Minnesota Juvenile Justice Advisory Committee

2019 ANNUAL REPORT

to Governor Tim Walz and
the Minnesota State Legislature

"Setting a vision for juvenile justice in Minnesota"

Juvenile Justice Advisory Committee (JJAC)
2019 Annual Report
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STATE OF MINNESOTA

Juvenile Justice Advisory Committee

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Richard Gardell, Chair

December 1, 2019

The Juvenile Justice Advisory Committee (JJAC) has continued to advance critical juvenile justice reforms across all regions of our state. An advisory body to the Governor and the Legislature, JJAC works alongside youth, their families and systems in pursuing new solutions to longtime problems. JJAC's top priority has been, and continues to be, the elimination of ethnic and racial disparities present in Minnesota's juvenile justice system.

Minnesota's Native American youth experience the highest out-of-home placement rates in the entire nation. In Minnesota, African American youth are taken into custody at a higher rate than almost any other state. In order to turn these statistics around, we must focus on areas of the system where widespread disparate treatment occurs.

In addition to directing its 2019 federal Title II funds exclusively to disparities-reduction programs, JJAC initiated and supported the following projects in 2019 as part of a long-term strategy to eliminate the disparate treatment of youth of color in Minnesota's juvenile justice system:

1. Equity Specialist Position: Youthprise serving as fiscal agent, JJAC supported an Equity Specialist position, filled by Alfonso Mayfield. This work of this position focuses on (1) gathering data related to disparities, (2) identifying effective interventions, and (3) measuring the impact of those interventions. Term for this position is one year, with the intention of continued funding.

2. JJAC has partnered again with the Legal Rights Center to support their Youth Restorative Justice Initiative (YRJI), a project focused on ending racial disparities by improving outcomes for youth, families and communities through the implementation of restorative justice at decision points leading to and within the juvenile justice system.

3. The Minnesota Department of Health and JJAC have developed a program that offers culturally-specific mental health response education for jurisdictions serving tribal populations.

While many effective programs and initiatives are already being implemented across several Minnesota jurisdictions, JJAC recognizes the urgent need for MORE. This includes identifying, valuing and lifting up creative and non-traditional disparity-reduction strategies that are proving effective in creating change at the community level.

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

Sincerely,

Juvenile Justice Advisory Committee

About JJAC

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was originally passed by Congress in 1974 and was reauthorized in December of 2018 for the first time in nearly 16 years. JJAC will work with Federal partners to understand changes to the reauthorized act to ensure our continued compliance with guidelines. The JJDPA guarantees four core protections to America's youth when and if they become involved in the local juvenile justice system. The JJDPA provides the foundation for each state's committee work plan and responsibilities in juvenile justice.

The JJDPA is comprised of four core requirements:

De-institutionalization of Status Offenders

Each state must ensure that juveniles who are charged with a status offense 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 a person over the age of eighteen (e.g., truancy, curfew, running away, and tobacco possession/consumption).

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 and the designation is based on population.

Ethnic and Racial Disparities (ERD)

Each state must make an effort to reduce ERD at all nine points along the juvenile justice continuum when a minority proportion exceeds that minority's representation in the overall population of youth within the age range of juvenile court jurisdiction. The nine points of contact are:

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

Please see Minnesota Youth and Their Involvement in the Juvenile Justice System, pps 13~29 for current data.

For oversight on these requirements, the Minnesota Governor appoints nineteen members to the supervisory Juvenile Justice Advisory Committee (JJAC). JJAC reports annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with current data required for compliance with the our core requirements listed on page 3.

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

JJAC's specific responsibilities:

- To develop a comprehensive three-year plan for juvenile justice in Minnesota.
- To report to the Governor and Legislature on Minnesota's compliance with the JJDPA's four core requirements.
- To advise the Governor and Legislature in improving Minnesota's juvenile justice system.
- To review, award and monitor federal juvenile justice funds appropriated by Congress under the JJDPA, specifically Title II funding.

The Title II program provides funding for prevention, intervention and aftercare programs to youth- serving and community based organizations. (see page 31 for current Title II grantees).

As a state-wide committee, JJAC meets nine times annually in various sites throughout Minnesota, offering JJAC members an opportunity to become familiar with regional issues and allowing specific communities convenient access to the committee. In 2019, JJAC met at the following Minnesota sites: Chaska, Cokato, Pine City, Walker, West St. Paul, Minneapolis (2), and St. Paul (2).

JJAC members represent all eight Minnesota congressional districts as well as the following juvenile justice categories: youth, courts, law enforcement, private non-profit youth-serving agencies, public defense, prosecution and private citizens who have acquired special knowledge relating to juveniles. They represent Minnesota's rural, suburban, and urban areas equally, and they also represent all major ethnic and racial groups residing in Minnesota. JJAC is a working board.

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

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

JJAC Recommendations and Accomplishments

Recommendations for 2020

November 15, 2019, JJAC convened several Minnesota legislators and key partner agencies to discuss critical issues impacting youth and their families. The recommendations featured below are weighted with urgency, demanding immediate cross-sector attention:

Significantly reduce ethnic and racial disparities in the juvenile justice system.

Potential action steps stakeholders can take to advance this issue:

Improve Data

- Push for uniform data collection across all jurisdictions, which should include development of a central data repository and broader data submission mandates

Promote Alternatives to Detention

- Inform practitioners about how other states utilize alternatives to detention
- Promote widespread use of a Risk Assessment Instrument (RAI) by juvenile justice practitioners

Consult Community

- Identify and support creative, community-based approaches for addressing disproportionality
- Recognize formal and informal community-based prevention efforts

Educate

- Offer training for practitioners on implicit bias and alternatives to detention
- Support training for youth about their rights
- Offer training about Indian Child Welfare Act (ICWA) and associated laws

Increase access to effective mental health, trauma, and substance abuse services.

Potential action steps stakeholders can take to advance this issue:

Enhance Coordination Efforts

- Develop and distribute a needs-based tool to identify appropriate services
- Promote better communication between service providers and clients
- Standardize the Crossover Youth Model across all MN jurisdictions

Expand Services

- Support facilities in exploring new partnerships with service providers
- Increase funding for treatment
- Promote family-based treatment models
- Support culturally-responsive services
- Build an interagency response team that can assist agencies triage major crises
- Establish programming and placements that are READILY available for youth with severe conduct issues

Establish a central juvenile justice agency to oversee juvenile justice reform.

Potential action steps stakeholders can take to advance this issue:

Promote Evidence-Based Best Practices

- Change juvenile predatory offender registration statue to allow courts discretion
- Educate about the appropriate use of the Valid Court Order (VCO)
- Inform practitioners about the proper use of disciplinary room time (DRT)

Develop Statewide Alignment

- Promote restorative programming within all communities
- Pursue legislation addressing the collateral consequences of juvenile justice system involvement
- Enforce uniform data collection across all MN counties
- Enhance resource-sharing efforts across jurisdictions

Increase utilization of diversion.

Potential action steps stakeholders can take to advance this issue:

Engage Families

- Promote requiring family counseling when appropriate as part of diversion programming
- Provide funding within diversion programs for family health/well-being and housing

Create Alternatives

- Increase funding for alternative placements

Consult Community

- Identify and support creative, community-based approaches for addressing disproportionality
- Recognize formal and informal community-based prevention efforts

Educate Courts

- Provide courts, practitioners and key decision-makers with a list of alternative placement options within their region

Eliminate Mandatory Juvenile Life without Parole sentence.

Potential action steps stakeholders can take to advance this issue:

Partner Up

- Seek buy-in from community, practitioners and policy-makers

Gain Awareness

- Make stakeholders aware of research we have done on approaches taken by other states on this issue
- Educate legislators and practitioners

Shepherd Legislation

- Make MN law consistent with U.S. Supreme Court decisions by eliminating Mandatory Juvenile Life without Parole sentence

Prioritize culturally-focused and community-based services and strategies

Potential action steps stakeholders can take to advance this issue:

Support Creative and Culturally-rooted Approaches

- Promote open mindedness and respect for creative approaches at prevention, intervention and post-vention
- Highlight community-centered responses to youth misconduct to reduce rates of system involvement
- Focus on culturally relevant restorative and rehabilitative strategies, led with fidelity to traditional practices, teachings and values
- Promote outcome measurement system that take into consideration culturally-based elements of success

Remain Community- and Family-Centered

- Promote policies that hold systems accountable and encourage them to share decision-making power with the communities most impacted in order to reach their maximum potential toward child well-being
- Promote policies that include involvement of parents/caregivers, which increases the child's likelihood of success, allowing the parent to help shape expectations and maintain accountability for expected success outcome
- Develop a strategy for actively engaging and informing community about ongoing opportunities for collaboration and involvement

Ensure Historical Competence

- Increase practitioners' understanding of historical trauma and the need to consider the role historical trauma has played amongst communities of color as well as the impact of implicit bias amongst decision-makers

Build Capacity

- Identify funds to support additional research about the effectiveness of these programs and solutions
- Provide cultural competency training for all juvenile justice practitioners
- Engage faith based communities in juvenile justice advocacy work
- Educate youth about the juvenile justice system

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

JJAC Recommendations and Accomplishments

Accomplishments in 2019

Ethnic and Racial Disparities Reduction Model

Thanks to expert support from the W. Haywood Burns Institute and other regional and local professionals, JJAC finalized its Ethnic and Racial Disparities Reduction Model.

Although approaches at reducing ethnic and racial disparities (ERD) within juvenile justice systems may differ from county to county, JJAC has identified key characteristics that must remain central to any effort aimed at reducing the disparate treatment of youth of color:

1. ***Creative and Culturally-rooted***
    a. Open mindedness and respect for creative approaches at prevention, intervention and post-vention.
    b. Prioritize community-centered responses to youth misconduct to reduce rates of system involvement.
    c. Focus on culturally relevant restorative and rehabilitative strategies, led with fidelity to traditional practices, teachings and values.
    d. Outcome measurement system that takes into consideration culturally-based elements of success.

2. ***Community- and Family-Centered***
    a. Systems must be accountable and share decision-making power with the communities most impacted in order to reach their maximum potential toward child well-being.
    b. Involvement of parents/caregivers increases the child's likelihood of success, allowing the parent to help shape expectations and maintain accountability for expected success outcomes.
    c. Develop a strategy for actively engaging and informing community about ongoing opportunities for collaboration and involvement.

3. ***Historical Competence***
    a. Understand and take into account the role historical trauma has played amongst communities of color as well as the impact of implicit bias amongst decision-makers.

4. ***Collect, analyze and utilize data.***
    a. Systems must collect, analyze, and utilize data to reduce racial and ethnic disparities and achieve justice.

Previous JJAC Recommendations

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

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

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

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

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

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

*See 2016 & 2017 JJAC Annual Reports for discussion pertaining to the relevant issue

**See 2015 JJAC Annual Report for discussion pertaining to the relevant issue

In 2019, JJAC partnered with subject matter experts to reduce racial and ethnic disparities in the juvenile justice system via the following projects:

JJAC Racial and Ethnic Disparities Request for Proposals

The JJAC Ethnic and Racial Disparities Subcommittee released a Request for Proposals (RFP) in November of 2019 aimed specifically at reducing disparities. JJAC reviewed proposals at their January 10th meeting and approved the following for a one-year funding term (March 1, 2020 – February 29, 2021):

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

Ethnic and Racial Disparities Subcommittee

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

Equity Specialist Position

In 2019, JJAC funded an Equity Specialist position, filled by Alfonso Mayfield. Youthprise serves as fiscal agent. This work of this position focuses on (1) gathering data related to disparities, (2) identifying effective interventions, and (3) measuring the impact of those interventions. Term for this position is one year, with the hope to continue funding next year.

Listen, Learn, Lead Project

This JJAC-sponsored project centers on roundtable discussions with youth of color in all ten MN judicial districts. Roundtables have taken place four districts thus far, with plans for the next session to take place in the 1st Judicial District this winter. This project has been expanded upon, with a professional recording and production element having been added. Coordinator Chris Mendez has contracted with a producer from a Minneapolis-based radio station who will record each session and edit sound bites (ensuring anonymity) into a segment that will be "gifted" back to each Judicial District as a learning tool that can be shared/played on their local radio stations. All segments from the ten judicial districts will be woven together into one "audio story" at the end of the project to be shared with radio programs that have a wide audience base (MPR, etc).

Comprehensive Suicide Prevention Project at Northwestern MN Juvenile Center (NMJC)

This project, guided by JJAC's Mental Health Subcommittee, has been operated in partnership with the Minnesota Department of Health's Suicide Prevention Team. We selected NMJC as a pilot site for this project, originally designed for schools. The reason for selecting this facility is that they service three tribes: Red Lake, White Earth, and Leech Lake and could use additional support, advice and resources to fight the epidemic of youth suicide. Our team approached this project through a cultural lens, with MN Department of Public Safety Tribal Liaison Nigel Perrote serving on our team to offer guidance, ensuring we build in a series of culturally-considerate policy, practice, and training recommendations. The report to the facility has been finalized by our planning team and will be presented to the facility on the date of the first training. Two MDH-led trainings have been recommended. Our planning team will begin discussing which facility to approach next with an invitation to pilot this project. We would like to work with Arrowhead in Duluth and West Central Regional Juvenile Center in Moorhead, as they also serve disproportionately high numbers of Native American youth.

JJAC Title II Grants in 2019

Among Title II grants, awardees included Leech Lake Band of Ojibwe and White Earth Nation:

- Leech Lake Band of Ojibwe: The Title II funds supported 42 youth and 18 adult chaperones' attendance at the UNITY Conference in Orlando, Florida, July 4 – July 8th.
  The team is working on producing the report from their trip. This is the third year in a row that JJAC has partnered with the Leech Lake Band of Ojibwe Youth Activities Program to support the UNITY conference trip.
- White Earth Nation: The Title II funds support the Circle Back Center and Juvenile Wellness to Healing programs for youth clients. This is the second year JJAC has supported these programs with Title II grant funding.

