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Minnesota Juvenile Justice Advisory Committee

2020 ANNUAL REPORT

to Governor Tim Walz and the Minnesota State Legislature

"Setting a vision for juvenile justice in Minnesota"

Juvenile Justice Advisory Committee (JJAC)
2020 Annual Report
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Staff Contact:

Callie Hargett
MN Juvenile Justice Specialist
JJDPA Compliance Monitor
Ethnic and Racial Disparities Coordinator
Title II Grant Manager
E-mail: callie.hargett@state.mn.us
Tel: (651) 201-7348

JJAC Webpage:
dps.mn.gov/entity/jjac

STATE OF MINNESOTA
Juvenile Justice Advisory Committee
Department of Public Safety, Office of Justice Programs
445 Minnesota Street, Suite 2300, St. Paul, Minnesota 55101
Voice: 651-201-7348 – Fax: 651-296-5787

Gary Charwood, Chair

December 31, 2020

This has been an historic year in so many ways – as a nation, we have faced widespread challenges brought on by the Covid-10 pandemic, racially based violence, economic depression, and political crisis. In the midst of crisis; however, we have developed a collective strength and tenacity that will help us forge a strong future for ALL Minnesota youth.

I am honored and humbled to have begun my term, starting last May, as Chair of the Minnesota Juvenile Justice Advisory Committee (JJAC). JJAC's previous and longtime Chair, Richard Gardell, left a powerful legacy that I will strive to live up to – one of ultimate passion and dedication to protecting youth and their families. He served in this volunteer Chair role for 14 years, achieving landmark policy changes, funding a substantial number of diversion and intervention services, and building a network of partners and advisors that spans the entire state. I feel incredibly fortunate to have an opportunity to make the kind of impact Richard Gardell has made on the juvenile justice field and the youth it serves. Richard, thank you for your 38 years of service to JJAC – I will not let

An advisory body to the Governor and the Legislature, JJAC works alongside youth, their families and systems in pursuing new solutions to longtime problems. In addition to my position, Governor Walz appointed 10 new members to JJAC over the past year and they have already made a positive impact on our priorities, perspective, and vision for the future. JJAC's top priority is to eliminate ethnic and racial disparities present in Minnesota's juvenile justice system; therefore, JJAC's entire 2021-2023 Three-Year Plan consists exclusively of intentional activities and outcomes related to disparities-reduction.

Another major decision by JJAC in 2020 was to fund an Ethnic and Racial Disparities (ERD) Coordinator staff position whose sole responsibility will be to implement JJAC's State ERD-Reduction Plan! This position will work in coordination with Juvenile Justice Specialist Callie Hargett to carry out critical juvenile justice reform strategies that will undoubtedly lead to a reduction in disparities. JJAC looks forward to up-to-date, consistent field reports from this staff position, as the work will be based largely on youth and community expertise and input.

Please review this report for additional information on JJAC's juvenile justice reform accomplishments from 2020 and ongoing plans for policy and practice change. While many effective programs and initiatives are already being implemented across several Minnesota jurisdictions, JJAC recognizes the urgent need for MORE. This includes identifying, valuing and lifting up creative and non-traditional disparity-reduction strategies that are proving effective in creating change at the community level.

Please consider the role you could play in helping JJAC achieve these critical outcomes – we welcome your partnership. To contact JJAC, email Juvenile Justice Specialist Callie Hargett at Callie.Hargett@state.mn.us.

Sincerely,

Gary Charwood

Gary Charwood, Chair
Juvenile Justice Advisory Committee

ABOUT JJAC

Background and Purpose

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was originally passed by Congress in 1974 and was most recently reauthorized by the Juvenile Justice Reform Act of 2018 (JJRA). The purpose of these Acts has been to improve juvenile justice around the country by establishing "core protections;" and by supporting tribal, state and local efforts to prevent delinquency and improve outcomes for youth. The 1974 Act created the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice and, through federal grants, made funding available to support prevention, early intervention and reform efforts within the juvenile justice system *(see page 45 for Minnesota's OJJDP federal allocations from 2008 – 2020).* The Act also established State Advisory Groups (SAGs) to oversee compliance with the JJDPA. The Juvenile Justice Advisory Committee (JJAC) is Minnesota's State Advisory Group.

To be eligible for OJJDP's federal allocation, states must comply with all four of the core protections set forth below. If a state is in full compliance, it receives the full allocation. Non-compliance with any of the four core protections can result in a loss of 20% of the annual allocation per protection and the requirement that the state use at least 50% of the remaining funds to address noncompliance. JJAC has consistently worked with Federal partners to ensure our continued compliance with guidelines.

The JJDPA is comprised of four core requirements:

1. **De-institutionalization of Status Offenders:** Each state must ensure that youth charged only with a status offense are not placed in secure detention or confinement. Status offenses are those offenses which would not be an offense if committed by a person over the age of eighteen (e.g., truancy, curfew, running away, and tobacco possession/consumption).

2. **Sight and Sound Separation from Adult Offenders:** Each state must ensure that youth charged with a delinquent offense who are detained or confined in an adult jail or lockup, do not have verbal or visual contact with adult offenders.

3. **Removal from Adult Jails and Lockups:** Each state must ensure that no youth is detained or confined in a jail or lockup that is intended for adult offenders beyond specific proscribed time limits – six hours in a Metropolitan Statistical Area (MSA) county and 24 hours in a non-MSA county. Minnesota has a combination of MSA and non-MSA counties and the designation is based on population.

ABOUT JJAC

4 **Ethnic and Racial Disparities (ERD):** Each state must assess and make every effort to reduce ERD at all nine points of contact along the juvenile justice continuum. Disparity exists if a specific racial group's rate of contact at a particular point in the juvenile justice system exceeds that group's representation in the overall population of youth within the age range of juvenile court jurisdiction. The nine points of contact are:

1. Arrests
2. Referrals to County Attorney's Office
3. Cases Diverted
4. Cases Involving Secure Detention
5. Cases Petitioned (Charge Filed)
6. Cases Resulting in Delinquent Findings
7. Cases Resulting in Probation Placement
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities
9. Cases Transferred to Adult Court

Please see Minnesota Youth Demographics section, pages 20-41, for current data.

The ERD core protection requires states and local jurisdictions to create action plans to address disparities within the juvenile justice system. Data collection and analysis is a critical component of addressing disparities in every jurisdiction around the country.

The JJDPA/JJRA requires State Advisory Groups members to be appointed who represent youth-serving systems as well as the community. The Minnesota Governor appoints 21 members to Minnesota's State Advisory Group, the Juvenile Justice Advisory Committee (JJAC). JJAC reports annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with current data required for compliance with the above four core requirements.

Additionally, JJAC is responsible for issuing juvenile justice recommendations to the Minnesota Governor and the Minnesota Legislature regarding issues, trends, practices and concerns. JJAC serves as a supervisory entity with a central focus of providing oversight on the state's activities with youth in Minnesota's juvenile justice system.

The JJDPA provides the foundation for each state's committee work plan and responsibilities in juvenile justice. The Title II program provides funding for prevention, intervention and aftercare programs to youth- serving and community-based organizations *(see pages 46-48 for current Title II grantees).*

ABOUT JJAC

JJAC's specific responsibilities are:

Three Year Plan To develop a comprehensive three-year plan for Minnesota's juvenile justice system, centered on priorities for juvenile justice reform

Policy Reform To advise the Governor and Legislature on improving Minnesota's juvenile justice system

Title II Fuding To review, award and monitor federal juvenile justice funds appropriated to Minnesota by Congress under the JJDPA specifically, Title II funding

JJDPA Compliance To report to the Governor and Legislature on Minnesota's compliance with the JJDPA's four core requirements

Meetings, Membership Composition & Staff Support

As a statewide committee, JJAC meets at least 12 times annually, typically in various sites throughout Minnesota, offering JJAC members an opportunity to become familiar with regional issues and allowing specific communities convenient access to the Committee. In 2020, however, JJAC conducted all monthly meetings via a virtual format due to COVID-19-related safety concerns.

JJAC members represent all eight Minnesota congressional districts as well as the following juvenile justice categories: youth, courts, law enforcement, private non-profit youth-serving agencies, public defense, prosecution and private citizens who have acquired special knowledge relating to juveniles.

JJAC's membership represents Minnesota's rural, suburban, and urban areas equally, and they also represent all major ethnic and racial groups residing in Minnesota. JJAC is a working board.

Additionally, the JJAC Chair has designated resource professionals who serve as Ex-Officio Members for JJAC. They include representatives from other Minnesota state departments which serve youth, as well as professional juvenile justice organizations focused on juveniles.

Minnesota Department of Public Safety's Office of Justice Programs (OJP) serves as the state administrative agency host for JJAC. OJP staff, Callie Hargett, serves JJAC as Juvenile Justice Specialist, Delinquency Prevention Act (JJDPA) Compliance Monitor, Ethnic and Racial Disparities (ERD) Coordinator, and Title II Grant Manager

JJAC MEMBERSHIP, STAFF & SUBCOMMITTEES

JJAC MEMBERS:

Chyenne Boyce
(Youth Member)
Minneapolis, MN
Student and Community Leader

Gary Charwood
(Chair)
Squaw Lake, MN
Cultural Coordinator, Baminin Anishinabe Program, Leech Lake Band of Ojibwe

Ruben Cortes
Saint Paul, MN
Former Community Service and Police Officer

Sarah Davis
Saint Louis Park, MN
Executive Director, Legal Rights Center

Freddie Davis-English
Plymouth, MN
Volunteer and Community Leader

Michael Goar
Saint Paul, MN
Chief Executive Officer, Big Brothers Big Sisters Twin Cities

Rodney Hanson
Willmar, MN
Judge, MN Sixth Judicial District

Nicholas Jenkins
(Youth Member)
Bloomington, MN
Community Leader

Scott Knight
Chaska, MN
Consultant and former Police Chief of Chaska

Rhonda Larkin
Minneapolis, MN
Principal, Stadium View School, Minneapolis Public Schools

Michael Mayer
Eagan, MN
Judge, MN First Judicial District

Denisia (Neese) Parker
(Youth Member)
Minneapolis, MN
Youth Engagement Manager, Youthprise

Harold (Hal) Pickett
Richfield, MN
Chief Learning Officer, Headway Emotional Health

Rachel Prudhomme
(Elected Official)
Thief River Falls, MN
Councilwoman, Ward Five, Thief River Falls and Attorney at Law, Prudhomme Law, LLC

Beau RaRa
Minneapolis, MN
Staff Attorney, Youth Law Project and Disability Law Center, Mid-Minnesota Legal Aid

Kathryn (Kate) Richtman
Saint Paul, MN
Former Director of the Juvenile Division, Ramsey County Attorney's Office and adjunct faculty

Aasia-Marie Ross
(Youth Member)
Eagan, MN
Chairwoman, Community of Young Consultants, Dakota County Juvenile Detention Alternatives Initiative

Erickson Saye
(Youth Member)
Minneapolis, MN
Community Leader

Raj Sethuraju
Chaska, MN
Associate Professor, Law Enforcement and Criminal Justice Education Center, Metropolitan State University

Richard (Richie) Smith
Plymouth, MN
Indian Child Welfare Act (ICWA) Compliance Consultant, Child Safety and Permanency Division, MN Department of Human Services

Sara Thomas
Saint Paul, MN
Judicial Law Clerk, Office of the Honorable Sara R. Grewing, MN Second Judicial District

JJAC MEMBERSHIP, STAFF & SUBCOMMITTEES

JJAC EX-OFFICIOS:

Matthew Bauer
MN Juvenile Detention Association (MN JDA)

Katrinna Dexter
MN Juvenile Detention Alternatives Initiative (MN JDAI)

Nicole Kern/Jerald Moore
MN Association of Community Corrections Act Counties (MACCAC)

Beatriz Menanteau/Caroline Palmer
MN Department of Health (MDH), Safe Harbor & Sexual Violence Prevention

Jane Schmid
MN Corrections Association (MCA)

James Schneider
MN Association of County Probation Officers (MACPO)

Carli Stark
Association of MN Counties (AMC)

Shon Thieren/Tammy Wherley
MN Department of Corrections (DOC), Minnesota Correctional Facility – Red Wing

Kay Tracy
MN Department of Employment and Economic Development (DEED), Office of Youth Development

JJAC ADVISORS:

DOC's Inspection & Enforcement Unit:
Lisa Becking, Monaie Hebert, Sarah Johnson, Jennifer Pfeifer, Teresa Smith, Christopher Thoma

Sue Abderholden & Elliot Butay
MN National Alliance on Mental Illness (NAMI)

Melissa Dau
MDH, Suicide Prevention Unit

Lolita Davis-Carter & Larry Eisenstadt
DEED, Office of Youth Development

Carter Diers
Wright County Court Services; MACPO

Alfonso Mayfield
Youthprise

Lochlan Stuart
Minnesota Department of Education (MDE), Care and Treatment Education Programs

JJAC STAFF SUPPORT:

Callie Hargett
MN Juvenile Justice Specialist
Staff Liaison to JJAC
ERD Coordinator
JJDP Act Compliance Monitor
Title II Grant Manager

Tricia Hummel
Assistant Director, Office of Justice Programs

Allison Scott
Financial Compliance Monitor

JJAC MEMBERSHIP, STAFF & SUBCOMMITTEES

JJAC SUBCOMMITTEES:

ETHNIC AND RACIAL DISPARITIES (ERD) SUBCOMMITTEE

Co-Chairs: Scott Knight & Richard Smith

Members:
- Sarah Davis
- Freddie Davis-English
- Katrinna Dexter
- Rhonda Larkin
- Alfonso Mayfield
- Jerald Moore
- Jane Schmid
- Raj Sethuraju

Subcommitte Mission Statement:
"To eliminate or greatly reduce Ethnic and Racial Disparities in Minnesota's juvenile justice system."

Subcommittee Vision Statement:
"To greatly prevent and reduce out of home placements per capita and per populations of color through consistent statewide data, up-to-date information, culturally responsive services, creative approaches, and education."

COMPLIANCE MONITORING SUBCOMMITTEE

Co-Chairs: Pending determination from Chair

Members:
- Chyenne Boyce
- Lolita Davis-Carter
- Freddie Davis-English
- Rhonda Larkin
- Michael Mayer
- Nicole Kern
- Jane Schmid

Subcommittee Mission Statement:
"To assist JJAC in fulfilling its oversight responsibilities for the Juvenile Justice and Delinquency Prevention Act (JJDPA) compliance monitoring process, the system of internal controls, the federal audit process, and the process for providing technical assistance as needed to facilities, providers, and other stakeholders."
(Note: This is an unofficial mission statement, which has not yet been edited, or approved by the subcommittee)

YOUTH AND COMMUNITY OUTREACH SUBCOMMITTEE

Co-Chairs: Chyenne Boyce & Erickson Saye

Members:
- Caroline Palmer
- Neese Parker
- Beau RaRa
- Alfonso Mayfield

Subcommittee Mission Statement:
"To center youth voice and ensure youth are our moral compass in all that we do."

Subcommittee Vision Statement:
"To center youth voice in our work to dismantle the systemic racism in juvenile justice. We aim to do so by including youth in our membership, our decision-making process, and as leaders whenever possible."

MENTAL HEALTH SUBCOMMITTEE

Co-Chairs: Matthew Bauer & Michael Goar

Members:
- Melissa Dau
- Rodney Hanson
- Kate Richtman
- James Schneider
- Shon Thieren

Subcommittee Mission Statement:
"To work collaboratively with community partners to continually assess and improve the mental health system of care, ensuring that it is inclusive and effective for all youth in the juvenile justice system, including the many ethnic and racial populations overrepresented in our system."

POLICY AND PARTNERSHIP SUBCOMMITTEE

Co-Chairs: Kathryn Richtman & James Schneider

Members:
- Sarah Davis
- Nicholas Jenkins
- Nicole Kern

Subcommittee Mission Statement:
"To identify and pursue policies that promote ethnic, racial, and gender equity; support other JJAC subcommittees by promoting agreed upon public policies that advance the priorities of the subcommittees and JJAC as a whole; and identify and promote funding priorities that support JJAC's public policy platform."

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

Recommendations for 2021

Throughout 2020, the focus of JJAC's full Committee and all Subcommittees has been to identify the most urgent issues facing Minnesota's youth and juvenile justice system in order to develop recommendations to address these concerns. This work culminated on November 13, 2020, when JJAC convened several Minnesota legislators and key partner agencies to discuss critical issues impacting youth and their families. The recommendations featured below are weighted with urgency, demanding immediate cross-sector attention:

Meaningfully impact the deep and pervasive ethnic, racial and gender disparities in Minnesota's juvenile justice system

What can be done?

Pursue policy and practice changes that will require:

- Data transparency: stakeholders must be required to report data on a regular basis and to do so in a way that will allow real time tracking of numbers and demographics of youth in detention facilities and correctional out-of-home placements
- Development of a statewide data hub that provides consistent definitions and data points for all reported data so that data can be gathered and compared in a meaningful way
- Prosecutors' offices to report on the following data points based on race, gender, age, and offense: cases charged, diverted, declined, designated EJJ, motioned EJJ, motioned adult certification, and certified to adult court;
- Judicial Districts to report on the following data points based on race, gender, age, and offense: charges sustained with a stay of adjudication of delinquency, charges sustained with an adjudication of delinquency, cases designated EJJ and cases certified to adult court;
- Action from juvenile justice stakeholders on racial and ethnic disparities;
- Initiation of "courageous conversations" with agencies engaging in and/or promoting harmful practices and policies.

Why is this important?

Meaningful, fundamental systems change must be governed and measured by reliable and current data. Minnesota has no statewide data system that gathers data consistently, using the same definitions, data points and measures. Thus, a statewide juvenile justice data hub is necessary in order to implement changes and measure the impact of these changes.

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

Keep youth out of the juvenile justice system who do not need to be there

What can be done?

Pursue policy and practice changes that will:

- Support community-led problem solving (i.e. community restorative practices/restorative justice);
- Explore alternatives to juvenile justice system referral for youth age 10 -12, including creating a pilot program that would significantly reduce or eliminate referrals to the juvenile justice system for youth under the age of 13;
- Bar admission to secure detention facilities for youth under the age of 13 except in extraordinary and rare cases;
- Identify and make available funding to support improved policies and practices.

Why is this important?

- For most youth under the age of 13, the juvenile justice system is not an appropriate or necessary response to offending behavior yet there is no other system that is currently required to respond to, or provide services for, these youth.
- Minnesota needs a clear response set forth by law that handles children 10-12 as those in need of services. Additionally, a funding stream should be established to ensure that the needs of these children are met, and the behaviors are addressed, in order to reduce further involvement in the juvenile justice system.

Reduce harm and improve outcomes for youth in the juvenile justice system

What can be done?

