Back to the Future

Volume I

Thirty Years of Minnesota
Juvenile Justice Data
1980-2010

September 2013

Department of Public Safety
Office of Justice Programs

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Introduction

In 1980, the United States was on the verge of a spike in juvenile crime that would strain the resources of the juvenile justice system, challenge the resilience of communities, and have lasting repercussions on both public policy and public sentiment regarding youth offenders.

Youth involvement in crime began to increase in the mid-1980s and rose precipitously through the mid-1990s. Of particular concern to policy makers and communities was the increase in violent crime. A cadre of academic scholars and criminologists publically warned of a new breed of 'superpredators' who were unique in their brutality and remorselessness.[1] It was projected that these offenders would grow in number prompting a negative, fear-based public perception of juveniles.[2]

Contrary to the predictions of many scholars in the field of criminology, juvenile crime not only peaked in the late-1990s but was followed by a significant pattern of decline. Ten years later, youth involvement in the juvenile justice system has continued to decline and now reflects some of the lowest levels in 30 years or more. Criminologists continue to hypothesize and identify what factors contributed to the sudden and continuous decline in juvenile delinquency in the new millennium.

Minnesota juvenile justice data mirror the rise and fall of youth involvement in crime observed nationally. In 2010, both the volume of youth arrests and the rate of youth arrests were comparable to figures recorded in 1980, before the juvenile crime wave began.[a]

The title of this report, *Back to the Future*, is an homage to the 1980s cinema blockbuster of the same name, in which a teenaged Michael J. Fox accidentally travels back in time 30 years to 1955. While there, he inadvertently alters the course of his own future which he must be set right before returning to 1985. While his character is clear as to what must be done to set his future right, less clear are which, if any, juvenile justice policies and practices implemented in the 1980s and 1990s positively affected delinquent youth thirty years later.

Volume 1 of this report series is dedicated to the presentation of Minnesota's juvenile justice data. Included are juvenile arrests; court volume; admissions to residential placements; and juvenile probation populations between 1980 and 2010. Regrettably not all data are available due to changes in collection methodology and technology over time. National juvenile justice data are also presented to assess how Minnesota fared compared to the national trend.

Volume 2 of this report series compliments Volume 1 through a presentation of factors at the state and national level that may have affected delinquency trends over the past 30 years. Included are a presentation of population changes; characteristics of the macro-environment such as poverty and unemployment; changes to delinquency definitions and statutes; and changing attitudes and practices around serving at-risk youth. Volume 2 explores what the past 30 years have taught practitioners about effective responses to delinquency that can be taken back to the future.

[a] Volume is the total number of events whereas rates are the number of events per 1,000 youth in the population.

Data Sources

In Minnesota, no single state agency is responsible for collecting, analyzing or disseminating data on youth involved in the juvenile justice system. Rather, three distinct state agencies collect data on youth. These agencies, in turn, are responsible for collecting data from more than 400 state and local law enforcement agencies; 87 county systems; 10 judicial districts; and hundreds of detention settings and correctional facilities around the state.

Presenting a cohesive illustration of youth moving through the justice system is challenging. A substantial level of training and coordination is required to procure full participation and consistent data collection by local partners. Each time data collection systems change, new data definitions and data entry methods must be taught to local stakeholders.

Furthermore, the unique, state level databases do not interact with each other. The result is a snapshot of activity at different justice system stages that cannot be seamlessly related to the justice system stages occurring before or after. Differing data definitions across state and local systems can further muddy the picture.

Data collected for this report have been taken from a variety of sources including online publications and hard copy reports, many of which are available in the Minnesota Legislative Research Library. Some data were provided upon request by state and local agencies. Changes in data sources and collection methods will be made known throughout the report.

The following is a description of the primary agencies in Minnesota responsible for juvenile justice data collection and the predominant data systems and publications referenced in this report:

Juvenile Arrest Data

The Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA) is the state agency responsible for collecting data on adult and juvenile arrests. The BCA has been collecting arrest data since 1972 using the same data repository: The *Criminal Justice Reporting System (CJRS).* The BCA publishes arrest data annually in the *Minnesota Crime Information Report,* also known as the state *Uniform Crime Report (UCR)*. Minnesota data are submitted to the FBI for inclusion in the federal *Uniform Crime Report* which tallies total arrests for specific offenses in the United States.

Law enforcement agencies are required to submit arrest data to the BCA annually. Presently all law enforcement agencies either have their data uploaded into CJRS automatically from their own record management system, or they manually enter arrests into CJRS using an online portal. The exceptions are the St. Paul Police Department and the Minneapolis Police Department which submit aggregate arrest totals to the BCA annually but do not upload individual arrest data into the system. BCA data are useful

over time in that there have been few changes to the way UCR data are collected, counted and reported. Minnesota arrest data in this report series are from data published by the BCA.[b]

Four Types of Crime

Arrest data are divided into four unique classifications designated by the FBI: Violent crime, property crime, "non-index" or Part II crime, and status offenses. (Figure 1)

Violent crime is a grouping of the four most serious person-related offenses: murder/manslaughter, forcible rape, aggravated assault[c] and robbery. **Property crime** consists of four additional offenses: larceny (theft), burglary, motor vehicle theft and arson. When these two classes of crime are added together they are often called **Part I crimes** or **index offenses**.

Virtually all other offenses fall into the category termed **Part II crimes** or **non-index offenses**. These are typically less violent or less serious person- and property-related offenses. Sixteen offenses are counted specifically, with one additional "other offenses" category to catch all other types of crime including violations of local ordinances. Included in Part II crimes are non-aggravated assaults, vandalism, drug related crimes, disorderly conduct, weapons possession and violations of liquor laws. All traffic offenses are excluded from arrest counts except DWI.

Figure 1. **Uniform Crime Report Arrest Legend**

PART 1 Crime or "Index Offenses" (Adult or Juvenile)	Murder (Homicide) & Non-Negligent Manslaughter	"Violent Index" Offenses Crimes Against Persons	Total Juvenile Arrests	Juvenile PART 1 and PART 2 Arrests	Total Adult Arrests (Adult PART 1 and PART 2 Arrests)
	Negligent Manslaughter				
	Rape				
	Robbery				
	Aggravated Assault				
	Burglary	"Property Index" Offenses Crimes Against Property			
	Larceny (Theft)				
	Motor Vehicle Theft				
	Arson				
PART 2 Crime (Adult or Juvenile)	Other Assault	"Non-Index" Offenses			
	Forgery/Counterfeiting				
	Fraud				
	Embezzlement				
	Stolen Property				
	Vandalism				
	Weapons				
	Prostitution				
	Other Sex Offenses				
	Narcotics				
	Gambling				
	Family/Children				
	DUI				
	Liquor Laws				
	Vagrancy				
	Disorderly Conduct				
	Other Offenses (Except Traffic)				
Status Offenses (Juveniles Only)	Curfew/Loitering	"Status Index" Offenses			
	Runaway				

The final category, **status offenses**, includes acts that are unlawful solely because of one's legal status as a minor. The two offenses tracked by the FBI are juvenile violations of curfew/loitering ordinances and the juvenile offense of runaway. These offenses do not apply to adults. While offenses such as tobacco violations and truancy are also illegal for minors they are not specifically parsed out in crime data; they may appear in Part II crimes under "Other Offenses." Juvenile liquor law violations are counted among Part II crimes.

[b] Data used in this report may deviate from published UCR totals in certain years namely 2001, 2003 and 2007. Supplementary data was acquired for this report from the St. Paul Police Department for these years where SPPD juvenile arrest data was missing from the Minnesota UCR total or had been published inaccurately.

[c] Use of weapon and/or serious bodily injury

UCR Hierarchy Rule

When arrests are counted, FBI counting methodology generally counts only the most serious charge for which an individual is arrested; this is known as the *Hierarchy Rule*. The FBI gives specific instructions to states regarding how to apply the rule, but the following generally apply: Part I offenses are counted over Part II offenses; a felony-level offense would be counted over a gross misdemeanor or misdemeanor level offense and, offense levels being equal, an offense against a person would be counted over an offense against property.[3]

Juvenile Court Data

The Minnesota State Court Administrators Office (SCAO) maintains the state's centralized court case management system: The *Minnesota Court Information System (MNCIS).* All criminal, juvenile, family and civil court cases are entered into this case management system from Minnesota's 10 judicial districts. *MNCIS* contains information on the charges for which individuals are petitioned to court and the conditions/sanctions imposed at disposition or sentencing. In addition, *MNCIS* contains data on juveniles designated *Extended Jurisdiction Juveniles (EJJ)* and those *Certified* to adult criminal court in Minnesota.

Since the late 1970s, the SCAO has made several changes to their case management systems. In the late 1970s, the judicial branch used the *State Judicial Information System (SJIS),* and between the early 1980s and 2007, the courts used the *Trial Court Information System (TCIS*). Finally, between 2003 and 2007 the state was in the process of converting from *TCIS* to its current case management system.[4,5] As of 2008, all courts use *MNCIS* and the SCAO maintains court data in a single data repository called *MNJAD*.

The SCAO periodically disseminates data on the number of juvenile cases in publications such as the *Annual Report of the Judicial Branch*. Because of the numerous system transitions in the past 30 years there are variations in the way court data has been disseminated. Data definitions have changed across these systems which confounds a consistent counting methodology over time. In addition, there are many ways to classify juvenile cases including delinquency, status offenses, petty offenders and dependency/neglect. There are also several legal distinctions used to count delinquency cases: petitions filed, case dispositions and delinquency adjudications. Each combination of offense type and case status generates a different court population. In addition, some data are lost during system conversions and limited historical data are brought into new systems.

Residential Placement and Juvenile Probation Data

The Minnesota Department of Corrections (DOC) maintains a central repository of information on all adults and juveniles in the state who are on probation or supervised release from state prisons as authorized by Minnesota Statute 241.065. The DOC also monitors the number and characteristics of adults and juveniles admitted to county jails, secure juvenile facilities, and state prisons. The centralized data system for corrections practitioners in the state is called the *Statewide Supervision System (S3)*. S3

contains select information uploaded daily from various local corrections information systems that can be queried for probation and supervision data; jail and detention data and Minnesota prison inmate data.

Residential Placement

All secure juvenile facilities licensed by the DOC enter or upload admissions and release data to the detention component of S3. S3 tracks admissions and discharges of youth held in secure facilities. These data include the reason for custody and the legal status of the youth such as pre-adjudication detention, adjudicated delinquent, Children in Need of Protection or Services (CHIPS), Extended Jurisdiction Juvenile (EJJ) or Certified Adult. Demographic data including race and gender are also captured.

S3 only captures admissions to secure (locked) facilities and beds in the state. Non-secure juvenile facilities do not submit admission data, nor do secure facilities submit data on youth admitted to non-secure beds if they offer both custody levels. The statewide S3 system has only been in operation since 2000. Prior to 2000, juvenile facilities submitted a manual census form to the DOC's *Facility Inspection and Enforcement Unit.*[d] These census forms included admissions to both secure and non-secure facilities. Unfortunately, many paper records documenting admission totals prior to 2000 are no longer available leaving a gap in juvenile residential correctional placement data prior to 2000 at the state level.

Probation

The DOC has collected and published data annually on the number of youth and adults on probation in Minnesota since 1982. While S3 can currently be queried for probation counts, prior to its existence counties submitted their data to the DOC on paper via the *Annual Probation Survey* instrument. Presently Hennepin County submits juvenile probation data to the DOC separately, as their juvenile division is the only agency that has not had the capability of reporting via S3. Data published in the *Annual Probation Survey* represent a snapshot of adults and juveniles on probation at the end of each calendar year. Since 1993, data also include information on the most serious offense for which individuals are on probation, as well as the race and gender of probationers.

Other State and National Data Sources

In addition to the aforementioned juvenile justice data, this report includes information on state-level youth population changes and admissions to non-correctional juvenile placements in the state. Sources include the Minnesota Demographer, the U.S. Census Bureau and the Minnesota Department of Human Services (DHS).

Many national-level databases track juvenile justice data at both the state and national level. The federal Bureau of Justice Statistics (BJS) and the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) maintain easy-to-use, interactive data tools representing a variety of system stages.

[d] After 2000, juvenile facilities continued to submit a manual census form to the Facility Inspection and Enforcement Unit in addition to entering secure admissions into S3.

Minnesota Arrests

Information collected from law enforcement agencies documenting arrest activity is perhaps the most important juvenile justice data set. Arrest is the primary mechanism through which youth enter the juvenile justice system. Law enforcement activity dictates the overall volume of juveniles entering the system, which subsequently affects the volume of youth moving into the judicial and corrections systems.

While the number of arrests is the most common measure of delinquent activity, it is not necessarily an accurate measure of crime. Arrests are acts which come to the attention of law enforcement and for which there is probable cause to arrest or cite the juvenile; much crime goes unreported. For this reason, national arrest data are often supplemented with data from the National Crime Victim Survey (NCVS) where a large sample of households are asked to report having been crime victims, even if it was not reported to law enforcement.[6] Also, arrest activity can reflect the particular enforcement priorities of law enforcement departments. Targeted policing in particular areas and well as "crack-downs" on targeted offenses such as drugs, curfew or prostitution can affect arrest statistics.

Nevertheless, monitoring the number of persons arrested dates back to the 1930s in the United States and has value as a methodology that has had few significant changes during the 30 years covered by this report.[7]

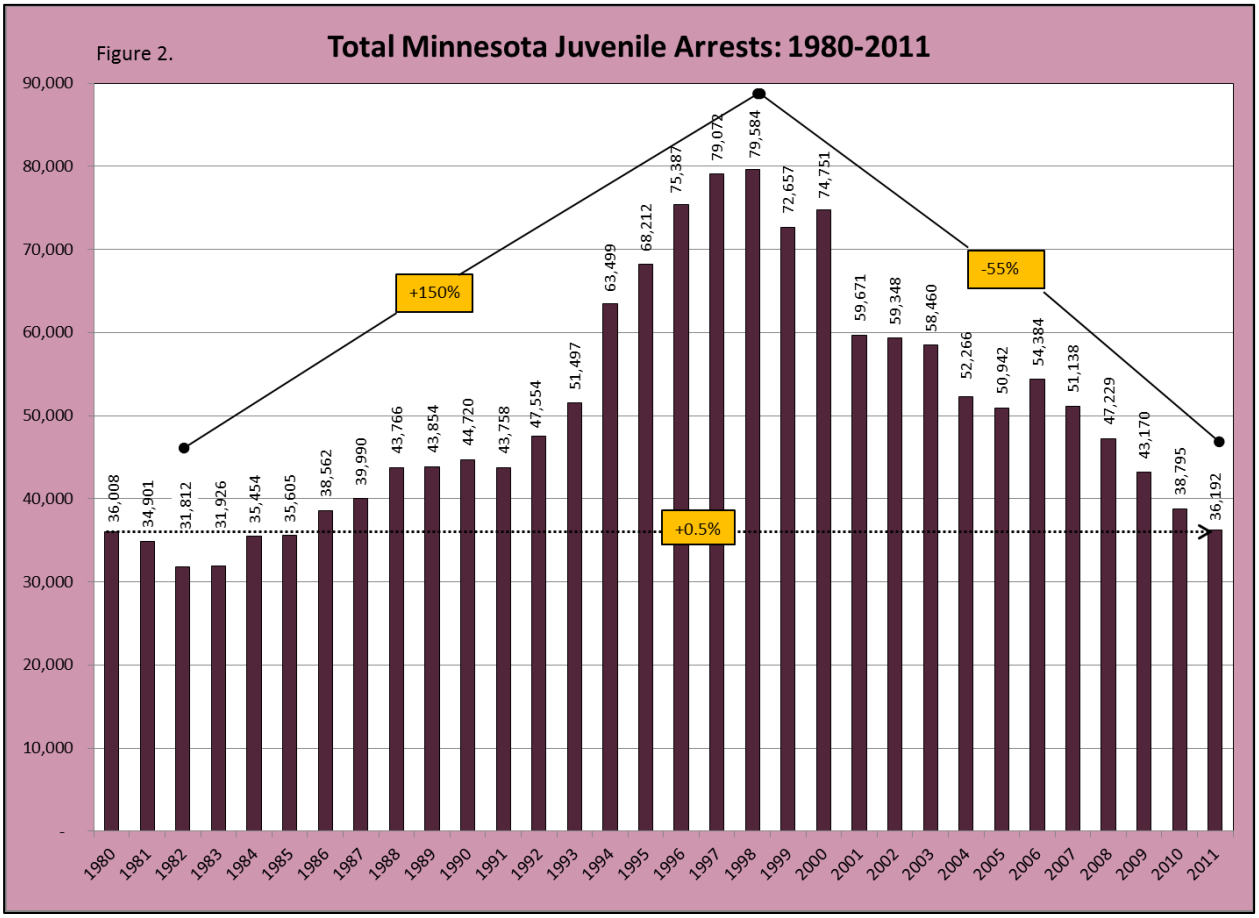
Minnesota Juvenile Arrest Volume

According to federal Uniform Crime Reporting definitions, a juvenile arrest is counted when a person under age 18 is physically arrested or when they are cited or summoned to appear in juvenile court or before other juvenile authorities. A youth need not be taken into physical custody to be counted as an arrest. UCR data exclude other law enforcement contacts and times when youth are taken into custody for their own protection, such as neglect cases.[8]

UCR methodology typically requires only the most severe offense for which a youth is arrested to be counted even if the youth is charged with multiple offenses connected with one incident.[e] Also, arrest data are a count of events, not individuals. If the same person is arrested three times in a given year, three arrests are counted.

In 1980, the Minnesota BCA recorded 36,008 arrest events of juveniles age 17 or under in Minnesota (Figure 2). The number of juvenile arrests declined slightly in the early 1980s, reaching a low of 31,812 in 1982. Between 1985 and 1991, juvenile arrests rose from approximately 35,000 per year to 43,000 per year. In the mid-1990s, the number of juveniles arrested skyrocketed culminating in a record high of 79,584 arrests in 1998—over twice the number of juvenile arrests recorded in 1980. Between 1982 and 1998, the number of juvenile arrests in Minnesota increased by 150 percent.[9]

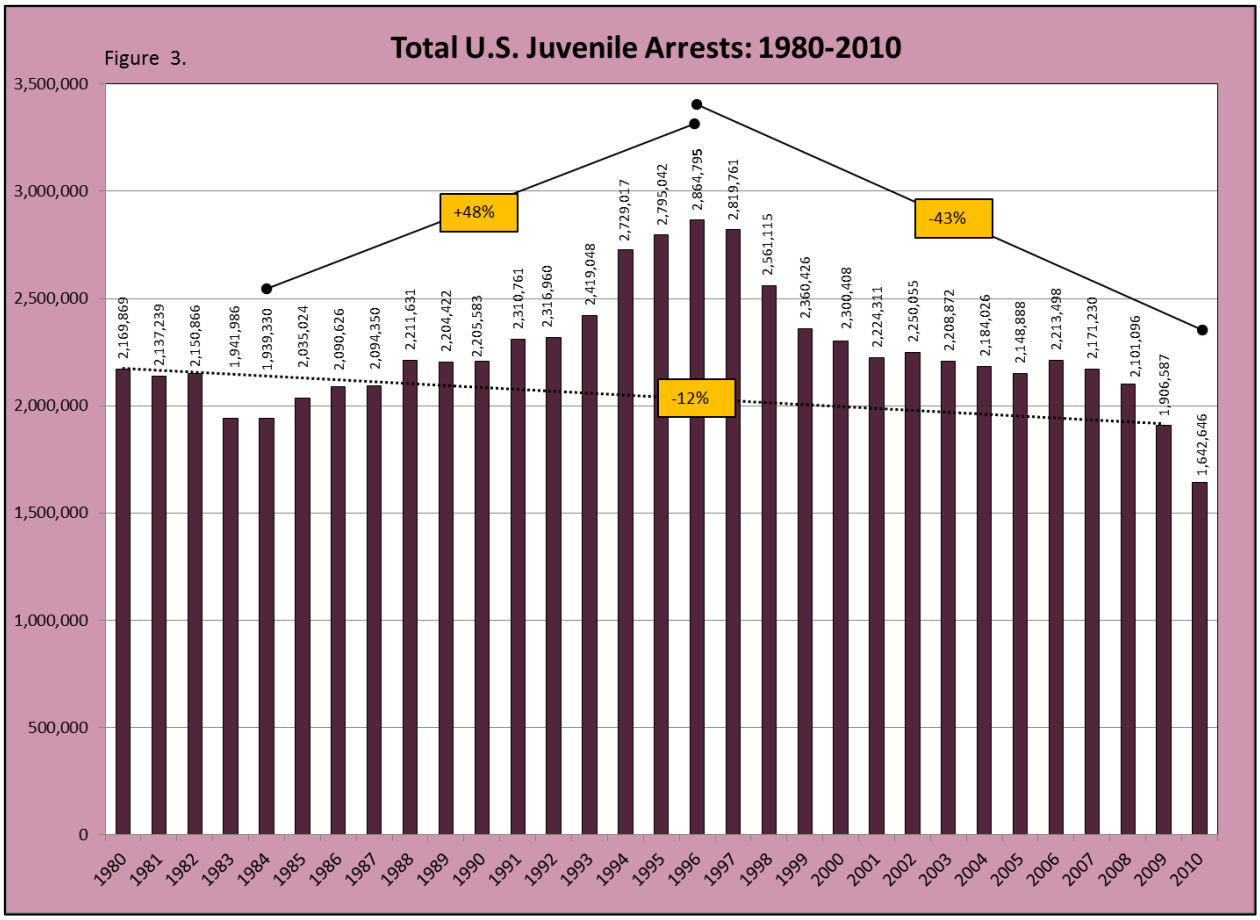
[e] See explanation of the Hierarchy Rule on page 9.



The arrest trend abruptly reverses in 1999 and 2000, beginning with a modest decline of about 5,000 juvenile arrests and progressing to a decline of just more than 15,000 arrests in 2001. Excepting a brief rise in 2006, juvenile arrests have continued to decline each year until the present. From the peak year of 1998 to the valley year of 2011, juvenile arrests declined by over half (-55%). The net change in juvenile arrests between 1980 and 2011 is an increase of just one-half of 1 percent.

National Juvenile Arrest Volume

Minnesota's juvenile arrest pattern largely follows the national pattern during the same period, though the rise and peak are more pronounced in Minnesota than nationally. Nevertheless, Figure 3 illustrates that the same "dip" in arrests occurs in the early 1980s with the lowest volumes occurring in 1983 and 1984 (1.9 million). Again the number of arrests rises through the mid-1980s to early 1990s with a considerable jump in 1994 to more than 2.7 million. Nationally, juvenile arrest volume peaks just two years later in 1996 at 2.86 million.[10] Between the valley year of 1984 and the peak year of 1996, arrest volume increased 48 percent in the United States, as compared to 150 percent in Minnesota.



While juvenile arrests declined slightly in 1997, 1998 is the first clear indication of a downward trajectory. Again, the national decline in juvenile arrests is not as steep as Minnesota's. Between the peak year of 1996 and the valley year of 2010, juvenile arrests declined 43 percent nationally compared to a 55 percent decline in Minnesota.

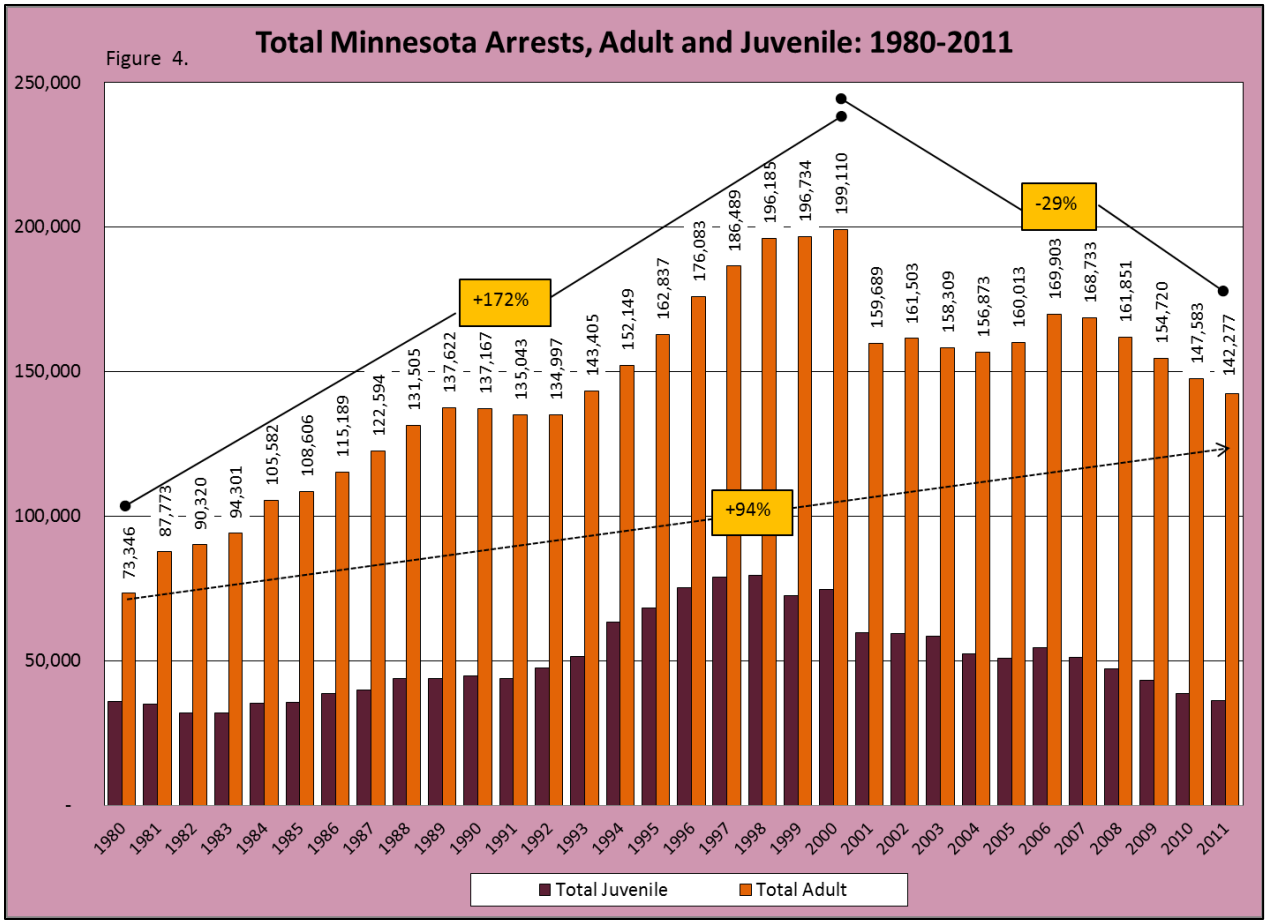
It should be noted that in 2010, the juvenile offense of runaway was no longer reported in the national UCR for juvenile crime (roughly 93,000 arrests in 2009). The national 2010 arrest total is unusually low due to runaways being removed from the total. The decline in juvenile arrests between 1996 and 2009 is 32 percent, rather than 43 percent when extended to 2010.

Whether one compares the volume of arrests of 1980 to the year 2009 or 2010, the total number of juvenile arrests in the United States was still between 12 percent and 24 percent lower at the end of the 2000s than it was in 1980. Minnesota's arrest volume in 2010 was comparable to, but not lower than, 1980.

Minnesota Adult Arrest Volume

Not surprisingly, the number of adult arrests in Minnesota is significantly higher than the number of juvenile arrests since adults make up the majority of the total population. Generally, youth under age 18 account for approximately one-quarter of Minnesota's total population. Youth ages 10 to 17, who are eligible for juvenile justice system involvement under Minnesota Statute,[11] are a yet-smaller percentage of the total population at just 10 to 12 percent.[12] Nevertheless, juveniles are prone to delinquent behavior and have historically accounted for between 20 percent and 33 percent of total arrests in Minnesota.

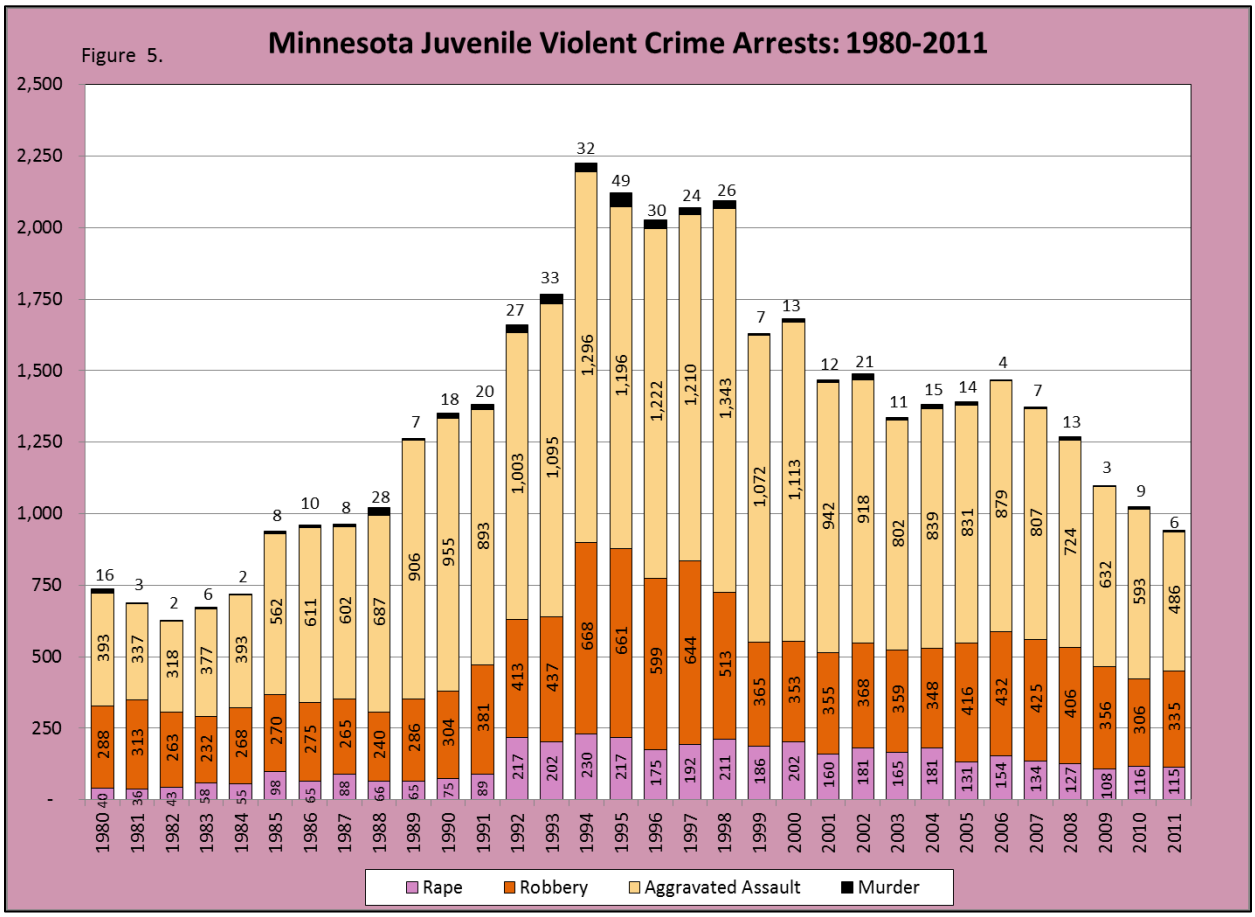
Adult arrests in Minnesota follow a similar pattern as juveniles: Rising through the 1980s and again in the 1990s, with a sharp decline following the year 2000 (Figure 4). Between 1980 and 2011, adult arrests in Minnesota increased 172 percent, greater even than juvenile arrests.



