



DOING JUVENILES JUSTICE
A BLUEPRINT FOR REFORM FROM THE
JUVENILE JUSTICE COALITION OF MINNESOTA

Original Printing: June, 2006 by John F. Farrell, Research Consultant
Revised Edition: June, 2008 by Cheryl M. Kreager, Project Manager, Juvenile Justice Coalition of Minnesota
www.jjcmn.com // 612.998.7466

About the Juvenile Justice Coalition of Minnesota

The Juvenile Justice Coalition of Minnesota (JJC) is a systems change and advocacy based state-wide organization that promotes county and state level juvenile justice reform. For more information about this paper or regarding the work of the Juvenile Justice Coalition, please contact Curt Peterson, JJC Director, at 612-998-7466 or at curt@orgdev.org.

Juvenile Justice Coalition of Minnesota Steering Committee (2008)

Gail Dorfman
Hennepin County
Commissioner, Chair

Curt Peterson, CFRE
JJC Director

Cheryl Kreager
JJC Project Manager

Jeannine Balfour
The McKnight Foundation

Etta Bernstein
Parent Representative

Judge Tanya Bransford
Fourth Judicial District,
serving Hennepin County

Chris Bray, L.P., Ph.D.
Minnesota Department of
Corrections

Leonardo Castro
Hennepin County Public
Defender

Patrick Dale
The Storefront Group

Chris Ganzlin
The McKnight Foundation

Jamie Halpern
Hennepin County Human
Services Public Health
Department – Children’s
Mental Health

Tricia Hummel
Minnesota Department of
Public Safety, Office of
Justice Programs

Lyle Iron Moccasin
American Indian OIC

Judith Kahn
Consultant – Healthy
Youth Development

Jim Kurtz
Mound Police Chief

Fred LaFleur
Retired Hennepin County
Administration

Kim Buechle Mesun
Minneapolis Public
Schools

Patty Moses
Hennepin County
Attorney’s Office

Paula Nordhem
Chaplain

David Nusbaum
Lutheran Social Services-
Minnesota

Irene Opsahl
Legal Aid Society –
Minneapolis

Pat Orud
Private Practice

Chris Owens
Hennepin County
Community Corrections &
Rehabilitation

Joshua Page, Ph.D.
Department of Sociology -
University of Minnesota

Lt. Bryan Schafer
Minneapolis Police
Department, Juvenile Unit

Bill Wyss
Minnesota Department of
Human Services –
Children’s Mental Health

Table of Contents

Executive Summary	3
Overview: Minnesota’s Juvenile Court, 100 Years Old	6
Overarching Considerations	6
Individual Considerations	6
Adolescent Development	6
Mental Health	6
Chemical Health	7
Systems Considerations	7
Disproportionate Minority Contact (DMC)	7
Data Collection	8
System Isolation	8
Opportunities for Reform	8
1. Reduce Institutionalization	9
2. Reduce Racial Disparities	11
3. Ensure Access to Quality Counsel	13
4. Create a Range of Community-Based Programs	14
5. Recognize and Serve Youth with Special Needs	17
6. Create Smaller Rehabilitative Institutions	19
7. Improve Aftercare and Reentry	20
8. Maximize Youth, Family and Community Participation	23
9. Keep Youth Out of Adult Prisons	25
Conclusion	26
References	27

EXECUTIVE SUMMARY

An effective juvenile justice system holds young people accountable for their behavior and provides what they need to change their behavior and their life trajectory, while protecting public safety. With new research documenting best practices, lessons learned from national and local initiatives and greater understanding of adolescent development, Minnesota has an opportunity to improve its approach to juvenile justice. This report provides a framework for organizing the work.

Overarching Individual Considerations

- **Adolescent development** – Recent research shows that adolescents’ cognitive development continues well into their 20s, with reasoning and impulse control among the last features to fully develop. Dispositions, treatment programs, and aftercare in Minnesota tend to be insufficient, too punitive, or too poorly coordinated to effectively meet the needs of its troubled youth.
- **Poor mental health treatment** – The 2001 Minnesota Supreme Court Juvenile Justice Services Task Force noted there are substantial service gaps for the estimated 50-75 percent of youth in Minnesota’s juvenile justice system with mental health disorders.¹
- **Poor chemical health treatment** – Nationally, 80 percent of youth have some form of substance abuse problem when they are arrested, and fewer than 5 percent receive treatment for it.²
- **Entry into system** – At least 20% of the delinquency cases, not including truancy or status offenses, filed in 2007 with the County Attorney’s offices in Minnesota’s three largest counties, Hennepin, Ramsey and Dakota, were considered school crimes.³

Overarching Systems Considerations

- **Disproportionate minority contact** – Minorities are arrested and detained at double their presence in the population, with even greater disproportionality in areas of larger minority populations.
- **Insufficient data collection** – Limited and inaccurate statewide and county data is available on youth involved in the juvenile justice system. Experience in other states suggests that problems like disproportionate minority contact, high detention rates and systems coordination require adequate data to improve.
- **System isolation** – Despite needs that span jurisdictions (e.g. mental health, learning disabilities, child protection and chemical dependency), many juvenile treatment agencies and juvenile justice involved organizations work in silos.

Nine Tenets for Reform

The Juvenile Justice Coalition of Minnesota concurs with the Youth Transition Funders Group that the following nine tenets are crucial components of substantive system change

in juvenile justice. For each tenet, we provide examples of successful national and local models, describe what is working in Minnesota, recommendations for reform and progress to date by the Juvenile Justice Coalition of Minnesota.

1. Reduce Institutionalization
2. Reduce Racial Disparity
3. Ensure Access to Quality Counsel
4. Create a Range of Community-Based Programs
5. Recognize and Serve Youth with Special Needs
6. Create Smaller Rehabilitative Institutions
7. Improve Aftercare and Reentry
8. Maximize Youth, Family and Community Participation
9. Keep Youth Out of Adult Prisons

Conclusion to Executive Summary

Doing juveniles justice in Minnesota means building on our strengths and improving prevention and early intervention to keep youth out of the system in the first place. It means implementing effective, evidence-based treatment formulas for youth who do offend and effective and comprehensive aftercare to ensure that treatment in the juvenile system translates to supportive development outside. These substantial changes would establish a system that “gives equal weight to principles of community safety, accountability, reintegration and restoration of youth, and competency development.”

OVERVIEW: MINNESOTA'S JUVENILE COURT, 100 YEARS OLD

In 1905, Minnesota's Ramsey County established the first juvenile court in the state. It followed in the footsteps of several other states in creating a parallel justice system for youth, intent on rehabilitation rather than the punishment of the adult criminal justice system. One hundred years later, the juvenile justice system has survived several iterations, from the introduction of due process rights (via *In re Gault*, 387 U.S. 1, 87 S. Ct. 1428 (1967)) to a much greater emphasis on punitive actions and subsequent re-evaluation.

OVERARCHING CONSIDERATIONS

While the juvenile court system has 100 years of experience, in many ways it still reflects a poor understanding of the youth it serves and the rehabilitation it attempts to provide. Scientists continue to expand the base of knowledge about adolescent cognitive, emotional, and behavioral development and what prevention and intervention practices work best to decrease recidivism and violence. Many of the practices of the juvenile justice system reflect a trial and error approach rather than a consistent improvement in serving the developmental needs of adolescents.

Recent research has highlighted that working with adolescents in and at risk of entering the juvenile justice system is a highly complex undertaking. First, the complexities of adolescent development require nuanced responses to their needs, including in the areas of mental health care and chemical dependency treatment. Second, systems issues such as disproportionate minority contact, data collection, and isolation of youth-serving organizations impede improvements in youth care.