Pursue policy and practice changes that will:

- Reduce youth incarceration
    - Risk Assessment Instrument (RAI) used for all detention facilities holding youth across MN
    - COVID-19 response for youth in correctional facilities (ensure compliance with health mandates, release for high-risk youth)
    - Increase funding for community-based alternatives
- Improve conditions for incarcerated youth
    - Licensing changes
    - Ending the use of solitary confinement
- Modify Minnesota Department of Human Services (DHS) disqualifications for youth
- End indiscriminate shackling of youth
- Eliminate public hearings and public records for 16 and 17 year-olds charged with a felony
- Modify (or eliminate) predatory offender registration for youth (end automatic registration, create presumption of no registration)

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

- Eliminate Mandatory Juvenile Life Without Parole
- Continue to promote the Crossover Youth/Dual Status Youth Model
- Promote rehabilitation, positive youth development and overall community health
- Make children's mental health services provided through County Social Services mandatory in delinquency cases if recommended
- Identify and make available funding to support improved policies and practices

Why is this important?

One way in which we can begin to address the pervasive ethnic, racial and gender disparities in Minnesota's juvenile justice system is to require the use of validated risk assessment tools across the state to govern admission decisions for all youth detention facilities.

To protect our youth during the COVID-19 pandemic, all facilities in which youth are placed must be required to follow all health mandates and, whenever possible, youth should be released to lesser-restrictive alternatives.

To protect youth referred to the juvenile justice system and to promote a fair and balanced juvenile justice system, Minnesota's statutes should be amended to:

- Provide for greater privacy in proceedings involved youth age 16 and 17 charged with felonies (making juvenile hearings closed to the public unless there has been a designation as EJJ or a motion for certification)
- Eliminate mandatory predatory offender registration in most, if not all, cases involving juveniles
- Eliminate Juvenile Life Without Parole
- Emerging mental health issues often involve acting out or aggressive behaviors Mandatory Children's Mental Health provided through local County Social Services will assist with proper assessment and treatment to avoid youth getting pushed further into the juvenile justice system for intervention

Direct funding toward specific reform initiatives that will "change the narrative"

What can be done?

Consider pilot projects that explore new strategies

Why is this important?

- Prioritizing community-centered responses to youth misconduct will reduce rates of system involvement.
- Youth benefit holistically from culturally relevant, restorative and rehabilitative strategies, led with fidelity to traditional practices, teachings and values.

Note: Stakeholders can include: JJAC members, legislators, juvenile justice professionals, law enforcement, youth and their families, community- and faith-based program providers, mental health and chemical dependency professionals, educators and school administrators, members of the judiciary, and attorneys.

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

Previous JJAC Recommendations

JJAC recommends significant reduction of ethnic and racial disparities through improved data, alternatives to detention, consultation with community, and education to stakeholders.*

JJAC recommends increasing access to effective mental health, trauma, and substance abuse services.*

JJAC recommends establishing a central juvenile justice agency to oversee juvenile justice reform.*

JJAC recommends increased utilization of diversion.*

JJAC recommends that Minnesota eliminates the Mandatory Juvenile Life without Parole sentence.*

JJAC recommends prioritizing culturally-focused and community-based services and strategies.*

JJAC recommends increased utilization of state funds to support the efforts of counties seeking to implement multidisciplinary team approaches such as the Crossover Youth Model.**

JJAC recommends that all counties be mandated to ensure their systems delivery approach contains the key characteristics of the Crossover Youth Model, a strategy that is known to reduce levels of recidivism, as well as cost to taxpayers.**

JJAC recommends continued support for expansion of the JDAI model in additional Minnesota counties.***

JJAC recommends all MN educational districts participate in the MN Student Survey.***

JJAC recommends the need for girls programming within the juvenile justice system that reflects the specific needs of girls.***

JJAC recommends the inclusion of GLBT perspectives in all juvenile justice programing.***

**See 2018 & 2019 JJAC Annual Reports for discussion pertaining to this issue*
***See 2016 & 2017 JJAC Annual Reports for discussion pertaining to this issue*
****See 2015 JJAC Annual Report for discussion pertaining to this issue*

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

Accomplishments in 2020

New JJAC Chair Gary Charwood

Gary Charwood serves as Cultural Coordinator of the Baminin Anishinabe Program, which is based in the community and runs across the entire Leech Lake reservation. He works with community partners to develop and implement cultural practices for youth and their families. Baminin Anishinabe cultural programming occurs in the community, is voluntary, and is offered to anyone who would like to participate – youth, their families, and elders.

Chair Charwood recognizes the dedication and passion expressed throughout almost 40 years of service from previous Chair Richard Gardell. He will receive an award of appreciation at a recognition ceremony hosted by JJAC once it is safe to conduct an in-person gathering. Until then, members continue to regularly acknowledge the impact Richard Gardell has had on JJAC and the field of juvenile justice.

Gary is a respected member of the Leech Lake Band of Ojibwe, recognized by tribal youth and their families for his dedication to hands-on mentoring and relationship-building.

Gary Charwood has made JJAC the first State Advisory Group (SAG) in the nation to be led by a member of an Indigenous nation.

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

Eleven New JJAC Members

Governor Walz appointed eleven new members to JJAC at the beginning of 2020. This group represents various areas of expertise related to juvenile justice, including: youth development, mental health, community engagement, and juvenile justice law and policy.

New members include:

Name	Affiliation	Special Note
Gary Charwood	Cultural Coordinator, Baminin Anishinabe Program, Leech Lake Band of Ojibwe	JJAC Chair
Ruben Cortes	Former Community Service and Police Officer	
Sarah Davis	Executive Director, Legal Rights Center	
Michael Goar	Chief Executive Officer, Big Brothers Big Sisters Twin Cities	
Nicholas Jenkins	Community Leader	Youth Member
Neese Parker	Youth Engagement Manager, Youthprise	Youth Member
Hal Pickett	Chief Learning Officer, Headway Emotional Health	
Beau Rara	Staff Attorney, Youth Law Project and Disability Law Center, Mid-Minnesota Legal Aid	
Aasia Marie Ross	Chairwoman, Community of Young Consultants, Dakota County Juvenile Detention Alternatives Initiative (JDAI)	Youth member
Erickson Saye	Community Leader	Youth Member
Sara Thomas	Judicial Law Clerk, Office of the Honorable Sara R. Grewing, MN Second Judicial District	

In 2020, JJAC partnered with subject matter experts to reduce racial and ethnic disparities in the juvenile justice system via:

Ethnic and Racial Disparities (ERD) Subcommittee
Chaired by Retired Chaska Police Chief Scott Knight and MN Department of Human Services ICWA Guardian Ad Litem Coordinator Richie Smith, this subcommittee meets quarterly to ensure the ERD activities outlined in JJAC's Three-Year Plan are being fulfilled.

Equity Specialist Position
In 2019, JJAC funded an Equity Specialist position, filled by Alfonso Mayfield. Youthprise serves as fiscal agent. This position focuses on (1) gathering data related to disparities, (2) identifying effective interventions, and (3) measuring the impact of those interventions.

JJAC RECOMMENDATIONS & ACCOMPLISHMENTS

Listen, Learn, Lead Project

This JJAC-sponsored project centers on roundtable discussions with Black, Indigenous, and other Youth of Color across all ten MN judicial districts. This project has been expanded upon, with a professional recording and production element having been added. Coordinator Chris Mendez has contracted with a producer from a Minneapolis-based radio station who will record each session and edit sound bites (ensuring anonymity) into a segment that will be "gifted" back to each Judicial District as a learning tool that can be shared/played on their local radio stations. All segments from the ten judicial districts will be woven together into one "audio story" at the end of the project to be shared with radio programs that have a wide audience base (MPR, etc).

JJAC Racial and Ethnic Disparities Request for Proposals

The JJAC Ethnic and Racial Disparities Subcommittee released a Request for Proposals (RFP) aimed specifically at reducing disparities. JJAC reviewed proposals at their January 10th meeting and approved the following for a one-year funding term (March 1, 2020 – February 29, 2021).

Applicant	Project Description	Area(s) to be Served	Amount
HIRED	Hired will create a special focus on girls on probation in Ramsey County.	Ramsey County	$75,000
Tubman	Tubman's Youth Community Advocacy Program is for at-risk or justice-involved youth ages 10-17.	Ramsey County	$75,000
White Earth Reservation Tribal Council	Hire Trauma Court Case Manager & support efforts to reduce racial disparity in area justice systems.	Mahnomen, Clearwater and Becker Counties	$75,000
Beltrami Area Service Collaborative	Reduces minority contact with judicial and school disciplinary systems with early intervention.	Beltrami County	$75,000
Center for Multicultural Mediation	CMM program prevents and reduces Somali youth from the criminal justice system in Hennepin County.	Hennepin County	$75,000
EMERGE Community Development	A youth-led leadership program where older youth deliver prevention services to younger youth.	Hennepin County	$75,000
Legal Rights Center	Advocacy and pilots for establishing restorative justice programming options at all decision points.	Hennepin County (as a model for all counties)	$50,000

JJAC PARTNERSHIPS & COLLABORATIONS

JJAC Fosters Partnerships Via Ex-Officio Membership

JJAC fosters ongoing partnerships with key juvenile justice agencies via ex-officio representatives who regularly attend monthly meetings to advise the work of this body. ***Through expert advice from these faithful ex-officio partners, JJAC can confidently develop specific positions on critical juvenile justice issues.***

Learn from some ex-officio members about their unique background and role with JJAC:

Minnesota Association of Community Corrections Act Counties (MACCAC) – Nicole Kern/Jerald Moore:

- *My name is Nicole Kern and I serve as Director of Community Corrections in Morrison County and represent MACCAC as an ex-officio member of JJAC. I hold a Bachelor's Degree in Social Work and a Master's Degree in Public Safety Administration.*
- *MACCAC supervises 67% percent of all juveniles under probation supervision in the state of Minnesota. MACCAC supports the use of evidence based practices in supervision and employs quality assurance measures to ensure those practices are delivered with fidelity.*
- *MACCAC appreciates the leadership that JJAC has provided for advancing juvenile justice issues within the state of Minnesota. MACCAC is dedicated to continuing the partnership with JJAC and its members to benefit the youth of Minnesota.*

Minnesota Association of County Probation Officers (MACPO) – Jim Schneider:

- *My name is Jim Schneider and I am the Director of Probation in Cass County. Our county seat is in Walker, Minnesota. I am a probation officer appointed by both the 9th Judicial District Court and Leech Lake Tribal Court. We partner with the Leech Lake Reservation on criminal justice issues. MACPO is the oldest association representing community-based probation services in the state. We serve 25 counties in the state; mostly in rural Minnesota.*
- *We appreciate JJAC's leadership with juvenile justice issues in Minnesota. We have reviewed JJAC legislative initiatives and support the four identified topics. We applaud JJAC's willingness to lead these conversations of mandatory juvenile life without parole, ethnic and racial disparities, mental health funding, and crossover youth.*
- *As a MACPO member, we will continue to communicate with JJAC identified issues that are going on in our local communities that effect our juvenile justice system. By being responsive to the changing needs of counties, collectively we can come up with solutions before problems become crises.*

- *MACPO supports the legislature to provide adequate base funding for probation services in Minnesota. The clear majority of people who experience the criminal justice system are placed on community supervision. We use evidence-based practices in how we assess and supervise our clients. We support outcomes that promote community safety through restorative practices.*

Minnesota Corrections Association (MCA) – Jane Schmid:

- *My name is Jane Schmid and I am a Career Probation Agent with Brown County Probation in New Ulm, MN. I have been the Intensive Supervision Probation (ISP) agent for juveniles for the past 13 years, and have also served as supervising agent for our former Juvenile AOD (Alcohol and Other Drug) and Treatment Specialty Court. I am the chair of MCA's Juvenile Justice Committee (JJC) and President-Elect for MCA 2021. I represent MCA as an ex-officio member of JJAC.*
- *MCA appreciates the leadership JJAC has provided in improving juvenile justice issues in Minnesota, and especially the efforts in creating a unified effort with other corrections organizations toward legislative change. We have reviewed JJAC legislative initiatives and support the identified topics, and commend JJAC's efforts in juvenile life without parole, disproportionate minority contact, mental health funding and crossover youth.*
- *MCA supports the legislature to provide adequate base funding for mental and chemical health services in Minnesota, revision of the JLWOP statute, and revision of juvenile predatory offender registration criteria.*

Minnesota Department of Corrections (DOC) – Shon Thieren:

- *My name is Shon Thieren and I am the Superintendent at the Minnesota Correctional Facility in Red Wing (MCF-RW). MCF-RW provides treatment, education and transition services for around 85 serious and chronic male juvenile offenders. Young men are placed at the facility either as a condition of court-ordered probation or as the result of having been committed to the Commissioner of Corrections. MCF-RW is the only secure long-term treatment facility in the state, operated by the Minnesota Department of Corrections (DOC).*
- *MCF-RW is the facility charged with developing programming to address the most "serious and chronic" juveniles engaging in criminal behavior. The admissions criteria permit only those with adjudicated felony-level offenses that would result in a sentence of imprisonment if committed by an adult. This includes numerous cases where adult certification was considered or Extended Jurisdiction Juvenile (EJJ) has been imposed due to the severity of the offense.*
- *As an Ex-Officio member of JJAC, we have the opportunity to support and advocate for youth at this end of the continuum.*

JJAC PARTNERSHIPS & COLLABORATIONS

Minnesota Department of Health (MDH) – Beatriz Menanteau and Caroline Palmer:

- *My name is Beatriz Menanteau, I am the Violence Prevention Programs Unit Supervisor within the Injury & Violence Prevention Section at the Minnesota Department of Health (MDH). The Violence Prevention Programs Unit (VPP Unit) houses both the Sexual Violence Prevention Program and the human trafficking prevention Safe Harbor Program. Together, these programs work to change systems that perpetuate sexual violence, human trafficking, and exploitation, and ensure appropriate statewide responses to victims of human trafficking. MDH is committed to protecting, maintaining, and improving the health of all Minnesotans and I am grateful for the opportunity to serve as an Ex-Officio member of JJAC. I am joined by Safe Harbor Director Caroline Palmer, who also serves as an Ex-Officio member.*
- *As an Ex-Officio member of JJAC, MDH is able to highlight and identify intersections with juvenile justice systems and the health and welfare of our youth. JJAC provides MDH insight into how incarceration and system involvement relates to social detriments of health, adverse childhood experiences, and negative health outcomes. MDH seeks to increase justice involved youth's protective factors, including access to resources and supportive services.*

MN Juvenile Detention Alternatives Initiative (JDAI) – Katrinna Dexter:

- *My name is Katrinna Dexter, I am the Director of Juvenile Justice Reform and the State Coordinator of the Minnesota Juvenile Detention Alternatives Initiative (MN JDAI) at the Minnesota Department of Corrections. I represent MN JDAI as an ex-officio member of JJAC. JDAI is a national comprehensive juvenile justice reform model that began over two decades ago as a pilot project to reduce reliance on local confinement of court-involved youth. To date, JDAI has been the most replicated juvenile justice reform model now operating in over 300 jurisdictions nationwide, dramatically reducing detention facility populations all while keeping an acute focus on public safety.*
- *Since JDAI started in Minnesota, participating jurisdictions have seen a precipitous reduction of juvenile detention by over 50 percent. MN JDAI is represented in both rural and urban counties, along with a Tribal Nation focusing on how to reduce the overrepresentation of youth of color and indigenous youth in Minnesota's justice system.*
- *As an ex-officio member of JJAC, MN JDAI both appreciates and looks forward to its continued collaborative partnership with JJAC. We share an intentional goal of decreasing the institutional response used to address both the mental health and chemical dependency needs of our youth by providing resources, as well as technical assistance to our communities across Minnesota.*

JJAC PARTNERSHIPS & COLLABORATIONS

MN Juvenile Detention Association (MN JDA) – Matthew Bauer:

- *My name is Matt Bauer and I am the Superintendent for the Dakota County Juvenile Services Center (JSC). The JSC is located in Hastings, MN and provides secure detention and correctional treatment programs for both juvenile males and females.*
- *I represent MNJDA as an ex-officio member of JJAC. MNJDA is an organization that enables personnel of juvenile detention, secure juvenile corrections, and juvenile holdover facilities to join together in mutual efforts to improve youth care standards, facilities, and services. MNJDA's mission is "improving juvenile justice through collaboration, training, and legislative input".*
- *MNJDA appreciates the opportunity to have a voice within JJAC as we work to advance juvenile justice issues.*

JJAC'S Ongoing Partnership with the Department of Corrections' Inspection & Enforcement Unit

- The Juvenile Justice and Delinquency Prevention (JJDP) Act requires annual and biennial inspections of facilities across the state to guarantee the four core requirements of the act are met. Callie Hargett serves as Minnesota JJDPA Compliance Monitor and works closely together with the DOC Inspection and Enforcement Unit to guarantee that MN's required inspections are completed annually.
- In 2020, facility inspections continued to be divided between Office of Justice Programs' Compliance Monitor, and the Department of Corrections (DOC) Inspection and Enforcement Unit. Specifically, the DOC Inspections and Enforcement Unit inspects county jails and secure juvenile facilities.
- The Memorandum of Understanding (MOU) between the Minnesota Departments of Public Safety and Corrections for inspections of juvenile facilities and secure jails and lockups is valid through December 31, 2021. This MOU guarantees that DOC inspectors will inspect juvenile facilities or those facilities where juveniles could be held temporarily and will follow the tenets of the JJDPA.
- 2020 DOC Inspection and Enforcement Unit included: Timothy Thompson (Manager), Teresa Smith (Management Analyst), and Inspectors: Shannon Amundson, Lisa Becking, Monaie Hebert, Jennifer Pfeifer, Sarah Johnson, and Chris Thoma.

JJAC'S Collaboration with other Juvenile Justice Agencies

JJAC has made considerable outreach to three agencies that represent the corrections delivery systems in Minnesota. ***Please see Appendices A-C for the 2021 legislative platforms and initiatives of MCA, MACCAC, and MACPO.***

JJAC continues to make outreach to other committed juvenile justice entities all over the state. It currently moves its regular meetings around the state to ensure that JJAC is familiar with all regions and their unique juvenile justice issues.

