



Juvenile Out-of-State or Alternative Placement Reports

February 15, 2004

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Minnesota Sentencing Guidelines Commission

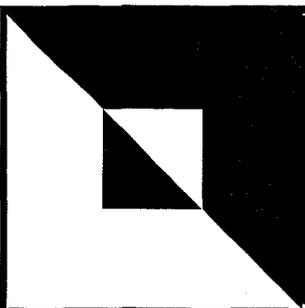


Minnesota Sentencing Guidelines Commission

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Minnesota Sentencing Guidelines Commission

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Executive Summary

- ❖ In 2003, the commission received 32 out-of-state placement reports, down considerably from 115 reports filed the previous year. The commission received six alternative placement reports, which was similar to the seven reports received in 2002.
- ❖ It is apparent, through conversations with judges and review of the filed reports, that the forms are somehow awkward and confusing to complete. The commission feels that a re-design of the forms may be helpful to more accurately capture the intended information.
- ❖ Judges' reasons for placing juveniles out-of-state varied. In 31% of the cases, the court determined that the placement was in the best interest of the child or that the child needed to be removed from their present environment or gang influence.
- ❖ Judges looked at several different in-state facilities as options before sending juveniles out-of-state: 23% of juveniles placed out-of-state were first considered for County Home School and 16% were considered for MCF-Red Wing.
- ❖ The overwhelming reason judges gave for choosing an out-of-state facility over an in-state facility was that the juvenile needed appropriate therapeutic placement not available in Minnesota. This accounted for 78% of the cases.
- ❖ Another reason often given for juveniles being placed out-of-state were because they did not meet the MCF-Red Wing admissions criteria as serious offenders, chronic offenders, or sex offenders.
- ❖ Public safety and the safety of the child were concerns expressed by judges who did not send juveniles to MCF-Red Wing although the juvenile qualified for admissions.
- ❖ In all of the alternative placements, judges were concerned about the safety of the child. In one-third of the cases, judges cited the safety of the community as the reason for alternative placement.

Introduction

The 2000 legislature amended Minn. Stat. 260B.199 and Minn. Stat. 260B.201 requiring that when courts make certain placements of juveniles at out-of-state facilities rather than at Minnesota Correction Facility-Red Wing, or make alternative placements when juveniles meet the requirements for mandatory commitment, the court reports information about the placement to the Minnesota Sentencing Guidelines Commission. The commission is required to report to the legislature by February 15 of each year on placements during the preceding year.

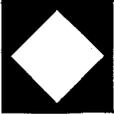
The commission, with the assistance of state court and legislative staff, originally developed reporting forms to collect this information. Each year, the forms and an explanatory memo are sent out to district court judges across the state to help inform them of the reporting requirements for out-of-state placement of juveniles and alternative placements of juveniles. It is apparent, through conversations with judges and review of the filed reports, that the forms are somehow awkward and confusing to complete. The commission feels that a re-design of the forms may be helpful to more accurately capture the intended information. Copies of the reporting forms are found at the end of this report in Appendix C and D.

In 2003, the commission received 32 out-of-state placement reports, down considerably from 115 reports filed in 2002.

In 2003, the commission received 32 out-of-state placement reports, down considerably from 115 reports filed the previous year. One reason for this drop in reporting may have to do with the fact that, last year a concerted effort was made by the conference of chief judges to ensure that the sentencing courts met the reporting requirements. In the first half of 2003, the Minnesota Department of Corrections, Inspection and Enforcement Unit, reported that 86 juvenile placements were made to certified non-Minnesotan facilities. These semi-annual data also seem to indicate that more juveniles are being placed outside Minnesota without reports being filed with the commission. The commission received six alternative placement reports, which was similar to the seven reports received in 2002.

Currently, a similar reporting system is being undertaken by the department of corrections through legislation passed by the 2003 legislature in Special Session Laws, Chapter 14, Article 13C, Section 2. These similar efforts seem to duplicate some of the reporting requirement set forth in Minn. Stat. 260B.199 and Minn. Stat. 260B.201. In light of the juvenile out-of-state placements now being tracked by the department of corrections, the legislature may want to consider consolidating efforts made by both the sentencing guidelines commission and the department of corrections.

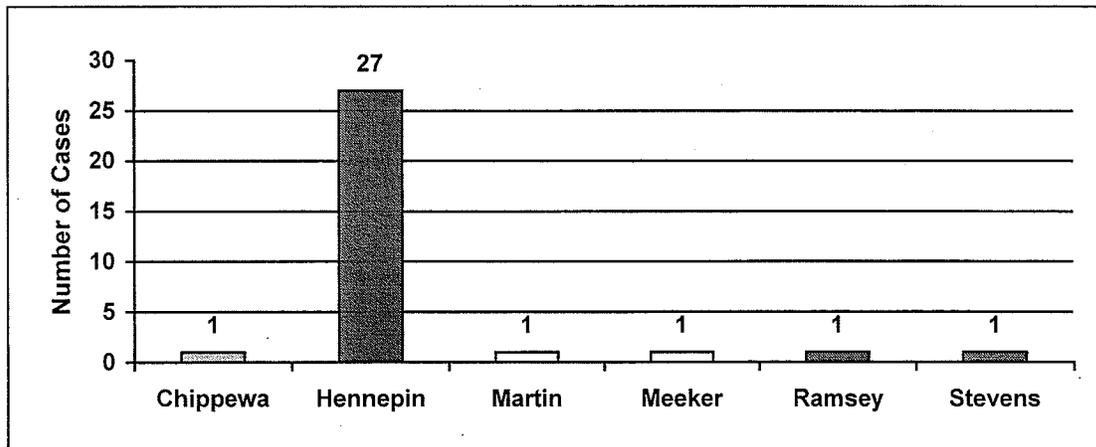
This report summarizes information received from reports on placements during 2003. Tables with full details of the reports are summarized in Appendix A and B. Please note that summary information includes multiple responses to questions. Percentages represent cases and not responses.



