



A Roadmap for Juvenile Justice in the 21st Century

JUVENILE JUSTICE 21



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The Minnesota Corrections Association will convene juvenile justice stakeholders throughout Minnesota with the goal of identifying a unified vision for the future of juvenile justice in Minnesota.

- ❖ 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.



JUVENILE JUSTICE 21

- Literature Review
- Ten Forums Statewide
- Survey
- Final Report and Recommendations



LOCAL STAKEHOLDER FORUMS

- Juvenile Justice Overview
 - Delinquency Trends and Comparisons
 - Recent Reforms
 - Possible Issues
- Local Panel Perspective
- Small Group Idea Generation
- Local Networking and Collaboration

Juvenile Justice The Past 30 Years

TRENDS AND POLICY CHANGES

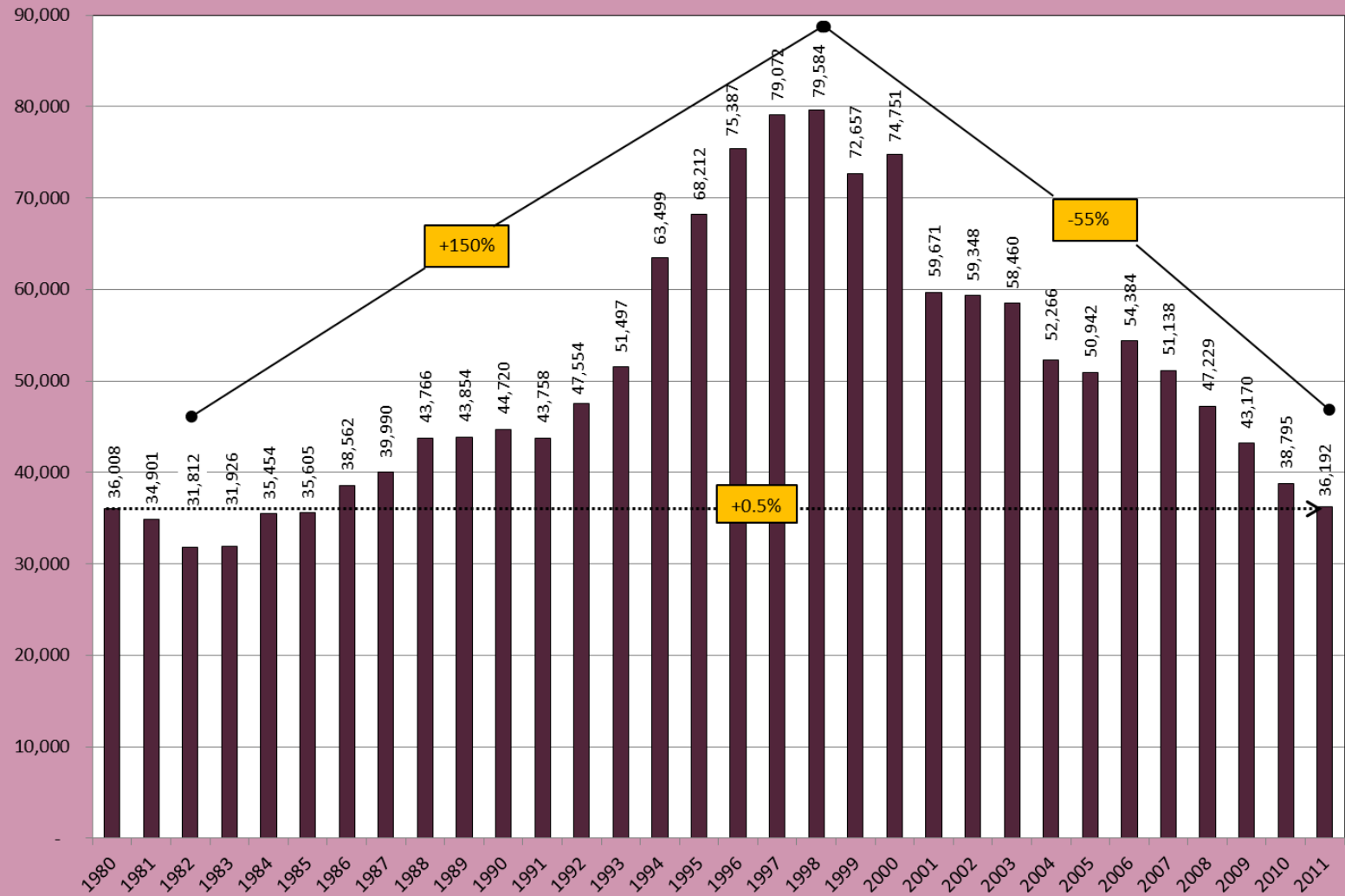
SOURCES

- ✖ Swayze, D. & Buskovich, D. (2013) **Back to the Future: Thirty Years of Juvenile Justice Data in Minnesota, 1980-2010.** Minnesota Department of Public Safety Office of Justice Programs.
- ✖ Swayze, D. & Buskovich, D. (2014) **Back to the Future: Thirty Years of Minnesota Juvenile Justice Policy and Practice, 1980-2010.** Minnesota Department of Public Safety Office of Justice Programs.

MINNESOTA JUVENILE ARRESTS

Figure 2.

Total Minnesota Juvenile Arrests: 1980-2011



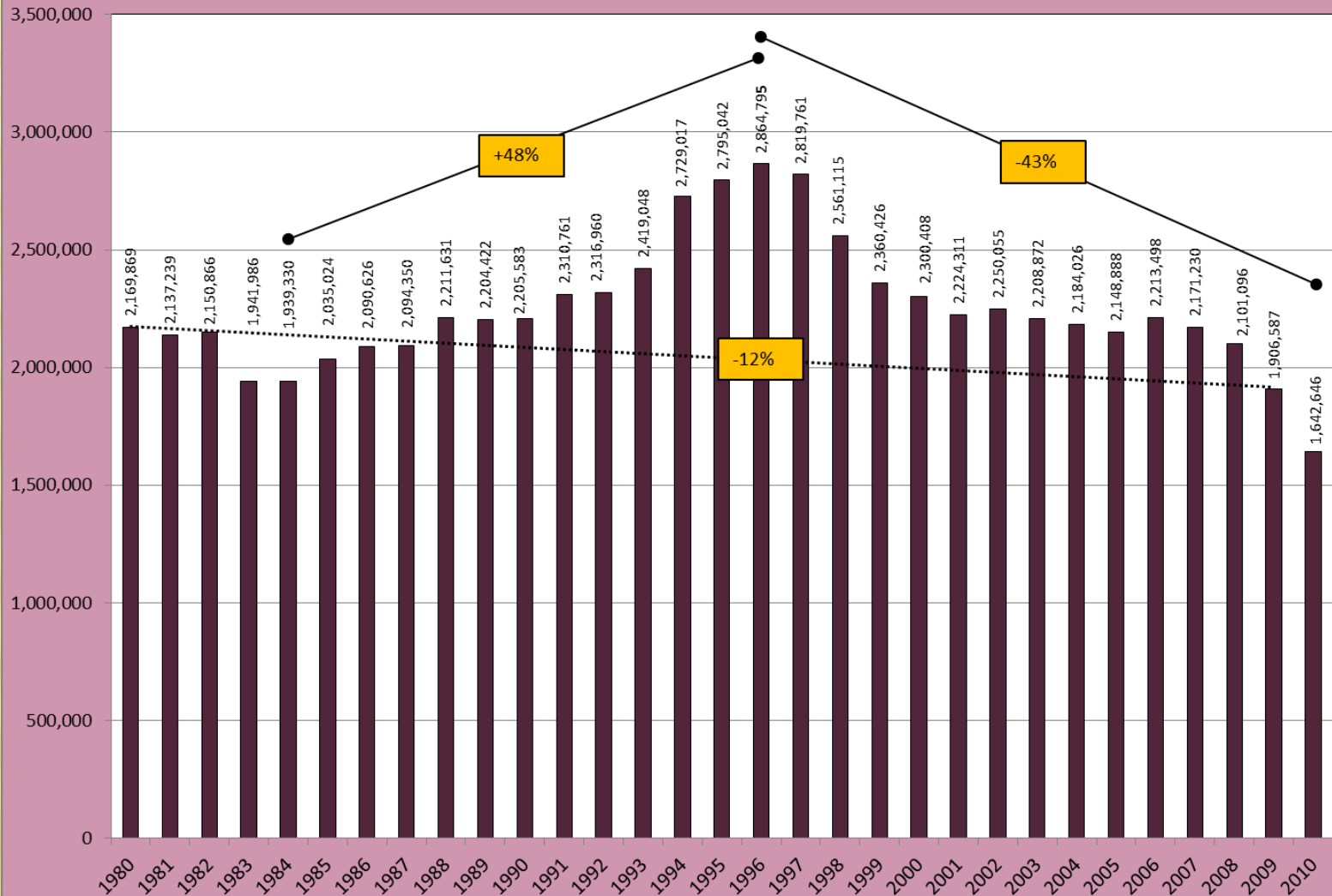
MINNESOTA JUVENILE ARRESTS

- 1980 – 36,000
- 1998 – 78,500 (+120%)
- 2011 – 36,000 (-55%)

U.S. JUVENILE ARRESTS

Figure 3.