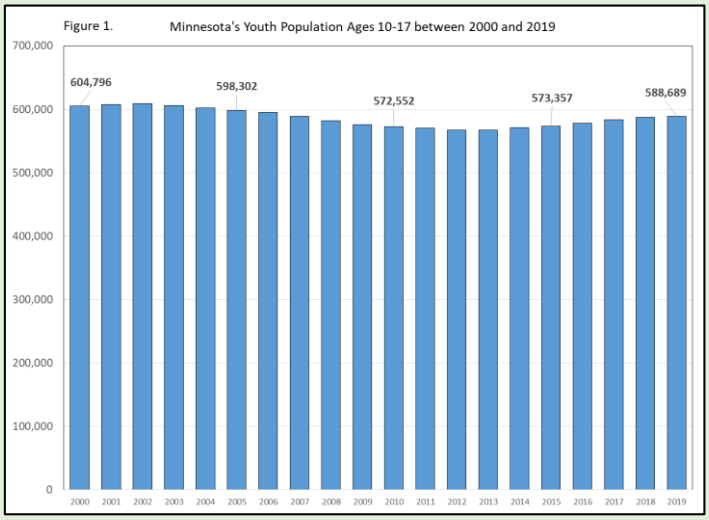
MINNESOTA YOUTH DEMOGRAPHICS & JUVENILE JUSTICE SYSTEM INVOLVEMENT

This section begins with a discussion of Minnesota's youth population, focusing on changes in its racial and ethnic composition from 2000 to 2019, followed by an overview of youth involved in the juvenile justice system in calendar year 2019. It concludes with a summary of the federal Juvenile Justice and Delinquency Prevention Act and Minnesota's compliance with its four core requirements.

MINNESOTA'S YOUTH POPULATION, 2000-2019[1]

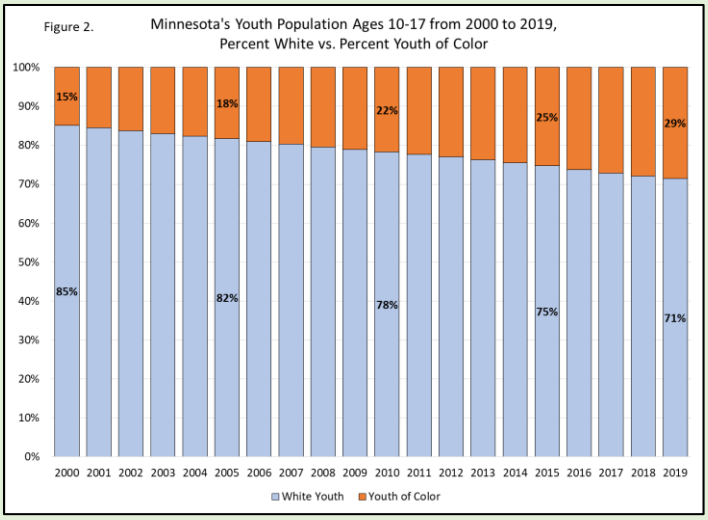
Of the 5.64 million people living in Minnesota in 2019, 1.3 million were children under the age of 18. Forty-five percent of those children were between the ages of 10 and 17, the ages at which youth can become involved in the juvenile justice system.[2] Delinquent children under the age of 10 are deemed Children in Need of Protection or Services (CHIPS) as dictated by Minnesota State Statute 260C.007, Subd. 6. As such, this report focuses on the population at risk of entering the juvenile justice system—children between the ages of 10 and 17. As of 2019, the population in Minnesota ages 10 to 17 was estimated at 588,689. This is lower than the 604,796 documented in the 2000 Census (Figure 1).

Figure 1. Minnesota's Youth Population Ages 10-17 between 2000 and 2019



From 2000 to 2019, Minnesota's youth population became more diverse as Figure 2 demonstrates.[3] In 2000, the percentage of youth of color ages 10 to 17 was estimated at 15%. In 2019, percentage of youth of color ages 10 to 17 was estimated at 29%.[4] Nearly three-in-10 youth in Minnesota of sufficient age for involvement in the juvenile justice system reflect a race or ethnicity other than White.

Figure 2. Minnesota's Youth Population Ages 10-17 from 2000 to 2019, Percent White vs. Percent Youth of Color



[1] All population data come from Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2019." Online.

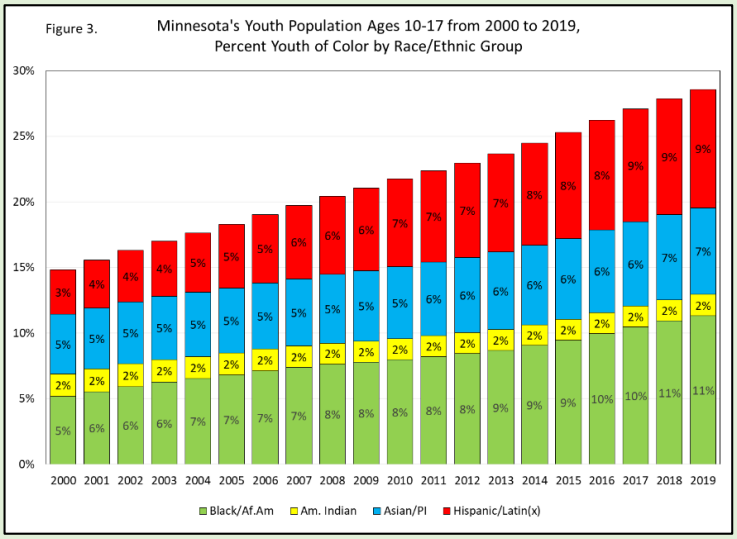
[2] In Minnesota, Juvenile Delinquency Court has jurisdiction over youth who are alleged to have committed a delinquent act while between the ages of 10 and 17. *See*, Minn. Stat. §260C.007, Subd. 6(12) (2019).

[3] See Appendix 1 for a table displaying the number of youth between the ages of 10 and 17 living in Minnesota by race and ethnicity from 2000 to 2019.

[4] Note that in discussions about percentages throughout the report, percentages may not total 100 due to rounding.

With regard to the growth of specific racial and ethnic groups, Figure 3 demonstrates that Black/African American youth and Hispanic/Latin(x) youth made up increasingly larger shares of the youth population over time. Black/African American youth were 5.2% of the youth population ages 10-17 in 2000 and 11.3% of the population in 2019. Similarly, Hispanic/Latin(x) youth were 3.4% of the youth population ages 10-17 in 2000 and 9.0% of the youth population in 2019.

Figure 3. Minnesota's Youth Population Ages 10-17 from 2000 to 2019, Percent Youth of Color by Race/Ethnic Group



The percent of Asian/PI American youth ages 10-17 rose as well, from 4.5% in 2000 to almost 6.6% in 2019. However, the percentage of American Indian youth remained virtually steady, decreasing from 1.7% to 1.6% over the same time period. There was substantial demographic change in Minnesota's youth population from 2000 to 2019. This increasing racial and ethnic diversity will likely continue and therefore have important implications for the juvenile justice system.

YOUTH INVOLVEMENT WITH THE JUVENILE JUSTICE SYSTEM IN 2019

After examining the demographics of the population at risk, we turn to youths' contact with the juvenile justice system in Minnesota in calendar year 2019. This section investigates juveniles' involvement with various points in the system: arrests, delinquency petitions filed in juvenile court, delinquency adjudications,[5] probation, secure detention and confinement, and transfers to adult court. It focuses on the demographics of those who had contact with the system.

JUVENILE ARRESTS[6]

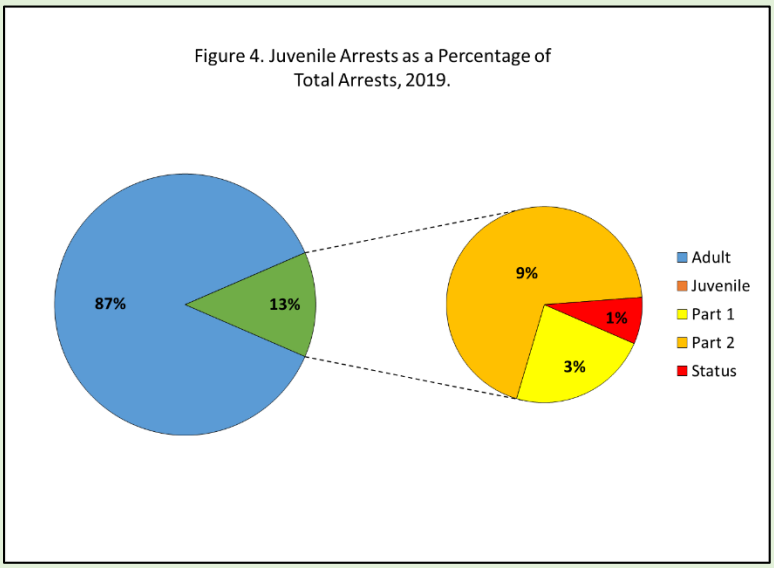
In 2019, there were 150,034 total arrests in Minnesota.[7] Figure 4 illustrates that 87% of arrests in 2019 were of adults (130,452) while 13% of arrests were juveniles (19,582).

[5] Delinquency adjudications refer to cases in which a juvenile was adjudicated delinquent by a juvenile court. Data do not include cases resulting in a continuance for dismissal or stay of adjudication following a guilty plea or a finding of guilt.

[6] All arrest data come from the Minnesota Department of Public Safety Bureau of Criminal Apprehension, Minneapolis Police Department, St. Paul Police Department, and the Minnesota Department of Public Safety Bureau of Criminal Apprehension's *Uniform Crime Report*.

[7] See Appendix 2 for the number of all adult arrests, all juvenile arrests, and juvenile arrests by offense type in Minnesota in 2019.

Arrests of juveniles are further subdivided by the type of offense: Part I offenses, Part II offenses, and status offenses. Part I offenses are the most serious crimes, examples of which include homicide, rape, aggravated assault, robbery and burglary. Crimes such as these are most likely to be reported to law enforcement. Arrests of juveniles for Part I offenses made up 3% of all arrests in Minnesota in 2019.



Part II offenses are considered "less serious." Simple assault, stolen property, drug abuse, vandalism, driving under the influence, and disorderly conduct are examples of Part II offenses. In 2019, 9% of all arrests in Minnesota involved juveniles for Part II offenses.

Lastly, status offenses apply only to juveniles but they do not constitute delinquent acts. As such, juveniles arrested for status offenses are non-offenders, not delinquents. While Part I and Part II offenses are offenses that are illegal for both adults and juveniles, status offenses are acts and behaviors that are legal for adults. Examples of status offenses include alcohol consumption, loitering and violating curfews. In 2019, arrests for status offenses made up 1% of all arrests in Minnesota.[8]

Arrests by Offense Type

A closer look at juvenile arrests in Minnesota in 2019 reveals the majority of arrests were for Part II offenses. Figure 5 displays the percent of juvenile arrests for Part I, Part II, and Status Offenses. Of the 19,582 total arrests, 69% were for Part II offenses. Just over one-quarter of juvenile arrests (26%) were for Part I offenses. The smallest percentage of arrests involved Status Offenses (5%).

[8] While status offenses under the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) include running away and truancy, it is important to note that Minnesota law defines both runaways and truants as Children in Need of Protection or Services. *See*, Minn. Stat. §260C.007, Subd. 6(13) & (14) (2019).

Arrests by Gender and Offense Type[9]

In 2019, the number of girls and boys between the ages of 10 and 17 was almost evenly split. Boys were a slim majority of the youth population, but they were overrepresented among juvenile arrests, as Figure 6 demonstrates. In 2019, boys were 51% of 10 to 17 year-olds but 66% of youth arrested. By contrast, girls were underrepresented among those arrested. Girls were 49% of the youth population but only 34% of juveniles arrested (Figure 6).

A breakdown of arrests by offense type reveals similar patterns. Girls were underrepresented, making up about one-third of those arrested for Part I and Part II offenses (36% and 32% respectively). Conversely, 63% of those arrested for Part I offenses and 68% of youth arrested for Part II offenses were boys. With regard to arrests for status offenses, similar proportions existed in 2019 as for other offenses. Boys made up 63% of youth arrested, and girls comprised 37% of youth arrested for status offenses (Figure 6).

When status offenses is divided into two categories, curfew/loitering and runaway, it is clear that boys have more arrests for curfew and loitering than girls (71% vs. 39%). Arrests for runaway are closest between boys and girls and reflective of the Minnesota population distribution (51% and 49%).

Figure 5. Juvenile Arrests by Offense Type, 2019

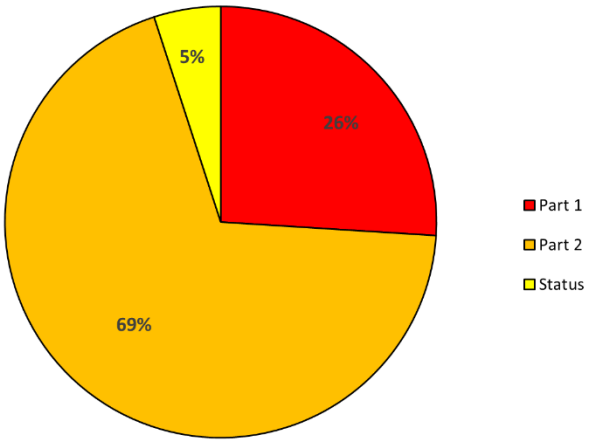
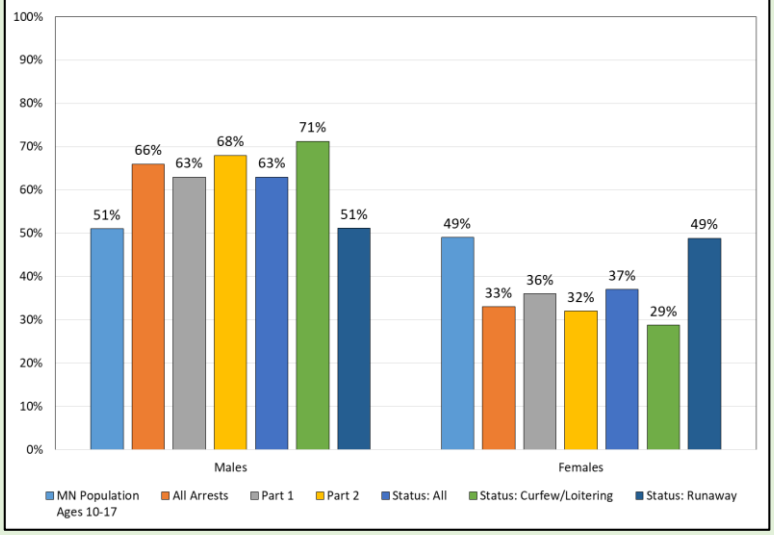


Figure 6. Juvenile Arrests by Offense Type by Gender, 2019

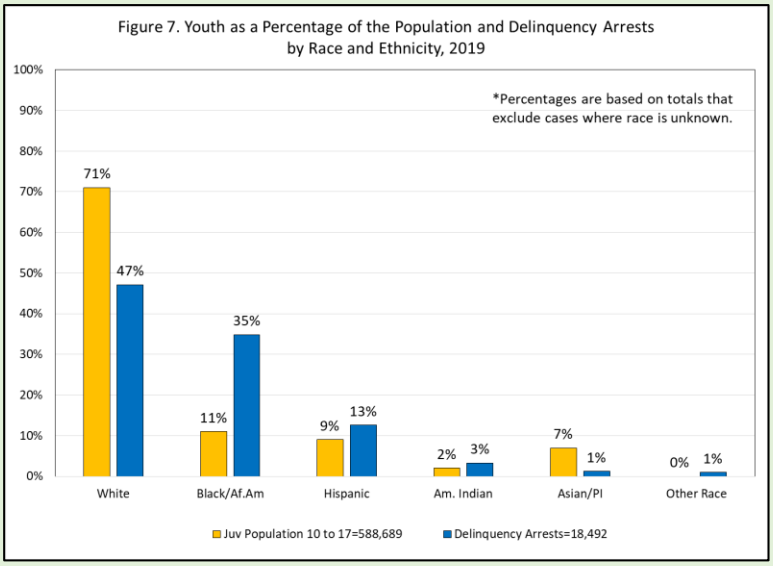


[9] See Appendix 3 for the number of juvenile arrests in Minnesota by offense type and gender in 2019.

Arrests by Race, Ethnicity, and Offense Type

Figure 7 examines the race and ethnicity of youth arrested for delinquency[10] offenses in 2019.[11] Results demonstrate that some groups were overrepresented among delinquency arrests while others were underrepresented. White youth were among those underrepresented. They were 71% of the youth population between 10 and 17 years of age, but just 46% of those arrested for delinquent acts. Asian/PI American youth were also underrepresented. They were 7% of the youth population but just 1% of those arrested.

In contrast, Black/African American and Hispanic/Latin(x) youth were overrepresented among those arrested. Eleven percent of youth between the ages of 10 and 17 were Black/African American, but 34% of juvenile delinquency arrests were of Black/African American youth. There is a similar pattern but to a lesser degree among Hispanic/Latin(x) youth. Hispanic/Latin(x) youth made up 9% of the youth population but 12% of youth arrested for delinquency.



American Indian youth were the only group that was, for the most part, proportionately represented. American Indian youth were 2% of the youth population and 3% of those arrested for delinquency state-wide in 2019.

Arrests by Metropolitan Statistical Area[12]

Lastly, we compare juvenile delinquency arrests among youth in Metropolitan Statistical Areas (MSA) and non-Metropolitan Statistical Areas (non-MSAs) in Minnesota. MSAs are parts of the state with at least one area with at least 50,000 residents.[13] In 2019, the population of youth ages 10-17 living in an MSA are

[10] Delinquency arrests exclude specific offenses that are not illegal for adults or are always Petty Misdemeanors. The following offenses are excluded in the data: Truancy, Runaway, Curfew, Loitering, Juvenile Alcohol related offenses, Possession or sale of a small amount of marijuana and Traffic violations. These data are provided by the BCA, Minneapolis Police and St. Paul Police based on specific data requests.

[11] See Appendix 4 for the number of juvenile delinquency arrests in Minnesota by race and ethnicity in 2019.

[12] See Appendix 7 for the number of youth between the ages of 10 and 17 and juvenile delinquency arrests in Minnesota by Metropolitan Statistical Area in 2019.

[13] Counties in MSAs include: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Le Sueur, Mille Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, Wright, Carlton, St. Louis, Benton, Stearns, Dodge, Fillmore, Olmsted, Wabasha, Blue

roughly comparable to the percent of juvenile arrests occurring there: Seventy-eight percent of youth lived in an MSA, where 81% of juvenile arrests took place. Youth living in non-MSAs comprised 22% of the youth population and made up 19% of those arrested.

CASES PETITIONED AND CASES RESULTING IN DELINQUENCT FINDINGS[14]

The arrest stage is one of several points of contact youth potentially have with the juvenile justice system. Following a delinquency arrest, law enforcement may refer the case to the county attorney. The county attorney decides whether to decline, divert or file charges by petitioning the case to court. Diversion can occur either pre- or post-charge. In Minnesota, many county attorney's offices provide pre-charge diversion services, giving youth the opportunity to avoid a juvenile court record while holding the child accountable. All county attorneys are required by statute to have pretrial diversion programming available for eligible justice-involved youth.[15]

Because no state-wide data collection system exists in Minnesota for referral and diversion data, state-level data on the number of cases referred to county attorneys and number of cases diverted are not available. Requiring all 87 counties to collect and report to the state their juvenile diversion referral and completion data, disaggregated by race, ethnicity, and gender has long been one of JJAC's goals and remains a priority for 2020 and beyond. However, absent the necessary data, the next part of the analysis focuses on the number of cases petitioned in juvenile court.