Juvenile Out-of-State Placement Reports Summary

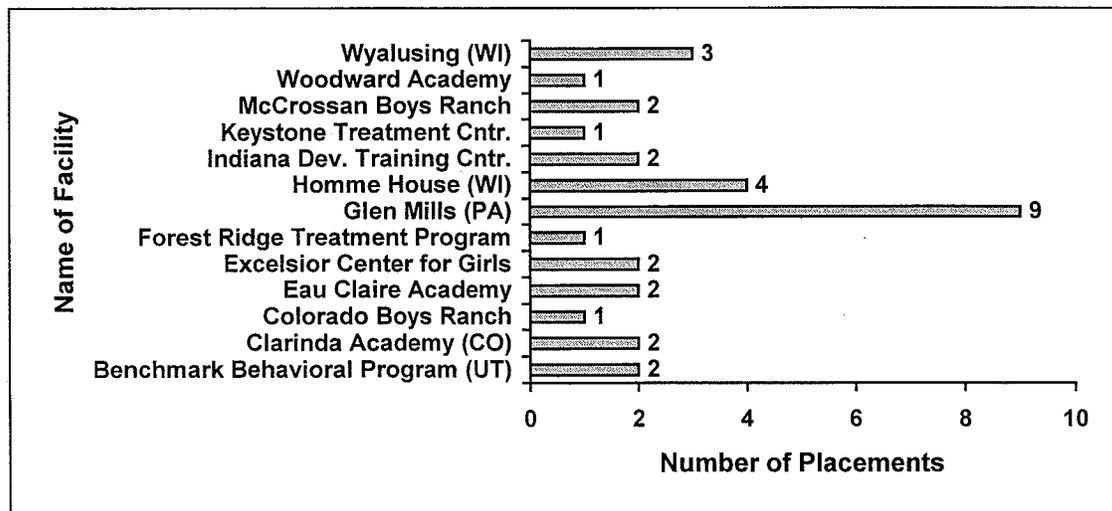
Minn. Stat. 260B.199 requires that when courts make certain juvenile placements at out-of-state facilities rather than at Minnesota Correction Facility-Red Wing, the courts report information about the placements to the Minnesota Sentencing Guidelines Commission. The commission received 32 out-of-state placement reports in 2003. The majority (27) of the reports came from Hennepin County. The remainder of the reports came from five different counties (Figure 1).

Figure 1. County of Out-of-State Placement Reports



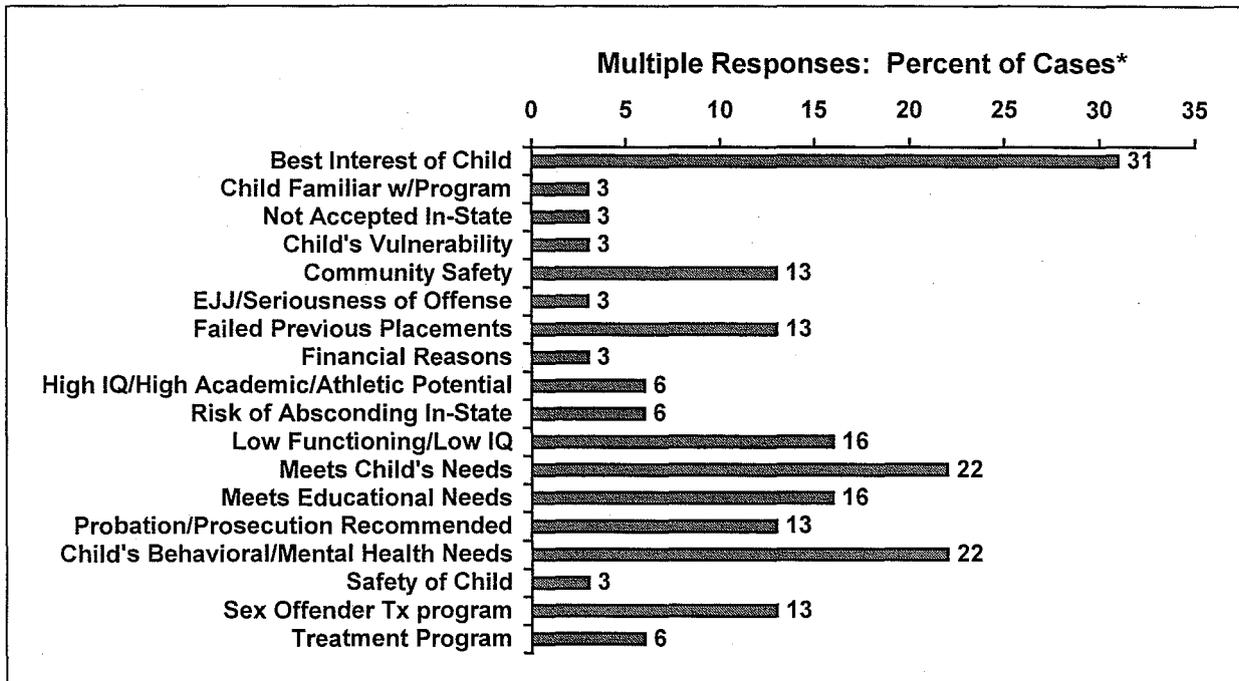
The 32 juveniles were placed in 13 different out-of-state facilities. The majority of facilities received one or two placements. One facility, Glen Mills in Pennsylvania received nine juvenile placements (Figure 2).