For more information about JJAC's Three Year Plan,
visit JJAC's website: https://dps.mn.gov/entity/jjac/Pages/default.aspx

In 1984, the Juvenile Justice and Delinquency Prevention Act was amended to allow judges to issue detention orders in status offense cases if youth violated a valid court order. For more information on national efforts to phase out VCO, visit www.juvjustice.org

JJAC Partnerships and Collaborations

JJAC Fosters Partnerships Via Ex-Officio Membership

JJAC fosters ongoing partnerships with key juvenile justice agencies via ex-officio representatives who regularly attend monthly meetings to advise the work of this body.

Learn from each Ex-Officio member about their unique background and role with JJAC:

Association of Minnesota Counties (AMC) – Ryan Erdmann:

My name is Ryan Erdmann and I serve as the Public Safety Policy Analyst for the Association of Minnesota Counties (AMC) and represent AMC as an ex-officio member of JJAC. AMC is voluntary association of all 87 Minnesota counties established in 1909 that unites Minnesota's counties to achieve public service excellence. I have held this position at AMC since 2007. AMC appreciates JJAC's leadership on juvenile justice issues in Minnesota.

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

My name is Nicole Kern and I serve as Director of Community Corrections in Morrison County and represent MACCAC as an ex-officio member of JJAC. I hold a Bachelor's Degree in Social Work and a Master's Degree in Public Safety Administration.

MACCAC supervises 67% percent of all juveniles under probation supervision in the state of Minnesota. MACCAC supports the use of evidence based practices in supervision and employs quality assurance measures to ensure those practices are delivered with fidelity.

MACCAC appreciates the leadership that JJAC has provided for advancing juvenile justice issues within the state of Minnesota. MACCAC is dedicated to continuing the partnership with JJAC and its members to benefit the youth of Minnesota.

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

My name is Jim Schneider and I am the Director of Probation in Cass County. Our county seat is in Walker, Minnesota. I am a probation officer appointed by both the 9th Judicial District Court and Leech Lake Tribal Court. We partner with the Leech Lake Reservation on criminal justice issues. MACPO is the oldest association representing community-based probation services in the state. We serve 25 counties in the state; mostly in rural Minnesota.

We appreciate JJAC's leadership with juvenile justice issues in Minnesota. We have reviewed JJAC legislative initiatives and support the four identified topics. We applaud JJAC's willingness to lead these conversations of mandatory juvenile life without parole, ethnic and racial disparities, mental health funding, and crossover youth.

As a MACPO member, we will continue to communicate with JJAC identified issues that are going on in our local communities that effect our juvenile justice system. By being responsive to the changing needs of counties, collectively we can come up with solutions before problems become crises.

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

Minnesota Corrections Association (MCA) – Jane Schmid:

My name is Jane Schmid and I am a Career Probation Agent with Brown County Probation in New Ulm, MN. I have been the Intensive Supervision Program (ISP) agent for juveniles for the past 10 years, and have also served as supervising agent for our former Juvenile AOD (Alcohol and Other Drug) and Treatment Specialty Court. I am the chair of MCA's Juvenile Justice Committee (JJC) and represent MCA as an ex-officio member of JJAC.

MCA appreciates the leadership JJAC has provided in improving juvenile justice issues in Minnesota, and especially the efforts in creating a unified effort with other corrections organizations toward legislative change. We have reviewed JJAC legislative initiatives and support the four identified topics, and commend JJAC's efforts in juvenile life without parole, disproportionate

minority contact, mental health funding and cross-over youth.

MCA supports the legislature to provide adequate base funding for mental and chemical health services in Minnesota, revision of the JLWOP statute, and revision of juvenile predatory offender registration criteria.

Minnesota Department of Corrections (DOC) – Shon Thieren:

My name is Shon Thieren and I am the Superintendent at the Minnesota Correctional Facility in Red Wing (MCF-RW). MCF-RW provides treatment, education and transition services for around 85 serious and chronic male juvenile offenders. Young men are placed at the facility either as a condition of court-ordered probation or as the result of having been committed to the Commissioner of Corrections. MCF-RW is the only secure long-term treatment facility in the state, operated by the Minnesota Department of Corrections (DOC).

MCF-RW is the facility charged with developing programming to address the most "serious and chronic" juveniles engaging in criminal behavior. The admissions criteria permit only those with adjudicated felony-level offenses that would result in a sentence of imprisonment if committed by an adult. This includes numerous cases where adult certification was considered or Extended Jurisdiction Juvenile (EJJ) has been imposed due to the severity of the offense. As an Ex-Officio member of JJAC, we have the opportunity to support and advocate for youth at this end of the continuum.

Minnesota Department of Health (MDH) – Beatriz Menanteau:

My name is Beatriz Menanteau, I am the Violence Prevention Programs Unit Supervisor within the Injury & Violence Prevention Section at the Minnesota Department of Health (MDH). The Violence Prevention Programs Unit (VPP Unit) houses both the Sexual Violence Prevention Program and the human trafficking prevention Safe Harbor Program. Together, these programs work to change systems that perpetuate sexual violence, human trafficking, and exploitation, and ensure appropriate statewide responses to victims of human trafficking. MDH is committed to protecting, maintaining, and improving the health of all Minnesotans and I am grateful for the opportunity to serve as an Ex-Officio member of JJAC.

As an Ex-Officio member of JJAC, MDH is able to highlight and identify intersections with juvenile justice systems and the health and welfare of our youth. JJAC provides MDH insight into how incarceration and system involvement relates to social detriments of health, adverse childhood experiences, and negative health outcomes. MDH seeks to increase justice involved youth's protective factors, including access to resources and supportive services.

MN Juvenile Detention Alternatives Initiative (JDAI) – Curtis Shanklin and Katrinna Dexter

My name is Curtis Shanklin, I am the MN Juvenile Detention Alternatives Initiative is a national comprehensive juvenile justice reform model that began over two decades ago as a pilot project to r educe reliance on local confinement of court-involved youth. To date, JDAI has been the most replicated juvenile justice reform model now operating in nearly 400 jurisdictions nationwide, dramatically reducing detention facility populations all while keeping an acute focus on public safety.

Since JDAI started in Minnesota, participating jurisdictions have seen a precipitous reduction of juvenile detention by over 50 percent. This dramatic success has come as juvenile crime rates have remained flat or declined. Most recently, Minnesota JDAI has expanded to included 9 new counties, along with a Tribal Nation focusing on how to reduce the overrepresentation of youth of color in Minnesota's justice system.

As an Ex-Officio member of JJAC, JDAI both appreciates and looks forward to its continued collaborative partnership with JJAC. Both organizations share the intentional goal of decreasing an institutional response used to address both the mental health and chemical dependency needs of our youth by providing resources, as well as technical assistance to our northern rural communities.

MN Juvenile Detention Association (JDA) – Matthew Bauer:

My name is Matt Bauer and I am the Superintendent for the Dakota County Juvenile Services Center (JSC). The JSC is located in Hastings, MN and provides secure detention and correctional treatment programs for both juvenile males and females.

I represent MNJDA as an ex-officio member of JJAC. MNJDA is an organization that enables per-

sonnel of juvenile detention, secure juvenile corrections, and juvenile holdover facilities to join together in mutual efforts to improve youth care standards, facilities, and services. MNJDA's mission is "improving juvenile justice through collaboration, training, and legislative input".

MNJDA appreciates the opportunity to have a voice within JJAC as we work to advance juvenile justice issues.

Through expert advice from these faithful ex-officio partners, JJAC can confidently develop specific positions on critical juvenile justice issues.

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

The Juvenile Justice and Delinquency Prevention (JJDP) Act requires annual and biennial inspections of facilities across the state to guarantee the four core requirements of the act are met. In 2019, the responsibility to inspect facilities continued to be divided between Office of Justice Programs' Compliance Monitor, and the Department of Corrections (DOC) Inspection and Enforcement Unit. Specifically, the DOC Inspection Unit inspects county jails and secure juvenile facilities.

The Memorandum of Understanding (MOU) between the Minnesota Departments of Public Safety and Corrections for inspections of juvenile facilities and secure jails and lockups through December 31, 2020. This MOU guarantees that DOC inspectors will inspect juvenile facilities or those facilities where juveniles could be held temporarily and will follow the tenets of the JJDP Act.

2019 DOC Inspection and Enforcement Unit included: Timothy Thompson (Manager), Teresa Smith (Management Analyst), and Inspectors: Shannon Amundson, Lisa Becking, Greg Croucher, Jennifer Pfeifer, Sarah Johnson, and Chris Thoma.

Callie Hargett serves as Minnesota JJDPA Compliance Monitor and works closely together with the DOC Inspection and Enforcement Unit to guarantee that MN's required inspections are completed each year.

JJAC'S Collaboration with other Juvenile Justice Agencies

JJAC has made considerable outreach to three agencies that represent the corrections delivery systems in Minnesota. ***Please see Appendices A-C for the 2020 legislative platforms and initiatives of MCA, MACCAC, and MACPO.***

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

JJAC'S Outreach to Minnesota's Ten Judicial Districts

The JJAC Ethnic and Racial Disparities (ERD) subcommittee sponsored a survey to be conducted within the ten judicial districts in 2012. The ten judicial districts were chosen as an inclusive state-wide structure to ascertain what was going on in juvenile justice throughout each district. Out of this basic information, JJAC decided to fund Minnesota Corrections Association (MCA) to host forums in each of the districts to further identify juvenile justice reform efforts underway in each judicial district. In 2016, MCA received ongoing guidance from a statewide advisory group which produced a survey to be distributed across all jurisdictions. MCA also completed planning for a Mental Health and Systems Collaboration Forum that took place January of 2017 and subsequent Juvenile Justice Conference in 2019.

JJAC funded MCA to continue this project in 2019, with the following objectives:

1) Understand the nature of barriers to case-level information sharing by juvenilejustice professionals in Minnesota
2) Create a resource to enhance the ability of juvenile justice professionals to share case information about juveniles being served across systems (i.e. health, schools, child welfare, etc.) at the local level
3) Identify additional steps to enhance juvenile information sharing needs across systems in Minnesota

Additionally, the Listen, Learn, Lead project (see Recommendations and Accomplishments section for more information), funded by JJAC, will focused on collecting ERD data across all ten judicial districts.

Minnesota Youth Demographics and Juvenile Justice System Involvement

This section begins with a discussion of Minnesota's youth population, focusing on changes in its racial and ethnic make-up from 1998 to 2018. It moves on to provide an overview of youth involved in the juvenile justice system in calendar year 2018. Then it discusses recent research on youth in the juvenile justice system in Minnesota. It concludes with a summary of the federal Juvenile Justice and Delinquency Prevention Act and Minnesota's compliance with its four core requirements.

MINNESOTA'S YOUTH POPULATION, 1998-2018[1]

Of the 5.6 million people living in Minnesota in 2018, 1.3 million were children under the age of 18. Forty-five percent of those children were between the ages of 10 and 17, the age at which they could become involved with the juvenile justice system.[2] Delinquent children under the age of 10 are deemed Children in Need of Protection or Services (CHIPS) as dictated by Minnesota State Statute 260C.007, Subd. 6. As such, this report focuses on the population at risk of entering the juvenile justice system, children between the ages of 10 and 17.

From 1998 to 2018, Minnesota's youth population became more diverse as Figure 1 demonstrates.[3] The number of 10 to 17-year-olds was approximately half a million from 1998 to 2018. In terms of race and ethnicity, the percentage of white youth decreased from 87% in 1998 to 72% in 2018 while the percentage of youth of color rose from 13% to 28% during that same time period.[4]

With regard to the growth of specific racial and ethnic groups, Figure 2 demonstrates that black youth and Hispanic/Latinx youth made up increasingly larger shares of the youth population over time. Black youth were 4.5% of the youth population in 1998 and 11% of the youth population in 2018.

Similarly, Hispanic/Latinx youth were almost 3% of the youth population in 1998 and 9% of the youth population in 2018. The percent of Asian American youth rose as well, from 4% in 1998 to almost 7% in 2018, nearly a 3% increase. However, the percentage of American Indian youth remained virtually steady, decreasing from 1.7% to 1.6%.

Figure 1. Minnesota's Youth Population between the Ages of 10 and 17 by Race and Ethnicity, 1998-2018

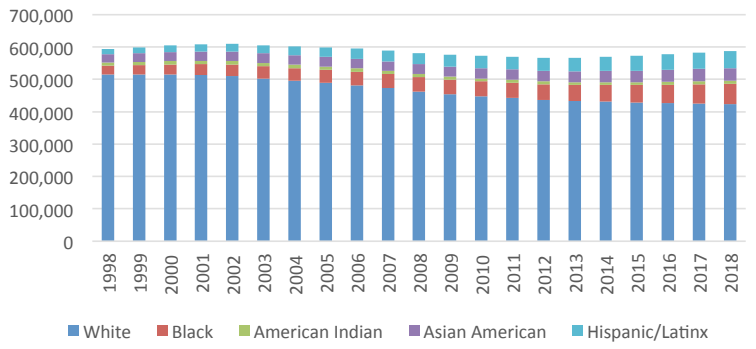
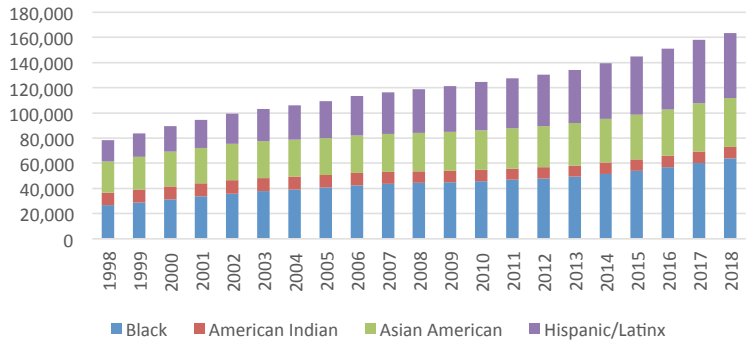


Figure 2. Minnesota's Youth of Color Population between the Ages of 10 and 17 by Race and Ethnicity, 1998-2018



There was substantial demographic change in Minnesota's youth population from 1998 to 2018. Its increasing racial and ethnic diversity will likely continue and therefore have important implications for the juvenile justice system.