A key difference between adult and juvenile arrests is that by 2011 juvenile arrests returned to a volume comparable to that of 1980 while adult arrests remain nearly two times higher (94%). While adults saw a decline in the 2000s (-29%), it was not nearly as significant as the decline in juvenile arrests (-55%).

Minnesota Juvenile Arrests Volume: Violent Crime

Figure 5 depicts the total number of violent crime arrests by offense category. Of all violent crime, the most juvenile arrests are for aggravated assault, which typically involves the use of a weapon or cause significant bodily harm to the victim. The second most common violent crime is robbery which requires the taking or attempted theft of another's property by force or threat of bodily harm.



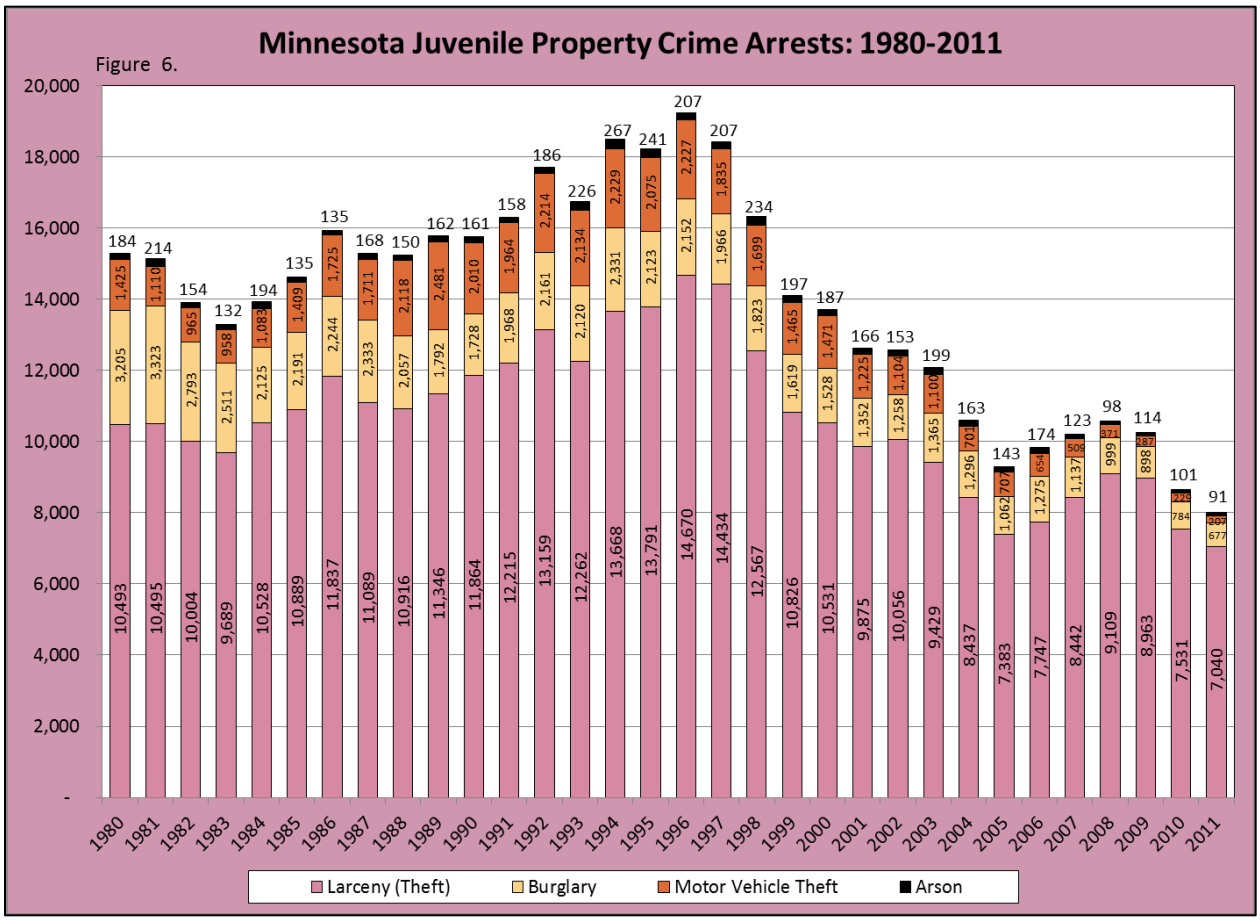
The least common juvenile violent crime is murder, though the data depict an increase in murder arrests from 1990 through 1998. Naturally, violent crimes are those which most draw the attention of communities and the media. The overall increase in youth violence and juvenile arrests for murder earned the city of Minneapolis the dubious moniker "Murderapolis" in 1995.

Minnesota Juvenile Arrest Volume: Property Crime

Juvenile property crime totals in Minnesota are dominated by the larceny category, which includes all levels of theft ranging from low-level shoplifting to high-value products.

Property crimes depicted in Figure 6 show that arrest for theft was more prevalent in the 1980s and '90s than it is today. While the volume of arrest for larceny did not peak until 1996 (14,670) the number of arrests in 1980 was over 10,000 compared to just over 7,000 in 2011.

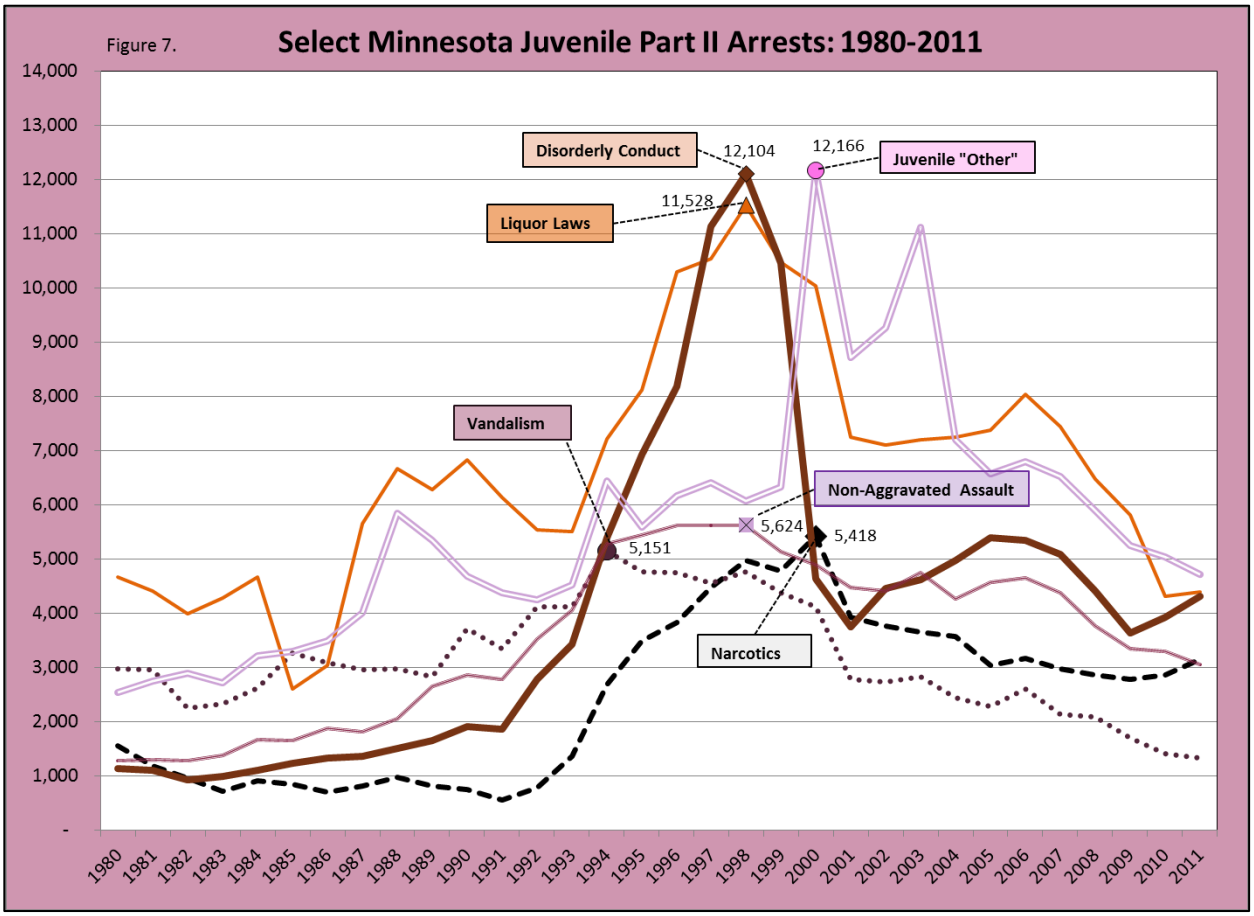
Presently (2011), larceny arrests are at a 30-year low, as are arrests for burglary, motor vehicle theft and arson.



Minnesota Juvenile Arrest Volume: Part II Crime

Part II crime includes 17 distinct arrest categories, only a half-dozen of which have a significant impact on overall youth crime volume. Disorderly conduct, liquor law violations, non-aggravated assault, vandalism, narcotics and the catch-all "other offenses" category are those for which large numbers of youth are arrested annually. Additional offenses that rose in volume for juveniles during the 1990s include weapon possession, possession of stolen property and DUI.

Figure 7 shows the change in arrest volume for select Part II crimes between 1980 and 2011. Clearly youth behavior in certain areas, or police enforcement thereof, had dramatic increases in the mid- to late-1990s. Arrests for liquor law violations (possession and consumption) as well as disorderly conduct peaked in 1998. Together these two offenses accounted for more than 23,500 juvenile arrests, or 30 percent of total juvenile arrests in 1998.



The 1990s also saw the peak years in juvenile arrests for vandalism (1994) and non-aggravated assault (1998). Vandalism includes any willful destruction or defacing of public or private property including spray painting or "tagging," and breaking windows or fixtures. Non-aggravated assaults are situations where no weapon is involved and the victim does not receive serious bodily injury such as broken bones, serious lacerations, lost teeth or internal injuries. Included in this category are domestic assaults that do

not meet the definition of aggravated assault. Also included in assault arrests are attempts to cause bodily harm or causing fear of bodily harm through threats, intimidation or coercion.

In the year 2000, and for several years after, a large number of juvenile arrests fell in the "other offenses" category. Examples would include: trespassing, possession of drug paraphernalia, tobacco violations, lewd conduct, and obstructions of justice such as fleeing police or providing false information to police. Violations of municipal ordinances are also included in "other offenses" including littering and violations of ordinances related to parks, fireworks, bikes or animals.

2001 was the peak year for narcotics offenses including the manufacture, possession, sale or distribution of illegal drugs. Among juveniles the vast majority of narcotics arrests are related to marijuana. Figure 8 shows narcotics arrest data for juveniles in five-year increments. Marijuana consistently accounts for 70 percent or more of arrests. The exception is in 1989 when marijuana accounted for 65 percent of narcotics arrests.

Figure 8. Minnesota Juvenile Narcotics Arrests by Drug Type

year	Opiates	Marijuana	Synthetics	Other	Total
1980	8	1,449	15	78	1,550
1985	12	614	11	201	838
1989*	76	535	21	187	819
1995	378	2,478	26	613	3,495
2000	272	4,665	33	304	5,274
2005	130	2,623	44	238	3,035
2010	35	2,525	60	239	2,889

*** 1989 is used in lieu of 1990 due to missing data by drug arrest category**

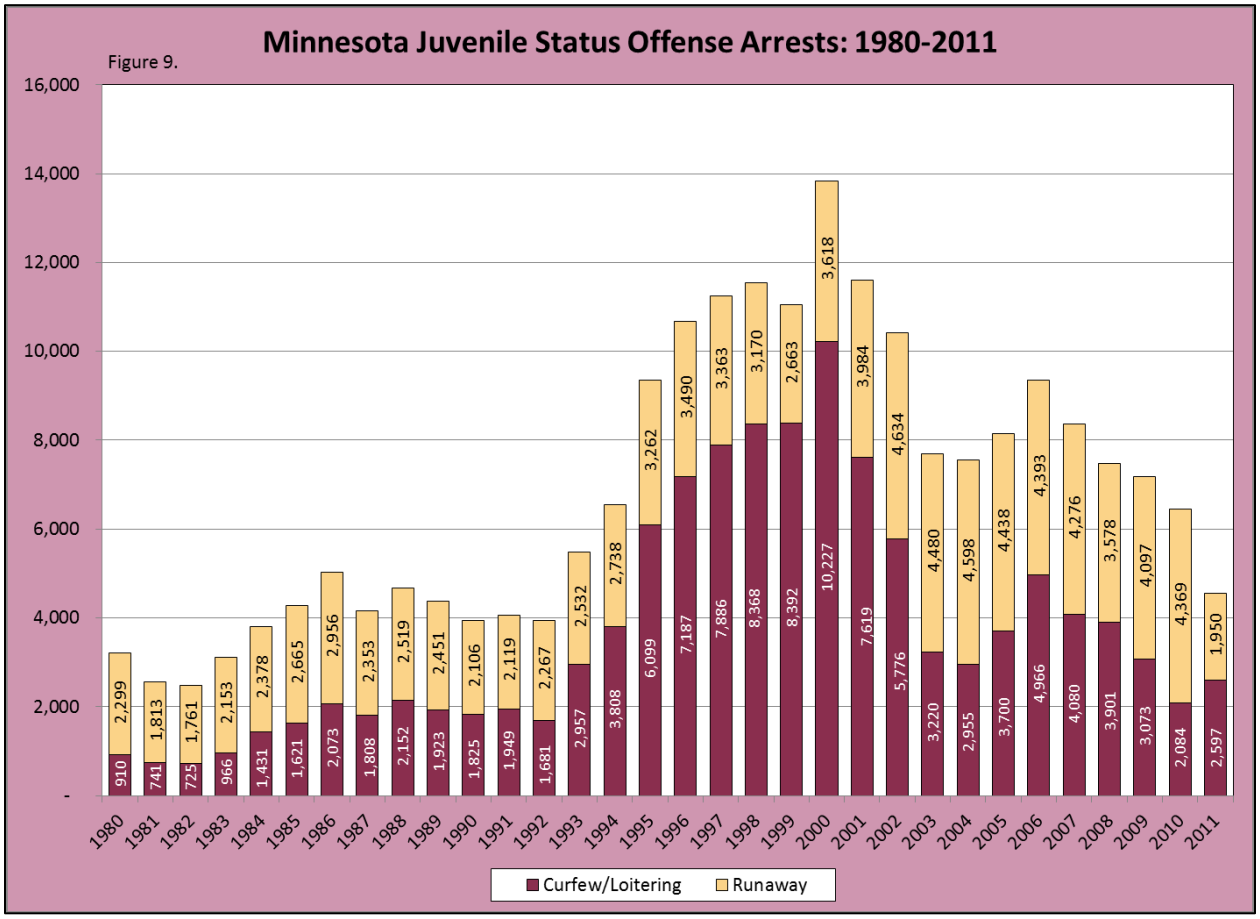
An additional statistic of note is the increase in arrests for weapons possession, which peaked in 1994 at 1,344. These are offenses related to the possession, sale, transfer or concealment of firearms, cutting instruments, explosives, incendiaries or other deadly weapons. Published Minnesota data does not include information on the types of weapons related to the arrests. The *Supplemental Homicide Report* included in the Minnesota Uniform Crime Report does support that firearms are consistently the primary weapons used by juveniles in murder cases.

Most Part II crime offenses had an increase followed by a decline. Several offense categories, however, remain substantially different in 2011 as compared to 1980. Arrests for non-aggravated assault are nearly three times higher than in 1980. Arrests for narcotics are twice as high in 2011 than in 1980, and arrests for disorderly conduct are nearly four times higher than 1980. Recall that the population count of youths ages 10-17 in 2011 is quite comparable to the population size in 1980, suggesting a shift in either the behavior of youth or the use of arrest.

Minnesota Juvenile Arrest Volume: Status Offenses

Arrests for the status offenses of curfew/loitering and runaway increased significantly in Minnesota in the early- to mid-1990s and remained high during most of the 2000s (Figure 9). Enforcement of curfew and loitering ordinances were especially pronounced in 2000 and exceeded 10,000 arrests.

Between the lowest-volume arrest year of 1982 (725) and the highest-volume arrest year of 2000 (10,227), curfew/loitering arrests increased 1,310 percent. The decline in curfew/loitering arrests following the year 2000 was 75 percent.

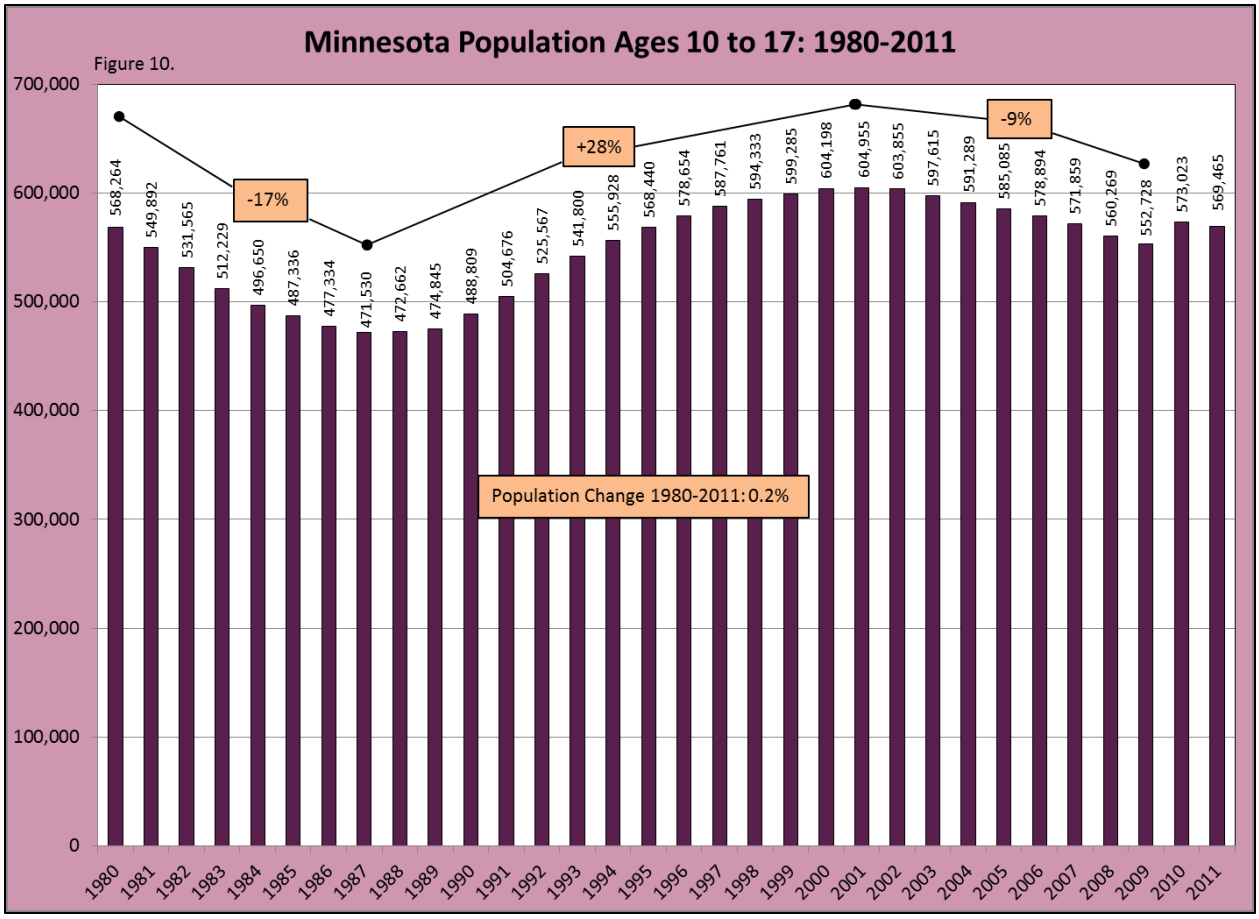


Under Minnesota statute, youth can be arrested for running away from home under statute. Arrests for runaway were highest between 2002 and 2010 when over 4,000 runaway arrests annually was common. By 2011, half as many runaway arrests were recorded (1,950).

Minnesota Youth Population Changes

A change in the size of the juvenile population is one factor that affects the number of arrests. Minnesota did experience a 28 percent increase in the size of juvenile population ages 10 to 17 between 1987 and 2001 (Figure 10). Recall, however, that juvenile arrest volume increased 150 percent during this time frame.

In addition, Minnesota saw a 9 percent decline in the population of youth ages 10 to 17 between 2001 and 2009, whereas arrest volume decreased by over 50 percent.



While changes in the number of youth eligible for justice system involvement is one factor in juvenile arrests, that number alone is insufficient to explain the degree of change observed in the data. Youth population changes affecting the justice system are presented in greater detail in Volume 2 of this report series.

Minnesota Arrest Rates

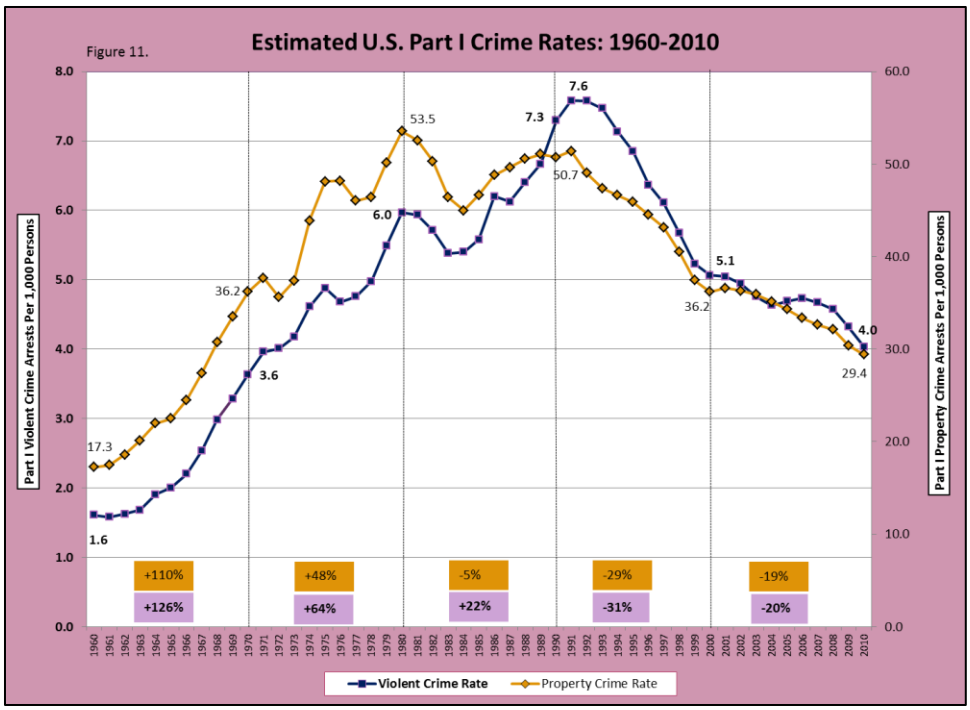
Population changes are compensated for by calculating arrest *rates*. Rates calculate the number of youth involved in the system per 1,000 youth in the population. In this manner, if the number of arrests doubles and so, too, does the population, the *rate* of arrest remains the same. Rates provide information as to whether a greater proportion of youth are experiencing arrest or, perhaps, if the same number of youth are being arrested more frequently.

The Continuation of a Pattern

While the 1980s and 1990s reflect a distinct crime spike in their own right, it is important to know that this was a continuation of increasing crime that began decades earlier.[13]

United States Arrest Rate Trend

Figure 11 illustrates that nationally, between 1960 and 1970, the total violent crime[f] rate (adult and juvenile combined) increased 126 percent in the Unites States and the total property crime[g] rate increased 110 percent. Between 1970 and 1980 the violent crime rate increased an additional 64 percent and the property crime rate increased 48 percent.



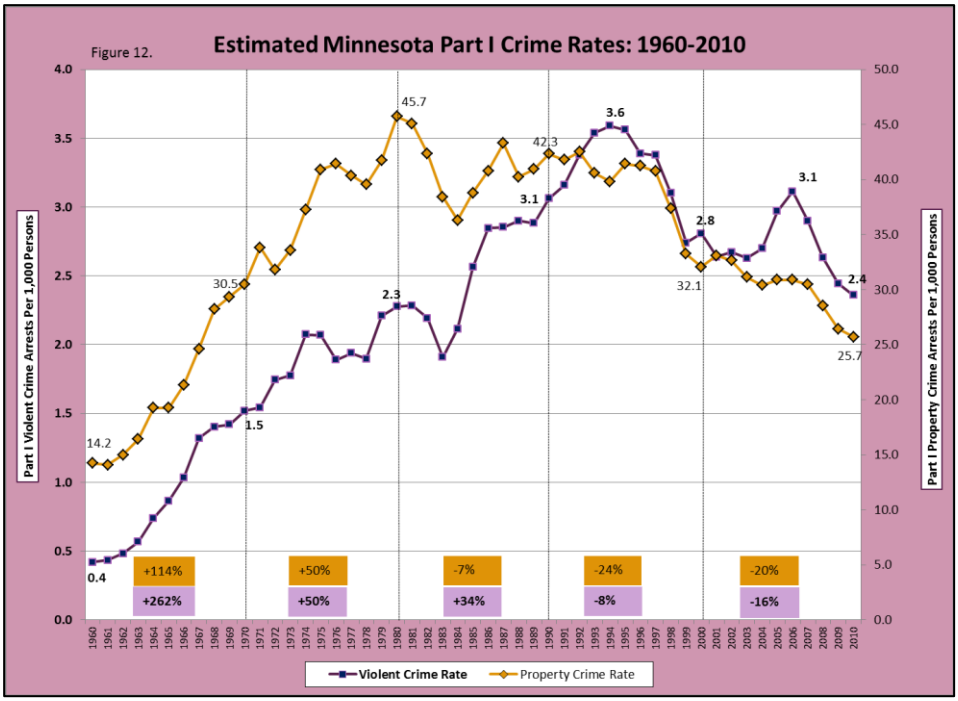
In comparison, the rate of arrest for property crime decreased in the 1980s (-5%) and again in the 1990s (-29%). Violent crime continued to rise through the 1980s (+22%) but declined a total of 31 percent in the 1990s after peaking in 1992. Clearly the high-crime era of the 1980s and 1990s do not stand alone; rather, it was the apex of a trend that began 20 years prior.

[f] Murder, non-negligent homicide, forcible rape, aggravated assault and robbery.
[g] Burglary, motor vehicle theft, larceny (theft) and arson.

Minnesota Arrest Rate Trend

Minnesota followed a pattern similar to the national crime trend. Between 1960 and 1970 the rate of involvement in violent crime (adult and juvenile combined) increased 262 percent while the property crime rate increased 114 percent (Figure 12). In the 1970s both types of crime increased an additional 50 percent.

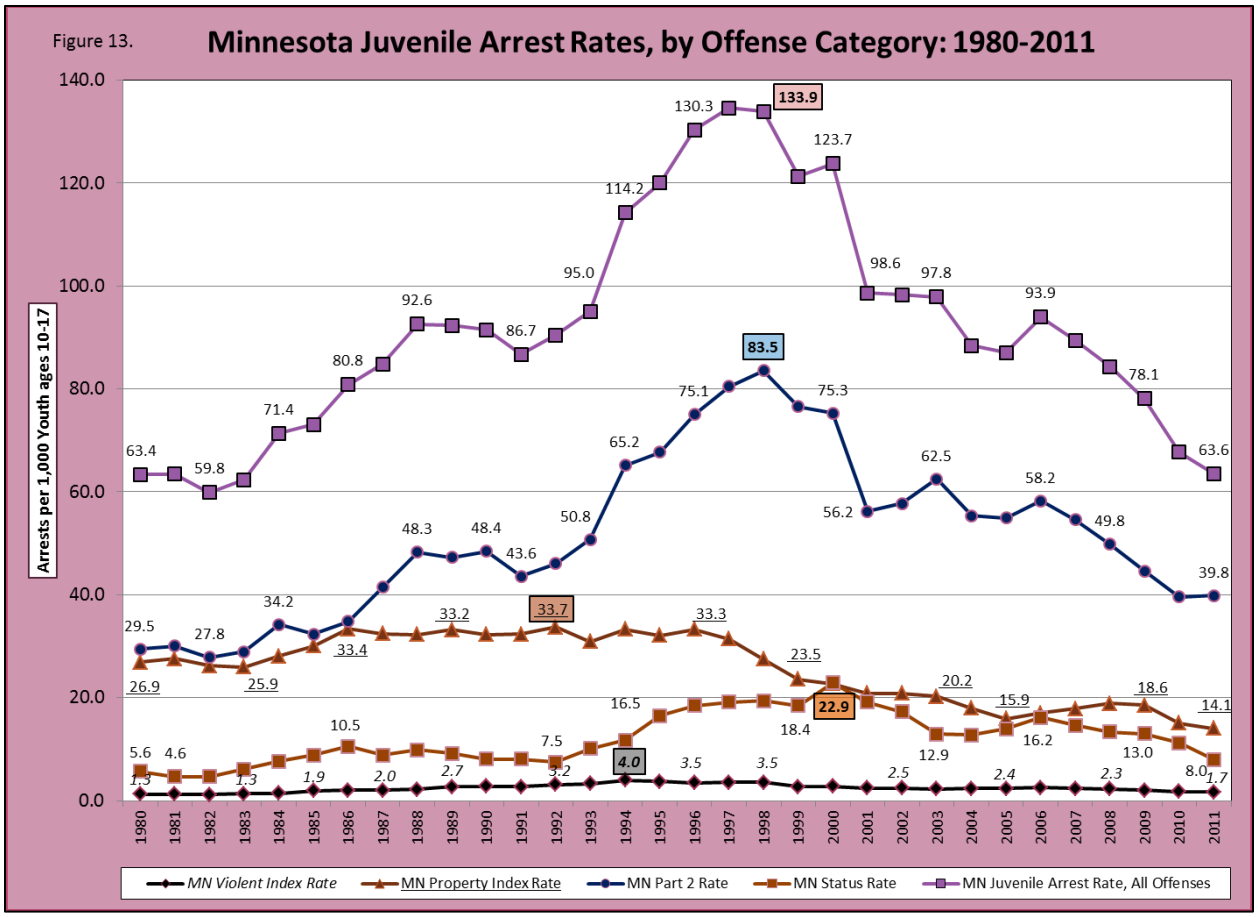
Between 1980 and 1990, property crime rates in Minnesota decreased 7 percent overall while violent crime continued to rise, albeit at a lesser rate (34%). Between 1994 and 2010, the rate of both violent crime and property crime declined.



