

JUVENILE JUSTICE 21



A Roadmap for the Future
of Juvenile Justice in Minnesota

December 2014

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Founded in 1933, The Minnesota Corrections Association (MCA) is a 501 (c)(3) nonprofit membership organization serving corrections professionals throughout the State of Minnesota with a mission to promote the professional development of individuals working in all aspects of the corrections field and to promote ethical and just correctional practice.

This project and report of the Minnesota Corrections Association has been made possible by a grant funded by the Juvenile Justice and Delinquency Prevention Act through the Minnesota Juvenile Justice Advisory Committee and Minnesota Department of Public Safety Office of Justice Programs.

INTRODUCTION

The purpose of the Juvenile Justice 21 project was to convene juvenile justice professionals throughout Minnesota with the goal of identifying a unified vision for the future of juvenile justice in Minnesota.

This goal was accomplished by the Minnesota Corrections Association (MCA) using a four-part methodological process that included conducting a literature review on the current state of juvenile justice in the U.S. and in Minnesota; identifying juvenile justice stakeholders for partnership and inclusion in the project; administering 11 stakeholder forums throughout Minnesota from May through October 2014; and soliciting ideas for juvenile justice reform from stakeholders through the forums and a survey. Over 450 probation and corrections officers, prosecuting attorneys, defense attorneys, social workers, educators, law enforcement officers, counselors, legislators, judges and other professionals participated in this process. This report highlights findings from the project, provides recommendations, and identifies potential next steps.

The project looked at all aspects of Minnesota's juvenile justice system, limiting its ability to focus specifically on any of the many topic areas covered. However, it is intended that this holistic approach will provide a helpful resource for future research and reform efforts both at the statewide level and for those looking to improve their juvenile justice policies and programs locally. It should also serve as a comprehensive reference, a check list of sorts, of all of the important issues to consider for juvenile justice professionals implementing policies and programs on a day-to-day basis. In the areas where it does address specific policy reforms, it provides additional insight for policy-makers and others into systems professional support for those reforms.

MCA acknowledges that a significant amount of work has been completed on these topics by many groups and individuals in the past and Minnesota's juvenile justice system has been improving. However, the objective is to bring attention and added energy to these efforts as well as assist in providing an overarching vision. The report also serves as a reference guide for the juvenile justice reports that have been previously completed and highlighting some of the many promising programs that exist in Minnesota. These can be found in Appendices E and F.

It should be noted that input was not sought from the general public or individuals who have been involved in the juvenile justice system or their families, not because the information would not be very valuable, but simply to focus the project's scope.

MCA would like to thank the many juvenile justice professionals and MCA volunteers who took the time to attend forums, complete the survey, and assist in other ways. The excellent participation in this project by so many professionals across the state is a great testament to

how much support there is for making sure Minnesota's juvenile justice system is the best it can be. We look forward to continuing to work with others to make sure we do all we can to protect and support our state's greatest asset, our children, while also continuing to provide for public safety.

METHODOLOGY

MCA held eleven "local stakeholder forums" throughout Minnesota between June 6th and October 23rd, 2014. The forums were held in Mankato, Shakopee, St. Paul, Rochester, Mankato, Duluth, Ottertail County, Wilmar, Coon Rapids, at the juvenile correctional facilities in Red Wing and Togo, and in Nisswa at the MCA Fall Training Institute. Invitations to the forums went to MCA members and were sent to 28 statewide organizations identified as juvenile justice stakeholders.¹ A total of 406 individuals attended the forums, an average of 37 participants per forum.

At each forum, the Project Manager began the event by presenting information on the project and a background context on trends and policy changes in the juvenile justice system. (See Appendices A and B). Following that presentation, a panel of local juvenile justice professionals provided their perspective on the information presented by the Project Manager, as well as their own experiences and ideas for reform. Thereafter, participants met in randomly selected small groups to brainstorm ideas for juvenile justice reform. (See Appendix D.)

