Minnesota Juvenile Justice Advisory Committee

2012 ANNUAL REPORT

Annual Report to Governor Mark Dayton and the Minnesota Legislature

Report to Governor Dayton and the Minnesota Legislature

2012 JJAC Annual Report

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"The Juvenile Justice Advisory Committee provides leadership and support in setting a vision for juvenile justice in Minnesota that is informed by evidence-based practices, multi-disciplinary experience and the diverse communities of Minnesota."
- JJAC's Mission Statement

STATE OF MINNESOTA

Juvenile Justice Advisory Committee

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Richard Gardell, Chair

November, 2012

It is my privilege to present to you the 2012 Juvenile Justice Advisory Committee (JJAC) Annual Report. Each year JJAC reports on the state of affairs in juvenile justice in Minnesota. It provides an analysis of youth data, a compilation of compliance visits, interactions with other youth serving organizations, and youth issues that form the commonalities for which JJAC has responsibility. This effort could not be accomplished without JJAC's partnership with the many juvenile justice organizations which contribute their time, analysis and efforts in our mutual concern for the state of juvenile justice, so JJAC's heartfelt thank you goes out to each and every partner.

I especially wish to thank the Department of Corrections Inspection Unit. Inspections carried out by the Department of Corrections Inspection Unit are on-site inspections conducted across the state. They assure us all that Minnesota is in compliance and juveniles are receiving the protections that are mandated by the federal government under the JJDP Act first promulgated in 1979.

Previously JJAC has separated the annual report into Accomplishments and Recommendations. However, in 2012 and proceeding into 2013 there has been a huge overlap where accomplishments are still linked integrally with recommendations. This slow and deliberate process is the result of the many dedicated youth practitioners who, when the desired result is not within expedient reach, plan to come back another day to finish the work needed to turn a recommendation into an accomplishment.

I would point out for your review the JJAC Recommendations section: (1) Support of effective juvenile reintegration programming and limiting detention; (2) A limitation of public access to delinquency data on 16~17 year olds; (3) Reduction of the number of juveniles registered as predatory offenders; (4) An increase allowable length of stayed adjudication period for juveniles; (5) Provision for juvenile records sealing on a case by case basis; and (6) Retention of the current ages for adult certification and extended jurisdiction for juveniles.

I invite your comments and involvement in the dynamic world of juvenile justice. Thank you for your commitment to continue Minnesota as an example of all of us working together for the protection of our youth.

Sincerely,

JJAC's Mission

The Juvenile Justice Advisory Committee provides leadership and support in setting a vision for juvenile justice in Minnesota that is informed by evidenced-based practices, multi-disciplinary experience and the diverse communities of Minnesota.

Juvenile Justice and Delinquency Prevention Act (JJDPA)

The federal Juvenile Justice and Delinquency Prevention (JJDP) Act was passed in 1974. The Act guarantees four core protections to America's youth when and if they become involved in the local juvenile justice system. The Act is now before Congress for re-authorization. It provides the foundation for each state's committee work plan and responsibilities. Central to the committee's work plan are four core requirements:

Core Requirements

De-institutionalization of Status Offenders (DSO)

Each state must ensure that juveniles who are charged with a status offense (truancy, curfew, running away, alcohol and tobacco possession/consumption) will not be placed in secure detention or in correctional facilities. Status offenses are those offenses which would not be an offense if committed by one over the age of 18.

Sight and Sound Separation of Juveniles from Adult Offenders

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

Removal of Juveniles from Adult Jails and Lockups

Each state must ensure that no juvenile shall be detained or confined in a jail or lockup that is intended for adult offenders beyond specific proscribed time limits – six hours in a Metropolitan Statistical Area (MSA) county and 24 hours in a non-MSA county. Minnesota has a combination of MSA and non-MSA counties.

Disproportionate Minority Contact (DMC)

Each state must make an effort to reduce DMC at all nine decision points along the juvenile justice continuum when each minority proportion exceeds that minority's representation in the overall population. The nine points of contact are shown at right.

JJAC Compliance Oversight

For oversight on these requirements, the Minnesota Governor appoints the eighteen members to the supervisory Juvenile Justice Advisory Committee (JJAC). JJAC reports annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with data that is required on the state's compliance with the four core requirements.

For 2012 Minnesota is in compliance on all four core protections or requirements of the JJDP Act.

Other JJAC Responsibilities

JJAC also has the responsibility to advise and make recommendations on juvenile justice to the Minnesota Governor and Legislature on issues, trends, practices and concerns in regard to all aspects of juvenile justice. JJAC serves as the supervisory committee which safeguards the state's activities with youth in Minnesota's juvenile justice system.

JJDP Act Four Core Requirements

1. *De-institutionalization of Status Offenders (DSO)*
2. *Sight and Sound Separation of Juveniles from Adult Offenders*
3. *Removal of Juveniles from Adult Jails and Lockups*
4. *Disproportionate Minority Contact (DMC)*

Reducing DMC: Nine Decision Points

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

Federal Juvenile Justice Funding

Title II provides funding for prevention, intervention and aftercare programs to youth-serving and community based organizations.

Title V provides funding to local units of government for community delinquency prevention programs.

Juvenile Accountability Block Grants (JABG) provide support for juvenile justice to local units of government and allocations are based on a formula.

About the Juvenile Justice Advisory Committee

JJAC's specific responsibilities include:

- Develop a comprehensive three-year plan for juvenile justice in Minnesota.
- Report to the governor and Legislature on Minnesota's compliance with the JJDP Act's four core requirements.
- Advise the Governor and Legislature on recommendations for improvement of the Minnesota juvenile justice system.
- Review, award and monitor federal juvenile justice funds appropriated by Congress under the JJDP Act, specifically via Title II, Title V and the Juvenile Accountability Block Grant (JABG) funds.

Title II provides funding for prevention, intervention and aftercare programs to youth-serving and community based organizations.

Title V provides funding to local units of government for community delinquency prevention programs.

JABG provides support for juvenile justice to local units of government and allocations are based on a formula.

As a statewide committee, JJAC meets ten times annually in sites around the state. This ever changing venue helps JJAC be familiar with local juvenile justice issues and to allow specific communities convenient access to the committee. In 2012 the committee met in the following Minnesota communities: Arden Hills, Otsego, St. Paul, Anoka, Rochester, Willmar, St. Cloud, State Capitol, Walker, and Red Wing.

JJAC members are selected from all eight congressional districts and represent the following juvenile justice categories:

- youth,
- courts,
- law enforcement,
- private non-profit youth- serving agencies,
- public defense,
- prosecution
- and private citizens who have acquired special knowledge relating to juveniles.

They represent Minnesota's rural suburban, and urban areas equally, and they also represent all major cultural and national groups which reside in Minnesota. They are a working board.

JJAC has designated resource professionals who serve as Ex Officios. They include representatives from other Minnesota state departments that also serve youth. Other professional juvenile justice organizations also serve JJAC in this capacity.

JJAC Partnerships

JJAC has focused on active partnerships with juvenile justice professionals who share with JJAC members at the monthly meetings. A partial list include the following organizations with all partners contributing insights and suggestions for the JJAC agenda:

Mark Haase Council on Crime and Justice (CCJ)
Susan Mills Minnesota Association of Community Corrections Act Counties (MACCAC)
James Schneider MN Association of Correctional Probation Officers (MACPO)
Shelley McBride MN Corrections Association (MCA)
John Kingrey MN County Attorneys Association (MCAA)
Sarah Walker Second Chance Coalition
Scott Beaty Youth Intervention Programs Association (YIPA)

Accomplishments with JJAC's partners include the following:

- Engaged existing multiple systems to examine and recommend improvements to juvenile predatory registration legislation.
- Promoted best practices in juvenile justice by funding community based programs that meet best practices guidelines, wisely use resources and address core standards.
- Expanded awareness of juvenile justice services across the state by inviting presentations and planning JJAC visits in areas throughout the state.
- Succeeded in fulfilling compliance with federal OJJDP requirements.
- Broadened stakeholder involvement in JJAC.
- Effectively managed federal grant dollars resulting in no turn back.
- Gathered information about Crossover Strategies as a best practice.
- Engaged stakeholder discussion regarding juvenile justice legislative issues.

HIGHLIGHT of 2012

JJAC Chair receives National Child Advocacy Award

Each year the national Coalition of Juvenile Justice (CJJ) presents the A. L. Carlisle Child Advocacy Award. In 2012 this award was presented to Richard Gardell, Chair of the Minnesota JJAC for "championing the good for children and youth with courage, compassion and commitment." JJAC salutes Chair Gardell on this very deserved recognition. Chair Gardell received this prestigious award at the annual CJJ Conference held in Bethesda, Maryland in June, 2012.

JJAC Partner Reports

Criminal Records Information Line 612-353-3024

Juveniles and adults can call this number if they have questions about understanding their records, expungement, voting rights, or rights in seeking employment.

- Council on Crime and Justice

19% Youth Unemployment

Minnesota's youth unemployment rate was 19% in 2011 and double that for communities of color.

- Minnesota Department of Employment and Economic Development.

School-Based Diversion

The Minnesota Department of Human Services is leading efforts to develop a school-based diversion model for students with co-occurring disorders.

Partner Reports

Council on Crime and Justice

Mark Haase reports The Council on Crime and Justice continued to work toward passage of legislation allowing judges to decide if delinquency hearings for 16-17 year-olds are serious or violent enough to warrant making them public, rather than having them automatically public as they are under current law. Although the legislation, HF876, passed the House Judiciary Committee, it was not heard in the Senate Judiciary Committee. The Council plans to continue working on this issue in 2013.

The Council also organized a broad group of organizations to support the Minnesota Court of Appeals decision in the case of *In the Matter of the Welfare of J.J.P.,* by filing an amicus curiae brief with the Minnesota Supreme Court. In *J.J.P.*, the Court of Appeals held that judges can seal juvenile records held by the executive branch under the juvenile expungement statute. Joining the Council in support of in the instant were the following:

- University of Minnesota Child Advocacy and Juvenile Justice Clinic,
- Legal Rights Center,
- Children's Law Center,
- Minnesota State Public Defender,
- Minnesota Association of Criminal Defense Lawyers,
- National Alliance on Mental Illness of Minnesota,
- YMCA of the Greater Twin Cities.

A brief in support of *J.J.P.* was also filed by the following:

- Minnesota Corrections Association,
- Southern Minnesota Legal Services,
- The William Mitchell College of Law Reentry Clinic.

The Minnesota County Attorneys Association submitted an amicus curiae brief in support of the positions of Hennepin County and the Attorney General. The Supreme Court has not yet decided the case.

The Council also created a criminal records information line, 612-353-3024. Juveniles and adults can call this number if they have questions about understanding their records, expungement, voting rights, or rights in seeking employment.

Department of Employment and Economic Development (DEED)

Lynn Douma reports on the youth programs at DEED: Minnesota's youth unemployment rate was 19 percent in 2011, and double that for youth from communities of color. Minnesota's youth employment and training programs such as the Workforce Investment Act, Minnesota Youth Program and YouthBuild continued to provide opportunities for at-risk youth, including juvenile offenders, to develop the skills needed to succeed in the future.

In 2011, 4,593 economically disadvantaged and at-risk youth were served in Minnesota's Workforce Investment Act youth program; 18 percent of participants were system-involved youth (foster youth or juvenile offenders), 41 percent of youth had a disability, 43 percent were from communities of color, and 33 percent from families receiving public assistance. Youth participants achieved the following outcomes:

For younger youth (age 14-18):

- 94% attained work readiness, occupational and/or basic skills.
- 89% attained a high school diploma or equivalent.
- 80% placed in post-secondary, advanced training, military,

employment or apprenticeship training.

For older youth (age 19-21):

- 70% entered employment.
- 87% were retained in unsubsidized employment.
- 54% attained an educational or occupational credential.
- six month wage change of $4,424 (gain over pre-program earnings).

DEED supports changes to juvenile records laws which unnecessarily limit the opportunities that juvenile offenders have to find employment and develop the skills they will need to have a successful, financially stable future.

Disability Employment Initiative (DEI)

In late 2012, DEED was awarded a three-year, $2.9 million Disability Employment Initiative (DEI) grant by the United States Department of Labor to improve education, training, and employment opportunities and outcomes for youth with disabilities, ages 14 to 24, who are also one or more of the following: foster youth, teen parent, homeless, out-of-school or at-risk of dropping out of school, or ex-offender. State and local partners from secondary and postsecondary education, human services, juvenile justice, workforce development, community-based and faith-based organizations, business, and other key partners will work together to help these youth make successful transitions to further education and employment.

