a standardized form to be used by schools to report incidents involving the use or possession of dangerous weapons in school zones. The form and subsequent report was to include: A description of each incident and the dangerous weapon involved; where and under what circumstances the incident occurred; information about the offender; information about the victim; and the actions taken by the school administration.²²⁵



Juvenile Justice **Task Forces** or **Studies**

- **Study of Chemical Dependency Treatment and Aftercare Services**

In **1990**, the Minnesota legislature required the Commissioner of Human Services to develop standards for increased accountability for chemical dependency treatment programs, and to study funding and licensing options for providing chemical dependency aftercare services to high-risk and special need populations including, women, minorities and adult and juvenile offenders.²²⁶

- **Study of the Juvenile Justice System**

In **1992**, the Minnesota Supreme Court was directed to convene an *Advisory Task Force* to study the juvenile justice system. The duties were to make recommendations concerning the process for adult transfer of juveniles; retention of adjudication records and their use in adult proceedings; feasibility of a system of statewide juvenile guidelines; effectiveness of a variety of approaches including behavior modification and treatment; and the extension of a non-waivable right to counsel; and a right to trial by jury.²²⁷

- **Study of the Availability and Quality of Treatment Programs for Justice System Involved Persons Who are Chemically Dependent or Abuse Chemicals**

In **1992**, the Commissioner of Corrections, in collaboration with the Commissioner of Human Services and the Assistant Commissioner of the Office of Drug Policy and Violence Prevention, were to conduct a comprehensive study of the availability and quality of treatment programs within the criminal or juvenile justice system for adult and juvenile offenders who are chemically dependent or abuse chemicals.²²⁸

- **Probation Standards Task Force**

In **1992**, the Commissioner of Corrections was to establish a *Probation Standards Task Force* including members of the justice system and the Sentencing Guidelines Commission, as well as crime victims. The task force was to report on: the number of offenders being supervised by individual probation officers across the state; average caseload size; minimum caseload goals; the adequacy of current staffing levels to provide effective supervision of violent offenders; and the need for increasing the number of probation officers and the cost of doing so.²²⁹

- **Study of Criminal and Juvenile Justice Information and Establishment of the Criminal and Juvenile Justice Information Policy Group**

In **1992**, the Chair of the Sentencing Guidelines Commission, the Commissioner of Corrections, the Commissioner of Public Safety, and the State Court Administrator were to study and make recommendations to the governor for a framework for integrated criminal justice information systems. They were to address the collection, maintenance, dissemination, and sharing of criminal justice information with one another; training and continuing education necessary to ensure the quality and accuracy of information in those systems; and the potential impact on privacy rights in having a large, integrated information record system.²³⁰ In **1993**, a specific body known as the *Criminal and Juvenile Information Policy Group* was established and given the same charge.²³¹

- **County Juvenile Facility Needs Assessment and Juvenile Bed Assessment**

In **1992**, county correctional administrators of each judicial district were to jointly evaluate and provide a report concerning the needs of counties in that judicial district for secure juvenile detention facilities, both pre-adjudication and post-adjudication.²³² In **1993**, the *Advisory Task Force* on the juvenile justice system (created in 1992) was requested by the legislature to assess the state's need for juvenile correctional facilities for pre- or post-adjudication placement; short or long-term beds; and whether they should be state or regionally controlled.²³³

- **Minnesota Supreme Court Task Force On Racial Bias in the Judicial System**

While not related to juveniles specifically, in **1993** a task force was convened to investigate racial bias by Minnesota's judicial system. The report concluded that every aspect of every part of every level of the judicial system displayed racial bias against people of color. The only possible exception was in the area of victim assistance, where there was not enough information to make a determination. The task force made dozens of recommendations including more studies, changes to several procedures, better data collection, and an increase in diversity throughout the justice system.²³⁴ This study contributed to the conversation on racial injustices in the system in Minnesota.



Revisions to Youth **Community-Based Services** or **Interventions**

- **Home Visiting Program Established**

In **1992**, the *Home Visiting Program* was established as a component of early childhood family education programs to prevent child abuse and neglect. The purpose was to provide parenting support and education for isolated or at-risk parents by sending nurses directly into the homes of young or high-risk mothers.²³⁵ In **1995** the goal of “reducing juvenile delinquency by promoting positive parenting and resiliency in children” was added to the Home Visiting Program.²³⁶ Nurse-family partnerships such as these have demonstrated effectiveness in improving child mental health; reducing neglect and abuse; and reducing domestic violence, all of which are risk factors for delinquency.²³⁷

1994: A Year of Action

1994 Overview

1994 was the peak year for the juvenile violent crime rate, and a significant year in both federal and Minnesota law.^{o,238} The federal government passed many crime control measures including the expansion of gun control; “zero tolerance” for weapons in schools; prison expansion; sanctions for gang-related activity; and “three strikes” provisions for repeat offenders that resulted in long prison terms. In some cases states were required to adopt federal rules, while in others states voluntarily replicated federal policies.

In the **mid-1990s**, numerous federal funding streams were created to increase the capacity of local law enforcement and aide state-level prevention and intervention programs for delinquency. The **mid- to late-1990s** saw billions of federal dollars flowing to states for new and innovative accountability and intervention efforts. Funding streams established or expanded in **1994** included: *JJDP Title V* and *Title II Delinquency Prevention and Intervention Programs*; *Community Oriented Policing*; *Juvenile Mentoring Programs*; and *Drug Courts*.

Minnesota made many revisions to juvenile justice law based, in part, on the myriad studies of the juvenile justice system completed in the early 1990s. Notably, juvenile petty offenses were expanded to include most first-time misdemeanor level offenses; juvenile pretrial diversion programming was established; new criteria for transferring juveniles to adult court were adopted; and a blended sentencing mechanism, *Extended Jurisdiction Juvenile*, was created which kept certain serious juvenile offenders under the jurisdiction of the juvenile court until age 21.

Also in **1994**, greater allowances were made for sharing data and information between police, diversion programs, schools and probation officers. Schools specifically were to be notified if a juvenile was arrested for an act in which the victim was a student or staff at the school. Another list of offenses was also created whereby schools would notified even if the offense was not committed at school or related to students or staff.

Around this time, new terms began to appear in juvenile justice legislation related to the need for a continuum of care and restorative justice, as well as culturally appropriate and gender-responsive programming. Minnesota also began to fund new initiatives, such as pilot programs for truancy service centers and *Gang Resistance Education Training (G.R.E.A.T.)*. Mental health screenings were expanded from youth held in detention to all youth alleged or found to be delinquent or in need of protection or services.

Finally, in **1994**, more than \$20 million in state funding was bonded to construct additional secure detention-and-treatment facilities for juveniles. Numerous studies were ordered to determine the effectiveness of juvenile programming and to establish uniform program standards and statewide availability.

^o Violent crimes as defined by the FBI include murder, aggravated assault, robbery and rape.



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

- **The Violent Crime Control and Law Enforcement Act of 1994:**

In **1994**, the federal government passed the *Violent Crime Control and Law Enforcement Act*, the largest crime bill in the history of the country. Included were billions of dollars to expand police forces and prisons, as well as expand the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the U.S. Attorney's Office and the Department of Justice. This bill also had significant financial support for prevention and intervention programs for at-risk youth in both formula grants and competitive grants to states.²³⁹

Other major provisions of the 1994 act included a ban on assault weapons; expansion of the federal death penalty; stiffer penalties for violent and drug trafficking crimes committed by gang members; prohibition of handgun possession by juveniles; enhanced penalties related to drugs and violence in school zones; and mandatory life imprisonment without possibility of parole for federal offenders with three or more convictions for violent or drug trafficking crimes ("three strikes").

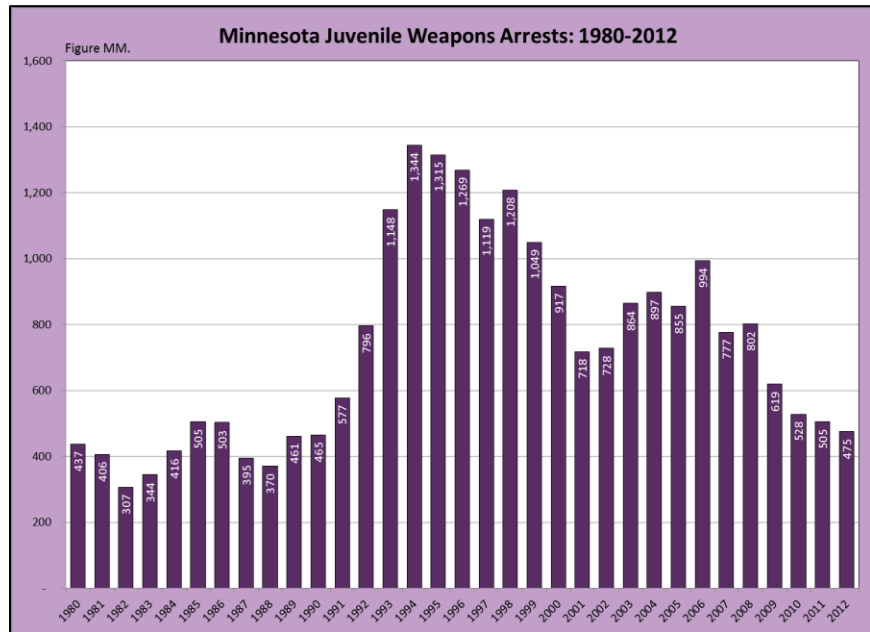
While not required, many states adopted their own "three strikes" provisions in the mid- to late-1990s. While Minnesota did not adopt a three strikes policy per se, "career offenders" and "heinous crimes" statutes had been created in **1989** with enhanced sanctions for violent or repeat offenders.

- **Brady Handgun Violence Prevention Act**

Major federal gun control legislation was first passed in **1968** (*Gun Control Act*) following the assassination of President Kennedy in 1963 and the assassinations of Dr. Martin Luther King Jr. and U. S. Senator Robert Kennedy in 1968. This law restricted the mail order sales of handguns, shot guns and rifles. It also restricted sales across state lines and required more firearms dealers to be licensed and to maintain better records. This act prohibited the sale of firearms to convicted felons, the mentally incompetent and drug users.²⁴⁰

In **1994**, the *Brady Handgun Prevention Act* imposed a five-day waiting period and background check before licensed sellers, manufacturers or importers could sell or deliver a gun to an individual. The FBI was required to create a new National Instant Background Check System to replace the waiting period by the end of 1998. The *Violent Crime Control and Law Enforcement Act* of 1994, is commonly referred to as the "assault weapons ban" that prohibits semi-automatic assault weapons and large-capacity magazines for civilian use. The law also prohibits juveniles from possessing or selling handguns at the state level. Gun control laws and initiatives are thought to have an effect on juvenile violent crime as guns are the most common weapons used in homicides involving youth.²⁴¹

Figure MM illustrates the number of weapons arrests in Minnesota between 1980 and 2012. Weapons arrests peaked in Minnesota in **1994** along with overall violent crime. Generally, weapons arrests have been on a downward trajectory save for an increase in the mid-2000s. As of 2012, juvenile weapons arrests are comparable to the levels seen in the late 1980s and early 1990s.²⁴² This arrest category includes firearms, but also knives and other objects used as weapons.