Minnesota Total Juvenile Arrest Rates

Figure 13 depicts the total juvenile arrest rate (all offenses combined) between 1980 and 2011, as well as rates for the four UCR offense categories. The highest rate of juvenile arrests in Minnesota occurred in 1998 when there were 134 arrest events for each 1,000 youth ages 10 to 17 in the population.

Part II crime has the greatest number of offense categories (17) and therefore the greatest number of arrests. In the peak year of 1998, 83.5 Part II arrests were counted for every 1,000 youth ages 10 to 17 in the population. By 1998 the Part II arrest rate was nearly three times greater than in 1980 (29.5 per 1,000).



Part II offenses were not the only category to increase dramatically through the 1980s and '90s. The peak year for juvenile violent crime arrests was 1994. In 1994, four in every 1,000 Minnesota youth ages 10 to 17 were arrested—three times the arrest rate of 1980 (1.3 per 1,000).

The arrest rate for juvenile status offenses peaked in 2000 at 22.9 per 1,000 youth, which was more than four times higher than in 1980 (5.6 per 1,000). The rate of involvement in the juvenile justice system for status offenses increased four-fold during this era.

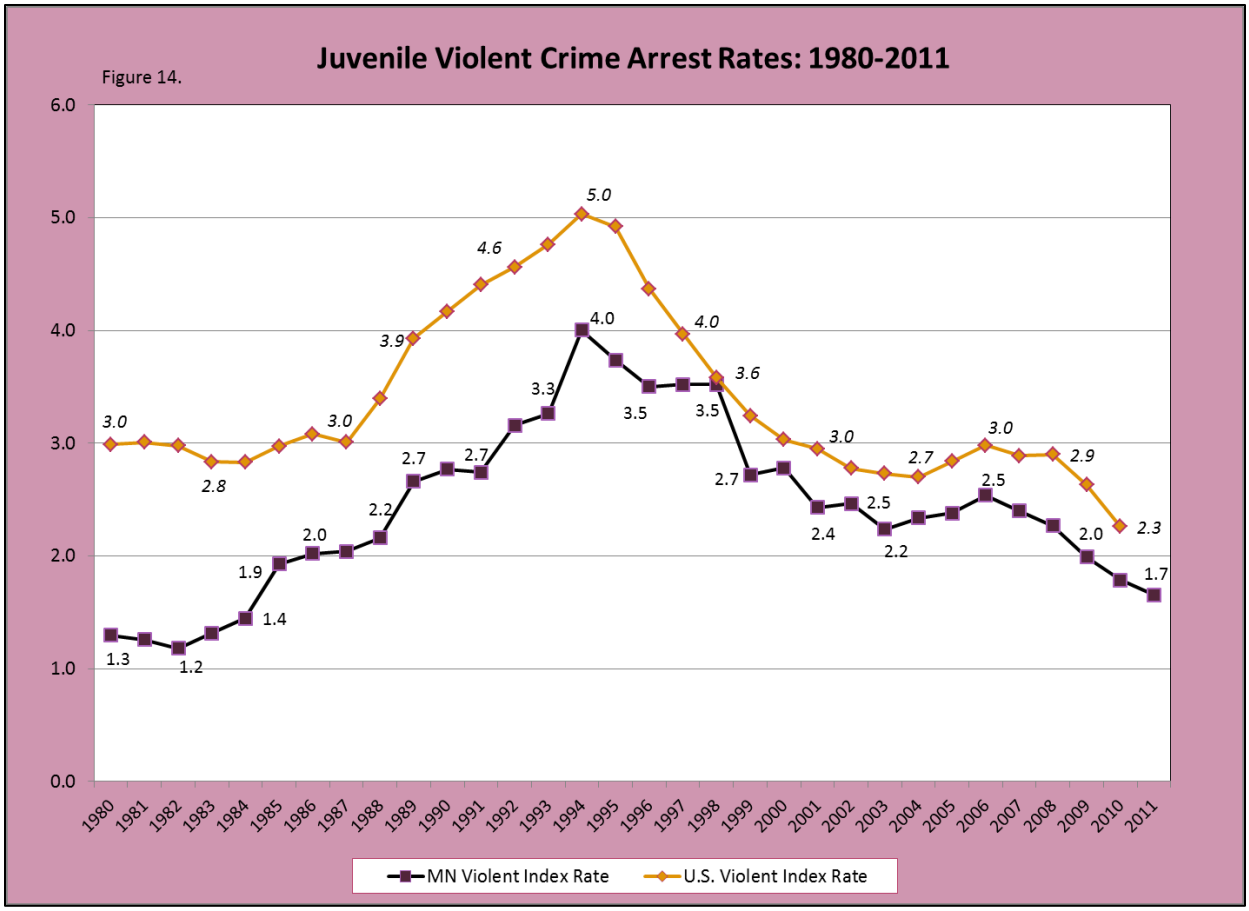
In all types of crime save one, the rate of arrest remains higher in 2011 than it was in 1980. The exception is the rate of property crime which peaked in 1992 at 33.7 per 1,000 juveniles and has been declining since 1997. Arrests for property crime are at a 30-year low of 14.1 per 1,000 youth as compared to 26.9 in 1980.

The following sections provide more detailed data on the volume and rates of juvenile arrest in the four UCR arrest categories.

Minnesota Juvenile Arrest Rate: Violent Crime

Both the volume and the rate of juvenile violent crime arrests peaked in 1994 and began a substantial decline in 1999 (Figure 14). Nevertheless, both the number and rate of violent crime committed by juveniles remains higher in 2011 than in 1980.

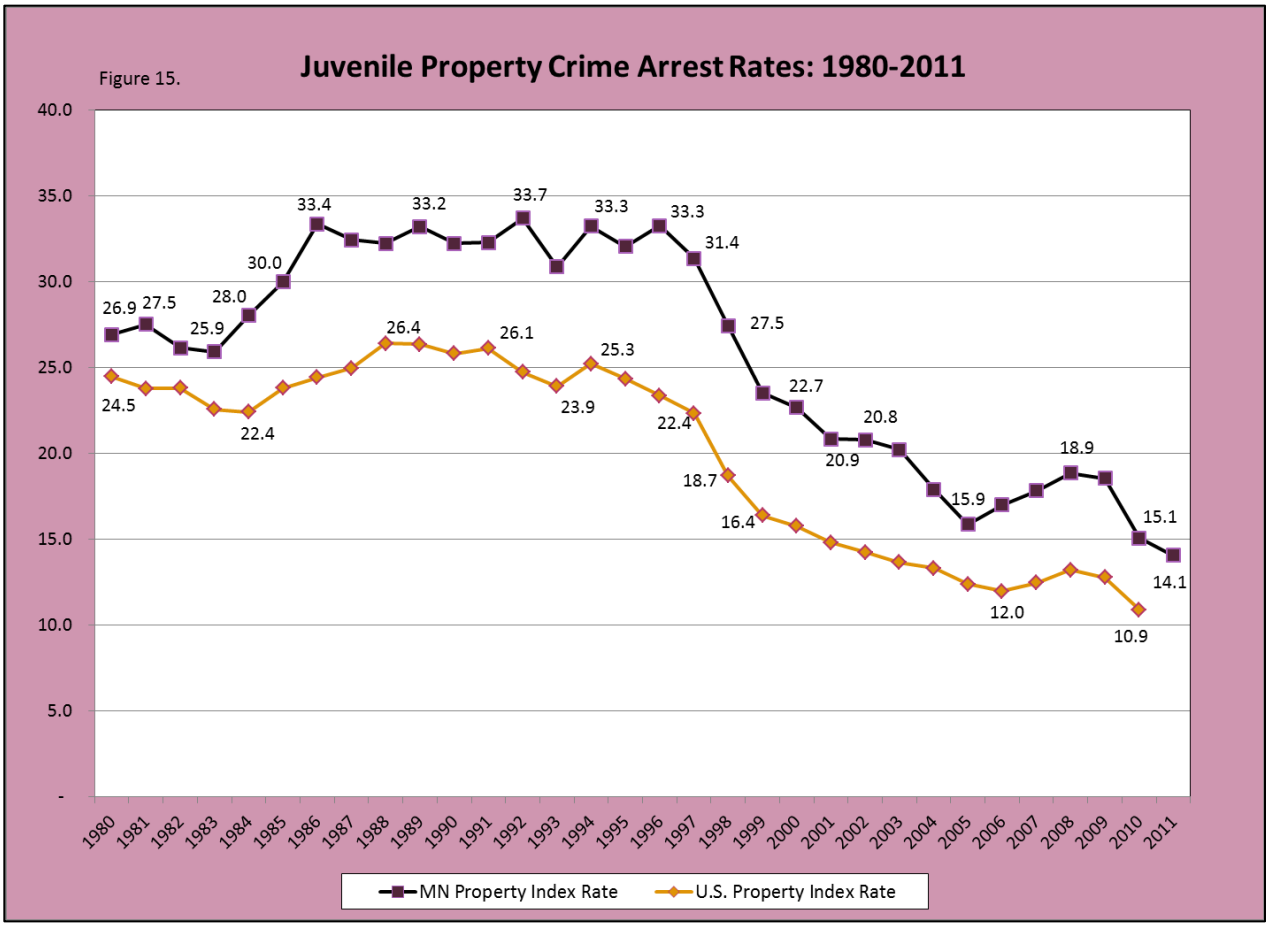
Both the U.S. and the Minnesota violent crime rates for juveniles peaked in 1994, at 5.0 and 4.0 per 1,000 youth, respectively. Minnesota's rate of violent crime has always been lower than the national trend, though the gap is not as wide in the 2000s as it was before 1994.



National and state trends follow a similar pattern of decline after 1994 with a brief resurgence between 2004 and 2006. The national violent crime arrest rate is lower in 2011 than in 1980 (2.3 versus 3.0), whereas Minnesota's violent crime rate remains slightly higher in 2011 than in 1980 (1.7 versus 1.3).

Minnesota Juvenile Arrest Rate: Property Crime

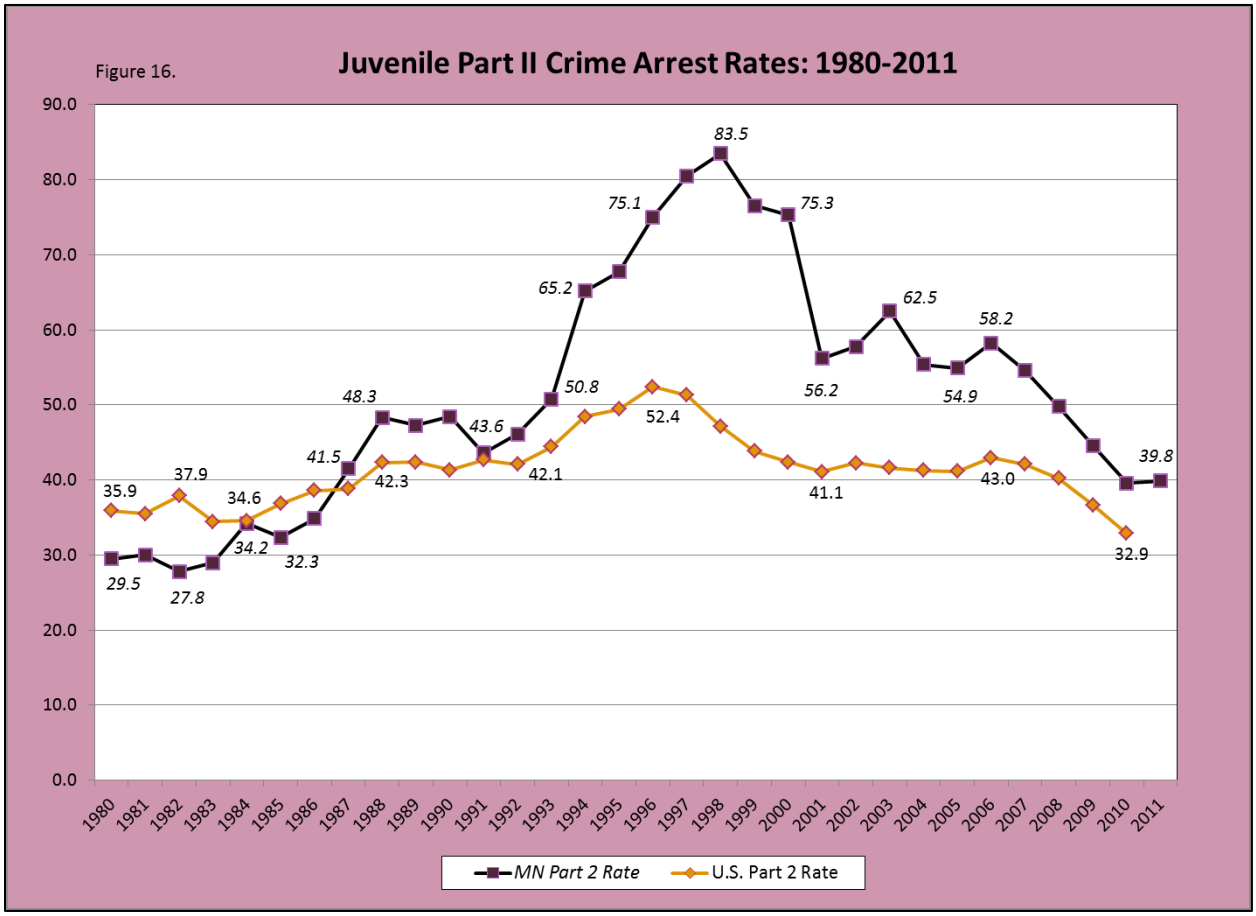
Nationally, the property crime arrest rate for juveniles in 2011 was also at a 30-year low (Figure 15). Minnesota follows the national arrest trend — however, unlike violent crime rates, Minnesota rates of property crime arrests are *higher* than the national average.



Generally, juvenile rates of involvement in property crimes have been decreasing over the past decade. Both national and Minnesota rates are considerably lower in 2011 than in 1980.

Minnesota Juvenile Arrest Rate: Part II Crime

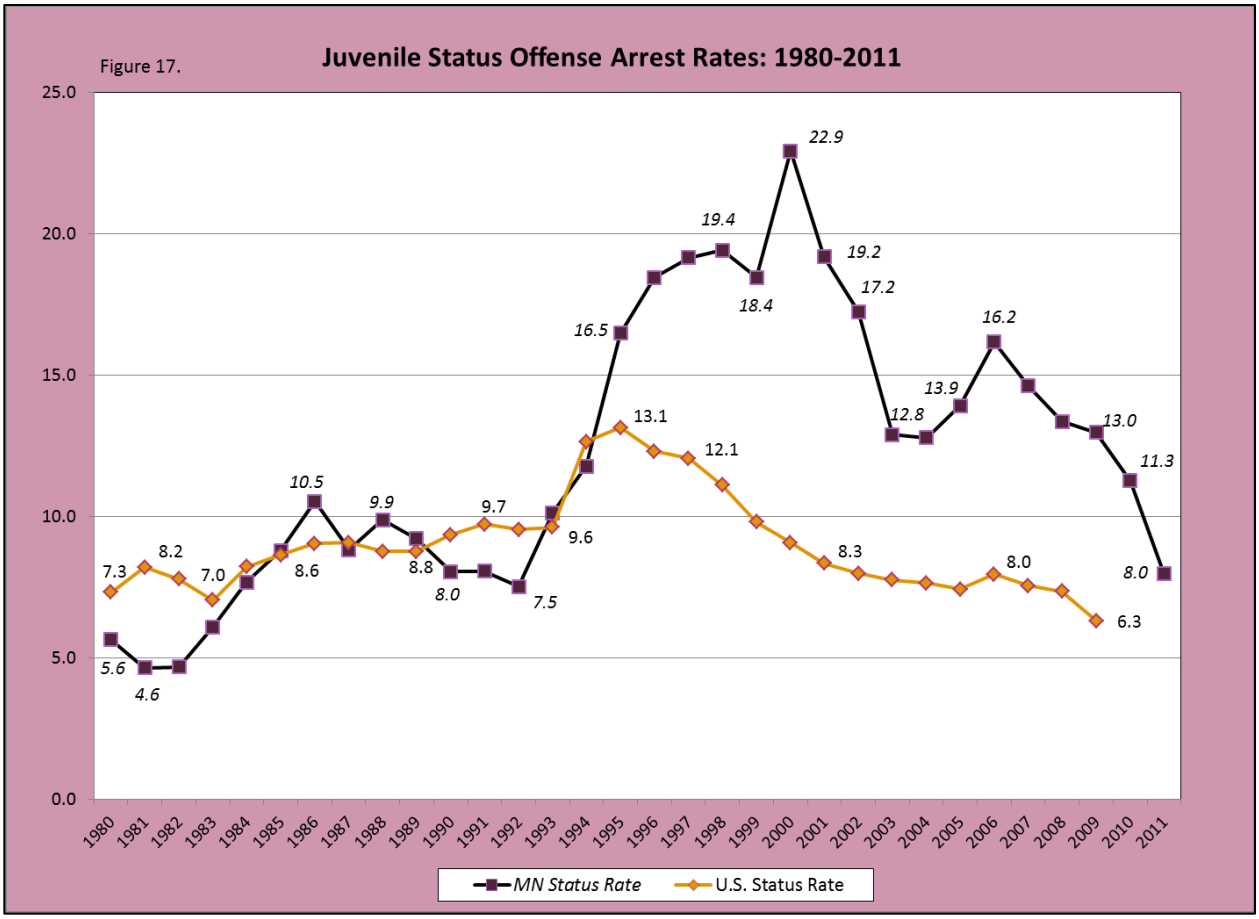
In the 1980s and early 1990s, Minnesota's rates of arrest for Part II crimes were comparable to national rates, ranging between 30 and 45 arrests per 1,000 youth (Figure 16). Between 1994 and 2000, when Minnesota's volume of arrests for liquor laws, disorderly conduct, and "other offenses" rose by the thousands, Minnesota's Part II arrest rate also skyrocketed to 83.5 arrests per 1,000 youth. While the arrest rates came down in the 2000s, it took another 10 years before Part II arrest rates in Minnesota were again similar to national rates.



Overall, fewer youth were being arrested nationally for Part II crimes in 2010 than in 1980 (32.9 versus 35.9). Conversely, Minnesota continues to arrest roughly ten more youth per 1,000 in 2011 than in 1980 (39.8 versus 29.5).

Minnesota Juvenile Arrest Rate: Status Offenses

Minnesota arrests for juvenile status offenses were in line with national rates until the early-1990s (Figure 17). Minnesota's rates significantly exceeded national rates between 1995 and 2003, mainly because of the increase in curfew/loitering arrests.



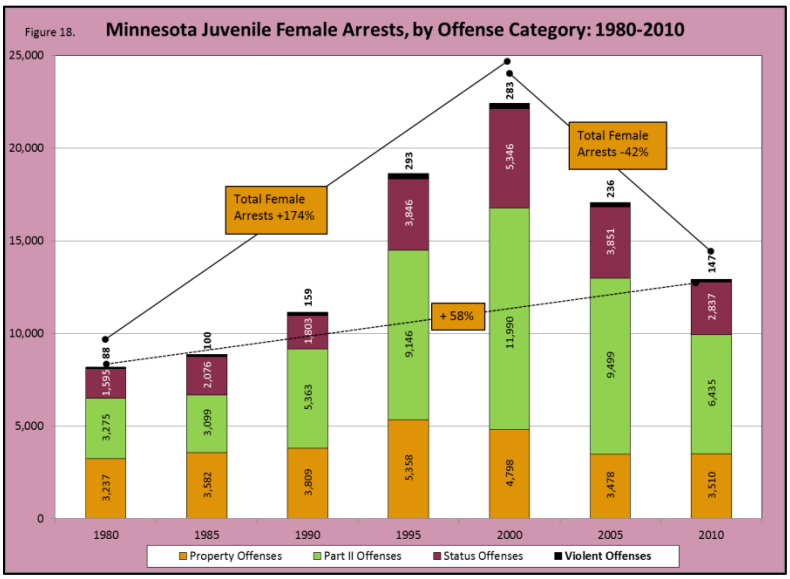
Not until 2011 do Minnesota's rates become comparable to national figures. As with Part II arrests, national rates of arrest for status offenses were lower in 2009 than in 1980, while Minnesota's status offense rate remains higher than in 1980. National rates of arrest for status offenses were not included past 2009 since the runaway offense was removed from the status offense count in 2010.

Minnesota Juvenile Arrests by Gender

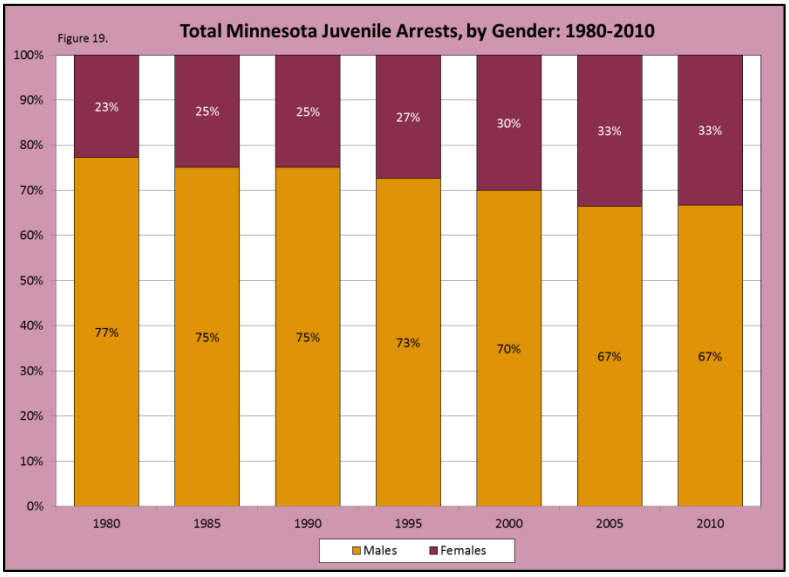
Total Volume

Just as total juvenile crime increased in the 1990s, the number of females in the juvenile justice system also rose.

Between 1980 and 2000, the number of females arrested increased by 174 percent (Figure 18). The greatest numerical change occurred among arrests for Part II crimes and status offenses. Overall the volume of female juvenile arrests was 58 percent higher in 2010 than in 1980.



During this period the population of females ages 10 to 17 increased 6.3 percent. In the period following 2000, female arrests declined 42 percent while the female population declined 5.3 percent. In terms of the population, in all seven data years presented, males accounted for 51 percent of the population ages 10 to 17 and females 49 percent.



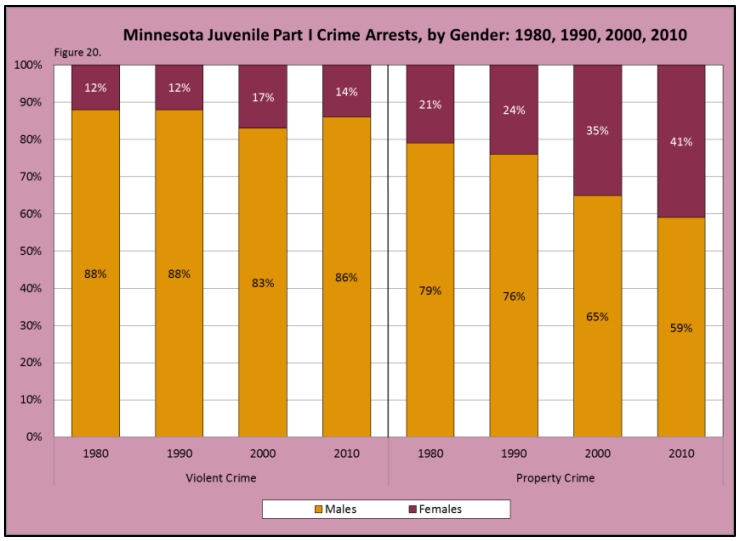
When all arrest categories are viewed collectively, females as a percentage of total juvenile arrests have increased over the past 30 years (Figure 19), affirming practitioners' observations that females represent a larger service need than they did 30 years ago.

Between 1980 and 1990, females accounted for roughly one-quarter of all juvenile arrests. Between 2005 and 2010, females accounted for one-third (33%) of total juvenile arrests. The increase in the number and proportion of arrests has prompted practitioners to investigate gender specific responses for drivers of female delinquency in a system that was traditionally designed to respond to male behaviors.

Minnesota Juvenile Arrests by Gender: Violent Crime & Property Crime

Part I Volume

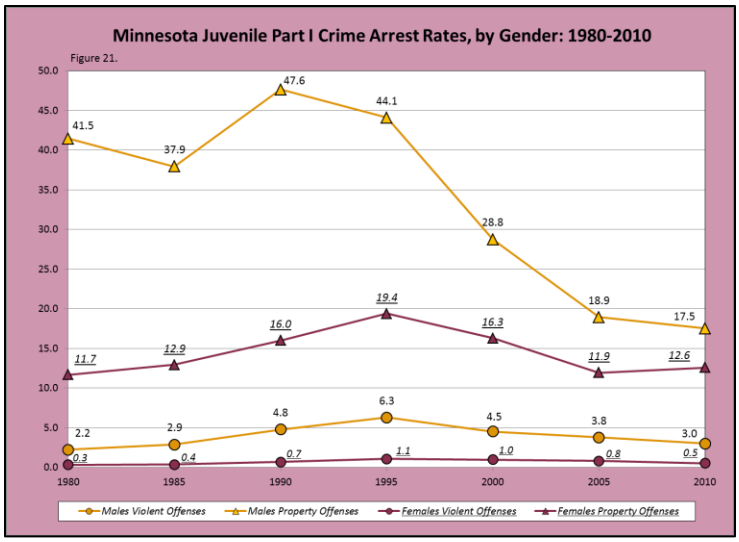
Female arrest volume is not uniform across all arrest categories. Females make up the smallest percentage of arrests for Part I violent crime. Between 1980 and 2010, females accounted for 12 to 17 percent of violent crime arrests (Figure 20). The year 2000 as well as 2005 (not pictured) saw the greatest percentage of females arrested for violent offenses at 17 percent of all juvenile violent crime arrests. In terms of real numbers fewer than 300 females per year are arrested for violent crime in Minnesota. In both 2010 and 1980, aggravated assault was the most common Part I violent crime arrest category for females.



Over time, females have constituted a larger percentage of Part I property crimes. In 1980, 21 percent of juveniles arrested for property crimes were female; by 2010, females accounted for 41 percent of juvenile arrests for property crimes. In both 1980 and 2010, arrest for larceny (theft) was by far the most common Part I property crime committed by females (316 and 3,400, respectively).

Part I Rate

The rate of involvement by females in Part I violent and property crimes is lower than males. The rate trend does show, however, that female involvement in both types of Part I crime increased in the 1990s (Figure 21). For females, involvement in violent crime peaked in 1995 at a rate of 1.1 arrests per 1,000 females ages 10 to 17.

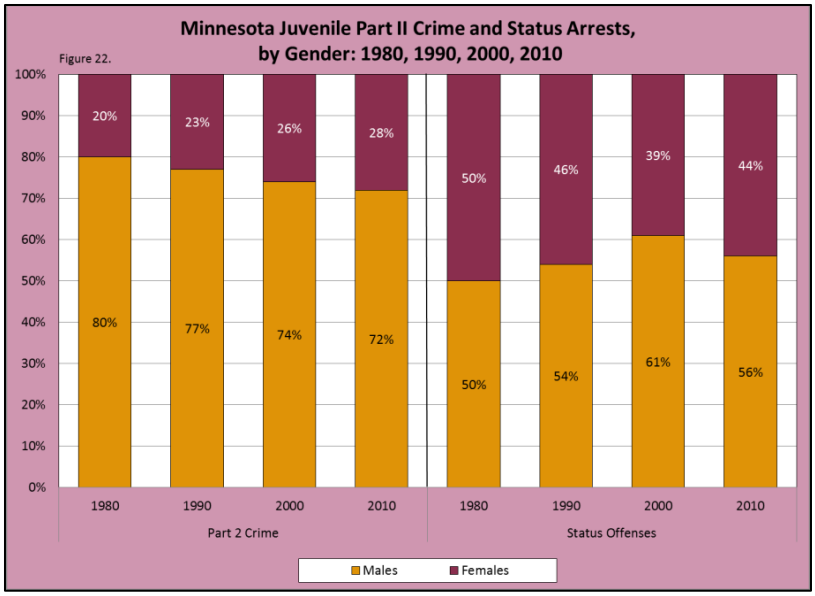


1995 was a peak arrest rate year based on five-year increments; approximately six in every 1,000 juvenile males was arrested for a violent crime in Minnesota. With regard to property offenses, approximately 20 in every 1,000 juvenile females were arrested compared to 44 in every 1,000 juvenile males. For both genders, arrest rates have declined among Part I offenses since 1995.