Individual Considerations

Adolescent Development

Adolescent brains continue to develop well into their mid-20s, refining their ability to resist impulsive actions and make reasoned decisions. Adolescents can control impulsive decisions, but it is harder for them than for adults.⁴ Youth also tend to minimize the risk presented by occasional health-threatening activity, making them less likely to self-regulate behavior when it involves illegal drugs or other risky activity.⁵ “Even when they seem to be acting like adults, they are using their brains in a different way. Adolescents, unlike adults, often operate from a more instinctual, reflexive part of the brain.”⁶

Recognizing this, the Supreme Court ruled in *Thompson v. Oklahoma*, 487 U.S. 815, 108 S. Ct. 2687 (1988), that youth can not be held as culpable as adults for their choices because their brains are developmentally immature.⁷

Mental Health

The state's 2001 Supreme Court Juvenile Justice Services Task Force noted that mental health treatment is one of several significant service gaps.⁸ One study says that less than one third of Minnesota children get needed mental health treatment.⁹ This problem is magnified by the substantial need. According to the results of screenings conducted with Minnesota youth in detention or new probation cases in 2005, 71% of the youth who met the screening criteria were referred for a mental health assessment.¹⁰ These Minnesota data are confirmed by studies dating back to 1969 showing that mental health treatment is too often unavailable to youth due to restrictive settings, limited availability in community-based settings, and weak coordination between child-serving systems.¹¹

Nationally, instead of treatment, youth with mental health needs are often simply housed in a detention facility. In a 2003 survey of juvenile detention facilities across the country, two-thirds reported housing youth waiting for mental health treatment.¹² The youth held for mental health treatment represent 8 percent of all youth detained in these facilities and their average stay (23.4 days) is 36 percent longer than for a typical detainee.¹³

Chemical Health

A gap in chemical health treatment was another deficiency identified by the Supreme Court's Task Force.¹⁴ A more appropriate term would be a chasm. A national study at Columbia University shows that half of arrested juveniles test positive for drugs (not including alcohol) at the time of arrest.¹⁵ Four out of five youth arrested have some sort of substance abuse problem such as being under the influence while offending, being an addict, or committing a drug offense.¹⁶ Of 1.9 million juvenile drug law substance-abuse-related arrests nationwide, only 3.6 percent receive any treatment.¹⁷ This dearth of care for chemical dependency can aggravate the lack of available mental health treatment, since almost half of adolescents receiving mental health services have a co-occurring substance abuse problem, many times from self-medicating their mental illness.¹⁸

Systems Considerations

Disproportionate Minority Contact (DMC)

Although minorities in Minnesota in 2006 represented 21 percent of the population age 0 – 17, minority juveniles made up a much larger share of those involved in the juvenile justice system:¹⁹

- 42% of juvenile arrests²⁰
- 46% of juvenile cases on probation²¹

While minority youth statewide face an increased arrest and incarceration risk from 2-3 times their proportion of the state population, it is far worse in some of the state's largest counties. In Anoka County, African American and Native American youth are four times as likely to be in detention as their proportion in the youth population (age 10-17).²² African Americans are four times as likely and Native Americans are nine times as likely to be in detention in Hennepin County.²³ In Dakota County, African Americans are incarcerated at four-and-a-half times their presence in the youth population.²⁴

Data Collection

In Minnesota, data collection and evaluation are inconsistent and sporadic. The 2001 Supreme Court’s Juvenile Justice Services Task Force said that effective assessment of program outcomes is a crucial reform for juvenile justice, to know if they really work.²⁵ “Task Force members observed that the system tries a variety of things – incremental sanctions systems, diversion programs, and other innovations – but continues to apply these strategies without evaluating whether or not they are making a real difference.”²⁶ Poor data collection impedes progress in other areas, as well. For example, in tracking disproportionate minority contact, Minnesota has data from only the three largest of 87 counties. Even when data are collected, there are often substantial gaps with data such as race.

System Isolation

The crossover between juvenile offenders and other systems is dramatic. “Preliminary data reveals that approximately 30% of youth ages 10-17 who were involved in a Child Welfare case that reached a permanency decision in 2002 became dual-system youth in 2002-2003. The involvement of the Juvenile Justice system in the lives of these Child Welfare youth resulted from the filing of a delinquency charge, status offense, or juvenile petty offense.”²⁷

In addition to the tendency of each silo to work in isolation, privacy laws hamper those agencies that would work together. The Minnesota Government Data Practices Act generally prohibits information sharing between the child welfare and juvenile justice systems. For example, while an explicit court order can open the books, probation officers generally do not have access to school behavior records.²⁸

OPPORTUNITIES FOR REFORM

There are numerous opportunities for improving Minnesota’s juvenile justice system and addressing the needs of youth in and in danger of entering the system. This paper presents “nine tenets of reform” drawn from research and recommendations of the Youth Transition Funders Group, the Minnesota Office of the Legislative Auditor, the Minnesota Supreme Court Juvenile Justice Services Task Force, the Minnesota Juvenile Justice Advisory Committee, the 2006 Doing Juveniles Justice forum and research conducted by the Juvenile Justice Coalition of Minnesota in 2007-2008.

Out-of-Home Placement is Costly

A 200 day stay at a residential juvenile facility can cost the state \$20,000 or more.

Source: *Hennepin County’s Public Defender’s Office*

Nine Tenets for Reform

In each section of the paper, we include recommendations directly from the Youth Transition Funders Group’s *Blueprint for Reform* [exact wording is in italic], provide examples of successful national and local models, describe what is working in Minnesota, recommendations for reform, proposed measures for the recommendations and progress to date by the Juvenile Justice Coalition of Minnesota.

1. Reduce Institutionalization

What's Effective?

The best systems working towards reform have embraced community-based alternatives to institutionalization as a way to improve the life chances of juveniles in the justice system. Using tools such as risk assessment and sentencing guidelines, jurisdictions are able to distinguish between youth who pose risks to public safety and those who would be better served in less-restrictive settings.

While detention diversion has shown a lot of success at treating youth in a less restrictive environment, “the most successful diversion programs have been those that provide more intensive and comprehensive services.”²⁹ Additionally, diversion programs and intensive supervision have been shown by Urban Institute researchers to be effective at reducing the costs to victims and to the court system.³⁰

Example: Detention Diversion Advocacy Project (DDAP) - San Francisco, California

When the San Francisco probation department was unwilling to look at detention alternatives to its high incarceration rate – as many as 77% of juveniles were referred to detention and 63% of those were African American– the Center on Juvenile and Criminal Justice launched DDAP.³¹ The model utilizes intensive case management and community services as alternatives to detention and traditional probation. The program includes non-legal advocates for youth at disposition hearings, personalized case managers with small caseloads, and less threatening facilities (no bars).³²

DDAP has been strikingly successful. In nearly every category (risk level, prior offenses, race, etc), recidivism rates were as much as 50% lower for youth participating in DDAP than those in a comparison group remaining in the juvenile court system.³³

Example: Jovenes Unidos, Minneapolis, Minnesota

A program at the nonprofit La Oportunidad, Jovenes Unidos works with primarily Latino adolescents ages 11-18 in the Twin Cities. Youth are referred to the program as part of a detention diversion program, and receive culturally-specific counseling on “creating peace in the family,” frequently in Spanish. The program targets youth with truancy and other minor offenses, in hopes of intervening before the youth becomes adjudicated delinquent.

Example: Guardian ad Litem, Walker, Minnesota

The Guardian ad Litem program in Walker, Minnesota works specifically with American Indian youth from the Leech Lake reservation. Guardians ad Litem help gather information and advocate on behalf of youth without having any material interest in the outcome. These advocates provide the juvenile court with context about the youth's life, helping explore alternatives to residential placement for American Indian youth.

Example: Teen Courts

There are several teen courts in Minnesota, first established in 1997. Teens who admit their guilt to “petty theft, possession of alcohol, smoking or disorderly conduct, or who violate school rules” can be given punishment by a jury of their peers (teens). A post-adjudication teen court in Texas showed lower recidivism rates for offenders sentenced by teen courts (25 percent) than those sentenced by traditional means (36 percent). However, other studies in Georgia and Kentucky found that with more serious and repeat offenders, teen courts were less successful.³⁴

What’s Working in Minnesota?