- **The Jacob Wetterling Crimes Against Children and Sexually Violent Registration Act**

In **1994**, a federal law was passed that directed the Attorney General to establish guidelines for state programs that require a person convicted of a criminal offense against a minor or a sexually violent offense to register their current address with a designated state law enforcement agency. Criminal offenses against children included kidnapping, false imprisonment, and criminal sexual conduct towards a minor. Generally, registration was required for 10 years after release from a facility or ten years from being placed on probation or parole.²⁴³ The Jacob Wetterling Act does not require states to register juveniles, but does required registration of juveniles convicted as adults.²⁴⁴

- **Adult Certification of Juveniles**

In **1994**, the *Minnesota Juvenile Court Act* designated the term “Certification” to replace the previous “Reference for Prosecution” statute for when juveniles were transferred to adult court.²⁴⁵ The minimum age for a youth to be certified remained at 14. In addition, the *prima facie* language was changed to “Presumption of Certification.” According to the statute, certification was presumptive if the youth was 16 or 17 at the time of the offense and, had the offense been committed by an adult, would carry a presumptive prison sentence of over one year and one day. First degree murder was the only offense for which a juvenile was to be automatically transferred to adult court.²⁴⁶

The *Certification* statute also specified what factors were to be taken into consideration when considering whether public safety was served by maintaining the youth in juvenile court. Included in the criteria were the youth’s history of offenses, history of participation in programing, and the availability of appropriate dispositions in juvenile court.²⁴⁷

Juveniles prosecuted as adults were given right to a trial by jury on the issue of guilt, consistent with *Minnesota Rules of Criminal Procedure*.²⁴⁸ In the event a motion to certify a youth as an adult under presumptive criteria was unsuccessful, the court must then designate the case as *Extended Juvenile*

Jurisdiction (see below). If there was an unsuccessful attempt to certify a non-presumptive juvenile, the court may designate the case *Extended Juvenile Jurisdiction* or delinquency.²⁴⁹

- **Extended Jurisdiction Juvenile (EJJ) Established**

Also in **1994**, Minnesota adopted a new dispositional option for youth: *Extended Jurisdiction Juvenile (EJJ)* prosecution.²⁵⁰ EJJ is what is termed “blended sentencing” where a youth remains under the jurisdiction of the juvenile court with juvenile sanctions but also has a stayed adult sentence. In the event a youth reoffends or violates probation, their EJJ status can be revoked and the adult sentence executed. Youth designated EJJ remain under juvenile court jurisdiction until they turn age 21.²⁵¹

According to the 1994 statute, a prosecutor could motion a case for EJJ prosecution if the youth was age 14 to 17 at the time of the offense and committed a felony. Also, EJJ could be requested if the child was 16 or 17 at the time of the offense and they committed an offense for which an adult would have a presumptive commitment to prison—the same as the criteria as for adult certification.²⁵²

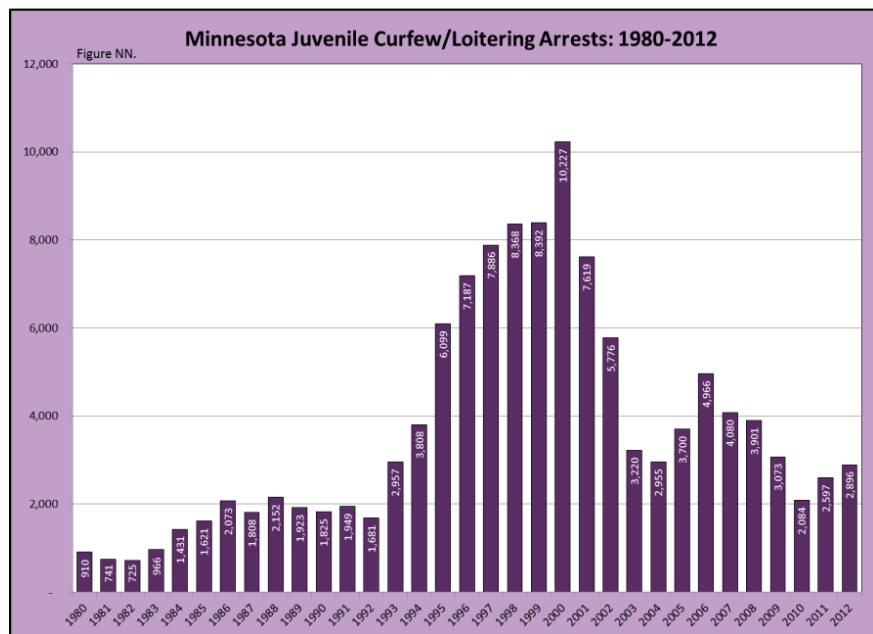
The purpose of EJJ was to keep some youth who would otherwise meet criteria for certification under the jurisdiction of the juvenile court. Also, serious acts committed by juveniles that did not meet criteria for certification could be elevated to EJJ status with more serious consequences available. According to court rules, EJJ matters are generally closed to the public unless the youth was at least 16 years-old at the time of the offense and it was a felony.²⁵³ Youth prosecuted as EJJ also have the right to a trial by jury on the issue of guilt.²⁵⁴ If there is an unsuccessful attempt to designate a youth as EJJ, the case then proceeds as a delinquency matter.²⁵⁵

- **Disorderly Conduct Expanded**

In **1994**, a specific provision was added to the disorderly conduct statute prohibiting disorderly conduct on a school bus.²⁵⁶

- **County-Wide Juvenile Curfew Permitted**

While municipalities have always been permitted to designate a curfew, a **1994** statute expressly stated that a county health board could adopt an ordinance establishing a countywide curfew for unmarried persons under age 17. In **1995**, it was changed to unmarried persons under age 18. The law required different curfews for youth under and over age 12.^{257,258}



As evidenced by Figure NN, juvenile arrests for curfew and loitering increased dramatically in the **mid-to late-1990s** before declining in the **2000s**. Curfew and loitering citations peaked in **2000** at over 10,000 arrests.



Revisions Related to **Law Enforcement** Policy or Practice

- **Federal Funding for Community Oriented Policing**

In **1994**, the *Violent Crime Control and Law Enforcement Act* authorized the creation of the federal *Office of Community Oriented Policing Services (COPS)*. Community oriented policing strategies have replaced many traditional policing tactics that were solely reactive to illegal activity. Community oriented policing is a philosophy that uses partnerships and problem solving techniques to proactively address conditions that give rise to crime and social disorder. When fully adopted, Community oriented policing strategies permeate all aspects of a law enforcement organization from the philosophy of leadership and management; to the roles and beats of patrol officers; to the way new officers are recruited and trained.²⁵⁹

The federal *COPS* office contributed to tens of thousands of new police officer hires in the U.S. between **1995** and **2003**. *COPS* appropriated approximately \$1 billion annually to hire and train community-oriented police, upgrade technology and equipment, and support myriad programs related to gangs, drugs and schools.²⁶⁰ Between **1995** and **2010**, more than \$1.6 billion was allocated to Minnesota via 372 law enforcement agencies from the federal *COPS* grant program. This money funded over 1,400 officer positions; technology, training and partnership initiatives.²⁶¹ Minnesota adopted *Community Oriented Policing* training for all sworn officers in **1996** as a part of peace officer licensure.²⁶²

- **Gang-Resistance Education Pilot**

In **1994**, the BCA was asked to develop a pilot program to train peace officers in the *Gang-Resistance Education Training (G.R.E.A.T.)* curriculum to be delivered in middle schools. The Commissioner of Public Safety was to administer the program and promote it throughout the state.²⁶³



Revisions Related to **Diversion** Policy or Programs

- **Juvenile Pretrial Diversion Programs Established**

In **1994**, the *Minnesota Juvenile Court Act* created a statute which required the creation of pretrial diversion programs for juveniles. Under this statute, every county attorney was to establish such a juvenile diversion program by **1995**. According to the statute, a "pretrial diversion" meant the decision of a prosecutor to refer an offender to a diversion program on condition that the delinquency petition

against the offender would be dismissed after a specified period of time if the offender successfully completed the program.

Youth eligible for diversion included children petitioned for a delinquency charge (M, GM, F) other than a crime against a person; youth not previously adjudicated delinquent; and those who had not previously had a petition dismissed by diversion participation.²⁶⁴ Goals of the diversion programs were to provide eligible offenders with an alternative to adjudication that emphasized restorative justice; reduce in the cost and caseload burden on the juvenile justice system; reduce recidivism among diverted offenders. Programs were to use successful culturally specific programming, where appropriate.²⁶⁵



Revisions to Juvenile **Prosecution, Public Defense** or **Victim Services**

- **Provision for Stand-by Counsel**

In **1994**, it was established that before a child could waive their right to counsel or enter a plea in a misdemeanor case, they were to consult in person with counsel and be provided a full, intelligible explanation of their rights. Furthermore, in a gross misdemeanor or felony level case, standby counsel was to be appointed if the child waived their right to counsel. Standby counsel was also to be appointed in any proceeding where an out-of-home placement was proposed.²⁶⁶

- **Notice of the Rights of Victims in Juvenile Court**

In **1994**, the *Crime Victim and Witness Advisory Council* was directed to develop a notice of the rights of victims in juvenile court that explained: the rights of victims in the juvenile court; when a juvenile matter was public; and the procedures to be followed in juvenile court proceedings. The juvenile court was to distribute a copy of the notice to each victim of juvenile crime who attended a juvenile court proceeding, along with a notice of services for victims available in that judicial district.²⁶⁷



Revisions to Juvenile **Court Procedure** or **Disposition Options**

- **Ten-Year Prohibition of Firearm Ownership/Possession**

In **1994**, juveniles certified as adults or adjudicated EJJ for a crime of violence^p were not allowed to own, possess, ship or receive a firearm for ten years after being discharged from the Commissioner of Corrections.²⁶⁸

^p As defined by 624.712 subd. 5

- **Published Delinquency Disposition Criteria/Principles**

In **1994**, the legislature required the Chief Judge in each judicial district to publish the written criteria used by judges in the district in determining juvenile delinquency dispositions.²⁶⁹

- **Parent Attendance Required at Delinquency and EJJ Proceedings**

In **1994**, it was written into statute that a parent or guardian must accompany the child at each hearing held during delinquency or EJJ proceedings or the parent was subject to punishment under statute for failure to obey summons or subpoena/contempt.²⁷⁰

- **Restrictions on the Use of Out-of-State Placement**

In **1994**, Minnesota statute was amended to prohibited courts from placing youth in an out-of-state facility unless that the facility met licensing standards required of Minnesota programs.²⁷¹



Revisions to Juvenile **Out-of-Home Placement** or **Correctional Facility Policy**

- **Juvenile Detention Facility Construction Grants**

In **1994**, the Commissioner of Corrections was allocated over \$20 million to grant out for the construction of secure juvenile detention and treatment facilities in the state. \$1.25 million was specifically for culturally sensitive programs in the Hennepin County and Ramsey County juvenile centers.²⁷²

- **Licensing of Regional Secure Juvenile Facilities**

In **1994**, the Commissioner of Corrections was directed to license several small, regional facilities to provide secure programming for juveniles who have been adjudicated delinquent or convicted as EJJ and required secure placement.²⁷³ The programming in these facilities was to be tailored to the types of juveniles being served including their offense history, age, gender, cultural and ethnic heritage, and mental health or chemical dependency issues. Specific services to be offered included intensive general education; management of anger and nonviolent conflict resolution; treatment for chemical dependency; and mental health screening, assessment and treatment.²⁷⁴

- **Secure Placement Licensing Criteria and Limit on New Long-Term Beds**

In **1994**, the Commissioner of Corrections was directed to adopt rules establishing licensing criteria for secure placement programming for juvenile offenders. The criteria were to ensure that the programming was distributed throughout the state. The commissioner was authorized to license long-term residential secure programming up to a maximum of 100 beds statewide in addition to those already licensed.²⁷⁵



Revisions to Juvenile **Probation Supervision** or the Justice System **Continuum of Care**

- **EJJ Youth: Restorative Justice and Culturally Sensitive Programming**

In **1994**, the Department of Corrections was allocated additional money from the state’s general fund to development a plan for EJJ youth and to ensure culturally sensitive and restorative programming. Additional funds were to ensure that the racial and cultural heritage of juvenile programming staff reflected the characteristics of the juvenile offender population.²⁷⁶

- **Continuity of Care and Female Offender Services**

In **1994**, the Commissioner of Corrections was also directed to cooperate with the Department of Human Services to develop a community-based continuum of services for juvenile offenders who did not require secure placement.²⁷⁷ Also, the Commissioner of Corrections was required to collaborate and develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.²⁷⁸

- **Predatory Offender Registration Expanded to Juveniles**

Minnesota has had a predatory offender registration requirement for persons convicted of certain offenses since **1991**.²⁷⁹ In **1994**, the registration language was expanded to include persons “adjudicated delinquent” in juvenile court.²⁸⁰ Juveniles adjudicated for offenses meeting the definition of a predatory offender were required to register with the BCA for 10 years following adjudication.²⁸¹



Revisions to Juvenile **Data, Record Retention** or **Privacy Policy**

- **Extension of Juvenile Record Retention**

In **1994**, the statute on the retention of juvenile records was expanded to require that records of adjudication be kept until the offender reaches that age of 28 instead of age 23.²⁸²

- **Law Enforcement Data to Schools**

In **1994**, law enforcement agencies were given permission to notify a school if there was probable cause to believe that a juvenile committed a delinquent act; the victim was a staff member or student at the school; and notice was reasonably necessary to protect the victim.²⁸³

- **Copy of Juvenile Disposition Order to Schools**

In **1994**, a statute was added requiring a youth’s probation officer to transmit a copy of the court’s disposition order to the principal or chief administrator in the school if the youth was adjudicated delinquent for an act on school property, or certain delinquent acts not at a school.²⁸⁴ Offenses resulting in school notification included all assaults, robberies, acts of criminal sexual conduct, terroristic threats and stalking. In addition, violations of controlled substance statutes in the first through fifth degree (other than possession of a small amount of marijuana) were to result in dispositions sent to schools. The record was to remain in a youth’s permanent academic file until the student graduated or turned age 23, whichever was earlier.²⁸⁵

- **Extended Jurisdiction Juvenile Records and Adult Criminal History Points**

As of **1994**, records on youth-adjudicated EJJ were to be sent to the BCA and kept as long as adult records would be kept.²⁸⁶ In addition, an EJJ adjudication was to be treated as a felony conviction for the purpose of calculating criminal history points and adult sentencing.²⁸⁷



Revisions to **Youth Mental Health** Policy

- **Mental Health Screenings Required for Youth**

In **1994**, the mental health screening pilots that began in **1992** for youth held in secure detention were expanded to require screening of all juveniles alleged or found to be delinquent, or reported to be in need of protection or services.²⁸⁸ The selection of the mental health screening tool was to be done by the Commissioners of Corrections and Human Services in consultation with Minnesota’s Councils of Color.²⁸⁹



Revisions to **School Safety** or **At-Risk Youth** Policy

- **Federal Gun Free Schools Act (GFSA): “Zero Tolerance”**

In **1994**, the federal *Gun Free Schools Act (GFSA)* was passed by the U.S. Congress, and receipt of federal education funds was dependent upon compliance. States were given until October **1995** to enact legislation, consistent with *GFSA*, to require that students be expelled from school for a period of not less than one year if they were determined to have brought a weapon to school, or to any event under the control or supervision of the school.