Minnesota Juvenile Arrests by Gender: Part II Crimes & Status Offenses

Part II Volume

The proportion of females arrested for Part II offenses combined has also increased, albeit somewhat less than Part I property crimes (Figure 22). In 1980 females accounted for two in 10 juvenile arrests for Part II crimes; as of 2010 females accounted for just under three in 10 (28%).

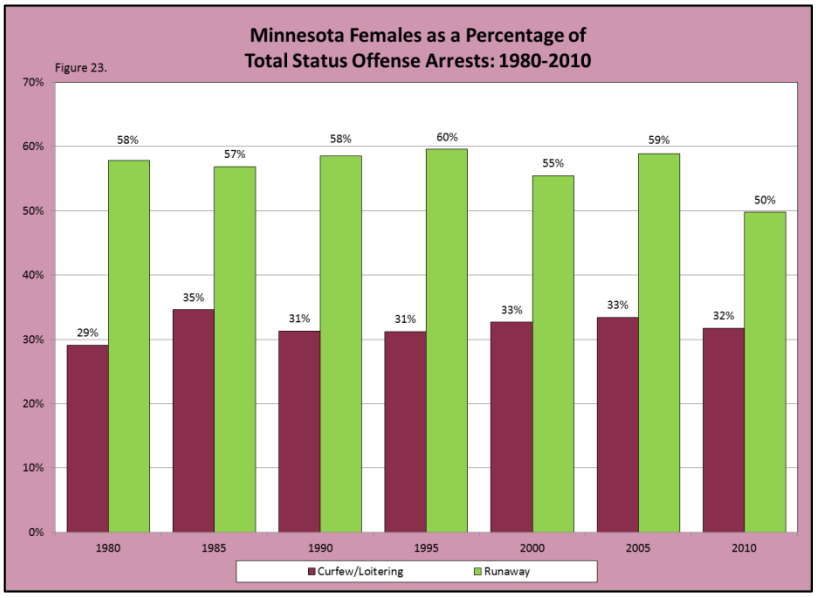


In 2010, the Part II offense categories with the largest volume of arrests for females were: liquor laws (1,881), 'other offenses' (1,232), disorderly conduct (1,218) and non-aggravated assault (1,075). Narcotics is the next largest female arrest figure at 492.

In 1980, the pattern was similar; liquor laws, 'other offenses,' non-aggravated assault, narcotics and disorderly conduct having the largest volume of Part II arrests for females.

Status Offense Volume

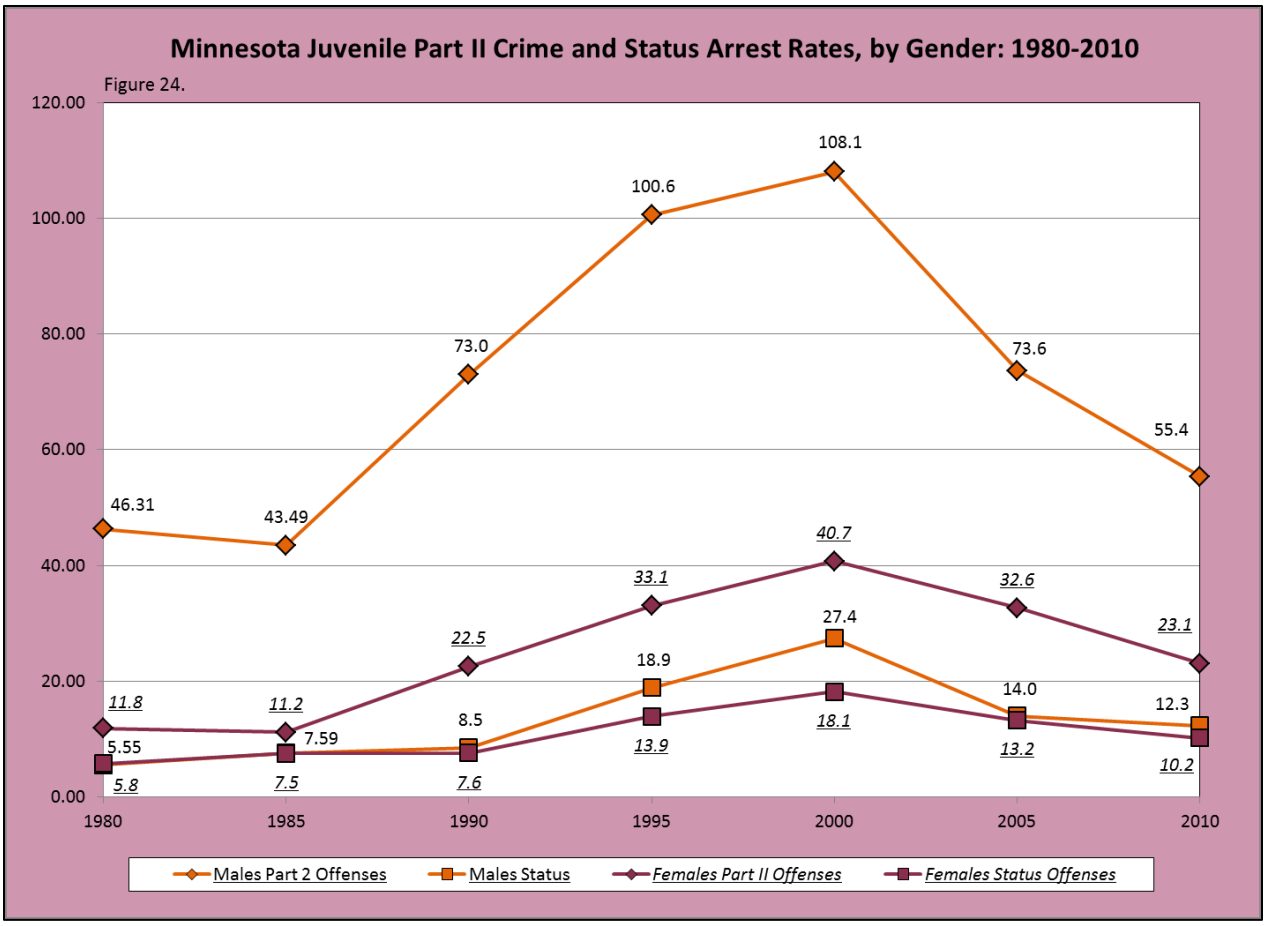
Females make up a large percentage of juvenile arrests for status offenses. Generally females make up between 40 and 50 percent of all arrests for juvenile-status offenses (Figure 22). In 2000, females made up the smallest portion of arrests for juvenile-status offenses in the past 30 years, at 39 percent.



Again, arrests for status offenses are not uniform for females. When broken down by offense, females are more likely to be arrested for runaway than for curfew/loitering (Figure 23). Females represent one-third of arrests for curfew and 50-to-60 percent of arrests for runaway.

Part II Rate

Part II crime arrest rates for both males and females rose through the 1990s and peaked in 2000. At their height, roughly 41 per 1,000 juvenile females were arrested for a Part II crime compared to 108 per 1,000 males (Figure 24). Arrest rates for Part II crimes have declined for both genders since 2000.



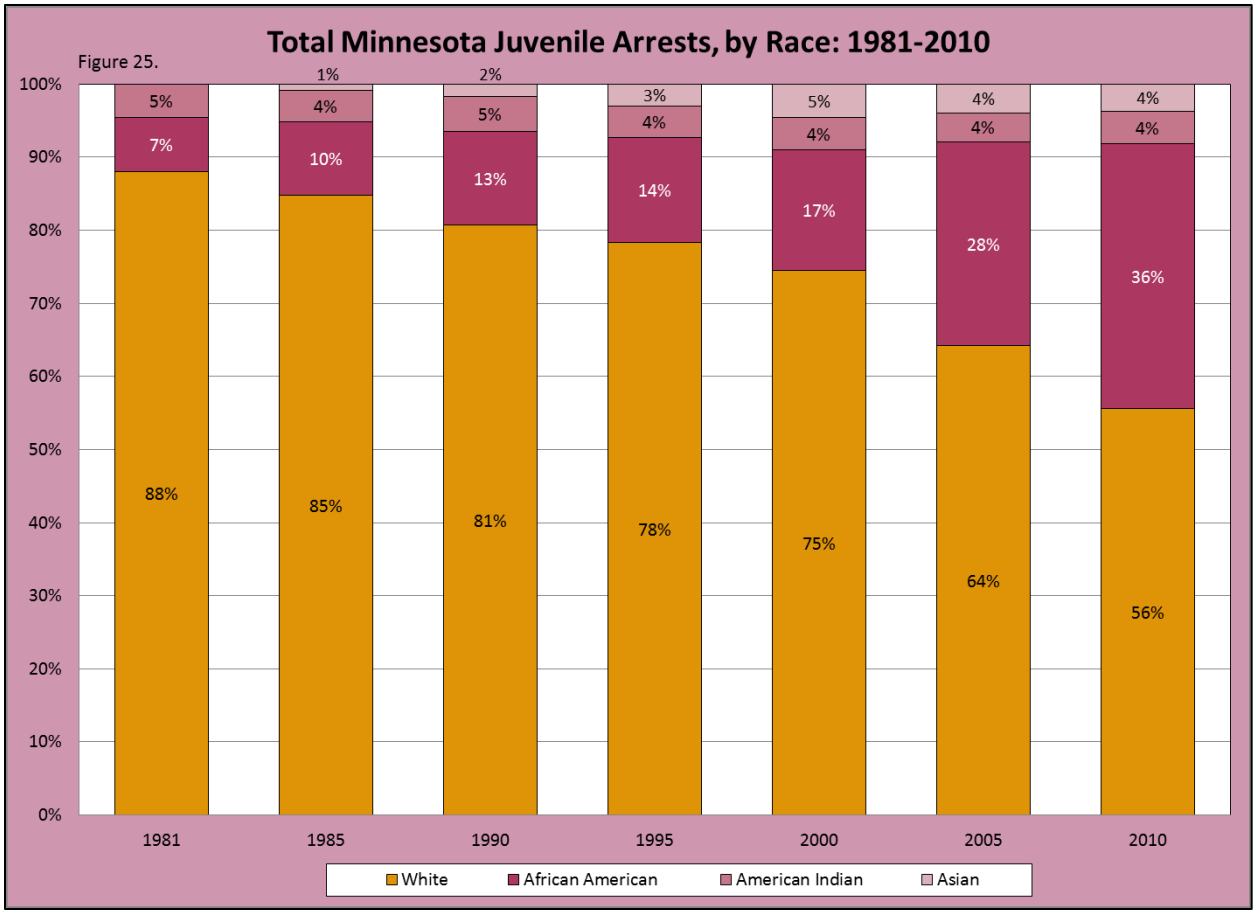
Status Offense Rate

Like arrest rates for Part II crimes, arrest rates for status offenses rose through the 1990s and peaked in 2000. At their height, 18 in every in 1,000 females were arrested for a status offense compared to 27 in each 1,000 males. Again, rates decline for both genders since 2000. Nevertheless, in 2010, approximately 10 in every 1,000 juveniles of each gender were arrested for curfew/loitering or running away from home in Minnesota.

Minnesota Juvenile Arrests by Race

Total Volume by Race

Since 1981, the proportion of all youth arrested representing communities of color has been increasing.[h] In 1981, 88 percent of the 35,179 total juvenile arrests were white (Figure 25). By 2010, just over half of the 38,794 total juvenile arrests in Minnesota were white.

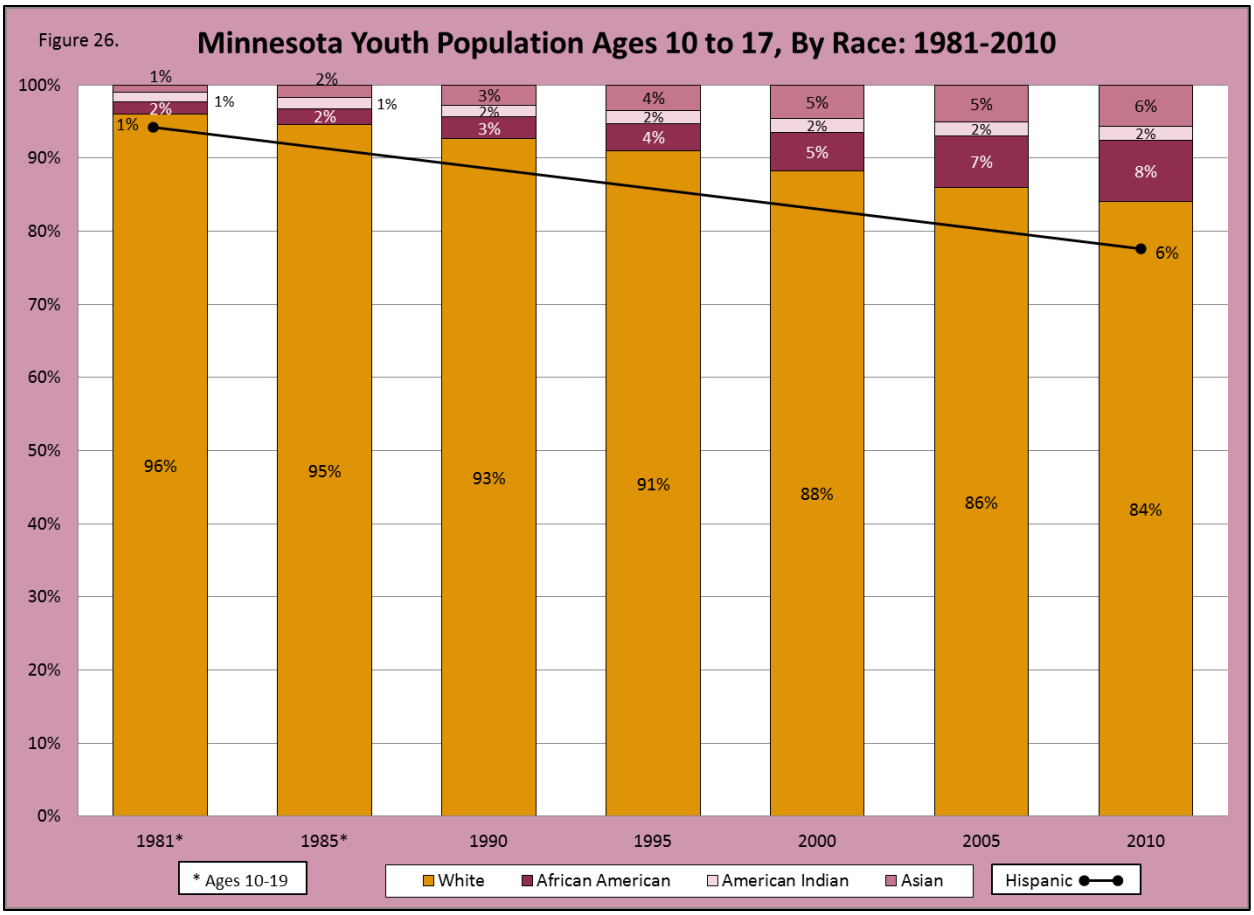


The largest change in arrest composition has been for African American youth. In 1981, African Americans were 7 percent of all juvenile arrests; in 2010 over one-third of all juvenile arrests were of African American (36%). American Indian youth consistently represent between 4 and 5 percent of all juvenile arrests, and Asian youth have been between 2 and 5 percent of arrests since 1990. It should be noted that in UCR data, Hispanic is reported as an ethnicity separate from race and Minnesota does not publish the volume of youth reported to be Hispanic in the UCR. Also, the UCR does not have bi- or multi-racial options.

[h] No race data by offense was available in 1980 so the next available year (1981) was used.

Population Changes

The racial composition of Minnesota youth has changed over the past 30 years but not nearly to the degree that changes have occurred in arrest statistics. In 1981, Minnesota's youth population was 96 percent white (Figure 26).[i,14] Populations of color have steadily risen; by 2010, the percentage of white youth had declined to 84 percent. The Asian population rose from 1 percent to 6 percent; and the African American population rose from 2 percent to 8 percent. The American Indian population has remained relatively consistent at 2 percent since 1990.



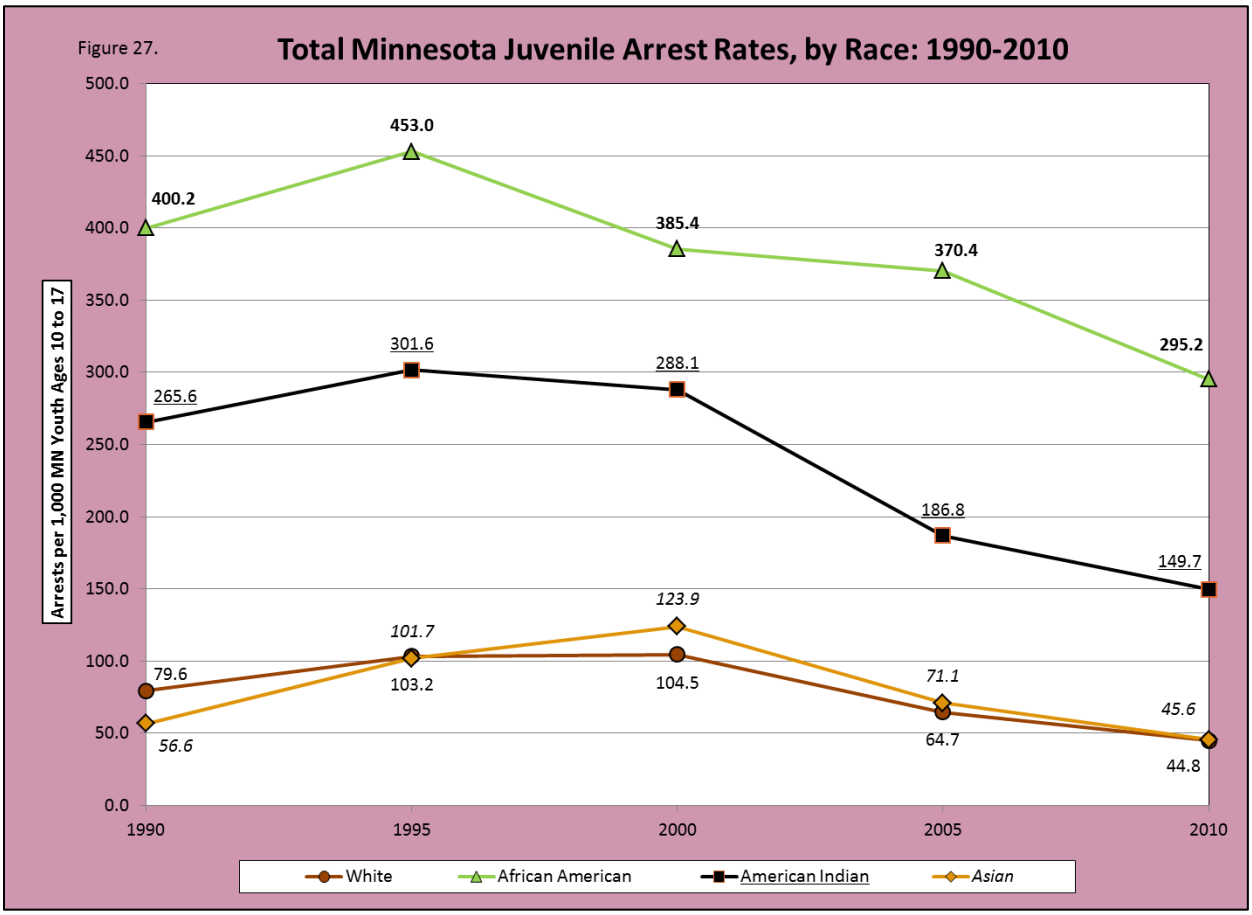
While the youth population remains overwhelmingly white, the population of youth from communities of color rose from 4 percent in 1981 to 16 percent in 2010; an increase of 300 percent. If youth who identify as Hispanic are excluded from the white racial group, the percentage of youth of color in 1981 is 5 percent in compared to 22 percent in 2011.

[i] The racial composition of the 10-17 age group was not available in 1981 or 1985; the population group ages 10 to 19 is used as a proxy variable in these years.

Total Rate by Race

Because Hispanic ethnicity is not identified in Minnesota UCR for juveniles, no arrest counts are available for this population. For this analysis, youth identifying as Hispanic are included in the four reported race categories. Also, prior to 1990 there is no data available on the number of youth in each racial group in the 10-to-17 age category. As such, arrest rates will be presented from 1990 forward in five year increments. Again, the rate is the number of youth arrested divided by the total population of youth in each racial group.

Among all four racial groups, arrest rates have declined since their peaks in 1995 or 2000 (Figure 27). The rate of arrests among African American youth has declined 35 percent since 1995; however 2010 calculations still suggest that nearly 300 for every 1,000 African American youth in Minnesota were subject to arrest (295.2).



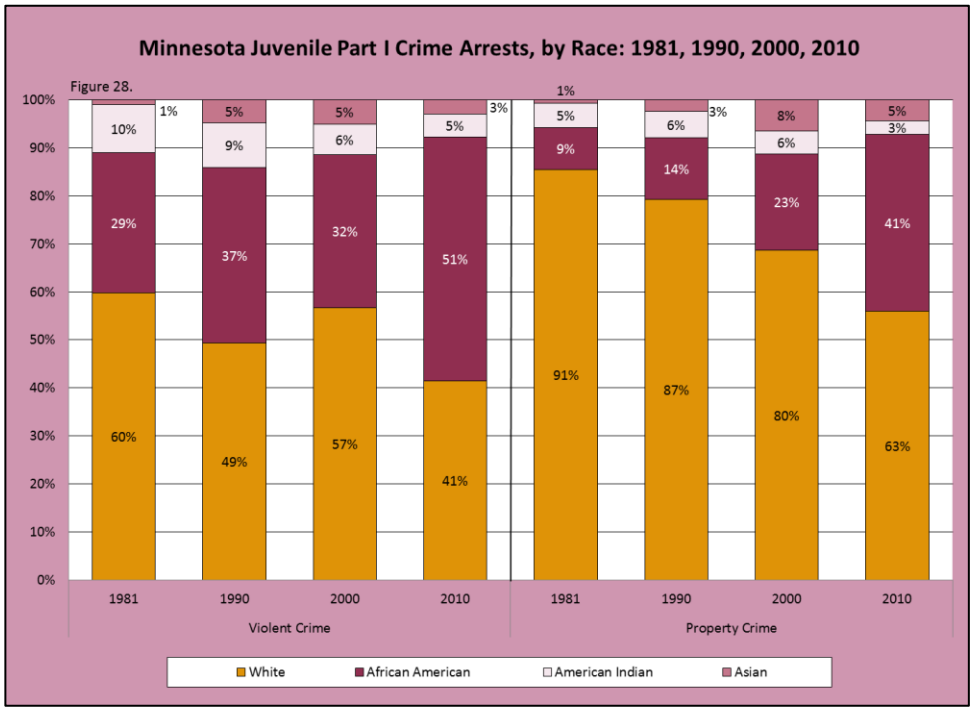
American Indian youth have the second highest arrest rate in Minnesota. While the 2010 arrest rate is approximately half of what it was in 1995, still 150 per 1,000 American Indian youth were arrested.

Arrest rates for both Asian and white youth peaked in 2000 at 123.9 and 104.5 percent respectively. Asian and white youth arrests approximately 60 percent lower in 2010 compared to ten years prior.

Minnesota Juvenile Arrests, by Race: Part I Crime

Violent Crime and Property Crime Volume

Historically, youth from communities of color have been overrepresented in arrests for violent crimes in Minnesota. While youth of color were approximately 4 percent of the population in 1981, they accounted for 40 percent of arrests for violent offenses (Figure 28). By 2010, youth of color were 16 percent of the population and accounted for 59 percent of violent offense arrests. The population of youth of color had increased 300 percent since 1981 while the percentage of youth of color arrested increased 48 percent.

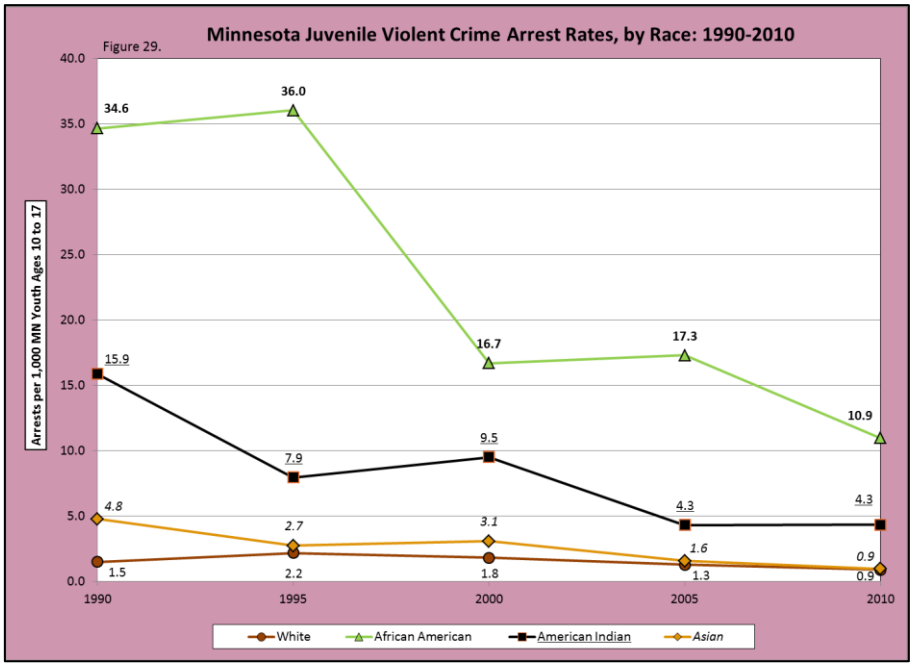


The racial distribution of Part I violent crime is not uniform. White youth have always been the largest percentage of youth arrested for forcible rape (60-80%) and white youth account for between half and two-thirds of aggravated assault arrests (51-68%). Conversely, since 1985, African American youth have consistently accounted for more than half of robbery arrests (52-79%). Using percentages to describe fewer than 30 events is not recommended, as is typically the case with juveniles arrested for murder or non-negligent manslaughter.

Arrests for Part I property crimes between 1981 and 2010 increased significantly for youth of color. In 1981, youth of color accounted for 15 percent of property crimes compared to 49 percent in 2010—an increase of 226 percent.

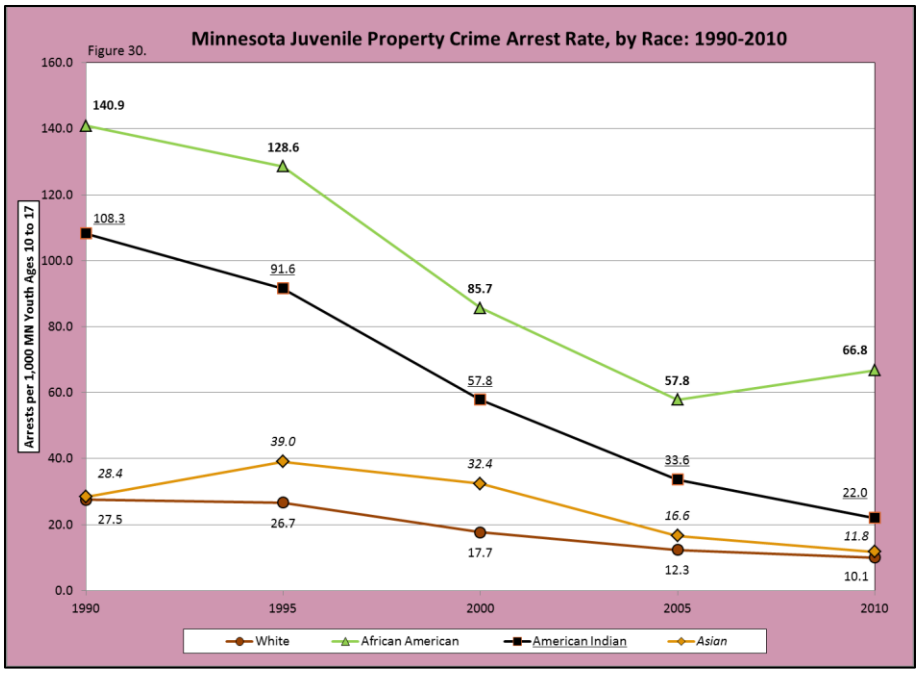
Arrest distribution is not equal across racial groups. White youth have historically accounted for between 70 and 95 percent of all arson arrests; between 62 and 88 percent of burglary arrests; and between 55 and 87 percent of all larceny arrests. The property offense involving the largest percentage of American Indian and Asian youth is motor vehicle theft.

Violent Crime and Property Crime Rates



Compared to 1990, arrest rates for violent crimes have decreased across all racial groups in Minnesota (Figure 29). For African American youth, the violent-crime arrest rate in 2010 (10.9 per 1,000) was less than one-third of the rate in 1995 (36.0 per 1,000). American Indian youth and Asian youth also had a violent crime arrest rate in 2010 approximately one-quarter that of 1990. For white youth, the arrest rate for violent crime peaked in 1995 at 2.2 per 1,000 and was less than one in 1,000 in 2010 (0.90).

All racial groups have seen a reduction in arrest rates for property crime as well as violent crime (Figure 30). Reductions in property crime arrest rates have been driven predominantly by the reduction in arrest for larceny.