Around the country, reform efforts are focused on utilizing successful community-based organizations to replace the need for out-of-home placements and serve youth closer to their communities. With our strong non-profit sector, Minnesota has an established network of organizations already within most communities. Many nonprofit organizations provide services to youth within the juvenile justice system through contracts and partnerships with local probation departments, law enforcement agencies and schools.

Possible Reform & Recommendations for Reducing Institutionalization

- 1) Implement a statewide intake assessment tool for reducing the likelihood of detention, such as the ones being developed in Ramsey, Dakota, and Hennepin County with Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative.
- 2) Open evening reporting centers within one hour of every significant population center (15,000 or more).
- 3) Start a community accountability court in metro locations (the number of courts depends on the size of the area served for children/youth returning from out-of-home placements)
- 4) Eliminate formal supervision of low level offenders and determine new informal methods of supervision utilizing community-based programs.
- 5) Shift funding priorities from out-of-home placement to increasing community-based programming including counseling, day treatment, anger management, life-skills and positive leisure activities.
- 6) Expand the Annie E. Casey Foundation’s Juvenile Detention Alternative’s Initiative (JDAI) to other counties within the state.
- 7) Identify at first contact, youth whose involvement in the system is a result of untreated mental health and chemical dependency disorders, and provide access to treatment to eliminate their further involvement in the juvenile justice system.
- 8) Identify and expand the adoption of successful community-based alternatives to detention throughout the state.
- 9) Identify and increase use of evidence-based community-based interventions that provide treatment for youth in their communities to replace sending youth unnecessarily to out-of-home placement facilities.
- 10) Identify and increase the use of community-based law enforcement and school-based diversion programs.

Proposed Measures for Above Recommendations

- 1) Number of youth in adult and juvenile secure facilities

- 2) Number of youth under formal supervision
- 3) Number of youth in law enforcement, school-based, county attorney and probation diversion programs
- 4) Number of evidence-based community-based intervention programs established and utilized in the state
- 5) Number of youth sent to out-of-home placement as part of disposition

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) Established prevention work group to increase the number of youth committing low level offenses diverted at first contact with law enforcement and a pilot project in Hennepin County to implement the work group recommendations. The work group is creating uniformed criteria for law enforcement diversion, identifying and sharing community-based resources with law enforcement agencies, creating a uniform data system to track law enforcement diversion and exploring establishing a regional or centralized law enforcement diversion system.
- 3) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” Forum - break-out sessions will focus on mental health, use of evidence-based practices and successful prevention and intervention models.
- 4) Minnesota’s Juvenile Detention Alternative’s Initiative (JDAI) is exploring expanding JDAI efforts to additional counties. Current pilot projects are developing Risk Assessments to determine appropriateness of detaining youth, use of detention alternatives and examining how to reduce disproportionate minority contact through data collection or creating new data tracking systems.

2. Reduce Racial Disparity

What’s Effective?

Jurisdictions that have significantly reduced racial disparity in their juvenile justice systems analyze data by race and ethnicity to detect disparate treatment; use objective screening instruments to eliminate subjectivity from decision-making; coordinate with police to better control who comes in the door of the juvenile justice system; change hiring practices so that justice staff are more representative of youth in the system; hold staff accountable for placement decisions; develop culturally competent programming; and employ mechanisms to divert youth of color from secure confinement.

The Supreme Court’s Juvenile Justice Services Task Force identified one potential cause of disproportionate minority contact (DMC): a system lacking accommodation for cultural differences.³⁵ As it did in reducing detention, the Multnomah County Juvenile Detention Alternatives Initiatives found ways to reduce DMC and increase cultural sensitivity of its programs.

Example: Juvenile Detention Alternatives Initiative (JDAI) - Multnomah County, Oregon
The Annie E. Casey Foundation’s JDAI intends to reduce youth detention rates and improve detention conditions. Before beginning the JDAI experiment, Multnomah

County incarcerated minority juveniles at 1.5 times their proportion of the juvenile population (the comparable figure for Ramsey County is 1.8).³⁶ However, the county decided to make DMC reduction a priority. In addition to several other reforms, the county instituted consistent data collection of racial information at pre-adjudication, created more community-based detention alternatives for youths of color, and increased diversity of county staff to reflect county juvenile population.^{37, 38}

Within five years of starting the JDAI, Multnomah County had eliminated the racial disparity in juvenile detention.³⁹ According to many project participants, data was the key to reducing defensiveness and providing good information.⁴⁰

What's Working in Minnesota?

Minnesota's three largest counties, Hennepin, Ramsey and Dakota, are implementing the JDAI reform efforts, with a focus on eliminating disproportionate minority contact through data collection, analysis of youth points of contact with the system and the development of risk assessment instruments and alternatives to detention.

Possible Reform & Recommendation for Reducing Racial Disparity

- 1) Require racial data be collected at the time of arrest, diversion, detention, referral, hearing, adjudication, placement, and discharge as a first step toward ensuring that all juveniles can expect to be treated in a fair and equitable manner at all levels and points of contact in the State of Minnesota juvenile justice system.
- 2) Beginning with the memorandum of agreement between the Department of Public Safety and the Department of Corrections, all levels of jurisdiction shall collect racial and/or cultural data for youth under their current jurisdiction. This data will be available for reporting to federal, state and local juvenile justice authorities. The collection of this data in accessible format shall be aggregated and reviewable to all segments of the Juvenile Justice system and to the general public.
- 3) All aspects of the Juvenile Justice system will have a uniform procedure for documenting the youth's racial and/or cultural identity.
- 4) All juvenile justice jurisdictions must define a procedure for reducing racial disparity. Whenever a Juvenile Justice point of contact finds that it is "over" the established percentages in regard to the racial make-up of the youth under their jurisdiction, those in authority shall take immediate and pre-defined steps to alleviate and correct the situation.
- 5) Partner with higher educational institutions in Minnesota to increase the number of individuals of color recruited and trained to work in the fields of juvenile justice, such as law enforcement, public defense, corrections, mental health, etc.
- 6) Expand the Annie E. Casey Foundation's Juvenile Detention Alternative's Initiative to additional counties within the state.
- 7) Partner with higher education, secondary education and community-based organizations to increase the number of culturally and ethnically competent providers available to serve the mental health, chemical dependency and youth development needs of youth of color.
- 8) Create standard criteria and assessments for use at points of contact within the juvenile justice system where disproportionate minority contact occurs; such as at arrest, diversion, detention, adjudication, placement, etc.

9) Identify and disseminate best practices used throughout the country to successfully eliminate disproportionate minority contact.

Proposed Measures for Above Recommendations

- 1) Racial and ethnic distribution of youth at each point of contact.
- 2) Racial and ethnic distribution of staff working within juvenile jurisdictions

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) Established prevention work group to ensure all youth who commit a low level offense will have equal access to diversion at first contact with law enforcement and a pilot project in Hennepin County to implement work group recommendations. The work group is creating uniformed criteria for law enforcement diversion, identifying and sharing community-based resources with law enforcement agencies, creating a uniform data system to track law enforcement diversion and exploring establishing a regional or centralized diversion system.
- 3) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” forum break-out sessions will focus on disproportionate minority contact.
- 4) Minnesota’s Juvenile Detention Alternative’s Initiative (JDAI) is exploring expanding the JDAI efforts to additional counties. Current pilot projects are developing Risk Assessments to determine appropriateness of detaining youth, use of detention alternatives and collecting data or creating data tracking systems to address disproportionate minority contact.

3. Ensure Access to Quality Counsel

What’s Effective?

Access to counsel improves a youth’s chances of a more effective intervention. Having a lawyer reduces the chance a youth will be unnecessarily detained, incarcerated, or transferred to the adult criminal justice system.⁴¹

Beneficial reforms include early assignment of counsel, along with policies that ensure that all youth are represented; specialized training for attorneys on topics such as adolescent development, mental health and special education; and cross-system representation when adolescents are involved in multiple systems (such as special education and child welfare).

What’s Working in Minnesota?

Compared to other states, Minnesota does very well in providing counsel for juveniles in the delinquency system and youth generally receive representation if eligible.