The *GFSA* allowed educational agencies to modify the expulsion requirement on a case-by-case basis for students with disabilities consistent with the *Individuals with Disabilities Education Act (IDEA)*. While the

GSFA named only guns, explosives and devices that can fire projectiles as requiring mandatory expulsion, states were allowed to broaden the definition of a weapon to include knives.²⁹⁰

- **Federal Safe and Drug Free Schools Act**

In **1994**, the former *Drug Free Schools and Communities Act of 1986 (DFCSA)* was reauthorized and renamed the *Safe and Drug-Free Schools and Communities Act (SDFSA)* with the intention of creating “safe, disciplined, and drug-free learning environments.”²⁹¹ The new program primarily supported prevention programs and activities through formula grants to states.

The new Act supported funding for comprehensive drug and violence prevention programming for youth from preschool to grade 12. It was also intended to integrate providers and family services to boost attachment to school and family; provide professional training for teachers, parents and school personnel; and support “safe zones of passage” for students between home and school with enhanced law enforcement and neighborhood patrols.²⁹² Funding to states was available through *SDFSCA* until 2010 (See Figure HH).

- **Truancy Service Centers and Community-Based Truancy Action Projects**

In **1994**, the Minnesota Departments of Public Safety, Education, Human Services and Corrections were directed to work together to establish truancy service-center pilot projects. The pilots were to: reduce habitual truancy, school dropout, and future delinquency; prevent exploitation of or harm to juveniles on the street; and help support and reinforce the responsibility of parents for their children’s school attendance. The programs were also to provide a mechanism for collaboration between schools, police, parents, and communities on truancy prevention, and reduce the number of crimes committed by juveniles during school hours.²⁹³ Truancy centers were authorized to receive truant brought in by law enforcement, assess truancy status and attendance history, contact parents, and facilitate the earliest return to school and services as needed.²⁹⁴

The Department of Education was also allocated funds to make grants for community-based truancy action projects to address early absenteeism.²⁹⁵ Projects eligible for grants were to include cooperation between at least one school and one community agency and provide coordinated intervention, prevention, and educational services. Services could include: assessment for underlying issues contributing to the child's truant behavior; referral to community-based services for the child and family; transition services to integrate the child back into school; culturally sensitive programming and staffing; and increased school response including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.²⁹⁶



Juvenile Justice **Task Forces** or **Studies**

- **Task Force on Juvenile Programming Evaluation and Planning Established**

In **1994**, funding was allocated for a task force to survey all Minnesota programs that a youth might be ordered to attend as a part of a delinquency or EJJ disposition. Both residential and non-residential

programs were to be evaluated. The task force was to make recommendations concerning the creation of a full continuum of programming, as well as rules regarding the use of secure placements.²⁹⁷

- **State-Run Juvenile Facilities Program Assessment (1994) and Task Force on Youth Facility Alternatives (1995)**

In **1994**, the Office of the Legislative Auditor (OLA) was requested to evaluate programming at state-run juvenile facilities at Togo, St. Cloud, Red Wing and Sauk Centre. The OLA was to conduct an assessment related to recidivism, participation and effectiveness. The OLA was further directed to evaluate the four juvenile facilities in Minnesota with the largest number of court-ordered out-of-home placements.²⁹⁸ The OLA report, released in 1995, reflected high rates of re-offense and included concerns about state run facilities. In **1995**, a new task force was created to study residential programs both public and private.²⁹⁹



Revisions to Youth **Community-Based Services** or **Interventions**

- **Community Project in Juvenile Crime Prevention**

In **1994**, the office of the Commissioner of Jobs and Training (now the Department of Employment and Economic Assistance) was to fund a pilot program of early-intervention initiatives for juvenile offenders and probationers. The pilot project was to include the following initiatives: a peer tutoring project designed for juvenile offenders required to perform community services; specialized group home services for juvenile probationers who had been suspended from school; social services and counseling for female juvenile offenders and their mothers; training in cognitive skill-building and creative arts; an entrepreneurship program; and a mentoring program to match juveniles with positive adult role models. The purpose of this project was to provide a network of community services for juvenile offenders and probationers.³⁰⁰

1995 to 1999: Pilots and Programs

1995 to 1999 Overview

Despite a preliminary reduction in violent crime, scholars of this era coined the term “superpredators” to describe a new class of youth who were particularly violent or remorseless in their behavior.³⁰¹ Two high-profile school shootings in **1998** and **1999** further contributed to a society fearful of violent youth. In Minnesota, the volume of violent crimes committed by juveniles was decreasing during this period but the total volume of youth involved in Minnesota’s juvenile justice system continued to increase. In response, almost all misdemeanor-level offenses committed by juveniles were reclassified as petty misdemeanors.

In the arena of controlled substances, “club drugs” associated with raves and other youth culture including ecstasy, GHB, ketamine and methamphetamine grew more prominent in the **late-1990s** and **2000s**. Of these, methamphetamine was the next drug to rise to the level of a state and national public health and law enforcement issue. By **1997**, Minnesota Public Radio was covering a story on methamphetamine speeding through the Midwest, and law enforcement agents were comparing it to the crack epidemic of the 1980s.³⁰²

In Minnesota, high juvenile justice system volume resulted in another wave of secure juvenile facilities opening between **1995** and **1999**. Near the end of the decade, however, the Minnesota Legislature placed a moratorium on construction of large juvenile facilities and restricted the number of new beds licensed in the state. The Departments of Corrections and Human Services were directed to adopt joint facility-licensing standards for increased consistency across youth placements.

Also during this era, new restrictions were placed on use of facilities in Minnesota. At the time of disposition, court orders were required to include a statement on the intended outcome of the out-of-home placement. Also, new statutes went into effect requiring case plans and transition plans for all youth in placements over 30 days.

In the five years prior to the new millennium, increased attention was given to youth on probation. The Department of Corrections began distributing funds for caseload reduction to counties, and the legislature funded pilot programs on intensive supervision probation (ISP) and probation officers in schools. At the end of the decade (**1999**) all probation delivery systems in the state were to institute a risk-classification system to determine the level of supervision for individual juvenile probationers.

The latter half of the 1990s was a time of economic prosperity in Minnesota and the U.S., resulting in significant federal and state funding to support and test new interventions for youth. Truancy reduction, teen courts and community-based juvenile assessment centers were all piloted by the Minnesota Legislature during this era. In addition, restorative justice programming, victim-offender mediation and drug courts grew in prominence. Numerous legislative task forces were convened in an attempt to measure the effectiveness and outcomes of these pilots and programs.



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

- **Expansion of Minnesota Juvenile Petty Offenses to Include Most Misdemeanors**

In **1995**, Minnesota expanded juvenile petty offenses to include the majority of offenses that would be misdemeanors if committed by adults.³⁰³ This change is evident in court data, where the number of filings for status and petty offenses increased after 1995, while delinquency filings decreased (see Figure B).^{304,305} Under this new provision, any misdemeanor could be reduced to a petty misdemeanor with the exception of several “targeted misdemeanors” which included fifth degree assault, prostitution related offenses, fifth degree arson, negligent fires, and indecent exposure. Since 1995, the list of targeted offenses has been expanded to include: domestic abuse, criminal contempt, domestic assault, dangerous weapons, interference with privacy, harassment, violation of a restraining order, and obscene or harassing telephone calls.³⁰⁶

Not all juveniles were eligible to have a misdemeanor reduced to a petty offense. Juveniles with a prior adjudication for a misdemeanor, gross misdemeanor or felony were, (and continue to be), ineligible to have new misdemeanors reduced. Also, the juvenile petty-offender designation contains a mini “three strikes” provision: Youth can twice have a misdemeanor reduced to a petty, but on the third or subsequent misdemeanor, the county attorney is not obligated to reduce the charge.³⁰⁷

- **Limitations to Extended Jurisdiction Juvenile Cases**

In **1995**, the EJJ statute was revised to state that the felony offense for which a youth was petitioned EJJ should be one for which there is a presumptive commitment to prison according to Minnesota sentencing guidelines. EJJ could also be sought in cases where a juvenile used a firearm after reaching 16 years of age.³⁰⁸

- **Expansion of Juvenile Criminal History in Adult Sentencing Guidelines**

In **1995**, Minnesota’s Sentencing Guidelines related to offenses committed as juveniles were expanded. As of 1983, only felonies committed after a youth turned age 16 could be counted toward adult criminal history points; in 1995 it was expanded to felonies committed after a youth turned age 14.

In addition, the 1983 sentencing guidelines stated that felonies committed as a juvenile could be counted in adult sentencing only if the crime occurred before the offender turned age 21. As of **1995**, the time provision was expanded to count juvenile points for crimes committed up to age 25.

Finally, as of 1983 a juvenile could receive a maximum of one adult criminal history point for felonies committed as a juvenile. In **1995**, it became possible, under certain circumstances, to receive more than one criminal history point for offenses committed as a juvenile.³⁰⁹ It is rare for a youth to accumulate more than one criminal history point. Of 44,089 adult, felony-level offenders sentenced between 2010 and 2012, 1,629 had one juvenile point in their criminal history score (3.7%) while just 12 offenders had two juvenile points in their criminal history score (0.03%).³¹⁰

- **Truancy Chapter Added to Statute**

In **1995**, a new chapter of statute was established; 260A specifically governed truancy programs and services.³¹¹ The purpose of programs under this chapter was “to provide a continuum of intervention and services to support families and children in keeping children in school and combating truancy and educational neglect.”³¹²

The chapter allowed school districts, county attorneys, law enforcement, and community-based services to establish programs to intervene with truancy using a variety of techniques. Included were the establishment of community-based truancy projects and service centers, school attendance review boards, and county attorney truancy mediation programs to resolve truancy without court action.³¹³

- **Delinquency and Child Protection Matters Separated in Statute**

Despite two unique purpose statements in Minnesota Statutes since **1980**, delinquents and children in need of protection or services remained lumped together under Chapter 260 entitled “Juveniles” until **1999**. The *Juvenile Court Act of 1999* separated delinquent youth from CHIPS youth into two new chapters: 260B: *Delinquency* and 260C: *Child Protection*.³¹⁴



Revisions Related to **Law Enforcement** Policy or Practice

- **School Resource Officers and Community-Oriented Policing**

In **1995**, \$500,000 was allocated to the Department of Public Safety (DPS) for grants to local law enforcement agencies to assign law enforcement officers to schools. In **1996**, the *Community Oriented Policing Grant Program (COPS)* was established in DPS; COPS distributed federal funds to local law enforcement agencies to hire new officers to investigate or prevent juvenile crime, or perform community-oriented policing duties.³¹⁵

Also in **1996**, the *Minnesota Peace Officer Standards and Training Board (POST)* was directed to prepare a training course on community policing for peace officers. The training course was to include training on child development issues so officers could respond appropriately to perceived child protection situations.³¹⁶ In **1999**, the funds allocated for *Community Oriented Policing Grant Program* were expanded to “enable local law enforcement agencies to implement or expand community-oriented policing projects, liaison efforts with local school districts, and other innovative community policing initiatives.”³¹⁷

- **Gang Taskforce and Criminal Gang Investigative Data**

In **1997**, the Minnesota Legislature funded a two-year anti-gang initiative resulting in the creation of the *Minnesota Gang Strike Force (MGSF)* to address increasing violence perpetrated by gangs.³¹⁸ Also in **1997**, the BCA was directed to maintain a computerized criminal gang investigative data system to aid in investigation and prosecution of gang members.³¹⁹ Under statute, juveniles can be entered in the gang

database if they are age 14 or older and have an adjudication or stay of adjudication for a gross misdemeanor or felony.³²⁰



Revisions Related to **Diversion** Policy or Programs

- **Juvenile Assessment Centers Pilot**

In **1997**, the Commissioner of Health was directed to administer a pilot program to establish juvenile assessment centers — 24-hour, centralized receiving, processing and intervention centers for those accused of committing delinquent acts or status offenses, or those alleged to be victims of abuse or neglect.³²¹ By law, juvenile assessment centers were to provide initial screenings, including intake and needs assessments, substance abuse screening, physical and mental health screening, and diagnostic educational testing.³²²