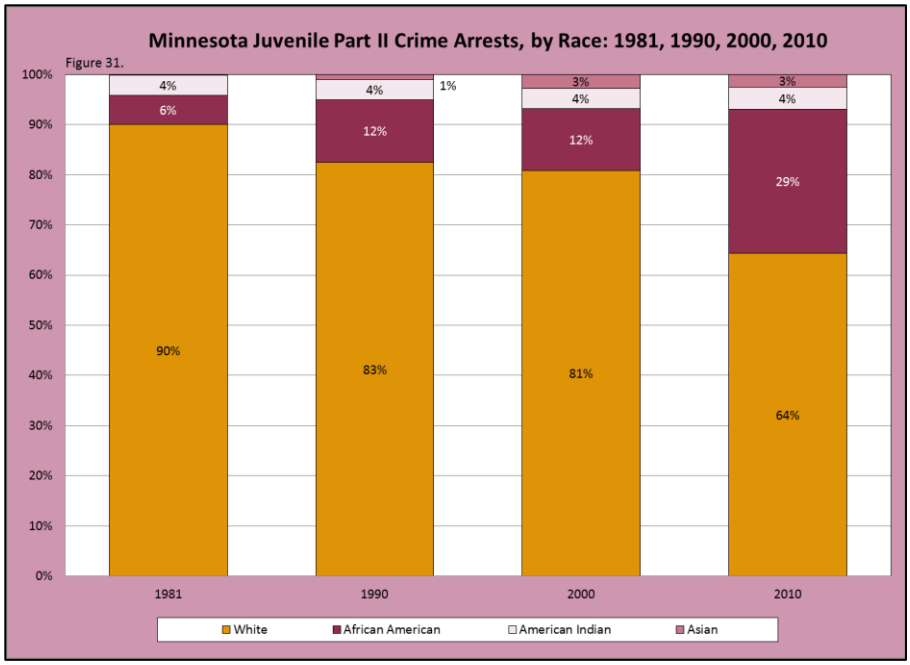
As of 2010, African American youth had an arrest rate less than half of the 1990 figure (66.8 versus 140.9 per 1,000). The same is true of white youth (10.1 versus 27.5 per 1,000) and Asian youth (11.8 versus 28.4). American Indian youth have seen the greatest decline in the rate of arrest for property crime. In 2010, the rate of arrests of American Indian youth was approximately one-fifth of the rate in 1990 (22.0 versus 108.3 per 1,000).

Minnesota Juvenile Arrests, by Race: Part II Crime and Status Offenses

Part II Volume

In 1981, youth of color accounted for 10 percent of Part II arrests. In 2010, youth of color constituted 36 percent of Part II arrests —an increase of 260 percent.

Arrest distributions are different across the 17 Part II crime categories. Some of the largest changes in the racial composition in arrests occurred in four categories:



Non-Aggravated Assault Arrests

- 26 percent youth of color in 1981; 45 percent youth of color in 2010

Weapons Arrests

- 6 percent youth of color in 1981; 49 percent youth of color in 2010

Disorderly Conduct Arrests

- 9 percent youth of color in 1981; 42 percent youth of color in 2010

Juvenile "Other" Arrests

- 19 percent youth of color in 1981; 42 percent youth of color in 2010

Conversely, there are several Part II offenses where white youth consistently comprise the majority of juvenile arrests. White youth have accounted for the following distribution of Part II arrests between 1981 and 2010:

Sex Offenses

- 86 percent white youth in 1981; 73 percent white youth in 2010;[j]

Narcotics

- 95 percent white youth in 1981; 79 percent white youth in 2010;

Liquor Laws

- 99 percent white youth in 1981; 84 percent white youth in 2010;

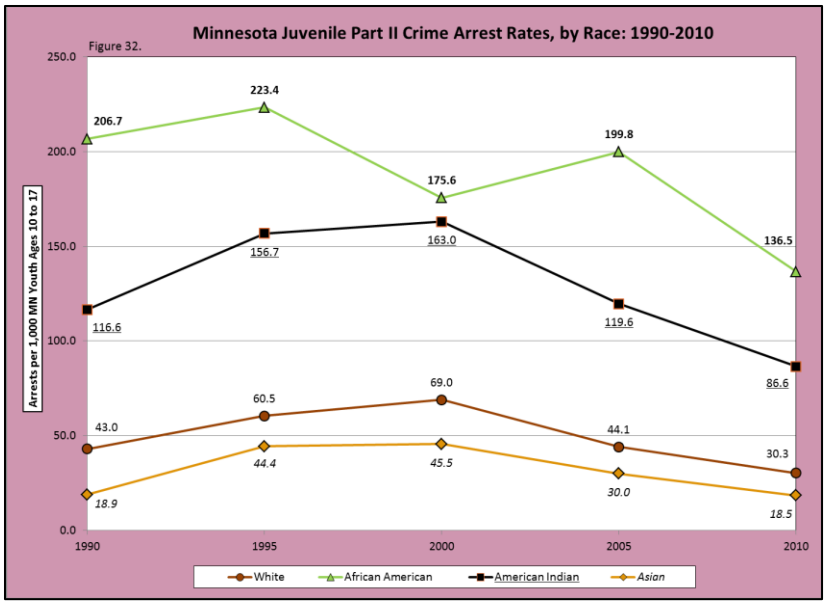
DUI

- 98 percent white youth in 1981; 89 percent white youth in 2010.

[j] All Sex Offenses other than forcible rape.

Part II Crime Rate

Like Part I offenses, arrest rates for Part II offenses have also decreased across all racial populations. The Asian population saw the greatest decline of nearly 60 percent between 2000 and 2010, followed by white youth with a 56 percent decrease (Figure 32). American Indian youth also saw a 47 percent decline since the year 2000.

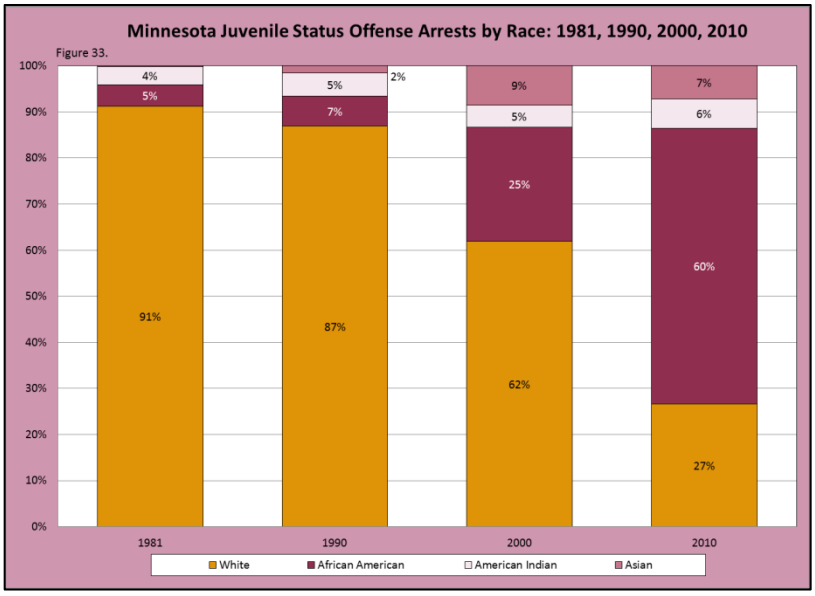


The Part II arrest rate for African American youth peaked in 1995 and decreased 40 percent by 2010. Nevertheless, African American youth still have the highest rate of Part II arrests in Minnesota of any racial group.

Status Offense Volume

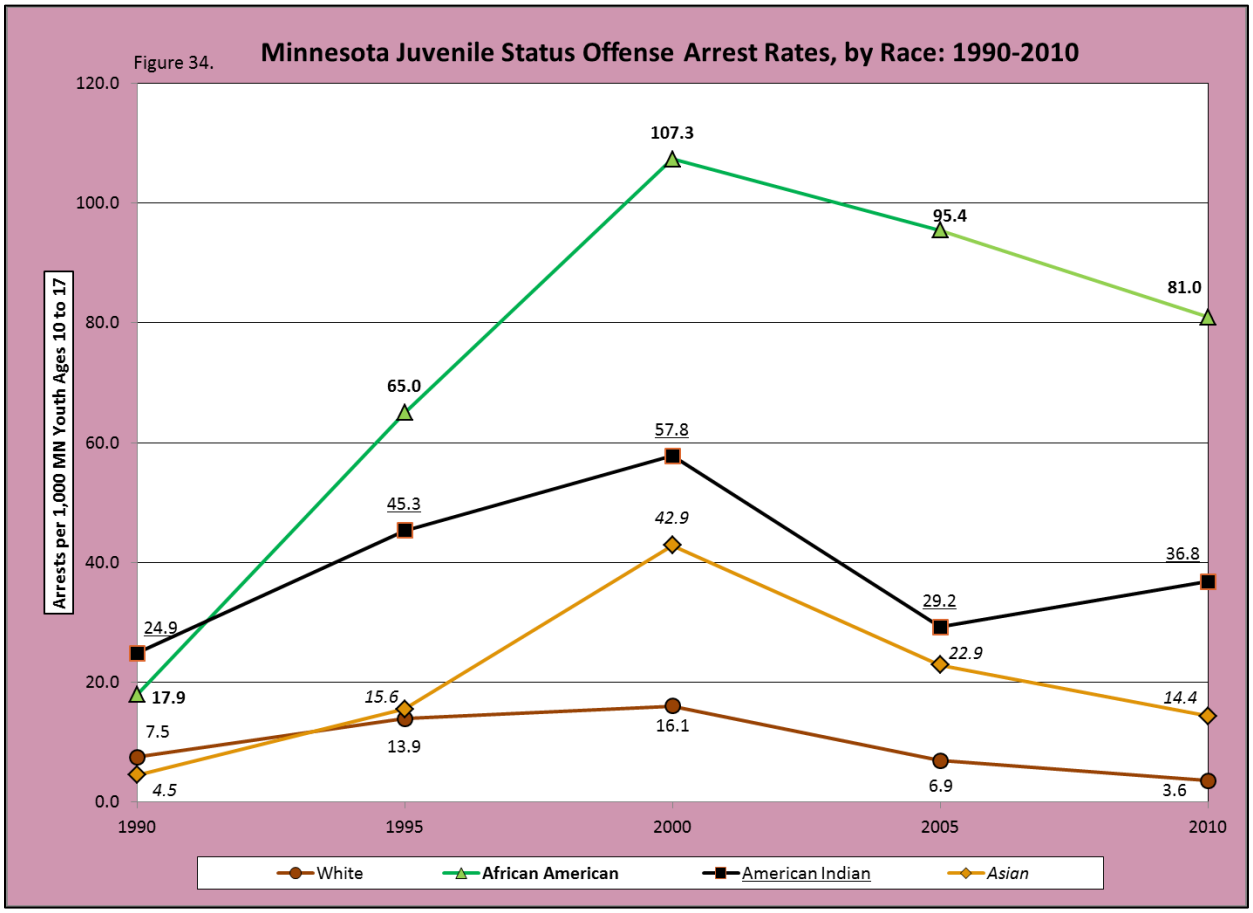
By far the largest change in the racial composition of arrests occurs among status offenses. As of 2010, white youth accounted for just 27 percent of status-offense arrests compared to 91 percent nearly 30 years ago (Figure 33). In 2010, six in 10 arrests for a status offense were African American youth (60%).

In 2010, white youth made up an even smaller percentage of arrests for curfew/loitering (16%) as compared to 95 percent in 1981. White youth in 2010 accounted for about one-third of arrests for runaway (32%) compared to 90 percent in 1981. African American youth in 2010 made up the majority of curfew/loitering arrests (65%) compared to just 3 percent in 1980. American Indian and Asian youth also had their percentage of total curfew/loitering arrests more than double between 1995 and 2010. Overall, youth of color accounted for 84 percent of all curfew/loitering arrests in 2010.



Status Offense Rate

While arrests for the status offenses of curfew/loitering and runaway are lower than the peak year of 2000 for all racial groups, they are nevertheless significantly higher than in 1990. The rate of arrest of African American youth for status offenses increased 353 percent since 1990 (Figure 34). While curfew arrest rates increased for African Americans, the large increase in the status-offense arrest rate is driven by increases in the rate of runaway. For African Americans, runaway arrests increased six-fold over 20 years from 7.4 per 1,000 in 1990 to 52.3 per 1,000 in 2010.



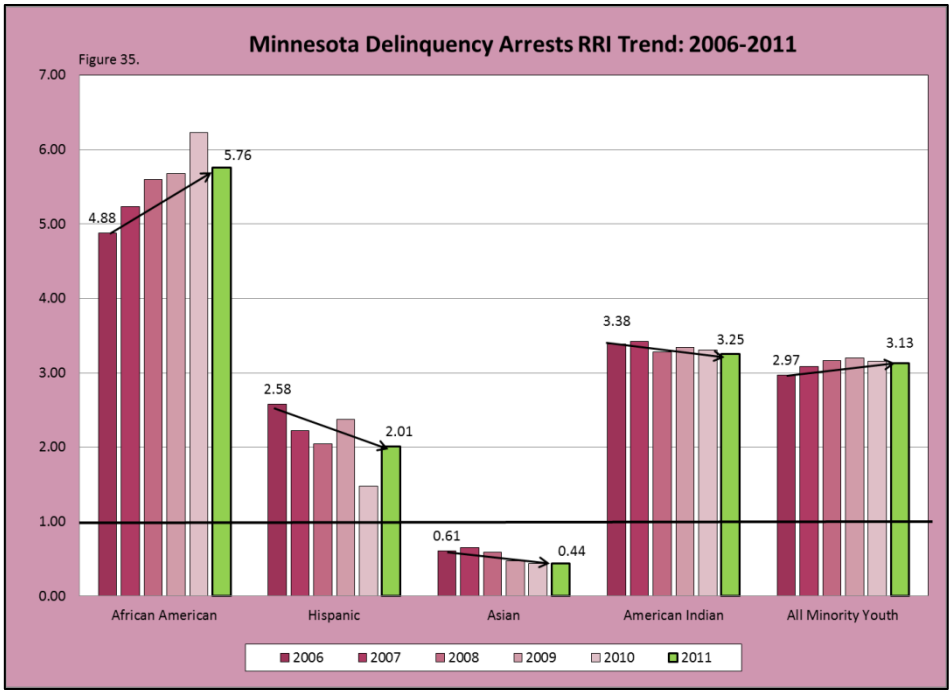
Status offense arrests of American Indian youth also increased 47 percent while Asian rates increased 220 percent between 1990 and 2010.

The only rate of status-offense arrests that declined is among white youth, where the rate of arrest for status offenses in 2010 (3.6 per 1,000) is half that of 1990 (7.5 per 1,000). In 2010, the African American rate of arrest for status offenses (81.0) was 22 times higher than the white rate of arrest (3.6).

Racial Disparities in Juvenile Arrest

Since 1988, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has required states to explore the disparate representation of youth of color in the juvenile justice system in what is known as *Disproportionate Minority Contact* (DMC). Initially, states needed only to assess for overrepresentation of youth of color in secure correctional facilities (*Disproportionate Minority Confinement)* but as of 2002, states must look at every stage of justice system processing, beginning with arrest. DMC calculations compare the white rate of involvement in the system to the rate of involvement by unique racial groups using a calculation called the Relative Rate Index (RRI). An RRI of 1.00 means the white rate and minority rate of arrest are equal.

Minnesota data collected for federal DMC reporting has revealed high rates of racial disparities in the state (Figure 35). Specifically, in 2011, youth from communities of color were more than three times more likely to be arrested for a delinquency matter[k] in Minnesota than white youth (3.13). The most current national RRI available (2009) for all youth of color is 1.80.[15]



In 2011, African American youth in Minnesota were 5.76 times more likely to be arrested than white youth, followed by American Indian youth who were 3.25 times more likely. Hispanic youth were two times more likely to be arrested than white youth (2.01), whereas Asian youth were less than half as likely as white youth to be arrested (0.44).[16]

Racial disparities are generated by a complex interplay of factors and require a comprehensive approach to improve outcomes. Factors contributing to racial disparities and components of effective DMC reduction strategies are presented in the 2012 Office of Justice Programs publication *On the Level: Disproportionate Minority Contact in Minnesota's Juvenile Justice System*.[17]

[k] DMC is a calculation of delinquency arrests only and does not include arrests for status offenses.

Juvenile Arrests: Summary Points

- In the 1980s and 1990s, both the volume and rate of juvenile arrests increased dramatically in Minnesota, followed by substantial decreases in the 2000s. In 2010, both the volume and rate of juvenile arrest in Minnesota were comparable to those of 1980.

- Minnesota's juvenile arrest trend mirrors the national juvenile arrest trend. Nationally, juvenile arrests were even lower in 2009 than in 1980.

- The increasing arrest pattern that began in the 1960s continued throughout the 1980s and '90s.

- While changes in the youth population may have had an effect on arrest trends, both increases and decreases in juvenile crime far exceeded population fluctuations.

- Adult arrests rose through the 1980s and 1990s along with youth arrests. While adult arrests declined somewhat in the 2000s, total adult arrests in 2010 were still nearly twice as high as in 1980.

- Arrests of juveniles for Part I violent crime in Minnesota peaked in 1994. Youth are most often arrested for aggravated assault in the violent crime category.

- Arrests of juveniles for Part I property crime in Minnesota peaked in 1998. Larceny (theft) dominates juvenile arrests in the property crime category.

- In the late 1990s and early 2000s, juvenile arrests for liquor law violations, disorderly conduct, "other offenses" not tracked by the FBI, and curfew/loitering each numbered more than 10,000.

- Females as a percentage of juveniles arrested in 2010 increased to 33 percent from 25 percent 30 years prior. Nevertheless, females' rate of involvement in violent and property crime is significantly lower than males'.

- Youth arrested in 2010 were far more likely to come from communities of color. In 2010, 44 percent of total juvenile arrests were youth of color compared to just 12 percent in 1980. While the population of youth of color has increased from 5 percent to 22 percent of youth ages 10 to 17, youth of color are still substantially overrepresented in Minnesota at the point of arrest.

Minnesota Juvenile Court Activity

The arrest statistics presented in the previous section are perhaps the most important data in the juvenile justice system, as arrest volume determines the number, gender, age, race and geographic distribution of youth formally entering the system. While schools, social services or community members can initiate complaints against youth, the vast majority come to the attention of prosecutors through a citation or report from law enforcement. The process of establishing legal responsibility for delinquency and determining appropriate sanctions and interventions falls to county attorneys, public defenders and the judiciary.

County Attorneys and Diversion

Following an arrest in Minnesota, a report is typically forwarded to the county attorney for potential prosecution. Minnesota has 87 county attorney offices where determinations are made as to whether there is legal standing for prosecution; whether justice or community safety is served through prosecution; the level at which a case will be charged (petty misdemeanor, misdemeanor, gross misdemeanor or felony); and whether the youth involved should be afforded diversion opportunity in lieu of prosecution. County attorneys also decide, in each case, whether a motion should be made for the case to be certified for adult criminal court or for Minnesota's blended sentencing option: *Extended Jurisdiction Juvenile (EJJ)*.

As of July 1995, all county attorneys in Minnesota are required to provide at least one juvenile-pretrial diversion program as an alternative to prosecution.[18] Diversion programs are intended to provide education, accountability and victim restoration for youth offenses outside of court. Completion of a diversion program results in dismissal of charges whereas youth who elect not to participate in diversion or fail the diversion program are formally petitioned to court. Generally, youth are eligible for diversion in Minnesota if they have committed a non-person-related offense and have not previously had a diversion opportunity.[19]

No statewide data are available in Minnesota regarding the number of youth referred to county attorneys for charging, or the number of youth diverted. While individual county attorneys may track these data, there is no centralized database in Minnesota and no standardized method for counting charges and diversions across county jurisdictions. A study of Minnesota diversion programs completed in 2012 estimates that 12,000 to 14,000 juvenile arrest events (about one-quarter of all juvenile arrests) were successfully diverted from court involvement by county attorney programs in 2010.[20] Consistent, centralized data collection by county attorneys could provide important information about the nature of juvenile case processing in Minnesota.

The aforementioned *Diversion Study* also found that there is little uniformity among counties in terms of which offense categories or offense levels are eligible for diversion; whether youth must admit responsibility for the offense to participate; or what interventions and services are received. In 75 percent of counties, the county attorney's office makes the diversion decision; however the county

probation provider is most likely to operate the diversion program (72% of counties). While most counties have one juvenile diversion program available (75%), nine counties have three or more from which to choose based on the characteristics of the offense or offender.[21]

Cases that are not declined or diverted by the county attorney typically result in a delinquency petition filed in juvenile court. Juvenile court data are maintained in Minnesota by the State Court Administrator's Office. Case filings and outcomes from Minnesota's 10 judicial districts are currently maintained in the *Minnesota Court Information System* (MNCIS).

Counting Juvenile Court Cases

Compiling court data is made challenging by the myriad methods to count cases, including petitions filed, cases disposed and adjudications. *Petitions* are all cases brought to court in a given year, regardless of when the case comes to conclusion or whether there is a legal finding of guilt. It is, in essence, total case-input into the system.

Dispositions are cases resolved, meaning that the case has come to a legal conclusion. Possible outcomes include dismissals, adjudications, stays of adjudication and transfers of venue. If the legal process of the case has been completed, the case is considered disposed even though the offender may have yet to complete conditions or sanctions.

Finally, there are cases resulting in *adjudication*. Adjudications are a subset of all cases where there has been an admission of guilt by the youth or a legal finding of guilt by a judge; it is the juvenile equivalent of an adult conviction. Adjudications become part of a juvenile's formal criminal record and are often required in order for youth to be placed in certain correctional settings. Minnesota has two case outcomes other than adjudication where the court may impose sanctions and supervision without a formal finding of responsibility: *continuance for dismissal* and s*tay of adjudication*. In both cases youth may receive court-imposed sanctions and must remain law abiding for a certain period of time to keep charges off their records.

Further confounding counting methodology, juvenile cases can be broken down by case *type* including delinquency (misdemeanor, gross misdemeanor, felony); petty misdemeanors; juvenile status offenses, which include alcohol violations and possession of a small amount of marijuana; Children in Need of Protection or Services (CHIPS); and other family court issues such as termination of parental rights. Counting the number of cases in juvenile court over time is challenging due to the number of classifications and counting methods.

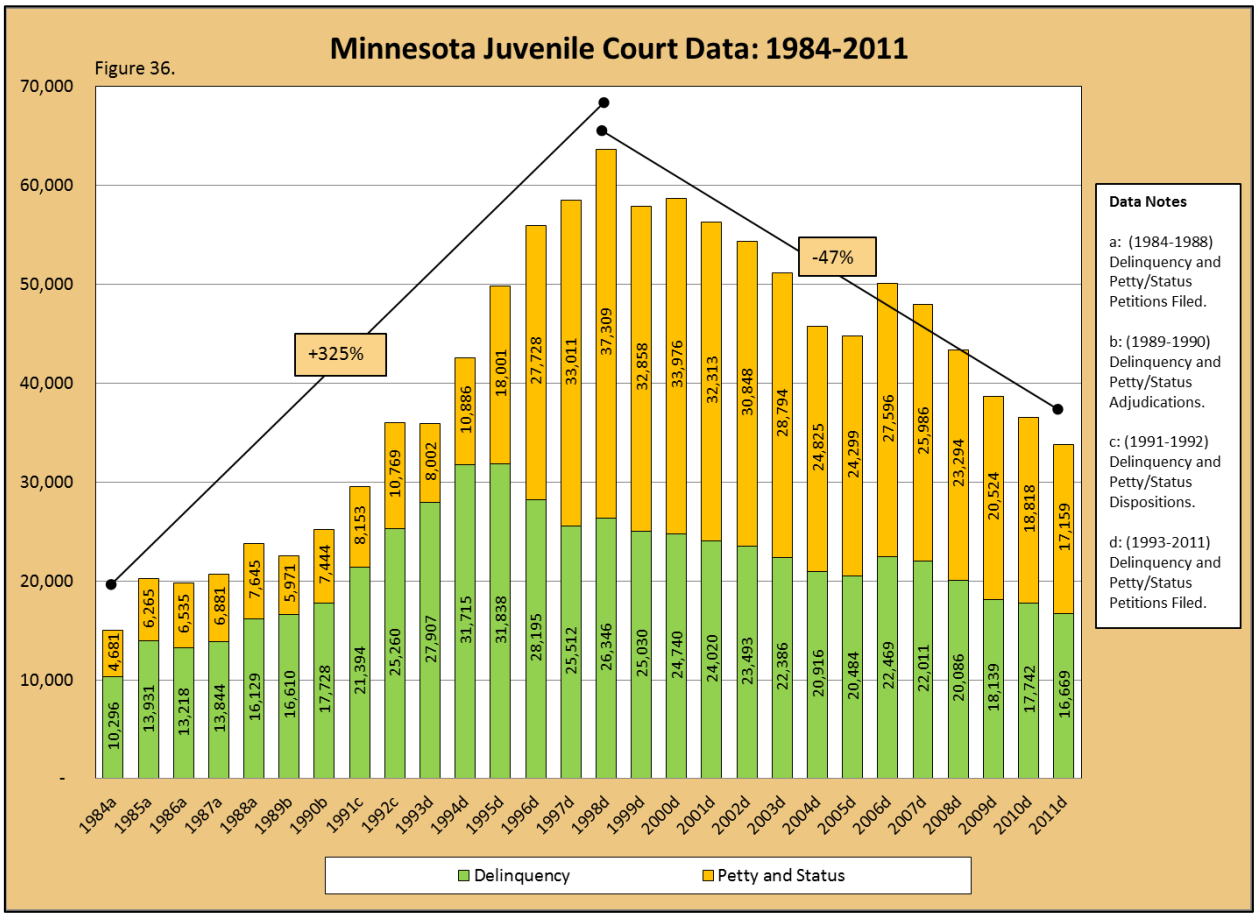
Arrests and court cases are also classified in different ways. For instance, in arrest data, liquor law violations and possession of a small amount of marijuana are Part II crimes (delinquency). In court data, these offenses are juvenile-status offenses and are not counted among delinquency cases. Similarly, runaways are counted in arrest data as juvenile-status offenses, whereas in court-data runaways are CHIPS cases not counted with delinquency, status or petty offenses. Direct comparisons of arrest volume to court volume are not possible due to these different classifications.

Minnesota Juvenile Court Filings

Figure 36 depicts Minnesota juvenile court cases between 1984 and 2011. Data are compiled from several different sources, using different methodologies: Data between 1984 and 1988 are petitions filed;[22] data for 1989 and 1990 are adjudications;[23] data for 1991 and 1992 are from a national-level data source and are juvenile cases disposed;[24,25] and data between 1993 and 2011 are juvenile petitions filed.[26] Cases are delinquency (misdemeanor, gross misdemeanor, felony) as well as juvenile status and petty offenses. CHIPS cases are not included in the data.

Total Case Filings

Minnesota juvenile court data reveal a steep increase in the number of cases filed in juvenile court related to delinquency, status and petty offenses. The SCAO cautions that the early years of the 1980s may be an underrepresentation of cases during the transition to a new case-management system in the state. The peak year in terms of total volume of juvenile delinquency, status and petty offenses was 1998 when total filings exceeded 63,000. Between 1984 and the peak volume year of 1998, juvenile-case volume increased 325 percent. The peak year of case filings (1998) coincides with the peak-volume year for juvenile arrests in Minnesota (See Figure 2).



As juvenile arrests declined in Minnesota through the 2000s, so did juvenile case filings. The uptick in juvenile arrests recorded in 2006 coincides with increases in delinquency and status cases filings the same year. Between 1998 and the current low in 2011, the number of juvenile filings decreased by 47 percent or nearly half.

Delinquency Volume

Delinquency filings in Minnesota (misdemeanor, gross misdemeanor, felony) peaked in 1995 at 31,838 (Figure 36). The decline in filings after 1995 is attributed to a change to state statute that allowed county attorneys to reclassify as petty offenses most misdemeanors committed by juveniles.[27] From a data standpoint, the reclassification moves what would have been delinquency filings into the status offense and petty offense categories. Delinquency filings decreased by 37 percent between 1995 and 2011.

Status/Petty Offense Volume

The aforementioned change to state statute moved many cases from delinquency offenses to petty offenses. As such, the number of status/petty offenses filed jumps from approximately 10,000 in 1994 to 18,000 in 1995. Each subsequent year, status and petty filings increased, peaking in 1998 at more than 37,000. The number of status and petty filings remain above 25,000 through 2003 consistent with peak years of arrest for Part II crimes such as disorderly conduct, non-aggravated assault, liquor law violations and "other offenses." In total, status and petty filings decreased by 54 percent between 1998 and 2011.

Changes to Data Systems

One item of note is that in 1984, 35,454 juvenile arrests resulted in approximately 15,000 court petitions; in 2011 a similar number of arrests (36,192) resulted in nearly 34,000 petitions. Changes to prosecution practices and priorities may be one factor, but it is likely that improved data-collection methods also contribute to the differences. In the early 1980s Minnesota implemented a new data-collection tool called the *Trial Court Information System (TCIS)* which remained in use through the early 2000s. Between 2003 and 2007 state courts began migration to *MNCIS.* New data systems require training and practice for users to proficiently and accurately enter data. As such, court data from the early 1980s likely under-represents total filings, and data-collection definitions from *TCIS* may be substantially different than those in *MNCIS*. There has been continuous improvement in the SCAO's ability to report data on juvenile cases in Minnesota courts over time.

