

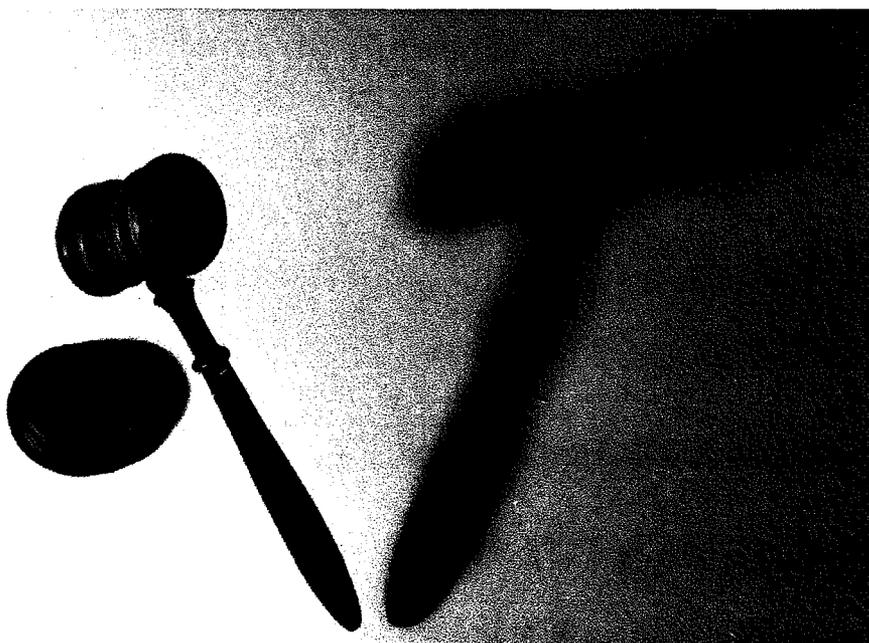


Juvenile Out-of-State or Alternative Placement Reports

February 15, 2006

06 - 0140

Minnesota Sentencing Guidelines Commission



Minnesota Sentencing Guidelines Commission

Capitol Office Building
525 Park Street, Suite 220
Saint Paul, MN 55103

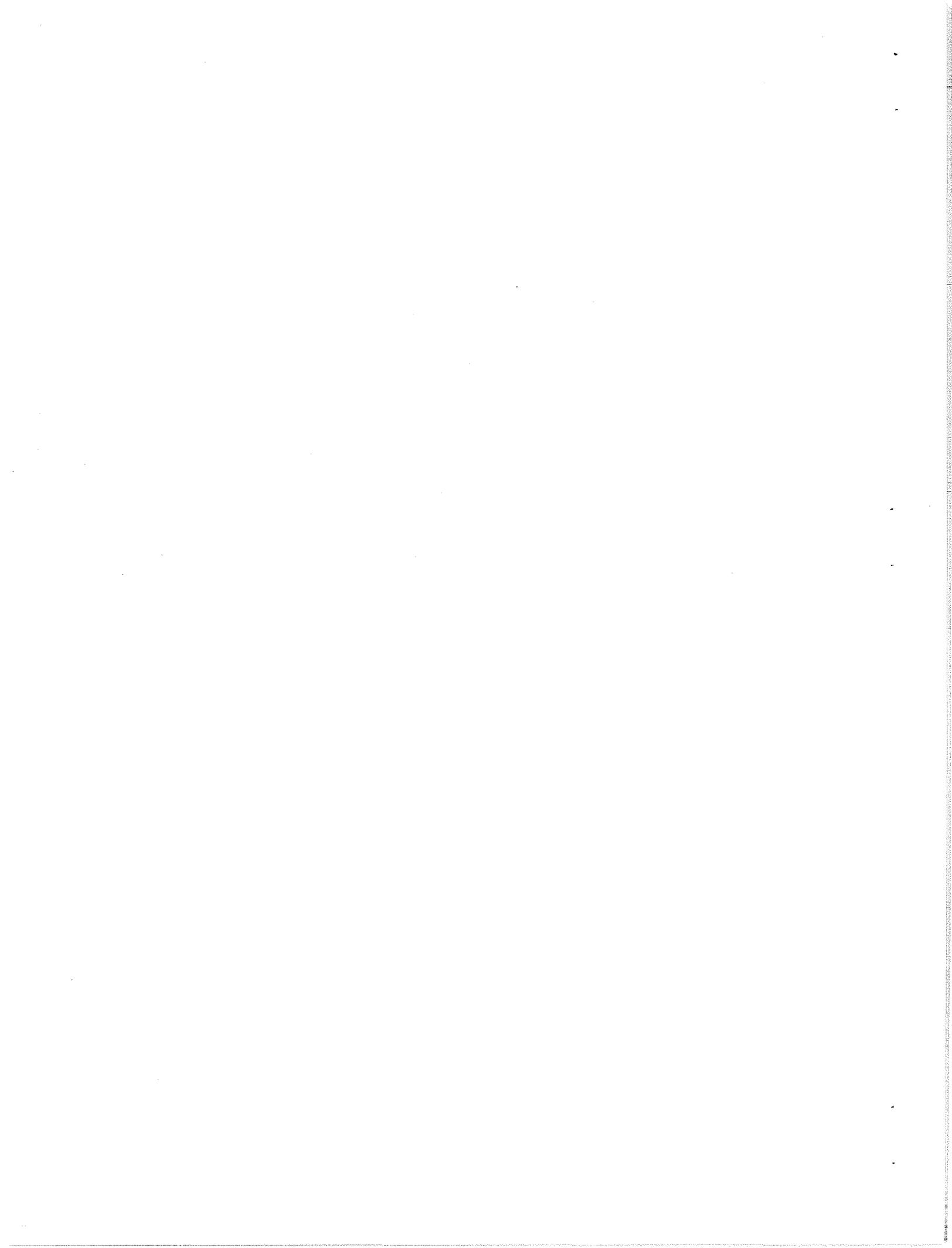
Phone: 651-296-0144

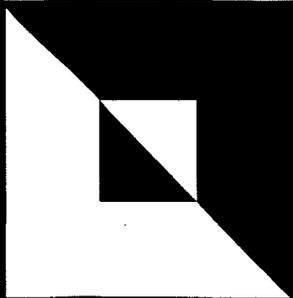
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Juvenile Out-of-State or Alternative Placement Reports