- **Teen Courts and Other Innovative Courts**

In **1997**, Minnesota allowed the establishment of teen courts. Teen courts were defined as an alternative procedure under which an agency could divert youth from the juvenile court system for minor offenses on the condition the offender voluntarily appear before a jury of the teen’s peers and successfully complete the conditions of the disposition.³²³ Also in **1997**, an appropriation of \$1.4 million was made to judicial districts for “innovative projects” such as drug courts, night courts, family courts, and projects emphasizing early intervention and coordination of justice system resources in the resolution of cases.³²⁴

- **Restorative Justice Programs**

In **1997**, local units of government were authorized to establish restorative justice programs as an alternative to prosecution. In these programs the offender was to meet with the victim or victim’s family members to discuss the impact on the victim, assign an appropriate sanction and provide methods for community reintegration.³²⁵



Revisions to Juvenile **Prosecution, Public Defense or Victim Services**

- **Certain Juvenile Petty Offenders Right to Public Defense**

The laws of **1995** state, in several locations, that youth accused of petty offenses do *not* have the right to a public defender, but may retain their own counsel at private cost.³²⁶ In **1996**, however, it was determined that certain juvenile petty offenders who have committed a third or subsequent alcohol or controlled substance offense, and may be subject to residential chemical dependency treatment, are entitled to a public defender.³²⁷



Revisions to Juvenile **Court Procedure** or **Disposition Options**

- **Considerations Prior to the Use of Secure Residential Placement**

In **1995**, a provision was added to the statute on juvenile dispositions stating that before ordering placement of a juvenile in a secure facility, the court may consider whether the child was “a danger to self or others,” and if secure placement was necessary in order to protect the public, protect program residents and staff, and prevent juveniles with a history of absconding from leaving the program. Additional factors were also listed that a judge may consider when making a secure placement decision.³²⁸ The statute specified that an adjudicated juvenile could not be placed in a secure treatment facility unless the placement was approved by a juvenile court.³²⁹

- **Intended Outcomes of Placement Required in Disposition Orders**

In **1999**, the legislature passed important provisions related to youth being placed out of the home after adjudication. Minnesota statute 260.181 added the requirement that courts placing youth in an out-of-home setting needed to expressly state in the disposition order the intended outcome of the placement.³³⁰

In **1999**, the legislature requested that the Chief Justice of the Supreme Court convene a *Task Force on Juvenile Out-Of-Home Placement Goals* to develop a list of possible out-of-home placement goals for juvenile court dispositions to comply with the aforementioned requirement.³³¹

- **Extension of Truancy Jurisdiction**

In **1999**, the jurisdiction of juvenile courts over truancy matters was extended from age 17 to age 18.³³²



Revisions to Juvenile **Out-of-Home Placement** or **Correctional Facility Policy**

- **Juvenile Bed Expansion: 1995-1998**

The various task forces of the early 1990s resulted in \$20 million in bonding set aside for construction of juvenile facilities. This funding ultimately added 231 new secure detention beds and 134 new secure treatment beds.³³³ Secure juvenile facilities constructed or newly operating for juveniles between **1995** and **1998** included:

- East Central Regional Juvenile Detention Center, Lino Lakes
- Many Rivers Juvenile Detention Center, Rochester
- Red River Valley Juvenile Detention Center, Crookston
- Dakota County Juvenile Services Center, Hastings

- **Secure Facility Licensing Rules and Joint Licensing Requirements**

In **1995**, the Departments of Corrections and Human Services were directed to adopt joint rules related to secure juvenile facilities requiring all facilities to develop policies and procedures for the continued use of secure placement. They required timelines for individual case review and a process to determine the need for continuing secure placement and moving youth to less restrictive parts of the facilities.³³⁴

In **1995**, the Departments of Corrections and Human Services were also directed to jointly adopt licensing and programming rules and standards for all types of residential programming by **1997**. The standards were to include criteria for admission; facility advisory committees; grievance procedures; written goals for each client; no-eject policies related to behavior; individualized transition plans; cultural sensitivity including the use of interpreters; staff representing the ethnicity of the youth served wherever possible; training for cultural sensitivity for staff; year round, uniform education for youth; and the capability to respond to persons with disabilities.³³⁵ These joint rules were not ultimately completed until **2003**.³³⁶

- **Residential Facility Schools: Educational Screening Tools**

In **1995**, secure and non-secure residential treatment facilities licensed by the Department of Human Services or the Department of Corrections were directed to screen each juvenile held in a facility over 72 hours using a screening tool identified by the Department of Education.³³⁷ Residential facilities did not have to do a screening if they could procure a current copy of the youth's Individualized Education Plan (IEP).³³⁸

- **Limit on New Long-Term Beds and Moratorium on Large Juvenile Facilities**

In **1996**, the legislature limited the number of new, long-term treatment beds the Department of Corrections could license to no more than 100. In **1998**, both the Commissioners of Corrections and Human Services were prohibited from licensing new, juvenile residential facilities with more than 25 beds, or reissuing licenses if an expansion would increase the facility by more than 25 beds since their last licensing.³³⁹

- **Policy to Program Youth in the State**

Beginning in **1997**, a new Minnesota statute (242.085) specified that it was “the policy of the state of Minnesota that delinquent juveniles be supervised and programmed in the state. Courts are requested to the greatest extent possible to keep youth within Minnesota when in the best interest of the child.”³⁴⁰

- **Juvenile Residential Treatment Cost Subsidies**

In **1997**, \$4 million in funding was allocated to the Department of Corrections to be distributed to counties to help defray the costs of juvenile residential treatment.³⁴¹ These subsidies were formally written into the Department of Corrections' budget in **2000**. Annual subsidies to counties to cover the cost of placements continued until **2008**.

- **Program at Camp Ripley Established**

In **1997**, \$1 million was allocated to establish a state-run weekend program at Camp Ripley for juvenile male offenders ages 11-to-14. The camp was to be a highly structured program and teach work skills such as responsibility, organization, time management and follow-through.³⁴² In **1999**, an additional \$1 million was allocated with the goal of expanding the program to serve an additional 500 youth per year.³⁴³

- **Changes to MCF: Red Wing and MCF: Sauk Center Facilities, Admission and Services**

In **1997**, it was required that MCF: Red Wing develop admission criteria to ensure that, to the greatest extent possible, youth were supervised and programmed in the community in which they live or where the courts have jurisdiction over them. The law stated that admission criteria must ensure that youth who commit less serious offenses or did not need the type of supervision or programming MCF: Red Wing offered were not to be placed there.³⁴⁴ In **1999**, the law specified that youth who did not meet the admission criteria *must not* be admitted.³⁴⁵

After December **1998**, males were no longer to be held at MCF: Sauk Centre and would be transferred to MCF: Red Wing.³⁴⁶ In **1998**, a security fence was erected around MCF: Redwing, which previously was an open campus.³⁴⁷ Also, by January **1999**, the Department of Corrections was required to begin operating a juvenile sex offender program at MCF: Red Wing.³⁴⁸

In **1999**, it was ultimately determined that MCF: Sauk Centre would close. The remaining female residents were to be transferred to other facilities and the Department of Corrections was allowed to solicit vendors to provide residential services for female offenders under the custody of the Commissioner of Corrections.^{349,350}

- **Juvenile Treatment Screening Teams Required and Expanded**

In **1999**, the optional language that a stated a social services agency *may* establish a juvenile treatment screening team (**1990**) was changed to “*shall*,” making a screening team a required part of review of certain out-of-home treatment placements.³⁵¹ Specifically, a new subdivision was added requiring a Juvenile Treatment Screening Team to review the cases in which any out-of-home placement exceeding 30 days was proposed or ordered. This applied to facilities licensed by either Human Services or Corrections.³⁵²

- **Case Plans for Placements Over 30 Days**

In **1999**, for each disposition order requiring out-of-home placement potentially exceeding 30 days, a case plan was to be developed in consultation with the child’s parents, guardians or custodians.³⁵³



Revisions to Juvenile Probation Supervision or the Justice System Continuum of Care

- **Grants to Counties for EJJ Programming**

In **1995**, the Commissioner of Corrections was directed to provide grants to counties to provide a comprehensive continuum of care to juveniles at high risk to become EJJ or who were already EJJ under the county's jurisdiction. Statute dictated that a comprehensive continuum of care may include prevention programs, treatment programs, punishment of juveniles in secure placement, and transition programs.³⁵⁴

- **Probation Caseload Reduction Funds**

In **1995**, \$10.9 million was allocated to the Department of Corrections to support county-level probation case load reduction. The funding was to support new officer salaries and benefits, consistent with the findings of the *Probation Standards Task Force* (1992).³⁵⁵ In **1995** and **1996** language in session law also allowed for caseload reduction funds to be used for prevention or diversion programs; innovative supervision such as electronic monitoring; tradition probation services; and to fund new technology like electronic monitoring or automated reporting.^{356,357} Probation caseload reductions were funded in Minnesota law through **2009**.³⁵⁸

- **Intensive Juvenile Monitoring and Enhanced Juvenile Probation Pilot Programs**

In **1996**, the Commissioner of Corrections was directed to establish at least four pilot programs to provide intensive monitoring in the community for juveniles who committed or were at risk of committing status offenses or delinquent acts.³⁵⁹ In **1997**, a pilot project was established in Ramsey County to provide intensive monitoring. Supervision was to be available on evenings and weekends and be primarily for youth engaged in gangs, street drug dealing and those at risk to commit violent crimes.³⁶⁰

- **First Multisystemic Therapy Program Established**

In **1997**, Dakota County established the first Multisystemic Therapy program in Minnesota within the juvenile probation department. MST is an intensive family and community-based treatment program for young offenders ages 12-to-17 who present with serious antisocial and problem behavior and with serious criminal offenses.³⁶¹ MST typically includes home-based service delivery to reduce barriers that keep families from accessing services. MST therapists concentrate on empowering parents and improving their effectiveness by identifying strengths and developing natural support systems (e.g., extended family, neighbors, friends, church members) and removing barriers (e.g., parental substance abuse, high stress, poor relationships between partners). MST has been cited as a best practice in reducing criminal attitudes and behavior in youth.³⁶² MST has expanded to additional counties in Minnesota including Washington and Hennepin.

- **School-Based Probation Pilot**

In **1997**, the Commissioner of Corrections was directed to establish a school-based probation program in Dakota and Anoka counties. Each program was to include a probation officer at the school, available to help the school address behavioral incidents in school by probationers, among other responsibilities.³⁶³

- **Transition Plans for Placements Over 30 Days**

In **1999**, statute provided that it was the responsibility of the placing county to provide transition services for youth placed out of the home in excess of 30 days. This included monitoring youth after release, as well as the coordination of services.³⁶⁴

- **Probation Classification Systems Required for Juvenile Offenders**

In **1999**, the Minnesota Legislature enacted statute 260B.159, requiring a “classification system for juvenile offenders.” Each county was to establish a written policy that included methods to classify the re-offense risk for youth and the service needs of juvenile offenders.³⁶⁵ The Minnesota Department of Corrections ultimately named the *Youth Level of Service Inventory (YLSI)* as the risk-need measurement tool required for juvenile probation in the state.³⁶⁶

The *YLSI* is used to calculate a re-offense risk score by assessing a youth’s offense history; family relationships; education; work and leisure activities; peer group; and attitudes and orientation around victims and criminality. The numeric outcome assigns youth as low, moderate, high or very high risk. Standards for contact with supervisees and other services are guided by a youth’s *YLSI* score, which provides consistency across Minnesota’s three unique probation-delivery systems.³⁶⁷



Revisions to Juvenile Data, Record Retention or Privacy Policy

- **Juvenile Fingerprint Records Expanded**

Minnesota has had a provision in statute for law enforcement agencies to take fingerprints of “all juveniles committing felonies” since **1957**.³⁶⁸ In **1995**, fingerprinting of juveniles was expanded to include gross misdemeanors.³⁶⁹ In **1996**, community corrections agencies operating secure juvenile detention facilities were added to the list of entities directed to take fingerprints of youth committing felonies.³⁷⁰ Finally, in **1997**, the language of the statute changed from “juveniles committing” to juveniles “arrested for or alleged to have committed” gross misdemeanors or felonies. Juveniles referred to diversion for a felony or gross misdemeanor were also to be fingerprinted.³⁷¹

- **BCA to Maintain a Juvenile Criminal History Record System**

In **1996**, the BCA was directed to administer and maintain a computerized juvenile criminal history record system based on felony and gross misdemeanor petitions. If a youth was adjudicated, the record

was to be kept; the record was to be destroyed if the charge was dismissed.³⁷² The BCA was also given limitations on what the juvenile criminal history could be used for (namely employment checks required by rule or statute).³⁷³

- **Expungement Process Added to Statute**

In **1996**, a chapter was added to statute (609A) governing the process for expunging criminal records. The scope of the statute was the sealing of records and prohibition on their disclosure—it did not require destruction of the records. The statute provides for circumstances when juveniles tried as adults may request that their records be expunged.