Possible Reform & Recommendations for Ensuring Access to Quality Counsel

- 1) Increase the number of youth represented by counsel and improve the training and specialization of counsel serving youth.
- 2) Assignment of counsel at an early stage in the adjudication process.

- 3) Representation for all youth and parents: children in delinquencies and both children and parents in child protection cases.
- 4) A unit that specializes in juvenile and child protection representation in each public defender district.
- 5) A statewide, impact litigation unit should be established to target system-wide violations.
- 6) Counsel must have immediate access to records and files.
- 7) Specialized training for attorneys: adolescent development, child brain development, mental health, Indian Child Welfare Act, special education and community/local programs.
- 8) Cross-system representation of delinquency and child protection.
- 9) Evidence-based best practices must be established to meet individualized youth needs.
- 10) Provide adequate investigators and experts to assist counsel.
- 11) Establish meaningful child protection, termination of parental rights, and delinquency appeal rights.
- 12) Ensure Minnesota's public defender system receives adequate state funding to guarantee juveniles receive the high quality and comprehensive representation they need and deserve.

Proposed Measures for Above Recommendations

- 1) Percent of youth represented by counsel.
- 2) Percent of youth who receive counsel "early".
- 3) Percent of public defender districts with a specialized juvenile and child protection unit.
- 4) Percent of attorneys representing juveniles who have received specialized training, by type of training.
- 5) An annual survey of counsel serving juveniles regarding "early" assignment, access to records, training, and "adequate" investigator and expert assistance.

JJC Progress to Date

None at this time.

4. Create a Range of Community-Based Programs

What's Effective?

Community-based programs can change the trajectories of young people. These programs range from probation to intensive supervision, home confinement, alternative education, family preservation, restitution, community service, and day and evening reporting centers with educational, recreational and counseling opportunities. They can stand alone or be housed in existing community-based organizations serving a broad range of youth.

Minnesota needs more effective community-based interventions in order to successfully reduce recidivism rates and improve youth rehabilitation. Furthermore, "behavioral, skill-oriented, and multimodal treatments produce larger and more positive outcomes"

than other treatment options.⁴² Also, a holistic approach including family counseling, mentoring, and other supports are crucial to take care of the “whole child.”

Example: Multisystemic Therapy (MST)

MST is one of the most effective means of violence prevention with serious juvenile offenders. Addressing multiple systems (hence the name), MST includes therapeutic components for family, school, and peers in contrast to individual therapy that tends to focus on one system such as school behavior. MST improves family cohesion, reduces family conflict, and reduces the number and seriousness of arrests compared to control groups.⁴³ In all of these areas, MST performed better than individual therapy and treatment gains from MST have been maintained in a 4-year follow-up.⁴⁴ It reduced rearrest rates by half in one study compared to youth on typical probation, and by two-thirds in another relative to a group receiving solely individual therapy. Rearrest rates were even reduced for MST dropouts, by nearly a third over those who received typical individual therapy.⁴⁵

MST is also more cost effective than alternative treatment options.⁴⁶ In 2005, it cost between \$92 and \$314 per day for typical programs used by Hennepin County.⁴⁷ “This figure may be compared with \$31.43 per day for MST – approximately \$3,300 per client for 15 weeks of treatment. In addition to saving on programming costs, successful treatment [reduces] costs associated with recidivism.”⁴⁸

Example: A Mississippi Model

In a Mississippi study of the cognitive behavioral approach (compared to intensive supervision and a control group) with youth ages 11-17 who self-reported substance abuse, cognitive behavioral treatment cost approximately one-third of standard probation.⁴⁹ “For every dollar spent on the margin for the CB program, almost \$2 was saved in terms of lower justice system expenditures on additional court referrals and days of detention.”⁵⁰ Although higher risk youth were more likely to drop out of the program, the more professional contact a youth had, the more likely they were to complete the program.⁵¹

Example: Girls Justice Initiative - San Francisco, California

The Girls Justice Initiative serves female juvenile delinquents with referral services to community organizations, direct services, and data collection and analysis. Started by the United Way of the Bay Area in partnership with numerous community organizations, the GJI has helped other organizations build their capacity to serve female juveniles, provided case management, mentoring, and therapy services, and improved data collection on risk factors and recidivism of female juveniles. Recidivism and arrest rates in San Francisco have declined by 25 percent over two years.⁵² Minnesota’s female juvenile arrest rate is 27.9 per 1000, with a total of 17,500 arrests of juvenile females in 2004.⁵³

What’s Working in Minnesota?

A large number of community-based organizations already provide prevention, intervention and reentry services for youth in Minnesota. Many achieve outstanding

outcomes for youth. Minnesota also has a history of strong philanthropic giving from corporations, foundations and individuals and a population highly committed to volunteering and service to support those efforts.

Possible Reform & Recommendation for Creating a Range of Community-Based Programs

1) An audit should be performed in each county in the state to assess the availability of local treatment for the three most significant interventions that should be available for juvenile justice involved youth:

Mental Health Issues

- Grief counseling
- Anger management
- Cognitive-behavioral therapy
- Life skills training
- DBT (didactic behavioral treatment)

Chemical dependency issues

- Short-term interventions
- Long-term treatment
- Treatment for co-occurring disorders

Family/cultural issues

- Family support services and mentoring
- Family stability support
- Culturally competent providers

- 2) Increase the number of restorative justice programs in each community/county, including programs that address victim empathy services.
- 3) Community-based program quality standards, developed by the JJC, and used to evaluate and fund programs.
- 4) Juveniles and family participation in program development and evaluation.
- 5) Create a system for evaluating programs.
- 6) Create a regional repository of quality programs available for juveniles and their families based on Minnesota's ten judicial districts.
- 7) Shift funding priorities from out-of-home placement to increasing community-based programming including counseling, day treatment, anger management, life-skills and outdoor/physical activity.
- 8) Increase the number of evidence-based community-based programs available throughout the state and research funding sources, such as federal OJJDP funds through the Juvenile Justice Advisory Committee.
- 9) Increase the number of diversion programs available for use by law enforcement and schools to address the needs of low level offenders.

Proposed Measures for Above Recommendations

- 1) Number of restorative justice programs available by county.

- 2) Number of programs meeting the quality standards.
- 3) Number of youth and parent feedback/interviews included in quality evaluations.
- 4) Number of youth and parents participating in program development by program.
- 5) Percent of total program funding going to out-of-home placement versus community-based programming.

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) Established prevention work group to increase the number of youth committing low level offenses that are diverted at first contact with law enforcement and a pilot project in Hennepin County to implement the work group recommendations. The work group is creating uniformed criteria for law enforcement diversion, identification and sharing of community-based resources with law enforcement agencies, creating a uniform data system to track law enforcement diversion and exploring establishing a regional or centralized diversion system.
- 3) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” forum break-out sessions will focus on systems integration, evidence-based practices and successful prevention and intervention models.
- 4) LCTS earned dollars by Hennepin County Community Corrections and Children’s Mental Health are being used to fund community-based organizations based on identified needs and to establish evidence-based or best practices to serve youth involved in the juvenile justice system.

5. Recognize and Serve Youth with Special Needs

What’s Effective?

The juvenile justice system is too often used as a dumping ground for youth whose primary problems include serious emotional disturbance, developmental disabilities, substance abuse or a combination of these challenges. These youth are in desperate need of alternatives due to the harmful nature of the juvenile justice systems toward youth with specialized needs.