February 15, 2006

Minnesota Sentencing Guidelines Commission

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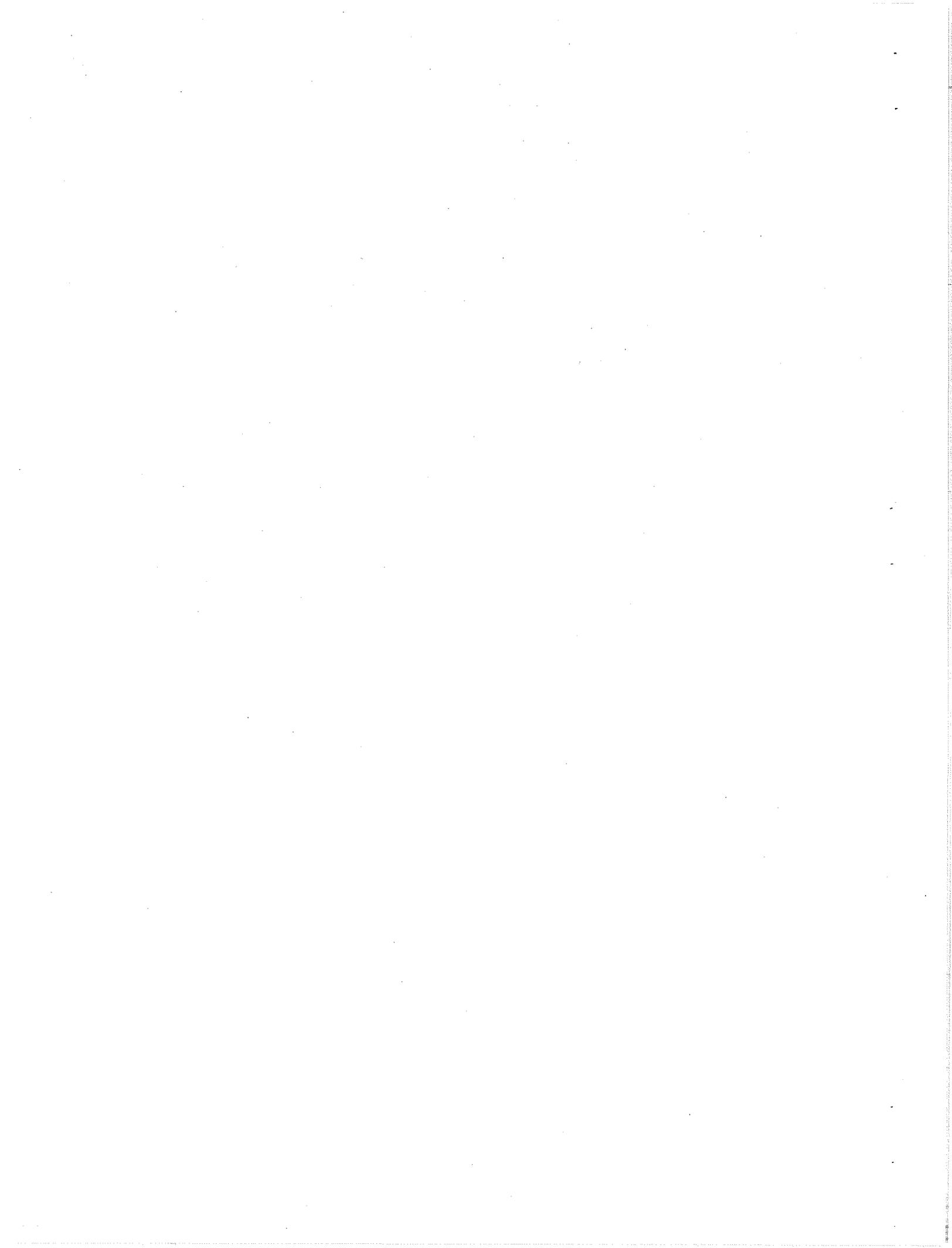
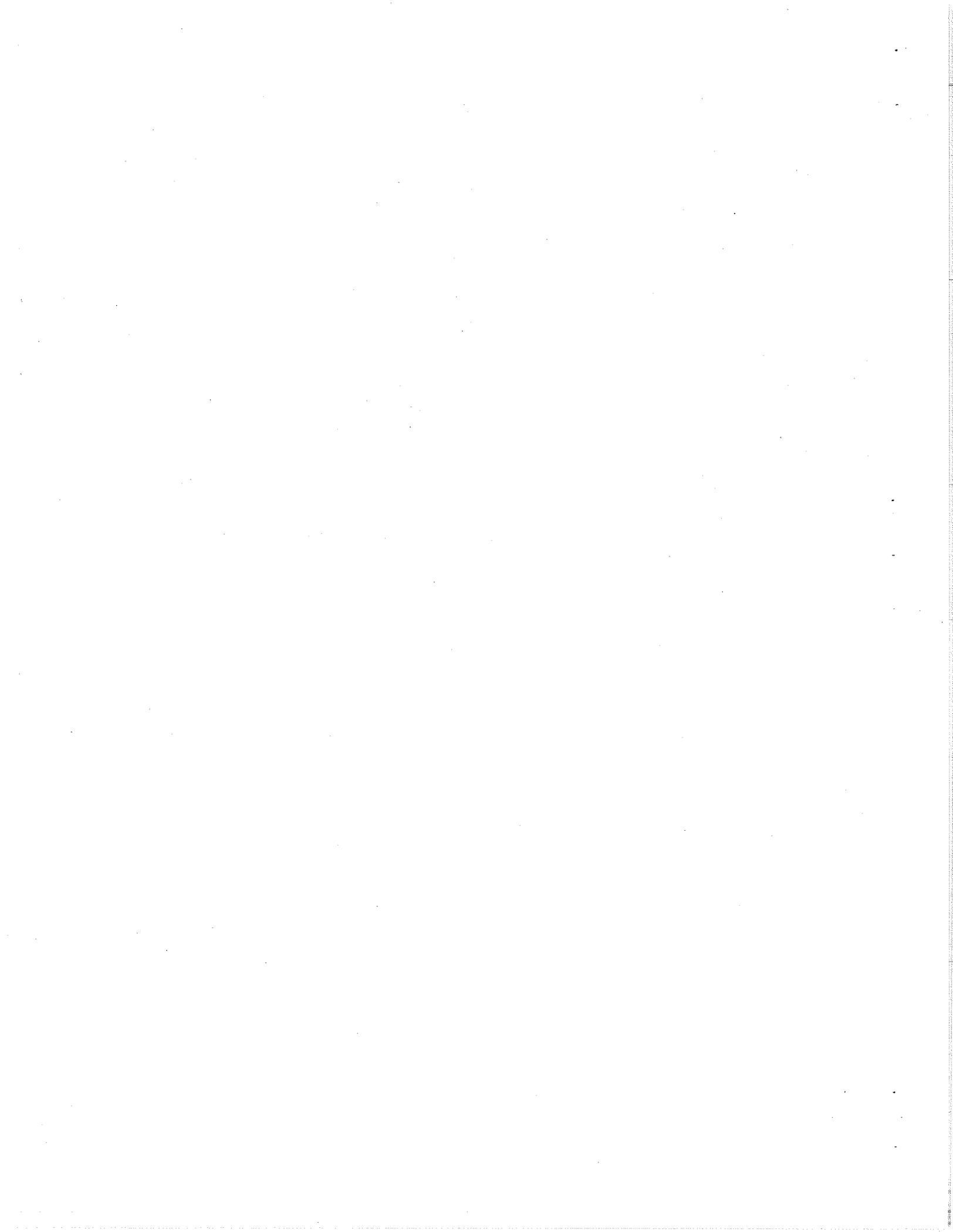




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Executive Summary

- ❖ In 2005, the Commission received 31 out-of-state placement reports, a decrease from the 55 reports filed the previous year. The Commission received ten alternative placement reports, which was fairly consistent with the eight reports received in 2004.
- ❖ Reasons for placing juveniles in out-of-state facilities varied greatly. In 40% of the cases, judges chose the particular out-of-state placement in order to address the juveniles' mental health issues.
- ❖ Judges considered several different in-state facilities as options prior to sending juveniles out-of-state: 27% of juveniles placed out-of-state were first considered for Minnesota Correctional Facility-Red Wing and Hennepin County Home School was considered in 23% of the cases.
- ❖ The overwhelming reason (57% of the cases) judges provided for choosing an out-of-state facility over an in-state facility was that the juvenile needed an appropriate therapeutic placement not available in Minnesota.
- ❖ Frequently, out-of-state facilities were chosen because juveniles did not meet the Minnesota Correctional Facility-Red Wing admissions criteria. Most often, the juveniles did not qualify as a "serious offender" (55%) or were ineligible for the program as a female offender (35%).
- ❖ Safety of the child and the community were the two concerns expressed by judges who chose not to send juveniles to Minnesota Correctional Facility-Red Wing although the juvenile met admission criteria. In the alternative placement reports, concern for the child's safety was also frequently cited as a reason for finding an alternative placement (67%).
- ❖ In the alternative placement reports, judges often reported that safety could not be met at Minnesota Correctional Facility-Red Wing due to concerns about negative peer connections within that facility (50%).
- ❖ Consolidating efforts between the Minnesota Sentencing Guidelines Commission and the Department of Corrections could lead to greater efficiency, as well as a higher response rate in data collection.

Introduction

In 2000, the Legislature amended Minn. Stat. 260B.199 and Minn. Stat. 260B.201 requiring courts to report to the Minnesota Sentencing Guidelines Commission the placement of juveniles at out-of-state facilities rather than at Minnesota Correctional Facility (MCF)-Red Wing or other in-state facilities. Courts are also required to report the alternative placement of juveniles who meet the requirements for mandatory commitment at MCF-Red Wing. The Commission is required to report to the Legislature by February 15 of each year on placements made during the preceding year.

In 2005, the Commission received 31 out-of-state placement reports, down from the 55 reports filed in 2004.

Prior to making an out-of-state placement, courts are to first give full consideration to local and regional placements. The courts should also determine whether the juvenile meets the criteria for admission at MCF-Red Wing. If a judge believes the available in-state options are inadequate, the juvenile may be placed in an out-of-state facility.

The Commission, with the assistance of state court and legislative staff, originally developed reporting forms to collect this information. Copies of the current reporting forms can be found at the end of this report in Appendix C and D. A similar reporting system has been undertaken by the Department of Corrections through legislation passed by the 2003 Legislature in Special Session Laws, Chapter 14, Article 13C, Section 2, as was noted in previous reports. These similar efforts seem to duplicate some of the reporting requirements set forth in Minn. Stat. 260B.199 and Minn. Stat. 206B.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 data collection efforts made by both the Sentencing Guidelines Commission and the Department of Corrections for efficiency purposes.