Department of Human Services (DHS)

Bill Wyss reports on the JJAC partnering effort with the Minnesota Department of Human Services in developing a front-end school-based diversion model for students with co-occurring disorders. This initiative is sponsored by the Substance Abuse and Mental Health Services Administration, the John D. and Catherine T. MacArthur Foundation and coordinated by the National Center on Mental Health and Juvenile Justice.

The creation of a Minnesota front-end school-based diversion model for students with co-occurring disorders is intended to reduce the number of school-based arrests and juvenile justice referrals. The model promotes juvenile justice arrest diversion among all students, but particularly among those with co-occurring mental health and substance abuse disorders who are at elevated risk of juvenile justice involvement. The model also emphasizes the importance of access to necessary mental health and substance abuse services and supports that can stabilize crises, but also linkage to ongoing care. Parent and student involvement is encouraged at multiple stages, from model development to implementation and review.

Intermediate School District 287 in Hennepin County is the focus of this initiative and involves 3 high schools. A key strategy of the model is to have schools and law enforcement share responsibility for school safety by working together to ensure consistent response to incidents of school misbehavior, clarify the role of law enforcement in school disciplinary matters, and reduce involvement of police and court agencies for misconduct at school and school-related events.

The goal is to have this front-end school-based diversion model developed by March of 2013 and available for replication statewide as well as a model for other school districts throughout the County.

Department of Corrections (DOC) Inspection Unit

Minnesota continues its status of being in complete compliance with the OJJDP Act four core requirements (delineated on page three above). These requirements require annual or biennial inspections of facilities across the state to guarantee the four cores are met. In 2012, the responsibility to inspect facilities continued to be divided between the Office of Justice Programs Compliance Monitor and the Department of Corrections Inspection Unit. The Memorandum of Understanding (MOU) between the two offices has been extended until the end of 2013. DOC inspectors who conduct inspections include: Timothy Thompson (Manager), Teresa Smith (Management Analyst), and Inspectors Lisa Cain, Greg Croucher, Diane Grinde, Sarah Johnson and Julie Snyder. The Compliance Monitor is Carrie Wasley who also serves JJAC as the Juvenile Justice Specialist for Minnesota.

MCAA (Minnesota County Attorneys Association)

John Kingrey reports the ongoing juvenile legislative issues: MCAA has opposed the two 180-day stay proposal in the past. It is anticipated this legislation will be in the upcoming 2013 legislative session. MCAA is awaiting the MN Supreme Court decision on juvenile expungement noted in the CCJ report above. The US Supreme Court decision on life without parole will require Minnesota to review seven current juveniles who fall into this category.

JJAC Partner Reports

Youth Intervention Program Association

Each year over 10,000 youth receive services from YIPA members.

Outcome data reveal that over 80% of the youth involved do not reoffend.

Youth Violence Prevention

North Minneapolis ZIP codes 55411 and 55412 accounted for 80 percent of juvenile firearm-related victims citywide in 2011.

- Minnesota Hospital Association data provided by Jared Erdmann, Minneapolis Department of Health

A report, "Understanding Youth Violence in North Minneapolis" is available on the JJAC website (dps.mn.gov/entity/jjac).

YIPA (Youth Intervention Programs Association)

Scott Beaty has been the go to person for this association for 25 years. Each year over 10,000 youth receive services from members of this collaboration. Outcome data reveal that over 80% of the youth involved do not reoffend. However funding for prevention and intervention youth services has always been a precarious situation. Therefore the following YIPA recommendations are focused on funding but with a significant increase in training, collaborative opportunities and technical assistance:

- Increase the number of state funded Youth Intervention Program grantees from 51 to 135. This increase will provide access to youth intervention services for most Minnesota youth in need of such services.
- Increase biennium state funding of the Youth Intervention Program from $3 million to $10 million.
- Change the amount of Youth Intervention Program funding that can be allocated to the Youth Intervention Programs Association in order to provide training, collaborative opportunities and technical assistance to YIP grantees.

Youth Violence Prevention Project:

The North Minneapolis Youth Violence Prevention Working Project came together early in 2010 and continues to move forward in developing and broadcasting a cohesive voice for this community initiative. Comprised of community organizations, youth workers, North Minneapolis residents and state and local agency staff including the University of Minnesota, the group currently is focused on a monthly roundtable discussion with an ongoing agenda addressing youth violence prevention.

A report "Understanding Youth Violence in North Minneapolis" is available on the JJAC website (dps.mn.gov/entity/jjac.)

The impetus for this group effort was the frustration of high levels of violence that has impacted the North Minneapolis families and neighborhoods. The ZIP codes 55411 and 55412 comprise the neighborhoods in North Minneapolis with the highest risk for youth violence and they accounted for 80 percent of juvenile firearm-related victims citywide in 2011, based on data from the Minnesota Hospital Association. This area of North Minneapolis has maintained levels of firearm-related assault injuries well above any other Minneapolis ZIP codes for at least the past five years. According to data from the Minneapolis Police Department juvenile violent crime arrests in the Fourth Precinct in North Minneapolis ranged between 35 to 40 percent of all juvenile violent crime in Minneapolis over the past three years. Efforts to understand and counteract these trends are the unifying force with the North Minneapolis Youth Violence Prevention Working Project.

JJAC has been in the midst of this community effort from the beginning and will continue to offer counsel, funding and whatever else necessary to address these issues so that young people can look with both pride and safety on their community. JJAC's DMC Chair Freddie Davis-English, along with her husband, Bill English, has been in the forefront on this community initiative. Leadership and connectivity within the community are integral components for an eventual solution.

JJAC Policy Recommendations

JJAC will continue to work with its many partners to identify areas of state policy change needed for the better protection and accountability of juveniles within Minnesota's juvenile justice system. Throughout the year JJAC invites juvenile justice professionals and the community to share ideas on changes to juvenile justice law and practices that will correct existing problems and increase the commitment that Minnesota has made to ensure the core requirements of the JJDP Act are followed. Brief background information on issues and possible solutions that have been identified are described below.

1. Support effective juvenile reintegration programming and limit detention.

Funding should be prioritized in a way that allows for the further development and implementation of comprehensive initiatives to assist juvenile offenders' reintegration back into their communities and reduce recidivism and its public costs. Detention of juveniles should be limited to only those who pose a high level of public safety risk as determined by objective and tested risk assessment tools.

2. Limit public access to delinquency data on 16 and17 year-olds.

In 1986 Minnesota law was changed to open court proceedings to the public for 16 and 17 year-olds charged with any felony level offense. The resulting records are also public, even if the charges are later dismissed or reduced. In recent years, these records have been made publicly available on centralized electronic sources where anyone can easily access them indefinitely. Now thousands of Minnesota youth and young adults have their future potential unnecessarily limited due to these records. 2,646 Felony level delinquency petitions were filed for 16 and17 year olds in Minnesota in 2010 alone. When these young people later seek employment and housing, or even educational opportunities, they will often be denied, sometimes not even knowing their juvenile record was the reason for denial because they and/or their parents were erroneously told or thought their record would be private. Legislation has been introduced in recent years allowing judges to decide, on a case-by-case basis, if these hearings should be open to the public and create a public record. This may be an appropriate way to limit the negative impact of these records, or there may be other ways to limit access to the data while protecting public safety. Due to the very high number of juveniles needlessly harmed by this situation, finding ways to limit its impact should be a high priority of the 2012-2013 Legislature.

3. Reduce the number of juveniles registered as predatory offenders.

Currently juveniles in Minnesota are required to register as predatory offenders based on the same criteria as adult offenders. This does not take into consideration the unique developmental circumstances of juveniles engaging in the underlying behavior, including the lower likelihood of recidivism. It may lead to unnecessary long-term harm to the juvenile, while placing a needless burden on monitoring low or no-risk offenders by law enforcement when these resources are better utilized monitoring the highest risk offenders. The anticipated burden of registration may also lead to non-registration through stayed adjudications and diversion programs of juveniles who pose significant risk.

Summary of Recommendations

1. *Support effective juvenile reintegration programming and limit detention.*
2. *Limit public access to delinquency data on 16 and17 year-olds.*
3. *Reduce the number of juveniles registered as predatory offenders.*
4. *Increase allowable length of stayed adjudication period for juveniles.*
5. *Provide for juvenile records sealing on a case-by-case basis.*
6. *Retain current ages for adult certification and extended jurisdiction juvenile.*

In Minnesota, 2,356 juveniles are now required to register as predatory offenders due to juvenile delinquency adjudications. Many JJAC partners believe this to be much higher than necessary and would like to see a change in policy to reduce the number of juveniles required to register. JJAC has provided funding for a working group of corrections professionals, prosecutors, defense attorneys, crime victim advocates, and law enforcement to meet in the fall of 2012 to study this issue and propose specific changes for addressing it. JJAC will provide a report of its findings and recommendations in January of 2013.

4. Increase allowable length of stayed adjudication period for juveniles.

Under Minnesota law a court's jurisdiction over a juvenile when their adjudication has been stayed is limited to two 90 day periods. Many JJAC partners believe this period is not long enough to provide treatment and services and hold juveniles accountable before an adjudication decision is made. A stayed adjudication can limit the collateral consequences and resulting harm to the child when appropriate, and therefore any lengthening of the stay period should not include additional consequences. Lengthened stays of adjudication may enhance public safety by increasing the amount of supervision to ensure responsivity to community based education and treatment.

A number of groups have proposed legislative changes on this issue in the past, but disagreement amongst stakeholders regarding specifics of the change have prevented passage. To address this, JJAC has also provided funding for a working group considering juvenile predatory offender registration in the fall of 2012 to find consensus regarding this issue and propose specific changes. JJAC will provide a report of its findings and recommendations in January of 2013.

5. Provide for juvenile records sealing on a case-by-case basis.

Minnesota law regarding the sealing of juvenile records is unclear, often leaving juveniles without a remedy to relieve the collateral consequences of their record. The Minnesota Supreme Court is currently considering a Court of Appeals opinion holding that judges can seal juvenile records held by the executive branch under the juvenile expungement statute using the decision-making principles embodied in juvenile law. Many JJAC partners support the position of the Court of Appeals. If the Supreme Court does not affirm the Court of Appeals decision, the legislature should consider legislation that provides a clear expungement remedy for juvenile records that maximizes the opportunity to have a juvenile's particular situation considered in deciding if the remedy is appropriate.

6. Retain current ages for adult certification and extended jurisdiction juvenile.

Juvenile justice professionals are united in opposing policy changes which would move adult certification or the extended jurisdiction juvenile process to a younger age.

Minnesota Youth Population[1]

Youth under age 18 presently account for roughly 1.28 million of Minnesota's 5.35 million residents. While the overall population of Minnesota gradually rose between 2000 and 2011 (8.6%), the number of youth under age 18 remained largely unchanged. Youth as a percentage of the total state population, however, has declined slightly over the past 11 years. In 2000, youth accounted for 26 percent of the state's total population; in 2011 youth account for just under 24 percent (Table 1).

In addition, the number of youth ages 10 to 17 who, by Minnesota statute, can potentially enter the juvenile justice system declined by nearly 6 percent between the 2000 and 2011. Population changes such as these are one factor to consider when examining juvenile justice data.

Table 1. Population	2000 Census	2011 Census Estimate	Numeric Change	Percent Change
Total Minnesota Population	4,919,429	5,344,861	+ 425,432	+ 8.6%
Population Under Age 18	1,286,894	1,277,526	-9,368	- 0.7%
Population 10-17	604,198	569,465	- 34,733	- 5.7%
Youth as a Percentage of Total Population	26.0%	23.9%	- 2.1%	- .08%

Racial and Ethnic Representation

Table 2 illustrates that Minnesota's youth population is more racially and ethnically diverse than the state population as a whole. 2011 population estimates [2]show that one quarter (24.6%) of all Minnesota youth under age 18 represent racial or ethnic minority groups. This is true of 16 percent of the state population as a whole. In the youth population, those of Hispanic ethnicity are nearly comparable to African American youth as the most populous minority groups in the state (8.9% Black or African American alone vs. 8.2% Hispanic of any race).