YOUTH INVOLVEMENT WITH THE JUVENILE JUSTICE SYSTEM IN 2018

After examining the demographics of the population at risk, we turn to youths' contact with the juvenile justice system in Minnesota in calendar year 2018. This section investigates juveniles' involvement with various points in the system: arrests, delinquency petitions filed in juvenile court, delinquency adjudications,[5] probation placement, secure detention and confinement, and transfers to adult court. It focuses on the demographics of those who had contact with the system.

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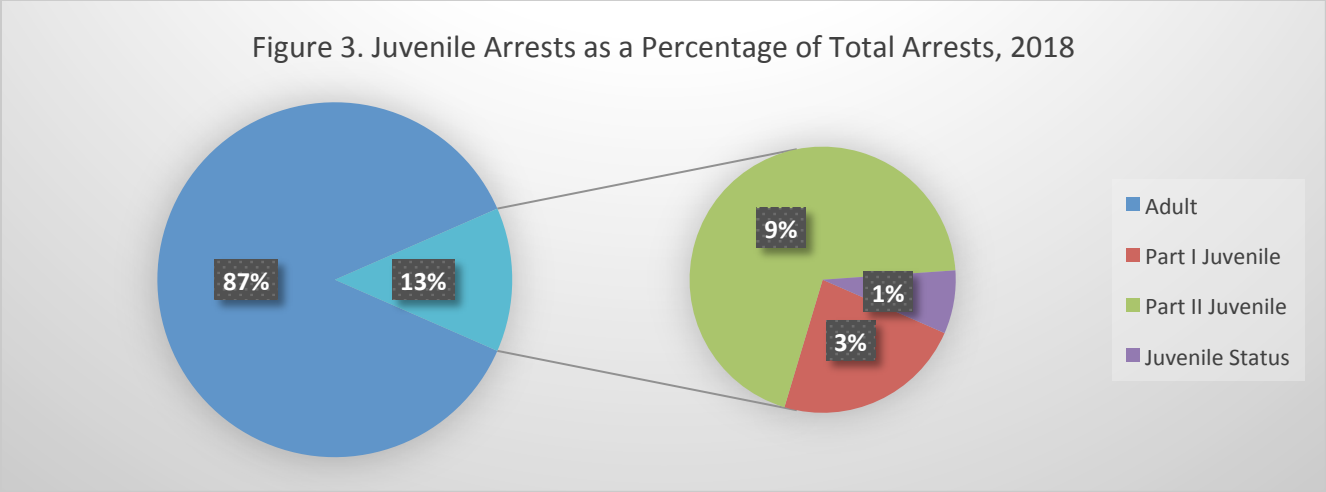
[1] All population data come from Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2017." Online.

[2] In Minnesota, Juvenile Delinquency Court has jurisdiction over youth who are alleged to have committed a delinquent act while between the ages of 10 and 17. See, Minn. Stat. §260C.007, Subd. 6(12) (2018).

[3] See Appendix 1 for a table displaying the number of youth between the ages of 10 and 17 living in Minnesota by race and ethnicity from 1998 to 2018.

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

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



JUVENILE ARRESTS[6]

In 2018, there were 148,765 arrests in Minnesota.[7] Figure 3 presents the percent of those arrested who were adults and the percent who were juveniles. As the figure demonstrates, 87% of arrests were of adults. Juveniles made up 13% of those arrested.

Arrests of juveniles are further subdivided by the type of offense: Part I offenses, Part II offenses, and status offenses. Part I offenses are serious crimes, and examples include homicide, rape, aggravated assault, robbery, and burglary. Crimes such as these are most likely to be reported to law enforcement. Arrests of juveniles for Part I offenses made up 3% of all arrests in Minnesota in 2018.

Part II offenses are considered "less serious." Simple assault, stolen property, drug abuse, vandalism, driving under the influence, and disorderly conduct are examples of Part II offenses. In 2018, 9% of all arrests involved the arrest of juveniles for Part II offenses.

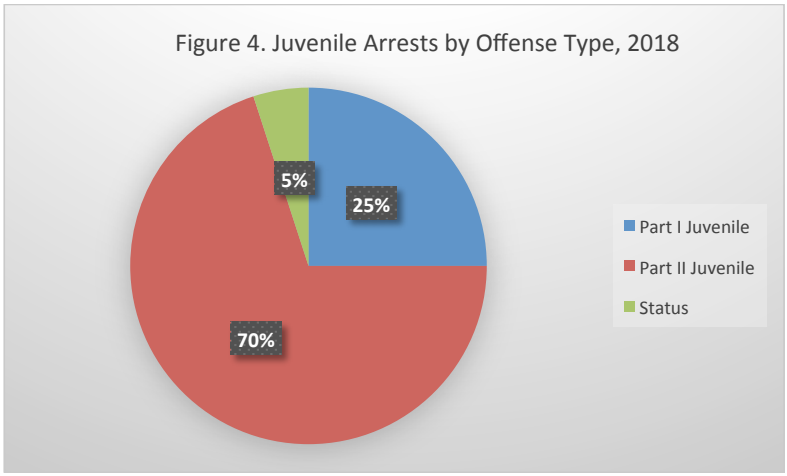
Lastly, status offenses apply only to juveniles, but they do not constitute delinquent acts. As such, juveniles arrested for status offenses are non-offenders, not delinquents. While Part I and Part II offenses are offenses that are illegal for both adults and juveniles, status offenses are acts and behaviors that are legal for adults. Examples of status offenses include alcohol consumption, loitering, and violating curfews. In 2018, arrests for status offenses made up only 1% of all arrests in Minnesota.[8]

Arrests by Offense Type

A closer look at juvenile arrests in Minnesota in 2018 reveals a majority of arrests were for Part II offenses. Figure 4 displays the percent of juvenile arrests that were for Part I, Part II, and status offenses. Of the 20,099 arrests, 70% were for Part II offenses. One-quarter (25%) of juvenile arrests were for Part I offenses. A much smaller percentage of arrests involved status offenses (5%).

Arrests by Gender and Offense Type[9]

In 2018, the number of girls and boys between the ages of 10 and 17 was almost evenly split. Boys were a slim majority of the youth population, but they were overrepresented among juvenile arrests as Figure 5 demonstrates. In 2018, boys were 51% of 10 to 17-year-olds but 67% of youth arrested. By contrast, girls were underrepresented among those arrested. Girls were 49% of the youth population but only 33% of juveniles arrested.



A breakdown of arrests by offense type reveals similar patterns. Girls were underrepresented, making up about one-third of those arrested for Part I and Part II offenses (35% and 31% respectively). Conversely, 65% of those arrested for Part I offenses and 69% of youth arrested for Part II offenses were boys. With regard to arrests for status offenses, boys and girls were about evenly represented. Boys made up 54% of youth arrested, and girls comprised 46% of youth arrested for status offenses.

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

[7] See Appendix 2 for the number of all adult arrests, all juvenile arrests, and juvenile arrests by offense type in Minnesota in 2018.

[8] While status offenses under the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) include running away and truancy, it is important to note that Minnesota law defines both runaways and truants as Children in Need of Protection or Services. See, Minn. Stat. §260C.007, Subd. 6(13) & (14) (2018).

[9] See Appendix 3 for the number of juvenile arrests in Minnesota by offense type and gender in 2018.

A breakdown of arrests for status offenses yields interesting results. Figure 6 compares the percent of girls and boys arrested for status offenses to their proportion of the youth population. While boys were overrepresented among arrests for curfew and loitering violations (69%), girls were underrepresented (31%). By contrast, boys were underrepresented among runaway arrests and girls were overrepresented. Boys made up 51% of the youth population and 42% of runaway arrests while girls were 49% of the youth population and 58% of those arrested.

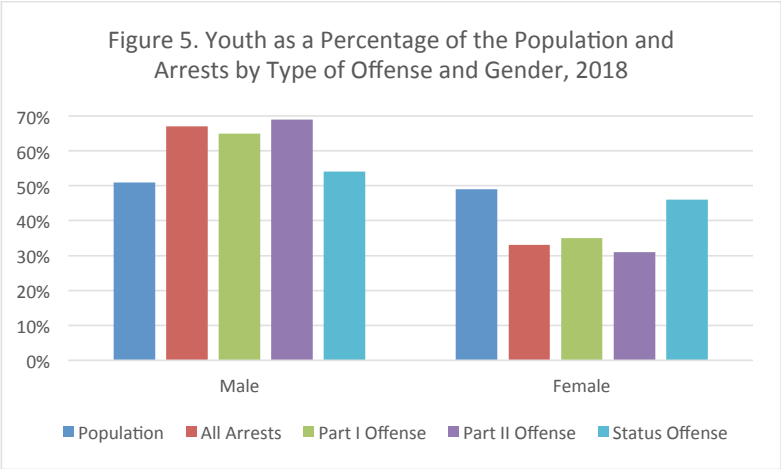


Figure 5. Youth as a Percentage of the Population and Arrests by Type of Offense and Gender, 2018

Arrests by Race, Ethnicity, and Offense Type

Figure 7 examines the race and ethnicity of youth arrested for Part I and Part II offenses in 2018.[10] Results demonstrate that some groups were overrepresented among delinquency arrests while others were underrepresented. White youth were among those underrepresented. They were 72% of the youth population between 10 and 17 years of age, but 51% of those arrested for Part I and Part II offenses. Asian American youth were also underrepresented. They were 7% of the youth population but 1% of those arrested.

In contrast, black and Hispanic/Latinx youth were overrepresented among those arrested. Eleven percent of youth between the ages of 10 and 17 were black, but 29% of juvenile delinquency arrests were of black youth. There is a similar pattern but to a lesser degree among Hispanic/Latinx youth. While they made up 9% of the youth population, they were 15% of youth arrested.

American Indian youth was the only group that was, for the most part, proportionately represented. They were 2% of the youth population and 3% of those arrested.

Similar patterns emerge when we examine juvenile arrests by type of offense and race. Figure 8 presents white youth, black youth, American Indian youth, and Asian American youth as a percentage of the youth population and arrests for Part I offenses, Part II offenses, and status offenses.

Again, white youth were underrepresented among those arrested for any type of offense. Seventy-two percent of the youth population was white, but about half of those arrested for Part I offenses and status offenses were white (44% and 53% respectively). To a lesser degree, white youth were underrepresented among youth arrested for Part II offenses. Of those arrested, 62% were white.

Conversely, black youth were overrepresented. In 2018, black youth were 11% of the youth population but half of those arrested for Part I offenses (50%). Among those arrested for Part II offenses, almost one-third (32%) were black. Forty-one percent of youth arrested for status offenses were black.

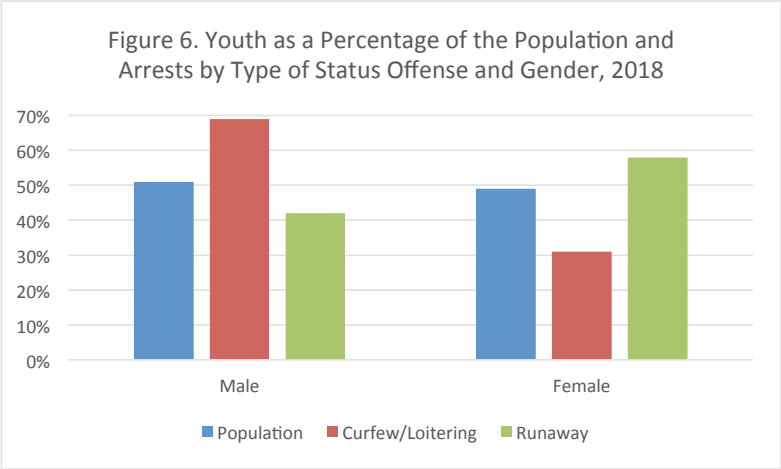


Figure 6. Youth as a Percentage of the Population and Arrests by Type of Status Offense and Gender, 2018

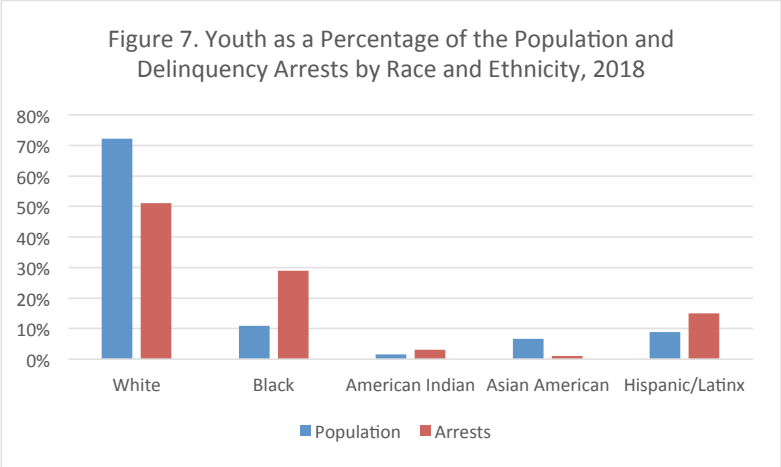


Figure 7. Youth as a Percentage of the Population and Delinquency Arrests by Race and Ethnicity, 2018

There was slight disproportionately among arrests of American Indian youth. Two percent of the youth population was American Indian, and 4% of those arrested for Part I offenses, Part II offenses, and status offenses were American Indian.