- **Megan’s Law and Minnesota Community Notification**

In **1996**, a new federal law was adopted. “Megan’s Law” permitted law enforcement agencies to notify communities when registered predatory offenders or sex offenders resided or intended to reside in their communities.³⁷⁴ Minnesota adopted a similar community notification law in **1996**, stating that members of the public are best served when they know about a potential release of a sex offender who will live in their community after release from a facility.³⁷⁵ While some adjudicated juveniles must register as predatory offenders in Minnesota, they are excluded from the community notification requirement as of **2000**. The exception is this: If the juvenile is age 16 or older and has been out of compliance with predatory offender registration requirements for 30 days or more, a community notification may occur.³⁷⁶

- **Juvenile Record Retention Parameters**

In **1997**, additional parameters were placed around juvenile criminal history data collected at the BCA. They included direction that juvenile criminal history records should be kept for the longest time period applicable to any item in the criminal history; classification was added as to how long a record should be kept if the juvenile was arrested but never charged, or diverted (6 months); if a petition was filed but the case dismissed (immediately upon notification); or if the juvenile completed diversion or had a continuance for dismissal (age 21). Cases where there was adjudication or a continuance without adjudication (stay) were to be retained until the youth turned age 28.

- **Conditional Release Data System: Statewide Supervision System (S3)**

In **1998**, the Department of Corrections was ordered to create and maintain a computerized data system to monitor and enforce conditions of persons on supervised release (probation, conditional release or supervised release). These data were to be used and accessed only by criminal justice agencies in the conduct of official duty. This database was ultimately named the *Statewide Supervision System (S3)*.³⁷⁷

It was not until **2002**, however, that the juvenile court was directed to submit data to the S3 system on juveniles court-ordered to out-of-home placement or probation. Data to be included were youth demographics; the offense for which the youth was petitioned; any adjudication or continuance; case disposition including conditions of supervision; and the discharge or closing date of supervision.³⁷⁸

- **DNA Submission Expanded**

In **1999**, the DNA submission statute was expanded to include not only criminal sexual conduct offenses, but also a host of other serious crimes including murder, manslaughter, assault, robbery, kidnapping, false imprisonment, and incest, as well as certain acts of burglary and indecent exposure. The requirement applied to convicted adults and adjudicated juveniles.³⁷⁹



Revisions to **Controlled Substances** and **Chemical Treatment** Policy

- **Federal Comprehensive Methamphetamine Control Act**

In **1996**, the federal *Comprehensive Methamphetamine Control Act* was passed with the intention of preventing illegal manufacturing and use of methamphetamine. The act tightened control of the chemicals used to manufacture methamphetamine and increased penalties for trafficking and manufacture. Certain products were made subject to registration, and monitoring of import, export and distribution.³⁸⁰

- **Minnesota Methamphetamine Crimes and Ephedrine Restrictions**

In response to the growth of methamphetamines, a **1998** Minnesota law placed limits on the sales, marketing and possession of ephedrine and related compounds. The law stated that sale or possession for illegal purposes was a misdemeanor and that the product could not be marketed for stimulation, mental alertness or weight loss.³⁸¹ Also, methamphetamine possession, sale and manufacture were added to the list of first- and second-degree controlled substances crimes.³⁸²



Revisions to **School Safety** or **At-Risk Youth** Policy

- **Minnesota Adopts Federal Gun Free Schools Act and Other Security Provisions**

In **1995**, Minnesota added the federal Gun Free Schools Act provisions to statute, as well as a statute requiring that the criminal or juvenile justice system be notified if a student brought a gun to school.³⁸³ Consistent with the federal law, bringing a gun to school resulted in being expelled for the period of at least one year.³⁸⁴

The same year, it was established in statute that school lockers were the property of the school district and may be searched at any time without advance warning, consent or search warrant. Search of students' property within the lockers required reasonable suspicion that the search would uncover evidence of a violation of law or school rule.³⁸⁵ Also in **1995**, the maximum period of time that a student could be suspended from school was increased from five days to 10 days.³⁸⁶

- **Truancy Reduction Grant Pilot Program**

In **1995**, a *Truancy Reduction Grant Pilot Program* was established to help school districts, county attorneys and law enforcement officials work collaboratively to improve school attendance and reduce truancy. Grant recipients were to use funds for programs designed to help truant students and their families resolve attendance problems without court intervention.³⁸⁷

- **Student Hazing Policies**

In **1997**, each school board in Minnesota was to adopt a written policy governing student and staff hazing. Hazing was defined as “committing an act against a student, or coercing a student into committing an act, that creates substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.”³⁸⁸ The Department of Education was to create a model policy for districts to adopt.

- **Jonesboro and Columbine School Shootings**

In **1998**, an 11-year-old student and a 13-year-old student lured the occupants of Westside Middle School outside by pulling the fire alarm. They then fired a rifle and several handguns in the school yard, killing four students and one teacher, and wounding 10 others.³⁸⁹

In **1999**, a 17-year-old and an 18-year-old student entered Columbine High School outside of Denver, Colorado. The students opened fire in the common areas of the school, which included the cafeteria and library. Ultimately 12 students and a teacher were killed; both gunmen committed suicide. At the time it was the largest school shooting ever to have occurred.^{390,391}

- **School Crisis-Management Policies Required**

In **1999**, Minnesota enacted a statute that required school districts to adopt a district crisis-management policy to address potential violent crisis situations in the district. The plans were to be created in consultation with administrators, teachers, students, parents, community members, law enforcement, emergency medical responders, social services agencies and other appropriate entities.³⁹²



Juvenile Justice **Task Forces** or **Studies**

- **Task Force on Juvenile Facility Alternatives**

In **1995**, a task force was established to study how services were provided to juveniles in residential facilities. The task force was to study various residential juvenile offender programs and develop a plan for an alternative method by which to serve the class of juvenile offenders housed at MCF: Red Wing and MCF: Sauk Centre.³⁹³

- **Study of Secure Treatment Facilities**

In **1995**, the Commissioner of Corrections, in consultation with the Department of Human Services, was to study the use of secure treatment facilities for juveniles in the state. They were to submit a written report with findings, demographic data and recommendations concerning admission criteria.³⁹⁴

- **Youth Placement Study Profile**

In **1995**, the Commissioner of Corrections was directed to contract with a juvenile justice research agency to study the profiles of youth placed at MCF: Red Wing and MCF: Sauk Centre. The research was to use a validated risk-assessment instrument to determine the level of risk the youth present based on their current offense and past offense history. They were to examine and report on whether the current placement policy made optimal use of the facilities and recommend any revisions.³⁹⁵

- **Plan for Tracking Juvenile Reoffense Rate**

In **1995**, the *Criminal and Juvenile Justice Information Policy Group* (est. 1993) was directed to develop a plan to obtain and compile the names of juvenile offenders for tracking and reporting juvenile re-offense rates.³⁹⁶

- **Probation Caseload Reduction Funds and Study**

In **1996**, the Department of Corrections was to develop a weighted workload study to be able to distribute caseload reduction funds appropriately across the three probation delivery systems. Future probation reduction funds were to be distributed based on the report's findings.³⁹⁷

- **Juvenile Placement Studies 1997 and 1998**

In **1997**, the legislature asked the Office of the Legislative Auditor (OLA) to conduct a study on the placement of juvenile offenders. This study was to evaluate existing placements for juveniles including the number of beds; average daily population; location; and type of programming offered. Strengths and limitations as it related to facilities were to be included.³⁹⁸ The study was to further project the estimated need for beds; find ways to meet the needs of juvenile sex offenders; and evaluate federal funding streams for juvenile offenders.

In **1998**, the OLA was requested to further investigate youth demographics in out-of-home placements; reasons youth were placed; completion rates; recidivism rates; and costs associated with out-of-home placement.³⁹⁹

- **Probation Outcome Measurement Work Group**

In **1997**, the legislature directed the Commissioner of Corrections to establish a work group to develop uniform statewide probation outcomes across all three delivery systems. The report was to primarily focus on adults but, if possible, also include juvenile probationers.⁴⁰⁰

- **Identification of Culturally Appropriate Best Practices for Juveniles**

In **1999**, the Commissioners of Corrections and Human Services were directed to explore issues related to providing culturally appropriate screening, assessment, case management, and direct services for juveniles in juvenile court. The commissioners were to identify a set of best practices in these areas and make these recommended best practices available to the staffs of juvenile residential facilities and counties.⁴⁰¹

- **Task Forces on Information Collection for Out-of-Home Placements and Residential Program Completion Information**

In **1999**, the Commissioners of Corrections and Human Services were directed to convene a task force on *Information Collection for Out-of-Home Placements* and identify ways to capture comprehensive statewide data on out-of-home placements. It was to include differentiation between pre- and post-adjudication detention and placement, and how to coordinate data systems to allow data sharing between Corrections and Human Services.⁴⁰² In the same year, the Commissioners of Corrections and Human Services were to convene a *Task Force on Residential Program Completion Information* to adopt uniform definitions for measuring residential program completion rates.⁴⁰³



Revisions to Youth **Community-Based Services** or **Interventions**

- **Crime Prevention and Targeted Early Intervention**

In **1995**, the Commissioner of Public Safety was directed to establish a pilot project to address the needs of children under age 10 whose behaviors indicated they were at high-risk for future delinquency. The project was to design and develop standards and model programming for targeted early intervention.⁴⁰⁴

- **Weed and Seed Grants**

In **1996**, the *Weed and Seed Grant Program* was established in the Department of Public Safety to assist local communities in their efforts to eradicate violent crime, illegal drug activity, and illegal gang activity in targeted neighborhoods.⁴⁰⁵ *Weed and Seed* was a federally funded program; Minnesota had 10 funded sites.

- **Community Crime Prevention Programs**

In **1996**, the original *Community Crime Reduction Program Grants* (est. 1989) were amended to target prevention, with emphasis on youth ages 8 to 13 (changed to youth under age 14 in 1997) who were (or were at risk of becoming) juvenile offenders. The funded programs were to give priority to juvenile restitution; pre-arrest and pretrial diversion; probation innovation; teen courts or community service; and community-based after-school or summer enrichment programs.⁴⁰⁶

- **Gang Intervention Services Pilot Program**

In **1997**, the Commissioner of Corrections was directed to administer a gang-intervention pilot grant program to provide services to young persons interested in terminating their gang affiliation.⁴⁰⁷

- **Learn and Earn Grant Program Established**

In **1997**, a new grant program was established under the Commissioner of Children, Families and Learning. The program was to help local communities decrease juvenile crime by improving high school success rates and increasing college educational opportunities of low-income high school students in areas of high poverty and juvenile crime.⁴⁰⁸

- **After School Enrichment Program Grants**

In **1999**, a competitive, statewide after-school enrichment grants program was made available to communities, nonprofits, school-based or political subdivisions. Numerous program outcomes were listed including greater adult supervision; reduction in juvenile crime; increased school attendance; and decreased school suspensions.⁴⁰⁹

2000 to 2004: Funding Cuts and Evidence-Based Practices

2000 to 2004 Overview

By the turn of the century, juvenile crime had begun a downward trend. It is not clear if the change was the result of economic prosperity that included declining unemployment and poverty, significant resources allocated for prevention and intervention, or a combination thereof. It has also been suggested that the **2001** terrorist attacks diverted the focus of local law enforcement activity toward counterterrorism and national security, resulting in fewer crime and delinquency arrests.^{410,411}

During this period, federal support for juvenile delinquency prevention and intervention began to decline. *Juvenile Accountability Block Grants* declined by \$130 million between 2003 and 2004; *Title V Grants* were cut nearly in half between 2002 and 2004 (\$27 million to \$15 million); *COPS* hiring grants and community oriented policing grants also declined significantly (See Figure DD). *Local Law Enforcement Block Grants* were cut from \$523 million in 2000 to \$223 million in 2004.

Simultaneously, there was increasing pressure to demonstrate the effectiveness of youth programming. Many interventions funded in the 1990s were being evaluated for evidence of reductions in risk-factors and delinquency. Funded programs were increasingly required to state intended outcomes and report data to funders. Programs and practices demonstrating positive outcomes were labeled *effective*, *promising*, *model programs*, or *evidence-based* meaning they were worthy of replication, continued funding or expansion.

In **2002**, the federal requirement to monitor the justice system for Disproportionate Minority Confinement expanded to include the entire spectrum of juvenile justice decision points, ranging from arrest to adult certification. The “DMC” acronym was changed from Disproportionate Minority Confinement to Disproportionate Minority Contact.

Most juvenile justice-related statute changes in Minnesota between 2000 and 2004 corrected or clarified legislation adopted in the 1990s. A new set of court procedures for CHIPS cases was adopted in **2000**, following its separation from delinquency statutes in 1999. Also post-2000, the Department of Corrections began providing juvenile treatment grants to counties to offset costs of out-of-home placements. In **2003**, the Departments of Corrections and Human Services completed joint facility-licensing policies for youth programs, often referred to as the “Umbrella Rules.”