MCA developed and conducted a survey completed by forum participants and other juvenile justice professionals in October 2014. Survey questions were developed based on discussions at the forums, recent reform efforts and juvenile justice developments and previous reports. Feedback regarding survey questions was sought from a variety of juvenile justice professionals. The survey contained fifty-eight questions on broad juvenile justice topics as well as specific policy issues. The survey was conducted online via web based survey tools by an independent research consultant based in Northern Virginia. The consultant also conducted brief qualitative interviews on selected survey participants. The survey was sent to all participants that either registered or attended at least one of the ten Juvenile Justice 21 forums hosted by MCA between May and September 2014. In addition, the survey was sent to contacts for the statewide juvenile justice related organizations listed in footnote 1.

¹ National Alliance on Mental Illness, Minnesota Department of Corrections, Minnesota Community Action Partnership, Minnesota Association of Community Corrections Act Counties, Children's Defense Fund Minnesota, Minnesota Police and Peace Officers Association, Minnesota Sheriff's Association, Legal Rights Center, Juvenile Justice Advisory Committee, American Friends Service Committee, Lakes Area Restorative Justice Project, Minnesota Department of Health, Minnesota County Attorneys Association, Juvenile Justice Coalition of Minnesota, Minnesota Department of Human Services, Minnesota Youth Intervention Programs Association, Minnesota Department of Public Safety, Children's Law Center, Youthprise, Minnesota Association of Child Caring Agencies, Minnesota Department of Education, Minnesota Association of County Probation Officers, Minnesota Police Chiefs, Juvenile Detention Alternatives Initiative, State Public Defender, Minnesota Coalition of Battered Women, Minnesota Coalition Against Sexual Assault, Minnesota Office of Justice Programs

226 Respondents completed the survey. Sixty-five percent attended one of the forums and thirty-five percent did not. Additional respondent demographics are displayed in the tables on below.

Profession	Percentage of Respondents
Probation Officer	30.50%
Other	25.70%
Prosecuting Attorney	13.70%
Defense Attorney	13.30%
Social Worker	6.20%
Educator	2.70%
Law Enforcement	2.20%
Juvenile Counselor	1.80%
Attorney – not prosecutor or defense	1.30%
Corrections Officer	1.30%
Legislator	0.90%
Judge	0.40%

County	Percentage of Respondents
Hennepin County	12.00%
Ramsey County	10.20%
Olmstead County	9.30%
St. Louis County	9.30%
Kandiyohi County	3.50%
Anoka County	2.70%
Blue Earth County	2.70%
Carver County	2.70%
Stearns County	2.70%
Washington County	2.70%
Carlton County	2.20%
Goodhue County	2.20%
Meeker County	2.20%
Scott County	2.20%
Beltrami County	1.80%
Cass County	1.80%
Clay County	1.80%
Itasca County	1.80%
33 Other Counties	26.20%

Number of Years in Profession	Percentage of Respondents
15-19 years	54.40%
0-4 years	17.70%
5-9 years	15.50%
10-14 years	12.40%

Since most of the survey questions were optional, the total number of respondents per question varied, therefore, data from all fifty-eight questions were analyzed and ranked according to the highest agree rate (total respondents that selected either Strongly Agree or Agree). Complete survey results are contained in Appendix C. The following findings are based upon the top eighteen questions that had an agree rate of seventy percent or more as well as information from the forums. The data was grouped into six categories – families; diversion, alternatives to detention and reentry; mental health; schools; child welfare; and collateral consequences of delinquency records. Eleven miscellaneous questions that had sixty to seventy percent agreement are also noted under “miscellaneous”. Recommendations and potential next steps were developed based on this analysis.

FINDINGS

Families

Lack of family involvement is clearly a significant source of frustration for juvenile justice professionals. Forum participants frequently discussed the need for more support and involvement of families of youth involved in the juvenile justice system. Supporting and involving families received more agreement than any other issue in the survey. While a few family support programs around the state were mentioned, there seemed to be a general lack of information and examples of how to effectively involve and support families in the delinquency process. One county even included parents/guardians in juvenile delinquency orders in some cases.²

Support: Ninety-six percent of respondents either strongly agreed or agreed that there is a need for more support (parenting education, social services access and navigation, youth programming) for entire families whose children are involved in the juvenile justice system. While respondents noted that it is difficult to enforce families to participate in programming they are not court ordered to do, they said providing more support for families should be the number one priority. Respondents and interviewees further noted that often there is a strong family component to the dysfunctional behavior displayed by juveniles, therefore, parents and families should not be allowed to step aside once the justice system is involved.