Asian American youth were slightly underrepresented among juvenile arrests. Seven percent of the youth population was Asian American, but 2% of Part I offenses, Part II offenses, and status offenses were Asian American youth.

[10] See Appendix 4 for the number of juvenile delinquency arrests in Minnesota by race and ethnicity in 2018.

[11] See Appendix 5 for the number of juvenile arrests in Minnesota by offense type and race in 2018. Disaggregation of these data by ethnicity was not available.

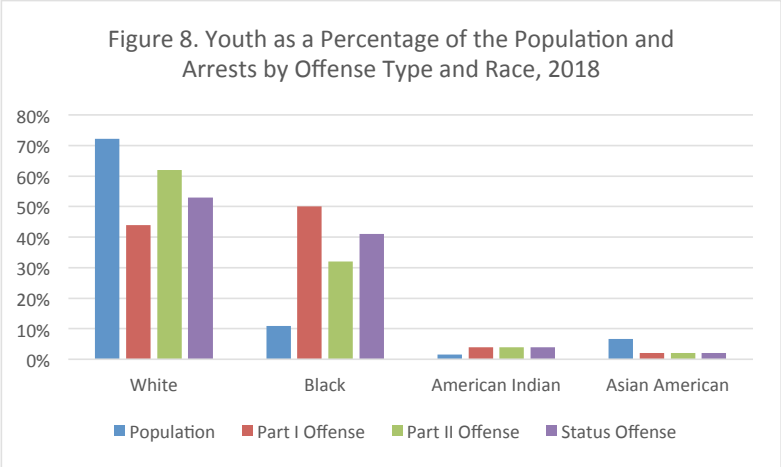
A disaggregation of arrests for status offenses by type of offense and race also reveals disproportionately among youth. Figure 9 compares the percentage of youth arrested for curfew/loitering violations and running away with their share of the youth population. White youth made up approximately half the youth arrested for these offenses (56% and 51% respectively) but were nearly three-quarters (72%) of the youth population. While white youth were underrepresented, black youth were significantly overrepresented. Black youth were only 11% of the population but 39% of those arrested for violating a curfew or loitering and 43% of youth arrested for running away.

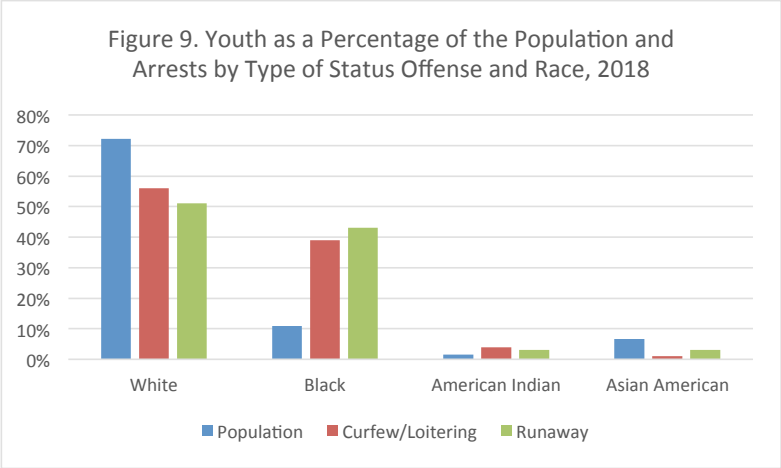
Very small percentages of youth arrested were American Indian. These youth were 4% of those arrested for curfew/loitering offenses and 3% for running away, percentages slightly disproportionate to their population. Asian American youth were underrepresented, making up 7% of the youth population and 1% and 3% of those arrested for breaking curfew/loitering laws and running away, respectively.

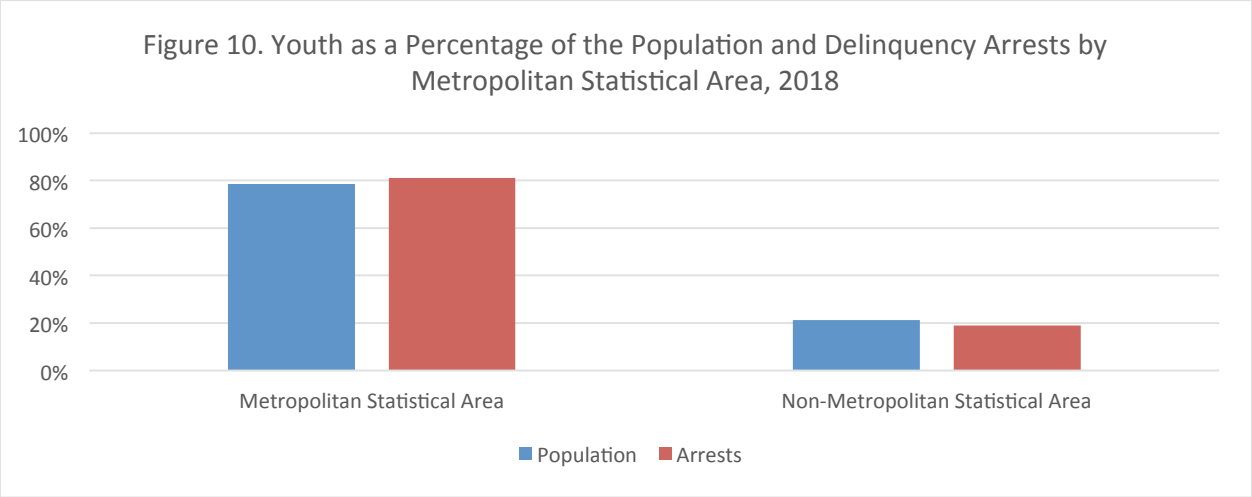
Arrests by Metropolitan Statistical Area[13]

Lastly, we compare juvenile delinquency arrests among youth in Metropolitan Statistical Areas (MSA) and non-Metropolitan Statistical Areas (non-MSAs) in Minnesota. MSAs are parts of the state with at least one area with at least 50,000 residents.[14] Figure 10 displays the percent of youth living in MSAs and non-MSAs in 2018. It also shows the percent of juvenile delinquency arrests occurring in MSAs and non-MSAs.

As the graph demonstrates, population and arrests are fairly proportionate. Seventy-nine percent of youth lived in an MSA, where 81% of juvenile arrests took place. Youth living in non-MSAs comprised 21% of the youth population and made up 19% of those arrested.







[12] See Appendix 6 for the number of juvenile arrests in Minnesota by type of status offense and race in 2018. Disaggregation of these data by ethnicity was not available.

[13] See Appendix 7 for the number of youth between the ages of 10 and 17 and juvenile delinquency arrests in Minnesota by Metropolitan Statistical Area in 2018.

[14] Counties in MSAs include: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Le Sueur, Mille Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, Wright, Carlton, St. Louis, Benton, Stearns, Dodge, Fillmore, Olmsted, Wabasha, Blue Earth, Nicollet, Houston, Polk, and Clay. See Minnesota Department of Employment and Economic Development's Metropolitan Statistical Areas.

CASES PETITIONED AND CASES RESULTING IN DELINQUENCY FINDINGS[15]

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

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

Cases Petitioned

In 2018, there were 31,179 cases filed in juvenile court. Figure 11 displays the percent of cases petitioned by case type and level in Minnesota.[17] Approximately half the cases (49%) were delinquency petitions. Cases involving felony charges made up 12% of all delinquency cases petitioned, and cases with gross misdemeanor charges were 4%. One-third (33%) of all delinquency cases dealt with misdemeanor charges. Twelve percent of all cases involved petty offenses.

The remaining 39% of the 2017 juvenile court filings involved child welfare cases, including CHIPS (Children in Need of Protection or Services) petitions (20%), permanency through the transfer of custody and the termination of parental rights cases (13%), and the smallest percentage of cases, truancy and runaway cases (6%).

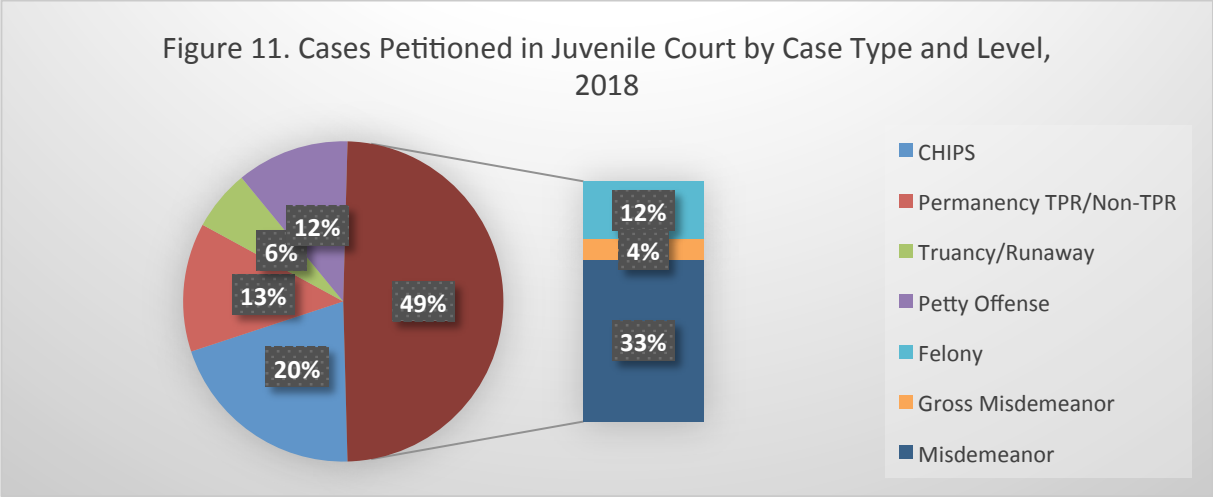
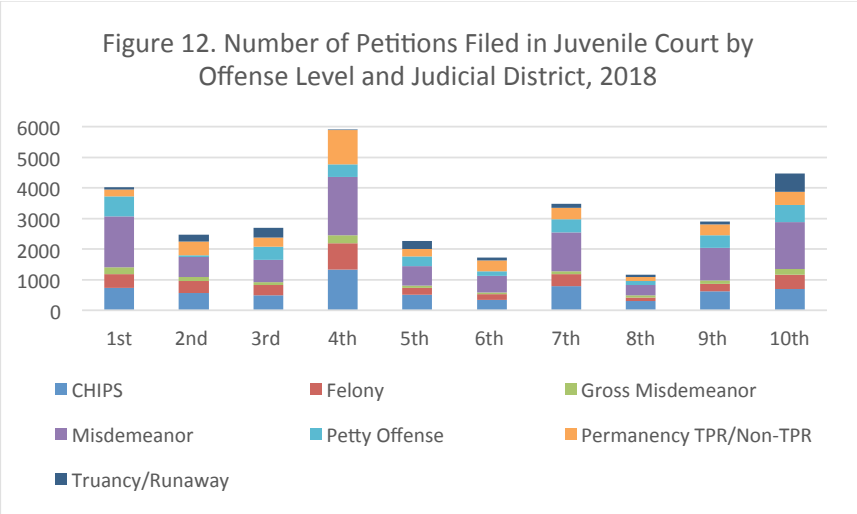


Figure 12 presents the distribution of cases across Minnesota's ten judicial districts by case type and level. A plurality of petitions (19%) were filed in the 4th district, which is made up entirely by Hennepin County. The 10th judicial district, encompassing eight counties including a couple in the metropolitan area, received the next-highest share of petitions (14%). Thirteen percent of petitions were filed in the 1st district, composed of seven counties including three located in the metropolitan area. Eleven percent of petitions were filed in the 7th district, comprised of 10 counties in west central Minnesota. The 8th district received the fewest percentage of petitions (4%). The remaining districts received 6-9% of petitions.



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

[16] Minn. Stat. §388.24 (2018).

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

With regard to specific charges, the 4th district amassed the largest share of petitions in most types of cases. A plurality of CHIPS petitions (21%) and cases involving felony charges (24%) were filed in the 4th district. Additionally, 19% of gross misdemeanor petitions and 19% of misdemeanor petitions were filed in the 4th district. Over one-quarter (28%) of petitions dealing with custody transfers and parental rights terminations were filed in the 4th district. Charges for petty offenses were most prevalent in the 1st and 10th districts; each district received 19% and 16% of those types of petitions respectively. Almost one-third (31%) of truancy and runaway petitions were filed in the 10th district.

The next figure focuses on delinquency petitions filed in juvenile court in 2018. Figure 13 provides a breakdown of the percent of delinquency petitions by offense level in Minnesota. A little over two-thirds (67%) of all delinquency petitions involved misdemeanor charges. Nearly one-quarter (24%) had felony charges, and 9% dealt with gross misdemeanors.