Minnesota implemented mental health screenings for most justice system involved youth in **2003**. Data collection and collateral consequences for juveniles continued to expand: juvenile fingerprinting and DNA expanded; the 10-year ban on firearm possession for certain offenders became a lifetime ban; and probation officers and schools were allowed to share more information. Despite overall declines in violent crime, Minnesota had its first high-profile school shooting when two students opened fire at Rocori High School in the town Cold Spring in **2003**.



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

- **Change to Criminal Statute Regarding Promotion of Prostitution**

In **2000**, the Minnesota criminal statute prohibiting the “indication or promotion of an individual under age 16 in prostitution” was raised to “under 18.”⁴¹²

- **Federal Definition of DMC Changed to *Disproportionate Minority Contact***

In **2002**, the definition of DMC was expanded from *Disproportionate Minority Confinement* to *Disproportionate Minority Contact*. This change acknowledged that racial disparities exist at all stages of the juvenile justice system, not just in the use of secure facilities. States were required to monitor nine different justice system stages for racial disparities: arrest, referral to the county attorney, diversion, secure detention, petition to court, delinquency adjudication, secure placement, probation and adult certification.⁹ In addition, the federal *Office of Juvenile Justice and Delinquency Prevention* elevated DMC to the status of a “core protection” for youth. As a result, federal grant money could be withheld from states that did not monitor their juvenile justice system for DMC and make progress toward addressing DMC.



Revisions Related to **Law Enforcement** Policy or Practice

- **Law Enforcement Training in Combatting Sexual Exploitation of Youth**

In **2000**, a grant program was established for enhanced law enforcement efforts and officer training to combat juvenile prostitution and sexual exploitation of youth.⁴¹³



Revisions to Juvenile **Prosecution, Public Defense** or **Victim Services**

- **Public Defender Access to Juvenile Criminal History Data**

In **2000**, public defenders were named as a party allowed to view private juvenile criminal-history data, (previously limited to criminal justice agencies).⁴¹⁴

⁹ For data and information on Minnesota’s racial disparities see *On The Level: Disproportionate Minority Contact in Minnesota’s Juvenile Justice System*. (2012). Minnesota Department of Public Safety Office of Justice Programs.



Revisions to Juvenile **Court Procedure** or **Disposition** Options

- **Minnesota Rules of Juvenile Protection Procedure Effective**

In **2000**, a new set of court rules and procedures for child protection cases was adopted following the separation of delinquency and child protection statutes in **1999**.⁴¹⁵

- **U.S. Supreme Court: *Atkins v. Virginia***

In **2002**, the U. S. Supreme Court outlawed the death penalty for certain ‘mentally retarded’ persons on the basis of protection against cruel and unusual punishment. The diminished capacity argument for those with some mental illness was cited as the argument for the diminished culpability of juveniles when the juvenile death penalty was ultimately outlawed in *Roper v. Simmons* (**2005**).⁴¹⁶

- **Juvenile Cases to be Heard in County of Offense Prior to Transfer**

Effective **2003**, delinquency and petty offenses were to first be heard in the county where the offense occurred. After a finding or an admission of guilt, the case could be transferred to a youth’s county of residence (if different) for disposition. Previously, transfer was allowed at any stage of the proceeding.⁴¹⁷

- **Lifetime Ban on Firearms for Crimes of Violence Extended**

In **2003**, an amendment to statute called for a lifetime ban on ownership, transfer, receipt or sale of firearms for adults or juveniles convicted, adjudicated, or adjudicated Extended Jurisdiction Juvenile related to a crime of violence.⁴¹⁸ Previously the firearm ban lasted ten years (1994).



Revisions to Juvenile **Out-of-Home** Correctional Placements or Correctional Facility Policy

- **MCF: Red Wing Changes Admission Criteria**

In **2000**, a new law dictated that MCF: Red Wing admission criteria include a requirement that the placing county must have considered all appropriate local or regional placements, and have exhausted all regional in-state placements before requesting a placement.⁴¹⁹ Furthermore, if the youth met MCF: Red Wing’s admission criteria, he or she could not be placed in an out-of-state facility unless there was a compelling safety reason, or the out-of-state placement was geographically closer to the child’s home.⁴²⁰

The same year, MCF: Red Wing’s admissions were expanded to include both persons “committed to the commissioner of corrections” as well as persons “admitted consistent with admission criteria.” The fee for services at MCF: Red Wing for counties was reduced from full cost to 65 percent of the per diem cost.⁴²¹ Both the break in per diem costs and accepting “non-commitments” were strategies to increase the population at MCF: Red Wing.⁴²²

- **Juvenile Residential Treatment Grants**

In **2000**, the Commissioner of Corrections was allocated funds for grants to counties to defray the cost of juvenile residential treatment.⁴²³

- **Approval of Education Programs in Juvenile Care and Treatment Facilities**

A **2002** statute directed that before residential placement facilities could be licensed, their education programs must be approved by the Commissioner of Education. This included care-and-treatment facilities and detention centers.

Further, education programs had to conform to *IDEA*, and instruction was to begin within three business days of admission. The providing district was to contact the child's resident district within one day to determine if the child had an IEP; if not, the facility school was to screen the youth for education and behavioral needs.⁴²⁴

- **Juvenile Licensing Umbrella Rules Adopted**

In **2003**, the Minnesota Departments of Corrections and Human Services completed joint licensing rules that established agreed-upon definitions of facilities and services, such as detention versus treatment facilities, and secure versus non-secure facilities. In addition, safety, security and service standards in all types of placements were standardized across providers.⁴²⁵



Revisions to Juvenile **Probation Supervision** or the Justice System **Continuum of Care**

- **Day Treatment Funds**

In **2001**, there was an increase in community corrections subsidy funding to Hennepin, Ramsey and Anoka counties, as well as Arrowhead Community Corrections, Dodge-Fillmore-Olmsted Community Corrections, and Tri-County Community Corrections to start "productive day-initiative programs." The language does not specify if funds were for adult or juvenile programming, or both. These programs were to be funded by the counties in future years.⁴²⁶



Revisions to Juvenile **Data, Record Retention** or **Privacy Policy**

- **Expansion of Student-Data Sharing Between Schools and Juvenile Justice**

In **2000**, schools were given permission to disclose additional data to the juvenile justice system if the student was on probation, including information on the use of drugs, tobacco or alcohol; possession of

weapons or look-alikes; participation in gang activity, vandalism or theft; or assaultive or threatening behavior that could result in dismissal.⁴²⁷

In addition, school administrators were given permission to share a student's court disposition with staff, counselors, other administrators and substitutes as needed to protect students or staff.⁴²⁸ Probation officers were directed to send a copy of disposition orders to the superintendent of the child's school district, rather than the principal of the school. The probation officer could share the disposition order even if it was not related to one of the targeted offenses for which schools must be notified (see 1994--Copy of Disposition Order to Schools).⁴²⁹

- **Expanded Juvenile Fingerprinting**

In **2001**, fingerprinting was expanded to juveniles arrested, *appearing in court on a charge of, or adjudicated delinquent for*, felonies or gross misdemeanors.⁴³⁰ If an adult or juvenile was not remanded to custody at the time of conviction or adjudication, they were to report immediately to the arresting law enforcement agency responsible for collection. Failure to do so was contempt of court.⁴³¹

- **Expanded DNA Collection**

Between **2002** and **2003**, the Minnesota Legislature expanded DNA collection for all adults and juveniles convicted of, adjudicated of committing, or attempting to commit any felony offense.⁴³² In **2003**, the expansion of DNA collection for all felonies was extended to **2005**.⁴³³



Revisions to **Youth Mental Health Policy**

- **Mental Health Screening Required**

In **2003**, two mental health provisions were added to the juvenile delinquency statutes. In 260B.157, it was determined that the court was to order a mental health screening whenever a child was found delinquent or committed a juvenile petty offense for the third or subsequent time. The screening tool was to be approved by the Commissioner of Human Services and screenings were to be conducted by a mental health practitioner or a probation officer trained in the use of the screening tool.⁴³⁴

In addition, a new provision required mental health screening for any juvenile detained for a delinquent act in a state-inspected juvenile or adult facility. A screening was not required if one had been done in the previous 180 days or the child was currently under the care of a mental health professional. Parental or guardian consent was presumed unless they refused the screening in writing. The screening was to occur if or when a youth was ordered to continued detention after an initial detention hearing.

“Positive” screening results required the probation officer or local social service agency to have a diagnostic assessment conducted, including a functional assessment.⁴³⁵ These statutes went into effect in **2004**. The screening tools approved for use by the Departments of Corrections and Human Services

for juveniles were the *Massachusetts Youth Screening Instrument-2 (MAYSI-2)* and the *Problem-Oriented Screening Instrument for Teens (POSIT)*.⁴³⁶

- **Mental Health and Schools**

In **2003**, the board of licensing for Minnesota teachers added a requirement that teachers renewing their professional licenses be trained in the key warning signs of early-onset mental illness in children and adolescents.⁴³⁷

In **2004**, a provision was added to statute indicating if a student's total removal days from school exceeded ten cumulative days in a school year, the school was to meet with the student and their parents or guardians and, with the parent's permission, arrange for a mental health screening for the student to assess whether the student needed treatment for a mental health disorder.⁴³⁸



Revisions to **School Safety** or **At-Risk Youth** Policy

- **No Child Left Behind Act of 2001**

In **2001** the federal *No Child Left Behind Act (NCLB)* was adopted. This legislation was intended to ensure that all children had a fair, equal and significant opportunity to obtain a high-quality education and reach, at minimum, proficiency on challenging state academic achievement standards and state academic assessments.⁴³⁹ The *Act* was to financially support school reform, drop-out prevention, academic standards creation, assessment and accountability. Assessment results and state progress objectives were to be broken out by poverty, race, ethnicity, disability, and limited English proficiency to ensure that no group was left behind.⁴⁴⁰

School districts and schools that failed to make adequate yearly progress toward statewide proficiency goals would, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting them back on course to meet state standards.⁴⁴¹

- **Rocori High School Shooting: Cold Spring, MN**

In **2003**, a student-initiated shooting occurred in a regional high school in Cold Spring, Minnesota. A freshman brought a gun to school and fired at another freshman and a senior. Both victims died. The incident raised issues of school security, bullying and mental health.⁴⁴²

- **Individuals with Disabilities Education Improvement Act of 2004**

In **2004**, the *IDEA* underwent revisions to align with the *No Child Left Behind Act* to promote equity, accountability and excellence in education for children with disabilities. Some changes included the requirement that teachers be certified in special education, and that IEPs contain annual measurable goals along with a description of how a child's progress would be measured and reported.⁴⁴³ The *IDEA*

also required support services for children with disabilities, such as occupational or speech therapy and the establishment of multidisciplinary teams of professionals to serve special needs students.⁴⁴⁴



Juvenile Justice **Task Forces** or **Studies**

- **Serious and Chronic Offenders Study**

In **2000**, the Department of Corrections was directed to investigate Minnesota's juvenile correctional system handling of serious and chronic offenders. This study was to explore the role of the state and counties in providing service; the extent to which evidence based-best practices existed and were available; the method and process used to administer juvenile commitment and parole; and the impact of the change in MCF: Red Wing per diem rates and reductions in juvenile treatment grants to counties.⁴⁴⁵

- **Extended Jurisdiction Juvenile (EJJ) Studies**

In **2001**, a \$40,000 grant was given to the *University of Minnesota Law School* to study sanctions imposed by judges upon youth whose juvenile court disposition (EJJ) was revoked. The study was to include the original conviction offense; the offense leading to EJJ revocation; whether the stayed prison sentence was executed; and what other sanctions were imposed.⁴⁴⁶

In the same year, the *National Center for State Courts* assessed Minnesota blended sentencing to determine if EJJ (as well as delinquency and adult certification) were being used appropriately. The study revealed that prosecutors motioned cases for EJJ and certification mostly based on appropriate criteria (offense, offense history, culpability and amenability to past treatments), but that other factors including geography, race, and whether the youth was detained also had an effect.⁴⁴⁷

2005 to 2013: Youth Development, Collateral Consequences and Justice System Retraction

2005 to 2013 Overview

Between 2005 and 2013, federal funding to states for juvenile justice activities continued to decline. The economic recession, beginning in **2008**, virtually eliminated federal and state funding for crime prevention and intervention efforts.

Collateral consequences for persons with criminal records became a greater concern during this era, as arrests and adjudications can affect employment, housing, school loans, military service, certain professional licensures, firearm ownership and other activities. Advocacy groups became active in trying to limit negative effects of formal system contacts on youth and adults. In **2005**, the Minnesota Legislature directed the creation of a new chapter in statute detailing “collateral sanctions.”

The punitive approaches of the 1980s and 1990s were being discredited by researchers as ineffective or even likely to exacerbate delinquent behavior. Examples include “Scared straight” programming, “shock incarceration,” and boot-camp style programming that focused solely on punishment. Further, several Minnesota jurisdictions began to limit use of out-of-home placement. In **2005**, three of Minnesota’s largest counties adopted the *Juvenile Detention Alternatives Initiative* to divert youth from secure detention and to ensure that admissions relied upon objective, validated risk-assessment tools. During this era, admissions to juvenile correctional facilities all around Minnesota declined to the point that numerous facilities down-sized, changed their service population, or closed altogether.