Table 2. Race and Hispanic Ethnicity, 2011	Minnesota's Overall Population	Minnesota's Adult Population (over 18)	Minnesota's Youth Population (under 18)
Caucasian, non-Hispanic	83.8%	86.5%	75.4%
American Indian, non-Hispanic	1.2%	1.1%	1.6%
Black or African American, non-Hispanic	5.7%	4.7%	8.9%
Hispanic (any race)	4.9%	3.8%	8.2%

1 U.S. Census Bureau State and County Quick Facts: 2000, 2011: Minnesota. http://quickfacts.census.gov/qfd/states/27000.html

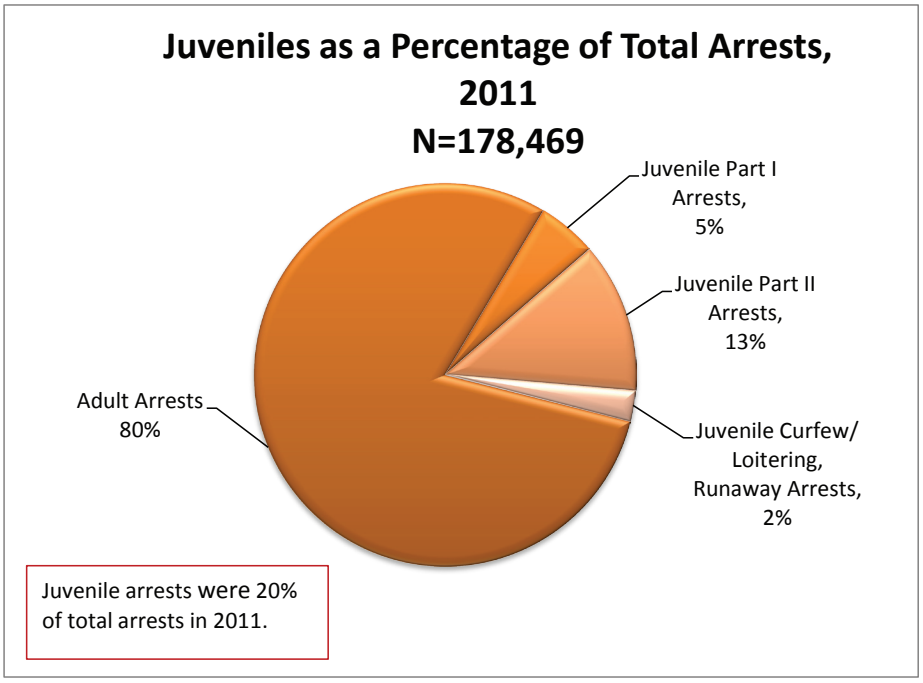
2 Puzzanchera, C., Sladky, A. and Kang, W. (2012). Easy Access to Juvenile Populations: 1990-2011. Online. Available: http://www.ojjdp.gov/ojstatbb/ezapop/

Youth Contact with the Juvenile Justice System

2011 Arrests[3]

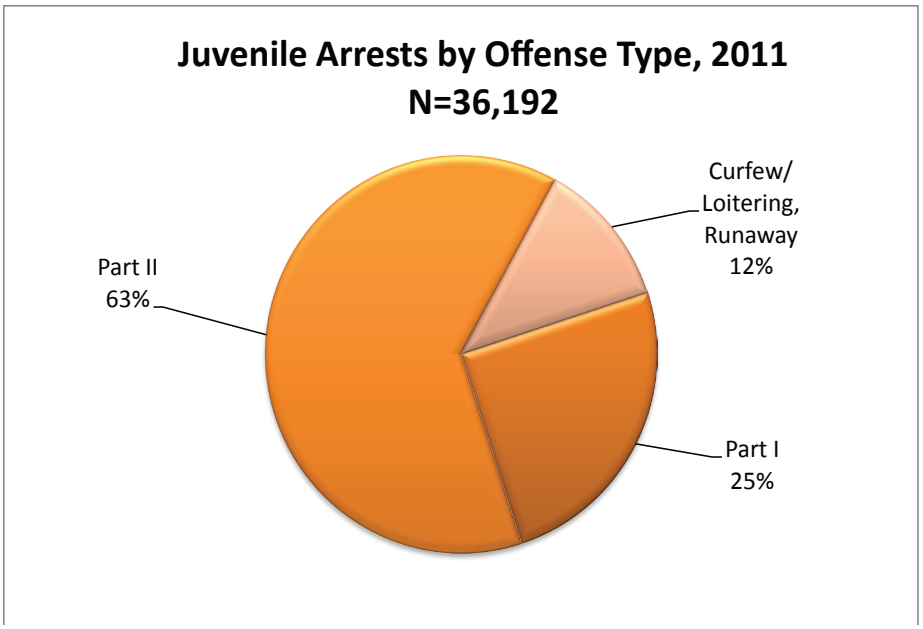
In 2011 there were a total of 178,469 arrests, of which juveniles accounted for 36,192. Juveniles, as a percentage of total arrests, have slowly declined from 26 percent in the year 2000 to 20.3 percent in 2011.

One-quarter of juvenile arrests (25%) fall within the Part I offense category for the most serious person and property crimes.[4] The majority of all juvenile arrests are for Part II offenses (63%), which are typically less serious person and property offenses, including liquor law violations. Arrests for the Status Offenses of Curfew/Loitering and Runaway make up the smallest percentage of juvenile arrests at 12 percent.[5]



Arrests by Gender

Since 2004, males have consistently accounted for about two-thirds of juvenile arrests. In 2011, more males than females were arrested for Part I offenses (63% vs. 37%) and for Part II offenses (71% vs. 29%). While more males than females were arrested in 2011 for the status offenses of Curfew or Loitering (68% vs. 32%), arrests for the offense of Runaway involve more females than males (56% vs. 44%). Runaway is the only UCR arrest category for which females are often arrested in greater numbers than males.



3 While the term "arrest" is used to describe juveniles in the Minnesota Crime Information Report, the term used in the juvenile justice system to describe the detaining or citing of juvenile offenders is "apprehension." All Juvenile arrest data included in this report are taken from the Uniform Crime Report 2011, published by the Minnesota Department of Public Safety Bureau of Criminal Apprehension. Available at https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2010%20State%20Crime%20Book.pdf

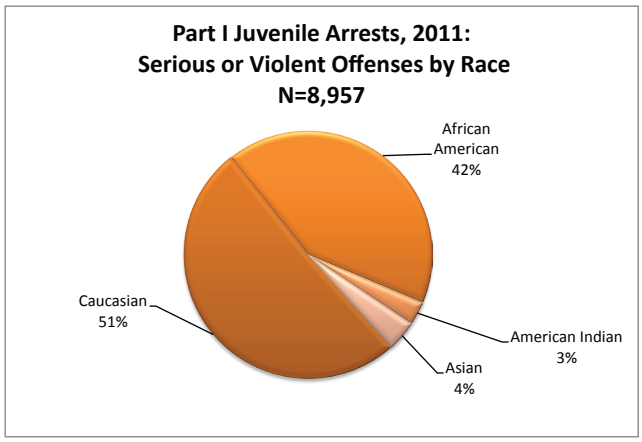
4 Information regarding offenses categorized by the FBI as Part I, Part II and Status can be found at http://www.fbi.gov/ucr/ucr_general.html

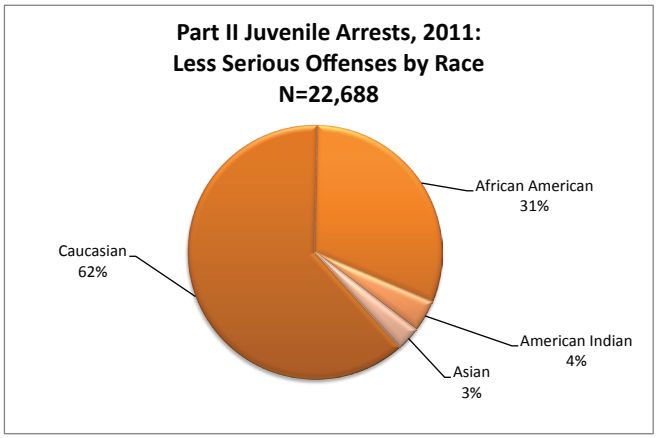
5 Curfew/Loitering and Runaway are the only status offenses counted for federal UCR reporting requirements. Other status offenses, such as underage consumption of alcohol, are counted in other UCR categories such as "liquor laws." Law enforcement agencies are not required to report truancy to the BCA for federal UCR reporting.

Arrests by Race/Ethnicity

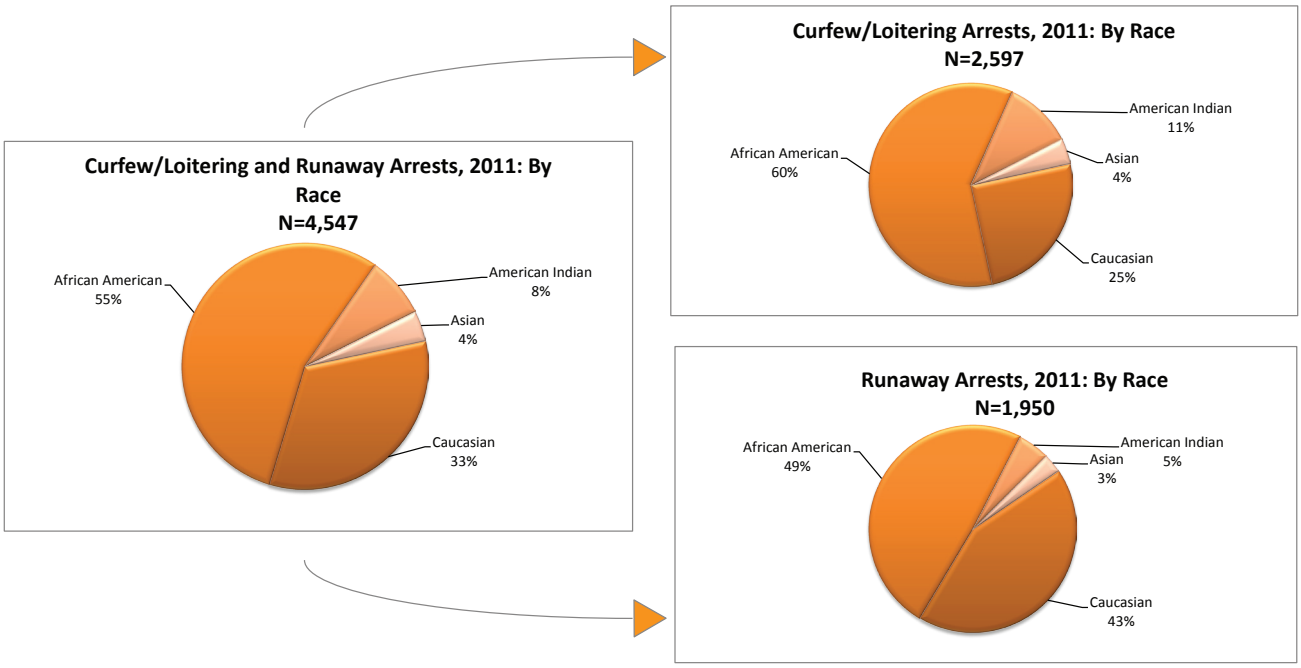
Within each arrest category (Part I, Part II and Status Offenses), unique racial distributions exist. While Hispanic ethnicity data is collected for the UCR, it is not currently published on juveniles. As such, youth of Hispanic ethnicity are included in the four primary racial categories reported. The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

Caucasian youth, the majority of the Minnesota youth population, represent the majority of arrests for Part I and Part II crimes (51% and 62%, respectively). When it comes to arrests for status offenses, however, youth from communities of color collectively constitute 67 percent of arrests.





Youth of color are over-represented compared to their percentage within the total juvenile population in all arrest categories, especially for the status level offenses of Curfew/Loitering and Runaway. Specifically, African American youth represent six in 10 arrests for Curfew/Loitering (60%) and nearly five in 10 arrests (49%) for Runaway.



Since the electronic publication of UCR data in 1997, the number of juvenile arrests has dramatically decreased from approximately 79,000 to 36,000. During this time, youth from communities of color as a percentage of total juvenile arrests has been rising. In 1997, youth of color accounted for less than one-quarter of juvenile arrests (23%); in 2011, youth of color accounted for 44 percent of juvenile arrests.