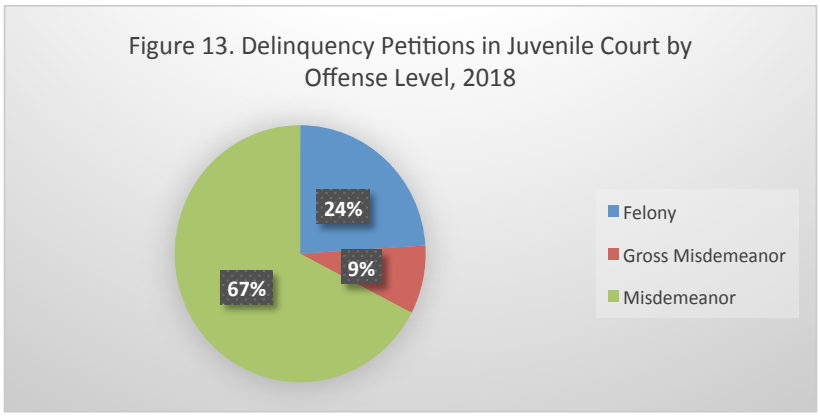


Figure 13. Delinquency Petitions in Juvenile Court by Offense Level, 2018

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

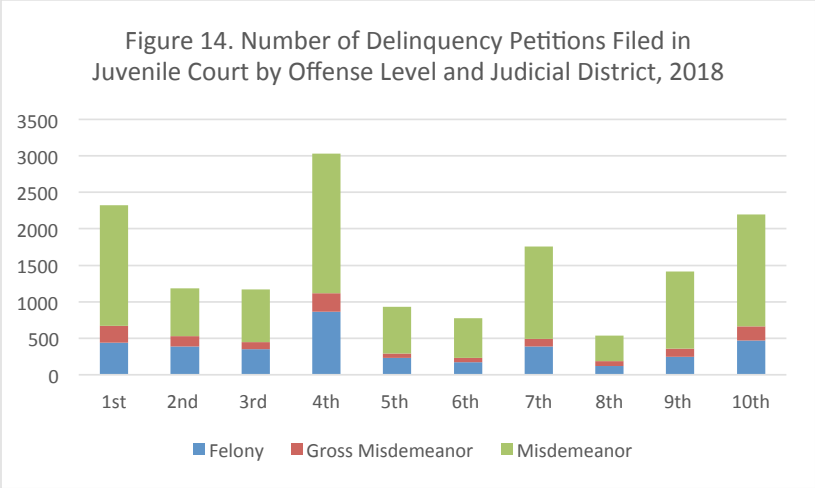


Figure 14. Number of Delinquency Petitions Filed in Juvenile Court by Offense Level and Judicial District, 2018

Regarding specific charges, 24% of all felony cases were filed in the 4th district. Thirteen percent of all felony cases were filed in the 10th district, and 12% took place in the 1st district. The 2nd and 7th districts each comprised 11% of cases involving felony charges.

The 4th district filed 19% of all gross misdemeanor petitions. These charges were also prevalent in the 1st district (17%) and 10th district (15%). A plurality (19%) of misdemeanor petitions were filed in the 4th district. The 1st district filed 16% of all misdemeanor cases, and the 10th district filed 15%. Twelve percent of misdemeanor charges were filed in the 7th district.

Figure 15 turns to a comparison of the race and ethnicity of youth arrested and youth whose cases were petitioned by county attorneys in juvenile court in Minnesota in 2018. Since the number of referrals to county attorneys is not available, to determine disproportionality, comparing delinquency petitions to delinquency arrests is the next-best option.

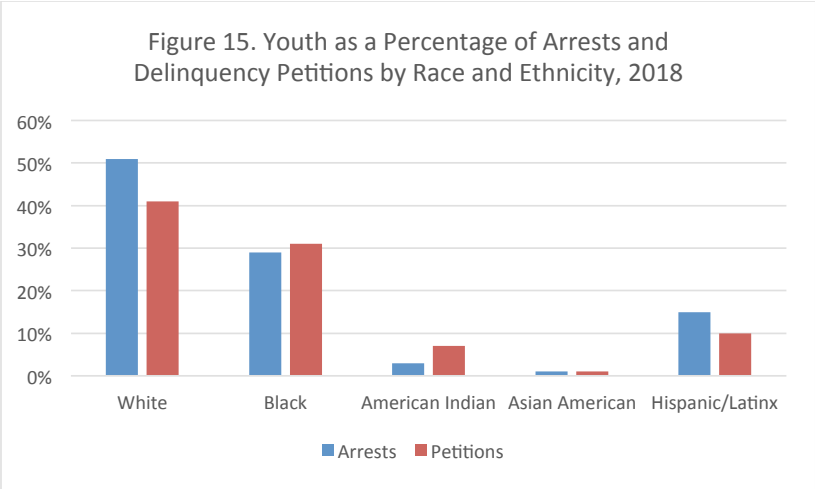


Figure 15. Youth as a Percentage of Arrests and Delinquency Petitions by Race and Ethnicity, 2018

As the figure shows, there was some disproportionately between delinquency arrests and cases petitioned. While white youth were 51% of those arrested, they were 41% of those whose cases were petitioned. Hispanic/Latinx were also underrepresented; they were 15% of delinquency arrests but 10% of delinquency petitions filed. Meanwhile, American Indian youth were overrepresented, making up 3% of juveniles arrested but 7% of cases petitioned to the court.

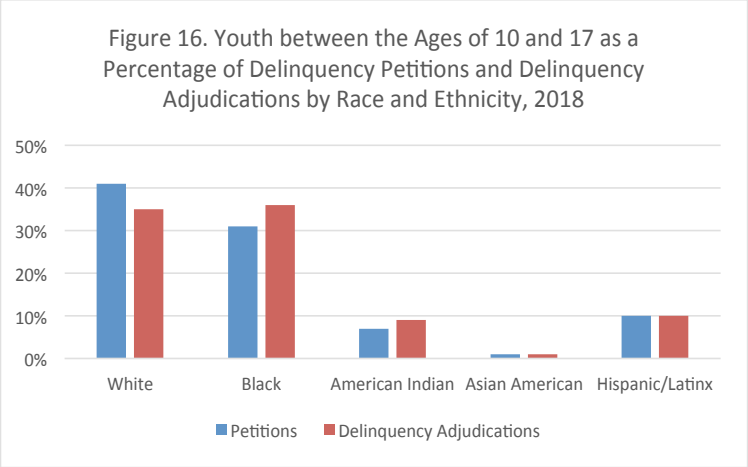
Black youth were proportionately represented. They made up 29% of juvenile arrests and 31% of delinquency petitions. Asian American youth were also proportionately represented. They comprised 1% of arrests and 1% of cases petitioned.

[18] See Appendix 10 for the number of cases petitioned and number of cases resulting in delinquency adjudications in Minnesota by race and ethnicity in 2018.

Cases Resulting in Delinquency Adjudications[19]

Figure 16 presents the percentage of delinquency petitions and delinquency adjudications disaggregated by race and ethnicity. As evidenced by the graph, there was some disproportionately among white, black, and American Indian youth but not Asian American or Hispanic/Latinx youth.

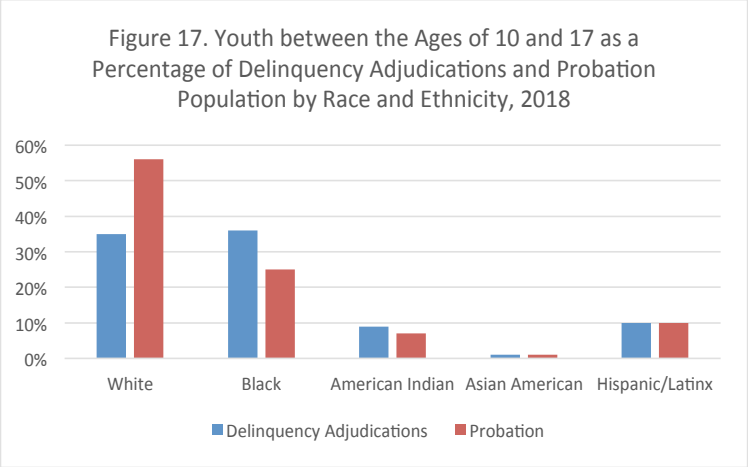
Of the cases resulting in a delinquency adjudication, a little over one-third (35%) involved white youth. Recall that white youth comprised 41% of delinquency petitions. Conversely, black youth made up 31% of delinquency petitions and 36% of delinquency adjudications. In a similar vein, but to a smaller degree, 7% of cases petitioned and 9% of delinquency adjudications involved American Indian youth. There was no disproportionately among Asian American youth and Hispanic/Latinx youth. Asian Americans were 1% and Hispanic/Latinx youth were 10% of cases petitioned and cases resulting in an adjudication of delinquency.



CASES RESULTING IN PROBATION PLACEMENT[20]

Figure 17 presents the percentage of youth on probation by race and ethnicity compared to the percentage of cases resulting in a delinquency adjudication. Like the previous findings, there was significant disproportionately among white youth and black youth. The former was overrepresented among youth on probation, while the latter was underrepresented. Thirty-five percent of delinquency adjudications were of white youth, but over half (56%) of those on probation were white. Conversely, black youth made up 36% of delinquency adjudications but one-quarter of youth on probation.

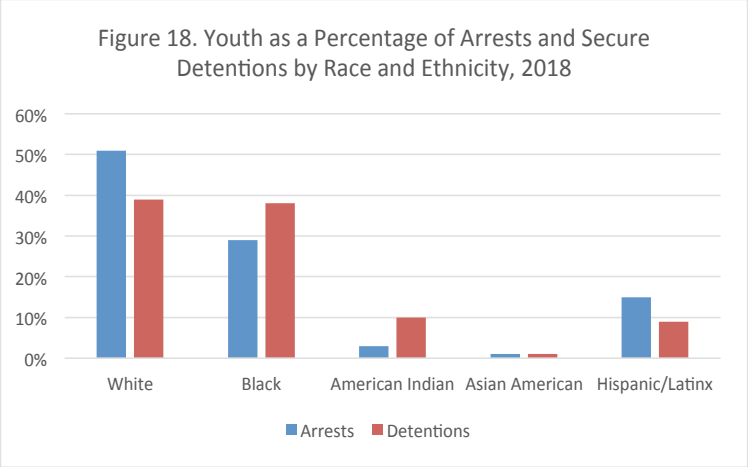
We observe some underrepresentation among American Indian youth. They made up 9% of cases resulting in an adjudication of delinquency and 7% of cases resulting in probation placement. There was no disproportionately among the remaining youth. Ten percent of delinquency adjudications and probation placements were of Hispanic/Latinx youth. Asian American youth comprised 1% of delinquency dispositions and cases with a probation outcome.



YOUTH IN SECURE FACILITIES[21]

Pre-Adjudication

Figure 18 examines youth held in secure detention during court processing prior to disposition in 2018. To calculate disproportionately, the percent of youth held in secure detention is compared to the percent of youth arrested for delinquency offenses. This data point is used since data on referrals to county attorneys are unavailable.



[19] As referenced in Footnote 5, under Minnesota law a juvenile can plead or be found guilty of a delinquent act, receive a stay of adjudication and be placed on probation. At the time of the writing of this report, data on youth who received a stay of adjudication was not available. Therefore, all calculations in this section are based only on those cases in which the youth was adjudicated delinquent.

[20] Probation data provided by the Minnesota Department of Corrections, upon request, and the Minnesota Department of Corrections 2018 Probation Survey. See Appendix 11 for the number of cases resulting in probation placement in Minnesota by race and ethnicity in 2018.

[21] Data on youth in secure facilities provided by the Minnesota Department of Corrections, Hennepin County Juvenile Detention Center, Ramsey County Juvenile Detention Center, Boys Totem Town, Dakota County Juvenile Services Center, Arrowhead Juvenile Detention Center, and the Minnesota Correctional Facility- Red Wing, upon request. See Appendix 12 for the number of youth in secure detention and secure confinement in Minnesota by race and ethnicity in 2018.

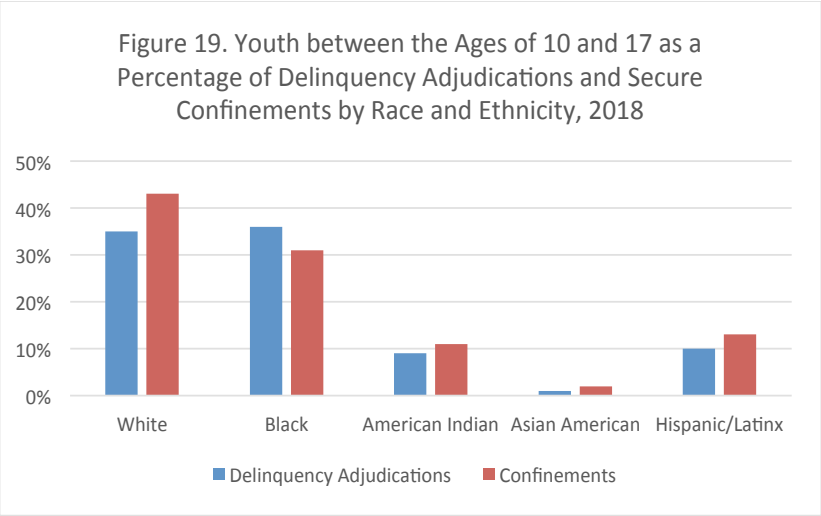
There is disproportionately among most groups. White youth and Hispanic/Latinx youth were underrepresented, and black youth and American Indian youth were overrepresented. The percentage of Asian Americans arrested and securely detained was proportionate (1%).

Among juveniles arrested, 51% were white. However, 39% of youth in secure detention were white. Likewise, but to a lesser degree, Hispanic/Latinx youth were 15% of those arrested but 9% of those securely held pre-adjudication.

In the opposite direction, black youth comprised 29% of delinquency arrests but over one-third (38%) of youth held securely. Similarly, 3% of arrests but 10% of secure detentions were of American Indian youth.

Post-Adjudication

Next, we investigate the race and ethnicity of youth held in secure confinement after court processing. Figure 19 presents this information along with the percent of youth with delinquency adjudications.



There was little disproportionately among Asian American youth and Hispanic/Latinx youth. Asian American youth were 1% of those with delinquency adjudications and 2% of those in secure confinement. Ten percent of cases resulting in delinquency adjudications and 13% of those held in secure confinement were Hispanic/Latinx.

White youth and American Indian youth were overrepresented among those held securely post-adjudication. While white youth made up 35% of delinquency adjudications, they were 43% of those in secure confinement. American Indian youth were 9% of those with a delinquency adjudication but 11% of those confined securely.

Black youth were underrepresented. Thirty-six percent of delinquency adjudications involved black youth. Of those in secure confinement, 31% were black.