In 2005, the Commission received 31 out-of-state placement reports; a decrease from the 55 reports filed the previous year and considerably fewer than the 115 reports filed in 2002. The Commission received ten alternative placement reports, which is fairly consistent with the number of reports received in previous years. In the FY 05 (7-1-2004 to 6-30-2005), the Minnesota Department of Corrections Inspection and Enforcement Unit reported that 192 juvenile placements were made to certified non-Minnesota facilities. This data indicates that numerous juveniles are being placed outside Minnesota without reports being filed with the Commission. Combining efforts of the Minnesota Sentencing Guidelines Commission and the Department of Corrections would not only provide greater efficiency, but would likely lead to more comprehensive data collection, as well.

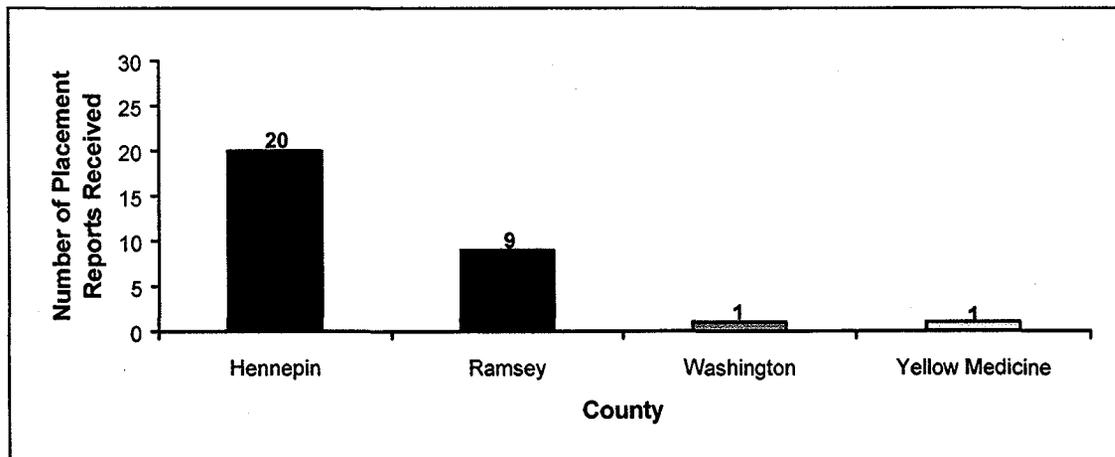
This report summarizes information received from placement reports during 2005. Tables with full details of the placement reports are summarized in Appendix A and B. Please note that some of the summary information includes multiple responses to questions. Due to the multiple responses for several questions, percentages are based on the total number of cases, not responses.

Juvenile Out-of-State Placement Reports Summary

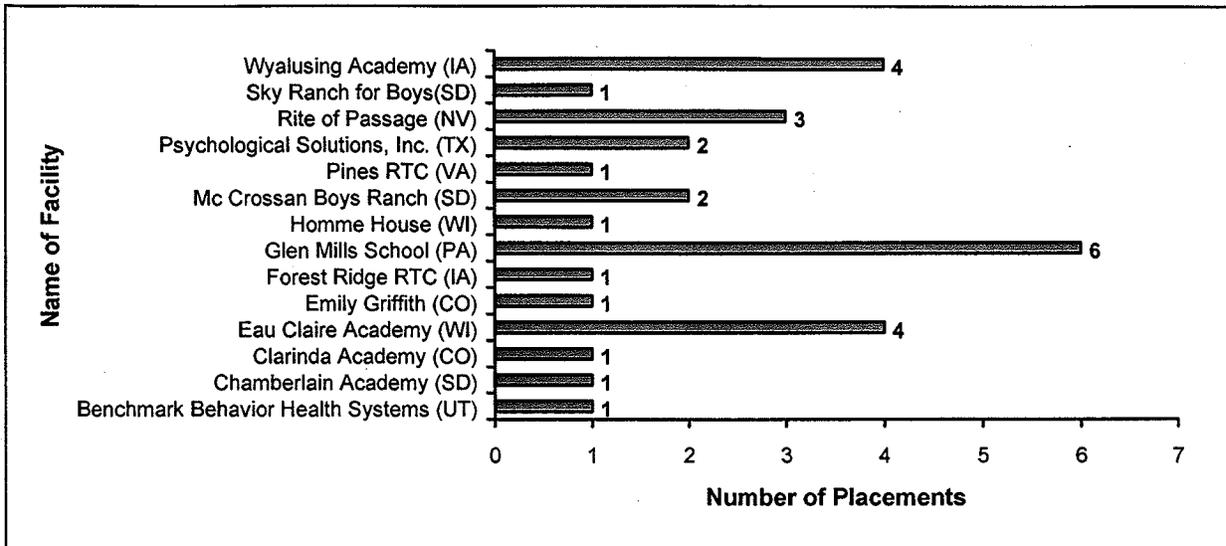
Minn. Stat. 260B.199 requires when courts make certain juvenile placements at out-of-state facilities rather than at Minnesota Correction Facility-Red Wing or other in-state facilities, the courts report information about the placements to the Minnesota Sentencing Guidelines Commission. The following is a summary of the data collected from those reports.

In 2005, the Commission received 31 out-of-state placement reports. The majority (20) of the reports came from Hennepin County. The remaining reports came from three different counties (Figure 1).

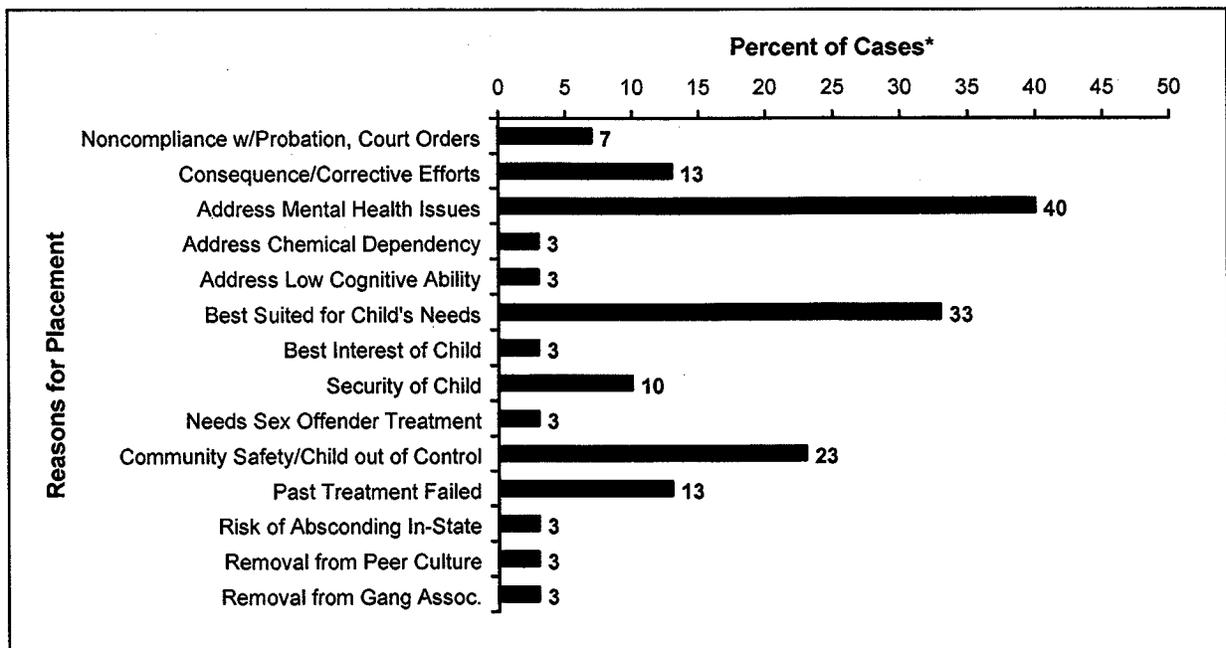
Figure 1. Out-of-State Placement Reports, by County



These 31 juveniles were placed in 15 different out-of-state facilities. The majority of facilities received two or fewer placements, which suggests that judges are seeking out particular programs that will best meet the individual needs of each juvenile. The Glen Mills School in Pennsylvania was the most frequently utilized program, receiving six juvenile placements in 2005 (Figure 2). All of the placements to the Glen Mills School came from Hennepin County. Eau Claire Academy in Wisconsin and Wyalusing Academy in Iowa were also used often, each receiving four placements. A complete list of placements can be found in Figure 2 on the following page.