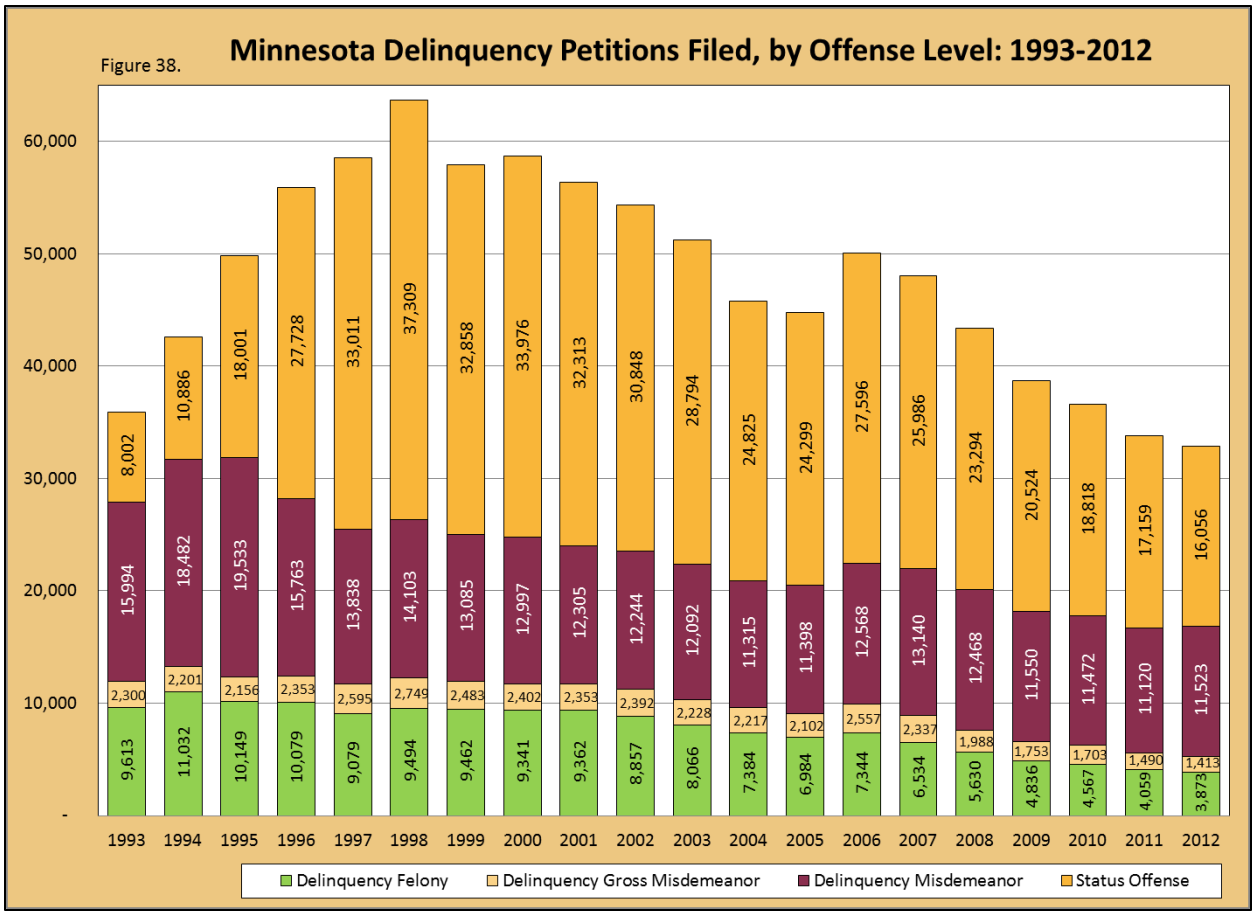
Minnesota Delinquency Petitions by Offense Level

Felony

Figure 38 illustrates that felony-level petitions to juvenile court peaked in 1994 at over 11,000, the same year that the rate of juvenile arrests for violent crimes peaked. Felony petitions remained at over 9,000 annually until the crime wave "broke" in the early 2000s. The number of felony level petitions has been declining since 2002 with the exception of the brief upturn in 2006 consistent with arrest data. As of 2012, felony arrests have declined 65 percent from 1994.

Gross Misdemeanors

Gross misdemeanors are the smallest category of offenses and make up the smallest number and percentage of juvenile delinquency petitions annually. Gross misdemeanor filings exceeded 2,000 cases annually between 1994 and 2007 before declining in the late 2000s. Data from 2011 and 2012 document approximately 1,400 to 1,500 gross misdemeanor filings annually.



Misdemeanors

Misdemeanors have made up the largest portion of delinquency filings annually since 1993, peaking in 1995 at 19,533. The number of misdemeanor filings leveled off at approximately 11,000 to 12,000 per year since 2004 with the exception of 2006 when total juvenile crime briefly increased.

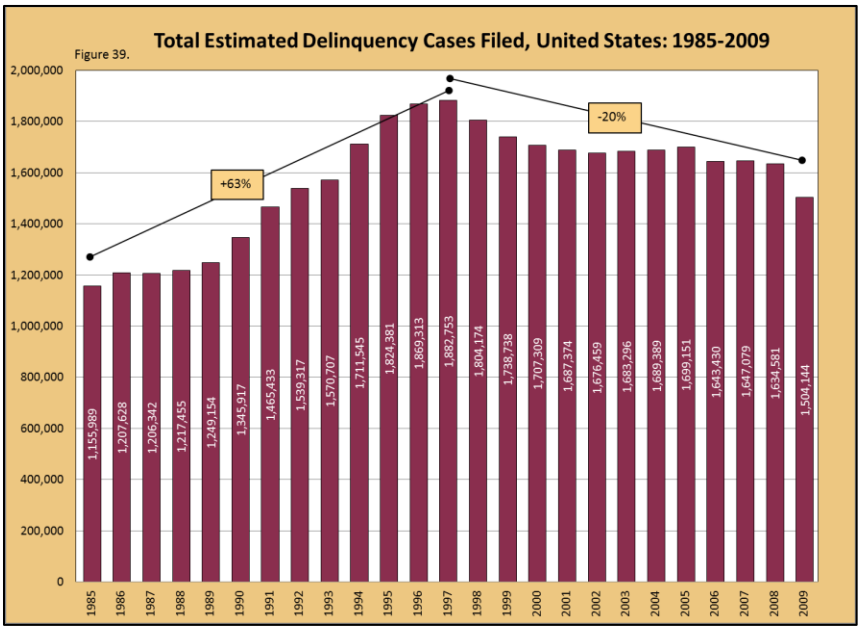
Prior to the 1995 statute change, status offenders and petty offenders were approximately one-quarter to one-third of case filings annually. Since the change, status and petty offenders make up over half of court filings. Conversely, misdemeanor filings, which were over 40 percent of petitions prior to 1995, decreased to between 22 percent and 33 percent following the statute change.

The change in misdemeanor, petty and status filings is significant because there are greater limitations on the sanctions the court may impose for status and petty offenders. Generally the use of secure out-of-home placement is prohibited[28] and the length of time youth may be under court supervision is restricted to 6 months.[29] This change also has a significant effect on the public defense system as youth accused of status and petty offenses do not have the right to a public defender where youth accused of misdemeanors and other delinquency matters do.[30]

National Estimates of Delinquency Cases

Despite multiple changes to Minnesota court data collection systems over the past 30 years, Minnesota trends mirror national juvenile-court trends. The Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) maintains a series of national level juvenile databases, one of which contains data regarding the number of delinquency petitions filed in state courts. The data are compiled from data collected by the National Center for Juvenile Justice for their annual *Juvenile Court Statistics* reports.[31]

Like Minnesota, national juvenile court filings contain a steep increase in delinquency cases in the late 1980s and early 1990s (Figure 39).



Nationally, juvenile cases peaked in 1997 whereas in Minnesota cases peaked in 1998. Minnesota's delinquency cases began to decline in 1995 with the statute change which is not the case in the national data which show delinquency cases continuing to rise.

By 1998 the national trend begins to reverse with declining delinquency petitions filed. National data suggest that delinquency filings increased 63 percent between 1985 and the peak year of 1997, followed by a decrease of 20 percent between 1997 and 2009.

Not unlike Minnesota, national case filings declined but not nearly to the extent that arrests declined. The total number of juvenile arrests nationally is lower in 2009 than it was in 1980, but the number of petitions is higher. 2009 national arrest data show 1.9 million total arrests (delinquency and status), while the court data show 1.5 million juvenile delinquency petitions. Caution is needed when comparing the number of arrests to the number of court petitions nationally, or at the state level, without greater understanding of cases referred to charging entities and changes to data collection methods.

Racial Disparities in Juvenile Petition and Adjudication

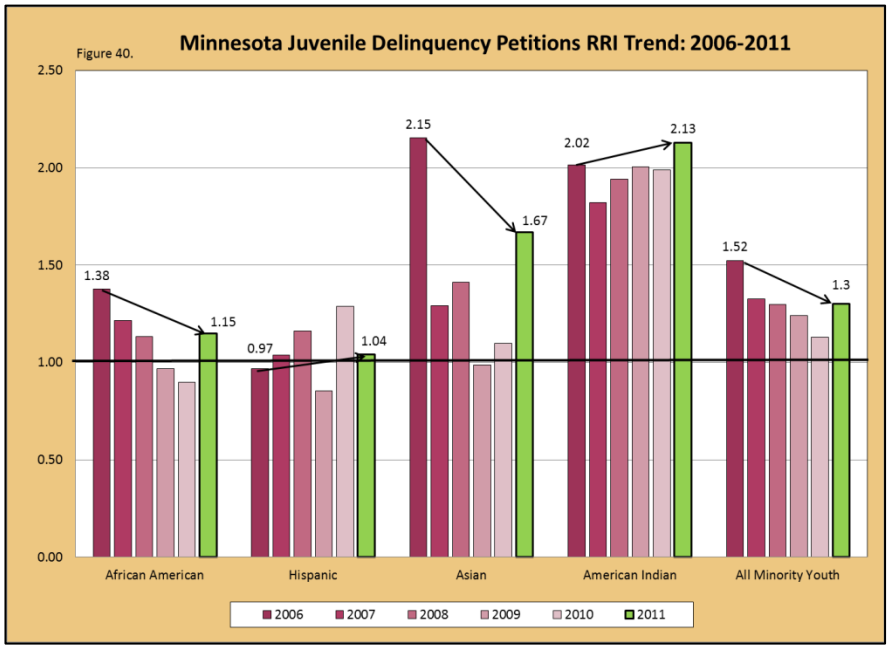
Race Data

Minnesota courts have historically incomplete race data regarding juvenile petitions. It is the policy of Minnesota courts to ask petitioners to self-identify their race on a census form given to them at their first court appearance which results in approximately 10 to 15 percent of missing delinquency petition race data. Race is also not a required component of arrest reports submitted for prosecution leaving a gap in information between arrest and disposition.

Since 2002, states are required to monitor data for the disparate representation of youth of color in juvenile court. A lack of data at the county attorney stage prevents Minnesota from collecting state level data regarding youth referred for prosecution or diverted from court by race. Minnesota is able, however, to collect race data on youth petitioned to court and adjudicated delinquent.

Petitions

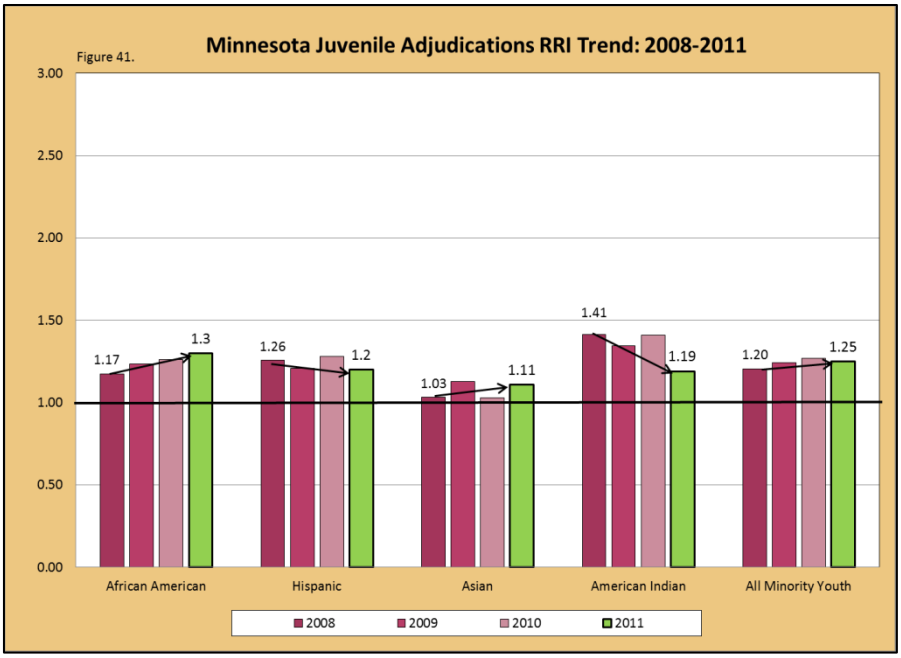
DMC data collected for federal reporting requirements between 2006 and 2011 show that overall, youth of color are one-third times more likely than white youth (1.30) to be petitioned to court for a delinquency matter in Minnesota (Figure 40). The national average as of 2009 for all youth of color combined was 1.23.



In Minnesota, American Indian youth are over twice as likely as white youth to be petitioned to court (2.13) and Asian youth are over 1.5 times more likely to be petitioned. Despite these disparities, petition is the juvenile justice stage in Minnesota with the least racial disparity based on cases where race data is available.

Adjudications

As it relates to adjudication, youth of color are one-quarter times (1.25) more likely than white youth to be adjudicated delinquent in court in Minnesota (Figure 41). Nationally, youth of color are less likely to be adjudicated delinquent in court than white youth (0.90).



In Minnesota African American youth have the greatest disparity with an adjudication rate one-third times higher than white youth (1.30). Recall that Minnesota has the *continue-for-dismissal* and *stay-of-adjudication* disposition options that have not been assessed for racial disparities and are not included in federally required data.

Minnesota Extended Juvenile Jurisdiction and Adult Certification

Minnesota statute has long had a provision for prosecuting juveniles as adults under law. From 1917 to 1959, youth ages 12 or older could be "proceeded against in accordance with the laws that may be in force governing the commission of and punishment for crimes…"[32] A comprehensive revision of the juvenile code in 1959 raised the minimum age of adult prosecution to age 14, where it currently remains.[33] The term "Certification" was adopted in statute as a part of the 1994 *Juvenile Court Act*.[34]

Presently, Minnesota youth ages 14 to 17 can be certified to stand trial in adult court provided they have committed an offense which would be a felony were it committed by an adult.[35] Adult certification is presumptive if the youth is 16 or 17 at the time of the offense and the adult sentencing guidelines have a presumptive prison sentence. Any felony level offense committed by a 16 or 17 year old that involves a firearm is also a presumptive certification.[36]

When a youth is certified, jurisdiction is transferred to adult criminal court. All the rights of an adult proceeding attach, including the right to a trial by jury. Youth convicted of a crime in criminal court receive an adult sentence.

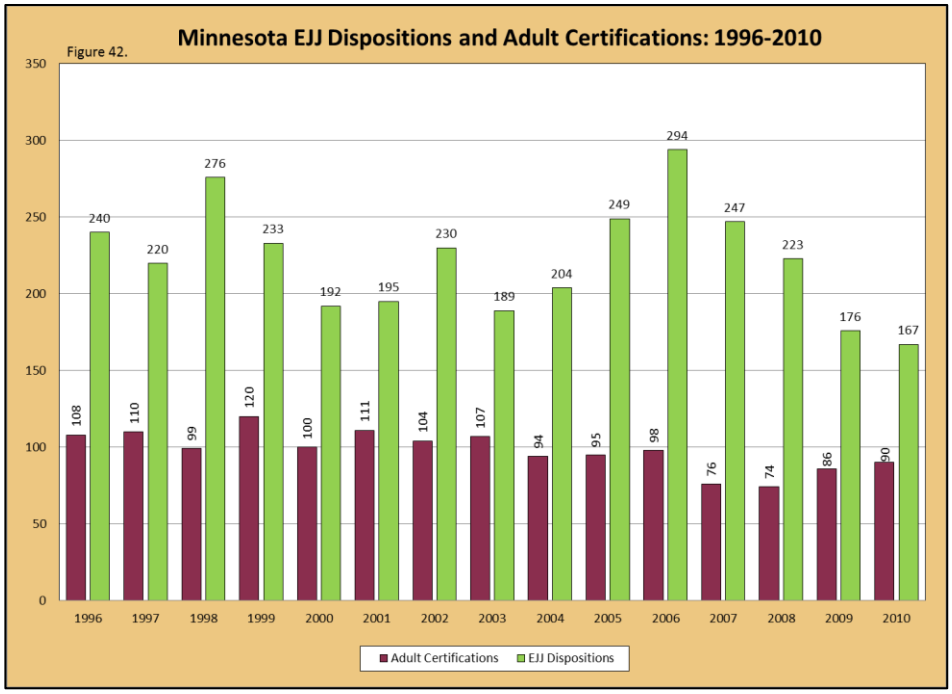
Another dispositional option which became available as a part of the 1994 Juvenile Crime Act allows prosecutors to motion youth as *Extended Jurisdiction Juveniles (EJJ).*[37, 38] In what is at times referred to as "blended sentencing" EJJ youth receive both a juvenile disposition and a stayed adult sentence, and can remain under the jurisdiction of the juvenile court until they turn age 21. EJJ was in essence a

political compromise between those wanting to emphasize accountability and public safety and those who wanted to maintain the strength of the juvenile justice system.[39]

In the event an EJJ youth commits a new crime or does not meet the conditions of the juvenile disposition, the juvenile status can be revoked and the stayed adult sentence imposed.

Adult Certification and EJJ Volume

The State Court Administrator's Office maintains data on the number of youth certified to adult court and youth adjudicated EJJ. The following counts are adult certification and EJJ dispositions; the number of motions for youth to be certified or designated EJJ may have been higher. By the *Minnesota Rules of Delinquency Procedure*, youth who are not successfully certified as adults may instead have the case designated EJJ;[40] and youth who are not successfully designated EJJ are instead processed as a delinquency matter.[41]



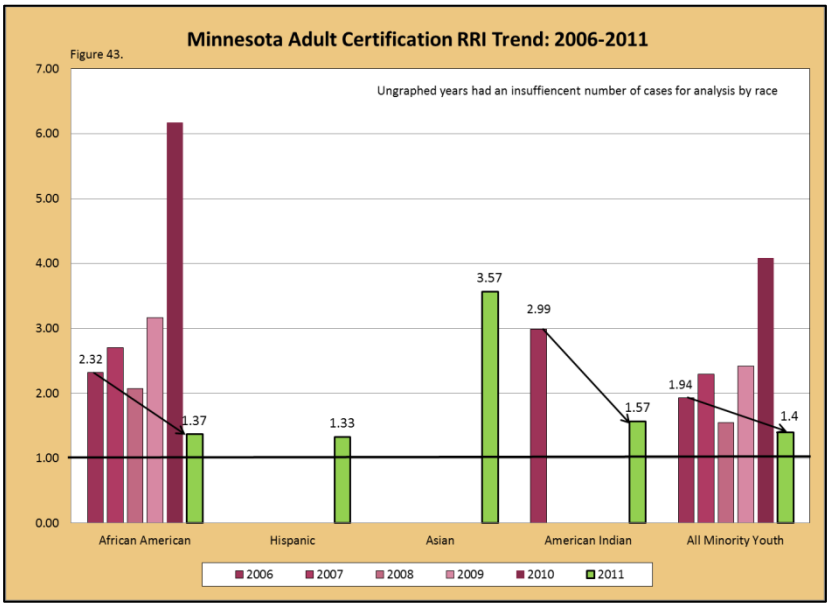
Prior to EJJ, the number of adult certifications appeared greater in Minnesota than after EJJ. Between 1984 and 1988 the number of adult certifications ranged between 127 and 177. By 1996, (Figure 42), adult certifications were closer to 100 with a high of 120 in 1999. Data between 1988 and 1995 are missing. While EJJ takes some youth out of the pool of offenders who would have been certified to adult court, EJJ is also is intended to provide enhanced supervision and services to some youth who would have otherwise been conventional delinquents.[42]

Arrests for violent crimes in Minnesota, which are most likely to result in certification or EJJ, peaked in 1994 the same year that EJJ was adopted and that revisions were made to the Minnesota certification statute (See Figure 5). Generally, since EJJ went into effect, about 100 youth are transferred to adult court each year. Youth adjudicated EJJ has fluctuated between 167 and 294 annually.

Racial Disparities in Adult Certification

Data collected for federal reporting requirements between 2006 and 2011 show that overall, youth of color in Minnesota are 1.4 times more likely to be certified to adult court than white youth (Figure 43). As of 2009, the national average was 1.10.

African American youth are the only population in Minnesota other than white youth who consistently have a sufficient number of adult certifications annually to calculate a relative rate. In 2010, African American youth were over six times more likely to be certified to court than white youth. Because certifications are around 100 cases per year, relatively small changes in racial distributions can have large effects on the overall relative rate. Nevertheless, since 2006, Minnesota has had substantial issues with youth of color overrepresented among youth certified to adult court.

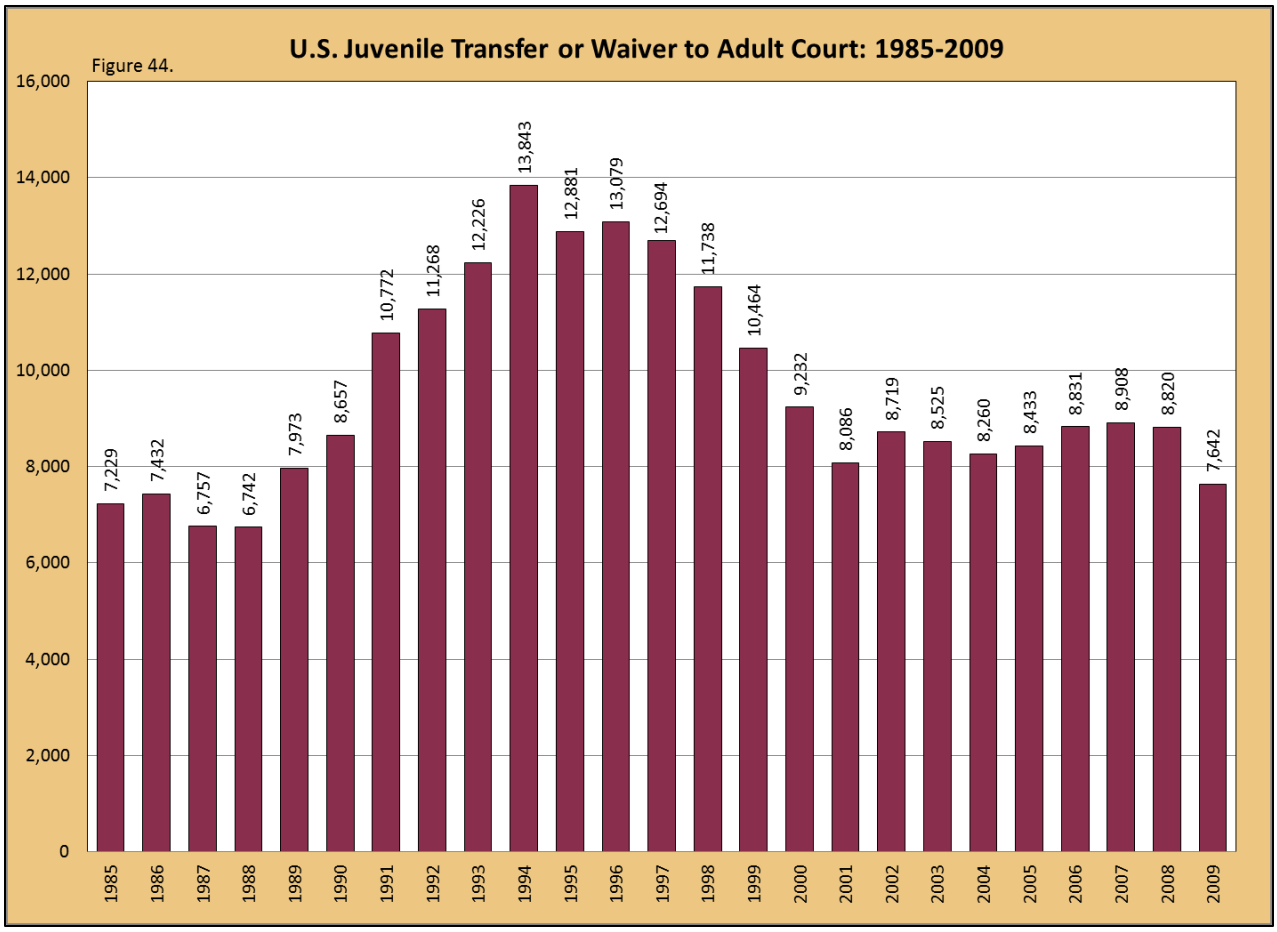


National Certification of Juveniles to Adult Court

National data on the use of adult certification or transfer laws for juveniles illustrate that adult certification was at its height between 1991 and 1999 at over 10,000 certifications per year (Figure 44).

As arrests for violent crimes declined through the late 1990s and into the 2000s, the volume of youth transferred to adult court also declined. As of 2009, the volume of adult transfers is comparable to the mid-1980s.

While transfer laws vary among states in terms of age, eligibility and sanctions, many of these youth would have been eligible for placement in adult correctional settings including prisons. According to OJJDP, nearly every state developed and implemented provisions that made it easier to transfer juveniles to adult court in the early to mid-1990s when violent crime rates were at their highest.[43] The expanded availability of certification and transfer laws most certainly added to the expanded use.[44]


U.S. Juvenile Transfer or Waiver to Adult Court: 1985-2009
Figure 44.
16,000
14,000
12,000
10,000
8,000
6,000
4,000
2,000
0
7,229
7,432
6,757
6,742
7,973
8,657
10,772
11,268
12,226
13,843
12,881
13,079
12,694
11,738
10,464
9,232
8,086
8,719
8,525
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8,433
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Juvenile Court: Summary Points

- Minnesota statute requires that all county attorneys have at least one pre-petition juvenile diversion program. The lack of a centralized data repository for county attorneys in Minnesota makes state-level data on youth diverted from legal processing difficult to obtain.

- Cases petitioned to juvenile court increased dramatically in the 1990s in sync with the dramatic increase in juvenile arrests. The largest number of juvenile delinquency, status and petty offender court filings occurred in 1998 at over 63,000.

- A statutory change that went into effect in 1995 allowed prosecutors to reduce many misdemeanors to petty offenses. As such, delinquency filings begin to decline in 1996 while the number of status and petty offense case filings increased.

- As of 2010, 51 percent of all juvenile court filings were for status or petty offenses. Misdemeanors constitute roughly one third of filings (33%) while felonies and gross misdemeanors account for the remaining 16 percent.

- Between 1994 and 1996, over 10,000 juvenile felony petitions were filed each year. In 2010, fewer than 4,000 felony petitions were filed.

- Minnesota juvenile case filings follow a similar trend as national case filings. Nationally, a steep decrease is evident in the 1990s followed by a gradual decline after 1997. In Minnesota, the downward trend begins in 1999.

- Data collected for federal reporting on racial disparities in the justice system suggest that youth of color in Minnesota are more likely to be petitioned to court and are more likely to be adjudicated delinquent than white youth.

- Data provided by the Minnesota State Court Administrator's Office show that since 1996, approximately 200 to 250 youth are adjudicated EJJ annually.

- Since legislative changes to the adult certification and EJJ statutes in 1994, approximately 100 youth each year are certified to stand trial as adults in Minnesota.

- Data collected for federal reporting on racial disparities in the justice system suggest that youth of color in Minnesota, notably African Americans, are more likely to be certified to adult court in Minnesota than white youth.

Juvenile Out-of-Home Placements

Youth involved in the juvenile justice system can be placed out of the home at any of the following stages: after arrest, pending the outcome of court proceedings or as a dispositional outcome when court-ordered to a residential program.

In Minnesota, youth residential facilities and foster care providers are licensed by either the DOC or the Department of Human Services (DHS).[45] DOC licensed facilities typically receive youth directly from law enforcement agencies or juvenile court in relation to delinquency matters. DHS licensed facilities typically serve youth in need of placement related to child protection matters (CHIPS) as well as low-risk delinquency, petty and status offenders.

Historical data regarding the number of youth placed out-of-home in response to delinquent behavior are difficult to procure in part because youth can be held in various types of facilities depending on their offense level and legal status. Take, for example, a juvenile arrested for a delinquent act in a rural Minnesota county without a juvenile facility. Law enforcement can admit the youth to their secure adult jail for up to 24 hours while transport is arranged to the regional juvenile facility.[l] The youth is then transferred to a secure detention bed in the juvenile facility until their first court appearance. At court, the judge deems the youth safe to be held in a non-secure setting until the case is disposed. The youth is then transferred to a non-secure shelter licensed by DHS. Finally, at disposition, the youth is sentenced to a 15-30 day consequence program in a non-secure, DOC licensed correctional program.

In this example, a single youth has had four distinct placement admissions counted events across two-facility classes (adult and juvenile), two custody levels (secure and non-secure); and two licensing authorities (DOC and DHS). Data sets for youth in placement can vary widely depending on which youth are counted in which settings.

Juvenile Admissions to DOC Licensed Facilities

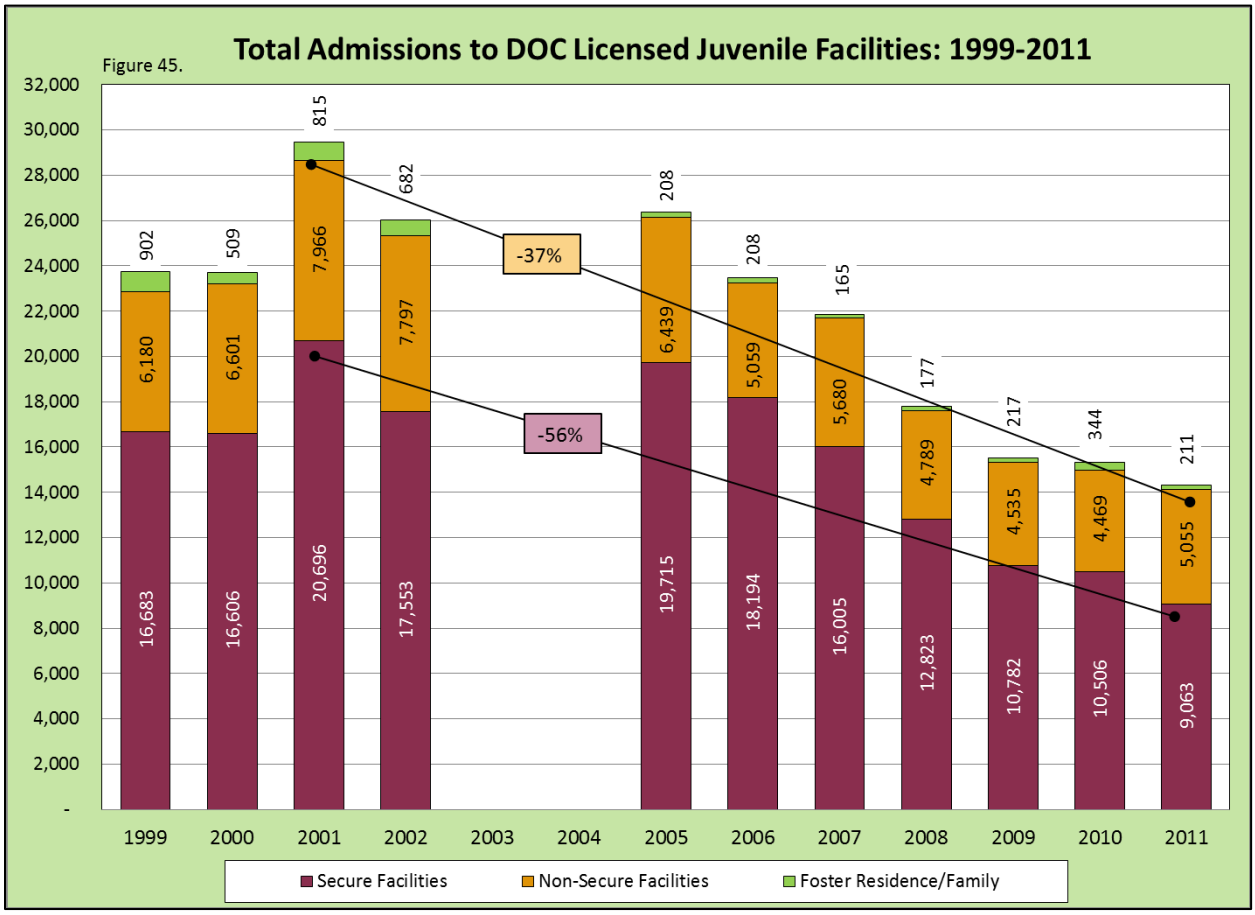
The Minnesota DOC collects information on youth admitted to residential facilities using a centralized data repository called the *Statewide Supervision System (S3).* This system only monitors youth admitted to secure beds. A facility that provides both secure and non-secure services will only have secure admissions counted whereas non-secure facilities are not included at all. *S3* has been operational since 2000.