CASES TRANSFERRED TO ADULT COURT[22]

Lastly, we turn to youth transferred to adult court in 2018. Under Minnesota law, youth 14 or older alleged to have committed a felony-level offense may be transferred to adult court for prosecution.[23] The process of transferring a case to adult court is called "certification" under Minnesota's statutes. In 2018, of the 3,674 felony cases filed (which includes youth under 14 not eligible for certification) only 34 cases were transferred to adult court (1%).

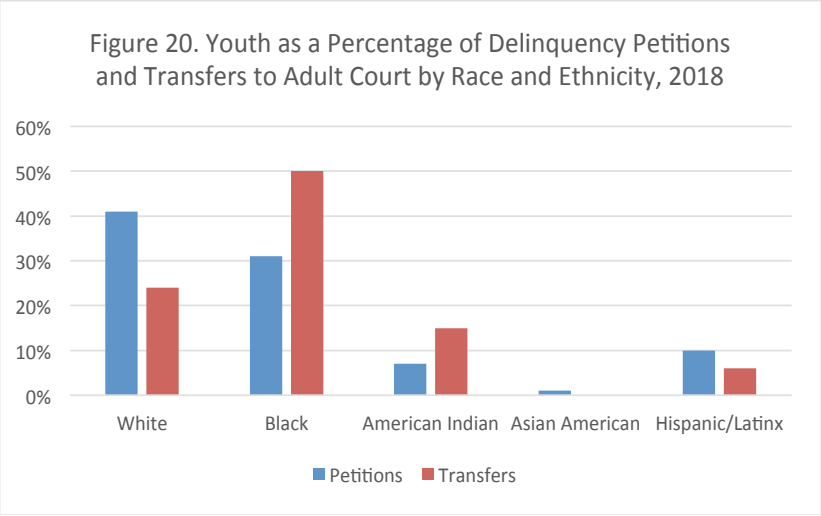


Figure 20 compares the percent of youth petitioned to juvenile court to the percent certified to adult court. As the graph shows, there was significant disproportionately among white youth and black youth. White youth comprised 41% of delinquency petitions, but only 24% of youth transferred to adult court. By contrast, black youth were 31% of those petitioned in juvenile court, but half (50%) of those certified as adults.

American Indian youth were also overrepresented in adult court. Seven percent of delinquency petitions and 15% of transfers involved American Indian youth.

Hispanic/Latinx youth were slightly underrepresented. They were 10% of delinquency petitions and 6% of those transferred to adult court. Asian American youth made up 1% of cases petitioned in juvenile court, but none were certified as adults.

[22] Data on transfers to adult court provided by the Minnesota State Court Administrator's Office, upon request. See Appendix 13 for the number of cases transferred to adult court in Minnesota by race and ethnicity in 2018.

[23] Minn. Stat. §260B.125 (2018).

RESEARCH ON JUSTICE-INVOLVED YOUTH IN MINNESOTA IN 2019

The following section summarizes recently released research on justice-involved youth in Minnesota. It begins with a summary of research conducted by the Minnesota Statistical Analysis Center on crime victim services in juvenile correctional facilities in Minnesota. It also summarizes a report by the Hennepin County Department of Community Corrections and Rehabilitation (DOCCR) Office of Policy, Planning and Evaluation on the role of trauma and violence on justice-involved youth who are lesbian, gay, bisexual, transgender, questioning/unsure, asexual (LGBTQA) and gender non-conforming (GNC) youth in Hennepin County.

CRIME VICTIM-SERVICES FOR JUSTICE-INVOLVED JUVENILES

In September of 2019, the Minnesota Statistical Analysis Center—a research unit in the Minnesota Department of Public Safety Office of Justice programs—released a report on crime victim services in juvenile correctional facilities in Minnesota.[24] External research finds an overlap between offending and victimization, particularly among youth, and that victimization leaves youth at risk of involvement in the juvenile justice system, chemical dependency, poor health outcomes, problems at school, and suicide ideation. Therefore, it is critical that juvenile correctional facilities address justice-involved youths' crime victim-related needs.

This study examined 3 basic domains: Are juvenile correctional facilities able to identify past victimization experiences? What resources are available to victims when they are identified? What resources are needed by the facilities to serve victims of violence? The study focused on past violent victimization experiences, which included physical abuse in the home, sexual abuse in the home, violent assault outside the home, dating violence, sexual violence outside the home, and sex trafficking.

Researchers administered an online survey to leadership and staff members from juvenile facilities throughout Minnesota. Sixty-five individuals from 30 different juvenile facilities participated in the survey. Since 61 juvenile facilities were invited to participate, the facility-based response rate was 49%.

Survey results reveal that almost all facilities have assessment tools or screening instruments to identify past victimization. These tools include questions that could reveal past victimization experiences. All facilities reported that juveniles may self-report past or current victimization experiences to staff, and almost all indicated that the juveniles' families may report current or past victimization experiences to staff members. Most facilities have multiple ways of identifying past victimization experiences.

An overwhelming majority of facilities indicated they have the resources to provide crime victim services to juvenile victims of violent crime. Depending upon the crime type, 67-77% of respondents said they are able to adequately treat juvenile victims of physical abuse, sexual abuse, violent assault, dating violence, sexual violence, and sex trafficking. Depending on the form of violent victimization, 67-80% of respondents said there are specialized services in their community addressing crime victimization where they can refer juvenile victims of various crimes.

In terms of the resources needed to adequately serve crime victims, 77% of respondents said more training and education for staff is needed, and 67% indicated a need for more funding. Sixty-three percent reported they need more treatment providers and programs in their community. Sixty-three percent said there is a need for more coordination with treatment providers and community-based providers, and half reported a need for more treatment staff.

To summarize, most staff in juvenile correctional facilities in Minnesota come into contact with past crime victims, and facilities have adequate staff and resources to help them.

JUSTICE-INVOLVED LGBTQA AND GNC YOUTH IN HENNEPIN COUNTY

The Hennepin County Department of Community Corrections and Rehabilitation (DOCCR) Office of Policy, Planning and Evaluation recently released a report on the role of trauma and violence on justice-involved youth who are lesbian, gay, bisexual, transgender, questioning/unsure, asexual (LGBTQA) and gender non-conforming (GNC) youth in Hennepin County.[25] It is well-documented that LGBTQA and GNC youth are overrepresented in the juvenile justice system. However, they are understudied.

This study furthers our understanding of justice-involved LGBTQA and GNC youth, the role of trauma, and pathways into the juvenile justice system. It asks: What is the estimated percentage of youth in the DOCCR juvenile services area who identify as LGBTQA or GNC? What

[24] See *Victim Services for Justice-Involved Juveniles*.

[25] See *Understanding the Role of Trauma and Violence Exposure on Justice-Involved LGBTQA and GNC Youth in Hennepin County, MN*

is the developmental pathway into the juvenile justice system for LGBTQA or GNC youth compared to heterosexual or cisgender youth? What are the experiences of justice-involved LGBTQA or GNC youth compared to justice-involved heterosexual or cisgender youth?

Researchers administered a survey to 150 justice-involved youth and interviewed 30 justice-involved LGBTQA/GNC youth and 30 justice-involved heterosexual/non-GNC youth.

Survey and interview results find that 32% of justice-involved youth are LGBTQA or experienced gender non conformity-based rejection (GNCR). Compared to their heterosexual, non-GNCR counterparts, LGBTQA/GNCR youth were more likely to have a history of homelessness (52% versus 28%). They were also less likely to live with a family member (69% compared to 85%) and have a trusted adult in their life (71% versus 87%). Almost half (49%) of LGBTQA/GNCR youth were removed from their home for their own safety compared to 28% of heterosexual, non-GNCR youth.

Interview data reveal LGBTQA/GNCR youth had higher victimization rates than heterosexual, non-GNCR youth, particularly sexual assault, child maltreatment, physical/sexual harassment, peer harassment, and verbal abuse. They also experienced more cumulative trauma and victimization than their peers. On average, LGBTQA/GNCR youth experienced 4.5 adverse childhood experiences (ACEs). By contrast, heterosexual, non-GNCR youth averaged 2.5 ACEs. Seventy percent of LGBTQA/GNC youth and 43% of heterosexual, non-GNCR youth experienced 1-3 ACEs. Nearly one-quarter (23%) of LGBTQA/GNC youth and 3% of heterosexual, non-GNCR youth experienced 7 or more ACEs.[26] The cumulative impact of multiple ACEs puts youth at an increased risk of negative long-term effects, problem behaviors, mental health issues, and juvenile justice involvement.

This study also examined youths' experiences in the juvenile justice system. Almost one-quarter (23%), most of whom were LGBTQA/GNC, said their sexual orientation or gender identity played a role in their trauma experiences. Twenty-three percent of LGBTQA/GNC youth reported being physically or verbally harassed because of their gender identity or sexual orientation, which further contributed to trauma. Twenty percent of youth said the juvenile justice system was unfair or ill-equipped to work with youth. That same percentage witnessed violence in the correctional facilities. Seventeen percent of LGBTQA/GNC youth were harassed or bullied compared to 3% of heterosexual, non-GNCR youth. Almost one-quarter (23%) of LGBTQA/GNC youth reported issues with staff members (e.g., staff not intervening in incidents, staff escalating situations, inconsistent rules and orders, rude and judgmental staff) versus 13% of heterosexual, non-GNCR youth. Lastly, more LGBTQA/GNC youth than heterosexual, non-GNCR youth expressed anger at being justice-involved (23% versus 7%).

To summarize, it is a misconception that justice-involved youth are not LGBTQA or GNC. Consistent with prior research, they are overrepresented in the juvenile justice system in Hennepin County. LGBTQA/GNCR youth had higher victimization rates and adverse childhood experiences (ACEs) than heterosexual, non-GNCR youth. They also had different experiences in the juvenile justice system than their heterosexual, non-GNCR counterparts.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT CORE COMPLIANCE REQUIREMENTS

In 1974, Congress passed and President Ford signed into law the Juvenile Justice and Delinquency Prevention Act (JJDPA).[27] A landmark piece of legislation, it was the first federally-supported effort to address juvenile delinquency across the United States. Its aim was to prevent delinquency and create a uniform approach to improve the juvenile justice system. Among other things, the JJDPA established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to implement and enforce the law and authorized state funding for delinquency prevention and intervention progams.

In its first iteration in 1974, the JJDPA instituted two core requirements: the separation of juveniles from incarcerated adults and the deinstitutionalization of status offenders. Congress amended the JJDPA in 1992, and the separation requirement was strengthened to require the sight and sound separation of juveniles from adults. Congress also added two more requirements—jail removal and disproportionate minority confinement—bringing the total number of core requirements to four. In 2002, disproportionate minority confinement was amended to disproportionate minority contact, and in 2018, it was renamed racial and ethnic disparities.

The JJDPA enjoys broad bipartisan support and has been reauthorized numerous times, most recently in 2018. Compliance with all 4 core requirements is required in order to receive federal funding under the JJDPA.[28] The remaining sections discuss Minnesota's compliance with the core requirements.

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[26] Examples of adverse childhood experiences include experiencing violence or abuse, witnessing violence in the home, or growing up in a home with substance misuse or mental health problems.

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

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

JAIL REMOVAL

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

From October 1, 2017 to September 30, 2018 (the federal fiscal year), the jail removal violation rate was 2.4 per 100,000 juveniles. Compliance with the jail removal requirement allows a state removal rate at or below 8.41 per 100,000 juveniles, so Minnesota is well within compliance rates.

SIGHT AND SOUND SEPARATION

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

To assess compliance with the sight and sound separation requirement, Minnesota's Compliance Monitor and the Department of Corrections' Inspection and Enforcement Unit conduct facility audits. In federal fiscal year 2018, there were no sight and sound violations. States with a sight and sound separation rate at or below 0.32 per 100,000 juveniles are in compliance. Minnesota, with its rate of 0, is compliant.

DEINSTITUTIONALIZATION OF STATUS OFFENDERS

The deinstititutionalization of status offenders (DSO) is one of the JJDPA's original core requirements. Established in 1974, it bans holding juvenile status offenders or those charged with committing status offenses in secure detention and correctional facilities. Prior to 1974, incarcerating juvenile status offenders in secure facilities with those who committed crimes was standard practice.[29] The DSO requirement recognizes that status offenses—acts and behaviors that are legal for adults—should be treated differently from delinquent acts and other crimes.

During the federal fiscal year 2018, the DSO violation rate was 4.3 per 100,000 youth. The threshold for compliance with the DSO requirement is 8.5 per 100,000 juveniles. States with rates at or below this threshold are in compliance, so Minnesota is compliant.

RACIAL AND ETHNIC DISPARITIES

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

It is a misconception that racial and ethnic disparities result from racial differences in crime rates and types of crime committed. Indeed, the disparities are too great to be explained by differences in offending patterns alone.[30] In fact, when it comes to the two most common types of offenses—property and drug-related crimes—external research does not find racial and ethnic differences in rates of actual juvenile offending.[31] For example, self-report data suggest white youth are more likely than black youth to use or sell marijuana, and white and black youth are equally likely to report selling hard drugs. According to external research, the majority of juvenile arrests are for non-violent offenses, so rates of arrest or formal processing should not vary across racial and ethnic groups, but they do. Researchers suggest a number of factors contributing to racial and ethnic disparities including structural racism and racial biases in the policies and practices of juvenile justice agencies, inequitable distribution of resources in communities, and the unchecked discretion of justice officials.[32]

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

For the purposes of determining compliance with the JJDPA, racial and ethnic disparities is calculated using the Relative Rate Index (RRI). At its core, the RRI determines whether a racial disparity exists at a particular decision point in the juvenile justice system. It does so by comparing the outcomes for youth of color relative to the outcomes for white youth. For instance, black youths' RRI at the arrest stage compares their rate of arrest to white youths' rate of arrest and tells us whether there is a racial disparity.