Juvenile Cases Petitioned

In 2019, there were 28,830 cases filed in juvenile court. Not all petitions in juvenile court are related to the juvenile delinquency, however. Juvenile Court also hears CHIPS cases (Children in Need of Protection or Services), Parental Permanency Cases, as well as Status and Petty offenses. Delinquency cases (misdemeanors, gross misdemeanors and felonies) are a total of 15,092 filings or 51% of all cases filed in juvenile court.

Figure 8. Juvenile Court Filings by Offense Type, 2019

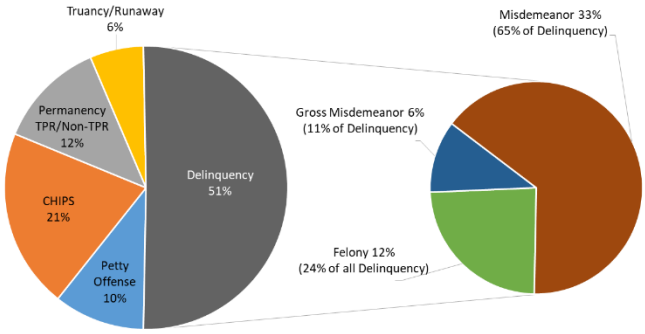


Figure 8 displays the percent of cases petitioned by case type and level in

Earth, Nicollet, Houston, Polk, and Clay. See Minnesota Department of Employment and Economic Development's Metropolitan Statistical Areas.

[14] Juvenile case filing and disposition data provided by the Minnesota State Court Administrator's Office, upon request, and the Minnesota Judicial Branch Data Dashboard.

[15] Minn. Stat. §388.24 (2019).

Minnesota in 2019.[16] Approximately half the cases (51%) were delinquency petitions. Cases involving felony charges made up 12% of all cases petitioned to juvenile court (24% of delinquency filings). Cases with gross misdemeanor charges were 6% of all juvenile filings (11% of delinquency filings). Finally, one-third (33%) of all cases filed pertained to misdemeanor charges (65% of delinquency filings). The remaining 39% of the 2019 juvenile court filings involved child welfare cases, including CHIPS petitions (21%), permanency through the transfer of custody and the termination of parental rights cases (12%), and the smallest percentage of cases were for truancy and runaway (6%).

Figure 9 presents the distribution of cases across Minnesota's ten judicial districts by case type. A plurality of petitions (20%) were filed in the 4th District, which is made up entirely by Hennepin County. The 10th Judicial District, encompassing eight counties including a couple in the metropolitan area, received the next-highest share of petitions (15%). Thirteen percent of petitions were filed in the 1st Judicial District, composed of seven counties including three located in the metropolitan area. Twelve percent of petitions were filed in the 7th Judicial District, comprised of 10 counties in west central Minnesota, and 10% of cases were filed in the 9th Judicial District. The 8th Judicial District received the lowest percentage of petitions (4%) while the remaining districts received 6% to 9% of total juvenile petitions.

Figure 9. Percent of Total Petitions Filed in Juvenile Court by Case Type and Judicial District, 2019

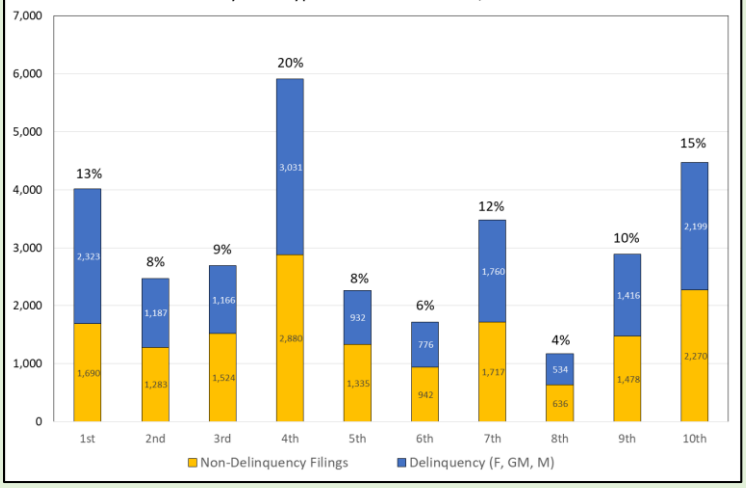
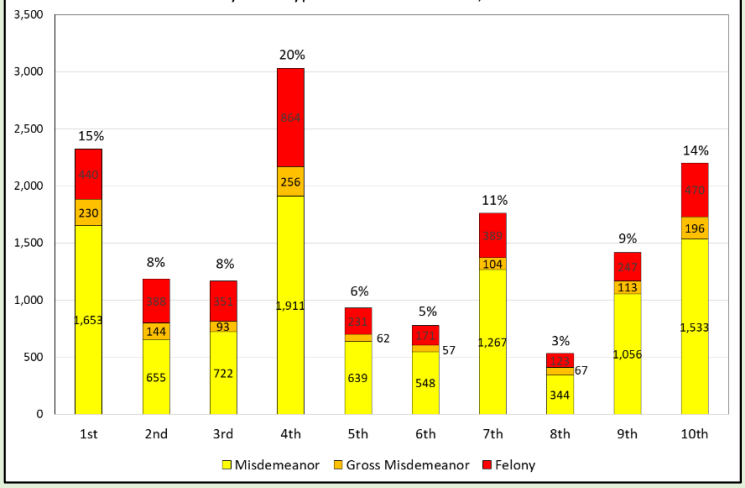


Figure 10. Percent of Total Delinquency Petitions Filed in Juvenile Court by Case Type and Judicial District, 2019

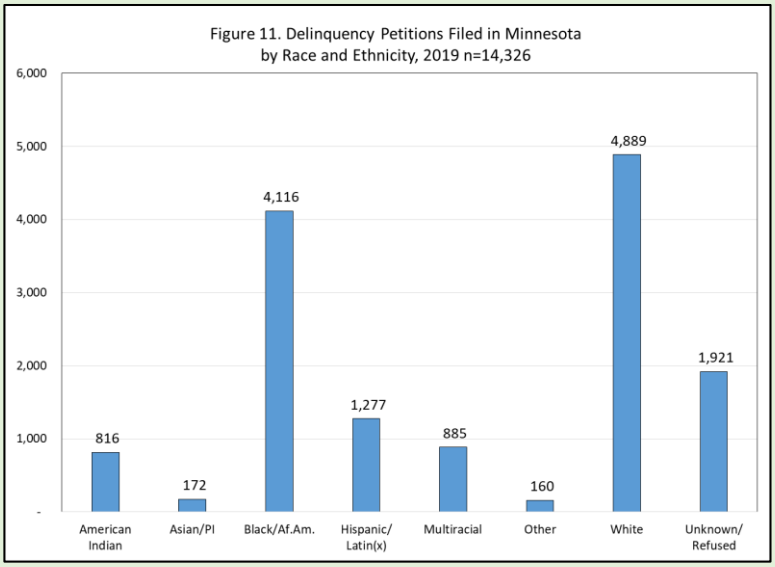


Turning to the distribution of delinquency petitions across Minnesota, Figure 10 displays the number of cases involving felony, gross misdemeanors, and misdemeanors in each judicial district. Twenty percent of all delinquency petitions were filed in the 4th district, 15% were filed in the 1st district, and 14% were filed in the 10th district. Eleven percent of all delinquency cases were filed in the 7th district. The 8th district had the lowest percentage of delinquency case filings (3%).

[16] See Appendix 8 for the number of cases petitioned in Minnesota by offense level and judicial district in 2018. See Appendix 9 for a list of counties in each judicial district.

Delinquency Cases Petitioned by Race and Ethnicity[17]

Figure 11 illustrates the race and ethnicity of youth whose cases were petitioned to juvenile court in Minnesota in 2019.[18] Race and ethnicity data are collected in Minnesota juvenile courts, but data are self-reported voluntarily. As such, there is unknown data when the information is missing or refused. Figure 11 illustrates a total of 14,236 juvenile delinquency petitions filed in Minnesota in 2019. Delinquency petitions are those filed with a misdemeanor, gross misdemeanor or felony as the top level charge. Traffic offenses are generally excluded with the exception of DWI. Statewide, White youth constitute the largest number of delinquency petitions filed (4,889) followed by 4,116 cases among youth who identify as Black or African American. These two groups of youth account for 34% and 29% of filings, respectively. Youth of any race who identify as Hispanic/ Latin(x) are the third largest percentage of petitions filed where race is known (1,277, 9%). Petitions where race is unknown account for 13% of filings. The smallest percentage of filings by race are those who identify as multiracial (885, 6%), American Indian (816, 6%), Asian/PI American (172, 1%) and those who identify as a race other than those provided (160, 1%).



Cases Resulting in Delinquent Findings

When a youth appears in court, there are numerous potential resolutions to the case. Some of the most common include Adjudication as a Delinquent, a Stay of Adjudication, Continuance for Dismissal, and Acquittal or Dismissal. Some cases that originate as delinquency level (M, GM and F) can also be reduced to non-delinquent petty offenses. Adjudication as a delinquent is an outcome of particular interest in that it requires either a finding or an admission of guilt in the case. Those who are adjudicated delinquent are often those who are eligible for out of home placement, the longest periods on supervised probation, and those who have the most collateral consequences associated with their delinquency record.

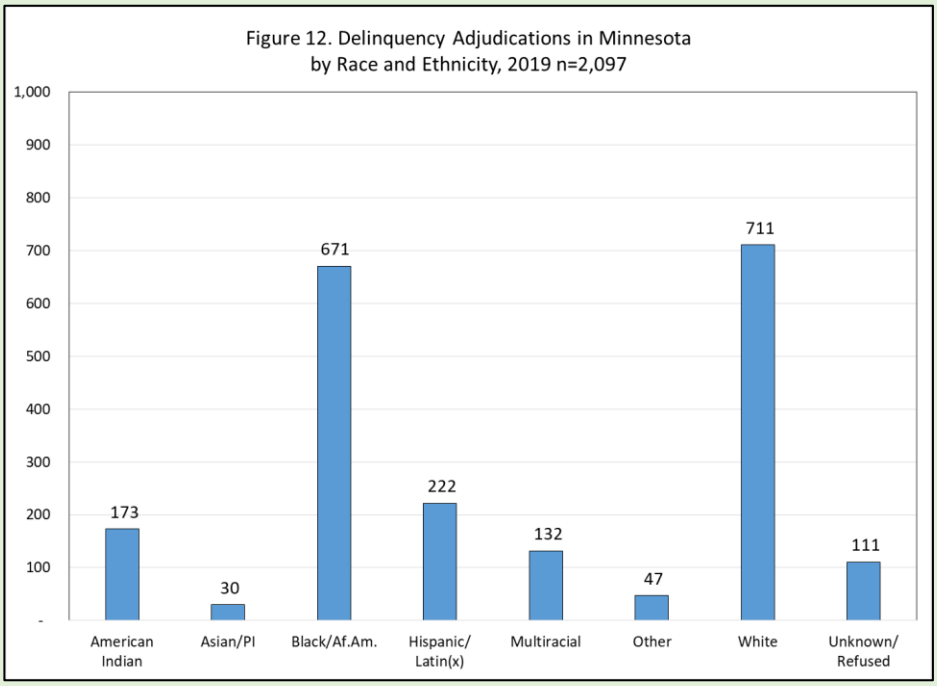
Data provided by the Minnesota State Court Administrator's Office (Figure 12) indicates that approximately 15% of delinquency petitions filed in juvenile court (14,236) resulted in a delinquency

[17] The data in this section are reported by SCAO upon request for specific reporting purposes by race and ethnicity. Figures contained in this section may differ from those reported in the prior section, which are taken from a publicly accessible data site.

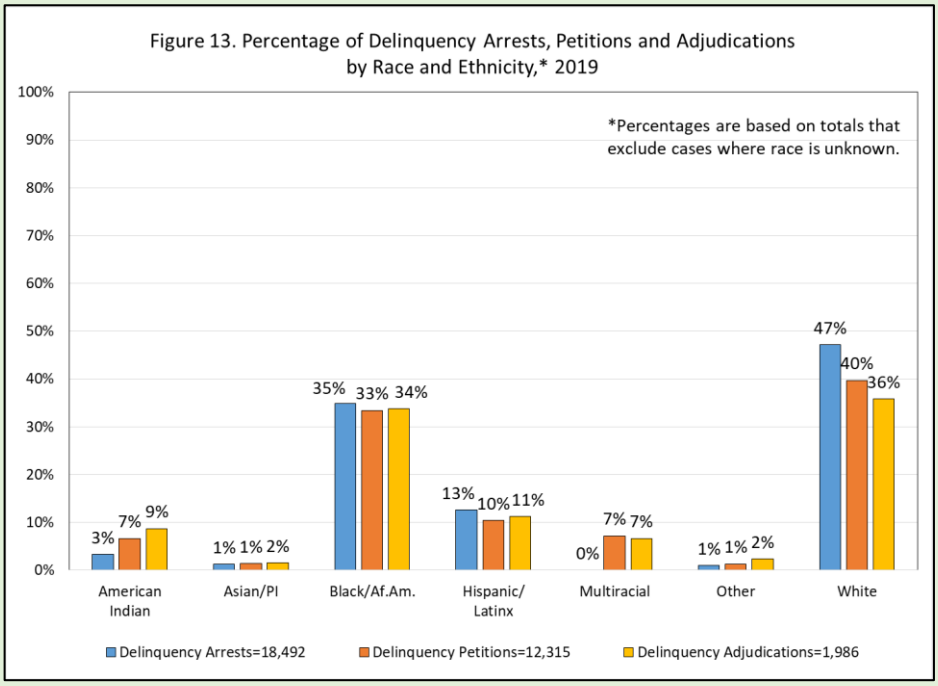
[18] See Appendix 10 for the number of cases petitioned and number of cases resulting in delinquency adjudications in Minnesota by race and ethnicity in 2019.

adjudication (2,097). Like delinquency petitions filed, cases resulting in adjudication predominantly impact White youth and Black/African American youth at 711 and 671 cases, respectively.

As is illustrated by Figure 13, there is some disproportionality that exists from the point of arrest, to case filing, to delinquency adjudication. White youth account for 47% of delinquency arrests but 40% of youth petitioned for a delinquent charge—The percentage of youth adjudicated delinquent is lower yet at 36%. At the state level, Black/African American youth account for 35% of delinquency arrests, 33% of filings and 34% of adjudications. American Indian youth see their representation in the system rise from 3% of delinquency arrests, to 7% of petitions, to 9% of adjudications at the state level.



It should be noted that racial categories do not always translate across different system stages. Arrest data does not include multiracial or "other" race identities in the way that court data do. Even when unknown and missing data are excluded, they may not tell the full picture of racial disparities.



CASES RESULTING IN PROBATION PLACEMENT[19]

The Minnesota Department of Corrections maintains data on the number of youth on probation. Figure 14 illustrates the 6,583 new probation cases initiated in Minnesota in 2019 by race and ethnicity. The largest number of new probation cases initiated were for White youth (2,929) followed by Black/African American youth (1,677).

Hispanic/Latin(x) youth accounted for 558 new probation cases statewide, followed by American Indian youth at 398 new probationers. Unfortunately, in over 900 new probation cases in 2019, race and ethnicity information are unknown.

Figure 14. New Juvenile Probation Cases in Minnesota in 2019, by Race and Ethnicity n=6,583

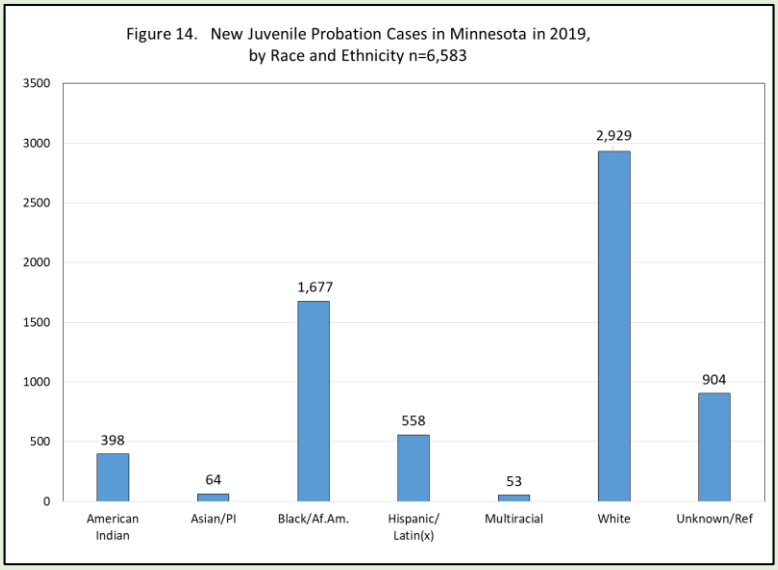
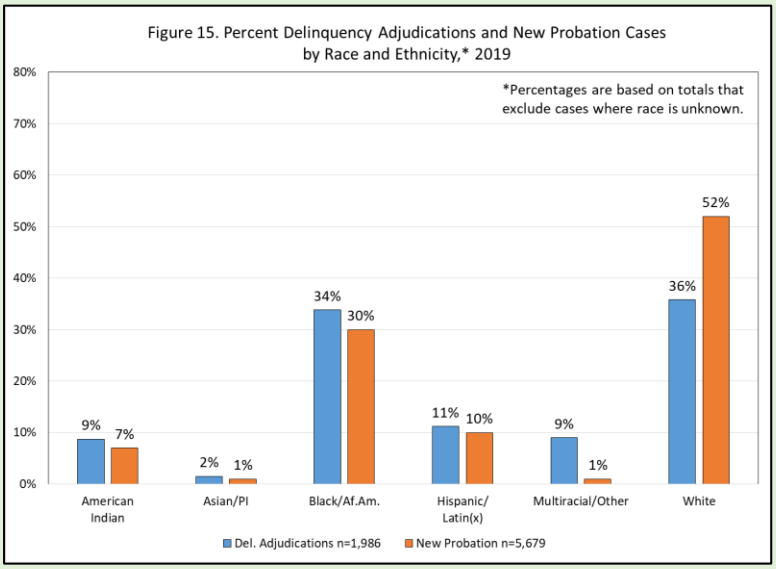


Figure 15 presents the percentage of youth on probation by race and ethnicity compared to the percentage of cases resulting in a delinquency adjudication. This comparison is recommended because probation is usually the result of a court-order related to a finding of guilt. However, it is possible that court cases other than those with delinquent findings (stays of adjudication, continuance for dismissal) can also result in probation.

Like previous findings, there was significant disproportionately among White youth and Black/African American youth. The former was over-represented among youth on probation, while the latter was under-represented. Thirty-six percent of delinquency adjudications were of White youth, but over half (52%) of those on probation were White. Conversely, Black/African American youth made up 34% of delinquency adjudications but 30% of youth on probation where race is known.