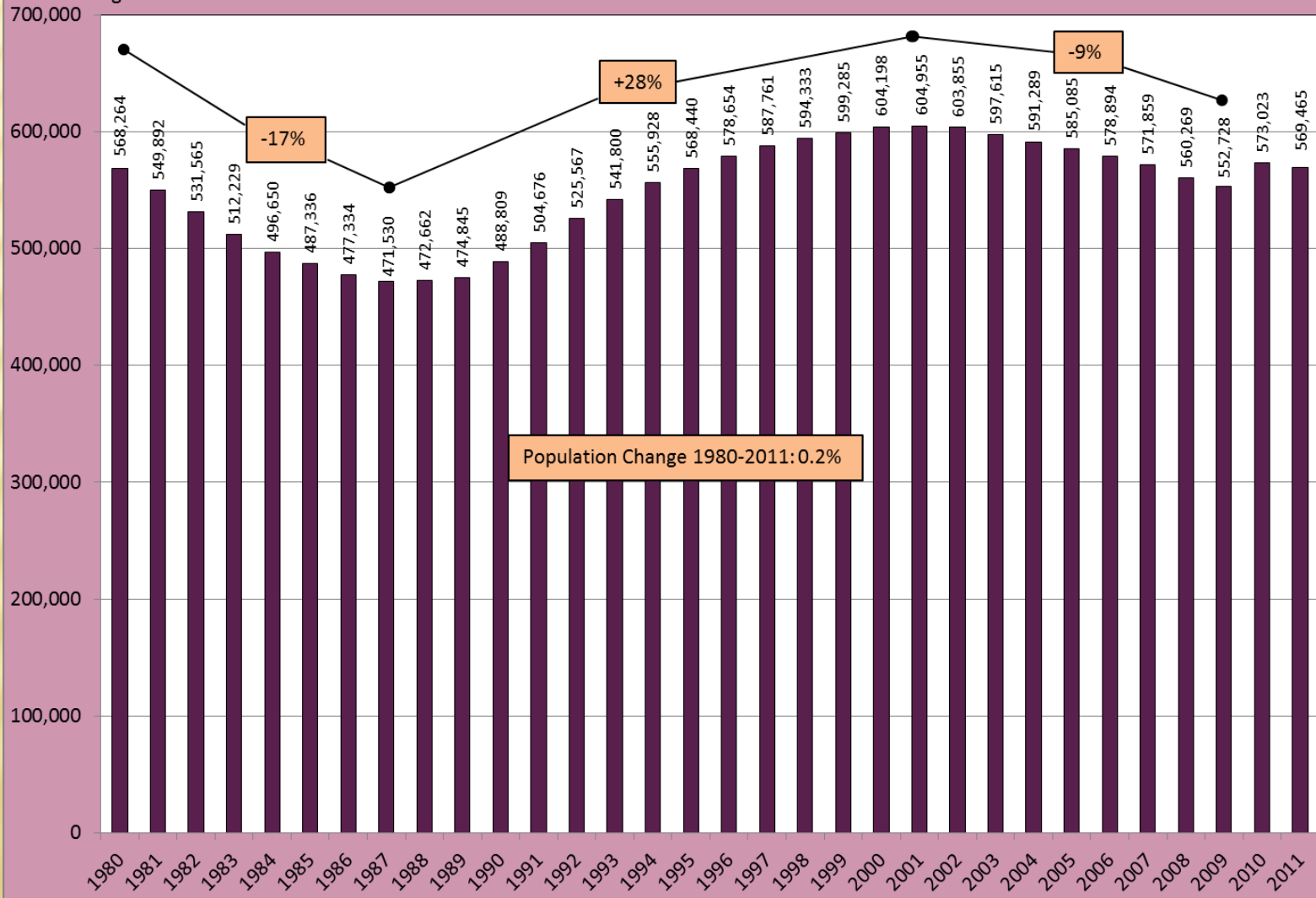
Total U.S. Juvenile Arrests: 1980-2010



MINNESOTA JUVENILE POPULATION