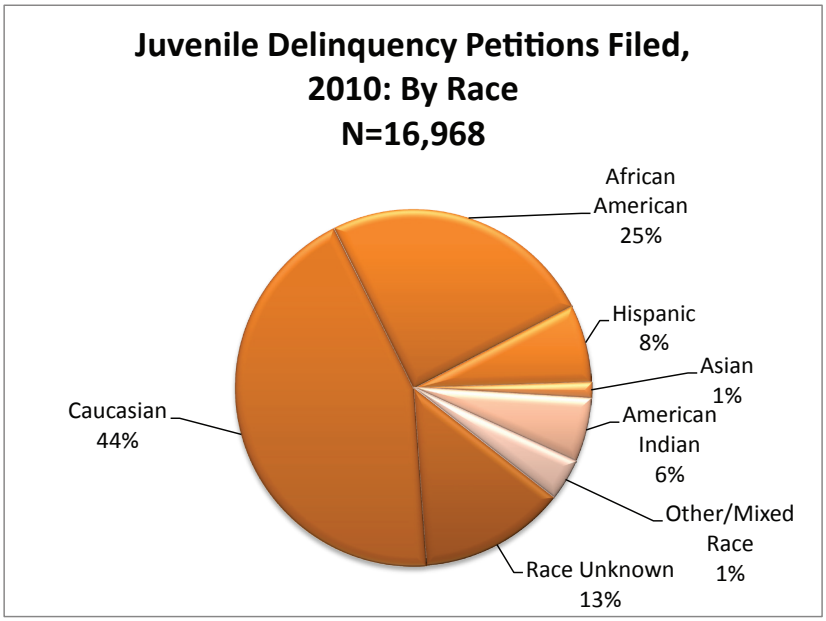
Cases Petitioned and Cases Resulting in Delinquent Findings[6]

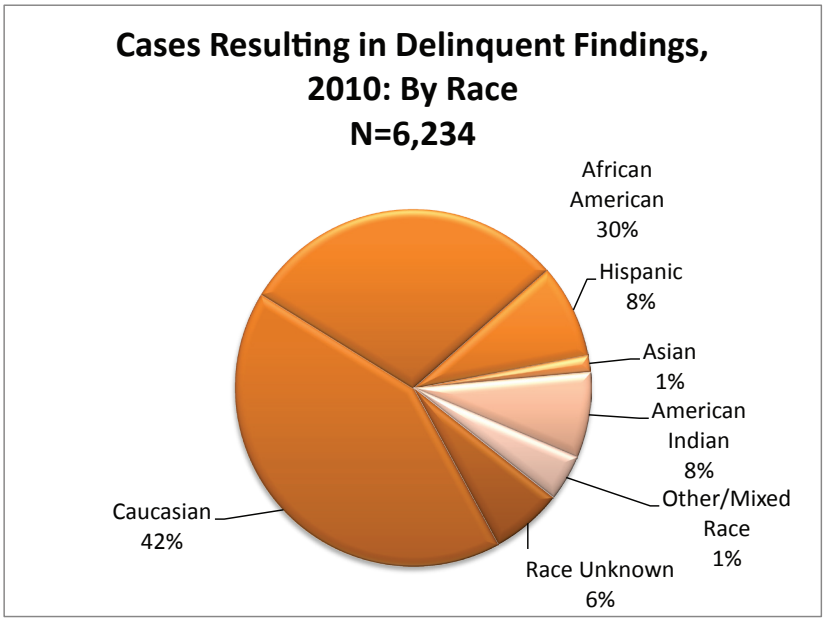
In 2010, there were 44,573 juvenile case filings in Minnesota district courts. These filings included Delinquency, Petty/Status Offenses, Runaway and Truancy, Dependency/Neglect, and Termination of Parental Rights/Permanency cases.[7]

According to data supplied by the State Court Administrator's Office, there were 16,968 delinquency petitions filed in 2010 (roughly 38% of all juvenile cases). Delinquency petitions include felony, gross misdemeanor and misdemeanor level charges. They do not include charges for petty misdemeanors or the status offenses of Curfew/Loitering or Runaway.

In 2010[8], Caucasian youth accounted for 44 percent of all delinquency petitions filed where race is known. Youth of color as a whole in Minnesota are approximately one-quarter of all youth (25%) but are 43 percent of delinquency petitions where race is known. Race is unknown in 13 percent of juvenile delinquency petitions.

District courts in 2011 yielded 6,234 cases resulting in delinquent findings. Caucasian youth are the greatest percentage of youth found delinquent (42% of all delinquency findings) followed by African American youth (30%), Hispanic youth (9%); American Indian youth (8%); "Other" or Mixed Race youth (4%); and Asian youth (1%). As a whole, youth of color constitute 52 percent of delinquent findings in cases where race is known.





Youth in Secure Facilities

2010 juvenile admissions[9] reported by the Minnesota Department of Corrections and select individual facilities document 9,569 secure juvenile detention events and 1,948 secure post-disposition juvenile placement events.[10] These are not a count of individuals, rather events, as the same youth can be admitted to detention or placement multiple times in a calendar year. Additionally, youth can move from detention to post-disposition placement which will be counted as two separate admissions.

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

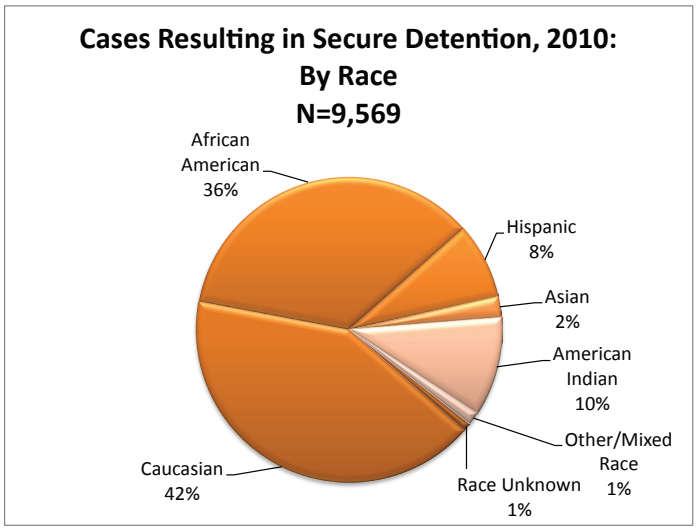
7 Minn. Judicial Branch 2010 Annual Report. http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/AR_10_Final.pdf

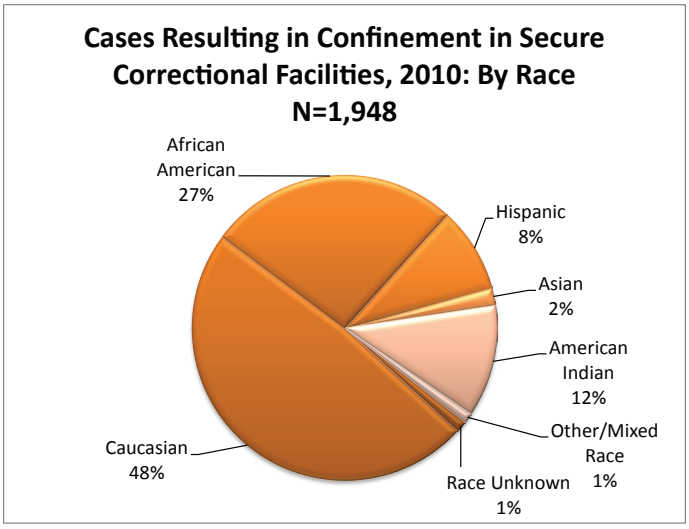
8 2010 court data are the most recent available with race information.

9 2010 admissions data are the most recent available with race information.

10 These data are collected for the purpose of Minnesota's Disproportionate Minority Contact (DMC) reporting.

Statewide, youth of color account for nearly six in 10 secure detention admissions (58%) and half of secure placement admissions following disposition (50%). Facility admissions by race can vary significantly, however, by geographical location.



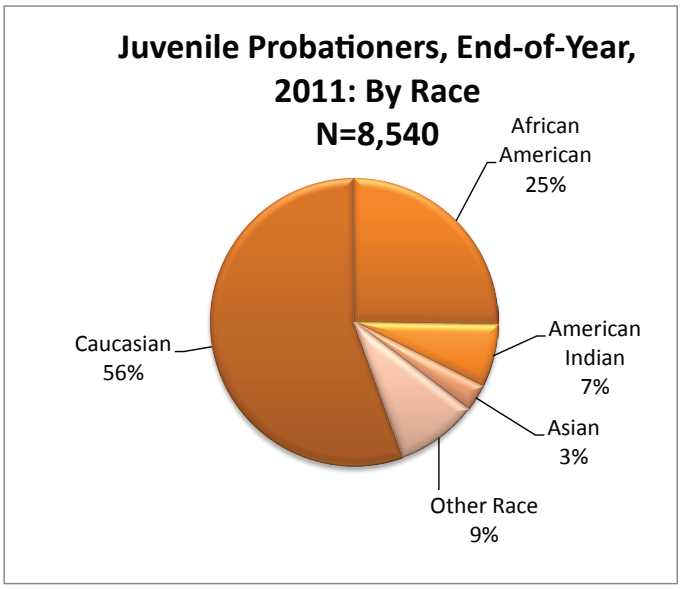


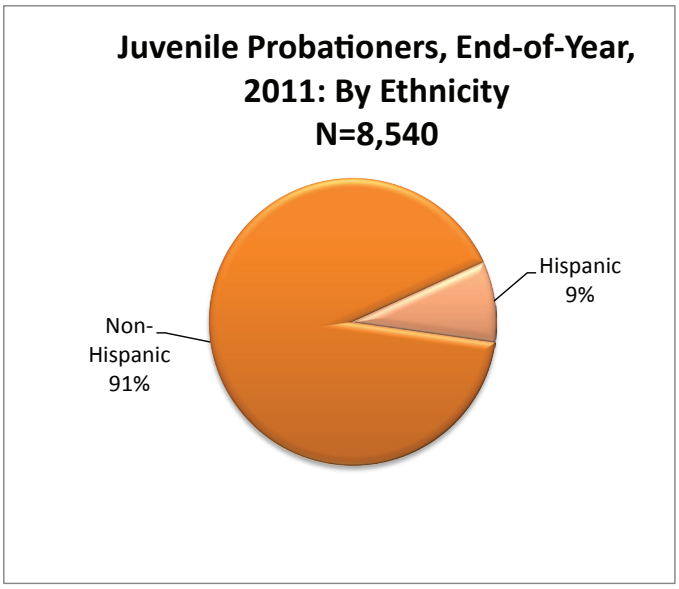
Youth on Probation[11]

In 2011, there were 8,540 youth under probation supervision at year's end in Minnesota, accounting for 7 percent of all Minnesota probationers. The number of youth on probation has been declining since a peak of 17,460 in 2002, as have youth as a percentage of all probationers.

In 2011, males accounted for 75 percent of the juvenile probation population; females 25 percent. The lowest percentage of male probationers occurred in 2007 at 72 percent.

Like arrests, the percentage of youth of color on probation has been rising while the number of youth on probation has been declining. Caucasian youth were two-thirds of probationers in 2002 (67%) but were closer to half in 2011 (54%).





11 Minnesota Department of Corrections. (2012). 2011 Probation Survey. http://www.doc.state.mn.us/publications/documents/2011ProbationSurvey.pdf

JJDPA Core Compliance Requirements:

Data provided by the Minnesota Department of Corrections for Compliance Monitoring purposes indicates that 2,584 juveniles were securely held in adult jails or police lock-ups across the state in 2011. The Juvenile Justice and Delinquency Prevention Act (JJDPA) limits the holding of youth accused of delinquency to six hours in jails and police lock-ups in Metropolitan Statistical Areas (MSAs). Youth requiring longer detention must be transferred to an appropriate juvenile facility. The JJDPA prohibits the secure holding of status offenders for any length of time in adult facilities and limits holding in juvenile facilities to 24 hours. All juveniles are prohibited from having sight or sound contact with adult inmates in any secure setting.

Because much of greater Minnesota is rural, state statute allows for juvenile holds of up to 24 hours in adult facilties outside of MSAs. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) allows a Rural Removal Exception (RRE) for these facilties as well. In 2011, Minnesota had RREs for 53 county jails in greater Minnesota. The holding of status offenders in adult facilities is always prohibited under the JJDPA.

Deinstitutionalization of Status Offenders (DSO)

2011 admissions data show 39 instances where status offenders were detained in Minnesota's secure juvenile facilities in excess of the allowable federal time limits. These holds met state criteria in terms of permissability, but not federal requirements. In addition, facility inspections completed in 2011 revealed 8 instances where status offenders were admitted to a secure police or jail facility. These 47 records resulted in an adjusted DSO violation rate of 3.67 per 100,000 youth under 18. States with a DSO rate under 5.7 are considered to be in federal compliance.

Sight and Sound Separation

Facility audits completed by Minnesota's Compliance Monitor and the Department of Corrections' Inspection and Enforcement Unit resulted in no violations of the Sight and Sound Separation requirement. No violations of the Sight and Sound requirement were reported to the OJJDP in 2011 (based on 2010 facility inspections).

Jail Removal

Of the 2,584 juvenile admissions to adult jails and lock-ups in 2011, 328 were found to be held in excess of the allowable 6 hours. However, 322 of these holds were allowable up to 24 hours with the Rural Removal Exception in place. Minnesota reported six Jail Removal violations resulting in an adjusted Jail Removal violation rate of 1.11 per 100,000 youth. States with a Jail Removal Rate under 9.0 are eligible for federal compliance.