Figure 15. Percent Delinquency Adjudications and New Probation Cases by Race and Ethnicity,* 2019



We observe some underrepresentation among American Indian youth in the probation data. American Indian youth made up 9% of cases resulting in an adjudication of delinquency and 7% of cases resulting in

[19] Probation data provided by the Minnesota Department of Corrections and Hennepin County DOCCR, upon request. See Appendix 11 for the number of cases resulting in probation placement in Minnesota by race and ethnicity in 2019.

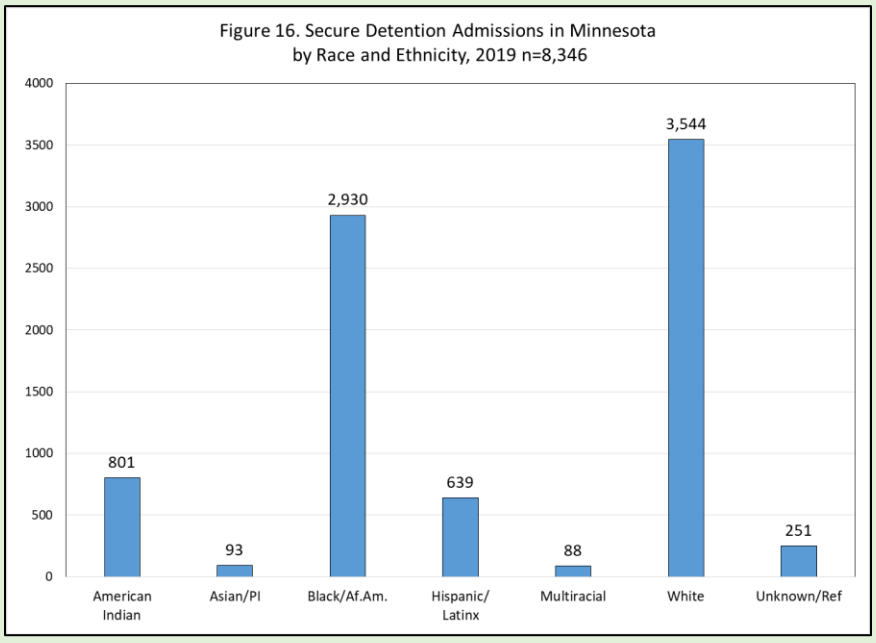
probation placement. There is a one percent difference between adjudication and probation cases for Hispanic/Latin(x) youth and Asian/PI American youth. Note that 9% of adjudications were of youth who identified as Multiracial/Other, but were just 1% of probationers.

YOUTH IN SECURE FACILITIES[20]

Pre-Adjudication Detention

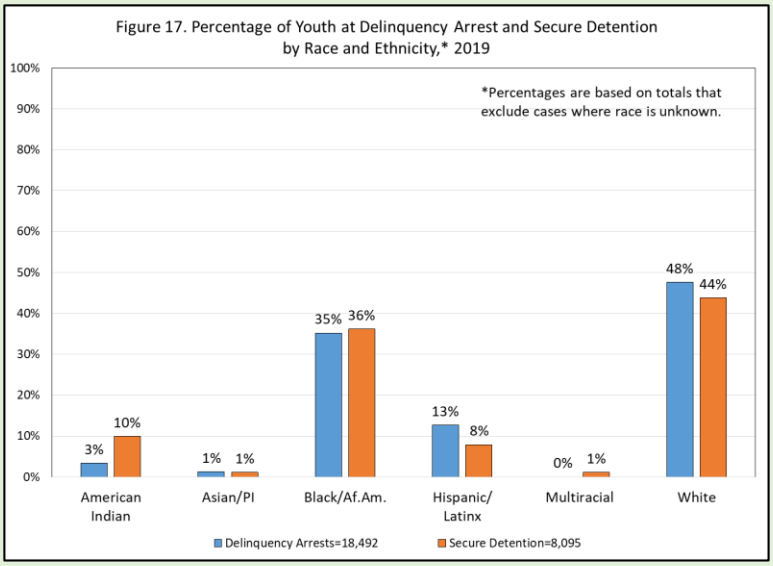
This section examines youth held in secure detention during court processing prior to disposition. These data include pretrial detention in secure jails or police lockups authorized to hold youth for detention purposes in Minnesota, as well as youth detained in secure juvenile facilities. In 2019, there were 8,346 admissions to secure detention settings in Minnesota. The majority of admissions are to secure juvenile facilities, however approximately 20% were detained in an adult jail or police lock-up licensed to hold youth temporarily.

Figure 16 illustrates the number of admissions to secure detention settings, by race and ethnicity. Statewide, White youth make up the largest number and percentage of secure detention admissions (3,544, 42%) followed by Black or African American youth (2,930, 35%). Youth identified as American Indian and Hispanic/Latin(x) account for 10% and 8%, respectively. Asian/PI American youth and Multi-racial youth were each 1% of the detention population in 2019. Race and ethnicity data were unknown for 3% of detention admissions.



[20] Data on youth detained in secure facilities provided by the Minnesota Department of Corrections, Minnesota Correctional Facility- Red Wing and the Hennepin County Juvenile Detention Center, upon request. See Appendix 12 for the number of youth in secure detention and secure confinement in Minnesota by race and ethnicity in 2019.

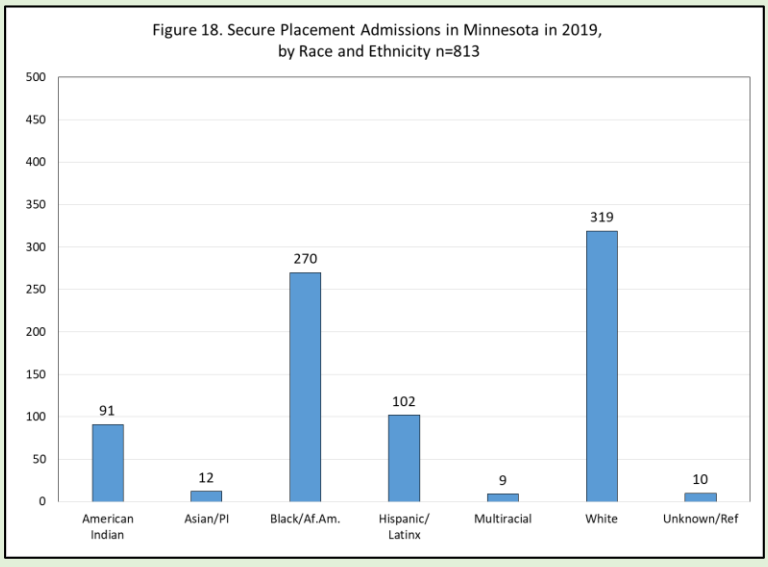
To calculate disproportionality, the percent of youth held in secure detention is compared to the percent of youth arrested for delinquency offenses. Some disproportionality is evident as illustrated in Figure 17. White youth are 48% of delinquency arrests but are 44% of secure detention events. Hispanic/Latin(x) youth are also underrepresented in detention as compared to arrest (8% vs. 13%). Conversely, American Indian youth were 3% of arrests but were 10% of detention admissions. Data among Black/African American and Asian/PI American youth appear largely proportionate in 2019.



Post-Disposition Placement[21]

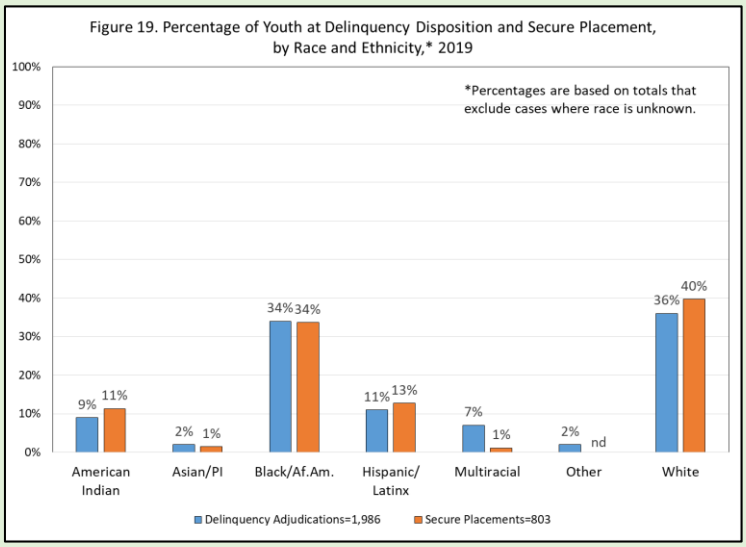
Next, we investigate the race and ethnicity of youth held in secure confinement as a result of a court disposition. In 2019, 813 youth were placed in a secure facility.

Figure 18 illustrates that White youth account for 319 secure placement admissions (40%) followed by 270 Black or African American youth (34%). Hispanic/Latin(x) youth were 13% of secure placement admissions (102) followed by 11% American Indian youth (91). Asian/PI American and multiracial youth constituted 1% of secure placement admissions, respectively.



[21] Data on youth placed in secure facilities provided by the Minnesota Department of Corrections, Minnesota Correctional Facility- Red Wing and the Hennepin County Home School, upon request

To calculate disproportionality, the percent of youth placed in secure facilities is compared to the percent of youth adjudicated for delinquency offenses. Disproportionality is evident among those placed in secure facilities as compared to those adjudicated delinquent (Figure 19). White youth and American Indian youth were overrepresented among those placed securely post-adjudication. While White youth made up 36% of delinquency adjudications, they were 40% of those in secure placement. American Indian youth were 9% of those with a delinquency adjudication but 11% of those placed securely.



There was also disproportionately among Asian/PI American youth and Hispanic/Latin(x) youth. Asian/PI American youth were 2% of those with delinquency adjudications and 1% of those in secure placement. Eleven percent of cases resulting in delinquency adjudications and 13% of those held in secure placement were Hispanic/Latin(x). Black/African American youth were comparable at 34% of delinquency adjudications and 34% of secure placements.

CASES TRANSFERRED TO ADULT COURT[22]

Lastly, we turn to youth transferred to adult court in 2019. Under Minnesota law, youth ages 14 or older alleged to have committed a felony-level offense may be transferred to adult court for prosecution.[23] The process of transferring a case to adult court is called "certification" under Minnesota's statutes. In 2019, of the 3,674 felony cases filed (which includes youth under 14 not eligible for certification) only 27 cases were transferred to adult court (less than 1%).

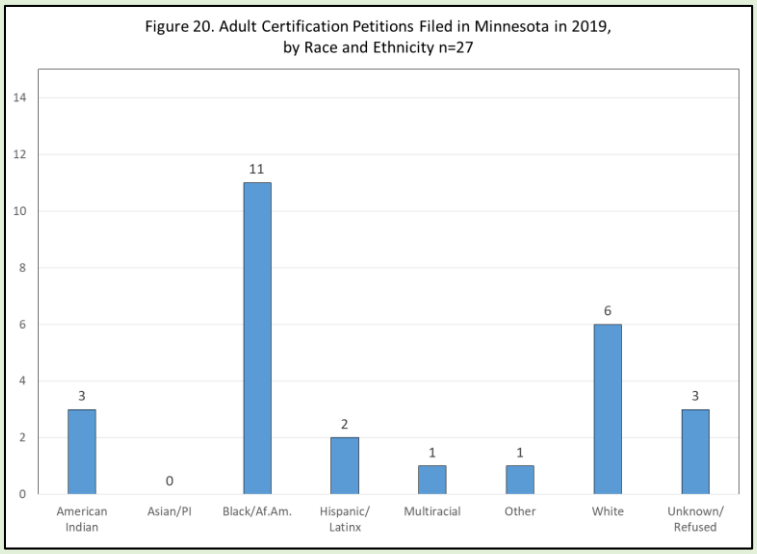
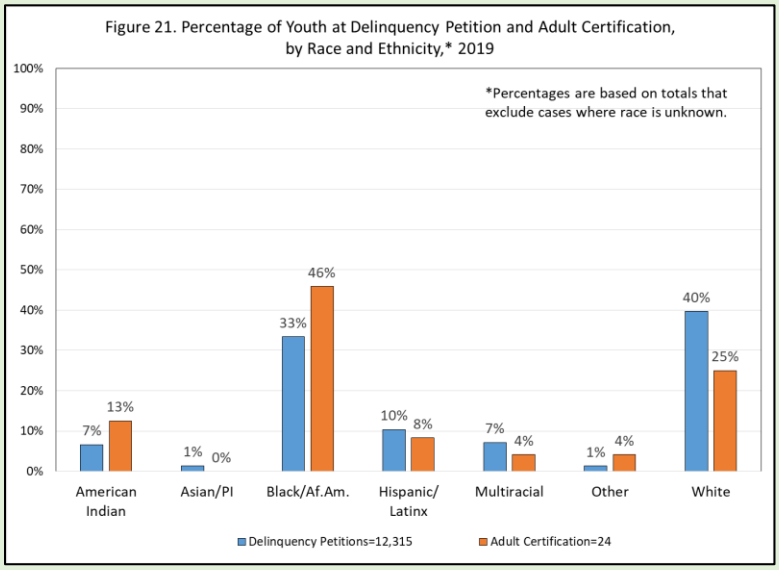


Figure 20 illustrates the number and racial distribution of youth certified to adult court. Statewide, Black or African American youth are the largest number of youth certified to adult court (n=11), followed by White youth (n=6). American

[22] Data on transfers to adult court provided by the Minnesota State Court Administrator's Office, upon request. See Appendix 13 for the number of cases transferred to adult court in Minnesota by race and ethnicity in 2019.
[23] Minn. Stat. §260B.125 (2019).

Indian youth (3), Hispanic/Latin(x) youth (2), and two youth identified as multiracial or a race other than those provided complete the data. Race was unknown/refused in three certification cases in 2019.

An exploration of disparity involves comparing the number of youth certified to adult court as compared to all youth petitioned for delinquent offenses. Figure 21 compares the percent of youth petitioned to juvenile court to the percent of youth certified to adult court. As the graph shows, there was significant disproportionately among White youth and Black/African American youth. White youth comprised 40% of delinquency petitions, but only 25% of youth transferred to adult court. By contrast, Black/African American youth were 33% of those petitioned in juvenile court, but 46% of those certified as adults.



American Indian youth were also overrepresented in adult court. Seven percent of delinquency petitions and 13% of adult transfers involved American Indian youth. Hispanic/Latin (x) youth were slightly underrepresented at 10% of delinquency petitions and 8% of those certified to adult court. Asian/PI American youth made up 1% of cases petitioned in juvenile court—none were certified as adults in 2019.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT CORE COMPLIANCE REQUIREMENTS[24]

In 1974, Congress passed and President Ford signed into law the Juvenile Justice and Delinquency Prevention Act (JJDPA).[25] A landmark piece of legislation, it was the first federally-supported effort to address juvenile delinquency across the United States. Its aim was to prevent delinquency and create a uniform approach to improve the juvenile justice system. Among other things, the JJDPA established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to implement and enforce the law and authorized state funding for delinquency prevention and intervention progams.

In its first iteration in 1974, the JJDPA instituted two core requirements: the separation of juveniles from incarcerated adults and the deinstitutionalization of status offenders. Congress amended the JJDPA in 1992, and the separation requirement was strengthened to require the sight *and* sound separation of juveniles from adults. Congress also added two more requirements—jail removal and disproportionate

[24] Link to guidance regarding FFY 2019 Compliance numerical thresholds https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/FY19-Compliance-Standards-memo.pdf

[25] Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109 (1974).

minority confinement—bringing the total number of core requirements to four. In 2002, disproportionate minority confinement was amended to disproportionate minority *contact*, and in 2018, it was renamed racial and ethnic disparities.

The JJDPA enjoys broad bipartisan support and has been reauthorized numerous times, most recently in 2018. Compliance with all 4 core requirements is required in order to receive federal funding under the JJDPA.[26] The remaining sections discuss Minnesota's compliance with the core requirements.

JAIL REMOVAL

The jail removal requirement limits the length of time juveniles accused of committing delinquent acts may be detained and confined in adult jails and lock-ups. According to the JJDPA, jails and lock-ups may not securely hold juveniles for more than 6 hours. Youth requiring detentions longer than 6 hours must be transferred to a juvenile facility. There is, however, an exception for jails and lock-ups located outside of Metropolitan Statistical Areas and without acceptable alternative placements. Such jails and lock-ups may obtain a rural exception and, if one is granted, have up to 48 hours to transfer a youth to a juvenile facility. In federal fiscal year 2018, 33 adult jails received a rural exception.

From October 1, 2018 to September 30, 2019 (Federal Fiscal Year 2019), the jail removal violation rate was 4.5 per 100,000 juveniles. Compliance with the jail removal requirement allows a state Jail Removal rate at or below 5.4 per 100,000 juveniles, so Minnesota is within compliance.

SIGHT AND SOUND SEPARATION

The 1974 JJDPA proscribed detaining or confining juveniles suspected of offending with incarcerated adults. In 1992, Congress amended the act to prohibit any type of contact between juvenile and adult inmates, known as the sight and sound separation requirement. In short, justice-involved youth must be out of sight and sound of adult offenders.

To assess compliance with the sight and sound separation requirement, Minnesota's Compliance Monitor and the Department of Corrections' Inspection and Enforcement Unit conduct facility audits. In federal fiscal year 2019, there were no sight and sound violations. States with a sight and sound separation rate at or below 2.56 per 100,000 juveniles are in compliance. Minnesota, with its rate of 0, is compliant.

DEINSTITUTIONALIZATION OF STATUS OFFENDERS

The deinstititutionalization of status offenders (DSO) is one of the JJDPA's original core requirements. Established in 1974, it bans holding juvenile status offenders or those charged with committing status offenses in secure detention and correctional facilities. Prior to 1974, incarcerating juvenile status

[26] The Office of Juvenile Justice and Delinquency Prevention is, among other things, tasked with ensuring states' compliance with the four core requirements. Each year, the Minnesota Office of Justice Programs reports data on the core requirements to the OJJDP. The reporting calendar for the jail removal, deinstitutionalization of status offenders, and sight and sound separation requirements is the federal fiscal year from October 1 to September 30. The reporting calendar for racial and ethnic disparities is the calendar year from January 1 to December 31.

offenders in secure facilities with those who committed crimes was standard practice.[27] The DSO requirement recognizes that status offenses—acts and behaviors that are legal for adults—should be treated differently from delinquent acts and other crimes.

During the federal fiscal year 2019, the DSO violation rate was 1.2 per 100,000 youth. The threshold for compliance with the DSO requirement is 4.87 per 100,000 juveniles. States with rates at or below this threshold are in compliance, so Minnesota is compliant.