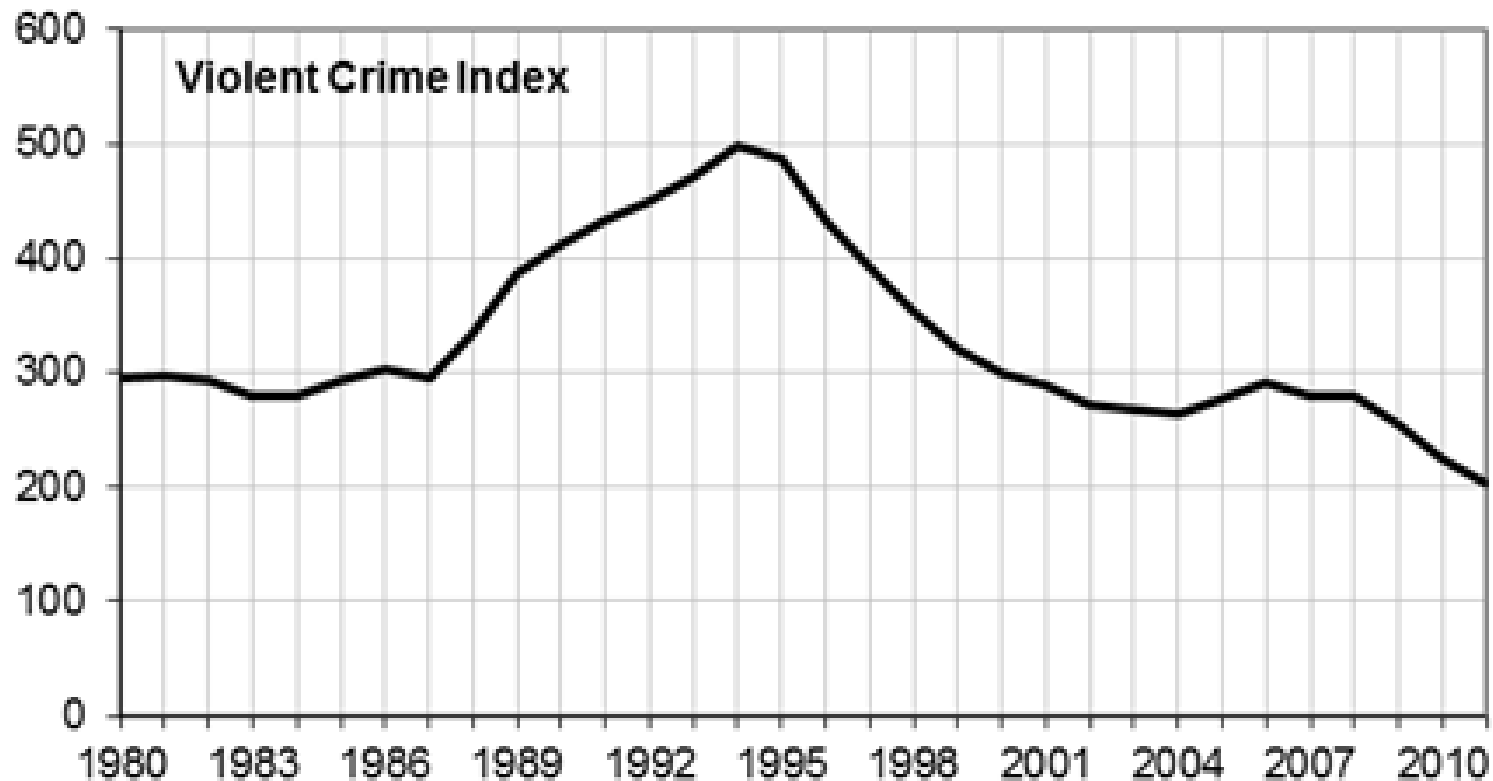
Minnesota Population Ages 10 to 17: 1980-2011

Figure 10.