Accountability: Eighty-six percent of respondents agreed that there is a need for more accountability for families whose children are involved in the juvenile justice system. Some reasons that respondents noted are that most juveniles are involved in the criminal justice system because of the lack of parental involvement in their lives and that children on probation are very much a product of their environment. Some respondents noted that family involvement must be collaborative to improve accountability. Some others suggested restorative circles and family group counseling. Respondents that disagreed noted that

² Based on forum discussions, most participants believed juvenile court jurisdiction does not extend to caregivers. This was one area mentioned as a possible reform, although there was also a note of caution added to the discussions regarding how they would be included and what the consequences of non-compliance might be.

accountability is the wrong way to approach this. Some argued that families need juvenile justice professionals to learn how to be strength-based and supportive of families. Moreover, it was argued that the "accountability" concept is a way to discourage families and create a divide. Families will just sit through meetings to complete them and will not truly connect if the goal is to "be more accountable."

Diversion, Alternatives to Detention, Reentry

Programs and policies that divert youth away from the delinquency system, provide alternatives to detention, and support youth after detention or involvement have strong support amongst juvenile justice professionals. There is general agreement that there needs to be more uniformity in diversion eligibility throughout the state with a focus on restorative justice, more resources for programming, and more culturally-competent diversion programs.

Diversion Funding: Eighty-three percent of survey respondents either strongly agreed or agreed that there is a need for more funding for juvenile diversion programs in Minnesota. Several respondents stated that while more funding is needed for evidence based diversion programs, it is as important to allocate resources to addressing underlying issues that lead to juveniles' delinquency rather than to the processing and housing of juvenile offenders. Three percent of the respondents do not believe that more funding is needed for juvenile diversion programs, stating that county diversion programs are not driven by funding as much as they are influenced by local culture and philosophy and that juvenile diversion programs can operate without additional funding.

Restorative Justice: Eighty-nine percent of survey respondents agreed that restorative justice practices that support victims while holding offenders accountable should be available state wide in juvenile delinquency cases. Only 3 percent of respondents disagreed with this statement.

Detention Alternatives: Eighty-seven percent of survey respondents agreed that there is a need for more programs that can be used as alternatives to detention. Some respondents suggested introducing programs that involve family participation. Others noted that there are very limited programs available for immediate and emergency placements other than detention; therefore less restrictive programs are needed. Those respondents that disagreed noted that such programs are already in place, however, they are not being used as much as they should be.

Cultural Competence: Seventy-four percent of survey respondents either strongly agreed or agreed that there is a need for more culturally competent diversion programs in Minnesota. An interviewee and several respondents noted that culturally specific programs are vital especially in areas that have a greater influx of immigrant populations. Others expressed the need for cultural competency training for all staff throughout the system. An interviewee noted that while most professionals in the juvenile justice system come from privileged backgrounds, it is necessary for them to be trained on working with juvenile delinquents that may come from a

less privileged background. A very small number of respondents - four percent - did not agree with the need for more culturally competent juvenile diversion programs.

Reentry: Ninety-three percent of respondents either strongly agreed or agreed that there is a need for better re-entry programming for juveniles. Respondents noted that juveniles need help learning how to implement the skills they learn in a controlled, structured environment to their home lives which are not usually controlled or structured using a holistic approach. Others stated that it is challenging to implement transitional programming in rural areas.

Mental Health

Discussion at the forums and survey results both highlight that adequately identifying and addressing mental health needs to be a high priority for Minnesota's juvenile justice system.

Intervention Funding: Ninety percent of respondents either strongly agreed or agreed that there is a need for more funding for juvenile mental health interventions. Respondents commented that mental health is a cause for crime and that the process of acquiring mental health interventions needs to be simplified. Others commented that there is a strong need for additional facilities and treatment providers, particularly adolescent psychiatrists. On the other hand, two percent of respondents disagreed. Some of these respondents mentioned that Human Services does a good job providing for the needs of children with mental health diagnoses, as this is not the expertise of the juvenile justice professionals in Minnesota. Others noted that mental health interventions are an insurance issue and resources are needed to assist families in signing up for MNsure.