Entering this era, methamphetamine production and use continued to be an issue. In **2005**, national and state legislation was passed to limit access to materials required to manufacture methamphetamine. These laws, as well as law enforcement initiatives, are credited with the decline in production and use of methamphetamine. Sex offender management and treatment remained a state and national challenge.

School safety remained an issue during this era. In **2005**, a second high-profile school shooting occurred in the Red Lake American Indian community in northern Minnesota. Minnesota established a School Safety Center in **2006** and implemented lock-down drills and anti-bullying policies in schools.

Finally, new philosophies and practice models emerged related to working with youth. Research on adolescent brain development revealed that human brains are still developing well into their 20s, especially the parts that control executive decision-making related to impulsivity, full consideration of consequences and risk, and emotional control. This 21st century ideology has been referred to as “the fourth wave of juvenile justice” whereby the system is transitioning from a punitive focus to one that balances youth development, personal responsibility and public safety.⁴⁴⁸ In addition, greater understanding of the effects of trauma and neglect on child development fostered development of more appropriate interventions and sanctions. These developmental factors also influenced U.S. Supreme Court decisions to outlaw the death penalty (**2005**) and restrict the use of life-in-prison-without-parole for crimes committed as youth (**2010** and **2012**).



Revisions to **Offender Classifications** or **Definitions** in Statute, Rule or Law

- **Collateral Sanctions of Crimes Added to Statute**

In **2005**, the Minnesota *Revisor of Statutes* was directed to create a new chapter documenting the collateral sanctions of violations of law. Collateral sanctions were defined as automatic penalties, disabilities or disadvantages that are mandated or occur when a person is convicted or found to have committed a crime.⁴⁴⁹ The statute covers collateral sanctions related to employment, teaching, health and human services licensing, property rights, civil rights, services and benefits, firearms and others. Sanctions related to juvenile adjudications are included.

- **Adam Walsh Child Protection and Safety Act TITLE I: Sex Offender Registration and Notification Act (SORNA)**

The **2006**, the federal *Adam Walsh Act* replaced the *Jacob Wetterling Act of 1994*. The law created three “tiers” for sex offenders and was to establish a national sex offender registry. Tier 3 offenders, the most serious, were required to update their location every three months and have lifetime registration in the national registry. Tier 1 offenders, the least serious, were to register for 15 years with an annual update of residency.⁴⁵⁰ Ultimately the national registry was never created but it provided new baselines for states to use in their state-level sex-offender registries.

Unlike the *Jacob Wetterling Act*, SORNA does require juveniles to register if their conduct is as or more serious than the conduct named in the federal aggravated-sexual-assault statute. The youth must also have been age 14 or older at the time of the offense. SORNA also requires registration for any offense involving a sex act with a child under the age of 12. There is no provision for assessment of future risk, nor are there exceptions for intra-familial cases. Judicial discretion around offender registration is not permitted under SORNA.^{451,452}

States that refuse to comply with SORNA are subject to a 10 percent reduction in federal Byrne-Jag grants to the state. Minnesota is one of eight states not currently taking steps to implement SORNA in part due to the collateral consequences and lack of judicial discretion around juvenile offenders.⁴⁵³

- **Minnesota Adopts a State Policy on Disproportionate Minority Contact**

In **2009**, the Minnesota legislature adopted a state policy on Disproportionate Minority Contact. The language of the policy is as follows: “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.”⁴⁵⁴

- **Sexually Exploited Youth Removed From Definition of Delinquent Youth**

As of **2011**, youth under the age of 16 are not included in the definition of a delinquent or petty offender if they have engaged in conduct which, if committed by an adult, would constitute violation of

the law for being hired, offering to be hired or agreeing to be hired to engage in sexual conduct. Instead, sexually exploited youth were added to the definition of a *Child in Need of Protection or Services*.⁴⁵⁵ In **2013**, the “under age 16” provision was removed so that all minors engaging in prostitution, regardless of age, are child protection cases.⁴⁵⁶

- **Juvenile Sex Offender Residency Restrictions**

In **2011**, a law was passed stating that if a juvenile age 15 or older was found delinquent for a sex offense, the court was allowed to prohibit the child from living within 1,000 feet or three city blocks of the victim, whichever was greater. The residency restriction lasted for the entire period of court jurisdiction over the youth.⁴⁵⁷

- **Child Protection Chapter of Statute Given New Title**

In **2012**, the chapter of statutes entitled *Children in Need of Protection or Services* (260C) was renamed *Juvenile Protection Provisions*. The chapter was expanded to cover children in need of protection or services, as well as the termination of parental rights over youth, permanency proceedings for foster youth, and adoption matters.



Revisions Related to **Diversion** Policy or Programs

- **Juvenile Petty Offenders; Use of Restorative Justice**

In **2009**, prosecutors were directed to develop and maintain a list of restorative justice programs, and those with culturally specific programs, such that first-time juvenile petty offenders could be referred to restorative justice programs as a diversion. The prosecutor retained discretion to refer petty offenders to non-restorative diversion programs if that was deemed more appropriate.⁴⁵⁸

- **Sexually Exploited Youth Diversion**

As of **2011**, any youth under age 16 who petitioned as a child in need of protection or services for the first time related to engaging in prostitution are to be offered a diversion. Failure to complete a diversion may result in a referral to court as a *Child in Need of Protection or Services*.⁴⁵⁹



Revisions to Juvenile **Prosecution, Public Defense or Victim Services**

- **State Guardian Ad Litem Board Established**

In **2010**, a state *Guardian Ad Litem Board* (GAL) was established in the judiciary branch. The board was to “create and administer a statewide, independent GAL program to advocate for the best interests of

children, minor parents, and incompetent adults in juvenile and family court cases.” Guardians ad litem advocate in the best interest of children in judicial proceedings when the children cannot be represented by a parent or legal guardian. The board was to establish program standards and administrative policies and propose statute revisions in the best interests of children and the GAL program.⁴⁶⁰

- **Sexually Exploited Youth Victim Service Model**

In **2011**, the Minnesota Department of Public Safety was directed to facilitate the creation of a statewide victim-services model for sexually exploited youth. This model, entitled *No Wrong Door* was released in **2013**.⁴⁶¹



Revisions to Juvenile **Court Procedure** or **Disposition** Options

- **Life Sentences: Dangerous Sex Offenders**

In **2005**, a new statute was adopted governing those convicted of sex offenses that included “extreme inhumane conditions” or “heinous elements” named in statute. Depending on the nature of the offense, the statute calls for a life sentence with or without release. The law does apply to juveniles charged as adults or juveniles adjudicated EJJ if their adult sentence is imposed.⁴⁶²

- **U.S. Supreme Court: *Roper v. Simmons***

In **2005**, the U.S. Supreme Court ruled that standards of decency have evolved such that executing minors is “cruel and unusual punishment” prohibited by the Eighth Amendment of the United States Constitution. The majority cited consensus against the juvenile death penalty among state legislatures and its own determination that the death penalty is a disproportionate punishment for minors.⁴⁶³

The court had previously ruled in *Atkins* (**2002**) that mentally retarded persons with diminished mental capacity were “categorically less culpable” and capital punishment was therefore not allowed. The diminished mental capacity and categorical population of juveniles, as compared to adults, were cited in *Roper* as the prohibition against capital punishment of those who were under 18 at the time of the offense.⁴⁶⁴

- **“Danger to Self or Others” Provision Added to Non-Secure Placement Criteria**

In **2009**, the statute on juvenile delinquency dispositions added the criterion that a child be a *danger to self or others* in order to be placed in the non-secure custody of a child-placing agency, a social services agency, a county home school or a group foster home.⁴⁶⁵ The *danger to self or others* criterion had been added prior to the use of secure placement back in **1995**.

- **U.S. Supreme Court: *Graham v. Florida***

In **2010**, the U.S. Supreme Court held that the Eighth Amendment's cruel and unusual punishment clause does not permit a juvenile offender to be sentenced to life in prison without parole for a non-homicide offense.⁴⁶⁶ States must construct guidelines for release with full consideration of the juvenile's diminished capacity, and provide "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."⁴⁶⁷

- **U.S. Supreme Court: *Miller v. Alabama***

In **2012**, the U.S. Supreme Court again ruled that the Eighth Amendment's prohibition against cruel and unusual punishment forbids the mandatory sentencing of life in prison without the possibility of parole (LWOP) for juveniles, even for homicide offenses. According to the court, children are constitutionally different from adults for sentencing purposes. While a mandatory life sentence for adults does not violate the Eighth Amendment, such a sentence would be an unconstitutionally disproportionate punishment for children.⁴⁶⁸

The case does not prohibit juvenile LWOP — only its mandatory imposition. The court names certain criteria that must be taken into consideration before LWOP can be imposed, such as the youth's background, life circumstances and the nature of the crime.⁴⁶⁹ As of **2013**, Minnesota's *Juvenile Justice Advisory Committee* is actively investigating what changes to policy or practice would be necessary in Minnesota to comply with *Miller*. Approximately eight youth are in Minnesota facilities for life without parole, though the court's decision is not retroactive, not requiring review of their sentences or release.



Revisions to Juvenile **Out-of-Home Placement** or **Correctional Facility Policy**

- **Post-2005 Juvenile Bed Contraction**

After the year 2000, when arrests and petitions began to decline, so did juvenile admissions to facilities. In fact, admission numbers declined so substantially that many facilities that had been at capacity in the 1990s began downsizing or closing. The following facilities closed or changed operations post-**2005**:

- *Wilder Foundation*, St. Croix Camps: Closed
- *Kids Peace Prairie Academy*, Worthington: Closed
- Central Regional Juvenile Detention Center, Brainerd: Closed
- *Mille Lacs Academy*, Onamia (all beds transferred to DHS license)
- Minnesota River Valley Juvenile Detention Center, New Ulm: Closed
- Many Rivers Juvenile Detention Center, Rochester (downsized bed capacity)
- *Sheriff's Youth Programs*, Isanti: Closed. Other campuses sold to new provider (*180 Degrees*).

- **Juvenile Detention Alternatives Initiative (JDAI)**

In **2005**, three of Minnesota’s largest jurisdictions — Hennepin, Ramsey and Dakota Counties — began implementation of the Annie E. Casey Foundation’s *Juvenile Detention Alternatives Initiative (JDAI)*. This juvenile justice reform initiative supports jurisdictions in safely reducing reliance on secure confinement. *JDAI* focuses on creating alternatives to detention for lower-risk offenders, such as community reporting centers, curfew centers and non-secure placement alternatives. Those who are admitted to facilities are done so using objective assessment tools that ascertain risk to public safety. *JDAI* is also focused on reducing racial disparities in the juvenile justice system and improving conditions of juvenile confinement.⁴⁷⁰ In **2009**, St. Louis County began implementing *JDAI*.⁴⁷¹

- **Juvenile Residential Treatment Grants Repealed**

In **2008**, grants to counties to defray the costs of juvenile residential treatment under statute 242.193 were repealed.⁴⁷²



Revisions to Juvenile **Probation Supervision** or the Justice System Continuum of Care

- **Crossover Youth Practice Model Implementation**

In **2007**, the *Casey Family Programs*, the *Center for Juvenile Justice Reform*, and *Georgetown University* partnered to develop a model of service delivery for youth involved in both the child protection and the juvenile justice system, referred to as “dual-system involved” or “crossover youth.” The model strives to reduce the use of out-of-home and congregate care, reduce racial disparities, and reduce dual adjudications. It also promotes collaboration across systems for seamless and consistent case processing to improve outcomes for these youth.⁴⁷³ In **2011**, with facilitation by the *Minnesota Juvenile Justice Coalition*, Carver, Hennepin, Kandiyohi, Olmsted and Stearns counties in Minnesota began implementing the model.



Revisions to Juvenile **Data, Record Retention** or **Privacy Policy**

- **DNA Collection Expanded to Include Probable Cause**

As of **2005**, adults and juveniles who appeared in court on a *judicial probable cause* for the acts named in 1999 were to have a biological specimen taken. If the case was dismissed, the BCA was directed to destroy the sample.⁴⁷⁴ In this manner DNA was collected from alleged offenders and cases resulting in a stay of adjudication.

- **Law Enforcement Photos of Juveniles**

In **2006**, it was established that photographs or electronic images of juveniles adjudicated delinquent were not to be expunged from law enforcement records or data bases. Previously these photos were to be destroyed when a youth turned age 19.

- **Juvenile Fingerprinting Expanded**

In **2008**, the fingerprinting statute was expanded to include taking prints of adults and juveniles *admitted to jail or detention facilities*.⁴⁷⁵ Previously the statute only required sheriffs, peace officers and community corrections agencies operating juvenile detention facilities to take finger prints.