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

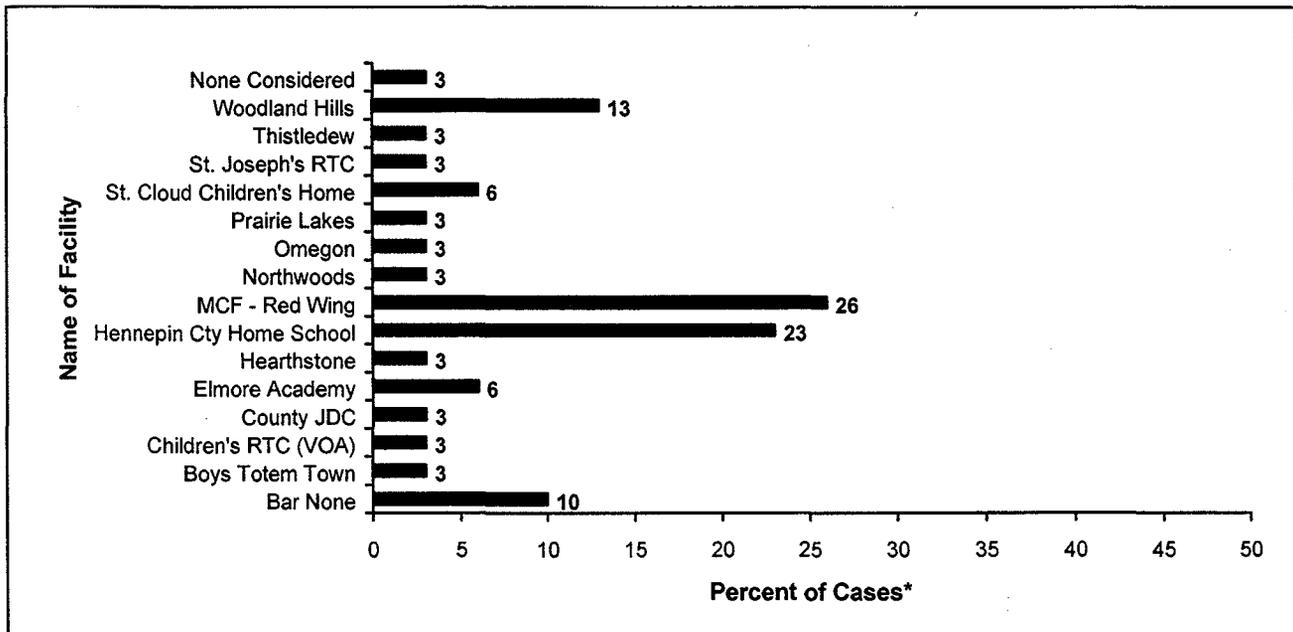
Judges' reasons for placing juveniles out-of-state varied tremendously. In 40% of the cases, the court determined that the program was needed to address mental health and/or behavioral issues. This is a notable increase from 2004, when judges cited this reason in only 15% of cases. Other reasons cited for out-of-state placement included that the program was best suited to fit child's needs (33%) and community safety (23%). See Figure 3 for a complete list of reasons cited for out-of-state placements. Please note: one placement report did not include any reasons; therefore, percentages are based on 30 cases.

Figure 3. Reasons for Out-of-State Placement

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

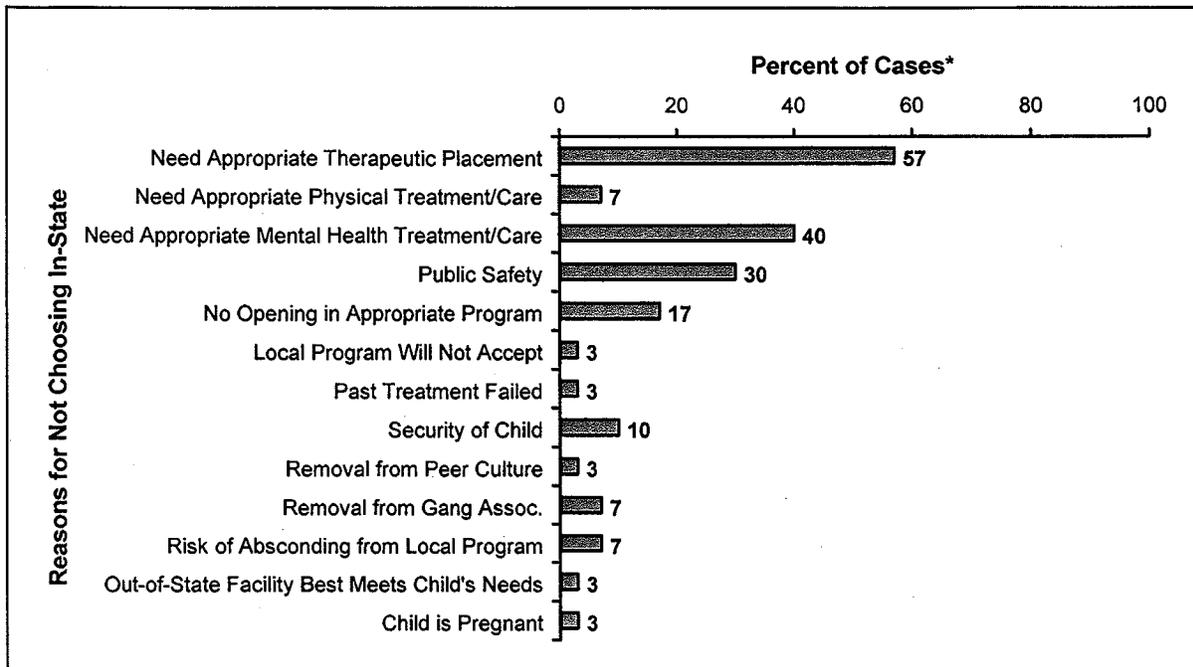
Judges often looked at several different in-state facilities as options before placing juveniles out-of-state. MCF-Red Wing was first considered in 27% of cases and 23% considered Hennepin County Home School as an in-state option. Other in-state facilities frequently considered included were Woodland Hills (13%) and Bar None (10%). Figure 4 illustrates a complete list of in-state facilities considered by judges. In one case, the judge specifically stated that no in-state facilities were considered.

Figure 4. Name and Number of In-State Placement Considerations



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

Most judges cited multiple reasons for not choosing an in-state facility. The overwhelming reason (57% of the cases) judges provided was that the juvenile needed an appropriate therapeutic placement not available in Minnesota. In 40% of the cases, the judge stated that the juvenile needed appropriate mental health treatment not available within the state. Another 30% of the cases cited public safety while an additional 17% showed no opening in the appropriate in-state facility. While the percentages vary from the 2004 data, these remain the four most cited reasons for not choosing an in-state facility. Other reasons for not choosing an in-state facility are provided in Figure 5 on the following page. Not surprisingly, the data in this figure somewhat mirror the reasons for choosing an out-of-state placement, found in Figure 3 on page 4. Please note: one case did not include any reasons; therefore, percentages are based on 30 cases.

Figure 5. Reasons for Not Choosing In-State Facility

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

Many juveniles are placed in out-of-state facilities because they do not meet the MCF-Red Wing admissions criteria as serious offenders, chronic offenders, or sex offenders. Each of these offender categories has its own specific criteria, which are as follows:

"Serious offender":

- 1) Commits a severity level VII through X offense (on the sentencing guidelines grid)
- 2) Commits an offense covered by M.S. §609.11
(mandatory minimum for weapons offenses)
- 3) Commits an offense in which a firearm was used
- 4) An Extended Jurisdiction Juvenile (EJJ)