Trauma Informed: Eighty-five percent of respondents either strongly agreed or agreed that more resources and training is needed to use trauma-informed assessment and care with juveniles. Respondents stated that addressing underlying issues such as trauma could prevent recidivism. In addition, significant funding is dedicated to residential/punitive placements that are not effective because it does not address trauma. Interestingly, one respondent noted that staff also need trauma-informed care because many staff are bringing past and work-related traumas to work with them and imposing that on the youth.

Designated Funding: Eighty-two percent of respondents either strongly agreed or agreed that counties should be allowed to use designated funding to pay for diagnostic assessments for juveniles. Some respondents that agreed noted that it is challenging to complete the task of completing evaluations when parents do not have insurance or funds to pay for them. The respondents further went on to state that some mental health providers will not even schedule to complete a court ordered assessment or evaluation if the parents have an outstanding bill. On the other hand, two percent of respondents disagreed stating that parents must use their own insurance first and if they do not have adequate coverage, then designated funding can be used.

Chemical Dependency: Seventy-nine percent of respondents either strongly agreed or agreed that there is a need for more funding for juvenile chemical dependency interventions. Some respondents expressed that many underlying issues are often related to drug use; therefore,

there is a need for adequate treatment facilities and programs. Several respondents noted that resources should be available for all juveniles who have chemical dependency issues - not only for those who can afford it. Others mentioned that interventions must take into account that youth are reactive and may act out. On the contrary, four percent of respondents either strongly disagreed or disagreed that more funding is needed for juvenile chemical dependency interventions. Some of the reasons given were that in some counties, interventions for chemical dependency are widely available and that there appears to be ample funding for youth needing inpatient services but not enough funding for outpatient services.

Screening: Eighty-three percent of respondents either strongly agreed or agreed that mental health screening for children in Minnesota's juvenile justice system needs to be improved. Some respondents noted that mental health screenings should be used and monitored more efficiently and thoughtfully throughout the juvenile justice process - not just post-adjudication, but to recommend youth to resources and to individualize sanctions based on individual needs. Others stated that it is crucial to have the mental health screenings that are more culturally specific because the MMPI is focused on Caucasians; therefore, results will be inaccurate for youth from other cultures. Nine percent of respondents either strongly disagreed or disagreed that mental health screenings need to be improved for children in the juvenile justice system. One respondent argued that there is already enough screening taking place and that the system should not be screening youth prior to disposition because it runs counter to constitutional protections. Seventy-eight percent of respondents either strongly agreed or agreed that more children in the juvenile justice system need to be screened for mental health issues. Some respondents noted that mental health is a significant factor in most crime, therefore, mental health screenings must be accurate and effective rather than a "check off". Other respondents noted that all children in delinquency court must undergo mental health screenings. On the other hand, eleven percent either strongly disagreed or disagreed that more children in the juvenile justice system need to be screened for mental health issues. These respondents stated that mental health screenings are currently a standard procedure, however, proper treatment options need to be administered earlier in the process.

Data Sharing: Another issue that came up often during forums was a concern and questions about how data privacy laws impede collaboration and needed information sharing with the child welfare system and schools as well as mental health professionals. No specific recommendation about what needs to change to make information sharing was offered and there seemed to be a lack of information available on exactly what can and cannot be shared.

Schools

Forum discussions and the survey revealed that the role that schools play in managing and responding to juvenile delinquency is important.

School Referral: Eighty-nine percent of respondents either strongly agreed or agreed that there needs to be more policy discussion, standards, and training for how schools deal with the intersection of school-based discipline and the juvenile delinquency system. Some respondents stated that all stakeholders including schools should be partnering with each

other to better address juvenile delinquency. Furthermore, some respondents added that schools are struggling with how to handle misconduct from zero tolerance policies to school-suspensions/detention programs - they are desperate for guidance in dealing with such issues such as bullying and sexual conduct crimes.

Resource Officers: Seventy-three percent of respondents either strongly agreed or agreed that school resource police officers should receive more training about working in schools and with youth. Respondents noted that there needs to be statewide training standards for school resource police officers particularly on trauma and mental health and how it impacts youth behavior. Those respondents that disagreed argued that school resources police officers have excellent training and numerous supports available. Others noted that school resource police officers in their county received adequate training.