Serving youth with special needs, whether mental illness, chemical dependency, or educational disability, can dramatically lower a youth’s chances of returning to the juvenile or criminal justice system. “Youth that receive structured, meaningful, and sensitive mental health treatment” recidivate at rates 25 percent lower than those in untreated control groups. The most successful mental health treatment programs, treating juveniles while in their home or community, reduce recidivism by up to 80 percent.⁵⁴

In several noted studies, the emphasis is on treating youth before they risk contact with the juvenile justice system. In 2002, the President’s New Freedom Commission on Mental Health established ten values for its Vision for Children’s Mental Health Services, including early childhood identification and intervention, individualized and culturally competent care, and integrated services.⁵⁵ These values were echoed by Minnesota’s Children’s Mental Health Task Force.⁵⁶

Assessment is also an important tool for serving youth with particular needs. The Supreme Court’s Juvenile Justice Services Task Force listed “a unified assessment tool” as one of the crucial fixes for service gaps, in order to identify and serve youths’ needs.⁵⁷

Example: Reclaiming Futures - Multnomah County, Oregon

The Robert Wood Johnson Foundation responded to data suggesting that 80 percent of screened juveniles were abusing chemicals and one-third of the country’s juveniles were drug or alcohol dependent by creating the Reclaiming Futures program. It includes better assessment tools for discovering chemical dependency, better communication between probation officers and treatment counselors, increased community partnerships to keep youth involved in constructive activities, and increased staff training. In its Multnomah pilot site (one of ten), treatment rates were 50 percent higher for youth involved in the Felony Drug Diversion Program as opposed to “treatment-as-usual.”⁵⁸

What’s Working in Minnesota?

In an effort to identify youth early in their involvement with the juvenile justice system, Minnesota statute requires youth held in secure detention or adjudicated delinquent to be screened for mental health concerns. Youth identified through the screen are then referred for an assessment.

Possible Reforms & Recommendation for Recognizing and Serving Youth with Special Needs

- 1) Research, develop (or identify) and implement an initial screening tool that can be used to screen for special education, mental health and chemical dependency issues. Recommend that all youth involved in the juvenile justice system be assessed for mental health, chemical dependency, cognitive and academic skills. Ensure that there are sufficient treatment opportunities available locally for youth with assessed needs.
- 2) A holistic care or wrap-around models, and improved coordination and communication between systems involved with the juvenile justice system.
- 3) A screening tool for mental health and chemical dependency issues that can be used without violating juvenile rights.
- 4) Screening provided for all juveniles suspected of delinquency whose parent/guardian consents, per state statute.⁵⁹ Screening of all juveniles adjudicated delinquent who are sent to a facility covered by the state Umbrella Rule.⁶⁰
- 5) Expansion of services for mental health and chemical dependency issues.
- 6) Accessibility of client information across agencies.
- 7) County-funded, community-based mental health treatment and services for adolescents.
- 8) Create a uniform statewide protocol for connecting youth identified with a mental health need during screening with an assessment and if necessary, appropriate treatment and services.
- 9) Increase the number of providers available to treat the needs of children and youth with mental health and chemical dependency needs involved with the juvenile justice system.

- 10) Create in-state placement opportunities for youth with severe behavior and mental health issues as well as corrections involvement.
- 11) Provide technical assistance, funding and training for school districts and individual schools to better serve the mental health and behavior needs of children and youth, decreasing the number of youth who enter the juvenile justice system through the schools.
- 12) Establish a state fund to pay for educational services for youth without a permanent residency in out-of-home placements.

Proposed Measures for Above Recommendations

- 1) Percent of youth being effectively screened after adjudication or voluntarily prior to adjudication.
- 2) Individual – Number of assessed needs that are met by disposition or referral to appropriate treatment services.
- 3) Aggregate – Average number of assessed needs that are met by disposition or referral to appropriate treatment services
- 4) Median/average distance from adjudication location to treatment facility.
- 5) Number of youth whose initial screening indicated a potential mental health or chemical dependency concern who received a mental health assessment.
- 6) Number of youth whose assessment indicated a mental health or chemical dependency concern who received appropriate treatment services.

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” forum break-out sessions will focus on systems integration, evidence-based practices and successful prevention and intervention models.
- 3) Distributing LCTS earned dollars by Hennepin County Community Corrections and Children’s Mental Health to community-based organizations based on identified needs and to establish evidence-based or best practices to serve youth involved in the juvenile justice system with mental health and chemical dependency disorders.
- 4) The Minnesota Department of Corrections in partnership with the Minnesota Department of Human Services Children’s Mental Health and other organizations established an Interagency Task Force to improve how the system addresses the needs of justice involved youth with mental health and chemical dependency disorders.

6. Create Smaller Rehabilitative Institutions

What’s Effective?

Some youth do require close monitoring. For those youth who pose serious risks to public safety, a convincing case is being made for phasing out large, prison-like institutions and creating small, home-like secure facilities in their place. Evidence shows that treating youth as youth improves their chances for success in life.

Example: the Missouri Model

Missouri committed to a new community-treatment philosophy by radically changing its structure, dismantling many of the large reformatories to decentralize treatment. First, the state was divided into five regions so that youth remain close to home even when in residential care. Second, the facilities were downsized; now holding three dozen teens at a time at the most. Third, the facilities do not appear institutional; there are no cells, bars or locked doors. Instead, security features are kept minimal (metal detectors and cameras) and security needs are handled by staff and the other youth.⁶¹

Teens stay with a group of 9-11 peers through each day, constantly supervised by two trained youth specialists or teachers. Youth and counselors can call “circles” to discuss issues of behavior, or address physical or emotional complaints. Other examples of group activities include “life histories” where youth talk about some of their more trying emotional and physical events and “genograms” where teens do a coded family tree to illustrate domestic violence, sexual abuse, drug addiction, and other challenges in their family history.⁶²

What’s Working in Minnesota?

Minnesota does not rely on large state operated correctional facilities. Red Wing, Minnesota’s only state operated correctional facility for juveniles, serves approximately 130 males, who have committed serious offenses and often failed other placement options. The young men live in small cottage-like settings, similar to the model advocated, with a focus on vocational education. The majority of youth sent to placement as part of their disposition, instead, goes to smaller county or privately operated residential facilities.

Possible Reform & Recommendation for Creating Smaller Rehabilitative Institutions

No one attending the 2006 “Doing Juveniles Justice” Forum selected this topic to work on reforms, nor was there any interest for discussion during the Forum.

7. Improve Aftercare and Reentry

What’s Effective?

The best reentry programs begin while a youth is still confined. They require coordination between multiple government agencies and nonprofit providers, not only to develop new services, but to help youth better access existing services. Upon release, teenagers must enroll immediately in school or have a job waiting. Workforce development—helping teens attain job skills and earn money—is often a key motivator for adolescents, increasing their commitment to and enthusiasm for learning. Youth with special needs must have quick access to mental health and substance abuse service. They must receive strong support from family and other caring adults.

Success while in residential treatment does not always translate to success in the community. Minnesota’s Office of the Legislative Auditor has suggested a need for greater “aftercare treatment, family counseling, and other skills that can be applied once a juvenile leaves the facility.”⁶³ One strategy that improves aftercare success is greater

coordination between different actors in the juvenile justice, health care, education, and social service areas. Coordination pays off, with collaborative community services showing reduced costs for victims and the court system (as measured by recidivism).⁶⁴ Better and more frequent communication between social services and corrections is vital to maximize aftercare effectiveness.

Example: Scott Family Net - Scott County, Minnesota

Scott Family Net is a Minnesota Family Service Collaborative and Children's Mental Health Collaborative, a legally-recognized cooperative arrangement between government, family services, public schools, education cooperatives, and other social services agencies, that improved communication and coordination of services for youth and families in Scott County, including youth involved in the juvenile justice system. "Any one of the partners can provide families with information about services and resources in their community - everything from financial assistance to mental health counseling, from children's activities to transitional housing."⁶⁵

Example: The New Missouri Mission

The state of Missouri began their concerted effort to reform juvenile justice by changing their philosophy from punishment to treatment.⁶⁶ "The mission of the Division of Youth Services is to enable youth to fulfill their needs in a responsible manner within the context of and with respect for the needs of the family and the community."⁶⁷ Each youth in the Missouri juvenile justice system is assigned one Service Coordinator who oversees their treatment from the time of custody to discharge. Youth stay in regular contact with their service coordinator during aftercare and sometimes have an additional "tracker" in the community to meet with and watch over them. There are also 11 day treatment centers across the state that offenders can be directly assigned to after residential care ceases. How well does Missouri's system work? Only 8 percent of juveniles in the system end up in prison after five years.⁶⁸

What's Working in Minnesota?