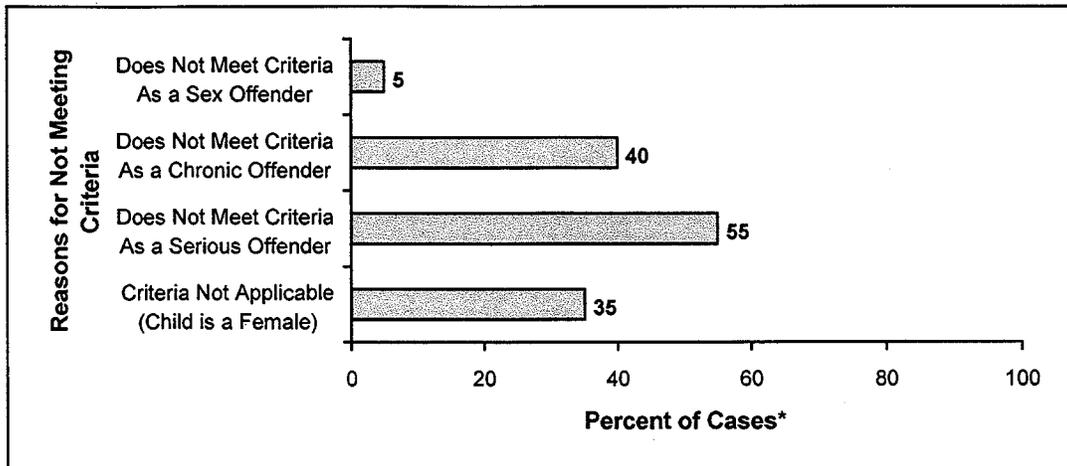
"Chronic offender":

- 1) Has two or more current or previous felony-level offenses
- 2) Has experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more

"Sex offender":

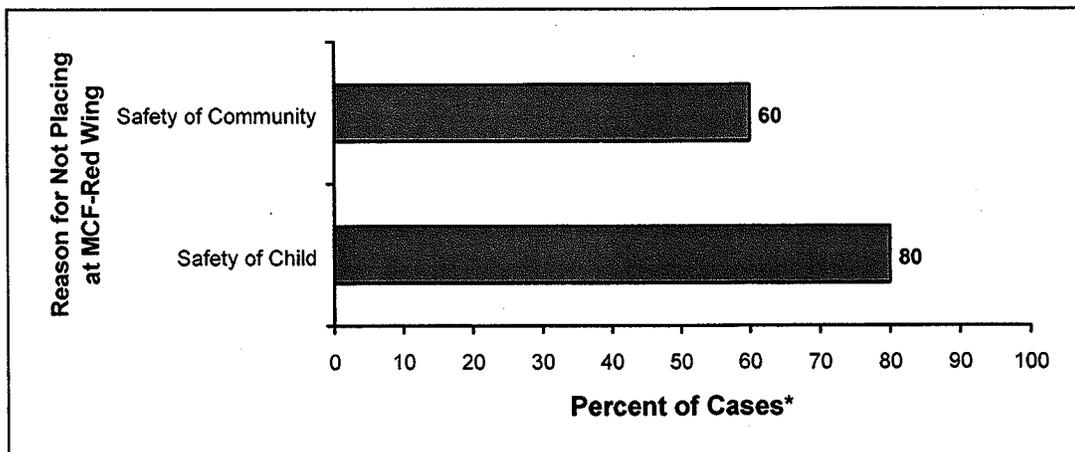
- 1) Has failed to complete court-ordered treatment
- 2) Was unable to complete residential sex offender treatment at a local facility
- 3) Sex offender treatment at MCF-Red Wing is more appropriate

Beyond these criteria, many juvenile offenders are not eligible for placement at MCF-Red Wing because they are female offenders. Twenty of the 31 reports submitted to the Commission stated that the juvenile did not meet MCF-Red Wing admissions criteria, for at least one of the reasons stated above. In over half of these cases (55%), judges reported that juveniles did not meet the criteria to be classified as a serious offender. Figure 6 on the following page illustrates all of the reasons provided why these juveniles did not meet the admissions criteria at MCF-Red Wing.

Figure 6. Reasons Juvenile Did Not Meet MCF-Red Wing Admissions Criteria

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

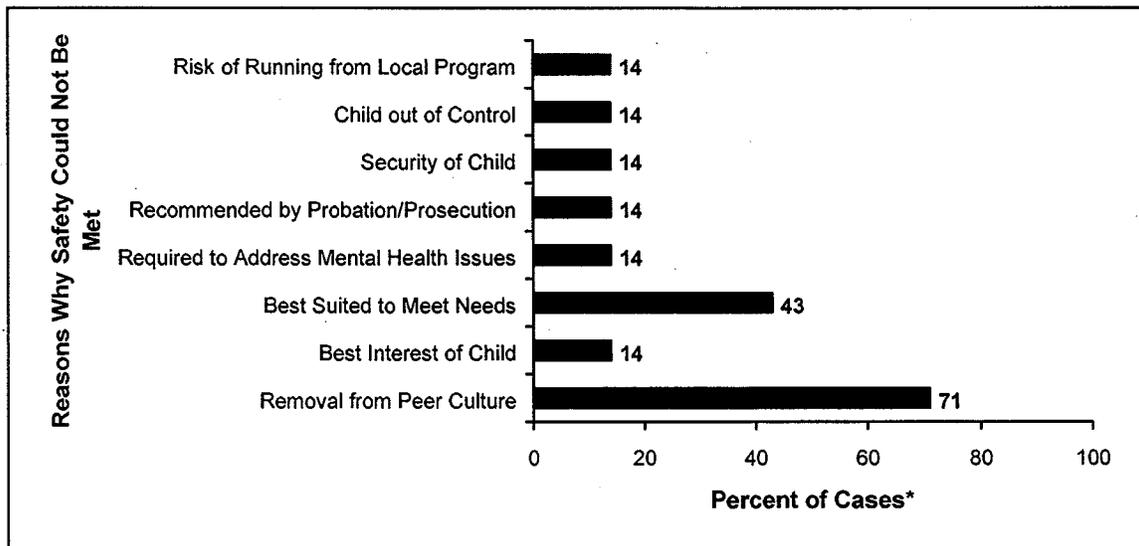
In the remaining 11 reports, the juveniles met the admissions criteria for MCF-Red Wing, but were still placed in out-of-state facilities. A reason for this was provided in ten of the eleven cases. Overwhelmingly, the safety of the child was reported as a reason why judges did not send juveniles to MCF-Red Wing when they qualified for admissions (80%). This reason was cited only 50% of the time in the 2004 data. Safety of the community was the only other reason cited by judges, given in 60% of the cases (Figure 7).

Figure 7. 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.

When judges stated that the child and/or community's safety could not be met at MCF-Red Wing, they were asked to provide a reason for that determination. In seven of the ten reports, judges did provide a reason why MCF-Red Wing could not meet safety needs. A wide range of reasons were cited, though judges most frequently reported that safety needs could not be met at MCF-Red Wing because of negative peer connections within that facility (71%). A complete list of reasons can be seen in Figure 8 below. Please note: because three judges did not provide a reason why safety could not be met at MCF-Red Wing, the percentages below are based on seven cases.

Figure 8. Reasons Why Safety Could Not Be Met at MCF-Red Wing



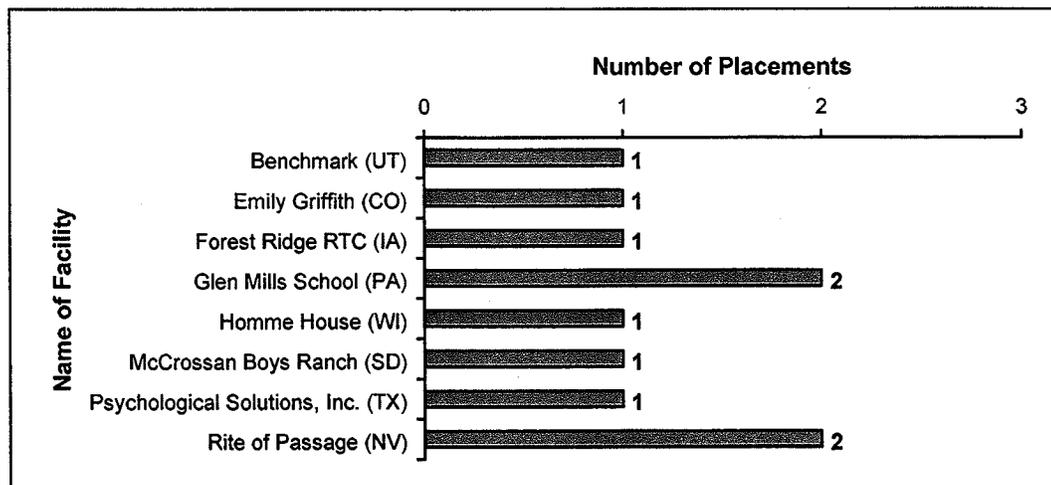
*Note: Summary information includes multiple responses to questions. Percentages represent cases.

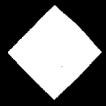
Juvenile Alternative Placement Reports Summary

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. These reports differ from the Out-of-State Placement Reports because these are meant for juveniles who qualify for a mandatory commitment to MCF-Red Wing. Therefore, it is expected that fewer of these reports will be submitted each year. The Commission received ten alternative placement reports in 2005, a slight increase from the eight reports submitted in 2004. Eight of these reports came from Hennepin County and the other two reports came from Ramsey County.