U.S. DELINQUENCY RATES

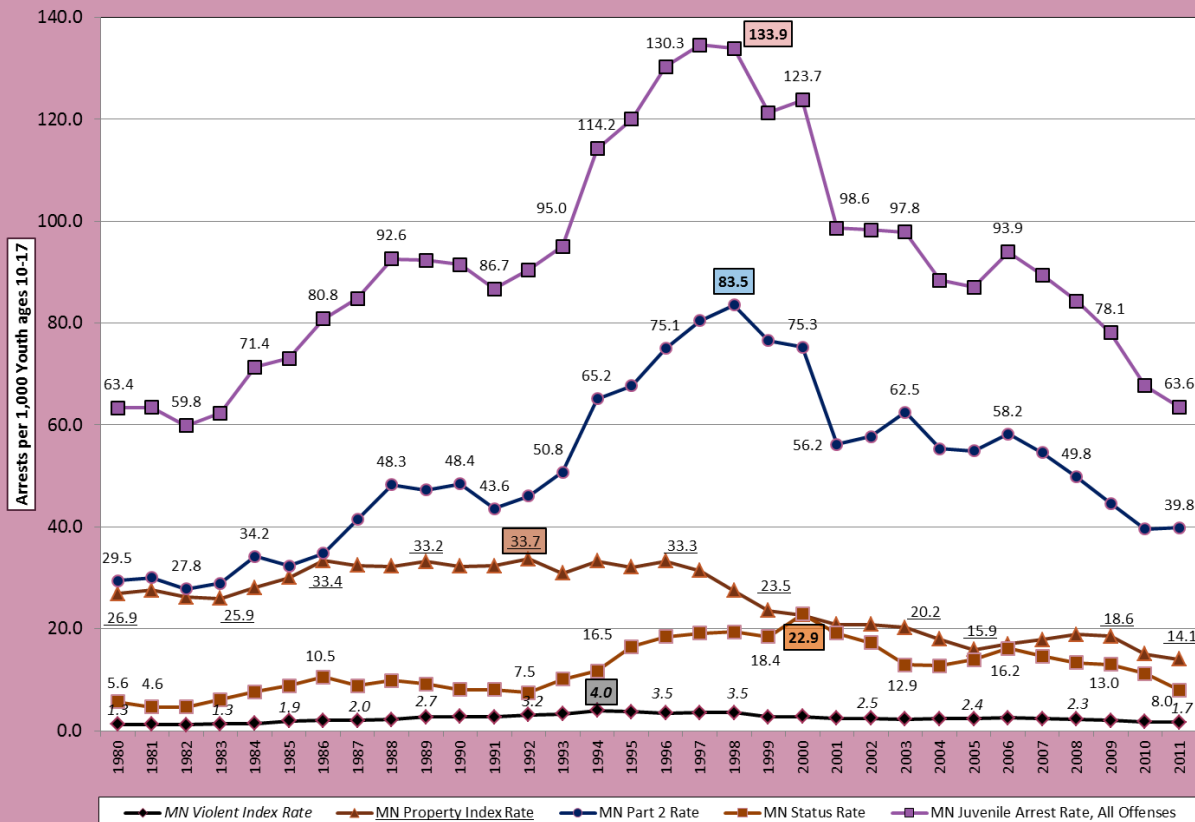
Arrests per 100,000 juveniles ages 10-17, 1980-2011



Note: Rates are arrests of persons ages 10-17 per 100,000 persons ages 10-17 in the resident population. The Violent Crime Index includes the offenses of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault.

MINNESOTA DELINQUENCY RATES

Figure 13. Minnesota Juvenile Arrest Rates, by Offense Category: 1980-2011



All Offenses

Part 2
(Non-Index)