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

To interpret the RRI table, a score of 1.0 means the outcome for a particular racial/ethnic group is equivalent to the outcome for white youth. For example, a score of 1 at the arrest stage means no racial disparity exists as compared to white youth and the chance of arrest for youth from a particular racial/ethnic group and white youth is the same.

Scores above 1.0 indicate overrepresentation. Using arrest as an example, overrepresentation means that relative to white youth, youth from a particular group are more likely to be arrested. In other words, the rate at which they are arrested is higher than the rate at which white youth are arrested.

Scores below 1.0 indicate underrepresentation. Referring to arrest again, underrepresentation means that relative to white youth, youth from a particular group are less likely to be arrested. To put it another way, their chances of getting arrested is lower than that of white youth. Note that underrepresentation still indicates a racial disparity and is cause for concern.

The RRI matrix in Table 1 reveals racial disparities at almost all stages of the juvenile justice system in 2018. The far right-hand column demonstrates that youth of color were overrepresented at decision points. Relative to white youth, youth of color (2.5) were almost 3 times more likely to be arrested. They were a little over 1.5 times more likely to be held in secure detention than white youth (1.6). The rate at which youth of colors' cases was petitioned in juvenile court was higher than that of white youth (1.5). Delinquency adjudications were slightly more likely for youth of color than white youth (1.3). Youth of color were transferred to adult court at higher rates than white youth. They were over 2 times more likely to be certified as adults (2.3).

There were a couple decision points at which youth of color were underrepresented. They were 60% less likely than white youth (.4) to receive a probation placement and almost one-third less likely to receive secure confinement (.7). Recall that underrepresentation still constitutes a racial disparity and is problematic.

Table 1. Relative Rate Index Calculations Comparing Outcomes for Youth of Color to White Youth, 2018.

	Black	American Indian	Asian American	Hispanic/Latinx	All Youth of Color
Juvenile Delinquency Arrests	3.7*	3*	.2*	2.3*	2.5*
Referrals to County Attorneys	-	-	-	-	-
Delinquency Diversions	-	-	-	-	-
Cases Involving Secure Detention	1.7*	4*	1.5*	.8*	1.6*
Cases Petitioned	1.3*	2.7*	1.3*	.9*	1.5*
Cases Resulting in Delinquency Adjudication	1.4*	1.5*	.6*	1.2*	1.3*
Cases Resulting in Probation Placement	.4*	.5*	**	.6*	.4*
Cases Resulting in Secure Confinement	.7*	1	**	1	.7*
Cases Transferred to Adult Court	2.9*	**	**	**	2.3*

- No state-level data are available.

* Results are statistically significant.

** Insufficient number of cases for analysis.

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

At the arrest stage, black youth were much more likely than white youth to get arrested. Their arrest rate was 3.7 times higher than that of white youth. Similarly, but to a lesser degree, American Indian youth were 3 times more likely to be arrested than white youth. Likewise, the arrest rate among Hispanic/Latinx youth was 2.3 times higher than that of white youth. By contrast, Asian American youth were significantly underrepresented (.2). They were 80% less likely to face arrest than white youth.

It is worth noting that compared to the other decision points in the juvenile justice system, the arrest stage is one in which youth of color have a wide range of experiences relative to white youth and to one another. The severity in disparity is great, ranging from .2 for Asian American youth to 3.7 for black youth. The former are much less likely to get arrested than white youth, while the latter are much more likely to get arrested.

Statewide data on cases referred to county attorneys and cases diverted are not available, so the next point of contact to examine is secure detentions. This is another decision point in which youth of color have a wide range of experiences relative to white youth but also to one another. Black youth (1.7) were more likely than white youth to be held securely prior to adjudication, and so were Asian American youth (1.5). Similarly, and to a much greater degree, American Indian youth were overrepresented. They were 4 times more likely than white youth to be securely held during court processing. Hispanic/Latinx youth (.8) were 20% less likely than white youth to receive secure detention.

Turning to cases petitioned in juvenile court, county attorneys were more likely to file charges when the youth was black (1.3) or Asian American (1.3) instead of white. When the youth was American Indian (2.7), county attorneys were almost 3 times more likely to petition the court than when the youth was white. Conversely, county attorneys were 10% less likely to file a delinquency petition when the youth was Hispanic/Latinx (.9) versus white. Again, this is a decision points in which youth of color experience the juvenile justice system differently relative to white youth and to one another. There is virtually no disparity in treatment between Hispanic/Latinx youth and white youth, but there is a significant disparity between American Indian youth and white youth.

Regarding cases resulting in delinquency adjudications, there were racial disparities among youth of color. American Indian youth and black youth were about 1.5 times more likely than white youth to be adjudicated delinquent (1.5 and 1.4 respectively). Cases resulting in delinquency adjudications were somewhat more likely for Hispanic/Latinx youth (1.2) than white youth. By contrast, Asian American youth were almost half as likely (40%) as white youth to be adjudicated delinquent.

Compared to white youth, black youth, American Indian youth, and Hispanic/Latinx youth were less likely to receive a probation placement. Black youth (.4), American Indian youth (.5), and Hispanic/Latinx youth (.6) were approximately half as likely to be placed on probation as white youth. Even though they were underrepresented at this decision point, a racial disparity exists and is still cause for concern.

With regard to cases resulting in secure confinement following disposition, some youth of color were underrepresented relative to white youth. Black youth (.7) were almost one-third less likely to be held securely post-disposition. There was no racial and ethnic disparity between Hispanic/Latinx youth (1) and white youth and American Indian youth (1) and white youth.

Although the number of cases transferred to adult court was small (only 34), there was still variation in treatment among youth. For one, there was no RRI calculated for American Indian youth, Hispanic/Latinx youth, and Asian American youth as there was an insufficient number of cases for analysis. However, black youth were significantly more likely than white youth to be certified as adults. Black youth (2.9) were transferred to adult court at nearly 3 times the rate of white youth.

Like the arrest stage, the transfer stage is one in which youth of color have different outcomes relative to white youth but also to one another. It is worth emphasizing that the point of arrest and transfer to adult court are critical stages affecting youths' trajectory through the juvenile justice system. Not only does the RRI identify racial disparities between youth of color and white youth, but it also demonstrates that youth of colors' experiences with the juvenile justice system are far from uniform.

APPENDIX

Appendix 1. Minnesota Youth Population between the Ages of 10 and 17 by Race and Ethnicity, 1998-2018.

Year	White	Black	American Indian	Asian American	Hispanic/Latinx
1998	516,013	26,580	9,950	24,916	16,874
1999	515,496	28,810	10,208	26,256	18,515
2000	515,073	31,204	10,458	27,447	20,614
2001	513,136	33,655	10,561	28,041	22,384
2002	510,021	35,972	10,620	28,821	23,948
2003	502,796	37,967	10,427	29,158	25,509
2004	495,772	39,301	10,190	29,398	27,243
2005	488,969	40,641	10,050	29,532	29,110
2006	481,573	42,399	9,837	29,854	31,220
2007	472,912	43,478	9,635	30,099	32,980
2008	462,805	44,385	9,353	30,357	34,769
2009	454,827	44,895	9,152	30,831	36,318
2010	448,042	45,750	9,003	31,363	38,364
2011	442,746	46,868	8,949	32,031	39,760
2012	436,824	47,911	8,923	32,584	40,824
2013	433,062	49,313	8,968	33,657	42,402
2014	431,127	51,657	9,001	34,620	44,222
2015	428,403	54,040	9,003	35,637	46,026
2016	426,242	56,956	9,086	36,746	48,257
2017	425,155	60,216	9,213	38,174	50,395
2018	423,211	63,722	9,385	38,559	52,013

Appendix 2. Number of All Arrests in Minnesota, 2018.

Juvenile Arrests				Adult Arrests	Total Arrests
Part I	Part II	Status	Total	128,666	148,765
5,058	13,998	1,043	20,099		

Appendix 3. Number of Juvenile Arrests in Minnesota by Offense Type and Gender, 2018.

Males					Females				
Part I	Part II	Status		Total	Part I	Part II	Status		Total
		Curfew/Loitering	Runaway				Curfew/Loitering	Runaway	
3,284	9,630	317	243	13,474	1,774	4,368	143	340	6,625

Appendix 4. Number of Juvenile Delinquency Arrests in Minnesota by Race and Ethnicity, 2018.

Race/Ethnicity	Number of Delinquency Arrests
White	8,996
Black	5,043
American Indian	601
Asian American	203
Hispanic/Latinx	2,587
Other/Mixed Race	158

Appendix 5. Number of Juvenile Arrests in Minnesota by Offense Type and Race, 2018.

Race	Part I	Part II	Status
White	2,203	8,539	547
Black	2,471	4,461	423
American Indian	184	551	38
Asian American	119	220	20

Appendix 6. Number of Juvenile Arrests in Minnesota by Type of Status Offense and Race, 2018.

Race	Curfew/Loitering	Runaway
White	252	295
Black	173	250
American Indian	18	20
Asian American	4	16

Appendix 7. Number of Juvenile Delinquency Arrests in Minnesota by Metropolitan Statistical Area, 2018.

	Metropolitan Statistical Area	Non-Metropolitan Statistical Area
Youth Population	461,590	125,300
Delinquency Arrests	15,225	3,568

Appendix 8. Number of Juvenile Cases Petitioned in Minnesota by Case Type, Level and Judicial District, 2018.

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Total
Felony	440	388	351	864	231	171	389	123	247	470	3,674
Gross Misdemeanor	230	144	93	256	62	57	104	67	113	196	1,322
Misdemeanor	1,653	655	722	1,911	639	548	1,267	344	1,056	1,533	10,328
Petty Offense	668	48	433	423	314	145	418	134	414	550	3,547
CHIPS	736	562	481	1,322	509	346	788	293	621	690	6,348
Permanency TPR/Non-TPR	216	443	296	1,108	246	356	380	132	347	431	3,955
Truancy/Runaway	70	230	314	27	266	95	131	77	96	599	1,905
Total	4,013	2,470	2,690	5,911	2,267	1,718	3,477	1,170	2,894	4,469	31,179

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

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

Appendix 10. Number of Cases Petitioned and Number of Cases Resulting in Delinquency Adjudication in Minnesota by Race and Ethnicity, 2018.

Race	Cases Petitioned	Cases Resulting in Delinquency Adjudication
White	5,324	870
Black	3,954	904
American Indian	956	228
Asian American	155	14
Native Hawaiian or Pacific Islander	23	3
Hispanic/Latinx	1,318	256
Other/Mixed Race	1,160	237

Appendix 11. Cases Resulting in Probation Placement in Minnesota by Race and Ethnicity, 2018.

Race	Cases Resulting in Probation Placement
White	3,177
Black	1,442
American Indian	422
Asian American	84
Hispanic/Latinx	571
Other/Mixed Race	25

Appendix 12. Number of Youth in Secure Facilities Pre-Adjudication and Post-Adjudication in Minnesota by Race and Ethnicity, 2018.

Race	Youth in Secure Detention	Youth in Secure Confinement
White	2752	426
Black	2669	301
American Indian	735	110
Asian American	93	15
Hispanic/Latinx	660	131
Other/Mixed Race	171	0

Appendix 13. Number of Cases Transferred to Adult Court in Minnesota by Race and Ethnicity, 2018.

Race	Cases Transferred to Adult Court
White	8
Black	17
American Indian	5
Asian American	0
Hispanic/Latinx	2
Other/Mixed Race	2

Office of Juvenile Justice and Delinquency Prevention
Allocations to Minnesota by Federal Fiscal Year: 2007 – 2019

TOTAL ALLOCATIONS FOR MINNESOTA		
Federal Fiscal Year	**Amount**	**Percentage Change per year**
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%
2013	$753,720	-9.9%
2014	$634,699	-15.8%
2015	$630,804	-0.61%
2016	$534,940	- 15.20%
2017	$571,435	+ 6.39%
2018	$718,569	+ 25.75%
2019	$714,821	-0.52%
Title II: Formula Grants		
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%
2013	$461,583	+1.3%
2014	$621,559	+34.7%
2014 PREA*	$13,140	n/a
2015	$630,804	+1.49%
2016	$534,940	-15.20%
2017	$571,435	+ 6.39%
2018	$718,569	+ 25.75%
2019	$714,821	-0.52%
Title V: Community Delinquency Prevention		
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)		
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%
2013 Ended	$292,137	-23.3%

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

Note: The high point in OJJDP allocations to the states was in 2002. MN's total allocation that year was $6,152,300. The decrease from that year is at 88%. However, all compliance mandates are still in effect.

JJAC GRANTS

2020 Title II Grants Overview

 # Title II one-year grants: 8

 # Title II two-year special project grants: 3

 # Positions supported with grant funds: 38

Program Participants: 1,000+

Impact of this funding: JJAC is calling for the elimination of ethnic and racial disparities present in Minnesota's juvenile justice system and has focused these funds exclusively on this effort.

Funding total: $722,155

Breakdown by grantee:

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

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

EMERGE Community Development
Positions supported with grant funds: 11
Program Participants: 110
2020 award amount: $75,000
Impact statement: Youth ages 9-17 will receive engagement and prevention programming rooted in 1) youth as community leaders in violence prevention; 2) cross-age peer mentorship for healthy decision-making; and 3) the importance of work and education.

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

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

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

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

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

Title II Special Project:
Juvenile Justice 21 Project, Minnesota Corrections Association
Positions supported with grant funds: 2
Program Participants: n/a (research project)
2020 award amount: $120,000 for two years
Impact statement: The Juvenile Justice 21 Project will assist with the development of more effective juvenile justice policies and practices throughout Minnesota by: increasing the understanding and ability of juvenile justice professionals, encouraging the expansion of dual status youth programs, increasing stakeholder support for juvenile justice policy recommendations, and supporting resource and information sharing.