Prior to S3, all juvenile facilities, secure and non-secure, submitted an annual census form to the DOC *Inspection and Enforcement Unit* indicating total admission numbers for the year. Juvenile facilities continued to submit a census form of admissions to both secure and non-secure beds after the year

[l] Under the JJDPA and Minnesota Administrative Rule 2945.2500, juveniles held in adult facilities must be sight and sound separated from adult inmates.

2000. Unfortunately, paper submissions prior to 1999 are unavailable and submissions from both 2003 and 2004 have been overwritten with more current data.

Available facility data taken from the facility census submissions are depicted in Figure 45, which illustrates that use of both secure and non-secure correctional beds has generally declined since 2001.[46] Some of the increase between 2000 and 2001 is related to a greater percentage of facilities reporting data as of 2001. Race data are not reported on the facility census form.

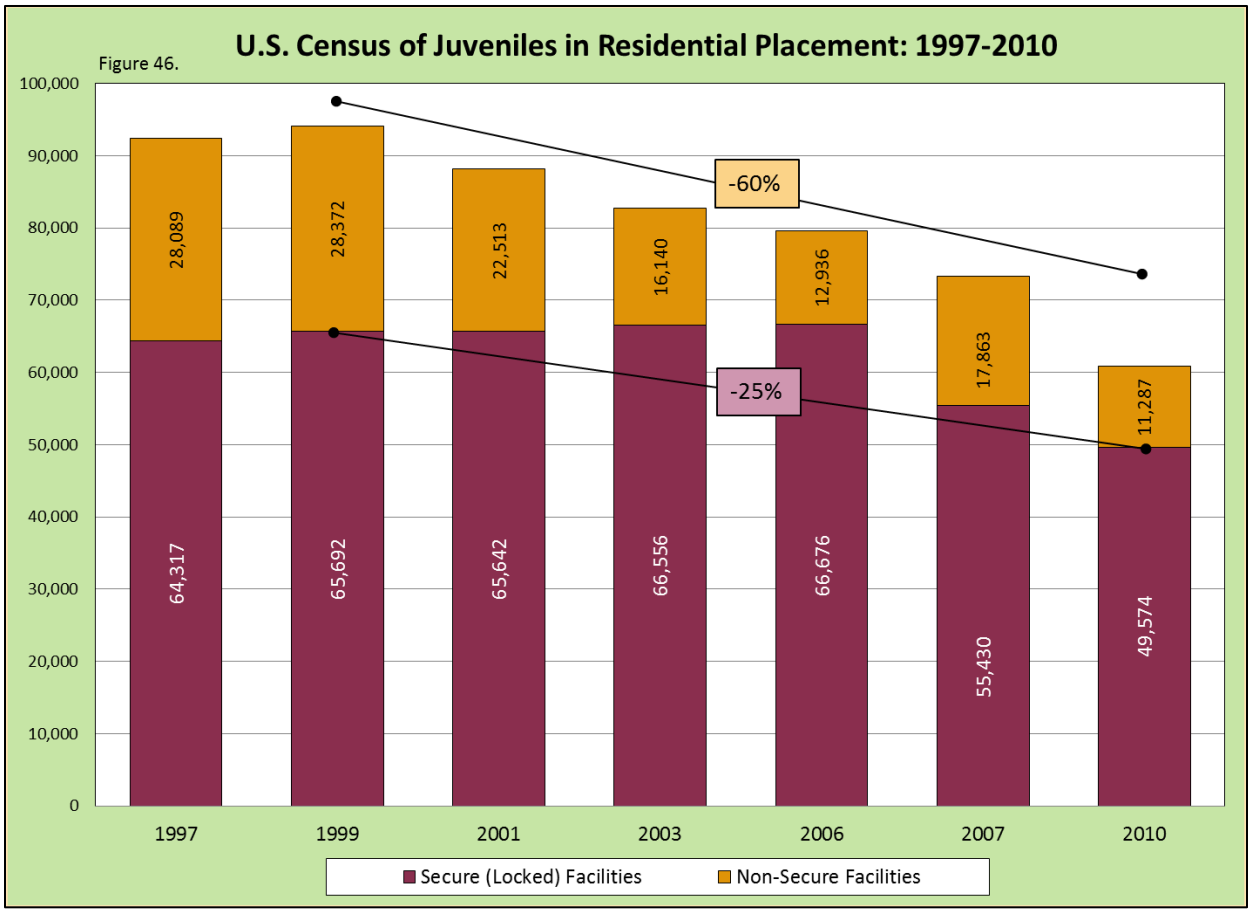


This data source suggests that total facility admissions between 2001 and 2011 declined 51 percent. Secure admissions declined by over half (-56%) from over 20,500 to under 10,000 per year. Similarly, admissions to non-secure beds declined by 37 percent from nearly 8,000 in 2001 to just over 5,000 in 2011. The decrease in both secure and non-secure facility admissions in the past decade is consistent with the declining number of juvenile arrests over the same time period, but may also be related to changes in facility admission criteria, funding availability or other factors.

Census of Juveniles in Residential Placement (CJRP)

National

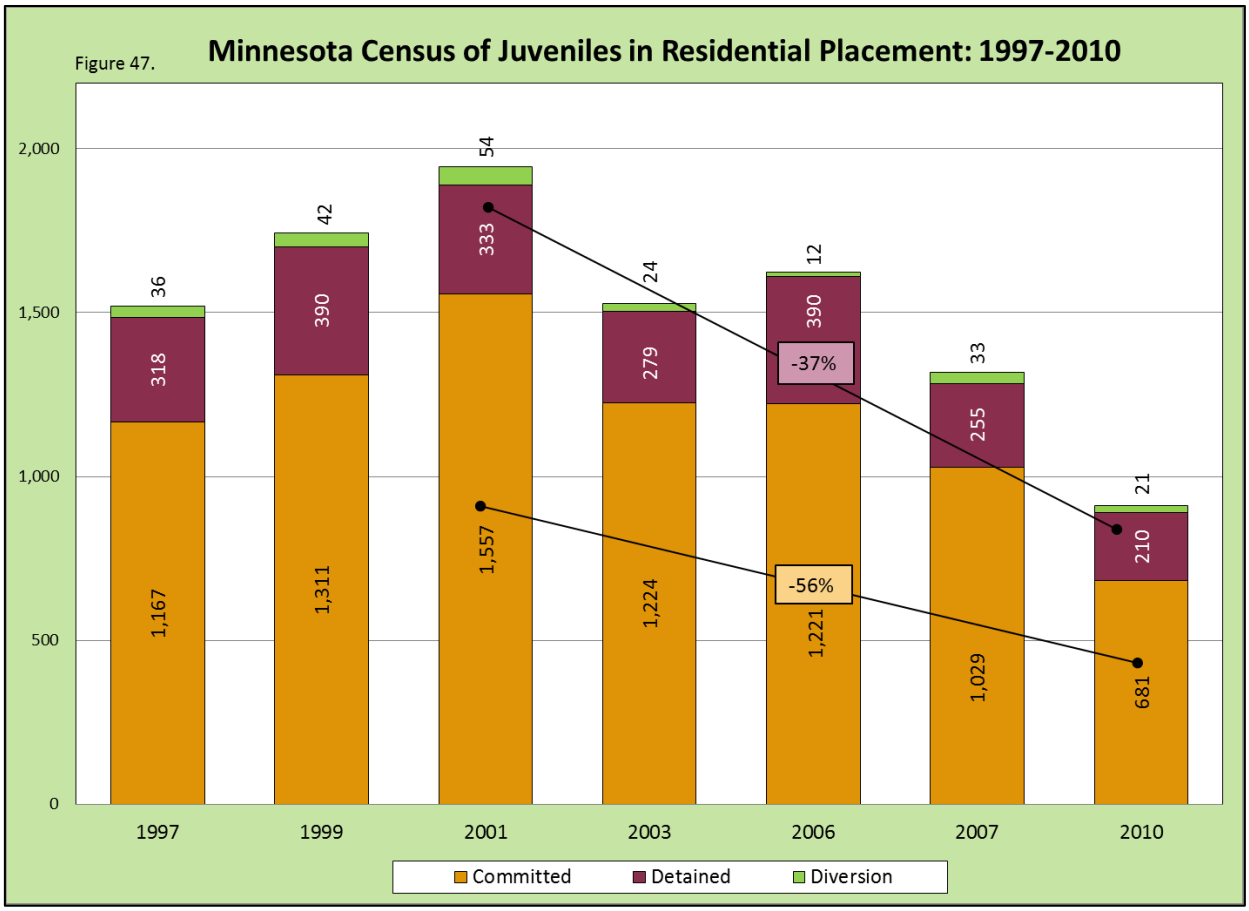
Nationally, the use of out-of-home placements has also declined. While there is no national data repository for juvenile facility admissions, in 1997 the U.S. Census Bureau began administering a biennial survey of juvenile facilities counting the number of admissions on behalf of the federal Office of Juvenile Justice and Delinquency Prevention.[47] Included in the survey are juvenile residential facilities that hold youth charged with an offense or court-adjudicated for an offense. Data submitted reflect a one-day count of youth residing in the facility and are not annual admission totals.



Nationally, the total decline in placements observed between 1999 and 2010 on the date of the census was 35 percent (Figure 46). The decline is most pronounced among non-secure facilities which reported 60 percent fewer admissions in 2010 than in the peak year of 1999. The decline in secure facility admissions has been smaller but is still 25 percent fewer than 11 years ago.

Minnesota

Minnesota participates in the national CJRP but data regarding secure versus non-secure admissions are not disseminated at the state level. Minnesota CJRP data illustrate that facility admissions peaked in 2001 (Figure 47), consistent with data collected by the DOC (Figure 45).[48]

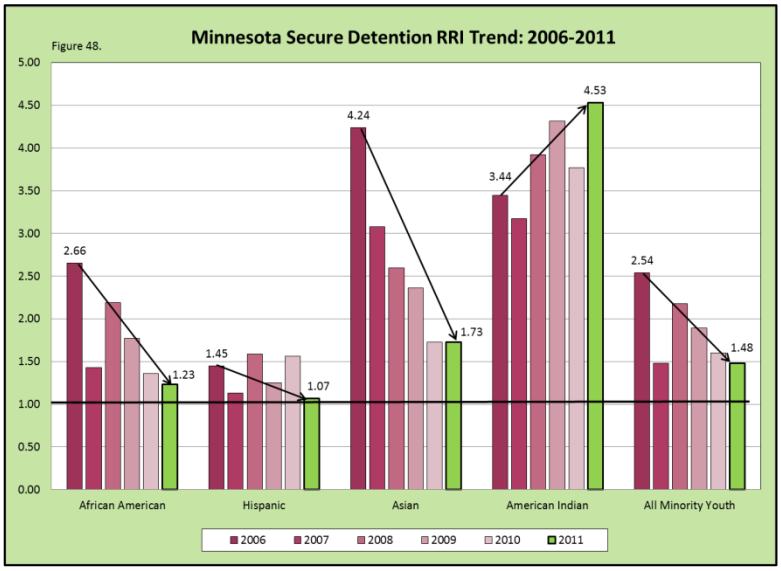


In 2001, 1,944 facility beds were in use in Minnesota on the day of CJRP census, compared to 912 in 2010 — a decline of 53 percent. In 2012, Minnesota was highlighted in a national publication by the *Justice Policy Institute* as one of five states that have reduced the use of residential placements by over 50 percent between 2001 and 2010.[49]

Racial Disparities in Secure Detention and Secure Placement

Secure Detention

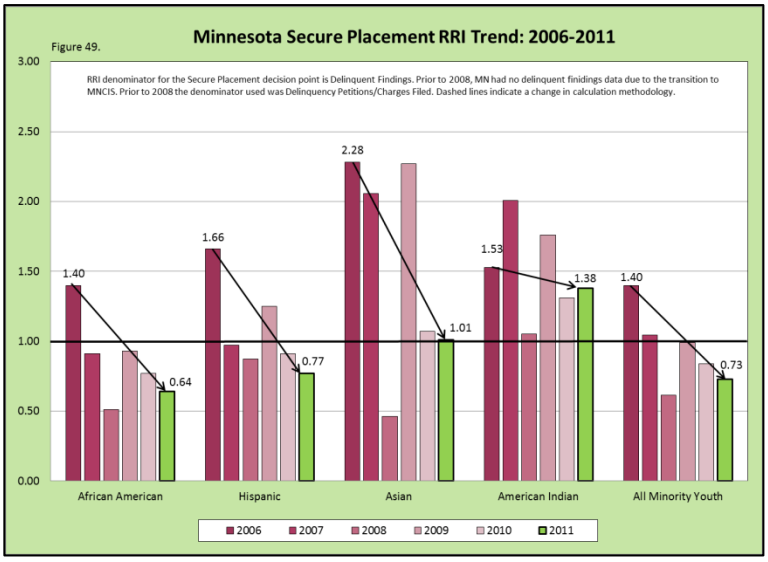
Second only to arrest, the use of secure detention is the justice system stage that has the highest rate of racial disparity nationally. Data collected in Minnesota show that youth of color are nearly one and one-half times more likely to be placed in secure detention following an arrest or a court appearance than white youth (Figure 48).[m]



Prior to the institutionalization of several detention alternatives in the state, the collective detention disparity for youth of color was 2.54.

While detention disparities are showing improvement in Minnesota, the benefit has not been equitable across all racial populations. Specifically, American Indian youth remain over four and one-half times more likely to be securely detained in 2011 than white youth (4.53).

Secure Placement



Conversely, youth of color are less likely than white youth (0.73) to be placed in a secure out-of-home juvenile corrections setting following adjudication than white youth (Figure 49). Again, the exception is American Indian youth, who are more likely to be placed out of the home in a secure setting following adjudication (1.38).

Because correctional placements are often where cognitive-behavioral treatment and intensive case-management occur, it is concerning if youth of color are being excluded in any systematic manner; or if youth of color are more often certified to adult prison settings as opposed to juvenile placements.

[m] Includes youth placed in secure juvenile facilities as well as youth detained in adult jail and police lock-up settings. Youth with multiple secure admissions are counted multiple times, consistent with OJJDP DMC reporting methodology.

Juvenile Admissions to Minnesota Correctional Facilities

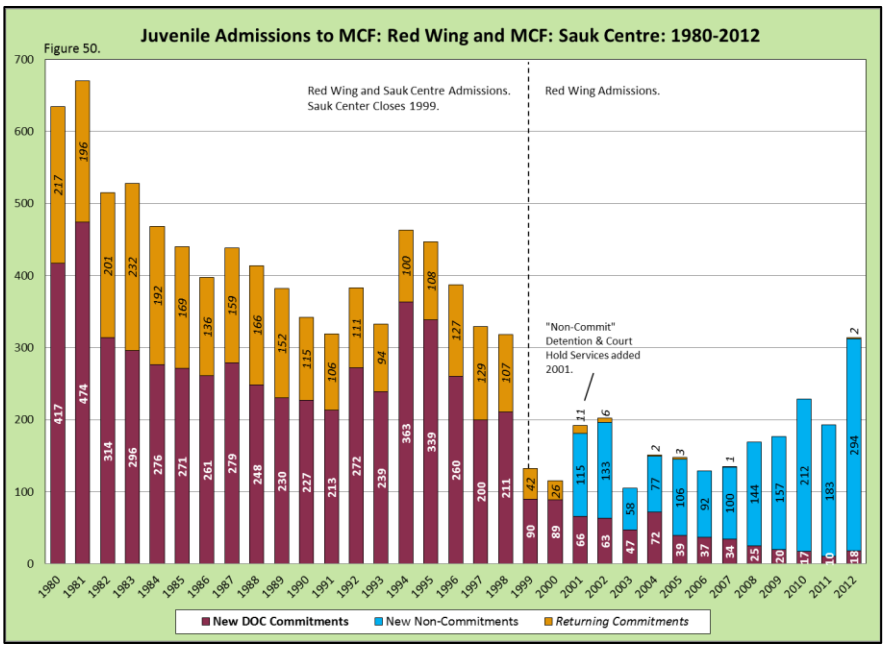
The Minnesota DOC has a long history of providing placement and treatment services for adjudicated youth. Since the 1980s, the DOC has operated three juvenile facilities: Red Wing, Thistledew (Togo) and Sauk Centre. Thistledew is a non-secure, wilderness-based program in Northern Minnesota and is not included in the following data.

MCF-Red Wing

The Minnesota Correctional Facility at Red Wing (MCF-Red Wing) was often the placement of last resort for male, juvenile, serious offenders in Minnesota. Constructed in 1890 as the *State Reform School*, the Red Wing campus has housed juveniles ever since. MCF-Red Wing is operated by the DOC and traditionally accepts youth who have exhausted all other local and regional placement options.[50] Certain youth court-ordered to MCF-Red Wing are given a state "commitment" where legal custody of each youth is transferred to the Commissioner of Corrections.[51] In the past decade, MCF-Red Wing has modified admission policies to accept youth for placement and programming and remain under the jurisdiction of their home counties.

MCF-Sauk Centre

MCF-Sauk Centre, also known as the *Minnesota Home School*, was established in 1911 as a program for females. In 1967 the facility began also accepting male juveniles.[52] Declining admission numbers in the late 1990s prompted the closing of the male offender program and the transfer of all males to MCF-Red Wing.[53] All Sauk Centre programming was discontinued by the end of 1999 and the facility closed.



Admissions Volume

In the 1980s and 1990s, annual commitments to MCF-Red Wing and MCF-Sauk Centre numbered in the hundreds (Figure 50). In the mid-1990s, counties began opening their own secure facilities, contributing to rapid expansion in the number of detention and treatment beds around Minnesota and reducing reliance on Sauk Centre and Red Wing. With Sauk Centre already closed, Red Wing was also near to repurposing the facility at the end of the 1990s due to declining juvenile admissions.[54]

Data presented in Figure 50 illustrate robust juvenile admissions to Red Wing and Sauk Centre in the 1980s and 1990s. Collectively these facilities admitted more than 200 youth per year, and had youth returning to the facilities due to violations numbering more than 100 annually.

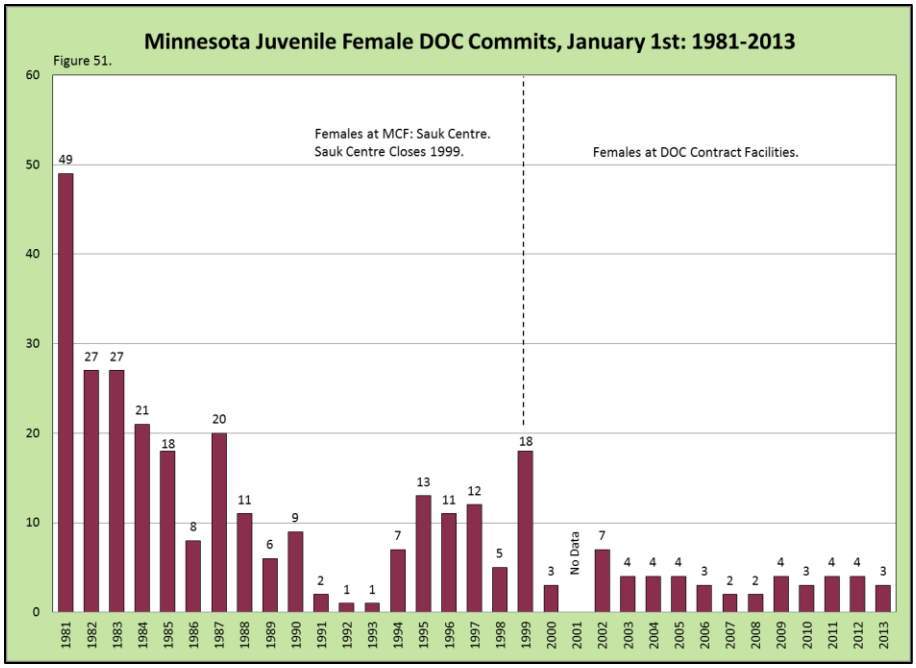
After Sauk Centre's closing, a large decline in admissions is evident in the data. As of 2001, the DOC began to offer Red Wing beds to youth who had not been committed to the state. Short-term detention services were provided to surrounding counties so that adjudicated youth could be placed for shorter programs. By 2008, MCF-Red Wing was back to serving a larger number of youth each year, but with different services than before.

Female DOC Commits

Female juvenile offenders under the jurisdiction of the DOC were housed at the Sauk Centre *State Home School* prior to closing in 1999. After Sauk Centre closed, the DOC began to contract with other secure facilities to provide services for female serious offenders, including Woodland Hills in Duluth and the Dakota County Juvenile Services Center in Hastings.

The change in facility availability affected the DOC's role with female offenders (Figure 51). Again, many county-level facilities opened, allowing female offenders to remain in their own jurisdictions or regions. DOC has not established short-term placement and detention services for females.

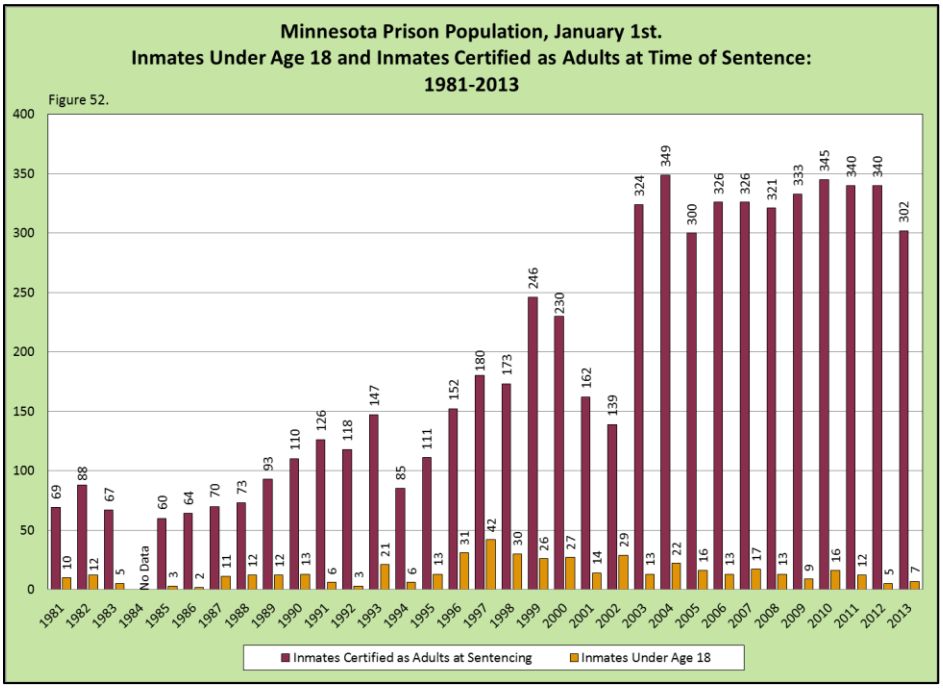
Between 2003 and 2013 no more than four females have been held in contract facilities each year under the jurisdiction of the DOC.



Certified Juveniles in Minnesota Adult Prisons

Under Minnesota statute, youth who have been certified as adults or who have had their EJJ status revoked for non-compliance or new offenses may be placed in adult prison. MCF-St. Cloud is the facility designated to hold male offenders ages 21 and under.

Since 1981, the largest numbers of youth under 18 in prison occurred between 1996 and 2002.[55] The peak year was 2002 in which 29 offenders in Minnesota facilities were juveniles (Figure 52). In 2012 just five youth under age 18 were in an adult prison facility at year's end.

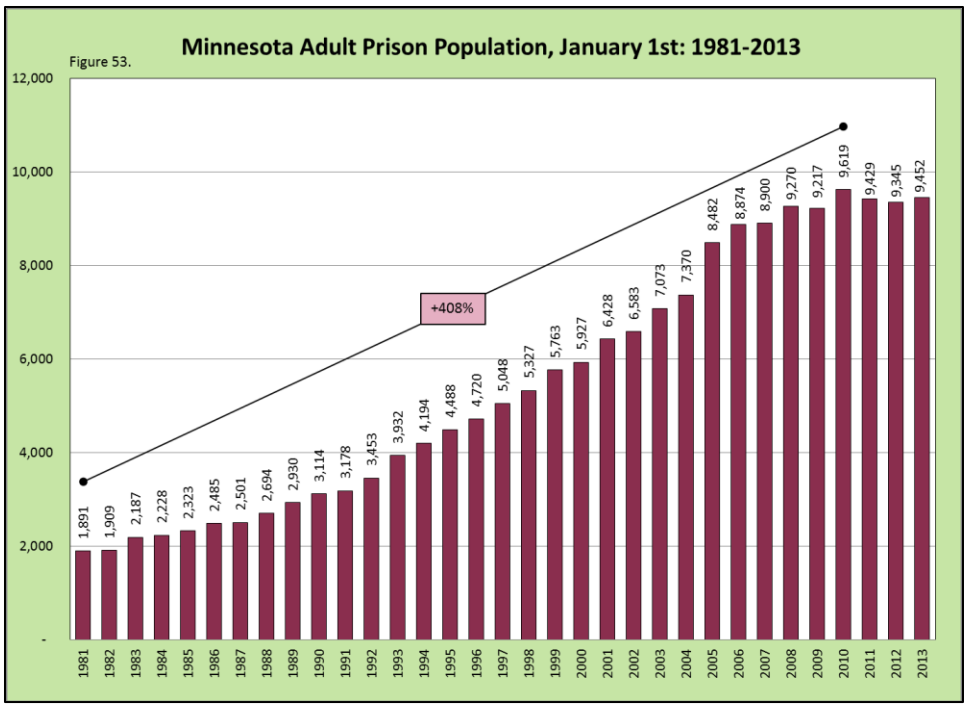


Considerably larger is the number of inmates in prison who were juveniles at the time they were sentenced. Since 2003, year-end population counts show between 300 and 350 inmates entered Minnesota prisons as certified adults.

Female offenders who are certified as adults would be held at MCF-Shakopee, a women-only prison. Since 2005, no females under age 18 have been in the prison at the time of the annual census count. No more than four inmates have been counted in any year as having been certified as adult at the time of sentencing. As of January 2013, one female in MCF-Shakopee was certified as an adult.

Minnesota's Adult Prison Population

The decline in out-of-home placements in the juvenile realm does not correlate with declining use of adult prisons. Minnesota's adult prison population expanded by over 400 percent between 1981 and the population peak in 1997 (Figure 53). For the past six years, the annual adult inmate count at the start of the year has exceeded 9,000.



Out-of-Home Placement: Summary Points

- Prior to 2000, Minnesota lacked a centralized data repository for juvenile correctional facility admissions. Hence, a significant amount of historical out-of-home placement data is missing.

- Data submitted by juvenile facilities to the Minnesota Department of Corrections, along with that in the national *Census of Juveniles in Residential Placement* survey, show that out-of-home placement for the juvenile justice population in Minnesota has been declining since 2001.

- 2011 total admissions to secure juvenile facilities in Minnesota (9,063) are less than half of what they were in 2001 (20,696). Use of non-secure facilities has also decreased by 37 percent during the same timeframe. Minnesota's decline in the use of placements is greater than the national trend.

- Despite declining placements, Minnesota is more likely to securely detain youth from communities of color than white youth. Conversely, youth of color in Minnesota are less likely than white youth to be court-ordered to a secure residential placement following adjudication.

- Data collected on youth placed in residential care by the Department of Human Services shows both the increase and subsequent decrease in the use of out-of-home placements between 1984 and 2011.

- The number of youth under age 18 in Minnesota prisons peaked in 1997 at 42. Presently (2013) seven youth under age 18 are in adult prisons. For the past 10 years, over 300 adult inmates have been housed in Minnesota prisons who were certified as adults at the time of sentencing.

- The population of adult inmates in Minnesota prisons increased over 400 percent between 1981 and the peak population year of 2010. For the past six years, Minnesota has had approximately 9,400 adult inmates in state prisons.

Juvenile Probation

Minnesota has three delivery systems for the supervision of offenders on probation, parole and supervised release. Minnesota's state-based probation service was changed to a three-tiered delivery system under the *County Probation Act* of 1959 and the *Community Corrections Act* of 1973.[56,57] Which delivery system a county selects influences how services are paid for and how probation staff are employed. Collectively, the three delivery systems supervise all adult and juvenile offenders under the jurisdiction of Minnesota courts. The following defines the distribution and supervision responsibilities of the three delivery systems:[58]

- **DOC Counties (28):** In DOC Counties, field agents hired by the Department of Corrections supervise all adult and juvenile offenders of all offense levels. DOC agents are employees of the state.

- **CPO Counties (27):** In County Probation Officer counties, probation officers are appointed by and serve at the pleasure of the judiciary of the district court. These officers supervise all adults and juveniles with the exception of adult felons, who are supervised by DOC agents.

- **CCA Counties (32):** In Community Corrections Act counties, probation officers are hired by the county's Community Corrections Department, which is ultimately accountable to the County Board. CCA probation officers supervise all adult and juvenile probationers of all offense levels. Counties must have a population of at least 30,000 or combine with contiguous counties to reach population minimums to operate as a CCA county.