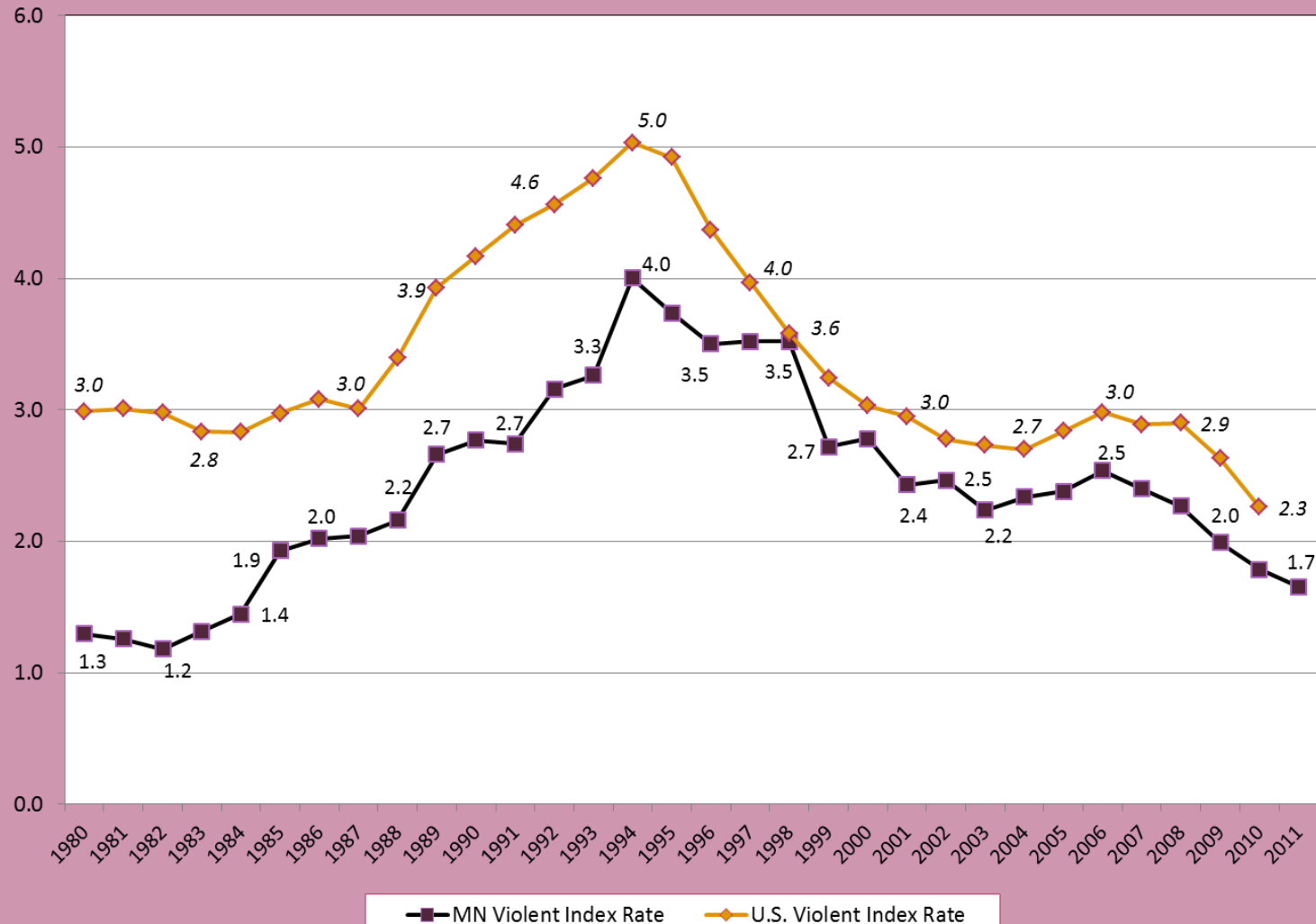
Property Index

Status

Violent Index

MINNESOTA COMPARED TO U.S. - VIOLENT

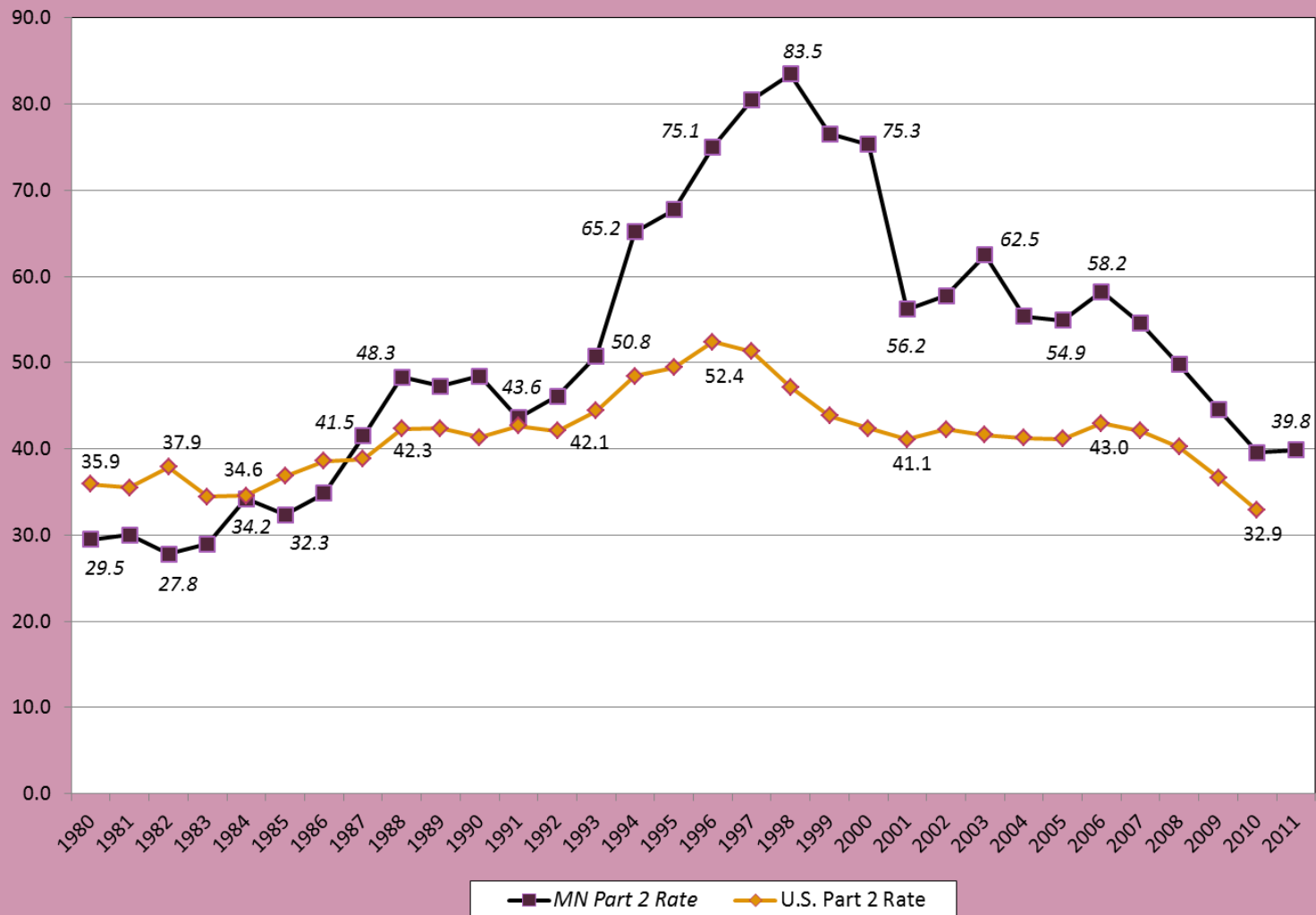
Figure 14.
Juvenile Violent Crime Arrest Rates: 1980-2011



MINNESOTA COMPARED TO U.S. - PROPERTY

Figure 16.

Juvenile Part II Crime Arrest Rates: 1980-2011



EXPLANATIONS FOR INCREASE/DECREASE

- Population Changes
- Socio-Economic Conditions
- Prevention and Intervention Funding
- Policy and Practice Changes

U.S. POLICY TRENDS

- ✗ Prior to the 1960s, treatment of juvenile offenders focused on a *patriae* model - State assumed a legal guardian role for juvenile offenders.
- ✗ During the 1960s and the early 1970s, a belief emerged that juvenile crime was becoming too prevalent, a belief not substantiated by evidence until after the mid 1970s when juvenile crime did rise. This belief triggered a shift to a crime control model.
- ✗ *In re Gault* (1967)

U.S. POLICY TRENDS

- ✘ Lowering of age for judicial transfer to adult system.
- ✘ Additional crimes added to the list of transferrable offenses.
- ✘ Implementation of automatic transfer statutes.

MINNESOTA POLICY CHANGES

Juvenile Court Act of 1959 (dependent, neglected and delinquent youth)

“Secure for each minor under the jurisdiction of the court the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and best interests of the state; to preserve and strengthen the minor’s family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody and care and discipline as nearly as possible equivalent to that which should have been given by his parents.”

MINNESOTA POLICY CHANGES

Current Policy Statement (1980)

Minn. Stat. 260B.001 Subd. 2.Delinquency.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

MINNESOTA POLICY CHANGES

- Juvenile Court Act of 1980 created focus on delinquency.
- Minnesota Legislature approved the development of uniform procedures for juvenile proceedings for the entire state, completed in 1983.
- Sentencing guidelines amended to allow up to 1 criminal history point for some juvenile offenses,

MINNESOTA POLICY CHANGES

- 1986 Legislature granted public access to hearings for youth over the age 16 charged with felonies.
- In 1989 probation up to 6 months allowed for juvenile petty offenses.
- Disorderly conduct statute expanded in 1991.
- Predatory offender registration required for adults in 1991, juveniles added in 1994.

MINNESOTA POLICY CHANGES

- 1994:
 - Extended Jurisdiction Juvenile established;
 - Juvenile diversion programs required;
 - Firearms prohibition applied to juveniles;
 - Juvenile records required to be kept until age 28 rather than 23;
 - Mental health screenings required.