Figure 2. Name and Number of Out-of-state Facility Placements



Judges' reasons for placing juveniles out-of-state varied. In 31% of the cases, the court determined that the placement was in the best interest of the child or that the child needed to be removed from their present environment or gang influence. Other reasons for out-of-state placement included consideration of the child's needs (22%) and that the out-of-state facility better addressed the child's serious behavioral or mental health needs (22%). See Figure 3 for a complete list of reasons for out-of-state placements.

Figure 3. Reasons for Out-of-State Placement



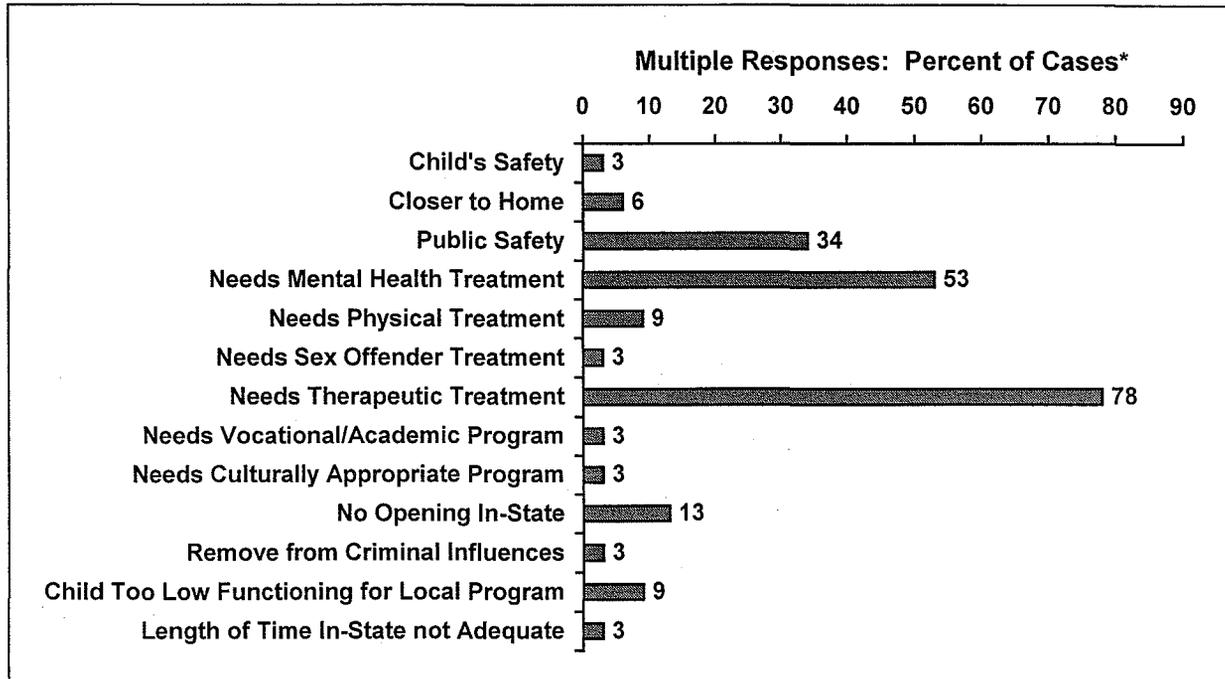
*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Judges looked at several different in-state facilities as options before sending juveniles out-of-state: 23% of juveniles placed out-of-state were first considered for County Home School and 16% were considered for MCF-Red Wing. Other in-state facilities considered were Bar None (7%), Chamberlain Academy (3%), Comfrey Girls Home (3%), Elmore (3%), Gerand School (3%), Mille Lacs Academy (10%), Prairie Lakes Detention Center (3%), Project Pathfinder (3%), St. Cloud Children's Home (10%), St. Croix Camp (7%), Thistledew (3%), Village Ranch Treatment Program (3%), Willmar (3%), and Woodland Hills (13%).