According to Minnesota licensing standards, all residential programs require a transition plan for youth exiting placement, with the majority of licensed programs in the state utilizing the plan to assist youth with transition. The Minnesota Child Caring Association also provides assistance to member facilities to help in documenting outcomes of services.

Possible Reforms & Recommendations for Improving Aftercare and Reentry

- 1) Revise the state licensing law to require all juvenile treatment programs to report recidivism data, along with risk-adjusting factors such as placement history, program completion, and the results of a re-offense risk assessment. The data should be reported to the DOC, the legislature, every juvenile court judge, dispositional advisor, and county probation office annually.
- 2) Statewide adoption of a valid tool that measures likelihood/risk factors for re-offending.

- 3) Establish statewide uniform standards of aftercare including education through graduation/GED, employment training, skill building, access to mental health and health services, housing and community support.
- 4) Revise state licensing law to require all counties to provide an annual public report that shows:
 - a. All direct service programs that served adjudicated juveniles using county or state funding.
 - b. Their program completion rate, tool scores types and amounts of aftercare/reentry services (by hour).
 - c. Aggregate recidivism rate and placement history.
 - d. Annual funding from county and state.
- 5) Development of an Aftercare & Reentry services plan for county adjudicated juveniles, with documented participation and input from Juvenile Public Defenders, Defense Counsel, Juvenile bench, Juvenile Corrections Departments, community- based placement organizations, educational partners and family members.
- 6) Utilize evidence-based practices or models to provide after care services to juveniles upon leaving out-of-home placements.
- 7) Revise Juvenile Delinquency Rules, Licensing Rules and Minnesota Statutes to include and guarantee after care/reentry considerations are taken into account at adjudication, disposition, during out-of-home placement and reentry. Specify the roles and involvement of education, corrections, the family, community-based organizations, the placement facility, the courts, health care providers and workforce development.
- 8) Increase funding available to provide after care services to at-risk juveniles leaving out-of-home placement facilities.

Proposed Measures for Above Recommendations

- 1) Mandatory completion & scoring of tool for all newly adjudicated juveniles annually.
- 2) Annual report to County Board and County correction departments and the Juvenile bench regarding juveniles under court jurisdiction must include the following:
 - a. Analysis and summary of aftercare & reentry services for all juveniles under jurisdiction. Summary must include historical information including all adjudications, past tool scores and previous Aftercare and reentry services.
 - b. Statistical & Demographic summary by level of jurisdiction showing trends including comparisons.
 - c. Summary breakdown of reentry & aftercare services provided and new offense statistics for population.
 - d. Recidivism outcomes.

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” forum break-out sessions will focus on after care/reentry, systems integration, evidence-based practices and successful prevention and intervention models.
- 3) Distributing LCTS earned dollars by Hennepin County Community Corrections and Children’s Mental Health to community-based organizations based on identified needs

and to establish evidence-based or best practices to serve youth involved in the juvenile justice system, including after care services.

4) Established state-wide after care work group to look at how to improve after care in Minnesota, establish state-wide standards, advocate for changes to licensing rules and statutes, the use of evidence-based practices and successful models.

8. Maximize Youth, Family and Community Participation

What's Effective?

Involved adults are necessary to keep young people active in their own rehabilitation. Using techniques such as family conferencing, jurisdictions are learning to work with parents—not against them—for the benefit of youth. Counties are soliciting consumer feedback from youth in their care, thereby improving the quality of their programs and also building competencies in young people. Community justice initiatives aim to engage a broad swath of community members in a youth's rehabilitation. And young people and their parents around the country are successfully organizing and advocating for reforms that effectively involve families and communities in the intervention with delinquent youth.

As seen with therapies like MST, the more systems interact and the more individuals involved in helping a youth, the greater the chance of successful rehabilitation. Interventions that involve parents improve outcomes for the youth in the juvenile justice system. Involving community organizations helps youth receive treatment closer to home and to a smoother transition to life outside the juvenile system.

Example: Prenatal/Early Infancy Project

This program targets low income, unmarried women having their first child from pregnancy to two years after giving birth. It provides health care and home visits, instruction in caring for infants, and parental development (education, employment, and future pregnancies). A long-term follow-up showed “79 percent fewer verified reports of child abuse and neglect, 69 percent fewer maternal arrests, and 56 percent fewer arrests of the 15-year-old children than a randomly assigned comparison group.”⁶⁹ The youth also showed significant reductions in alcohol use, smoking, and sexual partners as well as fewer convictions and probation violations.⁷⁰

A RAND study also emphasized programs that involve parents. Compared to regular delinquent supervision, parenting programs – functional family therapy and teaching parents to monitor and respond effectively to child behavior – are twice as effective per million dollars spent at reducing future serious crimes.⁷¹

Example: Mentoring in the Quantum Opportunities Program

Targeting low-income eighth graders, the QOP required youth to complete 250 hours a year in addition to classes of education, development, and service activities throughout high school. Students were paid for completing different components in the program, consistent with research findings that mentoring works best if mentors have a reinforcement contingent to help guide good behavior.⁷² After two years, students in the

program already performed better on several academic and social skills tests. Even after graduation, “the experimental group was three times as likely to attend a four-year college and twice as likely to attend a two-year institution.”⁷³

What’s Working in Minnesota?

Many community-based organizations in Minnesota utilize parent and family input when designing interventions and programs for youth at-risk or involved in the juvenile justice system. In addition, several statewide advocacy organizations, National Association for Mental Illness (NAMI) Minnesota and PACER, provide a voice for Minnesota’s parents and families in the legislative process and program development.

Possible Reforms & Recommendation for Maximizing Youth, Family, and Community Participation

- 1) Every adjudicated juvenile should be assessed for their family system/support and community-based programs should be available for the juvenile and their family as needed.
- 2) Assessment of family system/support for each adjudicated juvenile.
- 3) Community-based services designed to empower and strengthen positive skills for families accompanying all levels of involvement for the juvenile.
- 4) The family and juvenile actively begin involvement in community supports as part of the “treatment plan” while out of the home; supports will increase and change to anticipate changing needs as the juvenile returns home.
- 5) Organize youth advisory committees to provide recommendations and insight to the system to be more youth and family friendly and provide assistance/training to youth and families newly involved in the system.
- 6) Establish family liaisons or mentors to assist families with navigating the system.
- 7) Conduct an audit of the juvenile justice system to determine how to improve involvement of families and create a family friendly system.
- 8) Utilize national guidelines established for improving family involvement.

Proposed Measures for Above Recommendations

- 1) Percent of parents/guardians able to visit youth while in treatment.
- 2) Average number of parent/guardian visits to youth while in treatment.
- 3) Percent of programs providing any service(s) to parents/guardians.
- 4) Pre-post test of family skills specific to improvements in areas tied by research to improving family functioning for reduced re-involvement of juveniles.
- 5) Percent of parents/guardians able to attend court hearings.

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” forum break-out sessions will focus on family involvement, systems integration, evidence-based practices and successful prevention and intervention models.
- 3) Distributing LCTS earned dollars by Hennepin County Community Corrections and Children’s Mental Health to community-based organizations based on identified needs

and to establish evidence-based or best practices to serve youth involved in the juvenile justice system. Criteria for funding included family involvement with planning and implementation.

9. Keep Youth Out of Adult Prisons

What's Effective?

Ultimately, creating a successful treatment-oriented environment for delinquent youth means keeping them out of the adult corrections system. The punitive nature of adult prisons has been shown to actually increase recidivism rates over the juvenile system.⁷⁴ Fortunately, there are several examples of how to successfully keep youth in a system that can help.

As a result of changes to juvenile laws in the 1990s, 210,000 minors across the United States are now prosecuted in adult courts across the country and sent to adult prisons. Youth who are committed to correctional facilities in adult systems are eight times more likely to commit suicide and five times more likely to be victims of prison rape, and have a much greater recidivism rate. Recidivism is substantially worse for youth who go to adult prison than youth who receive juvenile sentences.⁷⁵

Example: Reverse Waivers in Illinois

In response to the increasing use of automatic waivers to push youth into criminal court, the Juvenile Justice Initiative in Illinois championed a reverse waiver law to move some juvenile cases back to juvenile court. The law passed, allowing judges to reconsider whether a youth might be served better in juvenile court.