The ten juveniles were placed in eight different out-of-state facilities. Glen Mills School (PA) and Rite of Passage (NV) were each utilized twice; all other programs were only cited once (Figure 10). As was also noted in analyzing the out-of-state placement reports, the usage of multiple facilities suggests that judges are seeking out specific programs that will help the juveniles to best address their wide range of needs.

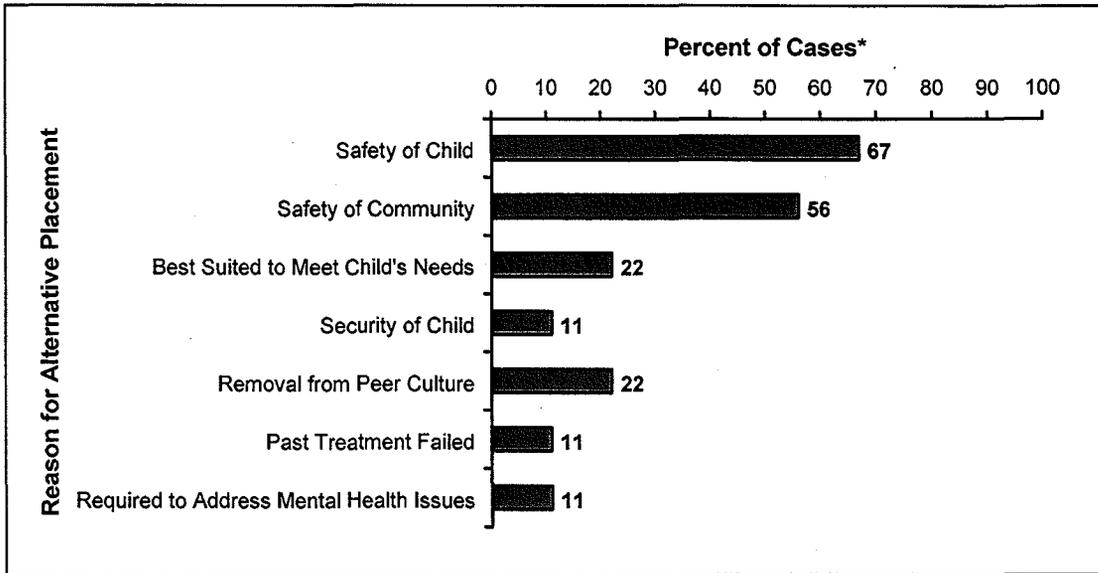
Figure 10. Name and Number of Out-of-State Facility Placements





In two-thirds of the alternative placement reports, judges cited a concern for the safety of the child as a reason for alternative placement. Safety of the community was also frequently noted (56%). See Figure 9 for a complete list of reasons for out-of-state alternative placements.

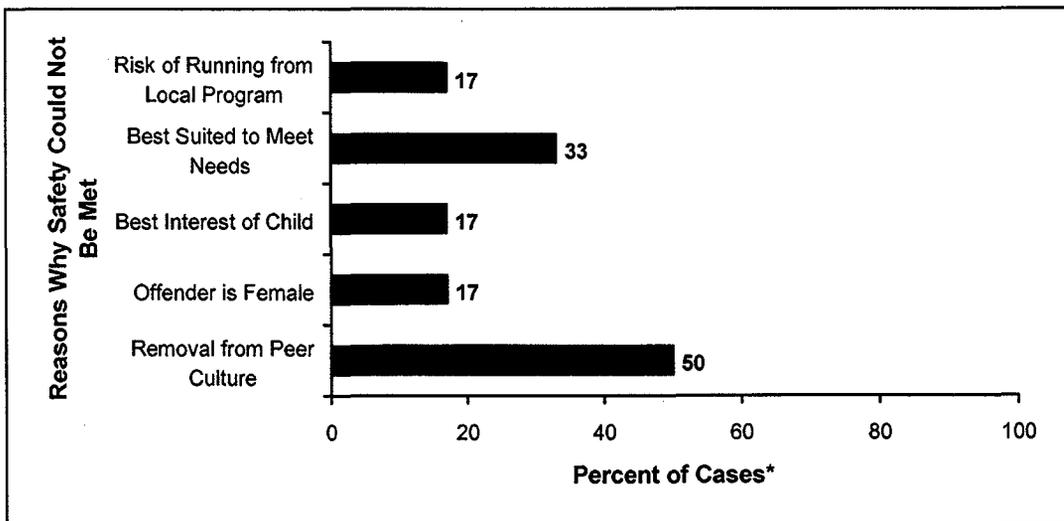
Figure 11. Reasons for Alternative Placement



*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, only six of the ten reports provided a reason. Most often, they responded that the child had negative peer connections at MCF-Red Wing that would likely inhibit any successful attempt at treatment.

Figure 12. Reasons Why Safety of Child or Community Could Not Be Met at MCF-Red Wing

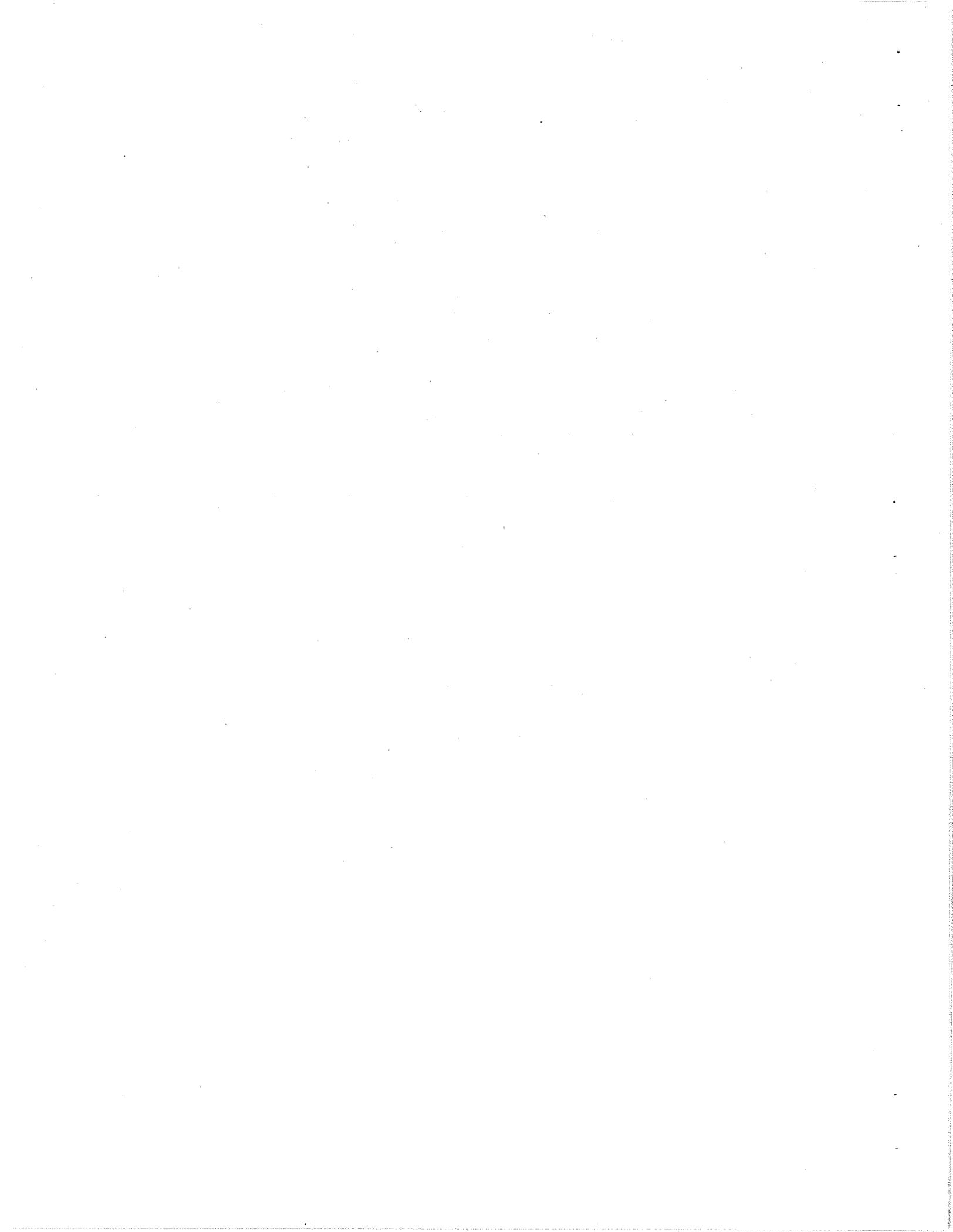


*Note: Summary information includes multiple responses to questions. Percentages represent cases.