Disproportionate Minority Contact[12]

Disproportionate Minority Contact (DMC) is measured using a Relative Rate Index (RRI) that compares outcomes for youth of color at various stages in the juvenile justice system to the outcomes of White youth at the same stage. In order to be analyzed using the RRI, a population must represent at least one percent of the total population at each stage in the system. In reading the following RRI matrix, a calculation of 1.0 means the outcomes for both White youth and minority group youth were statistically the same. As an example, Asian youth were equally likely to have their case petitioned to court (RRI=1.10) as White youth.

The 2011 RRI (using 2010 data) demonstrates significant disparities in juvenile justice system outcomes both between White youth and minority youth, and between minority groups themselves. The greatest disparities occur in Minnesota at the point of arrest where African American youth are over six times more likely to be arrested (6.23); American Indian youth are over three times more likely to be arrested (3.31); and Hispanic youth are one and one-half times more likely to be arrested (1.48) as White youth.

A second highly disparate stage occurs immediately following arrest with admission to secure detention facilities, including adult jails and police lock-ups. American Indian youth are approaching four times more likely to be securely detained following an arrest as White youth (3.77), and Asian youth are approaching two times more likely to be securely detained following an arrest than White youth (1.73).

Cases resulting in delinquent findings have the lowest levels of disparity across racial groups in Minnesota (1.03 to 1.28). Following case disposition, minority youth overall are less likely than White youth to receive probation supervision in the community (0.60) or placement in secure correctional settings (0.84). African American youth are over six times more likely to have their case transferred to adult court (Certification) than White youth (6.17).

12 The DMC section uses the terms "White youth" and "minority youth" consistent with federal DMC data collection and reporting terminology.

Relative Rate Index Compared with White Juveniles	Reporting Period 1/1/2010		through 12/31/2010				
MINNESOTA	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	**6.23**	**1.48**	**0.44**	*	**3.31**	*	**3.16**
3. Refer to Juvenile Court	^	^	^	^	^	^	^
4. Cases Diverted	^	^	^	^	^	^	^
5. Cases Involving Secure Detention	**1.36**	**1.56**	**1.73**	*	**3.77**	*	**1.60**
6. Cases Petitioned	**0.90**	**1.29**	1.10	*	**1.99**	*	**1.13**
7. Cases Resulting in Delinquent Findings	**1.26**	**1.28**	1.03	*	**1.41**	*	**1.27**
8. Cases resulting in Probation Placement	**0.58**	**0.81**	**1.21**	*	**0.62**	*	**0.60**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**0.77**	0.91	1.07	*	**1.31**	*	**0.84**
10. Cases Transferred to Adult Court	**6.17**	**	**	*	**	*	**4.08**
Group meets 1% threshold?	Yes	Yes	Yes	No	Yes	No	

* Group is less than 1% of the youth population
** Insufficient number of cases for analysis
^ Missing data

* Group is less than 1% of the youth population	^ Missing data
** Insufficient number of cases for analysis	**Bold**= Statistically significant from white population

Appendices Follow

Appendix A - Pages 19-35

Executive Summary of On the Level:
Disproportionate Minority Contact in Minnesota's Juvenile Justice System

A full copy of the report can be downloaded from the Office of Justice Programs, Minnesota Statistical Analysis Center: dps.mn.gov/divisions/ojp/statistical-analysis-center.

Appendix B - Page 36

2012 Map of JJAC Grantees and JABG Formula Grantees

Appendix C - Page 37

Federal Allocation to Minnesota.

Appendix D - Page 38

JJAC members

On The Level

Disproportionate Minority Contact in Minnesota's Juvenile Justice System

October 2012

Executive Summary

Department of Public Safety
Office of Justice Programs

Executive Summary

Disproportionate Minority Contact[a]

Disproportionate Minority Contact (DMC) describes a national phenomenon whereby youth from communities of color have contact with the juvenile justice system at rates different from those of white youth. Over a decade of DMC data collection at the national level support that youth of color are often *overrepresented* at stages of the justice system focused on accountability and sanctions while *underrepresented* at stages intended to curtail deeper system involvement or provide community-based services.[1] Minnesota shares in this problem with rates of disparity for youth of color in the justice system which are both higher than national levels and more severe in magnitude than those of many comparable states.

A host of factors potentially contribute to disparate rates of justice system contact for youth of color. These include the inequitable distribution of resources in communities, bias within the policies and practices of juvenile justice agencies, and underlying social conditions of communities, particularly poverty.[2] DMC results from a complex interplay of these factors, rather than a single cause. Therefore, each unique state and jurisdiction must investigate which factors most contribute to disparate outcomes for youth of color and engineer an appropriate local response to reduce racial disparities.

DMC is an important issue because United States culture values a system of justice based on fundamental fairness. A core presumption is that the justice system will respond to the legal issue at hand and not be influenced by extrajudicial factors such as income, education, gender, religion, race or national origin. Furthermore, contact with the juvenile justice system is connected to myriad unintentional consequences for youth:

- Research findings support that youth who come into contact with the juvenile justice system are more likely to sustain or increase their level of delinquent behavior. Severe sanctions can result in increases in future delinquent or criminal involvement, rather than a decline.[3]
- Once youth are involved in the system, decisions made by justice system professions at early stages are shown to affect decisions made by professionals at later system stages.[4]
- The justice system is documented as a criminogenic environment whereby youth learn behaviors and attitudes from others who are more criminally sophisticated.[5]
- Contact with the juvenile justice system is known to interrupt positive social connections for youth. Detention and out-of-home placements specifically can disrupt family connections, schooling and involvement in positive activities.[6]
- Certain delinquent acts can affect employment opportunities; rental housing and federal food support; college admissions and loan eligibility; careers in law enforcement, human services, education and health care, and military service.[7,8]

Requirement to Monitor DMC

The requirement for states to monitor the juvenile justice system for DMC is born of the *Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA)*.[9] Under the JJDPA, states receive federal funding for juvenile justice activities in exchange for implementing certain safeguards for youth involved in the juvenile justice system.[10,11] One such protection is the assessment of Disproportionate Minority Contact.[12] An amendment to the Act requires that states implement data collection to assess for racial disparities at the following nine key justice-system decision points:[13,b]

[a] The acronym "DMC" by definition requires the use of the term "minority" when describing non-white, non-Hispanic

[b] For federal definitions of each decision point, please see the full report.

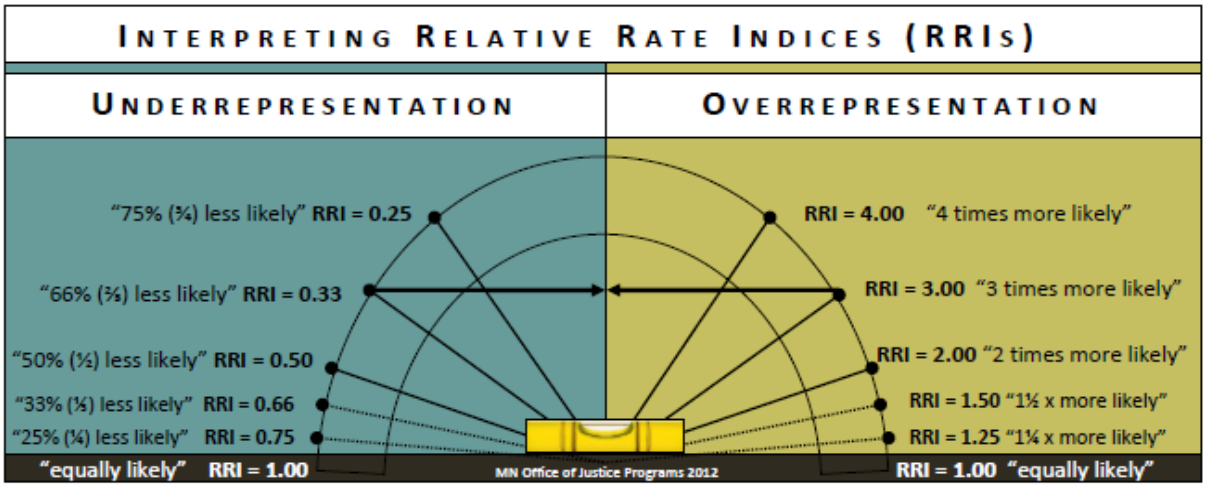
1. Juvenile Arrests
2. Referral to the County Attorney's Office
3. Cases Diverted by the County Attorney
4. Cases Involving Secure Detention
5. Cases Petitioned to Juvenile Court (Charges Filed)
6. Cases Resulting in Delinquent Findings (Adjudication)
7. Cases Resulting in Probation Placement
8. Cases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

In Minnesota, data necessary to evaluate DMC are provided by many state agencies and local partners. Unfortunately, statewide data are presently unavailable at two decision points: *Referrals to the County Attorney* and cases *Diverted*. While Minnesota has centralized databases for law enforcement, courts and corrections, there is no such database to document decisions made by Minnesota's 87 county attorneys.

The Relative Rate Index (RRI)

The method required for measuring DMC is termed the Relative Rate Index, or *RRI*. This method involves comparing the rate of delinquent activity for youth of color at each major stage of the juvenile justice system to the rate of delinquent activity for white youth.[c]

RRIs are used to measure the severity of disparities. **An RRI of 1.00 means no disproportionality exists** and the rate of system involvement is the same for youth of color as it is for white youth at that decision point. An RRI can be either above or below 1.00. An **RRI over 1.00 shows an overrepresentation** of youth of color, while an **RRI below 1.00 shows an underrepresentation** of youth of color. The accompanying figure illustrates how to interpret over- and underrepresentation.



Somewhat confusing is this fact: Underrepresentation, expressed in decimals, is as severe in magnitude as overrepresentation expressed in integers. In the figure above, an RRI of 0.33 and 3.00 are the same magnitude of disparity, only the directionality is different. Investigation into the reasons for underrepresentation is as important as investigation into the reasons for overrepresentation.

[c] For a comprehensive explanation of RRI calculation methodology, please see the full report.

RRIs for Unique Racial Populations

Unique racial and ethnic populations can have different levels of contact with the justice system at different stages. Federal DMC reporting requires states and local jurisdictions to look for disparities within the following racial subpopulations, categorized by the federal Office of Management and Budget, whenever they account for at least one percent of the total youth population:[14,15]

- Black or African Americans
- American Indian/Alaska Natives
- Asians
- Native Hawaiian/Pacific Islanders
- Hispanic or Latinos

Factors Contributing to DMC

The drivers of DMC are complex and involve many factors which may be working together to generate disparity. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) identifies multiple contributing factors for jurisdictions to consider when diagnosing DMC. Honing in on the extent to which these factors contribute to DMC requires rigorous assessment of data, as well as assessment of justice system policies and practices, resource distribution, and the characteristics of the social environment.