The overwhelming reason judges gave for choosing an out-of-state facility over an in-state facility was that the juvenile needed appropriate therapeutic placement not available in Minnesota. This accounted for 78% of the cases. In 53% of the cases, the judge stated that the juvenile needed appropriate mental health treatment not available in-state. Other reasons for not choosing an in-state facility are provided in Figure 4.

In one case, an in-state facility designed to meet the child's therapeutic needs had reportedly not been assigning a therapist to each child placed there. The judge indicated that a previous placement had resulted in a child being placed in the facility for ten months without having a therapist assigned. The judge commented that this in-state facility seemed to be evolving into more of a shelter or school than a regional treatment facility.

Figure 4. Reasons for Not Choosing In-State Facility



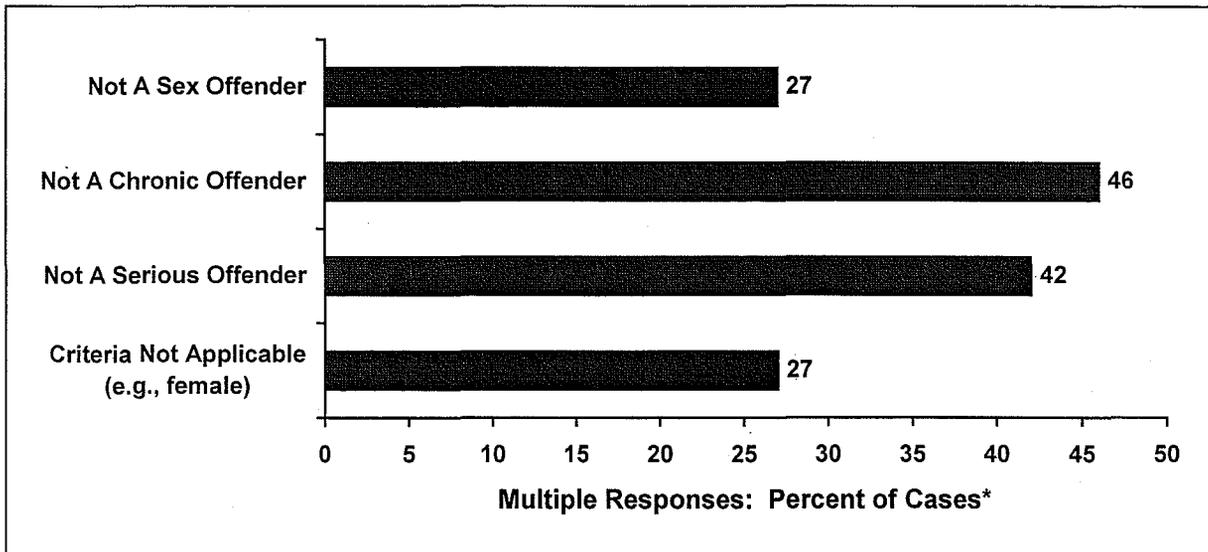
*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Often the reasons given for juveniles being placed out-of-state were because they did not meet the MCF-Red Wing admissions criteria as serious offenders, chronic offenders, or sex offenders. A serious offender is defined as: 1) A juvenile having a severity level VII through X offense (on the sentencing guidelines grid); 2) A juvenile with an offense covered by M.S. §609.11, (Mandatory minimum for weapons offenses); 3) A juvenile who commits an offense in which a firearm was used; or 4) An Extended Jurisdiction Juvenile (EJJ). A chronic offender is a juvenile who: 1) Has two or more current or previous felony-level offenses; or 2) Has experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more. A juvenile can be admitted to MCF-Red Wing as a sex offender if: 1) The child has failed to complete court ordered treatment; 2) The child was unable to complete residential sex offender treatment at a local facility; or 3) Sex offender treatment at MCF-Red Wing is more appropriate. Figure 5 shows that, in 46% of the cases, juveniles did not meet the admissions criteria because they were not chronic offenders and, in 42% of the cases, they were not serious offenders.

MCF-Red Wing's admissions criteria may be considered problematic for some sex offenders who might meet the criteria as a serious offender (i.e., a severity level VII-X offense), but may not meet MCF-Red Wing commitment criteria as a sex offender, and, therefore, would not necessarily receive sex offender treatment. For example, in one reported case, a juvenile's admitted offense was for criminal sexual conduct in the first degree (severity level VIII) meeting the serious offender criteria. However, the child did not fail to complete court ordered treatment and was, therefore, not guaranteed placement in the sex offender treatment program at MCF-Red Wing.