Title II Special Project:
Listen, Learn, Lead Project, Restorative Justice Community Action
Positions supported with grant funds: 12
Program Participants: 200+
2020 award amount: $126,000 for two years
Impact statement: Youth across all ten Minnesota judicial districts will participate in facilitated conversations about Disproportionate Minority Contact. Local adult stakeholders will attend as listeners with the intention of incorporating youth voice into their work.

Title II Special Project:
Listen, Learn, Lead Project, Restorative Justice Community Action
Positions supported with grant funds: N/A
Program Participants: 105 probation agents and community partners
2020 award amount: $24,155
Impact statement: 90 probation agents and 15 community partners will become trained Decision Points facilitators. Decision Points is a cognitive-based program that develops cognitive skills and uses cognitive restructuring to bring awareness to the “traps” or offending behavior that can place participants into the “Trouble Cycle”.

2019 Grants

Title II

Association of Minnesota Counties – JDAI (Statewide)
Beltrami Area Service Collaborative (Bemidji)
Children’s Hospitals and Clinics of Minnesota (St. Paul)
Faribault Diversity Coalition (Faribault)
Heartland Girls Ranch (Benson)
Leech Lake Band of Ojibwe, Youth Services Division (Leech Lake Reservation)
Legal Rights Center (Statewide)
Minneapolis American Indian Center (Minneapolis)
Minnesota Department of Health (Statewide)
Northwestern Minnesota Juvenile Center (Bemidji)
Urban Boatbuilders (St. Paul)
White Earth Band of Chippewa (Mahnomen)
Youthprise (Statewide)

Title II Special Projects

Minnesota Corrections Association (Statewide)
Restorative Justice Community Action (Minneapolis)

Minnesota Juvenile Justice Advisory Committee (JJAC) Membership, Advisors, Staff & Subcommittees

MEMBERS:

Chyenne Boyce
(Youth Member)
Minneapolis

Freddie Davis-English
(Co-Vice Chair)
Plymouth

William Dykes
(Youth Member)
Saint Paul

Dana Erickson
Sartell

Richard Gardell
(Chair)
Saint Paul

Rodney Hanson
Willmar

Scott Knight
Chaska

Amadu Kondeh
Minneapolis

Rhonda Larkin
(Co- Vice Chair)
Minneapolis

Samantha Loe
(Youth Member)
Arden Hills

Michael Mayer
Eagan

Shelley McBride
Rochester

Kevin Nguyen
(Youth Member)
Stillwater

Rachel Prudhomme
(Elected Official)
Thief River Falls

Kate Richtman
Saint Paul

Raj Sethuraju
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Richard Smith
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EX-OFFICIOS:

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James Schneider
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Katrinna Dexter
Minnesota Juvenile Detention Alternatives Initiative

Shon Thieren
Minnesota Department of Corrections

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MN Department of Corrections' Inspections and Enforcement Unit:

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Greg Croucher
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Teresa Smith
Timothy Thompson

Sue Abderholden
MN National Alliance on Mental Illness

Carter Diers
Wright County

Mark Haase
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CO-CHAIR Richie Smith

Members:
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Rhonda Larkin
Jane Schmid
Raj Sethuraju
Katrinna Dexter

MENTAL HEALTH SUBCOMMITTEE

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Members:
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Lisa Becking
Rodney Hanson
Shelley McBride
Jim Schneider
Shon Thieren

POLICY AND PARTNERSHIP SUBCOMMITTEE

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Jim Schneider

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Members:
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COMPLIANCE MONITORING SUBCOMMITTEE

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Freddie Davis-English
Richard Gardell
Rhonda Larkin
Nicole Kern
Elijah Kondeh
Jane Schmid

STATEWIDE JJ ORG OUTREACH & RESEARCH SUBCOMMITTEE

CHAIR
Nicole Kern

Members:
Freddie Davis-English
Richard Gardell
Kate Richtman
Jane Schmid
Jim Schneider

2020 MACCAC Legislative Platform

The legislature is chronically underfunding Minnesota community supervision.

Action is required this session to preserve effective community supervision that protects Minnesota citizens.

Minnesota Community Correction Act counties are in need of a supplemental budget appropriation of 4% for each year of the current biennium to address the state's share of their operating adjustment.

- Minnesota counties that operate under the Community Corrections Act delivery system supervise 72% of all offenders in Minnesota.
- The State of Minnesota has avoided a projected growth of almost 1,000 prison beds primarily through policy changes relying on the use of community supervision.
- Minnesota Community Corrections Act counties received no operating adjustment in state funding in the 2020 -2021 biennium or additional funds to supervise an increase in offenders who would otherwise have been in prison.
- Minnesota counties will no longer be able to sustain proven effective practices in supervision without increased state funding.

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

Minnesota Association of Community Corrections Act Counties
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2020 MACCAC Policy Positions

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

Structural Change in Distribution of Funds
Future funding should be allocated using an equitable and transparent model that considers the need of each county.

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

Probation Lengths
MACCAC recognizes that a robust discussion and evaluation of probation lengths is needed as part of a broader review of sentencing policy. Research indicates that offenders are most likely to recidivate within the first 3 years after conviction. Intensive supervision after 3-5 years has diminishing public safety returns. Longer probation terms do not reduce recidivism rates therefore they do not increase public safety.

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

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

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

Pre-trial Services
Increased emphasis on pre-trial services requires additional correctional resources. MACCAC recognizes the research-supported national trend to move away from cash bail in favor of practices that more effectively address public safety. The Minnesota State Judiciary implemented statewide changes in pre-trial bail evaluation methods meant to standardize assessments and release decisions that places additional demands on probation officers and calls for commensurate state funding.

Sex Offender Supervision
MACCAC supports legislation that takes a strong statewide approach to sex offender supervision by effectively monitoring overall behavior and activities of offenders using risk assessment and evidence-based practices that enhance public safety. MACCAC believes that evidence shows that residency restriction laws do nothing to address offender treatment or overall risk reduction, which are paramount to protecting public safety. Additionally, state funding must be increased for local implementation of enhanced state standards for the supervision of sex offenders, particularly those offenders that transition to the community from the state Minnesota Sex Offender Program (MSOP).

2020 MACPO LEGISLATIVE PLATFORMS

FUNDING

Goal: Increase CPO funding - reinstate unfunded mandates
Goal: 4% increase in funding in 2020
Goal: Delineated line item in Department of Corrections budget for CPO funding
Goal: Streamline funding in combining CPO funding - merging caseload workload funding and 50% reimbursement funding into one-line item.

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

PEER COUNSELING STATUTE

Goal: Amend the following statutes, 181.973 and 13.43, regarding peer counseling, to include probation officers and corrections staff.

MN 181.973 PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING
A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, *probation officers, and corrections staff*, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related trauma, illness, or stress begin the process of healing and effectively dealing with the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone is designated by that agency.

MN 13.43 Subd. 9. PEER COUNSELING DEBRIEFING DATA.
(a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.
(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services *probation officers, correction officers,* that is established by any government entity providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing effectively dealing with post-traumatic stress.

JUVENILE SENTENCING TO LIFE WITHOUT PAROLE

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

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

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

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

1. Minnesota laws should be amended to eliminate the sentence of life without the possibility of parole for juveniles.

2. For the crimes that currently result in a sentence of life without the possibility of parole, juveniles should instead receive a sentence of life with the possibility of parole open to release authority after serving a minimum of 25 years (first look).

3. To ensure meaningful review of a life with the possibility of parole sentence, Minnesota law should further provide that "The Commissioner of Corrections shall review the juvenile's conduct in prison, participation in programming, the juvenile's age at the time of the commission of the crime, the facts of the present offense, the juvenile's prior offenses, educational and family background, the opinion of the victim(s) and any other factors relevant to rehabilitation and make the determination as to whether the juvenile should be paroled."

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

DRIVERS LICENSE RESTRICTION REFORM FOR DWI OFFENDERS

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

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

DPS supports this legislation.

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

MENTAL HEALTH

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

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

HUMAN TRAFFICKING

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

OFFICER SAFETY

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

RETIREMENT

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

OPIOIDS

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

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

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

This includes funding for preventative and ongoing physical and mental health care services in jails and maintenance of Social Security Insurance, Veterans benefits, Medical Assistance and MinnesotaCare.

Example: when a child incarcerated because of Mental Health, Chemical Dependency/Opiate and or behavior issues for their own and public safety should not be denied access to their medication and or treatment because of this law, policy or rule. The child is experiencing behavior issues that requires the higher level of care/incarceration at that time to reframe the child's release back into the community and when medications have to be denied and treatment withheld because there is no funding can make it harder to get the child returned to the community.

SUPPORT OFFENDER REENTRY

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

SUPPORT SMART SENTENCING AND SUPERVISION/PROBATION REFORM

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

JUVENILE PREDATORY OFFENDER REGISTRATION

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

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

COURTHOUSE SECURITY GRANT PROGRAM

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

SUPPORTING COMMUNITY SUPERVISION AS AN ALTERNATIVE TO PRISON EXPANSION

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

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

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

VOTING RIGHTS RESTORATION

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

Public Safety Definitions

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

Subd. 3.Killed in the line of duty.

Killed in the line of duty "does not include deaths from natural causes, except as provided in this subdivision. In the case of a public safety officer, killed in the line of duty includes the death of a public safety officer caused by accidental means while the public safety officer is acting in the course and scope of duties as a public safety officer. Killed in the line of duty also means if a public safety officer dies as the direct and proximate result of a heart attack, stroke or vascular rupture, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if;

(1) that officer, while on duty;:

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

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

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

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

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

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

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

Subd. 4.Public safety officer.
"Public safety officer "includes":

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

(2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility; and any corrections agent / field service agent

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

(i) firefighting;

(ii) emergency motor vehicle operation;

(iii) investigation into the cause and origin of fires;

(iv) the provision of emergency medical services; or

(v) hazardous material responder;

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

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

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

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

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

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

Minnesota Association of County Probation Officers MACPO

2020 LEGISLATIVE AGENDA

Mental Health and Substance Abuse Needs among the Justice-Involved Population

- Incarceration is too often the primary response for people requiring mental health services. People with problematic or untreated mental health symptoms often have corresponding substance abuse disorders. Public policy needs to adequately address the mental health and substance abuse needs of our clientele, ideally before a person becomes involved with the criminal justice system. Of particular concern is how military veterans, especially those with service-connected mental health diagnoses, interact with the criminal justice system, and the extent to which veterans are diverted from the courts.
- According to the National Center for Mental Health and Juvenile Justice, 60-70% of arrested youth meet the criteria for at least one mental disorder; 60% of them with at least one mental disorder experience a co-occurring substance use disorder; and at least 75% of youth in the juvenile justice system have experienced traumatic victimization. Surveys of juvenile justice professionals indicate that there is a severe shortage of juvenile mental health and substance abuse treatment options in Minnesota.
- Funding is needed to adequately supply adult and juvenile mental health and substance abuse assessment, treatment, family support, and trauma-informed care training for professionals and practitioners.

Offender Reentry

- Effectively transitioning people from incarceration to the community enhances public safety and saves tax dollars. Policies that target and support education, housing, employment, and mental health services are proven to reduce recidivism and costs.
- Restructure juvenile predatory offender registration procedures: The courts should be allowed to use legal criteria at any time during the supervision process to determine if a juvenile adjudicated delinquent for a predatory offense should be required to register.
- Intermediate sanctions and other less-restrictive options should be used more often to reduce unnecessary and ineffective incarceration. Administrative options should include sanctions and incentives.
- Local residency restrictions, which have increased dramatically during the past several years, severely restrict where many registered predatory offenders may live. These restrictions have had no effect on recidivism and may actuallyincrease the risk to public safety by creating a false sense of security. Research overwhelmingly demonstrates that housing instability undermines public safety and unduly complicates community supervision.
- Restoring voting rights to those in the community is a reasonable component of reintegration. While it often takes a back seat to the required basic human needs of housing and employment, it is still a vital part of citizenship that can contribute to greater investment by those who have been involved in the criminal justice system.

Smart Sentencing and Supervision

- Revised sentencing guidelines will enhance public safety and reduce costs, particularly for drug offenses where disparities and ineffective mandatory minimum penalties disserve the interests of justice. Collateral consequences are often unknown or ignored at the time of sentencing, which precludes otherwise suitable candidates from early release programs and other opportunities to enhance their success upon release.

- Caseload reductions, and corresponding cost savings, can be realized through risk-based sentencing practices. Dispositional and durational sentencing decisions should be informed by individualized actuarial assessment of criminogenic risks and needs. Research demonstrates that over-supervising low-risk people adversely affects their risk to recidivate. Low risk probationers should be monitored by the court or supervised administratively.

- In felony cases, probation terms should be limited to double the presumptive grid time prescribed by the sentencing guidelines with a cap of five years. Sentencing courts may depart from this standard in cases with demonstrable public safety concerns.

Funding for staffing and security technology needs within correctional facilities is an ongoing issue statewide.

Staffing Levels

- Funding for staffing and security technology needs within correctional facilities is an ongoing issue statewide. These deficits have an inordinate impact on recruitment, retention, and wellness efforts.

- Staffing levels and support needs in community corrections must also be addressed. Minnesota has historically enjoyed tremendous value, measured by cost reductions and efficacy, through expanded use of community supervision in lieu of incarceration.

- Expansion of the groups and types eligible for early retirement incentives within the corrections community including field services under Minnesota Statutes Sections **352.90-352.955**.

Juvenile Sentencing to Life without Parole

- More than seven years ago, the U.S. Supreme Court held that the life-without-the-possibility-of-parole statute for juveniles is unconstitutional. To date, Minnesota has not acceded to this ruling.

- Minnesota's juvenile life without parole statute should be revised to life with the possibility of parole after serving a minimum of twenty years, and apply retroactively to the small number of juveniles currently sentenced to life without the possibility of parole.