OJJDP states that some contributing factors to DMC include: Different offending behavior by different populations of youth; disparate access to prevention and intervention services in communities; discretionary decisions made by professionals that are not based on objective criteria; legislative and administrative policies that target communities of color; and the effect of social conditions such as poverty upon delinquency.[16]

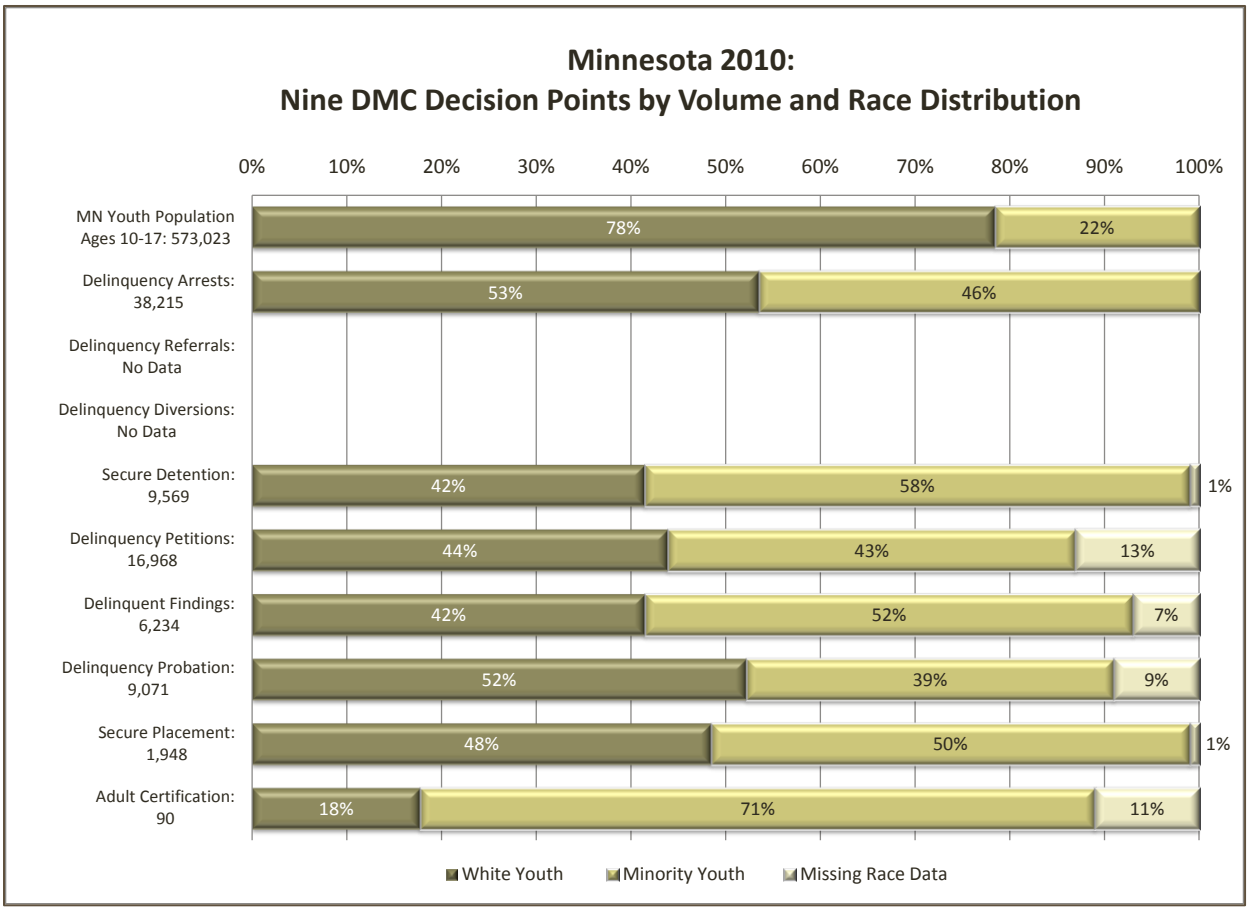
Minnesota Youth Population Characteristics

The first step in assessing DMC in any state or jurisdiction is to understand the attributes of the youth population. DMC is specifically concerned with the number of youth who can be processed in the juvenile justice system. In Minnesota, statute dictates that only youth ages 10 to 17 may be charged with a delinquency offense.[17] According to 2010 data, 573,023 youth ages 10 to 17 reside in Minnesota.

Minnesota's youth population is more diverse than the adult population. According to 2010 U.S. Census Bureau figures, 27 percent of Minnesota youth under age 18 represent diverse racial or ethnic groups, which is true of just 14 percent of adults.[18] Of Minnesota youth ages 10 to 17, 78 percent are white, non-Hispanic. Black or African American youth account for 8 percent of this age cohort followed by Hispanic youth of any race (7%). Asian youth (5%) and American Indian youth (2%) are the two smallest minority populations in the 10 to 17 age group.[19]

Volume of Delinquency Cases

For DMC analysis jurisdictions must count, by race, the number of youth moving through the juvenile justice system in a given year. The data presented in the graph to the right are those used for Minnesota's 2010 DMC calculations. Data at the *Referral to County Attorney* and *Diversion* decision points are unavailable at the state level. Also depicted is Minnesota's distribution of white and youth of color at each available justice system decision point. A graph such as this provides a first glimpse into potential disparities by visually comparing the racial distribution of youth between stages.



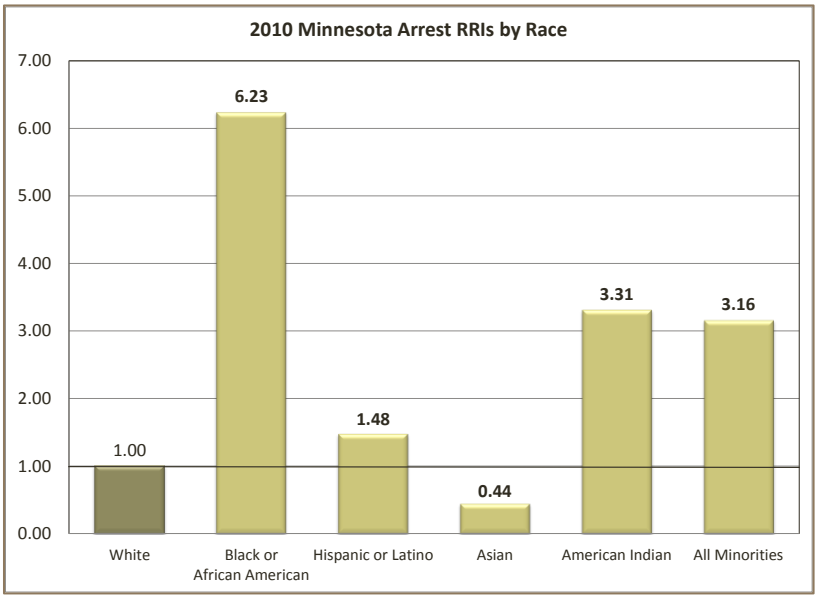
Minnesota's DMC Data by Decision Point

Delinquency Arrests

Arrest disproportionality is calculated by comparing the rate of minority youth arrests to white youth arrests.

The RRIs demonstrate that black or African American youth in Minnesota are arrested at a rate over *six times* that of white youth (6.23). Similarly, American Indian youth are arrested at a rate over *three times* that of white youth (3.31).

Conversely, the arrest rate for Asian youth is less than half of that of white youth (0.44). The Hispanic population has an RRI closest to parity (1.48) but data nevertheless indicate Hispanic youth are nearly *one and a half times more likely* to be arrested for delinquency than white youth in Minnesota.

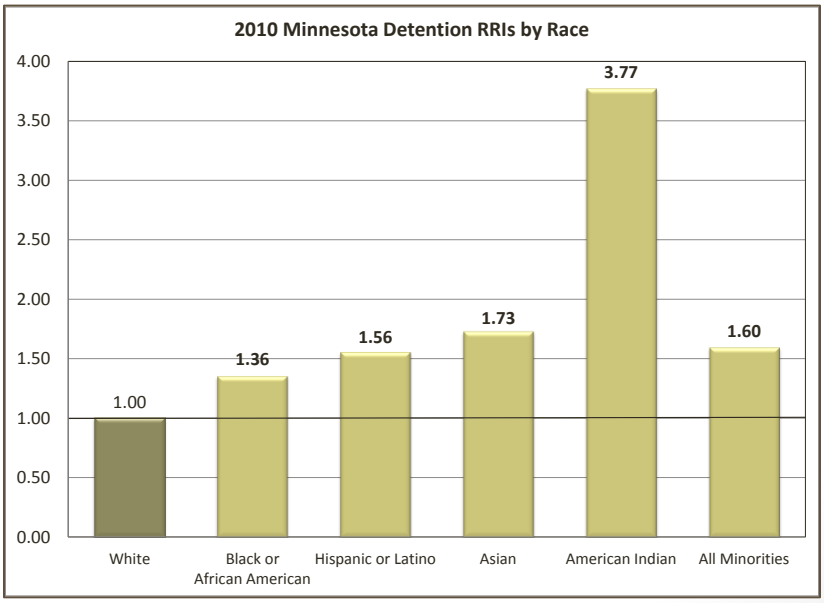


Secure Detention Admissions

When calculating disproportionality related to the use of secure detention, the rate at which youth are detained is compared to the rate at which youth are referred to the county attorney for prosecution. Because *Referral to County Attorney* data are unavailable, the next-best base population for calculating DMC is *Arrests*.

The RRIs depict overrepresentation for all minority groups at the stage of secure detention. Specifically, the detention RRI for American Indian youth is approaching *four times* that of white youth. Black or African American youth presently have the secure detention rate closest to that of white youth (1.36).

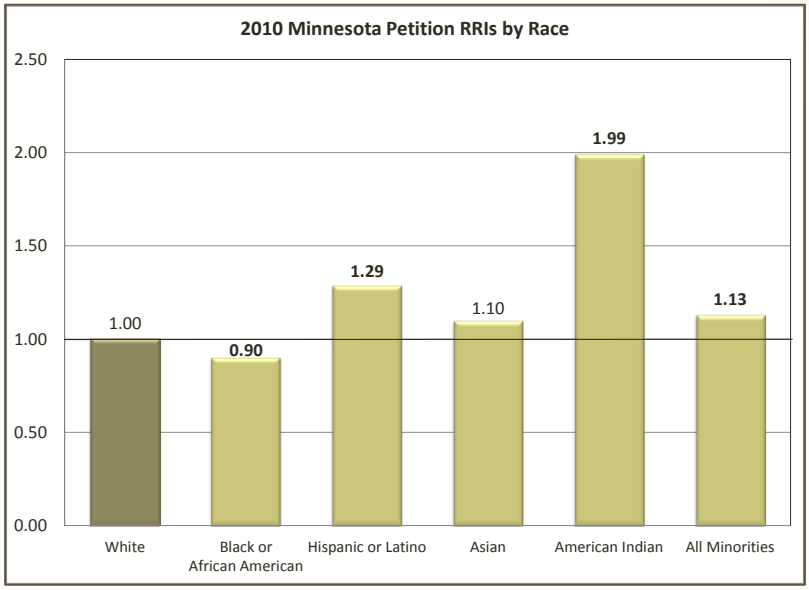
Asian youth, on the other hand, who are the least likely of any youth population to be arrested, have one of the highest detention rates when they are arrested.



Delinquency Petitions

When calculating disproportionality related to the filing of delinquency petitions, the rate of petitioning is compared to the rate of referral to the county attorney. Because *Referral to the County Attorney* is a missing data point in Minnesota, the next-best base population for comparison is *Arrests*.

Available data regarding cases petitioned to delinquency court suggests that American Indian youth are *two times more likely* to have their cases petitioned to court than white youth (1.99). In addition, Hispanic youth are overrepresented with a relative rate of 1.29. Asian youth are the only population not petitioned to court at a rate statistically different from white youth. Conversely, black or African American youth are slightly *less likely* to be petitioned to juvenile court than white youth (0.90).

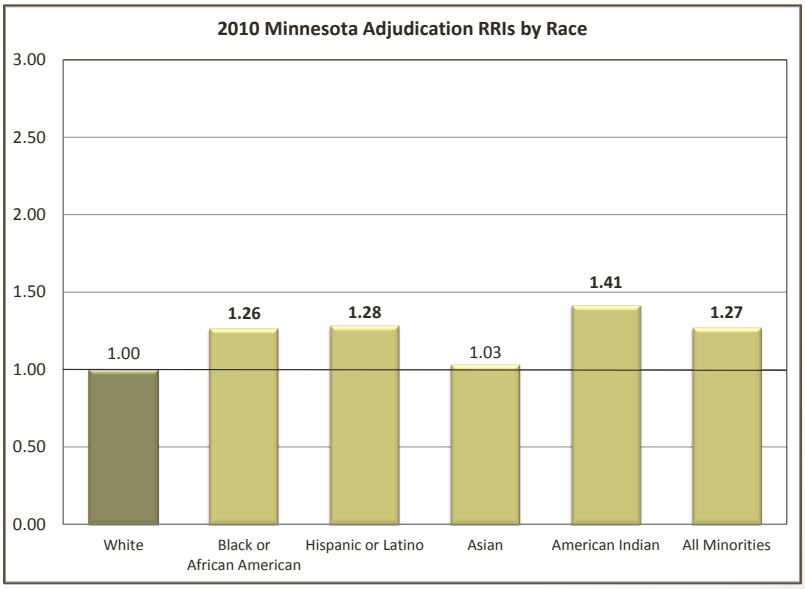


Delinquent Adjudications

Cases resulting in adjudication are those in which the youth or the court enters an official finding of guilt. For DMC calculations, these are a subset of all cases petitioned to juvenile court on delinquency charges.

Generally, the *Adjudication* decision point is where disproportionality is at its lowest for all racial groups in Minnesota. Asian youth have an RRI very close to parity with the white population (1.03) and African American and Hispanic youth have a slight overrepresentation at 1.26 and 1.28, respectively.