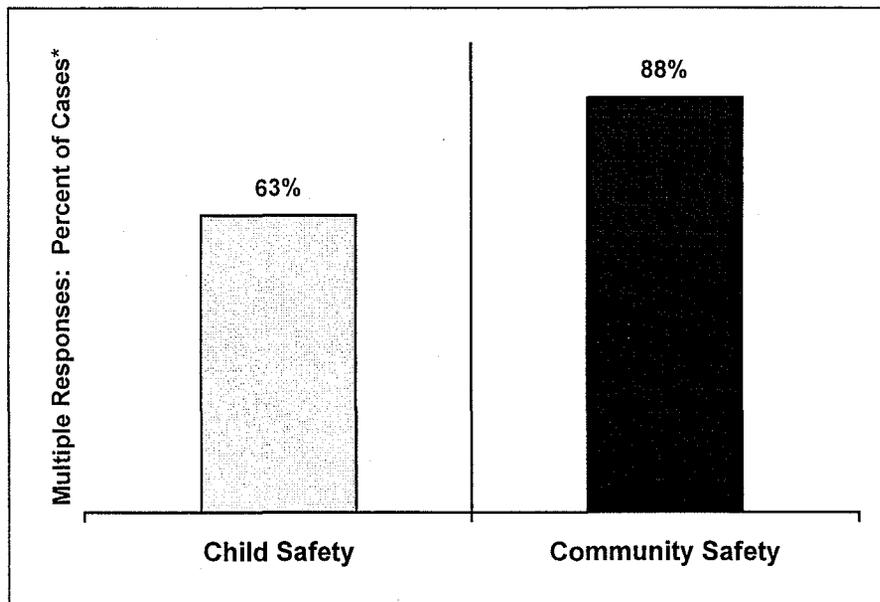
Figure 5. Reasons Juvenile Did Not Meet MCF-Red Wing Admissions Criteria



*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Public safety and the safety of the child were concerns expressed by judges who did not send juveniles to MCF-Red Wing although the juvenile qualified for admissions. Judges cited public safety in 88% of the cases and safety of the child in 63% of the cases (Figure 6).

Figure 6. Reason for Not Placing at MCF-Red Wing if Juvenile Did Meet Admissions Criteria

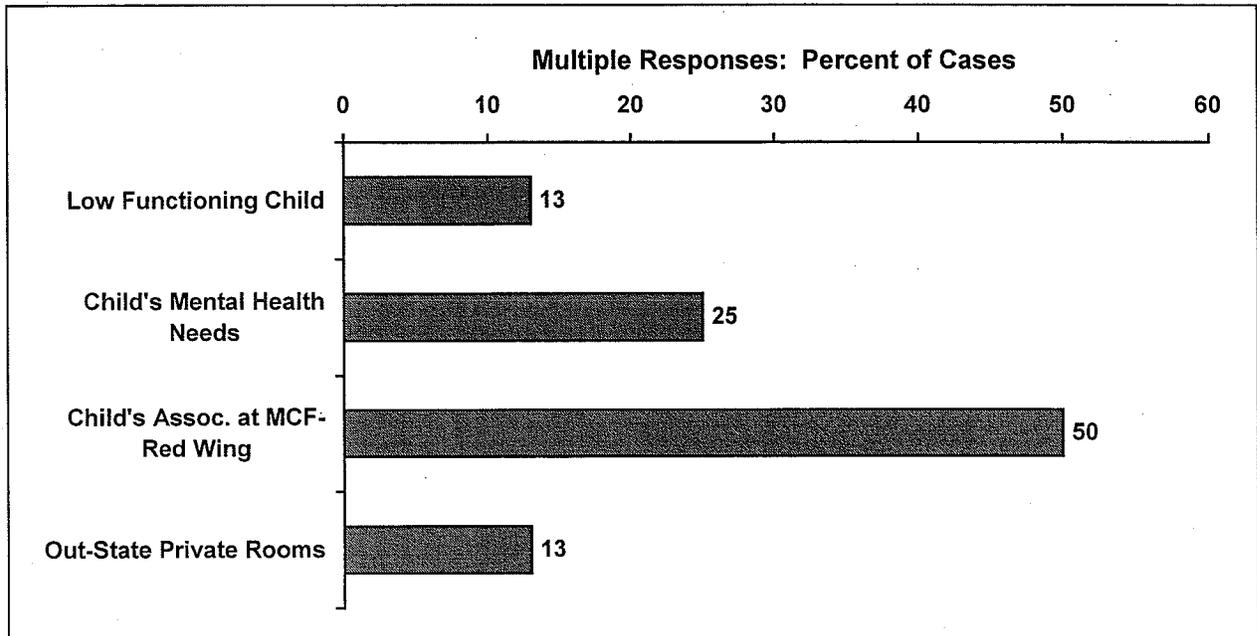


*Note: Summary information includes multiple responses to questions. Percentages represent cases.



Judges addressed why the safety of the child or community could not be met at MCF-Red Wing. In 50% of the cases, judges stated that the child had associates at MCF-Red Wing or that the child would be better placed outside Minnesota to remove them from a potential local gang culture. Another common explanation, cited in 25% of the cases, was that the child's mental health needs or behavioral issues needed to be addressed (Figure 7).