RACIAL AND ETHNIC DISPARITIES

The fourth JJDPA core requirement is racial and ethnic disparities, originally conceived of as disproportionate minority confinement and most recently disproportionate minority contact. In 1988, Congress reauthorized and amended the JJDPA, and it called on states to address the disproportionate confinement of youth of color. Four years later in 1992, Congress elevated disproportionate minority confinement to a core requirement. In 2002, Congress amended and broadened the scope from confinement to contact, and in 2018, disproportionate minority contact was renamed racial and ethnic disparities. This requirement requires states to address racial and ethnic disparities in youths' contact with the juvenile justice system.

It is a misconception that racial and ethnic disparities result from racial differences in crime rates and types of crime committed. Indeed, the disparities are too great to be explained by differences in offending patterns alone. [28] In fact, when it comes to the two most common types of offenses—property and drug-related crimes—external research does not find racial and ethnic differences in rates of actual juvenile offending.[29] For example, self-report data suggest White youth are more likely than Black/African American youth to use or sell marijuana, and White and Black/African American youth are equally likely to report selling hard drugs. According to external research, the majority of juvenile arrests are for non-violent offenses, so rates of arrest or formal processing should not vary across racial and ethnic groups, but they do. Researchers suggest a number of factors contributing to racial and ethnic disparities including structural racism and racial biases in the policies and practices of juvenile justice agencies, inequitable distribution of resources in communities, and the unchecked discretion of justice officials.[30]

For the purposes of determining compliance with the JJDPA, racial and ethnic disparities are calculated using the Relative Rate Index (RRI). OJJDP discontinued the requirement to use RRIs in 2017, however states may continue to use the tool for internal ERD work. At its core, the RRI determines whether a racial disparity exists at a particular decision point in the juvenile justice system. It does so by comparing the outcomes for youth of color *relative* to the outcomes for White youth. For instance, Black/African American youths' RRI at the arrest stage compares their rate of arrest to White youths' rate of arrest and

[27] Hughes, D'lorah L. 2011. "An Overview of the Juvenile Justice and Delinquency Prevention Act and the Valid Court Order Exception."
[28] See *On the Level: DMC in Minnesota's Juvenile Justice System*.
[29] See *Promoting Equity with Youth Diversion*.
[30] See *On the Level: DMC in Minnesota's Juvenile Justice System*, *Promoting Equity with Youth Diversion*, and *Recommendations for Addressing Racial Bias in Risk and Needs Assessment in the Juvenile Justice System*.

tells us whether there is a racial disparity. Their rate of arrest is calculated based on their representation in the overall youth population in the state.

In addition to identifying the existence of racial disparities, RRI reveals magnitude and direction. With regard to the former, the RRI shows the severity of the disparity. With regard to the latter, the RRI indicates whether youth of color are *overrepresented* or *underrepresented* relative to White youth at a particular point of contact in the juvenile justice system.

To interpret the RRI table, a score of 1.0 means the outcome for a particular racial/ethnic group is equivalent to the outcome for White youth. For example, a score of 1.0 at the arrest stage means no racial disparity exists as compared to White youth and the chance of arrest for youth from a particular racial/ethnic group and White youth is the same.

Scores above 1.0 indicate overrepresentation. Using arrest as an example, overrepresentation means that, relative to White youth, a particular racial or ethnic group is *more* likely to be arrested. In other words, the rate at which they are arrested is higher than the rate at which White youth are arrested. Scores below 1.0 indicate underrepresentation. Referring to arrest again, underrepresentation means that, relative to White youth, youth from a particular group are *less* likely to be arrested. To put it another way, their chances of arrest are lower than that of White youth. Note that underrepresentation still indicates a racial disparity and is cause for concern.

Table 1. Relative Rate Index Calculations Comparing Outcomes for Youth of Color to White Youth, 2019.

	Black or African-American	Hispanic or Latin(x)	Asian/PI	American Indian	All Youth of Color
2. Juvenile Arrests	**4.67**	**2.12**	**0.29**	**3.09**	**2.81**
3. Refer to Juvenile Court	--	--	--	--	--
4. Cases Diverted	--	--	--	--	--
5. Cases Involving Secure Detention	**1.25**	**0.66**	1.05	**3.26**	**1.24**
6. Cases Petitioned	**1.14**	0.98	**1.33**	**2.39**	**1.35**
7. Cases Resulting in Delinquent Findings	**1.12**	**1.20**	1.20	**1.46**	**1.18**
8. Cases resulting in Probation Placement	**0.61**	**0.61**	**	**0.56**	**0.52**

9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**0.69**	1.02	**	1.07	**0.70**
10. Cases Transferred to Adult Court	**2.18**	**	**	**	**1.87**
-- No state-level data are available.					
Bold results are statistically significant.					
** Insufficient number of cases for analysis.					

The RRI matrix in Table 1 reveals racial disparities at almost all stages of the juvenile justice system in 2019. The far right-hand column demonstrates that youth of color were overrepresented at all seven decision points for which state-level data are available. Relative to White youth, youth of color were almost 3 times more likely to be arrested (2.81). Youth of color are one and one-quarter times more likely to be securely detained than White youth (1.24) and are 1.35 times more likely to be petitioned to court for a delinquency petition. Youth of color are slightly more likely to be adjudicated delinquent at 1.18 times, however the difference is statistically significant. Youth of color are almost twice as likely as White youth to be transferred to adult court for legal processing (1.87)

There are two decision points at which it appears youth of color are underrepresented. With regard to probation, it appears that youth of color are about half as likely to be placed on probation (0.52), and that youth of color are between one-quarter and one-third less likely to be placed in a secure out of home placement (0.70). The stage of processing off of which the Probation and Secure Placement Relative Rates are calculated is Delinquency Adjudications. That is, Probation and placement should be a sub-set of those adjudicated delinquent. In reality, youth can be placed on probation and placed out of the home without a formal adjudication. Probation can result from a court-ordered Continuance and a Stay of Adjudication on the case. Also, out of home placement may result from a Stay of Adjudication. This phenomena can impact RRIs at these system stages.

Youth of color are not a monolithic group, and though it is important to note differences in treatment between White youth and youth of color, it is also important to note differences in treatment among youth of color. A disaggregation of youth of color by race and ethnicity reveals important differences in youths' experiences with the juvenile justice system. While some groups were overrepresented at various decision points, other groups were underrepresented.

At the arrest stage, Black/African American youth were much more likely than White youth to get arrested. Their arrest rate was 4.6 times higher than that of White youth. Similarly, but to a lesser degree, American Indian youth were 3.09 times more likely to be arrested than White youth. Likewise, the arrest rate among Hispanic/Latin(x) youth was 2.12 times higher than that of White youth. By contrast, Asian/PI American youth were significantly underrepresented at the point of arrest (0.29) as compared to their percentage in the total youth population.

It is worth noting that compared to the other decision points in the juvenile justice system, the arrest stage is one in which youth of color have a wide range of experiences relative to White youth *and to one another*. The severity in disparity is great, ranging from 0.29 for Asian/PI American youth to 4.67 for Black/African American youth. The former are much less likely to get arrested than White youth, while the latter are much more likely to get arrested.

When exploring the journey of Black or African American youth throughout the stages of the justice system, disparities occur at a statistically significant level at every stage. This can contribute to what is known as "accumulative disadvantage" whereby the impact of disparities build from decision point to decision point. No decision point captured shows a lack of disparity. While Black/African American youth have the highest level of disparity at arrest, RRIs among American Indian youth, show the greatest levels of disparity throughout the system, exceeding the levels calculated for Black/African American youth at almost all other system stages.

APPENDIX

Appendix 1. Minnesota Youth Population between the Ages of 10 and 17 by Race and Ethnicity, 2000-2019.

Year	White	Black/African American	American Indian	Asian/PI American	Hispanic/Latin(x)
2000	515,073	31,204	10,458	27,447	20,614
2001	513,136	33,655	10,561	28,041	22,384
2002	510,021	35,972	10,620	28,821	23,948
2003	502,796	37,967	10,427	29,158	25,509
2004	495,772	39,301	10,190	29,398	27,243
2005	488,969	40,641	10,050	29,532	29,110
2006	481,573	42,399	9,837	29,854	31,220
2007	472,912	43,478	9,635	30,099	32,980
2008	462,805	44,385	9,353	30,357	34,769
2009	454,827	44,895	9,152	30,831	36,318
2010	448,042	45,750	9,003	31,363	38,364
2011	442,746	46,868	8,949	32,031	39,760
2012	436,824	47,911	8,923	32,584	40,824
2013	433,062	49,313	8,968	33,657	42,402
2014	431,127	51,657	9,001	34,620	44,222
2015	428,403	54,040	9,003	35,637	46,026
2016	426,242	56,956	9,086	36,746	48,257
2017	425,155	60,216	9,213	38,174	50,395
2018	423,211	63,722	9,385	38,559	52,013
2019	420,652	66,663	9,505	38,920	52,949

Appendix 2. Number of All Arrests in Minnesota, 2019.

Juvenile Arrests				Adult Arrests	Total Arrests
Part I	Part II	Status	Total	130,452	150,034
5,039	13,477	1,063	19,582		

Appendix 3. Number of Juvenile Arrests in Minnesota by Offense Type and Gender, 2019.

Males					Females				
Part I	Part II	Status		Total	Part I	Part II	Status		Total
		Curfew/Loitering	Runaway				Curfew/Loitering	Runaway	
3,198	9,117	450	221	12,986	1,815	4,339	182	211	6,547

Appendix 4. Number of Juvenile Delinquency Arrests in Minnesota by Race and Ethnicity, 2019.

Race/Ethnicity	Number of Delinquency Arrests
White	8,713
Black/African American	6,446
American Indian	608
Asian/PI American	230
Hispanic/Latin(x)	2,322
Other/Mixed Race	173
Unknown	542

Appendix 5. Number of Juvenile Arrests in Minnesota by Offense Type and Race, 2019.

Race	Part I	Part II	Status
White	1,951	8,004	520
Black/African American	2,715	4,368	458
American Indian	154	517	35
Asian/PI American	97	186	13

Appendix 6. Number of Juvenile Arrests in Minnesota by Type of Status Offense and Race, 2019.

Race	Curfew/Loitering	Runaway
White	295	225
Black/African American	268	191
American Indian	26	9
Asian/PI American	6	7

Appendix 7. Number of Juvenile Delinquency Arrests in Minnesota by Metropolitan Statistical Area, 2019.

	Metropolitan Statistical Area	Non-Metropolitan Statistical Area
Youth Population 10-17	459,756	128,933
Delinquency Arrests	15,565	3,650

Appendix 8. Number of Juvenile Cases Petitioned in Minnesota by Case Type, Level and Judicial District, 2019.

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
Felony	440	388	351	864	231	171	389	123	247	470	3,627
Gross Misdemeanor	230	144	93	256	62	57	104	67	113	196	1,659
Misdemeanor	1,653	655	722	1,911	639	548	1,267	344	1,056	1,533	9,806
Petty Offense	668	48	433	423	314	145	418	134	414	550	3,101
CHIPS	736	562	481	1,322	509	346	788	293	621	690	6,117
Permanency TPR/Non-TPR	216	443	296	1,108	246	356	380	132	347	431	3,693
Truancy/Runaway	70	230	314	27	266	95	131	77	96	599	1,827
Total	4,013	2,470	2,690	5,911	2,267	1,718	3,477	1,170	2,894	4,469	29,830

Appendix 9. Counties in Minnesota's Ten Judicial Districts.

Judicial District	Counties
1st	Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott, Sibley
2nd	Ramsey
3rd	Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Rice, Steele, Wabasha, Waseca, Winona
4th	Hennepin
5th	Blue Earth, Brown, Cottonwood, Faribault, Jackson, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock, Watonwan
6th	Carlton, Cook, Lake, St. Louis
7th	Becker, Benton, Clay, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Wadena
8th	Big Stone, Chippewa, Grant, Kandiyohi, Lac Qui Parle, Meeker, Pope, Renville, Stevens, Swift, Traverse, Wilkin, Yellow Medicine
9th	Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau
10th	Anoka, Chisago, Isanti, Kanabec, Pine, Sherburne, Washington, Wright

Appendix 10. Number of Cases Petitioned and Number of Cases Resulting in Delinquency Adjudication in Minnesota by Race and Ethnicity, 2019.

Race	Cases Petitioned	Cases Resulting in Delinquency Adjudication
White	4,889	711
Black/African American	4,116	671
American Indian	816	173
Asian/PI American/PI	172	30
Hispanic/Latin(x)	1,277	222
Other/Mixed Race	160	47
Unknown/Refused	1,921	111

Appendix 11. Cases Resulting in Probation Placement in Minnesota by Race and Ethnicity, 2019.

Race	Cases Resulting in Probation Placement
White	2,929
Black/African American	1,677
American Indian	398
Asian/PI American	64
Hispanic/Latin(x)	558
Other/Mixed Race	179
Unknown/Refused	904

Appendix 12. Number of Youth in Secure Facilities Pre-Adjudication and Post-Adjudication in Minnesota by Race and Ethnicity, 2019.

Race	Youth in Secure Detention	Youth in Secure Confinement
White	3,544	319
Black/African American	2,930	270
American Indian	801	91
Asian/PI American	93	12
Hispanic/Latin(x)	639	102
Other/Mixed Race	88	9
Unknown/Refuse	251	10

Appendix 13. Number of Cases Transferred to Adult Court in Minnesota by Race and Ethnicity, 2019.

Race	Cases Transferred to Adult Court
White	6
Black/African American	11
American Indian	3
Asian/PI American	0
Hispanic/Latin(x)	2
Other/Mixed Race	2
Unknown/Refuse	3

A CLOSER LOOK AT ADULT CERTIFICATION & EXTENDED JUVENILE JURISDICTION (EJJ) DISPOSITIONS

In response to rising violent crime rates among youth through the early 1990's, many states revised their laws to make it easier to transfer youth offenders to criminal court. Minnesota was no exception. In addition to adult transfer, known as "certification," Minnesota added Extended Jurisdiction Juvenile Prosecution (EJJ) in 1995. Under this blended sentencing provision, youth remain in the juvenile justice system until age 21 but have a stayed adult prison sentence should they reoffend or fail supervision. If a youth is transferred to adult court, juvenile court jurisdiction ends and an adult court sanction is imposed.

The criteria for adult certification and EJJ are similar.[31] In both instances, youth must be 14 at the time of their offense and it must be a felony. Certification is presumed ("presumptive") if the youth is 16 or 17 at the time of offense and the offense carries a presumptive prison sentence were it committed by an adult. Youth may also be certified for committing a felony while using, brandishing or threatening with a firearm. Factors assessed when making a jurisdiction recommendation (juvenile vs. adult) are the seriousness of the offense, the youth's role in the offense, the youth's prior delinquency record, the youth's prior participation and compliance with programming and services, the amount of time remaining for juvenile court jurisdiction, and dispositional options available to the youth.

The degree of disparity and the seriousness of the consequences are especially stark for youth transferred to adult court via the certification process and for youth designated as Extended Jurisdiction Juveniles.

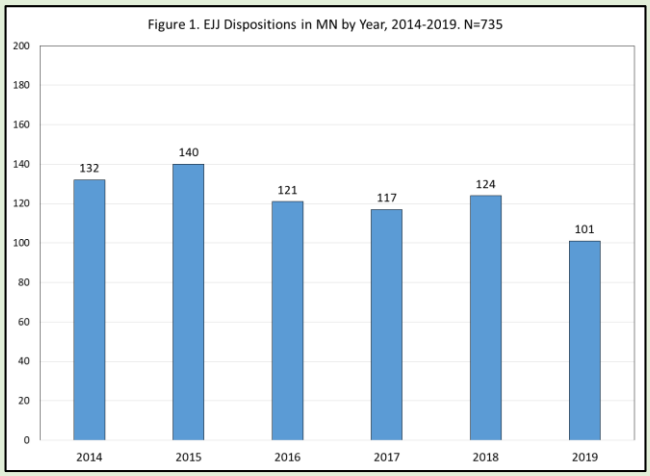
Comprehensive data collection and analysis is critical to understanding and reducing the pervasive ethnic and racial disparities within the Juvenile Justice system. As part of its Three-Year Plan, JJAC has identified the need to enhance and build upon statewide data already collected to gain a better sense for where disparities are the greatest, identify where gaps exist, and to gain a better understanding of which interventions are effective. We cannot understand where we are and measure the impact of changes without comprehensive baseline data. Thus, JJAC decided to start with an examination of the certification and EJJ designation data to more deeply understand how these most serious cases are being handled in Minnesota. While much more investigation into EJJ and Certification remains, this represents a preliminary assessment of the data.

[31] Minn. Stats. 260B.125 and 260B.130

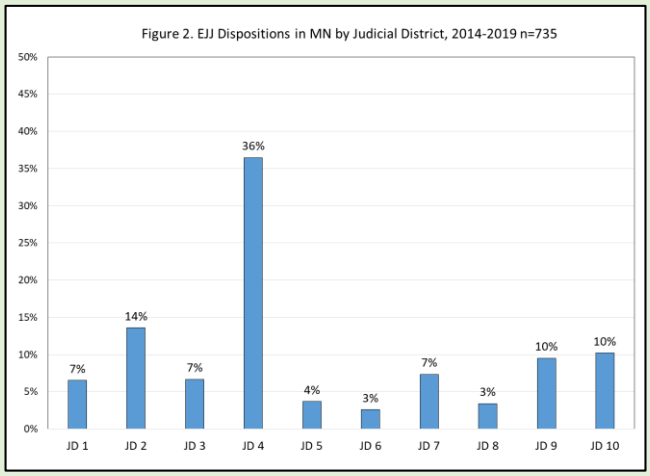
A CLOSER LOOK AT ADULT CERTIFICATION & EXTENDED JUVENILE JURISDICTION (EJJ) DISPOSITIONS

Extended Jurisdiction Juvenile (EJJ)

Data provided by the Minnesota State Court Administrator (SCAO) illustrates a total of 735 EJJ dispositions in Minnesota between 2016 and 2019 (Figure 1). In that six-year timeframe, 2015 had the highest number of EJJ dispositions at 140, with 2019 having the lowest number at 101. On average, this period saw 123 dispositions per year. An EJJ disposition can result either from a case motioned as an adult certification or motioned as EJJ.

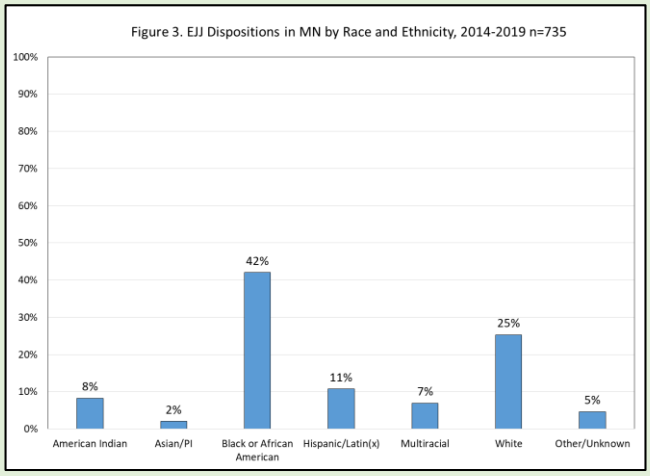


In terms of statewide distribution, the 4th Judicial District (Hennepin County) accounted for over one-third of all EJJ dispositions in the state (36%), while the 2nd Judicial District (Ramsey County) accounted for the second highest volume at 14% (Figure 2). The 9th and 10th Judicial Districts each accounted for one-in-10 EJJ dispositions in Minnesota. The 6th and 8th Judicial Districts had the fewest EJJ dispositions at 3%, respectively.