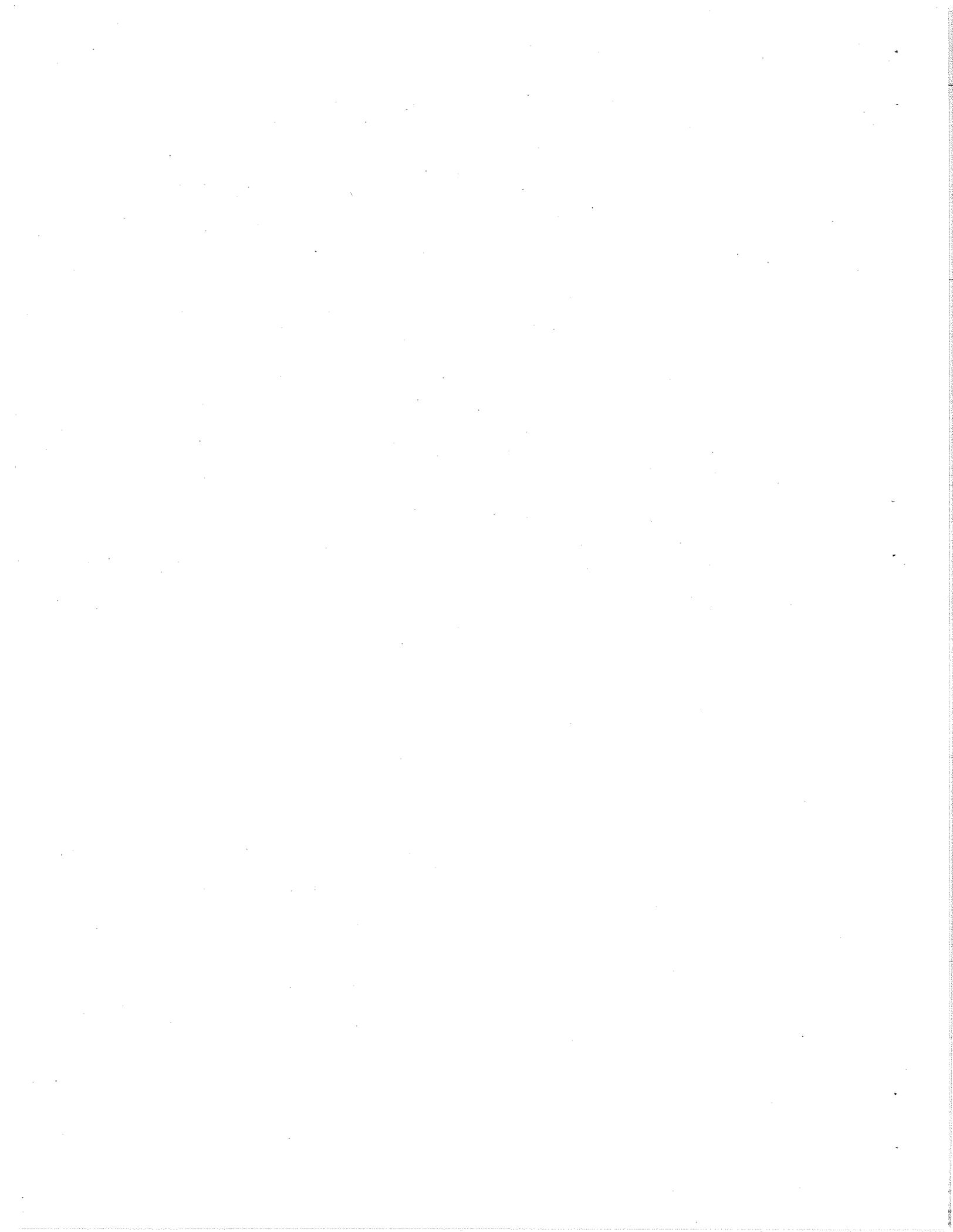
Conclusion

Because such a limited number of reports were collected for this summary, it is difficult to draw definitive conclusions from the data. From the data obtained, however, it seems clear that judges most often placed juveniles in out-of-state facilities or alternative placements to better address the child's needs, particularly needs surrounding mental health. Other significant reasons were that the child represented a threat to their community due to continued delinquent behavior and the perceived need for consequences or corrective efforts. In many cases, appropriate treatment (e.g., therapeutic, mental health, or chemical dependency) was reportedly not available in Minnesota at all or previous in-state placements had failed or been exhausted.





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:

(1) Benchmark Behavior Health Systems (UT)	(1) Homme House (WI)
(1) Chamberlain Academy (SD)	(2) Mc Crossan Boys Ranch (SD)
(1) Clarinda Academy (IA)	(1) Pines Residential Treatment Center (VA)
(4) Eau Claire Academy (WI)	(2) Psychological Solutions, Inc. (TX)
(1) Emily Griffith (CO)	(3) Rite of Passage (NV)
(1) Forest Ridge Residential Treatment Program (IA)	(1) Sky Ranch for Boys (SD)
(6) Glen Mills School (PA)	(4) Wyalusing Academy (WI)

Reason(s) for placement:

(1) No Response	(1) Risk of Running from Local Program
(4) Placement in Order to Receive Consequence / Corrective Efforts	(10) Best Suited to Meet Child's Needs / High Likelihood of Success
(1) In the Best Interest of the Child	(12) Required to Address Behavioral / Mental Health Issues
(3) Security of Child	(1) Required to Address Chemical Dependency
(1) Removal from Peer Culture	(1) Needs Sex Offender Treatment
(1) Removal from Gang Association	(2) Failed to Comply with Court Orders Conditions of Probation
(4) Past Treatment(s) / Placement(s) Ineffective; Failed Program(s)	(1) Required to Address Low I.Q. / Cognitive Ability
(7) Community Safety / Child out of Control in Community / At Home	

B. In-state facilities considered:

(7) No Response	(1) Northwoods
(3) Bar None	(1) Omegon, Inc.
(1) Boys Totem Town	(1) Prairie Lakes
(1) Children's RTC (VOA)	(2) St. Cloud Children's Home
(1) County JDC	(1) St. Joseph's RTC
(2) Elmore Academy	(1) Thistledeew
(1) Hearthstone	(4) Woodland Hills
(7) Hennepin County Home School	(1) None Considered
(8) MCF - Red Wing	

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

(1) No Response	(3) Security of Child
(17) Need for Appropriate Therapeutic Placement	(1) Past Treatment(s) Ineffective/Failed Program(s)
(2) Need for Appropriate Physical Treatment / Care	(1) Removal from Peer Culture
(12) Need Appropriate Mental Health Treatment	(2) Removal from Gang Association
(9) Need for Public / Community Safety	(2) Risk of Running from Local Program
(5) No Opening in Appropriate Program	(1) Best Suited to Meet Needs
(1) Local Program Will Not Accept	(1) Juvenile is Pregnant

C. Red Wing Criteria:

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

(11) No Response	
(7) Criteria not applicable to this case (e.g., child is a female)	
(11) Does not meet criteria as a <u>Serious Offender</u>	
	(7) Offense would not be at Severity Levels VII through X of Sentencing Guidelines
	(5) Offense not included in M.S. 609.11 (mandatory minimum for weapons offenses)
	(5) Firearm not used
	(8) Child not an EJJ
(8) Does not meet criteria as a <u>Chronic Offender</u>	
	(5) Child does not have 2 or more felony-level offenses
	(4) Child has not experienced at least one prior court-ordered placement in a residential program with an expected duration of 90 days or more
(1) Does not meet criteria as a <u>Sex Offender</u>	
	(0) Child did not fail to complete court-ordered treatment