What's Working in Minnesota?

In an era where many states shifted toward automatic waivers placing youth committing serious crimes in adult court, automatic transfer to the adult system is extremely limited in Minnesota. Although youth as young as age 14 can be tried as an adult in Minnesota, not only is judicial discretion a part of Minnesota's process, but Minnesota created a new category called Extended Jurisdiction Juveniles to keep youth in the juvenile system. The Extended Jurisdiction Juvenile (EJJ) is an intermediate legal category for serious juvenile offenders in Minnesota. Designed for youths 16 and older who are charged with violent crimes that presume a prison sentence, the EJJ statute allows judges to determine which juveniles should be placed under extended jurisdiction.

EJJ youths are tried in juvenile court with adult due process and are given both a juvenile disposition and an adult sentence, the latter stayed if the youth successfully completes the juvenile disposition. EJJ youth remain under the state's jurisdiction to age 21 instead of the typical 19.⁷⁶ While on the one hand, EJJ allows the state to continue with juvenile-style adjudication on older youth, it also allows prosecutors to seek criminal punishments on younger children without receiving a waiver to criminal court.

Possible Reforms & Recommendation for Keeping Youth Out of Adult Prisons

- 1) Repeal Extended Juvenile Jurisdiction (EJJ), presumptive certification, and all other legal methods of trying youth in adult court.
- 2) Conduct greater research on adolescent and brain development to help establish treatment/incarceration more appropriate to youth's developmental stage.
- 3) Shift the cost from adult prisons to appropriate treatment, education and youth confinement.
- 4) Establish and fund evidence-based practices and violence prevention programs in communities to decrease the number of youth involved in the juvenile justice system and decrease recidivism for youth in the system.

Proposed Measures for Above Recommendations

- 1) Number of youth serving in adult prison in Minnesota.
- 2) Recidivism rate of youth serving in adult prison.
- 3) Comparative costs of sending youth to adult court v. juvenile court (court costs, incarceration costs, future offenses – victim/court costs, future earnings, etc).

JJC Progress to Date

- 1) Mapped out juvenile justice system in Hennepin County to identify points of contact, gaps in system and opportunities for implementing best practices.
- 2) Established prevention work group to increase the number of youth committing low level offenses that are diverted at first contact with law enforcement. Establishing a pilot project in Hennepin County. The work group is creating uniformed criteria for law enforcement diversion, identification and sharing of community-based resources with law enforcement agencies, creating a uniform data system to track law enforcement diversion and exploring establishing a regional or centralized diversion system.
- 3) 2008 “Connecting Youth to Success: Doing Juveniles Justice in Minnesota” forum break-out sessions will focus on systems integration, evidence-based practices and successful prevention and intervention models.
- 4) Distributing LCTS earned dollars by Hennepin County Community Corrections and Children's Mental Health to community-based organizations based on identified needs and to establish evidence-based or best practices to serve youth involved in the juvenile justice system.
- 5) Established state-wide after care work group to look at how to improve after care in Minnesota, establish state-wide standards, possible changes to licensing rules and statutes and the use of evidence-based practices and promoting the use of successful models.
- 6) Established legislative juvenile justice group to discuss shared legislative agendas and how the various groups can work together to promote legislation to improve Minnesota's juvenile justice system.
- 7) Gathered research and materials from other states and national advocacy groups to use if needed to advocate against lowering the age at which youth can be tried as an adult in Minnesota.

CONCLUSION

The complexity of intervening with youth in the juvenile justice system requires a comprehensive blueprint for change. These nine tenets indicate what the state Supreme Court task force called a change in perspective, to a system that “gives equal weight to principles of community safety, accountability, reintegration and restoration of youth, and competency development.”

Nine Tenets of Juvenile Justice Reform

1. Reduce Institutionalization
2. Reduce Racial Disparity
3. Ensure Access to Quality Counsel
4. Create a Range of Community-Based Programs
5. Recognize and Serve Youth with Special Needs
6. Create Smaller Rehabilitative Institutions
7. Improve Aftercare and Reentry
8. Maximize Youth, Family and Community Participation
9. Keep Youth Out of Adult Prisons

Other states have already jumped into the fray. Missouri radically reformed its system to de-institutionalize and create a continuum of services for youth in need. Pennsylvania, Washington, Illinois and Louisiana are creating model systems under the Models for Change Initiative of the John D. and Catherine T. MacArthur Foundation. Even Minnesota has begun, with the model service protocol developed by the Juvenile Justice Services Task Force in 2001 that has been tested in Scott and Beltrami Counties.⁷⁷

Minnesota has enormous potential for improving its juvenile justice system and outcomes for its youth. Using these nine tenets of reform, the state can develop an improved model of service for its youth and build on its history of innovation and investment in young people.

REFERENCES

¹ Juvenile Justice Services Task Force: Final Report.” (St. Paul, MN: Minnesota Supreme Court, 2/15/2001), 6

² “Criminal Neglect: Substance Abuse, Juvenile Justice, and The Children Left Behind.” (New York, NY: National Center on Substance Abuse, Columbia University, October 2004), ii.

³ Hennepin, Ramsey and Dakota County Attorney’s Offices data emailed to Cheryl Kreager, Juvenile Justice Coalition of Minnesota, April and May, 2008.

⁴ Weinberger, Daniel R., MD, et al. “The Adolescent Brain: A Work in Progress.” (National Campaign to Prevent Teen Pregnancy, June 2005), 14-15.

⁵ Weinberger, 18.

⁶ Raeburn, Paul. “Too Immature for the Death Penalty?” (NY Times, 10/17/04).

⁷ Feld, Barry C. “Abolish the Juvenile Court: Youthfulness, Criminal Responsibility, and Sentencing Policy.” *The Journal of Criminal Law and Criminology*. (v88:n1, Autumn 1997), 111-12.

⁸ “Juvenile Justice Services Task Force: Final Report,” 6.

⁹ Olson, Dan. “Mental health care missing for most Minnesota children who need it.” Minnesota Public Radio, 3/29/05, <http://tinyurl.com/gqlna>. Accessed 2/22/06.

¹⁰ Juvenile Justice Mental Health Screening Data, 2005, Minnesota Department of Human Services

¹¹ Huang, Larke, et al. “Transforming Mental Health Care for Children and Their Families.” *American Psychologist*. (v60n6, September 2005, p615-27), 616.

¹² “Incarceration of Youth Who Are Waiting For Community Mental Health Services in the United States.” Prepared for Rep. Henry A. Waxman And Sen. Susan Collins. (Committee on Government Reform – Minority Staff, July 2004), i. <http://hsgac.senate.gov/files/040707juvenilereport.pdf>

¹³ “Incarceration of Youth Who Are Waiting For Community Mental Health Services,” 7-8.

¹⁴ “Juvenile Justice Services Task Force: Final Report, 6.

¹⁵ “Criminal Neglect,” ii.