MINNESOTA POLICY CHANGES

- 1995 expansion of juvenile criminal history in sentencing guidelines.
- Truancy program statute in 1995 to better address truancy.
- Expungement statute (609A) created in 1996 including juveniles certified as adults.
- Teen courts allowed and restorative justice programs authorized in 1997.

JUVENILE JUSTICE IN OTHER NATIONS

OTHER COUNTRIES

- The U.S. has almost 6 times as many youth in secure confinement as Australia, Canada, United Kingdom, Germany and Finland combined, despite having only a third greater general population.

OTHER COUNTRIES

- The United States holds children as young as 6 criminally responsible (10 in MN) followed by Australia and England at 10, Canada at 12, Germany at 14 and Finland at 15.
- Juvenile justice in other industrialized countries emphasizes a pro-social approach to curbing youth violence while placing lesser significance on incarceration.

Rethinking Incarceration

RECENT U.S. REFORMS

NATIONAL REFORMS

- Between 2001-2010, the number of juvenile incarcerations declined by 32% nationwide.
- Advanced research findings in neurology and developmental psychology further reinforced the 20th century perspective distinguishing youth from adults.
- Incarceration placed a heavy financial burden on taxpayers and on state and county budgets.

NATIONAL REFORMS – 2011-2013

- Eleven states (CO, ID, IN, NV, HI, VA, PA, TX, OR and OH) passed legislation limiting the state's authority to hold youth in adult jails.
- Eight states (CA, CO, GA, IN, TX, MO, OH and WA) altered their minimum sentencing laws and permitted post-sentence reviews for youth sentenced to juvenile life without parole.
- Eleven states (AZ, CO, CT, DE, IL, NV, UT, VA, WA, OH and MD) modified their transfer laws to ensure that youth will remain in the juvenile justice system and
- Four states (CT, IL, MS and MA) expanded their juvenile court jurisdictions to prevent youth from being automatically tried in criminal court.

MINNESOTA JUVENILE JUSTICE REFORMS

RECENT MINNESOTA REFORMS

- State policy on Disproportionate Minority Contact adopted in 2009.
- 2011 – Sexually exploited youth removed from definition of delinquent youth.
- 2011 - Amended law to allow adult certified juveniles to be detained in juvenile facilities while awaiting the outcome of criminal proceedings.
- 2013 - Limited access to electronic records for 16-17 year-olds charged with a felony (not fully implemented by courts).
- 2014 - Extended stays of adjudication to 360 days.
- 2014 - Clarified expungement of juvenile records.

MINNESOTA JUVENILE JUSTICE PROBLEMS?

MINNESOTA POLICY STATEMENT

Minn. Stat. 260B.001 Subd. 2.Delinquency.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

Subd. 3.Construction.

The laws relating to juvenile courts shall be liberally construed to carry out the purpose specified in subdivision 2.

DIVERSION

- In 2012, roughly a quarter of all juvenile arrests in Minnesota were diverted to formal diversion programs.
 - Resources and programs?
 - Statewide consistency?
 - Point of entry?

MENTAL HEALTH ASSESSMENT AND TREATMENT

- **Improve mental health screening processes within the child protection and juvenile justice systems to enhance the ability to evaluate outcomes and increase access to mental health services.**
- Certain statutory provisions cause Minnesota to miss opportunities to identify and address gaps in our mental health system and identify youth in the child protection and juvenile justice systems who may need mental health services.*

*National Alliance on Mental Illness Juvenile Justice Work Group Report to the Minnesota Legislature, March 2014.

SENTENCING

- **Adult Certification**
- **Extended Jurisdiction Juvenile**
- **Age of Adulthood**
- **Mandatory Life Without Parole** (currently unconstitutional)

COLLATERAL CONSEQUENCES

- Public hearings and records for 16-17 year-olds charged with a felony.
- Human services background studies.
- Predatory offender registration.

RACIAL DISPARITIES

- Youth of color in Minnesota constitute 22% of the total youth population but represent 46% of juvenile arrests.
- African American youth are 6 times more likely to be arrested than white youth.
- American Indian youth are 4 times more likely to be detained in secure confinement.
- American Indian youth are twice as likely to be petitioned to court than white youth.
- Youth of color (with the exception of Asians) are half as likely to receive probation than white youth.
- African American youth are more than 6 times likely to receive adult certification than white youth.

YOUTH OF RECENT IMMIGRANTS

- Are there adequate programs and support systems, training, interpreters?

RECOMMENDATIONS

RECOMMENDATIONS

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JUVENILE JUSTICE 21