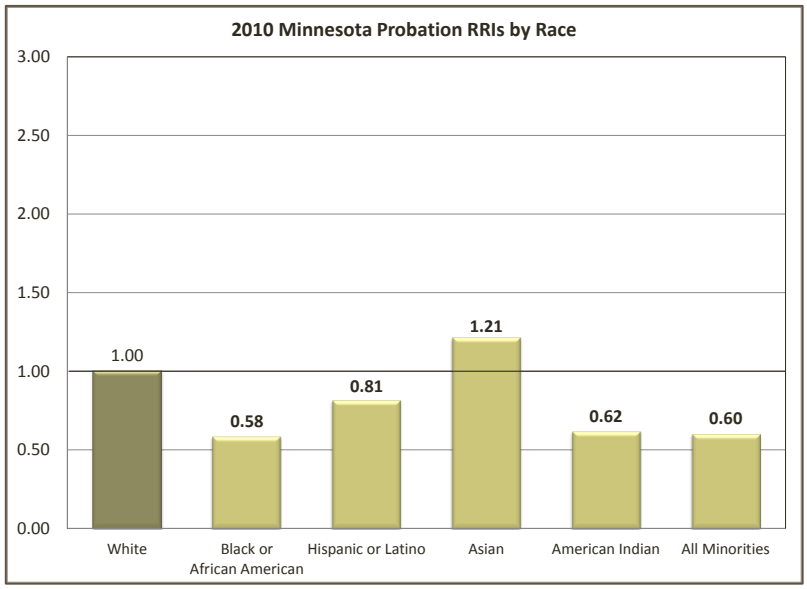
American Indian youth have the greatest disparity in delinquency level adjudications compared to white youth. An RRI of 1.44 suggests that American Indian youth are just under *one and a half times more likely* to have their case result in delinquent findings than white youth.



Delinquency Probation

For DMC calculations, youth court-ordered to probation are to be a subset of youth adjudicated delinquent in court. Presently, Minnesota probation data reflect all youth court-ordered to probation for a delinquency matter, whether or not there is a formal adjudication. RRIs illustrate that, with the exception of Asian youth, who are *one and one-quarter times more likely* to receive probation, all minority populations are *less likely* than white youth to receive community probation for a delinquency matter.

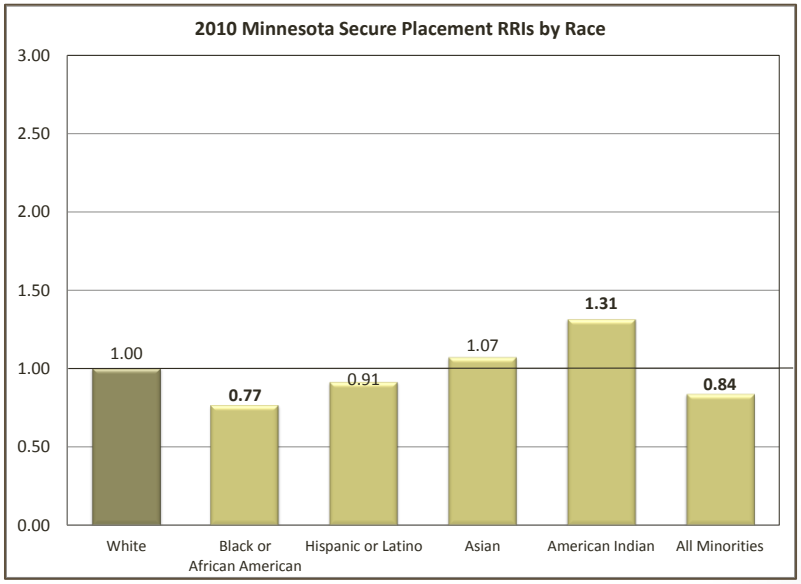
Hispanic youth have the probation rate closest to white youth (0.81) and both black or African American youth and American Indian youth are more than *one-third less likely* to receive probation than white youth. (0.58 and 0.62, respectively).



Secure Placement Admissions

Youth court-ordered to secure placement in a juvenile facility are a subset of those adjudicated delinquent in court. The *Secure Placement* RRIs show the close proximity of Hispanic and Asian RRIs to the white youth rate of placement. Black or African American youth are nearly *one-quarter less likely* to receive secure placement (0.77) whereas American Indian youth are nearly *one-third more likely* (1.33).

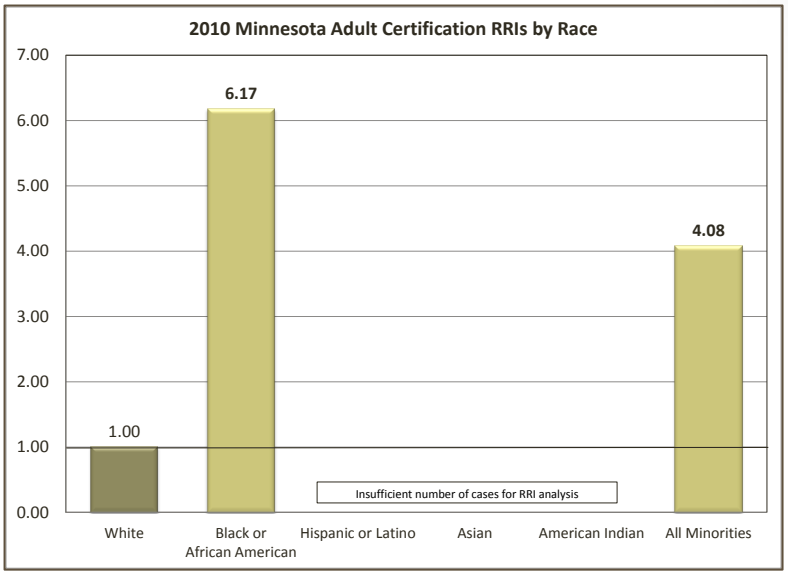
The reasons youth populations experience secure placement at rates different from one another, as well as with different directionality, warrants further investigation. The length, nature and location of secure placements may provide additional information necessary to understand DMC at this decision point.



Adult Certification

Juveniles certified to stand trial as adults are to be a subset of all youth petitioned to juvenile court. In order for RRI calculations to be accurate and meaningful, a minimum number of cases must exist. Asian, Hispanic and American Indian youth do not have a sufficient number of certification cases in 2010 for analysis and are therefore not graphed.

Black or African American youth are certified at a rate more than *six times* that of white youth. All minority youth combined have a certification rate more than *four times* greater than white youth (4.08).



Only one offense—murder in the first degree—requires automatic transfer of youth to adult court for trial and disposition. Youth charged with first degree murder are not captured among these data, as the petition is not filed in juvenile court. As such, the actual number of youth certified as adults in Minnesota may be higher (as might be the disproportionality) than is captured by juvenile court data alone.

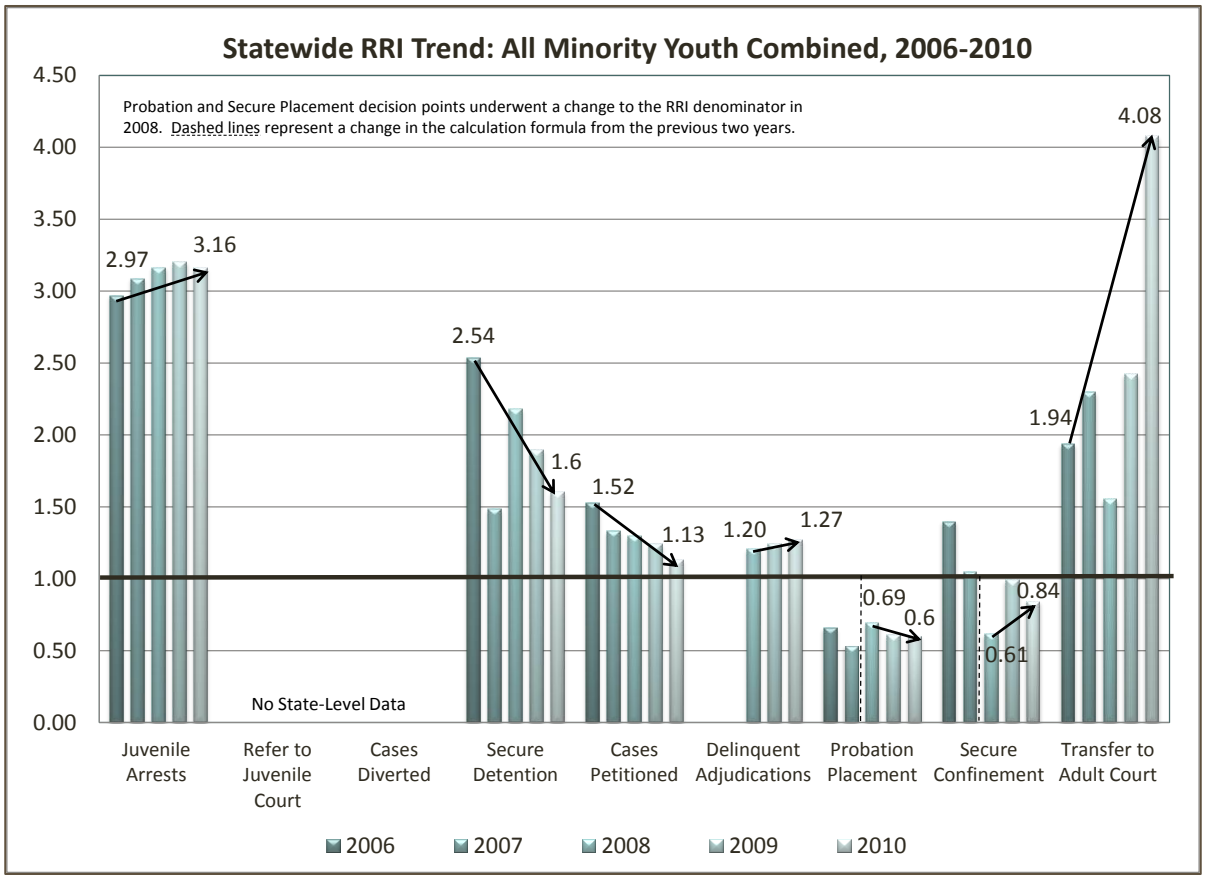
Minnesota DMC Decision Points Summary

- Youth of color in Minnesota are more than three times more likely to be arrested for a delinquency offense than white youth (3.16).
- Youth of color in Minnesota are more than one-and-a-half times more likely to be securely detained than white youth (1.6).
- The lowest level of disparity in Minnesota occurs at petition to juvenile court (1.13). Nevertheless, youth of color are still statistically overrepresented.
- Youth of color are statistically more likely to be adjudicated delinquent than white youth in Minnesota (1.27).
- In Minnesota, youth of color are less likely than white youth to receive probation (0.60).
- Youth of color are statistically less likely to receive secure placement following adjudication than white youth (0.84).
- Youth of color are highly overrepresented among the population certified to adult court in Minnesota (4.08).

DMC Trends

The following graph summarizes Minnesota RRIs for all minority youth combined at each available decision point between 2006 and 2010.[20] Trend analysis assists in determining where the greatest issues of disproportionality occur and whether disparities are increasing, decreasing or holding constant. Historically, the most significant disparities in Minnesota occur at the point of *Arrest.*

While the relative rate of *Detention* for minority youth has been declining, youth of color are still over *one-and-a-half times* more likely to be securely detained as white youth in Minnesota (1.60). Significant reductions in detention disparities over time are attributable largely to detention reform among several large Minnesota counties.[d]



Cases *Petitioned* to juvenile court and cases resulting in delinquent *Adjudication* are those where minority youth are closest to parity with white youth at 1.13 and 1.27, respectively. Following *Adjudication*, minority youth are less likely than white youth to receive court-ordered *Probation* or *Secure Placement*. While arguments can be made about the benefit of not receiving these sanctions, they are two dispositions whereby youth and families typically receive services and interventions that address the underlying drivers of delinquent behavior.

Finally, while a small number of youth are certified to adult court each year for delinquency offenses, Minnesota consistently documents the overrepresentation of youth from communities of color at this decision point.

[d] See the *Juvenile Detention Alternative Initiative (JDAI)* section, page 11

National and State RRI Comparisons

As the national repository for DMC data, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) makes both national and state-level data available.[21] National RRI data reveal the following:

- Minnesota collects DMC data at seven out of nine decisions points collected nationally. Of the seven decision points available in Minnesota, racial disparities are more severe that the national average at four points: *Arrest, Secure Detention, Probation* and *Adult Certification*.

- At two decision points, *Adjudication* and *Secure Placement*, Minnesota's RRIs are the opposite direction than the national averages: Youth of color are more likely than white youth to be *Adjudicated* in Minnesota (compared to an underrepresentation nationally), and youth of color are less likely to receive *Secure Placement* in Minnesota than white youth (compared to an overrepresentation nationally).

- Minnesota has no state-level data at the *Referral to County Attorney* or *Diversion* decision points for national comparison.