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

(1) No Response	(6) Safety of Community
(8) Safety of Child	

Appendix B: Juvenile Alternative Placement Report Summary Table

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

A. Alternative Placement Ordered:

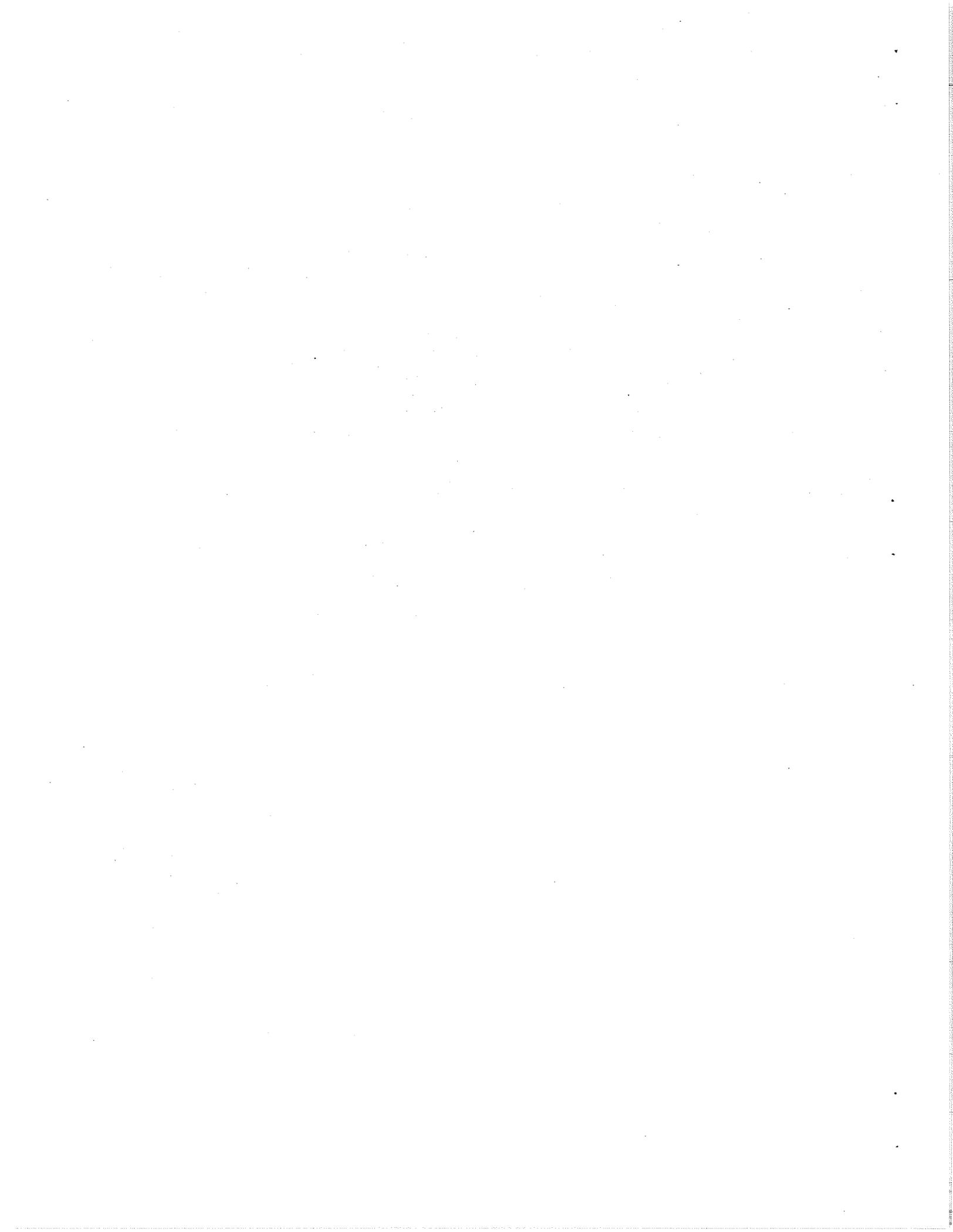
(1) Benchmark Behavior Health System (UT)	(1) Homme House (WI)
(1) Emily Griffith (CO)	(1) Mc Crossan Boys Ranch (SD)
(1) Forest Ridge RTC (IA)	(1) Psychological Solutions, Inc. (TX)
(2) Glen Mills School (PA)	(2) Rite of Passage (NV)

B. Reasons for Alternative Placement:

(1) No Response	(1) Required to Address Behavioral / Mental Health Issues
(6) Safety of Child	(2) Removal from Peer Culture
(5) Safety of Community	(1) Past Treatment(s) Ineffective / Failed Program(s)
(2) Best Suited to Meet Child's Needs / High Likelihood of Success	

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

(4) No Response	(3) Removal from Peer Culture
(1) Offender is Female	(2) Best Suited to Meet Child's Needs / High Likelihood of Success
(1) Best Interest of Child	(1) Risk of Running from Local Program



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

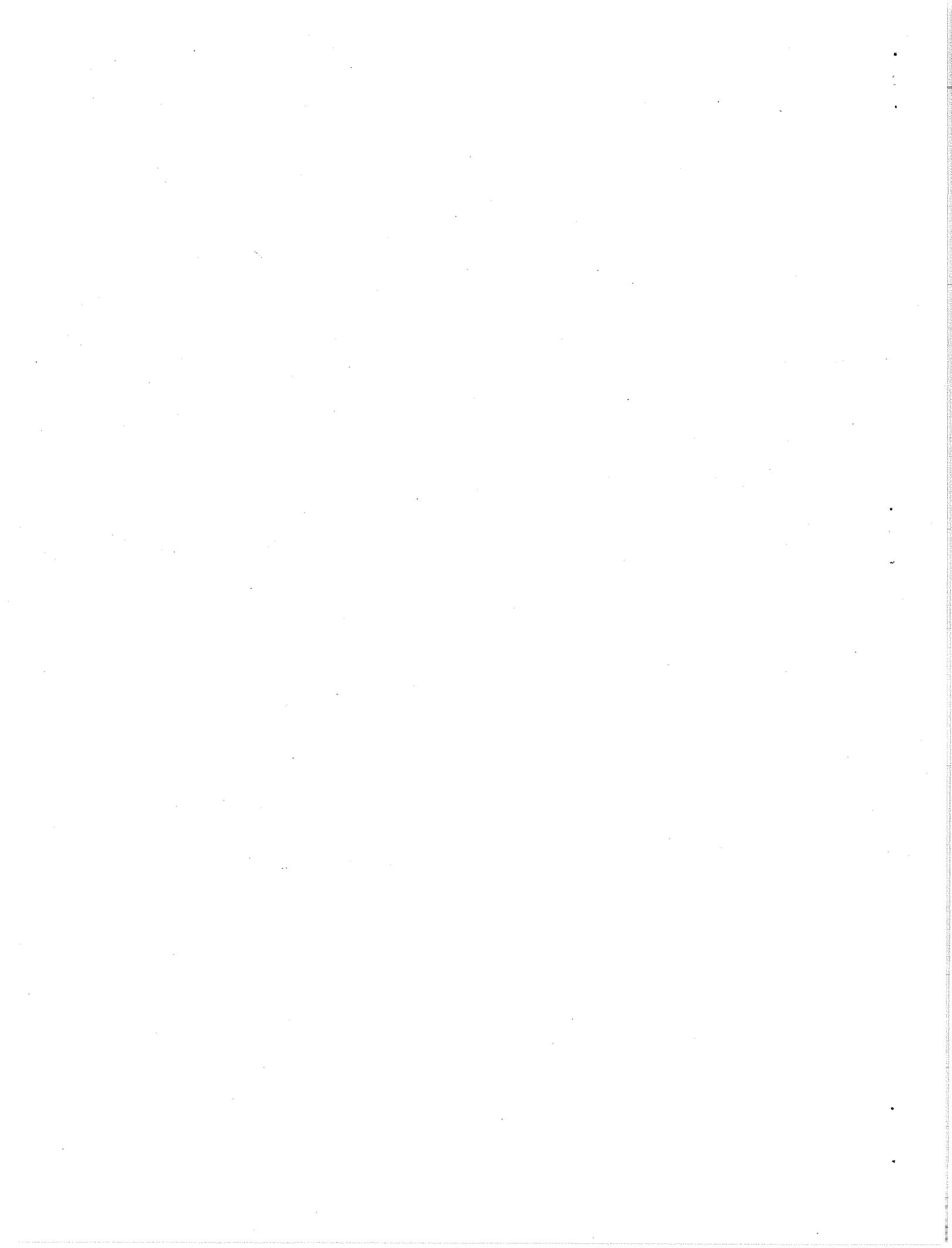
- Criteria not applicable to this case (e.g., the child is female)
- Does not meet Red Wing commitment criteria as a Serious Offender because:
 - Offense would not be at Severity Level VII through XI of the Sentencing Guidelines
 - Offense not included in M.S. 609.11 (mandatory minimum sentences)
 - 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



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

(Form Revised 11/03)