-
- ¹⁶ "Criminal Neglect," ii.
- ¹⁷ "Criminal Neglect: Substance Abuse, Juvenile Justice, and The Children Left Behind," i.
- ¹⁸ "Youth with Co-occurring Mental Health and Substance Abuse Disorders in the Juvenile Justice System." National Mental Health Association, <http://tinyurl.com/qdgw9>. Accessed 2/22/06.
- ¹⁹ "From "Getting By" to "Getting Ahead," Kids County Data Book 2008, Children's Defense Fund Minnesota accessed at http://www.cdf-mn.org/PDF/KidsCount_08/KidsCount_08_finalRev.pdf, 20
- ¹⁹ "Minnesota Juvenile Justice Advisory Committee: 2004 Annual Report," Minnesota Department of Public Safety. (State of Minnesota: 2004).
- ²⁰ "State of Minnesota Department of Public Safety 2006 Crime Information," Bureau of Criminal Apprehension Criminal Justice Information Systems Uniform Crime Report, accessed April 4, 2008, <http://www.dps.state.mn.us/bca/CJIS/Documents/crime2006%5Cmci2006.pdf>,
- ²¹ "2006 Probation Survey, Minnesota Department of Corrections; <http://www.doc.state.mn.us/publications/documents/2006ProbationSurvey-revised.pdf>
- ²² "State Disproportionate Minority Data: Minnesota, Anoka County." (San Francisco: W. Haywood Burns Institute, 2002). <http://www.burnsinstitute.org/dmc/mn/anoka.html>
- ²³ "State Disproportionate Minority Data: Minnesota, Hennepin County." (San Francisco: W. Haywood Burns Institute, 2002). <http://www.burnsinstitute.org/dmc/mn/hennepin.html>
- ²⁴ "State Disproportionate Minority Data: Minnesota, Dakota County." (San Francisco: W. Haywood Burns Institute, 2002). <http://www.burnsinstitute.org/dmc/mn/dakota.html>
- ²⁵ "Juvenile Justice Services Task Force: Final Report," 6-7.
- ²⁶ "Juvenile Justice Services Task Force: Final Report," 19.
- ²⁷ Criminal Juvenile Analytical Database maintained by the State Court Administrator's Office, 2005.
- ²⁸ Richtman, Kate. Remarks on November 4, 2005. "Emerging and Innovative Ideas in Juvenile Law: A Symposium Celebrating 100 Years of Juvenile Courts in Minnesota." William Mitchell College of Law.
- ²⁹ Shelden, Randall G. "Detention Diversion Advocacy: An Evaluation." *Juvenile Justice Bulletin (OJJDP: September 1999)*, 2.
- ³⁰ Roman, John and Jeffrey Butts. "The Economics of Juvenile Jurisdiction." (Urban Institute: Washington, DC, 2005), 5.
- ³¹ Shelden, Randall G. "Detention Diversion Advocacy: An Evaluation." *Juvenile Justice Bulletin (OJJDP: September 1999)*, 4.
- ³² Shelden, Randall G. "Detention Diversion Advocacy: An Evaluation." *Juvenile Justice Bulletin (OJJDP: September 1999)*, 4.
- ³³ Shelden, Randall G. "Detention Diversion Advocacy: An Evaluation." *Juvenile Justice Bulletin (OJJDP: September 1999)*, 10-11.
- ³⁴ Minor, Kevin I., et al. "Sentence Completion and Recidivism Among Juveniles Referred to Teen Courts." *Crime and Delinquency*. (v45n4, October 1999, p467-480), 469-73.
- ³⁵ "Juvenile Justice Services Task Force: Final Report," 6-7.
- ³⁶ Hoytt, et al, 54.
- ³⁷ Feyerherm, William H. "Detention Reform and Overrepresentation; A Successful Synergy." *Corrections Management Quarterly*. (v4n1, 2000, p44-51), 47.
- ³⁸ Hoytt, et al, 55-58.
- ³⁹ Hoytt, et al, 60-62.
- ⁴⁰ Hoytt, et al, 60-62.
- ⁴¹ Juvenile Justice Workgroup. "A Blueprint for Juvenile Justice Reform." Youth Transition Funders Group, 2005.
- ⁴² Robertson, Angela A., et al. "A Short-Run Cost-Benefit Analysis of Community-Based Interventions for Juvenile Offenders." *Crime and Delinquency*. (v47:n2, p265-285, April 2001), 266 AND "Residential Facilities for Juvenile Offenders." Program Evaluation Division, Office of the Legislative Auditor. (State of Minnesota, February 1995), 54-55.

-
- ⁴³ Wasserman, Gail and Laurie S. Miller. "The Prevention of Serious and Violent Juvenile Offending." *Serious and Violent Juvenile Offenders*. Loeber, Rolf and David P. Farrington, eds. (Thousand Oaks, CA: SAGE Publications, 1998), 237.
- ⁴⁴ Wasserman, 237-39.
- ⁴⁵ Fried, 252 and Tate, David C., et al. "Violent Juvenile Delinquents: Treatment Effectiveness and Implications for Future Action." *American Psychologist*. (v50:n9, p777-81, September 1995), 779.
- ⁴⁶ Fried, 252 and Tate, 779.
- ⁴⁷ From cost sheet received from Diana Wilkie, Dispositional Advisor in Hennepin County, December 2005.
- ⁴⁸ Tate, 780.
- ⁴⁹ Robertson, 276.
- ⁵⁰ Robertson, 280.
- ⁵¹ Robertson, 278.
- ⁵² "Girls Justice Initiative: Progress Report Year Two." United Way of the Bay Area, December 2004. <http://tinyurl.com/8h2fy> Accessed 1/23/06.
- ⁵³ "Minnesota Crime Information 2004." Bureau of Criminal Apprehension. (Minnesota Department of Public Safety, 7/1/05), 58.
- ⁵⁴ "Mental Health Needs of Youth and Young Offenders." Coalition for Juvenile Justice. <http://www.juvjustice.org/resources/fs002.html> Accessed 11/15/05.
- ⁵⁵ Huang, 618.
- ⁵⁶ Minnesota Children's Mental Health Task Force. "Blueprint for a Children's Mental Health System of Care." (Minnesota Department of Human Services, August 2002), 6.
- ⁵⁷ "Juvenile Justice Services Task Force: Final Report," 6-7.
- ⁵⁸ "Reclaiming Futures-Multnomah Embrace." Robert Wood Johnson Foundation. <http://tinyurl.com/9xfns> Accessed 1/23/06.
- ⁵⁹ MN Statute 260B.176, subdivision 2(e), <http://tinyurl.com/lfzji> .
- ⁶⁰ MN Rule 2960.0070 subpart 5, <http://tinyurl.com/lqgl7> .
- ⁶¹ Mendel, 31-33.
- ⁶² Mendel, 32.
- ⁶³ "Residential Facilities for Juvenile Offenders." 54-55.
- ⁶⁴ Roman, 5.
- ⁶⁵ Scott Family Net website, <http://tinyurl.com/nzxtq>. Accessed 2/22/06.
- ⁶⁶ Mendel, Dick. "Small is Beautiful The Missouri Division of Youth Services." *Advocacy*. (Annie E. Casey Foundation, Spring 2003), 29.
- ⁶⁷ "2002 Juvenile Court Statistics Report," (Division of Youth Services, 2002), 4.
- ⁶⁸ Mark Steward. "Reforming Juvenile Justice." Talk of the Nation. (National Public Radio, August 29, 2005). <http://www.npr.org/templates/story/story.php?storyId=4822115> .
- ⁶⁹ Fried, 250.
- ⁷⁰ Olds, David, et al. "Long-Term Effects of Nurse Home Visitation on Children's Criminal and Antisocial Behavior." *Journal of the American Medical Association*. (v280:n14, p1238-1244, October 14, 1998), 1238.
- ⁷¹ Greenwood, Peter W., et al. "Diverting Children from a Life of Crime: What Are the Costs and Benefits?" (Washington, DC: RAND Corporation, May 1996), 25 & 45.
- ⁷² Catalano, Richard F., et al. "Comprehensive Community- and School-Based Interventions to Prevent Antisocial Behavior." *Serious and Violent Juvenile Offenders*. Loeber, Rolf and David P. Farrington, eds. (Thousand Oaks, CA: SAGE Publications, 1998), 268.
- ⁷³ "Guide to Effective Programs for Children and Youth: Quantum Opportunities Program." (Child Trends, 2002). <http://www.childtrends.org/Lifecourse/programs/QuantumOpportunitiesProgram.htm>
- ⁷⁴ Redding, Richard E. "Recidivism Rates In Juvenile Versus Criminal Court." (Juvenile Forensic Evaluation Research Center, 2000). <http://tinyurl.com/9yn2k> Accessed, 2/10/06.
- ⁷⁵ Several studies on the Building Blocks for Youth Page. <http://tinyurl.com/9feey>
- ⁷⁶ Feld, 88.

⁷⁷ “Juvenile Justice Services Task Force: Final Report,” 9.