Regarding youth demographics, the vast majority of EJJ dispositions were male (93%). Nearly eight-in-10 youth with an EJJ disposition were ages 16 to 17 (79%) and 14% of youth disposed EJJ were ages 18 or older. Seven percent were youth ages 15 or younger at the time the case was filed.

As is illustrated in Figure 3, between 2014 and 2019, 42% of youth disposed as EJJ statewide were Black or African American, followed by one-quarter who were White. Hispanic/Latin(x) youth account for one-in-10 EJJ dispositions (11%), followed by American Indian youth at 8%. Asian/PI American youth represent the smallest number of youth disposed EJJ at 2%.



A CLOSER LOOK AT ADULT CERTIFICATION & EXTENDED JUVENILE JURISDICTION (EJJ) DISPOSITIONS

Adult Certifications

Data provided by the Minnesota State Court Administrator illustrates a total of 364 Certifications to adult court in Minnesota between 2016 and 2019 (Figure 4). In that six-year timeframe, 2015 had the highest number of EJJ dispositions at 75, with 2019 having the lowest number at 48. On average, this period saw 61 certifications per year. These annual totals reflect all cases disposed in each calendar year, regardless of the year the case was originally filed. As such, these data differ from those reported in a previous section which reflect certification cases filed in the year 2019.

In terms of statewide distribution, the 4th Judicial District (Hennepin County) accounted for over one-third of all EJJ dispositions in the state (35%), while the 10th Judicial District accounted for the second largest volume at 10%. The 5th Judicial Districts had the fewest adult certifications at 5% (Figure 5).

Regarding youth demographics, the vast majority of adult certifications were male (95%). Over half of all youth certified were age 17 (56%). An additional 29% of certifications were of youth who were 18 or older at the time of certification.

Between 2014 and 2019, 41% of youth certified statewide were Black or African American, followed by one-quarter who were White (24%) (Figure 6). Hispanic/Latin(x) youth account for one-in-10 EJJ dispositions (10%), followed by American Indian youth at 9%. Asian/PI youth are the smallest number of youth certified at 1%.

Figure 4. Certification Dispositions in MN by Year, 2014-2019. N=364

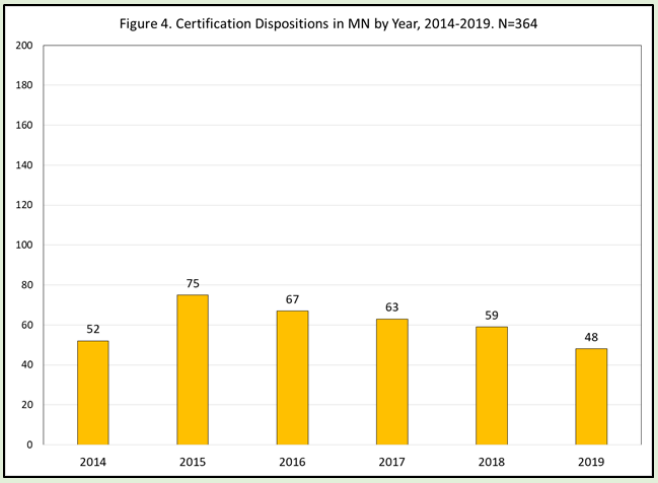


Figure 5. Certification Dispositions in MN by Judicial District, 2014-2019. N=364

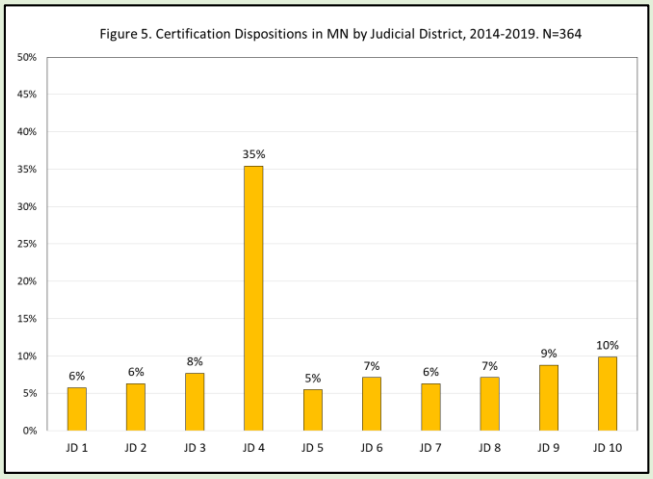
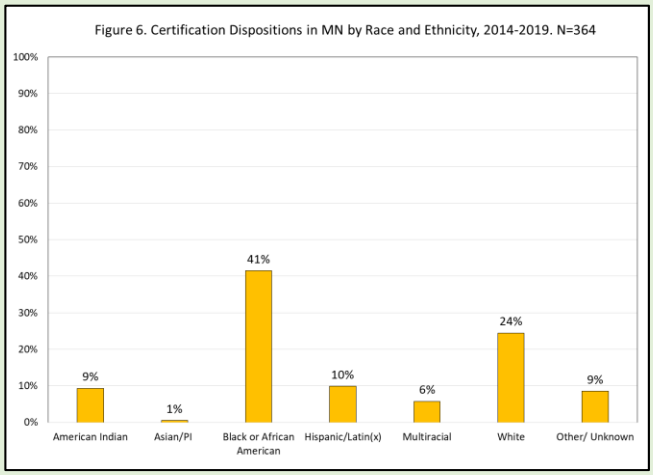


Figure 6. Certification Dispositions in MN by Race and Ethnicity, 2014-2019. N=364



UNITED STATES DEPARTMENT OF JUSTICE ALLOCATION

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Allocations to Minnesota by Federal Fiscal Year: 2008 – 2020

TOTAL ALLOCATIONS FOR MINNESOTA		
Federal Fiscal Year	**Amount**	**Percentage Change per year**
2008	$1,674,760	- 3%
2009	$1,841,786	+ 10%
2010	$1,814,245	- 1%
2011	$1,441,803	-20.5%
2012	$836,490	- 42%
2013	$753,720	-9.9%
2014	$634,699	-15.8%
2015	$630,804	-0.61%
2016	$534,940	- 15.20%
2017	$571,435	+ 6.39%
2018	$718,569	+ 25.75%
2019	$714,821	-0.52%
2020	$913,299	+ 27.77%
Title II: Formula Grants		
2008	$893,000	- 7%
2009	$977,000	+ 9%
2010	$934,000	- 4%
2011	$769,114	- 17%
2012	$455,587	- 40.8%
2013	$461,583	+1.3%
2014	$621,559	+34.7%
2014 PREA*	$13,140	n/a
2015	$630,804	+1.49%
2016	$534,940	-15.20%
2017	$571,435	+ 6.39%
2018	$718,569	+ 25.75%
2019	$714,821	-0.52%
2020	$913,299	+ 27.77%
Title V: Community Delinquency Prevention		
2008	$48,360	- 36%
2009	$33,486	- 31%
2010	$84,945	+ 154%
2011 Ended	$50,000	- 41.1%
Juvenile Accountability Block Grant (JABG)		
2008	$733,400	+ 7%
2009	$831,300	+ 13%
2010	$795,300	- 4%
2011	$622,689	- 21.7%
2012	$380,903	-38.8%
2013 Ended	$292,137	-23.3%

*This amount represents the 5% penalty for Minnesota's 2014 non-compliance with the Prison Rape Elimination Act.

Note: The high point in OJJDP allocations to the states was in 2002. MN's total allocation that year was $6,152,300. The decrease from that year is at 85%. However, all compliance mandates are still in effect.

JJAC GRANTS

2020 Title II Grants Overview	
# Title II one-year grants:	**8**
# Title II two-year special project grants:	**2**
# Positions supported with grant funds:	**36**
# Program participants:	**1,000+**
Impact of this funding:	**JJAC is calling for the elimination of ethnic and racial disparities present in Minnesota's juvenile justice system and has focused these funds exclusively on this effort.**
Funding total:	**$722,155**

Breakdown by grantee:

Beltrami Area Service Collaborative	
# Positions supported with grant funds:	3
# Program participants:	150
2020 award amount:	$75,000
Impact statement:	150 dually-involved youth at risk for involvement in the Juvenile and/or Child Welfare Court Systems receive early intervention, prevention, diversion, and deep-end intervention services.

Center for Multicultural Mediation	
# Positions supported with grant funds:	2
# Program participants:	200
2020 award amount:	$75,000
Impact statement:	CMM program prevents Somali youth from Hennepin County's criminal justice system through an authentic and culturally-centered restorative justice process.

EMERGE Community Development	
# Positions supported with grant funds:	11
# Program participants:	110
2020 award amount:	$75,000
Impact statement:	Youth ages 9-17 receive engagement and prevention programming rooted in youth as community leaders in violence prevention, cross-age peer mentorship for healthy decision-making; and the importance of work and education.

JJAC GRANTS

HIRED	
# Positions supported with grant funds:	1
# Program participants:	25
2020 award amount:	$75,000
Impact statement:	Girls on probation in Ramsey County are placed with a reliable, trained female adult mentor to help girls navigate school, work, and life. The program also engages youth in service-learning and community-based volunteer experiences that connect to their interests and goal plans.

Legal Rights Center	
# Positions supported with grant funds:	4
# Program participants:	50
2020 award amount:	$50,000
Impact statement:	Youth charged in juvenile court engage in restorative justice as part of the disposition of their case, providing opportunities to avoid adjudications, reduce risk of out of home placement, or have the charges dismissed.

Tubman	
# Positions supported with grant funds:	1
# Program participants:	95
2020 award amount:	$75,000
Impact statement:	This program for at risk or justice-involved youth ages 10 to 17 combines elements of positive youth development, mentorship, and case management services for youth and their families who face complex trauma. The program goal is to build protective factors that reduce the risk of justice system involvement for youth.

White Earth Band of Chippewa	
# Positions supported with grant funds:	1
# Program participants:	78
2020 award amount:	$75,000
Impact statement:	78 Native American youth who are involved with Child Welfare and Juvenile Justice participate in this crossover programming that works with State and Tribal Courts across departments to coordinate essential case planning and therapy services.

JJAC GRANTS

Youthprise	
# Positions supported with grant funds:	1
# Program participants:	n/a
2020 award amount:	$75,000
Impact statement:	An expert assesses the level of racial disproportionality in Minnesota's juvenile justice system and develops community-based, culturally informed, and system feasible data collection and intervention strategies.

Title II Special Project: **Listen, Learn, Lead Project, Restorative Justice Community Action**	
# Positions supported with grant funds:	12
# Program participants:	200+
Award amount:	$126,000 for two years
Impact statement:	Youth across all ten Minnesota judicial districts participate in facilitated conversations about Disproportionate Minority Contact. Local adult stakeholders attend as listeners with the intention of incorporating youth voice into their work.

Title II Special Project: **Minnesota Association of County Probation Officers (MACPO)**	
# Positions supported with grant funds:	N/A
# Program participants:	105 probation agents and community partners
Award amount:	$24,155
Impact statement:	90 probation agents and 15 community partners will become trained Decision Points facilitators. Decision Points is a cognitive-based program that develops cognitive skills and uses cognitive restructuring to bring awareness to the "traps" or offending behavior that can place participants into the "Trouble Cycle".

APPENDIX A: MACCAC'S LEGISLATIVE PLATFORM

2021 MACCAC Legislative Platform

The legislature must maintain funding levels for community supervision and reevaluate the allocation of community supervision funding to ensure an equitable and transparent funding model for all three delivery systems.

The state of Minnesota is in a state of economic hardship that will likely worsen over the next few years. Because of these challenges, it is more important than ever to ensure that Minnesota is investing in programs that give the greatest return on investment. This is especially true for public safety where the consequences of ineffective services are high.

Community corrections in the form of probation and supervised release is the backbone of Minnesota's criminal justice system. Community Corrections Act counties supervise 71% of adult and juvenile probation and supervised release cases in Minnesota. Minnesota's reliance on community supervision rather than incarceration has proven both effective and efficient by providing a very high value for the public dollar while protecting public safety.

MACCAC believes that the expansion of CCA jurisdictions aids in effective and consistent practices. CCA has been a driving force in evidence-based advancements which has reduced incarceration rates without increasing offense rates. CCA has the capacity to engage local stakeholders to drive effective practice changes in unique and complete ways. Transitional support for counties interested in moving to the CCA model, adequate funding for CCA Jurisdictions, and legislative support are critical to the preservation and expansion of a proven solution.

Minnesota needs a clear vision for correctional services that addresses the role of prisons, community supervision, and the state's role in funding. This is particularly important because counties provide local jail incarceration and the majority of community supervision, which are key alternatives to prisons.

Systematic Criminal Justice Change

As a part of the criminal justice system, it is crucial that our organization support and drive systematic change, rather than be complicit through silence. Policies and practices that disproportionally and negatively impact people of color must be addressed. Actions that have led to racial disparities and marginalization must be replaced with actions that truly value the human rights and individual potential of all.

The Minnesota Association of Community Corrections Act Counties actively supports criminal justice reform, including measures that bring transparency and equity to all facets of the system. Evidence based practices exist in each sector of the criminal justice system. Practices based on research and evidence demonstrate that positive outcomes are achieved by using methods that promote dignity, respect, and compassion for all. These practices improve public safety and must be implemented statewide. It is critical that as employers, public safety agencies have the tools necessary to enforce standards of conduct in a decisive and transparent manner that promotes public trust. And finally, methods should be established to ensure that public safety agencies afford community input and are accountable to the expectations established by the public they serve.

Minnesota Association of Community Corrections Act Counties
Carli Stark, Director and Legislative Liaison
125 Charles Avenue, Saint Paul, MN 55103
cstark@mncounties.org – (651) 789-4335 (o) – (612) 414-1869 (c)

APPENDIX A: MACCAC'S LEGISLATIVE PLATFORM

2021 MACCAC Policy Positions

Community Corrections Act (CCA) Jurisdictions
MACCAC supports the expansion of CCA counties with full and ongoing state funding. MACCAC supports the removal of systemic or statutory requirements that act as barriers to counties in choosing the correctional delivery system that best meets their individual needs.

Structural Change in Distribution of Funds
Community corrections funding should be allocated using an equitable and transparent model that considers the need of each county. Systematic change in community corrections funding mechanisms is necessary for Minnesota counties to be able to sustain current efforts to utilize proven evidence-based practices.

Justice Reinvestment
MACCAC supports efforts to bring the Justice Reinvestment Initiative of the Council of State Governments to the state of Minnesota.

Response to Violations of Supervision
The response to violations of community supervision conditions must be consistent with evidence-based practices and not used as an alternative to providing clients with treatment and services.

Restoration of Voting Rights
MACCAC supports the restoration of voting rights for individuals who are not incarcerated in a state institution.

Bail Reform
Bail reform should not lead to unnecessary community supervision or pre-trial supervision that is inconsistent with the limited scope outlined in statute. Any approach to bail reform must balance equity with protecting the public.

Residency Restrictions
MACCAC supports legislation that takes a strong statewide approach to sex offender supervision by effectively monitoring overall behavior and activities of offenders using risk assessment and evidence-based practices that enhance public safety. Evidence shows that residency restriction laws do nothing to address offender treatment or overall risk reduction, which are paramount to protecting public safety.

Statewide Assessments Tools
MACCAC supports the advancement of statewide risk/needs/responsivity assessment tools that: are accurate as shown through local and external validation; promote fairness by addressing racial, ethnic, and gender disparities; are transparent and provide system stakeholders with information on tool development and validation; and are effectively communicated to clients using Risk-Needs Responsivity principles. Assessment tools must be implemented with sufficient guidance for agents to ensure that disparities are reduced.

APPENDIX A: MACCAC'S LEGISLATIVE PLATFORM

Juvenile Supervision Policy Positions

Juvenile Life without Parole

MACCAC supports eliminating life without parole as a sentencing option for children. In June 2012 the Supreme Court of the United States ruled that juveniles convicted of murder cannot be subject to mandatory life imprisonment without the possibility of parole.

Juvenile Justice Reform

Juvenile supervision in Minnesota has evolved in the last decade. Juveniles are supervised based on a validated risk/needs assessment which focuses on strengths of the youth and family. Juvenile reform should continue and focus on: eliminating racial and ethnic disparities, reducing collateral consequences facing justice-involved youth; and modifying the current requirement for juvenile sex offenders to register as predatory offenders.

Juvenile Mental Health

MACCAC supports the expansion of programs that provide adequate and appropriate services for children that have both mental health needs and are involved in the criminal justice system. Youth over the age of ten with mental health conditions are at a high risk of involvement in the criminal justice system. Programs that provide early interventions by a multi-system collaborative team and provide youth with the services they need to keep them out of the juvenile justice system, such as crossover youth and dual status youth programs, should be provided as a partnership between the state and counties.

Juvenile Stays of Adjudication

MACCAC supports the option of longer periods of stayed adjudication for juvenile offenders in order to allow greater assessment and treatment of juveniles before an adjudication decision is made. At a minimum, the initial stay should not include the same collateral sanctions as adjudication. Lengthened stays of adjudication will enhance public safety by increasing the amount of supervision to ensure responsivity to community-based education and treatment.

APPENDIX B: MACPO'S LEGISLATIVE PLATFORM

2021 MACPO LEGISLATIVE PRIORITIES

FUNDING

Goal: Increase CPO funding— reinstate unfunded mandates

Goal: Streamline funding in combining CPO funding— merging caseload workload funding and 50% reimbursement funding into one-line item.

Delineate funding for all three delivery systems (DOC, CPO, CCA) into separate line items for each delivery system in the Commissioner of Corrections budget. Use actual 50% reimbursement numbers in new delineated line items for CPO in Governor's budget. County-based probation systems need additional funding to support basic functions, with policy changes related to pre-trial assessments and supervision have increased caseloads. Increases the reimbursement to 50%. Reinstate Bail Evaluation Funding. MACPO supports reimbursement for bail evaluations at $25 per evaluation as per MS 629.74 stating" local corrections department or designee shall conduct pretrial bail evaluation. The local corrections department shall be reimbursed $25 by the Department of Corrections for each evaluation performed."

JUVENILE SENTENCING TO LIFE WITHOUT PAROLE

Goal to eliminate the sentence of life without the possibility of parole for juveniles; sentencing should be revised to life with possibility of parole after serving a minimum, align with adult sentencing guidelines.