Figure 7. Reasons Why Safety of Child or Community could not be met at MCF-Red Wing

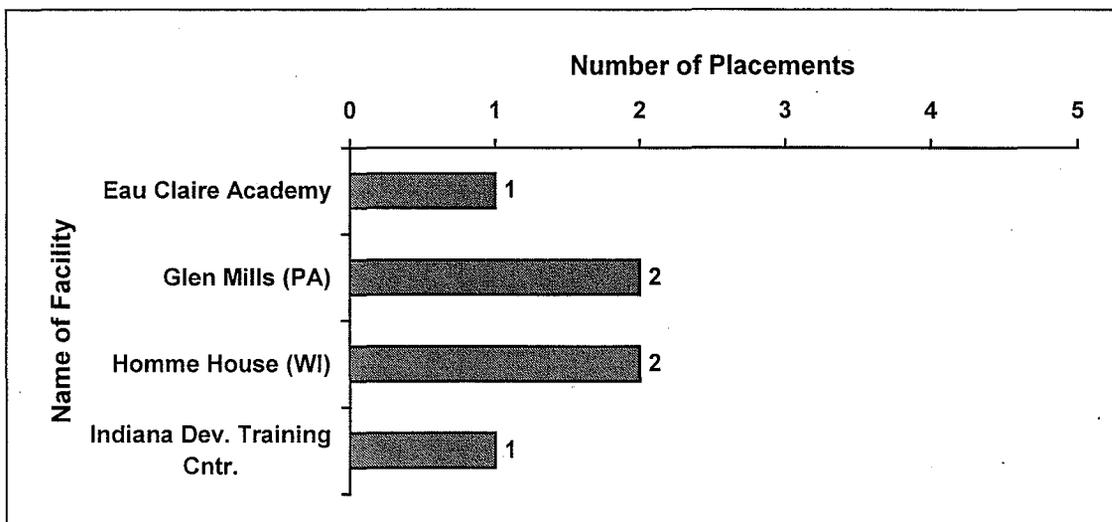


*Note: Summary information includes multiple responses to questions. Percentages represent cases.

Juvenile Alternative Placement Reports Summary

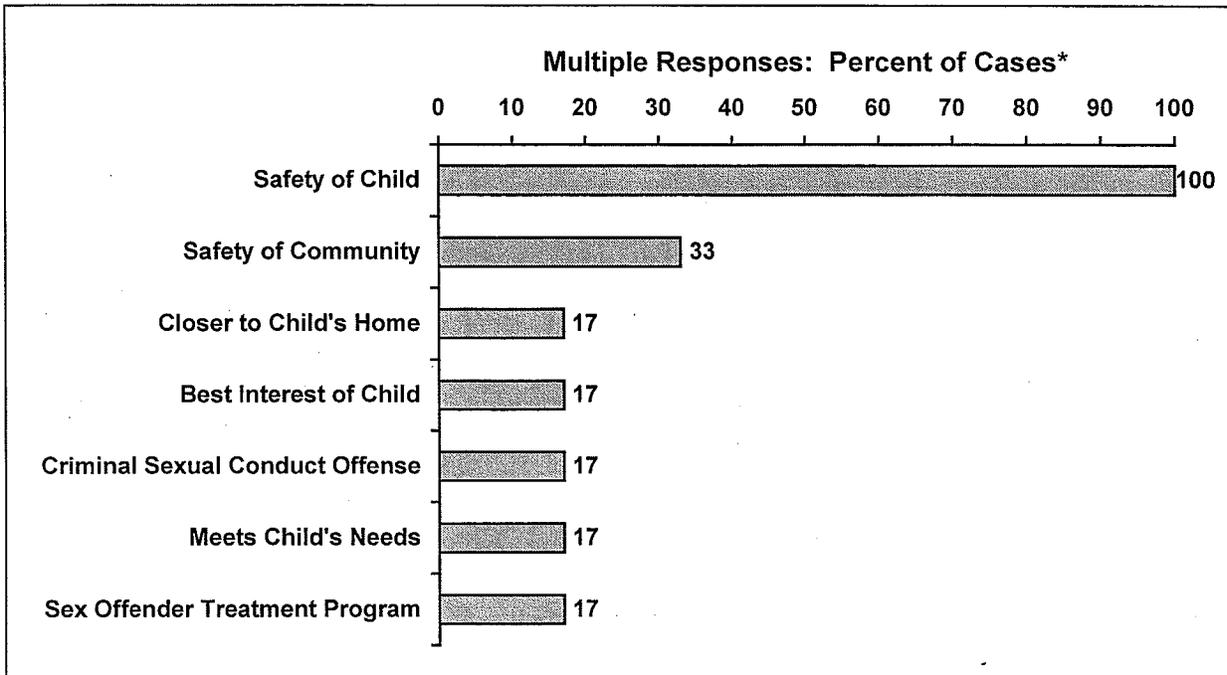
Minn. Stat. 260B.201 requires that when courts make alternative placements of juveniles who meet the requirements for mandatory commitment, the court reports information about the placement to the Minnesota Sentencing Guidelines Commission. The commission received six alternative placement reports in 2003. All the reports came from Hennepin County. An out-of-state placement report was also received and reported on for each of the six juveniles. The six juveniles were placed in four different out-of-state facilities (Figure 8).

Figure 8. Name and Number of Out-of-state Facility Placements



In all of the alternative placements, judges were concerned about the safety of the child. In one-third of the cases, judges cited the safety of the community as the reason for alternative placement. See Figure 9 for a complete list of reasons for out-of-state placements.