Minnesota Juveniles on Probation

The Minnesota DOC has been compiling data on supervision populations across all three delivery systems since 1982. In the 1980s and 1990s, each county submitted a paper survey to the DOC indicating how many new adult and juvenile probationers were added, as well as a census of the race and gender of persons still under supervision at the end of the calendar year. In 1993, the survey began to collect data on the most serious offense for which probationers were under supervision. By 2001, counties submitted probation data to a centralized DOC data system (S3) which could be queried without use of a paper survey.[n]

Figure 54 depicts data on the number of juvenile probation cases in Minnesota between 1986 and 2011.[o] Youth ordered to probation are included in the census. Excluded are youth under supervision as a part of a CHIPS disposition.

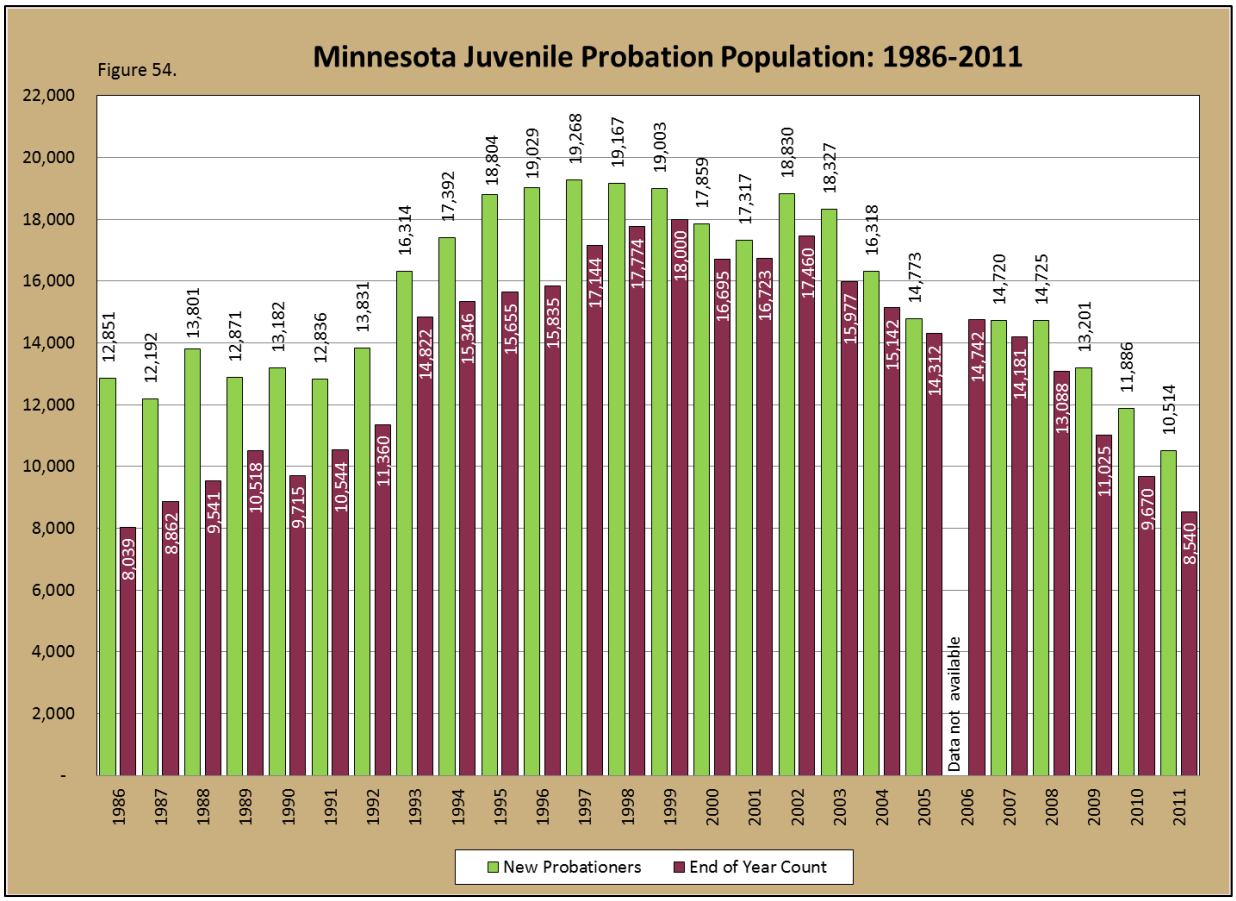
[n] Hennepin County maintains its own juvenile probation information system, "MAin," which has not yet uploaded data to S3. They continued to submit paper surveys throughout the 2000s.

[o] Due to data quality concerns early in data collection, the data presented begin with 1986.

Not unlike petitions to juvenile court, new probation admissions mirror juvenile arrest patterns. The number of new probationers cases fluctuated between 1986 and 1992 from 12,000 to 14,000 per year.[59] Between 1995 and 1999, more than 18,000 new juvenile probation clients were initiated each year. The greatest number of youth on probation at the end of the calendar year was 18,000 in 1999.

The increase in juvenile arrests and petitions filed in court likely resulted in increased numbers of youth court-ordered to community supervision. Between 1986 and 1999, the number of youth on probation at year's-end increased 124 percent.

Under statute and established rules of procedure, youth in Minnesota may be under probation supervision without adjudication. Supervision can be a part of a *continuance for dismissal* disposition as well as a *stay of adjudication* disposition.[60,61] These provisions allow supervision and accountability for youth without a formal finding of guilt. It is not uncommon in Minnesota for the number of youth on probation to exceed the number of youth adjudicated delinquent.



By 2003, the number of youth court-ordered to probation began a steady decline. By 2011, the number of youth on probation (8,540) was comparable to the number recorded in 1980 (8,039). Fewer new probationers were counted in 2011 (10,514) than in 1980 (12,851). Between 1999 and 2011, year-end probation counts for juveniles declined by over half (-53%).

Juvenile Probationers by Most Serious Offense

1993 was the first year in which the DOC collected offense information on the annual *Probation Survey*. Counties were asked to report the most serious offense for which individuals were on probation based on the year-end probation population. Data on adult probationers includes not only the offense for which they are under supervision, but also the offense level: M, GM and F. Juvenile probation counts do not have the offense level specified.

Offense data for probationers are divided into 30 categories which are guided by, but do not match exactly, UCR arrest categories. Figure 55 depicts eight offenses for which the greatest volumes of youth are on probation each year. Across years, it is most common for youth to be on probation for theft, assault or a juvenile status/miscellaneous offense. In 2000 specifically, half of total juvenile probationers were under supervision for status/miscellaneous offenses (36.6%) and assault (26.0%).

Figure 55. **Percent of Year-End Juvenile Probationers, by Most Serious Offense**

	1993	1995	2000	2005	2010
Assault	11.9%	13.6%	26.0%	12.0%	13.3%
Burglary	9.7%	8.3%	12.1%	3.8%	6.6%
Theft	15.5%	15.2%	15.9%	7.8%	11.7%
Motor Vehicle Theft	7.4%	6.4%	8.9%	3.0%	2.3%
Property Damage	9.5%	8.2%	10.2%	6.5%	5.8%
Juvenile Status/ Federal/Misc.[p]	10.9%	11.7%	36.6%	21.0%	12.7%
Disturbing Peace	2.7%	4.8%	9.7%	11.4%	9.2%
Drugs	2.2%	3.9%	9.2%	3.8%	6.0%

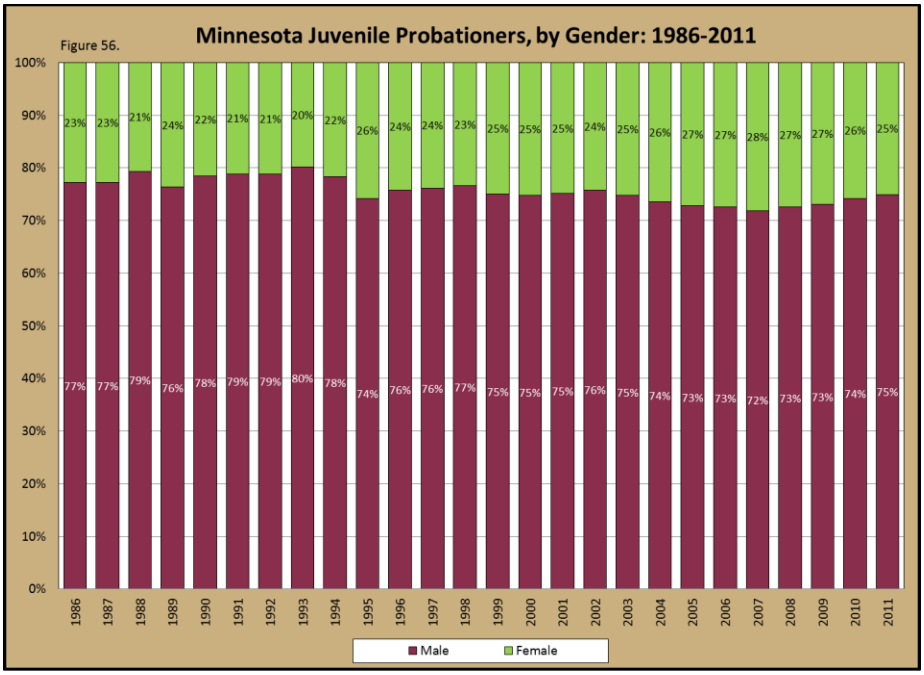
Neither the level of offense for which youth are on probation nor the length or intensity of supervision are available in these data. As such, changes in the characteristics of supervision for juveniles overtime, if any, cannot be explored using this data.

[p] In 1993 and 1995 the category was "juvenile status offense;" in 2000 the category was renamed "juvenile status/federal/miscellaneous," as such, additional offenses could have been included in the totals.

Minnesota Juvenile Probationers by Gender

In Minnesota, the juvenile probation population is much more likely to be male than female. Approximately one-quarter of probationers were female between 1986 and 2011 (Figure 56). Female probationers were at their smallest percentage of the probation population in 1993 (20%) and at their largest percentage in 2007 (28%).

Between 2004 and 2011, females were consistently over one-quarter of the probation population. The offenses for which youth are on probation are not available by gender. Since there are differences in arrest offenses by gender, it is likely that there are also differences in probation offenses by gender.

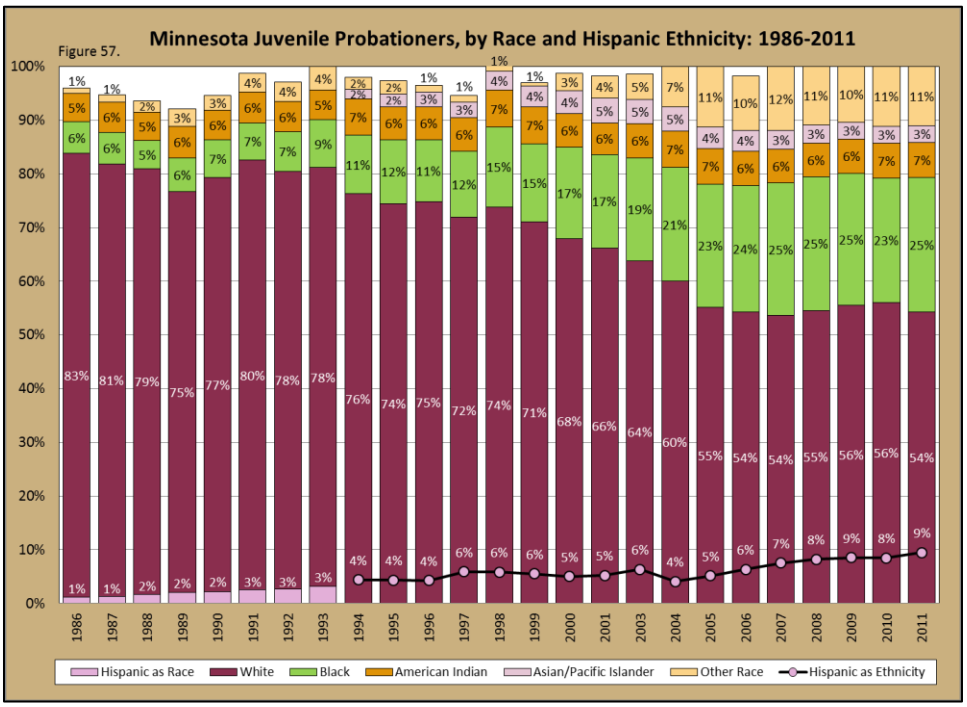


Minnesota Juvenile Probationers by Race and Ethnicity

Race data on juvenile probationers collected between 1986 and 2011 shows that an increasing percentage of probationers are youth of color. Years that do not total 100 reflect missing or unknown race data. 2002 is excluded due to racial totals that exceeded the total juvenile probation population. Also, from 1986 to 1993, Hispanic was collected as a unique racial category, whereas in 1994 Hispanic began reporting as an ethnic category counted separately from race based on National Crime Information Center standards.

In 1986, 13 percent of juvenile probationers of known race were youth of color compared to nearly half (46%) in 2011 (Figure 59). An additional 9 percent of juvenile probationers were identified as Hispanic in 2011. The largest population-of-color on probation in Minnesota is African American youth. In 1986 African Americans were 6 percent of the probation population; by 2005 they were approximately one-quarter of all juvenile probationers (23%).

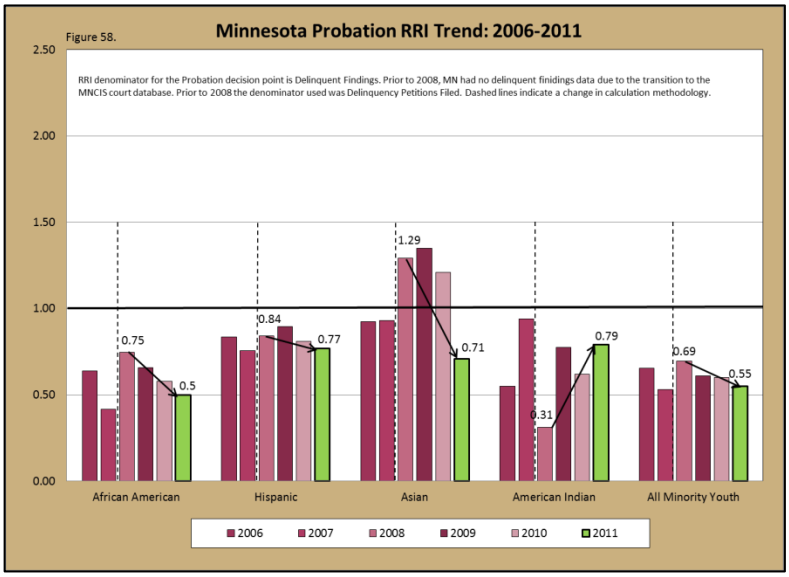
The population of youth on probation identified as Hispanic has also increased over time. In 1994, the first year Hispanic was collected as an ethnicity, Hispanic youth were 4 percent of probationers. The Hispanic population on probation continues to rise; nearly one in 10 youth of any race were identified as Hispanic in the 2011 probation survey. In addition, the "Other Race" designation has also increased possibly representing a larger percentage of mixed race youth on probation.



Asian youth are the smallest population on probation in the latter half of the 2000s (3% to 4%) followed by American Indian youth (6% to 7%). Considering that American Indians are approximately 2 percent of the youth population ages 10 to 17, their community is overrepresented among juvenile probationers.

Racial Disparities in Probation

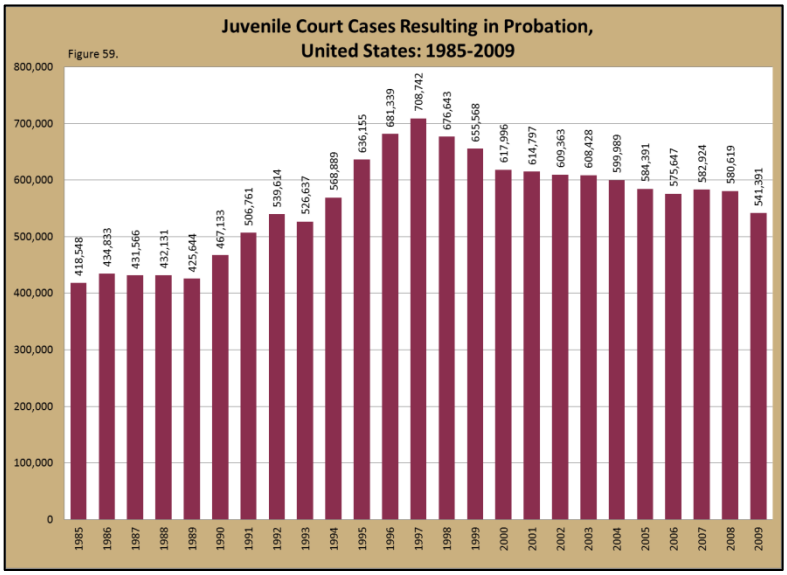
Data on the probation population collected for federal reporting requirements since 2006 show that youth of color are underrepresented in relation to the number of youth adjudicated delinquent. 2011 data suggest that youth of color are approximately half as likely (0.55) as white youth to receive community probation following adjudication (Figure 58).



Youth of color are also under-represented among probationers nationally (0.90), but not to the degree evident in Minnesota. The reasons youth of color in Minnesota are less likely to receive probation require more detailed investigation.

National Juvenile Probation Cases

Data disseminated by the National Center for Juvenile Justice (NCJJ) shows an increase in the number of juveniles assigned to probation supervision as an aspect of their case disposition.[62] The volume of probation cases began to rise in 1990 and peaked in 1997 at 708,742 (Figure 59).



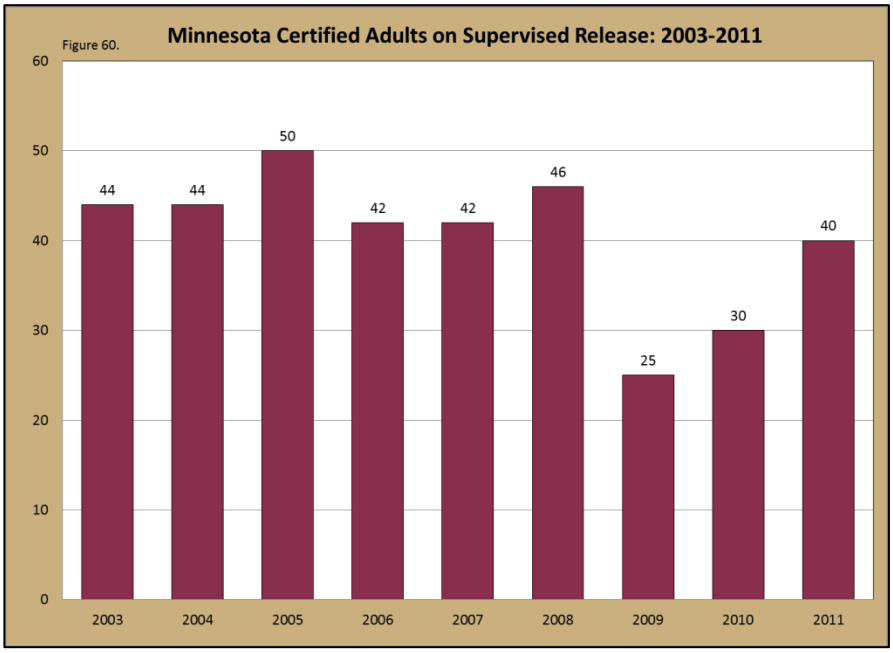
Since the peak, the national number of dispositions including probation has been declining more slowly than arrests have declined. Again, at the national level the number of juvenile arrests in 2009 was lower than the number recorded in 1980, yet the

number of probationers is considerable higher. Additional exploration into the type of offense for which youth are on probation and the intensity and length of supervision is needed.

Minnesota Certified Adults on Supervised Release

Agents across the various probation delivery systems supervise adults and juveniles who have been released from state correctional facilities. Minnesota no longer has "parole" in the sense of offenders petitioning a parole board for release. Rather, offenders must serve two-thirds of their sentences in a facility, at which point they become eligible for Supervised Release for the remaining one-third. The Probation Survey includes Supervised Release data since 2003 on juveniles certified as adults at the time of sentencing (Figure 60).

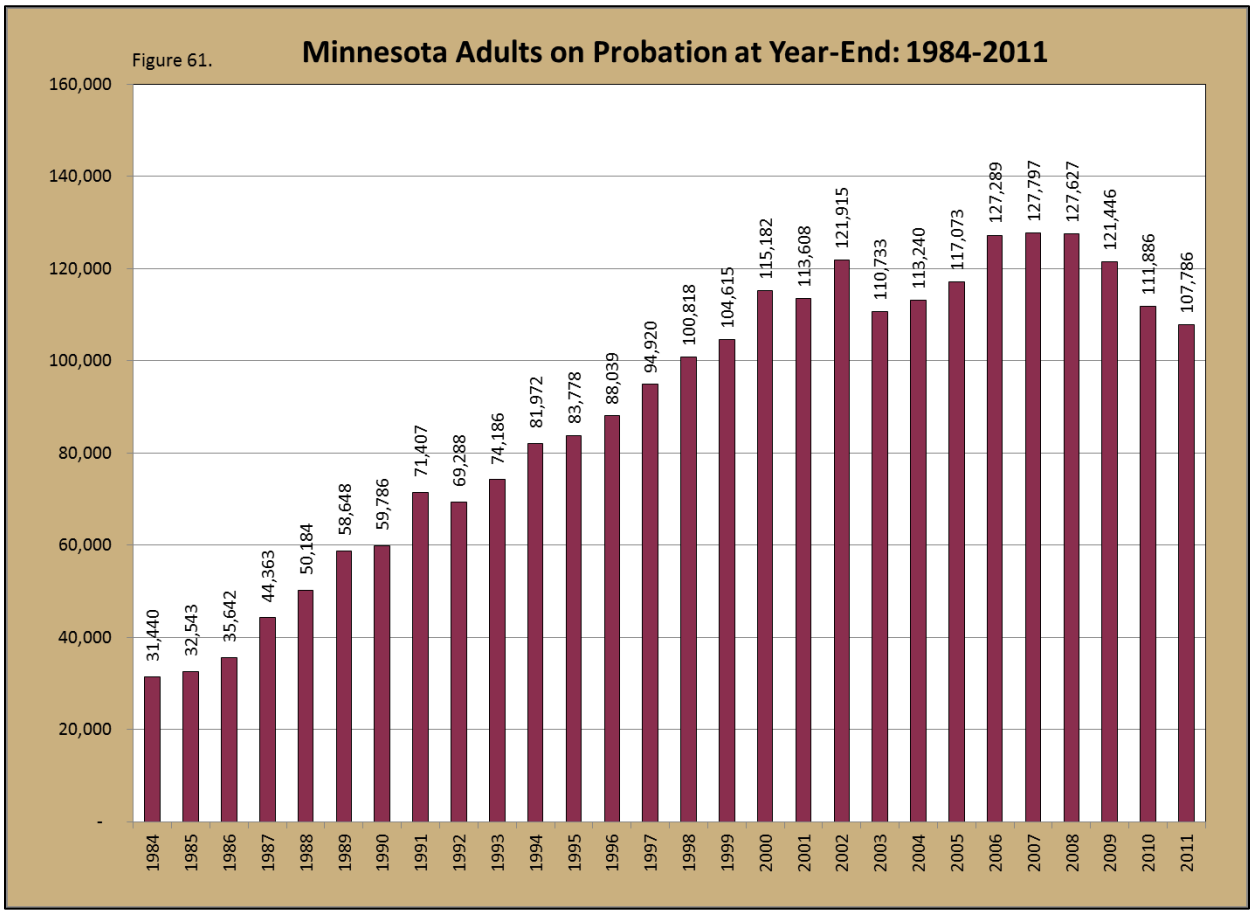
The number of certified adults on supervised release each year is dependent on the number completing two-thirds of a prisons sentence each year, coupled with their behavior while in the facility. The lowest years for youth on Supervised Release in the past 10 years were 2009 and 2010 at 25 and 30, respectively.



This graph does not include juveniles who are committed to the Commisioner of Corrections but not certified as adults. Those youth are released when they finish their program and extended furloughs.

Minnesota Adults on Probation

The population of adults on probation in Minnesota mirrors adult arrest trends. The number of probationers at year's-end rose throughout the 1980s and 1990s (Figure 61) with a first peak in 2002 (121,915) and a second peak in 2007 (127,797). In the *Annual Probation Survey* publication, the DOC cautions that concerted data collection and improvement efforts were underway between 2000 and 2006, which may have affected data during that period.



In the mid-2000s, the number of adults on probation begins to decline consistent with a decline in adult arrests. Whereas the number of juvenile arrests and probationers returned to levels comparable to the early 1980s, adult arrests and probation numbers remain substantially higher in 2011 than in the early 1980s.

Juvenile Probation: Summary Points

- The number of youth on probation is significantly affected by the number of youth petitioned to court. Declining court volume may be one factor in declining juvenile probation volume in Minnesota.

- The juvenile probation population in Minnesota peaked in 1999 with 18,000 youth on probation at year-end. Youth do not have to be adjudicated delinquent in Minnesota to be placed on probation.

- In 2011, juvenile probation volume was just over 10,500 new probationers with a population of approximately 8,500 youth on supervision at the end of the year. 2011 end-of-year volume is comparable to that of 1986 (8,039).

- Historically, the most common offenses for which youth are on probation include assault, status/miscellaneous offenses, theft, burglary, disturbing the peace and drugs.

- Females have never constituted more than 30 percent of juvenile probationers and have typically accounted for approximately 25 percent.

- In 1986, 83 percent of juvenile probationers were white; in 2011, as few as 45 percent of probationers were white. African Americans are the second largest probation population in Minnesota.

- Data collected for federal reporting on racial disparities in the justice system indicate that youth from communities of color are less likely to receive probation than white youth, based on the volume of youth adjudicated delinquent.

- Over the past 30 years, national data show an increase and subsequent decrease in the number of youth with court cases resulting in probation. While Minnesota's probation volume has returned to the level of the mid-1980s, national levels remain higher in 2011 than they were in the 1980s.

- Minnesota's adult population on probation increased through the 1980s and 1990s and remains high, with more than 100,000 adults on supervision at the end of 2011. This is consistent with adult arrests which did not see as substantial of a decline as juvenile arrests.

- Since 2003, approximately 40 persons who were certified as adults at the time of sentencing have been placed on supervised release from prison each year.

Conclusion

State-level data on youth in Minnesota's juvenile justice system over the past 30 years illustrate that both the number of crimes committed by juveniles, and youths' rate of involvement in delinquency increased dramatically through the 1980s and 1990s. Near the turn of the century, however, juvenile delinquency trends reversed, resulting in rates of delinquency in 2010 that were comparable to those recorded in Minnesota in the early 1980s.

The rise and fall of juvenile arrests in Minnesota translated to similar patterns in related juvenile justice functions, including courts, out-of-home placements and community probation. As the volume of youth progressing through the system is affected by arrest activity, so too are the race, gender and offense composition. Since 1980, greater percentages of youth in Minnesota's justice system are youth of color or are female. These youth have different service needs than the white males who dominated the juvenile justice population 30 years ago.

Minnesota's juvenile justice trends closely mirror those observed in national data sets. These similarities suggest that some factors contributing to the rise and subsequent fall of juvenile crime were influenced by national trends. Conversely, the laws, policies and practices of individual state jurisdictions can also impact the volume and composition of youth in the justice system.

The data presented in this report will be placed in the context of national and state-level policies and practices in the second volume of this report series: *Back to the Future: Thirty Years of Minnesota Juvenile Justice Policy and Practice.* In Minnesota, many changes to juvenile justice statutes, resources, funding and philosophy have occurred since 1980 coupled with changes in the social, political and economic environment. Volume two explores the policies and conditions that contributed to the expansion and contraction of the Minnesota's juvenile justice system, and the philosophies about juvenile justice that we carry into the future.

Appendix: Minnesota Juvenile Arrest Activity by Offense

Heat Map

The following table (Figure 64) depicts arrest activity in all offense categories by the volume of arrests occurring each year. The total range of arrests in each offense is divided into four equal parts or *quartiles*. Years shaded green are the lowest quartile in that the fewest arrests occurred in those years; red is the highest quartile indicating that the greatest number of arrests occurred in those years. The middle second and third quartiles are shaded yellow and orange, respectively.

In each offense category the lowest volume arrest year is colored light blue and is accompanied by the arrest figure. The highest arrest year is colored black accompanied by the arrest figure. Several offenses are not included due to very low numbers of juvenile arrests in any given year. These include negligent manslaughter, prostitution, gambling, vagrancy, family/children and embezzlement.

The "heat map" shows that many crimes peaked in number between 1993 and 1998 including all Part I crimes except burglary (1981) and motor vehicle theft (1989). Many Part II crimes also peaked during this five year period including non-aggravated assault, fraud, stolen property, vandalism, weapons, liquor laws and disorderly conduct. Offenses that peaked after the new millennium include narcotics, DUI, curfew/loitering, runaway and "other offenses." Of particular note are the offenses that are at thirty year *lows* for juveniles as of 2011 including burglary, larceny, mother vehicle theft, arson, stolen property, vandalism and DUI.

Figure 62.

Minnesota Juvenile Arrest Trend by Offense: 1980-2011
Arrests by Quartiles & Highest and Lowest Volume Years

		1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
	Total Juvenile Arrests			31,812																79,584													
Part I Offenses	Murder			2		2											49																
Part I Offenses	Forcible Rape		36													230																	
Part I Offenses	Robbery				232											668																	
Part I Offenses	Aggravated Assault			318																1,343													
Part I Offenses	Burglary		3,323																														677
Part I Offenses	Larceny (Theft)																	14,670															7,040
Part I Offenses	Motor Veh. Theft										2,481																						207
Part I Offenses	Arson															267																	91
Part II Offenses	Other Assault	1,276																		5,624													
Part II Offenses	Forgery/ Counterfeit							541																								43	
Part II Offenses	Fraud				94										1,113																		
Part II Offenses	Stolen Property																		1,366														413
Part II Offenses	Vandalism															5,151																	1,331
Part II Offenses	Weapons			307												1,344																	
Part II Offenses	Other Sex Offenses	226				485																											
Part II Offenses	Narcotics												554									5,418											
Part II Offenses	DUI																					1,204											283
Part II Offenses	Liquor Laws						2,599													11,528													
Part II Offenses	Disorderly Conduct			925																12,104													
Part II Offenses	All Other Offenses	2,543																				12,166											
Status	Curfew/Loitering			725																		10,227											
Status	Runaway			1,761																				4,634									

Legend		Lowest Year: # Arrests		Highest Year: # Arrests		1st Quartile (fewest arrests)		2nd Quartile		3rd Quartile		4th Quartile (highest arrests)	

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