Review of the life sentence should be performed by the Commissioner of Corrections and based on relevant factors including background and conduct during imprisonment.

MACPO fully supports JJAC proposal and further recommends that these statutory changes "shall be applied retroactively to all in individuals currently serving life sentences without parole for the applicable crimes committed when the individual was under the age of eighteen years".

In 2013 the MN Supreme Court decision, Chambers v. Minnesota, was decided based on the Supreme Court decisions Miller v. Alabama and Jackson v. Hobbs which had dictated adjustments to each state's procedure for imposing juvenile life without parole. At about the same time JJAC formed a subcommittee to research and arrived at a position that would take into consideration the US Supreme Court decisions. Six months later with the subcommittee working assiduously, JJAC developed its recommendation to the Governor and Legislature regarding the imposition of Life Without Parole sentences on juvenile offenders. Here is the recommendation:

1. Minnesota laws should be amended to eliminate the sentence of life without the possibility of parole for juveniles.
2. For the crimes that currently result in a sentence of life without the possibility of parole, juveniles should instead receive a sentence of life with the possibility of parole open to release authority after serving a minimum of 20 years.
3. To ensure meaningful review of a life with the possibility of parole sentence, Minnesota law should further provide that "The Commissioner of Corrections shall review the juvenile's conduct in prison, participation in programming, the juvenile's age at the time of the commission of the crime, the facts of the present offense, the juvenile's prior offenses,

educational and family background, the opinion of the victim(s) and any other factors relevant to rehabilitation and make the determination as to whether the juvenile should be paroled."

4. In the interests of fundamental fairness, JJAC further recommends that these statutory changes "shall be applied retroactively to all individuals currently serving life sentences without parole for the applicable crimes committed when the individual was under the age of eighteen years.

DRIVERS LICENSE RESTRICTION REFORM FOR DWI OFFENDERS

Currently, persons charged with DWI offenders are required to participate in the Interlock Program. Minnesota Department of Public Safety (DPS) works to assist in reinstatement but there are still restrictions on the ability to persons to drive. With the restriction's participants are challenged to fit in work, treatment, and court ordered obligations.

MACPO supports legislation that person that are successfully participating in the Interlock Program be able to drive without restriction.

DPS supports this legislation.

Discussion has been had about the DWI statutes in a8ffF*ng the difference in alcohol DWI vs drug DWI in that the mandatory requirement of the alcohol monitor or $12,000 is not applicable to the drug DWI. As well as, DPS requirement for ignition interlock does not apply for drug DWI's. Creates public safety issues.

MENTAL HEALTH

MACPO supports legislation for the system to provide effective mental health services for juveniles and adults involved in the criminal justice system. Having timely access to community resources. Available services may reduce the warehousing person in jails and prisons. Increase state funding for implementation of full continuum of mental health services available at the local level.

Increase the number of crisis beds and other reforms that promote early intervention and stabilization, to reduced health care and jail costs for counties and provide better care. Creating forums to work with community partners and state agencies to address the growing population of mentally ill offenders.

HUMAN TRAFFICKING

MACPO supports legislation that addresses the enforcement, prosecution, awareness, education, and elimination of human trafficking. As well as, the funding for victim services to support and improve victim' s lives.

OFFICER SAFETY

Support any legislation for field services and prison staff to increase safety and security of all staff.

APPENDIX B: MACPO'S LEGISLATIVE PLATFORM

RETIREMENT

MACPO supports a systematic change to give probation officers the opportunity to retire at age 60.

OPIOIDS

The increase in substance use disorders and overdose deaths has a devasting effect on county operated systems, including public safety and the courts. A statewide response to reduce the burden of substance abuse must be aimed to prevention, assessment, and treatment. Funding for initiatives to respond to addiction are necessary. In response to the increase fund resources necessary to improve public safety response to the opioid epidemic. Enact legislation that improves the accountability of doctors prescribing medications in that a central/statewide data collection system we be put in place.

SUPPORT FEDERAL AND STATE FINANCIAL AND PROGRAM ASSISTANCE TO COUNTIES TO RELIEVE COST FOR UNCOMPENSATED MEDICAL AND DENTAL CARE OF ADULTS AND YOUTH WHILE IN CORRECTIONAL FACILITIES

Retool the State and Federal rules/policy that removes children from Medicaid, MinnesotaCare, or health services when they are placed in detention/incarceration/facilities.

This includes funding for preventative and ongoing physical and mental health care services in jails and maintenance of Social Security Insurance, Veterans benefits, Medical Assistance, and MinnesotaCare. Example: when a child incarcerated because of Mental Health, Chemical Dependency/Opiate and or behavior issues for their own and public safety should not be denied access to their medication and or treatment because of this law, policy or rule. The child is experiencing behavior issues that requires the higher level of care/incarceration at that time to reframe the child's release back into the community and when medications have to be denied and treatment withheld because there is no funding can make it harder to get the child returned to the community.

SUPPORT OFFENDER REENTRY

Transition from incarceration and court sanctions to the community is key to offender success and therefore critical for improving public safety and saving taxpayer money. Policies that support offender education, housing, employment, and mental health services will reduce recidivism.

SUPPORT SMART SENTENCING AND SUPERVISION/PROBATION REFORM

Provide more mental health and chemical dependency treatment options, especially essential for veterans who need services to address issues related to their service in recent conflicts. Revise Minnesota's drug sentencing laws to remove disparities and ineffective minimums. Ensures adequate and safe supervision in the community. Consider revising Sentencing Guidelines to help reduce the prison commits, therefore, reducing prison beds and current overcrowding.

JUVENILE PREDATORY OFFENDER REGISTRATION

MACPO supports amending current predatory offender registration laws for juvenile in order to increase public safety while using interventions that decrease recidivism and increase rehabilitation. Reducing lifelong collateral consequences for juveniles.

Courts should be allowed to use legal criteria at any time in the supervision process to determine if a juvenile adjudicated delinquent for a predatory offense should be registered. Specific criteria should be established.

COURTHOUSE SECURITY GRANT PROGRAM

Support efforts to create a state funded grant program for courthouse enhancements to allow additional flexibility for counties to use other existing revenue sources for this purpose. With the goal of safety and security of those work within the judicial system and the public's safety.

SUPPORTING COMMUNITY SUPERVISION AS AN ALTERNATIVE TO PRISON EXPANSION

Work to support existing community supervision infrastructure and increase the funding that supports county efforts toward community supervision rather than have the state invest those limited corrections resources in new prison facilities.

SUPPORTING PROGRAM FOR EARLY RELEASE FROM PRISON IF JUDGED TO BE ABLE TO LIVE SUCCESSFULLY IN COMMUNITY WITHOUT PUBLIC DANGER

MACPO supports legislative action to create and fund a release program for inmates in the custody to Commissioner of Corrections to have the ability to release into the community if deemed to be able to live successfully and without public danger. The application for release would be submitted to the commissioner then would be forwarded to a panel of 3 Judges. The release would approved by majority vote. Inmates would be eligible for release application after 60% of sentence.

SUPPORTING COMMUNITY SUPERVISION AS AN ALTERNATIVE TO PRISON EXPANSION

Work to support existing community supervision infrastructure and increase the funding that supports county efforts toward community supervision rather than have the state invest those limited corrections resources in new prison facilities.

VOTING RIGHTS RESTORATION

Minnesotans convicted of a felony but live in the community should have the fundamental right to vote. It is a way to increase positive engagement in the community.

Public Safety Definitions

Goal: amended MN Statute 299A.41 to include Probation Officers to 299A.41 subd. 4

Subd. 3.Killed in the line of duty.

"Killed in the line of duty" does not include deaths from natural causes, except as provided in this subdivision. In the case of a public safety officer, killed in the line of duty includes the death of a public safety officer caused by accidental means while the public safety officer is acting in the course

and scope of duties as a public safety officer. Killed in the line of duty also means if a public safety officer dies as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if:

(1) that officer, while on duty:

(i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

(ii) participated in a training exercise, and that participation involved nonroutine stressful or strenuous physical activity;

(2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:

(i) while engaging or participating under clause (1);

(ii) while still on duty after engaging or participating under clause (1); or

(iii) not later than 24 hours after engaging or participating under clause (1); and

(3) the presumption is not overcome by competent medical evidence to the contrary.

Subd. 4.Public safety officer.

'I Public safety officer" includes:

(1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

(2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;

(3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:

(i) firefighting;

(ii) emergency motor vehicle operation;

(iii) investigation into the cause and origin of fires; (iv) the provision of emergency medical services; or

(iv) hazardous material responder;

(4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

(5) a good Samaritan while complying with the request or direction of a public safety officer to assist the officer;

(6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;

(7) a driver or attendant with a licensed basic or advanced life-support transportation service who is engaged in providing emergency care;

(8) a first responder who is certified by the emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and

(9) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the State Patrol, whose primary employment duty is either Capitol security or the enforcement of commercial motor vehicle laws and regulations.

DOC Contract Counties

Goal: DOC would like to amend 244.19, subd. 1
section 3 244.19

PROBATION OFFICERS.

APPENDIX B: MACPO'S LEGISLATIVE PLATFORM

Subdivision 1. Appointment; joint services; state services.

(a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanant and juvenile probation services to district courts in one of the following ways:

(1) the court, with the approval of the county boards, mg; appoint one or more salaried county probation officers to serve during the pleasure of the court;

(2) when two or more counties offer probation services the district court through the county boards may appoint common salaried county probation officers to serve in the several counties;

(3) a county or a district court may request the commissioner of corrections to furnish probation services in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or court that fails to provide its own probation officer by one of the two procedures listed above;

(4) if a county or district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the district court, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;

(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving.

(b) The commissioner of management and budget shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of management and budget is final, The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

CONTACT: Nancy A. Haas, Attorney Messerli Kramer
Direct: 651.556.9208
Cell: 651.274.5166
www.messerlikramer.com

1/1/2021

APPENDIX C: MCA'S LEGISLATIVE PLATFORM (Summary)

2021 Legislative Agenda

Summary

Mental Health and Substance Abuse

The lack of sufficient community-based mental health treatment options has resulted in drastic increases in the incarceration of people with mental illness. These people often suffer from co-occurring substance use disorders (SUD). We need to adequately fund and support mental health and SUD services for the incarcerated population, probationers/parolees, and the youth within our juvenile justice system. Of particular importance is how military veterans, especially those with service-connected mental health diagnoses, interact with the criminal justice system, and the extent to which veterans are diverted from the courts.

According to the National Center for Mental Health and Juvenile Justice, between 60-70% of arrested youth meet criteria for at least one mental disorder; 60% of those having at least one mental disorder experienced a co-occurring SUD; and at least 75% of youth in the juvenile justice system have experienced traumatic victimization. There is a severe shortage of juvenile mental health and SUD treatment options available in Minnesota.

Offender Reentry

Effectively transitioning justice-involved people back to the community is critical to enhancing public safety and stewarding public funds. Policies supportive of education, housing, employment, behavior change, and mental health are proven to reduce recidivism.

Residency restrictions, which have increased dramatically during the past several years, severely restrict where certain registered predatory offenders may live. These restrictions have no correlation to crime reduction. Research clearly demonstrates that housing instability harms public safety and complicates law enforcement and community supervision. In juvenile delinquency cases involving a predatory offense, the courts should be allowed to use legal criteria at any time during the juvenile's supervision to determine if predatory offender registration is required.

Restoring voting rights to those in the community is an important component of reintegration. While it is often overshadowed by the basic human needs of housing and employment, it is still a vital part of citizenship.

Smart Sentencing and Supervision

Minnesota's drug sentencing laws need additional revision to remove disparities and ineffective mandatory penalties. Lawmakers must understand the unintended consequences of sentencing decisions in these and other cases, which often make people ineligible for important programming and treatment opportunities.

Staffing Levels

Good corrections work requires hard work and time. Investments in staff and support services reflects a commitment to public safety, fewer victims, and better neighbors. COVID-19 has created significant budget challenges; however, funding for effective correctional programming is shown to return as much as $6.50 for every dollar spent.

Life Sentences for Juveniles

In 2012, the U.S. Supreme Court held that Minnesota's life without the possibility of parole statute for juveniles is unconstitutional. This statute should be revised to life with the possibility of parole after serving a minimum of twenty years, and apply retroactively to the small number of juveniles currently sentenced to life without the possibility of parole.

Law Enforcement

The Minnesota Corrections Association stands firmly with law enforcement. Public safety demands strong partnerships within the criminal justice system and between the communities it serves. Law enforcement is fundamental to that effort.

Contact: Cal Saari, Legislative Liaison · sisuwithsaari@aol.com · (218) 885-1375 · (218) 969-0151

Life Without the Possibility of Parole for Juveniles

The U.S. Supreme Court held that Minnesota's life without the possibility of parole statute for juveniles is unconstitutional. We offer the following solutions:

1. Minnesota law should be amended to eliminate life without the possibility of parole for juveniles.
2. For the crimes that currently result in a sentence of life without the possibility of parole, juveniles should instead receive a sentence of life with the possibility of parole after serving a minimum of 20 years.
3. To ensure meaningful review of a life with the possibility of parole sentence, Minnesota law should further provide, "The Commissioner of Corrections shall review the juvenile's conduct in prison, participation in programming, the juvenile's age at the time of the commission of the offense, the facts of the present case, the juvenile's prior offenses, educational and family background, the opinion of any victim(s), and other factors relevant to rehabilitation, and make the determination as to whether the juvenile should be paroled."
4. In the interest of fundamental fairness, the Minnesota Juvenile Justice Advisory Committee further recommends that these statutory changes shall be applied retroactively to all individuals currently serving life sentences without parole for the applicable crimes committed when the individual was under the age of eighteen years.

Current Mandatory Life without the Possibility of Parole Sentences

For all sentences under Minnesota Statutes Section 609.106, subdivision 2 (First-Degree Murder – Heinous Crimes), the language of the statute requires a "conviction." Thus, a juvenile is subject to a sentence for these offenses only if the juvenile has been certified to stand trial as an adult. For sentences under Minnesota Statutes Section 609.3455 (First-Degree Criminal Sexual Conduct – Dangerous Sex Offenders), the language of the statute includes both certified juveniles and juveniles designated "extended juvenile jurisdiction (EJJ)" if the EJJ offender has had the adult sentence executed.

In the companion cases of *Miller v. Alabama* and *Jackson v. Hobbs,* decided on June 25, 2012, the United States Supreme Court held that the imposition of mandatory life without the possibility of parole sentences on juveniles violates the Eighth Amendment's prohibition of cruel and unusual punishment. *Miller* and *Jackson* were the third set of Supreme Court decisions in seven years to conclude that three fundamental features of youth—lack of maturity, vulnerability to negative influences, and capacity to change—make children "constitutionally different" than adults and "less deserving of the most severe punishments."

These decisions draw heavily upon recent findings in neuroscience and developmental psychology which support the conclusion that, by virtue of their diminished culpability and enhanced prospects for rehabilitation, a mandatory sentence of life in prison with no opportunity for release is cruel and unusual. While the Supreme Court did not prohibit the imposition of life without the possibility of parole sentences for juveniles, it found that the mandatory imposition of such sentences prevents judges and juries from considering the "lessened culpability" and "greater capacity for change" of juvenile offenders. The Supreme Court ruled that certain specific factors must be considered in deciding whether this harshest of punishments should be imposed upon a juvenile offender. The Court opined that, once these factors are considered in each case, the imposition of life without the possibility of parole involving juveniles will become "uncommon" or "rare."

As a result of the Supreme Court's decisions in *Miller* and *Jackson*, juvenile life without the possibility of parole statutes in 29 states, including Minnesota, are now unconstitutional. More than seven years have elapsed since this decision.

Juvenile Predatory Offender Registration

MCA supports amending current predatory offender registration laws for juveniles in order to increase public safety while maximizing rehabilitative interventions shown to decrease recidivism.

Background

Public safety is enhanced when the system is responsive to the specific risks and needs of offenders. Immediate public safety is enhanced when high risk offenders are under supervision, when their whereabouts are known, and when authorities are able to account for them. Long-term public safety is enhanced when offenders can be treated, rehabilitated, and effectively transitioned to productive, pro-social lives.

Under Minnesota law, juveniles are required to register as a predatory offender if they are adjudicated delinquent of an offense enumerated under Minnesota Statutes Section 243.166. This statute casts a wide net and does not allow for offender management pursuant to risk or public safety. Currently, attorneys and judges in multiple jurisdictions are reluctant to adjudicate some juveniles as delinquent because it triggers registration. Instead, these juveniles are afforded stays of adjudication or continuances for dismissal. These strategies result in avoiding registration, create inconsistencies in prosecution, and limit the length of probation supervision and rehabilitative interventions. Additionally, the statutes do not offer any legal criteria for judges to determine who should register as a predatory offender. The lack of legal criteria results in many jurisdictions responding differently to the same public safety risk. Lastly, Minnesota does not differentiate a juvenile from an adult when requiring predatory offender registration. This mandate runs contrary to the purposeful differences appropriately created between delinquency and criminal court systems.

Currently, 16 states and the District of Columbia do not require adjudicated juveniles to register as predatory offenders. Of the other 34 states, 22 allow courts to determine whether or not a juvenile should be required to register. Minnesota is one of 12 states that require juveniles to register without legal criteria to inform the courts. Minnesota is one of seven states that requires adjudicated juveniles to register, does not provide registration criteria, and does not differentiate between adult and juvenile registration. Based on this information, we offer the following:

Recommendations

1. Amend Minnesota statutes to provide legal criteria for judges to consider in determining if a juvenile adjudicated delinquent for a predatory offense requires registration.
2. The proposed amendments would provide the court legal criteria to require registration upon an adjudication of delinquency and a finding that the circumstances of the offense require registration. Additionally, the decision to require registration could be made at any point post-adjudication, including during the period of supervision.
3. Use the following statutory language:
    a. The juvenile was fourteen years of age or older when the act was committed;
    b. The juvenile was adjudicated delinquent by a juvenile court of any of the offenses requiring registration; and
    c. The court, in its discretion and upon motion of the prosecuting attorney, finds that the circumstances of the offense require predatory offender registration.
    d. Factors to be considered by the court to determine whether registration should be required:
        i. The degree to which the juvenile used force, threat, or intimidation while committing the act;
        ii. The age and maturity of the complaining witness;

iii. The age and maturity of the juvenile;
iv. The difference in age of the complaining witness and the juvenile;
v. The nature of the relationship between the complaining witness and the juvenile;
vi. The juvenile's prior criminal history; and
vii. Any other aggravating or mitigating factor that the court determines relevant to the particular case.

e. The prosecuting attorney may file a motion for registration at any time during which the juvenile is within the jurisdiction of the court for the instant offense. Prior to any hearing on the motion, the court shall appoint a qualified and competent attorney to represent the juvenile unless an attorney has already been obtained or appointed and appears on behalf of the juvenile.

Minnesota Juvenile Justice Advisory Committee

"Setting a vision for juvenile justice in Minnesota"