Child Welfare

The need for better coordination between the child protection and juvenile justice systems was one of the most discussed and agreed-upon issues both during forums and in the survey. Eighty-eight percent of survey respondents either strongly agreed or agreed that there needs to be better collaboration and coordination between the child welfare and juvenile justice systems. While some respondents noted that the child welfare and juvenile justice system in their county (Olmstead County and Yellow Medicine County were two examples cited) are collaborating effectively, there was a general consensus among respondents that collaboration and coordination is especially important for cases that overlap and that dual-status youth should not be served in silos but through the joint efforts of all agencies. Forum participants discussed challenges with coordination including separate funding streams, data sharing difficulties, and the “politics” of the two systems. Probation officers expressed frustration with the fact that some children go from the child welfare system into the delinquency system, but then as soon as their delinquency system period is over they have no child welfare system support despite still having the same challenges.

Collateral Consequences

The collateral consequences of juvenile delinquency records in Minnesota have been widely discussed, and many efforts made at reform. Concerns about the issue continue to be raised by a large majority of juvenile justice professionals. Participants at each forum discussed various collateral consequences as needing reform. Specific areas of concern included human services background studies, predatory offender registration, and public juvenile records. Many participants mentioned the use of diversion programs in their counties being used as a method to avoid some of these consequences. Seventy-eight percent of survey respondents agreed that collateral consequences of a juvenile record unnecessarily prevent youth from reaching their full potential as adults. Several respondents commented that when a youth is denied employment, car loans, college, housing, etc., it creates setbacks and discourages their ability to become a productive citizen and will likely lead to more criminal behavior. Eleven percent disagreed and some respondents expressed that the juvenile justice system is designed to address public safety and that collateral consequences are exactly that – collateral.

Predatory Offender Registration: The specific collateral consequence that received the greatest amount of support for reform was the requirement for certain juvenile offenders to register as predatory offenders. Seventy-nine percent of respondents either strongly agreed or agreed that young adults who are registered as predatory offenders as juveniles under the current law should be given the opportunity to petition to be removed from the registry. Several respondents stated that if an individual no longer poses a threat to the community, they should be provided with the opportunity to escape the stigma of being a registered sex offender. Nine percent of the respondents either strongly disagreed or disagreed stating that there should be specific criteria for a petition to be removed from the registry. For example, only certain offenses should be eligible for petition such as age-based sexual assaults.

Miscellaneous

The following survey statements also received a high rate of agreement, between sixty and seventy percent.

1. There should be a statewide office of juvenile justice that focuses on evaluating and improving Minnesota's juvenile justice system.
2. We need better tracking and data systems to measure what programs and policies are most effective and to determine what needs are not being met.
3. The sentences for the individuals already sentenced to mandatory life without parole (as minors) should be reconsidered based on the U.S. Supreme Court's ruling and a statute change.
4. There is a need for increased efforts to reduce racial disparities in Minnesota's juvenile justice system.
5. Currently in Minnesota, a child under the age of 10 cannot be prosecuted but is treated as a child in need of protection or services. Starting at age 10, a child can be prosecuted as delinquent (held responsible). This age should be raised.
6. Human services background study statutes limiting employment involving contact with vulnerable populations should not be applied to juveniles the same way they are applied to adults (there should be some provisions limiting the use of juvenile records for this purpose).
7. There is a need for more juvenile diversion programs for immigrant populations.
8. Except for juveniles certified as adults, juvenile records should never be made publicly available.
9. More youth in my area and in Minnesota should be eligible for diversion, including more offense categories.
10. Current privacy laws on data prevent effective care coordination between government, social services and the schools on behalf of juveniles.
11. Judges should have the discretion to decide if a juvenile sex offender should be required to register as a predatory offender at the end of their treatment.

RECOMMENDATIONS

1. Increase involvement and support for families in the juvenile delinquency system.

POTENTIAL ACTION STEPS: Develop and provide training on engaging and supporting families in the juvenile delinquency process, using research on best practices and model programs from jurisdictions both within and outside of Minnesota. Also include in the trainings information about programs already in place in the local area. Require juvenile diversion and reentry programming to have a family engagement component.