State RRI Comparisons

Comparing DMC data directly to other jurisdictions can be somewhat difficult. The best comparisons are those that have a similar-sized youth population, comparable racial and ethnic demographics, and represent a similar region or geographic size. Exploration of RRIs was completed on Minnesota's four neighboring states: North Dakota, South Dakota, Iowa and Wisconsin, as well as four additional states with geographic size and youth population attributes similar to Minnesota's: Kansas, Nebraska, Utah and Washington. [22] The RRI data reveal the following:

- Compared to neighboring states and states with similar attributes, Minnesota has the most severe RRIs at four of seven decision points: *Arrest, Adjudication, Probation* and *Adult Certification*.

- Data collected at Minnesota's county level suggest that Minnesota could also have the greatest disparities at the points of *Referral to the County Attorney* and *Diversion* as well.

Disproportionate Minority Contact Reduction Strategies

According to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), DMC results from many factors and is often present at more than one decision point. As such, states and jurisdictions must develop multiple strategies and implement them concurrently at multiple decision points. OJJDP identifies three primary strategies for addressing DMC: direct services, training, and technical assistance, and system change.[23] In addition, OJJDP recommends that each state staff a DMC Coordinator position to educate stakeholders and implement state DMC reduction plans.[24]

The Minnesota Juvenile Justice Advisory Committee

The JJDPA requires each state to establish an advisory group to monitor compliance with the four Core Protections of the JJDPA. In Minnesota, the body responsible for demonstrating compliance and allocating the accompanying federal funds in support of juvenile justice-related activities and initiatives is the Minnesota Juvenile Justice Advisory Committee (JJAC). State advisory groups must triennially develop a *Three-Year Plan* that articulates state-level goals related to juvenile justice system monitoring and improvement. Part of the *Three-Year Plan* must include goals and objectives specific to the DMC Core Protection.[25] The following are select stated DMC goals in Minnesota's 2012-2014 DMC Plan:[26]

- Increase funding for community-based systems and programs that are focused on the diminution of DMC.
- Expand juvenile detention reform.
- Engage law enforcement and community partners to (a) address DMC by targeting overrepresented populations and (b) develop innovative solutions to take the place of detention.
- Meet with local professionals in each of Minnesota's 10 Judicial Districts to explore individualized responses to DMC.
- Improve uniformity of data definitions and race and ethnicity codes across systems, and other data improvement strategies.
- Earmark funding for a DMC Coordinator.

The Juvenile Detention Alternatives Initiative

To date, the Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI) has been a cornerstone of Minnesota's DMC reduction plan. Minnesota is one of 38 states participating in the Annie E. Casey Detention Alternatives Initiative and is considered a "state site" with multiple JDAI jurisdictions as well as a state JDAI coordinator.[27] Presently, Dakota, Hennepin, Ramsey and St. Louis Counties have implemented JDAI.

Activities connected with Minnesota JDAI include: development and use of Risk Assessment Instruments to objectify detention admission criteria; use of curfew and after-hours reporting centers; expansion of probation caseload availability; community liaisons to coordinate resources; expanded use of non-secure shelter beds;[28] and Juvenile Court Outreach Workers and Detention Review Specialists.[29]

JDAI has contributed to significant declines in overall detention admissions, and a decrease in youth of color as a percentage of the overall detention population. JDAI has also reduced average daily populations and average lengths of stay resulting in revisions to secure-bed expansion and closing of some secure units within facilities.[30]

Strengthening Minnesota's Response to DMC

In its latest edition of the *DMC Technical Assistance Manual for States*, OJJDP summarizes eight key lessons learned about the phenomenon of DMC.[31] These are helpful guides to determine what additional components are needed in a state's DMC response. Core lessons include:

- DMC reduction requires a multi-pronged intervention strategy.
- DMC intervention strategies need to be data-based.
- DMC reduction needs to occur at the local level.
- DMC reduction requires strong partnerships.
- DMC reduction demands sustained efforts.

In light of significant decreases in state funding to support DMC[32], it is all the more important that the interventions supported have the greatest potential benefit to youth and produce the outcomes intended. The following is a synopsis of strategies that can assist in developing Minnesota's overall understanding of DMC; support the most effective interventions; and promote system-level change.

- Fund a dedicated DMC Coordinator to facilitate implementation of the State Plan and support DMC efforts at the local level.
- Involve community members and agencies representative of the populations in the justice system in discussions, planning and outcomes related to DMC.
- Improve data collection and establish uniform race data collection strategies among county attorneys. Collect data on race, ethnicity, gender, geography and offense at all system contact points.
- Expand DMC data collection to counties or regions in greater Minnesota with a focus on measuring DMC in the American Indian and Hispanic communities.
- Measure DMC in Minnesota using statistical analysis tools to identify, isolate and target underlying factors perpetuating DMC.
- Assess past and future juvenile legislation for the effects on youth populations of color.
- Evaluate the effectiveness of DMC reduction activities to support programs with demonstrated effectiveness.
- Expand juvenile diversion options for law enforcement and county attorneys. Develop consistent diversion criteria and resource availability around the state.
- Expand detention alternatives in the state to continue to reduce the use of secure detention following arrest.
- Implement assessment and decision-making tools to reduce practitioner bias and ensure objective responses to known risk-factors for delinquency and re-offense.

Conclusion

DMC data collected over the past 10 years show disparate rates of contact with youth from communities of color at all major stages of Minnesota's juvenile justice system. Minnesota's racial disparities are greater than both the national average and those of similar comparison states.

Minnesota has opportunities to gain additional insights into DMC and focus on system change activities statewide. Through thoughtful, deliberate use of data; multimodal intervention strategies that include direct services, training, and system change; and on-going evaluation of effectiveness, Minnesota juvenile justice jurisdictions can make meaningful progress toward equitable outcomes for youth from communities of color.

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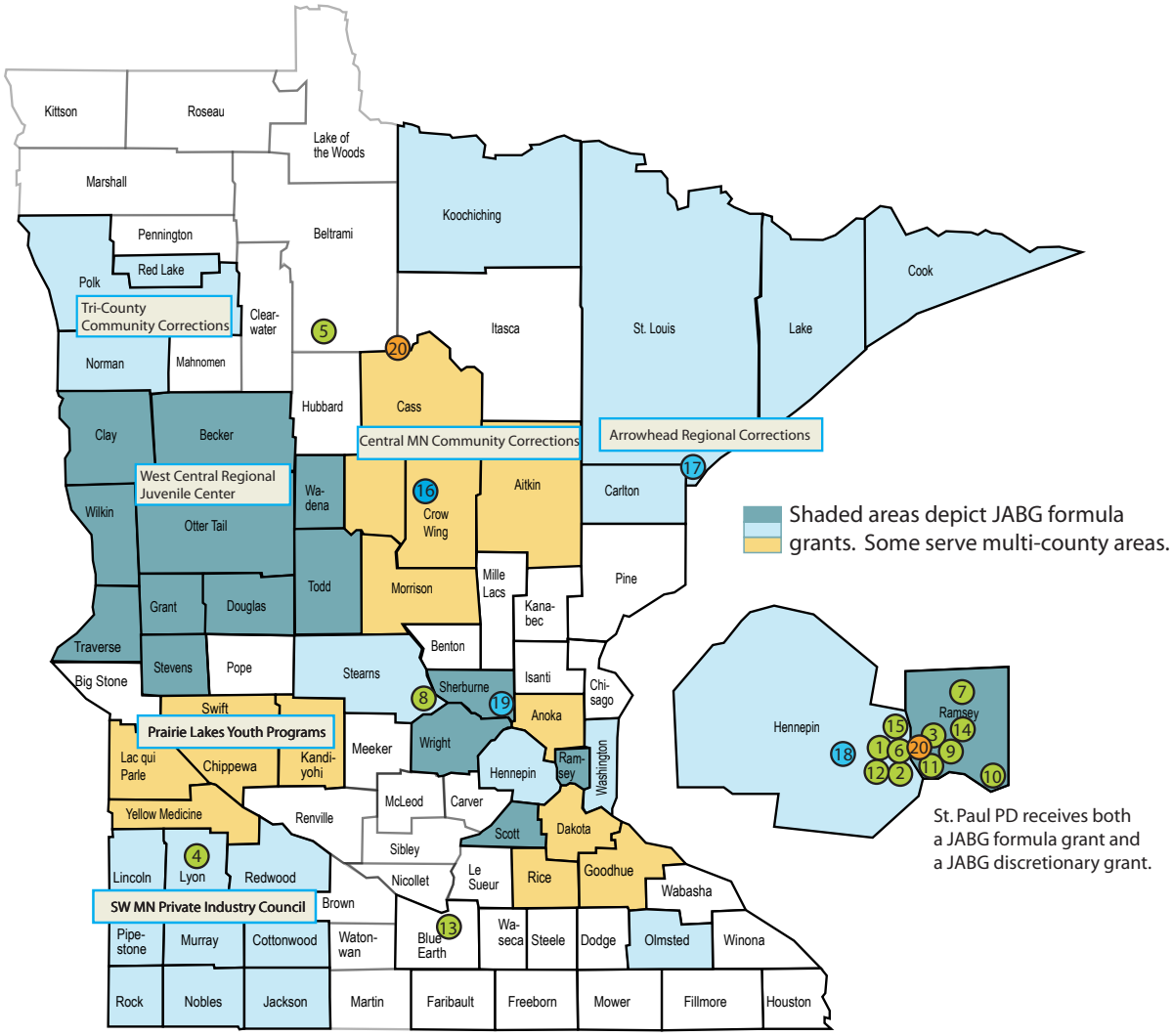
JJAC Grants and JABG Formula Grants

With grant periods beginning in SFY 2012 (7/1/2011-6/30/2012)



Title II	
1. 180 Degrees	Minneapolis
2. Minneapolis American Indian Center	Minneapolis
3. Youth Express	St. Paul
4. Southwest Minnesota Private Industry Council, Inc.	Southwest Minnesota
5. The Evergreen House, Inc.	Bemidji
6. Little Earth Residents Association	Minneapolis
7. Tree Trust	Minneapolis
8. Stearns County - Crossover Youth Project	Stearns County
9. Guadalupe Alternative Programs	St. Paul
10. Children's Health Care (2 grants)	Minneapolis
11. YWCA St. Paul	St. Paul
12. YouthCARE	Hennepin County
13. LifeWork Planning Center (2 grants)	Blue Earth County
14. Opportunity Neighborhood Development Corp.	St. Paul
15. RESOURCE Employment Action Center	Minneapolis
Minnesota Juvenile Officers' Association	Statewide
Title V	
16. Pequot PD (Lakes Area Restorative Justice Project)	Pequot Lakes
17. Arrowhead Regional Corrections	Northeast Minnesota
18. Hennepin County Attorney's Office	Hennepin County
19. Sherburne County Sheriff's Office	Sherburne County
JABG Discretionary	
20. St. Paul Police Department	St. Paul

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention

Allocations to Minnesota by Federal Fiscal Year: 2002-2012

TOTAL ALLOCATIONS FOR MINNESOTA		
Federal Fiscal Year	**Amount**	**Percentage Change per year**
2002	$6,152,300	+ 3%
2003	$5,213,200	- 15%
2004	$3,916,600	- 25%
2005	$2,197,085	- 44%
2006	$1,683,550	- 23%
2007	$1,722,489	+ 2%
2008	$1,674,760	- 3%
2009	$1,841,786	+ 10%
2010	$1,814,245	- 1%
2011	$1,441,803	-20.5%
2012	$ 836,490	- 42%
Title II: Formula Grants		
2002	$1,193,000	0%
2003	$1,173,000	- 2%
2004	$1,060,000	- 10%
2005	$1,104,000	+ 4%
2006	$932,000	- 16%
2007	$962,000	+ 3%
2008	$893,000	- 7%
2009	$977,000	+ 9%
2010	$934,000	- 4%
2011	$769,114	- 17%
2012	455,587	- 40.8%
Title V: Community Delinquency Prevention		
2002	$679,000	+ 3%
2003	$473,000	- 30%
2004	$0	NA
2005	$246,000	NA
2006	$56,250	- 77%
2007	$75,250	+ 34%
2008	$48,360	- 36%
2009	$33,486	- 31%
2010	$84,945	+ 154%
2011-Ended	$50,000	- 41.1%
Juvenile Accountability Block Grant (JABG)		
2002	$4,140,300	+ 4%
2003	$3,432,200	- 17%
2004	$2,644,600	- 23%
2005	$847,085	- 68%
2006	$695,300	- 18%
2007	$685,239	- 1%
2008	$733,400	+ 7%
2009	$831,300	+ 13%
2010	$795,300	- 4%
2011	$622,689	- 21.7%
2012	$380,903	-38.8%

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