Figure 9. Reasons for Alternative Placement



*Note: Summary information includes multiple responses to questions. Percentages represent cases.

When judges were asked to explain why the safety of the child or the community could not be met at MCF-Red Wing, they responded that the child or family was being threatened at school or in the community; the child had associates at MCF-Red Wing; alternative placement would provide for individual rooms; and that the child needed sex offender treatment, but did not qualify for MCF-Red Wing's program.

Conclusion

Because such a limited number of reports were collected for this summary, it is difficult to draw any valid conclusions as to what the results indicate. It does appear, however, that judges most often placed juveniles in out-of-state facilities or alternative placements because the child's needs were somehow better addressed there. In some cases, appropriate treatment (i.e., therapeutic, mental health) was reportedly not available in Minnesota at all. It was clear in many of the detailed reports received by the commission that district court judges did not seem to make the decision lightly to place juveniles in out-of-state facilities or alternative placements.



Appendix

Appendix A: Juvenile Out-of-State Placement Reports Summary Table

(Please note that summary information includes multiple responses to questions.)

A. Name of out-of-state facility where child was placed:

(2) Benchmark Behavioral Program (UT)	(4) Homme House (WI)
(2) Clarinda Academy	(2) Indiana Development and Training Center
(1) Colorado Boys Ranch	(1) Keystone Regional Treatment Center
(2) Eau Claire Academy	(2) McCrossan Boys Ranch (SD)
(2) Excelsior Center for Girls	(1) Woodward Academy
(1) Forest Ridge Residential Treatment Center	(3) Wyalusing (WI)
(9) Glen Mills (PA)	

Reason(s) for placement:

(5) No Response	(2) High Risk of Absconding from Local Program
(10) Best Interest of Child/Need to Remove Child from Environment or Gang Influence	(5) Low functioning /Low IQ
(1) Child Familiar with/Accepted in Program	(7) Meets Child's Needs/Child Needs Structure
(1) Child not Accepted/Inadmissible to In-State Program	(5) Meets Educational/Vocational Training Needs
(1) Child's Vulnerability (i.e., due to young age)	(4) Recommended by Probation/Prosecution
(4) Community Safety/Secure Facility	(7) Program Addresses Child's Serious Behavioral/Mental Health Issues
(1) EJJ offender/Seriousness of offense	(1) Safety of Child
(4) Failed in previous placement	(4) Sex Offender Treatment Program
(1) Financial Reasons (i.e., per diem)	(2) Treatment Program
(2) High I.Q./High Potential (e.g., academic, athletic)	

B. In-state facilities considered:

(11) No Response	(1) Prairie Lakes Detention Center
(2) Bar None	(1) Project Pathfinder
(1) Chamberlin Academy	(3) St. Cloud Children's Home
(1) Comfrey Girls Home	(2) St Croix Camp
(7) County Home School	(1) Thistledew
(1) Elmore	(1) Village Ranch Treatment Program
(1) Gerand School	(1) Willmar
(5) MCF-Red Wing	(4) Woodland Hills
(3) Mille Lacs Academy	

Reason(s) for not choosing an in-state facility:

(1) Child safety/threatened at home/school	(1) Need for Appropriate Vocational/Academic programming
(3) Closer to Child's Home/Close to Family	(1) Out-of-State Program offers Culturally Sensitive/Appropriate Programming
(11) Need for Public/Community Safety	(4) No opening in appropriate program
(17) Need appropriate mental health treatment	(1) Remove from Gang/Criminal Influence/codefendant/Needs new start
(3) Need for appropriate physical treatment/care	(3) Child is too Low functioning, not a Good Candidate for Local Programs
(1) No Appropriate Sex Offender Treatment in State	(1) Length of time with MCP is seen as inadequate for this offense, too short
(25) Need for Appropriate Therapeutic Placement	

C. Red Wing Criteria:

Reason(s) why the child did not meet the admissions criteria for MCF-Red Wing:

(6) Criteria not applicable to this case (e.g., child is a female)	
(0) Does not meet criteria as a <u>Serious Offender</u>	
	(7) Offense would not be at Severity Levels VII through X of Sentencing Guidelines
	(8) Offense not included in M.S. 609.11 (mandatory minimum for weapons offenses)
	(10) Firearm not used
	(8) Child not an EJJ
(1) Does not meet criteria as a <u>Chronic Offender</u>	
	(8) Child does not have 2 or more felony-level offenses
	(8) Child has not experienced at least one prior court-ordered placement in a residential program with and expected duration of 90 days or more
(1) Does not meet criteria as a <u>Sex Offender</u>	
	(6) Child did not fail to complete court-ordered treatment

Reason(s) for not placing at MCF-Red Wing if juvenile did meet admissions criteria:

(5) Safety of Child	(2) Need to address mental health/behavioral issues first
(7) Safety of Community	(4) Child's associates at Red Wing/Need to remove potential local gang culture
(1) Child is low functioning	(1) Send to Treatment program not available in MN (program offers individual rooms)

Appendix B: Juvenile Alternative Placement Report Summary Table

(Please note that summary information includes multiple responses to questions.)

