
Pennington County Attorney's Office

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December 14, 2023

Minnesota State Court Administrator's Office

Attn: Callie Lehman

23 Rev. Dr. Martin Luther King Jr. Boulevard

St. Paul, MN 55155

Minnesota Legislative Reference Library

100 Rev. Dr. Martin Luther King Jr. Boulevard

St. Paul, MN 55155

RE: 2022 – 2023 Pennington County Pre-Trial Diversion Program Report

Dear Minnesota State Court Administrator's Office and the Minnesota Legislative Reference Library:

Pursuant to Minnesota Statute §401.065, subd. 4 – Pre-Trial Diversion Programs – Reports, Pennington County submits the following information.

The Pennington County Diversion Program is utilized in lieu of Juvenile Court. It is made up of committee members from the Pennington County Attorney's Office, Pennington County Sheriff's Office, Thief River Falls Police Office, Pennington County Human Services, Sanford Health, Probation, and School Administration from the various schools throughout Pennington County. This committee reviews juvenile offenses to see whether or not they can be diverted from Juvenile Court. Diversion procedures are then undertaken, including but not limited to, a juvenile's amenability to the program. Program recommendations can include, but are not limited to, remaining law abiding and of good behavior, following the rules at home, commit no same or similar offenses, attend school, have no unexcused absences or tardies, perform up to the best of ability, completing community work service hours, potential informal suspension of driver's license, being responsible for restitution if applicable, continue to follow recommendations of counseling, continue to follow recommendations of mental health professionals, continued taking prescribed medications, undergo comprehensive assessment and follow recommendations, undergo medication management, complete online alcohol class, complete online marijuana class, write an essay, and write letter of

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apology. If the case can be diverted, and recommendations are followed and completed, the juvenile will, at the time of completion, be dismissed from the program without a Court record. However, if the juvenile fails to comply with any of the recommendations, the case may then be referred to the Juvenile Court.

The Pennington County Truancy Program is utilized to ensure that all students acquire the necessary skills for success in adult life. School attendance is mandatory in the State of Minnesota. It is the responsibility of both the child and the parent to ensure regular school attendance. A child's failure to comply with the requirements of Minnesota's compulsory attendance law may result in court action being taken by the Pennington County Attorney's Office. The same committee members from the Pennington County Diversion Program make up the Pennington County Truancy Program. The committee reviews efforts completed by the school(s), attendance records, and attendance contracts if applicable to see whether or not further efforts are needed, or additional services can be provided to ensure a child's attendance at school. In an effort to avoid court action, the Pennington County Truancy Program will use the same recommendations as the Pennington County Diversion Program. As with the Pennington County Diversion Program, if recommendations are followed and completed, the juvenile will, at the time of completion, be dismissed from the Pennington County Truancy Program without a Court record. However, if the juvenile fails to comply with any of the recommendations, the case may then be referred to the Juvenile Court.

For the calendar year 2022, twenty-two (22) juveniles participated in the Pennington County Diversion Program. The offenses for these juveniles included minor property damage, minor consumption, trespass on school property, possession of marijuana, speeding, and theft. All twenty-two (22) juveniles who participated in the Pennington County Diversion Program in 2022 successfully completed their recommendations.

For the calendar year 2022, three (3) juveniles participated in the Pennington County Truancy Program. Two (2) juveniles successfully completed their recommendations. One juvenile failed to successfully complete their recommendations and the matter was referred to the Juvenile Court for the formal filing of a CHIPS Petition.

For the calendar year 2023, two (2) juveniles participated in the Pennington County Diversion Program. One juvenile has successfully completed their recommendations. The second juvenile is currently working towards completion of their recommendations.

For the calendar year 2023, nine (9) juveniles participated in the Pennington

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County Truancy Program. Four (4) juveniles have successfully completed their recommendations. The remaining five (5) juveniles are pending their first meeting with the Pennington County Truancy Program Committee on December 20, 2023.

An evaluation of these programs' effect on the operation of the criminal justice system in Pennington would indicate a moderate effect based on the numbers. Specifically, there was a substantial reduction in the number of juveniles participating in the Pennington County Diversion Program between 2022 and 2023. This is great news. Notwithstanding, at the time of the writing of this report, there has been a substantial increase in cases involving juveniles bringing marijuana to the middle school and high school in Thief River Falls over the past three (3) weeks. School Administration and Law Enforcement are finding the students are bringing marijuana in the form of dabs, THC vape pens, traditional marijuana in baggies, and marijuana wax. An informal guess as to the number of incidents over the past three (3) would be between 9-12. This is very concerning for School Administration and Law Enforcement. The investigation into these matters is being finalized between School Administration and Law Enforcement. Upon their completion, these matters will be reviewed and considered by the Pennington County Diversion Program Committee.

The Pennington County Truancy Program appears to not have had as much of an effect based on the numbers as there was an increase in participants between 2022 and 2023. The Pennington County Truancy Program Committee continues to discuss additional methods to utilize and implement to ensure students are able to get to school and attend school as required by law.

If you have additional questions, comments, or concerns regarding either the Pennington County Diversion Program or the Pennington County Truancy Program, do not hesitate to contact me.

Sincerely,

Seamus P. Duffy

Seamus P. Duffy
Pennington County Attorney

SPD/sd