RESOURCES:

Safety, Fairness, Stability: Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities, Center for Juvenile Justice Reform, 2011. Available at: http://ojjdp.gov/newsletter/238636/sf_3.html

Family Comes First: A Workbook to Transform the Justice System by Partnering with Families, Campaign for Youth Justice, 2013. Available at: <http://www.campaignforyouthjustice.org/navigate-the-system/family-comes-first.html>

2. Provide adequate juvenile diversion, alternatives to detention, and reentry programs throughout the state with consideration of the need for culturally competent programming and the use of restorative justice programs. Consider developing a uniform statewide diversion policy.

POTENTIAL ACTION STEPS: Advocate for more local and statewide funding for diversion programs, alternatives to detention, and reentry programs. Explore the development of a statewide diversion policy.

RESOURCES:

Swayze, D., & Buskovick, B. (2012). *Minnesota Juvenile Diversion: A Summary of Statewide Practices and Programming*. Minnesota Department of Public Safety Office of Justice Programs.

Minnesota Diversion Guidebook, Juvenile Justice Coalition of Minnesota, 2011. Available at: <http://www.jjcmn.com/resources/minnesota-diversion-guidebook>

Juvenile Diversion Guidebook, Models for Change, 2011. Available at: <http://www.modelsforchange.net/publications/301>

3. Improve and expand juvenile mental health and chemical dependency diagnosis and treatment.

POTENTIAL ACTION STEPS: Advocate for additional funding for mental health and chemical dependency screening and treatment with an emphasis on trauma-informed care. Explore innovative methods of funding screenings. Revisit and follow-up on recommendations from the Minnesota Department of Corrections 2008 Juvenile Justice and Mental Health Initiative.³

RESOURCES:

Minnesota Juvenile Justice and Mental Health Initiative: Findings and Recommendations. Minnesota Department of Corrections, 2008. Available at: <http://tinyurl.com/po5ea9f>

National Center for Mental Health and Juvenile Justice. Website: <http://www.ncmhjj.com/>

4. Improve and expand collaboration and trainings with schools to better coordinate appropriate responses to behavior.

POTENTIAL ACTION STEPS: Develop more collaborative partnerships with local schools. Develop and provide training focused on referring youth to the delinquency system for school personnel.

RESOURCES:

Hurley Swayze, D., & Buskovick, D. (2014). *Law enforcement in Minnesota Schools: A statewide survey of school resource officers.* Minnesota Department of Public Safety Office of Justice Programs.

5. Improve collaboration between the juvenile delinquency and child welfare systems to support youth and their families jointly.

POTENTIAL ACTION STEPS: Research and advocate for local and statewide practice and policy changes that will allow for better collaboration. Document and build upon successes where crossover youth work is already happening in Minnesota and in other states.

RESOURCES:

Robert F. Kennedy National Resource Center for Juvenile Justice - <http://www.rfknrcjj.org/>

Crossover Youth Practice Model, Center for Juvenile Justice Reform and Casey Family Programs. Can be accessed at <http://cjjr.georgetown.edu/pm/practicemodel.html>. According to the Center for Juvenile Justice Reform website the following Minnesota counties have participated in the model: Carver, Hennepin, Kandiyohi, Olmsted, and Stearns.

³ One issue that came up often was concerns and questions about how data privacy laws impede systems collaboration. The following recommendation from the 2008 DOC initiative seems to still be needed – “Initiate a legal review of federal and state data privacy and data-sharing statutes related to juvenile justice, mental health, and child welfare – existing statutes are not uniformly understood.”

6. Reform statewide policies that treat juvenile delinquency records like adult records, particularly predatory offender registration, human services background studies, and open records.⁴

POTENTIAL ACTION STEPS: Continue to advocate for state law changes that limit undue adverse impacts of juvenile delinquency records for Minnesota youth. Ensure adequate legal assistance exists locally for assisting with the expungement of juvenile records.⁵

RESOURCES:

Juvenile Records in Minnesota, Council on Crime and Justice, 2014. Available at: <http://tinyurl.com/pzxfq3>

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⁴ Unlike other areas of potential reform where both local and state solutions may help, the only avenue for reforming collateral consequences is through state policy reform.

⁵ Many forum participants mentioned the need for better records expungement as an option for juveniles. Minnesota's juvenile expungement law will be changing January 1st, 2014 to clarify that all juvenile records are eligible for expungement at all branches of government through petition to the court. The availability of legal assistance for this process throughout the state is unknown.