A. Alternative Placement Ordered:

(1) Eau Claire Academy (WI)	(2) Homme House (WI)
(2) Glen Mills (PA)	(1) Indiana Development Training Center

B. Reasons for Alternative Placement:

(6) Safety of child	(1) Criminal Sexual Conduct Offense
(2) Safety of community	(1) Meets child's needs/Child needs structure provides at out-of-state facility
(1) Placement is closet to child's home	(1) Program addresses child's serious behavioral issues
(1) Best Interest of child/Need to remove child from environment or gang influence	

Reasons why safety of the child or the community could not be met at MCF-Red Wing:

(3) No response
(1) Child/family threatened at home/at school
(1) Child's associates at Red Wind / Removal from potential gang culture
(1) Out-of-state program provides for individual rooms
(1) Needs sex offender treatment but does not meet RW commitment criteria as a Sex Offender

Appendix C:

Juvenile Out-of-State Placement Report (Minn. Stat. 260B.199)

County:	Juvenile Court Case #:
Judge:	Placement Date:
Report Completed By:	Contact Phone # or E-Mail:

Out-of-State Placement: *Minn. Stat. 260B.199 requires that before a court orders a delinquency or EJJ disposition, it determine whether the child meets the admission criteria for the MCF-Red Wing, including full consideration of local and regional placements. If the child meets the criteria, the court shall place the child at the facility and may not place the child in an out-of-state facility unless the court finds, on the record, that this best addresses the safety of the child or the community or that the out-of-state facility is closer to the child's home. Courts placing a child in an out-of-state facility are required to provide information pertaining to the placement to the Minnesota Sentencing Guidelines Commission.*

A. Name of out-of-state facility where child was placed: _____

Reason for this placement: _____

B. In-state facilities considered: _____

Reason for not choosing an in-state facility:

- | | |
|--|---|
| <input type="checkbox"/> Need for appropriate therapeutic placement | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Need for appropriate physical treatment/care | <input type="checkbox"/> No opening in appropriate program |
| <input type="checkbox"/> Need for appropriate mental health treatment/care | <input type="checkbox"/> Out-of-state facility closer to home |

Other: _____

C. Red Wing Criteria

Reason(s) why the child did not meet the admissions criteria for the MCF-Red Wing

- Criteria not applicable to this case (e.g., the child is female)
- Does not meet Red Wing commitment criteria as a Serious Offender because:
 - Offense would not be at Severity Level VII through XI of the Sentencing Guidelines
 - Offense not included in M.S. 609.11 (mandatory minimum sentences)
 - Firearm was not used
 - Child is not an EJJ
- Does not meet Red Wing commitment criteria as a Chronic Offender because:
 - Child does not have two or more current or previous felony-level offenses.
 - Child has not experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more.
- Does not meet Red Wing commitment criteria as a Sex Offender because:
 - Child did not fail to complete court-ordered treatment.
 - Child is able to complete residential sex offender treatment at a local facility.
 - More appropriate sex offender treatment is available locally.

Reason(s) for not placing at Red Wing if juvenile did meet admissions criteria:

- Safety of Child Safety of Community Closer to Child's Home

Reasons why safety of the child or the community could not be met at MCF-Red Wing:

Please Forward Report to:
 Minnesota Sentencing Guidelines Commission, Capitol Office Building, 525 Park Street, Suite 220, St. Paul, MN 55103 Phone: (651) 296-0144 Fax: (651) 297-5757 E-mail: sentencing.guidelines@state.mn.us

Appendix D:

Mandatory Commitment: Juvenile Alternative Placement Report
(Minn. Stat. 260B.201)

County:	Juvenile Court Case #:
Judge:	Placement Date:
Report Completed By:	Contact Phone # or E-Mail:

Alternative Placement when Commitment/Placement at Red Wing Required: *Minn. Stat. 260B.201 requires that a child be committed to the custody of the commissioner of corrections or placed at the MCF-Red Wing if the child: (1) was previously adjudicated delinquent or convicted as an EJJ for an offense requiring registration under section 243.166; (2) was placed on probation and ordered to complete a sex offender or chemical dependency treatment program; and (3) subsequently failed or refused to successfully complete the program. If initially convicted as an EJJ, the court may execute the child's adult sentence under section 260B.130, subdivision 4. A court may place a child in an out-of-state facility if the court makes a finding on the record that the safety of the child or the community can be best met by placement in an out-of-state facility or that the out-of-state facility is located closer to the child's home. A court ordering an alternative placement is required by the statute to report on the placement and the reasons for not committing the child to the custody of the Commissioner of Corrections.*

A. Alternative Placement Ordered: _____

B. Reasons for Alternative Placement:

- Safety of Child Safety of Community Closer to Child's Home

Reasons why safety of the child or the community could not be met at the MCF-Red Wing:

Please Forward Report to:
Minnesota Sentencing Guidelines Commission
 Capitol Office Building
 525 Park Street, Suite 220, St. Paul, MN 55103
 Phone: (651) 296-0144 Fax: (651) 297-5757 E-mail: sentencing.guidelines@state.mn.us

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