- **New Criminal History Database**

In **2013**, the Minnesota BCA received a large state appropriation to begin converting their old criminal history database established in the 1960s to a new criminal reporting system called Minnesota NIBRS.⁴⁷⁶ NIBRS stands for the *National Incident-Based Reporting System*, a national model, which allows for enhanced information and data on offenders, offense characteristics, and crime victims.⁴⁷⁷



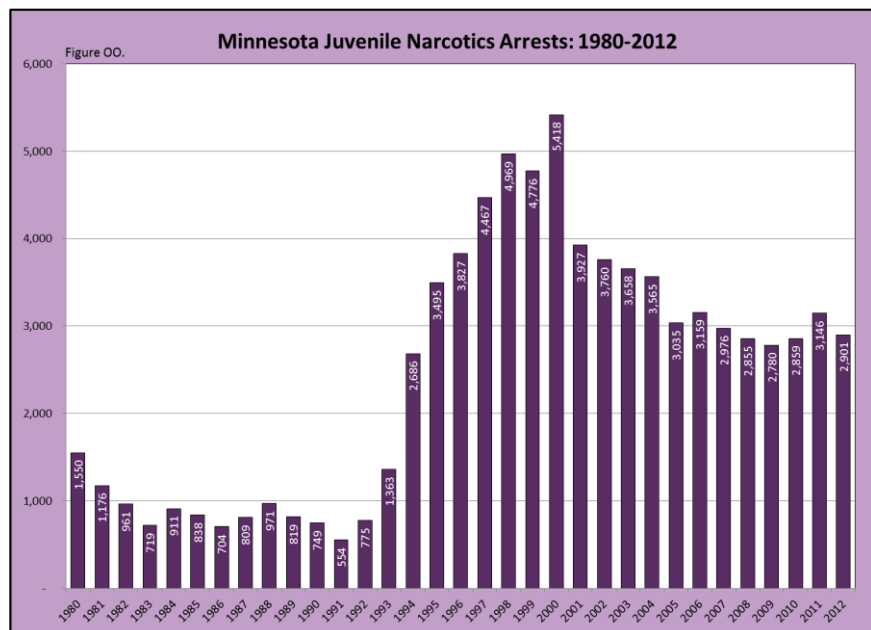
Revisions to **Controlled Substances and Chemical Treatment** Policy

- **Driving Impaired Threshold Changed**

In **2004**, the Minnesota legislature lowered the blood-alcohol content required for impaired driving charges from .10 to .08.⁴⁷⁸

- **Federal and Minnesota Methamphetamine Acts**

In **2005**, the federal *Combat Methamphetamine Act* (effective **2006**) was created to limit the amount of ephedrine- or pseudoephedrine-based medications that could be sold at one time, or within a 30-day period. In addition, the products were required to be placed behind the counter and the retailer had



to keep a log of the products and quantities sold. The name and address of each purchaser was recorded based on photo identification as a part of the purchase log.⁴⁷⁹ In **2005**, Minnesota adopted many of these federal provisions and prohibited sales of these products to youth under age 18.⁴⁸⁰

Figure OO illustrates that juvenile arrests for narcotics offenses rose in the late 1990s, and remained high throughout the 2000s. Despite waxing and waning popularity of various illegal drugs, Minnesota juveniles in are arrested for marijuana more than any other controlled substance.⁴⁸¹



Revisions to **Youth Mental Health Policy**

- **The Juvenile Mental Health Initiative**

In **2007**, the Department of Corrections collaborated with other state agencies to establish the *Juvenile Justice and Mental Health Initiative*. The charge of this group was to improve outcomes, through system change, for youth with mental health and co-occurring disorders who were involved in the justice system. The workgroup made suggestions related to data improvement; post-mental health screening coordination; engagement of parents; and use of evidence-based, community-based interventions.⁴⁸²

- **Children's Mental Health Grants and School-Linked Mental Health**

Since **2007**, state-funded *Children's Mental Health Grants* have been available to assist counties, tribes and local mental-health collaboratives in serving emotionally disturbed youth and young adults who want to remain and function in the community.⁴⁸³ Often, these grants were used to connect mental health providers and schools.

The goal of school-linked mental health was to provide mental health services to students who would not otherwise receive them due to finances, or lack of transportation or trust. Service providers in schools offer therapeutic and clinical services, much like school nurses or social workers. The program links youth and families to diagnostic testing and services. As of **2013**, the grant program had 20 grantees statewide serving approximately 500 schools.⁴⁸⁴

- **Juvenile Mental Health Screen Changed to Active Consent**

Since **2003**, parents of a child found to be delinquent have been required to actively refuse if they *do not* wish for their child to receive a mental health screening. As of **2011**, parents must provide active consent that they *do* want their child to receive a mental health screening before it is conducted.⁴⁸⁵



Revisions to **School Safety** or **At-Risk Youth** Policy

- **Red Lake School Shooting**

In **2005**, Minnesota had its second school shooting in the town of Red Lake, which is part of the Ojibwe Red Lake Nation. A 16-year-old juvenile murdered his grandfather, his grandfather's girlfriend and a tribal police officer before going to the high school. Seven additional people at the school were shot and killed, and five others wounded. The assailant took his own life at the school.⁴⁸⁶

- **Anti-Bullying Policies**

In **2005**, all Minnesota school boards were directed to adopt a written policy prohibiting the intimidation or bullying of any student.⁴⁸⁷

- **Suspension Alternatives Allowed**

In **2005**, school administrations were authorized to impose alternatives to suspension. The statute proposed one or more of the following: strongly encouraging a parent or guardian of the student to attend school with the student for one day; assigning the student to attend school on Saturday; and petitioning the juvenile court that the student is in need of child protective services.⁴⁸⁸

- **Lock-Down Drills Added to School Crisis Plans**

In **2006**, school crisis management policies (required as of **1999**) dictated that schools must have at least five lockdown drills annually in addition to fire and tornado drills.⁴⁸⁹

- **Minnesota School Safety Center Established**

In **2006**, Minnesota established the *School Safety Center (MnSSC)* in the Department of Homeland Security and Emergency Management. The *MnSSC* serves as a safety resource to schools, law enforcement, emergency responders and community partners by providing information, guidance, training, and technical assistance for safety planning for schools. The goal is school preparedness for prevention, protection, mitigation, response and recovery.⁴⁹⁰ The *MnSSC* existed from **2006** to **2010** and was re-established with funding by the legislature in **2013**.⁴⁹¹

- **After-School Learning Program Grants**

In **2007**, the Commissioner of Education was authorized to administer a competitive, statewide after-school community learning program to serve youth after school or during non-school hours. Stated goals of the grants were to improve school connectedness, increase academic achievement, and prevent truancy and juvenile crime.⁴⁹²

- **Age of Compulsory School Attendance Raised**

In **2013**, the age of compulsory school attendance in Minnesota was raised from age 16 to age 17. All children between the ages of seven and 17 must attend school unless they have graduated. A child who is age 17 may withdraw from school with a parent or guardian’s written approval. Formerly, a parent or guardian could sign a 16-year-old child out of school.



Juvenile Justice **Task Forces** or **Studies**

- **Collateral Sanctions Committee**

In **2005**, the Minnesota legislature established a committee to study collateral sanctions of adult convictions and juvenile adjudications. The committee was to identify the uses of collateral consequences and recommend any proposed changes to the legislature.⁴⁹³

- **Minnesota Supreme Court Chemical Dependency Task Force Report on Adult and Juvenile Alcohol-and-Drug Offenders**

In **2006**, a task force convened to examine how the Minnesota justice system handles alcohol and other drug (AOD) offenders in the juvenile and adult populations. The task force called for a “broad and fundamental shift” in the state’s approach to AOD-addicted offenders. There were seven primary recommendations including: greater collaboration among criminal and juvenile justice system participants; creation of a comprehensive, multi-phased plan to institute recommendations; problem-solving changes in adult and juvenile systems; and use of restorative justice, intensive supervision programs and staggered sentencing.⁴⁹⁴

- **Study on Effectiveness Re-Entry Program and Drug Courts Effectiveness**

In **2007**, the Sentencing Guidelines Commission was directed to study the effectiveness of offender re-entry funding and programs, as well as the effectiveness of the state’s drug courts. Recidivism and cost savings were to be two topics of focus.⁴⁹⁵

- **Study on Evidence-Based Practices In Minnesota**

In **2009**, the Department of Corrections was directed to complete a study on evidence-based practices (*EBPs*) for juveniles and adults in community supervision. The group was to explore the extent to which *EBPs* have been implemented; barriers to implementation; where policies and practices could be improved; performance measures for community supervision agencies and removing barriers to implementation.⁴⁹⁶

- **Juvenile Justice System Decision-Points Study**

In **2009**, the *Criminal and Juvenile Justice Information Policy Group* was directed to conduct a study related to the feasibility of collecting and reporting data on youth involved in the juvenile justice system at various decision points. The study was to explore what data elements related to youth should be collected; entities responsible for reporting; frequency of reporting; and an implementation plan related to collection, reporting and analysis.⁴⁹⁷

- **Limited Access to Electronic Court Records on Juveniles**

In **2013**, a new subdivision to statute was created clarifying that there shall be no direct public access to court delinquency records maintained electronically unless there was a motion filed for adult certification; the case was requested or designated as an EJJ prosecution; or the juvenile has been adjudicated delinquent for a “crime of violence” as defined in statute 624.715.⁴⁹⁸ The statute applies to offenses committed on or after January 1, 2014.

- **Juvenile Justice System Report**

In **2013**, the Minnesota Legislature directed the Minnesota division of the National Alliance on Mental Illness to convene a workgroup to discuss myriad juvenile justice issues. Included were: shared statewide outcome goals for children in the juvenile justice system and their families; the continuum of service necessary to ensure quality care that meets the complex needs of children; strategies for early identification of and response to needs related to juvenile justice outcomes; changes needed to ensure coordinated delivery of quality services and coordination between delinquency and CHIPS cases, schools, the children's mental health system; and changes to rules and statutes that create barriers to achieving the shared outcomes. The report is due in **2014**.



Revisions to **Community-Based Services or Interventions for Youth**

- **Mentoring Grants for Children with Incarcerated Parents**

In **2006**, funds were allocated to the Department of Corrections for a grant to a Twin Cities nonprofit to provide mentoring services to youth ages 7-to-13 who have a parent or other significant family member incarcerated in a workhouse, jail, state prison or other correctional facility. The goal was to provide support to prevent the mentored youth from entering the juvenile justice system.⁴⁹⁹

- **Children’s Mental Health Grants**

In **2007**, the Commissioner of Human Services was authorized to make grants to counties, tribes, children’s collaboratives and mental-health service providers to offer services to children with emotional disturbances and their families. The services were to help the child function and remain in the community, and help young adults foster independent living in the community.⁵⁰⁰

Conclusion

The rise and fall in juvenile crime observed between 1980 and 2010 cannot be attributed to any single cause or condition, rather was plausibly the cumulative result of changing populations, socio-economic conditions, prevention and intervention funding, and policy and practices related to at-risk youth and delinquency.

In the late 1980s and early- to mid-1990s, when juvenile crime was rising, so was the population of youth of age to enter the juvenile justice system. In addition, illegal drug markets, gang-related violence and firearm proliferation were common, and were met with hardline attitudes and severe sanctions. During most of this era, poverty and unemployment levels were high, the real value of wages was declining and juvenile justice policy was predominantly reactive. Little attention was given to underlying drivers of delinquent behavior or needs of youth until the volume began to strain the resources of law enforcement, courts, youth correctional facilities and community probation services.

In the late 1990s and into the new millennium, the national economy gained considerable momentum. Socio-economic indicators, including poverty and unemployment, declined dramatically, as did inflation and interest rates. There was a significant decline in the number of youth involved in the juvenile justice system. The strong economy resulted in billions of dollars to states from the federal government for delinquency prevention and intervention initiatives, including measures to keep youth out of the system through diversion and community-based services. Gradually, the retributive justice attitudes and policies of the 1980s and 1990s were replaced with restorative justice measures in the 2000s.

The newest era of juvenile justice is one that promotes the use of objective risk-assessment tools; identification of underlying issues for youth such as trauma, victimization, chemical abuse and mental health concerns; culturally- and gender-responsive programming in the least restrictive setting necessary to protect public safety; and strength-based services that engage families and other stakeholders key to youths' success. Reducing long-term collateral consequences of system involvement is another hallmark of this era of practice.

Practitioners and policy makers of the 2000s are more likely to support strategies that have been proven effective through research and outcome evaluation. Evidence-based interventions have emerged not only across the different stages of the justice system but also across youth-serving fields. In addition, continuing advancements in child and brain development research support the theory that youth do not possess the same decision-making capacity as adults and should not be held to the same standard of culpability, which illuminates the need for developmentally appropriate sanctions and interventions.

While scientific methods of program and policy evaluation have gained ground in the field of juvenile justice, declining crime is often met with declining resources. Flagging funding means fewer programs, fewer staff and fewer training and development opportunities for youth-serving professionals. As the number of youth aging into juvenile justice system jurisdiction rises, it would behoove Minnesota and the nation to have both fiscal resources and the theoretical foundation to respond effectively to a new generation.

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